CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-NINTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME XVII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1886.

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VOLUME XVII, PART VI.

CONGRESSIONAL RECORD,

FORTY-NINTH CONGRESS, FIRST SESSION.

No action was taken upon the claim by the Quartermaster-General for the reason that it originated in Virginia, a State declared to be in insurrection during the rebellion.

Your letter and the memorial have been referred, as desired, to the honorable Secretary of the Navy, for information from his Department.

Very respectfully, your obedient servant,

ALEX. RAMSEY, *Secretary of War.*

Hon. ISHAM G. HARRIS,
Committee on Claims, United States Senate.

The Quartermaster-General takes no action upon this claim upon no other than the cold, technical ground that the claimant was a resident of a State declared to be in rebellion.

The proof is clear and conclusive that Quartermaster Ludlow contracted for this hay, equally clear as to the contract price, amounting to $1,800, equally clear as to the loyalty to the United States of William Ward, who furnished the hay, and who was the husband and is the testator of the petitioner, and equally clear that the hay has never been paid for.

It does not clearly appear when William Ward died. It is certain that it was subsequent to 1867 and before 1878, when this petition was presented by P. L. Ward, widow and executrix. She states that neither her late husband nor herself were ever informed nor did they know of the establishment of what is called the Southern Claims Commission, nor the necessity of presenting this claim to that tribunal, until after the expiration of the time within which it could have been presented; nor did petitioner know of the status of the claim until a few months before the presentation of this petition.

The committee are satisfied that the vegetables and beef, amounting to $275.13, were delivered under contract to the United States Navy; and that 60 tons of hay were sold and delivered to Quartermaster Ludlow, at $30, amounting to $1,800, making an aggregate of $2,075.13; that the same were never paid for, and that the claimant was loyal to the United States, and that this sum is justly due to the claimant and should be paid; and therefore the committee report the accompanying bill, and recommend that it pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ERNEST H. WARDWELL.

The bill (S. 1455) for the relief of Ernest H. Wardwell was considered as in Committee of the Whole. It proposes to pay to Ernest H. Wardwell, late a captain and assistant quartermaster of United States volunteers, the pay and allowances of a captain and assistant quartermaster from the 11th of March to the 18th of May, 1865; and also the three months' additional pay proper as first lieutenant and regimental quartermaster of the Second Regiment North Carolina Union Volunteers (white), the same as allowed to all volunteer officers under the act of Congress approved March 3, 1865.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore.* The report will be read.

The Chief Clerk proceeded to read the report, submitted by Mr. HAMPTON from the Committee on Military Affairs March 10, 1886.

Mr. LOGAN. The report need not be read any further. I shall object to the bill for the reason that the Senator who made the report is not present. If he were present, I should give my reasons why the bill should not pass. He not being present, however, I will let the bill pass over until he returns.

The PRESIDENT *pro tempore.* Objection being made, the bill goes over.

Mr. RANSOM. It goes over without prejudice?

Mr. LOGAN. Yes, without prejudice.

JAMES B. EADS.

The PRESIDENT *pro tempore.* The next business on the Calendar will be stated.

The CHIEF CLERK. "Order of Business 332. Resolution that the letter of James B. Eads be referred to the Committee on Commerce."

Mr. MCMILLAN. Let that go over.

The PRESIDENT *pro tempore.* Objection being made, the resolution goes over.

Mr. LOGAN. A motion is pending to refer the resolution to the Committee on Commerce. I do not see why it should go over. Let the resolution be referred.

Mr. MCMILLAN. Very well.

The PRESIDENT *pro tempore.* If there be no objection the resolution will be referred to the Committee on Commerce. The Chair hears none, and it is so referred.

RICHARD C. RIDGWAY AND OTHERS.

The bill (S. 1839) for the relief of Richard C. Ridgway and others was announced as next in order on the Calendar.

Mr. EDMUNDS. I object to that bill. It is a bill which ought to be considered, but not under the five-minute rule.

Mr. CALL. I ask the Senator from Vermont if he will not withdraw his objection. The Senator who reported the bill, Mr. Jackson, is not now a member of the Senate. The parties interested have been a long time endeavoring to get this relief. The report is very full, and I think the bill is one the Senator will not object to when it is fully understood. The matter has been investigated at the Treasury Department. The report is in conformity with the recommendation of the Commissioner of Internal Revenue. I do not think there is any one who will object to it.

Mr. EDMUNDS. We can not dispose of it under the five-minute rule. It does not lose its place, the Senator will understand.

The PRESIDENT *pro tempore.* The next case on the Calendar will be stated.

REPEAL OF THE CIVIL-SERVICE LAW.

The bill (S. 839) to repeal chapter 27 of the acts of 1883, relating to civil service, was announced as next in order.

Mr. HAWLEY. That is an adverse report from the Committee on Civil Service and Retrenchment upon a bill to repeal the act relating to the civil service. When the adverse report was made the bill was put on the Calendar, as the Senator from North Carolina [Mr. VANCE] desired to address the Senate on the subject. He has done so, and if there be no objection I move the indefinite postponement of the bill.

The PRESIDENT *pro tempore.* If there be no objection the bill will be indefinitely postponed.

Mr. VANCE. I should like to have the yeas and nays on that motion.

Mr. EDMUNDS. That is right. Let us have the yeas and nays.

The PRESIDENT *pro tempore.* The Senator from North Carolina asks for the yeas and nays on the motion to indefinitely postpone the bill.

The yeas and nays were ordered.

Mr. HAWLEY. I hope the attention of the Senate will be directed to the fact that this is a bill to repeal the civil-service act.

Mr. HARRIS. I object to the present consideration of the bill. Let it go over.

The PRESIDENT *pro tempore.* Objection being made, the bill goes over under the rule.

FRANCIS DENMEAD.

The bill (S. 766) for the relief of Francis Denmead was announced as next in order on the Calendar.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore.* There is no report.

Mr. HARRIS. I have here a House report which states the facts in the case. The chairman of the Committee on the District of Columbia [Mr. INGALLS], who reported the bill, submitted no written report.

The PRESIDENT *pro tempore.* The report of the Committee on the District of Columbia of the House of Representatives will be read, if there be no objection.

The CHIEF CLERK. "House report No. 2646"——

Mr. EDMUNDS. Is that a report of this Congress?

Mr. HARRIS. Yes, sir.

Mr. EDMUNDS. I object to reading the House proceedings of this Congress.

Mr. HARRIS. Let me see; I am not sure that it is of this Congress.

Mr. HOAR. I should like to try that question and have the sense of the Senate, if the Senator from Vermont is willing. Let the Chair rule upon it.

The PRESIDENT *pro tempore.* The Chair is of opinion that a House report of the present session can not be read, in accordance with parliamentary law.

Mr. HOAR. I should like to ask the Chair to submit to the Senate the question of parliamentary law whether in a case of a private claim reported to the Senate by a committee of the Senate it be out of order to read a report made to the other House by the corresponding committee. I think it would be very convenient to the Senate to allow that to be done; it would save a great deal of work; and we could not possibly be guilty of any disrespect to the other House by simply hearing read a report of the facts made to it. I respectfully ask the Chair to submit the question to the Senate as a question of parliamentary law.

Mr. MORRILL. I desire to say that I think there is no rule on the subject either of the House or the Senate, but under the Manual of Jefferson any report that is made in writing to either House is open to the inspection or the reading of any member of either House; but nothing that has not been reported in writing would be in order to refer to. Therefore of course it would follow that whatever is reported in writing may be referred to in order.

Mr. CHACE. It is impossible to hear what is said.

The PRESIDENT *pro tempore.* The Senate will please come to order. Will the Senator from Vermont show the Chair the authority to which he refers?

Mr. EDMUNDS. Mr. President——

Mr. TELLER. We have been listening intently for some time in this part of the Chamber, and we can not hear a word back here.

The PRESIDENT *pro tempore.* The Senate will please come to order. Senators will please resume their seats.

Mr. EDMUNDS. To save time about this business, I object to the consideration of this bill for the time being.

The PRESIDENT *pro tempore.* Objection being made, the bill passes over.

DISTRICT ACCOUNTS.

The bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds was announced as next in order, and the Secretary proceeded to read the bill.

Mr. EDMUNDS. Is there any report?

The PRESIDENT *pro tempore.* There is no report.

Mr. EDMUNDS. Who reported the bill?

The PRESIDENT *pro tempore*. The Senator from Kansas who is not present [Mr. INGALLS].

Mr. EDMUNDS. Perhaps some other member of the committee can explain it. It is a very important bill evidently; but I can not understand it as it is being read.

The PRESIDENT *pro tempore*. The Chair, as a Senator from Ohio, will object to the bill until it is further examined.

LAW CLERKS FOR JUSTICES OF THE SUPREME COURT.

The bill (S. 969) authorizing the employment of law clerks or stenographers for the justices of the Supreme Court of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The amendments were, in section 1, line 4, after "United States," to strike out "the marshal of;" in line 5, after "law clerk," to strike out "or stenographer;" and in line 7, after the word "salary," to insert "to be fixed by the court;" so as to make the section read:

That for the purpose of facilitating the dispatch of business in the Supreme Court of the United States, said court be, and is hereby, authorized to employ a law clerk for the Chief-Justice and one for each of the associate justices thereof, with an annual salary, to be fixed by the court, not to exceed the sum of $2,000, to be paid monthly out of any moneys appropriated for the expenses of that court: *Provided*, That each person so employed shall be subject to removal at the pleasure of the court or at the pleasure of the member of the court to whom he is assigned for duty.

The amendments were agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That this act shall take effect from its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the employment of law clerks for the justices of the Supreme Court of the United States."

LOTTERY ADVERTISEMENTS.

The bill (S. 1072) to prevent the publication of lottery advertisements, and for other purposes, was announced as next in order.

Mr. HARRIS. Let that go over.

The PRESIDENT *pro tempore*. Objection being made, the bill will be passed over.

DRAWBACK ON IMPORTED TOBACCO, ETC.

The bill (S. 477) to allow drawback on imported materials used in the manufacture of tobacco, snuff, and cigars exported from the United States was announced as next in order.

Mr. DOLPH. That is reported adversely. Let it go over.

The PRESIDENT *pro tempore*. Being adversely reported, if there be no objection the bill will be indefinitely postponed.

Mr. MAHONE. No; let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over under the rules.

INSPECTORS OF TOBACCOS AND CIGARS.

The bill (S. 476) to repeal section 3451 of the Revised Statutes of the United States, concerning inspectors of tobacco and cigars, was announced as next in order.

The PRESIDENT *pro tempore*. Does the Senator make the same request, this bill being adversely reported?

Mr. MAHONE. Yes, sir.

The PRESIDENT *pro tempore*. The bill will be passed over.

PUNISHMENT OF DESERTION.

The bill (S. 1490) to amend article 103 of the Rules and Articles of War was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, in line 7, after the word "desertion," to insert "in time of peace and not in the face of an enemy;" so as to make the bill read:

Be it enacted, &c., That the one hundred and third of the Rules and Articles of War be, and the same is hereby, amended by adding thereto the following words:

"No person shall be tried or punished by a court-martial for desertion in time of peace, and not in the face of an enemy, committed more than two years before the arraignment of such person for such offense, unless he may meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person enlisted."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILROADS IN THE HANDS OF RECEIVERS.

The bill (S. 870) to provide that where any railroad property is taken into the possession of any United States court, and such railroad shall not have been completed, the net earnings of said railroad shall be applied to the completion of the same, was announced as next in order.

Mr. DOLPH. That is an adverse report.

Mr. TELLER. I object.

The PRESIDENT *pro tempore*. The bill goes over.

LESLIE BASSETT.

The bill (S. 996) for the relief of Leslie Bassett, was considered as in Committee of the Whole. It provides for the payment to Leslie Bassett, late postmaster at Richland, Iowa, of $58.69, in full compensation for amount forwarded by him to designated depository in payment of balance due the United States for the third quarter of the year 1883, and which amount, being inclosed in a registered letter, was stolen from the mail while in course of transmittal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCOUNTS WITH COLORADO.

The bill (S. 885) to relieve the State of Colorado from charges on account of ordnance stores furnished to the State and Territory was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, in line 7, after the words "Territory of Colorado," to strike out "and State of Colorado" and insert "amounting to $33,891;" so as to make the bill read:

Be it enacted, &c., That the Chief of the Ordnance Bureau of the War Department be, and he is hereby, directed to cause the State of Colorado to be credited on its ordnance account with the amounts now charged against it for arms and ordnance stores issued to the Territory of Colorado, amounting to $33,891.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOT IN SAINT AUGUSTINE, FLA.

The bill (S. 872) authorizing the Secretary of War to purchase a lot in the city of Jacksonville, Fla., for military purposes, was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, in line 4, after the words "city of," to strike out "Jacksonville" and insert "Saint Augustine;" so as to make the bill read:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized to purchase the lot in the city of Saint Augustine, Fla., known as the "Hunt lot," which extends from the parade to the sea-wall, a distance of 40 feet, for military purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War to purchase a lot in the city of Saint Augustine, Fla., for military purposes."

ARTHUR L. FISH.

The bill (S. 953) for the relief of Arthur L. Fish was considered as in Committee of the Whole.

The Committee on Claims reported an amendment, after the words "sum of," at the end of line 4, to strike out "$16,266" and insert "$8,305.38;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Arthur L. Fish the sum of $8,305.38, out of any money in the Treasury of the United States not otherwise appropriated, on account of said Arthur L. Fish, he being a surety on the bond of A. Boschke guaranteeing faithful performance and execution of certain specified work for the United States Government in dredging and improving the estuary at Wilmington Harbor, California. Owing to the failure of said A. Boschke to perform said contract, it being the moral as well as legal obligation of said surety, Arthur L. Fish, to satisfy the Government, he completed the work, and performed other work necessary not specified in the contract, at a loss in amount as above stated, through no fault or neglect of his.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. GROFF.

The bill (S. 1041) for the relief of William B. Gropp, of Newport, R. I., was considered as in Committee of the Whole. It provides for the payment to William B. Gropp, of Newport, R. I., of $25 for damages sustained by his sail-boat Doctor through collision with the United States tug Cohasset, in Newport Harbor, July 4, 1884.

The Committee on Claims reported an amendment, in line 4, to strike out the name of "Gropp" and insert "Groff."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William B. Groff, of Newport, R. I."

HEIRS OF JOHN W. JUDSON.

Mr. DOLPH. The next business on the Calendar is the joint resolution (S. R. 3) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario, which was reported favorably by me from the Committee on Claims with amendments. The last time I saw the claimant he was not satisfied with the report and said he did not want the joint resolution passed. I ask that it be passed over, retaining its place on the Calendar, until the Senator from Rhode Island [Mr. ALDRICH], who introduced it, is present.

The PRESIDENT *pro tempore*. It will go over if there be objection.

C. B. BRYAN & CO.

The next business in order was the resolution reported from the Committee on Claims by Mr. DOLPH to refer the claim of C. B. Bryan & Co. to the Court of Claims.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the claim of Messrs. C. B. Bryan & Co., of Memphis, in the State of Tennessee, for the value of a boat and its lading of coal, destroyed by collision with the United States snag-boat De Russy, in the Mississippi River, November 17, 1879 (said boat and cargo being valued by said claimants at $3,643.60), be referred to the Court of Claims, in conformity to the provisions of section 1059 Revised Statutes.

Mr. HARRIS. I suggest that the resolution—though I defer to the opinion of the Senator from Oregon—had better be changed to a bill.

Mr. DOLPH. As it is the Senator's bill, if he will just make the change I have no objection.

Mr. HOAR. Let that be done by unanimous consent. Let the change of form be made without prejudicing the merits of the case.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be changed to a bill. The Chair hears no objection.

The bill (S. 2632) for the relief of C. B. Bryan & Co. was read three times, and passed, in the following words:

Be it enacted, &c., That the claim of C. B. Bryan & Co., for the value of a barge and lading of coal, alleged to have been destroyed by collision with the United States snag-boat R. E. De Russy, in the year 1879, be referred to the Court of Claims for hearing and determination, in conformity to the rules and practice of said court.

AUGUSTUS J. CASSARD.

The joint resolution (S. R. 56) authorizing Augustus J. Cassard to accept a gold medal conferred upon him by the Government of France, was announced as next in order.

Mr. MAXEY. I move to lay that resolution on the table.

Mr. HAWLEY. I wish the Senator would withdraw that motion long enough to let the brief report be read. This does not come within the class of cases discussed yesterday.

Mr. MAXEY. Let it go over.

The PRESIDENT *pro tempore*. The Senator from Texas objects, and the joint resolution goes over.

LIZZIE MAYNADIER PHELPS.

The bill (S. 1899) for the relief of Mrs. Lizzie Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late minister of the United States to Peru, was considered as in Committee of the Whole. It provides for the appropriation to Mrs. Lizzie Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late envoy extraordinary and minister plenipotentiary of the United States to Peru, of one year's salary as minister, from June 25, 1885.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. There is. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SHERMAN March 17, 1886:

The Committee on Foreign Relations, to whom was referred S. Res. 16, having considered the same, beg leave to report in lieu thereof a bill for the relief of Mrs. Lizzie Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late minister of the United States to Peru, which they have the honor to recommend may be passed by the Senate.

The letter of the Secretary of State, dated January 11, 1886, and addressed to the acting chairman of the committee, with reference to the subject-matter of the bill, is herewith presented, with request that it be printed with this report.

DEPARTMENT OF STATE, *Washington, January* 11, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, accompanied by a copy of Senate resolution No. 16, Forty-ninth Congress, first session, for the relief of Mrs. Lizzie Maynadier Phelps, widow of Seth Ledyard Phelps, late envoy extraordinary and minister plenipotentiary of the United States to Peru.

Captain Phelps died at Lima June 24, 1885. He was commissioned June 18, 1883, as such minister. His salary had been adjusted up to the date of his death.

While upon the subject of the Senate's resolution, I beg to submit for the consideration of your committee a few observations in connection therewith, without, however, being understood as intending in any manner to influence the committee's report or the Senate's later action.

I find, upon an inspection of the Department's records covering the period of Captain Phelps's official services, that they have been discharged with a due regard to the honor, dignity, and interests of the Government, and with commendable fidelity and ability. Besides his duties at his post, which, during the late revolutionary operations of the contending factions in Peru, were exceedingly onerous and difficult, it appears that my immediate predecessor, relying upon the tact and judgment of Captain Phelps, ordered him from Lima on a temporary and confidential mission to Central America. His delicate and important duties there were likewise discharged in such a manner as to secure the entire approval of Mr. Frelinghuysen. Upon the completion of this service Captain Phelps returned to Lima, entered actively upon the performance of his official duties there, and died, as previously stated, while in the Government service.

A few precedents may be here cited to show the action of Congress in similar instances where diplomatic officers have died abroad in the service.

The appropriation act approved March 3, 1879, gave to Mrs. Taylor, widow of Bayard Taylor, who died while minister to Germany, the sum of $7,000 to compensate his estate for the extraordinary expenses and losses incurred by it in consequence of his death so soon after reaching his post.

The joint resolution approved July 28, 1882, gave to Mrs. Hurlbut, widow of General Hurlbut (Captain Phelps's immediate predecessor), General Hurlbut, having died while minister to Peru, one year's salary and legal allowances, after necessary deductions of salary paid.

The joint resolution also approved July 28, 1882, gave to Mrs. Kilpatrick, widow of General Kilpatrick, who died while minister to Chili, one year's salary and legal allowances, after making proper salary deductions.

The joint resolution approved August 1, 1882, gave to Mrs. Garnet, widow of Rev. Henry Highland Garnet, who died while minister to Liberia, one year's salary and legal allowances, after deducting the amount received up to his death. Mr. Garnet had only been in Liberia a few weeks.

The deficiency bill approved March 3, 1883, gave to Mrs. Marsh, widow of George P. Marsh, esq., who died while minister to Italy, the balance of one year's salary reckoned from June 23, 1882.

The act approved December 23, 1881, gave to Mrs. Jane Venable, widow of William E. Venable, esq., who died as minister to Guatemala, the sum of $5,636.87, being the balance of one year's salary. In this case, Mr. Venable was commissioned March 14, 1857, and died at Guatemala, August 22 of that year, before presenting his credentials. Consequently the action of Congress dates twenty-seven years after the minister's death.

The deficiency bill approved March 3, 1885, gave to Mrs. Wing, widow of E. Rumsey Wing, esq., who died while minister to Ecuador, and to Mrs. Hunt, widow of William H. Hunt, esq., who died while minister to Russia, a sum equal to six months' salary in each case. Mr. Wing was commissioned minister-resident November 16, 1869. Shortly afterward, however, Congress discontinued the mission to Ecuador.

Under all the circumstances, therefore, I am inclined to the opinion, which, of course, is offered with a due regard to the rights of the committee, that the proposed action of Congress is one both just and worthy of bestowal.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN SHERMAN,
Acting Chairman Committee on Foreign Relations U. S. Senate.

Mr. COCKRELL. I ask for information if the rule has been to give a full year's salary, or only six months, one-half year's salary. The references in the report would indicate that where ministers had been on duty any length of time there was only six months' salary given, and that it was only in very extraordinary cases, where the minister had just entered upon his duties, that a year's allowance has been made. It seems this officer was over two years at his post. Therefore it is not like the case of Minister Hunt and others who died very soon after they reached their posts.

The PRESIDENT *pro tempore*. The Chair can only answer by repeating what is stated in the report. There were several precedents in this case, and the Committee on Foreign Relations on considering the whole case thought it was a very meritorious one; and there are several instances where a full year's salary has been allowed, especially to the predecessor of this gentleman, who died in the service at Peru.

Mr. COCKRELL. I simply desire to say that I think the principle is wrong. I am not in favor of the allowance, but I shall not object to this bill, as the committee has reported it unanimously. I think it wrong, however.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 2953) for the relief of John P. Bush and James Grigsby; and

A joint resolution (H. Res. 183) providing for printing the first annual report of the Commissioner of Labor.

HEIRS OF CHARLES B. SMITH.

The bill (S. 148) for the relief of the heirs of Charles B. Smith, deceased, late a lieutenant in the Fifth Iowa Cavalry, was considered as in Committee of the Whole.

The preamble recites that it is alleged by the accounting officers of the Treasury that the act for the relief of the heirs of Charles B. Smith, deceased, late a first lieutenant in the Fifth Iowa Cavalry, approved June 8, 1880, is insufficient to enable them to close his accounts. The bill therefore directs the proper accounting officers of the Treasury to close the subsistence and quartermaster's accounts upon the books of the Treasury of Charles B. Smith, deceased, late a first lieutenant in the Fifth Iowa Cavalry.

Mr. LOGAN. This is a bill reported by the Senator from Nebraska [Mr. MANDERSON], and I see from the bill on his desk an amendment prepared to the bill—I presume there will be no objection to it—so as to make it read:

To pay Julia A. Smith, widow of said Charles B. Smith, the pay and allowances due him at the date of his death, notwithstanding the fact that said pay and allowances have heretofore been applied in the adjustment of his subsistence and quartermaster's accounts; and such amount as may be needed to carry out the purpose of this act is hereby appropriated from any money in the Treasury not otherwise appropriated.

If the accounts are settled she will be entitled to the amount that was taken from his pay. I move to amend by striking out all after the enacting clause of the bill, and in lieu thereof inserting the following:

That the proper accounting officers of the Treasury be, and they are hereby, au-

thorized and directed to readjust and close the subsistence and quartermaster's accounts upon the books of the Treasury of Charles B. Smith, deceased, late a first lieutenant in the Fifth Iowa Cavalry, and pay to Julia A. Smith, widow of the said Charles B. Smith, the pay and allowances due him at the date of his death, notwithstanding the fact that said pay and allowances have heretofore been applied in the adjustment of his subsistence and quartermaster's accounts, and such amount as may be needed to carry out the purpose of this act is hereby appropriated from any money in the Treasury not otherwise appropriated.

Mr. McPHERSON. I should like to inquire if this man was a defaulter to the Government in his accounts.

Mr. LOGAN. Oh, no; there was no default to the Government.

Mr. McPHERSON. He seems to have been short in his accounts, and his pay heretofore, according to the wording of the amendment, has been applied to the settlement of his accounts.

Mr. LOGAN. That occurs frequently in closing up accounts; an amount retained out of the officer's pay. In this case the accounts were closed, and the pay then kept from him is now to be paid to the widow. That is the pay which was included in the amount which he was entitled to at the close of the war.

Mr. McPHERSON. Was he indebted to the Government?

Mr. LOGAN. That depends on the accounts. The accounting officers determine that fact.

Mr. McPHERSON. It is not known to the Senate whether he is indebted to the Government to the extent of $1 or $100,000. Therefore it is a very important matter.

Mr. ALLISON. The report shows that the vouchers and papers of this officer were lost.

Mr. MAXEY. When I was a member of the Committee on Military Affairs the chairman knows I investigated this case very thoroughly and very carefully and I went to the very bottom of it, and the opinion which I entertained, as reported to the committee, was that the bill is a good bill. The claim is right, and I think the present committeemen who made this report adopted the report I made.

Mr. LOGAN. We adopted that report. It is a bill that was referred to the Senator from Nebraska [Mr. MANDERSON], and being reached in his absence I do not desire it to be delayed, though I have not investigated the case thoroughly and only know generally what the facts are. The Senator from Texas remembers the facts.

Mr. McPHERSON. Is there a report accompanying the bill?

Mr. MAXEY. Yes, and a very full report.

Mr. McPHERSON. Let the report be read.

Mr. ALLISON. It is a long report.

Mr. McPHERSON. I do not insist on the reading of the report if the committee and the Senator from Illinois are perfectly satisfied in their own minds that this is a proper case for relief; but I do not like to act in the absence of information as to the amount of this default to the Government. It is evident from the bill itself that he was in default, because his pay was withheld.

Mr. LOGAN. That does not prove that there was a default. I will give the Senator an illustration. I knew a quartermaster whose pay, covering a period of nine months, was withheld from him for nine years on the ground that he had failed to account for two sets of tent-poles and three balls of twine. I had to get the action of Congress to get his account settled before he could get his pay. That was the fact in that case. I do not say that this is a precisely similar case, but the committee examined it and was thoroughly satisfied the widow ought to have this money.

Mr. McPHERSON. Cases of that kind are technical. We have in the Naval Committee very often applications from paymasters in the Navy to have their accounts adjusted, and it is found that they are very much in arrears to the Government. It is not an uncommon thing to find amounts of five or ten thousand dollars difference for which they ask relief, and in many cases the pay of the officer has been applied toward a reduction of the amount. I do not know whether this bill is of that character or whether the amount involved is a large one. If so it ought to require some investigation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. CHAMBLISS.

The bill (H. R. 68) for the relief of William P. Chambliss was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William P. Chambliss, late major of the Fourth Regiment United States Cavalry, at the rate of $75 per month, from and after the passage of this act, subject to all other limitations and provisions of the pension laws, the same to be in lieu of all other pensions paid him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time, and passed.

V. F. GORRISEN.

The bill (H. R. 2428) for the relief of V. F. Gorrisen was considered as in Committee of the Whole. It provides for the payment to V. F. Gorrisen, of Young County, Texas, of $245.33, being the amount of money collected from him by the Post-Office Department for and on account of postal funds stolen from the mails after having been registered and mailed by him as postmaster at Graham, Tex., in 1882.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HOWARD UNIVERSITY.

The bill (S. 654) declaratory of the meaning of section 3 of the act of June 16, 1882, for the relief of Howard University, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in line 6, after the word "university," to insert the words "then owned by it;" so as to make the bill read:

Be it enacted, &c., That it is the meaning and intention of the third section of the act of June 16, 1882, for the relief of Howard University, to exempt all the property of said university then owned by it from future taxation as fully and to the same extent as the second section of said act remitted the taxes due on the property of said university on the day of its passage.

Mr. ALLISON. In view of the action of the Senate the other day on similar bills, I think the amendment had better not be agreed to. We should place Howard University upon the same footing with other public institutions in this city.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MATHILDA VICTOR.

The bill (S. 975) for the relief of Mathilda Victor was considered as in Committee of the Whole.

Mr. DOLPH. In that case, during the Forty-eighth Congress, there was a unanimous report from the Committee on Claims against the bill, and I understand there is not a unanimous report now in its favor from the Committee on Military Affairs. I should not like to be cut off from having the report of the Committee on Claims read. If the Senator from Illinois thinks the bill can be considered under this rule, very well.

Mr. LOGAN. It can be if the report is read.

Mr. DOLPH. I ask the President if under this rule the adverse report made by the Committee on Claims at the last Congress may be read.

The PRESIDENT *pro tempore*. It may be, unless it occupies more than five minutes. Its reading would be in the nature of debate.

Mr. DOLPH. It probably would not occupy more than five minutes.

The PRESIDENT *pro tempore*. Does the Senator object to the consideration of the bill?

Mr. DOLPH. I do not like to do that, but I will ask unanimous consent to have the adverse report made by the Committee on Claims at the last Congress read.

Mr. LOGAN. I have no objection to that, but I want the report of the Committee on Military Affairs read.

The bill was read. It was reported from the Committee on Military Affairs with an amendment, in line 4, after the words "sum of," to strike out "thirty" and insert "ten;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay Mathilda Victor the sum of $10,000, for services rendered to the United States in the years 1862, 1863, and 1864 of the war for the Union, by the surrender of her home and property, an institution devoted exclusively to educational and charitable purposes, in Baton Rouge, La., for the use and occupation of United States soldiers as a hospital, as a depot for quartermaster and commissary stores, as quarters for cavalry troops and horses, and for other purposes; and the amount hereby allowed is in full of all demands of said Mathilda Victor against the United States on account of said services rendered, and is appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. PLUMB. That bill, as I understand, has been adversely reported by the Committee on Claims.

Mr. LOGAN. I ask the Senator to allow the report to be read, and then he can object if he wishes.

Mr. PLUMB. I have read the report and am entirely satisfied with it myself, but the fact that it required an adverse report of the Committee on Claims will require that it should have more consideration than it can have under the five-minute rule.

Mr. LOGAN. It can be objected to after the report is read.

Mr. PLUMB. I shall object to it anyhow. I do not think it worth while to take up the time of the Senate by reading a report the reading of which will be again called for when the bill is considered.

I am not satisfied with the bill, and as it has been reported adversely by the Committee on Claims, it does not seem fair on the face of it to have a bill reported adversely by one committee and then get it to another committee and get a favorable report without some adequate explanation being made.

Mr. LOGAN. It was sent to the Military Committee for the reason that it refers to quartermasters' supplies, and that is understood to be the proper committee for such cases to go to.

Mr. PLUMB. I do not question that.

The PRESIDENT *pro tempore*. Objection being made, the bill is not under consideration.

Mr. PLUMB. I withdraw the objection that the Senator from Illinois may be heard.

Mr. LOGAN. I made the report in this case, and I must say that I have been very much surprised at reports being made from the Committee on Claims favorably and then again adversely. This was a case where the lady who is the claimant owned certain property, made a contract with the Government, and the Government paid for the rent of the property and had possession of it. After paying two years' rent for the property it was destroyed while we were holding it in our possession under the contract for rent, and the Secretary of War appointed a commission to ascertain the amount of damage. That commission reported $15,000. Two commissions, in fact, have reported on it; and an allowance was recommended by the Secretary of War. With all these facts, besides her being a loyal woman, I was utterly dumbfounded to find a report from the Committee on Claims against the claim, though they have reported in favor of just such claims as are being considered here every day. I made the favorable report in this case from the Committee on Military Affairs on the report of the Secretary of War and the commission that investigated the property held under the contract with the Government of the United States.

If this lady is not entitled to pay on the contract existing for the use of her property, we having destroyed it, then there is not a claim that ever passed through Congress which is entitled to pay, in my judgment, where property was destroyed in the Confederate States.

Mr. PLUMB. I renew the objection.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. DOLPH. I should like permission to say a word.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent to be heard on this bill. Is there objection? The Chair hears none.

Mr. DOLPH. I do not understand the facts to be as stated by the Senator from Illinois. I do not understand that there was any contract for the occupation of this property. I did not propose to discuss the bill until it comes up for consideration; but the facts, as I understand them, are contained in the report made by the Committee on Claims at the last Congress by myself. I simply desire to state that much, and when the bill does come up for consideration I will endeavor to maintain the report made by the Committee on Claims.

Mr. LOGAN. I ask the Senator did not the Quartermaster's Department pay this lady for two years' rent of her seminary property?

Mr. DOLPH. I understand the Quartermaster's Department paid her in full for rent, and her claim is now for depredations of the soldiers.

Mr. LOGAN. For the destruction of the property?

Mr. DOLPH. For use and occupation, but not for rent under contract.

Mr. LOGAN. Will the Senator say as a lawyer when we had possession of the property and the Quartermaster paid the rent, that was not a contract between the Government and the party? Will he say that?

Mr. DOLPH. Yes; I say that.

Mr. LOGAN. Very well. We took possession of it.

Mr. PLUMB. I renew the objection.

The PRESIDENT *pro tempore*. The bill will be passed over.

PENSIONS TO MINOR CHILDREN.

The bill (S. 1948) increasing the rate of pension to minor children, and extending the pensionable period therefor, was announced as next in order.

Mr. COCKRELL. I think that had better go over.

Mr. SEWELL. Will the Senator allow me to say a word?

Mr. COCKRELL. Certainly.

Mr. SEWELL. I did not make a report from the Committee on Pensions in this case in view of the fact that the subject was then before the Senate by an amendment to a previous bill which the Senator had voted in favor of. I now ask for the information of the Senate, though, to have read a letter from the Commissioner of Pensions stating what the probable cost of this will be.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to the consideration of the bill?

Mr. SEWELL. The Senator withdraws his objection.

Mr. COCKRELL. Let the letter be read and printed as a document and the bill passed over, and then I will examine the letter. The bill will not lose its place.

The PRESIDENT *pro tempore*. The document will be printed and the bill go over under objection.

Several SENATORS. Let it be printed in the RECORD.

Mr. COCKRELL. No; let it be printed as a document, so that we we can look at it in that shape.

The PRESIDENT *pro tempore*. It will be printed as a document.

PORTRAIT OF GENERAL GEORGE H. THOMAS.

The bill (S. 1949) providing for the purchase of the portrait of George H. Thomas, painted by General S. W. Price, was considered as in Committee of the Whole. It proposes to appropriate $3,000 for the purchase of the portrait, two-thirds length, of General George H. Thomas, painted by General S. W. Price, and now in the temporary possession of the Committee on the Library.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN M. SIMPSON.

The bill (H. R. 61) for the relief of Benjamin M. Simpson was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, after the word "of," in line 3, to insert the words "ownership and;" and after the word "scrip," in line 4, to insert the words:

And the execution of a bond, with good and sufficient sureties, in double the market value of the scrip so to be issued, conditioned to indemnify the United States against the presentation by an innocent holder of the alleged lost scrip.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior, on satisfactory proof of ownership and the loss of said scrip, and the execution of a bond, with good and sufficient sureties, in double the market value of the scrip so to be issued, conditioned to indemnify the United States against the presentation by an innocent holder of the alleged lost scrip, be hereby authorized and directed to reissue and deliver to Benjamin M. Simpson a Revolutionary bounty-land scrip for 80 acres of land.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

ADMIRALS ROWAN AND WORDEN.

The bill (S. 830) for the retirement of certain officers of the Navy of the United States was considered as in Committee of the Whole.

Mr. EDMUNDS. That ought to be explained.

Mr. COCKRELL. I object.

Mr. HALE. It only applies to the cases of Vice-Admiral Rowan and Rear-Admiral Worden and allows them to retire about two years before they would retire by process of law. These are two of the most distinguished of the veterans of the Navy, and their condition and circumstances are such as appeal to Congress. I hope that the objection will not be insisted upon after this explanation.

Mr. EDMUNDS. Let the bill be read again.

The PRESIDENT *pro tempore*. The bill will be again read.

The bill was read.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 7, after the word "may," to insert "after forty years' service;" so as to read:

Be it enacted, &c., That any officer of the Navy of the United State who, upon recommendation of the President by name, has received the thanks of Congress for highly distinguished conduct in conflict with the enemy, and who has been advanced one grade in consequence thereof, may, after forty years' service, be retired from active service by the President, upon his own application, with the highest pay of the grade to which he belongs.

Mr. EDMUNDS. I do not object to the bill, but I want to suggest whether that description "who has been advanced one grade" might not embarrass these gentlemen? Have they not been advanced more than that?

Mr. HALE. It is put in so as not to apply to anybody else.

Mr. EDMUNDS. It applies precisely to these two officers?

Mr. HALE. It does. It was carefully so drawn.

Mr. SEWELL. I ask the Senator from Maine what he understands by the "highest grade of pay?" Full pay?

Mr. HALE. Yes, sir, full pay.

Mr. COCKRELL. I do not see the occasion, if these officers be retired now, that they should be retired on full pay. I think that is a very strong discrimination against the other officers of the Navy, that they shall be retired with full pay and all the other officers go out with 75 per cent. of their pay.

Mr. HALE. It is a pure case of the favor of Congress as a recognition of the very remarkable services of these two officers. Admiral Worden, as every one knows, stands as the representative of very great achievements, as also does Admiral Rowan. They are old men, have given their lives to the service, and their conditions and circumstances are such as to appeal to the generosity of Congress, I think. I know that any Senator can send the bill over by a single objection, but I hope no Senator here will make the objection.

Mr. COCKRELL. What is the present salary?

Mr. HAWLEY. No matter.

Mr. HALE. It is less than $6,000.

Mr. LOGAN. What are they now?

Mr. HALE. Worden is a rear-admiral.

Mr. LOGAN. Do rear-admirals get less than $6,000?

Mr. McPHERSON. I hope no Senator will object to so meritorious a bill as this under the circumstances of the case. Perhaps it would be improper to discuss the circumstances; but the services of these officers were very distinguished. I think it is only an act of justice to

them. They have been named by the President, and a vote of thanks has been given them by Congress for conspicuous services rendered, and I sincerely hope that no Senator will object to so meritorious a measure as this.

The PRESIDENT *pro tempore*. If there be no objection——

Mr. COCKRELL. Let the bill be passed over until we can get some information about the salaries.

Mr. EDMUNDS. Lay it aside informally.

Mr. COCKRELL. Very well; lay it aside informally. I wish to know more of the facts before I agree to it.

The PRESIDENT *pro tempore*. The bill will be laid aside informally.

AMERICAN MERCHANT MARINE.

The bill (S. 184) for the encouragement of the American merchant marine, and to promote postal and commercial relations with foreign countries, was announced as next in order.

Mr. HOAR. I desire to move an amendment to that bill. It has come up unexpectedly. The amendment is not here, but I have sent for it. I ask that the bill be laid aside informally for a few minutes.

The PRESIDENT *pro tempore*. The bill will be laid aside informally.

WYOMING LAND DISTRICT.

The bill (S. 1566) to establish a new land district in the Territory of Wyoming, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FIELD OFFICERS OF FOURTH SOUTH CAROLINA BRIGADE.

The bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops was announced as next in order.

Mr. EDMUNDS. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

AMERICAN MERCHANT MARINE.

Mr. HOAR. I do not desire to have Calendar number 404 further delayed. I now have the amendment I wish to propose.

The PRESIDENT *pro tempore*. The bill referred to by the Senator from Massachusetts will be read, subject to objection.

The Secretary proceeded to read the bill (S. 184) for the encouragement of the American merchant marine and to promote postal and commercial relations with foreign countries.

Mr. FRYE. That bill may as well go over now. The substance of it has been incorporated in an amendment to an appropriation bill.

The PRESIDENT *pro tempore*. Objection being made, the bill will go over.

Mr. DAWES. I think it is desirable to enlarge the bill. A bill received from the other branch the other day it seems to me should become a law and this might be added to it. Perhaps the Senator did not notice the bill. I offer an amendment to the bill.

The PRESIDENT *pro tempore*. The bill will first be read.

The Secretary read Senate bill No. 184.

Mr. HARRIS. We can not consider that bill under the five-minute rule. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

HEIRS OF JAMES STEWART.

The bill (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased, was considered as in Committee of the Whole. It proposes to refund to William D. Stewart, Thomas H. Stewart, William D. Stewart (guardian of the minor children of James Stewart, jr., deceased), M. F. Turner, R. M. McMillan, M. J. Powdon, and E. A. Dodd, heirs at law of James Stewart, deceased, of the county of Sumter, Georgia, $60 each, being the amount paid by each to the United States as excise tax on succession to property as heirs at law of James Stewart, deceased, when in fact they were not liable for any sum whatever.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF MICHAEL O'BRIEN.

The bill (S. 1249) for the relief of the heirs of Michael O'Brien was announced as next in order.

Mr. COCKRELL. I object.

The PRESIDENT *pro tempore*. The bill will be passed over.

WILLIAM H. RANDLE.

The bill (S. 1333) for the relief of William H. Randle, of Nashville, Tenn., was considered as in Committee of the Whole. It proposes to pay to William H. Randle $400, on account of the loss of a registered letter containing $400, by reason of a defective postal car, which sum was paid by Randle immediately after the loss of the letter.

Mr. EDMUNDS. I should like to hear the report. I do not understand how we guarantee registered letters.

Mr. MAXEY. Let the report be read.

The Secretary read the following report, submitted by Mr. MAXEY March 31, 1886:

The Committee on Post-Offices and Post-Roads, to which was referred the bill (S. 1333) for the relief of William H. Randle, respectfully submits the following report:

This claim is based upon the following facts:

William H. Randle was appointed route agent on the Memphis branch of the Louisville and Nashville Railroad in April, 1877. About three weeks after his appointment he made his first trip on mail-car No. 18. On this trip it appears that the petitioner had charge of a large number of valuable registered packages, all of which were placed in a drawer of said car, designated for the safe-keeping of valuable packages.

Upon arriving at Memphis, the terminal point of this route, he opened the drawer above referred to and took out all the packages it contained. Upon reaching the post-office in Memphis these registered packages were checked off, when it was discovered that one was missing and unaccounted for, containing the sum of $400. When this loss was discovered, it appears that the petitioner, from his sworn statement, hurried back to the depot and made a thorough and careful examination of the drawer of mail-car No. 18 for the missing package, but his efforts were fruitless.

The petitioner states positively that he placed the registered package, lost and unaccounted for, with the other similar packages in the drawer for registered matter; that he was not absent from his post of duty a single instant between Humboldt and Memphis; also that no person excepting himself was in this car during the entire trip.

The petitioner, in his sworn statement, also says that upon being informed of the contents of the lost package he at once proceeded to make good this loss, and did make it good, in full, by paying in three separate installments the full amount; vouchers of said payments, duly certified to by the proper authorities of the Post-Office Department, being now in the possession of your committee.

In his sworn statement the petitioner avers, in conclusion, that this loss could only have occurred in one way, namely, the dilapidated condition of this mail-car, No. 18, and the defective construction of the drawer from which the package was lost, which facts were made known to the petitioner afterward, by train hands and parties previously employed in this identical car in a like capacity, and not through any dereliction on his part in the discharge of his duties, as the following additional facts in the premises will show:

First. F. M. Reeves, formerly route agent on the aforesaid route, certifies to the defective construction of the register drawer of this car, and states that on more than one occasion registered matter was caught in opening this drawer and lodged in a hidden shelf above the drawer; and further says that had it not been for previous information the packages would have been lost and no possible clew could have led to their discovery.

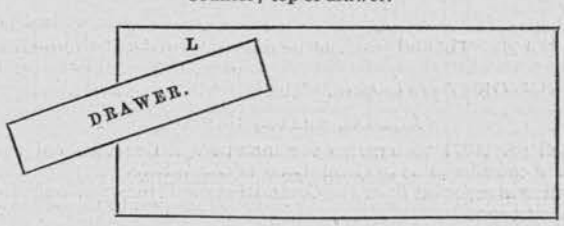
Secondly. Mr. John Temple, formerly a route agent in the railway mail service on this route, now holding a responsible position in the Southern Express Company, also certifies to the defective construction of the register drawer in mail-car No. 18, as the following extract from his letter on the subject will show:

"I frequently used postal car No. 18, which was an old, well-worn, and rather dilapidated affair, with no security whatever for registered matter, being unprovided with locks upon any of the drawers; and that the drawer used for registered matter was so defective in construction that it was an easy matter for registers to make their disappearance by slipping behind the drawer, being jostled or shuffled away from their proper place by the motion of the car while running. During my term as route agent I lost, or thought I lost, seven registered packages which had hung in this drawer in such a manner as not to be all discernible. The disappearance of the packages cost me my position as route agent, as I knew not at the time what had become of them, and was completely mystified by their loss.

"Seventeen days after, when this car No. 18 was run into the shops to be overhauled and repaired, the seven missing packages were found in the top part of the drawer used for registers.

"To better illustrate the meaning of 'hanging in the top of the drawer,' I submit a diagram of same:

Counter; top of drawer.



The drawer is partly drawn out. L is a little shelf in top, where the registers would naturally catch in opening and closing the drawer; that is, if drawer was well filled with packages. No one knew of this little apartment until discovered by the car repairers.

Respectfully,

JNO. TEMPLE.

We attach hereto, as exhibits, letters from the Superintendent of the Railway Mail Service; from the postmaster at Nashville, Tenn.; from Sam. D. Brown, late money-order inspector; from W. C. Baird, post-office inspector, and S. L. Terry, superintendent of mails in the Nashville post-office, all of whom, from their official positions, were brought in close business contact with the petitioner, Mr. William H. Randle, and commend in the strongest terms the merits of his claim, as well as his character for integrity, sobriety, and his perfect fitness for the position he then held, and holds now, in the railway mail service.

After due consideration of the facts in the premises, and especially the fact of his continued retention in the service, it is conclusive to the minds of your committee that he was not responsible for the loss that occurred, and that he is, in justice and equity, entitled to the relief he seeks.

The committee incorporates the following communications:

NASHVILLE, TENN., *January* 29, 1884.

To whom it may concern:

I have known Mr. W. H. Randle as postal clerk for about five years, and as the years have gone by no one has shown himself to be more diligent, industrious, honest, and competent than he. He is thoroughly sober, and singularly attentive to and careful of his own business, and utterly disinclined to intermeddle with the business of other people.

No postal clerk coming to this office is more observant of the amenities and proprieties of the gentleman, or has commanded more of my admiration.

W. P. JONES, *P. M.*

LOUISVILLE, KY., *January* 16, 1884.

DEAR SIR: I learn that you will ask Congress to reimburse you for the $400

lost in a mail-car, while in your charge, by a defective drawer in the case at which you worked and provided for you by the Department.

It is just and right that your request be granted. You made good the loss like a man, although it was doubtful to you whether or not you ought to do so. I knew you well while I was an inspector of the Post-Office Department. You were always, so far as I could know or learn, at your post, and a faithful and conscientious officer.

Respectfully,

SAM'L D. BROWN,
Late Money-Order Inspector.

W. H. RANDLE, Esq., *Nashville, Tenn.*

ST. LOUIS, MO., *January* 29, 1884.

Mr. W. H. Randle, postal clerk on the Nashville and Hickman line, was under my supervision as chief clerk of the railway mail service for a period of about five years, during which time I had ample time and opportunities to observe him both as a gentleman in his private relations and as an employé of the Post-Office Department, and it gives me pleasure to bear witness to his integrity, sobriety, and all other qualifications that go so far to make the perfect gentleman that he is. Any statement made by him is worthy the most implicit confidence.

Very respectfully,

W. C. BAIRD, *P. O. Inspector.*

NASHVILLE, TENN., *January* 28, 1884.

This is to certify that I have known W. H. Randle as R. and O. clerk for several years. I have always considered him a very careful and prudent man in the discharge of his duties as an employé of the Railway Mail Service, and very particular as to his registered matter.

Very respectfully,

S. L. TERRY,
Superintendent Mails.

Precisely a like bill (S. 1482) was before the Senate, Forty-eighth Congress, first session, and after careful examination by this committee was reported back with recommendation that it pass, and the same passed the Senate April 25, 1884.

A re-examination of the case satisfies the committee of the correctness of its former report. Wherefore, the committee reports back said S. 1333, and recommends its passage.

Mr. EDMUNDS. I shall vote against the bill, but I do not wish to object to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REAR-ADMIRAL CARTER.

The bill (S. 729) for the relief of Rear-Admiral Carter was announced as next in order.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. There is no report accompanying the bill.

Mr. EDMUNDS. Let us hear an explanation then.

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. BLACKBURN] who reported the bill is not present.

Mr. HALE. As the Senator who made the report is not present, I ask that the bill go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

CITIZENS' BANK OF LOUISIANA.

The bill (S. 709) for the relief of the Citizens' Bank of Louisiana was announced as next in order.

Mr. ALLISON. I object.

Mr. DOLPH. This bill can not be discussed under the five-minute rule.

The PRESIDENT *pro tempore*. The bill will be passed over.

NATIONAL TRADES UNIONS.

The bill (S. 1657) to legalize the incorporation of national trades unions was considered as in Committee of the Whole.

The bill was reported from the Committee on Education and Labor with amendments.

The first amendment was to strike out section 2, in the following words:

SEC. 2. That any national union or subunion under the jurisdiction of a national union as described in section 1, is hereby legalized in carrying out its lawful objects as aforesaid; and any person who shall prevent, or endeavor to prevent, any such organization from carrying out its lawful objects as aforesaid shall be deemed guilty of a misdemeanor, punishable in any court of competent jurisdiction by a fine not exceeding ——, or imprisonment for a term not exceeding ——, or both, at the pleasure of the court.

The amendment was agreed to.

The next amendment was, in section 3, after the word "that," in line 1, to strike out the word "a;" in the same line, after the word "trade," to strike out "union" and insert "unions;" after the word "upon," at the end of line 1, to strike out "application to any United States court, be provided with a charter as a national trade union, bearing also," and insert "filing their articles of incorporation in the office of the recorder of the District of Columbia, become a corporation under;" in line 6, after the word "union," to strike out "is known or;" in line 7, after the word "trade," to strike out "such charter of incorporation" and insert the word "and;" in line 8, after the word "shall," to strike out "entitle said national union, and each or all of its branches" and insert "have the right;" so as to make the section read:

SEC. 3. That a national trade unions shall, upon filing their articles of incorporation in the office of the recorder of the District of Columbia, become a corporation under the technical name by which said national trade union desires to be known to the trade, and shall have the right to sue and be sued, to implead and be impleaded, to grant and receive, in its corporate or technical name, property, real, personal, and mixed, and to use said property, and the proceeds and income thereof, for the objects of said corporation as in its charter defined.

The amendment was agreed to.

The next amendment was, in section 5, line 4, after the word "to," at the beginning of the line, to strike out "grant charters to" and insert "establish branches and;" in line 5, before the word "Territory," to strike out the words "State or;" after "United States," in the same line, to strike out the following words:

Or in any other country; and all subunions organized under its jurisdiction shall have power to purchase, hold, or dispose of such real or personal property as may be needed to carry on their business as provided in this act; and such incorporated national trade union and all subunions shall have power to require all officers holding places of trust to execute bonds, with approved sureties, for the safe-keeping and paying over to their respective unions, whenever directed by them, of all moneys belonging to their respective unions in their keeping and under their control.

So as to make the section read:

SEC. 5. That an incorporated national trade union shall have power to define the duties and powers of all its officers, and prescribe their mode of election and term of office, to establish branches and subunions in any Territory of the United States.

The amendment was agreed to.

The next amendment was, in section 6, line 2, after the word "located," to strike out "in such city;" in the same line, after the words "in the," to strike out "United States as shall from time to time be determined by such national trade union" and insert District of Columbia;" so as to make the section read:

SEC. 6. That the headquarters of an incorporated national trade union shall be located in the District of Columbia.

The amendment was agreed to.

The next amendment was to strike out section 7, in the following words:

SEC. 7. That all laws or parts of laws inconsistent with this act are hereby repealed.

The next amendment was to strike out section 8, in the following words:

SEC. 8. That this act shall be in full force and effect from and after the date of its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HAWLEY. It will be in strict accordance with the proper doctrines of those who object to great accumulations of land that this corporation should be governed as all others ought to be. I move to insert at the end of section 3:

Provided, That each incorporated union may hold only so much real estate as may be necessary for the purposes of the corporation.

Otherwise, as it stands now, it has a right to become a gigantic speculative concern, which is exactly what they are opposed to.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The question is on the amendment of the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. KINKEAD AND OTHERS.

Mr. MITCHELL, of Oregon. Yesterday when Order of Business 321 was reached an objection was made by the Senator from Missouri [Mr. COCKRELL]. I now ask the Senator to withdraw that objection, and that unanimous consent may be given to the consideration of the bill. I will offer an amendment which I think will obviate the objection made by the Senator.

Mr. BECK. I have no objection to taking up any case, but I want to go on regularly, for no case has lost its place by being passed over on this call.

Mr. MITCHELL, of Oregon. This is a very meritorious case. I appeal to the Senator from Kentucky. There is no objection to it as the bill is proposed to be amended. It will only take a moment.

Mr. BECK. I want to go back to two or three cases myself. I will not object to this now, but I will hereafter.

Mr. MITCHELL, of Oregon. I thank the Senator. I ask that Order of Business 321, being Senate bill 1353, be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood.

Mr. MITCHELL, of Oregon. I offer the following amendment as a substitute, to strike out all after the enacting clause and insert:

That jurisdiction be, and is hereby, conferred on the Court of Claims to hear the claims of John H. Kinkead and Samuel Sussman and Charles O. Wood, for the rent and value of certain buildings in the town of Sitka, in the Territory of Alaska, alleged by them to have been acquired by virtue of purchase from the Russian-American Company upon the evidence already filed in said court and such additional legal evidence as may be hereafter presented on either side; and if said court shall find that said parties acquired a valid title to said buildings respectively alleged to have been purchased by them, said court shall award to said parties a fair and reasonable rent for the use of the said buildings for the time (if any) the same have been occupied by the United States, and also a suitable indemnity for said buildings themselves; and the receipt of such rent and indemnity shall thereafter bar any further claim by said parties for the use of said buildings or for the value thereof; and before receiving the same all of said parties shall execute a release to the United States for all right, title, and interest whatsoever in and to the said property; and any defense, set-off, or counterclaim may be pleaded by the United States as defendants, as in cases within the

general jurisdiction of the court, and either party shall have the same right of appeal as in such cases.

Mr. HOAR. I see that this bill, as it is now drawn, proposes to allow these parties for the rent of certain buildings. It also provides that the United States shall acquire title on certain proceedings being had. Does the phrase "buildings" cover all the United States is to acquire? Is there no land going with the buildings, no curtilage? Would it not be more comprehensive to say "buildings and real estate?"

Mr. MITCHELL, of Oregon. The provisions of the treaty speak of this property simply as "buildings?"

Mr. HOAR. What becomes of the land on which they stand and the land about the buildings?

Mr. MITCHELL, of Oregon. The title is in the United States, I suppose, as the title of all other lands in Alaska.

Mr. HOAR. But did these men acquire the title to these buildings from this company, the United States owning the land on which they stood?

Mr. MITCHELL, of Oregon. The land I presume was owned by the Russian Government, and the buildings put up by the company from which they purchased.

Mr. HOAR. This bill would evidently give the United States a building, without the land on which it stands, as personal property.

Mr. MITCHELL, of Oregon. The Government has the land now. There is no question about that. These buildings were owned by the company known as the Russian-American Company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is on the preamble.

The preamble was agreed to.

LETTER-BOOKS OF WILLIAM VANS MURRAY.

The bill (S. 1084) to authorize the purchase of five manuscript volumes (being letter-books) of William Vans Murray, formerly minister at The Hague and at Paris, was considered as in Committee of the Whole. It proposes to appropriate $2,500 for the purchase of five manuscript volumes, being the letter-books of William Vans Murray, formerly minister of the United States at The Hague and at Paris.

Mr. COCKRELL. Is there any report or explanation of that? If not, it had better go over.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] will probably explain this in the absence of the Senator from Indiana [Mr. VOORHEES].

Mr. HOAR. These are some very valuable and interesting manuscript volumes, containing the letters of Mr. Murray, minister to The Hague and to Paris, and one of the commissioners that the French Government had the difficulty with in John Adams's administration—a very eminent public man. These manuscripts are of great historical value. They were carefully examined by Mr. Spofford, and I think by the librarian of the State Department. That is the whole story as far as I know.

Mr. COCKRELL. Is not this a very large price for them? How was the price arrived at?

Mr. HOAR. The price was arrived at on consultation with Mr. Spofford. It was a very considerable cutting down of what the parties demanded. I have no doubt there are many historical societies in the country who would be eager to acquire them. They seem to be a part of the archives of one of our foreign embassies.

Mr. COCKRELL. Were these letters written to our own Government?

Mr. HOAR. No, sir; some of them are private letters written to the Secretary of State, as is the custom very often.

Mr. COCKRELL. And never published?

Mr. HOAR. Never published at all; and others were written to various friends and acquaintances.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THEOPHILUS FISK MILLS.

The bill (S. 2023) providing for the payment of $2,500 to Theophilus Fisk Mills for executing a model and design for an equestrian statue of the late General John A. Rawlins was announced as next in order.

Mr. HOAR. That bill I am in favor of, but I think it would be on the whole more desirable that it should be explained by the Senator from Indiana [Mr. VOORHEES], who knows all about it.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

IMMORAL PUBLICATIONS.

The bill (S. 1961) to amend section 3893 of the Revised Statutes of the United States, and for other purposes, was considered as in Committee of the Whole. It proposes to make section 3893 read:

SEC. 3893. Every obscene, lewd, lascivious, filthy, or disgusting book, pamphlet, picture, paper, writing, print, or other written or printed matter of an indecent character, and every article or thing designed or intended, or purporting to be, for the prevention of conception or procuring abortion, and every article or thing intended, or adapted, or purporting to be for any indecent or immoral use, and every article or thing so advertised or offered for sale as to suggest or lead to the use of the same for the purpose of preventing conception, or the procuring of abortion, or for indecent or immoral use, and every written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means any of the hereinbefore mentioned matters, articles, or things may be obtained or made, and every envelope, wrapper, or postal card upon which indecent, lewd, obscene, filthy, disgusting, or lascivious delineations, epithets, terms, or language may be written or printed, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office nor by any letter-carrier; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same, or cause the same to be taken, from the mails, for the purpose of circulating or disposing of or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall, for each and every offense, be fined not less than $100 nor more than $5,000, or imprisoned at hard labor not less than one year nor more than ten years, or both at the discretion of the court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT COMMISSIONERS.

The next business on the Calendar was a "resolution that the commissioners of the District of Columbia inform the Senate whether they are stockholders in certain corporations," &c.

Mr. ALLISON. The resolution ought to be referred.

Mr. VAN WYCK. The resolution ought to be disposed of, but probably it had better go over, reserving its place on the Calendar.

Mr. ALLISON. Ought it not to be referred?

Mr. VAN WYCK. I think not. Senators have advised me that they wish to say something on the matter.

The PRESIDING OFFICER. The resolution will be passed over.

NORTHWEST TRADING COMPANY.

The next bill on the Calendar was the bill (S. 1941) to enable the Northwest Trading Company, a private corporation organized under the general laws of Oregon, to purchase certain lands in the Territory of Alaska.

Mr. DOLPH. Let that go over. There is an adverse report.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

B. B. CONNOR.

The bill (S. 1337) for the relief of B. B. Connor, of Louisville, Ky., was announced as next in order on the Calendar.

Mr. DOLPH. There is at least a minority report in that case.

The PRESIDING OFFICER. If there be no objection, the bill will be read.

The Chief Clerk read the bill.

Mr. TELLER. I object to that bill. There seems to have been a difference in the committee, and it will bring up discussion.

The PRESIDING OFFICER. The bill will go over under objection.

WEST POINT GRADUATES.

The bill (S. 1424) for the relief of graduates of the United States Military Academy was considered as in Committee of the Whole. It provides that no graduate of the United States Military Academy shall be required to refund to the United States any pay or allowances received by him as an officer in the United States Army from the date of the rank given him by his first commission until taking the oath of office as such, or in consequence of having been granted a leave of absence on full pay upon graduation, in accordance with the uniform practice since the establishment of the Military Academy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANNA EGAN.

The bill (S. 2037) for the relief of Mary Anna Egan was considered as in Committee of the Whole. It proposes to remit, upon payment of the principal of the amount of special-improvement taxes levied or assessed in the year 1875, and now outstanding upon the books of the commissioners of the District of Columbia, on account of or against parts of lots numbered 10 and 11, in square 557, fronting on New Jersey avenue, in the city of Washington, and charged either to Mary Anna Egan or James Egan, her late husband, all interest accumulated thereon and penalties of every kind and nature whatsoever for the non-payment thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT OMAHA MILITARY RESERVATION.

The bill (S. 1861) to provide for the sale of the site of Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon, was announced as next in order on the Calendar.

Mr. COCKRELL. I think we had better pass that by until the return of the Senator from Nebraska [Mr. MANDERSON], who reported the bill from the Committee on Military Affairs.

Mr. SPOONER. I hope the Senator from Missouri will not object to the bill unless there are serious reasons against its passage. I have

received a note from the Senator from Nebraska, who is absent from the Senate, and will be for some time, on duty at West Point. Owing to the lateness of the session, he very much fears the passage of the bill will be endangered if when reached upon the Calendar it is thrown over to another day. There seems to be every reason for the passage of the bill, I judge from the report. This military reservation is now almost in the heart of a great city.

Mr. COCKRELL. That is just the point that I wanted to see the Senator from Nebraska about, as to whether the reservation is there. That was the representation made; but I have heard since that it is far from being in the heart of the city, and that there is a large space of ground practically unoccupied between the reservation and the city. That is the reason why I wanted to inquire of the Senator from Nebraska in regard to it. I think we had better see about that. When the report was made I understood that that was the condition of it, and that it was a matter of necessity, that in process of time, or very soon, it would have to be abandoned. It has been charged publicly in the newspapers that that is not true. I have seen articles in the papers to that effect, and I wanted to see the Senator so that we could confer about the matter and get the facts in the case.

If the facts stated in the report are accurate, as reported by the officers of the Army, the bill ought to pass, and if they are not it ought not to to pass.

Mr. SPOONER. If the Senator will permit me, I will state that the report was made by the Senator from Nebraska [Mr. MANDERSON]. I presume he has stated as accurately in the report the facts as he could state them in conversation. It is stated in the report that the grounds are inadequate; that the buildings are not what they should be for the occupation of troops ordinarily at that post; that their proximity to a crowded city constantly growing interferes with ordinary target practice; that a short distance from the city property entirely available can be purchased; and that the proceeds of the sale of this property would purchase a new reservation and leave a surplus which would almost complete the buildings.

I find in the report a letter from General Sheridan recommending a sale of this reservation, which is indorsed by the Secretary of War, so that the bill is not simply the report of the Military Committee, although that ought to be sufficient, but it is also supported by the recommendation of the commanding general of the Army and the Secretary of War.

Of course if the Senator from Missouri desires that it shall go over he has the right by an objection to put it over.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. COCKRELL. I do not want it to lose its place. As soon as the Senator from Nebraska comes back and we can confer about it I will agree to its being taken up.

The PRESIDING OFFICER. The bill will go over.

LOUISA JACKMAN AND MARTHA VAUGHN.

The bill (S. 2057) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn was considered as in Committee of the Whole. It proposes to pay to Mrs. Louisa Jackman $2,500, and to the legal representatives of Mrs. Martha Vaughn $2,500, for patriotic services, hazards, and losses incurred by Louisa Jackman and Martha Vaughn in conveying information of great value to the Union officers in Kentucky in March, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LABOR ARBITRATION.

The bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés was announced as next in order on the Calendar, and the Chief Clerk read the bill.

Mr. HARRIS. The question involved in the bill is very much too large and too important to be considered under the five-minute rule; and in many of its phases, if not all of them, it is now pending before another committee of this body, and I hope will be reported at a very early day. I desire to see early action upon the question, but I do not think we can afford to consider it now under the rule under which we are proceeding.

Mr. BLAIR. I should like to inquire of the Senator from Tennessee before what other committee of the body a similar bill is pending?

Mr. HARRIS. I say in many phases of the question it is the same.

Mr. BLAIR. To what committee does the Senator refer?

Mr. HARRIS. I refer to the Committee on the Judiciary.

Mr. BLAIR. I was not aware of that fact; but in regard to this bill I suppose there are Senators who desire to speak upon it, and it should be passed over informally.

Mr. HARRIS. Under the rule it does not lose its place on the Calendar upon objection. We can not consider it under the five-minute rule.

Mr. BLAIR. There is no objection to passing it over.

The PRESIDING OFFICER. The bill will go over.

CENTENNIAL CELEBRATION AT WASHINGTON.

The concurrent resolution for the appointment of a joint select committee to consider the subject of a celebration in 1889 at Washington, D. C., was announced as the next business on the Calendar.

Mr. GORMAN. I ask that the resolution be postponed indefinitely, as action has been taken otherwise.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland to indefinitely postpone the concurrent resolution.

The motion was agreed to.

ESTATE OF ISAAC P. TICE.

The bill (S. 1311) for the relief of the estate of Isaac P. Tice, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 14, after the word "accounts," to strike out the words "with interest at the rate of six per cent. per annum from the date the several sums should have been paid to said Tice;" so as to make the bill read:

Be it enacted, &c., That jurisdiction is hereby conferred upon the Court of Claims to retry and determine, according to law and in equity, the case of the administrators of Isaac P. Tice, deceased, against the United States, decided by the United States Supreme Court at the October term, 1878, and also to try and determine, according to law and in equity, the claims of said Tice for money collected but not paid over to him under regulations of the Treasury, based upon his contract with the United States, and to render a judgment in favor of the administrators of said Tice for such sums as may be found to be due and unpaid to said Tice on any of said accounts; and the amount of money necessary to pay any judgment that may be rendered is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. McMILLAN. What is the interest?

The PRESIDING OFFICER. The amendment is to strike out the interest.

Mr. McMILLAN. That is right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TAX ON ROPE AND BAGGING.

The bill (S. 2078) for the relief of Coronna, Taussig & Co. and others was considered as in Committee of the Whole.

It proposes to direct the Commissioner of Internal Revenue to re-examine and settle a number of specified claims for tax on rope and bagging alleged to have been illegally assessed and collected, upon the separate application of the parties named.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE TENDER LILLY.

The bill (S. 2073) for the relief of the officers and crew of the light-house tender Lilly and the inspector of the fourteenth United States light-house district was considered as in Committee of the Whole. It proposes to appropriate $5,000 to be applied by the United States Light-House Board to reimburse the officers and crew of the United States light-house tender Lilly and the inspector of the fourteenth light-house district for losses of necessary personal apparel, and of other articles necessary and proper for their use on board that vessel, sustained by them by the burning of the vessel September 20, 1884, at Cincinnati, Ohio.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARKANSAS HOT SPRINGS RESERVATION.

The bill (S. 2079) to provide for the control of the reservation of public lands and the distribution of hot water, Hot Springs, Ark., was announced as next in order.

Mr. JONES, of Arkansas. I wish to say that while I am very anxious to have a settlement of the Hot Springs question, it seems to me that there are some questions involved in the bill that can scarcely be settled under the five-minute rule. While I do not want to object to the Senate taking the matter up for consideration at this time, I think it is due to the Senate that I should make this statement: So far as I am concerned there are some objections to the bill which I should like to have more than five minutes to state to the Senate.

My colleague [Mr. BERRY] is favorable to the bill and thinks it should be passed, while I think there are some very material objections to the bill as it is presented by the Committee on Public Lands. Still the Senate might correct the evils which are in the bill by a discussion under the five-minute rule.

Mr. HARRIS. If the Senator from Arkansas thinks that it will take more than five minutes for him to explain his view of it, as the bill does not lose its place on the Calendar, I shall object to its consideration.

The PRESIDING OFFICER. The bill will go over.

Mr. BERRY. I ask the Senator from Tennessee to withhold his objection until I can make a remark.

Mr. HARRIS. I will do so.

Mr. BERRY. I wish to say that some legislation in regard to the

Hot Springs at an early day is absolutely necessary. I hope, as the bill is objected to now, that the Senate will give an opportunity at an early day when it can be heard, because I think it is in the interest of the Government, in the interest of the people, in the interest of all concerned, and absolutely necessary to the public interest that some legislation should be had during this session in regard to the Hot Springs.

Mr. JONES, of Arkansas. To that I agree.

Mr. BERRY. And in that view my colleague joins.

The PRESIDING OFFICER. The bill will go over.

FIRST NATIONAL BANK OF PORTLAND, OREG.

The bill (S. 84) for the relief of the First National Bank of Portland, Oreg., was announced as next in order on the Calendar.

Mr. ALLISON. I object to that bill.

The PRESIDING OFFICER. Objection being made, the bill will go over.

TRANSMISSION OF WEATHER REPORTS.

The bill (S. 2004) authorizing the transmission of weather reports, storm and flood warnings, and the announcement of the approach of cold waves through the mails free of postage was announced as next in order.

Mr. GORMAN. I object to that bill.

The PRESIDING OFFICER. Objection being made, the bill goes over.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio;

A bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich.;

A bill (S. 763) for the erection of a public building at Sioux City, Iowa;

A bill (S. 1016) granting an increase of pension to Abel Comstock;

A bill (S. 1192) granting a pension to Alfred Denny;

A bill (S. 1288) granting a pension to Robert Holsey;

A bill (S. 1382) for the relief of Lydia O. Hutchings;

A bill (S. 1383) granting a pension to Harriet Welch;

A bill (S. 1400) granting a pension to William H. Beck;

A bill (S. 1466) granting an increase of pension to Stephen R. Smith;

A bill (S. 1467) granting a pension to Mrs. Margaret Smith;

A bill (S. 2005) granting a pension to Mary J. Nottage;

A bill (S. 2025) granting a pension to James Butler;

A bill (H. R. 116) for the relief of Albertine Cockrum;

A bill (H. R. 308) granting a pension to Mary Sullivan;

A bill (H. R. 421) granting a pension to Jesse B. Scudder;

A bill (H. R. 427) for the relief of Thomas T. Smithers;

A bill (H. R. 464) granting a pension to Robert McAlexander;

A bill (H. R. 504) granting a pension to Anna Kessinger;

A bill (H. R. 918) granting a pension to Gilbert A. Philips;

A bill (H. R. 1142) granting a pension to Lydia Hadlock;

A bill (H. R. 1148) granting a pension to Mariah E. A. B. Nowell;

A bill (H. R. 1177) granting a pension to William J. Barker;

A bill (H. R. 1201) for the relief of Mary Howard Farquhar;

A bill (H. R. 1505) granting a pension to William Dermody;

A bill (H. R. 1520) granting an increase of pension to Mary F. Blake;

A bill (H. R. 1766) granting a pension to Mary A. Shannon;

A bill (H. R. 1768) granting a pension to James Wolfe;

A bill (H. R. 1818) granting a pension to H. L. Kyler;

A bill (H. R. 1943) granting a pension to James L. McClarran;

A bill (H. R. 1945) granting a pension to Jeremiah M. Fitger;

A bill (H. R. 1997) granting a pension to Nancy R. Brown;

A bill (H. R. 2144) granting a pension to C. K. Hughes;

A bill (H. R. 2940) granting a pension to John T. Pennington;

A bill (H. R. 2963) granting a pension to Louis Whorley;

A bill (H. R. 2968) granting a pension to Harriet Peak;

A bill (H. R. 2971) granting a pension to Francis Deming;

A bill (H. R. 2975) granting a pension to Eliza A. Weeks;

A bill (H. R. 2976) granting a pension to Lenford Rose;

A bill (H. R. 3043) granting a pension to Lewis W. Scanland;

A bill (H. R. 3047) granting a pension to Thomas Tegan;

A bill (H. R. 3054) granting a pension to Sylvester Root;

A bill (H. R. 3166) granting a pension to Solomon Messer;

A bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll;

A bill (H. R. 3501) granting a pension to Daniel J. Bingman;

A bill (H. R. 3601) to increase the pension of Louis Weitzel, widow of Godfrey Weitzel, late a major-general of the United States volunteers;

A bill (H. R. 3614) granting a pension to Charlotte Buck;

A bill (H. R. 3623) granting a pension to William H. Nevil;

A bill (H. R. 3640) granting a pension to James T. Irwin;

A bill (H. R. 3737) granting a pension to John H. Downing;

A bill (H. R. 3831) granting a pension to Charles T. Reber;

A bill (H. R. 3836) granting a pension to James Dunbar;

A bill (H. R. 3954) granting a pension to Henrietta Fisher;

A bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers;

A bill (H. R. 4124) granting a pension to Charles F. Hildreth;

A bill (H. R. 4143) for the relief of Margaret Madden;

A bill (H. R. 4145) granting a pension to Maria Kile;

A bill (H. R. 4163) granting a pension to Dr. William H. Sheffield;

A bill (H. R. 4199) granting a pension to William B. Jacobs;

A bill (H. R. 4226) for the relief of Samuel Kitzmiller;

A bill (H. R. 4382) to increase the pension of John F. Chase;

A bill (H. R. 4386) granting an increase of pension to William F. Clark;

A bill (H. R. 4426) granting a pension to Fannie E. Evans;

A bill (H. R. 4501) granting a pension to Daniel B. Randall;

A bill (H. R. 4552) for the relief of Susan Smith;

A bill (H. R. 4632) granting a pension to William L. McCall;

A bill (H. R. 4642) granting a pension to James Carroll;

A bill (H. R. 4644) granting a pension to Noah B. Brookshire;

A bill (H. R. 4730) for the relief of Mary Murphy;

A bill (H. R. 4797) granting a pension to Robert H. Stapleton;

A bill (H. R. 4808) granting a pension to William Field;

A bill (H. R. 4850) for the relief of William J. Hudson;

A bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby;

A bill (H. R. 5058) granting a pension to John Arthur;

A bill (H. R. 5100) granting a pension to Eleanor Foust;

A bill (H. R. 5169) to increase the pension of Thomas J. Slayton;

A bill (H. R. 5232) for the relief of Mary Hawhe;

A bill (H. R. 5261) granting a pension to Isaac Fossett;

A bill (H. R. 5283) granting a pension to Larkin G. Mead;

A bill (H. R. 5306) granting a pension to Roxana V. Rowley;

A bill (H. R. 5307) granting a pension to Lieut. Joseph Prost;

A bill (H. R. 5324) granting a pension to John H. Hunter;

A bill (H. R. 5333) granting a pension to Edward L. Hill;

A bill (H. R. 5334) granting a pension to Henry Anin;

A bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft;

A bill (H. R. 5394) granting a pension to Sally Ann Bradley;

A bill (H. R. 5408) granting a pension to Josiah Focht;

A bill (H. R. 5414) granting a pension to Maria Cunningham;

A bill (H. R. 5434) granting a pension to Amos C. Wertz;

A bill (H. R. 5435) granting a pension to David L. McDermott;

A bill (H. R. 5438) for the relief of Elias Sheads;

A bill (H. R. 5472) to increase the pension of Henry Brooks;

A bill (H. R. 5492) granting a pension to Eliza Newman;

A bill (H. R. 5525) granting increase of pension to Robert E. Stephens;

A bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty;

A bill (H. R. 5622) granting a pension to Allen P. Jacobs;

A bill (H. R. 5635) granting a pension to William J. Heady;

A bill (H. R. 5643) granting an increase of pension to Charles F. Ward;

A bill (H. R. 5656) granting a pension to Margaret S. Davis;

A bill (H. R. 5761) granting a pension to Margaret J. Reighter;

A bill (H. R. 5881) for the relief of Henry S. Cohn;

A bill (H. R. 5882) granting a pension to Sarah Ann Murphy;

A bill (H. R. 5951) granting a pension to John M. Mattingly;

A bill (H. R. 5975) to increase the pension of Michael McGrayel;

A bill (H. R. 6020) granting a pension to Levi M. Starne;

A bill (H. R. 6088) granting an increase of pension to Nelson Monroe;

A bill (H. R. 6120) for the relief of Richard Horrigan;

A bill (H. R. 6147) granting a pension to Frederick Marion;

A bill (H. R. 6150) for the relief of Euphemia R. Smith;

A bill (H. R. 1061) for the relief of Sarah M. Shearer;

A bill (H. R. 1627) granting a pension to Annie Bagley;

A bill (H. R. 4685) for the relief of John A. Orndorff;

A bill (H. R. 4782) granting a pension to Elizabeth McKay;

A bill (H. R. 5154) granting a pension to Margaret A. Poland; and

A bill (H. R. 6648) for the relief of Edward M. Harrington.

WHARTON'S DIGEST OF INTERNATIONAL DECISIONS.

The joint resolution (S. R. 58) for the purchase and distribution of 4,000 copies of a Digest of International Decisions of the United States, edited by Francis Wharton, was the next business on the Calendar.

Mr. EVARTS. I propose that we take up Order of Business 1456, being the Senate joint resolution 62, in place of this, which is on the same subject-matter, and which, I suppose, in the shape it is now presented by the Printing Committee, will not find any objection.

Mr. GORMAN. By direction of the Committee on Printing I ask the Senate to proceed to the consideration of Senate joint resolution No. 62, referred to by the Senator from New York, which relates to the same subject.

The PRESIDING OFFICER. If there be no objection, that course will be adopted.

Mr. ALLISON. I reserve the right to object.

The PRESIDING OFFICER. The joint resolution indicated will be read.

The CHIEF CLERK. A joint resolution (S. R. 62) authorizing the publication of an edition of A Digest of International Law, edited by Francis Wharton.

Resolved, &c., That there be printed the usual number of copies of A Digest of the International Law of the United States, taken from the Opinions of Presidents and Secretaries of State, and of Attorneys-General, and from the Decisions of Federal Courts, and of Joint International Commissions in which the United States was a Party; and that there be printed in addition to said usual number 1,000 copies for the use of the State Department, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives; said digest to be printed under the editorial supervision of Francis Wharton, and the editing to be paid for at a price to be fixed by the chairman of the Committee on Foreign Relations of the Senate, and the chairman of the Committee on Foreign Affairs of the House of Representatives, acting with the Joint Committee on Printing, not exceeding the sum of $1 per volume of the work.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported from the Committee on Printing with an amendment, in line 17, after the word "not," to strike out the words "exceeding the sum of one dollar per volume of the work," and insert the words "to exceed $10,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Printing.

Mr. ALLISON. This work I believe is being prepared in the State Department by the officers there, and it is to be published chiefly for the use of the Department and Congress. It seems to me that the work ought to be printed at the Public Printing Office.

Mr. EVARTS. It is to be.

Mr. ALLISON. Is it to be printed at the Public Printing Office?

Mr. EVARTS. Oh, yes.

Mr. ALLISON. Then it is not necessary that there should be any specific arrangement respecting it except to make an appropriation for the cost of the printing.

Mr. HOAR. But an appropriation must be made to pay for the editing.

Mr. EVARTS. Yes; for the editing.

Mr. ALLISON. I understand that it is being edited at the State Department. I should be glad to have the matter explained.

Mr. EVARTS. A joint resolution was introduced and referred to the Committee on Foreign Relations, and that committee unanimously reported the joint resolution which now, as No. 565 in the Order of Business, has been reached on the Calendar. That measure provided for the purchase of the work from the editor. It was found that a provision in the statutes made it impossible to provide in that manner without preventing really the distribution which was desired. We then offered another joint resolution, which was referred to the Committee on Printing; and Order of Business 1466, which has now been taken up, is the report of that committee. The objections which were then made by several Senators and the objection of the clause in the Revised Statutes are all avoided by the joint resolution which has been moved by the Senator from Maryland.

As to the preparation of the work, it is one of great merit and requiring great ability and great labor in its preparation. The Secretary of State recommended the publication, and Mr. Wharton, the accomplished law adviser now there, well known as an editor and publisher of law books, is remarkably qualified for the service. It is a labor of great magnitude; and no portion of this labor is performed by him during his office hours, nor is it a service that at all pertains to his office of law-adviser.

The book is expected to occupy two volumes of some 800 pages each. Originally the proposition was that he should receive not exceeding a dollar a volume for each copy. That is reduced now so as to provide that it shall not in any event, even if it should run to three volumes, exceed $10,000. Mr. Wharton can not be charged with any disposition to exact unduly a compensation, for it is left entirely to two committees, the Committee on Foreign Relations and the Printing Committee, to determine what he shall be paid, with an outer limit. I am able to state—and I hope the Senate will give me credit in what I say—that Mr. Wharton in the whole of this business is actuated by a desire merely to be fairly compensated for the mere labor and expense that he is put at.

My desire that the matter shall be accelerated is because considerable expense and labor will need to be directed by Mr. Wharton toward the examination of papers in Europe which are not accessible here. Strange as it may appear, there are some papers to be found in foreign archives in Europe in regard to our diplomatic correspondence and our disposition of the questions of conventions which are not to be found in our archives, not because of their subtraction but because they never have been there.

The recommendation of this work has come from very high authority, besides the State Department. As for its being used mainly by Congress, it will be very useful to Congress, and no member of Congress would desire to be without it; but it ought also to be in the hands of our foreign ministers and consuls, and it ought to be in the possession of all the libraries and of many of the public men.

The work itself can never be of any value to Mr. Wharton, outside of this acquisition. It is not a work that would be supported by the public by reason of its expense and the limited number of persons who would patronize it. We are either to obtain the work from an accomplished editor under the conditions of faculty and experience in editing, or we are to go without it. I am quite sure that Mr. Wharton has no expectation of receiving more than shall be given in the judgment of this body by its accredited managers of this question, if the joint resolution shall pass. The Department is very desirous that the work should be put forth. I am certainly very desirous that it should be, and I believe all the gentlemen with whom I conferred on the subject in the Senate and in the other House have had this feeling.

I am quite sure that the question of expenditure is now in its proper shape; that is, that it is confined entirely to the proper compensation for the editing of the work, and at a price that is to be measured entirely on the part of the officials of the Government.

Mr. ALLISON. I do not desire to interpose an objection to the execution of the work; but here is a proposition to give Mr. Wharton, who is now the law adviser of the State Department, and an assistant there, the preparation of this work. The work, from the necessity of the case, must be prepared from the archives of the State Department; and if Mr. Wharton was not a law officer of the Government in that Department I submit that he would not be charged, perhaps, with the execution of this duty. He is receiving an annual compensation. It is proposed to pay him $10,000 for this editing.

Mr. EVARTS. No, that is the outer limit.

Mr. ALLISON. Of course, subject to the revision of the two or three committees named. The first proposition was to allow him a dollar per volume. That seems to have been struck out, and now it is proposed that he be paid a gross sum not exceeding $10,000.

If the Committee on Foreign Relations and the Committee on Printing concur, as they seem to have acted together in this matter, that this is a proper and just thing to do, under the circumstances, I shall not object, although I do think that it is a compensation beyond what we should allow.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Printing.

The amendment was agreed to.

Mr. VAN WYCK. There were some suggestions made in regard to this proposition a few weeks ago, and certain information was to be obtained. I can not just call it to mind at this moment, but some Senator who is not here now desired information, I think, as to the probable cost of the work. That was one point. I understood that it was not to be printed as a document by the Public Printer.

Mr. EVARTS. That was not proposed at that time, but the pending joint resolution provides that it shall be printed at the Printing Office.

The PRESIDING OFFICER. The Chair will state for the information of the Senator from Nebraska that the amendment which has been adopted limits the cost to $10,000.

Mr. VAN WYCK. Is the number of 4,000 copies still retained?

Mr. GORMAN. I will state to the Senator from Nebraska that the original joint resolution to which he refers was committed to the Committee on Printing, and the Committee on Printing reported the joint resolution which is now before the Senate providing for 4,000 copies to be printed at the Government Printing Office, the editor to be paid not to exceed $10,000 for the work.

Mr. VAN WYCK. When are these copies to be printed?

Mr. GORMAN. Immediately.

Mr. VAN WYCK. Immediately?

Mr. GORMAN. As soon as the joint resolution is passed and the work can be done.

Mr. VAN WYCK. How long is Francis Wharton to be employed as editor if the work is to be printed immediately?

Mr. EVARTS. If the Senator from Maryland will allow me, I will state from information which I have from Mr. Wharton and from the State Department that the greater part of the work, certainly the first volume, is ready to go to press; and if Congress shall pass the joint resolution promptly the work will be certainly in readiness for use by the next session of Congress.

The provision of the Printing Committee covers the ordinary rule of 1,900 copies, and the distribution is provided by regulation of law. Then an addition is provided for; and this aggregation at a dollar a volume for the two volumes would make something like or very nearly $12,000. The exterior limit has therefore been reduced lower than a dollar a copy. I have not thought the Senate would regard it very important whether the exterior limit was $10,000 or $8,000, as the editor exacts no provision except what shall be satisfactory to the discretion and responsiblity of the representatives of the two Houses of Congress.

Mr. VAN WYCK. Mr. President——

Mr. BUTLER. May I ask the Senator from New York, with the permission of the Senator from Nebraska, one question in regard to this work, if it does not in point of fact embrace very many subjects not otherwise obtainable except in a fragmentary way?

Mr. EVARTS. It embraces many subjects not accessible at all. It has been spoken of as a mere compilation. It is an arranged and accommodated expression and presentation of the whole area, not only in diplomatic matters but in the conventions that from time to time have occupied the interests of this country since the Revolution. It

is a book which every Senator and every Congressman would wish to have, and it is only by favorable circumstances that we are able to get out such a work at all.

It is impossible to introduce into the councils of the State Department a stranger, however qualified, as an editor, because he has to examine not only what he puts in and is fit for publication but to see what is to be excluded by reason of private obligations. You can not find in the routine of employés, however respectable, in the Department of State a man qualified for this service except by peculiar circumstances. It is not only that he must have the intelligence, but he must also have the experience and the love of work, for it is a very great and laborious work, and a work done as conscientiously and thoroughly by Mr. Wharton, outside the constant occupation of his time in that Department, as any person entitled to the confidence of the community or of Congress could do it.

Mr. BUTLER. The work I understand requires great discrimination on the part of the editor.

Mr. EVARTS. It does. When an exterior limit is named and there is a complete mastery of a proper compensation reserved to the two Houses, why should it be very important to say whether it is $10,000, or $9,000, or $8,000? The work can not be published except by authority of the Government. It can not be prepared except by its authority. It is in great part prepared and ready to be published, and the State Department is especially desirous that it should be accelerated.

Mr. MCPHERSON. Will the Senator from New York permit me to ask him a question for information? Has it been the practice of the Government to furnish our ministers and consuls abroad with some recognized authority on international law for their guidance, and if not, in what manner have they decided questions that might possibly arise of which they would be obliged to make a settlement?

Mr. EVARTS. It is only I think to a limited extent that the Department has done so; and it must have been for the most part under the appropriations for contingent expenses of foreign relations.

Mr. MCPHERSON. There has been some recognized authority before?

Mr. EVARTS. No doubt. I suppose Wheaton or Lawrence has been in the hands of our ministers, and should be; but we have no such book as this, because no such book is in existence. This is not a book of international law, but it is a history of the international action of our Government in its dealing with foreign nations both in the direct form of diplomatic affairs and in our conventions for the settlement of disputes from time to time.

Mr. BUTLER. I understand, if the Senator from New York will pardon me, that the book when printed will be the property of the Government.

Mr. EVARTS. Entirely.

Mr. VAN WYCK. Neither volume is printed yet, I understand.

Mr. BUTLER. No, sir.

Mr. VAN WYCK. Is the first volume prepared?

Mr. EVARTS. One volume, as I imagine, is ready to go into the press.

Mr. VAN WYCK. When was that prepared? Was it prepared before Mr. Wharton came into the State Department?

Mr. EVARTS. I do not know how much he has done since.

Mr. VAN WYCK. Then for the second volume of course he will be continued as editor while he is Assistant Secretary of State.

Mr. EVARTS. As I have stated, if the Senator from Nebraska will do me the honor to attend to what I say, the work can not be done by any one, as I consider, who has not proper access to the archives of the Government.

Mr. DAWES. If it is done at all, it must be done in this way.

Mr. EVARTS. If it is done at all, it is to be done in this way, and it can not be done unless a qualified officer in the employment of the Government can do it.

Mr. VAN WYCK. I understand, if I am correct, that the idea of the publication of this digest did not spring from any branch of the Government in the first place.

Mr. EVARTS. It sprang from the State Department entirely.

Mr. VAN WYCK. When this was first mentioned, if I recollect aright, it was that this was an enterprise on the part of Mr. Wharton, the same as any other enterprising lawyer would make a digest of certain branches of the law; that it was a project on the part of Mr. Wharton to prepare this digest for publication, and in order to increase the revenue, or the certainty of its becoming a success, it was thought best that the Government should subscribe for so many volumes. That is what I understood in the first place.

Mr. EVARTS. The original form was of acquiring the book by the Government at a fixed purchase. An objection was raised. The Senator will remember perhaps that the Senator from Kansas and the Senator from Illinois and those more familiar with the rules and regulations and the government of printing had some objections. All those objections have been met. This is now a printing by the Government of a work under the inspiration of the State Department and its recommendation, and Mr. Wharton's only relation to the subject is that he shall receive from the Government so much for the work as these committees of the two Houses shall determine.

Mr. VAN WYCK. I was only asking in that view of the question to show the necessity for the work as a public service. I suppose the idea, as I explained before, originated with Mr. Wharton; that Mr. Wharton, being a distinguished and celebrated lawyer, felt a pride to form a digest, and that primarily it started there; and in order to strengthen the publication and make it a success it was proposed that the Government should do this work after it had been started. That is what I understood.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Nebraska to the rule under which the Senate is proceeding, that debate is limited to five minutes and only one speech by each Senator.

Mr. VAN WYCK. That means, I suppose, that other Senators have not occupied any time. I think other Senators have used up the time. I was only desiring to ascertain what the facts of the case were.

Mr. EVARTS. Let us have it disposed of.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate joint resolution No. 58 will be indefinitely postponed if there be no objection. The Chair hears none.

POSTAGE ON FOURTH-CLASS MATTER.

The bill (S. 1079) to regulate the rate of postage on fourth-class matter was announced as next in order on the Calendar.

Mr. WILSON, of Iowa. I object to the bill.

The PRESIDING OFFICER. Objection being made, the bill will go over.

ESTATE OF RUDOLPH LESCHOT.

The bill (S. 2101) for the relief of Edward G. Thompson, administrator *de bonis non* of the estate of Rudolph Leschot, deceased, was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. The bill will go over under objection.

EIGHT-HOUR LAW.

The bill (S. 1884) providing for the adjustment of accounts of laborers, workmen, and mechanics, arising under the eight-hour law, was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. The bill will go over under objection.

Mr. MAHONE. I hope the Senator from Missouri will not object to the consideration of that bill.

Mr. COCKRELL. We can not consider it under the five-minute rule.

The PRESIDING OFFICER. Under the rule the bill will go over, objection being made.

Mr. BLAIR. It is understood that it loses nothing.

The PRESIDING OFFICER. It goes over without prejudice.

JOHN FLETCHER.

The bill (S. 130) for the relief of John Fletcher was considered as in Committee of the Whole. It proposes to pay to John Fletcher, out of any money that may hereafter be appropriated for the use of the Cheyenne and Arapaho Indians, $3,450, for loss of cattle, while in the employment of the Government of the United States, in the year 1870, by the Cheyenne and Arapaho Indians.

The bill was reported to the Senate without amendment.

Mr. LOGAN. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report, submitted by Mr. HARRISON, from the Committee on Indian Affairs, April 13, 1886.

Mr. MCMILLAN. That is a long report; perhaps the Senator from Indiana [Mr. HARRISON] who made the report can explain the bill more briefly than by reading the entire report.

Mr. HARRISON. I do not know that I can. It is a case where in the delivery of beef by a contractor for the Government the cattle were seized by these Indians. At that time there was a law in force, as I understand, which gave indemnity out of their appropriations in the case of such seizure.

Mr. LOGAN. Does the bill provide for indemnity?

Mr. HARRISON. It says it shall be paid out of any appropriation made for these Indians.

Mr. LOGAN. It is all right then.

Mr. DOLPH. When did the depredation occur?

Mr. HARRISON. It was in November, 1870.

Mr. DAWES. I should like to hear the provision of the bill read which provides that it shall be taken out of any money appropriated.

The PRESIDING OFFICER. The bill will be again read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and required to pay to John Fletcher, out of any money that may hereafter be appropriated for the use of the Cheyenne and Arapaho Indians, $3,450, for loss of cattle, while in the employment of the Government of the United States, in the year 1870, by the Cheyenne and Arapaho Indians.

Mr. EDMUNDS. That is an appropriation out of the Treasury merely.

Mr. DAWES. That is all proper enough. It will only add to the Indian appropriation bill so much money.

Mr. EDMUNDS. That is all there is to it.

Mr. DAWES. They have no funds.

Mr. HARRISON. Does the Senator from Massachusetts object to the consideration of the bill?

Mr. DAWES. No; the appropriation might be just as well expressed in the bill.

Mr. EDMUNDS. I should like to hear that explained a little more.

Mr. DAWES. I think it is right that the bill should pass and that the money should be paid; but I simply say that it is idle to charge it over to Indians who have got nothing to charge it against.

Mr. HARRISON. This is to be paid out of any money that may hereafter be appropriated.

Mr. EDMUNDS. I know, but it is merely appropriated from the Treasury. There is no Indian money.

Mr. HARRISON. It may be that there is an appropriation.

Mr. DAWES. I remember the case very well. The money is properly due, but there are no treaty funds that are liable to pay it, and it must come out of the general appropriations.

Mr. DOLPH. I should like to ask the Senator from Massachusetts if this money is any more due to this claimant than the money that has been recommended for payment to the forty-five hundred other claimants for Indian depredations? I am not objecting to the bill; I think it is right and that the money ought to be paid, but I should like to know why this is to be made an exception and the other bills to pay such claims are not reported which have gone to the Committee on Indian Affairs.

Mr. DAWES. I did not report the bill. So far as I have by very diligent inquiry in committee examined the claims which have been referred to it, this claim is not any more meritorious than some but a good deal more meritorious than others. Just which ones of the list that is now before the committee it is more meritorious than, or which ones it is less meritorious than, I do not know; but that it is a meritorious claim I am quite satisfied.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF LUCIEN GOYAUX.

The bill (S. 567) for the relief of the estate of Lucien Goyaux was considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to hear the report read.

The Chief Clerk read the report, submitted by Mr. SPOONER April 13, 1886, as follows:

The Committee on Claims, to whom was referred the bill (S. 567) for the relief of the estate of Lucien Goyaux, have had the same under consideration, and respectfully report:

This committee reported favorably a bill, of which bill S. 567 is a copy, at the first session of the Forty-seventh Congress, and also at the first session of the Forty-eighth Congress, at which last-named session the bill passed the Senate.

The committee adopt the report submitted through Senator CAMERON at the Forty-eighth session, which was as follows:

"In August, 1862, Lucien Goyaux resided at Baton Rouge, La., and was engaged in the business of manufacturing and selling saddles, harness, and other goods usually kept in establishments of that kind. Col. Halbert E. Paine, colonel of the Fourth Wisconsin Infantry, was at that time in command at Baton Rouge. Soon after the battle of August 5, 1862, at Baton Rouge, Col. Halbert E. Paine, by Special Order No. 5, 1862, directed Maj. Frederick Frye, of the Ninth Connecticut Infantry, to collect horses and equipments to mount patrols detailed from the different regiments, and to take possession of such property as was necessary for that purpose and for the supplying of ambulances and transportation teams.

Under and in pursuance of said order, Major Frye, on the 12th of August, 1862, took possession of Mr. Goyaux's store and his stock of saddles, harness, &c., contained therein.

On the 6th of October, 1862, a board of survey, constituted under Special Order No. 45, of the Department of the Government of the Gulf, consisting of Col. H. E. Paine, Fourth Wisconsin Volunteers; Lieut. Col. O. W. Lull, Eighth New Hampshire Volunteers, and Capt. William Roy, Twenty-first Indiana Volunteers, was appointed by order of General W. T. Sherman, and directed to assemble at Camp Parapet on Thursday, October 6, 1862, at 10 o'clock a. m., to take proof, appraise, and report upon the stock of harness, &c., belonging to L. Goyaux, alleged to have been taken for the use of the forces of the United States by order of the commanding officer. This board assembled pursuant to the order, and on the 4th of January, 1863, reported to the commanding general that they had attended to the duty assigned them, and had taken all the testimony offered by the claimant, Goyaux, as well as the testimony produced upon the part of the United States, and that it appeared from such testimony that Goyaux was the owner of the stock of goods, and that he was loyal to the United States, and they recommend the payment of $1,845, the value of the goods taken and used by the Army. This allowance was approved by Brig. Gen. W. T. Sherman, commanding.

Subsequently, on the 6th of March, 1863, the matter was again investigated by a court of inquiry under Special Order No. 6. This court recommended that the claimant should be paid the sum of $1,545.

The following are the items allowed the claimant by the two boards:

11 sets of harness	$330 00
30 saddles	400 00
72 bridles, girths, and surcingles	150 00
150 whips	100 00
Saddlery hardware	250 00
13 saddlebags	50 00
51 collars	75 00
1 wagon	60 00
1 dray	60 00
3 bales of moss, taken and used for hospital purposes	50 00
Total	1,545 00

In 1863 Goyaux presented his claim to the War Department for payment. It was investigated, and on the 23d of September, 1863, Chauncey Smith, the Solicitor of the War Department, made a decision thereon. He states as follows:

"Upon the claim of Lucien Goyaux I have the honor to report that in my opinion the loyalty of the claimant is fully established, and that he is justly entitled to a part, if not the whole, of the claim, but there is no appropriation out of which he can be paid by the Department."

Goyaux died November 20, 1871. He was a native of France, and it appears that his widow and children did not know that he had ever become a citizen of the United States. The widow and children of Goyaux caused the claim to be presented to the French and American Claims Commission, but upon investigation it was discovered that Goyaux had become a naturalized citizen of the United States in 1857, and, consequently, he being an American citizen, the French and American Claims Commission could not adjudicate the claim. The claim was cognizable before the Southern Claims Commission, but Goyaux died a few months after this commission was established, and it is satisfactorily shown that his legal representatives had no knowledge whatever that the claim could be considered by the Southern Claims Commission until long after that commission expired by limitation of law.

The original claimant, Goyaux, was diligent in asserting his claim.

We are satisfied that the property hereinbefore described was taken pursuant to the order of Colonel Paine, the commanding officer; that it was adapted to the use of the Army, and that it was actually used by the Army. We are also satisfied that it was of the value of $1,545.

We therefore report back said bill, and recommend that it do pass.

There is no sufficient evidence upon which the committee is warranted in assuming that the persons named in the bill sustain the relation to the deceased claimant therein indicated, and the committee think therefore that the appropriation should be made to the legal representatives of Lucien Goyaux, deceased, rather than to specific persons. The committee therefore recommend that the bill be amended by striking out the words "Julia Enclin, as the widow, and with François Enclin and Leon Helvin, as the tutrix of Emma Goyaux, minor child," where they occur in the fourth, fifth, and sixth lines of the printed bill, and inserting in lieu thereof the words "the legal representative," and by inserting after the word "Goyaux," where the same occurs in the sixth line of said bill, the word "deceased," and that when so amended the bill do pass.

Mr. EDMUNDS. What I wish to say is that we had a Southern claims commission, which confessedly had jurisdiction of this species of claim, and which existed for many years, and the time for the presentation of claims there, I think, was also extended, though I do not remember about the particulars.

The objection I have to this bill is not on the merit of what the committee find, for if they are correct in their facts the case would have been a meritorious one; but the difference between this claimant and the people who did go before that commission is that the claimant is heard here on *ex parte* testimony without the capacity to cross-examine witnesses or go into any judicial investigation. That is escaped by the circumstance stated that these people did not go before the commission, and they did not go because they did not know about it. They were bound in point of law, as this claimant was a citizen of the United States, to know that Congress by public law had provided a public tribunal where the rightfulness of such a claim could be established in a judicial way and the interests of the Treasury protected by the cross-examination of witnesses upon all material points.

I think it is extremely dangerous to do this sort of thing, I am bound to confess to my friend from Wisconsin who reported this particular bill, and we have been led into doing this same sort of thing before this time. But I only wished to put in my own, as I know, perfectly ineffectual protest against opening up cases which that commission could have tried.

The PRESIDING OFFICER. Does the Chair understand the Senator from Vermont to object to the consideration of the bill?

Mr. EDMUNDS. Oh, no; I merely state my objection to the bill; I do not object to its consideration.

The PRESIDING OFFICER. The bill was reported from the Committee on Claims with amendments, which will be stated.

The CHIEF CLERK. In line 4, after the second word, "to," the committee report to strike out all down to and including the word "child," in line 6, as follows:

Julia Enclin, as the widow, and, with François Enclin and Leon Helvin, as the tutrix of Emma Goyaux, minor child.

And to insert the words "the legal representative;" and after the word "Goyaux," in line 6, to insert the word "deceased;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to the legal representative of Lucien Goyaux, deceased, the sum of $1,545, out of any money in the Treasury not otherwise appropriated; the same being for hospital stores, vehicles, harness, and saddlery taken from said Lucien Goyaux, deceased, at Baton Rouge, La., for the use of the United States Army, during the war of 1861.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. GAMBLE.

The bill (S. 505) for the relief of William J. Gamble was considered as in Committee of the Whole. It proposes to pay to William J. Gamble, late of Company K, Second Arkansas Cavalry, $125, in payment for running-gear of a six-horse wagon furnished by him and used by the United States Army.

Mr. EDMUNDS. Let us hear the report.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. MITCHELL, of Oregon, April 13, 1886:

The Committee on Claims, to which was referred the bill (S. 505) for the relief

of William J. Gamble, having had the same under consideration, beg respectfully to submit the following report:

This claim is based on the following certificate, which is on file in the Third Auditor's Office, to wit:

LA GRANGE, TENN., *August* 11, 1863.

This is to certify that the running-gear of a six-horse wagon belonging to W. J. Gamble, private of Second Arkansas Cavalry, was taken to replace the running-gear of one Government wagon broken down, unable to travel. Said Government wagon was in the possession of Capt. R. B. Owen, assistant quartermaster, Springfield, Mo., on the march from Northeast Arkansas to Springfield, Mo., under the command of Col. J. E. Phelps, Second Arkansas Cavalry.

GEORGE MORLEY,
Lieutenant, Assistant Quartermaster Second Arkansas Cavalry.

Witness to the above:

JOHN E. PHELPS,
Second Arkansas Cavalry.

The above certificate is the whole case.

The proofs show in addition that said wagon was taken from claimant as above, for the use of the United States Army and used by the United States Army, about the 25th of May, 1864, in Carroll County, in the State of Arkansas. It was a new six-horse wagon, in good running order, and was well worth $125, and claimant had given that price for it a short time before it was taken.

The only question that can possibly arise in the case is, Why did he not present his claim to the Southern Claims Commission, or some other tribunal having jurisdiction of the case? The answer is, that he and his attorneys, relying upon the long-established practice of the Third Auditor's Office of paying all vouchers regular in form on presentation at the Treasury Department, did not present the claim to the Southern Claims Commission, as might perhaps have been done.

On October 8, 1874, the voucher was presented to the Treasury Department for payment. The Second Comptroller says, in disallowing the claim, October 6, 1875, "It should have been presented under the act of July 4, 1864." Acting on this suggestion the claimant then presented his claim under that act, but the Third Auditor, in a letter of December 29, 1879, refused to allow the claim to be considered under that act, saying, "The claim does not come within the act of July 4, 1864."

By these decisions, contradictory of each other, and agreeing only in rejecting the claim on technical grounds, the claimant is left wholly remediless, unless Congress will grant relief.

The case presents a strong instance of an appropriation of private property for public use. It was taken to replace the running-gear of a Government wagon broken down, unable to travel. The facts are certified by Lieutenant Morley, quartermaster of the regiment, and Colonel Phelps commanding officer of the regiment. The claimant's loyalty can not be doubted. The papers are on file in the office of the Third Auditor of the Treasury, his claim being No. 35250. Therefore, your committee report back the bill and recommend its passage.

Mr. EDMUNDS. This is the same sort of thing like the last case, where the evil of not having a judicial investigation as to the loyalty of the claimant, &c., is manifest enough; but I suppose it is perfectly useless to try to stop the passage of such a bill. I only want to put in my protest against it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONTANA TERRITORIAL COURTS.

The bill (S. 503) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts in said Territory, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was in section 1, line 3, after the word "that," to insert "hereafter;" in line 5, after the word "justices," to strike out the word "and;" and in the same line, after the word "quorum," to strike out the word "and;" so as to read:

That hereafter the supreme court of the Territory of Montana shall consist of a chief-justice and three associate justices, three of whom shall constitute a quorum; they shall hold their offices for four years, and until their successors are appointed and qualified; they shall hold a term annually at the seat of government of said Territory.

The amendment was agreed to.

The next amendmendment was, in section 2, line 5, after the word "law," to strike out the remainder of the section in the following words:

And each judge, after assignment, shall reside in the district to which he is assigned.

So as to make the section read:

That said Territory shall be divided into four judicial districts, and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law.

The amendment was agreed to.

The next amendment was to add as an additional section:

SEC. 3. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLLISION SUITS AGAINST THE UNITED STATES.

The bill (S. 4) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with an amendment, to strike out all after the enacting clause and insert:

That the owner or owners of any American ship or vessel engaged in or belonging to the United States merchant-marine service, and the owners or underwriters of the cargoes laden thereon, and the owners or underwriters of any property on board thereof, may, and they are hereby authorized and empowered to, sue the United States in any United States district court in which the parties so suing, or any of them, may reside, sitting as a court of admiralty and acting under the rules governing such courts, for any damage, loss, or injury to such ship or vessel, or her owner or owners, or to the owners or underwriters of any cargo laden thereon, or of any property on board thereof, arising from or attributable to the mismanagement of any vessel owned by the United States, or to the negligence or want of skill of those in charge thereof, by collision; and the said district court is hereby authorized to enter a judgment or decree for the amount of such injury, loss, or damage, if any shall be found due, against the United States, in favor of such owners or underwriters, upon the same principles and measure of liability, with costs, as in like cases in the admiralty between private parties, and with the same rights of appeal that now exist by law in civil cases in which the United States are a party: *Provided, however*, That this act shall not extend to cases occurring prior to the passage hereof, nor in any case shall any such suit be brought more than six years after the collision shall have occurred.

SEC. 2. That the process or procedure by which such suits may or can be brought, and service on or notice to the United States or its officers shall be made or given, may be regulated by courts of admiralty by rules or orders made therein; and it shall be the duty of the Attorney-General of the United States to cause the United States attorney in each district to appear for and defend the United States in any such suit brought in his district.

Mr. COCKRELL. I should like to know why these parties shall have the right to sue the United States and nobody else shall have it? Why shall these particular persons have the right of bringing suits against the United States when other citizens, engaged in other occupations, enjoy no such right or privilege?

Mr. EVARTS. The reason, in the judgment of the Judiciary Committee, after a very careful examination of it, was this: The ordinary rules of admiralty law and the processes for investigating the facts concerning collisions at sea are of a special character; and an ascertainment of the liability of the offending vessel and the measure of that liability can not be properly gauged except through the investigations of an admiralty court.

Claims are made not with very great frequency, because the occurrence of injury by collision with our vessels is not frequent; but when such cases do occur under circumstances that the injured vessel-owners and owners of cargoes feel that by the rules of admiralty they are entitled to indemnity they apply to Congress for examination, as in other claims. The investigation by Congress in any of its Committees of Claims is not easily manageable to get at the truth.

The English Government, pursuing the general principles we have, that that government is not suable at law, has opened its admiralty courts to this mode of investigation for ascertaining and settling the liability of offending vessels of the Government for injuries by collision.

This, as Senators will perceive, has no relation to any other subject than that, that for collisions and indemnity in consequence thereof the investigation by the admiralty courts shall be opened in the ordinary judicial course of proceeding, with proper defense by the United States and with appeals to the Supreme Court of the United States. The committee has had, I think, no difficulty in coming to the conclusion that this was the proper mode of determining whether the Government should or should not be liable, and that the Claims Committees were more than in almost any other class of cases unable properly to deal with such questions. It is not a subject that can properly be determined by the Court of Claims. It was thought that the regular admiralty courts of the country should simply follow the existing law by saying the investigation shall be made in these maritime cases of injury at sea through the ordinary courts having cognizance and having the means of ascertaining the truth.

Mr. MCMILLAN. I should like to ask the Senator from New York if this bill does not create a new liability on the part of the Government of the United States? Does it not create a liability on the part of the Government for the negligence of its officers, and is this principle not a new one to be incorporated in the law of the United States?

Mr. EVARTS. It is not a change of the principle, but only a change of the tribunal for determining. Of course if the question whether the Government should be responsible for an injury by collision is held in the two Houses of Congress and their committees, they are masters of that question, submitting themselves to no general rule of liability. Unquestionably this is a provision for a particular condition and to meet a particular mischief. It is a condition of limited extent and an exposure of infrequent occurrence. But I think none will doubt that where the Government vessels have run down at sea and sacrificed property of private owners, of our citizens, where the delinquency has been such as should make private owners of the offending vessel liable, the Government ought to be liable and it must take its recourse of punishment or of restriction in regard to the officers who have led it into this liability. Nor has this Government in the Houses of Congress refused to examine and look into and provide indemnity for cases that are thus held by the Claims Committees.

In a few words, this subject can not be as properly investigated by the Court of Claims, or near as well, as by the admiralty courts. They are always difficult subjects between private parties, and between the Government and the private sufferers, our citizens, it is a difficult inquiry. Under this bill the Attorney-General will direct the United States attorney to defend the Government; the judge is an experienced admiralty judge; there is no prejudice of feeling on the part of jurors, as some-

times arises, by which a suit against the Government may be less carefully regarded than if it were between private parties. If it is an admitted principle that we ought to listen to injuries of this kind, and if they are rightfully administerable by redress, then this is the mode by which the Government can best protect itself against being held on improper principles and without adequate investigation.

Mr. MCMILLAN. Mr. President, under existing law I do not understand that any liability exists on the part of the Government of the United States for the negligence or wrongdoing of any officer of this Government, and I do not believe that any principle should be incorporated into the law bringing about such a result as that. That would be a wrong for which the officer himself would be liable; but the Government of the United States ought not to be required to select officers who would in no case be guilty of negligence; and if they are guilty of negligence the Government should not be responsible for them in civil damages. She can dismiss from her service and by penalties prescribed punish officers who are guilty of negligence in her service; but to make the Treasury of the United States responsible in damages for the negligence of the multitudes of persons who are called into the service of the United States is introducing a principle which will lead, it seems to me, to very dangerous results.

There never has been, so far as I am advised, more than one case in which Congress has recognized the liability of the Government for the negligence of any officer by which a collision may have occurred, and in that case I was not in favor of it and I never shall vote for a measure of the kind.

The Treasury of the United States has responsibilities enough. The Government is required to exercise care and supervision in the selection of her officers, and when she does that, she does all that the Government should be required to do, and the people of this country should not be burdened with the taxation which follows from making these private claims all chargeable to the General Government.

I do not feel disposed to object to the consideration of this bill at present. Let the Senate act upon it as it sees proper, but, for one, I shall be recorded against such a principle as is incorporated in this bill. So far as the mere selection of the tribunal for the determination of claims is concerned, I have no objection to that; but to the principle of the bill I object, and certainly shall oppose it.

Mr. DOLPH. Mr. President——

Mr. COCKRELL. I do not think this bill can pass under the five-minute rule. I therefore ask that it be passed over.

The PRESIDING OFFICER. The bill will go over under objection.

NATHANIEL AND DONALD M'KAY.

The bill (S. 1477) for the relief of Nathaniel McKay and the executors of Donald McKay was considered as in Committee of the Whole. It provides that the claims of Nathaniel McKay and the executors of Donald McKay for further compensation for the construction of the iron-clad monitors Squando and Nauset and the side-wheel steamer Ashuelot may be submitted by the claimants, within six months, to the Court of Claims, under and in compliance with the rules and regulations of the court; and the court shall have jurisdiction to hear and determine and render judgment upon the basis laid down in detail in the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The next business in order on the Calendar was the resolution submitted by Mr. RIDDLEBERGER, April 12, 1886, in relation to the consideration of business in open session.

Mr. HARRIS. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

THOMAS H. NORTON AND JAMES M'LEAN.

The bill (S. 1256) for the relief of Thomas H. Norton and James McLean was considered as in Committee of the Whole. It appropriates $3,200 to pay Thomas H. Norton and James McLean the excess paid by them on coal entry numbered 1 at Del Norte land office, Colorado, July 10, 1882.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PIROMIS H. BELL AND OTHERS.

The bill (S. 1876) for the relief of Piromis H. Bell, administrator of Marcus A. Bell, deceased, and others, was considered as in Committee of the Whole.

The Committee on Claims reported an amendment, to strike out line 17, as follows:

To Mrs. M. E. Hagan, $105.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the following-named persons, or to their legal representatives, the following amounts due on their contracts with the United States, as appears by certified accounts on file in the Treasury Department:

To Piromis H. Bell, administrator of the estate of Marcus A. Bell, $120.
To H. C. Shaphard, $844.80.
To James H. Burgess, $300.
To the estate of James M. Gee, $114.
To Mrs. Penelope Rawlings, $45.

And the said sums shall be in full of all claims or demands arising under the said contracts against the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. WYMORE.

The bill (S. 586) for the relief of William H. Wymore was announced as next in order.

Mr. COCKRELL. Let that be passed by. It is reported adversely.

The PRESIDING OFFICER. The bill will be passed over.

MRS. HENRIETTA H. COLE.

The bill (S. 380) for the relief of Mrs. Henrietta H. Cole was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

METROPOLITAN RAILROAD COMPANY.

The bill (S. 851) to amend the charter of the Metropolitan Railroad Company was considered as in Committee of the Whole.

Mr. HARRIS. I ask that the amendments to that bill be acted on as they are reached in the reading of the bill.

The PRESIDENT *pro tempore*. If there be no objection, the amendments will be considered as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on the District of Columbia was, in section 1, line 6, after the word "single," to strike out "or double;" in line 13, after the word "railway," to insert "by a single or double track;" and after the word "avenue," in line 17, to insert "instead of along Ninth street east; and so much of all acts authorizing the use of said Ninth street for street-railroad purposes is hereby repealed."

So as to make the first section read:

That the act to incorporate the Metropolitan Railroad Company in the District of Columbia, approved July 1, 1864, be, and the same is hereby, amended so as to authorize the said company to lay a single-track railroad, and run its cars thereon, from its present line at the intersection of Four-and-a-half and O streets south along said O street to Water street, and thence northerly along Water street to M street, thence eastward along M street until it shall intercept the present railway of the said company on Four-and-a-half street; and the said company shall also have the privilege of extending its railway, by a single or double track, and running cars thereon, along East Capitol street from Ninth street east, its present terminus, to Eleventh street (Lincoln Square), and thence southward along said Eleventh street until it shall intercept Virginia avenue, instead of along Ninth street east; and so much of all acts authorizing the use of said Ninth street for street-railroad purposes is hereby repealed.

The amendment was agreed to.

The next amendment was, at the end of section 1, to insert the following additional proviso:

And provided further, That said company shall so far comply with the requirements of section 9 of an act to incorporate the Connecticut Avenue and Park Railway Company in the District of Columbia, approved July 13, 1868, as to run at least every fourth car northwestwardly bound through to Boundary street via Connecticut avenue, and as much oftener as in the judgment of the commissioners of the District of Columbia the public convenience shall hereafter require: *And provided further*, That all of the cars which do not run through to Boundary street shall run through Georgetown to the end of the company's line.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street-railway, the relative condition of the chartered rights of each may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party, and on such notice to the other party as the court may order.

And in lieu thereof to insert:

SEC. 2. That whenever the track extension herein authorized coincides with the route of any other duly incorporated street-railroad company, except on Water street and M street southwest, but one set of tracks shall be used by the companies in interest, which are hereby authorized and empowered to use such tracks in common upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms upon which the company herein specified shall be entitled so to use and enjoy the track of such other street-railroad company, and the amount and manner of compensation to be paid therefor.

Mr. MCPHERSON. I should like to hear that part of the bill which authorizes new streets to be occupied by this company again read.

Mr. HARRIS. Unless we have the map of the District, or certainly of this city, which has all the street-railroads laid down upon it, it will be difficult to understand this; but I will state in general terms that no additional line has been authorized except where the public necessity demands it, according to the views of the residents in the particular localities and where existing lines of railroad are remote. None of the existing lines verge near the new lines authorized to be run; but here and there a connecting link may be authorized. The bill describes the present streets that are to be occupied by the line, if the Senator chooses to have it reread.

Mr. McPHERSON. I only wanted to have that portion read which prescribes the new streets to be occupied, and that I understand to be included in the amendment offered by the committee. I do not ask for the entire rereading of the whole bill.

Mr. DAWES. Is not this a good bill to go over?

Mr. HARRIS. I do not think so. The chairman of the committee and myself and all the committee are very well satisfied with it.

Mr. DAWES. If the Senator will only tell us where the new road will go, it will be a great relief.

Mr. HARRIS. The bill itself names the streets, and in the committee-room we have a map by which the Senator may see the precise locality of every new line of road.

Mr. DAWES. The Senator from Tennessee sees that it would not be safe for me to go out into the committee-room. The bill would be passed in the mean while.

Mr. HARRIS. Of course.

Mr. DAWES. I think the only safe way for me is to object to the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

OBSTRUCTIVE DEPOSITS IN NEW YORK HARBOR.

The bill (S. 2157) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith, was announced as next in order.

Mr. McMILLAN. It will require more time than the five-minute rule gives to debate that bill, and I think it had better go over. There are some matters pending in the Committee on Commerce which will, perhaps, require that the bill should have further consideration.

The PRESIDENT *pro tempore*. The bill will be passed over.

W. H. WARD.

The bill (S. 2158) for the relief of W. H. Ward was announced as next in order.

Mr. McPHERSON. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

INQUESTS UNDER NATIONAL AUTHORITY.

The bill (S. 2171) to provide for inquests under national authority was announced as next in order.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

W. H. WARD.

Mr. McPHERSON. I withdraw the objection to the consideration of the bill (S. 2158) for the relief of W. H. Ward. I did not understand it.

Mr. CHACE. It is not to extend a patent.

The PRESIDENT *pro tempore*. The objection being withdrawn, the bill will be again read.

The Secretary read the bill (S. 2158) for the relief of W. H. Ward, and it was considered as in Committee of the Whole.

The preamble recites that the Senate Committee on Patents of the Forty-eighth Congress, by virtue of an act of Congress approved March 3, 1883, referred to the Court of Claims the petition and claims of William Henry Ward (formerly of Auburn, N. Y., but now of Monongahela City, Pa.) against the United States for a shell-molding machine, and also for the infringement and use of his bullet-machine patents; and that two of the claims are debarred judicial consideration by the court in consequence of existing statutes, to wit, section 1069 of the Revised Statutes of the United States, limiting the time within which claims are to be prosecuted before the Court of Claims, and section 3477, relating to the assignment of claims against the United States.

The bill empowers the Court of Claims to examine all the claims of Ward set forth in his petition, nothwithstanding the sections of the Revised Statutes referred to in the preamble, and when the facts have been found by the court to report the same to the Senate Committee on Patents, as provided by the act of March 3, 1883.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

NORTHERN PACIFIC RAILROAD LANDS.

The bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The bill will go over.

ADDITIONAL LAND DISTRICTS IN DAKOTA.

The bill (S. 666) to create two additional land districts in the Territory of Dakota, and to define the boundaries of the Deadwood land district, in said Territory, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 19, after the word "land-district," to strike out the words "and the land office thereof is hereby located at Chamberlain, Brulé County, Dakota," and to insert the words "the land office for which shall be located at such place as the President may direct;" so as to make the section read:

That all that part of the Territory of Dakota bounded as follows, to wit: Commencing at the most westerly point where the Missouri River crosses the second standard parallel; thence west on said parallel to the twenty-fifth degree of longitude west from Washington; thence south on said twenty-fifth degree of longitude west from Washington to the south boundary of the Territory of Dakota; thence east along said south boundary of said Territory to the Missouri River; thence northwesterly along said river to the intersection of said river with the east boundary line of range 67 west of the fifth principal meridian; thence north along said east line of range 67 to the point of intersection of said east line of range 67 with the second standard parallel; thence west along said second standard parallel to the east bank of the Missouri River; thence up and along said river to the place of beginning, be, and is hereby, constituted a new land district; the land office for which shall be located at such place as the President may direct.

The amendment was agreed to.

The next amendment was, in section 2, line 19, after the word "land-district," to strike out the words "and the land office thereof shall be located at Pierre, Hughes County, Dakota," and to insert the words "the land office for which shall be located at such place as the President may direct;" so as to make the section read:

SEC. 2. That all that part of the Territory of Dakota bounded as follows, to wit: Commencing at the most northerly point where the Missouri River intersects the east boundary line of range 74 west of the fifth principal meridian; thence northerly along said east boundary line of said range 74 to the fourth standard parallel; thence east along the line of said fourth standard parallel to the east boundary line of range 73 west of the fifth principal meridian; thence north along said east boundary line of range 73 to the fifth standard parallel; thence west along said fifth standard parallel, and said fifth standard parallel produced, to the twenty-fifth degree of longitude west from Washington; thence south along said twenty-fifth degree of longitude west from Washington to a point where the second standard parallel produced would intersect said twenty-fifth degree of longitude; thence east along said second parallel produced to the Missouri River; thence down and along the Missouri River to the place of beginning, be, and the same is hereby, constituted a new land district; the land office for which shall be located at such place as the President may direct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NORMAN THACHER.

The bill (S. 934) making an appropriation to enable the Secretary of the Interior to settle the accounts of Norman Thacher, late a receiver of public moneys at Menasha, Wis., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, which were, in line 3, after the word "of," to strike out the words "six hundred and forty-nine dollars and sixty-five" and to insert the words "five hundred and eighty-six dollars and forty-five;" in line 9, after the word "Wisconsin," to insert the words "and as disbursing agent;" in the same line, after the word "sum," to strike out the words "four hundred and sixty-two dollars and fifty-five" and to insert the words "three hundred and ninety-nine dollars and thirty-five;" and in line 15, after the word "Thacher," to insert the words "as disbursing agent;" so as to make the bill read:

That the sum of $586.45 be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to settle the accounts of Norman Thacher, late a receiver of public moneys at the land office at Menasha, Wis., and as disbursing agent; of which sum $399.35 is hereby made applicable to the settlement of his indebtedness to the United States as receiver of public moneys, and the remaining $187.10, balance due to said Norman Thacher as disbursing agent, be paid to him in final settlement of his accounts with the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT H. MONTGOMERY.

The bill (S. 1717) for the relief of Robert H. Montgomery, a captain in the Fifth Cavalry, United States Army, was announced as next in order.

Mr. COCKRELL. Let that be passed over until the Senator from Nebraska [Mr. MANDERSON] returns.

The PRESIDENT *pro tempore*. The bill goes over.

WILLIAM H. AKINS AND JACOB D. FELTHOUSER.

The bill (S. 1803) for the relief of William H. Akins and Jacob D. Felthouser was announced as next in order.

Mr. COCKRELL. That has not been reported favorably. Let it go over.

The PRESIDENT *pro tempore* The bill will be passed over.

REPRESENTATIVES OF PETER LYLE, DECEASED.

The bill (S. 701) for the relief of the legal representatives of Peter Lyle, deceased, was announced as next in order.

Mr. LOGAN. Let us have the report in that case.

Mr. COCKRELL. It is a very long report, and introduces a new principle, to which I shall object. Let the bill go over.

The PRESIDENT *pro tempore*. The bill goes over.

ROBLEY D. EVANS AND RICHARD M. GREEN.

The bill (S. 1361) for the relief of Robley D. Evans and Richard M. Green was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with an amendment, before the word "thousand," in line 7, to strike out "forty" and insert "four," so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Robley D. Evans and Richard Mr. Green, out of any money in the United States Trersury not otherwise appropriated, the sum of $4,000 in payment in full of all demands for the past and future use by the Government of the United States of their patented invention for bending metal links in the manufacture of cable and other chain, and for which letters patent were issued to them on the 4th day of April, 1882, and numbered 256104, the Secretary of the Treasury receiving from the said Robley D. Evans and Richard M. Green a full acquittance or release to the United States for all claim or demand on account of the past or future use of said patented invention.

The amendment was agreed to.

Mr. LOGAN. I should like to inquire of some one whether these parties are connected with the Government at all.

Mr. CHACE. One of them is a naval officer, and the other is not.

Mr. LOGAN. If he is a naval officer, what right has he to pay for this?

Mr. CHACE. The other party has an equitable claim. Really, under a fair agreement, I suppose they have a claim for $40,000, but the committee reduced it to $4,000. The committee felt that as the Government had used this patent and had benefited very largely by its use——

Mr. LOGAN. What is the name of the naval officer?

Mr. CHACE. Robley D. Evans.

Mr. LOGAN. I move to strike out the name of Robley D. Evans. I have no objection to paying a person outside, but the principle was established years ago——

Mr. COCKRELL. Richard M. Green was foreman of the machine-shop.

Mr. LOGAN. Then neither one is entitled.

Mr. CHACE. He was simply an employé

The PRESIDENT *pro tempore*. Does the Senator from Illinois object to the consideration of the bill?

Mr. LOGAN. I do, if it is a fact that they are both employés of the Government. We discussed that for days years ago, and it was decided by the Senate by a very large vote that persons in the employment of the Government in the Army and Navy were not entitled to compensation for their inventions.

Mr. DAWES. The Supreme Court decided just the other way.

Mr. LOGAN. I know that; and if they want to go to the Supreme Court let them do it. I am talking about the decision of Congress.

The PRESIDENT *pro tempore*. The next case on the Calendar will be stated.

LEGAL REPRESENTATIVES OF HENRY S. FRENCH.

The bill (S. 609) for the relief of the legal representatives of Henry S. French was considered as in Committee of the Whole. It proposes to authorize the legal representatives of Henry S. French, deceased, late of Nashville, Tenn., to bring suit in the Court of Claims for the recovery of the net proceeds of 230 bales of cotton taken at Jonesborough, Ga., in September, 1864, by General William G. Le Duc, by order of General Sherman, and turned over to the Treasury agent, and by him sold and the proceeds paid into the Treasury of the United States.

Mr. LOGAN. I do not know who introduced this bill. I should like to have some explanation about it. I happened unfortunately to be at Jonesborough, and I know some little about the condition of things there, and I should like to know something about this case.

Mr. JONES, of Arkansas. There is a short report, the reading of which will occupy only a few moments.

Mr. LOGAN. Very well, let the report be read.

The Secretary read the following report, submitted by Mr. JONES, of Arkansas, April 21, 1886:

The Committee on Claims, to whom was referred the bill (S. 609) for the relief of the legal representatives of Henry S. French, have had the same under consideration, and report as follows:

From a report made in the House in the Forty-fifth Congress we quote as follows:

"That Henry S. French, of Nashville, Tenn., has for years resided in the city of Nashville; was a loyal citizen during the late rebellion; that in the fall or winter of 1861–'62 he employed one James E. Butler, of Atlanta, Ga., to purchase for him (French) a lot of cotton; that said Butler did purchase 336 bales, and stored the same in a stone warehouse in Jonesborough, in Georgia, about 20 miles distant from Atlanta, and it remained there until after the battle at and capture of Atlanta by the Union forces, about the latter part of September, 1864. The proof shows that a number of bales of this cotton was used by the Federal forces after the battle at Atlanta for hospital purposes; from 5 to 10 bales were scattered and lost, some 9 bales rotted by exposure, and 230 bales taken possession of by one Colonel Le Duc, chief quartermaster of the Twelfth Army Corps of the Army of the Cumberland, and by him shipped to Nashville, Tenn., where he (Le Duc) proves he afterward traced it.

"The claimant states that for several years he was impressed with the belief that this cotton was destroyed, and remained under that impression until after the time prescribed by law for filing his claim before the court organized for the trial of this class of cases.

"Your committee find that a claim for the cotton used for hospital stores was presented to the Southern Claims Commission, and believe that, on the facts shown, claimant should be allowed to prosecute his claim for the proceeds of the cotton alleged to have been sold for the benefit of the United States before the Court of Claims."

Under these circumstances your committee recommend that the bill do pass.

Mr. LOGAN. This cotton, if purchased as stated, was purchased in violation of law, and the man who purchased it inside the confederate lines for the purpose of sending it North for sale could have been arrested and put in prison for it; and now to come up here and ask pay for that I think is pretty cheeky. In the first place, although I am not saying that the committee is in fault for that, I do not believe the statement that the cotton was used for the purpose alleged, and I will state the reason why.

Mr. JONES, of Arkansas. You do not believe the cotton was used for what purpose?

Mr. LOGAN. Hospital purposes. I do not believe it was so used.

Mr. JONES, of Arkansas. This claim is not for that; this claim is for cotton shipped to the North and sold. The bill only provides that pay shall be given for cotton sold and the proceeds of which went into the Treasury of the United States. There is no claim here for cotton used for hospital purposes.

Mr. LOGAN. Then I misunderstood the report. If this gentleman purchased cotton in violation of law, it is a pretty thing to come here and ask the Government to pay for it. According to his own statement, if he purchased it at all he violated the law. No man could go through the lines and purchase cotton without playing between the lines. He must have been a rebel when he was down there and a Union man when he was above.

I have heard enough of this sort of thing in the Senate until to me it is perfectly disgusting for men to come in here and claim for cotton and other things that they purchased and that were taken by the United States Army, alleging that they were perfectly loyal and so on. There is no use in telling a man who was in the army on either side any such stuff as that. A man had to be loyal to our side when he was here, and loyal to the other side when he got there. He was not permitted to go over and buy and sell, as we all know.

These things are frauds on the Government, and I shall object not only to this bill but to everything like it that comes up in the Senate when I am here, for I know it is not correct, and every man on the other side who served in the confederate army knows what I say is true, that a person could not play between the lines unless he was a humbug and a hypocrite.

Mr. JONES, of Arkansas. The Senator, if I appreciate what he has said, misunderstands another fact in the case. This citizen of Nashville employed a man who lived in Georgia to buy the cotton.

Mr. LOGAN. That shows that the citizen in Nashville was playing exactly the game that I spoke of, employing men down there to violate the law to send cotton to him out of which he could make money against the regulations of the Government of the United States. It reminds me of a story which I will tell the Senator, if he will allow me. Our orders were to arrest everybody that did this; and I arrested a man once, when I was at Jackson, Tenn., in command of the western district of Tennessee, for buying cotton in violation of the law. He came to my headquarters and he said he wanted to see me privately. I said to him, "I will talk to you privately." Said he, "Well, I tole you I did buy dat cotton; dat is true; but you know them secesh are all very bad scoundrels." "Well," said I, "I do not discuss that." Said he, "Dat money vot I paid for dat cotton was all counterfeit." [Laughter.] He thought it was perfectly right to cheat those folks, to deceive them by passing counterfeit money on them, and therefore he ought to be excused for violating the law because he had defrauded the other side!

I only tell that story to show a sample of the character of the men who played this game on both sides. The man who would go down to Georgia and buy cotton for a man who was above the lines had to play that he was a confederate, and the man above the line that the cotton was bought for played that he was a Union man. I do not believe in sustaining frauds, and I denounce to-day the majority of the men who are coming here and making these claims as frauds; and you know they are, too. Every Senator on that side knows that they played a fraudulent game.

I am only saying these things to emphasize my views on this subject.

Mr. JONES, of Arkansas. I wish to call the Senator's attention to one other misapprehension of his.

The PRESIDENT *pro tempore*. The Senator from Arkansas is out of order. Does he ask unanimous consent to make a statement?

Mr. JONES, of Arkansas. Yes, sir.

Mr. LOGAN. I hope consent will be granted.

The PRESIDENT *pro tempore*. There being no objection, the Senator will proceed.

Mr. JONES, of Arkansas. At the time this citizen of Nashville authorized his agent in Georgia to purchase this cotton he was himself a resident of the Confederate States. Nashville was at that time within the confederate lines. He was, I presume, a loyal man. I believe with the Senator from Illinois that there were not a great many of those down there; and I have no more patience with this class of claims than

he has. I have no desire to pay any man who was not loyal during the war, and I have never reported such cases favorably; and the truth is that class of claims has very great difficulty in passing through my hands as a member of the Committee on Claims. But I do believe from the evidence in this case that this claimant was a loyal man; that he lived in Nashville at the time he made this purchase; that he had a right to do it, as the other man was himself a citizen of Georgia, and both were residents of the Confederate States at the time.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. LOGAN. One word, if I may be allowed by unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to proceed. The Chair hears no objection.

Mr. LOGAN. I believe if it was not for this side of the Chamber—I am sorry to have to say it but I will say it—fewer claims of men who were not entitled to them would go through the Senate than do. I am glad to say to the Senator from Arkansas that I find fewer men on the other side who agree with certain gentlemen here who do not understand matters as they stood during the war, who are pressing claims every day that you and I know are not just and ought not to be allowed. I say to you, and I am free to say, that I do not find as many men on your side of the Chamber who are so sympathetic as to give out of the Treasury of the United States every day money to persons who are not entitled to it as I find on my own side of the Chamber. I am sorry to say it.

The PRESIDENT *pro tempore*. The next bill will be stated.

PAY OF GRADUATES OF NAVAL ACADEMY.

The bill (S. 882) to equalize the pay of graduates of the Naval Academy was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The bill goes over on objection.

EDWIN A. MERRITT.

The bill (S. 1278) to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of the archives at that consulate-general, was announced as next in order.

Mr. HALE. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

AGRICULTURAL EXPERIMENT STATIONS.

The bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, was announced as next in order.

Mr. COCKRELL. The Senator from Mississippi [Mr. GEORGE], who reported that bill, is not present. Let it be passed over. It is a long bill.

SAMUEL KRAMER.

The joint resolution (S. R. 14) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States was announced as next in order.

Mr. HALE. I move that that joint resolution be recommitted to the Committee on Naval Affairs by the committee's direction.

The motion to recommit was agreed to.

THOMAS G. CORBIN.

The bill (S. 1262) for the relief of Thomas G. Corbin was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

EXEMPLIFICATIONS OF LAND PATENTS.

The bill (S. 1962) to amend section 461 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The Committee on Public Lands reported an amendment in line 10, before the word "copies," to insert "photolithographed;" so as to make the bill read:

Be it enacted, &c., That section 461 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 461. All exemplifications of patents or papers on file or of record in the General Land Office which may be required by parties interested shall be furnished by the Commissioner upon the payment by such parties at the rate of 15 cents per hundred words, and 30 cents each for photolithographed copies of township plats or diagrams, unverified, not to exceed ten copies to any one person, and 25 cents each for all copies in excess of ten, with an additional sum of $1 for the Commissioner's certificate of verification, with the General Land Office seal; and one of the employés of the office shall be designated by the Commissioner as the receiving clerk, and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner, in his discretion, may deem proper to furnish."

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear that explained how it changes the existing law.

Mr. HALE. The Senator who reported the bill [Mr. PLUMB] is not present.

Mr. COCKRELL. What is the explanation desired?

Mr. EDMUNDS. How it changes the existing law.

Mr. COCKRELL. It simply changes the amount required. There is an amount required for these plats that is out of all proportion to the cost. This simply reduces the charges for these copies to nearly what they cost.

Mr. EDMUNDS. How much per hundred words is it in the bill?

The Secretary read as follows:

At the rate of 15 cents per hundred words, and 30 cents each for copies of township plats or diagrams unverified, not to exceed ten copies to any one person, and 25 cents each for all copies in excess of ten, with an additional sum of $1 for the Commissioner's certificate of verification with the General Land Office seal.

Mr. EDMUNDS. That is enough, I should think.

Mr. COCKRELL. Fifteen cents will pay a great deal more than the expense.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DAWES. There ought to be some amendment to the title of the bill so as to indicate what it is.

Mr. COCKRELL. Add: "Regulating fees for exemplifications of land patents, and for other purposes."

The PRESIDENT *pro tempore*. That amendment to the title will be made if there be no objection.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

The bill (S. 780) to regulate appointments in the Marine-Hospital Service of the United States was announced as next in order.

Mr. GORMAN. Let that bill go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

FORT BLISS MILITARY RESERVATION.

The bill (S. 388) to grant the right of way through the Fort Bliss military reservation to the Rio Grande and El Paso Railroad Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, after the word "reservation," in line 6, to strike out "in New Mexico" and insert "Texas;" so as to make the bill read:

Be it enacted, &c., That there is hereby granted to the Rio Grande and El Paso Railroad Company right of way 100 feet wide, on such route as the Secretary of War may designate, through the Fort Bliss military reservation, Texas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I move to amend the bill by adding these words:

If said railway shall not be built across said reservation within three years next after the passage of this act this grant shall absolutely cease and determine.

That is to provide that it shall not be a perpetual grant that they can pull up on at any time as a vested right.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETH COLVIN.

The bill (S. 677) for the relief of Seth Colvin was announced as next in order.

Mr. EDMUNDS. That is reported adversely. If there is no objection, let it be indefinitely postponed without reading.

The bill was postponed indefinitely.

CHARLES W. BEEMAN.

The bill (S. 826) for the relief of Charles W. Beeman was announced as next in order.

Mr. EDMUNDS. That is an adverse report also. I move that the bill be indefinitely postponed.

The motion was agreed to.

OMAHA INDIANS IN NEBRASKA.

The bill (S. 1862) for the relief of the Omaha tribe of Indians, in the State of Nebraska, was announced as next in order.

Mr. TELLER. I should like to have that lie over. I want to look at the bill.

The PRESIDENT *pro tempore*. It will be passed over.

Mr. DAWES. I suggest to the Senator that if that passes at all it ought to go to the House before they take up Indian matters.

Mr. TELLER. From a very hasty examination of the bill I do not think it ought to pass at all in the shape in which it is presented. Neither of the Senators from Nebraska is here, and I think the bill ought to go over until to-morrow.

Mr. DAWES. Both the Senators from Nebraska are quite anxious to have it passed.

The PRESIDENT *pro tempore*. The bill will be passed over.

ABEL J. LEWIS.

The bill (H. R. 6381) granting a pension to Abel J. Lewis was announced as next in order.

The PRESIDENT *pro tempore*. The Chair is informed that the Senator from New Hampshire [Mr. BLAIR] asked that this lie over when it was reached before.

Mr. COCKRELL. Let it be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

ACCOUNTS OF EDWIN A. MERRITT.

Mr. MILLER. I was called out of the Senate for a few moments, and Order of Business 851 was passed over. There is a report in that case from the Finance Committee. I think there can be no possible objection to the bill.

The PRESIDENT *pro tempore*. It was objected to, and went over under the rule.

Mr. MILLER. I understand it was objected to because I was temporarily absent.

The PRESIDENT *pro tempore*. If there be no objection it will be again reported, but some Senator on the left of the Chair objected to it.

Mr. MILLER. There is a written report in the case, which I think will explain it satisfactorily to everybody.

Mr. TELLER. I desire to withdraw my objection to the bill (S. 1862) for the relief of the Omaha tribe of Indians, in the State of Nebraska. It is not the bill that I supposed it was. It is a bill for a different purpose, concerning the same Indians, but not the bill to which I am opposed.

The PRESIDENT *pro tempore*. The Chair will first entertain the proposition of the Senator from New York, who asks to have Senate bill No. 1278 laid before the Senate again. If there be no objection that will be done.

The bill (S. 1278) to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of the archives at that consulate-general, was considered as in Committee of the Whole. It proposes to direct the accounting officers of the Treasury to allow in the adjustment of the accounts of Edwin A. Merritt, late consul-general at London, $1,723, disbursed by him, with the approval of the Department of State, for the storage and care of the archives of the consulate-general at London, from June 24, 1883, to and including May 17, 1885.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. MILLER April 21, 1886:

The Committee on Finance, to whom was referred the bill (S. 1278) entitled "A bill to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of the archives at that consulate-general," have considered the same, and respectfully submit the following report:

That in 1883 Mr. Merritt informed the State Department that the building then occupied in London was to be torn down, and he would be obliged to move his office elsewhere, and asked authority to engage quarters at a cost not exceeding $2,400, an increase of $700. He was instructed that the appropriation was too small to admit of this increase, but prior to the receipt of this reply of the Department he was obliged to make up his mind, and he accepted the terms of certain parties at $2,400 per year; that prior to this correspondence he had asked authority of the Secretary of the Treasury to destroy the great mass of accumulated papers, and was informed that such an action would constitute a penal offense.

That the State Department, on learning the circumstances of the transaction, informed Mr. Merritt that, although the amount agreed upon was in excess of the 20 per cent. on his salary allowed by statute for rent of office, yet they would make allowance for storage rooms (separate from the consular offices) and care, made necessary by reason of accumulated archives. This amounted during the period from July 1, 1883, to May 17, 1885, to $1,723, which was allowed Mr. Merritt by the State Department in the settlement of his accounts, but was disallowed by the Comptroller of the Treasury.

Your committee, in view of the circumstances attending this case, make a favorable report, and recommend the passage of the bill.

The letter from the Secretary of State is appended:

DEPARTMENT OF STATE, *Washington, February* 17, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing a copy of Senate bill 1278, to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of the archives of that consulate-general, and requesting a statement of the facts in the case.

In compliance with your request, I have the honor to state that the records of this department show the following facts:

In his dispatch No. 169, of March 24, 1883, Mr. Merritt called attention to the necessity of moving his office, as the building then occupied was to be torn down, and, in view of the increased rents, he requested authority to engage quarters at a cost not exceeding $2,400, or an increase of $700 per annum, to be charged to the storage account. He was told in reply that the appropriation was too small to admit of such an increase.

In his dispatch No. 184, of May 29, 1883, Mr. Merritt states that previous to the receipt of this instruction he was obliged to make up his mind as to the location of new offices, and had deemed it advisable to accept the terms offered by the London and Provincial Fire Insurance Company of $2,400 per annum.

To this the Department replied, under date the 28th of June, 1883, as follows:

"The amount agreed on is in excess of the 20 per cent. on your salary allowed by statute for rent of your office; but as you have verbally explained that owing to the vast amount of accumulated archives, invoices, and other documents belonging to the office which require storage and care, it seems to be advisable and proper to make allowance for storage rooms, which are understood to be separate from the consular offices, to which the 20 per cent. clause of the statute applies."

It may be remarked here that previous to the correspondence referred to the views of the Secretary of the Treasury were requested as to the expediency of destroying the great mass of accumulated documents of ancient date and of no special value, consisting largely of invoices of goods long since shipped, and that officer replied that under the law such a course would constitute a penal offense.

Under the instruction of the Department last referred to, Mr. Merritt rendered accounts from July 1, 1883, to May 17, 1885, being seven quarters one month and seventeen days, at $229.23 per quarter, amounting to $1,723, which were approved by this Department, but disallowed by the Comptroller.

This constitutes the entire history of the transaction.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JUSTIN S. MORRILL,
Chairman of the Committee on Finance, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. RIDDLEBERGER. A resolution offered by myself was called up and passed over relating to opening the doors for the transaction of certain executive business as it is now called. It went over on an objection interposed by the Senator from Tennessee [Mr. HARRIS]. I ask now to consider that resolution notwithstanding the objection, and I ask the Senate to allow the yeas and nays to be taken on it.

The PRESIDENT *pro tempore*. The Senator from Virginia is advised that under the special order——

Mr. RIDDLEBERGER. Five minutes' debate is allowed, and I do not propose to exceed that.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order being called for, under the rules the motion of the Senator is not in order under the special rule under which the Senate is acting to-day.

Mr. RIDDLEBERGER. I did not agree to it.

The PRESIDENT *pro tempore*. Senate bill No. 1862 will be read, the Senator from Colorado having withdrawn his objection.

Mr. RIDDLEBERGER. I ask again whether the Senate can change its rules every day. I ask now whether I can not move to take up the resolution to which I have referred, and ask for the yeas and nays on it? I ask whether that requires unanimous consent? I wish to move to take up the resolution notwithstanding objection.

The PRESIDENT *pro tempore*. The Chair will have read the order, adopted by the unanimous vote of the Senate two days ago, under which the Senate is acting.

The Chief Clerk read as follows:

Ordered, That after the disposition of Senate bill No. 371, the rest of to-morrow and next day be devoted to the Calendar under the five minutes' limitation for debate and subject to objection, which objection shall operate only to pass over the case, retaining its place on the Calendar; and that no motion shall be made to proceed to the consideration of any bill where objection is made to the consideration of the same.

The PRESIDENT *pro tempore*. Under the last clause of that order the motion is not in order.

Mr. RIDDLEBERGER. May I ask whether that resolution will go over? Objection can only carry it over one day, as I understand.

The PRESIDENT *pro tempore*. This rule expires to-day, and to-morrow it will be quite in order for the Senator to make a motion to take up the resolution.

Mr. HARRIS. Before 2 o'clock.

The PRESIDENT *pro tempore*. Before 2 o'clock.

OMAHA INDIANS IN NEBRASKA.

Mr. TELLER. Now let Senate bill 1862 come up.

The bill (S. 1862) for the relief of the Omaha tribe of Indians, in the State of Nebraska, was considered as in the Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, which were, in line 10, after the word "appropriated," to insert the words "and paid per capita to said Indians;" in line 11, after the word "of," to strike out the word "ninety" and to insert the word "forty-five;" in the same line, after the word "being," to insert the words "one-half of;" and in line 15, after the word "fifty-four," to strike out the following proviso:

Provided, That said sum shall be paid per capita, in two annual payments of $45,000 each, or that the last one-half be paid in annual installments of $9,000 each, in the discretion of the Secretary of the Interior.

So as to make the bill read:

That in view of the advanced condition in civilization of the Omaha tribe of Indians, in the State of Nebraska, and to enable said tribe to further improve their condition by making improvements upon their homesteads, by the purchase of stock, cattle, agricultural implements, and other necessary articles, and in accordance with their wishes, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, and paid per capita to said Indians, the sum of $45,000, being one-half of the last nine installments of $10,000 each unappropriated, and secured to said Indians under the fourth article of their treaty dated March 16, 1854.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN D. FINCHER.

The bill (S. 1768) granting a pension to John D. Fincher was announced as next in order.

Mr. HARRIS. Let all the pension cases go over. They always get consideration when the Pension Committee wants it.

ADMIRALS ROWAN AND WORDEN.

Mr. HALE. I ask now to take up the bill that was informally laid aside, and I call the attention of the Senator from Missouri.

By unanimous consent, the bill (S. 830) for the retirement of certain officers of the Navy of the United States was considered as in Committee of the Whole.

Mr. COCKRELL. In view of the explanation of the Senator from Maine that there are only two officers to whom this applies, I think the bill should be amended so as to specify those two particular officers who are to be benefited by the provisions of the bill, so that it will not be a general law. If we pass a general law authorizing every officer of the Navy who may have received the thanks of Congress, &c., to have this privilege, we simply invite them all to come here and try to get resolutions of thanks passed by Congress. I believe that in the last six or eight years one or two such resolutions have been passed. I, therefore, ask the Senator to insert the names of these two particular officers in the bill.

Mr. HALE. I will give the names: Vice-Admiral Stephen C. Rowan and Rear-Admiral John L. Worden.

Mr. COCKRELL. Strike out "any officer of the Navy of the United States."

Mr. LOGAN. How will the bill read; that they are to be appointed on the retired-list?

Mr. HALE. That they are allowed to retire.

Mr. COCKRELL. Give the names.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed after the word "that," in line 3, to insert:

Vice-Admiral Stephen C. Rowan and Rear-Admiral John L. Worden.

Mr. LOGAN. Read the rest.

Mr. COCKRELL. "Who, upon recommendation of the President by name, has received the thanks of Congress for highly distinguished conduct in conflict with the enemy, and who has been advanced one grade in consequence thereof, may, after forty years' service."

Mr. HALE. That is right.

Mr. LOGAN. I move to strike out all that refers to receiving the thanks of Congress, and I will state the reason.

The PRESIDENT *pro tempore*. The pending amendment has not yet been acted on. The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. LOGAN. Now I move to strike out all that part which recites the fact that they have received the thanks of Congress; and if the Senator desires to hear the reason I will give it readily.

Mr. HALE. I will make no objection to that.

Mr. LOGAN. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. LOGAN. The word "has" seems to refer to the President and not to the parties. It seems to read somewhat awkwardly.

The CHIEF CLERK. In line 6, after the word "who," it is proposed to strike out the word "has" and insert the word "have."

Mr. WILSON, of Iowa. Let the bill be read as amended.

The PRESIDENT *pro tempore*. The amendment reported by the committee has not yet been acted on, and the question will be put on that.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The bill will now be read as amended.

The Chief Clerk read as follows:

That Vice-Admiral Stephen C. Rowan and Rear-Admiral John L. Worden, who, upon recommendation of the President by name, and who have been advanced one grade in consequence thereof——

Mr. HALE. I would strike out those words "and who have been advanced one grade in consequence thereof."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine to strike out those words.

The amendment was agreed to.

Mr. HALE. That simply leaves the designation of the officers, so that it will read:

That Vice-Admiral Stephen C. Rowan and Rear-Admiral John L. Worden may be retired from active service by the President.

Mr. COCKRELL. "After forty years' service."

The PRESIDENT *pro tempore*. The bill will be read as the Secretary has it amended.

The Chief Clerk read as follows:

That Vice-Admiral Stephen C. Rowan and Rear-Admiral John L. Worden may, after forty years' service, be retired from active service by the President, upon his own application, with the highest pay of the grade to which he belongs.

Mr. LOGAN. "His own application" there refers to the President. Put the word "their" instead of "his," and then probably it will read correctly.

The PRESIDENT *pro tempore*. It will be again read as now amended.

The Chief Clerk read as follows:

That Vice-Admiral Stephen C. Rowan and Rear-Admiral John L. Worden may, after forty years' service, be retired from active service by the President, upon their own application, with the highest pay of the grade to which they belong.

Mr. HALE. That is right.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I simply desire to say that I do not like the precedent set by this bill, but it is amended so that it will not become a general law, and it is a special favor to these gentlemen who were very distinguished in their service. I do not approve of the principle involved.

Mr. LOGAN. Nor do I.

JOHN M'KERNAN.

The bill (S. 1817) for the relief of John McKernan was announced as next in order.

Mr. HARRIS. That is a pension bill. Pension bills get consideration whenever that committee wants. Let it be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over and the next bill will be reported.

THOMAS A. M'LAUGHLIN.

The bill (S. 1094) for the relief of Thomas A. McLaughlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the word "of," to strike out "eight hundred and twenty-four dollars and twenty-two cents," and insert "one hundred and fifty dollars;" so as to read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas A. McLaughlin, of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $150, in full payment for extra work done in the construction of the central gate-house in the distributing-reservoir, Washington Aqueduct, and for loss of material occasioned by turning water into said reservoir before the completion of said gate-house.

The amendment was agreed to.

The bill was reported the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. CADWALLADER.

The bill (S. 2166) for the relief of John F. Cadwallader was considered as in Committee of the Whole. It proposes to pay to John F. Cadwallader $462.75 for services rendered in writing up back records of the district court of the United States for the southern district of Illinois.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE S. FISHER.

The bill (S. 1834) for the relief of George S. Fisher was announced as next in order.

Mr. HARRIS. That is adversely reported. Let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes, was considered as in Committee of the Whole.

Mr. ALLISON. I desire to offer an amendment. After line 9 of section 1 to insert:

And any dividends hereafter made in favor of the home shall be paid to the United States and covered into the Treasury.

There may be other dividends. If so, the Treasury ought to have the benefit of those dividends.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. Now, in section 2, line 2, I move to strike out the words "Treasurer of the United States" and insert "Secretary of the Treasury."

The amendment was agreed to.

Mr. HAWLEY. Can not the bill be so amended by a word or two as to dispense with that long and argumentative preamble?

Mr. ALLISON. I shall move to strike out the preamble.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALLISON. I move to strike out the preamble.

The PRESIDENT *pro tempore*. It will be necessary to insert a word or two in the bill—the name of the home.

Mr. ALLISON. I do not think there is any necessity for an amendment.

The PRESIDENT *pro tempore*. The question is on adopting the preamble.

The preamble was rejected.

SARAH E. E. PERINE.

The bill (S. 2265) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, was announced as next in order.

Mr. McMILLAN. The Senator from New Hampshire [Mr. PIKE], who makes the report in that case, is absent, and I ask that the bill go over.

The PRESIDENT *pro tempore*. The bill goes over under the rule.

PROPERTY SEIZED IN THE UTAH EXPEDITION.

The bill (S. 386) referring to the Court of Claims the claims for property seized by General Johnston in the Utah expedition was announced as next in order.

Mr. COCKRELL. I move that in lieu of that bill, but not as an amendment to it, Order of Business No. 991, House bill No. 1357, which is a similar bill, now on the Calendar, be taken up and considered.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that Order of Business 991 be substituted for the present order of business. The Chair hears no objection.

The bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims was considered as in Committee of the Whole.

Mr. COCKRELL. I move to amend the House bill now to make it in the language of the Senate bill as reported by our committee; and in order to do that I move to insert in line 4, after "property," the words "claimed to have been taken;" and then in line 7, after "expedition," to insert "as well as for property alleged to have been sold to the Government;" so that it will be in the identical language of the Senate bill as reported by our committee.

The PRESIDENT *pro tempore*. Perhaps the better way would be to move to strike out all after the enacting clause and insert the exact words of the Senate bill.

Mr. COCKRELL. Very well. I make that motion.

The PRESIDENT *pro tempore*. The words proposed to be inserted in lieu of the House bill will now be read.

The Chief Clerk read as follows:

That the claims of Joseph C. Irwin & Co. and C. A. Perry & Co., freighters, for property taken and impressed into the service of the United States in the year 1857, by orders of Col. Albert Sidney Johnston, in command of the Utah expedition, be, and the same are hereby, referred, with all the papers relating thereto, to the Court of Claims, for adjudication, on the proofs heretofore presented and such other proofs as may be adduced.

Mr. EDMUNDS. I should like to hear that explained a little.

The PRESIDENT *pro tempore*. The report will be read:

The Chief Clerk read the following report, submitted by Mr. JONES, of Arkansas, April 28, 1886:

The Committee on Claims, to whom was referred the bill (S. 286) referring to the Court of Claims the claims of Joseph C. Irwin & Co. and C. A. Perry & Co., have had the same under consideration, and report as follows:

This matter was presented to the Thirty-sixth Congress, and was favorably reported to the House and passed that body, but was not considered in the Senate. From that time it seems to have been presented for attention either in the Departments or in Congress.

Favorable reports have been made in both Houses, and favorable action has been had in the Departments, but a final settlement has never been reached. This bill has been favorably reported to the House at this session, and is now on the Calendar of that body. The facts seem to be as follows:

The claimants, C. A. Perry & Co., state that in 1857 they were merchants doing business in Salt Lake City, Utah; that on August 13, 1857, they started fifty-eight wagons drawn by oxen and five wagons drawn by mules, loaded with merchandise belonging to themselves, from Fort Leavenworth, Kans., to Salt Lake. That there were seven hundred and fifty head of cattle, thirty-seven mules, and seven horses in their train. They allege that *en route* they were overtaken, and their trains taken possession of, by General Johnston, and used for the benefit of the Army, and they claim compensation under the act of March 3, 1849.

That there was some control over this property exercised by General Johnston there seems to be no doubt, but whether it was of such a character as to amount to an impressment under said act is not clear. The transaction was a continuing one, covering two or three months of time, perhaps, and is such a case as could not be examined by this committee so as to do justice to all parties, hence they think the matter should go to the Court of Claims.

Joseph C. Irwin & Co. were freighters, and they allege that their teams and wagons were also taken possession of by General Johnston on the same expedition, and that their wagons, &c., were subsequently sold to the Government, but that they have never been remunerated either for their property impressed, as they allege, nor for the property sold to the Government.

It appears to this committee that under the circumstances of this case that it should go to the Court of Claims for adjudication.

The committee suggest that in line 4 of the printed bill, after the word "property," that the following words be inserted: "claimed to have been;" and also that in line 7, after the word, "expedition," the following be inserted: "as well as for property alleged to have been sold to the Government," and that as amended the bill pass.

Mr. EDMUNDS. Is there any report from the Secretary of War or any War Office papers from General Johnston about the impressment of this property? The occurrence was twenty-nine years ago.

Mr. JONES, of Arkansas. I did not distinctly hear the Senator from Vermont, but I will state that the report of General Johnston about this transaction was among the papers in the case. There are letters from the Department showing that there was at one time favorable action by the Department. There was quite a long correspondence by the Department relating to this case in the papers showing that when the claim was presented in 1857 it was decided favorably, but was afterward rejected on some technical ground by some officer of the Treasury Department.

The claimants came to Congress and the matter has been pending between the Senate and the House at different times, and the application of the claimants to be heard in the Court of Claims has been favorably reported by different committees of Congress and different officers of the Government. I think there is no objection to the measure from any quarter. The fullest investigation has been asked on the part of the parties. All the facts can be ascertained. The records of the Department have been placed before the committee and fully examined.

Mr. EDMUNDS. Does this bill mean that this is to be an adjudication by the Court of Claims according to its own sense of what is fair or on some general principle of law?

Mr. JONES, of Arkansas. I should suppose the court would be governed by the ordinary rules of law governing such cases.

Mr. EDMUNDS. I do not object then if the bill may be amended in that way; and I move in line 11 of Senate bill 286, if that is the one we have now under consideration, to insert after the word "adjudication" the words "according to law."

Mr. JONES, of Arkansas. I presume that would be understood as the meaning of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment of the Senator from Missouri.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Then it says, "on the proofs heretofore presented." I suppose that means the *ex parte* affidavits or statements submitted to Congress. I do not think we have ever agreed to do that sort of thing.

Mr. COCKRELL. The Senator will remember that in all these cases the evidence that had been filed in the Departments and before Congress is allowed to go before the court, and they of course give it such weight as it is deemed entitled to.

Mr. EDMUNDS. That is not allowed before the court when you authorize parties to institute suit. If it is a mere reference to the court to examine into the facts and report to Congress, then it would be proper; but this says "for adjudication." It seems to imply that they are not to report to Congress again, but merely to render a judgment against the United States, that is to be paid out of the general appropriation to pay judgments of the Court of Claims. If that be the case, then I am sure that the Senate has never consented that *ex parte* affidavits should be taken; and that seems to be the effect of this bill, that this is to be a final adjudication, not to be returned, as under the Bowman bill, to Congress. Therefore I move to strike out the words:

On the proofs heretofore presented, and such other proofs as may be adduced.

So as to leave all legitimate evidence, according to the course of that court, to be offered, and no other.

The PRESIDENT *pro tempore*. The question is on the amendment of the Sentor from Vermont [Mr. EDMUNDS] to the amendment of the Senator from Missouri [Mr. COCKRELL].

Mr. JONES, of Arkansas. This is a claim, as has just been stated by the Senator from Vermont, that has been pending for near thirty years. Of course a great deal of the proof that might have been adduced at that time is now entirely lost, and it seems to me that there will be no wrong done to the Government by allowing the court to take up and consider whatever of evidence has been presented to the Department at different times by these claimants, from the time the claim originated until to-day. It seems to me the Government can not afford to shelter itself behind a technicality and refuse simple justice to a claimant of this character. Where its own tribunal is organized for the purpose of hearing a matter like this, it appears to me there can be no wrong done the Government in allowing the court to consider the whole case and weigh all the evidence that has been accumulated from time to time as this matter has been presented to the Government. The Senator knows that many of the witnesses are doubtless dead. It will be a difficult matter for the claimants to establish by proof that would be to-day obtainable facts which might be shown by papers already in the case; and it seems to me but fair and just that the court should have the privilege of hearing and considering whatever is presented and whatever may be presented in the future.

As this clause provides for considering the case "on the proofs heretofore presented, and such other proofs as may be adduced," it seems to me there can be no wrong done the Government, and it is but a matter of simple justice to allow these claimants to be heard by the court.

Mr. EDMUNDS. That would be perfectly true if this was a mere inquiry to be returned to Congress, so that we could judge whether these *ex parte* affidavits and statements were such as to commend themselves to our impressions. But if you are going to leave this court to determine this case upon *ex parte* affidavits heretofore presented, as a court of law, and then to say that on the judgment of the court on those proofs the money is to be paid out of the Treasury, then I submit with great respect we depart from every wholesome principle that governs such cases.

General Johnston was an officer high in the Army. He understood his duties. It was by his command and under his direction that it is alleged this property was taken. If it was so taken, his reports to the Secretary of War taking up this property through his quartermasters, &c., will show the fact. If it stands merely upon the pretensions of private persons that this high officer took their property without giv-

ing any voucher for it or carrying it upon his books, he being dead, it is an extremely unsafe proposition to adopt to say that we will remit to any court to decide upon the *ex parte* statements of claimants, and without the report of officers who are said to have received this property and who are now dead, whatever *ex parte* affidavit they choose to file. If this were a mere matter of inquiry to be returned here, it would be another thing; but I do not understand the bill in that way.

If the Senate choose to turn his bill into a statement that the court shall hear this matter and then report to Congress upon all these papers how they find the facts to be, according to the principle of the Bowman bill, I have no objection; but to remit to this court the final jurisdiction to determine upon claims on papers that have been filed in the Departments is to overset the whole theory upon which we act in protecting the Treasury against unjust and stale claims.

Mr. HAWLEY. I know nothing whatever about this claim, but I avail myself of a reasonable opportunity occasionally to protest against the course of this Government in refusing to allow its citizens to bring suit against it, have their day in court within a reasonable time, and then after the lapse of ten, or fifteen, or twenty, or thirty years objecting to the nature of the evidence which the claimants bring.

Twenty-six years ago it appears, in the Thirty-sixth Congress, these claimants came before Congress with some proof which they have kept laying before us from Congress to Congress. We have put them off until now. They ask that they be allowed to go to the Court of Claims; and now we are insisting that they shall go there in strict accordance with the rules of law. At the very threshold we waive our claim to the statute of limitations if we have any as a Government, but we require that they shall put in such proofs as they could have put in perhaps at the time they first applied to Congress, but which it is obvious they can not find now in nine cases out of ten.

I am perfectly willing they shall go to the Court of Claims as they would have gone to the committees of Congress, and shall carry all their old papers, and that the Court of Claims shall report to us its opinion of the case.

Mr. EDMUNDS. That I agree to; and I withdraw my amendment, and move to add the words:

And report the same to Congress.

So that we shall get what the views of the Court of Claims are.

Mr. TELLER. This case has been before the Committee on Claims and before Congress since 1861, and I do not think there has ever been a question in the Treasury Department about the facts but a question about the law. There are two or three other cases of the same kind that have been pending. I examined these cases several years ago, and thought I could put my hands in the papers or the report I made, but I do not find it.

The fact was admitted that the Government took this property, put it into the service, and used it. That has never been disputed by anybody. General Johnston—I can not find it in the papers, but I venture to say they are on file—so certified that the property was so taken and so used. The Senator from Arkansas tells me there are letters to that effect. I remember that there were letters of that kind, but I can not put my hand on them now because I have not looked at these papers in four or five years. There were several other cases of the same kind.

The question raised in the Department was whether the taking was an impressment within the terms of the act of March 3, 1849. The Auditor held that it was. Mr. Chase held that it was not. Attorney-General Bates held that it was. Mr. Chase succeeded in convincing the Auditor that he was wrong, and the Auditor reconsidered his opinion, which, according to the authorities, commencing with the first volume of the Opinions of the Attorneys-General and running down to the present time, he could not have done legally and properly. But he took back his first decision that it was within the terms of the act of 1849, notwithstanding the opinion of the Attorney-General.

A case similar went to the Court of Claims, and the Court of Claims held that it was not within the terms of the act of 1849, and the party lost his case, not because the Government did not have his property, not that there was any question about the facts, but upon a question of law. And there is where these men will come out when the court disposes of this case. It will say that there was no impressment within the meaning of that act, and consequently the Government is not legally liable, and that it is only dealing with the legal liability of the Government.

Mr. EDMUNDS. If you have the court report the whole case with the proofs and facts to Congress, then we can see whether it is a case of equity or not.

Mr. TELLER. I am quite willing the court should report the whole case to Congress. I consider it a burning shame that the Government of the United States, declining to allow its citizens to sue it, will hold them off at arm's length, and then, upon a technicality of law, reject them on the ground that theirs is a stale claim, as the Senator from Massachusetts [Mr. HOAR] suggests. There is not a man doing business in the United States who would pursue the same course toward his fellow-men that the United States pursues toward its citizens who would not be degraded in the eyes of every honest man in the land.

I have examined one case in connection with claims of this class, and, as I said, there never has been a question of fact that the property was taken. That man has been here ever since 1861 pressing that claim, and when his claim came up four years ago I heard a Senator rise on this floor and declare that it was a stale claim and it ought to be received with a great deal of distrust, and that Senator voted against the claim without ever having looked at a paper in the case; and that is the way these claims are disposed of.

You have a Committee on Claims, a capable committee—I am not on it now—a committee that gives these cases careful consideration; and when they come here Senators who will not inform themselves upon the subject, simply because they fear that they may vote for something they ought not to vote for, vote against the claim, and thus the citizens come here year after year until it is a fact that everybody understands that hundreds of ordinary small claims are abandoned by citizens rather than present them against this great and rich Government.

I repeat that I am willing the cases shall go anywhere where the facts may be shown, so that Senators will vote for them. I am prepared to vote for them now, and every other Senator ought to be prepared to vote for them upon the report of the committee. These cases have been reported by committees both of the House and of the Senate, and if I am not mistaken have passed both branches of Congress at some time.

The PRESIDENT *pro tempore*. The Senator's time is out.

Mr. DOLPH. I wish to ask the Senator from Colorado if he is able to state from his familiarity with the facts in this case whether this property was impressed by Colonel Johnston on his march to Utah or on his retreat?

Mr. TELLER. On his march, if I recollect aright.

Mr. DOLPH. As a matter of history, according to my recollection, Brigham Young issued a proclamation warning Colonel Johnston not to enter Utah with United States troops, and the Mormons fell upon his supply train and destroyed it, and Colonel Johnston was obliged to retreat to the nearest fort, the name of which I forget.

Mr. TELLER. I think the facts will show that the property was taken on the outward trip.

Mr. EDMUNDS. That is an important consideration.

Mr. JONES, of Arkansas. The property was taken the winter before he reached Salt Lake City at the pass in the mountains on the way going toward Salt Lake City. After Brigham Young had issued his proclamation these goods were taken possession of, or rather put in General Johnston's train, and when he encamped this side of Salt Lake City the property was taken by the Government for the use of the troops in their quarters.

Mr. DOLPH. After the retreat?

Mr. JONES, of Arkansas. No, sir; it was as he was going to Salt Lake City.

Mr. DOLPH. Is the Senator able to state that the property was not captured by Mormons?

Mr. JONES, of Arkansas. No; it was never in the neighborhood of the Mormons. It was taken possession of by Colonel Johnston.

Mr. EDMUNDS. I believe I have spoken my time. I do not want to object to this bill, but I ask unanimous consent to reply for three or four minutes to my friend from Colorado.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent of the Senate to be heard. Is there objection? The Chair hears none.

Mr. EDMUNDS. I think I ought not to let this matter go even with my amendment without making a word of reply to my friend from Colorado as to the course of the Government of the United States.

I have not so poor an opinion of that Government as he seems to have. The Government has to act through its agents, and its agents are not authorized to violate the law. If any agent of the Government of the United States took property from a private citizen that he had no lawful right to take, that private citizen had an immediate remedy in the courts of law, and he could have sued General Johnston or anybody else who took his property contrary to law. If General Johnston took this property in conformity to law, by the consent of these people, and took it up on his books, or if he did not put it on his books but used it for the Army, the law provided in the appropriations for the Army in that expedition for paying for it.

It is not just therefore to deride the Government of the United States as being mean toward claimants. There is no other government in the world that has a tenth or a fiftieth or a hundredth part of our private claims, for the reason that this Government acts upon the same principle that private people do, and that is, if any man's rights are invaded he has his redress, just as he has now and always has had in this Government. If they are not invaded, and his property has been taken in conformity with law, the law provides for his being paid for it. It is only in cases where contrivances are resorted to, like counting the Indians' cattle by running them twenty times around a hill and counting them every time, so that they last longer, that trouble comes. There is a right and a wrong about this business; but I repeat that wherever there is a right the law has always provided an immediate remedy, and where there is a wrong the law has always provided that the wronged citizen may sue the wrongdoer. Here, thirty years ago, just in that Mor-

mon time—and whether these were Mormon cattle or not nobody knows—this property was taken up.

But I do not want to occupy the time. With the assent of the Senator to my suggestion that this be reported to Congress when we get all the facts examined by the Court of Claims, I shall not object to it.

Mr. TELLER. I will claim the right to say a word. ["Go on!"] The Senator from Vermont is greatly mistaken as to the law, if he is chairman of the Judiciary Committee. That is the very controversy which has been going on; was there any law for the payment, not for the taking? Of course a military officer going through the country had a right to take whatever he found that he thought was necessary for his protection. General Johnston asserted that it was necessary for the protection of his army that he should take in, and he did take in, every freighter that was going out—three, four, five, or six of them—and use their stock for the purposes of the Government to feed his soldiers and haul supplies. Upon that I say there is no question.

When the Senator says that these might have been Mormon cattle, he is doing just what I complain of—going outside of the facts and outside of the record to hunt up something to allege against a claim that is presented here in order to defeat it. There never was any question—I repeat again, with a knowledge of the facts—in the Treasury Department as to the facts. I hold in my hand the report made upon the documents submitted to the Committee on Claims when I was a member of it years ago, by which it appears that the Auditor inquired of the Attorney-General, do these acts fall within the provisions of the act of 1849, so as to make the Government liable? That is to say, it being admitted that General Johnston took this property, its value being admitted, is the Government liable so that these parties can have their pay from the Treasury Department? Attorney-General Bates said, yes. Thereupon an award was made, a matter of record, in one case of $10,500, or something in that neighborhood. Thereupon Mr. Chase said, "You have mistaken the law; the law of 1849 does not cover this case."

Mr. EDMUNDS. Let us see what the law of 1849 was.

Mr. TELLER. It does not make any difference here now what the law was. It did not cover the case. Thereupon the Auditor reconsidered his award and made an award for $750, not upon the facts—not that there was a dispute as to the facts, but that a certain portion of the property did not fall within the provisions of the law. Then these parties were sent to the Court of Claims, and the Court of Claims said they did not fall within the provisions of the law, and there they were hung up like Mohammed's coffin.

Mr. EDMUNDS. Has the Senator the opinion of the Court of Claims here?

Mr. TELLER. I have not got it here, but I have read it. I have the Auditor's report here.

Mr. EDMUNDS. The Court of Claims report will show what it was.

Mr. TELLER. It goes off on a technicality. I am speaking largely from recollection, having had but a moment to look at the case. One of the parties went into the Court of Claims, but was ousted for want of jurisdiction. So the Senator, when he says there is a way for these parties to make their claim against the Government, is mistaken. There never has been any; there is not any now; and they have appealed to Congress year after year, and they will be glad even now of an opportunity to present the facts to the Court of Claims, facts that they have presented to the Departments, and which, as I said before, have never been disputed.

Mr. EDMUNDS. Can the Senator refer me to the act of 1849?

Mr. TELLER. The act providing for payment for horses and other property. It was claimed that cattle did not fall within it.

Mr. HOAR. I have been upon the Committee on Claims, I think, during the whole of my service in the Senate, a service now extending through nearly ten years, and I wish to bear my testimony to the truth of all that has been said by the Senator from Colorado and the Senator from Connecticut.

The scandals of the English court of chancery, which have been immortalized by the genius of Dickens, do not surpass in wickedness the dealing, not of the American people but of the American Congress, with private claims against this Government. Again and again men come here year after year, Congress after Congress, with claims which when they come to be voted upon find no negative voice raised in opposition they are so clear, palpable, and just; and yet under the provisions of our rules and the rules which prevail elsewhere they are thrust over from Congress to Congress and from year to year. A committee of the Senate investigates them thoroughly, faithfully, and with every temptation to reject a claim rather than to allow it, because to reject it ends it, and to allow it imposes upon the Senator who has charge of the matter the burden of attending to and caring for its passage through the Senate. And some Senator gets up and guesses that the facts are not so or wonders if something else was not the case and makes an objection and the public business takes precedence. That is the history, as thousands of American citizens can bear witness, of claims which men prosecute from youth to age until their gray hairs go into the grave with sorrow.

The party to which I belong reproached its political antagonists a few years ago, as I thought justly, with seeking contrivances to avoid the obligation of the national debt. That national debt was protected by the straight sentiment of the great class of property-owners and creditors in this country; and the men who undertook to escape from its obligations went down before the public sentiment of the civilized world. But the arguments which were made for paying the public debt in fiat money and not in gold were respectable compared with the arguments I have again and again heard used by men in this body and seen used elsewhere in another legislative body to defeat honest and just private claims; and for one I thank the Senator from Colorado and the Senator from Connecticut for what they have said.

Mr. CAMERON. I move that the Senate adjourn.

Mr. COCKRELL. Let us dispose of this bill.

Mr. LOGAN. I should like to ask a question.

Mr. JONES, of Arkansas. I hope the motion will be withdrawn until this case is disposed of.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania withdraw his motion?

Mr. CAMERON. No, sir.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate adjourn.

The motion was not agreed to.

Mr. LOGAN. I do not wish to discuss this question, nor do I propose to oppose the bill if the claim is honest; but I desire to say one word in response to the Senator from Massachusetts, who accuses this Government of being so very dishonest. He is upon the Committee on Claims, and I should like him to tell me whether or not the report of Albert Sidney Johnston has been before that committee in reference to the taking of this property.

Mr. HOAR. I was not present when this claim was passed on by the committee.

Mr. JONES, of Arkansas. A letter from General Albert Sidney Johnston stating the facts in this case is among the papers.

Mr. HOAR. I was not speaking in regard to this case, but in regard to the general history of claims.

Mr. LOGAN. I am not objecting to this case; but there are ways of getting at cases that gentlemen on committees ought to look at somewhat before accusing other people of trying to aid the Government in being dishonest. If I was to undertake to investigate this case, the first thing that I should look for would be Albert Sidney Johnston's report, because he was in command of the troops that went to Utah and he had to make a report to the War Department of all the affairs connected with that expedition. In that report must be found a statement of all the property that he took possession of and used for the benefit of the Government, for he was an Army officer of great ability. So it is not necessary to accuse men of opposing a thing when you do not want to get at it in the proper way unless you examine the testimony yourself and find out what it is.

Mr. HOAR. Does the experience of the Senator from Illinois differ with mine in regard to a very large number of cases? He was speaking to-day about two or three cases which he had in mind where that exact thing had happened to constituents of his own.

Mr. LOGAN. I was not speaking to-day of any constituents of mine that I know of; but that does not make any difference. I am not opposing this claim, but I do not propose that it shall go before the country that I object to claims because I do not want the Government to pay its honest debts, for I do desire to do that as much as anybody. But I do object to claims coming up here nearly every day from persons who were within the lines of the confederate armies, on *ex parte* testimony to prove the loyalty of men when I know it is not true, and I object to men on our side of the Chamber being the leaders in pressing rebel claims through Congress when the men themselves will not do it. I do object to that, and I have done so several times.

I am not objecting to this; but I propose to defend my action in reference to the objection to certain claims. If this is an honest claim, if these freighters went along with General Johnston for protection, under the wing of his army, and their property was taken for the benefit of the Government, you will find the evidence in his report and in the report of the commissary and quartermaster without going outside of it; and it is the easiest matter in the world to find that evidence. I will vote for the claim to-morrow if the reports show that this property was taken and used for the benefit of the Government, and I will vote to pay whatever it is worth. But that is the way to ascertain.

Mr. TELLER. That has all been done.

Mr. LOGAN. Very well. I say if this has been done I am not objecting to the claim; but I am replying to the Senator from Massachusetts in reference to these things. Where claims are presented there is a way to get at the facts, and let the facts be gotten at in proper form and then the objection will not be made if they are facts. It is the simplest proposition in the world. If these freighters went under the wing of the Army and their property was taken and used for the Army, of course in equity they ought to be paid for it; but you will find the evidence right in the records without using *ex parte* testimony to establish the facts in reference to it.

Mr. JONES, of Arkansas. The evidence in the case is abundant.

Mr. PLUMB. I have no doubt there is some truth in what the Senator from Massachusetts has said about the injustice of the Government; but there is another side of the case that he did not say anything about.

We pass a great many claims that we ought not to pass, and when they have been passed and it comes to the attention of Congress that something of that kind has been done, it undoubtedly occasions a stricture in regard to other claims. A claim has passed this body at this session which I can refer to in a personal way—I do not desire to examine it here—coming from the Committee on Claims, which allowed $4,000 for the timber taken off 120 acres of land in the State of Tennessee during the war, and I have been told upon what I conceive to be good authority that that land was valued at about $1 an acre. Everybody knows that a price of that kind for wood which the soldiers cut themselves on land anywhere in the State of Tennessee not in proximity to a great town was a price greatly beyond what it would have been worth.

Mr. HARRIS. Will the Senator state the location of that?

Mr. HOAR. What case was it?

Mr. PLUMB. A case the Senator himself appealed to me to let pass, and which is now on the Calendar of the other House, or has gone to that House. I remember the Senator got up here, like Joshua commanding the sun to stand still, and asked me to allow that claim to pass, which was one of the claims he has been speaking of now, I suppose; but it is confessed substantially now to be a fraud.

Mr. HOAR. I wish to interpose my denial, on knowledge and belief, of the entire statement of the honorable Senator from Kansas.

Mr. PLUMB. I will furnish the RECORD to the Senator in which he got up here in a stagy kind of way, and wanted the Senate to pass over all other business and pass a certain claim, the one to which I have referred.

Mr. HARRIS. I suggest to the Senator from Kansas that he had better furnish the record as to the probable value of that land of which he speaks, because I think he will find that the statement is an entire mistake.

Mr. PLUMB. It did happen, and I will bring the RECORD to convict the Senator from Massachusetts out of his own mouth. I do not say that for the purpose of impeaching his general good judgment, or for the purpose of imputing to him anything that I would not have imputed to me, by any means. I only say that we go in that kind of a way about these claims as to come to cast discredit upon all of them. It is not because we do not pass the good claims alone, but it is because we pass the bad claims. It is because in one way and another we permit claims to go through the Senate, and urge them through, which have no foundation in fact, and by which we have, as I said, produced this stricture in regard to another class of claims. That is, in my judgment, one part of this case; and it has come to be understood, very wisely in some instances, too, that a certain amount of lobbying becomes necessary, and so we have cast a suspicion upon all our legislation in the things we do and the things we do not do.

I do not believe the United States is unjust. I do not believe there is any intention in Congress to be unjust. I do not believe that Congress is unjust. No doubt some claims do get delayed, and in nine cases out of ten it is the fault of the claimants themselves. Who shall say that a claim of this kind, for instance, which has been here ever since before the war, has been delayed on account of the fault of Congress, and not on account of the claimants themselves? Who shall say that in the case of the claim for a boat, which was presented yesterday, which has been pending here, a claim which has been in existence for twenty years, the delay in regard to it comes because Congress has not done its duty?

So far as I am concerned, I am here to object to claims I do not understand, about which I think there is any doubt; and I am no more responsible for the imputation which the Senator from Massachusetts seems to cast upon all those who object to claims which come from the Committee on Claims than he is in his action. I do not believe that either individually or collectively Congress deserves any such characterization. He knows more about the scandals of the chancery court of England than I do. No doubt he picked out the vilest example he could find in the history of all English-speaking governments in order to convict Congress, as he has done before.

Mr. HOAR. I move to strike out the last sentence of the bill.

The PRESIDENT *pro tempore*. There are two amendments pending.

Mr. HOAR. I move to strike out the last sentence of the pending amendment.

The PRESIDENT *pro tempore*. There are two amendments pending now.

Mr. HARRIS. I ask the unanimous consent of the Senate that the Senator from Massachusetts may be heard.

Mr. HOAR. I do not ask unanimous consent. ["Go on!"] What I wish to say is exactly this——

The PRESIDENT *pro tempore*. The Chair will understand that assent is given for the Senator from Massachusetts to proceed.

Mr. HOAR. I will venture to assert, with a general recollection and knowledge of the facts—and I think the recollection of the members of this body will confirm my own—that a majority of the cases which pass Congress, pass without a dissenting voice when they are reached and come up for a hearing, in either branch, are cases which are six, eight, ten, or twelve years old and which have been presented in due time by the claimants themselves, and have failed because under the rules of this body or the other body they could not get taken up for a hearing in consequence of a single objection. We have passed something like twenty or thirty bills to-day. I do not believe you will find one of them, those that were passed without a dissent in the vote, where the claimant has not been kept by our method of doing business out of justice for a long time past the ordinary statute of limitations which prevails in our States.

The Committee on Claims arrogates nothing for itself which it has not a right, which every other committee has not a right, to claim. There is certainly no lobbying there. Those cases are referred to members of the committee in order; and it is a rule of the committee that if there is any application from the party that his case be sent to a particular Senator, it shall not be sent to that Senator, so as to insure a just and fair examination. Then the reports are scrutinized by the full committee, and it is in very few cases in proportion to the whole that any other member of the committee when they meet for the full hearing has heard or known anything about the case until it comes there.

I undertake to say that the statement which the Senator from Kansas has made about a certain case which he connects with me is not a figment of the imagination. He spoke of a stagy manner. I do not know what kind of a stage he was referring to, whether a two or a four horse stage.

Mr. PLUMB. A one-horse stage.

Mr. HOAR. At any rate I presume that the Senator was expressing his judgment of somebody else, and it would take a very large term to express the judgment of the Senator.

In what I said I meant nothing personal to any particular Senator, nothing personal to the Senator from Kansas. I was saying, and I reiterate what I said, that the effect of our rules and methods of proceeding puts it into the power of single objectors to do an injustice which is unparalleled in the history of free governments.

I will venture to state one case, not perhaps the case of a legal claim, but the case of a well-founded appeal to the bounty and generosity of this Government, for which, I think, nearly every Senator voted, and that is the case of the gift to the owners of the brig General Armstrong who made the gallant defense of that brig. The son of the commander of that brig told me himself I think, at any rate I heard of it when he was here, that when he was a young man and had just studied law his father suggested to him it would be a good way to learn something about the method of doing things to take his application and bring it to Congress. The act was passed when he was an old man past three score and ten.

Mr. CALL. Mr. President, I do not wish to enter into a discussion upon the general subject of how much injury is done to claimants, but I acquiesce in the view taken of this subject by the Senator from Colorado. I regard it as a disgrace to the Government and an imputation upon every one of us that claims fail to receive prompt consideration and redress.

In every system of law it is a maxim that justice delayed is justice denied. No more perfect illustration of the extreme error of these proceedings can be found than the bill which is now proposed to be passed. It is stated by the Senator from Colorado and the Senator from Arkansas, as a matter of record there is no doubt of the fact that this property was taken for public use; that the record is to be found in the Treasury Department; that it has been so decided by the accounting officers of the Department; that it has been the subject of investigation by the Attorney-General; that the facts are all ascertained; and now it is gravely proposed to refer to the opinion of a single judge the ascertainment and verification of facts which are beyond dispute, when by every principle of justice and common sense the remedy should be to pass a bill paying the debt without a moment's delay. I venture to say that no Senator can give a reason why this case should be referred to any other authority than to Congress, with the facts all ascertained and beyond the possibility of denial, and matters of record.

No clearer illustration can be furnished of the injustice of these proceedings and of the delay that constantly attends honest claims than the fact that it is proposed now to refer the claim to a judge to ascertain the facts which are indisputable and which are matters of record and have been so reported by an intelligent committee of this body, and the evidence furnished.

Mr. HARRISON. I have been afraid that the defense which has been made of the Committee on Claims in this general attack upon Congress for delaying the consideration of claims might defeat the consideration of this claim. It certainly will if it is protracted very many minutes longer. It seems to me that the amendment of the Senator from Vermont is proper. Indeed, if I understood the Senator from Colorado correctly, the bill in its present shape would probably bring the claimants no relief, because he says the Court of Claims has decided in another case that there was no legal liability. I suggest, therefore, that we adopt the amendment of the Senator from Vermont and pass the bill.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment:

And report the same to Congress.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment of the Senator from Missouri [Mr. COCKRELL] as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRISON. I suggest to the Senator from Vermont that there should be an amendment of the title.

Mr. EDMUNDS. The title of the Senate bill is right. Let the title be amended to conform with the title of the Senate bill, but adding the words "for examination and report."

The title was amended so as to read: "A bill referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition, for examination and report."

The PRESIDENT *pro tempore*. Senate bill 286, embracing the same subject-matter, will be indefinitely postponed.

READING OF HOUSE REPORTS.

Mr. HOAR. I wish to offer a resolution to be considered to-morrow.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to offer a resolution.

The resolution was received and read, as follows:

Resolved, That in the opinion of the Senate it is not out of order when a private bill is under consideration to read or refer to a report upon the same made to the House of Representatives during the present Congress.

The PRESIDENT *pro tempore*. The resolution will lie over until to-morrow.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 10, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 9, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. S. W. HADDAWAY, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

RANGE-LIGHTS, GROSSE ISLAND, DETROIT RIVER.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, submitting a recommendation from the Light-House Board for an appropriation to establish range-lights at Grosse Island, Detroit River, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate for an additional appropriation for procuring evidence relating to French spoliation claims; which was referred to the Committee on Appropriations, and ordered to be printed.

CARSON CITY MINT.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the Director of the Mint in relation to an appropriation for the United States mint at Carson City, Nev.; which was referred to the Committee on Appropriations, and ordered to be printed.

UNEXPENDED BALANCES, EXECUTIVE DEPARTMENTS.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a communication from the Fourth Auditor of the Treasury in response to a resolution of the House calling for information concerning trust funds and unexpended balances in the custody of the several heads of Departments; which was referred to the Committee on Ways and Means, and ordered to be printed.

NAVAJO INDIAN RESERVATION.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation for sinking artesian wells and constructing irrigating dams and reservoirs on the Navajo Indian reservations in Arizona and New Mexico; which was referred to the Committee on Appropriations, and ordered to be printed.

REFERENCE OF BILLS.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 6392) making an appropriation for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes; which were referred to the Committee on Foreign Affairs, and ordered to be printed.

The SPEAKER also laid before the House Senate amendments to House bills of the following titles (on which a conference was asked on the disagreeing votes of the two Houses); which were referred to the Committee on Commerce:

A bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo; and

A bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts.

The SPEAKER also laid before the House Senate bills of the following titles; which were read a first and second time, and referred, namely:

The bill (S. 244) for the relief of Mary F. Potts—to the Committee on Patents.

The bill (S. 511) to provide for the settlement of accounts with certain railroad companies—to the Committee on Claims.

The bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes—to the Committee on the District of Columbia.

The bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes—to the Committee on the District of Columbia.

The bill (S. 2474) for the relief of James S. Clark & Co.—to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. ZACH. TAYLOR, until Saturday next, on account of important business.

JOHN P. BUSH AND JAMES GRIGSBY.

Mr. ROBERTSON. Mr. Speaker, I desire to ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 2953) for the relief of John P. Bush and Martin Grigsby, and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to John P. Bush and Martin Grigsby, doing a distilling business at Glenville, in the county of Washington and State of Kentucky, under the firm-name and style of Bush & Grigsby, the sum of $1,029.34, in full for taxes paid by them for and on account of deficiencies in not producing 80 per cent. of the producing capacity of their distillery as established by law, by reason of unavoidable accidents which occurred during the months of February, March, April, and May, 1875.

The committee recommend the following amendment:

Strike out the name "Martin" where it occurs in the title and in the bill and insert "James."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BEACH. I think we had better have a little explanation of this.

Mr. ROBERTSON. I will say to the gentleman from New York that this is unanimously reported from the Committee on Claims. In the Forty-eighth Congress it was unanimously reported from the Committee on Ways and Means, and is also reported by the Committee on Claims in the other end of the Capitol. It has been passed upon by the Commissioner of Internal Revenue, who finds that this amount of money was due to these parties and ought to be paid. The reason it was not paid was because the appropriations made for the purpose of paying these sums of money had been covered back into the Treasury.

Mr. BEACH. It seems that this occurred in 1875. What was the cause of the long delay?

Mr. ROBERTSON. There were two years of limitation before these parties acted upon it under the law. It is all right, I will say to the gentleman, and ought to be paid.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the change in the body of the bill.

Mr. ROBERTSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SMALLS. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States.

Mr. BEACH. I call for the regular order.

Mr. DIBBLE. I hope the gentleman from New York will allow the bill to be read. I think he will withdraw the call for the regular order after hearing it read.

Mr. HOLMAN. I trust the bill will be read. It should be read at least so that we may know what it is.

Mr. DIBBLE. It is a very meritorious measure, and I ask the gentleman from New York to withdraw his objection.

Mr. SMALLS. I think if the bill is read the gentleman from New York, if he has any heart in him at all, will allow it to be put upon its passage.

Mr. BEACH. It is not on account of the merits of the bill that I object. It is a bill on the House Calendar and is among that class of bills in regard to which I have uniformly objected to their being called up out of their order. I shall therefore be obliged to maintain my call for the regular order.

Mr. SMALLS. Then objection might as well be made to every bill.

LOUISVILLE AND PORTLAND CANAL.

Mr. WILLIS. I rise to make a privileged report. I am directed by the Committee on Rivers and Harbors to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Whereas by the terms of the joint resolution of the State of Kentucky, approved March 28, 1872, transferring the control and management of the Louisville and Portland Canal to the Government of the United States, it is expressly provided that the right of drainage into said canal is reserved to the city of Louisville; and

Whereas it is reported that the United States engineers in charge of said canal have objected to the exercise of that right on the part of the city of Louisville: Therefore,

Resolved, That the Secretary of War be, and is hereby, directed to report to Congress whether, in his judgment, said right of drainage should be conceded to the city of Louisville, and, if not, the reasons therefor, together with such information on the subject as may to him seem proper in the premises.

The resolution was adopted.

Mr. WILLIS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same.

A bill (H. R. 116) for the relief of Albertine Cockrum;
A bill (H. R. 308) granting a pension to Mary Sullivan;
A bill (H. R. 421) granting a pension to Jesse B. Scudder;
A bill (H. R. 427) for the relief of Thomas J. Smithers;
A bill (H. R. 464) granting a pension to Robert McAlexander;
A bill (H. R. 504) granting a pension to Anna Kessinger;
A bill (H. R. 918) granting a pension to Gilbert A. Philips;
A bill (H. R. 1061) for the relief of Sarah M. Shearer;
A bill (H. R. 1142) granting a pension to Lydia Hadlock;
A bill (H. R. 1148) granting a pension to Mariah E. A. B. Nowell;
A bill (H. R. 1177) granting a pension to William J. Barker;
A bill (H. R. 1201) for the relief of Mary Howard Farquhar;
A bill (H. R. 1505) granting a pension to William Dermody;
A bill (H. R. 1520) granting an increase of pension to Mary F. Blake;
A bill (H. R. 1627) granting a pension to Annie Bagley;
A bill (H. R. 1766) granting a pension to Mary A. Shannon;
A bill (H. R. 1768) granting a pension to James Wolfe;
A bill (H. R. 1818) granting a pension to H. L. Kyler;
A bill (H. R. 1943) granting a pension to James L. McClarran;
A bill (H. R. 1945) granting a pension to Jeremiah M. Fitger;
A bill (H. R. 1997) granting a pension to Nancy R. Brown;
A bill (H. R. 2144) granting a pension to C. K. Hughes;
A bill (H. R. 2940) granting a pension to John T. Pennington;
A bill (H. R. 2963) granting a pension to Louis Whorley;
A bill (H. R. 2976) granting a pension to Lenford Rose;
A bill (H. R. 2979) granting a pension to Eliza A. Weeks;
A bill (H. R. 3043) granting a pension to Lewis W. Scanland;
A bill (H. R. 3047) granting a pension to Thomas Tegan;
A bill (H. R. 3054) granting a pension to Sylvester Root;
A bill (H. R. 3166) granting a pension to Solomon Messer;
A bill (H. R. 3344) to restore the name of Abner Morehead to the pension-roll;
A bill (H. R. 3501) granting a pension to Daniel J. Bingman;
A bill (H. R. 3601) to increase the pension of Louisa Weitzell, widow of Godfrey Weitzell, late a major-general of the United States volunteers;
A bill (H. R. 3614) granting a pension to Charlotte Buck;
A bill (H. R. 3623) granting a pension to William H. Nevil;
A bill (H. R. 3640) granting a pension to James T. Irwin;
A bill (H. R. 3737) granting a pension to John H. Downing;
A bill (H. R. 3831) granting a pension to Charles T. Reber;
A bill (H. R. 3836) granting a pension to James Dunbar;
A bill (H. R. 3954) granting a pension to Henrietta Fisher;
A bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers;
A bill (H. R. 4124) granting a pension to Charles F. Hildreth;
A bill (H. R. 4143) for the relief of Margaret Madden;
A bill (H. R. 4145) granting a pension to Maria Kile;
A bill (H. R. 4163) granting a pension to Dr. William H. Sheffield;
A bill (H. R. 4199) granting a pension to William B. Jacobs;
A bill (H. R. 4226) for the relief of Samuel Kitzmiller;
A bill (H. R. 4382) to increase the pension of John F. Chase;
A bill (H. R. 4386) granting an increase of pension to William F. Clark;
A bill (H. R. 4426) granting a pension to Fannie E. Evans;
A bill (H. R. 4501) granting a pension to Daniel B. Randall;
A bill (H. R. 4552) for the relief of Susan Smith;
A bill (H. R. 5632) granting a pension to William L. McCall;
A bill (H. R. 4642) granting a pension to James Carroll;
A bill (H. R. 4644) granting a pension to Noah B. Brookshire;
A bill (H. R. 4685) for the relief of John A. Orndorff;
A bill (H. R. 4730) for the relief of Mary Murphy;
A bill (H. R. 4782) granting a pension to Elizabeth McKay;
A bill (H. R. 4797) granting a pension to Robert H. Stapleton;
A bill (H. R. 4868) granting a pension to William Field;
A bill (H. R. 4850) for the relief of William J. Hudson;
A bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby;
A bill (H. R. 5058) granting a pension to John Arthur;
A bill (H. R. 5100) granting a pension to Eleanor Foust;
A bill (H. R. 5154) granting a pension to Margaret A. Poland;
A bill (H. R. 5169) to increase the pension of Thomas J. Slayton;
A bill (H. R. 5232) for the relief of Mary Hawke;
A bill (H. R. 5261) granting a pension to Isaac Fossett;
A bill (H. R. 5283) granting a pension to Larkin G. Mead;
A bill (H. R. 5306) granting a pension to Roxana V. Rowley and son;
A bill (H. R. 5307) granting a pension to Lieut. Joseph Frost;
A bill (H. R. 5324) granting a pension to John H. Hunter;
A bill (H. R. 5333) granting a pension to Edward L. Hill;
A bill (H. R. 5334) granting a pension to Henry Anin;
A bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft;
A bill (H. R. 5394) granting a pension to Sally Ann Bradley;
A bill (H. R. 5408) granting a pension to Josiah Focht;
A bill (H. R. 5414) granting a pension to Maria Cunningham;
A bill (H. R. 5435) granting a pension to David L. McDermott;
A bill (H. R. 5438) for the relief of Elias Sheads;
A bill (H. R. 5472) granting a pension to Henry Brooks;
A bill (H. R. 5492) granting a pension to Eliza Newman;
A bill (H. R. 5525) granting increase of pension to Robert E. Stephens;
A bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty;
A bill (H. R. 5622) granting a pension to Allen P. Jacobs;
A bill (H. R. 5635) granting a pension to William J. Heady;
A bill (H. R. 5643) granting an increase of pension to Charles F. Ward;
A bill (H. R. 5656) granting a pension to Mrs. J. E. Davis;
A bill (H. R. 5434) granting a pension to Amos C. Wertz;
A bill (H. R. 5761) granting a pension to Margaret J. Reighton;
A bill (H. R. 5881) for the relief of Henry S. Cohn;
A bill (H. R. 5882) granting a pension to Sarah Ann Murphy;
A bill (H. R. 5951) granting a pension to John M. Mattingly;
A bill (H. R. 5975) to increase the pension of Michael McGrayel;
A bill (H. R. 6020) granting a pension to Levi M. Starne;
A bill (H. R. 6088) granting an increase of pension to Nelson Monroe;
A bill (H. R. 6120) for the relief of Richard Horrigan;
A bill (H. R. 6150) for the relief of Euphemia R. Smith;
A bill (H. R. 6147) granting a pension to Frederick Marion;
A bill (H. R. 6648) for the relief of Edward M. Harrington;

ORDER OF BUSINESS.

Mr. HOLMAN. I move to dispense with the morning hour for the call of committees, my object being then to move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. HERBERT. I desire to make a parliamentary inquiry. Does it require more than a majority vote to dispense with the morning hour?

The SPEAKER. A two-thirds vote is required.

Mr. HERBERT. I hope we will have a morning hour.

Mr. HOLMAN. I withdraw the motion to dispense with the morning hour, and ask unanimous consent that after a formal call of committees gentlemen may be recognized to make reports.

Mr. BLOUNT. I understand that what the gentleman from Alabama desires is the second hour for the consideration of reports of committees.

Mr. HERBERT. Yes; I desire that we shall have the second hour.

The SPEAKER. The motion to dispense with the morning hour does not affect the second hour. If the morning hour for the call of committees is occupied by the House, immediately after its expiration it is in order to move to go into Committee of the Whole House on the state of the Union; and if that is agreed to, it does away with the hour for the consideration of reports.

Mr. HERBERT. I have no objection to dispensing with the morning hour, but I desire to retain the hour for the consideration of reports.

The SPEAKER. That is to be determined when the gentleman from Indiana makes the motion to go into Committee of the Whole House on the state of the Union. Does the gentleman from Indiana insist on his motion?

Mr. HOLMAN. Yes, sir.

The SPEAKER. The question is on the motion to dispense with the morning hour for the call of committees.

Mr. HISCOCK. Do I understand it is proposed that the Chair shall recognize gentlemen to make reports if this motion carries?

The SPEAKER. The motion is to dispense entirely with the morning hour.

Mr. HISCOCK. I suggest to the gentleman from Indiana whether it would not be better to allow recognitions of members to make reports.

The question being taken, there were—ayes 62, noes 22.

So (two-thirds having voted in favor thereof) the morning hour was dispensed with.

Mr. HOLMAN. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

Mr. HERBERT. If the House votes down that motion I presume the regular order will be the hour for the consideration of reports.

The SPEAKER. It will unless a motion be made to go into Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue.

Mr. HOLMAN. Pending the motion I have made, I move that all general debate on the legislative, executive, and judicial appropriation bill in Committee of the Whole be limited to two hours.

Mr. REED, of Maine. You will only get into trouble by that motion. If you insist upon that, I think you will not get into committee at all.

Mr. HISCOCK. I suggest that the gentleman from Indiana had better let the general debate run a little longer.

Mr. HENDERSON, of Iowa. I trust the gentleman from Indiana will not attempt to limit debate now.

Mr. HOLMAN. I withdraw the motion to limit debate.

The question being taken on the motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills, there were—ayes 69, noes 40.

So (further count not being called for) the motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair, and resumed the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the House of the following titles:

A bill (H. R. 2463) for the relief of H. J. T. Moss;

A bill (H. R. 1982) for the relief of John Frazer; and

A bill (H. R. 1815) for the relief of Ellen Corcoran.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1829) for the relief of the Greensburg Limestone Company, and others;

A bill (S. 1813) to amend the laws relating to patents, trade-marks, and copyrights;

A bill (S. 1793) to confirm the homestead entry of John Waishkey, jr.;

A bill (S. 1730) providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever, and of a method of preventing that disease by inoculation, and to obtain all information possible as to the cause and prevention of that disease;

A bill (S. 1664) to confirm the homestead entry of Hugh Foster;

A bill (S. 1591) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward," approved February 14, 1885, so that the same shall apply to the United States Navy, and for other purposes;

A bill (S. 1527) to provide a temporary home for certain persons discharged from the United States Navy;

A bill (S. 1444) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico;

A bill (S. 1417) to provide for the deposit of the savings of seamen of the United States Navy;

A bill (S. 1368) for the relief of Richard H. Porter and James Porter;

A bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees;

A bill (S. 457) for the repair of Fort Marion at Saint Augustine, Fla., and the inclosure of the grounds attached to said fort; and

A bill (S. 330) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. Morris.

LEGISLATIVE APPROPRIATION BILL.

Mr. CABELL was recognized and yielded thirty minutes to Mr. COMPTON.

Mr. COMPTON. Mr. Chairman, unlike my colleague from the fourth district or my colleague from the sixth district of my State, I admire the courage which induced this committee to place upon the pending bill the particular provision which has been most discussed so far in this debate. I do not propose, sir, here and now, because my time is limited, to answer the speech of ill omen made by my colleague of the sixth district. He will find, I think, when time shall have shown what is the true financial result, that his prophecy has been made in vain and not realized. I think he will find, when the administration shall have performed its duty and this House its duty, that the figures will vary materially from those which he seems to anticipate as the result of the combined action of this House and of the Democratic administration.

In announcing my opposition to the law approved January 16, 1883, known as "an act to regulate and improve the civil service of the United States," and the rules and regulations made and adopted by authority thereof, I am uttering a sentiment not newly formed, but deliberately entertained and distinctly expressed at least to those whose representative I am upon this floor. And now, sir, in the outset I wish to state distinctly that I yield to no man, high or low, in or out of official position, be he an honest and fearless advocate of the present civil-service system, speaking his honest convictions and representing correctly a constituency, or be he an independent individual citizen speaking for himself and upon his own responsibility, or be he a pharisaical aspirant for notoriety, courting it, because unable to obtain it otherwise, through the hired columns of a newspaper or the bought leaves of a literary magazine, or be he one of that increasing class of wealth-getting or wealth-gotten individuals who, having no time to spare from an elegant leisure, or what they esteem the whole end and aim of life, the accumulation of more money, to devote to the irksome and unworthy task of performing political duties and meeting political responsibilities, delight in assuming virtues they do not possess—I care not who he may be, I repeat, I yield to no man in the entertainment of an earnest, honest, and sincere desire for a thoroughly efficient, economical, and honest administration of the civil service of this Government. Upon the question of how this shall be obtained I declare my conviction that, in my judgment at least, the law and system to which I have referred do not guarantee such, and even if they did it would be done at a cost and sacrifice, as I esteem it, of that consistency with the provisions and genius of the Constitution itself, the true character of the form of government under which we live, and the integrity of the institutions established thereby, that for one at least I should be in opposition to it and favor some plan which would produce the same result and yet be in harmony with the theory of a representative democratic and republican form of government. I speak, sir, not for my party, not as a representative of my party. I am not authorized so to speak. I do claim to reflect the sentiment of those I represent correctly, and do and shall speak only with a due and proper regard for my responsibility to the God who made me and those whom I represent upon this floor. And now, Mr. Speaker, first let me ask how and why a public sentiment ever grew up in this country so pronounced and determined for a radical reformation in the administration of the civil service, so radical and so threatening as to justify the adoption of an experiment so at variance with the previous history, legislation, and accepted theories, as announced by the great political lights of the land, with reference to this subject of civil-service administration as the present anomalous system, created by the law and rules to which I have referred. Sir, let us be honest with each other. Let any gentleman who can, turning to the great debates by the great men who discussed this matter in the early days of the country's history, on and down through that most memorable controversy in which Clay and Webster, Calhoun and Benton, and the other great lights of that time, in the stormy days of Jackson's administration, considered the subject from every standpoint with a view to comparative permanency, honesty, efficiency, and its non-partisan character, point me to any suggestion by any of these great men looking to the establishment of a system embodying the objectionable features of the present law. Sir, every honest man in the country must want an honest civil service, and every honest man in the country, from the hour that it became a matter of public notoriety that the civil service of this Government had become flagrantly corrupt, rightfully demanded reform. Then it was, sir, that political parties, catching the drift of public sentiment, fashioned their platforms to meet the demand, and, as is always the case when a great popular outcry known to be well founded asserts the demands of the people, rival political organizations sought to outstrip each other in the race for popular approval upon this subject. On the one hand the spectacle was presented in every Republican county, State, and national convention of a party which had sown the seed that had produced the whirlwind out-heroding Herod in its merciless denunciation of the very sins this same party had produced and tolerated, and putting to the blush the most piteous profes-

sions of the worst conscience-stricken sinner in the agonies of a deathbed repentance, of a purpose to amend its ways and correct admitted abuses if only once again intrusted with power. Alas! words of promise to the ear, to be broken to the hope. How well they were kept is a matter of history known of all men, illustrated most graphically in the conduct of the War and Navy Departments, the star-route service, the Pension Office, and other Departments and bureaus of the Government, but most strikingly, consistently, and pathetically in the kindly caring for of every scoundrel who blackened his soul with perjury and his hand with forgery in perfecting returning-board certificates for Florida, Louisiana, and South Carolina in the ever-memorable farce and deplorable fraud of 1876. On the other hand we had the spectacle of a party, in no way responsible for the disgusting condition of the civil service referred to, but, on the contrary, entitled to the credit of having exposed to public view its enormities, instead of standing firmly upon its traditions, professions, and pledges, rushing recklessly into the arena and exerting itself to fasten upon the statute-book such a contrivance. Sir, how shall I characterize it; a mouse-trap, a gambling device, with loaded dice; heads I win, tails you lose, by which, in the event of success, the Republicans had both the law and the offices, and in the event of our success we had the law without the offices?

The very name of the contrivance, in the light of recent experience, was enough to have condemned it in the estimation of Democrats. A commission!—a makeshift to avoid responsibility and flank the Constitution; the same unhealthy and unnatural fungus whether designated electoral, tariff, or civil-service commission. Sir, I have glanced at the causes which led to that demand for reform in the civil service and that temper of an outraged people which created the sentiment which tolerated the present civil-service law and system; and now, sir, as to the law itself. It will not be disputed, I think, sir, that there are those in this country familiar with the organic law and rules of construction who are firmly of the opinion that this civil-service law, in some of its provisions, is not consistent with the requirements of the Constitution. Though not trained in the law or familiar with the application of judicial tests in the trial of constitutional or legal questions, I unhesitatingly declare that for myself, by the light of such intelligence as I am able to bring to the consideration of the question, I can not square the provisions of this civil-service law and the theory upon which it is based with either the letter or the spirit of our organic law. I shall not attempt, sir, to construct an argument in support of my view. I shall content myself with propounding to those who maintain its constitutionality a few questions which they are in duty bound to meet and answer. Article II of the Constitution, in its second section, provides that "Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of the Departments."

Where is the power to create a commission to aid the President or either of the designated repositories in which the power of appointment may be lodged by the Congress to be found? It was attempted in the convention which framed the Constitution to provide for a council to assist the President in conducting public affairs, but it was rejected. Says Curtis in his history of the Constitution:

> The question of an advisory body, with which it was proposed to surround the President to assist him in the discharge of his duties, did not receive the sanction of the convention, but the committee substituted a different provision, which gave the President power to require an opinion in writing of the principal officers in each of the Executive Departments relating to the duties of their respective offices. The plan of a council was rejected, for the reason that the President of the United States was to be personally responsible for his official conduct, and that the Constitution would do nothing even in appearance to diminish that responsibility.

Now, sir, it will not do for an answer to say that this commission has no power of appointment. It is true they have not directly, but the powers conferred upon the commission limit the discretion and choice of the appointing power so effectually as practically to control it. It is doing indirectly as effectually as though clothed directly with the power what it clearly could not do directly under the Constitution. Where in the Constitution is there to be found any authority for the imposition of any limitation upon the rights or privileges of a citizen other than those specified in the Constitution? Article IX of the amendments to the Constitution provides as follows: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Sovereignty is an attribute of the citizen, and when assumed by government is fatal to the liberties of the citizen. In lieu of the only tests which the executive power should or can of right apply—is he honest? is he capable? is he faithful to the Constitution?—inquisitorial and restrictive tests are applied under this law, destructive of what should be the inalienable right of every citizen—the right to hold office under the Government he supports and to which he owes allegiance. He is subjected to questions of residence, questions of age, and educational tests which as effectually deprive him of his right to participate in the administration of government as though convicted of treason or other high crimes or misdemeanors.

Sir, against such a system, in the name of free government, in the name of justice and equality before the law, in the name of a Constitution made and designed to promote the welfare of all the people, and to prevent and forever prohibit the erection of a favored class; in the name of a confiding people, who when asking for bread have been given a stone, I enter my ineffectual but defiant protest against this anti-republican and undemocratic usurpation of the people's rights. Sir, this whole system is bottomed upon a plausible but vicious theory, namely, that this Government is simply a vast mechanical contrivance to be worked independently of the people by a trained band of professionals, rather than a flexible but effective instrumentality for the protection and benefit of the people dependent for its preservation and character alone upon the affectionate interest and intelligent support of an interested constituency. Sir, I am against this civil-service system because it divorces the Government from the people, and sooner or later, if persisted in, will render the people indifferent to the Government. No device however artfully contrived will ever become an effective substitute for that "eternal vigilance" which alone can guarantee the preservation of popular liberty. In the vigorous and healthy administration of executive trusts no more subtle but deadly ingredient can be injected than a division of responsibility. Responsibility should always be coupled indissolubly and unmistakably with power.

This scheme, pretentious but inconsistent with itself, establishes the absurd proposition of holding the head of a Department responsible for the doings of his subordinates while denying him discretion in selecting them. He and his party are held responsible for the faithful, honest, and efficient performance of the public work, and yet his hands are tied in the choice of his instruments. The advocates of this system are perpetually boasting of the necessity for a "business" conduct of civil administration. The parallel is deceptive and does not hold. What railroad management, what merchant, what bank directors, or business organization of any character was ever weak enough to select its trusted employés from a class of persons indorsed only by a certificate of proficiency from a hired schoolmaster? What reasonable business man ever yet consented to employ or keep as his confidential clerks and bookkeepers men known to be by association, affection, or hire, enlisted heart and soul in the success of his rival across the street? And yet it is claimed that the present system rests upon business principles. The tests applied are either pernicious or inadequate—limitations of age, or technical knowledge of elementary schoolbooks, the ascertainment of the true amount of this sort of knowledge dependent upon the guesswork of a pedagogue for crammer or examiner. Real mental strength, soundness of judgment, practical tact or talent, moral stamina, are as unknown to the appointing power as the secrets of his or her early love scrapes.

In so far as the test required by the law reveal true qualification the appointing power is left as ignorant of the real merit of the party appointed as the Frenchman in Peregrine Pickle was of the sex of the painter in petticoats. The awarding of prize scholarships in the form of salaried offices is not and should not be the business of Government. That system alone is suited to the business and interests of the Departments, which secures those best qualified in acquirement, disposition, and character. Any other is a fraud and a snare. Let the power of appointment rest where the Constitution designed it should repose, and trust to the watchful guardianship of an interested and intelligent public sentiment to see that it is properly and judiciously exercised.

The doors to our governmental offices should not be supposed to be entrances to "infernal regions." We want no triple-headed monster, no Cerberus, on guard there. And, mark the prediction, if kept there either some seductive Republican Orpheus with his enchanting lyre will lull him to sleep, or some Democratic Hercules will drag him in disgrace from his abiding place.

I have said nothing, sir, of the objections which may be justly urged against that feature of the system so offensive to the republican instincts of the people—the creation of a bureaucratic class. I will let another speak for me on this point. Says one representing the opponents of the civil-service act: "They say that it is not desirable to form an official class; that it is not desirable to introduce into this country the stereotyped method and deadly routine of European officialism. They say that where bureaucracy has thoroughly established itself the office-holder has greater difficulty in realizing that the country was not created for him to govern; that he is a servant of the public is not in his thoughts. They say that where men are virtually immovable, save for gross misconduct, they generally become sluggish in the performance of their duties. They point to such an institution as the English post-office, which, during the régime of Rowland Hill, a man who was forced on it from without, exhibited a great degree of life and energy, but which under his successors shows the bureaucratic spirit in perfection, and is becoming as noted for its dullness and lethargy as once it was for intelligence and the spirit of progress. They say: Carry out this examination consistently; apply it, as is done in England, to all branches and grades of the public service, and we shall have in due time here a vast and comprehensive mandarinism existing apart from and presiding over our national life. They point to the intolerable airs which the official classes give themselves in most European countries, implying a definitely established superiority on the part of the functionaries over the citizens with whom they come into contact. They add that however great an evil office-seeking may be to-day, it is, after all, confined to a small percentage of the people, those who by reason

of the political services rendered by themselves or their friends consider themselves entitled to some consideration in the distribution of patronage, whereas, if commissioners and examiners are employed to perambulate the country, advertising the public service in every city, town, and hamlet, the number of those whose minds will be more or less unsettled by the thought of perchance obtaining a Government situation will be vastly greater. The picture is not very unlike the reality. They say we have as yet in this Republic but a partial measure of the so-called civil-service reform, but if the time should ever come that the English system should be adopted in its entirety, there can be no question that in the course of half a generation we should have among us an official class such as we do not wish to see. The public business would not be done on business principles, but on departmental principles, something very different. To master the technique, so to speak, of a department, would take some years of application, and nothing would be easier than for the permanent officers to persuade political heads, who might wish to introduce reforms, that the machine was working as well as could be expected, and that to try and make it work otherwise would be throwing everything into confusion." The correctness of this picture is verified here to-day.

Sir, the attempt to impress the American mind with the value and efficiency of this civil-service system by pointing to its success in other countries is a most impotent and unfortunate illustration. Such a plant may be indigenous in such a soil; here it must ever be an exotic. The essential differences in the form of governments make particular forms of administration absolutely incompatible. Sir, I believe the spirit of our institutions is onward, and that it is more consistent with that spirit to look upon the expedients of despotic governments to preserve their integrity as monuments of our triumph, rather than to seek to find materials there with which to reconstruct new fortresses from which to assail the imprescriptible rights of our countrymen. Here all power emanates from the people, and the Constitution, which is paramount to all laws, should secure them against the slightest encroachment of legislative and executive usurpation.

The paramount object of the Constitution is the protection of the equal rights and privileges of all, the few as well as the many. The spirit of despotism is entirely different; erected upon the destruction of the rights of man, its main object is to protect the few as against the many. Hence the policy of separating its officers from sympathy of feeling and interest with the many, creating a distinct class and elevating them above the mass. Our institutions, resting upon the just foundation of popular rights, admit of the mutilation of no privileges of citizenship as a prerequisite for office. The attempt to impose upon the credulity of the American people the merit of methods that flourish under the cruel and intolerant policy of the mandarins, approved by a Bismarck and adopted by aristocratic England, is as stupendous in presumption as any exhibition yet made by the modern "scholar" in politics. Inverted political Darwinism.

I end as I began, sir; I am against the civil-service law as it stands, radically and irreconcilably. I understand full well, sir, how few of those who occupy official positions agree with me, or rather let me say how few are ready to avow their opposition. It may be imprudent in me to do so, sir, but it is not my habit, I hope, to utter aught but my real sentiments, or to restrain that utterance when occasion seems to demand an expression of opinion. I know too, sir, how inconsiderable the effect of my declarations, but they are honestly entertained and fearlessly expressed for what they may be worth. If true and right, as I believe them to be, they will ultimately prevail; if not, let them die and be dishonored, as they should be. Sir, as I understand the politics of my country, I am a Democrat, believing in the traditions, principles, and policy of that party as expounded by Jefferson, Jackson, and Hendricks.

Such is my devotion to that party, so convinced am I that not only the welfare of this people and the salvation of the Constitution and form of government under which we live are dependent for their success and maintenance upon its success, that I would have my right hand paralyzed and my tongue cleave to the roof of my mouth before I would knowingly utter a sentiment or do an act which I believed would militate against the success of that party. I do not believe that what I have said to-day will so do; and I say to my Republican friends that they need not lay the flattering unction to their souls that because we have the manhood and independence to differ upon questions of mere policy, because we choose to say, some of us, that we prefer that silver should cease to be coined, and others that the coinage should continue, because we differ as to the amount of duty that should be laid upon a particular article or the amount of revenue that should be raised by a tariff, and upon other incidental questions of policy—that therefore we are going to pieces or the party is in danger. We are as firmly united upon the great principles which underlie our institutions, and upon which personal liberty and a republican form of government depend, and as invincible as were the gallant hosts who followed Napoleon at Austerlitz, as unconquerable as the legions who under Wellington at Waterloo defeated his assaults, as fixed and immovable as the gallant band who added the cognomen of "Stonewall" to the name of Jackson, as invincible as the hosts who held the heights of Gettysburg under the now immortal Hancock. [Applause.]

[Here the hammer fell.]

Mr. RYAN was recognized and yielded fifteen minutes to Mr. HITT.

Mr. HITT. Mr. Chairman, the members of the Appropriations Committee who framed this bill providing for three great departments of the Government, the legislative, executive, and judicial, have discussed and will discuss its many provisions in detail with their usual ability. I am not a member of that committee and shall not enter upon their province. But in this bill there is a provision relating to the civil-service reform—the subject upon which the gentleman who has just sat down [Mr. COMPTON] has spoken, a matter which is not before that committee at all, which they have gone out of their way to attack, but which was a subject of investigation by the committee on which I served in the last Congress, and, having given it much attention, I thank the gentleman from Kansas [Mr. RYAN] for yielding me a few moments of his time that I may comment upon this extraordinary provision which has been forced into an appropriation bill to nullify the civil-service law. It appropriates the money to carry it on, but the money is not to be available till the Civil Service Commission shall change and break down its rules so as to abandon civil-service reform. I hope that provision will be birth-strangled by being ruled out on the point of order as general legislation injected into an appropriation bill—a rider forbidden by the rules of the House. If it is not, I hope this House, representing the public opinion of the country and the advanced thought of the hour, will have the courage to defeat it by a square vote. But whatever be the result, this discussion must be healthful and will, I believe, advance the cause of this great reform—based upon deep and far-reaching reasons which the more they are discussed and the better they are understood make it more clearly the duty of the Representative to stand by the interest of the whole people to aid in securing a pure, efficient, and in the end a far cheaper service of the Government, to contribute as far as his vote goes to elevate and purify American politics.

Mr. Chairman, it is not for partisan advantage that I oppose this proposition to destroy the civil-service law. Undoubtedly, as a matter of mere partisan policy, it would have been greatly to the advantage of the Republican party to have had all the incumbents of office turned out incontinently as soon as Mr. Cleveland became President; for then, instead of being the quiet host of silent clerks in the Departments they are now without politics, or rather without political activity, few of them even intending to vote this summer, they would have been an active, powerful partisan army scattered through all the townships, restlessly, zealously, and vindictively working to defeat you. We shall lose even their votes, besides all the working power of these active, intelligent, experienced men, most of them in the prime of life and capable of exercising a wide influence.

But this reform is a measure that concerns the whole country and the public good. As such I favor it. It has been tried. It is no longer a speculation, no longer an experiment. It has been for years subjected to the test of trial in other countries, where long before we tried it here it proved, in spite of many social conditions there which we have not here, a successful experiment. In the English home service, in the India service, and under the French Government it has upon most thorough trial been found to be conducive to efficiency, to cheapness, to honesty in the service itself and to purity in public life everywhere. It is the fixed policy among all English statesmen. Mr. Gladstone's administration was defeated night before last, but the clerks in the departments there worked on steadily yesterday. There was not much work done the day after the result of our last election was known and foretold a change of administration.

The discussion of this subject spread to our country last, and thoughtful men were convinced that our system could be improved. I do not say that our civil service has been weak or inefficient. I believe it has been, in the character of the individuals employed, as good as any other; that the clerks who have been employed to do the work of the Government have been generally quick-witted, industrious, efficient. But this has been not because of the political control which interfered with the system but in spite of it; it has been because of the intelligence, the activity, the progressive character of individual Americans everywhere. The duties required in these positions are not extremely difficult, and the men appointed almost always perform them fairly well. But the Government is entitled to the very best. We can have fairly good men by tens of thousands; we can, at the same price, have excellent men, picked men, chosen out of hundreds of applicants, everywhere throughout the public service.

We can have this superior quality of men without paying more—in fact we can have them for a great deal less than we now pay if we will only let them alone, keep them in their places so long as they do the best kind of work. If they are relieved from the fear of being turned out at every election they will be glad to stay at lower salaries. The department clerks in other countries are paid about half, many of them only one-third as high as ours for similar duty, since they have adopted the civil-service reform, and men are not changed for political reasons. We have now a corps of thirteen permanent consular clerks who are paid $1,000 a year for five years, then $1,200 if they prove efficient and worthy, and who can not be removed except for cause. I had a letter from one of them a few days ago, who is filling temporarily the post of consul at a consulate salaried at $6,000. He is a man well known to the State Department to be thoroughly trained and versed in all that

relates to the service, far beyond the consuls. He feared he might be appointed consul, and wrote me apprehensively, as one whom he knew at Washington where he had few friends, that he did not want any consulship, however high the salary, with all its political uncertainties.

The railway mail clerks are a finely organized, laborious, and very moderately paid body of men. That is probably the best part of our whole public service. They did their hard work zealously and were content, because, till lately, it was thought the service was comparatively permanent. The recent rapid changes are having a bad effect in all that part of the service of which I have an immediate knowledge. Such changes to put in party favorites are costly to the service. We should work upon the same principle as does the head of a large mercantile house; we should endeavor to get for the people the very best work that we can with the people's money—get good men at reasonable rates and keep them till you can get better. The civil-service law does not prevent any or all from being dismissed, but it aims to take away the motive for wanton dismissal by preventing any one from being appointed except for merit. I can well understand that it is distasteful to men who have come into power with great expectations to be annoyed by the clamors of their disappointed adherents and balked by this law when they propose to reward them. Thus there has come a great opposition and an intense aversion to it which the Democrats before the election did not feel so keenly nor express so bitterly. That opposition has often this session been shown in this House, and now at last their anger at the civil-service law, which the Republicans passed in the last Congress where they had control, the disappointment of place-hunters, the general hatred in the ranks of the Democratic politicians for the whole civil-service reform have resulted in this covert attack upon the law, intended to substantially repeal it and uproot and end all prospect of reform in the civil service of the country.

That great law passed January 16, 1883, and I rejoice that I, with the great body of Republicans then on this floor, had the privilege of voting for it. Among many wholesome and rigid provisions for protecting the service from spoilsmen and securing efficiency in those who were employed to do the Government work, it provided that all persons who desired positions in the Government service might present themselves for competitive examination; that the degree of knowledge and efficiency which they showed should be recorded in a register to be kept by the Civil Service Commissioners, and then wherever a vacancy occurred and there was occasion for the appointment of a clerk in a Department at Washington, or in one of the great post-offices or custom-houses, the chief officer of the Department, post-office, or custom-house needing the new clerk should call upon the Civil Service Commission, who should send the four names highest in grade among those who had been examined, out of which he might choose whom he pleased. No indication was to be given as to whether any of these four persons were Republicans or Democrats. This was intended to secure impartiality and efficiency—to get picked men, tested fairly in advance.

This system has been tried for several years now, and has worked well. Your own Democratic commissioners say it is a great success, and your President commends it. During the last Congress I was a member of the Committee on Civil Service Reform, and I recall the significant fact that when we first met there were but three gentlemen on the committee who were known to be outspoken friends of the principle of civil-service reform. All the others were indifferent or rather averse to it, some regarding it with contempt, some with mere dislike. We discussed the subject day by day. We called for the examination papers in a vast number of cases from the Civil Service Commissioners. We had those gentleman before us—Mr. Eaton, who was not active in politics, and chiefly known for his zeal for this cause; Mr. Gregory, who was a Republican, and Mr. Thoman, who was an active Democrat. They explained to us the practical daily working of the system. We went through the various papers which they submitted to find out whether there was any catch in the machinery by which partisans could be worked into office. Before the first session of that Congress was over every member of that committee, Democrat as well as Republican, was convinced of the excellence of civil-service reform, both in principle and in practice. The committee unanimously voted to bring into the House the bill repealing the four years' tenure of office in order to carry out the principle of the law still further and remove the excuse for changes every four years. I am sorry to say you gentlemen on the Democratic side of the House voted almost solidly against the bill and defeated it. You had not had the same full discussion as your political brethren on the committee. I hope the discussion now will result as healthfully and as favorably for the cause of truth.

Remember, I am not complaining that you turn Republicans out—either the Department clerks or the postmasters or public officers anywhere; but we think it is a fair subject of criticism to point out the execrable manner in which many of the offices have been filled.

Now, what is the practical treatment this great law has had at your hands?

It is a recent and notorious scandal in this city, which has been published widely through the press of the country, that the Department officers manage to evade the spirit of the law by taking the four names thus sent them and referring them to the several Democratic members of Congress from whose districts the persons come to scan their personal history and find out whether they are politically acceptable to them. If none are good working party hacks another batch is tried.

But this is a slow and unsatisfactory way of dealing with the hunger and anger of the horde of place-seekers who are pressing upon Washington, and have been for more than a year; and now it is proposed by this bill to compel the Civil Service Commission when they are called upon for the names of applicants to select from to send not the names of the four who are best qualified but the whole list of those who have passed examination. This will substitute pass examinations for competitive examinations.

What will be the practical result? It is intended to operate in two ways. If any young man of bright mind, education and ambition, but not a good party worker, applies to his Congressman for a place he can get rid of him without offending him. He refers him to the Civil Service Commission for examination, saying that he is powerless to appoint; thus he gets rid of the applicant. Another comes who is a faithful henchman. He tells him: "I can not appoint you directly, but go to the Civil Service Commission examination. You are bright enough to pass it among the crowd, even if you do not stand high. If you are even the lowest among one hundred your name will be sent up with the rest on the list, and I will see the Secretary or Commissioner or chief and will look to it that you are appointed." It is substituting pass examinations for competitive examinations; and pass examinations were the device of politicians to defeat the civil-service reform in the earlier stages of the discussion ten years or more ago. Pass examinations were then tried and were found to be a convenient way of apparently complying with the demands of the country for a better service and practically evading it.

This bill does not abolish the Civil Service Commission in terms. That would be a bold and flagrant violation of the very words of the last platform which the gentlemen on the Democratic side of this House were elected to carry out. Every one of you stumped his district on that platform. No, it allows the commission to exist still; but the money appropriated for maintaining it is not to be available until that commission has so changed the regulations, so broken down the barriers which prevent spoilsmen from placing all their workers, that the civil-service reform is substantially destroyed. Then the money is to be available, and the Civil Service Commission, shorn of all efficiency, will be maintained with full salaries to exist still, but not interfere with the men inside politics. The form of the commission will be kept up, but the machine politician will be given unobstructed sway through all the hundred thousand offices under the President's control. That is the exact scope and purpose of this proposed law, which is slipped in as a proviso in an appropriation bill.

The covert fashion and hollow pretense of enlarging the choice of the appointing power with which this public wrong is proposed to be perpetrated is in exact keeping with the pretension and insincerity which this reform has had to contend with at every stage of its progress. Fourteen years ago, when the general discussion of this subject through the country had begun to shape opinon, the Democratic party inserted in their national platform a long rhetorical flourish in favor of "thorough reform of the civil service," and these pledges and professions were reiterated in the platforms of 1876, 1880, and last in 1884, when the platform was re-enforced by the high professions of Mr. Cleveland's letter of acceptance. He even urged that it be extended to all offices as far as possible. On that they carried the election and came into power, and this is the way they are using power.

[Here the hammer fell.]

Mr. CANNON. I ask unanimous consent that my colleague [Mr. HITT] may have his time extended for five minutes.

Mr. BAYNE. I hope there will be no objection.

The CHAIRMAN. In the absence of objection, the gentleman from Illinois will proceed.

Mr. HITT. Mr. Chairman, I thank the House for this unusual courtesy. I was speaking of some professions. How about their fulfillment when the test of action came?

Now some of us during all this time have distrusted the sincerity of these professions which cost nothing and could in no way be tested, as the Democratic party was out of power. We could not fail to observe that the workers of the party everywhere treated these professions as a "good enough Morgan till after election;" that in this House all measures to practically carry out and enforce the reform met the opposition of the great body of the Democratic members; that most of them voted against the civil-service law when we passed it in January, 1883; that they opposed and defeated the bill to repeal the four years' tenure; that when a Democratic leader like Mr. Pendleton, of Ohio, made himself too conspicuous by real work to advance the reform he was set aside and his seat in the Senate given to Mr. PAYNE, who immediately announced that the true idea of reform was to "reform the Republicans out and the Democrats in."

But the platform professions and the candidate's reform letters were worked for all they were worth to catch the Mugwump vote, and Mr. Cleveland was elected. Then the millennium was about to dawn. But there was an interval between November, 1884, and the inauguration of March, 1885, when the era of reform was to begin, and that interval was well improved by the politicians. I have no doubt Mr. Cleveland

meant well; but the influences upon him were stronger than the man. The constant pressure of able, experienced, intensely earnest partisan politicians soon began to produce results; and Mr. Cleveland celebrated Christmas Day by writing a letter declaring that there was "a class of Government positions not within the letter of the civil-service statute, and many holding such positions have forfeited all just claim to retention because they have proven themselves offensive partisans." This letter made the holiday season of that year joyful to millions of Democratic office-seekers, who soon made the computation that there were over eighty thousand positions in the Government service "not within the letter of the civil-service statute;" and here was a door through which to enter them all.

On the 4th of March Mr. Cleveland entered into possession, and the Cabinet began the serious work of civil-service reform. The new Postmaster-General was one of the most fluent in daily professions of his resolution to "make this a purely business administration, conducted on business principles;"—often repeating the words of the President's inaugural: "The people demand the application of business principles to public affairs." He was rapidly getting ready for business. Local elections were approaching in some of the Western States, and on the 29th of April he issued a letter as Postmaster-General to the Democratic members of Congress from the States of Ohio, Indiana, and Virginia, instructing them in the "action that can be taken in the way of removals," by which "15 to 25 per cent. of the fourth-class postmasters in Ohio might be removed within the next two months and great good accomplished thereby, if our people will adhere to the proposed plan."

What was the plan? "Pick out the most obnoxious and offensive partisans in each county." How was the charge to be proven? He says:

I will require no more proof of partisanship in these selections than the affirmation of knowledge on the part of a Representative or Senator that the person has been an active editor or proprietor of a Republican newspaper printing offensive articles (easily shown by slips), or a stump-speaker, or member of a political committee, or officer of a campaign club, or organizer of political meetings, or that his office has been made the headquarters of political work, or that his clerks have been put into the performance of political duties. Possibly other acts of equal force may be noted in some cases. If the Representative does not know the fact it should be established by the affidavit of some person whom he can affirm to be of unquestionable credibility, or by some documentary evidence.

It was by this cheering call to office-seekers to get ready the load of slanders, by this advertisement for affidavit defamation, that he proposed to apply "business principles" in the reform of the civil service. Was ever Government before brought to such debasement? And from that hour the work has gone on. The Post-Office Department is far the most extensive branch of the public service. Its officers are in every city, every village, every cross-roads in the nation. There are more than fifty thousand postmasters. The mills of slander were set in motion, charges poured in, and the guillotine worked rapidly. Of those called "Presidential offices" nearly one-half of the incumbents were turned out and Democrats appointed in their place within a year. He has sometimes removed a thousand Republican postmasters in a single month. He has removed more in that Department in one day than all the removals in all the Departments during the first forty years of the Government from Washington to Jackson.

The President's chosen personal friend, a renowned machine politician from Albany, in the mean while was conducting the Treasury Department with a rival zeal, but more frank; and the country, which scorns cant and hypocrisy, has evinced more respect for Mr. Manning and his direct methods than all the rest. He went straight to the mark. Mr. Higgins, of Baltimore notoriety, was chosen to conduct reform in that Department and was placed at the head of the work of appointments. Mr. Higgins was chosen for the task because of his extended reputation, which had been earned by very active work in the most discreditable political scandals of Maryland. A distinguished citizen of Baltimore described the appointment of Mr. Higgins to carry out the work of civil-service reform as similar to a choice of the late lamented Boss Tweed to have charge of the public moneys. Mr. Higgins has vindicated his reputation, and in spite of civil-service law hinderances has almost equaled the efficiency of the Democratic Postmaster-General in the rapidity with which he has given out the spoils of office.

The different branches of the great Interior Department have competed in the same race. The Commissioner of Pensions, for example, succeeds not only in those cases not covered by the law, but he knows how to drive four horses between the words of the law. For example, in his testimony given before a Senate committee March 25, 1886, he said:

I have removed as many Republicans as I could with due regard to the expedition of public business. * * * I can state approximately that 90 per cent. of those originally appointed, out of all originally appointed, have been Democrats.

In one list of seventy-seven which he submitted, he coolly stated:

Of those appointed under civil-service rules seventy-two have been Democrats and five politics unknown.

While the President's Cabinet officers and their chiefs have been competing with each other in their zeal to evade or violate the civil-service law and gratify the horde of spoilsmen who have gathered here, the President (good, easy soul), yielding gently, month by month, to the pressure, has at last changed the commission itself and appointed as its presiding officer Mr. Oberly, of Illinois. Mr. Oberly enjoys the reputation in our State of being the most active and efficient Democratic machine politician who has had charge of the State central committee for many years. He is a man whose name is the very type and representative of good old-fashioned Jacksonian politics. He is able, genial, popular—an ideal boss. No man knows better how to work a doubtful county, how to fix primaries, how to manufacture public opinion.

Only last week his resignation as chairman of the Democratic State central committee of Illinois was reluctantly accepted that he might go on with reform here. Reluctantly, for they will miss a master-worker; and it is their second recent bereavement. [Laughter.] Mr. Joe Mackin, the efficient secretary of the executive committee, convicted of forging election returns, has been sent to the penitentiary [laughter and applause], while Mr. Oberly, their chairman, is taken away to Washington and made the head of the Civil Service Commission. [Laughter.] He will not come in vain. No man can sympathize more keenly than he with the gnawing hunger for office that now pervades so many thousands and their impatience at this hindering law. That hunger is great in any political party coming into power, but the marvelous passion that has been displayed recently is new to history. Note for example the statement attributed to the honorable gentleman from the fifth district of Kentucky [Mr. WILLIS], that one-third of the 12,000 who voted for him for Congress have applied for office. Every step in this progress has been hindered and made vexatious and annoying by the existence of this civil-service law, the object of so many platform laudations and private execrations; and now the great controlling committee of this Democratic House proposes, by a covert rider on an appropriation bill, to substantially repeal the whole essence of the law itself, and make an end of reform altogether.

That unfortunate, friendless Civil Service Commission has just been notified to leave the rooms it has occupied at the Agricultural Department. Turned out of doors there, while you are seeking its life here, it is hunting temporary shelter in the City Hall. Wait till after the next election and the Republicans will once more give them comfortable, permanent quarters.

Go on, gentlemen; that cause will grow with buffetings. That light can not be put out. Truth is like a torch—the more it is shaken the brighter it shines. The reports of your own officers show its value. The President, feeble in action but sincere, still indorses it. Will you go with him against this insidious proviso? All of our side of the House will vote against it. Will you leave your Democratic President to look for his support in Congress from us in all he does that is right, and only stand by him yourselves on old party questions where he is wrong?

This discussion will awaken a reaction which will be a most emphatic response to what is proposed to be done. The people have recognized the merits of this system all through the North, as the press of both parties largely shows. I believe that the principle of this system will yet penetrate the public mind in the South and even in the great Democratic States, and in the end it will be everywhere conceded to be a good thing that a man who is employed in a Department should attend to his business and should be chosen because he is fittest, not because he is a favorite; that elections should turn upon principles and questions of public policy, and not to distribute clerkships; that a man who is elected to legislate here and who is paid $5,000 a year to attend to legislative duties should not spend ten hours a day begging clerkships at the Departments and trading as an office-broker. [Applause.]

[Here the hammer fell.]

Mr. RYAN. I yield for fifteen minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Chairman, I am much obliged to my friend from Kansas for his kindness. I can scarcely do more than enter my protest against the proposition nullifying the civil-service law that is in this bill. That I do most earnestly.

The civil-service law authorizes the commission to formulate rules at the request of the President, and the rules which have been promulgated by the commission have been approved and ratified by the President. The proviso proposed by the Committee on Appropriations contains two propositions. One is to change the existing law with reference to the ages of persons who may be admitted into the service. The other is to so change existing law that the present rules respecting nominations by the commission to fill vacancies shall be impossible. I ask it to be noted now that the President has the power to modify the rules to any extent consistent with the execution of the law. Rule XVI requires that four names shall be submitted to the head of the Department in which a vacancy exists. The President can incorporate, if he chooses, into the rules now in force the very proposition embodied in this proviso, that all the names on the list shall be sent to the head of the Department where the appointment is to be made.

Therefore this change is to be made, not only against the existing law but against the President as well, and a vote for this proposition in this bill is to my mind a vote of want of confidence in the President of the United States. For, sir, these rules are in reality made by the Presi-

dent. The President has said by the adoption of these rules that he is satisfied with the nomination of four persons to the head of the Department where the appointment is to be made. But the proviso of the Committee on Appropriations requires that all the names from a given State belonging to a certain class shall be submitted, otherwise the appropriation for the Civil Service Commission shall fail.

Now, as I have said, the President can change the rules and embody that provision in those rules if he chooses to do it. The presumption is that he does not want to do it. I presume that his Cabinet has not advised him to do it. That is, his regular Cabinet has not. The kitchen cabinet, I suppose, has. It is evident the President himself is not dissatisfied with the civil-service rules. His regularly organized Cabinet is not dissatisfied with those rules. The chiefs of divisions and bureaus who make appointments have not made any complaints audible to the public ear at least. The only ones that complain of these rules are the members of the kitchen cabinet.

Mr. ADAMS, of New York. Who are they?

Mr. BAYNE. I do not know. But there is always a kitchen cabinet. There are always a certain number of politicians——

Mr. STEELE. Don't you think Mr. ADAMS, of New York, is one of the members of that kitchen cabinet? [Laughter.]

Mr. BAYNE. There are always a certain number of politicians who devote themselves to securing appointments, and who unless they are constantly engaged in that work believe they are left out in the cold. [Laughter.]

I say, Mr. Chairman, that no other construction can be put upon this except that which I have given it, that a vote for this proposition by the Democratic majority in this House is a vote of want of confidence in the President of the United States and his Cabinet. It is a vote of want of confidence in the President and his Cabinet because the President has the power to make the change which is made in this proviso, and he has not done so. Now, I believe the President of the United States is a sincere and honest friend of civil-service reform. think he is doing his level best to carry out that law.

Mr. MCKINLEY. But under great difficulty.

Mr. BAYNE. As my friend from Ohio says, "under great difficulty." He and I believe most of the members of his Cabinet are undertaking in good faith to carry out the civil-service policy of the Government. I know they have to resist a great pressure. I can appreciate the power and force of the kitchen cabinet. It is an irrepressible cabinet.

Mr. MCKINLEY. Irreconcilable.

Mr. BAYNE. Yes; and irreconcilable and constantly spurred to activity by men seeking public positions. It is always on the go—always on the alert, and can scent a vacancy from afar.

Now, Mr. Chairman, when we have a law demanded by the best public opinion of the country and sanctioned by our own experience, as well as that of other nations, why should an effort be made to cripple it, to nullify it? It only reaches about fifteen thousand of the one hundred thousand office-holders. There are still upward of eighty-five thousand appointments that may be made for political ends without violating the letter of the civil-service law. Why should not the fifteen thousand be appointed because they are fit for the places, because they are ascertained to be qualified by a preliminary examination? I submit that the scope of political preferment is quite wide enough. Four names are submitted, and out of those four names the head of the Department is likely to find a man of his way of thinking politically if he insists upon it and chooses thus to ignore the law. It is pretty evident that the present administration is too conscientious on the subject of civil-service reform to suit the majority of the Committee on Appropriations.

Why, in the name of common sense and in the name of the great policies and platforms of the parties, shall we deny that which we all voted for, all asserted to be what we believed in, before the election? It is not, in my opinion, a frank and honest method, and in my judgment that provision with reference to age incorporated into this proviso of the bill is put in there as a mere make-weight and make-believe to shield and cover up and conceal the real intention of that portion of the bill, which is simply to get a list of all the names from the States sent to the subordinate officers of the Government upon which the kitchen cabinet can exert its influence and secure such Democratic appointments as it may want.

Mr. FELTON. Have you any objection to the age feature?

Mr. BAYNE. I have no objection whatever to the change of age if that was all this provision implied; but with reference to the other provision—that is, increasing the number of names which shall be certified up for appointment—I would much rather decrease it below four than exceed that number.

I would not make any change in reference to this law on our appropriation bill, because it would be a violation of the rule; and I am content to let the civil-service law be amended upon its own merits. I will vote for a proposition which comes in in a proper way to change the limit as to age, and I do not believe that a single friend of civil-service reform would object to the consideration of such a bill if brought in independently. It can be brought in at any time; but I do object to a scheme which is intended to render this law utterly nugatory and void and without effect upon the appointments that ought to be made and would be made under it if the law and rules of the Civil Service Commission were let alone.

How are these rules working now, Mr. Chairman? The Democrats are getting nearly all the offices under the civil-service administration to-day. Why is that? I read in the public press, as I said the other day, that in Philadelphia Postmaster Harrity had admitted into that post-office sixty men who fell within the provisions of the civil-service law, and the public press of Philadelphia has asserted, and I have not heard a contradiction, that every man of the whole number was a Democrat.

Mr. RANDALL. That shows that they were more intelligent than the Republicans who applied.

Mr. BAYNE. Very well, if the Democrats are more intelligent than their Republican neighbors why are you afraid of competition? Now, I do not mean to be understood as saying that Postmaster Harrity has violated the civil-service law in Philadelphia; but the very fact that the Democratic party is in power induces more Democrats to compete in the examination for these appointments and get them, and the same fact discourages the Republicans——

Mr. STEELE (interrupting). To compete and not get them. [Laughter.]

Mr. BAYNE. Fewer Republicans compete for these places, and this is very reasonable in view of the existing circumstances. When the Republican party was in power a larger proportion of Republicans than Democrats would naturally apply for such offices, whereas now the Democrats being in power the reverse applies, while in point of fact the applications under either administration should be about the same; but the reason is that many people in this country have no confidence in the Republican or Democratic administrations with reference to the civil-service policy. Now, if the people knew that this policy was honestly entertained, if they knew it was to be observed, and if they knew that the great parties, when they declared in their platforms that they were in favor of a civil-service reform, meant what they said, it would be otherwise, and Democrats and Republicans would go before the examining boards and stand competitive examinations and they would be appointed irrespective of their political affiliations if found otherwise qualified. That is the condition of things that I want to see in this country; and that is the condition of things that is going to come about. Merit will win; merit must win. It is just as certain as the progress of civilization. Indeed, it is a chief aspect of that progress.

Mr. ADAMS, of New York. You admit that this condition of things did not exist under Republican rule?

Mr. BAYNE. I did not admit that, but I said because the Republican party was in power it was quite probable and natural that more Republicans should apply for examination than Democrats, and that because now the Democratic party is in power practically more Democrats apply than Republicans, and also that under a Democratic administration it is altogether probable that a much larger proportion of Democrats are appointed. That is the way the law works now, and now when it is working so satisfactorily apparently to the Democrats, unless indeed they want to shut out the meritorious men in their own ranks and put in political henchmen who can do good work at the polls but who can not stand competitive examinations. I do not see why any Democrat should complain of this law and these rules. It may be and probably is true that the men in the Democratic ranks who can stand the competitive examinations, and therefore get appointments under the law as now administered, as a class would not be recommended by the kitchen cabinet for appointment.

Mr. TAULBEE. May I ask the gentleman a question?

Mr. BAYNE. Yes, sir.

Mr. TAULBEE. I wish to ask the gentleman if he thinks it fair to all applicants for positions that persons in these offices shall be exempted from competitive examination?

Mr. BAYNE. Well, this is the adoption of a new system. In the change of a great system in a Government like this a year is but as a day, and the fact is we have got to bide our time and wait until the policy shall have become permanently established and test its working and ultimate results. Besides, the men who are in and have not been examined have shown their fitness by service. If any of them are not fit and capable, nothing stands in the way of their removal.

[Here the hammer fell.]

Mr. RYAN. I yield twenty minutes to the gentleman from Wisconsin [Mr. PRICE].

Mr. PRICE. We have before us for our consideration a bill which appropriates in round numbers twenty millions of dollars. At the commencement of the present session this House directed a committee to formulate a bill for the appropriation of the necessary funds to carry on during the next fiscal year the legislative, judicial, and executive branches of our Government. The result of their labors is this bill to appropriate $20,560,119.42. They having performed their duty, there is but one duty now for the House to perform, and that is, as a court sitting upon the report of referees, to decide as to the propriety of the several amounts recommended by them. If we need the service that they provide for, we should appropriate the necessary amount; and if the amount recommended is too large, we should reduce it; if it is too small, we should increase it.

During yesterday and to-day up to the present hour the controversy on this bill has not been upon this line of policy, but all the eloquence, all the statesmanship of all the gentlemen on both sides of the Chamber that have addressed the House on the subject have been devoted solely and purely to a question that can be better argued through the press and on the stump in the next canvass than on this floor. No analysis has been made of the bill, no attempt has been made to ascertain whether the amount recommended by the committee is the proper amount or in excess of or less than the proper sum to be appropriated.

Men on this floor are too apt to be politicians, and too little apt to investigate, examine, criticise, and analyze a bill presented for their acceptance or rejection. In the short time in which I have the honor of addressing this House by the courtesy of the gentleman from Kansas [Mr. RYAN] I can not of course go through this bill. I can select certain points in it, I can call the attention of the House to certain abuses which have grown up during the years that this country has been growing grander, greater, richer, and more populous; not with the slightest expectation of making any change in the sentiments of any gentleman on this floor, but only with a hope, faint as it may be, that by a publication of the facts, and calling attention to the abuses that have grown up, to create a sentiment behind the members on this floor that will compel men to address their conscience and judgment to the consideration of a measure of this kind or drive them into a deserved retiracy.

We have in this bill a proposition to appropriate $36,600 for the purpose of policing this Capitol, and five thousand more to police the Capitol grounds.

We expended last year for this same purpose $36,800. A Government building, isolated from others, as nearly fire-proof as practicable, and yet we propose to appropriate the sum of $41,600—over $100 per day—for the purpose of policing it and to employ thirty-four men. Will you gentlemen who vote for this bill be able to satisfy your constituents that that sum is necessary? Is there any intellect here so weak as not to know that $10,000 would suffice to discharge that work and discharge it well? And if that be true, is it not plain that $31,000 are taken from the people by this bill to be conferred upon political pets? This, Mr. Chairman, is but one of many such abuses. It is not democratic; it is not republican; it has grown up with the years, and it seems up to the present time no man has taken the trouble to set before this House the exact condition of these affairs.

The next item I find here is for the compensation of members; you can not change that. The next is for mileage; you can not change that.

A MEMBER. The compensation of members ought to be increased. [Laughter.]

Mr. PRICE. The gentleman on my right says it ought to be increased. I think a better plan might be adopted than the one suggested by the gentleman. I would have a tally kept of the number of hours that each member was present attending to his duties here during the sessions, and I would pay him a proportionate sum of his salary and nothing more. Under such a rule my friend would not get much. [Laughter.]

Mr. TAULBEE. Are you for the eight-hour law or the ten-hour law? [Renewed laughter.]

Mr. PRICE. I am for a man addressing himself to the discharge of any duty that he assumes with all the conscience and all the brain he possesses; I am for a member of Congress attending to his duty here and not permitting twenty millions to be voted away by a mere minority.

Mr. TAULBEE. That does not answer my question. I agree with you as to your general proposition.

Mr. PRICE. Then I say to the gentleman that I am in favor of a public officer devoting to the public business all the hours that he can, consistently with proper regard for his physical condition, until that business is well performed. If his duties require eight hours, make it eight; if they require eighteen, let it be eighteen; if the business can be done in four hours, do it in four hours and go home. Now, perhaps, I am an old fogy in these matters, and my friend from Kentucky may not understand me.

Mr. TAULBEE. I think I understand you now. [Laughter.]

Mr. PRICE. I would have a member of Congress work for the public as I would have an employé work for me; I would have him apply all the ability God has given him to the intelligent, conscientious discharge of his duty until that duty was completed.

Mr. Chairman, the next item that strikes my eye here is for officers, clerks, messengers, &c. Let me call your attention to it in some detail, and if I can not reform your action here let me at all events call the attention of the country to it. We have on this floor thirty-five nice, bright little boys at $90 a month each, when away back in the country among the people who pay the money which we are voting here three men support their families and pay their taxes on the same wages that one of our little boys get here. Our doorkeepers get equal to $240 per month, and other employés in proportion. I mention this only as a sample. The same thing runs through all these departments. There is reckless extravagance wherever you put your finger, and I venture to say that any prudent business man can take $644,156 of the $1,644,156 that we appropriate in this bill for expenses of the two Houses and do the work, and do it well. If that be true, what excuse can you make to your conscience or your constituents for voting away $1,000,000 in excess of that amount of other people's money?

Are we honest if we do so? If I were hired by you to make your checks and disburse your revenues, would I be justified in paying out on your check to anybody unless for some service that had been rendered to you or some service that was to be rendered? If I exceeded that, would I be honest? And I ask any gentleman here to correct my old-fogy notions by showing me that one rule of morals applies to the employé of an individual and another to the employé of the Government.

The whole sum expended last year for the incidental expenses of the House, not including the pay and mileage of members, was $497,160,06. At the same time that we were making that expenditure here there was an expenditure on the Senate side of $533,000. Thus you have an aggregate of $1,030,000 for the expenses of the short session of the Forty-eighth Congress, in addition to the pay and mileage of Representatives and Senators, which is $2,146,624. You know, I know, God knows that you and I know, that in this way six or eight hundred thousand dollars of the public money is taken and given to persons who have conferred no advantage upon the Government and rendered no equivalent for the money they have received.

Mr. BRUMM. How about the mileage of members?

Mr. PRICE. It does not require a very bright intellect to inject questions into a good-natured man's speech. [Laughter.]

Mr. Chairman, the next item is "furniture and repairs." Tell me, my friends on the committee, why did you put in this $10,000 for furniture and repairs? There is but one reason for it under heaven, and that is that you have been in the habit of doing it year after year. Ten thousand dollars for each branch of Congress for furniture and repairs! Thirty-six thousand dollars for policing the Capitol and $5,000 for policing the Capitol grounds. Sir, there is petty larceny in every provision and grand larceny in the aggregate. [Laughter.] I know gentlemen laugh at this, but let them contradict my statement if they can; show me the figures if you can, or confess that you are recreant to the trust reposed in you, and are voting away money that is not your own and for which you are getting no equivalent.

The contingent fund. How do you expend it? I wrote a line to the Secretary of the Treasury asking for an itemized account of some funeral expenses which are paid out of this fund. You say that is a small business—is it? Where did you get the warrant of law to take other people's money to pay for funeral expenses? I know the sum expended will not ruin this Government; but those who are capable of taking small sums of money and expending them for purposes not warranted by law will be just as reckless in reference to larger sums, and these principles, if followed out a little while longer, will, in my judgment, disrupt the Government, because it is a procedure unjust in its nature; because it is a discrimination against a class; because it has no warrant of law; because when the people understand we are recreant to duty and careless in making expenditures, if not downright dishonest, in what reverence can they hold the law-makers?

In what respect will they hold the law when the conduct of the law-makers is so reckless? When you have weakened the people in their attachments to the law, when you have convinced the rank and file upon whom rests the future of this Government that this thing is as rotten as it is, how are you going to call upon them to defend an administration and a Government in which they have no confidence? Is not that a thing worth thinking of?

Let me repeat that idea and warning, as I see a smile on the countenance of some of my friends. If I were the chosen custodian of certain funds confided to me for a specified purpose and should disburse those funds for any other than that specific purpose would you not consider I was not acting honestly? Then how much better is the case here if while I am custodian of the people's funds in the capacity of a Representative upon this floor and I vote to expend their money for something for which there is no consideration whatever returned to them? Am I less dishonest than in the case where I spent private funds for a purpose different than that for which they were confided to me?

If this expenditure is unjust and dishonest it should not be made. When we hold a postmaster in the backwoods States responsible for the failure to account for a 3-cent stamp, upon what principle of justice can we pass an appropriation of six or eight or ten thousand dollars, as we did only yesterday, to relieve a public officer for a liability to that amount? Those who are false in small things will be dishonest in any greater trust. If we are careless, if not dishonest, in unjustly expending the public money in small matters, they will have less confidence in us in larger appropriations.

Gentlemen will stand here day after day and year after year and talk about civil-service reform to make political capital out of it. There is no political capital in it. No man in his senses blames the Democratic party for having made that promise. For no man in his calm judgment can say he is disappointed in the Democratic party not keeping it. For thirty years the whole pathway of the Democratic party has

been marked by the shattered links of broken promises. Of course they did not mean to keep any such promises with the people. Who for a moment took stock in any promises made by them? Who when they made such promises did not expect them to be broken on the very first opportunity, and yet we spend two days in pointing out to the country that this bill practically repeals the civil-service law. Why should you trust a party in whom the people lost confidence thirty years ago?

But I shall speak of the duty of this Congress in expending the money of the people and appropriate it only for the purpose the people intended it should be expended for. Now, I hold in my hand an itemized account of three funerals, the expenses of which were paid out of the contingent fund. I do not expect it will make you better men, but I do wish the people to know of a practice which has grown up here for years in which the money of the people is used. I shall insert them in my speech. They will show the condition of things here which would certainly be characterized in private transactions with very strong language and perhaps send the actors engaged in them to the penitentiary.

Account of funeral expenses of Hon. Thomas H. Herndon, Member of Congress, March, 1884.

STATEMENT.

Embalming body	$50 00
Casket	350 00
Outside case	15 00
Silver plate and engraving	8 00
Corporation fee	6 00
Brick vault and slab	55 00
Hearse and four carriages, taking body to church previous to funeral	36 00
Hearse and six horses to funeral	50 00
Twenty-seven yards of crape, draping flags, &c	27 00
Thirty pairs gloves	12 00
Rosettes, ribbons, &c	14 75
Hats, &c	9 00
Leather trimmings for livery	7 25
Housings for six horses	7 00
Velvet, buttons, &c	19 35
Velvet for trimming	8 00
Dying nets, hoods, &c	5 00
For altering coats for livery	22 50
Footmen and other extra services	12 00
Extra swing bars and lead pole	8 00
Thirty-four carriages, $5 ($170), and 8 cabs, $30	200 00
Thirteen white silk sashes, $9	117 00
Eight black silk sashes, $9	72 00
Expenses, Thomas Cavanagh, deputy sergeant-at-arms, United States Senate, to Mobile, Ala., and return, occasion funeral	157 00
Total	1,268 65

Account of funeral expenses of Hon. D. C. Haskell, Member of Congress, March, 1884.

STATEMENT.

Embalming body	$75 00
Casket	425 00
Plate and engraving	18 00
Chestnut case, copper bound, and copper-engraved plate	75 00
Forty-one pairs kid gloves, $2	82 00
Five silk sashes, $8	40 00
One door scarf	8 00
Fourteen pairs of gloves, 75 cents	10 50
Two bolts of white ribbon	3 00
Two carriages, $5	10 00
Hearses	10 00
Porterage on cars	7 00
One night's attendance at house	15 00
Personal attendance to Lawrence, Kans	60 00
Washing and laying out body	10 00
Crape and ribbons for door	2 50
Opening and closing glass	3 00
Services of undertaker and team	25 00
Eighteen railroad tickets to Lawrence, Kans	632 70
Car for corpse through	29 40
Eighteen railroad return tickets	632 70
Rental palace car 180 for use of committee from December 17 to December 23, $60 per day, less rebate for one day at Lawrence, Kans. ($35)	325 00
Use of carriage December 17, 1883	5 00
Meals at Harrisburg	24 00
Newspapers and telegrams	3 45
Meals at Indianapolis	54 00
Breakfast	14 60
Meals and lodging at Lawrence	55 00
Cash paid E. R. Smith	30 00
Meals and carriages, Kansas City	21 50
Meals and carriages, Saint Louis	15 60
Telegrams and newspapers	3 60
Cigars	14 00
Dinners and telegrams	9 50
Expense account from Indianapolis to Washington	43 37
Telegrams from Indianapolis	3 10
Meals and fruit at Columbus	12 25
Carriage	3 00
Telegrams	7 00
Baggage transfer and coupé at Washington	6 50
Cash to James Wormly for lunches for trip and services	202 06
Meals on dining-car	3 29
Meals on dining-car	3 75
Expenses Louis Hanback, member of escort, travel, &c	47 80
Expenses James N. Burnes, member of escort, travel, &c	45 00
	3,145 08

VOUCHER 67.—*Account (miscellaneous) rendered by W. P. Canaday, Sergeant-at-Arms of the United States Senate, of expenses incurred at the funeral of the late Senator H B. Anthony, September*, 1884.

STATEMENT.

For carriages in Washington	$15 00	
For meals and lunches *en route*	26 75	
For carriage-hire in New York	7 50	
For telegraphing *en route*	12 75	
For telegraphing at Providence	$57 25	
For thirty-two pairs of kid gloves, purchased *en route*	80 00	
For hotel bill at Providence (including twelve rooms, from September 3 to September 6, for use of the Senators)	264 00	
Also, three parlors, $35 each	105 00	
For carriage to boat	4 00	
For carriages at Providence 4th, 5th, and 6th of September	80 00	
For expenses of Rev. E. D. Huntley, D. D., Chaplain of the Senate	56 10	
For expenses of Capt. Isaac Bassett, assistant doorkeeper	22 25	
For expenses of John Hickman, Senate barber, traveling expenses and board	34 00	
For amount paid J. E. Church, sexton of the Congregational church, for services of himself and assistant	15 00	
For amount paid George W. Slade for use of thirty settees and eight arm-chairs	6 33	
For amount paid C. Taft for carting settees and chairs to and from the church	6 50	
For amount paid Providence Press Company for printing United States Senate cards used in the church	6 00	
For amount paid C. W. Jencks & Bro. for ten badges	12 00	
For amount paid W. R. Adams & Son for services at organ	5 00	
For amount paid E. A. Kelly for furnishing music at the church, comprising Laurette choir and organist	50 00	
For amount paid for twenty-four silk sashes and pressing	144 00	
For amount paid J. Harry Welch for draping church	10 00	
For amount paid master of steam-tug Fannie for piloting steamer with the President of the United States and party	5 00	
For railroad fare from Washington to Providence and return, including sleeper for self	30 00	
For board at Providence for self	20 00	
For amount paid servants and porterage at Providence	25 00	
For amount paid for expressage	5 00	
For amount to reimburse W. P. Canaday, Sergeant-at-Arms, for necessary incidentals incurred, not included in other bills	153 00	
Total		$1,257 43
Account George W. Hopkins, undertaker, Providence, R. I., for casket, hearse, services, &c	506 25	
Express (travel) Senate committee appointed to attend funeral	142 30	
Expenses W. P. Canaday, Sergeant-at-Arms United States Senate, for settlement of accounts pertaining to funeral (December)	50 25	
Expenses James I. Christie for attendance at funeral	40 25	
		739 05
Grand total		1,996 48

I called the attention of the minority of the House a few days since to another expenditure much of this same character, a part of this same method of unjust appropriation of the people's money. It was that a million of dollars last year was appropriated to the retired-list of the Army and Navy. It is a part of the contract with them if they are rendered, by wounds or disease, incapable of further discharging their duty to the Government they are to be placed upon the retired-list, and also at a certain age. Fifty-eight thousand dollars of that is paid to men who are morally disqualified for the discharge of duty; and yet we keep them on the list and continue paying them. You know and I know, every intelligent man on this floor knows, that the compensation of these men is sufficient if they practiced the average economy which is practiced by all the people who have to labor and earn their own living in this country to permit them to lay by enough to provide against old age and sufficient to prevent their being paupers upon the people; and I use the word "paupers" advisedly.

Such men are not paupers if retired for either of the two causes designated in the law, and which were understood when the service was undertaken; but it is the meanest kind of pauperism and we are the meanest kind of sycophants if for any other reason than that embodied in the law we retire these men to fatten upon the hard earnings of the people. Take the agricultural class, the manufacturing class, the working people generally who are toiling for fifteen or sixteen hours a day; they are the men who come nearest to divinity—to create is the attribute of divinity; and these men come nearest to divinity because they create the great wealth of this country. They are the men who take a tree worth $1 on the stump and by their labor make it into boards worth $12, thereby adding to the wealth of the country $11. They are the men who coin the labor of their sons, and their wives, and their daughters for fifteen hours a day every month in the year and every day in the month, and if at the end of the year their financial condition is as good as when they began their work they are doing well.

Every reduction of price of the products of labor affects them and their interests, but these men who are provided for in this bill are benefited by the reduction of wages and the reduction of prices of commodities. In this bill, I do not know how many, but there are items for the rent of buildings for the use of the Government. I do not know what the total amount is; but the bill is dotted all over by appropriations for the rent of buildings. In this very city we allow a rich corporation to occupy land enough belonging to the Government without the payment of a dollar's rent which, if properly managed, would pay the whole of these rents.

Look at the item appropriating $6,000 for stationery for committees. There are forty-seven committees, and this sum gives each committee $127 worth of stationery. I hazard the opinion that there is not used legitimately by the committees of this House an average of $27, and that this sum is in excess of the needed amount from $4,500 to $5,000.

But I have not time to go over the half-dozen hundred items in this bill, but will say that I have given fair specimens of all, and then haz-

ard the opinion that five or six million dollars less than the appropriation asked for by the bill would pay liberally for all the Government will get by the expenditure of the whole twenty and a half millions.

In the matter of paying members, can anything be more glaringly dishonest than to pay both contestant and contestee in case of a contest?

At the last session of the Forty-eighth Congress we paid a member on this floor $11,000 for less than eleven minutes' service.

The pomp and display of Presidential inaugurations are in bad taste in a Republic, and dishonest to the extent that they are maintained at public expense. As a nation we have come to the place where, without blushing, we gravely talk of the respect that is due to the rank, to the position, and call it statesmanship to be able to approximate closely to the amount of money it will require to carry a county or State for a political party. No place can confer honor on its occupant. The honor or dishonor must spring from the honest effort to discharge the duties of that office or the failure to do so.

[Here the hammer fell.]

Mr. RYAN. I now yield the remainder of my time to the gentleman from Ohio [Mr. MCKINLEY]—ten minutes.

Mr. MCKINLEY. I reserve the time.

Mr. HOLMAN. I hope now, Mr. Chairman, that we can arrive at some conclusion, by common consent, as to the termination of the general debate; and I would suggest that it close at 4 o'clock and 30 minutes p. m. to-day.

Mr. REAGAN. I ask the gentleman if it can not be closed sooner. It is quite late in the session now.

Mr. HOLMAN. I should be exceedingly glad to name an earlier hour, and if it is more agreeable to gentlemen I will name 4 o'clock.

Mr. LONG. I think if you can get through with it to-day you will be doing well.

Mr. REAGAN. I do not want to see the time of the House wasted by political discussions which will prevent important public business being taken up and considered. We are here late in the session, and if those who want to defeat action by Congress on public measures can secure a long debate on every appropriation bill, why of course they can defeat all action.

Mr. RANDALL. In justice to the members of the committee upon the other side it is proper to say that there is no purpose on their part to prolong the debate on the bill. They state that there are many gentlemen who would like to be heard on this provision of the bill, which has caused so much discussion; but I am satisfied that they are reasonable with reference to the time and will agree to the proposition of the gentleman from Indiana to close the debate at 4.30 o'clock to-day.

Mr. TOWNSHEND. The other side has occupied twice as much time as this side.

Mr. REAGAN. The real debate, at any rate, will take place under the five-minute rule; and it is too late in the session to sit here and listen to essays on political subjects. I trust therefore that we will close the debate promptly.

Mr. HOLMAN. I suggest 4 o'clock.

Mr. BUTTERWORTH. Let it run until 4.30, as first suggested.

Mr. COBB. I object to extending the time.

Mr. HENDERSON, of Iowa. How is it to be divided if agreed upon?

Mr. TOWNSHEND. The other side has already occupied twice as much time as this.

Mr. REED, of Maine. Because they have twice as much to say.

Mr. TOWNSHEND. You have had two hours to our one already.

Mr. HENDERSON, of Iowa. Then, as I understand it, you propose to take the remainder of the time, practically; and I object to that.

The CHAIRMAN. For the information of the committee the Chair will state that up to this time the majority side of the House have occupied one hour and forty minutes, and the minority three hours and fifty-five minutes.

Mr. RANDALL. We want the entire time fairly divided.

Mr. BUTTERWORTH. If that be the case it will give our friends upon the left practically the balance of the day.

Mr. SPRINGER. Oh, no; it is now quite early in the day.

Mr. BUTTERWORTH. Certainly it would. I understood the Chair to say that this side of the House have occupied three hours and the other side one hour and forty minutes. Now, if you take the difference between one hour and forty minutes and three hours and fifty-five minutes and give it to that side, then divide the additional time that remains between the two sides, it would not give us half an hour.

Mr. REAGAN. What I call attention to is the late period of the session at which we have arrived; and the fact seems certain that those who wish to defeat the majority in the doing of anything by this Congress would be glad to waste time in general debate. If that is their purpose I think such measures should be taken as will prevent it.

Mr. RANDALL. I am willing that the other side should have half the time from now on, if they will agree that the debate shall close at 4 or half past 4 o'clock this afternoon.

Mr. TOWNSHEND. I do not think it is fair that this side should not be permitted to occupy as much time as the other.

Mr. HOLMAN. I ask unanimous consent that general debate on this bill shall close at half past 4 o'clock this afternoon.

Mr. COBB. I object.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the legislative, executive, and judicial appropriation bill, had come to no resolution thereon.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. And pending that, I move that all general debate on the pending bill be closed at half past 4 o'clock this afternoon; and on that I call the previous question.

Mr. BUTTERWORTH. The gentleman will gain nothing by that.

Mr. HENDERSON, of Iowa. You have filibustered against your own committees, and now want on a bill of great importance to limit the debate to one day.

Mr. HOLMAN. While my motion is pending I wish to inquire what gentlemen on the other side ask; if they are not satisfied with the debate continuing until half past 4 o'clock.

Mr. HISCOCK. Let the general debate run for the whole of to-day.

Mr. HOLMAN. I hope we will have half an hour for the consideration of the bill by paragraphs.

Mr. REED, of Maine. That will not amount to much.

Mr. LONG. Let the debate close at 5 o'clock; and let it alternate between the two sides of the House.

Mr. HOLMAN. Then I will make my motion that the general debate be closed at ten minutes before 5 o'clock.

Mr. REAGAN. I ask the gentleman to permit me to offer an amendment.

Mr. HOLMAN. I will do so.

Mr. REAGAN. I move to amend so that general debate shall be closed at 3 o'clock this afternoon.

Mr. HOLMAN. I call the previous question on the motion and on the amendment.

Mr. BUTTERWORTH. Let me suggest that the arrangement to close the debate at ten minutes to 5 o'clock can be agreed upon without a vote, and thus time will be saved.

The SPEAKER. But the gentleman from Texas [Mr. REAGAN] has moved an amendment.

Mr. BUTTERWORTH. I appeal to that gentleman not to insist upon his amendment, so as to save time.

The previous question was ordered.

The question being taken on the amendment proposed by Mr. REAGAN, it was not agreed to.

The motion of Mr. HOLMAN to close general debate at ten minutes before 5 o'clock was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union (Mr. BLOUNT in the chair), and resumed the consideration of the legislative, executive, and judicial appropriation bill.

The CHAIRMAN. By order of the House, general debate on this bill will be closed at ten minutes before 5 o'clock.

Mr. ADAMS, of New York, was recognized and yielded half an hour to Mr. SPRINGER.

Mr. LONG. Before the gentleman from Illinois [Mr. SPRINGER] proceeds, I desire to suggest to the Chair whether an arrangement as to the division of time can not now be made, so as to facilitate the transaction of business. I suggest that an hour and a half be allowed to our side and two hours to the other side.

Mr. REAGAN. I do not understand why there should be attempts to get advantage in regard to time. We ought to be actuated by considerations of equity and fairness.

Mr. CABELL. Any arrangement to be made now should depend on how much time has been occupied respectively by speeches on each side. I am willing that the division of time should be equitable.

Mr. LONG. What I desire is that the point shall be settled, and I think it would be for the relief of the Chair if that were done.

The CHAIRMAN. The gentleman from Massachusetts [Mr. LONG] asks unanimous consent that one and a half hours be accorded to the minority and two hours to the majority.

Mr. REAGAN. To that I object.

Mr. SPRINGER addressed the committee. [See Appendix.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. MCMILLIN took the chair as Speaker *pro tempore*.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BUTTERWORTH. Mr. Chairman, the order of exercises has been so frequently changed since it was made up that I have been thrown out of my proper place in the line of this discussion. My honored friend from Illinois [Mr. TOWNSHEND] had some observations he

desired to submit, and which it was understood he would contribute before our side of this question was further presented. I submit, however, that it is very proper that the other side of the House should have the closing argument, because the onus is upon them to defend this incongruous provision, to defend a policy which has been denounced by every convention of the Democratic party held during the last decade and by every officer of the Government who owes his allegiance to that party, at least whenever he has been called upon to pronounce an abstract proposition or advocate a theory upon the subject of civil-service reform. Theory, however, is one thing, practice quite another.

I am gratified to observe that my honorable friend from Illinois [Mr. SPRINGER] is supremely happy in the contemplation of the fact that the Democratic party has, with reference to reform in the civil service, been able in a very small measure to redeem the profuse promise it has persistently and continually made to the country during the last ten years. The gentleman has comfort in the contemplation of the fact that right here in the presence of the administration the Commissioner of Pensions has been able, and is able to-day, to point out a few spared monuments of his political mercy, a few worthy men upon whose heads he has not yet visited his political wrath.

I am aware that some gentlemen on that side of the House conceive it to have been a mistake to spare anybody; and touching the point of observance of the law by the honorable Commissioner of Pensions, I want to say to the gentleman that the fact that that officer knows that in making appointments the line was evenly drawn by him between the two political parties shows that he clearly meditated the perversion of the spirit of the civil-service law; since, as my friend knows perfectly well, if there is anything shut out by the civil-service law from the knowledge and consideration of the appointing power in making appointments from the list of names placed before him, it is the religious and political opinions of the applicants for appointment.

Mr. SPRINGER. May I ask the gentleman a question? How did Commissioner Dudley find out as to his?

Mr. BUTTERWORTH. Whenever the Democratic party is arraigned for any shortcoming, they find solace, and what seems to them an ample vindication, in the fact that at some time in the long ago the Republican party has been guilty of the like delinquency in the same behalf.

Mr. SPRINGER. We want you to condemn the Republican party for doing in an aggravated way what you now charge against the Democratic party.

Mr. BUTTERWORTH. It is due to the Republican party that we have advanced to our present position in this matter of reform, while our brethren on the other side have been and appear to be still lurking about the camp which we left years ago. The gentleman thinks he has found something in the history of the Republican administration that will authorize him to say, "You did this thing which you now criticise." I am not here to defend any disregard of law on the part of any Republican official.

Our worst practices are the only ones our friends on the other side seem consciously to imitate.

I am here to insist that it is the duty of this House to vindicate the law, and not to trample it down in the manner proposed by the clause of this bill now being considered, and the gentleman occupies a humiliating position before the country when he offers no better excuse for trampling the law under foot than to say, "You did it also in days gone by." You came into power on the express declaration—not believed by the wise, I admit, but believed by the simple-minded—that you would lift the civil service of this country out of the mud and mire into which it had, as you alleged, fallen, and that officers and employés of the Government should be selected only with direct reference to their fitness to discharge the duties appertaining to the places to which they are appointed and without reference either to their politics or their religion. I am in favor of that kind of civil service, and I protest that this is an attempt, neither wise nor manly, to nullify absolutely the law which you were sworn to observe and enforce.

Mr. SPRINGER. May I ask the gentleman a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. SPRINGER. When you were Commissioner of Patents did you appoint any Democrats in your office?

Mr. BUTTERWORTH. I did.

Mr. SPRINGER. How many?

Mr. BUTTERWORTH. I never knew the politics or religion of one individual whom I appointed in that office while I was Commissioner of Patents. [Applause.] And I say further to the gentleman from Illinois there never was a time when the representation of a Democrat whom I knew to be worthy of my confidence as to the qualifications and fitness of an applicant for a position, whether as a skilled laborer or more important place, did not weigh as much with me as the statements of my own political friends made in the same behalf. All I desired to know as to any applicant was whether he was competent or not.

Mr. SPRINGER. Let me ask a question——

Mr. BUTTERWORTH. I ask the gentleman to keep still a moment. When he asks me a question, let him wait till I answer it. When the time arrived when I had to make an appointment to any position coming within the classified service I sent a request to the Secretary of the Interior to notify the Civil Service Commission that there was a vacancy in the list of examiners or of clerks, as the case might be, and on such notification there was sent to me four names. I always held that the best man, the man standing highest in point of qualifications, should be selected without reference to his politics; and I had no trouble about it, because the men knew that I adhered to the letter and spirit of the law.

Mr. WISE. Will the gentleman name a Democrat he appointed?

Mr. BUTTERWORTH. No, sir; nor can I name a Republican I appointed, for I do not keep the roster in my memory; but I know the general course of my action in that bureau.

Mr. MORRISON. I can name a Democrat that the gentleman from Ohio appointed, a nephew of my friend General Merritt and the son of a distinguished Democratic member of the senate of the State of Illinois. The gentleman appointed him for me, and I have had a good deal of trouble in keeping him in.

Mr. BUTTERWORTH. Of course I do not know what trouble my friend may have had in keeping his appointee in since I left, but I say again that, acting under the obligations of the oath which rested upon me, I asked neither the politics nor the religion of any man who applied for an appointment, but only the question, "Is he fit for the performance of the duty to which he is to be assigned." I believe my successor pursues the same course as to the classified service.

I know not what the course of other men may have been, nor was I concerned to know.

I submit, Mr. Chairman, that this House places itself in a humiliating position before the country when it seeks in this manner to nullify a statute which is the outgrowth of the knowledge, the patriotism, and the wisdom of this Republic gathered in the school of experience during the last century—a statute which embodies a principle to which nine-tenths of the intelligent, patriotic people of this nation are thoroughly devoted.

I have been induced to go into this subject ahead of the time and out of the order, I had designed, and, having entered upon it, I wish to call attention to the witness borne in regard to it by men who are authorized and competent to speak for the Democratic party. I am not here to engage in any personal political controversy with my Democratic friends.

If this country prospers that prosperity is for all of us. The reverse is equally true. Good administration is for the benefit of my children as well as yours. Wise and sagacious appointments inure to the benefit of all. The blessings of good government do not confine themselves to the homes of Republican citizens or to those of Democratic citizens. In regard to the object and intent of this provision which you now seek to adopt, let me stop to say that I will not stultify myself, nor will I pay so dubious a compliment to any gentleman upon the other side of the House as to affect to believe that any man upon this floor who ranges above the point of sanity thinks that this provision has any other intent, aim, or purpose than to remove the barrier that now stands between the appointing power and the arbitrary selection by him of his partisan friends; that it has any other office than to break down the wall which now protects the non-partisan applicant, the man who seeks an appointment upon his merits, and not simply because he is a hustler in a ward or an active bummer in a township.

The object of this proviso is very plain, and I see on the other side of the House a smiling, good-natured face, which breaks into a broad grin when any other view is taken of it. [Laughter.]

One of Shakspeare's characters is made to say: "He takes away my life who takes away the means by which I live." So, gentlemen, you take away the life of this Civil Service Commission when you take away the means by which it lives. The appropriation which is required to enable the commission to discharge their duty under the law and secure its beneficent results to the people, is by this provision made available only on condition that the President, with the co-operation of the Civil Service Commission, shall violate the letter and spirit of the law which he and you, gentlemen, are by the oaths you have taken bound to uphold.

I read the clause in order that all may observe its exact purport. After making the needful appropriation for the commission, this proviso is added:

Provided, That this appropriation shall be available only when the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointment from any one State, found duly qualified on examination, and without regard to age, shall be sent to the head of a Department or other officer charged with making an appointment.

Mr. DOUGHERTY. Will the gentleman allow me to ask him a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. DOUGHERTY. If we break down this "barrier," what will become of those "bums" that you had there in Cincinnati and that you paid with that "good" greenback money that you took from under the seat of the carriage?

Mr. BUTTERWORTH. I have no doubt that the question the gentleman propounds seems to him pertinent. It evidently comes flush up with the top of his ability in that direction. [Laughter.]

Now, Mr. Chairman, President Cleveland came into power upon the promise to the people that he would observe in all respects not merely

the letter but the spirit of the civil-service law. You gentlemen are charged with a like duty, for the country had and has your promise to uphold the President in faithfully enforcing that law. That was your promise; here is your performance. What has been the experience of this country under the civil-service law? What is the testimony borne by the President as to its operation? I wish to say at this point that I do not forget that it is written, "Thou shalt not speak evil of the ruler of thy people;" and I believe it is our duty not only not to speak evil of our Chief Magistrate, but that it is our duty to stand by the President and to uphold his hands, for, whether he be a Democrat or whether he be a Republican, he is the President of this whole people, charged with executing the laws so that they operate equitably throughout the whole country.

I have no doubt of the seriousness, the candor, and the honesty of the utterances of the President which I am about to read to the House, in which he bears testimony to the effects of the civil-service law. I read:

To the Senate and House of Representatives:

I transmit herewith the report of the Civil Service Commission for the year ended on the 16th day of January last.

The exhibit thus made of the operations of the commission and the account thus presented of the results following the execution of the civil-service law can not fail to demonstrate its usefulness and strengthen the conviction that this scheme for a reform in the methods of administering the Government is no longer an experiment.

The gentleman from Indiana [Mr. HOLMAN] dissents from the President's view. He said yesterday that this law is a mere experiment; but, sir, there is abundant evidence that it is something more, it is a fixed reality; it has borne excellent fruits in the administration of the civil service of this country, and as the President says has passed beyond the domain of experiment, and when the gentleman bears testimony otherwise it is the office-seeking fellow behind him whose opinion he is echoing, and not his own. The President continues:

Wherever this reform has gained a foothold it has steadily advanced in the esteem of those charged with public administrative duties, while the people who desire good government have constantly been confirmed in their high estimate of its value and efficiency.

Mr. President, to whom are you writing? To the House of Representatives, whose Committee on Appropriations is here, and to-day, by this means seeking to strike down the policy professed devotion to which recommended you to the confidence of the American people, and I may say of the world.

Says the President, "* * * the people who desire good government have constantly been confirmed in their high estimate of its value and efficiency."

That is testimony to the value of the law which his partisan friends in this House are attempting to destroy. The logic is that they do not "desire good government."

Did gentlemen note the evidence I am now offering before they charge that this law is a mere experiment? Had they consulted these utterances by men authorized to speak for them before they testified against the law? But what else does President Cleveland say? I read on:

With the benefits it has already secured to the public service plainly apparent—

Except to those who will not see or hear, I interpolate—

and with its promise of increased usefulness easily appreciated, this cause is commended to the liberal care and jealous protection of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 25, 1886.

Mr. President, behold in this provision the care and the zealous protection which your party friends in this House are bestowing upon the system of civil service, which was the ladder upon which you ascended to the high office you hold. You pledged your word to the people that you would maintain and enforce the law in letter and spirit. And here and now your party friends are sapping and mining to overthrow you by calling upon you to violate the pledge you made to the people. If that is keeping faith then I have no conception of what is justly due to the Chief Magistrate of this nation.

Mr. Chairman, if I mistake not at least two members of the Civil Service Commission are Democrats, men of great learning, men of high character, men fit to hold the positions they occupy; yet they are described here by the gentleman from Illinois [Mr. SPRINGER] as a cabal that meets together to parcel out the spoils. Where did you get authority to so arraign these gentlemen? What has there been in their official conduct to justify such criticism? Would they feel complimented to be told that they are not the peers of the gentleman from Illinois in matter of honest discharge of official duty? Have they violated their official oaths in the discharge of their important office?

Why does not South Carolina rise up and defend her son against the charge that he is the member of a cabal which is engaged in distributing the spoils of office against his oath and against the right performance of his sworn duty?

Mr. BAYNE. South Carolina is no longer in the commission?

Mr. BUTTERWORTH. From what States are they?

Mr. BAYNE. Indiana and Illinois.

Mr. BUTTERWORTH. Yes, Mr. Edgerton, of Indiana, is arraigned also here as belonging to that little combination, that cabal.

Gentlemen, this character of assault upon public officers for the fearless discharge of duty will do the country as much harm as the repeal of the civil-service law. If men are not to be upheld in the honest discharge of their duty, and I am assuming that it has been honestly discharged, we had better disband. If we are here to represent chiefly the appetites, the passions, the prejudice, the bad ambition of the groundlings, instead of the nobler and worthier aspirations and efforts of the intelligent and patriotic worth of the country, the sooner we are adjourned, as the "Rump Parliament" was adjourned, the better it will be for us all, for the sooner we will build on a sure and lasting foundation. Government is a growth, gentlemen. Good governments are a healthful growth and development, which find expression in wise constitutions and just and equal laws. This civil-service reform is an encouraging evidence of the fact. The attempt that is made to impair its usefulness is evidence that some gentlemen believe that Government ought to go backward.

This Republic has grown to vast proportions. It has grown in its material development. It has grown in that wisdom which is born of experience. We will not retrograde. This spirit of civil-service reform will live. This law will survive, though it may be by this species of unfriendly legislation reduced to a mere skeleton, yet it will remain and be rehabilitated in all its usefulness when in God's providence there shall be restored to power the Republican party—a party which keeps its promises to the people. [Applause.]

Mr. Chairman, the Civil Service Commissioners have a word to say in response to those who have attacked and who call in question the wisdom of the system and who do it in the questionable manner here proposed; and apropos of that manner of attack I submit that it would be more commendable to boldly advocate the spoils system. Why come with the voice of Jacob and the hand of Esau to snatch that which you account a blessing—the spoils of office? [Laughter and applause.]

If I opposed the system here assailed I would oppose it openly. I would not seek to throttle it in this covert way, nor would I, while paying the homage of a kiss, thrust a dagger into its vitals. Gentlemen may differ honestly as to the merits of system, but the country is pledged to this civil service, and those who seek to overthrow it in the face of their pledges to uphold it can have no other hope, expectation, or aim than to enable partisan officials to select their party friends and favorites for appointment. It is against that very evil the civil-service law in its letter and spirit sought to provide.

The Civil Service Commissioners seem to have an apt apprehension of the precise character of the opponents of the system. They are not only scholarly, but they write with clearness and vigor. I read from their report made to the President:

It is often said that in private business examinations are not made before employing clerks. Why, then, should they be required for the public service?

It might be simply answered that Congress, several Presidents in succession, and every enlightened nation have found them necessary.

Our nation was, under our system of politics, the last to adopt this beneficent system. Shall it be the first to abandon it?

Do you intend to place our nation again at the heels of the procession? The commissioners correctly say that every enlightened nation on the globe has found it necessary to adopt such a system. While we were in power we endeavored to keep abreast, if not ahead, of all of the other enlightened nations; and yet, gentlemen, you hardly get warm in your seats as the party in power before you seek to turn out of the road, lock the wheels of progress, and allow the meanest nation on earth to pass you in the march of enlightened advancement.

I read again from the report:

But more elementary reasons may be stated. Every office-seeker claims an equal right to enter the public service. The appointing officer can not, like a man in private business, reject arbitrarily.

How true that is. The politician can not arbitrarily refuse to recommend for place and preferment.

That is just the trouble, Brother FINDLAY; the man who can strike straight from the shoulder, who has abundance of neck and a wealth of under-jaw, claims that these useful agencies in a political warfare in precincts of doubtful morals and still more doubtful methods entitle the possessor to the same consideration for appointment as the intelligence, the excellence of character of his orderly, law-abiding competitor. This better and more benign system, which is by this provision to be struck down, gives the advantage in the competitive race for public employment not to a surplus development of muscle, neck, and under-jaw, but to cleanliness of character, intelligence, moral uprightness, and general fitness for the performance of official or clerical duty. In other words, this system limits the demand for insolence and under-jaw in a race for public employment. [Laughter.]

Mr. FINDLAY. I would suggest all jaw.

Mr. BUTTERWORTH. Yes, sir, as my friend suggests, or all jaw.

Mr. TAULBEE. Will the gentleman allow me a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. TAULBEE. Are you in favor of persons, under the present civil-service law which requires applicants to be examined, being exempted because they held positions at the time the law was passed? I mean, do you acquiesce in the propriety of the absence of any provision in the law to provide for the examination of the incumbents in this classified service at the time of its enactment?

Mr. BUTTERWORTH. I am for continuing every man in the pub-

lic service whose moral and mental qualifications fit him to discharge the duty appertaining to his employment, and I want to say, if my friend was at the head of any bureau or department, and he found Paul or Silas or Barnabas or anybody else unfit for the service, he should put him out.

Mr. BURROWS. Except for political reasons.

Mr. BUTTERWORTH. Of course that goes without saying. And in filling the vacancy you should make your selection with reference to the moral and mental qualifications of the applicant and his fitness for the place, and not with respect to his mere physical characteristics nor the time within which he may have been able to manipulate some ward or township in the interest of his party. The people at large are not actively concerned except to know that the Government is administered well.

Now, the power of removal ought to rest in the wise discretion of the officer charged with the execution of the law; but he ought not, under the pretense of exercising that discretion, to nullify the law by removing persons known to be competent merely because he desires to punish a political adversary or reward a political friend.

Mr. EZRA B. TAYLOR. And let me suggest further to my friend from Ohio that the experience of the officer in the service is the best possible examination of the fitness of the applicant.

Mr. BUTTERWORTH. Undoubtedly.

Mr. TAULBEE. Will you allow another question?

Mr. BUTTERWORTH. Yes.

Mr. TAULBEE. It is a question suggested by the remarks of the gentleman himself. Does the gentleman undertake to say that the incumbents in these public positions, at the time of the passage of the civil-service act, were competent for the positions which they held and that they were appointed to these positions with a view to their competency and not with a view to their political affiliations or otherwise?

Mr. BUTTERWORTH. Some were fit and some were doubtless unfit. There has been some weeding out, and it may be very properly. Many appointments were made under the old system, and while the heads of Departments and bureaus may not, under that old system—which was known as the spoils system—always have selected a good man, they did not always get a bad one. But the test should be fitness, mental qualifications, character, and ability to perform the duties, and should not rest upon any other rule, unless the officer or appointee bears such relation to the President or head of Department as to make his political views a proper subject for consideration for obvious reasons.

This report further says:

He must reject on some reasonable basis.

That is, the politician, the member of Congress, must do so.

Shall the test be a party test, shall it be official favoritism, or shall it be the merit of the office-seeker? If superior merit is to prevail, how shall it be ascertained? This brings us again to the main question—the value of examinations for testing merit. Even large business firms and corporations are more and more resorting to examinations for discovering merit.

No attack upon examinations is so common on the part of the supporters of a spoils systems, or perhaps is so frequently expressed by others not well informed, as that which asserts that examinations can not absolutely test either character or capacity for rapid work or directing the work of others. Those who make it have not generally constructive minds, and they rarely appreciate how poor and shallow is the criticism which is unable to suggest anything better than that which they simply declare not to be perfect.

Because possibly some individual can conceive it possible to add a new tint and shade to the lily, therefore he deems it imperfect and neither satisfying to sight or other sense. Because the Infinite may possibly sharpen the sting of the bee, these finite critics hold the sting as blunt and dull. We must have their idea of perfection or we must have nothing.

Now I want to turn you to the sayings of another man who is a special favorite with the Democracy in this country, a very oracle of his party, a man who succeeded in being elected governor of New York in spite of our efforts to defeat him—Governor Hill. While I have criticised his methods in many things, I want to applaud him to the echo for his utterances which I will read to the House. And I trust I shall praise that which is worthy in him in the field of action. Let those who do well for the State and the country have the full meed of praise to which they are entitled.

What does he say in regard to the merits of the system under consideration? It is interesting reading in view of what is passing here. It is written in a scholarly way, and proclaims Governor Hill to be a man who knows what is right and one who desires to secure a pure administration of government in the State of New York. What he does in practice I do not know. His theory, as disclosed in the lines I read, is admirable. Governor Hill, in his message to the Legislature of New York, said——

Mr. SPRINGER. He is a good man.

Mr. BUTTERWORTH. I hear that there is a strong expectation that he will be your next candidate for President. In that case you will require to have this utterance of his expunged from the record, unless his practice is such as to give needful assurance that he used the language I here quote in a Pickwickian sense.

Mr. SPRINGER. Oh, no.

Mr. BUTTERWORTH. Governor Hill says:

The methods of civil service have become the policy of the General Government and of some of the States, and like all genuine reforms, aiming only at good government and the public welfare, this reform is likely to be universally accepted. The State of New York, always foremost in administrative reforms and the adoption of salutary measures of improvement, has taken the lead in this reform.

Mr. SPRINGER. Inaugurated by Tilden and Cleveland.

Mr. BUTTERWORTH. When Tilden is buried, if you should go at any time of the day or night you will find my friend from Illinois hanging around the grave mourning and refusing to be comforted. [Laughter.]

My friend from Maryland [Mr. FINDLAY] calls my attention to the fact that in the State of New York more offices are filled under the civil-service system than are filled by the General Government under the civil-service law. In point of fact under the General Government there are less than 15 per cent. appointed according to the civil-service system.

Mr. FINDLAY. There are fifteen thousand appointments under the civil-service system in the State of New York and fourteen thousand under the General Government.

Mr. BUTTERWORTH. I will read further from the governor's message:

The fundamental idea of this reform, that public office is a trust to be exercised solely for the public welfare, and that offices should be filled only by those best qualified for the service to be rendered after their fitness has been ascertained by proper tests, is the corner-stone of popular government.

And that which Governor Hill styles and which is conceded to be the corner-stone of popular government his political partisans here are trying to pull down or undermine.

Mr. WILLIS. Will the gentleman allow me to interrupt him once in my life?

Mr. BUTTERWORTH. Yes, sir.

Mr. WILLIS. As the gentleman is commenting on the action of the present Committee on Appropriations, I would be glad to have him express his opinion of successive Republican Congresses which have refused to appropriate the money necessary to conduct the work of the Civil Service Commission appointed by his own party.

Mr. BUTTERWORTH. I am not aware they did that. If they did I am here to condemn the omission of duty.

Mr. WILLIS. And I join you in condemning it.

Mr. BUTTERWORTH. If the gentleman has not got past the milestones we raised six or ten years ago I sympathize with him. He will not catch up till this discussion is over. [Laughter.] Whatever else we have been doing we have been growing. Keeking pace with the demands of the hour. But I do not want to do injustice to my friend, for I understand him to be in favor of the civil-service law.

Mr. WILLIS. At a time when my friend from Ohio [Mr. BUTTERWORTH] was not.

Mr. BUTTERWORTH. You are mistaken. But I get better every day. [Laughter.] I think one of the most amusing things is that with reference to our respective attitudes on this question, my friend is made happy by comparing himself of to-day with what I was years ago. [Renewed laughter.]

Mr. WILLIS. I am sorry I can not return the compliment.

Mr. BUTTERWORTH. It might not be a compliment. I trust I will now be allowed to proceed to read the rest of Governor Hill's message:

The bestowal of office solely as a reward for partisan service, or as a means of livelihood for the incompetent and thriftless, is an abuse that can not be tolerated by a free people. It has been found prejudicial to the public welfare and inimical to the spirit of our republican institutions, if not dangerous to their stability.

And dangerous as the spoils system is, as stated by Governor Hill, his party friends who are in a majority in this House are making all possible haste to return to it.

I read again from Governor Hill:

The history of all nations, ancient and modern, teaches the lesson that the undue thirst for office, and the unrestrained power of distributing patronage, are the most potent factors in the oppression of the people and the overthrow of popular liberty. The selection of public servants, pursuant to the forms of law and on the ground of merit instead of by the untrammeled will or caprice of an official is the safeguard of our institutions and of popular rights. It is, besides, a constant stimulus to the better education and training of the people and a recognition of the utility of our common schools sustained at the public expense and an incentive for the best men to seek the public service.

I have pleasure in also offering this choice bit of testimony from South Carolina, which shows that the Palmetto and the old Bay State are again sisters laboring together in the interest of good government, and both alike condemn the proposed action of this House:

I will insert here the joint resolutions of the Legislature of South Carolina passed on the 22d of December, 1884:

SOUTH CAROLINA RESOLUTIONS.

On the 22d of December, 1884, both houses of the Legislature of South Carolina adopted the following resolution:

"Whereas the General Assembly of the State of South Carolina did, at the regular session of 1880, adopt a concurrent resolution, to wit:

"*Resolved by the house of representatives (the senate concurring)*, That our Senators and Representatives in the Congress of the United States be requested to urge Congress to take such measures as may be expedient for the reformation of the civil service, so that the tenure of office under the General Government may no longer be dependent upon party success nor subject to levy by means

of forced pecuniary contributions to any political party, and so that capacity and character shall be the test of fitness for office and the sole but certain guarantee of its tenure;"

And whereas this General Assembly, in view of the change in the administration of the National Government, desires to reiterate and reaffirm the principles and policy of the said resolution:

Be it now resolved by the house of representatives (the senate concurring), That this General Assembly adheres to the same and tenders to the administration of the President-elect the approval and support of the people of this State in carrying out the provisions of the law in regard to civil-service reform.

Resolved, That his excellency the governor is hereby requested to forward a copy of this resolution to President Cleveland when he shall have been inaugurated.

I have quoted only a few of the expressions of the recognized representatives of his party in the State of New York, South Carolina, and the nation, and I commend the spirit that prompted them. And yet while on every housetop and in every street our Democratic friends proclaimed that the civil service as administered is defensible and was and is indeed the apple of the Democratic eye, I find here the leaders of that party attempting to gouge that eye out—not in an open and manly fight against the provisions of the law, but in a way that I am sure can not commend itself to the maturer judgment of this House, as it certainly will not to the country.

I am not going further to defend the civil-service law. It is its own defense. I believe this provision will be ruled out on a point of order. It ought to be ruled out on a point of order. It has no proper place in this bill. As touching the manner of doing this thing, I submit, Mr. Chairman, if there is anything that we as the representatives of the people should do to merit the confidence of our constituents it is to have our conduct marked by perfect candor. Does such candor find expression in this proviso? Shall we descend in the exercise of the functions of the high office we hold to the level of the mere political trickster? Why is it that we are called through the land "politicians" merely? Why is it that when we are called politicians men understand they are describing little else than political tricksters? Is it not because, in the judgment of the world, measures like this are deemed to be mere tricks—a mere pretense? Who of all your constituents that is guided by right thought and intelligent conviction, whose motives are pure, will fail to recognize here a great masterpiece of a political trickery—a mere affectation of reverence for a system which we are seeking to destroy?

I say to my friends upon the other side, whether you believe the utterance or not, I say to you, I shall be glad if the administration of Grover Cleveland (and your own) shall be characterized by that wisdom and that patriotism which shall commend it to the favorable judgment and support of all men. If the time ever comes when, Republican as I am, I shall fail to commend the wise and patriotic action of any man within the domain of the Republic merely because he is my political opponent, I trust I may be retired to the rear as unfit for public station.

This blow at the system of civil service is your handiwork, gentlemen, not ours. It will not receive a vote on our side of the House. A strange spectacle is here presented to the country that the President of the United States in attempting to uphold the law which embodies the best ambitions and dearest hopes of this Democratic administration should find himself driven to rely for support upon his political adversaries, those who attempted by their ballots to keep him out of the high office he now fills—that he should be compelled to look to this side of the House for the support which he vainly seeks from his own. Do you think that the President of the United States can approve your course? If so, I should say to him, "Mr. President, did you intend to mock us by your promises?"

Mr. FINDLAY. Would not the President veto this if it went to him in this form?

Mr. BUTTERWORTH. Of course he would veto it. Undoubtedly he would. He, I hope, will keep the faith, though his party in this House abandon it. But these gentlemen know that it will never pass the Senate; it can not, and I am glad to observe among the brethren upon the other side of the House, men who, however much they may criticise some features of the service and however much they may be annoyed by the fact that there seems not to be an equitable distribution of the officers and employment, nevertheless stand by the law, holding the American Congress to be above the small arts of some city councils or ward politician.

I want to call attention now to what my honorable friend, the gentleman from Illinois [Mr. SPRINGER], has said in regard to the administration of the Pension Office. I have said (and it makes the case when the truth is known) that when the appointing power, pending the appointment, ascertains that these forty-seven applicants are Democrats and that forty-nine are Republicans, he has prosecuted that inquiry for what purpose? To ascertain the men's moral and intellectual fitness? No, sir; the examination has done that. Then for what purpose is that inquiry prosecuted? Simply that he may preserve the balance of power between political parties, I suppose.

But in this case the Commissioner of Pensions did not do that. He made appointments indeed, but they were reappointments. Men who were familiar with the service were reappointed before their terms expired. Now, whether those men were Republicans or Democrats I know not. The Commissioner was satisfied with their fitness. If he was not, and he still retained them in service, he is unfit to hold the position he now occupies. If they were not fit and competent for the performance of their duties, then, whether they were Republicans or Democrats, he should have kicked them out of the service. I have great confidence in the ability of my friend from Illinois, but does he think it was within the range of finite possibility that of seventy-seven men from different parts of the country examined as to their moral and intellectual qualifications—that in that number there could be found only three who were Republicans and who had the intellect and the moral outfit required for appointment. The proposition is absurd.

Mr. SPRINGER. Will the gentleman allow me to answer?

Mr. BUTTERWORTH. I have not said anything that requires you to answer at this moment. You answered a while ago. I take it that Commissioner Black knows as well what he is doing as my friend from Illinois does. The king used to have a keeper of his conscience who was supposed to be answerable for whatever the king did, but that is not the case with the Commissioner of Pensions. [Laughter.]

Mr. SPRINGER. I would like to be allowed to answer the gentleman before he is through.

Mr. BUTTERWORTH. You may answer me after I am through.

Mr. SPRINGER. I want to answer you now.

Mr. BUTTERWORTH. Now, Mr. Chairman, I am not criticising General Black. I have no doubt that he acted up to his highest conception of the requirements of the civil-service law, and hence I say, General Black, go acquit. But the intelligent people of this country will continue to wonder how it is that the ability to run a great bureau of the Government can be found in the same physical and mental organism which believes it possible that, without discrimination or partial effort, of seventy-seven men taken at random in this country and examined as to their qualifications for a public office seventy-four could be Democrats and only three Republicans. Such a thing is remotely possible; it is not in any wise probable.

I will read what General Black says on this subject, as tending to throw some light upon his tendency to look after his own political household:

By Mr. HARRISON:

Q. Very well; go on with the statement.

A. Sixty-nine have been appointed outside of the civil-service rules. Of those appointed under civil-service rules seventy-two have been Democrats, and five politics unknown. Of those appointed outside of the civil-service rules, thirty-five have been Democrats, and thirty-four politics unknown.

He calls those appointed who were already in the office and familiar with the duties whom he took under the influence of the President's avowed purpose to remove only for cause, and in the presence of which he could not disregard for the present the pledge which that high officer has made to the people.

But, sir, I may add if under the civil-service law and regulations it was competent for the honorable Commissioner of Pensions in appointing seventy-seven clerks or agents to select fourteen out of every fifteen from among his partisan friends, it is of little consequence whether the law is repealed or not. This seems to be a case where the letter does indeed kill, and the spirit gives no life since it is not heeded.

He then goes on to say that if he could have done so he would have been very glad to have made all the appointments from among his Democratic friends. It is against that I protest. Being a Democrat fits a man, no doubt, to vote the Democratic ticket, but it does not fit him any better to discharge the duties belonging to the different positions under the Government.

Mr. SPRINGER. Do I understand my friend to say that he believes General Black in this matter has violated the law?

Mr. BUTTERWORTH. That depends entirely upon his ability to conceive what the law requires. I will not say that he has knowingly violated the law. But according to my conception of the law, according to the conception of every other man so far as I know with possibly one solitary exception, outside of the Pension Office, I think he has, though possibly unintentionally, violated its clear spirit.

Mr. SPRINGER. How did it happen that General Dudley appointed all Republicans and did not violate the law, though he was operating under the same law, the same rules, and pursuing the same manner of proceeding?

Mr. BUTTERWORTH. You are as happy as my other friend over there. If you can find a bad example on our side you are entirely satisfied with your own record if it squares itself to that bad example.

Mr. SPRINGER. I do not want the gentleman to insist that a Democratic Commissioner has violated the law in appointing one-half Democrats and the other half Republicans, while the gentleman's own party friend in the same position appointed all Republicans.

Mr. BUTTERWORTH. I do not know that such is the fact.

Mr. SPRINGER. It is the fact.

Mr. BUTTERWORTH. Well, if it is I join the gentleman in condemning it. But what you charge as wrong in one officer you loudly praise, or at least defend, in the other.

Mr. SPRINGER. It happened that under the administration of a Commissioner of your party all the appointees were Republicans,

while under an officer of our party only half the appointees were Democrats.

Mr. BUTTERWORTH. Now, I have said all I desire to say in regard to this matter of civil service. I will merely add that I believe in it. I believe the experience we have had under it demonstrates clearly and fully the wisdom and beneficence which waited upon its adoption; and I shall be found its consistent and earnest friend. But if I were opposed to it I would not assail it in this manner.

Mr. SPRINGER. Did the gentleman condemn his own party friend, General Dudley, for appointing all Republicans?

Mr. BUTTERWORTH. I wish gentlemen on the other side would make some effort to amend their own political lives rather than to feel satisfied when their best efforts come up to the plane of our worst example of years ago.

Mr. SPRINGER. Then you protected your party friends but now things have changed a little.

Mr. BUTTERWORTH. I do not hope to satisfy the gentleman. There is an awful chasm there which might be filled but I do not expect to do it. [Laughter.]

Mr. Chairman, I do not deny that in this appropriation bill there is the form of economy; I do not deny that there is the letter of economy. I do not deny that the expenses of the administration of this Government have been reduced. But, sir, to reduce expenses is one thing; to practice economy is quite another. The reduction of expenses does not always imply economy. My friend from Indiana is aware it has been written, "There is that scattereth and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty." A wise, judicious appropriation to enable each and every Department of this Government to have a full and adequate force to dispatch promptly and efficiently the duties devolving upon it is wise economy, whether it costs much or little.

As an instance, I will refer to the office of First Comptroller. In this bill the Committee on Appropriations have not increased the force in the office of the First Comptroller, yet gentlemen here know that the adjudications in that office are fifteen or twenty years behind. For the benefit of my friends I will say that I do not criticise this Congress more than preceding Congresses for refusing to provide a force sufficient to dispatch the business appertaining to that office. We all know that Judge Durham is neither an idler nor a spendthrift. If he has a fault, it is in being too technical, but he works late and early, and he works his force to the utmost. Yet he bore testimony before this committee, as he has done to a large number of members of the House, that the business of his office is dragging away behind, so that the bond I give to the Government my grandchildren may be sued upon, if any of my estate could be traced to them—if I had any estate to trace. I say this is not economy. It is a mere pretense of economy to withhold the appropriations necessary for disposing of business as it presents itself at the various offices of the Government. Mr. Day, the Second Auditor, (if I get his name right,) is an energetic, conscientious, clear-headed man.

Nobody can go about his office without appreciating the fact that the President was fortunate in choosing such a man for Second Auditor. He is crowding the business of his office, and yet he says increase of force is indispensable.

I would not agree with my friend from Maryland [Mr. MCCOMAS] if what he said was in the spirit of unfair criticism. What he denounced was not the fact that increase of force was demanded under this administration, but the pretense heretofore made that such increase of force was prompted by a spirit of reckless extravagance and had no relation to the actual needs of the service. Mr. Chairman, I know that the demand for increase of force and for increase of salaries does not even tend to prove your officials intend to be extravagant or unjust with the public revenues. A man charged with the performance of duty at the head of a bureau knows better than anybody else what is required to dispatch the business of his office. I say generally where these increases have been asked for, so far as my knowledge goes, they are fully authorized and justified, and that the officials would have been derelict in the performance of their duty if they had not asked for them.

The criticism of my friend from Maryland comes to this and this only, that the great clamor made to the country that its business could be carried on with decidedly less expense is mere pretense; and to show it is so, the experience of Democratic officials, who are doubtless faithfully discharging their duty, is cited. The growth of the country, its widespread domain, its ten thousand newly-opened avenues of business suggest that with that healthful expansion and growth there is increase of business in every administrative office. And he is no friend of his country, no friend of true reform, who, for the mere purpose of catching votes, says there is ridiculous extravagance.

Sir, I do not believe there is a government on the earth that can show as many sound, competent, pure-minded, honest, patriotic officials as the country of which that flag is the emblem. [Applause.] No nation of the earth down to this hour has handled so vast revenues with so little loss to the people as the American Republic.

And I have no sympathy with the effort which drags any official down, and I feel loathing and contempt for any vagabond who has or may creep up to high station by imposition upon the appointing power as to his real merits, and on being installed in office at once opens a school for scandal and offers a premium to such as will perform the filthy service of befouling the character and fair fame of his political adversaries who may have held office. [Applause.]

It is the truth to say that honesty and fidelity to public duty is the rule in both the great parties of the country. The reverse is the exception. We may differ as to means, but the end we desire is for a conscientious administration of our Government.

Our friend from Indiana [Mr. HOLMAN], a man whom I have known for many years and whom I admire, has a happy faculty, if such a faculty can be called a happy one, of attempting to persuade the people of this country they are suffering by reason of some act of omission or commission on the part of the Government; that the annoying conditions in the midst of which we often find ourselves are due to the sins of Congress or the Executive.

I have no sympathy with that arraignment of our Government, no patience with that method of catching the crowd. All that Government can do, all that we can demand of it is that it shall keep wide open the door of opportunity so that no needless obstacle shall bar the way to that success which should wait upon honest and intelligent effort. I have no patience with that effort which is made to please the unworthy by assaulting the great enterprises of the country—enterprises which were in their day needful to its healthful growth, if not indeed to the preservation of its life. I rejoice to hear the honorable gentleman from Illinois [Mr. MORRISON], courageous as he always is, candid as he always is, rebuke the disposition to criticise without intelligent understanding or fair consideration of the merits of the act which is the subject of criticism.

Gentlemen are too prone to rise at the close of the nineteenth century and with the gathered wisdom of ages about them presume to criticise with severity what our predecessors did, without pretending to investigate what operating influences had prompted this or that political and legislative action.

In reply to such criticisms the honorable gentleman from Illinois [Mr. MORRISON] led gentlemen back up the stream of time and stood them face to face with the conditions which then surrounded those who were called upon to act. He called attention to the pressing necessity for binding the Pacific Slope to the fertile valleys of the Mississippi and the East; that between the far West and the East there were deserts and mountains and beyond this a hostile people; that what seems to us to-day to have been unwise, and what possibly was unwise, yet found justification with honest men in the trying conditions with which they had then to deal.

The thing I criticise in this bill is that the economy exhibited in the letter is not real. It makes the promise to the ear to break it to the hope. Among the items that challenge commendation I will mention one particularly. I want to commend the action of the committee in that they will no longer permit the Government to stand in the attitude of an embezzler of private funds. For more than two decades past it has been the custom of the Government to obtain possession of funds to be applied to a particular use, and when once obtained put it in its coffers and convert it to another use without rendering the service agreed upon. That has been the case with reference to the Patent Office.

This committee gave careful investigation to the subject, and said that the men who pay the expenses of securing the performance of a public duty have a right to have that duty promptly performed, and especially in view of the fact that all expense of every kind and character to the uttermost cent, every insignificant scruple, comes from the individual inventors of the country. The committee say we will appropriate the money which is paid into the Government coffers for this purpose, and render the service promptly. I say the committee is deserving of credit for doing this act of public and private justice, and the country will commend it.

Now, Mr. Chairman, I have in no wise pursued the line of thought which I had proposed to enter upon with reference to the bill which is now before the House. I suggested a week or two ago perhaps that I should ask the floor for the purpose of showing the relations existing between the various industries in this country—to show, in fact, the relations existing between the law of supply and demand, so far as our people are concerned, and the various agencies by which the supply has overrun the demand, and how in our attempt to make labor profitable, or rather the agencies which produce wealth, we have to study these relations; and I had hoped to be able at this time to make some suggestions which might be useful in that behalf. But the conspicuous attitude which the civil-service provisions of this bill have assumed has betrayed me into another line of discussion.

How much time have I remaining?

The CHAIRMAN. The gentleman has two minutes.

Mr. BUTTERWORTH. If any brother can profitably use that time he is welcome to it. [Laughter and applause.]

Mr. TOWNSHEND. Mr. Chairman, for weeks and, indeed, for months, I have been laboring with the subcommittee upon the preparation of this bill. This voluminous bill has been gone over word after

word, line after line. I have bestowed upon it as much care as it was in my power. It has passed through the ordeal of the subcommittee and the general committee, and is now presented for the final consideration and action of this House. It is one of the most important of all the money bills that are brought in from the various appropriating committees of the House. It carries the salaries of all the legislative, of the executive, and of the judicial officers of the Government.

There are but two ways by which economy can be effected on this bill. One is by dispensing with a number of officers in the employ of the Government, and the other by a reduction of their salaries.

The majority of the committee have sedulously sought as to how we might, without crippling the public service, reduce expenditures in the reduction of salaries as well as dispensing with surplus officers. It may be that we have been mistaken in our judgment, and doubtless every man on the committee as well as the subcommittee will have his own views in reference to that question; but we have kept this purpose steadily in view.

I am one of those who believe we could largely reduce expenditures under the bill, if the methods or systems used in the various Departments were changed; but under the system which has grown up and been enforced for many years, I do not conceive how we can well reduce the amount of service without seriously crippling its efficiency.

I have differed with my friend from Indiana [Mr. HOLMAN] in some details in regard to the bill, and largely differ with some of my friends and colleagues of the committee on the other side who participated in its preparation. But as a whole I believe we have made as safe and as conservative a bill as was practicable to be made under the circumstances.

Now, sir, I did not intend to make any remarks whatever upon this bill except such as I might deem proper under the consideration of its various sections within the limits of the five-minute debate under the rule, until I had heard some remarks which fell from the lips of my colleague from Illinois [Mr. CANNON] and the gentleman from Maryland [Mr. MCCOMAS] on yesterday and this morning. Since these remarks have been delivered I have been preparing some notes for observations in reply to points they made in regard to the bill. In the first place I will take notice of some of the remarks of my friend from Maryland [Mr. MCCOMAS].

He has very ably and ingeniously criticised the estimates of the Departments and the work of this House during this session regarding appropriations, but in a manner which in my judgment is likely to mislead. He has endeavored to induce this House and the country to believe that the Democratic members of this House have forgotten the watchword which has ever been a favorite one with the Democratic party since its foundation by Jefferson—of adherence to the principle of economy. I believe, sir, that if the gentleman himself would sit down and carefully study the figures showing the appropriations since the first time the Democratic party regained control of this branch of Congress since the war began, he will discover that the Democratic majority, whenever it appeared in this House, has been faithful to the injunctions of the fathers of the party and the pledges of its representatives to the people when seeking election. The figures that have been prepared for me by the clerk of the Committee on Appropriations demonstrate clearly that since we came into power in the Forty-fourth Congress there has been a steady and successful effort on the part of the Democratic majority in this House to reduce the expenditures of this Government.

They were wonderfully successful in the Forty-fourth Congress when they had to combat a Republican Senate and a Republican President. The results of their labors, notwithstanding the opposition of Republican members, demonstrated that the current expenditures of this Government could be safely reduced at least $30,000,000 without in any degree whatever crippling the efficiency of the public service. And if the Democratic party in the Forty-fourth Congress are entitled to gratitude for nothing else, they are at least entitled to receive the thanks of the tax-payers of this country for relieving them in the first year of their power here from the burden of $30,000,000 of unnecessary expenditures imposed upon them by the extravagance of the Republican party, which had held unlimited control of both branches of Congress for so many years.

Now, Mr. Chairman, no matter how deceptive rhetoric may be, it has been said truthfully, "Figures will not lie." I will present the official figures furnished by the Treasury Department, and the proceedings of Congress. I hold in my hand a table showing the appropriations from 1873 down to and including the current fiscal year, less amount for pensions:

TABLE A.—*Annual appropriations by Congress, less amounts given for pensions, 1873 to 1886.*

Forty-second Congress, Republican:	
1873	$144,820,533 73
1874	167,439,297 38
Forty-third Congress, Republican:	
1875	153,705,002 16
1876	149,166,833 90
Forty-fourth Congress, Democratic:	
1877	125,020,139 64
1878	115,859,149 23
Forty-fifth Congress, Democratic:	
1879	141,815,775 68
1880	136,636,937 17
Forty-sixth Congress, Democratic:	
1881	147,747,560 27
1882	150,075,750 57
Forty-seventh Congress, Republican:	
1883	181,561,602 29
1884	145,418,647 63
Forty-eighth Congress, Democratic:	
1885	174,900,588 09
1886	159,595,283 18

This table shows that in the Forty-second, a Republican Congress, the appropriations for the first session were nearly one hundred and forty-five millions, and the second session nearly one hundred and sixty-seven and a half millions.

In the Forty-third Congress, a Republican Congress, the appropriations for the ordinary expenses of the Government had reached in the first session nearly one hundred and fifty-four millions; in the second session they exceeded one hundred and forty-nine millions.

In the next Congress, the Forty-fourth, a Democratic majority appeared here for the first time since the war. The appropriations at the first session shrank to about one hundred and twenty-five millions, and in the second session they shrank ten millions more, to less than one hundred and sixteen millions. I am giving the figures in round numbers, omitting the odd thousands.

In the Forty-fifth Congress we again controlled the House. The appropriations were less than one hundred and forty-two millions in the first session, and in the second session they were about one hundred and thirty-six and a half millions.

In the Forty-sixth Congress, with a Democratic House, they were less than one hundred and forty-eight millions in the first session, and about one hundred and fifty millions in the second session. That was the Forty-sixth Congress which immediately preceded the control of this House by the Republican party in the next Congress.

In the Forty-seventh Congress—when the Republicans regained this House—see how the figures sprang up under Republican control of both branches of Congress, with a Republican President in the White House to sign the bills. The appropriations of the first session of that Congress ran up from one hundred and forty-seven millions under Democratic control to over one hundred and eighty-one and half millions; and in the second session, the short session, they were about one hundred and forty-five and a half millions. As they had lost power in the House they purposely reduced the expenditures below what they knew were the growing needs of the service in order to make a sham show of economy and create deficiencies for the Democratic House to provide.

In the Forty-eighth Congress the figures show the appropriations were less than one hundred and seventy-five millions in the first session, and one hundred and fifty-nine and a half millions in the second.

In the last Congress there were extraordinary appropriations, which do not belong to the ordinary appropriations of the Government, such as the appropriation for the New Orleans Exposition, and the appropriations for an increased number of public buildings ordered by Congress, and for other than the ordinary expenditures of the Government.

But I have a much more interesting table than the one I have exhibited for the careful consideration of my friends on the other side.

Mr. CANNON. Will the gentleman allow me right there?

Mr. TOWNSHEND. Let me get through these tables first.

Mr. CANNON. I desire to make a correction at that point, or to mention a fact that the gentleman has not taken into account.

Mr. TOWNSHEND. I will yield to the gentleman after I get through the next table. I call attention to a very interesting table which the clerk of the Committee on Appropriations has prepared for me within the last few hours. It is a table showing the amount of estimates made since 1877 by the Departments, except the year 1878, of which he did not have time to procure the verified official data. It also contains the amounts of the appropriations as the bills passed this House during that period, and shows also the appropriations as they were finally enacted into law.

The object of this table, I will frankly state, is to show what were the estimates made by the Republican officials and sent to Congress of what they deemed it necessary and should be appropriated to carry on the Government during that period of nine years. I particularly desire to show by this table that the House, where Democrats, except in one Congress, held control during that period, reduced the amounts of appropriation hundreds of millions below the estimates and sent the bills to the Senate with the amounts so reduced. I wish to show further by this table that the Republican Senate was a most extravagant body, and that it largely increased the appropriations above the reduction of the House. When the gentleman from Maryland [Mr. MCCOMAS] railed at the Democratic party for having failed to secure larger reductions during its power here, he forgot the fact that there was another body which has equal power with this House over appropriations, and controlled by his party during that period, which in a large degree defeated our efforts for economy, and steadily and largely, unnecessarily, extravagantly increased the appropriation as authorized by this House.

Look at this table:

Statement showing aggregate amount of the annual estimates submitted to Congress and the aggregate amount of the annual appropriation bills as passed by the House and as passed by the Senate for the fiscal years 1877 and 1879 to 1886 inclusive.

Year.	Amount of estimates.	Amount of bills as passed by the House.	Amount of bills as passed by the Senate.
1877	$203,099,025 48	$138,752,343 42	$158,260,598 63
1878			
1879	176,226,348 31	147,687,739 94	161,852,269 41
1880	204,202,270 53	188,381,875 01	197,823,373 38
1881	193,059,042 17	184,840,549 02	189,672,961 23
1882	219,641,791 61	193,708,587 44	217,447,283 26
1883	309,495,451 15	289,288,557 84	297,198,639 86
1884	306,380,163 16	*227,582,931 41	*231,821,264 77
1885	235,098,044 12	184,961,954 69	205,101,598 51
1886	266,403,181 42	*213,262,447 55	*223,357,254 00
	2,113,605,317 95	1,768,466,983 32	1,882,535,243 05
	1,768,466,986 32		1,768,466,986 32
Reduction by House under estimates	345,138,331 63		
Increased by Senate over House			114,068,257 73

* Does not include river and harbor bill, which failed to pass.

NOTE.—In the estimates as stated above are included supplemental estimates transmitted to Congress after the regular books of estimates were submitted to Congress.

Now, what are the total figures? This table shows that the estimates made by the Departments during that period of nine years amounted to $1,768,466,986.

What did the House do with the estimates during that period? This table shows that those estimates were reduced $345,138,331. You see if the bills had become law as they left this House there would have been a saving to the Treasury of over $345,000,000. But what did the Senate do with them? This table shows that the Senate increased appropriations during that period $114,068,257.73. In other words, the Senate increased the appropriations of the economical Democratic party in the House over $114,000,000. These figures furnish the answer to the inquiry made so frequently in this debate upon the other side why those of us on this side have not succeeded in reducing the expenditures more than has been done. It is mainly because your Republican Senate have in every instance where we have sent them general appropriation bills largely increased the amount of the appropriations, and hereby in many instances defeated our efforts at economy.

Mr. CANNON. Will the gentleman allow me a suggestion at this point?

Mr. TOWNSHEND. Certainly.

Mr. CANNON. I hold in my hand an official statement from the Democratic Treasury Department of the expenditures for the different fiscal years, beginning in 1856. It does not make any difference for my present purpose what the appropriations are, but from this statement it appears that in the years 1881 and 1882, when there was a Democratic House, there was expended $518,000,000. In 1883 and 1884, when there was a Republican House, in the Forty-seventh Congress, the expenditures were $509,000,000; 9,000,000 less than the Congress before. I call the gentleman's attention further to the table which he holds in his hands, and say to him that if he will throw out the appropriations for pensions in the Forty-seventh and Forty-eighth Congresses he will find that the appropriations made by the Forty-seventh Congress were $18,000,000 less than those made by the Forty-eighth Congress, the one which my friend talked about a few moments ago as the Democratic Congress that cut down appropriations so largely. My friend knows very well that estimates are one thing and appropriations are another thing. The real question is, what is the money expended and what are the liabilities incurred?

Mr. TOWNSHEND. I can not allow my colleague to make a speech in my time. I thought my friend had candor enough to admit that he knew that those figures which he cites were not accurate. He has taken them, doubtless, from this book which I hold in my hand, and which comes from the office of the Register of the Treasury.

Mr. CANNON. Is that wrong?

Mr. TOWNSHEND. No, it is not in all respects wrong, but it is misleading.

Take the year 1883, and, according to this book, the source from which the gentleman gets his figures, I can show that the appropriations of the Republican House and Senate of the Forty-seventh Congress amounted to over nine hundred millions. But I know that these figures are not, in the ordinary sense, correct. Amounts are included in those figures which we know were not embraced in the appropriations of that year. This is so of the year my friend has cited. He well knows that the figures he has read do not represent the ordinary expenses of this Government or the appropriations of the years mentioned. I do not know what the table in this book is really intended to show. It certainly was not intended to show the appropriations by Congress, because I know that, with all its extravagance, that Republican Congress, the Forty-seventh Congress, did not appropriate $900,000,000.

In the table I have presented will be found the true and exact amounts of the appropriations for the ordinary expenses of the Government. It does not include appropriations for pensions in the Forty-seventh or any other Congress. It was prepared by the clerk of the Committee on Appropriations from official data which can not be questioned.

Mr. HISCOCK. Will my friend yield to me for a moment?

Mr. TOWNSHEND. I can not. My time is very limited. The gentleman will have an opportunity to reply.

Mr. HISCOCK. I wish you would yield for a moment.

Mr. TOWNSHEND. I have not the time.

Mr. HISCOCK. Oh, do. [Laughter.] I would like to ask the gentleman one question.

Mr. TOWNSHEND. Well, make it brief.

Mr. HISCOCK. Are you aware of the fact that the lowest point reached in the appropriations over which Congress has any control in its annual supply bill was $90,000,000 in 1871 and 1872? And are you further aware of the fact that the appropriations over which we have control by our annual supply bills have never exceeded $125,000,000 in any one year, and that the varying amounts of all these appropriation bills are due to the payment of bounties for which the Government had become obligated?

Mr. TOWNSHEND. I decline to yield further.

Mr. HISCOCK. And that this reduction of the appropriation bills about which so much is said resulted from certain of those obligations having been discharged?

Mr. TOWNSHEND. Mr. Chairman, there is a rule of this House which forbids any gentleman to speak out of order. I decline to yield. The gentleman was rapped down by the Chair. I decline to permit him to make a speech in my time.

Mr. HISCOCK. I beg the gentleman's pardon. I did not understand that he declined to yield. I am very sorry. [Laughter.]

Mr. TOWNSHEND. Mr. Chairman, as I have already stated, I have accurately given the estimates and the appropriations as the bills passed both Houses of Congress. I think the gentleman from New York [Mr. HISCOCK] is greatly mistaken in his estimate of the amounts annually appropriated during the periods mentioned.

Now, I wish to speak for a few moments of the present administration of some of the bureaus of the Departments. Why gentlemen on the other side are so anxious to criticise the administration of the Commissioner of Pensions is to many a mystery. There are many members of this House who wonder why it is that whenever a pension appropriation bill or an ordinary appropriation bill relating to the Pension Office is under discussion an assault is made, if there is the slighest excuse for it, upon the administration of the Pension Office by Commissioner Black. Many are mystified with this; I am not. I fully understand the motive which prompts gentlemen on the other side to make these assaults. Some inquire, "Why is it so?" A gallant soldier has been elevated to the head of the Pension Office—as gallant a soldier as ever faced a foe upon the battlefield; he has demonstrated his loyalty and love of his flag by the wounds which to-day he carries, wounds which have never yet healed, although inflicted over twenty years ago; a soldier as faithful as any who ever fought under the flag, one who has been horribly mangled in both arms, one still painfully suffering from these wounds.

Why are these assaults made upon him? I know well the motive. Gentlemen who make these assaults feel deeply grieved because Mr. Cleveland did not appoint as Commissioner of Pensions some one who had served in the confederate army, in order that they might go before the people this fall and insist that their prophecies in a measure have been verified. These gentlemen know well that the stump orators of the Republican party, and doubtless some of these gentlemen themselves, have deluded and misled many a soldier from his allegiance to the Democratic party by asserting that if a Democratic President should be elected the confederates would capture the capital, that the Union soldiers would be in danger of losing their pensions, that the confederate debt would be paid, and the negro would be enslaved.

Such demagogy based on statements which those who make them know in their hearts to be false has prevented the Democratic party in the North from carrying the elections in many Congressional districts. Now, because Mr. Cleveland, as soon as he came into power, appointed as Commissioner of Pensions a crippled Union soldier, a soldier beloved for his gallantry by all Union soldiers who love gallant conduct whether it comes from a Democrat or a Republican, these gentlemen are sadly disappointed in their selfish hopes, are angered, and are unable to avoid manifesting their disappointment and anger by assaults on General Black. By this appointment the President has deprived them of campaign arguments which they no doubt hoped would influence the votes of soldiers at the coming election.

Now, I make this assertion—and it is proved by the records of the office—that since General Black came in as Commissioner of Pensions the number of cases favorably acted on has largely increased over any previous administration of the Pension Office.

Mr. GALLINGER. Then his charges against Mr. Dudley can not be true, because he charges that Mr. Dudley allowed too many.

Mr. TOWNSHEND. I do not intend to engage in that controversy again. I have my own opinion about it; the gentleman has his. I only assert that a larger number of applicants for pensions have received their pensions under the administration of General Black than in the same length of time under any previous Commissioner of Pensions.

Mr. BINGHAM. And with the same clerks.

Mr. TOWNSHEND. With nearly the same clerks. I am glad the gentleman from Pennsylvania has furnished me with evidence which will answer and refute the charge which has been so frequently made against General Black in this debate by gentlemen on the other side of violating the civil-service law in removals and appointments. How could these pensions have been passed upon by the same clerks if he has violated the law and turned out Republican clerks coming over to him from the former administration and replaced them with Democrats? My friend testifies truthfully to the fact that General Black has not violated the civil-service law in that regard.

But in order that my assertion may be fully fortified I proceed to present indisputable evidence. Yesterday afternoon when I asserted in this House that I had been informed that not one single Democrat was found among the special examiners when General Black came into power several gentlemen questioned that statement; several denied it who no doubt honestly believed they knew the facts; others again who care nothing for the facts, but recklessly deny anything that militates against their interests of their party. I asserted it then; I reassert it now. I care not who questions it. I have an official statement of the fact.

When General Black went into office, March 17, 1885, he found one hundred and forty-eight men holding positions by express appointment as special examiners. There was not one single Democrat among the number. Those who administered that office did not want Democrats; they no doubt were Republicans who would use their official power to influence voters at the polls. I do not charge that this in every instance was the motive of appointment of these special examiners, but judging by the actions of men who came into my district and others in Illinois who did thus exert their influence—and it was a powerful one with the poor applicant for a pension—it would seem that such a purpose at times influenced their appointment.

Look at this statement. Of one hundred and forty-eight regular special examiners General Black found in office not a single one of them was a Democrat.

Mr. GALLINGER. How did the gentleman find that out?

Mr. TOWNSHEND. From the Pension Office, of my own seeking; from the very best authority which can be given.

Mr. GALLINGER. How did the gentleman from Illinois find it out? Have these men testified they were all Republicans? Or has it merely been assumed that they were Republicans?

Mr. TOWNSHEND. I have it from the best authority.

Mr. GALLINGER. What authority?

Mr. TOWNSHEND. I have it from the best authority; and I defy the gentleman to deny its correctness.

Mr. GALLINGER. I do not know the name of one man in the special service.

Mr. TOWNSHEND. I dare the gentleman to deny it, or any one else.

Mr. GALLINGER. But you do not know that fact.

Mr. TOWNSHEND. I do know it. I have it from authority in which I have the greatest confidence.

Mr. GALLINGER. Let us have it.

Mr. TOWNSHEND. I have it from official authority.

Mr. GALLINGER. We want to know.

Mr. REED, of Maine. We want to know the gentleman's authority.

Mr. TOWNSHEND. I have it from the Pension Office.

Mr. REED, of Maine. From whom?

Mr. TOWNSHEND. It is none of your business. [Laughter and applause.]

Mr. GALLINGER. Let us have your authority.

Mr. TOWNSHEND. I state again I have it from the Pension Office, and every word of it is true. And I believe the gentleman knows it.

Mr. GALLINGER. I do not know it; and I would not take your word for it [laughter], or that of anybody else. These men have not testified they were Republicans. Who knows whether they were or not?

Mr. TOWNSHEND. I am not through yet. In addition to these special examiners there were two hundred and twenty-nine clerks detailed in this special examining service, making nearly four hundred clerks and special examiners engaged in that business. Out of the two hundred and twenty-nine clerks so engaged there were found two men who claimed to be Democrats. That made nearly four hundred men engaged in special examination of pension claims. And out of nearly four hundred men, under a Republican administration, there were found but two Democrats, or men who dared to avow themselves Democrats.

What other facts are there in regard to the Pension Office? When General Black came in there there were sixteen hundred and sixty-five employés engaged in the office. How many Democrats were among them? The evidence shows there were but seventeen who dared to say, under a Republican administration, they were Democrats.

Mr. BRUMM. When were these men polled?

Mr. TOWNSHEND. Out of four hundred under a Republican administration there were only seventeen Democrats.

Mr. BRUMM. When were these men polled?

Mr. TOWNSHEND. Let me give you some more figures. These are official.

Mr. BRUMM. When were they polled?

Mr. TOWNSHEND. They have been ascertained.

Mr. BRUMM. Your assertion, merely; you have no facts.

Mr. TOWNSHEND. That is the record of your party, that out of nearly seventeen hundred officials in the Pension Office only seventeen Democrats were allowed; most of them, perhaps, came in under the civil-service law since its enactment in 1883.

But, sir, I wish to be just in my statements. I am willing to admit, as claimed by my friend from Ohio [Mr. BUTTERWORTH], there were some Democrats appointed under Republican administration. My friend from Ohio himself was perhaps one of the most liberal of the heads of bureaus in making Democratic appointments. The number of Democrats, however, that were appointed was, "like angels' visits, few and far between." There were some of them, it is true; but it seems in the Pension Office that out of seventeen hundred the Democrats only secured seventeen appointments.

Now, what is the course of the present administration of the Pension Office? It has been stated, and I will restate it, that the first seventy-one or seventy-two—to be safe I will seventy-one—of the special pension examiners appointed by the present Commissioner of Pensions every one of them were Republicans. Some say: "Oh! these were reappointments." That may be true. But I reply that in every instance the Commissioner had it in his power to have appointed entirely new men, men who had never before held the appointments. But instead of that, sir, he reappointed every one of the old appointees, although Republicans, and yet gentlemen on that side jeer and sneer at General Black as a violator of the civil-service law.

Mr. BURROWS. How many Democrats were there appointed?

Mr. TOWNSHEND. I do not know. I think he could have obtained employés if he had selected competent Democrats; but exercising his own judgment in this connection, as he had a perfect right to do, he appointed or reappointed Republicans to fill the first seventy-one or seventy-two of the vacancies occurring among the special examiners. And yet your Republican Commissioner of Pensions went out of that office without leaving a single Democrat upon the list of special examiners. Was there ever such generosity and liberality shown to an opposing political party since this Government was organized as that shown by this much-abused gallant Union soldier who fills the high office of Commissioner of Pensions?

Why, what do you want, gentlemen? Do you want all the appointments? Is that what you are after? If you do you had better elect a Republican President, and then, take my word for it it will not be long before nearly if not all the officials will be Republican, just as it was when Mr. Cleveland came into office.

Now, General Black states that there have been eighty-four new appointments in addition to those I have mentioned since he came into power, and nearly all of these eighty-four, thanks to General Black, were Democrats, just as it ought to be. It is only about half of the special-examiners corps. Now, what further could you ask of him? When the Civil Service Commission presents to him some three hundred names from which he may select his appointees for special examiners, and General Black is called upon to make the selection, he no doubt remembered how the Republican special examiners abused their power and became mere drill-sergeants of the Republican party. Now, can you expect him to appoint such men again?

Exercising his own free-will and judgment, he chose to select Democrats to fill at least about one-half of these positions. In this he acted fairly; at any rate, no Republican has a right to complain. Would a Republican Commissioner have been as liberal to Democrats? I insist it was his right and duty to select at least one-half, if not more, of that corps from Democrats. Gentlemen on the other side have raised the false cry, and it is echoed by the partisan press of the Republican party, that a Democratic administration has removed Union soldiers from the public service and replaced them with civilians or those who had served in the Southern army. I am warranted in making the statement, sir, that if you will ascertain the number of Republican soldiers who have been removed from office under this administration it can be shown that an equal number of Democratic soldiers have been appointed. Has the President not the right when a vacancy occurs in an office filled by a Union soldier to select a Democratic soldier to fill his place?

Did not Democratic soldiers fight as bravely and make as great sacrifices to preserve the Union as Republican soldiers? Were there not as many Democrats in the Union Army as there were Republicans? I tell you now, gentlemen, that if the long roll could be called of the dead and the living who fought for the Union in the late war and their po-

litical sentiments could be ascertained you would find that a majority of them were Democrats. [Derisive laughter on the Republican side.]

Mr. LINDSLEY. The votes did not show that.

Mr. TOWNSHEND. When Mr. Cleveland came to make a new Cabinet on the 4th of March, 1885, did he find a Union soldier in the Cabinet of his predecessor? If I am correctly informed there was not one in the Cabinet which he was called upon to reconstruct. That Republican President did not have a single soldier in his Cabinet.

Mr. McKINLEY. The gentleman is entirely mistaken.

Mr. TOWNSHEND. Point out one.

Mr. McKINLEY. Mr. Hatton was a soldier.

Mr. TOWNSHEND. I was not aware of that fact. I understood that there was not one.

Mr. McKINLEY. Yes, sir; there was.

Mr. BINGHAM. Will the gentleman give the character of the present Cabinet and its antecedents?

Mr. TOWNSHEND. You will find in the present Cabinet as gallant a Union soldier as the gentleman from Pennsylvania himself.

Mr. BINGHAM. But I want the whole *personnel* of the Cabinet.

Mr. TOWNSHEND. Now if you mean to intimate that Mr. Cleveland has gone South to select some members of his Cabinet, I can say to you that the example of doing so was set for him by Republican Presidents. General Grant did the same thing in putting a confederate brigadier in his Cabinet (Akerman, as Attorney-General), and Hayes in putting a confederate in his Cabinet (Key, as Postmaster-General). I merely wished to call attention to the fact that Mr. Cleveland had recognized the Union soldiers by appointing one of them a member of his Cabinet. If you go to the various Departments of the public service you will find that for every Republican soldier removed, or whose term has expired, there has been appointed a Democratic soldier, not always in the same position, but the aggregate of soldiers under Mr. Cleveland will be found to be as great as under Mr. Arthur.

But, Mr. Chairman, I have no time to dwell upon these details.

Mr. McKINLEY. I will say to the gentleman that I am assured my statement as to Postmaster-General Hatton is true. He was a private soldier from my own State, a brave and gallant one.

Mr. TOWNSHEND. I have no doubt the gentleman states it correctly. I had been informed otherwise, and I accept the correction.

Now, I wish to say a word or two in regard to this civil-service clause in this bill. I voted in committee against the insertion of that clause in this bill. I am opposed to its retention in the bill now. With my understanding of the law and of the rules of this House I do not see how it can be properly inserted in this bill.

The civil-service law, for which nearly all of my Democratic friends who were here in Congress when it was passed voted, conferred upon the President the sole power of establishing such rules as he may deem proper regulating the appointments under this law. Now, as the operation of this proviso will work a repeal of this law to a certain extent, I do not see how it can become a part of this bill. The third clause of Rule XXI of this House declares: "Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto." In my judgment it is not in order on this bill. I do not wish, however, to be understood as opposed to the changes proposed in this proviso. I am especially in favor of a modification of the rule with reference to age, but as the Executive is the only power which can control this question without a change of law, and probably of the Constitution, I think we should trust his discretion as to what modifications should be made.

I am only antagonizing the proposed action of the House in restricting the power of the President under the law. If, in my judgment, we should refrain from an attempt to coerce him by this amendment the President will modify the rule with regard to age, for it is so reasonable and just that the rule with regard to age should be modified that I feel confident if the President is left free to act upon his own convictions, as is his constitutional right and right under the civil-service law, he will no doubt modify that rule without Congressional dictation. There is no need for attempts at coercive measures to induce the President to change the rule if he can be convinced that it is unjust. Under the terms of the civil-service law and of the Constitution the President in making appointments can not be forced to be governed by any other influence than his own convictions of duty.

I am no great admirer of this civil-service law. Mr. Cleveland, however, in the enforcement of the law has done no more than he pledged himself to do before and since his election. In his adherence to the civil-service law he has done what every Democratic voter of this land bade him do when they voted for him standing on the Democratic platform which declared for civil-service reform. Every Democratic platform from 1876, the one on which Tilden was elected, has declared in favor of civil-service reform.

It was well understood when we voted for him that Mr. Cleveland would faithfully enforce the civil-service law. Those who framed the Democratic platform of 1884 doubtless had in view the shams covered up by the law enacted by a Republican Congress; but they emphatically declared in favor of a sensible and honest civil-service policy. Mr. Cleveland has attempted in good faith to pursue that policy. It is true he has gone further than the law. He has extended the policy to appointments not within the law, not contemplated by those who made the law. And while Democrats may complain of him for so extending his policy, and I am one of them who regret to some extent this course, certainly the gentlemen on the other sid of the House have no right to complain at or question the sincerity of his belief in civil-service reform. For, as I have said, not only has he been governed strictly by the letter and the spirit of the civil-service law, but he has gone far beyond it and extended the policy to officers not embraced within the law.

Mr. BAYNE. Are you not questioning it by this proviso in the bill?

Mr. TOWNSHEND. I have stated I am not in favor of the proviso, because it is not in order in this bill under the rules of the House. I would be glad to see the rules changed as proposed in this proviso, but I am not in favor of this method of bringing it about.

Mr. McKINLEY. And the President has the power to change the rules.

Mr. TOWNSHEND. He has, and I am willing to leave it with him. I have confidence in his integrity, in his judgment, in his Democracy. He is hampered by this civil-service law. He is pledged to a civil-service policy by the platform on which he was elected. I believe he is as eager to-day to substitute good and capable Democratic for Republican officials as any of us upon this floor if he could do it and maintain his pledges to the country, for I have no doubt he believes as I do, that the best way to reform the public service is to put the men in the offices who believe in Democratic principles and Democratic policy. So far as Mr. Cleveland is himself concerned I would say I do not regard him to be such a thoroughly philosophic statesman as Jefferson was or so profoundly learned in the Constitution as Mr. Madison was——

Mr. BAYNE. I think he is far more philosophic than Mr. Jefferson was.

Mr. TOWNSHEND. He has different ideas perhaps in statecraft from those of Jackson. But I am convinced that no one from the foundation of the Government to this day ever occupied the White House who has shown himself possessed of greater executive ability than Grover Cleveland.

This is a time when we need purely an executive officer, not a pyrotechnic statesman. We need one who has capacity for details. This is not an age of sentimental questions. We have by precedent and the sword settled most of the great constitutional questions. This is an age of economic questions. The problems that the President has to grapple with now are those arising out of the laws made by the legislative body and interpreted by the judicial body. What we need in the White House is a strong man, a brave man, a pure man, a man possessed of executive ability.

But, Mr. Chairman, why was this civil-service law enacted? Has that question occurred to you during this debate? Wherefore was the necessity for the civil-service law? I will tell you. After a long lease of power by the Republican party it had degraded the public service into the mud and the mire. That service had become a sham and a disgrace among civilized nations. Republicans who were conscientious and who loved their country better than their party clamored for some law which would lift up the public service from the mire into which it had been trampled by Republican administrations. Am I warranted in this statement? I will read to you from the speech of as good a Republican as you have in your party, Senator HOAR, of Massachusetts. I believe him to be as bitter and extreme a partisan as you have, but a man gifted at times with lofty ideas and patriotic sentiments. What has he said of the condition of the public service under your Republican administrations?

SENATOR HOAR'S ARRAIGNMENT.

My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of Senatorial office; but in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt, from friendless lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State of the Union foremost in power and wealth four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a by-word throughout the world.

I have seen the chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military school. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud. I have heard in the highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used, when gained, is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of trusted companions of the President.

This is an indictment prepared by one of your most powerful leaders against the character of the public service which existed under Republican administrations. It was a condition of things like this that induced the people to demand a reform in the civil service. I have not time to

dwell upon other evidences of the corruption that prevailed under the old system, but I want to ask you what is the condition of the civil service to-day? The great bane of the Republic, the thing that threatens its life with more peril than anything else, was the system of political assessments which were levied under Republican administrations upon every office-holder from the highest to the lowest.

Down in my own Congressional district postmasters receiving but a trifling salary were importuned by circulars sent them in the nature of threats that, unless they surrendered a portion of their salaries, they would be required to surrender their official lives. Are any such things practiced under this Democratic administration? You carried the election for President in 1880 by corrupting the ballot-box in Indiana, mainly by means of assessments forced out of the pockets of the employés of the United States. How has it been under the present Democratic administration? Have any political assessments been made?

A MEMBER. They have not had the chance yet.

Mr. TOWNSHEND. Yes, sir; we had the chance last year in the election for governor in the State of New York—a very important election. That election was held without being influenced by the exercise of Federal patronage—without the levying of assessments upon any Democratic office-holder under Democratic administration.

Mr. GALLINGER. Did not the President make a contribution?

Mr. TOWNSHEND. The President himself, exercising his right as a citizen, by his own free act not only contributed his money for the legitimate expenses of the campaign, but he went over to Buffalo to exercise the right of American citizenship by casting his vote. But the President never allowed a single employé of the administration to be forced into a contribution to elect the governor of New York?

I am sorry my time has expired.

[Here the hammer fell.]

Mr. ADAMS, of New York. I yield ten minutes of my time to the gentleman from Illinois [Mr. TOWNSHEND].

The CHAIRMAN. The gentleman from Ohio [Mr. MCKINLEY] is entitled to the floor.

Mr. MCKINLEY. I yield the time back to the gentleman from Kansas [Mr. RYAN].

Mr. CANNON. My colleague [Mr. TOWNSHEND] yielded to me fifteen minutes yesterday, and I promised to return it.

Mr. RYAN. Then I will yield my ten minutes to the gentleman from Illinois.

Mr. TOWNSHEND. Mr. Chairman, I am very much obliged to my friend from Kansas for his kindness. I do not desire, however, to trespass further upon the attention of the House, as the time for general debate is limited and several gentlemen on this side as well as on the other are exceedingly anxious to speak. I will therefore reserve the ten minutes which my friend from Kansas has yielded to me, and will see whether I shall have an opportunity to use it. I may not wish to do so.

The CHAIRMAN. The Chair will state that the gentleman in charge of the bill [Mr. HOLMAN] is entitled to an hour to close the debate, but has indicated his disposition to occupy only forty minutes.

Mr. TOWNSHEND. Then I will simply reserve my time.

The CHAIRMAN. It is not practicable for the gentleman to reserve his time.

Mr. TOWNSHEND. Very well, then; I am willing to lose it. Several gentlemen have importuned me for time. My friend from North Carolina [Mr. COX] is anxious to speak.

The CHAIRMAN. The Chair will recognize the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. I yielded my time to the gentleman from Illinois because I supposed he wanted to use it himself. As he does not, if there is any gentleman on this side who desires to speak I will yield to him.

Mr. TOWNSHEND. The gentleman from North Carolina [Mr. COX] wants to speak, and my friend from New York [Mr. ADAMS] had agreed to give him a portion of his time.

Mr. RYAN. I will reserve my time.

The CHAIRMAN. The Chair repeats that the gentleman from Indiana is entitled to an hour to close the debate, but asks for only forty minutes. There are only fifty minutes remaining altogether for general debate, and it is not possible for any gentleman to reserve his time; it must be used now.

Mr. RANDALL. If no gentleman desires to occupy the ten minutes we can close the debate that much sooner.

Mr. HOLMAN. I yield to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I yield ten minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Chairman, it is recorded in Scripture that Saint Paul, although a convert to Christianity, became afterward the chief of the apostles; and although our Republican brethren for twenty-five years persecuted the civil-service reformers, there is no reason to doubt, from their expressions here to-day, that in the future they may become its chief apostles.

Now, Mr. Chairman, let us look at this question of civil-service reform frankly and candidly. The civil service of the United States had gotten into a very bad condition. As will be admitted by even our Republican friends, it was intensely partisan. More than that, from the failure to recognize certain States and sections of the country, it was openly and notoriously sectional. A large number of States had no representatives in the civil service of the Government. In fact, although the law itself after it was passed said that appointments should be apportioned among the various States on the basis of population, citizens of a portion of the States were carefully excluded from participation in the affairs of the Government, so that the administration of this Government was not only partisan and avowedly sectional, but it had grown in the course of years to be disgracefully dishonest.

In addition to this the Hubbells and kindred political pirates walked in the light of day levying campaign contributions from every unfortunate Federal employé, from the scrubwomen to the chiefs of bureaus. Public office was no longer a public trust, in the language of our Chief Executive, but private, personal, and party property to be held subject to the whim and caprice of the feudal lords of the Republican party. The people's Government had become but an adjunct and appendage to campaign committees. Patriotic and honest men in the Republican party became alarmed. Becoming mutinous at this shameful prostitution of public trust, they were quickly deposed and relegated to private life. Allied to every corporation, the party was plutocratic without and autocratic within. Democratic-republican government was in supreme danger. A spontaneous uprising of honest men all over our land in clamorous protest faced the demoralized organization then in power.

There was no wonder, therefore, the people of the United States rose in their might and demanded that the civil service should be reformed. There was a great deal to reform. It was an honest demand of the honesty, morality, patriotism, and the intelligence of the land that the civil service should be reformed. In the work of reformation the leading spirits, the men who took the initiative, were members of the Democratic party, and if they were Democrats in spirit as well as in name the animating cause, the basis upon which they were seeking to make a reform of the civil service must be on the text of the illustrious Thomas Jefferson. For, sir, Thomas Jefferson stands to-day to the Democratic party as an apostle of the sacred writings does to those who came after Him. The civil-service ideas of Thomas Jefferson were put in one sentence, brief, sententious, incisive: Is he honest, is he capable, and is he faithful to the Constitution?

The civil-service reform which was initiated by Democrats was to place in the civil service men who were honest and capable and faithful to the Constitution, as construed by those who administer the Government.

Here my brilliant, eloquent, and witty friend from Ohio [Mr. BUTTERWORTH] may construe his duty to the Constitution in such a way that I will be obliged to think he is unfaithful to that instrument. In those words, "faithful to the Constitution," the spirit of it was men appointed to administer civil affairs of Government were faithful to the Constitution as construed and understood by those who were responsible to the people for the administration of public affairs.

Now, is there anything wrong in the fact that the Democratic party protests against the exclusion from the public service of all those who are faithful to the Constitution as they understand it? The trouble about this whole affair originates in this way: It is the misfortune of all reforms in the whole history of the world that they fall into the hands of theorists, fanatical and impracticable people. And when civil-service reform had been fairly launched it was seized upon by impracticable, self-righteous, and conceited theorists; and worse than that, men who had no sympathy with our institutions, men who in our large cities, who get up public meetings for additional, extraordinary, and property qualifications of voters, who advocate limited franchise, who want legislative commissions instead of popular elections, who want appointive officers instead of those elected by the people. In a word, sir, that element in the United States who by the growth of population and increase of wealth becomes more numerous every day and is composed of men who are not at heart Americans, but who sympathize with what they call the mother country and who have no faith in the intelligence and the ability of the people to govern themselves, who are distrustful of free government and utterly at variance with the ideas of Thomas Jefferson. They are insidiously and unconstitutionally endeavoring to model our Government after the British constitution and to have a class established here with vested rights in the public offices. I stop here to note an answer to this charge. It is said that the competitive system was a reform in England as against hereditary property in public office—was in favor of the people.

A recently issued English book on land reform, here before me on my desk, says that a result of the yet existing feudal system is that a class of idle, worthless, and profligate men have a monopoly of the public offices. I grant English civil-service reform, so far as it goes, to be a good thing in England, and a measure of justice to the English democracy. It does what we are now trying to do, namely, make the civil service representative of the majority and not the exclusive property of one class or party. The exclusive and extreme reformers are really moving backward to the English system as it was before reform was there inaugurated. We have been in advance of all countries as to popular rights.

Sir, it was our proud boast that the American people, whether they

came from the humblest cottage on the prairies of the West or in the meanest tenement of our large cities, that they had the capacity and the intelligence to govern themselves without being placed under the fostering care of any exclusive circle. That honorable ambition might be excited a large number of the executive and ministerial offices of our States and municipalities were made elective. Frequent periodic elections are yet the order throughout the land. Moreover, unbroken custom has been in favor of party responsibility and control. In the Old World the divisions were simple and natural—on one side the people, and on the other the government, each antagonistic to the other. Here the people were and are the government. For the time being the party in power speaks for the principles and policy of the Government. It selects those in sympathy with it, and the people hold it responsible for good or bad government. The party is therefore vitally concerned that its agents shall be honest and capable and in sympathy with its principles.

Under this deep responsibility it was thought necessary that those in sympathy with a certain school of political thought should have charge of the public business; and it was a test of patriotism as to which set of men throughout the country should take control. The people were obliged to assume sides, and every honest man it was insisted was interested in that manner in the perpetuity of the Government and in shaping its course on public questions.

Now, as to this proviso I must confess I do not see evil in it, and think it ought to be commended. Much has been said by my eloquent friend from Ohio [Mr. BUTTERWORTH], who stands here complacently looking at the great public service of this country in the hands of his political friends, by way of glorification of the political party which controls practically the departments of the Government under the patriotic standard of civil-service reform.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CABELL. I will yield to the gentleman five minutes.

Mr. RANDALL. I will yield to my friend two minutes of my time if he wants it.

Mr. MCADOO. It is well for the gentleman to be thus eloquent, apostrophizing, upholding, and glorifying, and trying to touch the honest consciences and the morals of the people in behalf of a system which has to-day given control, without examination or test, of the public service almost absolutely in the classified departments in the interest of his political friends. Is it any wonder, on the other hand, that the majority of the people of the United States, who for twenty-five years past scarcely dared look into a public office, and were more ignorant from personal inspection as to what your Departments were doing, ay, far more ignorant, than they were of the doings of the Government of France, should at this day, after a popular and electoral vote had placed them in power, make fair demands, in my opinion, that at least one-half of the public offices of the United States should be placed in the hands of those who are in sympathy with the administration? [Applause.] Is it any wonder that gentlemen upon the other side, reared in their school of politics, are astonished at the magnanimity, the Christian magnanimity, the patience and patriotism, and I may say even the self-abnegation, of the Democratic party in the hour of its victory?

Mr. HENDERSON, of Iowa. All but the Christian part.

Mr. MCADOO. Yes, sir; we are all Christians in the Democratic party. [Laughter.]

Mr. HENDERSON, of Iowa. That is news.

Mr. MCADOO. No such spectacle has been presented in the history of this country. The civil-service law was looked upon, under prior administrations, as something nice to talk about in magazines and on the Fourth of July, or in the pulpits, or even on the floor of the House; but it remains to the everlasting glory of the Democratic administration that they have executed the law as they found it. If the law is not good, then the legislative power of the Government has the right to amend it. But, as I said before, it is to the everlasting credit and glory of a Democratic administration, in the person of Grover Cleveland, that he has executed the law, keeping his oath of office to the letter. No wonder that it has excited surprise from our Republican opponents. No wonder they are wonderstruck at the earnestness and honesty and frankness of a Democratic President with the brigades of Democrats behind him, and who for so many years were carefully excluded from participating in government.

Mr. BUCHANAN. And anxious to do so.

Mr. MCADOO. Does it follow, my friend, that we are forbidden where we know this law is vicious, where theorists have run it into the ground and distorted it in pretended reform—that we may not reform the reform, cure the doctors, and advance the advanced? Theorists, illiberal, exclusive, dogmatic, conceited people, pro-Anglicans——

Mr. BROWN, of Pennsylvania. You mean mugwumps.

Mr. MCADOO. People not in sympathy with our institutions, have so managed or mismanaged this reform that legislation must now interpose.

The committee, if I understand it aright, and if I do not I hope some member of it will inform me, intended to reform the reformers and correct the censors. They are not like the lily whose beauty can not be enhanced, nor are they like the pure gold that can not be still further refined. Open the avenues by your laws to governmental employment by young and old men—men yet in the prime of life.

To this commission was delegated the making of rules that affect the people of the whole country. These rules become, therefore, extremely important. Our State courts guard very jealously against abuse of delegated legislative power to any inferior body. Shall we countenance any abuse of the letter or spirit of this legislative power to make by-laws that are so sweeping in effect? Better far to legislate directly on the whole subject and make the commission executive and ministerial in carrying out the will of Congress. In a democracy laws made at second-hand are scarcely ever popular. Reform, therefore, of any abuse of this delegated power will be heartily accepted by the people.

[Here the hammer fell.]

Mr. RANDALL. I now yield five minutes to the gentleman from Maryland [Mr. SHAW].

Mr. SHAW. I arise to advocate the conditions mentioned in this bill upon which the salaries of the Civil Service Commission are made available.

Section 2 of Article II of the Constitution disposes of the appointing power as follows:

> * * * but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

The appointing power conferred by Congress upon the heads of Departments in pursuance of this constitutional provision, I respectfully submit, can not be interfered with or abridged by legislative enactment. Yet Rule XVI of the amended civil-service rules provides that—

> Whenever an officer having the power of appointment or employment shall so request, there shall be certified to him by the commission or the proper examining board, four names for the vacancy specified, * * * and from the said four a selection shall be made for the vacancy.

The last clause read of this rule says, "and from the said four a selection shall be made for the vacancy." Does not this rule interfere with and abridge the exercise of the constitutional right of appointment by limiting the number from which a selection may be made? The appointing power is essentially a power of choice. Suppose, for the sake of illustration, that only one name be certified for appointment, is not the right of choice altogether destroyed? Does it not follow that when but four names are certified the right of choice is curtailed and the power of appointment abridged in a degree not contemplated by the constitutional provision from which the power is derived? Are not all qualifications and limitations upon this power by Congress a usurpation of authority?

It may be argued that the President in preparing and promulgating rules to make effective the civil-service act consented to such modifications of his constitutional power in the premises as the rules effected. But while his right to do so may be seriously questioned, no appointment of his falls within the scope of the act, and the argument does not apply to either of the heads of the several Departments of the Government in whom Congress, in pursuance of the constitutional provision, has vested the power to appoint.

But, in addition to the constitutional objection just mentioned, I am wholly unable to understand in what way the interest of the service is promoted by compelling a selection for appointment to be made from so small a number of names as is now certified for that purpose. If, as is conceded by the Civil Service Commission, "the head of the Department knows best the kind of excellence needed in a particular vacancy," the larger the number of those found duly qualified on examination from which a choice may be made the more likely is such excellence to be obtained.

It may be urged that to afford an opportunity to the appointing power to make a selection from the whole list of eligibles belonging to any one State will endanger the success of those graded highest upon the list. Although this be true, it is in no wise inconsistent with the civil-service law, for the commission does not rely upon the examination as an infallible test of merit, and has provided by its rules for a probationary service of six months before an appointment is made absolute

Under the law as it now exists it is not certain that the one graded highest upon the list will be first certified, for when a vacancy occurs the rules require that the selection to fill it shall be made from the State or Territory which has received the least proportional share of all the appointments then made under the act, regardless of the grading of applicants from any other State or Territory.

So we find that in making this demand for the names of all the eligibles from which to make a selection, we are only extending a principle already approved by the Civil Service Commission, and bringing the practice under the law nearer in accord with the constitutional power of appointment.

I will now pass to the consideration of the age limitation, which as at present prescribed by a civil-service rule I regard as an unjust and oppressive discrimination against more than seven millions of reputable American citizens, thus placing them in the same category with convicted felons and punishing men for growing old. Those who are convicted of certain high crimes and misdemeanors while holding office under the United States and a few who are adjudged guilty of certain infamous crimes in her courts of law are forever deprived of the right to hold office. Yet without trial and without the intervention of a jury a

large class of our fellow-citizens are placed on a level in this one respect with the most degraded in the land.

The framers of our Constitution in their wisdom did not see proper to apply this test to the high office of President of the United States or Senator or Representative in Congress; but it was left for the Civil Service Commission to make age a cause of disqualification for him who aspires to be a night inspector in the customs service or a copyist in one of the Departments of the Government, in this way depriving a vast number of persons at once and forever of one of the privileges of American citizenship, and that, too, without relieving them of any of its burdens.

What will be the result, Mr. Chairman, if this odious discrimination be continued? Will it not render apathetic and indifferent a very large class of our people to the results of our elections and thereby put in jeopardy our republican institutions?

When we consider that this proscribed class is made up of those whose passions have been subdued by age, whose intellects have been matured by time, and whose judgments have been perfected by experience, is it wise to thus bar them from the public service?

This, Mr. Chairman, is, in my humble judgment, one of the very worst features of the civil-service law as at present administered. It is certainly not civil-service reform. Why shall we not then avail ourselves of the opportunity here offered to apply the proper corrective? It has been alleged here upon this floor that this is not a manly way in which to right the wrong complained of. In vindication of this course I now send to the Clerk's desk, to have read, a portion of the proceedings of the Senate upon the passage of the civil-service law:

Mr. SHERMAN. I wish to offer one or two amendments in aid of the bill, as I suppose. There is one clause in the bill, the last clause of section 4, which I take it the committee will allow to be stricken out, because it will not be found in any other act, and it is a discrimination in favor of this service as against the judges of the Supreme Court of the United States, members of Congress, and everybody else. The clause to which I refer reads:

"And the cost and expense thereof, and the several salaries, compensations, and necessary expenses hereinbefore mentioned, upon the same being stated in detail and verified by affidavit, shall be paid from any money in the Treasury not otherwise appropriated."

That is a permanent appropriation for an ordinary branch of the service, and it ought to be stricken out.

Mr. PENDLETON. I did not hear my colleague.

Mr. SHERMAN. I say that this is a provision that is not made as to any branch of the public service.

Mr. PENDLETON. What provision is that, if the Senator pleases?

Mr. SHERMAN. The last clause of the fourth section. It is the provision making a permanent appropriation for the expenses of the commission. We have got rid of all such permanent appropriations.

Mr. PENDLETON. Are there no other permanent appropriations?

Mr. SHERMAN. None that I know of for any branch of the civil service, or the Army or Navy. The judges of the Supreme Court are appropriated for annually, as is every branch of the service. As a matter of course Congress may discontinue the service when it chooses to do it, either by repealing the law or refusing appropriations.

Mr. PENDLETON. The purpose of putting it as a permanent appropriation was to obviate a difficulty that I am sure the Senator remembers to have occurred some years ago in Congress when General Grant was applying most earnestly and sincerely, at least apparently sincerely, I have no doubt actually sincerely, for an appropriation to carry out the seventeen hundred and fifty-third section of the Revised Statutes. The possibility of carrying that out, as the Senator will remember, lapsed by reason of the failure to make any appropriation. The clause was intended to obviate a difficulty of that sort by making this a permanent appropriation. If it will gain votes for the bill, if it will strengthen the idea of carrying out this service, I do not intend to insist upon that, so far as I have any power to accede to an amendment.

Mr. SHERMAN. I will only say that I do not want the bill to start with a weakness so palpable as that it claims for itself an exemption from that examination to which all branches of the public service are subjected every year by the necessity of an annual appropriation.

Mr. PENDLETON. Is there no permanent appropriation now on the statute-book?

Mr. SHERMAN. None except for the armament of the militia, the payment of the public debt, the interest on the public debt, and things of that kind, in which the credit of the Government is involved.

Mr. PENDLETON. I have no authority to assent on behalf of the committee to this amendment, but personally I should not be opposed to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio [Mr. SHERMAN] to strike out the last clause of section 4.

The amendment was agreed to.

"As a matter of course," says Senator SHERMAN, "Congress may discontinue the service when it chooses to do it, either by repealing the law or refusing appropriations." Here we have authority for the course we are now pursuing, which ought to commend itself to our Republican friends upon the other side of the Chamber. But this is not an effort to repeal the law, rather to amend the regulations, so as to harmonize them, in a degree at least, with our republican form of government.

[Before Mr. SHAW had concluded his remarks his time expired.

Mr. SHAW. I would like to have a few minutes more.

Mr. RANDALL. How much time have I remaining?

The CHAIRMAN. Twenty minutes.

Mr. RANDALL. I yield three minutes to the gentleman from Maryland.

Mr. SHAW resumed and concluded his remarks as above printed.]

Mr. HOLMAN. I ask general consent that any gentleman who desires may have leave to print in the RECORD remarks on this bill.

There was no objection.

Mr. RANDALL. I understand I have seventeen minutes left. Has the other side any time remaining?

Mr. BUTTERWORTH. I desire to make a suggestion which I think will meet the approval of my friend from Pennsylvania. There are twelve minutes I understand which belong to this side, and I desire to yield them to the gentleman from North Carolina [Mr. COX], chairman of the Committee on Reform in the Civil Service. Does the gentleman from Pennsylvania object to his proceeding now?

Mr. RANDALL. I do not. But if that arrangement is made the House will have to extend the time.

Mr. BUTTERWORTH. I think not. I yield those ten minutes to the gentleman from North Carolina [Mr. COX].

The CHAIRMAN. The gentleman from North Carolina is entitled to the floor for ten minutes.

Mr. COX. In the few moments allowed me I can not hope to treat this question in the manner it deserves. I will remark at the outset that the friends of civil-service reform have nothing to fear from the discussion which has taken place on this floor. They have passed through far more formidable opposition and came off victorious. Their effort to purify, elevate, and reform the public service is a most laudable one, and the people will see that they have a reasonable opportunity to try the experiment. Panoplied in the cause of right they will go forward.

The smooth stone in the sling of the youth was far more formidable than all the threats and boastings of the great Goliath of Gath. I am not here to speak of the violations of this law, for it is to be judged not by the action of its unfaithful guardians, but upon its own merits. The committee, of which I have the honor to be chairman, after fully and carefully considering a bill for its repeal which was referred to it, submitted the following reasons among others for opposing its repeal:

(1) The principle of divorcing the subordinate offices of the Government from politics and elections and making the term of office depend, not upon party service, but upon merit and good behavior, is a good one. So far as this principle is sustained by the present law, the committee think there should be no change.

(2) The present law has not been on the statute-books long enough to have had a full and complete trial. If for no other reason than this, the committee will oppose any measure providing for an absolute repeal.

(3) No reason or information has been presented to this committee justifying an unconditional repeal of the present law. It may perhaps need improvement, but the remedy is amendment, not total repeal.

I stand to-day by the declarations and reasons of the committee. No human laws are perfect, and hence we see that legislative bodies are continually altering, amending, and changing those upon the statute-books. It is no argument against this law to say it has not been carried out in good faith; but on the contrary it presents forcible reasons why we should seek to amend and improve it. As faithful guardians of the public interest it behooves us first to inquire whether a law is in itself right, and if it is right we should throw such restrictions around it as would punish and dishonor those who willfully violate it.

That it does improve and elevate the public service when carried out in its purity and integrity there are none so bold as to deny. The Democratic committee of this House on Reform in the Civil Service in the Forty-eighth Congress gave it their unanimous indorsement. The President in his recent message to Congress said it was no longer an experiment but was accomplishing all its most partial friends claim for it.

The governor of New York, the ideal Democrat of the young Democracy, in his inaugural address spoke in the highest terms of the good it was accomplishing, and Governors Robinson, of Massachusetts, and Hoadly, of Ohio, strongly indorse this reform. Not only this, but the Legislative Assemby of South Carolina, both before and since the election of the President, has expressed its approval of the measure. I might go on and give citations from distinguished statesmen and writers in and out of public position who have added their testimony in behalf of civil-service reform.

Probably the most determined but theoretic spoilsman who ever occupied the White House was Andrew Johnson, but he was unable to carry his purposes into practice by reason of the impediments that were thrown in his way by the Congress of the United States. In 1846 he introduced a bill in Congress of a most demagogical character in regard to rotation in office. In 1861 he asserted it was the duty of Southern Senators to thwart every plan of the incoming administration by rejecting all Presidential nominations not advantageous to the South.

In 1866 he openly defied the power of Congress to check his course in regard to removals, and as he swung around the circle he declared in his speech at Saint Louis, in speaking of those then in office, "if you [the people] will stand by me I will kick them out as fast as I can." I do not wish to be understood as participating in this quarrel beeween the Republican party and their chosen Executive, but allude to the quarrel in order to show the bitter contests which have heretofore prevailed in regard to the appointments to office. Mr. Lincoln had declared that the pressure in his time was so great that he had not time to devote to the preservation of the Union; that he felt like a man who was letting apartments in the front part of his house, and had not time to turn around and put out the fire which was consuming the rear.

To present but an imperfect outline of the corruption and demoralization of the civil service of this Government I need but to call your attention to the remarks made by Senator HOAR, of Massachusetts, on the trial of Belknap. He stated that in the brief period he had been in public life he had seen five judges of high courts of the United States driven from office by threats of impeachment; he had seen in the State of this Union foremost in power and wealth four of her judges impeached for corruption; he had seen the chairman of the Committee on Military

Affairs rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting youths to the United States Military Academy; he had heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained, to be the promotion of selfish ambition and the gratification of personal revenge; and he said:

"I have heard that suspicion haunts the footsteps of trusted companions of the President. These things have passed into history." And he lived to see more. He lived to see a Vice-President of the United States driven in disgrace and humiliation from his exalted position in the other end of the Capitol. He lived to see a President exalted to high station by such questionable means that not all the honors heaped upon him could command the respect of even his own party, and who even while living is mentioned only to mark an epoch in our history which we would gladly forget. He lived to see the senators of the Empire State indignantly resign their seats in the Senate in consequence of the distribution of office. He lived to see what was worse than all this, the President of the United States assassinated, in consequence of the wrangle over spoils of office, while a wail of horror and sympathy swept over the whole civilized world. Under such circumstances good men everywhere should appreciate the indispensable necessity for a reform in the civil service.

In 1864 a bill was introduced looking to the appointment of applicants for office by a test of competitive examination and a reward of merit. Politicians opposed it because it deprived them of that great patronage which enabled them to pay their political debts by appointments to public offices. But, sir, that system which contemplated testing the qualifications of men and appointing them on the test of merit was not so easily disposed of. The struggle went on, for justice and necessity were its inspiring motives. And the reform will go on despite the opposition of grasping politicians.

Talk about it being aristocratic to appoint men on account of merit instead of political influence, why, sir, it is the very genius and essence of democracy. It brings the offices within the reach of the people, and says to the tenant of the humblest hamlet, qualify yourself to serve your country and if you have merit you shall be rewarded without respect to influence or power. There is in the Treasury Department today a chief of a division who but a short while ago was an obscure village boy. He was selected by a competitive examination, entered at the lowest grade, rose by his merit, was promoted to his present position without extraneous influence or patronage, for, indeed, neither of his Senators had ever heard of him.

In addition, it gives us a better and less expensive service. When fully understood it will be appreciated, and that great power behind, that voice which makes and unmakes the politician, will demand its continuance. It is that voice which has placed it in the national platforms of both parties for the last twelve years. It was that voice which caused the law of 1871, which provided for the appointment of a commission, to be enacted and put in operation. The chairman of this commission was George William Curtis. Despite his abilities and eminent qualifications for this position the Republican party failed to sustain him in his work. The politicians who were apparently so eager for reform when canvassing before the people had their patriotic ardor rapidly cooled so soon as the election was over.

For two Congresses this party failed to make provision for the support of the commission, but the law was on the statute-book and was but imperfectly enforced in some of the custom-houses and Departments. Hon. Dorman B. Eaton succeeded Mr. Curtis and gave his services without compensation to the promotion of this reform, and even traveled abroad to investigate its practical workings in the Old World.

In 1880 Mr. Pendleton introduced his bill in the Senate, which in 1883 was enacted into a law. So great was the pressure of public opinion that after a long, able, and protracted debate, when a vote was taken on the bill, but five Senators were found to record their votes against it, namely: Messrs. BROWN, CALL, Jonas, MCPHERSON, and MORGAN, while fifteen Democrats were found voting with the majority.

When the Senate bill was brought over to the House and put upon its passage, in the half-hour's debate which ensued there was no voice on either side of the House condemning the reform, and those who opposed the measure did so because they feared the provision in regard to political assessments was not sufficiently stringent, and the vote recorded was 155 yeas to 47 nays.

If this law means nothing, why was it suffered to pass with such unanimity? If a sham and a fraud, why hold out such false hopes to delude and mislead the people? If the reform means nothing, why incorporate it in our platforms; why select as our chosen leader in the Presidential contest its earnest, able, and fearless advocate? Such favor has this law met with, such power is its adherents presumed to possess, that during the discussion in this House gentlemen on both sides of the Chamber are apologizing for the failure to carry it out in good faith, and arraigning each other for a want of integrity in regard to the matter.

My friend from Illinois [Mr. CANNON] said yesterday he believed the present Chief Executive was now the most popular Democrat in this country. I accept the compliment, coming from an opponent, and supplement it with the opinion that he is not only the most popular Democrat but the most popular man of either party in this country. And why? Because he is recognized as an able, fearless, and honest public servant, a man of the highest integrity and the loftiest purposes; one who when he gives his pledge to the people will stand by that pledge even though he fall in the attempt to fulfill it [applause], a man who, while coveting popularity, runs not after it, but by worthy acts leaves it to come to him. When a man stands by his integrity, when an official gives to the public his best services, he may make mistakes—all are liable to do that—but the people will make all proper allowances for the errors he may commit.

The two most important planks in the platform upon which Mr. Cleveland was elected were honesty and economy in the administration of public affairs and reform in the civil service, and in his letter of acceptance he gave his hearty assent to these measures. He had seen the Congress of the United States pass this law in 1883; he had seen in the Senate and in the House the records of the votes for and against it, and that the efforts of all seemed directed toward the perfection and not the destruction of the law. Did all this mean nothing? Was all this a sham—a fraud? Will gentlemen make such declarations as these upon the floor of this House with all the facts staring them in the face?

My distinguished friend from Indiana [Mr. HOLMAN] voted for this measure; and after it had been so much discussed by the press, upon the hustings, and in Congress, familiar as he is with all great political issues, is it not strange that he should rise in his seat during this discussion and declare that he did not know what he was voting for when he gave his assent to this measure?

Mr. HOLMAN. I made no such statement.

Mr. COX. I understood you to say you did not understand it.

Mr. HOLMAN. I made no statement approaching that.

Mr. COX. Did you understand the law?

Mr. HOLMAN. I had heard it read repeatedly.

Mr. SPRINGER. I understood and voted for it and am for the law.

Mr. COX. And so did I before the President was nominated. Not only that, but my friend from Pennsylvania [Mr. RANDALL], who was absent at the time the vote was taken, after sleeping on the subject came in the House the next day and stated but for a mistake he would have been present and recorded his vote for the measure. Now we have an Executive who is endeavoring to faithfully execute a law which we placed upon the statute-book, and the question arises whether we will stand by him or embarrass him in fulfilling his and our own public pledges.

If Congress does not stand by him, the people will. ["Good!" "Good!"] Here we breathe a fetid political atmosphere. It is a point at which the offices are distributed. Jealousies and rivalries excite the imagination of the Representatives, and, I fear, stimulates more of a desire to secure the patronage of office than to bestow their thoughts and attention to the preparation and enactment of wholesome legislation for the benefit of the whole people.

Why was this rider forced upon an appropriation bill in violation of one of the most stringent rules of this House, which forbids all legislation on appropriation bills, which are simply to provide for the payment of our public obligations? Was it that gentlemen might air themselves on civil-service reform, preparatory to the nominating conventions, because this law is now unpopular with the managing politician? Do they hope for its passage through this House, even if it does not go off on a point of order? Rather let us deal justly by our constituents who have dealt so generously by us.

Why place this rider upon the bill, to prevent the President from making such rules and regulations as the law authorizes him to make? It is true you seemingly strike at the commission, but it is well known the commission can not change these rules except with the approbation of the President; in fact they must emanate from him, and only by his invitation can they make suggestions. Why not withhold from the President himself the salary that he receives until he changes the rule, instead of striking at his subordinates, who can not act except by his authorization? Why strike at the humble, defenseless servant, and permit the real offender to go free? Why withhold from the President the credit of changing the rules, and arrogate to ourselves this authority which the law confers upon him?

While I am in accord with the suggestion of striking down the limitation as to age, I am not willing to violate a rule of this House to accomplish that end, especially as I have every reason to believe that it is the purpose of the Civil Service Commission to make such amendments to their regulations as will place them more in accord with popular favor.

Mr. GIBSON, of West Virginia. Will the gentleman tell us when that commission proposes to change those rules?

Mr. COX. I do not say that they will change them; I say I have every reason to believe that they will change them at an early day, but whether they do or not I am not prepared to put a rider on an appropriation bill to accomplish this purpose by indirection when the manly way would be to deal with the law direct. [Applause.]

Mr. RANDALL. Mr. Chairman, I really did have hope that this proposition from the Committee on Appropriations would be discussed entirely from a public standpoint. I do not need to tax my memory

or to refresh the recollection of this House in regard to the utterances of gentlemen a few years ago when they were attempting (to use a familiar phrase) to starve to death the Civil Service Commission, or to compare it with their language and conduct within the last twenty-four hours as to this proposed amendment. If they can reconcile their speeches at that time with the language that they have used on yesterday and to-day, it is not incumbent on me to run any line of comparison or to call attention to their inconsistency and duplicity. I leave them to reconcile their conduct and their voices with their own self-respect.

It has been alleged that these amendments are for the purpose of destroying the civil-service law. I maintain that the two propositions which the amendment contains have no such object, and that when they come to be inserted in the law, or to be made a part of the regulations in any other way, they will operate upon both parties alike without any partisanship whatever. First as to age limitation, that is not a part of the law which gentlemen are here boasting they voted for, and I venture the assertion that if there had been a clause in the act of the 16th of January, 1883, which proposed to proscribe the American citizen after he had reached the age of thirty-five or forty-five from being eligible to public station, there is not a man here who will say that he would have voted for such a provision. How did that get in? It got in at the will of a single individual, and no man has had the courage to utter here, either yesterday or to-day, a sentiment in favor of that part of the regulations or against the committee's amendment which applies to it.

How does this matter operate? We may safely draw the conclusion that the language to which I have referred was inserted in the regulations for the purpose of excluding from examination members of one political party. Let me illustrate this: There is not a man who was connected with the administration of this Government in 1861 and removed because of his politics, or for other reasons, who is not by this regulation debarred at this time from examination, notwithstanding the fact that his experience in previous years and his subsequent culture and development might capacitate him for being a more efficient officer than any of those now in service. Nay, more; the very effect of this regulation is to exclude more than half of the people who vote for us as Representatives from the possibility of securing any position within the classified service of this Government.

Do you tell me we should not assail that rule? I say that now and in the future, here and everywhere, I will agitate the repeal of so monstrous, so unjust, so indefensible a proposition. [Applause.]

Mr. McCOMAS. Has not the President of the United States under the law the power by a stroke of his pen to wipe out that regulation?

Mr. RANDALL. I say that this civil-service law was made by Congress; that the power of legislation rests here; that the one man to whom I have referred has undertaken to legislate and to deprive Congress of that power which should be lodged only here. I speak with deliberation, and I want the Chief Executive of this Government to hear what I have to say on this subject. [Applause.] What I say in regard to this is no assault upon the President; but I affirm to-day that the representatives of the people, by the enactment of these regulations, have been deceived and cheated, have been deprived of rights which, standing here, they ought to have defended in behalf of the people who sent them here as their representatives. [Applause.]

Mr. Cleveland is not responsible for these regulations. More than that, it is but a brief time since Mr. Cleveland could possibly have had any influence upon this commission; and following the gentleman from North Carolina [Mr. Cox], I will say that I hope a change will soon be made, and that he will give an administration of this civil-service act that will do justice in respect to the matters I complain of.

Mr. LONG. Are not these regulations subject to the approval of the President?

Mr. BUTTERWORTH. Undoubtedly.

Mr. RANDALL. Yes; and they are subject to modification by Congress.

Mr. LONG. If they are subject to the approval of the President, he is responsible for them.

Mr. RANDALL. We do not by the committee's amendment interfere in any degree with the law itself; it is the undue regulations we seek to alter. We have only sought to say to those who should be the servants of this House and the Senate, with the executive approval, that they must not attempt to exclude from participation in the offices of the Government any American citizens who are mentally and physically capable of discharging with honor and efficiency the duties of official station.

A word as to the other amendment proposed. I say, as I have said of the first part of the amendment, that this also operates on both parties alike, for the clause with reference to age affects members of the Republican party as much as it does those of the Democratic party, a discrimination against all men alike.

While we do not desire any abridgment of the right of the Executive and those under him with reference to appointments, yet we do not think it proper to permit these three members of the Civil Service Commission to exercise the prerogative of sending to the appointing power only four names from which selections must be made. Remember that this regulation is no part of the law. We propose to say that every man who under the law is eligible, who upon examination secures an average above 65, may be selected for appointment, if the appointing power, in its wisdom, after such examination shall discover him to possess the mental and physical qualifications for the particular office which he seeks.

My colleague from Pennsylvania [Mr. BAYNE] said to-day with great candor that he would prefer this selection should be confined to three or two, or even one. That was my understanding of his declaration; and it was a strange sound from the "machine" politics of Pennsylvania in view of the history of his party in my State. [Laughter.]

Before I forget it, I wish to correct the gentleman from North Carolina [Mr. Cox] as to Andrew Johnson. Andrew Johnson never possessed the power to be a spoilsman, for no sooner had he become President than the Republican party tied his hands in reference to the power of official appointments and removals by the tenure-of-office act. That was the act of the Republican party. Sir, I ask a comparison of the past course of that party with the self-righteousness of the Republican orators on this floor within the past twenty-four hours, and let that comparison show where "the cloven foot" is.

Mr. Chairman, I have not, nor has my honorable colleague on the committee, the gentleman from Indiana [Mr. HOLMAN], whom perhaps the public press has deprived of some of the credit incident to this proposition, ever designed to interfere with the civil-service act. That act was the result of a universal condemnation of the methods of the Republican party, and the united voice of this country cried out in behalf of the enactment of such a law as would stay these abuses of public trust. They were then trembling in apprehension that they would be deprived of the administration of this Government at the following fall election of 1884, and that I believe was as much the reason for their support of the measure, which they had in every shape and form theretofore condemned when it was likely to interfere with the patronage of their administration and which they had tried to starve to death.

I am willing for a civil-service reform. I would not have such a policy go backward, after the public condemnation of the system, to a condition of things which, at the end of every Presidential election, turns out the adherents of one party indiscriminately and puts in the adherents of the successful party. But I want to remind gentlemen that this law to be permanent must be fair, must be just; and that we who advocate these amendments are trying to strip the regulations under the law of injustice by one party when dominant against other in this country. [Applause.]

The CHAIRMAN. The time fixed for general debate has expired.

Mr. HOLMAN. I hope the bill will now be read by sections for debate and amendment under the five-minute rule.

The Clerk read the first paragraph of the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1887, for the objects hereinafter expressed, namely.

Mr. MORRISON. Mr. Chairman, I make the point of order on this paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. MORRISON. I make the point of order that the words "in full compensation for the service," &c., is new legislation changing existing law. I make this point now because in the bill there are certain salaries provided for, and the amount appropriated is sometimes less and sometimes more than the salary fixed by law, and therefore against the rules. I do not know whether the point of order is properly interposed here; but I desire to make it in time to save it. I want to insist and intend to insist on a compliance with the rules of the House, whether it takes in or leaves out civil-service changes or limitations which have just now been under discussion.

The CHAIRMAN. The Chair will state that the point of order may be made now.

Mr. MORRISON. Then I make the point of order already indicated or stated.

Mr. HENDERSON, of Iowa. Suppose you let the committee rise now.

Mr. HOLMAN. Let us have the question of order disposed of to-night if the gentleman will present it. I desire to be heard upon it for a moment.

Mr. MORRISON. I have made the point of order and do not care to discuss it.

Mr. HOLMAN. Mr. Chairman, I wish to submit a few remarks upon the point of order after the gentleman has stated the ground of his objection.

Mr. MORRISON. The point as already made contains the ground of objection to the clause or the words which contain new legislation. There are, as I have tried to state, several annual salaries appropriated for in the bill, some below, others above the amount now required by law. If the words on which the point is made are allowed in the bill

the amount appropriated will be in full, whether more or less than existing law.

Mr. HOLMAN. And some hundreds of them.

Mr. MORRISON. Certainly; and that is what I object to. By way of illustration let me state one case. The salary of the surveyor-general of Arizona is cut down below what the law now gives him; and the object of the point I make is to require the Committee on Appropriations to appropriate money for the salaries provided by law. And if in the opinion of that committee or any member of it, or of the House, any salary is too high or too low, let them introduce a bill for the purpose, and have the change made in the usual way (and in conformity with the rules) increasing or decreasing them. [Applause.] Let the appropriations be made in conformity with the law and the rules of the House.

There are numerous provisions in the bill of the character of the one already mentioned by way of illustration. There are in the bill some salaries and rates of compensation appropriated for at a higher rate than the law provides as well as some lower, and I repeat I want the bill to conform to the law under the rules of the House.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Several MEMBERS. Let it go over until to-morrow.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road;

A bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York;

A bill (H. R. 426) granting a pension to Elizabeth A. Robbins;

A bill (H. R. 576) for the relief of Louisa C. Beezeley;

A bill (H. R. 1678) for the relief of Henry N. Huggins;

A bill (H. R. 2800) granting a pension to Mary Manes;

A bill (H. R. 3366) granting a pension to Henry Bollman;

A bill (H. R. 3645) granting a pension to Sarah Brooks;

A bill (H. R. 3860) granting a pension to John H. Walters;

A bill (H. R. 4689) for the relief of the children of the late Surg. Alfred M. Owen, and to increase their pension;

A bill (H. R. 4882) granting a pension to Washington T. Otey;

A bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis;

A bill (H. R. 5406) granting a pension to P. E. Raiger;

A bill (H. R. 5411) granting a pension to John Butler;

A bill (H. R. 5645) granting a pension to Rebecca Allen;

A bill (H. R. 5931) granting a pension to Erdmuthe Kirchner;

A bill (H. R. 6135) granting a pension to James W. Sanford;

A bill (H. R. 6170) granting a pension to Mary A. Van Etten;

A bill (H. R. 6176) granting a pension to Margaret Mayham;

A bill (H. R. 6177) granting a pension to James D. Cotton;

A bill (H. R. 6183) for the relief of Bridget M. Cullen;

A bill (H. R. 6193) granting a pension to Charles Foreman;

A bill (H. R. 6237) for the relief of Samuel Shuler;

A bill (H. R. 6247) granting a pension to Mayberry Vance;

A bill (H. R. 6248) granting a pension to Louis A. Wollenweber;

A bill (H. R. 6250) to increase the pension of Thomas A. Rowley;

A bill (H. R. 6257) for the relief of Julia Connelly;

A bill (H. R. 6266) granting a pension to Philip Arner;

A bill (H. R. 6323) granting a pension to Rebecca McGee;

A bill (H. R. 6372) to pension Charles A. Chase;

A bill (H. R. 6430) granting a pension to Lucy G. Dutcher;

A bill (H. R. 6452) granting a pension to Samantha A. Smith;

A bill (H. R. 6453) granting a pension to Martin J. Reynolds;

A bill (H. R. 6519) granting a pension to John D. Krebbiel;

A bill (H. R. 6566) granting a pension to Henry I. Cartin;

A bill (H. R. 6669) granting a pension to Catharine Kennedy;

A bill (H. R. 6668) granting a pension to Lurena Wages;

A bill (H. R. 6670) granting a pension to Susan Malone;

A bill (H. R. 6718) granting a pension to William H. Starr;

A bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade, Thirteenth Maryland Volunteers;

A bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers;

A bill (H. R. 6770) granting a pension to Ferdinona Koehler;

A bill (H. R. 6774) granting a pension to Bruno Schultz;

A bill (H. R. 6795) for the relief of Mrs. Sarah Casteel;

A bill (H. R. 6797) to place the name of Samuel Boling upon the pension-roll;

A bill (H. R. 6801) granting a pension to Elander M. Mooneyhan;

A bill (H. R. 6812) granting a pension to Margaret Lucas;

A bill (H. R. 6895) granting a pension to Sarah Harbaugh;

A bill (H. R. 6919) granting a pension to Sarah Ann Williams;

A bill (H. R. 7066) for the relief of Andrew J. Hillberry;

A bill (H. R. 7073) granting a pension to Mary S. Woodson;

A bill (H. R. 7074) granting a pension to William P. Carleton;

A bill (H. R. 7075) granting a pension to Orson W. Sears;

A bill (H. R. 7108) granting a pension to Andrew J. Wilson;

A bill (H. R. 7109) granting a pension to Joseph Tuttle;

A bill (H. R. 7156) to increase the pension of Maria A. Birney, widow of Maj. Gen. David B. Birney;

A bill (H. R. 7162) granting a pension to Martha McIlwain;

A bill (H. R. 7222) granting a pension to Callie West;

A bill (H. R. 7249) to pension Spencer W. Tryon;

A bill (H. R. 7253) for the relief of Joseph Guy;

A bill (H. R. 7257) granting a pension to James H. Darling;

A bill (H. R. 7299) for the relief of Green Chambers;

A bill (H. R. 7329) granting a pension to Patrick McKeon;

A bill (H. R. 7365) for the relief of Nancy Franklin;

A bill (H. R. 7401) granting a pension to Samuel Miller;

A bill (H. R. 7407) granting a pension to Cyrus Dubbs;

A bill (H. R. 7436) to grant a pension to Mary Anderson;

A bill (H. R. 7437) to grant a pension to Levi L. Vaughn;

A bill (H. R. 7509) granting a pension to Cecilia C. McKenna;

A bill (H. R. 7511) granting a pension to Margaret Lucy;

A bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman;

A bill (H. R. 7641) granting a pension to Sophronia Witham;

A bill (H. R. 7660) granting a pension to James Stobaugh;

A bill (H. R. 7688) granting a pension to Wilhelm Nolte;

A bill (H. R. 7763) granting a pension to Anna A. Probert;

A bill (H. R. 7843) granting a pension to Edwin R. Porks;

A bill (H. R. 7914) to increase the pension of David M. Rennoe;

A bill (H. R. 7931) increasing the pension of Clark Boon;

A bill (H. R. 7965) for the relief of Frances Mosher;

A bill (H. R. 7979) granting a pension to Jackson Stewart;

A bill (H. R. 8078) for the relief of Lydia S. Johnson;

A bill (H. R. 8086) granting a pension to Cummins Porter; and

A bill (H. R. 8111) granting a pension to Rebecca Roberts.

And the hour of 5 o'clock having arrived, the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers relating to Armistead M. Miller, Loudoun County, Virginia—to the Committee on War Claims.

By Mr. BARKSDALE: Papers relating to the claim of Samuel Bagwell, of Claiborne County, Mississippi—to the same committee.

By Mr. BRUMM: Petition of William H. Williams and 47 others; of John Bickleback and 20 others; of James Tax and 26 others, and of Lewis Hopins and 64 others, asking for the passage of pension bill recommended by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. CONGER: Petition of Iowa State Traveling Men's Association, urging the passage of the bill now pending to remove the tax or license now being levied upon commercial travelers for goods sold by them, by sample, in several States and Territories—to the Committee on Commerce.

By Mr. ERMENTROUT: Petition of Max Seibart, Leon Bichon, and others, hospital stewards United States Army, asking passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. GAY: Papers relating to the claims of Precilla Gillis, of La Fourche Parish, Louisiana—to the Committee on War Claims.

By Mr. GROSVENOR: Petition of J. N. Sandy and many others, of Trimble, Ohio, in favor of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of H. F. Hill and many others, of Ozark, Ark., asking for additional legislation in aid of ex-soldiers—to the same committee.

Also, petition of John W. Wertall and many others, of Perry County, Ohio, in favor of Senate bill for relief of soldiers of the late war—to the same committee.

By Mr. HEARD: Petition of ex-soldiers for the passage of Senate bill 1886—to the same committee.

By Mr. JACKSON: Petition of soldiers and citizens of Wampum, Pa., asking Congress to pass the Senate bill for the relief of disabled soldiers of the late war—to the same committee.

By Mr. KELLEY: Petition of Robert Purvis, Mrs. J. Haines, and others, citizens of Philadelphia, Pa., asking for better legal protection of young girls in the District of Columbia—to the Committee on the Judiciary.

By Mr. LOWRY: Petition of 200 soldiers of Allen County, Indiana, for the passage of an act equalizing bounties, and one repealing the lim-

ltation of the arrears-of-pension act—to the Committee on Invalid Pensions.

By Mr. McCREARY: Petition of Malvina Hix, widow of Francis M. Hix, alias Marion Hix, for restoration—to the same committee.

By Mr. McRAE: Papers relating to the claim of Jason Cloud, of Walker County, Georgia—to the Committee on War Claims.

By Mr. MORRILL: Petition of John Coan, of Leavenworth, Kans., praying that his war claim be referred to the Court of Claims—to the same committee.

By Mr. PERRY: Petition of Jacob A. Schwarze, son and heir of Philip P. B. Schwarze, of Fairfield County, South Carolina, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. PLUMB: Petition of Clark Carle and 101 others, citizens of Mazon, Grundy County, Illinois, asking for the passage of Senate bill 1886, for extending invalid pensions—to the Committee on Invalid Pensions.

By Mr. T. B. REED: Petition of Jeremiah Mason, N. McKinsick, and others, citizens of Saco, Me., asking for the better legal protection of young girls in the District of Columbia—to the Committee on the Judiciary.

By Mr. RICE: Petition of S. S. Green and others, citizens of Worcester, Mass.; for the passage of Senate bills 53 and 54 relative to the allotment of land in severalty and for the relief of the California Mission Indians—to the Committee on Indian Affairs.

By Mr. RIGGS: Petition of Edmond Higbee and 83 others, of Mendon, Ill., for the passsage of Senate pension bill 1886—to the Committee on Invalid Pensions.

By Mr. ROWELL: Petition of John N. Campbell, a soldier of the war of 1812, for increase of pension—to the Committee on Pensions.

By Mr. SEYMOUR: Petition of Christian Quien and others, citizens of Danbury, Conn., in favor of granting a pension to Almira Ambler—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of J. B. Slusser and 28 others, of Roanoke, Ind., for the passage of Senate bill 1886—to the same committee.

By Mr. STORM: Petition of K. Bishop and 122 others, soldiers of Pennsylvania, in favor of the passage of the several pension bills recommended by the Grand Army of the Republic—to the same committee.

By Mr. E. B. TAYLOR: Petition of Joseph Mathews, of Prescilla Davis, of Thomas J. Gray, and of Marian Brown, for invalid pensions—to the same committee.

Also, petition for a pension to William A. Serles—to the same committee.

SENATE.

THURSDAY, *June* 10, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

THE BRIG GENERAL ARMSTRONG.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a letter from the Secretary of State, with an accompanying paper, in relation to the distribution of the fund appropriated by the act of April 20, 1882, for the relief of the captain, owners, officers, and crew of the brig General Armstrong.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June* 9, 1886.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 183) providing for printing the first annual report of the Commissioner of Labor was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. 2953) for the relief of John P. Bush and James Grigsby was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. Why was the bill placed on the Calendar? Why was it not referred?

The PRESIDENT *pro tempore*. Because a similar bill has been reported from a Senate committee, and it has been requested that the House bill should be placed upon the Calendar. If there is objection it will not be placed on the Calendar, but will lie on the table.

Mr. EDMUNDS. That is the better way until we see that it is precisely the same as the Senate bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas [Mr. JONES] reported the corresponding Senate bill.

Mr. EDMUNDS. But we want to see that it is precisely the same as the Senate bill. The bill had better lie on the table, and then it can be taken up at the proper time. That is the better way.

The PRESIDENT *pro tempore*. The bill will lie upon the table for the present.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced his signature of the following enrolled bills which had heretofore received the signature of the Speaker of the House of Representatives:

A bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio;

A bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich.;

A bill (S. 763) for the erection of a public building at Sioux City, Iowa;

A bill (S. 1016) granting an increase of pension to Abel Comstock;

A bill (S. 1192) granting a pension to Alfred Denny;

A bill (S. 1288) granting a pension to Robert Holsey;

A bill (S. 1382) for the relief of Lydia O. Hutchings;

A bill (S. 1383) granting a pension to Harriet Welch;

A bill (S. 1400) granting a pension to William H. Beck;

A bill (S. 1466) granting an increase of pension to Stephen R. Smith;

A bill (S. 1467) granting a pension to Mrs. Margaret Smith;

A bill (S. 2005) granting a pension to Mary J. Nottage;

A bill (S. 2025) granting a pension to James Butler;

A bill (H. R. 116) for the relief of Albertine Cockrum;

A bill (H. R. 308) granting a pension to Mary Sullivan;

A bill (H. R. 421) granting a pension to Jesse B. Scudder;

A bill (H. R. 427) for the relief of Thomas T. Smithers;

A bill (H. R. 464) granting a pension to Robert McAlexander;

A bill (H. R. 504) granting a pension to Annie Kessinger;

A bill (H. R. 918) granting a pension to Gilbert A. Philips;

A bill (H. R. 1142) granting a pension to Lydia Hadlock;

A bill (H. R. 1148) granting a pension to Mariah E. A. B. Nowell;

A bill (H. R. 1177) granting a pension to William J. Barker;

A bill (H. R. 1201) for the relief of Mary Howard Farquhar;

A bill (H. R. 1505) granting a pension to William Dermody;

A bill (H. R. 1520) granting an increase of pension to Mary F. Blake;

A bill (H. R. 1766) granting a pension to Mary A. Shannon;

A bill (H. R. 1768) granting a pension to James Wolfe;

A bill (H. R. 1818) granting a pension to H. L. Kyler;

A bill (H. R. 1943) granting a pension to James L. McClarran;

A bill (H. R. 1945) granting a pension to Jeremiah M. Fitger;

A bill (H. R. 1997) granting a pension to Nancy R. Brown;

A bill (H. R. 2144) granting a pension to C. K. Hughes;

A bill (H. R. 2940) granting a pension to John T. Pennington;

A bill (H. R. 2963) granting a pension to Louis Whorley;

A bill (H. R. 2968) granting a pension to Harriet Peak;

A bill (H. R. 2971) granting a pension to Francis Deming;

A bill (H. R. 2975) granting a pension to Eliza A. Weeks;

A bill (H. R. 2976) granting a pension to Lenford Rose;

A bill (H. R. 3043) granting a pension to Lewis W. Scanland;

A bill (H. R. 3047) granting a pension to Thomas Tegan;

A bill (H. R. 3054) granting a pension to Sylvester Root;

A bill (H. R. 3166) granting a pension to Solomon Messer;

A bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll;

A bill (H. R. 3501) granting a pension to Daniel J. Bingman;

A bill (H. R. 3601) to increase the pension of Louisa Weitzel, widow of Godfrey Weitzel, late a major general of the United States volunteers;

A bill (H. R. 3614) granting a pension to Charlotte Buck;

A bill (H. R. 3623) granting a pension to William H. Nevil;

A bill (H. R. 3640) granting a pension to James T. Irwin;

A bill (H. R. 3737) granting a pension to John H. Downing;

A bill (H. R. 3831) granting a pension to Charles T. Reber;

A bill (H. R. 3836) granting a pension to James Dunbar;

A bill (H. R. 3954) granting a pension to Henrietta Fisher;

A bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers;

A bill (H. R. 4124) granting a pension to Charles F. Hildreth;

A bill (H. R. 4143) for the relief of Margaret Madden;

A bill (H. R. 4145) granting a pension to Maria Kile;

A bill (H. R. 4163) granting a pension to Dr. William H. Sheffield;

A bill (H. R. 4199) granting a pension to William B. Jacobs;

A bill (H. R. 4226) for the relief of Samuel Kitzmiller:

A bill (H. R. 4382) to increase the pension of John F. Chase;

A bill (H. R. 4386) granting an increase of pension to William F. Clark;

A bill (H. R. 4426) granting a pension to Fannie E. Evans;

A bill (H. R. 4501) granting a pension to Daniel B. Randall;

A bill (H. R. 4552) for the relief of Susan Smith;

A bill (H. R. 4632) granting a pension to William L. McCall;

A bill (H. R. 4642) granting a pension to James Carroll;

A bill (H. R. 4644) granting a pension to Noah B. Brookshire;

A bill (H. R. 4730) for the relief of Mary Murphy;

A bill (H. R. 4797) granting a pension to Robert H. Stapleton;

A bill (H. R. 4808) granting a pension to William Field;

A bill (H. R. 4850) for the relief of William J. Hudson;

A bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby;

A bill (H. R. 5058) granting a pension to John Arthur;
A bill (H. R. 5100) granting a pension to Eleanor Foust;
A bill (H. R. 5169) to increase the pension of Thomas J. Slayton;
A bill (H. R. 5232) for the relief of Mary Hawhe;
A bill (H. R. 5261) granting a pension to Isaac Fossett;
A bill (H. R. 5283) granting a pension to Larkin G. Mead;
A bill (H. R. 5306) granting a pension to Roxana V. Rowley;
A bill (H. R. 5307) granting a pension to Lieut. Joseph Prost;
A bill (H. R. 5324) granting a pension to John H. Hunter;
A bill (H. R. 5333) granting a pension to Edward L. Hill;
A bill (H. R. 5334) granting a pension to Henry Anin;
A bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft;
A bill (H. R. 5394) granting a pension to Sally Ann Bradley:
A bill (H. R. 5408) granting a pension to Josiah Focht;
A bill (H. R. 5414) granting a pension to Maria Cunningham;
A bill (H. R. 5434) granting a pension to Amos C. Wertz;
A bill (H. R. 5435) granting a pension to David L. McDermott;
A bill (H. R. 5438) for the relief of Elias Sheads;
A bill (H. R. 5472) to increase the pension of Henry Brooks;
A bill (H. R. 5492) granting a pension to Eliza Newman;
A bill (H. R. 5525) granting increase of pension to Robert E. Stephens;
A bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty;
A bill (H. R. 5622) granting a pension to Allen P. Jacobs;
A bill (H. R. 5635) granting a pension to William J. Heady;
A bill (H. R. 5643) granting an increase of pension to Charles F. Ward;
A bill (H. R. 5656) granting a pension to Margaret S. Davis;
A bill (H. R. 5761) granting a pension to Margaret J. Reighter;
A bill (H. R. 5881) for the relief of Henry S. Cohn;
A bill (H. R. 5882) granting a pension to Sarah Ann Murphy;
A bill (H. R. 5951) granting a pension to John M. Mattingly;
A bill (H. R. 5975) to increase the pension of Michael McGrayel;
A bill (H. R. 6020) granting a pension to Levi M. Starne;
A bill (H. R. 6088) granting an increase of pension to Nelson Monroe;
A bill (H. R. 6120) for the relief of Richard Horrigan;
A bill (H. R. 6147) granting a pension to Frederick Marion;
A bill (H. R. 6150) for the relief of Euphemia R. Smith;
A bill (H. R. 1061) for the relief of Sarah M. Shearer;
A bill (H. R. 1627) granting a pension to Annie Bagley;
A bill (H. R. 4685) for the relief of John A. Orndorff;
A bill (H. R. 4782) granting a pension to Elizabeth McKay;
A bill (H. R. 5154) granting a pension to Margaret A. Poland; and
A bill (H. R. 6648) for the relief of Edward M. Harrington.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Joseph H. Reall, president of the American Agricultural and Dairy Association, praying for the passage of the House bill placing the manufacture and sale of imitation butter under the control of the United States Internal Revenue Department; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Produce Exchange of Toledo, Ohio, praying for the passage of an amendment to section 5258 of the Revised Statutes, respecting injury done to railroads; which was referred to the Committee on the Judiciary.

Mr. SEWELL presented a petition of Grange No. 81, Patrons of Husbandry, of New Jersey, praying for the suppression of the manufacture and sale of all imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Grange No. 81, Patrons of Husbandry, of New Jersey, remonstrating against the admission free of duty of all agricultural raw materials; which was referred to the Committee on Finance.

Mr. CULLOM presented resolutions adopted by the Chicago Live Stock Exchange, remonstrating against the passage of the bill providing for the taxing of oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

Mr. MILLER presented a petition of the congress of the Workingmen's Club of the United States, praying for the passage of the bill providing for a system of postal savings-banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRISON presented resolutions adopted at a convention of the colored people of Indiana, held at Indianapolis, Ind., June 2, 1886, in favor of the passage of Senate bill 1800, to restore to the freedmen and others in the Indian Territory their rights under treaty stipulations; which were referred to the Committee on Indian Affairs.

Mr. HARRISON. I present eight petitions, signed by 596 ex-Union soldiers and citizens of La Porte County, Indiana, praying for the passage of House bill 3320, granting a pension to all United States soldiers and sailors of the war of the rebellion. I move that the petitions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. EDMUNDS. I present the petitions of E. S. Dundy, district judge, of Nebraska; of Thomas Durfee, chief-justice, of Rhode Island; of A. W. Horton, chief-justice, of Kansas; of George B. Okey, reporter of the supreme court of Ohio; of W. C. Perry, United States attorney in Topeka, Kans.; of D. A. Dickinson, associate justice of the supreme court of Minnesota; of W. H. Levet, judge of the supreme court of Iowa; of Henry A. Chaney, State reporter of Michigan; and of A. H. Leonard, all praying for a Federal code of procedure. I move the reference of the petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. EDMUNDS presented the petition of O. J. Lowry and 25 other citizens of Jericho, Vt., praying for legislation against fraudulent butter; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented the petition of Ellen S. Bradun, Kinsman Atkinson, and 60 other citizens of Saco, Me.; and the petition of E. H. Bailey, M. A. Millikin, and 66 other citizens of Saco, Me., praying for the better legal protection of young girls in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of Noah Pillsbury, of Scarborough, Cumberland County, Maine, late private in Company E, Twenty-fifth Regiment Maine Volunteers, praying that he be restored to the pension-roll; which was referred to the Committee on Pensions.

Mr. MAHONE presented a memorial of Local Assembly No. 4713, Knights of Labor, of Norfolk, Va., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of Jeremiah Mason, Nathan McKusick, and other citizens of Saco, Me., praying for the better protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1340) for the relief of E. J. Northcutt & Brothers, for losses sustained by Indian depredations in Southern Oregon in 1855, reported it with amendments, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 282) for the relief of A. B. Norton, reported it without amendment, and submitted a report thereon.

Mr. DOLPH. I am also directed by the Committee on Claims to report a separate amendment to the bill just reported by me, which I propose to offer when the bill comes up for consideration. It is in the character of general legislation, providing for the payment of all similar claims; and I have reported it separately in order that a separate vote may be had upon it.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 1197) for the relief of William H. Young, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1150) pranting a pension to Catherine E. Coffin;
A bill (S. 2569) granting a pension to Helen H. Harrell;
A bill (H. R. 4615) for the relief of Ann Leddy;
A bill (S. 1838) to increase the pension of George R. Hooper;
A bill (S. 2321) granting an increase of pension to Clara B. Davidson; and
A bill (H. R. 8651) increasing the pension of Alfred J. Hill.

CHILDREN OF SURGEON ALFRED M. OWEN.

Mr. BLAIR. The House of Representatives has returned to the Senate, in compliance with its request, the bill (S. 1204) for the relief of the children of the late Surg. Alfred M. Owen, and to increase their pensions. I move the indefinite postponement of the bill, the House bill on that subject having passed.

The motion was agreed to.

B. W. PERKINS'S CLAIM AGAINST RUSSIA.

Mr. SAULSBURY, from the Committee on Foreign Relations, to whom was referred a resolution submitted by Mr. HOAR on the 1st of February last, requesting the President of the United States to call the attention of the Russian Government to the claim of the legal representatives of Benjamin W. Perkins, deceased, against that government, submitted an adverse report thereon, which was agreed to; and the resolution was postponed indefinitely.

BILLS INTRODUCED.

Mr. PLUMB (by request) introduced a bill (S. 2633) to promote safer and quicker transportation of passengers and mails than ordinary; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Railroads.

He also introduced a bill (S. 2634) granting a pension to David H. Whitney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2635) granting a pension to Martha Hoover; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EDMUNDS (by request) introduced a bill (S. 2636) to incorpo-

rate the Maritime Canal Company of Nicaragua; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CULLOM (by request) introduced a bill (S. 2637) for the relief of Lewis D. Allen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 2638) to provide for the survey of the grant known as the Hanson Grant, in the State of California; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. MAHONE introduced a bill (S. 2639) granting a pension to Mary Morrisett, daughter of Peter K. Morgan, a soldier of the war of 1812; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 2640) for the relief of the estate of Oswell P. Newly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. RIDDLEBERGER introduced a bill (S. 2641) for the relief of Harriet W. Shacklett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 2642) for the relief of the Roman Catholic Church of St. Peter and St. Paul at Chattanooga, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 2643) supplemental to an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government;" which was read twice by its title, and referred to the Committee on Claims.

Mr. MCPHERSON introduced a bill (S. 2644) to increase the naval establishment; which was read twice by its title, and referred to the Committee on Naval Affairs.

CHANGE OF REFERENCE.

Mr. PLUMB. I desire to have the reference of a bill changed which I introduced on the 3d day of this month. It is the bill (S. 2595) for the relief of Mrs. Adelaide H. Graton, which should have been referred to the Committee on Military Affairs, but it was referred to the Committee on Pensions. I ask that the reference may be changed.

The PRESIDENT *pro tempore*. If there be no objection, the reference of the bill will be changed to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MAHONE, it was

Ordered, That the papers in the pension case of Peter K. Morgan, pensioned under special act of the Forty-sixth Congress, 1879-'80, be withdrawn from the Senate files and referred to the Committee on Pensions.

On motion of Mr. RIDDLEBERGER, it was

Ordered, That the papers in the case of Harriet W. Shacklett now on the files of the Senate be withdrawn and referred to the Committee on Claims.

On motion of Mr. CULLOM, it was

Ordered, That the papers in the case of Lewis D. Allen be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. EVARTS, it was

Ordered, That Thomas A. Lawrence have leave to withdraw his petition and papers from the files of the Senate upon leaving copies of the same with the Secretary.

READING OF HOUSE REPORTS.

Mr. HOAR. I desire to call up the resolution I offered yesterday.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the Chair will lay before the Senate a resolution which comes over under objection from yesterday.

The Chief Clerk read the following resolution, submitted yesterday by Mr. HOAR:

Resolved, That in the opinion of the Senate it is not out of order when a private bill is under consideration to read or refer to a report upon the same made to the House of Representatives during the present Congress.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. EDMUNDS. This resolution declares the opinion of the Senate upon a question of parliamentary law and practice of this body. In order that my position upon it may be made clear, I wish to state exactly what I think the parliamentary law is. I suggested to my friend from Massachusetts that we did not differ in respect of the practice in regard to reports that had been sent to us by the House of Representatives accompanying bills which they had passed, and with the papers, for a committee to take that report, with the papers to refer to, to save writing another, which I have never objected to; but the point I made was in respect of a report on a matter still pending in the other House, which, like all its other proceedings until they are sent to us, it has always been thought by parliamentary writers injurious to the independence of the two Houses and to their good understanding to refer to and comment upon, either favorably or unfavorably.

To save the time of going into a discussion of that precise point, which is all the point I make, I suggest to my friend from Massachusetts to let this resolution be referred to the Committee on Rules, so that they may report a rule upon the subject.

Mr. HOAR. I should like to state my view first.

Mr. EDMUNDS. Certainly.

Mr. HOAR. It is an old rule of parliamentary law undoubtedly that you may not refer to the proceedings in the other legislative body, or the debates there, or the particular votes or majorities there. That is for two reasons: first, that there may not be criticism of such action in the other House, disrespectful criticism, which might lead to ill-feeling between the two Houses; second, that an undue or improper influence may not be exerted upon the votes of members of one legislative body by referring to the opinions of the other.

But this is practically and entirely an obsolete rule. In Great Britain, from whence the rule came, in our State Legislatures, and here there is a phrase, "another place," or "I see it in a publication on our desks," that such an utterance has been made, and so on, so that it has become one of the merest and idlest parliamentary fictions in practice where the rule does prevail.

But I claim that the precedents of the Senate have determined from a very remote period that in this particular it is in order to refer to what has taken place in the House of Representatives, and it is of very great convenience to all the committees who have to deal with facts and to report facts to the Senate that our precedents should be obeyed and not displaced; that is, that we shall be permitted when we find on investigation that there has been a full report of the facts in a case before the Committee on Patents, the Committee on Claims, the Committee on Military Affairs, or a great many others, that a report should be adopted, and that whether the other House has passed the bill and sent the matter over or not. It never would happen that there would be a disagreeable or discourteous discussion arise out of it.

For that reason, as the intimation seemed to come from the Senator from Vermont that he proposed to invoke the old parliamentary rule with such a degree of strictness as to prevent this convenient practice, I thought the matter should be settled by the Senate. But I am perfectly willing to adopt the Senator's suggestion, and let the resolution go to the Committee on Rules if the chairman of that committee is of opinion that the Committee on Rules can deal with the subject pretty soon.

Mr. EDMUNDS. Before the reference I wish to say one word. I moved the reference chiefly so as not to take up time in a discussion now over a matter which undoubtedly may be settled by the committee.

I do not agree with the Senator from Massachusetts that there is any immemorial precedent or any precedent at all, except once or twice in this session, when a report of a House committee on a matter which had not been sent with the papers by the House here has been taken by a Senate committee and adopted for its report; and for the obvious reason (saying nothing about the proprieties between the two Houses) that until the report came here with the papers and evidence on which the House committee acted it could not be in the possession of our committee to see whether those papers and evidence supported the House report or not. On the other hand, when the House has sent a bill with the report and the papers accompanying it I have never objected to the propriety of the Senate committee, having the means of verifying the correctness of that report and finding it correct, adopting it rather than writing a new one.

That is the difference between the recollection of the Senator from Massachusetts and mine as to the history of these precedents. On the general subject I do not wish to take time to discuss it now, as my friend consents to a reference of the resolution to the Committee on Rules.

Mr. HALE. I hope the Committee on Rules in considering the resolution will give it a pretty wide scope. Many of the dangers which have been presented by the old writers upon parliamentary law, when Jefferson's Manual and Cushing's Manual were compiled, have, if they ever existed, entirely disappeared. There are no such circumstances surrounding legislative bodies now as there were then.

The proceedings of every legislative body in Christendom to-day are sent by the telegraph broad and wide to the whole world, and the impressions made upon the public by these swift and instantaneous communications come back at once to the body that has given rise to the communication, and also to the other co-ordinate body of legislation. There is nothing which takes place in the House of Representatives to-day that is of any importance which does not go to the farthest borders of the Republic before morning, and the comments, the views of the public through the press, come back to the House in twelve hours, and come back to the Senate.

The effect of one body upon the other is immensely increased from what it was in former days of comparative seclusion of the two Houses; and to set up here what to me is a superstition any longer is rather useless.

I have never been able to see, when I have been discussing matters upon this floor, or when other Senators have been discussing matters here which have been considered by the House of Representatives, what harm can be done, what dreadful mischief will ensue, what irretrievable calamity will fall upon us, if I should refer to a bill which is before the Senate as having been passed by an overwhelming majority in the House of Representatives. I have been interrupted time and again by the Senator from Vermont, in the exercise of his undoubted right under the existing law, in making such reference and prevented from going on in

my reference by this iron rule being applied to my remarks; and other Senators have been in the same condition. For the life of me I have not been able to see any reason why the rule should be longer continued.

There is no danger of either House to-day being improperly influenced by any reference that shall be made to the other body, and I would let that rule disappear under the advancing light that rests upon us.

So far as the other reason, which has some force, is concerned, that allusions to the other House might run into improprieties and might create exasperation between the two bodies, all that is needed, it seems to me, is the same rule that applies here between one Senator and another. Certain allusions, certain characterizations, are not permissible here between the members of this body, and justly and rightly and properly so. But I do not see, in referring to the proceedings of the other House, why any more stringent rule should be needed than is applied between ourselves. That is a thing which the sense of propriety and fitness lying in the breast of each Senator will in ninety-nine cases out of a hundred care for itself.

So I hope that the Committee on Rules, in considering this subject, will deal liberally with it, and will remove whatever is left of superstition merely, which has no foundation in actual danger, and give us a clean, clear-cut rule, which will apply to-day to the proceedings of the two Houses in their relations to each other and to the country.

The PRESIDENT *pro tempore*. It is moved that the resolution be referred to the Committee on Rules.

The motion was agreed to.

RAILROAD ATTORNEYS.

Mr. BECK. I gave notice on Monday that after the close of the morning business to-day I should ask the Senate to take a vote upon Senate bill 2578. I move to take it up for that purpose.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate proceed to the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MAHONE. I hope it will be the pleasure of the Senate to take up the agricultural appropriation bill at or before 2 o'clock.

Mr. BECK. The bill I have called up will take but a moment, I hope. I have not a word to say about it.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That it shall be unlawful for any member of either House of Congress to accept employment as attorney at law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

Mr. EDMUNDS. Has that bill ever been referred?

The PRESIDENT *pro tempore*. It has not been referred.

Mr. EDMUNDS. I move that it be referred to the Committee on the Judiciary.

Mr. BECK. I think it had better be voted down than go there. I ask for the yeas and nays.

Mr. EDMUNDS. Then I withdraw that motion and move to refer the bill to the Committee on Finance.

Mr. BECK. A reference to any committee amounts to a defeat of the bill.

Mr. EDMUNDS. Then we will take it on the motion to refer to the Committee on the Judiciary.

Mr. BECK called for the yeas and nays, and they were ordered.

The PRESIDENT *pro tempore*. The motion is to refer the bill to the Committee on the Judiciary.

The Secretary proceeded to call the roll.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. KENNA. I am paired with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 21, nays 24; as follows:

YEAS—21.

Allison,	Edmunds,	McMillan,	Sewell,
Blair,	Evarts,	Mahone,	Sherman,
Cameron,	Frye,	Miller,	Teller.
Chace,	Hale,	Mitchell of Oreg.,	
Cullom	Hawley,	Morrill,	
Dawes,	Hoar,	Sawyer,	

NAYS—24.

Beck,	Brown,	Call,	Coke,
Berry,	Butler,	Cockrell,	Colquitt,
Eustis,	Jones of Arkansas,	Pugh,	Vest,
George,	McPherson,	Ransom,	Whitthorne,
Harris,	Maxey,	Riddleberger,	Wilson of Iowa,
Harrison,	Payne,	Saulsbury,	Wilson of Md.

ABSENT—31.

Aldrich,	Gorman,	Logan,	Sabin,
Blackburn,	Gray,	Manderson,	Spooner,
Bowen,	Hampton,	Mitchell of Pa.,	Stanford,
Camden,	Hearst,	Morgan,	Vance,
Conger,	Ingalls,	Palmer,	Van Wyck,
Dolph,	Jones of Florida,	Pike,	Voorhees,
Fair,	Jones of Nevada,	Platt,	Walthall.
Gibson,	Kenna,	Plumb,	

So the motion to refer was not agreed to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. HALE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). I wish to announce that my colleague [Mr. ALDRICH] is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. MAXEY (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER] on political questions, but as I presume he would vote for this bill if here, I vote "yea."

Mr. MILLER (when his name was called). I have just been asked to pair with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BUTLER. I am quite sure my colleague [Mr. HAMPTON], if he were present, would vote "yea" on this question. So if the Senator from New York desires to vote, he can cast his vote.

Mr. MILLER. Then I vote "yea."

Mr. KENNA. I announce again that I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

Mr. BECK. My colleague [Mr. BLACKBURN] is absent, paired with the Senator from Nebraska [Mr. MANDERSON] who is also absent, both under the orders of the Senate. My colleague, if present, would vote "yea."

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, I should vote "yea."

Mr. MCMILLAN. My colleague [Mr. SABIN] is absent from the city and is sick. If he were present, my impression is that he would vote "yea."

Mr. KENNA. On that statement I vote "yea."

The result was announced—yeas 37, nays 11; as follows:

YEAS—37.

Allison,	Cullom,	Kenna,	Ransom,
Beck,	Dolph,	McMillan,	Saulsbury,
Berry,	Eustis,	McPherson,	Sherman,
Blair,	Frye,	Mahone,	Vest,
Brown,	George,	Maxey,	Whitthorne,
Butler,	Hale,	Miller,	Wilson of Iowa,
Chace,	Harris,	Morrill,	Wilson of Md.
Cockrell,	Harrison,	Payne,	
Coke,	Hawley,	Plumb,	
Colquitt,	Jones of Arkansas,	Pugh,	

NAYS—11.

Bowen,	Edmunds,	Mitchell of Oreg.,	Sewell,
Cameron,	Evarts,	Riddleberger,	Teller.
Dawes,	Hoar,	Sawyer,	

ABSENT—28.

Aldrich,	Gorman,	Logan,	Sabin,
Blackburn,	Gray,	Manderson,	Spooner,
Call,	Hampton,	Mitchell of Pa.,	Stanford,
Camden,	Hearst,	Morgan,	Vance,
Conger,	Ingalls,	Palmer,	Van Wyck,
Fair,	Jones of Florida,	Pike,	Voorhees,
Gibson,	Jones of Nevada,	Platt,	Walthall.

So the bill was passed.

ORDER OF BUSINESS.

Mr. DOLPH. Mr. President——

Mr. MAHONE. I now ask the Senate to take up the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Oregon.

Mr. DOLPH. I rose to move to take up the bill to forfeit the land grant of the Northern Pacific Railroad, but I understand the appropriation bill has preference. As soon as that is disposed of I shall move to proceed to the consideration of the bill I have indicated (S. 2172), a bill restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

The PRESIDENT *pro tempore*. If there be no objection, the agricultural appropriation bill will be taken up.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes.

Mr. MAHONE. As explanatory of the condition of the bill and the action of the Committee on Appropriations, I submit a statement for insertion in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection, the statement will be printed in the RECORD.

The statement is as follows:

AGRICULTURAL DEPARTMENT.

Amount of estimates	$651,875 00
Amount of direct appropriations made by House bill	523,715 00
Amount reappropriated by House bill from unexpended balances of former appropriations	142,449 96
Total as passed the House	666,164 96
Net reduction made by Senate committee	2,949 96
Total as reported to Senate	663,215 00
Amount of act for 1886	580,790 00
The bill as reported exceeds the estimates	11,340 00
The bill as reported exceeds the act for 1886	82,425 00

Changes in amounts of House bill made by the Senate committee are as follows:

Increase:

Botanical division	$6,300 00
Pomological division	6,200 00
Entomological division	4,000 00
Silk-culture	8,000 00
Museum	1,000 00
Division of agricultural statistics	15,000 00
Total increase	40,500 00

Reduction:

Microscopical division	1,000 00
Bureau of Animal Industry	42,449 96
Total reduction	43,449 96
Net reduction	2,949 96

The increase made by the bill over the act for the current fiscal year is principally in the following items:

For investigating the diseases of fruits, grains, &c.	$5,000
For pomological investigations	8,200
For purchase of food samples and investigating adulteration of food	1,000
For sorghum and sugar-cane investigations	54,000
For investigation of habits, &c., of insects and promotion of economic ornithology	5,000
For repairs to buildings, walks, and fences	6,625
For purchase, cultivation, &c., of foreign medicinal plants	2,000
	81,825

The principal items of reduction from act for current year are:

For collecting, &c., agricultural statistics	5,000
For tea-plant culture	1,000
	6,000

The PRESIDENT *pro tempore*. If there be no objection, the amendments of the Committee on Appropriations will be acted on as the reading of the bill proceeds, that being the usual order in regard to all general appropriation bills.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Appropriations was in the clause making appropriations for the "office of Commissioner of Agriculture," in line 20, after the word "dollars," to strike out:

One pomologist, $2,000; one botanist, $2,000; one assistant botanist, $1,200.

Mr. MAHONE. It is proper to say that those items will appear in another place in the bill. The amendments are mere transpositions.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the same clause, line 34, to reduce the total amount of the appropriation for the "office of Commissioner of Agriculture" from $69,180 to $65,980.

The amendment was agreed to.

The next amendment was, after line 36, to insert:

Botanical division:

For compensation of botanist, $2,000; for one assistant botanist, $1,500; for one clerk, $1,000; for investigating the nature of the diseases of fruits and fruit-trees, grains, and other useful plants due to parasitic fungi, and for experiments necessary to determine suitable remedies for these diseases, and for field investigation in the South and West with respect to the discovery and introduction into cultivation of forage plants and grasses suitable to increase the grazing capacity of the arid districts of the South and West, $5,000; in all, $9,500.

The amendment was agreed to.

The next amendment was, after line 48, to insert:

Pomological division:

For compensation of pomologist, $2,000; one clerk of class 1, $1,200; and for the collection and dissemination of pomological information, $5,000; in all, $8,200.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "microscopical division," in line 57, to strike out "one assistant microscopist, $1,000."

Mr. MILLER. Unless there is some special reason for this amendment, in my judgment it should not be agreed to. This division is now doing most valuable work in connection with the investigation of the adulteration of foods, particularly in connection with the manufacture of imitation butter. If I understand the condition of affairs there, this assistant microscopist is not only desired but is actually needed. I trust, unless there is some important reason, the amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in the same clause, line 61, to reduce the total amount of the appropriations for microscopical division from $4,000 to $3,000.

Mr. MILLER. That ought to be disagreed to with the other.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations for "chemical division," in line 68, after the word "chemist," to insert "and for necessary changes in and additions to the fixtures to the laboratory;" and in line 73, after the word "necessary," to insert "traveling and other;" so as to make the clause read:

Chemical division:

For compensation of chief chemist, $2,500; one assistant chemist, $1,600; one assistant chemist, $1,400; employment of additional assistance, when necessary, in the chemical division, $6,000; chemicals and apparatus for the use of the chemist, and for necessary changes in and additions to the fixtures to the laboratory, and necessary expenses in conducting experiments, including purchase of samples, $6,000; for purchase, erection, transportation, and operation of machinery, and necessary traveling and other expenses in continuing and concluding experiments in the manufacture of sugar, by the diffusion and saturation processes, from sorghum and sugar-cane, so much thereof as may be necessary to be immediately available, $94,000; in all 111,500.

The amendment was agreed to.

The next amendment was, after line 78, to insert the following clause:

All machinery purchased under the provisions of this act shall be built in the United States, wholly of domestic material; and experiments in diffusion and carbonation herein provided for applied to sorghum and tropical sugar-cane shall be made during the approaching sugar-making season. No other sugar-making experiments shall be made under the provisions of this act.

The amendment was agreed to.

The next amendment was in the clause making appropriations for "entomological division," in line 88, to reduce the amount of the appropriation for compensation of "one assistant entomologist" from $1,800 to $1,400.

Mr. MILLER. I notice that the salaries of all the assistants in the entomological division have been reduced very materially by our Appropriations Committee from the figures put in the bill by the House of Representatives. Heretofore the principal assistants in this division have not had their salaries fixed in the bill. There was a lump appropriation of $4,000, out of which the two principal assistants were paid their compensation, as fixed by the Commissioner of Agriculture. For the last two or three years the salaries which have been paid to these assistants have been exactly the sums which appear in the bill as it originally passed the other House. I am very frank to say that I think these salaries are quite low enough. These officers are educated scientists; and certainly they ought to have as high a rate of compensation as the first class and are ordinary clerks who do nothing but bookkeeping and the preparation of letters and documents. I am told that the class of men now employed there can not in all probability be retained by the department if these reductions are made.

It seems to me that the reduction is unwarranted by all the facts in the case, and I trust that the scientific work of this department will not be curtailed by the provision of such low salaries that the department will not be able to command the best talent in the country, for certainly if any scientific work is to be done by this department it should be done by competent persons, by qualified experts, and not have to resort to ordinary clerks. These salaries here, as they come from the House, $1,800, $1,600, and $1,400, are not even as high as we pay to a great majority of the clerks in the various departments of this Government who have no scientific or technical knowledge whatever. These gentlemen have given years of study to their profession; and it seems a pitiable sum and an unusual reduction, I think, to cut down their salaries. I trust they may be allowed to remain just as they were in the original bill.

Mr. MAHONE. Mr. President, what the Senator from New York says as to the possible insufficiency of the salaries provided in this particular case would be all very well, but I think it will occur to him that they are about the same grade as prevails throughout the department.

The Senator is in error as to the salaries previously paid under this division for these particular persons, because in the bill for the year now passing we find that the salary paid to the assistants was $1,400, and although the bill came from the House with this increase, the Senate Committee on Appropriations did not think there was sufficient reason for the increase which the House makes in these particulars.

Mr. MILLER. We are both substantially correct in our statements.

The bill of last year did provide for one assistant at the rate of $1,400, but in addition to that there was a lump sum of $4,000 appropriated, and out of that $4,000 the Commissioner did pay two assistants, one $1,800 and the other $1,600. These men are both of a higher grade than the one provided for in the bill of last year at $1,400, and I have no doubt that the provision of $1,400 of last year for one assistant is the cause of misleading the Senator from Virginia and the Committee on Appropriations in thus changing these salaries. I have here a statement from the department and from the assistant in charge of the entomological division fully carrying out all the statements I have made in regard to these salaries. If desired I will have it read.

Mr. ALLISON. I ask that it be read.

Mr. MILLER. The Senator from Iowa desires it to be read. It was sent for my private information, but let it be read.

The PRESIDENT *pro tempore*. The paper will be read.

The Secretary proceeded to read the letter, but before concluding was interrupted by

Mr. ALLISON. I do not know that I care to have the entire letter read. The Senator states that the contents of it seem to be that this appropriation he seeks is the appropriation for the current year.

Mr. MILLER. Yes, sir.

Mr. ALLISON. That is to say, that these men receive precisely what is included in the bill as he proposes to amend it for the current year.

Mr. MILLER. Precisely, with a variation.

Mr. EDMUNDS. The letter seems to be very short, and I should like to hear it.

Mr. ALLISON. Very well.

The Secretary resumed and concluded the reading of the letter, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF ENTOMOLOGY,
Washington, D. C., June 9, 1886.

DEAR SIR: I send you herewith a written memorandum of the facts concerning the salaries of the assistants in the entomological division which I mentioned to you in conversation last evening.

For the past two years but one assistant entomologist has been designated in the appropriation bill, and his salary was placed at $1,400. An additional appropriation of $4,000 was made for assistants when needed, and from this sum two men of a higher grade have been paid, while five or six others, including clerks, artists, and messenger, have been remunerated from the lump sum for the investigation of injurious insects.

In the bill now under consideration the House has fixed the salaries of the assistant entomologists at the same sum at which they have been fixed the past two years by the Commissioner of Agriculture, namely, one at $1,800, one at $1,600, and one at $1,400, and has done away entirely with the lump sum of $4,000 for other assistants when needed. These salaries the Senate Committee on Appropriations has cut down to one at $1,400 and two at $1,200 each.

We have at present in the entomological division a most excellent working force, but it will be impossible to keep these men if the salaries are cut down to the sums mentioned in the bill as amended by the Senate. Their places can not be filled by others. They have served from two to seven years each in the division, and are thoroughly familiar with the class of work which is performed there. They are all men who have spent years in the study of entomology, and it seems unjust that their compensation should be reduced to the level with those of first and second class clerks.

Thanking you for your kind promise of assistance in this matter, I am,
Yours, most respectfully,

L. O. HOWARD, *Assistant in Charge.*

Hon. WARNER MILLER, United States Senator,
Chairman Committee on Agriculture, Senate Chamber, City.

Mr. ALLISON. From that letter it would appear that the Committee on Appropriations have been in error in respect to the compensation paid to these people during the present year; but we were misled by the lump appropriation of $4,000, and I must say that I think it is very remarkable that appropriating a lump sum "for assistance in the entomological division, when necessary, $4,000," the Commissioner of Agriculture asking us to appropriate last year that additional sum in order to cover extraordinary and necessary expenses when we made a specific appropriation for one assistant, that $4,000 should have been used the current year by making two assistants receive more pay than the assistant specifically provided for. I think that is a most remarkable statement of facts.

Mr. MILLER. I have nothing to say as to that, but if I am correctly informed this has been the practice for a number of years.

Mr. ALLISON. Whether it has been the practice for one or more years, it is certainly a most extraordinary thing.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

The question being put, a division was called for; and the ayes were 5.

Mr. HARRIS. We may as well have the yeas and nays, or there will be no quorum voting.

Mr. MILLER. I shall not insist upon a count. Of course the question can go to the conference unless the Committee on Appropriations yields. I think if the chairman of the Committee on Appropriations would carefully examine this matter he would agree with my proposition; but I am satisfied to leave it to the conference committee and let it go without a call.

Mr. MAHONE. Let it go.

The PRESIDENT *pro tempore*. The amendment is agreed to, the call for a division and for the yeas and nays having been withdrawn.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the same clause, line 90, to reduce the appropriation for compensation of "one assistant entomologist or clerk" from $1,600 to $1,200.

The amendment was agreed to.

The next amendment was, in the same clause, line 91, to reduce the appropriation for compensation of "one assistant entomologist or clerk" from $1,400 to $1,200.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 97.

The PRESIDENT *pro tempore*. Amendments are not in order until the amendments of the Committee on Appropriations are disposed of, except by unanimous consent.

Mr. MILLER. I think it had better be attended to now.

Mr. MAHONE. I have no objection.

Mr. MILLER. The Committee on Agriculture unanimously reported an amendment to come in at this point, and I am at fault in not having gone before the subcommittee of the Committee on Appropriations to explain the matter to them. I had a conversation with the chairman of the subcommittee, and I understood him to concur in my proposed amendment, and therefore I neglected the matter. I desire now to offer the amendment, and I think it will commend itself to the judgment of the Senate.

In line 94, after the word "them," I move to strike out all down to and including the word "drawings," in line 98, as follows:

And for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture, an investigation of the food, habits, and migration of birds in relation to both insects and plants, and publishing report thereon, for drawings.

And in lieu thereof to insert:

For the promotion of economic ornithology and mammalogy; an investigation of the food-habits, distribution, and migrations of North American birds and mammals in relation to agriculture, horticulture, and forestry; for publishing reports thereon; and for drawings and traveling and other expenses in the practical work of the division, $15,000.

A year ago at my suggestion this provision with regard to economic ornithology and the study of the migration of birds, together with their food-habits, &c., was placed in the agricultural appropriation bill. I then desired it to be made a distinct division, as it had no proper connection with the entomological division, and expected that it would have been so done, but in the final passage of the bill through the conference committee it was put in under the entomological division.

For several years the society called the American Ornothological Union has been in existence. It has its corresponding members in every State and Territory of the whole country. It has been doing a vast amount of work in studying the migration of birds and their habits, particularly their food-habits, and the question as to their benefit or injury to agriculture. It has been entirely a voluntary work. A vast amount of material and information has accumulated, and the society applied to Congress to have it put into the Agricultural Department as one of the divisions, and that all this voluntary work which had cost the Government nothing might be sent there and properly examined, collated, and reported upon. The Congress of the United States, upon the presentation which I made a year ago, put in this provision.

I now desire that it may be somewhat changed by making it a distinct division of itself, and this will not cost the Government any more than it does in its present position. I see that the committee has already done the same thing in regard to pomology and has made that a distinct division by itself.

Mr. ALLISON. I ask the Senator from New York to allow the committee amendments to be first considered, and this amendment, if it should be agreed to, wants to be inserted in a little different form from that in which it is presented. It wants to be a separate paragraph, to come in at a different point.

Mr. MILLER. I was wrong in my amendment in offering it to strike out and insert at that point. What I intended to do was to move to strike out that language and then at the end of line 102 to insert my amendment. It would come in properly there. I make that suggestion now.

The PRESIDENT *pro tempore*. Objection being made, it is not now in order.

Mr. MILLER. I prefer, if the Senator does not object, to go on with my statement rather than disconnect it.

Mr. ALLISON. I shall not object if the Senator prefers to have it acted on now.

Mr. MAHONE. I understand that the Senator proposes to strike out now, in line 94, from the word "then" down to the word "drawings" in line 98, and then——

Mr. MILLER. And then to insert the other language as an independent paragraph after line 102.

Mr. MAHONE. I have no objection to having the question now put on striking out.

The PRESIDENT *pro tempore*. If there be no objection the words proposed to be stricken out will be stricken out, and the reading of the bill will proceed.

Mr. MILLER. Now, I shall be very brief in what I have to say in regard to this matter. I have some information here in relation to this subject, which instead of having read at the desk in full, unless the

Senate shall so desire, I will ask may be printed in the RECORD, for I consider it very important. The investigation of this ornithological department has brought to light a great deal of very valuable and interesting information in regard to the ravages of the rice-bird upon the rice-fields of the South. It presents a statement going to show that the loss by the ravages of the rice-bird in the South is equal to about $7 per acre upon every acre of rice grown in the United States. This certainly is an astounding statement, but it is entirely borne out by the facts in the case. I have had prepared a short article in relation to it, describing it and showing its importance. I desire to submit this and have it printed in the RECORD in connection with my remarks for the purpose of bringing the whole matter to the attention of the country, particularly of the southern portion of it. Unless Senators desire it read I will not ask for its reading. I think it is important to bring it before the country by publishing it in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection the paper will be printed in the RECORD.

The paper is as follows:

RAVAGES OF RICE-BIRDS.

One of the most important industries of the Southern States, the cultivation of rice, is crippled and made precarious by the biannual attacks of birds. Innumerable hosts of rice-birds visit the rice-fields at the time of planting in spring, and again before harvest-time in the fall. They devour the seed grain before the "stretch flow" is let in; and when the maturing grain is "in the milk" they feed upon it to a ruinous extent.

To prevent total destruction of the crop during the periods of bird invasion thousands of men and boys, called "bird-minders," are employed, hundreds of thousands of pounds of gunpowder are burned, and millions of birds are killed. Still the number of birds invading the rice-fields each year seems in no way diminished, and the aggregate annual loss they occasion amounts to nearly $2,000,000.

The use of fire-arms has continued for more than a century and has proved an expensive and inefficient remedy. Hence it is clear that some other means consistent with reasonable economy must be devised for the relief of the enormous losses now sustained by rice-growers from the depredations of birds. Numerous letters from rice-growers have been received at the Department of Agriculture asking for assistance in the attempt to secure some practicable remedy. Evidence of the extent of the loss in South Carolina, Georgia, and Louisiana is contained in the following letters:

[From John Screven, Savannah, Ga., president of the Rice-Growers' Association, of Georgia, and one of the largest rice-growers in the State.]

In reply to your favor of the 2d ultimo, requesting information concerning the depredations of the bobolink or rice-bird in the rice-fields of my neighborhood, I furnish such information as I have with pleasure, hoping that it may assist in the discovery of some effective and economical means of arresting the ravages of this chief bird-pest in the rice-fields.

The rice-bird is strictly migratory. It appears on the Savannah River commonly about the 10th or 15th of April, and remains, perhaps, until the 29th of May. During this incursion it is known as the "May-bird." It appears again about the 15th of August, when the early grain is hardened and is not so invitting to his appetite as when unripe and in the milk. The planter, observing these dates, seeks therefrom to seed the land and to have the young rice under what is known as the "stretch flow" before the spring flocks arrive, and to have the crop ripened before the autumn flocks return. If his planting is not finished before the spring flocks come it will be delayed until late in May or early in June, when the birds have departed for the season. He looks to the ripening and harvesting of such late crops when the fall ravages of the rice-bird have either ceased or are much diminished.

These data show how the destructiveness of the rice-bird is in some measure avoided, and in part by taking advantage of the periodicity of its migrations; but despite the precautions so taken its invasions are ruinous to fields on which its flocks may settle, especially if the grain is in palatable condition and is on fields adjacent to marshes convenient for ambush or retreat. Bird-minders, armed with muskets and shotguns, endeavor by discharges of blank cartridges to keep the birds alarmed and to drive them from the fields. Small shot are also fired among them, and incredible numbers are killed; but all such efforts will not prevent great waste of grain, amounting to a loss of large proportions of a field; sometimes, indeed, to its entire loss.

The rice-bird comes only in seed time and harvest to prey, so far as the rice-fields are concerned, on crops raised at more cost and peril than any other known in agriculture.

The preventives now in use against the ravages of the rice-bird have been already mentioned; but they are palliative only, applied at great expense, and without commensurate results. No vigilance on the part of the planter can do away with the wastefulness of powder and shot in the hands of careless and dishonest bird-minders. They only too often add the cost of wasted grain to the cost of their own faithless and ill-directed labor. In short, no effort yet tried, consistent with reasonable economy, will drive the rice-birds from the fields, or afford any well-founded promise of their reduction to harmless numbers.

[Extracts from a letter from Capt. William Miles Hazzard, Annandale, S. C., one of the largest rice-growers in South Carolina.]

Your favor of February 24, asking for information concerning the devastations of the bobolink or rice-bird in the Southern States has been duly received. The bobolinks make their appearance here during the latter part of April. At that season their plumage is white and black, and they sing merrily when at rest. Their flight is always at night. In the evening there are none. In the morning their appearance is heralded by the popping of whips and firing of musketry by the bird-minders in their efforts to keep the birds from pulling up the young rice. This warfare is kept up incessantly until about the 25th of May, when they suddenly disappear at night. Their next appearance is in a dark yellow plumage, as the rice-bird. There is no song at this time, but instead a chirp, which means ruin to any rice found in milk. My plantation record will show that for the past ten years, except when prevented by stormy south or southwest winds, the rice-birds have come punctually on the night of the 21st of August, apparently coming from seaward. All night their chirp can be heard passing over our summer homes on South Island, which island is situated 6 miles to the east of our rice plantations, in full view of the ocean. Curious to say, we have never seen this flight during the day; but always during the nights of August 21, 22, 23, and 24, millions of these birds make their appearance and settle in the rice-fields. From the 21st of August to the 25th of September our every effort is to save the crop. Men, boys, and women are posted with guns and ammunition to every 4 or 5 acres, and shoot daily an average of about 1 quart of powder to the gun. This firing commences at first dawn of day and is kept up till sunset.

After all this expense and trouble our loss of rice per acre seldom falls under 5 bushels; and if from any cause there is a check to the crop during its growth which prevents the grain from being hard, but in milky condition, the destruction of such fields is complete, it not paying to cut and bring the rice out of the field. We have tried every plan to keep these pests off our crops at less expense and manual labor than we now incur but have been unsuccessful. Our present mode is expensive, imperfect, and thoroughly unsatisfactory, yet it is the best we can do. I regard these birds as destructive in the rice region as the caterpillar is to cotton, with this difference, that these rice-birds never fail to come. If the Government could devise some means to aid us in keeping off these birds it would render us great assistance. The loss by birds and the expense of minding them off in order to make anything renders the cultivation of rice a dangerous speculation. During the bird season we employ about one hundred bird-minders, who shoot from 3 to 5 kegs of powder daily, of 25 pounds each; add to this shot and caps, and you will have some idea of what these birds cost one planter.

Estimate based on the foregoing letter.

One hundred pounds powder per day for thirty-five days = 3,500 pounds powder:	
Thirty-five hundred pounds powder, at 25 cents per pound	$875
Thirty-five hundred boxes caps, at 10 cents per box	350
Proportional amount of shot, at 5 cents	1,000
Hire and board of one hundred bird-minders for thirty-five days, at 35 cents	1,225
Total cost of fighting rice-birds for thirty-five days	3,450
Loss of 5 bushels per acre for 1,200 acres = 6,000 bushels, which, at 80 cents per bushel, is worth	4,800
Add to this the above	3,450
Expended in keeping the rice-birds from devouring the entire crop, and the total annual loss on this single plantation will be found to be	8,250

Which is equal to a loss of $6.87 per acre.

The rice crop of Louisiana, from the time the rice is in the milk till harvest time and during harvesting, is much damaged by birds, principally by the red-shouldered blackbird. Shooting is the only remedy thus far resorted to which is at all effective, and it is only partially so. I have known rice crops to be destroyed to the extent of over 50 per cent., which is a loss of, say, $13 per acre. While this is an extreme case, a damage and expense of from $5 to $10 per acre is very common.

The average yield per acre is about 30 bushels, worth now (March 12, 1886) about 80 cents per bushel. (Theodore S. Wilkinson, Myrtle Grove plantation, lower coast, Louisiana.)

RICE IMPORTS.

Owing to the depredations of birds we are not able to raise enough rice for our own consumption, as the following table shows:

Year.	Duty paid.	Value.	Duty free.	Value.
	Pounds.		*Pounds.*	
1879–'80	51,943,609	$1,316,132	5,062,646	$294,186
1880–'81	61,755,003	1,413,543	6,984,406	389,017
1881–'82	69,277,163	1,526,430	10,135,678	499,825
1882–'83	83,746,129	1,729,627	12,926,951	610,324
1883–'84	94,252,090	1,912,961	12,378,433	558,476

Hence it appears that in 1883–'84 the amount of rice imported was 106,630,523 pounds, on which a duty of $1,442,223.63 was paid.

Mr. MILLER. The Ornithological Union has also made a most careful examination of the habits of the English sparrow in the United States, and the ravages and destruction caused by this bird are far greater than those caused by the rice-bird. The bird is rapidly upon the increase, and the loss from this one bird to the cereal crops of this country and to the grain crop already amounts to many millions of dollars per annum. No greater harm has ever come upon the agriculture of the country than the introduction of the English sparrow into the United States. It is believed by the Ornithological Union that steps can be taken and should be taken for the destruction of this bird.

I have here a carefully prepared statement regarding its ravages and regarding its spread over the United States. It is now found in thirty-one of the States and in several of the Territories, and is rapidly migrating to other portions of the Union. I present this paper and ask that it also may be printed in the RECORD for the purpose of calling the attention of the whole country to this matter, and I believe it will lead within a year or two to the passage of legislation by all the State Legislatures looking to the extirpation of this pest.

This would undoubtedly to a very large extent be secured, for the bird is a continuous inhabitant of the same place during the entire year; and during the winter months in the North the bird could be easily destroyed if proper precautions were taken. In those parts of the country which it now mostly inhabits it has almost entirely driven out the song birds, and its destruction of the cereal crops, of the fruit crops, and of the grain crop, as I have before said, amounts to many millions of dollars. I simply present this paper and ask that it may also be printed in the RECORD, in order that it may be brought before the whole country.

The PRESIDENT *pro tempore*. The paper will be printed in the RECORD, if there be no objection.

The paper is as follows:

THE ENGLISH SPARROW IN THE UNITED STATES.

The English sparrow was introduced into the United States in 1858, but it was not until 1870 that it had become permanently established in a number of our Eastern cities and began in earnest its destructive march over the country. Its fertility is astonishing, and the rapidity and extent of its spread is unprecedented. Its average rate of increase may be stated to be eightfold, or sixteen young to each pair of adult birds per annum, and a single female has been known to lay over thirty eggs in a season.

Reports concerning the sparrow's presence and ravages have already come to hand from almost the whole of the United States excepting the great plains, the Rocky Mountain region, and portions of the Southern States, over which

he is now spreading with ominous swiftness. At present he is known to occupy thirty-one States and three Territories.

The method of his diffusion is peculiar. He at first invades the larger cities; then the smaller cities and towns; then the villages and hamlets; and finally the populous farming districts. He seems to sweep over the country at repeated intervals, each time filling in the gaps left vacant in former raids. In this way he has spread during the past fifteen years, so far as the cities and larger towns are concerned, at the almost incredible rate of about 130,000 square miles a year.

The indications are that if the English sparrow is allowed to go unchecked it will not be long before the annual loss of grain and fruit products due to his ravages will be in amount sufficient to pay the interest on our national debt, if not in fact the debt itself. Few persons have any conception of the scourge he has proved wherever he has been naturalized in foreign lands, and he threatens to become a greater pest to the American farmer and horticulturist than the grasshopper, caterpillar, and Colorado beetle.

The fact is well attested that in early spring the English sparrow destroys large numbers of buds. It devours the germ from the fruit buds of trees, bushes, and vines in the blossoming season, thus destroying entire crops of would-be fruit, and damages great quantities of vegetables and flowering plants. Lettuce, peas, beans, radishes, cabbages, and cauliflowers are attacked as soon as they show their heads above the ground, and in many cases the seed is taken out of the earth before it has germinated. So extensive is the injury thus done that in many localities it has been found necessary to cover the garden beds with netting. The yield from pear, peach, plum, apricot, apple, and cherry trees is often much diminished from the same cause.

Wherever the buds are so fortunate as to escape the sparrow's consumption the ripening fruit appeals strongly to his appetite, and the different varieties are attacked, injured, or destroyed in turn as they mature.

The following extracts from numerous returns received at the Department of Agriculture are not without striking interest and significance in connection with the foregoing statement:

"He attacks and feeds upon cherries, strawberries, raspberries, and blackberries, probably injuring as many as he eats. His destruction of vegetable and flower seeds is enormous. It is begun before they are ripe, almost as soon as they are formed, and continues throughout the season. Often it is impossible to save the seeds from this bird unless the plants are secured by netting."—*Elisha Slade*, Somerset, Mass.

"Lettuce, peas, and beets are his favorite food in spring. Frequently the entire bed is destroyed by his depredations. Before the early vegetables are above ground he devours the fruit-buds of trees, often doing extensive damage."—*W. D. Doan*, Atglen, Pa.

"I was shown by a gardener last summer one hundred tuberose plants all the flower-buds of which had been eaten out by the sparrow."—*Dr. E. Sterling*, Cleveland, Ohio.

"When the first three or four sparrows came here I observed one of the birds to be very busy on the branch of a plum-bush. After about a minute's time I examined the branch and found that all except two or three buds had been stripped off, there being upward of fifty buds gone and apparently just picked off."—*C. P. Blachly*, Manhattan, Kans.

THE SPARROW AS A DESTROYER OF GRAPES.

It is highly probable that, next after the phylloxera and certain fungus growths, the greatest enemy to grape culture in the United States is the English sparrow. He eats the fruit buds in spring, and when the grapes begin to ripen he feasts upon them to the extent of his capacity, never devouring an entire cluster, but taking a bite here and there until a perfect bunch can scarcely be found in the vineyard.

In this connection it is not reassuring to read, in the evidence collected and published by the Australian Government in 1881, that "in the short space of ten days the sparrows took a ton and a half of grapes" from the vineyard of John Chambers, of South Richmond.

Following are a few extracts from the numerous returns received at this Department relating to the destruction of grapes by the English sparrow:

"Since answering your circular I have seen a row of choice grapes of various kinds entirely ruined by the English sparrow, and find that they commit depredations on all the vines in this neighborhood."—*E. R. Newell*, Plantsville, Conn.

"Last year when I had a large crop of very fine grapes I found that the sparrows were destroying nearly all of them. I watched these birds and found that they would pick out a fine bunch of fruit and pick a hole in nearly every grape. This hole would be so very small that at first it would not be noticed, but very soon the place would begin to decay and then the grapes would be ruined. In some parts of the country people bag their grapes to protect them from the sparrows. The sparrows also pick small holes into pears and peaches and spoil them in the same manner that they do the grapes. I tried the experiment of shooting the pests, but came to the conclusion that I might just as well try to stop up the harbor with peanuts."—*F. S. Platt*, seedsman and florist, New Haven, Conn.

"In New Haven the sparrows used to spoil our grapes by the bushel, picking the ripest ones and sucking the juice."—*Dr. Fred. Sumner Smith*, West Hartford, Conn.

"They injure grapes to the extent of their capacity to do so."—*Manly Hardy*, Brewer, Me.

"For two seasons these pests have almost stripped our grape vines of their fruit, first by eating the fruit buds in the early spring and later by destroying whatever blossoms may have been so fortunate as to put forth after the former raid upon the vines."—*B. S. Gault*, Chicago, Ill.

"They attack and devour grapes greedily; when fully ripe they do great damage by biting through the skin; they seem to hunt up all the largest and best clusters. My crop was damaged this year 10 per cent. In the spring they pick the germs from the buds of fruit trees at the time of blossoming."—*David C. Voorhees*, Blawenburg, N. J.

"The English sparrow destroys everything he comes in contact with. He is very destructive in the fruit orchards in the early spring, eating fruit buds from the plum and cherry trees. He will pick every pea from the pod if he once gets a taste of them. He destroys grapes when they get sweet and ripe, gashing them but never eating them. He takes them all unless you fight him."—*H. J. Gaylord*, Binghamton, N. Y.

THE SPARROW A DESTROYER OF CEREALS AND OF GARDEN AND OTHER SEEDS.

Annoying and injurious as the sparrow is to the horticulturist and the vegetable gardener, the losses sustained by the producer of cereals is probably much greater. His consumption and waste of corn, wheat, rye, oats, and barley in many sections of the country is enormous. He feeds upon the kernel when it is in the soft milky state as well as when it has matured and hardened. In fields of ripe grain he scatters upon the ground even more than he consumes.

Though preferring for his permanent residence populous localities and places of abundant traffic and commotion, at the time and in anticipation of the harvest season he gathers in countless thousands and, leaving the cities in enormous flocks, moves off to the adjoining country for the express and premeditated purpose of depredating the results of the farmer's labor. He frequently sends out spies, on tours of inspection, previous to commencing his work of pillage. Instances are reported where, in place of a full or fair crop of grain, the straw only remained to be gathered.

The following testimonials may serve to convey some idea of the extent of the loss which our farmers sustain in the ravages of this bird:

"They eat grain in the fields in this town whether green or ripe. I can speak from observation on their raids on corn, some ears being completely stripped of kernels; the little pests husking and shelling as they went along so that not a shock in the field escaped them."—*Dr. Fred. Sumner Smith*, West Hartford, Conn.

"I have known them to leave the city by hundreds to feed in an adjoining wheat-field. The estimated damage was one-fourth the crop."—*J. L. Davison*, Lockport, N. Y.

"He destroys buckwheat while it is standing in the field—thousands are on my field to-day. When I raise wheat, he is equally destructive to that. He will take all there is if one does not fight for its protection."—*H. Fosdick*, Binghamton, N. Y.

"Have seen him repeatedly in great numbers on fields of wheat and oats eating the grain out of the ear. A few years ago he destroyed my entire crop of Egyptian rice."—*H. F. Barrell*, New Providence, N. J.

"He works on the wheat-fields in great flocks about two weeks before harvest time, and also in the barn after the crop has been harvested and until it is thrashed. It is impossible to keep him out and difficult to estimate the extent of the damage done. A farmer told me that he had noticed the sparrows going in and out of his mow, and, on examination, he found the top sheaves of grain entirely sucked."—*Frank L. Barnes*, Berwyn, Pa.

"He greatly damages the corn crop, tearing open the husk, devouring the tender part of the ear, and exposing the remainder to the ravages of insects and to atmospheric changes. He alights on fields of wheat, oats, and barley, consumes a great quantity of it, and by resting on the slender stalks will by his weight, swaying to and fro, and the flapping of his wings, shower the remainder on the ground."—*Dr. B. Harry Warren*, West Chester, Pa.

"The sparrows stripped my entire crop of pearl millet, not leaving a kernel on the ear."—*S. M. Clark*, Washington, D. C.

"The present season they have greatly damaged wheat and oats in the stack and rick, coming to the fields in such large flocks as to destroy and eat up all the grain in sight."—*W. B. Hall*, Wakewan, Ohio.

THE SPARROW A DESTROYER OF RICE.

The English sparrow has already invaded the rice-fields of certain parts of the South, and promises to rival the rice-bird in the extent of its ravages. Indeed, one rice-planter writes from Plaquemines Parish, Louisiana, that the English sparrow is now more destructive than the rice-bird or blackbird.

RAVAGES OF THE SPARROW IN FOREIGN LANDS.

The destructive habits and ruinous proclivities of this bird in England, Germany, Austria, Russia, India, Cuba, Egypt, and Australia are too well known to require more than passing observation. In England alone the loss accruing from the depredations of the sparrow has been carefully calculated and is estimated at not less than £770,000 per annum, and this loss is on the increase.

TESTIMONY FROM AUSTRALIA.

In Australia his power is such that he has already become a factor in politics. The following specimens of testimony were submitted to the "commission appointed to inquire into and report upon the alleged injuries caused by sparrows to fruit-growers, gardeners, farmers, and others," and are contained in their "report to the governor, commander-in-chief in and over the province of South Australia and the dependencies thereof, printed by order of the house of assembly, September 13, 1881." These testimonials are prefaced by the remark, "that the responses of sufferers within the foregoing area cry for relief from sparrow depredations as if from a pest;" and with what reason the following statements, as examples, may show:

From Mr. John Chambers, of South Richmond: "In the short space of ten days the sparrows took a ton and a half of grapes. They stripped all the figs off five trees. They kept low 15 acres of lucerne during summer."

From Mr. Finden, of Salisbury: "This season they (the sparrows) took £30 worth of fruit."

Mr. George Wilcox, of Lower Mitcham, stated: "Have three times this season sown peas, and they have each time been destroyed by sparrows. They made sad havoc among my apricots, loquats, and peaches. Then they stripped every cherry, and the grapes were fairly demolished. On a trellis measuring 300 feet long by 10 feet high and 10 feet wide I had a splendid crop of grapes, but did not secure one presentable bunch."

Hon. John Crozick: "There is no doubt that if allowed to go unchecked they will not only destroy vineyards and orchards, but most of the grain in the fields as well. Two boys employed to search the property for sparrows' nests and eggs obtained 1,900 eggs in one day, so enormous is the sparrow's fecundity."

Thomas Fairbrother: "Sparrows are in my neighborhood by thousands, and they destroy tons of fruit."

W. H. Harrold: "Last year they destroyed in turn fully one-half of my cherries, plums, apricots, peas, and apples; what was saved had to be gathered unripe. Had a nice patch of wheat completely destroyed by them when ripening."

S. R. James: "Sparrows are established in great numbers in my locality, and oranges are literally whitened with their droppings. Figs, loquats, apricots, plums, peaches, cherries, nectarines, and grapes are in turn attacked by them as they ripen. Last year from a crop from 200 trees I dare not let any of the fruit ripen for fear of being picked and destroyed by these birds. Although I had a large crop of figs, it was with difficulty a few were saved for market."

Mr. J. B. Scarce: "Sparrows have destroyed bushels of pears, plums, and grapes in my garden. Have a trellis of vines 80 feet in length, besides other vines, and was not able to cut a bunch of grapes."

Mr. MILLER. I have also had prepared a statement in regard to the destructive effects of many mammals on agriculture and forestry. It is very important that this investigation in that regard should go on and be made more complete. It is well known that in certain portions of the West, particularly in California, great ravages and destruction to many of the crops of the farmer are produced by many of the mammals which inhabit that country; and this investigation is being carried on by this same association at this time. I ask also that that statement may be printed in the RECORD for the same purpose.

The PRESIDENT *pro tempore*. If there be no objection, the paper will be printed in the RECORD.

The paper is as follows:

EFFECTS OF MAMMALS UPON AGRICULTURE.

The effect of small mammals upon agriculture, horticulture, and forestry is a matter of great practical interest, and one upon which much has been written, particularly in Europe, where a knowledge of the subject is one of the qualifications of admission to the Government position of forester.

Our native mammals affect the interests of mankind in a variety of ways, and may be classified as beneficial or injurious. Many kinds are both beneficial and injurious, and careful study of their habits is necessary to ascertain whether the sum of their beneficial qualities exceeds the sum of their prejudicial, or *vice versa*. Others are so markedly injurious that the question becomes one merely of the best means of keeping them in check.

It is impossible to estimate in dollars and cents the damage done by our

small mammals, particularly by mice and gophers, but in the aggregate it must amount to several millions of dollars per annum.

From the Atlantic to the Pacific coast and from the Mexican border to Canada innumerable hordes of mice are constantly preying upon the result of man's toil. They gnaw his buildings, deplete his granaries, make their homes in his barns and hay-mows, and even infest his private dwellings to share the dainties of the pantry. In the meadow and pasture they feed upon the roots of the best grasses; in the garden upon the roots, fruit, and seed of vegetables; and in the fields upon grain both standing and in the shock. In winter they destroy fruit and forest trees and ornamental shrubs by eating the bark from the roots and trunk. The number of meadow mice present over a given area is subject to periodical fluctuations, and they sometimes become enormously abundant. At such times their runways through the meadows and grain-fields result in the loss of at least one-fifth of the crop.

The depredations of ground-squirrels and gophers in the prairie regions of the Mississippi Valley and in the far West are well known, and yet the extent of the damage they do is not generally recognized. In a fertile part of the Sacramento Valley in California a few years ago the sudden increase in a species of ground-squirrel which fed upon the grain caused the land to depreciate one-half in value. To be more explicit, land which previously brought $100 per acre could not be sold for $50, and the depreciation was due solely to the abundance and ravages of the squirrels.

Many instances might be cited of the intimate interrelation of ornithology and mammalogy in connection with practical agriculture. One will suffice: Meadow and field mice have multiplied enormously since the settlement and cultivation of the country, and the damage they do is increasing from year to year. Mice have many enemies, the most prominent of which are hawks, owls, weasles, and skunks, which, when not interfered with by man, serve to hold their numbers in check. But some of these same hawks, owls, weasles, and skunks occasionally vary their diet by taking a hen from the poultry-yard, thus exciting the wrathful indignation of the farmer who wages ceaseless warfare upon them collectively.

As a matter of fact but few kinds of hawks and owls, and exceptional individuals only of weasles and skunks, ever touch poultry, their principal and ordinary food consisting of mice and insects. And it may be safely asserted of the various species of these groups collectively that for every loss of $1 which they cost the farmer they do him a service worth at least $50.

The late Robert Kennicott wrote as follows of the pocket-gopher in the Mississippi Valley:

"No animal is more complained of by our prairie farmers. Scarcely a crop escapes their ravages. They are said to desert the wild prairie to inhabit cultivated hay-fields, and they particularly delight in clover and timothy meadows. Here they not only do mischief by devouring the roots of the plants, but impede the moving and raking of the hay by inequalities of surface caused by their mounds. Grain-fields are much injured by them while the plants are growing; and, when the stacks are left standing after harvest, the gophers burrow from below, and frequently cut up and drag into their holes or otherwise completely destroy entire sheaves. All root crops suffer severely from them. In passing below the surface they gnaw off the bottoms of carrots, beets, turnips, and other tap-rooted vegetables without disturbing the tops or coming above ground. In fields of common or sweet potatoes they work under the hills and remove the tubers, and thus sometimes destroy half or more of the crop before the dying vines give evidence of the mischief.

"Instances are related in which potato heaps covered with earth and left out during winter have been entered by the gophers and the tubers carried off. They sometimes enter melons, pumpkins, and squashes through holes at the bottom and eat out all the fleshy part and then fill the hollow rind with earth, leaving it in a condition to create much astonishment when harvested. They also feed upon the bark of the roots of trees, as well as upon the fleshy roots of herbaceous plants. Some of our prairie farmers are greatly injured by their destruction of osage orange hedges. No small item of their injury is the gnawing and cutting off the roots of fruit trees. A considerable portion of all the trees has been killed annually in some young orchards in Iowa and Illinois, and several fruit-growers inform me that they have seen as many as a dozen large bearing apple trees killed by them in a single orchard. Forest trees 6 or 8 inches in diameter have died in consequence of their roots being cut."

A prominent farmer, fruit-grower, and vineyardist in Southern California has written the Department of Agriculture as follows:

"When the Government of the United States undertakes to do something for the farmers of California to mitigate the ravages of birds and mammals upon vineyards, orchards, and crops of small grain it will receive the heartfelt thanks of every one engaged in the business.

"The fruit-grower in particular has a constant fight from the time a tree is first planted or a cutting set out to get the same to a bearing condition.

"I have seen every head of grain for a distance of 100 yards back from the edge of a field lying along a road or next to a bushy hill, for a mile, eaten or destroyed by quails and squirrels.

"My vineyard of thirty-odd acres lies for 100 rods along the edge of a bushy hill, and every year the quails and other birds levy a tribute on the fruit equal to the entire product of 5 acres.

"A quail or bird of any kind takes but one bite from the same grape, when the bees rush in and suck out the pulp, leaving nothing but the skin. It is only in the large valleys away from the mountains that raisin-making can succeed without the constant expense of employing herders of birds. It costs me 30 cents a box to pick over loose muscatel raisins for labor alone, not counting the loss of those thrown out, one-half or one-fourth eaten by birds or bees. Coyotes, skunks, foxes, squirrels, mice, and gophers are passionately fond of ripe raisin-grapes, and also in all stages of drying. Coyotes live on grapes from the time they get sweet until the last raisin is taken off the trays and put into boxes.

"Isolated farmers are required to put up rabbit-proof fences before they can plant any grape-vines.

"This trouble with vermin of all kinds is not confined to this end of the State, but extends in one form or another from San Diego to Shasta—700 to 800 miles."

Mr. MILLER. Mr. President, all this work is being carried on by voluntary laborers throughout the Union. They receive no pay whatever from the Government. They are amateur scientists, I may say in every department of life. They have organized this Ornithological Union, and there have been similar associations organized in European countries who are laboring in co-operation with our own union. It only costs the Government of the United States the necessary expense of collecting the facts which are sent in, and deducing from those facts some proper conclusions and making a report to Congress. The intention is also of course to make some experiments and some study in regard to the destruction of the rice-bird and of the sparrow, in order that the facts may be presented to the whole country and that through these means these pests may be somewhat abated, if not entirely destroyed.

The person in charge of this department here was chiefly instrumental in the organization of the American Ornithological Union. He is a young man of high scientific attainments. He did not desire this position. He only came to it a year ago upon the earnest solicitation of the Commissioner of Agriculture; and as he seemed to be the proper and in fact the only proper person in the country to take charge of it. He has given all his time to this work for many years, and is here now engaged in preparing reports upon this question.

It seems to me that we can not do less than simply make it a separate department, as it will cost no more, and give to that department a sufficient sum of money to carry on this collation of facts as they come in and the proper publication of reports. I do not think that there is any one step to-day in connection with matters of this kind which is of greater importance to the agricultural interests of this country than this very matter, and it will not materially increase the cost to do what is proposed.

I will suggest that if my amendment is adopted by placing in the language I have had read after line 102, it may then be necessary to reduce the $30,000 provided for in line 101 to either $20,000 or $25,000—I do not know which would be the proper sum, and let the ornithological department carry its own appropriation which is placed in my amendment at $15,000.

I am not certain as to what ought to be the proper figures, but if the Senator in charge of this bill will consent to make the sum appropriated in line 101 either $20,000 or $25,000, and let $15,000 go as I propose, then if it shall be found upon investigation that these sums are not quite right the matter can be arranged in the conference committee.

I hope that my amendment will be accepted.

Mr. PLUMB. Has that amendment been adopted?

The PRESIDENT *pro tempore*. The amendment is not yet offered.

Mr. HOAR. Let the amendment be read.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

Mr. ALLISON. There are two amendments. The first was to strike out.

The PRESIDENT *pro tempore*. The amendment to strike out has been adopted. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 98, after the word "drawings," to insert "and illustrations;" and in line 101, before the word "thousand," to strike out "twenty-five" and insert "thirty;" so as to read:

For investigating the history and habits of insects injurious to agriculture, arboriculture, and horticulture, experiments in ascertaining the best means of destroying them, and for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture, for drawings and illustrations, and for chemicals and traveling within the United States, and other expenses on the practical work of the entomological division, $30,000.

Mr. MAHONE. In line 101, I propose to strike out "thirty thousand" and insert "fifteen thousand."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in the same clause, line 101, to increase the total amount of the appropriations for "entomological division" from $32,300 to $36,300.

Mr. MAHONE. Make the amount $21,300. I move to so amend the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. Now the amendment proposed by the Senator from New York [Mr. MILLER] will be read.

The CHIEF CLERK. After line 102 it is proposed to insert the following clause:

Division of economic ornithology and mammalogy:

For the promotion of economic ornithology and mammalogy; an investigation of the food-habits, distribution, and migrations of North American birds and mammals in relation to agriculture, horticulture, and forestry; for publishing reports thereon; and for drawings and traveling and other expenses in the practical work of the division, $15,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 104 and 105, as follows:

For the encouragement and development of the culture and raising of raw silk, $7,000.

And in lieu thereof to insert:

For collecting and disseminating information relating to silk-culture, for purchasing and distributing silk-worm eggs, and for conducting, at some point in the District of Columbia, experiments with automatic machinery for reeling silk from the cocoon, $12,000. And the Commissioner of Agriculture is hereby authorized to sell, in open market, any and all reeled silk and silk waste produced in these experiments, and to apply the proceeds of such sales to the payment of the legitimate expenses incurred therein.

Mr. ALLISON. I think there should be an amendment added there, requiring the Commissioner of Agriculture to make full report of his doings under this paragraph. I will offer that amendment in a moment.

Mr. GEORGE. Is it in order now to amend the amendment of the Committee on Appropriations?

The PRESIDENT *pro tempore*. It is.

Mr. GEORGE. I move to strike out "twelve," in line 110, and in-

sert "ten;" and to strike out "three," in line 116, and insert "five." I make these motions together.

The PRESIDENT *pro tempore*. The last amendment would not now be in order, the paragraph to which it refers not having been reached.

Mr. GEORGE. I do not want one adopted without the other, because they both go to the same point.

The PRESIDENT *pro tempore*. If the Senator in charge of the bill does not object both clauses may be considered as one amendment.

Mr. MAHONE. I have no objection to that.

The PRESIDENT *pro tempore*. Then the clause from line 115 to line 119 will be read as part of the pending amendment.

Mr. MAHONE. I have no objection. They all relate to one subject.

The Secretary read as part of the words to be inserted by the pending amendment the following clause:

For the encouragement and development of the culture of raising raw silk, $3,000, to be expended under the direction of the Women's Silk-Culture Association of the United States, located at Philadelphia, and to be paid directly to said association.

Mr. GEORGE. According to the two items on silk-culture as reported by the Committee on Appropriations, $12,000 are to be expended under the Agricultural Department and $3,000 under the Women's Silk-Culture Association of the United States, located at Philadelphia. The object of my amendment is to redistribute the division of that fund, not to increase in any way the total appropriation recommended by the committee, but to redistribute it so as to allow the Department $10,000 and the Women's Silk-Culture Association $5,000.

It will be noticed that the House bill as it passed the House only allowed the sum of $7,000 for this silk business. The Committee on Agriculture, after considering the matter fully, recommended an amendment to the House bill appropriating the sum of $5,000 to the Women's Silk-Culture Association. The object of my motion is to carry out the recommendation of the Committee on Agriculture upon that point.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves an amendment to the amendment of the Committee on Appropriations.

Mr. GEORGE. I desire to say a word or two more in favor of the amendment which I have proposed, by way of calling the attention of the Senate to the association under whose direction we propose to have so much of this money expended, an association of very intelligent and very cultured ladies organized in the city of Philadelphia several years ago. I have a list of the names of those ladies and am assured by those who know them that they hold the highest social position. I see also in the advisory board that the names of ex-Governor James Pollock and Hon. W. D. KELLEY are included as members. I have paid some attention for four or five years to the operations of this association. I have taken some interest in its operations. It is an association not at all for the purpose of making money. It is a philanthropic association, organized by women and managed by women, for the purpose of aiding their sisters in the United States in gaining a healthy and pleasant, agreeable and profitable employment. It is especially designed to aid the women of the country as contradistinguished from those who live in the towns, to aid them, to educate them, to assist them in embarking in the raising of raw silk.

This association has raised a great deal of money by its own efforts and disseminated throughout the Union information concerning the proper mode of raising or making raw silk and also distributing silk eggs. I think the stimulus that has been given to silk-culture in the United States in the last half dozen years has been largely attributable to the energy and intelligence with which the operations of this association have been conducted. I will read a sentence or two from its last report, just published, to show the substance, the extent, and benefit of its operations. It says:

We may record the increase of numbers in those engaging in the culture of silk cocoons in the agriculture districts; an improvement in the quantity and quality of product; a better system of turning the agriculture product into commercial raw silk; an open market for reeled silk (bearing a value second only to the best silks of Italy), also for waste and cocoons; a gradual increase in the number of silk-mills, 90 of the 380 now running in our country being in the State of Pennsylvania; a gradual and, it is hoped, permanent, advance in the raw materials of the silk industry from the extremely low prices that have marked the past few years, which has the tendency, apparently, of giving a new impulse to the manufacture—all of which point to a hopeful condition in the present and a progressive industry in the future.

I desire to add my most earnest wish for the success of this association of intelligent and philanthropic women, whose object is to assist their poorer sisters throughout the Union in the agricultural and rural districts to embark in a new and untried business, but yet one which is suitable to female strength and which in the main will be profitable. I hope the association will be recognized by granting the appropriation asked for by the Committee on Agriculture.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE] to the amendment of the Committee on Appropriations, which will be stated.

The CHIEF CLERK. In line 110, before the word "thousand," it is proposed to strike out "twelve" and insert "ten;" and in line 116, before the word "thousand," to strike out "three" and insert "five."

Mr. MAHONE. I would prefer that those amendments be offered separately.

The PRESIDENT *pro tempore*. The Senator can ask for a division.

Mr. GEORGE. My object in offering both together was to leave the total amount recommended by the Committee on Appropriations to be appropriated to silk-culture as it stands, and to make a redistribution of it. If it is preferred to have it the other way, I have no objection.

Mr. MAHONE. It was stated by the Commissioner that the allowance made by the House of $7,000 was ample to conduct the usual offices intrusted to him under this head; but it was represented by the Commissioner that with the additional sum of $5,000 he would be enabled to experiment with a new reel for the purpose of reeling the silk, wherein is mainly the cost—an automatic reel—and that the experiment can be conducted under more favorable circumstances at the industrial school in Georgetown than elsewhere, and that the sum of $5,000 would enable him to make that experiment successful. Therefore it is that the Committee on Appropriations has recommended an appropriation of $12,000 on that specific account. That is, $7,000 for the expenses of the Department proper, and $5,000 in order that this experiment may be carried to perfection at Georgetown. I should hope that there would be no alteration made in that amount.

In respect to the amendment in the second paragraph, it is to be observed that this is a direct appropriation in aid of the Women's Silk-Culture Association, in the city of Philadelphia, to which heretofore there have been contributions from the Department, varying, I believe, from $3,000 to $5,000. The committee thought, in this connection, that $3,000 would be a sufficient contribution at this time. I will, however, submit that to the will of the Senate, not desiring any alteration made in the first paragraph as to the $12,000.

Mr. GEORGE. With a view of meeting the opinion and judgment of the Senator from Virginia, I will withdraw temporarily the first amendment and ask for a vote on the second.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Mississippi to strike out "twelve" and insert "ten" is withdrawn. The question is on the amendment in line 116 to strike out "three" and insert "five." The clause will be read as proposed to be amended.

The Chief Clerk read as follows:

For the encouragement and development of the culture of raising raw silk, $5,000, to be expended under the direction of the Women's Silk-Culture Association of the United States, located at Philadelphia, and to be paid directly to said association.

The amendment to the amendment was agreed to.

Mr. MAHONE. At the end of line 114, after the word "therein," I move to insert:

And the Commissioner of Agriculture shall make full report to Congress of the experiment herein provided for, and also of all sales and purchases made under this paragraph.

The amendment to the amendment was agreed to.

Mr. MAHONE. In line 117 the word "Women's" should be changed to "Women's;" so as to read "Women's Silk-Culture Association."

In this connection I would ask that a very interesting letter on the subject of silk-culture, from the Commissioner of Agriculture, may go into the RECORD.

The PRESIDENT *pro tempore*. If there be no objection, the letter will be printed in the RECORD in connection with the Senator's remarks. The Chair hears none.

The letter is as follows:

DEPARTMENT OF AGRICULTURE, *Washington, D. C., April* 17, 1886.

SIR: Permit me to call your attention to a clause in the appropriation bill for this Department as passed on Wednesday last by the House of Representatives. This clause appropriates $7,000 "for the encouragement and development of the culture and raising of raw silk." A like clause in the bills for the present and last fiscal years appropriated $15,000 annually for this purpose. Seven thousand dollars is amply sufficient to meet the expenses of this office in conducting the ever-increasing correspondence relating to silk-culture, in distributing silk-worm eggs, and in making certain important scientific investigations into the diseases of silk-worms. During past years, having at my disposition a larger sum of money, I have also carried on experiments in reeling silk from the cocoon. This is a most important matter, and in my estimation the whole question as to whether silk-culture can be made to pay in the United States rests upon the question of whether or no silk cocoons can be commercially converted into reeled silk with profit. To this matter I shall revert later in this communication. At present I beg to call your attention to the wording of the clause and to recommend such an alteration that it may limit and prescribe the work that I shall thereby be authorized to prosecute. I wish especially to avoid any liability to continue the silk-reeling experiments on such a line as that already followed, for, though I have been hitherto allowed full discretion in the expenditure of this fund, I feel satisfied that I could work to better advantage if the objects of the appropriation were specified in greater detail. I would therefore suggest that the clause be so altered as to read: "For collecting and disseminating information relating to silk-culture and for purchasing and distributing silk-worm eggs."

At the same time I do not desire to abandon entirely the experiments in reeling silk, for though the results of those already prosecuted have hardly been such as we have desired, yet I have been able to draw from them the hope that under better circumstances I may be able to show that silk can be reeled profitably in this country. The history of the experiments already tried is given on pages 216 to 219 of the last report of the entomologist, of which I send you advance sheets. When these two experimental filatures were opened it was impossible for me to obtain in this country any improved silk-reeling machinery, and while I could have purchased better apparatus abroad, it would still have been of a non-automatic type. It was therefore deemed more advisable to utilize such machinery as was easily attainable and which was found at New Orleans and Philadelphia. As stated in the entomologist's report (pages 298, 299), we are of the opinion that the new automatic silk-reel invented by Mr. Serrell, of New

York, will, if successful, go far toward solving the problem which we have before us. As Mr. Serrell's patents were only issued in January, he has until now been unwilling to permit the public to inspect his apparatus, and I have therefore been unable to obtain a set of his machines. I have now informal assurances that they may be obtained, and I consider it of great importance that experiments with them should be prosecuted as nearly as possible upon a commercial scale. The present moment is especially opportune, as I have been unofficially approached by the officers of the Industrial Home School of the District of Columbia with the request that I should establish at their institution in Georgetown a small reeling school, where their pupils may be instructed in the new industry. If this plan can be carried out I shall accomplish the triple work of assisting this industrial institution, which Congress has already fostered, in preparing its pupils to earn a livelihood, of training a small corps of skilled operatives, and determining for the benefit of the country at large whether or not they have anything to hope from the industry under consideration. By utilizing the labor which is thus offered me I shall, moreover, be able to prosecute the experiments with less expense to the Government.

Through the efforts of private individuals and associations the interest in silk-culture in this country has become widespread, and has been greatly stimulated by the assistance already granted by Congress. The correspondence of this department shows very conclusively that the people are in general well satisfied with the new work, but that they have experienced much dissatisfaction from the want of a ready cash market for their product. The experiments which I have already prosecuted have created a market for several thousand pounds of cocoons, although I was unable to secure the purchase of the whole of last year's crops. Under the existing laws I could not buy the cocoons required, and, after selling the manufactured product, apply the proceeds of such sales to the expenses of the experiments. As my capital did not permit me to make such purchase and cover the receipts back into the Treasury, I was obliged to arrange with my agents that they should purchase the raw material and receive their pay therefor in manufactured product. As they were persons of small capital they were unable in many instances to make prompt payments for the stock purchased from silk-growers, and there was consequently a certain amount of dissatisfaction caused by this mode of proceeding. For this, then, among other reasons, I desire to abandon such a method of experimenting, and in future to keep the work under the personal observation of my immediate assistants. This can be achieved if I am permitted to establish the proposed station at Georgetown.

It is true that I shall not be furnishing so extensive a market for cocoons as was furnished last year, but I am convinced that I shall in this manner be working more satisfactorily toward the establishment of a stable and permanent demand for cocoons of home production. Silk-culturists are at present somewhat undecided as to whether it will ultimately pay them to continue in the work. If all experiments toward a solution of this main problem are abandoned by the Government it will go far toward discouraging the masses who are most interested in the industry. I, therefore, feel it my duty to ask your committee to recommend the passage of such an amendment to the House bill as will enable me to prosecute the experiments mentioned in this communication. I think that this can be done without much ultimate expense to the Government, especially if I am permitted to utilize the proceeds from the sales of reeled silk. It is estimated that the expenses of this experiment will not surpass $5,500 and that the receipts from the sales of reeled silk and silk-waste will be in the neighborhood of $4,900. This latter estimate is, for the sake of safety, based upon an extremely low price for reeled silk. While the ultimate cost to the Government will be small, it is, for reasons which I have already stated, important that I should be able to meet the demands of silk-growers for a prompt cash payment for their product. That product must be purchased during the coming fall, before I shall have been able to convert much of it into reeled silk. It is, therefore, important that I should have the sum of $5,000 at my disposal for this purpose.

If your committee should not deem it advisable to add this sum to the amount appropriated by the House, an alteration in the wording of the appropriation clause, such as I have already suggested, would greatly facilitate and simplify the work which I shall be called upon to do. If you should decide to act upon the recommendation contained in this letter, I would suggest that the appropriating clause be reconstructed so that it may read:

"For collecting and disseminating information relating to silk-culture, for purchasing and distributing silk-worm eggs, and for conducting at some point in the District of Columbia experiments with automatic machinery for reeling silk from the cocoon, $12,000. And the Commissioner is hereby authorized to sell in open market any and all reeled silk and silk-waste produced in these experiments and to apply the proceeds of such sales to the payment of the legitimate expenses incurred therein."

Begging you to inform me if you should require any more detailed explanations upon this matter,

I am, yours, respectfully,

NORMAN J. COLMAN, *Commissioner.*

Hon. WILLIAM B. ALLISON,
Chairman of the Committee on Appropriations,
United States Senate.

The PRESIDENT *pro tempore.* The question is on the amendment proposed by the Senator from Virginia to the amendment.

The amendment to the amendment was agreed to.

The amendment of the Committee on Appropriations as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for "experimental gardens and grounds," in line 124, after the word "dollars," to insert "of which sum $1,000 shall be immediately available;" so as to read:

For labor in experimental garden and grounds, $11,000, of which sum $1,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the "museum," in line 143, after the word "dollars," to insert "one assistant, $1,000;" in line 146, after the words "fruits and," to strike out "vegitables" and insert "vegetables;" and in line 159, before the word "thousand," to strike out "three" and insert "four;" so as to make the clause read:

Museum:

For compensation of curator of museum, $1,400; one assistant, $1,000; one night watchman for museum building, who shall also act as night watchman for seed building, $720; collecting and modeling specimens of fruits and vegetables, and collecting and preparing specimens for the museum and herbarium, $1,000; in all $4,120.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "division of agricultural statistics," in line 197, after the word "reports," to strike out "fifty-five" and insert "seventy;" so as to read:

For collecting foreign and domestic agricultural statistics, and compiling, writing, and illustrating matter for monthly, annual, and special reports, $70,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 198, to increase the total amount of the appropriation for "division of agricultural statistics" from $89,300 to $104,300.

The amendment was agreed to.

The next amendment was, at the end of the same clause, after the word "dollars," in line 199, to strike out the following proviso:

Provided, That the entire force employed in this division at the city of Washington shall not at any time exceed forty-one persons, and that the salary or compensation paid to a State agent under this paragraph shall not exceed $600 per annum.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry," to strike out the clause from line 218 to line 235, inculsive, as follows:

For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, there is hereby reappropriated the unexpended balance of the sum appropriated under section 10 of said act of May 29, 1884; also the unexpended balance of the sum appropriated under the paragraph "investigating the diseases of animals," in the act of June 5, 1884, making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes; and also the unexpended balance of the sum appropriated under the paragraph "Bureau of Animal Industry," in the act of March 3, 1885, entitled "An act making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes."

And in lieu thereof to insert:

For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, $100,000; and the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, not to conflict with existing law.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill to line 256.

Mr. MILLER. I had an amendment to propose to this paragraph.

Mr. ALLISON. Wait until we get through with the reading of the bill.

Mr. MILLER. Very well; I shall wait.

The reading of the bill was resumed and concluded. The next amendment was to strike out section 2, in the following words:

SEC. 2. That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employé of the Government; and in addition to the proper vouchers and accounts for the sums appropriated for the said Department to be furnished to the accounting officer of the Treasury, the Commissioner of Agriculture shall, at the commencement of each regular session, present to Congress a detailed statement of the expenditure of all appropriations for said Department for the last preceding fiscal year.

The amendment was agreed to.

Mr. MILLER. I had an amendment prepared to the clause in regard to forestry, but have mislaid it. It was simply a provision permitting the Commissioner to purchase books or works upon the subject of forestry. I am told that the First Comptroller of the Treasury has refused to audit any bills for the purchase of the necessary literaature pertaining to this department, upon the ground that no such item was distinctly stated in the appropriation bill. Therefore I desire to insert in line 253, after the word "forestry," the words "purchase of books and other publications relating to forestry."

The PRESIDENT *pro tempore.* The amendment will be stated.

The CHIEF CLERK. In line 253, after the word "forestry," it is proposed to insert "purchase of books and other publications relating to forestry;" so as to read:

Division of forestry:

For compensation of chief of forestry division, $2,000; for the purpose of enabling the Commissioner of Agriculture to experiment and to continue an investigation and report upon the subject of forestry, purchase of books and other publications relating to forestry, and the collection and distribution of valuable economic forest-tree seeds and plants, $8,000; in all, $10,000.

Mr. PLUMB. If that is a proper amendment, as I presume it may be, it ought to come in under the head of "library." The inevitable tendency of all this multiplication of functions is to get up little nuclei of libraries, and working apparatus, and rooms, and chiefs of bureaus, and attendants, and so on, which is expensive and generally harmless, so far as securing results is concerned. One library in a department of this kind is enough; but if this item is put in here we shall have a forestry library, and probably we shall have a microscopical library and a botanical library, and so on, of course with the accompaniment of librarians and library rooms, &c.—not to the unification or benefit of the service, but to the delectation of more or less people, of course.

Mr. MILLER. I have no objection to this item going into the library clause. I think the criticism of the Senator from Kansas is quite correct. However, if it is put in there now, the sum appropriated for the library by the bill, $1,500, may not be quite sufficient. If it goes into the library clause it must come out of the appropriation for the library, whereas if put in the forestry clause it comes out of the $8,000 appropriation for forestry. It is entirely immaterial to me and, I suppose, to

the department, but the Comptroller of the Treasury has refused to audit any account for works on forestry because they were not mentioned in the bill.

Mr. PLUMB. I think it would be well to put it in the other place. In regard to the amount, I do not know of course how much may be expended upon literature on this particular subject, but certainly that which is material to this country can not be very large in extent or very expensive. I know of course that we get more or less a book-worm faculty and desire to get quantity as well as quality; but in these days of condensation and modern reproduction of publications I think it is possible to get all that is really necessary without any very great expense. Still I shall not object to a reasonable increase of the library appropriation, but I want all the books to come under one heading.

Mr. MILLER. Then let the amendment, as suggested by the Senator from Kansas, go into line 215, after the word "periodicals."

The PRESIDENT *pro tempore*. What words?

Mr. MILLER. The same words that I propose.

The PRESIDENT *pro tempore*. The amendment will be read as now modified.

The CHIEF CLERK. In line 215, after the word "periodicals," it is proposed to insert:

The purchase of books and other publications relating to forestry—

So as to read:

Library:

For entomological and botanical works of reference, works on chemistry and mineralogy, charts, current agricultural works for library, miscellaneous agricultural periodicals, the puchase of books and other publications relating to forestry, and the completion of imperfect series, $1,500.

The amendment was agreed to.

Mr. MILLER. Now, if it meets the views of the Senator from Kansas, I would suggest to transfer $1,000 of the appropriation for forestry over to the library account, and make that $2,500, and the amount for forestry $7,000.

Mr. PLUMB. Will as much as $1,000 be necessary for this?

Mr. MILLER. I think so. I am not able to state positively, but I understand there are no scientific works upon this question of forestry now in the department of any value. It is a very important division, and it is a department of science which has been followed for a great many years in Europe, and there are very valuable publications in Europe on this subject which have been the study of scientific men for years, and the sum of $1,000 would not be too much, but at all events I think we can trust the discretion of the Commissioner of Agriculture, as my amendment will not increase the total appropriation, but transfer $1,000 there. I think it had better be transferred.

Mr. PLUMB. The money will certainly be spent if appropriated. One thousand dollars ought to buy a couple of hundred volumes. While I have no doubt there may be a great many things interesting to people who have time and inclination to pore over tomes of the past, at the same time I believe that everything which is really of value is in print in this country to a very large extent, and I do not care so far as I am concerned to patronize foreign publications except to a necessary degree. I shall not object, however, to the amendment.

Mr. MILLER. I think on a question of protection to home industry the Senator from Kansas will not distance me at all, but still I am not so hidebound in that direction but that I am willing to go abroad for any information which I can obtain.

The subject of forestry is a great and important department in the German Empire and in the French Republic, and in I think nearly every European government. It is so important that they not only maintain an independent department of the government for it, but they maintain at the government expense very important and large schools in different parts of the Empire of Germany, and they spend a vast sum of money upon it, and they have so far perfected the system that they receive also a large income. The income from the forestry department in the German Government very much exceeds the expense of the government in that direction. It has become a profitable industry for the government, and I should be glad to have our country avail itself of all that has been published and of all that is of any value upon that subject.

It seems to me that a thousand dollars is not an extravagant sum; it does not increase the total of the bill.

Mr. PLUMB. My general observation and I think that of everybody else is that too many of our people go too much abroad for literature and for matters to imitate. Some of our people go across the water to pick up the droppings from the other side, to get decorations, &c., overlooking the presence of the same information at home in a very large measure.

The parallel between our Government and France and Germany on forestry is just like a parallel between ours and theirs on public lands, they having no public lands at all. We do not carry on our public lands to derive a revenue from them. The Governments of France and Germany own the forests and levy a tax upon the poor people of those countries practically for everything they take from them. Our public land system is carried on in an entirely different way, not with the idea of profit, but with the idea that the Government is a trustee for the benefit of all the people of the United States.

But I shall not object to the amendment.

Mr. MILLER. I hope the amendment will be adopted.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 215, it is proposed to strike out the word "one," before "thousand," and insert "two," so as to make the appropriation for the library of the Agricultural Department $2,500, and in line 255, to strike out "ten," before "thousand," and insert "nine," so as to make the total amount of the appropriation for the division of forestry $9,000.

The amendment was agreed to.

Mr. MILLER. It is necessary also to strike out the word "eight" and insert "seven" before "thousand," in line 255, so as to make the appropriation for the division of forestry, exclusive of the appropriation for the compensation of the chief, $7,000 instead of $8,000. I move that amendment.

The amendment was agreed to.

Mr. DOLPH. I move to insert at the end of line 256 the amendment which I send to the Chair and ask to have read.

The CHIEF CLERK. After line 256 it is proposed to insert:

Reclamation of arid and waste lands:

To aid in sinking an artesian well in Eastern Oregon or Eastern Washington Territory, with a view to reclaim arid and waste public lands, such well to be located and money expended under the direction of the Commissioner of Agriculture, in conjunction with the expenditure of any appropriation made or which may be made by said State or Territory and contributions by individuals for such purpose, $5,000.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. There is in the United States a vast arid region——

Mr. BECK. I desire to reserve any questions of order it may be proper to make. I do not object to the Senator speaking, but if a point of order can be made against the amendment I desire to reserve it.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky raise a question of order?

Mr. BECK. I do; but not until the Senator from Oregon concludes. I reserve the right to raise it.

Mr. DOLPH. The amendment is not subject to a point of order. The amendment is reported by direction of a committee of the Senate, and therefore is directly within the rules. It is reported from the Committee on Public Lands.

As I was about to say, there is west of the Rocky Mountains a vast arid region estimated to contain 700,000,000 acres, and it contains a water supply sufficient to irrigate only 30,000,000 acres.

On June 30, 1883, it was estimated that within Nevada, New Mexico, Arizona, Colorado, Wyoming, Idaho, Southern California, Eastern Oregon, a portion of the eastern portion of Idaho, and Eastern Washington Territory there were more than 500,000,000 acres of land in what was known as the arid region. The available water supply has been mainly taken up by pre-emption and homestead claims, and the only hope for the practical reclamation of these lands is by artesian wells.

I introduced some time since a memorial from Mr. Philip Ritz, of Washington Territory, which was referred to the Committee on Public Lands, and which was the cause of having this amendment reported. That memorial states—and I now have the statute before me—that the Territory of Washington made an appropriation of $6,000 by a law passed at the last session of the Territorial Legislature for the purpose of sinking artesian wells in Adams and Franklin Counties in order to ascertain if artesian water can be found in the desert-land district of Eastern Washington. The amount appropriated by the Washington Territorial Legislature for this purpose is inadequate. The whole amount will be inadequate for one well. What is proposed by the Committee on Public Lands is that the United States, being the largest land-owner and having the greatest interest in this question, shall contribute to the sinking of at least one well in this region—try the experiment and see if water can be obtained.

The appropriation asked for is only $5,000, to be used in conjunction with the appropriation by the Territory of Washington as already made, and any which may be made by the Legislative Assembly of the State of Oregon, and contributions which may be made by individuals, the well to be located and the money expended under the direction of the Commissioner of Agriculture. This is a very moderate sum. It is a very important question. The United States is only asked to do its part, and I think there can be no objection to the amendment. There was no objection in the committee when the amendment was directed to be offered.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The question is on the adoption of the amendment.

Mr. BECK. Is it in order?

The PRESIDING OFFICER. The present occupant of the chair understands that there is a point of order made on the amendment. As the present occupant understands (and he is so informed by the regular presiding officer), it is in order, having been reported regularly by a standing committee and referred to the Committee on Appropriations.

Mr. BECK. I have not charge of this bill; but we spent money for

artesian wells in the Far West in years gone by without success, and we determined we would cease the experiment. I believe it is bad policy to renew it again. There may be portions of Washington Territory and elsewhere where artesian wells may be of use to some who have ranches so as to get the benefit of water; but in a Territory as large as that, which is capable of great agricultural resources in places where the people can take care of themselves or tax themselves for their own benefit, it seems to me we are going to unnecessary expense now after all the experiments we have made.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Oregon [Mr. DOLPH].

The question being put, there were on a division—ayes 13, noes 10; no quorum voting.

Mr. DOLPH. I call for the yeas and nays.

Mr. HAWLEY. I confess for one that I was not paying close attention. Will some one be so kind as to explain the motion?

Mr. DOLPH. If the Chair will permit me, I will state that the Territorial Legislature of Washington Territory has made an appropriation of $6,000; the people there have agreed to tax themselves to that amount to try this experiment. The experiment is to see if water can be obtained by an artesian well in Eastern Washington Territory where there is a very large tract of desert land. The Territory has also authorized the counties in which wells are proposed to be sunk to make further appropriations. But the Territorial appropriation is inadequate, and a memorial from citizens there was presented here and referred to the Committee on Public Lands, and the committee thought it would be but just for the United States, being the largest land-owner there, to contribute toward sinking a well and trying this experiment.

It is true, as I understand, that not much benefit has been obtained from appropriations which have been heretofore made for a similar purpose; but there never has been any experiment in this region, which is the basin of the Columbia, surrounded by high mountains, and where, if water could be obtained, it would be a very important matter.

Mr. GEORGE. I desire to ask the Senator from Oregon a question. I should like to know what will be the result on that country if the artesian wells should prove a success. Would it bring much of that country into settlement and cultivation?

Mr. DOLPH. As was said by the Senator from Alabama [Mr. MORGAN] in his speech on the admission of Washington Territory, all this vast region known as the arid region is as fertile as the Delta of the Nile if water can be got upon it.

Mr. GEORGE. All it needs, then, is water?

Mr. DOLPH. All it needs is water to make it fruitful and productive; and if this well should be a successful experiment and water obtained, large portions of that region would be reclaimed and fitted for homes for settlers.

Mr. GEORGE. Then I should be inclined to vote for the amendment.

Mr. TELLER. The Senator from Kentucky stated correctly that the experiments heretofore made by the United States in this direction had not been very successful. I think that Congress appropriated somewhere in the neighborhood of $60,000——

Mr. BECK. Seventy thousand dollars.

Mr. TELLER. For experiments in Colorado. The money was all spent without getting any water. Different sections of the country were prospected, as we would say in that region, and water was not found. Subsequently individuals——

Mr. CHACE. Will the Senator allow me to ask a question? Under whose direction and supervision was that money spent?

Mr. TELLER. Under the direction, I think, of the Commissioner of Agriculture. Perhaps the first appropriation was under the Secretary of War. After that it was under the Commissioner of Agriculture. That was not a fruitful experiment, and yet it has not been without its benefits. It has given us notice where wells can not be put. We know at least that in certain sections it is useless for the citizen to put down a well unless he is going beyond a certain depth, because that is what the Government has shown. In other sections of Colorado, by a mere accident, in sinking a shaft for coal it was discovered that artesian water could be had, and to-day I do not exaggerate when I say that there are a hundred flowing, or, properly speaking, artesian, wells in the State of Colorado. And yet the Government did not get any water, while if the experiment had been tried in the first instance at these places they would have had it with very little expense.

It seems to me that the Government, owning this vast area of arid land, utterly useless unless water can be had, can afford to try the experiment here and there in different sections. There is a great region in Nevada, in California, in Utah, and other sections of that country, as well as Washington Territory, in which the Government ought to try these experiments—determine in the first instance where there is water. It will save citizens a vast outlay of money. If the Government finds water it will settle a section of country that otherwise never will be settled. This is $5,000 to go with the $6,000 of the people of Washington Territory. The Committee on Public Lands had this under consideration, and thought it was just what a proprietor of a great tract of land would be very glad to do. If somebody puts down half he will put down the other half. It seems to me that $5,000 is a very small thing for the United States to give for this purpose.

Mr. MITCHELL, of Oregon. I do not wish to take up the time of the Senate, but simply to express the hope that the amendment may be adopted. I can not imagine a case where so small an appropriation might be so fruitful of good results. I hope the amendment will be adopted. It is recommended unanimously, I understand, by the Committee on Public Lands, and is in order, and it seems to me that it ought to be adopted.

Mr. BECK. The objection I made grew out of what has happened. We have spent, as the Senator from Colorado said, $70,000 in trying to sink artesian wells, and we have done no good by that expenditure. All the lands in the region of country where it was proposed we should do good by these wells were open to private entry and settlement, and were taken up. If the wells had been a success they would have inured to the benefit of a few private men. I have no doubt that the points now spoken of in which to make these experiments and locate the wells, where an appropriation was made by the Territorial Legislature, are either occupied or will be occupied at once under the homestead, pre-emption, or some other law by private people, who will get the benefit of the wells.

The United States does not sell any of our lands; she gives them to actual settlers, or to people who call themselves actual settlers, and wherever the wells are sunk and the land is made more valuable it is not made more valuable in the interest of the United States; it is in the interest of private people who get hold of particular lands which are thus made more valuable.

In a great region of country like that, where there is plenty of land yet and will be for years to come, as all our best experience shows, no good will result to the United States by interfering. It was for a long time said that the great staked plain of Texas, the Llano Estacado, had no water upon it; but the very moment that the lands were found to be valuable railroad companies and stock-owners sunk wells and they are utilizing them all. So it will be over these places. Whenever there is any necessity for water to be had it can be found, and men will benefit by it.

It is enough for the United States to allow people to go and take up the lands, and if the State Legislatures want to tax all the people for the benefit of somebody who will get the land all around, they will get enough benefit without our throwing in, or throwing away rather, any more money than we have already done.

Does anybody say we are going to get any money from this land after we develop it? Is it going to be sold at a higher price? No; somebody who has control over matters in that Legislature, or somebody who is smarter than somebody else, will get it and the United States will get nothing.

Mr. TELLER. I should like to say to the Senator from Kentucky that not much of this land will ever be sold. It is absolutely worthless unless water can be put upon it. There will not very much of it even raise grass.

Mr. GEORGE. I think the Senator from Kentucky misses the point of the amendment. I do not understand the purpose of the amendment to be to furnish somebody with a well, but to test by an experiment at the expense of the Government, conjointly with the Territory of Washington, whether wells of that sort can be had in that country, so that we may know whether it is to remain a desert in all time to come or whether it can be reclaimed by the boring of these wells.

In order to test that question and to know whether the country is adapted geologically to artesian wells, I am willing to vote for the amendment.

Mr. CHACE. It seems to me that the very point which the Senator from Mississippi has attempted to make, if we construe the amendment carefully, would be made against it.

I must confess that as a general thing I am in favor of Government aid, liberal aid, in all proper directions toward developing the natural resources of the country and toward building up all the industries of the country, and especially the agricultural interests. But a little examination of this amendment shows it to be, it seems to me, a most extraordinary one. It is nothing more nor less than an offer to give to some private individuals $5,000 to help them out in a private speculation. We say, "Go and select some point to sink an artesian well, spend your own money for it, and we will put $5,000 in with you to help you out."

There is no provision in the amendment as to who is to own the well when completed and to whose benefit it is to inure. In fact, it is a loose, careless, and a very improvident and improper amendment, in my judgment.

Mr. GEORGE. Let it be amended, then, so as to require the well to be built on the public land, and reserve the land from sale.

Mr. CHACE. If the Senator from Mississippi has an amendment of that kind to offer I shall be very glad to see it made, but I certainly think that as the pending amendment is before the Senate at present it is a very crude and a very improper provision. If the Government of the United States want to experiment more, as they have done a great deal in the past, let them do so; but here is an amendment which provides that $5,000 shall be put into somebody's hands to experiment

with. And for whose benefit is it? Who is to profit by it? It seems to me that it is a private speculation with Government funds.

Mr. MAXEY. Does not the amendment practically make the United States a party to a joint-stock company to sink a well?

Mr. CHACE. Certainly.

Mr. MAXEY. And a few individuals will get the benefit of it.

Mr. CHACE. I was going to make that point. It is undoubtedly a joint-stock operation, the United States to furnish $5,000 of money, and all the benefit, if any benefit accrues, to go to private individuals. Further, if I am correctly informed, that has been the history of the previous experiments that the Government has made in boring artesian wells. While undoubtedly some benefit has accrued to agriculture, it is infinitesimal compared to the profits which have been made by private individuals through the West. In Dakota there are artesian wells. What are they used for? To furnish water for towns, very little for agricultural purposes. Perhaps the Senator from Colorado can compare this to those other enterprises.

Mr. TELLER. I should like to ask the Senator if the Government has ever bored any wells in Dakota?

Mr. CHACE. No; but the experiments which the Government made have served as indications by which geologists have traced out where wells could be bored, and that is the object of this movement.

Mr. McMILLAN. Is there any objection to that? What is the objection to it?

Mr. CHACE. I am willing, if the rest of the Senate want to go into it, to pay this money out and let individuals speculate in it.

Mr. DOLPH. Mr. President, the strictures of the Senator from Rhode Island are entirely unnecessary. The provision does not justify what he has said.

Mr. CHACE. The question of necessity is one of judgment as to who are going to have the benefit.

Mr. DOLPH. If the Senator having spoken will give me an opportunity to say a few words in regard to the amendment, that is all I ask, and then the Senator can answer me if he chooses.

I said, not desiring to take the time of the Senate, that it was not the intention that the United States should bore a well entirely at its own expense. The only object was that the United States should contribute to an enterprise which had already been undertaken by the Territory of Washington. To be sure, Eastern Oregon and Eastern Washington are named in the amendment, because I did not like to limit and curtail the discretion of the Commissioner of Agriculture; but the well is to be located by the Commissioner of Agriculture and the money proposed to be appropriated by the amendment is to be expended under his direction and in conjunction with any appropriation which may have been made by the State of Oregon or the Territory of Washington, and with contributions which may be made by individuals, because there are individuals who propose to contribute to the well in order to test the experiment; that is, to bore a single well to ascertain if it is practicable in that region to obtain water by an artesian well.

That being the case, you ought no more to ask that the well should be put on Government land and should belong to the Government because the Government contributes $5,000 to it, than the Territory of Washington would have to claim that it should be put on land which belongs to the territory in the two counties which are mentioned in the act which I shall presently read. I think that when the amendment provides that the Commissioner of Agriculture shall select a site, and the sum shall be expended under his direction, the interests of the United States are amply protected. But I desire to refer to an appropriation which has been already made for this purpose, and I shall call attention to the act itself.

Mr. BECK. I should like to ask the Senator from Oregon what facility the Commissioner of Agriculture has as an engineer officer to select sites. Why ought it not to be done under the Secretary of War, so that the engineer officers of the Army may do something in the way of selecting a place where there will be a reasonable show of success? What individual in the Department of Agriculture can know anything as to where the well should be located?

Mr. DOLPH. They have the same facility that they had for selecting sites for wells when they made the experiment before. This matter will be laid before the Commissioner of Agriculture. The commissioners appointed by the Territorial Legislature will, I presume, present the matter to him, and if, in his judgment, the money ought not to be expended in conjunction with the appropriation already made it will not be expended.

I call attention to an act passed by the Legislative Assembly of the Territory of Washington, and approved January 30, 1886—that is, the 30th of last January. The first section of the act provides:

That the sum of $6,000 be, and is hereby, appropriated out of the general fund of the Territory for the purpose of sinking artesian wells in Adams and Franklin Counties, in order to ascertain if artesian water can be obtained in the desert-land district of Eastern Washington.

Of necessity, if this money is expended at all the Commissioner must locate the well in one of these two counties, either in Adams or Franklin County, in Washington Territory. So far it is limited. If the Commissioner does not think that a suitable location can be obtained in one of those counties the money will not be expended, because the appropriation made by the Territorial Legislature can not be expended in any other county.

Section 2 of the act provides for a commission, who shall serve without compensation, to look after the sinking of the wells:

That N. H. Green, T. W. Martin, of Adams County, and J. W. O'Keefe, of Franklin County, shall constitute a board of commissioners to act without salary or other compensation.

Then it is provided that if any of the commissioners shall fail to serve the governor shall appoint a successor. Then it is provided——

Mr. ALLISON. At that point I desire to ask the Senator if any estimate has been made in reference to the probable cost of the well?

Mr. DOLPH. I think that $10,000 will sink it. I think that $3,000 of the appropriation made by the Territorial Legislature will be available, $5,000 by the United States, and $2,000 contributed by individuals, so that the United States will bear one-half of the cost of one of the wells.

Mr. ALLISON. I think that $6,000 ought to be enough.

Mr. MITCHELL, of Oregon. That depends on how deep they will have to go.

Mr. DOLPH. If the money is not necessary it will not be used. I want an adequate sum to try the experiment. As was said by the Senator from Mississippi, I think this great Government ought to contribute this amount and work in harmony with the act passed by the Territorial Legislature.

As the amendment is drawn as it is, leaving everything to the discretion of the Commissioner of Agriculture, and allowing him to cooperate with these local authorities, I hope the Senator from Rhode Island is satisfied that the amendment is in a proper shape to enable the Commissioner of Agriculture to expend the money to the best advantage in connection with the appropriation already made by the Territory, which the Senator will see is guarded, and provides that all the services to be performed in connection with the well shall be gratuitous. I can not think that there is any objection to the form of the amendment.

Mr. CHACE. I had not expected to say anything more about this matter, but the Senator from Oregon seems to call upon me and to render it necessary for me to say that I am not any better satisfied, indeed I am not as well satisfied, as I was before. I think the title of the amendment should be changed, and that it should be characterized as an amendment to bore into the Treasury of the United States.

I have not a word to say in disparagement of the Commissioner of Agriculture. I believe him to be a gentleman eminent in these departments and well qualified for the position he holds. But it does seem to me that the boring of artesian wells is a little out of the line of agriculture; that this amendment is put on the wrong bill; and that if these wells are to be bored it should be done under the supervision of the Engineer Corps of the Army of the United States. That corps contains men eminently qualified by their scientific attainments and by their experience.

I think the amendment should be changed in a great many respects. The Senator from Oregon has opened up a little glimpse of what I supposed was the actual fact in the case. Here is an act that has been passed by the Territorial Legislature of Washington providing that the wells shall be bored in a certain place. The amendment would carry the impression that they were to be bored under the discretion of the Commissioner of Agriculture.

Mr. DOLPH. Will the Senator give way to me for a moment?

Mr. CHACE. Certainly.

Mr. DOLPH. They ought to be bored in either one of the counties named, which are many times larger than the State of Rhode Island.

Mr. CHACE. The State of Rhode Island is very small, but perhaps its value would show up pretty well compared with Oregon, after all.

I was going to say that the two counties in Washington Territory may prove to be very far from the flow of the great subterranean current, about which we know very little yet, about which the most careful examination of the very best scientist still has revealed but little absolute knowledge. The idea of limiting the point at which you bore these two wells to two little counties in Washington Territory is a simple absurdity. In other words, it is asking the United States Government to toss money into the hands of some private individuals to bore in those counties to see if they can not make some money. That is the long and the short of it.

The Senator from Iowa [Mr. ALLISON] has intimated that we have no estimates of what this thing is going to cost. We have no proper provision as to how the money shall be spent, nor for whose benefit it is to be done in the end.

Mr. MAXEY. This amendment is practically the organization of a joint-stock company, of which the State of Oregon, the Territory of Washington, the United States, and private individuals may become stockholders. If the experiment is a worthy one, one that ought to be made by the Government, let the Government of the United States make it on its own account and be the absolute controller of the whole movement. If private individuals are to be permitted to go into it, it gives to them an equity over the wells which are sunk, and thus you bore the wells for the benefit of a few private individuals at the expense of the United States Government.

The whole theory of the amendment in my judgment is practically and radically wrong. If the Government wants to go into this business, if it is a reasonable and a feasible measure for the reclamation of arid land, let the Government do it on its own account and control the whole movement. I think the amendment is radically wrong, and I shall vote against it.

Mr. GEORGE. I am a good deal struck with the objections made by the Senator from Kentucky and also by the Senator from Rhode Island to the amendment so far as the appropriation hereby given may be made the subject of a private speculation, and in order to obviate any objection of that sort I shall offer an amendment which I shall send to the desk directly.

I wish to say in favor of the amendment that the object so far as I am concerned, and I think the only object which will justify us in making the appropriation, is to test the question whether artesian wells can be successfully sunk in order to reclaim that country. The United States have lands there, plenty of them, and in order to make the experiment the lands of the United States are just as suitable as any other lands. Therefore, in order to prevent any implication growing out of the amendment that it is intended to benefit any private party, I offer an amendment to come in at the end of the amendment offered by the Senator from Oregon.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. It is proposed to add to the amendment the following proviso:

Provided, That no part of the money hereby appropriated shall be used in sinking any well except the same be located on land owned by the United States, and the 160 acres of land on which the same may be sunk shall be reserved from sale until otherwise provided by law.

Mr. DOLPH. Will the Senator insert the words "if successful?"

Mr. GEORGE. "Until otherwise provided by law" will do. It can be changed at any time if the experiment should not be successful. The land is not very valuable anyway.

Mr. CHACE. I should like to ask the Senator from Mississippi two or three questions. Suppose that this money is spent in connection with the money furnished by private individuals, and suppose that the well is a success, to whom would belong the flow of the water; to the United States Government or to the individuals?

Mr. GEORGE. It would belong to the Government, of course, as long as it staid on the land of the United States, but if it made a great stream which flowed off the land of the United States it would be owned by others.

Mr. CHACE. Does the Senator from Mississippi suppose that any individuals in Washington Territory are going to put their money in with the United States money to bore such a well with a positive certainty that all their rights would be lost, or that they would have no rights?

Mr. GEORGE. The Government has some rights I presume, and if parties there are willing to contribute to this experiment they do it upon the same idea upon which I vote for the amendment, that they desire to know whether artesian wells can be made a success there. They are owners of land probably, and want to know by actual experiment whether artesian wells can be sunk in that region. At any rate, I think it is our duty to prevent the implication suggested by the Senator from Kentucky and also by the Senator from Rhode Island, that this money may be used for the purpose of advancing the private fortunes of any one individual.

Mr. MITCHELL, of Oregon. So far as I am concerned, I hope that the amendment to the amendment will be adopted. I think it is exactly right.

Mr. DOLPH. Will my colleague give way for a moment?

Mr. MITCHELL, of Oregon. Certainly.

Mr. DOLPH. I omitted to state something that appears in the act of the Legislative Assembly of Washington Territory appropriating the $6,000. The following appears in the second section of the act:

It shall be the duty of such commissioners on or before April 1, 1886, to locate the place for sinking said well or wells, and they are hereby authorized to accept a donation to the county in which said well is to be bored of at least one acre of land bordering on a highway, and shall notify the governor as soon as said place has been selected and said land obtained, and shall forward to him the deed of said land, with a plat thereof showing its location.

So it will appear that by this act of the Territorial Legislature the county was to enter the land, and it was to be adjacent to a highway where the experiment was to be tried. As I said before, if the amendment had been adopted as I offered it the Commissioner would simply determine himself whether it was a suitable location, whether he would have located the well there; and if we modify the amendment it may prevent the use of that discretion.

Mr. GEORGE. The Territorial Assembly may make a change in the law.

Mr. BECK. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon [Mr. MITCHELL] has the floor.

Mr. BECK. I only want to ask where the well has been located. They were required to locate it by the 1st day of April, 1886. That time has passed over six weeks ago. Where have they located it?

Mr. DOLPH. I am not able to state that.

Mr. BECK. But it is located?

Mr. DOLPH. If so, the Commissioner of Agriculture is not bound to accept their location. As was said a moment ago by the Senator from Mississippi, they can change their law, and if they get the benefit of this appropriation they will have to do it. If the amendment to the amendment is adopted they will have to locate it on public land. That is all there is of it.

Mr. MITCHELL, of Oregon. The Senator from Rhode Island [Mr. CHACE] and the Senator from Kentucky [Mr. BECK] seem to have gotten the impression in some way that this is a job; that the purpose is to enable some particular persons to take advantage of this appropriation for their own personal benefit. Now, there is nothing of the kind. There is simply but one purpose here, and that is to make a test. That being the purpose, I see, for one, no objection whatever to the amendment offered by the Senator from Mississippi [Mr. GEORGE], so that the interests of the Government may be fully protected.

The object is simply to make a test upon these arid lands to ascertain whether it is possible to reclaim them, and if the test should be successful the Government of the United States will be very largely the gainer in the end. That is all there is to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE] to the amendment of the Senator from Oregon [Mr. DOLPH.]

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment as amended. The yeas and nays have been called for.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is absent and is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. BLAIR (when his name was called). I am paired with the Senator from Tennessee [Mr. WHITTHORNE].

Mr. CAMDEN (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT], but I learn from his colleague [Mr. HAWLEY] that he does not care to be paired on this question, I therefore vote. I vote "yea."

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY] on all questions.

Mr. MILLER (when his name was called). I am paired on all political questions with the Senator from South Carolina [Mr. HAMPTON], but as this is not a political question I shall vote. I vote "yea."

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is unwell and is absent. He would vote "yea" if he were present. He is paired with the Senator from West Virginia [Mr. KENNA].

Mr. HARRIS (when Mr. WHITTHORNE'S name was called). Upon this question my colleague [Mr. WHITTHORNE] is paired with the Senator from New Hampshire [Mr. BLAIR]. If my colleague were here he would vote "nay."

The roll-call having been concluded, the result was announced—yeas 28, nays 13; as follows:

YEAS—28.

Bowen,	Evarts,	McMillan,	Riddleberger,
Butler,	Frye,	Mahone,	Sawyer,
Call,	George,	Miller,	Spooner,
Camden,	Harrison,	Mitchell of Oreg.,	Teller,
Cullom,	Hawley,	Morrill,	Van Wyck,
Dolph,	Hoar,	Plumb,	Walthall,
Eustis,	Logan,	Ransom,	Wilson of Iowa.

NAYS—13.

Allison,	Cockrell,	Harris,	Wilson of Md.
Beck,	Coke,	Jones of Arkansas,	
Berry,	Colquitt,	Maxey,	
Brown,	Hale,	Pugh,	

ABSENT—35.

Aldrich,	Gibson,	McPherson,	Saulsbury,
Blackburn,	Gorman,	Manderson,	Sewell,
Blair,	Gray,	Mitchell of Pa.,	Sherman,
Cameron,	Hampton,	Morgan,	Stanford,
Chace,	Hearst,	Palmer,	Vance,
Conger,	Ingalls,	Payne,	Vest,
Dawes,	Jones of Florida,	Pike,	Voorhees,
Edmunds,	Jones of Nevada,	Platt,	Whitthorne.
Fair,	Kenna,	Sabin,	

So the amendment as amended was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be offered as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. Shall they be concurred in in gross?

Mr. BECK. I desire a separate vote on the amendment inserting lines 79 to 85, inclusive.

The PRESIDING OFFICER. That amendment will be reserved.

The question is on concurring in the other amendments as made in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The amendment reserved at the request of the Senator from Kentucky will be stated.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted after line 78 the following paragraph:

All machinery purchased under the provisions of this act shall be built in the United States wholly of domestic material; and experiments in diffusion and carbonation herein provided for applied to sorghum and tropical sugar-cane shall be made during the approaching sugar-making season. No other sugar-making experiments shall be made under the provisions of this act.

The PRESIDING OFFICER. The question is on concurring in the amendment.

Mr. BECK. Mr. President, I differed with the majority of the Committee on Appropriations in regard to that amendment, because I doubted whether the proper machinery to conduct these experiments and to bring them to a close could be obtained here. It will be observed in lines 73 and 74 that the money is not only for the continuing but for the concluding of the experiments, and in lines 83, 84, and 85 in the amendment it is provided that these experiments shall be made during the approaching sugar-making season, and that "no other sugar-making experiments shall be made under the provisions of this act."

I believed that if we were going to give $94,000 more money merely as an experiment we ought to obtain machinery wherever we could, and get the benefit of all the judgment that other people could furnish us. Such experiments have been made in Italy, Germany, France, and other continental countries, and machinery has been gotten up in great part for the purpose of conducting those experiments, while we have not, up to this time, made it a success in this country, as I understand.

We have been making appropriations for experiments with sorghum, beets, and other sugar-producing plants for a good while. I have before me a list furnished by the clerk of the Committee on Appropriations showing that we have up to this time appropriated $173,500 for that purpose, and after deducting the expenses of the laboratory for three years, $18,000, a net total of $155,500 is left, and adding the amount in the pending bill it makes a total of $249,500.

The committee was in possession of a letter from Mr. H. W. Wiley, dated May 29, 1886, directed to the chairman of the subcommittee [Mr. PLUMB], which reads thus:

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF CHEMISTRY,
Washington, D. C., May 29, 1886.

SIR: The Commissioner informed me, before leaving for the West yesterday, that he had had a long conference with you and Senator CALL in respect of the proposed restriction to be introduced as an amendment to the appropriation bill to prevent the department purchasing any part of the machinery to be used in the proposed experiments outside of the United States.

As the Commissioner has already assured you, it is the purpose of the Department to purchase every portion of the machinery that can possibly be manufactured in this country, here. I write this note to call your earnest attention, however, to the fact that such an amendment as mentioned above might possibly cause the total failure of the experiment, and thus prove of incalculable injury not only to the sugar interests of the country but also of great disadvantage to our manufacturers themselves. I am perfectly aware that many American manufacturers will not hesitate to promise that every form of machinery required can be easily made at home, and any one who has made a careful study of the subject knows perfectly well that the manufacture of new forms of machinery, where it is impossible to have access to the plans of the skilled manufacturers of identical forms, must necessarily involve chances of failure.

I need only call your attention to the fact that such pieces of apparatus as carbonic acid pumps, filter-presses, monte-jus, sulphur-furnaces, doors for diffusion batteries, &c., have only reached the perfection which they have now attained by long years of practical experience of the manufacturers. The plans and specifications of such pieces of apparatus are kept with great care by such manufacturers, and it would be idle to suppose that our own machinists, although skillful and intelligent, could hope in the first attempt to produce such machinery of the same excellence as has been reached by the long experience of other manufacturers. When it is remembered that the machinery which we wish to get is solely for the purpose of experiment, and that if successful it could be at once copied and made with equal excellence by our own manufacturers, it certainly seems to me to be unwise to prevent the introduction of such machinery when its use would be productive of so much benefit to all parties concerned. Of course our sole desire is for the complete success of the experiment; and it seems to me the wishes of those who are to conduct the experiment should be consulted in this matter rather than that of the persons whose sole object is to secure contracts for the manufacture of machinery.

I therefore urge upon you the importance of fully considering this aspect of the case before deciding upon any form of restriction which, if adopted, might jeopardize the success of the undertaking.

Very respectfully,

H. W. WILEY, *Chemist.*

Hon. PRESTON B. PLUMB,
United States Senator, United States Senate Chamber.

I thought every word of that letter was careful, prudent, well taken as an objection to limiting the right of the department to select for experimental purposes machinery wherever they could find it, and that the provision as made by the other House giving to the department $94,000 in addition to the $173,500 given before, being simply for experimental purposes, ought to leave all the avenues of information, all the doors open whereby they could avail themselves at the promptest, earliest possible moment of the best machinery, no matter where made, especially as they were limited by a provision, both in the bill as it passed the House and in the amendment, simply to the next sugar-making season, and this was to conclude and finish all experiments in that direction.

The committee submitted that letter to manufacturers at Wilmington, Del., and they denied that there was any reason for going abroad for any purpose, saying that they could make the machinery. The chemist of the department said, "Of course they will promise that, but what assurance have we that they will comply with it?" However, I hold their letter in my hand which presents the other side, and it is more for the purpose of placing those letters on the record than for any particular interest in the matter that I desire a special consideration of this subject, believing as I do that the views of the men who are to conduct the experiment ought to be considered, and that the views of the chemist of the Agricultural Department ought to prevail rather than the views of manufacturers, who, as he says, are interested only in obtaining the contract.

You will observe that the word "wholly" is used in the amendment—"wholly of domestic material." If the people who seem to make these machines, or whatever is necessary, should fail in any one particular the whole experiment fails, simply by what I regard as a needless limitation, especially when the department has assured the committee (and I desire to put the letter on record to show the country) that it proposes to purchase in this country every portion of the machinery which can possibly be manufactured here. All its officers ask is that they may be allowed to buy elsewhere, from Italians, Spaniards, French, or any other nationality who have brought machinery to perfection, and we have not yet brought it to that state here, because they have been carrying on experiments much longer than we have; and the desire is to obtain from them such portions of machinery as can not be satisfactorily procured here.

It is just to the manufacturers that this letter should be read. It is addressed to Hon. PRESTON B. PLUMB, United States Senate, who was chairman of the subcommittee in charge of the bill. May 29, 1886, is the date of the letter of Professor Wiley, the chemist. The letter of the gentlemen from Delaware, the Pusey and Jones Company of Wilmington, is dated June 1, two days intervening. Of course Professor Wiley's letter was handed to them. The letter from the Pusey and Jones Company is as follows:

WILMINGTON, DEL., *June 1, 1886.*

DEAR SIR: We have your favor of yesterday covering a letter from Professor Wiley, chemist of the Bureau of Agriculture, which we have read and now return herewith.

The anxiety which the Professor exhibits that the machinery which the Department of Agriculture intends supplying for the purpose of settling the question as to whether or not sugar can be profitably produced by the diffusion process from sorghum cane is very commendable and shows the earnest interest which he takes in the subject.

Unfortunately for him and for the interests under his charge he is not practical as to machinery or competent to judge with exactness of the value of different mechanical appliances intended to produce a given result.

So far as the particular apparatus to which he refers is concerned, say carbonic-acid pumps, filter presses, monte-jus, sulphur furnaces, and doors for diffusion batteries, we have only to say that in none of these is there any mystery whatever, but the details of all are well known in this country, and the details of the best practice in Europe are not only known here, but have been improved upon in many important particulars.

This company does not have any doubt whatever of its ability to make the pioneer trial of diffusion, now under way at Fort Scott, a complete success, and already has at its command all the information needed to attain that end. To Professor Wiley's suggestion that it would be wise to consult the wishes of those who are to conduct the experiment rather than those whose sole object is to secure contracts for the manufacture of machinery, we have to reply that if the former were only supplied with the requisite practical knowledge to enable them to successfully operate the machinery spoken of there would be no reason for declining to consult their wishes, but when, in the light of the experience of the past four years, the result of such consultation is only to stagnate operation and procrastinate successful experimental trial, the reasons warranting it are not clear.

We wish to say in conclusion that the practical experimental trial as to whether diffusion can be depended upon for practicable and profitable work will be made the present season on a large scale, whether it receives the aid of the Government or not, and while its friends will gladly accept assistance from the Department of Agriculture, they would regard the surrender of the control of the enterprise to the department as the most serious misfortune that could befall it.

Knowing full well what the proposed German and French machinery is, they decidedly prefer to get along without it.

We hope in the interest of the success of diffusion that you will decide to adhere to the amendment.

Very truly yours,

THE PUSEY AND JONES COMPANY,
By WILLIAM G. GIBBONS, *President.*

Hon. PRESTON B. PLUMB,
United States Senate, Washington.

There is a letter which strikes me in many regards as remarkable. After the assurance that everything which can be made in this country will be made by the manufacturers, and after we have determined in this bill under the head of "chemical division" to put all this matter in charge of the Agricultural Department, here come manufacturers who insist that the Department is not competent to carry on the work, that it must be done by them and their people at Fort Scott, Kans., and they wish to say that they intend to go on whether with Government aid or not; that they will gladly accept assistance from the Department of Agriculture, but they would regard a surrender of the control of the enterprises to the department as the most serious misfortune that could befall them; and "knowing full well what the proposed German and French machinery is, they decidedly prefer to get along without it." In other words, private parties conducting operations at a particular point say that they are going on with this thing whether we help them or not; that they want to go on in their own way; that our chemists do

not understand their business; and that they are going to have it done with such machinery as they themselves approve; and they would rather do without Government aid than to be forced to take such machinery as the department might determine in its wisdom was necessary to absolute success.

All I mean to say is that it is not good legislation, in the face of a statement like that from the Agricultural Department, to limit the provision which has been inserted by the other House giving $94,000 for the purpose, but that no matter what the manufacturers of machinery may say, no matter what private parties who may have interests in particular experiments now going on may think, we should give the liberty to our own department officers to whom we intrust the money, and to whom alone we intrust it, to obtain the machinery wherever they can get it the best and cheapest, so as to make the experiment in the best possible way. The amendment limits it to machinery made in the United States, but wholly of domestic material, and unless that is done no experiment shall be made.

That is about all I care to say. I prefer the bill as it came from the House. The limitation imposed by the Senate Committee on Appropriations can by no possibility do any good if the word of our own officials can be trusted. It may possibly do harm if the manufacturer whose letters I have read and others similarly situated should not be able to make everything that may be needed to try the experiment. If they can, they ought to be allowed, and they will be allowed, to make it all; but I deny that it is wise legislation to cripple the bill as it came from the House by imposing upon it such limitations as in the opinion of the department officers may result in absolute failure because our own manufacturers may not be able wholly to make these things to suit them in this country.

Mr. SAULSBURY. Mr. President, I concur with the Senator from Kentucky that if there is any machinery needed for agricultural experiments which can not be procured in this country the Department ought to have the privilege of procuring abroad those thing which are necessary to the business which it has in hand.

I know very well the gentleman who wrote the last letter read by the Senator from Kentucky, and I do not hesitate to say that as to the capacity of the mechanics of this country to make the machinery necessary for these experiments he knows five times as much as Professor Wiley or the Commissioner of Agriculture or any man connected with the Agricultural Department. He has spent his life in practical work as a machinist, and there is no gentleman in this country whose judgment upon a question of that kind is entitled to higher consideration than Mr. Gibbons.

So far as the profits of the work are concerned, the Pusey and Jones Company of Wilmington, Del., do not care a fig, but they do protest against any legislation here at the dictation of Professor Wiley or anybody else which shall put a stigma upon the mechanics of this country and advertise to the world that the machinery which is required to carry on these experiments can not be made in this country, but that we must go abroad and seek it. The very proposition of Professor Wiley itself conveys an imputation against the machinists of this country that they are incapable of making the machinery required for these experiments by the Agricultural Department.

Sir, it is that which the machinists of this country protest against; not because they care a fig about the profits from making this experimental machinery, but they do not want a proclamation issued by the Congress of the United States that our own machinists are wholly incapable, and that if private parties as well as the Agricultural Department want machinery of this character they must necessarily go abroad to get it.

As a member of the Senate, while I would not restrict Congress to procuring machinery anywhere, but would allow it to be procured wherever it could be got on the best terms, I do protest against a public proclamation, upon the dictation or suggestion of a professor of chemistry who knows nothing at all about machinery, that our machinists in this country are not capable of meeting the requirements of the Agricultural Department in this regard.

It is that consideration which prompted Mr. Gibbons to write, not because he desires to make any profit himself from the manufacture of the machinery, for I know the character of that firm in Wilmington. They are men who stand among the very head machinists of the country, and who have plenty of business outside of preparing this mere experimental work for the Agricultural Department. It is not because of any supposed profits they are going to lose, but it is because they do not want the machinists of this country branded in the Halls of Congress by a proclamation carrying out the suggestion of Professor Wiley that they are incompetent to perform this duty.

Mr. VANCE. Mr. President, as the bill came from the other House it contained no stigma upon anybody. Since the reading of the letters presented by the Senator from Kentucky I have been unable to determine which is the most audacious in his criticism, the chemist in saying that the machinist did not understand his business, or the machinist in alleging that the chemist was ignorant of his duty. It seems to me that the chemist has the best of the thing, inasmuch as he is required to produce the results.

It appears to me that if we were as private citizens going to start an enterprise of this kind for the purpose of manipulating sugar out of the sugar-cane, we would never restrict our agent for any purpose whatsoever, unless it might be in the amount of money that he was to expend. I venture to say that there is not a sensible firm in the United States of America or in the world who would prescribe to their agent the duty of producing certain results and at the same time tell him that he should not have an unlimited choice of means to produce the results.

Now, what is the object of this legislation? Is it not for the purpose of encouraging the manufacture of sugar in this country from the sugar-cane, from beet-root, &c.? If so, and we require the Department of Agriculture to undertake these experiments for the public benefit, is it not common sense to permit the Commissioner of Agriculture to attain the object by any means possible, within his reach?

But it seems that in reality the object is not for the purpose of obtaining the results that appear upon the face of the paper, but for the purpose of benefiting some American manufacturer. If that is the object, I think it is sufficiently accomplished (I know it is for all my purposes and desires) by the tariff act which now stands upon the statute-book of the country. If after paying taxes upon the article we can not do anything in this country for our own benefit, or for the benefit of the communities in which we live, unless it be saddled with a benefit to be given to some manufacturer, then I think it is high time we should abandon the whole Agricultural Department.

The bill is full of instances of articles which are to be required and used for experimental purposes by the Agricultural Department to be obtained from all other countries of the world. Why not impose restrictions upon those? Why not compel the Agricultural Department to buy no seeds except those which are produced in this country? Why allow the Commissioner of Agriculture to send to Europe to get the seeds grown by the pauper labor of Europe when there is an abundance of American seeds just as good and a great deal better than the pauper-grown seeds of the Old World? Why not confine the bill in every particular, where articles are to be purchased, to purchasing in the home market and nowhere else?

Do we desire any improvement in this country? Are we already better than all the rest of the world? Can mankind dispersed around this planet anywhere outside of the boundaries of the United States of America produce anything that is fit for any person's use? If we have come to that state of beatitude, then we do not need an agricultural department; we have already attained the highest good that finite man is capable of attaining, and we had better stop and save our money and enjoy it at home.

The idea of restricting the department in experiments in this way is one of the most absurd and preposterous ever yet advanced by the advocates of a high protective tariff. I think we ought in common sense and in common decency, if we require the Agricultural Department to expend this money for the public benefit, to allow them the fullest liberty to purchase the means of doing so wherever they are to be found. If the Commissioner of Agriculture and the chief chemist in charge of that department are not judges of the best machinery and the best means for producing these results, then in Heaven's name let us have them examined by the civil-service board and discharged for incapacity.

I think that this whole amendment ought to be stricken out. If there is one particular firm that is interested, that is already partially engaged in this scheme on its own account, and desires the aid of the Government and would lose money perhaps if the Government did not aid it, if the Senator from Delaware will introduce such a bill I will agree to pay the damages before they are incurred in order that the Government of the United States may be free to pursue its own business in its own way and on the best terms that can possibly be obtained.

Mr. EUSTIS. Mr. President, I fully concur with the views presented by the Senator from Kentucky [Mr. BECK]. This is not a question of protecting American industry. It is not a question of free trade. By the terms of this bill it is a question whether an experiment to be tried justifies the appropriation. The bill requires that the experiment shall continue and be concluded. Therefore it is only during the next grinding season that the experiment can be tested. It places upon those who are charged with this experiment a very great responsibility. The mere loss of the money appropriated is one consideration; but the more important consideration is whether the diffusion process can be shown to be a success in this country.

Mr. GEORGE. Has it been shown to be a success anywhere else?

Mr. EUSTIS. I am going to come to that in a moment.

That I understand to be the object of this appropriation. It is not to determine whether American or German or French mechanics are superior. It is not to determine whether we should encourage anything else but the sugar industry. The proposition does not involve any encouragement of mechanical skill. The question is not whether we shall encourage competition between American laborers and foreign artisans with reference to this particular and peculiar kind of machinery. The question is whether, under this appropriation and the terms of the bill, you can secure that machinery which, when secured, will enable you to determine whether the experiment is a failure or is a success.

Inasmuch as the experiment has to be tested during the next grind-

ing season, you can not indulge in any other experiments to ascertain whether the constituents of my friend from Delaware are sufficiently skillful to furnish this particular machinery. The fact is that you must have the machinery within a given period of time, and when you get the machinery you put it in operation and test the question whether the machinery can be adapted to the diffusion process of making sugar in this country. I know that if you place this limitation upon the Department charged with the success or failure of this experiment, unless you get that machinery where it has already been made for years, which is machinery in all its details of an exceedingly peculiar and delicate character, unless at the time you begin your experiment in sugar making the machinery is complete, scientifically as well as mechanically complete, and unless the machinery does perform the duty which it must perform within a limited and a given time, in my humble judgment you are throwing away money and not advancing the interests of either the mechanics of the country or the sugar planters of Louisiana.

Now, a word in reference to the diffusion process. In Europe, where of course they do not cultivate the cane, but make their sugar from beet-root, they have used the diffusion process for a great many years. They have made improvements upon the diffusion process. They have by study and experiments brought the diffusion process to such a point of perfection that to-day the sugar planters of Cuba, Jamaica, and Louisiana can not compete with the beet-planters of Germany, Austria, and France; and by reason of the very success of the experiments which have been conducted in those countries for years they have placed the cane-sugar growers of this and other countries almost at their mercy. Therefore, the idea, as I understand it, is to try to adapt the diffusion process, which has been successfully applied to the beet producing sugar, to the peculiar structure of the cane.

It is self-evident that the officers charged with this experiment, inasmuch as they are obliged to have that machinery in perfect order, say by the 20th of October next, must, if you want this to be a serious experiment, have the right to purchase the machinery wherever the machinery can be made and can be obtained.

I repeat, considering that these experiments must be made within a certain time, considering that the experiments must be concluded, and that by the declaration of the bill the success or failure of the experiments will be a test of future appropriations by Congress, one of the essential conditions of the experiments is that the parties who are charged with the responsibility of conducting them should have the privilege of securing the machinery where the machinery is made and has been for years, and not be held responsible for any mechanical experiments in this country in trying to encourage American manufactures or to vindicate American mechanics.

Mr. MILLER. Mr. President, it is admitted, I believe, on all hands that the agricultural appropriation bill is not a tariff bill. The Senator from North Carolina [Mr. VANCE], who is always very watchful over the legislation of this body in order that he may detect the wily practices of the protectionists and prevent them from getting protectionist measures even into agricultural appropriation bills, tells us that this is a very shrewd device on the part of the protectionists of this body to turn the bill into a protectionist or tariff bill to benefit thereby the manufacturers of this country.

I wish the Senator were right upon that proposition, for then we should have much hope of his own side, for instead of the amendment, which we find here in the bill, coming from this side of the Chamber and from protectionists it comes from the other side. This amendment was introduced into this body by the junior Senator from Delaware [Mr. GRAY], and was referred to the Committee on Agriculture, and by that committee reported back favorably and sent to the Committee on Appropriations, by which committee it was put into this bill.

I have been delighted in listening to the eloquence of the senior Senator from Delaware [Mr. SAULSBURY], as he has told this body of the ability, the skill, and the genius of the mechanics of the North and particularly of his own State. Those who are at all acquainted with the manufacturing of machinery in this country know that in the city of Wilmington, in the State of Delaware, there are some of the most skillful machinists to be found in this country, and that the machinery sent out from that city is not surpassed by any machinery constructed in any other city in this Union or any other city in the world.

I have no doubt that the reason for the offering of the amendment by the junior Senator from Delaware, and the able advocacy of it by the senior Senator from Delaware, arose from the fact that both those gentlemen knew very well that their own party was only too ready and anxious to give orders for machinery to foreigners rather than to American manufacturers, and from their own personal knowledge of the ability of the manufacturers in Wilmington to produce the best sugar machinery ever constructed in the world, they thought it necessary to prevent this Democratic administration from sending this money abroad, to put this provision in the bill so that it might not be done.

Therefore this little trick and device of the protectionist to benefit the American manufacturers turns out to be an honest effort on the part of leading Democrats of this body to prevent the Democratic party from going abroad for this machinery and paying out American money for it.

Mr. VANCE. Will the Senator allow me to interrupt him?

Mr. MILLER. Certainly.

Mr. VANCE. From what committee did this amendment come?

Mr. MILLER. I have just stated. The amendment was introduced into this body on the 14th day of May by the Senator from Delaware [Mr. GRAY], and was referred to the Committee on Agriculture and Forestry. The Senator from Delaware who introduced it called my attention to it. I presented it to the members of the committee and secured a favorable report, and brought it in here and had it sent to the Committee on Appropriations for their action under the rules of this body.

Mr. VANCE. Will the Senator be kind enough to inform me who is chairman of that committee, and whether the majority of the committee is Republican or Democratic?

Mr. MILLER. I am the chairman of the Committee on Agriculture and Forestry, and of course the majority is Republican; but it had never occurred to the chairman of the committee or to any of the Republican members of it to suggest any such legislation as this. It was necessary for gentlemen who know the tendencies of this administration better than we do, who know the danger of leaving such a proposition open, to present this limitation, or it would never have been here at all.

The Senator from Louisiana [Mr. EUSTIS] has told us, and told us truly, that the sugar manufactured in Europe is extracted from beet-roots, and that the processes and machinery used in that manufacture are not suitable fully or in any great extent to the manufacture of sugar from cane. When the machinery constructed in Europe for the manufacture of sugar by the diffusion process has been tried in this country upon the cane it has been found to be a lamentable failure. The constituents of the Senators from Delaware have produced, I believe, according to statements which are public and can not be denied, the best machinery of the kind in the world, and in its operations already it has given results producing 98 per cent. of all the sugar to be found in the cane.

Mr. EUSTIS. Will the Senator yield to me to correct a statement?

Mr. MILLER. Certainly.

Mr. EUSTIS. I made no allusions whatever to past experiments of the diffusion process.

Mr. MILLER. So far as that is concerned then I stand corrected, if any correction is needed; but by what right or by what knowledge does the Senator from Louisiana or the Senator from Kentucky tell us that Europe, which is engaged in manufacturing sugar out of beet-roots, is therefore better able than we here in America, who manufacture it out of cane, to produce the machinery which we want for manufacturing sugar from cane? Is there any probability that they can produce better machinery than our mechanics and engineers who have been engaged in it for a century? Not at all. The foreign machinery which has been tried, which was made for beet-sugar, has produced only a result of 90 per cent. of the saccharine matter found in the cane, whereas the American machinery has brought about a result of 98 per cent. of saccharine matter.

Upon this question I send to the desk and will ask the Secretary to read an article upon the experiments which have been made with these two kinds of machinery; and I leave my friend from North Carolina [Mr. VANCE] to hunt out some other delicate trick of the protectionists to take care of the manufacturers of this country!

The Chief Clerk read as follows:

AMERICA STILL AHEAD.

Professor Wiley, chief of the chemist's division of the Department of Agriculture, who is now making a tour in Europe, makes an interesting report upon the manufacture of sugar at Almeria, in Southern Spain, by the diffusion and carbonatation process, which is exciting so much interest in sugar-producing countries, and particularly in this country, where Congress has appropriated about a quarter of a million of dollars for experiments, while our sugar manufacturers have expended fully four times as much for the same purpose.

Professor Wiley reports that he is encouraged to find that the satisfactory results obtained by the experiments under the direction of the Department of Agriculture at Ottawa, Kans., are fully confirmed by the experiments at Almeria, Spain, and both together give the greatest assurance that, with proper chemical and mechanical appliances and skill, the diffusion process, as applied to sugar-cane, is certain to supplant all other methods.

It appears, moreover, from his report that, as between the European-built diffusion machinery used in Spain and the American-built machines used in the Kansas experiments, the latter worked the better by far. Both machines were set up and operated by inexperienced machinists, such as could be found in the immediate neighborhood of the experimental stations, and who had never seen a diffusion battery before.

The Kansas battery of ten cells worked at the preliminary trial at the rate of 84 tons of sugar-cane in twenty-four hours, "extracting 98 per cent. of the total sugar present."

The European battery used in Spain had fourteen cells, all of them larger than those in its American competitor—and should have twice the daily capacity—yet it only worked, at the first trial, at the rate of 75 tons of sugar-cane in twenty-four hours, though its builders claim a capacity of 100 tons.

An American-built battery of the same size as the one used in Spain would work, with anything like good management, at least 200 tons in that time, or twice as fast as the European machine.

The sugar-cane cutters used in Spain were copies from an obsolete American cutter that was rejected by the builder in 1884, but the owner is now having another built after the plans of the one that was invented and built here for the United States Government experimental sugar-works in Louisiana, but which has not yet been set up.

In the Kansas experiments the sugar-cane cutter, which, by the way, is the most important part of the entire apparatus, was a success from the start, cut-

ting about 50 tons per day in excess of its maximum contract capacity. In his report Professor Wiley says:

"I reached Ottawa on Wednesday, September 9, and the work of erection was pushed with all possible dispatch. On Sunday, September 27, the rest of the machinery arrived. During the following week, one cutter having been completed, preliminary trials were made with the apparatus. The cutter was found to give good satisfaction; with a capacity of 6 tons per hour, giving a nicely grooved chip well suited for diffusion."

The German Government spent upward of $100,000 in experimenting upon sugar-beet cutters before it obtained one that "gave good satisfaction and a beet-chip well suited to diffusion," and when the cutter was at length obtained, at such cost, it was no use whatever for cutting sugar-cane. The long-sought-for cane-cutter has at length been produced by a successful manufacturer of wood-paper machinery, and without any cost to the Government for experimenting.

Professor Wiley has been in correspondence with the builders of sugar machinery in Europe for some time, and last season sent his assistant, Mr. Spencer, on a tour among them, and has, without doubt, taught them something about diffusion as applied to sugar-cane, and more particularly about sugar-cane cutters, the last named being a new American invention that European builders as yet know very little of.

At all events it is gratifying to learn from his report that our American machinists are so much in advance of their European competitors in building diffusion machinery for working sugar-cane. Our friends over the water have copied our monitors, torpedo-boats, steam and sail yachts, and other triumphs of American inventors almost without end, and now they are quite at liberty to pattern after our mills for working all kinds of sugar-cane. They are at home in the manufacture of beet sugar, but when it comes to the manufacture of sugar from tropical sugar-cane our machinists are far ahead.

Chemical Bulletin No. 2, issued by the Department of Agriculture in 1884, is a record of eighteen years' dismal failure of all efforts to use European-built diffusion machinery in extracting saccharine matter from sugar-cane, though tried again and again in British India, Louisiana, and other sugar-cane growing countries. The success of American engineers and machinists in this work is certainly gratifying.

Mr. MILLER. I simply desire to say in conclusion that there is no possible doubt with people who are well informed on the building of machinery of this kind that American-built machinery for sugar-making is far better than any which has been produced in Europe or elsewhere, and that it is perfectly safe to leave this amendment in the bill.

Of course, as leading Democrats on the other side, fearing their own administration of public affairs, find it necessary to put this check on the administration to prevent their sinking this money, I do not think the protectionists on this side ought to object.

Mr. VANCE. If, as was asserted by the Senator from Delaware [Mr. SAULSBURY] and by the Senator from New York [Mr. MILLER], the machinery for the manufacture of sugar made in this country is the best in the world, I should like to know why it is that it can not commend itself to those who purchase that kind of machinery without the benefit and the aid of a positive law to that effect. If the persons in charge of the department are not in possession of the information which the Senator from New York and the Senator from Delaware are in possession of, that this really is the best machinery in the world made on the banks of the Delaware, but, on the contrary, seem to be possessed of the opposite idea that it is not the best and that the experiments will be a failure probably if that machinery be adopted, then it is *prima facie* proof that the gentleman who is in charge of the Agricultural Department is unfit for his place, which I am slow to believe. I believe simply the contrary, and I do not think that it is the best machinery in the world, or else it would commend itself to public favor without the aid of legal force.

The Senator from New York suggests that probably the friends of that manufactory in Delaware were aware that under this Democratic and free-trade administration—this is the first time I believe I have ever heard it so denominated—it was necessary to appeal to the law to protect American manufacturers. There would be something more than a little grim humor in that suggestion if it were not for the fact that every bill we have passed for the last five years, certainly since I have been acquainted with our legislation under Republican administrations, for the construction of ships has contained similar provisions, that the material used should be of American manufacture. I believe so far back as the granting of lands to aid in the construction of railways across this continent every one of those grants contained a provision that the iron laid down should be of American manufacture. So that I suppose the reference of the Senator to the supposed necessity of obtaining this kind of protection from a free-trade administration was a piece of grim humor, for which he is sometimes celebrated.

Mr. CALL. Mr. President, this amendment was first introduced by the Senator from Delaware [Mr. GRAY] and afterward by myself, at the instance of a representative of the Southern planting interest, and referred to the Committee on Appropriations, of which I am a member. The committee did not consider the question of tariff or the question of protection as in any way involved in this amendment.

The facts of the case do not relate to any of these economic questions. They are very plain. There have been experiments for a number of years, as stated in the very intelligent and forcible letter of the gentleman from Wilmington, and as confirmed by the representatives of the sugar-cane interest who appeared before the committee, a statement from whom I have in my hand. These experiments have been made for several years, and have been made largely with foreign machinery. The question is no longer an open question as to which is the best kind of machinery, whether that made abroad or that made at home.

As stated in the letter of the gentleman from Wilmington, which has been read here, Mr. Gibbons, it consists of things which are well known to machinists, about which there is no kind of mystery. They have been experimented upon, and the machinery for making the beet sugar in Europe has been a total failure and no comparison with the American machinery. It is no longer a question of doubt, according to the reports made to the committee, as to which kind of machinery, the American manufactured or the foreign manufactured, is the most certain to give success, and the experiments in Kansas last year attained a higher degree of success than any that have ever been made, and those were with machinery manufactured in Delaware and at the establishment of Mr. Gibbons.

With these facts before the committee, with the statement in the report of the Agricultural Department, in Bulletin No. 2, of the number of failures with foreign machinery for the last eighteen years, and in view of the success of the experiment made in Kansas, with the confirmation of that statement by the representatives of the sugar interests in Louisiana and other Southern States, the question was a settled one as to whether the machinery ought to be bought abroad or bought in the United States. A statement was submitted to me for the purpose of being laid before the committee. The committee had no interest in the question as to whether the machinery should be bought abroad or bought in the United States. It was a simple question whether it was clear beyond any doubt of the fact that the American machinery or the foreign machinery was the better. The statement is as follows:

HOUSE OF REPRESENTATIVES, *Washington, May* 27, 1886.

Hon. WILKINSON CALL, *United States Senator,*
Senate Chamber, Washington, D. C.:

MY DEAR SIR: I send herewith the facts, as promised, in relation to the proposed Government experiments in the application of the process of diffusion in the manufacture of cane sugar, which must interest you, since Florida is destined to become in the near future a great sugar-producing State.

It is conceded now everywhere that the ordinary roller-crushing machinery applied to the extraction of juice from the tropical sugar-cane of Florida, Louisiana, and Texas, or the sorghum of the Western States, does not ordinarily result in the extraction of more than about 60 per cent. of the juice contained in the cane. Something like 40 per cent. of the sugar in the cane is wasted in the process of extraction.

On the other hand, the beet-root sugar manufacturers of France and Germany have succeeded by government aid in perfecting the process of diffusion so as to extract about 98 per cent. of sugar contained in the beets.

Unfortunately for our sugar industry, the European diffusion machinery that is built expressly for beet-root sugar manufacture will not work when applied to sugar-cane, as many of our planters have learned to their cost, something like half a million dollars of private capital having been expended by our planters in the vain endeavor to adapt European beet-root sugar-diffusion machinery to the extraction of juice from tropical sugar-cane. Four full sets of this expensive European diffusion machinery have been abandoned and are now lying idle in Louisiana.

Our sugar-planters have had enough of it; but Professor Wiley, now and for years past chief chemist of the Department of Agriculture and in sole charge of the Government sugar-making experiments, persists in recommending the importation of more foreign beet-root sugar machinery, in face of the fact that the only success thus far achieved was by the use of a set of American diffusion machinery, built expressly for cane-sugar manufacture, and tried for a couple of days last year in Kansas, a full account of which is accurately given in the annexed article from one of the Washington papers.

Then follows the article from the National Republican which has been read at the request of the Senator from New York.

The letter then continues:

I am fully sustained in the position I take in this matter by the Louisiana Sugar Planters' Association, as is shown by a unanimous vote of thanks tendered me at its regular monthly meeting on the 13th instant, indorsing the stand taken by me on the subject.

I therefore most sincerely hope your amendment to the agricultural appropriation bill will be adopted. I fully intended to offer a similar amendment in the House, but when the bill passed I did not have important facts that have since come into my possession, and which now convince me of the necessity of its adoption.

I have conversed with the chairman of the Agricultural Committee of the House, Mr. HATCH, who assures that he will sustain me in this matter.

Very truly, yours,

J. FLOYD KING.

That was the authority upon which the Committee on Appropriations acted. It is upon evidence that the planters of Louisiana have tried the foreign machinery, have expended a half-million dollars, that the machinery is now thrown away useless and the money wasted in the attempt, and because in the experiments made in Kansas with American machinery a distinguished success was attained, but not such as to make it a matter beyond doubt——

Mr. EUSTIS. I should like to ask the Senator from Florida a question. I ask him whether if this amendment is disagreed to the Commissioner of Agriculture has not the right and privilege to buy the machinery from American manufacturers?

Mr. CALL. Certainly he has, but the committee thought from the evidence in the case that it was conclusively proved that the foreign machinery was utterly impracticable, as stated by Mr. Gibbons in his letter, and that the American machinery had upon its fair test developed a very great certainty of success, and therefore they wanted to confine the Commissioner, whatever might be his predilection, to the American machinery.

Mr. EUSTIS. I merely wish to state that if the amendment is disagreed to the Commissioner of Agriculture is left perfectly free to purchase the machinery from American manufacturers; and I wish in addition to state that the view which I presented was from the firm impression I have that there are certain articles of that machinery which have been perfected in Europe, and which have not been perfected in this country.

Mr. CALL. I only wish to say that this is at the request of the

Louisiana planters, as represented by this paper; and furthermore, that it was done in view of an ascertained probability that the information of Mr. Wiley and his judgment upon the subject was prejudiced in favor of the foreign machinery instead of the American.

Mr. SAULSBURY. I desire to say that if the Commissioner of Agriculture had the option to make purchase of the American or the European machinery it does not appear that he would absolutely adopt the American. Perhaps if there had been no previous opinion formed and expressed by the chemist of that department in reference to the question, an amendment of this kind would not have been necessary, but the chemist of that department, who will have the entire control and determination of what machinery shall be purchased, has already come to a conclusion, as announced by a letter which has been read by the Senator from Kentucky [Mr. BECK] to-day, and therefore, in order that he might not commit the blunder of going to Europe and purchasing machinery which was not as well adapted to these experiments, it becomes absolutely and essentially necessary to put in an amendment that will preclude him from it.

If the department had expressed no opinion on the subject; if it had come here uncommitted on this entire question, then perhaps this amendment would not have been necessary. But how are you to prevent the chemist who has charge of this matter from going to Europe and purchasing machinery there when he avows that he prefers its use and when by his familiarity with foreign countries it may become advisable for him to make another visit there? Under these circumstances I think it becomes especially necessary to put in an inhibition against the importation of this machinery for experimental purposes from abroad.

In reference to the suggestion made by the Senator from New York [Mr. MILLER] that the amendment was offered by my colleague and advocated by myself because we had some idea that the Democratic administration would naturally seek foreign markets to make purchases, I want to say to that Senator that it is to restrain a Republican, perhaps, that this becomes necessary. Mr. Wiley, I understand, is a Republican. He is the gentleman who suggested going abroad, and it is not the suggestion of a Democrat to prevent persons from going abroad, except to prevent a Republican who has avowed his purpose to go abroad to buy this machinery.

Mr. GEORGE. Mr. President, the Senator from New York [Mr. MILLER] stated some time ago that he had presented this amendment to the Committee on Agriculture and that the committee authorized him to report it favorably. I desire to call his attention to the fact that when the question of the amendment arose the Senator from Mississippi now addressing the Chair, who is a member of that committee, was not advised of it.

Mr. MILLER. I feel bound to say, as I recall the facts now, that I attempted to find the Senator from Mississippi in order to submit this amendment to him, but I failed to do so; and having secured a large majority of the committee for it, I reported it favorably to the Senate and sent it to the Committee on Appropriations. I exonerate the Senator from Mississippi from any fault.

Mr. GEORGE. From any complicity in it.

Mr. PLUMB. This proposition was a very simple one before the Committe on Appropriations and did not involve any question of protection or free trade. The committee believed on the testimony submitted by the Senator from Florida and other testimony before the committee, including the letters read by the Senator from Kentucky, that the only way to make perfectly sure of having a proper experiment made was to have it made with machinery which was constructed wholly by American mechanics. They do not yield in any degree to this talk about the superior excellence of the specialties in machinery that have been built by French mechanics or German mechanics for the purpose of the manufacture of sugar; but they believe with Mr. Gibbons, and there is no mistake about the fact. They believe that the experiment will be better conducted in every respect and more satisfactory with American machinery, and they desired simply to restrain a kind of mania that seems to exist on the part of some persons in the Agricultural Department to make purchases abroad. It is a part and parcel of that general feeling, I think, which characterizes too many of our American people who think everything that is foreign is a great deal better than the things made or produced at home—even the foreign fashions and habits and manners of speech and habits of thought, and things of that kind. Such things we want to keep, as far as possible, out of the official life of this Republic.

We believe that there are things which are unique in this experiment, which are entirely pertinent to the production of cane on American soil, which do not at all pertain to the production of the cane or of the beet abroad. The machinery which has been made so far in this country has accomplished a great deal better purpose than any made abroad. We believe that it will enable the Department of Agriculture to have under its hand all features and parts of this experiment, the getting of the machinery more certainly, the repairing of it in case of an emergency, the putting it together under the eye and under the hand of the skilled operatives who made it; and we do not believe than American mechanics are not perfectly competent for this work. We believe the Mr. Gibbons who has been named in this debate is a man who is perfectly competent to do all this work, and that his responsibility in the eye of the Senator from Delaware is better than any foreign responsibility can be in reference to all things which are to be determined in this case.

Mr. HARRIS. Will the Senator from Kansas allow me to ask him if the intent and purpose of the committee was to make this experiment with the machine of Mr. Gibbons and no other, why not make the amendment specific and require the purchase of the machinery from Gibbons? Or, in other words, did the committee believe that the purchasing agent to be put in charge of this experiment was incompetent to judge of the character of the machinery to be used? It seems to me it is implied that he is incompetent or unworthy to be intrusted with the authority. If he is to be limited in the exercise of his judgment as to the character of the machinery to be purchased I would suggest that the amendment ought to be amended to carry out what I understand to be the views of the committee, so that the purchase of the machinery should be required to be made of the manufacturer indicated.

Mr. PLUMB. That remark or insinuation, if I may so call it, would apply to the Senators from Delaware, who offered this amendment and sent it to the committee. But in using Mr. Gibbons's name I did not use it by way of example. Mr. Gibbons is not the only manufacturer of machinery of this kind on American soil, but he is a person who has been vouched for by the Senators from Delaware, who has had some experience, as we know, and is at the head of a highly respectable and responsible manufacturing firm, and I will take his word as quickly as that of anybody else on this most important subject. If the Senator from Tennessee desires to specially decorate Mr. Gibbons in the way he suggests I do not know that I should have objection, though I think it would be wise to have the Commissioner of Agriculture have the discretion to purchase from any American manufacturer.

Mr. HARRIS. If the Commissioner is competent to decide what machinery he shall buy and from whom, why limit him to this or any other country? Why not allow him to look the world over for the machinery best adapted to the experiment to be made?

Mr. PLUMB. Because we believe that Congress has a will about this that is just as well informed and just as liable to be right as that of the Commissioner of Agriculture. We propose to have the will of Congress observed in this case rather than the will of the Commissioner of Agriculture, just as we limit in all the laws we pass the exercise of discretion on the part of the Executive.

For these reasons the committee believe this amendment should be adopted, and we believe that with this responsibility of the American manufacturers, with the entire machine made at one place, it will be more uniform, more liable to be adapted each part to the other parts and answer the general purpose better than it would otherwise be.

This is not in any special way a reflection on the Commissioner of Agriculture. At all events, I desire to say that I believe he is specially anxious that this experiment should be made, and that it should be successful, and that he will do his best to carry out the law of Congress; but unfortunately he is required to operate through subordinates, and we believe that one of those subordinates at least has an undue preference for foreign machinery, and that, as we think, without any solid foundation.

As far as I am concerned, speaking now as one who has been in a measure instrumental in having this appropriation made heretofore, and as one who has a perfect right to complain therefore of the manner in which the money has heretofore been spent and these experiments carried out, or rather not carried out, I am perfectly willing that this, which I hope will be the last experiment Congress will authorize at the public expense, will be carried out, and the result obtained will be better and more nearly what we desire than it will be if we go to buying the second-hand machinery of Germany or of France.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HARRIS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHACE (when the name of Mr. ALDRICH was called). My colleague [Mr. ALDRICH] is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. CAMDEN (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. MAXEY (when his named was called). I am paired with the Senator from Michigan [Mr. CONGER].

Mr. MILLER (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON], but as this amendment is of Democratic origin and it is not political at all, I will vote "yea."

Mr. PLUMB (when his name was called). I am paired generally with the Senator from Alabama [Mr. MORGAN], but according to an understanding I transfer that pair to my colleague [Mr. INGALLS].

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. CHACE. I am informed that this amendment was offered originally by the Senator from Delaware [Mr. GRAY]. I therefore vote "yea."

Mr. GEORGE (after having voted in the negative). I discover from the list of yeas and nays as taken that the question is somewhat of a party one, and as I am paired with the Senator from New Hampshire [Mr. PIKE] on party questions, I withdraw my vote.

The result was announced—yeas 32, nays 12; as follows:

YEAS—32.

Allison,	Dawes,	Hoar,	Ransom,
Blair,	Dolph,	Logan,	Riddleberger,
Bowen,	Edmunds,	McMillan,	Saulsbury,
Brown,	Evarts,	Mahone,	Sawyer,
Call,	Frye,	Miller,	Sherman,
Cameron,	Hale,	Mitchell of Oreg.,	Spooner,
Chace,	Harrison,	Morrill,	Teller,
Cullom,	Hawley,	Plumb,	Wilson of Iowa.

NAYS—12.

Beck,	Cockrell,	Eustis,	Pugh,
Berry,	Coke,	Harris,	Walthall,
Butler,	Colquitt,	Jones of Arkansas,	Whitthorne.

ABSENT—32.

Aldrich,	Gray,	Manderson,	Sabin,
Blackburn,	Hampton,	Maxey,	Sewell,
Camden,	Hearst,	Mitchell of Pa.,	Stanford,
Conger,	Ingalls,	Morgan,	Vance,
Fair,	Jones of Florida,	Palmer,	Van Wyck,
George,	Jones of Nevada,	Payne,	Vest,
Gibson,	Kenna,	Pike,	Voorhees,
Gorman,	McPherson,	Platt,	Wilson of Md.

So the amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT TO A BILL.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1815) granting a pension to Ellen Corcoran.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road;

A bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York;

A bill (H. R. 426) granting a pension to Elizabeth A. Robbins;

A bill (H. R. 576) for the relief of Louisa C. Beezeley;

A bill (H. R. 1678) for the relief of Henry N. Huggins;

A bill (H. R. 1982) for the relief of John Fraser;

A bill (H. R. 2463) for the relief of H. J. T. Moss;

A bill (H. R. 2800) granting a pension to Mary Manes;

A bill (H. R. 3366) granting a pension to Henry Bollman;

A bill (H. R. 3645) granting a pension to Sarah Brooks;

A bill (H. R. 3860) granting a pension to John H. Walters;

A bill (H. R. 4689) for the relief of the children of the late Surg. Alfred M. Owen, and to increase their pensions;

A bill (H. R. 4882) granting a pension to Washington T. Otey;

A bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis;

A bill (H. R. 5406) granting a pension to Philip Raiger;

A bill (H. R. 5411) granting a pension to John Butler;

A bill (H. R. 5645) granting a pension to Rebecca Allen;

A bill (H. R. 5931) granting a pension to Erdmuthe Kirchner;

A bill (H. R. 6135) granting a pension to James W. Sanford;

A bill (H. R. 6170) granting a pension to Mary A. Van Etten;

A bill (H. R. 6176) granting a pension to Margaret Mayham;

A bill (H. R. 6117) granting a pension to James D. Cotton;

A bill (H. R. 6183) for the relief of Bridget M. Cullen;

A bill (H. R. 6193) granting a pension to Charles Foreman;

A bill (H. R. 6237) for the relief of Samuel Shuler;

A bill (H. R. 6247) granting a pension to Mayberry Vance;

A bill (H. R. 6248) granting a pension to Louis A. Wollenweber;

A bill (H. R. 6250) to increase the pension of Thomas A. Rowley;

A bill (H. R. 6257) for the relief of Julia Connelly;

A bill (H. R. 6266) granting a pension to Philip Arner;

A bill (H. R. 6323) granting a pension to Rebecca Reese McKee;

A bill (H. R. 6372) to pension Charles A. Chase;

A bill (H. R. 6430) granting a pension to Lucy G. Dutcher;

A bill (H. R. 6452) granting a pension to Samantha A. Smith;

A bill (H. R. 6453) granting a pension to Martin J. Reynolds;

A bill (H. R. 6519) granting a pension to John D. Krebbiel;

A bill (H. R. 6566) granting a pension to Henry I. Cartin;

A bill (H. R. 6639) granting a pension to Catharine Kennedy;

A bill (H. R. 6668) granting a pension to Lurena Wages;

A bill (H. R. 6670) granting a pension to Susan Malone;

A bill (H. R. 6718) granting a pension to William H. Starr;

A bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers;

A bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers;

A bill (H. R. 6770) granting a pension to Ferdinand Koehler;

A bill (H. R. 6774) granting a pension to Bruno Schultz;

A bill (H. R. 6795) for the relief of Mrs. Sarah Casteel;

A bill (H. R. 6797) to place the name of Samuel W. Bowling on the pension-roll;

A bill (H. R. 6801) granting a pension to Elander M. Mooneyhan;

A bill (H. R. 6812) granting a pension to Margaret Lucas;

A bill (H. R. 6895) granting a pension to Sarah Harbaugh;

A bill (H. R. 6919) granting a pension to Sarah Ann Williams;

A bill (H. R. 7066) for the relief of Andrew G. Hilberg;

A bill (H. R. 7073) granting a pension to Mary S. Woodson;

A bill (H. R. 7074) granting a pension to William P. Carleton;

A bill (H. R. 7075) granting a pension to Orson W. Sears;

A bill (H. R. 7108) granting a pension to Andrew J. Wilson;

A bill (H. R. 7109) granting a pension to Joseph Tuttle;

A bill (H. R. 7156) to increase the pension of Maria A. Birney, widow of Maj. Gen. David B. Birney;

A bill (H. R. 7162) granting a pension to Martha McIlwain;

A bill (H. R. 7222) granting a pension to Callie West;

A bill (H. R. 7249) to pension W. Tryon;

A bill (H. R. 7253) for the relief of Joseph Guy;

A bill (H. R. 7257) granting a pension to James H. Darling;

A bill (H. R. 7299) for the relief of Green Chambers;

A bill (H. R. 7329) granting a pension to Patrick McKean;

A bill (H. R. 7365) for the relief of Nancy Franklin;

A bill (H. R. 7401) granting a pension to Samuel Miller;

A bill (H. R. 7407) granting a pension to Cyrus Dubbs;

A bill (H. R. 7436) to grant a pension to Mary Anderson;

A bill (H. R. 7437) to increase the pension of Levi L. Tongue;

A bill (H. R. 7509) granting a pension to Cecilia C. McKenna;

A bill (H. R. 7511) granting a pension to Margaret Lucy;

A bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman;

A bill (H. R. 7641) granting a pension to Sophronia Witham;

A bill (H. R. 7660) granting a pension to James Stobaugh;

A bill (H. R. 7688) granting a pension to Wilhelm Nolte;

A bill (H. R. 7703) granting a pension to Anna A. Probert;

A bill (H. R. 7843) granting a pension to Edwin R. Parks;

A bill (H. R. 7914) to increase the pension of David M. Rennoe;

A bill (H. R. 7931) increasing the pension of Clark Boon;

A bill (H. R. 7965) for the relief of Francis Mosher;

A bill (H. R. 7979) granting a pension to Jackson Steward;

A bill (H. R. 8078) for the relief of Lydia S. Johnson;

A bill (H. R. 8086) granting a pension to Cummins Porter; and

A bill (H. R. 8111) granting a pension to Rebecca Roberts.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I now move to take up for consideration Senate bill 2172.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. PLUMB. I ask the Senator from Oregon having this bill in charge if he is willing that it shall be informally laid aside until I can secure action on Order of Business 999, being the bill (S. 2299) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes. A similar bill has passed the House, as the Senator well remembers. At the last session a bill of this kind passed the House and one also passed the Senate, but they failed between the two Houses. It is important that before we adjourn the bill should be passed or some bill on the subject. As it is a bill of considerable length and will involve some controversy between the two Houses, I ask the Senator if he will not consent that it shall be taken up now in order that it may be disposed of at an early day?

Mr. DOLPH. If the bill taken up on my motion will remain the unfinished business and be by common consent laid aside informally while the other bill is considered, if it is not likely to take much time, as I reported both bills, I will consent.

Mr. RIDDLEBERGER. Yesterday Order of Business 641 was asked to be taken up here, and was passed over on an objection interposed by the Senator from Tennessee [Mr. HARRIS]. I understood the President to say that after Senate bill 371 was disposed of this resolution would be properly before the Senate, and I think the RECORD will bear me out in the statement I now submit.

This is a resolution which provides for the consideration of executive business, so called, in open session, excepting only that which relates to treaties. The objection made could only pass this resolution over for one day, and I ask if it does not have priority to-day? If not, I shall then make my motion, as no other is pending as I understand, the Senator from Oregon having yielded to the Senator from Kansas, to take up Order of Business 641, the resolution in relation to the consideration of business in open session.

In making this motion I desire to call the attention of the Senate to the fact that five months of time have passed since we began the consideration of a measure to decide whether this is a house of lords or a Senate of the United States republican in form. In five months there has been continual dodging of this question by men who are willing themselves even to toady to what they would call radicalism. I think that we ought to consider this question——

Mr. DOLPH. I inquire what is the motion before the Senate.

The PRESIDENT *pro tempore*. The Northern Pacific Railroad bill is before the Senate. The Senator from Virginia is in order. He has a right to submit his motion.

Mr. DOLPH. The Senator is talking about another matter.

Mr. RIDDLEBERGER. I have not talked about this all the session. I will undertake to talk to it to this extent, that I am tired of hearing talk in the Senate on nothing but railroads. If there be no interests here but those that we call the Northern, Union, and Central Pacific Railroads' interests, then it is about time that the people of this country should understand that the United States Senate has nothing else to give its attention to.

I ask the Senate to do but one thing, and that is to vote on this proposition. I ask for a yea-and-nay vote, and I undertake to say here that it has never been denied on this floor before, and it is not denied now by Senators who are willing to vote on one side or the other, and let their votes go to the country.

I do not want to take the time of the Senate, but I mean to press it every day if I can do it, and every time I get an opportunity I intend to press this resolution in opposition to the Northern Pacific, the Central Pacific, the Union Pacific, or anything else, because it is the requirement of high duty to dispose of it.

It has been urged here that gentlemen want to speak. I understand that the gentlemen who want to speak upon the question are prepared to do so to-day. Let us have what they want to say on it addressed to the judgment of the Senate, and then let us vote. And why not? I may be permitted to say that I think the Senator from Vermont [Mr. MORRILL] is ready to speak on this proposition to-day. If he is not, then I do not press it. If he is, I do.

Mr. MORRILL. In response to the Senator I will state that I have been ready ever since, or soon after, the speech of the Senator from Connecticut [Mr. PLATT] on this subject. I think it is, however, too late to take up the question this evening, for the reason, as I understand, that there will be two or three other speeches at least, and perhaps half a dozen; and the matter can not be disposed of to-day.

Mr. RIDDLEBERGER. Will the Senator agree with me then to take it up to-morrow at 2 o'clock?

Mr. MORRILL. So far as I am concerned, I await the pleasure of the Senate. Whenever they take up the question, I shall be ready to meet it.

Mr. HAWLEY. Will the Senator from Virginia permit me a moment?

This question concerning executive sessions has already been discussed in the Senate at considerable length in connection with the resolution offered by my colleague [Mr. PLATT]. At any rate he made the opening speech, one of ability and length, on the subject. He is absent and will be back in a few days. I know it is one of the things he had in mind when he went away, and he hoped it would not be taken up until he returned. I think the pending resolution on the subject is in his charge.

Mr. RIDDLEBERGER. That puts me in a position which no Senator here would want to occupy. I offered this resolution, and when the colleague of the Senator from Connecticut offered his I deferred to him. I deferred also to the Senator from Illinois [Mr. LOGAN], who offered a similar resolution. But I am obliged to call the attention of the Senator from Connecticut to this fact, that in five months neither of those resolutions has received anything but debate, and therefore I am almost obliged further to conclude that it is all that they will receive unless some one tries to press them upon the attention of the Senate.

I am ready again to defer; I am ready again to say to the Senator from Connecticut that if he knows his colleague will press this resolution within the next three days I will not insist upon my motion to take it up now.

Mr. HAWLEY. I think nobody doubts the sincerity of my colleague in this matter after the able speech he delivered and with his well-known character, but as for promising in his behalf that he will reopen the debate in three days I can not do it. He is absent from town, and I do not know that he will be back in three days; he perhaps will be in five. I can promise nothing for him, except that he is entirely in earnest in this matter.

Mr. RIDDLEBERGER. I do not doubt the sincerity of the Senator's colleague, I never have doubted it, but I do mean to say again that when a resolution is offered, and you hear nothing upon it but debate in three, four, or five months, it does not testify to the country that you are in earnest. That is what I mean to say. I think that it is proper for the Senate to pass on this resolution and let it be known whether we are going to have open executive sessions or whether we are not.

Mr. MORRILL. I hope the Senator from Virginia will not press it this evening. There is no sort of doubt that the question will come up and be discussed and voted upon, and that at a very early day. It stands, as I understand by mutual agreement of both sides of the Chamber, that it will come up immediately after the railroad bills get through.

Mr. RIDDLEBERGER. Mr. President, "mutual" is a curious word in that connection. Where does the "mutual" come in? "Mutual agreement" between two political conferences—is that it? Shall I conjecture that three Senators representing a Republican party and three representing a Democratic party have made a mutual agreement that binds anybody but themselves. "A caucus" of each party, I hear some one say. I stand corrected. Instead of "conference" I ought to use the word "caucus;" but caucus has gotten to be a word that does not smell well in the public nostrils.

That is the situation, sir; and if it devolves upon me to tell it, I have told it, that two committees, one representing the Republican party and the other representing the Democratic party, have resolved that this resolution shall be taken up at their will and pleasure, mutually, as I understand it. I am insisting upon it as a resolution depending before the United States Senate and not before two committees of private conference or caucuses when those committees themselves have no regard for the obligation which they seem to have entered into, and I am obliged every day to notice that. Why, sir, I have been around the Capitol and heard as many as a quorum of a political organization here resolve upon pursuing a certain line of policy, and when I have come to the seat I occupy here I find one of them violated it himself and others voted with him until the majority of the party that made the obligation among themselves had to say that the man who violated the arrangement had a right to do so. I recognize no obligation to gentlemen who do not reciprocate.

I ask now, Mr. President, for the yeas and nays on this resolution. Take it up. If it be voted down, I will say to the Senate that I will not make another motion nor offer another word in respect to it.

The PRESIDENT *pro tempore*. The Senator from Virginia moves, pending the present bill, that the Senate proceed to the consideration of a resolution which will be stated.

The CHIEF CLERK. Order of Business 641, being the resolution submitted by Mr. RIDDLEBERGER April 12, 1886, in relation to the consideration of executive business in open session.

Mr. DOLPH. Is that motion in order as made?

The PRESIDENT *pro tempore*. It is in order.

Mr. DOLPH. After the Senate has voted to take up the Northern Pacific bill?

The PRESIDENT *pro tempore*. Yes. The yeas and nays are asked for on this motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. My colleague [Mr. ALDRICH] is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. MAXEY (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER].

Mr. MILLER (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON], but as this is not a political question, I vote "nay."

The roll-call was concluded.

Mr. RIDDLEBERGER. Before the vote is announced I move, in accordance with what I understand to be parliamentary law, to have all Senators present and not voting recorded in the affirmative.

The PRESIDENT *pro tempore*. No motion is in order until the vote is announced.

Mr. RIDDLEBERGER. It will be too late afterward. I ask that it be done now before the vote is announced.

The result was announced—yeas 8, nays 34; as follows:

YEAS—8.

Blair,	Coke,	George,	Riddleberger,
Butler,	Frye,	Logan,	Van Wyck.

NAYS—34.

Allison,	Berry,	Cameron,	Colquitt,
Beck,	Brown,	Cockrell,	Cullom,

Dawes,	Hoar,	Payne,	Teller,
Dolph,	Jones of Arkansas,	Plumb,	Vest,
Edmunds,	McMillan,	Pugh,	Walthall,
Eustis,	Mahone,	Ransom,	Whitthorne,
Harris,	Miller,	Saulsbury,	Wilson of Md.
Harrison,	Mitchell of Oreg.,	Sawyer,	
Hawley,	Morrill,	Spooner,	

ABSENT—31.

Aldrich,	Gibson,	Kenna,	Sabin.
Blackburn,	Gorman,	McPherson,	Sewell,
Bowen,	Gray,	Manderson,	Sherman,
Call,	Hale,	Maxey,	Stanford,
Camden,	Hampton,	Mitchell of Pa.,	Vance,
Chace,	Hearst,	Morgan,	Voorhees,
Conger,	Ingalls,	Palmer,	Wilson of Iowa.
Evarts,	Jones of Florida,	Pike,	
Fair,	Jones of Nevada,	Platt,	

So the motion was not agreed to.

Mr. PLUMB. If the Senator from Oregon is willing to do so, I ask him to yield, having the Northern Pacific bill laid aside informally, that the bill to which I before alluded may be laid before the Senate for action.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to lay aside informally the pending bill with a view to proceed to the consideration of the bill named by him.

Mr. HOAR. What is the bill?

The PRESIDENT *pro tempore*. The bill (S. 2299) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes.

Mr. EDMUNDS. I think we ought to go on with the bill which has been laid over so many times.

The PRESIDENT *pro tempore*. The question before the Senate will be stated, which is the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The CHIEF CLERK. In line 10 of the first section, after the word "main," it is proposed to strike out the following words:

Line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, except such of said lands as appertain to and are conterminous with the branch line across the Cascade Mountains.

And to insert in lieu theorof:

And branch lines where the railroad required by said acts has not been constructed and completely finished on the date of the passage of this act.

Mr. HARRISON. I called the attention of the Senator from Nebraska, when this bill was up before, to this question. I do not know whether he has considered it. I understand that a part of the Cascade branch has been built. I understood the Senator from Nebraska to say that he did not intend his amendment to reach any lands that were appurtenant to any part of the road that had been built, but he intended to limit it to that part of the branch road that had not been constructed. I do not know whether the amendment has been modified; but it seems to me that it is doubtful whether it does not cover the whole branch.

Mr. COCKRELL. I should like to have the amendment reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the amendment.

Mr. COCKRELL. I move to amend the amendment by striking out "on the date of the passage of this act," and inserting "the time required by the laws of incorporation and their amendments."

Mr. VAN WYCK. I desire first, in view of the suggestion I acceded to a few days ago, to modify my amendment. The Senator from Indiana suggested a modification which I agreed to have incorporated in the amendment. I will modify my amendment in accordance with the suggestion of the Senator from Indiana, and then it will be open to amendment.

Mr. MCMILLAN. What is the modification?

Mr. VAN WYCK. I will prepare it.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Nebraska desires to modify his amendment.

Mr. VAN WYCK. Yes, sir. The Senator from Indiana suggested that the amendment proposed by myself contemplated the absolute forfeiture of all lands from Wallula to Portland and then upon the Cascade branch of any lands adjoining a portion of the branch which was not finished. That was all I intended by the amendment. Though the amendment did not accomplish all that I wanted, yet that was all I proposed by it.

Now, in line 12, section 1, after the word Oregon, I propose to insert:

And also all lands which appertain to and are conterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed at the date of the passage of this act.

That leaves it an absolute forfeiture of all the lands of the Wallula branch and within the Cascade branch of all lands adjoining and conterminous with that part of the branch lines not finished at the time of the passage of the act. I propose to modify the amendment as I have suggested.

Mr. COCKRELL. I could not hear any of the suggestions. There was a parley over there which we could not hear in my neighborhood.

The PRESIDENT *pro tempore*. The Senator from Nebraska proposes to modify his amendment. The amendment as modified will be read.

The CHIEF CLERK. It is proposed, in line 12 of section 1, after the word "Oregon"——

Mr. MITCHELL, of Oregon. Before that is read will the Chair be so kind as to state what print it is, because there is confusion here on account of different prints, some having one print and some having another.

The PRESIDENT *pro tempore*. The Chair can only say it is the last reprint of the bill which is being read by the Chief Clerk.

The amendment will be read, and in connection with it the words of the text.

The CHIEF CLERK. It is proposed, in line 12 of the first section, after the word "Oregon," to insert the following words:

And also all lands which appertain to and are conterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed at the date of the passage of this act.

Mr. DOLPH. Now let the text of the bill be read as it would stand with the amendment.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK read as follows:

That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and joint resolutions of Congress, which appertain to and are conterminous with that part of its main line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, and also all lands which appertain to and are conterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed at the date of the passage of this act, be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to the public lands.

The PRESIDENT *pro tempore*. Pending this amendment, the Senator from Missouri [Mr. COCKRELL] offers an amendment to the amendment, which will be read.

The CHIEF CLERK. It is proposed after the word "finished" to strike out the words "on the date of the passage of this act" and to insert in lieu thereof "at the time required in said act;" so as to read:

Constructed and completely finished at the time required in said act.

Mr. MITCHELL, of Oregon. Mr. President, I desire to ask the attention of the Senator from Nebraska to one point. Does not his amendment as now modified leave out these words which are to be found in the bill as reported from the committee commencing after the word "Oregon" in line 12, "except such of said lands as appertain to and are conterminous with the branch line across the Cascade Mountains," and whether or not it is the intention of the Senator from Nebraska to leave out those words?

Mr. VAN WYCK. That clause is left out; but the same language is substantially inserted in the amendment.

The PRESIDENT *pro tempore*. Does the Senator from Oregon desire that the amendment be read again?

Mr. MITCHELL, of Oregon. I should like to have the section read as proposed to be amended.

The PRESIDENT *pro tempore*. It will be read as proposed to be amended by the Senator from Nebraska and the Senator from Missouri. The Senator from Nebraska has modified his amendment, and it will be again read.

The CHIEF CLERK. It is proposed in line 12, section 1, after the word "Oregon," to insert:

And also all lands which appertain to and are conterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed at the date of the passage of this act.

So as to read:

Which appertain to and are conterminous with that part of its main line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, and also all lands which appertain to and are conterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed at the date of the passage of this act, be, and the same are hereby, resumed by the United States, &c.

The PRESIDENT *pro tempore*. The Senator from Missouri——

Mr. COCKRELL. I shall have to get a copy of the amendment so that I can see whether my amendment will fit that kind of amendment, as the Senator has changed his entirely.

Mr. MAXEY. I desire to call the attention of the Senator from Missouri to the language of his amendment. It would not apply to the whole road as the amendment now is.

Mr. COCKRELL. My amendment would have worked a forfeiture of all the lands along the entire route where the road had not been completed within the time prescribed in the act. That was the effect of the amendment.

Mr. HAWLEY. At what date was that?

Mr. COCKRELL. Some time in 1879.

Mr. HAWLEY. May I ask the Senator, now that I am inquiring, whether that would not attempt to forfeit and resume possession of a large body of lands which have been at least allotted to the railroad company after inspection and acceptance of that road.

Mr. COCKRELL. That may have been; yes.

Mr. MITCHELL, of Oregon. It would include a large amount that has been patented.

Mr. HAWLEY. Also an amount that has been patented.

Mr. MITCHELL, of Oregon. And sold to other parties.

Mr. COCKRELL. I wanted to make the amendment of the Senator

from Nebraska mean what I supposed he wanted, for he first offered what was called in the House the "Henley bill" as his amendment, and that amendment proposed just what I aim to make in this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska.

Mr. GEORGE. It is now nearly 5 o'clock and I would like to have the bill and amendments printed, and I wish to submit some remarks in favor of the proposition to forfeit all the land grants to this company that were not earned in July, 1879, the time fixed by its charter for the completion of the road. I move that the bill and amendments be printed and that then we go into executive session.

Mr. CALL. I move that the Senate proceed to the consideration of executive business.

Mr. GEORGE. I should like to have the printing ordered.

Mr. CALL. Very well.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves that the bill as amended and as proposed to be amended be printed. Is there objection?

Mr. HARRISON. I think the bill as amended, if it has been amended at all, has been printed.

Mr. GEORGE. And as proposed to be amended.

Mr. HARRISON. All that can be done as to that, I should think, would be to print the pending amendment separately.

Mr. GEORGE. Very well.

Mr. HARRISON. How we could print the bill with amendments incorporated that have not been adopted, I can not see.

The PRESIDENT *pro tempore*. The order to print will be made if there is no objection.

Mr. ALLISON. As that means that we are not to vote on this amendment to-night, I appeal to the Senate to allow me to call up for passage a bill relative to the public building at Des Moines, in which case it is important that early action be had.

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. CALL] has submitted a motion that the Senate proceed to the consideration of executive business.

Mr. ALLISON. Will the Senator yield to me a moment that I may secure the passage of House bill 5251?

Mr. DOLPH. I should like to know what is before the Senate.

The PRESIDENT *pro tempore*. The Chair will ask the Senate to come to order. There is so much confusion that it is very difficult to hear. The Senator from Mississippi [Mr. GEORGE] moved that the bill be printed with the amendments proposed. That order has been made without objection.

Mr. DOLPH. I did not object to it because I did not suppose that disposed of the bill.

The PRESIDENT *pro tempore*. It does not dispose of the bill. The Senator from Florida [Mr. CALL] now moves to proceed to the consideration of executive business.

Mr. DOLPH. That he has a right to do.

Mr. ALLISON. But the Senator from Florida yielded to me.

Mr. CALL. I am willing to do so.

The PRESIDENT *pro tempore*. The Senator from Iowa was about to ask unanimous consent to proceed to the consideration of another bill.

Mr. DOLPH. If the Northern Pacific bill is left as the unfinished business, being simply informally laid aside, I do not object.

Mr. ALLISON. If this bill takes five minutes I will not ask the further attention of the Senate to it.

Mr. DOLPH. I only desire that the unfinished business shall not be crowded out.

PUBLIC BUILDING AT DES MOINES.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] asks unanimous consent for the consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5251) making an appropriation for the repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. BUSH AND JAMES GRIGSBY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate House bill No. 2953, for the relief of John P. Bush and James Grigsby. The Senator from Arkansas [Mr. JONES] desires that the bill be printed and take its place on the Calendar.

Mr. EDMUNDS. I thought that bill was laid on the table this morning.

The PRESIDENT *pro tempore*. It was, but it is on the desk of the presiding officer.

Mr. EDMUNDS. I thought it was laid on the table of the Senate. I do not object. I am told it is exactly like the Senate bill.

The PRESIDENT *pro tempore*. It has been compared. It will take its place on the Calendar, if there be no objection.

RAILROAD ATTORNEYS.

Mr. HAWLEY. I voted this afternoon for a bill that had never been referred to a committee; I voted with a large majority of the Senate; but I have since then been examining the bill and I wish now to enter a motion to reconsider. It is Senate bill 2578.

The PRESIDENT *pro tempore*. The title will be read.

The SECRETARY. "A bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States."

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

DEATH OF REPRESENTATIVE RANKIN.

Mr. SPOONER. I desire to give notice that, if it be the pleasure of the Senate, I will call up to-morrow afternoon at half past 4 o'clock the message from the House advising the Senate of the death of Hon. JOSEPH RANKIN, late a member from Wisconsin.

WILLIAM P. CHAMBLISS.

Mr. LOGAN. I ask the Chair to lay before the Senate House bill No. 68 as amended by the Senate and non-concurred in by the House, for the purpose of asking that the Senate insist on its amendment and appoint a committee of conference.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist on its amendment to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MANDERSON, Mr. LOGAN, and Mr. COCKRELL.

EXECUTIVE SESSION.

Mr. CALL. I renew my motion to proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The bill in reference to the Northern Pacific Railroad lands being pending, the Senator from Florida moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 11, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 10th day of June, 1886.

CHIEF-JUSTICE OF NEW MEXICO.

Elisha Van Loud, of Indiana, to be chief-justice of the supreme court of the Territory of New Mexico, *vice* Samuel B. Axtell. The nomination of Mr. Long, heretofore nominated to the Senate, is this day withdrawn.

ASSISTANT SURGEON IN THE NAVY.

Corbin Jay Decker, of New Jersey, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

UNITED STATES MARSHAL.

George W. Miller, of Pennsylvania, to be marshal of the United States for the western district of Pennsylvania, *vice* James S. Rutan, commission expired. The nomination of Mr. Miller, heretofore nominated to the Senate, is this day withdrawn.

TO BE JUSTICES OF THE PEACE FOR THE DISTRICT OF COLUMBIA, TO BE ASSIGNED TO THE CITY OF WASHINGTON.

Charles Walter, whose present commission will expire June 20, 1886.

Charles S. Bundy, whose present commission will expire June 20, 1886.

John T. C. Clark, whose present commission will expire June 20, 1886.

James A. Tait, whose present commission will expire June 20, 1886.

William C. Harper, *vice* Samuel C. Mills, whose commission will expire June 20, 1886.

William Helmick, whose present commission will expire June 20, 1886.

John U. Oliver, *vice* A. S. Taylor, whose term will expire June 20, 1886.

POSTMASTERS.

Leslie E. Brooks, to be postmaster at Mobile, Mobile County, Alabama, *vice* James E. Staughter, commission expired. This nomination is in lieu of that of December 10, 1885.

John B. Christian, to be postmaster at Uniontown, Perry County,

Alabama, *vice* James H. Houston, commission expired. This nomination is in lieu of that of December 16, 1885.

William F. Avera, to be postmaster at Camden, Ouachita County, Arkansas, *vice* Henry A. Millen, commission expired. This nomination is in lieu of that of December 10, 1885.

Gilbert P. Hall, to be postmaster at Petaluma, Sonoma County, California, *vice* Henry L. Weston, whose commission expires June 21, 1886.

George D. Stanton, to be postmaster at Stonington, New London County, Connecticut, *vice* James Pendleton, whose commission expires June 16, 1886.

Robert H. Taylor, to be postmaster at Wilmington, New Castle County, Delaware, *vice* William Y. Swiggett, whose commission expired May 16, 1886.

Albert A. Sparks, to be postmaster at Mount Vernon, Posey County, Indiana, *vice* Charles J. Hovey, resigned. The nomination of Mr. Sparks, heretofore nominated to the Senate, is this day withdrawn.

Cyrus S. Stoy, to be postmaster at Butler, De Kalb County, Indiana, *vice* Ida Carpender, commission expired. This nomination is in lieu of that of December 16, 1886.

Thomas Bowman, to be postmaster at Council Bluffs, Pottawattamie County, Iowa, *vice* Philip Armour, commission expired. This nomination is in lieu of that of December 16, 1886.

Cornelius A. Gallagher, to be postmaster at Cheboygan, Cheboygan County, Michigan, *vice* George P. Humphrey, whose commission expired May 17, 1886.

Lee Beall, to be postmaster at Rich Hill, Bates County, Missouri, *vice* George P. Huckeby, commission expired. This nomination is in lieu of that of December 16, 1886.

Prior B. Mayo, to be postmaster at North Springfield, Greene County, Missouri, *vice* Jenny C. Prater, whose commission expired May 25, 1886.

William R. Joline, to be postmaster at Long Branch city, Monmouth County, New Jersey, *vice* John A. Howland, commission expired. The name of the office has been changed from "Long Branch village" to "Long Branch city."

William M. Hunnewell, to be postmaster at Exeter, Rockingham County, New Hampshire, *vice* George S. Leavitt, commission expired. This nomination is in lieu of that of December 17, 1886.

Samuel S. Clayton, to be postmaster at Ada, Hardin County, Ohio, *vice* Samuel Watt, jr., resigned.

Rueben Stahley, to be postmaster at Crestline, Crawford County, Ohio, *vice* John C. Williams, whose commission expires June 14, 1886.

John D. Thompson, to be postmaster at Mount Vernon, Stark County, Ohio, *vice* John G. Stevenson, commission expired.

Jacob Wesner, to be postmaster at Hicksville, Defiance County, Ohio, *vice* Mrs. Julia G. Danafin, deceased.

David Lutz, to be postmaster at Slatington, Lehigh County, Pennsylvania, *vice* Lewis C. Smith, commission expired.

B. S. Martin, to be postmaster at Terrell, Kaufman County, Texas, *vice* A. J. Cropsey, whose commission expires June 16, 1886.

Jerome W. Pierce, to be postmaster at Springfield, Windsor County, Vermont, *vice* Loren B. Hurd, commission expired. This nomination is in lieu of that of December 17, 1886.

Frank T. Forbes, to be postmaster at Fredericksburg, Spottsylvania County, Virginia, commission expired. This nomination is in lieu of that of December 17, 1886.

REJECTION.

Executive nomination rejected by the Senate June 3, 1886.

ASSAYER OF MINT.

Posey S. Wilson, of Colorado, nominated to be assayer of the mint of the United States at Denver, in the State of Colorado.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 10, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. S. W. HADDAWAY, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Claims, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a letter from the Secretary of State, with an accompanying paper, in relation to the distribution of the fund appropriated by the act of April 20, 1882, for the relief of the captain, owners, officers, and crew of the brig General Armstrong.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., June 9, 1886.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting correspondence and recommending legislation in the sundry civil appropriation bill excepting the War Department library from the distribution now imposed; which was referred to the Committee on Appropriations, and ordered to be printed.

ANNIE M. COGSWELL.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact in the case of Annie M. Cogswell *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

MRS. ELLEN P. MALLOY.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact in the case of Mrs. Ellen P. Malloy *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

ELLEN CORCORAN.

The SPEAKER also laid before the House the following Senate amendment to the bill (H. R. 1815) for the relief of Ellen Corcoran.

The Senate amendment was read, as follows:

In line 3, strike out "Fiftieth" and insert "Sixtieth."

The SPEAKER. This is a mere formal amendment correcting the number of the regiment. If there be no objection the amendment will be concurred in.

The amendment was concurred in.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the Senate; which were severally referred, as follows:

A bill (S. 1368) for the relief of Richard H. Porter and James Porter—to the Committee on Claims.

A bill (S. 1417) to provide for the deposit of the savings of seamen of the United States Navy—to the Committee on Naval Affairs.

A bill (S. 1444) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico—to the Committee on Claims.

A bill (S. 1527) to provide a temporary home for certain persons discharged from the United States Navy—to the Committee on Naval Affairs.

A bill (S. 1591) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward," approved February 14, 1885, so that the same shall apply to the United States Navy, and for other purposes—to the Committee on Naval Affairs.

A bill (S. 1664) to confirm the homestead entry of Hugh Foster—to the Committee on Private Land Claims.

A bill (S. 1730) providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever, and of a method of preventing that disease by inoculation, and to obtain all information possible as to the cause and prevention of that disease—to the Committee on Claims.

A bill (S. 1793) to confirm the homestead entry of John Waishkey, jr.—to the Committee on Private Land Claims.

A bill (S. 1813) to amend the laws relating to patents, trade-marks, and copyrights—to the Committee on Patents.

A bill (S. 1829) for the relief of the Greensburg Limestone Company and others—to the Committee on Claims.

A bill (S. 330) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. Morris—to the Committee on Claims.

A bill (S. 457) for the repair of Fort Marion at Saint Augustine, Fla., and the inclosure of the grounds attached to said fort—to the Committee on Military Affairs.

A bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

Mr. CASWELL, by unanimous consent, was given leave of absence indefinitely, on account of sickness in his family.

POLYGAMY.

Mr. OATES. Mr. Speaker, I desire to call up at this time the question of order arising upon the objection made by the Delegate from the Territory of Utah to the report which I proposed to make upon Senate bill No. 10. The question is as to the competency of that gentleman, being a Delegate, to make the objection.

The SPEAKER. When the House adjourned day before yesterday there was pending a request made by the gentleman from Alabama [Mr. OATES] for leave on the part of the Committee on the Judiciary to make a report, to which the gentleman from Utah [Mr. CAINE] objected. The gentleman is not now in his seat, but he has advised the Chair that under the circumstances he would not insist upon his objection; and the Chair supposes he is authorized, therefore, to entertain the request, if there be no further objection, without deciding the question of order at this time.

There being no further objection,

Mr. OATES (on behalf of Mr. TUCKER) from the Committee on the Judiciary, reported back the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to polygamy, and for other purposes," approved March 22, 1882, with an amendment in the nature of a substitute; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. BENNETT, on behalf of the minority of the committee, was granted leave to file the views of the minority on said bill.

QUESTION OF PRIVILEGE.

Mr. HOUK. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HOUK. On the 30th day of March last I had occasion to make some remarks on the then pending appropriation bill for the Post-Office Department. In the course of those remarks, or at the conclusion, I used this language, after commenting on certain alleged abuses against the people of my district, while criticising the action of the First Assistant Postmaster-General. I said:

Now, Mr. Chairman, what I want to say in conclusion is that I do not know how this comes about, unless it be under the influence of a man who paid himself his salary as governor out of the children's school fund of the State two years after his term had expired and when he was a refugee in the swamps of the South.

After using these words, Mr. Speaker, and giving expression to this sentiment I was interrupted by my colleague from Tennessee [Mr. MCMILLIN], who became somewhat excited, as some members present at the time well remember, and several unpleasant, or at least uncomplimentary, remarks passed between us. I have been here nearly eight years and never had an unpleasant word with any member on the other side of the House, and I very much regretted this circumstance at the time.

It is not my purpose now to recall this affair for any other reason than to show that the implication of my remarks was founded upon substantial and uncontradictable truth.

In reply to my remarks my colleague [Mr. MCMILLIN] came forward and asked the question:

To whom does the gentleman refer?

Misunderstanding or misconstruing the rules of the House at that time, I declined to answer the question.

If I had understood the rule then as I do now, after conversing with parliamentarians around me, I should unhesitatingly have answered by giving him the name of ex-Governor Harris, the man who was governor of Tennessee when the war broke out. In reply to my colleague's interrogatory touching the person to whom I referred I answered:

You know just as well as anybody on earth who did it. I have the record, and if you will come around privately I will show it to you.

I then had the facts in my possession——

Mr. HAMMOND. Mr. Speaker, I rise to a question of order. I do not think the gentleman from Tennessee states a matter of privilege.

Mr. HOUK. If the gentleman will wait until I reach the point to which I wish to call attention, I think he will admit that it is a question of high privilege. I do not wish to be considered as an assassin of character, as it seems I have been characterized.

Mr. REED, of Maine. The gentleman from Tennessee has not as yet stated his whole case.

The SPEAKER. The Chair thinks that up to the present time the gentleman has not stated a matter of privilege.

Mr. HOUK. I was just coming to the point, Mr. Speaker.

Now, in reply to my implication against ex-Governor Harris, my colleague, Mr. MCMILLIN, as I have said, asked to whom I referred. I replied that I had the record, and if he would come around I would show it to him. I agree that so far it is not a matter of privilege. But my colleague responded:

I only insist that when a man goes to assassinate character—and this is unmitigated assassination—he should have the boldness to do it like a man.

Now, when a man's character is assailed by implication, or in any other manner, and I bring the record here, have I not a right to have it presented before the country in justification of my statement? But again I replied to my colleague in the following language:

I have the boldness to tell you and show you the facts if you will come to me privately, and the boldness to meet it in any other way.

I saw my colleague [Mr. RICHARDSON] on the floor, but did not hear his statement in reply. It seems he used this language:

Mr. RICHARDSON. As a Representative of the State of Tennessee I denounce the statement as false.

That is the ground on which I predicate my question of privilege. Now I remark again that anybody at all familiar with the history of Tennessee knows that I had reference to ex-Governor Harris in my remarks, who was governor of Tennessee when the war commenced.

Mr. HAMMOND. I insist upon my objection.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Simply that the matter of controversy between the gentlemen, as to the truth of history, or as to certain transactions in that State, and the remarks made by each of them, were matters proper at the time, but which have long since passed. It seems to me that the gentleman does not seek now to protect himself, but simply to prove that his understanding of the history of that period was the correct one.

The SPEAKER. The Chair is in some doubt about this question. A few days ago the Chair had occasion to make a ruling upon a somewhat similar question; in fact very similar in some respects although quite different, the Chair thinks, in others. In this case it appears a statement of the gentleman from Tennessee, not a quotation or the repetition of some statement made by somebody else, adduced as evidence, but a personal statement of his own, was denounced as false upon the floor of the House.

In the case which was before the House a few mornings since a gentleman had cited certain evidence in support of a charge he had made, and the gentleman from Pennsylvania [Mr. KELLEY] denounced that as a slander, but without imputing to the gentleman who had cited the evidence any personal misstatement. Here, as the Chair has already stated, it appears from what the gentleman from Tennessee [Mr. HOUK] has just stated that the statement made by him on his own responsibility as a Representative on the floor was denounced as false, which the Chair is inclined to think, unless the gentleman from Georgia [Mr. HAMMOND] can show some reason to the contrary——

Mr. HAMMOND. I will state what is the point I make. The Chair may have heard better than I did what was said. If the gentleman from Tennessee was charged with corruptly stating a falsehood I would waive the question of order; but if it was a mere statement that what he said was not true, that is a different proposition entirely. I could not hear precisely what the statement was; but if it was a remark that the statement was false, without charging the gentleman from Tennessee with any improper conduct as a Representative or as a gentleman, I do not think a question of privilege is presented although he made a statement which in itself was false. But I do not understand it goes beyond that.

The SPEAKER. There is so much noise on the floor that it is impossible to hear distinctly all that is said. But the Chair understood the remark read from the RECORD by the gentleman from Tennessee to be that the statement which he made was false. Will the gentleman read that again?

Mr. HOUK. I will again read it:

Mr. RICHARDSON. As a Representative of the State of Tennessee I denounce the statement as false.

The SPEAKER. If it was a statement the gentleman from Tennessee had made on his own authority——

Mr. HOUK. Yes; I made it upon my own responsibility, knowing that I was backed by the record.

The SPEAKER. And not a statement he had reported from somebody else, then it would appear a question of privilege is presented.

Mr. HAMMOND. I will not insist further.

Mr. HOUK. The implication of my remarks was that Mr. Harris had assumed to be governor, and paid himself, or caused himself to be paid, his salary out of the school fund of the children of the State two years after his term of office had expired and while he was a refugee in the South, "away down in Georgia." That was what was denounced by my colleague as false.

Now I hope the House will indulge me to state a few facts to show what the Bank of Tennessee was and what the school fund was; and I want clearly to show by subsequent receipts of Governor Harris that he did draw his salary two years after his term of office had expired, three years after he left the capital of the State, and two years after he had left the soil of Tennessee; and that not only was my statement true by implication, but I might have made it much stronger, and would have made it much stronger if I had understood the rules of the House at the time, or had not misconstrued them at the time.

Let us see how the facts stand and whether I am an assassin of character or guilty of making false statements before the House, as was charged by my colleague. In order to present the case just as it is, it will be necessary for me to submit some dates and figures, which I shall take occasion to do in a moment.

What are the known, notorious, and recorded facts in relation to the school fund of Tennessee? I ask gentlemen to give me their attention on this subject, because I do not want to go to the world branded as a liar among my friends in the House of Representatives.

On the 1st of January, 1862, the assets of the Bank of Tennessee, as shown by official reports of that date, amounted to $11,632,037.23. In February following, or six weeks after this last showing was made, these assets were all taken and carried away by Isham G. Harris, then governor of Tennessee, and his portable State government. They were transported by rail, by boat, by dray, by cart, and in every other conceivable way. The coin, books, papers, bonds, bank notes were all placed in strong boxes. The coin, amounting to $720,000, as the figures here show, was placed in kegs.

In April, 1865, these assets, or what was left of them, were captured by a detachment of Federal troops under General Upton near Buzzard Roost, in Georgia. This remnant of the school fund thus captured by the Federal Army—I have the official statement here to show it—was

taken to Augusta, Ga., by the Federal troops. Soon afterward it was taken to the State of Tennessee under a military escort and turned over to Governor Brownlow, then governor of the State, and the Legislature appointed a committee to examine it and it was counted. Out of all the assets, the $11,000,000, taken away there were about $4,000,000 of one character and another of assets found left in these boxes; and out of $720,000 in coin taken away there was found left about $400,000 in coin in these boxes.

Mark you, when they took these funds from Nashville they were put in boxes and kegs and sealed up. The committee, whose report I hold in my hand but will not take time to read, when it came to count the boxes and kegs found they had been indiscriminately broken open. In these boxes and kegs were found documents which, when I read some of them, will, I think, clearly show all that my implication implied.

Now, Mr. Speaker, I ask what became of this money—the difference between $720,000 in coin and $400,000 in coin? Where is it? I only made reference to two receipts; but there were a number of receipts from different gentlemen who occupy various high positions in this country to-day and who participated in dissipating and carrying away the difference between $400,000 and $720,000 in coin.

I ask gentlemen to give me their attention, for I will not occupy the floor very long, and they will see whether I have assassinated anybody's character or not. They will see whether I have made any false statement or not. They will see whether I have confined myself to the limits of the record or drawn upon my imagination and gone outside of the record.

I wish to say right here frankly that while I saw the gentleman from Tennessee [Mr. RICHARDSON], with his rainbow form, on his feet gesticulating I did not hear and never knew what he said until I read it next morning in the RECORD, or I would have replied to it at once. But it is easy for the unskillful, the inexperienced, and especially the young to fall into mistakes about historical facts. I spoke advisedly. I spoke from the record. I knew what I was talking about. I now read this receipt from the senate journal of the State of Tennessee. The Legislature that investigated this whole school fund question placed the reponsibility where it belonged and showed what became of this money. I read from the journal of the Legislature this receipt, and I call particular attention to it:

GREENSBORO', *Ga., April* 21, 1865.

Mark you, Governor Harris had been elected governor on the first Thursday of August, 1861. Old Bob Caruthers had been elected governor on the first Thursday of August, 1863, as the rebel successor of Harris. Andrew Johnson had been appointed military governor. He had reconstructed the State. Brownlow had been elected. A loyal Legislature was in session, recognized by everybody everywhere as the government of the State. Yet away down South in Georgia on the 21st of April, 1865, twenty-one days after Brownlow had been inaugurated and after this loyal Legislature was in session, Isham G. Harris says:

Received of Bank of Tennessee $750 in gold—

He did not take the sort of money which was paid to the "boys" who marched in the mud—

Seven hundred and fifty dollars in gold, in full of one quarter's salary as governor of Tennessee.

[Laughter.]

Who has lied about this matter? Whose name is attached to this receipt? Brownlow's? He was the only governor. No; not Brownlow. Well, Andrew Johnson's? His time was just out as military governor. No; the receipt does not bear the name of Andrew Johnson. Well, there is Bob Caruthers. Has he crept in and been inaugurated? Is he drawing this salary? No; he is at home. Whose name is attached to this receipt?

I. G. Harris, governor, &c.—

[Laughter.]

Now, I do not want to do any injustice—

Per Leon Trousdale, colonel and aid-de-camp.
This receipt to be canceled by Governor Harris's own receipt in the hands of Mr. T. D. Flippin for same amount.

Now, do you not think he drew his salary for the time he was out of office? It seems to me he did; and it seems to me I did not lie when I said so.

Mr. TAULBEE. Will the gentleman allow me a question?

Mr. HOUK. Yes, sir.

Mr. TAULBEE. It is only for information, as I want to get at the facts. What period of time does that receipt cover? For what quarter is it?

Mr. HOUK. Presumably the quarter ending May 1, 1865, as will be shown by a receipt I shall read in a moment.

Mr. TAULBEE. Have you any evidence except the simple presumption?

Mr. HOUK. Yes; the evidence of this record. You can have it to read it through if you wish. Here is the entire history of the whole transaction, from A to Z, showing what became of all this money. [Exhibiting the journal of the senate of the adjourned session of the Legislature of Tennessee for the year 1865.] Several gentlemen had a finger in the pie.

Mr. TAULBEE. I only wanted to get at the facts.

Mr. HOUK. Now, Mr. Speaker, we shall see more about this matter in a moment. As I have already suggested, Governor Harris could not have considered himself at that time governor of Tennessee on any legal presumption whatever. He had left the capital in February, 1862. He had taken those assets with him. He had peregrinated over the country, and had got by this time away down to Greensborough, Ga. The State government of Tennessee had been in the hands of other parties from early in 1862. Yet we find him drawing $750 in gold coin out of the children's school fund as his salary.

But what else? Now, Mr. Speaker, I read another receipt. This time Mr. Harris signs it himself, and the receipt says definitely for what period the payment was intended; and by implication it says very clearly that the other receipt was intended for the quarter ending the 1st of May. Here is this second receipt:

Received of Joel A. Battle, treasurer of Tennessee, $750 in gold coin, which is in full of my salary as governor of Tennessee, for the quarter ending the 1st of February, 1865.

ISHAM G. HARRIS.

GREENSBOROUGH, GA., *March* 17, 1865.

I say, then, that as this receipt says on its face that it covered the quarter ending February 1, 1865, it is fair to presume that the other receipt covered the quarter ending May 1, 1865.

Now, Mr. Speaker, let us look this matter squarely in the face. Let there be no dodging about it. Let us all stand up to the square record and the truth. Ex-Governor Harris claims to be a man of great courage; I have no doubt that he is. He ought to have courage enough to go before the people of Tennessee and explain why he paid himself in gold coin out of the children's school fund while he paid the poor confederate soldiers $17 a month in confederate trash. I wish to ask in this connection, am I an assassin of character? Have I assassinated anybody's reputation? Have I done any man wrong? Was my language even one-hundredth part as strong as I might have made it, and then verified it by the record? Have I been guilty of false statements? If the character of Governor Harris has been hurt, Mr. Speaker, it is not my fault; I did not do it. If his character has been assassinated it is a clear case of suicide, for he did it himself. I only alluded to historical facts.

But in further confirmation of all that my remarks imply, I ask permission to read some good Democratic testimony. Hon. John M. Fleming, by far the ablest man the Democrats have had in Tennessee since the war, thus testifies to the truth of all I have charged against Governor Harris. Let me read what he said on the subject of Harris and the school fund. Colonel Fleming was at this time editor-in-chief of the Knoxville Press and Herald, the leading Democratic paper of East Tennsesee. In 1872, referring to this subject, he said:

We are not without some interesting memoranda, however, which in course of time returned to tell their story of our wandering "State government." Among the relics recovered from the *débris* of the fugitive government were the "assets of the Bank of Tennessee," which seem to have been in the "ark" of support, if not of safety, in the wilderness. Among the documents found among the returned "assets" of the bank were some very curious papers. As specimens we will instance one or two. This queer-reading paper will no doubt be read with curious interest:

Mr. RICHARDSON. Will my colleague give the date of that?

Mr. HOUK. That was in 1872. I cut it out from a paper of that date. It was in 1872, when Governor Harris came to tell the people of East Tennessee how to vote.

Colonel Fleming in this article prints the receipts which I have already read, and continues as follows:

The language and dates of these documents demand attention. Judge Caruthers was "elected" governor in August, 1863, yet as late as April 21, 1865, we find him still receipting, "away down in Georgia," for "gold coin" as his salary as governor of Tennessee—more than three years after he left the capital of the State, and nearly two years after he had left the soil of Tennessee! The State of Tennessee was then entirely in the possession of the National Government, and had been for many months. Andrew Johnson, having provided for the redemption of civil government in Tennessee, had been elected Vice-President of the United States. Governor Brownlow had been duly installed, and was recognized governor of the State, with his office at the capital. President Lincoln had been assassinated, and Andrew Johnson was President. General Lee had surrendered, and the armies of the confederacy were dissolving forever. All pretense even of a government of Tennessee outside of its limits had been abandoned. The rebellion was overthrown, and all pretended authorities resting upon military power had perished.

The war-worn confederate soldiers of Tennessee, paroled by the conquerors, ragged, foot-sore, and dispirited, were wending their weary ways, as best they could, to find again some rest and consolation in their homes, made desolate by the blasts of war. They were returning with spirits broken, hopes crushed, without money or scrip for father, mother, sister, wife, or child, save a mass of confederate trash that was not worth the carrying. What a consolation it would have been for these brave, but defeated, disbanded, and impoverished soldiers, as they contemplated the ruin of their households and felt the sore extremity of their own disaster, could they have known that Isham G. Harris, "governor of Tennessee," was, on the 21st day of April, 1865, drawing his quarterly installment of $750, in gold coin, from the money that had belonged to the people of Tennessee "before the war broke out!"

Now, if Mr. Johnson had been "military governor" of Tennessee and Governor Brownlow was then the regular civil governor of Tennessee, drawing his salary as such, will Governor Harris explain to the people what kind of governor he was and what executive service he had been rendering the people of the State when he drew his salary in gold coin at Greensborough, Ga., on the 21st of April, 1865? And will he tell the confederate soldier who came home penniless, who had been paid his $17 per month in confederate trash, how it happened that the same kind of "money" that was palmed off on the soldier was not good enough for the official traveler in high life, who had been adorning his name

with the very imposing suffix of "governor of Tennessee" for nearly two years after his term had expired, and that, too, "away down in Georgia?"

[Laughter.]

Now, I desire to read from another good Democratic authority, Col. A. S. Colyar. You gentlemen know him. He is a good Democrat, at present editor of the Nashville Union, the leading Democratic paper in the State of Tennessee. In a speech at Murfreesborough in 1872, as reported in the Nashville Banner, another good Democratic paper, Colonel Colyar replied to a charge made by Governor Harris, who was present and participating in the discussion, that Andrew Johnson, when military governor of Tennessee, levied assessments upon the people without due process of law, and made them pay those assessments for certain specific purposes. Mr. Colyar said:

Mr. Johnson was a military governor—not a civil governor under the oath of office—that, right or wrong, such contribution had been collected among all people in time of war, while the war was actually going on, and all the books on war justified it, that as war meant to conquer by exhaustion, it was worse than nonsense to deny the right as a war measure, but that Governor Harris was the last man in the world to make this question, and that he proposed to take him as a subject and illustrate what he meant, though the points were not at all parallel; that Governor Harris himself in 1861, while governor, under an oath to support the constitution, and only in anticipation of war, caused what was called a military board to take, and which was taken by his orders, without due process of law, in the month of May, 1861, while the State was still in the Union, from the Bank of Tennessee and out of the sacred school fund, secured by the constitution to the children of the State forever, $382,913; that without due process of law he took in June, of this fund, $767,744; that without process of law he took in the month of July, $1,649,213; August, without due process of law, $973,449; in September, without due process of law, $334,641; in October, without due process of law, he took from the school fund $208,143; in November he took, without due process of law, $130,939; in December, $113,751, making in all of this fund taken without due process of law, $4,550,793.

Governor Harris not only for war purposes, and without due process of law, took this large sum from the children of the State, but he went to the Planters' Bank and told the officers of that bank that he must have $500,000, and that he was backed with the military and that they must furnish the money; and under a positive threat of taking by force he got, without due process of law, from this bank $500,000; and then he went to the Union Bank, and under a positive threat to take by force, he got $500,000. Turning to the governor, Colonel Colyar said: "Sir, if Johnson ought to be damned forever for taking money without due process of law, don't you think you ought to go to hell for at least a thousand years?"

Another Democratic authority, if you please, Mr. Speaker.

A reporter of the speeches of Hon. Horace Maynard, General Cheatham, and President Johnson, at Tullahoma, November 1, 1872, thus reports that portion of Mr. Johnson's speech referring to King Harris:

Mr. Johnson was exceedingly severe on Isham G. Harris, saying that he had peregrinated through the South with our State treasury, where he had "cracked the nut and took out the kernel, returning us the hull and other trash." He said he had borrowed $20,000 each from the Union and the Planters' Banks, for which he gave his individual notes and paid them after he became President, which money was used for the relief of the destitute. He remarked in a very sarcastic way that he had not robbed banks, as had been done by some who were now pursuing him with so much vindictiveness. One and a half millions of the school fund had been taken away. At the beginning of the war the assets of the Bank of Tennessee were worth ten millions, and when the war closed $400,000 had been returned. He said he had been accused of seeking to array the rich against the poor, but a confederate congress had been guilty of this when an act was passed exempting every man from military service who owned as many as twenty negroes. He explained the Mrs. Surratt affair to his own satisfaction, if not to the satisfaction of his hearers, and retorted on Harris for permitting men to be hung and imprisoned in East Tennessee upon a mere suspicion of having been engaged in bridge-burning. His [Johnson's] nephew had been arrested and imprisoned, being placed in irons at Greeneville, and had been forced to hang Henchie and Fry with his own hands and then to take a spade and bury them. He was particularly severe and truly eloquent on this point.

In 1872, after King Harris was deposed and was no longer king *de facto* anywhere on the earth, he came to East Tennessee to instruct his former true and loyal subjects how to vote, how to protect themselves against tyranny and oppression. He made a speech at Morristown, and was met there by Col. John Baxter—

This is the late Judge Baxter—

and the published report of that portion of Colonel Baxter's speech, relating to the acts and doings of King Harris, while he reigned, is as follows:

"In beginning his reply, Mr. Baxter said he did not appear as Mr. Johnson's champion or at his request. He came to answer Harris as a citizen and spoke only for himself. No one else was responsible for his sentiments.

"He said Harris had severely arraigned Johnson for the hanging of Mrs. Surratt. That was an act committed in a time of intense public excitement. The loyal people were maddened and demanded it. He had always thought it wrong, but Johnson's offense had in palliation many circumstances, and he did it in defense of the nation's life. But who arraigns Johnson for it? Isham G. Harris! By what right? Baxter then eloquently referred to the situation in Tennessee in 1861. Harris, as governor, then was sworn to support the State and Federal Constitutions. But he violated it not only in the particular charged upon Johnson, but *in toto*. Harris says neither he nor Johnson could lead the people by the nose. Yes; and Harris knew that in 1861. So he organized an army and drove them. How did he do it? In that year we voted 61,000 against separation. Harris then convened his legislature to force us out. He made a military treaty with the confederacy and transferred Tennessee to it. Then he armed fifty-five thousand soldiers, disarmed the people, and then again submitted the secession question to us. With his soldiers he drove us into rebellion.

"In 1861 I spoke here with Harris. I advised you against secession; he urged you to it. Andrew Johnson advised you against it, and if you had obeyed him you would be better off."

Now, Mr. Speaker, I wish in conclusion to show that ex-Governor Harris not only held on and claimed to be governor of Tennessee three years after he had fled from its capital, but that Andrew Johnson had been appointed and had taken charge of the government of Tennessee, and taken all the necessary steps to reconstruct and bring it back into its harmonious relations with the Union, but Judge Caruthers, as has been already shown in the Democratic editorial by Mr. Fleming, had been elected to succeed Isham G. Harris, though not inaugurated, because the Federals held possession of the State; and that Brownlow had been elected and inaugurated with a loyal Legislature, which was in session in Nashville at the very time ex-Governor Harris was drawing his salary from the school fund of the children of the State. And when this fund was captured in Georgia the chivalrous governor of Tennessee, who had promised his followers "to die in the last ditch," ingloriously fled from the country.

Mr. Speaker, what I have said has not been said in malice toward anybody, but as soon as I saw what appeared in the RECORD I determined that I would not submit to be branded as a falsifier or as one who made false statements on this floor, knowing, as I did, that I had a mountain of proof behind me. Why, sir, I could have accumulated proof until it would have filled as many pages of the RECORD as the distinguished gentleman from Alabama [Mr. WHEELER] filled with his celebrated speech here the other night on Secretary Stanton. [Laughter.] There is no end of testimony lying around loose everywhere in Tennessee in regard to the course of Governor Harris in holding over, traveling around, having a government on wheels, paying himself out of the children's school fund, in gold coin, three years after he had left the capital of the State, two years after he had left the State, and within a few weeks of two years after his term had expired.

Mr. RICHARDSON. After the House has so patiently listened to the gentleman from Tennessee I ask also its indulgence for a few moments. And I desire to say I shall not be at all unparliamentary, if I can control myself, and I think I can, in any effort to reply to what has just been stated.

On the 30th of March, when the Post-Office bill was under discussion——

Mr. BROWNE, of Indiana. I rise to a question of order. I submit that this is not in order.

Mr. RICHARDSON. I hope the gentleman from Indiana will not object to my being heard for a few moments after we have listened so patiently to the gentleman from Tennessee. I will not inflict a long speech on the House or trespass on the rules.

Mr. BROWNE, of Indiana. If it had not been my uniform practice in these matters, I should not object at this time.

Mr. RICHARDSON. I trust the gentleman will not object after we have listened to the gentlemen from Tennessee without attempting to interrupt him.

Mr. MCMILLIN. I will call the attention of the gentleman from Indiana to the fact that this a matter affecting a Senator in the other wing of the Capitol. I hope the gentleman will withdraw his objection and allow my colleague [Mr. RICHARDSON], to whose remarks exception was taken by the gentleman from Tennessee, to be heard.

Mr. BROWNE, of Indiana. I will not insist on my objection.

Mr. RICHARDSON. On the 30th March, under pretense of discussing the question then under consideration, my colleague from Tennessee [Mr. HOUK] made an assault first on the First Assistant Postmaster-General and then on the senior Senator from the State of Tennessee. I did make a reply to the gentleman on that occasion. I do not agree that it went into the RECORD just as I made it. But it is there; and if I used on the spur of the moment language that was unparliamentary it would be nothing but right if the House should say that I should now retract that language. But the issue made between us stands. The question was whether what the gentleman stated was true and correct or not. I endeavored to say it was not true, and this I now repeat.

Now, sir, after the gentleman had in the first place made an assault upon the First Assistant Postmaster-General by name, he also made an assault upon the senior Senator from Tennessee. And here is the charge he made. I have it clipped from the RECORD, and will read what he said on that occasion, using his exact language:

But that which I desire to discuss more particularly is the Post-Office Department. If it had been predetermined, if the President and his Cabinet had met in council and determined to inflict punishment upon the people of my district, they could not have more completely succeeded than they have under the administration of the postal service in that district for the last twelve months. We never knew but one time before what it was to be persecuted. We had that experience only once, and that was in the days when men were robbed, arrested, imprisoned, and mobbed or hung for opinion's sake. Since this administration came into power it has been a perfect persecution from the very beginning, and I want to call attention to one or two facts, and before I begin I send to the Clerk's desk to have read a letter which I addressed to the First Assistant Postmaster-General on yesterday; and afterward I will explain what it is.

The Clerk proceeded to read this letter from the gentleman from Tennessee to the First Assistant Postmaster-General, in which he is charged with having removed the post-office from Trundle's Cross Roads, one mile and a half out of town, into the country. I do not read this letter, as it contains language hardly becoming a member of this House in addressing an official communication upon public business to the head of a Department. I say that, nothwithstanding the gentleman assumes to have a great deal of experience when he undertakes to lecture some of his colleagues on this floor. I quote again further from the gentleman's remarks:

The First Assistant Postmaster-General has removed the post-office out a mile and a half into a remote corner of the district, over on Pine Ridge. He failed to find a Democrat there, and he had to take a Mugwump.

That is what I stated was not true.

Mr. HOUK. Does the gentleman say that when he said my statement was false he had reference to that?

Mr. RICHARDSON. I had reference to both, and I will show it before I am through. He said further:

I want to bring this question before the American people, whether or not men can be persecuted through the officials of this country; whether communities can be persecuted in that way; whether a people must be deprived of their mail or be caused to go clear out of the town and made to travel a mile and a half away from the center of the population for the mail which ought to be carried to their doors as it had been for the last seventy-five years.

Mr. HOUK. I state again that it was removed, and after I addressed the First Assistant Postmaster-General about it he wrote me a letter promising to have the matter investigated and the office removed back to the place which would be the most convenient for the people, but it has not been done until this good day, according to my correspondence.

Mr. RICHARDSON. The point I make, Mr. Speaker, is that the gentleman said that the post-office had been removed by the Department. Now, I assert the fact, and I assert that the gentleman knows the fact, that it has not been removed by the Department. Nor, by the gentleman's own admission, has any "Mugwump" postmaster been appointed. If the location of the office has been changed in any way, it was done by the postmaster after he was appointed—this postmaster who is vouched for by the gentleman from Tennessee himself as "a Republican, and a good man."

Mr. HOUK. But a Mugwump.

Mr. RICHARDSON. Are not those two terms, "Republican" and "Mugwump" inconsistent with each other?

Mr. HOUK. No.

Mr. RICHARDSON. Then hereafter I will designate the gentleman the distinguished Mugwump from the second district of Tennessee.

Mr. HOUK. That would be a misnomer as to me.

Mr. RICHARDSON. I will now read the letter of the First Assistant Postmaster-General:

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., March 31, 1886.

SIR: I am in receipt of your letter of this date, requesting information as to appointment of postmaster and removal of post-office at Trundle's Cross Roads, Sevier County, Tennessee.

In reply I beg to state that on January 12, 1886, Daniel R. Pitner was appointed at that place. I have given him no authority to remove the office from the village, and steps will at once be taken to secure its location at the point most convenient to its patrons.

Replying further to your communication, permit me to say that the only information I have as to the politics of Mr. Pitner, the recent appointee, is contained in a letter from Hon. L. C. HOUK, dated January 18, 1886, touching the above-named office, in which, after referring to this appointment, he says: "Nor is complaint made against the appointee, who is also, like his predecessor, a Republican and a good man."

I have the honor to remain, very respectfully, yours,

A. E. STEVENSON,
First Assistant Postmaster-General.

Hon. JAMES D. RICHARDSON,
House of Representatives.

That is the testimony of the gentleman from Tennessee [Mr. HOUK] himself as to the character of this postmaster.

Mr. HOUK. And I still bear it.

Mr. RICHARDSON. Thus, sir, the whole fabric so brazenly built up before the House by the gentleman falls. The First Assistant Postmaster-General has given no order for the removal of the office, as charged, to persecute the paper there; and in order to complete the persecution has not appointed a "Mugwump" as postmaster, but to copy the exact language of the gentleman, used by him in a letter to the Department, written a little more than sixty days before his harangue in the House, "The appointee was a Republican, and a good man."

Mr. REED, of Maine. Does all this tend to show that Mr. Harris did not draw that money?

Mr. RICHARDSON. Yes; I will come right to that.

Mr. BROWNE, of Indiana. I wish the gentleman from Tennessee would permit me to ask him what difference there is, in substance, between an order of the First Assistant Postmaster-General directing the removal of a post-office to a particular place, and his permitting it to remain there after it has been removed; in either case does he not indorse the removal?

Mr. RICHARDSON. No, sir; he had no notice of the removal until he was informed of it, when he said he would take steps to have the matter investigated; that is, the action of this "Republican and good man," and I presume it was done.

Mr. BROWNE, of Indiana. My reason for making that inquiry was because things of that kind have happened in my part of the country.

Mr. RICHARDSON. I have not heard from the Post-Office Department on this subject since March 31. I do not know whether it has been done or not.

Mr. HOUK. I have information from responsible parties who live right there and who know all about it.

Mr. RICHARDSON. It seems that the local information of my colleague is not very reliable.

Having totally destroyed this fancy sketch of the gentleman in relation to Trundle's Cross Roads and the post-office there, it will take but one moment to dispel the illusion in the gentleman's mind in reference to the post-office at the other "village" in his district and county, where his people have been persecuted and outraged by the Department, and all upon the advice of the senior Senator from Tennessee.

I again quote his words from the RECORD:

The Clerk resumed the reading of the bill.

Mr. HOUK. I move to strike out the line just read. I want to get all these facts before this House and before the American people. There is another village in my district and in my own county which does a large business. There are three or perhaps four stores in the village, and from time immemorial the post-office has been there, but this administration has picked it up and carried it over a creek into a kind of swampy place where you have to go through a laurel thicket to get at it. The post-office now is kept in the house of a private citizen who is a millwright and is usually away from home at work during the day, so that there is nobody to hand out the mail except his children or his wife. In both these cases to which I have called attention the postmasters were men of high character. The postmaster at Trundle's Cross Roads is the peer of any man in Mr. Cleveland's Cabinet for character. [Great laughter.] I do not say that for the purpose of reflecting upon anybody. I state it as a fact, because he is the peer of any man on this floor or elsewhere in character, standing, and business capacity. I suppose that is the reason they removed him—because of his respectability.

Now, Mr. Chairman, what I want to say in conclusion is that I do not know how this comes about, unless it be under the influence of a man who paid himself his salary as governor out of the children's school fund of the State two years after his term had expired and when he was a refugee in the swamps of the South.

The charge here is that the post-office at Thorn Grove, Knox County, had been by the Department removed in order to persecute the people there, and that all of this came about "under the influence of a man who paid himself his salary as governor out of the children's school fund of the State two years after his term expired and when he was a refugee in the swamps of the South."

The gentleman here brings in this affair, sir, in order to get to make an attack upon the senior Senator from Tennessee. I have only to state the facts to show how entirely unfounded were the charges of the gentleman. The office at Thorn Grove was not removed and the new postmaster was not appointed upon the recommendation or application in any way of Senator HARRIS.

Mr. HOUK. Did I say he was?

Mr. RICHARDSON. You said it was done under the influence of a man who took the State's school fund.

Mr. HOUK. I said I did not know under what influence it was done unless under his influence.

Mr. RICHARDSON. Well, if that is not saying it was done by him, what did you mean to say?

Mr. HOUK. He may not have done it directly——

Mr. RICHARDSON. Then I understand you to withdraw that insinuation as to the senior Senator from our State being responsible.

Mr. HOUK. I withdraw it just this far. He may not have done it directly; but there are in my community a few little men who go round seeing how much devilment they can do against Republicans.

Mr. RICHARDSON. Now, Mr. Speaker, I want to say that the senior Senator has written no line nor uttered a word in reference to that office. Whatever has been done there was done wholly upon the application of the junior Senator from Tennessee, Mr. Jackson, as the papers on file in the Department show, and to which the gentleman has access at all times. So all these charges of the gentleman, so rashly made, are shown to be utterly groundless and unsustained by truth and the facts of the case, and the assault made upon the character of Senator HARRIS is shown to be unwarranted and absolutely gratuitous.

It must be apparent to this House that the gentleman has a horror of some kind come over him when he permits his mind to recur to the senior Senator from Tennessee. And for him to speak of that gentleman is for him to turn loose all holds and give free utterance to his wildest imaginations. When he speaks of him he reminds one of what the author of Flush Times in Alabama and Mississippi says of one of his lawyer characters when that personage attempted to make a speech in defense of his client. He said of him, "He just shined his eyes, threw up his arms, twirled his tongue, opened his mouth, and left the consequences to Heaven."

Why is this fierce and bitter attack made upon Senator HARRIS by the gentleman? Why drag into the debate upon the Post-Office appropriation bill in this House Senator HARRIS's dealings with the so-called school fund of Tennessee? The gentleman's attack makes it necessary that the facts be given to the country.

I ask the attention of the House to the facts, as I shall state them very briefly; and the records show them to be just as I give them. I do not controvert the record produced by my colleague. He has referred to the journal of the Legislature of Tennessee. Sir, these things have all been fought over in Tennessee for the last twenty years.

Prior to the late war the State of Tennessee had acquired a considerable school fund. The State had also chartered a bank called the Bank of Tennessee. The State owned the stock of the bank, and by law it was the fiscal agent of the State. The school fund was long before the war made a part of the capital stock of the Bank of Tennessee. This was the condition of the school fund of Tennessee when the war began. Now, when Nashville was about to be surrendered to the Union forces, in 1862, the Bank of Tennessee, with all its assets, cash, archives, &c., was removed South and kept within the lines of the confederacy.

Mr. MCMILLIN. Before my colleague departs from that matter, I

desire to ask him whether it is not a fact that while this Bank of Tennessee existed it was the fiscal agent of the State; and the salaries of State officers and other expenditures of the State were paid out by that bank upon warrants issued for the purpose, as was done in this case?

Mr. RICHARDSON. Undoubtedly. The officers of the State were paid by the cashier of the Bank of Tennessee upon drafts drawn by the comptroller, indorsed by the treasurer.

During the remainder of the war the bank was changed about from place to place as the exigencies of war made it necessary in order to keep the same out of the way of the Federal armies. The senior Senator, who seems to be the especial object of the gentleman's hate and malevolence, was the governor of the State of Tennessee. His only connection with that bank was, as governor it was his duty under the law to nominate the board of directors who were to be confirmed by the State senate. He was governor when the war began in 1861, and had been for two terms. He remained governor during the whole war, and as such was entitled to his compensation under the law.

Mr. McMILLIN. Is it not a fact——

Mr. HOUK. Was he re-elected at the end of his term?

Mr. McMILLIN. I was about to call my colleague's attention to the fact that under the constitution of our State the governor "holds office until his successor is duly elected and qualified."

Mr. RICHARDSON. Yes, sir.

Mr. HOUK. His successor, Governor Brownlow, had been elected and was in office. The gentleman can not get out of it in that way.

Mr. RICHARDSON. The senior Senator from our State was first elected governor in 1857; again in August, 1859; and again in August, 1861.

Mr. HOUK. When was Brownlow elected?

Mr. RICHARDSON. He never was elected until after the war.

Mr. HOUK rose.

Mr. RICHARDSON. Wait a moment.

The SPEAKER. The gentleman from Tennessee can not be interrupted except with his consent.

Mr. RICHARDSON. I will show in a moment that the gentleman has misread our history; he is not familiar with it. I will not attribute it to inexperience, however.

Mr. HOUK. I have too much experience to try to crawl out of so little a hole as you are trying to crawl out of.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is entitled to proceed without interruption unless he yields.

Mr. RICHARDSON. By the constitution of Tennessee her governor holds his office until his successor is duly elected and qualified. I refer to Article III, section 4, of the constitution, which I will read.

Mr. HOUK. I beg to ask the gentleman a question.

Mr. RICHARDSON. I yield for that purpose.

Mr. HOUK. The gentleman says that the constitution of Tennessee provides that the governor shall hold his office until his successor is elected and qualified. Now, on the 21st of April, 1865, was not Governor Brownlow in office as governor? Had he not been elected in March previous and inaugurated on the 1st of April? Was not the Legislature then in session at the capital of Tennessee when Mr. Harris drew this last quarter's salary in gold?

Mr. RICHARDSON. The gentleman knows very well that that whole authority was disputed, and if the confederacy had succeeded Mr. Brownlow's election would have been null and void.

Mr. HOUK. Certainly; and so would the whole authority of the United States. [Laughter and applause.]

Mr. HAYDEN. *If* the confederacy had succeeded—well, that is a pretty big *if*. [Laughter.]

Mr. RICHARDSON. Mr. Speaker, there is no use to fight the war over here to-day. I will not be dragged into that kind of debate. I have the record here, and it shows that the senior Senator of the State of Tennessee did his duty.

Mr. HOUK. Was it his duty, after his successor was elected, inaugurated, and qualified, and with the Legislature of Tennessee in session, to take his pay out of the fund which belonged to the school children of that State?

Mr. RICHARDSON. I have denied that already.

Mr. HOUK. But you have not shown anything to disprove it.

Mr. RICHARDSON. I will if you will only keep your seat.

Mr. HOUK. You say you will, but you never come up to time. [Laughter.]

Mr. RICHARDSON. Now to proceed. The governor of the State of Tennessee held his office until his successor was elected and qualified. Now, then, while it is true that a distinguished citizen of the State was, at an election held in August, 1863, elected to succeed Senator HARRIS as governor, yet as a fact he was never inducted into the office and was never qualified to hold it, and never assumed to do so. This gentleman was the Hon. Robert L. Caruthers, who is now dead. The Federal armies had possession of the capital of the State, and indeed of nearly all its territory, the Legislature could not assemble at the capital, and thus Mr. Caruthers never entered upon the duties of governor to which he had been elected. Thus it was that Governor Harris, under the constitution and laws of Tennessee, held over as governor, his successor not having been duly qualified to act as such, as provided.

Mr. PETTIBONE. Will the gentleman allow me to ask him a question? [Cries of "No!" "No!"]

Mr. RICHARDSON. I can not decline to yield the floor for a question, as I hold the floor myself by the courtesy of the House.

Mr. PETTIBONE. Does the gentleman yield to me for a question?

Mr. RICHARDSON. Certainly.

Mr. PETTIBONE. Does the gentleman hold that Governor Harris, having sworn to support the Constitution of the United States, and in a time of flagrant war his term of service having run out, and when he endeavored to destroy [cries of "Oh!"]—yes, when he was endeavoring to destroy the Government of the United States—does the gentleman say that Governor Harris was still the legal governor of the State of Tennessee?

Mr. RICHARDSON. I am not going into the discussion of war questions. So far as I am concerned I shall not be in favor of having them inflicted upon this House. They are not necessary at all to the issue before us.

Mr. PETTIBONE. I want to know from you whether you insist that when Governor Harris's term had expired and when he was engaged in a rebellion against the Government he was still the legal governor of the State of Tennessee?

Mr. RICHARDSON. Yes; I do say that he was governor of the State of Tennessee, and under the confederate law the governor of that State *de jure* as well as *de facto*.

Mr. PETTIBONE. After Governor Brownlow had been elected and inaugurated and recognized by the United States Government, do you still insist that Governor Harris was the legal governor of the State of Tennessee?

Mr. RICHARDSON. Yes, I do.

Mr. PETTIBONE. That is all we want to know then.

Mr. RICHARDSON. Because he was the governor of Tennessee, elected by the people of Tennessee, receiving five times as many votes as Governor Brownlow ever received as a candidate for governor. Not only that, he was exercising all the functions of the office. The confederacy had not collapsed, but still existed.

Mr. PETTIBONE. Yes; but he was exercising those functions in the State of Georgia.

Mr. RICHARDSON. Mr. Caruthers did not claim to be governor, as I have stated, and exercised no function of that office, and drew no salary from the State.

The only funds the State of Tennessee had and owned, including taxes, &c., were the assets of the Bank of Tennessee, and out of these assets Governor Harris was paid his constitutional salary as governor for a portion of the time he was entitled thereto, as shown by the receipts which the gentleman has read. This he had the absolute and unqualified right to do. He drew it from the Bank of Tennessee and gave his receipt therefor. There was no secrecy or concealment about the transaction. The receipts read are public records of the State. The money paid him was not specially a school fund, but, as I have shown, was assets of the Bank of Tennessee, and the bank was the only source from which the officers of the State could draw their compensation.

This, Mr. Speaker, is the whole story plainly stated, and completely answers the unjust insinuations and unwarranted innuendos so gratuitously made by the gentleman when he said, on March 30, on this floor, that "acts had been perpetrated against a community" in his district which he characterized "as outrageous and infamous," which he could not account for, except "that these acts were done under the influence of a man who was paid his salary as governor out of the children's school fund of the State two years after his term had expired and when he was a refugee in the swamps of the South."

These things, sir, have all been published years and years ago in the newspapers of our State, and yet her people have unstintingly showered honor after honor upon her senior Senator. The chiefest honor in her gift has twice been freely and proudly conferred upon him since their publication, and so long as he asks this honor or consents to accept it, it will be his, as no son of Tennessee, how worthy soever he may be, will ever contest it with him.

The first time he was elected, the most distinguished Republican, Judge Smith, of Memphis, one of the ablest Republicans in the State, representing his own county, cast his vote for him in our Legislature, in which he was elected by a three-fourths vote. He needs no defense at my hands. His personal honor and integrity of character are the pride of our people, and no man, be he high or low in station, would have the temerity, face to face with him, to assail in the slightest degree that honor and character. By this I do not mean to say, sir, that this distinguished man will feel called upon to notice the silly vaporings of every politician of vulgar methods who assumes a greatness he does not possess and undertakes to have himself magnified by being noticed by his superior.

In this connection, the gentleman having read from a paper at Nashville, I desire to read what a Republican editor in the State of Tennessee says about his speech of the 30th of March last. It is from the pen of the Hon. Thomas H. Baker, editor of a Republican paper in the State of Tennessee.

Mr. HOUK. He left you and came to us to get an office, and when he could not get an office of course he went back again. [Laughter.]

Mr. CALDWELL. The gentleman shows the shoe pinches and he can not help squealing. [Renewed laughter and applause.]

Mr. RICHARDSON. I read, I say, from Hon. Thomas H. Baker, one of the ablest and most distinguished editors of the Republican party in the State of Tennessee:

We denounced Isham G. Harris's policy in 1860 and 1861, but never for one moment did we question the sincerity of his motives or his personal integrity. Nay, more. We never heard a man who knew him personally do so.

Now, as to this school fund business. Governor Harris never had the school fund in his possession. It was all the time in the charge of the officers appointed by law, and as acting governor his only duty was to see whether that law was faithfully executed.

He drew his salary in gold, it is said. That he had the legal right to do so, no impartial lawyer ever questioned.

But the gentleman summons another witness, who is the editor of a paper at Nashville, Col. A. S. Colyar, and it happened that Colonel Colyar has also testified briefly on this point since the gentleman's speech of March 30, and I send to the Clerk's desk a short extract of what he has said in regard to Senator HARRIS in this connection.

The Clerk read as follows:

SENATOR HARRIS—A TENNESSEE EDITOR ANSWERS AN ATTACK UPON HIM.

"If there are any facts of public interest connected with the school fund of Tennessee which the Post would deem worth knowing, I am at its service," said Mr. A. S. Colyar, editor of the Nashville Union, to a Post reporter yesterday, referring to the insinuation of Representative HOUK that Senator HARRIS had misappropriated or misapplied the school fund of the State during the war.

"Did Senator HARRIS have anything to do with the fund, and was he implicated in its loss in any way?"

"The effects of the Bank of Tennessee, including the school fund," replied Mr. Colyar, "were removed South and kept during the war by the bank officers, and brought back at the close of the war. Mr. HARRIS was governor at the time, and I have no doubt conferred with the bank officers about what was best to be done. The assets of the bank were reduced under State legislation for raising and supporting troops. But what was left after the drain made by the military board created by the legislation referred to was kept intact in the South, and brought back intact at the war's close."

"Did anything connected with the affair reflect on Senator HARRIS?"

"Nothing, absolutely nothing, except that he was decidedly a war governor, and was in favor of using the resources of the State to arm and equip soldiers, and in this way much of the bank assets were used up; but as to there being any dishonest transactions or any suspicions even resting on the governor or bank officers, it is not true in any sense. There has been no cloud on the Senator growing out of this affair. He has not been a favorite with what might be called the progressive element of the Democratic party in Tennessee. He belongs to the wing that refuses to turn back and take another row after he has finished hoeing his row; he just keeps on in the same line out in the woods, hoeing trees, and so the more progressive Democrats who believe in improving our rivers and building up our industries by protecting labor do not agree with him, and I am among that number. But there is one thing about him that all Tennesseeans admire—his honesty and uprightness in public and private affairs. He has been in public life for about forty years, almost without interruption, and not only has no cloud rested on him in that period, but he has made the reputation of being scrupulously honest in private affairs and in his public life. I have never known a man who stood higher, or whose name was a surer protection against trading politicians or moneyed lobbyists. HARRIS is a very strong man in Tennessee, and his popularity is based on his ability and his honesty rather than his views of policy."

"Was the school fund not lost at all?"

"The school fund, or rather the bank assets, out of which the school fund was expected to be paid, was not lost during the war. It was brought back and turned over to a Republican governor and a Republican Legislature, and when the Democrats came into power a few years afterward the school fund had all disappeared."

Mr. REED, of Maine. Is this the same Harris who is a director in the Pan-Electric Telephone Company? [Laughter.]

Mr. RICHARDSON. I dare say that when the report of a committee of this House charged with that investigation is made the gentleman will be able to determine that question for himself.

Mr. REED, of Maine. Then he is not the same, I presume?

Mr. RICHARDSON. The gentleman will have that information in proper time.

Mr. REED, of Maine. Oh, the gentleman does not like to say, perhaps.

Mr. RICHARDSON. Yes, when that question is addressed to me with honesty of purpose and not in an entirely gratuitous manner I am prepared to answer it.

One word more, Mr. Speaker, in reference to this school fund and I have done.

It ill becomes the gentleman [Mr. HOUK], or any member of his party, to refer by way of criticism to the handling of this fund, as I will proceed to show. If there be, sir, any page in the history of the damnable robbery and plundering of our Southern States by the merciless crew into whose hands we fell after the war, it is certainly the page which records the handling of this "sacred school fund of the children of Tennessee" after it was returned by her officers in 1865 to the capitol of the State at Nashville. This fund, being largely if not all in gold, had been carried all over the Southern confederacy to avoid capture, sometimes in cars, sometimes in wagons. It was scrupulously guarded and cared for by Governor Harris and the State officers during those long and unhappy years. At the close of the war this money, being in gold, was returned to the capitol at Nashville in the same wooden boxes in which it took its flight from Nashville in 1862.

Mr. HOUK. How much of it?

Mr. RICHARDSON. It was returned to the capitol at Nashville in the same boxes, I repeat, in which it took its flight in 1862. I will give the gentleman the amount——

Mr. MORGAN. The gentleman stated that it was captured; now was it captured?

Mr. RICHARDSON. It was not captured. It was taken in charge and turned over at the request of Governor Harris, and in charge of the treasurer there and other State officers, who carried it to Nashville.

Mr. HOUK. The sworn testimony shows it was captured.

Mr. RICHARDSON. The boxes were hauled to the capitol building from the depot on arrival at Nashville, and were dumped into the building on the floor, under the direction and order of the authorities then in possession there. They were placed under the guard of Federal soldiers for some days. It is not charged that any portion of this fund was thus lost. If not, it is to the credit of the honest Union soldiers who kept silent vigil over it.

As the sequel shows, sir, it must have been far better for the State of Tennessee and her poor children, about whom the gentleman seems so solicitous now, if these funds had remained in the charge and under the control of the United States soldiers. The State officers then in charge of the State of Tennessee at Nashville took this money; it was counted, and there was found about $800,000 in gold.

Mr. HOUK. The amount was $720,000.

Mr. RICHARDSON. The party to which the gentleman belongs was then in undisputed control of the State.

Mr. HOUK. With the exception of the treasurer, who, as I will show in a moment, was a Democrat and committed suicide.

Mr. RICHARDSON. They elected their governor and Legislature and then began the high carnival—United States Senators were to be elected. Citizens who had always been loyal to the flag were to be disfranchised and disqualified from holding office. Constitutional amendments were to be passed, all the offices of the State were to be filled, and large sums of money were needed. The gentleman's party friends took charge of this money. They controlled the governorship; they controlled the treasury; they elected legislators; they passed constitutional amendments; they impeached and dismissed from office honest judges; they disfranchised the people; they disqualified them from holding office; they prostituted the so-called judiciary of their own creation to the basest party ends to subserve wicked partisan purposes. They did all this and more; but above all, at the end of their short reign, when the Democratic party wrenched power from their hands and opened the books, "this sacred school fund" belonging to the poor children of the State had nearly every dollar been stolen, squandered, and dissipated.

Mr. GROSVENOR. I want to ask the gentleman a question right there, a single question.

Mr. RICHARDSON. Very well.

Mr. GROSVENOR. What was the name of the State treasurer that permitted the robbery of that fund?

Mr. RICHARDSON. He was one elected by the friends of the gentleman.

Mr. GROSVENOR. Was his name Polk?

Mr. CALDWELL. No; and the gentleman knows it was not.

Mr. MORGAN. Polk came twenty years after.

Mr. RICHARDSON. The gentleman understood that, I am sure; and it is not necessary to take time by answering such a question.

Mr. MCMILLIN. And it is not claimed that Polk ever had charge of the school funds.

Mr. RICHARDSON. Polk was never treasurer until 1879. The facts about which I speak, this squandering of the so-called school fund, occurred in 1865, 1866, and 1867.

That is not at issue at all. The truth is, the Republicans were in control absolutely of the State. They had the treasury and the treasurer, they had the comptroller and every officer of the State, and as I remarked, within three years this $720,000 was nearly every dollar of it dissipated and squandered.

It had been safely carried "through the swamps of the South," if you please, had been honestly turned over to the gentleman's party at Nashville at the close of the war, and in three or four years, in time of profound peace, his party associates had made way with it all, and it was lost forever to the poor children of Tennessee. So I say, sir, the gentleman and his party should never again refer to that sacred school fund which was and is not.

In conclusion, sir, I desire to make my grateful acknowledgments to the House for the courtesy shown me in giving me this opportunity of replying to the remarks of my colleague.

Mr. BROWNE, of Indiana. I ask unanimous consent that all gentlemen may have leave to print their remarks upon this national question. [Laughter.]

Mr. MILLS. And that we proceed now with the consideration of the public business.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. REAGAN and Mr. WISE and others objected. [Cries of "Regular order!"]

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that

they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1982) for the relief of John Fraser; and

A bill (H. R. 2463) for the relief of H. J. T. Moss.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate requested the House to return the bill of the Senate (S. 244) for the relief of Mary F. Potts.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased; and

A bill (H. R. 2428) for the relief of V. F. Gorrissen.

The message further announced that the Senate had passed with amendments bills of the House of the following titles:

A bill (H. R. 61) for the relief of Benjamin M. Simpson;

A bill (H. R. 68) for the relief of William P. Chambliss;

A bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims; and

A bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes.

The message further announced that the Senate had passed Senate bills of the following titles:

A bill (S. 130) for the relief of John Fletcher;

A bill (S. 148) for the relief of the heirs of Charles B. Smith, deceased, late a lieutenant in the Fifth Iowa Cavalry;

A bill (S. 388) to grant the right of way through the Fort Bliss military reservation to the Rio Grande and El Paso Railroad Company;

A bill (S. 503) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts in said Territory;

A bill (S. 505) for the relief of William J. Gamble;

A bill (S. 567) for the relief of the estate of Lucien Goyaux;

A bill (S. 666) to create two additional land districts in the Territory of Dakota, and to define the boundaries of the Deadwood land district in said Territory;

A bill (S. 830) for the retirement of certain officers of the Navy of the United States;

A bill (S. 872) authorizing the Secretary of War to purchase a lot in the city of Saint Augustine, Fla., for military purposes;

A bill (S. 885) to relieve the State of Colorado from charges on account of ordnance stores furnished to the State and Territory;

A bill (S. 934) making an appropriation to enable the Secretary of the Interior to settle the accounts of Norman Thatcher, late a receiver of public moneys at Menasha, Wis.;

A bill (S. 953) for the relief of Arthur L. Fish;

A bill (S. 969) to authorize the employment of law clerks for the justices of the Supreme Court of the United States;

A bill (S. 996) for the relief of Leslie Bassett;

A bill (S. 1041) for the relief of William B. Groff, of Newport, R. I.;

A bill (S. 1084) to authorize the purchase of five manuscript volumes (being letter-books) of William Vans Murray, formerly minister at The Hague and at Paris;

A bill (S. 1094) for the relief of Thomas A. McLaughlin;

A bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased;

A bill (S. 1256) for the relief of Thomas H. Norton and James McLean;

A bill (S. 1278) to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general of London, for storage and care of the archives at that consulate-general;

A bill (S. 1286) to change the limits of certain judicial circuits, to establish a new judicial circuit, and for the appointment of a judge for the same;

A bill (S. 1311) for the relief of the administrators of the estate of Isaac P. Tice, deceased;

A bill (S. 1333) for the relief of William H. Randle, of Nashville, Tenn.;

A bill (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood;

A bill (S. 1424) for the relief of graduates of the United States Military Academy;

A bill (S. 1477) for the relief of Nathan McKay and the executors of Donald McKay;

A bill (S. 1490) to amend article 103 of the Rules and Articles of War;

A bill (S. 1566) to establish a new land district in the Territory of Wyoming;

A bill (S. 1657) to legalize the incorporation of national trades unions;

A bill (S. 1862) for the relief of the Omaha tribe of Indians in the State of Nebraska;

A bill (S. 1876) for the relief of Piromis H. Bell, administrator of Marcus A. Bell, deceased, and others;

A bill (S. 1899) for the relief of Mrs. Lizzie Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late minister of the United States to Peru;

A bill (S. 1949) providing for the purchase of the portrait of General George H. Thomas, painted by General S. W. Price;

A bill (S. 1961) to amend section 3893 of the Revised Statutes, and for other purposes;

A bill (S. 1962) to amend section 461 of the Revised Statutes of the United States, regulating fees for examplification of land patents, and for other purposes;

A bill (S. 2037) for the relief of Mary Anna Egan;

A bill (S. 2057) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn;

A bill (S. 2073) for the relief of the officers and crew of the light-house tender Lilly and the inspector of the fourteenth United States light-house district;

A bill (S. 2078) for the relief of Coronna, Taussig & Co., and others;

A bill (S. 2158) for the relief of W. H. Ward;

A bill (S. 2166) for the relief of John F. Cadwallader;

A bill (S. 2632) for the relief of C. B. Bryan & Co.; and

Joint resolution (S. R. 62) authorizing the publication of an edition of "A Digest of International Law," edited by Francis Wharton.

ORDER OF BUSINESS.

Mr. MILLS. Is it in order now to proceed with the public business?

The SPEAKER. The regular order has been demanded.

Mr. HOUK. I rise to reply to a few remarks which the gentleman brought into this discussion, and I want to show them to be absolutely unfounded and will produce the proof.

Mr. BROWNE, of Indiana. I must demand the regular order.

Mr. McMILLIN. If the House will also allow me the same length of time to reply I will be glad to have him proceed. [Cries of "Regular order!"]

Mr. HOUK. Mr. Speaker, I want to say in justice to myself——[Cries of Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. HOUK. Well, I believe the House is magnanimous enough to permit me to correct a slander.

The SPEAKER. But the House refuses to allow the gentleman to proceed.

Mr. HOUK. I think the House will reconsider its decision. It is well known all over Tennessee that the treasurer was a Democrat and committed suicide.

Mr. McMILLIN. Elected by the Republicans. [Cries of "Regular order!"]

The SPEAKER. The Chair will proceed to call committees for reports, which is the regular order.

Mr. HOLMAN. I ask unanimous consent to dispense with the call of committees, the Chair at the same time being permitted to recognize gentlemen to make reports.

There was no objection.

SECTION 5352 REVISED STATUTES.

Mr. TUCKER, from the Committee on the Judiciary, reported back the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, with amendments; which was referred to the House Calendar, and, with the report, ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. MORRISON, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 7860) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL F. RICE.

Mr. OATES, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 8751) for the relief of Samuel F. Rice; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. OATES, the Committee on the Judiciary was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Claims:

A bill (H. R. 4566) to provide for the settlement of the accounts of the United States with the Mississippi and Tennessee Railroad Company; and

A bill (H. R. 8924) to authorize the Secretary of War to open and readjust the settlement made by the United States Government and the Selma and Meridian Railroad of Alabama.

JAMES S. CLARK & CO.

Mr. STONE, of Kentucky, from the Committee on War Claims, re-

ported, as a substitute for H. R. 2417, a bill (H. R. 9370) for the relief of James S. Clark & Co.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 2417) was laid on the table.

PUBLIC BUILDING AT SANTA FÉ.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 2856 a bill (H. R. 9371) for the completion of a public building at Santa Fé, N. Mex.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill (H. R. 2856) was laid on the table.

SIGNAL SERVICE, GEOLOGICAL SURVEY, ETC.

Mr. LOWRY, from the committee on Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, reported bills of the following titles; which were severally read a first and second time, referred to the House Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. 9372) to limit the printing and engraving for the Geological Survey, the Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, and the Signal Service; and

A bill (H. R. 9373) to repeal so much of the act of June 20, 1878, as provides for the appointment of second lieutenants in the Signal Corps.

Mr. LOWRY. I am requested to ask that the views of the minority be printed with the report of the majority.

There was no objection, and it was so ordered.

Mr. HERBERT. I desire also to have printed the views of the minority on the bill relating to the transfer of the Coast Survey.

The SPEAKER. If there be no objection, all the reports and minority views with reference to each bill will be printed.

Mr. RANDALL. I desire to ask whether it is necessary to reprint the testimony?

The SPEAKER. The Chair understands the testimony has been printed by the commission. It appears as a miscellaneous document. The Chair presumes it is unnecessary to reprint it.

Mr. RANDALL. I think the money it would cost can be saved.

Mr. LOWRY. It was printed for the use of the commission.

Mr. RANDALL. I suppose enough copies have been printed to answer every purpose.

Mr. LOWRY. What has been printed has been entirely exhausted.

Mr. RANDALL. If the House orders the printing that will involve 1,900 more copies.

The SPEAKER. The Chair has not directed the testimony to be printed. It will not be printed unless the House so orders. This appears to have been printed as a Senate document.

Mr. RANDALL. Then the House need not reprint it.

Mr. LOWRY. I suggest that the report simply be ordered printed.

The SPEAKER. That is always done.

Mr. RANDALL. But the gentleman wants the order to print confined to that and not to include the testimony.

The SPEAKER. The Chair has so ordered. The reports alone and the bills will be printed and not the testimony.

Mr. LOWRY. That is quite satisfactory.

CORNELIA P. RANDOLPH.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quitclaim and release to a certain alley in Washington to Cornelia P. Randolph and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ANNAPOLIS AND BALTIMORE RAILROAD.

Mr. WILKINS (by Mr. FINDLAY), from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 7508) granting the right of way to the Annapolis and Baltimore Short Line Railroad Company across the Government farm connected with the Naval Academy at Annapolis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ORGANIZATION OF POST-OFFICE DEPARTMENT.

Mr. WARNER, of Ohio, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for H. R. 4419, a bill (H. R. 9374) to authorize certain changes in the organization of the Post-Office Department; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 4419 was laid on the table.

AMENDMENT OF PENSION LAWS.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 2056) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

PUBLIC BUILDING AT ABINGDON, VA.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DANIEL SCHULTHEIS.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7911) granting a pension to Daniel Schultheis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. NEECE, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 1609) granting a pension to Thomas Shannon, and the same was referred to the Committee on Pensions.

ACCOUNTS BETWEEN MONTANA AND UNITED STATES.

Mr. CAREY, from the Committee on Military Affairs, reported back favorably the bill (S. 129) authorizing the Secretary of War to adjust and settle the accounts for arms, ammunition, and accouterments between the Territory of Montana and the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHARLES MURPHY.

Mr. MCKENNA, from the Committee on Claims, reported, as a substitute for H. R. 3221, a bill (H. R. 9375) for the relief of Charles Murphy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3221 was laid on the table.

THEODORE DUNMIRE.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8057) for the relief of Theodore Dunmire; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LEHLBACH, from the Committee on Patents, reported back adversely the bill (H. R. 1544) authorizing William Lewis and William H. Lewis to make application to the Commissioner of Patents for the extension of their patent for new and useful photographic plate-holders; which was laid on the table, and the accompanying report order to be printed.

WILLIAM E. BROOKE.

Mr. LEHLBACH, from the Committee on Patents, also reported back favoraby the bill (H. R. 7092) to authorize the Commissioner of Patents to extend the letters patent heretofore granted to William E. Brooke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OVERFLOWED LANDS, LAKE SAINT CLAIR.

Mr. VAN EATON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 1204) setting apart the marsh and overflowed or shoal-water lands in and bordering upon Lake Saint Clair, in the State of Michigan, for a national shooting and fishing resort or reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. FISHER, from the Committee on Patents, reported back adversely the bill (H. R. 3873) extending a patent to Frederick S. Jennings, of Danbury, Conn.; which was laid on the table, and the accompanying report ordered to be printed.

LIVE-OAK LANDS, LOUISIANA.

Mr. HENLEY, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. 8807) to cancel certain reservations of lands on account of live-oak in the southwestern land district of the State of Louisiana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELINQUISHMENT OF UNITED STATES LANDS IN CALIFORNIA.

Mr. HENLEY, from the Committee on the Public Lands, also reported back with an amendment the bill (H. R. 182) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees; which was referred to the Committee of

the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM HUTCHISON.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, reported back favorably the bill (H. R. 4852) granting a pension to William Hutchison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. A. M'FADDEN.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back favorably a bill (H. R. 7699) granting a pension to E. A. McFadden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHŒBE H. MEECH.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back favorably a bill (S. 1112) granting a pension to Phœbe H. Meech; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET STAFFORD WORTH.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back favorably a bill (S. 2030) granting a pension to Miss Margaret Stafford Worth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SECTION 3362 REVISED STATUTES.

Mr. HARRIS, from the Committee on Ways and Means, reported back favorably the bill (H. R. 8738) to so further amend section 3362 of the Revised Statutes as amended and section 3363 as makes a distinction in the mode of packing and selling cut-tobacco; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET POLAND.

Mr. REID, of North Carolina, from the Committee on War Claims, reported back with amendments the bill (H. R. 4313) for the relief of Margaret Poland, administratrix; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

SCHOOL-FARM LANDS, BEAUFORT COUNTY, SOUTH CAROLINA.

Mr. SMALLS. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, in South Carolina, by the United States, and that the bill be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That all the lands in Beaufort County, South Carolina, known as the school-farms, now owned or held by the United States by virtue of the proceedings under the act entitled "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes," approved June 7, 1862, and under acts supplementary thereto or upon the same subject-matter, may be redeemed and restored to such persons as shall make application therefor to the Secretary of the Treasury, through the Commissioner of Internal Revenue, within one year from the passage of this act, and furnish satisfactory evidence that such person or applicant in each case was, at the time the United States acquired title thereto, the legal owner of such land, or the heir at law or devisee (or grantee, in good faith and for a valuable consideration) of such legal owner; but before such redemption shall be awarded and title restored on any such application and proof, such applicant shall pay into the Treasury of the United States the direct tax proper charged against the lands described in such application, together with the cost of advertising the sale of said lands: *Provided*, That if any such school-farm is only a part of a tract of land against which such tax was levied, then the applicant for redemption shall pay only such pro rata share of the tax and costs as may be ascertained by the Commissioner of Internal Revenue to be properly chargeable against such school-farm.

SEC. 2. That whenever the foregoing conditions have been complied with, and redemption and restoration of title have been awarded in any case by the Secretary of the Treasury, it shall be the duty of the Commissioner of Internal Revenue to make out a certificate of release of the interest and title of the United States in and to such lands, in duplicate, which shall be approved, in writing by the Secretary of the Treasury, and his approval indorsed thereon, and then one copy thereof shall be delivered to such applicant and the other filed in the office of said Commissioner.

SEC. 3. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall, as soon as may be after the passage of this act, prescribe and promulgate such rules and regulations, not inconsistent with the provisions of this act, as may be necessary and proper to facilitate the execution of this act and secure the most speedy and least expensive attainment of the purpose hereof that is practicable.

SEC. 4. That if, at the expiration of the time hereinbefore allowed for redemption, there shall remain any of said lands unredeemed, it shall then be the duty of the said Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, to proceed to sell, at public auction, as soon as may be consistent with the public interests, the lands not redeemed and restored, and to release and convey the same to the purchasers in the manner aforesaid.

SEC. 5. That all money derived from the redemption and sale of the said school-farm lands shall be invested in United States bonds, for the use and support of free public schools in the parishes of Saint Luke and Saint Helena, South Carolina, under the provisions of section 6, act of June 8, 1872, as amended by the act of March 3, 1873.

SEC. 6. That wherever on said school-farms there are buildings which have been erected by the State or United States for school purposes, and are now used for such purposes, said buildings, with 2 acres of land surrounding the same, shall be excepted from redemption or sale under the provisions of this act, and shall forever remain devoted to school purposes.

SEC. 7. That all acts and parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of appropriation bills.

WILLIAM P. CHAMBLISS.

Mr. STEELE. Pending that, I move that the House non-concur in the Senate amendment to the bill (S. 68) for the relief of William P. Chambliss.

The SPEAKER. That can only be done by unanimous consent.

Mr. STEELE. Then I ask unanimous consent.

There was no objection; so the amendment of the Senate was non-concurred in.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. Before the question is put on the motion to go into Committee of the Whole, I ask unanimous consent either that the session of this day be extended until 6 o'clock, or else that an evening session be held. I make the request in order to facilitate the passage of the legislative appropriation bill..

The SPEAKER. The gentleman from Indiana requests unanimous consent that the session of this day be extended until 6 o'clock p. m. Is there objection?

There was no objection, and it was so ordered.

The motion of Mr. HOLMAN that the House resolve itself into Committee of the Whole was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, and Mr. BLOUNT resumed the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

Mr. HOLMAN. I desire to be heard for a moment on the question of order presented, and I ask now to have read at the Clerk's desk the first paragraph of the legislative, executive, and judicial appropriation bill of the first session of the Forty-fourth Congress. As it is read, the House will perceive that its language is identical with the language of the first paragraph of the pending bill.

The Clerk read as follows:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1887, for the objects hereinafter expressed, namely:

Mr. HOLMAN. As I have already stated, it will be seen that the language just read is identical, except as to dates, with the language of the first paragraph of the pending bill, namely, "That the following sums be, and they are hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, in full compensation for the fiscal year ending June 30, 1887, for the objects hereinafter expressed, namely." I call attention further to the fact that every legislative, executive, and judicial appropriation bill from that time to the present, without a single exception, contains the same language. I admit, sir, that the language was new when it was embodied in the act passed ten years ago to which I have called attention. It is not to be found in the preceding bills. It was placed there for this reason: A large number of salaries were being reduced, and this language was inserted in the bill by the conference committee, because otherwise it was manifest that the mere reduction of a salary by the appropriation bill will accomplish nothing, as the officer would still be entitled to recover the difference between his salary and the amount appropriated. I call the attention of the Chair also to a decision of the Court of Claims, rendered at the October term of 1885, in the case of John M. Langston *vs.* The United States, in which this exact point was presented. Mr. Langston was our minister to Hayti. His salary was fixed by law at $7,500. We appropriated for two successive years, 1883 and 1884, $5,000 only; both branches of Congress regarding that as a sufficient salary. The consular and diplomatic bill, in which that salary was appropriated, contained no language similar to that which has been read, and which is embodied in this legislative bill, that the appropriations should be "in full compensation" for salaries, nor any words to that effect. The consular and diplomatic bill, unlike the legislative, executive, and judicial appropriation bill, has not uniformly contained those words and did not contain them in the years 1883 and 1884. In passing upon the question the court say:

The case before us does not come within the principles that control the determination of other cases. The salary of the minister to Hayti was originally

fixed at the sum of $7,500. Neither of the acts appropriating $5,000 for his benefit during the fiscal year in question, 1883-1884, contains any language to the effect that such sum shall be in full compensation for those years. Nor was there an appropriation of any money for additional pay, from which it might be inferred that the Congress intended to repeal the act fixing the salary at $7,500.

Therefore the court held that inasmuch as the appropriation was but $5,000, the officer was entitled to recover the difference between that sum and the salary fixed by law.

Now, having called the attention of the Chair to the effect of that ruling, I shall say that I have before me a few of the salaries to be affected by the ruling on this question. There has not been time to go clear through the list for ten years to ascertain the extent to which salaries have been reduced by appropriation bills, but in the hurried examination there has been time to make I find that there are one hundred and thirty-three salaries named in this bill that have been reduced by the appropriation bills below the amounts prescribed by law.

Mr. RYAN. Prescribed by permanent law or by the appropriation bill?

Mr. HOLMAN. By the appropriation bill. These amount in the aggregate to $45,700.

As a matter of course, if the language "in full compensation" is to be omitted from this bill, Congress should at once appropriate the whole amount of these various salaries, for otherwise the Government will be subjected to the expense of suits in which recovery by the officers is absolutely inevitable.

Now, let us see how this matter operates in a few cases. Take the salary of the surveyor-general of Nevada, originally fixed like all the others at $3,000, though very few of the salaries of the surveyor-generals are now up to that amount. This office had come to be of no public importance. It was difficult to attach Nevada to any other surveying district. The question was, what to do with the records. Therefore, under the recommendation of the Secretary of the Interior, that salary has been reduced to $1,200; and gentlemen who are aware of the condition of things in Nevada know that the expenditure of $1,200 for that office is very ample. My friend from Nebraska [Mr. WEAVER] who sits beside me says it ought to be reduced to $500; and doubtless he is correct; for the officer now is a mere custodian of the public records. Yet the effect of a ruling, if sustained, to strike out these words "in full compensation," would be to increase this salary from $1,200 to $3,000. I mention that only as an illustration.

Again, take the Superintendent of Foreign Mails. The salary of this officer was fixed by law at $4,000, yet gentlemen who are aware of the duties of the office know that $3,000 is very ample compensation. By this bill, as by former appropriation bills, $3,000 is appropriated as the salary of that officer; yet as a matter of course, if the words "in full compensation" are stricken out on this point of order, the appropriation for this salary must be not $3,000 but $4,000.

Take a group of cases—the governors of Territories, eight in number, whose salaries by law are $3,500 each. By an appropriation bill nine years ago the salary of these officers was reduced to $2,600, and the reduction has continued from that day to this. The effect of striking out these words, "in full compensation," would be in this case to add $7,200 to the aggregate amount to be appropriated for these salaries. So through these various cases, a list of which I will insert as a part of my remarks.

The legislative bill H. R. 8974, in providing for certain salaries for the fiscal year 1887, gives the same sums as were provided for in 1886, but different from the amounts fixed by law in the following cases:

Page of bill.	Title of office.	Amount for salary in bill.	Law fixing salary.	Amount fixed by law.	Decrease under law.	Increase over law.
16	Public Printer	$4,500	Revised Statutes, 3759	$4,000		$500
23	Chief of warrant division, Treasury	2,750	Statutes at Large, volume 18, page 396	3,000	$250	
	Chief of customs division, Treasury	2,750	do	2,800	50	
26	Six chiefs of division	2,500	do	2,800	1,800	
28	Two deputy comptrollers	2,700	do	2,800	200	
	Ten division chiefs	2,100	do	2,400	3,000	
29	The six Auditors	3,600	do	4,000	2,400	
	Six deputy auditors	2,250	do	2,500	1,500	
31	Twenty-seven divison chiefs	2,000	do	2,100	2,700	
29	Commissioner of Customs	4,000	do	4,500	500	
	Deputy commissioner of customs	2,250	do	2,500	250	
	Two division chiefs	2,100	Statutes at Large, volume 18, page 397	2,400	600	
32	Treasurer United States	6,000	do	6,500	500	
	Assistant treasurer and cashier	3,600	do	3,800	400	
	Assistant cashier	3,200	do	3,500	300	
	Chief clerk	2,500	do	2,700	200	
	Five division chiefs	2,500	do	2,700	1,000	
	One book-keeper	2,500	do	2,600	100	
	One book-keeper	2,400	do	2,500	100	
	One teller	2,500	do	2,700	200	
	One teller	2,500	do	2,600	100	
	Two assistant tellers	2,250	do	2,350	200	
34	Register	4,000	Statutes at Large, volume 18, page 297	4,500	500	
	Assistant register	2,250	do	2,500	250	
	Three division chiefs	2,000	Statutes at Large, volume 18, page 298	2,500	1,500	
	Deputy comptroller of the currency	2,800	do	3,000	200	
	Four division chiefs	2,200	do	2,400	800	
	Stenographer	1,600	do	2,000	400	
35	Chief clerk Light-House Board	2,400	do	2,500	100	
41	Deputy commissioner of internal revenue	3,200	do	3,500	300	
	Five heads of division	2,200	do	2,500	1,500	
	Stenographer	1,800	do	2,000	200	
54	Governors of eight Territories	2,600	Revised Statutes, 1845	3,500	7,200	
55	Secretaries of eight Territories	1,800	do	2,500	5,600	
62	Chief clerk Bureau of Military Justice	1,800	Revised Statutes, 215	2,000	200	
	Assistant Secretary of the Interior	4,000	Statutes at Large, volume 14, page 4	3,500		500
	Chief clerk Interior Department	2,500	Revised Statutes, 440	2,200		300
	Superintendent public documents	2,000	do	2,500	500	
	Chief clerk General Land Office	2,250	do	2,000		250
	Commissioner Indian Affairs	4,000	Revised Statutes, 462	3,000		1,000
81	Commissioner of Pensions	5,000	Revised Statutes, 470	4,000		1,000
	Chief clerk	2,500	Revised Statutes, 440	2,000		500
83	Commissioner of Patents	5,000	Revised Statutes, 477	4,500		500
	Surveyors-general:					
90	Arizona	2,500	Revised Statutes, 2210	3,000	500	
	California	2,750	do	3,000	250	
94	Colorado	2,500	do	3,000	500	
	Dakota	2,500	Revised Statutes, 2208	2,000		500
	Florida	1,800	do	2,000	200	
	Idaho	2,500	Revised Statutes, 2210	3,000	500	
	Louisiana	1,800	Revised Statutes, 2208	2,000	200	
	Montana	2,500	Revised Statutes, 2210	3,000	500	
	Nevada	1,800	do	3,000	1,200	
	Nebraska	1,500	Revised Statutes, 2208	2,000	500	
	New Mexico	2,500	Revised Statutes, 2210	3,000	500	
	Oregon	1,800	Revised Statutes, 2209	2,500	700	
	Utah	2,500	Revised Statutes, 2210	3,000	500	
	Wyoming	2,500	do	3,000	500	
95	Chief clerk Post-Office Department	2,500	Revised Statutes, 393	2,200		300
	Chief clerk office of Second Assistant Postmaster-General	2,500	do	2,000		500
97	Chief dead-letter division	2,250	do	2,500	250	
	Superintendent Foreign Mails	3,000	do	4,000	1,000	
98	Superintendent Money-Order System	3,500	do	4,000	500	
	Disbursing clerk	2,100	do	2,300	200	

Page of bill.	Title of office.	Amount for salary in bill.	Law fixing salary.	Amount fixed by law.	Decrease under law.	Increase over law.
101	Solicitor-General	$7,000	Revised Statutes, 347	$7,500	$500	.....
	Solicitor Internal Revenue	4,500	Revised Statutes, 349	5,000	500	.....
	Examiner of claims	3,500	.....do	4,000	500	.....
	Examiner of titles	2,700	Revised Statutes, 351	3,000	300	.....
	Solicitor of Treasury	4,500	Revised Statutes, 349	4,000	.....	$500
	Stenographer	1,800	Revised Statutes, 351	2,000	200	.....

Total number of salaries provided for at less than amount fixed by law	138
Total number of salaries provided for at more than amount fixed by law	15
Amount necessary to make the one hundred and thirty-eight salaries equal to amount fixed by law	$46,100
Amount that would be reduced if the fifteen salaries were fixed as provided in law	$7,190

Mr. ADAMS, of Illinois. When the gentleman speaks of a reduction that has occurred upon the salaries fixed by law, does he in all cases speak of the salary fixed by permanent law?

Mr. HOLMAN. Yes, sir; permanent law.

Mr. ADAMS, of Illinois. And the gentleman does not in any case mean the salary fixed by some prior annual appropriation bill?

Mr. HOLMAN. There are many instances in which offices have been created by appropriation bills. That was the case with both the first and the second assistant commissioners of pensions; and there are many other instances.

Mr. ADAMS, of Illinois. In such a case as that, where the office is created and the salary determined by an annual appropriation bill of some previous year, what, in the gentleman's judgment, would be the effect of striking out these words, "in full compensation?" I mean where there is no permanent statute.

Mr. HOLMAN. The result would be exactly the same. That is to say, the offices of first and second assistant commissioners of pensions having been established by an appropriation bill, the effect is exactly the same as if they had been created by independent legislative enactment You can not reduce this or any other salary, although the office was created by an appropriation bill, unless you are able to do so in one of the current appropriation bills.

Mr. ADAMS, of Illinois. Suppose in an appropriation bill for a particular year an office is created, and it is provided, "There is hereby appropriated so much money for the compensation of the officer for the year." That is what I understand the gentleman to mean when he speaks of the creation of an office by an appropriation bill.

Mr. HOLMAN. That does not apply, because the phraseology is not generally what the gentleman supposes.

Mr. ADAMS, of Illinois. Well, I do not profess to be familiar with these matters.

Mr. HOLMAN. That is not generally the phraseology, although there are instances where it has been used.

Now, a word further as to the effect of striking out these words, "in full compensation," upon this point of order. The distinguished gentleman [Mr. MORRISON] who made the point of order said, "Let the salaries be reduced and offices abolished in the usual way." I do not think he uttered those words advisedly, if he sought to prevent such reductions being made on an appropriation bill.

I think I am perfectly safe in saying you can not find a statute of independent legislation abolishing an office in our history. I am confident nothing of the kind has happened in our time. I do not think you will find an independent statute reducing salary. If there has been decrease of salary or abolition of an office in the past history of our country, as far as I am advised, it has been upon an appropriation bill. So that when the gentleman from Illinois [Mr. MORRISON] says let these reductions of salary and abolition of office be done in the usual way, he forgets that the usual way throughout our history, when one party or the other administered the Government, has been to abolish offices and reduce salaries upon appropriation bills.

One other word, Mr. Chairman, on that point. From the organization of Congress it is inevitable, from the law of its organization it is inevitable, if in the past there has not been any reduction of salaries or abolition of offices except upon appropriations, there will not in the nature of things be any in the future. From the very nature of the case you have to bring side by side the public service with appropriation of public money. Without the application of the two in harmony there will be no legislation, as the long past history of the country will indicate.

So I assume if the House has placed itself in the position it can not reduce salaries and can not abolish offices upon the appropriation bills, then the whole policy of Congress is changed, radically changed, from what it has been before. The whole of its organization is changed from what it was before, Mr. Chairman, if you can not make any reform in the case.

The gentleman talks about committees reporting. Yes, you have committees on the various Departments of the Government. Let them report. You have known, Mr. Chairman, and you gentlemen have known, how remote are the prospects these measures will receive consideration in one or both of the Houses of Congress. Such measures have not been passed heretofore. We know the impracticability of that kind of legislation, and will not admit it. Offices have been created heretofore by independent legislation, but salaries have not been reduced by independent legislation.

Therefore, Mr. Chairman, this House is then confronted with the most important question or point of order, in my judgment, ever presented to it. It is whether this House intends to retain in its hands the machinery, the agency, necessary to enable it to reform abuses existing in public employment as to the number of employés or the salaries of employés.

Mr. FELTON. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. FELTON. Is there any increase of salary provided for in this bill?

Mr. HOLMAN. Yes, sir; there are a few increases of salaries. There have been, according to the brief record furnished from a hasty examination, one hundred and thirty-three salaries reduced during the last ten years under the language used in this bill, "in full compensation," which was put into that bill, as I have remarked already, by the conference when it became manifest it was necessary to accomplish the purpose, and after a struggle which prolonged the session of Congress to the middle of August. The incorporation of that provision was deemed so important to the public service the session was prolonged in order that that measure of reform should be secured. That was the first House of Representatives controlled by gentlemen on this side of the House, that is, by the members of the Democratic party, for a long series of years. It was the first session of the House held under the control of the Democratic party for twenty-five years.

And I wish to call the attention of the Chair to the fact that while both parties, Republican and Democratic, have controlled this House for a period of ten years, both of them have retained the rule under which these reductions might be made, and both have incorporated into the appropriation bill the language "in full compensation." So up to the beginning of this session of Congress that language has had the approval of both political parties in the control of this House. The question now is, whether the House under the change of its rules last December proposed to overturn the public policy in the interest of economical administration of the Government, which began with the Democratic party in the Forty-fourth Congress and which received the approval of the Republican party in the Forty-seventh Congress.

I have spoken mainly of the effect and history of this amendment, and will now come to the technical question, the real question, whether or not the incorporation into a general appropriation bill of the language that the sum appropriated shall be, if expended, received in full compensation for the service indicated, is subject to the point of order, or that it is new and independent legislation. That is the question.

Mr. Chairman, it goes further. I do not put the question well. I put it in a better form thus: Under the rules of the House is it possible to impose a limitation upon the expenditure of public money? I am putting it better thus; I think the terms are better: Is it not in the power of the House in appropriating public money to impose a limitation upon its expenditure? Why we say this money if expended shall be received in full compensation for the service rendered. If Congress has not the power to impose that limitation, then we have almost abandoned the legislative power. We have almost abandoned the power to control expenditures of the public money except and until legislation which has received the approval of both branches of Congress and signed by the President can be gotten through, and that, inasmuch as it will frequently defeat any appropriation at all, will be absolutely impracticable.

Mr. LONG. But is it not only a limitation upon the power of expenditure, but also upon the right of the servant to receive?

Mr. HOLMAN. Not at all; it is simply a limitation upon the expenditure of the money.

Mr. LONG. But is it not also a limitation upon the legal right which the servant previously had to receive the compensation previously fixed?

Mr. HOLMAN. It is a limitation necessarily upon his right to demand more for the service than is appropriated by the terms of the bill. Suppose at the end of this bill language be incorporated that no part of the money herein appropriated shall be expended for the purpose indicated unless the same shall be received in full compensation for the service named. Would the Chair say that limitation is not in order? And yet if it is in order, then the language is precisely the same here, not in words but in substance, that the money shall only be expended on that condition.

Now, I would like to say to the Chair that the rules under which we act generally in appropriating public money are drawn from the same general source as that from which, in the main, our institutions have sprung; and going back to the early struggle between the king and the house of commons, we find the origin of the principle of limitation fixed upon public expenditures. There the representatives of the people claimed the right to impose limitations; and if this House has never abandoned that right, as I claim, and if the rules of the House, to which reference will be made, have that effect, then it can only be made to have that effect by a strained construction and a construction injurious to the public service and fatal to economy, compelling you to restore thousands of dollars to this appropriation bill, which in the judgment of both Democratic and Republican Houses for ten years past were ample and sufficient compensations for the service to be rendered. The language of this rule, as the Chair knows very well, is as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law—

Up to that point it does not meet the matter in question—

unless in continuation of appropriation for such public works and objects as are already in progress—

That language does not change the case—

nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Do you change the law when you say that none of the money shall be expended except upon a given condition?

The law fixes the salary of a Territorial judge at $3,600. In the judgment of this House $2,600 is sufficient salary. Do you change or even go to the extent of suspending the law by simply providing that the officer named shall only be entitled to receive any compensation under the provisions of the bill when he receives in full for his services the sum of $2,600? Does it change the law? Is it not simply the law of the appropriation; a limitation upon the expenditure of the money immediately covered by the bill; a law, in fact, of the appropriation bill itself? For you, Mr. Chairman, have undoubtedly reached the conclusion that this rule refers not to the law of an appropriation but refers to a permanent law. Here we deal simply with the law of the appropriation; that is to say, that the money which we appropriate shall not be expended except upon given conditions and is to be received in full compensation for the services.

Mr. MILLIKEN. Will the gentleman allow a question?

Mr. HOLMAN. Yes, sir.

Mr. MILLIKEN. The law provides that the President of the United States shall receive a compensation of $50,000 a year.

Mr. HOLMAN. Yes, sir.

Mr. MILLIKEN. Suppose you appropriate in the bill $40,000 and say he shall receive that in full compensation for his salary. Does not that change the existing law?

Mr. HOLMAN. I have no doubt of the power of Congress to so appropriate——

Mr. MILLIKEN. But does it not change the existing law?

Mr. HOLMAN. I repeat, I have no doubt of the power of Congress to do that by an appropriation, but the law of the salary would continue, and the moment that provision of the appropriation bill was changed by a succeeding appropriation the salary would go back to the amount fixed by the law.

Mr. REAGAN. But is not the service rendered after the appropriation is made?

Mr. HOLMAN. If he receives his salary he receives it subject to the limitations put upon it by the appropriation bill which provides the compensation.

Mr. MILLIKEN. But does it not change the existing law?

Mr. HOLMAN. My friend fails to distinguish between the law of an appropriation bill and a permanent, fixed law.

Mr. MILLIKEN. How can the President get his other $10,000?

Mr. HOLMAN. This law simply applies to the expenditure of money for the year and not to the permanent salary fixed by the law. It is simply the law of appropriation or of the expenditure of the money. At the very furthest the only possible construction would be that it was a suspension, for the time being, by the operation of the appropriation bill, of the expenditure of money for the salary fixed by the permanent law.

Mr. LONG. So that the salary of the President in the instance given would be governed by two conflicting laws at the same time?

Mr. HOLMAN. Not at all; it would be the same salary as fixed by the law, and will still go on in the absence of limitations. But it is within the province of Congress to limit the appropriation and state that it shall not be expended except upon certain conditions. That being done, the condition fixed becomes the law of that appropriation and expenditure, but the salary remains the same, and whenever Congress withdraws that temporary or annual restriction the salary goes on just as before, and would be so held by the courts.

Mr. MILLIKEN. Then it would be within the province of the Committee on Appropriations, if their bill was adopted, to deprive the President of all his compensation?

Mr. HOLMAN. Not at all, except by such a provision as this limiting the appropriation.

But the question is overwhelmingly important. It is important to this country; it is important to the public integrity; it is important to the public honor. We, sir—you and myself and others on this side of the House—are here under a command, under a commission, not to increase salaries over those of the preceding ten years, not to increase the number of officers, but to retrench and reduce the expenses of this Government.

I listened with admiration to the stirring and eloquent words of the distinguished gentleman from Illinois [Mr. MORRISON] when he admonished this side of the House that these seats were filled by gentlemen pledged to reform and retrenchment in the expenditures of our Government. I indorse that sentiment cordially; and I should blush if in the very first year of the Democratic administration of this Government this House should consent, in the application of its legitimate legislative power, to place barriers upon itself by even absolutely prohibiting members from bringing forward measures intended to carry out in good faith the pledges made to the people.

Mr. MORRISON. Mr. Chairman, yesterday I stated substantially what I had to say in support of the point of order then made and now under consideration. The gentleman from Indiana [Mr. HOLMAN] is correct in saying that the words employed in this bill are much the same as in bills for several years past. But he seems to forget, and he must have forgotten when he framed this bill, that at the commencement of this Congress a rule different from that prevailing in this House for some years past was made—a rule which, adopted as it was by a large majority on both sides of the House, imposed, it seems to me, an obligation even upon the gentleman from Indiana to pay some respect to it.

The gentleman must understand very well what I meant when I said "reduce or increase these salaries in the usual way;" yet he expresses the belief that this language was inapt or not appropriate. The usual way of making or changing a law is by bill for the purpose, and this our rules require. No one better knows than he that we declare in the rules that when a branch of the public service was established and compensation for the several offices in that service was fixed by law he was forbidden by the rules from changing that compensation on an appropriation bill. The rule said to him that it was his duty to appropriate the money which the law had already determined should be appropriated. As I said yesterday, if he or any other member believes that too much or too little is being appropriated, he has nothing to do but to introduce and secure the passage of a bill providing a different salary.

Mr. HOLMAN. How many such bills can pass in the course of a hundred years?

Mr. MORRISON. None has passed within the last ten years, nor in the last six months, because you are unwilling to obey the rules reducing or relating to salaries and officers unless you do so in your own way and against the rule adopted by the House for the government of us all on this subject.

Mr. HOLMAN. What steps have you taken toward it?

Mr. MORRISON. My duties have been in another direction and connected with another branch of service.

Mr. HOLMAN. So have mine.

Mr. MORRISON. Your duties have been in appropriating money for the payment of salaries and other expenditures, and you have discovered several cases in which you think the salaries fixed by law are too small, as well as a number in which you think they are too large. And all that the gentleman had to do was to put in legislative form, in conformity with the rules, a bill to fix those salaries at whatever rate was deemed fair compensation.

I do not care, Mr. Chairman, to press further or say more on this point of order. It is too plain to be misunderstood. I do not make it because I want any salary increased or reduced differently from what the gentleman proposes. I presume I might vote with the gentleman from Indiana for all the increases he proposes to make, and I certainly would vote for all the reductions he proposes when he presents the proposition in conformity with the rules. I make the point of order for the purpose of insisting that the law, the rules of the House, and its orderly procedure shall be observed, especially by those who understand the necessities for such observance so well as does the honorable gentleman from Indiana.

The gentleman says he should blush to see somebody or anybody in this House refuse to do away with an office; and I believe he proposes to do away with one in this bill.

Mr. HOLMAN. A great many.

Mr. MORRISON. I think of but one; and he proposes, I believe, to create several. I go with the gentleman when he proposes to do away with any office; I do not always go with him when he proposes to make some new offices. I might refer to the very last bill which went through this House under the whip and spur of the other side, with a majority of Democrats against it, the oleomargarine bill. When that bill came along creating offices, the gentleman "jumped on the cow-catcher" and went along with the rest. [Laughter.]

Mr. HOLMAN. Did I not try to reduce the salaries in that bill?

Mr. MORRISON. You voted for the offices, and you voted for them with the salaries.

Mr. HOLMAN. Does not the gentleman know that the salaries were reduced $500 each? It was not as much as I asked, but still there was that reduction.

Mr. MORRISON. But still there were some new offices which you saw the opportunity to make in that bill.

Mr. HOLMAN. The gentleman misapprehends me. I have made no new offices in the bill.

Mr. MORRISON. You made new offices in the bill to which I refer; yet you were telling the House but a moment ago you could not make or unmake offices except on an appropriation bill.

Mr. HOLMAN. If the gentleman addresses himself to me, I wish simply to say I have made no new offices in the bill, and there are none there by my co-operation.

Mr. MORRISON. There were new offices in the bill to which I refer, and the gentleman voted for it; and there are new offices and increased salaries in this bill. That is all I mean to say. I simply point to the fact, so that the gentleman may look both ways when he seeks to "blush" and not fix his gaze on me, because I insist on the rules being observed. The House adopted these new rules for some purpose——

Mr. HOLMAN. Was that purpose to prevent our reducing salaries or abolishing offices on an appropriation bill—the only way in which it can be done?

Mr. MORRISON. That is assumption purely. The purpose was to insist upon the Appropriations Committee appropriating the money which the law had previously said should be appropriated for the purposes named. The gentleman is not in doubt at all about what the purpose was.

Mr. HOLMAN. My friend, I believe, voted for a very different rule ten years ago when the Democratic party came into power in the midst of a Republican administration. I think my friend entertained a very different view when he himself hung out as one of the House conferees on the legislative appropriation bill until those words, "in full compensation," were inserted in it.

Mr. MORRISON. Certainly. I suppose I have changed in some particulars—not in many, either—in the last ten years. Let us be candid with each other. I mean nothing unkind or offensive in what I say or have been saying of or to the gentleman from Indiana. But he knows why we adopted the original rule. We thought that through the appropriation bills we could better force a Republican Senate to comply with our purposes in cutting down expenditures. But later, when great complaint was made and some abuses had grown out of the rule, we thought that when we had control of the administration which was expending the money the Republican Senate would not stand in the way of our making reductions in the amounts to be expended by us, its political opponents.

Mr. HOLMAN. Especially as they had no persons in office to be affected.

Mr. MORRISON. Certainly they have some. I think I heard somebody arguing here that under the civil-service system they have some officers in yet. [Laughter.] And if there are any, I propose that they have the salaries fixed by law; and when we find any salaries that are too high, as some of them no doubt are, I will go along with the gentleman from Indiana to cut them down; but he will seldom find me going with him to put any up.

Mr. HOLMAN. The gentleman has not done anything in that line up to this time.

Mr. MORRISON. Yes; introduced and reported a bill, and I have been doing the best I could with that branch of the service which was specially assigned to me. It is true that the gentleman and some of our friends on the other side of the House, and on this, chose the other day to relieve my committee of a part of its labors; and at that time, as I have said, the gentleman "jumped on the cow-catcher" and waved a leaf of tobacco in the interest of the "poor farmer" while making new officers for him to pay.

Mr. RANDALL. The bill to which the gentleman refers went to the Committee on Agriculture, I think, by consent; did it not?

Mr. MORRISON. Certainly. I make no point on that; but that did not make it necessary to vote for it and its new offices.

Mr. RANDALL. There was no point made.

Mr. HOLMAN. I suppose my friend from Illinois has taken into account the effect of a rule prohibiting retrenchment by a reduction of salaries or the abolition of offices—I suppose he has taken this into account in determining whether any measure could pass Congress to diminish by a reduction of taxation the burdens now resting upon the people of the country?

Mr. MORRISON. Yes; I have considered that. Introduce a bill in suitable form, reducing the salaries you propose to reduce in this bill, and I will go with you in getting it made law.

Mr. HOLMAN. Why does not my friend do so himself? Why throw the duty on somebody else? Who more than he is the representative man of the Democratic party here in the House? Upon whom more than upon him rests the duty of bringing forward reforms? He refuses to reform in our way; why does he not propose reform in his own way?

Mr. MORRISON. I have already said I am not charged with providing for payment of salaries and other such obligations.

The rules are yours as well as mine. Whatever duties you may have imposed upon me under the rules I have been content to observe them like a man. I have never refused to observe the rules that you have made or caused to be made.

Mr. RANDALL. I want to say that in the first session of the Forty-fourth Congress we all agreed on this side of the House to the rule which provided for a reduction of salaries on appropriation bills.

Mr. MORRISON. Certainly. We worked along under that rule for some time. When in my opinion it had been found to work badly I endeavored as far back as the Forty-sixth Congress to change the rule and you prevented it. I submitted. Now the gentleman from Indiana wants to know why I have not done this or that—why I have not led in the reduction of expenditures. I have heard year by year from the gentlemen from Indiana and Pennsylvania about this reduction of salaries and expenses, about this system of economy, until I supposed that these officers had their salaries fixed at the right rates and as low as they ought to be. As they were fixed by the gentlemen from Indiana and Pennsylvania for officers of the other party, I supposed they were low enough for ours. [Laughter.]

I did not know the Appropriations Committee was going along from year to year repeating the same old story, each year reducing a salary $500 or any other sum, and all the time the same $500. I did not know when they got it reduced they had to repeat the same next year to reduce it again, because the law had not been changed but was left as they found it, and left as it had been found when the Committee on Appropriations had the right to fix and make it permanent. But it now seems it was not fixed except for each year, so that the committee could repeat its economy each year.

Mr. HOLMAN. Could you have got through any law producing any result in any other way, except upon an appropriation bill, during all these years?

Mr. MORRISON. Probably not when the Republicans had the Senate and the spending of the money, all their people being in office. Yet they might as well have permanently fixed a salary as to continue fixing it each year at the same rate. I think if there is anything too high now, if any of our people get too much, and they are all our people in this bill, I think, except the Public Printer, and I see you get in $500 more for him than under the law—— [Laughter and applause.]

Mr. HOLMAN. No more for him than for a great many years past.

Mr. MORRISON. That may be. I supposed you had all fixed at salaries they ought to have. That is, in ten years you ought to have fixed them. That you had not to discover another but the same reduction each year.

Mr. HOLMAN. Why, you admit yourself you discovered the reason why it was not done. You admit no independent law could pass; that any chance of reform was in an appropriation bill. There has been no reform except under appropriation bills.

Mr. MORRISON. If you have your way we never will. If the House gives way to you and overruns the rules [laughter] in that way you will try to reform, but in that way or not at all. In that way you can repeat the same reform every year. In that way reform can be made to last for the purpose of being paraded, whether made or not.

Mr. HAMMOND. Mr. Chairman, this is an important question under the new rules. And it is very important that we should not allow any danger, real or imaginary, to keep us from doing our duty under the rules.

Now, the old rule about which the gentleman from Indiana [Mr. HOLMAN] commented was this:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Under that exception in appropriation bills made heretofore such legislation as he says ought to be made on this appropriation bill was certainly in order. Is it in order now? Let us see if the gentleman thought so when we were debating the rules. And, mark it, I with him was opposing the stripping of the Committee on Appropriations of large parts of its jurisdiction.

Mr. RANDALL. This applies to all committees.

Mr. HAMMOND. I was going to say that I thank the gentleman for saying it for me. Because the rule presented by the Committee on

Rules changed that the gentleman from Indiana [Mr. HOLMAN] sought to ingraft on it this amendment. I refer to page 313 of the RECORD for the present session:

Mr. HOLMAN. Mr. Speaker, it will be observed that the proposition I submit takes the rule as reported by the Committee on Rules in exact terms, including the words "and for contingencies for carrying on the several Departments of the Government." It retains those words and adds the language which I desire the Clerk to read again.

The Clerk read as follows:

"Nor shall any provision changing existing laws be in order upon any appropriation bill or be received as an amendment thereto; but provisions or amendments for the direct reduction of the number, salary, and compensation of officers and employés of the United States shall be in order on a general appropriation bill if germane to the subject-matter of the bill."

Mr. HOLMAN, among other things, went on to say as follows:

I certainly hope that the power of the House to reduce, on any bill to which the matter is germane, the number and salaries of officers of the United States will not be taken away. If these bills are to be distributed, let each of the committees having charge of appropriation bills exercise this power. I hope that no gentleman will object to the House retaining this power of retrenchment on proper bills.

There was the issue directly made, that that power ought not to be "taken away" which existed under the old rule. He begged to allow it to exist under the new rule. The House, so far as stripping the committee of that legislative power was concerned, was almost unanimous. The rule, as it was adopted, declared that the Appropriations Committee should only appropriate the money which the law says is necessary for running the Government, and that the other committees should take care of the legislation.

Now, it may have been a bad rule. That is a question about which the House and the gentleman from Indiana differed. It may be a rule that will hurt the Democratic party. That is a thing about which the House and the gentleman will differ; but it is the rule, and as long as we understand we are to be bound by the rules we must stand by them, let the consequences be what they may.

If the rule is in the way and is wrong, change the rule; but do not evade it or infringe it.

Mr. HOLMAN. Will the gentleman allow me a moment?

Mr. HAMMOND. Yes, sir.

Mr. HOLMAN. For the purpose of avoiding just such an issue as this, on last Monday a week ago I submitted a rule that would permit what has been regarded as absolutely indispensable to economy in the affairs of the Goverment and sent it to the Committee on Rules through the House, and so far as I have heard it has not been acted upon.

Mr. HAMMOND. Very well. That only shows that at that time the gentleman himself believed that what he undertakes to do to-day could not be properly done. I thank the gentleman for coming to the support of my argument.

Mr. HOLMAN. Not at all. I had not any such apprehension, but I wanted to make assurance doubly sure. I regard that rule as absolutely consistent with the power of the House. It imposes restrictions upon the expenditure of public money, and this is the first time that the new rule has been invoked against an appropriation bill, when nearly every bill reported to the House and passed by it had some legislative provision not in pursuance of existing law.

Mr. HAMMOND. No single bill that passed the House since these rules were made had any legislation upon it not mentioned in the report; and one objection would have thrown it out.

Mr. HOLMAN. Certainly, but——

Mr. HAMMOND. And the objections were not made.

Mr. HOLMAN. Certainly, I say so; and this legislation is also named in the report.

Mr. HAMMOND. Yes; but objection is made here, and that is just the difference. The other was contrary to the rule except by unanimous consent, and there was unanimous consent given. Here it is withheld; that is the difference.

Mr. HOLMAN. Certainly; and I am just expressing my astonishment that when we came to the consideration of the civil list the very first objection is made and urged against the bill.

Mr. HAMMOND. I am not discussing the question whether the gentleman ought to be astonished or not. I am discussing the rule under which we are operating. As I understood the argument of the gentleman, and I listened with care and attention to it, he undertook to advise the chairman of the committee that this is not contrary to the rule; and I thank him for his interruptions, which substantiate my declaration that it is contrary to the rule.

But when he thought it might be doubtful whether that was true, he took another position, which I think untenable. He said that this did not change any existing law; that it simply suspended the operation of a statute for a certain length of time. And he read from the case of the United States against Langston. That simply decided if an appropriation bill provided less money than the statute fixed for the salary that that did not pay the whole salary, and that the man to whom it was coming could sue in the Court of Claims on his statutory right and recover the balance. Well, that was simply following out what they had already intimated in the case of Mitchell, in 109 United States, where they held, among other things, this language:

The whole question depends upon the intention of Congress as expressed in the statutes, whether a simple failure by Congress to appropriate any or a sufficient sum to pay the salary of an officer fixed by previous law is of itself an expression of purpose by Congress to reduce the salary. We do not now decide that.

They did decide in the Langston case that the same thing was not a repeal of the statute fixing the salary; but in the case of Fisher, in the same volume, the court held that these words which are copied in this act were a repeal *pro tanto* of the old law, and that because it was a repeal of that law Fisher could not recover for the years in which those words were used in the appropriation bills and could recover for the years in which they were not used.

Now, as to Mr. Fisher, in reference to his salary these were the words, identical with those of this bill under review, namely:

That the following sums be, and are hereby, appropriated out of any money in the Treasury not otherwise appropriated, in full compensation for the service for the fiscal year, &c.

And the gentleman from Indiana suggested that we could not repeal a statute that way. The Supreme Court in that case said this:

When Congress has said that the sum appropriated shall be in full compensation of the services of the appellee, we can not say that it shall not be in full compensation, and allow him a greater sum.

Not only do the words of the statute make the intention of Congress manifest, but that intention is plainly repugnant to the former statute, which fixes the yearly salary of the chief-justice at $3,000. It is impossible that both acts should stand. No ingenuity can reconcile them. The later act must therefore prevail, and the earlier act must for the time covered by the appropriation acts above referred to be suspended.

And now to show that the court treated that suspension as a repeal, a change of existing law, I turn back to page 145, where we find the basis on which that decision was founded.

Mr. HOLMAN. Therefore the gentleman holds that the suspension——

Mr. HAMMOND. I am not telling you what I hold. I am showing what the Supreme Court hold. The court said:

Certain well-settled rules of interpretation are applicable to this case. One is that a legislative act is to be interpreted according to the intention of the legislation apparent upon its face; * * * another that, if possible, effect must be given to every clause, section, and word of the statute; * * * and a third, that where two acts are in irreconciliable conflict the later repeals the earlier act, even though there be no express repeal.

I have omitted the authorities cited. There is a declaration that if these words "in full compensation for" are included in such an appropriation bill which becomes the law, it affects the hundreds of salaries covered by that act and changes the existing laws *pro tanto*. That is the object of those words in this bill.

The object of the gentleman from Indiana [Mr. HOLMAN] is to repeal those statutes. He tells us so by his speech, that they ought to be repealed; that these salaries ought to be reduced. Well, the plain reply is, if they ought to be, this is not the way to do it under the rules. If we can not do it otherwise, the House is responsible and not he for having put itself in the position where it can not. The House has expressed no desire to do it so far. So far as I know, nobody has expressed any desire to do it except in this bill. And it was well known it could not be done in that way.

Mr. HOLMAN. Will the gentleman allow me?

Mr. HAMMOND. Yes, sir.

Mr. HOLMAN. I desire to make a suggestion and I call the attention of the Chair to the question already put by the gentleman from Kansas [Mr. RYAN], a point which had escaped me. It is that the point of order can not lie against the words which are now the subject of the question of order, for the reason that the words "in full compensation" do not change any law, do not modify any law, do not suspend any law.

The question is whether some subsequent provision of the bill has that effect or not. I submit, therefore, that so far as these words are concerned they are not obnoxious to the point of order. They do not change a law. The only question is whether in some subsequent provision of the bill this ultimate result is intended, whether some other provision of the bill is affected by the words now under consideration. And does the Chair know what salaries in this bill would be affected by this?

Mr. MORRISON. I pointed out one instance last evening.

Mr. HAMMOND. What the gentleman from Indiana suggests is hardly worth dignifying with the name of a technicality. The gentleman has put the fight upon the question whether the use of that language would repeal the law. The language is:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1887, for the objects hereinafter expressed, namely.

Now, the idea he suggests is that we have to go on until we get to a particular place and say that because we put those words in we have to bring this salary up to the statute or repeal the law, one or the other. It does not change the force of the point of order at all, because, answering candidly, if the gentleman's point of order had been made that this point of order could not operate until these paragraphs of the bill had been read, then a fair and honest way to get at this point of order would have been to read all these sections for the purpose of this point of order, but not for the purpose of legislation until after this point of order was disposed of. However, this heading runs through every one of

them. The word "namely" carries it through every line; and if the words of repeal can be put in here, we shall simply have a fight over every one of these salaries when they are raised or when they are lowered, instead of declaring in the beginning there shall be no repealing law in this statute. All we have to say is, take out those repealing words and go on and appropriate the money according to the rules of the House as directed, and let the House bear the responsibility.

Mr. REAGAN. I am not willing to sanction the view that the House shall abdicate its right to control public expenditures unless upon the clearest possible necessity. The House of Representatives is charged primarily with originating bills for revenue. The members of the House are the direct representatives of the people. The Congress is charged with the duty of appropriating money for the support of the Government. The bill which is pending before the House is itself legislation. The changed rule simply proposes to prevent the incorporation of new legislation upon appropriation bills.

Mr. HOLMAN. Will my friend permit me to quote, in connection with what he is saying at this point, the language of the Constitution?

Mr. REAGAN. Yes, sir.

Mr. HOLMAN. The language of the Constitution is: "No money shall be drawn from the Treasury but in consequence of appropriations made by law."

Mr. REAGAN. Yes. In reference to the subject of salaries, the Constitution provides that the salary of the President and the salaries of the judges of the courts shall not be reduced during their terms of office. There is no such provision with reference to any other officer of the Government, and it has been the practice of Congress constantly and habitually to determine by its appropriations the salaries to be paid, and, to a large degree, the number of the employés of the Government. Can it be supposed that it was intended by the change made in the rules to so circumscribe the powers of Congress in making appropriations for the support of the Government as that it should not be able to limit and control the expenditures of the Government?

Mr. REED, of Maine. Will the gentleman permit me to ask him a question?

Mr. REAGAN. Yes, sir.

Mr. REED, of Maine. Has it not been, ever since the Forty-fifth Congress at least, the rule and the practice that no provision increasing expenditures should be allowed on an appropriation bill?

Mr. REAGAN. Certainly.

Mr. REED, of Maine. That is just as much a limitation as what is asked for here, only that it is in the other direction.

Mr. REAGAN. Mr. Chairman, for ten years, as we are advised by the gentleman from Indiana [Mr. HOLMAN], the salaries appropriated for certain officers have been less than the amounts prescribed in the laws creating the offices thus provided for. Those appropriations were the expression of the will and the judgment of Congress in making provision for the support of the Government, that the salaries so appropriated were sufficient, and he who accepts a salary under an appropriation conditioned as this is, that it shall be in full for his services, has no ground of complaint against the Government nor any right of action, as stated in the opinion read by the gentleman from Georgia [Mr. HAMMOND], for an additional amount on the ground that the law creating his office provided for a different sum from that which has been allowed in the appropriation bills. When the Congress, in the discharge of its duty for ten years past, has held that certain officers were entitled to certain salaries if, for some purposes, this reduced allowance is a repeal *pro tanto* of the statute, may it not be taken as the common law of the House—I do not mean simply during these ten years, but the whole practice of Congress during its existence—may it not be taken as the judgment of Congress that that law is either repealed or so modified as that Congress properly controls the amounts of the salaries?

Mr. CANNON. If it should be so accepted by the House is it not time that where there are increases of salaries persistently adhered to from year to year (as there are many in this bill) the same rule would apply?

Mr. REAGAN. I think the statement is correct. Congress provides for the expenses of the Government, and it could not have been the purpose of the Committee on Rules to abridge powers of Congress in the appropriation of money for the support of the Government, and if Congress in making provision for the support of the Government chooses to reduce salaries or to increase salaries it seems to me that it would be a dangerous and evil limitation upon the powers of Congress to say that it has no such authority.

Mr. RANDALL. Mr. Chairman, the Constitution provides that no money shall be drawn from the Treasury except in consequence of appropriations made by law, and under that provision the civil service of the Government has its foundation and authority. The Democratic House in the Forty-fourth Congress designed to reduce expenditures, and it became necessary to change the rules at the first session of that Congress so as to enable that House to execute the pledge upon which they had come into power. I am unwilling that this discussion shall end without reciting in a brief way the occurrences of that session. The rule was changed so as to allow the reduction of expenditures and the abolition of a number of officials in an appropriation bill. The action of the House, in form of a bill to that intent, went to the Senate. The Senate demurred, finally conceded the reduction, but denied to the House the power of saying that the amounts appropriated should be in full compensation "hereafter." If we could have secured the insertion of the word "hereafter," it would have been the law governing us for the future, but we were not able to do that.

The gentleman from Illinois [Mr. MORRISON] and myself are perhaps more responsible for these words than any other two men in the House, because we were on the conference that finally compelled the Senate to yield the insertion of these words. Why did we do it? Because we were advised, as has been stated here, that the laws would give to every employé whose salary was reduced a right to appeal to the courts to recover the difference between the amount appropriated and the salary fixed by law. For that reason we had those words, "in full compensation," inserted in the bill, so as to cut off the innumerable suits that would otherwise have been brought against the Government. And thus we have gone along ever since. In addition to binding ourselves at that time and in that particular, we bound the Republican party; it is my duty to say what I believe to be the fact, that when the Republicans had control here they permitted these same words to go into the appropriation bills. I think that statement is correct.

Mr. HOLMAN. That is true.

Mr. RANDALL. So far the gentleman from Indiana and I agree. But I do not agree with the gentleman from Texas in the suggestion that this rule recognizes a distinction between independent legislation on appropriation bills and other legislation. In other words, I think that this House has imposed a restriction upon itself as to reducing salaries or dispensing with employés upon an appropriation bill authorized by a separate statute. The defect is in the rule. Sooner or later those who enacted this rule, whether on the one side or the other, will, I hope, come to see that upon such bills as this the House should not be restricted in this way, but should have the power to reduce salaries and dispense with employés on an appropriation bill, because experience has shown that we can not successfully secure separate enactments in that direction, more particularly when the two Houses are divided in political sentiment.

Hence I would be glad to see the rules changed in this particular. Like the gentleman from Illinois, I always obey the voice of the House in all particulars. So far as I have been able I have done so in this case without making any "wry faces." I appeal to the House to give in some way, not simply to the Committee on Appropriations but to all these committees having charge of appropriations of the public money, the opportunity upon appropriation bills to retrench expenditures by reducing the salaries of officials or by abolishing unnecessary offices. I am forced to the conclusion that whatever may have been the intention of the two-thirds on both sides of the House, as described here, who concurred in adopting this rule, they have framed the rule in the manner stated by the gentleman from Illinois.

Mr. BLAND. Inasmuch as the gentleman places that construction upon the rule, I wish to inquire what authority the Committee on Appropriations had to withhold appropriations for any one institution authorized by law and which should have been covered by the bill. I refer to the Saint Louis assay office. While appropriations are made for every other assay office, that is left entirely out of the bill.

Mr. RANDALL. When that portion of the bill is reached I may have some amendment to offer, and it is likely I may have something to say.

Mr. BLAND. I merely wanted to know what authority the Committee on Appropriations had to omit that assay office from the bill.

Mr. RANDALL. I do not wish to complicate what I have now to say with remarks upon any particular item.

Mr. BLAND. I understand that, but I claim that the Committee on Appropriations had no authority to discriminate between different institutions, and make appropriations for some while they withheld them from others.

Mr. RANDALL. Believing as I do that the defect is in the rules, I differ with the gentleman from Indiana to this extent. I think that the rules of the House do in practice prevent these reductions unless they can be made by unanimous consent. Under the rules as they are framed today, any one member of this House by making a point of order can, in my view, prevent the reduction of any salary or the dispensing with any employé authorized by a separate statute.

Mr. FINDLAY. As the gentleman admits that the rule is defective, does he not concede the point of order to be good?

Mr. RANDALL. The gentleman can not have listened closely to the line of my argument if he did not draw the conclusion that he now wants me to concede.

Mr. FINDLAY. I just came in, and heard only the latter part of the gentleman's remarks.

Mr. RANDALL. I have said all that I care to say.

Mr. RYAN. Mr. Chairman, if there is any item in this appropriation bill that reduces the salary of any officer whose compensation is fixed by permanent law, that item, when reached, is subject to a point of order; and such point of order when made ought to be, and I think will be, sustained.

I do not think there is any escape from that conclusion. The argument made chiefly by the gentleman from Indiana [Mr. HOLMAN] was

addressed rather to the propriety of the rule than to its effect and operation. The question here for the Chair to determine, and the only one, is whether the clause against which this point of order is made does of itself change existing law. The point is not altogether technical—not at all technical in my judgment—but is substantially that the Chair must first be satisfied the language against which the point of order is made does of itself change existing law.

Does it? How does it change existing law? Will it not depend upon the action of this body upon the items in this bill whether there will be anything for that provision to operate upon or not? As we proceed in the consideration of this bill and come to a clause against which a point of order may justly be made, when we come to an item which increases or reduces the compensation fixed by law the point of order can properly be made against it, and if made I have no doubt it will be sustained. Suppose that is done all the way through the bill, then let me ask what is there for that provision to operate upon? Will it not be mere surplusage?

Mr. OATES. Let me ask the gentleman a question in the line of his discussion?

Mr. RYAN. Yes, sir.

Mr. OATES. Suppose an appropriation in this bill for an officer is less than the sum fixed as his salary, and suppose he does not draw it at all, and afterward resorts to the courts?

Mr. RYAN. I am glad the gentleman has asked me that question.

Mr. OATES. What would be the ruling?

Mr. RYAN. I say if that provision is left in the bill, and if the compensation as reduced is left in the bill, then there is something for that clause to operate upon. When that is done the effect will be that the compensation will be changed, and whether he receives the amount or not he could not collect the amount fixed by the permanent law, but only the amount fixed by the appropriation bill.

Mr. OATES. At the expiration of the time appropriated for what is the law as to his salary?

Mr. RYAN. Then the permanent law would operate.

Mr. OATES. Then it does not operate as a change of the permanent law?

Mr. RYAN. It is a change only for the year.

Mr. OATES. Only for the year?

Mr. RYAN. That is all, only for the year provided for in this bill. So, Mr. Chairman, the point I make is this: That the Chair can not say now that this provision does change existing laws, for it can not change existing law unless the House leaves something in the bill after it has concluded the consideration of it which reduces salaries below existing law.

Mr. CANNON. Suppose the point of order is withdrawn or overruled, and you go on, and later in the bill you make the point of order that it cuts down the salary, then it is too late?

Mr. RYAN. My answer to that is this: If this House shall retain in this bill an item reducing salaries in violation of the rule, then that decision ought to be made effective by the application of this clause to prevent the collection of a greater compensation.

Mr. REED, of Maine. Still it would then change existing law.

Mr. RYAN. It would; but the effective change would be made by retaining the item of appropriation.

Mr. LONG. But you must bear in mind that the mere passage of this through the House does not make it a law. It does not become a law when it passes the Committee of the Whole. It does not become a law until it passes both Houses and has been approved by the President.

Mr. RYAN. But if it be the judgment of the House that a salary ought to be reduced, the rule to the contrary notwithstanding, ought not the action to be made final and complete by the operation of that clause?

Mr. LONG. I do not see the pertinency of the suggestion.

Mr. RYAN. The gentleman does not see the pertinency of the suggestion? I will illustrate. Here is an item in the bill providing for the reduction of the salary of an officer. It is provided that he shall have $4,500 in the bill. By the permanent law he is entitled to $5,000, this being a reduction of $500. Now, when we reach that item in the bill you or any other gentleman can make the point of order against it and have it stricken out, and if there is nobody in the House to do that, then it stands as the unanimous judgment of the House that he ought to have but $4,500 for the next year. Is not that clear?

Mr. LONG. Yes.

Mr. RYAN. Then, if that be so, ought not the judgment of the House to be made effective by leaving that provision in the first section of the bill to operate upon it and prevent the officer collecting $500 more?

Mr. BUCHANAN. But the law forbids such a provision in the bill.

Mr. RYAN. It forbids legislation.

Mr. LONG. But the objection is made to the words in the first section, "in full compensation;" and all of these provisions to which the gentleman has referred are in connection with the first clause. You can not separate the two; they are all parts of one bill.

Mr. RYAN. You can not and ought not to separate them, and that is just the point I am making. Connected they may change existing law, but disconnected the words "in full compensation" can not be held to change existing law.

Mr. HISCOCK. Let me suggest this to the gentleman from Kansas. If you turn over in the bill and find a provision for the payment of the governor of a Territory, for instance, say $3,000, which by law is fixed at $5,000, why do you say the point of order applies to such a provision?

Mr. RYAN. Because it reduces the compensation.

Mr. HISCOCK. I beg the gentleman's pardon, it does not. It is simply the appropriation of an amount to be applied to that salary.

Mr. ADAMS, of Illinois. But in connection with these words on which the point of order is made it does change the law.

Mr. HISCOCK. I admit that; but I say you can not make the point of order when you reach that clause.

Mr. RYAN. I do not agree with the gentleman. I believe when we reach any such provision the point of order can be successfully made against it, because, in view of the history of the rule and the discussion upon it when adopted, the Appropriations Committee can not report in an appropriation bill any reduction of salaries fixed by law, nor any increase of them. And when they undertake to do that in an appropriation bill every such provision is subject to the point of order.

Mr. TOWNSHEND. Mr. Chairman, I think the construction placed upon this question by the gentleman from Kansas is a correct one. The only language now before the Chair on which the point of order is based is the language which is embodied in the words "in full compensation," &c. Until you reach some of the items of the bill where the salaries are provided for by law I do not believe the point of order can be sustained. So far as the Chair in a parliamentary sense knows at this moment, there is not a single item in this bill, there is not a single salary provided for which has been fixed by law.

Mr. LONG. But the Chair is presumed to know the law.

Mr. TOWNSHEND. The Chair is not presumed to know the contents of this bill until they are read in their regular order for action by the committee.

Mr. LONG. But this bill has been read at length.

Mr. TOWNSHEND. And the only question before the Chair is whether the language which has been read—that is to say, the words to which I have referred, embodied in the first section of the bill—is subject to the point of order. You can not go beyond that and construe the language of a portion of the bill which has not been reached for present action.

Mr. HAMMOND. Has not this bill been read twice?

Mr. TOWNSHEND. You can not now consider the language which is contained in the bill forty or fifty pages beyond the point which is under consideration.

Mr. LONG. But the whole bill has been read at length, and the Chair is supposed to know the law.

Mr. EZRA B. TAYLOR. May I ask the gentleman a question?

Mr. TOWNSHEND. Certainly.

Mr. EZRA B. TAYLOR. Are not these words presumably operative?

Mr. TOWNSHEND. They are presumably operative as far as they go, or will be if they are adopted.

Mr. EZRA B. TAYLOR. Well, can not the chairman then act upon that presumption until something else appears?

Mr. TOWNSHEND. The Chair can not act upon a presumption that there are items further on providing for salaries fixed by law. It would be a very violent presumption for the Chair, when a bill is before him embracing four or five hundred items, to look somewhere forward and carry the point of order to it. The only thing the Chair can take notice of is the language upon which the point of order is made and immediately under consideration. This language has not been adopted. It is not a part of the bill. The question for the Chair to decide is as to whether or not the language immediately under consideration is of itself obnoxious to the rule. That is all the Chair can determine.

When you get along further, and come to the case of the surveyor of Arizona, alluded to by my colleague [Mr. MORRISON] yesterday, if a previous law has fixed his salary, and we have not appropriated a sufficient amount to meet it, then this language may probably operate upon it and work a change of existing law, but no point of order can be made against such an item until we reach it.

Let me say another word. Those who have sat on this side of the House since I have been here have always professed to favor economy by reduction of salaries and offices. Several gentlemen on this side have lately made a good deal of reputation by proclaiming that we hold our seats here because we were sent here to retrench expenditure and to reduce salaries. These gentlemen know there are but two ways by which a salary can be reduced. One is to introduce a bill, secure its passage through both Houses, and then obtain the assent of the President. And that the only other way left is to reduce these salaries on an appropriation bill.

Now, what is the fact? Not one single gentleman now on this floor has introduced in this session, or at any time while a member of Congress, a bill reducing the salary of any officer of the Government. I feel I am perfectly warranted in making that statement, that there is not a member on this floor to-day, no matter if he has been here for

years, who has ever introduced a bill reducing the salary of any officer of the Government. Well, what must we do? These gentlemen, having failed to introduce a bill reducing salaries, must confess, if they will be candid, that after having tied the hands of the Appropriation Committee and this House, so that we can not reduce a salary or abolish an office on appropriation bills, have not attempted to open the way for this being done otherwise, and therefore no such economy can occur in this Congress.

They say, "We have put fetters on your Committee on Appropriations; we have deprived you of the power you have hitherto been entitled to exercise of reducing salaries;" and knowing this can not otherwise be done, yet they clamor for such reduction of expenditures. Now they must confess the new rules are wrong in this particular or they ought to cease talking about economy by the reduction of salaries.

Mr. BLAND. I want to correct the statement of my friend from Illinois.

Mr. TOWNSHEND. Not now.

Mr. BLAND. The gentleman made a misstatement which he should permit me to correct now.

Mr. TOWNSHEND. Very well.

Mr. BLAND. I beg to state to the gentleman that Mr. Warner, of Tennessee, introduced a bill in the Forty-seventh Congress reducing all salaries. And let me say that I do not see why the gentleman from Illinois [Mr. TOWNSHEND] could not have introduced a similar bill.

Mr. TOWNSHEND. If the gentleman will look at the RECORD he will see that I confined my remark to gentlemen now here. My remark did not include Mr. Warner, of Tennessee, who is not now a member. I repeat that no gentleman now here has during his whole service in Congress introduced a bill reducing the salary of a single officer.

In the first place, it was useless to introduce a bill for that purpose, because even if it should pass through the Judiciary Committee or some other committee having jurisdiction it would not become law. It would be simply landed here in the morning hour and put upon the Calendar and buried there so deep that it never would be resurrected. It is folly to talk about reducing salaries in any other manner than on an appropriation bill.

If you gentlemen have willingly put into these rules a prohibition against the reduction of salaries by appropriation bills you have voted that you will not allow salaries to be reduced. I do not believe that was the intention of most of those who voted for that rule. I voted in favor of retaining in the rules that salutary provision of which the gentleman from Indiana [Mr. HOLMAN] was the author, prohibiting any change of law on an appropriation bill except to retrench expenditures or to reduce the number or salaries of officers. I deeply regretted when I saw that provision go out of the rules. It has saved millions of dollars to the tax-payers of the country. I protested against it then. I did not at first fully see the effect of the abrogation of that rule. I begin to see it now if the Chair holds we are powerless to reduce expenditures of this character on an appropriation bill.

Mr. MCKINLEY. If the gentleman from Illinois will permit me, let me state to him that he has overlooked a bill introduced by the gentleman from New York [Mr. BELMONT], and reported from the Committee on Foreign Affairs, to reduce the salaries in the consular service, making a decrease, the report says, of $515,000 annually in the amount of salaries.

Mr. HAMMOND. The gentleman has also forgotten the bill introduced by his colleague [Mr. SPRINGER].

Mr. TOWNSHEND. I had understood the bill reported by the gentleman from New York [Mr. BELMONT] was for the purpose of reorganizing the consular service, but that in the aggregate it increased rather than reduced the salaries.

Mr. MCKINLEY. The contrary is shown by the report.

Mr. SPRINGER. I introduced a bill with reference to the compensation of district attorneys and marshals which would result in the saving of more than half a million dollars a year.

Mr. TOWNSHEND. That bill has escaped my observation. I apprehend it is the only one that can be referred to, and my colleague [Mr. SPRINGER] knows well it will never be heard of again in the House.

Mr. HISCOCK. That is a reflection on your colleague.

Mr. TOWNSHEND. My colleague is a very ingenious, strong, and valuable member of Congress, but he has not power to pass bills unless the House is ready for such action. Any member can introduce a bill, but even my colleague [Mr. SPRINGER], strong as he is, can not pass a bill without the help of a majority.

Mr. BROWN, of Pennsylvania. He might try.

Mr. TOWNSHEND. He knows the bill will never see daylight again after it takes its place on the Calendar.

If this point of order is sustained you may bid farewell to any hope of retrenchment or reduction of salaries in this Congress.

Mr. LONG. Perhaps you will change your rules.

Mr. CANNON. Mr. Chairman, I desire to say a word on this point of order. It has been already stated during this session of Congress that the amendment to this rule was radical. One reason that operated upon the minds of many members on this side of the House and induced them to vote in favor of amending the rule was that for a number of years past "riders" had been placed upon appropriation bills for the purpose of coercing the Senate and coercing the President. In other words, the House of Representatives had on various occasions, notably in 1878, sought, under the old rule, to put a grip about the neck of the President and say to him, "Assent to our view touching legislation, or else the Government shall not have the money that is necessary to carry it on." It was to prevent that kind of thing that this side of the House, as I understand it, voted for the modification of the rule.

Mr. MILLIKEN. Will the gentleman permit me to ask him if those riders were not put on the appropriation bills also for the purpose of forcing members of this House to vote for them who would not have voted for them as separate propositions?

Mr. CANNON. Possibly. But, Mr. Chairman, the rule was amended. That amendment was broad and radical, and whether I want to see this point of order sustained or not, whether I want to see any particular salary cut down or any particular salary raised or not, I am compelled to say that in my opinion the point of order is well taken. I wish to call the attention of the gentleman from Indiana [Mr. HOLMAN] to the view that if his doctrine is to apply, and if the House under the present rule still has the power to make a limitation outside the permanent law and in its teeth, then by that same power of limitation we can not only reduce salaries, but necessarily we can increase salaries as well.

Mr. HOLMAN. Oh, no; because that would not be a limitation. The limitation is what I insist upon. That would not authorize any increase.

Mr. CANNON. Does my friend say that the power of "limitation" which he claims, which would enable Congress to nullify the law by reducing compensation in any given case, would not also enable Congress in a proper case to nullify the law by increasing compensation? I need but state the proposition to show its absurdity.

Now, I ask the attention of the gentleman from Indiana as well as of the Chair a step further. This bill does reduce a few salaries, but I undertake to say that the number of salaries increased in this bill in comparison with the current appropriation law is far greater than the number reduced. There are many officers provided for in this bill that do not have any status at all in existing law.

Mr. HOLMAN. I wish the gentleman would name them.

Mr. CANNON. Well, my personal friend and the gentleman's political friend Mr. Stockslager, assistant commissioner of the General Land Office, has no standing, except from year to year, *in the appropriation* bill.

Mr. HOLMAN. I did not understand the gentleman. There are many officials who are recognized only in the appropriations made by Congress from year to year for their compensation.

Mr. CANNON. Precisely. Of course I do not claim that I suppose my friend from Indiana was thinking about these pet Democratic lambs who are upon this bill and have no status in the general law when he was talking about "economy" and "reducing expenditures;" but the moment you establish the principle that, under the name of a "limitation," the law can be changed, that moment you establish a principle which will enable the majority of this House to run riot in the teeth of existing law and increase officers and salaries; and, while I am not going to charge that any gentleman upon the floor of this House has that object in view, yet I do say that if you were to retain power a great while and the rule should remain unchanged, that would be the result.

Mr. HOLMAN. Does the gentleman say that the power to impose a limitation upon an officer or a salary implies the power to enlarge either? In other words, that the power to restrict implies the power to enlarge?

Mr. CANNON. I say that the rule as it now exists prohibits new legislation upon this bill; but if you can play this sharp game and say, "we will call it a limitation to reduce a salary," then by virtue of the same power of "limitation" you can increase a salary.

Mr. TOWNSHEND. Did I understand the gentleman from Illinois [Mr. CANNON] to say a moment ago that this bill made an increase in the appropriations over the current year by reason of increase of salaries?

Mr. CANNON. In comparison with the current year.

Mr. TOWNSHEND. Now, this is mainly a bill of salaries, and I want to call the attention of the gentleman to the fact that the amount of the bill, as presented to the House by the Committee on Appropriations, is about $800,000 below that for the current year.

Now, if we have made this reduction to the extent of $800,000, how can the gentleman claim that we have increased the appropriations by raising salaries?

Mr. CANNON. I have great respect personally for my colleague [Mr. TOWNSHEND]; but it has never been my fortune to stand upon the floor of the House and discuss a general principle or to see anybody else stand on this floor and discuss a general principle which might perchance in any of its ramifications make the least assault upon the Democratic party, when my friend and colleague has not felt called upon to jump up in the twinkling of an eye and misrepresent something or misstate something by withholding a part of the facts or somehow conjuring with the facts to try to mislead the House or the country.

Mr. TOWNSHEND. I have said nothing about the Democratic party; I only asked a question.

Mr. CANNON. Oh, well, that was where the shoe pinched. The other day in the course of the general debate I explained where these reductions were, and at the same time I pointed out some of the increases in salaries upon this bill. The House would not have patience with me if I were to go over that matter again. I have said all that I desire to say.

Mr. EZRA B. TAYLOR. I rise to a parliamentary inquiry.

The CHAIRMAN. The discussion on this point of order has been prolonged, and the Chair feels ready to decide it.

Mr. LOWRY. I desire to make a single observation.

The CHAIRMAN. The gentleman from Indiana [Mr. LOWRY] will proceed.

Mr. EZRA B. TAYLOR. I rose for the purpose of making a parliamentary inquiry, or rather two such inquiries—first, whether there is any way under the rules of stopping this, in my judgment, overdone debate; and, secondly, if there be any such method, whether it is not about time to put it in practice?

The CHAIRMAN. It is a matter within the discretion of the Chair how long the debate upon a point of order shall continue. The Chair has been trying to exercise that discretion justly.

Mr. LOWRY. Mr. Chairman, this being properly rather a legal than a strictly parliamentary question, I desire to submit a single observation. Under Rule XXI, which declares that no provision changing existing law shall be in order in any general appropriation bill or as an amendment thereto, it is maintained that the words in this bill to which the point of order is raised operate as a repeal by implication of an existing provision of statutory law, and that they are therefore not in order. Now, Mr. Chairman, it is well known that the law does not favor any repeal by implication, and only in cases where a subsequent provision of law is found to be totally irreconcilable with a pre-existing provision is a repeal by implication held to have resulted. The inquiry, therefore, it seems to me, is whether this proposed provision is necessarily in conflict and irreconcilable with the existing provision of the statute. If it is not irreconcilable, then I assume the former law is not repealed by implication, and hence the proposed provision in this bill does not change existing law.

Now is this provision in the legislative appropriation bill irreconcilable with the previously existing statute? Suppose, Mr. Chairman, that no provision were made in a given case for the payment of a salary fixed by a previous statute, or, rather, suppose that in this bill a part only of a given salary were appropriated, would the effect of the words "in full compensation thereof" be to change the pre-existing law, *ex vi termini*—by the mere force or meaning of the expression itself? If it would not, could not the official sought to be affected still properly insist upon his rights, if he saw proper, under the former provision?

Take the case of the omission to appropriate for the Mississippi River Commission. At the last session there was, as I understand, an entire omission to make any appropriation for the compensation of the board of commissioners on the improvement of the Mississippi River. It will not be insisted that that omission affected in any manner the previously existing law authorizing the appointment of a board of commissioners and the payment of their salaries?

Suppose the act to which I have referred had contained a provision appropriating $2,500 as the salary of each of those commissioners, and suppose the act had declared that such appropriation should be "in full compensation therefor," and the commissioners had thereupon accepted that compensation and receipted for it, that would have disposed of their claim for the then current fiscal year. But suppose that, under the present administration, there had been a change, as it has been fondly expected by some persons that there would be to some extent, in the constitution of that body, and suppose that the bill before us contained a similar provision and should become a law, and the gentlemen who had succeeded to those positions should refuse to accept the compensation provided by such an appropriation bill, would it be held that the law upon the subject of their salaries was necessarily changed notwithstanding the fact that they had refused to accept the compensation thus limited in the appropriation act?

It seems to me that the former law would still continue to exist. I submit that my colleague [Mr. HOLMAN] who has control of this bill is correct in the position he assumes that the provision in this bill operates simply as a suspension of the pre-existing law. I submit that he is sustained in that position by the decision which has been cited in support of the opposite doctrine. The case of The United States *vs.* Fisher, which has been cited here from 109 United States Reports, was a case originating in the Court of Claims. Fisher was chief-justice of the Territory of Wyoming, and had been receiving a salary of $3,000 a year. In an appropriation act a limitation similar to that proposed in the present bill was imposed upon the amount of his salary. It was provided by the terms of that appropriation act that $2,600 should be appropriated in full compensation for his services. That amount was paid to and received by him under the provisions of the act; and he subsequently sued in the Court of Claims for the purpose of recovering the difference between the amount so paid to and accepted by him and the amount of salary authorized by the original act. Did the court hold in that case that the provision in the appropriation act operated to change the previously existing law? Did they hold that the previous act was repealed by implication? Did they say that the former law was no longer in existence by reason of the provision thus embodied in the appropriation act? No, sir; the court recites the fact that this sum had been received by Mr. Fisher as full compensation. From June 30, 1877, up to and including November 26, 1879, it is set forth he received without protest his compensation as chief-justice of Wyoming at the rate of $2,600 per annum.

Then, after considering the rule of construction and citing authority in support of the view they take, the court held that the later act must prevail, and that the earlier act must therefore for the time covered by the appropriation be considered as suspended. The result of these views was that the judgment of the Court of Claims which awarded payment of salary at $3,000 per annum from June 30, 1877, to June 30, 1879, was reversed, and the cause was accordingly remanded.

If in this case there is found this qualification attached to the appropriation of any given salary, and the present incumbent receives the compensation thus provided, he would come within the terms of the decision in the case of The United States *vs.* Fisher. But suppose when we come to appropriate next year there is no such limitation imposed in reference to the amount of salary in the appropriation act for that year, would the original act not be held to be still extant and in full force? And in the event the party was entitled to proceed in the Court of Claims would not the Supreme Court, following the doctrine laid down here, recognize his right to recover the full amount of his salary as provided by law? If I am correct in this construction of the clause in the present appropriation bill, it is not obnoxious to the objection made; and in view of the important consequences likely to result from the application of the doctrine that the point of order is well taken against the provision, I have ventured to submit these suggestions in the hope they may not be entirely without profit.

The CHAIRMAN. The Chair in considering this question of order is not permitted to inquire into the wisdom of legislation or importance of legislation, but simply to the question raised by the gentleman from Illinois [Mr. MORRISON] whether or not it is in order to legislate on appropriation bills. It is conceded in the debate by the gentleman from Indiana [Mr. HOLMAN] in the bill salaries have been reduced in amount from the general provision of law. The question, therefore, arises as to the construction of Rule XXI of the present House of Representatives. It is important we should go back to the Forty-fourth Congress and examine the rule there and the subsequent changes, with a view of ascertaining what the purpose of the House of Representatives was in relation thereto.

On page 193 of Barclay's Digest the rule is:

> No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill shall retrench expenditures. (Rule 120.)

Complaint of the extraordinary exercise of power given to the Committee on Appropriations under this rule continued until the Forty-sixth Congress, when that rule was changed and the power of the committee was restricted, so as to read as follows:

> 3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Still there was complaint made of the extraordinary power given to the Committee on Appropriations by reason of this rule, and at that session of Congress the following was adopted in lieu thereof:

> 3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

All the qualifications of the rule of the preceding Congresses—Forty-fourth, Forty-fifth, and Forty-sixth, and subsequently the Forty-seventh—have been restricted, and the rule is left as I have read it.

During the consideration of this question an amendment was offered by the gentleman from Indiana [Mr. HOLMAN], as has already been stated, a part of which is as follows:

> Nor shall any provision changing existing law be in order upon any general appropriation bill, or be received as an amendment thereto; but provisions or amendments for the direct reduction of the number, salary, and compensation of officers and employés of the United States shall be in order on a general appropriation bill if germane to the subject-matter of the bill.

On this proposition there was a yea-and-nay vote, as follows: yeas 69, noes 205. I have, therefore, no difficulty in coming to a conclusion, in the light of the preceding rules and the action of the present House,

that it is not in order to provide for the reduction of a salary on an appropriation bill where such salary has been fixed by law.

It was claimed by some gentlemen in the course of the debate that this is not a limitation upon a salary, but is a mere limitation upon the appropriation. The reduction of a salary in this way perhaps is an illustration as to what the word limitation upon an appropriation means. If so, it is quite easy to see what the present House of Representatives intended to do, to wit, to exclude what may be called limitations upon appropriation bills.

But it is argued by gentlemen that this does not repeal the law. The language of the rule is, "change existing law." Without this provision in this bill, under the operation of the general law fixing the salary during the fiscal year 1878, the officer would be entitled to the full amount of his salary; such would be the operation of law. He would be entitled to it by force of the statute; but this provision amends it to that extent, and is, therefore, a change of existing law in the opinion of the Chair.

The Chair therefore sustains the point of order.

Mr. SPRINGER. What does the Chair rule out as being within the point of order?

The CHAIRMAN. The Chair is inclined to think that the whole clause should be excluded, that is to say, the words "in full compensation for the service of the fiscal year," &c., because it is provided in a subsequent part of the bill, as conceded in the debate as well as ascertained by the Chair upon an examination, there is a reduction of salary as fixed by law.

Mr. SPRINGER. But the words "in full compensation" were the only words to which exception was taken, and on which the point of order was made. Now, if all that clause be stricken out it strikes out the date of the fiscal year for which the appropriation is made, and there is no time fixed within which the appropriation covered by the bill shall be available. I think, therefore, the Chair should only rule out that part of it to which exception was made; that is to say, the words "in full compensation."

The CHAIRMAN. The gentleman from Illinois is correct; and the Chair upon an examination accepts the suggestion. The words, therefore, "in full compensation" are ruled out.

The Clerk will read the next paragraph of the bill.

Mr. TAULBEE. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend in line 7 by adding the words:
"*Provided*, That none of the sums hereinafter appropriated shall be expended in payment of any salary to any person or employé in the service of the United States included in the classified civil service during furlough or leave of absence for a longer period of time than thirty days in any twelve months: *And provided further*, That when any person or employé in said classified civil service is necessarily absent from his post of duty for a longer period of time than thirty days in any twelve months it shall be lawful for the appointing power of the Department in which such person is employed to appoint from the eligible register of the United States Civil Service Commission a person to temporarily fill such position during the actual and necessary absence of such regular employé: *And provided further*, That said subemployé or temporary employé shall receive during his said employment the full amount of the salary of such absent employé."

Mr. HAMMOND. I make the point of order upon that it is new legislation. I do not know whether it is good or bad, but it is new.

Mr. TAULBEE. I do not understand that any part of that amendment, except perhaps the last proviso, could be called in question under the rule as being out of order, nor could it be construed in any sense as new legislation.

I admit that the proviso, which makes provision for the temporary appointments of persons to these positions, is perhaps new legislation and may be subject to the point of order. If the point of order is made I shall ask to withdraw that part of the amendment.

The CHAIRMAN. The point of order has been made.

Mr. TAULBEE. If it be insisted upon I shall ask to withdraw that provision providing for temporary appointments. If then the point of order is further insisted upon, I desire to be heard for a moment upon it. I think, however, the Chair will be able to decide without debate as to whether or not it is new legislation, and I do not wish to occupy the time of the committee in discussing it at this point.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

LEGISLATIVE.

Senate:
For compensation of Senators, $380,000.

Mr. EZRA B. TAYLOR. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in the eleventh line, insert:
"*Provided*, That no part of this sum shall be available until the Senate shall confirm the pending Presidential appointment for register of deeds for the District of Columbia."

[Laughter.]

Mr. HAMMOND. The gentleman from Ohio knows that he is out of order; but if he desires to be heard I shall not press the point of order now.

Mr. EZRA B. TAYLOR. I do not quite understand the gentleman. Is it proposed to accept the amendment?

Mr. HAMMOND. I said the gentleman knew it was out of order, but I had no objection to his being heard.

Mr. EZRA B. TAYLOR. Well, I desire to be heard on the point of order.

I suppose the point of order is that this is new legislation. If this proposed amendment stood by itself I would not, I think, be in favor of it. But I propose it in order to harmonize with the bill, and that the bill generally may be unified. [Laughter.] I propose it also for the purpose of bringing out the latent power of this House to generally supervise all branches of the Government.

It may be observed that if we could exercise all that power that it seems we have we could do a great deal more than we have done hitherto and affect the action of the other branch of Congress, and might even go further. I wish, however, to refer the committee to some remarks that have been dropped during this discussion as an authority for the principle of this amendment. On page 5426 of the RECORD the gentleman having charge of this bill, speaking in relation to a provision in it much like this, used this language:

The House has not by any of its rules been deprived of a power when appropriating money to provide that it shall be expended in a specific manner and for a specific purpose. The House has not by its rules abandoned the power to legislate. It has not deprived itself of that power; that the House has still retained. It would be a strange thing indeed if the House had not retained the power of putting proper limitations on money which it votes in appropriation bills from the public Treasury.

That authority is found in the language of the very able parliamentarian who has this bill in charge, and the language was used in a discussion on a proviso added to the paragraph on page 19 of this bill, to wit:

Provided, That this appropriation shall be available only when the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointments from any one State, found duly qualified on examination and without regard to age, shall be sent to the head of a Department or other officer charged with making an appointment.

This provision I cite also as an authority in favor of my amendment. This provision was brought into this House by the Committee on Appropriations, at the head of which committee is the ablest parliamentarian, perhaps with one exception, in this body, and surely it is authority of some moment.

Let us see if the two cases are analogous. The Civil Service Commission, under the law by which it was created, had the power given it to form rules with the consent of the President of the United States, and when those rules were made and adopted they had all the force and effect of law. They had been formed, they had been made, they had been published; and now the Appropriations Committee proposes to pay that commission its salary—when? When the commission changes the law, thereby bringing directly to bear upon the commission the whole power of this House of Congress in directing legislation, for such it is.

Now that case stands in this way: By the law of Congress these gentlemen, officers of that commission, are entitled to their salaries, as members of this House are entitled to their salaries, as members of the Senate are entitled to their salaries. Without conditions, without any compulsion, they are entitled to the salaries fixed by law. But this committee says they shall not have those salaries until they do something which they have not done, until they do something which they think it is not right to do.

The amendment that I offer is not so strong a proposition against the existing ideas of this House as the provision of the bill which I cited as confirming the authority I have for offering the amendment, and which comes with the power of the reputation of this committe as parliamentarians.

I admit I know that in this provision which I have cited there are many elements of crime. I know that in this amendment which I suggest there are also some elements of crime, but not so many. It is proposed, in the first place, by the committee, on page 19, to offer a bribe to this commission, pure and simple: "Do differently from what you think your duty is or you shall have no pay; do it and you shall have your pay." There is the bribe. On the other hand, it conveys a threat—an unwarranted, wholesale, and illegal threat, one that would be punished in the State of Ohio by imprisonment in the penitentiary. And, thirdly, it says: "If you do not do that which you think is not your duty you shall have no salary, although the statute of the United States says you are entitled to it and you may have it."

Mr. Chairman, if this authority which I have cited is good authority it sustains the propriety, legality, and order of my amendment. If it is not good authority then I concede that my amendment is out of order. Mr. Chairman, you may remember that at one time two noted theologians met in debate upon an important question of theology, and the debate resulted in each converting the other. I am rather inclined to think that my remarks have converted me to the position of my friend from Georgia who objected to this amendment. I hope they have converted him to the position I occupied a few minutes ago.

The CHAIRMAN. The point of order is sustained.

The Clerk began to read the next paragraph.

Mr. EZRA B. TAYLOR. Mr. Chairman, I have not withdrawn my amendment, and the question of order is still to be decided by the Chair.

The CHAIRMAN. The Chair has decided the question of order.

Mr. EZRA B. TAYLOR. In what way?

The CHAIRMAN. The Chair sustains the point of order.

Mr. EZRA B. TAYLOR. I am much obliged to the Chair. [Laughter.]

The Clerk read as follows:

Superintendent of the document-room (Amzi Smith) $2,592.

Mr. COX. I make the point of order that the insertion of the name there, "Amzi Smith," is new legislation, and I move to strike it out.

Mr. REAGAN. Mr. Chairman, this amounts to the appointment by law of the superintendent of the Senate document-room, and the House has no right to participate in the appointment of officers or employés of the Senate. What I have to say as to this point of order I desire to apply also to line 194, line 241——

The CHAIRMAN. The Chair will suggest that that part of the bill has not yet been reached.

Mr. REAGAN. I know that. I am merely calling attention to the parts of the bill to which I wish the remarks I now make to apply. I desire them to apply to lines 194, 274, 302, 304, and 314. These provisions constitute a series of appointments of clerks and employés of various kinds by law. Under Article I, section 2, clause 5, of the Constitution it is declared that the House of Representatives shall choose their Speaker and other officers. By section 3 of that article, clause 5, it is declared that the Senate shall choose their officers——

Mr. TOWNSHEND. If the gentleman will permit me, I wish to make a suggestion. I understand that this name, which it is proposed to strike out, is inserted in the bill in pursuance of a resolution of the Senate. This gentleman has been put upon the roll by a resolution of the Senate.

Mr. REAGAN. Whatever the Senate may do, this House has no right to participate in the appointment of any of the Senate's officers. Further, in reference to this case and the other cases which I have indicated, this Congress has no right to appoint officers or employés for another Congress. The officers and employés of the House of Representatives, as well as the Speaker, are to be elected, selected, or appointed, as the case may be, for the current Congress, and one Congress can not select officers either by law or otherwise for another Congress and prevent that succeeding Congress from choosing its own officers under the Constitution. Take this case of Mr. Amzi Smith, if this provision should become a law in this form and he should resign or die, the Senate would be without a superintendent of its document-room and without the means of paying one, for it could not take the $2,592, payable to Mr. Smith and pay it to another person. And the same is true with reference to each of these other cases of persons who have been selected and named to be appointed by law, not in accordance with the Constitution nor with the powers of this House. If this bill in its present form should become a law, and any of these persons should resign or die, the office would be vacant with no one to pay the salary to, for it can not be assumed that what is appropriated as a salary of a particular man by name can be paid to another man. This kind of legislation is an attempt to take away from Congress the power to select a portion of its own officers. It is true that this bill provides appropriations for the current year commencing the 1st day of July next, and it might apply to these officers up to the 4th day of March, but it could not apply to them after the 4th of March, for this House will cease to exist on that day.

We can no more choose officers for a succeeding Congress than we can elect a Speaker for that succeeding Congress. If we can during this Congress choose, either by law, election, or appointment, a Speaker for the next House, then we can during this Congress choose by law, election, or appointment officers for the next House, but not otherwise.

Besides, Mr. Chairman, I think that this whole practice of selecting men for these positions and naming them in the law is improper in itself, and has its origin in personal favoritism. It has the purpose of excluding the power of the appointing officer to make other appointments if he should think it necessary, and of preventing competition for these positions. Besides being contrary to the rules of the House and in violation of the Constitution it is improper in principle. I do not care how good these officers may be. I know some of them to be excellent officers, and if I were called upon to fill their places I think I should select them in preference to any others, but I would do it at the right time and in a constitutional manner.

There is no authority for undertaking to elect or appoint men to office by law. A provision of this kind adopts a principle which would exclude fair competition for official positions as well as deny to those who have the right to make these appointments the authority which belongs to them.

Mr. GIBSON, of West Virginia, rose.

The CHAIRMAN. The Chair sustains the point of order. He would be glad to hear the gentleman from West Virginia, but is fully satisfied on this question.

Mr. GIBSON, of West Virginia. If the point of order is sustained, I have nothing further to say.

The Clerk proceeded to read the bill.

Mr. CANNON. What was the ruling of the Chair on the point of order?

The CHAIRMAN. The Chair sustained the point of order.

Mr. CANNON. I wanted to be heard, but I suppose it is too late. The Chair has decided the point of order without hearing from the other side. Perhaps we may have a chance to discuss this question later.

Mr. TOWNSHEND. Is the Chair unwilling to hear argument on the other side of the question?

The CHAIRMAN. The Chair is fully satisfied of the propriety of sustaining the point of order.

The Clerk read as follows:

Capitol police:

For one captain, $1,600; three lieutenants, at $1,200 each; twenty-two privates, at $1,100 each; and eight watchmen, at $900 each; in all $36,600, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

Mr. PRICE. I move the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out lines 164 to 170 and inserting in lieu thereof the following:

"For Capitol police $10,000, one-half to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives under the direction of the Architect of the Capitol."

The amendment was rejected.

The Clerk read as follows:

Office of the Speaker: For private secretary to the Speaker, $1,800; clerk to the Speaker, $1,600; clerk to the Speaker's table, $1,600; in all, $5,000.

Mr. BRECKINRIDGE, of Kentucky. I move to amend by striking out "six" and inserting "eight," in line 185; so as to make the salary of the clerk at the Speaker's table $1,800.

Mr. MORRISON. I hope that will not be done.

Mr. HOLMAN. I think that is subject to a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HOLMAN. All I have to say is that there is no law authorizing this increase of salary.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For Chaplain of the House, $900.

Mr. BROWNE, of Indiana; Mr. Chairman, I move *pro forma* to strike out the line just read. It seems to me that this is a very appropriate time for me to relieve somewhat the monotony of discussions upon points of order and to submit a few suggestions on civil-service reform. I have no desire to revive the memories of the unfortunate conflict through which the nation has passed. If there is a single personal bitterness or sectional hate still lingering as the result of that conflict, I would, so far as I could, send it with Uncle Toby's oath to Heaven's chancery and let the tear of pity fall and blot it out forever.

But there is something due to truth, something due to history; and I desire to correct a statement inadvertently made by my amiable friend from Illinois [Mr. TOWNSHEND] in his speech of yesterday. I do this for fear that with his growing imagination the time may come (for he is yet a young man) when he will believe in truth he put down the rebellion all himself. [Laughter.] He says in the first place:

I tell you, gentlemen, that if the long roll could be called of the dead and the living who fought for the Union in the late war, and their political sentiments could be ascertained, you would find that a majority of these were Democrats.

Now, Mr. Chairman, it is a matter of very little importance whether they were Democrats or not. I have the same admiration for the gallantry and patriotism of one who differs from me in politics that I have for the same qualities in one who is in political sympathy with me. But what are the facts? I have here, compiled from authentic records, the votes of the soldiers of those States who, by the laws existing at that time, were permitted to vote. In the year 1862 the States of Colorado, Iowa, Missouri, Pennsylvania, and Wisconsin voted in the field. The aggregate Republican vote was 27,820, the aggregate Democratic vote 6,454, the majority for the Republican ticket being 21,466.

[Here the hammer fell.]

Mr. GIBSON, of West Virginia. Mr. Chairman, I am opposed to those provisions in this bill which increase the salaries allowed by existing law. But it is hardly worth while to address myself to those provisions since the Chair has decided that they are out of order.

But I wish to say one word to my friend from Indiana [Mr. BROWNE], who has expressed himself so kindly in reference to those who have differed with him upon the questions of the past. I believe that England to-day, with her monarchical government, is as proud of the record of Cromwell, who overthrow monarchies and beheaded kings, as of any other Englishman. I believe that France to-day is as proud of the achievements of Napoleon and his armies under the empire as of anything ever achieved in that country under a republican form of government. If I have read history aright, it shows that intelligent and patriotic people of every country are proud of the patriotism and courage and genius of their own people in whatever contest, even among themselves, those qualities may have been shown.

If that has been true of the past I dare nothing in saying that the time not only has come, but will come with emphasis when the American people will not only not cast reflections upon those who were upon one side or the other and seek to arouse partisan feeling and bitterness, but that when the skill and the genius and bravery of Sheridan upon the one side and Jackson upon the other and Grant upon the one side and Lee upon the other are mentioned they will be recognized as true types of American soldiers, of American valor, American skill, and American

genius in the arts of war. Again, Mr. Chairman, I want to say further upon this subject, this bill undertakes here by legislation to retain certain names in it to which I am opposed, and they ought to be ruled out all through the bill.

Mr. TOWNSHEND. They have been.

Mr. GIBSON, of West Virginia. The gentleman from Illinois says they have been ruled out. They ought to be ruled out, every one of them. We have no right to legislate for the next Congress.

Mr. BROWNE, of Indiana. Continuing my remarks, Mr. Chairman, I find that in 1863 there was an election in which the soldiers of the States of California, Iowa, Missouri, Ohio, Pennsylvania, and Wisconsin were allowed to vote in the field, and in 1864 the same privilege was accorded the soldiers of Maine, New Hampshire, Ohio, Vermont, Pennsylvania, and Maryland, and a number of other States, the record of which I will print in full. In these States in these years soldiers in the field were, as I have said, permitted to cast their votes for the party of their choice.

Mr. CURTIN. The gentleman is entirely mistaken, I think.

Mr. BROWNE, of Indiana. In the last year, it will be remembered, Mr. Lincoln was a candidate upon the one side and the distinguished soldier, now dead, General McClellan, upon the other. I will put in the RECORD tabulated statements of these votes; but simply desired to state them here to show in the aggregate that 82 per cent. of the soldiery voted the Republican ticket at these elections.

Mr. WARNER, of Ohio. It shows all who fought were for the Union.

Mr. ROWELL. Let me ask the gentleman, were Democrats voting for Lincoln?

Mr. WARNER, of Ohio. Yes, sir; Democrats and Republicans.

Mr. TAULBEE. I rise to a point of order. The five minutes upon the other side have been already occupied by the gentleman from Indiana; and as he has expressed great reluctance to discuss war issues I insist that he should be relieved under the rules of the House from the necessity of doing so.

Mr. CURTIN. I beg leave to correct the gentleman from Indiana. Under a decision of the Supreme Court the soldiers did not vote in 1863.

Mr. BROWNE, of Indiana. Now, continuing further, I read another extract from the speech of the gentleman from Illinois. He says:

I am warranted in making the statement, sir, that if you will ascertain the number of Republican soldiers who have been removed from office under this administration it can be shown that an equal number of Democratic soldiers have been appointed. Has the President not the right when a vacancy occurs in an office filled by a Union soldier to select a Democratic soldier to fill his place?

I have here, sir, a paper published at the capital of my State, in which it is said of the Democratic postmaster of that city that—

The Grand Army men are lodging complaints against Jones for the wholesale discharge of crippled Union soldiers in the Indianapolis post-office. Jones has been in office now for a little more than a year. In this time he has discharged about twenty-five Union soldiers, some of them badly wounded and disabled. Their places have been filled by ward heelers of the worst sort. Not a single Union soldier has been appointed by Mr. Jones, and not a single Republican has obtained employment in his office under the civil-service examinations had from time to time.

This charge has been often repeated in the Indiana press, and has passed without challenge. I have seen it stated in the newspapers that Dr. Hunter, the gentleman appointed on the recommendation of my colleague, Judge HOLMAN, as collector of one of the districts of Indiana, has removed fifteen or twenty Union soldiers, and has largely supplied their places from the ranks of civil life. I do not know—my colleague, who is in hearing, knows—whether this be true or not; but I say to the gentleman that in my own knowledge within my own Congressional district a widow of a pensioned soldier, of a soldier who was disabled in his country's service, was turned out of a little post-office, which furnished her a meager support, and her place was supplied by an able-bodied man. I know of a number of instances in which crippled Union soldiers were removed from office, and one case where a soldier halting through the world upon a wooden leg was removed to give place to an able-bodied man; and while I do not know that these matters are of interest to the committee, or even to the Democratic party, I make the statement in order that these assertions of my friend from Illinois may not go upon the record unchallenged. The time is coming when the books will be opened, and we will see who have been the friends of the soldier of the Union. And now, with the permission of the committee, after putting the promised election statement on the record, I will extend my remarks on other branches of the subject.

There was no objection.

In 1862 Union soldiers were permitted to vote in the field in five States only. That vote was as follows:

States.	Republican.	Democratic.	Republican majority.
Colorado	567	12	555
Iowa	14,874	4,115	10,759
Missouri	2,139	7	2,132
Pennsylvania	1,867	274	1,593
Wisconsin	8,373	2,046	6,827
Totals	27,820	6,454	21,466

Percentage: Republican, 81.13; Democratic, 18.87.

In 1863 the soldiers' vote was as follows, to wit:

States.	Republican.	Democratic.	Republican majority.
California	4,143	140	4,003
Iowa	17,041	3,004	14,037
Missouri	8,827	777	8,050
Ohio	46,315	2,391	39,224
Pennsylvania	1,392	53	1,339
Wisconsin	9,257	747	8,510
Totals	82,275	7,112	75,163

Percentage: Republican, 92; Democratic, 8.

In 1864 the soldiers' vote was as follows, to wit:

States.	Lincoln.	McClellan.	Lincoln's majority.
Maine	4,174	741	3,433
New Hampshire	2,066	690	1,376
Vermont	243	49	194
Pennsylvania	26,712	12,349	14,363
Maryland	2,800	321	2,479
Ohio	41,146	9,757	31,389
Michigan	9,402	2,959	9,442
Iowa	15,178	1,364	13,814
Wisconsin	11,372	2,458	8,914
California	2,600	237	2,303
Kansas	2,867	543	2,324
Kentucky	1,194	2,823	
Totals	119,754	34,291	85,463

These votes are an emphatic contradiction of the assertion of the gentleman from Illinois.

Mr. Chairman, this bill seeks to destroy a vital feature in the civil-service act by making the appropriation of the money necessary to its due execution dependent on the condition that the rules governing the selection of public servants be so changed as to give easy opportunity for making appointments exclusively from one political party. The change proposed is radical, and if coerced will insure a return to the old method of rewarding "party zeal" and disregarding proved competency and personal merit. It is evident that this change is suggested by the greed of the place-hunters. The spoilsman is to have a chance.

There is a statesmanship, sir, that has no Sinai higher than an official position and whose decalogue begins and ends with "To the victors belong the spoils." These profess to believe that when Grover Cleveland was elected to the Presidency the election carried with it to the Democratic party every office within the control of the Executive, little and big, from a spittoon-cleaner or towel-washer to a Cabinet minister. It strikes me that is too broad a claim for the size of the victory. Sir, although Mr. Cleveland was elected, he was not the choice of a majority of the legal votes cast in 1884. Of a total vote of 10,056,347 his vote was but 4,911,017, or 234,313 less than a majority. His majority over his principal competitor was less than 63,000.

And I assert, Mr. Chairman, that this victory was only made possibly by the pretense that the Democratic party was, in good faith, in favor of a non-partisan reform in the civil service. Confiding and over-credulous men of Republican antecedents voted the Democratic ticket upon the faith of these promises. Had the spoils system been asserted then as it is proclaimed now by the leaders, to be Democracy pure and simple, there would have been another defeat for that oft-defeated party. To desert the civil-service policy now is to betray the allies who made Democratic success possible. The Republican party was defeated because the adherents of Mr. Cleveland pledged themselves that he would inaugurate salutary reforms in the civil service of the country.

The orators of the Democracy talked glibly of the monstrous abuses that had grown up under the Republican system, as they said, of partisan appointments, and held up their new gospel of civil-service reform as a political short cut to all that was pure and honest in government. To be sure, these pretensions were absurd. Those who were induced to believe that the men who won at the election two years ago would prove to be the champions of a wholesome reform are disenchanted now. No one disputes that the administration was fully committed to the policy embodied in the Pendleton bill, the policy which in its most essential feature this appropriation bill seeks to nullify. It was indorsed in Chicago; it was repeated in the letters of acceptance by the national candidates; and this policy was emphasized by the President in his inaugural.

If it is possible to commit the Democratic party to any policy it is committed to this. It was committed to it in its national platforms long before the convention at Chicago. It gave it a specific and unqualified indorsement in the most statesmanlike platform it ever made or is ever likely to make. And this was done in a convention the history of which will rescue modern Democracy from oblivion. I refer to the convention and platform adopted at Baltimore in 1872. I quote from that platform:

The civil service of the Government has become a mere instrument of partisan tyranny and personal ambition and an object of selfish greed. It is a scan-

dalous reproach upon free institutions, and breeds a centralization dangerous to the perpetuity of republican government. We therefore regard a thorough reform of the civil service as one of the most pressing necessities of the hour; that honesty and capacity and fidelity constitute the only valid claims to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage; and that public station shall again become a post of honor.

Do the Democracy stand on this doctrine now? If not, why not? Was this grand declaration honest then, or was it a sham and a fraud? Was it announced to be put into execution, or was its only purpose to influence votes? Are we to understand that there is no such thing as good faith in politics?

The principles of the platform of 1872 have been reasserted in every Democratic national convention since then. A civil-service plank as clear in its language, as lofty in its declamation, and as captivating in its promises of reform was adopted at New York in 1876, and was written by Samuel J. Tilden himself. The administration party must face these declarations and abide them, or confess that it did not intend to keep these promises when they were made.

I have little reason to doubt the sincerity of the President. That he desires to redeem his pledges to the people by a firm enforcement of the statute is evinced by every public utterance. In his letter to Dorman B. Eaton of September 11, 1885, he said:

I believe in civil-service reform and its application in the most practicable form attainable, among other reasons because it opens the doors for the rich and the poor alike to a participation in public place-holding; and I hope the time is at hand when all our people will see the advantage of a reliance for such an opportunity upon merit and fitness, instead of a dependence upon the caprice or selfish interest of those who impudently stand between the people and the machinery of their Government. In the one case, a reasonable intelligence and the education which is freely furnished or forced upon the youth of our land are the credentials to office. In the other, the way is found in favor secured by a participation in partisan work, often unfitting a person morally, if not mentally and physically, for the responsibilities and duties of public employment.

I wish I could impress the truth that "a favor secured by participation in partisan work often unfits one morally, if not mentally and physically, for the responsibilities and duties of public employment" on the place-hunters of to-day who seek to destroy the law.

But the party is drifting away from its chief. It is not in harmony with him on any important question. It has no sympathy with him on matters of finance, and on the question of reforming the civil service it is preparing for open revolt.

There should be no surprise, sir, at the return of the Democracy to the spoils system. The piratical declaration that "to the victors belong the spoils" is the coinage of a Democratic brain. The system was first put into practice under a Democratic administration. Why, sir, Washington, during his eight years of administration, made but nine removals; John Adams but nine, and none of these because of offensive partisanship. Although Mr. Jefferson made thirty-nine official changes he most solemnly declared that none of them were influenced by political considerations. Madison removed five; Monroe nine, and John Quincy Adams, "the noblest Roman of them all," but two. Mr. Benton tries to vindicate Jackson from the odium of having first inaugurated the policy of punishing political opponents by indiscriminate removals from office. A recent writer says:

He [Benton] shows clearly by reference to the Government archives that, of nearly eight thousand postmasters, only four hundred and ninety-one were removed by Jackson in the time mentioned by De Tocqueville, and that, of the many thousands of removable officials, the total removals were six hundred and ninety for all causes; while a majority of the incumbents were political opponents during the entire administration. "General Jackson," says Mr. Benton, "on his accession to the Presidency, was in a new situation in respect to parties, different from that of apy President since Jefferson, whom he took for his model and whose rule he followed. He made many removals, and for cause, but not so many as not to leave a majority in office against him. Yet he came into office under circumstances well calculated to excite him to make removals. None of his political friends, though constituting a great majority of the people of the United States, had been appointed to office during the preceding administration, and such an exclusion could not be justified by any consideration. It was a change of administration, in which a change of Government functionaries to some extent became a right and a duty; but, still, the removals actually made, when political, were not merely for opinions, but for conduct under these opinions."

Notwithstanding this defense, history records the fact that in the single year of 1829 Jackson's administration guillotined six hundred and ninety Whigs, and over two thousand officials were removed altogether by him.

Whatever may be true as to Jackson's administration, it is undeniable that his successors, from Van Buren to Buchanan, conferred office on their party followers only, and summarily removed from office all who differed from them in political opinion. With this record behind it, who could expect any reform in the civil service from that party? I have repeated this history also to show that if the old system resulted in conferring office on men who had no fitness for public employment but their fealty to party, it was an evil not discovered by the Democracy until the Republicans secured control of the patronage of the Government.

But why this sudden hostility? Why should this law be repealed or even crippled? When the Republicans were in control of the Government the gentlemen on the other side were zealous in its support. They demanded its passage, they supported it, and clamored for its enactment. Do you want the spoils for your henchmen, and is this law in your way? The Democracy this day are in possession of nearly every office worth the having. The heads of Departments and of bureaus are all in its keeping. The foreign service, consular and diplomatic, is filled with the friends of the administration. The Territorial offices have been given to the faithful. The post-offices that are worth the taking are in Democratic hands. The confidential circular of the Postmaster-General has done a perfect work, and no offensive Republican survives.

All over the country soldiers' widows have been removed to make room for able-bodied men, and crippled veterans made to give way to civilians. The work is going on, and soon no Republican will be left. A few Republican clerks remain, and they are kept in a constant state of alarm. Every day the public press gives the names of unfortunates whose heads are in the basket of the executioner. Even with such protection as the civil-service law affords it will not be long before the spoils will all, or nearly all, be in the Democratic household. Be patient, gentlemen! There is no necessity for haste. Some device will be discovered by you by which the law will be avoided. When the Postmaster-General discovered that to edit a Republican newspaper, to belong to a Republican committee, to make contributions to Republican campaigns, or, in fact, to be an honest and outspoken Republican, was to be an offensive partisan and make one subject to removal for cause, the Democratic heart was glad. This circular was a bald perversion of the law, in its letter and its spirit.

The very essence of the civil-service law is to prevent the question of partisan politics from being considered in making appointments or removals from office. I refer to the class of offices covered by its provisions. These offices were not to be given as a reward for party services, nor was want of fealty to the party in power to be punished by removal. These questions were to be decided on merit. If the officer was faithful and capable he was to be retained; and if the applicant proved his moral and mental fitness to the satisfaction of the commission he was entitled to an appointment.

Partisan politics were to be absolutely excluded from consideration in this connection. If this is not the spirit of this law it has none. If it does not mean this it is a miserable fraud. One of the most attractive features of the law is the fact that it leaves both the applicant and the employé free to speak and act as American citizens without the hazard of losing their places. It was the purpose of this law to require of the public servant fitness, competency, fidelity—to accept nothing less, to require nothing more. How did the offensive-partisan circular operate? Always to remove a Republican, and always to put a Democrat in his place. A Republican editor, or committeeman, or contributor to a campaign fund is displaced to make room for a Democratic editor or committeeman or contributor.

True, the civil-service law was not violated in these cases, for it does not apply to postmasters, but this action was a wide departure from the declared policy of the President and a flagrant disregard of the tenure-of-office act. I speak of this new crime of offensive partisanship because it has been made to do its miserable work in almost every room in all the Executive Departments. It has been made to do service in securing the removal of the humblest Republican officials.

I do not say that political considerations should not in many instances influence both appointments and removals. There are certain agents of the administration to whom are committed the high trust of shaping and executing its policy, foreign and domestic. These have the guardianship of the principles and aims of the party in power. Those intrusted with this responsibility should be in accord with the administration, and in selecting these political considerations must be regarded. A free-trade policy should not be left to the mercy of protectionists, nor could the enforcement of the law for the reform of our civil service be confided with safety to officials who denounce it and seek to nullify it.

The policy of a party, when that policy is indorsed by a free election, becomes the policy of the people and it should be put in the hands of its friends. No one questions this. In selecting agents of this class, however, the public good demands the employment of the best available material, and party fealty should not be regarded to the exclusion of moral and mental fitness. No amount of partisan service will excuse the appointment of an unfit person to office.

But, gentlemen, there is a class of public servants whose duties are wholly ministerial, whose employment has no relation to the policy on which the Government is to be administered. What have the laborers, watchmen, messengers, doorkeepers, copyists, accountants, and the multitude of employés of this class in the several Departments to do with questions of public concern? Nothing in the world. They influence a policy only to the extent of their individual votes. In the workshop of the mechanic, in the counting-room of the merchant, or on the fields of the farm they are as important partisan factors as when in public employment.

Why, then, should the partisan test be applied in selecting these agents? Whatever party may be in power the Government is still the Government of the people—the whole people. The 5,000,000 voters who withheld their support from Mr. Cleveland at the late election are still citizens. They pay taxes for the nation's support and bear arms

in its defense. The result of the Presidential election relieved them from no burden—from no responsibility. Are these people, these five million people who bear their full share of every burden, to be declared ineligible to even the smallest office in the gift of the administration? Such a position is monstrous.

But, Mr. Chairman and gentlemen, before proceeding further I desire to notice the charge so freely indulged in in this debate by the other side of the House, that the civil service was fearfully degraded by the Republican party, that it had brought reproach on the people by appointing unprincipled men to office. It is an old saying, sir, that "the teaching of the priest is not worth much who discourses of honesty with a stolen goose in his sleeve." It ill becomes a party that in the first year of its power made such significant mistakes as the appointment of Judd, Miere and Dunton, Tyrer and Conroy, Pollard, Downey, and a host of others of like ilk to preach purity and honesty to any other party.

I think this administration, brief as has been its reign, has learned—

> That pious ecstacies are easier far
> Than virtuous deeds.

After all its promises and virtuous resolves it has not been able to keep its own press from charging its highest officials with most reprehensible conduct, and already the Credit Mobilier has found its parallel in the Pan-Electric scandal.

It would be well, I think, for the fierce Democracy to cry now—

> An ounce of civet, good apothecary—

to sweeten this offensive stench.

I deny that the Republicans gave the country a debauched civil service. That their confidence was at times betrayed by bad men I do not deny; that some of their chosen servants proved to be disreputable men and were guilty of crime I admit. Every recreant was prosecuted as far as it was possible to do so.

But, sir, he who claims that honesty belongs to one party to the exclusion of others is a demagogue. Dishonest men abide in every church and every political organization. And who so silly as to suppose it possible to select an army of officials from the masses without catching now and then a scoundrel? All experience proves that when large sums of money pass through the hands of many agents, whether of private or public employment, there will be losses and embezzlements. Ask your bankers, merchants, and corporation officials for their experience. These things will happen until human nature is wholly reconstructed. What are the facts as to the administration of the Government by the Republican party for the twenty-four years beginning in 1861?

The history of those years must not be forgotten. It must be remembered that it had to contend with the demoralizations incident to civil war. The rebellion more than quadrupled our expeditures and our public servants. Our annual revenues rapidly rose from $90,000,000 to $450,000,000. At one time our outlay reached nearly $800,000,000 in a single year. Is it to be expected that no more will be lost in transacting a business of four hundred millions than one of ninety millions? Is it to be expected that one hundred thousand servants will yield no larger number of disreputable men than twenty thousand? I insist that, tested by the facts, the Republican party gave the people as wise, as patriotic, as pure, and as efficient civil service as they ever had at any time in the history of the Republic.

It is oft-repeated and uncontradicted history that of all the vast sums of money Republican administrations held in trust for the people, the loss was but about one-fifteenth of 1 cent on each $100. Hundreds of millions of dollars of internal-revenue taxes were collected and disbursed without the loss of a penny. The most prudent and skillful men have never been able to conduct their private business with a smaller margin of losses. The Republican party challenges the closest scrutiny of its record, and refutes declamation by interposing unimpeachable history. It has turned the public revenues over to its successor to the last mill, and for fifteen months its books and records have been in the keeping of its political adversaries, and no crimes or frauds have been unearthed or even suggested.

It is true that the Republican party did not in the earlier years of its supremacy inaugurate a method for reforming our civil service. It had to deal with a bloody rebellion which occupied its every thought. It accepted the civil-service system as it found it. The system came to it from its Democratic predecessor, sanctified by forty years of unbroken Democratic practice.

The history of this reform legislation is brief and well known. President Grant saw the evil of what is justly called the spoils system, and in his message of December 5, 1870, call the attention of Congress to it in these words:

> Always favoring practical reforms, I respectfully call your attention to one abuse of long standing which I would like to see remedied by Congress. It is a reform in the civil service of the country. I would have it go beyond the mere fixing of the tenure of office for clerks and employés who do not require the advise and consent of the Senate to make their appointments complete. I would have it govern not the tenure but the manner of making all appointments. There is no duty which so much embarrasses the Executive and the heads of the Departments, nor is there any such arduous and thankless labor imposed on Senators and Representatives as finding places for constituents. The present system does not secure the best men, and often not fit men for public place. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

Here a Republican President sixteen years ago calls the attention of Congress to this "abuse of long standing," and urges the assistance of Congress to the end that the civil service may be elevated and purified and that honesty and efficiency may be enforced in all the public employments.

The Forty-first Congress, at President Grant's suggestion, passed the following:

> That the President of the United States be, and he is hereby, authorized to prescribe such rules and regulations for the admission of persons into the civil service of the United States as will best promote the efficiency thereof and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose the President is authorized to employ suitable persons to conduct said inquiries, to prescribe their duties, and to establish regulations for the conduct of persons who may receive appointments in the civil service.

The President, under the authority of this act, at once convened a board of gentlemen decidedly favorable to the proposed reforms and eminently qualified for the work assigned them to suggest regulations for the admission of persons to office. On this commission were such men as Mr. Cattell of New Jersey, Mr. Medill of Illinois, and Mr. George W. Curtis of New York. These gentlemen engaged cheerfully in the business committed to them, and gave the President, among other things, the plan of competitive examination.

In his annual message of 1871 the President advised Congress of the progress made, and assured the people that he would give the system suggested by the board a fair trial. He indorsed this work of reform with his characteristic zeal. I will not detail the embarrassments which beset the effort to put this reform into operation. It made slow progress. Reforms, sir, are of slow growth. They do not come full-grown, as it is said Minerva did from the brain of Jupiter. They require years for their full development. From 1870 forward the subject was agitated by the press and the people. The Democratic national convention of 1876 said:

> Reform is necessary in the civil service. Experience proves that efficient, economical administration of governmental business is not possible if its civil service be subject to change at every election, be a prize fought for at the ballot-box, be a brief reward for party zeal instead of posts of honor assigned for proved competency and held for fidelity in the public employ; that the dispensing of patronage should neither be a tax upon the time of all our public men nor the instrument of their ambition.

This is sound doctrine, but it was but an echo of Grant's message. It steadily gained strength until it was embodied in the present law by the votes of both branches of Congress and of both political parties. The measure was proposed by a distinguished Democratic Senator, it was supported by Democrats in both the House and Senate, and is now unreservedly indorsed by a Democratic President. It passed the House of Representatives by a majority of more than 3 to 1, and it was put on its passage on the motion of a most distinguished member of that party—Mr. Cox, of New York. My colleague [Mr. HOLMAN] voted for it, and if I remember correctly it was not opposed by one of my Democratic colleagues.

But the Republican party was in power then! It controlled the patronage of the Government in that day, and this law was for it. Now matters are reversed; the Government is in the hands of the Democratic party, and when the law for which its representatives voted and which was repeatedly indorsed by its leaders and in its conventions is thrust between its henchman and the spoils there is an universal wail of pain and despair. The civil-service law was passed by a Republican Congress and was faithfully executed by a Republican President. The whole Democratic party was committed to it by its platforms and it went into power upon the promise that it should be the corner-stone of its administration.

I am not willing to see the President rebuked for attempting to carry out his pledges. I desire, moreover, to see this law fully tested. The idea embodied in it is right. I am not willing to say that the end has been reached, but all candid men must admit that the President is on the right road. Let us see what has been accomplished. Competitive examinations, as one of the measures for ascertaining the fitness of persons for office, have been adopted. That this plan has much of good in it to the service and the people will not, I think, be seriously questioned by any one.

It takes the patronage out of the hands of political jobbers who thrust their friends on the appointing power and demand places for them because of their labors and zeal as partisans without regard to their moral or intellectual fitness. It encourages effort and education and excites in the applicant a laudable ambition to excel in his acquirements. It offers a reward to merit and furnishes an incentive to honesty and industry.

It relieves the President, members of Congress, and the chiefs of the Departments of an army of hungry place-hunters who have nothing to commend them but their greed for office and the brazen and persistent impudence with which they press their claims. It will give modest and unpretentious worth an opportunity. It will also, in some measure, relieve the appointing power from the fearful responsibilities of the present system.

This is the policy the President is seeking to enforce and these are the results he is laboring faithfully to achieve. He is fully committed to these measures and to the important reform, to secure which they

are intended to contribute. The work is but begun; it will take time to perfect the system. The reformer must be patient.

I do not see in the plan adopted all that will be required to complete the work of regeneration and purification. Competitive examinations and the abolition of political tests are important and gratifying steps in the direction of thorough reform, but they will possibly fall short of meeting all the wants and supplying all the defects of the past civil-service system. You may ascertain one's proficiency in the sciences, he may be crammed with all the learning of the schools and yet be radically unfit for the employment he seeks. He may be indolent or dishonest, or a mere theorist, and prove a failure when put to the test of real work.

It is not improbable in many instances the candidate passing the ordeal of an examination may wholly fail in the practical discharge of the administrative duties to which he may be assigned. I am ready to believe that a person may not answer correctly so many questions from the books as another, and yet in fact make the better and more efficient clerk. The one may be active and vigilant, the other slow, indolent, and inattentive. My conviction is that after all is accomplished that can be by examinations the Government must protect itself from incompetency and dishonesty by at once discharging from its employment every one who does not bring to its service the requisite ability, and bringing to immediate disgrace and punishment every man who prostitutes his office to dishonest and corrupt purposes.

The rule should be inflexible that none but the honest and capable should secure and retain places in the public service. The measures adopted are important helps in the work of reform, and others will be suggested as we go forward. We must strike at the root of the evil. Every man who has a position under the Government should be made to know that he holds it only on condition that he performs his duties with the strictest fidelity. He should be made to feel that he owes his position to no party and that no man can keep him in place if he is unfaithful or protect him from disgrace and punishment if he shall prove dishonest.

The Republican party is fully committed to a reform in the civil-service system. It has in convention, on behalf of its four and a half million voters, declared itself in favor of a system that "will abolish the evils of patronage and make honesty, efficiency, and fidelity essential qualifications for public positions."

Mr. Chairman, I regard this as purely a business question. The Government is but an organized community for the protection of life, liberty, and property; to guard the rights and redress the wrongs of the individual members. It secures these ends through agents known as office-holders, who are selected to perform certain duties, and are paid for these services from the earnings of the whole people. These office-holders are the agents of all. The want is an efficient, just, and economical service, and this can only be had by the employment of the capable and the faithful. Now, whether the civil-service rules need reforming or not, it is certain that to bestow office as a mere reward for party work will not give the people a good and an honest service.

The partisan test tends to destroy freedom of thought and independence of action and to make the appointee the mere creature of the man or party to whom he is indebted for his place. It puts fealty to party above fidelity to duty. It promotes the debauching idea that the chief end of government is not to reform abuses and promote the general welfare, but to distribute the spoils. It breeds a horde of creatures who are ready at the dictation of their bosses to engage in disreputable practices to control conventions and elections.

I put down among the dangers of the spoils system that in the selection of its instruments it disregards moral and intellectual worth and personal fitness that it may reward mere partisan zeal or cunning; that it tends to put public interests into the hands of unscrupulous political bosses in return for questionable party services; that it results in creating additional and unnecessary places and in enlarging official emoluments that it may increase party power by adding to its capital; that it stimulates election frauds and mob violence at the polls and nearly every crime that has been committed against the elective franchise. It often results in depriving the people of efficient, honest, and economical government by denying them the services of capable and faithful servants.

It is our boast that it is the genius of our political system to keep the pathway to distinction open to merit, to invite to the most exalted trusts the honest and capable, and in the race for public honors to give the poorest and humblest an equal chance. Under the spoils system how often does modest worth win over the ward bummer, whose only recommendation is that he helped fix the election? How seldom, under the most favorable circumstances, true manhood wins at the game of politics! I would not only elevate the public service, but would, if it were possible, put party politics on a higher plane.

Let parties and individuals seek power without a resort to baseness, for in all time no place was ever won by crime and corruption, or retained by falsehood, that did not scorch the very soul of him who held it.

I am not indorsing the details of the present law, nor am I committing myself to all the rules adopted by the President, for if I had time I would suggest some amendments, but the objects of the reform have my fullest sympathy.

Without pursuing these questions further now, I am content to be counted a disciple of Thomas Jefferson. These were his views as given by Mr. Benton:

Mr. Jefferson had early and anxiously studied the question of removals. He was the first President that had occasion to make them, and with him the occasion was urgent. His election was a complete revolution of parties; and, when elected, he found himself to be almost the only man of his party in office. The Democracy had been totally excluded from Federal appointment during the administration of his predecessor. Almost all offices were in the hands of his political foes. Justice to himself and his party required this state of things to be altered, required his friends to have a share proportionate to their numbers in the distribution of office, and required him to have the assistance of his friends in the administration of the Government. Removals were indispensable, and the only question was the principle upon which they should be made. This question Mr. Jefferson studied anxiously, and under all its aspects of principle and of policy, of national and of party duty, and settled it to his satisfaction. The fundamental principle was that each party was to have a share in the ministerial offices, the control of each branch of the service being in the hands of the administration; that removals were only to be made for cause and upon inquiry into the truth of imputed delinquencies. Official or personal misconduct, negligence, incapacity, inherent vice in the appointment, partisan electioneering beyond the fair exercise of the elective franchise, and where the heads of some branches of the service were politically opposed to his administration—these, with Jefferson, constituted the law of removals, and was so written down by him after his inauguration.

In correspondence with his political friends Mr. Jefferson said:

Some removals I know must be made. They must be as few as possible; done gradually, and bottomed on some malversation or inherent disqualification. Good men to whom there is no objection but a difference of political opinion, practiced on only so far as the right of a private citizen will justify, are not proper subjects of removal. * * * Officers who have been guilty of gross abuse of office I shall now remove. The instances will be few, and governed by strict rule and not party passion. The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear, however they may have differed from me in opinion; those who have done ill, however, have nothing to hope. * * * Every officer of the Government may vote at elections according to his conscience; but we should betray the cause committed to our care were we to permit the influence of official patronage to be used to overthrow that cause.

This was genuine Democracy in the earlier and purer days of the Republic.

I beg pardon, Mr. Chairman and gentlemen, for departing from the order of this debate to call the attention of the country once again to a question that in my judgment overshadows all others. The question to which I now refer is that of reforming our

METHOD OF ELECTING A PRESIDENT AND VICE-PRESIDENT.

We have not forgotten that immediately succeeding the Presidential election of 1876 we were in great peril. There was angry debate in Congress and alarm among the people. Threats were muttered with quivering lips in every section. Excited men, disappointed in their aims, in the frenzy of the hour threatened an appeal to arms. The cheeks of patriotic citizens blanched as they contemplated the danger. The nation was but a hairbreadth from a conflict it could not have survived.

All this was the result of a contested Presidential election, and that contest was made possible by serious defects in our electoral system. These defects have excited the gravest concern in the minds of the most eminent statesmen of all parties. Here the language of the Constitution, touching who shall count the electoral vote and announce the result, is vague. In whom is this power reposed? In the Congress or in the President of the Senate?

These are unsettled problems, and partisan statesmanship seems determined to avoid them or trifle with them. In this matter it has come to this complexion at last: that the Constitution is made to adjust itself to the necessities of party, and to confer the power of making the count on either the President of the Senate or Congress as its exercise by the one or the other may be made to secure a partisan advantage. The inquiry now is not what is the true interpretation of the Constitution, but to what party does the President of the Senate belong, or what is the politics of the Congressional majority? These ascertained, to the partisan the meaning of the Constitution is clear, for in his judgment the power shifts from Congress to the President of the Senate and back again as often as the one or the other is necessary to secure his party a victory. In this condition of the controversy the people will not be content with the settlement of the Presidential contest by either of these tribunals.

The office of Chief Magistrate is most important now, and is rapidly becoming more so. Every term he dispenses millions in patronage, and the Presidential struggle is becoming more and more bitter and exciting. It is not to be expected that when the masses are excited almost to madness, when public interests and private ambitions are involved, the vanquished will accept defeat from a tribunal whose jurisdiction over the controversy has been challenged during our whole national life.

But our whole system of Presidential elections is vicious. If it be true, as I believe, that the President of the Senate may finally pass on every essential fact in connection with the count of the Presidential vote, then the power thus lodged puts to a fearful hazard our liberties, for there is nothing to save popular government from the arbitrary rulings of an unscrupulous man but revolution. The Congress is equally unsafe. In these heated contests, these scrambles for spoils, the politician taxes his ingenuity to find plausible pretexts for the support of the most absurd and forced constructions of constitutions and statutes. To him the party is immaculate and its behests the supreme law. If

our experience proves anything it shows that in these controversies Congress is incapable of rising above the low level of partisanship. No such tribunal is fit to try a contested Presidential election.

I repeat that this undemocratic and anti-republican system is dangerous to popular government, whether the result of the election is ascertained by either the President of the Senate or Congress, for even the electors may betray the people, defy their instructions, and defeat their choice. The people may choose one man and the electors select a wholly different one. You may choose a Democrat and they inaugurate a Republican and violate no law. No law can now be made to prevent such an event or to enforce the popular will.

But again, a State may appoint electors to select a President, or it may refuse to do so. If it refuse there is no power by which the appointment can be coerced. Now if every State should fail or refuse to execute this power there would be no election and the Government perish by mere non-action. For such a contingency the Constitution makes no provision. But suppose the States appoint, the electors vote and certify their vote as required, the tribunal trying the vote may wholly annul the action of the people and defeat an election by holding to such arbitrary technicalities as that the electors were not appointed in conformity to law; that they were ineligible to an appointment; that they did not vote on the right day; that they did not properly transmit their proceedings to the President of the Senate, or that the certificates containing votes were not legally authenticated. Upon such flimsy pretexts as these whole States have been and may hereafter be disfranchised.

Was there ever a plan of election more dangerous or more absurd? Ought this jumble of doubts and confusions to be longer tolerated? These are familiar facts I know, but I am pledged to my people to keep them before the Congress so long as I remain their representative or until the great danger of the electoral plan is removed. At every meeting of Congress a high select committee composed of distinguished statesmen is appointed to consider and report a remedy, and at every adjournment the question is just where it was when the session began. No party seems equal to the task of reforming this obsolete, vicious, and undemocratic system. Shall this danger continue longer to menace the people?

The formation of the Constitution was a grand work, I know, worthy the men and the age. We were then a homogeneous people occupying a narrow domain. We are now a nation of thirty-eight Commonwealths and nearly sixty millions of people. We have diversified interests and sectional prejudices, and differ widely in religious thought and in our ideas of civil government. In this confusion the public safety demands that our national elections be in accord with our democratic theory of government, so that their results may be accepted by all.

Mr. TOWNSHEND. I have no desire to modify the remark I made. I feel convinced that my statement is correct. I am well satisfied, sir, that when the war began a majority of those who filled the ranks of the Union Army were Democrats. A majority of the generals who distinguished themselves on the side of the Union were Democrats.

Mr. ROWELL. Will you allow a question?

Mr. TOWNSHEND. I decline to yield.

Mr. ROWELL. I want to ask whether they were Democrats when they went in or when they came out?

Mr. TOWNSHEND. I decline to yield for any interruption.

Mr. BRUMM. Does not the gentleman know that the soldiers who were Democrats in the Army were those who got in after the conscription act was passed, that they were conscripts?

Mr. GIBSON, of West Virginia. That is a mistake.

Mr. TOWNSHEND. I speak somewhat from my personal knowledge of my own locality. One county in my district in 1860 gave Lincoln 11 votes. That county furnished nearly a thousand men to the Union Army.

Mr. BROWNE, of Indiana. How many Republican votes does it give now?

Mr. TOWNSHEND. Another county in my district which gave but 27 votes to Lincoln in 1860 furnished a thousand soldiers to the Union Army.

Mr. BROWNE, of Indiana. How many Republican votes were there when the boys came home?

Mr. BRUMM. On what side did those soldiers fight?.

Mr. GIBSON, of West Virginia. Perhaps at that time the gentleman from Pennsylvania did not know on what side he was?

Mr. BRUMM. My record shows on what side I was.

Mr. REED, of Maine. I guess the Democracy did the fighting on both sides.

Mr. HOLMAN. I rise to a question of order.

The CHAIRMAN. The Chair requests the committee to come to order.

Mr. TOWNSHEND. I will reiterate my statement of yesterday. I believe if the long roll could be called of the living and of the dead who entered the Army on the side of the Union, it would be discovered a majority of them were Democrats. Nearly every great general who distinguished himself on the side of the Union went into the Army a Democrat, and most of them came out Democrats. Political office induced some to leave the Democracy.

Mr. HOPKINS. I wish to ask my colleague a question.

Mr. TOWNSHEND. I repeat, I stand by what I have said on this subject.

Mr. BROWNE, of Indiana. I withdraw my amendment.

Mr. BRUMM. I ask the gentleman from Illinois to what party do those belong who fought on the other side?

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] has the floor.

Mr. TOWNSHEND. Now, a word in regard to the next point the gentleman from Indiana [Mr. BROWNE] makes. I am satisfied, and I speak by authority of those who know whereof they speak, that there have been as many soldiers appointed to office under this administration as have been removed.

A MEMBER. How many confederate soldiers have been appointed?

Mr. TOWNSHEND. I say that while in every instance the Republican soldier removed has not been succeeded by a soldier in the particular place from which the removal has been made, yet the aggregate of the soldiers appointed under the Cleveland administration is equal to if not greater than the aggregate number of soldiers removed. Within the last ten days there has been placed upon the soldiers' roll of this House a soldier, a Republican soldier, from my own State of Illinois. I submit the magnanimity of the Democratic party toward the soldier and toward Republican officials is unparalleled in the history of any political party. We furnished the fighting men for the Union during the late war.

Mr. BRUMM. What corps were you in?

Mr. TOWNSHEND. In none. Perhaps I was in the same corps as the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. I was in the Tenth Corps all through.

Mr. TOWNSHEND. One of the best corps commanders that ever commanded Pennsylvania troops in the late war was a Democrat—General Winfield Scott Hancock.

Mr. WEAVER, of Iowa. Would it be in order to have the long roll called?

Mr. TOWNSHEND. I merely want to reiterate that more Democrats enlisted in the Union Army than Republicans.

Mr. HOLMAN. I ask unanimous consent that debate be closed on this paragraph.

There was no objection.

The CHAIRMAN. Does the gentleman from Illinois [Mr. TOWNSHEND] withdraw his formal amendment.

Mr. TOWNSHEND. Yes, sir.

The CHAIRMAN. The question is then on the amendment of the gentleman from Indiana [Mr. BROWNE] to strike out the clause.

Mr. BROWNE, of Indiana. I have withdrawn that amendment.

Mr. BRECKINRIDGE, of Kentucky. I would like to reserve the question of order which the Chair decided on an amendment a short time ago. I should like the Chair to give me an opportunity to call it up to-morrow.

Mr. HOLMAN. I submit that we can not go back on the bill.

The CHAIRMAN. The Chair has ruled on that point of order.

The Clerk read the next paragraph, as follows:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $4,500, and for hire of horses and wagons and cartage for the use of the Clerk's office, $1,200; for Chief Clerk, Journal Clerk, and two reading clerks, at $3,000 each, and for the Journal Clerk (H. H. Smith) for preparing Digest of the Rules, $1,000 per annum; for disbursing clerk, tally clerk, and printing and bill clerk, at $2,500 each; for file clerk and enrolling clerk, at $2,250 each; for assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, index clerk, superintendent of document-room, and librarian, at $2,000 each; for distributing clerk and stationery clerk, $1,800 each; for newspaper clerk, document clerk, upholsterer, and two assistant librarians, at $1,440 each; two messengers in the House library, at $1,314 each; one page, $720; one assistant journal clerk, at $6 per day during the session, $726; one assistant index clerk, during the session and three months after its close, two hundred and ten days, at $6 per day, $1,260; one book-keeper and four clerks, $1,600 each; three clerks to index private claims, at $1,600 each; one messenger-boy in chief clerk's room, $300; two laborer's in Clerk's document-room, $900 each; the person preparing the general index to the journals of Congress, under resolution of June 18, 1878, $2,500; assistant to person preparing the general index to journals of Congress, under resolution of May 22, 1882, $2,000; one laborer in the bath-room, $720; four laborers, at $720 each; one telegraph operator, $900; one chief engineer, $1,700; two assistant engineers, $1,200 each; two conductors of the elevator, at $1,000 each; one laborer, $820; five firemen, at $900 each; one electrician, $1,150; one laborer, $800; one laborer to clean Satuary Hall and watch statuary therein, $660; in all, $96,964.

Mr. MAYBURY. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 9, line 193, after the words "journal clerk" insert the words "tally clerk."

Mr. MORRISON. Before any amendment is offered I want to make a point of order on this paragraph. I desire to make a point of order on the name, in line 194, "H. H. Smith."

The CHAIRMAN. The gentlemen from Illinois will state what is the point of order.

Mr. MORRISON. Under the rules of the House the Clerk is authorized to appoint his assistants. This is legislation.

Mr. CANNON. I would be glad to be heard on the point of order. The Chair decided the point of order touching the name "Amzi Smith" in the appropriations for the Senate force before I had an opportunity to be heard. I heard the gentleman from Texas make that point of order.

I must confess that the only point he made which had any influence upon my mind was that under the Constitution the Senate had a right to appoint its own officers. I do not think that was well taken, but certainly that was the strongest point he made. The House of Representatives has a right, of course, to appoint its own officers in any way it sees proper. I wish to call attention, however, to the fact that this is not the appointment of an officer. I will read the language:

For Chief Clerk, Journal Clerk, and two reading clerks at $3,000 each, and for the Journal Clerk, H. H. Smith, for preparing Digest of the Rules, $1,000 per annum.

Now, there is no appointment of an officer there. It is a provision proposed to be made by the concurrence of the House of Representatives, because it is proposed to be written in the statute, and it can not be written there without the concurrence of the House—a provision for the performance of certain work, namely, the preparation of the Digest, for which $1,000 is to be paid, and this provision designates one "H. H. Smith" as the person who is to receive that compensation. Possibly the House might not choose to legislate that the work should be done except by this precise party.

Mr. LONG. The difficulty is that it is enacted by the Senate as well as by the House.

Mr. CANNON. Yes; but can it be enacted by the Senate without the consent of the House? Is there no way that the House can act except by a resolution? A statute, I say to my friend from Illinois [Mr. MORRISON], is a resolution of the House, and more. I say again, that this provision does not come within the point of order made by the gentleman from Illinois.

One word now as to whether this expenditure and these officials are authorized by law, and this remark applies also to the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] a while ago to increase the salary of the clerk at the Speaker's table $200. When I take up the Book of Estimates (with which the Chair is familiar) I find that there is no law except the appropriation bill referred to for any of these salaries. There is no permanent law in existence that authorizes the employment of these pages and these clerks and all the employés under the Doorkeeper. There is a law authorizing the employment of the force in the Sergeant-at-Arms's office, but with that exception there is no law authorizing these employés. The power to make an appropriation of a thousand dollars or of ten thousand dollars as compensation for these employés is lodged in the House of Representatives, and the appropriation can be made by resolution or by law, the Senate concurring, which, as I have said, is a resolution and something more.

Mr. MORRISON. I wish to strike out, or have stricken out, the name of "H. H. Smith," here designated as "Journal Clerk," because under the rules the Clerk of the House has a right to name the Journal Clerk. The House does not appoint and the Committee on Appropriations has no right to name him.

Mr. CANNON. But this does not name the Journal Clerk. The House has a right to vote to employ a certain man, naming him, to prepare the Digest; but my friend from Illinois [Mr. MORRISON] takes the position that he, one member of the House, with the aid of the chairman, another member of the House, making two members, may keep the House from accomplishing that object.

Mr. FINDLAY. I call attention to the fact that this gentleman is not here named in connection with the salary, but in connection with the preparation of a digest, for which service he is to receive a thousand dollars.

Mr. HOLMAN. That does not change the case. It is still legislation.

Mr. FINDLAY. It simply proposes to pay him a thousand dollars for a particular service.

Mr. MORRISON. Suppose the Clerk of the House should appoint some other Journal Clerk whose name would not be H. H. Smith, who would get this thousand dollars?

Mr. FINDLAY. But this is the man who has done the work. This is simply providing compensation for work already done, and this is the man who has done it.

Mr. MORRISON. This is not for work done; it is for work that is to be done by the Journal Clerk, who might or might not be H. H. Smith.

Mr. HOLMAN. Certainly; we are appropriating for the next fiscal year, not for this.

Mr. FINDLAY. I did not understand that it was for work to be done in the future. I withdraw what I have said.

The CHAIRMAN. The Chair thinks the point of order well taken, and the point is sustained.

Mr. GIBSON, of West Virginia. Mr. Chairman, I want to make a point of order upon the words "for disbursing clerk," in line 196, or rather upon the provision raising his salary to $2,500. The existing law fixes the salary of this clerk at $2,250.

Mr. CANNON. Where is the existing law?

Mr. GIBSON, of West Virginia. I want to know from the gentleman in charge of this bill why it is that this salary has been raised.

Mr. HEARD. Can the gentleman refer me to the provision of law which fixes the salary at $2,250?

Mr. GIBSON, of West Virginia. The salary of this clerk has been heretofore fixed at $2,250, and the gentleman from Indiana who is in charge of this bill very well knows that fact. I ask that gentleman now for an explanation of the reasons why this increase has been made and I will accept his explanation.

Mr. HOLMAN. My only explanation is simply this, that the Committee on Appropriations concluded to increase that salary $250.

Mr. GIBSON, of West Virginia. But that does not explain what I asked the gentleman to explain.

Mr. CABELL. I will explain it to the gentleman.

Mr. GIBSON, of West Virginia. No; with all the respect in the world for the gentleman from Virginia, I must decline. I want the gentleman who is in charge of this bill to explain to me why the committee have increased this salary.

Mr. HOLMAN. Oh, if you wish to know the reason why it was done I will say that it was stated to the Committee on Appropriations by the Clerk of the House that the duties and the responsibilities of this disbursing clerk were very considerable; that he was required to be here not only during the sessions of Congress but during the year, and the committee, inasmuch as they were reducing some salaries that were found to be too high, thought they would add $250 to this one.

Mr. GIBSON, of West Virginia. Now, Mr. Chairman, I want to say that this Committee on Appropriations in fixing these salaries has done it without regard to the service to be performed by the employés; and, not only that, but without regard to existing law and without regard to precedents. The clerk of the Committee on Appropriations has been relieved of two-thirds of his labor in consequence of the change in the rules, and yet his salary is increased $500. Under this bill you have increased the salary $500.

Mr. HOLMAN. My friend labors under this mistake: that salary was increased by the preliminary action of the Senate during the last Congress.

Mr. GIBSON, of West Virginia. Ah, Mr. Chairman, it is no use to talk about "the preliminary action of the Senate;" I am referring to the action of the House; and the Senate has no more to do with it than Tom, Dick, or Harry outside of this House.

Mr. HOLMAN. The gentleman will allow me a suggestion. He makes a point of order that there is an increase here of the salary of the disbursing clerk to the extent of $250; and that it is out of order. I submit to my friend that he permit the Chair to decide the point of order.

Mr. GIBSON, of West Virginia. No, sir. I propose to discuss it. The point I wish to make is that this committee in fixing these salaries has pursued a system of favoritism, and in doing so has acted unjustly toward some of the employés of the House, while showing undue partiality to those whom that committee wished to favor.

Mr. FORNEY. That is a broad assertion. The gentleman should not make it without showing it to be correct.

Mr. GIBSON, of West Virginia. If the gentleman will sit down——

Mr. FORNEY. State the facts.

Mr. GIBSON, of West Virginia. I insist that gentlemen take their seats and allow me to proceed. I do not wish to be interrupted in this way.

Now, Mr. Chairman, we have introduced here time and again bills asking this Appropriations Committee to equalize the salaries of officers of this House and to do justice to our employés. Under the state of affairs now existing here men stand at one door who receive a salary of $750, and men at another door receive $1,200. The question how much an appointee gets depends upon who recommends him. I have been before the Committee on Accounts of this House trying to have these salaries equalized so as to do something like justice; I have sought to have some fair rule adopted. Yet we can not get a report from the Committee on Accounts, nor can we get justice from the Committee on Appropriations. All that we can get from the Committee on Appropriations is an increase of the salaries of clerks whom that committee is disposed to favor. I think, sir, that when a committee refuses to do justice to the various employés of the House it ought to be "sat down upon." [Laughter.]

Does the gentleman give us any reason why there should be this increase in the salary of the disbursing clerk, while there is no increase in the salary of any one else? One gentleman tells me that the number of members of the House has increased, and therefore there is necessity for increasing the pay of the disbursing clerk. Does the Committee on Appropriations carry out this rule with any other clerk or officer of the House?

Mr. HOLMAN. I wish to remind the gentleman that nobody, so far as I know, is resisting his point of order.

[Here the hammer fell.]

Mr. CABELL. Mr. Chairman, the gentleman from West Virginia has criticised the proposition of the Committee on Appropriations in regard to the salary of the disbursing clerk of the House, and has asked why it is proposed to raise the salary of that officer. The answer is a plain one, and it ought to be satisfactory to every gentleman here. We had before us in the Committee on Appropriations the Clerk of the House of Representatives, to state to us the duties which each of the officers under him is called upon to discharge. We found that one of

the most hardly worked clerks in this House is the disbursing clerk, and that he was the worst paid. I do not know this gentleman; I do not remember that I ever saw him; yet I venture to say you may go over the list of House employés, from the commencement to the close, and you will find that he is the poorest paid of all. Hence the committee saw fit to allow him a small additional salary, and this could be readily done from reductions in another quarter.

Sir, this disbursing clerk stays here during the whole year. No matter who goes home, no matter when the sessions of Congress may close, he is obliged to stay here all the year around to attend to his duties and the pay of gentlemen who are at their homes engaged in other business or enjoying themselves. Employés who leave here at the end of the session send to this clerk during their absence to make out their accounts and send them their money. If there is a deserving man in the House of Representatives I say it is this officer. We have investigated the matter thoroughly, and if there is any salary which ought to be raised it is that of this disbursing clerk.

Mr. GIBSON, of West Virginia. Why did the Committee on Appropriations undertake to change existing law?

Mr. CABELL. We did not undertake to change any existing law. I take it for granted that the gentleman has undertaken to discuss something that he knows nothing about; that is the sum total of all this.

The gentleman raised another point. He spoke something in regard to the raising of salary of the clerk of the Committee on Appropriations.

Now, Mr. Chairman, there was not a dollar additional put upon the pay of any clerk or any employé or any man who was around or connected with the Committee on Appropriations, not one dollar in addition to the old and usual salary. We found the clerk's salary, I think, at $3,000, and so let it remain.

Mr. GIBSON, of West Virginia. No, $2,250.

Mr. CABELL. I say we did not raise the committee clerk's salary one farthing. I say we did not add a stiver to it. If there is a hard-worked man in this House it is this clerk of the Committee on Appropriations; if any man here deserves his salary he does; his position is one of great labor and considerable responsibility.

It is easy for gentlemen to complain. I have frequently heard gentlemen complain of the work of the Committee on Appropriations. Let any gentleman go upon that committee and attend to the arduous work which it has to do and he will soon come to the conclusion that complaints against it are more frequently groundless than otherwise. [Cries of "Vote!" "Vote!"]

Mr. GIBSON, of West Virginia. The gentleman from Virginia has charged me——

The CHAIRMAN. The pending question is upon the point of order. [Cries of "Decision!"]

Mr. GIBSON, of West Virginia. I desire to reply to what has been said by the gentleman from Virginia. [Cries of "Decide!"] The gentleman has charged me with talking on what I did not know anything about.

Mr. CABELL. That is a very large subject.

Mr. GIBSON, of West Virginia. I will say with equal kindness to him if he had thought a moment he would not have said so. He said the disbursing clerk of the House should receive this salary because he staid here to pay members.

Mr. CABELL. I did not say to pay members; I said to pay clerks of the House and other employés.

Mr. GIBSON, of West Virginia. What have the clerks of the House to do with the disbursing clerk?

Does not the gentleman know the disbursing clerk of the House has nothing to do with the payment of members of the House during vacation or at any other time?

Mr. CABELL. I did not say that he had. I certainly have found out in my eleven years' service here where to go to get my pay. [Laughter and applause.] I never go to the clerk.

Mr. GIBSON, of West Virginia. I have no doubt the gentleman has found out where to get his pay, but he has been unfortunate in expressing himself. I say now there is none of these hazardous duties put upon the clerk.

Mr. CABELL. He has to give a bond, which no other clerk is required to do; he has to perform a greater number and more arduous duties than many others who are better paid, and he has to stay here all the year to send pay to many others who can go away upon the adjournment of Congress.

Mr. GIBSON, of West Virginia. There is no reason why he should receive an additional salary in contradistinction to other clerks.

Now, what I wish to complain of is the system of favoritism carried out by appropriations as made by the Committee on Appropriations.

Mr. CABELL. I deny, sir, that there has been any favoritism on the part of that committee. I do not know, personally, this clerk, and I do not know that any member of the Committee on Appropriations does, but they thought the man deserved the increased pay and gave it.

Mr. GIBSON, of West Virginia. Now in reference to the disbursing clerk, the existing law only gives him $2,250.

Mr. HEARD. I wish to correct the gentleman. He made that statement before.

Mr. GIBSON, of West Virginia. I decline to yield. I do not want to be corrected by a gentleman who does not know as well as myself. [Laughter]. I wish to ask the Appropriations Committee why it is when the clerk of that committee has been shorn of his responsibilities and duties his salary has been increased?

Mr. HOLMAN. You have made no motion.

Mr. GIBSON, of West Virginia. Gentlemen incorporated it in their bill and you profess to be economists and reformers. Now, why not let in some reform and some economy in the Appropriations Committee as well as elsewhere?

Mr. HEARD. I ask the indulgence of the House for one moment while I direct the attention of the gentleman from West Virginia to the law as to the salary of this clerk. He said the existing law fixed the salary at the present time of that disbursing clerk at $2,250. He says that it is the law, and refuses to be corrected by any one who knows less than himself. If I had to plead guilty to that charge I never would try to correct anybody on this floor. [Laughter and applause.] But I wish to say if he intends to call the last appropriation bill the existing law, then he is correct; but if he goes to the statutes, then I say his salary is fixed at $3,000 a year. The existing appropriation bill fixes it at $2,250, but that is not law. The statute fixes it at $3,000 a year.

Mr. GIBSON, of West Virginia. I want to ask the gentleman a question, and I ask him to yield to me.

Mr. HEARD. If his question is a courteous one, yes.

Mr. GIBSON, of West Virginia. I will be as courteous as possible. Did not the Committee on Appropriations put it up from $2,250 to $2,500?

Mr. HEARD. The question of the gentleman from West Virginia reminds me of a conundrum I heard when I was a boy, so far as its relevancy to this case is concerned. If a schooner was about to sail, provisioned for six months, with a mainmast 60 feet high, what was the captain's name? [Laughter.]

The assumption of the gentleman from West Virginia, based on his premises, is equally violent. He says that is the law. But when the House of Representatives in the last appropriation bill fixed the salary at $2,250, I say the Revised Statutes fixed it at $3,000, and I refer the gentleman to the text of the law. In section 52, page 10, of the Revised Statutes for 1878, in the list of clerks for which payment is provided, it will be found as follows:

Six assistant clerks, at a salary of $3,000 a year each, and one assistant clerk, at a salary of $3,000 a year.

I am informed by the Clerk of this House, who is present on the floor, that the disbursing clerk is one of these assistant clerks.

Mr. GIBSON, of West Virginia. Oh, pshaw!

Mr. HEARD. And there is nowhere in the law a different salary provided for him.

Mr. HENDERSON, of Iowa. I think GIBSON has got you now.

Mr. GIBSON, of West Virginia. I submit in good faith that the gentleman stated that it was existing law when it was not true.

Mr. HEARD. This is the law.

Mr. HAMMOND. I rise to a question of order. When a gentleman makes the point of order that a bill changes the existing law, is he not bound to show the existing law that he claims is changed?

Mr. HEARD. I make the point of order——

Mr. HAMMOND. I am speaking of the gentleman from West Virginia. I do not know whether it is the law or not. There is an issue joined and I want the facts.

Mr. GIBSON, of West Virginia. I give as existing law the act passed by the last Congress for the purpose of fixing these salaries. It is existing law unless some man proves that it is not in accordance with the statute law. If there is a provision of permanent law against it that alters the case. But the presumption is that the last Congress acted in accordance with the existing law; and if you want to prove that it did not you must introduce your authority.

Mr. HEARD. That is very much like the culprit who offered to prove by thirty witnesses that they did not see him take the coat. [Laughter.] The gentleman from West Virginia wants us to prove that it is not the law.

He has no warrant of authority for saying that the appropriation bill controlling the appropriation for this item is the existing law.

More than that, the Court of Claims have within a very short time decided that such is not the case. In the Langston case—Langston was our minister, I believe, to Liberia—the law provided that his salary should be $7,500 per annum. The appropriation for the payment of his salary only fixed $5,000 per annum. He instituted suit in the Court of Claims, and that court decided that he was entitled to the other $2,500 a year.

Mr. GIBSON, of West Virginia. That was entirely proper.

Mr. HEARD. I say then the appropriation for a specific length of time does not change existing law, and no lawyer will hold that it does.

The CHAIRMAN. On this section the Chair desires to say—the section to which the gentleman from Missouri refers—that it is simply a declaration of this character:

The following persons are employed in the service of the Senate, one Secretary, &c.

That is not a declaration of law. It may be and appears to be simply

a declaration as to what service these persons were being paid for at that time; and which might have been done on an appropriation bill.

The CHAIR is ready to rule upon the question of order. [Cries of "Rule!"]

This is not a new question at all. For many years there has been an effort from time to time to increase the salaries of this class of employés which were simply fixed in an appropriation bill, and almost uniformly it has been held that where there was no general law upon the subject, and where the appropriation referred to the employés of the Departments for instance, that the provision in the bill fixed the salary and was the law governing the case. There is nothing in the rules of the present House which would necessitate any change of construction in that respect. It may not have been a very proper one, but it has been always and uniformly the construction, and the Chair sustains the point of order.

The gentleman from Indiana will understand that this takes out the $250 extra, and that is all the Chair rules out of order.

Mr. HOLMAN. I offer an amendment to restore the appropriation to what it is in the present bill.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Michigan [Mr. MAYBURY], which is pending.

The Clerk read as follows:

On page 9, line 193, after the words "Journal Clerk," insert the words "tally clerk." Also amend line 196 by striking out the words "tally clerk."

Mr. HOLMAN. I hope that will not be done.

Mr. MAYBURY. I shall take but one moment of the time of the House in discussing this amendment, although I think I might have made a point of order that would have decided this. I find that the salary of the tally clerk has been reduced by the bill from $3,000 to $2,500. In other words, a discrimination has been made against the tally clerk by comparison of his salary with that of his colleagues at the desk.

I see no good reason for such discrimination. The salary was fixed in 1872 at $3,000. It was modified in 1876, at the time of the general reduction, and fixed at $2,500. In 1878 it was again restored to $3,000 per annum, and has remained at that figure ever since.

At the time of the restoration of this salary to $3,000 per annum there was added to the duties of the tally clerk the duty of preparing for use a Calendar of the business before the House, which is prepared by him, sent to the Printer, and laid on our desks twice each week. Prior to that time his duty simply consisted in keeping a record of tallies of votes taken in this House. Under the rules he not only keeps the tally, but he is obliged to record it. He is also obliged to take it to the Public Printer and see that it appears properly in the Journal. It is obvious this must be done after the adjournment of the House. He can never tell when the last vote will be taken; and the work of the preparation for the Printer always succeeds the daily proceedings of the House.

The preparation of the Calendar involves a good deal of intricate work. It obliges him to make a list of all the bills and reports, and to place them on the different Calendars in their proper order. He has to prepare a new Calendar twice a week, to see the proof is properly read, and to present it here for the information of the House. This work, of course, is done after the daily session of the House, because it is impossible for him to begin the preparation of the Calendar until after the reports have been made from the committees of the House. This involves a good deal of daily work after the sessions of the House have ended.

It appears to me this statement of the duties of the tally clerk indicates how important they are. The keeping of the daily sheet itself is a very important matter, and I might say without offending the modesty of the gentleman who now occupies that position that we have never had occasion to complain of the efficiency of his work. In its importance and in its amount it is equal to that of any of his colleagues. It begins when their work begins and ends when their work ends. I do not see in view of the importance of the work and the time when it has to be done why this discrimination should be made. I trust the House will restore the salary.

Mr. HOLMAN. I desire to say just a single word. The tally clerk is an efficient public officer. His duties are almost entirely confined to the current sessions of the House. The committee thought that for the next year, which embraces the short session, $2,500 was a very ample salary, more than $800 per month for the actual time of employment. I ask for a vote.

Mr. BURNES. There can be no question but this amendment would have been sustained if a point of order had been made with regard to the provision in the bill. There can be no question but this amendment ought to be agreed to.

I submit, Mr. Chairman, here is a gentleman who at the commencement of the Forty-ninth Congress comes and takes a place, the salary of which is fixed by law—the current law of the land.

Mr. HOLMAN. An appropriation bill.

Mr. BURNES. Very well; it is a law, and is in the calf and in the sheep of the Printing Department of the Government. There is a law fixing the salary of the tally clerk at $3,000 a year. Why was not this reduction made last year for the beginning of the Forty-ninth Congress? It might have been made then and this gentleman would not have been deceived. But he comes from his home and takes this position under a law that guaranteed him $3,000 a year for the Forty-ninth Congress, and I say it is but little less than a fraud upon him to take from him for the remainder of the Forty-ninth Congress the salary which the law guarantees to him.

This is the view I take of the matter, and I think I am as much for reform and economy as any gentleman of the Appropriations Committee.

Mr. HISCOCK. I desire to make an inquiry of the distinguished gentleman who has this bill in charge. I ask him whether the tally clerk indicated in this bill is not one of the six assistant clerks provided for by section 53 of the Revised Statutes, which section fixes their compensation and salary at $3,000 each?

Mr. HOLMAN. I have understood he is one of them.

Mr. HISCOCK. Then is there any sort of doubt that if his salary be reduced as now proposed he would have a claim against the Government for $500?

Mr. HOLMAN. There is no trouble about that. The gentleman from New York will find by looking at the statute it is simply a declaration of the salaries, it is simply repeating the salaries named in the appropriation bill, and has no more effect that the appropriation bill for the current year.

Mr. HISCOCK. I do not care if it is merely a recognition. It is a general statute which organizes the corps of this House, stating what officers we shall have and what compensation shall be paid to them respectively.

The question was taken on the amendment; and there were—ayes 123, noes 9.

So the amendment was agreed to.

Mr. BURNES. Mr. Chairman, before passing from line 201, I am instructed by the committee to offer the amendment which I will send to the Clerk's desk.

Mr. COBB. Mr. Chairman, I now move that the committee rise.

Mr. HOLMAN. I rise to a point of order. I wish to say that the House this morning by unanimous consent agreed to extend the session until 6 o'clock.

Mr. COBB. Yes, when there was nobody here.

The CHAIRMAN. That does not prevent the committee from rising at this time if it so desires.

The question was taken on the motion of Mr. COBB; and there were—ayes 75, noes 57.

Mr. HOLMAN. Mr. Chairman, while suspending the call for tellers, I ask unanimous consent that if the House does not wish to carry out the agreement to continue in session until 6 o'clock a recess shall be taken until 8 o'clock to-night. [Cries of "No!" "No!"]

Mr. HOLMAN. Then, Mr. Chairman, I demand tellers.

The CHAIRMAN. The Chair appoints the gentleman from Indiana, Mr. COBB, and the gentleman from Indiana, Mr. HOLMAN, to act as tellers.

Mr. HOLMAN. I am willing to waive the point if my colleague will consent and the House will consent to sit for half an hour longer. It is of the highest public moment that this bill shall go the Senate as soon as possible.

Several MEMBERS. Regular order!

The CHAIRMAN. The regular order is demanded. The tellers will take their places.

The House again divided; and there were—ayes 54, noes 70.

So the motion was not agreed to.

Mr. HOLMAN. I offer, on behalf of the committee, the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 9, in line 201, strike out the word "upholsterer" and insert the word "locksmith."

The amendment was agreed to.

Mr. BURNES. Mr. Chairman, I move to amend line 201 by inserting after the word "document-room" the words "executive and miscellaneous document clerk."

Mr. HOLMAN. There is no law to authorize that.

Mr. BURNES. The point made by the gentleman from Indiana [Mr. HOLMAN] is purely technical. This is a new name given to an old office, a name suggested by the Clerk of the House for convenience, in consequence of the confusion which has arisen from the present name. This refers to the same officer who is described as "newspaper clerk" in line 203.

Mr. HOLMAN. I insist that the present name be retained. Otherwise there will be a change of the law.

Mr. BURNES. If the gentleman from Indiana objects to this name, I have no objection to changing the amendment, and the Clerk will please change it in accordance with the wish of the committee.

Mr. HOLMAN. I call for a division on that amendment.

The CHAIRMAN. The Clerk will report the amendment in its present form.

The Clerk read as follows:

Insert in line 201, following the word "document-room," the words "newspaper clerk."

Mr. TAULBEE. I would like to ask the gentleman in charge of this bill to state what the duties of this clerk are.

Mr. MCMILLIN. I wish to reserve the point of order.

Mr. HOLMAN. Unhappily it does not come in. I wish it did. The newspaper clerk is receiving a salary of $2,000, which is the largest salary paid to any similar clerk. The bill simply proposes to reduce his salary to $1,440, and this amendment proposes to insert his name at this point so as to raise the salary to $2,000, which I concede is the present compensation.

Mr. GIBSON, of West Virginia. Do I understand the gentleman to say that the committee have reduced the salary of this clerk?

Mr. MCMILLIN. I wish to ask the gentleman from Indiana whether there is any one here who knows of any duty that this clerk has to perform?

Mr. BURNES. I can answer the gentleman from Tennessee. Better perhaps than any one of us, the Clerk of this House knows the duties that are performed by this clerk, and therefore I ask that a letter which he has written on that subject may be read.

Mr. TAULBEE. I made the inquiry only for information, because I think the title by which this clerk is known is misleading.

The CHAIRMAN. In the absence of objection the letter spoken of by the gentleman from Missouri [Mr. BURNES] will be read.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., May 24, 1886.

SIR: In compliance with your request of this date, I have the honor to submit the following, relating to and what are the duties of the position known and denominated as "newspaper clerk of the House of Representatives." The duties are:

To keep an individual newspaper account with the members of the House of Representatives, charging to the stationery account of each the amount paid for each journal, magazine, or periodical ordered; also, keeping an account of the amount of the cash balances, after entering and deducting the amounts paid for newspapers, &c.

He also has charge of the executive documents of the House of Representatives, subheading, epitomizing briefly the contents of each, and making the proper indorsements of all orders of the House on every document, thus preparing them for and transmitting to the Public Printer, having supervision of all such documents until they finally reach the distributing clerk and he makes the proper disposal of them; he also keeps an accurate register or docket of same in a register kept for that purpose, naming the date received, stating from whom, the President or Department officers, mentioning the nature of the document, to what committees referred, noting the orders of the House in every case, in order to be able at any time to give information and locate any document for members when desired.

He also has the charge and supervision of the miscellaneous documents of the House of Representatives, which include reports of nearly every description to be printed, memorials and resolutions of State Legislatures, and resolutions of the House of Representatives, except joint and concurrent resolutions of the Senate and House, making the subheadings, a synopsis of the contents, indorsements, and all orders of the House on each, seeing that all documents coming to his desk and ordered printed are promptly dispatched to the Public Printer, keeping an accurate register or docket of the same by date, by whom submitted or introduced, nature of the document, to what committee referred, and data of all orders, by rule, by the Speaker, or special, keeping this data in such a manner as to be able to give the course taken and location of all documents under his supervision and passing through his hands, and all other information in connection therewith, whenever so desired by members of the House and all others interested.

I would, in view of the duties of the position, to more fully designate by name the real duties thereto attached, that the position hereafter be known and denominated as the "executive and miscellaneous document clerk" of the House of Representatives.

Respectfully, yours,

JOHN B. CLARK, JR.,
Clerk House of Representatives.

Hon. A. M. DOCKERY, *M. C.*

The question being taken on the amendment, it was agreed to; there being—ayes 23, noes 21.

Mr. PRICE. I move that the committee rise.

Mr. HOLMAN. I hope that motion will not be pressed.

The motion was not agreed to; there being—ayes 46, noes 54.

Mr. GREEN, of New Jersey. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 202, after the word "stationery clerk," insert "and two assistant librarians;" so as to read: "for distributing clerk and stationery clerk and two assistant librarians, $1,800 each."

In line 204, after the word "locksmith," strike out "and two assistant librarians."

Mr. HOLMAN. I do not see fully the effect of that proposition, but I reserve a point of order upon it.

Mr. GREEN, of New Jersey. Mr. Chairman, under this bill as it now stands the two assistant librarians would receive a salary of $1,440 each. The effect of the amendment is to allow them $1,800 each.

These employés of the House are expected to be gentlemen of intelligence. They are often called upon by members to assist in looking up matters of law and examining the records of Congress. It seems to me they are certainly entitled to be advanced a little in point of salary. The Library, where they are employed, has to be kept open during the entire year in order to receive documents from the Government Printing Office and other Departments of the Government. One of these assistants is obliged to be here all the year around. I observe that under the Revised Statutes the salary of assistant librarian is fixed at $2,500.

Mr. HOLMAN. I insist on my point of order that this is an increase of salary and without authority of law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GIBSON, of West Virginia. I desire to call attention to the fact that for the last two Congresses it has been necessary to detail a laborer to assist in the libraries of this House, and by resolution the salary of that laborer has been increased. Thus the House has announced the fact that the services of skilled men are necessary in this department of our service.

The CHAIRMAN. The Chair will state to the gentleman that the amendment has been ruled out.

The Clerk read as follows:

Clerks and messengers to committees: For two stenographers to committees, at $4,000 each; clerk to the Committee on Ways and Means, $2,500; assistant clerk, $1,200; messenger, $1,000; clerk to the Committee on Appropriations, $3,000; assistant clerk, $1,600; messenger, $1,000; clerk to the Committee on Agriculture, clerk to the Committee on Claims, clerk to the Committee on Commerce, clerk to the Committee on the District of Columbia, clerk to the Committee on Foreign Affairs, clerk to the Committee on Indian Affairs, clerk to the Committee on Invalid Pensions, clerk to the Committee on the Judiciary, clerk to the Committee on Military Affairs, clerk to the Committee on Naval Affairs, clerk to the Committee on the Public Lands, clerk to the Committee on Rivers and Harbors, clerk to the Committee on War Claims, clerk to the Committee on the Post-Office and Post-Roads, and clerk to the Committee on Public Buildings and Grounds, at $2,000 each; assistant clerk to Committee on War Claims, at $1,200; in all, $49,500.

Mr. HOLMAN. I offer on behalf of the Committee on Appropriations the amendment which I send to the desk.

The Clerk read as follows:

In lines 237 and 238 strike out "$4,000" and insert "at $400 each per month, while actually employed;" and in lines 256 and 257 change the aggregate appropriation to "$44,700."

Mr. MCMILLIN. I make the point of order that this amendment changes existing law.

Mr. HOLMAN. The gentleman will observe that this is a reduction——

Mr. MCMILLIN. I will show what sort of a reduction this is, and think the gentleman from Indiana will not insist upon the amendment when he learns that it increases expenditures. The amendment proposes to change the compensation of the two stenographers to committees from $4,000 each, as provided by law, to $400 a month while actually employed. These officers were originally employed at $5,000 a year; and for a number of years the incumbents of the offices received that salary, their duty being to take evidence and hearings before the various committees of the House.

After they had continued on that basis for some years the gentleman from Indiana procured an amendment on an appropriation bill which abolished the offices, and an arrangement was adopted by which stenographers, when required by the committees, were designated by the Speaker, their compensation being determined by the Committee on Accounts instead of fixed salary. We tried that system through the last Congress, and the result, if I recollect correctly, was that we paid three or four times as much as had been paid under the old system for the stenographic work. That arrangement proving unsatisfactory, the gentleman from Indiana procured another provision of law providing for two stenographers at fixed salaries, not $5,000 a year as formerly, but $4,000. That is the law to-day, and with that law the gentleman from Indiana seeks to experiment by adopting a different system of payment—$400 a month.

Now, a word upon the merits of the case; and let me illustrate the matter by what has actually occurred during the present session, showing that the gentleman's amendment is impracticable, and that instead of reducing it will increase expenditures. There have been two committees especially which have recently been doing a great deal of work requiring the services of stenographers—one the Pan-Electric investigating committee, the other the special committee appointed to investigate the labor troubles. The latter committee, taking with them one of the stenographers who had been appointed by the Speaker, Mr. Welch, were absent from the city eighteen days, traveling in that time 4,000 miles. That stenographer took, unaided, what it required two other stenographers, who were employed by parties interested, to take, and he returned with what would make five hundred printed pages of work, which is now about ready for the Printer. According to what has been the ordinary method of payment heretofore we would pay for the stenographic work of those eighteen days $1,200. He has paid out of his own purse about $200 for clerks to assist him in writing it out.

Mr. BUCHANAN. And that was only one section of the committee.

Mr. MCMILLIN. As the gentleman from New Jersey says, that was only one section of the committee. Another section of the committee went to Kansas City at the same time and took a great amount of testimony, having to use another stenographer.

Now, let me illustrate still further the impracticability of the gentleman's amendment. The Speaker appointed a gentleman from West Virginia (Mr. Lafferty) as one of the stenographers as well as one from Tennessee, the gentleman who went out with the special labor committee. Mr. Lafferty had the misfortune of falling and breaking his arm about the time of his appointment, but being plucky, as our American citizens generally are, he resolved that the Government should lose nothing by his fall, and so he continued to send men before the

Pan-Electric committee in his own private employment, taking care of them and paying them out of his own pocket.

What is the result? For this month alone, although he got a reduction from those he employed on account of being a member of the fraternity, he has, I am informed, paid in actual cash more than $700 for the month of April and more than $1,000 during the month of May, or $1,700 in all. In other words, the Government has had that reporting done at the rate of $333 a month, when during those two months it cost $1,700 to the reporters themselves.

I undertake to say, Mr. Chairman, there has not been more cheap reporting done under any system known heretofore than the work done by these gentlemen reporting for that special labor committee. The stenographer sent there one day, if I recollect correctly, and the gentleman can correct me if I am in error, took thirteen hours and a half of solid work, and his work averaged $100 a day if he were paid at the ordinary rate.

I submit now, after having tried the experiment of repealing the old law which gave these stenographers for committees $5,000 a year, and coming back under a new system which cost the Government more than twice $5,000 a year, and after finding that was unsatisfactory and having returned to the old system and reducing the salary to $4,000 a year, whether it is wisdom still further to experiment? It is now being done more cheaply than at any time since I became a member of Congress.

One word more and I am done. Your stenographers for committees have to pay their own clerk-hire, and that comes out of their salary. So there is not only required the very highest skill to do this work, but a large portion of the salary received by these stenographers is paid out again as clerk-hire in the discharge of their labors.

Mr. HOLMES. Under the old rule when the accounts of the reporters had to be submitted to the Committee on Accounts, what was the rate then allowed to these stenographers of committees?

Mr. McMILLIN. I am not posted as to the rate which was then allowed to these stenographers. I was informed, and accurately I have no doubt, that on account of the enormously increased expense of that system we had to abandon it and return to the old method of payment, but not till we reduced the salaries one-fifth. It was much more expensive than the old system when each one of the stenographers received $5,000 a year, being required out of that to pay all clerk-hire.

Mr. HOLMAN. Mr. Chairman, the point of order is before the Chair and I have nothing further to say than this: The office of these stenographers rests upon the appropriation bills in various forms. There is no other law on the subject. One of these stenographers has not been here.

Mr. McMILLIN. I wish to state to the gentleman from Indiana that while he has not been able on account of a broken arm to be here, he has been paying, as I stated before, during the month of April $700 and during the month of May $1,000, for doing work for which under this bill he only receives $333.33 a month, and has, I learn, kept the work up without expense to the Government beyond his salary.

Mr. WARNER, of Ohio. I desire to make an inquiry of the gentleman from Tennessee or the gentleman from Indiana, and that is this: This committee provides for two official stenographers. Now, suppose four are wanted at the same time, then what?

Mr. HOLMAN. Then they are employed.

Mr. McMILLIN. That is so. Owen Meredith in Lucile has very truly said: "Even Don Ferdinando can not do more than he can do." [Laughter.]

Mr. WARNER, of Ohio. When more are required, are they not employed and paid for what they do?

Mr. McMILLIN. They are, just as they would be if you paid by the month if the amendment of the gentleman from Indiana were adopted.

We have tried that and were compelled to abandon it, as we have found it to be much more expensive than the system of paying salaries to stenographers for committees.

Mr. HOLMAN. If more than two are required, they are employed and paid for out of the public Treasury. The question is whether $400 a month is fair compensation during the next session of Congress. If gentlemen come here and perform their duties, that is all they have to do. If they think proper to remain at home and employ substitutes, that is a thing to be taken into account.

The point of order is raised against a material reduction proposed by the Committee on Appropriations. It is one the Committee on Appropriations thinks ought to be made. I think it receives the approval of the Chair. It is a reduction in the amount of compensation. It is for the Chair to say whether it is in order or not.

The CHAIRMAN. The Chair sustains the point order.

Mr. GROSVENOR rose.

Mr. GIBSON, of West Virginia. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. GROSVENOR. I rise to move an amendment to this paragraph of the bill.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. I move to strike out in line 247 the words "clerk to the Committee on Invalid Pensions."

Mr. Chairman, there is no committee of this House which in my judgment has performed more arduous labor than the Committee on Invalid Pensions; and yet, sir, as I look upon the probabilities ahead of us I deem it a waste of public money to continue the employment of that officer.

We came here with the demand upon us, which was responded to and had been responded to by both political parties in this country, that there should be radical changes made in the matter of the general pension legislation; and a large number of bills were presented which voiced and echoed the sentiment of the people and of the political conventions of both parties, as well as the promises of gentlemen who had been candidates for Congress in more than two-thirds of the Congressional districts of the country—sentiments which had been echoed and reiterated upon platforms of both political parties, both State and national. The bills embodying these views found their way into the hands of this industrious and patriotic committee, accompanied as they were by a number of petitions, and special bills granting special pensions were introduced in large numbers.

That committee has reported a number of bills which are in keeping with the sentiment to which I have alluded. They reported, for instance, House bill 4915, amending paragraph 3 of section 4693 of the Revised Statutes; they have reported House bill 7640, to increase pensions in certain cases; House bill 3238, to amend section 4700 of the Revised Statutes relating to invalid pensions; House bill 8098, for pensioning prisoners of war; House bill 2653, for the relief of West Virginia troops, &c.; House bill 1578, relating to claims for pensions by dependent parents, and House bill 663, to repeal the limitation upon the pension act known as the arrears of pensions. All of these bills are upon the Calendar of the House. This House, acting through its majority, has assigned a day to the consideration of nearly every other class of business which has been brought before it by the reports of its committees.

It has assigned days to the consideration of the Banking and Currency Committee's reports; to the Committee on Coinage, Weights, and Measures; to the Committee on Rivers and Harbors; to the Committee on Agriculture; the Committee on the Judiciary; the Committee on American Shipping; in fact, to every committee on everything else in the world except the demands of the Union soldiers of the country. It assigned a day to the consideration of the Mexican pension bill and passed it, and I may not stop here to give my judgment of what the principal consideration that induced that action was. During all this long session of Congress, while members on both sides of the House have been besieged to give attention to these other matters of interest to the Union soldiers of the country, I have not heard that this House has assigned a day to the consideration of these bills. We have not only the bills to which I have referred and others I might name, but we have also Senate bill 1886; and there is not a member here, from any Northern State certainly, if not from the South, who within the last four days has not found his mail burdened by appeals from army posts and everybody else throughout the country asking that action may not be deferred on that bill. These appeals come from all quarters, and yet no day has been assigned its consideration. I do not mean, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIBSON, of West Virginia, was recognized.

Mr. MATSON rose.

Mr. GIBSON, of West Virginia. If the gentleman the chairman of the Committee on Invalid Pensions desires now to speak, if the Chair will recognize me next, I will yield the floor to him at this time.

Mr. MATSON. Does the gentleman desire to reply to the gentleman from Ohio?

Mr. GIBSON, of West Virginia. I want to add a word in reference to this same section of the bill, but yield to the gentleman from Indiana.

Mr. GROSVENOR. I hope the gentleman from Indiana will allow me to finish the sentence that I was on.

Mr. MATSON. Certainly.

Mr. GROSVENOR. That it was entirely outside of any intention on my part to charge the Committee on Invalid Pensions with any negligence.

Mr. MATSON. I think the gentleman from Ohio has made the motion facetiously. I am sure he does not intend to insist upon it; and when he comes to discuss the action of the House in reference to the general policy of legislation with regard to pension bills I will have something to say to him in reply.

Upon this question and at this time I want to say only this in reply to his remark in reference to fixing a time for the consideration of general bills covering pension matters, that the Committee on Invalid Pensions have reported to the House a resolution, and if he looks upon the House Calendar, page 29, he will find it favorably reported, asking the House to fix a day for the consideration of that class of business.

Mr. GROSVENOR. Yes, several bills were favorably reported; but what I complain of is that no day has been assigned for their consideration.

Mr. MATSON. Now, I want to know from the gentleman from Ohio what that has to do with the dereliction of the clerk of the Committee on Invalid Pensions or why this motion should obtain on that account? The gentleman has moved to strike out from this bill the money allowed to the clerk of the Committee on Invalid Pensions,

while he has admitted that that committee has more work than it possibly can do, having already four thousand bills and three thousand petitions in its hands. He wants to strip that committee of its clerk so that it can not do anything.

What we have been able to do we have only been able to do by help of the clerk; not because the clerks write our reports, but because it keeps them busy to keep the run of the bills. The motion of the gentleman from Ohio is an unfriendly motion to the pensioners of this country. It can not be any other than an unfriendly one, and I think, therefore, as I have suggested, it must have been made facetiously and not in earnest.

Mr. GIBSON, of West Virginia. I desire to give notice that I have several amendments to offer on this section, and I desire to take this opportunity to say a few words on the amendments I propose hereafter to offer.

Mr. HOLMAN. I rise to a question of order. I submit that until the amendments of the gentleman from West Virginia are submitted there is nothing before the committee for debate.

Mr. GIBSON, of West Virginia. I am addressing the Committee of the Whole on this subject.

Mr. HOLMAN. I submit there is nothing before the committee.

Mr. GIBSON, of West Virginia. Then I move to strike out the last word.

I wish to call the attention of the great economist of the Appropriations Committee to the provisions of this section. In the first place, we formerly had an Appropriations Committee having charge of the thirteen great appropriation bills of this House. That committee then had a clerk at $3,000, an assistant at $1,600, and a messenger at $1,000 a year. Now since that committee has been shorn of seven of its most important bills, and has only six bills left, involving less labor and less work than falls to other committees in this House, still the economist of this House proposes to keep up the expenditure for the clerks and employés of that committee, while they cut down and cut the throats of the clerks of other committees. Not only do they propose to do this, but they give to the Committee on Agriculture, the Committee on Commerce, the Committee on the District of Columbia, the Committee on Foreign Affairs, the Committee on Indian Affairs, the Committee on Military Affairs, the Committee on the Public Lands, and the Committee on Public Buildings and Grounds annual clerks, when they know that there is never a meeting of those committees during the session of the House, not one hour's work for those clerks.

Mr. HOLMAN. Will the gentleman indulge me a moment? I beg to say to him that this is by resolution of the House, not by action of the committee.

Mr. GIBSON, of West Virginia. But, Mr. Chairman, the gentleman from Indiana has been willing to override the rules of the House in regard to other subjects, notably in this bill in reference to the civil service. Why can not he carry out his constant professions of economy with reference to these clerks? I have persistently stood here and begged the Committee on Appropriations and the Committee on Accounts to equalize the salaries of the different employés of this House. I have introduced resolutions and have introduced bills having that object in view; and yet under their influence we can not get the action of a solitary committee to do justice to the poor and honest employés. We have here standing at that door two messengers, one at $720 and one at $1,200. Going into the folding-room you find the same inequality. But still the bowels of compassion of this committee are never stirred up a moment till it comes to their own clerks and employés.

Mr. HENDERSON, of Iowa. Will the gentleman allow me a question?

Mr. GIBSON, of West Virginia. I have no time to yield.

Mr. HENDERSON, of Iowa. Only a brief question.

Mr. GIBSON, of West Virginia. Very well.

Mr. HENDERSON, of Iowa. How much is paid to the clerk of the committee of which the gentleman from West Virginia is chairman, the Committee on Expenditures in the Department of Justice?

Mr. GIBSON, of West Virginia. I do not know. That is not provided for in this bill.

Mr. HENDERSON, of Iowa. If the gentleman does not know I can tell him his clerk is paid $6 a day.

Mr. GIBSON, of West Virginia. I do not ask the gentleman for any information, because I do not think him capable of imparting it.

I want to have those clerks put on the same footing as other session clerks unless the committee will do justice to all the employés. I want to say here I do not think any of the employés of this House get too much pay. I believe they ought to have fair, honest, living salaries. I am willing for one to put them on the same footing with the employés of the Senate. But I say when you go and deal with the employés of this House do it in an open, fair, manly way. Treat them all alike. And I want to give notice that I shall move amendments striking out the annual clerks and placing each one of them on the footing of session clerks and pay them for the time they were employed. I reserve the point of order.

Mr. HOLMAN. I rise to oppose the amendment and call for a vote.

Mr. McCOMAS. I move to strike out the first word, and I yield my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I suppose there is no gentleman on this floor who understands better than the gentleman from Indiana [Mr. MATSON] that my motion to strike out the appropriation for the payment of the clerk of the Committee on Invalid Pensions was made for the sole purpose of presenting my views very briefly upon the prospect of any future or further pension legislation, and not out of any unfriendly feeling toward that committee, which has so faithfully discharged its labors.

But, Mr. Chairman, what I was saying was that when the distinguished gentleman from Pennsylvania [Mr. RANDALL], the leader of one branch of the sentiment of this House, the antagonistic branch to the majority branch of the Democratic branch of this House [laughter]—the gentleman upon whom we on this side of the House rely to prevent the other side from committing any mischief in this country [laughter]—when that distinguished gentleman called forth from the Pension Office the statement that the bill to repeal the arrears act would cost $200,000,000 per annum, I made up my mind that none of this general pension legislation was to pass this House. Therefore it is that I have been watching the progress of events with a feeling of the deepest interest, not that it might not be done, but that it might be done. I am exceedingly anxious that a bill for the relief of dependent parents should be passed, and I care not whose bill is reported or who shall get the credit for it.

I am exceedingly anxious that the bill which has come from the Senate which gives a pension to every disabled soldier who is dependent upon his labor for support shall pass; I am anxious that all these great reforms in this system of legislation shall be enacted by this House, but I have been jealous of the interests of those concerned and even fearful that we should have no such legislation in this Congress. The chairman of the Committee on Invalid Pensions says that that committee has reported a resolution asking for a day. It is enough for my purpose to know that no day has been assigned. I have been hearing continually for some time that this session is to adjourn somewhere from the 8th to the 15th of July. I know nothing about that; I am not consulted upon the subject [laughter]; but I am now pressing upon the consideration of the other side of the House the proposition that, while every other interest here has been assigned time and a generous allowance of time, this great pension interest (which I concede is as near to the heart of the gentleman from Indiana [Mr. MATSON] as it is to mine) has had no opportunity to be heard upon any pension bill, except the general appropriation bill and the bill to increase the pensions of widows. I now withdraw my proposition to strike out the appropriation for the payment of the clerk of the Committee on Invalid Pensions.

Mr. GIBSON, of West Virginia. I withdraw my formal amendment and submit my point of order on line 241.

The CHAIRMAN. At this time there are informal amendments pending.

Mr. HOLMAN. The point of order is too late.

Mr. GIBSON, of West Virginia. I beg the gentleman's pardon. I reserved the point of order.

The CHAIRMAN. The gentleman from West Virginia did reserve his point of order, but not until after he had debated the amendment.

Mr. GIBSON, of West Virginia. I now desire to call the attention of the Chair to the point of order.

The CHAIRMAN. The point is made that the gentleman's point of order is too late.

Mr. GIBSON, of West Virginia. I reserved the point of order.

The CHAIRMAN. The Chair remembers that the gentleman from West Virginia addressed himself to the merits of the question, and in taking his seat said that he reserved the point of order.

Mr. GIBSON, of West Virginia. Then I propose an amendment. I propose to strike out, in line 241, "$3,000" and insert "$2,500." Upon this amendment I want to say that this salary of $3,000 was first paid to the clerk of the Committee on Appropriations, if I am not mistaken, at the last session of Congress. In addition to that, this clerk has an assistant clerk at $1,600, and in addition to that he has a messenger. Now, when the Committee on Appropriations has had seven-eighths of its bills taken away from it and has less than half the labor that formerly devolved upon it, I do not see any reason why this committee clerk shall receive more than these other clerks of committees, besides having the assistants I have named.

Where does our Democratic "economy" come in? Where is it that our friends propose to "reform?" When you diminish the labors of an officer are you to increase his salary and call that "reform?" If the duties are reduced, or if additional assistance is given, is it not fair to presume that the salary should be cut down? Where is the justice of the proposition that this clerk, after seven of the great appropriation bills have been taken from that committee, shall not only have an assistant and a messenger, but shall receive $500 more than any other clerk in this House? Now, I appeal to the common sense, to the common fairness, the common justice of this House, to say whether this sort of thing shall go on. Take the Committee on Invalid Pensions, which does more work than this Committee on Appropriations does under our present rules. The Committee on Invalid Pensions has no such array of clerks.

Mr. HOLMAN. It has three clerks.

Mr. GIBSON, of West Virginia. But they do not get the same pay as you give your clerks.

Mr. HOLMAN. That is true.

Mr. COBB. I see that the general law fixes the salary of this clerk at $2,980.80.

Mr. GIBSON, of West Virginia. Yes, sir; that is the general law. But these gentlemen, who are so observant of the general law in some cases where they wish to be economical, do not observe it with their own clerk. I wish to know why there should be an increase of salary in this case because this committee has the power of reporting the appropriation bills? I move to reduce the appropriation from $3,000 to $2,500.

Mr. RANDALL. The Committee on Appropriations, as constituted under the auspices of this side of the House, have reduced the clerks of that committee from four, the former number, to three, showing that we have sought to exercise a proper economy. I think there is scarcely a gentleman in this House who does not know the character and the value of the services rendered by the clerk of the Committee on Appropriations. He is here not only during the sessions of Congress, but through almost the entire year. Without making any invidious distinctions, I will say there are few men with whom I have come in contact in my legislative life who have been so well qualified to discharge the duties of this position as the present incumbent. More than that, I will say if this man were in my private employ I should consider him of sufficient value in the conduct of my business to induce me to give him a salary equal to that of a member of Congress. With this statement I am quite willing to leave the matter to the intelligent judgment of the House.

The question being taken on the amendment of Mr. GIBSON, of West Virginia, it was rejected, there being 1 vote in the affirmative, 31 in the negative.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

The SPEAKER. The hour of 6 o'clock having arrived, the House stands adjourned until to-morrow morning at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. R. BRECKINRIDGE: Petition of various citizens of Michigan and Indiana, asking the removal of the duties on salt fish, and that salt fish be placed on the free-list—to the Committee on Ways and Means.

By Mr. CALDWELL: Papers relating to the claims of John Chitword, of George W. Carr, and of Linton Riddle, of Franklin County; of David S. Noe, of Grainger County; and of Montgomery Woods, of Hawkins County, Tennessee—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: Petition of Grand Army of the Republic post, of Eaton, Ohio, requesting the passage of House bill 8504, granting condemned cannon to the cemetery at Eaton, Ohio—to the Committee on Military Affairs.

By Mr. CHANDLER: Petition of grand jurors of Gilmer County, Georgia, for national aid to common schools—to the Committee on Education.

Also, petition of Winfield S. Edwards, administrator of William A. Edwards, asking that his claim be referred to the Court of Claims—to the Committee on Claims.

Also, papers relating to the claim of William A. Edwards, of Cherokee County, Georgia—to the same committee.

By Mr. CANNON: Petition of Edgar H. Bates, for relief—to the Committee on Claims.

By Mr. COLLINS: Resolutions of the Boston Chamber of Commerce in favor of an amendment of section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. GLOVER: Petition of citizens of Saint Louis, praying for the passage of the bill providing for a system of post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. D. B. HENDERSON: Petition of the CONGRESSIONAL RECORD compositors, asking for compensation for time lost at this session—to the Committee on Printing.

By Mr. LIBBEY: Papers in the case of H. L. Smith and of Mrs. A. M. Mixson—to the Committee on War Claims.

By Mr. MCCOMAS: Petition of Charles Barton, of David L. Martin, of George D. Herman, of Frisby Hildebrand, of John George Winter, and of Benjamin F. Fury, of Washington County; of Columbus W. Thompson, of Montgomery County, Maryland; and of Isaac Gruber, John T. Cowton, and William D. Cowton, executors of John Cowton, for the payment of their several war claims—to the same committee.

Also, petition of Michael W. McConnel and others, of Alleghany County, Maryland, against the pilot bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of 70 citizens of Georgetown, D. C., against placing a street railway on N street, West Washington—to the Committee on the District of Columbia.

By Mr. MILLER: Papers relating to the claim of William S. Burch, of La Fayette County, Mississippi—to the Committee on War Claims.

By Mr. MORRISON: Memorial of the mayor and citizens of Lebanon, Ill., for the construction of Saint Louis merchants' bridge over the Mississippi River—to the Committee on Commerce.

By Mr. O'FERRALL: Petition of citizens of Clarke County, Virginia, for the passage of the bill taxing and branding oleomargarine and other imitations of butter—to the Committee on Agriculture.

By Mr. PEEL: Papers relating to the claims of Aaron A. Marrs, of Henry T. Cate, and of William H. Engels, of Washington County; of Jacob A. Meek, of Carroll County; of William M. Dugger, of Boon County; of Amanda Packard and of Hugh Dobbins, of Benton County, Arkansas—to the Committee on War Claims.

Also, petition of Elizabeth E. Gwin, widow of Jacob A. Meek, deceased; of Henry T. Cate, of Amanda Packard, of W. H. Engels, of Hannah Dobbins, widow of Hugh Dobbins; of Aaron A. Marrs, and of William Dugger, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. PERRY: Papers relating to the claim of Philip B. Schwarze, of Ridgeway, S. C.—to the same committee.

By Mr. ST. MARTIN: Sworn statements of Messrs. Weber, McMahon, and Masterson, to accompany House bill 5642—to the Committee on Claims.

By Mr. SENEY: Petition of W. T. Dickinson and 144 other ex-soldiers and citizens of Wyandot County, Ohio, praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of Dick Morris Post 130, Galion, Ohio, for the same—to the same committee.

By Mr. SKINNER: Evidence to accompany H. R. bill 1745, for the relief of S. C. Howland and others—to the Committee on Claims.

By Mr. E. F. STONE: Petition of selectmen and others, and of citizens of Manchester, Mass., for a survey of that harbor—to the Committee on Rivers and Harbors.

By Mr. STORM: Petition of S. S. Harvey and 92 others, soldiers, of Columbia County, Pennsylvania, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of the Chicago Live Stock Exchange, against the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. SWOPE: Memorial of the Philadelphia cigar manufacturers' convention, against the proposed increase of duty on Sumatra tobacco—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Petition of Thomas Cox and others, citizens of Willoughby; and of Hall Post and Hall Relief Corps and citizens of Farmington, Ohio, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. J. R. THOMAS: Petition of 114 ex-soldiers of Johnson and Massac Counties, Illinois, for the passage of Senate bill No. 1886, for the relief of disabled soldiers—to the same committee.

By Mr. WAKEFILD: Petition of Claybaugh Post and 105 citizens of Winnebago City, Minn., for the passage of Senate bill No. 1886—to the same committee.

By Mr. A. J. WEAVER: Petition of J. M. Scott and 80 others of Cortland, Nebr., asking for legislation recommended by the Grand Army of the Republic—to the same committee.

By Mr. J. B. WEAVER: Petition of John McCord and 18 others, citizens of Richland, and of Lewis H. Shiery and 290 others, of Keokuk County, Iowa, asking for the passage of Senate bill 1886, for the relief of ex-soldiers of the late war—to the same committee.

By Mr. WILLIS: Papers to be filed with bill for relief of J. George Ruckstahl—to the Committee on Military Affairs.

SENATE.

FRIDAY, *June* 11, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of dairymen and butter-makers of Minerva, Ohio, praying for the passage of the bill taxing imitations of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. BROWN. I am requested by the Board of Trade of the City of Savannah to present the action of a special meeting of the board, in which they passed resolutions in opposition to the passage of what is known as the oleomargarine bill now pending before the Committee on Agriculture and Forestry; to which committee I move the reference of the resolutions.

The motion was agreed to.

Mr. WALTHALL. I present a petition in the shape of a resolution of the board of supervisors of Harrison County, Mississippi, favoring

the passage of a bill to authorize the construction of a bridge across Bayou Bernard. A bill providing for the construction of that bridge is now in the hands of the Committee on Commerce; and I move that the resolution be referred to that committee.

The motion was agreed to.

Mr. WILSON, of Iowa. I present resolutions adopted by the board of county supervisors of Wapello County, Iowa, in the nature of a petition, contained in a letter addressed to me personally, but evidently for the consideration of the Senate, favoring the passage of the bill making an indemnity to counties for swamp lands disposed of by the Government. I move that the resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. EVARTS presented the petition of Mrs. Rebecca A. Crow and three affidavits to accompany the bill (S. 2161) to increase the pension of Mrs. Rebecca A. Crow; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Territories, to whom was referred the bill (H. R. 5496) to increase the jurisdiction of probate courts in Arizona, and to repeal all acts of the Territorial Assembly creating county courts in said Territory, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MILLER, from the Committee on Commerce, to whom was referred the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews, reported it with an amendment.

Mr. McMILLAN. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 4063) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn., to report it without amendment. I shall submit a report to accompany the bill within a day or two.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. LOGAN, from the Committee on Appropriations, to whom was referred the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, reported it with amendments.

Mr. BLAIR. I am directed by the Committee on Education and Labor, to whom were referred the petition of the United Labor League of America and resolutions tendering thanks to Mr. Gladstone and Mr. Parnell for their efforts to promote the cause of home rule in Ireland, to submit a report thereon, and ask that it be printed with the accompanying papers.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator report a bill?

Mr. BLAIR. No; it is a report upon a resolution referred to the Committee on Education and Labor. I ask that the report, with the accompanying documents, be printed.

The PRESIDING OFFICER. It will be so ordered.

Mr. BLAIR. I ask that this report, with the accompanying papers, when printed be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. The Chair hears no objection, and it will be so ordered.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 107) for the relief of Elias B. Moore, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5890) for the relief of Grafton Monroe, reported it with an amendment, and submitted a report thereon.

Mr. MORGAN. I desire to submit, on behalf of the Committee on Foreign Relations, a report to accompany the bill (S. 2207) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868," heretofore reported by that committee, and also a statement which the Senator from New York [Mr. EVARTS] has handed me stating the precise grounds on which he concurs with the report of the committee, and I ask that it be printed.

The PRESIDENT *pro tempore*. The Senator from Alabama, from the Committee on Foreign Relations, makes a report; which will be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, in South Carolina, by the United States; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 244) for the relief of Mary F. Potts.

The message further announced that the House had passed the following bills:

A bill (S. 505) for the relief of William J. Gamble;

A bill (S. 1657) to legalize the incorporation of national trades unions; and

A bill (S. 2078) for the relief of Coronna, Taussig & Co. and others.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2645) granting a pension to John Dennert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

PROPOSED CONGRESS OF AMERICAN REPUBLICS.

Mr. WHITTHORNE. I desire to say that to-morrow, or the next legislative day, I shall ask the Senate to take up the bill (S. 2362) to promote the political progress and commercial prosperity of the American nations, with a view of submitting some remarks thereon.

NORTHERN PACIFIC RAILROAD LANDS.

The PRESIDENT *pro tempore*. The Calendar is in order.

Mr. DOLPH. I move to take up at this time Senate bill 2172, the bill restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company, &c., the bill which is the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK] as modified. The amendment will be stated.

The CHIEF CLERK. In section 1, line 12, after the word "Oregon," it is proposed to strike out all down to and including the word "mountains," in line 14, and to insert:

And also all lands which appertain to and are coterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed at the date of the passage of this act.

Mr. VAN WYCK. I desire to modify still further the amendment which has just been read by striking out the words "at the date of the passage of this act" and inserting "on the 15th day of June, 1886."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska as modified.

Mr. MITCHELL, of Oregon. I ask to have read an amendment which I shall propose when in order to the amendment of the Senator from Nebraska. I ask that it be read at this time and laid over, as there is an amendment pending.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to insert after the word "Oregon," in line 12 of section 1:

Except such of said lands as appertain to and are coterminous with the branch line across the Cascade Mountains.

The PRESIDENT *pro tempore*. Yesterday the confusion was so great in the Senate Chamber on account of conversation that several Senators complained to the Chair of the fact that they could not hear the proceedings going on. The Chair will endeavor to enforce the rules, but can only do so by appealing to each individual Senator to refrain from conversation during the proceedings of the Senate. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor on the bill before the Senate.

Mr. GEORGE. Mr. President, so many amendments have been proposed to the bill, and we have had notice of so many, that I do not propose to discuss any particular amendment in detail, but to submit some general observations which will cover all of them, and also the policy which this Government ought to pursue with reference to railroad grants, and especially with reference to this railroad grant.

In the first place, I desire to remark that the land covered by this grant is not in any strict sense, and never was, nor is any other property of the United States, the property of the Government of the United States. All the land, all the public property, all the money in the Treasury, all that which the mere machinery of Government controls, belongs to the people of the United States and not to the Government of the United States. Our connection with it as Senators, as Representatives, and in any other department of the Government in which we may serve is solely that of a trustee, the beneficial interest being in the people of the United States.

So, in considering the very important question now before the Senate, I shall not be guided by any private feeling, or any private wish, or any private motive of liberality or generosity which I may have. I do not think there is any place in this legislation to invoke our feelings or sentiments of liberality or generosity. So far as I may act, so far as I may be influenced, beyond the strict legal title of the United States and of this company, I shall look at what I regard may be the feelings, the sentiments, the liberality, and the generosity which are entertained by the people of the United States, who are the true owners of this property.

I am not opposed, I have not been opposed, to the policy of giving lands as a subsidy for railroad construction. I think that the old policy inaugurated by our fathers and continued up to the year 1860, of granting six sections per mile for the building of railroads through the public lands in new countries where the population was sparse was a

just and wise policy. I am willing to continue it; and although I shall vote for a strict forfeiture of all the rights not secured by this railroad company, I am willing to grant to them as much land as six sections per mile from one end of the line to the other. I am not willing to go any further.

I alluded to the former policy of the Government on the subject of railroad grants; and in this connection I may say that from the time of General Washington to the 1st of January, 1860 no more than 30,000,000 acres of the public lands were ever granted for railroads, canals, or other public improvements. That embraced the whole of it; and from that period to about 1875 the enormous quantity of over 179,000,000 acres of the public land was granted, and granted to private corporations, whereas the former grants were nearly always to the States in trust for the people of the States, for their use and benefit, and not to corporations. But about that time a change came over the policy of the Government, and, according to the statement of the Commissioner of Railroads, 179,952,768 acres have been donated in aid of railroads.

Mr. MAXEY. I will state to the Senator that my recollection is that the date of 1873 was the last grant. There has been no grant since 1873, I think.

Mr. GEORGE. Very well. Then thirteen years cover these grants against seventy-five years; 30,000,000 acres in seventy-five years; 180,000,000 in thirteen years. That shows the change which came over the policy of this country about the beginning of the year 1861.

That amounts to 281,176 square miles—a very large amount. It is very difficult to comprehend it at once; so I will make some comparisons. It is just eight and a half times the size of the State of Indiana. It is four times as large as all the New England States combined. It is larger than all the five great Northwestern States carved out of that magnificent donation of the State of Virginia to the States of this Union. It is twice as large as the Empire of Great Britain, larger than the Republic of France, larger than the Empire of Germany, larger than any European empire except Russia alone.

What I desire to call attention to is the gift which has been made by the Government of the United States, by the agents and trustees of the people of the United States, out of their common property for the benefit of corporations.

The value of this land is sometimes spoken of as insignificant. I shall go into that more fully hereafter; but at this point I desire to say that, taking the average price at which the railroads have sold these granted lands, as shown by the Railroad Commissioner's reports, $4.30 per acre, the present value, its unimproved value, amounts to $773,796,893. That is the gratuity which the Congress of the United States, simply the agents and trustees of the people of the United State, have taken from their property and donated to private individuals.

That is the general scheme, profligate and wasteful in the extreme. But when we come to the particular grant now before the Senate we find that the waste and profligacy have been even greater than the general average. The grant was in the States 12,800 acres of land for each mile of railroad built; in the Territories it was 25,600 acres; and in order to secure to the railroad company the full fruits of these profligate and wasteful grants of the public domain a strip of land extending from Lake Superior to the Pacific Ocean, about 2,000 miles in length—120 miles in width in the Territories and 100 miles in width in the States—one-half of that land was reserved from settlement and improvement by the American people, reserved from the location of the road till now, reserved now.

On one-half of that magnificent empire, extending from Lake Superior to the Pacific Ocean, 120 miles in width in the Territories—and it is almost all in the Territories—not one American settler has a right to place his foot, to build his cabin, or to clear his field, except by the permission of this railroad company.

Mr. TELLER. I will ask the Senator if he understands that all of the land is withdrawn or only the odd sections?

Mr. GEORGE. I said one-half.

Mr. TELLER. His last statement was, as I understood, that no settler could place his foot upon any land or cultivate a field or build a cabin within the limits of the grant.

Mr. GEORGE. I do not catch the idea of the Senator.

Mr. TELLER. I understood the Senator to say in substance that the whole territory was withdrawn from settlement.

Mr. GEORGE. One-half of it is what I stated; at least that is the idea I had in my mind, and I think the RECORD will show that I said so—every alternate section.

By the charter which was passed on the 2d day of July, 1864, the road was to be built from Lake Superior to Puget Sound with a branch via the Columbia River to Portland, commencing at some point not more than 300 miles west of Puget Sound. That was the original grant. I will state the conditions of the grant as I go along in juxtaposition with the performance of the company.

In the original charter I desire to call the attention of the Senate and of the country to the fact that the company professed an ability to build this road, and accepted the terms from Congress without putting a mortgage upon any acre of its land or upon any portion of its property. That was the tenth section of the original charter. That was the guise in which they came to Congress and asked for this magnificent donation. They came here saying, "We have got the ability, we have got the money to build the road according to the terms prescribed in the charter, without ever mortgaging one dollar's worth of our property."

The road was to be commenced within two years from the date of the act, which would be the 2d of July, 1866, and was to be finished on the 4th of July, 1876, the centennial year. They came here professing the ability, saying they had the means and the power to do this great work and to finish it as the crowing glory of the first century of the American Republic, and Congress made this magnificent donation upon that condition. Now, let us see what happened. The next scene on this stage, the curtain was lifted May 7, 1866, just fifty-six days before the forfeiture would come from a failure to commence the work. They then came to Congress and asked for two years more in which even to make a commencement and for an extension of the time of completion to the 4th day of July, 1878. It was peace now; there was no war. That was the proposition on May 7, 1866, when they came to ask for the first extension. Quoting the language of the Senator from Ohio now occupying the chair [Mr. SHERMAN], in discussing this proposition, I state that at that time the company had not turned up one sod, one spadeful of earth, although it was then within fifty-six days of the time when their rights were to become forfeited. On that subject I desire to have read for the instruction of the Senate and for the instruction of the country the remarks made by the Senator from Ohio [Mr. SHERMAN] on the proposition then made for the purpose of extending the charter. They were made on an amendment offered by a Senator to the resolution granting the extension, to insert "not less than 100 miles to be completed within a year" instead of "50." Upon that these remarks were made. The proposition was made to withdraw the amendment of 100 miles a year. The Senator from Ohio objected to the withdrawal. I ask the Secretary to read those remarks. I want them all read, because they are weighty words, full of wisdom, for our instruction to-day and for the instruction of the country.

The Chief Clerk read as follows:

Mr. SHERMAN. I object to its withdrawal until I say a word or two about it——

Mr. GEORGE. Referring to the withdrawal of the amendment requiring 100 miles at least to be built each year.

The Chief Clerk continued the reading, as follows:

I understood it to be an amendment agreed to by the committee. This measure really ought not to pass at all. A grant was made to the Northern Pacific Railroad Company of twice the usual land grant, four times the grant of land originally conveyed to land-grant roads. The road traverses a region of country 2,000 miles long from the headwaters of Lake Superior across to the Pacific Ocean, through a region of country that is being rapidly developed by the discovery of mines and by the opening of an agricultural country on the Red River. My own judgment is, that if Congress would act wisely, it would accept the surrender of this grant already acquired by lapse of time, because the parties who obtained the grant have failed to shovel a single sod of earth upon the ground, although they have had this grant for two or three years. They do not expect to move in the construction of this railroad until Congress gives them a subsidy. That is my deliberate conviction, because no progress has been made. In the mean time they hold this grant of land. In my judgment the Northern Pacific Railroad will best and most speedily be built by dividing it up in short lines of railroad between different connecting points, say one line from the head of Lake Superior to the Red River, and another line across the continent, unless it is intended to give a subsidy, when it ought to be built by one general company.

I know the parties engaged in this enterprise, and they are men of character, and as they think they can make progress with their work I am perfectly willing to give them some additional time. I do not wish to impede it. They have undertaken to make a continental road, which is an important one, and I think they ought to be required to make 100 miles a year. At that rate it will require twenty years for its completion. Is the whole of this vast region of country to be held apart from settlement, the land reserved from cultivation, until a single corporation can build a line across the continent? Why, sir, in twenty years from this time this country will be teeming with population. I have no doubt of it. Three years make a revolution in a new country like Montana on the line of this road; and, in my judgment, in ten years from this time the region of country on the Red River of the North will probably apply for admission as an independent State. Why, then, give to a single corporation power over half a strip of country 40 miles wide and 2,000 miles long for a period of forty years; for at 50 miles a year it would take forty years, Sir, it is preposterous.

When these objections were stated to the men interested in this matter, they knew very well that Congress would never consent to hold back the settlement of that vast region of country that a single company might have a monopoly of a great grant for a line over 2,000 miles long. It seems to me that if we were acting technically we had better let this grant go, let these gentlemen who have not yet undertaken the work that they proposed to complete—the time being out in July—give way to others; let others undertake the work and try to push it forward. But I do not believe better men than these can be got to do it, and therefore I was willing to grant them a reasonable time. Two years, as the Senator from California says, is a reasonable time. Within that time they must commence the work, and one year after the expiration of two years they must build 100 miles, and 100 miles a year after that, according to this amendment. It seems to me that is little enough.

The limit of time for the completion of the road, I believe, is fixed at ten years, which would require them to build it at the rate of 200 miles a year. That may need some modification; but after the first two or three years they could readily build 100 miles a year until the country is developed, and then they would no doubt be compelled to build the whole road within a reasonable time. That ten years is enough to build a road across the continent is shown by the actual fact that the great Pacific Railroad will be built probably in five years from the time the first shovel was put in the ground. It does not require the same time to build a railroad on these vast elevated plains in the West that it does in the East, in New England and in Ohio, but even in Ohio we have built 100 or 200 miles of railroad a year, and in one case 300 miles were built through a difficult country in Ohio and Western New York in a single year. I refer to the case of the Atlantic and Great Western road. It seems to me that the provisions of this resolution with the amendments proposed are reasonable, and it is all that we ought to do now. It is certainly all that I am willing to do.

Mr. ALLISON. What is the date of that?

Mr. GEORGE. May 30, 1868, when a proposition came before the Senate for the extension of time.

Mr. ALLISON. That was four years after the original charter?

Mr. GEORGE. Two years was the first extension.

Mr. ALLISON. The original charter was 1864; so that four years after the charter nothing had been done.

Mr. MAXEY. The grant had then lapsed.

Mr. ALLISON. I merely wanted to get the date.

Mr. GEORGE. I desire to call the attention of the Senate and the attention of the country to the statement made by the Senator from Ohio near the end of the extract which has been read, that ten years was ample time in which to build the road, and that the other Pacific road was then about being completed and would be completed within five years from the time it was commenced. But those views did not prevail. The resolution granting the extension was passed on the very day on which the speech was made, and it was so popular that even the yeas and nays were not called upon the final passage of the measure.

By that resolution the commencement of the work was fixed on the 2d day of July, 1868, and the time for the completion of the road was extended to the 4th of July, 1878, four years from the grant of the original charter for commencement, and fourteen years from the time of the grant of the original charter for completion. They got that legislation on the 7th day of May, 1866, but did they go to work? Did they reverse the statement made by the Senator from Ohio that they had not struck a spade in the ground? No; they did nothing until July 1, 1868. Just one day before their grant would have been forfeited by the extended term, they came before Congress and got an extension of two years in which to make a commencement, and by a technical, and I may say a mean fraud, while it appeared on the face of the resolution itself to shorten the time of completion, they added one more year to it. It was one of those tricks of legislation that corporations know so well how to avail themselves of. Instead of coming before Congress as they did in 1866 and asking for an extension, they went back and amended the eighth section of the original charter so as to make it read that the finishing was to be on the 1st of July, 1877. After having got this retroactive legislation inserted in the charter, then the act of 1866 which granted them an additional two years was ingrafted upon that, so as to make the time for the finishing of the road the 4th day of July, 1879.

I want to call the attention of the Senate to the fact that Mr. Rice, who was advocating the measure, stated in the Senate that the effect of the legislation proposed was to shorten and not lengthen the time. By the law of 1866 the road was to have been finished on the 4th day of July, 1878. This legislation in 1868 said it should be finished in 1877, and to all appearances it was diminishing the time in which the road was to be completed, but yet in the way which I have just explained to the Senate they got another year, until 1879.

Mr. MITCHELL, of Oregon. May I ask the Senator a question?

Mr. GEORGE. Certainly.

Mr. MITCHELL, of Oregon. I should like to know, in the first place, whether the effect of that legislation was or was not to waive the original condition subsequent attached to the granting act by which the road was to be commenced within a certain time and completed within a certain other time?

Mr. GEORGE. I answer that question in this way, that as to failure of time specified in the laws prior to this it was a waiver of forfeiture as to those times, but not a waiver of forfeitures for non-compliance with times specified in this legislation.

Mr. MITCHELL, of Oregon. One other question. The Senator answers that in his judgment as a lawyer that legislation fixing a different time or attaching a new condition was an express waiver of the original condition subsequent attached to the grant by virtue of the express provision of the grant. Now, the next question I wish to ask him is whether, the grantor having once waived the original condition, the title having vested in the company, it being a grant *in præsenti*, the grantor can by any subsequent act whatever, as a matter of pure, naked law, attach another and a different condition subsequent upon the failure to perform which on the part of the company there is a right of re-entry? In other words, is it not true, as a matter of law, that when a condition subsequent is once waived by the grantor, expressly or otherwise, it is gone forever? And is it not a further fact, as a matter of pure law, that there is no power in the grantor, either the sovereign or an individual grantor, to create a new condition-subsequent and attach it to an estate that belongs to the grantee?

Mr. GEORGE. Of course when the grantor once waives the performance of a condition subsequent it is gone; but if by agreement of the grantor and grantee a new condition subsequent is inserted in lieu of the old one, then by all the law that I know, as well as by justice and reason and common sense, the grantee is obliged to comply with the last condition.

Mr. MITCHELL, of Oregon. But the Senator admits——

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield?

Mr. GEORGE. No, sir.

Mr. MITCHELL, of Oregon. I will not insist.

Mr. GEORGE. If the Senator from Oregon really insists that there are no grounds to forfeit this railroad grant, I will so assume for the purposes of the argument; if that is his view, I shall be glad to meet him on some subsequent day on that proposition.

Mr. MITCHELL, of Oregon. I am not insisting on that at all.

Mr. GEORGE. If the Senator does not insist on that there is no quarrel between us.

When I was interrupted by the Senator from Oregon I had got to March, 1869, when this railroad company had lifted the curtain for the performance of another scene in this drama; and what was that? Up to that time, from the 2d of July, 1864, to the 1st day of March, 1869, nearly five years, this company had done nothing but come and ask or demand from Congress the grant of new rights and of additional privileges. On that day they applied for, and of course got—because they got everything they asked for—the privilege, contrary to the tenth section of the original charter, of mortgaging the road and telegraph line, and nothing else. That was all they could mortgage. They did not ask to mortgage the land they got.

You would suppose then they would go to work, would you not? But no, they waited a month and ten days, and then they lifted the curtain again, not to show performance or to show that they had done anything in the performance of this great work which they had been intrusted with by the American Congress, but to ask another privilege, and they got the privilege to build a branch railroad from Tacoma, in Washington Territory, to Kalama, on the Columbia River.

About that time Congress had waked up to these enormous grants, and in granting the privilege of making that branch road they expressly provided that the company should not have any land grant for it. I will show you directly how the railroad company beat Congress out of that. That was the express provision of that grant of a charter, that they should not have any lands.

Then you would suppose, Mr. President, they would go to work. They had got everything they had asked. They had found a liberal and generous Congress dealing with the rights and properties of the American people. But no, they came again before Congress after waiting a while. They waited from April 10, 1869, to May 31, 1870, and then they came again, and up to that time they had not struck a spade in the ground. No, sir; I am mistaken about that, for I remember that in the debate on this last proposition, when the then Senator from Ohio, Mr. Thurman, was twitting them for a failure to do a single stroke of work upon this road, some Senator got up and said that in February last—it was now May, 1870—they had actually commenced work in Minnesota leveling the grades. Somebody replied, "Why, Mr. President, at that time in Minnesota the thermometer was 20° below zero, and it was utterly impossible to stick a spade in the ground." In February, 1870, they made the application for the privileges to which I shall call the Senate's attention, and to prevent the argument, made as it was made by the Senator from Ohio, that they had done nothing, they put a lot of men on frozen ground in the State of Minnesota to pretend to do something. On that pretense they got what they wanted.

Let us see what they did get May 31, 1870. The first thing they got was a thing that they said in the beginning they would not have, that they did not want. That was the privilege of mortgaging everything, all rights of property of whatever character they had. Next they got a change of their main line down the Columbia River and up to Puget Sound and the branch line by the Cascade Mountains—whereby, as I indicated some time ago, they are now claiming, (and they have actually received patents for 3,000 acres) the land upon the branch road from Tacoma to Kalama, which Congress allowed them to build expressly on the condition that they should have no lands for it. That is what they got on May 31, 1870, and they got the privilege in addition of commencing their work on the 2d of July, 1870, six long years after the original grant.

Mr. McPHERSON. Do I understand the Senator to say that there was an express provision in the legislation that they should have no land?

Mr. GEORGE. Yes, sir; and they got it by a legislative trick, as these railroad men always do when they set themselves about it. From Tacoma to Kalama they got the privilege of building a branch road with the express provision that they should not have any land for it. In this act of May 31, 1870, they got the main line run around by Portland, and then when they got to Kalama they took up that branch, and on that branch, now being the main line, they claim land by virtue of the original charter.

Mr. McPHERSON. Getting it by a change of line?

Mr. GEORGE. Making the change so as to embrace the branch.

Mr. McPHERSON. And calling that the main line?

Mr. GEORGE. Yes, sir.

Mr. DOLPH. The Senator understands that the road was constructed after the passage of both acts, does he not?

Mr. GEORGE. Oh, yes.

Mr. DOLPH. The road was not constructed when the last act was passed.

Mr. GEORGE. They had not done anything up to that time. They never struck a spade until they got all the rights and all the privileges which the American Congress could be induced to grant them, and Congress granted all they asked for.

Mr. DOLPH. The Senators on this side did not hear what the Senator said, and would like to have it repeated so that we can have the advantage of it.

Mr. HARRIS. It will be seen in the RECORD to-morrow.

Mr. GEORGE. They had a little fight over that. The last extension, which was opposed, I believe, only by the Senator from Ohio who now occupies the chair [Mr. SHERMAN], went through without even a call of the yeas and nays; but when they came back six years after the grant of the charter demanding all these rights and all these privileges of the American Congress some of its members began to think they had had enough. Then there was another Senator from Ohio here, described recently in this Hall by the Senator from Vermont [Mr. EDMUNDS] as the greatest and honestest Democrat in all this land; and, sir, if his title to that depended alone upon the magnificent defense he made of the rights of the American people against this railroad company on that occasion no man could deny it to him.

They came, and in addition to what I have stated, wanting a change in the line, and, getting an additional grant of land for 105 miles, they got their indemnity limits extended so as to embrace, with the various lines in Washington Territory, about all that Territory. On the western side of Washington Territory was the Tacoma branch, which they got covered in under this legislation; they had 120 miles there; and then a little higher up was the Cascade branch, and they got 120 miles there—240 miles in the Territory of Washington, one-half of which no American citizen could put his foot upon except as a trespasser against the soverign and sacred rights of this railroad company!

Now I want to show how this great Democrat performed his duty on that occasion. I want to show it because it contains an instructive lesson to us in the performance of our duty in relation to this grant. Mr. Thurman offered an amendment to that bill which I ask the Secretary to read, and to read a little slowly so that every Senator here can take in the full significance of the privileges and rights which that amendment secured to the American people and which the American Senate, only nine voting in favor of it, refused to accede to and to give to the people of this country.

The Secretary read as follows:

Mr. THURMAN. I now offer an amendment, which I will send to the Secretary's table, to come in at the end of the resolution.

The Secretary read the amendment, as follows:

"And the rights and privileges hereby conferred upon said company and the grants of land hereby made to it are conferred and made upon the following express conditions, to wit:

"First. That the alternate sections of land heretofore or hereby granted to said company, except such portions thereof as shall be laid out by said company in town or city lots, and such portions thereof as shall be used by it for depots, ditches, water stations, round-houses, coal, wood, lumber, and cattle yards, sites for workshops and other buildings or structures necessary for said road or branch road, shall be sold by said company to actual settlers upon the same, and to no other person or persons; and no such settler shall be entitled to purchase more than 160 acres thereof, nor shall he or those claiming under him receive a deed therefor until the same shall have been actually occupied by him, or by him and them, at least two years.

"Second. The price at which said lands shall be sold by said company to actual settlers as aforesaid shall not exceed $1.25 per acre, with interest at the rate of 6 per cent. per annum upon deferred payments.

"Third. Such actual settlers shall respectively be entitled to purchase said lands as aforesaid in lots of 40, 80, or 160 acres.

"Fourth. All said lands for sale to actual settlers as aforesaid that shall not be sold by said company within fifteen years from the passage of this joint resolution shall revert to the United States.

"Fifth. Any mortgage or morgages of said lands, or any part thereof, that may be made or executed by said company shall be subject to the conditions aforesaid in favor of actual settlers or of the United States, and no foreclosure of any such mortgage or sale thereunder by any trustee or trustees, or under any judicial judgment or decree, shall operate to deprive such actual settlers or the United States of the rights and privileges hereinbefore specified; nor shall anything in this resolution contained be held to waive the conditions upon which patents are to issue, specified in section 4 of the charter of said company.

"Sixth. Within ninety days after the passage of this joint resolution said company shall file in the Department of the Interior its written assent to the foregoing conditions, and if it shall fail so to do this joint resolution shall become null and void."

Mr. GEORGE. These were the terms which Mr. Thurman proposed to make as an original condition to this new grant. They were about to lose their rights. They were only within a few days of the time when their rights would all be forfeited under the charter. Mr. Thurman had perceived, as the country had perceived, that this immense and profligate grant needed in the interest of the American people to be recaptured if possible, and so he proposed in the amendment which has been read simply this: That these lands should be sold only to actual settlers, to the hardy pioneers who built up this country, at $1.25 an acre, and that they should be sold in 40 and 80 and 160 acre tracts to suit the means of the poor man who, driven by adverse fortune or possibly following his innate energy, sought to better his condition and that of his family on the frontier. He made a splendid speech in behalf of this proposition, and it got the poor and pitiful number of 9 votes in its favor.

Mr. ALLISON. Will the Senator allow me to call his attention to a fact there?

Mr. GEORGE. Certainly; if I make any mistake about facts I want to be corrected.

Mr. ALLISON. All the alternate sections, that is the even sections, within this range were open to settlement without the payment of any money.

Mr. GEORGE. Of course the United States could sell its own land at its own price, but the object of this amendment was to fix the price and the condition of the land granted to the Northern Pacific Railroad Company.

Mr. ALLISON. I am not quarreling with the Senator respecting his argument, but merely calling his attention to the fact that if people wanted to occupy these lands they could do so during these fifteen years, and can now, without the payment of any money.

Mr. GEORGE. Yes, Mr. President, they could occupy one-half of their heritage, enjoy one-half of their rights, but Mr. Thurman's amendment was intended to secure them against this railroad corporation to the whole extent. It is not according to the grand principles of the Democratic party that the American people shall be shorn of one-half of their rights and one-half of their privileges in such an empire as this; and his object was to secure them. It was voted down. And right here I will notice the fact that there were two Senators from Mississippi on this floor at that time, one of whom, though the large majority of his constituents did not own an acre of land, voted against the Thurman amendment, and the other one representing that class which owned no land did not find it convenient to vote at all.

So the company got all they wanted. Their very last demand that they had the audacity to make on the American Congress had been liberally and fully met. Then what happened? This was on May 31, 1870. Then on July 1, 1870, just one day before the forfeiture of this land would have occurred by reason that they did not commence the work they did commence, and at the same time they put a mortgage on this land and this property for $30,000,000.

Mr. Thurman, in the speech which he made in support of the amendment which I have had read, predicted just exactly what did occur, that under the power to make this mortgage they would make default on it, the property of the company would be sold and bought by a ring. Let us see whether his prediction was not verified. No work had been done up to that time except a little digging in the frozen ground in Minnesota in February, 1870. They commenced a little work in July, 1870, and they made a mortgage; and here is the way they made the work and complied with their contract, complied with their promise, made in the charter by accepting the charter, to the American Congress and to the American people. Having got, as my friend from Oregon suggests, the land grant from Tacoma to Kalama, they commenced operations over there pretty soon, and the first work was from Thompson, Minn., to Red River, 228 miles, by the 1st of October, 1872, and then from Fargo to Bismarck, 196 miles, October 1, 1873. During this time they worked on the Oregon branch from Kalama to Tenino, and finished those 65 miles by July 15, 1873. Then the 40.1 miles from Tenino to Tacoma they finished by March 1, 1874. So altogether by the 1st of March, 1874, 529.1 miles, or in round numbers 530 miles, were constructed.

Then the curtain dropped again. We see nothing of the action of this railroad company from its report on March 1, 1874, for six years and four months, in which time 100 miles of road were completed by the 1st of July, 1880, and 50 miles more by the 1st of November, 1880; but in the mean time, after the report made in March, 1874, came that part of this grand drama of fraud and imposition upon the American people which the Senator from Ohio, Mr. Thurman, had predicted. I do not see in the report of the Railroad Commissioner the exact date, but prior to April 16, 1875, the railroad company had made a default on the interest upon the $30,000,000 of bonds, and on that date proceedings were commenced, as Mr. Thurman said they would be, to foreclose the mortgage, and they were hurried through with railroad speed. Commencing on the 16th day of April, on the 25th day of August or September—I have forgotten which—of the same year a lawsuit embracing this magnificent empire was carried through the courts to a final determination, and not only to that, but to final execution. It was six long years before they struck a spade in the ground. They refused to strike a spade in the ground until they had got every privilege which they desired. When they went to work they worked slowly and dilatorily; but when they came to that part of the performance which that old Roman, that old Democrat Thurman, had said would be the end and consummation of this proceeding, no lightning flash ever traveled with greater speed than they did. Under the swoop of the attorneys and agents of this railroad company these proceedings were hurried; and so in August or September of the same year –I have forgotten which, and it is not material—the thing had all been completed, the road sold and bought, and bought by whom? Bought as Senator Thurman had said, by a ring of bondholders.

This was in September, 1875. Then came reorganization; and how did they reorganize? With only 530 miles of road completed, this is the way they reorganized: they reorganized by issuing to the bondholders the $30,000,000 which had been spent on building these 530 miles of road in preferred stock guaranteed to pay 8 per cent. interest and $21,000,000 more of preferred stock—$51,000,000. Then what became of the balance? They could not give up this magnificent empire, and so they issued $49,000,000 of common stock to the old stockholders.

My friend from Texas [Mr. COKE] a few days ago told us something of the watering of stock by the railroads of this country. I do not

know whether he referred to this company or not. If he did not, when he has occasion again to say as he did then in eloquent and strong pointed language anything about the watering of stock he ought to talk about this. All other waterings of stock were mere little dews falling on the morning grass to vivify and make it fresh; but here, when the stockholders had never paid a cent, as was charged by Mr. Thurman in his speech, and he challenged Senators on the other side to show that they had ever paid a cent, they turned loose a Niagara of water into the stock of this corporation—$51,000,000 of preferred stock and $49,000,000 of common stock, $100,000,000 to represent 530 miles of completed road!

Mr. President, that is not all. Here is $100,000,000 to represent 530 miles of road, just $25,000,000 more than the Commissioner of Railroads estimates as the cost of the whole 2,000 miles.

Mr. DOLPH. I do not wish——

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. GEORGE. Oh, yes.

Mr. DOLPH. I do not wish to interfere with the Senator's line of argument, and I do not know that I shall say anything more on this question; but if he will allow me to make a suggestion or two in that connection——

Mr. GEORGE. Just a suggestion. I do not want to have a speech from the Senator from Oregon injected into the belly of mine.

Mr. DOLPH. I should like to make a statement in regard to this reorganization. I have understood and seen it stated in a letter from Mr. Billings, the former president of the company, which I read some time since and have not now in my possession, that the amount of bonds sold for the four hundred and odd miles constructed at the time of the reorganization was $30,000,000. There was due on these bonds two years' interest at 8 per cent. In the reorganization, as I have seen it stated in the document referred to, the bondholders surrendered the bonds and took preferred stock at par, the interest on the bonds being included and three years' future interest on the preferred stock being included, making 40 per cent. on the $30,000,000, or $12,000,000; making $42,000,000. That was what the bondholders received. That was eleven years ago. These bondholders have never received since that time anything but a dividend of 11 per cent. in certificates which represented the proceeds of the land sold, which should have gone to pay dividends on the stock and were used in construction. They have never received a dollar in money.

Mr. GEORGE. Allow me——

Mr. DOLPH. I should like to finish the statement, having begun upon it, if the Senator will allow me. If the Senator does not yield, I will sit down.

Mr. GEORGE. I am willing to yield to any reasonable length, but I can not give way to hear all the apologies and all the reasonings and everything of that sort of a railroad company.

Mr. DOLPH. It is simply a question whether the Senator yields for me to finish my statement.

Mr. GEORGE. I believe I will not. You can reply to me.

The PRESIDENT *pro tempore*. The Senator from Mississippi declines to yield.

Mr. GEORGE. I have no doubt the Senator from Oregon as a lawyer has had a great deal of experience in reference to railroad companies which would interest the people of this country, but as I am just now going on with the people's side of the case I ask him to wait until I get through. I believe I was talking about watered stock, about $49,000,000 of common stock and about $51,000,000 of preferred stock guaranted at 8 per cent. interest, all based on 530 miles of railroad.

Mr. CALL. How much did it cost?

Mr. GEORGE. Not that much. Here the first company made its exit from the stage of action; 530 miles of railroad and $100,000,000 of stock!

Now let us see what else they did. This $100,000,000 of stock, preferred and common, represented $188,698 a mile of railroad built. The line built was the easiest in the world. One Senator said they had nothing to do but to stick a spade in the ground and level it a little and put the cross-ties on, and the Commissioner of Railroads put the cost at $28,000 a mile. That left $160,000 of stock to each mile of the railroad for $28,000 a mile of actual expenditure.

That was not all. They were entitled on the 530 miles to a land grant and nobody proposes to take it away from them. That land grant amounted to 10,518,756 acres. At $4 an acre—and they sold their lands at that, and those 530 miles of road were in the best part of the country, as I understand—its value was $42,075,000, or at the rate of $78,000 a mile for a road which ought not to have cost and did not cost over $28,000 a mile.

A land grant worth over twice the cost of the road and $100,000,000 of stock were the proceeds of this first operation on the property of the American people; and yet we are told that we are bound in good faith or we are bound by some sort of generosity on subjects of this sort to waive the right of the American people in order that the men who captured 530 miles of this railroad and this enormous sum may capture still more. The company reported that it cost them $40,000 a mile to build the road.

Mr. VAN WYCK. At what time was that report?

Mr. GEORGE. They reported that the first 530 miles cost $40,000 a mile.

Mr. VAN WYCK. Allow we right there to say that in 1872 there was an investigation ordered in regard to this road by the House of Representatives, if it is proper to refer to it.

Mr. TELLER. That was a past House. You can refer to that.

Mr. VAN WYCK. In that investigation this question was put:

What has been the total cost of the work done, and the cost per mile; first, for the eastern division; second, for the western division?

This was to Mr. J. Gregory Smith, president of the Northern Pacific at that time.

Answer. The roadway and superstructure on 229 miles of the eastern end of the road cost $5,397,843 or $23,571 per mile; the same for the 25 miles on the west end of the road cost $714,000 or $28,560 per mile. All the elements of railroad construction cost more on the Pacific slope than on the Atlantic slope.

Mr. GEORGE. Is that their own report?

Mr. VAN WYCK. That is the sworn statement of Smith, the president of the road in 1872.

Mr. GEORGE. I have no doubt that was ample, and I was going further to quote the Commissioner of Railroads.

Mr. MCPHERSON. Allow me right there——

Mr. GEORGE. No, sir, I prefer to go on. I am very much disposed to oblige everybody, but I shall never get through if I keep on yielding; and I am getting weary, and I prefer to go on. I would yield to the Senator from New Jersey as soon as to anybody living, but I want to get through.

The PRESIDENT *pro tempore*. The Senator from Mississippi declines to yield.

Mr. GEORGE. They charge $42,000 a mile in the report. I will show you how they made up that charge. It appears that in this $42,000 a mile was $1,108,278.52 or $1,900 a mile for surveys. That is a good deal for surveys of 530 miles, and it would almost build the road. The equipment was put at $2,434,346, a pretty extensive equipment, indicating, if it was an honest and just amount, the doing of an immense business on the 530 miles of railroad. Then there was $2,728,346.25 which they expended for what they called "auxiliary railroad and water lines," which they had no right, as far as I can see, to expend.

I understand that stock represents money paid into the corporate treasury. Is that right, I ask the Senator from Texas [Mr. COKE]? He nods assent. Stock represents money paid into the treasury of the corporation. Then at the end of 530 miles, with all these magnificent land grants, they had $100,000,000 stock, and according to the estimation of the Commissioner of Railroads only $75,000,000 was necessary to complete the entire road for 2,000 miles.

I think that even these poor men who happened to be so unfortunate as to get all these magnificent grants from Congress ought to have been satisfied with the gains they had then made. But suppose we go on and give them all they ask, still let us see how they will come out. Their grant, as estimated by the Commissioner of Railroads, amounts to 42,000,000 acres of land, or 65,620 square miles—a little more than twice the size of the State of Indiana, about as large as the State of Indiana and the State of Ohio combined. An empire the size of these two great States is the game for which the Northern Pacific is playing now in the American Congress and before the American people.

The Railroad Commissioner estimates these lands in 1881 as follows: They had sold, up to the 30th of June, 1880, 2,600,000 acres of this land for $9,000,000, about $4 an acre. The rest of this land, estimated at $2.50 per acre by the Railroad Commissioner, amounts to $90,750,000; total, $108,750,000; and then the watered stock of $100,000,000; when the whole cost of the road did not exceed $75,000,000.

Now, Mr. President, I want to put before the Senate and the country something about the character of this railroad. Gentlemen talk about its being built over mountains and through a vast desert plain and all that sort of thing, and tell us that the immense cost justified these enormous drafts. I will read from the report of the Commissioner of the General Land Office in 1869:

The Northern Pacific presents as one of its strong claims to public attention its comparatively low summit levels. It proposes to cross the Cascade Mountains in Washington Territory by the Snoqualmie Pass, 3,000 feet above sea level, and the highest range of the Rocky Mountains by Cadotte's Pass, whose elevation of 6,167 feet may be reduced to 5,337 feet by a tunnel 2¼ miles long. Blodget's charts show that the respective points where the Northern Pacific and the Union Pacific pass the main range of the Rocky Mountains are on nearly the same winter isothermal parallel of 20° Fahrenheit, with about the same winter temperature on the adjacent plains and foot-hills, and with a summit level at Cadotte's Pass—

That is on the Northern Pacific—

three thousand feet lower than that at Evans's Pass—

Which is on the Union Pacific Railroad. The Commissioner continues:

The Northern Pacific offers a pretty safe guarantee against these formidable obstructions from snow which the more southern route has already experienced. The Northern Pacific route claims to be the shortest and most central from the tributary waters of the Atlantic and Pacific Oceans.

Then, speaking of the company, he says:

The undeveloped resources of this company are attracting the attention of capitalists. Its landed subsidy is double that of the Union Pacific road. Comparatively a very small proportion of its line runs through an elevated region.

Governor Stevens was of the opinion that not more than one-fifth of the land from Red River to Puget's Sound is inarable—

Not fit for cultivation—

and that this is largely made up of mountains covered with valuable timber.

Says the Commissioner:

It is evident that an immense agricultural area is here awaiting development. The great wheat-growing regions, on the left bank of the Upper Missouri, promise speedy settlement upon the opening of an avenue for the transportation of their products to market.

That is the kind of country, four-fifths of it arable, a great wheat-producing country. Of course now all this land is worthless! The Senator from Oregon [Mr. DOLPH] said the other day that the land on the Cascade branch was of no value to anybody but the railroad company. It seems that these lands belonging to the American people, consecrated and dedicated by the fathers of our Republic for homes for the unsheltered families of this country, in the estimation of the American Congress are to be treated as of no value except to a railroad company.

I wish to call the attention of the Senate and of the country somewhat to the reduction in the cost of building railroads since this charter was granted. The charter was granted when railroad iron was worth $126 a ton. It has kept steadily falling until it is now worth $35 a ton, about one-fourth of its original cost. I have a table made out on that subject by Mr. Smith, the superintendent of the document-room of the Senate, which I submit as part of my remarks:

Average prices of iron rails at mills in Eastern Pennsylvania from 1864 *to* 1886, *per ton of* 2,240 *pounds.*

[From American Iron and Steel Association Report, 1884.]

Year.	Average price.	Year.	Average price.
1864	$126	1876	$41¼
1865	98¾	1877	35½
1866	86¼	1878	33¾
1867	83½	1879	41½
1868	78¾	1880	49½
1869	77½	1881	47¼
1870	72½	1882	45½
1871	70¾	1883	
1872	85½	1884	32
1873	76½	1885	27
1874	58¾	1886	35
1875	47¾		36

So, then, this delay, this dilly-dallying, this refusal on the part of the company to comply with its contracts and its conditions have all resulted in injury to the American people and in benefit to the corporation.

I wish to call the attention of the Senate to some of the performances of this railroad company, which comes here before the American Congress and asks its bounty and favor. I hold in my hand a joint resolution reported by a committee of the House of Representatives which makes a charge in the way of an inquiry against this railroad company, and which I have the authority of the Delegate from Washington Territory for saying was substantially admitted by the president of the company. I ask the Chief Clerk to read on the second page of the joint resolution from line 5 down to and including line 20.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chief Clerk will read as indicated.

The Chief Clerk read as follows:

First. If it did not in the year 1884, either directly or indirectly, through some of its officers, employés, or agents, lay out a town site in the Yakima Valley, in Washington Territory, called North Yakima, which town site was some 4 miles farther west on its Cascade branch line than Yakima City, an old-established town containing a larger population than any town within more than 100 miles therefrom, and, although running its trains directly through said Yakima City, refuse to establish any station in said town or to stop its trains therein, and further refuse to stop for freight or passengers at any point nearer to said town than its said town site of North Yakima, and by such action utterly destroy the value of hundreds of thousands of dollars' worth of property, vested private interests, which were the accumulation of years of frontier privation, toil, and industry?

Mr. GEORGE. That was the first inquiry propounded; but the point is that the charge made in the inquiry was substantially admitted to be true by the president of the company before the committee of the House of Representatives; and what is that? These railroads are built; as I understand, the companies come before us here and ask large subsidies upon the ground that they propose to develop our country, to enrich our people, and to give them facilities which they did not possess before. Yet it appears that this road passed through a flourishing town in Washington Territory, the largest one in all that section already built, and refused to stop its trains there, and built up a town of its own 4 miles off, and in its greed for money, in order to build up its own town, destroyed and crushed the citizens of the other town; and I am further informed that they persisted in their refusal to stop at the old town until the courts of the country compelled them to stop there.

This is the corporation which comes here before the American Senate and asks of this body to surrender, not their individual property, not their individual rights, but the rights, the property of the American people, whose interest this railroad company in the manner I have pointed out have trampled under foot and despised. That is, the suppliant here for bounty asks this from the American Congress out of the public property for its private coffers.

Mr. President, another thought and I shall conclude. I wish to call the attention of the Senate and of the country to the very remarkable debate which occurred here a few days ago, in which the Senator from Massachusetts [Mr. HOAR] alluded to the danger to our institutions from large aggregations of land in the hands of corporations and private individuals. The danger is great. I refer the country to his speech; I have no time to elaborate it now.

But here with our eyes open, with millions of acres of the public domain being captured by aliens and strangers, with millions more being put into mortmain, in the hands of corporations, what is our duty, representing the interests of the great mass of the American people? Shall we go on and by criminal neglect of our duties allow this railroad company to become the owner of the public domain, of an empire equal to two States as large as the State of Indiana, or shall we do what the American people everywhere, without a dissenting voice so far as I know outside of railroad circles, the people who own this property, the people whose treasure paid for it, whose blood won it, demand that we shall do? Shall we obey their voice and simply insist upon our legal rights?

Senators may say that the proposition to forfeit all this land from the date of the first failure is illegal and can not be enforced. This bill does not settle that question. The railroad company will have the right in the courts to acquire all the legal rights which they are entitled to under their charter. The bill is simply an assertion of a claim on the part of the American people. It settles nothing except to give the people of this country a standing in their own courts to assert their own rights.

It has been said that we have gone on and accepted various portions of this road after the time at which it was to be completed. That is a snare, Mr. President. Accepted! How accepted? Was there any gift of that road to us? Was there any tender of it to us? Not a bit of it. All that has been done is this, that the agents and trustees of the American people have stood silently by when this company in the pursuit its own business was building its own road for its own use, for its own purposes, and appropriating it to itself, and we have not told it "you shall not have the land."

In some instances they have obtained patents for the land, and I infer from what I heard the other day in the Senate Chamber somewhere that after the patent had been issued that was an end of the controversy. A patent, as every other act performed by a public officer, is valid or invalid as it is done or made or issued in pursuance of law.

Mr. MAXEY. It is not title; it is the evidence of title.

Mr. GEORGE. That is all. No man, President or Secretary of the Interior, has a right without the authority of law and in obedience to law to convey one single particle of the property of the American people to anybody else.

But then it is said that we have been negligent; that we ought to have spoken before; that we have been sitting here and have not asserted our rights, and the railroad company has built what? Its own railroad, not ours, and that because we, the trustees and agents of the American people, have not discharged our duty, a right has been lost by the American people.

Against such a doctrine I protest. It is not found in the Constitution, nor is it found in the laws of the land. If there is anything settled, it is that no negligence on the part of a public agent can prejudice the rights of the people. Their rights remain unaffected by the faithlessness and negligence of their trustees.

Upon that, sir, I plant this case, and upon that I urge on behalf of the millions of landless and homeless American people, in behalf of the millions of idle and striking laborers who are without employment and who are insufficiently paid, that this great domain, the heritage of the American people, shall not by our negligence, our failure to do our duty, be lost to them and their posterity.

Mr. TELLER. Mr. President, the question before the Senate is not as to the wisdom of the policy of granting lands to railroads or other public enterprises. The simple question before the Senate now is whether we will forfeit the land grant of one railroad company from a certain point to a certain point over which no road has been constructed. Then the amendment of the Senator from Nebraska comes in, and if adopted it will be equivalent to a declaration that we shall forfeit all the land unearned in the common parlance with reference to railroads; that is, all the land that is not conterminous to a completed road.

I shall vote for the amendment of the Senator from Nebraska. I shall vote in every case I think—there may be possibly an exception, though I do not now know of any—where the railroad company has not completed its line, that the land conterminous to the proposed line shall be forfeited to the Government.

If I had been a member of this body when this grant was before Congress I am satisfied, anxious as I have been for communication across that section of the country with the Pacific slope, that I never should

have given my vote for the bill. I repeatedly refused my vote while in this body to its extension, to a declaration by Congress that the company might continue to withhold the land from public settlement. I introduced years ago when a member of this body a bill to forfeit this particular land.

But this is not a question, as I said before, of the wisdom of the act of Congress making the grant; nor is it a question how wise or how foolish Congress may have been in standing by and looking on while they built the road without asserting the right of forfeiture provided for in the original grant. Neither is it a question whether the railroad company has treated the people of Washington Territory, of Montana, of Oregon, of Dakota, or of Minnesota properly in its intercourse with them, or whether it has built up some towns to the detriment of others. That is not the question. Neither is it a question whether the railroad company has issued more stock or bonds than it ought to have issued. Neither is it a question whether it has constructed the road economically and prudently in the interest of its stockholders. It is a simple naked question of law, whether you will go beyond the unearned lands or whether you will not. As I said, there is no proposition before the Senate to-day on the bill that I know of to forfeit any of the land conterminous with the constructed line of road.

Mr. GEORGE. I understand that is the effect of the amendment offered by the Senator from Missouri [Mr. COCKRELL], and I know the Senator from Louisiana [Mr. EUSTIS] has had printed an amendment proposing to forfeit the first lands subject to forfeiture.

Mr. TELLER. Very well; that is merely technical. It can easily be done if it has not been done. I understand those amendments are not pending, but if Senators are going to present them I suppose it will be proper to do so.

I do not understand that this is a question of bounty; that the railroad company appeals to us to be generous with it. I understand that as to the earned lands, using a term which everybody understands, the lands conterminous with the completed road, it is claimed by the company that it is now the legal holder thereof and that the Government of the United States has not the power to take away from it those lands.

If these parties were addressing themselves to the discretionary power of Congress, if they were asking Congress to overlook a forfeiture, as they were in 1879 and 1880 and subsequent thereto, the argument of the Senator from Mississippi would be in place. It would be proper then to consider how well they discharged the trust imposed upon them by the Government when it made to them this great grant. The value of the grant, the expenditure of money and all that, might have been and ought to have been a question years ago for the Senate, but it is not now.

Years ago, in the early grants, in the good old times that the Senator from Mississippi is anxious as I suppose to see return, long before there had been a Republican administration, it was held by Democratic Attorneys-General, learned and capable and patriotic Attorneys-General, that a grant like that under consideration was a grant *in præsenti*, that the title was vested in the corporation by the grant itself, to be only definitely fixed when the line of location was established.

The Supreme Court of the United States in more than one decision has held that doctrine. I have heard that doctrine in later days controverted and questioned by gentlemen of both sides in this Chamber politically. It is a doctrine which never has been doubted by any lawyer in this country of either political party who has had any reputation unless he may have been stimulated and urged to it by the recent complaints of the people. Up to the time that the Supreme Court of the United States made its decision in Schulenberg *vs.* Harriman, in 1874, I venture to say that no public man having any reputation as a lawyer ever denied the doctrine laid down by that court. The court was sustained in it by Caleb Cushing, by John J. Crittenden, by Reverdy Johnson, by men whose reputation as lawyers was equal to that of any men who have lived upon this continent.

We must deal with the law. The Senate of the United States can not listen to appeals in favor of the people if the law is against them, because we are bound by the law. If the title has vested in a corporation by a failure of the Government of the United States to take advantage of the failure to complete the road within the time fixed, then it will be impossible for us to divest that company of their title by law. Any law that we may pass with that view will not answer the purpose, however good the intention may be.

The honorable Senator from Mississippi says it is a question for the courts. It is a question for the Senate, and the Senate should come up to it, not for the purpose of turning it over to determine what the courts may say, but let the Senate pass upon the question of law. If Senators think the Supreme Court has been mistaken, then I suppose it would perhaps be right for the Senate to act upon its own judgment. Is there any reason to suppose that a subsequent Supreme Court will change the rule laid down in the case of Schulenberg *vs.* Harriman, which has been since reiterated in at least three cases ably and carefully considered?

Mr. GEORGE. I desire to see if I understand the point made by the Senator from Colorado. Does he understand that the decision of the Supreme Court is, that when the entry is made by the passage of an act of Congress upon the subject the forfeiture only takes place as to the rights remaining after the act passed; and does he deny that at any time after the entry is made or the act is passed, by well-settled rules of common law, the effect of the entry or act, unless limited by the statute, is to give to the United States all of its rights as if the entry had been made on the day the forfeiture took place?

Mr. TELLER. I do not know that I comprehend exactly what the Senator means, but I will state what I understand the court to have decided, and which I understand to be in accordance with the universal rule upon this question not only in this country but in England.

I understand it to be an elementary principle that a subsequent condition being performed by some one who is entitled to perform it is thenceforth forever gone. That is the language of the books. After the grantor has accepted the performance, or allowed the performance to take place, he can not take advantage of a condition subsequent. Such is the rule laid down by the Supreme Court in the case I have mentioned, and such is the rule laid down in the elementary works. All elementary writers upon real estate, I believe without exception, have asserted that to be the doctrine.

The Supreme Court declared that that applied to the United States as it applied to an individual. In the case to which I refer the grant was made in 1856. The decision was made in 1874. The limit was ten years. There had never been a line of railroad built, but the Supreme Court said the grant is a grant *in præsenti*, and until there is a re-entry and taking possession, or what is equivalent to it, a judicial proceeding provided for by law, or a declaration by the law-making power of this country, the grant remains a grant *in præsenti*, and the title remains, notwithstanding the subsequent condition is not performed.

Mr. President, I need not go into any extensive argument. I ought not to be required to cite in the Senate of the United States elementary works. Yet going back and beginning with the very earliest writers upon the subject, it will be found that that has been the law for many, many years, as held by all the courts of Great Britain and repeatedly held by the best courts of this country long before the Supreme Court decided the case of Schulenberg *vs.* Harriman.

So it is a question of law and not a question of generosity. It is true that if an act should be passed forfeiting the land back to the point where the road was constructed when the time fixed in the statute expired, the courts might say that Congress had gone beyond its power, and they might restore to the company the land; but what would be the condition of all that country during the years of litigation? With the titles unsettled and uncertain, no man would know whether he owned the land that he had bought, or whether he could buy a particular piece of land or not.

It is not any answer to the legal proposition to say that the grant ought not to have been made. It is not a lawyer-like proposition to say that because the grant was an extravagant grant, an excessive grant, because it was an unwise and foolish act of the Legislature, therefore we are to disregard the plain and settled principles of law.

I am willing to vote for the amendment, because I think the railroad company have had ample time to complete their road, because I think they should have used greater diligence; and if it was their misfortune that they could not complete the road they must suffer, because the right exists, and the appeal the Senator made to us to provide land for the landless and homes for the homeless is an appeal which always meets when it comes to me with a hearty response.

But I do not think the Senator from Mississippi needs to put it upon the ground he did, that prior to 1860 there was such careful provision made in regard to the public lands in the interest of the settler. I do not think that a careful examination of the history of the land legislation in this country will justify any man on that side of the Chamber in pointing with any degree of pride or satisfaction to the history of his political party with reference to the public lands prior to 1861. I wish to say to the honorable Senator from Mississippi that a careful examination of all the files of the Senate and of the House will show that these grants were never made by a political vote. The grant which he has characterized in terms as so extravagant and so outrageous a robbery of the people was supported upon the floor of the Senate by the *par excellence* Democrat Mr. Hendricks in an able speech, in which he insisted that it was right and proper to grant to this company exactly what was granted to it; and there is not upon the files of the Senate a dissenting vote as to that great grant by a Democrat that I am aware of. It was not a political question at all, and neither political party can assert of the other that it was the policy of either party to make these grants.

The honorable Senator said that up to 1860 the grants of public land had only been 30,000,000 acres. The Senator has not read carefully the reports of the Land Department or he would have increased the amount by at least 18,000,000 acres. Forty-eight million acres up to 1860 had been granted away for railroads and public improvements. Those grants found upon the floor of the Senate such able defenders as Mr. Calhoun, Stephen A. Douglas, and Benton, of Missouri. It can not be laid at the door of the Republican party that they inaugurated or initiated the system of land grants to railroads. I say to the Sen-

ator to-day that acre for acre we may have granted more under our administration than they, but in value, in worth, the Democratic administrations prior to 1860 granted fourfold what has been granted since. The railroads across Iowa, across Minnesota, across Illinois from one end of the State to the other received grants of the most valuable land that the sun ever shone upon.

What was the land on the line of the Northern Pacific of which the Senator speaks? Forty-seven million acres, one-half of it absolutely worthless, one-half of it incapable of supporting people at all, all the mineral land excepted; and it has been asserted by those who well know that of the 20,000,000 acres which can be found in Montana not 2,000,000 acres are capable of cultivation.

The honorable Senator says that the line of grant does not run over mountains; it runs in valleys. If the honorable Senator has been across that country he knows that it does run in valleys, but narrow valleys; and out of even the narrow valleys must come the Indian reservations which it traverses, which are always included in this great estimate of 47,000,000 acres.

The Illinois Central grant, of which Stephen A. Douglas was the author, supporter, and initiator in this body, was worth when it was made four times as much as the grant made to the Northern Pacific road, and that company held the land until they sold it at enormous figures; and that they more than built the road out of the land has been frequently asserted.

The grants made to railroads, canals, and other works of internal improvement amounted to a little more than 48,800,000 acres previous to 1860. In addition to that Democratic Congresses voted 61,000,000 acres for military and naval land-warrants. These 61,000,000 acres were not voted to the soldiers, because the land did not in one case out of a hundred go to the soldier. It was a debt that the Government undertook to pay by the sale of its land. It issued a warrant which passed from hand to hand, and under that thousands and tens of thousands of acres of the rich, fertile soil of the Mississippi Valley were aggregated by capitalists. There was no limit to the use of the warrants; they became money in the hands of the holders.

Further than that, Congress voted 75,000,000 acres to the different States as swamp lands, without restriction as to how many acres might be held by the purchaser. In addition to that it was the policy of the Government previous to 1860 to offer for sale all of the public lands. All of the public land practically was put in the market and offered to any man who was willing to pay $1.25 an acre, and then when it had been offered for two weeks at the local land office the record was returned to the General Land Office, and it was open to any man who chose to pay $1.25 an acre. By that system millions and millions of acres of land were disposed of, and whole counties of land were sometimes aggregated in the hands of one or two men. In the State of Illinois, of that fertile soil 40,000 and 50,000 acres passed at a single transaction to one holder, and the lands were held for years by those holders, and some of them are holders to this day.

Of all the land that has been deeded by the Government to railroads and to individuals, under every act which has ever been passed, the Democratic party are responsible for nearly one-half in the three items of which I have spoken—grants to railroads before 1860; grants for military and naval land-warrants; and the swamp-land act of 1850, to say nothing of the millions of acres that were taken under the cash-entry system, a system which, I wish to repeat, was in full force everywhere in this country until it was abandoned by the Republican administration.

When an effort was made in the Senate of the United States and in the House of Representatives to require that no more land should be sold at public sale or allowed at cash entry until it had been surveyed for a period of fourteen or fifteen years, the Democratic party as a party stood solidly against that and voted it down, as the records of the two Houses will show. In 1858 and 1859, when it was proposed to give to the homeless and the landless in this country land free upon which the settlers might make their homes and raise their families, the Democratic party in both branches of the Legislature, with two or three exceptions in the other House, were found antagonizing the bill, and when it did get through the Senate and House and went to the last Democratic President previous to Grover Cleveland he vetoed it, upon the ground that giving to the people free land would demoralize the public and destroy the settlers' morals. He put it upon two grounds, first a lack of constitutional power, and secondly that it would be a demoralizing agency, as I have heard it said by some that a grant for school purposes would also be a demoralizing agency.

So it will not do for the Senator from Mississippi to throw any clubs at this side of the Chamber and assert that we have not been as anxious to preserve the public land as the other side.

I suppose the honorable Senator from Mississippi has not forgotten that more than five hundred thousand families have made homes on the public land under the homestead law passed by a Republican Congress and signed by a Republican President, the first Republican Congress and the first Republican President that we had. That was done the first time we had control of both bodies and the Executive.

I hold in my hand a list of the railroad land grants made previous to 1860, and the grants also made to canals previous to 1860, commencing with 1827. Some grants were made before that time which are not included in this list. I will ask leave to put it in the RECORD without reading it, it having been read by the Senator from Oregon [Mr. DOLPH] in his speech, unless somebody desires that I should read it.

The PRESIDING OFFICER. The statement will be published in the RECORD as requested.

The statement is as follows:

Statement showing land grants to the several States for railroad and canal purposes from 1827 to 1857.

RAILROADS.

State.	Date of act.	Name.	Estimated number of acres granted.
Illinois	Sept. 20, 1850	Illinois Central	*2,595,053.00
Mississippi	Sept. 20, 1850	Mobile Central and Ohio River	1,004,640.00
Do	Aug. 11, 1856	Vicksburg and Meridian	404,800.00
Do	Aug. 11, 1856	Gulf and Ship Island	652,800.00
Alabama	Sept. 20, 1850	Mobile and Ohio River	230,400.00
Do	May 17, 1856	Alabama and Florida	419,520.00
Do	June 3, 1856	Selma, Rome and Dalton	481,920.00
Do	June 3, 1856	Coosa and Tennessee	132,480.00
Do	June 3, 1856	Mobile and Girard	840,880.00
Do	June 3, 1856	Alabama and Chattanooga	897,920.00
Do	June 3, 1856	Coosa and Chattanooga	144,000.00
Do	June 3, 1856	South and North Alabama	576,000.00
Florida	May 17, 1856	Florida and Alabama	165,688.09
Do	May 17, 1856	Florida, Atlantic and Gulf Central	183,153.97
Do	May 17, 1856	Pensacola and Georgia	1,568,729.80
Do	May 17, 1856	Atlantic, Gulf and West India Transit	1,171,200.00
Louisiana	June 3, 1856	Vicksburg, Shreveport and Pacific	610,880.00
Do	June 3, 1856	New Orleans, Opelousas and Great Western	†*967,840.00
Do	Feb. 9, 1853	Cairo and Fulton	1,160,667.00
Arkansas	Feb. 9, 1853	Memphis and Little Rock	438,646.80
Do	Feb. 9, 1853	Little Rock and Fort Smith	550,584.09
Missouri	June 10, 1852	Hannibal and Saint Joseph	781,944.83
Do	June 10, 1852	Pacific and Southwest Branch	1,161,235.07
Do	Feb. 9, 1853	Cairo and Fulton	219,262.31
Iowa	May 17, 1856	Burlington and Missouri River	948,643.66
Do	May 17, 1856	Chicago, Rock Island and Pacific	1,261,181.60
Do	May 17, 1856	Cedar Rapids and Missouri River	1,298,729.00
Do	May 17, 1856	Dubuque and Pacific	1,226,163.05
Michigan	June 3, 1856	Detroit and Milwaukee	355,420.00
Do	June 3, 1856	Port Huron and Milwaukee	312,484.00
Do	June 3, 1856	Jackson, Lansing and Saginaw	1,052,469.00
Do	June 3, 1856	Flint and Pere Marquette	586,428.00
Do	June 3, 1856	Grand Rapids and Indiana	629,182.00
Do	June 3, 1856	Marquette, Houghton and Ontonagon	331,500.00
Do	June 3, 1856	Bay de Noquet and Marquette	76,800.00
Do	June 3, 1856	Chicago and Northwestern	339,000.00
Do	June 3, 1856	Ontonagon and Brule River	288,000.00
Wisconsin	June 3, 1856	Chicago and Northwestern	600,000.00
Do	June 3, 1856	La Crosse and Milwaukee	600,000.00
Do	June 3, 1856	Saint Croix and Lake Superior	843,552.00

Statement showing land grants to the several States for railroad and canal purposes from 1827 *to* 1857—Continued.

RAILROADS.

State.	Date of act.	Name.	Estimated number of acres granted.
Minnesota	Mar. 3, 1857	Saint Paul and Pacific	748,800.00
Do.	Mar. 3, 1857	Saint Paul and Pacific, branch line	885,000.00
Do.	Mar. 3, 1857	Saint Paul and Pacific, Saint Vincent extension	1,200,000.00
Do.	Mar. 3, 1857	Saint Paul and Sioux City	765,000.00
Do.	Mar. 3, 1857	Winona and Saint Peter	1,200,000.00
Do.	Mar. 3, 1857	Minnesota Central	386,040.00
Do.	Mar. 3, 1857	Southern Minnesota	53,619.45
Total			33,348,266.72

* State received full amount. † By act of July 14, 1870, the lands not lawfully disposed of by the State were declared forfeited to the United States.

CANALS.

Indiana	Mar. 2, 1827	Wabash and Erie	1,439,279.00
Do.	Feb. 27, 1841		
Do.	Mar. 3, 1845		
Ohio	Mar. 2, 1827	Wabash and Erie	266,535.00
Do.	June 30, 1834		
Do.	May 24, 1828	Miami and Dayton	333,826.00
Do.	May 24, 1828	General canal purposes	500,000.00
Illinois	Mar. 2, 1827	Illinois and Michigan	290,915.00
Wisconsin	June 18, 1838	Milwaukee and Rock River	125,431.00
Michigan	Aug. 26, 1852	Saint Mary's Ship-canal	750,000.00
Total			3,705,986.00

RECAPITULATION.

	Acres.
Granted for railroads	33,348,266.72
Granted for canals	3,705,986.00
Granted to State of Iowa by act of August 8, 1846, for the improvement of the Des Moines River (not in table)	569,001.58
Total	37,623,254.30

Mr. TELLER. When I was mentioning the illustrious Democrats who had advocated this system of grants for railroads and canals I forgot to mention Mr. Cass, of Michigan, who was always, I believe, an exemplar in the Democratic party. I might mention very many others also who were friends of this same system, and who were not simply silent parties but advocates of the system of land grants.

The honorable Senator from Mississippi has alluded to a claim which is made, he says, by some that the acceptance of these roads after the time provided for their completion was of such a character as to bind the Government of the United States. I wish to say to the Senator for myself, having carefully examined the subject, that I do not claim that the acceptance of a road by the President has any bearing upon the question of the right of Congress to forfeit the grant. If the right existed after the condition performed, an acceptance by the President can not take away from the legislative department of the Government that right.

Mr. DOLPH. It was an evidence that the condition was performed to that extent.

Mr. TELLER. As is suggested, it may be used as evidence that the condition was performed, in part at least, so far as the construction of the road was concerned. I think that is all that can be claimed for it. I do not pretend myself that the issuing of a patent precludes the Government of the United States. If the Government has the right of entry, if it has the right now of forfeiture, the patent can not stand in the way of action properly taken by means of judicial inquiry. If Congress determines that the grant ought to be forfeited clear up to the point where the railroad company commenced building after the time expired, it can with equal propriety, and it ought to, forfeit all the other grants, whether patents have issued or not, because it can readily provide that the Attorney-General shall go into the courts and ask to have the patents set aside as improvidently issued.

So far as I am concerned, I do not contend that there is any restraint upon the Government, except that which is put upon it by the fact that the condition was allowed to be performed without a step having been taken to assert the forfeiture. We are exactly where we would have been in law, in my judgment, if the President had never accepted a mile of the road or if a patent had never been issued. Not that I contend that we can practically set aside a patent by such a bill as this, but we undoubtedly can provide for the annulling of a patent by a proceeding in court; and I have no doubt the Attorney-General could, if he saw fit, upon his own motion take steps to test the question by that method.

Previous to 1874 it was the practice of the Land Office when the time had expired to cease to certify lands to the railroad companies for any road that might have been built after that time. When the case of Schulenberg *vs.* Harriman came out the other policy was adopted, and from that time, under the several Secretaries of the Interior, with the approval of the several Attorneys-General, it was held that that established the doctrine I have contended for to-day, that until Congress had taken steps to forfeit a grant it was the property of the company, and they having fulfilled their condition, except as to time, and it being a question optional with the Government whether there should be a forfeiture or not, they were entitled to the lands, and the patents have issued, or certificates, which in some instances amount to the same thing. On some of the roads the act required certificates and not patents; a certificate of course having the effect and validity of a patent.

Such has been the course of administration under that view of the law. Of course it does not bind anybody, as I say. But fifteen railroads that were built out of time have received patents for their lands. Some of them have received all of their patents; others have received the greater part of them, and are, under the construction of the law given to it by the Supreme Court, entitled to the remainder.

I wish to say one word further with reference to this identical piece of property. The acts granting this land to the Northern Pacific provided that the Government of the United States should proceed to survey the land within the lines of the grant. I find by a report I have here made in the House of Representatives that up to the present time Congress has provided for the survey of less than one-half of that grant. So when we complain that the railroad company have been derelict in building their line, we ought to take into account the fact that the Government of the United States has not complied with its portion of the statute, which required it to make the surveys as fast as they could be made. Everybody understands that the surveys might have been made but for the parsimony of Congress in refusing the Department the means wherewith to make them.

I wish to say again that I do not believe those who are in favor of maintaining the doctrine as laid down by the Supreme Court will be influenced by appeals to their prejudice or their passion. It is a simple, naked question of law. The condition has been performed, and that is the end of it both in equity and in law; and such has been the rule of the courts, as I said before, for more than two hundred years.

I should like to take this opportuuity to read from a report made at the last Congress by a majority of the Judiciary Committee of the House of Representatives. I do not know that I am entirely versed in the parliamentary law as to referring to what has occurred in the other body. I understand the rule to be that it is improper to refer in the Senate to what has occurred in the other House during the present session, but I do not understand that it is out of order for me to refer to what happened in a Congress which has already expired. I understand that to be the distinction.

The PRESIDING OFFICER. The Chair quite agrees with the suggestion of the Senator from Colorado.

Mr. TELLER. Therefore I desire to call the attention of the Senate to a report made by the House Committee on the Judiciary at the last Congress. I shall not read the whole of it, because there are some things in it not pertinent to this discussion.

This is a question propounded by a resolution to the committee:

Whether if said grant was earned by construction after the breach of condition but before forfeiture or re-entry by the grantor, any legal right to forfeit remains to the grantor.

That question the committee answered by a vote of 13 to 2, and I

desire to read their answer, because I do not believe that it can be put in better shape, and I know that nothing I say will be as conclusive upon this subject as the report of the committee.

To the interpretation of the twenty-second section of the act of March 3, 1871, it is now necessary to proceed. It reads as follows:

"SEC. 22. That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect by the most eligible route to be selected by said company with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands, per mile, in the State of Louisiana, as are by this act granted in the State of California, to said Texas Pacific Railroad Company; and said lands shall be withdrawn from the market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

The first question in regard to this section is, what does it convey?

Its language is clear—that "in aid of its construction * * * there is hereby granted to said company, its successors and assigns," so much land.

The case of Schulenberg *vs.* Harriman (21 Wallace, 44) is complete authority to the point, that these words import a grant *in præsenti* (see also Railroad Company *vs.* Baldwin, 103 United States Supreme Court, 426; Grinnell *vs.* Railroad Company, *ibid.*, 742-3).

Nor can there be any doubt of the right of the grantee company to assign the land grant. The *jus disponendi* is incident to the title granted, even if the word "assigns" did not imply such right, as it clearly does (Lewis *vs.* Lewis, 9 Mees. & W., 664; Bailey *vs.* De Crespigny, L. R. 4 Q. B., 186; Watson *vs.* Donnelly, 28 Barbour, 658; Furney *vs.* Ford, 22 Wisc., 173; Ball *vs.* Chadwick, 46 Ill., 32).

Whether the grant was absolute, or was upon condition subsequent, or was coupled with a trust enforceable by the grantor, depends upon other words in the section.

It was clearly not an absolute and indefeasible title and free from trust or condition.

The last clause of the section is in these words:

"*Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

These words are appropriate to the creation of a condition subsequent, on the non-fulfillment of which the estate granted would determine upon the re-entry of the grantor for its breach. And there is no doubt in this view, that as there was a breach of the condition by the grantee company, the right of the United States to enter is unquestionable.

Before proceeding to discuss the relative rights of the Government and of the assignee company, under this view, it is proper to consider the alternative views insisted on for the assignee.

And first, it is claimed for the assignee that the seventeenth section of the act of March 3, 1871, is to be read and construed as affecting and modifying the provisions of the twenty-second section of the act.

That section is as follows:

"SEC. 17. That the said Texas Pacific Railroad Company shall commence the construction of its road simultaneously at San Diego, in the State of California, and from a point at or near Marshall, Tex., as hereinbefore described, and so prosecute the same as to have at least 50 consecutive miles of railroad from each of said points complete and in running order within two years after the passage of this act; and to so continue to construct each year thereafter a sufficient number of miles to secure the completion of the whole line from the aforesaid point on the eastern boundary of the State of Texas to the bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act; and upon failure to so complete it Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion."

This section applies expressly and only to the Texas and Pacific Railroad Company. That company was chartered by Congress. Whether it was a grant *in præsenti*, upon a condition-subsequent, to be void upon the non-completion of its road within ten years, or was a retention by Congress of a power to take such steps in the use of the lands granted "as it may deem necessary and proper to secure its speedy completion," is a question which your committee do not think it necessary to decide. It is sufficient to say that there is nothing in the language of the twenty-second section which refers in any such manner to the seventeenth section as to demand its incorporation into the twenty-second section, and that the condition subsequent found at the close of the twenty-second section should be qualified by the words of the last clause of the seventeenth section.

The grant by the twenty-second section was to a corporation chartered by Louisiana; that by the seventeenth section, to one chartered by Congress. Congress had no power, or certainly claimed none, to build the road in Louisiana, provided for by that State's charter. This accounts for the diverse language used in the act at the close of the two sections. Congress could construct the Texas Pacific road, if its chartered company failed to do so. It could not construct the Backbone road if the Backbone Company failed. It could use its own lands to construct the former, it could not do so to construct the latter. Its remedy, in the contingency of the failure of the Texas Pacific Company, was to use the lands granted to do what that company failed to do. Its only remedy as to the Backbone Company was to enter for a breach of the condition and reinvest its title to the lands granted by the twenty-second section.

The only words in the twenty-second section which place the Backbone Company on the same basis as the Texas Pacific are contained in the clause which gives to the former the same quantity of land as is given to the latter in California, and the clause which provides for the withdrawal, selection, and issue of patents and opening for settlement and pre-emption "upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California." These terms, manner, and time are provided for in sections 9, 12, and 18 of the act, and do not relate at all to the contingency of a failure to construct by either company, or to the right of the Government in case of such failure.

There does not seem to be any reason why, if Congress intended to modify the proviso of the twenty-second section by the last words of the seventeenth section, the act should not have so expressly declared, or inserted the terms of the seventeenth at the close of the proviso of the twenty-second section. Not having done so, it does not seem to the committee that any canon of interpretation of statutes either requires or justifies it.

But there is a clause in the twenty-second section which may modify the construction given to the proviso at its close. That clause is as follows:

"And in aid of its construction from New Orleans, &c., * * * there is hereby granted to said company," &c.

And then comes the proviso—

"That said company shall complete the whole of said road within five years from the passage of this act."

Construing these clauses together, the question may be raised, does this create a technical common-law condition, or does it create a trust coupled with the grant?

In former times this question would not have been permitted. But the disfavor to forfeitures upon breach of conditions subsequent, in modern times, has given rise to the construction that the grant is charged with a trust rather than affected by a condition.

In the case of Wright *vs.* Wilken, in the Queen's Bench, and affirmed in the Exchequer Chamber (110 E. C. L. R., 232, Cam. Scacc., 259), it was held that in a will the words "upon express condition" should be construed to import a trust, and not a condition, upon a view of the whole will, as to the real intention of the testator. And the language of Lord St. Leonards in his great work on powers (Sugden on Powers, 122) is cited as high authority for the decision. His lordship's words are these:

"And in regard to its being an estate upon condition, we may observe that what by the old law was deemed a devise upon condition would now perhaps in almost every case be construed a devise in fee upon trust, and by this construction, instead of the heir taking advantage of the condition broken, the *cestui que trust* can compel an observance of the trust by a suit in equity."

If this modification of the common-law doctrine is now sanctioned in cases of devise, in order to effectuate the intention of the devisor, it might well be contended that a like rule should be applied to grants by the Government for great public purposes, and they be held to be enforceable as trusts binding on the grantee and not as conditions upon breach of which forfeitures will result, without securing the public benefit contemplated in the grant.

But conceding that neither of the alternative interpretations suggested are tenable, they are not without their weight in deciding the questions submitted to the committee, if the proviso in the twenty-second section of the act is construed as a strict condition subsequent.

It is undeniable that the condition follows the estate into whatever hands it comes. The assignee takes it *cum onere*. He is bound by and may perform the condition, in like manner as his assignor.

Any one who is interested in a condition, or the estate to which it is attached, may perform it, and when it has once been performed it is thenceforth gone forever.

That is the language of the authority that I think I cited. The reference here is to 2 Washburn on Real Property, second edition, page 10. The same may be found in 2 Crabbe, Real Property, 815, and the same may be found in Cruise and other works of that character:

If the condition be performed in substance it is sufficient. So if it be performed as near the intent of the condition as can be. (Comyn's Dig., Condition, L. 1.)

And conditions are not favored, nor are forfeitures for their breach. (4 Kent's Comm., 128, 129.)

An entry after a breach of the condition avoids the original title conveyed, and revests the title in the grantor, avoiding all intermediate alienations, for the assignees of the original grantee take subject to the condition.

I believe that is the doctrine I heard the Senator from Mississippi allege the other day on this floor.

And it was a principle of the common law that no performance of the condition after the day fixed for it could save the forfeiture from the power of the grantor to re-enter. (2 Cruise Dig., title 13, chapter 2, section 10.)

That was the common law.

This rule was prevalent three centuries ago in respect to bonds in a penalty defeasible on condition subsequent whether to pay money or perform a collateral act, to mortgages, and to conditions for re-entry for non-payment of rent by lessees and the like. But that rule is now obsolete in a great degree, and the victims of its rigor are now happily unknown, owing to the beneficent intervention of courts of equity and the action of courts of law in accordance with the just rules of those tribunals.

As early as Langford *vs.* Barnard (Tothill, 134), decided in 37 Elizabeth, the equity of redemption was secured by the chancery court to the mortgageor, whose estate was forfeited at law for non-performance of the condition at the day.

In 1598, about two years after this decision convulsed the kingdom by the fierce conflict between the rude common law and the public conscience, a poet companion of Lord Bacon and the lawyers of that day gave to the world a picture of the controversy in the immortal drama of the Merchant of Venice. The hard, unrelenting, and cruel Shylock, the impersonation of the common law, demanded the pound of flesh as his right by forfeiture for the failure to fulfill the condition subsequent within the fixed period of performance. In vain his victim tendered performance. It was too late. The day of grace was ended. No after performance could save the forfeited life. Such was the law maintained by judgment of a common-law court.

Portia, the impersonation of the court of equity, which had just asserted redemption as the right of the victim of forfeiture, put in the plea of mercy to temper the rigorous justice of the law. And ever since that day our jurisprudence has, with the poetic justice so wonderfully dramatized by the great master of the human heart, fixed it as a canon of right, that no forfeiture shall be enforced where the performance of the duty secured by a penalty is tendered in full by the victim of the rigid construction of his contract under the rules of the common law.

The principle has been extended to cases of penalties and conditions to do some collateral act other than payment of money; and where such can be compensated in money, when not specifically performed, forfeitures have been relieved against. (See Peachy *vs.* Somerset, 1 Strange, 477; Sloman *vs.* Walter, 1 Bro. C. C., 413; the leading cases commented on in 3 Wh. and T. L. C. Eq., 862, 895.)

Nor are these mere creatures of equity; for so far has the equity of redemption been upheld that it is now regarded as an estate in land subject to descent, devise, entail, custody, &c. (Casborne *vs.* Scarpe, 1 Atk., 603.)

But this is not all. Courts of law, taking the lesson which equity and poetry in the Elizabethan period taught it, administer the same relief from penalties and forfeitures for condition broken in many cases as courts of chancery do.

They do that to-day in nearly every State in the Union.

As early as eighth William III, without statutory aid, the law court, in Downes *vs.* Turner, cited in Gregg's case (2 Salheld, 597), staid proceedings in ejectment by a lessor, who entered for breach of condition to pay rent, upon payment into court of what was due by the lessee, thus relieving at law from a forfeiture arising from failure to perform the condition at the day. (See also Doe *vs.* Roe, 4 Taunt., 883.)

Mr. Justice Wilde, in speaking for the court in the cases of Atkins *vs.* Chilsm (11 Metcalf, 112) and Sanborn vs. Woodman (5 Cush., 36), reviews the English cases on this point, and confirms the doctrine that a court of law will stay the hand of the grantor who seeks to enforce a forfeiture upon one who tenders in court the performance of an already broken condition.

The legal right, therefore, of one who has incurred a forfeiture by breach of condition-subsequent to relief against an unwilling adversary, upon a substan-

tial performance after the day, at law and in equity, and undoubtedly in the latter forum, can not be denied.

But one other point remains to be considered. After breach of the condition-subsequent, the estate does not determine *ipso facto*, but only at the election of the grantor by re-entry. And, therefore, if the grantor after such breach accepts performance of the condition tendered by the grantee, he waives the forfeiture, the condition is gone forever, and the estate becomes absolute.

In Dumpor's case (2 Coke, 119; 1 Smith L. C., 15) we find the basis of this principle. In Goodright *vs.* Davies (Cowper, 803) Lord Mansfield says: "Cases of forfeiture were not favored at law; and where the forfeiture was once waived, the court would not assist it." (See also Ward *vs.* Day, 116 E. C. & R., 337; Doe *vs.* Birch, 1 M. & W., 402; Croft *vs.* Lumley, 85 E. C. & R., 648; S. C. Cam. Scac., *ibid.*, 682; Jackson *vs.* Barman, 7 Johnson, 227, and other cases cited in note by American editor.)

Ludlow *vs.* R. R. Co. (12 Barbour, 440) is a case where a railroad company failed to construct road within time prescribed by the plaintiff in a grant of land to it. It proceeded to do so afterward, under the eye and without dissent by grantor. It was held to be a waiver of the forfeiture.

The facts already set forth with sufficient fullness satisfy your committee that the substantial fulfillment of the condition has been met by the assignee company; that it was done under the eye of, and was accepted by the Executive Department under the provisions of the law of Congress; that all which Congress contemplated in making the grant has been realized, and that it was done by the company on the belief of having secured the grant, a belief based upon the assurance of the Department of the Interior, and upon the official action of the President of the United States in the examination of the work as it progressed, in his sanction of its sufficiency under the law, and in his order for the issue of patents for the land.

After all this the question is, can—and if it can, ought—Congress to forfeit the land grant to this assignee company? Your committee think both branches of the question must be answered in the negative.

I omit what does not affect the question we desire to discuss. That, I say, is in accordance with the rulings of the courts of this country everywhere. I shall be astonished if anybody can produce an authority when the condition has been performed that the grantor can intervene and re-enter, whether it be the great nation the United States or whether it be an humble individual. The Government of the United States has no greater right, when it comes to a question of law, than the humblest citizen of this great Republic. What I can not do as a man the Government of the United States can not do when it deals with a contract. The Government of the United States is bound, both in law and in equity, by its contracts duly made as I am bound by mine; and while it may have the power to pass an act, it will find that an independent and impartial judiciary will see to it that, whether it be a railroad company that is affected or whether it be an individual, the law shall be administered faithfully and justly and righteously, whether the Government be the plaintiff or whether the plaintiff be an individual.

Mr. SHERMAN. Mr. President, I listened to the greater part of the argument of the Senator from Mississippi [Mr. GEORGE]. I admit very freely that the railroad company have forfeited the right to their lands so far as they have not built the road.

I would not myself in any case vote to forfeit the grant where the road has been built, even when built after the time fixed for the completion of the road. Such a proposition would be so grossly inequitable that I think every Senator must upon reflection see that it would be unjust, for the rights of third parties have intervened after the completion of the road.

The Government might at any time after July 1, 1879, have forfeited the land granted to the Northern Pacific road. If I had been a member of Congress at that time I undoubtedly would have voted for that forfeiture, as I did before the extension of time in 1868. But Congress did not do it. At that time the Senate was Democratic and the House was Republican, and both Houses allowed the railroad to go on with their work and to complete the road after the time fixed for its completion, with the full knowledge that such continuance of building the road gave the company the right to the land granted so far as the road was built.

No one questioned that perhaps the technical right of the Government might exist to refuse to issue patents after the time had elapsed. Congress never asserted that power in behalf of the people of the United States, but on the other hand allowed the railroad company to go on and build their road, and not only allowed them to build the road but the executive authorities examined it with a view to fix the amount and limit of the land grant, and at the completion of every 10, 20, or 30 miles inspectors approved the road built, and thus the land grant to that extent became absolute and complete. It became subject to liens and mortgages to the people who furnished the money for bonds issued, which was used in the completion of the road. Their rights were perfected and completed and acknowledged by Congress and by the executive branch of the Government. It would be an absolute wrong to forfeit that land which has been earned according to the terms of the grant itself after the termination of the grant.

Mr. SAULSBURY. Will the Senator allow me to ask him one question?

Mr. SHERMAN. Certainly.

Mr. SAULSBURY. I understand the Senator to say that after the 4th of July, 1879, Congress might have come in and declared the forfeiture of those lands for condition broken.

Mr. SHERMAN. I have no doubt of it at all.

Mr. SAULSBURY. Now, I wish the Senator to answer this question: If the forfeiture had occurred and might have been declared at that time, has anything subsequently taken place by which the forfeiture which then occurred and which might have taken place, has been cured? I am not speaking of the question of equity, but I am speaking of the matter of law. If the condition was then broken has anything set it up; and does not the same right exist to-day in Congress, if it sees proper to exercise it, to declare the forfeiture that existed on the 4th of July, 1879?

Mr. SHERMAN. No principle of law is clearer than that a forfeiture is not favored in law, and if the party entitled to the forfeiture, whether he be a creditor, or a State, or the Government, fails to take the benefit of the forfeiture at the time it can be asserted, it can not be done afterward to the injury of other parties whose money has been expended upon the faith of the grant.

Mr. SAULSBURY. That may be a very fine argument addressed to the equitable consideration of this case, but it is the legal proposition to which I was directing the attention of the Senator.

Mr. SHERMAN. That is the legal proposition, and I know that no court in Christendom would hold otherwise.

Mr. SAULSBURY. That implies, then, that laches may be set up in defense against the Government.

Mr. SHERMAN. If the Government of the United States allowed private individuals to go on upon the hope or expectation of a grant that is lapsed, if you please, and to expend their money in pursuance of the law, and the executive officers of the Government recognize that fact and issue patents, and private people buy land thus acquired by a railroad company, and patents are issued by the Government and Congress with full knowledge of the fact allow this condition to go on, no people in the world would set up any mere technical forfeiture, even if the Senator is right; but I dispute his law. No court of equity, no court in the world, would allow a government or an individual to set up that forfeiture to defeat vested rights acquired after the time when the forfeiture should have been declared. But it is not upon that point I rose to address the Senate. The Senator from Massachusetts [Mr. HOAR] says it is an equitable estoppel. I have no doubt it is an estoppel in law as well as in equity.

Mr. VAN WYCK. One moment. I would like the Senator to explain how it can be considered as an estoppel against the Government when in 1876 this very railroad company came here and asked an extension of eight years to finish their road and Congress did not grant it. In 1878 the company came again to Congress and asked them to extend it eight or ten years and Congress refused to grant it, and from that time on Congress has refused to grant it and the matter has been in controversy in Congress.

Mr. SHERMAN. The Senate, if I remember aright, shortly before I left the body as a member, passed a bill extending the time for completion of the Northern Pacific Railroad, but it did not receive the sanction of the other House; it failed to become a law. That was before the term expired. So Congress refused to assert its right. The mere failure to pass a law after the grant was forfeited has nothing to do with it. It is sufficient to say that Congress having the right to forfeit this land grant after the 4th of July, 1879, not only neglected to do it but allowed these people to go on borrowing money from private citizens for which bonds were issued and the proceeds expended in the construction of the road, and it went on with the consent, the acquiescence of Congress and the executive department of the Government whose duty it was to execute the law. Thus was recognized this continued building of the road as a valid execution; the proper officers certified from time to time to the divisions of this road as completed, and lands were patented and lands were sold.

Mr. MITCHELL, of Oregon. On the 23d of April, 1878, the Senate passed a bill extending the right for ten years.

Mr. VAN WYCK. It did not pass Congress. Therefore Congress did not adopt it.

Mr. SHERMAN. But that was not the point on which I rose to address the Senate. I had made up my mind to vote for the proposition of the Senator from Nebraska [Mr. VAN WYCK], because I believe that where the railroad company have not earned their land grant it is entirely within the discretion of Congress to forfeit it.

But now another consideration comes in, and I beg Senators on the other side to look at it. This company has gone on and completed the Cascade branch, all but 75 miles, and the uncompleted portion is through the Cascade range of mountains, which is almost an impassable barrier. The company completed the road from the east end to Ellensburg and from the west end to the Cascade range. Within the present season the present executive government has recognized that as a valid completion and has issued the ordinary certificate of completion up to Ellensburg. A committee has examined the road, passed upon it, a certificate issued, and patents no doubt have been issued or are in the process of being issued now up to Ellensburg. That is within 75 miles of the point of the road on the other side of the mountain. So that there are but 75 miles to be built, and that in the very worst part of the road.

I have no doubt of our power, and I had made up my mind to vote for the forfeiture of that land grant in the mountains; but the land grant there is worth nothing, and the only effect of our action in including this branch in the bill is to justify or give an excuse to this railroad company for not making the connection there so as to connect Tacoma, Seattle, and all the important towns in Western Washington

with the eastern branch; in other words, they will avail themselves of your very act to refuse to complete that portion which is a part of their contract and which they otherwise would be bound to complete.

I submit to Senators whether on the whole it is wise to include the Cascade branch in this forfeiture. I appeal to the Senator from Nebraska. I believe that his amendment will have a different effect from what he intends, that it will relieve this company from a burden they would be glad to have an excuse to be relieved from. Although I admit entirely the right of Congress and the equitable duty of Congress, if this grant was at all valuable to the company, to repeal it and to throw that part of it back into the public domain, yet it seems to me it is bad policy, and it would be better simply to take advantage of the forfeiture of the grant which runs parallel to the Oregon Transportation Company line and leave this Cascade branch to be completed under the provisions of the present law. If that be so, I think it would be better and wiser to vote down the amendment of the Senator from Nebraska, although as a matter of law I can not deny the equity of it.

As to many other remarks of the Senator from Mississippi [Mr. GEORGE] I can see the force of them, but I can see also that as he is not very familiar with the operations of this corporation, he has made some grave mistakes.

The charter limit of the capital stock fixed for the original Northern Pacific Railroad I believe was $100,000,000. That is the amount they had a right to issue. If they could build the road without selling that stock, so much the better for them. If they could not, they could sell the stock or apportion it among the owners and borrow money on it. It belonged to the railroad company. They never have gone beyond $100,000,000, nor have they the power to go beyond that sum. In the progress of the road they undertook to build it under the plan of Mr. Jay Cooke and they broke down. Thirty million dollars of bonds were subscribed for by people in the United States and paid over for the construction of the road. Every dollar of that was supposed at one time to be lost by the failure of Jay Cooke & Co., in September, 1873, and those bonds got to be almost worthless. I remember that at that time they ran down in the market to 15 or 16 cents on the dollar, or perhaps less. It was supposed to be a failed corporation.

At that time General George W. Cass and some others of the most eminent railroad men who had been concerned in the matter, in order to save themselves from the general wreck, reorganized the company, as they had a perfect right to do; that is, the bondholders reorganized it, and they thereupon sold $51,000,000 preferred stock, part of the $100,000,000 of the capital stock, a controlling interest in it, partly to the persons who held the bonds and in payment of them, and this preferred stock to-day is not worth in the market the $30,000,000 actually paid in cash to the company and expended on the road.

The story of immense fortunes and great sums of money being made is simply fictitious. There were $30,000,000 of the people's money put into the Northern Pacific Railroad before the failure of Jay Cooke, and all the people who paid that money now hold as the representatives of their money is a part of the $51,000,000 of preferred stock outstanding which has borne no interest since that time and which to-day in the markets of the world is worth about 60 cents on the dollar. So that to-day the preferred stock is not worth as much money as had been put into the road prior to July, 1873.

Therefore this idea that these investors made money out of it is absurd. They have not made money, and the common stock, as it is called, which amounts to $49,000,000, has at one time been sold at a dollar and a half a share, and is worth now I think twenty-four or twenty-five. That is all it is worth, and that is based merely on the hope and expectation that in some dim time in the future it may be so advanced as to become a valuable property. It has never paid one single dollar of interest or of profit to the owners of it. All the balance of that road is represented by bonds sold at par, and most of the money invested in the building of the road has been put in since the time fixed in the charter for the completion of the road expired, and the $30,000,000 money put into the road before the failure of Jay Cooke is represented by the preferred stock.

Thus it is clear that to-day the Northern Pacific Railroad, with all its magnificent grant, as a commercial speculation has been a very bad one, a losing one to every man who has invested his money in it. All the statements of the Senator that great sums of money have been made out of it is a great delusion. But that is neither here nor there. It is sufficient to say that this land grant at its beginning was an improvident one. I voted against it and resisted it. But it was granted because there was an earnest desire by the people of that region of country and by the whole country that there should be a rival line built up on our northern boundary line to check and be a rival to some extent to the Union Pacific road then just about being completed.

That great region was then unpopulated and devastated for more than a thousand miles by the Sioux tribe of Indians and by the other tribes on the northern plains. At the time this grant was made and at the time this money was spent by Jay Cooke up to 1873, that whole region of country was in the possession of and infested by wild, savage tribes of Indians; and sagacious men would not go into the enterprise because they were afraid of loss. But there were people who subscribed and paid over $30,000,000 in money and paid it in. It was expended and they lost, and to-day their investment is not worth what it cost the bondholders. Those who have purchased bonds since the reorganization by General Cass and others under the authority of the United States courts have paid dollar for dollar for those bonds, and the bonds in the market to-day are not worth any more than they paid for them, while the stockholders who own the $49,000,000 own simply a hope, an expectation, with their stock quoted sometimes at a dollar and a half and sometimes at $25 a share. That is the condition of affairs.

Mr. President, in my judgment, the men who have built these great continental lines of railroad, with the exception of the Union Pacific and Central Pacific, have lost money instead of having made money, and this land grant to them has been magnificent on paper but barren in results. It has been different, however, with the Union and Central Pacific Companies where large sums of money were made in the construction of the road. This was because of the direct subsidy of the bonds of the United States which rose rapidly in value and paid for these roads. The earnings without competition were very large, out of all proportion to the risk run and the investments made. No doubt large fortunes have been thus made, but that has not happened in all the cases, and this exceptional case is always pointed out as an evidence of enormous benefits conferred upon corporations.

As I said, the Northern Pacific Railroad with all this magnificent land grant to-day would not sell in the market for as many solid dollars as have gone into its construction, and the market price to-day, if you look at it, will show that the securities which represent the money that has gone into the Northern Pacific could be bought for less than the amount of money actually invested in the road.

Now, sir, if you forfeit the lands on the Cascade branch so far as it has already been constructed you violate the plainest principles of law and equity. The distance built is about 200 miles—do Senators here remember it?

Mr. MITCHELL, of Oregon. The whole Cascade branch is near 300 miles in length.

Mr. SHERMAN. The Senator tells me that the Cascade branch is nearly 300 miles. All of that has been completed by money invested on bonds, except——

Mr. COCKRELL. Seventy-five miles are not yet completed.

Mr. SHERMAN. I say all has been completed except the 75 miles on which we have been commenting. Now, if we forfeit the land grant for those 75 miles through the Cascade Mountains, we reclaim land which is not worth 1 cent an acre instead of $4 an acre, which my friend from Mississippi figured up in his estimate of the magnificent grant; it is not worth a cent an acre in a wild, mountain region almost inaccessible. To earn this grant the railroad company will be compelled to make a tunnel I do not know how many miles long, one of the longest yet proposed, one of the greatest tunnels in the world, to get through the Cascade range. The effect of this amendment is to forfeit to the United States that which is worth nothing, and give to this company relief from executing the hardest and the heaviest task they have to perform.

I could not help smiling when the Senator from Mississippi was building up his magnificent fabric. I thought there was more water in it than in any stock-jobbing operation I ever heard of. He spoke about land out in the Rocky Mountains being worth $4 an acre. Mr. President, I rode over the Northern Pacific Railroad through about 500 miles, a region of country where there were high mountains on the one side, and the other part of the way winding around in the valley of the Snake River, up, up, up, higher and higher to the crest of the mountains. The land is not worth a cent an acre to anybody and never will be. In the valleys, in certain places, where a farm can be made, no doubt the company can sell a portion of the land grant; but the great body of it is a vast desert waste, which must always continue to be so as long as the Rocky Mountains stand and the Cascade range looms up with its snow-capped peaks looking out upon the broad Pacific. That land is not worth anything, and this movement, well intended, just and proper in itself, to forfeit this land grant is simply to forfeit that which is worth nothing and to relieve this corporation from an obligation that is very arduous, very costly, very heavy, one which will strain the last energies of this great corporation.

Under these circumstances, while I am inclined to vote with the Senator from Nebraska for the repeal of all unearned land-grants, I hesitate to do it when it will release this corporation from completing the only part uncompleted, only 75 miles long——

Mr. MITCHELL, of Oregon. The Senator will allow me. The exact statement in regard to that is this: the completed road of the Cascade branch is 187½ miles, and the uncompleted 75 miles.

Mr. SHERMAN. This company will under this amendment get the land grant for the 187 miles and be deprived of the land grant for 75 miles where it is worth nothing. Is that wise and sagacious in any view of the subject? It seems to me it is not, and therefore it will be better to take this bill as it came from the Committee on Public Lands; forfeit, if you please, all that is worth anything; but I would not give to this corporation if this bill passes, as I hope it will, an excuse to avoid completing the Cascade branch. I now record it as a prophecy to be quoted hereafter perhaps, that you relieve this Northern Pacific Railroad from the expenditure of four or five or six million dollars and you get back

land that is not worth $10,000 all told in the market. They would be unlike other corporations if they would not take advantage of your mistake to relieve themselves from the great burden, and thus deprive the people of the Pacific coast and all the flourishing towns and cities of what they so earnestly demand, a connection across the Cascade range with that magnificent body of water, the like of which there is not in the wide world, the Straits of Fuca.

If the Northern Pacific on the other hand can be allowed to go on, if they can be encouraged to go on and pierce the Cascade range and take the iron horse to Seattle and to Tacoma and all that vast and magnificent harbor which some day in the next generation at least is to become the entrepôt of a commerce greater than that even of San Francisco, the result will be of surpassing benefit. Here is a more magnificent body of water than I have ever seen anywhere in the world, the like of which is not known anywhere except on the Northern Pacific coast. There the soundings are 500 feet deep over vast regions of country protected from the ocean's waves by the Island of Vancouver and a series of islands that stretch all the way up to Alaska.

It seems to me, therefore, that it is not wise in the Senate to carry this confiscation or this forfeiture further than can be justified by the interests of the people of the United States, and that when we undertake to go further than that and relieve this railroad company from completing the Cascade branch we make a grave mistake.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. MILLER. I move that when the Senate adjourn to-day it be to meet on Monday next.

The PRESIDING OFFICER. The Senator from New York moves that when the Senate adjourn to-day it be to meet on Monday next.

Mr. SHERMAN. I trust I shall have unanimous consent to make a single observation about that. I should like to adjourn over to-morrow, but the Senate has been informed that at half past 4 o'clock there will be an announcement that will compel an adjournment, and I hope that for the benefit of other business on the Calendar and of this bill the Senate will come here long enough to vote on this bill to-morrow in case it is not completed to-day. If a vote can be taken on this bill before the time fixed, then I think it would be well enough to adjourn over, but if not I hope the Senate will meet here to-morrow in order to take a vote on the final passage of this bill, which stands in the way of other important legislation in which we are all interested.

Mr. HOAR. If we lose to-morrow we have to add a day in the middle of July.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was not agreed to.

NORTHERN PACIFIC RAILROAD LANDS.

The PRESIDING OFFICER. The bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. EUSTIS. Mr. President, I have given notice that I would at the proper time propose an amendment to this bill; and as it has been discussed I intend at this time, in advance of submitting it to the vote of the Senate, to make a few remarks in its support.

The amendment which I propose to offer is to the effect to declare forfeited all lands which the Northern Pacific Railroad Company claim to have earned since the 4th of July, 1879, which is the time limited by law during which Congress required that this road should be completed.

The Senate Committee on Public Lands have reported what they call a bill forfeiting the lands of the Northern Pacific Railroad Company, and we are expected on this side or those Senators who agree with me not only to remain content, but to exult in this legislative triumph of the Senate of the United States for almost the first time forfeiting a land grant.

Now, Mr. President, I do not consider that in any sense a forfeiture of a land grant. I do not say that it is a fictitious forfeiture, for I have too much respect for the members of that committee who reported the bill; but I do say that it is a nominal forfeiture and not a substantial forfeiture of any land whatsoever of the Northern Pacific Railroad Company. We might as well declare that the Treasury building belongs to the people of the United States, and expect them to be satisfied with that declaration, as to be content with this bill reported by the Committee on Public Lands which purports to forfeit lands to which that railroad company lays no possible claim, sets up no possible title, and does not pretend for a moment that that estate has ever passed from the Government of the United States to the railroad corporation.

That bill vindicates no right of the Government; that bill asserts no principle of action by the Senate of the United States; that bill declares no policy with reference to this great question and this great interest. That bill does not even assert the power of the Government to deal with those lands which are now claimed by the railroad companies; and as a counter proposition to that nominal forfeiture I have presented an amendment which proposes to forfeit 26,000,000 acres which the railroad company does claim, which the supporters of the bill of the committee assert we have no right to forfeit; and that is the question which is presented for the decision of the Senate.

In addition to that the amendment which I have proposed confirms all sales which have been made of these lands to any honest settler or any *bona fide* purchaser; and in addition to that throws open, subject to the laws of the United States, this vast public domain so as to allow the people of the United States to enjoy what we believe it is their right to enjoy, and to decide that this estate, this domain does not belong to this corporation but does belong to the people of the United States.

I was surprised to hear the Senator from Ohio [Mr. SHERMAN] take the position that because there had been inaction by the Congress of the United States from the 4th of July, 1879, to the present time, and because Congress by its silence had permitted this corporation to go on and build this road, therefore—he did not say whether in law or in equity—that conferred a title to this public domain upon this railroad corporation; and because the executive officers of this Government had countenanced and encouraged this corporation to go on and construct the road, and had accepted portions of the road as they were built, that that was also an argument going to show that this corporation had acquired these lands to the exclusion of any claim on the part of the Government of the United States.

Why, Mr. President, it is not for me to speak of the influence of these rich railroad corporations. I know their success in the past in repressing and preventing legislation. I will read an extract from a speech made in this body by the Senator from Massachusetts [Mr. HOAR] which depicts in vigorous and eloquent language the power and the influence of these rich railroad corporations, not only to obtain these favors from Congress, but to preserve them against any assault by Congress. He said, among other things:

> When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud.

I remember that in the celebrated contest in 1878, in that first and greatest and stormiest struggle on the part of some of the ablest and most distinguished statesmen in this country in this body to assert the rights of the Government of the United States as against the exorbitant pretensions of the Union Pacific Railroad Company, the Senator from Vermont [Mr. EDMUNDS] not once but repeatedly in his speeches denounced in very plain and vigorous terms the influence of the lobby operating upon this body to defeat that wise, just, and salutary legislation.

I remember that he, uniting his great talents and his great zeal with Judge Thurman, representing the interests of the people and of the Government, displaying equal devotion and equal earnestness, after many a discomfiture and many a defeat united in a common rejoicing because they had succeeded in passing a law in this body requiring that that railroad corporation should be held to a strict accountability in its financial relations to the Government of the United States.

Mr. President, I deny as a legal proposition or a proposition of equity that any such plea as I have heard from the Senator from Ohio can be invoked in order to strengthen or validate a title in this railroad corporation. He concedes, in answer to a pertinent question put to him by the Senator from Delaware, that on the 5th of July, 1879, Congress had the power to forfeit this land grant. If that power did exist at that date, and that is conceded, I ask how can that power be destroyed or taken away from Congress except by an express declaration of its legislative will?

Mr. MITCHELL, of Oregon. May I tell the Senator how?

Mr. EUSTIS. I yield to the Senator.

Mr. MITCHELL, of Oregon. I call the attention of the Senator from Louisiana to the statement of the Supreme Court of the United States in the case of Van Wyck *vs.* Knevels, in 16 Otto, page 365.

Mr. EUSTIS. I can tell the Senator there is no use referring me to any decision. I have read all the decisions of the Supreme Court on this subject.

Mr. MITCHELL, of Oregon. Then we are to understand that the Senator is not bound by the decisions of the Supreme Court of the United States?

Mr. EUSTIS. If the Senator proposes to refer me to that decision, I save him that trouble by answering that I have read them all. Of course if I do not understand them that is my misfortune.

Mr. MITCHELL, of Oregon. I understand the Supreme Court of the United States to lay down a doctrine adverse to that suggested by the Senator from Louisiana.

Mr. EUSTIS. The Senator from Oregon is entitled to his opinion; but I notice one thing in this contest, which the supporters of this committee bill have unconsciously and unintentionally afforded us the opportunity of engaging in, and that is of presenting to the Senate a serious and a substantial bill of forfeiture, that we are constantly met with the statement and the assertion that the Supreme Court of the United States has decided so and so.

Now, Mr. President, I have read all those decisions, and I assume the responsibility of stating to the Senate as a lawyer that there is not

a solitary decision that has ever been rendered by the Supreme Court of the United States which militates against or conflicts with the provisions of the amendment which I have had the honor of submitting. On the contrary, in the celebrated case of Schulenberg, which has been referred to, the Supreme Court of the United States expressly recognized the right of Congress to declare the forfeiture. They merely say that while there may be conditions subsequent the estate has passed, has vested subject to the forfeiture by Congress. If the condition be a condition—and it certainly was inserted in the law—you have no right to declare or to assume that that condition was not based upon some grave consideration of public utility and public policy. This property was subject to disposition by Congress; Congress chose to interpose and to insert that condition, and that condition can only be effaced either by its fulfillment on the part of the grantee, and then it ceases to operate, or by an express waiver on the part of Congress, and not on the part of any executive department of this Government.

Mr. MITCHELL, of Oregon. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Oregon?

Mr. EUSTIS. I would prefer not to be interrupted, but I will listen to a mere suggestion to elucidate anything that I am stating.

Mr. MITCHELL, of Oregon. I am very anxious to get the precise view of the Senator on this question. I should like to ask him, suppose that in this particular case the road should be wholly completed, that is to say, it is wholly completed now, but it was not completed within the time specified in the act, and suppose patents had been issued for all the lands included in the grants all along that portion of the road not completed within the time as well as that portion completed within the time, and those lands had passed into the hands of third persons, would the Senator hold that then the Congress of the United States would have the power as a naked question of law to declare a forfeiture as now proposed by the Senator's amendment?

Mr. EUSTIS. Mr. President, I am surprised that the Senator from Oregon should ask me such a question as that.

Mr. MITCHELL, of Oregon. I should like to have an answer.

Mr. EUSTIS. I will tell you the reason why I am surprised. If, as I say, this be a condition, that condition attaches to all the transactions and all the proceedings which that corporation may have, and it enters into every contract that it may make, and the best evidence of that, although I was not speaking on that subject——

Mr. MITCHELL, of Oregon. I take it the answer of the Senator is that the power exists then just as it does now. That is the logic of the Senator's argument.

Mr. EUSTIS. Of course where an estate is to be acquired by the fulfillment of a condition there can be no such thing as the fulfillment of that condition by implication; it must be a strict, full, and complete compliance with that condition, and if that does not occur there is no legal estate that passes from the grantor to the grantee. For instance——

Mr. MITCHELL, of Oregon. Does not the estate pass when the act is passed?

The PRESIDENT *pro tempore*. Does the Senator from Louisiana yield?

Mr. EUSTIS. I will answer the Senator's question if he will allow me to do it. I do not know whether the Senator wants to hear my answer.

Mr. MITCHELL, of Oregon. Certainly.

Mr. EUSTIS. I had not finished the answer when interrupted. For instance, you would suppose that when the Government of the United States gives to this or any other railroad corporation similarly situated the power to mortgage the granted lands, that would be a waiver of the condition and would create an absolute estate because the power of mortgaging is one of the highest powers of ownership, it is one of the elements of the *jus disponendi;* and yet the law on this question, which I have endeavored to state and which I hope my friend from Oregon will understand before I finish, is so clear that the Supreme Court of the United States decided that there was no implication to be raised in favor of the grantee by reason of conferring that power by Congress, that even that did not pass the legal estate, and that any mortgage which was made under the authority of the act of Congress was made subject to the condition imposed in the grant and subject to the forfeiture by Congress, no matter whose interests were to be affected.

Mr. President, the position I take upon these questions is this: I am not indifferent to the motives and dispositions of those who voted for these grants, whether they were Republicans or whether they were Democrats. I can understand that it was a great object to be attained for the welfare of this whole country that the Government of the United States should lend its aid for the construction of these great railroads that were to bring in closer communication remote sections of our common country. I can understand that they looked forward to that great future development, that increase of wealth, that expansion of prosperity, and all those great and vast results which are visible to-day, and of which we ought all justly to be proud. I can understand that at the time these grants were made it was perhaps difficult as a matter of calculation to ascertain what these great railroads would cost.

But the reason I am in favor of asserting the power of the Government and of attempting to vindicate the rights of the people is this: These rich railroad corporations, after having received these great bounties from the Government and from the people of the United States by which millionaires were made as mushrooms grow in a night in this country, by which a syndicate of individuals could establish this as a system by which they would enrich themselves at the expense of the people of the United States—I say these corporations have not acted honestly and in good faith toward the Government and the people, but have chosen to stand upon their legal rights and to assert them and to defy the authority and power of Congress to deal with them. They having occupied that attitude, it is time for us to inquire how and when they have acquired these rights.

If a corporation having received a grant were to come before the Congress of the United States and declare that they have not been able to fulfill the conditions, "and we ask you to continue your indulgence, your favor to us; we are prosecuting this great work and endeavoring to accomplish it; but for causes over which we have no control we are unable to comply with the conditions which have been imposed on us by the legislation of Congress," I am not one of those Senators, if there be any in this Chamber, who would deal harshly or unjustly or ungenerously with any such applicant for legislative condonation and forgiveness.

It is by reason of their attitude of defiance to the Government, it is by reason of the fact that they challenge the power of the Government and defy the jurisdiction of Congress, that they have brought about this struggle in which we are engaged to-day and which will certainly attract the attention of the American people; and that is, whether the Government is superior to these railroad corporations or whether these railroad corporations are superior to the Government. After we have asserted and vindicated the power and the authority of the Government it will be time enough for us to adjudge any equitable matters that may be presented and to protect the rights of innocent parties.

But I say again, Mr. President, that the conduct of these coporations has been such as to have no parallel in the history of civilized governments that ever existed on the face of this earth—in the first place proceeding as though there were no conditions in the acts conferring these grants, in the next place duplicating and triplicating their capital, distributing this wealth among certain individuals, creating a fictitious capital in order to charge, not freight, for I do not call it freight—I call it an exaction, a tribute, a tax, an extortion from the producers of this country; and I say that it is a shameless and an unpardonable effrontery on the part of these corporations who have made such an exhibit of their exactions and extortions on the people to expect such persons as myself, however well they may be disposed, to treat them otherwise than I would treat adversaries who were litigants in a court of justice.

We have heard admonitions that we should heed from some of our greatest statesmen with reference to the condition of affairs touching the relations of the Government of the United States with these land-grant railroads. I listened the other day to an eloquent speech of the Senator from Florida [Mr. CALL] wherein he read an extract from an address of Mr. James A. Garfield in which he stated that the condition of our society upon this question was analogous to the condition of society during mediæval times when the feudal lords and barons tyrannized and oppressed the people. Mr. President, if we have not heard louder protests on this question, if we have not been arrested by the thunder tones of popular murmuring and popular discontent, it is because we are a strong, a healthy, a young, and a vigorous nation, and that we are able as yet to stand such drafts upon our resources and to resist this blood-poisoning in our body-politic which under other conditions and at a later period would threaten the liberties of the people and give to the Republic's foundations a severe shock.

You may refer to the period of English history in the days of monopolies when a king would confer a patent upon the favorite of some prostitute and ennoble him, and when that alarming condition of affairs existed which Mr. Culpeper, in the house of commons, declared was so frightful because those leeches were sucking the substance of the people until the commonwealth had become hectical.

You may refer to that period of the history of France preceding the French revolution, when the peasantry were the abject slaves of the nobility that had been enriched by the favoritism of a profligate monarch; to that period of Roman history when the assemblies of the people were abolished and the Roman senate dispensed all the wealth and dignities of the empire so that the property of the country was owned by a few individuals and the mass of the people were paupers; I say that the history of no government shows such vast, sudden, and undeserved fortunes as have been accumulated in this country by individuals who have been the scheming beneficiaries of the legislation by Congress with reference to these land grants to railroad corporations.

If you estimate in money the value of these land grants Congress may be said to have donated to certain individuals a complete railroad; but in addition these gratuities have produced millions and millions of money which these same individuals have divided among themselves without expending, investing, or risking a solitary dollar of their own money. I say if we were not as young and strong a nation as fortunately we are, to read the history of these railroad corporations and their relations with the Congress of the United States would be like

reading a page in the history of a degenerate and tottering government that was about to crumble to pieces and disappear from innate corruption.

It is because I do not believe that to-day I have a right to vote this land as a new grant and as a new beneficence to this corporation that I have proposed the amendment of which I have spoken. I consider it as a legal proposition, clear and incontrovertible—though I do not expect all others to agree with me—that the title of that property to-day is in the Government of the United States; that in order to complete the possession all that is necessary is an act of forfeiture by which the Government of the United States simply re-enters upon the estate and has the right of administering it and disposing of it, and it is as though it were an original proposition presented to me to-day, will I vote to confer upon this railroad corporation these lands which they have not earned since the 4th of July, 1879, and which in my judgment are to-day vested in the people of the United States as their property and their estate?

The Senator from Ohio who occupies the chair [Mr. SHERMAN] represented to us that these parties had been very particularly unfortunate. There is no doubt, however, that these figures are correct—I use them from the speech of the Senator from Mississippi—that on the 530 miles constructed they issued $30,000,000 of bonds secured on these lands from which they realized $30,000,000, and the highest estimate of the cost per mile of those 530 miles was $28,000, which amounted to $15,000,000, the actual cost of these 520 miles.

Let us suppose that this road instead of being 2,000 miles long had been 530 miles; according to the act of Congress these people then for absolutely nothing, never having paid a dollar, never having invested a dollar, never having risked a dollar, would receive this railroad as a mere gift from the Government of the United States, and in addition to that they would have to distribute among themselves, as an additional gratuity from the Government and from the people of the United States, $15,000,000. I believe that statement is correct.

Mr. GEORGE. Entirely.

Mr. EUSTIS. Now, Mr. President, I ask in all seriousness, what sort of a transaction is this? The title of the act which conferred the grant is in aid of building a railroad. That presupposes an original contribution from somebody. That original grant was merely to aid these parties who were going to invest their money and build this railroad, and this land grant was something merely supplementary to that purpose.

Considering all these transactions and these proceedings, considering the fact that these people have enriched themselves when they are no more entitled to that wealth than any other persons in the United States, that they have chosen to stand upon their legal rights, and to deny that Congress has any power or any jurisdiction to hold them to any acountability whatsoever, I say that for these reasons I am in favor of forfeiting the land grant and restoring to the public domain and to the enjoyment and use of the American people every acre of that land which this railroad corporation has not earned according to the strict limitations and conditions imposed in the grant.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

Mr. CALL. Mr. President, before this vote is taken, though I have spoken upon this subject already, I desire to submit a few additional remarks.

I regard this as the most important question that has or will come before the people of the United States. In my humble judgment it is of sufficient power to change the character of a government. The Senate of the United States, the Supreme Court of the United States can not resist the tide of public opinion which will continue to increase in force and volume until the clear and unquestionable right of the people shall be asserted in regard to the public domain.

The mere idea that there can be a question of law which limits the sovereign powers of the Republic to the detriment of the people on a question of public policy which concerns the people as a commonwealth alone is, in itself, a most extraordinary proposition; that when a law is made by the Government of the United States disposing of the public domain upon condition that the conditions attached by the sovereign legislative power are of no force and effect and are merely analogous to the stipulations in a contract or deed between private individuals, which may be avoided and annulled by the neglect or failure of public servants to execute and obey the law, has no warrant in reason, has no foundation in any authority or in the practice of any government or in the decisions of any courts that ever existed; and it would be in effect to say that the sovereign powers of legislation might be exercised by the default or negligence of the public servants or agents of the Government.

That the law may be rightfully set aside and made void and of no force or effect simply by disobeying it.

It was asserted by the Senator from Colorado that no lawyer of reputation had denied the proposition that an estate, a vested interest created subject to a condition, could not be revoked by the granting power, if it neglected or failed to revoke it, upon the failure of that condition; that the acquiescence or failure to act was a waiver of the condition created by the law. Why, sir, I very confidently state that the honorable Senator will not find a distinguished lawyer outside of those retained by railroad corporations that has ever asserted such an opinion.

The Senator from Oregon [Mr. MITCHELL] cited to the Senator from Louisiana [Mr. EUSTIS], while he was speaking a few minutes ago, the case of Van Wyck *vs.* Knevals, in 116 United States Reports. That case contains the express declaration:

> If the whole of the proposed road has not been completed, any forfeiture consequent thereon can be asserted only by the grantor, the United States, through judicial proceedings, or through the action of Congress.

This was a suit in which the court declared a patent void because it was not authorized by an act of Congress. In declaring a forfeiture because the road was not completed, the court could only so decide because the condition imposed by Congress had not been performed. It could not alter that condition or make a new condition and hold part of it good and part bad or of no force.

Mr. MITCHELL, of Oregon. May I ask the Senator a question right there?

Mr. CALL. Yes.

Mr. MITCHELL, of Oregon. Did not the Supreme Court in that same case say this:

> So far as that portion of the road which was completed and accepted is concerned the contract of the company was executed, and as to the lands patented, the transaction on the part of the Government was closed and the title of the company perfected.

And did not the Supreme Court in the same case also make the statement:

> The right of the company to the remaining odd-numbered sections adjoining the road completed and accepted—not reserved—is equally clear.

Mr. CALL. Oh, yes; but it only evidences how weak is that character of reasoning which extracts from the decisions or the context a few words without reference to the character of the case, the facts of the case, and the general reasoning of the court. It followed these declarations by an assertion of the power and a reference to the case of Schulenberg *vs.* Harriman, and the forfeiture referred to was because of nonperformance of a condition which was an entirety, and not for non-performance of a part of a condition. The act contains no grant made on the performance of a part of a condition, but on a condition which is an entirety.

> If the whole of the proposed road has not been completed—

Following the words read by the Senator from Oregon—

> any forfeiture consequent thereon can be asserted only by the grantor * * * through judicial proceedings, or through the action of Congress.

Citing Schulenberg *vs.* Harriman (21 Wall., 44):

> The doctrine of equitable estoppel or the abhorrence of forfeitures by the courts of equity has no place in enlarging the laws which confer privileges or rights in detriment or limitation of the rights or powers of the people; no place in restraining or changing the public policies declared and created by law. To give such a power is to vest in a grantee of a right or privilege the power to forfeit and destroy the public right and the public power by disobeying the law.

Mr. MITCHELL, of Oregon. Certainly, as to that portion of the road not completed. Unquestionably it could not refer to anything else from what precedes, it seems to me.

Mr. CALL. It refers to the case of Schulenberg *vs.* Harriman, and there is no difference in reasoning between that portion of the road uncompleted and the other which was not completed within the time required by the act. The condition is a whole one. The law is in every case and in every government that there is no laches; there is no waiver by the government; that time does not run against it. What does that mean? If the court be a body that reasons, if principles are determined which are to control its decisions and there can be no laches on the part of the Government in asserting its rights, if there can be no limitation of time, then those rights must remain unimpaired, and if unimpaired, then the law in every part is in force. But suppose regarding it as a question of policy you consider as asserted by the Supreme Court:

> All grants of this description are strictly construed against the grantees; nothing passes but what is conveyed in clear and explicit language; and as the rights here claimed are derived entirely from the act of Congress, the donation stands on the same footing of a grant by the public to a private company, the terms of which must be plainly expressed in the statute; and if not thus expressed, they can not be implied. (Charles River Bridge *vs.* Warren Bridge, 11 Peters, 420.)

Is there any grant here except on condition that the road shall be completed by 1879, and if this be true, and all the estate and interest created by the grant was instantly vested in the company would that change the interest vested into something not created by the grant, namely, into an unconditional grant as to time leaving all future time open for its performance? If not, when was the grant subject to forfeiture, and for what? If the time fixed in the act was not an essential condition, then it could never be forfeited whether any part of the road was built or not. That is the law everywhere. Grants in detriment of the public right must be construed strictly. They must be within the strict expression of the law, and there can be no implication from them. But, Mr. President, I undertake to say that neither by reason nor by precedent is there a single case in any high court or any body of law or any country—the cases have been examined by the committee of the House, who made a report at a former session, the whole ground has been examined by eminent lawyers, and there is not a single case, and no court could afford, and no legislative body can afford to deny the proposition that the public right can not be given away except in the clearest and most express terms.

It can not be given away by implication. Such a presumption can not

arise from a negligence or a failure on the part of any legislative or executive body of the Government to assert the sovereign legislative rights created by the Constitution and vested in Congress for the protection of the people.

But, Mr. President, let us go a little further than that. Here is this grant of an empire of two States equal to Ohio and Indiana proposed now to be forfeited, and let it be either confirmed or forfeited. Let this question no longer remain open. Give to the railroad company all the land that it claims, if you wish to do so, but do not pretend to forfeit an insignificant portion of it, and make a pretense of satisfying the demand of the people. Settle the question and let it go before the people, for these devices of forfeiting small tracts of land are nothing but disguises to confirm the interests of the railroad corporation who are the grantees.

The question is now broad and distinct between the rights of the people and corporate power and corporate aggression; and it is not in the power of this Senate or of any court to destroy that issue except by maintaining the just rights of the people.

If the Senate believes the policy of vesting the title of an empire capable of sustaining as large a population as Ohio and Indiana in a few persons incorporated as a railroad company, with the power to demand of every American citizen who settles on the public land its own price for his land, and then to have the power to take from him any part of the products of his labor which it pleases in a tax on transportation, let the Senate so declare and submit their actions to the people, for this is what is meant by refusing to forfeit this grant.

I am not an enemy of corporate power. I am its friend, and always ready to do it justice. The enemy of corporations is he who will support their unjust claims and demands against the popular right. Their enemy is he who will confer upon these few individuals two States equal to Indiana and Ohio, capable of sustaining fifty millions of people with our modern improvements and with the processes of civilization and invention which are now coming into play. No surer method can be found to destroy them than to array against them the five millions of tenant farmers of this country who are to-day without homes for themselves or their wives and children.

The question is, shall we to the ruin of the people of the United States create and continue a monopoly of the land of the United States the like of which has never existed in the history of the world and vest in a few individuals by the direct action of Congress an accumulation of wealth in the shape of a perpetual right of taxation upon the settlers upon the public lands greater than was ever granted by any title of nobility or any proconsular power in the history of the world? That is the question now before the Senate and before the American people.

The consequences of such action by the Senate can not be estimated. In my judgment it will arouse an indignation among the people that can never be allayed. It will create the belief that this body is in the interest of corporate power and not of the people. It will be an actual denial of the policy of and repeal of the homestead laws, for with the confirmation of this and other railroad grants there will be but little more land for the people except at such prices and on such terms as the railroad grantees may choose to ask, and this the people will not submit to.

The idea that in a matter concerning the public policy, as was said by Mr. Garfield, the late President of the United States, in a matter concerning the transportation and the locomotion of the people, you can confer grants of great empires of public land far in excess of the cost of construction of those thoroughfares of modern improvement, and that you can limit the time when they are to be completed, and then that the Senate shall say that time is immaterial, that a century does not matter or ten years or twenty years, that the public policy which was founded on the idea of a highway within a short period of time to settle a great wilderness with laboring and industrious people is equally perfected by carrying it out when the country has become a settled and populous State, is of course a contradiction in terms as well as a denial of the truth.

Would any man now undertake to grant these great concessions to a railroad company to build a railroad in the State of Ohio with its millions of population? And that is what the argument of those who deny this forfeiture means. The country of that grant has now become largely settled; its lands have risen from being worthless to being worth from four to five dollars an acre, in many places $10 an acre; and will any man deny the statement that the conditions upon which the grant was made, the conditions of public policy for which it was made, are not the same now as they were when this country was a wilderness, namely, that the public policy to be served is not the construction of a road after the settlement of the country, after immigration has made the country populous and the land valuable, but that it was to be done before that time, and that for this reason the time for its performance was limited.

The argument in all such cases is that there are certain grounds and purposes of public policy to be attained, and when the country has attained them you can not say that the public policy which dictated the original act now justifies or requires it when there is a totally different condition of things, when the country has become settled, and settled at a period of time beyond that fixed for the completion of the road.

But, Mr. President, before this debate closes I wish to call the attention of the Senate and the country to the relations which this grant of two States, of an empire, to a few individuals bears to the general condition of the people of the country and the condition of the landed interests of the United States, and the question of landlordism, which now excites so much interest throughout Europe and which is so closely connected with perhaps even the preservation of our institutions and the happiness of our people.

We have heard a great deal said about Ireland and the ownership of all the land there by a few persons, and the evils of that condition of land tenure, but we have a condition of land tenure in this report equal to that of Ireland. We have as many tenant farmers, persons not owning land, as Ireland has, and if it be a public evil there it is a public evil here, only diminished in degree by the fact that our population is not so dense, and the avenues of employment of our people with this broad continent before them are much greater; but we must not forget that Europe is pouring her discontented and suffering people into our country.

As to the policy of the homestead law, it does not matter whether the Democratic party or the Republican party originated it, or whether one or the other was more responsible for the alienation of large bodies of lands in the past. It is the question of to-day that we are called upon to settle; and to-day the non-ownership of land, the vesting of it in large capitalistic hands is as great in the United States as it is in Ireland—greater than it is in England—and we shall soon be, according to the census of the United States, a people with our lands vested in a few hands to a greater extent than any people of modern times—greater than France or any other civilized country. This is a startling fact, and we should consider it carefully before we give away to a railroad company States equal to Ohio and Indiana.

I find in a very admirable summary of this question in the North American Review the following very striking figures and statements derived to a great extent from our last census. The writer says:

> No one can study the American land question and fail to have his imagination struck by the unexpected analogies that will appear between the agrarian concerns of the American Republic and those of ancient Rome. The Romans, too, had their public domain, of which they were exceedingly proud, with a free farm thereon (in theory) for every citizen, and so serene did this make them feel that until the agitation of Licinius Stolo, year of the city 378, they could not be got to seriously understand that there was such theory as a Roman land question. Now, nothing can be more remarkable in the United States to-day—year of the Republic 109—than the Roman serenity of the people and Government on all affairs relating to the land. Why should we bother ourselves about the land? they say, with an imperial gesture (exactly like the Romans in talking of their *ager publicus*); why should we be so silly as to anticipate trouble about the land in a country with a public domain like ours?
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> But Rome found the *ager publicus* all too helpless to stem the progress of agrarian disease once it had fairly set in. Let us be sure that America is not already in the first stages of the very disease that Rome died of. "*Latifundia*"—that is its name in economic pathology, land monopoly we may translate it—"*latifundia*," says Pliny, "killed Italy." Why should it not kill America, too, if the remedies be not applied in time?

Again:

> Probably the history of constitutional government does not furnish a more one-sided scheme of legislation than the landlord and tenant laws thus manufactured in the Western States. They are implements for extracting rent, as simple, terrible, and brutally candid in their design as a revolver in the hands of a peremptory road-agent. At any rate they have resulted in fixing on the free soil of the United States a land system that belongs to the ages of barbarism. Its nearest surviving relative in Europe is the *métayage* of France, but is more like the *zemeendaree* and *ryotwar* of Britishized India than any land system now in existence.
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> At the census of 1880 there were found to be 1,024,601 farms rented by tenants in the United States. That figure alone entitles America to take rank as possessing the largest tenant-farming class now furnished by any nation—a strange singularity for a nation, one of whose proudest boasts is that the old feudal institution of landlordism has obtained no foothold on her free soil! But to bring it nearer to the actual truth, that figure must be made bigger still. In the five years since the census was taken, it is a modest and well-considered calculation that the number of tenant-holdings has increased 25 per cent.
>
> This would raise the number of tenant-holdings at present in the United States to a million and a quarter. In Great Britain and Ireland, the countries that have clung most tenaciously to the aristocratic system, the number of tenant-holdings, according to statistics obtained during the late Parliament, is as follows: In Ireland, 547,222; in England and Wales, 414,804; in Scotland, 80,101; total, 1,069,127. Thus the United States, at the present day, possesses a quarter of a million more tenant-farmers paying rent to landlords than the three kingdoms and the principality together. It contains more than three times as many as England and Wales, and more than twice as many as landlord-ridden Ireland.
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> In the State of Illinois alone, which is neither an old Eastern nor a Southern State, there are, with a less population, nearly twenty thousand more tenant-farmers than there are in the ancient feudal kingdom of Scotland. By the next time the census is taken the probability is the number of tenant-farmers in the United States, increasing in pace with the population, will be up to a million and a half. And from that onward, for reasons which will appear, the ratio of increase in tenancies will be greater than ever.
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> Going a little further into the figures of the census, we find that the total number of persons engaged in agriculture in the United States five years ago was 7,670,493; of this number 2,984,306 are registered as normal owners of their holdings, the remainder being tenants paying rent to landlords and agricultural laborers. Thus, at the first flush, the census shows the popular notion that the agricultural classes of the United States own the soil they till to be incorrect. In France, on the other hand, where the feudal system is not yet eradicated out of a population twelve millions less than that of the United States, there are in round numbers 5,000,000 rural proprietors, each holding less than 20 acres (from 1 to 6 hectares apiece), and cultivating the land with their own hands, while there are 2,000,000 of a class comprising owners of holdings larger than 2[illegible] acres, landlords, and owners of house property in towns.
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> It is a suggestive fact—to go no deeper than the surface of these figures—that France, with her expensive and restricted soil, has been able to place more than five million thrifty agriculturists in absolute proprietorship of their small hold-

ings, while America, on her boundless virgin area, unhampered by title-deeds or traditions of past proprietorial rights, with her ever-growing population hungry for land, has been unable to establish quite three millions of proprietors, both great and small. And it is to be noted that the ratio of working proprietors of land in France is steadily increasing, and that of the tenants and landlords is steadily diminishing, while the reverse is true of the United States.

* * * * * * *

Meanwhile—

Says the article—

the settlement of the country proceeds at its own bewildering pace. America is still presenting to the world the phenomenon of a population that doubles itself in periods of twenty-five years. Emigration is pouring in from all quarters of Europe, and from over the Canadian border, at a rate never before surpassed. It is certain that at the next census the population will be found to have increased more since 1880 than even during the preceding decade. From figures issued by the Census Bureau the other day it appears likely that some of the Western States and Territories will go near quadrupling their population. Dakota has grown almost twice as populous in the five years since 1880, and Nebraska has increased from 452,402 in 1880 to 740,000 in 1885.

If there were still untold millions of fertile acres of public domain to be given away, and if a stop were put to the gigantic frauds by which the domain is now being swallowed up, it would be a matter of grave moment to consider how this population is to be accommodated on the land, and how it should be protected in possession of the nation's gift.

But it is no longer a question of untold millions of acres of public domain. It is no longer a question for to-morrow, it is a question for to-day. The pressure has already come. For all practical purposes of bestowing free farms on its growing population, the public domain of the United States is now exhausted.

According to the reports of the Land Office, the diminution of the public domain, by all methods, fraudulent and lawful, under the homestead and pre-emption, the timber-culture, the desert, and other land acts, is taking place at the rate of 20,000,000 acres a year. And according to the same reports there are just 5,000,000 acres of the public domain still left of a character that makes them available for settlers without capital.

Said the Land Commission, report of 1880: "It was estimated, June 30, 1879, that (exclusive of certain lands in the Southern States) of lands over which the survey and disposition laws had been extended, lying in the West, the United States did not own, of arable agricultural public lands, which could be cultivated without irrigation or other artificial appliances, more than the area of the present State of Ohio, namely, 25,576,960 acres." Of this arable land about 7,000,000 acres were taken up in the year ending June, 1880.

Mr. President, I yield the floor to the Senator from Wisconsin.

HOUSE BILLS REFERRED.

Mr. SPOONER. Mr. President——

The PRESIDENT *pro tempore*. Before the Senator from Wisconsin proceeds the Chair will present a bill from the House of Representatives for reference.

The bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, in South Carolina, by the United States, was read twice by its title, and referred to the Committee on Finance.

DEATH OF REPRESENTATIVE RANKIN.

Mr. SPOONER. In accordance with the notice I gave yesterday I ask if it be the pleasure of the Senate that the message of the House of Representatives acquainting the Senate with its action relative to the death of Hon. JOSEPH RANKIN be laid before the Senate.

The PRESIDENT *pro tempore*. The resolutions of the House of Representatives will be read.

The Chief Clerk read the resolutions of the House of Representatives of March 25, 1886, as follows:

Resolved, That the business of this House be suspended that suitable honors may be paid to the memory of Hon. JOSEPH RANKIN, late a Representative from the State of Wisconsin.

Resolved, That in the death of Mr. RANKIN the country has sustained the loss of a safe legislator, a patriotic citizen, and an able and faithful public servant.

Resolved, That as a further mark of respect to his memory the House, at the conclusion of these ceremonies, shall adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. SPOONER. Mr. President, I ask leave to offer the resolutions which I send to the desk.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate receives with deep sensibility the announcement of the death of the Hon. JOSEPH RANKIN, late a member of the House of Representatives from the State of Wisconsin, and tenders to the family and relatives of the deceased the assurance of its sympathy in their bereavement.

Resolved, That the Secretary be directed to transmit to the family of Mr. RANKIN a copy of the foreing resolution.

Mr. SPOONER. Mr. President, in offering here a tribute to the memory of JOSEPH RANKIN, late a member of the House of Representatives from Wisconsin, I do not come to the mere perfunctory discharge of a customary duty. My acquaintance with Mr. RANKIN commenced fourteen years ago, when we were associated in the legislative service of our State. He was of one political faith, I of another, but our friendship commenced with our acquaintance and ended only when his life went out.

The formal story of his life is soon told. He was born at Passaic, N. J., September 25, 1833, and died in the city of Washington on the 24th of January, 1886. At an early age he removed with his parents to Connecticut, and soon thence to Homer, N. Y., where he lived until he was twenty-one, receiving a fair academic education. His boyhood and youth were in no wise peculiar, except in the originality and strength of purpose which afterward marked his manhood.

In 1854, just of age, he sought, alone, a home and fortune in Wisconsin, then still one of the frontier States of the far West, settling at Mishicot, in the county of Manitowoc, which county, with little interruption, thereafter remained his home. Upon his advent to Wisconsin he entered a mercantile career, in which he was quite successful.

Early he developed an interest in, and an aptitude for, public affairs, and in 1860 he was elected a member of the assembly, in which body he served with credit.

The silvery notes of the war bugle quickly won him from the paths of peace, and in October, 1862, he bade good-by to the loving woman who had been but a little time his wife, and enrolled himself in the Army of the Union as captain of Company D, Twenty-seventh Wisconsin Infantry Volunteers. He, with his regiment, participated in the siege of Vicksburg and in many skirmishes and battles. From the date of his muster-in to June 30, 1864, he was, save for a month or two, present and in service with his company. He served as an acting assistant inspector-general from February, 1865, to August, 1865, when, with the rank of major, he was mustered out with his regiment.

He was a brave and skillful officer and dearly loved by the men of his command.

From the close of the war he resided in Tennessee until 1868, when he returned to Wisconsin, making his home at Manitowoc.

In 1872, 1873, and 1874 he was elected to the assembly, and in 1876 he was elected to the State senate, in which he served for six years.

He was elected to the Forty-eighth Congress and re-elected to the Forty-ninth.

Mr. RANKIN easily distinguished himself throughout Wisconsin as a legislator. In truth, the work of legislation seemed natural to him. He was not technical nor obstructive, but nothing in legislation escaped him. He knew from the beginning what some legislators seem never to learn—that niggardliness in public expenditure is wastefulness and that true economy lies nearly always in the direction of liberal expenditures for public purposes; but he was always alert and powerful to prevent extravagance. He was not known to study pending measures, but his remarkable power of quick analysis searched every measure, and, at the proper time, his objection to a loosely drawn or bad bill was sure to come, in a few crisp, sharp sentences, which went to the heart of the subject. His knowledge and mastery of legislative details seemed intuitive and complete. He was, during his entire legislative career in the State, a marvel in this respect to his associates. His grasp of public affairs and policies was broad, strong, and accurate. As a parliamentarian he was of great skill, and as a presiding officer he excelled. In no sense an orator, he was, what is of more value in the service of the people, a good debater, keen, incisive, fertile in resources, and quick at repartee. His memory was strong and retentive, and while he was not a student, somehow he was always ready, and well ready, to meet every call which duty made upon him.

He was independent and proud spirited; not obstinate, but firm. When he had decided what he ought to do no persuasion nor influence nor threat nor charm could swerve him a hair's breadth from the line he had marked out.

His integrity as a man and as a public servant was above suspicion.

Of fine presence, he was a delightful companion, cheery, hospitable, and full of generous impulses, but possessing withal a quiet dignity which never for a moment left him. From the early days of his Wisconsin life to the end he was known among the people as "JOE" RANKIN, and went by no other name. This popular familiarity was in no sense a belittling of him. It was simply a tribute to the qualities which compelled the respect and friendship of men, and it outlived him, for to-day, though "he sleeps the sleep that knows no waking," the old, familiar name is tenderly spoken from one end of the State to the other.

I never knew a man who would do more with alacrity and delight to serve a friend, nor one more loyal and steadfast in his friendship. He was not effusive or demonstrative, but his friendship needed no nursing. Absence did not change it. Adversity only strengthened it.

He was tender as well as brave. He would fight his way with sturdy blows through a score of men to avert an outrage or to right a wrong; yet the sobbing, half-clad stranger child upon the city street found him always a ready listener and a ready helper.

He was, too, essentially a modest man. Turn to the Congressional Directory and you will find descriptive of his army record and service only these seven words, "Served in the Union Army three years."

This was quite characteristic of the man. I venture to say that no one ever heard from him of any good deed he had done, although in his life there was abundance of good deeds and unobtrusive, unheralded charities.

By a kindly law of our humanity the voice of criticism is hushed at the new-made grave. But RANKIN'S life has left no stress upon his friends to invoke for his name and fame this protection, for while this strong man had, of course, his faults and weaknesses, they were forgotton even before he died, and were not such as, if remembered, would stand, unforgiven of men, against him.

He was a Democrat always, and a leader in his party, potential, as a leader should be, in its councils. At one time he was chairman of its State central committee and directed and led the party forces. As a party manager he was wary, devoted, tireless, and able. However hope-

less the contest, he always contrived to compel the respect and attention of his adversaries and to give them great trouble and anxiety. While he never lost sight of the party flag nor allowed his troops to straggle, his warfare was honorable and his methods reputable.

He loved the truth and hated falsehood. The man whose word was not good in politics was to him unworthy of confidence in business. The "campaign lie" had no place in his armory of party weapons. Slander he thought the weapon of the coward. He could not tolerate even in the heat of a political battle—

Low-breathed talkers, minion lispers,
Cutting honest throats by whispers.

Once I knew him in a summary way, and in a close campaign, to stamp out with indignation well worthy of his manliness a slander which, while it was helping temporarily his party, was unjustly wounding in heart and home an opponent who was his bitter personal enemy.

He was pitiless in his detestation of pretense and hypocrisy, and a sham reformer of either party found in him an unrelenting foe.

With him politics never entered the domain of friendship as a disturber. I have heard him often quote with great delight the beautiful words of Garfield at Columbus, upon his election to the Senate, words day by day so happily illustrated in this Chamber:

I say moreover that the flowers that bloom over the garden wall of party politics are the sweetest and most fragrant that bloom in the gardens of this world, and where we can early pluck and enjoy their fragrance it is manly and delightful to do so.

And when the committee representing the Congress bore his dead body back to Wisconsin, of the thousands who gathered from far and near to join in the last sad rites about his grave there were no sincerer mourners than those who had fought against him in the vigorous party fights of many years.

Those of us who knew him well confidently expected that with his peculiar talent for legislation he would become, after a little time, conspicuous in the larger field to which the people had called him. But this was not to be. Shortly after the end of the first session of the Forty-eighth Congress he was stricken with a malady slow but sure in its undermining work, and from then there was ever by his side, with almost palpable presence, the angel of death. And well he knew it. This man's character and strength were never better illustrated than by his sickness and death. He seemed to say:

If I must die, I will encounter darkness as a bride, and hug it in mine arms.

Calmly he set himself to guard with tender forethought the wife and children from around whom his strong arms were soon to fall forever. With patient skill he gathered together some of the fragments which in the generous days of his strong manhood he had scattered by the way. And when at length his task was done, it was well done.

Then, though he had no hope of life, he would not lay away the harness. Few who hear me knew him, but none I think will soon forget the pathetic story of his last journey to the Capitol. With high resolve, he traveled with wife and children and death from his distant home to take the oath as a member of the Forty-ninth Congress. Once again only he dragged himself to the Capitol, weary and weak, but nerved and inspired by the purpose to serve a friend who had once served him.

Then he awaited the final muster-out. Then this man, who with unflinching courage had faced death upon the field of battle and with the wild music of war ringing in his ears, calmly and as unflinchingly faced him again in the quiet of the sick-room. He sat and watched the lengthening shadows as peacefully as one looks from the window upon the sunset when the day is done. No murmur of discontent or revolt was heard from his lips. He seemed only intent to force the old-time cheeriness into his wan face, in the hope to lighten the heavy blow to the loved ones who watched about him. Considerate to the end, almost his last word was an injunction to his attendant not to let his dear ones know of the keen pain which he was suffering.

Then when he knew the time was come, that the journey was ended, with passionate love he gathered his remaining strength for the last embrace of wife and children, and in the agony of that parting there came to him—

The sinless, stirless rest,
That change which never changes.

He said to me not long before he died, thinking, I believe, that it would be my duty to speak of him in the Senate, "If you ever mention me, talk of me as I am." This, Mr. President, I have done. In a plain way, but with affectionate purpose, I have spoken of him as he was, as I knew him, as my honored colleague knew him, as the people of Wisconsin knew him, and as with tender pain he will be remembered in that State.

Mr. SAWYER. Mr. President, I second the adoption of the resolutions offered by my colleague.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were unanimously agreed to.

Mr. SAWYER. As a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, June 12, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 11, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. S. W. HADDAWAY, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

REPAIR OF LIGHT-HOUSES.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the Light-House Board submitting an amendment to the annual appropriation for repairs of light-houses; which was referred to the Committee on Appropriations, and ordered to be printed.

UNEXPENDED BALANCES, EXECUTIVE DEPARTMENTS.

The SPEAKER also laid before the House a letter from the Attorney-General in response to a resolution of the House calling for information as to trust funds and unexpended balances in the custody of the several heads of Departments; which was referred to the Committee on Ways and Means, and ordered to be printed.

REFERENCE OF BILLS.

The SPEAKER laid before the House amendments of the Senate to the following House bills; which were severally referred as follows, namely:

The bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims—to the Committee on War Claims.

The bill (H. R. 61) for the relief of Benjamin M. Simpson—to the Committee on the Public Lands.

The bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes—to the Committee on Military Affairs.

INCORPORATION OF NATIONAL TRADES UNIONS.

The SPEAKER laid before the House the bill (S. 1657) to legalize the incorporation of national trades unions.

Mr. O'NEILL, of Missouri. In asking the unanimous consent of the House that the reference to a committee of Senate bill No. 1657, just submitted, be dispensed with, and that the House immediately proceed to the consideration of it, I desire to state briefly that the measure before you is identical with the bill which I had the honor of introducing in this House, and which was reported to this House on June 2, from the Committee on Labor, with the recommendation that it do pass.

It is merely to save time and to expedite the consideration of a measure which I am satisfied will receive the unanimous vote of this House that I depart from the regular order and ask at the hands of this House the immediate passage of a measure the want of which has been long felt and the demand for which has been of years' standing.

In this connection I desire to say that the request for the legalizing by incorporation of trades unions comes from the organizations themselves. A demand for the right of incorporation under the law is a prominent plank in the platform of principles of the greatest labor organization of the times.

When the Labor Committee had this measure under consideration there appeared before it the legislative committee of another powerful and thoroughly representative labor organization, the International Federation of Trades Unions of the United States and Canada, strongly urging the passage of the bill in its present shape, regretting as they did in common with myself that the scope of the law should, on account of constitutional restrictions, be so limited as in this case. The bill, however, aside from the great good it will accomplish even in the limited territory to which it applies, is representative of a sound principle, and sets an example which I have no doubt will be followed in many of the States.

At this day no one will pretend to deny that the tendency of organization is to improve the condition of the worker. Improvement of the condition of the working classes has always followed their organization. They now ask that they be given a legal habitation and a name, that the stability and position thus acquired may enable them to work still more good.

The recent and general discussion of the arbitration question in connection with labor troubles has brought the trades unions of the country to public notice, and the failure to peaceably and satisfactorily settle many controversies is openly attributed to the lack of legal status or form upon the part of both parties to the controversy.

This matter of legalizing of trades unions has claimed the attention of Hon. Charles F. Peck, commissioner of the bureau of labor statistics of New York, and the results of an extended investigation appear in his last annual report. I beg leave to quote from his summary of testimony upon the subject as follows, as answering the questions that may be raised, Do the trade organizations desire this legislation?

With a view of ascertaining the real sentiment of the working people upon this subject, each witness was asked if he favored the legalization of trades unions. But one witness in two hundred gave a negative answer. When to this is added the fact that hundreds were interviewed

upon the subject during the year, and that they were of a like mind, the necessity of some action on this subject is apparent.

It must always be borne in mind that the large majority of witnesses testifying were prominent members of labor organizations. The arguments in favor of such legislation were brief and to the point; in substance they stated that it would place men upon a better basis financially, giving added security to their funds by making it a misdemeanor punishable with fine and imprisonment for an officer to run away with money intrusted to his care; giving them the right to sue and be sued; to hold property for their own use, and to invest in real estate where they had an accumulation of funds, thus securing a greater rate of interest than that which prevails in savings-banks. When it is remembered that the trades-union movement if still in its infancy in this country, and that in the nature of things these funds must accumulate, it is deemed advisable to make provisions for this contingency. One witness cited the example of the Amalgamated Engineers and Machinists Society of England, which had a reserve fund of over $1,000,000, which was largely invested in real estate.

In his message to the Legislature of 1885 the governor of New York State recommended the legalizing of trades unions in the following language:

> Facilities have been afforded by law to enable capital to incorporate and combine for its protection. Like facilities should be afforded for the organization of labor.

Again does the same gentleman say officially:

> I reiterate the recommendation, and in that connection particularly suggest the propriety of a general law especially providing for the incorporation of trades unions. It would strengthen the worthy organization of workingmen, enabling them the more readily to enforce their rights among themselves as well as between themselves and the public, and giving to their proceedings, when acting as a body, the sanction of binding and legal authority, and in many other respects the privilege conferred would be beneficial to all concerned, affording an opportunity to relieve such organizations from any objectionable features, and thereby increase their usefulness.

Hon. L. McHugh, commissioner of the bureau of labor statistics of Ohio, in an able report upon the subject of trades unions, says:

> All history proves that trades unions were a large factor in freeing labor from the slavery of the feudal system. They vastly improved and benefited English labor and brought about their industrial independence and enfranchisement.

That trades unions protect capital as well as labor is attested by the fact that nearly all the disputes between capital and the well-organized unions are characterized by an entire absence of violence and the destruction of private property, and where such outrages have occurred it can be traced directly to the unorganized and uneducated, of whom it may with truth be said "they have no part to conserve nor future for which to provide." Thorough organization of trades is the best preventive of strikes.

As an illustration of this the record of ten of the leading unions in England may be cited, namely: Amalgamated Engineers, Boiler-makers, Ship-builders, Iron-molders of Scotland, Steam-engine Makers, Amalgamated Society of Tailors, Operative Bricklayers, Operative Plasterers, and London Society of Carpenters. These ten unions number one hundred and fifty-four thousand men, and expended in the year 1884 over $1,250,000, of which enormous sum just 6 per cent. was expended for strikes. This is the record of a country where trades unions are legalized by law.

That societies having in their organization so much that is good have not before received the sanction of law for the protection of their funds is, to say the least, somewhat surprising.

From a large mass of correspondence that has reached the committee favoring this measure many strong and practical reasons are given why this principle should be embodied in a statute. It is urged that the incorporation of trades unions would prove an incentive to the very best class of men to join them. It would put more confidence in the men who have in the past been the victims of faithless officers.

One serious drawback to the growth of trades unions has been their inability to accumulate property as such. An organization which meets in a rented hall pays out in ten years for rent more than enough to pay the interest on the cost of construction of a fine building, the rentals of which would be a source of revenue.

The aims of these trade brotherhoods are in every way beneficial and ennobling, yet they are denied the rights extended to any secret society, whether social or benevolent. There is no reason why every city should not have its grand "trade temple" where the various unions and organizations of workingmen may meet. Every city has its Masonic temple, or Odd Fellows' temple, owned by the orders.

An organized trade union, under sanction of law, could enter the market and undertake contracts on the co-operative plan under direction of their officers.

This, Mr. Speaker, I consider one of the strongest points made in favor of the measure.

The rights to hold property and engage in business go together. To the gentlemen interested in the cause of labor who are giving so much attention to the subjects of profit-sharing and co-operative copartnership, I call attention to the possibilities of the workingman becoming his own employer under a system that gives a trades organization a standing in court.

Legalizing trades unions will give them a dignity and standing that will result in more equable relations between employer and employé, and thereby avert many troubles that now take the form of strikes and lock-outs.

Trades unions should certainly receive an equal recognition with any corporation, such as a merchants', produce, tobacco, cotton, or mining exchange. It is the legal status given such bodies that has permitted the growth of the system of arbitration boards under which nearly all commercial difficulties are settled, the courts being the last resort.

Mr. Speaker, I could enumerate many other reasons equally patent, but the facts are apparent. I only desire to assure the House that labor's own voice is asking this concession—no, not a concession, but a right, at your hands.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. BRECKINRIDGE, of Arkansas. I would ask the gentleman if it is proposed to extend this jurisdiction elsewhere than in the District of Columbia and the Territories?

Mr. O'NEILL, of Pennsylvania. No, sir.

There being no objection, the bill was read a first and second time, and ordered to be read a third time; and being read the third time, was passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House the following Senate bills; which were read a first and second time, and referred as indicated below:

The bill (S. 130) for the relief of John Fletcher—to the Committee on Indian Affairs.

The bill (S. 148) for the relief of the heirs of Charles B. Smith, deceased, late a lieutenant in the Fifth Iowa Cavalry—to the Committee on War Claims.

The bill (S. 388) to grant the right of way through the Fort Bliss military reservation to the Rio Grande and El Paso Railroad Company—to the Committee on Military Affairs.

The bill (S. 567) for the relief of the estate of Lucien Goyaux—to the Committee on War Claims.

The bill (S. 654) declaring the meaning of section 3 of the act of June 16, 1882, for the relief of Howard University—to the Committe on the Judiciary.

The bill (S. 666) to create two additional land districts in the Territory of Dakota, and to define the boundaries of the Deadwood land district in said Territory—to the Committee on the Public Lands.

The bill (S. 830) for the retirement of certain officers of the Navy of the United States—to the Committee on Naval Affairs.

The bill (S. 872) authorizing the Secretary of War to purchase a lot in the city of Saint Augustine, Fla., for military purposes—to the Committee on Military Affairs.

The bill (S. 885) to relieve the State of Colorado from charges on account of ordnance stores furnished to the State and Territory—to the Committee on Claims.

The bill (S. 934) making an appropriation to enable the Secretary of the Interior to settle the accounts of Norman Thatcher, late a receiver of public moneys at Menasha, Wis.—to the Committee on Claims.

The bill (S. 953) for the relief of Arthur L. Fish—to the Committee on Claims.

The bill (S. 969) to authorize the employment of law clerks for the justices of the Supreme Court of the United States—to the Committee on the Judiciary.

The bill (S. 996) for the relief of Leslie Bassett—to the Committee on Claims.

The bill (S. 1041) for the relief of William B. Groff, of Newport, R. I.—to the Committee on Claims.

The bill (S. 1084) to authorize the purchase of five manuscript volumes (being letter-books) of William Vans Murray, formerly minister at The Hague and at Paris—to the Committee on the Library.

The bill (S. 1094) for the relief of Thomas A. McLaughlin—to the Committee on Claims.

The bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased—to the Committee on Claims.

The bill (S. 1256) for the relief of Thomas H. Norton and James McLean—to the Committee on Claims.

The bill (S. 1278) to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general of London, for storage and care of the archives at that consulate-general—to the Committee on Claims.

The bill (S. 1286) to change the limits of certain judicial circuits, to establish a new judicial circuit, and for the appointment of a judge for the same—to the Committee on the Judiciary.

The bill (S. 1311) for the relief of the administrators of the estate of Isaac P. Tice, deceased—to the Committee on Claims.

The bill (S. 1333) for the relief of William H. Randle, of Nashville, Tenn.—to the Committee on Claims.

The bill (S. 1353) referring to the Court of Claims for adjudication

the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood—to the Committee on Claims.

The bill (S. 1424) for the relief of graduates of the United States Military Academy—to the Committee on Military Affairs.

The bill (S. 1477) for the relief of Nathan McKay and the executors of Donald McKay—to the Committee on War Claims.

The bill (S. 1490) to amend article 103 of the Rules and Articles of War—to the Committee on Military Affairs.

The bill (S. 1566) to establish a new land district in the Territory of Wyoming—to the Committee on the Public Lands.

The bill (S. 1862) for the relief of the Omaha tribe of Indians in the State of Nebraska—to the Committee on Indian Affairs.

The bill (S. 1876) for the relief of Piromis H. Bell, administrator of Marcus A. Bell, deceased, and others—to the Committee on Claims.

The bill (S. 1899) for the relief of Mrs. Lizzie Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late minister of the United States to Peru—to the Committee on Claims.

The bill (S. 1949) providing for the purchase of the portrait of General George H. Thomas, painted by General S. W. Price—to the Committee on the Library.

The bill (S. 1961) to amend section 3893 of the Revised Statutes, and for other purposes—to the Committee on the Post-Office and Post-Roads.

The bill (S. 1962) to amend section 461 of the Revised Statutes of the United States, regulating fees for exemplification of land patents, and for other purposes—to the Committee on the Public Lands.

The bill (S. 2037) for the relief of Mary Anna Egan—to the Committee on the District of Columbia.

The bill (S. 2057) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn—to the Committee on War Claims.

The bill (S. 2073) for the relief of the officers and crew of the light-house tender Lilly, and the inspector of the fourteenth United States light-house district—to the Committee on Claims.

The bill (S. 2158) for the relief of W. H. Ward—to the Committee on Patents.

The bill (S. 2166) for the relief of John F. Cadwallader—to the Committee on Claims.

The bill (S. 2632) for the relief of C. B. Bryan & Co.—to the Committee on Claims.

Joint resolution (S. R. 62) authorizing the publication of an edition of "A Digest of International Law," edited by Francis Wharton—to the Committee on Printing.

The bill (S. 503) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts in said Territory.

Mr. TOOLE. Mr. Speaker, there is a bill identical with this introduced in the House and referred to the Committee on the Judiciary, which has been unanimously reported. I ask unanimous consent that this bill be taken up and passed instead of referring it.

The bill was read at length.

Mr. BEACH. I think we had better go on with the regular order.

The bill was read a first and second time, and referred to the Committee on the Judiciary.

WILLIAM J. GAMBLE.

The SPEAKER also laid before the House the bill (S. 505) for the relief of William J. Gamble.

Mr. PEEL. Mr. Speaker, this is the third time this bill has passed the Senate. It only appropriates $125, and I would ask consent that it be taken up and passed.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to William J. Gamble, late of Company K, Second Arkansas Cavalry, out of any money in the Treasury not otherwise appropriated, the sum of $125, in payment for the running-gear of a six-horse wagon furnished by him and used by the United States Army.

There being no objection, the bill was read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORONNA, TAUSSIG & CO. AND OTHERS.

The SPEAKER laid before the House the bill (S. 2078) for the relief of Coronna, Taussig & Co. and others.

Mr. GLASS. I ask unanimous consent that this bill be put upon its passage. It is a bill identical in its language with the bill which is reported favorably by the House Committee on Claims. A similar bill was reported favorably to this House in the Forty-sixth Congress by the Committee on Claims, also in the Forty-seventh Congress by the Committee on Ways and Means, and in the Forty-eighth Congress by the Senate Committee on Claims. This is a bill for the refund of certain taxes illegally collected, and I ask that it be put upon its passage.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MORRILL. Has this bill been considered by any committee of the House?

Mr. GLASS. Yes, sir; by the Committee on Claims.

The SPEAKER. At the present session?

Mr. GLASS. Yes, sir.

There being no objection, the bill was read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. GLASS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following message from the Senate:

IN THE SENATE OF THE UNITED STATES, *June* 9, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 244) for the relief of Mary F. Potts.

The SPEAKER. If there be no objection this request will be granted, and the Clerk will be directed to return the bill to the Senate.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. OUTHWAITE, for one day, on account of important business.

To Mr. HOUK, for ten days, on account of important business.

To Mr. HATCH, for ten days.

ORDER OF BUSINESS.

Mr. BEACH. I call for the regular order.

Mr. SPRINGER addressed the Chair.

The SPEAKER. The regular order is called for. For what purpose does the gentleman rise?

Mr. SPRINGER. I rise for the purpose of the regular order. The gentleman from Indiana [Mr. HOLMAN] who is in charge of the legislative appropriation bill now pending desires to continue the consideration of that bill to-day; and therefore, in the interest of public business and at his request, I move to dispense with the consideration of private business for this day that the appropriation bill may be proceeded with.

Mr. OATES. I rise to a question of order. The RECORD shows that two bills reported by the Committee of the Whole House on the Private Calendar, the McMinnville and Manchester Railroad bill and the Mobile and Ohio Railroad bill, are now pending, with the previous question ordered on each of them. Is it in order that a vote shall now be taken on those bills?

The SPEAKER. The Chair thinks that even although private business to-day should be dispensed with, unless some further order of the House should be made the two bills to which the gentleman from Alabama alludes would have to be voted on; for the reason not only that the previous question has been ordered on their passage, but that by order of the House by unanimous consent they were assigned for action this morning.

Mr. SPRINGER. It is a mistake that the previous question was ordered on either of those bills. The further consideration was postponed until last Friday, and they were made special orders to be taken up before the House went into Committee of the Whole.

The SPEAKER. The Chair will refer to the record; but the recollection of the Chair is that the order which has been stated was made for the first Friday which followed their being reported; and when that day arrived by unanimous consent of the House it was ordered that the previous question should operate on both bills and a vote be taken this morning.

Mr. SPRINGER. It was understood that the previous question should be moved, but it was not ordered so as to give them priority.

The SPEAKER. The Chair will consult the record. The action of the Chair will of course depend upon what occurred at the time.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, while the record is being examined, I ask unanimous consent, with a view to the early completion of the legislative appropriation bill, that the House hold a session this evening, beginning at 8 o'clock, to dispose of that portion of the bill to which there is no objection. If that is done the bill can be completed, I hope, to-morrow. My colleague, the chairman of the Committee on Invalid Pensions, informs me that that committee is willing that this arrangement shall be made, provided the House will consent to hold a session to-morrow evening for the consideration of pension bills.

Mr. MATSON. Mr. Speaker, the Committee on Invalid Pensions are entirely willing to have this arrangement made if we can have to-morrow evening substituted for this evening for the consideration of pension bills.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that a session of the House be held this evening, beginning at 8 o'clock, for the consideration of the legislative appropriation bill. Is there objection?

Mr. BURROWS. Mr. Speaker, what is the object of the proposed session this evening?

The SPEAKER. To consider the portion of the legislative appropriation bill to which no objection shall be made.

Mr. BRADY. Does that require unanimous consent?

The SPEAKER. It does.

Mr. BRADY. I object. This is pension night.

The SPEAKER. It is proposed to hold a session for pension business on Saturday evening instead.

Mr. BRADY. Then I withdraw the objection.

Mr. BURROWS. Mr. Speaker, I ask the gentleman from Indiana [Mr. HOLMAN] if he will not consent to fix some limit to the evening session. The rule which provides that we shall adjourn at 5 o'clock every day works so admirably that I think it desirable to fix an hour for the adjournment of the evening session.

Mr. HOLMAN. I am willing to agree that the session shall not extend beyond 11 o'clock.

Mr. KELLEY. Mr. Speaker, I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. KELLEY. I desire to inquire whether the House has the right and power to thus limit the legislation that may be transacted at a session held under such an order.

The SPEAKER. The House may make an order that it will adjourn at 5 o'clock, or at 11 o'clock, or at any other hour.

Mr. KELLEY. But may it make an order that it will consider no other business than that for which the session is specially held? The point has been made within a week and pressed with zeal that the House has no right or power to make such a limitation.

The SPEAKER. The Chair thinks that is a question which would be properly presented when it was proposed to transact other business than that for which the session was ordered, and is not one which the Chair ought to decide at this time. Is there objection to the request of the gentleman from Indiana [Mr. HOLMAN]?

Mr. ADAMS, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of Illinois. Supposing this unanimous consent is given and the Clerk proceeds this evening to read the legislative appropriation bill and he reaches a provision of the bill to which an objection is made, under the rules of the House in regard to reading the bill by sections will he then pass over that and read the next section and then the next, and when we come to consider the bill to-morrow will we go back to each section objected to and discuss it with just as much freedom as if it were then reached in its regular order?

The SPEAKER. The Chair thinks that would be the order of business if the evening session should be ordered as requested.

Mr. BAYNE. Mr. Speaker, is it a part of the understanding and agreement that the legislative bill shall be considered to-day?

The SPEAKER. The Chair so understands; but the Chair does not yet understand whether it is proposed to dispense with the morning hour for the call of reports or not.

Mr. BAYNE. I do not object to the request, if it is understood that the remainder of this day is to be devoted to the consideration of the legislative bill.

Mr. DOUGHERTY. Mr. Speaker, who asks unanimous consent?

The SPEAKER. Two gentlemen have asked unanimous consent. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent to devote the remainder of this day to the consideration of the legislative appropriation bill, and to have a session this evening, beginning at 8 o'clock, to be devoted to the further consideration of that bill, not to dispose, however, of any portion of the bill to which objection is made. Then the gentleman from Indiana [Mr. MATSON] asks unanimous consent that a session be held to-morrow evening, beginning at 8 o'clock, for the consideration of business under the special order of the House heretofore made for Friday evening sessions, pensions bills and bills removing political disabilities; the evening sessions not to extend beyond 11 o'clock.

Mr. LYMAN. Will unanimous consent to this arrangement interfere with action on private bills to-day?

The SPEAKER. It will.

Mr. LYMAN. Then I object.

Mr. HOLMAN. I call for the regular order, Mr. Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill (H. R. 5251) making appropriations for the repair and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit therefor.

The message also informed the House that the Senate had passed with amendments the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes.

The message further informed the House that the Senate insisted on its amendments to the bill (H. R. 68) for the relief of William P. Chambliss, non-concurred in by the House, requested a conference, and had appointed as conferees on the part of the Senate Messrs. MANDERSON, LOGAN, and COCKRELL.

REPORTS OF SOUTH AMERICAN COMMISSION.

Mr. BARKSDALE. I rise to make a privileged report from the Committee on Printing, which I send to the desk.

The Clerk read as follows:

The Committee on Printing, to whom was referred Senate concurrent resolution authorizing the printing of 15,000 additional copies of the report of the South American Commission, as set forth in the accompanying resolution, have considered the same, and instructed me to recommend its passage.

The cost is estimated to be $8,415.

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 15,000 additional copies of the reports of the South American Commission, Executive Document No. 226, Forty-eighth Congress, second session, and Executive Document No. 50, Forty-ninth Congress, first session; of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives.

Mr. MORRISON. Is this a privileged report?

The SPEAKER (after examining the resolution). The resolution is confined to printing for the use of the Senate and House, and is privileged.

Mr. SPRINGER. How much is this printing to cost, according to the report?

The SPEAKER. The Clerk will read that portion of the report again.

The Clerk read as follows:

The cost is estimated to be $8,415.

The question being taken on agreeing to the resolution, there were—ayes 72, noes 26.

So the resolution was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I now move to postpone the consideration of all private business until next Friday.

The SPEAKER. The Chair thinks that a motion can not be made to postpone all private business. Any particular bill can be postponed when it is up for consideration.

Mr. SPRINGER. I modify my motion and move to dispense with private business for to-day.

The motion was agreed to; there being—ayes 89, noes 33.

WILLIAM P. CHAMBLISS.

The SPEAKER laid before the House the bill (H. R. 68) for the relief of William P. Chambliss, returned from the Senate with a message that the Senate had insisted on its amendm ents and asked a conference with the House thereon.

Mr. STEELE. I move that the House insist on its disagreement to the amendments of the Senate, and agree to the conference asked by that body.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. MATSON. I ask unanimous consent that the evening session fixed by order of the House for this evening be postponed until to-morrow evening.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the session ordered for this evening be postponed until to-morrow evening, at which time a session be held beginning at 8 o'clock for the consideration, as the Chair understands, of business designated by the standing order with reference to Friday night sessions. Is there objection? The Chair hears none.

Mr. HOLMAN. I ask unanimous consent that to-night be set apart for the consideration of the legislative appropriation bill under the conditions already named.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a session be held this evening, beginning at 8 o'clock, and not to continue beyond 11 o'clock, for the consideration of the legislative appropriation bill, no provision of the bill to be disposed of to which objection is made. Is there objection? The Chair hears none.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. COBB, as a privileged report from the Committee on the Public Lands, reported back with the amendments of the Senate the bill (H. R. 453) to forfeit lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

The amendments of the Senate were read, as follows:

In line 1, after the word "way," insert "and the right, power, and authority given to said company to take from the public lands adjacent to the line of said road material of earth, stone, timber, &c., for the construction thereof, including all necessary grounds for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water stations."

Strike out all after "domain," in line 14, down to and including "act," in line 21.

The SPEAKER. What is the recommendation of the committee?

Mr. COBB. The committee recommend concurrence in the amendments of the Senate.

Mr. McRAE. Concurrence in these amendments is recommended by a majority of the committee, but with the understanding that the minority should have the right to be heard on the question. I have no objection to the consideration of the amendments now; but there are some observations which I desire to make on the question which will occupy some little time. If the House desires to take up this matter now, I am prepared to go on.

Mr. HOLMAN. Will not my colleague [Mr. COBB] consent that this bill be passed over till Monday?

Mr. COBB. Under the act of 1871 this railroad company is entitled to all lands conterminous with the road so far as completed at the time of forfeiture. Therefore every mile of road which they may complete before the passage of this act will give them that much more land. That is the only objection, so far as I know, to postponing the consideration of the matter.

Mr. HOLMAN. It will be the loss of only one legislative day.

Mr. McRAE. It is impossible to consider this question in ten or fifteen minutes. The question is an important one, involving a large grant of land. While this is entitled a bill to forfeit lands granted to this company, I regard it as simply confirming to this company nearly all of this grant of 16,000,000 acres of land.

Mr. COBB. Well, Mr. Speaker, the gentleman was heard on that question before the House when this bill was under consideration. He then moved an amendment to forfeit all the lands, which the House held could not be done under the act of 1871; and as a legal proposition I have no doubt that is correct. The act of 1871, which gave this corporation the right to mortgage its lands to procure money to build the road, provided that the mortgagees should have a lien upon all the lands conterminous with the road so far as completed at the time of forfeiture. Therefore, I take it we are estopped by that legislation from the unqualified forfeiture which the gentleman advocated; and the House has so held on two several occasions.

At the last Congress it was so held, and it was so held on the passage of the bill at this session of Congress. The gentleman insists that we can forfeit the lands. The House has already decided that question, and I presume the House will not disturb its decision on that subject. We passed the bill with that one important amendment, as I regard it, and that is to give this corporation the right to take material to build the road from the public lands adjoining the line of the road.

Mr. McRAE. It has that already by general statute. To strike out the proviso in the bill as it passed the House is the important and dangerous amendment and is the one you refer to.

Mr. COBB. Which is that? In regard to the homestead law?

Mr. McRAE. No; the one reserving the right of the United States in lands not forfeited. When you strike that amendment out you concede to the railroad company everything they ask. It amounts to nothing less than an act of confirmation, and you can not raise in court, in Congress, or anywhere else any question on the act of the 20th of April, 1871.

I say, too, Mr. Speaker, that the report of the committee does sustain the position I take on the act of the 20th of April, 1871. The majority of the committee, although they recommend concurrence here in that report, have decided that we have the power to make this forfeiture. And I hold, and shall insist, and ask to be heard in the discussion of this amendment, that we have the power and ought to exercise it, declaring the forfeiture of the lands not patented to this company.

Mr. COBB. The gentleman is mistaken.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I understood this matter was to be postponed until after the pending appropriation bill in the Committee of the Whole House on the state of the Union was disposed of. I thought the gentleman from Arkansas [Mr. McRAE] asked that it be not taken up today.

Mr. McRAE. No; I do not insist on it, but I am ready to go on now, so far as I am concerned. They will not build much road between this and next Monday. If it be the desire to go on with the bill now, I am ready.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] made a request, but there was no agreement.

Mr. SPRINGER. I suggest the further consideration of the subject be postponed until Wednesday next.

Mr. McRAE. I do not object to that.

Mr. COBB. I can say this to the House, that I know my colleague [Mr. HOLMAN] desires to get the legislative, executive, and judicial appropriation bill out of the Committee of the Whole House on the state of the Union as early as possible. If this bill is going to take up considerable time I will not insist on going on with it until after that appropriation bill is disposed of.

The SPEAKER. What motion does the gentleman wish to make to the House?

Mr. COBB. I move that it go over until Monday next.

There was no objection, and it was ordered accordingly.

MORNING HOUR DISPENSED WITH.

Mr. SPRINGER. I move to dispense with the morning hour for the call of committees for reports.

Mr. DUNN. I wish to make a statement just in that connection.

Mr. WADE rose.

The SPEAKER. Is there objection to the motion made by the gentleman from Illinois [Mr. SPRINGER]?

There was no objection, and it was ordered accordingly, two-thirds voting in favor thereof.

HELENA, ARK.

Mr. DUNN. I ask, by unanimous consent, that the gentleman from Missouri [Mr. WADE] be permitted to make the report which he was prevented from doing yesterday.

Mr. SPRINGER. I do not object, if there be unanimous consent.

Mr. DUNN. It would have been made yesterday, but a paper happened to be out of place.

The SPEAKER. The Chair hears no objection, and the report will be received.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 74, a bill (H. R. 9376) for the erection of a public building at Helena, Ark.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PRIVATE BUSINESS.

Mr. SPRINGER. I move, by unanimous consent, the adoption of the following order.

The Clerk read as follows:

That on Wednesday next the House shall at 5 o'clock p. m. take a recess until 8 o'clock p. m., the evening session to be devoted to business on the Private Calendar to which there may be no objection.

Mr. BURROWS. I ask my friend from Illinois to so modify his order as that the evening session will be closed at some reasonable hour.

Mr. SPRINGER. I will modify it so that the evening session shall be closed at 11 o'clock p. m.

There was no objection, and the order as modified was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the legislative, &c., appropriation bill.

The SPEAKER. What action will the House take as to the bill coming over from last Friday, "a bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes?"

Mr. OATES. Representing this bill, I shall consent to its postponement until after the bill in charge of the gentleman from Indiana is disposed of.

The SPEAKER. That would be too indefinite; the gentleman should name some day.

Mr. SPRINGER. I suggest that it be postponed until next Friday.

Mr. OATES. Then, with the understanding that the vote shall be taken next Friday, I move the postponement heretofore made be continued until next Friday morning.

The motion was agreed to, and it was ordered accordingly.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the legislative, &c., appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BLOUNT in the chair), and resumed the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the legislative, executive, and judicial appropriation bill. The Clerk will read the pending section.

Mr. THROCKMORTON. I propose to amend the paragraph under consideration when the House adjourned on yesterday. In line 243, after the word "dollars," I move to strike out all down to and including the word "affairs," in line 247; and after the word "pensions," in line 248, strike out all the rest of the paragraph down to and including line 256.

I understood on yesterday from the gentleman in charge of this bill that there had been legislation which instructed the committee to make these clerks of the several committees which this amendment proposes to strike out annual, at $2,000 each.

It will be seen that this amendment proposes to strike out the clerk to the Committees on Agriculture, Claims, Commerce, District of Columbia, Foreign Affairs, Indian Affairs, Judiciary, Military Affairs, Naval Affairs, Public Lands, Rivers and Harbors, War Claims, Post-Office and Post-Roads, Public Buildings and Grounds, and the assistant

clerk to the Committee on War Claims. I see no reason why the House should not adopt the amendment. It may be, sir, that the Committee on War Claims ought to have an annual clerk; I am not sufficiently acquainted with the business of the committee to determine that question, but there is no reason why the Committee on Agriculture, the Committee on Indian Affairs, on the Post-Office and Post-Roads, on Military Affairs, and on Naval Affairs should have an annual clerk.

I think it is too apparent to the House to need any argument that we should not branch off in this kind of extravagance when there is no sort of necessity for it. The clerks of these several committees have no business to transact during the vacation, and if they draw $6 a day during the session of Congress it is ample compensation for the duties they perform; unless it be, as I have said, the War Claims Committee, and it may be that the assistant clerk to the Committee on War Claims should be allowed.

I hope the amendment will be adopted.

Mr. HOLMAN. I wish to correct an inaccuracy of statement I made on yesterday. I said that these clerks were covered by resolution of the House. That is only true as to the clerks to the Committee on the Post-Office and Post-Roads and the Committee on Public Buildings and Grounds. The others have been provided for by prior resolutions or by the action of the House.

These are the only two who have been appointed by the action of the House this session, and that is the only change I desire to make in the statement; the only difference being that my statement was broad enough to embrace all of these clerks, whereas it should have embraced but the two.

Mr. COBB. As to this amendment, it proposes to strike out the clerkship to the Public Lands Committee. Being a member of that committee, I desire to have a word to say upon that point.

The general law, as I understand it, provides for a clerk of the Committee on the Public Lands and his salary is fixed. Now I insist that the amendment, so far as that is concerned, is not in order. I will read the language of the statute upon the subject——

Mr. THROCKMORTON. I will except from the operation of the amendment the clerk of the Committee on the Public Lands. I did not understand that it was an annual clerkship.

Mr. COBB. Then I understand the gentleman excepts the Committee on the Public Lands?

Mr. HOLMAN. It has had a permanent clerk for many years.

Mr. HERBERT. I make a point of order as to the clerk of the Committee on Naval Affairs, and I understand that is also provided by law.

Mr. HOLMAN. I think not.

The CHAIRMAN. The amendment as modified will be again reported.

The amendment was again read.

The question being taken, on a division there were—ayes 31, noes 55.

Mr. THROCKMORTON. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. THROCKMORTON and Mr. HOLMAN were appointed tellers.

The committee again divided; and the tellers reported—ayes 34, noes 93.

So (no further count being demanded) the amendment was rejected.

Mr. COBB. I desire to call attention, Mr. Chairman, to the appropriation for the clerk to the Committee on the Public Lands. This bill proposes to give him $2,000. Under the statute the pay of the clerk of the Committee on the Public Lands is fixed at $2,484 a year. I make the point of order that this is new legislation, and I suggest that the bill be amended to conform to the law.

The CHAIRMAN. Will the gentleman send the statute to which he refers to the Chair?

Mr. COBB. Certainly.

The CHAIRMAN. The Chair desires to state, upon an examination of this statute, that it was repealed by the act of 1873.

Mr. COBB. I was not aware of that.

The CHAIRMAN. The Chair may be mistaken as to the exact date of the repeal.

Mr. COBB. It must have been since 1878.

Mr. HOLMAN. The statute to which the gentleman refers was the act of 1872, which was repealed in 1873.

The CHAIRMAN. While the Chair may be mistaken as to the date, the Chair is clear in his mind that the statute has been repealed by subsequent action. The Clerk will read.

The Clerk read as follows:

For 31 clerks to committees, at $6 per day during the session, $22,506.

Mr. CANNON. In line 258, I move to strike out "one" and insert "four;" so that it will read "for 34 clerks to committees," &c.

Mr. MORRISON addressed the Chair.

Mr. CANNON. I desire to say a word about the amendment I have offered.

Mr. MORRISON. I desire to be heard before we pass from the other paragraph.

The CHAIRMAN. We have passed from the other paragraph.

Mr. MORRISON. The gentleman from Indiana [Mr. COBB] was still on the floor when the Clerk commenced reading; and I had a suggestion to make before we passed from the previous paragraph.

The CHAIRMAN. The recollection of the Chair is that the gentleman from Indiana [Mr. COBB] raised a question of order, and cited the statute. The Chair has ruled on the question of order, and stated that the statute to which the gentleman referred has been repealed.

Mr. MORRISON. Very well; I will say what I have to say after my colleague [Mr. CANNON] has been heard.

Mr. CANNON. I want to say a word about this amendment. At this session of Congress the House has increased the clerkships of committees by adding five to them. By another resolution it has made two of those clerks annual clerks, leaving three session committee clerks not appropriated for in this clause. If they are not appropriated for, then their salaries will be payable from the contingent fund; but there is no increase in the contingent fund; on the contrary, there is a decrease, so that there will be a deficiency next year to pay these committee clerks. I do not know what object the gentleman from Indiana [Mr. HOLMAN] had in failing to recommend the appropriation for the full number of clerks that are now being employed. I think the amendment ought to be adopted.

Mr. MORRISON. By way of reply to my colleague [Mr. CANNON] I will say what I intended to say on the previous paragraph. I do not and did not intend to make any motion, but to call the attention of the gentleman from Indiana to a matter on which he can exercise himself in the interest of economy. There are numerous appropriations not fixed or limited by law but left to the legislative discretion—places where both the number and the pay of officers may be reduced. In these neither the rules nor the law restrain the economical tendency of anybody. By way of illustration, the gentleman from Indiana [Mr. HOLMAN] incorporated or copied in his remarks yesterday a table showing the effect of a strict enforcement of the rules of the House. His tables show that if the rules were enforced strictly and we were required to appropriate the full amounts fixed by law and forbidden to appropriate any increases over the amounts the law now authorizes it would make a difference of about $39,000 in this bill. This, he says, would be the cost of obedience to the new, and to him the objectionable, rules as applied to this bill.

The gentleman tells us, no doubt correctly, that the reduction made in the bill, as compared with the corresponding bill of last year, is $800,000; so that an enforcement of the rule about which he is complaining, which prevented him from making the necessary reduction, would affect or relate to $40,000 out of $800,000 according to his showing. I am glad to know that if even his apprehensions were justified, as they are not, the cost would not exceed $40,000.

What I desired more especially to call to the attention of the gentleman from Indiana was that in this paragraph from which we have now passed he has made a mistake I presume in allowing to the assistant clerk of his own committee $1,600, which is $400 more than is allowed any other committee having an assistant clerk. There was no law, no rule of the House, nor of propriety, nor point of order, nor anything else preventing him from making the necessary reduction if he saw fit to make it. A motion from him would, I doubt not, have received an almost unanimous vote.

Mr. HOLMAN. As to the matter my friend from Illinois has last referred to, he would have shown his usual fairness—and I always listen to him with satisfaction—if he had said that we took the amount of the appropriation for this employé from the present law. It has been the law for several years. It is not a new provision. We are simply appropriating what has been appropriated for that employé heretofore.

Mr. MORRISON. Yes, an excessive and extravagant abuse which you have been continuing from year to year.

Mr. HOLMAN. Touching the other matter to which the gentleman referred, I stated distinctly yesterday, but do not seem to have been heard by my friend, that the examination was but partial; that as far as the hasty examination in the few hours allowed went there were one hundred and thirty-eight officers whose salaries had been reduced by appropriation bills within the last ten years containing the clause that the sum appropriated should be received in full compensation. I do not indulge the slightest hope that that list embraces any large per cent. of the number of officers affected by this provision. Nothing but a more searching examination will tell how far-reaching the effect will be if this bill shall become law, leaving all of the employés whose salaries have been reduced within the last ten years unaffected, with the right to go into a court to recover whatever difference there may be between the amount appropriated and the amount of the salary as fixed by law. But I indulge the hope and belief that before this bill shall come to be a law my friend from Illinois [Mr. MORRISON] will cordially co-operate with the Committee on Appropriations to save the Treasury from the drain that this ruling—necessary, perhaps—would impose upon us.

Mr. REED, of Maine, addressed the Chair.

Mr. MORRISON. I ask to be allowed a single moment in reply to what the gentleman from Indiana [Mr. HOLMAN] has just said. I want to say to the gentleman he shall have my cordial co-operation, and I had just indicated to him where I could co-operate with him in making a small reduction in a matter very near to himself—as near as his own

committee, where he justifies unreasonable compensation because it is only continuing an old abuse.

Mr. HOLMAN. I am perfectly willing the gentleman should go back in the bill.

Mr. MORRISON. I do not want to go back to outdo you in a matter so appropriate for you.

Mr. HOLMAN. I suggest to the gentleman to do so, and no point of order will be made.

Mr. MORRISON. The gentleman from Indiana says this $1,600 was in the bill before. That is true. But he has been here two or three days trying to convince us that he was prevented from making reductions by the rules, and I have indicated where he could make one reduction, if not a very important one, and where the rules did not restrain him.

Mr. HOLMAN. Is my friend quite certain that that salary should be reduced?

Mr. MORRISON. Do you think it ought to be continued at $1,600? That is $400 more than you allow any assistant clerk except yours.

Mr. RANDALL. I think it ought.

Mr. MORRISON. I am not asking you. You are not an economist up to the standard of the gentleman from Indiana. [Laughter.]

Mr. HOLMAN. Let me answer the gentleman. I have said so often that all our salaries are greatly above what they should be that it is hardly necessary for me to repeat it now. The gentleman can make no motion for the reduction of any salary that shall not have my cordial support and co-operation.

Mr. REED, of Maine. Does the gentleman mean to say that he would vote to reduce the salary of an Indiana official? [Laughter.]

Mr. HOLMAN. Yes, sir; with great willingness, if it was proper.

Mr. MORRISON. The gentleman from Indiana says that there are hidden away in this bill numerous reductions which have not come to the surface in the statement I produced here yesterday, which I obtained through the courtesy of the clerk and which turns out to be a copy of the table or statement to be found in the remarks of the gentleman from Indiana made yesterday.

Mr. HOLMAN. Why do you not use my very words, or something near them?

Mr. MORRISON. Well, the gentleman uses so many words and such elegant words, that I can not use them all. [Laughter.] I have already said, Mr. Chairman, that the paper I produced yesterday was furnished me by the clerk of the gentleman's own committee, and no doubt it shows the reduction correctly, because the gentleman from Pennsylvania [Mr. RANDALL] tells us that this clerk of the Appropriations Committee who furnished the information ought not merely to have the salary of $3,000 a year which he now receives, and which is $500 more than any other clerk receives, but that he would be willing to give him $5,000 a year in his own business. I presume, therefore, that the statement is entirely correct, except that a few increases may have been overlooked. I know of one increase that is not noticed. I do not know whether any reductions have escaped him or not, but I have no doubt that the statement is substantially correct, as correct as he could make it.

Mr. ADAMS, of Illinois. Mr. Chairman, I move to amend the amendment of my colleague [Mr. CANNON] by striking out "one" and inserting "four."

In listening to this talk, which is in itself very interesting and instructive, the merit of the amendment of my colleague is liable to be overlooked. I insist that we ought to have a session clerk for every committee that we constitute. For the last three sessions of Congress I have had the honor and the misfortune to serve upon the Committee on Accounts. At every session there have come before that committee propositions to pay additional clerks out of the contingent fund, clerks not provided for in the annual appropriation bill. That is work which should not be put upon the Committee on Accounts. This House knows that every committee it constitutes ought to have a clerk. That, I believe, is the public sentiment of the House, and therefore I hope that the amendment of my colleague increasing the number of clerks from thirty-one to thirty-four will prevail. I withdraw my formal amendment.

Mr. CANNON. Mr. Chairman, let me say in connection with what my colleague has just said that my amendment does not increase the present number of clerks. It only appropriates for the number provided for by the resolutions of the House.

Mr. ADAMS, of Illinois. Then it simply comes nearer to what should be done?

Mr. HOLMAN. Mr. Chairman, I trust there will be no increase. The number in the bill is as large as the number provided for by the existing law and we are paying two permanent clerks in addition. I trust that every gentleman on this floor understands that the number of clerks provided for by this bill is more than is necessary.

Mr. CANNON. I ask the gentleman from Indiana [Mr. HOLMAN] if it is not true that there are now three more clerks in the service of committees of the House than are appropriated for here?

Mr. HOLMAN. That may be the case, but, as the gentleman knows, the number is too large.

Mr. REED, of Maine. I hope the gentleman from Indiana will be frank with the House and tell us what the fact is. Are we appropriating here for three clerks less than the number actually in the service?

Mr. HOLMAN. The gentleman from Illinois [Mr. CANNON] is of course correct in his statement. There is no question about that; but I am adding the fact——

Mr. DUNN. Do you name these clerks that are not appropriated for?

Mr. HOLMAN. We do not name them. That matter is left to the Committee on Accounts.

Mr. DUNN. But what clerk is to lose his salary?

Mr. HOLMAN. That matter will be determined by the Committee on Accounts.

Mr. DUNN. What committees have we heretofore authorized to employ clerks?

Mr. HOLMAN. Oh, nearly all the committees of the House. The number ought to be reduced one-half.

Mr. DUNN. But this is not the place to do it.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON]. The Clerk will report the amendment.

The Clerk read as follows:

In line 258 strike out "one" and insert "four;" making it read "thirty-four clerks to committees," &c.

Mr. GIBSON, of West Virginia. As I understand, this is an attempt on the part of the Committee on Appropriations to nullify the resolutions passed in each case by this House.

A MEMBER. The amendment does not do that.

Mr. GIBSON, of West Virginia. So I understand. But this bill as reported is an attempt on the part of the committee to nullify the various resolutions by which the House authorized clerks for these several committees. It is admitted here that the House has by resolutions appointed more session clerks than the Appropriation Committee proposes to provide for in this bill. Now what is to be done with these clerks for whom the bill does not provide?

Mr. HOLMAN. The gentleman will allow me to say that the provision here is for session clerks; but we do not determine whether a clerk shall be assigned or not to any particular committee. That is done through the action of the Committee on Accounts. This bill provides for exactly the number authorized by law.

Mr. GIBSON, of West Virginia. But, Mr. Chairman, after the House has passed upon the propriety of giving session clerks to these committees, are we to go over this fight session after session? I think the House ought to respect itself; it ought to respect its own resolutions; and we ought to require this Committee on Appropriations to respect the resolutions of the House. I do hope that the amendment of the gentleman from Illinois [Mr. CANNON] providing for these three clerks whom the bill does not provide for will be adopted.

Mr. SPRINGER. I do not agree with the gentleman from West Virginia [Mr. GIBSON] that because there are a certain number of clerks of committees during this long session we must have the same number during the short session of the ensuing fiscal year. There is a great deal more business in committees at the first session of a Congress than at the second. I will give an illustration. The Committee on Claims has been allowed two clerks; one was an annual clerk, the other was by special resolution allowed for this session only. We have made no objection to this limitation upon the employment of this second clerk, because the business of our committee will be much lighter at the next session than it has been at this, so that we can then get along with one clerk. Other clerks that were authorized for this session were authorized with the understanding that they would not be needed at the next session.

The truth is, as my friend from Indiana [Mr. HOLMAN] has said, that we have too many of these clerks already; and there should be a large reduction instead of any increase. At the beginning of this Congress I proposed an amendment to the rules which would have dispensed with various unimportant committees, reducing the committees to twenty-one and the number of committee clerks to sixteen.

Mr. GIBSON, of West Virginia. But the House refused to adopt that proposition.

Mr. SPRINGER. The House refused to adopt it; but the course of business here has shown that the House then made a mistake; and I hope it will not continue this mistake any longer.

Mr. CANNON. Will my friend allow me a single question? He says there are sixteen too many clerks. Now, will my friend move to reduce these thirty-one clerks by dispensing with sixteen?

Mr. SPRINGER. No, sir.

Mr. CANNON. Why not?

Mr. SPRINGER. The gentleman misunderstood me. I said there were too many committees; and if we would reduce the number of committees the number of clerks would be reduced. I maintain that a committee which has no clerk is useless and ought to be abolished. I wanted first to abolish the unnecessary committees, and the reduction of clerks would have followed as a matter of course.

Mr. CANNON. Then it was mere profession in which the gentleman was indulging.

Mr. JOHNSTON, of Indiana. This item in lines 258 to 260 applies,

as I understand, to clerks of committees not specified in the preceding paragraph. Now, I want to inquire of my colleague [Mr. HOLMAN] whether this is intended to embrace the clerks of all the committees of the House.

Mr. HOLMAN. All the session clerks. It is only the session clerks who are paid out of this fund.

Mr. JOHNSTON, of Indiana. This, then, will require the payment of a clerk whether there has been a meeting of his committee or not.

Mr. HOLMAN. My colleague is mistaken. These clerks are assigned at each session through the action of the Committee on Accounts; and if we can get rid of a part of these clerks so much the better. The question is not now, however, as to how the thirty-one clerks are to be employed, but my friend from Illinois [Mr. CANNON] wants to increase the number of the clerks here provided for to thirty-four.

Mr. JOHNSTON, of Indiana. Before this question is voted on I want to say that to my knowledge there are committees of this House having clerks which committees have not had a business meeting during the session.

Mr. FELTON. Were the clerks authorized by resolution of the House?

Mr. JOHNSTON, of Indiana. I suppose so. Before we provide that these clerks shall be paid it is right the House should understand that there are committees that have clerks who are performing the duties of private secretaries to the chairmen of the committees, while there has not been a meeting of the committee since this Congress met. I mean a business meeting. Apart from the organization of the committee and the appointment of the clerk, there has not been a meeting of the committee since.

A MEMBER. Name any such committee.

Mr. JOHNSTON, of Indiana. The Committee on Expenditures in the Treasury Department is one.

Before this vote is taken I want the House to understand that the chairmen of these committees have never called their committees together except when they were called together to organize and when the clerk was appointed. They notified the committee that they would give them notice when they wanted a meeting; and they have not met since that time.

Mr. FELTON. Now, who do they act for as private secretaries?

Mr. JOHNSTON, of Indiana, Why, for the chairmen of the committees.

Mr. FELTON. Very well, let that be known.

The CHAIRMAN. The gentleman's time has expired.

The question recurred on Mr. CANNON'S amendment.

The committee divided; and there were—ayes 40, noes 63.

So the amendment was rejected.

The Clerk read as follows:

Office of Doorkeeper: For Doorkeeper, $3,000; and for hire of horses, feed, repair of wagon and harness, $1,100; assistant doorkeeper (George A. Bacon), to be employed in the document-room, $2,000; clerk for Doorkeeper, $1,200; janitor, $1,200; superintendent of the folding-room, $2,000; three clerks in the folding-room, one at $1,800 and two at $1,200 each; superintendent of the document-room, $2,000; chief assistant in the document-room, at $2,000; document file-clerk, $1,400; assistant document file-clerk, under resolution of December 19, 1881, $1,314; fourteen messengers on the soldiers' roll, under the control of the Doorkeeper, at $1,200 each; nine messengers, including messenger to the reporters' gallery, at $1,200 each; nine messengers, at $1,000 each; seven laborers, at $720 each; ten laborers, during the session, at $60 per month each; one laborer, at $600; for the two laborers now in charge of water-closet, at $720 each; six laborers in charge of cleaning the Hall of the House, known as "cloak-room men," at $50 per month, during the session; for the two "cloak-room men" now longest in the service of the House, at $600 each; for one female attendant in ladies' retiring room, $600; two messengers, during the session, at $67 per month each; for one employé (John T. Chancey), $1,500; one Department messenger (C. W. Coombs), $2,000; for labor in folding books, speeches, and pamphlets: one foreman, $1,500; one messenger, $1,200; one folder in the sealing-room, $1,200; one page, $500; one laborer, $400; ten folders, at $900 each; five folders, at $840 each; three folders, during the session, at $67 per month each; and fifteen folders, at $720 each; two chief pages (A. H. Pickens and H. T. Lyle), at $900 each; and for thirty-three pages, during the session, including two riding pages, one telephone page, and one telegraph page, at $2.50 per day each; rent of additional folding-room, $1,000; one night watchman, $900; one driver, $600; in all, $118,416.50.

Mr. GIBSON, of West Virginia. Mr. Chairman, I rise for the purpose of making several points of order on this paragraph of the bill. The House will bear in mind that this paragraph undertakes to deal with the employés of the Doorkeeper, who under the rules of the House has the appointment and control of his own employés and subordinates. Now this committee, not willing the Doorkeeper shall have the right or be responsible for the appointment of his subordinates under the rules of the House, by this paragraph undertakes to make itself the appointing power of the House.

Mr. WARNER, of Ohio. Mr. Chairman, what is the point of order? The gentleman has not stated it.

The CHAIRMAN. The gentleman has not concluded.

Mr. WARNER, of Ohio. No point of order has as yet been made by the gentleman from West Virginia. He is debating the question and not stating any point of order.

Mr. GIBSON, of West Virginia. I am making my point of order, I think, as clear as it can be stated to the House.

Mr. STORM. It should be stated and not debated.

Mr. GIBSON, of West Virginia. I am stating my point of order in my own way. If other gentlemen desire to make them in their way they can do so when I have concluded.

Mr. WARNER, of Ohio. If no point of order is made, and discussion is allowed to proceed, then under the ruling made by the Chair yesterday we would be cut off, and that is the reason why I called attention to the fact that the gentleman from West Virginia had not stated his point of order.

The CHAIRMAN. The Chair understood the gentleman from West Virginia raised the point of order this was a provision in the bill in violation of the rules of the House taking from the Doorkeeper the power to appoint his own subordinates.

Mr. GIBSON, of West Virginia. I thought, Mr. Chairman, I was making my point of order clear enough to be understood by anybody. I was going on to say that in this paragraph the rules of the House are being violated by this committee in making appropriation to carry on the business of the House.

Mr. WARNER, of Ohio. In what respect?

Mr. GIBSON, of West Virginia. I call the attention of the Chair to the fact that in this paragraph there is a violation of the rules in this respect: "Assistant doorkeeper (George A. Bacon), to be employed in the document-room." They not only appropriate for this assistant doorkeeper, but specify that George A. Bacon shall be this assistant doorkeeper.

Mr. BAYNE. What rule is violated?

Mr. GIBSON, of West Virginia. Why, sir, the rule giving the Doorkeeper the right to appoint his own subordinates. It is also a violation of the rules of the House by being legislation on appropriation bills.

Mr. BAYNE. No.

Mr. GIBSON, of West Virginia. Yes; it is a violation of the rules of the House.

Mr. STORM. It is according to a resolution of the House.

Mr. GIBSON, of West Virginia. He is one of the assistant doorkeepers of the House, and the Doorkeeper has a right to appoint his own subordinates. Here an assistant doorkeeper is not only appointed and the salary fixed, but George A. Bacon is appointed to fill the place.

Mr. TOWNSHEND. Let me correct you.

Mr. GIBSON, of West Virginia. Let me go on and state my point of order.

Mr. BAYNE. This place has been provided for by resolution of the House itself.

Mr. TOWNSHEND. I hope the gentleman will yield to me.

The CHAIRMAN. The gentleman from West Virginia declines to yield.

Mr. GIBSON, of West Virginia. For what purpose?

Mr. TOWNSHEND. To correct him.

Mr. GIBSON, of West Virginia. Certainly.

Mr. TOWNSHEND. This assistant doorkeeper is placed on the roll by name under a resolution of the House, and he is not under the control of the Doorkeeper.

Mr. HENDERSON, of Iowa. He is therefore in the appropriation bill here under existing law.

Mr. GIBSON, of West Virginia. That does not correct this bill, whatever was done before; this is a bad precedent and should not be followed.

But let us go further. In another part of the paragraph there is a provision for the appointment of two laborers. It not only provides for the two laborers in charge of the water-closet, but it specifies they shall be the two laborers now in charge of the water-closet. Why should the committee undertake to go into the water-closet and nose around and take away from the Doorkeeper the power which the rules of the House give him to appoint his own subordinates?

Not only that, but they go further. They go into the cloak-room and undertake to provide for "two cloak-room men now longest in the service of the House." They go still further, and in line 302 provide "for one employé (John T. Chancey)." And in line 304 "one Department messenger (C. W. Coombs)."

Mr. EZRA B. TAYLOR. Will the gentleman allow a suggestion?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. EZRA B. TAYLOR. Mr. Chancey is appointed here by law, by name.

Mr. RYAN. By a resolution of the House.

Mr. EZRA B. TAYLOR. By a law of the last House, permanently; and he can not be removed without the action of the House.

Mr. GIBSON, of West Virginia. I understand all that; but it does not alter the proposition I make. The Appropriations Committee has no right, in making a general appropriation for the employés of the House, to make it for them by name specifically.

Mr. BROWN, of Pennsylvania. The truth is, then, the Doorkeeper's power is higher than the power of the House. Is that it?

Mr. GIBSON, of West Virginia. No, sir.

Again, on line 314, the two chief pages are named, Pickens and Lyle, in this bill. Now, Mr. Chairman, I submit that, these men having been employed by a rule of the House, does not affect the point of order I make, that the Appropriations Committee in making its appropriation have no right to make specific assignments to these particular places by name. These men hold a general public office. They have been ap-

pointed by a rule of the House. They are holding a general office, and they get their pay under a general appropriation bill. They should not be named here. The others are all mentioned generally, and to name here one or two, I hold, is entirely contrary to the spirit of the rule.

Mr. BAYNE. What rule is violated?

Mr. BROWNE, of Indiana. The rule that you should turn the rascals out. [Laughter.]

Mr. BAYNE. I ask what rule of the House is violated?

Mr. GIBSON, of West Virginia. The rule giving the Doorkeeper control of his subordinates.

Mr. BAYNE. What is the rule?

Mr. GIBSON, of West Virginia. Now, Mr. Chairman, a word further, not immediately in reference to this subject but to do justice to myself. On yesterday, during the debate and in the heat of it, I was led to make a not very courteous or called-for answer to the gentleman from Iowa [Mr. HENDERSON], and I desire to make him now the amplest apology for it.

Mr. TOWNSHEND. Mr. Chairman, in the first place the gentleman from West Virginia is mistaken in supposing that the Committee on Appropriations is seeking to make appointments for this House. The Committee on Appropriations has no such power either by inserting in the bill the name of the party to be paid or otherwise. The committee can do no more than merely suggest the name to the House, and it is for the House to say whether it shall be retained in the bill and the party appointed or not.

Mr. GIBSON, of West Virginia. What right has the Committee on Appropriations to suggest the name of an officer of the House?

Mr. TOWNSHEND. If the gentleman will wait until I get through I think he will see the force of the point I make.

The gentleman is arguing in favor of the one-man power. I am contending for the power of the House against the one-man power. He wants to lodge in the hands of the Doorkeeper alone the power of saying whom we shall appoint to serve us here. The Committee on Appropriations wishes to put it in the power of the majority of the House to say whether they do not prefer John T. Chancey or George A. Bacon, instead of being governed alone by the action of the Doorkeeper; and the names of John T. Chancey and George A. Bacon were put in by resolution of the House for the purpose of taking these two appointments out of the hands and power of the Doorkeeper. How did they get here?

John T. Chancey was made an officer of this House by a resolution introduced in 1877 by Alexander H. Stephens, of Georgia. That resolution recites that he shall occupy that position, naming him, until otherwise ordered by the House. His name is on that roll under a continuing order of the House, and in my judgment he can not be removed except by the action of the House. It has to be done by a resolution of the House; and when the Committee on Appropriations was called upon to make provision for the position it was the duty of that committee to take notice of the mandate of the House that a certain sum should be appropriated for a man whose name had been embodied in the resolution—that is to say, John T. Chancey.

The case of George A. Bacon is identically the same. I will read the resolution under which he was appointed. It was introduced in 1881, having been offered by the gentleman from Illinois [Mr. HENDERSON].

This is the language:

Resolved, That George A. Bacon be authorized to act as second assistant doorkeeper of the House of Representatives, to receive the same pay as the present assistant doorkeeper of the House, until otherwise ordered.

He is there, sir, by order of the House, and will remain there until the House itself shall otherwise order.

Mr. OATES. Does the gentleman think that is of any binding force except upon the Congress that enacted it?

Mr. TOWNSHEND. I do, sir. If you will take the rules of the House you will discover that we have put in a provision declaring that these rules shall operate upon all succeeding Congresses until they are changed.

Mr. OATES. It would have no legal effect whatever.

Mr. TOWNSHEND. That question has been gone over time and again. In my judgment that resolution has the force and effect of law, for the reason that the Constitution has given the House the power to choose its own appointees, and it has exercised the power under the Constitution of determining how they shall be chosen. It is there then under the ordinary processes of law, which have been declared in manner and in effect in the rules, that the officers appointed by the House shall hold their offices until they have been succeeded by the action of the House itself.

Mr. KELLEY. Will the gentleman yield to me a moment?

Mr. GIBSON, of West Virginia. I wish the gentleman from Illinois to answer me a question. Will he point now to the resolution of this House appointing the present employés in the water-closet and the cloak-room?

Mr. TOWNSHEND. I am not discussing that now.

Mr. GIBSON, of West Virginia. I am making a point of order which is general in its character.

Mr. TOWNSHEND. I trust I may have the attention of the Chair, for I am addressing myself alone to his ear. No matter whether the ruling of the Chair hitherto upon these names be correct or not, no matter how it may be with reference to those whose names have been stricken out, I say the names of George A. Bacon and John T. Chancey stand on an entirely different footing. The names of the others have been inserted in the bill on the motion of the Committee on Appropriations. These names are here by mandate of the House of Representatives, and stand on an entirely different footing. That is the point I want distinctly to press on the mind of the Chair, that this is not to be governed by the principles governing the other names on the list.

A word or two as to the reason why these names are here.

Mr. GIBSON, of West Virginia. My motion does not affect John T. Chancey and George A. Bacon at all. It leaves them where they are, as employés of the House. It simply affects the Committee on Appropriations as to the manner in which they make the appropriations.

Mr. TOWNSHEND. If the gentleman from West Virgina makes no point of order on the names of George A. Bacon and John T. Chancey I have nothing to say, because my argument is addressed to this one point, that George A. Bacon and John T. Chancey stand on an entirely different footing from any others whose names appear in the appropriation bill. A word or two as to why these names appear here. John T. Chancey was appointed on the motion of the late Alexander H. Stephens, of Georgia. The object he had in view was—it was a Democratic House—to accommodate our Republican friends by furnishing them with an official who might attend them in their caucuses. It was regarded as a graceful act on the part of the Democratic party that we should concede to them the right to select one of their own party. Another reason was this, that John T. Chancey has been in the service of this House for years and years—I do not know how long.

Mr. KELLEY. Why, he has a prescriptive right. He was a venerable officer of the House when I came in in 1861. I have never heard a fault found with him, or heard that one had been found before I came into the House.

Mr. TOWNSHEND. I will say, in pursuance of what the gentleman from Pennsylvania has just said, that John T. Chancey has shown himself to be so efficient and so invaluable, in fact, to the members because of his long experience here and his long knowledge of such services as we need from a messenger, that those who are acquainted with him—and doubtless all are—know it would be very difficult to fill his place with any one. So that on account of his efficiency in the performance of those duties which we are needing every day and every hour in he day while the House is in session it was believed proper that the control of his appointment should be taken out of the hands of the Doorkeeper and lodged in the hands of the members of this House.

Now, why was George A. Bacon appointed? He was appointed in the Forty-seventh Congress, when our Republican friends got control of this House. George A. Bacon was a Democrat. He was a distinguished soldier in the Army, colonel of one of the Illinois regiments. He came here in the Forty-fourth Congress, I believe, mainly through the influence of my colleague, Colonel MORRISON. He came here and proved himself to be one of the most efficient men we have ever had in the document-room. There is not a man here that can step in and take his place. He is familiar with all the documents, reports, and resolutions there.

Mr. THROCKMORTON. I rise to a question of order. I submit the gentleman is not confining himself to a discussion of the point of order.

Mr. TOWNSHEND. I am doing so, as much so at least as any one who has preceded me in the discussion of the point of order, recognizing the efficiency of this man's services, also recognizing the fact that it was due to the Democratic minority of this House in the Forty-seventh Congress that they should have one officer who could attend their caucuses, our Republican friends did the same graceful act toward us that under the leadership of Alexander H. Stephens the Democratic House had done to them; and on the motion of my colleague [Mr. HENDERSON] George A. Bacon was under the then Republican administration of this House appointed a second assistant doorkeeper.

The office was created for him and for him alone, and if he should die or resign it was intended that the office should lapse. That was the intention and the purpose of this House.

Mr. LONG. Will the gentleman from Illinois give me two minutes that I may re-enforce his argument?

Mr. TOWNSHEND. I have said about all I wanted to say.

Mr. LONG. I wanted to re-enforce your argument.

Mr. TOWNSHEND. I yield to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I understand the only ground on which this point of order can be sustained, if at all, is that the Constitution provides that the House shall elect its own officers; and if the result of this is that we elect George A. Bacon as second assistant doorkeeper, then it is unconstitutional and subject to a point of order.

The presumption is that no committee will report and that no House will adopt an unconstitutional provision, and if there be any interpretation which we can put upon these words which is consistent with the Constitution they should have the benefit of the presumption in their

favor. Now, what is the clear purpose of putting in these names "George A. Bacon and John T. Chancey?" Recognizing the fact that the House will elect its own officers, by adopting this provision we simply suggest to the Doorkeeper that he appoint Mr. Bacon as second assistant doorkeeper and Mr. John T. Chancey as an employé. That is a fair and reasonable interpretation of the words; and if the other interpretation is an unconstitutional one the presumption is that it was not intended. Let us take it for granted that the Committee on Appropriations in putting in this provision intended it simply in the nature of a suggestion. The moment the House adopts this clause it becomes the action of the whole House, and the whole House suggests to the Doorkeeper that he retain these employés. That is a perfectly fair interpretation, and nothing more is meant.

Mr. MILLS rose and was recognized.

Mr. TOWNSHEND. I had not finished the point I was making when the gentleman from Massachusetts interposed.

The CHAIRMAN. The Chair does not regard debate on questions of order as indefinite.

Mr. TOWNSHEND. I just want to state one other point, and I will state it very briefly.

The CHAIRMAN. The gentleman will proceed, then.

Mr. MILLS. Did the Chair recognize me as entitled to the floor?

The CHAIRMAN. The Chair did recognize the gentleman from Texas, but the gentleman from Illinois said that he desired to state one other point, and the Chair suggested that the gentleman from Texas would allow him to do so, and would then follow him.

Mr. TOWNSHEND. Yesterday I understood the Chair to hold that the bill of the current year was in the nature of a law, and that therefore no change could be made in the law of the current year, or the bill making appropriations for the current year, without running counter to the rule which has been recently adopted. Now, in the bill of the current year the names of Mr. Chancey and Mr. Bacon do appear. Therefore, if the Committee on Appropriations had stricken out those names, as I understand the ruling of the Chair yesterday, the committee would have violated the rule which forbids any change of existing law.

Mr. MILLS. Mr. Chairman, the Constitution authorizes each House to select its own officers. The language of the Constitution in reference to the House of Representatives is that it shall choose its Speaker and other officers. It is contended that this is an act of legislation, because the Senate has to act upon it; but it seems to me that it is almost too late to make that point when we see in the very first chapter of the Revised Statutes a Doorkeeper, a Postmaster, messengers and clerks, and all the other officers of this House provided for by law.

I am satisfied that this House has the authority under the Constitution to antagonize this method of legislation and to select its own officers, because the Constitution is the supreme law of the land; but we have given our consent to this manner of selecting the officers of the House ever since the Government was organized, and to-day every officer of this House is selected by law. This House has a right to say to the Doorkeeper of the House, "While we select you as Doorkeeper of the House, we give our opinion that this man or that man should be retained in the service of the House." This House knows who are efficient officers——

Mr. MCMILLIN. But, if the gentleman will allow me, the point is that the House is not reserving its right to select these officers, because the Senate and the President also have a voice in it when it is done by legislation.

Mr. MILLS. What I have said is that we have been doing it that way for a hundred years. There have been officers provided for the House of Representatives by law ever since the Constitution went into operation, and it is too late now to make the point. Every officer of your House is appointed by law.

Mr. MCMILLIN. Appointed by name?

Mr. MILLS. The office is created by law.

Mr. MCMILLIN. The office is created, but the officer is not designated.

Mr. MILLS. That does not make any difference.

Mr. FINDLAY. I desire to ask the gentleman from Texas [Mr. MILLS] a question. Suppose Mr. Chancey should die, what would be the result?

Mr. MILLS. The power of the House is always in existence to appoint his successor.

Mr. FINDLAY. But we are appropriating here for a specific individual.

Mr. MILLS. The House can appoint another person whenever it pleases. In contemplation of law Congress is always in session, and, if it became necessary, by reason of the death of a subordinate, to call Congress together, the power is in the President to bring us here. It is too late now to make the point that the House abdicates its power of election by designating in this manner an officer whom it wants retained, and I hope the point of order will be overruled.

Mr. WARNER, of Ohio. Mr. Chairman, it will be conceded, I think, that the resolution of a former House does not bind this House. I think it will be conceded also that this House has the right to select any man for any place in its service, but by its rule it has prohibited itself from doing it in this way. No doubt this House has a right to appoint all the employés of the House instead of delegating that power to the Doorkeeper, but it can not do it on an appropriation bill. There is now no law requiring the appointment of these men. The argument of the gentleman from Massachusetts [Mr. LONG] that this is a mere suggestion that these men shall be retained is not, I think, sound.

If this bill passes with these clauses as reported, this money can go to nobody but the men here named. It is therefore a change of law.

I am making no argument against the appointment of Mr. Chancey or Mr. Coombs or anybody else; but under our rules as we adopted them (and I voted against them) this is certainly a violation of the rules, because involving a change of the law.

Mr. BAYNE. I ask the attention of the Chair to a single proposition. It seems to me that we are assuming a state of facts that does not exist. Mr. Chancey is now on the Doorkeeper's roll; but it would not vitiate this proposition if every other officer of the House who now holds an appointment were named, on the assumption that those men would hold during the next fiscal year. Mr. Chancey, under appointment by the Doorkeeper, is now on the list just as much as any other officer of the House, and to assume that his position is different from that of any other subordinate in the House is an assumption unwarranted by the facts.

Mr. LONG. It is to be remembered that this clause of the pending bill does not undertake to appoint John T. Chancey or George A. Bacon at all; it simply provides means for their payment.

Several MEMBERS. That is it.

Mr. WARNER, of Ohio. Can the money be paid to anybody else?

Mr. LONG. No matter whether it can be or not, the provision of the bill does not appoint the persons named and does not compel the Doorkeeper to appoint either of them. It simply provides money for their payment if they be appointed. It does not control the discretion of the Doorkeeper in the appointment.

Mr. GIBSON, of West Virginia. Let me call the attention of the gentleman——

The CHAIRMAN. The Chair thinks this discussion has continued for a reasonable time and is prepared to make his ruling.

Mr. GIBSON, of West Virginia. Before the Chair announces his decision I want it distinctly understood so that I may not be misrepresented, that I am not fighting at all these men who are here named. So far as concerns Mr. Chancey, I am ready to vote now for a resolution to continue him just where he has been. I have no desire to put him out or anybody else who is here named. My object is to prevent a breach of the rules of the House by any of its committees and to stop a bad practice.

I call attention again to the fact that my point embraces the name of "George J. Bacon," in line 274; also the clause in lines 294 and 295 "for the two laborers now in charge of the water-closet;" the clause in lines 298 and 299, "for the two cloak-room men longest in the service of the House;" the name of "John T. Chancey," in line 302; the name of "C. W. Coombs," in line 304, and "A. H. Pickens and H. T. Lyle," in line 314.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule on the question.

Mr. CANNON. I am perfectly content not to argue this question, because I conceive the Chair decided it yesterday when he held that in the absence of other law the appropriation for the present year is "law" within the meaning of the rule. Each one of these employés, the provision for whom the gentleman from West Virginia seeks to strike out on a point of order, is designated in the appropriation act for the present year just as in this bill.

Mr. MORRISON. I will not detain the committee more than a few moments. If the insertion of the name is new legislation, it has no place on this appropriation bill. If it is not new legislation, then these men are subordinates either of the Clerk or the Doorkeeper, and under the rules of the House we have given to those officers, until we change the rules, the appointment of their own subordinates.

As to the resolution to which my colleague [Mr. TOWNSHEND] refers, which appointed these men, why, sir, that was a resolution appointing them for that Congress.

Mr. TOWNSHEND. Oh, no; it says "until otherwise ordered."

Mr. MORRISON. "Until otherwise ordered" by that House, that Congress; it can have no effect beyond that, or on any other Congress.

Mr. REED, of Maine. No House can bind a future House.

Mr. MORRISON. Of course not; so far as I know nobody ever thought so but my colleague. [Laughter.]

Mr. TOWNSHEND. Then I wish to ask my colleague [Mr. MORRISON] why was the provision inserted in our rules that those rules should continue in force for successive Congresses until changed?

Mr. REED, of Maine. Because some past Congress did not know any better.

Mr. TOWNSHEND. Then the present Congress "did not know any better," because the present Committee on Rules reported the rules to this House with that clause included and this House so adopted them.

Mr. MORRISON. Well, an experienced interpreter of our rules—the gentleman from Pennsylvania [Mr. RANDALL]—with others of like experience, has said that that clause was put in because the rules

and practices of the House were the best exposition of the common law governing legislative assemblies.

Mr. TOWNSHEND. Well, that provision is in the rules.

Mr. MORRISON. Certainly, and I have stated why; but any House can undo what a former House did in the matter of making or unmaking rules.

Now, a little about the history of this transaction. No one thinks of Mr. Chancey, Republican, going off the rolls. How did he get on? As a matter of courtesy, when the Democrats got possession of the House they thought the opposite party should have an officer who could attend them in their caucuses and conventions. Then by some sort of misfortune in the Forty-seventh Congress things were turned around, and with equal courtesy my colleague [Mr. HENDERSON] proposed that Mr. George A. Bacon, Democrat, should go on the rolls. Then Mr. Chancey was kept on by the Doorkeeper.

Now, my two colleagues, Messrs. CANNON and TOWNSHEND, on the Committee on Appropriations, and by that sort of amicable arrangement—I do not wish to say by any improper arrangement, because my friend from Alabama [Mr. FORNEY] would get angry, but these two men put on by courtesy, one at one time and one at another, by convenient arrangement of this Appropriations Committee, have managed, both of them, to keep on the rolls contrary to the original purpose, which provided we should have one only, and he should belong to the minority side of the House.

That is the way we got these two assistant doorkeepers. The arrangement increased the officers of the House and added one assistant doorkeeper, because the Committee on Appropriations took upon itself the continuance of both.

In conclusion, Mr. Chairman, the resolution of the former House has no binding force on this, and I repeat, if inserting this name is new legislation it can not go on the appropriation bill. If the persons named are officers of the House they belong either to the Clerk or the Doorkeeper's department. Both are of course under the Doorkeeper, to be appointed by him. Then, of course, the rule—I forget the number, it has already been read, and provides that the Doorkeeper shall appoint his own subordinates and the Clerk shall appoint his own subordinates—forbids while the rule is in force any such change or appointment as is proposed.

[Here the hammer fell.]

The CHAIRMAN. The Chair is ready to rule, and he desires to say in the beginning he sees a difference between the designation of an officer in a former bill and the creation of an office itself and fixing the salary therefor. The Constitution gives to each House the right to select its own officers. The rules of this House prescribe the mode of choosing its officers here designated, to wit: The Doorkeeper shall designate his subordinates. It is done by virtue of the Constitution and has the full force of law, which will be disputed nowhere. Therefore the Chair thinks it is not in order to attempt on an appropriation bill to change a rule of this House.

There is a way of changing the rule, and only one, which is in order. Rule XVIII prescribes:

> No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individals and on the third Monday to committees, and during the last six days of a session.

The Chair thinks it is not in order in this way to change a rule of the House. It has been shown that Mr. Bacon, for instance, might be designated in this way by virtue of the following resolution adopted by the House in 1881:

> *Resolved*, That George A. Bacon be authorized to act as a second assistant doorkeeper of the House of Representatives, and to receive the same pay as the present assistant doorkeeper of the House, until further orders.

The Chair can not understand that in any other way than as it related to that House. It can not be believed the purpose of the resolution was to be perpetuated in other Houses in violation of the Constitution, providing each House should appoint its own officers.

The Chair, therefore, sustains the point of order on all portions of the pending paragraph against which it was made in designation of names of those who are to hold the positions for which appropriations are made.

Mr. BURNES. I desire to call the attention of the Chair to the fact that there is a marked difference and great distinction between the names alluded to. The name of Mr. Coombs is inserted.

Mr. GIBSON, of West Virginia. Mr. Coombs is in the bill.

Mr. BURNES. His name is inserted in this bill, and it is also in the current appropriation bill for this year pursuant to a resolution adopted by the House several years ago, during the Forty-seventh Congress.

The CHAIRMAN. The Chair will state that his ruling has been based on the information of all these facts and the right of the House to select its own officers by virtue of the Constitution; and under that power, having adopted a rule that subordinates of the Doorkeeper shall be designated by the Doorkeeper, it is not in order to insert it in an appropriation bill. The Chair has decided, and directs the Clerk to proceed.

Mr. BURNES. I must call the attention of the Chair for one moment to a fact I think which he has overlooked. If he will pardon me, I wish to call attention to the fact that Mr. Coombs is not an officer or appointee under the Doorkeeper. He is a messenger of this House, and the Doorkeeper has no control over him. He is not an officer the Doorkeeper has the right to appoint. He is appointed by the House; he is a messenger of the House, and does not come under the control of the Doorkeeper at all.

The CHAIRMAN. The Chair feels it is his duty, having decided the point of order, to direct the Clerk to proceed with the reading of the bill.

Mr. COBB. I desire to offer an amendment.

The CHAIRMAN. The gentleman will send it to the desk.

Mr. COBB. I will do so with pleasure. I have been trying to do so for an hour. [Laughter.]

The CHAIRMAN. Many gentlemen have been desirous of offering amendments, and the Chair could not recognize all at once.

The Clerk read as follows:

> Amend, by inserting after the word "dollars," in line 273, "first assistant doorkeeper, $2,000."

Mr. COBB. I desire to say that I presume the amendment will not be objected to, because this has evidently been left out of the bill by mistake.

Mr. MORRISON. I believe we can not go back. That has been passed.

Mr. COBB. We have had for seventeen years an assistant doorkeeper, and for the last ten years, to my knowledge, he has performed his duties well. Why it has been left out of the present bill I can not conceive, except possibly by a mistake, and I would like to hear some gentleman controlling the appropriation bill explain whether or not this is true.

But before I sit down I may be permitted to say that I have given this question all the legal research that I have been able to bestow upon it in the brief time at my disposal; and in my judgment this is fixed by a general law, a law which I find in the Revised Statutes, according to the best information I have been able to gather upon the subject this morning; and that is the present law of this House and of the land. That law provides for an assistant doorkeeper and fixes his salary; and whether that be so or not I offer this by way of amendment, so as to comply with the action of the House for seventeen years past. If it has been left out by the Appropriations Committee through a mistake or from any other cause, I am satisfied they will remedy the defect when their attention is called to it; for I insist it should be put upon the bill. It must have been omitted by an error. The present assistant doorkeeper should remain. Mr. Bacon is provided for as assistant doorkeeper by name.

Mr. MORRISON. The name has been stricken from the bill.

Mr. COBB. But it has been provided for two or three sessions of Congress heretofore; and the assistant doorkeeper, who is provided by law, is not appropriated for in the bill at all.

Mr. FINDLAY. Whom do you want to provide for?

Mr. COBB. The assistant doorkeeper of the House.

Mr. FINDLAY. But who is he?

Mr. COBB. Mr. Warder or anybody else the Doorkeeper wishes to appoint.

Mr. FINDLAY. I only wanted to know the issue.

Mr. COBB. That is the issue, the assistant doorkeeper. The Doorkeeper for seventeen years, by the action of the House, has had the service of this officer. Now, I want to know why he should not be continued. I am informed by the Doorkeeper himself that he is an important assistant to him, that he could not get along well without him. He has stated that it would be almost impossible to do the duties of his office as well as they ought to be done without the assistance of this officer.

Now, I insist that we ought not cut down the force which we have had for so many years, especially in view of the fact that the business of the House is not diminishing. It is increasing largely. There are many more members here than there were seventeen years ago, and if this officer was needed at that time I can see no reason why he will not be much more needed during the coming year. In justice to itself and to him the House should not impose upon an officer double duty not heretofore required to be performed, when his duties are larger and more arduous than they have been before. I trust the Committee on Appropriations will give some reason at least for this omission from the bill.

Mr. MORRISON. Have we not passed from this section of the bill?

The CHAIRMAN. The question of order was raised upon it and the reading of the next section was suspended until the question of order was decided.

Mr. MORRISON. I only wish to say, Mr. Chairman, that we have now provided for an assistant doorkeeper by reason of the Chair sustaining the point of order. Of course no one can anticipate now whether that will be Mr. Warder or Mr. Bacon or somebody else. That is a matter within the control of the Doorkeeper under the present rules.

I have already alluded to the history of the proceedings by which we came to have an extra or two assistant doorkeepers, first one was given to the Republican and then one to the Democratic side, and afterward the Committee on Appropriations for economy continued both of them.

Mr. COBB. I hope the gentleman will pardon me for interrupting

him. The bill provides for an assistant doorkeeper to be employed in the document-room only.

Mr. MORRISON. The words "to be employed in the document-room" went out with the name of Mr. Bacon, and he is, or whoever occupies the place will be, an assistant doorkeeper.

Mr. COBB. Well, he is now performing the duties of the Doorkeeper in the document-room only.

Mr. MORRISON. Under the operation of the bill he will perform the duty of assistant doorkeeper, whoever may be appointed.

Mr. GALLINGER. But that provision was retained in the bill.

Mr. MORRISON. That was included in the point of order which was made upon the name and went out with it.

Mr. COBB. The law provides that there shall be an assistant doorkeeper, and the bill provides for an assistant doorkeeper for the document-room.

Now he could not be compelled, I take it, under the law to do general duty as a doorkeeper; whereas the assistant doorkeeper that has been heretofore provided for by law has had general duties to perform and has performed them. I understand the Doorkeeper to say—I know he says—he can not get along without him.

Mr. RANDALL. He never made any remonstrance against the change to the committee.

Mr. COBB. I presume for the reason that he did not know anything about it.

Mr. RANDALL. Yes, he did.

Mr. COBB. I know only what he stated to me, that he could not get along without him.

Mr. SPRINGER. I rise to a question of order. Has an amendment been proposed to this section?

The CHAIRMAN. An amendment is pending.

Mr. SPRINGER. What is the amendment?

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

After the word "dollars," in line 373, insert "first assistant doorkeeper, $2,000."

Mr. SPRINGER. Is that subject to a point of order?

The CHAIRMAN. Not at this time. The amendment has been proposed and debated.

Mr. SPRINGER. But the question was whether we should go back.

The CHAIRMAN. There was no question about going back.

Mr. SPRINGER. I understood that was the question.

The CHAIRMAN. The Chair does not understand the facts as the gentleman from Illinois does, or he might rule as the gentleman suggests. The recollection of the Chair is that while the paragraph was being read the gentleman from Indiana [Mr. COBB] or some other member wanted to interrupt the reading to offer an amendment, and the Chair suggested the reading of the paragraph should be concluded. When that was done a question of order was raised. That was decided. Then the gentleman from Indiana was recognized to offer an amendment, which has been debated, and it is now too late to raise a question of order on it.

Mr. SPRINGER. I rise to oppose the amendment. This amendment is simply to create a new office.

Mr. GALLINGER. No, it is not.

Mr. SPRINGER. I beg the gentleman's pardon. The amendment provides for a "first assistant doorkeeper." We have an assistant doorkeeper in the bill. The name of George A. Bacon has been stricken out. If the bill passes we shall have a Doorkeeper and an assistant doorkeeper.

Mr. GALLINGER. As we have always had.

Mr. SPRINGER. Now there is a proposition to create another assistant doorkeeper. It is simply a proposition to create a new office.

Mr. GALLINGER. If the gentleman will permit me, I was laboring under a misapprehension as to his statement. We have had a Doorkeeper and an assistant doorkeeper for seventeen years; and this proposition of the committee is to dispense with one office, which I think we can not do.

Mr. SPRINGER. I am not advised how long we have had this position of assistant doorkeeper filled by name in the bill. I think it was a very recent innovation; that it does not go back seventeen years, as suggested.

Mr. CANNON. If the gentleman will allow me a moment I will state that the appropriation for the current year is as follows:

Assistant doorkeeper, $2,000; second assistant doorkeeper (George A. Bacon), to be employed in the document-room, $2,000.

Now this bill drops out the words "assistant doorkeeper, two thousand dollars," but leaves in "assistant doorkeeper"—not two assistant doorkeepers—George A. Bacon. The name of George A. Bacon goes out on the point of order; so that the amendment of the gentleman from Indiana [Mr. COBB] makes no more assistant doorkeepers than in 1886.

Mr. MORRISON. And if not adopted the bill makes one less.

Mr. CANNON. I have no objection to their being all struck out.

Mr. SPRINGER. I think we may get along with one less. We might try it, at least for the short session.

Mr. MATSON. The law for many years has provided for an assistant doorkeeper. That office is now filled by Mr. Warder. A resolution was adopted four or five years ago providing for a second assistant doorkeeper. That has been incorporated in appropriation bills and may be called a law to that extent. The law was read a moment ago by the Chair. The law in relation to Mr. Bacon was in relation to a second assistant doorkeeper; and this bill provides an appropriation for the assistant doorkeeper, but leaves out the second assistant. So it will devolve upon Mr. Donelson, the Doorkeeper, or whoever may occupy that office, to decide whether he will turn out one man or another. The second assistant doorkeeper, Mr. Bacon, is not provided for in the bill. The assistant doorkeeper is, and that place is filled now not by Mr. Bacon but by Mr. Warder.

Mr. ROBERTSON. Is not the object of this to legislate Mr. Warder out of office? Is it not an attempt on the part of the Committee on Appropriations to do that by indirection which the House failed to do directly? I ask the gentlemen from Indiana [Mr. HOLMAN] whether that is not the prime object of this change in the bill?

Mr. HOLMAN. Oh, no, sir; it was very manifest, and has been for a number of years, that the office held by Mr. Bacon was filled as an act of courtesy to certain gentlemen on this floor. Every gentleman knows that but one assistant doorkeeper is necessary, and that one is provided for by the bill.

Mr. ROBERTSON. When did you discover that? Never until this trouble came up about Mr. Warder. That was the first time you or any one else discovered it.

Mr. HOLMAN. Is the gentleman correct about that? Is there not a change in the rules of the House? Was it not manifest to every gentleman that provisions in regard to individual names would necessarily be omitted, so that the bill would come right back to its former condition?

Mr. GIBSON, of West Virginia. Let me remind the gentleman that the resolution appointing Mr. Bacon only appointed him second assistant doorkeeper, and you propose here to promote him to the position of first assistant and turn out the present first assistant.

Mr. HOLMAN. Not at all. We simply dispense with the office.

Mr. ROBERTSON. Would not the natural construction of this provision be that Mr. Warder was to be legislated out of office?

Mr. HOLMAN. Mr. Chairman, I do not think that my young friend from Kentucky or any other member on this floor can, consistently with the duty that he owes to this Government, indulge in mere personal considerations in legislation.

Mr. GALLINGER. That is what the bill does.

Mr. HOLMAN. Certainly we ought to be able to rise above that. This bill provides for a Doorkeeper and an assistant doorkeeper, and it was the unanimous opinion of the committee that no more doorkeepers were necessary.

Mr. ROBERTSON. You never thought that until this session when we have got Democratic employés.

Mr. HOLMAN. Very well.

Mr. WARD, of Indiana. Mr. Chairman, I suppose that the Committee on Appropriations in leaving out the provision for the pay of an officer who has served this House for seventeen or perhaps twenty years past were actuated only by motives of economy. I do not suppose that they meant to make an assault upon any person. I assume that Mr. Warder was not considered in connection with the matter. But I want to call the attention of the House to a provision which it is somewhat surprising to find in this bill if the object of leaving out the first assistant doorkeeper of the House was merely economy. At line 80 of this bill I find a provision of this kind in relation to the Senate:

Assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592.

Here are two officers of the same kind, whose duties, as I understand it, are the same as those performed by Mr. Warder here provided for in the Senate at an increased cost in each case of more than $500.

It seems to me a little strange, therefore, that if the sole object was economy the effort should have been made by omitting this officer of the House. What are the duties of the assistant doorkeeper of the House now discharged by Mr. Warder and discharged by other persons for the past fifteen or twenty years? The assistant doorkeeper has charge, in the first place, of the floor of the House; he has charge of the galleries; he has charge of all the pages here; he has charge of the messengers of the committee-rooms, and in the absence of the Doorkeeper he serves in his place and performs his duties. It seems to me, therefore, if this be a correct statement of the case—and I am informed it is—that this office is a necessary one, an office which ought not to be dispensed with upon the mere ground of economy unless the services are really unnecessary. I believe that the amendment of my colleague [Mr. COBB] is one that ought to commend itself to the good judgment of the House. I repeat what has been said by some other gentlemen here, that it is a little strange that the Committee on Appropriations should attempt to strike down this office as a measure of economy. The office has been in existence fifteen or twenty years, and it is singular that if it is so unnecessary that fact should not have been discovered before this time. Although I acquit the Appropriations Committee of having an intention to make an attack upon anybody, yet it is clear that this proposition should not come here at a time when the man holding this particular office was lying under grave charges before this House. This

bill was reported to the House at a time when he was on trial here, and it does look like an effort to accomplish by indirection the dismissal of Mr. Warder from the service of the House.

There have been, as my colleague [Mr. HOLMAN] very well knows, two assistant doorkeepers for a good many years past. The point of order which was ruled upon by the chairman this morning, striking out the name of Mr. Bacon, goes only to the name of the officer, but the duties of that assistant are by the bill confined to service in the document-room, whereas the duties of the assistant doorkeeper who acts in the House are such as I have described. I hope the amendment of my colleague will be adopted.

Mr. FINDLAY. I do not know what were the motives of the committee in their action on this subject. Whether they were governed by motives of economy or by motives of extravagance does not matter the toss of a penny, so far as the present question is concerned. The committee has reported in favor of dropping one of these men, which will leave us with one assistant doorkeeper instead of two.

If any justification is needed for what they have done upon the assumption that they were influenced in their action by personal motives, we can certainly find such justification in this Warder case. This House has passed a resolution convicting one of its officers of a "gross impropriety," yet it proposes to appropriate money to pay that man for further continuance in office.

Mr. GALLINGER. Does it do that?

Mr. FINDLAY. Yes, sir.

Mr. GALLINGER. Does it say this man?

Mr. FINDLAY. Oh, if you are making such a point as that——

Mr. GALLINGER. I simply want the fact.

Mr. SPRINGER. That is the way the gentleman from Indiana [Mr. WARD] construes it.

Mr. FINDLAY. Mr. Warder is in this position: The contention on the part of his friends is that the object of the committee is to rule him out; and I take it for granted they know the object as well as the gentleman from New Hampshire.

Mr. GALLINGER. Possibly they do.

Mr. FINDLAY. That is the way they construe it; and therefore the converse is true, that the object of gentlemen opposing this proposition is to keep him in.

Mr. GALLINGER. That is an assumption.

Mr. FINDLAY. In what position does this House put itself on this question? By a solemn resolution it has found Mr. Warder guilty not merely of an impropriety but of a "gross impropriety." What is a "gross impropriety?" What is the line between a "gross impropriety" and a crime? It seems to me we sometimes do not appreciate the force of language. I recollect the case of the Frenchman who did not understand altogether the force of our language and who when he heard of his mother's death said he was "very much dissatisfied." [Laughter.] This House finds one of its officers guilty of a "gross impropriety," yet it deliberately proposes in this appropriation act to continue that man in office by the payment of his salary. I say, without looking into the motives of this Appropriations Committee——

Mr. WARD, of Indiana. Is it not true that if this appropriation be made for the continuance of this office it will be competent for the Doorkeeper to appoint whomsoever he pleases at any time?

Mr. FINDLAY. I should say in answer to that question that when the Doorkeeper, having had notice even from the imperfect resolution of this House that this party was guilty of a "gross impropriety," has not turned him out, I would not trust him to turn him out in the future.

Mr. WARD, of Indiana. I hope he never will turn him out for that matter.

Mr. FINDLAY. It was his duty to turn him out when this House had put its seal of condemnation upon him; and he would doubtless have done so if the House had not involved itself in a contradiction by saying in the latter part of the resolution that it had not found the case of sufficient magnitude to justify dismissal. In other words, the House found this man was guilty of "gross impropriety," but he was good enough for the House! [Laughter.] That, I must say, puts the House in very much the same category before the country. [Cries of "Vote!" "Vote!"]

Mr. RANDALL. I ask for a vote.

Mr. HOWARD. Mr. Chairman, it will be conceded that the proposed dropping of the assistant doorkeeper of the House is not based upon the ground of economy. It will not be contended, I think, that this has been the motive of the Committee on Appropriations in omitting the provision for the continuance of this office. I find upon examination of the law that this office was created in 1867—nineteen years ago. Congress after Congress has come and gone since that period; yet at no time has any man raised his voice against the continuance of this office. Five years ago provision was adopted for a second assistant doorkeeper; and since that time there have been two of these officers.

I submit, then, it can not be successfully maintained that this proposition to get rid of the assistant doorkeeper and impose the duties upon the second assistant doorkeeper is based upon the ground of economy. Now, if this matter is to be settled upon the other question, whether Mr. Warder is a suitable man for this place, I want the House to understand what it is voting upon. After the House has refused, when the question was directly presented, to dismiss this man from office, I want to know whether we are going to brand him in this way by legislating him out of office indirectly when the House declined to do it directly. Gentlemen may say what they please on this question; that is not the proper way for a fair, courageous man to act. A man who has the courage to stand up to his convictions of right does not undertake in this cowardly way to strike a man down. When I want to fight a man I look him in the white of the eye; I face him like a man; I do not sneak around and undertake to attack him in an indirect way.

Now let the House vote upon this question understandingly. If any one argues this matter upon the ground of economy, I want to remind him that this bill provides a much larger force for the Doorkeeper's department in the Senate than for that of the House, appropriating for the former nearly $10,000 and for the latter a little over $5,000.

That shows what we thought of the necessity of these doorkeepers. Tell me a committee would come and report a bill giving four to the Senate of seventy-five members, and then get up and look a man in the white of his eyes and say three are not necessary with three hundred and twenty-five members! If this House wants a vote on this question whether Warder should be turned out, why did you not do it like men? Why do you want to throw out an honorable citizen when the House refused to do it in a direct manner? I say I do not believe the House will do it. I believe they will restore this man. The character of a man is worth maintaining. There is no individual so humble, so low, so degraded I would agree upon insufficient evidence to brand as a scoundrel or thief. Nor, Mr. Chairman, will this House do it, in my judgment.

Mr. HENDERSON, of Illinois. Mr. Chairman, I desire to say a word or two. The gentleman from Indiana who has taken his seat has spoken of an office of second assistant doorkeeper being created in 1881. I am not aware that Congress has ever created the office of second assistant doorkeeper. When the Republicans succeeded in obtaining a majority in the House in the Forty-seventh Congress, at the request of some of my friends on the other side I offered a resolution here which authorized George A. Bacon to act as a second assistant doorkeeper. It was done simply as a courtesy extended to the Democratic side of the House for having extended a similar courtesy during the previous Congress to this side of the House in giving to it an officer who served here.

Mr. RANDALL. Allow me to say the concession was with a view to have an assistant doorkeeper of the same political sentiment with the minority of the House for the purpose of attending to that minority when assembled in caucus.

Mr. HENDERSON, of Illinois. Certainly, but there was no intention to create any office particularly, but simply to extend an act of courtesy to the opposition on this floor.

Mr. GALLINGER. It made two doorkeepers.

Mr. HENDERSON, of Illinois. It did temporarily, and he was put in the document-room, which answered every purpose.

A MEMBER. And this bill puts him in there now.

Mr. HENDERSON, of Illinois. Yes, this bill puts George A. Bacon there now, and it is done under the resolution passed in the Forty-seventh Congress. I am not aware there has been any additional officer created other than is provided in the statutes. That is all I wish to say.

Mr. RANDALL. I ask for a vote. We should pass from the consideration of this matter now.

The question recurred on Mr. COBB'S amendment.

The committee divided; and there were—ayes 40, noes 59.

The CHAIRMAN. The amendment is rejected.

Mr. HOWARD. No quorum.

Mr. COBB. I desire now to move to strike out, in line 274, "to be employed in the document-room."

Mr. HOWARD. No quorum voted on the last division. [Cries of "Too late!"] I rise to a point of order. As soon as the vote was taken I made the point that there was no quorum. [Cries of "Too late!"] No; it was not too late; I made the point as soon as the vote was announced.

The CHAIRMAN (Mr. CRISP in the chair). The Chair understood the gentleman to make the point after the vote had been announced and after the result had been announced.

Mr. ADAMS, of Illinois. In justice to the gentleman I wish to state I heard him make the point in time. His voice is not strong, but he made the point, advancing down the main aisle all the time.

Mr. HENDERSON, of Iowa. I also heard him make the point of no quorum in time.

The CHAIRMAN. The statement of the gentleman himself that he made the point in time is satisfactory to the Chair. His statement is sufficient that he did demand a quorum.

Mr. COBB and Mr. HOLMAN were appointed as tellers.

The committee again divided; and there were—ayes 53, noes 91.

Mr. HOWARD. I withdraw the demand for a quorum.

So the amendment was rejected.

Mr. COBB. I now insist on my amendment, Mr. Chairman, which has been read.

Mr. GIBSON, of West Virginia. Let it be read again.

The Clerk read as follows:

In lines 274 and 275, strike out the words "to be employed in the document-room."

Mr. HOLMAN. There is no objection to that, if it has not been stricken out already on the point of order.

The amendment was agreed to.

Mr. WARNER, of Ohio. I now move to strike out, in lines 320 and 321, the words "eighteen," and also "four hundred and sixteen and fifty cents;" so that it will read, "in all $100,000," and insert:

And the number of employés shall be reduced so as to come within this appropriation.

Mr. HOLMAN. I have no objection to that.

Mr. WARNER, of Ohio. Mr. Chairman, a few words only on this proposed amendment. I listened with a great deal of pleasure to the laudable and patriotic appeals of the gentleman from Indiana in charge of this bill to the House to stay the progressive increase in the expenditures of the Government, which he has shown us has been going on at a rate of increase three or four times faster than the increase of population and two or three times as fast as the increase of wealth in this country. There must be a stop to this some time. It can not continue always at this rapid rate of increase, for we will have reached that condition against which Mr. Jefferson warned the country in 1801; and I will read in this connection a single paragraph from his first annual message, for in my judgment no statesman of this country has surpassed Jefferson in the clear grasp of fundamental principles of government. He said:

Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burthen which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here that after leaving to labor the smallest portion of its earnings on which it can subsist, government shall itself consume the whole residue of what it was instituted to guard.

Mr. Chairman, in my judgment wiser words were never uttered than these. We have only to go far enough—and it is not very far, either—with the increase in the expenditures of government to consume all of the net earnings of the people. In France a very large per cent. is taken, and but a small per cent. of what they create is left to the people. We are fast reaching that stage ourselves.

Bear in mind that with a population of 60,000,000 of people, say twelve millions of families, the gross earnings in the most favorable years do not exceed $1,000 per family. Now, how much are we appropriating by this bill for the service of this House alone, and how does the work done here compare with the work of the world or of this country which the same number of people must do?

I believe the Doorkeeper of the House, if required to perform the service of the House with a less force, as suggested by the amendment offered, can do it, and do it as well as it is done now. Where, Mr. Chairman, then, is there a better place for us to begin to lighten the load of government expenditures than right here in the House?

But, sir, I wish to add to what Mr. Jefferson said a few pertinent words from a distinguished economist of this country, Mr. Henry C. Carey:

Every measure that tends to lessen the expenditures of government tends to increase the power of production and to increase the proportion of the product that may be claimed by the laborer.

Second. Every measure tending to increase the demands of government tends to diminish the power of production and to diminish the proportion of the product that may be claimed by the laborer.

Therefore, necessarily, as the cost of government increases the power of production diminishes in every country, and the proportion left to the laborer is necessarily less.

The only fund for paying the cost of government is its annual produce; and the annual production of this country this year will not reach $1,000 per family, and probably not $800 per family. Yet the population must be supported, the Government carried on, and all out of this annual production, and if there be any net earnings left after these expenditures are met, they may be distributed. It is plain then to see that it is only neccessary to sufficiently increase the cost of government to absorb all the net earnings of the whole people. Indeed, if the cost of government in this country were doubled there would be little left besides a bare subsistence for the great mass of the people.

Since I have been in Congress I have seen a pressure that never lets up for the creation of new and more offices. Men are clamorous on all hands for new offices, for more places, and more expenditure from the public Treasury—places to be filled by friends or political workers; and as soon as one is appointed to a place then a pressure begins for an increase of the pay of those in office, the struggle being always for less work and more pay.

[Here the hammer fell.]

Mr. GIBSON, of West Virginia. Mr. Chairman, I make the point of order against the amendment of the gentleman from Ohio as being new legislation upon an appropriation bill.

Mr. HOLMAN. I submit it is too late now to make the point of order.

Mr. GIBSON, of West Virginia. It is not too late.

Mr. HOLMAN. The question has been discussed.

Mr. GIBSON, of West Virginia. I submit I could not get the floor after the gentleman had taken it to state his amendment and proceeded to discuss it. He simply got up, read his amendment, and commenced speaking to the amendment, and I had no opportunity to interpose the point of order.

Beyond doubt it is new legislation, and I think the Chair will so hold. Does the gentleman doubt that it is new legislation; that it is an illegal proposition?

The CHAIRMAN. Waiving for the present the question of the time when the point of order is made, the Chair understands the amendment simply to change the sum. How is that new legislation?

Mr. GIBSON, of West Virginia. It not only changes the sum, but it requires a limitation in the number of appointments.

The CHAIRMAN. The Chair is of opinion that the point of order comes too late.

Mr. GIBSON, of West Virginia. I submit there has been no discussion. Discussion means a controversy. If a gentleman gets up and propounds a proposition and makes his speech on it, it is not then too late to make a point of order.

The CHAIRMAN. The Chair understands the time to make a point of order is when the amendment is read, before it is dicussed on its merits by either the propounder or any one else. The Chair would have recognized the point of order if it had been made when the amendment was read even if it had the effect of taking the gentleman offering it off the floor.

Mr. CANNON. I offer as an amendment to the amendment what I send to the desk.

The Clerk read as follows:

Add, after the word "appropriation," in the amendment the following:
"And additional employés of the House shall not be authorized by resolution payable from the contingent fund of the House or other appropriation."

Mr. GIBSON, of West Virginia. I make the point of order on that amendment, so as to stop discussson, that it is new legislation. The matter has been so thoroughly discussed that I do not desire to consume time upon the point of order.

Mr. CANNON. I desire to be heard for a moment on the point of order. The gentleman from Ohio [Mr. WARNER] offered an amendment which was clearly subject to the point of order, but the point of order was not made in time. As I understand the amendment, after appropriating to these officers he cuts down $18,000 and proposes to force the Doorkeeper to decrease the number of officers by that much. Now, I am in harmony with that proposition, but I want it to mean something, and if it does mean anything I suggest to the gentleman from Ohio, if he will give me his attention——

Mr. WARNER, of Ohio. I will; I always listen to the gentleman with pleasure.

Mr. CANNON. It takes my amendment to give effect to its meaning. Because if his amendment were adopted, then in the next session of Congress or in the next fiscal year we could come and by a mere resolution increase, by the amounts they had been reduced, the number of these employés payable from the contingent fund. And if my friend from Ohio is hungering and thirsting for economy, if that side of the House is hungering and thirsting for economy, instead of this being mere dress-parade for use in the next campaign, let them accept my amendment, and take it out of the power of the House to increase the force.

Mr. SPRINGER. I hope the House will accept it.

Mr. HOLMAN. We have had two entire days of general debate on this bill. We are making no progress. The proposition is well understood and I hope it will be submitted.

The CHAIRMAN. The point of order is made on the amendment proposed by the gentleman from Illinois [Mr. CANNON] that it is legislation on an appropriation bill. The Chair sustains the point of order. The question is now on the amendment proposed by the gentleman from Ohio [Mr. WARNER].

The amendment was disagreed to.

Mr. TAULBEE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 311 strike out "three" and insert "twelve;" so that it will read:
"Twelve folders during the session, at $67 per month each."

Mr. MCMILLIN. I reserve the point of order.

Mr. TAULBEE. On the 3d of April, 1884, a resolution was introduced by the gentleman from Rhode Island [Mr. SPOONER] and adopted by the House giving the Doorkeeper twelve additional folders. I find by examining the record and comparing that session with this that the speeches to be folded this session are slightly in excess of the speeches folded in that session. In that session there were 2,325,000 speeches folded, mostly on the tariff question. It must be apparent to every member of this House that if the tariff bill is to be considered there will be considerable discussion, which will necessarily increase that particular kind of work to be done during this session.

Mr. HOLMAN. Is not my friend from Kentucky laboring under a mistake as to this? The appropriation does not affect the employés of the present session but those of the next. Those employed now under the resolution of the House will be paid out of the contingent fund. This has nothing to do with them. And the number is reduced for

the reason that the number required in the short session is immensely less than those required during the long session.

Mr. TAULBEE. That may be true; and if it would be in order I desire to change my amendment so as to authorize the employment of these folders during the present session.

Mr. HOLMAN. They are employed now.

Mr. TAULBEE. They are not. There is a lack in that particular department; and while I am an economist, or think I am, I do not consider it good economy that we should curtail the force of this House, or that we should refuse to furnish sufficient men to perform the work of this House; this being work which pertains not to the business of the Doorkeeper, but to the business of every member of this House.

Mr. HOLMAN. They can be employed under resolution if necessary. They are not necessary yet.

Mr. TAULBEE. I insist they are, and that that particular branch of the service of this House is now behind in its work. I am informed that there are sixty-five thousand books waiting to be folded in addition to the numerous books which have already been folded and placed to the credit of members of this House. That part of the Doorkeeper's work is far behind. In support of that statement I submit a table to be printed with my remarks.

Books not folded on hand:	
Geological Survey, 1883-'84	7,000
Secretary of Treasury, volumes 1 and 2	4,000
Interstate Commerce	2,000
Fish Bulletin, volume 5	2,500
Agricultural Report, 1884	25,000
Ordnance of War Ships	7,000
Astronomical Observations	1,000
Senate Election Cases	2,000
Interior Department, volume 5	2,000
Interior Department, volume 4	3,000
Total books on hand	55,500
Duncan Eulogies	9,500
	65,000

In addition to this, the Agricultural Reports of 1885, 200,000, will be in the last of the month or 1st of July; also, the second annual report of the Bureau of Animal Industry, 35,000.

Mr. HOLMAN. I want to say to my friend from Kentucky that we have appropriated up to the estimates. The Doorkeeper has made no complaint to us on the subject.

Mr. TAULBEE. I am informed that the force now employed in the folding-room is not sufficient to do the work, and I have experienced some trouble myself with reference to the books for my district and other folding which I have desired to have done. I think the Doorkeeper of the House will sustain me in the statement that the force in that branch of the service is insufficient for the work to be done, and I think it is the duty of the Committee on Appropriations to provide for the emergency.

Mr. HOLMAN. Mr. Chairman, I rise to oppose the amendment, and I call for a vote.

Mr. SPOONER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SPOONER. I desire to oppose the amendment.

Mr. HOLMAN. If the gentleman rises to oppose this amendment, I will remind the Chair that debate upon it is exhausted.

Mr. SPOONER. Then I move to strike out the last word. I am inclined to think that it is a fact that the actual number of folders employed in the folding-room is insufficient for the work that they are called upon to do in this busy session. But the difficulty is not, I think, in the want of a sufficient number of folders.

There are borne on the rolls of the House thirty-four folders. Of these only twenty-one are actually employed in the folding-room. The remainder are assigned to other positions outside of and apart from those duties. For instance, one folder is acting as a page in the House; seven are detailed as messengers and are employed in that service; three are employed in the document-room, and one is in the office of the House folding-room, making twelve in all who are on the folder's roll but are not actually employed doing duty as folders. I think, therefore, that the difficulty complained of can be very effectually remedied by having these men employed in the line of duty indicated by their position on the roll. These facts have come to my attention as one of the Committee on Accounts, which has had under consideration the question of the number of the employés of the House and the duties which they perform. I think that this difficulty of an insufficient force in the folding-room does not arise at all from there being an insufficient number of folders upon the roll, but from the causes I have stated. I think that the employés of the House should be engaged in the particular duties to which their places on the rolls of the House assign them, because otherwise great confusion arises in the minds of members, and therefore in the mind of the House collectively, as to whether there is a sufficient number of employés in any particular department. It seems to me that the amendment of the gentleman from Kentucky [Mr. TAULBEE] is entirely unnecessary. I think that the folders already borne upon the roll are sufficient to perform all the work, and that by calling in those folders who are now detailed to other duties the force in the folding-room will be increased to quite as great an extent as it would be by adopting the amendment of the gentleman from Kentucky.

Mr. TAULBEE. Mr. Chairman, I simply desire to state that the statistics will bear me out in saying that the employés of this kind this session of Congress are no greater than they were at former sessions. As to the duties performed by those persons whose legitimate duty would be in the folding-room, I am unacquainted with the facts. I simply know that the work in that particular department is behind, and that it is very important that it should be brought up. However, since ascertaining from the gentleman in charge of this bill that the amount appropriated here will not be available until the next meeting of Congress, I withdraw my amendment, hoping to bring about in a different way the result I have in view.

The Clerk read as follows:

Office of Postmaster: For Postmaster, $2,500; first assistant postmaster, $2,000; ten messengers, including messenger to superintend transportation of mails, at $1,200 each; seven messengers at $100 per month each, during the session; and one laborer at $720; in all, $20,020.

Mr. DUNN. Mr. Chairman, I make the point of order on that paragraph, in accordance with the rulings of the Chair on yesterday, that it changes the law and the contract with at least three appointees under the House Postmaster. There are three messengers who were appointed for this Congress at a salary of $800 per session, and others were employed at the rate of $100 per month. This paragraph changes the places of seven at $100 per month, thereby depriving the three who were appointed at $800 per session of $500 each for the next session of Congress. Therefore the paragraph is a change of the law and of the contract. I understand that it was really the purpose of the committee to have changed that paragraph to make it conform to the former appropriation bill and to the law in force at the time when these messengers were appointed. Therefore if the point of order be sustained I ask that the paragraph be changed in that way.

Mr. HOLMAN. There can be no point of order here. These are not officers created by law. The gentleman can not show a scrap of law relating to one of them.

Mr. DUNN. The gentleman is mistaken about that. Unless there has been a change in the law of 1878, these messengers are all entitled to a little over a thousand dollars a year.

Mr. HOLMAN. That is inoperative; that is a mere matter of appropriation.

Mr. DUNN. I know it has been rendered inoperative by appropriation bills merely.

Mr. HOLMAN. Let the gentleman show the statute. But in any event we have a right to appropriate less than the amount stated in the law, if there is a law.

The CHAIRMAN. Does the Chair understand the gentleman from Arkansas [Mr. DUNN] to make the point that this paragraph fails to appropriate the amount of the salary provided by law?

Mr. DUNN. Yes, sir; in at least three cases.

The CHAIRMAN. The Chair will ask the gentleman from Arkansas if it is not in the power of the House to fail to appropriate the amount of a salary fixed by law?

Mr. DUNN. If I correctly understand the ruling of the Chair yesterday, it was that no such change could be made on an appropriation bill.

Mr. HOLMAN. That we were bound to appropriate clear up to the limit of the salary fixed by law?

Mr. DUNN. Certainly. If I understand the ruling of the Chair yesterday, that was the effect of it. If I am mistaken in that, then I shall offer an amendment.

The CHAIRMAN (Mr. CRISP). Of course the present occupant of the Chair would have to decide according to his own view.

Mr. DUNN. I understood the ruling of the Chair yesterday to be that the Appropriations Committee can only report the salaries as provided by the law of the date of the appointment. These employés were appointed for this Congress under laws then in force. They are to-day drawing their pay at the rate of $800 per session. Now I do not know whether we are one day to deny the Committee on Appropriations the power to change the existing laws and the next day allow them to do so. Yesterday the Chairman of the Committee of the Whole held that the Committee on Appropriations could not do this thing.

Mr. HOLMAN. I hope the gentleman will not consume time on such a point of order as this. Why does he not submit his amendment at once?

Mr. DUNN. I have no objection to submitting an amendment; but I supposed that the short road to the object was by a point of order, as one point of order of this character was sustained yesterday.

Mr. RANDALL. The gentleman will have to reach the objection by an amendment.

Mr. DUNN. I do not wish to consume time, and will withdraw the point of order. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 326 strike out the word "seven" and insert "three messengers during the session at $800 each; four;" and in lieu of the sum proposed in lines 328 and 329 insert "$21,220."

Mr. HOLMAN. I will say that this amendment makes the bill con-

form to the law of the present year. It is for the Committee of the Whole to determine whether the bill shall be so amended.

Mr. TOWNSHEND. I desire to say further that the Committee on Appropriations decided, I believe, that these salaries as provided by the law of the present year should be inserted in the bill.

The amendment was agreed to.

The Clerk read as follows:

Official Reporters: For one chief Official Reporter (John J. McElhone), $6,000; and four Official Reporters of the proceedings and debates of the House, at $5,000 each; messenger to the Official Reporters, $1,000; in all, $27,000. And wherever the words "during the session" occur in the foregoing they shall be construed to mean four months, or one hundred and twenty-one days.

Mr. GIBSON, of West Virginia. On this paragraph I make a point of order, similar to that which I have been making all along, that the name "John J. McElhone" must be struck out.

Mr. SPRINGER. I hope the gentleman from West Virginia will withdraw the point of order. Mr. McElhone has been in the service of this House for thirty-six years——

Mr. GIBSON, of West Virginia. And can no doubt stay in it as long as he wishes.

The CHAIRMAN (Mr. BLOUNT). The Chair sustains the point of order.

The Clerk read as follows:

For contingent expenses of the House of Representatives, namely.

Mr. PRICE. I move the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 341 insert the following:
"Provided that no part of said sum shall be expended in connection with the conduct of funerals."

Mr. GIBSON, of West Virginia. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. GIBSON, of West Virginia. It is legislation.

Mr. HOLMAN. Oh, no. Let us have a vote.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PRICE. I did not hear the ruling of the Chair.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. SPRINGER. Do I understand the Chair to hold that there is no power in this House to prohibit any unnecessary expenditure of the money we appropriate? These expenses of funerals are not provided for by law. They depend entirely upon resolutions adopted from time to time.

The CHAIRMAN. Debate is not in order. The Chair has ruled on the question. The Chair holds that a proposition of this kind is a legislative provision.

The Clerk read as follows:

For miscellaneous items and expenses of special and select committees, $30,000.

Mr. PRICE. I move to amend by striking out "thirty" and inserting "ten," so as to make the appropriation in this clause $10,000.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. PRICE] desire to address the Chair.

Mr. HOLMAN. Although this subject has been acted on by the Committee on Appropriations, yet it seems to me as the next session will be a short one, this appropriation might properly be reduced to $20,000; and on my own account, not as representing the views of the committee, I move that amendment.

Mr. GIBSON, of West Virginia. I will inquire of the gentleman whether the committee had no sort of information that induced them to put in the amount named in the bill?

Mr. HOLMAN. Yes, sir; we had all the information that could be gathered; but of course it is impossible to tell in advance what number of inquiries by special and select committees will be entered upon. The next session being a short one, it seems to me it would be safe to reduce this appropriation to $20,000.

Mr. PRICE. When I offered this amendment the Chair made a suggestion to me, as I apprehend, for I saw him looking this way; but I failed to catch a single word that he said. The Chair has since been addressed by two gentlemen on the other side, and I have been unable to understand anything they have uttered. Therefore I do not know how this matter now stands.

The CHAIRMAN. The Chair will take pleasure in recognizing the gentleman from Wisconsin if he desires to address the committee.

Mr. PRICE. I offered my amendment in good faith and desired it to be voted on. If it is to be discussed by gentlemen on the other side I have a right to know what they say, and I have not yet heard a word.

Mr. HOLMAN. I merely suggested on my own responsibility, not as speaking for the Committee on Appropriations, that while the estimate of the sum which will be required is $30,000, that is, of course, purely speculative; and as the next session will be the short session, I thought it entirely safe to reduce this appropriation by making it $20,000 instead of $30,000.

Mr. PRICE. I accept the gentleman's proposition for $20,000, and withdraw my amendment proposing $10,000.

Mr. ALLEN, of Mississippi. I offer as an amendment to the amendment, after the word "dollars," the following.

The Clerk read as follows:

Provided, That no part of this appropriation shall be used in paying the burial expenses of any Senator or Representative or employé of either branch of Congress.

Mr. GIBSON, of West Virginia. I raise the same point of order on that I have raised heretofore, with the further point that the Chair has already decided the question.

The CHAIRMAN (Mr. BLOUNT in the chair). The Chair has not decided this question.

Mr. ALLEN, of Mississippi. Do I understand the point of order has been made on this amendment?

Mr. GIBSON, of West Virginia. Yes, sir; it has.

Mr. ALLEN, of Mississippi. Then I would like to be heard on the point of order.

The CHAIRMAN. The gentleman will proceed.

Mr. ALLEN, of Mississippi. What is the point of order?

Mr. GIBSON, of West Virginia. The point of order I make is that it is new legislation; and the further point I make is that the Chair has already substantially decided the same proposition on the amendment of the gentleman from Wisconsin.

Mr. SPRINGER. That is not a point of order.

Mr. ALLEN, of Mississippi. Mr. Chairman, I desire to speak to the point of order made against this amendment by the gentleman from West Virginia [Mr. GIBSON]. I submit, sir, the amendment is in order. Is it claimed that we are so hampered with rules that this House in making an appropriation of money for the contingent fund to be used by the House can not say how that money shall or shall not be used? There is no existing law as to how the contingent fund of the House shall be used. Will the gentleman who makes the point of order tell me what existing law the amendment repeals or changes?

If the House has tied its hands by any rule by which it is bound to vote appropriations especially for contingent funds, but is without the power to put any limitation on the purposes for which such appropriations shall be used, then the sooner we rid ourselves of such a rule the better it will be for the House and the country. [Applause.] No, sir, the amendment is in order and should by all means be adopted. It is out of this contingent fund by resolution of the House that the Sergeant-at-Arms is authorized to draw for the expensive Congressional funerals and burials that have not only attracted much criticism and attention, but have in my judgment come to amount to a national Congressional scandal.

I know, sir, of no abuse that has grown up in this House (and I grant there are many) that is more undemocratic and reprehensible than the custom of expending from three to ten thousand dollars of the people's money to bury Senators and Representatives, many of whom leave behind them estates amply sufficient to meet all the proper expenses of their funeral or burial; and it tends to build up in this country an office-holding aristocracy which is in my opinion one of the most dangerous tendencies of the times. When paupers die the county or municipality in which they live usually bury them at an expense of ten or fifteen dollars. To this I do not object, because they leave nothing with which to pay the expense of burial, and our common humanity accords them that, even at public expense. But, sir, when a Senator or Representative dies here, or while he is such, even if he dies at home, it matters not if he be worth his millions, he must be buried at Government expense, and with a reckless extravagance and disregard of the people's rights that is simply astounding. Just let me give you a few items from some of these funerals paid out of the contingent fund:

Embalming body	$75 00
Casket	425 00
Plate and engraving	18 00
Chestnut case, copper-bound, and copper-engraved plate	75 00
Forty-one pairs kid gloves, $2	82 00
Railroad fare, aggregate	1,619 86
Lunches	202 06
Twenty-four silk sashes and pressing	144 00
Cigars	14 00
Hats, &c.	9 00
Expenses of barber	34 00
Telegraphing	70 00
Hotel bill and rooms	264 00
Altering coats for livery	22 50
Hearse, carriages and cabs	286 00
Velvet buttons, &c.	19 35
Incidentals incurred and not included in other bills	153 00

You see how freely the money flows. In this last item I suppose the wine bill is included, as it has become somewhat objectionable to call that by its proper name in these bills. These are only a few items, picked out to illustrate the abuses that this practice tolerates. The big funerals have not been looked to.

I now ask the members of this House if you will go on making these appropriations, and of money wrung by taxation from the toiling masses of this country, and will not say that it shall not be squandered in this way? How can such a course be defended? What warrant have we in the Constitution to tax the people for any such purposes? I was elected to my seat here on the promise that so far as was in my power, I would see

that the people were only taxed to raise revenue to support and carry on the Government economically administered.

Sir, others may do as they will, but so far as I am concerned I intend to carry out this pledge. Under it where do we find our authority for the expenditure of $10,000 for a funeral and burial? Sir, a dead Congressman has become a very expensive luxury to the American people. If we die paupers, we ought not to do so. We get a salary of $5,000 per year, with four times as much for mileage as it actually costs us and five times as much for stationery as we use. Any member here could save enough from his mileage and stationery account to give him a decent funeral and burial, but the people who contribute largely to pay these bills are those who toil from twelve to fifteen hours per day in all sorts of weather and can not possibly earn on an average $1 per day. Just think of it! We take a sum of money which represents the full gross earnings of sixty workingmen for a whole year to make a great show and bury a Congressman. What would or what should my constituents, who are composed largely of people who get their living by their sweat and labor, think of me if I sit here and fail to do what I can by my vote and voice against such measures?

I know I am rather fresh here yet; but when I get old enough in the harness to come, as some of you seem to do, to think such things right and to fail to protest against them, I trust my people will retire me, and I will be well satisfied if they do not do so before. [Laughter.]

Mr. Chairman, there is another reason why I would stop these funeral excursions. They may amount to a formal show of respect; but, sir, to take, as is often the case, strangers to the deceased and send them off on a palace-car excursion, with all the luxuries that money will purchase, to have a jolly time and a frolic, does not, sir, evidence respect.

These sad and solemn duties are so trying on the solemn sympathies of the members, I fear that some who go on these excursions with fine cigars, lunches, dinners, kid gloves, hats, carriages, telegrams, crape, and other luxuries, having a good time generally, will never recover their wonted spirits. I see some of them about me now whom I fear have had their spirits subjected to such a severe test that "they will never smile again." [Laughter.] You often hear the question asked here of a member if he is acquainted with another member and he will say, "Oh, yes, I went with him on a funeral excursion and found him a real jolly fellow." [Laughter.]

I am not finding fault with the gentlemen who go, because the House orders it; but I submit it is wrong to impose these duties on members of the House and require them to be absent and neglect the duties for which they were sent here, to go on these pleasure excursions at Government expense. If a member dies I would not object to sending a messenger with his body home, and if any friend of his, who is a member of the House, wanted to go with the remains give him leave of absence and let him pay his own expenses, as other people do who attend the funerals of friends. Remember that people who help to pay these expenses are so poor themselves that when they die many of them must be carried to the potter's field by charity or public aid. Mr. Chairman, I trust I may live out my official career, but, sir, if He who rules our destinies and does all things well should order otherwise, I only want such funeral or burial as my limited means will allow. I do not want the people taxed for a funeral pageant for me. [Applause.]

[Here the hammer fell.]

The Chair overruled the point of order, and the amendment was put to the House and lost.

Mr. GIBSON, of West Virginia. The point of order I make is that there is no legislation upon this subject at all. There is no law; and hence any action on the part of this House will be the enactment of law, and being the enactment of law, it is legislation and new legislation, and can not be put upon the bill.

Mr. LONG. May I suggest to the gentleman from West Virginia that there is no existing law in reference to this matter to be changed. The rule provides against a change of the law. This is, therefore, a question merely of the scope of the powers of the committee.

Suppose it provided for the expense of special and select committees on railroad transportation. It would be in order to provide to exclude any expenditure for funeral expenses. For the same reason you might put in a provision for the expenses of special and select committees, excluding committee on funeral occasions. It is merely, therefore, in relation to the scope of the committee.

Mr. GIBSON, of West Virginia. A word on the point of order.

The CHAIRMAN. The Chair must decline to hear further arguments.

There is of necessity in the accomplishment of the work of the House a contingent fund provided, the details of the expenditure of which can not be fixed in advance by law in every particular. Its expenditure rests upon the general necessities of the House. It is a fund set apart by itself. Hence in the appropriation of this fund the expenditures to which it is applied do not rest upon general law, but upon the necessities of the case; and the House applies the fund to meet such necessities as they arise. To limit the purpose of that expenditure would, therefore, be necessarily a change of the law which has heretofore prevailed in making provision for a contingent fund; and the Chair therefore submits the amendment to the committee.

Mr. ADAMS, of Illinois. Mr. Chairman, with the consent of the committee I wish to be heard for a moment upon the amendment for the purpose of showing that the Chair, I think, is in error in saying that there is no existing law on the subject, for there is an existing statute providing that the contingent fund can not be expended in a certain manner; and therefore by implication it is provided that it may be expended in another manner. There is law on the subject, and I would respectfully suggest to the Chair that the amendment is a modification of that statute.

The CHAIRMAN. The fund is set apart to meet exigencies as they arise, contingencies which can not be anticipated for the purpose of making appropriations in detail to meet them. It may be provided that it shall not be expended in a given way, but of necessity in the passage of a contingent appropriation you can not anticipate every purpose for which it may be expended.

Mr. SPRINGER. It is always in the power of the House to limit the application of an appropriation.

The CHAIRMAN. The Chair must maintain the position it has taken, and submits the amendment to the committee.

Mr. GIBSON, of West Virginia. Before that is done I think it is due to the House that there should be a word said upon the subject of this amendment. I have seen a great deal in the papers that does not amount to the dignity of a discussion on the question. I have heard things said in this House that I think had better been left unsaid. There is no truth and no justice in any of these assaults that are made on funeral corteges and funeral escorts appointed by the House and the Senate. There is no government under the sun that takes its servants from their homes and when they lay down their lives leaves them where they are to be cared for by strangers. What is wrong in this House, if one of its body should die here, in undertaking to send him in a decent and respectful manner back to his home where he may be buried by his family? The presumption is that he is away from them among strangers attending to his duties. Is it not due to him that the Government should send him back to his home in a proper manner if he dies in the performance of his duties? It has always been the practice; and it seems to me that there are other abuses, if gentlemen want to correct abuses, that ought to be corrected, either in conduct or otherwise, in carrying on the affairs of government, instead of proceeding in this manner, and I hope the amendment will be voted down.

Mr. ALLEN, of Mississippi, rose.

Mr. HOLMAN. I submit, Mr. Chairman, the point of order that my friend has already addressed the committee on this subject. I must insist upon this in order to get through with the bill.

The CHAIRMAN. The Chair sustains the point of order.

The question being taken on the amendment to the amendment submitted by Mr. ALLEN, of Mississippi, the committee divided; and there were—ayes 12, noes 64.

So the amendment was not agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Wisconsin [Mr. PRICE].

Mr. CANNON. I desire to say a single word touching the amendment of the gentleman from Wisconsin as modified by the gentleman from Indiana.

Mr. PRICE. Not modified by the gentleman from Indiana. I modified it at his suggestion.

Mr. CANNON. There may be some abuses as to the expenditure of the contingent fund, but this does not correct them by any manner of means. The result will be, if this appropriation is decreased, we go into the next fiscal year with a deficiency staring us in the face, or with an appropriation double the amount proposed by the gentleman from Wisconsin. For this year there is a very considerable deficiency, and a larger one to come, running up, I apprehend, to between $50,000 and $60,000.

On the 1st of July this session of Congress will still be running. I apprehend it will run nearly a month, perhaps six weeks, longer than was contemplated when this estimate was submitted.

The gentleman from Indiana knows this; yet he says it is an uncertain item, and his great desire to decrease the bill makes him accept almost any amendment, notwithstanding that almost an immediate deficiency was staring him in the face.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. PRICE].

The amendment was disagreed to.

The Clerk read the following paragraph:

For stationery for members of the House of Representatives, including $6,000 for stationery for the use of the committees and officers of the House, $47,625.

Mr. PRICE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 352, strike out "$6,000" and insert "$2,000."

Mr. PRICE. In support of this proposition I want to submit one or two plain facts. We have forty-seven committees. This sum, if appropriated, will give to each committee $128 worth of stationery. I have looked over the stationery accounts, and, without being able to state accurately, I will say that $28 in my opinion will about cover all the stationery that has been used or can be used at the present session of this Congress—$28 to each committee. If that be true, we have $100 to each committee more than it ought to have.

The only answer that can be made, and gentlemen will perhaps make it, is that this is only an appropriation and not an expenditure. To that I reply if you make the appropriation you will have the expenditure. I base that statement upon this fact: Last year we expended for stationery $48,297. Of that amount there was $41,625 for members, leaving $6,672 as the expenditure for committee stationery.

Now I know, and every man who has investigated this subject knows, that three-fourths of that whole sum was not used by committees; by whom I do not know. I only know this, that in the Committee on Agriculture we have not used half a dozen dollars' worth this year, and we have used all we needed. In the Select Committee on the Alcoholic Liquor Traffic we had $42.50 worth of stationery brought to us, and on my motion the chairman directed the clerk to take it back. I went back two months later, and it was not taken back then. We have not used a dollar's worth of stationery on that committee. So it is with many other committees.

The appropriation is made and expended not for the use and convenience of the members of the committee in the discharge of public duty, but it goes and vanishes as the dew before the sun. The only way of stopping this petty larceny is to refuse to make the appropriation. Why do I say petty larceny? I do not know it, but I believe it, because I know we do not use this stationery on the committees.

Mr. MILLIKEN. If it be petty larceny, who are the thieves?

Mr. PRICE. I do not know that it is petty larceny, but I believe it. We do not use it.

Mr. MILLIKEN. Then is it stolen?

Mr. PRICE. I do believe it is stolen.

Mr. MILLIKEN. Who are the thieves?

Mr. PRICE. I do not know it is stolen; and of course, not knowing that it is, I can not give the name of the thief. If I could I would. If the gentleman has any other questions equally profound I will try to answer them.

Mr. MILLIKEN. I merely made a suggestion, but it seems the gentleman has not the information.

Mr. ALLEN, of Mississippi. Mr. Chairman, the result of the vote just had on my amendment intended to suppress extravagant Congressional funerals shows to my mind that most of the members present expect to die in the public service and to have a gorgeous and enthusiastic burial at Government expense. [Laughter.] But I want to assure them that if such be their hope they had best die very soon or change their course on questions like this, for in my judgment this policy, if persisted in, will relegate many of them to private life before they get their funeral expenses paid. [Laughter.]

Mr. Chairman, there are many things in this bill which I would like to discuss, if the time allowed me would permit. In the general debate on the bill most of the time was taken up in the discussion of the civil-service rules and the practices of the two parties with reference to the civil service, the Republicans accusing the Democrats of trying to nullify the civil-service law so as to put in all Democrats and have a partisan service, and the Democrats retorting by telling the Republicans how they administered the law when they had power so as to put in and keep in all Republicans, and gentlemen on each side are reminded of what they said and did before power passed from one party to the other; but, Mr. Chairman, I agree with my distinguished friend from Ohio [Mr. BUTTERWORTH]. He says that it is no good answer for the Democrats to say to the Republicans "You did it too." He says this is an age of progress and that we are progressing, and that the better thought of the present should govern us rather than the bad examples of the past. Yes, sir, we are progressing; the Republican party has progressed out of power and the Democrats have progressed in, and no gentleman should be held responsible for opinions and utterances expressed before this change took place. They have thought more about it and look at it from different standpoints.

I do not know that I can better illustrate this change of heart than by relating a little incident that occurred only a few years ago in the district I have the honor to represent on this floor. A friend of mine, Mr. Beach Mitchell, as good a man and citizen as lives in the district, was the treasurer of Alcorn County. He had held the office for two terms and had made a most acceptable officer, being scrupulously honest and correct. It was about that time that General Grant was being talked of for a third term, and our people were all in favor of the traditions of the fathers and opposed to a third term. Mr. Mitchell asked for a third term as county treasurer, and the only thing that could be said against him was that he had held the office two terms. Mr. Fred. Rory, another friend of mine and another good man—in fact, my friends down there are among the best people in the world [laughter]—concluded he would like to be treasurer, and he announced himself a candidate, his platform being opposition to a third term; and the race was made on this issue alone, and Mr. Rory was elected. Everything went on well till Mr. Rory had served two terms and the time was approaching for the election again. He must now overcome the third-term prejudice that he had himself invoked or retire to private life. This put him to thinking, and he came to town one morning and inquired of the boys if they had seen anything of Beach Mitchell, and they assured him Beach was in town. He then in all seriousness said: "I want to see him; I feel that I owe him an apology. Four years ago I ran against him for treasurer of this county, and I beat him on the issue that no man should have a third term. I was perfectly honest in it, but I had not thought much about it, and when you come to think about it as applied to the treasurer's office there ain't a thing in it [laughter], and I thank my God I am not a stubborn man, and when I see I am wrong, I have the manhood to acknowledge it." [Great laughter and applause.]

Now, Mr. Chairman, when we sit here and hear the Republicans pleading for a non-partisan service and see the Democrats trying to so arrange things as to get all Democrats in, we must conclude that both parties, after changing places, have thought more about it. The Republicans now see that when they had power and prostituted it to partisan ends that they were wrong, and they now have the manhood to acknowledge it [laughter]; while the Democrats have become convinced that many of the partisan practices which they condemned the Republicans for when they were in power were not so bad as they then thought, and they are ready to make their apology by doing likewise. [Renewed laughter.]

[Here the hammer fell.]

Mr. BAYNE was recognized, and yielded his time to Mr. ALLEN, of Mississippi, who said:

But, Mr. Chairman, this is not applicable to the President. A change of condition seems to have produced no change of conviction with him, so far as the civil service is concerned. He seems to be as firm as a rock in his adherence to the pledges on which he secured the confidence and votes of the American people, and without assuming to be his champion I would like to suggest to some of my Democratic friends that if we would devote more of our time to a faithful discharge of our duties as members of this House and less to criticisms of the President it might be better for our party and the country. That there are inequalities in the distribution of the patronage of the Government I am well aware, and I hope at some future time to have an opportunity to submit some observations on this subject and the practice of Representatives and Senators besieging the Departments for places for their friends. I trust I am as loyal to my friends as most people, and I know I am as anxious to serve them, but it does seem to me that this practice tends to impair the usefulness and independence of both the members and Department officials.

Human nature is the same in office and out of it. The conduct and expenditures of all the officials who have been kind to the member and yielded to his requests and put him under *obligations* by putting his friends in office, may not receive that careful scrutiny that his duty as a Representative might require, or failure on his part to comply with the importunity of the Representative, might tend to make him more critical than he ought to be. And I am afraid on the other hand that the Department officials sometimes use their patronage to stop the importunities of or to influence members, I do not know which, but have thought I had seen evidences of favoritism born of this practice. Sure it is that this system is not working well, and there are within my knowledge a number of Senators and Representatives here who are unwilling to become hangers-on around the dispensers of patronage to the neglect of their legitimate duties, and as a consequence the more greedy and importunate get the advantage of them and modest merit is made to suffer. These things ought not to be, and I would be glad to see them corrected. So long as the Representatives and Senators are supposed to control the patronage, let it be fairly and equally distributed.

Mr. Chairman, there are other things in this bill to which I would like to give my special attention, if I had the time. The bill carries more than $20,000,000.

I believe, sir, if this Government could be administered on business principles, such as a prudent business man would adopt in the conduct of his own business, at least one-fourth of the money that this bill appropriates could and would be saved to the people. I am aware of the fact that when a Repesentative on this floor advocates the correction of any of the abuses that have grown up here, or votes in the interest of economy or retrenchment in the expenditure of public money, he subjects himself to ridicule and is accused of posing before the country as an economist or reformer. It is considered as ridiculous to talk of economy here as it is to speak of the Constitution. The rule with many seems to be not what is actually necessary to run the Government, but how much can we spend, and every conceivable scheme that can be thought of that will require money is proposed, and many of them, I am sorry to say, are adopted. I have voted and will vote for every reasonable proposition to amend the bill in the interest of economy.

I have heard gentlemen assert on this floor several times that there was no danger of bankrupting the Government. I am aware that with the taxing power the Government has there is no immediate danger of bankrupting it; but, sir, it is the people who support the Government for whom I am concerned. Many of them have been bankrupted already, and many more of them will be, unless we change many of our policies and practices. And I desire to say to my Democratic friends that in the canvass I made for my seat here, and I expect it was the case in almost every district that sent a Democrat here, we charged the Republican party with wasteful extravagance in the administration of the Government. I believed it, and we all promised that if the Democratic party was intrusted with power it would correct these abuses. Shall

we keep this promise or go home and apologize? [Laughter.] Mr. Chairman, I now warn my Democratic friends that the country will not be satisfied with stump speeches made on this floor telling of the misdeeds of the Republican party, but they will demand that we make our showing in the appropriation bills or stand convicted of having obtained power under false pretenses.

Mr. REED, of Maine. Hear! hear! Good! good!

Mr. ALLEN. Mr. Chairman, when I go home from here to face my constituents I intend my record shall be clear on this question, and, sir, as a member of the Democratic party, believing in its principles as I do, I would like to be able to point my people to some substantial evidences of our good faith in the keeping of promises made to them. In the remarks made yesterday by the gentleman from Wisconsin [Mr. PRICE] he gave utterance to some very sound doctrine. He showed that we were here in the capacity of agents for the people, and that we should be as scrupulously honest and careful in making our appropriations in pursuance of this trust as if we were working for a private individual and drawing our checks on his bank account; and he then proceeded to show that, tested by that rule, every man who votes all the items of this bill could be convicted of larceny or embezzlement, and I believe it is nearly true.

Mr. Chairman, this is a beautiful city, with its magnificent public buildings, its fine streets, its beautiful parks, circles, squares, and public grounds, its inspiring monuments, its flowers, its trees and grass, its fountains and gardens. Everything is exquisitely beautiful and grand, and I am proud of it all; but I can but think as I behold it of the sweat and toil it has cost the tax-payers of this country, and while I am willing to vote what is necessary to keep it up and support the Government, let us not waste any more than is necessary. One other thought that has occurred to me, sir, on the subject of salaries. If there were not so much difference in the salaries paid by the Government for the work performed and those paid by private interests, would not the pressure for positions under the Government be very much diminished and the scramble for office be somewhat allayed?

Sir, it seems probable that my leadership and my policy in the interest of the toiling masses at home is not likely to be accepted and followed by this House; but, sir, I will not give it up or be discouraged, but, like the "grand old man," the great statesman and friend of human rights across the waters, William E. Gladstone, I will appeal to the country. [Great laughter.]

Mr. Chairman, I desire to return my thanks to the gentleman from Pennsylvania [Mr. BAYNE] for giving me his time.

The question was taken on the amendment offered by Mr. PRICE, and it was rejected.

The Clerk read as follows:

For compensation of the Public Printer, $4,500; for chief clerk, $2,400; four clerks of class 4; one clerk of class 1; in all, $15,300.

Mr. MORRISON. I want to call the attention of the chairman of the committee to the fact that this is one of the increases in the bill which, under the point of order, might go out. I am not well enough informed as to the duties of this officer to know whether it ought to go out or not, so I do not make the point of order.

Mr. HOLMAN. The salary appropriated has been $4,500 for quite a number of years.

Mr. MORRISON. How long?

Mr. HOLMAN. I should think some six or seven years. On account of the importance of the office the committee did not feel justified in making a change; so they have simply reported the sum which has heretofore been appropriated. The office is regarded as important. The salary fixed by law is $4,000. I have no doubt a point of order would be good as to the extra $500.

Mr. THROCKMORTON. I make the point of order.

Mr. HOLMAN. The law fixes $4,000 as the salary.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPRINGER. The point of order being sustained, there is no appropriation left in the bill for this salary.

Mr. HOLMAN. Oh, yes; $4,000.

The CHAIRMAN. The Chair rules that there is no appropriation for this salary remaining in the bill. The gentleman can move an amendment.

Mr. HOLMAN. The point of order was made as to the extra $500.

The CHAIRMAN. The point was made on the sum named in the bill, $4,500.

Mr. HOLMAN. I move then to insert $4,000.

The amendment was agreed to.

Tke Clerk read as follows:

For Botanic Garden: For superintendent, $1,800; for assistants and laborers, under the direction of the Library Committee of Congress, $9,900; in all, $11,700.

Mr. SINGLETON. I move to amend by inserting after the word "dollars," in line 403, these words, "for three additional laborers at $1.25 per day each, $1,173.75.

Mr. Chairman, this amendment has been well considered by the Joint Committee on the Library, by whom I have been instructed to offer it. I spoke to the gentleman from Indiana [Mr. HOLMAN] to-day in regard to it, and he suggested the insertion of $900, I believe. But I hope, sir, if the cheese-paring process is to be applied, it will not be applied to these laborers who handle the pick and shovel, while others who work in the shade all the while receive large salaries. We ask only that three laborers shall be allowed at $1.25 per day each.

Since the last apportionment we have had an addition of sixty members to this body; and if this garden is to be kept up in its present efficient state it is absolutely necessary, as we have found by examination, that these additional laborers should be provided.

Mr. COX. What have they to do?

Mr. SINGLETON. They have a great deal to do. I do not know whether the gentleman applies to the Botanic Garden for plants, &c., but it is very certain that the labor in this garden has been greatly increased, and unless you give these additional laborers you need not expect it to be kept in its present efficient state.

Mr. Chairman, I have never heard a single word said, so far as economy is concerned, against the management of the gentleman who has charge of the Botanic Garden. I believe him to be strictly honest. I think he uses the money intrusted to him to the very best advantage; and I never heard a word of reproach against him on that score. I know he is a Scotchman, and sometimes a little brusque; some members do not like him very well on that account; but I admire a man who is honest and economical in the management of the public money. I can put up with a little brusqueness on the part of a man who has these good qualities. I have never heard a word of reproach against him in this regard.

As I have stated, the Library Committee has carefully considered and investigated this matter, and if gentlemen want that garden kept up as it ought to be—and you know that every member of this House derives benefit from it—you should allow these three additional laborers.

[Here the hammer fell.]

Mr. HOLMAN. The Committee on Appropriations have not had occasion to consider this question and are not at all informed as to whether this additional appropriation is necessary or not. The Botanic Garden is one of the most interesting objects in this capital. It is one of the few objects of taste which have received the favorable consideration of Congress. It is admirably well conducted. It is a school in botany to us all. As a member of the House I have always been in favor of fair and reasonable appropriations for this object. As to whether this appropriation is proper or not, we must depend upon the views expressed by the chairman of the Committee on the Library. In deference to the views of that gentleman and his committee, I, as a member of the Committee on Appropriations, do not object to this amendment.

The amendment was agreed to.

Mr. PRICE. The amendment which has been adopted makes another mathematically and absolutely necessary, and I submit, therefore, in lines 303 and 304, to strike out "$11,700" and insert "$12,873.75."

Mr. HOLMAN. I will state to the gentleman from Wisconsin that the Clerk officially carries out the amount.

Mr. PRICE. I have no doubt the suggestion of the gentleman from Indiana is worth listening to, but I did not hear a word of it.

Mr. HOLMAN. The remark I made is, that the power in all these cases is left to the Clerk, and therefore the gentleman's amendment is not necessary.

Mr. PRICE. If that be so, then all right.

The Clerk read as follows:

EXECUTIVE.

For compensation of the President of the United States, $50,000.

Mr. BAYNE. I offer the following, to come in at the end of line 411:

The Clerk read as follows:

Provided, That this appropriation shall be available only when the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointment from any one State, found duly qualified on examination, and without regard to age, shall be sent to the head of a Department or other officer charged with making an appointment.

Mr. TOWNSHEND. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. I make the point of order that it is new legislation and changes existing law, and therefore, under Rule XXI, it is not in order. The civil-service law lodges the power of making and modifying the rules and regulations of the Civil Service Commission with the President. The entire discretion over this matter belongs to him.

Mr. BAYNE. I wish to say——

Mr. TOWNSHEND. There is another point that I wish to make. It is that under the law the compensation of the President can not be changed during the term of office for which he has been elected. I have heretofore discussed these questions at length; therefore I will say nothing further now.

Mr. BAYNE. I am not sure the point of order is not well taken; but I wish to insist if this proposition can be placed anywhere in this bill and be pertinent to any proposition in the bill, if it is germane to any proposition in this bill, this is the one the proposition fits exactly.

Mr. TOWNSHEND. I am willing to admit that.

Mr. BAYNE. The civil-service act provides that said Civil Service Commission shall act under rules and regulations made by the Presi-

dent. The sixteenth rule, which is ruled out by the proviso making appropriation for the Civil Service Commission, is one of these rules which the President has made and promulgated.

Mr. TOWNSHEND. Read the rule.

Mr. BAYNE. The purpose of the proviso is in regard to civil service, to compel a change of that sixteenth rule. The Civil Service Commission has no power to change that rule. It is not within the jurisdiction or authority of the Civil Service Commission to change it. It is a power within the control of the President to change that rule. He has the right to modify that rule so as to make it conform to the ideas of the proviso. Therefore I say if there is to be any compulsion on the part of the House of Representatives of an executive officer of the United States to do or not do a particular thing, that compulsion should be directed to the authority having power to do it. And the manly way to effect a change of this rule is not to lay it at the door of the Civil Service Commission, but directly to place the responsibility on the President, who under the civil-service law has the right and power to change these rules.

It is very true the President has the right and power to change these rules now if he chooses to do so and to include the very change in this proviso. But the President has not seen fit to do so. The Civil Service Commission could not do so because it has not the power, and therefore if anybody is to be compelled to do this thing let us compel the President to do it.

If this proposition be admissible anywhere in this bill, it is admissible as a coercive measure on the President nowhere else. Rule XVI says, and this rule was prepared and promulgated by the President:

1. Whenever any officer having the power of appointment or employment shall so request, there shall be certified to him, by the commission or the proper examining board, four names for the vacancy specified, to be taken from those graded highest on the proper register of those in his branch of the service and remaining eligible, regard being had to any right of preference and to the apportionment of appointments to States and Territories; and from the said four a selection shall be made for the vacancy. But if a person is on both a general and a special register he need not be certified from the former, except at the discretion of the commission, until he has remained two months upon the latter.

Now the proviso on page 19 of the bill under consideration——

Mr. HAMMOND. I rise to a question of order.

Mr. BAYNE. Let me proceed a moment. The proposition is to require that the names of all who have passed the examination shall be sent to the appointing power; not four names, as the rule I have read provides, but the names of all who have passed an examination.

Rule XVI was made by the President. It is the President's mode of ascertaining, for the various Departments of this Government where the civil-service law applies, who shall be appointed to vacancies that may occur. The President has the entire power in the matter. He has chosen to advise himself as to the competency and qualifications of the applicants by adopting rules for this Civil Service Commission; and has chosen to say, by the rule I have just read, to the members of his Cabinent and to the chiefs of divisions and heads of bureaus that they shall have four names sent to them out of which to choose an applicant to fill a vacancy, but that they shall not have a list of ten or twenty or forty or one hundred names. He has vested a discretion in the heads of Departments and the chiefs of bureaus and divisions in this respect, which discretion, as far as it has been exercised, has been perfectly satisfactory to the President. If it were not satisfactory he would change the rule.

So I propose this amendment in this connection, because it is the one in which it properly belongs if it has any relevancy to the bill.

Mr. HAMMOND. I now make the point of order that when the gentleman is discussing the point of order, and not limited in time, he should confine himself to the question of order and not to the merits of the proposition.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BAYNE. I have been discussing the point of order right along. I have been showing, or attempting to show, that if it is germane to the bill this is the place where it should be inserted.

Mr. HAMMOND. I beg the gentleman's pardon; I thought he did not know he was out of order.

Mr. BAYNE. I say this, that if it is germane anywhere to the bill it is germane here and nowhere else.

I now yield to the gentleman from Maryland [Mr. FINDLAY].

Mr. FINDLAY rose.

The CHAIRMAN. The gentleman can not yield the floor.

Mr. HOLMAN addressed the Chair.

The CHAIRMAN. The Chair recognized the gentleman from Maryland.

Mr. HOLMAN. It is manifest, Mr. Chairman, that this is not a legitimate subject of discussion here.

The CHAIRMAN. The Chair has recognized the gentleman from Maryland.

Mr. HOLMAN. I state in all fairness that until we reach the point where it may properly be discussed it is not admissible, that the Constitution is a barrier——

Mr. FINDLAY. Mr. Chairman, I decline to yield the floor.

The CHAIRMAN. The gentleman declines to yield.

Mr. FINDLAY. There has been enough said upon the other side of this question, it seems to me, in all justice, to permit a few words to be said upon this side of the question. I propose to use the brief time allotted to me, Mr. Chairman, in speaking of this anti-civil-service rider, and particularly of that provision of it——

Mr. HOLMAN. I rise to a point of order, that the gentleman shall confine himself to the question of order which is pending.

Mr. FINDLAY. That is just what I am going to do. This is to the point of order. The amendment which was offered by the gentleman from Pennsylvania is subject to the point of order, and I hope my honored friend from Indiana will hold himself in peace and allow me to proceed in order.

Mr. BAYNE. As I understand my friend from Maryland, he takes the position that this is not admissible upon this bill?

Mr. FINDLAY. I do. I am discussing the point of order on the amendment of the gentleman from Pennsylvania, and am putting it upon the ground that his amendment is not in order, and hence I am perfectly in order in the line of remarks I am about to pursue.

Mr. HOLMAN. Everybody agrees that the amendment is not in order.

Mr. FINDLAY. Now I say that this amendment, whether presented in the form that it now comes before the House from the distinguished gentleman from Pennsylvania, who offers it for a formal purpose merely, or in the regular form as presented in this bill, is a proposition conceived—I speak impersonally, of course—conceived in the spirit of the purest buncombe, for the baldest purpose of the most transparent demagogy. [Laughter.] That is a pretty bold proposition, Mr. Chairman, but I expect to maintain it.

In the first place, there is no man here who doubts that it is subject to the point of order, and therefore will be tossed out of the bill as an irrelevant and inpertinent intruder whenever the time comes to make the motion. In the second place, there is no man here who doubts, if such by any miscarriage should not be its fate, that when it goes before the Senate that body will trample it under foot with the scorn and contumely it deserves.

There is no man here who doubts that if contrary to all reason and precedent it should pass that body it will then confront a hostile Executive, who will give his approval only under the compulsion of a false situation into which he has been cornered by his own political friends and supporters. This House, and when I say that I mean the ruling responsible power of this House, the Democratic majority, has rudely turned its back upon one of the principal reforms in the currency of the country recommended by the President; and as if that were not enough it now proposes to knock from under him the very foundation-stone of his political creed and public success. And this is politics! And these are leaders!

Why, sir, if it were not so serious a subject a man might sit down and laugh at this old party preserving its succession in tradition and name, if not in policy and principle, through a half century of conflict and varying fortunes, fighting battles for twenty-five years only to lose them, without one break in the long chain of reverses, and then at last, after these cruel postponements, disappointments, mortifications, and defeats, when tardy victory has brushed aside the black cloud of disaster and revealed the silver lining to its ravished gaze, whether intoxicated by the spectacle or mad from excess of joy, the grand old party, unequal to the task of deliberate and constructive contemplation of its own splendid achievements, seeks to be dismissed in the very moment of its ecstasy on the very spot of its triumph. [Applause.]

You have voted down an honest dollar, and now you propose to tear away the safeguard of the most valuable law in the statute-book. Let no gentleman deceive himself. The distinguished gentleman from Indiana [Mr. HOLMAN], in response to a question I asked him the other day during the general debate as to what the object of this amendment was, replied, to use his own language, it was to deal out even-handed justice; and the gentleman from Illinois [Mr. SPRINGER], in order to make the object of it still more plain, let us know that it was intended to give us a partisan instead of a non-partisan service.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a question?

Mr. FINDLAY. Not at this moment. Now, Mr. Chairman, I speak as to the particular provision which requires the certification of all the eligibles in the States as well as in the United States to the appointing power. And I say that this amendment will have the effect which I have just suggested, namely, to give us a partisan and not a non-partisan service. It is not a mere matter of conjectural speculation as to what will be the effect of the bill; but it is a matter of experience, demonstrated, boasted of, gloated over by a Baltimore postmaster. This ingenious young gentleman got the whole list of eligibles into his hands.

Mr. HENLEY. Is he a Democrat or a Republican?

Mr. FINDLAY. He is a Democrat. He was a Democrat in office.

Mr. HENLEY. Who appointed him?

Mr. FINDLAY. He was appointed by the present President of the United States.

Mr. HENLEY. That fixes his Democracy.

Mr. FINDLAY. That fixes his Democracy, I suppose, although that is a question of some doubt. [Laughter.]

He got the list of all the eligibles into his own hands. And now what use did he make of it? According to his own statement, made before the examiner of the Civil Service Commission who was in Baltimore, he made such good use of it that in less space than a year, according to his own statement and a statement that he boasts over—in less than a year he had turned out every Republican in that office and had put a Democrat in his place without missing fire once. [Loud and repeated applause.]

A MEMBER. Good for him.

Mr. FINDLAY. All right. Then your applause, gentlemen, is as to the effect of this amendment. Then you mean to say that the certification of all the eligibles will result in what you have applauded. Then you mean to say the object of this amendment is to give a partisan and not a non-partisan service. Applaud it just as long as you please. Neither hisses nor applause will deter me from the discharge of what I consider to be my duty.

I say, sir, that he boasted that with the list of eligibles in his hand, in violation of the object of the law, and in plain violation of Rule XXIV adopted by the Civil Service Commission, which requires that the appointing power shall not discriminate on account of politics—in violation of both, this ingenious young gentleman, with the aid of more expert manipulators, still boasts if he had only been spared a little longer in his place he would have turned over a Democratic civil-service reform post-office to his successor. Now, applaud that again. [Applause.]

[Here the hammer fell.]

Mr. FINDLAY. I was speaking to the point of order. I was not limited.

Mr. HOLMAN. There is no diversity of opinion upon the question of order touching this proposition; therefore I ask that a decision may be made. The Constitution intervenes here.

Mr. MCADOO. Mr. Chairman, if I am recognized I will yield my time to the gentleman from Maryland [Mr. FINDLAY].

Mr. HAMMOND. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. As I made the point that the gentleman from Pennsylvania [Mr. BAYNE] did not confine himself to the question of order, I think it my duty to make the same point against the gentleman from Maryland [Mr. FINDLAY], who plainly is not discussing the question of order.

Mr. FINDLAY. I am discussing it.

Mr. HAMMOND. The gentleman has not alluded to it.

Mr. RANDALL. I ask unanimous consent that the gentleman from Maryland [Mr. FINDLAY] have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that the gentleman from Maryland have five minutes' additional time. Is there objection? The Chair hears none.

Mr. FINDLAY. Gentlemen, let us not misunderstand the legal bearings of this case. I take issue with my distinguished friend from Georgia [Mr. HAMMOND] upon this question.

Mr. COMPTON. Will my colleague allow me a question?

Mr. FINDLAY. Not while I am on this point. The distinguished gentleman from Pennsylvania [Mr. BAYNE] offered an amendment here providing that the salary of the President should be conditioned upon his requiring such rules to be made as would result in the certification of all the eligibles, and he insisted, for the purposes of his argument, that that was an amendment germane to the bill. I deny that it is germane to the bill. The Chair has not yet decided the point of order. Of course it is competent for the Chair to decide the point, and when it does so I shall be off my feet, but the Chair has not yet decided the point of order upon the amendment offered by the gentleman from Pennsylvania, and I am arguing against that amendment.

The CHAIRMAN. The Chair recognized the gentleman from Maryland [Mr. FINDLAY] to be heard on the question of order.

Mr. FINDLAY. And that is what I am on. I insist that the amendment of the gentleman from Pennsylvania [Mr. BAYNE] is not germane to this bill.

Mr. HOLMAN. We all agree as to that.

Mr. COMPTON. Will my colleague allow me a question?

Mr. FINDLAY. Not just now.

Mr. COMPTON. Just one question.

Mr. FINDLAY. What is it, then?

Mr. COMPTON. I desire to ask my colleague this question: How many Democrats did the officer to whom he has referred here find in office under the operation of the civil-service law when a Republican was conducting that office?

Mr. FINDLAY. That is a question I have never inquired into, and I do not care to inquire into it now, because it has no pertinency whatever to the question at issue here.

Mr. COMPTON. I will answer it for you if you will allow me.

Mr. FINDLAY. No. The only answer I care to make to it is the one I have made.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. If the Chair has reached a conclusion as to the point of order, I desire to know if it is not proper for the Chair to dispose of that question in order that we may proceed with the business of the House?

The CHAIRMAN. The Chair has made no such announcement.

Mr. TOWNSHEND. But I say if the Chair has reached a conclusion——

The CHAIRMAN. The Chair will choose its own time for announcing its decision.

Mr. FINDLAY. May I proceed, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. FINDLAY. Very well. Now, let us dismiss the question as to the effect of the certification of these eligibles. There is not a man in this House who does not know what the effect of this amendment is intended to be, and if any one had any doubt about it before that doubt would now be dispelled.

Let us come to some of the objections that are made against the civil-service law. It is insisted that the law is undemocratic and un-American, and England is referred to, with all the prejudice which that reference is supposed to carry with it, as the seat of this modern heresy in regard to the manner of making appointments to office.

Do the gentlemen who speak of England know that prior to the adoption of the civil-service law in that country all the appointments, or almost all, were made by the nobility, by the aristocracy, and that that system of filling the public offices of England went down under the hard knocks of the democracy of England claiming that—

> The rank is but the guinea's stamp,
> A man 's the gowd for a' that.

Mr. SPRINGER. Where is the point of order? [Laughter.]

Mr. FINDLAY. As I have said, the appointments to the public service in England were controlled by the aristocracy. It was their younger sons, it was their dependent relatives, it was the personal favorites of the nobility who received those appointments. These were the only classes from which appointments were made, and the establishment of the civil-service system in England had its origin in the revolt of the democracy of England, or, if you please, the commons of England, against that condition of affairs. Now, sir, we have had the counterpart of that system in this country. We had no dukes or marquises, but we had their counterpart, so far as political control was concerned, in the shape of the ward "rounders" and "heelers," without whose recommendation or favor no man could be appointed to a public office.

A MEMBER. If not a count, he was a counter.

Mr. FINDLAY. Yes; he knows how to count very rapidly, and to make a false return after he counts—true according to his own count but false according to the facts.

Why, sir, in this country, although we had not an aristocracy that made appointments to the offices, we had a sort of feudal system. We had our tenants *in capite*, and the whole system running down through every stage of subinfeudation and the remotest relation of dependence. No man could get an office unless he had been recommended by some of these people who had control of the "machine."

Now I ask which is the more democratic of the two, the system which permits either a man or woman in this country to apply for office and, if qualified, to get into office——

A MEMBER. This civil-service system does not do that.

Mr. FINDLAY. Every man with influence or without influence has the opportunity to be examined and to qualify for the office; whereas under the other system no man can get into office unless he comes bowing and begging under the wing of some political scoundrel to whom he is under such obligations as must cut his very manhood to the bone.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COMPTON. I move to amend by striking out the section. Mr. Chairman, I have already expressed to this House the views which I entertain upon this question of civil service. I do not propose to repeat them; but I deem it proper to make a brief response to the remarks which have fallen from the lips of my distinguished colleague [Mr. FINDLAY]. Sir, the assault which he has made upon the late postmaster of Baltimore city is as undeserved as any that one man ever made upon another. Who is this man? Sir, he is the peer of my colleague or any other gentleman on this floor or anywhere as a man of character and intelligence and a Democrat. He is a man who, for the first time within the history of the country since the party came into control of the Government, has had it in his power as a Democrat to administer Federal patronage in the State of Maryland. He administered it under the eye of the authorities here in Washington; and when he was about to conclude his administration and of his own free will deliver up that office this same Civil Service Commission sought by indirection, by every effort and every means which they could employ, to cause it to be believed by the world that he had violated the laws of that service. Why? Because he had removed from office a lot of political scalawags, a lot of unprincipled political scoundrels, the associates——

Mr. FINDLAY. Were the soldiers he removed——

Mr. COMPTON. The associates of my colleague in last fall's campaign when he sought to defeat the Democratic ticket.

Mr. FINDLAY. I deny it.

Mr. COMPTON. I mean to say——

Mr. FINDLAY. Were the soldiers who were removed "political scalawags and scoundrels?"

Mr. COMPTON. I do not care whether they were soldiers or not.

Mr. FINDLAY rose.

Mr. COMPTON. I do not submit to interruption.

The CHAIRMAN. Gentlemen will come to order.

Mr. FINDLAY. I desire to ask my colleague a question.

Mr. COMPTON. I yield for that purpose.

Mr. FINDLAY. I would like to ask the gentleman a question. I understood him to say that all the persons discharged from the post-office in the last year by the postmaster of Baltimore were "political scalawags and scoundrels."

Mr. COMPTON. No, sir; not all of them.

Mr. FINDLAY. Well, I understood you to say so.

Mr. COMPTON. Not all of them; I never intended to say so.

Mr. FINDLAY. Then I want to know how many of them.

Mr. COMPTON. Take your seat, and I will go on.

Mr. FINDLAY. How many of them? I would like to have an answer.

Mr. COMPTON. You will get an answer when you take your seat.

Now, I assert again that it was sought to convict Mr. Veazey of a violation of the civil-service rules because he had removed from office, in strict conformity with the law and the rules, a lot of men who were unfit to hold office under any administration, and in coalition with whom, as I said before, my distinguished colleague last fall sought to defeat the regular Democratic ticket in that city.

Mr. FINDLAY rose.

Mr. COMPTON. I say they were unfit to hold office, because he knows, and I know, that those men, in connection with the officials of the custom-house in the city of Baltimore, have run Republican politics at the primaries in that city, ever since the party has been in power, by any and every means within their reach to control that organization and the politics of that city.

Mr. FINDLAY. I call the gentleman to order. His five minutes are out.

The CHAIRMAN. The gentleman's time has expired.

Mr. TAULBEE. I desire to be recognized in order that I may yield my time to the gentleman.

Mr. FINDLAY. Mr. Chairman, I am perfectly willing my colleague should have all the time he wants; but I do not propose to be misrepresented or to have my constituents misrepresented in this way.

Mr. COMPTON. Mr. Chairman——

The CHAIRMAN. The Chair informs the gentleman from Maryland [Mr. COMPTON] that his time has expired.

Mr. TAULBEE. If I can be recognized in opposition to the amendment I desire to yield my time to the gentleman.

Mr. HOLMAN. I call for the regular order.

Mr. COMPTON. Now, Mr. Chairman, it is a strange sound to come from——

The CHAIRMAN. The gentleman from Indiana calls for the regular order.

Mr. TAULBEE. I rise to a parliamentary inquiry. I wish to inquire whether I was recognized in opposition to the amendment submitted by the gentleman from Maryland.

The CHAIRMAN. The gentleman from Indiana called the regular order. Under the rules debate upon any amendment is confined to five minutes on one side and five on the other.

Mr. TAULBEE. I move to strike out the last two words and yield my time to the gentleman from Maryland [Mr. COMPTON].

Mr. COMPTON. Mr. Chairman, I say it is a singular sound to come from the lips of the gentleman from Maryland, who was elected to this Congress as a Democrat, to charge, as he has charged, that the purpose and object of Mr. Veazey in making removals was to institute and create a partisan force to carry on partisan affairs within the post-office of the city of Baltimore.

I am ready to say to him here and now if that is a partisan organization he will find, I believe, that it is an organization of competent, honest, efficient, and faithful public servants, who will render unto the Government its full and complete due; and when the primaries shall come they will be found exercising the privileges only of free American citizens and not of partisans.

And when the post-office of that city, under a Democratic administration, or the custom-house under a Democratic administration, seeks as has been done in the city of Baltimore under a Republican administration to control the politics of the State of Maryland, I will be found with him for turning the rascals out. [Laughter and applause].

But, Mr. Chairman, turn the rascals out! Whence springs and how comes this new-born zeal of my distinguished colleague, and of other Democrats on this floor, for retaining the rascals in office? Sir, for twenty years he and all of us have made the welkin ring with the declaration that if power came into the hands of the Democratic party they would use it to turn the rascals out.

Mr. FINDLAY. I most emphatically deny that, as far as I am individually concerned. So far as turning the rascals out, yes, I agree to that; but when you go to the extent of making a clean sweep, I say no, that is another thing.

Mr. COMPTON. I say, sir, that in spite of the declarations of reform as proclaimed by my colleague, all his purpose to-day seems to be to try to keep the rascals in. [Laughter and applause.] I am against it, sir. I am as honestly and earnestly in favor of an honest and earnest administration of the civil service as he dare to be, and he knows it.

Mr. FINDLAY. No, I do not.

Mr. COMPTON. You do not?

Mr. FINDLAY. No.

Mr. COMPTON. Well you do know this, sir, that I have got the record of an honest official in my State——

Mr. FINDLAY. I make no personal charges against him, nor did I wish to be so understood.

Mr. COMPTON. No, you could not do it.

Mr. FINDLAY. I have not undertaken to do it.

Mr. COMPTON. Now, I do not want to prolong this debate. I am satisfied with the position that the gentleman has taken, and am content to let the matter rest before the people if he is. I am content to let his declaration as to his position go before the Democracy of Maryland, and to be tried upon that issue. I am ready to stand with him on this record which has been so made up.

Mr. FINDLAY. I am with the real Democrats of Maryland, but not the spurious Democracy of Maryland.

Mr. SPRINGER. What Democrats of Maryland did you go with last fall?

Mr. FINDLAY. We have in our State real and spurious Democrats; Democrats who have corrupted and debauched the franchises of our State; that have made, through the agency of the President, led astray by malign influences here, too, on the recommendation of men who owed their offices to such influences, the very name of civil service a stench in the nostrils of the people. [Derisive laughter and applause.]

But I am in favor of civil service, honest civil service, not your "snivel"-service reform, as it has been carried on in more instances than one. I am in favor of genuine, honest civil-service reform.

Sir, this country has survived the perils of civil war. It has outlived the shock of commercial panic, pushing us to the verge of bankruptcy. It has witnessed the successive flashings of labor strikes all around the horizon, and ominous mutterings from the same disturbed quarter still admonish us that the danger is not over. But none of the trials through which we have passed have been too great for the heroism, the honor, or the justice of the American people. But, sir, whenever the impudent announcement that to the victor belongs the spoils receives a practical exemplification in the distribution of the immense patronage of this country, and a hundred thousand offices are put up for sale every four years to be knocked down to the successful bidder, then let the danger-signals be hung from every station, for on that day and in that hour the country will be called upon to confront the most dangerous enemy that has ever yet assailed its peace or threatened its integrity.

And now, sir, I want to close this discussion by having read an account of this Baltimore post-office, and the doings there, to which my friend from Maryland has alluded; and let us see Mr. Veazey's own account of himself. I ask the Clerk to read what I send to the desk—that part which is printed in small type.

Mr. SHAW. Will the gentleman allow me a question?

Mr. FINDLAY. Yes, sir.

Mr. SHAW. What does the gentleman send to the desk to have read? From what source does it come?

Mr. FINDLAY. It makes no difference.

Mr. SHAW. Yes; it is a very important matter, and has much to do with it.

Mr. FINDLAY. I will state to the gentleman that it is an extract copied from the Baltimore Sun.

Mr. SHAW. The whole of it?

Mr. FINDLAY. Yes, sir; I think the whole of it.

Mr. SHAW. And without comment?

Mr. FINDLAY. Without comment so far as I am aware.

The Clerk read as follows:

Mr. Veazey began the discussion by saying that on the question of changes there was no room for opinion. It was a matter of fact, and easily ascertainable from the records whether true or untrue. As to obtaining a copy of the list of eligibles, he had the express authority of Mr. Dorman B. Eaton, the synonym of civil-service reform. If any crime had been committed, it was gratifying to have such excellent authority. While that was true it was unimportant, as he (Mr. Veazey) had the names of all applicants before the examination, and those who passed brought him their notices and their standings themselves.

Mr. LYMAN. Mr. Eaton was not the commission.

Mr. VEAZEY. He was the chairman of the commission and the most experienced, and regarded by many as the whole commission. I regarded his sanction as abundant authority.

Mr. Lyman, after examining the books of the local board, said he observed that all on the list of appointments were regularly certified to, and he said he could find no such proceedings as charged at the civil-service meeting. He saw a number of instances of many certifications in one day.

Mr. VEAZEY. That is true and perfectly legal.

Mr. LYMAN. I concede that it is legal, but you must have had a purpose in doing it.

Mr. VEAZEY. My purpose was, so far as consistent with public interest and in conformity with law, to select for appointment none but civil-service Democrats. The result of this is very gratifying to me and annoying to my enemies.

Mr. Lyman asked Mr. Veazey if he had not received recommendations from persons prominent in politics for the appointment of those who had passed the examination. Mr. Veazey replied that he had tried to inform himself as to the character and efficiency of eligibles, and had received recommendations and information from all classes, including politicians, merchants, lawyers, doctors, and even some of the most sublime types of civil-service reformers. He had allowed himself to give consideration to both politicians and civil-service reformers. He found himself obliged in a few instances to appoint Republicans to conform to the law, and when they had fairly entered the service he had promoted them. With these few unfortunate and unavoidable exceptions his selections had purposely been from the Democratic party. He said also that, judging from the result of the examinations held at the post-office since the law passed, it was safe to say that under a Republican administration few Democrats applied for examination, and *vice versa*. Therefore the appointing power was seldom called upon to discriminate, except as between those of the same political faith.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

The formal amendment was withdrawn.

The Clerk read the following paragraph:

For compensation of the Vice-President of the United States, $8,000.

Mr. HOLMAN. I suppose that item might as well be stricken out, leaving it to the Senate to make such provision in lieu of it as they may think proper.

The CHAIRMAN. Does the gentleman from Indiana submit a motion?

Mr. HOLMAN. I do. I move to strike out that paragraph.

Mr. BAYNE. As I understand, the Chair sustained the point of order on my proposition.

The CHAIRMAN. The point of order was sustained.

The Clerk read the amendment proposed by Mr. HOLMAN.

Mr. HOLMAN. The Senate, as I have suggested, will make such provision as it thinks proper.

Mr. ROWELL. Why should this be stricken out, if it is a proper appropriation?

A MEMBER. There is no Vice-President.

The question being taken, there were—ayes 38, noes 39.

Mr. HOLMAN. I make the point of no quorum. Gentlemen must see that this is a matter which it is proper for the Senate to arrange.

Mr. HAMMOND. I think it would save time if I should be permitted to say a word in explanation. [Cries of "Regular order!"]

The CHAIRMAN. A quorum not having voted, the Chair will appoint as tellers the gentleman from Illinois, Mr. CANNON, and the gentleman from Indiana, Mr. HOLMAN.

The committee again divided; and the tellers reported—ayes 82, noes 54.

Mr. HOLMAN. I withdraw the point as to a quorum.

The CHAIRMAN. The point as to a quorum having been withdrawn, the ayes have it.

Mr. REED, of Maine. I do not understand that the point as to a quorum has been withdrawn.

The CHAIRMAN. The gentleman from Indiana withdrew it.

Mr. REED, of Maine. What gentleman from Indiana?

The CHAIRMAN. Mr. HOLMAN.

Mr. HAMMOND. I ask unanimous consent to make one moment's explanation. We have already appropriated his regular salary as Senator to the Senator presiding at the other end of the Capitol.

Mr. REED, of Maine? Where?

Mr. HOLMAN. Under the head "Senators," on the first page. The Vice-President being dead, the thing that ought to be done is to strike out these lines and insert:

In addition to the pay already appropriated to him as Senator the sum of $3,000 is appropriated to the President of the Senate.

That gives him the pay he is entitled to. The statute says when there is no Vice-President the compensation of the President of the Senate shall be the same as that of Vice-President.

Mr. REED, of Maine. I understand that the language of the statute is that he shall have the compensation which is provided by law for the Vice-President. Now, is there not the difficulty, if it is not put in the appropriation bill, that it will not be the compensation which is provided for the Vice-President?

Mr. HAMMOND. No; for this reason——

The CHAIRMAN. This debate is out of order.

Mr. HAMMOND. I understood unanimous consent was given me for an explanation.

Mr. REED, of Maine. If this is stricken out it forces upon the Senate an increase of appropriations by adding one which the House ought to make.

Mr. HAMMOND. If this provision remains in the bill as it is the President of the Senate will get $13,000 instead of $8,000.

The CHAIRMAN. Does the gentleman from Maine renew the point of order as to no quorum?

Mr. REED, of Maine. I do not.

The CHAIRMAN. Then the Chair announces that the ayes have it, and the amendment is agreed to.

Mr. REED, of Maine. When the Senate puts this on the bill I trust the Democratic stump orators in the next campaign will not charge it to us.

Mr. STEELE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 411 insert the following:

"For compensation of the President of the Senate, $8,000."

Mr. TOWNSHEND. I reserve the point of order.

The CHAIRMAN. The gentleman from Georgia [Mr. HAMMOND] is recognized.

Mr. STEELE. I thought I was entitled to the floor.

The CHAIRMAN. The gentleman from Indiana [Mr. STEELE] did not take the floor to support his amendment.

Mr. HAMMOND. I am willing to wait.

Mr. STEELE. Let the gentleman from Georgia proceed.

Mr. HAMMOND. We have already, on page 1 of the bill, at line 10, appropriated $5,000 as the salary of the Senator who has the honor to be President of the Senate. Now, if we pass this amendment giving him $8,000, he will receive $13,000. Nobody wants that done. The sum of money we have appropriated to pay Senators will be either $5,000 over what is necessary or he can draw $5,000 under that appropriation.

Mr. REED, of Maine. Will the gentleman allow me a suggestion?

Mr. HAMMOND. Yes, sir.

Mr. REED, of Maine. If the President of the Senate draws his salary as Vice-President, he will not draw his salary as Senator, and no auditor would audit such an account. I think we can come to an agreement about it.

Mr. HAMMOND. All we are trying to arrive at is to give Senator SHERMAN, as President of the Senate, $8,000. That is all we want to do. Now, we must either by consent retrace our steps and take away the $5,000 we have given him on the first page, or we must modify this amendment to read somewhat after this fashion:

In addition to the salary already given to the President of the Senate as Senator, $5,000, the sum of $3,000 is hereby appropriated to make his compensation the compensation of the Vice-President of the United States.

Mr. BRECKINRIDGE, of Arkansas. I have a substitute for the amendment which I think meets the case.

Mr. REED, of Maine. I desire to suggest to the gentleman from Georgia that if $8,000 is appropriated specifically there can be no difficulty, because it will be impossible to draw anything but the $8,000.

Mr. HAMMOND. The gentleman does not take my other point, which is that if you appropriated the $8,000 here you leave $5,000 on the first page appropriated to nobody.

Mr. REED, of Maine. Then it can not be drawn.

Mr. HAMMOND. But the bill appears to carry $13,000.

Mr. REED, of Maine. It has always carried it.

Mr. HAMMOND. Oh, no!

Mr. LONG. How is it at present by the law extending up to the 1st of July? Is not Mr. SHERMAN drawing his salary now under just such a provision?

Mr. HAMMOND. No. He is drawing it under a law which applied to the situation when there was a Vice-President. That Vice-President having died, the President of the Senate, under the statute, draws the same compensation that the Vice-President would receive.

Mr. LONG. Why not have the same provision for next year, then?

Mr. HAMMOND. Because we do not want to pay the corpse, and the President of the Senate does not want to draw his pay as the representative of the corpse.

Mr. LONG. But the law says he shall have the compensation of the Vice-President.

Mr. HAMMOND. No; it says that he shall have the compensation due to the office.

Mr. TOWNSHEND. Mr. Chairman, I make the point of order that this provision changes existing law, and that therefore, under Rule XXI, it is not in order. That rule has been rigidly enforced against some amendments which, in my judgment, were very meritorious, and I insist upon its enforcement now.

Mr. HOLMAN. I trust my friend will not do that.

Mr. TOWNSHEND. There is no law to-day authorizing the payment of any compensation to the President of the Senate.

Mr. BRECKINRIDGE, of Arkansas. Oh, yes, there is a very plain law.

Mr. HAMMOND. Here is the law in the Revised Statutes, section 36, page 6:

Whenever there is no Vice-President, the President of the Senate for the time being is entitled to the compensation provided by law for the Vice-President.

Mr. HOLMAN. Mr. Chairman, I propose that the committee adopt the amendment of my colleague appropriating $8,000, and simply reduce the appropriation for Senators to the extent of $5,000. Is there any objection to that?

Mr. BRECKINRIDGE, of Arkansas. I have a substitute covering that point, and if I can have it read I will ask its adoption.

The CHAIRMAN. The Chair will take pleasure in having the gentleman's substitute read. The gentleman was not recognized to offer it, and the Chair did not know that it had been offered.

The Clerk read as follows:

Substitute for the amendment as follows:

"Compensation of the President of the Senate in addition to his salary as Senator, $3,000."

Mr. BAYNE. No Senator will want to abandon his office and relinquish his right to represent his constituents even though he may be Vice-President.

Mr. BRECKINRIDGE, of Arkansas. This does not require that. [Cries of "Vote!" "Vote!"]

Mr. STEELE. I accept that.

The substitute was agreed to.

The Clerk read as follows:

For contingent expenses of the Executive Office, including stationery therefor, as well as record-books, telegrams, books for library, miscellaneous items, and furniture and carpets for offices, care of office carriage, horses, and harness, $8,000.

Mr. PRICE. Mr. Chairman, I move to amend by striking out lines 427, 428, 429, 430, and 431.

The effect of this amendment is simply to reduce an aggregate of $91,864 to $83,864. I do not expect to carry the amendment at all, but I want to take advantage of this opportunity to call attention to the vote which passed here a little while ago. This House has forty-seven committees, and I assert, and no man dare contradict it or pretend to contradict it, that the average current expenses of those committees for stationery does not exceed $28. This House has appropriated for stationery for those committees an amount which, if this estimate be correct, is $4,700 in excess of the amount really required for that purpose.

Mr. CANNON. Does my friend know how much is paid for parchment upon which to engross the bills of the House?

Mr. PRICE. No; and that has nothing to do with this question. I want to say to this House that there is not a single dollar of that $4,700 that is honestly expended. I want to say to you gentlemen that you are building up an aristocracy in this country that will trouble your children if it does not you, and if you do not address more conscience to the administration of your public trust the time will come, and the child is already born and half grown who will see it, when you will find yourselves in the condition of India, Ireland, Peru, and the other old countries where there are but two classes, the ruling and the ruled. This bill contains $5,000,000 which is to be spent in a way to hasten that day, and I, standing here under my oath of office as a Representative of the people, would be recreant to my duty if I did not try to trim these appropriations down, not to a parsimonious standard, but to a fair, honest standard of public expenditure. That is what I ask this House to do.

You are not doing it. Under this bill our Democratic friends are given an opportunity to take moneys which are not earned, and the standard of statesmanship on this side seems to be to let them do it in order to make political capital. Sir, in my opinion the best capital we can make to go before the people is by addressing ourselves to a calm, dispassionate consideration of every proposed expenditure—first to inquire whether the service is needed, and next what is it worth. If the amount proposed be too little, let it be raised; if too large, let it be cut down. But let us not spend days and days in talking about abstract propositions which have no necessary connection with the bill, and then, because it is popular to do so or unpopular to deny the right to do so, appropriate $5,000,000 for which no equivalent is to be rendered to the people from whom the money is collected.

Mr. SPRINGER. Where is the $5,000,000?

Mr. PRICE. I can not tell all the items in a moment. I have shown half a dozen instances of unnecessary and extravagant appropriation. But gentlemen ignore all that is said in opposition to such expenditures. They shut their eyes, and swallow every proposition of this kind. I could point out numbers of such cases. I have already pointed out one case where the appropriation is $4,700 in excess of the needs of the service; but I might as well have pointed it out to a company of Hottentots. [Laughter.] My amendment was rejected. Yet there is no man on this floor who will dare to say that there is an honest dollar in that excessive appropriation of $4,700 for stationery.

Now, what is the propriety of voting $91,000 for the various offices and expenses connected with the Presidential Mansion? I tell you, gentlemen, if we desire to do our duty, we should reduce these various salaries. Even the President's salary—though we can not cut it down in this bill—might very well be $25,000 instead of $50,000; ay, even if it were reduced to $15,000 or even $10,000 we should have a better government, one more in consonance with the spirit of republican institutions. "But," gentlemen say, "the President must entertain." I say, no; he is under no more obligation to "entertain" than you or I or the humblest man on the police force. He may "entertain" with his own money, as you and I may do with ours; but it is not his constitutional duty, and he has no right, to spend the public money for entertainment. It is things of this kind which I say are building up in this country an aristocracy totally at variance with the whole spirit and genius and purpose of our republican form of Government.

[Here the hammer fell.]

The question being taken on the amendment of Mr. PRICE, it was rejected.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one clerk of class 4, who shall be a stenographer, $1,800; one clerk of class 2; one clerk of class 1; one messenger, $840; and one laborer; in all, $21,400: *Provided*, That this appropriation shall be available only when the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointment from any one State, found duly qualified on examination, and without regard to age, shall be sent to the head of a Department or other officer charged with making an appointment.

Mr. MORRISON. I make a point of order against the proviso just read.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

LEAVE TO PRINT.

Mr. O'NEILL, of Missouri. I ask unanimous consent that all members desiring to do so have leave to print in the RECORD remarks on the bill passed this morning to authorize the incorporation of trades unions.

There being no objection, leave was granted.

TARIFF BILL.

Mr. MORRISON. I ask to be allowed to give notice that on next Thursday I shall move to take up the tariff bill. [Applause on the Democratic side.]

Mr. MCKINLEY. I desire to give notice that the opponents of the bill will at that time resist the motion.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 275) for the relief of William D. Stewart and others;

A bill (H. R. 1815) granting a pension to Ellen Corcoran;

A bill (H. R. 2418) for the relief of V. F. Gorrissen; and

A bill (H. R. 5251) making an appropriation for the repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit thereto.

The SPEAKER. The hour of 5 o'clock having arrived, the House now takes a recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union under the previous order of the House made to-day.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

Mr. HOLMAN. I suggest that, by unanimous consent, the ruling of the Chair, which I presume the Chair is ready to pronounce, be postponed upon the pending amendment until to-morrow morning.

Mr. WILLIS. I do not understand the Chair is ready yet to rule upon the point.

Mr. HOLMAN. Inasmuch as it has been thoroughly discussed I presume that the Chair is ready; but I ask that it go over, with the clause to which it refers, to come up for consideration to-morrow.

Mr. WARNER, of Ohio. I desire to offer an amendment to the clause.

Mr. LONG. If the Chair is ready to rule, it might save time to have the ruling now.

The CHAIRMAN. The Chair would like to have the order in reference to the mode of proceeding to-night read. If the Chair understood it at the time, it seemed to be that where there was objection to a paragraph of the bill it was to be passed over informally, the object being to read over the parts of the bill not objected to, and leave the other portions to which objection is made to be considered hereafter.

Mr. MORRISON. Then I will object to this, so that we may go on.

The CHAIRMAN. As to the paragraph on which the Chair understands the point of order is raised, he considers that objected to, and it will go over.

Mr. MORRISON. There are other points to be made to the clause in the same section and on the same subject.

The CHAIRMAN. But the Chair understood that where there was objection to a particular part of the bill it would be passed over and not voted on.

Mr. HOLMAN. That was the understanding substantially. But I do not see that amendments may not be considered and voted on.

The CHAIRMAN. The Clerk will read the next section.

The Clerk read as follows:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, $8,000; First Assistant Secretary of State, $4,500; two Assistant Secretaries of State, at $3,500 each; for chief clerk, $2,750; for six chiefs of bureau and one translator, at $2,100 each; stenographer to the Secretary, $1,800; eleven clerks of class 4; four clerks of class 3; seven clerks of class 2; fourteen clerks of class 1; four clerks, at $1,000 each; and ten clerks, at $900 each; one messenger; two assistant messengers; one packer, at $720; ten laborers; in all, $114,150.

Mr. WARNER, of Ohio. I simply wish to inquire if there is any increase of salary in that section. I do not understand that debate has been cut off by the order of the House.

Mr. HOLMAN. No debate is in order. This provision is substantially the same as the present law.

But I wish for the present to raise a question on the second paragraph with reference to the First Assistant Secretary of State, which I wish to go over for the present.

The CHAIRMAN. It will go over.

Mr. SPRINGER. I desire to ask whether the compensation of the chief clerk, $2,750 a year, is the compensation provided by law?

Mr. HOLMAN. I think it is the whole salary.

Mr. SPRINGER. I thought it was $2,500.

Mr. TAULBEE. I desire to submit an amendment to that section.

The Clerk read as follows:

In line 462, after the word "dollars," insert:
"To be paid only after the service shall have been performed by the persons holding said appointments."

Mr. TAULBEE. My object in offering that amendment is that this provision may apply to the officers named, following the word "dollars."

Mr. SPRINGER. It ought to follow the word dollars in line 468.

Mr. TAULBEE. Then I am willing, at the suggestion of the gentleman, to offer the amendment to come in at that point, following the last word of line 468. After a little reflection, however, I desire to change the language of the amendment.

The CHAIRMAN. The Chair thinks we had better now, at the commencement of the proceedings to-night, understand exactly what the order of the House was. The Chair understood the gentleman from Indiana to ask that an evening session be held, with the understanding that wherever any part of the bill was objected to it was to be passed over, the object being to read and agree to such portions of the bill as might be unobjectionable.

Mr. HOLMAN. I do not think it was quite so broad. If any gentleman objects to a given paragraph being considered, without doubt it goes over. If he simply proposes to amend, and the object is not to insist upon a quorum, but to vote upon an amendment, that is no objection.

Mr. TAULBEE. I wish to state on that point that I do not object to a vote on the amendment, nor do I object to the amount of the salaries fixed in this paragraph.

Mr. WEAVER, of Iowa. But you do object to the paragraph as contained in the bill, for your amendment indicates it.

Mr. TAULBEE. I want to amend it so as to perfect it. Of course it will be necessary, as I understand the Chair, to offer the amendment which is to some extent in the nature of an objection. I do not suppose, however, the Chair would treat that as such an objection as would pass the section over.

The CHAIRMAN. The gentleman can proceed until the Chair can get the order under which the House is acting to-night.

Mr. HOLMAN. I object to the consideration of this paragraph to-night.

Mr. ADAMS, of Illinois. I do not wish to discuss the question, but suggest to the gentleman from Indiana that the theory which the Chair entertains is the safest with all due regard to the business to be done to-night, and will save much valuable time by letting us get through with that portion of the bill to which no objection is made, and all parts which gentlemen desire to amend or discuss be passed over. We can get rid of very much of the bill to-night, and then to-morrow take up those portions which have been passed over.

Mr. HOLMAN. I agree in that view, except where a proposition is made there is no reason why a vote should not be taken, unless, of course, it be demanded that a quorum shall vote.

Mr. ADAMS, of Illinois. The trouble is every gentleman is either tempted to break a quorum or else for fear of an interference with the business of the House has to yield to an amendment that his judgment is opposed to.

Mr. SPRINGER. This order then will not save us any time.

Mr. ADAMS, of Illinois. I think the object of this evening session was to obtain a rapid reading of those portions of the bill which are not objected to, so as not to give rise to the question of a quorum; and as the Chair, I think, was of that opinion, I will bring it before the committee by making the point of order that an amendment is in the nature of an objection; and that when an amendment is offered we should pass over the paragraph to which it relates and go on.

Mr. HOLMAN. I suggest to my friend from Kentucky [Mr. TAULBEE] to submit his proposition at the proper point of the bill as applicable to all the Departments. I do not think it should be submitted as an amendment to each particular clause authorizing the employment of clerks by the Government. He can offer it to come in at the end of the bill as a separate section.

Mr. TAULBEE. At the end of the first section of the bill?

Mr. BLAND. To save time I object to the paragraph.

Mr. TAULBEE. Before the gentleman makes his objection will he allow me one moment?

Mr. BLAND. I am here to object to one part of the bill; and I do not want to stay here all night in order to reach that objection.

Mr. TAULBEE. I think time will be saved if I am allowed to make a suggestion. If it is proposed to read this bill, I will state that I propose to offer this same amendment so as to apply to each branch of the service, and if the paragraph is objected to and the objection is sustained, we can not pass any paragraph as to the classified employés.

Mr. HOLMAN. Will the gentleman agree to have a vote on his amendment?

Mr. TAULBEE. Certainly I will.

Mr. HOLMAN. Then let us have a vote.

Mr. TAULBEE. I desire to make a remark in response to the suggestion of the gentleman from Indiana that I shall defer these amendments till the end of the bill is reached. I have already offered an amendment of this nature which was ruled out on a point of order. And unless I have some assurance that the amendment applying to all the paragraphs would be in order at the end of the bill I will insist on offering it to each paragraph as it is reached.

Mr. HOLMAN. Has any question of order been raised on the paragraph to which the gentleman from Kentucky now offers an amendment?

Mr. TAULBEE. No, sir.

Mr. HOLMAN. Then I ask for a vote.

Mr. SPRINGER. I understood the gentleman from Kentucky had withdrawn his amendment with a view of offering it later.

Mr. TAULBEE. No, sir. I propose to offer it now, unless on the condition that I can offer the amendment to all these paragraphs when the end of the bill is reached.

Mr. HOLMAN. I hope there will be no objection to that—that a proposition of this kind offered at the end of the bill may be subject to a vote.

Mr. ADAMS, of Illinois. So far as those now present are concerned we can give unanimous consent.

Mr. HOLMAN. If so, the House gives unanimous consent.

The CHAIRMAN. The Chair will cause the order under which the House meets this evening to be read.

The Clerk read as follows:

On motion of Mr. HOLMAN,
"*Ordered*, That a recess be taken at 5 o'clock until 8 o'clock p. m., at which evening session House bill No. 8974, the legislative, executive, and judicial appropriation bill, shall be considered, except such paragraphs as may be objected to, which shall be passed over; said evening session to terminate at 11 o'clock p. m."

The CHAIRMAN. Under the order the Chair will hold a formal objection to a paragraph will be necessary in order to its being passed over.

Mr. HOLMAN. The gentleman from Kentucky [Mr. TAULBEE] consents to withdraw his amendment if the unanimous consent of the House be given that he be permitted to offer it at the end of the bill.

Mr. TAULBEE. I do not think that is exactly a fair statement of my proposition. My proposition is that an amendment covering these points shall be considered in order when the end of the bill is reached. And I wish to have inserted in the RECORD the substance of the amendment I propose to offer. It is as follows:

Provided, That no sums hereinbefore appropriated shall be expended in payment of any salary to any person or employé in the service of the United States included in the classified civil service during furlough or leave of absence for a longer period than thirty days in any twelve months.

Mr. LONG. If the gentleman will allow me I wish to say I do not think he can be prevented from offering this whether the House consents or not.

Mr. TAULBEE. It must be understood not only that I have a right to offer it, but that it must be voted on by the House.

Mr. LONG. The House can not prevent its being voted on.

Mr. BLAND. I object to the consideration of the paragraph.

The Clerk read the following paragraph:

For contingent expenses, namely: For care and subsistence of horses and repairs of wagons, carriage, and harness, $1,200; for rent of stable and wagon-shed, $600; for care of clock, telegraphic and electric apparatus, and repairs to the same, $1,000; and for miscellaneous items not included in the foregoing, $2,000; in all, $4,800.

Mr. LYMAN. I desire to offer an amendment by direction of the Committee on Expenditures in the State Department. If that is held to be an objection——

The CHAIRMAN. It is not. The Clerk will report the proposed amendment.

The Clerk read as follows:

Amend the paragraph as follows:
In line 479 strike out "$1,200."
In line 480 strike out "$600."
In lines 481 and 482 strike out "$1,000."
In line 483 strike out "$2,000."

Mr. LYMAN. Mr. Chairman, I will state in a word the reason why the Committee on Expenditures in the State Department propose this amendment——

Mr. BLAND. I will ask the gentleman from Iowa whether he expects to call a quorum on a vote on this proposition?

Mr. LYMAN. No, sir. I have no such interest in the amendment myself as would require me to do that. Mr. Chairman, the Committee on Expenditures in the State Department in making some investigation as to this subject found a state of facts existing which seemed to the committee to be a sufficient reason for this amendment, and at the suggestion of officers of the State Department they have proposed the amendment. As will be seen in the paragraph, certain amounts are appropriated for various items in the State Department. There is no objection made to the total amount, $4,800. I have not examined the old bill, but if I am correctly informed the amounts here are the same that were appropriated for like items in that bill. The disbursing officers of the Department have found, however, that while the amounts appropriated for some of these items are enough and for others more than enough, in still other instances the amounts are insufficient, and the consequence is that some of the bills pertaining to these latter items are unpaid. For instance, the wash bill of the State Department for months past has remained unpaid. The Department has had to defer payment because the appropriation for that particular item was exhausted, although there is plenty of money for the payment of the bill in other funds. For the same reason the ice bill is unpaid, and so is a gas bill of $4.03.

Now, it has seemed to the Committee on Expenditures in the State Department that it would be entirely safe—certainly so under this reform administration—to give the Secretary of State or the disbursing officers of the Department discretion to disburse this fund according to the requirements of the Department, appropriating the amount here in bulk instead of dividing it up among these various items.

Mr. HOLMAN. Mr. Chairman, the Committee on Appropriations can not consent to that unless the Committee of the Whole determine on that course. The policy which prevailed for many years of appropriating in bulk was abandoned some years ago, and of late the policy has been to make specific appropriations by items. That rule has been applied to every Department. I admit that the estimates were for a sum in gross, but, adopting in this case the policy which is applied to every other Department, the amount was divided into items.

I suggest to the gentleman from Iowa [Mr. LYMAN] that if it is found that the amount is not properly distributed it will be easy for the Department to have it corrected in the Senate. We have taken the present law as the basis of distribution, but if it is not correct it can be corrected by itemized estimates being sent to the Senate without increasing the total amount.

Mr. RANDALL. The general policy of the Congress for some years past has been to break up the system of lump appropriations because it gave a discretion which was sometimes abused. I have no idea that it would be abused in this case, but I think it is well to adhere to our rule, and, if there be any gas-bills, or other bills which there is no money to pay, they can be provided for in the deficiency bill.

Mr. LYMAN. But how is such a small bill as this to be provided for in a deficiency bill? It certainly is not creditable to our Government to have these little bills unpaid.

Mr. RANDALL. We often provide for small bills. We have sometimes provided for an amount as low as $1.20 in a deficiency bill.

Mr. FARQUHAR. Mr. Chairman, it seems to me that the $2,000 in lines 482 and 483 is intended to cover these small contingent expenses.

Mr. RANDALL. Any bills contracted during the current year must be paid out of the appropriations for the current year or else provided for by deficiencies, and I maintain that a strict construction of the law would not allow the payment of bills contracted in the current year out of the general appropriation for the next fiscal year. But the gentleman from Iowa need apprehend no difficulty about paying these bills of the State Department.

Mr. LYMAN. Nevertheless, Mr. Chairman, the fact seems to be that they are unpaid.

Mr. RANDALL. I know; but they will be provided for in the deficiency bill.

Mr. LYMAN. And in the mean time the washwoman is still waiting for her money.

Mr. RANDALL. Experience has shown that it is better to make these itemized appropriations than to appropriate in a lump sum. The latter plan produced evils from which we have been for years trying to escape.

Mr. LYMAN. I do not wish to press this amendment against the will of the committee. I have been directed by my committee to offer it, and it seems to me proper that it should pass.

The question was taken on the amendment, and it was rejected.

The Clerk resumed the reading of the bill, but was interrupted by

Mr. WARNER, of Ohio, who said: I rise only to suggest to the gentleman in charge of this bill that wherever there are changes in the salaries, either by increase or decrease, those changes should be designated, so that the House may pass upon the question. As the bill is read we do not know where these changes occur.

Mr. HOLMAN. The report shows that.

Mr. WARNER, of Ohio. Many of us have not the report before us.

The Clerk, resuming the reading of the bill, read the following:

Office of the chief clerk and superintendent: For chief clerk, including $300 as superintendent of Treasury building, $3,000; assistant superintendent of Treasury building, $2,100; an inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, $1,900; three clerks of class 4; additional to one clerk of class 4 as book-keeper, $100; one clerk of class 3; two clerks of class 2; two clerks of class 1; one clerk, at $1,000; one messenger; three assistant messengers; one store-keeper, $1,200; one telegraph operator, $1,200; three elevator conductors, at $720 each; one engineer, $1,400; one assistant engineer, $1,000; two assistant engineers, at $720 each; one machinist and gas-fitter, $1,200; three firemen; five firemen, at $660 each; one coal-passer, $500; one gardener, $840; one captain of the watch, $1,400; two lieutenants of the watch, at $900 each; fifty-eight watchmen; one foreman of laborers, $1,000; one skilled laborer, male, at $840; three skilled laborers, male, at $720 each; twenty-six laborers; ten laborers, at $500 each; three laborers, at $360 each; eighty charwomen, at $180 each; and for the following employés while actually employed: one foreman of cabinet-shop, at $5 per day; one draughtsman, at $4 per day; one cabinet-maker, at $3.50 per day; twelve cabinet-makers, at $3 per day each; one cabinet-maker, at $2 per day; in all, $142,106.50.

Mr. WARNER, of Ohio. I ask the gentleman from Indiana to inform us what salaries are increased or decreased in this paragraph? I presume he has the data before him.

Mr. HOLMAN. I have not the data before me without referring to the report of the committee.

Mr. WARNER, of Ohio. This is a bill carrying appropriations to the amount of $20,000,000. There are a great number of items; and I think we ought to know where the committee have taken upon themselves to increase or decrease salaries. We may agree with them in these changes; I presume I shall do so in the main. Still, before voting upon these matters, we would like to know what these changes are. I think this information is due to the House.

Mr. TOWNSHEND. If the gentleman will read the report——

Mr. WARNER, of Ohio. I do not think we could tell very well even then.

Mr. HOLMAN. If my friend will consent I will have read a paragraph from the report.

Mr. WARNER, of Ohio. Gentlemen of the committee who are familiar with these matters ought to be able to inform us readily what the changes are.

Mr. TOWNSHEND. The report shows them.

Mr. WARNER, of Ohio. Then let the gentleman point them out in the report.

The CHAIRMAN. The Chair suggests that the gentleman from Ohio should offer a *pro forma* amendment.

Mr. WARNER, of Ohio. I do not wish to make any objection until I understand what the facts are.

Mr. HOLMAN. I ask the Clerk to read what I have marked in the report of the committee.

The Clerk read as follows:

TREASURY DEPARTMENT.

In the Secretary's office a private secretary, at $1,800, is provided for each of the two assistant secretaries, in lieu of two clerks of class 4 omitted.

An inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury is provided for, at $1,900, in lieu of one clerk of class 4 omitted.

In the several divisions of the office of the Secretary of the Treasury, in the aggregate, six less employés are provided for, and a reduction of $15,010 is made in the whole amount of salaries under the current law, and $17,089.50 under the amount of estimates submitted. The estimates, as submitted for these divisions, proposed a rearrangement of the force, which in the main is provided for.

Mr. HOLMAN. The committee have directed me to offer to this paragraph the amendment which I send to the desk.

The Clerk read as follows:

In line 505, strike out "three" and insert "five."

In line 507, strike out all after the word "dollars" down to and including the words "class one," in line 508, and in lieu thereof insert "two clerks of class 3, three clerks of class 2, three clerks of class 1;" and in lieu of the sum stated in lines 534 and 535 insert "$149,906.50."

Mr. HOLMAN. I will explain the effect of this amendment. The Secretary of the Treasury insists that his Department can not get along under the provisions as we have reported them; he is quite positive about that. The reductions we have proposed in the bill amount to $17,000. The effect of this amendment is to increase the amount of the appropriations as proposed in the bill not quite $7,000——

Mr. TOWNSHEND. Still there is a reduction.

Mr. HOLMAN. Leaving a reduction of $10,000.

Mr. BAYNE. Is not the effect of this to legislate out of office certain clerks in order that new clerks may be appointed?

Mr. HOLMAN. No, sir.

Mr. TOWNSHEND. They all come under the civil-service law.

Mr. BAYNE. But will not new applications be required to fill these new places?

Mr. TOWNSHEND. Not at all.

Mr. HOLMAN. Oh, no. I think the Secretary is very sincere about this matter.

Mr. TOWNSHEND. They all come under the civil-service law.

Mr. BAYNE. You make a very large increase, I observe.

Mr. TOWNSHEND. No, sir; there is a reduction of $10,000 in the aggregate.

Mr. BAYNE. I observe that in the act of March 3, 1885, the total

amount appropriated for this service was $128,000; now you have got it up to $149,000.

Mr. TOWNSHEND. We have rearranged the items. The gentleman will find in the summing up that there is a reduction, as the gentleman from Indiana stated, of $10,000.

Mr. HOLMAN. Not quite $10,000.

Mr. BAYNE. I observe by the newspaper this evening that in one office alone ten or fifteen clerks have been discharged.

Mr. TOWNSHEND. Where?

Mr. BAYNE. In the Comptroller's office.

Mr. CANNON. The effect of the reductions of the committee in the office of the Secretary of the Treasury are stated on page 2 of the report in the following language:

In the several divisions of the office of the Secretary of the Treasury, in the aggregate, six less employés are provided for, and a reduction of $15,010 is made in the whole amount of salaries under the current law, and $17,089.50 under the amount of estimates submitted. The estimates, as submitted for these divisions, proposed a rearrangement of the force, which in the main is provided for.

The Secretary's office includes a number of items which have not yet been read. Now, Mr. Chairman, I think it is due to the House to say that the amendment submitted by the gentleman from Indiana increases the force as provided in the pending bill so that the reduction upon the appropriations for the current year is about $10,000; but still the appropriation is $7,000 less than the amount called for by the rearrangement suggested in connection with the estimates by the Secretary of the Treasury.

I wish to say further that as to many of the offices in the Treasury Department—the Auditors' offices and others—the estimates were submitted in strict conformity to the current law; that is, the estimates contemplated a continuation of the service as it is now. In every instance where this has been done, according to my recollection, the Committee on Appropriations have allowed the amount of the estimate; but as to the office of the Secretary of the Treasury and all the other offices in regard to which a proposition for rearrangement was submitted, involving in most cases a reduction, the Committee on Appropriations accepted the reduction but refused the increases involved in the rearrangement—not a very great encouragement, I submit, to officers to propose rearrangement involving reductions.

I think they will take warning from this, and will ask from year to year merely a continuance of the existing service, instead of submitting rearrangements, though involving a reduction in the aggregate; because we find that under the administration of my friend from Indiana and the present Committee on Appropriations all the decreases involved in any rearrangement are accepted and all the increases are denied.

I do not care about this matter, so far as I am concerned. I am in the minority. While I do not want the public service crippled, it is no part of my business to stand here and fight the battles of the Departments as now officered or of the administration.

I simply wanted to tell the Committee of the Whole how this bill was made up and to state that in my opinion it will demoralize the executive in future, because I say again substantially wherever the heads of bureaus or Departments have submitted a rearrangement and a decrease of the appropriations, every time, without exception, the Committee on Appropriations have accepted the decrease, but deny with equal uniformity any increase where it is essential. Wherever the bill simply submitted the current appropriations without increase or decrease they have conformed to it or made such reductions as they might deem proper.

Mr. TOWNSHEND rose.

Mr. HOLMAN. I do hope my friend from Illinois will let us get on with the bill and have no more discussion on this point.

Mr. TOWNSHEND. I can not consent to submit without replying to the statement of the gentleman from Illinois.

Mr. CANNON. Does my friend from Indiana agree to the accuracy of the statement?

Mr. HOLMAN. I am perfectly willing to consent to every proposition of my friend from Illinois just so we can get on with the bill.

Mr. CANNON. Well, the gentleman confesses; does he avoid an explanation?

Mr. HOLMAN. No, sir; but I see no reason for prolonging this discussion. I want to get through with the bill.

Mr. CANNON. Does the gentleman admit the statement I have made is correct?

Mr. HOLMAN. Yes, substantially, in every respect.

Mr. TOWNSHEND. I do not propose to plead guilty to the charges of my colleague, for he well knows that I protested all the time against the adoption of such a policy in the committee. I believe in encouraging the officers of the Departments when they submit a reduction or rearrangement of their force with a view to reducing expenditures and where they assent to it willingly. I am opposed to accepting their reduction and refusing to increase wherever it was believed to be necessary in the judgment of the Departments in the organization of their offices. I believe in paying some attention to the increases as well as to the decreases.

Now, in the Treasury Department, the Secretary of the Treasury has been making a most commendable effort to reduce the expenditures of the Government. There has been a reduction of some $80,000 in that Department in the aggregate.

A MEMBER. Oh, no!

Mr. TOWNSHEND. I assert now that the estimates submitted by the Secretary of the Treasury show a reduction in the expenditures of that Department of over $80,000, and my friend from Indiana can not dispute it.

Now, in the Treasurer's office there is some truth in what my colleague has said, that there was a disposition on the part of some of the committee to resist the reduction; but there was also a disposition on the part of some members of the committee to give the increase that was asked for. But after allowing all of the reductions and increases that have been asked for by the officers of the Treasury there is still a net reduction of some $10,000 in the Treasurer's office. It is true, as my friend from Indiana has said, that eventually, after adding the increases and deducting the decreases, there is still a final reduction of $10,000.

I rose for the purpose of making this statement, because in my judgment it is due to the officers of that Department; and I think that where such a commendable spirit is shown by public officers it should be recognized and responded to by the appropriating power of the Government.

The CHAIRMAN. The Clerk will read.

Mr. HOLMAN. I find on a moment's reflection that I was rather too broad in my concession to the gentleman from Illinois. [Laughter.]

Mr. CANNON. I could not help thinking so.

Mr. HOLMAN. The trouble is that the increases are mainly in the increases of salaries. I concede that the Committee on Appropriations has resisted that amendment, and to that extent I plead guilty to the charge made by my friend.

Mr. CANNON. But you denied the increases asked for and always accepted the decreases offered.

Mr. HOLMAN. Not to any material degree. Due consideration was given to the estimates.

Mr. TAULBEE. I wish to ask the gentleman from Indiana if the amendment just submitted increases the number of officers to be employed in this particular branch of the public service.

Mr. HOLMAN. Yes, sir.

Mr. TOWNSHEND. Not above the present law?

Mr. HOLMAN. Oh, no; there is still a reduction.

Mr. TAULBEE. What is the reduction?

Mr. HOLMAN. As has been stated, the reduction will be eventually about $10,000.

Mr. PRICE. I want to ask the chairman of the committee or some other gentleman on the committee why it is that in line 517 there are three firemen with no salary fixed for their service.

Mr. HOLMAN. Because their salaries are fixed by law.

Mr. PRICE. Does the same fact exist as to the fifty-eight watchmen in lines 521 and 522, and also for the twenty-six laborers in line 525?

Mr. HOLMAN. They are all fixed by law.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

The amendment was agreed to.

Mr. TAULBEE. I desire the amendment I move to the other paragraph shall be considered as pending to the portion of this paragraph contained between the word "dollars" in line 505 and the word "dollars" in line 509.

The Clerk read as follows:

Division of warrants, estimates, and appropriations: For chief of division, $2,750; assistant chief of division, $2,400; estimate and digest clerk, $2,000; five clerks of class 4; three clerks of class 3; one clerk of class 2; four clerks of class 1; two clerks, at $1,000 each; three clerks, at $900 each; one laborer; and one assistant messenger; in all, $33,230.

Mr. CANNON. I desire, with the view of calling the attention of the committee, to ask whether the gentleman from Indiana has before him a statement of what the law fixes as the salary of the chief of the division of warrants and estimates.

Mr. HOLMAN. I do not have it before me at this instant.

Mr. CANNON. I have it here.

Mr. HOLMAN. This is likely one of the salaries reduced ten years ago.

Mr. TOWNSHEND. How much?

Mr. HOLMAN. Two hundred and fifty dollars.

Mr. CANNON. I move to strike out "$2,750" in line 537, and in lieu thereof to insert "$3,000."

Mr. HOLMAN. Let us have a vote.

Mr. CANNON. I wish to make a statement about it first. If gentlemen will look at pages 5525 and 5526 of the RECORD they will find a table published by the gentleman from Indiana [Mr. HOLMAN], which states what the salary is as fixed by the Revised Statutes for all the offices appropriated for in this bill where there is a difference between the bill and the law. I wish to state this is the only officer in the list so far as I now know whose salary I shall move to increase in pursuance of the existing law. And I do it for this reason, that the

gentleman who is at the head of the division of warrants and estimates performs duty for this amount that really merits a salary of $5,000 a year. I think I can call for the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] to corroborate the statement I now make. Some years ago his salary was decreased.

Mr. RANDALL. I wish to say a word. He is one of the best officers in the Government.

Mr. CANNON. Yes; he is one of the best officers in the Government and one of the most important officers.

Mr. HOLMAN. Allow me to state that ten years ago that salary was reduced from $3,000 to $2,750.

Mr. CANNON. Yes.

Mr. HOLMAN. And it has been $2,750 for ten years nearly. Now it is proposed to raise it.

Mr. CANNON. No, sir.

Mr. HOLMAN. You make that motion.

Mr. CANNON. I do not propose to raise it, but I propose, for this valuable official, to pay him so far as my vote is concerned what the law gives him. Instead of appropriating $2,750 to allow him $250 more, instead of forcing him to go to the Court of Claims to recover that amount.

Mr. HOLMAN. There is no danger of that in the outcome of this bill.

Mr. CANNON. Why not?

Mr. HOLMAN. There is no estimate increasing the salary.

Mr. CANNON. Why is there no danger? I am entitled to ask the question why, and I am entitled to an answer from the gentleman.

Mr. HOLMAN. Because this House before it finishes the bill will see it will be impossible to increase salaries and my friends can not expect otherwise.

Mr. CANNON. I am not speaking of what the House intends to do. I am speaking of what the law does so far as I am concerned. I know this official must do this work for $2,750, but then the law gives him the right to go to the Court of Claims.

The CHAIRMAN. The gentleman's time has expired.

Mr. CANNON. I hope by unanimous consent the committee will agree to give me more time.

Mr. BLAND. I object to the consideration of the paragraph.

The CHAIRMAN. Objection being made, the paragraph will be passed over.

Mr. TOWNSHEND. I hold the floor long enough to state one thing.

The CHAIRMAN. The paragraph has been objected to and it goes over.

Mr. TOWNSHEND. I move to insert——

The CHAIRMAN. You can not, because the paragraph has been passed over.

The Clerk will proceed to read the next paragraph.

Mr. TOWNSHEND. I am going to make my statement. And if I have to stay here all night I will make it.

The CHAIRMAN. The gentleman will withhold his amendment until the next paragraph has been read.

The Clerk read as follows:

Division of customs: For chief of division, $2,750; assistant chief of division, $2,000; two clerks of class 4; three clerks of class 3; two clerks of class 2; two clerks of class 1; two clerks, at $1,000 each; eight clerks, at $900 each; one assistant messenger; and two laborers; in all, $29,590.

Mr. TOWNSHEND. I move to strike out the last word.

Mr. BLAND. I object to the paragraph.

The CHAIRMAN. The paragraph will be passed over, and the Clerk will read the next paragraph.

The Clerk read as follows:

Division of appointments: For chief of division, $2,750; assistant chief of division, $2,000; one clerk of class 4; four clerks of class 3; two clerks of class 2; one clerk, $1,000; two clerks, at $900 each; three copyists, at $840 each; one assistant messenger; two laborers; in all, $23,110.

Mr. TOWNSHEND. I move to strike out the last word.

Mr. BLAND. I object to the paragraph. I want to go on with the business of the House and not have so much debate.

Mr. TOWNSHEND. I have the floor on my motion to strike out the last word, and the gentleman from Missouri has no right to take me off the floor.

The CHAIRMAN. The gentleman from Missouri has the right to object to any paragraph, and when objection is made the paragraph is not before the House.

Mr. TOWNSHEND. I made the motion that the last word be stricken out, and the gentleman from Missouri [Mr. BLAND] attempted to take me off the floor.

The CHAIRMAN. The objection has the effect of causing the consideration of the paragraph to be passed over.

Mr. TOWNSHEND. I rise to a question of order. I took the floor and offered an amendment, which the Chair entertained. I want to know by what authority the gentleman from Missouri takes me off the floor by an objection?

The CHAIRMAN. The Chair thinks a gentleman can at any time object to the consideration of a paragraph.

Mr. TOWNSHEND. Even though another gentleman holds the floor to speak to an amendment which he has offered?

Mr. BLAND. I give notice, since I understand that the committee want to go on with the bill without so much talk, that I shall object to anything that gives rise to debate.

Mr. CANNON. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. I desire to know whether it will be in order for the gentleman from Missouri [Mr. BLAND] to give notice that when anybody offers an amendment to any clause of this bill he will object.

Mr. BLAND addressed the Chair.

Mr. TOWNSHEND. I believe I have the floor.

Mr. BLAND. I understood we came here to-night to read the portions of this bill to which there is no objection. I intend to exercise my right as a member of this committee under the rules of the House.

The CHAIRMAN. The gentleman from Missouri has the right to object to any paragraph when under consideration.

Mr. CANNON. I want to state in reply to the gentleman from Missouri if we are to do only what business pleases that gentleman we will do no business to-night.

Mr. BLAND. The gentleman from Missouri will do his part of the business to-night and the gentleman from Illinois can do the same.

Mr. TOWNSHEND. I offered an amendment to this paragraph. The gentleman from Missouri objected to the consideration of the paragraph, and as I understand has now withdrawn his objection. That leaves my motion pending. All I want to say is this, in a dozen words: My friend from Illinois, who insists this salary shall be raised, must recognize the fact that this officer has been occupying that position for ten years at the same salary as is provided in this bill. If he thinks he should have a higher salary, he should have given it to him while his party had control.

Mr. CANNON. I want to give him what the law allows him.

Mr. TOWNSHEND. Why did you not give him what the law allows him before this? I withdraw the amendment.

Mr. TAULBEE. I move to amend by striking out these words:

Assistant chief of division, $2,000.

I wish to say to the gentleman who has charge of this bill that if any member of the Appropriations Committee is willing to state on this floor that the duties to be perfomed by this officer are absolutely necessary, and that they are duties other than those to be performed by the chief of division, I will not make the point of no quorum on this amendment. But until that is done and a similar statement is made with reference to every assistant chief of a bureau in this Department, I intend to see the appropriations shall not pass this House without a quorum.

Mr. BUTTERWORTH. I can not speak for the Treasury Department——

The CHAIRMAN. This paragraph has been objected to.

Mr. BUTTERWORTH. I do not understand that any gentleman objects to it——

The CHAIRMAN. It was objected to previously and is passed over.

The Clerk read the following paragraph:

Division of public moneys: For chief of division, $2,500; assistant chief of division, $2,000; four clerks of class 4; three clerks of class 3; two clerks of class 2; one clerk of class 1; one clerk, $1 000; one clerk, $900; one messenger; one assistant messenger; one laborer, $550; in all, $24,510.

Mr. TAULBEE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 562 and 563 strike out the words "assistant chief of division, $2,000."

Mr. BUTTERWORTH. If my friend from Kentucky [Mr. TAULBEE] and the House will indulge me I will say, while I can not speak from any personal knowledge in the Treasury Department, I do know the system of having an assistant chief of division is a desirable one. The chief of division is held responsible for the progress of the work, keeping it under his eye, distributing it, learning whether this employé or that properly discharges his duty; and I am absolutely sure that so far as the Interior Department is concerned this is a most admirable arrangement. It is not always possible for the chief of a division to be at his post, and it is natural for those who are in the office to appeal to some one in case of doubt as to what to do or as to distribution of the work sent into the division. It certainly does not do any harm to have an assistant, some one to perform these duties, precisely as there are a captain and a lieutenant in a company. I have no doubt it is an economical method. It is a result of experience, as they have proceeded to systematize more carefully and fully the business of the several Departments.

I will say to my friend from Kentucky my own experience was that it was desirable and, in fact, indispensable to have one who should act as an assistant chief. I do not remember now whether there was an assistant chief or not, but if there was not, there was some one designated who, in the absence of the chief, exercised a supervising care in looking after work, in crowding the work, and seeing everything was dispatched with promptness. I have no doubt of the wisdom and the propriety of the provision.

Mr. TAULBEE. The statement of the gentleman, so far as he has

gone, has convinced me that my theory in reference to this matter is the correct one. If I understood him aright, he said that the office of the chief of a division was a necessary office. I agree that no division can be properly conducted without having a chief whose duty it is to see that the work is properly distributed and properly done. I understand also the importance of having some person in the absence of the chief of the division to take his place. I regard that as indispensable to the proper conduct of the service. But these assistant chiefs, according to the statement of the gentleman from Ohio, are expected to perform the duty of the chief only in his absence, and that confirms my information from these Departments——

Mr. BUTTERWORTH. Oh, the assistant chief performs his regular duty at all times. He is not idle when the chief is present. He performs his full quantum of work; but he is charged with this special responsibility only when the chief is absent. He may also have special duties to perform as assistant chief when the chief is present. I am sure that if my friend will investigate this subject at the Departments he will find that his objection is not well taken.

Mr. TAULBEE. Mr. Chairman, I think I have investigated this matter.

The CHAIRMAN. The Chair will state that this debate is not in order.

Mr. TAULBEE. I concede that; but I thought it was going on by general consent.

The question was taken on the amendment; and there were—ayes 1, noes 42.

Mr. TAULBEE. No quorum has voted.

Mr. ADAMS, of Illinois. I object to the paragraph.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

Division of loans and currency: For chief of division, $2,500; two assistant chiefs of divisions, at $2,100 each; eight clerks of class 4; additional to two clerks of class 4 as receiving-clerk of bonds and book-keeper, $100 each; one clerk of class 3; two clerks of class 2; four clerks of class 1; two clerks, at $1,000 each; fourteen clerks, at $900 each; one messenger; two assistant messengers; six laborers; superintendent of paper-room, $1,600; one paper-cutter, at $3 per day; one paper-counter, $720; twenty-four paper-counters and laborers at $620 each; in all, $69,479.

Mr. TAULBEE. Mr. Chairman, I move to amend in lines 570 and 571 by striking out the words "two assistant chiefs of division at two thousand one hundred dollars each."

Mr. TOWNSHEND. I am satisfied that if my friend from Kentucky really understood the absolute necessity for these assistant chiefs of division he would not pursue the course he is pursuing. These officers have duties higher than those of any other clerk in a division even while the chief is present. Take, for instance, the Comptroller. We have a deputy comptroller, and the deputy comptroller is absolutely indispensable. These assistant chiefs have duties to perform which are entirely different from and higher than those of any of the other clerks. These chiefs of division have been established by law for good reasons and there are good reasons for continuing them.

All that the gentleman from Ohio [Mr. BUTTERWORTH] said of the necessity for these officers in the Interior Department will apply to the Treasury Department with perhaps greater force than to the Interior Department. I know that my friend from Kentucky is governed by pure motives, but if he only understood the absolute necessity of these assistant chiefs he certainly would not take this course.

Mr. DIBBLE. Mr. Chairman, I object to the consideration of lines 570 and 571.

Mr. TAULBEE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. Does that objection pertain to the entire paragraph or only to the lines named?

The CHAIRMAN. The Chair holds that it pertains to the paragraph. The Clerk will read.

The Clerk read as follows:

Division of revenue marine: For chief of division, $2,500; assistant chief of division, $2,000; one clerk of class 4; four clerks of class 3; two clerks of class 2; two clerks of class 1; two clerks, at $1,000 each; one clerk, at $900; and one laborer; in all, $21,460.

Mr. TAULBEE. Mr. Chairman, I move to amend by striking out in lines 584 and 585 the words "assistant chief of division, $2,000."

Mr. ROWELL. I object to the paragraph, Mr. Chairman.

Mr. HOLMAN. I hope the gentleman from Kentucky [Mr. TAULBEE] will indicate whether he intends to pursue this line of policy all the way through.

Mr. TAULBEE. Mr. Chairman——

Mr. ROWELL. I have objected to the paragraph.

Mr. TAULBEE. I hope the gentleman will not do that until I have submitted one question.

Mr. ROWELL. I have objected, and decline to withdraw the objection. [Cries of "Read!" "Read!"]

Mr. TAULBEE. Mr. Chairman, I do not wish to be considered as in any sense desirous of retarding the progress of business in this House; but I do not understand that under the special order we are expected to pass an appropriation bill carrying so large an amount of money without the privilege of discussing the merits of the bill. When I offered my first amendment, including officers of this class, I expressed my reluctance to entering upon a discussion with reference to these various propositions, and said to the gentleman in charge of the bill that if he or any other member of the Committee on Appropriations would state on this floor the nature of the work to be performed by these officers and that their work is absolutely necessary to the good of the service I would not only refrain from arguing these amendments but desist from offering them. Unless this is done——

Mr. ROWELL. I rise to a point of order. My point is that this whole paragraph has been objected to, and therefore the discussion is out of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PARKER. It being evident that we shall not be permitted to do any business to-night, but are simply spending our time for the amusement of three or four gentlemen, I move that the committee rise.

Mr. HOLMAN. I hope the gentleman will not make that motion now.

Mr. BLAND. We can find some portions of the bill to which objection will not be made.

The CHAIRMAN. The Chair understands the motion to rise is not insisted upon.

The Clerk read as follows:

Division of stationery, printing, and blanks: For chief of division, $2,500; five clerks of class 4; two clerks of class 3; two clerks of class 2; two clerks of class 1; two clerks, at $900 each; two messengers; two assistant messengers; one foreman of bindery, at $5 per day; four binders, at $4 per day each; and one sewer and folder, at $2.50 per day; in all, $32,175.50.

Mr. TAULBEE. I move to amend by inserting at the end of the paragraph just read the following:

Provided, That none of the sums hereinafter appropriated shall be expended in payment of any salary to any person or employé in the service of the United States included in the classified civil service during furlough or leave of absence or a longer period of time than thirty days in any twelve months.

Mr. BLAND. I object to the paragraph. We had better go on with something else.

Mr. SPRINGER. I understood there was an agreement that all these questions should be taken up at the end of the bill.

Mr. TAULBEE. I rise to a parliamentary inquiry. I wish to know whether the agreement referred to by the gentleman from Illinois [Mr. SPRINGER] was to the effect that this general amendment covering all the sections of the bill should be voted upon in committee when we reach the end of the bill, or was it simply agreed that the amendment should be offered at that time. I wish to know what the agreement was.

The CHAIRMAN. The Chair has nothing to do with the agreement.

Mr. TAULBEE. I understand that unanimous consent of the Committee of the Whole was had——

Mr. HOLMAN. The agreement was that the proposition should be offered, subject, of course, to all objections, as if offered regularly to the paragraph.

The Clerk read as follows:

And the services of skilled draughtsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order may be employed in the office of the Supervising Architect to carry into effect the various appropriations for public buildings, to be paid for from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1887, shall not exceed $130,000; and that the Secretary of the Treasury shall each year, in the annual estimates, report to Congress the number of persons employed and the amount paid to each.

Mr. HOLMAN. By instruction of the Committee on Appropriations I move to amend by striking out, in line 651, the word "thirty" and inserting "fifty." This does not increase any appropriation; it is simply the summing up of the aggregate appropriation.

Mr. HISCOCK. I ask the gentleman whether this is upon the estimate?

Mr. HOLMAN. Yes, sir; it is exactly the estimate.

The amendment was agreed to.

The Clerk read as follows:

Commissioner of Customs: For Commissioner of Customs, $4,000; deputy commissioner, $2,250; two chiefs of division, at $2,100 each; two clerks of class 4; five clerks of class 3; eleven clerks of class 2; eight clerks of class 1; one clerk, at $1,000; one assistant messenger; and one laborer; in all, $49,430.

Mr. RANDALL. As we have just passed the paragraph in regard to the office of the Second Comptroller of the Treasury, I wish to say that as I understood that officer in the committee-room he desired another chief of division, making seven. I do not know whether the gentleman from Indiana understood that this officer would be allowed or not.

Mr. TOWNSHEND. I think the chief referred to was included in the six chiefs of division allowed by the committee.

Mr. HOLMAN. I do not think we agreed to an additional one.

Mr. RANDALL. I will not assert that we did; but I will assert that the Second Comptroller wants this seventh chief of division; and I will assert further that by the rearrangement of his office the Second Comptroller has reduced the expenses of his office to the extent of more than $15,000, perhaps $18,000 in the aggregate.

Mr. CANNON. The paragraph last read appropriates $4,000 for the salary of the Commissioner of Customs. The law fixes this salary at $4,500. I think a salary of $4,000 is too large. Hence I do not desire

to make any motion to increase the sum named in the bill. If it were in my power I would rather move to decrease it to $3,500. But I presume we shall appropriate the $4,000, because we appropriated that much last year; and this officer will go to the Court of Claims and recover the $500 additional to which he is entitled under the law.

Mr. HOLMAN. I do not think there is any proposition here. We reduced the salary nine years ago, when my friend was a great power on the Committee on Appropriations, during the Forty-seventh Congress, as he always has been, and he made no proposition to increase it.

Mr. CANNON. I do not wish to increase it now.

Mr. BLAND. If we are to have debate, I will object to the paragraph.

Mr. HOLMAN. Oh, no; do not.

Mr. CANNON. The law gives this officer a salary which is not appropriated for in this bill.

Mr. BLAND. I object to the paragraph. There is no motion made.

The CHAIRMAN. No motion is pending.

Mr. BLAND. I object.

Mr. HOLMAN. Then read the next paragraph.

The Clerk read as follows:

First Auditor: For the First Auditor of the Treasury, $3,600; deputy auditor, $2,250; four chiefs of division, at $2,000 each; seven clerks of class 4; ten clerks of class 3; eleven clerks of class 2; eighteen clerks of class 1; three clerks, at $1,000 each; four copyists and counters, at $900 each; two assistant messengers; and two laborers; in all, $88,810.

Mr. CANNON. I move to strike out the last word. In the Revised Statutes the First Auditor is entitled, with the other Auditors, to $4,000 a year, and yet this bill only appropriates $3,600. How much it will cost the Government to defend the suit against the recovery of the $400 which is not appropriated I do not know.

Mr. HOLMAN. This is one of the numerous salaries reduced nine years ago, and since then my friend from Illinois has not proposed to increase it.

Mr. BLAND. I object to the paragraph.

Mr. HOLMAN. Oh, no!

Mr. BLAND. No motion has been made, and we have nothing but debate. We are here for work, and not debate.

Mr. CANNON. I am not going to lie under that imputation; and I therefore most solemnly move to strike out the last word.

Mr. BLAND. I object to the paragraph. We all know what moving to strike out the last word means. Let my objection stand.

Mr. TOWNSHEND. My friend in striking out the last word——

[Cries of "Regular Order!"]

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk proceeded with the reading of the bill without objection until he reached the following paragraph:

Fourth Auditor: For the Fourth Auditor, $3,600; deputy auditor, $2,250; three chiefs of division, at $2,000 each; two clerks of class 4; fourteen clerks of class 3; eight clerks of class 2; nine clerks of class 1; three clerks, at $1,000 each; five clerks, at $900 each; one assistant messenger; and two laborers; in all, $69,390.

Mr. HOLMAN. I am instructed by the committee to submit the following amendment, which is simply a rearrangement.

The Clerk read as follows:

In lines 738 and 739 strike out "fourteen" and insert "twelve;" and in line 741, after the word "each," where it last occurs, insert "four clerks, at $800 each."

Mr. BAYNE. I move to strike out the last word, and desire to inquire whether or not these paragraphs are open to amendment and discussion to-morrow, being objected to to-night.

The CHAIRMAN. Certainly.

Mr. BAYNE. Just as if they had not been considered at all?

The CHAIRMAN. Yes, sir.

Mr. BAYNE. I object to this paragraph.

Mr. HOLMAN. I did not hear what my friend from Pennsylvania said.

Mr. BAYNE. My inquiry was, if these paragraphs are objected to and go over will they be open to amendment and consideration hereafter?

Mr. HOLMAN. But this is in conformity with the wish of the Auditor.

Mr. BAYNE. My inquiry was a parliamentary one, whether these paragraphs objected to to-night will be open to discussion and amendment to-morrow just as if they had not been objected to at all.

The CHAIRMAN. Yes.

Mr. BAYNE. I object to this paragraph.

Mr. HOLMAN. There is no change in the amount.

Mr. BAYNE. There are so many changes of arrangement I wish to investigate them.

The CHAIRMAN. The paragraph is passed over, and the Clerk will read the next paragraph.

The Clerk read as follows:

Auditor of the Treasury for the Post-Office Department: For the Auditor of the Treasury for the Post-Office Department, $3,600; deputy auditor, who may be designated to sign, in the name of the said Auditor, such letters and papers as the Auditor may direct, $2,250; chief clerk, $2,000; ten chiefs of division, at $2,000 each; eighteen clerks of class 4, and additional to one clerk as disbursing clerk, $200; sixty-five clerks of class 3; seventy-seven clerks of class 2; eighty clerks of class 1; sixty clerks, at $1,000 each; one skilled laborer, at $1,000; twenty assorters of money-orders, at $900 each; fifteen assorters of money-orders, at $840 each; two messengers; seven assorters of money-orders, at $720 each; seven assistant messengers; twenty-two male laborers; three female laborers, at $660 each; and ten charwomen, at $180 each; in all, $489,910.

For the temporary force to dispose of accumulated money-orders, namely: Three clerks of class 1; three clerks, at $1,000 each; and four clerks, at $900 each; in all, $10,200.

Mr. CANNON. Was not the gentleman instructed to offer some amendments?

Mr. HOLMAN. No. The changes there were all made in committee.

Mr. CANNON. I move, in line 775, to strike out "four" and insert "three," so it will read "three clerks, at $900 each." Having made that motion, I desire to be recognized for one moment to say that at the close of my remarks, unless some new light is given, I may possibly withdraw my amendment. Having read through these clauses appropriating for these Auditors, and all of them having passed, I desire now to say to the House we are in this condition, that each one of these Auditors is entitled to $4,000 by law in the Revised Statutes. Yet this bill only appropriates $3,600 for each one of them.

I desire to say further that each deputy auditor is entitled of $2,500 a year, while this bill only appropriates $2,250.

Well, in the grand rounding up the bill may carry less money, and at the end of the year, this coming fiscal year, I venture the prediction that every one of these Auditors and every one of these deputy auditors will be found getting together and making a test case and bringing a suit in the Court of Claims to recover the difference between the salaries fixed by law and the salaries established by this appropriation bill. The result will be that they will recover, and the Government of the United States will have to pay the amount in full which we fail to appropriate, and have rendered ourselves powerless to conform to the law so as to make them take what the bill appropriates. But we will have to appropriate not only the difference between the amount fixed here and what the law fixes but thousands of dollars besides to pay attorneys' fees and costs.

Mr. HOLMAN. Does not the gentleman know that during the last nine years the salary has been the same, and that no such anticipation has been realized?

Mr. CANNON. Oh, yes; but the conditions are changed by your new system of rules.

I withdraw the amendment.

The Clerk read as follows:

Treasurer: For the Treasurer of the United States, $6,000; assistant treasurer, $3,600; cashier, $3,600; assistant cashier, $3,200; chief clerk, $2,500; five chiefs of division, at $2,500 each; one principal book-keeper, at $2,500; one assistant book-keeper, at $2,400; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; one clerk for the Treasurer, $1,800; twenty-six clerks of class 4; seventeen clerks of class 3; fifteen clerks of class 2; one coin clerk, at $1,400; twenty clerks of class 1; five clerks, at $1,000 each; sixty clerks, at $900 each; nine clerks, at $700 each; seven messengers; six assistant messengers; twenty-six laborers; and seven laborers, at $240 each; two pressmen, at $1,200 each; three separators, at $660 each; three feeders, at $660 each; in all, $268,700.

Mr. RANDALL. I want to state in connection with the Treasurer that I am advised he estimated for one vault clerk at $2,500. He also makes a memorandum showing that the vault clerk has exclusive charge of the vaults of the Treasury, containing $254,000,000.

Mr. BRECKINRIDGE, of Kentucky. How much?

Mr. RANDALL. Two hundred and fifty-four million dollars.

Mr. BRECKINRIDGE, of Kentucky. Is that all? [Laughter.]

Mr. WARNER, of Ohio. It ought to be paid on the public debt, and then there would not be any necessity for a vault clerk.

Mr. RANDALL. It is left out of this bill, but I understood the Treasurer to say that the gentleman in charge would not object to this amendment being inserted; and therefore I call attention to it.

Mr. HOLMAN. I told the Treasurer of the United States——

Mr. PRICE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. PRICE. I want to know what we are discussing; there is no motion pending.

Mr. RANDALL. Yes, there is.

Mr. PRICE. I tell you I have heard no motion, and I venture to say the Reporter's notes will show no evidence of any.

Mr. RANDALL. I move to insert after the word "each," in line 782, the words "one vault clerk, two thousand five hundred dollars."

Mr. PRICE. Now I know what we have got before us.

Mr. HOLMAN. The Treasurer was anxious to have his force somewhat increased. I will state that there is a material reduction in this branch of the public service, there being some fourteen clerks at $900 each and one clerk of class 1, and I think some additional force, such as he had estimated for. I did not hesitate to say to him that the Committee on Appropriations would not have another meeting, but if the force was deemed absolutely indispensable it would be granted.

Mr. TOWNSHEND. I also had a talk with the Treasurer subsequently, who confirmed the statement of the gentleman from Pennsylvania, that a vault clerk is very much needed. He is a very important officer and ought to be allowed.

The amendment of Mr. RANDALL was agreed to.

The Clerk read as follows:

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent $3,500; one principal teller and one principal book-keeper, at $2,500 each; one assistant book-keeper, $2,400; and one assistant teller, at $2,000; two clerks of class 4; three clerks of

class 3; four clerks of class 2; twenty clerks of class 1; fifteen clerks, at $1,000 each; ten clerks, at $900 each; three assistant messengers; in all, $77,060.

Mr. CANNON. Mr. Chairman, I desire, in line 809, to strike out "ten clerks" and insert "eleven clerks."

Mr. HOLMAN. What object is there in that?

Mr. CANNON. In the Treasurer's office we make provision for a large number of employés: For a Treasurer and assistant treasurer, a cashier and assistant cashier, a chief clerk, five chiefs of division, principal book-keeper and assistant book-keeper, two tellers, two assistant tellers, and in every case both in the office of the Treasurer and in the other bureaus of the Department we have appropriated for these salaries from $100 to $500 each less than is allowed by law.

Mr. TOWNSHEND. Has not that been the case for years?

Mr. CANNON. Oh, certainly it has been; but now I will say to my friend from Illinois while this has been the case for years past it has been effective because a Democratic House of Representatives with a Republican President, a Republican Treasurer, and Republican officials were in the Departments, and such decreases were properly made under proper rules of the House, and when the decrease was made it was received under the law in full and without any claim against the Government for any balance. But no sooner has a Democratic President been elected and a Democratic Secretary of the Treasury and a Democratic Treasurer and other Democratic officials come in, no sooner has that been done than you repeal the rule, and, although you do not appropriate any more, you leave these parties with rights to claim under the law the difference up to what the general law fixes the salary at; and I say now that they will come in and claim this full amount some time in the future, and they will recover it. That is all I wanted to call attention to.

Mr. TOWNSHEND. Will the gentleman allow me to ask him a question?

Mr. CANNON. Yes, sir, and I will answer the question if I can.

Mr. TOWNSHEND. If the language had been left in the first paragraph declaring these salaries were to be in full compensation for the services, would not that have prevented them from going into the courts?

Mr. CANNON. It would.

Mr. TOWSHEND. Then why did you aid in striking that out?

Mr. CANNON. I made no motion to strike that out, nor did I aid in it further than this, that in fairness and justice to the House I called its attention, as a member of the Committee on Appropriations, to what the bill proposed to do and what the law was. I am in the minority. The gentleman from Illinois [Mr. TOWNSHEND] is in the majority. I am not responsible. You are responsible. And it is my duty as a member of the Committee on Appropriations to tell the Committee of the Whole and the House what is being done, and to throw the responsibility where it belongs and where the country will hold it to be, upon the Democratic majority and the Democratic administration. And it is in the performance of this duty I have done what I have done heretofore, and it is in the performance of this duty that I am doing what I am doing at this moment. [Applause.]

Mr. TOWNSHEND. My friend will admit the Committee on Appropriations sought to cure that defect in our rules.

Mr. CANNON. You have got the majority in this House and can do what you choose. Why not do it, if you want to?

The CHAIRMAN. The question is on the amendment.

The amendment was disagreed to.

The Clerk read the following paragraph:

Register of the Treasury: For the Register of the Treasury, $4,000; assistant register, $2,250; three chiefs of division, at $2,000 each; seventeen clerks of class 4; fifteen clerks of class 3; ten clerks of class 2; fourteen clerks of class 1; two clerks, at $1,000 each; twenty-nine copyists, at $900 each; one messenger; four assistant messengers; and eight laborers; in all, $134,750.

Mr. HOLMAN. I am instructed to offer an amendment to this paragraph.

The Clerk read as follows:

In line 813, strike out "three" and insert "four;" so that it will read "four chiefs of division."

In line 815, strike out "fifteen" and insert "sixteen;" so that it will read "sixteen clerks of class 3."

In line 815, strike out "ten" and insert "eleven;" so that it will read "eleven clerks of class 2."

In lieu of the sum stated in lines 819 and 820, insert "$139,950."

Mr. HOLMAN. There has been a very considerable reduction of the estimates, and the Register thought he required this additional force as a matter of safety.

The amendment was agreed to.

The Clerk read the following paragraph:

Bureau of Statistics: For the officer in charge of the Bureau of Statistics, $3,000; chief clerk, $2,000; four clerks of class 4; four clerks of class 3; five clerks of class 2; nine clerks of class 1; three clerks, at $1,000 each; three copyists, at $720 each; one messenger; two laborers; one female laborer, at $480; in all, $44,260.

Mr. TOWNSHEND. There was a request made by the Chief of the Bureau of Statistics as to some change here. My friend from Indiana [Mr. HOLMAN] may be familiar with it. What was that request?

Mr. HOLMAN. There was nothing finally agreed upon.

Mr. TOWNSHEND. I wanted to know if there was any probability of agreeing upon it, because it struck me there was a propriety in the request. I think this paragraph had better lie over.

Mr. HOLMAN. Let it go to the Senate.

Mr. TOWNSHEND. I will not insist on my objection.

The Clerk read the following paragraph:

Bureau of Engraving and Printing: For Chief of Bureau, $4,500; one assistant, $2,250; accountant, $2,000; one stenographer, $1,600; one clerk of class 3; two clerks of class 1; one clerk, $1,000; two assistant messengers; and one laborer; in all, $17,450.

Mr. WARNER, of Ohio. I move to strike out the last word, in order to inquire where the rest of this force is appropriated for?

Mr. RANDALL. The great bulk of it is appropriated for in the sundry civil bill.

Mr. HOLMAN. A small portion of it in the Treasurer's office.

Mr. WARNER, of Ohio. I withdraw the amendment.

The Clerk read the following paragraph:

Office of Life-Saving Service: For General Superintendent of the Life-Saving Service, $4,000; assistant general superintendent of the Life-Saving Service, $2,500; one principal clerk and accountant, $1,800; one topographer and hydrographer, $1,800; one civil engineer, $1,800; one draughtsman, $1,500; two clerks of class 4; three clerks of class 3; two clerks of class 2; five clerks of class 1; two clerks, at $1,000 each; five clerks, at $900 each; one assistant messenger; and one laborer; in all, $33,480.

Mr. TAULBEE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in lines 836 and 837 these words: "assistant general superintendent of the Life-Saving Service, $2,500."

Mr. TOWNSHEND. That is an indispensable office.

Mr. TAULBEE. I am told by members of the Committee on Appropriations this is an indispensable office. I am satisfied that those gentlemen do not know what they say with reference to this particular office. The Superintendent of the Life-Saving Service during the present session of Congress wrote a letter to the chairman of the Committee on Civil Service Reform, and, as an apology for delaying the answer to a letter which he had received from the chairman of that committee, he stated that the duties of the office of the assistant superintendent of the Life-Saving Service as well as of the Superintendent of the Life-Saving Service had devolved upon him for a considerable length of time, and that his correspondence was necessarily deferred.

On an investigation of this matter, which I took pains to make to my satisfaction, and I think very thoroughly, the Assistant Secretary of the Treasury informed me that the man who holds this office had for a number of years been unable to perform any service or to make any compensation to the Government for the $2,500 which he had been receiving; and the only apology which he offered for not dispensing with this office or supplanting the incumbent with a more efficient man was, that the incumbent of this office was regarded by his associates as an elegant gentleman, and that he was a friend of former Secretaries of the Treasury, and that by dispensing with this office he would necessarily be compelled to turn this man out on the cold charities of the world after he had spent the period of his usefulness in the service of the Government on a salary of $2,500 per annum.

I say that this office can be dispensed with. I say that the services of this officer have been dispensed with for a number of years past, and that, according to the opinion of his most intimate acquaintances, if the present incumbent is continued in this position he will never recover sufficiently to perform any service of any considerable importance to the Government in return for the salary which he draws. Now, Mr. Chairman, if we propose to economize we may begin here. If you propose to allow these abuses to run on *ad infinitum* at the expense of the people who stand behind us and whose guardians we are, vote down this amendment and let these abuses continue, but I want now and here to say that this amendment can not be rejected by less than a majority of the House of Representatives. (See page 5610.)

Mr. RANDALL. Then we had better pass that paragraph.

The CHAIRMAN. Is the paragraph objected to?

Mr. RANDALL. The gentleman from Kentucky says that he must have a vote of the House upon it, and I suppose it had better be passed.

The CHAIRMAN. Objection is made. The Clerk will read.

The Clerk read as follows:

Office of construction of standard weights and measures: For construction and verification of standard weights and measures, including metric standards, for the custom-houses, other offices of the United States, and for the several States, and mural standards of length in Washington, D. C., the following, while actually employed, namely: One adjuster and mechanician, at $5 per day, and one laborer; in all, $2,225.

Mr. CROXTON. Mr. Chairman, I desire to offer an amendment to that paragraph. I propose to amend in line 42 and line 43 by striking out the words "one laborer" and inserting in lieu thereof, "one verifier of weights and measures, at $4 per day."

Mr. HOLMAN. I think the laborer is all that is required there. I ask a vote.

Mr. CROXTON. Mr. Chairman, I am assured by parties who are perfectly familiar with the business of this Department that there is an absolute necessity for a verifier of weights and measures and none for the services of a laborer.

Mr. HOLMAN. Verifying weights and measures is the business of the principal officer.

The amendment was rejected.

Mr. TAULBEE. Mr. Chairman, I desire to submit a formal amendment in order to ask the gentleman in charge of the bill a question. I want to know why it is that in line 41 and line 42 of the bill the words "while actually employed" are inserted?

Mr. HOLMAN. The provision refers to employment by the day, and those words are always inserted where the employment is by the day.

Mr. TAULBEE. I wish to ask further why the same kind of restriction is not placed on the officers for whose salary provision is made by law?

Mr. HOLMAN. The custom has always been in providing for per diem employment to use the expression "while actually employed," but it has never been applied to annual employés.

Mr. TAULBEE. My question was, why the same provision was not made applicable to those.

Mr. HOLMAN. Well, the general practice has been otherwise. That is all I can say. The reason for it my friend can understand as well as I can.

Mr. TAULBEE. I withdraw the formal amendment.

The Clerk read as follows:

For expenses of the attendance of the American member of the international committee on weights and measures at the general conference provided for in the convention signed May 20, 1875, the sum of $600, or so much thereof as may be necessary, appropriated by the act of March 3, 1885, for this object, for the fiscal year 1886, is hereby reappropriated and made available for like purpose for the fiscal year ending June 30, 1887.

Mr. BUCHANAN. I object to that paragraph, Mr. Chairman.

Mr. TOWNSHEND. Do you want to strike it out of the bill?

Mr. BUCHANAN. I do.

Mr. TOWNSHEND. Make your motion then.

The CHAIRMAN. The paragraph is objected to and passed.

The Clerk read as follows:

Commissioner of Internal Revenue: For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division, at $2,500 each; five heads of division, at $2,250 each; one superintendent of stamp-vault, $2,000; one stenographer, $1,800; twenty-four clerks of class 4; twenty-five clerks of class 3; thirty-four clerks of class 2; twenty-four clerks of class 1; fourteen clerks, at $1,000 each; forty clerks at $900 each; two messengers; fourteen assistant messengers; and thirteen laborers; in all, $259,190.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I move to amend that paragraph by adding, after line 995, the words:

And there is further appropriated for this office the sum of $15,000 to pay salaries and expenses in collecting the tax on oleomargarine.

Mr. HOLMAN. I shall have to reserve the point of order on that amendment. There is no existing law for the collection of any such tax, and no such tax is authorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. GALLINGER. Mr. Chairman, I have one or more substantial amendments which I propose to offer to this paragraph, but I prefer to offer them in full committee, so I must ask that the paragraph be passed over.

The CHAIRMAN. The paragraph is objected to and will be passed over.

The Clerk read as follows:

For purchase of horses and subsistence of horses for office and mail wagons, including shoeing, and for wagons, harness, and repairs of the same, $3,000.

Mr. HOLMAN. I am instructed by the Committee on Appropriations to submit the following amendment:

In line 1023 strike out "three" and insert "four."

Mr. BUCHANAN. I understood that all the horses which were used by these different Departments were sold a year or two ago.

Mr. TOWNSHEND. Not in the Treasury Department; that was in the Interior Department.

Mr. HOLMAN. These are horses for transportation purposes.

Mr. BUCHANAN. Ah! then the announcement made in the newspapers was not correct.

The amendment was agreed to.

Mr. HISCOCK. I desire to inquire of the gentleman from Indiana whether this is a reduction upon the law for the present year.

Mr. HOLMAN. It is a reduction upon the whole, but not as to this particular item.

Mr. HISCOCK. How is it as to the particular item?

Mr. HOLMAN. It is, I believe, the same in this bill as in the law of the present year.

Mr. HISCOCK. Is there not a surplus in this fund this year?

Mr. HOLMAN. The whole sum was not expended last year.

The Clerk read as follows:

For purchase of coal, wood, engine oils and grease, engine-hose and cotton waste, grates, grate-baskets and fixtures, stoves and fixtures, blowers, coal-hods, pokers, shovels and tongs, $8,000.

Mr. HOLMAN. I am instructed to move to amend by striking out "eight," in line 1031, and inserting "ten."

The amendment was agreed to.

The Clerk read as follows:

Collecting internal revenue:

For salaries and expenses of collectors and deputy collectors, $1,800,000: *Provided*, That the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employés be increased, beyond the salaries paid during the last fiscal year: *Provided further*, That no part of the money herein appropriated shall be paid to collectors of internal revenue except the allowances provided for in section 12 of the act of February 8, 1875, as amended by section 2 of the act of March 1, 1879.

Mr. SPRINGER. I desire to offer an amendment.

Mr. HISCOCK. I desire to call the attention of the gentleman from Illinois [Mr. MORRISON] to this proviso, which, as I understand, is new legislation.

Mr. SPRINGER. I want to amend that portion of the paragraph which precedes the proviso. I move to amend by inserting after the word "increased," in line 1062, the words "in the aggregate," so as to read, "nor shall the salary of said officers and employés be increased in the aggregate beyond the salaries paid during the last fiscal year."

Mr. HISCOCK. Now, certainly the gentleman from Illinois must have his attention called to this new legislation.

Mr. SPRINGER. I desire to have this other matter attended to. My amendment does not increase the appropriation.

Mr. HISCOCK. I think I will object to this proposition, Mr. Chairman, and let it go over.

Mr. SPRINGER. Do you object to the whole clause?

Mr. HISCOCK. Yes, sir, the whole paragraph.

Mr. SPRINGER. I hope the gentleman will allow me to put in this amendment.

Mr. HISCOCK. I withdraw my objection temporarily in order that the gentleman from Illinois now on the floor, not the gentleman from Illinois to whom I just referred, may express his views on this question.

The CHAIRMAN. Does the gentleman from New York object to the present consideration of the paragraph?

Mr. HISCOCK. Shall I be in time if I object after the gentleman from Illinois now on the floor has been heard? If so, I will reserve my objection.

Mr. BLAND. If the object of withholding the objection is simply to allow the making of a speech, I object.

The CHAIRMAN. Objection being made, the paragraph goes over.

Mr. SPRINGER. It goes over with my amendment?

The CHAIRMAN. Everything goes over.

The Clerk read as follows:

For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, $2,050,000.

Mr. CABELL. Now, as the other paragraph has gone over, let this go over too. I object.

The Clerk read the paragraph making appropriations for "office of assistant treasurer at Baltimore."

Mr. COLLINS. I desire to offer an amendment to this paragraph in full Committee of the Whole, and therefore I object to its present consideration.

The CHAIRMAN. The paragraph goes over.

Mr. HISCOCK. I desire to inquire of the gentleman who has charge of this bill whether the salary of the assistant treasurer is reduced by this bill.

Mr. HOLMAN. Yes, sir, it is reduced somewhat.

Mr. HISCOCK. Is the salary fixed by law?

Mr. HOLMAN. It is fixed by law.

The CHAIRMAN. The paragraph is objected to.

The Clerk read the paragraph making appropriations for "office of assistent treasurer at Boston."

Mr. COLLINS. I object to this paragraph.

Mr. JOHNSTON, of Indiana. I move that the committee rise.

Mr. HOLMAN. I hope my colleague will not insist on that motion.

Mr. JOHNSTON, of Indiana. We are not doing anything; we are simply reading over these sections.

Mr. HOLMAN. We are making very good progress.

Mr. JOHNSTON, of Indiana. If we are doing any good by staying here I will not insist on the motion.

Mr. HOLMAN. We are making good progress upon the bill.

The CHAIRMAN. Does the gentleman from Indiana withdraw his motion?

Mr. JOHNSTON, of Indiana. I do.

The Clerk read the paragraph making appropriations for "office of assistant treasurer at Chicago."

Mr. ADAMS, of Illinois. I object to the present consideration of this paragraph.

The Clerk read the paragraph making appropriations for "office of assistant treasurer at Cincinnati."

Mr. COLLINS. I object to the present consideration of this paragraph.

The Clerk read the paragraph making appropriations for "office of assistant treasurer at New York."

Mr. HEWITT. I object to the present consideration of this paragraph.

Mr. BLAND. I will state that I propose to object to the present consideration of all the paragraphs in regard to assay offices. The Committee on Appropriations somehow or other have omitted the assay office at Saint Louis.

Mr. HOLMAN. There are several of the paragraphs which might be read.

Mr. BLAND. No, I think all should go over together.

The Clerk read as follows:

Office of assistant treasurer at Saint Louis: For assistant treasurer, $4,000; chief clerk and teller, $2,500; assistant teller, $1,800; book-keeper, $1,500; assistant book-keeper and one clerk, at $1,200 each; messenger, $1,000; three watchmen, at $720 each; in all, $15,360.

Mr. HISCOCK. I desire to call the attention of the committee to the compensation of the assistant treasurer at Saint Louis.

Mr. HOLMAN. Yes, it was reduced $500.

Mr. O'NEILL, of Missouri. At Saint Louis, Mo.?

Mr. HOLMAN. Yes.

Mr. O'NEILL, of Missouri. Then I object.

Mr. HISCOCK. Why has it been reduced $500?

The CHAIRMAN. It is objected to and will be passed over, and the Clerk will proceed to read.

The Clerk read as follows:

Office of assistant treasurer at San Francisco: For assistant treasurer, $4,500; cashier, $3,000; book-keeper, $2,500; one chief clerk, $2,400; assistant cashier, receiving teller, and assistant book-keeper, at $2,000 each; coin-teller and one clerk, at $1,800 each; one clerk, $1,400; one messenger, $840; and four watchmen, at $720 each; in all, $27,120.

Mr. HISCOCK. I ask in reference to this whether there is a reduction of salary?

Mr. HOLMAN. It is the same as for the current year.

Mr. HISCOCK. The gentleman from Indiana must know that these salaries will have to be paid.

Mr. HOLMAN. Yes, certainly; $4,500 to this officer.

Mr. HISCOCK. It is not ingenuous or dealing frankly with the House in this supply bill to reduce the appropriation below the amount fixed by law for this salary when the gentleman knows the salary will have to be paid.

Mr. HOLMAN. Yes, I know the amount that will have to be paid is $4,500.

Mr. HISCOCK. It is merely postponing the payment of the salary as fixed by law.

Mr. HOLMAN. The last Congress reduced the salary to $4,500 and it was concurred in by the Senate. It is the law for this year.

Mr. HISCOCK. Why has the gentleman reduced it for this year?

Mr. HOLMAN. It is not below that for the preceding fiscal year.

Mr. HISCOCK. If the salary was to be reduced, why did not the gentleman bring in a law for that purpose?

Mr. HOLMAN. Nobody asked for more than has been appropriated.

Mr. HISCOCK. That may all be, but you know the salary fixed by law will have to be paid.

Mr. HOLMAN. Does the gentleman propose to increase it?

Mr. HISCOCK. What is that?

Mr. HOLMAN. Do you propose to increase the amount?

Mr. HISCOCK. No, I do not.

Mr. HOLMAN. Then read on.

Mr. RANDALL. If I remember the law aright it fixes this salary at $6,000 a year.

Mr. HISCOCK. Very well, then; why did not the Committee on Appropriations appropriate $6,000 for the salary?

Mr. HOLMAN. Nobody asked for more than $4,500.

Mr. HISCOCK. Then this bill creates a deficiency, and you know it. The gentleman having charge of the bill must know it.

Mr. RANDALL. I move to strike out the last word. I want to say my recollection is that the law fixes this salary at $6,000 a year. The appropriation bill for the current fiscal year fixes it at $5,000. This bill for the next fiscal year fixes it at $4,500.

Mr. HISCOCK. Very well; I ask the gentleman why the salary fixed by law is not appropriated in this bill?

Mr. HOLMAN. Nobody asked for more than is here appropriated.

Mr. HISCOCK. Is not this to create a deficiency?

Mr. HOLMAN. Nobody has asked for any more.

Mr. HISCOCK. That is not the question I am asking.

Mr. HOLMAN. This bill before it becomes a law will provide, as we have provided during the last ten years, that this amount is received in full compensation.

Mr. HISCOCK. That is not the question. It is proposed in this bill to make part payment of salary.

Mr. HOLMAN. I will state to the gentleman we expect this bill to pass as in the last ten years, making it in full payment of salary.

Mr. RANDALL. Since I last spoke I have obtained the law and know I am right in my former statement.

Mr. HISCOCK. What is the law?

Mr. RANDALL. Six thousand dollars for this office.

Mr. HISCOCK. Why, then, does not this bill appropriate $6,000?

Mr. HOLMAN. Because $4,500 is enough.

Mr. HISCOCK. You know you are only making partial payment of this salary.

Mr. HOLMAN. Nobody asked for any more.

Mr. HISCOCK. The gentleman proposes, then, only to make partial payment?

Mr. HOLMAN. No; we do not propose to make partial payment. The gentleman knows very well the obstacle which seems to exist for a moment is only temporary. This bill will pass through as it has done for the last ten years. There will be no robbery of the Treasury, I can assure my friend of that.

Mr. RANDALL. I withdraw my amendment.

Mr. BLAND. I must object to the paragraph unless we go on.

Mr. HOLMAN. We have got through with this paragrapn and now let us go to the next.

The Clerk read as follows:

United States mints and assay offices:

Mint at Philadelphia: For salary of the superintendent, $4,500; for the assayer, melter and refiner, coiner, and engraver, four in all, at $3,000 each; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each; cashier, $2,500; chief clerk, $2,250; book-keeper, abstract clerk, and weigh clerk, at $2,000 each; cashier's clerk, warrant clerk, and register of deposits, at $1,700 each; assistant weigh clerk and assayer's computation clerk, at $1,600 each; in all, $41,550.

For wages of workmen and adjusters, $293,000.

For incidental and contingent expenses, including new machinery and repairs (and purchases not exceeding $300 in value, of specimen coins and ores for the cabinet of the mint), $100,000.

Mr. HISCOCK. What is the estimate for that service?

Mr. CANNON. I will answer. The estimate is $318,000. I move to add $65,000.

Mr. HOLMAN. The salary is $4,500.

Mr. HISCOCK. I am not asking in reference to the salaries in this particular instance, but what I desire to call the attention of the committee is whether there is not here a deliberate effort, or determined effort, on the part of the Committee on Appropriations to create a deficiency?

Mr. TOWNSHEND. No.

Mr. HISCOCK. I prefer to hear the gentleman from Indiana.

Mr. HOLMAN. There can be no deficiency; the committee could not appropriate specifically for salaries, because the amount of the service is indefinite.

Mr. CANNON. I move to strike out the words "two hundred and ninety-three thousand," in lines 1230 and 1231, and insert "three hundred and fifty-eight thousand." [Cries of "Vote!" "Vote!"]

I make this amendment, sir, for the purpose of stating to the House that this appropriation is decreased here as well as the appropriation for the mint at Carson City, which is dropped out entirely, $114,000, as well as $10,000 for incidental and contingent expenses at Philadelphia, as well as a decrease for the mint at San Francisco, purely upon the ground that the majority of the committee desire to decrease the total amount of this bill, and in that manner to deceive the country by this apparent reduction, relying upon a permanent appropriation from the profit fund of the silver dollar to make up this deficiency. It has been conceived for the purpose of deceiving in the formation of this bill by making upon its face an apparent reduction when in point of fact it would be a large increase.

In the Forty-seventh Congress, in which the Republican party had a majority, we founded the precedent of appropriating for this work what was actually necessary, so that all men in all parts of the country could see just what this service for the mints cost. But the Committee on Appropriations now deliberately, and with their eyes wide open, cut down this appropriation, expecting to pay from a secret fund appropriated for the silver dollar the amount that this appropriation is reduced.

Mr. HISCOCK. I move to strike out the last word. I desire to say to the gentleman from Indiana——

Mr. BLAND. I object to the paragraph for the purpose of avoiding debate.

Mr. HISCOCK. I believe I have the floor.

The CHAIRMAN. Objection being made to the paragraph, there is nothing before the committee.

Mr. HISCOCK. Do I understand that I can be taken off the floor by the Chair because a gentleman makes an objection?

The CHAIRMAN. The Chair has decided this same question before. There is nothing before the committee if the paragraph is objected to.

Mr. RANDALL. I want to say that the amount appropriated in this bill for this purpose is appropriated in the usual way, the way that has been followed for a long time. It was the practice under your administration—— [Cries of "Regular order!"]

The CHAIRMAN. Debate is not in order. The Clerk will read.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs (and purchases, not exceeding $300 in value, of specimen coins and ores for the cabinet of the mint), $100,000.

Mr. HISCOCK. I move to strike out the last word, and for this reason: I wish to ask if it is a fact that the profit made on the purchase of silver bullion which is coined into silver dollars by the Government is being specifically appropriated for the purpose of paying salaries, or for any other purpose to which it is applied?

Mr. RANDALL. Why the gentleman knows as well as anybody that the appropriations for the coinage has under recent administrations been paid for in the same manner that it will be paid for under the present administration.

Mr. HISCOCK. But I want to find out if there is a specific appropriation.

Mr. RANDALL. Let me answer the gentleman: And whatever amount is essential to make up the necessary cost to the Government of coining what is known as the Bland dollar comes out of that fund which represents the earnings. If the gentleman had read the report of the Secretary of the Treasury he would find that it is four and a half millions of dollars a year and is one of the receipts of the Government.

Mr. HISCOCK. Do I understand the gentleman to claim that to any considerable extent this money is paid in salaries without being specifically appropriated?

Mr. RANDALL. Yes, sir.

Mr. HOLMAN. That has been the uniform practice.

Mr. RANDALL. And in that respect we are simply following the example set us by former administrations.

Mr. HISCOCK. Very likely; but you claim now to have a reform administration, and why do not you reform this system?

Mr. HOLMAN. The trouble is you can not tell how to appropriate specifically for the service. You can not tell what the service at these mints is going to be.

Mr. RANDALL. You can not fix the exact amount, and therefore you must allow leeway, and the amount necessary is therefore taken out of the fund which is available for this purpose.

Mr. HISCOCK. I suggest to the gentleman from Pennsylvania that if there is a sum of money amounting to $4,000,000 a year which can be expended in the discretion of the Treasury Department, it would be wise to add here a provision that it should not be expended unless specifically appropriated.

Mr. RANDALL. It has been an increasing sum, and the aggregate now is over $20,000,000.

Mr. HEWITT. Has it any real existence, or is it on paper?

Mr. RANDALL. It is reported as having reached that amount.

Mr. BRECKINRIDGE, of Kentucky. Where is it?

Mr. HOLMAN. In the Treasury.

Mr. HEWITT. Is it really in existence?

Mr. RANDALL. It is a fund existing within the purview of the law. The Government spends so much money for the purchase of bullion, which is put into dollars, and this fund arises from the profit.

Mr. HEWITT. Let me ask the gentleman if we are not simply piling up a great big deficiency that has got to be settled some time?

Mr. RANDALL. I think not, in this respect.

Mr. HISCOCK. Now, I inquire of the gentleman how much of this money in the present year has been expended in the payment of salaries?

Mr. RANDALL. I never like to speak about figures unless I have them precisely before me.

Mr. HISCOCK. Perhaps the gentleman from Indiana [Mr. HOLMAN] can answer my question?

Mr. HOLMAN. It has only been applied to the payment of workmen and adjusters, not to the body of salaries.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from New York [Mr. HISCOCK] has expired.

The amendment was withdrawn.

The Clerk read the following paragraph, under the heading "Mint at San Francisco, Cal.:"

For wages of workmen and adjusters, $170,000.

Mr. HISCOCK. Is there another reduction there?

Mr. HOLMAN. There is no material reduction. This stands on substantially the same principle. Taking the aggregate of the appropriations of this bill together it is substantially the same for these expenses as the bill for the present year.

Mr. CANNON. I beg the gentleman's pardon.

Mr. HOLMAN. On this particular item the appropriations are up to the estimate.

Mr. HISCOCK. What is the law of the present year?

Mr. HOLMAN. I speak only of the estimates. I have not the law before me.

Mr. HISCOCK. I inquire of the gentleman from Indiana if it has been the intention in framing this bill to reduce the appropriation below the amount necessary for the service with the expectation that what is required is to be paid from this profit in the coinage of silver?

Mr. HOLMAN. This bill has been framed in this respect on exactly the same principle as the appropriation bills have been for a number of years past, with the understanding that if there be any sum required beyond that appropriated it will be taken out of the accumulation growing out of the coinage of silver.

Mr. HISCOCK. So that, in fact, there has been no economy practiced in this bill in this respect?

Mr. HOLMAN. If the gentleman had asked me that question at an earlier moment I would have told him there is no economy so far as this item is concerned, and could not be from the nature of the case.

Mr. CANNON. I desire to say to the gentleman from New York [Mr. HISCOCK] that I do not understand the gentleman from Indiana to be accurate in his answer to him. On the contrary, I understand these appropriations for the mints have been reduced over $220,000 below the appropriations for the current year.

Mr. HISCOCK. Then, as I understand it, the Committee on Appropriations has reduced here the appropriations $220,000 for the purpose of showing economy; but in fact the bill in this respect is not reducing the expenses of the Government the amount that is to be expended a single dollar.

Mr. CANNON. The gentleman is exactly right in that statement.

Mr. HISCOCK. I will say to my friend from Indiana that this is not a frank treatment of the House and the country.

Mr. HOLMAN. The gentleman must not take it for granted that we are not following out in this particular completely the policy of the past administration.

Mr. HISCOCK. The gentleman is not following out the policy of the past administration.

Mr. HOLMAN. Take this particular item. The estimate was $150,000. Afterward an additional estimate came in. We have appropriated every dollar of the money so far as this item is concerned.

Mr. RANDALL. I will explain that in a moment if you will allow me. They are coining silver to the amount of about $1,700,000 in Philadelphia. The design is to coin $800,000 at New Orleans. That causes the reduction that appears here in the expenses of the San Francisco mint.

Mr. HISCOCK. Now I understand it. For years we have heard it preached here on this floor that we should have specific appropriations; that money should be specifically appropriated, and that no indefinite sum should be left in the hands of any Department for expenditure without Congress exercising supervision. Now, as I understand, here are millions of dollars——

Mr. HOLMAN. Why did not my friend from New York correct that when he had it in his power to do it?

Mr. HISCOCK. If I had known it I would have corrected it. If I had been on the Committee on Appropriations and there had been an indefinite sum amounting to $4,000,000 a year that any Department had the discretion to expend as it saw fit, I would have corrected that.

Mr. HOLMAN. Does the gentleman say that was not the case when he was chairman of the Committee on Appropriations?

Mr. RANDALL. Two years was a long enough time to find such a fact out.

Mr. McKENNA. I object to the consideration of the paragraph.

The Clerk read the following paragraph:

Mint at New Orleans, La.: For salary of the superintendent, $3,500; for the assayer, melter and refiner, and coiner, three in all, at $2,500 each; cashier and chief clerk, at $2,000 each; assistant assayer, assistant melter and refiner, and assistant coiner, $1,900 each; abstract clerk and book-keeper, at $1,600 each; weigh clerk and assayer's computation clerk, at $1,600 each; register of the deposits, warrant clerk, and assistant weigh clerk, at $1,250 each; in all, $30,850.

Mr. GAY. Is it in order to offer an amendment to this paragraph at line 1264.

Mr. RANDALL. I will give the amount in 1885 for the coinage of the Bland dollar. It may as well go into the RECORD, so that we shall not have to answer the gentleman from New York on some other occasion as to the amount.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana [Mr. GAY].

The Clerk read as follows:

After the work "each," in line 1264, add "cashier's clerk, at $1,100,"

Mr. RANDALL. I want to state——

The CHAIRMAN. The gentleman from Louisiana [Mr. GAY] has the floor.

Mr. GAY. I offer that amendment, and desire to insist upon it.

Mr. HOLMAN. But the Secretary of the Treasury has concluded that that is not necessary.

Mr. GAY. I insist upon the amendment, and if it can not be adopted I shall object to the further consideration of the paragraph.

Mr. RANDALL. I want to continue the statement which I was making (and in which the Chair interrupted me, no doubt quite properly) in answer to the inquiry that has been made as to the amount of money that is usually paid out under the indefinite appropriation by the act of February 28, 1878. The aggregate amount expended in the silver-coining mints for the coinage of the Bland dollar is $156,942.22. It is distributed as follows: Philadelphia, $112,846.46; San Francisco, $744; Carson, $659.90; New Orleans, $42,691.86. This aggregate represents the amount expended for this purpose in addition to the regular appropriation.

Mr. HISCOCK. I desire to call the attention of the gentleman from Pennsylvania [Mr. RANDALL] to section 3526 of the Revised Statutes, which provides that—

In order to procure bullion for the silver coinage authorized by this title, the superintendents, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase such bullion with the bullion fund. The gain arising from the coinage of such silver bullion into coin of a nominal value exceeding the cost thereof shall be credited to a special fund, denominated the silver profit fund. This fund shall be charged with the wastage incurred in the silver coinage, and with the expense of distributing such silver coins as hereinafter provided. The balance to the credit of this fund shall be, from time to time, and at least twice a year, paid into the Treasury of the United States.

The CHAIRMAN. The Clerk will report the next paragraph.

Mr. HISCOCK. I move to strike out the last word.

The CHAIRMAN. This paragraph has not been considered at all. The Clerk will read.

Mr. PRICE. Mr. Chairman, I move that the committee do now rise.

The question was taken; and there were—ayes 1, noes 33.

So the motion was not agreed to.

The Clerk read as follows:

Mint at Denver, Colo.: For salary of the assayer in charge, $2,250; for melter, $2,250; chief clerk, $1,800; one clerk, at $1,600; one clerk, at $1,400; assistant assayer, $1,400; in all, $10,700.

For wages of workmen, $14,000.

For incidental and contingent expenses, $6,000.

Mr. O'NEILL, of Missouri. Mr. Chairman, I desire to offer an amendment, to come in at the end of line 1280.

The amendment was read, as follows:

At the end of line 1280 insert:

"Assay office at Saint Louis, Mo.: Assayer in charge, $2,500; one clerk, $1,000; in all, $3,500.

"For incidental and contingent expenses, including labor, $3,000."

Mr. HOLMAN. I object to the present consideration of that amendment.

Mr. BLAND. I object to the further consideration of the paragraph.

Mr. O'NEILL, of Missouri. I object to all the remaining paragraphs relating to assay offices.

Mr. RANDALL. Mr. Chairman, I desire to offer an amendment in relation to the Carson mint. I suppose it will be objected to, but in connection with it I desire to have printed in the RECORD a letter which I have received from the acting Secretary of the Treasury, transmitting a letter from the director of the mint at Carson.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 5, 1886.

SIR: I have the honor to call your attention to copy of a letter from the Director of the Mint, inclosed herewith, in reference to the omission from the legislative bill of an appropriation for the support of the United States mint at Carson, Nev., for the year ending June 30, 1887, with the recommendation that an appropriation be made in accordance with the suggestion of the Director of the Mint.

Very respectfully,

C. S. FAIRCHILD,
Acting Secretary.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., June 5, 1886.

SIR: I have the honor to invite your attention to the fact that the legislative, executive, and judicial appropriation bill as reported to the House of Representatives is without any appropriation for the United States mint at Carson, from the fact that at the same date a letter was addressed you reporting the fact of the practical "cessation of all kinds of business at the mint at Carson since the suspension of the coinage of the silver dollar, June 1, 1885." I saw no grounds "for an estimate of expenditures at this mint for the coming year." But it was stated that "should the mint be closed as recommended the only provision which need be submitted to Congress accordingly would be for a custodian and for what assistance might be deemed necessary."

In the omission of any specific estimate for the mint at Carson, therefore, no appropriation has been reported to the House. I desire to call your attention to the requirement of an appropriation of at least $7,500 for the proper care and custody of the building and of the delicate and valuable machinery and apparatus therein contained.

I have also to submit the proposition whether it would not be well to suggest for the consideration of Congress an appropriation the same as that for the present fiscal year, especially in view of the fact that representations have been made to the Bureau of the Mint of the readiness on the part of the producers of bullion to deposit the same at the mint at Carson, instead of sending it to private refineries, on condition that certain benefits which it is claimed are conferred by the law, and which during the present year have been withheld from this institution in common with some others by the action of the Department, are restored.

I may say, indeed, that it is doubtless true that the cessation of deposits at the Carson mint was very largely due, first to the payment of depositors by draft instead of in cash; and second to the imposition of a "transportation charge" upon depositors for cost of transportation of refined bullion to some coinage mint or to the assay office at New York, especially as the charge made by the express companies to the Government, and so imposed upon depositors, has been in excess of rates paid by private shippers.

I desire also to call attention to the fact that omission of the usual appropriation for the United States mint at Carson will deprive that institution of the means to reopen, if in the course of the year, at the discretion of the Department, it should be deemed expedient.

I have already explained the details of this matter to the chairman of the subcommittee as well as the chairman of the Committee on Appropriations.

Very respectfully,

JAMES P. MITCHELL,
Director of the Mint.

The honorable SECRETARY OF THE TREASURY.

Appropriation for the Carson mint for the year ending June 30, 1886.

For salaries:	
Superintendent	$3,000
Assayer	2,500
Melter and refiner	2,500
Coiner	2,500
Assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each	6,000
Assistant chief clerk	2,250
Cashier, book-keeper, and weigh clerk, at $2,000 each	6,000
Abstract clerk and register of deposits, at $1,800 each	3,600
Assayer's computation clerk	1,200
Total	29,550
For wages of workmen and adjusters	60,000
For incidental and contingent expenses	25,000
Total	114,550

The Clerk read as follows:

Territory of Alaska: For salary of governor, $2,600; judge, $2,500; attorney, marshal, and clerk, $2,500 each; four commissioners, $1,000 each; four deputy marshals, $750 each; in all, $19,600.

Mr. HISCOCK. I move to strike out the last word for the purpose of calling the attention of the gentleman from Pennsylvania——

Mr. BURNES. Mr. Chairman, I rise to a point of order. It will be found on examining the statutes——

Mr. HOLMAN. I object to the consideration of the paragraph in order that we may go on with the bill. My colleague can bring that up to-morrow.

The Chief Clerk read as follows:

Territory of Arizona: For salary of governor, $2,600; chief justice and two associate judges, at $3,000 each; secretary, $1,800; interpreter and translator in the executive office, $500; in all, $13,900.

Mr. HISCOCK. I move to strike out the last word, for the purpose of calling the attention of the gentleman from Pennsylvania to the provision of the Bland act. I have read section 3526 of the Revised Statutes, which provides that the gain arising from the coinage of silver shall only be applied to distributing the coin. In the Bland act I find this provision:

And any gain or seigniorage arising from this coin shall be accounted for and paid into the Treasury as provided under existing laws relative to the subsidiary coinage.

Now, I ask the gentleman how it is that this gain is applied to make up the deficiency in running the assay offices and the mints?

Mr. HOLMAN. Because the expense at that coinage is made a permanent appropriation by another act.

Mr. RANDALL. What has the gentleman from New York read from?

Mr. HISCOCK. From the Revised Statutes.

Mr. RANDALL. I do not think the Bland act is in the Revised Statutes.

Mr. HISCOCK. I have read section 3256 of the Revised Statutes, and also from the Bland act. This is an important question, and I think we had better understand it. There is a good deal involved in it. I certainly was not aware that this large sum of money was disbursed without being specifically appropriated.

Mr. HOLMAN. The whole subject has gone over until to-morrow, anyway.

Mr. HISCOCK. My object in reading these provisions of law was to ask the gentleman to give me a reference to any other law that applies to this subject.

Mr. RANDALL. I understood the gentleman to read from the statute of 1874.

Mr. HISCOCK. Yes.

Mr. RANDALL. The Bland act changes that as to the manner of allowing money to be taken out of the Treasury for the coinage of the Bland dollar.

Mr. HISCOCK. The provision is:

And any gain or seigniorage arising from this coin shall be accounted for and paid into the Treasury as provided under existing laws relative to the subsidiary coinage.

Now, what I want to know is, under what provision of law this money is expended unless for the distribution of the coin.

Mr. RANDALL. I will read the language of the Bland act:

And the Secretary of the Treasury is authorized and directed to purchase from time to time silver bullion at the market price thereof, not less than $2,000,000 worth per month nor more than $4,000,000 worth per month, and cause the same to be coined monthly as fast as so purchased in such dollars; and a sum sufficient to carry out the foregoing provision of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Thus the gentleman will see the money is taken from the Treasury for the coinage of the Bland dollar under the provision of law which I have just read.

Mr. HISCOCK. I have the Bland act before me and I will read a clause from it:

And cause the same to be coined monthly as fast as so purchased in such dollars; and a sum to carry out the foregoing provision of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

[Here the hammer fell.]

Mr. HISCOCK. I withdraw the *pro forma* amendment.

Mr. RANDALL. I renew it. Whatever interpretation should be put upon this section of the Bland act, whether the power exists to take this money out of the Treasury in the manner in which it has been taken out ever since the enactment of law, is a question which should be determined by the law officers of the Government. The practice has been to pay these expenses, as provided in this bill, partly out of the annual appropriation and partly out of the fund accumulating in the Treasury as a seigniorage fund.

Mr. HISCOCK. Now, I desire to ask the gentleman whether it would not be wise to correct this evil, for I believe it is an evil.

Mr. HOLMAN. There is nothing before the committee.

The CHAIRMAN. The gentleman from Pennsylvania moved an amendment and was recognized to debate it.

Mr. RANDALL. I withdraw the amendment.

The Clerk read as follows:

Territory of Dakota: For salary of governor, $2,600; chief-justice and five associate judges, at $3,000 each; and secretary, at $1,800; $22,400.

Mr. CANNON. I move to amend by striking out in the paragraph just read $2,600 as the salary of the governor of Dakota and inserting $3,500. This is the amount to which the governor of that Territory is now entitled under the permament law.

That great Territory ought now to be made into two States; and by and by it may constitute four States if our Democratic friends keep it out long enough. It has now more population than many of the States of this Union. In point of territory it is vastly larger than any State of the Union except Texas. It is a great and growing Territory. People from my State and from the State of the gentleman from Indiana and other portions of the country are moving in year by year by thousands. The governor of that Territory, holding such a responsible position, ought to have the salary which the law allows him, $3,500.

Mr. HOLMAN. Why did not the gentleman during the Forty-seventh Congress appropriate $3,500 for this salary?

Mr. BLAND. We are having the same old discussion and contest over again. I object to the paragraph.

Mr. CANNON. But for the objection I would be glad to answer the gentleman from Indiana [Mr. HOLMAN], and I will answer him tomorrow.

The CHAIRMAN. Objection being made, the paragraph goes over.

The Clerk read the paragraphs relating to the Territory of Montana.

Mr. TOOLE. I object.

The Clerk resumed the reading of the bill; and after he had read for some time.

Mr. CABELL said: Mr. Chairman, I desired to make objection to the paragraphs in regard to the Territory of New Mexico, in order that that matter might go over.

Several MEMBERS. It is too late.

Mr. HOLMAN. We have got by that portion of the bill.

The CHAIRMAN. It has gone over, as the Chair understands.

The Clerk read as follows:

In the office of the Inspector-General: For one clerk of class 4; one clerk of class 1; one assistant messenger; in all $3,720.

Mr. TAULBEE. I shall have to object to the present consideration of this paragraph

The Clerk read as follows:

For the following clerks and others to be employed by the Quartermaster-General in the investigation of claims for settlement by the Treasury Department under the act of July 4, 1864: One clerk of class 4; one clerk of class 3; ten clerks of class 1; three assistant messengers; and ten agents, at $1,400 each; in all, $31,560: *Provided*, That the clerks of class 2 now employed in this office may be employed as clerks of class 1, but the number to be and remain in the last-named class shall not be in excess of the number hereinabove specified.

Mr. HISCOCK. I make a point of order on the proviso just read, unless the gentleman from Illinois [Mr. MORRISON] desires to do so.

Mr. HOLMAN. The proviso is intended to prevent the incurring of expenses to the Government without any corresponding benefit; but let it go out.

Mr. HISCOCK. We all understand what the object is. The intention is by law to displace the present incumbents.

Mr. HOLMAN. Let it go out.

Mr. HISCOCK. Do I understand the Chair rules the proviso out?

The CHAIRMAN. The proviso is ruled out.

The Clerk continued the reading of the bill for some time, when

Mr. HOLMAN said: Mr. Chairman, we have got along with the bill so well that I now move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. BLOUNT (at 10 o'clock and 59 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAKER: Petition of the congress of the Workingmen's Club of the United States, praying for the passage of the bill providing for a system of post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. W. C. P. BRECKINRIDGE: Memorial of various citizens of Minnesota, asking that salt fish be put on the free-list—to the Committee on Ways and Means.

By Mr. BUTTERWORTH: Petition of William Fair Goodwin, asking that the Government test certain improvements of his for constructing and operating railroads—to the Committee on Commerce.

By Mr. CURTIN: Petition of members of the Gilbert Beaver Post, No. 296, Grand Army of the Republic, of Belleville, Mifflin County, Pennsylvania, praying for the passage of Senate bill 1886, for the relief of all honorably discharged soldiers dependent upon their labor for support—to the Committee on Invalid Pensions.

By Mr. ELY: Petition of Don Glesson Hill and 38 others, citizens of Norfolk County, Massachusetts, to enable the National Board of Health to employ the power and resources of the Government in prevention of epidemics—to the Committee on Commerce.

By Mr. ERMENTROUT: Petition of Charles H. Fearn and others, hospital stewards, United States Army, asking for the passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. FORNEY: Papers relating to the claim of Fanny R. Bonner and of Thomas Bonner, jr., of Clay County, Alabama—to the Committee on War Claims.

By Mr. FULLER: Resolution of Marble Rock Post, No. 308, Grand Army of the Republic, of Iowa, requesting the passage of Senate bill 1886, for the relief of ex soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of H. O. Jackman and 41 others, members of Grand Army of the Republic Post, of East Corinth, Vt., in favor of Senate bill 1886—to the same committee.

By Mr. KELLEY: Petition of the executive board of the Woman's National Indian Association, in favor of the bill known as the Dawes allotment of land in severalty to Indians bill (S. 54) as passed by the Senate; also Senate bill 53, for the relief of the Mission Indians—to the Committee on Indian Affairs.

By Mr. LITTLE: Remonstrance of A. E. Amos and others, citizens of Clinton County, Ohio, against the passage of Senate bill 1715, regulating the transportation of live stock—to the Committee on Commerce.

By Mr. LOUTTIT: Petition of citizens of San Joaquin County, California, for the maintenance of the National Board of Health—to the same committee.

By Mr. MCMILLIN: Petition of J. C. Whitley, W. P. Wooten, Jeremiah Bean, and 9 others, for the passage of bill giving a pension of $8 per month to soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of J. B. Wheeler and 55 others, members of Grand Army of the Republic Posts of Oskaloosa, Kans., asking for the passage of Senate bill 1886—to the same committee.

Also, resolutions of Leavenworth Post, Grand Army of the Republic, of Kansas, asking for the repeal of arrears act—to the same committee.

By Mr. NEECE: Petition of 200 citizens of Aledo, Ill., for the passage of a law embodying the recommendations of the Grand Army of the Republic committee—to the same committee.

By Mr. PRICE: Petition of R. A. Daws and 145 others, of Cataract, Wis., favoring the passage of Senate bill 1886—to the same committee.

By Mr. RICHARDSON: Petition of John P. Smith, of Franklin County, Tennessee, asking compensation for injuries received while in the revenue service of the United States—to the Committee on Claims.

By Mr. RIGGS: Petition of James A. Wade and others, of Loraine, Ill., for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. SENEY: Resolution of the Produce Exchange of Toledo, Ohio, favoring an amendment to section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. I. H. TAYLOR: Petition of General E. S. Holloway and 122 others, ex-soldiers and citizens of Columbiana County, Ohio, praying for the amendment of the pension laws so as to conform to the recommendations of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *June* 12, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON. I present the petition of Park, Brother & Co., Chess, Cook & Co., and several thousand leading and influential firms of Western Pennsylvania, representing about $50,000,000 capital, praying an appropriation of $153,000, as repeatedly recommended by Col. William E. Merrill, to commence a dam near Herr's Island, Allegheny River, in the port of Pittsburgh, Pa. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. WILSON, of Iowa, presented the petition of George B. Corkhill, of Washington, D. C., praying for legislation providing for the payment of rent due under leases of certain buildings used for post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GEORGE presented the petition of Mrs. Julia A. Nutt, widow and executrix of Haller Nutt, deceased, of Natchez, Miss., praying to be reimbursed for certain property taken by the United States during

the war of the rebellion; which was referred to the Committee on Claims.

Mr. SPOONER presented a resolution adopted by T. J. Hungerford Post, No. 39, Department of Wisconsin, Grand Army of the Republic, favoring the amendment to the Mexican war pension bill proposed by Hon. JOHN A. LOGAN; which was referred to the Committee on Pensions.

Mr. ALDRICH presented a petition of 46 citizens of Rhode Island, praying that the word "nativity" may be inserted in the fifteenth amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. MITCHELL, of Oregon. I present a memorial adopted at a meeting of citizens of Northeastern California and Southeastern Oregon, held at Fort Bidwell April 5, 1886, remonstrating against the contemplated abandonment of Fort Bidwell, California, and setting forth many reasons for such remonstrance. They state that the post is situated within the heart of the Pi-Ute Nation, a tribe of Indians which are of a strictly nomadic character, scattered in small but innumerable bands over a vast territory, the part they played during the Bannock war of 1878 showing them to be an enemy not to be despised; that a great portion of this tribe are opposed to living on a reservation, and would undoubtedly resort to arms were such action made compulsory, but the memorialists do not believe harsh measures necessary, for under the restraining influence of the military, whose presence they greatly respect, they will become more and more civilized, and in a few years the country will be sufficiently settled to dispense with troops. This post, the memorialists say, as will be observed by reference to the map, is most favorably situated in a military point of view; that it exerts a moral effect as far as the Pyramid Lake reservation on the south, the Klamath reservation on the west, the Harney Valley and Malheur reservation on the north and east, and that the very fact that the memorialists are located 200 miles from the nearest railroad sufficiently indicates the importance of a garrison in an isolated and sparsely settled region.

Various other reasons are stated why the post should not be abandoned. I move the reference of the memorial to the Committee on Public Lands.

The motion was agreed to.

Mr. CALL. I present a resolution adopted by the Board of Trade of Gainesville, Fla., as follows:

Resolved, That the proposed forfeiture by Congress of the lands granted to the Florida Railway and Navigation Company is regarded by this board as not only injurious to the interests of the State, but unjust to the rights of the said company.

I move the reference of the resolution to the Committee on Public Lands.

The motion was agreed to.

Mr. MILLER. I present resolutions adopted by the executive committee and the committee on the harbor of New York of the Chamber of Commerce of New York, favoring an appropriation of $1,000,000 for the beginning of the permanent work of deepening the water over Sandy Hook Bar to 30 feet at low tide. I move the reference of the resolutions to the Committee on Commerce.

The motion was agreed to.

Mr. MILLER. I also present a petition of similar purport, which has been prepared and signed by a very large number of leading commercial men of the city of New York, praying that the appropriation be made, and stating that "the undersigned believe this to be of paramount importance not only to the commerce of this city but to that of the entire country." As the petition is short, I ask that it may be printed in the RECORD, as I shall desire to refer to it hereafter.

The petition was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

The Commerce Committee of the United States Senate having put into the river and harbor bill an amendment appropriating $1,000,000 for commencing the permanent work of deepening the water over Sandy Hook Bar to 30 feet at low tide, the undersigned, merchants of New York, hereby express their approval of the same, and respectfully request the Senators and Representatives from this State to do all in their power to secure the passage of this amendment by the Senate, and also the concurrence of the House therein.

The undersigned believe this to be of paramount importance not only to the commerce of this city but to that of the entire country.

Mr. LOGAN presented a resolution adopted by the directors of the Chicago (Ill.) Board of Trade favoring certain proposed legislation which will hereafter prevent the interference of certain persons with interstate commerce and punish them for unlawful acts, &c.; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Lebanon, Ill., praying for the passage of the bill providing for the construction of what is known as the merchants' bridge at Saint Louis, Mo.; which was referred to the Committee on Commerce.

He also presented a petition of ex-soldiers and citizens of Delavan, Minn., praying for an extension of the provisions of the arrears-of-pension act; which was referred to the Committee on Pensions.

Mr. LOGAN. I present a resolution adopted by Friendship Assembly, Knights of Labor, of Chicago, Ill., remonstrating against the passage of the bill taxing oleomargarine, and thereby destroying a legitimate and important industry, which gives employment to several thousand men. I move the reference of the resolution to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5553) for the relief of E. J. Phillips; and

A bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased.

Mr. MILLER, from the Committee on Commerce, to whom was referred the bill (H. R. 4139) for the relief of Thomas Sampson, reported it without amendment.

Mr. DOLPH. By direction of the Committee on Public Lands, to whom was referred the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes, I report the same back with a substitute. The committee report the Senate bill as an amendment to the House bill, to strike out all after the enacting clause of the House bill and insert the Senate bill as reported from the committee.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 988) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, reported it with an amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. 2652) for the construction of a military telegraph line from Sanford, Florida, to Point Jupiter, Florida, and the establishment of a signal station; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 874) for the establishment of a seacoast telegraph line to Jupiter Inlet, Florida, and a signal station, moved its indefinite postponement; which was agreed to.

Mr. MCMILLAN, from the Committee on Commerce, submitted a report, to accompany the bill (H. R. 6043) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn., heretofore reported by him.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 2646) authorizing the Postmaster-General to pay rent of certain buildings leased for post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON introduced a bill (S. 2647) for the relief of Caroline P. Bolton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2648) providing for a survey of the harbor at Bar Harbor, Me.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES, of Arkansas, introduced a bill (S. 2649) to provide for the bringing of suits by citizens of the United States against the Government thereof in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CALL introduced a bill (S. 2650) to pay salaries of timber agents of the United States before the war of the rebellion standing to their credit on the books of the Treasury Department; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 2651) for the relief of Lincoln W. Tibbetts, of Portland, Me.; which was read twice by its title, and referred to the Committee on Claims.

RAILROAD ATTORNEYS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the morning business is closed.

Mr. BECK. Mr. President, I desire to give a notice. On Thursday evening before the Senate adjourned the Senator from Connecticut [Mr. HAWLEY] entered a motion to reconsider the vote by which the Senate passed the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States. Yesterday it was agreed by the Senator from Connecticut and myself that on Monday morning after the morning business the motion to reconsider should be taken up by the Senate, and the Senator from Connecticut stated that he would announce it yesterday and have it entered in the RECORD of to-day, so that there would be no misunderstanding about it. Failing to obtain that opportunity, I suppose, it is not so entered, and the Senator from Connecticut is absent to-day.

Mr. HOAR. If the Senator from Kentucky will pardon me, I will state that the Senator from Connecticut informed me last night that he desired to have the notice given, and asked me if I would not give it.

Mr. BECK. I say he desired to give the notice yesterday, but failing to obtain the opportunity to do so and he being absent to-day I give it now at his request, that on Monday after the morning business I shall call up the motion to reconsider the vote by which the bill was passed.

Mr. HOAR. All right.

PROPOSED CONGRESS OF AMERICAN NATIONS.

Mr. WHITTHORNE and others addressed the Chair.

The PRESIDENT *pro tempore*. In accordance with the notice given by the Senator from Tennessee yesterday that he desired to address the

Senate on the bill (S. 2362) to promote the political progress and commercial prosperity of the American nations that bill will be regarded as before the Senate, and the Senator from Tennessee is recognized as entitled to the floor upon it.

Mr. WHITTHORNE. Mr. President, I beg the indulgence and pardon of Senators if I violate any of the time-honored customs of the Senate at this early moment of my service in this honorable body in now seeking to address them upon so vital and important a question as is involved in the bill (S. 2362) introduced by my friend, the Senator from Maine, Hon. Mr. FRYE, with whom I had the honor and pleasure of a long association in the House of Representatives. I would not say a word but from a strong sense of duty to the people whom I in part represent upon this floor, and whose present and future interests are, in my judgment at least, deeply interwoven with and in the policy sought to be inaugurated by the adoption of this measure; a measure, however, Mr. President, that not alone affects the interests of the people of the State of Tennessee but that of the Union; a question, too, not alone for this century but for centuries to come; not alone for the people of these States constituting the American Union but for the states, nationalities, and empires that now, or which may in the great future, govern and control the American continent; a question, Mr. President (ever since I have had the honor to be a representative of the people in the national councils of the Union), in which I have taken great interest and upon which I have heretofore, in the other branch of Congress, spoken on different occasions, and from which speeches I shall on the present occasion quote liberally.

The Senate bill referred to is in words as follows:

A bill to promote the political progress and commercial prosperity of the American nations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he hereby is, authorized to invite, on behalf of the Government and people of the United States, delegates from each of the Republics of Mexico, of Central and South America, Hayti, San Domingo, and from the Empire of Brazil, to assemble in Washington on the 1st day of October, 1887, or as soon thereafter as practicable, to meet delegates on the part of the United States, to consider such questions and recommend such measures as shall be to the mutual interest and common welfare of the American States.

SEC. 2. That in forwarding the invitation to the constituted authorities of the several independent governments of the American hemisphere, the President of the United States shall set forth that the conference is called to consider—

First. Measures that shall tend to preserve the peace and promote the prosperity of the several American States.

Second. Measures toward the formation of an American customs union, under which the trade of the American nations with each other shall, so far as is possible and profitable, be promoted.

Third. The establishment of regular and frequent communication between the ports of the several American States and the ports of each other.

Fourth. The establishment of a uniform system of customs regulations in each of the independent American States to govern the mode of importation and exportation of merchandise and port dues and charges, a uniform method of determining the classification and valuation of such merchandise in the ports of each country, and a uniform system of invoices, and the subject of the sanitation of ships and quarantine.

Fifth. The adoption of a uniform system of weights and measures, and laws to protect the patent rights, copyrights, and trade-marks of citizens of either country in the other, and for the extradition of criminals.

Sixth. The adoption of a common silver coin, to be issued by each government in such an amount proportionate to the population of each as may be determined upon, the same to be legal tender in all commercial transactions between the citizens of all of the American States.

Seventh. An agreement upon and recommendation for adoption to their respective governments of a definite plan of arbitration of all questions, disputes, and differences that may now or hereafter exist between them, to the end that all difficulties and disputes between such nations may be peaceably settled and wars prevented.

Eighth. And to consider such other subjects relating to the welfare of the several states represented as may be presented by any of said states.

SEC. 3. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State, for expenses incidental to the conference.

SEC. 4. That the President of the United States shall appoint, by and with the advice and consent of the Senate, twenty-four delegates to said conference, who shall serve without compensation other than their actual necessary expenses, of whom at least three shall be learned in international law, and the remainder men who are actively engaged in agriculture, manufacturing, and the exportation and importation of merchandise.

SEC. 5. That the Secretary of State shall appoint such clerks as may be necessary, and provide for the publication by the Public Printer of so much of the proceedings of the conference, in both the English and Spanish languages, as the conference may require.

I deem it proper, Mr. President, in giving the reasons which induce me to support this bill primarily, to invoke the attention of the Senate to the following exhibit of the international commerce of the world, as taken from Mulhall's Dictionary of Statistics:

	1830.	1840.	1850.	1860.	1870.	1880.	*Equal to—
United Kingdom	£88,000,000	£113,000,000	£169,000,000	£318,000,000	£459,000,000	£571,000,000	$2,855,000,000
France	37,000,000	66,000,000	75,000,000	167,000,000	227,000,000	339,000,000	1,695,000,000
Germany	33,000,000	56,000,000	105,000,000	160,000,000	212,000,000	315,000,000	1,575,000,000
Russia	20,000,000	25,000,000	32,000,000	46,000,000	100,000,000	121,000,000	605,000,000
Austria	16,000,000	22,000,000	29,000,000	51,000,000	83,000,000	128,000,000	640,000,000
Italy	11,000,000	17,000,000	26,000,000	46,000,000	74,000,000	96,000,000	480,000,000
Spain and Portugal	11,000,000	14,000,000	20,000,000	30,000,000	41,000,000	54,000,000	270,000,000
Holland	16,000,000	27,000,000	44,000,000	56,000,000	71,000,000	121,000,000	605,000,000
Belgium	14,000,000	20,000,000	35,000,000	48,000,000	64,000,000	116,000,000	580,000,000
Scandinavia	8,000,000	12,000,000	17,000,000	30,000,000	42,000,000	55,000,000	275,000,000
Europe	254,000,000	372,000,000	552,000,000	952,000,000	1,373,000,000	1,916,000,000	9,580,000,000
United States	25,000,000	43,000,000	64,000,000	137,000,000	172,000,000	309,000,000	1,545,000,000
North America	14,000,000	22,000,000	38,000,000	62,000,000	85,000,000	101,000,000	505,000,000
British colonies	29,000,000	62,000,000	93,000,000	190,000,000	241,000,000	362,000,000	1,810,000,000
The world	322,000,000	499,000,000	747,000,000	1,341,000,000	1,871,000,000	2,688,000,000	13,440,000,000

*Reduced for 1880 at $5 per pound.

Or, expressing the result in dollars, that the value of the sea-going commerce of the world was, in 1830, $1,610,000,000; in 1840 it was $2,495,000,000; in 1850, $3,735,000,000; in 1860, $6,705,000,000; in 1870, $9,354,000,000; and in 1880, $13,440,000,000. How marvelous and gigantic this growth and expansion!

It will be seen further from the exhibit that the foreign commerce of the ranking commercial powers of the world is as follows:

Great Britain	$2,875,000
British colonies	1,810,000
France	1,695,000
Germany	$1,575,000
United States	1,545,000

It will be further seen that while the united commerce of these countries represents more than two-thirds of that of the entire world, the flag of the British Empire floats over nearly one-half, and that the United States has about one-sixth. But before making any remarks upon these statistical facts there are others to be noted, to wit, those representing the production of commercial wealth and its transportation. And, here again, Mr. President, I quote a table from Mulhall's Dictionary of Statistics:

Industries.

	Agriculture.	Manufactures.	Commerce.	Transportation.	Total.
United Kingdom	£266,000,000	£818,000,000	£570,000,000	£186,000,000	£1,840,000,000
France	444,000,000	494,000,000	340,000,000	90,000,000	1,368,000,000
Germany	456,000,000	449,000,000	315,000,000	110,000,000	1,330,000,000
Russia	509,000,000	238,000,000	120,000,000	63,000,000	930,000,000
Austria	322,000,000	210,000,000	128,000,000	44,000,000	704,000,000
Italy	178,000,000	117,000,000	96,000,000	18,000,000	409,000,000
Spain	136,000,000	96,000,000	41,000,000	14,000,000	287,000,000
Portugal	31,000,000	20,000,000	13,000,000	3,000,000	67,000,000
Belgium	45,000,000	92,000,000	116,000,000	11,000,000	264,000,000
Holland	45,000,000	40,000,000	121,000,000	6,000,000	212,000,000
Denmark	37,000,000	16,000,000	19,000,000	3,000,000	75,000,000
Sweden and Norway	71,000,000	37,000,000	36,000,000	14,000,000	158,000,000
Europe	2,540,000,000	2,627,000,000	1,915,000,000	562,000,000	7,644,000,000
United States	604,000,000	1,112,000,000	313,000,000	252,000,000	2,281,000,000
Canada	58,000,000	52,000,000	46,000,000	11,000,000	167,000,000
Argentine Republic	42,000,000	11,000,000	21,000,000	4,000,000	78,000,000
Australia	76,000,000	26,000,000	101,000,000	9,000,000	212,000,000
Total	3,320,000,000	3,828,000,000	2,396,000,000	838,000,000	10,382,000,000

It will be seen that the United States is first in agriculture, first in manufactures, fourth in commerce, and first in transportation. This includes foreign and domestic.

Another table by the same author exhibits the "power" available for industries, which shows the United States to be largely in the lead. Indeed, that the ratio, comparing Europe combined, is in the following proportions: Europe, 64 per cent.; United States, 36 per cent.

Mr. President, without exhibiting any tables of population, I will assume that Senators will assent to the general statement that I make, that the ranking countries, in this respect, are:

China, with over		300,000,000
The United Kingdom	50,000,000	250,000,000
Colonies	200,000,000	
Russia		90,000,000
The United States		55,000,000
Germany and colonies		50,000,000
France and colonies		45,000,000
Austria		45,000,000

Hitherto, and within the lifetime of our nationality, the Government of China has made but little if any effort to place herself in the attitude of extending her territory or commerce so as to be considered in competition or rivalry with the other named powers. The struggle for rank and dominion in "wealth, power, honor" has been in these latter years mainly between Great Britain, Russia, France, Germany, Italy, Austria, and the United States.

It has been the history of the world that with the overproduction of wealth and population new fields of occupancy and enterprise must be and are sought. Far behind the drama of the Roman Empire history and tradition alike concur in attesting this. And the record of Europe's resistance to the encroachments of the East, as well as Europe's invasion of the western hemisphere, is but a continued recital of this fact. The story of surplus in population and overproduction in wealth is written over and over again in the struggles and rivalries of nationalities and peoples. It is one in which the weak go down and the strong go forward. And again at this moment is the "struggle on" between the great commercial powers referred to.

Mr. President, looking at the statistical facts which I have briefly arrayed, and taking our personal knowledge of the grand aggregate of the wealth and resources of these United States, living witnesses as we are of the immense and rapid progress that has been made in all the avenues of power in the brief space of our lives; realizing as we do that our country stands now second only in all the elements of industrial wealth to the empire of Great Britain (representing fully 300,000,000 of population) and far beyond that of any other nationality; and, sir, reckoning the vast amount of our agricultural and manufacturing products, as shown in the immense volume of our foreign and domestic trade, all attesting the great wealth and prosperity which the recent years have given to our labor and industry, and realizing the tremendous increase in our population, we come to contemplate the possibilities of our national grandeur, resources, and power, and endeavor to grasp the consideration of the demands of our vast industrial wealth for commercial outlets, and not only now but in the near future, and which yearly becomes more urgent and necessary by the constant increase in population, increase in production of wealth, and increase in domestic facilities to reach the markets of the world. We are brought directly and immediately to the conclusion that our domestic legislation and our foreign diplomacy should, nay, must, become responsive to these demands and necessities; and that our statesmanship, whether in legislative hall or in the Cabinet, must keep pace with American progress.

The American statesman should not only look to the growth of the trade and power of his own country but also to that of our competitors and customers. He should know and govern his conduct by the needs and kindly disposition of its customers and friends, and carefully study the resources of its rivals and thwart their antagonistic policy. In so doing no timidity should mark his action or subservient deference to the equanimity of his adversary control his counsel. Knowing the rights and interests of his own country, he should dare maintain them.

While, Mr. President, we recognize with exultant pride the marked increase in our foreign and domestic trade and the great development in the capacity of this country to supply the wants of the world, yet it must be noted and admitted that this has not been made at the expense of any decline in the volume of the exports and imports of other countries. While the ratio of progress may be in our favor, yet with nearly equal stride have our competitors kept pace with us in the race.

The immense increase in the commerce of the world, as shown in the table which I have submitted to the attention of the Senate, is a resultant from the improved facilities for the products of labor given by steam. The railway car and the ship moved by steam have wrought miraculous changes in the civilization of mankind. With this mechanical power applied thus, and in other fields of development obedient to the will of man, and with the multiplication of the artificial wants of man, which it is said marks improvement and progress in civilization, no one can foretell the limit to which trade and commerce may extend. It is an accepted axiom that the extension of commerce by any country attests alike its intelligence, wealth, and progress. When, therefore, the American statesman studies the growth and development of his own country in its industries, trade, and commerce, and reflects that in the logic of all history it is attested that in the race of intelligence and wealth there is "no pause," he must, if faithful to the trust of his position, take such steps as will promote and secure this growth and development.

Indeed, Mr. President, the present status of our domestic trade and foreign commerce, as well as the products of our farms, our fields, our mines, and manufactures, all demand this thought and attention upon the part of our statesmen, no matter whether their sphere of labor is in the Senate, Cabinet, or the field of actual struggle.

Look over the great field of commercial enterprise as displayed upon the world's surface; study the efforts now being made by our competitors to open, cultivate, and obtain control thereof. Look to our immediate surroundings. The goal to be reached by the great manufacturing countries lies south and west of us, and is comprised in the present and future wealth of the States of South America, Mexico, the West India Islands, the Central American States, Australasia, China, and Japan. The present commerce of these States is approximately shown in the following statement of exports and imports:*

States of South America	$667,312,905
Mexico	77,146,000
West India Islands, estimated	125,000,000
Central American States	35,829,318
Australasia	515,000,000
China	196,153,482
Japan	62,403,816
Making a total of	1,678,845,521

The value of this trade is thus approximately shown at the present time to be $1,678,845,521. But how rich and valuable will it become when under the magic touch of steam and electricity and modern and coming useful inventions new energy and life are given to the people who shall inhabit these domains, and when the world shall demand of these countries the vast mineral wealth that now sleeps peacefully in the recesses of their mountains and valleys? The day is not distant when the world will demand this of Mexico, Central and South America.

Mr. President, the keen instinct of our business men is ahead of our legislators and diplomats. Appreciating the value of this trade, to be lost or won, already has the enterprise and capital of our citizens built iron channels of commerce across the continent, and they are building others, extending into and across the Republic of Mexico. They are fast traveling to points of advantage with a view to seize and control the principal marts of the commerce and trade of these countries, and will do so if properly seconded by the Government.

In this connection, Mr. President, it is well to note the increase in the mileage of railroads in the United States within the last fifteen years. In 1870 the number of miles in operation was 52,914; in 1885, 128,407, showing an increase of 75,493 miles. This increase has been principally in the Western and Southwestern States, and these roads were constructed with the view and in the effort to reach the coast of the Pacific Ocean and the boundaries of Mexico. The large amount of capital invested in these enterprises by the business men of our Government manifests their estimate of the present and prospective value of the trade with Mexico, South America, and the countries washed by the Pacific Ocean.

Mr. President, the statesmanship as well as the enterprise and capital of European governments appreciate the value of the "goal" to be reached in this struggle for supremacy in the commerce of the South American States and of the countries in and bordering on the Pacific Ocean, and hence by capital invested in trade, by diplomatic "suggestions" in the counsels and administration of the affairs of these governments, seek to make them hostile to American interests and jealous of American influence; but, more effectually to monopolize and control the industrial wealth of these countries and at the same time circumscribe that of these States, seizure and "colonization" of territory is resorted to. And not content with these measures European diplomacy and capital seek in the building of an Isthmus Canal to "head off" the efforts and enterprise of American citizens and to place a limit to American power and American progress.

Have the great body of the people of this country, Mr. President, studied the logic of the movements of the great powers of Europe in their efforts to secure territory by "colonization" in all quarters of the globe? Have they paused to inquire the reasons of the strength and wealth of the empire that acknowledges Victoria as empress; or asked why Russia seeks to extend her borders; or the necessity under which Germany, France, and Italy are to acquire territory? Surplus population and surplus production must find new fields for occupation and use, or stagnation and death ensue.

Open the last few pages in history, ay, even as it has been written in our own day, and behold the growth and increased wealth brought to Great Britain by her colonial enterprises. The statistics connected with Australasia give magical and marvelous evidences of progress.

And in this connection it is appropriate to call attention to the designs and aspirations of these particular British colonies of the Southern

* Honduras, in Central American States, estimated, as is the commerce of the West India Islands. The other data are obtained from the American Almanac and from Mulhall.

Pacific Ocean, and to ask, has the attention of the statesmen and diplomats of the South American States and of the North American States been arrested to and by the remarkable declarations of these colonies in their convention at Sydney in November and December, 1883? It appears that this convention was called to present some plan of federation of the British colonies in the South Pacific Ocean. The convention adopted a series of resolutions, seven in number, the first three only of which it is now necessary to notice, the substance of which are, as stated and summarized by a writer (Earl of Carnarvon) in volume 45, Contemporary Review, to be:

1. That the future acquisition of dominion in the South Pacific by any foreign power would be highly injurious to Australasia and the empire.
2. That the conference refrains from suggesting how best to give effect to the resolutions, in the confident belief that the Imperial Government will adopt the wisest and most effectual measures for doing so.
3. That having regard to trade and other considerations, and fully recognizing that the responsibility of extending the bounds of the empire belongs to the Imperial Government, the conference desires the immediate incorporation of all that part of New Guinea which is not claimed by the Dutch Government.

Mr. President, there can be no doubt as to the tendency of and the end sought by these bold and significant declarations. They are food for thought in any congress of the States of the American continent, whenever such congress may assemble.

It is well that the whole idea of federation of states and communities having contiguity of territory, mutuality of interests, and harmony of institutions should be considered by the States and statesmen of the American continent. They should not, can not, unless false to the idea of republican forms of government, be indifferent to the growth of "colonization" and "federation" by the great commercial powers of the world. The great agencies of nature, responsive to the will of man in their mechanical and motive uses, have been, are now, and will continue to be effective and instrumental in the development and possibly the fruition of these grand efforts to consolidate commercial and political power.

And again, as tending to put control and limit upon the progress and development of the states of North and South America, is not the building of the Isthmus Canal significant? Is it not an effort upon the part of European diplomacy and European capital to circumscribe the limits of our power and progress? Is it not singular, Mr. President, that so stupendous an undertaking, and one so likely to affect seriously the commerce, if not the peace, of the United States as the building of an interoceanic canal by European capital and European enterprise under an European charter—and this project inaugurated and promoted by those who for years, together with other dreams of the family (Napoleon's), dreamed of a Latin empire on this continent—should apparently have arrested so little attention upon the part of those charged with the conduct of our foreign relations? Who that studies a moment does not see that, in a military and naval point of view, it will become necessary upon the completion of such a canal that the United States should increase its naval armament and multiply its works of military fortification? Should not this fact, or probability of it, induce the United States, if not other American States, to regard the construction of such a canal as a menace to their power and security? Let our people note that with the progress of our railroad system, and with the development of the mining, manufacturing, and agricultural wealth of the great interior and Pacific States of the Union, very soon from the Pacific coast we will be ready and able to supply the wants of trade to the countries in and bordering on the Pacific Ocean.

Conflicting, as such a canal will, with our vast railroad system, in which there is over seven billions of capital invested, giving, as it will, the advantage in competition to our European rivals over the interior, Western, and Pacific States; creating, as it does, an artificial Bosphorus, around which diplomacy and war are to repeat their historic false and bloody rôles, making "armed powers" a necessity on this continent, it is profoundly surprising that the American republics, and especially this Government, should have been and are apparently so indifferent to the "progress of events" on the isthmus. Are not the miniature scenes of the last summer on that isthmus to be repeated, and to swell into the dimensions of a grand and tragic drama?

But, Mr. President, suppose the apprehensions which I have suggested should be esteemed as idle and the country should accept contrary views, yet this artificial channel must have a large and important influence upon the commerce of this Government and our relations with the other states of this continent. Who dares believe that the capital of Europe seeks investment in this canal either in sentiment or for the benefit of our people and their wealth? Certainly those who are building it are not guided alone by effusive sentiment. The people of the United States should not forget the efforts of Louis Napoleon, either, in Central America or his attempt to found an empire in Mexico. In relation to this attempt at empire in Mexico I quote what it is said a distinguished Frenchman wrote of it:

Abbe Dominick, in behalf of France, writes:

Behind the Mexican expedition there was more than an empire to found, a nation to save, markets to create, thousands of millions to develop; there was a world, tributary to France, happy to submit to our sympathetic influence, to receive their supplies from us and to ascribe to us their resurrection to the political and social life of a civilized people.

I ask Senators when they consider this great undertaking of French capital—the building of the Isthmus Canal—to inquire if these be not yet the motives which induce the Frenchman to enlist in the work.

Mr. President, all the indications point to a struggle over the empire of wealth that lies in the present and future commerce of these states in South America, the islands of the Pacific, and the countries bounded by its waters, in all of which "the balance-sheet of trade" shows us occupying an inferior position. And now, when with our material progress and advancement we are brought to confront the question, shall the United States abandon or continue the contest for this grand opening for our surplus productions, this rich and magnificent empire of wealth, can we hesitate as to the nature of our reply? I answer nay. American progress will not tolerate an abandonment of the struggle. Can it be won by domestic protective tariffs? Can it be gained and held by subsidized ships? Can it be reached and secured by interoceanic canals? The propositions contained in these queries have each their advocates.

Without arguing either upon the present occasion, I content myself with saying that neither in my opinion would prove efficacious and satisfactory. Either one would prove illusory and futile, unless diplomacy had first entered the field and secured respect and protection for American capital and enterprise invested in the struggle being made.

The executive department should in its office obtain the friendship, good-will, and kindly dispositions of the countries with which commercial intercourse and trade development is sought; next, seek the removal or modification of the barriers, burdens, and restrictions now impeding such intercourse; and next, undertake to secure and give mutual and reciprocal advantages, and to our sister republics and states on this continent submit propositions of conference, in which should enter these and the consideration of the proximity and contiguity of territory. The similarity of institutions, the general harmony of thought, in that the people and not dynasties govern (being essentially the American idea), should induce these American governments to work together for the promotion and security of popular government, in which the alleviation of human want and the promotion of human happiness was and should remain the object of all American governments. And that being so identified they would sedulously and by all peaceful agencies promote the wealth and prosperity of each other so far as it could be done without injustice to their own citizens.

And beyond all this let the American citizen know and recognize that wherever the honest pursuit of his business may call him he carries with him the assurance that all the power of his Government will be wielded for the protection of his person and property. Then you will see that "wherever it is desired to open markets for our surplus wealth we shall find volunteer pioneers for our trade and willing missionaries for our commerce." It is because we have not been willing to incur hazards for the protection of our citizens who may have the courage to embark capital and labor in commercial enterprises in foreign countries and prompt to give them relief when oppressed that the "balance of trade" is often found against us. Let the executive department of this Government do its duty in this regard and the people and their Congress will not be slow to support such an administration.

Mr. President, having for years entertained these views I need not say here that the efforts of the Garfield administration to modify or cancel the Clayton-Bulwer treaty and to bring about a cordial and sympathetic understanding between the powers representing "American progress in American governments" met at the time my support, as have all subsequent efforts looking in the same direction. And for one I rejoice that these effects have culminated in the methodical suggestions embodied in this Senate bill No. 2362, and to which I trust there will be no serious opposition. The career of this Union must be onward. To-day it is seen in the front in the production of industrial wealth, and in the front in the power and resources of production, and with rapid increase marking each step of the moving years. The shadow of Wall street, with the timidity and selfishness of its capital, can not longer dictate either the law or the limit of American progress.

Mr. President, breathes there a statesman of this Government who could be so recreant as ever to consent that on this continent limits shall be prescribed to American prowess and American progress? I do not believe he lives. Yet, sir, I persuade myself I speak the aspiration of every true American and democrat throughout our broad land when I say that they will welcome the day in which are practiced the teachings of the grand old patriots whose words and deeds illustrated with most brilliant luster the brightest, bravest pages of American history—Jefferson, who gave us Louisiana; Monroe, who gave us a definite American policy; Adams and Clay, who sought American unity; Polk, who gave us California; Everett, who gave us his memorable dispatch to Comte de Sartiges (which should be constantly read by the American patriot), and Cass, Douglas, and Marcy, who gave us their protest against the Clayton-Bulwer treaty.

Mr. President, permit me, in exposition of this American policy, to quote from Mr. Everett's dispatch, to which I have referred. Mr. Everett therein gave a historical review of the acquisition of territory made by the United States and of the policy of this Government, and then proceeds to say that—

No person, surveying these events with the eye of comprehensive statesmanship, can fail to trace in the main result the undoubted law of our political ex-

istence. The consequences are before the world. Vast provinces, which had languished for three centuries under the leaden sway of a stationary system, are coming under the influences of an active civilization. Freedom of speech and the press, the trial by jury, religious equality, and representative government have been carried by the Constitution of the United States into extensive regions where they were unknown before. By the settlement of California the great circle of intelligence around the globe is completed. The discovery of the gold of that region, leading as it did to the same discovery in Australia, has touched the nerve of industry throughout the world. Every addition to the territory of the American Union has given homes to European destitution and gardens to European want. From every part of the United Kingdom, from France, from Switzerland and Germany, and from the extremest north of Europe a march of immigration has been taken up, such as the world has never seen before. Into the United States, grown to their present extent in the manner described, but little less than half a million of the population of the Old World is annually pouring, to be immediately incorporated into an industrious and prosperous community, in the bosom of which they find political and religious liberty, social position, employment, and bread.

It will be remembered that the United States had been invited by the Governments of France and Great Britain to enter into a convention by which the three governments would disclaim "now and for hereafter all intention to obtain possession of the Island of Cuba." This invitation was declined by the United States Government in the admirable and bold dispatch referred to, in which he uses the language I have already quoted, and in which he further adds:

But whatever may be thought of these last suggestions, it would seem impossible for any one who reflects upon the events glanced at in this note to mistake the law of American growth and American progress, or think it can be arrested by a convention like that proposed. In the judgment of the President, it would be as easy to throw a dam from Cape Florida to Cuba with the hope of stopping the flow of the Gulf Stream as to attempt by a compact like this to fix the fortunes of Cuba, now and hereafter.

And in this the great American statesman meant to be understood that no human power could define and limit the extent and law of American growth and progress.

At a later period in our history when it was supposed this was attempted to be done by the Clayton-Bulwer treaty, that brilliant American statesman, who in his life and speech more nearly typified American aspirations than any of its recent statesmen—Stephen A. Douglas—a grand representative of American democracy, who in protesting against said treaty spoke as follows in reference to American growth and progress:

But I can not close my eyes to the history of this country for the last half century. Fifty years ago the question was being debated in this Senate whether it was wise or not to acquire any territory on the west bank of the Mississippi River, and it was then contended that we never could with safety extend beyond that river. It was at that time seriously considered whether the Alleghany Mountains should not be the barrier beyond which we should never pass.

At a subsequent date, after we had acquired Louisiana and Florida, more liberal views began to prevail, and it was thought that perhaps we might venture to establish one tier of States west of the Mississippi, but in order to prevent the sad calamity of an undue expansion of our territory, the policy was adopted of establishing an Indian territory, with titles in perpetuity all along the western border of those States, so that no more new States could possibly be created in that direction. That barrier could not arrest the onward progress of our people. They burst through it and passed the Rocky Mountains and were only arrested by the waters of the Pacific. Who, then, is prepared to say that in the progress of events, having met with the barrier of the ocean in our western course, we may not be compelled to turn to the north and to the south for an outlet? (Appendix to Congressional Globe, second session, Thirty-second Congress, volume 27, page 26.)

Mr. President, in "the progress of events" we have reached that point. Our adversaries know and realize this. The trade and commerce of the Pacific is to American progress a necessity. Shall the peaceful weapons of diplomacy and the kindly offices of friendship secure it? Or shall we submit to bind the giant by withes and postpone the day of power to the future, then to be had by our children in a bloody drama?

But no, Mr. President, we can neither abandon nor postpone the struggle. The seven billions of capital invested in railroads, all directly or indirectly concentrating on our coasts and on the borders of this theater of contest; the immense value of the products of our farms, workshops, and mines, amounting to billions; the grand and increasing aggregate of the commercial capital and enterprise of our people; the great Mississippi Valley, from whose productive fields, if rightly encouraged, the support and sustenance of the world may be drawn; the very law of our growth and existence, with our rapid increase in population, all demand that the statesmanship of the country shall aid its commercial intelligence and capital in securing this empire of wealth and commerce for our industry and labor.

Let our statesmen recognize that the wisdom and statecraft of the world in these days extend and secure commerce apparently but in three ways—by "annexation," "colonization," and "federation" of territory. Each of our competitors has to a greater or less extent in one of these ways opened outlets to its surplus of products and population—and in this fact it seems to me, to a very large degree, is to be ascribed the origin and continued cause of the lamentations and distress of our people in the great matters of labor and trade.

Mr. President, there are actors now in the fields of present labor who will live to see within the limits of our present territory over one hundred millions of population. Imagine what then will be the extent of the material wealth of this country. Grasp, if you can, the then demands of our commerce and trade. In making the effort you will comprehend the need now for that wisdom and patriotism upon the part of our statesmen necessary to prepare in the ways of peace for the grand march of American civilization and American progress.

This progress must be ever onward. And, Mr. President, looking far away into the future, and contemplating the vast possibilities of free government with prosperous trade and commerce to the thriving millions who are to occupy, possess, and enjoy this continent of ours, it seems to me that wise statesmanship would hail with ambitious pride this propitious hour to inaugurate commensurate movements to meet these magnificent possibilities—I say propitious, because now the people, comprehending the misfortunes of overproduction and surplus products and the strong necessity for commercial outlets, anxiously desire material relief, support, and encouragement, and will hail him or that party as entitled to their confidence who may by peaceful agencies bring wealth and prosperity to their doors.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I move to take up for consideration the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, which was under consideration yesterday.

The motion was agreed to.

Mr. LOGAN. I ask that that bill be laid aside informally. I desire to call up the Army appropriation bill.

The PRESIDING OFFICER (Mr FRYE in the chair). The Senator from Illinois asks that the bill be laid aside informally in order that the Senate may proceed to the consideration of the Army appropriation bill. Is there objection? The Chair hears none.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. LOGAN. I suppose it is necessary for the bill to be read, but I ask that as the reading proceeds the amendments reported by the committee be acted upon as they are reached.

The PRESIDENT *pro tempore*. If there be no objection, the usual course in regard to appropriation bills will be taken.

Mr. LOGAN. I will state by way of explanation that there have been several amendments made to the bill by the Committee on Appropriations, but none that change materially the appropriations.

The amount estimated for the fiscal year ending June 30, 1887, was $25,356,998.61. The changes made by the Senate committee make a reduction in the amount appropriated by the House of $138,053.66 and a total reduction from the appropriations of last year of $329,103.66.

If there is anything to be explained in reference to the bill as we go along I am ready to explain it. I have all the papers here that are necessary. I do not think the bill will find any material objection made to it by any Senator.

The PRESIDENT *pro tempore*. The bill will be read and the amendments reported by the Committee on Appropriations will be acted upon as the reading proceeds.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was under the head of "Enlisted men," to strike out from line 30 to line 42, inclusive, as follows:

Extra-duty pay: For enlisted men for service in hospital, and for general-service clerks and messengers at Army, division, department, and district headquarters, at the headquarters of the general recruiting service, at recruiting depots, and at West Point, N. Y., at the rates per diem fixed by law, $22,721.25: *Provided*, That the number of such general-service clerks to be paid out of this sum shall not exceed one hundred and three, and the number of such messengers to be paid shall not exceed forty-five.

For payment to enlisted men serving as general-service clerks and messengers, $105,500.

And in lieu thereof to insert:

For extra-duty pay to enlisted men on duty in hospitals and as clerks and messengers at headquarters, $85,647.59.

The amendment was agreed to.

The next amendment was under the head of "Miscellaneous," after the word "dollars," in line 161, to strike out the following proviso to the item appropriating for mileage of officers:

Provided, That in disbursing this allowance the maximum sum to be allowed and paid shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of transportation actually paid, exclusive of sleeping or parlor car fare, but in no case shall the whole amount paid exceed 8 cents a mile.

And in lieu thereof to insert:

Making in all for pay of the Army $12,500,124.80.

The amendment was agreed to.

The next amendment was after the word "Army," in line 172, to insert "and for that purpose shall constitute one fund," so as to make the clause read:

All the money hereinbefore appropriated shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was under the head of "Subsistence of the Army," to strike out from line 174 to line 226, inclusive, as follows:

For rations, at 20 cents each (which price includes not only the purchase cost

of the supplies but the proportionate share of each single ration, of all of the expenses, shrinkages, waste, and loss of the Subsistence Department in its operations in the supply of subsistence to the Army, from its original purchase to the issue, excepting such salaries and expenses as are provided for under other appropriations), for the enlisted men of the Army, including Indian scouts and hospital stewards, one thousand civil employés, sixty-five contract surgeons, one hundred and sixty hospital matrons, military convicts at posts, prisoners of war (including such Indians as are captured but whose subsistence is not otherwise provided by law), and for additional half rations allowed by law to sergeants and corporals of ordnance, in all $1,979,030.

For difference between the cost of the ration, at 20 cents, and the allowance by the Secretary of War of $1.50 per day to enlisted men traveling on detached duty under orders, when it is impracticable to carry cooked or travel rations, $15,000.

For difference between cost of a ration, at 20 cents, and the allowance by the Secretary of War of $1.50 per day to soldiers selected to contest for places or prizes in department, division, and Army rifle teams, while traveling to and returning from places of contest, $10,000.

For difference between the cost of the ration, at 20 cents, and the cost of cooked rations for recruiting parties and recruits at rendezvous, $34,000.

For cost (in excess of ordinary rations) of hot coffee, canned beef, and baked beans for troops traveling on cars and other conveyances, where it is impracticable to cook their rations, $7,000.

For subsistence of Indians visiting military posts, and of Indians employed without pay as guides and scouts, $1,000.

But it is expressly provided that no extra rations, except the extra issues of candles, salt, and vinegar authorized by Army Regulations to guards, officers, stables, storehouses, and public animals, shall be issued out of the stores purchased with any money appropriated under the head of "Subsistence of the Army," nor shall any of the money so appropriated be paid for commutation of rations, except as above authorized, and except as is authorized by Army Regulations to enlisted men on furlough and ordnance sergeants on duty at ungarrisoned posts, and to enlisted men (other than the Signal Service) who are stationed alone at places where rations can not be economically issued; and not more than $120,000 of the money so appropriated shall be applied to the payment of civilian employés of the Subsistence Department of the Army, and no compensation or salary so paid shall exceed the pay of a fourth-class clerk as graded and fixed in Army Regulations.

And in lieu thereof to insert:

For rations for twenty-five thousand enlisted men, one thousand civil employés, sixty-five contract surgeons, one hundred and sixty hospital-matrons, two hundred and seventy-five military convicts, seven hundred and fifty prisoners of war (including such Indian prisoners as are captured but whose subsistence is not otherwise appropriated for by Congress), and for additional half-rations for one hundred and twenty sergeants and corporals of ordnance, a total of not exceeding nine million nine hundred and seventy-one thousand eight hundred rations, estimated at 20 cents each; for difference between the cost of the ration and commutation thereof, at rates prescribed by the Secretary of War, for the following enlisted men, namely: Those detailed for clerical and messenger duty at headquarters of the Army, and at headquarters of divisions, departments, districts, and general recruiting service, and for various duties at military posts and stations, those traveling on detached duty where it is impracticable to carry cooked or travel-rations, and those ordered to participate in department, division, and Army rifle competition; for difference between the cost of the ration and the cost of cooked rations for enlisted men and recruits at recruiting stations; cost in excess of ordinary rations of hot coffee and canned food, or travel-rations, for troops traveling, when it is impracticable to cook rations; for subsistence of Indians visiting military posts and of Indians employed without pay as guides and scouts; in all, $1,800,000; and not more than $120,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés in the Subsistence Department of the Army.

Mr. *LOGAN*. That substitute is the law as contained in the bill of last year with very few modifications and a reduction of the amount allowed about $300,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Quartermaster's Department," in line 276, after the word "reports," to insert "$2,678,000;" and in line 281, after the word "competition," to strike out "$2,678,000;" so as to make the clause read:

Regular supplies: For the regular supplies of the Quartermaster's Department, consisting of stoves and heating apparatus, and repair and maintenance of the same, for heating barracks and quarters; of ranges and stoves for cooking; of fuel and lights for enlisted men, guards, hospitals, store-houses, and offices, and for sales to officers; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, including its care and protection; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank-books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing division and department orders and reports, $2,678,000: *Provided*, That no part of this appropriation shall be expended on printing unless the same shall be done by contract, after due notice and competition, except in such case as the emergency will not admit of the giving notice for competition.

The amendment was agreed to.

The next amendment was, in the appropriations for "incidental expenses, Quartermaster's Department," in line 289, after the words "military posts," to strike out "but in no case at a greater rate of pay than is fixed by law;" so as to read:

Incidental expenses: For postage, cost of telegrams on official business received and sent by officers of the Army, extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor, for periods of not less than ten days, and as clerks for post quartermasters at military posts.

The amendment was agreed to.

The next amendment was, in the appropriations for "Army transportation," after the word "dollars," in line 262, to strike out the following proviso:

Provided, That the whole number of civilian employés, including agents, superintendents, mechanics, packers, teamsters, and train-masters, paid from the appropriation for transportation of the Army shall not, at any one time hereafter, exceed one thousand, nor shall any of said employés be graded for salary above fourth-class clerks as graded and fixed in Army Regulations.

The amendment was agreed to.

The next amendment was in the appropriations for "arrears of Army transportation on certain land-grant railroads," in line 377, after the word "paid," to insert "$85,000;" and in line 381, after the word "services," to strike out "$85,000;" so as to make the clause read:

Arrears of Army transportation on certain land-grant railroads: For the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds, to be adjusted by the proper accounting officers in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts; but in no case shall more than 50 per cent. of the full amount of the service be paid, $85,000: *Provided*, That such compensation shall be computed upon the basis of the tariff rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such services.

The amendment was agreed to.

The next amendment was in the appropriations for "barracks and quarters," after the word "salary," at the end of line 404, to strike out "or compensation a greater sum per month than the salary of a clerk of the fourth class as graded and fixed in the Army Regulations," and insert "more than $150 per month, unless the same shall be specially fixed by law;" and after the word "law," in line 408, to strike out "and no part of any of the moneys so appropriated shall be paid for commutation of fuel and for quarters to officers or enlisted men;" so as to make the clause read:

And provided further, That no more than $1,500,000 of the sums appropriated by this act shall be paid out for the services of civilian employés of the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, and camp and garrison equipage; and that no employé paid therefrom shall receive as salary more than $150 per month, unless the same shall be specially fixed by law.

The amendment was agreed to.

The next amendment was to strike out the clause from line 412 to line 414, inclusive, as follows:

For quarters for veterinary surgeons, post quartermaster sergeants, commissary sergeants, and ordnance sergeants, $20,000.

The amendment was agreed to.

The next amendment was to strike out lines 415 and 416, as follows:

For chapels, school-houses, and libraries, $10,000.

The amendment was agreed to.

The next amendment was in line 421, after the words "employed on," to insert "extra duty in;" and in line 422, before the word "thousand," to insert "and twenty-five;" so as to make the clause read:

Construction and repairs of hospitals: For construction and repairs of hospitals, including the extra-duty pay of enlisted men employed on extra duty in the same, $125,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Medical Department," in line 445, after the word "expenses," to insert "including disinfectants;" in line 447, before the word "thousands," to insert "and twenty;" so as to read:

Medical and Hospital Department: For the purchase of medical and hospital supplies, expenses of medical purveying depots, pay of employés, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made, advertising, and other miscellaneous expenses, including disinfectants, of the Medical Department, $220,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 447, at the end of the clause making appropriations for "Medical and Hospital Department," to insert:

And not over $36,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés in the Medical Department.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "Medical Museum and library," after the word "dollars," at the end of line 454, to insert "in all, $15,000;" so as to make the clause read:

Medical Museum and library: For Army Medical Museum, preservation of specimens, and the preparation or purchase of new specimens, $5,000; for the library of the Surgeon-General's Office, $10,000; in all, $15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Engineer Department," to strike out the clause from line 469 to line 471, inclusive, as follows:

Library of the Engineer School of Application: Purchase of professional works of recent date treating of military and civil engineering, $500.

The amendment was agreed to.

The next amendment was to strike out the clause from line 472 to line 477, inclusive, as follows:

For construction of a new building to contain the officers' mess, the library, and draughting-rooms of the School of Application, $10,000, to be immediately available, or so much thereof as may be necessary: *Provided*, That the cost of the building complete for use and occupation shall not exceed $10,000.

The amendment was agreed to.

The next amendment was in the appropriations for "Ordnance Department," in line 486, after the word "supplies," to strike out "ninety" and insert "one hundred;" so as to make the clause read:

Ordnance service: For current expenses of the ordnance service required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tools,

fuel, and lights; of stationery and office furniture; of tools and instruments for use; incidental expenses of the ordnance service, and those attending practical trials and tests of ordnance, small-arms, and other ordnance supplies, $100,000.

The amendment was agreed to.

The next amendment was, in line 502, to increase the appropriation "for infantry, cavalry, and artillery equipments" from $65,000 to $75,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 506 to line 510, inclusive, as follows:

For manufacture of arms at the national armories, $300,000. That no part of this appropriation shall be expended in the employment of clerks of a higher class than a fourth-class clerk as graded by the Army Regulations.

And in lieu thereof to insert:

For manufacture of arms at national armories, $400,000: *Provided*, That not more than $65,000 of the money appropriated for the Ordnance Department, in all its branches, shall be applied to the payment of civilian clerks in said Department.

The amendment was agreed to.

The next amendment was, after line 518, to insert:

SIGNAL SERVICE.

For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs; signal equipments and stores; binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use on target-ranges; telephone apparatus and maintenance of same, $5,500.

The amendment was agreed to.

The next amendment was, in line 529, to increase the appropriation for contingent expenses of the office of the Lieutenant-General from $1,200 to $1,750.

The amendment was agreed to.

The next amendment was, in line 537, to increase from $10,000 to $30,000 the appropriation "for all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. LOGAN. I submit, to be published in the RECORD, a full statement of the expenditures authorized by the bill and what they apply to; also a statement of the expenditures of last year and the amounts recommended by the Committee on Appropriations this year, in separate columns, showing the differences, and a full explanation of each appropriation in the bill. I ask that this statement be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection, the paper presented by the Senator from Illinois will be printed in the RECORD.

The statement is as follows:

ARMY APPROPRIATIONS.

Amount of estimates for 1887	$25,356,998 01
Amount of bill as passed the House	23,968,928 46
Reduction made by Senate committee	138,053 66
Amount as reported to the Senate	23,830,874 80
Amount of act for fiscal year 1886	24,014,052 50
The bill as reported is less than the estimates	1,526,123 21
The bill as reported is less than act for 1886	183,177 70

The changes made by the committee in the amounts of House bill are as follows:

Increase:	
For construction and repair of hospitals	$25,000 00
For medical and hospital supplies	20,000 00
For current expenses of ordnance service	10,000 00
For infantry, cavalry, and artillery equipments	10,000 00
For manufacture of arms at national armories	100,000 00
For the Signal Service of the Army	5,500 00
For contingent expenses office Lieutenant-General	550 00
For contingent expenses of the Army	20,000 00
Total increase	191,050 00
Reduction:	
For pay of the Army, general-service clerks, &c	42,573 66
For subsistence of the Army	246,030 00
For quarters for veterinary surgeons, post quartermaster-sergeants, commissary-sergeants, and ordnance-sergeants	20,000 00
For chapels, school-houses, and libraries	10,000 00
For library of engineer school at Willets Point	500 00
For construction of new building at Willets Point	10,000 00
Total reduction	329,103 66
Net reduction made from House bill	138,053 66

Comparative statement showing the appropriations for 1886, *the estimates for* 1887, *the amounts of House bill, and the amounts recommended by the Senate Committee on Appropriations for* 1887.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate committee, 1887.
Pay of the Army	$12,205,000 00	$12,788,739 01	$12,542,698 46	$12,500,124 80
Subsistence of the Army	1,800,000 00	2,148,712 60	2,046,030 00	1,800,000 00
Regular supplies, Quartermaster's Department	2,771,000 00	2,771,000 00	2,678,000 00	2,678,000 00
Incidental expenses, Quartermaster's Department	690,000 00	700,000 00	675,000 00	675,000 00
Horses for cavalry and artillery	180,000 00	180,000 00	130,000 00	130,000 00
Transportation of the Army	2,900,000 00	2,900,000 00	2,800,000 00	2,800,000 00
Transportation on land-grant railroads	125,000 00	125,000 00	85,000 00	85,000 00
Barracks and quarters	675,000 00	675,000 00	620,000 00	620,000 00
Quarters for veterinary surgeons, post quartermaster-sergeants, commissary-sergeants, and ordnance-sergeants	.....	25,000 00	20,000 00	.....
Chapels, school-houses, and libraries	.....	15,000 00	10,000 00	.....
Shelter and shooting galleries and ranges	.....	15,000 00	10,000 00	10,000 00
Construction and repair of hospitals	100,000 00	125,000 00	100,000 00	125,000 00
Construction of quarters for hospital stewards	.....	58,765 00	12,500 00	12,500 00
Clothing, camp, and garrison equipage	1,250,000 00	1,250,000 00	1,250,000 00	1,250,000 00
Medical and hospital department	225,000 00	250,000 00	200,000 00	220,000 00
Army Medical Museum	5,000 00	5,000 00	5,000 00	5,000 00
Library of Surgeon-General's Office	10,000 00	10,000 00	10,000 00	10,000 00
Engineer depot at Willets Point, New York	6,000 00	6,000 00	6,000 00	6,000 00
Engineer for library	.....	1,000 00	500 00	.....
Engineer new building for officers' mess, library, &c	.....	12,000 00	10,000 00	.....
Ordnance service, current expenses	100,000 00	150,000 00	90,000 00	100,000 00
Ordnance stores and supplies, namely:				
Metallic ammunition for small-arms	100,000 00	150,000 00	100,000 00	100,000 00
Ammunition, tools, &c., for target practice	30,000 00	50,000 00		
Mounting guns, removing armaments from forts, &c	25,000 00	30,000 00	10,000 00	10,000 00
Ordnance stores to fill requisitions of troops	115,000 00	150,000 00	75,000 00	75,000 00
Infantry, cavalry, and artillery equipments	75,000 00	100,000 00	65,000 00	75,000 00
Horse equipments for cavalry, harness for field and machine guns, and for cavalry forge-carts	40,000 00	100,000 00	.....	.....
Overhauling, &c., new ordnance stores at arsenals	20,000 00	30,000 00	5,000 00	5,000 00
Blacksmiths' tools and materials, &c., and for general supplies and expenses	.....	20,000 00	.....	.....
Purchase of machine-guns for field service	20,000 00	.....	.....	.....
Total ordnance stores and supplies	425,000 00	630,000 00	255,000 00	265,000 00
Reduction in estimates for ordnance stores and supplies made by the Secretary of War	.....	130,000 00	.....	.....
Total ordnance stores and supplies	425,000 00	500,000 00	255,000 00	265,000 00
Manufacture of arms at the national armories	400,000 00	500,000 00	300,000 00	400,000 00
Expenses of recruiting and transportation of recruits	107,302 50	103,782 00	100,000 00	100,000 00
Contingent expenses, Lieutenant-General's Office	1,750 00	2,500 00	1,200 00	1,750 00
Contingent expenses, Adjutant-General's Department	2,500 00	2,500 00	2,000 00	2,000 00
Contingent expenses not otherwise provided for	30,000 00	30,000 00	10,000 00	30,000 00
Expenses of Signal Service of the Army	5,500 00	7,000 00	.....	5,500 00
Total for the Army	24,014,052 50	25,356,998 01	23,968,928 46	23,830,874 80

REMOVAL OF SOUTHERN UTE INDIANS.

Mr. BOWEN. I ask the Senate to take up the bill (S 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah. It is a local measure reported from the Committee on Indian Affairs, and it will not take five minutes, I am sure.

Mr. MITCHELL, of Oregon. My colleague [Mr. DOLPH] has charge of the bill which is now pending before the Senate as the regular order, and I reserve the right to call for the regular order in case this bill leads to debate.

Mr. BOWEN. I think there will be no debate on the bill.

The PRESIDENT *pro tempore*. The bill can only be taken up at this time by unanimous consent.

Mr. BOWEN. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent, without displacing the regular order, that the bill named by him may be considered.

Mr. MITCHELL, of Oregon. I reserve the right to call for the regular order in case it leads to debate.

Mr. BOWEN. Very well.

Mr. HARRIS. I do not see the chairman of the Committee on Indian Affairs [Mr. DAWES] present.

Mr. HOAR. I should like to have my colleague, the chairman of the Committee on Indian Affairs, sent for, unless he has considered the bill.

The PRESIDENT *pro tempore*. Does the Senator make objection?

Mr. HOAR. Only for a moment.

Mr. BOWEN. I will state to the Senator from Massachusetts that his colleague agrees to the bill, and it is reported unanimously by the Committee on Indian Affairs.

Mr. HOAR. Then I make no further objection.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, after the words "reservation to," at the end of line 9, to strike out:

One in Southeastern Utah, bounded and described as follows: Beginning at the southeast corner of the Territory of Utah; running thence north along the eastern boundary line of said Territory of Utah 100 miles; thence west, true courses, to the center of the channel of the Colorado River; thence southwesterly along the center of the channel of said stream to the southern boundary of said Territory of Utah; thence east along the southern boundary line of the said Territory to the place of beginning; excepting, however, such portion of the Territory above described lying south of the San Juan River, now constituting a portion of the Navajo reservation.

And in lieu thereof to insert:

The Uintah Valley reservation, in Utah, or if they shall refuse to settle on said reservation, then upon such unoccupied land, not less in extent than their present reservation, as may be found in that vicinity or elsewhere in said Territory: *Provided*, That no selection of a reservation for said Indians shall be made outside the Uintah Valley reservation until said Indians, through a delegation of their people, to be selected by not less than three-fourths of the adult male Indians of said tribe, shall have had an opportunity to explore such portions of said Territory as they may desire to visit for that purpose, accompanied by said commission, with a view to selecting a suitable tract for their permanent settlement thereon; and the reservation so selected shall, upon the removal and settlement of said Indians thereon, constitute the reservation for the Southern Ute Indians: *Provided further*, That the President may, in his discretion, reduce the area of said reservation, if in his judgment it shall be found to be out of proportion to the number of Indians settled thereon, and greater than their actual needs require: *Provided further*, That all improvements heretofore made by any settler who has made settlement in person upon any lands that may be included in said reservation, and has inhabited and improved the same, and erected a dwelling thereon, with the intention of acquiring title to the lands so occupied by him, under the laws of the United States, shall be appraised by said commission, and the rightful owners thereof shall be paid the appraised value of their respective improvements, by the Secretary of the Interior, upon satisfactory proof of such *bona fide* settlement, residence, and improvement; and for that purpose the sum of $10,000, or as much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated; and upon such payment being made all such settlers shall be required to remove from said reservation.

Mr. BOWEN. There is an amendment to the committee amendment which I wish to offer now and have incorporated.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In the third line of the words proposed to be inserted by the committee after the word "Territory" and before the first proviso, it is proposed to insert:

But not less than 40 miles west of the west boundary line of the State of Colorado.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Indian Affairs was to strike out section 2, in the following words:

SEC. 2. That the lands lying within the boundaries mentioned in the preceding section shall hereafter constitute the reservation of the Southern Ute Indians.

The amendment was agreed to.

The next amendment was in section [3] 2, after the word "aforesaid," in line 11, to insert, "and in one or more daily newspapers published in the city of Denver, Colo.;" so as to read:

That before said agent shall make such sales he shall give public notice thereof by publication in one or more weekly newspapers published in the city of Durango aforesaid, and in one or more daily newspapers published in the city of Denver, Colo., for not less than six consecutive weeks, which notice shall state the time, place, and terms of such sales, and the name of each Indian whose improvements are to be so sold.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARITIME LIEN FOR STEVEDORES.

Mr. EVARTS. I ask consent that No. 1308 in the order of business, which is a very small bill in extent, involving nothing but the settlement of a rule of maritime law, which the Judiciary Committee have unanimously reported, as I may not be here when it will be reached in the call of the Calendar, may now be taken up.

Mr. MITCHELL, of Oregon. I have no objection, except that I reserve the right, if the bill leads to debate, to call for the regular order.

Mr. EVARTS. It will not lead to debate.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2313) defining the service of a stevedore, as a maritime service, and creating a maritime lien in his favor therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government.

The message also announced that the House insisted upon its disagreement to the amendment of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOLFORD, Mr. WHEELER, and Mr. STEELE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased;

A bill (H. R. 1815) granting a pension to Ellen Corcoran;

A bill (H. R. 2428) for the relief of V. F. Gorrissen; and

A bill (H. R. 5251) making an appropriation for the repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit thereto.

CARRYING OF PASSENGERS BY STEAM-VESSELS.

Mr. MITCHELL, of Oregon. I call for the regular order.

Mr. MILLER. I hope the Senator will allow me to call up the bill reported by the Committee on Commerce, which will lead to no debate. It is House bill 3037, the passage of which is asked for by the Department.

Mr. MITCHELL, of Oregon. I reserve the right to call for the regular order.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews.

The Committee on Commerce reported an amendment, to insert, as an additional section, the following:

SEC. 3. That steam-vessels of 100 tons burden or under, engaged in the coastwise bays and harbors of the United States, may be licensed by the United States local inspectors of steam-vessels to carry passengers or excursions on the ocean or upon the great lakes of the North or Northwest, not exceeding 15 miles from the mouth of such bays or harbors, without being required to have the three water-tight cross-bulkheads provided by section 4490 of the Revised Statutes for other passenger steamers: *Provided*, That in the judgment of the local inspector such steamers shall be safe and suitable for such navigation without danger to human life, and that they shall have one water-tight collision bulkhead not less than 5 feet abaft the stem of said steamer.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADJOURNMENT.

Mr. CAMERON. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate do now adjourn.

Mr. TELLER. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 21, nays 17; as follows:

YEAS—21.

Aldrich,	Butler,	Jones of Arkansas,	Vance,
Allison,	Call,	McPherson,	Vest,
Beck,	Cameron,	Miller,	Walthall.
Berry,	Eustis,	Pugh,	
Bowen,	George,	Saulsbury,	
Brown,	Hale,	Sherman,	

NAYS—17.

Blair,	Frye,	Mitchell of Oreg.,	Van Wyck,
Cullom,	Harris,	Morrill,	Wilson of Iowa.
Dawes,	Hoar,	Payne,	
Dolph,	McMillan,	Spooner,	
Edmunds,	Maxey,	Teller,	

ABSENT—38.

Blackburn,	Gorman,	Logan,	Riddleberger,
Camden,	Gray,	Mahone,	Sabin,
Chace,	Hampton,	Manderson,	Sawyer,
Cockrell,	Harrison,	Mitchell of Pa.,	Sewell,
Coke,	Hawley,	Morgan,	Stanford,
Colquitt,	Hearst,	Palmer,	Voorhees,
Conger,	Ingalls,	Pike,	Whitthorne,
Evarts,	Jones of Florida,	Platt,	Wilson of Md.
Fair,	Jones of Nevada,	Plumb,	
Gibson,	Kenna,	Ransom,	

So the motion was agreed to; and (at 1 o'clock and 54 minutes p. m.) the Senate adjourned to Monday, June 14, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 12, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER laid before the House Senate amendments to the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes; which, on motion of Mr. HOLMAN, in the absence of the chairman of the Committee on Agriculture, was temporarily laid over.

CENTRAL PACIFIC RAILROAD.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to pay claims of the Central Pacific Railroad for the fiscal years 1886 and 1887 and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BOUND, for three days, on account of important business.

To Mr. TUCKER, for four days, on account of important business.

To Mr. LEHLBACH, until Wednesday, June 16.

To Mr. WADSWORTH, for one week, on account of urgent business.

ISAIAH W. LEES AND H. H. ELLIS.

Mr. FELTON. Mr. Speaker, I desire to ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and required to pay to Isaiah W. Lees and Henry H. Ellis, of San Francisco, Cal., the sum of $10,853.86, for services rendered the Government in detecting frauds upon the internal revenue and customs service, whereby the Government collected the sums sought to be defrauded.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BEACH. I think we ought to have the report read, or at all events a brief explanation, reserving the right to object.

The SPEAKER. The Chair asked if there was objection to the present consideration of the bill, and none was offered. The Chair thinks it is now too late.

Mr. BEACH. I did not, perhaps, object in time; but I would like to have an explanation, at all events, of the bill.

Mr. FELTON. Mr. Speaker, the circumstances attending the case are as follows: Some years ago, when the late Senator Miller was collector of the port of San Francisco, he was informed that there were some frauds being committed upon the Internal Revenue Department at different points along the Pacific coast, and he procured the services of the detectives whose names are mentioned in this bill, who worked up the case from Victoria, in Vancouver's Island, to Guaymas, in Mexico, at great expense to themselves. The result was the turning into the Treasury of the United States of some forty-three thousand and odd dollars. He had agreed to give them one-fourth of the amount recovered; but they, in consequence of the expenditures to which they had been subjected, thought they should be entitled to one-half. The money has been in the possession of the Government for all of these years, some $43,000, which was procured through the services of these gentlemen.

I presume their expenses were quite heavy, acting as they did along the whole Pacific coast, doubtless involving many thousands of dollars, none of which has been repaid to them; and in view of the fact that this is not only a genuine, honest, and fair claim in my opinion, and one which has been amply repaid to the Government by the service rendered, but I may say that if it passes the House to-day it will still be an act of very tardy justice to these claimants.

There being no objection, the bill was ordered to a third reading; and being read the third time, was passed.

Mr. FELTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DENISON AND WASHITA VALLEY RAILWAY COMPANY.

Mr. THROCKMORTON. Mr. Speaker, I ask unanimous consent to take from the House Calendar and put upon its passage the bill (S. 1486) to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes. This bill has been reported by the Committee on Indian Affairs, and I ask unanimous consent that it may now be put upon its passage. It is of great importance to our people, and they have been anxious for its passage for a long time.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, &c., That the Denison and Washita Valley Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on Red River, near Denison, in Grayson County, in the State of Texas, and running thence by the most practicable route through the Indian Territory in the direction of Fort Smith, in the State of Arkansas, to a point of intersection with the projected line of the Saint Louis and San Francisco Railway, in the Indian Territory, from Fort Smith to Paris, in the State of Texas, by the most feasible and practicable route thereto, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken, or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Ark., or at the district court for the northern district of Texas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Ark., or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a

smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of $50, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the northern district of Texas and the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Denison and Washita Valley Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least 50 miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the said Denison and Washita Valley Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. Will the bill as read appear in the RECORD of to-morrow morning?

The SPEAKER. There is no rule or statute in relation to the subject. The CONGRESSIONAL RECORD is intended to be and should be simply a record of the debates; but these bills which are passed by unanimous consent have usually been inserted in the RECORD.

Mr. BUCHANAN. This is a very important bill, and it should not pass the House in this manner without an opportunity of more careful examination. I would ask, therefore, unanimous consent that it appear in the RECORD to-morrow morning, and after we have had an opportunity of seeing it in print then the gentleman can submit his request for unanimous consent.

Mr. THROCKMORTON. Let me make a brief explanation, which I think will satisfy the gentleman.

Mr. BUCHANAN. It would be impossible to explain a bill of this length satisfactorily within the very brief time the House would probably allow for such purpose. If it can be printed in the RECORD in the manner I suggest, the right to object remaining until Monday, it will be satisfactory; otherwise I shall be obliged to object now.

The SPEAKER. The Chair will submit the request of the gentleman from New Jersey to the House.

Mr. HOLMAN. What is the gentleman's request?

The SPEAKER. The gentleman from New Jersey states unless the bill can be printed in the RECORD, so that he can see it, he will object to its present consideration. Therefore unanimous consent is asked to have the bill printed in the RECORD, and that it shall come up on Monday morning, subject to the right to object at that time. Is there objection?

There was no objection.

Mr. BEACH. Now let us have the regular order.

CORRECTION.

Mr. TAULBEE. I desire to make a correction in the RECORD. On page 5595 I am represented in the RECORD as repeating a statement made by the Assistant Secretary of the Treasury, and I am made to say:

> The Assistant Secretary of the Treasury informed me that the man who holds this office had for a number of years been unable to perform any service or to make any compensation to the Government for the $2,500 which he had been receiving.

What I intended to say was that this officer had for a number of years been unable to perform the duties of his position and to make adequate compensation to the Government for the $2,500 which he had been receiving.

Further, I am represented as saying in the same remarks that as an excuse for this abuse the Assistant Secretary of the Treasury offered the fact that this incumbent had been a friend of former Secretaries.

What I intended to say was that as an apology for the present management of this matter the favor this officer had found with former Secretaries of the Treasury had been given as a reason for retaining him in the service.

WILLIAM P. CHAMBLISS.

The SPEAKER. The Chair appoints as conferees on the part of the House on the bill (H. R. 68) for the relief of William P. Chambliss the gentleman from Kentucky, Mr. WOLFORD, the gentleman from Alabama, Mr. WHEELER, and the gentleman from Illinois, Mr. STEELE.

CHANGE OF REFERENCE.

Mr. WARNER, of Missouri. The bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims was on yesterday referred to the Committee on War Claims. As this bill originated in the Committee on Claims I ask that it be referred to that committee.

The SPEAKER. The reference will be changed as indicated.

Mr. WARNER, of Missouri. I also ask unanimous consent that the House non-concur in the Senate amendments to this bill.

The SPEAKER. The regular order has been demanded, which cuts off all requests for unanimous consent at this time.

ORDER OF BUSINESS.

Mr. HOLMAN. I move to dispense with the morning hour for the call of committees for reports with the view of completing the consideration of the legislative appropriation bill.

Mr. HERBERT. I hope we will have the morning hour, and also the hour for the consideration of reports, in order that the Committee on Naval Affairs may be called and may report a resolution to fix a time for considering the bill (H. R. 6664) to increase the naval establishment.

The SPEAKER. The call of committees rests with the Committee on Military Affairs.

Mr. HERBERT. I understand the Committee on Military Affairs have nothing to call up.

The SPEAKER. The gentleman from Indiana moves to dispense with the morning hour, which requires a vote of two-thirds.

The House divided; and there were—ayes 75, noes 38.

So (two-thirds not having voted in the affirmative) the motion was not agreed to.

Mr. HOLMAN. I ask unanimous consent that any gentleman desiring to make reports may do so without the committees being formally called.

Mr. BEACH. I suggest to my friend from Indiana that we gain no

time by his proposition and that the making of reports in that way causes a great deal of confusion at the desk.

Mr. HOLMAN. I withdraw the request.

J. E. PILCHER.

Mr. CULBERSON, from the Committee on the Judiciary, reported, as a substitute for H. R. 7263, a bill (H. R. 9377) for the relief of J. E. Pilcher; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 7263 was laid on the table.

PORT OF PORTLAND.

Mr. O'FERRALL, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 1393) to extend the limits of the port of Portland as a port of entry; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PORT OF DELIVERY AT LEWES, DEL.

Mr. O'FERRALL, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 2256) to create a port of delivery at Lewes, Del.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 8504) granting condemned cannon for the soldiers' cemetery at Eaton, Ohio; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORT HALL RESERVATION, IDAHO.

Mr. HALE, from the Committee on Indian Affairs, reported, as a substitute for H. R. 2847, a bill (H. R. 9378) to authorize the Secretary of the Interior to negotiate with the Shoshone and Bannock tribes of Indians for the relinquishment of their title to so much of the lands of the Fort Hall reservation, in Idaho Territory, as is required for the uses and purposes of the Utah and Northern Railway Company and the Oregon Short Line Railway Company, either separately or conjointly; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 2847 was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs, and the same was referred to the Committee on Pensions.

DANIEL H. ROSS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. 524) granting a pension to Daniel H. Ross with an amendment by the Senate, with the recommendation that the Senate amendment be concurred in; which was referred to the Committee of the Whole House on the Private Calendar.

WAITIE F. HARRIS.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8258) for the relief of Waitie F. Harris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL E. TRACY

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1660) granting a pension to Samuel E. Tracy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY M'MAHON.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2372) for the relief of Mary McMahon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUCY A. WASHBURN.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2218) for the relief of Lucy A. Washburn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISE PAUL.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2302) granting a pension to Louise Paul; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROSELLA E. HIBBERT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an amendment the bill (S. 2098) for the relief of Rosella E. Hibbert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES MONOHAN.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS A. TATEM.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6241) granting a pension to Thomas A. Tatem; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. MORRIS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 9052) granting a pension to Capt. John F. Morris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8519) granting a pension to Morgan Gordon; and

A bill (H. R. 6573) granting a pension to Rebecca Hollingsworth Humphreys.

CHANGE OF REFERENCE.

On motion of Mr. SWOPE, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 5076) for the relief of Rebecca Spence and Matilda Spence; and the same was referred to the Committee on Claims.

ANN E. LAMBURG.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with an amendment the bill (S. 1902) granting a pension to Mrs. Ann E. Lamburg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE SEES.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1207) granting a pension to Caroline Sees; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HERMAN BAUMHAGER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2149) granting an increase of pension to Herman Baumhager; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THERESA SCHLEYER.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back the bill (H. R. 1191) granting a pension to Theresa Schleyer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HAYNES presented the views of the minority, to be printed with the report of the committee.

ANN E. COONEY.

Mr. WINANS, from the Committee on Invalid Pensions, reported back the bill (H. R. 4544) granting a pension to Ann E. Cooney with the recommendation that the House non-concur in the amendments of the Senate; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. CONGER, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 9168) granting a pension to Luke Hall, and the same was referred to the Committee on Pensions.

On motion of Mr. MORRILL, the Committee on Invalid Penions was discharged from the further consideration of the bill (H. R. 7252) granting a pension to Jeremiah White; and the same was referred to the Committee on Pensions.

JOHN JOSEPH BRADSHAW.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back favorably the bill (H. R. 1050) for the relief of John Joseph

Bradshaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. LONDON.

Mr. LYMAN, from the Committee on War Claims, reported back with amendments the bill (H. R. 834) for the relief of John A. London; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AUGUST W. BALLARD.

Mr. LYMAN, from the Committee on War Claims, reported back favorably the bill (H. R. 4237) for the relief of August W. Ballard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN HEFLEBOWER.

Mr. GEDDES, from the Committee on War Claims, reported a bill (H. R. 9379) for the relief of John Heflebower; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM LAVERY.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 9380) for the relief of William Lavery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT SMITH.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 9381) for the relief of Robert Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. WATKINS.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 9382) for the relief of John R. Watkins, administrator of Matilda W. Anderson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INDIANA E. HUGHES.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 9383) for the relief of Indiana E. Hughes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEWITT HARRIS.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 9384) for the relief of Newitt Harris; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STATUES OF ANTHONY WAYNE AND WILLIAM PENN.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported back with amendment the bill (H. R. 8074) for the construction of statues to General Anthony Wayne and William Penn; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The call of committees was continued and concluded, no further reports being presented.

BUSINESS OF COMMITTEE ON INDIAN AFFAIRS.

Mr. WELLBORN. I desire to submit a request for unanimous consent. By resolution of the House, the 27th day of last month was set apart for the consideration of business of the Committee on Indian Affairs. When that day arrived the order was carried over to this day, June 12. It is obvious that we can not execute the order to-day; and I ask unanimous consent that it be carried over until the 26th instant, two weeks from to-day.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. HOLMAN. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of appropriation bills.

Mr. HERBERT. I hope that motion may be voted down, so that we may have an hour for the consideration of business reported from committees.

The question being taken on the motion of Mr. HOLMAN, it was declared agreed to.

Mr. HERBERT. Mr. Speaker, a division was demanded.

The SPEAKER *pro tempore* (Mr. CRISP). Does the Chair understand the gentleman to say that he demanded a division before the announcement of the result by the Chair?

Mr. HERBERT. I did not; but a division was called for, I believe, by the gentleman from South Carolina.

The SPEAKER *pro tempore*. If any gentleman states that he made the call in time, the Chair will recognize it. [Applause.] If not, the motion is agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BLOUNT in the chair), and resumed the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. HOLMAN. I think it would be in harmony with the order of last evening if the Committee of the Whole would now go back to that part of the bill which had been reached when the order was adopted.

The CHAIRMAN. The Chair so understands, and has directed the Clerk to read the paragraph which was pending when the Committee of the Whole rose yesterday afternoon.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one clerk of class 4, who shall be a stenographer, $1,800; one clerk of class 2; one clerk of class 1; one messenger, $840; and one laborer; in all, $21,400: *Provided*, That this appropriation shall be available only when the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointment from any one State, found duly qualified on examination, and without regard to age, shall be sent to the head of a Department or other officer charged with making an appointment.

Mr. WARNER, of Ohio. I desire to offer an amendment——

The CHAIRMAN. The gentleman from Ohio will suspend. When this paragraph was read yesterday a point of order was raised by the gentleman from Illinois [Mr. MORRISON]——

Mr. REAGAN. I desire to be heard on the question of order before the ruling is made.

The CHAIRMAN. The Chair had not concluded his statement. A question of order was raised on the proviso in this paragraph by the gentleman from Illinois at the conclusion of the afternoon session; and when the Committee of the Whole was in session last night under the special order of the House this paragraph was objected to, and was passed over. It now comes up for consideration. No amendment is in order until the question of order is disposed of.

Mr. TAULBEE. I understood the gentleman from Illinois to say when the House took its recess yesterday that he would withdraw his point of order so far as to allow the offering of the amendment which I hold in my hand without discussion.

The CHAIRMAN. With that statement the Chair has nothing to do. The question of order is pending. The gentleman from Indiana [Mr. HOLMAN] is recognized.

Mr. HOLMAN. Mr. Chairman, I should not feel justified in occupying time upon the parliamentary legality of this proposition by a further presentation of the views I have heretofore sought to present on similar questions. I have already insisted in regard to other propositions involving the same point of order that a provision of this kind is but a limitation upon the expenditure of public money, and that the House of Representatives has not by any of its rules abandoned its power to control such expenditures. Appropriations of money to meet public expenditures must under the Constitution be made by law; and certainly this House has not abdicated by any rule which it may have adopted this power of legislation. I have insisted—and I can not now present the matter any more strongly than I have done already—that a provision of this character is but a limitation upon the expenditure of public money; and if this House has not the power to adopt such a limitation its abdication of power over the expenditure of public money is absolute and complete.

I will only add that if the Chair is not prepared at once to rule on this question I trust that, in deference to the necessities of the public business and the importance at this late hour of the session of the prompt passage of this bill, the discussion will be confined to the question of order. I appeal to all gentlemen here that the rule in this respect be observed.

Mr. TOWNSHEND. I rise to a question of order.

Mr. MORRISON. The Chair recognized the gentleman from Illinois. Which one of the gentlemen from Illinois?

Mr. TOWNSHEND. This same point has been made by the gentleman from Pennsylvania, and the Chair has sustained it; and it is therefore unnecessary to occupy the time of the House further on that subject.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. I wish, as far as I am concerned, to comply with the request of the gentleman from Indiana [Mr. HOLMAN], for I sympathize with him in his desire to dispose of this bill speedily. I will, therefore, state in the fewest words the reasons upon which I base the point of order made. The point was against the proviso, and as I insist changes the law if adopted.

The Civil Service Commission, made up of the Commissioners and the President, if you please, are empowered by the law to do certain things; that is, to prescribe rules for selecting certain officers and employés of the Government. The law fixed no condition, and that duty is devolved upon them free from conditions. The purpose of this legislation is to impose conditions which the law has not imposed, and therefore it is a change of law.

As the law stands these officers having been selected or appointed, their salary fixed, when they would go to the Auditor and have their accounts audited for payment the question under existing law would be, are these the officers, and what are their salaries, and then it would be his duty to pay them as the law now stands. Enact the law these gentlemen propose in this appropriation bill, and annex this condition, limitation, or whatever else it may be called, when these Civil Service Commissioners present their claim for audit and allowance the Auditor has something else to do which does not now belong to his duties in auditing the account. He must ascertain certain facts: whether these men have done certain things which the law left with them as it now stands to do and over which he had no control or about which now no right to fix any condition exists.

So in that respect, Mr. Chairman, the law is, or is proposed to be, changed. But as the matter has been so fully and aptly presented by those gentlemen who have spoken on the subject I do not care further to urge it.

Mr. HOLMAN. Before the gentleman from Illinois takes his seat I would like to ask him a question.

Mr. MORRISON. Certainly.

Mr. HOLMAN. Does the gentleman from Illinois know of any set of rules since the organization of this House of Representatives, any instance of a rule under any set of rules by which the House might not impose limitations upon the expenditure of the public money?

Mr. MORRISON. Does the gentleman mean limitation or condition?

Mr. HOLMAN. Or condition.

Mr. MORRISON. The House might refuse to perform its duty, it might refuse to appropriate any money at all, but if it does appropriate money it can not annex such condition as makes this officer in executing the law execute another law, and to do another thing which under the law he is not now required to do. Such condition or limitation is new law, prescribing new duties or changing old ones, and can not go on an appropriation bill under our rules.

Mr. REAGAN. Mr. Chairman, there are two points I desire to present——

Mr. REED, of Maine. This seems to be exclusively a Democratic House. [Laughter.] When is this side to be recognized?

Mr. REAGAN. Mr. Chairman, a motion to strike out an appropriation for this service would not be subject to the point of order. Refusal to appropriate would not be subject to a point of order. Let that be understood. If, then, a refusal to appropriate at all would not be subject to a point of order, and if it is the placing of a limitation on the appropriation which is said to be subject to the point of order, does not the greater include the lesser point? If we can exclude the appropriation entirely, then, Mr. Chairman, what good reason can be given against placing a limitation by the House on that appropriation?

Mr. COX. Will the gentleman from Texas yield to me for a question?

Mr. REAGAN. Not now. I do not like to answer questions in the few minutes allotted to me on this point of order.

Now, the gentleman from Illinois [Mr. MORRISON] who has just taken his seat assumes with this proviso in the bill the Auditor would not respect this proviso if it passes, but would go on.

Mr. MORRISON. No; I said the Auditor would be bound to respect this proviso, and I made that statement to show the fact that he was bound to respect the same provision of law which I now state, and therefore it was new legislation.

Mr. REAGAN. The qualification is not intended to qualify a provision of law, but to compel the commission to modify its rules.

Mr. BAYNE. Suppose the commission does not do that.

Mr. REAGAN. In the first place, I take it, we will recognize the fact that this House is the great body of supply for the Government; that it may grant or withhold supplies as it sees proper; and that it may grant them with restrictions or grant them without conditions; but its great constitutional and historic right to grant the supplies ought not to be evaded by a forced construction of the rules of the House in this way, and one which in its effect practically causes the House to abdicate its greatest prerogative for the protection of the rights of the people.

Mr. BAYNE. But suppose the commission refuse to modify the rules which they have framed.

Mr. REAGAN. Then it is with Congress; it is with the House of Representatives; and if in preparing its supply bills it provides that you shall not draw your salaries until the conditions of the law are complied with, it is equivalent to saying we will not appropriate for your salaries; which, I take it, it will hardly be questioned we have the right to do.

Mr. HENDERSON, of Iowa. Can you by this bill add to the rights or powers of the commission?

Mr. FARQUHAR. That is the question; can you add to the powers of the commission by this bill?

Mr. GIBSON, of West Virginia. This does not add to the powers of the commission.

Mr. HENDERSON, of Iowa. I would like to have the gentleman from Texas answer that question.

Mr. REAGAN. Mr. Chairman, I must confess that it is very unpleasant to be badgered by all sorts of questions in a brief explanation of a particular point. I do not desire to be drawn away from the point presented by the gentleman from Illinois by irrelevant questions. Do gentlemen in that way seek to avoid the force of an argument? Why do not gentlemen agree to meet such questions upon principle?

Mr. HENDERSON, of Iowa. If you can not add to the powers of the commission, I want to know if you can subtract from the powers of the commission under the law in this bill?

Mr. REAGAN. I am trying to answer the question which has been suggested by the gentleman from Illinois; and if gentlemen around me will permit I shall be glad to proceed in my own way.

The CHAIRMAN. The gentleman from Texas declines to be interrupted; and the Chair will insist that without his consent gentlemen have no right to do so.

Mr. REAGAN. One of the difficulties of dealing with such questions on the floor of the House is that when a gentleman gets up and attempts to make a point, every one who wants to change the basis of that position comes around and attempts to alter the course of his argument by injecting all sorts of irrelevant interrogatories, and so shape the argument to suit themselves instead of in the direction the one who is making it tries to give it.

I am trying to show to the Chair that this is the great body of supply for the Government. It is its historic and constitutional right. It is a power which comes from the very instrument through which we derive our institutions. It is the power, it is the right, it is the duty of the House to grant or to withhold supplies at its pleasure as well as to place such limitations and restrictions as its wisdom shall determine upon them. It is its right and its duty to the people to grant or to withhold supplies as to it shall seem reasonable and proper. If, then, we can withhold supplies entirely, who can present any reason for the position that we may not properly withhold supplies in part or place a limitation upon them if such limitation be deemed necessary?

Now I had commenced to say that the gentleman from Illinois [Mr. MORRISON] suggested this point that the Auditor in the settlement of these accounts would have to look to this law in order to be able to pay the Commissioners for these duties. That is exactly what we mean, and I suppose what the House will mean if it passes the bill—that is to say, that the Auditor should look to this law and obey it.

Mr. Chairman, if the rules proposed to be modified by this section of the bill had been presented to the House as an independent measure they could never have received its assent; and I do not suppose that there is a man here who would have consented to the limitation placed here by the committee. It assumes a kind of autocracy that this bill seems to take from it.

Mr. HOLMAN. The gentleman from Texas refers to the commission, not to the committee, I presume?

Mr. REAGAN. Certainly; I refer to the commission. I say this provision of the bill seeks to take from them an assumed power in reference to appointments.

It is suggested by the chairman of the committee that gentlemen discussing the point of order confine themselves to that exclusively, and not discuss the reasons for the position I have just taken. With that view I shall not elaborate the point. It is enough to say that no bill containing these provisions could have passed this House. It is an abridgment upon the rights of an American citizen. It is a disfranchisement of one-half of the voters of this country; and it is not the business of this House to undertake to disfranchise American citizens because they are twenty-one or forty-five years of age; and there it must rest upon the fairest construction.

It seems that we have taken a position that because amendments to the rules have been made refusing to permit independent legislation upon new subjects to be introduced into an appropriation bill, and that, I take it, was meant, and that only, that there should not be new legislation, that we are debarred from the constitutional prerogative of restricting public expenditures. It never was meant to take from the House the power to refuse to vote supplies or place conditions upon appropriations, and if it be true that it was intended only to prevent new legislation, and not place conditions upon appropriations to be drawn from the Treasury, then the position gentlemen would have us take here by giving a strained construction to the rules would involve simply the abdication by the House of its highest and most responsible duties.

I regret to see the drift this discussion has taken. Gentlemen seem disposed to discuss it as a merely technical question instead of a great constitutional duty.

Mr. REED, of Maine. I dislike to seem to interfere in this affair among brethren, who, however they may differ as to ways and means, I am sure are united in their hearts in the cause of real economy and reform. I know they are so united, because they say so. [Laughter.]

Now, I want to suggest to the gentleman from Texas [Mr. REAGAN] and the gentleman from Indiana [Mr. HOLMAN] that it pains me to see that they had to arrive at this age in their lives and at this period in their careers in order to ascertain the fact that the House ought not to be limited in its power. Ever since I have been in Congress both these gentlemen have been united in refusing to the House the power to increase expenditures, because these gentlemen were opposed to any in-

crease. That was perfectly constitutional, perfectly legitimate, and perfectly within the power of the House. But the moment the thing goes across their grain it becomes unconstitutional and an unsuitable limitation.

I rise in defense of these rules for the purpose of pointing out to the gentleman from Indiana a great field of endeavor which he seems to have forgotten. These rules took away from the Committee on Appropriations five great appropriation bills against their wish, for they were greedy of work. Now the time which they might have employed on these five great appropriation bills ought to have been devoted by the gentleman from Indiana to the bringing in of a bill which would go over every one of the expenditures of the Government and make them what they ought to be. Nevertheless what kind of a use has he made of his time?

Mr. HOLMAN. Will the gentleman from Maine allow me?

Mr. REED, of Maine. Yes, if I can have my time extended.

Mr. HOLMAN. Just a word. Under the rules of the House the gentleman from Maine is aware that general bills containing independent legislation do not go to the Committee on Appropriations; that except so far as connected with appropriation bills no reference is made to that committee except the estimates and matters of public expenditure; so that all the bills the gentleman has referred to under the rules of the House would have to go to other committees, and the Committee on Appropriations would not have control of a single one of them.

Mr. REED, of Maine. Why has not the gentleman from Indiana, with his large experience and his great power in the House presented a bill to go to the appropriate committee to cover these matters? Why has not this leisure which this House gave him by the change of rules been devoted to the service of his country?

Mr. HOLMAN. Will the gentleman allow me to answer that question? For the reason that I did not favor the change of the rules which brought about the present state of things. You gentlemen who did favor the change of rules should have introduced that legislation.

Mr. REED, of Maine. The gentleman from Indiana is too large minded a man to sulk over a change of rules. His mind ought to have been active on this subject. His mind was active on other subjects. Look at the immense matter he brought in yesterday to abolish the provision for paying the Vice-President. There is the measure and the kind of measure upon which his thoughts are bent.

Mr. HOLMAN. Why, sir, the gentleman from Maine himself consented that that was a proper thing. The proposition simply was that that was a matter which belonged to the Senate rather than to the House.

Mr. REED, of Maine. Let me say that in every appropriation bill during the periods we have not had a Vice-President the appropriation has been made. But the eagle eye of the gentleman from Indiana rested upon the possibility of making the sum total of an appropriation bill less by $3,000, although there was no change in the Treasury accounts, and he rose to the occasion.

Mr. HOLMAN. The gentleman ought to be fair and just at least. The subject came up on the spur of the moment. The object was to ascertain in what particular form the compensation should be provided for, and the gentleman from Maine himself acquiesced in what was done.

Mr. MORRISON. Let me say to the gentleman from Maine, in justice to the gentleman from Indiana, that I suggested to the gentleman from Indiana that the acting Vice-President could receive only $8,000; and, therefore, we should not appropriate $13,000.

Mr. REED, of Maine. I am glad to learn the Democratic party was even temporarily united.

Mr. MORRISON. I have always united with any one when it was necessary to do justice, and I will unite with the Republican party to do justice to the gentleman from Maine.

Mr. REED, of Maine. And I desire to do justice to both sides of the Democratic party. But when they are divided as they are it is impossible for both of them to be wrong; it gives a chance for justice and righteousness to be done in this world. [Laughter.] And the country is to be congratulated that the Democratic party never shows its patriotism so thoroughly as it does when it splits up. It reminds me that when you come to the lower organizations they always multiply and fructify by splitting up. [Laughter.] It could not work that way with us. The country would never benefit by it.

Now, I wish to give a bit of advice to the gentleman from Indiana. I know it is presumptuous in me—he knows so much more than I do, and is so much more versed in details—but that advice is that he should devote his time to a careful examination of the expenditures and bring in a systematic bill giving us those charming constitutional benefits which are so dear to the heart of the gentleman from Texas when they do not go across his grain. I hope that hereafter we shall see his mind rising above these mere partisan efforts to make it appear that the House of Representatives is making a smaller appropriation bill for the purpose of causing to reverberate through the world that kind of "economy" which alone distinguishes the Democratic party. The truth is—and if the Republicans should have the power to do it they will do it—the truth is, there can be changes made, to the reduction of taxation and to the reduction of expenditures, which will be of great advantage to this country.

Now, I want to say another thing, and this is my advice to the other side of the Democratic party. I deem it very unfortunate that a point of order should have been made on this provision, because it seems to me that as a point of order it must be sustained. Why not withdraw that point of order and let us see how many of the patriotic Democrats who applauded to the echo the assault that was made here yesterday upon their brother Democrat from the city of Baltimore will venture to put their names upon the list. Let us see how many of the Democratic party desire to stand up here and record themselves in favor of "economy and reform" as presented by the Committee on Appropriations. If we can do that, then we can measure the size of the different kinds of "reform" which the Democratic party are prosecuting *pari passu*.

There is the Executive, an earnest and devoted friend of civil-service reform, who not only will not have the civil-service law interfered with, but desires to extend it even to the nebulous verge of that hitherto undiscovered region called—"obnoxious partisanship," is it not?

A MEMBER. Offensive partisanship.

Mr. REED, of Maine. Yes; "offensive partisanship." I had almost forgotten it. [Laughter.] Then there is brother Higgins, in the Treasury, who, under the very nose of the President, is guillotining every Republican he can reach.

Mr. MORRISON. Brother Higgins is not in this point of order.

Mr. REED, of Maine. Oh, this is a point of order on civil-service reform, in which the whole Democratic party is interested, especially the "reform" part of it, though perhaps not in the "civil" part. [Laughter.]

Mr. REAGAN. I rise to a point of order. The gentleman is not discussing the point of order before the House, but is interjecting a general political speech.

Mr. REED, of Maine. I am stating my constitutional difficulties. [Laughter.]

Mr. REAGAN. Mr. Chairman, I know that it is the habit of the gentleman to sneer at the idea of the Constitution, but he will not make anything by sneering at it.

Mr. REED, of Maine. No; I never sneer at the Constitution.

Mr. REAGAN. The gentleman always sneers at it.

Mr. REED, of Maine. No; I do not. I never sneer at the Constitution; but I do frequently sneer at the kind of talk which is brought in here, and which eternally drags the Constitution of the United States into the mire of men's personal desires.

Mr. REAGAN. Mr. Chairman, I have not mentioned the Constitution to-day. [Laughter.] The gentleman has dragged that subject in himself.

Mr. REED, of Maine. Well, then, Mr. Chairman, I hail this as the only white day in the history of the House. [Renewed laughter.]

Mr. REAGAN. Mr. Chairman, I still insist upon my point of order. I insist that the gentleman from Maine should confine himself to the point that is before the House, and not interject a political speech here in order to delay the business of the House.

Mr. REED, of Maine. Here we have the Executive, thus fortified in the minds of the people by all manner of virtuous language [laughter], and there we have every subordinate of the administration operating the guillotine according to his strength and courage. Why, Mr. Chairman, through the Post-Office Department you can see what is going to be done. While one portion of the Democratic party is straightforward enough to avow it, another portion of the Democratic party——

Mr. REAGAN. Mr. Chairman, I insist upon my point of order. I object to the gentleman proceeding in this way, not discussing the matter before the House at all, but making a general political speech and delaying the business of the House.

The CHAIRMAN. The Chair sustains the point of order, and hopes the gentleman from Maine will confine himself to the pending question.

Mr. REED, of Maine. I bow with submission to the decision of the Chair. [Laughter.]

Mr. HAMMOND. Mr. Chairman, we had a question of order yesterday somewhat like this, upon an effort to limit the power of the President to receive his salary. That was plainly a violation of that section of the Constitution which gives him his salary without any right on the part of the House to diminish it or increase it, and therefore, by fair reasoning, without the right of the House to put on his right to it any shackles. That amendment was ruled out of order. I think that the point already stated by the gentleman from Illinois [Mr. MORRISON] is a strong one, and is decisive of this issue.

This provision need not repeal any law. If it makes any change in existing law it is obnoxious to the rule. The gentleman has shown that it would change the duty of the auditing officers in the payment of these salaries, because by the act raising the commission it is provided that the Commissioners shall receive a salary of $3,500 per annum, &c., upon no other condition than the performance of the duties prescribed in that act. But the gentleman from Texas [Mr. REAGAN] and the gentleman from Indiana [Mr. HOLMAN] have undertaken to overcome this consideration by an argument that this House has unlimited power, constitutionally and traditionally, in respect to appropriations. That is true. But this House, having the whole power in its hands, can declare for itself how it will exercise the power and can declare for itself that the exercise of it in any other than a particular mode shall be out of order.

Such a rule adopted by the House itself is no restriction upon its power. I have the power to strike my friend sitting in front of me; but I also have the power to say I will not strike him unless under sufficient provocation. So, while the House has the power to restrict the expenditure of public money, it has perfect power to say it will not do it by changing existing law in appropriation bills.

The gentleman from Pennsylvania [Mr. RANDALL] the other day, with a view to anticipate the discussion on this point of order, said that this provision changes no existing law, because it merely changes the regulations of the commission and not the statute under which it was constituted. Let us look at that for one moment. The act declares that to aid the President the Commissioners shall do certain things. They shall prepare—

Suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the Departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

It is also provided in the second section that—

Among other things said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows.

And then certain regulations are specified in the act.

Then, toward the end of the statute, in section 7, it is provided (and I read this clause to show how these regulations are regarded):

Nor shall any officer in the executive branch of the Government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination.

In other words, there is a declaration that these rules, these classifications, these adjustments for service are to be required under that law.

Mr. RANDALL. Will the gentleman allow me ask a question?

Mr. HAMMOND. I will.

Mr. RANDALL. As the gentleman is well versed in the Constitution of the United States, I want to know whether he can find in that Constitution any clause which imposes upon any American citizen, on account of his having reached a certain age, a disqualification to exercise the right of suffrage or to participate in discharging the functions of the Government; and if the gentleman does not find such a disqualification there, I wish to know whether any body of men created under our legislation can by any sort of regulation create any such disqualification?

Mr. HAMMOND. That question is utterly impertinent to the business we are considering.

Mr. RANDALL. You can answer it, nevertheless.

Mr. HAMMOND. I am going to answer it.

Now, the point as to whether a regulation is illegal or unconstitutional is one thing. If the Civil Service Commissioners have made any unconstitutional regulations they ought to be, and I suppose will be, disregarded. I am by no means responsible for the existence of this law. I voted against it; the gentleman did not. I am by no means responsible for the existence of these regulations. They have been very much in my way when I have tried to get some of my friends into office. I wish they had not been adopted, for then I might have been more successful. But that has nothing at all to do with this question. As I understand, the question is simply this: are those regulations parts of the law? And every lawyer will understand that they are just as much parts of the law as if they were in the statute.

Mr. STONE, of Massachusetts. May I ask the gentleman a single question?

Mr. HAMMOND. Certainly.

Mr. STONE, of Massachusetts. If this provision of the bill should become law, and the Civil Service Commissioners should refuse to recognize it, would their regulations in the opinion of the gentleman still be good law?

Mr. HAMMOND. The officers would just go on and sue for their salaries and get judgment, bearing interest at the rate of 5 per cent., under the laws of the United States.

Mr. STONE, of Massachusetts. The gentleman did not understand my question. I spoke of the regulations.

Mr. HAMMOND. This does not affect the regulations at all.

Mr. STONE, of Massachusetts. How does it affect existing law if it does not affect the regulations?

Mr. HAMMOND. I am proceeding to tell.

Mr. GIBSON, of West Virginia. Will the gentleman allow me——

Mr. HAMMOND. I beg the gentleman's pardon; I can not now.

While our legislation may not repeal any regulation of the Commissioners, yet, as has been stated, it is a change of the law to make a new condition upon which these officers shall draw their salaries, and put this condition as a limit on that discretion which the Commissioners have under the law.

What I am now saying relates to the other remark of the gentleman from Pennsylvania to which I have called attention.

Now, take familiar examples. Take section 4990 of the Revised Statutes, which declared that the Supreme Court of the United States should fix rules for the administration of the bankruptcy law, should fix fees and rules of practice. When these fees were fixed the rule fixing them had the absolute force of law. When these rules of practice were fixed they operated as absolute enactments.

Take another section, 970 I believe it is, allowing the Supreme Court to fix rules of practice in courts of admiralty and equity as to how pleadings shall be filed, how evidence shall be taken, as to all matters in admiralty and in equity practice. Every gentleman knows that the violation of those rules may cost a man his estate. Every gentleman knows that evidence not taken according to the rules thus prescribed by the court is illegal evidence. Why? Because the rules are part of the law.

No attempt, therefore, by this House——

Mr. WARNER, of Ohio. I would like to ask the gentleman from Georgia a question unless it would disturb him.

Mr. HAMMOND. It would greatly disturb me just now.

Now, Mr. Chairman, no attempt by this House to legislate upon any subject whatever except the mere appropriation of money according to prescribed law is allowable under the rules of the House, because we have determined after the longest and most exhaustive debate of a week or two that it should be so. The identical question was made, and we voted that general appropriation bills should be stripped absolutely of everything like new legislation. The language is, "change of existing law."

If we put this on we can put anything else on. This would not depend upon the action of the commission. It would control the action of the President also. Their recommendations do not become rules until the President approves them.

The language is, "This salary shall not be drawn until the rule has been modified;" that is, until they have gotten their consent; and until they have gotten his approval the commission shall not be paid. If that is true, we can put on as much legislation on the subject as we please as conditions before these salaries can be drawn.

Mr. BAYNE. Suppose the President should refuse to make any change in the rules?

Mr. HAMMOND. Then these Commissioners could not draw the salaries.

Mr. BAYNE. Precisely.

Mr. HAMMOND. The change must be made. The Auditor must inquire of the Commissioners before he pays these salaries, "Have you done your part in this business?" "Yes." Then he must go to the President to know whether he has done his part. If the President has done his part, the Auditor decides whether the rules have been framed so as to accomplish this purpose, and then pays, but not before then.

Now, sir, I would be glad to have that purpose accomplished, because it would enable us to get Radicals out and Democrats into office. At the same time, while there are a great many things I would like to do, I can not do them on general appropriation bills.

For instance, it is a most iniquitous law which allows the polls to be surrounded by United States marshals, armed ostensibly for the purpose of seeing fair elections, but really for the purpose of seeing unfair elections. I would like to see that off the statute-book; but would it be a proper thing to put on this bill when we come to appropriate for salaries of United States judges that their salaries shall not be available until they file a declaration that they will appoint no United States marshals to be present at elections? This is a law obnoxious to many people, and why should we not put that limitation on their salaries if we can put this limitation on these officers?

Mr. HOLMAN. Let me ask my friend from Georgia on this question as to the power to limit expenditure, would not a provision on this very section be in order saying simply that no part of this money shall be paid to the chief examiner until he shall enter upon the discharge of the duties of his office?

Mr. HAMMOND. That would be plain, because he is not entitled to the salary of the office until he becomes such officer.

Mr. HOLMAN. Would not that be a legislative provision?

Mr. HAMMOND. That would not be any "change of existing law." It is existing law; for no officer can draw his salary until he becomes an officer.

Mr. HOLMAN. Not until he enters into the discharge of the duties of the office; would that not be a legislative provision?

Mr. HAMMOND. In contemplation of law until he enters upon his duties he is not entitled to draw his salary. But there is no way to ascertain when the officer enters upon the duties of his office except the day of his being sworn in. Who ever besides the gentleman sought to inquire when the President began to be President?

Mr. HOLMAN. I am not speaking of doing any such thing.

Mr. HAMMOND. No man but the gentleman would think of doing it.

Mr. HOLMAN. Why, it is done every day in the Departments, to ascertain if the officer is engaged actively in the duties of his office; because in questions of absence it becomes a matter of necessity to ascertain whether the duties have been performed.

Mr. HAMMOND. Oh, yes; that is a legal exception necessary in the transaction of the routine business of the Departments, but it is under existing laws.

Mr. BLAND. Let me ask the gentleman the question whether we

could limit the payment of a salary until the services of the commission had been performed, say for one or two years?

Mr. HAMMOND, Certainly we could do that if we changed no law. We could refrain from appropriating the salary at all. That could be done; but when we undertake to appropriate we must not in the act of appropriating undertake at the same time to change the existing law. If we do, while we may be doing right in one sense of the word, we are, on the other hand, violating the very laws we have ourselves fixed for the control of the public business. Suppose the rules of the House had been that in the legislative, executive, and judicial appropriation bill there should be no money provided for the Civil Service Commission. Then it would be out of order to put their salaries here, either as the bill came from the committee or as amended. Why? Because that rule of the House said that we shall not. The same argument could be made in that case that has been made in this, that this is the money of the people; we are the Representatives of the people, and that as the Representatives of the people we have the right to appropriate the money. I say that we are bound by the rules, and the reply to such an argument is that while we are the Representatives of the people, still we can not make this rider on the bill, because the rules of the House say that we shall not.

Mr. LONG. Mr. Chairman, with regard to the point of order, the gentleman from Texas is undoubtedly right when he says that if no appropriations at all had been put into this bill for the Civil Service Commission it would not be subject to the point of order.

Mr. REAGAN rose.

Mr. LONG. I will yield to the gentleman from Texas presently.

I presume also that if a less amount than is there now had been put in it it would not have been subject to the point of order. That, however, as must be apparent, is a very different case from the appropriation of a certain sum of money which is coupled with a distinct declaration that it is appropriated on certain conditions, which conditions manifestly change the existing law.

It was ruled by the Chair on yesterday that the designation of a name like that of John T. Chancey or George A. Bacon in the appropriation for the employés of the Doorkeeper's department of the House was in the nature of such a suggestion of appointment to the appointing officer as would operate almost as an enactment for the appointment, and therefore would be obnoxious to the rule. Now, the insertion of this language, certainly far more than that of the names to which objection was made on yesterday, is not only a suggestion to the Civil Service Commission as to their duties and obligations, but operates to such an extent that if we pass the bill in its present form the Civil Service Commission will have imposed upon it certain restrictions which it must observe, and which will vary its functions from what they now are under the existing law in two important respects.

First, as has been well said, if this bill becomes law the Civil Service Commission will heed it. The result will be that a discretion which under the law they now have of sending a list of as many names of those who have passed the examination as they see proper will be taken away from them, and under any fair interpretation of this clause they will be bound to send up the entire list of eligibles. That is a change of law.

Mr. REAGAN. I did by a slip of the tongue use the expression that an omission to appropriate for this purpose was not subject to the point of order. I corrected it, however, immediately by saying that a motion to strike out the appropriation would not be in order.

Mr. LONG. Secondly, this would be a change of law; because on looking at this proviso it will be found it says that the appropriation shall be available only when the rules of the Civil Service Commission are so framed, &c. In other words, the auditing officers of the Government will be forbidden to allow any payments from this appropriation or allow it to be available for the purpose for which it is appropriated unless certain specified conditions are complied with by the commission. What is the tribunal to determine whether the rules are framed in accordance with these conditions? In other words, a new function is imposed upon some tribunal, and that tribunal is the accounting officer of the Treasury.

This statement has been made before in the course of the argument, but it seems to me that upon this point it is so entirely conclusive that it must commend itself to the consideration of the Chair in the determination of the point of order: first, that it changes the law by imposing upon the commission a restriction which does not now exist upon them; and also for the reason that there is a change of law by imposing new duties upon the accounting officers of the Treasury.

It is plain, therefore, that the provision on either ground is subject to the point of order.

Mr. BLAND. Suppose the bill made no appropriation whatever, but on the contrary declared that the Civil Service Commissioners would receive no salary, what would be the difference between that and withholding an appropriation?

Mr. LONG. I think then no new duty would have been imposed on the Civil Service Commission.

Mr. BLAND. But the duty imposed upon the accounting officer would be not to pay the salary, because the bill declared we would make no appropriation. What is the difference between that and withholding it by silence?

Mr. LONG. If no appropriations were made at all, then no duty would be added to the Civil Service Commission beyond what they have. In the second place, the accounting officers would not be called upon to determine the availability of an appropriation, because no appropriation was made. Another answer is that suggested by the gentleman from Georgia [Mr. HAMMOND] in speaking of the appropriation for the justices of the Supreme Court. Suppose no appropriation was made for their salaries unless they should refuse to appoint persons to supervise the elections. The illustration is perfect.

Mr. SPRINGER. I shall endeavor to confine myself in the few remarks I shall make to the point of order raised by my colleague against the proviso in the legislative, executive, and judicial appropriation bill.

That proviso is as follows. After setting forth the appropriation for the Civil Service Commission and its employés the bill contains the following:

Provided, That this appropriation shall be available only when the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointment from any one State, found duly qualified on examination, and without regard to age, shall be sent to the head of a Department or other officer charged with making an appointment.

The point of order has been made against this to the effect that under Rule XXI, clause 3, it is a provision in an appropriation bill changing existing law. The question, therefore, for the Chair to determine is whether this provision does change existing law. If it does of itself, and in its own terms, it is the duty of the Chair to rule it out; but if it does not, it is his duty to allow it to remain in the bill, so that this Committee of the Whole House can pass upon the proposition upon its merits.

There is a predisposition on the part of members when considering questions of order to insist upon the decision they would make if the question was submitted to them upon the merits. I hope that upon this question members will separate the two matters as they should be separated. First, is this proposition to be ruled out of order by the Chair and withheld from the action of the committee, or is it one which should be submitted to the sound discretion of legislators? Upon the latter proposition I will not now venture an opinion, but upon the other question, irrespective of the merits of this proposition, I desire to ask the attention of the Chair. Does this proposition change existing law? That is the question to decide, and the only question.

If this proviso changes an existing law at all it changes the civil-service law. I presume there is no other law upon *this subject*. I have the report of the Civil Service Commission in my hand. It is not pretended by any gentleman that this proviso which I have read changes a single clause or modifies the letter or the spirit of the civil-service law. But it is claimed that it changes the rules established by the Civil Service Commission.

Mr. BAYNE. Will the gentleman yield to me for a question?

Mr. SPRINGER. Yes, sir.

Mr. BAYNE. Does not the civil-service law authorize the payment of $3,500 to each of the Commissioners?

Mr. SPRINGER. It fixes the salary at that amount, but authorizes no money to be paid.

Mr. BAYNE. It allows them that salary without condition except that they perform their duties.

Mr. SPRINGER. That was not an appropriation bill. It simply fixed the salaries arbitrarily.

Mr. BAYNE. It fixes the salary without limitation or condition.

Mr. SPRINGER. It fixes the salary, but does not appropriate a dollar of money.

Mr. BAYNE. It does not impose a condition on the receiving of the salary.

Mr. SPRINGER. It makes no appropriation at all, and we have nothing to do with that law so far as that is concerned.

Mr. BAYNE. You stated that the proviso did not change existing law.

Mr. SPRINGER. And I am proceeding to show that, if the gentleman will allow me.

Mr. BAYNE. I ask my friend——

Mr. SPRINGER. I can not yield any further. I beg the gentleman's pardon.

Mr. EZRA B. TAYLOR. Will the gentleman from Illinois yield to me for a moment?

Mr. SPRINGER. I can not yield any further. If I were able to state in one sentence all I want to state in reference to that matter then it would be possible for me to submit to interruptions. But after I have made my statement perhaps gentlemen will have no occasion to interrogate me, and I prefer to proceed till I have finished my argument, and then gentlemen can submit interrogatories if they do not understand me.

I said the proviso did not change a single clause of the civil-service law; nor does it change one of the rules established in pursuance of this law. I believe this has been conceded by the gentleman from Massachusetts [Mr. LONG] and by the gentleman from Georgia [Mr. HAMMOND].

Mr. LONG. May I ask the gentleman one question?

Mr. SPRINGER. Yes, sir.

Mr. LONG. If we adopt this proviso, is there not a new law upon

the statute-book with regard to this provision and the payment of the money under it which was not there before?

Mr. SPRINGER. If we pass this legislative bill, there is and there must necessarily be, because all the provisions in this bill are new.

Mr. LONG. If we pass this provision, then is there not a law on the statute-book with regard to the Civil Service Commission and the payment of it different from the law that was there before? If so, this is a change of existing law.

Mr. SPRINGER. Then the appropriation bill itself is a change of existing law, and you can not appropriate any money without a change of law. The gentleman begs the whole question when he states that the voting of this money is a change of existing law, because there is no law on the statute-book by which any money at all may be paid out for this commission after the 1st of next July.

Mr. EZRA B. TAYLOR. My question would come in very well right here.

Mr. SPRINGER. What is it, then?

Mr. EZRA B. TAYLOR. To the amendment which I offered the other day, fixing a condition for the payment of the salaries of Senators, the objection was made that it was a change of existing law. It did not change any existing law——

Mr. SPRINGER. I beg the gentleman's pardon; I thought I was to have the floor now. The gentleman is going on to make an argument about his amendment.

Mr. EZRA B. TAYLOR. Not at all. But I say it was objected to that amendment, and the objection was sustained, that it would be a change of law, although it did not change any existing law, but merely suggested a condition for the payment of those salaries. Distinguish, if you please, the two cases.

Mr. SPRINGER. I will allow the gentleman to make the distinction himself in his own time.

Mr. EZRA B. TAYLOR. If you can make a distinction, you can do what I can not do in anybody's time.

Mr. BUTTERWORTH. Will the gentleman permit me a single question?

Mr. SPRINGER. I will yield to my friend.

Mr. BUTTERWORTH. If this bill as it is presented to the House becomes a law, can the civil service law as it exists to-day be thereafter enforced? That is a plain question.

Mr. SPRINGER. After the 1st day of July next there is no law by which these Commissioners can be paid anything, and whatever law we make on that subject the accounting officers of the Treasury must take cognizance of.

Mr. BUTTERWORTH. But by virtue of the existing law the Civil Service Commissioners and the President may do certain things. Now, if this bill as presented, with this provision in it, becomes a law, can they then do what they may now do under the law as it exists to-day? If not, this is a change of law.

Mr. SPRINGER. They can, and I will show you they can. Now, Mr. Chairman, I come back to the question, does this proviso change existing law? If it does change any existing law, when will that change take effect? It will take effect on the day the bill is signed by the President. Now, suppose this bill is passed and is signed on the 30th of this present month; on that day it takes effect and is the law of the land. Will any gentleman in this House say that the civil-service law will thereby have been changed or that any rule adopted by the Civil Service Commission will have been changed? That is the question. If this provision will change the civil-service law or any rule of the Civil Service Commission I should like to know what law and what rule it will change.

Mr. WILLIS. I desire to ask the gentleman a question for information. The second section of the law says that the commission must provide for open competitive examinations for testing the fitness of applicants for the public service. Now, does the gentleman understand that, under this proviso reported by the Committee on Appropriations, such open competitive examinations would exist?

Mr. ADAMS, of Illinois. Would they be competitive?

Mr. BUTTERWORTH. Nor could any one of the Commissioners collect his salary, for this appropriation is enacted with a condition.

Mr. SPRINGER. My friend from Kentucky [Mr. WILLIS], my friend from Ohio [Mr. BUTTERWORTH], and my friend from Massachusetts [Mr. LONG] persist in begging the whole question, by assuming that this proviso does make the change of law which they have in view.

There is a begging of the question all the way through. If the Civil Service Commissioners see fit to make no changes in their rules, then the law is not changed and the rules are not changed, and nothing has been appropriated for the Civil Service Commission. That is the whole case.

Now comes the question whether we have a right to withhold appropriations for that commission or not. Mr. Chairman, I maintain that we have the right to withhold appropriations for that or for any other part of the public service, and that whether we shall vote the money or not is a question of legislative discretion addressed to this House, and not to be ruled in or out by the Chair on a point of order.

Mr. BUTTERWORTH. We appropriate the salaries of the Commissioners in this bill, do we not? And does not this make the salaries of the Commissioners payable upon condition that they shall make a certain modification of their rules?

Mr. SPRINGER. But if they do not make that modification, then the law is not changed and the rules are not changed.

Mr. BUTTERWORTH. But they do not get their salaries.

Mr. SPRINGER. They do not get their salaries. In other words, we have appropriated nothing for the Civil Service Commission. Now, I maintain that we have a right to withhold that appropriation, or any other appropriation, if we think proper to do so.

Mr. BUTTERWORTH. But in this case you do not withhold the appropriation; you make it on a condition which is contrary to existing law.

Mr. SPRINGER. Mr. Chairman, I want to call the attention of the House to the fact that the right to limit and control appropriations has been always maintained, has never been given up by any ruling of the Chair or by any action of the House of Representatives. It is not a new question at all. It began with the very earliest struggles for the existence of a free parliament. In 1678 the house of commons passed a resolution which has been the law of parliamentary bodies from that day to this, with such changes as have been made by the rules of the various houses. That rule is in these words:

> That all aids and supplies and aids to his majesty in Parliament are the sole gift of the commons; and all bills for the granting of any such aids and supplies ought to begin with the commons, and that it is the undoubted and sole right of the commons to direct, limit, and appoint, in such bills, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the house of lords.

When the Constitution of the United States was adopted our fathers changed that rule so as to permit the Senate to make amendments to appropriation bills; but no legislative body in this country or any other has ever heretofore denied the right of the people's representatives in making appropriations of money to appoint in such bills the needs, purposes, conditions, limitations, and qualifications of those appropriations. This is a right which has been uniformly maintained.

Mr. MILLIKEN. Will the gentleman allow me to ask a question?

Mr. SPRINGER. I prefer not to yield.

Mr. MILLIKEN. I only desire to ask——

Mr. SPRINGER. I beg the gentleman to desist.

Mr. MILLIKEN. Very well; I do not wish to interfere with the development of the gentleman's theory.

Mr. SPRINGER. Mr. Chairman, there has been no rule of this House that has interfered with this greatest of the prerogatives of the people's representatives. It was never supposed for one moment when we adopted our rules that we would thereby debar the people's representatives when they made appropriations of the people's money from saying in that same appropriation bill what should be done with this money—from placing around the appropriation any limitation, any condition, any proviso that the people's representatives might deem just and for the interest of the country. In all our appropriations heretofore this right has been uniformly recognized as being one of the inherent powers of the people's representatives; and if this power be abdicated now, I warn you, gentlemen, that our constituents will send Representatives here in the next Congress who will reassume this power and exercise it in the interest of the people.

Mr. BUTTERWORTH. Will the gentleman allow me a single suggestion? While this House may not deprive itself of the power of which he speaks, it may determine the manner of its exercise. We simply say we will not exercise that power in one bill, but may in another. We have simply said, "If we want to change the law we will not do it in this bill, but in that," just as we apportion business among the several committees. This is a question of legislative procedure, not of legislative power.

Mr. SPRINGER. But according to the extract which I have read from May's Parliamentary History the power was reserved in the appropriation bills themselves at the time the appropriation was made to limit and appoint and direct the mode of the expenditure and place around the appropriation all the conditions deemed to be proper by the representatives of the people. That is just what is being done here. It is an intimation on the part of the people's representatives that some of the rules of the Civil Service Commission are not in the judgment of Congress in accordance with the letter and the spirit of the civil-service law, and that the Commissioners—the servants of the people, like Representatives here—ought to execute this law in the manner it was intended to be executed.

Mr. Speaker, I maintain that nothing is sought to be done by this provision except to exercise our legislative discretion in throwing around the appropriation of money such limitation as Congress in its wisdom may see fit to throw around the expenditure. There is no threat to anybody; no menace. The executive department has no right to come into this House and question our legislative methods or deny our right to construe our rules in our own way and to pass such necessary measures as we may think proper to pass. We have passed a civil-service law. I voted for it; I am in favor of it; this administration is in favor of it; and I want to see it executed in letter and spirit as it was intended to be executed by Congress. I believe that some of the rules

which have been adopted by the commission are not in accordance with either the letter or the spirit of the law; and it is the right of the people's representatives here to say so.

Mr. WILLIS addressed the committee. [See Appendix.]

The CHAIRMAN. The Chair does not care to hear further debate, but will rule so as to advance the public business.

Mr. HOLMAN. I ask for a ruling.

The CHAIRMAN. The Chair is ready to rule upon the question. In order to determine whether or not the proposition under the proviso involves any change in existing law the Chair first begs attention to certain provisions in the act of January 16, 1883, known as an act to regulate and improve the civil service of the United States. In the first place the following provision is found:

The commissioners shall each receive a salary of $3,500 a year. And each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner.

In the second section of this act it is provided:

That it shall be the duty of said commissioners—

First. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the Departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

The second division has a subdivision, containing the following language:

Second. That all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

It will be observed that what has been read is no part of the regulations, but a direction—a statutory direction—as to what these rules are to be and the purposes for which they are designed. It would seem clear that this statute intended that after the examination the selection should be made from those graded highest. In pursuance of a clear design the Civil Service Commission have enacted, in co-operation with the President or at his request, the following rule:

RULE XVI.

1. Whenever any officer having the power of appointment or employment shall so request, there shall be certified to him, by the commission or the proper examining board, four names for the vacancy specified, to be taken from those graded highest on the proper register of those in his branch of the service and remaining eligible, regard being had to any right of preference and to the apportionment of appointments to States and Territories; and from the said four a selection shall be made for the vacancy. But if a person is on both a general and a special register he need not be certified from the former, except at the discretion of the commission, until he has remained two months upon the latter.

It would seem that this rule is in exact conformity with the purpose of the statute in declaring that the selection shall be made from those reaching the highest grade. In the adoption of this rule a quasi judicial power is exercised as an incident to an executive function. It is the bounden duty of the President and the commission, in obedience to the law of the United States, to exercise their judgment in forming and promulgating the rules. In all this the law seems to have been fully and exactly complied with.

Now, then, in the appropriation bill we find this provision:

CIVIL SERVICE COMMISSION.

For three Commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one clerk of class 4, who shall be a stenographer, $1,800; one clerk of class 2; one clerk of class 1; one messenger, $840; and one laborer; in all, $21,400: *Provided*, That this appropriation shall be available only when the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointment from any one State, found duly qualified on examination, and without regard to age, shall be sent to the head of a Department or other officer charged with making an appointment.

The law has expressly declared that these Commissioners are entitled to a salary of $3,500 each a year, and under the law the disbursing clerk of the Treasury Department would ordinarily be compelled to pay that compensation. The proposition embodied in this bill contemplates the idea that unless the President, who at last has the power, the responsible power, of the establishment of these rules, shall conform to the suggestion in this amendment, that he shall send up all the names, without regard to age or grade, in contravention of the rules that he has established in the exercise of his functions as Chief Executive, and if he shall not do that, then not only shall the Commissioners be excluded from receiving their salaries by the disbursing officer of the Government under the appropriation inserted in this bill, but the same shall be true of the chief examiner, the chief clerk, the stenographer, the several clerks, and even of the laborer provided in this section.

In other words, all possibility of executing the law by reason of the abstention of the salary is accomplished, unless the President shall conform to the suggestion in this appropriation.

Let us examine for a moment the rules of the House in relation to what may be done in an appropriation bill. The Chair had occasion in the earlier part of the consideration of this bill to recite the fact that under the rules of the Forty-fourth Congress there could be no legislation upon appropriation bills except such as generally retrenched expenditures. Subsequently in the Forty-sixth Congress there was discontent with the provision and the power contained in that rule to legislate upon appropriation bills, and three or four instances were specified where it was admissible; and in addition it was further provided that the committee having charge of the subject-matter under consideration might have the right to amend the bill by a proposition which would generally retrench expenditures.

At this session of Congress paragraph 3 of Rule XXI was made a part of the rules of the House. It seems from the language of the rule as though there was a clear purpose on the part of the House to provide that there should be no legislative proposition whatever contained in an appropriation bill except such as is specifically mentioned in the rule:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Under which language the Chair supposes it was the design of the House that the committee should report appropriations where the necessity is shown by the authority and only by the authority of existing law in each case. The language can mean nothing else, because the rule goes on to provide:

Unless in continuation of appropriation for such public works and objects as are already in progress.

We have, for instance, the Light-House Service, the Life-Saving Service, the repairs of buildings, and many such provisions that are not specifically authorized by law, and the Chair supposes the House intended by this rule that the words "public works and objects" and legislation connected with that would be admissible. Then continuing still:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

It would seem that they could not report a dollar of appropriation except as authorized by law unless in the instances mentioned; and in addition there was this last provision of the rule, which declares the purpose that no provision changing existing law shall be incorporated, expressly thereby prohibiting legislation.

The Chair asks attention to Rule XI in this connection, as conforming to what he deems to be the correct construction of Rule XXI:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, to wit, namely: Subjects relating—

To the election of members: to the Committee on Elections.

To appropriation of the revenue for the support of the Government as herein provided, namely: for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions; and for all deficiencies: to the Committee on Appropriations.

All proposed legislation relating to questions touching civil-service reform: to the Committee on Civil Service Reform.

The Chair thinks therefore it was not competent for the Committee on Appropriations, nor competent for this committee in connection with appropriations, to consider at all the question of civil-service reform or to make any limitation on an appropriation designed for that purpose. If this appropriation shall be inserted in the bill under the law which applies to the appropriation, which authorizes the appropriation, without which the appropriation could not be inserted, the disbursing officer of the Treasury, ascertaining the law and the identity of the officer, is compelled to pay the money to him. If this provision is inserted and becomes a part of the bill for next year in connection with the appropriation, the payment of these officers designated in the amendment can not be made until the accounting officer shall have first ascertained that the Chief Executive of the United States has directed the rules which he has established in pursuance of his executive functions to be so changed that all names shall be sent up. The Chair therefore sustains the point of order. [Applause.]

Mr. WARNER, of Ohio. I offer the amendment which I send to the desk, and which in my judgment is in order under the rules.

The Clerk read as follows:

Insert, after the word "dollars," in line 439, the following:

"*Provided*, That no part of this appropriation shall be available to carry out any rule of the Civil Service Commission which excludes from appointment in the civil service applicants over forty-five years of age."

Mr. BEACH. I reserve the point of order.

Mr. HOLMAN. I ask unanimous consent that all debate on the pending paragraph and amendments thereto be limited to twenty minutes.

Mr. MORRISON. I make the same point of order on this amendment.

Mr. TOWNSHEND. I suggest to the gentleman from Indiana [Mr. HOLMAN] that he include in his request that permission be granted for printing in the RECORD all speeches on the point of order.

Mr. WARNER, of Ohio. This amendment raises a new point, and I would like to be heard on it for a few moments.

The CHAIRMAN. The gentleman from Indiana will please repeat his request.

Mr. HOLMAN. It is that all gentlemen who desire it may have leave to print remarks, and that all debate on this paragraph and amendments thereto be limited to twenty minutes.

The CHAIRMAN. Does the gentleman include debate on questions of order.

Mr. HOLMAN. On all matters.

The CHAIRMAN. The Chair will submit the request of the gentleman from Indiana. He asks that all debate on this paragraph and amendments thereto and questions of order relating thereto be closed in twenty minutes. Is there objection?

Mr. ELY. I object.

Mr. ADAMS, of Illinois. There may be some discussion upon the provision in regard to traveling expenses.

Mr WARNER, of Ohio, addressed the Chair.

The CHAIRMAN. The Chair does not care to hear argument on this question.

Mr. WARNER, of Ohio. I think the question is open to argument.

The CHAIRMAN. The Chair prefers to rule on the question.

Mr. WARNER, of Ohio. Mr. Chairman, I beg pardon. I think this question is open to argument, and I think I can convince the Chair——

Mr. STEELE. I rise to a question of order. The Chair has stated he is ready to rule on the point of order, and the gentleman from Ohio is out of order in attempting to proceed.

The CHAIRMAN. The Chair desires to extend every possible courtesy to every gentleman on this floor. But he has been urged, and the Chair thinks properly, to aid in the facilitation of the public business.

Mr. WARNER, of Ohio. I do not wish to occupy more than two or three minutes.

The CHAIRMAN. The Chair will hear the gentleman for that length of time.

Mr. TOWNSHEND. I rise to a question of order. The Chair within the last three minutes has decided this point of order.

Mr. WARNER, of Ohio. I differ from the gentleman from Illinois as to that. The point now presented has not been decided. There is no question that Congress has the right to control appropriations and to direct specifically how they shall be applied. There is no question about that. It is true that by our rules we have provided that such directions shall not be incorporated in an appropriation bill if they change existing law; but if they do not change existing law then they are not excluded, and are in order on an appropriation bill. It is in order in an appropriation bill to direct to what objects appropriations shall be applied and to what they shall not be applied, provided in so doing you do not change any existing law. There is nothing in the rules of the House prohibiting this, and it would be ridiculous to prohibit such direction of appropriations.

Now, as to the rule of the Civil Service Commission excluding men over forty-five years of age from appointments in the civil service, is that rule law? That is the point to which I invite the attention of the Chair. Is that law? Does the law fix any such limitation? A rule can not go beyond the law, but undoubtedly has the force of law if it is made in accordance with the law and to carry out the law. But a rule that goes beyond the limit of the law is invalid. Suppose, for instance, Mr. Chairman, the Civil Service Commission should make a rule that only white men should be appointed to office, or that only colored men should be admitted to examination, or that only American-born citizens should be eligible to office under the civil-service law, or that only foreign-born citizens should be appointed, or only men 6 feet high, or only men twenty-one years of age—would that be law? The rules are law, I say, only in so far as they are made to carry out the spirit of the law, and when they go beyond the scope of the law they cease to be law.

The Civil Service Commission can not legislate, and the moment they go beyond the proper scope, spirit, or intent of the law in their rules, that moment their rules cease to be binding on anybody. This rule excluding all applicants over forty-five years of age is not law. It therefore binds nobody. It is an attempt to legislate by the Civil Service Commission. Therefore, Mr. Chairman, I say that the amendment I have sent up changes no existing law, and it is in order on this bill. The rule, moreover, is an abridgment of the constitutional rights of citizens and ought not to be appropriated for.

[Here the hammer fell.]

Mr. WARNER, of Ohio. The Chair may rap me down, but I submit that even the Chair is not beyond enlightenment on this question.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WARNER, of Ohio. I will take an appeal from the decision of the Chair—no, I will not do that; but I will ask unanimous consent that this amendment may be adopted, inasmuch as gentlemen on the other side of the House as well as on this have expressed their approval of such a provision. There has been no objection made to a provision of this kind, and I therefore ask unanimous consent that it may be incorporated in the bill.

Mr. BEACH. I shall object.

Mr. BROWNE, of Indiana. The President and the commission may make that change in the rules now if they desire.

Mr. BAYNE. Certainly.

Mr. WARNER, of Ohio. But I propose that no part of this appropriation shall be available for or applied to carrying out this obnoxious rule. Is there objection to my request for unanimous consent?

Mr. BAYNE. Yes; because the President and the commission have that power now.

Mr. MILLIKEN. The President has the power at present. Your proposition is to coerce him.

Mr. GIBSON, of Maryland. I move to strike out the section. Mr. Chairman, I shall not in the few remarks which I have to submit upon this important provision, at this important juncture of our national affairs, inflict upon this House any dissertation upon the local politics of the State which I have the honor in part to represent, save to suggest that my colleagues have effectually settled the question of the Baltimore post-office in connection with the carrying out of the civil-service law in Maryland, and settled it, I hope, to their mutual satisfaction; or, if not to the satisfaction of my colleague upon my left [Mr. FINDLAY], settled it at least to the satisfaction of those colleagues of mine who shoulder to shoulder with me in November last fought the battles of the Democracy; settled to the satisfaction, Mr. Chairman, of that element of the Democratic party in Maryland which in November last put the stamp and seal of its condemnation by 30,000 majority upon the "spurious Democracy" of which my friend upon the left [Mr. FINDLAY] was then the ally and is now the champion.

Mr. Chairman, to another view do I now address myself, and that is to the suggestion which I have just made. Sir, if this Government of ours is a representative government, a government such as its fathers designed it to be, a government in which its powers are distributed among the people; if, in short, it be a government of the people, for the people, and by the people, then, sir, this interpolation and irrelevancy of civil-service reform can find no part or lot in this administration.

And, sir, if, as I hold, the Democratic party typifies and illustrates the very genius and essence of a republican government—nay, more, sir, if the very pabulum and instinct of a representative government originated in the Democratic party, then, sir, that party to-day needs no light upon its pathway from such a squinting device as civil-service reform. Ah, no, Mr. Speaker; the Democratic party needs no reform. It is to-day the embodiment of reform. [Derisive laughter on the Republican side.] Laugh, my friends on the other side laugh! Let him laugh who loses; he who wins is bound to laugh. I repeat, and I here throw down the gage, and I challenge the successful contradiction of the proposition that the Democratic party is to-day the embodiment of reform in all that conduces to the best interests of this great American nation. And that gage and challenge I will maintain with my voice and my vote and defend with all the best energies of my soul and body.

Mr. GALLINGER. Does not the gentleman mean "Higgins and reform?"

Mr. GIBSON, of Maryland. Eugene Higgins shall not be mentioned in my presence save to elicit this response: Look well, my Republican friends, before you seek to condemn Higgins. There are thousands in the Republican party, and I do not mean——

[Here the hammer fell.]

Mr. HENLEY was recognized, and yielded his time to Mr. GIBSON, of Maryland.

Mr. GIBSON, of Maryland. I thank my friend.

Suffice it to say that to undertake to defend Eugene Higgins would be a labor of love, for I know the man; but as well might my friend from New Hampshire, as a representative of the virtue of the Republican party, seek to carp at Eugene Higgins as a "mousing owl to snap at an eagle in his eyrie." So much for that.

Mr. PERKINS rose.

A MEMBER (on the Democratic side). Higgins has not been "tattooed."

Mr. MILLIKEN. No; the Republican party was not mean enough to "tattoo" him.

Mr. GIBSON, of Maryland. Mr. Chairman, we are not Sandwich islanders, and I do not propose to consider the question of "tattooing." The only instance I have heard of in our political history of a man being "tattooed" was the Republican candidate for the Presidency in the last election. [Laughter and applause.]

Mr. MILLIKEN. And it was by a party mean enough to do that kind of business. The men of your side have not been "tattooed" because we do not engage in that kind of nastiness.

Mr. GIBSON, of Maryland. I will come to that matter at another time.

Mr. MILLIKEN. Any time will suit me.

Mr. GIBSON, of Maryland. Mr. Chairman, the party whose inherent vitality and integrity have enabled it to outlive every phase of Federalism, of Whigism, of Knownothingism, and of Republicanism will be equal to the task should the occasion arise of applying its own conceptions of genuine reform, or it can be taught, as the Republican party has lately been taught, the salutary discipline of "stepping down and out."

Mr. Chairman, if after a period of more than a quarter of a century of Republican rule, if after more than a quarter of a century of abuse of power, that abuse of power has become so flagrant and the incrustations upon the civil service have become such as to contaminate the Government, it is not now that the Democratic party should seek to rectify and restore the public service by the adoption of alien and spurious usages. For fifty years the Democratic party bore sway in the councils of this nation. For fifty years under Democratic rule was our honor maintained and our public credit preserved at home and abroad. During all these years no bitter strifes between labor and capital characterized its reign; on the contrary, the blessings of Government, like the dews of heaven, fell alike upon the rich man and the poor man. During all these years this Government of ours was normal and healthy; and its vigorous, robust, and lusty organism was plied with no such nauseous nostrum as "civil-service reform." No ills of the Democratic party required such a panacea.

While I am radically opposed to the especial features under consid-

eration of the civil-service act, I regard them as but features of an act which is unconstitutional and vicious throughout; an act which seeks to supplant the provisions of our very organic law; an act whose tendency is to mar and to mutilate American manhood!

It lays restrictions where no restrictions were intended!

It applies tests which abridge the prerogative of every American citizen!

I wish to be definitely and distinctly understood, Mr. Chairman, as making no arraignment of the administration. I stand by this administration! My section and my State stand by the President. We stand by him to cheer him with our voice and to uphold him with our hands.

The Republican party in mellifluous utterances are to-day praising the President for his civil-service views. "The voice is Jacob's voice, but the hands are the hands of Esau." I believe the President in good faith is acting up to the measure of his sense of duty and responsibility upon the platform of his nomination.

But the President of the United States is handicapped by this measure. I want to see these shackles stricken off this administration. I want to see the Democratic party unhand itself of these alien influences by which it is shorn of its normal and legitimate strength. I want to see it relieve itself of a dubious and mistaken alliance with an exotic importation, indigenous and germane to a monarchy beyond the sea! The civil-service plank has no fitness in the Democratic platform. I want to see that plank disjoined from the structure as marring and sapping its integrity.

I want the party of the people, for the people, and by the people to recur afresh to those perennial streams of principle and policy which nourish and sustain and invigorate its life. I want to see the party no further delude itself by any device of argument that the resource of "civil-service reform" is sound Democracy. It is a subtle device of the enemy. It will forestall and paralyze our party's legitimate success.

The Republican party is seeking to use this measure to anticipate and to claim any credit which would otherwise inure to us. It reaps where it has not sown; it gathers where it has not strewn. [Applause.]

[Here the hammer fell.]

Mr. MILLIKEN. Mr. Chairman, in the brief time allowed me (and I do not know that I shall occupy even all of it) I do not propose to answer the diatribe of the gentleman who has just taken his seat against the Republican party. In its twenty-four years of "misrule," as he designates it, he includes the four years from 1861 to 1865. When the Republican party was organizing the forces of this country to save its life, was that "misrule?" I do not mean to reflect upon any gentleman in this House, but I ask the question, when it abolished slavery, was that "misrule?" When it gave free homesteads to the people, was that "misrule?" When it established universal suffrage, together with universal forgiveness of those who had been in arms against the Government, was that "misrule?" When it reconstructed the Government so as to hurry the rebel States back into their former relations in the Union, was that "misrule?" When it so administered the finances as to reduce the public debt from three thousand millions in 1865 to less than fifteen hundred millions in 1884, was that "misrule?" When it reduced the rate of interest from 12 per cent. in 1860 to 3 per cent. in 1885, raised the public credit to the highest plane, at the same time restoring specie payment, leaving in peace and prosperity a government which it took from you in the convulsions of rebellion and war, was that "misrule?"

The Republican party needs no defense. It has made its history to the present time and by it we are willing it shall be judged. Let me conclude what I have to say on this point by predicting that when the future historian shall come to write down the transactions of this generation he will fail not to make it clear in the leaves of his volume that the grandest and proudest pages of American history were made by the Republican party of this time.

One further remark. My friend who has just taken his seat has been bold enough (and I thank him for it) to declare that he is opposed to civil-service reform. I believe that is a more honorable way of dealing with this question than to attempt to destroy this system indirectly, as is sought to be done in this bill. In this discussion, who stands by this administration? The President himself has made these rules which gentlemen on the other side seek to abolish. He can repeal or change them, but his party friends are unwilling to trust him to do it. They know very well he will not do it. They would coerce him. We are standing by, you gentlemen on the other side are not supporting, him.

Ah, my friends, you, like other people, are governed by the force of habit. You have been accustomed to oppose the administration of this Government ever since 1861. We have been sustaining the administrations of the Government during all that time. You are so far controlled by your past practice that now when you have elected your own President and placed him in power you still indulge in your old habit and oppose the administration of your own choice, and we find ourselves obliged to sustain your administration for you. We will do it every time your administration is right, for then in particular it will be most likely to need our support. In our twenty-four years of power we learned the lesson of patriotism by practicing it—learned it so well that for no party advantage will we oppose a measure of this Democratic administration when we believe it to be correct. We are not here as mere partisans.

I heartily agree with the President in his views of civil-service reform as I understand them. This reform, as has been stated, has "come to stay." It ought to stay. This Government has grown so large, it has so many office-holders, that to attempt to change them every four years would almost produce a revolution. It certainly could not fail to seriously interfere with the efficiency of the Government service. Further than that, it would be an act of cruelty to change the whole force of clerks in this way. I do not disagree with those who believe that offices which have political significance, those which are related closely to the President, should be changed when the administration is changed. But if you should undertake to make a clean sweep, as my friend from Maryland indicates he would do every four years, I do not care what party may be in power, the result would be such as I think good citizens would not desire to witness.

These men who hold subordinate places have learned their duty by long experience. Many of them have served the Government for so many years that the muscle of their genius to knock against the hard edges of the world has been so weakened by lack of practice that when turned out to compete in the battle of life they are in no wise equipped for the struggle and their position is a very hard one, while their experience in the public service, like experience everywhere, makes them practically valuable there.

And who would be benefited by taking their places if they are to be so unstable as to be liable to change every four years. Certainly no one would introduce a young man to such an uncertain occupation unless he were his enemy.

[Here the hammer fell.]

Mr. HOLMAN. I rise to ask unanimous consent that debate, each side having been heard, shall be closed at once, or at least some time be fixed when it shall be closed. I would suggest ten minutes, five minutes on each side.

Mr. ADAMS, of Illinois. I object to closing debate on the whole subject, but I do not object to closing debate on the pending amendment.

Mr. HOLMAN. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7984) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union, and, pending that, I move that all debate on the pending proposition and amendments thereto be limited to ten minutes.

Mr. ADAMS, of Illinois. Does the gentleman propose to close debate on the pending proposition?

Mr. HOLMAN. And amendments.

Mr. ADAMS, of Illinois. If the gentleman confines it to the pending proposition, then I do not object.

Mr. HOLMAN. I mean the paragraph commencing at line 432 and ending with line 445.

Mr. ADAMS, of Illinois. All right then.

Mr. BEACH. I move to make it one minute.

The motion was agreed to.

Mr. HOLMAN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. By order of the House debate has been limited on the pending paragraph and all amendments thereto to one minute.

Mr. HEPBURN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. I think gentlemen will recollect that no motion of that kind closing debate in one minute was adopted. There was a motion by the gentleman from Indiana [Mr. HOLMAN] and an amendment by the gentleman from New York [Mr. BEACH]. There was a vote on the last proposition and none on the other. There is, therefore, no limit to debate. [Laughter and applause.]

Mr. HOLMAN. The report by the Chair to the committee was that the debate, by order of the House, was limited to one minute.

The CHAIRMAN. And the Chair so informed the committee on the indication of the Speaker of the House.

Mr. HEPBURN. I appeal to the Journal.

The CHAIRMAN. The Chair can not rule on that.

Mr. HEPBURN. There was but one vote. There was a motion and an amendment thereto by the gentleman from New York. The amendment was the only thing voted on.

Mr. BEACH. I ask by unanimous consent that debate on this propo-

sition and all amendments thereto cease in one minute, for that manifestly was the intention of the House.

Mr. HEPBURN. I object.

Mr. HOLMAN. Then I move the committee rise.

Mr. HEPBURN. I withdraw my objection.

The CHAIRMAN. Debate on the pending paragraph and all amendments thereto is closed in one minute by unanimous consent. [Cries of "Read!" "Vote!"]

The CHAIRMAN. Does the gentleman from Maryland [Mr. GIBSON] withdraw his amendment, or does he wish the question taken upon it?

Mr. BROWNE, of Indiana. I demand a division.

The committee divided; and there were—ayes 18, noes 75.

So the amendment of Mr. GIBSON, of Maryland, was rejected.

The Clerk read as follows:

For necessary traveling expenses $3,500,

Mr. ADAMS, of Illinois. I move to strike out "3" and insert "4." Forty-five hundred dollars is the amount asked last year and this House appropriated $3,500. The Commissioners estimate $4,500 this year and the Appropriations Committee gives them $3,500. The Civil Service Commissioners, it is well understood, can not make these examinations all over the country. The examinations are conducted by local boards. The central board supervises. It is necessary they should supervise in order the examinations all over the country shall be conducted on the same grade.

In a large State like that of New York, for instance, the examinations can not be conducted in any one city. They must be conducted in many places by many different local boards; and it is in the interest of fairness, whatever gentlemen may think of competitive or non-competitive examinations, that the decisions made by the local boards should be fairly compared with each other, in order that all applicants in all parts of the country should be sure of a fair treatment in these examinations.

There was a feeling among the people in the locality where I live, when the Pendleton bill first became a law, that they could not be fairly treated because the examinations were not controlled by local boards. They could not be assured that the same grade of efficiency would be required in one place that was required in another. Uniformity of grade in the examinations can not be secured except by adequate appropriations for the traveling expenses of the commission.

Mr. HOLMAN. We appropriated for the coming year the same sum that was appropriated for the present year. An examination, on the part of the committee, induced them to believe that the appropriation here proposed is sufficient. I call for a vote.

The amendment of Mr. ADAMS, of Illinois, was not agreed to.

The Clerk read as follows:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, $8,000; First Assistant Secretary of State, $4,500; two Assistant Secretaries of State, at $3,500 each; for chief clerk, $2,750; for six chiefs of bureau and one translator, at $2,100 each; stenographer to the Secretary, $1,800; eleven clerks of class 4; four clerks of class 3; seven clerks of class 2; fourteen clerks of class 1; four clerks, at $1,000 each; and ten clerks, at $900 each; one messenger; two assistant messengers; one packer, at $720; ten laborers; in all, $114,150.

Mr. HOLMAN. Last evening I made objection to the words contained in this paragraph "First Assistant Secretary of State, $4,500." I reserved that simply for the reason that this office is created by an appropriation bill only. I withdraw the point of order. Let us pass on.

The CHAIRMAN. The Clerk will begin reading, at page 23, a paragraph which was passed over last night on an objection.

The Clerk read as follows:

Division of warrants, estimates, and appropriations: For chief of division, $2,750; assistant chief of division, $2,400; estimate and digest clerk, $2,000; five clerks of class 4; three clerks of class 3; one clerk of class 2; four clerks of class 1; two clerks, at $1,000 each; three clerks, at $900 each; one laborer; and one assistant messenger; in all, $33,230.

The CHAIRMAN. To this paragraph the gentleman from Illinois [Mr. CANNON] has presented an amendment to strike out of line 537 "$2,750" and insert "$3,000." The gentleman from Kentucky [Mr. TAULBEE] also has an amendment pending.

Mr. TAULBEE. My amendment relates to lines 538 and 539, to strike out the words "assistant chief of division, $2,400."

Mr. HOLMAN. Let us have a vote.

Mr. CANNON. I would be glad to have the attention of the committee for a few moments as to the amendment which I have offered.

This chief of division is an efficient and faithful officer of long standing in the Treasury Department. He makes the estimates for the whole of the civil service of the Government as well as performs many other duties. I hold the principal Book of Estimates in my hand, which is prepared by him, and gentlemen understand what it is. There are many other estimates of deficiencies and other executive documents touching expenditures of money which go through his hands. You take up the Book of Estimates and you will find that there is not only an estimate sent in, as required by the law, for each of the expenditures of the Government, but full information in reference to it. The law is cited for it and other facts given which are of importance to the committee in making up the bill. For many years past people familiar with the work felt that this officer really earned $5,000 a year, and yet he has received only $2,750. Long years ago, ten or fifteen years past, the Revised Statutes fixed his salary at $3,000 a year, and that is the law now. I believe this official should have that amount of money.

Mr. HOLMAN. The salary is fixed at $2,750 a year, which was done ten years ago.

Mr. HEWITT. Then he ought to have the increase by reason of longevity.

Mr. STEELE. And a good reason for giving it to him is his long service.

The question was taken; and on a division there were—ayes 49, noes 22.

Mr. HOLMAN. I will take a vote in the House on that amendment.

Mr. TAULBEE. I believe my amendment is now pending.

The CHAIRMAN. The gentleman's amendment, as the Chair understands, is to strike out, in lines 583 and 539, the words "assistant chief of division, $2,400."

Mr. TAULBEE. After having had a statement from the gentleman in charge of the bill and the chairman of the Committee on Appropriations in reference to this particular officer, I withdraw that amendment.

The Clerk read the following paragraph:

Division of customs: For chief of division, $2,750; assistant chief of division, $2,000; two clerks of class 4; three clerks of class 3; two clerks of class 2; two clerks of class 1; two clerks, at $1,000 each; eight clerks, at $900 each; one assistant messenger; and two laborers; in all, $29,590.

The Clerk also read the amendment proposed by Mr. TAULBEE to the above paragraph, as follows:

In lines 546 and 547 strike out the words "assistant chief of division, $2,000."

Mr. TAULBEE. I offered several amendments last night similar to these, and I made a statement to this effect, that if the gentleman in charge of the bill, or any member of the Committee on Appropriations, should make a statement that these officers were absolutely necessary to the good of the service, I did not wish to press these amendments. I am now willing, as these amendments are read, if the gentleman from Indiana who has charge of the bill shall make that statement, to withdraw them.

Mr. HOLMAN. If there is any office provided for here not absolutely necessary for carrying on the Government that fact is not within the knowledge of the committee.

Mr. TAULBEE. I do not think that statement is sufficient, that the fact is not within the knowledge of the Committee on Appropriations.

Mr. HOLMAN. Does the gentleman suppose the committee propose a bill to this House without examining it item by item for months?

Mr. TAULBEE. I do not. But I desire to say this much, that if the committee have examined the bill item by item for months they ought to be able to state whether they regard any particular office as indispensable to the good of the service.

Mr. TOWNSHEND. I would suggest that the only effect of the effort of the gentleman from Kentucky to strike out these salaries has been to increase the salary of one of them. All these assistant chiefs are entitled to higher salaries.

Mr. RANDALL. And this one is peculiarly entitled.

Mr. TAULBEE. I do not think the gentleman from Illinois has done me justice in his statement that my object in offering this amendment was to increase the salary of a chief of division.

Mr. TOWNSHEND. I did not say that was the object. I said that had been the effect of it.

Mr. TAULBEE. So far as the increase of the salaries of chiefs of divisions is concerned I have not advocated any such idea. When the amendment of the gentleman from Illinois [Mr. CANNON] to the preceding paragraph to increase the pay of the chief of division was read I voted against it. I have not by word or act given any warrant to the gentleman to make such a statement. It is purely gratuitous on his part; and I shall certainly not plead guilty to that charge. My object was to curtail the force where it may be unnecessarily large, and to provide only such salaries as are necessary for the efficiency of the service.

Mr. RANDALL. I ask the gentleman from Kentucky whether he withdraws now all his amendments, including the one relating to the assistant general superintendent of the Life-Saving Service?

Mr. TAULBEE. No, sir; I do not withdraw that amendment, nor this one, nor any other, except on the condition which I have stated plainly, and which I think the gentleman understands.

Mr. TOWNSHEND. Allow me to say in reply to the gentleman from Kentucky that I did not accuse the gentleman of any intention at all to raise salaries. But I did say, and I repeat it, the only effect of his efforts to strike out assistant chiefs of division has been to increase the salary of one of the chiefs beyond the amount fixed in the bill.

Mr. HOLMAN. For the purpose of getting a number of paragraphs disposed of at once I will say to my friend from Kentucky that the Department deems all these officers provided for in the paragraphs passed over last night to be indispensable for the discharge of the du-

ties in the various branches of the Department. Otherwise they would not be in the bill.

Mr. RANDALL. Last evening when the gentleman from Kentucky offered an amendment to the paragraph relating to the Life-Saving Service he recited a conversation which he said had occurred between himself and the Assistant Secretary of the Treasury, Mr. William E. Smith. A few moments ago I received from that gentleman a note which I desire to have read. I think it but justice it should be read and go on the RECORD.

Mr. HOLMAN. I hope that will not be done till that portion of the bill is reached.

Mr. RANDALL. I understood that portion of the bill had been reached.

Mr. TAULBEE. So far as I am concerned I am willing this matter should be looked into at once, although it may not be strictly in order at this time. The gentleman from Pennsylvania has shown me within a few moments the letter he received from the Assistant Secretary of the Treasury.

Mr. RANDALL. I showed it to the gentleman immediately on receiving it.

Mr. TAULBEE. I want to say to the gentleman in charge of the bill that that particular office is the one on which I more particularly expect to make a controversy as to the appropriation. If the investigation of this matter is reasonably satisfactory to my mind and to the minds of other gentlemen of this House—if it appears that these assistant chiefs of bureaus are necessary for the good of the service, I am willing to withdraw these amendments, all except the one pertaining to the Life-Saving Service. And I ask unanimous consent that the gentleman from Pennsylvania be now allowed to make his statement and have the letter read.

Mr. HOLMAN. Let us reach that paragraph first. I understand the gentleman from Kentucky withdraws his point as to all these paragraphs.

Mr. TAULBEE. I stated if this investigation developed sufficient to convince me of the necessity of these officers I would not insist on those amendments. After having heard the statement of the gentleman from Indiana as to this office I withdraw this amendment.

Mr. RANDALL. That brings us directly to the one in connection with which the gentleman from Kentucky mentioned in the debate last evening the substance of a conversation he had with Mr. William E. Smith, the Assistant Secretary of the Treasury.

Mr. HOLMAN. Mr. Chairman, at the suggestion of the gentleman from Kentucky [Mr. TAULBEE] we passed over last evening the provisions relating to the auditorships and the Commissioner of Customs, and went on to the provision on page 37, relating to the Life-Saving Service. Now I understand that the gentleman withdraws all his amendments before this latter point.

Mr. TAULBEE. Mr. Chairman, if the statement made by the gentleman in charge of the bill with reference to the section under consideration was intended to apply to all the others, I do withdraw those amendments.

Mr. HOLMAN. It was so intended.

Mr. TAULBEE. Then I withdraw the amendments.

Mr. HOLMAN. Mr. Chairman, there was an amendment offered on page 31, in reference to the Fourth Auditor's office, that ought to be disposed of.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

In lines 738 and 739 strike out "fourteen" and insert "twelve," and in line 741, after the word "each" where it last occurs, insert "four clerks, at $800 each."

Mr. HOLMAN. This does not change the amount of the appropriation. I call for a vote.

The CHAIRMAN. Is this an amendment submitted by the gentleman from Indiana?

Mr. HOLMAN. It comes from the committee.

Mr. CANNON. This proposition strikes out two clerks at $1,600 apiece and puts in four clerks at $800. Coming from the committee, I shall not antagonize it further than to call attention to the fact that these two clerks are stricken out and four men put in their places, they not coming, as I understand, under the civil-service rules, and the object being to make four places instead of two.

The amendment was agreed to.

Mr. HOLMAN. Now let us pass to page 37.

The Clerk read as follows:

In lines 886 and 887 amend by striking out "assistant general superintendent Life-Saving Service, $2,500."

Mr. RANDALL. The gentleman from Kentucky [Mr. TAULBEE] advocated that motion. I rise to oppose it, and I submit a letter which I have received this morning from the Assistant Secretary of the Treasury, and also a letter from the General Superintendent of the Life-Saving Service.

The letters were read, as follows:

TREASURY DEPARTMENT, *Washington, D. C., June 12, 1886.*

HON. S. J. RANDALL: My attention has just been called to Mr. TAULBEE'S remarks in reference to the office of assistant superintendent of the Life-Saving Service, printed in this morning's RECORD. I did not say to Mr. TAULBEE that Mr. O'Connor, the present incumbent, had for a number of years been unable to perform any service, or to make any compensation to the Government for the $2,500 he had been receiving; nor did I state that the only reasons for not dispensing with this office, or supplanting the incumbent with one more efficient were that Mr. O'Connor was regarded by his associates as an elegant gentleman, and was a friend of a former Secretary of the Treasury. Mr. O'Connor was sick for several months between June and February last, and I so stated to Mr. TAULBEE some time since when he called upon me and demanded Mr. O'Connor's removal and the appointment of a man from his district in his place. Mr. O'Connor has been at his desk regularly since February last, and the office of assistant superintendent of the Life-Saving Service is considered by the Department as indispensable.

W. E. SMITH, *Assistant Secretary.*

WASHINGTON, *June 12, 1886.*

DEAR SIR: In reference to Mr. TAULBEE'S remarks last night I desire to say: The present system of the Life-Saving Service was organized in 1871, and was attached to the revenue marine division of the Treasury Department, and governed by regulations until 1878, when it was established into a bureau by act of Congress. The assistant general superintendent is Mr. William D. O'Connor, one of the ablest men in any department of the Government. He was connected with the Life-Saving Service about two years before its formation into a bureau. Before that time he was for many years a clerk in the Light-House Board, and at one time chief clerk of the board. He has never failed to be at his post of duty until about the 1st of June last year (1885), when he was taken sick and obtained leave of absence for one month. Upon his return he was not much improved and was peremptorily forbidden by his physician to perform any work. He was suffering from nervous exhaustion, with threatened paralysis, produced, as stated by his physician, by overwork. He abstained from much labor until about the 1st of February, when he resumed almost entirely his usual duties, and has been performing them in a thoroughly satisfactory manner ever since.

Mr. O'Connor has more than earned every cent he ever received from the Government. For more than six months upon a stretch he has worked with me at night until half past 11, 12, and sometimes as late as 2 o'clock at night, for which he never received nor claimed a cent of extra pay.

The office is an indispensable one. It is incorrect, as was stated in the House last night, that the services of the officer filling it have been dispensed with for a number of years. They have never been dispensed with except for the time stated above, and during that time the administration of the office suffered in consequence, and my labors were unduly increased, taking up every holiday and imposing much labor by night, and even then the work fell behind.

The abolition of the office would seriously embarrass the service.

Very respectfully,

S. I. KIMBALL,
General Superintendent Life-Saving Service.

Hon. S. J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

Mr. RANDALL. I have nothing to add.

Mr. TAULBEE. Mr. Chairman, in response to what has been said, and to the letters which have just been read, with reference to my statements on the floor last evening, I desire to have read from the Clerk's desk the reporter's notes (which he has just furnished me) of the statement which I made this morning correcting the RECORD. I made that statement without suggestion from any one, and before I was informed of the receipt of these letters.

The Clerk read as follows:

Mr. TAULBEE. I desire to make a correction in the RECORD. On page 5853 I am represented as repeating a statement made by the Assistant Secretary of the Treasury, and I am made to say the Assistant Secretary of the Treasury informed me that the man who holds this office had for a number of years been unable to perform any service or to make any compensation to the Government for the $2,500 which he had been receiving.

What I intended to say was that this officer had for a number of years been unable to perform the duties of his position and to make adequate compensation to the Government for the $2,500 which he had been receiving.

Further, I am represented as saying in the same remarks that, as an excuse for this abuse, the Assistant Secretary of the Treasury offered the fact that this incumbent had been a friend of former Secretaries.

What I intended to say was that, as an apology for the present management of this matter, the favor this officer had found with former Secretaries of the Treasury had been given as a reason for retaining him in the service.

It will be observed, Mr. Chairman, that the correction which I made of the RECORD this morning is somewhat technical and that the main facts of my statement are unchanged, and it will be seen by reference to the letters which have been read here there still remains an issue of fact.

I do not remember, Mr. Chairman, whether any other person was present during this conversation. The facts as they occurred were about these: A man from my part of the country was an applicant for a position as chief of bureau in the Treasury Department. He had not designated any particular office which he desired to fill. He was like a great many other Democrats throughout the country, he wanted an office in the public service. I took the papers and testimonials with which he had furnished me. I wrote such an indorsement of his character and efficiency for the public business and duties as I thought my knowledge of the man justified, and I filed it with the Assistant Secretary of the Treasury. He informed me that there were no vacancies in that particular branch of the service. I asked him then to investigate the facts with reference to this particular office, which he promised me to do; and he asked me to call again on the following day. When I went back to the office he reported to me the facts which I stated last night with reference to that conversation as corrected by me for the RECORD to-day.

I have no knowledge of the facts pertaining to this office. I referred in that conversation and in those remarks of last night to a letter which the superintendent of that service had written to the chairman of the Committee on Civil Service Reform, substantiating what I had said with reference to the statements of the Assistant Secretary to me. I fail to discover in these letters any contradiction of that statement; and I sup-

pose it may reasonably be concluded that there was no fault to be found with that part of it. This, Mr. Chairman, is a part of the means of my information.

So far as the question of veracity is concerned I leave the House and the country to judge of that. Whether I am justified in moving this amendment to this bill I leave the House to judge upon the facts now before it.

I have not been perhaps as importunate with reference to procuring offices for my constituents as some others have been; but a phrase in the letter from the Assistant Secretary of the Treasury to the chairman of the Committee on Appropriations, read this morning from the Clerk's desk, attempts to make prominent that particular feature of this controversy. Not long since, and after the vote on the resolution which I introduced——

[Here the hammer fell.]

Mr. MILLS obtained the floor, and said: I yield my time to the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. It will be remembered that on the 1st day of May there was a controversy in this House with reference to a resolution I had introduced looking to the investigation of certain admitted abuses in the Treasury Department. I wish to disclaim having introduced that resolution in any spirit of vindictiveness, but I introduced it in good faith, believing that those abuses existed. Knowing that they did exist from the letter of the Secretary of the Treasury which was filed with that report, I was attempting in good faith to correct those abuses. Subsequently to that, when members of this House visited the office of the Secretary of the Treasury with reference to appointments of their constituents to office, those of them who had voted in favor of the adoption of that resolution were jibed with that fact by this Assistant Secretary of the Treasury; and in the presence of the Representative from New York, who is now before me, this man Smith said to me that no man who had introduced such a resolution in the House of Representatives and had made such an argument as I then made—an argument that I believed to be fair and just—could expect a good state of feelings to exist toward him among the officials of the Treasury Department.

Mr. Chairman, the issue is made tacitly that members on this floor who, in the conscientious discharge of their duty, attempt to correct the abuses which now exist in the public service are to be "boycotted" and ostracised by these officials in the exercise of the ordinary civilities and courtesies which should prevail between that Department and the Representatives of the people. I am willing, so far as Mr. Smith and I are concerned, that that issue shall go before the country.

Further than that, Mr. Chairman, in the conversation alluded to, the Assistant Secretary of the Treasury used substantially these words: that this man was borne upon the rolls as a pensioner on the Government through the forbearance of the Secretary of the Treasury. It is due to the acting Secretary of the Treasury to say that he declined to take action upon this matter because, he said, the principal of that office, Secretary Manning, prior to his recent affliction, had been considering the matter, and inasmuch as he had taken it up for consideration the acting Secretary of the Treasury did not feel altogether authorized to act in the premises during the illness of the Secretary of the Treasury—a position which I conceded to be perfectly fair.

The prime object, I maintain, which has prompted me to this investigation was to cut off and stop these thefts which have been going on in the public service, and which, I am sorry to say, Democrats high in authority have been winking at and tolerating under their immediate supervision. The conduct of this man Smith, having in charge virtually——

Mr. SOWDEN. I rise to a point of order.

The CHAIRMAN (Mr. CRISP). The gentleman will state it.

Mr. SOWDEN. I would like to know whether the gentleman is discussing the question before the House.

The CHAIRMAN. The gentleman has offered an amendment to the bill.

Mr. SOWDEN. I understood that amendment was withdrawn.

The CHAIRMAN. It has not been withdrawn. It is an amendment to strike out a certain office.

Mr. SOWDEN. I ask that the gentleman be confined in his remarks to a discussion of the subject-matter before the House.

Mr. RANDALL. Oh, no; I hope the gentleman from Kentucky will have all the latitude he desires. It is due to him that he should.

The CHAIRMAN. What is the point of the gentleman from Pennsylvania [Mr. SOWDEN]?

Mr. SOWDEN. This seems to be merely a question of veracity between the gentleman from Kentucky and the Assistant Secretary of the Treasury; and I do not think the public business should be delayed by a discussion of that matter here.

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor, and will proceed.

Mr. BEACH. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BEACH. If the gentleman from Kentucky desires to proceed with his argument I must insist that he proceed in order. When the gentleman is referring to an officer who occupies a very high and prominent position in our Government, I object most decidedly to his designating him as "this man Smith." I think it is entirely improper. [Laughter.]

Mr. RANDALL. That is neither here nor there.

Mr. TAULBEE. I will apologize to the gentleman from New York and other members if, in the course of my remarks, I have been discourteous, and I will withdraw that part of my remarks.

Mr. REED, of Maine. You withdraw that part in which you called him Smith. [Laughter.]

Mr. TAULBEE. I will call him "Mr. Smith." I do not desire to be discourteous to any gentleman on this floor or to any officer of this Government. I recognize the fact that these officers are indispensable, and that every man meets with his individual difficulties in the discharge of his official duties. But I maintain that it is not proper or right for an officer of this Government to attempt to coerce the conduct of a Representative on this floor either by threat, intimidation, or by undue inducement in the way of public patronage in order to influence the Representative in voting for or against a given proposition, or in introducing or refraining from introducing any resolution which he may think it his privilege and right under the rules and his duty as a Representative of the people to introduce.

Now, Mr. Chairman, this state of the case presents itself to members of this House, that officers in the executive branch of the Government are by implication, if not in so many words, giving members on this floor to understand the disposition of the patronage of the Government shall be measured by the support of the administration whether that administration be right or wrong.

[Here the hammer fell.]

Mr. BUCHANAN rose.

Mr. RANDALL. I have the floor, and I ask for a vote.

Mr. HOLMAN. Unless some understanding can be reached in reference to debate I shall move that the committee rise for the purpose of closing it.

Mr. RANDALL. It can be done by unanimous consent.

Mr. BUCHANAN. I ask to be heard, and I wish simply to say this——

The CHAIRMAN. Does the gentleman yield to the gentleman from New Jersey?

Mr. BUCHANAN. I do not wish to reply to the gentleman from Kentucky beyond simply saying that this officer is needed.

Mr. HOLMAN. Oh! we all agree to that. [Cries of "Vote!"]

Mr. TAULBEE'S amendment was disagreed to.

The next paragraph passed over is the following, to be found on page 41:

Commissioner of Internal Revenue: For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division, at $2,500 each; five heads of division, at $2,250 each; one superintendent of stamp-vault, $2,000; one stenographer, $1,800; twenty-four clerks of class 4; twenty-five clerks of class 3; thirty-four clerks of class 2; twenty-four clerks of class 1; fourteen clerks, at $1,000 each; forty clerks, at $900 each; two messengers; fourteen assistant messengers; and thirteen laborers; in all, $259,190.

Mr. GALLINGER. I move, in line 985, to strike out "two heads of division, at $2,500; five heads of division, at $2,250 each," and insert in lieu thereof "seven heads of division, at $2,500 each."

Mr. HOLMAN. I make the point of order that is a change of law.

The CHAIRMAN. The Chair must overrule the point of order.

Mr. GALLINGER. Now, Mr. Chairman, the law provides that these seven heads of division shall have a salary of $2,500 each. In this bill it is proposed to appropriate for two heads of division at $2,500 each, and for five heads of division at $2,250 each. The purpose of my amendment simply is to make the bill conform to the statute, and I trust it will be adopted.

Mr. HOLMAN. There is no law except as it is found in the provision of the appropriation bill, and the provision in this bill is as it has been for many years. Although I have not the law before me, I have no doubt when the gentleman produces it that will be found to be the case.

Mr. GALLINGER. In this bill the salary of five heads of division is less than the law provides they shall receive. In other words, it appropriates for them $2,250, when the law fixes their salary at $2,500.

Mr. HOLMAN. I call for a vote.

Mr. GALLINGER. If it is agreeable to the gentleman from Indiana I should like to have some explanation why two heads of division should receive $2,500 and five heads of division only $2,250 each, especially when the chief of the tobacco division, through whose hands $30,000,000 of revenue comes to this Government, is one of those who receives only $2,250, while some other charged with less important duties gets $2,500. I should like to have some explanation of that.

Mr. HOLMAN. The explanation is that this arrangement has been made for many years at the suggestion of the Treasury Department.

Mr. RANDALL. It has been the law for several years.

Mr. HOLMAN. Yes, sir.

Mr. RANDALL. And it is founded upon the estimates.

Mr. HOLMAN. Certainly; and I take it for granted the Treasury Department is better informed on this subject than the gentleman possibly can be.

Mr. GALLINGER. Has the Treasury Department recommended this?

Mr. HOLMAN. Yes; it is in the estimates we have received.

Mr. GALLINGER. Has the Treasury Department recommended to this House that two heads of division shall receive $2,500 each and five heads of division only $2,250 a year, when the law fixes their salary at $2,500 a year?

Mr. HOLMAN. We take the estimates as they come from the Treasury Department, and that has been the estimate for several years. I trust the gentleman will not press his amendment.

Mr. GALLINGER. I do press it. By paying these salaries only in part we are imposing upon the Government a crop of lawsuits, the final result of which will hardly be in the line of economy, notwithstanding the views of the gentleman from Indiana.

[Here the hammer fell.]

Mr. HOLMAN. Now let us have a vote.

Mr. GALLINGER. I shall demand a division on the amendment.

The committee divided; and there were—ayes 39, noes 47.

So the amendment was disagreed to.

The Clerk read as follows:

Collecting internal revenue:

For salaries and expenses of collectors and deputy collectors, $1,800,000: *Provided*, That the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employés be increased beyond the salaries paid during the last fiscal year: *Provided further*, That no part of the money herein appropriated shall be paid to collectors of internal revenue except the allowances provided for in section 12 of the act of February 8, 1875, as amended by section 2 of the act of March 1, 1879.

The CHAIRMAN. The pending amendment on that paragraph the Clerk will read.

The Clerk read as follows:

In line 1062, insert, after the word "increased," the words "in the aggregate;" so it will read:

"Be increased in the aggregate beyond the salary paid during the last fiscal year."

Mr. SPRINGER. I hope this amendment will be adopted. Let me call the attention of my colleague upon the other side for a moment to this point. My attention has been drawn to the fact that in some of the offices of collectors of internal revenue throughout different parts of the country the salaries are very unequally adjusted, and the Commissioner has stated that he could much better subserve the public interests if he were permitted to adjust the salaries, increasing in some instances and reducing in others, but not to increase them in the aggregate. Some of the salaries are now higher than ought to be paid, while some who perform more important duties are receiving less salary and ought to be increased. My amendment provides that they may be increased in certain instances, but not in the aggregate. It enables the collector to determine the value of the service performed by certain men and to allow pay for it in accordance with its value.

Mr. HOLMAN. I think there is no objection to that.

The amendment was agreed to.

Mr. MORRISON The point of order is pending, I believe, against the proviso on page 44.

Mr. HOLMAN. I think a word of explanation will satisfy my friend from Illinois that this proviso is all right.

In addition to the salaries provided by law for internal-revenue collectors the Court of Claims has recently rendered a decision which would entitle them to one-half of 1 per cent. upon certain of the collections made by them, and this proviso here is for the purpose of restricting them, as we had supposed they were restricted by the section to which reference is made, to the salary therein fixed.

A MEMBER. What would be the difference?

Mr. HOLMAN. The difference would be an increase of about $90,000 a year in the expenditures of the Government.

Mr. MORRISON. I make the point of order upon that proviso. There is a bill pending on the subject which is legitimate.

Mr. HOLMAN. I trust that will not be done.

Mr. MORRISON. I think it is a proviso that should be stricken from the bill. I am familiar with its purpose, although the gentleman from Indiana greatly overstates its effect.

The CHAIRMAN. The Chair thinks the point of order comes too late.

Mr. MORRISON. The point of order was stated last night. The gentleman from New York [Mr. HISCOCK] called attention to this as being a proviso changing the law.

Mr. HOLMAN. I hope that will not be insisted upon. This is a very important provision, and should certainly be retained in the bill.

Mr. MORRISON. A bill has been already considered by and reported from the Committee on Ways and Means to make this change, and it has no place here.

Mr. HOLMAN. That bill will not be passed, I venture to say; and this point of order, if sustained, will cost the Government next year $90,000.

Mr. MORRISON. Oh, well, you venture to say many things which have no justification.

Mr. HOLMAN. Well, we shall see, sir.

Mr. MORRISON. Of course we shall see, if we do see at all, and shall see that in this, as in everything involving the rules, you are off the track. I make the point of order, or rather I insist on the point already made.

The CHAIRMAN. The Chair decides that the point of order is too late. The section had been discussed, and the point of order was not made before the discussion took place.

The Clerk will read.

The Clerk read as follows:

Independent Treasury:

Office of assistant treasurer at Baltimore: For assistant treasurer, $4,000; cashier, $2,500; three clerks, at $1,800 each; two clerks, at $1,400 each; two clerks, at $1,200 each; one clerk, at $1,000; one messenger, $840; three vault watchmen, at $720 each; in all, $21,100.

Mr. COLLINS. I make the point of order on that provision of this section fixing the salary of the assistant treasurer at $4,000. This is a change of existing law. Section 3596 of the Revised Statutes provides that his salary shall be $4,500.

Mr. HOLMAN. There is no point of order there.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk will read.

Mr. COLLINS. I move to amend, then, by striking out "4,000" and inserting "4,500."

The question was taken; and on a division there were—ayes 19, noes 44.

So the amendment was rejected.

Mr. HEPBURN. I move to strike out the last word, for the purpose of asking the gentleman from Indiana a question.

Is not the salary of this officer fixed by the statute at $4,500 a year?

Mr. HOLMAN. Yes, sir.

Mr. HEPBURN. Then when he receives his $4,000 his salary will still be $500 in arrears?

Mr. HOLMAN. Yes, sir; and I have conceded all along that unless this bill contains a provision that these salaries shall be received in full compensation trouble will arise.

Mr. MORRISON. Not if the law is complied with in providing for them.

Mr. HOLMAN. I think such a provision will be inserted by unanimous consent before the bill gets through.

Mr. HEWITT. Not with my consent.

Mr. HOLMAN. I do not think the gentleman would be willing to run the risks that will have to be run if the bill passes in the form they would have it to pass.

Mr. MORRISON. For one I will take all risks if the bill is passed in conformity with the rules.

Mr. HEPBURN. Would he not have the *right of action against the* Government for the $500 that is withheld?

Mr. HOLMAN. That has been discussed over and over again; but I admit that the Government will sustain very serious loss indeed unless the language used for the last ten years in reference to such appropriations be incorporated in this bill.

Mr. HEPBURN. That is all I wanted to find out, and I withdraw the *pro forma* amendment.

Mr. MORRISON. The gentleman from Indiana first ignores rules and then takes alarm.

The Clerk read the following paragraph:

Office of the assistant treasurer at Boston: For assistant treasurer, $4,500; for chief clerk, $2,500; paying teller, $2,500; assistant paying teller, $2,200; vault clerk, $2,000; receiving teller, $2,000; first book-keeper, $1,800; second book-keeper, $1,400; specie clerk, $1,800; assistant specie clerk, $1,500; money clerk, $1,500; coupon clerk and redemption clerk, at $1,400 each; receipt clerk and general clerk, at $1,200 each; assistant redemption clerk, $1,100; two clerks, at $1,000 each; one clerk, $800; messenger and chief watchman, $1,060; two watchmen, at $850 each; in all, $35,560.

Mr. COLLINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1084, strike out "$4,500" and insert "$5,000;" so that it will read: "For assistant treasurer, "$5,000."

Mr. COLLINS. The present law under which this office was created and exists provides the salary of the assistant treasurer of the United States at Boston shall be $5,000; and I can not understand how, that officer having been paid that amount of salary up to the present time, any reason exists for reducing it by $500 now.

That officer has in the vaults of the treasury at Boston under his immediate responsibility from twenty to twenty-eight million dollars. There are eighteen clerks, for the default of every one of whom he is responsible. He is required to give a bond of a quarter million of dollars for the faithful discharge of his duty as assistant treasurer of the United States. And he receives to-day 2 per cent. of that amount as a salary.

I believe in economy, but I do not believe in meanness, and I do not believe the people of the United States are sitting up nights to do injustice to their public officers by cutting down their salaries. If the position of subtreasurer at Boston to-day were paid according to the salaries paid in other employments the salary would be $15,000 or $20,000. And I think it is beneath the dignity of the Committee on Appropriations and beneath the dignity of this House to undertake to pare off $500.

If the gentleman from Indiana will give me his attention for a moment I will say to him I do not believe he will find a Democrat in the city of Boston to-day willing to take that office for $4,500 or even $5,000 a year.

A MEMBER. Then they are different from Democrats elsewhere.

Mr. COLLINS. We have got different kinds of Democrats, with the same capacity but with a higher idea of the dignities and emoluments of office, from what there seem to be in the State of Indiana. I hope the gentleman from Indiana will accept my amendment, so that we may have a good officer in that position in Boston.

Mr. HOLMAN. The elevation of views in Boston as to public duties and salaries may be somewhat different from what is approved by my section of the country. I am very sure a salary of $4,500 in any city of the country west of the mountains is considered a handsome compensation for any responsibility such as devolves upon a public officer of this grade.

Mr. COLLINS. There is not an office west of the mountains where they handle $176,000,000 a year.

Mr. HOLMAN. There are other offices requiring equal responsibility and integrity where the compensation is not so high.

Mr. COLLINS. Can the gentleman tell me of any Indiana man competent to take this office who would take it for this salary?

Mr. HOLMAN. We find the amounts of business at the subtreasuries of Boston, Chicago, and Philadelphia to be about equal, the amounts handled being respectively $125,000,000, $104,000,000, $119,000,000.

Mr. COLLINS. Where is that?

Mr. HOLMAN. I have just named Boston, Chicago, and Philadelphia.

Mr. COLLINS. As I have stated, $176,000,000 were handled at Boston last year.

Mr. HOLMAN. I have the official statement before me, and I read from it these figures: $125,000,000, $104,000,000, $119,000,000. There is very little difference in the amount of the duties of those three positions and the salaries ought to be about the same. They are fixed at $4,500 and are deemed fully up to the average compensation for public employments.

I call for a vote.

Mr. LONG. I rise simply to say, being a member of the Committee on Appropriations, that I was not present at the meeting of the committee when this clause was under consideration. If I had been I would certainly have urged the retention of the salary at the point where the law fixes it. I see no reason why the salary should be reduced.

Mr. REED, of Maine. Does the gentleman maintain the superiority of the Boston Democrat over the Indiana variety?

Mr. LONG. I do not think you could get a competent Democrat to take the office and furnish the bond unless you leave the salary where the law fixes it. No reason appears for this legislation. The law fixes the amount. It has been appropriated year after year. Why cut it down unless there be some good reason for it? We pay our State treasurer, who has far less responsibility, $4,000 a year.

The question being taken on the amendment proposed by Mr. COLLINS, there were—ayes 88, noes 24.

Mr. HOLMAN. We will have a vote on this in the House.

So (further count not being called for) the amendment was agreed to.

The Clerk read the following paragraph:

Office of assistant treasurer at Chicago: For assistant treasurer, $4,500; cashier, $2,500; paying teller, $1,800; book-keeper and receiving teller, at $1,500 each; two coin, coupon, and currency clerks, at $1,500 each; one assistant book-keeper and three clerks, at $1,200 each; one messenger, $840; one janitor, at $600; and three watchmen, $720 each; in all, $23,200.

Mr. ADAMS, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1103 strike out "$4,500" and insert "$5,000;" so that it will read: "For assistant treasurer, $5,000."

Mr. BURROWS. Is that the law now?

Mr. ADAMS, of Illinois. It is the law. I call on all my friends on both sides of this House to stand by me now while I make an appeal in behalf of the Illinois variety of Democrat now holding the subtreasury at Chicago. [Laughter.] I feel bound to make this appeal for him, because I am for the time being his only representative on this floor. Everything that can be said about the office and salary of assistant treasurer at Boston can be said about the assistant treasurer at Chicago. I want to give him his salary as fixed by law. I want to save the Court of Claims from the duty of considering the claim which this assistant treasurer will have unless we appropriate the salary fixed by existing law.

Mr. HOLMAN. I wish to mention two facts. The salary was fixed about thirteen years ago, when the cost of living was much cheaper than now—before the panic of 1877. In the next place, Chicago does a less business by twenty-one millions than Boston, and yet my friend wants the salary exactly the same. The present law appropriates $4,500. This is no decrease at all.

Mr. ADAMS, of Illinois. Allow me to remind the gentleman from Indiana that he can not accuse me of unjust discrimination, when this very bill that we are now considering makes an exact equality between those two assistant treasurers at Boston and Chicago. Let me remind him also that although this salary was fixed many years ago, the city of Chicago and the cities in its neighborhood which are tributary to it and dependent upon it for their financial convenience have been developing with greater rapidity than any Eastern city or neighborhood.

Mr. HOLMAN. And permit me to remind the gentleman from Illinois that the Treasurer of the United States informs us that this office might be abolished without any public injury.

Mr. ADAMS, of Illinois. And let me remind the gentleman from Indiana that notwithstanding that recommendation this House has determined, within a few weeks, to extend the system, by establishing a new subtreasury at the city of Louisville.

Mr. HOLMAN. I ask for a vote.

The question was then taken; and there were—ayes 60, noes 39.

So the amendment was agreed to.

Mr. HOLMAN. I shall ask for a vote in the House.

The Clerk read as follows:

Office of assistant treasurer at Cincinnati: For assistant treasurer, $4,000; cashier, $2,000; book-keeper, $1,800; receiving teller, $1,500; check clerk and interest clerk, each $1,200; one clerk, at $1,200; fractional-silver and minor-coin clerk, $1,000; night-watchman, $720; messenger, $600; two watchmen, at $120 each; in all, $15,460.

Mr. BUTTERWORTH. I move to strike out "four," in line 1115, and insert "five." The statute fixes the salary of the assistant treasurer at Cincinnati at $5,000, and in my judgment it ought not to be reduced. I have no personal interest in this, because the gentleman who occupies that office fights me with regularity (though not "commendable regularity") each year; but, to quote the honorable gentleman from Pennsylvania [Mr. RANDALL], if the gentleman who fills this office were in my private employ and had charge of matters as important as are now committed to his care and handled the sums of money that he handled there I should not think of paying him a less salary than $5,000 a year, and I trust that amount will be voted in this bill. In other words, I hope that the salary provided by law will be appropriated.

Mr. HOLMAN. I ask the attention of my friend to the fact that this salary also was fixed in 1872. Let me further call his attention to the fact that this is the smallest of the subtreasuries in the amount of its business by over $13,000,000. It has only a little over one-third the business of the Boston subtreasury; a little over one-fourth the business of the New York subtreasury; a little over one-third that of the Chicago subtreasury. Its whole transactions do not amount to $40,000,000 a year, yet the gentleman proposes that the salary of this assistant treasurer shall be the same as the salaries of officers where the business is two and a half or three times as large.

Mr. BUTTERWORTH. In reply I have to say to my honored friend that there is responsibility enough and labor enough in that office to justify the compensation I have proposed. My amendment makes the salary no more and no less than the amount now fixed by law.

Mr. HOLMAN. Can the gentleman tell us how many candidates there were for the office at the lower salary?

Mr. BUTTERWORTH. My friend proposes to fix salaries according to the willingness of men to serve. I submit to him that upon that principle this floor could be covered with Congressmen at $1.25 a day, and they would all do well at that. [Laughter.]

Mr. HOLMAN. No. I wanted to meet in some degree the argument made by the gentleman from Massachusetts [Mr. COLLINS] in regard to the treasurership of Boston. He said that no man could be found to take that office at a less salary than he proposed.

Mr. BUTTERWORTH. Whether the salary of the assistant treasurer at Boston be raised or decreased is not a matter of any great interest to me.

Mr. HOLMAN. But this salary that you propose is for an office whose business is not more than one-fourth that of the office in New York, and not more than one-third that of the office in Boston. The increase certainly ought not to be made.

Mr. BUTTERWORTH. I did not hear distinctly what my friend said, but I suppose it was "in the line of economy."

Mr. HOLMAN. You may depend on that.

The question was taken on the amendment, and there were—ayes 57, noes 53.

So the amendment was agreed to.

Mr. HOLMAN. I shall ask a vote on this in the House.

The Clerk proceeded to read the paragraph in relation to the office of the assistant treasurer at New York.

Mr. BLANCHARD. Mr. Chairman, has the Clerk skipped the paragraph relating to the office of the assistant treasurer at New Orleans?

The CHAIRMAN. Yes. That paragraph was passed last night without objection.

Mr. HOLMAN. This paragraph in relation to the office of the assistant treasurer at New York was read last night.

The CHAIRMAN. But it was objected to. The Chair understood the order for last evening's session to be that when a paragraph was reached and objected to it was to be passed over and not considered, and that was done in this instance.

Mr. HOLMAN. But if it was read it is not necessary to read it now.

The CHAIRMAN. The Chair understood that it was passed over, and that it was to be taken up and considered in the usual way.

Mr. BLANCHARD. Mr. Chairman, was the paragraph in relation to the New Orleans office read and passed last night?

The CHAIRMAN. It was.

Mr. BLANCHARD. So that it can not be read again now for amendment?

The CHAIRMAN. Under the order of the House, it can not.

The Clerk read as follows:

Office of the assistant treasurer at New York: For assistant treasurer, $8,000; cashier and chief clerk, $4,000; deputy assistant treasurer, $3,600; chief of coin division, $3,600; chief of note-paying division, $3,000; chief of note-receiving division, $2,800; chief of check-paying division, $2,800; chief of registered-interest division, $2,600; chief of coupon-interest division, $2,400; chief of minor-coin division, $2,400; chief of bond division, $2,250; chief of canceled-check division, $2,000; two clerks, at $2,250 each; six clerks, at $2,100 each; ten clerks, at $2,000 each; eleven clerks, at $1,800 each; four clerks at $1,700 each; seven clerks, at $1,600 each; four clerks, at $1,500 each; eleven clerks, at $1,400 each; five clerks, at $1,200 each; five messengers, at $1,300 each; one messenger, at $1,200; keeper of building, $1,800; chief detective, $1,800; one assistant detective, $1,400; three hallmen, at $1,000 each; six watchmen, at $720 each; one engineer, $1,000; one assistant engineer, $720; two porters, $900 each; in all, $165,290.

Mr. HEWITT. I move to strike out the entire paragraph just read and insert in lieu thereof what I send to the desk.

The Clerk read as follows:

Office of assistant treasurer at New York: For assistant treasurer, $8,000; cashier and chief clerk, $5,000; deputy assistant treasurer, $3,600; assistant cashier and vault clerk, $3,300; two chiefs of division, at $3,200 each; one chief of division, at $3,000; one chief of division, at $2,700; one chief of division, at $2,400; two assistant chiefs of division, at $2,400 each; one assistant chief of division, at $2,250; chief paying teller, $3,000; assistant paying teller, $2,400; authorities clerk, $2,700; bond clerk, $2,500; correspondence clerk, $2,400; general bookkeeper, $2,200; five clerks, at $2,100 each; seven clerks, at $2,000 each; thirteen clerks, at $1,800 each; two clerks, at $1,700 each; eight clerks, at $1,600 each; seven clerks, at $1,500 each; nine clerks, at $1,400 each; two clerks, at $1,300 each; three clerks, at $1,200 each; three messengers, at $1,300 each; three messengers, at $4,200 each; keeper of building, $1,800; chief detective, $1,800; assistant detective, $1,400; three hall men, at $1,000; eight watchmen, at $730 each; engineer, $1,200; assistant engineer, $900; two porters, at $900 each; in all, $175,290.

Mr. HOLMAN. I make a point of order on this amendment.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. The amendment makes a large increase of salaries and creates some additional offices.

Mr. HEWITT. If my friend from Indiana, reserving his point of order, will kindly allow me to occupy a few moments with an explanation I doubt whether there will be any difference of opinion as to the propriety of this amendment.

Mr. RANDALL. What is the difference in the aggregate amount between this amendment and the paragraph in the bill?

Mr. HEWITT. Ten thousand dollars.

Mr. RANDALL. This makes an increase of $10,000?

Mr. HEWITT. Yes, sir.

Mr. HOLMAN. We have discussed this subject very fully——

Mr. HEWITT. Not in the House.

Mr. HOLMAN. I think I shall have to press the point of order.

Mr. HEWITT. I fully admit the gentleman's right to do so; but under the circumstances and in view of the importance of this office I scarcely think he wishes to deprive me of the opportunity of making a statement.

Mr. HOLMAN. Certainly not.

Mr. HISCOCK. Do I understand that a point of order is made on this amendment?

The CHAIRMAN. The point of order has been made and reserved.

Mr. HEWITT. Mr. Chairman, the subtreasury at New York is the greatest financial institution on this continent, and I think I can say, with a single exception, in the world. The money transactions of that office last year amounted to more than $1,200,000,000, being slightly in excess of $100,000,000 a month.

The responsibilities of the office of assistant treasurer at New York are probably greater than those of any other office held by any single individual in the world. I speak now of the money responsibility. When the term of the last incumbent expired the administration sought diligently to find some competent person to fill the place. The name of one gentleman was sent to the Senate and promptly confirmed, but he as promptly declined the office. The administration and its friends then made diligent efforts to find some citizen of New York suitable for the position who would accept the place. There was no controversy as to the salary. There is none as to the salary named in this amendment. The Committee on Appropriations has reported the legal salary of $8,000, and the amendment which I submit contemplates no advance in that respect.

During the interval between the expiration of the term of office of the previous incumbent and the nomination and confirmation of the present assistant treasurer at New York, the Treasurer of the United States was compelled to go to New York and take possession of the office. He found about $200,000,000 in cash, which had to be counted over to him, for which he gave his receipt, and for which he and his bondsmen were personally liable. He found a dangerous state of affairs prevailing in that office. There were not adequate checks and safeguards for the preservation of the enormous amount of money confided to the custody of the assistant treasurer.

The Treasurer of the United States is a very accomplished financial officer. He proceeded to reorganize the whole office. Not by virtue of any law in the statute-book, for I concede that the Committee on Appropriations have reported the amounts provided by statue in every case, but he proceeded to do it upon what might be termed the higher law of absolute necessity.

Mr. BAYNE. Will the gentleman from New York yield to me to ask him a question?

Mr. HEWITT. You will occupy my time and I will be cut off from the statement I desire to submit to the House.

Mr. BAYNE. I have no objection to extend the gentleman's time.

Mr. HEWITT. Very well, then; on that condition I will hear the gentleman's question.

Mr. BAYNE. The gentleman from New York said the Treasurer of the United States found a dangerous system in operation.

Mr. HEWITT. Yes; and I will specify the particulars.

Mr. BAYNE. I should like to know what dangerous system the Treasurer found in operation there.

Mr. HOLMAN. If this colloquy is protracted I must object.

Mr. BAYNE. No money had been lost to the Government?

Mr. HEWITT. No; no money had been lost by the late incumbent, but by two at least before him there had been money lost.

Mr. BEACH. And we were compelled to refund it?

Mr. HEWITT. Yes; and we were compelled to refund the money.

Mr. BAYNE. Who was it?

Mr. HEWITT. Under the administration of Mr. Hillhouse.

Mr. RANDALL. And there was also a case in New Orleans.

Mr. HEWITT. Yes; and one in San Francisco recently, when some $10,000 disappeared between night and morning. There is no question of politics about this; it is purely a question of business.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. It was understood the time of the gentleman from New York would be extended.

Mr. HOLMAN. I must press the point of order.

Mr. RANDALL. I wish——

Mr. HEWITT. I appeal to the gentleman from Indiana not to press the point of order at this time.

Mr. HOLMAN. For what purpose?

Mr. HEWITT. That I may go on and make my statement. I appeal to the gentleman's liberality. When a member of the House who does not trespass upon its attention except when there is real business to be done is making a statement for the information of the House he might at least be generous.

Mr. HOLMAN. I hope the gentleman will go on without interruption.

Mr. RANDALL. I wish to suggest to the gentleman from New York who makes this amendment that the real increase he asks in his amendment is only $6,000 over what it is now.

Mr. HEWITT. Over the law of last year $6,000, but over the amount proposed by the committee $10,000.

Mr. HOLMAN. I have no objection to the gentleman's going on if he will make his statement without interruption.

Mr. RANDALL. Go on.

Mr. HEWITT. I think I am making a statement which the House ought to have made to it, and I wish to specify for the benefit of my friend from Pennsylvania [Mr. BAYNE] that the Treasurer of the United States found there was no vault clerk, that the man in charge of the vault was also the man who received and paid out money on other accounts; in other words, was in charge of the coin division, and that there was no practical check upon this officer who had the custody of millions of dollars. He is an honest man, thank Heaven, and the money was safe in his possession. But it is not right that we should sit here and leave public officers responsible on their bond, as the assistant treasurer of New York is in the sum of $400,000, liable to such unreasonable risks. It is not just.

And now the Treasurer having made the reorganization, and having turned over the office to the present incumbent, whom I have known from boyhood, an accomplished bank officer, trained in a bank originally, who thoroughly mastered his business, that officer has proceeded to carry out so far as he can the views of the Treasurer, and has made such further changes as he thinks absolutely necessary for the safety of the public funds. And he submitted to the Treasurer, and the Treasurer submitted it to the committee, a scheme of redistribution of the duties which involved the expenditure of $6,000 more than was expended the year before and $10,000 more than the committee recommend in this bill.

The committee have not seen fit to recommend either the plan suggested by the Treasurer or the recommendation of the assistant treasurer at New York; but they have brought in a bill providing for the old organization, on which they expect to save $6,000 on the amount expended last year. But the idea that they can save a dollar is perfectly illusory; for the contingencies of this great office are such, and have been such, that in 1862 Congress passed a statute, which is now section 3604 of the Revised Statutes, which gave the assistant treasurer at New York the right to employ clerks and watchmen and assign them to service as the exigencies of the case might require; and although there is no appropriation made for it in this bill, the legal right remains, and the duty rests upon him to employ such assistance as he may need,

although it does not give him the power of redistributing the duties of the employés. He could simply provide for whatever duties had to be performed.

Now, in the scheme of redistribution which has been presented some salaries are reduced and some are raised, but in the sum total there is but this difference of $6,000 more than the amount appropriated in the bill of last year.

Mr. WARNER, of Ohio. Is not this proposition recommended by the present incumbent of the treasurer's office at New York?

Mr. HEWITT. Yes, sir; by the assistant treasurer, the present incumbent, who came before the committee here and made his statement to them, and made it also to me, that he did not feel that he was safe for an hour under the old organization.

Mr. ANDERSON, of Ohio. Is this a redistribution of the salaries also?

Mr. HEWITT. It is a redistribution of the duties, as I have said; some salaries are reduced, some increased, but the aggregate amount is changed but little.

Now, I concede, Mr. Chairman, if the gentleman from Indiana chooses to insist upon the point of order upon the amendment it will be sustained, because to a certain extent it alters existing law. But it alters it only in a line to which the House and the country should consent that it should be altered; that is, in the interest of the public service.

It is a change of law by which the public service will be benefited. But if the gentleman from Indiana chooses to press the point of order in order to save the sum of $6,000 in the aggregate of the bill, then I will offer an amendment which will be in order under the rules, accomplishing to some extent the objects which have been explained to the committee.

Mr. HOLMAN. Mr. Chairman, a word only on the question presented outside of the point of order, and but a word. No person questions the capacity or high standing of Mr. Canda, the present subtreasurer of New York; no person questions his business capacity; but what is surprising is that exactly with the same force employed for several years, and with the same responsibilities incumbent upon him, with the same men precisely, a reorganization is effected that does not produce anything but one result, and that is the increase of salary. Otherwise there is no objection to the reorganization; but the result is always the same.

What I object to is that in every reorganization of an office the men appointed somehow or other get their salaries increased. Now, I admit as to one officer not hitherto known to the law, namely, the vault clerk, with a salary of $3,300, a new office entirely, and that place is now filled by a competent person with a lower salary, that possibly the change might be permissible; but the reorganization is not simply a change of positions and new names for duties, but a growing up of salaries. And except as to that one point——

Mr. HEWITT. There are some reductions and some increases, according to the nature of the office.

Mr. HOLMAN. Now as to the cashier and chief clerk: When Mr. Cisco was subtreasurer, involving the whole period of the war, that office was never higher than $4,200. Nobody ever suggested that it should be higher. It is now proposed to add $800, making it a five-thousand-dollar appointment. I am inclined to think, in view of the urgency with which Mr. Canda presents the statement, that lest by any possibility a mistake should occur in that great subtreasury, the one office, an assistant cashier and vault clerk, if it can be done by unanimous consent, even with this salary of $3,300—a very high salary for that position except as to the element of integrity required, with which I admit the salary has nothing to do—if that is deemed satisfactory on account of the particular duties devolving upon the officer so detailed, it perhaps ought to be done. I should feel a little safer if it was done from what Mr. Canda has said. As to the balance of the increase suggested, it is simply the result of the everlasting pressure, never ceasing, coming up here year after year, as far as increasing the numbers and increasing the salaries are concerned.

Mr. HEWITT. Will you be kind enough to explain why you reduced the appropriation below the amount allowed last year?

Mr. HOLMAN. It occurred in this way: that the committee accepted certain admitted excesses and did not increase the salaries. That is all.

Mr. HEWITT. In other words, when he recommended reductions you took him at his word; but if he recommended an increase you refused to take his word.

Mr. HOLMAN. When he recommended a reduction of force we took him at his word, because, mark you, that was a matter of force merely; when he recommended an increase of salary that was a different thing. I therefore submit to my friend this proposition: let this vault clerk be placed at a salary of $3,300 in addition to the other appropriations, leaving them to stand.

Mr. HEWITT. That would be of great advantage to the public interest and ought to be done, but the other matters are also important. I have no personal interest in this. I do not know a man in that office except Mr. Canda himself. It is a question of preserving the public property and doing the public business.

Mr. RANDALL. I suggest to the gentleman from New York that the gentleman from Indiana does not object to the increase of the force which may be necessary, but to the increase of the salaries involved. Can not the gentleman so modify his amendment that we may come to a harmonious relation in that particular?

Mr. HEWITT. If the gentleman from Indiana will agree that by unanimous consent we pass this clause till I take the amendment and compare the rates, I think an understanding may be arrived at.

Mr. HOLMAN. Let me say one word further as a justification of the course adopted by the committee. We have gone beyond the estimates, which were $163,490.

Mr. HEWITT. There is a revised estimate. The gentleman should state all the facts.

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] has been recognized.

Mr. HISCOCK. If this amendment had been proposed by any other gentleman than my distinguished colleague, if it had been proposed by me, I would have subjected myself, provided my party were in the majority and the other party in the minority, to the criticism that I offered it for purely partisan purposes. And I confess to great surprise that the gentleman from Tennessee should have been so prompt to interpose his point of order after the stout resistance he has made to the effort to paralyze the Civil Service Commission. When the gentleman has formulated an amendment and presented it here to the House which reduces one class of clerks and increases another, for the purpose of creating vacancies, I say I am surprised that the gentleman from Tennessee should have raised this point of order, when the effect of the amendment is simply to reorganize this office, giving new names to the officers, with practically the same duties to perform. That it all there is of it.

The gentleman from Indiana himself has correctly described it, and I congratulate him on the correct description he gave. It is simply for the purpose of turning out the Republicans that are in office there, reorganizing the service, renaming the men, and the names are so alike that you can scarcely distinguish them, with precisely the same duties to perform. And my colleague comes in here and says, after he has advertised the vast responsibilities of that office, that this is all necessary for the preservation of the funds of the Government.

Now, I say, Mr. Chairman, that this is new legislation; and I am addressing myself to the point of order that it is new legislation. I should think that a Representative from the city of New York, so strongly Democratic as it is, might be willing that his party should take the responsibility there of turning these Republicans out, and not come here and introduce a bill in the nature of a relief bill for the office-seekers of his party in that city. That is just what this amendment is. You may take this bill up and read it through line by line, and the ear will scarcely distinguish between the titles of the offices in the gentleman's amendment and in this bill. One new office is created. I regret it. If this amendment had been offered for the purpose of preserving the funds of the Government in that treasury office in the city of New York, the amendment should have been to incorporate into this bill that one office, and that one office alone.

I say for myself that I have no great objection or no objection to the party in power removing these men from their places; but the Executive must take the responsibility of it; and the legislative branch of the Government, so long as the distinguished gentleman from Illinois [Mr. MORRISON] stands firm, shall not. He shall have in that the support of this side of the House. The votes we have given him guarantee that.

Mr. HEWITT. Allow me just there to say there is no proposition to remove a human being from office. The effect of this amendment will not be to remove anybody.

Mr. HISCOCK. I have heard that song sung many and many a time, and I will say to my colleague from New York that there is no new thing in the politics of New York——

Mr. HEWITT. That you do not know.

Mr. HISCOCK. Oh, yes; I do know. It is a common practice to give new names to officers with the same duties to discharge. That is an old trick that is perpetrated time and time again in the State of New York and in the politics of New York. And this is an attempt to do the same thing, to repeat those tactics or to initiate that policy here in Congress.

Mr. HEWITT. I want to oblige my colleague, to meet him half way, and I will make this proposition: Let the titles of the offices stand as they are, with such additional offices as are provided. Let the officers remain that are in—and they are all Republicans.

Mr. HISCOCK. Mr. Chairman, I do not want to be met half way. I can not be met half way on this question.

Mr. HEWITT. Where do you want to be met?

Mr. HISCOCK. What I say is this: If this House is satisfied that a new office should be created, create it; I have no objection. I have no compromise to make upon this question; none whatever. But just so long as there is an attempt upon the other side of the House to relieve the Executive and to grasp power by turning out the present incumbents of the offices, or, if you please, to usurp the powers of the Executive, I shall stand here to oppose it.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I insist upon the point of order.

Mr. MORRISON. Mr. Chairman, I have not much personal knowledge as to the merits of this New York treasury question, but I think the gentleman from New York [Mr. HISCOCK] is nearly correct when he says there is a very general disposition upon our part to get all the Republicans out of office if we can do it fairly. I sympathize with that purpose, and sometimes, it may be, a point has been strained to that end. [Laughter.] But I think that is not the fact in this case. I happen to know something of a gentleman named Muhlemann, once, if not now, a constituent of mine, and who has been long in the Treasury Department as one of the Republican officials.

He comes to my district as often as he thinks I ought to be beaten. He tells the people I ought to be away from here (there are a great many others who share in that opinion). [Laughter.] He makes speeches, very good ones, too, for my opponent. I supposed last November but one, after what happened then, he would go out—drop out.

Not long ago I took occasion to inquire what had become of this "offensive partisan," and was told they found him very useful in the Department, and had sent him to New York, to Mr. Canda, who had promoted him. [Laughter.] He is there now, and is one of the persons this amendment will take care of. In a few weeks he may be out in my district again making more speeches.

I make this statement to relieve the apprehensions of the gentleman from New York [Mr. HISCOCK], who sees in this proposition of his colleague [Mr. HEWITT] a scheme to oust some Republican now in the New York subtreasury. I had once some business associations through which I came to know something of Mr. Canda, the New York subtreasurer. He is all business and not enough politician. I am very sure his recommendations are those of a prudent and safe business man, and are in no sense prompted by any party purposes except in so far as he may serve his party by faithful and efficient public service.

Mr. HISCOCK. I wish to ask the gentleman a question. Reading this amendment side by side with the provision reported in the bill, I ask you if you did not know the non-partisan character of the chief of that division, if you were not possessed of his history, of which until now the committee has not had knowledge, would you have any doubt in your own mind, except for the high character of the father of the amendment, that the purpose of it was to reorganize that office so as to get Republicans out and put Democrats in?

Mr. MORRISON. Coming from the gentleman from New York [Mr. HEWITT], I do not think it has any such purpose. If it came from the gentleman from Indiana [Mr. HOLMAN], I would not know exactly what to think. [Great laughter.]

The point of order was sustained.

Mr. HEWITT. I desire to offer an amendment which I send to the desk.

Mr. HOLMAN. You had better ask unanimous consent.

Mr. HEWITT. There is a statute which I think warrants me in doing what I am doing, but I will ask unanimous consent that this amendment may be adopted.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Assistant cashier and vault clerk, $3,300; and one subordinate counter, $1,400.

Mr. HEWITT. I take the lowest sum named. This does not increase the amount of the appropriation of last year, and it gives the two places that are absolutely indispensable to do the business.

Mr. REED, of Maine. I should like to ask the gentleman from New York when this force became indispensable?

Mr. HEWITT. It has been always indispensable.

Mr. REED, of Maine. Then, when did the gentleman discover that it was indispensable?

Mr. HEWITT. Twenty years ago, when Mr. Hillhouse lost a large sum of money in consequence of not having proper protection for it.

Mr. REED, of Maine. Then I am sorry that these twenty years have elapsed without the gentleman making this provision.

Mr. HEWITT. That was simply because the last subtreasurer did not make the recommendation. Or rather, if I recollect aright, he did make the recommendation when my colleague [Mr. HISCOCK] was chairman of the Committee on Appropriations, and it was not followed.

Mr. REED, of Maine. The gentleman's colleague was chairman of that committee in only one Congress. There have been several other Congresses during those twenty years.

Mr. HOLMAN. Mr. Chairman, I claim the floor. I will not object to the insertion of a provision for an assistant cashier and vault clerk at $3,000. I speak for myself, not for the committee. I shall not object to this amendment. Other gentlemen may; but I hope there will be unanimous consent.

Mr. HEWITT. I appeal to my friend from Indiana to give us this counter. Another counter is absolutely necessary for counting the money that comes in. This is only $1,400 more; and I think my friend from Indiana, having consented to the $3,300, might also consent to the $1,400.

Mr. HOLMAN. There are a number of employés in that office now some one of whom might be employed in this way.

Mr. RANDALL. I wish to inquire of the gentleman from New York whether it is not practicable that the money which the merchants of New York now pay in as customs duties should be paid directly into the subtreasurer's office, instead of being paid in the first instance to the collector?

Mr. HEWITT. Undoubtedly it could be done, but it would increase the work of the subtreasurer's office——

Mr. RANDALL. I know it would.

Mr. HEWITT. Because now that money goes from the custom-house to the subtreasury in a gross sum, whereas under the arrangement suggested by the gentleman it would be paid in various individual amounts.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] has objected to the proposition of the gentleman from New York, and submitted an amendment which will be read.

The Clerk read as follows:

In line 1137, after the word "dollars," insert "assistant cashier and vault clerk, $3,000."

Mr. HEWITT. I move to amend that——

Mr. HOLMAN. This proposition is not regularly before the House as an amendment.

Mr. HEWITT. Very well; I must object, because the salary——

Mr. HOLMAN. Then I call for the regular order.

Mr. HEWITT. The gentleman must take the responsibility.

Mr. RANDALL. I think there is a little hot-headedness on both sides. I suggest to the gentleman from New York that, as the gentleman from Indiana is willing to admit the amendment for assistant cashier and vault clerk, he should let that come in.

Mr. HEWITT. But the gentleman from Indiana does not propose a sufficient salary for the place. I submit a further amendment.

Mr. HOLMAN. Well, although I am satisfied that the gentleman from New York is mistaken, and that increase of salary secures no higher official integrity——

Mr. HEWITT. This officer is Mr. Muhleman, whom we all know; he went from here.

Mr. HOLMAN. From our history it would seem that the reverse is generally true; yet I am willing to waive that point——

The CHAIRMAN. The Clerk will read the amendment sent to the desk by the gentleman from New York [Mr. HEWITT].

The Clerk read as follows:

After the word "each," in line 1165, insert the following:
"For other clerks, messengers, and watchmen, in addition to those herein provided for, as the exigencies of the public business may require, $10,000."

Mr. HOLMAN. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. There is no law, so far as I am aware, authorizing that further appropriation.

Mr. HEWITT. The gentleman for once in his life is misinformed.

Mr. HOLMAN. Will the gentleman point out the law?

Mr. HEWITT. I send to the Clerk's desk to be read section 3604 of the Revised Statutes:

The Clerk read as follows:

SEC. 3604. The assistant treasurer at New York may appoint, from time to time, by and with the consent and approbation of the Secretary of the Treasury, such other clerks, messengers, and watchmen, in addition to those already employed by him, as the exigencies of the public business may require, at rates of compensation to be fixed by the Secretary of the Treasury, but such rates shall in no case exceed those allowed by law for the several persons similarly employed in the office of the said assistant treasurer.

Mr. HOLMAN. I do not think the provision just read necessarily makes this amendment in order.

Mr. HEWITT. I ask that the amendment be again read.

The Clerk again read the amendment.

Mr. HEWITT. I have followed the language of the statute. I would like the gentleman from Indiana to point out why the amendment is not in order.

Mr. HISCOCK. Mr. Chairman, one word upon this point of order. It seems to me impossible that when a bill of this kind is before us we have not the right to amend it by increasing a sum of money proposed to be given to a certain service and to increase the number of employés. If the point of order made by the gentleman from Indiana against this amendment is good, a point of order would lie against every increase of clerks in the various Departments as proposed in this bill.

Mr. HEWITT. There is a statute distinctly authorizing this appropriation.

Mr. HISCOCK. I understand that; but I go further, and say that if there were no such statute we would have power to vote upon an amendment of this kind under our general authority to provide money for the support of the Government.

Mr. HOLMAN. Yes, I know there is a great deal of latitude about all these matters——

Mr. HISCOCK. I say to the gentleman from Indiana it has always been held that we can increase by way of amendment the amount proposed to be appropriated for a contingent fund or a fund for any particular purpose—for lights, for fuel, &c. All appropriations of this kind can be increased without liability to a point of order.

I will add, as bearing on this question, that it is evidently fair and proper the Democracy of the city of New York should have some little show in the assistant treasurer's office.

Mr. HOLMAN. I suggest that the gentleman from New York [Mr.

HEWITT] is not acting with his usual fairness in now proposing an appropriation $4,000 larger than was asked for. If the point of order is overruled, I move to amend the amendment by reducing the appropriation to $6,000.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HEWITT. I submit to the gentleman from Indiana that I have acted with my "usual fairness" in proposing by this amendment to appropriate $10,000. That is the exact amount of the supplemental and revised estimate sent to the committee over and above the amount reported in the bill.

Mr. HOLMAN. Mr. Canda told us over and over again that he could get along with $6,000.

Mr. HEWITT. Yes, $6,000 more than you appropriated last year.

Mr. HOLMAN. No, $6,000 more than the appropriation for the present year.

Mr. HEWITT. Now the gentleman from Indiana is not acting with his "usual fairness."

The appropriation last year was $6,000 more than the appropriations proposed for this year. The revised estimates sent in by Mr. Canda are $10,000 more than the appropriation in this bill. I hold the estimate in my hand, and I have stated the fact exactly as it is.

Mr. HOLMAN. Let us have a vote.

Mr. HEWITT. I wish to say, Mr. Chairman, that my colleague on the other side of the House has chosen, for some reason or other unknown to me, to play a disingenuous part in this business. Nothing could have been further from my mind than to bring any question of patronage or politics into this matter. It concerns the Government of the United States.

Mr. HISCOCK. Why, I expressly stated if anybody in the world but my colleague had done this I would have suspected it.

Mr. HEWITT. I thank the gentleman for having so much confidence in my word. But, as a matter of fact, it is all wrong to give currency to the idea that the object of this or any other measure in connection with the subtreasury at the city of New York is to secure places for Republicans or Democrats. That office is run to-day by Republicans who are capable and honest men, and there has not been offered a proposition from any quarter, and I will say there will be no proposition offered from any quarter, to remove a single man in that office except on the ground of incompetency.

[Here the hammer fell.]

Mr. HOLMAN. I hope we will have a vote. I ask for a vote on my amendment to reduce it to $6,000.

The amendment to the amendment was disagreed to.

The question recurred on the amendment of Mr. HEWITT.

The committee divided; and there were—ayes 74, noes 21.

So the amendment was agreed to.

Mr. BUTTERWORTH. I would like to ask the Chair whether it is competent to return to a paragraph which has been passed over?

The CHAIRMAN. It is not, if objection is made.

Mr. BUTTERWORTH. I ask the indulgence of the committee for the purpose of asking my friend from Indiana [Mr. HOLMAN] a question. Does the gentleman object?

Mr. HOLMAN. Oh, no; go on.

Mr. BUTTERWORTH. I have had my attention called to the fact that it was understood that the chairman of the subcommittee would move to increase the compensation of the charwomen in the Treasury Department from $15 to $20. By a mistake that has not been permitted to be done, and I wish to call the attention of my friend from Indiana to that fact.

Mr. HOLMAN. If that can be agreed to we can go back to it hereafter.

Mr. TOWNSHEND. Let us do it now.

Mr. BUTTERWORTH. It ought to be done, and might as well be done now as at any other time.

The CHAIRMAN. The gentleman from Indiana objects to going back, which is an objection to the gentleman's amendment.

Mr. TOWNSHEND. There was an agreement, according to my understanding, that that should be done.

The CHAIRMAN. The Chair knows nothing of it.

Mr. HOLMAN. I am not informed of anything about it. I have not heard about it. I am only asking now to go on with the bill, and we can return to this hereafter if necessary.

Mr. TOWNSHEND. We are increasing everybody's salary, and it seems to me only fair that we should increase the salaries of these poor charwomen.

Mr. BUTTERWORTH. It has been provided in reference to all the other Departments, and it should be increased from $15 to $20 in the Treasury Department.

Mr. TOWNSHEND. We have increased everybody's salary, and I think this should be done.

The CHAIRMAN. The gentleman from Indiana insists upon his objection to going back.

Mr. TOWNSHEND. I hope the gentleman will not insist upon his objection.

Mr. HOLMAN. I have done it, and I trust my friend will let me have something to do with the bill.

The CHAIRMAN. The gentleman from Indiana objects, and the committee can not return to the paragraph indicated.

The Clerk will read the next paragraph, which was passed over last evening.

The Clerk read as follows:

Office of assistant treasurer at Saint Louis: For assistant treasurer, $4,000; chief clerk and teller, $2,500; assistant teller, $1,800; book-keeper, $1,500; assistant book-keeper and one clerk, at $1,200 each; messenger, $1,000; three watchmen, at $720 each; in all, $15,360.

Mr. O'NEILL, of Missouri. I move to strike out "$4,000" and insert "$4,500." I will state, Mr. Chairman, that this officer is entitled by statute to $5,000, and has been receiving this compensation for a great many years. There has been no change made in the incumbent of the office at Saint Louis. He is a Republican. He is a competent man. I do not think his compensation should be reduced below $4,500.

Mr. HOLMAN. I only wish to say, Mr. Chairman, that the Saint Louis office is one of the small subtreasuries of the country. It is less than $58,000,000 all told of current transactions against $104,000,000 in Chicago, $115,000,000 in Boston, and $1,227,000,000 in the city of New York. The salary has been considered ample for many years. Beside that, we are told the office at Saint Louis might be safely abolished so far as the public interest is concerned.

Mr. O'NEILL, of Missouri. I will also add, Mr. Chairman, that by the transfer of the pension agency there has been a vast increase in the duties of this office.

The question was taken; and on a division there were—ayes 33, noes 49.

Mr. O'NEILL, of Missouri. I make the point of order that no quorum has voted, and demand tellers. Every change has been made except in this one, and it is not fair to cut this officer down in this manner.

Mr. HOLMAN. I will consent that a vote may be taken in the House upon it.

Mr. O'NEILL, of Missouri. Well, let it be considered as adopted now and go to the House in that shape.

Mr. HOLMAN. I can not consent to that.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. O'NEILL and Mr. HOLMAN were appointed tellers.

The committee again divided; and the tellers reported—ayes 50, noes 54.

Mr. O'NEILL, of Missouri (one of the tellers). No quorum.

The CHAIRMAN. The tellers will resume their places.

The count being continued, the tellers announced—ayes 60, noes 58.

Mr. RANDALL. No quorum. [Laughter.]

Mr. HOLMAN. I think we had better have a quorum. I believe I will insist upon it.

The CHAIRMAN. The tellers will continue the count. The gentleman from Pennsylvania makes the point of order that no quorum has voted.

Mr. BRECKINRIDGE, of Kentucky. As it is perfectly clear that no quorum is present, I move that the committee rise for the purpose of moving an adjournment.

The CHAIRMAN. The count can not be interrupted for that purpose.

Mr. GIBSON, of West Virginia. If the gentleman who demanded the quorum would consent to a motion that the committee now rise could it not be done?

The CHAIRMAN. The Chair thinks not; the count has been ordered.

Mr. RANDALL. Yes; but the tellers have reported that no quorum is present.

The CHAIRMAN. There has been no announcement since the count was ordered. The Chair is willing to announce it as soon as the tellers report.

Mr. HOLMAN. There is no quorum present.

Mr. RANDALL. I withdraw the point of order to give an opportunity for the committee to rise.

Mr. O'NEILL, of Missouri. The point of order is withdrawn, as I understand it.

The CHAIRMAN. The tellers will report.

The tellers reported—ayes 75, noes 67.

Mr. ALLEN, of Mississippi. I renew the point of order that no quorum has voted.

Mr. RANDALL. Will not the gentleman waive the point of order for the purpose of allowing the committee to rise to fix an evening session for the consideration of this bill?

Mr. BRADY. That has been already ordered for pension business.

Mr. ALLEN, of Mississippi. I withdraw the point of order for that purpose.

The CHAIRMAN. The gentleman must withdraw the point of order absolutely or not at all.

Mr. ALLEN, of Mississippi. Then I do not withdraw it.

Mr. HOLMAN. I trust the gentleman from Mississippi will withdraw it for the purpose of asking consent of the committee to hold a

session to-night from 8 until 10 o'clock for the consideration of this bill.

The CHAIRMAN. That request is not in order. The Clerk will read clause 2 of Rule XXIII.

The Clerk read as follows:

2. Whenever a Committee of the Whole House finds itself without a quorum, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The CHAIRMAN. The Clerk will call the roll.

Mr. RANDALL. I hope consent will be given to waive the calling of the roll, so that the committee may rise now.

The CHAIRMAN. The Chair can not avoid it under the rule just read.

Mr. HOLMAN. I renew the request that there be a meeting of the House to-night for the further consideration of this bill from 8 until 10 o'clock; and I understand that the chairman of the Committee on Invalid Pensions——

Mr. BRADY. I object to that.

Mr. HOLMAN. I think there will be no objection if Monday night is assigned to the consideration of pensions.

Mr. CONGER. I object.

Mr. BURNES. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BURNES. The tellers were standing here making the count, and had progressed with it to a certain point when the demand for a quorum was withdrawn. I submit, therefore, that by the withdrawal of the demand the result of the vote should be announced.

The CHAIRMAN. The demand for a quorum was renewed instantly, before the result of the vote could be announced, by the gentleman from Mississippi.

Mr. CANNON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. Is it in order to ask that the call of the roll be dispensed with by unanimous consent, so that we can make a motion that the committee rise and go home?

The CHAIRMAN. The Chair will submit the request for unanimous consent.

Mr. CANNON. My object is, if the motion that the committee rise is agreed to, to follow it up by a further motion that the House adjourn.

Mr. SOWDEN. I demand the regular order.

The CHAIRMAN. The regular order is the call of the roll.

Mr. EVERHART. Mr. Chairman, I wish to make a point of order——

The CHAIRMAN. Nothing is in order but the call of the roll.

Mr. VAN EATON. I make the point of order that no gentleman rose to call for the regular order.

The CHAIRMAN. That point comes too late.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, J. J.	Dingley,	Laird,	Reese,
Aiken,	Dockery,	Landes,	Robertson,
Anderson, C. M.	Dougherty,	Lawler,	Rogers,
Anderson, J. A.	Dowdney,	Le Fevre,	Sadler,
Arnot,	Dunham,	Lehlbach,	Scott,
Barbour,	Dunn,	Libbey,	Scranton,
Bingham,	Eden,	Long,	Spriggs,
Bound,	Ermentrout,	Lowry,	Stephenson,
Boutelle,	Findlay,	Markham,	Stewart, J. W.
Boyle,	Foran,	McComas,	St. Martin,
Bragg,	Frederick,	Millard,	Stone, E. F.
Browne, T. M.	Funston,	Milliken,	Stone, W. J., Mo.
Brown, C. E.	Geddes,	Mitchell,	Storm,
Brumm,	Glover,	Morrill,	Struble,
Buck,	Goff,	Morrow,	Symes,
Bunnell,	Green, W. J.	Muller,	Tarsney,
Burleigh,	Guenther,	Murphy,	Taylor, E. B.
Bynum,	Hale,	Neal,	Taylor, Ike H.
Campbell, J. M.	Hall,	Neece,	Thomas, J. R.
Campbell, J. E.	Hanback,	Norwood,	Thompson,
Caswell,	Harmer,	Oates,	Van Schaick,
Catchings,	Harris,	O'Donnell,	Viele,
Clardy,	Hatch,	O'Neill, Charles	Wade,
Clements,	Haynes,	Osborne,	Wadsworth,
Cole,	Henderson, J. S.	Outhwaite,	Wait,
Compton,	Henderson, T. J.	Owen,	Wakefield,
Cooper,	Henley,	Payne,	Wallace,
Cowles,	Herbert,	Payson,	Ward, J. H.
Crisp,	Hires,	Perry,	Warner, William
Cutcheon,	Hitt,	Pettibone,	White, Milo
Daniel,	Houk,	Phelps,	Whiting,
Dargan,	Hudd,	Pidcock,	Wilkins,
Davidson, A. C.	Johnson, F. A.	Pirce,	Wilson,
Davidson, R. H. M.	Jones, J. T.	Plumb,	Wolford,
Davis,	Kelley,	Ranney,	Woodburn.
Dibble,	King,	Reid, J. W.	

The committee rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having found itself without a quorum, the chairman had caused the roll to be called and now reported the names of the absentees.

The SPEAKER. It appears from the call of the roll that there are 144 absentees, and that a quorum is present. Under the rule the names of the absentees will be entered on the Journal, and the committee will resume its session.

Mr. CALDWELL. The gentleman from New York [Mr. SWINBURNE] desired me to ask that he be excused on account of sickness for to-day.

The Committee of the Whole resumed its session.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. I rise to a question of information. When the roll was called in the Committee of the Whole House on the state of the Union to determine the question of a quorum the tellers were taking a vote. Will the count by tellers be the order of business when the House goes into committee on Monday?

The SPEAKER. The pending proposition will be the first one before the committee when it resumes its session on Monday, or at whatever time it shall do so.

Mr. RANDALL. I ask unanimous consent that to-night's session from 8 to 10 o'clock be devoted to the consideration of the legislative appropriation bill; and in view of the fact that if this be agreed to the evening session of to-night for pensions is interrupted, I ask that the Pension Committees have Monday night instead of to-night. This is Saturday, and I ask that there should be a session of only two hours to-night.

Mr. CONGER. I object.

Mr. RANDALL. Will the gentleman from Iowa tell me the reason why he objects to the proposition?

Mr. CONGER. Will it do away with the evening session for pension bills?

The SPEAKER. Part of the request of the gentleman from Pennsylvania was that there should be a session on Monday evening to consider pension bills.

Mr. RANDALL. I understand the gentleman to have withdrawn his objection.

Mr. CONGER. No, sir.

Mr. MILLS. I move that the House adjourn.

Mr. BAYNE. I move that the House take a recess.

The SPEAKER. The motion to adjourn has precedence.

Mr. HEPBURN. I desire to inquire of the Chair what will be the result of that motion being adopted?

The SPEAKER. The House will adjourn.

The question being taken on the motion of Mr. MILLS, there were—ayes 30, noes 40.

So the motion to adjourn was not agreed to.

The hour of 5 o'clock having arrived, the House took a recess until 8 o'clock for the transaction of business under the special order.

EVENING SESSION.

The House at 8 o'clock was called to order by Mr. MATSON, as Speaker *pro tempore*, who directed the Clerk to read the following communication from the Speaker:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 12, 1886.

SIR: I hereby designate Hon. COURTLAND C. MATSON to preside at the session of the House this evening as Speaker *pro tempore*.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

ORDER OF BUSINESS.

Mr. WINANS. I move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar under the special order for this evening's session.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for consideration of bills on the Private Calendar under the special order. The Clerk will report the first bill.

Mr. MATSON. I ask unanimous consent that the gentlemen present may be allowed to call up bills out of their regular order.

Mr. BRADY. I call for the regular order. All the cases as they stand on this Calendar are worthy and meritorious, so far as I am advised, and I think it best that they should be called up and considered in their regular order.

Mr. MATSON. Then I will make another request. I make it for the benefit of a gentleman here who is laboring under severe illness and excruciating pain, the gentleman from Illinois [Mr. LANDES]. I ask that he may be allowed to call up two bills out of their order.

Mr. BRADY. I offer no objection to that. I may say my reason for

not consenting to the first request of the gentleman is that members of the Committee on Invalid Pensions and of the Committee on Pensions have attended here night after night—I have been absent but one night during the entire session—and we have been unable to receive recognition to have our bills called up. I shall insist on the regular order, but not against the request made on behalf of the gentleman from Illinois [Mr. LANDES].

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Illinois [Mr. LANDES] may be permitted to call up two bills out of their regular order. Is there objection?

There was no objection.

JONATHAN S. LENTS.

Mr. LANDES. I call up for consideration the bill (H. R. 6425) granting a pension to Jonathan S. Lents.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jonathan S. Lents, late a private in Company K, One hundred and forty-third Regiment of Indiana Infantry Volunteers, at the rate of $8 per month.

The Committee on Invalid Pensions recommended the following amendment:

In line 8, strike out the words "at the rate of $8 per month."

The amendment was agreed to.

Th bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CATHERINE REISINGER.

Mr. LANDES. I call up for consideration the bill (H. R. 5950) granting a pension to Catherine Reisinger.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catherine Reisinger, widow of Martin Reisinger, late a private in Company B, Twenty-fifth Regiment Indiana Infantry Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the first bill on the Calendar falling within the special order.

The Clerk read as follows:

A bill (H. R. 4097) for the relief of William J. Owings.

Mr. MORRILL. I ask that that bill be passed over informally. It is a bill as to which there is some question.

There was no objection, and the bill was passed over informally.

WILLIAM P. SHELTON.

The next business on the Private Calendar was the bill (H. R. 3851) granting a pension to William P. Shelton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William P. Shelton, late of Company A, First Alabama Cavalry Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES N. SEBASTIAN.

Mr. HAYNES. The bill before that upon the Calendar was passed over informally at the last meeting in order that we might have a fuller report. I ask to have it taken up at this time. I have papers here, which will enable me to give whatever explanation may be required.

The CHAIRMAN. In the absence of objection the bill will be read.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles N. Sebastian, late of Company A, Second New Hampshire Volunteers.

Mr. HAYNES. Mr. Chairman, as I have stated, this bill was passed over informally at the last meeting upon the suggestion of the gentleman from Arkansas [Mr. BRECKINRIDGE]. The report read at that time was the report of the Senate committee, which was adopted by the House committee. It was incomplete to this extent, that it stated the general conclusions of the committee without giving any of the evidence upon which they were based. I have obtained papers from the Pension Office which will enable me to make a statement of the material part of the evidence, and I will make it as brief as I can.

On the question of prior soundness there are three affidavits of neighbors of Sebastian who had known him from early childhood and who testify to his soundness prior to entering the Army. There are also affidavits of two of his prison associates, who testify to his having been afflicted with the troubles for which he claims—gastritis and pericarditis—while he was a prisoner of war. He has a hospital record, the report from the Surgeon-General's Office showing that he was treated at various times in various hospitals for chills and fever and also for other troubles. The surgeons' certificates as to his present condition are two in number and are conflicting. The first is by Dr. Kittringe, who is a reputable physician—in fact, his being an examining surgeon of the Pension Office would attest his professional standing.

This report is dated July 30, 1881. The doctor says:

I find tenderness over the pit of the stomach. He says his food distresses him; stomach becomes sour and painful; bowels constipated; obliged to take physic very constantly to move the bowels; also percussion or pressure over the region of the heart produces acute pain. Pulse irregular; easily put out of breath; can not move or act quick; is obliged to lie on right side; put in pain if on the left side or back.

This physician gives him a half rating in each of these disabilities.

As against that, there is the report of the examining board of surgeons at Keene, N. H., two years later (March 7, 1883), who say:

We find no evidence of the above disease and find the claimant in good physical condition.

The practice of the committee has been where all the reports of examining surgeons are unfavorable to discard the claim, but where there is a disagreement of doctrines, as there is in this instance, and the case is well established, I think the general rule has been to report the claim favorably and give the claimant the benefit of another examination. Of course if this bill passes this claimant will be ordered before a board for examination, and if the finding of that board is the same as the finding of the Keene examining board he will get no rating and no pension. This, in brief, is a statement of the evidence in the case. It is sufficient to my mind to induce me to vote for the bill. Every member will, of course, act on his own judgment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACOB NIX.

The next business on the Private Calendar was the bill (H. R. 8334) for the relief of Jacob Nix.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Jacob Nix, who served as a captain in the Brown County (Minnesota) militia during the attack of Indians upon New Ulm, Minn., August, 1862, and grant him the pension as a captain, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM HICKS.

The next business on the Private Calendar was the bill (H. R. 1681) for the relief of William Hicks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William Hicks, late of Company D, Fifth Regiment Vermont Volunteer Infantry, on the pension-roll, subject to the conditions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CASSIUS H. ROBINSON.

The next business on the Private Calendar was the bill (H. R. 4624) for the relief of Cassius H. Robinson:

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Cassius H. Robinson, late of Company E, Ninety-second New York Volunteers, a pension at the rate of $50 per month, in lieu of the pension now paid to him, from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WINANS. Mr. Chairman, I would like to hear the report in that case.

Mr. PARKER. The report is quite long. I think I can state the facts in briefer form, and then if the gentleman still wishes to hear the whole report, of course I shall have no objection.

Mr. WINANS. I will be satisfied with a statement.

Mr. PARKER. The case is this: Cassius H. Robinson was first lieutenant of Company E, Ninety-second New York Volunteers. His war service was very creditable. At the battle of Fair Oaks he was run over by an artillery horse, throwing him against a log and injuring him severely. In 1882 he had a stroke of paralysis, and, though afterward recovering a little, soon began to fail in body and mind. The injuries he suffered are distinctly proved by several witnesses. It also appears that in his present condition he is obliged to have the constant service of an attendant; has to be dressed and undressed, and have his food prepared for him; he is confined to his house most of the time, and can not raise his left foot from the ground without using an elastic fastened from the toe of the boot and going around his neck.

He is now receiving $30 a month. The last examining board, under date of September 30, 1885, made this report on his case:

We find the arm and leg atrophied, the fingers of left hand contracted; the left foot drags, and he can not raise it without help; he wears a strap from around his neck and attached to the left foot to raise it; he is obliged to use a crutch and cane; the claimant has no piles; can not now say that he had tenderness of the spine. From his appearance and statements it is our opinion that he requires the constant attendance and regular aid of another person. From the existing condition and the history of this claimant, as stated by himself, it is, in our judgment, probable that the disability was incurred in the service, as he claims, and that it has not been prolonged or aggravated by vicious

habits. He is, in our opinion, entitled to a total first-grade $50 rating for the disability caused by injury to spine and resulting paralysis.

On this last certificate of the surgeons, dated September, 1885, this additional pension is asked, the evidence showing, as I have said, that he needs constant help.

Mr. WINANS. Why could he not get at the Pension Office the pension which this bill proposes to grant him.

Mr. PARKER. Because the Pension Office saw fit to rate him at $30 a month instead of $50. This was done for no reason of which I am aware, and in the face of the certificate I have read, which is not controverted in any way. I have recited what the report states, and I know the facts to be substantially as stated. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

MRS. CATHARINE SATTLER.

The next business on the Private Calendar was the bill (H. R. 6832) granting a pension to Mrs. Catharine Sattler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Sattler, surviving widow of Julius Sattler, late a private soldier in Company A, Seventh Regiment of New York State Volunteers.

Mr. BLANCHARD. I call for the reading of the report.

The report (by Mr. PINDAR) was read, as follows:

Claimant is the widow of Julius Sattler, a private in Company A, Seventh New York Volunteers. He enlisted March 16, 1864, and was discharged March 22, 1865; was pensioned at $8 per month, commencing March 22, 1865, for gunshot wound of left fore-arm, requiring amputation August 11, 1866; increased to $15 per month, commencing June 6, 1866, for same; soldier was drowned on or about October 31, 1867, in North River; widow filed her declaration for pension July 8, 1884, which was rejected upon the ground that death was caused from drowning.

The testimony of Albert Seeman and George Bruder, comrades, shows that they served in the same regiment with soldier. That they were well acquainted with him, and had free intercourse with him up until time of his death; that soldier was employed as a night watchman in the United States bonded warehouse, Washington street, New York, and his monthly pay was $50—that he had drawn same day of his disappearance; that his body was found November 13, 1867, in North River, at the foot of West Thirteenth street, New York city, without hat, coat, watch, or money; that they knew said soldier to be a strong, healthy man, of regular habits, until loss of arm, who could have well defended himself against attack from murderers, or save himself from drowning but for loss of his left arm; and that the claimant is poor, and no one to care for her.

The committee, in consideration of this case, believe that, as the soldier at the time of his death was a pensioner, having lost an arm in the service of his country, that by his death the widow is deprived of his support, and, being poor and needy, is entitled to the relief asked; and while there is no doubt that soldier's death was caused by drowning, we are unable to say that he may not have saved himself therefrom had he not lost his arm in the service. We deem it safe to conclude that the loss of soldier's arm contributed to his death.

Your committee do therefore recommend that the widow be granted the relief sought, and that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE H. LAURENCE.

The next business on the Private Calendar was the bill (H. R. 1617) for the relief of George H. Laurence.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and required to increase the pension of George H. Laurence, now a pensioner of the United States, late a first lieutenant and brevet major of Company C, Second Regiment New York Mounted Rifles Volunteers, United States Army, and who has become almost blind from causes due to the service of the United States; that such increase pension shall be at the rate of $100 per month, and shall begin from the 1st day of December, 1883, and shall be paid at the same time and in the same manner as other pensions are now paid.

The amendment reported by the committee was read, as follows:

Strike out all after the words "United States Army" in line 7, and insert "to $30 per month."

Mr. BLANCHARD. I call for the reading of the report.

The report (by Mr. PINDAR) was read, as follows:

The claimant is now receiving a pension of $17 per month for gunshot wound of spine, blindness, and kidney disease. He asks that his pension be increased to $100 per month.

The certificate of the examining board, made May 20, 1885, is as follows:

"We find a cicatrix of wound located over the right upper angle of the sacrum one-half inch long, one-quarter inch wide, not depressed, adherent, or tender, and no loss of tissue. Examination of urine shows no disease of kidneys. Measurement of limbs shows no muscular atrophy or other evidence of paralysis at present. Applicant has suffered extirpation of right eye and has had iridectomy performed on left eye. But we fail to connect this disability with his Army service, or as a result of an injury to his spine, occurring twenty years prior, inasmuch as there is no existing paralysis to connect the two, and the board think that paralysis, resulting from spinal injury, sufficient to cause blindness would leave some evidence of itself, and would not be entirely outgrown or overcome in two years. Therefore we fail to rate for the blindness. In regard to applicant's claim of deafness, the symptoms are largely subjective.

"With the exception of a slight retraction of the left ear-drum, there are no positive physical evidences of deafness. Total loss of bone conduction on both sides. He hears the watch faintly when pressed close against the left ear. But while the evidences of deafness in this case are largely subjective, he could not be caught by any of our efforts to try his hearing, and he has the characteristic actions of a deaf man. Therefore we believe his statements, and rate him for total deafness of the right ear and severe deafness of the left ear. He is, in our opinion, entitled to one-half total ratings for disability, caused by gunshot wound of lower part back and one-half total for that caused by deafness."

The official examing surgeon, Horatio Loomis, M. D., of Buffalo, N. Y., in 1866, says:

"In my opinion the said George H. Laurence's disabilities from the cause aforesaid is a total. A ball passed across the loins at the junction of the lumbar vertebræ with sacrum; wound healed. He had also a concussion of the head from a passing shell or cannon-ball, producing partial deafness in both ears. He has pain and weakness in the back, with scanty, high-colored urine, which is highly detrimental. General health bad. Is weak and emaciated. He is wholly unfit for manual labor."

H. N. Loomis, United States examining surgeon, in 1867, certifies to a continuous total disability, as stated in 1866.

R. H. Tuft, United States examining surgeon, in 1869, says:

"A ball penetrated the back at the junction of the lower third of the after lower vertebræ with sacrum, and in my belief the ball has become encysted. The above-named pensioner has partial deafness, the result of concussion of the head."

In 1870 R. H. Tuft, United States examining surgon, certifies to increased disabilities:

"The increased disabilities originate entirely from the injuries or disease on account of which said Laurence was originally pensioned, as follows: The ball, which penetrated the back at the lower third of the vertebræ, has become encased, and produces a partial paralysis of the inferior extremities. He suffers much pain in the lumbar regions, and in urinating passes quantities of blood. He had also a concussion of the head, causing partial deafness in both ears. The disabilities increase, and he is at this time totally unfit and unable to gain a livelihood from manual labor, and unfit for business, owing to the said excessive disabilities caused by the injury."

The United States examining surgeon at Elkton, Md., in 1871, certified that—

"The ball, which penetrated the back at the lower third of the vertebræ, has become encased, and produces a partial paralysis of the inferior extremeties. He suffers much pain in the lumbar regions, and in urinating passes quantities of blood. He had also a concussion of the head from a passing shell or ball. Health bad; weak, and emaciated, caused by exposure in confederate prisons. He is at this time totally unfit for manual labor, owing to the disabilities caused by the aforesaid injuries."

The Brooklyn board of United States examining surgeons, Drs. McCollum, Leighton, and Atwood, in 1873, certify as follows:

"A gunshot wound across the back at supreme border of sacrum; spinal nerves and lower limbs have suffered in consequence of said injury to spine; he alleges pain in the back, pain in the left side, weakness of lower extrimities; occasionally bloody urine, and impaired hearing."

In 1875 the Brooklyn board of United States examining surgeons certified to the following facts:

"Missile entered at top of sacrum on right side, and is supposed to be lodged somewhere in left side of pelvis or hip. The muscles of the left limb are much emaciated and the back is weak; hearing of both ears impaired from concussion."

In 1884 the following evidence was forwarded to the Pension Department by your petitioner's family physician, A. A. Wemmell, M. D., of East New York, Long Island:

"This certifies that George H. Laurence is now and has been confined to his house and under medical treatment since November 30, 1883, for paralysis, embolism of central artery of retina of the right eye, organic disease of heart and kidneys, spinal irritation, anæmia, deafness, &c. On November 18, 1883, he was suddenly seized with vertigo and paralysis; shortly after he noticed that the right eye was dim, and about twenty minutes from the outset of the attack the sight was entirely gone, causing partial blindness of the other eye. He now suffers from acute pains in head, heart, kidneys, and *spine*. *The remote* cause—gunshot wound which penetrated junction of lumbar vertebra with the sacrum, concussion of head from shell or cannon-ball, producing deafness, anæmia, &c. In my opinion the above enumerated disabilities were contracted while in the military service of the United States of America."

This evidence is sworn to and on file in the Pension Office at Washington, D. C. Pensioned for gunshot wounds of back, kidney disease, deafness, the result of concussion of head. Total: first lieutenant's pension, $17; certificate No. 81644, dated May 23, 1867.

Your committee recommend that the bill be amended by striking out all therein after line 7, and inserting the words "thirty dollars per month," and that the bill as amended do pass.

The amendment reported by the Committee on Invalid Pensions was adopted.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

SOPHIA BEELER.

The next business on the Private Calendar was the bill (H. R. 7869) to increase the pension of Sophia Beeler.

The bill was read, as follows:

Be it enacted, &c., That in consideration of the gallant services of Maj. Abram Beeler, of Illinois, deceased, a paymaster in the United States Army, who lost his life in preventing the capture of the steamer Belle Saint Louis, on the Mississippi River, in the month of October, 1864, and by which a great amount of public money was prevented from falling into the hands of the enemy, the sum of $15 per month be added to the pension of his widow, Sophia Beeler, of Carroll County, Illinois.

Mr. BRADY. There is an adverse report in this case.

The CHAIRMAN. The report in this case being adverse, the question is, Shall the bill be laid aside to be reported to the House with a recommendation that it lie on the table?

The question was decided in the affirmative.

JAMES ROBINSON.

The next business on the Private Calendar was the bill (H. R. 7169) to grant a pension to James Robinson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Robinson, late of Company F, Fortieth Regiment United States Infantry.

Mr. BLANCHARD. I ask for the reading of the report.

The report (by Mr. O'HARA) was read, as follows:

The claimant enlisted in the service of the United States on the 4th day of May, 1867, and was discharged April 2, 1869. Certificate of discharge shows soldier suffering from inguinal hernia on the left side; can not wear a truss with comfort.

Soldier contracted hernia while in the line of duty and in the service of the United States, at Castle Pinckney, S. C., February, 1868, caused by lifting a barrel of flour while serving as a baker. The evidence in this case is abundant, and

ought to have been conclusive in the Pension Office, showing that soldier was detailed as a baker, and that while lifting a barrel of flour he received a strain resulting in hernia, on account of the barrel slipping from the dough-trough; that he has suffered from said hernia to the present. Medical examiners rate him one-half total on account of said inguinal hernia.

Abram T. Tracy, reviewer at the Pension Office, sums up this case as follows:

"The testimony in the case tends to show that claimant's allegations are correct. It also appears from an examination of the certificate of disability that the captain's indorsement is not corroborated by the surgeon, which would undoubtedly have been done provided said indorsement was correct. That the question as to whether the injury was incurred in the line of duty was not answered by the surgeon leads one to the belief that he did not desire to take direct issue with Captain Welch, and so made no comments upon said subject-matter. A ground of belief that claimant was sound at date of enlistment exists by reason of the fact that in 1867 no exigencies of the service existed whereby unsound men would be deemed suitable for the service. The claim is submitted for admission. The claim was rejected on the ground that it is shown by the records of the War Department that the disability was not incurred in the line of duty. The evidence furnished by the claimant and that obtained by the special examiner is not, in my opinion, sufficient to controvert that record."

This finding for rejection is made by the legal reviewer, one Dalton, who appeared to have decided the case against the soldier solely because the record made by the captain on soldier's certificate of discharge was not in favor of the soldier, ignoring, however, the disagreement between the captain and surgeon in making the record as found and stated by the special examiner. That a soldier should be denied a right upon evidence he did not make, was not a party to, nor had any control over, and his (soldier's) testimony with other corroborating testimony in his behalf not considered worthy of credence upon the mere dictum of one officer, we are not prepared to admit.

Your committee are of the opinion that soldier incurred the disability complained of in the line of duty while in the service of the United States; that he is entitled to a pension; therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNA A. PROBERT.

The next business on the Private Calendar was the bill (H. R. 3610) granting a pension to Anna A. Probert.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Anna A. Probert, widow of George C. Probert, late a first lieutenant in the Third Ohio Cavalry, and to pay her a pension at the rate of $20 per month.

Mr. MORRILL. I move that this bill be laid aside to be reported to the House with a recommendation that it be laid on the table. Two weeks ago we passed a similar bill for the relief of the same person.

Mr. BLANCHARD. Do I understand that the committee has made two favorable reports in favor of the same person?

Mr. MORRILL. There were two bills introduced granting a pension to this lady, one being introduced by some member from Ohio, the other by a member from Kansas. I reported favorably the latter bill; my colleague on the committee [Mr. ELLSBERRY] reported the former. The bill reported by me has passed, rendering the passage of this bill unnecessary.

Mr. BLANCHARD. Then it is a fact that the Committee on Invalid Pensions reported two bills in favor of the same person?

Mr. MORRILL. Yes, sir. It was an oversight, of course.

The motion of Mr. MORRILL that the bill be laid aside to be reported to the House with the recommendation that it be laid on the table was agreed to.

ANN KINNEY.

The next business on the Private Calendar was the bill (H. R. 5389) granting a pension to Ann Kinney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Kinney, widow of Edward Kinney, late a private in Company E, Seventy-seventh Ohio Infantry Volunteers, to date from the death of said Kinney.

Mr. MORRILL. I ask for the reading of the report in that case.

The report (by Mr. ELLSBERRY) was read, as follows:

Ann Kinney is the widow of Edward Kinney, who was a private in Company E, Seventy-seventh Ohio Volunteer Infantry, who was upon the pension-rolls at $18 per month from 1862 until the time of his death, which occurred September 5, 1875. Mrs. Kinney filed her claim November 28, 1877, alleging that her husband died from the effects of his wounds received at the battle of Shiloh. The Pension Office disputed this fact and alleged that death ensued from the result of a drunken spree, as Kinney was said to have been addicted to the intemperate use of liquors, and for this reason the widow's claim was rejected. Only two witnesses are brought up to sustain this allegation—one of them the postmaster of Bellaire, Ohio, and the other the city marshal of the same place. These two persons were not even sworn when giving this testimony, and as both were persons who disliked Kinney, it is not probable they would say anything in his favor. On the other hand, a large amount of testimony, sworn to, was adduced by Mrs. Kinney to the effect that her husband was subject to epileptic fits, and that death ensued from congestion of the brain while in one of those fits. In view of these facts, and that the unsworn testimony of the persons stated seems to be all upon which the rejection of the claim was based, your committee recommend that the bill do pass.

Mr. WINANS. I move to amend by strking out at the end of the bill the words "to date from the death of said Kinney."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ERASTUS W. KENNEDY.

The next business on the Private Calendar was the bill (H. R. 8046) granting a pension to Erastus W. Kennedy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Erastus W. Kennedy, late a private in Company K, Ninth Regiment Michigan Infantry Volunteers.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

After the words "pension-roll," in line 4, insert "subject to the provisions and limitations of the pension laws."

Mr. BLANCHARD. I call for the reading of the report.

The report (by Mr. WINANS) was read, as follows:

Your committee, to whom was referred the bill (H. R. 8046) granting a pension to Erastus W. Kennedy, have carefully examined the same, and find that said soldier enlisted in Company K, Ninth Michigan Infantry, February 24, 1864, and was discharged July 3, 1865. His claim for pension was not allowed because of his inability to furnish the testimony of commissioned officers or comrades of the origin of his disability in the service.

He states that he was taken suddenly sick at or near Goldsborough, N. C., and sent away to hospital from the camp of the Thirty-eighth Indiana Infantry, in which regiment he was a comparative stranger; that he never returned to that regiment, and knows nothing of members thereof. The records of the Surgeon-General show that Erastus W. Kennedy, private, company unassigned, Ninth Michigan Volunteers, entered general hospital, New Berne, N. C., April 5, 1865, from quarters with typhoid fever, and was transferred to Beaufort April 7, 1865, and May 10 sent by steamer to Portsmouth Grove, R. I. His military history, as given by the Adjutant-General, shows that he was absent from his regiment on detached duty, and the claimant says he with others from different regiments was employed in guarding a bridge over Chickamauga Creek, under command of Lieutenant Callahan, of Indiana; also in guarding trains in various places. When Sherman started for Atlanta he was put in with the Thirty-eighth Indiana Infantry, and was taken sick as stated above.

His examination by the board of surgeons at Ann Arbor reveals the following facts in support of his statement:

"His tongue coated, and skin cold, clammy, and moist with venous congestion. Abdomen somewhat constricted in upper portion; tenderness in region of liver and over stomach and right iliac region. Liver not materially enlarged. Examination of rectum reveals numerous ulcers on the posterior portion, with several small internal hemorrhoidal tumors; also several small tumors on lateral and anterior sides. Heart irregular in action, and feeble, with marked bellows murmur. A short walk sent action of heart to 136 and breathing to 36. We think the disease of the heart may be fairly attributed to the result of diarrhea. He is, in our opinion, entitled to a total rating, caused by stomach disease, chronic diarrhea, and heart disease.

Dr. C. W. Haze, of Pinckney, Mich., testifies:

"I have known Erastus W. Kennedy from a boy from twelve to seventeen years old; never knew him to be sick; he was in good health up to that age. Have prescribed for him since he came out of the Army for chronic diarrhea and occasionally alarming symptoms of neuralgia of the heart."

Dr. Sigler says:

"I have been his family physician for the past ten years; have treated him frequently for gastralgia, accompanied by severe pain in the region of the heart. I have noticed a blowing sound with first sound of heart, indicating a lesion of mitral valve. He can not perform more than one-half day's labor."

The professional standing of the above physicians is first class, and there is no doubt as to the present disability of claimant or his soundness prior to enlistment, and that his habits and character are good. The hospital record shows long and severe illness while in service, contracted in the Atlanta campaign. His detached service, covering nearly the whole term, prevents his furnishing the evidence of officers or comrades of his regiment or company, and seems to be the only reason his claim is not allowed by the Commissioner of Pensions.

We think this is clearly a case for Congressional relief, and therefore recommend an amendment. After "pension-roll" insert "subject to the provisions and limitations of the pension laws," and that the bill do pass.

The amendment reported by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD CORNING.

The next business on the Private Calendar was the bill (S. 1666) granting a pension to Edward Corning.

The bill was read at length.

The CHAIRMAN. The Chair will call the attention of the Committee to the fact that the engrossed Senate bill appears to have been amended by the House Committee, and it is difficult to determine exactly what its status is.

Mr. NEECE. I think that we ought to consider the bill as originally engrossed.

The CHAIRMAN. The Chair directed the Clerk in the first instance to read the bill as originally engrossed; but there appears to have been an amendment added to the Senate engrossed bill by some error.

Mr. BROWN, of Pennsylvania. The amendment, as I understand it, makes the bill subject to the provisions and limitations of the pension laws.

The CHAIRMAN. The Chair thinks on reading the bill that that provision is incorporated in the body of the bill; but there is another amendment appended to the end of it which appears to have been added by a mistake. The Chair is not informed how the amendment is appended to the bill, but perhaps the Committee on Invalid Pensions or the gentleman who reported it can explain the change proposed.

Mr. SWOPE. The form in which it was read at the desk seems to be the form in which it came from the Senate.

The CHAIRMAN. But there is an erasure of a line of the engrossed bill of the Senate and an amendment appended by the committee.

Mr. BROWN, of Pennsylvania. It is possibly an amendment of the House to the Senate bill, and of course if adopted in that form will necessitate sending the bill back to the Senate.

The CHAIRMAN. The Chair supposes that the words which have been appended to the bill were intended by the committee of the House

as an amendment; but it is an amendment which has been inserted in the engrossed bill, which is a mistake.

Mr. BRADY. I understand the gentleman who reported the bill to say that it was read exactly as it came from the Senate.

Mr. BROWN, of Pennsylvania. We should be certain of that, because if this is a Senate amendment the bill would not have to go back.

The CHAIRMAN. The Chair would suggest that the better way to ascertain that fact would be to recommit the bill to the committee.

Mr. JOHNSTON, of Indiana. With the understanding that it will retain its place on the Calendar when again reported.

Mr. BLANCHARD. Then I move that it be recommitted.

Mr. BROWN, of Pennsylvania. I would prefer that should not be done if an explanation can be made here. I know the parties interested in the bill and I hope that it will pass promptly.

The CHAIRMAN. But no gentleman present has stated the exact facts in regard to the bill; and if an amendment is recommended it should be acted upon.

Mr. MATSON. I think I can explain the matter to the satisfaction of the committee. The bill as passed by the Senate provided a pension of $20. The Committee on Invalid Pensions thought that was not right, and that he should be pensioned according to his disability, leaving the rating to the Pension Office. The amendment upon the bill I am satisfied was placed there through a misapprehension, and most probably by one of the clerks of the committee. When it was suggested in the committee that such an amendment was agreed to, doubtless he placed it there through inadvertence in place of putting it in the usual form for action by the House.

Mr. PARKER. Why not pass the bill as it appears to have been amended?

Mr. MATSON. I was going to say that the manifest purpose of the committee is that the words "at the rate of twenty dollars a month" should be stricken out.

Mr. BROWN, of Pennsylvania. The gentleman's statement exactly comports with the report of the Senate committee.

The CHAIRMAN. But there seems to be a different amendment written on the engrossed copy of the bill.

Mr. NEECE. I make the point of order that the proper way is to pass the bill, if we pass it at all, in the shape it came from the Senate, and then offer the amendment voted by the House committee.

The CHAIRMAN. The Chair will state that the difficulty of the plan suggested by the gentleman from Pennsylvania is that as the bill now stands it appears as a Senate bill with a line erased and an amendment made to it, all of which is certified to by the Secretary of the Senate. Evidently this is a misapprehension, and it would probably create confusion if the bill was amended in the shape proposed and returned to the Senate.

Mr. BLANCHARD. I insist upon the motion to recommit the bill.

The CHAIRMAN. That motion is in order; and the gentleman from Indiana requests that when the bill be again reported it be entitled to its present place upon the Calendar.

The motion of Mr. BLANCHARD was then agreed to.

SETH M. BARTON.

The next business on the Private Calendar was the bill (H. R. 8278) for the relief of Seth M. Barton.

The bill was read, as follows:

Be it enacted, &c. (two thirds of each House concurring therein), That all political disabilities imposed upon Seth M. Barton, a citizen of Virginia, by the fourteenth article of amendments to the Constitution of the United States, be, and the same are hereby, removed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

J. R. EGGLESTON.

The next business on the Private Calendar was the bill (H. R. 8192) to remove the political disabilities of J. R. Eggleston, of Mississippi.

The bill was read, as follows:

Be it enacted, &c., That J. R. Eggleston, of the State of Mississippi, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment of the Constitution of the United States, and the same are hereby removed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN HAWES.

The next business on the Private Calendar was the bill (H. R. 7234) granting a pension to Susan Hawes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Susan Hawes on the pension-roll of the United States, subject to the rules and limitations of the pension laws, she being the mother of Jeremiah H. Hawes, late a private in Howe's battery, Company G, Fourth Artillery, United States Army.

The Clerk proceeded to read the report.

Mr. GALLINGER. I would inquire if the reading of the report has been called for?

I want to say just at this point, we have in the last two minutes passed two bills to remove political disabilities of men who fought against our Government and attempted to destroy it. The reports in these cases were not called for. Now we have a bill before us to pension some poor woman whose husband or brother or son suffered in the war of the rebellion and very likely died as a result of fighting for the country. Now I understand a demand is made for the reading of the report, which will necessarily consume considerable time, and if persisted in in all cases will leave many on the Calendar for the reading of the report when Congress finally adjourns. I wish to say further that I presume we have had fifty or possibly a hundred reports read in the meetings of this House on bills of this character, and in not one single instance has a bill been rejected because of any fact developed by the reading of the report.

Now, I submit to the gentlemen present to-night that we ought to be generous to these poor soldiers, and that we ought not to consume the time unnecessarily in reading reports that amount to nothing.

I may state that when I went home a short time ago I was called to go to a poor-house in my State and see a soldier who fought all through the war, who suffered untold agonies in rebel prisons, a man who is completely broken down because of his loyal devotion to the flag of his country. That man to-day is in the poor-house in my State; and, as I understand, a bill is to be presented to this House, if it has not already been presented, to give him some degree of relief. I trust when it comes up for consideration it may not be unnecessarily delayed, as he needs the pension now, and will be dead before it is granted if these dilatory methods prevail.

Again, I was called to see the widow of a poor soldier. I saw her in a field picking stones and lifting them into a cart to gain a subsistence for herself and her children. That woman's application may very likely come to Congress. It is now before the Pension Office, and is hung up there on a technicality. I submit on behalf these poor men, on behalf of these poor women, it is not right that we should consume the time of these sessions in reading reports that amount to nothing, every bill being passed after the reports are read. If we can afford to sit here and have bills passed to remove political disabilities of men who fought against our flag without reading reports, I submit the time should not be consumed in reading reports on bills to pension soldiers or their widows.

Mr. BLANCHARD. If the gentleman who has just addressed the committee had not consumed so much time in his remarks this bill would probably have been passed before now.

Mr. GALLINGER. I have a right to call attention to the way in which time is being consumed.

Mr. BLANCHARD. And I have a right to call for the reading of the reports.

Mr. GALLINGER. All right.

Mr. BLANCHARD. And I propose to do it.

Mr. GALLINGER. The gentleman can keep right on doing so.

Mr. BLANCHARD. And I do not propose that the gentleman from New Hampshire shall lecture me in the exercise of my right. There are but a handful in this House of the three hundred and twenty-five members who constitute the Forty-ninth Congress. There is not one-sixth of a quorum here to-night.

None of us here who represent ex-confederate constituencies have stood here and called a quorum on any of these bills.

Mr. GALLINGER. Why do you not do it?

Mr. BLANCHARD. I submit it comes with very bad grace from my friend from New Hampshire to find fault with us because we ask for the reading of the reports in order that we may be informed as to the merits of these bills that we are called to vote upon.

Mr. GALLINGER. I would ask the gentleman, did he understand all the facts as to those bills to remove political disabilities?

Mr. BLANCHARD. We all know political disabilities are removed as a matter of course when the party who asks it petitions Congress to do it.

Mr. GALLINGER. It is in the discretion of Congress, however, to pass these bills or not, and the gentleman from Louisiana seemed very willing to let them pass without inquiring into the facts.

Mr. BLANCHARD. We are asked by the gentleman from New Hampshire to allow these pension bills to be simply read and then put on their passage, voting entirely in the dark as to the merits of the bills, not knowing whether the case be a deserving one or not.

This very matter has been called to the attention of the American people by the President of the United States recently, and he has told them that much of this pension legislation is crude and ill-considered. And once at least during this Congress a number of these bills—so report says—were passed at the other end of this Capitol without the bills being read.

Mr. GALLINGER. I submit we are not responsible for what is done at the other end of the Capitol. Nor is it proper or parliamentary to allude to that.

Mr. BLANCHARD. That may be. It is nevertheless a fact that these bills have been passed at the other end of this Capitol without being read, and if that course is pursued there there is the greater reason why those of us who come to these evening sessions——

Mr. JACKSON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. JACKSON. The gentleman from Louisiana has no right to comment on how bills are passed in the Senate.

The CHAIRMAN. The gentleman from Louisiana will proceed in order.

Mr. BLANCHARD. I was going to say because that practice has been indulged in by the other Chamber there is the greater reason why we, in this Chamber, should insist on these reports being read, that we may be informed on the merits of these pension cases and that the country may be informed on them.

Now I submit that in asking that these reports be read none of us who do it are doing anything for which we should be censured by any gentleman upon this floor, and we are doing something for which I am sure we shall be applauded by the American people without regard to sections.

Mr. BAYNE. Let me ask my friend from Louisiana a question. With reference to these bills, do we not have to rely to a large extent upon the Committee on Invalid Pensions?

Mr. BLANCHARD. We do, largely.

Mr. BAYNE. Is it not a fact known to the gentleman that that committee has been very attentive to its duties, and has made a great many adverse reports, as well as favorable ones?

Mr. BLANCHARD. So I am informed.

Mr. BAYNE. The gentleman knows also that according to the statement of the chairman of that committee a great many cases were not even adversely reported, the committee preferring to lay them aside rather than put them in that category.

Mr. BLANCHARD. So I understand

Mr. BAYNE. Now, is not the gentleman willing to accept the conclusions arrived at in these cases by that committee? It will be borne in mind that when these bills come here favorably reported by the committee, without any minority report, we really have in each case the unanimous report of a committee which has given the matter very close and laborious attention, each case being separately examined and the report upon it submitted to the full committee, or to a majority of the committee.

Mr. BLANCHARD. I will ask my friend a question by way of answer to his. If we should pursue the course he suggests with respect to the reports which come in here from the Committee on Invalid Pensions—that is to say, if we absolutely accept their judgment in every case where the report is unanimous—why should we not do the same as respects every other committee of this House?

Mr. BAYNE. Do not we do it with respect to almost every private claim? If a member gets up here and asks consent for the passage of a private claim and states that it is unanimously reported by the committee from which it comes, who questions it?

Mr. BLANCHARD. I have seen many private bills other than pension bills upon which there was a favorable report contested on this floor. The gentleman's argument, if it had any force, would apply to all the committees of the House.

Why should we not accept, for example, every bill that comes with the unanimous report of the Committee on Appropriations, or the Committee on Ways and Means, or the Committee on Public Lands, or any of the other committees of the House? There is not a bit more reason why we should accept unquestioningly the judgment of the Committee on Invalid Pensions than there is why we should accept the judgment of any other committee of the House.

Mr. GALLINGER. Mr. Chairman, let me say, in response to the gentleman from Louisiana [Mr. BLANCHARD], why I think these cases are different from private claims or bills which come from other committees. These reports from the Committee on Invalid Pensions deal with slight technicalities as between the Pension Office and the claimant or between the Pension Office and the Committee on Invalid Pensions. Nine-tenths of them are based on mere technicalities. Then, too, they do not involve any great amount of money, and hence they are on a different basis, as I look at it, from private claims reported from the other committees. Of course each gentleman is entitled to his own view.

Mr. BLANCHARD. Every one of these bills that we pass at these pension sessions, when usually only a handful of Representatives are present, is an exception to the general law. We pass general laws pensioning persons who are disabled by wounds or sickness incurred in the line of service. Under those laws applicants go to the Pension Office and apply for pensions. Their cases are rejected for one reason and another, mostly because of insufficient proof. Then they come here and we make their cases exceptional by passing these bills. I yield now to the gentleman from Virginia [Mr. CROXTON].

Mr. CROXTON. Mr. Chairman, I regret extremely that the only bill that I have ever asked to have passed since I have been a member of this House should have led the distinguished gentleman from New Hampshire [Mr. GALLINGER] to make it the basis of a speech to show that all pension bills should pass here without the reports being read. Especially do I regret it in view of the fact that I sat here silent without uttering a word or making a sign when a bill was presented which would have made terrible confusion if it had passed in the form in which it was presented.

I have never opposed any pension bill or said a word about any pension bill. I presume the gentleman is aware that if there is any just reason why the political disabilities of Mr. Barton should not be removed, after his case has been favorably reported upon by the appropriate committee, I am not to blame for it, and I beg to assure these gentlemen that in all human probability I shall never again present myself where I shall have an opportunity of confusing the pension-seekers. I bid them good-night.

Mr. MATSON. Mr. Chairman, so far as the Committee on Invalid Pensions is concerned, that committee is not disposed to criticise any gentleman for asking to have the reports in these cases read. It is, perhaps, not just the thing for the members of the committee to ask to have them read, because we might be accused of attempting to inflict our literature upon an unwilling House; but if any gentleman desires to hear the report in any given case I am sure he is not to be criticised on that account by the committee, and I do not think he ought to be criticised by anybody. In my judgment no gentleman should be criticised for wishing to vote intelligently; and even if it be assumed that a gentleman has read the report in any given case, it is impossible for him to remember the facts of every case. It seems to me, therefore, entirely proper for any gentleman who desires it to ask for the reading of the report in any of these cases.

Mr. GALLINGER. Mr. Chairman, the word "criticism" has been applied to my remarks by two or three gentlemen here to-night. I simply made an appeal to the generosity of the House in behalf of poor and suffering soldiers, and if I made any unjust criticism upon any gentleman it certainly was done unintentionally.

Mr. MATSON. I think we can allow the House to be informed by the reading of the reports and still have time to pass all these pension bills. I do not think any gentleman is disposed to ask for the reading of exhibits or of anything which will make unnecessary delay, and if any gentleman desires the reading of a report I think the report should be read. The trouble is not about the reading of the reports; the trouble is that we all get up here and get to talking and consume the time in that way. Now, I move that this bill be laid aside to be reported favorably to the House.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. TUCKER.

The next business on the Private Calendar was the bill (H. R. 7193) granting a pension to Sarah A. Tucker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Tucker, mother of Charles P. Tucker, deceased, late of Company I, First Regiment of Wisconsin Volunteers.

The report (by Mr. WINANS) was read, as follows:

Sarah A. Tucker is the mother of Charles P. Tucker, who enlisted in Company I, First Wisconsin Volunteers, October 5, 1861, and died at Andersonville prison July 10, 1864.

The claimant lost another son in the Army, while three others served and were discharged.

Her claim for pension as dependent mother of Charles P. Tucker has been rejected by the Pension Office on the ground that the evidence fails to show dependence upon the soldier at time of his death.

It appears from the evidence on file that the son, Charles P., was a stone-mason by trade, and, being a single man, made his home with his parents, who owned a small place, and with the son's assistance were moderately comfortably situated. Nearly all of the son's earnings went in the common fund of the family, and after enlistment he is shown to have contributed to the support of the claimant, but the exact amount of such contributions can not now be ascertained, as the letters of the soldier furnishing this information were destroyed by fire some years ago.

The ground of rejection of the mother's claim appears to have been based principally upon the certifications of the proper officers of the assessments standing against the claimant and her husband during the alleged period of dependence and since. In 1864, the year of the son's death, they were assessed for real estate $550, and on personal property, $140; while in 1868 the assessment reached $1,900 on real estate, and $422 on personal property. The latter is the maximum assessment during any year since 1861; while in 1878 the real estate of claimant and her husband is assessed at $750, and since that time in no one year higher than $120.

The increased value of real estate after the son's death is fully explained by testimony as well as by certified extracts from the records of conveyances of the country in which located. Claimant's husband purchased with the money sent home from the Army by his younger sons a certain tract of land, which he held in his own name in trust for the sons, and subsequently conveyed it to them. In 1873 claimant's husband purchased 120 acres for $2,600, $300 only being paid down, and failing to make the deferred payments, it was reconveyed to the original owner in 1880.

It further appears in evidence that claimant's husband was more or less disabled for manual labor for many years, and since 1881 has been insane. Claimant has now no income except that derived from her own manual labor, and being old is now dependent upon charity.

Winfield Scott Post, Grand Army of the Republic, at Whitehall, Wis., as well as the Woman's Relief Corps, Grand Army of the Republic, Department of Wisconsin, have asked Congress to place this much-deserving woman upon the pension-rolls.

While, notwithstanding the acknowledged contributions on the part of the soldier son, claimant may not have been so dependent upon these contributions as to bring her case within the general pension laws, yet your committee are clearly of opinion that the evidence shows at least a partial dependence upon the soldier, and in view of the fact that she gave five sons to the country's cause, two of whom were lost to her in that cause, and the further fact that by reason of the unfortunate condition of her husband, the father of the soldier, she has now become dependent upon others, we believe her entitled to the favorable consideration of Congress, and therefore ask that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN PATTON.

The next business on the Private Calendar was the bill (H. R. 8280) granting a pension to John Patton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Patton, late of Company C, Tenth Regiment of New York Heavy Artillery.

The report (by Mr. WINANS) was read, as follows:

John Patton claims pension on account of chronic rheumatism alleged to have been contracted while serving as a private in Company C, Tenth New York Heavy Artillery. His claim has been rejected on the ground that there is no record evidence of treatment for alleged disability, and the parole evidence furnished by the claimant is not deemed sufficient to warrant favorable action.

The records of the War Department show that claimant enlisted August 19, 1862, and was discharged June 23, 1865. Was admitted to post hospital, Fort Baker, District of Columbia, January 28, 1863, with chronic diarrhea, and returned to duty March 25, 1863. Admitted to the Lincoln General Hospital, District of Columbia, August 15, 1864, with chronic diarrhea; furloughed November 5, 1864; readmitted November 19, and returned to duty December 28, 1864.

Comrade Isaac Algier testifies that he was a nurse in Lincoln Hospital, District of Columbia, during the summer and fall of 1864, and knows that claimant was an inmate of said hospital, suffering from pain in side and rheumatism.

Comrade Hiram S. Perkins testifies that claimant was a sound and healthy man at and prior to his enlistment, and that at Fort Davis he was taken with rheumatism, when he was removed to a hospital called "Post Baker Hospital," where affiant visited him a number of times. Understood claimant was suffering from pleurisy, and knows that he had plasters on his back and side. In subsequent affidavit affiant states that claimant's trouble at the aforesaid hospital appeared to be in the side, and therefore called it pleurisy. Claimant and affiant came home together from the Army, and have lived neighbors nearly the entire time. Affiant knows that claimant has been a constant sufferer from rheumatism ever since he rejoined his command at Petersburg, Va.

Comrade Morris Griffin also testifies to claimant's disability from rheumatism while at Fort Davis and at Bermuda front.

T. H. Gates testifies to an acquaintance with claimant for more than forty years. Was a sound man at enlistment, and on his return home was afflicted with rheumatism, from which he has suffered ever since.

C. G. Patton testifies that upon his return from the Army claimant suffered from rheumatism, for which he was treated by Dr. Trowbridge, now deceased.

Dr. John V. Smith testifies to treatment for chronic rheumatism since 1872.

Charles Myers testifies that he has been claimant's neighbor for eighteen years, and knows that nine-tenths of that time he has been a sufferer from rheumatism and pain in left side; is now entirely unfit for manual labor.

Examining Surgeon Hebard in June, 1882, finds six-eighths disability from rheumatism and disease of heart.

The Wabasha board of surgeons certify, under date of January 28, 1885:

"There is an increased impulse, but no valvular lesions. He has atrophy of the muscles of the left hip, thigh, and leg from rheumatism; left thigh at middle third measures 16¼ inches and left calf 15 inches; the right thigh 17¾ inches and right calf 16½ inches. Disability from rheumatism one-half total."

Correspondence on the part of the Pension Office has fully established the credibility of the parties who have testified in the case. The testimony seems to establish beyond any reasonable doubt that claimant was sound at enlistment; that he contracted rheumatism in the service, and that he has been a constant sufferer therefrom ever since discharge. The record of treatment in the service for "chronic diarrhea" is evidently an error, and should, in the opinion of your committee, not prejudice a claim otherwise so well established as the one under consideration.

We recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NEWCOMB PARKER.

The next business on the Private Calendar was the bill (S. 1077) granting a pension to Newcomb Parker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Newcomb Parker, late of Company K, Eleventh Regiment of Vermont Volunteers.

The report (by Mr. NEECE) was read, as follows:

That they have examined Senate bill No. 1077, and the evidence pertaining thereto, and that they hereby adopt Senate report thereon, which report is in words and figures as follows:

"[Senate Report No. 561, Forty-ninth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 1077) granting a pension to Newcomb Parker, have examined the same, and report:

"The claimant, Newcomb Parker, late private of Company K, Eleventh Vermont Volunteers, enlisted August 14, 1862, and was discharged February 8, 1864. He made application for pension January 7, 1880, alleging dislocation of right ankle by a falling stockade at Fort Slocum, Dak., about January 1, 1864. The claim was rejected November 10, 1885, on the ground that the claimant is unable to prove that he contracted or had any disability in the service that he did not have prior to enlistment.

"It appears from the report of the Adjutant-General that this soldier was disabled by reason of lameness from the fracture of ankle-joint December 31, 1863, and that on February 8, 1864, was discharged for disability, but when and where fracture of ankle occurred the records do not show. The certificate of disability for discharge is, however, on file, and states that he was found unable to perform the duties of a soldier because of old and irreducible dislocation and fracture of right ankle-joint received at Fort Totten, Dak., and unfit for duty in invalid corps; discharged at his own request; disability one-quarter.

"The last examination by a medical board, August 6, 1885, rates the disability by reason of injury to right ankle at total.

"The claimant has entered evidence of several parties who knew him before enlistment, showing that he was then a sound man and had no difficulty with his ankles, and also testimony as to the incurrence of the disability in the service.

"The report of a special examiner, dated October 23, 1885, which closes as follows, is also on file:

"'From the testimony in this claim I am of the opinion it is one of merit, and therefore respectfully recommend it for admission.'

"The report of another special examiner, in which a large amount of testimony was taken, dated August 4, 1885, is also on file, in which he states:

"'I think there is merit in the claim for injury of right ankle, and that, on that account, it may be admitted.'

"It would seem from this evidence that there can be no doubt that this disability was incurred in the service, and that this case should properly have been admitted as recommended—as recommended by the special examiners—in the Pension Office. Why it was not so admitted does not appear from the papers.

"Your committee recommend the passage of the bill."

The committee therefore recommend the passage of the same.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH SHULL.

The next business on the Private Calendar was the bill (S. 1841) granting a pension to Joseph Shull.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Shull, late a private in Company G, Seventy-seventh Regiment Illinois Volunteers.

The report (by Mr. NEECE) was read, as follows:

That they have examined Senate bill No. 1841, and the evidence pertaining thereto; that they hereby adopt Senate report thereon, which report is in words and figures as follows:

"[Senate Report No. 609, Forty-ninth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 1841) granting a pension to Joseph Shull, have examined the same, and report:

"The petitioner was a private in Company G, Seventy-seventh Regiment Illinois Volunteers, and applied for a pension in April, 1872, for injuries resulting from a gunshot wound of head. The application was rejected on the ground that there is no evidence of disability. The board of examining surgeons and the physicians to whom he was directed to report for special examination agree as to the existence of disability, but disagree as to its extent.

"The testimony of the captain, of his comrades and acquaintances shows that the man received a hurt, and that he is disabled in consequence.

"Your committee report the bill favorably, with a recommendation that it do pass."

The committee therefore recommend the passage of said bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LOU GOBRIGHT M'FALLS.

The next business on the Private Calendar was the bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls.

The bill was read, as follows:

Be it enacted, &c., That the pension of $20 per month heretofore granted and now allowed to Mrs. Lou Gobright McFalls, widow of Capt. Thaddeus B. McFalls, be, and the same hereby is, increased to the sum of $40 per month; and that the Secretary of the Interior be, and he hereby is, directed to pay to her the sum last mentioned per month from and after the passage of this act.

The report (by Mr. SWOPE) was read, as follows:

Mrs. McFalls is the widow of Thaddeus B. McFalls, late a chaplain of the United States Army with the rank of captain. She is now receiving a pension of $20 a month, according to the rank of her husband, when he died, in the Army.

Your committee can not see that there is anything in this case to distinguish it from those of widows whose husbands died in the performance of their duty. It is claimed that in addition to these duties of chaplain he also acted as nurse in several hospitals in Washington, and that while acting in this latter capacity he lost his health and continued growing steadily worse until he died. Conceding that his death was directly traceable to his service, his widow now receives the same pension which is granted to the widows of officers of the same rank who have been killed in the service, and they can see no reason why a distinction should be made in her favor. They therefore report this bill adversely, and recommend that it lie on the table.

Mr. NEECE. As the gentleman who has charge of this bill is not here to-night, I ask unanimous consent that the bill be passed over, retaining its place on the Calendar.

Mr. MATSON. I am inclined to object to that request. I think the bill ought to be disposed of.

The question being taken on laying the bill aside to be reported to the House with a recommendation that it lie on the table, it was agreed to.

REUBEN FARNUM.

The next business on the Private Calendar was the bill (S. 787) granting a pension to Reuben Farnum.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Reuben Farnum, late of Company E, Thirteenth Iowa Drafted Infantry.

The report (by Mr. MORRILL) was read, as follows:

The files in this case show that claimant was drafted into the military service and served as a private in Company E, Thirteenth Iowa Volunteers. That he had a slight rupture at time of draft which did disable him is admitted by the claimant; that it was materially increased so as to cause a permanent disability is also shown. This man was forced into the service, and while in it received an injury. It would seem but simple justice that he receive compensation for it. The facts in the case are fully set forth in the following Senate report, which is adopted, and the passage of the bill recommended:

"That the records in this case show that Reuben Farnum, private of Company E, Thirteenth Iowa Volunteers, was drafted into the military service of the United States November 3, 1864, and was honorably discharged at the expiration of term of service, July 21, 1865.

"Declaration for pension filed January 20, 1871, alleges a fall and consequent rupture, near Decatur, Ala., some time in December, 1864; claim rejected April 14, 1880, on the grounds 'that the alleged disability existed prior to enlistment, according to claimant's own admission.' Claimant's affidavit, dated January 10, 1880, admits the existence of a slight rupture since 1860, and that he has not been able to do ordinary manual labor since that time, although he ran a sawmill then, which he could not do after the war; that early in the war he attempted to enlist, but was rejected by examining surgeon on account of the rupture; that when he was drafted he called the examining surgeon's attention to the hernia, but it was not believed to be sufficient to excuse claimant from military duty, and that he did full duty until the date given above.

"Claimant's statement is corroborated by affidavit of Benjamin A. South, a private in said company and regiment, who swears to a knowledge of the injury alleged, and that it did increase the rupture; that he knew claimant did all duty required of him before the injury was received, but that afterward claimant could not wear his cartridge-belt, or do the duty which he had done before, because of the increased rupture.

"The affidavit of P. A. Farnum, wife of claimant, states that claimant had a very slight rupture before he was drafted, but that when he returned to his home the rupture was much increased in size; that before he was drafted he supported her by his labor and could do work quite well, but that since his return from the Army there had been 'weeks at a time' when he could not work because of the rupture, and that she had often been compelled to work to prevent herself and husband from want.

"Affidavit of Martha Gallagher, dated February 18, 1880, corroborates the foregoing; also, the affidavit of Francis Farnum, dated February 9, 1880.

"The affidavit of Samuel Zousey, dated February 18, 1880, corroborates the foregoing, and states, further, that he hired claimant to do work for him, but that claimant was unable to do it because of the rupture, and he was compelled to relinquish the job; also that claimant at other times and under favorable circumstances could not do the work assigned him.

"The affidavit of Samuel A. Farnum, dated February 9, 1880, corroborates the statement that claimant was much worse after enlistment than before.

"Therefore, taking into consideration all the evidence filed, the committee believe it to be their duty to report in favor of this bill and recommend its passage."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM REYNOLDS.

The next business on the Private Calendar was the bill (S. 1304) granting a pension to William Reynolds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Reynolds, late of Company H, Forty-first Regiment Missouri Militia.

The report (by Mr. MORRILL) was read, as follows:

The records in this case show that claimant was a sergeant in Company H, Forty-first Regiment Missouri Enrolled Militia. That the regiment had been organized under the order of Major-General Halleck requiring the enrollment of all loyal men in Missouri. That the command was stationed at Whitesville, and while performing duty the said William Reynolds was wounded severely in the leg by the accidental discharge of a gun in the hands of a comrade. It is shown that the regiment, though enrolled militia, was held subject to the orders of the commanding officer of the department, and were in the performance of military duty under that command. As the wound was not received in battle, the case can not be allowed in the Pension Department under paragraph 4693, Revised Statutes. Congress has invariably granted relief in cases of this kind, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN S. KIRKPATRICK.

The next business on the Private Calendar was the bill (S. 1797) granting a pension to John S. Kirkpatrick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Kirkpatrick, late a private in Company K, First Colorado Regiment.

The report (by Mr. MORRILL) was read, as follows:

After a careful and thorough investigation of the papers in this case, your committee adopt the following report of the Senate committee, and recommend the passage of the bill:

That the records in this case show that claimant was a private in Company K, First Regiment Colored Volunteers; that he was a sound, strong man when he enlisted, and that during a long, tedious march from Fort Craig to Fort Union, New Mexico, he contracted varicose veins, which have ever since that time prevented him from performing manual labor; that he is sixty-five years of age, and totally unfit for any manual labor. Statement of claimant is corroborated by testimony of comrades and neighbors; also, by certificates of Examining Surgeons L. D. Hall and Max Kennedy, who testify that this is the worst case of varicose veins they ever saw, and rate his disability total therefor.

Taking into consideration all the testimony on file in this case, the committee believe it to be their duty to report in favor of this bill and recommend its passage.

Mr. BLANCHARD. I desire to inquire why a pension in this case was not allowed by the Pension Bureau?

Mr. MORRILL. For the simple reason that the applicant could not fix the time when he incurred the disability. It was incurred during the long march described in the report. It came on gradually, continuing to increase. The Pension Office requires that the time of the incurrence of the disability be fixed.

Mr. BLANCHARD. I asked the question because the report does not state why the application was rejected at the Pension Office.

Mr. MORRILL. The Senate report was very short. Upon a careful investigation of the papers I came to the conclusion that beyond question the disease was incurred during the march I have mentioned. That was the testimony of the man's comrades.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN G. NICHOLAS.

The next business on the Private Calendar was the bill (S. 1618) granting a pension to John G. Nicholas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John G. Nicholas, late of Company F, Ninety-third Regiment of Ohio Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1618) granting a pension to John G. Nicholas, submit the following report:

The soldier enlisted August 4, 1852, and was mustered out June 8, 1865. In July, 1877, he made application for pension, alleging that about July, 1864, he contracted kidney disease and piles. The claimant is unable to prove medical treatment in service, but he does show by his officers and comrades that he suffered with both diseases in the service; by physicians and neighbors that he has suffered ever since.

The examining surgeon at Scandia, Kans., September, 1882, says:

"I find very painful bleeding piles; the bleeding is the worst feature, and makes him weak and thin."

The surgeon who examined him at enlistment testifies that he was then sound and free from disease.

Several neighbors and comrades corroborate this.

It seems to be established that the soldier was free from disease when he enlisted; that he contracted a disability in the service from which he has ever since suffered.

Your committee, therefore, recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES R. BAYLOR.

The next business on the Private Calendar was the bill (H. R. 6825) granting a pension to James R. Baylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James R. Baylor, late a private in Company F, Fiftieth Regiment New York Volunteers.

The amendment of the committee was read, as follows:

Strike out, in line 7, the word "volunteers" and insert the word "engineers."

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6825) granting a pension to James R. Baylor, submit the following report:

The soldier served in Company D, Eighth Regiment Pennsylvania Volunteers, from April 22, 1861, to July 29, 1861, and re-enlisted in Company F, Fiftieth Regiment New York Engineers.

He alleges in his declaration for pension that early in October, 1862, while engaged in laying a ponton bridge and carrying timbers for it, he slipped and fell into one of the boats of the bridge, causing a compound fracture of the left ankle joint. The claim failed to secure an allowance in the Pension Office because of claimant's inability to furnish certain testimony asked of him as to the origin of his disability.

Samuel R. Bois, a sergeant of soldier's company, testifies—

"That about October 1, 1862, while company was laying a ponton bridge across the Potomac River at Harper's Ferry, Va., soldier accidentally slipped and fell inside of the boat, causing a fracture of the left ankle joint, disabling him for some time."

Abner G. Hill, a corporal, also of soldier's company, corroborates the statement of Sergeant Bois.

There are no records of this company on file in the office of the Surgeon-General. The soldier states that he was treated for the fracture of left ankle joint by Dr. Hillery, the regimental surgeon, and Dr. H. M. Hewett, the assistant regimental surgeon, from time of receiving injury until in November, 1862, when he was removed to Washington, D. C., where he was under medical treatment for six weeks or more; that he is unable to ascertain, after diligent search and inquiry, the whereabouts of either the surgeon or assistant surgeon who treated him, but has learned that Dr. Hewett is now dead.

Dr. Alfred Gale testifies—

"That he has seen the soldier almost every day for five or six years, and that he is disabled from a fracture of the tibula at the ankle joint, the bones of which are injured, and that he is unable to do manual labor over one-fourth of the time by reason of his disability."

Dr. J. O. Hoff testifies that he has known the soldier for twelve years, and corroborates the testimony of Dr. Gale.

The soldier, it appears, has been materially incapacitated for work since discharge by reason of his disability.

Your committee, believing that the disabilty for which soldier claims pension was received in the service and line of duty, and that he has been disabled thereby since discharge, recommend the passage of the bill, striking out the word "volunteers," at the end of line 7, and inserting the word "engineers."

The amendment of the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS BROWN.

The next business on the Private Calendar was the bill (H. R. 6817) granting a pension to Thomas Brown.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Brown, late a private in Company D, Thirty-first Regiment New Jersey Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6817) granting a pension to Thomas Brown, submit the following report:

The soldier was a teamster in Company D, Thirty-first Regiment New Jersey Volunteers. In his application for pension he alleges disabilty from varicose veins, the result of an injury to his left foot and ankle, received on or about October 1, 1862, by being thrown from a wagon while driving from Capitol Hill to Camp Warren, District of Columbia. The Pension Office rejected the claim because there is no record showing that soldier suffered from varicose veins in service. The soldier's family physician testifies that he was a sound man and was never affected with any disease or disability prior to and at the time of his enlistment into the service.

William Parker and Thomas Hoppock, two comrades, testify that the soldier was injured in his left foot by a wagon at or near Camp Warren, District of Columbia, and was laid up for some time.

Lewis L. Ramsey, Joseph Milburn, and John O'Shay, all comrades, testify that the soldier was injured, as alleged, in his left foot and ankle and that the wheels of the wagon from which he was thrown passed over his left foot and ankle. That he was badly hurt and laid up for six weeks in camp.

William Brown, a comrade, testifies that he is not related to the soldier; that

soldier fell from his wagon and the wheels passed over his left leg; it was badly injured and he was laid up from said injury six weeks.

Affiant states he was present at the time and was detailed to drive in soldier's place.

The company and regimental books of this company are not on file in the office of either the Adjutant-General or Surgeon-General.

Dr. A. P. Hunt testifies that the veins of the soldier's left leg and foot are badly varicosed, so much so that it must be painful for him to do labor requiring either walking or standing for any length of time.

Dr. B. B. Mathews testifies that the soldier suffers from varicose veins of one of his legs, with weakness of same ankle-joint. Many neighbors and employers of the soldier since discharge testify to the existence of varicose veins of left leg and weakness of the same ankle-joint, and that he is and has been a constant sufferer by reason of the same and largely incapacitated for the performance of manual labor. The examining surgeons who examined soldier report that he has large varicose veins of left leg, which cause pain and stiffness in walking.

Your committee deeming this a meritorious case recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM CONNER.

The next business on the Private Calendar was the bill (H. R. 6819) granting a pension to William Conner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of William Conner, late a private in Company F, Seventy-second Regiment New York Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6819) granting a pension to William Conner, submit the following report:

The soldier, at Malvern Hill, Va., July 2, 1862, was wounded in left cheek; at Gettysburg was wounded on shin-bone by minie ball, and contracted chronic diarrhea while on a raid under General Grierson at Montgomery, Ala. His pension claim was submitted for admission for chronic diarrhea and gunshot wound of left leg and cheek November 30, 1885, but rejected December 25, 1885, because, from opinion of medical referee, no disability in a ratable degree has existed since discharge.

John Leonard, captain, James Thurston and John R. Sutton, privates, serving with claimant, testify that he was wounded as alleged and suffered with chronic diarrhea, as stated, in service continuously for a long time. Thurston, in a letter filed with the case, states he can positively say that claimant was taken with chronic diarrhea in the service, and after they arrived home, Trenton, N. J., remembers of his going to a doctor to get something for his bowels. He used to carry med'cine with him when his bowels were so bad, and adds that claimant served through the war and was a good soldier.

Dr. E. C. Willet testifies that he has been acquainted with claimant for twenty-five years, and knew him to be a sound man prior to enlistment. About the 1st of August, 1865, he examined claimant and found that he had chronic diarrhea. He was at that time unfit for manual labor. Affiant prescribed astringent and a course of diet.

W. S. Small, an employer, testifies that in June, 1881, claimant came to work for affiant at the mason trade. He worked some three months, and during that time had to quit work two or three times on account of chronic diarrhea. He was weak and unable to work and was obliged to go home. Affiant also worked with claimant in June and July, 1882, and when he left he was sick with chronic diarrhea, and after a day or two was obliged to go home and was hardly able to walk to the boat. At the time he worked for affiant, and at other times when not in affiant's employ, he was not able to work one-half the time.

William Schuyler testifies that claimant and he learned their trade together, and never knew him to be sick prior to his enlistment; after discharge in 1865 claimant was sick with chronic diarrhea, and was a mere skeleton, and remained this way eight or nine months; after that he grew better slowly until 1867 and 1868, when he was able to work some and did for affiant during that time at the mason's trade when he was able. He would be troubled with the disease seven or eight days at a time, and unable to work, but when he did work he was paid only one-half price. In 1869 and 1870 he continued about the same; since that time have seen him about three or four times a year; he still complains of same disease, and think he grows worse and complains of pains in his back.

David E. Tiger, also an employer, testifies that claimant came under his employ in January, 1866, and remained until about the 1st of April following; that he was troubled with chronic diarrhea, and affiant went with him to see Dr. Willet, who pronounced the disease chronic diarrhea; he was generally very weak and only fit for light work, and finally was obliged to quit work. Reports to the Pension Office show that the witnesses who testify enjoy excellent reputations in the neighborhoods in which they live.

Dr. T. H. Studiford, the examining surgeon, reports:

"Wounded in left cheek; the cicatrix is about an inch back and below the corner of the mouth; wounded in the shin of left leg, outer side, middle third. The diarrhea becomes chronic. I find he is somewhat sympathetic over the abdomen, and there is some tenderness; he often has attacks of diarrhea; he is frequently lame in the left leg; no trouble in the left cheek. The disability is rated at three-quarters."

The claimant filed no medical testimony except that of Dr. Willet, which only covers his soundness at enlistment and treatment for chronic diarrhea in 1865. His failure to receive a rating by the medical referee in the Pension Office was probably because of this.

Your committee are of the opinion that the testimony of claimant's employers since discharge is positive evidence of his being disabled by reason of his disabilities, particularly that of chronic diarrhea contracted in the service and line of duty, and recommend the passage of the bill,

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY MORTIMER SEMMES.

The next business on the Private Calendar was the bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, late of the United States Navy, and pay her a pension of $50 per month from and after the passage of this act.

The report (by Mr. SCOTT) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy, have had the same under consideration, and report:

Your committee recommend the passage of the bill, and have agreed to the adoption of the report prepared and submitted by the Committee on Pensions of the Senate. (See Senate Report No. 493, Forty-ninth Congress, first session.)

Mr. RANDALL. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BLANCHARD. Let the report be read. This bill allows a pension of $50 a month.

Mr. RANDALL. The report has been read; but the gentleman from Pennsylvania [Mr. SWOPE], if necessary, will state the facts.

The CHAIRMAN. The Senate report has been handed up and will be read by the Clerk.

The Clerk read as follows:

The Committee on Pensions, to whom was referred the bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy, having examined the same, submit the following report:

The committee desire to present herewith the memorial of Mrs. Semmes, the widow of the late commodore, and the record of his professional services in the United States Navy, as follows:

"Memorial of Mrs. Mary Mortimer Semmes, widow of the late Commodore Alexander A. Semmes, United States Navy, who died while in command of the United States navy-yard at Washington, D. C., September 22, 1885, to the honorable Senate and House of Representatives in Congress assembled, asking the grant of a pension of $50 per month.

"Your memorialist, Mary Mortimer Semmes, widow of the late Commodore Alexander A. Semmes, United States Navy, would most respectfully state that her husband served his country with fidelity and conspicuous ability in all parts of the world, in peace, war, and in the presence of devastating epidemics, for a period of forty-four years, a detailed account of which service is herewith appended.

"He was trusted and honored by his superiors, loved and esteemed by his equals, and respected by his subordinates until the hour of death.

"During this long and most honorable career he, at times, temporarily succumbed to the influence of pernicious climate and the power of epidemic disease, notably to an attack of yellow fever while commanding the U. S. S. Portsmouth, on the South Atlantic station, and again to the same plague during the prevalence of the fatal epidemic of 1872, at the navy-yard, Pensacola, Fla., while he was temporarily in command.

"From these illnesses, contracted directly in the line of duty, he never fully recovered.

"Since 1874 he constantly suffered from congestion of the liver, and the accompanying digestive and heart complications.

"Despite these physical troubles he continued on duty until the present year, when, during the performance of important and delicate service, his health, already weakened, broke entirely under the protracted strain.

"With the hope of recuperation, and by the advice of his physician, he proceeded to a quiet and salubrious hamlet in Virginia, where he grew rapidly worse, and finally, in a fit of delirium brought about by his sufferings, he ended his life.

"This dreadful event plunged your memorialist from a condition of entire comfort to one of almost absolute poverty.

"Her husband, owing to the wants of a growing family, the expenses incident to his position, the needs of those collaterally dependent upon him, and unfortunate investments, had saved but little during his earlier years.

"The emoluments pertaining to the office of a rear-admiral in the Navy, to which exalted rank he was about being promoted preparatory to his retirement from active service, rendered the close of his career pecuniarily secure,

"The hand of death has deprived him and her of this solace, and she now finds herself, in her old age, a widow, a cripple, and almost an object of charity.

"Her poverty is indeed so great that she has been compelled to resort to the precarious and hazardous expedient of keeping a boarding-house in order that she may provide the absolute necessities of life for herself and her two children, one a minor of tender years.

"Wherefore she begs that her petition be granted."

Brief of record of professional services of the late Commodore Alexander A. Semmes, United States Navy.

Born in the District of Columbia. Appointed midshipman from Maryland October 22, 1841; attached to receiving ship Pennsylvania same year; to Vandalia in 1842, coast of Africa; to United States flagship Macedonian in 1843, on same station; attached to United States steamer Saratoga, and participated in a skirmish with the natives at Grand Bereby, Africa; served on board United States steamer Vincennes, East India station, 1845–'46; attached to flagship Columbus 1846, on East India and Pacific stations; in attendance at naval school, Annapolis, 1847.

Promoted to passed midshipman August 10, 1847; at Naval Observatory, Washington, 1847; United States ship Congress, Brazil station, 1851–'52; United States Coast Survey, 1853; Naval Observatory, 1854.

Promoted to master, 1855.

Commissioned as lieutenant September 15, 1855; ordered to U. S. S. Massachusetts, Pacific station, 1855–'57; on November 21, 1856, commanded a force of twenty-three sailors and marines in a successful attack upon an encampment of one hundred Russian-American Indians in Puget Sound; on board U. S. S. Powhatan, East India station, 1859–'60; U. S. S. Rhode Island, Atlantic coast, 1861; commanded U. S. S. Wamsutta, South Atlantic blockading squadron, 1862–'63; engaged in skirmish with confederates on an island in Newport River, Georgia, April, 1862; commanded steam gunboat Tahoma, East Gulf blockading squadron, 1863–'64; attacked the batteries of Tampa, Fla., April, 1863, and in October, same year, attacked the same batteries as a ruse while dispatching a party of seamen to capture some blockade-runners; September, 1863, while in command of a light-draught steamer, with detachments from various vessels of the East Gulf squadron, made a demonstration on Bayport, Fla., which resulted in the destruction of an English blockade-running steamer and the warehouse containing her cargo; commanded the ironclad Lehigh, South Atlantic blockading squadron, 1864–'65; bombarded Fort Pringle, rear of Charleston, S. C., July 7–10, 1864; on picket duty in the harbor of Charleston, S. C., during the fall and winter of 1864–'65; February, 1865, commanding the Lehigh and senior officer of six vessels operating against the confederate defenses on James Island at fall of Charleston, S. C., 1865; commanded the Lehigh in a midnight bombardment of Howlett House batteries, on the James River, at the fall of Richmond; on ordnance duty in Philadelphia, 1866–'68.

Commissioned as commander July 25, 1866; commanded U. S. S. Portsmouth, South Atlantic station, 1869–'71; at navy-yard, Pensacola, 1872–'74; part of this time as its executive, and, after the death of its commander from yellow fever, as the commandant.

Commodore Semmes, as lieutenant, commanded the U. S. brig Dolphin, which was temporarily commissioned at the commencement of the civil war for the protection of public property at Norfolk, Va., and while on the East India sta-

tion he rendered assistance to the English and French forces in their attack on the Peiho forts, in China, by towing the English reserves into action.

Commissioned as captain August 24, 1873, and commanded the U. S. S. Alaska, European station, 1875–'76, and during this service afloat he conducted negotiations between the Republic of Liberia and several of her subject tribes, which resulted in a treaty of peace, and obtained for him the thanks of the Navy Department; he was ordered as executive officer of the navy-yard, Washington, D. C., in 1880, promoted to the rank of commodore March 10, 1882, and in June, 1883, appointed to the command of the Washington navy-yard, which position he occupied at the time of his death.

The brilliant services rendered by this officer should be a sufficient guarantee that his wife and family, being entirely dependent upon him, ought to receive from the Government some evidence that the country is grateful for his long, faithful, and meritorious services.

Mrs. Semmes was not granted a pension by the Department because of his having taken his own life while suffering from temporary aberration of mind, brought on by disease.

The personal habits of Commodore Semmes were such as to place him above the suspicion of contributing to this alienation of his mental faculties, and the committee are strongly of the opinion that death by his own hand was the result of disease contracted while in the line of duty in the service. They therefore recommend the passage of the bill.

Mr. RANDALL. I have already moved that that bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. I ask this committee to vote negatively on that motion to lay the bill aside to be reported to the House with the recommendation that it do pass. It grants a pension of $50 a month, and, as I have already stated, I am hostile to the adoption of any such principle on the part of this House.

I request this committee to vote this bill down, because it is wrong in principle.

Mr. RANDALL. This widow is a cripple and in need, and although she has made a heroic effort to support herself, she has failed to do so. The honorable gentleman from Wisconsin [Mr. PRICE] is well known to object on principle to a certain class of bills; but there are exceptions to all rules, and as this is the case of a worthy widow, I hope he will allow it to go through without further objection.

Mr. JOHNSTON, of Indiana. Here is a pension proposed for $50 a month. There are some things in this report I cannot understand. It is stated this widow is aged and furthermore that her husband went into the service forty years ago. It also states she has a minor child. How can that be?

Mr. HEPBURN. Perhaps she adopted it.

Mr. JOHNSTON, of Indiana. Then it is not her child. I am not going to fight this report, but I will move to strike out "fifty" and insert "thirty." I am willing to concede that much.

Mr. RANDALL. You might as well vote down the bill, for she has that now.

Mr. JOHNSTON, of Indiana. Oh, no, she tried at the Pension Office, but her claim was denied and she has no pension.

Mr. RANDALL. I will state the reason why. It was because her husband committed suicide, caused, as the evidence shows, by an attack of yellow fever between 1873 and 1875.

Mr. JOHNSTON, of Indiana. There is no evidence of that.

Mr. BRADY. It is stated in the report.

Mr. JOHNSTON, of Indiana. Only in the memorial, but there is no evidence to support it.

Mr. RANDALL. The gentleman from Pennsylvania [Mr. SWOPE] states the evidence supports that position.

Mr. PERKINS. The report says the committee is satisfied from the investigation that he committed suicide in consequence of disease which worked a derangement of the mind.

Mr. RANDALL. He was not a man who was addicted to the use of liquor at all, and the suicide was the direct effect of an aberration of mind resulting from the disease which he contracted in the service of the country.

Mr. LYMAN. I would like to ask the question of some member of the committee who is familiar with the subject whether there are not precedents for this pension?

Mr. MORRILL. Yes, there are at least fifty.

Mr. BRADY. They are numerous. To my own knowledge there are over forty of them.

Mr. RANDALL. There are many cases where such relief has been granted. I am traveling a beaten path in this connection.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana to strike out "fifty" and insert "thirty."

The amendment was not agreed to.

Mr. RANDALL. I now ask a vote on the motion to lay the bill aside.

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee rise.

Mr. BUCHANAN. I ask the gentleman to yield for a moment. I have an urgent case I would like to bring up, which can not take up much time.

Mr. MATSON. I yield for that purpose.

JOHN BUCHANAN.

Mr. BUCHANAN. I call up the bill (H. R. 8827) granting a pension to John Buchanan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Buchanan, late of Company D, Thirty-first Regiment New Jersey Volunteers.

The report (by Mr. PIDCOCK) was read, as follows.

The soldier was a member of Company D, Thirty-first Regiment New Jersey Volunteers, and at Belle Plain, Va., in February, 1863, while unloading corn from a transport, he strained himself across the breast; while leaping over riflepits at the battle of Chancellorsville in May, 1863, he strained his back, and in same month, near Falmouth, Va., contracted typhoid fever.

His claim for pension was submitted for admission June 24, 1885, by the examiner in the Pension Office for strained back and results of typhoid fever, but rejected by the legal reviewer on the ground that there is no record of alleged typhoid fever or injuries to breast and back, and claimant's inability to furnish positive evidence that said injuries were incurred in the service.

The claimant is shown to have been a sound man at enlistment.

Joseph R. Potts, a sergeant of same regiment, testifies that he was present and saw claimant when he was hurt while unloading corn, in February, 1863.

Joseph Smith and Henry Blackburn, both comrades, testify as to the origin of strained breast and back and typhoid fever, and Smith adds that he took care of claimant.

Blackburn, in a letter, states that he saw claimant very soon after he strained his back; he was lying in one of the rebel barracks near Belle Plain, Va., where he remained a number of weeks; that he often visited claimant while he was sick and found him suffering from the strain he had received, and also with fever, and took him food to eat.

Joseph Smith, in a letter filed, after recounting the manner in which claimant became disabled, states that when claimant had typhoid fever he was with him and took care of him part of the time and gave him medicine.

Samuel W. Dilts, a comrade, testifies that he saw claimant in June, 1864, when on his way home on furlough, and he was greatly debilitated and suffering from chronic diarrhea. He again testifies, with Samuel Runyon, another comrade, that claimant was taken sick with typhoid fever in February or March, 1863, which finally ran into diarrhea. Claimant was sick some time and treated in regimental hospital.

There are no records of this regiment on file in the office of the Surgeon-General.

George V. Cuveling, Charles A. Higgins, George W. Shepherd, Charles Buck, Leonard Barrick, Hiram Gary, John W. Swallow, and John S. Gary, very near neighbors of claimant, who are certified to enjoy good reputations in the neighborhood in which they live, testify separately that claimant has been a constant sufferer from his disabilities since discharge, and oftentimes laid up so that he was unable to work for some time, and has been fully disabled for work three-quarters of his time. Higgins states that he is engaged in the drug business, and has frequently sold claimant alcoholic liniments and other baths for the purpose of bathing his back and chest, and has also sold him preparations for kidneys and rheumatic affections, which he still purchases from him.

The board of surgeons rated claimant's disabilities as follows:

"Strained back one-quarter of total; results of typhoid fever three-quarters of total, or a total disability for all injuries."

The committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee do now rise.

Mr FARQUHAR, Mr. SPOONER, and others. Oh, no.

Mr. SOWDEN. I hope that motion will not prevail.

The question being taken, the committee divided; and there were—ayes 14, noes 18.

So the motion was not agreed to.

Mr. SOWDEN. I ask unanimous consent to call up House bill——

Mr. SPOONER. I demand the regular order.

Mr. MORRILL. Let us take up bills in their regular order on the Calendar.

MARY E. CRIMMINS.

The next business on the Private Calendar was the bill (S. 160) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Crimmins, widow of Patrick Crimmins, late a machinist's helper in the United States Navy, in service at the naval torpedo station, Goat Island, Rhode Island.

The report (by Mr. SCOTT) was read, as follows:

Your committee recommend the passage of the bill, and have agreed to the adoption of the report prepared and submitted by the Committee on Pensions of the Senate. (See Senate Report No. 258, Forty-ninth Congress, first session.)

Mr. BLANCHARD. This report does not state any of the facts in the case. Let us have the Senate report read.

The CHAIRMAN. The Chair is informed that the Senate report was not with the bill.

Mr. BRADY. Then I ask unanimous consent that it be passed over, retaining its place on the Calendar.

Mr. SPOONER. I object. I have a copy of the Senate report here which I send to the desk.

The Senate report was read, as follows:

The claimant, Mary E. Crimmins, is the widow of Patrick Crimmins, late a machinist's helper in the United States Navy, in service at the naval torpedo station, Goat Island, Rhode Island. No claim in this case was ever made to the Pension Office, as it could not be considered under the general laws. The following communications which are appended will show the main facts upon which the claim is based.

Your committee recommend the passage of the bill.

(For precedents see chapter 422, Forty-seventh Congress, first session, Martha A. Jones; chapter 418, Elizabeth Leebrick; chapter 411, Amos Chapman; chapter 368, David T. Stephenson; chapter 324, Mary Wade.)

STATE OF RHODE ISLAND, *County of Newport, ss:*

OFFICE CLERK SUPREME COURT.

James G. Topham, being sworn, says: My residence is No. 9 North Baptist street, Newport, R. I. I am now, and was in 1874, one of the coroners of this

city. On the 22d day of February, 1874, as such coroner, I held an inquest upon the body of Patrick Crimmins, at the torpedo works, on Goat Island, in this city. After hearing the evidence the verdict of the jury was that the body was that of Patrick Crimmins, and that he came to his death by suffocation while in the line of duty and service of the United States in the gas room. I am disinterested.

JAMES G. TOPHAM, *Coroner.*

Subscribed and sworn to before me the 18th day of April, 1884; and I hereby certify the affiant to be credible and well known to me as the officer he represents himself to be, and that I am every way disinterested.

[SEAL.] THOS. W. WOOD, *Clerk.*

UNITED STATES TRAINING-SHIP NEW HAMPSHIRE (1st Rate),
Newport, R. I., April 12, 1884.

I hereby certify that the late Patrick Crimmins was employed at the torpedo station, Goat Island, Newport Harbor, under my command, from its commencement, in the fall of 1869, to July, 1873, when I was detached; and I have reason to know that he continued to be so employed until and at the time of his death, in January, 1874.

He was a most faithful, reliable man; though not a trained machinist, he was so handy with tools, so very trustworthy and intelligent in whatever he was called upon to perform, that he became as useful as a regular machinist; and he finally lost his life in the execution of a duty for which he had been selected, owing to his steadiness and intelligence.

He left a widow and children in needy circumstances.

E. O. MATTHEWS,
Captain U. S. Navy.

NAVY-YARD, *Boston, April* 9, 1884.

To whom it may concern:

Patrick Crimmins, employed as machinist's helper at the naval torpedo station on Goat Island, Newport, R. I., in the winter of 1873-'74, the date forgotten, the torpedo station then being under my command, lost his life while in the performance of one of his regular duties. He had charge of a gasoline vault, which he was obliged to enter in order to turn on the flow of gas each evening.

On the date, forgotten, above referred to, not having returned to his home at the usual hour in the evening, his friends sent to the island to inquire for him. Search was made, and his dead body was found in the gasoline vault. Upon investigation it was learned that he had been seen but a few minutes before the usual time for the workman's boat to leave the island, running toward the vault, and that he had not again been seen alive. It was concluded that having been detained in some way beyond his usual time for visiting the vault, he was obliged to run in order not to miss his boat; that having thus exhausted his breath before entering the vault, he had taken deep respirations, drawing in so much of the gasoline fumes as to overcome and finally to suffocate him. He was an excellent, quiet, sober, and industrious man, whom I had known for several years. He was put in charge of the vault through confidence in his intelligence, and it was not deemed that there was any danger in entering into it, nor, indeed, was there, except for the momentary condition in which he doubtless was.

Very respectfully,

EDWARD P. LULL,
Captain U. S. Navy.

Mr. SOWDEN. I hope the committee will not give this case a favorable consideration. Here is a man who was not in the military service of the Government at all, but was in the civil service as a machinist's helper at the naval torpedo station on Goat Island, Rhode Island. He never made a claim for pension before the Pension Department, nor would such a claim have been considered by it under the general laws. It would certainly be a very marked departure on the part of this House were it to pass this bill. What if the husband of the claimant was a most faithful and reliable man and trained machinist? What if he died of suffocation in 1874 while in the service of the Government as machinist's helper? Does this entitle his widow to a pension? If so, the widows of other faithful employés dying while in the civil service of the Government might also make claim for similar legislation, and they would be as much entitled to relief as this man's widow.

There is no law covering the case of pensions to civilians and probably never will be. When a man enters the civil employ of the Government as into that of civilians he assumes all the risks of that employment. If, therefore, a civil employé of the Government who enters its service and is injured or dies while in the Government's employ, neither he nor his widow can expect relief in the manner proposed by this bill. It is not military employment; for which a pension can or ought to be granted.

Mr. SPOONER. I agree rather with the colleague of the gentleman from Pennsylvania who made this report [Mr. SCOTT] and with the Committee on Pensions, from whom the report comes, concerning the propriety of granting the pension in this case. Nor need I go further than the State of Pennsylvania itself to find a parallel case, one at least in which relief was granted, where the parties were civil employés of the Government and were injured or killed while in the service of the United States.

At the explosion of the arsenal, I think in Pittsburgh, or in that neighborhood, there were a number of persons killed and some wounded. A bill for their relief was passed by Congress and became a law.

Mr. MATSON. Was that a pension?

Mr. SPOONER. I was about to say that was in the line of direct pecuniary compensation. But the report which has been read cites certain cases as precedents for this action. And within my own knowledge in the last Congress an act was passed for the relief of Jeremiah McCarty granting him a pension. He was a civil employé who was injured by the explosion of a torpedo which he was placing. It will be found in Statutes at Large, volume 23, page 679, chapter 408, and it is here for the inspection of any member who desires to refer to it.

We have passed with a good deal of propriety, and certainly with considerable celerity upon many occasions, pension bills granting relief which I think are far less deserving consideration than this bill is.

Here was a man in the employ of the Government, a faithful employé during a long number of years; a poor man; not a commodore or an admiral. He is killed in the discharge of his duty. He leaves a poor widow and orphan children who depended upon him for support, and who without him are left in distressed circumstances.

I suggest to the committee that this is certainly an appropriate case for the granting of relief. It is not without precedent, as I have suggested. And to my personal knowledge the case of Jeremiah McCarty, to which I have referred, is a case precisely in point, the circumstances being such as I have already detailed to the House.

Mr. BRADY. I can give another case, that of Captain Guthrie, who was a civil employé of the Treasury Department some years ago. He and his crew in going to the assistance of a wreck on the eastern coast of Virginia were lost; and Congress not only pensioned his widow, but the widows of all the crew.

Mr. SPOONER. I have no doubt many precedents can be found for action of this kind. It is certainly within the limit of just, reasonable, and not excessive liberality on the part of the Government to the dependent widow of a faithful employé. I move that the bill be laid aside to be reported with the recommendation that it do pass.

Mr. MATSON. I do not know if there are any precedents for this precisely in point. I take it for granted the gentleman from Rhode Island is correct in what he has stated about the McCarty case. I remember when the widows of the crew belonging to the Life-Saving Service were pensioned; and I remember the decided opposition which was made to that action by the present occupant of the chair [Mr. MCMILLIN] and by myself. The crew were drowned attempting to save lives off the coast of North Carolina. But whether there are precedents in point for this case or not, we can not afford to begin a civil-pension list.

Mr. SPOONER. This is not a beginning.

Mr. MATSON. If we have begun it the sooner we stop it the better; pensions ought to be held sacred for military service alone. Our people do not intend that men engaged in the civil service of the Government shall be pensioned. There is such a sentiment in the country on this subject that we can not afford to do it; Congress can not afford to do it.

If this passes, the next thing will be to pension the railway mail clerks and the Life-Saving Service; and then we will have to pension the relatives of all the clerks and employés who have died in the Government service.

A MEMBER. And the widows of Congressmen.

Mr. MATSON. We may as well understand it now as at any other time. So far as I am concerned, I should feel it my duty if this bill should obtain a majority of those present to-night to demand that it be voted on in a full House. I therefore renew my motion that the committee rise.

Mr. BLANCHARD. I hope the gentleman will withdraw that motion. Let us dispose of this bill.

Mr. ADAMS, of Illinois. Is the motion that the committee rise in order?

The CHAIRMAN. The motion that the committee rise is always in order. It stands on the same footing as a motion to adjourn in the House.

Mr. BLANCHARD. I think we can dispose of this bill by defeating it.

Mr. MATSON. I withdraw the motion.

Mr. BLANCHARD. I desire to say a word before the vote is taken. I am a little bit surprised that a favorable report should have been made on a bill of this sort by the Committee on Invalid Pensions.

Mr. MATSON. It was not made by that committee.

Mr. MORRILL. It was made by the Committee on Pensions. The Committee on Invalid Pensions has invariably rejected every proposition of this kind.

Mr. SPOONER The bill was not before the Committee on Invalid Pensions, as it was not a case of pensioning for service performed during the late war.

Mr. BLANCHARD. This party was nothing more nor less than a civil employé, who met his death while in that employment; and his widow is no more entitled to a pension than the widow of a Department clerk who loses his life by the fall of an elevator. I think it must be apparent to every gentleman that it is stretching the pension prerogatives of Congress when we are seriously asked to grant a pension in a case like this.

Mr. ROWELL. Suppose the elevator fell by reason of carelessness in its construction.

Mr. BLANCHARD. That would be another question. The Government then might be liable in damages to the party or to his heirs. But here is a bill to pension a civil employé of the Government. I hope this bill will be voted down, because evidently it is impossible for it to pass. A quorum will certainly be asked on such a bill as this.

Mr. BUCHANAN. Mr. Chairman, a single word. It seems to me that before a bill of this kind could receive favorable consideration in this House it would have to be demonstrated clearly that the death of this party arose from neglect on the part of some Government employé. That does not appear in this case. I see no reason why the Govern-

ment should be more liberal with reference to its civil employés than a private employer would be.

Mr. FARQUHAR. In such a case would it not be a question of damages, not a question of pension?

Mr. BUCHANAN. And in that case, as the gentleman from New York suggests, and as I was about to say, it would be simply a question of damages, not a question of pension. Mr. Chairman, claims of this character are more numerous than many of us think. There are a good many cases where persons in the civil employ of the Government have not been killed, but have sustained injury, and where they seek compensation in this form.

In every such case that has been referred to me as a subcommittee I have refused to report favorably without the fullest proof that some employé of the Government was responsible for the accident. Let me add a word with reference to the Life-Saving Service. I do not think that that service should be put in the same category with these other cases, because there is an element of personal danger connected with that service which does not enter into the other cases to which I have referred. However, that subject is not now before us for discussion, and I simply make this remark lest my silence in regard to it should be misunderstood. [Cries of "Vote!" "Vote!"]

Mr. SPOONER. Mr. Chairman, I do not doubt that the granting of a pension in this case would be somewhat a matter of grace. I think, however, that the chairman of the Committee on Invalid Pensions should not allow his very proper zeal in behalf of the Union soldiers to prevent him from also granting consideration to other classes of employés in the service of the Government, including, I think very properly, as has been suggested by the gentleman from New Jersey [Mr. BUCHANAN], those connected with the Life-Saving Service.

I am not sure but that the Railway Mail-Service would be deserving of the same consideration; and there have been projects, strongly urged, for the granting of pensions by general law to both those classes of civil employés. I do not know that it is a matter of very much concern to the Government in making compensation for death or injury in its service whether that compensation is made in a single sum by way of damages, or whether it is paid in installments in the form of a pension. As I have already said, I am aware that under existing law the granting of a pension in a case of this kind is a matter of grace, but this is not an entirely unusual case. [Cries of "Vote!" Vote!"]

The CHAIRMAN. The question is on the motion of the gentleman from Rhode Island [Mr. SPOONER], that this bill be laid aside to be reported to the House with the recommendation that it do pass.

The question was taken, and the motion was rejected.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it lie on the table.

There was no objection, and it was so ordered.

Mr. MATSON. I move that the committee do now rise.

Mr. FARQUHAR. I ask the chairman of the Committee on Invalid Pensions to allow me a minute before he presses that motion.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MATSON having resumed the chair as Speaker *pro tempore*, Mr. MCMILLIN, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration bills on the Private Calendar under the special order, and had instructed him to report to the House sundry bills with various recommendations.

HOUSE BILLS PASSED.

House bills of the following titles, reported favorably from the Committee of the Whole House, were severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 5950) granting a pension to Catharine Reisinger;
A bill (H. R. 3851) granting a pension to William P. Shelton;
A bill (H. R. 8334) for the relief of Jacob Nix;
A bill (H. R. 1681) for the relief of William Hicks;
A bill (H. R. 4624) for the relief of Cassius H. Robinson;
A bill (H. R. 6832) granting a pension to Mrs. Catherine Sattler;
A bill (H. R. 7169) to grant a pension to James Robinson;
A bill (H. R. 7234) granting a pension to Susan Hawes;
A bill (H. R. 7193) granting a pension to Sarah A. Tucker;
A bill (H. R. 8280) granting a pension to John Patton;
A bill (H. R. 6817) granting a pension to Thomas Brown;
A bill (H. R. 6819) granting a pension to William Conner; and
A bill (H. R. 8827) granting a pension to John Buchanan.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, and the bills as amended ordered to be engrossed for a third reading; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 6425) granting a pension to Jonathan S. Lents;
A bill (H. R. 1617) for the relief of George H. Laurence;
A bill (H. R. 5389) granting a pension to Ann Kinney;
A bill (H. R. 8046) granting a pension to Erastus W. Kennedy; and
A bill (H. R. 6825) granting a pension to James R. Baylor.

House bills of the following titles, for the removal of political disabilities, were ordered to be engrossed for a third reading; and being engrossed, they were accordingly read the third time, and passed—two-thirds voting in favor thereof:

A bill (H. R. 8278) for the relief of Seth M. Barton; and
A bill (H. R. 8192) to remove the political disabilities of J. R. Eggleston, of Mississippi.

HOUSE BILLS LAID ON THE TABLE.

House bills of the following titles, reported adversely from the Committee of the Whole House, were laid on the table:

A bill (H. R. 7869) to increase the pension of Sophia Beeler; and
A bill (H. R. 3610) granting a pension to Anna A. Probert.

SENATE BILLS PASSED.

Senate bills of the following titles, reported favorably from the Committee of the Whole House, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 686) granting a pension to Charles N. Sebastian;
A bill (S. 1077) granting a pension to Newcomb Parker;
A bill (S. 1841) granting a pension to Joseph Shull;
A bill (S. 787) granting a pension to Reuben Farnum;
A bill (S. 1304) granting a pension to William Reynolds;
A bill (S. 1797) granting a pension to John S. Kirkpatrick;
A bill (S. 1618) granting a pension to John G. Nicholas; and
A bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodor Alexander A. Semmes, United States Navy.

SENATE BILLS REJECTED.

Senate bills of the following titles, reported adversely from the Committee of the Whole House, were taken up; and the question being taken on ordering the bills to a third reading, it was decided in the negative, and the bills were rejected:

A bill (S. 160) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins; and
A bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls.

EDWARD CORNING.

The bill (S. 1666) granting a pension to Edward Corning was taken up, and, in accordance with the recommendation of the Committee of the Whole House, was recommitted to the Committee on Invalid Pensions with leave that when reported back it should occupy its former place on the Calendar.

Mr. NEECE moved to reconsider the various votes by which bills reported from the Committee of the Whole House had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY HOWARD FARQUHAR AND HENRY DOMEYER.

Mr. MORRILL. I ask unanimous consent that the bill (S. 678) for the relief of Mary Howard Farquhar and the bill (S. 1520) granting a pension to Henry Domeyer, be stricken from the Calendar. In one case a House bill identical in substance has passed the Senate; and in the other the pension has been allowed by the Pension Office.

The motion was agreed to.

And then, on motion of Mr. WINANS (at 10 o'clock and 40 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Charles Weill, of Sarah Cagle, and of Hannah Mason, of Rankin County; of C. L. Kidd, executor of Thomas Kidd; of J. W. and H. C. Roberts, heirs of Isaac Roberts, and of James Drumgoole, of Hinds County; and of Elizabeth McArthur, administratrix of John McArthur; of John R. McAlpine, of Page Brayboy, heirs of Tenor Brayboy; of Thomas Ryan, of Anna M. Ragsdale, of E. M. Harding, heir of J. H. Many, and of J. M. Harding, heir of Richard Harding, of Claiborne County, Mississippi, asking that their war claim be referred to the Court of Clams—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: Petition of members of Brawley Trone Post, No. 326, Department of Ohio, and others, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. COLLINS: Resolutions of the Boston Merchants' Association, asking for the issue of a sufficient amount of small Treasury notes—to the Committee on Banking and Currency.

By Mr. DORSEY: Petition of citizens of Nebraska, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition, asking that a pension be granted J. M. Feather—to the same committee.

By Mr. ERMENTROUT: Petition of J. W. Barney, Victor Dupont, and other hospital stewards, United States Army, asking for the passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. EVANS: Petition for the redemption and recoinage of the trade-dollar, from citizens of Bristol, Pa.—to the Committee on Coinage, Weights, and Measures.

By Mr. FORAN: Petition of Union Soldiers and Sailors' Land Association, of Cleveland, Ohio, for the passage of House bill 5390—to the Committee on the Public Lands.

Also, petition of T. P. Handy and others, bankers, merchants, and citizens of Cleveland, Ohio, praying for the full redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. GAY: Petition of Celestine Donterino, of Iberia Parish, Louisiana, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GEDDES: Petition of Ogden Post, No. 569, Grand Army of the Republic, of Nova, Ashland County, Ohio, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. GIBSON, of ———: Petition for the relief of the heirs of J. B. Levitt, deceased—to the Committee on War Claims.

By Mr. GILFILLAN: Petition of members of J. S. Cady Post, No. 2, Department of Minnesota, Grand Army of the Republic, favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of Woman's Relief Corps, auxiliary to J. S. Cady Post, No. 2, asking for same—to the same committee.

By Mr. GROUT: Petition of J. M. Tarbell and 40 others, members of Grand Army of the Republic Post of Western Vermont, asking for the passage of Senate bill 1886—to the same committee.

By Mr. HILL: Petition of V. R. Beebe and 50 others, citizens of Dakota, praying for a division of Dakota and the admission of the southern half thereof—to the Committee on the Territories.

By Mr. HOLMES: Petition of George E. Jones, ex-postmaster at Boonesborough, Iowa, praying for the passage of a joint resolution for the adjustment and payment of his salary according to acts of June 12, 1866, and March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. LANHAM: Petition of citizens of Mitchell County, Texas, relating to the removal of the Federal court from Graham to Cisco, Tex.—to the Committee on the Judiciary.

By Mr. LONG: Petition of George W. Goodrich, in aid of House bill 9215—to the Committee on Invalid Pensions.

By Mr. MAYBURY: Petition of the Woman's Christian Temperance Union, of Detroit, Mich., for further legislation tending to the protection of young girls—to the Committee on the Judiciary.

By Mr. O'DONNELL: Petition of 16 ex-soldiers and 13 citizens of East Gilead, Mich., in favor of the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Petition of David Reutchler, late a private of Company D, Twenty-seventh Regiment Pennsylvania Volunteers, for a pension—to the same committee.

By Mr. PETERS: Resolutions of Elbert F. Peck Post, Grand Army of the Republic, of Hazleton, Kans., favoring the passage of Senate bill 1886—to the same committee.

By Mr. RICHARDSON: Petition of B. M. Tillman, administrator of John McQuiddy, of Bedford County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIGGS: Petition of Lowell Call and 50 others, of Roodhouse, Ill., for the passage of Senate pension bill 1886—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Petition of members of Estill Post, No. 71, Grand Army of the Republic, of Petersburg, Ill., for the passage of Senate bill 347, for the relief of soldiers of the late war—to the same committee.

Also, petition of Adam Brandt and others, in favor of House bill to restore wages of employés of the Government Printing Office—to the Committee on Printing.

Also, petition of John York Post, No. 423, Grand Army of the Republic, of Meredosia, Ill., relating to pensions—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Petition of Charles Valentine and others, ex-soldiers of Sing Sing, N. Y., for the passage of Senate bill 1886—to the same committee.

Also, petition of the Industrial Christian Home Association of Utah, asking for an appropriation of $100,000—to the Committee on Appropriations.

Also, petition of G. B. Balch, M. D., and others, citizens of West Chester, N. Y., asking aid for the National Board of Health—to the Committee on Commerce.

By Mr. STEELE: Petition of John B. Harris and 25 others, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, resolution of the Indianapolis Board of Trade, asking favorable action on the bill granting the right to construct an additional bridge over the Mississippi River at Saint Louis—to the Committee on Commerce.

By Mr. I. H. TAYLOR: Petition of D. B. Turnipseed and 49 others, ex-soldiers and citizens of Columbiana County, Ohio, praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. O. B. THOMAS; Petition of 80 citizens of Monroe County, Wisconsin, for the passage of Senate bill 1886, for the relief of soldiers of the late war—to the same committee.

By Mr. THOMPSON: Petition of Wheelersburg Post, No. 508, Grand Army of the Republic, for certain pension legislation—to the same committee.

By Mr. WINANS: Petition of William E. Hamilton, S. B. Daboll, and 56 others, citizens of Saint John's, Mich., praying for the speedy passage of Senate bill pensioning disabled soldiers—to the same committee.

SENATE.

MONDAY, *June* 14, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

Mr. PLUMB. The Senator from Alabama [Mr. MORGAN] has been called away again by the affliction which has been the occasion of his absence heretofore, and he wished me to ask of the Senate an indefinite leave of absence for him, which I now do. I move that the Senator from Alabama be granted an indefinite leave of absence.

The PRESIDENT *pro tempore*. The Senator from Kansas in behalf of the Senator from Alabama [Mr. MORGAN] moves that he be granted an indefinite leave of absence. If there be no objection the leave will be granted.

Mr. EDMUNDS. I wish it to be stated in the Journal, that there may be no question of appropriation under the law, that the leave is granted on account of illness of his family, so that there can be no question about pay.

The PRESIDENT *pro tempore*. It will be so stated in the Journal.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1797) granting a pension to John S. Kirkpatrick;

A bill (S. 1618) granting a pension to John G. Nicholas;

A bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy;

A bill (S. 686) granting a pension to Charles N. Sebastian;

A bill (S. 1077) granting a pension to Newcomb Parker;

A bill (S. 1841) granting a pension to Joseph Shull;

A bill (S. 787) granting a pension to Reuben Farnum; and

A bill (S. 1304) granting a pension to William Reynolds.

The message also announced that the House had agreed to the resolution of the Senate to print 15,000 additional copies of the reports of the South American Commission.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by U. S. Grant Post, No. 14, Department of Montana, Grand Army of the Republic, of Miles City, Mont., thanking the Senate for passing Senate bill No. 1886, for the benefit of disabled soldiers and their dependent relatives; which were ordered to lie on the table.

Mr. CALL. I present a petition of the workingmen of the navy-yard at Washington, D. C., praying for the passage of the bill (S. 2268) to grant leaves of absence to employés in the United States navy-yards, and for other purposes. The bill has been favorably reported from the Committee on Education and Labor, and I move that the petition lie on the table.

The motion was agreed to.

Mr. CULLOM presented the petition of Isaac Gaskin and 283 citizens of Sangamon County, Illinois, praying for the passage of legislation providing for compensating prisoners of war for the suffering endured and physical injuries received in Southern prisons; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 2653) to grant the right of way through the Indian Territory to the Kansas City, Fort Scott and Gulf Railroad Company, and for other purposes; which was read twice by its title.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation, reported it with an amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Naval Affairs, to whom was recommitted the bill (S. 962) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein, submitted a report thereon, accompanied by a bill (S. 2661) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein; which was read twice by its title.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2654) granting a pension to

Mary J. Layton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2655) for the relief of Marcus A. Reno; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 2656) granting a pension to O. R. Gifford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2657) granting a pension to Isaac D. Gensel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2658) granting a pension to William Verbryck; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5659) granting a pension to Adolphus W. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2660) granting a pension to Annie E. Gardiner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a joint resolution (S. R. 70) proposing an amendment to the Constitution of the United States; which was read twice by its title, and ordered to lie on the table.

Mr. MITCHELL, of Oregon. I introduce a joint resolution, and ask that it be read at length and referred to the Committee on Naval Affairs; and I also give notice that I shall at the proper time offer the body of the joint resolution, without the preamble, as an amendment to the sundry civil appropriation bill.

The joint resolution (S. R. 69) providing for the appointment of a commission to select a site for a naval station on the Pacific coast, was read the first time by its title and the second time at length, and referred to the Committee on Naval Affairs, as follows:

JOINT RESOLUTION.

Whereas the military and naval defenses of the United States, the construction and repair of our shipping, and the promotion and security of our commerce have ever been subjects justifying in the American mind a policy of liberal appropriations for the improvement of harbors, construction of fortifications, erection of light-houses, establishing a Navy with suitable navy-yards and naval depots, until the Atlantic seacoast, from New Brunswick to Strait of Florida presents a cordon of military and naval defenses, and commercial aids, with numerous navy-yards, including all the facilities for the construction and repair of vessels, and equipments, and the manufacture of ordnance and munitions of war, and all of which have been established with a view mainly of enabling the United States to successfully compete in military, naval, and commercial prowess, advancement, and necessary conflict with the European powers facing us in that direction; and

Whereas the territorial empire of the United States presents another great national front bordering on the eastern shores of the Pacific Ocean, with more than 2,000 miles of sea-line rapidly growing into military, naval, and commercial importance, confronted not only with formidable European military and naval establishments in the islands of the Pacific to the westward, and in the British and Russian possessions to the northward, but with the vast Asian empires and their dependencies with their over seven hundred million of inhabitants, who are rapidly turning their attention to improvements in the arts of war, offensive and defensive, and which must at no distant day become powers on the Pacific Ocean not to be ignored by the more civilized nations of the world, while as yet we have but a single navy-yard on all this extended coast line, and none north of the thirty-eighth parallel of north latitude; and

Whereas the Pacific Northwest, embracing the State of Oregon and the Territories of Washington, Idaho, Western Montana, and Alaska, in addition to being possessed of great agricultural, pastoral, and mineral resources, and a great and rapidly increasing commerce, internal and foreign, has within its western borders, and in close proximity to the most magnificent harbors, and inland seas, immense bodies of the best quality of iron, coal, lime and other stone, and almost boundless forests of the finest timber in the world, suitable in all respects and admirably adapted for the construction and repair of ships, and extensive water-power for propelling machinery, including every natural requisite and facility for the establishment of a first-class navy-yard: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, required to appoint a commission, composed of three competent naval officers, whose duty it shall be to examine the coast north of the forty-second parallel of north latitude in the State of Oregon and Territories of Washington and Alaska, and select a suitable site, having due regard to the commercial and naval necessities of that coast, for a navy-yard; and having selected such site, shall, if upon private lands, estimate its value and ascertain the price for which it can be purchased, and of their proceedings and actions make full and detailed report to the Secretary of the Navy; and the Secretary of the Navy shall transmit such report with his recommendation to Congress.

SEC. 2. That to defray the expenses of such commission the sum of $——, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated.

AMENDMENTS TO AN APPROPRIATION BILL.

Mr. VEST submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

GEORGETOWN GASLIGHT COMPANY.

Mr. VAN WYCK. I submit the following resolution for adoption:

Resolved, That the Committee on the District of Columbia be directed to report by bill prohibiting the Washington Gaslight Company and the Georgetown Gaslight Company from consolidating with any other corporation within said District.

Also, that said committee be directed to make a similar investigation into the affairs of the Georgetown Gaslight Company as was ordered by the Senate into the affairs of the Washington Gaslight Company.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOAR. Let it be referred to the Committee on the District of Columbia.

Mr. VAN WYCK. One moment before the reference is made.

The PRESIDENT *pro tempore*. Objection is made, and debate is not in order.

Mr. VAN WYCK. I ask unanimous consent to make a statement, or else let the resolution go over under objection until to-morrow and then I shall desire to make a statement.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts to object.

Mr. HOAR. No, sir. The latter part of the resolution I should not object to; but the former part, requiring the Senate to commit itself, I should object to, and I prefer to have the resolution referred.

Mr. VAN WYCK. If the Senator will permit me, I wish to make one statement.

Mr. HOAR. Certainly; I do not object to that.

Mr. CONGER. I suggest that the resolution go over and be printed.

The PRESIDENT *pro tempore*. Objection being made, the resolution will go over and be printed.

Mr. VAN WYCK. Very well; I shall call it up to-morrow morning.

POSTAGE ON FOURTH-CLASS MATTER.

Mr. WILSON, of Iowa. I desire to give notice that on Wednesday next, after the formal morning business, I shall ask the Senate to take up for the purpose of submitting some remarks upon it Order of Business 585, being the bill (S. 1079) to regulate the rate of postage on fourth-class matter, which has been reported adversely from the Committee on Post-Offices and Post-Roads. I desire to present some considerations to the Senate on the bill at that time.

NORTHERN PACIFIC RAILROAD LANDS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is in order.

Mr. DOLPH. I move that Senate bill 2172, restoring to the United States certain lands granted to the Northern Pacific Railroad Company, &c., be now taken up.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. BECK. I rise to what I suppose is a privileged motion.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky rise to a privileged question?

Mr. BECK. I think it is a privileged question. I rise to call up the motion to reconsider the vote by which a certain bill was passed, and of which notice was given that it would be called up this morning. I thought that matter was to be proceeded with after the morning business was concluded this morning.

The PRESIDENT *pro tempore*. The Senator from Kentucky, claiming it to be a privileged question, moves that the Senate proceed to the consideration of the question on reconsidering the vote by which a certain bill was passed. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grants of lands or pecuniary aid from the United States.

Mr. HAWLEY. I should like to say just a word or two. I suppose the motion is not debatable.

Mr. DOLPH. I rise to a point of order.

Mr. HOAR. Is it in order to raise the question of consideration at this time?

The PRESIDENT *pro tempore*. The Chair is not very well advised as to whether a motion to reconsider is a privileged question that can be called up at any time. He has some doubt about it. The Chair is disposed to hold that it is not a privileged question, especially when another motion in regular order is made.

Mr. EDMUNDS. The decision of the Chair is evidently right, but I hope the matter will be taken up and disposed of.

Mr. DOLPH. I should like to inquire what disposition was made of the motion made by me to take up Senate bill 2172?

The PRESIDENT *pro tempore*. That motion is pending, but the Senator from Kentucky rose to what he considered a privileged motion. The Chair thinks it is not a privileged motion pending another proposition.

Mr. BECK. I not only gave notice that the motion to reconsider would be called up this morning, but I was standing on the floor and trying to press it when the Senator from Oregon got in his motion first. The notice was given at the request of the Senator from Connecticut [Mr. HAWLEY] that we would pass on the motion to reconsider this morning after the morning business.

The PRESIDENT *pro tempore*. The Chair will advise the Senator from Kentucky that after the pending motion is adopted, then it will be in order to move to proceed to the consideration of any other busi-

ness; but pending a motion to take up a bill on the Calendar, the Chair is of opinion that a motion to reconsider can not be called up as a matter of preference.

Mr. CONGER. As the time within which a motion to reconsider is limited, I suppose the entry of the motion to reconsider would be in order at any time.

The PRESIDENT *pro tempore*. The motion has been already entered.

Mr. CONGER. But the taking up and considering of it I should think under the rules would not be a matter of privilege.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon [Mr. DOLPH] that the Senate proceed to the consideration of the bill named by him.

The question being put, it was declared that the ayes appeared to prevail.

Mr. BECK. I call for the yeas and nays. I insist upon having a vote upon my motion.

The PRESIDENT *pro tempore*. The Senator from Kentucky demands the yeas and nays. Is there a second?

Mr. HARRIS. I ask the Senator from Kentucky not to demand the yeas and nays. Inasmuch as a motion to reconsider is not debatable under the rules, I ask the Senator from Oregon to consent that his bill may be informally laid aside in order that we may dispose of the other matter. We can do it with a single vote on the question of reconsideration one way or the other.

Mr. BECK. I withdraw the call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of Senate bill 2172.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the pending question being on the amendment proposed by Mr. VAN WYCK, in section 1, line 12, after the word "Oregon," to strike out all down to and including the word "mountains," in line 14, and to insert:

> And also all lands which appertain to and are conterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed on the 15th day of June, 1886.

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. CALL] is entitled to the floor on the pending bill.

Mr. DOLPH. I understand the President to have ruled that the motion of the Senator from Kentucky would now be in order.

The PRESIDENT *pro tempore*. The Senator from Florida has the floor. If he yields the floor for that purpose the motion can be entertained.

Mr. CALL. I yield for that purpose.

Mr. HOAR. I object to any yielding for any purpose.

The PRESIDENT *pro tempore*. Objection being made, the Senator from Florida will proceed.

Mr. CALL. Mr. President, when the Senate was in session on Friday last and I was proceeding to discuss the provisions of the bill and yielded the floor to the Senator from Wisconsin [Mr. SPOONER], I was endeavoring to show the relation which the tenure of land in the United States sustains to the passage of this bill. I regard that as the important feature of this discussion. I stated that we had in this country a condition of land tenure, of landlordism, in which the people were excluded from the ownership of land to a greater extent than in any civilized country of modern times. The tenant farmers of the United States are stated in the last census to be as follows:

Statement showing the number of tenant farms in the several States and Territories.

NORTH ATLANTIC GROUP.

Maine	2,718	Connecticut	3,126
New Hampshire	2,615	New York	39,872
Vermont	4,762	New Jersey	8,438
Massachusetts	3,140	Pennsylvania	45,322
Rhode Island	1,236		

SOUTH ATLANTIC GROUP.

Delaware	3,708	South Carolina	47,219
Maryland	12,537	Georgia	62,175
District of Columbia	210	Florida	7,240
Virginia	34,896	West Virginia	12,001
North Carolina	52,722		

NORTHERN CENTRAL GROUP.

Ohio	48,573	Iowa	44,174
Indiana	46,050	Missouri	58,892
Illinois	80,244	Dakota	678
Michigan	15,411	Nebraska	11,419
Wisconsin	12,159	Kansas	22,651
Minnesota	8,453		

SOUTHERN CENTRAL GROUP.

Kentucky	44,027	Louisiana	17,006
Tennessee	57,196	Texas	65,465
Alabama	63,649	Arkansas	29,188
Mississippi	44,558		

WESTERN GROUP.

Montana	80	Nevada	136
Wyoming	13	Idaho	89
Colorado	584	Washington	471
New Mexico	408	Oregon	2,286
Arizona	101	California	7,124
Utah	433		

In addition to this the laborers employed in agriculture, together with this large amount of tenant farmers, number something upward of five million men, who have no homes, no permanent interest in the soil of this country, and the question is presented now to the Congress of the United States whether we shall place in the hands of a corporation an empire as great as the States of Ohio and Indiana, the terms of settlement and sale to be imposed upon the people who go upon that territory in the discretion of a corporation of a few individuals. The question presented is whether the policy of encouraging the ownership of the soil by American people is consistent with this act of legislation by the Congress of the United States.

Mr. President, I regard that as a question lying at the very basis of American institutions I regard it as a question subversive not only of the policies of this Government but of the very principles of the Government itself. It must be met, and met here. It is a question between the people and the corporations of the country. I maintain, and I think I can establish, that there is no principle of law, there is no policy of this Government or any other free government, which ever existed that can sustain and approve such a doctrine.

What is a corporation? Blackstone defines it to be:

> But as all personal rights die with the person, and as the necessary forms of investing a series of individuals, one after another, with the same identical rights would be very inconvenient, if not impracticable, it has been found necessary, when it is for the advantage of the public to have any particular rights kept on foot and continued, to constitute artificial persons, who may maintain a perpetual succession and enjoy a kind of legal immortality.

This convenient form of association was first introduced into the kingdom of Great Britain under ecclesiastical government. It was a device which came from the old Roman civilization. We are all aware how, in the history of the English Government, the ecclesiastical corporations acquired such a tenure of the land as to constitute a great public grievance.

We find by an examination of the law upon that subject that alienation without authority of law became by the principle of the English law in the interests of freedom a forfeiture of the franchise of the corporation. It is so asserted, and I shall cite authorities to show that the mere fact of alienation of land contrary to the terms of the law was of itself an absolute forfeiture of the land.

The Judiciary Committee of the House of Representatives in a report made in the last Congress say:

> The legal right, therefore, of one who has incurred a forfeiture by breach of condition-subsequent to relief against an unwilling adversary, upon a substantial performance after the day, at law and in equity, and undoubtedly in the latter forum, can not be denied.
>
> But one other point remains to be considered. After breach of the condition-subsequent, the estate does not determine *ipso facto*, but only at the election of the grantor by re-entry. And, therefore, if the grantor after such breach accepts performance of the condition tendered by the grantee, he waives the forfeiture, the condition is gone forever, and the estate becomes absolute.
>
> In Dumpor's case (2 Coke, 119; 1 Smith L. C., 15) we find the basis of this principle. In Goodright *vs.* Davies (Cowper, 803) Lord Mansfield says: "Cases of forfeiture were not favored at law; and where the forfeiture was once waived, the court would not assist it." (See also Ward *vs.* Day, 116 E. C. L. R., 337; Doe *vs.* Birch, 1 M. & W., 402; Croft *vs.* Lumley, 85 E. C. L. R., 648; S. C. Cam. Scac., *ibid.*, 682; Jackson *vs.* Barman, 7 Johnson, 227, and other cases cited in note by American editor).

Yet the honorable Senator from Colorado [Mr. TELLER] maintained in an elaborate argument a few days since that not alienation, but the passive silence of the legislative branch of the Government, when an alienation was to be made, divested the sovereign power of the legislation of the government over a corporation. But we well know that in the whole history of English law, the common law which he cites was that a corporation that violated its charter and exceeded the authority given to it was subject to forfeiture; and especially in regard to its holding of lands, to its absorbing the soil and holding in dead hands the property, the soil of the country, was the English law most severe.

But yet upon this question here in the Senate of the United States, when the question of the alienation to a corporation of an empire capable of sustaining fifty million people is before us, we find an interpretation of the law based upon the relations of one individual with another, which it is claimed not only controls the sovereign power of legislation, but even divests the representatives of the people of the power to protect them against such enormous spoliation.

The Senator from Colorado said in the conclusion of his speech, after reading a report from the Judicary Committee of the House:

> I shall be astonished if anybody can produce an authority when the condition has been performed that the grantor can intervene and re-enter, whether it be the great nation the United States or whether it be a humble individual. The Government of the United States has no greater right, when it comes to a question of law, than the humblest citizen of this great Republic.

This is read to establish the right of a railroad corporation which has obtained a grant of lands from the legislative power of the country upon the condition of the completion of a line of railway within a definite and fixed period of time. It is to confirm the right and title of such

grantee to any extent of the appropiation of the public domain. It is to establish the proposition that if the Congress of the United States should by such a grant convey to a private corporation, or to two or three individuals constituting a corporation, a whole empire as great as the United States itself, it would be an absolute title and be vested in the individual beyond the power of legislation to control the terms of its settlement for all time, and might be leased by that individual for a thousand years to the entire exclusion of the right of ownership of every American citizen to the soil.

I desire to test this proposition in the light of the authorities. I affirm that there is not a single principle of law or the decision of a single court which affirms that upon a great question of public policy the rights of the individual can stand for a moment in opposition to the rights of all the rest of the people; the people upon one side, the individual upon another. There is no law and no construction of law which will be held to bind the great body of the people in derogation of their rights in the interest of an individual.

Especially is this true in regard to vesting lands in corporate hands, which by the whole course of English law has been discouraged and forbidden and held to be exercised only subject to strict limitation. Blackstone says:

Alienation in *mortmain*, *in mortua manu*, is an alienation of lands or tenements to any corporation, sole or aggregate, ecclesiastical or temporal. But these purchases having been chiefly made by religious houses, in consequence whereof the lands became perpetually inherent in one dead hand, this hath occasioned the general appellation of mortmain to be applied to such alienations, and the religious houses themselves to be principally considered in forming the statutes of mortmain; in deducing the history of which statutes, it will be matter of curiosity to observe the great address and subtle contrivance of the ecclesiastics in eluding from time to time the laws in being, and the zeal with which successive Parliaments have pursued them through all their finesses; how new remedies were still the parents of new evasions; till the legislature at last, though with difficulty, hath obtained a decisive victory.

We read by the history of these corporations and these grants here how history repeats itself, and with what evasions and with what finesse from time to time, in contradiction of the established policy of this country of the division of lands, in contradiction of the established policy of this country of the equality of fortune so far as may be within the general policy of the law—we see how in modern times this great vesting of lands in corporations has eluded from time to time and defied, as Mr. Garfield said to the people of this country, the power of the States and of the National Government. Blackstone says further:

Lastly, alienations by particular tenants, when they are greater than the law entitles them to make, and divest the remainder or reversion, are also forfeitures to him whose right is attacked thereby.

This was the course of English law. It was a settled principle of English law and the decisions of all its courts that contracts in derogation of the public policy of a country were to be construed strictly, that no implications could be derived from them, that there could be no rights created by them which were not in express terms conceded. Let us take this declaration of those who maintained that a forfeiture may be waived by the passive silence of those who are charged with protecting the rights of the people. Let us examine the naked principle of law as it is said to be in the light of some of the authorities. In the twenty-third volume of Wendell's Reports, Chief-Justice Nelson, of the supreme court of errors of the State of New York, in a case for judicial consideration under the statutes of the State of New York bringing this question up, said:

Lord Holt said, in London City *vs.* Vanacre 1 Ld. Raym., 498, all franchises which are granted are upon condition that they shall be duly executed according to the charter that settles their constitution; and that being a condition annexed to the grant, the citizens can not make an alteration; but if they neglect to perform the terms of the patent, it may be repealed by scire facias. The principle is so thoroughly and firmly fixed in the law of corporate bodies, that I need do no more than refer to some of the authorities. A non-performance, therefore, of the conditions of the act of incorporation is deemed *per se* a misuser, that will forfeit the grant even at common law; and hence, if the reading of the statute claimed be conceded, it would not change the legal effect.

Again he says:

Now I am not aware of any ground that can warrant us in distinguishing between the materiality or the legal effect of conditions precedent and subsequent; or that would exact the performance of the one as a condition of corporate being and not of the other; the same authority prescribed both, and, we are to presume, for good and wise ends. Neither has the statute authorizing the filing of informations against corporations made any such distinction, as has already been seen (2 R. S., 483, § 39). We could not, therefore, make one, were we so disposed.

One strong ground for regarding the conditions in these grants in the same light as in cases of private individuals is that they are mainly obtained with a view to private interests. I admit the public interests are often thereby promoted; and that this is the chief inducement to the grant on the part of the Legislature. But most of them are sought for from considerations of private gain, and which more or less enter into the grant of every private company. In this respect they differ from public corporations, which are but the investment of a body of citizens with municipal authority for the better government of a place. The corporators have no private interest in the matter. The former are but individuals stipulating for and accepting the grant upon certain terms for their own benefit. The acceptance implies an undertaking to perform them; and to neglect or refuse is a fraud upon the Legislature.

* * * * * * *

The hardship of exacting from corporations a fulfillment of all the requirements of the charter has been urged upon us; but the appeal is made to the wrong forum. That is a question to be settled with the Legislature that prescribed them. It is not for courts to say one condition is material, and must be performed on pain of forfeiture; and another is unimportant, and may be dispensed with, or enforced by indictment or pecuniary penalty. Where shall we draw the line? The statute makes no such distinction; if corporations offend against "any of the provisions of the act or acts creating" them, the information may be filed, and judgment of ouster rendered. (2 Revised Statutes, 483, section 39; *Id.* 485, section 49.) Besides the hardship is no greater than in the case of individual grants, where in a court of law nothing short of performance, or the act of God, or of the grantor, will excuse the forfeiture. While this rule is steadily enforced against them, I do not perceive how we can deny its application to the case of a private association of individuals.

If the condition is onerous and unessential to the purposes of the charter, relief is plain and at hand; the legislature will repeal it. While it remains on the statute-book we are to presume it was deemed material by those who had a right to judge of the matter and should be enforced. I speak now of express conditions. Where they are implied and of course undefined, except by construction of law, a more indulgent consideration may well be given. We are not then tied down to the letter of the statute. Their materiality to the great end of the institution may be regarded and enter into the judgment of the court.

I shall not detain or weary the Senate with reading further citations of law upon that subject. The law is unquestionable that there can not be a waiver of the sovereign legislative power conferred by the Constitution upon the Congress of the United States. The law is plain that there can not be a divestiture of the right of the people of the United States to the public lands of the United States by an implied negligence, by an implied waiver on the part of Congress to assert the enforcement of the conditions of a grant by forfeiture. The law is plain that no laches can be imputed to the Government of the United States or the Congress of the United States because of the action of the executive department of the Government. The law is plain that the executive department of the Government and the courts of the United States can not make law for the people of the United States.

But let us see how this thing will come out. It is gravely contended by Senators here that when we say that there are more than five million American citizens houseless and homeless, men engaged in agriculture who have no interest in the land, who can not acquire an interest; when we point to the increasing population of this country, which becomes double and increased four times even in some of the Territories within a decade; when we point to the fact that this Government is founded upon the idea of homes for the people upon the domain, be it public or private, of the country, that all of its policies are opposed to a monopoly of land, that its very Declaration of Independence and all the professions of the great party which is represented by the Senators upon the other side have been for equality before the law and that the law itself should be equal before the people—when we point out that and point to an empire capable of sustaining perhaps fifty millions, as great as two States, now to be given to a corporation of a few individuals, we are met by the proposition that by the mere failure on the part of the Senate to concur with the House of Representatives in propositions of forfeiture its public land, although it is worth perhaps two or three hundred million dollars, although it will bring a sum of money four times greater than the entire cost of the highway and the franchise given it by the Government, although it accumulates wealth greater than any given by any patent of nobility, we are told that like a contract between two individuals it is to become absolute and permanent and vested right, and that there is no power in the Constitution of the United States to keep this great empire of land as homes for the people.

Mr. MITCHELL, of Oregon. Will the Senator yield a moment?

Mr. CALL. Certainly.

Mr. MITCHELL, of Oregon. The Senator from Florida says that because of the failure on the part of the Senate to agree to a proposition of the House to declare certain lands of the Northern Pacific Railroad Company forfeited, therefore we claim that certain rights have accrued. The Senator does not mean to state to the Senate or to the country that the House of Representatives has ever at any time passed any act declaring forfeited any portion of the lands of the Northern Pacific Railroad Company.

Mr. CALL. I mean to say that in past Congresses, to which I may refer, the reports of the House committee and the action of the House clearly indicated and asserted the power of the Government and the duty of the Government to forfeit and open to public settlement every acre of the public domain that was not within a grant completed within the time prescribed in the granting act.

Mr. MITCHELL, of Oregon. One other word. Of course we can not refer to what the House has done at this session, but I undertake to say in the first place that the House of Representatives has never at any time at any session passed any act declaring forfeited any portion of the lands of the Northern Pacific Railroad Company. I undertake to say further that the Judiciary Committee of that body, at former sessions of Congress, so far from declaring that it was the duty of the House of Representatives and of Congress to declare any portion of these lands forfeited declared just to the contrary and supported that opinion by a very able report from the chairman of the Judiciary Committee, Mr. TUCKER.

Mr. CALL. I went into that subject a few days since, and I read from the report signed by Mr. J. Proctor Knott, Mr. DAVID B. CULBERSON, Mr. R. W. TOWNSHEND, and Mr. Van H. Manning. This report is also signed by Mr. L. E. PAYSON, who indorses the conclusions, though he says he has not verified the figures. The doctrine affirmed by the House committee on that occasion is very decided, and it is not necessary for me to enter into a discussion with the Senator on that subject. I affirm that the doctrines of that report conclusively establish not only

the right but the duty of Congress to forfeit every grant where the road was not completed within the time prescribed in the granting act.

Mr. MITCHELL, of Oregon. What report does the Senator refer to?

Mr. CALL. The report signed by Proctor Knott.

Mr. MITCHELL, of Oregon. Is not the Senator referring to the views of the minority?

Mr. CALL. This is a report which was submitted to the House on the 24th of July, 1882, and which constitutes the foundation of subsequent reports, as the Senator probably knows, made to the House.

Mr. MITCHELL, of Oregon. Who made that report?

Mr. CALL. Proctor Knott.

Mr. MITCHELL, of Oregon. The chairman of the committee?

Mr. CALL. The report is signed by J. Proctor Knott, DAVID B. CULBERSON, R. W. TOWNSHEND, and Van H. Manning.

Mr. MITCHELL, of Oregon. That is not the report to which I asked the attention of the Senator. The report to which I asked his attention was a report made subsequent to that by the Judiciary Committee of the House, of which Mr. TUCKER, of Virginia, was then and is now chairman.

Mr. CALL. I am aware of that.

Mr. MITCHELL, of Oregon. I desire to state that I do not go so far as the Committee on the Judiciary of the House did go in that report. I believe we have the right to forfeit the lands adjacent to the uncompleted portion of the road. That report from that committee went further.

Mr. CALL. I am aware, as shown in the history of corporate power in England as has been declared by Mr. Garfield, that there have been variations of opinion. I am aware that the parties have to some extent in the House divided politically upon this subject. I am aware that there has been an uncertainty in the action of the House and of the Senate in the past; but still I affirm that the body of feeling in the House has been increasing in force all the time in favor of the indisputable proposition that no interpretion of the law against the forfeiture of a grant can be made in derogation of a great principle of public policy.

The idea is intolerable that an empire of two States in size, capable of sustaining fifty million people, can be forever closed under the Constitution of the United States and a republican government against occupation and settlement by the people except upon the individual will of two or three persons—given without consideration to a corporation in quantities greater by four and five times than is found necessary to accomplish the purpose for which it was given, and then held when this purpose has failed to be accomplished within the time specified in the act in defiance of the people.

It can not be held that such a right has grown up by the acquiescence of Congress when the Government has repeatedly declared in various forms that no implication, no laches can be imputed to or exercised against the sovereign power of the Government, that no right can be acquired against the Government by the failure of any of the branches of the Government to carry out the law. The idea that in defiance of this established principle of law and public policy, necessary to every government, a territory of 42,000,000 acres can pass to private individuals in defiance of the very terms of the grant, is I say a contradiction of every principle of law and can only be sustained by saying as the Senator from Colorado said that the United States or all the people have no more right as against one individual than a private person would have. His notion is that no question of public policy however great, no question of the safety of the people, no question like that which even set aside the letter of the Constitution in the great war between the States for the preservation of the national Union, no question however great can effect or change or make a difference between the people on one side and an individual and between two individuals dealing with a question of private right which concerns them alone.

Mr. President, there can be no such law. It is inconsistent with the very existence of government; and I mean to say here in my place according to my humble judgment that it would be fatal to concede it to-day with our population increasing with a fearful rapidity, with all Europe turning in upon us, when within the next decade perhaps there will be an increase from one-third to one-half of the population of this country, with five million people engaged in agriculture to-day without homes upon the soil, with fortunes of one, two, and three hundred million dollars obtained without the exercise of labor and by the exercise of the public powers of government in the States and in the Union. The words which I read the other day from Mr. Garfield, uttered with a prescience and ability which will commend him to future history as a man of profound thought, show the dangers of corporate power so swollen by public grants, donations from the people to a few individuals, that it has corrupted States and ascended to the very source of power till it controls the representatives of the people and the States themselves. We have had exhibitions of this vast power accumulated in these agents of modern civilization. It would be monstrous to give to a few individuals this empire of land upon the pretext here alleged—a pretext I affirm without the sanction of reason, in defiance of the whole history of English law, of all the doctrines upon the subject of forfeiture, in defiance of the doctrine that no laches can be imputed as against the Government by the failure of any of its departments in any duty. The action of the Senate on this bill and this case will be a precedent for others. It involves the greater part not only of 42,000,000 acres but 200,000,000 acres granted to different railroad companies that have failed to comply with their grants within the time fixed by the public policy to be promoted by the grants, vicious as the principle was, for it is neither more nor less than saying, "We will give to you this great territory of land, and we will give to you as a corporation the right not only to impose upon the settlers on that land whatever price you choose to ask for their homes, but we will give to you the absolute and unrestrained power to tax their production and their labor whatever you may choose for transportation." I say in a densely settled country it is the most vicious and hurtful principle and method of constructing great highways that could possibly be devised, the most oppressive to the people, and it would be infinitely wiser to pay out of the public Treasury the honest and just cost of the construction of the roads than to impose on the settlers on the public lands the hardship of complying with whatever terms a corporation may see fit to impose upon them for their homes.

I therefore say that this question is larger and broader than seems to be supposed. It is strong enough to destroy the republican institutions of the United States. No act of secession, no act of war, would have been as ruinous, if it had been successfully accomplished, as the sanction by the Senate of the United States of the principle that 42,000,000 acres of lands, capable of sustaining many millions of the people of the United States, can be granted to a corporation of a few individuals under the pretext of building a highway seven years after the time fixed by the act for the completion of that highway has expired, and when that land has became of a value great enough even at small prices to pay, according to the best authorities, not only the cost of construction of the road but four times the cost, when the grant made by the people of the United States and earned according to the interpretation which we are willing to put upon the act would pay the cost of construction of the entire highway and leave the company with its 2,000 miles of road, with its franchise of perpetual taxation, which is in itself without any land the richest gift that was ever given, whether in the days of the Roman Empire or of modern history, to a few individuals, for I affirm that the grant of railroad franchises with the power to tax locomotion and production is more magnificent, as said by Mr. Garfield, than any patent of nobility and ducal lands that was ever granted. A franchise with the right of perpetuation, as these corporations have, with the right even of reasonable taxation, of a reasonable amount above the actual cost of the highway, to a few private individuals is a most magnificent donation, grander than anything that has ever occurred in the past history of the world.

But you not only propose to give that here and now to a few individuals, a perpetual taxation over the most magnificent country the world has ever seen, in great part a highway destined to be an avenue of commerce between the West and East—you not only propose to give enough of the public land to construct that entire highway and make it a gift, but you propose to give three times as much of the public domain and to subject the people who shall go upon it to the unlimited and the absolute will of these individuals to whom you donate it.

I affirm, Mr. President, that such a doctrine and such a practice is destructive of the Republic, is destructive of the rights of the people, and will be the forerunner of a disposition of unsettlement and unrest and angry feeling on the part of the people, that the Senate no longer represents the people, but represents corporate interests, accumulated wealth, and defies the people's interests and the people's rights.

Mr. MAXEY. Mr. President, for the reason that the facts as I see them have been very clearly shown by those who have preceded me, and that the law relating to these facts has been on most points fully discussed, I simply desire to give in a very few words the considerations which will control me in casting my vote on the amendment and on the bill.

In 1864 Congress granted a charter to the Northern Pacific Railroad Company to build a railroad from Lake Superior to Puget Sound, with a branch to Portland, Oreg., altogether about 2,000 miles. They had two years within which to begin the work and ten years within which to complete it. By various extensions, granted by Congress upon application by the company, no work was done until six years after, namely, 1870.

The work was to be completed by the 4th of July, 1876. It was not completed by that time, and but little work indeed had been done. By further extensions the company was allowed till the 4th of July, 1879, to finish the work. By that time they completed but 592 miles of the road. After July 4, 1879, no application was made to Congress, as far as I have been able to see, for any further extension of time, but they went on and have completed the main line of the road. It is said that in 1878 an application was made for an extension of time and the bill passed one House of Congress but failed in the other; and that is presented as an equitable reason why Congress should not now exercise the right of entry. So far from that being a point in favor of the company, it has, to my mind, precisely the reverse effect, for it shows that when the question was presented to extend the time further Congress deliberately refused to do so, and they were then and thereby

served with notice that Congress did not intend to extend the time further.

Unquestionably, according to every principle of law, by the mere fact of the company having failed to comply with the terms of the grant on the 4th of July, 1879, the Congress of the United States had a right to declare the forfeiture and to re-enter. I think there can be no question about that as a question of law, and if the right existed on that day and has not been waived by Congress it exists to-day.

But it has been stated that there was an equitable estoppel in favor of the company in this, that the executive department of the Government has accepted so much of the road as was constructed subsequent to July 4, 1879, and has in some instances issued patents. Mr. President, the doctrine of estoppel does not run in that direction. Estoppel will bind the parties who by act or word have caused another party to act, and the taking back of which word or act would operate to the injury of the party who had acted thereon. That is an estoppel. It is not contended that any one was mistaken and supposed that the executive department of this Government would have the right to bind the law-making power, the political department of the Government, or that any act of the executive department could by possibility be an estoppel upon the legislative department of the Government, which has entire control over this question.

So far, therefore, as the doctrine of estoppel is concerned, I can see no possible application of it to this case. It is not the act of the party who had a right to act; it is not the word of the party who had the right to give that word. The executive department had no right to do anything whatever in contravention of the written law of the land, because every department of this Government is bound by law, and every one of these departments is independent of the others, and must act within its own constitutional limits, and an act in contravention of the law or beyond the law by the executive department of the Government is just as wrongful a violation of law as a violation of law committed by a private individual, and if the executive department had no legal power to bind the legislative department, an estoppel because of an act done by the executive department of the Government can not possibly bind the Legislature.

Of course gentlemen admit that the doctrine of lapse of time has no application here because no time runs against the Government.

Another point I wish to state. I have heard it asserted with a great deal of confidence that this grant was a grant *in præsenti* with a condition subsequent attached thereto, and that a waiver of that condition once made operated as a waiver forever, and that the grant stood perfectly stripped of the condition. But that waiver must be made by a party who has the right to make the waiver. The executive department having no right to make that waiver, no one having the right but the legislative department and the legislative department never having made the waiver, the condition is as binding to-day as it ever was.

Mr. President, while I know that there are authorities which go to sustain the idea that a legislative grant must be construed as a deed between private individuals and that where the deed conveys to the grantee all the right, title, and interest in possession, reversion, or remainder of the grantor and the grantor annexes to the conveyance a substantial condition upon the performance of which the title completely vests in the grantee and the grantor waives that condition, then the right of entry ceases. That is true. But I have always regarded an act of Congress not in the nature or character of a deed, but as a law every part of which must be construed together and that a law making a grant must be construed like every other law according to the text and context, according to the letter, and according to the spirit and intent of the lawmaker. Outside of all this, contemporaneous exposition, debates, &c., are often called in to ascertain the true spirit, intent, and meaning of a law, and I think in this case the whole object and design of the law must be taken together, and be gathered from the whole act.

Now, what was the object of the law at that time? At the time of the passage of the act of 1864 war was flagrant in this country, and undoubtedly the object and purpose of the lawmaker was to connect the parts of this Union together by bands of iron as early as possible, not only as a great military measure but as a great measure of union. In carrying out that they made a magnificent grant to the Union Pacific and Central Pacific Railroads, and they made a grant to this Northern Pacific. Ten years was given for the Northern Pacific to complete the road. The Senator from Ohio [Mr. SHERMAN] as has been quoted, in a speech made here, said that five years was ample time to complete that road. A statement was made by the Senator from Mississippi [Mr. GEORGE], who evidently has carefully examined this, that this company came in when the charter was applied and professed ability and the means to build the road within the time; but six years passed by and not one spade was put into the ground, nothing was done as far as I am able to see, but applications to Congress to give them further time. and six years went by before anything was done; and at the expiration of fifteen years but 592 miles of road was built, and after that time they went along and built with full notice and knowledge that in 1878 Congress had absolutely declined by the joint vote of the two Houses to extend further the time. It would be a very nice question, if the law of the charter is to be construed as an entirety and the grant in the charter as an entirety, and they failed on the 4th of July, 1879, to complete the entire road, whether they would be entitled to any portion of the grant, even for the 592 miles; but it is conceded on all sides that in equity they would be entitled to that part. From the 4th of July, 1879, to the present time they have gone on building the road with their eyes open, with full notice and knowledge that Congress had a perfect right at any time to declare the forfeiture because the forfeiture existed as a fact by non-compliance on the 4th of July, 1879, of the company with the conditions of the grant, and Congress thereafter at any time had the right to make that declaration. Negligence can not be urged against the lawmaking power. To-day the proposition comes up to declare that forfeiture. The equitable feature I have answered. Are there any reasons why this bill should not be passed?

It seems to me that it never was the intention of Congress to give to any body of men on earth the right to hold one-half of a vast body of land 120 miles in width for all time to come to the exclusion of every honest settler. That was certainly not the purpose. The purpose of Congress was a speedy building of the road, and in order to accomplish a speedy building of the road this magnificent domain of 12,800 acres of land per mile within the States and 25,600 acres of land per mile within the Territories was given. Time was of the essence of that contract. Three-fourths of the whole line of road was within the Territories, as the Senator from Mississippi says, and therefore for that three-fourths they got the amount of 25,600 acres per mile, an amount unparalleled.

Mr. MITCHELL, of Oregon. May I ask the Senator a question?

Mr. MAXEY. Yes, sir.

Mr. MITCHELL, of Oregon. I have listened very patiently to the argument of the Senator. I should like the Senator from Texas——

Mr. MAXEY. I did not get up for the purpose of making a speech, but to give my reasons as briefly as possible, though I will hear the Senator.

Mr. MITCHELL, of Oregon. On the theory of the argument that the Senator from Texas has been making and carrying out the logic that he has suggested, I would like the Senator to point out what equity there is in favor of the railroad company as to the lands adjacent to that portion of the road completed before the date fixed in the law for the completion of the road, and those lands which are adjacent to the rest of the line.

Mr. MAXEY. The difference in the equity, in my judgment, is this: that every mile of that 592 miles was built at a time when they had the legal right to build, and the 4th of July, 1879, not having been reached, all they built prior to that time was built in strict accordance with the law; but from the 4th of July, 1879, they had no promise of this Government to give them one acre of land. In the first case they had the promise of the Government up to the 4th of July, 1879, and not a day longer, but after that time the company took the chances without any promise whatever, and without any claim, legal or equitable. They took the chances.

Mr. MITCHELL, of Oregon. But the condition of the grant, according to the Senator, was that the whole of the road should be completed by that time.

Mr. MAXEY. I prefer to proceed.

Mr. MITCHELL, of Oregon. I will not interrupt the Senator if he prefers not to yield.

Mr. MAXEY. The Senator can reply to what I say. I maintain the proposition that these railroads are great civilizers, that the building of this railroad out to Puget Sound and to Portland, Oreg., has opened towns and rendered available for man's use a vast amount of land which otherwise would long, perhaps always, remain of little value to the country unless means of transportation were obtained. I concede that. I concede that when that road was authorized the Government had in view the fact that the alternate sections reserved by the Government would be appreciated in value by the building of the road, but I also know that when the company accepted the charter the very work which they did appreciated the value of that which did not belong to them but which the Government had by the charter given to them on the condition that they would complete the road in a specified time. For the appreciation of every acre of land which the Government got the benefit of, the company got in like manner the appreciation of every acre of land which the Government gave them. So that there is no equity on that branch of the case.

But, sir, going back to the point I made, that time was of the essence of the contract, on the 4th of July, 1879, Congress having failed to give any extension of time beyond that date, and that being five years longer than the original charter intended and three years longer than the extended time by the act of 1866, they were then notified to build the railroad within that time and you shall have this land; and had they complied with the terms of the charter their rights would have been complete.

Congress has not violated its promise. Congress does not propose to violate even the implication of a promise by refusing to them the land for the 592 miles which they built within the time, although according to strict, cold law, regarding the contract as an entirety, a point might well be made that they had lost all because they did not comply with the contract.

Time was of the essence of the contract; undoubtedly it was; the very fact that war was flagrant at the time the original charter passed was conclusive evidence of that. Then they are entitled to no equity, because they failed and neglected for six years even to make a beginning, and have gone along until Congress has out of its grace extended to them five years more time than they had originally; and now they come in, and although they built the road on with their eyes open, they want all the land. Is that fair? I think not. We have got to be just before we can be generous. The land does not belong to us. The right to give the land as a mere gratuity is not in Congress.

The original grant was made because it was believed by Congress that it would benefit the people of the United States. Congress has complied with all its contract. The company has not. The company comes in now and claims not that Congress has failed to comply with its contract, not that Congress has held out any inducement to them to build the road after the time, July 4, 1879, had elapsed, but that the Executive Department had done so, and they attempt to plead an equitable estoppel by reason of that conduct. I have shown that that is impossible.

It is the interest of this Government that all this vast public domain out West shall be settled up by honest, thrifty, hardy settlers. If there is a thing that is cursing this country to-day it is the ownership of vast bodies of land by private individuals and corporations when thousands and thousands of people throughout the country are left landless and homeless. It is the part of a wise government in the exercise of a true policy never to put these vast bodies of land beyond the control and reach of the law. For that reason I believe that as this company has no legal claim, and in my judgment no equitable claim, we should simply declare a forfeiture and exercise the right of entry. That in my judgment is the interest of the people and no injustice to this company. So believing I shall vote for the amendment offered by the Senator from Missouri [Mr. COCKRELL].

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on the adoption of the amendment offered by the Senator from Nebraska (Mr. VAN WYCK), which will be read.

The SECRETARY. In section 1, line 12, after the word "Oregon," it is proposed to strike out all down to and including the word "mountains," in line 14, and to insert:

And also all lands which appertain to and are conterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed on the 15th day of June, 1886.

Mr. MCPHERSON. I rise to ask if the amendment of the Senator from Louisiana [Mr. EUSTIS] does not take precedence of that offered by the Senator from Nebraska [Mr. VAN WYCK].

The PRESIDING OFFICER. The amendment of the Senator from Louisiana has not been offered, the Chair is informed by the President of the Senate.

Mr. MCPHERSON. I think as to priority of date at all events the amendment offered by the Senator from Louisiana seems to have precedence of the amendment offered by the Senator from Nebraska.

The PRESIDING OFFICER. The Chair will state to the Senator from New Jersey that he is informed by the President of the Senate that the Senator from Louisiana has offered no amendment. He simply gave notice that he would offer one.

Mr. MCPHERSON. Then I am mistaken.

Mr. DOLPH. Mr. President, I do not propose to undertake to answer the elaborate speeches which have been made upon the other side of the Chamber upon this bill. There are many things which have been stated that according to my information are incorrect; many of them are contradicted by the current history of the country, because the history of this great enterprise is part of the history of this country. There are some things, however, which have been stated that I feel in duty bound, having charge of the bill, to notice.

I called attention on a previous day in a very brief and imperfect manner to the great importance of this line of transportation, to the great importance which I attach to an early completion of what is known as the Cascade branch, to the fact that there is already completed and in operation entirely across the continent upon British soil a railroad terminating upon Puget Sound which will be a competitor of this road and of the other transcontinental roads of this country for the traffic of the Pacific coast as well as of China and Japan. I do not propose at this time to repeat what I then said. If the logic of the facts which I presented, and if the logic of the figures in regard to to the cost of the construction of the uncompleted portion of the Cascade branch which I propose to present at this time are not sufficient to convince Senators that no obstacle should be placed in the way of the construction of that branch and of the completion of a direct line of communication between Lake Superior and Puget Sound, nothing which I could say would convince them.

Much has been said in regard to "the company"—meaning the Northern Pacific Railroad Company—and the term has been used I think rather loosely and indefinitely, at one time meaning the projectors of this enterprise who came to Congress and proposed, if they could obtain Congressional aid in the shape of a grant of land, that they would endeavor to secure subscriptions from the people of the United States to the capital stock of the company by which they would undertake—that is, the people who subscribed to the stock of the company would undertake—to construct this road. But who are the Northern Pacific Railroad Company? Not alone the individuals who with foresight and public spirit projected this enterprise.

They may be perhaps to-day in their graves or have no connection with this corporation. Not alone the president and directors of the company, the men who, for the time being as trustees, control and direct its operations, who are elected from year to year by the stockholders of the company; they are not the company, but they are its representatives. The company is composed of fifteen thousand stockholders, residing in every State and Territory in this Union, many of them trustees of express trusts, guardians of minors, executors and administrators of estates, widows, trustees of religious and charitable institutions. They constitute the Northern Pacific Railroad Company; they are the parties in interest, the *cestui que trusts* of the property of this corporation.

But, as I said on a previous occasion, whoever they may be, it is not their interest that moves me in what I have said in opposition to this amendment, because they are private citizens, and although there may be many of them, their interests are of secondary importance. I look alone to the question of the commercial importance of the great enterprise of tunneling the Cascade Mountains; and with my knowledge of the condition of that country, knowing as I do that the great, growing, grand Territory of Washington is separated into two portions by the Cascade Range which is being pierced by this Cascade branch, and knowing that there is nothing of practical value to the Government or to settlers left of the land grant lying adjacent to and conterminous with the uncompleted portion of this branch, I raise my voice in this body against throwing an obstacle in the way of this enterprise. That is the motive that actuates me.

Senators have said we are proposing to forfeit nothing by this bill. As I said on a former occasion, we are proposing to forfeit two or three million acres of land lying adjacent to 214 miles of the main line of this road, and which, leaving out the question of the power of Congress to divert it from the work to which it was pledged, ought to be forfeited; but when we come to the Cascade branch, there is nothing to be advanced in favor of a forfeiture but a mere theory that it is the duty of Congress to forfeit an unearned grant, nothing of practical value to the Government and nothing of practical value to the settlers is involved, while the commercial interests of the whole country demand the completion of the branch and the opening of a direct line of road to Puget Sound.

Mr. GEORGE. Will the Senator allow me to ask him a question for information?

Mr. DOLPH. I will.

Mr. GEORGE. Was there any Government subsidy or subvention in any way ever granted for that 214 miles of road built from Portland to Wallula, or was it built entirely as a commercial enterprise by the stockholders of the company that built it?

Mr. DOLPH. I have stated that before.

Mr. GEORGE. I forget what you stated.

Mr. DOLPH. The Senator the other day referred—and I might as well refer to it in this connection—to the reorganization of the Northern Pacific Railroad Company in 1875. As I then said—I make the statement from recollection—at the time of the reorganization there were 530 miles of railroad completed, and there had been issued and sold $30,000,000 of bonds. I am a resident of the North Pacific coast and was vitally interested, as all the people there are, in the construction of this line, and I never have heard it suggested, until it was suggested by the Senator from Mississippi, that that money was not expended and properly expended in the construction of the road and in the work which had been done. Not only had that much road been constructed, but extensive terminal works had been constructed at Duluth on Lake Superior. The company had built 110 miles of road from the Columbia River to Puget's Sound, from Kalama to Tacoma, and had bought up what was known at that time as the Oregon Steam Navigation Company, a company which owned a fleet of steamboats and railroad portages around the Cascades and the Dalles of the Columbia River, and was navigating the river; and it was a part of their plan of operations that this line of transportation by boats and portages was for the time being to form a part of their line, and that they would devote their energies, as was at last done, in constructing the main line from the Columbia River to Lake Superior; and a part of this expenditure of $30,000,000 went for the purpose of purchasing the property of the navigation company or the controlling interest in it. Of course when the crash came during the financial panic of 1873 the stock of the company went down. The Northern Pacific Railroad Company could not fulfill its contract, and the result was that the original proprietors of the navigation company purchased up the stock at a low valuation in the Eastern markets and acquired control again of that enterprise.

Senators have talked of overcapitalization. The original stock of the company was $100,000,000 authorized capital. It has never been increased. When the reorganization was made in 1875 it was provided that $51,000,000 of preferred stock should be issued. There were outstanding $30,000,000 of bonds. There was due on these bonds unpaid interest for two years at 8 per cent., and preferred capital stock was

delivered to these bondholders in exchange for these bonds. There were two years' back interest on the bonds and three years' interest in advance paid on the stock, making $12,000,000 interest, $42,000,000 principal and interest in preferred stock which was delivered to the bondholders. That $42,000,000 in preferred stock was all the bondholders ever received except a dividend of 11 per cent. in certificates paid some two years ago as the value of the proceeds of the sales of lands of the company which had gone into construction, but which should have been paid to the preferred stockholders. For eleven years they have received nothing upon their investment except this 11 per cent. in certificates, and their stock is quoted at less than 60 cents on the dollar.

Mr. GEORGE. Preferred stock?

Mr. DOLPH. The preferred stock. The other $9,000,000 of preferred stock was placed in the treasury and sold, as the securities were sold, and the proceeds were applied to the construction of the road.

Something has been said about the common stock. This common stock simply represents the balance of the authorized capital stock which has been in part paid, I can not state the amount. It is worth to-day, as was stated by the Senator from Ohio, 25 per cent. on the dollar. Nothing has ever been received upon it.

Mr. GEORGE. Was anything ever paid upon it?

Mr. DOLPH. There has been, but I am not able to state the amount. My information is, without being able to state the exact figures, that the amount paid upon it and accrued interest would be greater than its present market value.

Mr. GEORGE. Has the Senator any certain information that a dollar has been ever paid on it?

Mr. DOLPH. I have seen it stated frequently. Whatever has been paid upon it does not affect this question in any way whatever. Every man who has paid a dollar into this enterprise, as bondholder, or as preferred stockholder, is preferred to the common stock. All the fixed charges of the company upon their bonds, first and second mortgage bonds, and the interest on the preferred stock, which represents the original bonds, must be first paid before anything can be paid upon the common stock. So that this company is like any other corporation in which the full amount has not been paid, in which all the fixed charges must first be met; and the time is uncertain in the future, is speculative, when anything at all can be received upon the common stock.

But I am wandering from the inquiry put to me by the Senator from Mississippi. Some years ago, in 1879, Mr. Villard conceived the project of buying up the Oregon Steam Navigation Company, the property of which had gone back in the mean time to the original proprietors in the manner which I have stated. He bought up that.

Mr. GEORGE. Where did that company run; on the Columbia River?

Mr. DOLPH. On the Columbia River, from Portland to Wallula, and above. The boats ran up to Lewiston, on the Snake River. Mr. Villard stepped in and bought up this intermediate line of water transportation, and then conceived the idea of building a railroad along the river; and the time being ripe for it, his first move being considered a brilliant one, he succeeded in getting the capital to construct the line of railroad from Portland to Wallula and a branch from this line from a point below Wallula across the Blue Mountains, in Oregon, to the State line, now forming part of the Oregon Short Line which connects with the Union Pacific, and which was built without Government aid. That is the reason I believe this portion of the grant ought to be forfeited, although the time will come when another line will be necessary there. The Northern Pacific will be compelled to build that line for self-protection in order to have a through independent line down the Columbia. The Oregon Railway and Navigation Company's line is likely to pass under the control of some other company—very probably the Union Pacific.

Mr. GEORGE. I did not understand the Senator's statement about the building of that road. What was the date?

Mr. DOLPH. The company was organized in 1879. The road was not built until 1881 or 1882. Perhaps it was 1883 before it was completed.

Mr. GEORGE. It was built then by a company organization entirely distinct and separate from the Northern Pacific Railroad?

Mr. DOLPH. So I stated. Entirely distinct from the Northern Pacific Railroad Company; and the Northern Pacific Railroad Company has nothing to do with it to-day. They have running connections only, as I understand, and they will be compelled, as a matter of self-protection, to build an independent line down the Columbia River themselves. But I believe that inasmuch as the people have another line which has induced the settlement of the country, and this grant is greatly in the way of the development of the country, it ought to be forfeited; and that is the object of this bill.

The company, I state now, would like to hold on to that grant until it can build the road. Besides that, they deny that Congress has any power to divert the land from the object for which it was granted.

Mr. GEORGE. I understand the Senator to say that the company now insist that under this law it has the right to build that road and receive the subsidy for it from Wallula to Portland.

Mr. DOLPH. I have no doubt they do. As was stated by my colleague the other day, the company, relying upon the opinions of eminent lawyers, among them Hon. J. S. Black, from whose opinions I quoted, and on some decisions of the courts, hold that under the ninth section of the act all that Congress can do in case of default of the company is to apply the grant in some other manner to the completion of the road; that the power of absolute forfeiture was not reserved in the act; but I do not care to discuss that question now.

I have been diverted from the line of argument I proposed to follow. I will now refer to the question of forfeiture. Waiving for the present the question as to whether or not this act must stand by itself, whether or not in case of default all that Congress can do is to take the grant and apply it in some other manner to the completion of the road, and treating this grant as similar to the sixty-one others passed previously, I will say just a word in regard to the right of forfeiture.

It appears to me that the Senator from Louisiana [Mr. EUSTIS] in his speech confounded a condition precedent with a condition subsequent. Where there is a grant upon condition precedent, the condition must be performed before the grant takes effect. Where there is a grant upon condition subsequent, the grant takes effect at once. In this case the grant was a grant *in præsenti*, and the condition was a condition subsequent. In such a case if the condition is not performed the grantor may enter for a breach of condition and resume the estate. It has been the law for two hundred years that time in such a case is not of the essence of the contract, and this grant between the Government and the company is a contract.

Mr. EUSTIS rose.

Mr. DOLPH. The Senator declined the other day to yield. I am going to be very brief. I will only state my side of the question; I do not expect to convince him at all.

I say it has been the law for two hundred years, a law which enters into every contract whether expressed or not, the law of the land which becomes a part of every contract made between individuals, the law which entered into this contract between the Government, as I believe—stating my view of the law—and this grantee, that the grantor has an option to take advantage of the breach or not; and if entry is not made for the breach until the condition is performed, the condition, using the language of the Senator from Louisiana, is gone forever, and the estate is just as indefeasible as if no condition had been attached to the grant. That is my view of this case.

That brings me to the consideration of another proposition, and that is that one of the conditions of this grant was that the whole road should be completed within a given time, and at this time the whole road is not completed. And that that is a condition which relates to the entire grant. If that view of the law is correct, then there is no more reason for forfeiting the lands which have been earned since 1879 than the lands which were earned prior to that time by the construction of the road, because the condition goes to the entire grant.

But, as I said on a former occasion, I think under the granting act in this case and all of a similar character that every section of road stands by itself independently of every other portion of the road; that the grant is divisible, and that whenever the condition as to a section is performed the grant as to that section has passed beyond the power of Congress; in other words, beyond the power of the grantor to enter for breach of condition.

Mr. GEORGE. I agree with the Senator entirely in that. That is the obvious effect of the fourth section of the charter. I agree with the Senator entirely in that proposition, only as these sections of 25 miles are completed in accordance with the terms of the charter and within the time prescribed for that completion in the charter.

Mr. DOLPH. The Senator says he agrees with me entirely, but he does not agree with me according to my view of the case. He agrees with me, I understand, in this proposition, that the condition that the whole road shall be completed within a given time does not extend to those sections of the road which were completed and accepted within the time limited in the charter. He only disagrees with me in the proposition that the Government stands in this matter of contract like an individual, and that if it does not enter for breach of condition the condition may still be performed after the time limited with the same effect as if it had been performed before. He disagrees with me on this proposition as I understand.

Mr. GEORGE. Yes; I disagree there.

Mr. DOLPH. That is my position upon this question. I do not propose to argue it. I merely state it and leave it. If that position is not correct, from my standpoint, I do not believe after the Government has stood by and seen these conditions performed it would be honest for the Government, or honest for me as representing in part the Government in this legislative body, to take advantage of the breach of the condition and claim a forfeiture. But, as I said before, I believe that the law is such that as to the sections of the road which have been constructed, examined, and accepted in accordance with the law, though since the time limited within which the road was required to be completed, the grant is beyond the power of the grantor to resume it for breach of condition.

Mr. GEORGE. Has the Senator any legal authority for that position?

Mr. DOLPH. I think I have a great many cases, but I do not propose to cite them now. I can not convince the Senator from Mississippi. He would not agree with me as to what the authorities mean, nor would the Senator from Louisiana. I differ with them in regard to what the authorities are, and therefore it would be profitless for me to cite them. Some of them have already been cited. I content myself with stating what I understand the law to be. The authorities, Van Wyck *vs.* Knevals and Schulenberg *vs.* Harriman, have been cited, and others.

Mr. GEORGE. Has it been stated that those cases established that proposition?

Mr. DOLPH. I think they do. I think one certainly does, and the other goes a great way toward it. There are others.

I have been a little surprised at the zeal of my friend from Florida [Mr. CALL]. I know he always means to be right, and he is always earnest. I am told that the State of Florida has made a grant of her entire swamp lands to railroad companies and there has been patented to the State 15,992,244.41 acres of swamp lands, that indemnity lands have been awarded her amounting to 56,518.99 acres, and that she still claims indemnity to the extent of 2,082,528.25 acres, and if I am not entirely mistaken I have heard it claimed by the Senator on this floor that large amounts of the lands which have been patented to the State as swamp lands were good agricultural lands.

Mr. CALL. Allow me to say just there that the lands were confirmed by act of Congress in 1856, long before any of us had anything to do with it.

Mr. DOLPH. That was not the point precisely. The United States granted to the State of Florida, May 17, 1856, for the Atlantic Gulf and West India Transit (formerly Florida Railroad) 290,183.28 acres; May 17, 1856, for the Florida and Alabama road 165,688 acres; May 17, 1856, for the Pensacola and Georgia road, 1,275,579.52; May 17, 1856, for the Florida, Atlantic, and Gulf Central, 29,384.18 acres. I understand also that much of these lands have been earned within the last two years, even during the present Senatorial term of the Senator from Florida by the construction of the roads; and my present recollection is that this is the first session that the zeal of the Senator from Florida in regard to the forfeiture of land grants has ever been exhibited. I may be wrong about that. If I am, when he has the floor again he can correct me.

This State of Florida, which has received such valuable grants from the General Government, which has disposed of her swamp lands to railroad corporations, and has had the benefit of these improved means of transportation, is represented here by a gentleman who would deprive the Territory of Washington, the most distant Territory of the United States, with her peculiar geographical situation, divided into two parts without communication between one part of the Territory and the other, of the benefit of the land grant for the unconstructed gap of this road of the North Pacific in the Cascade Mountains.

Mr. President, I desire to submit for the consideration of Senators the estimated cost of the 75½ miles of this gap of the Cascade branch. I read now from the last annual report of the board of directors of the company:

The cost of these 75½ miles will be as follows:	
Twenty miles to foot of mountain grade on the west side of the summit	$530,700
Forty miles to foot of mountain grade on the east side of the summit	900,000
Fifteen and a half miles over the mountain including the tunnel (1.9 miles long)	2,441,200
	3,871,900
Snow-sheds on mountain (if required) estimated at	200,000
Total cost	4,071,900

For 75½ miles of road the amount realized from first mortgage bonds sold at par for the 75½ miles would be $1,887,500; so that to be raised from other sources to complete this gap there will be required $2,184,400. I think, I greatly fear, that there is much force in the suggestion made by the Senator from Ohio on last Friday that the forfeiture of the land grant for these 75½ miles will be an excuse for the company to avoid this large expenditure, and that they will be glad to avail themselves of it.

Mr. GEORGE. Will the Senator allow me to call his attention to section 9 of the act of July 2, 1864, as a conclusive answer to any difficulty on that subject if they fail to build. That section says:

> At any time hereafter the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

Under that provision I think Congress might seize the whole road and build those 75 miles.

Mr. DOLPH. I do not think Congress after it had violated the contract upon its part and had forfeited the land grant, could do any such thing. But there is another matter to be considered in this connection. By the provisions of this act and all land-grant acts it is provided that the road shall be a thoroughfare for the transportation of troops and mails, and Congress has provided by law that the mails on the land-grant railroads shall be transported for 50 per cent. of the amount paid to other railroad companies; and the Northern Pacific Railroad Company, I suppose, must be now under the general law transporting United States mails at 50 per cent. of the price paid to other companies. Putting the most reasonable construction on the effect of the forfeiture of this part of the grant, should it be made, it will be that as to that part of the road if constructed by the company that law will not apply.

Now, Mr. President, I desire to refer to one other matter, and that is the financial condition of the company. I will say, however, before leaving the question of the Cascade branch that I am convinced that, should the company be deprived of the land grant, comparatively worthless as it is for this section of the Cascade branch, it can not obtain the funds with which to prosecute the work. The work will be delayed, in my judgment, for ten years, and by that time the Canadian Pacific will have seized and so secured as to forever control the commerce of that Northwestern country.

The financial status of the company on July 30, 1885, which was before the 65 miles of the Cascade branch recently completed had been built, was as follows:

General first-mortgage bonds	$43,403,000
General second-mortgage bonds	18,857,000
Missouri division mortgage bonds	2,233,500
Pend d'Oreille division mortgage bonds	3,240,000
	67,733,500
Add to this preferred stock, which is an equitable mortgage, being the old first mortgage converted into stock	38,610,584
Total	106,344,084

To this must be added, to come down to the present time, the securities issued upon the 65 miles since constructed and accepted by the present administration. I have stated that $42,000,000 of preferred stock were issued for the purpose of retiring first-mortgage bonds, and $9,000,000 sold and the proceeds used in construction. The difference between the $38,610,584 stated here and the $51,000,000 is accounted for by the fact that the preferred stockholders had a right by the terms of reorganization to take the lands east of the Mississippi River at the appraised value and to pay for them in stock, and the preferred stock has been reduced by that method and by the proceeds of the lands sold to this amount of $38,610,584.

Much has been said in regard to this magnificent land grant. It is estimated that the total amount of the grant is 43,200,000 acres. The amount sold up to June 30, 1885, was 5,468,779.97 acres. Let it be remembered that these lands sold, 5,000,000 and over out of 43,000,000 acres, were the choice lands, choice by reason of their quality and choice by reason of their location. They were the very first to be selected. That left at that date of the balance of the estimated grant 37,731,220.03 acres. I had occasion to state the other day that in the Territory of Montana there are 21,000,000 acres of this grant, there being 800 miles of the railroad within that Territory, and that out of the 21,000,000 acres there are not to exceed a million and a half acres of any value whatever; and the probability was that there are nearly 20,000,000 acres that under the operation of the law for the taxation of railroad lands would pass into private hands because the company would not pay taxes on them. I undertake to say now, from general knowledge of the country and the best information I have been able to obtain, that when 5,000,000 more acres have been selected and sold the remainder will be of comparatively little value, and that more than one-half of the grant is valueless altogether.

I will state further in this connection that so far as I have ever heard—and I have followed the history of this enterprise as carefully as most men in public life—no part of this road was constructed by a construction company, that no man connected with the company, so far as I ever heard, made a dollar out of the construction of the road; and in my judgment if there is an honest corporation so far as the construction of its road is concerned to-day it is this one.

Mr. GEORGE. Suppose the road to be completed all the way to Tacoma from Lake Superior, is it a valuable road or not, a good road? I do not mean as to its physical structure, but commercially.

Mr. DOLPH. The gentleman might have asked me in regard to the construction of this road. I am not very much of a judge myself, but from the reports from every one who has passed over it, it is a good road and well constructed. Will it be a valuable road? In time, yes. At the present time it is like all the railroads which have been projected across the continent through a new and unsettled country. The earnings are not large enough to make it profitable to the stockholders; it is not so profitable that there will be dividends on its common stock for many years to come. The country is better than the corresponding country along the Union and Central Pacific Railroads. There is much more arable land along the line of the road through Western Dakota and Montana than between the corresponding points on the Union and Central Pacific roads, but there is much waste and mountainous land in Montana and in Western Dakota and in Eastern Washington, and it will take time to develop the country and secure to the road large earnings.

Mr. GEORGE. If the land is so worthless, it would not injure the road much to take it away.

Mr. DOLPH. I am not going to discuss the question of the forfeiture of the earned lands. I did state in a general way my position in regard to it. I am not afraid of the Congress of the United States

taking away the land of the company which has been earned, as I claim, by the construction of its road. I am afraid, I will state to the Senator, that the construction of this Cascade branch will be delayed if not prevented. It would injure the company, certainly, to forfeit the lands conterminous to the 75 miles. But that is not the question that troubles me. We will injure ourselves worse; we will injure the commercial interests of the country much worse than we will injure the railroad company by stopping the construction of the road.

Mr. EUSTIS. Will the Senator allow me to ask him a question? I will say to him that I never declined to answer any questions.

Mr. DOLPH. I will yield.

Mr. EUSTIS. I never declined to answer any question that any Senator wished to ask me. The Senator seems to be familiar with the financial condition of this corporation. I should like to ask him what the statement means in the report of the Secretary of the Interior? I understand that it is admitted on all sides that the estimated cost of this road is $75,000,000. The liabilities of this railroad are stated in the report to which I refer as follows:

Total debt	$79,434,211 24
Total stock	87,610,584 32
Total stock and debt	167,044,795 56

That is upon the basis of the actual cost of the road being $75,000,000, which makes an excess of over ninety millions of total debt and capital stock. I would ask the Senator what amount of the total debt is bonded debt?

Mr. DOLPH. I will let the Senator get through his question, and then go on.

Mr. EUSTIS. That is all I want to know for information.

Mr. DOLPH. I have stated, and if the Senator had listened he would have heard——

Mr. EUSTIS. I have listened.

Mr. DOLPH. I have stated what the bonded and total debt, including the preferred stock of the company, was on the 30th of June, 1885, giving the different items of the indebtedness. Now I will state further that it is very easy for anybody to sit down and say that this road cost so much or ought to have been built for so much; a road stretching over 2,000 miles through a wilderness; a road in which it is necessary to build tunnels 1.9 miles long; a road which has been years in process of construction, and which has placed its securities on which interest must have accumulated and have been paid from year to year; a road which has expensive terminal works upon Puget Sound and upon Lake Superior—it is very easy to sit down and say this road should have cost so much, and then say the debt is so much, and therefore the money has been squandered or misapplied.

I will answer the Senator by saying that I understand that the debt of the company, all of it, represents money which has gone into the construction of the road, and I never have heard it charged and it can not be shown that a dollar of it has gone in any other direction. I have already explained that $49,000,000 of the capital stock represents the original common stock of the company, that which will receive no dividends and no benefits from this enterprise until the fixed charges upon all the mortgages and preferred stock, which represent the debt of the company, are paid; and the question of how much has been paid upon it, I apprehend, is a question between the stockholders themselves and the creditors of the company.

Mr. GEORGE. Does the Senator say the common stock is worth 60 cents on the dollar?

Mr. DOLPH. No, sir. But I do not yield further.

Mr. EUSTIS. Does the Senator think he has answered my question?

Mr. DOLPH. I will not yield further.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Oregon has the floor and declines to yield.

Mr. DOLPH. This grant has been talked of as a subsidy and as a donation. It was no such thing. Here was the United States owning public land from the Missouri River through to the Columbia River. It was a vast wilderness. As was said the other day, it was inhabited by hostile bands of Indians which were costing us millions of dollars to keep in check. It could not be reached by immigration. The Government has received its consideration for its contract. This road has been built across the continent. The mountains have been tunneled; the country has been made accessible, and to-day there are settlers under the pre-emption and homestead laws on lands all along the line. Territories have been carved out of this public domain. There are flourishing towns and cities, and mines have been developed and are adding to the wealth of the country. Means of communication have been made through to the North Pacific coast, and people are flocking into Oregon and Washington.

The Senator from Texas [Mr. MAXEY] said the Government had kept its part of the contract. The Government did not do that. Attention was called by the Senator from Colorado [Mr. TELLER] the other day to the fact that it was provided in the granting act that the lands should be surveyed, and, as the Senator showed, but a small fraction of them had been surveyed, only 21,000,000 acres within the limit of the entire grant. The Government undertook to extinguish the Indian title, and, as I said the other day, it failed to do it, and the company were driven off when they went upon the reservations to survey the lands. They were ordered out by direction of the Interior Department and compelled to treat with the Indian tribes and to pay them for the lands they needed for right of way, and to come to Congress to have the treaties confirmed.

Mr. President, I was very much interested, as I think we all were who listened the other day to the remarks of the Senator from Alabama [Mr. MORGAN] in regard to Washington Territory, and especially in regard to the Cascade branch of the Northern Pacific Railroad and the Canadian Pacific, and I desire as part of my remarks to place on record some quotations from that speech in opposition to the speeches of some gentlemen upon the other side of the Chamber on this bill, and I ask the Secretary to read the portions which I have marked in the speech of the Senator from Alabama.

The Chief Clerk read as follows:

Considered in a political view there could be nothing more important to the welfare of the people of the whole Union than to have a State established at that angle of our Northwestern possessions, one side of which is washed by the Pacific Ocean and the other by the Straits of Fuca. I may describe it as a political buttress standing out there partly in the sea, opposed directly to the power and enterprise of the greatest rival that we have in the world—people of our own kith and kindred, whose power and enterprise we certainly ought to learn to estimate, if we have not done it yet—the British people.

What are they doing there? There is the great Fraser River that comes into one of these straits or sounds—I forget the name of the principal sound which it empties into, but it is in this great body of interior water near Vancouver's Island. That river has fine navigation for more than 250 miles from the coast, up which steamers of a very large class are running continually; and down along that river to its mouth comes the Canadian Pacific Railroad, which is now completed. We are toiling along through the Cascade Mountains with 60 or 70 miles of very heavy work to do before we can get our Northern Pacific road through on a direct line, while the Canadian Pacific, connecting on its east with the waters of Lake Superior and on its west, as ours will, with the waters of Vancouver Bay or Puget Sound, is entirely completed.

You may rely upon it that that is one of the best railroads in the world, constructed without reference to the outlay of money, laid down firmly, clothed with a most excellent quality of steel rails, and equipped as scarcely any other railroad in the Western world is equipped. I have it from friends who have gone over it and made personal inspection, railroad men, and men also who have worked out large sections of contracts upon that railway, that it is one of the best establishments in the world.

I remember within the last year to have seen a statement, extracted, I think, from the London Times, giving an expression of the British Crown through its premier in regard to this railroad, in which it was said that the British Crown would volunteer the payment of £20,000,000 for the completion of that road rather than it should fail.

Why does Great Britain want that road? It is far north, about 300 miles, I believe, on an average, north of the Northern Pacific road of ours. Why do they want it? The first idea in the mind of a British statesman always is power. A British statesman feels himself adequate to the accomplishment of anything which lies within the reach of enlightened intellect, force of character, courage, and determination. They have a wise, sagacious government that has forecast, and prudence, and thought. They ponder upon questions that lie fifty or a hundred years ahead, and gradually, sedately, and inevitably they work their way to the accomplishment of that great end. They do not falter about it; they do not hesitate; they turn neither to the right nor to the left; and while they do not boast about it they seldom fail to accomplish their purposes.

Great Britain has possessions in Australia, which are simply another continent, equal almost in material strength and wealth to the continent of South America, lying in a temperate latitude, fruitful in all that the earth produces, abundant in mines, surrounded by the seas, lying on the highway between India and the Atlantic, a place where her population gathers and strengthens and pays revenue, not by direct tribute but through commerce to London and the other great cities of England; a place where the heart of Great Britain pulsates almost as freely and as strongly as it does in England itself. She wants to be connected by two lines with that country. The longer line is through the Suez Canal, and in some respects that is the more difficult and the more dangerous line.

She has been paying heavy tribute to us for the passage of her mails and much of her light merchandise over our railways ever since the completion of our transcontinental system. She determined to get rid of that exaction which we were making upon her, and which she was compelled to submit to for the purpose of saving time in the transmission of her valuable merchandise, her exchange, and her mails. Hence it was that the Crown of Great Britain was willing to pay a bonus of £20,000,000 for the purpose of completing in first-class order and maintaining the Canadian Pacific Railway rather than to have it fail of completion, or even to be seriously delayed.

When Great Britain had that trouble with us about our possessions on the Northwestern coast was it a mere ideal fancy of hers that she desired to be possessed of a portion of the waters of that great inlet of the sea, and Vancouver Island, and the coasts along that island? It was one of the grandest of all the projects of British enterprise. She saw the time when railroads would reach across this continent, when she would have there an opportunity for the commercial control of the traffic of the great Pacific Ocean. She wanted a home port on the Pacific. She got it, and having got it she has gone on to improve it. She has got her railway running to it; she has got two vast colonies lying above it, British Columbia and the Northwestern Territory, which, though not as yet very populously inhabited, are attracting population rapidly and contain a vast area of fertile lands.

Great Britain has commenced to build her cities on that coast. There is Victoria, at the southern extremity of Vancouver Island; and what has she got at Victoria? She has a naval station there, a navy-yard, and a larger dock than there is in the United States except one, and that is at Mare Island. There is not a dock on the Atlantic coast which compares with that at Vancouver Island. Who has she got there? Admiral Seymour in command. What is he doing there? He has one of those magnificent iron-clad ships there that shelled Alexandria. Why? To give dignity to his enterprise and stateliness to the progress of British power in the Northwest, and perhaps to remind us that after all we had better not take many liberties with a country which is able to float around the world a ship like that, and with an admiral in command who takes charge of that place as a post of honor for the purpose of establishing the flag of Great Britain in power, in strength, and in perpetuity upon that shore.

What is our nearest town to that? What is our nearest fortification?

As to fortifications, I do not believe we have any, not a shovel of earth, so far as I remember, has been thrown up on Puget Sound, not a gun mounted. Port Townsend, lying 100 miles nearly to the southeast of Victoria, way down in the bosom of Washington Territory, at a narrow neck on this very deep inlet, is a place of commerce just commencing to bud and to grow.

We pass on down from that and come to Tacoma, just on the eastern shore of

this inlet, a town which has magnificent prospects as being the terminus of the Northern Pacific Railroad when that shall be completed. Then we have Seattle and Olympia—towns which are growing up there, depending entirely for their support, for their permanence, and for their future growth upon the enterprise of men who have gone out under a Territorial government and who are trying to establish themselves with capital and to surround themselves with every form of civilization that is necessary for an American community.

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Mr. President, I think it is a duty that we owe to the people of the United States to furnish them such advantages as we can in making settlements in that country. I want to see them go there rapidly. I want to see capital accumulating rapidly in Washington Territory. The country needs it. The United States needs it. We need a concentration of power upon that Northwestern coast, and if we do not have it and put American genius and enterprise to work there we can understand that very soon British enterprise and British genius and persistence will have stripped from us the rewards that belong naturally to the people who occupy this great country of ours in respect to the commerce of foreign countries along and across the Pacific Ocean.

* * * * * * *

Mr. President, I am not in favor of the policy, no matter who profits by it, no matter if some men get rich by it who ought not to get rich by it—I am not in favor of the policy of cutting down the enterprise which is carrying our people to that Western coast and which is opening highways of access to that country. I do not want to see that tunnel and that heavy line of road-bed remaining to be built through the Cascade Mountains delayed for ten years. In ten years' time the Canadian Pacific Railway will have established itself and its lines of traffic throughout the countries of the Pacific, and we shall find that it will snatch from the Bay of San Francisco half, or it may be more than half, of its trade. We must have a competitor there; we must have somebody there at least to divide with Great Britain the honors and the wealth also to be accumulated from her commercial adventures in that ocean.

Mr. DOLPH. Mr. President, I will ask the Secretary also to read an article from the Commercial and Financial Chronicle, a newspaper published in New York, on this question, which I desire to have incorporated as a part of my remarks.

The Chief Clerk read as follows:

THE SENATE AND THE NORTHERN PACIFIC LAND GRANT.

We can scarcely remember a proposition ever before the Senate with less merits to recommend it than the land grant forfeiture amendment of Mr. Van Wyck, which received the support of a majority of the Senators voting. Whether we view it in its relation to the development of a single Territory, or in its bearing upon the latent wealth and resources of the whole United States, or as a question affecting the rights and equities of individuals or of a corporation which has been simply spending money for years in opening up the land through which the road passes without receiving any return for the investment—in whatever light we view it, the Senators voting for the amendment have made a record which we should think they would be glad to erase.

The bill before the Senate in its original shape provided simply for the forfeiture of the unearned lands on that portion of the Northern Pacific main line between Wallula Junction and Portland. There was no objection to this if the company does not intend to build that part of its line. It is now using the track of the Oregon Navigation for the whole distance, and one object that Mr. Villard had in mind in uniting the two companies under one management was to avoid the construction on the part of the Northern Pacific of this parallel piece. At present it would be simply ruinous to undertake such a work, and though doubtless some time in the future the Northern Pacific would build the line if the land grant was continued, yet in view of the fact that the time fixed by Congress for the completion of the road has expired, and there is already another line between the same two points, there is some reason in the argument that the unearned land contiguous to this piece of road should not be kept in reserve for the company and withheld from the public domain. This evidently was the view of Mr. EDMUNDS, and he advocated the passage of the bill in that form.

But the amendments proposed go much further than this. The first amendment offered undertook to forfeit all lands not earned prior to the 4th of July, 1879, the time set for the completion of the road. That would have covered the vast bulk of the company's land grant, the greater part of the road having been built since that time; but of course the company would have nothing to fear from such a measure. The lands have been certified to the road by the proper officers in the proper way, under different administrations, and the attempt to deprive the company of them now, in the manner proposed, one finds it difficult to attribute to any motive other than the hope of obtaining political advantage among the most ignorant. But Mr. VAN WYCK (Senator from Nebraska) was prevailed upon to withdraw this amendment, and in lieu thereof offered another, forfeiting not only the lands between Wallula Junction and Portland, but also all other unearned lands, including those on the uncompleted portion of the Cascade division, the construction of which is being pushed as rapidly as possible. It is this latter amendment that Mr. EDMUNDS sought to have tabled and failed, the vote being against him 28 to 23, 25 members not voting.

Now what reason can be urged for forfeiting the lands on this Cascade division, completing the link connecting the main line of the road with Puget Sound? It is on the credit of the land chiefly that the Northern Pacific is building the road. The sole object of Congress in originally donating it was to secure the completion of the line, forming another route across the continent. The company has gone on with the work against great obstacles, till (barring the Portland division) the whole system except this Cascade division is in operation; and now, when the most difficult section is reached, the Senate proposes to forfeit the lands on that part of the line.

To understand the position one must remember that this Cascade division runs through and over the Cascade Mountain ranges, and the work is not only difficult but very tedious and expensive. There is an unfinished gap over the mountains of about 75½ miles, and it is on this that the company would lose the grant of land. An estimate in the last report of the road places the cost of building these 75½ miles at $4,071,900, or almost $54,000 per mile. This is not the cost calculated in bonds or stock, sold at a discount, but in cash. By the terms of its first mortgage the company can issue bonds only at the rate of $25,000 per mile, and a careful calculation of the amount required for the completion of the whole division (140½ miles) left $2,399,400 to be provided from other sources after the full issue of first-mortgage bonds at the rate of $25,000 per mile. That is, the proceeds of the first-mortgage bonds will fall nearly two and a half million dollars short of meeting the cost of the division in full. Hence we hazard nothing in saying that without the inducement offered by the land grant the work of building this division would never have been undertaken. The return promised on the investment is altogether out of proportion to the outlay incurred. Even with that inducement, there are many who doubt the wisdom of the venture. Yet now we have certain Senators seriously proposing that the company be deprived of the land.

Besides that, the building of this division is not a necessity to the Northern Pacific, for the company can in the future, as in the past, use the Oregon Navigation line from the Junction at Wallula to Portland for an outlet to the Pacific. On the other hand, it is a necessity to the people of Washington Territory and the Pacific coast. According to Senator DOLPH, of Oregon, there is not even a wagon-road across the Cascade Mountains in Washington Territory, and the people in going from one side of that Territory to the other have to go by the Columbia River and Portland, Oreg., and every bushel of produce raised in Eastern Washington has likewise to be taken that way. Moreover, the building of the division is in the interest of quicker communication and cheaper transportation, and consequently is in the interest of the whole country, and not the Pacific section alone. The company is going on with the work in good faith, and thus earning the grant. Why, then, take it from it, especially as the object which the grant had in view, namely, the construction of the road, is being steadily accomplished? If the work does not progress as rapidly as could be wished, that is because of the natural obstacles in the way, and it should not be forgotten that according to the calculations of the road's officials, made a year ago, the tunnel alone will require from two to two and a half years for its completion. How inexpedient and wrongful then for Congress to attempt to harm the credit of the company when it is in the midst of the work, incurring enormous expenses and bending all its energies to securing its early completion.

We do not think the proposition to alienate the Cascade division lands would be entertained for a moment, except that in the peculiar state of the public mind, which has been fanned into a feeling of enmity against all land-grant roads, members of both parties think it to their political advantage to make these attacks. In this case the Northern Pacific is singled out because of the exceptionally large aggregate extent of the grant to it, and because the road was not completed within the time specified by law. But why was it not completed within the time limit? Simply because the period of depression through which the country was passing put such an undertaking out of the question then. Everybody knows how adverse was the financial situation between 1873 and 1879. As soon as the outlook began to brighten the work was begun in good earnest and with exceeding vigor, so that within a comparatively short period a vast amount of mileage was added to the system. And what was it that secured the prosecution of the enterprise? Nothing but the grant of land to be received. The company may have obtained the equivalent of a "whole empire," as we so often hear it said, but except for that grant of land the line could not have been built. The bonds of the road could not have been sold. The syndicate of bankers would not have undertaken to place them. It was the prospective value of the lands to be secured as the road progressed that constituted the chief value of the mortgage.

There is in connection with the same subject a great deal of talk about protecting the laboring people, but who has gained more from the building of the roads than these very laboring people? If the Northern Pacific had not been opened up, a vast section of country now the field of great industrial activity would have remained closed to settlement and immigration. The Northern Pacific received a good deal of land, but it received it only in alternate sections, and the other sections were, through its construction, improved in value and rendered accessible to settlers. Besides, even the railroad land is sold at very moderate prices, so that no one intending to take up his abode in that section need be deterred by that fact. Then consider the effects in cheapening transportation. Compare the rates across the continent since the opening of the line with those in force before the opening. Again, what would be the position to-day of such points as Minneapolis and Saint Paul without the Northern Pacific? The truth is everybody was clamoring for the road, and Congress did not dare to annul its charter. Mr. EDMUNDS made a good point on Senator VAN WYCK, who was so bitter in his opposition to the Northern Pacific in the debate when he contrasted the Nebraska Senator's position in favoring the building of Union Pacific branches in Nebraska (as proposed in a bill recently introduced by Mr. VAN WYCK) with that on the pending bill, virtually denying the same boon to Oregon and Washington Territory.

As regards the profits which the promoters of the enterprise are claimed to have made out of the scheme, they are very hard to find indeed, notwithstanding the liberal donation of land with which the road has been endowed. At present only the most careful and the most economical management enables the company to keep the yearly outlays within the limit of the ingoes. And as for the original projectors, every one remembers the Jay Cooke failure and how the road went through reorganization and foreclosure, the holders of the bonds taking the present preferred stock in exchange for the same. And how profitable the exchange has proved! The stock sells in the market to-day at 57, and in the interval that has elapsed since the exchange was effected—eleven years ago, though allowance for the first three years' dividends was made in the exchange—they have received just one dividend of 11.1 per cent. in scrip.

Mr. GEORGE. Who is the author of that article?

Mr. DOLPH. It is an article in the Commercial and Financial Chronicle, published in New York city.

I do not care to add anything further. As I said at the commencement of my remarks, if the logic of the facts which have been stated is not sufficient to save this grant for the 75 miles of the uncompleted gap of the Cascade branch, nothing I could say further would do it.

Mr. EUSTIS. Will the Senator from Oregon allow me to ask him a question?

Mr. DOLPH. I have concluded.

Mr. EUSTIS. I understood the Senator from Oregon to state that in all probability the Northern Pacific Railroad Company would construct the road from Wallula to Portland. If that be so and if it be true, as the Senator seems to believe, that time is not of the essence of the condition, I would ask him whether or not from his standpoint the forfeiture which he proposes would not be very unjust; in other words, whether this company ought not to be allowed ten or fifteen years more in order to save this land, as he claims it should be saved in reference to other portions?

Mr. DOLPH. I attempted last Tuesday to state with more particularity than I had on previous days—because the first and second days when the bill was being discussed I hoped to get a vote without an extended discussion, and made my remarks very brief—I say I attempted to state with more particularity why I thought the time had come when the grant for the 214 miles of the main line of the company's road, from Wallula to Portland, should be forfeited, and why I thought that there was no reason which would require or justify the forfeiture of grant for the 75½ miles on the Cascade Mountains. I then stated, and I now repeat, that the Northern Pacific Railroad is not now engaged in constructing that portion of its road, its main line between Wallula and Portland; that it has made no considerable expenditure there; that in the mean time another company has constructed a road which serves the public and answers the demand for transportation for the present; and that the Northern Pacific Railroad Company have perfected arrangements with that company to use their track.

I also stated, if I did not I will now state, that I have no assurance of any time in the future when the Northern Pacific Railroad Company will undertake the construction of this portion of its main line; and the fact that a road has been constructed along the same general route by another company has induced the settlement of the country and made this unearned land grant for this 214 miles a greater obstruction to the development of the country than it was before.

I stated further that I did not propose that my action should be governed by the interests of the company alone; that I propose to consider the interests of the public in determining the question as to whether this grant should be forfeited, and for the public interest I believed it should be forfeited for these 214 miles.

But I do state, as I stated on a former occasion, and as any one familiar with the geography of the country must know, that the Northern Pacific Railroad Company, which has a line from Portland to Puget Sound, and a line from Wallula stretching to the east across the continent, must eventually have a line for its own protection between these two points. When the business of the country demands it the country will be so settled and the local business so great that the company will probably be in a condition to build that line without the aid of a grant.

I will state further that if to-day the Northern Pacific Railroad Company was engaged in constructing that line. I for one would not be willing to step in and place an obstacle in the way of its construction by the forfeiture of the grant, for I realize the importance and value of two lines of railroad down through the Columbia River basin. I will go further. If I had any reasonable assurance that within the next year or the next two years, and I do not know but I would say the next five years, the company would construct that line, I should be willing to allow them to do so and earn the land and secure in that manner the rights of settlers under their contracts with the company; but I have not that assurance. Therefore, I think that the grant there should be forfeited.

On the other hand, as to the Cascade branch, it is now the last hour, I may say the end, of the struggle for the completion of that through line, the last 75 miles, the most difficult, the most expensive to construct, looking to the public interest and not to the interest of the company (for I very much doubt whether it would be for the interest of the company to build it at all for years to come), and looking to the development of that Northwest country and to securing immediate and direct transportation between the two portions of Washington Territory, now separated by a mountain barrier, I am not willing to throw an obstacle in the way of the construction of that branch. I hope the Senator is answered.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK] as modified.

Mr. ALLISON. Let it be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 1, line 12, after the word "Oregon," it is proposed to strike out all down to and including the word "mountains," in line 14, and to insert:

And also all lands which appertain to and are coterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed on the 15th day of June, 1886.

Mr. TELLER. The amendment has been modified by inserting, after the words "which shall not have been constructed," the words "on the 15th day of June, 1886."

Mr. ALLISON. "Which shall not have been constructed at the date of the passage of this act," is the language of the print.

The PRESIDING OFFICER. The Chair will inform the Senator that the Senator from Nebraska has modified his amendment.

Mr. TELLER. I desire to vote for the amendment forfeiting all the unearned land of this road, but I can not vote for the amendment in that shape, because I claim that we have no right to forfeit any land which has been earned before the passage of the act.

Mr. VAN WYCK. I do not consider the date at which the bill may become a law to be of any importance. I am perfectly willing to withdraw the modification and let the amendment stand as originally offered.

Mr. TELLER. Let us take the question then on the amendment as it has been printed.

The PRESIDING OFFICER. The Senator from Nebraska asks leave to withdraw the modification. The modification will be withdrawn.

Mr. MCMILLAN. Let the amendment be read as it is now pending.

The PRESIDING OFFICER. The amendment will be read as it stands with the modification withdrawn.

The CHIEF CLERK. In section 1, line 12, after the word "Oregon," it is proposed to strike out all down to and including the word "mountains," in line 14, and to insert:

And also all lands which appertain to and are coterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed at the date of the passage of this act.

Mr. MITCHELL, of Oregon. Several days since I suggested an amendment to the amendment proposed by the Senator from Nebraska, to insert certain words preceding that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. In section 1, line 12, after the word "Oregon," and before the proposed amendment, insert:

Except such of said lands as appertain to and are coterminous with the branch line across the Cascade Mountains.

So as to read, after the word "Oregon:"

Except such of said lands as appertain to and are coterminous with the branch line across the Cascade Mountains; and also all lands which appertain to and are coterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed at the date of the passage of this act.

Mr. MITCHELL, of Oregon. Mr. President, I will explain my amendment in a word. The two grants in the neighborhood of Wallula, Wash., the one by the way of the Columbia River and Portland to Puget Sound, and the other across the Cascade Mountains to Puget Sound, lap. No part of the road from Wallula to Portland has been completed, nor has there been any attempt on the part of the company to construct any portion of it, whereas a portion of the road between Tacoma and Wallula across the Cascade Mountains has been completed and accepted by the President of the United States. The land grant included in the grant adjacent to this completed road laps over the grant adjacent to the uncompleted road between Wallula and Portland.

The effect of my amendment is simply to except from the operation of this declaration of forfeiture those lands included in the grant to the branch across the Cascade Mountains which lie conterminous with and adjacent to that portion of the branch line which has been completed.

In other words, in voting against my amendment the Senate vote to declare forfeited lands adjacent to completed road. By voting for my amendment they exclude from the operation of the declaration of forfeiture, as I have stated, any lands included in the grant which are adjacent to and conterminous with road that has been completed and accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. MITCHELL] to the amendment of the Senator from Nebraska [Mr. VAN WYCK.]

Mr. VAN WYCK. I supposed there was to be at least a clean forfeiture from Wallula to Portland on both sides of the proposed road.

Mr. MITCHELL, of Oregon. All the lands included in that grant which are not included in another grant and which are adjacent to road completed.

Mr. VAN WYCK. It so happens that some land adjoins both roads; that is, the road running from Wallula to Portland necessarily has land lying upon its right; the road running from Wallula to the Cascade Mountains necessarily has some land lying on its left; and they have unfortunately nearly all that Western territory in about the same situation; it has been duplicated by claims of the Northern Pacific Railroad Company.

From Wallula to Portland the land on both sides is tributary to the road, and had the road been built it would have absorbed the land on both sides. But when that branch of the case is reached they say, "Oh, yes; but some of this land is covered by the branch from Wallula across the Cascade Mountains, and therefore if we give up our first we still take our second claim on the land."

It seems that is reducing the thing to a fine point for a great corporation. When it was supposed that much at least would be restored to the public domain, these gentlemen step in and say, "We must hold it for the branch."

Mr. MITCHELL, of Oregon. Where the two grants lap the grant goes to the road which completes its line first; or if the grant is to two different companies, then it may go to that company whose right first attached, or is divided equally between the two. But here the grant is to the same company. It is two grants to the same company for two separate and distinct lines of road. One line has been completed, and of course the rights of the company attach to all the lands adjacent to and conterminous with that completed line of road. If the company succeeds to any vested rights by virtue of those facts, then the lands included in that grant are no longer included in the grant to a line of road which has not been completed.

So far as I am concerned, I am earnestly desirous of having a declaration of forfeiture made by Congress as to every foot of land which now pertains properly and rightfully by virtue of the grant to the line of road running from Wallula to Portland, because that line has not been completed, and no steps have been taken toward constructing any portion of it.

So, after all, we come back to the simple proposition, whether we shall by the amendment of the Senator from Nebraska vote to declare forfeited lands included in a grant to a road which road has in so far as these lands are concerned been completed, examined by commissioners, and accepted by the President.

Mr. VAN WYCK. The Senator from Oregon speaks of vested rights. To what does he refer? Does he refer to the portion of the lapsed grant which is now claimed by the branch to the Cascade Mountains?

Mr. MITCHELL, of Oregon. What I had reference to a moment ago when I used the term "vested rights" was simply this: I made the statement that the company had completed this particular portion of the road for a part of the distance across the Cascade Mountains, commissioners had been appointed by the President, it had been examined, and the road accepted. As to whether the company has any vested

rights in that land is a matter perhaps for the courts. I myself think they have. I will say very frankly that any declaration Congress may make in regard to any such land I do not think would amount to the paper it is written on. That is my view of the law, and for that reason for one I shall vote to forfeit no land, if I know it, that is included in a grant to this or any other company where the road coterminous with which such lands lie has been completed prior to the date of the declaration of forfeiture by Congress.

Mr. VAN WYCK. May I ask——

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. MITCHELL, of Oregon. Yes; I was speaking in the time of the Senator from Nebraska.

Mr. VAN WYCK. I beg pardon; I desire the Senator from Oregon to finish.

Mr. MITCHELL, of Oregon. I do not desire to make a speech, because I am very anxious to get to a vote, but I am also anxious that the Senate shall not vote under any misapprehension as to the effect of the amendment of the Senator from Nebraska. That amendment, as I understand it as it now stands, without the modification I propose (the Senator from Nebraska will concede that, I presume), is a declaration of forfeiture in part as to lands which are included in a grant to this company which are adjacent to and lie conterminous with road now completed and accepted. That, I believe, is true; is it not?

Mr. VAN WYCK. It lies adjoining that, as well as the other branch that is not completed. It adjoins both roads.

Mr. MITCHELL, of Oregon. There is a lap. The two grants lap. The one road has been completed and the other has not. Of course the road which has been completed takes the grant; it is no longer a part or parcel of the grant to the company as to that portion of the road which has not been completed.

I desire the amendment to be so framed as to exclude from the declaration of forfeiture those portions of the grant which are included in the grant to the Cascade branch, and along which the road has been completed.

I shall vote, however, against the whole amendment of the Senator from Nebraska, even as so modified, and I wish to state in a word why. In other words, I shall vote against declaring a forfeiture of lands conterminous with and adjacent to the 75 miles of uncompleted road across the Cascade Mountains; and if the Senator from Nebraska and other members of the Senate could understand the situation on the Pacific coast as we who reside there understand it, if they could understand the difficulties connected with the question of transportation upon that coast, if they could understand that the people of that coast are to-day at the mercy of one corporation for a distance of 214 miles along the Columbia River, I do not believe there is a Senator on this floor who would not vote just as the Senators from Oregon propose to vote in reference to this amendment.

What will be the effect of the completion of the Northern Pacific road across the Cascade Mountains? One effect will be to release the people of that country from the monopoly of transportation which now exists on the Columbia River. In other words, instead of that whole section of country being at the mercy of the Oregon Railway and Navigation Company, which controls the transportation of that country absolutely for a distance of 214 miles, from Wallula to Portland, and for hundreds of miles in every direction, we would have a competing line from Wallula, or from Ainsworth, or Patapsco, wherever the point of connection is near there, to the city of Portland, and to Puget Sound as well.

The road of the Northern Pacific is completed from Portland to Tacoma, and is now being operated. All that is lacking in order to give the Northern Pacific Company a complete and independent line from Saint Paul to Portland, Oreg., and the waters of Puget Sound is the completion of this gap on the top of the Cascade Mountains. When that is completed the farmers of Eastern Oregon, Eastern Washington, and Idaho, the producers of that large producing field, instead of being subjected to this monopoly now controlling the valley of the Columbia and the Columbia River will have the benefit of a competing line. In other words, they will have two ways of getting their produce from that section of the country to Portland, whereas they have but one now.

Any Senator on this floor who is looking solely to the interests of the people, to the interests of the producer, and who cares but little for the interests of the monopolists, for the interests of the railroad companies, for the interests of the transportation companies, would it seems to me cast his vote in favor of doing that which would result in the early completion of the Northern Pacific Railroad across the Cascade Mountains to Puget Sound.

Whether that company will go on and complete the road across the Cascade Mountains in case they are deprived of these lands is a question which I am not able to answer. I have heard it said that they would not be able to complete the road if deprived of these lands, and I would not be surprised if this were so; and if such a result should follow it would be a great detriment, full of calamitous consequences to the producers of the Pacific Northwest.

I am not now speaking in the interest of the Northern Pacific Railroad Company. I care nothing personally about that company. I am under no obligations whatever in that direction. If I were to be governed by my personal resentments here I might be willing to ignore public interests in order to embarrass this company; but I shall endeavor to protect the interests of the people, even if by so doing I may incidentally promote the interests of the railroad company. I am speaking in advocacy of what I believe to be right, looking to the true interests of commerce, looking to the true development of the Pacific Northwest, looking to the interests of the wheat-growers and other producers of Eastern Oregon, of Eastern Washington Territory, and of Idaho; and having in view, moreover, the still more important interests of our transcontinental and transoceanic trade. I shall therefore vote against the amendment proposed by the Senator from Nebraska, and every other amendment that will, in my judgment, as I believe this one does, operate as an obstruction to a speedy declaration of forfeiture of all lands included in the grant to the Northern Pacific Railroad Company, which properly pertain to and are continuous with that portion of their main line that lies along the Columbia River, between Wallula, Washington Territory, and Portland, Oreg., and no portion of which has been completed.

Mr. HEARST. Will the Senator from Oregon allow me to ask him a question?

Mr. MITCHELL, of Oregon. Certainly.

Mr. HEARST. I understand that the road for which the Senator from Oregon wishes to retain the land is a road from Wallula to Puget Sound.

Mr. MITCHELL, of Oregon. That is correct.

Mr. HEARST. What benefit will that be to Portland?

Mr. MITCHELL, of Oregon. I am not speaking in the interest of Portland particularly, although I believe it would be a benefit to Portland perhaps. I am speaking in the interest of the producers in Eastern Oregon, Eastern Washington Territory, and Idaho. They are now at the mercy of one line of railroad and one line of steamers on the Columbia River, all owned and controlled by the one company, in their efforts to get their produce to the seaboard. That is the railroad and steamboat line owned by the Oregon Railway and Navigation Company down the Columbia River to Portland; whereas if this line of road were completed across the Cascade Mountains they could get their produce to the sea on Puget Sound, or they could even get it to Portland by way of the Northern Pacific Railroad (although the distance would be something over 100 miles farther) much cheaper, I have no doubt, than they now can get it to Portland by the Oregon Railway and Navigation Company's road, or by river transportation on their boats.

Mr. HEARST. I do not know just how far the Northern Pacific Railroad goes down the Columbia River.

Mr. MITCHELL, of Oregon. I will explain that to the Senator from California. The Northern Pacific Railroad is completed from Saint Paul to Wallula, Wash. Wallula is 214 miles east from the city of Portland. Then the Northern Pacific Railroad is completed again from Portland, Oreg., to Tacoma, on Puget Sound. The distance between Wallula and Tacoma across the Cascade branch is 262 miles. Of that distance 187½ miles have been completed by the Northern Pacific Railroad Company, examined by commissioners, and accepted by the President, and 75 miles on the top of the Cascade Mountains, of enormously difficult construction, remain uncompleted.

Mr. HEARST. I understand Wallula to be down near Walla Walla.

Mr. MITCHELL, of Oregon. It is 40 miles west from Walla Walla, and the road of the Northern Pacific goes from near there across the Cascade Mountains to Tacoma, on Puget Sound.

Mr. HEARST. In other words, it connects with the Northern Pacific there and goes to Puget Sound across the Cascade Mountains?

Mr. MITCHELL, of Oregon. Yes; it is part of the Northern Pacific. The proposition of my friend from Nebraska is to declare forfeited not only the lands from Wallula to Portland, down the Columbia River, along which the Northern Pacific company have no road, and which I heartily favor, but also the lands adjacent to the 75 miles of uncompleted road of the Northern Pacific on top of the Cascade Mountains.

Mr. HEARST. I understand the Columbia River runs to Puget Sound, but the road has no connection with its own line from where it strikes the river until it gets to Wallula. Is that the fact?

Mr. MITCHELL, of Oregon. I do not think I quite understand the Senator.

Mr. HEARST. In going from Portland I went down the river and took a railroad that went to Puget Sound, which I understand is the Northern Pacific.

Mr. MITCHELL, of Oregon. From Portland to Tacoma. That is the Northern Pacific road completed. Doubtless when the Senator was there some years ago this road was only completed from Kalama to Tacoma. It is now completed from Portland to Tacoma.

Mr. HEARST. The Northern Pacific has no connection from there to Wallula with its own road?

Mr. MITCHELL, of Oregon. From Tacoma?

Mr. HEARST. From Portland.

Mr. MITCHELL, of Oregon. None whatever. They have only a running connection with the Oregon Railway and Navigation Company, but they have never completed any road or any part of a road of their own on the 214 miles between Portland and Wallula.

Mr. HEARST. It seems a matter of very great importance to have

the road finished down the river to connect with the road to Puget Sound.

Mr. MITCHELL, of Oregon. Certainly it would be a matter of great importance to the Northern Pacific, and perhaps of still greater importance to the producer and shipper, but for twenty-two years that company has stood silently by and has never lifted a shovel toward the completion of that road. Therefore I say they are entitled to no consideration whatever so far as that portion of the land grant is concerned. Moreover, although I differ a little with my colleague, I do not believe they ever will complete that road, or have any present intenton at least to complete it.

Mr. HEARST. That is very unfortunate.

Mr. MITCHELL, of Oregon. I do not believe they will ever complete the road from Wallula to Portland, and I believe there should be a declaration of forfeiture of the lands between Portland and Wallula. It should, in my opinion, have been done many years ago; but I do not think there should be included in that declaration of forfeiture any of the lands which are adjacent to that portion of the line of the Cascade branch which they have completed and which has been accepted by the President.

Mr. HEARST. Would not the Senator be willing to give them that land provided they would build down the river?

Mr. MITCHELL, of Oregon. For one I would not. I do not know what others would do. I think they have had ample time to build the road down the Columbia River, and as they are making no movement toward building it, I should be opposed to extending that grant one hour, so far as I am concerned, or even permitting it to remain unaffected by a Congressional declaration of forfeiture a single hour longer.

Mr. EUSTIS. I understood the Senator, in discussing the amendment which I propose to offer, to consider it an act of injustice to the corporation to forfeit any land where they have completed the road after the expiration of the time fixed by the grant.

Mr. MITCHELL, of Oregon. I do not know that I said it would be an act of injustice in so many words, although I did substantially say so.

Mr. EUSTIS. You said you would not vote for it.

Mr. MITCHELL, of Oregon. I did say that I should not vote for such a proposition, and I would not vote for it for the reason that to do so would be to do violence to my well-settled convictions as to the law of the case. I am firm in the opinion that the company have vested rights under the law and by virtue of their compliance with the law, so far as they have complied with it, to all lands adjacent to the road completed by them prior to any declaration of forfeiture. I believe that is the law. I believe the decisions of the Supreme Court of the United States in similar and cognate questions settle that question at least, and the construction I place upon these decisions is to that effect.

Mr. GEORGE. Does that apply to any other decision than in the cases of Schulenberg *vs.* Harriman and Van Wyck *vs.* Knevals?

Mr. MITCHELL, of Oregon. I think the same rule of law applies to a grant made by the sovereign to a railroad company or to an individual that applies to a grant made by one individual to another. In my opinion the fact of sovereignty in the grantor cuts no figure whatever in the case; that the same rule of law as to the operation and effect of a condition subsequent in a grant applies, as I said, in a case where the grant is made by the United States precisely as in a case where the grant is made by one individual to another.

Mr. GEORGE. My object was simply to inquire of the Senator whether in referring to the decisions of the Supreme Court he referred to any other decision which established that proposition except the two I have mentioned.

Mr. MITCHELL, of Oregon. I think there are a great many decisions of the Supreme Court of the United States which sustain the view I take in which the question of conditional grants has been the subject of investigation, has been discussed and decided, and in which the question as to the effect of a failure to make a re-entry for a failure to comply with a condition subsequent in grants has been discussed and decided. Taking them altogether, I think the rule of law to be as was laid down by the supreme court of the State of New York in the case of Ludlow *vs.* The New York and Harlem Railroad Company, and reported in 12 Barbour, page 440. I desire, in this connection, to attract the attention of the Senator from Mississippi and the Senator from Louisiana to that case.

In the case of Ludlow *vs.* The New York and Harlem Railroad Company, 12 Barbour, 445, Ludlow had conveyed certain lands to the railroad company, with a condition in the deed of conveyance that the same should be void unless the railroad was completed through the premises conveyed on or before the 1st day of January, 1843. The road was not completed through the premises by the 1st day of January, 1843, but was completed on the 25th day of September, 1844; and on the 22d day of October, 1846, the grantor, Ludlow, commenced an action of ejectment for the land, but no attempt was made by the plaintiff to enter for the condition broken, or to assert his right to the possession until the 9th of September, 1846, when he gave the defendant written notice to surrender to him the possession. Those are the facts. In that case the court said:

> Did the grantor in the case under consideration manifest an intention not to insist upon a breach of the condition and dispense with the forfeiture? Was his conduct such as to induce the company to expend its money and proceed with the construction of the road after he knew that the condition had been broken? The referee found that he did. The facts, which are the evidence of this design, are not in dispute, and leave no room for doubt as to their real tendency. He made no effort to assert his right to the estate, nor to do any act equivalent to an entry at the common law, until two years after the forfeiture had occurred.

Just as here:

> During this time he saw the company making large expenditures over the premises in question, and extending the road at an enormous expense toward its northern terminus. * * * No stronger evidence could be exhibited short of the execution and delivery of a new deed of a design to waive the forfeiture and confirm the grant than the facts to which I have adverted. Motion to set aside the report of the referee is denied. (12 Barbour, 445.)

Mr. COKE. Will the Senator allow me to ask him if he does not draw a distinction between the action or non-action of an individual, and the action or non-action of the Government?

Mr. MITCHELL, of Oregon. I do not in a case of contract or a simple grant of land, and that is all this is. I stated in the outset, the Senator will remember, that I believe the same rule of law should apply to a pure grant made by the sovereign with a condition subsequent attached which should be applied to a pure grant made by one individual to a railroad company or to another individual.

Mr. GEORGE. The Seantor is aware that the supreme court of New York is not the highest appellate tribunal of that State.

Mr. MITCHELL, of Oregon. I understand that. I understand, of course, that the court of appeals is the higher court and appellate court.

Mr. GEORGE. The supreme court of New York is an inferior court.

Mr. MITCHELL, of Oregon. I understand. At the same time the Senator from Mississippi will agree with me that the supreme court of the State of New York is a very creditable court, and its decisions are entitled to very great respect.

Mr. GEORGE. Oh, yes.

Mr. MITCHELL, of Oregon. My impression is that that decision was affirmed in the court of appeals, though I am not certain. I think if it was necessary and if I had the time (I did not intend to make a speech at this time) I could show any amount of authority to the effect that when the sovereign simply makes a grant or enters into a contract it dispenses with its sovereignty, or at least courts and Legislatures will dispense with it in so far as applying rules of construction to that grant or that contract, and the grant or contract must be construed by the same rules of law which are applicable to grants made by an individual or contracts entered into between individuals. But I shall not take up the time to go into that further.

Nor does the fact which is so often stated by lawyers and which has been so often repeated in this discussion, that the Government can not be guilty of any laches, cut any figure here. It is not so much a question of laches as that it is an absolute waiver by non-action (and in this instance by repeated affirmative acts of recognition) to do that which under the law the United States was compelled to do at a particular time in order to take advantage of the failure to comply with the condition subsequent attached to the grant.

Mr. HEARST. If the Senator from Oregon will yield to me, I wish to ask him a question. I am no lawyer, and may not be familiar with the principles to be applied in this case, but I should be very loath to vote for any bill to forfeit the land from Wallula to Portland, for the reason that the company have all the good land now, and if we could compel them in any way to finish the road from Wallula to Portland and give them bad land, it certainly would be a good trade for the United States, and particularly for Portland, Oreg. Therefore, I should be very loath to change any condition of the grant if the company could be compelled in any way to complete the road. If they have built part of the road and got all the good land, it seems to me there ought to be some way to make them build the rest of the road and take the bad land.

Mr. GEORGE. Is the land bad from Wallula to Portland?

Mr. HEARST. Yes; the good land commences right at Wallula.

Mr. MITCHELL, of Oregon. I agree with the Senator from California that if there was any way (and my friend from Mississippi appears to think there is a way by virtue of the ninth section) to compel the Northern Pacific Company to complete that 214 miles it ought to be done, but I am not one of those who believe that continuing this grant to them for an indefinite period further will result in accomplishing that end.

Mr. GEORGE. Does the Senator from Oregon agree with the Senator from California that the land included in the grant from Wallula to Portland is of very little value?

Mr. MITCHELL, of Oregon. No; I do not. There is a great portion of the land included in the grant from Wallula to Portland which is very valuable. It extends over into Umatilla, Gilliam, and Wasco Counties, in the State of Oregon, and I know the Senator from California visited that country. It is the most magnificent wheat field in the world; there is a great deal of good land included in the grant from Wallula to Portland.

Mr. HEARST. It is a broad grant, but, in traveling along the river

and along the Cascades, as far as any one can see down the river it is miserably poor.

Mr. MITCHELL, of Oregon. The portion of the grant included in the line through the Cascade Mountains of course is comparatively worthless, but there are a great many hundreds and thousands of acres of very fine land included in the grant.

Mr. HEARST. Does not the Senator think that the people of Oregon would be very glad to give that land up if they could get competition from Wallula to Portland and connect with the Northern Pacific down on the river?

Mr. MITCHELL, of Oregon. I think perhaps the citizens of Portland would, but I am not quite sure that the producers would, although it might be to their interest in the end. For one, I will state to the Senator from California that I shall not feel much like making a visit home this summer unless the bill passes through Congress, or at least through the Senate, declaring forfeited the lands included in the grant from Wallula to Portland, because it is the universal belief of the people there that they have been imposed on by the Northern Pacific Company, as these lands have been tied up for a period of twenty-two years and not a shovel has been lifted toward the construction of that line of road.

Mr. HEARST. Why is it that you go in and invite them to have the land across the Cascade Mountains, to give them connection to Puget Sound, when you leave out all the Willamette Valley and the trade which naturally comes to Portland?

Mr. MITCHELL, of Oregon. I will state to the Senator very frankly that I see no hope, nor do our people see any hope, for a competing line down the Columbia River. By the construction of the road across the Cascade Mountains we will have a competing line at once from Wallula not only to Portland, but to Puget Sound.

Mr. HEARST. You have a competing line from Wallula to Puget Sound from the east.

Mr. MITCHELL, of Oregon. We have to Portland by the completion of the gap of 75 miles over the Cascade Mountains. The Senator will remember that the Northern Pacific completed its road from Tacoma to Portland and is now operating it, so that all that is lacking to give the producers of Eastern Oregon and Eastern Washington Territory and Idaho a competing line to Portland, providing they wish to send produce there instead of to Puget Sound, is the completion of this little gap of 75 miles on the top of the Cascade Mountains. They would then have not only the advantage of a competing line to Portland, but the still greater advantage perhaps of a new line to the seaboard at Tacoma. The value of the completion of this little line of 75 miles of road to the producers of the Pacific Northwest can not be overestimated.

I am quite sure that if the Senators on the other side of the Chamber understood this thing as it really is they would see at once that by voting to forfeit these lands, which are comparatively valueless, on the top of the Cascade Mountains, they are simply voting against the true interests of the producers of the Northwest.

Mr. HEARST. I think from the questions asked that the Senators on this side of the Chamber understand it.

Mr. MITCHELL, of Oregon. I see that the Senator from California understands it.

Mr. HEARST. It has been a long time since I was there, and there was no railroad built along the river then. I have only obtained my knowledge from the papers, and I have not read much about the matter for a year or two. I understand the Senator to say that at Puget Sound you can get on the cars and go to Portland by the Northern Pacific.

Mr. MITCHELL, of Oregon. Certainly.

Mr. HEARST. Then I understand that you have connection from Portland up the river on the Northern Pacific.

Mr. MITCHELL, of Oregon. No; not on the Northern Pacific, but by the Oregon company's line between Portland and Wallula.

Mr. HEARST. Then why have you not a complete line?

Mr. MITCHELL, of Oregon. We have a complete line, but the Oregon Railway and Navigation Company holds the key for 214 miles, and they own and control that road. No car can go upon that road except by their consent.

Mr. HEARST. So the Northern Pacific have not the line?

Mr. MITCHELL, of Oregon. They simply have some kind of a contract. I do not know what the contract is. I know as a matter of fact that they run their trains to Portland and Tacoma by way of the Columbia River, but for these 214 miles their trains go over the road built and owned and controlled by the Oregon Railway and Navigation Company.

Mr. HEARST. That is the way I thought it was.

Mr. MITCHELL, of Oregon. That is the fact.

Mr. HEARST. You get nothing except you make an arrangement by a single line from Portland to Wallula? The Northern Pacific has no connection?

Mr. MITCHELL, of Oregon. None whatever, until they obtain it by way of Tacoma by the completion of the 75 miles on the top of the Cascade Mountains.

Mr. HEARST. The only advantage the people get by competition is the continuance of this line from Wallula across the Cascades to the sound?

Mr. MITCHELL, of Oregon. Certainly; and to Portland.

Mr. HEARST. That to Portland is out of the way.

Mr. MITCHELL, of Oregon. It is about 130 miles, and perhaps farther, from Wallula to Portland by way of Tacoma than it is from Wallula to Portland direct by way of the line of the Oregon road.

Mr. HEARST. Then Senators may understand that after this line gets to the sound the Northern Pacific will have a road that runs across the country south and east until it strikes the sound, and thence to Portland?

Mr. MITCHELL, of Oregon. Yes, sir.

Mr. HEARST. So by going 80 or 100 miles out of the way the people could get an opposition line?

Mr. MITCHELL, of Oregon. Yes; but the Senator will bear in mind that the producers who now send their produce down the Columbia River to Portland would have the benefit of whatever advantage it may be to send their produce to Tacoma.

Mr. GEORGE. I wish to understand——

Mr. VAN WYCK. I wish to interrupt the Senators long enough to remind them that I am holding the floor.

The PRESIDING OFFICER (Mr. BERRY in the chair). The Senator from Nebraska [Mr. VAN WYCK] is entitled to the floor.

Mr. GEORGE. I rose to ask a question.

The PRESIDING OFFICER. The Senator from Nebraska has been yielding to the Senator from Oregon.

Mr. MITCHELL, of Oregon. I beg pardon of the Senator from Nebraska, but ask the Senator to yield a moment longer.

Mr. VAN WYCK. Certainly.

Mr. GEORGE. Am I authorized to understand the Senator from Oregon to say that the Northern Pacific Railway Company has made running arrangements with the company which owns the road from Wallula to Portland, and that it has practically abandoned the idea of building that road itself?

Mr. MITCHELL, of Oregon. I only know as a matter of fact that for the last three years they have been running their trains from Wallula to Portland over the road owned by the Oregon Railway and Navigation Company. I know further that they have made no movement toward the completion of that portion of the road. They never have and are not doing it now.

Mr. GEORGE. Do you not know that they do not contemplate making any such road?

Mr. MITCHELL, of Oregon. That is my opinion. Of course I can not speak for the company, but that is my impression. *Judging from* the past, I do not believe they intend to complete that road.

Mr. GEORGE. By what rule of morals and justice can this company receiving a grant to build a road from Puget Sound to Portland, or via Portland to Tacoma, of their own will abandon without the consent of the United States 214 miles of that road and interest upon having the land grant made to them on the remainder of it? In other words, by what rule of right and justice has the company, with a solid grant all the way across the continent, the right to except out of that grant 214 miles and say, "we will not build that," and then come to Congress and say, "you will be robbing us if you do not give us the land?"

Mr. MITCHELL, of Oregon. I agree with the Senator from Mississippi that the Northern Pacific Railroad Company can by no principle of right or justice so far as that is concerned fail or decline or refuse to complete that gap in the line of the road. I think no terms of condemnation of that company can be employed which are too strong for this omission or refusal on their part.

Mr. GEORGE. And yet you say that on an examination of the facts you believe that they have abandoned the idea of building that road.

Mr. MITCHELL, of Oregon. I believe it, but we have to take things as we find them; and what do we find? We find, as a matter of fact, that they have virtually abandoned those 214 miles. We find, as a matter of fact, that the lands included in that grant for nearly a quarter of a century have been tied up and held from settlement by virtue of the grant. The best thing I think the people can do through their representatives in Congress is to make a *declaration of forfeiture as to* those lands without regard to any other question. Then the next thing we should do would be to look at the situation as it is, not with reference to any interest of the Northern Pacific Railroad Company, not with reference to any wishes or desires they may have in the premises, not with reference to any grace that they may ask at the hands of Congress, because I think they are entitled to ask none.

Mr. GEORGE. I am glad to hear the assertion.

Mr. MITCHELL, of Oregon. But we should look at the situation with reference to the commercial condition, with reference to the wants of the people interested, with reference to the rights of the producers of the great Pacific Northwest; and looking at it from that standpoint and in behalf of those interests what do we find? We find that by reason of the failure of the Northern Pacific Railroad Company to make this competing line between Wallula and Portland the people are today held subject to the wishes and demands, exorbitant as they are, of a monopoly which holds control of that line of road. We find upon the other hand that the Northern Pacific Railroad Company is at work completing what we believe to be a competing line. We find moreover

that it has succeeded except as to 75 miles of the road in completing that competing line. We find furthermore that perhaps by taking from them now the little remaining grant on the top of the Cascade Mountains we may perhaps (they say it will, I understand) prevent the completion of that gap. We find furthermore upon investigation that the lands adjacent to that portion of the uncompleted road lie on the top of rugged mountains, and are comparatively valueless for the purposes of settlement.

Mr. GEORGE. Full of coal and iron.

Mr. MITCHELL, of Oregon. I do not know as to that.

Mr. GEORGE. I understand that they are full of coal and iron.

Mr. MITCHELL, of Oregon. Speaking generally the lands are regarded as of but little value. They are certified to be of but little value to the pioneers going out to settle that country.

Without quarreling with somebody because they have not done this, that, or the other thing which they ought to have done, we find upon looking at the thing to-day as it is that by not taking this portion of the grant away from them on the Cascade Mountains they will go on and complete it at an early day and furnish the competing line, to which I have referred sufficiently heretofore.

I did not intend to make a speech at all, but since I have gotten on to this point I wish to state that for very many years, as we all know, the Northern Pacific Railroad Company failed to make any movement toward completing the road across the Cascade Mountains. What was the result? The result among the people of Washington Territory was simply to create a state of feeling there in regard to that matter which exists to-day in the State of Oregon in reference to the failure of that company to complete the road down the river. Prior to the completion of any portion of the line across the Cascade Mountains there was an almost universal sentiment, I may say, among the people of Washington Territory in favor of the declaration of a forfeiture of the grant from Wallula to Tacoma; but inasmuch as no declaration was made by Congress, or by either House of Congress, and inasmuch as the company have gone on and completed 187 miles of the road, and inasmuch as there is but this short gap to complete, there has I think been a revulsion of sentiment among the people of Washington Territory in regard to the matter.

So far as I have been able to arrive at that sentiment I am satisfied that if it were left to a vote of the people of Washington Territory to-day as to whether they would forfeit the lands adjacent to this uncompleted road there would be a large majority against it. That is my opinion. However, I may be wrong about that.

But in any event, looking at the great commercial questions involved, bearing in mind the completion of the Canadian road, bearing in mind all the great interests of commerce which are now being developed on the Pacific coast, and in the Pacific Northwest, it does seem to me, and it has seemed to me, that without any reference to the interests of the Northern Pacific Railroad Company, as a company, or without desiring to favor them one way or the other, we should take a broader view of this matter and permit the completion of the road. If there was any way whereby Congress could by declaration issue a decree compelling the Northern Pacific Railroad Company to complete its road not only across the Cascade Mountains, but down the Columbia River, and at the same time take from them both grants, I for one would be willing to do it.

Mr. GEORGE. What is the objection to the latter clause of section 9?

Mr. MITCHELL, of Oregon. I understand that section; I have read it a thousand times; but when you come to apply the practical test there is some difficulty after all, I presume, as to just how Congress would go about the completion of this road. I presume all that means is that if the company fails to complete the road then Congress has the right under the ninth section to take charge and complete the road. But how complete it? Ways and means must be provided.

Mr. GEORGE. Complete it with the assets of the company.

Mr. MITCHELL, of Oregon. I do not know exactly how Congress would go about it. I have always thought that there were great difficulties in the way in reference to that matter.

I have been speaking out of the time of the Senator from Nebraska, and I beg his pardon, but I have been led off.

Mr. GEORGE. There is a question I wish to put to you. I may have misunderstood your colleague; but I understood him to say that in 1879 the road from Portland, Oreg., to Wallula was built by a company organized by Mr. Villard. Did I understand him correctly?

Mr. MITCHELL, of Oregon. From Portland to Tacoma?

Mr. GEORGE. To Wallula?

Mr. MITCHELL, of Oregon. From Portland to Wallula was not built in 1879; it was in 1881, 1882, and 1883, I think.

Mr. GEORGE. Whatever time it was, was he not at that time the president of the Northern Pacific Railroad?

Mr. MITCHELL, of Oregon. I think not. I think he succeeded to the presidency and control of the Northern Pacific after that time.

Mr. GEORGE. How long after?

Mr. EDMUNDS. He was president of the company in 1883.

Mr. MITCHELL, of Oregon. My impression is that the Oregon road, or most of it at least, was completed before Mr. Villard succeeded to the control of the Northern Pacific.

Mr. GEORGE. You are not certain?

Mr. MITCHELL, of Oregon. I am not absolutely certain, but that is my impression about it.

Mr. GEORGE. I have an impression of this sort which I will put on the records of the country, that while Mr. Villard was managing and controlling the Northern Pacific Railroad Company he formed a company and built a railroad over a part of the line over which the Northern Pacific Railroad Company was obliged to build, and that is the part of the line which it is now proposed to exempt from forfeiture.

Mr. MITCHELL, of Oregon. That, I am sure, is an entire mistake. I know that the Oregon Railway and Navigation Company was formed long before Mr. Villard succeeded to the presidency of the Northern Pacific.

Mr. GEORGE. Was the road built before that time?

Mr. MITCHELL, of Oregon. My impression is that most of the road, and I believe the whole of it, had been completed.

Mr. DOLPH. From Portland to Wallula.

Mr. MITCHELL, of Oregon. From Portland to Wallula. I think the Senator from Mississippi is under a misapprehension about that matter.

Mr. EUSTIS. Will the Senator from Oregon allow me to ask him a question on another branch of the matter?

Mr. MITCHELL, of Oregon. Certainly.

Mr. EUSTIS. I should like to ask the Senator whether he knows as a fact (I understood him to state it) that there had been any cash paid in by any stockholder for subscription to the stock of this company?

Mr. MITCHELL, of Oregon. Of what company?

Mr. EUSTIS. The Northern Pacific—$49,000,000 of common stock. What I should like to know, if the Senator is able to give the information, is whether any stockholder who subscribed for the stock has ever paid into the treasury of the company a single dollar?

Mr. MITCHELL, of Oregon. I do not profess to be competent to discuss the financial condition or operations of the company.

Mr. EUSTIS. I thought the Senator might know.

Mr. GEORGE. I am informed by a gentleman who was present on the ground that on the 6th day of April, 1882, there was no road built from Wallula down to the Dalles, for he had to travel on the steamboat. Was Mr. Villard president of the Northern Pacific Railroad Company on the 6th day of April, 1882?

Mr. DOLPH. No; he was not.

Mr. MITCHELL, of Oregon. I can not state certainly.

Mr. DOLPH. He was not until September, 1882. He was elected at the annual meeting in September, 1882.

Mr. MITCHELL, of Oregon. I think that is true.

Mr. GEORGE. As soon as the road was completed he got to be president of the company.

Mr. MITCHELL, of Oregon. If this case were just as the Senator from Mississippi supposed it to be—and I think he is entirely wrong about it—it would have no bearing with me, and I do not think it ought to have any bearing with Congress upon the question we are discussing now. We all admit that the Northern Pacific Railroad Company has failed to do its duty in not completing the road down the Columbia River. We all admit that it was a part of the duty of that company to build its road from Portland to Wallula just as much as it was to build the road from Saint Paul to Wallula; but we must take things as we find them and do the very best we can with the case as we find it. I am endeavoring now to look at and protect the interests of the coast, the interests of the people, and the interests of commerce, and not the interests of the Northern Pacific Railroad Company.

Mr. VAN WYCK. The Senator from Oregon has satisfied me that I did not misunderstand his position, that the railroad company had a vested right in lands acquired after the completion of the road. I suppose the Senator has entertained that opinion, I judge from his few remarks, from the time of the decision in the case of Schulenberg *vs.* Harriman.

Mr. MITCHELL, of Oregon. Yes; I think that is true.

Mr. VAN WYCK. The case of Schulenberg *vs.* Harriman was decided in 1874. The Senator now thinks that this claim of the Northern Pacific Railroad is a vested right. I desire to ask the Senator why it was that in 1876, before the expiration of the lifetime of the grant of the Northern Pacific Railroad, two years after the decision referred to, and even in 1878, the Senate of the United States did not even then consider the claim of the Northern Pacific sacred, but actually proposed to forfeit a portion of the grant?

We are occupying a strange position here to-day. We are told that we have no legal right to forfeit any portion of this land opposite to any part of the completed road.

Mr. MITCHELL, of Oregon. Was any bill passed?

Mr. VAN WYCK. Yes, sir; a Senate bill was passed in 1876 and one in 1878. I have here the bill of May 1, 1878.

Mr. MITCHELL, of Oregon. I will ask the Senator from Nebraska if there was not a clause in that bill providing for the assent of the company?

Mr. VAN WYCK. Yes; there was.

Mr. MITCHELL, of Oregon. Then that is a complete answer to the Senator's proposition. Of course by consent of the parties they could make an agreement to give up a part of the grant.

Mr. VAN WYCK. But they threatened the terrors of the law upon them if they did not consent to it. They made some pains and penalties upon the railroad company if they did not consent to it. I do not remember what they are, neither have I the time to read them now. The act proposed to extend the time of the Northern Pacific Railroad.

Look at it for a moment, because we are confronted with strange, novel, and startling propositions every time the question of a railroad corporation or the forfeiture of a grant is placed before the consideration of the American Congress. One Congress takes one position, another takes another, and apparently from the same persons and in the same interests. That is a matter which I do not fully understand. Our friends from Oregon, whom we always delight to hear, of course properly explain their positions, and they protest, which of course we accept as correct, and give the reason why they assume to do these things, yet sometimes it would seem as if they might "protest too much."

In 1876 and 1878 it was proposed to do what? The Northern Pacific Railroad Company in the lifetime of their grant came and asked to have its time extended. Its time expired on the 4th of July, 1879. In their early history they had come and had the time extended on two occasions, and later, toward their closing hours, they come and recognize the power of Congress over this question.

Look at it for a moment. Strip it of all verbiage, strip it of all legal complication, and this great corporation came here in 1876, three years before their grant expired, and through eminent counsel outside of this body, as they always have, and distinguished friends inside, as they always have, stretched forth their hands in supplication and said to the law-making power, "Grant us this our prayer we beseech thee; we will give up all the Cascade branch, the 300 miles; we will do more. Here is our immense domain."

The 4th of July, 1879, had not then been reached. They were then still east of the Missouri River. They asked Congress to extend the time eight or ten years, and said they would give all this rich domain of theirs for the benefit of the settler; that he should be allowed to come in and occupy these fair fields, paying into the Treasury of the United States $2.50 per acre, and for that he should receive a patent, and Congress should be their trustee to see that the money was properly expended in the prosecution of this work.

That was their attitude then, and my friend from Oregon knows that I have stated it correctly, because he was then here, very properly and eloquently urging for the settler that he should be allowed to go in on this rich domain and occupy it for $2.50 per acre.

My friend used the same argument in 1876 that he uses to-day. He was eloquent then; he is eloquent now. That portion of his argument was consistent with itself when he pleaded that Congress should give this extension; that the whole of the Cascade branch should be restored to the public domain; when he pleaded that it should be extended in behalf of the American settler, who should be allowed to go out and take the land west of the Missouri River at $2.50 per acre. My friend also used the further argument then that he does now. He said it was to check the terror of a monopoly which then existed. In opposition to that monopoly he desired then that the entire Cascade branch should be restored to the public domain. In opposition to that same monopoly he says to-day that the 75 miles of the Cascade branch ought not to be restored to the public domain. After commenting upon the power of this monopoly, he said:

> Still, on the remaining portion of this great river, the second on this continent, monopoly, seizing at an early day the key which nature forged in these obstructions at the Dalles and the Cascades, sits enthroned as imperial dictator to the commerce of the whole Northwest, a paralyzing incubus upon the material development and general prosperity of that vast region.

Mr. MITCHELL, of Oregon. What fault does the Senator find with that? The Senator from Oregon was right then, and he is right now.

Mr. VAN WYCK. I have no fault to find with the Senator's argument, only my friend changes his position.

Mr. MITCHELL, of Oregon. Not at all; he stands to-day just where he stood then. The Senator from Nebraska will bear in mind that at that time there was no railroad of any kind from Wallula to Portland, nor from Wallula across the Cascade Mountains, nor from Saint Paul to Wallula. The monopoly I was speaking of was the control of the Columbia River, the boat monopoly. At that time, just as to-day, there was no hope of the completion of the Northern Pacific from Wallula to Portland. I then saw no hope of the completion of the road across the Cascade Mountains, neither had the Union Pacific then constructed a road from Granger across to the Columbia River. We had no road there.

For years and years we had been contending for what was then known and called the Portland, Dalles and Salt Lake road, which is now the Oregon Short Line and the Oregon Railway and Navigation Company's line.

My proposition in 1876 was that we should take the land grant given to the Northern Pacific Railroad Company from Wallula across to Puget Sound and throw it over in aid of the road from Salt Lake to the headwaters of the Columbia River, and by the same bill compel the Northern Pacific, under certain pains and penalties, to complete the road down the Columbia River. The very bill I was advocating provided that it should, within a certain specified time, complete a portion of the road down the Columbia River, around the Cascades and the Dalles, so as to avoid the monopoly of the Columbia River.

I have not changed. The situation on the North Pacific coast, by reason of the construction of certain roads, has to a certain extent changed, and I now come advocating, as I did then, what I believe to be the interest of the producers of that country, and not the interest of any particular railroad company.

Mr. VAN WYCK. The bill which the Senator advocated then was a good bill.

Mr. MITCHELL, of Oregon. Certainly.

Mr. VAN WYCK. It was a very much better bill than the measure he is advocating to-day. That is my point.

Mr. McMILLAN. It took things down to the Union Pacific.

Mr. VAN WYCK. It has been taken down to the Union Pacific. When he then advocated a good bill it did not touch the Union Pacific.

Mr. McMILLAN. The connection the Senator wanted to make was with the Union Pacific by the Oregon road.

Mr. VAN WYCK. And he succeeded in getting that.

Mr. McMILLAN. He did not succeed in getting it.

Mr. VAN WYCK. But still that did not help this country where this giant monopoly had its grip. Gentlemen wanted to be relieved of this monopoly. The Senator says it is there to-day. He wanted to relieve the grip of this giant monopoly in 1876, and therefore favored the bill, and was willing to forfeit all the Cascade branch. He wants to release the grip of this same giant monopoly to-day, and he insists that the same road shall retain 75 miles of that same grant when he was then willing to forfeit the whole. What relation has that with the Union Pacific?

Mr. McMILLAN. If the Senator understood the situation he would see.

Mr. VAN WYCK. I understand the situation. If it was necessary to forfeit all this grant in 1876 to release the grip of the Oregon Railway and Navigation Company, why is it necessary to hold on to this 75 miles to release the grip of the same Oregon Railway and Navigation Company?

No, it is the remarkable feature which I stated about this matter that we are compelled to change front so often on these questions, if it becomes necessary to serve our lords and masters, what the corporations dictate and control. I suppose it would not do for me to-day to propose what the Senator so eloquently advocated in 1876, to allow the settlers to come in and have their share of this domain on the same conditions that Senators were willing they should have it then.

The Senate passed the bill as I shall show you, and in 1876 were willing that the settlers should come and occupy the country. I propose before we finish this matter to make the same proposition in the Senate, and see whether we are willing, after the railroad company have had seven years of forbearance and grace, to give to the settlers what our friends were willing to give them three years before the life of the grant expired.

The railroad aspect of competition is remarkable. We have built three or four lines to the Pacific Ocean and all the financial adventurers and the patriots who came here came in the interest of the people every time. They wanted competition. After the Union and Central Pacific was through, the patriots must have competition by the Northern Pacific and by the Southern Pacific. Competition must be had. What was the effect of competition? The Oregon Navigation Company and the Northern Pacific Company have running arrangements, pleasant, agreeable arrangements, I suppose.

Mr. MITCHELL, of Oregon. I do not know how pleasant they are.

Mr. VAN WYCK. They have them all the same.

Mr. MITCHELL, of Oregon. I do not know what they are. The Northern Pacific runs trains on the Oregon Navigation Company's road.

Mr. VAN WYCK. Now we have what? We have built at the public expense, by millions of acres of the public domain, competing lines to the Pacific, and yet we have not a single competing line to the Pacific anywhere. Before the Northern Pacific road was built the Union and the Central Pacific did what? In defiance of law and public sentiment and common honesty they purchased the control of the Pacific Mail Steamship line—the water-route from the Atlantic to the Pacific; and when the Northern Pacific was opened to Portland that company contributed its share toward corrupting the free commerce of the ocean——

Mr. GEORGE. Will the Senator explain the *modus operandi* of that?

Mr. VAN WYCK. Corrupted by buying control of the ocean, not to charge less than a fixed rate which the Pacific roads fixed. The Central and the Union Pacific first controlled it all, and then when the Northern Pacific built its road they were made partners in that crime and contributed to the outrage. This was done in the name of competition and in violation of the faith of the nation which gave these great donations on the ground of competition.

I have been drawn off from the point I desired to make, which was that the Senate recognized their power, their duty to extend the time within which the railroad should be built. The Northern Pacific twice in their early history and twice later recognized the necessity of having their time extended by coming to Congress and begging for it. And yet, according to the position of the gentlemen to-day, the Northern

Pacific Railroad is in a better position by disregarding Congress. That is it. They claim to-day, "No matter if we did not get the power from Congress, we had a legal right to continue;" and in defiance of Congress to-day they are invested with more rights, with more power, with a larger domain than they were disposed to take when they came as suppliants and asked Congress in the exercise of its proper power to extend their time to finish this road.

Why, Mr. President, it seems perfectly plain. Congress by law enacts what shall be done. Who dares to disobey or disregard that law? You say it is done by the subterfuge of a judicial decision—and there the whole difficulty commenced—a decision which is not really applicable to cases of this kind, but the Attorney-General was then willing to give an opinion that it did cover this class of forfeitures, and the executive department was ready to assume the legislative power to reverse the decree of Congress. When the law fixed the termination of this grant, naturally that was the end unless the lawmaking power chose to remove the disability and relieve from the forfeiture for the broken condition, which Congress has not yet done. From that day until now at every session of Congress the railroad company or the citizens have come here and presented bills either to extend the time or to forfeit the grant. Who then will rise now and say that Congress is estopped?

Mr. GEORGE. Does the Senator know of any efforts on the part of the Northern Pacific Railroad Company through agents or attorneys appearing before committees of Congress to prevent Congressional action? I think I have heard of such things.

Mr. VAN WYCK. When a larger forfeiture than this was proposed at the last Congress their attorneys were here, but, as I said in the outset, their attorneys did not come to oppose this bill, because they wanted it. You remember the difficulty I had some days ago to establish the fact that the Northern Pacific Railroad Company really desired this much of a forfeiture, and while I thought I proved it several times that day by the Senator from Oregon [Mr. DOLPH] and several times by the other Senator from Oregon [Mr. MITCHELL], it is proved again to-day by the Senator from Oregon [Mr. MITCHELL], because when the Senator from California [Mr. HEARST] said "Let them keep this land from Wallula to Portland and compel them to build the road," my friend from Oregon said, "Yes, I should like to do that, but we can not compel them to do that; they do not want it." That is what I claim.

Mr. MITCHELL, of Oregon. I ask the Senator from Mississippi and the Senator from Nebraska if there is power, as they seem to think, on the part of Congress to compel the Northern Pacific to go on and complete the road down the Columbia River, why not introduce a bill for that purpose?

Mr. VAN WYCK. By no means.

Mr. MITCHELL, of Oregon. Why?

Mr. VAN WYCK. I want the land. I am only showing that you are stating what I said the other day, that the railroad company do not want to build the road and want this forfeiture.

Mr. MITCHELL, of Oregon. One other question I should like to ask the Senator from Nebraska. If I understand his legal argument, it is that this grant was on a certain condition, and that condition was that the whole road should be completed on or before a certain date.

Mr. VAN WYCK. July 4, 1879.

Mr. MITCHELL, of Oregon. Now, if I understand the Senator from Nebraska, their right to this grant, or any portion of it, depends upon the completion of the road in that time; and not having completed it within the time, of course they failed to comply with the condition. Now, my friend comes in and asks to forfeit a certain portion of the grant. What I want to know is, what equities are there or what legal rights exist to-day in favor of the Northern Pacific Railroad Company to that portion of the grant conterminous with the road which was completed before the expiration of the time fixed for the completion of the whole road that does not exist in their favor in reference to the balance?

Mr. VAN WYCK. That means because they did not complete the entire road before the 4th of July, 1879, all the lands should be forfeited.

Mr. MITCHELL, of Oregon. It would seem to a man from the argument made by the Senator that if they failed to comply with the condition the condition was gone and the whole grant was gone.

Mr. VAN WYCK. No; the Senator is evidently wrong. That is a position which no one pretends. The grant provides for the building in sections of 25 miles; that after they had finished each 25 miles they become entitled to a patent if it was earned in the lifetime of the grant.

Mr. MITCHELL, of Oregon. There is nothing in the grant saying if they complete so many miles within a certain time, and so many other miles within a certain time, and the whole road within a certain other time, they shall obtain patents. There is simply one condition, that they shall commence the road at a certain day and complete the whole road on a certain other date. That is the condition.

Mr. VAN WYCK. Another condition was that as they finished 25 miles they should become entitled to patents for so much.

Mr. MITCHELL, of Oregon. Certainly.

Mr. VAN WYCK. That settles it.

Mr. MITCHELL, of Oregon. But by what rule or by what terms of the law can you apply that rule only to that portion of the road completed within the time fixed for the completion of the whole road?

Mr. VAN WYCK. It is very plain. Congress provided when this road should be finished. They also provided that as soon as the company finished 25 miles they should be entitled to patents for it. That ends the question as to the 25 miles. They go on, and up to the 4th of July, 1879, the expiration of the grant, they finished 535 miles and by the act were entitled to patents for the land along every 25-mile section of that road so built. Now comes the time when the law provided that the road should be finished. Then Congress may declare a forfeiture or may do it six years from that time. I ask if Congress defers six years and then forfeits the grant whether it has not the right to make that forfeiture attach back to the date when the condition was broken? I think my friend will not dispute that as a legal proposition.

Mr. MITCHELL, of Oregon. In my view of the law I do not believe there is any such right in Congress. I think they can make it apply simply to the lands adjacent to the road uncompleted at the time of the declaration. I believe that is the law.

May I ask one question right here?

Mr. VAN WYCK. Certainly.

Mr. MITCHELL, of Oregon. The Senator from Nebraska is laboring evidently, as he always does, in the interest of the settlers. Admitting for the sake of the argument that the technical right exists just as claimed by the Senator to declare a forfeiture relating back and attaching to all lands that lie adjacent to that portion of the road which was not completed on the 4th of July, 1879; the road has been completed; everybody along the line of the road has acted evidently on the theory that these lands belonged to the railroad company so far as the completed road was concerned at least. Now, does not my friend from Nebraska believe that to throw that whole controversy into the courts by a declaration of forfeiture here, wherein it must be admitted, to say the least, that there is grave doubt, would have the effect to involve all the settlers along the line of this road from Saint Paul to Oregon and to Puget Sound—I mean along the line of the road completed—in litigation the end of which no man can see?

Mr. VAN WYCK. That is another creation of the difficulty which exists only in the imagination, because my friend can not suppose it will be proposed at any time to interfere with any title which may have been secured by an innocent purchaser. It was proposed by the Senator from Louisiana [Mr. EUSTIS] to protect all that class of cases. His amendment confirms just sales.

Mr. MITCHELL, of Oregon. Does the Senator from Nebraska for a moment believe that this railroad company, grasping as it is, never willing to surrender anything unless compelled to do so, whether it holds it rightfully or wrongfully—I will go as far as my friend from Nebraska in that direction—does he believe for one moment that that company would sit idly by and would not contest the validity of this declaration of forfeiture as to lands adjacent to the completed road? And does not the Senator know that a litigation of that kind can not be ended within a great many years, and in the mean time the rights of settlers under the grant and the declaration of forfeiture which may provide for their protection will be held in abeyance, and "confusion worse confounded" would be the result?

Mr. VAN WYCK. I would expect the railroad company to do everything in that direction. I would expect them to embarrass legislation and the Departments, as they always have done.

I desire not to be misunderstood. I believe in law and equity. This grant should be forfeited to take effect July 4, 1879. But if that can not be obtained and the Senate decides otherwise I would take a forfeiture of all the unearned land and have this question settled. This should be out of Congress and out of politics.

For the last ten years both national conventions have been amusing the people by resolutions in relation to the public domain and the forfeiture of land grants. We pass such resolutions and then go home and read them to the people. Therefore I desire now that we should accomplish once for all what can be accomplished.

Mr. MITCHELL, of Oregon. I do not wish to embarrass the Senator from Nebraska, but I ask him if he is willing to modify his amendment so that it will be perfectly clear that his amendment will apply only to unearned lands, to use that term, to lands adjacent to uncompleted road, and let us take the vote on that proposition, and then take the vote on the further amendment of the Senator from Nebraska or some other Senator?

Mr. VAN WYCK. I supposed I had fixed the amendment to suit every Senator. I have been amending it and reamending it and amending it back again, so as to get it entirely satisfactory, and as it stands now it ought to be adopted.

It is about time that the Northern Pacific Railroad Company and their friends should be a little just; I would not ask them to be generous.

Now, look for a moment. These gentlemen say that this land to be forfeited across the Cascade branch is worthless, and the distinguished Senator from Ohio [Mr. SHERMAN] says it is not worth a cent an acre. Then it is of no value to us and no loss to the railroad company, except what? They want it as a basis for bonds! The bonds are none the

better with this land, are they? Are bonds any better on land worth only a cent an acre? They say nothing to us; and the representatives of the people rise on this floor and solemnly tell this nation that the lands are of no value to them. They lose nothing if they are forfeited. Then of what value are they to the railroad company? A basis for bonds!

Mr. MITCHELL, of Oregon. I might imagine this: I do not know anything about it; I presume the lands are mortgaged all the way along, and bonds have been issued for so many acres of land, and Congress comes along and says some of the land must be taken away. Might not that be seized as grounds for breaking up the whole arrangement?

Mr. VAN WYCK. These mortgagees can read and write; they are ordinarily sensible people, and it will be a very easy thing to tell them, "You have not lost anything." The Government, it is said, does not lose anything by giving up that land, and you have not lost anything; it does not make your bonds a bit better, and you can point to the CONGRESSIONAL RECORD and show them what a distinguished Senator said on this floor, that that portion of the public land was not worth a cent an acre. That will satisfy the bondholders.

Mr. BECK. Will the Senator from Nebraska allow me to ask him a question for information?

Mr. VAN WYCK. Certainly.

Mr. BECK. Is there any difference between the Atlantic and Pacific Railroad Company and the Northern Pacific as to our right and duty of forfeiture that the Senate can understand? I assume that there is not. Then I want to ask him why the House of Representatives passed a bill on the 23d of February, 1886, and sent it to the Senate, and the Senate passed the bill, using this language:

That all the lands, excepting the right of way, heretofore granted to the Atlantic and Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, and subsequent acts and joint resolutions of Congress, which are adjacent to and coterminous with the uncompleted portions of the main line of said road, embraced within both the granted and indemnity limits, as contemplated to be constructed under and by the provisions of the said act of July 27, 1866, and acts and joint resolutions subsequent thereto and relating to the construction of said road and telegraph, be, and the same are hereby, declared forfeited and restored to the public domain.

Mr. VAN WYCK. That is right.

Mr. BECK. Now I understand the proposition is in the case of the Northern Pacific to forfeit all the lands alleged to have been earned since 1879?

Mr. VAN WYCK. If my friend did me the honor to listen to what I said I stated distinctly——

Mr. BECK. As to the first amendment of the Senator from Nebraska as to the 75 uncompleted miles, I see no reason at all why that portion of the grant should not be forfeited; but when you come to extend it back to 1879, why do you not apply the same rule to the one road as to the other, is the question I ask.

Mr. VAN WYCK. I do not now call to mind the date when the grant of the Atlantic and Pacific expired.

Mr. BECK. It expired some time ago.

Mr. VAN WYCK. I do not remember as to the exact time.

Mr. BECK. There have been several hundred miles built since the expiration of the time.

Mr. VAN WYCK. That does not interfere with my position.

Mr. BECK. Why did not the Committee on Public Lands, of which the Senator is a distinguished member, give the same opportunity over that which he is giving now?

Mr. VAN WYCK. I would do so. I will say to my friend when the time expired for the completion of that road by the original act and subsequent acts, I do not remember; but whenever it may have been, I believe that when that time expired the grant was dead, and there was no power except by act of Congress to give it life again, and no matter when the forfeiture declared it should relate back to that time. There is, however, a wide difference of opinion on that matter, and it becomes necessary in order to accomplish something, and have the most of this land restored to the public domain, to have affirmative action, and the extent of that action must be settled by a majority of Congress.

I endeavored to illustrate by this very case what we have lost by not adopting this course. I believe one theory to be right; but the other I am prepared to accept; that is, what the majority of this body say should be the true rule, and end the whole matter. If I can not get from the date of the expiration under the act of incorporation, I will do the next best thing. I will take all the land that is not adjoining the completed road. I trust now my friend is satisfied. I will do either one or the other so as to end the controversy. If in 1876 and 1878 we had acted on that policy we should then have obtained the whole of the Cascade branch. By delay we may lose all but 75 miles, and my notion is that we had better accept even that than lose all by further delay.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal., agreed to the conference asked by the Senate on the said bill and the amendments thereto, and had appointed Mr. CLARDY, Mr. IRION, and Mr. DAVIS managers at the conference on the part of the House.

RAILROAD ATTORNEYS.

Mr. BECK. I ask leave to give notice that to-morrow immediately after the close of the morning business I will endeavor to call up the motion of the Senator from Connecticut [Mr. HAWLEY] to reconsider the vote whereby the bill I had the honor to introduce was passed. I will endeavor once more to secure action.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I give notice now that on Friday morning immediately after the conclusion of the morning business I shall call up for action the report of the committee of conference on the Post-Office appropriation bill.

Mr. EDMUNDS. I wish to suggest to my friend from Kansas that it is thought by those who had charge of it that it would be well to have two days for the Calendar, being Thursday and Friday, and I hope it will be equally convenient for the Senator from Kansas to postpone his calling that bill up until Saturday.

Mr. PLUMB. I will only say that I shall be perfectly willing it should go over to Saturday unless there is something to indicate that the debate will be longer than one day; but there are some reasons why the Senate ought to decide the question during this week. I would be glad to take it up sooner, but one Senator who desires to say something about it is absent and will not be back until Wednesday, and in order to give him a sufficient length of time to prepare I have named Friday. If he is perfectly willing, however, that it shall go over until Saturday, if it shall appear then that the debate will not last longer than a day, I shall not object.

Mr. EDMUNDS. Of course it is extremely desirable to get through the Calendar cases to which there is no really serious objection; and after consultation around it was thought desirable that Thursday and Friday should be devoted to that purpose. While we all admit that any appropriation bill is entitled to precedence, and, if the Senator from Kansas insists upon it, we must take Friday for his bill, *still if it would* be equally convenient to finish that matter on Saturday we have thought it would be better to take Thursday and Friday for the Calendar. But in case that should not occur and the Senator should exert his right, which we all admit he has, to bring it up on Friday, then I should ask that the time of Friday occupied by that should be transferred to Monday for the Calendar.

And while I am up I ask leave to offer a resolution for reference to the Committee on Rules.

MOTIONS TO RECONSIDER.

The resolution of Mr. EDMUNDS was read, as follows:

Resolved, That the last paragraph of the first clause of Rule XIII be amended so as to read as follows:

"Any motion to reconsider may be laid on the table without affecting the question in reference to which the same is made, and if laid on the table it shall be a final disposition of the motion."

Mr. EDMUNDS. I wish to say in explanation of that that by some apparent inadvertence the rules now stand in such a way that a motion to reconsider anything is not open to debate; whereas we can all understand that of all things when a motion to reconsider is made and made in good faith and truly, as we must suppose it always is, a motion to reconsider ought to be open to explanation. It has been discovered, however, that in the rules as they now stand discussion on a motion to reconsider can not exist at all. It was brought to my attention in connection with the bill of the Senator from Kentucky which passed without any debate and on which, when it comes up to-morrow, if it does, as I hope it will myself, no debate will be in order except by unanimous consent.

The resolution was referred to the Committee on Rules.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. GIBSON. I ask consent of the Senate that a letter addressed to me, which I hold in my hand, may be referred to the Committee on Commerce and printed. It is a letter from General Q. A. Gillmore, president of the Mississippi River Commission, in relation to the item of appropriation of $2,250,000 contained in the river and harbor appropriation bill for the improvement of the navigation of the Mississippi River.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks that the letter sent to the desk be printed and referred to the Committee on Commerce. The Chair hears no objection and it is so ordered.

INLAND WATER MAIL ROUTES.

Mr. PLUMB. I offer the following resolution and ask for its immediate consideration:

Resolved, That the Postmaster-General be directed to transmit to the Senate a

statement showing the inland water routes over which the United States mails are transported, the length of each of the same, the number of trips per week, the amount paid as compensation on each of said routes, and the total expenditures therefor per annum.

Mr. BECK. Is that for action now?

Mr. PLUMB. Yes, sir.

Mr. BECK. Would it not be well to embrace the amount of mail matter carried?

Mr. PLUMB. Very well. I have ascertained that there is no means of determining that, or I should have included it.

Mr. BECK. I should like to have it as near as possible.

Mr. PLUMB. Well, I will insert at the end of the resolution the words:

And the amount of mail matter transported.

The PRESIDENT *pro tempore*. The question is on the resolution as modified.

The resolution as modified was agreed to.

NORTHERN PACIFIC RAILROAD LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same for settlement, and for other purposes.

Mr. MITCHELL, of Oregon. When the Senator from Nebraska submitted his amendment some days ago, on a cursory examination at the time I was of opinion that some modification perhaps was necessary in order to exempt from the operation of the declaration of forfeiture lands included in the completed branch across the Cascade Mountains. On a careful examination, however, now I am of opinion that the legal effect of the amendment of the Senator from Nebraska if adopted would be precisely the same as it would be if my amendment were adopted; and that seems to be the opinion of the lawyers of the Senate with whom I have conversed. Therefore I withdraw my amendment so that the vote may come directly on the amendment of the Senator from Nebraska.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska.

Mr. McMILLAN. I desire to say in regard to the amendment now before the Senate that I shall vote against it for the reasons which have been very ably stated, I think, by the Senator from Ohio, the President of the Senate, and the Senators from Oregon.

The Northern Pacific company has completed a portion of the road from Pasco to Puget Sound. The only remaining portion of it uncompleted is 75 miles over the mountain region. The company have completed the road at either side of the mountains. They are already constructing a tunnel through the mountains. The only portion of the land grant forfeited by the amendment of the Senator from Nebraska is the portion in place along this uncompleted part of the line. The people of Eastern Washington ought to have access to Puget Sound by this road. It is the only mode of access they have without going around a distance of more than 300 miles following the route of the Columbia River to Portland and taking the road directly north from Portland to Tacoma. To compel the transportation of freight and passengers from all the eastern portion of Washington Territory to go around by this circuitous route is a burden from which they should be relieved.

It may be said that the Northern Pacific road, having already completed a part of the line from Pasco to Tacoma, will go on and complete the remaining portion of it whether the grant is forfeited or not; but in answer to that it is to be said that the Northern Pacific Railroad has communication by rail by the circuitous route to which I have already referred. They can come down the Columbia River to Portland and pass over their own road from Portland up to Tacoma. So there is no immediate necessity for the completion of this gap in the road from Pasco to Tacoma so far as they are concerned, and they may drop that portion of the line; they may permit it to remain unfinished, and no other company even with a reasonable grant could undertake to complete a road from the line of the Northern Pacific up to Puget Sound. This gap completed, it gives direct communication from the town to Lake Superior, and that is what the people of this country want. To adopt the amendment of the Senator from Nebraska would be doing great injustice to the people of Washington Territory. I speak from observation of that country, and I base my judgment upon what I know. Whoever makes the mistake of forfeiting this grant will sooner or later discover his error. There remains now but the 75 miles to be completed over this mountain range and through a tunnel of more than a mile, perhaps 2 miles in length.

For these reasons I shall vote against the amendment of the Senator from Nebraska.

Mr. BROWN. I desire to submit a very few remarks giving the reasons for the vote I shall cast in this case before the vote is taken.

If Jones is the owner of a tract of land, having a better title to it than any one else has, and Smith has a title to the same tract of land which he believes to be good, and he proceeds to erect a valuable building upon it, and Jones has knowledge of the fact that Smith is building under the impression that his title is good, and Jones, with knowledge of the facts, gives no notice that he claims a superior title, but encourages Smith to proceed with the erection of the building, when it is completed and ready for use Jones can not then set up his superior title and take the land with the building from Smith. Having said nothing about his superior title while the erection proceeded, and having encouraged Smith to proceed, Jones is under an equitable estoppel and would not in any court of equity be permitted to recover the premises and oust Smith from the possession.

Now, Mr. President, this case, in my opinion, falls within the rule just stated. The Government of the United States made a large land grant to the Northern Pacific Railroad Company and encouraged it to undertake the hazardous task of constructing a railroad to connect Lake Superior with the Pacific Ocean.

By the terms of the grant the railroad was to be completed within a certain time, and the company held the land grant with the condition-subsequent attached to the grant. On account of numerous embarrassments that always befall a great enterprise of that character, they were delayed and did not get the whole of the line completed within the period mentioned for its completion. By the act of Congress making the grant provision was made for the appointment by the President, under the authority of the act of Congress, of agents of the Government, or commissioners, to inspect the railroad as each 25 miles was completed, and on the favorable certificate of the agents of the Government each section of the road was accepted as complete according to contract, and in much of it patents were, I believe, issued. After the period had been passed within which the road was to be completed, no steps having been taken for the forfeiture of the grant and no complaint having been made by the Government that the road was not completed within the time prescribed, the company proceeded with the construction of the road, and at the completion of each section of 25 miles in length the agents of the Government appointed by the President inspected the road, and when complete to their satisfaction reported it back as all right, and it was accepted as complete in accordance with the contract.

Now, Mr. President, whether there is a legal estoppel here or not, or whether the Government had the superior title or not, as to the land earned by the construction of each section of 25 miles, since the termination of the period within which the road was to be completed, it is to my mind very clear that in any court it would be held that there is an equitable estoppel. The Government gave no notice, as I understand it, that it would insist upon a forfeiture. The company proceeded to expend their money in the construction of the road. The agents of the Government accepted or approved of each section as it was completed, and it was reported to the executive department and no objection was raised. If, then, the Government held the better title, it gave no notice that it would insist on it, but through its agents continued to approve the work by sections as it was completed, just as it had done before the end of the period prescribed in the grant.

The company was therefore proceeding under the belief, as each section was completed and accepted as having been constructed according to contract, that it was entitled to the land grant for that section. In other words, that the terms had been complied with, and as the agents of the Government inspected the section and pronounced upon its proper completion, the Government waived its objection to that section as to the time within which the construction was to be completed. I hold, then, that the Government of the United States would not act in good faith in the teeth of this action of its own agents if it should attempt to forfeit the land grant as to the sections, or any one of them, which have been built, examined by its agents, and accepted as complete in accordance with the contract.

I am in favor, Mr. President, of forfeiting the land grant as to all the lands that have not been earned by the construction of the road and accepted by the agents of the Government as constructed in accordance with the contract, except in case of the 75 miles known as the Cascade branch, where, it seems to me, as forcibly stated by the Senator from Ohio, the Presiding Officer of the Senate, a few days since, that it is clearly to the interest of the Government and the people that we should not forfeit. I understand there are two or three hundred miles at the end next the Pacific that have not been completed according to contract, on what is known as the main stem, or trunk. There I will vote to forfeit every acre of the land, as the railroad has not been constructed nor accepted by the Government as constructed according to the contract, either within the prescribed time, or, indeed, within any time, as little, if anything, has been done in the construction up to the present date.

In case of the portion of the road known as the Cascade branch, I understand this to be the state of things: The Cascade Mountains, a very high and almost impassable range, run through the State of Oregon and the Territory of Washington, dividing that State and Territory into two parts, where it is very difficult for the citizens of one part or section to get across the mountains to the other section. Now, as I understand it, it is about 75 miles from the foot-hills of the Cascade range on one side, over the mountain range, to the foot-hills on the other side, and it is exceedingly difficult to build a road over those mountains. There have to be some very long tunnels and a great deal of bridging and very heavy work, making it very costly. The lands, as I am informed, on the Cascade Mountains, like the lands in most of

the great mountain regions of that country, are very inferior. In their present condition they are worth nothing to the Government or to anybody else. When the railroad is constructed, they will be worth very little, as there are no good farming lands on scarcely any of the mountains from one side to the other. Some of the peaks of the mountain range reach to such an altitude as to be covered with perpetual snow.

Now, Mr. President, I think it good policy that the Government should encourage the company to go on and complete this portion of the road. They are now, as I understand it, leasing part of another line to get to the Pacific rather than build the two to three hundred miles of the main trunk that have not been built next to the Pacific. They will doubtless discontinue it or be delayed for a long time in building the Cascade branch if the land grant is withdrawn; for inferior as the lands may be, the number of acres serves as a basis of credit, and will enable them to raise capital in the money market with which to build the road. It seems to me, as an original question, that it would be good policy in the present state of things, if an application were now made to the Government by the company for a land grant for constructing the road through the Cascade Mountains, to make the grant without delay. The land being very inferior, the country being rugged, mountainous, and mostly uninhabitable, and the 75 miles of road being very expensive and very difficult to build, it seems to me it is good policy if no land grant exists to make one in that particular case and encourage the company to push forward the completion of the road. It connects the two sections of the State of Oregon, and it connects the two sections of the Territory of Washington.

It is greatly needed, and would be of immense value to the people; and we can not afford on a sentiment about forfeiture of land grants, though the general idea may be a popular one with the people, and most of the proposed forfeitures just, to do an act so unwise and so unbusiness-like as to forfeit the grant and stop the construction of this great thoroughfare through and under the Cascade Mountains, which is so indispensably necessary to that large section of the Union. For these reasons, Mr. President, I shall vote against forfeiting the land grant to any sections of the road that have been completed by the company and accepted by the Government as constructed according to contract, because I think there the Government is under an equitable estoppel, and has no right to proceed to the forfeiture.

I shall vote against the forfeiture in case of the Cascade branch because I believe it is the interest of the Government and people, if they have not a land grant to give them one through this rugged mountainous country, if they will go on and construct the railroad with its immense tunnels and bridges, and through that rugged and now impassable section of our common country. And I shall vote to forfeit the grant in reference to all that portion of the road that has not been built and accepted by the Government as constructed in accordance with the contract, with the exception of the Cascade branch, where I think it is more to the interest of the people than the company that the grant should be continued.

Mr. President, as a general principle, a representative of the people should apply to public affairs the same rule which a judicious, prudent, honest man would apply in the management of his own affairs. As between two individuals, if one had made a grant to the other as the Government in this case has made a grant to the railroad company, with the condition subsequent, and the grantor, after the time for the completion of the work had expired, had encouraged the grantee to go forward and complete the work and had continued to receive the road by sections as he had done prior to the termination of the period fixed for its completion, thus encouraging the grantee to believe that the forfeiture would not be enforced, it seems to me in a court of law the grantor would not be permitted to enforce the forfeiture; but whether this is true or not, I think it is very clear that in a court of equity he would be under an equitable estoppel. In other words, it would not look like honest, fair dealing as between two private individuals; and if we apply the same rule to the Government which we would apply to the grantor in the case supposed, the Government would be equitably estopped, and could not honestly enforce the forfeiture.

Now apply the same rule again to the transaction of the affairs of the Government in the matter of the Cascade branch that an honest, discreet, and judicious man would apply in the management of his own affairs, and it seems to me the land grant as applied to that section would not be disturbed. The private owner, if placed in the condition the Government is now in, would think it a good trade for him to have the company go on and complete the Cascade branch by building the portion of the railroad which is very expensive and very difficult to build through the Cascade range, and allowing the land grant to be taken of lands located in the rugged cliffs of the Cascade mountains. In other words, the land can not be of much value either to the grantor or grantee, and the completion of a line of railroad through the mountains is a matter of great interest to the Government and the people.

Entertaining these views, I do not feel at all embarrassed as to the course which it is my duty to pursue in the premises.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Nebraska.

Mr. GEORGE. Mr. President——

Mr. CALL. I ask the Senator from Mississippi if he wishes to go on now?

Mr. GEORGE. I do not; but, of course, I will go on now if it is the pleasure of the Senate that I should do so.

Mr. CALL. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate proceed to the consideration of executive business.

A division being called for, the ayes were 23.

Mr. DOLPH. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. My colleague [Mr. RANSOM] is absent without a pair. I transfer my pair to him and desire to vote.

The roll-call was concluded.

Mr. CHACE. I am paired with the Senator from Arkansas [Mr. JONES].

Mr. KENNA. I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. CAMERON (after having voted in the affirmative). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. CAMDEN (after having voted in the affirmative). I am paired with the Senator from Connecticut [Mr. PLATT]. As others are observing their pairs, I ask the colleague of the Senator from Connecticut how he would vote.

Mr. HAWLEY. I think my colleague would vote "nay."

Mr. CAMDEN. I withdraw my vote.

Mr. MCPHERSON (after having voted in the affirmative). It seems to be a question of a political character, and as I am paired with my colleague [Mr. SEWELL], I withdraw my vote.

Mr. VEST (after having voted in the affirmative). I withdraw my vote, as I am paired with the Senator from New York [Mr. EVARTS].

Mr. MILLER (after having voted in the negative). I am paired with the Senator from North Carolina [Mr. RANSOM]. I shall have to withdraw my vote, as he is not here.

Mr. VANCE. I will inform the Senator from New York that I have transferred my pair to my colleague, and I have voted.

Mr. MILLER. Then I will let my vote stand.

Mr. PLUMB (after having voted in the negative). As this seems to be a political question, I withdraw my vote. I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. HEARST (after having voted in the affirmative). If this is regarded as a political question I withdraw my vote, as I am paired with my colleague [Mr. STANFORD].

Mr. ALLISON (after having voted in the negative). I am paired on political questions with the Senator from Indiana [Mr. VOORHEES], and I am paired with him on some questions connected with this bill, but I did not suppose that I was absolutely required to refrain from voting in favor of or against going into executive session, but as others think this is a political question, I withdraw my vote.

Mr. BECK (after having voted in the affirmative). I am paired with the Senator from Maine [Mr. HALE] generally, and I withdraw my vote, as this seems to have assumed a political aspect.

Mr. GEORGE (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from New Hampshire [Mr. PIKE].

The result was announced—yeas 20, nays 22; as follows:

YEAS—20.

Berry,	Coke,	Gray,	Saulsbury,
Blackburn,	Colquitt,	Harris,	Vance,
Brown,	Eustis,	Maxey,	Walthall,
Call,	Gibson,	Payne,	Whitthorne,
Cockrell,	Gorman,	Pugh,	Wilson of Md.

NAYS—22.

Aldrich,	Edmunds,	Logan,	Sawyer,
Blair,	Frye,	McMillan,	Sherman,
Conger,	Harrison,	Mahone,	Teller,
Cullom,	Hawley,	Miller,	Wilson of Iowa.
Dawes,	Hoar,	Mitchell of Oreg.,	
Dolph,	Ingalls,	Morrill.	

ABSENT—34.

Allison,	George,	Manderson,	Sabin,
Beck,	Hale,	Mitchell of Pa.,	Sewell,
Bowen,	Hampton,	Morgan,	Spooner,
Butler,	Hearst,	Palmer,	Stanford,
Camden,	Jones of Arkansas,	Pike,	Van Wyck,
Cameron,	Jones of Florida,	Platt,	Vest,
Chace,	Jones of Nevada,	Plumb,	Voorhees.
Evarts,	Kenna,	Ransom,	
Fair,	McPherson,	Riddleberger,	

So the motion was not agreed to.

Mr. GEORGE. Mr. President——

Mr. SAULSBURY. It is a very late hour for the Senator from Mississippi to be compelled to go on with his speech to-night, and therefore I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate do now adjourn.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

Mr. PLUMB (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. VANCE (when his name was called). My colleague [Mr. RANSOM] is paired with the Senator from Michigan [Mr. PALMER]. I vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

The roll-call was concluded.

Mr. CAMERON. I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. GRAY. I was paired with the Senator from Rhode Island [Mr. CHACE], but I see he is present. I vote "yea."

The result was announced—yeas 22, nays 25; as follows:

YEAS—22.

Berry,	Colquitt,	Jones of Arkansas,	Vance,
Blackburn,	Eustis,	McPherson,	Walthall,
Brown,	Gibson,	Maxey,	Whitthorne,
Call,	Gorman,	Payne,	Wilson of Md.
Camden,	Gray,	Pugh,	
Coke,	Harris,	Saulsbury,	

NAYS—25.

Aldrich,	Edmunds,	McMillan,	Spooner,
Blair,	Frye,	Miller,	Teller,
Chace,	Harrison,	Mitchell of Oreg.,	Van Wyck,
Conger,	Hawley,	Morrill,	Wilson of Iowa.
Cullom,	Hoar,	Riddleberger,	
Dawes,	Ingalls,	Sawyer,	
Dolph,	Logan,	Sherman,	

ABSENT—29.

Allison,	George,	Manderson,	Sabin,
Beck,	Hale,	Mitchell of Pa.,	Sewell,
Bowen,	Hampton,	Morgan,	Stanford,
Butler,	Hearst,	Palmer,	Vest,
Cameron,	Jones of Florida,	Pike,	Voorhees.
Cockrell,	Jones of Nevada,	Platt,	
Evarts,	Kenna,	Plumb,	
Fair,	Mahone,	Ransom,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK], on which the Senator from Mississippi [Mr. GEORGE] has the floor.

Mr. GEORGE. Mr. President——

Mr. DOLPH. If the Senator from Mississippi will give way to me for a moment, as I see he has a large number of books on his desk, and it looks as if he might occupy the Senate for some considerable time and there is an evident disposition on the part of a portion of the Senate to adjourn, I beg to make a suggestion.

This bill has been under discussion now for several days, and a number of Senators are getting impatient about it. If I can have an agreement that we can vote at a fixed hour to-morrow, say at 2 o'clock, I shall not feel disposed to try and sit the bill out this evening. I ask unanimous consent that this bill be taken up after the morning business to-morrow, and that we vote on the pending amendments in their order, and the bill——

Mr. EDMUNDS. I object to that. We ought to finish this bill to-night. There are a great number of cases on the Calendar.

Mr. CALL. I suggest to the Senator from Oregon that he give notice that he will ask for a vote before the Senate adjourns to-morrow.

The PRESIDENT *pro tempore*. Objection being made to the arrangement proposed the Senator from Mississippi [Mr. GEORGE] has the floor.

Mr. CALL. I hope the Senator from Vermont will withdraw his objection. The Senator from Mississippi ought not to be compelled to make his speech late at night.

Mr. EDMUNDS. We must be kept late at night if we are to do the public business this session. Here we have been days and days on this bill, and the people who profess, as I suppose truly, to be in favor of it seem to be the people who are determined never to come to a vote upon it.

Mr. GEORGE. No accusation of that sort lies at my door.

Mr. SAULSBURY. On Saturday the Senate adjourned at 2 o'clock by a motion from that side of the Chamber. I have seen no purpose of delay on this side of the Chamber about this bill. For one, I regard it as a very important measure, and I believe the country will regard it as an important measure; but I am not in favor of inconsiderate action. I am glad the Senator from Vermont has interposed an objection to the proposal of the Senator from Oregon. But if we are to stay here all night I have no doubt the Senator from Mississippi will make his speech, and if other gentlemen on this side desire to speak they will do it.

Mr. EDMUNDS. That is all right. They certainly ought to; they have not spoken much!

The PRESIDENT *pro tempore*. The Senator from Mississippi has the floor.

Mr. VEST. If the Senator from Mississippi will yield to me, I move that the Senate proceed to the consideration of executive business.

Mr. GEORGE. I give way to that motion.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate proceed to the consideration of executive business. The question is on that motion.

Mr. COKE. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES].

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I understand from his colleague that matters are assuming a party aspect. I will withhold my vote and not announce the pair any more.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL] on all political matters, and I suppose this is regarded as such. I will not state the fact again.

Mr. VEST (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

The roll-call having been concluded, the result was announced—yeas 20, nays 22; as follows:

YEAS—20.

Berry,	Colquitt,	Harris,	Saulsbury,
Brown,	Eustis,	Jones of Arkansas,	Vance,
Call,	Gibson,	Maxey,	Walthall,
Cockrell,	Gorman,	Payne,	Whitthorne,
Coke,	Gray,	Pugh,	Wilson of Md.

NAYS—22.

Aldrich,	Edmunds,	Logan,	Sherman,
Chace,	Frye,	McMillan,	Teller,
Conger,	Harrison,	Miller,	Van Wyck,
Cullom,	Hawley,	Mitchell of Oreg.,	Wilson of Iowa.
Dawes,	Hoar,	Morrill,	
Dolph,	Ingalls,	Sawyer,	

ABSENT—34.

Allison,	Fair,	Mahone,	Riddleberger,
Beck,	George,	Manderson,	Sabin,
Blackburn,	Hale,	Mitchell of Pa.,	Sewell,
Blair,	Hampton,	Morgan,	Spooner,
Bowen,	Hearst,	Palmer,	Stanford,
Butler,	Jones of Florida,	Pike,	Vest,
Camden,	Jones of Nevada,	Platt,	Voorhees.
Cameron,	Kenna,	Plumb,	
Evarts,	McPherson,	Ransom,	

So the motion was not agreed to.

Mr. EUSTIS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. GEORGE] has the floor.

Mr. EUSTIS. I hope the Senator will yield to me to make a motion.

Mr. GEORGE. Certainly.

Mr. EUSTIS (at 5 o'clock and 34 minutes p. m.) I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana that the Senate adjourn.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES].

Mr. CAMDEN (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. VEST (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

The roll-call having been concluded, the result was announced—yeas 19, nays 24; as follows:

YEAS—19.

Berry,	Eustis,	Jones of Arkansas,	Vance,
Brown,	Gibson,	Maxey,	Walthall,
Call,	Gorman,	Pugh,	Whitthorne,
Coke,	Gray,	Riddleberger,	Wilson of Md.
Colquitt,	Harris,	Saulsbury,	

NAYS—24.

Aldrich,	Dolph,	Ingalls,	Sawyer,
Blair,	Edmunds,	Logan,	Sherman,
Chace,	Frye,	McMillan,	Spooner,
Conger,	Harrison,	Miller,	Teller,
Cullom,	Hawley,	Mitchell of Oreg.,	Van Wyck,
Dawes,	Hoar,	Morrill,	Wilson of Iowa.

ABSENT—33.

Allison,	Fair,	Mahone,	Ransom,
Beck,	George,	Manderson,	Sabin,
Blackburn,	Hale,	Mitchell of Pa.,	Sewell,
Bowen,	Hampton,	Morgan,	Stanford,
Butler,	Hearst,	Palmer,	Vest,
Camden,	Jones of Florida,	Payne,	Voorhees.
Cameron,	Jones of Nevada,	Pike,	
Cockrell,	Kenna,	Platt,	
Evarts,	McPherson,	Plumb,	

So the Senate refused to adjourn.

Mr. GEORGE. Mr. President, if it is the pleasure of the majority of the Senate that I shall proceed, I will do so as well as I can.

I was under the impression when I addressed the Senate on Friday that this land grant was extremely valuable, more than sufficient to build the entire road. I derived my impression from reading the reports which I presented to the Senate on that subject, and also from the debate which took place in the Senate. I supposed that as the

American Senate was so anxious I should speak now, there might be at least ordinary silence.

The PRESIDENT *pro tempore*. The Senate will please come to order.

Mr. GEORGE. If any gentleman on the other side does not wish to hear me speak he is at liberty to retire from the Chamber to the cloak-room. I do not desire to be interrupted in the remarks which I propose to submit.

I was proceeding to remark that I had derived my impressions in regard to this grant to some extent from the debate in this body on the occasion of the extension of the time within which the road was to be commenced. I did not read to the Senate then, or cause to be read, all the evidence which I had upon that subject, because I did not then anticipate that the immense value of this grant would be denied by any person. I therefore ask now in the outset of my remarks to have read what the former Senator from Ohio, Mr. Thurman, said in 1870, and I send to the desk his speech made on that occasion and ask the Secretary to read from near the top of page 2570 of the Globe of that session to near the end of the second column on the same page.

The PRESIDENT *pro tempore*. The Senator from Mississippi sends to the desk a book from which he wishes an extract to be read. It will be read if there be no objection.

The Chief Clerk read as follows:

Now, what I first wish to call the attention of the Senate to is that these grants are quite enough to build and equip that road, even at the Government price of the land. You give to the road its right of way 400 feet wide, far more than it can have any necessity for. You give it all the materials it needs. You give it all the ground it needs for workshops, depot-stations, water-stations, and the like. You give it all that as a gift, and in addition to that you give it land worth at the lowest Government price $32,000 to the mile, and that to build a road which can be built more cheaply than any road of equal length could be built on the face of the globe. Yes, sir; more cheaply than any road can be built on the face of the globe of equal length, because nature has graded the whole of that road from the Rocky Mountains to Lake Superior. Any man who has passed over the Union Pacific road has seen that nature has done the grading for all these Pacific roads. From Omaha to the foot of the Rocky Mountains there is scarcely a cut 3 feet deep, scarcely a fill 3 feet high, and we are told by the engineers who have been over this Northern Pacific road that the route is better and the road can be more cheaply built than could the Union Pacific. It is a dead level plain almost the whole of the way; no grading to be done, no deep cuts, no great fills, no expense in bridging, but all that is to be done is first to dig the place for the ties, put them down, and put the rails upon them.

The average cost of the railroads in Ohio, of the three thousand and odd miles in Ohio, with all their equipments, with all their expensive depot stations, water stations, and the like, has been about $52,000 to the mile. Of that expense a very large portion was occasioned by the necessity of buying the right of way through a highly cultivated country; another large portion of it by the necessity of buying grounds for depot stations, water stations, warehouses, cattle-yards, and the like; and still another large portion of it by the necessity of feucing their roads required by a statute of the State. And yet with all these elements of cost, and with the immense equipments they have, four or five times as much as this road will need for ten or twenty years to come, the average cost of the roads in Ohio perfectly equipped, and the most of them fenced, according to the last report of the railroad commissioner of that State, made in December last, was $52,000 to the mile; and that with no gift at all of the right of way; no gift of materials, no gift of sites for water stations, depots, cattle-yards, or the like; nothing of this kind whatsoever; and with an equipment enabling them to do the business of the railroads of that State, the great transit State, as it may be called, in the railroad system of the United States.

Why, sir, I affirm, and affirm without fear of successful contradiction, that the grants made by the charter of this company to the company will defray every dollar of expense of building and equipping the road, so that the result of the whole thing is simply that the Government builds and equips this road and gives it to a private corporation. Say what you will about it, argue as much as you please upon it, talk as much as you choose of the advantages to the country of the road, the simple, naked result of the whole thing is that the Government builds and equips the road and gives it to a private corporation to be a monopoly in the hands of that corporation. That is the whole of it.

Mr. President, before we shall grant further privileges to this private corporation, before we shall bestow upon it further gifts, it seems to me we should have good reasons for what we do. When I spoke upon the general subject of railroad grants the other day I gave the figures from some estimates I had seen in unofficial documents of the amount of the grants made by the Government of the United States to railroad companies. I find upon examining the official documents that those estimates were far too low; that the grants were far more than I had supposed they were. Why, sir, what have been the grants to the Pacific railroad companies alone? To four Pacific railroad companies what have been the grants, the Union Pacific, the Central Pacific, the Northern Pacific, and the Atlantic and Pacific, four roads? They are, as the Commissioner of the General Land Office reports in his last report, which is on the desks of Senators, 124,000,000 acres, nearly as much land as there is in the States of Ohio, Indiana, Illinois, Wisconsin, and Michigan. Five times as much land as there is in the State of Ohio has already been granted to four railroad corporations. In addition to that 58,000,000 acres have been granted to other railroad corporations, making 182,000,000 acres in all, a grant in the aggregate more than the entire territory of what we used to call the "Great Northwest."

And now, sir, it is proposed to go still further and make an additional grant and give additional advantages to this road, the Northern Pacific, which of all roads has been the greatest beneficiary of the Government.

That is not all. The promoters of this road, when they asked for it and asked for this enormous grant of land, such a grant as never had been made before, professed that with it, and without any money subsidy, and without any mortgage of the road to defraud anybody, they would go on and make the road. They professed extreme honesty, I infer from the charter that was passed giving them this grant, that they would not put any bonds upon the market by which anybody could be deceived or by which the road could be sold out. They would not ask any money subsidy from the Government at all, but they would raise the necessary capital and go on to build the road, and rely on the land subsidy to reimburse themselves, together with the profits of the road.

Now, sir, what is it that they ask? They ask that Congress shall authorize them to make a morgage, not simply upon the road, but upon every dollar's worth of property, real, personal, or mixed, that they own; and not only that, but upon their corporate franchises and franchise of being a corporation. If that mortgage is given—a mortgage given before there is one single shovelful of earth dug out, before there is anything done whatever; a mortgage put upon this road without any limitation whatsoever as to the price for which the bonds may sell—what, I ask, will be the ultimate fate of the road under such a mortgage—a mortgage unlimited in amount under which $200,000,000 of bonds may be put upon the market without any limitation whatsoever as to the price for which they shall sell or the interest which they shall bear? Does not any man who has the least experience in the history of railroads in this country know that there can be but one outcome to such a mortgage as that, and that is the sale of all this property under that mortgage and its purchase by a ring in the company itself? That is the common history of railroads—the sale of everything under this mortgage and a purchase by a ring among the stockholders themselves. That is to be the long and the short of it.

Mr. GEORGE. I desire the Senate to understand that I am not asking to have extracts read for the purpose of consuming time, but these are extracts which I have marked in their regular order to be presented.

Mr. CALL. I ask the Senator from Mississippi to yield to me.

Mr. GEORGE. I desire to make some comments on the extracts as read from the speech of the Senator from Ohio, Mr. Thurman. I desire to call the attention of the Senate to the facts stated and the prophecies uttered by that Senator who knew, as he said, the line upon which this road was to be built. He said its line was in the main the easiest line on which a road could be built or ever was built in this country. I call the attention of the Senate also to the fact that this great Senator, perfectly familiar with this question in all its details, stated that at $1.25 per acre the land grant was more than sufficient to build the whole road from Lake Superior to the Pacific Ocean, the result of which, as expressed by Mr. Thurman, would be a building of that magnificent line of road by the United States, they paying all the expenses of construction and equipment, and then making a present of over 2,000 miles of road to this company. I want the country to understand that that was the result of the legislation at that time understood, and understood by one of the greatest men of this country.

In that connection I desire to call the attention of the Senate and the country to the fact that railroad iron which entered most largely on account of the level grades over which this road was built into the cost of the construction of the road was then about three times higher in the market price than now, and so it has been for several years past.

So the country can understand that there was some method in the madness of this corporation, some method in its contempt of the authority of the Union and of Congress in prescribing the time in which it was to comply with its contract. There was going on all the time, as was shown by the paper which I had read the other day and incorporated in my speech, a general and certain fall year by year in the cost of railroad iron, and therefore a decrease in the cost of construction of this road, and therefore also this company in refusing to comply with the conditions upon which this magnificent grant was made to them were all the time making money.

Mr. CALL. Will the Senator now yield to me?

Mr. GEORGE. Yes, sir.

Mr. CALL. I move that the Senate adjourn.

Mr. EDMUNDS. I call for the yeas and nays.

Mr. GEORGE. It is not necessary to consume time. I hope the motion will be withdrawn. I will go on.

Mr. CALL. No; I insist on the motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. Otherwise I should vote "yea."

Mr. VANCE (when his name called). I am paired with the Senator from Michigan [Mr. PALMER].

The roll-call having been concluded, the result was announced—yeas 21, nays 18; as follows:

YEAS—21.

Berry,	Colquitt,	Jones of Arkansas,	Teller,
Blackburn,	Eustis,	Maxey,	Walthall,
Brown,	Gibson,	Payne,	Whitthorne.
Call,	Gorman,	Plumb,	
Cockrell,	Gray,	Pugh,	
Coke,	Harris,	Riddleberger,	

NAYS—18.

Aldrich,	Dolph,	Hoar,	Sawyer,
Blair,	Edmunds,	Ingalls,	Sherman,
Chace,	Frye,	Logan,	Wilson of Iowa.
Conger,	Harrison,	McMillan,	
Dawes,	Hawley,	Mitchell of Oreg.,	

ABSENT—37.

Allison,	Hale,	Mitchell of Pa.,	Spooner,
Beck,	Hampton,	Morgan,	Stanford,
Bowen,	Hearst,	Morrill,	Van Wyck,
Butler,	Jones of Florida,	Palmer,	Vest,
Camden,	Jones of Nevada,	Pike,	Vance,
Cameron,	Kenna,	Platt,	Voorhees,
Cullom,	McPherson,	Ransom,	Wilson of Md.
Evarts,	Mahone,	Sabin,	
Fair,	Manderson,	Saulsbury,	
George,	Miller,	Sewell,	

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 15, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 14, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DOUGHERTY, for to-day, on account of sickness.

To Mr. JONES, of Alabama, until June 25, on account of important business.

CORRECTION.

Mr. EVERHART. I wish to ask a correction on page 5630 of the RECORD.

I rose, before the call commenced, to move, if in order, that the committee rise, with the manual in my hand open at the page, and the clause marked in which it is said that a motion for the committee to rise is equivalent to a motion to adjourn in the House, and is always in order.

The SPEAKER. The correction will be made.

TITLE TO CERTAIN LANDS, RANDOLPH COUNTY, ILLINOIS.

Mr. THOMAS, of Illinois. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 334) granting the title of the United States to certain lands to the county of Randoph, in the State of Illinois, on certain conditions, and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That all right, title, and interest of the United States in and to all lands in the Mississippi bottom, between the line of bluffs and the Mississippi River, in the county of Randolph and State of Illinois, be, and the same are hereby, granted to the said county of Randolph: *Provided*, That the legal authorities of said county, on the discovery of any such lands within said boundaries, shall have the same surveyed at the expense of said county, and file plats of said surveys with the Commissioner of the General Land Office, at Washington, D. C. If, upon examination by said Commissioner, it shall appear that the title of the United States has not heretofore been alienated in any tract shown on said plat or plats, he shall so notify the authorities of said county; and upon payment by the authorities of said county into the Treasury of the United States of the sum of $1.25 for every acre shown on said plat or plats, it shall be the duty of said Commissioner of the General Land Office to prepare and have executed patents for every tract so paid for, and to deliver the same on application to the legal authorities of said county: *Provided further*, That nothibg in this act shall be so construed as to include any accretions formed to lands bordering on the Mississippi River and owned by private individuals.

Mr. MCMILLIN. Reserving the right to object, I ask for the reading of the report.

The report (by Mr. PAYSON) was read, as follows:

The Committee on the Public Lands, having under consideration House bill 334, report the same back with the recommendation that it pass, and adopt the report as to facts made to the Forty-seventh Congress, from the Committee on the Public Lands, on the subject, as follows:

Your committee, having had under consideration papers on the subject of granting to the county of Randolph, in the State of Illinois, certain public unsurveyed lands within said county, on certain conditions, beg leave to report:

An examination on this subject, as well as bills introduced in former Congresses having the same general objects, and the testimony and papers relating to the subject discloses the fact that there are in Randolph County, Illinois, quite a number of small, unsurveyed tracts of public land lying in what is known as the Mississippi River bottom. These lands are subject to overflow and are, in every sense, "swamp and overflowed lands." Most of the lands along the Mississipi River in Randolph County were granted by charters from the French Government to purchasers or settlers, by metes and bounds, and little attention was paid to the description or lines of former grants. Settlers in selecting their lands chose those that were not subject to overflow; hence it occurred that quite a number of small pieces of land, of every imaginable shape, were left unsettled and unsold, and, being comparatively valueless, have never been surveyed by the Government. These intervening, odd-shaped pieces of land have been the cause of protracted litigation, and are a fruitful source of contention between contiguous owners and non-resident land speculators and sharks.

The bill reported provides that said lands shall be surveyed by Randolph County, the surveys reported to the Commissioner of the General Land Office, and that such lands shall then be sold to Randolph County for the price of $1.25 per acre.

The Commissioner of the General Land Office recommends the passage of the bill, as he says that the lands are not of sufficient value to justify the Government in surveying them, and they should be disposed of in some way so as to subject them to taxation.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. THOMAS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

KANSAS CITY, FORT SCOTT AND GULF RAILWAY.

Mr. PEEL. Mr. Speaker, I rise to a privileged motion. I desire to call up the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, which passed the House some time back, but on request of the House was returned by the President.

The SPEAKER. Was the bill recommitted to the Committee on Indian Affairs?

Mr. PEEL. It was not. There are certain amendments which should be incorporated in the bill, and I therefore move to reconsider the vote by which the bill was passed, and also the vote by which it was ordered to be engrossed and read a third time.

The motion to reconsider was agreed to.

Mr. PEEL. I now desire, Mr. Speaker, to move the adoption of the amendments which I send to the desk. These are amendments recommended by the Department of the Interior.

The SPEAKER. The amendments will be read.

The Clerk read as follows:

On page 2, line 19, strike out the word "branches."

On page 3, line 3, strike out the words "said Cherokee Nation" and insert "any of the Indian nations;" and in line 4 add the letter "s" to the word "tribe," so as to make it read "any of the Indian nations or tribes."

On page 4, line 25, after the word "Arkansas," insert "or at the district court for the district of Kansas."

Also, same page, line 40, after "Arkansas," insert "or the district court for the district of Kansas;" and on the same line add "s" to the word "court."

On page 6, section 5, lines 2 and 3, strike out the words "Cherokee Nation or tribe" and insert "particular nations or tribes through whose lands said line may be located."

Same page, line 9, strike out the words "said nation or tribe" and insert the words "either of the nations or tribes."

Page 7, line 31, strike out "between the United States and said Cherokee Nation" and insert "amongst the different nations and tribes."

Line 35, same page, add "s" to the word "nation;" strike out the word "or" and substitute "and," and add "s" to the word "tribe."

Page 8, line 4, strike out the words "Cherokee Nation" and insert "each of the nations." Same page, line 5, add "s" to the word "tribe."

Same page, section 8, line 2, after the words "for the" insert the words "district of Kansas and the."

Page 9, line 6, add an "s" to the word "nation" and also to the word "tribe," immediately following the same amendment. Line 10, same amendment, section 9, line 5, after the word "road" insert the word "fences."

Page 10, line 7, add "s" to the word "nation," and insert immediately thereafter the words "or tribes."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BEACH. I demand the regular order.

The SPEAKER. This being Monday, the regular order will be the call of States and Territories; but on Saturday last a bill which was called up by the gentleman from Indiana from the Committee on the Public Lands was postponed until this morning, the motion being to concur in the Senate amendments to the bill.

The Clerk will read the title of the bill.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

The Clerk read as follows:

A bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company, to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

Mr. BARBOUR. Do I understand the proposition of the gentleman from Indiana is to take up only the morning hour; and will the regular order of business of the District of Columbia be in order at the conclusion of that hour?

The SPEAKER. The right of the Committee on the District of Columbia does not accrue until after the call of States and Territories for the introduction of bills and joint resolutions.

Mr. BARBOUR. I only asked the question because I desire to insist upon the regular order at the proper time.

The SPEAKER. The question is on agreeing to the amendments of the Senate to the bill the title of which has been read.

Mr. MCRAE. I understood this bill was postponed until this morning for the purpose of discussion.

The SPEAKER. For consideration; but if nobody addresses the House of course the Chair will submit the question on the amendments.

Mr. COBB. I should like to have some understanding about the amount of time to be occupied in this discussion. I ask my colleague on the committee, the gentleman from Arkansas [Mr. MCRAE], how much time he requires?

Mr. MCRAE. I do not know. I will get through as soon as I can.

The SPEAKER. The gentleman from Arkansas [Mr. MCRAE] has an hour under the rules of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes; and

A bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah; and

A bill (S. 2313) defining the service of a stevedore as a maritime service, and creating a maritime lien in his favor therefor.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. McRAE. Mr. Speaker, as a member of the Committee on Public Lands, from whom this measure comes, I can not without a protest on my part permit it to become a law. It will be remembered that when this bill was before the House on the 17th and 23d days of February of this year I offered a substitute for it seeking to forfeit the entire grant except that completed within the time fixed in the granting act.

CONSTRUCTION OF ACT OF APRIL 20, 1871.

I believe that this substitute would have been adopted but for the act of April 20, 1871. At that time I discussed this act, and will not do so again further than to say that in my opinion it does not prevent Congress from declaring the grant forfeited and to cite in further support of the position I then assumed as to the effect of it the following from the majority report of the committee who now insist that because of the act we should agree to the Senate amendment:

The granting act was silent upon the authority of the company to mortgage its grant. And it is insisted that doubts were entertained among capitalists as to whether the company could make a mortgage without this authority was expressed by Congress, and this greatly embarrassed and prevented the utilization of the grant to raise money for the construction of the road. Hence, the company urged Congress to pass an act on April 20, 1871 (Stat., vol. 17, p. 19) granting express authority to the company to so mortgage. And after asking and getting this act passed, which was said to be so necessary to aid the company in raising money to build the road, it is now insisted that it presents an additional reason that it was intended by Congress to create a trust fund to build this road with conditions that if the company did not apply the fund to the prescribed use within a specified time, or if the mortgages of the said company did not so apply the same within another specified time, that then the Government might take any and all steps to secure its intended application, so far as it had not previously been applied.

This is a strange construction to be placed upon the act. Not a single authority is cited by the able counsel for the company in support of it; and we venture to assert none can be found in any respectable law book in the land. No trust is created, either express or implied, in the act; no trustee is named or provided for, for none exists, and we will not, therefore, waste time in producing argument and citing authorities against this misconstruction.

After giving the express right to mortgage, the act of April 20, 1871, above referred to, contains the following proviso:

"*Provided*, That if the company shall hereafter suffer any breach of the conditions of the act above referred to, under which it is organized, the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to as much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage."

The attorneys for the trustees of the bondholders under the first mortgage made by the Atlantic and Pacific Railroad Company assume: First. That this proviso is equivalent to a declaration that on default made by the company in complying with any of the conditions of the grant, the mortgagees should have the right to all the lands embraced in the grant which were conterminous with the completed road at the time of foreclosure.

If this construction is the correct one, and, as we have shown, the mortgageors and mortgagees are the Saint Louis and San Francisco and the Atchison, Topeka and Santa Fé Railroad Companies, and that these two companies have constructed and are operating and controlling all the road which has been completed (except the 34 miles), then they have complete control of the grant. They can hold it for a hundred years without completing another mile of road, and the Government can do nothing, no matter how many breaches of the contract may be committed.

We do not agree with the learned counsel in this construction of the proviso. If they are correct why should Congress say "that if the company suffer any breach of the conditions of the act" under which it was organized the rights of those claiming under any mortgage made by the company should extend only to the lands conterminous with completed road? Why not have said that the right of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to so much thereof as is conterminous with the completed road at the time of the foreclosure of said mortgage?

If this language had been used and none other the construction contended for would be correct. But this language was substantially used, and also the other language set forth in the proviso, which destroys the construction placed upon it by the attorneys of the mortgagees; and which, in the opinion of your committee, clearly shows that it was the legislative intent to limit the rights of the mortgagees to the lands conterminous with the completed road at the date of the breach of conditions set forth in the original act, and not at the date of the foreclosure of the mortgage. This we think is the clear legal expression of the act. Any other construction would destroy the effect of one-half of the language in the proviso by treating it as surplusage. This can not be done here without violating the rules of construction and thereby doing great injustice to the Government.

If the construction thus placed upon this proviso be correct Congress has the right to forfeit all the lands granted without regard to the mortgage, for it was executed after breach of the conditions subsequent had occurred. The mortgagees acquired no rights under the mortgage which could prevent Congress from declaring a forfeiture. They knew of the breach and took their chances.

But it is further insisted that this act of Congress last referred to authorized the company to execute a mortgage on its property and franchises, and issue bonds, and is therefore in the nature of a waiver or bar to the power of Congress to do any act by which the interests of the mortgagees may be affected detrimentally.

This position is not tenable. Congress, by the passage of said act, did not authorize the company to mortgage the unconditional fee; but, upon the contrary, expressly reserved all the conditions expressed in the original act. The company did not own the unconditional fee in the lands granted. It owned the fee charged with the conditions subsequent, and it could mortgage and the mortgagees could only take under the mortgage such estate as the company owned at the time the mortgage was executed.

The mortgagees must be held to have known that they were taking an estate which was defeasible upon condition broken. They stand in the place of the mortgageor. There being a breach of the conditions subsequent by the failure of the company to complete its road within the time fixed by the grant, the mortgagees must take whatever consequences a forfeiture imposes, which is the loss of the defeasible estate in so much of the lands granted by the third section of the granting act as the bill accompanying this report provides for. They will still retain if the bill passes their lien on the right of way, &c., granted by the second section of said act.

That we are right in these conclusions we think the authorities abundantly show. In Kent (volume 4, page 125) the rule is laid down as follows:

"Persons who have an estate or freehold subject to a condition are seized and may convey, though the estate will continue defeasible until the condition be performed or released, or is barred by the statute of limitation, or by estoppel."

Greenleaf's Cruise on Real Property (volume 2, pages 44, 52) thus lays down the doctrine:

"Where a person enters for a condition broken the estate becomes void *ab initio;* the person who enters is again seized of his original estate in the same manner as if he had never conveyed it away. And as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate together with all charges and incumbrances created by the feoffee during his possession; for upon the entry of the feoffer he becomes seized of an estate paramount to that which was subject to these charges."

Washburn on Real Property is to the same effect (volume 2, page 11 [marginal page 45]):

"When such entry had been made the effect was to reduce the estate to the same plight and to cause it to be held in the same terms as if the estate to which the condition was annexed had not been granted.

To save intact the rights of the United States to the lands not forfeited the committee proposed and the House agreed to the following amendment:

And provided, That nothing in this act shall be held to impair any right that the United States may have in or to the lands not forfeited by this act.

EFFECT OF SUCH AMENDMENT.

The Senate amendment proposes to strike out this proviso. The majority of the committee have recommended that the House concur. Now, I am opposed to it and hope that the members will hear me while I attempt to state some of my reasons for my course. That my position may be understood I shall refer to some extent to the Atlantic and Pacific grant and the conduct of the company created by the act making it. It is important that we should understand all the material facts before voting what I believe to be a confirmation of the title to the best and most valuable part of this immense grant of land. An affirmative vote on this amendment in my opinion means nothing less than a confirmation notwithstanding we call the measure "a bill to forfeit."

The amendment is not what we want and will not be satisfactory to the country. The only reason the majority of the committee have furnished for their action is that the other branch of this department will not pass it in any other shape. It may be true that the bill will fail unless the House does concur, but I earnestly submit that this is no reason why it should. It would be far better for the United States and the people along the line of this road that nothing should be done than to give away all the rights of the Government for an empty and landless forfeiture. Let this House do its duty and leave the responsibility of a failure with those who do not. Except that the lands are in a State reservation and not opened to settlement non-action will not affect the rights of the United States. With the present Secretary of the Interior and General Land Commissioner there is no danger of any more patents being issued. But if patents should be issued the right of forfeiture is not lost. The title depends upon the grant and not upon the patent, which is only evidence of title when properly and legally issued. By delay we lose no legal rights. The same right of forfeiture will continue unimpaired.

The United States can only speak by an act of Congress, and as long as it is silent no harm can come. Laches can never be imputed to the Government, and if by the action of the Senate we are unable to invoke the full power of Congress to do that which we believe ought to be done, then we certainly ought to have the courage, exercising the legitimate power of the House, to prevent the doing of that which we believe to be unjust to the United States. If this Congress fails to do its duty in respect to this and other land grants, it does not follow that those of the future will also fail. The time will come when the proper laws will be passed if the immediate representatives of the people will only prevent the passage of confirmatory acts such as the one now under discussion.

INCORPORATION AND ORGANIZATION.

I have gone to some trouble to get all the facts in relation to this grant, and will give them to the House. By the act approved July 27, 1866 (14 Statutes at Large, 293), the Atlantic and Pacific Railroad Company was created with all the powers, privileges, and immunities necessary to lay out, locate, and construct, furnish, maintain, and enjoy a continuous railroad and telegraph line from the city of Springfield, in the State of Missouri, to the Pacific Ocean, the main line passing through the Indian Territory, Texas, New Mexico, Arizona, and California, a distance estimated at 2,126 miles, with a branch of about 300 miles from the Canadian River eastward to Van Buren, Ark.

For the purpose of aiding in the construction of the road Congress, by the said act, granted, in addition to the right of way, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty sections per mile on each side of said line in the Territories and ten sections per mile on each side in the States through which it passed, with indemnity for any public lands previously disposed of to be selected in odd-numbered sections not more than 10 miles beyond the limit of said alternate sections. The grant was

made by Congress and accepted by the company upon the expressed conditions that work should be commenced on the road within two years, and for every year after the second not less than 50 miles should be completed; and also that the main line of the entire road should be completed and equipped by the 4th day of July, A. D. 1878. There was no time fixed for the completion of the branch to Van Buren.

By a resolution of the board of directors the company accepted the grant, and on the 27th day of November, 1866, filed its acceptance in writing in the Interior Department. The $1,000,000 *bona fide* stock required by section 19 of the granting act was subscribed, and 10 per cent. thereof was paid, as will appear from the following extract from the proceedings of the board of directors:

SAINT LOUIS, *October* 5, 1866.

Pursuant to the instructions of the board of commissioners in a resolution passed at their meeting in Turner Hall, October 1, 1866, the president and secretary opened the books for subscription to the capital stock of the Atlantic and Pacific Railroad Company at parlor No. 6 in the Southern Hotel, in the city of Saint Louis, October 2, A. D. 1866, at 10 o'clock a. m. Said books remained open until Friday, October 5, A. D. 1866, when the amount necessary by law having been subscribed and the sum of $10 per share paid over to the treasurer, the books were then closed.

The following is a correct copy of the subscription-book and the subscriptions thereto:

ATLANTIC AND PACIFIC RAILROAD COMPANY—SUBSCRIPTIONS TO THE CAPITAL STOCK.

"We, the undersigned, hereby subscribe to the capital stock of the Atlantic and Pacific Railroad Company, a corporation created by act of Congress entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean,' approved July 27, 1866, in such sums and number of shares as appear opposite our names respectively, hereby binding ourselves, our administrators, executors, and assigns to the payment of such subscriptions, in such installments as the said act requires, and as the board of commissioners, created by said act, or the board of trustees or directors to succeed such commissioners, may from time to time require. In pursuance of a resolution passed at a meeting of the board of commissioners held the 1st day of October, 1866, authorizing books for subscriptions to be opened this day.

"SAINT LOUIS, *October* 2, 1866.

Date.	Name and address.	Number of shares.
October 4.	J. C. Frémont, New York	1,500
Do.	J. G. Frémont (trustee), New York	750
Do.	....do....	500
Do.	Fred G. Billings, California	1,000
Do.	Levi Parsons, New York	1,000
Do.	George Yost, Fort Plain, New York, per Levi Parsons	400
Do.	Edward Parsons, Chicago, per Levi Parsons	200
Do.	Ward & Co., per F. B., New York	200
Do.	Leonidas Haskell, New York	400
Do.	J. P. Robinson, New York	500
Do.	J. P. Robinson, attorney for J. Caldwell, Boston	400
Do.	J. P. Robinson, attorney for F. L. O. Pioche, San Francisco	200
Do.	J. P. Robinson, attorney for L. L. Robinson, San Francisco	200
Do.	Bouvier & Howland, Saint Louis, Mo.	100
Do.	O. P. C. Billings, New York	200
Do.	Samuel P. Dinsmore, New York	100
Do.	Edward Gilbert, 71 Broadway, New York	100
Do.	James Taussig, Saint Louis, Mo	250
Do.	Emil Pretorious, Saint Louis, Mo	250
Do.	B. B. Chapman, Elyria, Ohio	100
October 5.	D. R. Garrison, Saint Louis, Mo	1,600

So far as I have been able to learn nothing more was ever paid on this stock.

LOCATION OF ROUTE.

No map of the general route of the whole main line of this road was ever filed.

Maps of definite location were filed by sections in the General Land Office on the main line as follows:

For that part from Springfield, Mo., to the western boundary of the State, December 17, 1866.

For that part from the Missouri State line to the mouth of the King-fisher Creek, in Indian Territory, December 2, 1871.

For that part from the mouth of King-fisher Creek to the eastern boundary of New Mexico Territory, February 7, 1872.

For that part through the Territory of New Mexico, March 12, 1872.

For that part through the Territory of Arizona, March 12, 1872.

For that part from San Francisco, Cal., to San Miguel, Cal., in township 25 south, range 12, Mount Diablo meridian, California, March 12, 1872.

For that part from western boundary of Los Angeles County, California, to a point in township 7 north, range 7 east, San Bernardino meridian, California, March 15, 1872.

For that part from San Miguel Mission, in township 25 south, range 12 east, Mount Diablo meridian, to the Los Angeles County line, April 16, 1874.

For that part from a point in township 7 north, range 7 east, San Bernardino meridian, California, to the Colorado River, April 16, 1874.

On branch line from Van Buren, near western boundary of Arkansas, to a point in the valley of the Canadian River near the meridian of 96° west longitude, Indian Territory, duplicate map was filed December 1, 1871, and February 7, 1872.

From a point on the Canadian River near 96° west longitude to an intersection with the main line in the valley of the Canadian River map was filed February 7, 1872. Except for that part in the State of Missouri no maps of the route were filed for about five years after the act passed.

TIME OF CONSTRUCTION.

It is not very clear just when construction began. The company insists that it commenced July 4, 1868. But the affidavit of the engineer shows that the first 25 miles of the road was not finished until September 27, 1870. To have complied with the law at least 100 miles should have been completed at that date. That part of the road between Springfield and Pierce City, in the State of Missouri, was built by the Pacific and Southern Branch Railroad Company. That part from Springfield, Mo., to Vinita, Ind. T., was completed in 1870 and 1871, and the same reported to and approved by the President, and patents afterward issued to the land conterminous therewith, amounting in the aggregate to over one-half million acres.

Mr. TOWNSHEND. What part of these lands do you propose to forfeit?

Mr. McRAE. I want to forfeit them all except for that part of the road completed in time. The red line on the map west of Springfield will show what I would give them land for.

Eighty-nine miles of this portion of the road are in the State of Missouri and on the line of another road in aid of which lands had been previously granted to the State of Missouri by the act of June 10, 1852. This was examined and accepted as part of the Atlantic and Pacific under the act of July 27, 1866. The governor of Missouri certified that about 75 miles thereof were completed under the grant of 1852. Under the Attorney-General's opinion of October 26, 1880, the first section was accepted and patents issued for 23,037.36 acres. During the years 1880, 1881, and 1882 the road was constructed from Isleta, N. Mex., to The Needles, on the Colorado River, a distance of 550 miles. In 1882 it constructed 50 miles between Vinita and Red Fork, Ind. T.

The tracings on the map that I have here will show the line of the route as contemplated by Congress. The red lines show that actually constructed to date and the blue lines that which is yet unconstructed. The section west of Springfield, which is shown by the red line, shows that which was constructed within time less 50 miles. Only about one-third of the main line has been completed, and only 125 miles of that within the time fixed by the granting act. Look at the map and answer by your votes if that is a substantial compliance with the terms of the grant. Although the company has long since forfeited its rights by refusing to complete the road it insists on having the benefit of the grant to the extent of construction, and in the hope that Congress might so declare it has caused the work to be done on such sections of the road as would give it the greatest quantity and best quality of lands, and entirely neglected such parts as have no adjacent public lands, notably in the Indian Territory and Texas, and also through the Colorado Desert, where it is of little or no value.

The granting act required the road to be built to the Pacific Ocean as near as practicable along the thirty-fifth parallel of latitude. There is very little probability that the road will ever be extended beyond the present western terminus. The officials of the company do not hesitate to say that the land along this route from "The Needles" to San Buenaventura on the Pacific coast is of very little value. It is almost all desert lands. So the company has permanently abandoned it and bought or leased that part of the line of the Southern Pacific between "The Needles" and Mojave Junction, and there makes friendly connection with the main line of the Southern Pacific. The company has not yet made a claim for lands on account of this road so purchased, but I have no doubt that it will do so if this amendment is passed and the Southern Pacific grant is forfeited. Whether the lands are allowed to it or to the Southern Pacific, it will be the beneficiary.

If the Southern Pacific should fail to get the grant, then this company will assert its claim under this act, insisting that it constructed the road in the meaning of the law. The company in my opinion should lose this grant, if for no other reason, on account of the fraudulent claim made to and withdrawal of the land along the coast from San Buenaventura to San Francisco, Cal. There was no foundation for such claim, and yet the lands were withdrawn from homestead settlers at the company's request. It is to the credit of the present honorable Secretary of the Interior that he, in March of the present year, decided that no grant was made to the company for that line, the extent of which is indicated by this map.

In the year 1870 the Atlantic and Pacific Company, although hopelessly insolvent, purchased from the Saint Louis and San Francisco Railway Company the road from Springfield to a point near Saint Louis, and mortgaged the road and the land grant in Missouri. Default was made, I think, in the first annual installment of interest, and the property, including the land grant, was sold, and the Saint Louis and San Francisco Company became the owner.

No more work was done on the Atlantic and Pacific until 1880, long after the time for the completion of the whole line had expired. The Atlantic and Pacific had neither money nor credit, and yet the temptation to hold this large land grant was too strong for resistance, and as the result of a well-organized plan to "gobble it up" we have what is

called the tripartite agreement between the Atchison, Topeka and Sante Fé, the Saint Louis and San Francisco, and the Atlantic and Pacific Railway Companies. This agreement, which I here refer to and will print as an appendix hereto, provided for the completion of the western division of the Atlantic and Pacific. The owners of the two solvent companies furnished the money, took the stock and bonds, and are in fact the real owners of the whole thing. The corporate existence of the Atlantic and Pacific is merely nominal, and kept up so as to control this land grant.

IMPORTANT SECTIONS OF THE GRANTING ACT.

The third section of the act is as follows:

That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company * * * every alternate section of public lands, not mineral, designated by odd numbers, &c.

I will read at length the fifth, eighth, and ninth sections of the act:

SEC. 5. *And be it further enacted*, That said Atlantic and Pacific Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turn-outs, stations and watering-places, and all other appurtenances, including furniture and rolling-stock, equal in all respects to railroads of the first class when prepared for business, with rails of the best quality, manufactured from American iron. And a uniform gauge shall be established throughout the entire length of the road. And there shall be constructed a telegraph line, of the most substantial and approved description, to be operated along the entire line: *Provided*, That the said company shall not charge the Government higher rates than they do individuals for like transportation and telegraphic service. And it shall be the duty of the Atlantic and Pacific Railroad Company to permit any other railroad which shall be authorized to be built by the United States, or by the Legislature of any Territory or State in which the same may be situated, to form running connections with it, on fair and equitable terms.

SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to and accepted by said Atlantic and Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the main line of the whole road by the 4th day of July, A. D. 1878.

SEC. 9. *And be it further enacted*, That the United States make the several conditional grants herein, and that the said Atlantic and Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

Mr. BAYNE. What does the bill propose?

Mr. McRAE. The bill proposes to give to the company the lands for all that portion of the road completed up to the time of the passage of it (indicated by the red lines on the map) and to forfeit the remainder. I propose to forfeit all of it except for the portion of the road which was completed in time. The difference between the proposition made by the bill and mine is shown by the red line on the map between Isleta and "The Needles." I would forfeit, and the majority would give the railroad all the lands granted in Arizona and more than half in New Mexico.

When the question was pending upon my substitute we were met by these same gentlemen who insisted that the proposition ought not to be adopted because by this amendment, which had been made by the committee, all the rights of the United States were protected. They seek now to vote the same out. The desire of the committee was to protect the rights of the United States so that if Congress at any time in the future should so desire it could forfeit those lands not forfeited and then go into court and test the mortgages. It appears now that we must concede almost all the company wants without any judicial interpretation of the act of April 20, 1871, and without a conference. It is none of our business to construe statutes, but to pass them.

If the House adopts the Senate amendment the title of the railroad company is confirmed and the right of the United States is gone, and all you have saved is this little strip shown by the red line east of Isleta. That is the case squarely submitted.

Mr. TRIGG. Is that the strip through New Mexico?

Mr. McRAE. Yes, sir. So I say that if they construct between the two red lines [indicating on the map], they get but little more lands. This portion of the line is through Texas, and they get no lands there because it belongs to that State. This is through the Indian Territory and does not belong to the Government to be disposed of in that way.

Mr. PAYSON. I wish to ask the gentleman a question, in order that he may be clearly understood here. Does not the gentleman know that the railway company has always claimed the benefit of the land grant through the Indian Territory subject only to the right of occupancy of the Indians? That is to say, they claim that when the Indian title shall be extinguished their title attaches to the grant in that Territory.

Mr. McRAE. The gentleman is a member of the committee that reported this bill——

Mr. PAYSON. I am simply asking the question so that the position of the gentleman from Arkansas may be squarely understood by the House.

Mr. McRAE. The gentleman is a member of the committeee that reported this bill. In the majority report, which he sanctions (and the substance of it has been pending here for about four years), they say that until five or six years ago the railway company never claimed an acre there, and the present attorney of the company, General Williamson, as Commissioner of the Land Office, decided that they had no such right.

Mr. PAYSON. I agree with the views the gentleman is expressing here now. I do not believe that they have a title to any of these lands in the Indian Nation, but I am asking the gentleman if he does not know that the company do claim it?

Mr. McRAE. Oh, they claim everything. Why, Mr. Speaker, although this grant authorized them to go upon the thirty-fifth parallel to the Pacific Ocean they had the audacity when they got to San Buenaventura to claim a grant from there to San Francisco up the Pacific coast a distance of several hundred miles. Then they changed the line after filing these maps, and I am of the opinion that the company will claim the grant in consequence of the purchase from the Southern Pacific. If the rule insisted upon here by the majority is adopted by Congress one or the other of them will get it, and it makes no difference which because it will inure to the benefit of this company claiming to be the owner of the line and will be lost to the people. Sir, I hold that there is no danger of the Government losing anything in the Indian nation and no danger of their losing anything in Texas. The fact that the company has built no road there shows that it has no faith in the claim.

Now, take the facts of this case, take the time of the construction and the dickering of the company into consideration, and determine what should be done about it. It is alleged that this company became bankrupt years ago, that its nominal existence is now maintained only by the agreement entered into with the Saint Louis and San Francisco, and the Atchison, Topeka and Santa Fé companies, and that these companies have upheld its nominal existence merely for the purpose of fraudulently getting this grant from the United States. The company is simply pretending to earn this land grant, when in fact it is said that these other companies are now operating the road in connection with their own lines.

Without taking up the time of the House to read them, I desire to submit some tables which I will print with my remarks, and will now make some general remarks upon the subject of railroad forfeitures.

Mr. WILLIS. Will the gentleman permit me to ask him what part of the line is in operation?

Mr. McRAE. The red line on this map indicates the part of the road that is in operation. One portion is operated, as I understand, by the Atchison, Topeka and Santa Fé, and another by the Saint Louis and San Francisco company.

Mr. WEAVER, of Iowa. Is there any dispute as to whether this portion of the line [indicating] was or was not built in time?

Mr. McRAE. None at all. It was built in 1880–'83, although the grant expired July 4, 1878. It was built, therefore, several years after the expiration of the time. From the time this little strip [indicating it on the map] was built it was ten years before another lick was struck upon the road. Mr. Speaker, I ask the Representatives, who are pledged by their political platforms to the forfeiture of these unearned land grants, to take this map, look at the facts of this case, and tell me if this forfeiture ought not to be declared. If it is not declared, I tell you that our course will excite great dissatisfaction throughout that portion of the country. In the early period, when the policy of making land grants to aid in the construction of railroads was adopted, we granted only 6 miles upon each side of the line; but that was increased from time to time until it got up to 20 miles, and sometimes much more.

Now, estimate 20 miles upon each side of this line through New Mexico and Arizona and you have a very large part of the lands in those Territories given to this company for a road which was built seven or eight years out of time and after the settlement of them. In the present attitude the only protection for the Government is for this House to refuse to concur in the Senate amendment. If the bill must pass, pass it as the House passed it. I ask the House to assert its manhood and to refuse to yield one single iota on this point. I have endeavored in my argument to show that simply by delay the Government can lose nothing, and that by adhering to this amendment (although it is not as strong as it ought to be nor what I first struggled to get) the rights of the United States will be reserved, and in the future, when you have a Congress that has the will to declare the forfeiture, the Government can recover its lands. But by the other policy we lose everything. Now, if any other gentleman desires to ask me any question in connection with this subject I think I am prepared to answer it, and will gladly attempt to do so.

Mr. PLUMB. I understand the gentleman to say that from this point [indicating on the map] to this point [indicating] the road was constructed out of time?

Mr. McRAE. Yes, sir.

Mr. PLUMB. While that portion of the road was being constructed out of time was there any notice to the railroad company, from any quarter, indicating that there would be opposition to confirming the grant?

Mr. McRAE. I do not know who was authorized to serve such notice except Congress, and it has been trying to forfeit the grant for several years. Bills were introduced in Congress and have been pending, I believe, ever since the Forty-seventh Congress, to forfeit this grant.

I do not know whether the company ever had any direct notice that the grant would be disputed, but they were bound to take notice of the conditions of the act, and hence knew that their time had expired. The act required the whole of the main line to be completed by July 4, 1878. The part you refer to was not commenced until 1880 or afterward—more than two years after the time had expired.

If they knew their rights under the grant which they accepted, and they were in law bound to know, they knew that they took the grant subject to the right of Congress to forfeit for breach of the conditions. It was a mere matter of grace that Congress should make the grant, and so it is as to the forfeiture. Remember that not a dollar, as I understand, except the 10 per cent. required by the nineteenth section, was ever paid by the corporators of this company; and if the Government should declare the whole of the grant forfeited, it would violate no principle of either law or equity.

Mr. PLUMB. Then I understand the gentleman's answer to be substantially that bills for the forfeiture of the lands were introduced here before this road was constructed or during its construction?

Mr. McRAE. Yes; that is my understanding.

So far as the executive department is concerned it seems that it permitted railroad companies to build wherever and whenever they wished, to file locations wherever and whenever they wished, and to withdraw lands whenever they wanted them withdrawn. All the rulings of the executive department for years past have been in favor of the companies. To illustrate: For years all these lands [illustrating on the map] were withdrawn under pretense that this company was entitled to them, and they remained withdrawn until Mr. Secretary Lamar overruled the order of withdrawal in the month of March of this year.

Mr. LINDSLEY. Was the road inspected from time to time as constructed?

Mr. McRAE. A great deal of it has been inspected; and several inspectors have reported that it has been constructed as the law required, except that it has been done out of time.

A MEMBER. Have patents been issued to the company?

Mr. McRAE. No patent for an acre has ever been issued except here [indicating on the map], as I understand.

Mr. PAYSON. The gentleman is mistaken about that. Patents have been issued west of the Atchison, Topeka and Sante Fé road in New Mexico to the extent of nearly 600,000 acres.

Mr. McRAE. I would like the gentleman's authority for that statement, because I have my facts from the Land Office and Railroad Commissioner's Office, and I have nothing showing any patent for lands on the western division. If such facts exist I should like to have them now, but if I am mistaken it does not alter the case.

Mr. PAYSON. I shall be pleased to give the gentleman the facts in a few minutes when my time shall come.

Mr. McRAE. Less than 1,000,000 acres have been patented, as I understand, and I am sure that over on the eastern division and in Missouri something over 500,000 acres have been patented, and these lands thus patented are here, as I understand [indicating on the map]. If any lands have been patented over there [indicating] I have no information of it, and certainly there have not been 600,000 acres patented there.

A MEMBER. The Government has inspected the road?

Mr. McRAE. The completed portions of it have been inspected by the proper authority, but this is no acceptance. The inspection does not bind the United States, but only furnishes the facts as to the time and manner of the construction.

Mr. Speaker, since the gentleman from Illinois [Mr. PAYSON] controverts to some extent the facts as stated by me, I desire to call attention to a summary of the facts as made by the majority of the committee, and they come here without his dissent:

(1) That the Atlantic and Pacific company never completed but 34 miles of the road which it now claims to own.

(2) That at the time when the main line should have been completed (July 4, 1878), there was uncompleted 2,267 miles of that line.

(3) That said company at no time since its creation has been, and is not now, able to complete the road.

(4) That the stockholders of the Atchison, Topeka and Santa Fé and the Saint Louis and San Francisco Railroad Companies own most of its capital stock.

(9) That these corporations caused the mortgages to be executed on the franchises, rights, and property, including the land grant, and caused the bonds to be issued and guaranteed their payment, and took the bonds when so issued and now hold them.

(6) That they virtually own and control the Atlantic and Pacific company and all its property, together with its mortgage and bonded indebtedness; and are holding them and allowing the company to maintain a mere nominal existence.

Is there anything in this that calls for equity?

LEGAL PRINCIPLES.

There is but little or no difference of opinion as to the legal principles involved in the grant and the contemplated forfeiture, except as to the effect of the act of April 20, 1871.

All agree that the company became seized at the date of the granting act of an estate *in præsenti* upon conditions subsequent; that it requires an act of Congress to forfeit and restore the title to the United States; that as the conditions of the grant were expressed there is no necessity of an express reservation of the right of entry for breach of the condition declared in section 8. Congress has the power to declare a forfeiture of the whole grant; that the grant does not constitute an absolute dedication of the lands for the purpose of constructing the road. For authority in support of these propositions I will refer to the able reports from the Public Lands Committee in this and the Northern Pacific and Southern Pacific companies.

That section 9 is only cumulative to section 8 and provides for a further condition subsequent, for the failure to keep which Congress may do all things necessary to insure the completion of the road and thus protect the Government.

To prove that this must be the proper construction let us suppose that the road was constructed within the time fixed and all the conditions of section 5 broken, what power has the United States unless it is derived from section 9? So we see that section 8 must stand independent of 9.

If section 9 only limits 8, then the effect would be to extend the time for the completion of the road for one year, and adds no additional obligation or liability on the company. No such thing was intended, and to insist upon it is to violate that principle of law which requires such grants to be strictly construed as against the grantee.

WHAT HAS BEEN THE POLICY OF THE PAST AND WHAT IT SHOULD BE IN THE FUTURE.

It may be that on account of the corporate phlegm now temporarily lodged in the pharynx of the people in the shape of the representatives of railroads and other corporations that their wishes can not be spoken into law, but at the same time we should not despair. I have a strong and abiding faith in the institutions bequeathed us by our fathers. I believe that there yet remains life enough in this old body-politic to expectorate, and that such injurious matter will be spewed out and the voice of the people again be heard in the shape of acts or resolutions of Congress upon this subject.

The policy of granting lands to aid in the construction of railroads was initiated in 1850 by the passage of the act to aid the Illinois Central Railroad (3 Statutes at Large, 466), and since that time has been very liberally indulged in. Until the year 1862 it was the universal practice of Congress to make the grants of 6 miles on each side to the States in trust for the roads. Since then the practice has been to greatly enlarge the limits and to grant directly to railroad companies, and hence a great deal of our present trouble in forfeiting the unearned lands held by them. The following table will show by what administration made and the extent of these grants, and how much has been patented to the companies:

	Acres.
During President Fillmore's administration there were grants to the States in trust for the railroads aggregating	8,198,593.73
Of which there have been patented	7,372,883.85
During President Pierce's administration there were grants to the States in trust for the railroads aggregating	19,678,179.79
Of which there have been patented	14,886,396.47
During President Lincoln's administration there were grants directly to railroad companies aggregating	74,395,801.61
Of which there have been patented	17,164,270.87
During President Johnson's administration there were grants directly to railroad companies aggregating	34,001,297.77
Of which there have been patented	5,020,107.20
During President Grant's administration there were grants directly to railroad companies aggregating	19,231,121.69
Of which there have been patented	1,203,689.09
The total grants	155,504,994.59
The total patented	45,647,347.48

At this late day I will not undertake to pass upon its wisdom. Many of the best and ablest leaders of public thought of those times, including Hon. Stephen A. Douglas and Hon. Lewis Cass, favored the policy; but whether right or wrong we will all agree that it should now be abandoned. The time has come for us to take our bearings and see where we are drifting. Our population is increasing with wonderful rapidity. The landless and homeless are to be found all around us, while our public domain is being absorbed by railroad corporations, cattle and foreign syndicates. The grand object to be accomplished by such a policy was to secure an early completion of the roads through and the development of the great Western States and Territories, to people them and unite their commerce with that of the Eastern and Middle States. The policy did not accomplish this result. It might well be doubted if the policy materially aided in what has been done.

Eighty grants covering 155,504,994 acres have been made to companies that have altogether constructed less than 20,000 miles of road, while during the same time over 100,000 miles have been constructed by other companies without the aid of land grants, and not a few in the undeveloped West were built far in advance of and before the completion of those aided by large and valuable grants. In many cases the construction of the land grant roads appear to have been purposely delayed until the country through which the routes were projected had been settled to a sufficient extent to justify the building without aid. Under the law and practice of the Interior Department in permitting the lands to be withdrawn as soon as maps were filed the railroads lost nothing by such delay. They paid no taxes, and the land was all the time increasing in value. It was a very profitable business for them.

They have been allowed to build wherever and whenever they desired, either within or without the limit, and often allowed to change the route to suit their desires.

There are many railroads uncompleted to-day to aid which land grants were made nearly twenty-five years ago, and when the time fixed in the granting act for completion has long since expired, and yet the lands are still withdrawn from sale and settlement and the legal title in the company, with no power in the executive department to restore them to the public domain. Patents have issued to 55,000,000 or more acres, and there remains subject to forfeiture something over 100,000,000 acres. Of the eighty roads receiving grants forty-seven were completed within the time; twelve have been completed out of time; eight are in course of construction; nine were partly completed but construction suspended, and four no part has ever been constructed. Congress has the option of saving these lands for the people or giving them to the faithless railroad companies. The question is fairly before the people and the settlement can not be avoided. Shall we abondon our position in the first contest with the other branch of this Department? Our action to-day will become a precedent either for or against our policy. Both of the great political parties are squarely committed to the policy of declaring these forfeitures and restoring the lands to the public domain. The only question about which there can be an honest difference is as to the quantity "earned." The following table will show the roads subject to forfeiture.

Statement showing States and corporations to which grants have been made to aid in the construction of railroads which have not been completed within the time required by law.

State.	Date of act.	Mile limits.	Name of road.	Length of road.	Number of miles of road completed before expiration of grant.	Number of miles of road uncompleted at expiration of grant.	Number of miles of road completed after expiration of grant.	Number of miles of road now uncompleted.	Number of acres certified or patented.
Mississipi	Aug. 11, 1856	6 and 15.	Gulf and Ship Island	170	.....	170	.....	170	.....
Alabama	June 3, 1856	6 and 15.	Coosa and Tennessee	36.5	.....	36.5	.....	36.5	67,784.96
	June 3, 1856	6 and 15.	Coosa and Chattooga	37.5	.....	37.5	.....	37.5	.....
	June 3, 1856	6 and 15	Mobile and Girard	223.6	54	169.6	30	139.6	504,145.86
	June 3, 1856	6 and 15.	Selma, Rome and Dalton	167.35	100	67.35	43.93	23.42	457,215.37
	May 17, 1856	6 and 15.	Atlantic, Gulf and West India Transit.	305	155	150	70.97	79.03	290,183.28
Florida	May 17, 1856	6 and 15.	Florida, Atlantic and Gulf Central	59	59	.....	.....	.....	29,384.18
	May 17, 1856	6 and 15.	Pensacola and Georgia	307	130	181	181	.....	1,275,579.52
Louisiana	June 3, 1856	6 and 15.	Vicksburg, Shreveport and Pacific	190	94	96	96	.....	353,212.68
Michigan	June 3, 1856	6 and 15.	Jackson, Lansing and Saginaw	234	188.10	73.27	73.27	.....	743,009.36
	June 3, 1856		Northern Central Michigan	80	.....	80	60	20	.....
	June 3, 1856 Mar. 3, 1865	6, 15, and 20.	Marquette, Houghton and Ontonagon.	98	52	46	.....	46	437,411,30
	June 3, 1856	6, 15, and 20.	Ontonagon and Brulé River	75	.....	75	20	55	.....
Iowa	May 12, 1864	10 and 20.	Sioux City and Saint Paul	83.16	56.25	23.91	.....	23.91	407,910.21
Wisconsin	June 3, 1856	6 and 15	La Crosse and Milwaukee	61	61	.....	.....	.....	40,049,11
	June 3, 1856		Madison and Portage	39	.....	39	39	.....	.....
	June 3, 1856 May 5, 1864	10 and 20	Saint Croix and Lake Superior, now Chicago, Saint Paul, Minneapolis and Omaha.	226	.....	226	238.38	.....	843,497.56
	May 5, 1864	10 and 20.	Wisconsin Central	340	247	93	9	84	642,149.47
Minnesota	Mar. 3, 1857 Mar. 3, 1865 Mar. 3, 1871	6, 15, and 20	Saint Vincent extension, Saint Paul and Pacific, now Saint Paul, Minneapolis and Manitoba.	314	140	174	174	.....	1,258,348.99
	Mar. 3, 1857 Mar. 3, 1865	6, 15, and 20	Branch line, Saint Paul and Pacific, now Saint Paul, Minneapolis and Manitoba.	71.50	64	7.50	2	5.50	436,462.31
	Mar. 3, 1857 Mar. 3, 1865 Mar. 3, 1871	6, 15, & 20	Western Railroad, formerly Brainerd branch of Saint Paul and Pacific.	54.21	.....	54.21	54.21	.....	121,462.31
	July 4, 1866	10 & 20	Southern Minnesota Railway extension.	$279\frac{141}{320}$	$149\frac{1841}{2560}$	$130\frac{87}{2560}$	$130\frac{87}{2560}$	.....	451,845.43
	July 4, 1866	10 & 20	Hastings and Dakota	202.1	74	128.1	128.1	.....	312,770.27
	Mar. 3, 1857	6, 15, & 20	Saint Paul and Sioux City	199.25	190	.....	.....	.....	1,146,888.52
	May 12, 1864		Saint Paul and Sioux City branch	25	.....	25	.....	25	.....
Northern Pacific Railroad Company.	July 2, 1864	20, 30, and 40	Wisconsin	78.50	.....	78.50	78.50	.....	.....
	May 31, 1870	20, 30, and 40	Minnesota	237	228	9	9	.....	743,493.44
		40, 50, and 60	Dakota	375.98	196.4	179.58	179.58	.....	.....
		40, 50, and 60	Montana	780	.....	780	780	.....	.....
		40, 50, and 60	Idaho	90	.....	90	90	.....	.....
		20, 30, and 40	Oregon	36.30	.....	36.30	36.30	.....	.....
	July 2, 1864	40, 50, and 60	Washington	511.10	106.1	405	180	225	2,896.78
	May 31, 1870	40, 50, and 60	Washington (branch)	250.50	.....	250.50	112.50	138	.....
				2,359.38	530.5	1,828.88	1,465.88	363	746,390.22
California and Oregon Railroad Company.	July 25, 1866	20 and 30	California	288	152	136	40	96	1,362,433.61
Oregon and California Railroad Company.	July 25, 1866	20 and 30	Oregon	360	197	163	144	19	322,062.40
Atlantic and Pacific Railroad Company.	July 27, 1866	20 and 30	Missouri	89	89	.....	.....	.....	936,169.51
			Indian Territory*	355	36	319	50	269	.....
			Indian Territory (branch)*	295	.....	295	.....	295	.....
		20 and 30	Arkansas (branch)*	5	.....	5	.....	5	.....
			Texas*	200	.....	200	.....	200	.....
		40 and 50	New Mexico	416	.....	416	167	249	23,037,36
		40 and 50	Arizona	383	.....	383	383	.....	.....
		20 and 30	California	686	.....	686	.....	686	.....
				2,429	125	2,304	600	1,704	959,206,87
Southern Pacific Railroad Company.	July 27, 1866	20 and 30	California	556	232	324	240	84	1,040,430.03
New Orleans Pacific Railroad Company, successor to the New Orleans, Baton Rouge and Vicksburg Railroad Company.	Mar. 3, 1871	20 and 30	Louisiana	260	.....	260	260	.....	679,287.64
Grand total				10,129.91	3,050.20	7,098.83	4,099.75	3,011.46	14,929,121.46

* No grant in Indian Territory or Texas, but roads required to be built as part of the system.

It is insisted by some that we have no power to forfeit a number of these grants; that the grants were and are absolute and irrevocable appropriations and dedications of the lands to and for the purpose of completing the roads. In my judgment there is nothing in this. The policy of the committee of which I have the honor to be a member is not in sympathy with this idea. The committee has uniformly held that

Congress has such power. At the same time the committee is divided and the recommendations hardly consistent upon the proposition as to whether or not Congress should forfeit the entire grant when there has been part performance by part construction. To illustrate, in the Southern Pacific, where the grant was made at the same time and upon the same conditions as in this case, the recommendation is to forfeit the entire grant. This I think right.

In the Northern Pacific under a grant almost identical the recommendation is to forfeit all except that which is conterminous with road constructed within time; while in the case under consideration the recommendation is to forfeit only that which is conterminous with the uncompleted portions of the road, whether built in or out of time. So in each case the House must determine the extent of the forfeiture, and to the end that fairness may be done I have made these general remarks. I respectfully submit that when the conditions have never been performed and especially when the road has never been completed, Congress should assert the title of the United States to the whole estate as if no grant had ever been made. I shall insist upon the Government's right of re-entry in every case where the road has not been completed, and hope that this policy will be adopted by the House.

Mr. Speaker, I reserve the balance of my time to be used later in the discussion, if I should desire to do so.

APPENDIX.

Agreement of sale of railroad from the Southern Pacific Railroad Company to the Atlantic and Pacific Railroad Company, August 20, 1884.

This indenture made and entered into this 20th day of August, A. D. 1884, by and between The Southern Pacific Railroad Company, a corporation duly incorporated and organized under and in pursuance of the statutes of the State of California, of the first part; The Atlantic and Pacific Railroad Company, a corporation created and organized under the acts of Congress of the United States of America, of the second part; The Saint Louis and San Francisco Railway Company, a corporation incorporated and organized under the laws of the State of Missouri, of the third part, and The Atchison, Topeka and Santa Fé Railroad Company, a corporation incorporated, organized, and existing under the laws of the Territory and the State of Kansas of the fourth part.

Whereas the party of the first part is the owner of a line of railway in the State of California two hundred and forty-two $\frac{37}{100}$ miles in length, hereinafter particularly described;

And whereas it has been agreed by and between the parties hereto that such line of railway shall be sold by the party of the first part, and purchased by the party of the second part, upon the terms and conditions hereinafter stated;

And whereas in consequence of the lien existing upon such line of railway under the mortgage made and executed by the party of the first part, and bearing date the first day of April, A. D. 1875, the party of the first part can not at present make clear title to such line of railway, and it has been agreed that until clear title can be made thereto such line of railway shall be leased by the party of the first part to the party of the second part upon the terms and conditions hereinafter stated;

And whereas the parties of the third and fourth part are largely interested pecuniarily in the acquisition of such line of railway by the party of the second part by lease and purchase as aforesaid;

Now, therefore, this instrument witnesseth, that in consideration of the premises and the mutual undertakings and agreements hereinafter stated, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the parties hereto have undertaken, covenanted, and agreed, and do hereby undertake, covenant, and agree, to and with each other as follows, that is to say:

First. The party of the first part has agreed to sell to the party of the second part, and the party of the second part has agreed to purchase from the party of first part, the said line of railroad of the party of the first part from the west end of the bridge over Colorado River at or near the Needles, in the State of California, two hundred and forty-two and thirty-seven one-hundredths miles or thereabouts, to the eastern margin of the grounds or yards of the party of the first part, used in connection with the Mojave Junction Station, or with the main line of road of said party of the first part between Goshen and Yuma, together with the right of way of said railroad company therefor, two hundred feet in width, and the switches, sidings, and turnouts and the station buildings, section houses, turntables, and other appurtenances to said line of railway (except that this is not to be construed to include equipment or to interfere with the right of way and depot grounds of the party of the first part at the said Mojave Junction, but the party of the second part is to have the right to make a physical connection between its tracks and the tracks of the party of the first part at that point, at and for the price of thirty thousand dollars a mile of said railway, that is to say, seven million two hundred and seventy-one thousand one hundred dollars ($7,271,100), of which purchase price one-sixth part therof, that is to say, one million two hundred eleven thousand eight hundred and fifty dollars ($1,211,850), is to be paid by said party of the second part to said party of the first part in cash, and the remainder thereof, viz, six million and fifty-nine thousand two hundred and fifty dollars ($6,059,250), is to be paid by said party of the second part to said prrty of the first part, either in cash or in first-mortgage six per cent. bonds of the party of the second part issued under and secured by its first-mortgage bearing date first day of July, 1880, and the prompt payment of the principal and interest of which shall have been legally guaranteed by the parties of the third and fourth parts, respectively; it being understood and agreed that such sale is to be consummated, and the purchase price of such line of railway paid, whenever the party of the first part is able to make clear title to said line of railway, discharged from the lien of its first mortgage bearing date the first day of April, 1875, hereinbefore referred to, and from all other liens existing thereon at the day of the date of these presents, or which may be imposed thereon by the party of the first part at any time from the day of the date of these presents to the consummation of such sale.

Second. In the meantime, and until the consummation of such sale and payment of the purchase price as aforesaid, the party of the first part has leased and demised to said party of the second part, and said party of the second part has hired from said party of the first part from the first day of October, 1884, the said line of railway from the west end of the bridge over the Colorado River to such easterly margin of such grounds or yards of the party of the first part as above described, together with the other appurtenances thereto hereinbefore agreed to be sold (but excluding equipment), at and for the annual rental of eighteen hundred dollars per mile of such railway, to wit, four hundred and thirty-six thousand two hundred and sixty-six dollars ($436,266), payable semi-annually during the continuance of such lease, and the said party of the second part has covenanted and agreed, and hereby covenants and agrees, to and with said party of the first part, that the said party of the second part will, and its successors and assigns shall, pay to the said party of the first part, its successors and assigns, as rental for such line of railway and appurtenances until the time of the consummation of such sale and the payment of the purchase price thereof as aforesaid, the sum of two hundred and eighteen thousand one hundred and thirty-three dollars ($218,133), on the first day of April and October in each and every year, and that it, the said party of the second part, will, and its successors and assigns shall further promptly pay and discharge all taxes and assessments which shall hereafter become due upon said property or any part thereof, or may become in any wise due or owing in respect to the same, and will maintain, repair, and replace such property so that the same may at all times be and remain in substantially as good plight and condition as that in which it now is, the nature and character of the property being considered.

Third. In case default shall be made in the payment of any installment of such rental at the time hereinbefore stipulated for the payment thereof, and such default shall continue for thirty days, then and in that event the said party of the first part, its successors and assigns, may thereupon, and without demand or other formality, enter upon and take possession of all and singular the demised premises, with their appurtenances, and it or they shall be thereafter entitled to hold, retain, and enjoy the same as of its original estate therein; but notwithstanding such entry the said party of the second part, its successors and assigns, shall be liable to said party of the first part, its successors and assigns, for any and all damages in any wise resulting from the non-fulfillment of this agreement, or any wrongful acts or omissions of said party of the second part, its successors or assigns, in respect to the demised premises or any part thereof. In case of the happening of any such default in respect to the payment of rental for said demised premises, and the continuance of such default for thirty days as aforesaid, then and in that event at the election of said party of the first part, its successors or assigns, the right of the party of the second part to purchase said premises under the foregoing provisions of this agreement shall cease and determine.

Fourth. The party of the third part and the party of the fourth part, for themselves and their respective successors and assigns, in consideration of their pecuniary interest in the stock and securities of the said party of the second part, and their interest in the opening and maintenance of a through line of freight and passenger traffic over their respective lines of railway and the line of railway now owned by, and the line of railway herein agreed to be leased and sold to, the said party of the second part, and for other good and valuable considerations, the receipt whereof is hereby acknowledged, have guaranteed, and do hereby guarantee, to the said party of the first part, its successors and assigns, the prompt payment to said party of the first part, its successors and assigns, of the several installments of rental, and of the purchase price hereinbefore agreed to be paid by the said party of the second part to the said party of the first part, and in case default shall be made by said party of the second part in the payment of such installments of rent, or any thereof, or in the payment of such purchase price, at the time or times hereinbefore stipulated for the payment thereof, will promptly pay to said party of the first part upon demand, any and all amounts in respect of which said party of the second part shall make such default, which amounts so paid by said party of the third or fourth part shall be justly chargeable by the party paying the same against all amounts then due or which may become due from it to said party of the second part for traffic over such leased line, or any line of said party of the second part, and shall be otherwise enforceable as a debt of said party of the second part to said party of the third or fourth part who may have paid the same; but it is understood and agreed that the said parties of the third and fourth parts shall not be liable *in solido* for the amounts hereinbefore expressed, but each of such parties shall be liable only for the one-half part of the several installments of rent and the purchase price hereinbefore expressed to be guaranteed by it.

Fifth. The party of the second part at any time during the continuance of the foregoing lease may, at its own cost and expense, and upon proper indemnification of the party of the first part, use the name of the party of the first part to defend possession of the demised premises against others than the party of the first part, its successors or assigns, and to acquire right of way for the railroad above described in case of change of the alignment thereof. In case the party of the second part shall be evicted from the demised premises by paramount title, then and in that event the party of the first part will pay to the party of the second part the fair value to the party of the first part, at the time of such eviction, of any additional sidings along the line of said railroad, and buildings, structures, and machinery along such line necessary and proper for the operation of the road, which may have been constructed by the party of the second part after the day of the date of these presents and before such eviction.

Sixth. So long as the undertakings and obligations on the part of the party of the second part, as hereinbefore expressed, shall be performed and fulfilled, the party of the first part will not impose any additional lien upon said demised premises by second mortgage or otherwise, except by the issuing of additional bonds under its existing first mortgage, if the party of the first part should desire so to do.

Seventh. For the purpose of determining the present condition and state of repair of the above-described property at the time possession thereof is transferred under this indenture, A. A. Robinson, James Dun, and George E. Gray, engineers, are hereby designated to examine and inspect the same, and make full report in writing upon said condition and state of repair to each of the parties hereto. Said report shall be made within thirty days from the date of this indenture, and shall be conclusive evidence for and against each of the parties hereto in all cases and controversies hereafter arising under this agreement, and the cost of such examination, inspection, and report shall be borne equally by the parties of the first and second parts hereto. If the report is not unanimous, such engineers shall select a disinterested engineer, whose decision shall be final.

Eighth. The said party of the first part covenants and agrees to and with the party of the second part that, upon the arrival of the time for the consummation of the sale hereinbefore agreed upon, it will convey the property sold to the party of the second part, by good and sufficient deed, with usual covenants of warranty, and that during the term of said lease, the rent reserved being paid and all other terms of said lease being fulfilled, it will warrant and defend the peaceful occupation and enjoyment of the demised premises, and of every part thereof to the party of the second part against the lawful claims of all persons.

Ninth. In case disagreements of any kind shall arise at any time between any two of the parties hereto, as to any act or omission to act under this agreement, or any damages claimed to have been suffered by reason of any violation thereof, or as to the meaning of any clause or provision thereof, at the request of either of such parties, an arbitrator shall be appointed by each of the parties so disagreeing, and a third arbitrator shall be chosen by the two so appointed, and the decision of said arbitrators, or a majority of them, given after a hearing, of which both parties shall be duly notified, and at which they shall have an opportunity to be heard, shall be final and binding upon both parties as to the matter or matters in issue between them, and in case of such arbitration, each party to this agreement hereby covenants for itself, its successors and assigns, with each of the other parties to this agreement, and its successors and assigns, that it will forthwith, upon the rendering of any decision as aforesaid, upon any arbitration to which it was a party, comply with and perform the requirements thereof and pay any sum or sums of money which it may be required to pay by such award.

Tenth. In the event that the road and property of the party of the second part shall be taken possession of for breach of condition of any mortgage made by it, or shall pass into the hands of a receiver then in that event, at the joint election of the parties of the third and fourth part, or in case of their failure to agree so to elect, then at the separate election of either one of them (either such election to be signified and notified in writing to the party of the first part, and also

to the party of the second part), all right, interest, and estate of the party of the second part under this contract shall cease and determine, and the same shall be at once vested in the parties or party so electing, and the parties or party so electing shall become bound by the undertakings and covenants on the part of the party of the second part hereinbefore expressed, as fully and effectually to all intents and purposes as if the demise and contract of sale herein made had been originally made with the parties or party so electing. In such case, the party of the second part shall make and execute to the parties or party so electing all such assignments and conveyances, if any, as may be deemed desirable for the confirmation of their title.

Eleventh. In the event of any default in the performance of the terms of the first mortgage of the party of the first part hereinbefore referred to, entitling the mortgagee to elect to avoid this contract, and such default continuing for a period of eighteen months, the party of the second part shall thereupon become entitled to the like election, to be exercised within thirty days after the expiration of such period of eighteen months, and, in case of its electing to avoid the contract, shall, upon giving notice in writing thereof to the party of the first part, and at the same time tendering the rent then accrued, pro rata, and delivering or tendering possession of the property covered by the contract, be discharged from all liability or obligation under the same.

Twelfth. Each and all of the covenants herein contained, binding or inuring to the benefit of any party hereto, shall also bind or innure to the benefit of the successors and assigns of such party.

In witness whereof the parties hereto have caused their respective corporate seals to be hereunto affixed, and these presents to be signed on their behalf, respectively.

[Seal of S. P. R. R. Co.] THE SOUTHERN PACIFIC RAILROAD COMPANY, By C. P. HUNTINGTON, *Agent and Attorney.*

[Seal of A. & P. R. R. Co.] THE ATLANTIC AND PACIFIC RAILROAD COMPANY By H. C. NUTT, *President.*

[Seal of St. L. & S. F. Ry. Co.] THE SAINT LOUIS AND SAN FRANCISCO RAILWAY CO., By EDWARD F. WINSLOW, *President.*

[Seal of A. T. & S. F. R. R. Co.] THE ATCHISON TOPEKA AND SANTA FÉ RAILROAD COMPANY, By WM. B. STRONG, *President.*

Mr. PAYSON. Mr. Speaker, a few statements which have been made by my colleague upon the committee [Mr. MCRAE] ought not to go unnoticed; and that which seems to me the most important matter to be considered in connection with this amendment has escaped his attention altogether. The grant to this corporation for the building of this line of road, which, as he says, was made in 1866, provided for the construction of a line of road which, according to the map of definite location thereafter filed by the corporation, was 2,429 miles in length. Provision was made that grants of land to the amount of twenty sections per mile on either side of the road in States and forty sections in the Territories, and in alternate sections, should be made in aid of the construction of the road. The work of construction was begun. A panic came on in 1869 or 1870, affecting the affairs of this company so that they were unable to raise the funds to go on with the construction, and in 1870 they came to Congress asking permission to do something that they had not the right to do theretofore, namely, to mortgage the road and the land grant which Congress had made to them. The act of Congress passed at that time in pursuance of the application of the company is found on page 19 of the seventeenth volume of the Statutes at Large, and I ask the Clerk to read it.

The Clerk read as follows:

An act to enable the Atlantic and Pacific Railroad Company to mortgage its road.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atlantic and Pacific Railroad Company, organized under act of Congress of July 27, 1866, is hereby authorized to make and issue its bonds in such form and manner, for such sums, payable at such times and bearing such rate of interest, and to dispose of them on such terms as its directors may deem advisable; and to secure said bonds the said company may mortgage its road, equipment, lands, franchises, privileges, and other rights and property, subject to such terms, conditions, and limitations as its directors may prescribe. As proof and notice of the legal execution and effectual delivery of any mortgage hereafter made by said company, it shall be filed and recorded in the office of the Secretary of the Interior: *Provided*, That if the company shall hereafter suffer any breach of the conditions of the act above referred to, under which it is organized, the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to so much thereof as shall be conterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage.

Approved, April 20, 1871.

Mr. PAYSON. Mr. Speaker, bear in mind until the passage of that act the company had no authority to execute any mortgage upon its land grants or its franchise, but under that authority mortgages of the railroad company have been executed, securing bonds now in circulation to the amount of $25,000 per mile of land-grant mortgage bonds upon the land-grant land, and what are known as income bonds of $18,750 per mile; making a total of incumbrances upon each mile of constructed road upon this land grant, the road, and its franchises estimated at $43,750 for each mile of constructed road.

Mr. MCRAE. I ask the gentleman, when he says that they did not have a right to mortgage, whether, in fact, they had not mortgaged the road before 1871?

Mr. PAYSON. They had not. The first mortgage given by the Atlantic and Pacific Railroad Company upon the land affected by this bill or its franchises was given under the authority of the act of 1871; and those mortgages are outstanding to-day. Gentlemen will especially bear in mind that the provisions in this act provide when a breach of the conditions of the grant may be made, if any breach shall occur the rights of parties claiming under mortgages given by the corporation after the passage of the act shall extend to and operate upon the lands that lie conterminous to the constructed road. Hence, making that statement as emphatic as though I had repeated it twenty times, what has the company done? They have under the original act and under this act constructed 725 miles of road. On that 725 miles these mortgages are operating to-day. And the gist of this bill with the Senate amendments is to allow the railroad company and its mortgagees to have the benefit of the lands lying opposite the constructed road, but declares the forfeiture and restore to the public domain every acre of the land lying within the limits of this grant opposite to the road at this time not constructed.

That is the plain statement of what the effect of this bill with the Senate amendments is, and when the gentleman from Arkansas [Mr. MCRAE] says this bill as it comes from the Senate is an empty and insignificant forfeiture, may I have the attention of the House for a moment to give a few figures in regard to this matter?

The total amount of land in this grant, Mr. Speaker, as estimated by the company and as found in the official documents which come to this House, is 50,688,000 acres. This bill as it is proposed and recommended now by the committee of this House will declare a forfeiture of 33,868,800 acres, as the company has estimated its grant. It may be the gentleman from Arkansas regards that as empty and insignificant. I regard it as substantial and worthy of attention.

Mr. MCRAE. Will the gentleman now state what the land grant is as estimated by the Land Department.

Mr. PAYSON. I am going to give the figures as they appear in this executive document from the Interior Department which I hold in my hand.

Mr. MCRAE. What document does the gentleman refer to?

Mr. PAYSON. I refer to Miscellaneous Document No. 10, Forty-sixth Congress, second session, which is a letter from the Auditor of Railroad Accounts relative to land grants made by the United States to aid in the construction of the Pacific Railroads. In that document, on page 20, it is stated the number of acres of land granted amounted to 51,840,000 acres.

Mr. MCRAE rose.

Mr. PAYSON. I have precisely the same document the gentleman has in his hands, and I will state the facts just as they appear.

I read, page 20:

The length of road and extent of land grant for the whole line included in the charter act may be stated approximately as follows, viz:

State or Territory.	From—	To—	Miles.	Acres per mile.	Acres granted.
Missouri	Springfield	West line	90	12,800	1,152,000
Indian	East line	do	400	25,600	10,240,000
Do	do	Canadian River	300	25,600	7,680,000
Texas	do	West line	200	12,800	2,560,000
New Mexico	do	do	450	25,600	11,520,000
Arizona	do	do	400	25,600	10,240,000
California	do	San Francisco	655	12,800	8,384,000
Arkansas	West line	Van Buren	5	12,800	64,000
Total			2,500		51,840,000

The company's estimate of the above is 2,472.98 miles of road and 49,244,803 acres of land. The estimate of the General Land Office is 2,544.65 miles of road and 50,067,690 acres of land.

The United States having no public lands in the State of Texas, and the lands in the Indian Territory having been "otherwise appropriated" at the date of the grant, there must be deducted from the above total 20,480,000 acres, which leaves 31,360,000 acres actually granted, from which is likewise to be deducted the following, namely:

	Acres.
1. Lands in Missouri previously disposed of	645,184
2. Lands in New Mexico, "mineral" and otherwise disposed of, estimated at one-half of the grant	5,760,000
3. Lands in Arizona, "mineral" and otherwise disposed of, estimated at one-half of the grant	5,120,000
4. Lands in California of the same character, estimated at one-third of the grant	2,794,666
5. Lands in Arkansas otherwise disposed of	32,000
Total deductions, additional	14,351,850

After all of these deductions are made the quantity of the land remaining for the use of the railroad company would be but 17,008,150 acres, and of this quantity the Saint Louis and San Francisco Railway Company received in 1876 about 300,000 acres, and there had been disposed of by the Atlantic and Pacific Rail-

road Company, prior to 1876, about 200,000 acres, the proceeds of which were applied to the construction of the road in Missouri; so that, in round numbers, about 16,500,000 acres of land are only available for the Atlantic and Pacific Railroad Company, to aid in the construction of its railroad of more than 2,000 miles from Seneca, Mo., through the Indian Territory, Texas, New Mexico, Arizona, and California, to the Pacific Ocean or San Francisco.

I ask the gentleman whether I am right, and whether I have not read from the same report he holds in his hands?

I again ask the gentleman whether I am not reading from the same report to which he refers and which he holds in his hand?

Mr. McRAE. Yes; but I ask if it does not show the fact that but 16,500,000 acres of land are available to this road; and how can you get a forfeiture of 33,000,000 acres out of 16,000,000 and a little over?

Mr. PAYSON. If the gentleman from Arkansas will not anticipate my argument I will try to make myself clearly understood before I get through. I do not assume infallible knowledge with reference to these matters. I am liable to some mistake, and as much as any other man. But I do assume to know something with reference to these questions; and if the gentleman will listen and not anticipate me, I will try to make the points clearly understood.

This estimate which the gentleman alludes to as to the extent of the limits of this grant and the amount affected by the operation of this bill is, as I have said, much less than the estimate of the Government at first and that fully appearing in later documents, and it will be borne in mind that the estimate of the Interior Department I have read is based upon the assumption that the railroad companies get no land in the Indian Territory.

This should be borne in mind at the outset. The amount of land involved there, if they are entitled to any land in the Indian Territory (which I question), amounts to 17,920,000 acres. The Interior Department assumed that land is not affected by the grant; but the language of the granting act is: "That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company every alternate section of land, &c., to the amount of twenty sections of land on either side of its road," &c., not only through the Territories of the United States but in the Indian Territory. And it would raise the legal question whether or not the United States has such an interest in the lands within the limits of the Indian Territory as that when the Indian title thereto shall be extinguished, when the right of Indian occupancy has gone, and the lands are back under the control of the United States, whether or not under the language of the granting act the railroad company is not entitled to the land in the Territory covered by the granting act. I shall not go into the question whether they are entitled to that land as a matter of right or not; it is not essential to settle that now; it is enough for the purpose of this argument to say that the railroad company by its own action and by the claims of its attorneys and agents is claiming the right; and that claim has been tacitly agreed to by Attorney-General Devens. The question for Congress to deal with now is to consider the contingency which may arise when this question gets into the courts after the road is constructed, and they make their claim if this bill should fail; and the courts should decide that they are entitled to the lands; in which case the lands will be gone and the jurisdiction of the Government will be terminated.

Now, this bill sets the question entirely at rest by declaring the grant there forfeited, restoring to the General Government all the rights that it had more or less and which are necessary to protect itself, and the question will not be affected if the bill passes by the construction of any road by the company hereafter through that Territory. They are now progressing with the construction of this road as rapidly as may be through the Indian Territory. A portion of the road has been constructed. They have built already some 90 miles, down to the Canadian River, and a large and very expensive bridge has been built within the last five months across that stream. The construction, therefore, is progressing as rapidly as possible through the Indian Territory, and beyond on toward the borders of the Territory of New Mexico, and they will soon connect with a road already constructed by which they will have an outlet to the Pacific Ocean. If the Senate amendments be concurred in, it will set at rest the debated question which I have already cited. As to what my opinion may be worth in the matter one way or the other, it is only the opinion of a lawyer; but I do not believe they had the right to the lands in the Indian Territory. Other lawyers think they have. The courts will probably give it to them unless the whole question is settled by Congress. That is the object of the present bill.

It is important for another reason, Mr. Speaker. If gentlemen will take occasion to examine the precise phraseology of this granting act, they will find it is one of that species of grants which is called among the land lawyers a grant in "quantity." It is not limited to land in a locality, but the language is "that there be, and is hereby, granted to this company of the public lands of the United States to the amount of twenty alternate sections on either side of the road in States," &c. It is well known among land lawyers, and it is the uniform practice of the Interior Department, that in such cases the mode of determining the amount of the grant of land to railroads is equivalent to multiplying the length of the road by the number of sections per mile of the grant. If the grant under such circumstances covers more land than is contained in the remaining sections in the granted limits, then the indemnity lands are given equal to the land to which the road is entitled, and these lands may be taken. So as to mineral lands in Arkansas or New Mexico or the Indian Territory which are excepted from the grant. These mineral lands are ordinarily excluded from railroad grants.

But in a grant of "quantity" they are compensated for out of indemnity lands. Therefore, if the courts shall decide this is a grant in "quantity," the railroad company would be entitled to the aggregate number of acres without regard to the quality of the lands, and there is a possibility of the company being entitled, if they complete the road through the Indian Territory, to fifty millions and some odd thousand acres under this grant, and upon that basis the amount of land affected by the bill and restored to the public domain is 33,868,800 acres.

The later estimate of the Department makes the amount of land that this bill will restore 23,871,360 acres.

The gentleman from Arkansas [Mr. McRAE] said, as I understood him, that no lands in New Mexico had been patented to the company, and that only about 400,000 or 500,000 acres had been patented. In this he is mistaken. The facts are the Saint Louis and San Francisco Railroad Company received about 300,000 acres of this grant and the Atlantic and Pacific prior to 1876 received about 200,000 acres, all for the benefit of the eastern part of its line in the State of Missouri.

There have been patented to the company 959,206 acres, the most of which are in New Mexico, outside that just stated. This was patented on account of road built "after time" in New Mexico on an application made to raise the question whether the company was entitled to it on such construction, full details of which will be found in an official document which I hold in my hand, House Executive Document No. 29, Forty-seventh Congress, second session.

Attorney-General Devens held that the company was entitled to the land for road built out of time, and the list of lands selected for patent by the company was approved by the Commissioner of the General Land Office, January 3, 1881, the first approved list being for 23,037 acres, and followed by others. Without being able to state at the moment actually the amount of acres patented west of the Atchison, Topeka and Santa Fé Railroad, it is enough to say that the gentleman from Arkansas [Mr. McRAE] is mistaken in his statement, the total amount now patented being 959,206 acres.

Recapitulating, the estimate of the company as to the amount of land to which it will be entitled is, in substance:

	Miles.	Acres.
In the Indian Territory	400	10,240,000
In the Indian Territory to Canadian River	300	7,680,000
In New Mexico	450	11,520,000
In Arizona	400	10,240,000
In California	655	8,384,000
In Arkansas	5	64,000
Claim for Texas on ground that the grant is "of quantity"		2,560,000
Total		50,688,000

The last estimate of the General Land Office is 40,690,560 acres. (See Executive Document No. 90, first session Forty-eighth Congress, page 135.)

The amount of land "earned" by construction is 16,819,200 acres, so that by this bill there is forfeited 33,868,800 acres by the company's estimate or 23,871,360 acres by the official estimate, assuming the grant to be one "of quantity," as the language of the act would pretty clearly indicate and as is claimed by the company.

The company has constructed from Springfield, Mo., to Vinita, Ind. T., and to the Canadian River, southwest of that point, about 175 miles; from Isleta, on the Atchison, Topeka and Santa Fé Railroad, to the Needles, on the Colorado River, 550 miles—167 miles in New Mexico and 383 miles in Arizona—in all, 725 miles of road. Leaving unbuilt, San Francisco to the Needles, 686 miles; Isleta, east, across the rest of New Mexico, Texas, and the Indian Territory, to the point southwest of Vinita, 718 miles; the branch line in the Territory, 300 miles; in all, 1,704 miles not built.

Mr. Speaker, this is the largest land grant ever made to a corporation by the United States. And believing, as I do, in the effort that is being made in Congress to-day in response to a public sentiment that amounts to a positive demand on the part of the people of this Union, that whatever of these lands may be properly restored shall be restored to the public domain, and knowing what the feeling is at the other end of the Capitol with reference to this kind of legislation, and knowing this bill only gives the railroad company the land which lies opposite to the constructed road, and which is covered by a mortgage three times its value, I feel myself constrained to assent to the proposition which is made by the chairman of the committee, that we concur in the Senate amendments. By so doing we restore to the public domain these 23,871,760 acres of public land at least. We set at rest forever these debatable questions as to the lands in the Indian Territory and in New Mexico and California. We close the books, and save what we have now left. Suppose this is not done, suppose the railroad goes on with the process of construction in which it is now engaged in the Indian Territory, and runs its line to Albuquerque, in New Mexico, does any

gentleman believe that under the authority of the act of 1871, with the sentiment prevailing at the other end of the Capitol, a single acre of this land in that Territory will be restored? Nobody will pretend that that will occur; and therefore the opportunity being presented to settle the matter now and here, I support the proposition to concur in the Senate amendments. If there is anything as to any question of facts involved in the case on which I have failed to be understood, I shall be glad to answer any questions that may be addressed to me.

Mr. HENDERSON, of Iowa. I understand that this is a question of concurrence in the Senate amendment?

Mr. PAYSON. Yes, sir.

Mr. HENDERSON, of Iowa. Have the Senate amendments been concurred in by your committee?

Mr. PAYSON. Yes, sir. There are only two members of the committee who do not concur with the sentiments I have expressed.

Mr. McRAE. I ask the gentleman if the whole committee did not agree to add these words which the Senate want to strike out?

Mr. PAYSON. Yes, sir; when the original bill was reported, but since the bill has come back, and been referred to the committee with the Senate amendments and we have acted upon the Senate amendments, only two gentlemen non-concur in them, as I understand the sentiments of the individual members of the committee.

Mr. COBB. This bill went to the Senate and comes back from the Senate with amendments which we think to be immaterial, with the exception of two members of the committee, the gentleman from Arkansas [Mr. McRAE] being one of them. This corporation by its original charter was authorized to run a line of railroad from Springfield, Mo., to the Pacific Ocean. Afterward it bought the Saint Louis and San Francisco Company's interests in its road, which starts 17 or 18 miles west of Saint Louis and goes to Springfield. It gave a mortgage on that road. The mortgage also extended over the line of road from Springfield to the west line of Missouri. They failed to pay their mortgage. The Saint Louis and San Francisco Company foreclosed their mortgage and bought in the mortgaged property, which gave them the right to this road.

In 1871, as has been stated, the company came here and asked Congress to give them the right to mortgage their road, whether they had the right to do it before or not. Congress passed an act giving the company the right to mortgage their lands together with the road-bed and franchises. The company went on and mortgaged these lands. That act gave the mortgagees a lien upon all the lands conterminous with the completed road at the time of the foreclosure. They have gone on and mortgaged their road and the lands for $43,000 per mile. Now, we insist that when that mortgage is foreclosed or satisfied there will be nothing left for the Government to act upon; in other words, that all of the lands covered by this lien will be absorbed in payment of the debt. It will be to the interest of the company to do it.

There is nothing which we need to contend for in connection with the Senate amendment. The Senate strikes out the provision which we put in the bill I believe at the suggestion of the gentleman from Arkansas. To satisfy him we put a provision in the bill as it passed the House, reserving the right to forfeit any land that might be left after the lien was satisfied. The Senate strikes that out. I think this bill with the Senate amendments practically gives us all we can hope to get. It forfeits all the lands which are not conterminous with the completed road. It wipes out what the company is contending for, the lands which are in the Indian Territory. This bill wipes out any interest the company can have in those lands. Consequently, we get by this bill with the Senate amendments all we ever can get. We have thought it best, therefore, to concur in the Senate amendments and let the bill become a law as speedily as possible, so as to prevent the company going on and constructing this road and claiming the lands conterminous with the constructed road. We passed a bill two years ago to forfeit these lands, and that bill went to the Senate and slept the sleep of death. In the mean time the railroad corporation has gone on and completed its road to which the lien has attached. We can not reach it until that lien is satisfied. Every mile of the road became a lien.

Now, we see that it is important to pass this bill at once and stop this company from acquiring a lien upon the lands along the road as it is completed, and thereby save to the people of this country a heritage which may be worth something in the future. Suppose we refuse to concur in the Senate amendment, and this matter goes over to another Congress, and this company complete 100 additional miles of their road, they will get the lands on each side of that 100 miles of road. My friend from Arkansas [Mr. McRAE] and colleague from the committee insists upon delay. I insist upon immediate action. Every day's delay jeopardizes so much more of our public lands along the line of this road. I do not wish to take up the time of the House in discussing this matter further, having discussed it quite fully before.

Mr. WEAVER, of Iowa. Does the gentleman claim that the act of 1871 was equivalent to an extension of the time fixed in the original grant?

Mr. COBB. About five or six years.

Mr. WEAVER, of Iowa. Then by Congress sleeping upon their rights they have deprived the people of twenty sections of land to the mile along the portion of the road that has since been completed.

Mr. COBB. Certainly. That is the effect of it. The company have been working all these years to complete their road, and under the act of 1871, according as the road is completed, the lien attaches to the conterminous lands.

Mr. PAYSON. And let me suggest to the gentleman that the act of 1871 clearly contemplated that the road would be built out of time, because it provided that in case of a breach of any of the conditions in the granting act then the rights of parties claiming under the mortgage shall be restricted to lands conterminous with the constructed road.

Mr. WEAVER, of Iowa. Still, the right of the Government to forfeit lands existed up to 1871?

Mr. COBB. Certainly.

Mr. WEAVER, of Iowa. And if Congress had done its duty these lands would have been saved to the people?

Mr. COBB. Certainly; and now we want to do our duty.

Mr. McRAE. I wish the gentleman would tell us what principle of law prevents our declaring the forfeiture of those lands now.

Mr. COBB. You might do it; but what would it amount to? I ask the gentleman what it would amount to practically to declare a forfeiture of those lands with the existing lien of $43,000 a mile on the road? What practical result is there in it? I was in favor of doing that, and this House was in favor of it. We passed a bill for that purpose and it went to the Senate, but they struck out that provision. There is nothing practical in that course now, and I say we ought to let it go and save what we have got.

Mr. McRAE. The gentleman is mistaken when he says that the House passed a bill at the last session to forfeit the whole of this grant. You passed a bill at the last session just like this bill with the exception of this amendment.

Mr. COBB. I do not care what the gentleman says about it. I was here and he was not, but I will not controvert his statement.

Mr. HERMANN. I desire to ask the gentleman from Indiana if there is any limitation in the act of 1871 as to the time when the right of the company to take these lands shall cease?

Mr. COBB. No limitation whatever. Let the law remain as it is now, and if the company should go on and complete any portion of their road a hundred years from now under the act of 1871 their right to the conterminous lands would attach upon the completion of that portion.

Mr. MILLS. If we do not pass this bill now, will not the company go on and finish more miles of road and will not the Government lose more land?

Mr. COBB. In all probability that will be the result. That is what the company desire. They want time so that they can go on and finish the road and take the lands, and that is just what we do not desire.

Mr. HERMANN. I will ask the gentleman whether his last remark does not apply also to the Northern Pacific grant—to the 214-mile portion of the line between Wallula and Portland, in Oregon? Why does he not favor forfeiting this independent of the other conditions in his forfeiture bill?

Mr. COBB. No, sir; the law is very different in the two cases. There is no act of 1871 giving the mortgagees of the completed portions of the Northern Pacific road a lien upon the lands. The act of 1871, with reference to the Atlantic and Pacific, does that. That is the difference between the two cases. I will say to the gentleman, as a legal proposition, that there is nothing in the way of our forfeiting the entire grant of the Northern Pacific. The act of 1871 does not apply to the Northern Pacific, nor to any other road that I know of, except the Atlantic and Pacific, the bill for the forfeiture of which is now under consideration. There is no such provision of law with reference to any of the others. We will discuss the case of the Northern Pacific from a legal standpoint when it comes up. I can show by the decisions, if gentlemen desire to go that far, that we have the power to forfeit every acre of the grant of the Northern Pacific company, but our bill does not provide for that; it provides only for forfeiture of the grant west of Bismarck.

Mr. HERMANN. I would say to the gentleman that there is a delay at the other end of the Capitol. In relation to the forfeiture of the land on that 214-mile portion of the road there can be no delay, as the same questions do not arise. It is within our power to afford immediate relief as to this portion. Let us have it.

Mr. COBB. It does not make one particle of difference. The gentleman is on the wrong trail. He is in favor of the Northern Pacific grant, I suppose. I will tell him what the law is. Unless there is some affirmative action of the Government to the contrary, it may delay forfeiture for years and may forfeit the Northern Pacific grant forty years hence.

Mr. HERMANN. Even assuming that, I say to the gentleman that I am not in favor of the interest to the extent which he suggests, but I am in favor of obtaining early relief for the settlers on the 214 miles of road, and who seem to be indefinitely postponed as to their rights by reason of the action of the majority of the committee insisting on a forfeiture of the grant westward of Bismarck, which is antagonized at the other end of the Capitol. There is no hope for these settlers unless they are separated from the bill and this portion of the unearned grant considered on its merits.

Mr. COBB. Oh, we shall take care of the settlers. The gentleman need not give himself any trouble on that question. We try to take

care of the Government and the people first, and then of the settlers. The gentleman need not hinge his opposition on that. We will protect the settlers to the extent that they ought to be protected.

Mr. Speaker, I do not care to discuss the bill further, and I now move the previous question.

Mr. McRAE. Mr. Speaker, I reserved the portion of my time that I did not use.

The SPEAKER. But the gentleman from Indiana [Mr. COBB] secured the floor in his own right, and has called the previous question.

Mr. McRAE. If I am to be treated in this way, I ask the House to vote down the call for the previous question and allow me to be heard in reply to what these gentlemen have stated.

The SPEAKER. The gentleman will see that if any other rule prevailed than that which the Chair is now enforcing debate could be prolonged indefinitely by gentlemen obtaining the floor, speaking for a few minutes, and then reserving the remainder of their time.

Mr. McRAE. I call the attention of the House to the fact that gentlemen who are supporting the proposition to concur in these amendments of the Senate refuse to allow full debate.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

Mr. McRAE. I ask unanimous consent to print in the RECORD the report which these gentlemen themselves made upon the question of title to land in Indian Territory.

Mr. COBB. I object; it has already been published twice.

Several members called for the regular order.

Mr. McRAE. I ask unanimous consent to be allowed ten minutes further time for discussion of this question.

Mr. COBB. I object.

The SPEAKER. The question is on concurring in the amendments of the Senate.

Mr. McRAE. On that I demand the yeas and nays.

The SPEAKER. Are separate votes demanded on these amendments?

Mr. McRAE. I do not care anything about separate votes; but I demand the yeas and nays.

The SPEAKER. If no separate vote be demanded, the question will be on concurring in the amendments of the Senate, on which the gentleman from Arkansas [Mr. McRAE] demands the yeas and nays.

Mr. McRAE (while the Speaker was counting the vote in favor of ordering the yeas and nays) said: I wish we had some way to put on record the names of these gentleman who stand up. They seem to be the only men who stand with the people against the railroad companies.

The SPEAKER. Debate is not in order. Only twelve members—not a sufficient number—have voted in favor of ordering the yeas and nays; and they are refused.

The amendments of the Senate were then concurred in.

Mr. COBB moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BARBOUR. I call for the regular order.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and resolutions for printing and reference without debate, on which call joint and concurrent resolutions and memorials of State and Territorial Legistures may be presented and appropriately referred, and resolutions of inquiry directed to the heads of the Executive Departments are also in order for reference to appropriate committees.

EDWIN M. STANTON.

Mr. WHEELER introduced the following resolution; which was referred to the Committee on Rules:

Whereas on Tuesday, June 8, Hon. WILLIAM D. KELLEY introduced a resolution directing the Public Printer to omit from the permanent RECORD a certain speech delivered by Mr. WHEELER, of Alabama; and

Whereas the resolution was so framed or constructed as to render it exceedingly improbable that the House would feel justified in taking affirmative action thereon; and

Whereas, unless further action be promptly taken, the speech will be printed in full in the permanent RECORD; and

Whereas it has been alleged upon this floor that said speech contains unjust reflections upon, and otherwise does injustice to, Hon. Edwin M. Stanton: Therefore be it

Resolved, That a special committee of three members of this House be appointed, the mover of this resolution not to be a member of such committee, and that such committee when so appointed shall have authority, and they are hereby instructed, without delay, to direct the Public Printer to omit from the permanent RECORD any and all allegations or expressions of Mr. WHEELER in said speech which unjustly reflect upon or otherwise do injustice to Hon. Edwin M. Stanton; and as it has been further alleged that said speech reflects upon Mr. Lincoln, if the committee find in said speech any expressions or references to Mr. Lincoln which are other than commendatory and eulogistic, they will direct the Public Printer to omit all such expressions or references from the permanent RECORD. And the committee will report to the House what portions of said speech they have directed to be omitted from the permanent RECORD.

RICHARD D. LAMB AND IRA M. LAMB.

Mr. DUNN (by request) introduced a bill (H. R. 9385) for the relief of Richard D. Lamb and Ira M. Lamb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENCOURAGEMENT OF INVENTORS.

Mr. MORROW (by request) introduced a bill (H. R. 9386) to encourage inventors; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

NATIONAL EMIGRATION STEAMSHIP COMPANY.

Mr. THOMAS, of Illinois (by request), introduced a bill (H. R. 9387) to incorporate the United States and Congo National Emigration Steamship Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HIRAM SOMERVILLE.

Mr. TOWNSHEND introduced a bill (H. R. 9388) for the relief of Hiram Somerville; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SALLY POWELL.

Mr. TOWNSHEND also introduced a bill (H. R. 9389) granting a pension to Sally Powell, widow of James W. Powell, late of Company G, Seventh Regiment Illinois Cavalry Volunteers; which was read a first and second time, referred to Committee on Invalid Pensions, and ordered to be printed.

ESTHER M. ARMSTRONG.

Mr. NEECE introduced a bill (H. R. 9390) granting a pension to Esther M. Armstrong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. THOMAS.

Mr. NEECE also introduced a bill (H. R. 9391) granting a pension to John F. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO RULE XXI.

Mr. SPRINGER submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule XXI, clause 3, be amended by adding thereto the following:

"*Provided*, That it shall be in order in such bills to reduce the number and compensation of the officers and employés drawing pay from the United States."

WILLIAM SIMMONS.

Mr. OWEN introduced a bill (H. R. 9392) granting a pension to William Simmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT BROWN, TEXAS.

Mr. HOLMAN submitted the following resolution; which was referred to the Committee on Military Affairs:

Whereas it appears by an act passed March, 1885, the sum of $160,000 was appropriated to enable the Secretary of War to acquire a good and valid title for the United States to the Fort Brown reservation, Texas, and to pay and extinguish all claims for the use and occupation of said reservation; provided that no part of this sum should be paid until a complete title be vested in the United States.

Whereas it is alleged that disputes have arisen between the claimants as to their respective shares of this appropriation, and that the Secretary of War has not paid any part of said amount;

Whereas by an act of Congress passed in 1875 the sum of $25,000 was appropriated for the purchase of the grounds and payment of the said Fort Brown, and the report of General Sherman as to the sufficiency of the said sum; it is alleged that the payment of $160,000 therefor would be a fraud on the Government;

Whereas it is alleged that it will appear from the documentary evidence in the War Department, the Quartermaster-General's Office, also the evidence of officials now in Washington who have served at said post, likewise the testimony of other citizens which can be obtained, that the sum of $50,000 would be a large price to pay for said reservation, including rent for the use and occupation of the same: Therefore,

Resolved, That the Committee on Military Affairs be instructed to investigate the subject-matter herein named, with authority to send for persons and papers; also to inquire into and report as to what necessity exists, if any, for a military post at said point and the cost to the United States of said post since 1865.

Resolved, That the Secretary of War be directed to withhold the payment of any part of said sum of $160,000 for the grounds and rents of the said Fort Brown reservation.

Mr. HOLMAN. I have submitted this resolution by request, and I am not personally cognizant of the facts stated.

AMENDMENT TO RULE XXI.

Mr. HOLMAN submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the following words be added to the third clause of Rule XXI of the House, namely:

But provisions germane to the subject-matter of any appropriation bill abolishing offices or employments or reducing salaries shall be in order.

LAND TITLES, FLORIDA.

Mr. COBB introduced a bill (H. R. 9393) confirming titles to certain lands in the State of Florida; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELIJAH H. TOMY.

Mr. COBB also introduced a bill (H. R. 9394) for the relief of Elijah H. Tomy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANSON VS. UNITED STATES.

Mr. CONGER submitted the following resolution; which was referred to the Committee on Appropriations:

Whereas in open court, on the 14th day of April, A. D. 1885, the honorable judge of the United States for the northern district of the State of Florida, in the cause entitled "John M. Hanson vs. The United States, decree for survey," did decree and order the surveyor-general for the State of Florida "to forthwith survey, make, and file in this cause a plat and map of such survey;" and

Whereas it appears that the surveyor-general aforesaid, not having money in his hands to execute the said order, referred it to the honorable Commissioner of the General Land Office. The honorable Commissioner, in a communication under date of July 14, 1885, to the surveyor-general, decides "that the survey of the grant would have to be deferred until Congress made appropriation for the same."

Resolved, That the honorable Commissioner of the General Land Office be requested at earliest day possible to furnish this House copies of the order of the honorable judge of the court aforesaid of April 14, 1885, and a copy of his instructions to the surveyor-general aforesaid of July 14, 1885, and an estimate of the amount of money required to survey said grant in accordance with the decree of the court, and such other information as may be necessary to the fulfillment of said order of the court aforesaid.

LEASE OF BUILDINGS FOR POST-OFFICES.

Mr. LYMAN (by request) introduced a bill (H. R. 9395) authorizing the Postmaster-General to pay rent of certain buildings leased for post-offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NICHOLAS W. NEW.

Mr. PETERS introduced a bill (H. R. 9396) granting an increase of pension to Nicholas W. New; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. J. CALDWELL.

Mr. PETERS also introduced a bill (H. R. 9397) granting a pension to S. J. Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. W. MILLER.

Mr. RYAN introduced a bill (H. R. 9398) granting a pension to L. W. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. RHODES.

Mr. PERKINS introduced a bill (H. R. 9399) removing the charge of desertion in the case of Charles E. Rhodes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. FEHRENBACK.

Mr. PERKINS also introduced a bill (H. R. 9400) granting a pension to William E. Fehrenback; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. H. DODD.

Mr. PERKINS also introduced a bill (H. R. 9401) granting an increase of pension to H. H. Dodd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNIE MAY PIFER.

Mr. PERKINS also introduced a bill (H. R. 9402) granting a pension to Annie May Pifer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EPHRAIM ROCKWELL.

Mr. PERKINS also introduced a bill (H. R. 9403) granting a pension to Ephraim Rockwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMAN WILLIAMS.

Mr. FUNSTON introduced a bill (H. R. 9404) for the relief of Soloman Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO THE RULES.

Mr. STONE, of Kentucky, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the rules of the House are hereby so amended for the remainder of this session that when unanimous consent is asked for the consideration of any measure it shall require as many as ten members to object to the consideration thereof.

EVERHARD WELTER.

Mr. WOLFORD introduced a bill (H. R. 9405) for the relief of Everhard Welter; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARINE HOSPITAL, NEW ORLEANS, LA.

Mr. ST. MARTIN introduced a bill (H. R. 9406) authorizing the Secretary of the Treasury to transfer to the city of New Orleans the United States marine hospital in that city for the establishment of an industrial school; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARTHA JONES.

Mr. FINDLAY introduced a bill (H. R. 9407) granting a pension to Martha Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL E. WYMAN.

Mr. HAYDEN introduced a bill (H. R. 9408) for the relief of Samuel E. Wyman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HILBERT.

Mr. PETTIBONE (by Mr. HAYDEN) introduced a bill (H. R. 9409) for the relief of William Hilbert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. KEEBLER.

Mr. PETTIBONE (by Mr. HAYDEN) also introduced a bill (H. R. 9410) for the relief of John A. Keebler, of Jonesborough, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK CROSTON.

Mr. STONE, of Massachusetts (by Mr. ELY), introduced a bill (H. R. 9411) granting a pension to Frank Croston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL FLYNN.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 9412) to restore the name of Michael Flynn to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CANNON FOR MONUMENTAL PURPOSES.

Mr. WINANS introduced a bill (H. R. 9413) granting condemned cannon for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN A. THOMPSON.

Mr. CUTCHEON introduced a bill (H. R. 9414) for the relief of John A. Thompson, postmaster at Manistee, Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADDITIONAL PAY, POSTAL CARS.

Mr. ELDREDGE introduced a bill (H. R. 9415) to amend section 4004 of the Revised Statues, providing for additional pay for postal cars; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ISSUE OF CERTIFICATES ON DEPOSITS GOLD AND SILVER.

Mr. FISHER introduced a bill (H. R. 9416) to provide for the deposit of gold and silver coin and bullion and the issuing of United States coin certificates therefor; which was read a first and second time, and, on motion of Mr. BLAND, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PRINTING CONSULAR REPORTS.

Mr. BARKSDALE submitted a concurrent resolution providing for the printing of 3,000 additional copies of the reports of consuls of the United States on cattle-breeding, &c.; which was referred to the Committee on Printing.

ANNUAL REPORT SMITHSONIAN INSTITUTION.

Mr. BARKSDALE also submitted a concurrent resolution providing for the printing of 9,000 extra copies of the annual reports of the Smithsonian Institution and the National Museum; which was referred to the Committee on Printing.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. BARKSDALE also submitted a concurrent resolution providing for the printing of 18,000 copies of the report of the Commissioner of Education for 1884 and 1885; which was referred to the Committee on Printing.

JOHN FINN.

Mr. GLOVER introduced a bill (H. R. 9417) for the relief of John Finn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES FUELLE.

Mr. GLOVER also introduced a bill (H. R. 9418) for the relief of Charles Fuelle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAJ. JUSTUS M'KINSTRY.

Mr. GLOVER also submitted a resolution providing for the printing of the proceedings of the court-martial of Maj. Justus McKinstry; which was referred to the Committee on Printing.

EBEN TAYLOR.

Mr. BLAND introduced a bill (H. R. 9419) granting an increase of pension to Eben Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT SAINT LOUIS, MO.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 9420) to provide for the repair and improvement of the old custom-house and post-office building at Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSHUA H. GRAVES.

Mr. WADE also introduced a bill (H. R. 9421) to increase the pension of Joshua H. Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SHADRACK TAYLOR.

Mr. WADE introduced a bill (H. R. 9422) granting a pension to Shadrack Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWTON WILSON.

Mr. DAWSON introduced a bill (H. R. 9423) granting a pension to Newton Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. SPARKS.

Mr. DAWSON also introduced a bill (H. R. 9424) granting a pension to William G. Sparks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LINDSAY MURDOCH.

Mr. DAWSON also introduced a bill (H. R. 9425) for the relief of Lindsay Murdoch, late a collector of the second district of the State of Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BETSEY COONEY.

Mr. HAYNES introduced a bill (H. R. 9426) granting a pension to Betsey Cooney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. LOCKE.

Mr. HAYNES also introduced a bill (H. R. 9427) increasing the pension of John H. Locke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. HARRIS.

Mr. GALLINGER introduced a bill (H. R. 9428) to remove the charge of desertion from the record of William F. Harris; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF RULES.

Mr. BELMONT submitted the following resolution; which was read, and referred to the Committee on Rules:

Amend section 4, Rule XXIII, by adding after the word "harbors," in line 4, the following words:

"And bills for the reorganization of, or retrenchment of expenditure in, any branch of the legislative, executive, or judicial departments of the Government."

ANNIVERSARY OF FOUNDATION OF THE GOVERNMENT.

Mr. HEWITT submitted the following concurrent resolution; which was read, and referred to the Committee on Rules:

Whereas the centennial anniversary of the organization of the Constitutional Government of the United States, of the first meeting of Congress, and of the inauguration of George Washington as President of the United States in the city of New York, will occur on the 30th day of April, A. D. 1889; and

Whereas it is appropriate that the anniversary of these great events should be properly celebrated; and

Whereas the Chamber of Commerce of the State of New York have already taken action looking to such celebration in the city where the Federal Government was established: Therefore,

Be it resolved by the House of Representatives (the Senate concurring), That a joint special committee, consisting of three Senators, to be named by the presiding officer of the Senate, and of five Representatives, to be named by the Speaker of the House, be constituted, whose duty it shall be to consider in what manner the centennial anniversary of the foundation of the Government shall be celebrated, so as to preserve and transmit to succeeding generations the memory of the wisdom and patriotism of the fathers of the Republic in framing the Constitution, which has secured to their descendants the blessings of liberty, and under which the perpetuity of the Federal Government has been firmly established, through the indissoluble union of sovereign States, capable of indefinite expansion without impairing the right to local self-government, for which other peoples had struggled in vain.

PAY OF UNITED STATES TREASURER, ETC.

Mr. HEWITT also introduced a bill (H. R. 9429) to fix the pay of the Treasurer of the United States, the assistant treasurers, and the clerks and messengers in the offices of the Treasurer and the assistant treasurers; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

THOMAS R. COLEMAN.

Mr. HEWITT also introduced a bill (H. R. 9430) granting a pension to Thomas R. Coleman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMERCIAL AGENTS.

Mr. JAMES submitted the following resolution; which was read, and referred to the Committee on Rules.

Whereas the following is among the statutes of the District of Columbia:

"SEC. 21. Every person whose business it is to offer for sale goods, wares, or merchandise by sample, catalogue, or otherwise shall be regarded as a commercial agent (known as commercial traveler), and shall pay annually $200; commission merchants shall pay annually $40. Every person except commercial agents, whose business it is as agent for others to negotiate sale or purchase of goods, wares, or merchandise, shall be regarded as a commission merchant, or to make sales for or to aid any commercial agent or dealer by sample who has not taken out a license: *Provided, however*, That license as a commission merchant shall not be construed to grant the right to buy and sell goods outside the office or store of said commission merchant."

Whereas although this statute is somewhat unintelligible and ambiguous, yet it is deemed to be authority for exacting a license fee of $200 annually from commercial travelers; and

Whereas the income to the District from the seven thousand commercial travelers who visited it for business purposes last year should have aggregated a large sum, possibly reaching nearly a half million dollars; besides, if properly interpreted, the law would exact the same license fee from salesmen of firms doing business in the District who "offer for sale goods, wares, or merchandise by sample, catalogue, or otherwise;" and

Whereas the records of the assessor's office show that only thirty-eight licenses were taken out during the year, and that those who took them were brokers, who have a system whereby they sublet the said licenses to the said commercial travelers or otherwise arrange with them, whereby the law is evaded, to the great pecuniary advantage of the said brokers and to the injury of the District; and

Whereas the system is fraught with evil, and, withal, is extremely demoralizing in many ways, and sometimes leads to collusion between officials and the said commercial travelers: Therefore,

Resolved, That the Speaker appoint a special committee of three members of this House to investigate the facts, with power to send for persons and papers, and to make report thereon, with such recommendations as they may deem wise; and that such expenditures as there may be in carrying out this investigation, not exceeding $1,000, be paid out of the contingent fund of the House.

CATHERINE STURTEVANT.

Mr. BURLEIGH (by Mr. PAYNE) introduced a bill (H. R. 9431) granting a pension to Catherine Sturtevant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE R. BROWN.

Mr. BURLEIGH (by Mr. PAYNE) also introduced a bill (H. R. 9432) to remove the charge of desertion from the rolls and records of the office of the Adjutant General of the Army against George R. Brown; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC REYNOLDS.

Mr. PAYNE introduced a bill (H. R. 9433) granting a pension to Isaac Reynolds, a private of Company I, Ninety-eighth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MERRICK BRADFORD.

Mr. HISCOCK introduced a bill (H. R. 9434) granting a pension to William Merrick Bradford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE M. NORTON.

Mr. SWINBURNE introduced a bill (H. R. 9435) granting a pension to Caroline M. Norton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. SWINBURNE also introduced a bill (H. R. 9436) to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY J. BROWN.

Mr. SWINBURNE also introduced bill (H. R. 9437) for the relief of Mary J. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BULLETIN OF THE BUREAU OF ETHNOLOGY.

Mr. REID, of North Carolina, introduced a joint resolution (H. Res. 184) to print the Annual Bulletin of the Bureau of Ethnology; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PUBLIC BUILDING, GREENSBOROUGH, N. C.

Mr. REID, of North Carolina, also introduced a bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORDER OF BUSINESS.

Mr. REID, of North Carolina, also offered the following resolution; which was referred to the Committee on Printing:

Resolved, That on Wednesday, the 23d day of June, 1886, there be held a session

of the House, to commence at 8 o'clock p. m. and to continue not later than 11 o'clock p. m., which said session shall be set apart for the consideration of such business as may be reported and called up by the Committee on Printing.

SHADRICK BOND.

Mr. WARNER, of Ohio, introduced a bill (H. R. 9439) for the relief of Shadrick Bond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LANDS HELD BY ALIENS.

Mr. WARNER, of Ohio, also offered the following resolution; which was referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish to the House such information as the records of the Department contain showing the number, extent, and location of foreign holdings of what were formerly public lands, and under what laws and how titles to such lands have been acquired by aliens.

WILLIAM KARN.

Mr. SENEY introduced a bill (H. R. 9440) granting a pension to William Karn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY F. WARNER.

Mr. SENEY also introduced a bill (H. R. 9441) granting a pension to Mary F. Warner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. DURHIN.

Mr. McKINLEY introduced a bill (H. R. 9442) granting a pension to George W. Durhin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH M. KING.

Mr. ELLSBERRY introduced a bill (H. R. 9443) granting a pension to Elizabeth M. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK RICHMOND.

Mr. ELLSBERRY also introduced a bill (H. R. 9444) granting a pension to Frederick Richmond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN ELIZA KETTLEWOOD.

Mr. JACKSON introduced a bill (H. R. 9445) granting a pension to Ann Eliza Kettlewood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT W. SPANG.

Mr. ERMENTROUT introduced a bill (H. R. 9446) for the relief of Robert W. Spang; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID RENTCHLER.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 9447) granting a pension to David Rentchler, late private of Company D, Twenty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FERRILL.

Mr. HARMER introduced a bill (H. R. 9448) granting an increase of pension to John Ferrill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SWEGER.

Mr. ATKINSON introduced a bill (H. R. 9449) granting a pension to William Sweger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HILL, JR.

Mr. HEMPHILL (by request) introduced a bill (H. R. 9450) for the relief of George Hill, jr.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ONE AND TWO DOLLAR SILVER CERTIFICATES.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 9451) to provide for the issuance of silver certificates of the denomination of one and two dollars; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ABOLITION OF PENSION AGENCIES.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 9452) to abolish pension agencies; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENT OF INTEREST-BEARING DEBT.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 9453) to provide for the payment of a surplus in the Treasury upon the bonded interest-bearing debt of the Government; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EMILY C. STANNARD.

Mr. GROUT introduced a bill (H. R. 9454) granting a pension to Emily C. Stannard, widow of General George J. Stannard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUND OF ASSESSMENTS ON PENNSYLVANIA AVENUE.

Mr. BARBOUR (by request) introduced a bill (H. R. 9455) to refund to property holders on Pennsylvania avenue, between First and Fifteenth streets west, two-thirds of the assessment levied and paid under the act of Congress of July 8, 1870; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DAMAGES TO REAL ESTATE, DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) also introduced a bill (H. R. 9456) to create a board of audit to adjust all claims for special damages to real estate by reason of public improvements in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARTIN V. CURRY.

Mr. CABELL introduced a bill (H. R. 9457) granting a pension to Martin V. Curry, of Henry County, Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM I. MOORE.

Mr. GOFF introduced a bill (H. R. 9458) for the relief of William I. Moore; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DAVID E. LAWTON.

Mr. PRICE introduced a bill (H. R. 9459) granting a pension to David E. Lawton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. BEAN introduced a bill (H. R. 9460) granting pensions to persons injured in conflict with Indians; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PRIVATE LAND CLAIM IN NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 9461) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JUSTICES OF THE PEACE IN NEW MEXICO.

Mr. JOSEPH also introduced a bill (H. R. 9462) authorizing the Legislative Assembly of the Territory of New Mexico to increase the jurisdiction of justices of the peace in said Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ADMISSION TO THE FLOOR.

Mr. VOORHEES introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule XXXIV be amended by striking therefrom the following: "Ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress."

The SPEAKER. If there be no objection the Chair will now recognize for the introduction of bills and resolutions gentlemen who were not in their seats when their States were called.

MRS. CORNELIA E. GRIDLEY.

Mr. FELIX CAMPBELL, of New York (by Mr. T. J. CAMPBELL), introduced a bill (H. R. 9463) to pension Mrs. Cornelia E. Gridley as dependent mother; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLEGED VIOLATION OF IMMIGRATION LAWS.

Mr. TIMOTHY J. CAMPBELL introduced the following resolution; which was referred to the Committee on Commerce:

Wheres it is alleged that on April 24, 1886, the steamer Warwick, of the Bristol line, of England, arrived at the port of New York, bringing as passengers eight boys from twelve to fifteen years of age, all of whom were inmates of a reform institution in Bristol, England, for a period of four or more years, committed under the laws of Great Britain, and were by order of the magistrate of Bristol taken from said reform institution and placed on board the steamer Warwick and transported to America, with instructions to Charles E. Bruce, of the Children's Aid Society of the city of New York, to find them homes in the United States; and

Whereas it is alleged that the board of commissioners of emigration of the State of New York by a unanimous vote prohibited the landing of any of said boys as in violation of the act of Congress approved August 3, 1882; and

Whereas it is alleged that the action of said board was, on application for a writ of habeas corpus made by the agent of the steamer Warwick, duly confirmed by the decision of Judge Addison Brown, of the United States court, dismissing the writ and remanding the eight boys to the custody of the commissioners of emigration for return to Great Britain; and

Whereas it is alleged that the said board of commissioners of emigration subsequently reversed their former decision and permitted the said eight boys to land, notwithstanding the decision of the said Judge Addison Brown and the act of Congress forbidding the landing of such persons in the United States: Therefore,

Resolved, That the Committee on Commerce be, and they are hereby, directed to immediately investigate these allegations, and in doing so they are hereby authorized to send for persons and papers and report the facts elicited by such inquiry to the House.

LINCOLN W. TIBBETTS.

Mr. REED, of Maine, introduced a bill (H. R. 9464) for the relief of Lincoln W. Tibbetts, of Portland, Me.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPORT OF LIEUTENANT GREELY.

Mr. REED, of Maine, also introduced the following resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 4,500 copies, with the necessary illustrations, be printed of the report of the International Polar Expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer; 1,250 of which shall be for the use of the Senate, 3,250 for the use of the House of Representatives.

LAND OFFICE AT LAMAR, COLO.

Mr. SYMES (by request) introduced a bill (H. R. 9465) to establish an additional land office at Lamar, Colo.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHRISTOPHER BECK.

Mr. PLUMB introduced a bill (H. R. 9466) for the relief of Christopher Beck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS A. REYNOLDS.

Mr. PEEL introduced a bill (H. R. 9467) to grant a pension to Thomas A. Reynolds, of Washington County, Arkansas, late second lieutenant Company G, Fourth Regiment Indiana Volunteers, in war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EVIDENCE TO QUIET TITLES.

Mr. COLLINS introduced a bill (H. R. 9468) in relation to evidence to quiet titles; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ARREARS OF TAXES.

Mr. MATSON (by request) introduced a bill (H. R. 9469) relating to arrears of taxes in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

THOMAS ANDERSON.

Mr. RYAN introduced a bill (H. R. 9470) to grant a pension to Thomas Anderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PACIFIC RAILROADS.

Mr. COBB introduced the following resolution; which was referred to the Committee on the Judiciary:

Whereas Congress has on several occasions directed the executive branches of the Government to take steps looking to the protection of the United States in connection with the various railroad companies to which grants in bonds and lands have been made, and this House is without information respecting proceedings ordered in two specific cases: Therefore,

Resolved, That the Attorney-General be requested to inform the House what action was taken under the joint resolution of April 10, 1869, entitled "Joint resolution for the protection of the interests of the United States in the Union Pacific Railroad Company, the Central Pacific Railroad Company, and for other purposes;" also, what action was taken under section 4 of the act approved March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872, and for other purposes," and with what results.

SPECIAL PENSIONS.

Mr. BLANCHARD submitted the following resolution; which was referred to the Committee on Invalid Pensions, and ordered to be printed:

Resolved, That the Secretary of the Interior be, and is hereby, requested, if not incompatible with the public service, to inform the House how many persons are now drawing pensions from the Government of the United States by reason of special pension acts having been passed in their behalf; and what amount of money is required annually to meet the obligations incurred by the Government to this class of pensions.

SALARIES OF CLERKS.

Mr. SPRINGER submitted the following resolution; which was referred to the Committee on Rules, and ordered to be printed:

Whereas great inequalities are alleged and believed to exist in respect to the salaries of the officers, clerks, and employés of the House of Representatives, especially as compared with the salaries of the officers, clerks, and employés of the Senate; and

Whereas if these inequalities exist as alleged gross injustice is done said officers, clerks, and employés, as well as the Government; and

Whereas it has been held that these injustices can not be corrected by amending the law in the legislative, executive, and judicial appropriation bill; and

Whereas the public interests will be promoted by a careful inquiry as to the duties, labors, and responsibilities of the several officers, clerks, and employés of the House, whether or not a reduction may be made in the number and compensation of the clerks and employés, and also whether an increase in number or compensation is required in any branch of the service of the House, with the view of the better organization of such service: Therefore,

Be it resolved, That a select committee of five members of the House be appointed, with leave to sit during the coming recess at the Capitol, with authority to inquire fully as to the number of clerks and employés required for the proper dispatch of the business of the House, and the nature and extent of their duties and work and what compensation should be paid therefor; what useless offices if any can be abolished, and what consolidations if any can be properly made with a view of securing greater economy and efficiency in such service, with leave to said committee to report for consideration by bill or otherwise on or before the 20th of December next. And the Clerk of the House is hereby directed to detail on the request of said committee any clerk in his employ, who shall act as clerk of said committee.

HOWARD T. BUNCH.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 9471) for the relief of Howard T. Bunch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW J. KIRBY.

Mr. WHEELER introduced a bill (H. R. 9472) for the relief of Andrew J. Kirby; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIGHT-HOUSE, SAN LUIS OBISPO.

Mr. MORRISON. I demand the regular order of business.

The SPEAKER. The regular order is the business coming from the Committee on the District of Columbia.

Mr. CLARDY. I ask the gentleman to permit me to submit a report from the Committee on Commerce which will take but a few minutes.

Mr. BARBOUR. I will yield for that purpose.

Mr. CLARDY. I am directed by the Committee on Commerce to report back, with the amendments of the Senate, the bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal., with the recommendation that the amendments be nonconcurred in and the House agree to the request of the Senate for a conference on the disagreeing votes of the two Houses.

Mr. RANDALL. The amendments had better be read so we may know what they are.

The Clerk proceeded to read the amendments.

Mr. RANDALL. Enough has been read to see that the object of the Senate is to bunch everything together to make a sort of omnibus bill of the one sent to them.

Mr. McMILLIN. Is this a privileged question, so that it can be called up here to take precedence of other business?

The SPEAKER. It is not strictly of a privileged character, although the Senate ask for a conference on the disagreeing votes of the two Houses, and it has been usual to agree to such requests as a mere matter of courtesy.

Mr. McMILLIN. This seems to be a sort of omnibus proceeding.

Mr. CLARDY. I have been directed by the Committee on Commerce to move non-concurrence in the Senate amendments and that the request of the Senate for a conference on the disagreeing votes of the two Houses be agreed to.

The Senate amendments were non-concurred in, and the request of the Senate for a conference on the disagreeing votes of the two Houses was agreed to.

The Speaker appointed as managers of said conference on the part of the House Mr. CLARDY, Mr. IRION, and Mr. DAVIS.

YOUNG WOMEN'S CHRISTIAN HOME.

Mr. BARBOUR. I now ask to call up the business of the Committee on the District of Columbia.

The SPEAKER. What bill does the gentleman call up?

Mr. BARBOUR. The last District day when the House adjourned it had under consideration the bill (H. R. 7083) to incorporate the trustees of the Young Women's Christian Home in Washington. The yeas and nays were taken on the passage of the bill on demand of the gentleman from North Carolina [Mr. BENNETT]. I ask the gentleman whether he insists on pressing that motion at this time?

Mr. BENNETT. In answer to the gentleman from Virginia I have to say that I do not insist on the call of a quorum, but I do desire to be heard for a few minutes in respect to the merits of the bill.

The SPEAKER. The yeas and nays were ordered on the passage of the bill and they were taken, but no quorum appeared. If the yeas and nays are dispensed with it must be by unanimous consent.

Mr. BARBOUR. I ask by unanimous consent the order for the yeas and nays be set aside.

Mr. CANNON. I think the vote had better be taken.

Mr. BARBOUR. I ask the gentleman to postpone that demand until the merits of the bill can be considered.

The SPEAKER. Objection has been made by several gentlemen.

Mr. CANNON. I withdraw my demand for the yeas and nays.

Mr. McMILLIN. Let the bill be read.

The bill was read.

The SPEAKER. Does any other gentleman demand the taking of the vote by yeas and nays.

Mr. HOPKINS. Yes; I renew it.

Mr. BENNETT. If this bill in its present state is debatable I should like to be heard upon it.

The SPEAKER. The previous question has not been ordered. The bill has been ordered to be engrossed and read a third time, and the question is on its passage, upon which the yeas and nays have been ordered.

Mr. COBB. I have some amendments which I wish to offer to the bill.

The SPEAKER. The bill has just been taken up. It is the same bill which was before the House four weeks ago.

Mr. BENNETT. Mr. Speaker, I believe in the equality of all persons before the law, and in the just incidence of taxation upon the property of all persons alike. The objection I have to this bill is to that part of it embodied in the proviso which reads:

Provided, That the property, whether real or personal, owned by the said corporation, and used exclusively for the charitable purposes of the said organization, shall be exempt from taxation.

By the census of 1880 the property of the United States for all purposes of taxation was assessed at about $17,000,000,000. The total tribute laid upon the people of this country annually by way of taxation by the Government of the United States, exclusive of State, county, and municipal taxation, reached the enormous total of $350,000,000.

This makes the taxation paid to the General Government upon the entire taxable property of the Union $1.45 on the hundred dollars of valuation. In this estimate we do not include the taxes taken from the people by the States, counties, cities, towns, and other municipalities for State or local purposes. The message sent to Congress on the 7th day of December, 1875, by President Grant—who has made himself more acceptable to the people of this Government by the heroic manner in which for six months he looked steadily into the face of death upon the summit of Mount McGregor, having eyes himself to see death and the terrors of hereafter—contains this recommendation:

As we are now about to enter upon our second centennial—commencing our manhood as a nation—it is well to look back upon the past and study what will be best to preserve and advance our future greatness. From the fall of Adam for his transgression to the present day no nation has ever been free from threatened danger to its prosperity and happiness. We should look to the dangers threatening us, and remedy them so far as lies in our power. We are a republic, whereof one man is as good as another before the law.

In connection with this important question I would also call your attention to the importance of correcting an evil that, if permitted to continue, will probably lead to great trouble in our land before the close of the nineteenth century: it is the accumulation of vast amounts of untaxed church property.

In 1850 I believe the church property of the United States which paid no tax, municipal or State, amounted to about $83,000,000. In 1860 the amount had doubled; in 1875 it is about $1,000,000,000. By 1900, without check, it is safe to say this property will reach a sum exceeding $3,000,000,000. So vast a sum, receiving all the protection and benefits of government without bearing its proportion of the burdens and expenses of the same, will not be looked upon acquiescently by those who have to pay the taxes. In a growing country, where real estate enhances so rapidly with time as in the United States, there is scarcely a limit to the wealth that may be acquired by corporations, religious or otherwise, if allowed to retain real estate without taxation. The contemplation of so vast a property as here alluded to without taxation may lead to sequestration without constitutional authority and through blood.

I would not commit myself to the advanced position of the message, or as favorable to the course recommended at that time by the President, but there is much food for reflection in his recommendations in this regard.

By the Revised Statutes of the District of Columbia, page 17, section 147, the following property is exempted from taxation:

All churches, school-houses, and all buildings, grounds, and property pertinent thereto and used in connection therewith in this District, and any cemetery therein held and owned by any religious society having a regularly known place of worship, or by any incorporated association, shall be exempt from any and all taxes and assessments, national or municipal.

Such is the act, Mr. Speaker, of the 17th of June, 1870. I speak subject to correction, of course, but I am informed that the Young Men's Christian Association of this District is compelled under the law to pay taxes upon the greater part, if not all, of its property.

By the act of 1878, page 342, of Richardson's Digest, it is provided:

That Congress shall appropriate 50 per cent. of the estimates approved by the Secretary of the Treasury for the expenses of this District, the remainder to be collected by taxes out of the property of the citizens of the District.

And the section which I read says:

That such 50 per cent. shall be levied and assessed upon the taxable property of the said District other than the property of the United States and of the District of Columbia.

I have made an extended and somewhat careful search of the current of legislation in respect to this and kindred matters, and if there is any consistent policy to be gathered from such legislation it is that exemption from taxation should not be extended beyond churches, cemeteries, property of the General Government, property of the District of Colnmbia, and the public schools. The provision of the bill to which I object exempts the property of the association contemplated in the bill to the assessed valuation of $200,000. It is hardly worth while for me to say in the presence of this experienced body that it is equivalent to exempting property fairly worth in the market $500,000.

We have a great public debt which is exempted in the wisdom of Congress from taxation. There is a public debt in this District which enjoys a like immunity from taxation; there are public securities all over the States, from one end of the Union to the other, from sunrise around to sunrise, which enjoy the same immunity from taxation. When you exempt the property of A from a given tax imposed for the Government in its discretion as for the common defense and general welfare of the people, you increase the difficulty which B, or any other citizens of equal wealth and claim to consideration has in making his way and his living. The peculiar character of this institution, no doubt, will be brought out and a delicate nerve of sympathy will be touched in behalf of it, not upon the cold logic and facts and merits of the case, but by an appeal to the humanities, because of these unfortunate people contemplated to be benefited

The ostensible object is to incorporate the trustees of the Young Woman's Christian Home, and declares:

That the object, purposes, and powers of said corporation shall be, and the same are hereby, limited to providing temporary home for young women coming to and being in the District of Columbia who shall, from any cause, be in want of and willing to accept temporary home, care, and assistance in the said District.

Of course, upon the cold facts of the case, the judgment of the business men who sit here could not be swayed to the support of this measure. It seems a little ungracious, Mr. Speaker, to oppose it, but it establishes a principle which will add to the burdens of the "plundered plowmen and beggared yeomanry" of this country. That principle is wrong, vicious. It is as revolting as the spectacle of a humble man unjustly deprived of his rights and hurt in his good name and repute. And I mean against this and every other bill of like character to raise the standard of revolt, and let the House, standing as it does now at the parting of the ways upon the subject, act with full information on the subject.

If I have any time left I reserve it.

Mr. GAY. This is simply a question of granting an act of incorporation to certain benevolent individuals who want to establish in the District of Columbia a young woman's Christian reformatory home. This principle has commended itself to the careful consideration of the Committee on the District of Columbia, who have unanimously reported in favor of this bill.

These parties ask that property to the extent of $200,000 shall be exempted from taxation; but the committee have restricted it to the actual amount in the use of the association for the purposes named. If benevolent persons contribute only $50,000 for buildings for this purpose, that will be the extent of the property exempted from taxation. It is more likely to stop at that figure than go beyond the amount named. The amount of $200,000 is entirely dependent on their obtaining and using continuously property of that value for this purpose. I think it is a measure so plain, and commending itself to this House so forcibly, that unless some other gentleman desires to make remarks I will call for the previous question.

Mr. HEMPHILL. Before the previous question is called I desire to say a word or two.

The proviso to which the gentleman from North Carolina [Mr. BENNETT] objects is as follows:

Provided, That the property, whether real or personal, owned by the said corporation, and used exclusively for the charitable purposes of the said organization, shall be exempt from taxation.

That proviso was inserted by the committee so as to prevent any other property than that which is in actual occupation and use by this corporation from being exempted from taxation. But the gentleman from North Carolina makes a point against the exemption to the amount of $200,000. That is the extreme limit of the amount of property which they have the right to own in this District. This is a question which affects not the whole of the United States, but solely the District of Columbia; because, under the law which the gentleman from North Carolina has read, the people of the United States are responsible for one-half of the taxes of this District, and the people of the District are responsible for the other half; and it is immaterial to the people of the United States at large whether the taxes which the District pays are raised off the whole of the property of the District of Columbia or not.

I say that these gentlemen and these ladies, so far as I know them, who have petitioned Congress for the privilege of establishing this charitable work are responsible people in this community; and there has been no objection made to this bill by any person living in this District; and the people of the District are the only persons who can be in the slightest degree affected by the release of taxation on this property. I will say also that this is in accordance with the universal rule which has prevailed in this country, that where people are charitably disposed, and have the inclination as well as the purse to go into a charitable work of this kind, the Government will lend them the aid of its power to the extent of releasing them from taxation. And as no person among those who might be expected to object, if there was any ground for it, has done so, since those who are affected by this are willing and anxious that this privilege should be granted, I hope the House will adopt the unanimous report of the committee. I therefore call for the previous question on the bill.

The previous question was ordered.

The SPEAKER *pro tempore* (Mr. CRISP). On this question the yeas and nays have been ordered. The Clerk will proceed to call the roll.

Mr. HEMPHILL. I ask unanimous consent that the call of the roll be dispensed with.

The SPEAKER *pro tempore*. The gentleman from South Carolina asks unanimous consent that the order heretofore made for calling the yeas and nays on the passage of this bill be reconsidered.

Mr. HOPKINS. I object.

Mr. HEMPHILL. I move to reconsider the vote by which the yeas and nays were ordered. As I understand, the motion to reconsider can be made at any time within two days after the motion which it is proposed to reconsider has been agreed to, and we have not had two days

for the Committee on the District of Columbia since this order was made.

Mr. SPRINGER. I suggest that the yeas and nays were ordered on this bill not because they were desired but in order to obtain a quorum. The House was so thin that a quorum could not be obtained without the yeas and nays being called.

The SPEAKER *pro tempore*. The Chair thinks the motion to reconsider is too late. The Clerk will call the roll.

The question was taken; and there were—yeas 203, nays 7, not voting 113; as follows:

YEAS—203.

Adams, J. J.	Dunham,	Kleiner,	Rowell,
Allen, C. H.	Ely,	Laffoon,	Ryan,
Atkinson,	Ermentrout,	La Follette,	Sadler,
Baker,	Evans,	Laird,	Sawyer,
Ballentine,	Everhart,	Lanham,	Sayers,
Barbour,	Farquhar,	Lawler,	Scranton,
Barksdale,	Felton,	Le Fevre,	Seney,
Barnes,	Findlay,	Lindsley,	Seymour,
Barry,	Fleeger,	Little,	Shaw,
Beach,	Foran,	Long,	Singleton,
Belmont,	Ford,	Lore,	Smalls,
Bingham,	Forney,	Lovering,	Sowden,
Bland,	Frederick,	Lowry,	Spooner,
Bliss,	Fuller,	Lyman,	Springer,
Bound,	Funston,	Mahoney,	Stahlnecker,
Boyle,	Gallinger,	Martin,	Steele,
Brady,	Gay,	Matson,	Stewart, Charles
Breckinridge, WCP.	Geddes,	McKenna,	St. Martin,
Browne, T. M.	Gibson, Eustace	McKinley,	Stone, W. J., Ky.
Brown, C. E.	Gilfillan,	McMillin,	Storm,
Brown, W. W.	Glass,	McRae,	Struble,
Buchanan,	Glover,	Merriman,	Swinburne,
Burrows,	Goff,	Miller,	Tarsney,
Bynum,	Grout,	Mills,	Taulbee,
Cabell,	Halsell,	Moffatt,	Taylor, J. M.
Campbell, Felix	Hammond,	Morgan,	Thomas, J. R.
Campbell, J. E.	Harmer,	Morrow,	Thomas, O. B.
Campbell, J. M.	Harris,	Neece,	Thompson,
Campbell, T. J.	Hayden,	Norwood,	Throckmorton,
Candler,	Haynes,	Oates,	Tillman,
Cannon,	Heard,	O'Donnell,	Townshend,
Carleton,	Hemphill,	O'Ferrall,	Trigg,
Catchings,	Henderson, T. J.	O'Hara,	Turner,
Clardy,	Hepburn,	O'Neill, J. J.	Wade,
Clements,	Herbert,	Parker,	Wait,
Cobb,	Hermann,	Payne,	Wakefield,
Collins,	Hewitt,	Payson,	Ward, T. B.
Conger,	Hiestand,	Peel,	Warner, William
Cooper,	Hill,	Perry,	Weaver, A. J.
Crain,	Hopkins,	Peters,	Weaver, J. B.
Crisp,	Howard,	Phelps,	Weber,
Croxton,	Hudd,	Pindar,	West,
Curtin,	Hutton,	Plumb,	Wheeler,
Cutcheon,	Irion,	Price,	White, A. C.
Dargan,	Jackson,	Reagan,	Willis,
Davenport,	James,	Reid, J. W.	Winans,
Davidson, A. C.	Johnson, F. A.	Reese,	Wise,
Davidson, R. H. M.	Johnston, J. T.	Rice,	Wolford,
Dawson,	Johnston, T. D.	Richardson,	Woodburn,
Dorsey,	Jones, J. H.	Rockwell,	Worthington.
Dowdney,	Ketcham,	Romeis,	

NAYS—7.

Bennett,	Culberson,	Ellsberry,	Van Eaton.
Cowles,	Eldredge,	Skinner,	

NOT VOTING—113.

Adams, G. E.	Dougherty,	Markham,	Scott,
Aiken,	Dunn,	Maybury,	Sessions,
Allen, J. M.	Eden,	McAdoo,	Snyder,
Anderson, C. M.	Fisher,	McComas,	Spriggs,
Anderson, J. A.	Gibson, C. H.	McCreary,	Stephenson,
Arnot,	Green, R. S.	Millard,	Stewart, J. W.
Bayne,	Green, W. J.	Milliken,	Stone, E. F.
Blanchard,	Grosvenor,	Mitchell,	Stone, W. J., Mo.
Blount,	Guenther,	Morrill,	Strait,
Boutelle,	Hale,	Morrison,	Swope,
Bragg,	Hall,	Muller,	Symes,
Breckinridge, C. R.	Hanback,	Murphy,	Taylor, E. B.
Brumm,	Hatch,	Neal,	Taylor, I. H.
Buck,	Henderson, D. B.	Negley,	Taylor, Zach.
Bunnell,	Henderson, J. S.	Nelson,	Tucker,
Burleigh,	Henley,	O'Neill, Charles	Van Schaick,
Burnes,	Hires,	Osborne,	Viele
Butterworth,	Hiscock,	Outhwaite,	Wadsworth,
Caldwell,	Hitt,	Owen,	Wallace,
Caswell,	Holman,	Perkins,	Ward, J. H.
Cole,	Holmes,	Pettibone,	Warner, A. J.
Compton,	Houk,	Pidcock,	Wellborn,
Comstock,	Jones, J. T.	Pirce,	White, Milo
Cox,	Kelley,	Randall,	Whiting,
Daniel,	King,	Ranney,	Wilkins,
Davis,	Landes,	Reed, T. B.	Wilson,
Dibble,	Lehlbach,	Riggs,	
Dingley,	Libbey,	Robertson,	
Dockery,	Louttit,	Rogers,	

The following-named members were announced as paired until further notice:

Mr. DINGLEY with Mr. DUNN.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. HENDERSON, of North Carolina, with Mr. BUNNELL.

Mr. EDEN with Mr. MARKHAM.

Mr. ROGERS with Mr. E. B. TAYLOR.

Mr. VIELE with Mr. LAIRD.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. KING with Mr. WHITE, of Minnesota.

Mr. STONE, of Missouri, with Mr. PIRCE.

Mr. HALL with Mr. CUTCHEON.

Mr. ARNOT with Mr. DAVIS.

Mr. DOCKERY with Mr. BUCK.

Mr. LANDES with Mr. HANBACK.

Mr. HATCH with Mr. CASWELL.

Mr. WILKINS with Mr. STONE, of Massachusetts.

Mr. BRAGG with Mr. NEGLEY.

The following-named members were announced as paired for this day:

Mr. OWEN with Mr. DIBBLE.

Mr. SWOPE with Mr. O'NEILL, of Pennsylvania.

Mr. DANIEL with Mr. OSBORNE.

Mr. MAYBURY with Mr. MCCOMAS.

Mr. PIDCOCK with Mr. ANDERSON, of Kansas.

Mr. GREEN, of New Jersey, with Mr. STEPHENSON.

Mr. MULLER with Mr. KELLEY.

Mr. CALDWELL with Mr. WADSWORTH.

Mr. OUTHWAITE with Mr. ZACH. TAYLOR.

Mr. ANDERSON, of Ohio, with Mr. VAN SCHAICK.

Mr. BAYNE and Mr. DOUGHERTY were announced as paired on this vote.

Mr. CUTCHEON. Mr. Speaker, I see that I am still paired with Mr. HALL on political questions, but not regarding this as a political question, I have voted.

The result of the vote was then announced as above recorded.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POOL SELLING IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. Mr. Speaker, the next bill that I desire to call up is the bill (H. R. 5044) to prohibit pool-selling in the District of Columbia.

The SPEAKER. The Chair finds upon examination of the Journal that this bill has been ordered already to be engrossed and read a third time, and the question is upon its passage.

Mr. BARBOUR. I desire to offer an amendment to the bill.

The SPEAKER. That can be done only by reconsidering, by unanimous consent, the vote ordering the bill to be engrossed and read a third time.

Mr. BARBOUR. The amendment which I desire to offer is proposed by the commissioners of the District.

The SPEAKER. The gentleman from Virginia asks unanimous consent to reconsider the vote by which this bill was ordered to be engrossed and read a third time in order that he may offer an amendment.

Mr. WEAVER, of Iowa. I would like to hear the amendment read.

The SPEAKER. The Clerk will report the amendment which the gentleman from Virginia proposes to offer if his request for unanimous consent is granted.

The Clerk read as follows:

Add to the bill the following:

"*Provided, however*, That the commissioners may issue permits to the National Jockey Club of said District for pool-selling or making books at its grounds not exceeding twice in each year nor exceeding one week at a time."

The SPEAKER. The gentleman from Virginia asks unanimous consent to reconsider the vote ordering the bill to be engrossed and read the third time so that this amendment may be voted upon.

Mr. WEAVER, of Iowa. I object.

The question being taken on the passage of the bill, there were—ayes 74, noes 23.

Mr. TIMOTHY J. CAMPBELL. I make the point that no quorum has voted.

The SPEAKER. The Chair will order tellers.

Mr. HEPBURN. I demand the yeas and nays.

The yeas and nays were ordered, 44 voting in favor thereof.

Mr. BARBOUR. Is it in order for me now to make a few remarks?

The SPEAKER. The Chair thinks it is. The previous question has not been ordered on the passage of the bill.

Mr. BARBOUR. Mr. Speaker, I simply desire to put myself right in regard to this bill. If the amendment which I desired to submit proposing an exemption for the benefit of the Jockey Club of this District had been adopted I should have voted for the bill. I do not wish to be understood as favoring in any degree any measure which looks to the encouragement of gaming. I regard the Jockey Club as an institution gotten up for the encouragement of the proper breeding and training of that noble animal the horse; and I think some consideration ought to be given to an association of this kind in which so many people are interested. Horse-racing I regard as something not only of national importance for improving the breed of horses, but something which the people enjoy.

Mr. REAGAN. I suggest that the gentleman move to reconsider the vote on the amendment. I think the House voted it down without understanding what it was.

Mr. BARBOUR. I believe that in passing too severe a bill of this kind we would be breaking in upon the proper enjoyment of the people.

Mr. WEAVER, of Iowa. I wish to ask this question: Does this bill prohibit horse-racing or only betting upon horse-races?

Mr. BARBOUR. As I understand, it prohibits pool-selling at races; but, as everybody knows, you can not keep up this popular amusement unless some little privilege be accorded. [Laughter.] For that reason I think that by too severe restrictions in this respect we would infringe upon popular rights. Nobody will want to go to a horse-race if he can not have a little interest in the way of speculating on the result of the race. [Laughter.]

Mr. REAGAN. I move to reconsider the vote by which the amendment of the gentleman from Virginia was rejected. I voted against the amendment.

The SPEAKER. There was no vote on the amendment. The bill had been ordered to be engrossed and read a third time. The gentleman from Virginia asked unanimous consent to reconsider that vote in order that he might offer the amendment, but there was objection, and therefore the amendment could not be entertained. The gentleman from Virginia is entitled to the floor to continue his remarks.

Mr. BARBOUR. I have said all that I care to say on this subject.

Mr. HEMPHILL. Mr. Speaker, it is fair to say that when this bill was before the Committee on the District of Columbia it was referred to the District commissioners for the purpose of obtaining their opinion upon it; and they unanimously approved the bill, except that they desired there should be a provision in it which would exempt from its operation at certain times the Jockey Club of this District——

Mr. WEAVER, of Iowa. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] has the floor, and can not be taken from it except by a point of order.

Mr. WEAVER, of Iowa. Then I make this point of order: that the previous question is pending on the passage of the bill.

The SPEAKER. The gentleman is mistaken. The previous question has not been demanded or ordered.

Mr. BARBOUR. I desire to make a parliamentary inquiry. Would it be in order now to move to recommit the bill?

The SPEAKER. Does the gentleman from South Carolina [Mr. HEMPHILL] yield for that purpose?

Mr. HEMPHILL. No, sir; I can not yield for that motion. As I have said, the District commissioners approved this bill unanimously, except that they suggested the insertion of a proviso which would exempt the Jockey Club of this District from its operation at the time of their races—twice a year for one week at a time. It seemed to the District Committee (and my recollection is we were unanimous on that point), that if a bill of this kind was to do any good we could not give to one person or persons a privilege which was denied to others.

Mr. BARBOUR. The committee was not unanimous at all.

Mr. HEMPHILL. I do not say the committee was unanimous in favor of this bill, but I say, according to my recollection the members were unanimous on the point that if there is to be a denial of this privilege to some people the denial should be made general.

Mr. BARBOUR. I think not.

Mr. HEMPHILL. I may be misinformed on that point; but that is my recollection of what took place in the committee a month or two ago.

Mr. BARBOUR. I know that several members of the committee objected to that construction and reserved the right to oppose the bill in the House.

Mr. HEMPHILL. Undoubtedly it is the fact that several gentlemen—and the gentleman from Virginia was one of them—reserved the right to oppose the bill in the House. They were opposed to the whole thing, as I understand.

Mr. BARBOUR. No, sir.

Mr. HEMPHILL. But, so far as my recollection goes, they did not advocate that the Jockey Club should be entitled to any more consideration in this District than anybody else.

The question here is simply this: whether a law which is in operation in a large number, if not all, of the States of this Union shall be put into operation in this District. That is the only question. Everybody knows they have these laws on the statute-books of the various States, and if these people are entitled to as much encouragement in morality as the people in the various States, then they ought to have this law.

Mr. ADAMS, of New York. Are these laws not all evaded?

Mr. HEMPHILL. The fact that a law upon the statute-book against stealing is evaded is no good reason why a man found guilty of stealing should not be convicted.

Mr. ADAMS, of New York. Is it not a fact that notwithstanding this law on the various statute-books betting is continually carried on?

Mr. HEMPHILL. It may be that the law is evaded, but that is not the question for the House. The question with us is whether we are going to do our duty by putting it in the power of the commissioners of this District to execute, what every man on this floor will admit to be perfectly legitimate, a law for the prevention of betting on the race-course in the District of Columbia. That is the question for us. If the people here violate the law, if they do that knowing it to be wrong, that is no excuse why we should not pass this bill, which is known to be right. This is supposed to be a Christian Government, with some idea of morality and uprightness, and they should put the stamp of their disapproval upon this thing which is known to be wrong and iniquitous.

So far as I am concerned, personally, I did not object to the motion of the gentleman from Virginia to except this jockey club. I expect to vote against it if the question comes before the House; but I do not deny the House the right to vote its conviction. I am willing the amendment shall be submitted to the consideration of the House, while at the same time I think the bill should pass without it. I did not introduce it. It came to me in the regular course of business, and I reported it to the House. I think it should pass. I demand the previous question.

Mr. BARBOUR. Is that debatable?

Mr. HEMPHILL. If the gentleman from Virginia wishes to be heard I will yield to him.

Mr. BARBOUR. As the question has passed from the power of the House to vote on the amendment, I can only give notice I will move to recommit the bill.

The SPEAKER. That motion is in order at this time.

Mr. HEMPHILL. I must say that I did not yield to the gentleman for that purpose.

The SPEAKER. The gentleman has the right at this stage of the bill to recommit with or without instructions.

Mr. BARBOUR. I do so for the special purpose of allowing that amendment to come in.

Mr. HEPBURN. I demand the yeas and nays on the motion to recommit.

The House divided, and there were ayes 31.

The SPEAKER. Not one-fifth of the last vote.

Mr. BARBOUR. Count the other side.

The other side was counted, and there were noes 97.

So the yeas and nays were ordered, more than one-fifth having voted in favor thereof.

Mr. BEACH. Did the gentleman move to recommit with instructions?

The SPEAKER. He stated what his purpose was in moving to recommit.

The question was taken; and it was decided in the negative—yeas 62, nays 139, not voting 122; as follows:

YEAS—62.

Adams, J. J.	Cobb,	Hudd,	Reagan,
Ballentine,	Collins,	Kleiner,	Richardson,
Barbour,	Cowles,	Lore,	Sadler,
Belmont,	Crain,	Lovering,	Shaw,
Bennett,	Croxton,	Mahoney,	Sowden,
Bingham,	Culberson,	Martin,	Strait,
Bland,	Curtin,	Merriman,	Tarsney,
Bliss,	Dargan,	Miller,	Taylor, J. M.
Boyle,	Davidson, A. C.	Morgan,	Tillman,
Brady,	Dowdney,	Norwood,	Trigg,
Burnes,	Ermentrout,	Oates,	Van Eaton,
Cabell,	Forney,	O'Ferrall,	Wise,
Campbell, Felix	Frederick,	O'Hara,	Woodburn,
Campbell, T. J.	Gibson, Eustace	O'Neill, J. J.	Worthington.
Candler,	Green, W. J.	Peel,	
Clardy,	Hiestand,	Perry,	

NAYS—139.

Anderson, C. M.	Fuller,	Lindsley,	Scranton,
Baker,	Funston,	Little,	Seney,
Barnes,	Gallinger,	Long,	Sessions,
Bayne,	Geddes,	Lowry,	Seymour,
Beach,	Gilfillan,	Lyman,	Singleton,
Bound,	Glass,	McAdoo,	Skinner,
Breckinridge, C. R.	Goff,	McComas,	Spooner,
Browne, T. M.	Grout,	McKenna,	Spriggs,
Brown, C. E.	Halsell,	McKinley,	Springer,
Brown, W. W.	Hammond,	McMillin,	Steele,
Buchanan,	Harmer,	McRae,	Stewart, Charles
Burrows,	Harris,	Milliken,	Stone, W. J., Ky.
Campbell, J. M.	Hayden,	Morrill,	Storm,
Campbell, J. E.	Haynes,	Morrison,	Struble,
Cannon,	Hemphill,	Morrow,	Swinburne,
Carleton,	Henderson, D. B.	Negley,	Taulbee,
Catchings,	Henderson, T. J.	Nelson,	Taylor, I. H.
Clements,	Hepburn,	O'Donnell,	Thomas, O. B.
Comstock,	Herbert,	Osborne,	Thompson,
Conger,	Hermann,	Outhwaite,	Townshend,
Cooper,	Hewitt,	Parker,	Turner,
Crisp,	Hill,	Payne,	Wade.
Davenport,	Hiscock,	Payson,	Wait,
Dawson,	Holmes,	Perkins,	Wakefield,
Dunham,	Hopkins,	Peters,	Ward, T. B.
Eldredge,	Howard,	Phelps,	Warner, A. J.
Ely,	Jackson,	Plumb,	Warner, William
Evans,	James,	Price,	Weaver, J. B.
Everhart,	Johnson, F. A.	Randall,	Weber,
Farquhar,	Johnston, J. T.	Ranney,	West,
Felton,	Johnston, T. D.	Rice,	Wheeler,
Findlay,	Jones, J. H.	Romeis,	White, A. C.
Fleeger,	Ketcham,	Rowell,	Winans,
Foran,	La Follette,	Ryan,	Wolford.
Ford,	Lanham,	Sawyer,	

NOT VOTING—122.

Adams, G. E.	Allen, C. H.	Anderson, J. A.	Atkinson,
Aiken,	Allen, J. M.	Arnot,	Barksdale.

Barry,	Fisher,	Libbey,	Smalls,
Blanchard,	Gay,	Louttit,	Snyder,
Blount,	Gibson, C. H.	Markham,	Stahlnecker,
Boutelle,	Glover,	Matson,	Stephenson,
Bragg,	Green, R. S.	Maybury,	Stewart, J. W.
Breckinridge, WCP.	Grosvenor,	McCreary,	St. Martin,
Brumm,	Guenther,	Millard,	Stone, E. F.
Buck,	Hale,	Mills,	Stone, W. J., Mo.
Bunnell,	Hall,	Mitchell,	Swope,
Burleigh,	Hanback,	Moffatt,	Symes,
Butterworth,	Hatch,	Muller,	Taylor, E. B.
Bynum,	Heard,	Murphy,	Taylor, Zach.
Caldwell,	Henderson, J. S.	Neal,	Thomas, J. R.
Caswell,	Henley,	Neece,	Throckmorton,
Cole,	Hires,	O'Neill, Charles	Tucker,
Compton,	Hitt,	Owen,	Van Schaick,
Cox,	Holman,	Pettibone,	Viele,
Cutcheon,	Houk,	Pidcock,	Wadsworth,
Daniel,	Hutton,	Pindar,	Wallace,
Davidson, R. H. M.	Irion,	Pirce,	Ward, J. H.
Davis,	Jones, J. T.	Reed, T. B.	Weaver, A. J.
Dibble,	Kelley,	Reid, J. W.	Wellborn,
Dingley,	King,	Reese,	White, Milo
Dockery,	Laffoon,	Riggs,	Whiting,
Dorsey,	Laird,	Robertson,	Wilkins,
Dougherty,	Landes,	Rockwell,	Willis,
Dunn,	Lawler,	Rogers,	Wilson.
Eden,	Le Fevre,	Sayers,	
Elisberry,	Lehlbach,	Scott.	

So the motion was not agreed to.

On motion of Mr. GIBSON, of West Virginia, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. LE FEVRE with Mr. HOUK, for the rest of the day.

Mr. DANIEL with Mr. LIBBEY.

Mr. COMPTON with Mr. ALLEN, of Massachusetts.

Mr. ROBERTSON with Mr. ADAMS, of Illinois.

Mr. MAYBURY with Mr. GROSVENOR.

Mr. SKINNER with Mr. PETTIBONE.

Mr. DAVIDSON, of Florida, with Mr. HITT.

Mr. LAFFOON with Mr. GUENTHER.

Mr. PINDAR with Mr. LEHLBACH.

Mr. BYNUM with Mr. WEAVER, of Nebraska, on this question. If Mr. BYNUM were present, he would vote for, and Mr. WEAVER, of Nebraska, against, the motion.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs on ordering the previous question.

The previous question was ordered.

Mr. SPRINGER. The yeas and nays have been ordered upon the passage of the bill, but I suppose it was intended to have a test vote, which has already been taken on the motion to recommit. I therefore move to reconsider the vote by which the yeas and nays were ordered.

The motion was agreed to.

The demand for the yeas and nays was withdrawn.

The bill was passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON CABLE RAILWAY COMPANY.

Mr. BARBOUR. Under instructions from the committee I am directed to call up the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

Mr. BEACH. That bill, I understand, is in Committee of the Whole.

The SPEAKER. It is in the Committee of the Whole House on the Private Calendar.

Mr. HEARD. I move that the committee be discharged from its further consideration and that it be considered in the House.

The SPEAKER. That can only be done by unanimous consent.

Mr. BEACH. Then I object. It ought to be considered in the Committee of the Whole.

Mr. HEARD. Then I move that the House resolve itself into Committee of the Whole for the purpose of considering the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill the title of which has been read.

Mr. HEARD. I will ask that the bill be read.

The bill was read at length.

Mr. GIBSON, of West Virginia. Has the Clerk read the original bill, or the substitute offered by the gentleman from Missouri?

The CHAIRMAN. The Clerk read the bill H. R. 8976, which is the substitute bill.

Mr. COBB. Is the bill open now for amendment?

The CHAIRMAN. The first reading of the bill is for information, after which the general debate will follow. The bill will then be open for debate and amendment under the five-minute rule.

Mr. HEARD. Mr. Chairman, unless some gentleman desires the reading of the report, I wish to have read for information some amendments which I shall offer at the proper time.

Mr. HOPKINS. With the indulgence of the gentleman I would like to have the report read, in order to find what reasons are assigned for this franchise.

Mr. HEARD. If the report can be read without taking it out of my time I shall not object.

The CHAIRMAN. It can only be read by unanimous consent unless some gentleman who desires to have it read is recognized and has it taken out of his time. The Chair will cause the report to be read in the time of the gentleman from Missouri.

Mr. HEARD. I have not asked to have it read.

Mr. PARKER. If the Chair will give me recognition I will ask to have it read in my time.

Mr. HEARD. In order to save time I will ask to have the report read in my time.

The report (by Mr. HEARD) is as follows:

The purpose of the bill is the organization of a company to operate an improved system of street-railway by cable, that will furnish to the inhabitants of Washington rapid and cheap transportation to and from all parts of the city.

The present facilities afforded by the horse railroads are entirely inadequate for the needs of the present population, and in some way the growing requirements of the present and future must be provided for, and this bill, made up in part of two separate propositions included in two bills previously considered by this committee, with such changes, modifications, and restrictions as have seemed to the committee best calculated to perfect the measure as a work of legislation, is presented, after the most careful consideration, as embodying its views as to what will meet in practical operation the public needs.

The provisions of the bill guarantee the best known method of passenger transit through city streets, insuring speed, safety, cleanliness, and a uniformly cheap service.

The cable method of traction is not recommended by the committee as an experiment, but as the one shown by the experience of other cities of this country to be the best known.

The cable system, as contemplated under the provisions of this bill, will rid the streets of the present unsightly, annoying, and frequently dangerous horse-car rail, leaving the surface of the street from curb to curb smooth and even, thus giving to the owners of vehicles of every kind a safe and comfortable roadway. The danger and annoyance that attends the use of streets where the rail is necessarily in use where horse railroads are run is well known, and the fact that the cable system does away with such inconvenience altogether commends it for use in this city.

From a sanitary point of view the cable system has much to commend it, ridding, as it does, the city of stables, the streets of filth, and the air of noxious smells.

The committee, while mindful of the great desirability of the improved method of passenger transit contemplated by this bill, has carefully considered the rights of existing corporations, and so far as it is consistent with the public interest amended and modified the routes over which the proposed cable system will pass, so as to infringe as little as possible on the lines already in use by present roads and only touching them where public exigency rendered it imperative.

Restrictive clauses have been added by the committee that are intended to secure compliance, on the part of the incorporators, with all reasonable requirements of the public. A uniform fare of 5 cents to and from any points on the various lines is provided for. It is the testimony of disinterested citizens generally that the operation of such a system of cable roads will meet a great public want, and at the same time bring into existence as a contributory element a large amount of property now valueless for purposes of taxation.

The financial ability and good faith of the incorporators named in this bill is assured, and the speedy completion of the work provided for under the guidance and control of the proper local authorities.

Mr. HEARD. There are certain amendments to which I have already alluded which I will offer to make the bill conform to the present views of the incorporators and accord with the map before the House, which amendments I gave notice that I would offer at the proper time.

Since this bill was reported, Mr. Chairman, the promoters of the enterprise have, in order to avoid some opposition where the streets were narrow, proposed to change the route as mentioned in said amendments, so as to provide for a single track at such places instead of the double track. The amendments to which I refer go to that point, and I will offer them when that part of the bill is reached in consideration.

Mr. HEPBURN. Will the gentleman permit me to ask that he present the amendments now and have them read for information, as there are other gentlemen who have amendments which his amendments may obviate the necessity of offering.

Mr. HEARD. The amendments which I shall offer are for the purpose to which I have just referred, simply allowing a change of route for the purpose stated.

Mr. HOPKINS. Is that the only amendment you propose to make?

Mr. HEARD. That is all I propose to offer.

Mr. HOPKINS. Are there any amendments that the committee propose to offer?

Mr. HEARD. The committee have no amendments to offer. I wish to state that I offer the amendments in the interest of the projectors of this enterprise and independently as a member, not from the committee.

I do not propose to detain the committee at any great length, indeed only so long as I may deem necessary to present to the understanding of the committee the reasons which actuated the Committee on the District of Columbia in commending to the favorable consideration of this body the bill now pending before us.

We believe, Mr. Chairman, that the improved facilities for street travel in this city offered by this bill are needed. We believe further, with the best light before us, that the character of improvement offered is the best known. Believing, then, that increased facilities for travel in the city are needed and that the cable system is the best adapted to provide those improvements, we commend that system to the House.

The question as to whether or not these improvements are needed is

a question which every member of this committee will answer for himself—not from any suggestions made by the Committee on the District of Columbia, but from his own knowledge of the existing condition of things in this city, and according to his conception of the needs of the case.

It is stated by those who oppose the bill that the property-holders along the line of the projected road are opposed to it. Let me say, Mr. Chairman, that we have before our committee petitions in favor of this project which purport to be signed by property-owners and people along the line of this road, some seventeen thousand or eighteen thousand in number.

As to whether or not the people of this city need this improvement and whether or not it is the duty of Congress to give it, that is a matter which, as I have said, will present itself to the understanding of each member here, because there is no member of this body who has not been long enough in the city to apprehend with a measurable degree of certainty what is needed in this regard. For myself and for my committee I unhesitatingly take position in the affirmative of both propositions.

Now, as to the other branch of the question, is the cable system for street-railway travel the best system known to-day? I might safely leave that question, Mr. Chairman, if it were possible to get the evidence before this body, to the testimony which would be furnished by the citizens of those cities where they now enjoy those advantages. And as approximating as nearly as we could to obtaining the sentiments of the people best qualified to judge, I have before me either telegrams or letters from the mayors of all the different cities in this country having the cable system in use, except alone the city of New York. That was omitted for the reason that I expected that General VIELE, a member on this floor and a civil engineer of distinction, would be here to-day. He was one of a special committee appointed by the municipality of New York to investigate that system. I have a portion of his report before me, which I will read. I expected him to be here and bear testimony for himself.

I will read now a telegram received from the mayor of Chicago:

To J. T. Heard, Washington, D. C.—

These communications were addressed to me as the chairman of the subcommitte having the matter in charge:

CHICAGO, ILL., *May* 11, 1886.

J. T. HEARD, *Washington, D. C.:*

We consider the cable for street-cars a success. It is costly, but satisfactory to the people. There is a new system of cable, claimed to be far less expensive than the one in use.

CARTER H. HARRISON, *Mayor.*

I will next call the attention of the House to a telegram from the mayor of San Francisco, addressed to Hon. C. N. FELTON, a member on this floor:

SAN FRANCISCO, CAL., *June* 11, 1886.

Hon. C. N. FELTON, *House of Representatives:*

Cable railways are infinitely superior to horse-car lines for comfort, convenience, cleanliness, and popularity. This is the universal opinion of the people of this city.

WASHINGTON BARTLETT, *Mayor.*

I shall next call attention to a letter received from Hon. William B. Smith, mayor of Philadelphia, which covers this point and some others. It is objected by the opponents of this measure that this system will interfere with the operation of horse-car lines. In that connection also I ask attention to the letter of Mr. Smith:

MAYOR'S OFFCE, CITY OF PHILADELPHIA, *April* 7, 1886.

MY DEAR SIR: I am familiar with the tracks of the Philadelphia Traction Company in this city, and have ridden over them many times. The operation of cable lines does not interrupt or interfere with horse-car lines crossing or even running on the same tracks. I have no hesitation in saying that I consider the conveyance of passengers by means of cars propelled by cable power as being far superior to that by horse power. I base my opinion upon personal observation and experience.

I address this communication to you at the request of my friend and neighbor Col. Z. P. Boyer, whom I can commend to you as a gentleman of the strictest integrity, and one who has a wide and successful business experience.

Yours, very respectfully,

WILLIAM B. SMITH, *Mayor.*

Hon. JOHN T. HEARD,
Chairman Subcommittee District of Columbia,
House of Representatives, Washington, D. C.

I may state in that connection that Colonel Boyer is the owner of the patent on which this system of road is proposed to be built. I next call the attention of the committee to a letter received from Hon. David R. Francis, mayor of Saint Louis:

EXECUTIVE DEPARTMENT, MAYOR'S OFFICE,
Saint Louis, May 8, 1886.

DEAR SIR: The cable road of this city, which is being operated under the Boyer patents, is, I understand, giving the best of satisfaction to all concerned, and is considered a great improvement upon the horse-car method of transportation. Great doubt was expressed before the starting of the road as to the efficiency of this cable, but its success up to this time has been as gratifying to its friends and the public as its has been disappointing to those who looked for its failure.

Respectfully,

D. R. FRANCIS.

JOHN T. HEARD, M. C., *Washington, D. C.*

I now ask the consideration of the committee to a letter received by me from Hon. Henry C. Kumpf, mayor of Kansas City:

KANSAS CITY, MO., *June* 7, 1886.

DEAR SIR: Your favor of the 3d instant is received. In answer I have to say that the cable car is decidedly the conveyance of the future, enabling the poor man to live in the suburbs of a city and enjoying pure air. The cable road in this city runs from the Union depot to the eastern limits, and is liberally patronized from early morning till midnight. A ride in a cable car is a luxury, and the horse and mule cars are completely "played out." Five more lines are contemplated this summer, and work on two of them has already commenced.

I can say most emphatically that by encouraging and voting for cable lines where the streets are wide enough you are sure of the thanks of the people.

Very respectfully, your obedient servant,

HENRY C. KUMPF, *Mayor.*

Hon. JOHN T. HEARD,
Member of Congress, Sixth District of Missouri,
Washington, D. C.

This, Mr. Chairman, is the testimony of the mayors of the principal cities of this Union in which the cable system for street-cars is in actual operation.

Mr. REED, of Maine. May I interrupt the gentleman with a question?

Mr. HEARD. Certainly.

Mr. REED, of Maine. The testimony is that where the streets are wide enough the cable road has been very satisfactory?

Mr. HEARD. Yes.

Mr. REED, of Maine. Do all these streets through which these cars are to run comply with that condition?

Mr. HEARD. I think they do. The amendments which I gave notice that I would offer are designed to change the provisions in regard to some of the streets which were considered too narrow for a double track, making the track single on those streets.

Mr. BEACH. What is the width of street occupied by a double track.

Mr. HEARD. I can not answer that definitely. It would be conditioned, of course, upon the width of the gauge. The gauge of this line, as I understand it, is to be similar to that which is adopted by the other roads here. This double track I believe will not take up any more space than those now in use in this city.

Mr. BEACH. But you do not know that fact.

Mr. HEARD. That is my understanding.

Mr. LONG. How much will this road cost per mile?

Mr. HEARD. I am coming to that. In this connection, though I will say that statistics show that the cost of cable roads averages from about $100,000 to $105,000 per mile. It is claimed, however, by the promoters of this scheme that with their patents this line can be constructed for less, just how much less I am unable to say.

Mr. LONG. I asked the question because the bill provides for the payment of only 10 per cent. in cash. I trust you will recur to that point before you sit down.

Mr. HEARD. I shall do so, most assuredly. This bill further provides that a payment of 10 per cent. shall be made on subscription to the stock. I will call the gentleman's attention to the fact, with which he as a lawyer is doubtless familiar, that in almost every State in this Union—in all of them so far as I have examined their incorporation laws—the amount required to be paid in on the subscription of stock is 10 per cent.

Mr. LONG. That is all that this bill requires to be paid in cash.

Mr. HEARD. It provides that the remainder may be paid according to the needs of construction.

Mr. LONG. In the discretion of the directors. But I will not interrupt the gentleman.

Mr. HEARD. It is no interruption. The matter may as well be discussed now. If gentlemen who wish to perfect this bill think it desirable to amend it so as to make it conform to the general incorporation law of this District, then the parties subscribing to this stock would be required to pay the whole subscription within two years, or substantially so, as I am informed.

Mr. MILLIKEN. The whole amount?

Mr. HEARD. That is my information. But I will say to the gentleman from Massachusetts [Mr. LONG] that if it is the judgment of the House that some provision, reasonable in its character and not designed to be prohibitory is required to perfect this bill, it certainly shall have fair consideration on my part. I have no desire to favor or assist anything which will give to any individual or corporation improper advantages at the expense of the public. I am heartily in favor of this measure. I know its merits or rather the merits of the system to which it belongs. I am, therefore, heartily in favor of giving to this city the benefit of that system, but I also desire that it shall be only given under such restrictions as will properly protect the rights of the public.

Mr. BUTTERWORTH. Will the gentleman indulge me a moment?

Mr. HEARD. Yes, sir.

Mr. BUTTERWORTH. I would be glad if the gentleman at this point would show the precise location of this proposed road with regard to other lines. That would indicate the necessity for the road. Then, as to the rates and limitations imposed, I think those are matters about which the House desires information.

Mr. HEARD. With regard to the first proposition suggested by the gentleman, I have to say that it would be impossible for me to keep in memory the exact relation, at all points, of this proposed system to the existing systems. The map, however, is designed to show what its relations to the existing systems will be when the bill is perfected by the adoption of the amendments which I shall propose and to which I

have before alluded. Those amendments leave the bill substantially as it is, the only change being that narrow streets will be relieved from the double track.

As to the rates and limitations, the rate of fare fixed in the bill is not to exceed 5 cents, and that fare is good for the carriage of a passenger over the entire system, 32 miles in length, either as between the termini of the main line, or between either terminus and any point on the branch lines. Members will observe that the last clause in the bill is a saving clause, which reserves to Congress absolutely the power to alter, regulate, or repeal this charter at its pleasure. The rate of fare fixed in the bill is not to exceed 5 cents a mile, the rate charged by the existing roads. The proposed company is not permitted, under this bill, to charge more than 5 cents fare. Any future general law which will operate for the reduction of fares on any of the roads here (even though it might not affect the existing roads, for I do not know whether they are exempt by their charters or not) would apply to this road, and in no case can this company become exempt in this regard or any other from the control of Congress.

Mr. BUTTERWORTH. Do you provide for the sale of tickets?

Mr. HEARD. That is a matter of detail that is left to the company's regulations.

Mr. COBB. Does this bill provide for transfers from one line to another?

Mr. HEARD. It provides for a trip over the entire line of road for a single fare. You can travel from any point between the Navy Yard and Georgetown or any point on the branches for a single fare. I will not discuss the power of Congress to order this corporation to transfer with other lines, but they are compelled by this act to make a single fare good over all their own lines. I may remind gentlemen also that there are several transportation lines in this city now that do not transfer.

Mr. CANNON. I desire to inquire of the gentleman if the 10 per cent. which this requires to be paid in and the amount that the line is permitted to be bonded for are supposed to be sufficient to construct the road.

Mr. HEARD. Ten per cent.? Most assuredly not.

Mr. CANNON. What is the estimate of the cost of the road and its equipments?

Mr. HEARD. I have heard various estimates. The best information given to our committee, as I remember, is that the road can be built for $60,000 per mile. But according to statistics with regard to the construction of cable roads now in existence in other parts of the country the average cost has been about $105,000 per mile.

Mr. CANNON. For a double or a single track?

Mr. HEARD. For a single track; and in San Francisco, as I am advised by the gentleman from that city [Mr. FELTON], the cable roads have cost in some instances as high as $160,000 per mile for a single track. The average cost of these roads in other parts of the country has been, as I have said, about $105,000 per mile. The people interested in this company claim to be able to build this road for less. If they do so it will be so much better for them, so much better for the stockholders, and none the worse for the public.

Mr. COBB. I would like to ask the gentleman a question. This bill provides, I believe, for incorporating this company with a capital stock of $2,000,000, but there is no provision requiring more than 10 per cent. of this amount to be paid in. Though a larger percentage may be called for by the board of directors, the bill does not require it. Then it is further provided in the bill, as I understand, that the company may issue bonds, but to what limit the bill, I believe, does not prescribe. Ought there not to be some limit in that respect?

Mr. HEARD. Mr. Chairman, that is a question which the gentleman from Indiana can decide as well as I can. As I remarked a while ago, if it is the desire of any member here to impose a limitation in that respect let him offer an amendment and test the sense of the House upon it. But upon examination of the bill the gentleman will find that there is a limit to the amount of bonds they may issue, which is $40,000 per mile. As a friend of this bill, and representing on this floor the Committee on the District of Columbia, I shall make as sturdy a fight as I can against any proposition which in its nature may be designed to prohibit the building of this road; but I shall not oppose any measure which is intended simply to protect the public. If this House should regard it as necessary to adopt an amendment to this bill requiring the capital stock to be paid in absolutely within a given time, though I think such a requirement would be extraordinary, yet I would yield to the sense of the House.

Mr. COBB. Would it not be right that every subscriber to stock should pay in the amount of his subscription to the extent necessary to construct the road, instead of raising money by issuing bonds, for which the stockholders would not have paid a dollar? Is not that a fair proposition?

Mr. HEARD. The gentleman's proposition is not fairly stated, for no man can have an interest in this road who has not paid a dollar.

Mr. COBB. But your bill provides for the payment of only 10 per cent. on the capital stock.

Mr. HEARD. Very good; that would cover more than a dollar. The gentleman spoke of not paying a dollar.

Mr. COBB. I meant for the amount of bonds issued.

Mr. HEARD. I hope the gentleman will not insist upon consuming my time. I have aimed to make myself understood upon this proposition. If it is the sense of the House that these people should be made to pay more than 10 per cent. upon the stock subscription, though that is the proportion required to be paid in similar cases by the law of my State, by the law of Michigan, and, as I am advised, of many other States, that is a question for the judgment of this House.

If it is the judgment of the House that this bill should compel the subscribers to the stock of this company to pay up their subscriptions within a year or two years or any other specified time, let some gentleman friendly to the purpose of the bill offer an amendment of that kind.

Mr. WARNER, of Ohio. The question is not so much as to the amount to be paid on the subscriptions of stock, for 10 per cent. I believe is the usual proportion required——

Mr. HEARD. Yes, sir.

Mr. WARNER, of Ohio. But the question is whether any stock shall be issued that has not been paid for at par.

Mr. HEARD. Well, Mr. Chairman, I will say, and I hope I shall not be interrupted again on this point, for I have consumed a great deal of my time, that I should not favor in this case a requirement that the whole capital stock be paid in cash. In the first place, there are very few enterprises of this description—street-car roads, railroads, or anything of that kind—which are built absolutely on a cash basis.

I will say further, without wishing to reflect on those who are interested in the horse car-roads of this city to-day (and there are 58 miles of such roads in operation here), there is none of that stock which is paid up in full to-day. There is the Washington and Georgetown Railroad Company, organized fourteen years ago, which, up to date, has only paid in about 40 per cent. Its capital stock, I believe, is $500,000. It has a mortgage debt on the road of $25,000 a mile, which is probably the entire cost of constructing the road.

Mr. COBB. What became of the money raised upon the bonded debt? Was it put into the pockets of the corporators, or was it expended upon the road?

Mr. HEARD. As these gentlemen who constitute these horse-car companies claim to be patriots, and have taken pains to advise the House upon its duty in this matter, I suppose the proceeds of the issue of those bonds was donated to some charitable institution, though that may be a violent presumption.

Mr. HOPKINS. But the gentleman, as I understand, does not approve of the legislation which permitted the horse-car companies to do just what he has stated?

Mr. HEARD. Let me state my case for myself.

Mr. HOPKINS. The gentleman can answer directly.

Mr. HEARD. The gentleman assumes to put into my mouth a statement which I do not accept. I stated that it would not be fair to demand that this proposed rival system for accommodating the business of the city should be constructed on a different pecuniary basis from that which has been required of every street-car line in the city, for the reason—and I ask the attention of every member present to this point—that the last section of this bill provides in express terms that the act may at any time be altered, amended, or repealed by Congress.

Mr. BEACH. That does not amount to anything.

Mr. HEARD. I will show the gentleman that it does amount to a great deal. It amounts to this: That any general incorporation act intended to operate upon the franchises of the different corporations of this city would act upon this company without any limit, and I submit in all fairness that it would not be proper to impose upon this company burdens which you have not imposed and do not propose to impose upon others.

Mr. PAYSON. May I ask the gentleman one question?

Mr. HEARD. Yes, sir.

Mr. PAYSON. What is the value of the stock of the local corporations, to which the gentleman has adverted, now operating the street-railways of this city?

Mr. HEARD. I am not able to tell.

Mr. PAYSON. Is it not right the House should know, in order to determine whether the limitation on fares is right now?

Mr. HEARD. I have said nothing about the limitation of fares.

Mr. PAYSON. Your bill does, and in answer to the gentleman from Indiana you said there was a limitation.

Mr. HEARD. Most assuredly; and if the gentleman from Illinois or any other gentleman present desires to offer an amendment to limit the rate of fare he can do so.

Mr. PAYSON. I am simply asking for information.

Mr. HEARD. And I am giving you the information the best I can.

Mr. PAYSON. Why do you fix the limit in the bill as to the amount of capital stock which shall be paid in to 10 per cent. alone? Why is that amount fixed unless it is the desire——

Mr. HEARD. It is not designed to be a limitation. It is a requirement they shall not do it for less. The subscription is void without such payment.

Mr. PAYSON. Why not fix it at 50 or 60 per cent.?

Mr. HEARD. That is a matter of judgment for the House.

Mr. PAYSON. But why does the committee fix it at 10 per cent.?

Mr. HEARD. Because it is usual to fix it in the different States. And I apprehend there is no demand of the people here or from the gentleman from Illinois or anybody else for a limitation on the proposed road which is not placed on the present railroads of the District. I understand the Georgetown Railroad up to date has paid up only 40 per cent. of its capital stock, and yet it has a mortgage debt for every dollar it has expended in construction.

Mr. HOPKINS. Do you believe in legislation that will permit such a thing to be done in the District of Columbia?

Mr. HEARD. But does it do so?

Mr. HOPKINS. Does the gentleman approve of such vicious legislation?

Mr. HEARD. The committee do not propose in this bill to regulate the affairs on all the roads in this city, nor do they propose to put on this road burdens which the other roads in this city do not bear.

Mr. HOPKINS. Do I understand the gentleman to say, because some former Congress permitted such vicious legislation he will permit it here in this bill?

Mr. HEARD. This bill is presented by the committee as embodying their views of fairness on that point for the action of the House.

Mr. HOPKINS. Will the gentleman permit me to ask him a question?

Mr. HEARD. Certainly.

Mr. HOPKINS. The question I wish to ask the gentleman is, why has this committee presented a bill permitting such vicious legislation?

Mr. HEARD. I do not admit that this is vicious legislation. But I say, on the part of the committee, it could be easily determined by a vote here whether it is considered by the House as vicious legislation or not. That is a matter of opinion, Mr. Chairman, and I hope the gentleman will not interrupt me any further with such questions as involve nothing more than his opinion on the ethics of legislation.

Mr. HOPKINS rose.

Mr. HEARD. If the gentleman has any speech to make on this subject I hope he will make it in his own time, and not interrupt me any further.

Mr. HOPKINS. The gentleman has not yet answered my question why the committee has permitted this character of vicious legislation to be presented?

Mr. HEARD. I ask the gentleman to take his seat and allow me to proceed.

Mr. MILLIKEN. I think the gentleman is legitimately trying to get information in reference to the pending measure.

Mr. HEARD. He will get it whenever I am allowed to proceed with my remarks.

Mr. FELTON. Let me ask the gentleman from Missouri whether there is anything in this bill to prevent the board of directors calling for other installments in addition to the 10 per cent. of stock to be paid on subscription?

Mr. HEARD. Not at all.

Mr. BEACH. Will the gentleman permit me to move an amendment prohibiting the issuing of the capital stock until it has been paid in cash to that amount? Will you agree to allow me to offer such an amendment?

Mr. HEARD. When the amendment is offered I will act on it as I think it deserves, but I am not authorized to accept it.

Now, Mr. Chairman, there are in this city already in operation 58 miles of road, and the committee do not in this bill propose to impose any burdens upon the company provided for in the pending bill that have not been imposed upon the companies already in existence.

Mr. FELTON. To do so would have the effect to establish the roads already in existence as a monopoly favored by this legislation.

Mr. HEARD. That certainly would be the effect by giving them the rights and privileges denied by Congress to this road. It certainly is not the intention of Congress to keep all the carrying business in this city confined to the 58 miles of road already constructed, regardless of the accommodation of the public. What it is fair to extend to the roads now existing it is also fair to allow to the road provided for in this bill.

Mr. WARNER, of Missouri. I understand the gentleman to say that there is reserved in this bill to Congress to alter, amend, or repeal this charter. Now, I would ask the gentleman if the same power is reserved to Congress in the charters of other roads in this city?

Mr. HEARD. I do not know. I have not examined that question.

Mr. WARNER, of Missouri. I asked the question so we may know.

Mr. HEARD. I do not know that it is; and that is the reason why I argue that it should not be put upon one without being put upon the others. I think, Mr. Chairman, that in making a provision of law like that in question it should be made to operate alike upon all, and the reservation in this bill takes out of all question the power of Congress to impose such a tax upon this road.

Mr. WARNER, of Missouri. Another question, with the consent of my colleague. If the reservation is not contained in the granting act bestowing the franchises, what right then has Congress, what power, to make or impose such limitations upon their franchises?

Mr. HEARD. Well, that is a question which has been asked a hundred times in such controversies. It goes down to the very root of the broad question of eminent domain, and is a question about which lawyers essentially differ. For myself, I hold that Congress has such power.

Now, Mr. Chairman, I assume, and the action of the committee assumes, that this legislation is needed, otherwise we would not feel warranted in recommending the granting of the franchises. We further assume that these people, to whom the franchise is sought to be granted, if they construct the road, will render a full equivalent for the privileges bestowed upon them.

Now I wish the members who are present to pay attention to the statement that in the construction of a cable road, costing four or five times as much as a horse road, the measure of taxation that will follow per mile is in the same ratio with the increase of cost of construction; and, therefore, these 32 miles of road, if they be constructed, will be taxable to an amount in excess of the 120 miles of the horse roads, and, therefore, in all probability the tax derived from this source in this city would be almost or quite double that derived from all the existing lines. In other words, according to the estimates made and furnished the committee, it will reach about $50,000 a year from this source.

But that is but a small proportion of what the people will derive in the way of taxation from the construction of this road. The extension of the road into the outlying districts not now supplied with horse-railways will largely enhance the value of property and, thereby increasing the volume of property, relieve the people of the District and the country largely in the matter of taxation.

Now, I propose to notice some of the objections which have been made to the bill. As to whether or not it is needed I shall have nothing further to say at present. It is said by some of the opponents of the bill that it will impair the streets of the city. Let me say that with any man who has ever seen a cable railroad such an objection will have no weight.

The system of cable roads, so far as the impairment or the disfigurement of the appearance of the streets is concerned, bears no comparison to the injury done by the horse railroads, for the reason that the rails are laid level with the top of the streets, which are paved smoothly, and they are not disfigured by the cobble-stones placed in the middle of the tracks as we see them on the lines of our horse-railways. These horse lines now have the middle of the streets disfigured, the lines of cable are laid, and the rails come up flush with the top line of the pavement, and you can drive a vehicle across a line of cable road and not realize that you are crossing a track at all.

But, sir, beyond that we are appealed to by those who oppose the measure under consideration not to suffer further impairment of the streets. In opposition to this statement let me inform you that the existing lines of horse-railroads to-day in this city are before the House with bills asking permission to extend their lines for 83 squares, and there are innumerable propositions for the granting of new franchises to other companies.

Mr. BROWN, of Pennsylvania. Has any such bill been reported?

Mr. HEARD. No, sir; but the point I seek to make is that although the people who have horse roads to-day insist that this cable company should not be allowed to construct a road on the ground of impairing the streets, they have asked that they may be permitted to extend their roads 83 squares and impair the streets immeasurably more than by the plan suggested here.

Now, as to the further suggestion of the opponents of the bill that the franchise should be sold for its full value, I belong to that class of people who believe that all franchises should be taxed. If I mistake not, the State of Pennsylvania—I know it was the case some years ago—levies no tax upon real estate, but her taxes are derived in a large measure from privileges and franchises. I believe they ought to be taxed. But, Mr. Chairman, I do not consent to the proposition that you may tax the rival road proposed in any peculiar way, and derive revenue for the benefit of those now in existence which are exempt from such taxation. We have reserved in this bill the power of Congress to tax this road to any extent whenever a general law for such purpose shall be deemed proper, and I hold that such general legislation as would effect that object would be proper now if made to operate on all alike. But such law should have no favorites and no victims.

Mr. GLOVER. Let me ask my friend a question. I notice the second section includes a provision for the taxation of this property. It is expressly provided that said road shall be deemed real estate. What I wish to ask is how the stock is to be taxed under the provision. Is it to be taxed as personalty or realty?

Mr. HEARD. I understand it is to be taxed as personalty.

Mr. GLOVER. What reason was in the mind of the committee for discrimination, for saying that the road shall be taxed as real estate and the stock as personalty?

Mr. HEARD. So far as I am concerned no reason has occurred to my mind for it. If there is a discrimination, so far as I am concerned I have not observed it.

Mr. GLOVER. Does the gentleman find any reason in the suggestion that the difficulty of collecting the tax on stock as personalty might be very great?

Mr. HEARD. I have not thought of that; but I believe the gentlemen will find this is an exact transcript of other charters here in that respect.

Mr. PAYSON. I understood the gentleman to say that the committee were in favor of subjecting the franchises of this road to taxation.

Mr. HEARD. I did not say that. I do not speak for the committee. I said that personally I am in favor of taxing the franchises. I think taxes should be laid on all valuable franchises.

Mr. PAYSON. Does the committee agree with the gentleman?

Mr. HEARD. I do not assume to say so, because I do not know that that matter was ever discussed in the committee.

Mr. PAYSON. My reason for asking the question is that in section 2 of this bill that proposition is studiously evaded. It is expressly omitted from section 2.

Mr. HEARD. The gentleman is mistaken.

Mr. HEMPHILL. How does the gentleman know that this was studiously evaded?

Mr. PAYSON. I say it is conspicuously evaded.

Mr. HEMPHILL. I do not know that the gentleman has any right to assume anything of the kind.

Mr. PAYSON. I will at the proper time call attention to what is the practice in my own State in this respect.

Mr. HEMPHILL. Perhaps your State is not a model for the people here.

Mr. HEARD. I say to the gentleman from Illinois [Mr. PAYSON] in all kindness, it is perfectly competent for him to offer the provision he indicates, if he so desires; but I do not propose that he shall consume my time just now by discussing that point.

Mr. PAYSON. I simply wanted to know what was in the mind of the committee.

Mr. HEARD. I want to be heard further on that point, and I hope the gentleman from Illinois [Mr. PAYSON] will listen.

Mr. PAYSON. Certainly. I shall be very glad to do so.

Mr. HEARD. When this bill was before the committee, I think it is not in violation of the propriety of the case in speaking of the committee's action to say a proposition was considered to require a certain percentage on the business of the road to be paid to the District of Columbia as a kind of tax or consideration for the franchise. That was discouraged for two reasons: First, that we desired to reserve in the hands of Congress absolutely—and that applies also to the sale of the charter—the power to control and regulate this thing. And beyond that, the power of taxation being reserved, Congress may devise a better plan of taxation than to retain a certain per cent., because the retention of a certain per cent. generally affects the book-keeping more than it does the Treasury.

One objection is made to this bill that the permission of Congress to this company or any other to bond its road without having paid up its capital stock authorizes a speculation. To what extent Congress will authorize such speculation is a matter for it to determine. Certain it is, however, that in every charter of the kind granted in the District there has been no such burden imposed as is proposed to be placed upon this road. But beyond that it is said that bonds enough will be issued to build the road and enable these parties to pocket the stock. I call the attention of gentleman, especially of lawyers, to the fact that the stock does not belong to the incorporators; they are but trustees for the stockholders; and any gentleman who has the money to pay for the stock is able to buy it, and if he buys it whatever benefit accrues, whether from liberal bonding or otherwise, results not to the incorporators or directors, who are but trustees, but to him and to the other stockholders in the company.

I believe the objections which have been made and which I have discussed in a cursory way cover the greater part of what I want to notice now. I now yield the floor, reserving the balance of my time.

Mr. HOPKINS. Before the gentleman resumes his seat I desire to ask him a question. Is there any provision in the bill to compensate the property-owners along the line of the proposed road for any damage done to their property?

Mr. HEARD. There is not. We do not contemplate damaging anybody's property, nor do we demand from anybody pay for the advantage we give their property. It is not contemplated by the committee that this will damage anybody's property, but largely enhance its value where it is affected at all.

Mr. GIBSON, of West Virginia. I desire to oppose this bill both on account of the scheme it proposes and on account of the defects of the bill if the scheme were a proper one. I start out with the proposition that there is no necessity for the further obstruction of the streets of this city for the purpose of facilitating rapid transit. That car lines within any city are an obstruction to the travel and a disturbance to the beauty and the general pleasure of a city is an admitted fact. It is only in great business centers, where constant travel and rapid transit are demanded, that the people in cities have been willing to submit to the inconvenience to themselves, the injury to property, and the destruction of streets by railroads. There is no such condition of affairs existing in this city. It is not a commercial city; it is not a city requiring quick and rapid transit. The travel as a rule is only at stated times, morning and evening, and the city has now by its horse-cars and by other modes of traveling all the communication it wants and all it needs from one part of the city to another.

There are are already in this city 58 miles of street railway, comparatively destroying every street in which they have been laid, and now it is proposed by this bill to go into the narrower streets, that have been reserved for ordinary travel, and put down railway lines, not only single track, but double track, utterly destroying those streets for every purpose except the purpose of this corporation. They not only propose that in this bill, but they do not even ask the consent of the people whose property abuts along the line of this proposed railway, nor is there any proposition to compensate the property-owners for damage done to their property.

Mr. DUNHAM. Will the gentleman permit me to ask him a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. DUNHAM. Is Congress in the habit of asking the consent of the people of the District of Columbia when it desires to do something?

Mr. GIBSON, of West Virginia. Yes, sir. Not only this Congress but every legislative body should protect the vested rights of the people. It is a well-known principle of law that every man who owns a lot owns the right not only to every foot of the street in front of him, but to every foot of street laid down on the plat; yet here is a proposition to take up and occupy the streets of the city for the purposes of this private corporation without making any provision for compensating the property-owners.

Mr. DUNHAM. Do you say that every man who owns a piece of property owns the street?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. DUNHAM. Could he fence it up?

Mr. GIBSON, of West Virginia. No, sir; not only can he not do that, but the town council can not fence it up.

Mr. GROUT. Whether he owns it or not depends entirely upon the terms of the grant.

Mr. GIBSON, of West Virginia. I state that where there is a plat filed and on record laying off the streets of a city, and a party owns a lot in that city, he owns the use of every street on that plat.

Mr. FELTON. Yes; and of every other street in the city.

Mr. GIBSON, of West Virginia. And of every other street in the city.

Mr. STRUBLE. Does his right to the use of those streets result from his ownership of the lot?

Mr. DUNHAM. I want to ask the gentleman another question. Has the man who owns property abutting on a street any more right to the use of the street than a man has who does not own any property at all in the city?

Mr. GIBSON, of West Virginia. Yes, sir, he has.

Mr. Chairman, I would say to these gentlemen, if they want to ascertain the law of this question let them go into the Library and look at Mr. Cooley's work, and he will enlighten them. Now, this is one of the defects of this bill, that it proposes to take possession of these streets for purposes for which they are not needed, and to take possession of them without making any compensation whatever to the people whose property will be injured by such use of the streets.

Mr. GALLINGER. Has that been usual in any city?

Mr. GIBSON, of West Virginia. Further than that, wherever rights have been granted to a private company and injury to property has resulted therefrom damages have been recovered from the company, but is it proper for Congress, in dealing with a bill of this kind when they have the power to protect the rights of the people and to protect vested interests, to leave the parties concerned to such protection as they may have under the common-law right to the enjoyment of their property?

There are other things in this bill that make it totally defective. For example, there is no provision whatever in the bill for the protection of the public interests, except the one limiting the fare to 5 cents. There are no rules laid down, there are no details in the bill, but simply a general requirement that the company shall do things in a proper manner.

One of the remarkable features in this bill is, that it leaves it absolutely to the discretion of the Architect of the Capitol to say what part of the Capitol Grounds this road may occupy. If, under this bill, the company were to buy up the Architect of the Capitol, if he were a corrupt man, or if he were to collude with them, he could allow them to run their cars along the walks and the public grounds right up to the steps of this building, and no power could stop them. Are we to be told that the Congress of the United States, having charge of these magnificent grounds and of this magnificent building, should turn over its control of them to one man and leave them at the mercy of his corruption or his ignorance? As you go along through this bill you find the rights of the people ignored in every line of it. In one respect it is the most remarkable bill I have ever seen. It is the only bill I have ever seen that openly, upon its face, authorizes bids by the stockholders for fraud upon the public. The gentleman from Missouri [Mr. HEARD] says that all the State laws authorize the issuing of stock upon the payment of 10 per cent.——

Mr. HEARD. What I said was that the State laws with which I am familiar, and, according to my information, the laws of almost all the States, allow it.

Mr. GIBSON, of West Virginia. The gentleman is entirely mistaken. There is not a solitary State in the Union that allows that. I will show where the gentleman makes a mistake. The statutes of the different States allow the corporators, numbering usually five, to get a charter when they pay 10 per cent. of the stock subscribed; but there is no State in this Union that allows the issuing of stock to stockholders upon the payment of only 10 per cent. of the amount of the subscription.

Mr. BEACH. Ten per cent. must be paid upon filing the articles of corporation.

Mr. HEMPHILL. I will say to the gentleman that I know a State that does not require you in that case to pay one cent.

Mr. GIBSON, of West Virginia. What State?

Mr. HEMPHILL. The State of South Carolina.

Mr. GIBSON, of West Virginia. Well, the State of South Carolina has a peculiar way of doing some things anyhow.

Mr. HEMPHILL. One peculiarity is that she sets people right when they are wrong.

Mr. GIBSON, of West Virginia. If the State of South Carolina authorizes the granting of charters and the issuing of stock without payment for the stock by the parties to whom it is issued, it only shows that the State of South Carolina is greatly in need of reform.

Mr. HEMPHILL. Now the gentleman is entirely shifting the issue. I did not say that we do any such thing as that.

Mr. GIBSON, of West Virginia. What is the gentleman's statement?

Mr. HEMPHILL. I say that in our State you have the right to get a charter without paying anything down upon the stock.

Mr. GIBSON, of West Virginia. But that is not the proposition in this bill.

Mr. HEMPHILL. This bill requires the corporators to pay 10 per cent. down.

Mr. GIBSON, of West Virginia. This bill does not require the corporators to pay 10 per cent. down to get the charter.

Mr. HEMPHILL. I know it does not.

Mr. GIBSON, of West Virginia. This bill provides that stock to the amount of $2,000,000 may be issued, and for this $2,000,000 of stock only 10 per cent. need be paid.

Mr. HEMPHILL. The bill requires that 10 per cent. shall be paid absolutely, and that the balance shall be paid if demanded by the board of directors for the purpose of building the road.

Mr. GIBSON, of West Virginia. I understand that; and the directors are the men who will be interested in paying as little as possible upon the $2,000,000 of stock, and interested in the watering process and the swindling of the public.

Mr. MILLIKEN. Do I understand the gentleman to say than any stock is to be issued until it is paid for?

Mr. GIBSON, of West Virginia. Yes, sir. Under this bill the whole $2,000,000 of stock will be issued upon the payment of only 10 per cent., and the men named in this bill, if they can raise the 10 per cent., can get $2,000,000 of stock, representing property which may be mortgaged for $40,000 a mile, and for the purpose of paying dividends upon which the company will be allowed to tax the public.

If these gentlemen propose in good faith to build this road, why do they not go about it in a business-like way? We are told that they are eminently responsible and able to build the road. Why, then, do they want $2,000,000 worth of stock issued with only 10 per cent. paid upon it? Under this bill a man can pay $10 and get a $100 share of stock. He thus has $90 margin upon which to go into the market and speculate. More than that, though he only pays $10 upon each share that he owns, he expects to tax the public so that he may receive a dividend on $100 per share.

Mr. Chairmain, I believe that neither Congress nor any State Legislature ought from this time forward to grant a charter to any company whatever without an absolute guard against the watering of the stock and the issuing of any certificate of indebtedness to any man, unless he has paid dollar for dollar.

Mr. BROWN, of Pennsylvania. It is only fair to state in this connection that the tax upon the public is not increased.

Mr. GIBSON, of West Virginia. It is increased.

Mr. BROWN, of Pennsylvania. How?

Mr. GIBSON, of West Virginia. It is increased in this way——

Mr. BROWN, of Pennsylvania. The fares are not increased.

Mr. GIBSON, of West Virginia. If this company can build a railroad for 10 per cent. of $2,000,000, they have no right to charge a rate of fare which would be equivalent to a just compensation for an expenditure of $2,000,000.

Mr. WEAVER, of Iowa. That is a sound proposition.

Mr. GIBSON, of West Virginia. They have no right to use these streets except for the benefit of the public. Common carriers are not private corporations, and have never been held to be such.

Mr. BROWN, of Pennsylvania. I mean to say that the public is paying a 5-cent fare now.

Mr. GIBSON, of West Virginia. I understand that. Common carriers are only allowed the exercise of the right of eminent domain with a view to the public good; and they have no right by watered stock or by false and fraudulent statements of expenditures to require the public to pay for freight or passenger transportation a rate of tariff which is more than a fair dividend on the amount they have actually expended. To make myself plain, suppose a freight railroad going through any agricultural portion of this country has cost $10,000,000, and the stock is watered so as to represent nominally $100,000,000, which is the proportion in this case. Now if that freight company levies such a toll as to pay a dividend on $100,000,000, it thereby robs the public; it obtains from the people money for which it has never rendered any equivalent.

There are in this bill other clauses equally objectionable. After allowing the issue of $2,000,000 of stock for the purpose of building a road some 32 miles long, the bill allows bonds to be issued and put upon the market at a rate of $40,000 a mile for the single track or $80,000 a mile if there is a double track.

Mr. PERKINS. What will it cost a mile to build the road?

Mr. GIBSON, of West Virginia. Not that much.

Mr. PERKINS. Can you make an estimate of what it will cost?

Mr. GIBSON, of West Virginia. I can not make an estimate, but you will find that it will not cost $40,000 a mile to lay a track through these streets.

Mr. BEACH. That is where the little joker comes in.

Mr. GIBSON, of West Virginia. I understand that, but these gentlemen ought not to come in here and ask for a great public privilege without some statement as to the cost.

Mr. ROWELL. Do you know of any cable railroad having been built in the United States at less cost than $100,000 a mile of single track?

Mr. HOPKINS. Why do not this committee bring in their estimate and demonstrate it is proper?

Mr. GIBSON, of West Virginia. I will answer the gentleman's question. It is perfectly immaterial what these roads cost when first incorporated.

Mr. ROWELL. What have they cost this year and last year in Kansas City or Philadelphia?

Mr. GIBSON, of West Virginia. The cost is owing to the royalty for patents; and the men who build this road own the patent and will pay no royalty. If gentlemen say this road can *not be built* for that, why do you not pass a general law and let all the companies come in and bid for the road? What is it you propose to give? You propose here to turn over a magnificent franchise within the gift of the city; you turn over that franchise worth a million of dollars to these people, laid out and cared for by the public money; you propose to give these men who ask for the passage of this legislation the right to lay their hands across the throat of travel and commerce in this city; to take hold of the rights belonging to the people of this city; to take charge of this magnificent franchise, for which they shall pay no compensation whatever. Why is this? If there is no job in this matter why do you not let it out to public competition?

In New York we heard the same song. When Sharpe was getting his surface railroad they denied there was any job in it, that the public wanted the road, that it was a magnificent public enterprise, but no sooner were the rails laid down than the rottenness of the job rose up and its stench filled the whole country. Here you undertake to turn this road over to another set of men. I do not know who they are and I do not care; you turn over a valuable franchise in this city to these men by name. Other companies would give thousands of dollars for the right to build this road. The tax on that road if it were a turnpike road would help to keep up the public schools in this city, and decrease the annual appropriation which you have to make from the public Treasury for that purpose. Why not use it then for the benefit of the city and for the benefit of the public? Why not use it to keep down taxation? But this committee do nothing of the sort in this bill. They give us two or three names in this bill, and to these gentlemen they give absolute power to go through the streets of the city, to take public lots without paying a solitary cent for them. They give them the right to issue two millions of stock, and, further, they allow them to bond their road to the extent of $40,000 a mile for a single track.

This committee does that, and they do it without presenting any estimate of cost, without a single provision as to how many cars are to be run. Indeed in this bill they could run but one car a day and that would comply with the charter in this bill. There in no check upon them.

Further than that, Mr. Chairman, is it right? What public necessity is there for this road so great as to make it necessary to destroy the vested rights of companies already existing under your laws and by virtue of your action heretofore?

Mr. BROWN, of Pennsylvania. "Vested rights"—that is the trouble, is it?

Mr. GIBSON, of West Virginia. If you allow this road to be established would that destroy the monopoly? You give the right to charge 5 cents a mile as on the other roads. You permit them to run parallel lines. You further destroy the streets of the city. Now, there are

other people who have rights besides these people who wish to build this road.

I know when your charters were granted for horse-railroads here they were in their infancy. They were a sort of experiment. These people have gone to work in good faith and laid down 58 miles of rail in this city, and now comes a corporation, composed mostly of those living out of the city, and ask you to allow them still further to tax the people here.

Is there any man in the city who can say with truth that he has never been able to pass backward and forward with facility on the existing lines? Have you any lack of transportation here?

Mr. BLAND. A man can ride in these bob-tail horse-cars, perhaps, by standing up and hitching on to the straps. [Laughter.]

Mr. FELTON. What is the question of the gentleman?

Mr. GIBSON, of West Virginia. I ask is there anybody who has been incommoded, or unable to get backward and forward by reason of a lack of transportation here?

Mr. FELTON. I have been a dozen times; and have tried to have the privilege of paying my fare, but had more than once to get out or stay out and walk rather than submit to being crowded up in a close car where it is impossible to get a seat. The service is not commensurate with the requirements within 33⅓ per cent. of it at times. The gentleman wanted information, and now I have given him the information I possess.

Mr. GIBSON, of West Virginia. I am obliged to the gentleman from California for the answer, but he is no doubt like many other people, who will persist in getting into crowded cars when they must know they can not get a seat rather than wait a few minutes; and when they find they can not get a seat, then they get out and quarrel about it or stand up and quarrel.

Mr. FELTON. Or go afoot; of course we have that privilege always. [Laughter.]

Mr. REED, of Maine. The gentleman from West Virginia does not undertake, I presume, to be satisfied with the present car service of the city?

Mr. GIBSON, of West Virginia. No, sir; I have not said that.

Mr. REED, of Maine. Because I should be sorry to have that impression created by the remarks of the gentleman. [Laughter.]

Mr. GIBSON, of West Virginia. No, sir; I am not satisfied with the present system; but I do say that they can be required to put on more cars without the destruction of their franchises or the impairment of their rights, and without injury to the streets of the city.

Mr. BROWN, of Pennsylvania. How are their rights to be interfered with by the passage of this bill, unless the new road interferes with them by competition? The gentleman from West Virginia asserts that this proposition is for the purpose of injuring existing corporations. Now, how can it——

Mr. GIBSON, of West Virginia. No, sir; I did not say that.

Mr. BROWN, of Pennsylvania. I want to know how the old corporations can be injured unless there be injurious competition.

Mr. GIBSON, of West Virginia. I did not say that.

Mr. BROWN, of Pennsylvania. I am sure you will find it so when you come to review your remarks.

Mr. GIBSON, of West Virginia. I said there was to be no benefit to the public, because the proposition embodied here creates no competition, and hence that the public would derive no advantage from it; but if it did, I think in either event it is not proper to let it pass through in this shape.

Mr. HEARD. Do you not think it would be a material benefit to those portions of the city which have not the car service now, and to which this cable road would extend it?

Mr. GIBSON, of West Virginia. Why, Mr. HEARD, it would be a material benefit to you or to me if we wanted to go to Georgetown in a hurry to have a magnificent Mogul engine and a train of sleepers and fine Pullman cars to take us over instead of a common horse-car; but yet, although we want to travel in that way, is it proper that the streets of the city should be destroyed to enable us to do so?

Mr. HEARD. You do not understand my point. My question was not as to the manner of traveling, but was directed to this point: Is there not a material benefit to be gained by allowing those sections which have not railroad facilities now to have the benefit of this new service, which will extend it to them in the manner proposed?

Mr. GIBSON, of West Virginia. Why, sir, I tell you frankly I do not believe it is a matter of any benefit to them whatever. I do not believe that there is a householder, a property-holder, or a family living along the streets where you propose to put this road that would not rather ask you to give additional facilities to existing lines than to have the streets torn up. In fact they would rather walk for one or two squares to get to the existing lines than to have this additional service which can be of very little benefit to them. But, further than that, if it be true that these street railroads are a blessing all along your streets, why do not you pass a general law allowing everybody to run cars along the streets?

Mr. HEARD. In response to the gentleman's question I will ask him another: Why don't you introduce a bill if you think it such a benefit to allow that to be done?

Mr. GIBSON, of West Virginia. Because I do not think it such a benefit. I believe we have street railroads enough in the city, and I do not believe that they ought to be extended. I do not think it necessary to build any others. Why don't you require those that are in existence to perform the service required?

Mr. HEARD. I understood you to say the service was sufficient and satisfactory now.

Mr. BROWN, of Pennsylvania. That is the true theory after all, I suppose, of the gentleman's argument, that the existing monopoly is not to be interfered with.

Mr. HEARD. And I understood the gentleman to say that the people were satisfied with the present system.

Mr. DUNHAM. Let me ask the gentleman a question. Are you doing this in the same manner that you acted with me in reference to the oleomargarine bill? [Laughter.]

Mr. GIBSON, of West Virginia. How do you mean?

Mr. DUNHAM. Are you talking here simply to kill time up to 5 o'clock? [Laughter.]

Mr. GIBSON, of West Virginia. I do not know how it may be with the gentleman himself, or how he did; but on general principles I can say I am not in the habit of doing anything as he does. [Laughter.]

Mr. DUNHAM. But you are sure you will use the time up to 5 o'clock anyhow.

Mr. GIBSON, of West Virginia. I do not know about that, but if I can defeat this bill I am going to do it.

I was going on to say that there was no reason from the necessities of travel for the construction of this line of railway, and that the people of the city do not want it. There is no recommendation from the commissioners, the governing power of this city, for this line of railway. I want to ask the gentleman who has charge of the bill, if it is one for the benefit of the city, why is it that the commissioners of the city have not recommended and asked for its construction? We have here on that commission a most accomplished engineer, Mr. Ludlow, a gentleman from Philadelphia, where he is familiar with these railways. We have other gentlemen whose business it is to look after the streets and to provide for rapid and comfortable transit over them. And yet there has not been a single recommendation by one of these commissioners to Congress. There is no request made by them. There is no petition here from any citizen of this city. There is no recommendation by a public meeting. All that we know is that the men seeking to build this road come here and ask for its construction. The committee itself, I venture to say, only propounds this as a proposition which has been made to them without any great earnestness or zeal for the construction of this road.

When we come to act on a matter so important as this, covering 32 miles of the streets of this city, the surrender absolutely of their occupation and use to this company and the turning over the homes of the people along that whole line to the annoyance of these railroads, there ought to be some expression of the people who are to be benefited by it and from the governing power of this city. If this city wants it why is it we have not evidence before us of that fact?

Mr. HEARD. As I have already stated, we have petitions from along the line represented to contain seventeen thousand or eighteen thousand names. I have not counted them.

Mr. GIBSON, of West Virginia. The gentleman stated there was what purported to be a petition——

Mr. HEARD. Before the committee.

Mr. GIBSON, of West Virginia. But it has never been before the House. The public have not seen it.

Mr. HEARD. I state emphatically those petitions were before the committee and they are now in the House.

Mr. HOPKINS. Does the gentleman know how those petitions were got up? Is he aware that they do not represent the feeling of the people along the road?

Mr. HEARD. I do not know that.

Mr. GIBSON, of West Virginia. What I complain of is that you have not presented those petitions to the House, had them referred, and made them public, so that we could test the question as to whether or not they were genuinely signed.

Mr. HEARD. How can I present them more than I have done? Shall I have them read? They are here, and I have stated before that they were here.

Mr. GIBSON, of West Virginia. If you had incorporated them in your report and had these names printed we could have tested the fact and understood what weight to attach to them.

Mr. SPRINGER. The gentleman says these petitions have not been referred to the House. I have before me here a petition of eighty property-owners and citizens of the District of Columbia asking for this measure.

Mr. GIBSON, of West Virginia. Will the gentleman read out the names?

Mr. SPRINGER. This petition was presented April 12. Here are other petitions of a like character from real-estate owners.

Mr. GIBSON, of West Virginia. I am not satisfied that the gentleman from Illinois should merely stand up and tell me he has a petition with eighty names attached. I want the names.

Mr. SPRINGER. I will read them.

Mr. GIBSON, of West Virginia. Yes, read them.

Mr. SPRINGER. I will send them to the Clerk's desk to be read. I presume it will be more interesting than the remarks of the gentleman from West Virginia.

Mr. GIBSON, of West Virginia. The gentleman can read them himself in my time. I yield part of my time to him.

Mr. SPRINGER. If the gentleman yields me a part of his time I will withdraw the petition and make some remarks myself.

The CHAIRMAN. Does the gentleman from Illinois withdraw the names which he has sent to the Clerk's desk?

Mr. SPRINGER. I will withdraw the names and occupy the time myself.

Mr. GIBSON, of West Virginia. If we had those names we would know who the parties were.

Mr. DUNN. Why not have them read in your own time?

Mr. GIBSON, of West Virginia. The gentleman from Illinois [Mr. SPRINGER] will not read them.

Mr. DUNN. You can have them read in your own time.

Mr. GIBSON, of West Virginia. Will the gentleman from Illinois tell me what he has to do with those petitions?

Mr. SPRINGER. They have been here for some weeks. The gentleman professes to be representing the District of Columbia, but from his remarks one would presume he was representing the Georgetown Railway Company. I do not say that, however; I do not assume that.

Mr. GIBSON, of West Virginia. It was a very impertinent assumption on your part. [Laughter.] Such remarks should not be made unless gentlemen intend to make them and be responsible for them.

Mr. SPRINGER. I say I do not make those remarks.

Mr. GIBSON, of West Virginia. Then the gentleman should not have used that language.

Mr. SPRINGER. As the gentleman denied that anybody in the city of Washington had asked for this increase I wanted to present these papers.

Mr. GIBSON, of West Virginia. I do not know what are the gentleman's habits of representation on this floor. But I have been here for a considerable time; this is my third term; and I have got the first man yet to address me as the representative of any private interest on this floor.

There is not a man connected with any railroad in this city that has ever spoken to me about this matter except a gentleman who is interested in this bill. He asked me to read the bill and give it careful consideration, and I promised him to do so. Therefore it is altogether gratuitous, it is altogether uncalled-for, it is neither dignified nor proper for the gentleman to make such a remark.

Mr. SPRINGER. I withdraw all the remarks to which the gentleman takes exception. [Laughter.]

Mr. HEARD. Mr. Chairman, I desire to call the attention of the gentleman from West Virginia to this provision in the incorporation law of West Virginia, his own State:

At least 10 per cent. at time of subscription. No person is to be considered a stockholder or entitled to a certificate until he has paid this amount. Other installments as required by the directors.

Mr. ROWELL. Just the provision that is in our bill.

Mr. GIBSON, of West Virginia. The gentleman, unfortunately for himself, has only read what a lawyer in our country calls a "little scrap" of law.

Mr. HEARD. I have read the law of your State.

Mr. GIBSON, of West Virginia. I deny that it is the law as you state it, and I will explain it to you. We have a general law which provides for the granting of charters to corporations. There must be not less than five incorporators. They must have subscribed the minimum amount of stock. They must then make affidavit that they have paid in 10 per cent. of the subscription, and then the secretary of state grants them a charter and authorizes them to issue stock, but when they issue the stock they must sell it dollar for dollar. If the provision of this bill was like the provision of the law in West Virginia, and simply referred to the incorporators and the 10 per cent. which they are required to pay upon the minimum amount of the stock, the case would be entirely different, but that is not this bill. As to the law of West Virginia, my colleague, Mr. GOFF, knows that it is as I have stated it, and that is the law of every other State, and the trouble with these gentlemen is that they have mixed up the law as to the corporators with the law as to the company after it is incorporated, and they undertake to teach us law when they do not understand it. [Laughter.] Now, I am afraid that I am exhausting the patience of the House, and as it is so near the hour of adjournment, I yield to the gentleman from Virginia [Mr. BARBOUR].

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia, and had come to no resolution thereon.

Mr. BARBOUR. Mr. Speaker, as so little progress has been made with the business of the District of Columbia to-day, I move that the House take a recess until 8 o'clock this evening with the understanding that this traction railway bill shall not come up for consideration. There are some other matters pertaining to the District that require attention, and as the District has had but two days this session, I trust that we may have an evening session for this purpose.

Mr. HEARD. Mr. Speaker, I move as a substitute for that motion that the House take a recess until 8 o'clock.

The SPEAKER. That was the motion of the gentleman from Virginia.

Mr. HEARD. But he put a condition upon it.

The SPEAKER. No, the gentleman simply stated that his purpose was not to call up this bill for the evening session.

Mr. BARBOUR. I hope gentlemen will agree to the suggestion I have made. It is perfectly obvious that if we come here to-night there will be but a small number present, less than a quorum, and there is so much opposition to this traction bill that somebody will be sure to raise the question of a quorum, and we shall be unable to do any business. My suggestion is made with the view of transacting other business relating to the District of Columbia which is pending before the House, and to which I think there will be no objection.

The SPEAKER. The Chair will say to the gentleman from Virginia [Mr. BARBOUR] that this bill is now under consideration in Committee of the Whole, and when the House reassembles at the evening session, if it determines to go into Committee of the Whole for the consideration of bills on this Calendar, this bill will again come up, unless, by unanimous consent or by a vote of the House, it be postponed.

Mr. HOPKINS. Mr. Speaker, I move that the House now adjourn.

The House divided; and there were—ayes 53, noes 71.

Mr. HOPKINS demanded tellers; and tellers were ordered.

The SPEAKER appointed Mr. HOPKINS and Mr. HEARD to act as tellers.

Mr. ROWELL. Mr. Speaker, I think that perhaps I can settle this. I ask unanimous consent that next Monday be set apart for business pertaining to the District of Columbia.

Mr. HOPKINS and Mr. MORRISON objected.

Mr. BARBOUR. Mr. Speaker, the motion for a recess is withdrawn.

Mr. HEARD. I ask unanimous consent that the House take a recess until 8 o'clock for the consideration of bills reported from Committee on the District of Columbia.

Mr. HOPKINS. To that I object.

The SPEAKER. Objection is made. The hour of 5 o'clock having arrived, the House stands adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. W. C. P. BRECKINRIDGE: Petition of Mrs. Kate V. Greenleaf, of Kentucky, great granddaughter of General Arthur St. Clair, asking Congress to pay the debts due by the United States to General St. Clair—to the Committee on Claims.

By Mr. CALDWELL: Papers relating to the claim of Henry S. French—to the Committee on War Claims.

By Mr. CARLETON: Petition of H. C. Wells, E. C. Wheeler, and many others, ex-soldiers of Finlay City; and of William Smith, S. L. Persels, and many others, citizens of Wales, Saint Clair County, Michigan, asking for the passage of Senate pension bill 1886—to the Committee on Invalid Pensions.

By Mr. CONGER: Petition of William A. Willis, asking that a pension be granted him by special act—to the same committee.

By Mr. COWLES: Papers relating to the claim of John F. Phifer, of Lincolnton, N. C.—to the Committee on War Claims.

By Mr. DUNHAM: Resolutions of the directors of the Chicago Board of Trade, to prevent disturbances, so that the lawful interchange of commerce between the States may not be interfered with—to the Committee on Commerce.

By Mr. ERMENTROUT: Memorial of D. L. Krebs, cashier of the Pennsylvania National Bank, for redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, petition of John C. Futz, for a pension—to the Committee on Invalid Pensions.

By Mr. FISHER: Petition of 46 ex-soldiers of Millington, Mich., asking for the passage of bill granting pensions to all disabled soldiers—to the same committee.

By Mr. FLEEGER: Petition of William D. Allen, only surviving son of John Allen, a soldier of the Revolutionary war, for a pension—to the Committee on Pensions.

By Mr. FUNSTON: Petition for the relief of Solomon Williams—to the Committee on Invalid Pensions.

By Mr. GEDDES: Petition of Thomas S. Curran, of Company E, Seventh Ohio Volunteer Infantry, for relief—to the Committee on War Claims.

By Mr. GIFFORD: Petition of citizens of Dakota, praying for the

division of the Territory on the seventh standard parallel—to the Committee on the Territories.

By Mr. GOFF: Petition of W. N. Edgell and 82 others, praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of G. W. Rowley and 11 others engaged in steamboating and river commerce on the Ohio River and its tributaries, relative to the proposed bridge over the Little Kanawha River at Parkersburg, W. Va.—to the Committee on Commerce.

Also, petition of A. J. Slavens and 14 others engaged in steamboating and commerce on the Ohio River, for same—to the same committee.

By Mr. W. J. GREEN: Petition of John A. Williams, of Margaret Duffy, of Stephen F. Howell, of Ezekiel Stephens, and of John Davis, jr., of Wayne County; and of Hector McMillan, of Joel C. Johnson (administrator of R. W. Johnson), of B. M. Smith (executor of Daniel L. Smith), of Mrs. Susan Hagard, and of William R. Clark, of Cumberland County; of Nathaniel K. Thornton and of Frederick Mathis, of Sampson County; and Theophilus Weaver, of Harnett County, North Carolina, asking that their several claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. HARMER: Petition of John Ferrill, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HEWITT: Petition of Thomas R. Coleman, for a pension—to the same committee.

By Mr. HISCOCK: Petition for a pension to William Merrick Bradford, to accompany bill for the same—to the same committee.

By Mr. HOLMAN: Petition of Noah Harvell and 90 others, citizens of Jefferson County, Indiana, for the passage of Senate bill 1886 for the relief of honorably discharged Union soldiers—to the same committee.

By Mr. LITTLE: Petition of the Xenia Twine and Cordage Company and of Hoover & Allison, of Xenia, Ohio, and others, against modification of the tariff on rope and rigging—to the Committee on Ways and Means.

By Mr. LYMAN: Petition of Mora Webster, treasurer of Fremont County, Iowa, asking for the passage of House bill 9170, for the relief of Green Fields—to the Committee on Invalid Pensions.

Also, petition of United States Maimed Soldiers' League, asking for the passage of House bill 7640—to the same committee.

Also, petition of George B. Corkhill, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. MATSON: Eight petitions of citizens of Scioto County, Ohio, asking for additional pension legislation—to the Committee on Invalid Pensions.

Also, petition of Aaron Booker Post, No. 203, of Luray, Mo.; of John King, of Post No. 570, of Department of New York; of Post No. 258, of St. Louis, Mo.; of Post No. 487, Department of Illinois; of Post No. 141, of Decatur, Ill.; of Post No. 80, Department of Missouri; of Post 141, Decatur, Ill.; of Post 544, Department of Illinois; of citizens of Appleton, Wis.; of Post No. 134, of Department of Missouri; of Post No. 6, Department of Indiana; of Post No. 8, Department of Tennessee and Georgia; of Post 339, Department of Iowa; of Post 222, Department of Missouri; of Post 110, Department of Missouri; of Post 242, Department of Missouri; of Post No. 3, Department of the Gulf; and of citizens of Hamilton County, New York, asking for additional pension legislation—to the same committee.

Also, petition of B. F. Morris and 22 others, comrades of Yager Post, No. 505, Department of Ohio, Grand Army of the Republic, for early action on the recommendations of the pension committee of the Grand Army of the Republic—to the same committee.

By Mr. NELSON: Petition of E. F. Wood Post, No. 100, Grand Army of the Republic, Department of Minnesota, for the passage of Senate bill 1886—to the same committee.

By Mr. J. J. O'NEILL: Memorial of the Constitution Club of New York, Edwin M. Wright, secretary, favoring the passage of the eight-hour law for letter-carriers—to the Committee on Labor.

By Mr. PEEL: Petition of 76 citizens of Washington County, Arkansas, to grant a pension to Thomas A. Reynolds, late second lieutenant Company G, Fourth Indiana Volunteers, in the war with Mexico—to the Committee on Pensions.

By Mr. PETERS: Petition of officers and others of B. F. Larned Post, Grand Army of the Republic, of Larned, Kans., favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Evidence to support bill for the relief of William Hilbert; and in the matter of the claim of John S. Kiefler—to the Committee on War Claims.

By Mr. PINDAR: Petition of G. D. Bartlett, commander of Olcott Post, Grand Army of the Republic, No. 522, and 46 others, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of soldiers and citizens of Otsego County, asking for the passage of Senate bill 1886—to the same committee.

By Mr. PLUMB: Petition of Jeremiah Evarts, John R. Marshall, C. C. Duffy, and 33 others, citizens of Kendall County, Illinois, asking that the name of Christopher Beck be placed on the pension-roll—to the same committee.

By Mr. RIGGS: Resolutions of Benjamin Moore Post, Grand Army of the Republic, No. 501, of Detroit, Ill., relative to pension legislation—to the same committee.

By Mr. RYAN: Petition of citizens of Morris County, Kansas, asking for the passage of Senate bill 1886—to the same committee.

Also, petition of the United States Maimed Soldiers' League, of Philadelphia, Pa., in favor of House bill 7640—to the same committee.

By Mr. SAWYER: Petition of E. H. Owen and others, for the passage of Senate bill 1886—to the same committee.

By Mr. TOWNSHEND: Papers relating to the bill for the relief of Hiram Somerville—to the Committee on War Claims.

By Mr. VOORHEES: Papers relating to the claim of G. F. Jocknick—to the Committee on Claims.

By Mr. A. C. WHITE: Petition of residents of Brookville, representing $280,000, paid-up capital; of residents of Parker City, and of residents of Kittaway, Pa., representing $1,000,000, paid-up capital, for a dam at Herr's Island, Allegheny River—to the Committee on Rivers and Harbors.

By Mr. WISE: Petition of Mrs. James M. Thompson, of Hanover County, and of Mrs. Elizabeth H. Clay, of Chesterfield County, Virginia, requesting that their war claims be referred to the Court of Claims—to the Committee on War Claims.

SENATE.

TUESDAY, *June* 15, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents the petition of Smith Williamson and 100 other prominent citizens of New York city, praying Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the building of the Harlem River Canal for a sum not exceeding $1,295,000, including the right of way free to the United States Government, to be completed July 4, 1888. The petition will be referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented a petition of 41 citizens of Michigan, praying for the passage of the bill to tax oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I present a petition of dairymen and buttermakers of Macon City, Mo., and other places in that State, praying for the passage of the bill of the American Agricultural and Dairy Association, introduced by Hon. WARNER MILLER, of New York, in the Senate, and by Hon. W. L. SCOTT, of Pennsylvania, in the House of Representatives, placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue of the United States, and taxing it 10 cents per pound. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SEWELL presented a petition of licensed officers of steamboats employed by the West Jersey Ferry Company, of Camden, N. J., praying for the passage of the bill providing for the refunding of moneys paid by the licensed men throughout the United States; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. VANCE, from the Committee on Finance, to whom was referred the bill (H. R. 8676) for the relief of Lafayette Fowler, reported it without amendment.

Mr. COLQUITT, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 279) for the relief of T. H. Triplett, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (H. R. 1059) to grant a pension to Joseph Romiser, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2342) granting a pension to John D. Holden; and

A bill (H. R. 4219) granting a pension to Daniel Jacks.

Mr. JONES, of Nevada, from the Committee on Finance, reported an amendment intended to be proposed to the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits; which was ordered to be printed and recommitted to the Committee on Finance, that committee having the subject now under consideration.

Mr. HARRISON, from the Committee on Territories, to whom was referred the bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States, reported it with amendments, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 1976) to provide for the survey of certain his-

toric grounds, locations, and military works, reported it with amendments, and submitted a report thereon.

NAVAL VESSELS.

Mr. HAWLEY. A letter of the Secretary of the Navy in response to a resolution of the Senate of March 5, 1886, calling for information with reference to the Boston, Chicago, Atlanta, and Dolphin, was sent to the Senate, and accompanying it were papers of considerable volume. The letter was referred to the Committee on Naval Affairs, and the papers to the Committee on Printing. I am instructed by the Committee on Printing to report in favor of printing the whole mass. It is not very large, not so large as I supposed originally. The total cost is $1,760. It seems to be the earnest desire of the Navy Department that all the papers shall be printed, and I submit a motion to that effect.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut.

Mr. HAWLEY. This is the usual number, and I report simply a motion to print.

The motion was agreed to.

REPORT OF COMMISSIONER OF LABOR.

Mr. HAWLEY. The joint resolution (H. Res. 183) providing for printing the first annual report of the Commissioner of Labor was referred to the Committee on Printing. I am instructed by the committee to report it favorably with certain amendments. The resolution provides for the printing of 55,000 copies and then proceeds in detail to specify 50,000. It is simply an arithmetical error. In the second section there is an amendment needed in order to provide for the wrapping of the copies for the Department of the Interior. I submit a favorable report with two amendments, and I ask for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Printing will be stated.

The CHIEF CLERK. In line 2 of section 1 it is proposed to strike out, after the word "fifty," the word "five;" so as to read:

That there be printed 50,000 copies, in cloth binding, of the First Annual Report of the Commissioner of Labor; 26,000 copies for use of members of the House of Representatives, and 9,000 copies for use of members of the Senate, and 15,000 copies for the use of the Department of the Interior and the Bureau of Labor; the latter number to be wrapped for mailing in such manner as the Secretary of the Interior may direct.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The second amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 2 and insert the following:

That the sum of $7,415, or so much thereof as may be necessary, to defray the cost of publication of said report, and the further sum of $275, or so much thereof as may be necessary, to defray the cost of wrapping 15,000 copies for the Department of the Interior, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. HAWLEY. Let me explain the second amendment. The joint resolution, as passed by the House, appropriates $15,000. The actual cost is $18,333, and $275 more will be required for wrapping. That explains the second amendment.

The amendment was agreed to.

Mr. COCKRELL. As I caught the reading of the joint resolution, it gives the House 26,000 copies, the Senate 9,000, and 15,000 to the Interior Department and the Bureau of Labor.

Mr. HAWLEY. Yes; that is the proportion.

Mr. COCKRELL. I move to amend so as to make the number given to the Senate 13,000, in accordance with a well-established rule of the Senate that we are to have one-half as many as the House, taking that number from those allowed to the bureau. I think that will be a better distribution.

Mr. HAWLEY. I would say on that point that the chief of the bureau has an extraordinary number of applications for this his first annual report. The subject is very interesting, and he is desirous of getting 15,000 copies, if possible, because he thinks he will have use for them. In order to gratify him I think the number is entirely reasonable. I would rather that the 4,000 additional copies for the Senate should be added to the gross number.

Mr. COCKRELL. I will then move to amend by simply making the number 13,000 copies for the Senate.

The PRESIDENT *pro tempore*. That will make a change in the amount appropriated necessary.

Mr. HAWLEY. It will also make it necessary to change the gross number in the first section from 50,000 to 54,000.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the number for the Senate be increased to 13,000 copies. The question is on that amendment.

The amendment was agreed to.

Mr. HAWLEY. Then the 50,000 should be changed to 54,000 copies in the first section. I move that amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amount of money necessary for the payment of the increase will have to be changed.

Mr. HAWLEY. Yes; that makes a change necessary in the total appropriation, which I can not figure at the moment.

Mr. COCKRELL. You can insert the amount.

Mr. HAWLEY. The press-work and paper for the additional number will have to be calculated. Let the joint resolution lie over for, say, half an hour.

The PRESIDENT *pro tempore*. The joint resolution will lie on the table for the present.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1617) for the relief of George H. Laurence;
A bill (H. R. 1681) for the relief of William Hicks;
A bill (H. R. 3851) granting a pension to William P. Shelton;
A bill (H. R. 4624) for the relief of Cassius H. Robinson;
A bill (H. R. 5389) granting a pension to Ann Kinney;
A bill (H. R. 5950) granting a pension to Catharine Reisinger;
A bill (H. R. 6425) granting a pension to Jonathan S. Leuts;
A bill (H. R. 6817) granting a pension to Thomas Brown;
A bill (H. R. 6819) granting a pension to William Conner;
A bill (H. R. 6825) granting a pension to James R. Baylor;
A bill (H. R. 6832) granting a pension to Mrs. Catharine Sattler;
A bill (H. R. 7169) to grant a pension to James Robinson;
A bill (H. R. 7193) granting a pension to Sarah A. Tucker;
A bill (H. R. 7234) granting a pension to Susan Hawes;
A bill (H. R. 8046) granting a pension to Erastus W. Kennedy;
A bill (H. R. 8280) granting a pension to John Patton;
A bill (H. R. 8334) for the relief of Jacob Nix; and
A bill (H. R. 8827) granting a pension to John Buchanan.

The above eighteen pension bills were severally read twice by their titles and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 2662) in relation to the Life-Saving Service of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRISON introduced a bill (S. 2663) for the relief of James Paget; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RANSOM introduced a bill (S. 2664) appropriating money for the completion of the public building at Greensborough, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

GEORGETOWN GASLIGHT COMPANY.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Chair lays before the Senate a resolution submitted yesterday by the Senator from Nebraska [Mr. VAN WYCK], which comes over under objection. The resolution will be read.

The Chief Clerk read the resolution, submitted yesterday by Mr. VAN WYCK, as follows:

Resolved, That the Committee on the District of Columbia be directed to report by bill prohibiting the Washington Gaslight Company and the Georgetown Gaslight Company from consolidating with any other corporation within said District.

Also, that said committee be directed to make a similar investigation into the affairs of the Georgetown Gaslight Company as was ordered by the Senate into the affairs of the Washington Gaslight Company.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. INGALLS. The Senator from Wisconsin [Mr. SPOONER] has had charge of the investigation into the gas matter under the previous resolution; and I ask that the pending resolution may lie over until he comes in.

Mr. VAN WYCK. If the Senator will allow me a word, we can then dispose of the resolution in a manner which will be satisfactory to the Senator from Wisconsin by a reference to the Committee on the District of Columbia.

Mr. INGALLS. Very well.

Mr. VAN WYCK. A word of explanation may be necessary in regard to the resolution to which the attention of the Senate has been called.

While the investigation was proceeding in regard to the affairs of the Washington Gaslight Company some suggestion was made as to the matter of the Georgetown Gaslight Company, the owners of the Georgetown company claiming that that was at present a concern which should not be interfered with. I do not say that such is not the case, but they claim that they are poor, and that they have made but little money, and that therefore they are doing as good service as could be expected. Then there is a claim on the other hand by the citizens, which is entirely different.

At this juncture of affairs it seems that the former president of the Washington Gaslight Company—Bartol, I think, is his name—has become the owner of a majority of the stock of the Georgetown Gaslight Company. In view of the fact that it is claimed by the owners of that concern to be not profitable by any means, and that now this individual with whom the citizens of Washington have had a bitter experience, and

who was in charge of the other concern when, as the figures show, $2,000,000 was taken improperly from their works and upon which interest has from year to year been drawn, that Mr. Bartol should at this time purchase a majority of the stock in this crippled, poor concern in Georgetown means some wrong, some injury to some one.

It would seem that something should be done, not so much to cripple the owners of the Georgetown concern—for of that I know nothing—as to prevent any injury being done by reason of the sudden purchase of a majority of that stock by the person who inflicted so much wrong and injustice upon the citizens of Washington while he was president of the Washington Gaslight Company.

Just at this juncture, when the Committee on the District of Columbia are deliberating what they shall do, whether to reduce the price of gas or take this concern and place it in charge of the Government, so that the Government shall make the gas and furnish it to citizens of the District, this individual becomes the owner of a majority of the stock of the Georgetown company, and to many it appears that was done with a view that there should be a consolidation with the Washington Gaslight Company, or after buying the stock at par or less to at once have the stock raised to 100 per cent. above par.

As a stock-jobbing operation that would be an elegant transaction, and that is the reason, I will say to the chairman of the Committee on the District of Columbia, why it is proposed that that committee shall be required by resolution to inquire into the affairs of the Georgetown company, with a view of discovering the object of this sudden purchase and ownership in the hands of this man, and if there be any scheme, to prevent its accomplishment. If it is thought best that Congress should seize these gas-works and that the Government should manufacture the gas, then we do not want to be met at the outset by the assertion that this man who has become the owner of a majority of the stock should be considered as an innocent purchaser. Therefore I have offered the resolution.

I move that the resolution be referred to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the resolution be referred to the Committee on the District of Columbia.

The motion was agreed to.

RAILROAD ATTORNEYS.

Mr. HAWLEY. Mr. President——

Mr. BECK. I desire——

Mr. HAWLEY. That is the same matter for which I rose.

Mr. BECK. Yesterday I gave notice that at the close of the morning business to-day I would endeavor to call up the motion of the Senator from Connecticut [Mr. HAWLEY] to reconsider the vote by which the Senate passed the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grants of lands or pecuniary aid from the United States. However, after that the Senator from Vermont [Mr. EDMUNDS] submitted a resolution looking to a change of the rules to make that character of motion debatable—a motion to reconsider. I have no objection to debate; indeed, I rather desire it, and as, perhaps, the Committee on Rules will act upon that resolution within a few days, and the railroad bill seems to be very pressing, and I see the Senator from Oregon [Mr. DOLPH] watching for it now, with the consent of the Senator from Connecticut I suggest that the motion to reconsider be laid over until Friday morning, and perhaps the rule in the mean time will be agreed to.

Mr. HAWLEY. I concur entirely.

Mr. BECK. On Friday morning, after the conclusion of the morning business, I shall endeavor to call it up.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 334) granting the title of the United States to certain lands to the county of Randolph, in the State of Illinois, on certain conditions;

A bill (H. R. 8192) to remove the political disabilities of J. R. Eggleston, of Mississippi;

A bill (H. R. 8278) for the relief of Seth M. Barton;

A bill (H. R. 5044) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming;

A bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; and

A bill (H. R. 7083) to incorporate the trustees of the Young Woman's Christian Home in Washington, D. C.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 505) for the relief of William J. Gamble;

A bill (S. 1657) to legalize the incorporation of national trades unions;

A bill (S. 2078) for the relief of Coronna, Taussig & Co. and others; and

A bill (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I move to take up Senate bill 2172, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the pending question being on the amendment of Mr. VAN WYCK.

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. GEORGE. Mr. President, in the course I feel bound to pursue on this subject it pains me that I am compelled to differ with some of those with whom I am accustomed to act and in whose good judgment, patriotism, and devotion to the true interests of the people I have the utmost confidence. With them I have no quarrel, conceding to them what I claim for myself, as the guide for their conduct—their convictions as to what is best for the people. Perhaps, sir, after all this difference may result in good, as it will cause debate and discussion and a more careful examination into a question which these differences show are surrounded with difficulties of the gravest character. I proceed now to present some of the views I entertain.

Mr. President, it is my main purpose this morning to make some observations to the Senate in reference to the legal attitude which the Northern Pacific Railroad Company bears to the United States in regard to these lands. But before I commence that I desire to fortify, in addition to what I said yesterday evening, the position taken by me in a speech which I made a few days ago as to the value of this land grant. I read for that purpose, on page 303 of the appendix to the Congressional Globe, second session Forty-first Congress, from the speech of Senator Casserly, of California:

> Senators now are well informed as to the nature of the work to be undertaken by the Northern Pacific Railroad Company. Senators know—they can not pretend any ignorance—that for the length of it it is the easiest road to build in the whole world of railroads. Compared with any other great railway, there is upon its line less heavy work, there are fewer broad rivers to be bridged, fewer high summits to be overcome, fewer wide valleys or deep chasms to be spanned or filled. Beyond this, and much more than this, its route lies through a finer and more fertile country, taken all together, than is traversed by any other railroad line of anything like the same length in the United States or on the globe. All this is well understood. No one pretends to doubt it. In all this debate no question has been made of it by any friend of this measure.

I read another extract from the same speech. Mr. Casserly, after quoting from Commissioner Wilson's report the same extract which I read a few days ago, continues:

> Sir, it is not much to say that no such grant was ever before made by our Government. None such has been made within the last one hundred and fifty or two hundred years by any government in Europe to any private corporation, nor indeed to any grantee. No emperor or minister there to-day, however secure his power, would venture on such a spoliation of his country. Considering the wide difference between to-day in the United States, with all its golden promise, and a hundred years ago in India, I greatly doubt whether the grant made in 1864 to the Northern Pacific Railroad Company is not equal in all real elements of wealth, prosperity, and power to the vast Indian possessions held in the latter part of the last century by the East India Company, the mightiest chartered company the world has ever seen, or I hope will ever see again.

With these authorities in support of my position taken in the speech I delivered on Friday last, that this is a most magnificent grant, an enormous grant largely more in value than the cost of the road, I proceed now to discuss as best I may the legal relations of this company to the Government and people of the United States.

It has not been proven, but it has been assumed throughout this debate, that by the act of 1864 making this grant a present vested title passed to the railroad company on the mere passage of the act without anything being done by the railroad company, and that the conditions annexed were what are called in law conditions-subsequent, and that this title and interest and estate can not be divested except by some affirmative action on the part of the Government.

I do not believe that that is the true position which this railroad company occupies towards these lands. I shall read from its charter those provisions which bear upon that question. I undertake to say that to the common understanding of a plain citizen of this country the meaning of those provisions is plainly this: "You build the road first in sections of 25 miles, and when you make such construction according to the terms of the charter the United States will grant you certain lands described in the act, and if you do not do these things the land remains, as it now is, the property of the people of the United States."

It is true that at the time the act was passed, the 2d day of July, 1864, the people of the United States were the owners in absolute fee-simple in their absolute right of all the magnificent domain which lies between Lake Superior and Puget Sound except the very small portion of it which they had sold to private persons. I wish the Senate and the country to bear in mind as the initial point in this controversy, that we start out with the absolute certainty that the United States was the owner of this

land and owns it now, unless they have in some lawful way parted with their title. With this starting point I propose to examine the means and the processes by which it is claimed the United States have lost it. It is claimed that this language in section 3 divests the title of the United States and vests it in this company, without any act whatever being done by the company:

That there be, and hereby is, granted to the Northern Pacific Railroad Company—

Certain alternate sections of land. It is claimed that because the words "that there be, and hereby is, granted" to the company this land or an interest in it, that not only an interest, for I agree that an interest passed, but that the estate and title and ownership of this property were granted to this company. But let us see what were the other provisions of the act. I have just read from section 3. I now read from section 4 of the act.

That whenever said Northern and Pacific Railroad Company shall have 25 consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, who shall be paid a reasonable compensation for their services by the company, to be determined by the Secretary of the Interior; and if it shall appear that 25 consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act—

That must not be forgotten. It must not only be built in a workmanlike and substantial manner, but "as in all other respects required by this act," including the time within which they were compelled to make the construction as prescribed in the eighth section of the act.

I wish to call the attention of the Senate and the country to the fact that it was not an unlimited license to build a railroad. It was not an unlimited grant that they might build the railroad at any time and at any place they saw proper. They were to build it not only in a workmanlike and substantial manner but "in all respects as required by the provisions of the act," and when they did that, what was next to be done? I will proceed with the reading of the section. When that was done on 25 miles, commissioners are to be appointed, and when they report to the President the facts, then—

Patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands situated opposite to and coterminous with said completed section of said road. And from time to time, whenever 25 additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every 25 miles of said road is completed as aforesaid.

They were required by the charter, by the provision which I have read, to complete 25 miles of the road before any patent could issue. What was the object of that patent? Was it simply a certificate that they had complied with the conditions of the grant? If that was its purpose the statute would have used other language. It uses in one place, it is true, the word "confirming," but it uses twice the word "convey." How do you convey land from one party to another? What is the meaning of a "conveyance" in its technical and legal sense?

If the title had already passed by the statute there was nothing left to "convey," nothing upon which the patent could operate. Land itself can not be conveyed in the sense of transportation, because it is immovable property. There was and can be no taking up of the land from its then present *situs* and delivering it to the railroad company by manual tradition. So conveying the land means only conveying the title to the land, the absolute interest in the land, the proprietorship in the land. If it had been the meaning of the statute that upon its mere passage this ownership, this title vested in the railroad company, all that part of section 4 which I have read is simply nonsense.

The word "convey" would perform no function whatever, and would, though twice repeated, be utterly without force. Nor is there any use for a patent, which the statute requires to be issued, if the title had already vested in the company. It was not necessary as an evidence of title, for that evidence under that view was contained in the statutes of Congress and is the highest and most unimpeachable of all evidence. Besides, the use of the word "convey" is not accidental, for it will be seen as we go on it was reduplicated, repeated again and again and in a connection clearly showing that it was meant to be an operative and effective word in the disposition of the land. The position taken by the railroad company nullifies all this, and strikes from the statute nearly all of section 4.

I proceed with the reading of that section:

Provided, That no more than ten sections of land per mile, as said road shal be completed, shall be conveyed—

The second time using the word "convey"—

to said company for all that part of said railroad lying east of the western boundary of the State of Minnesota, until the whole of said railroad shall be finished and in good running order, as a first-class railroad, from the place of beginning on Lake Superior to the western boundary of Minnesota.

What does this language mean, unless it means that the first words in the third section, "that there be, and hereby is, granted to the Northern Pacific Railroad Company" this land, did not actually convey the title to the land, but amounted only to an agreement or a promise to convey, and that, too, upon the terms mentioned in the statute? The portion of the statute which I have read indicates not only the acts to be performed by the railroad company, but the time within which performance was to take place, as the conditions on which that promise of the United States to convey shall be performed. But that is not all. There is another provision in the fourth section which is utterly inconsistent with the idea that there was a present grant of the title to the land. It is this:

Provided, also, That lands shall not be granted under the provisions of this act on account of any railroad, or part thereof, constructed at the date of the passage of this act.

What does that mean? It is in the future, "land shall not be granted under the provisions of this act." If it had been the meaning of the act that the grant had already been made, that a title had already been vested, the language would have been, "that no part of the lands hereby granted shall inure to the benefit" of the railroad company until such and such conditions were complied with.

Against one single clause in the statute, one single phrase artfully introduced in the third section of the act by, as will be seen hereafter, the persons interested in the scheme, I have all these instances which indicate beyond controversy and doubt that it was the intention of Congress that no title should pass except upon conditions-precedent to be performed before the title passed; that is, that Congress did not mean to give the land till the road was first built.

Mr. MITCHELL, of Oregon. Will the Senator allow me to interrupt him?

Mr. GEORGE. Yes, sir.

Mr. MITCHELL, of Oregon. The Senator holds, as I understand him, that the condition in the grant to the effect that the road shall be commenced within a certain time and shall be completed within a certain other time, is a condition-precedent and not a condition-subsequent. Is that the Senator's position?

Mr. GEORGE. I will explain when you get through. Are you through?

Mr. MITCHELL, of Oregon. That is all now.

Mr. GEORGE. I hold that every single one of the conditions mentioned in the act is a condition-precedent.

Mr. MITCHELL, of Oregon. Now, one other question.

Mr. GEORGE. Let me get through on this point. I admit that upon the completion of any 25 miles of the road within the time prescribed and fixed, or, to use the language of the statute, "in all respects required by this act," then the right of the company to demand from the Government of the United States a patent for that 25 miles is complete; and when the patent is issued the company gets a good and valid title to the 25 miles, which will not be divested by any subsequent default of the company in complying with the other terms of the act.

Mr. MITCHELL, of Oregon. The Senator from Mississippi has answered that in his opinion all the conditions of this grant, be they many or few, were conditions-precedent.

Mr. GEORGE. Every one.

Mr. MITCHELL, of Oregon. And that no one of them is a condition-subsequent?

Mr. GEORGE. Not one.

Mr. MITCHELL, of Oregon. Now one other question. I also understand the Senator from Mississippi to hold that the terms employed in the granting section of this act, "be and is hereby granted," are not terms of present grant?

Mr. GEORGE. I hold that.

Mr. MITCHELL, of Oregon. I inquire of the Senator from Mississippi if it is not the fact that the Supreme Court of the United States has decided over and over again in innumerable cases that those very words, the very terms employed here, are words of present grant, and that they passed the title at once; and whatever might follow in a grant of that kind by way of condition is a condition-subsequent and not a condition-precedent, the failure to perform which on the part of the company does not vest the title, but divests the title?

Mr. GEORGE. The Senator is partly right but mostly wrong. The Supreme Court of the United States has decided, as he says, over and over again, without a single exception in the cases so far as I know, that the words used in this third section, "that there be, and hereby is, granted," when taken alone, are words conveying a title and interest *in præsenti* and an estate, but the court has decided also, as any court was bound to decide, that although these words may be used, if there be other language in the statute which shows that it did not mean to convey a present interest by the use of these words, then there is no such meaning attached to them. In other words, the ruling of the Supreme Court is that these words taken alone, without qualification, without explanation, without anything in other parts of the statute putting upon them a different meaning and construction, do mean what the Senator from Oregon insists they mean.

Mr. MITCHELL, of Oregon. Now another question——

Mr. GEORGE. Let me get through with this first. I admit that by these words in the third section, "that there be, and hereby is, granted," a good present interest and title would be vested in this company subject only to be defeated by the failure to comply with the conditions-subsequent if no other words were used in the statute which control and change the meaning of these words. I hold in my hand a case decided by the Supreme Court of the United States, Rice *vs.* The Railroad Company (1 Black), in which the very same argument was

made in behalf of the railroad company that is now made by the Senator from Oregon, namely, that the use of these words did convey the title to the company, and in which the court decided adversely to this view, as I shall show by reading:

It is contended by the defendants on this branch of the case that the act of Congress in question was and is, *per se*, a grant *in præsenti* to the territory of all the lands therein described, and that a present right estate and interest in the same passed to the territory by the terms of the act. Reliance for the support of that proposition is chiefly placed upon the language of the first section. Omitting all such parts of it as are unimportant in this investigation, it provides "that there shall be, and is,"

In the present tense, as it is in this act—

hereby granted to the Territory of Minnesota for the purpose of aiding in the construction of a railroad * * * every alternate section of land, &c."

The very language used in this third section upon which I am commenting. The court further say:

Standing alone, the clause furnishes strong evidence to refute the proposition of the defendants, that a beneficial interest passed *in præsenti* to the Territory; because it is distinctly provided that the lands granted shall be held by the Territory for a declared use and purpose.

Just like this act, for the purpose of aiding in the construction of a railroad—exactly the same language in both. And as in that case the court found in this language an intent on the part of Congress to limit and modify the meaning of the words "that there shall be, and is hereby, granted," so in this case we have the same intent expressed in the same language, and which, added to the language in the fourth section I have commented on, makes the conclusion irresistible that no present estate is granted to this railroad company. But then the court go on to find other provisions in the act which negative this intent, and among them is the very provision upon which I am commenting in this statute:

Provision is also made—

Says the court—

for the issuing of a patent for a corresponding quantity of the lands when the Secretary of the Interior should be satisfied that 20 miles are completed, and so on till the whole was finished; and it also provides that if the road is not completed in ten years no further sale shall be made, and the lands unsold shall revert to the United States.

With this authority I insist that I have made good the position, that this grant is on condition-precedent and that no interest passed to the railroad company till they had first strictly complied with all the terms of the charter.

Mr. President, I proceed to make the argument still stronger.

I call the attention of the Senator from Oregon and the attention of the Senate to this fundamental canon in the construction of statutes and also in the construction of all written instruments, namely, that you can not select one phrase here and another there and from them deduce the intention of the maker and the meaning of the law or other instrument. You must consider the whole and every part of the act, the particular word in question, and also the context, and then you must look at the general purpose and intent of the whole statute in order to ascertain the meaning of the Legislature.

I admit that in the first line of the third section there is the phrase "that there be, and is hereby, granted" to this railroad company this land; but in the fourth section it is provided that the railroad shall not have any land, not one acre, until it builds 25 miles of railroad, and then when it builds that 25 miles the Government is to do something else, not that upon the completion of the road the title of the company shall become complete without any action on the part of the Government—nothing of that sort—but when the 25 miles are completed the Government shall perform another act, and what is that act? It is the only act known in the legal language of the present day for the conveying of the title of real estate from one party to another.

Mr. DOLPH. Will the Senator from Mississippi yield to me for a moment?

Mr. GEORGE. Certainly.

Mr. DOLPH. Right upon the point to which the Senator is directing his attention, I wish to say that I agree with him, and of course he must agree with me, that the language "that there be, and is hereby, granted" certain alternate sections of public land was language which in itself would make a grant *in præsenti*.

Mr. GEORGE. Taken alone.

Mr. DOLPH. Taken alone. Every lawyer must agree that an act of Congress, like any written instrument, is to be taken up by the four corners and examined together, and the intent is to be arrived at from all its provisions. However, it would require very positive provisions in an act which contained words absolutely making a grant *in præsenti* to show that that was not the intention of Congress.

Now, I come right down to his point as to the language of section 4, premising first that United States land-patents, as have been decided by the United States Supreme Court, are of two kinds. One is a patent which conveys the title like a patent for a pre-emption or a homestead claim, or for lands purchased at private entry, where the title is transferred with the patent. Another class of patents are patents which are issued upon a grant *in præsenti* like this, or on a grant like the donation law of Oregon and Washington Territory, a law which was passed on the 27th of September, 1850, under which the courts have uniformly held that the settler under that act took by the act a grant *in præsenti*, and whenever he performed the conditions his title related back to the commencement of his settlement.

Mr. GEORGE. Before the settler there had performed the conditions necessary to get title, did he not have to settle on the land and improve it; did he not have to stay there?

Mr. DOLPH. If the Senator will allow me, I say these patents are of two kinds. It was held in the case of the donation law that when the settler performed the condition his title related to the commencement of his settlement; he had the legal title under the decision of the court long before his patent issued, and to-day one-half the donation claims in Oregon which were settled before 1850 are held without patents having been issued, and they or portions of them have been transferred one hundred times or more, and the parties are held to have a legal title in every case.

In this case patents perform the same office. What is that? They are evidence, convenient evidence I may say, after they are issued; and unless set aside by the courts they are conclusive evidence that the condition of the grant has been performed, and therefore convenient evidence and the best evidence after they are issued of the title of the grantee.

The provision of section 4 is:

That whenever said "Northern Pacific Railroad Company" shall have 25 consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated the President of the United States shall appoint three commissioners to examine the same.

Mr. GEORGE. I have read all that.

Mr. DOLPH. It continues:

And if it shall appear that 25 consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands as aforesaid shall be issued to said company—

What?—

confirming to said co mpany the right and title to said lands, situated opposite to, and coterminous with, said completed section of said road.

A confirmation presumes a previous title. That is all I have to say.

Mr. GEORGE. Why not read the balance, as you have read that much? You may as well consume half an hour of my time by reading the balance.

Mr. DOLPH. If the Senator desires——

Mr. GEORGE. I do especially. As you have used so much of my time, I do especially desire it.

Mr. DOLPH. I will read anything the Senator from Mississippi desires.

Mr. GEORGE. Read the balance.

Mr. DOLPH. I will.

Confirming to said company the right and title to said lands, situated opposite to and coterminous with said completed section of said road; and, from time to time, whenever 25 additional consecutive miles have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections.

Mr. GEORGE. Conveying.

Mr. DOLPH. The word "conveying" is used once and "confirming" twice.

Mr. GEORGE. Go on, and you will find "conveying" again.

Mr. DOLPH. You will find "conveying"——

Mr. GEORGE. It says:

Conveying the additional sections of land as aforesaid, and so on as fast.

Now, go on a little further, and you will find "convey" used twice:

That not more than ten sections of land per mile, as said road shall be completed, shall be conveyed to said company.

Now, Mr. President, after all, what does the argument of the Senator from Oregon [Mr. DOLPH] amount to? Just simply fortifying—for which I am very much obliged to him—the argument which I was making. Knowing that this act, like the settlers' act in Oregon, required a precedent condition to be performed before the title vested, does the Senator say that under that act to which he has called our attention any settler could publish in a paper or set up on a tree at a cross-roads his intention to settle on, say, section 15 of a certain township and range, and that on that there was an estate vested in him, to be divested only on his failure afterward to settle and cultivate according to law? On the contrary, that act required the settler to do and perform the things required by law as a condition to his title to the land, and the fact of having in pursuance of law performed the condition mentioned in the law by which he was entitled to a patent, the mere performance of it gave him a right to the patent just like the performance of these conditions here gave the railroad company a right to its patent. It does not weaken the argument but fortifies it, because I want gentlemen to understand that when a grant is made either by deed between private persons or by statute on behalf of the Government upon conditions-precedent, when the conditions are complied with the grantee has a right to demand a perfect and good title. The settlers' act and the present statute are on all fours, exactly alike in principle, and I am obliged to the Senator for calling my attention to it.

Mr. MITCHELL, of Oregon. Will the Senator allow me——

Mr. GEORGE. No, sir; I can not.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Mississippi declines to yield.

Mr. GEORGE. I shall never get through in the world if I yield continually.

Mr. MITCHELL, of Oregon. I only want to ask——

Mr. GEORGE. I would have to reply, and I would rather go on now that we understand the matter.

The statute said to this company, "When you build the first 25 miles you shall have a patent for the lands," not only confirming in the first place but conveying title. I say the building the road was a condition-precedent in this case and that is the only case now before the Senate.

Mr. MITCHELL, of Oregon. I ask the Senator once more if he will allow me——

Mr. GEORGE. Let me go on.

Mr. MITCHELL, of Oregon. His position is so remarkable——

The PRESIDING OFFICER. The Senator from Mississippi declines to yield the floor.

Mr. GEORGE. I decline to yield unless I make a misstatement of fact, and then I should like to have it corrected.

Here are these provisions of the statute, one of which I admit standing alone would make a grant of a present estate, the other three that I have read to the Senate, all based on an idea inconsistent with the words used first, and under which no estate passed until a subsequent act was performed by the Government, which act could only be performed after the conditions had been complied with on the part of the grantee.

If we had no other rule to go by except to say that in the third section there was a provision of a certain character and that in the fourth section there were provisions contrary to it, and that there was a repugnancy between these sections; and if there was no way of reconciling these inconsistent provisions we would in the very last resort go to this—I am not obliged to do it, but I could do it—that the last word in the statute, just like the last statute made, is supposed to speak the last mind of the lawgiver, and prevail over previous provisions of the statute. But I am not obliged to resort to that. I rely on the whole scheme of the law. I call the attention of the Senate and the attention of the country to the fact that the whole scheme was certainly not to vest an empire in a railroad company by an act of Congress before the company had paid a dollar into its treasury or done a single act required by its charter, leaving it only to subsequent events to divest it. But suppose it to be doubtful, are we to construe this statute in favor of the corporation or of the Government? I read from the very same case that I read from just now the rule of law which answers that question, and one which the Supreme Court invoked in that case and applied for the purpose of protecting the Government against a corporation:

Legislative grants—

Said the Supreme Court in that very case—

undoubtedly must be interpreted, if practicable, so as to effect the intention of the grantor; but if the words are ambiguous, the true rule of construction is the reverse of that assumed by the defendants—

The railroad company, and the reverse of that assumed by Senators on this floor—

as is well settled by repeated decisions of this court. (Charles River Bridge vs. Warren Bridge, 11 Pet., 544.)

Most of the cases bearing upon the point previously decided were very carefully reviewed on that occasion, and, consequently, it is not necessary to refer to them. Judge Story dissented from the views of the majority of the judges, but the opinion of the court has since that time been constantly followed. Later decisions of this court regard the rule as settled, that public grants are to be construed strictly, and that nothing passes by implication.

Then, referring to some other cases, the court concludes:

Taken together, these several cases may be regarded as establishing the general doctrine that, whenever privileges are granted to a corporation, and the grant comes under revision in the courts, such privileges are to be strictly construed against the corporation, and in favor of the public, and that nothing passes but what is granted in clear and explicit terms.

Now, if there is any doubt upon the matter, upon whose side does the doubt go, that of the corporation or of the people? I will read an authority on that point, a literal extract made by me this morning. I will bring up the book, if gentlemen desire it, from the Library. It is from Slidell vs. Grandjean (111 United States Reports, pages 437 and 438) where one of these land grants was up from Louisiana before the Supreme Court of the United States, and the court used this language:

It is also a familiar rule of construction that when a statute operates as a grant of public property to an individual or the relinquishment of a public interest, and there is doubt as to the meaning of its terms, or as to its general purpose, that construction should be adopted which will support the claim of the Government rather than that of the individual. Nothing can be inferred against the State. As a reason for this rule it is often stated that such acts are usually drawn by interested parties; and they are presumed to claim all they are entitled to.

Especially is this so of a railroad company. That is not in the opinion. That is a comment of mine. They always presume to claim all they can get, and more.

The rule has been adopted and followed by this court in many instances in the construction of statutes of this description.

Then the court cites cases, one of which is the Charles River Bridge, in 11 Peters, pages 420–536, very familiar to all lawyers; another one in 23 Howard, pages 66–88, and another one in 18 Wallace, page 206.

The rule is a wise one; it serves to defeat any purpose concealed by the use of terms, to accomplish something not apparent on the face of the act, and thus sanctions only open dealings with legislative bodies.

That is the law of this land, the law recognized in England and brought over the Atlantic by our forefathers, recognized in every State of the Union; and there is not a single dissenting opinion even in a court of piepoudre anywhere in the United States, or where the English language is spoken, which contravenes the justice and fairness of the rule which I have read to the Senate.

Then, sir, if there be in an act drawn up by the railroad company itself (as such acts often are, as stated by the Supreme Court) one word, one phrase only in a part of the statute which indicates that Congress was guilty of the immense folly, if not of the great crime, of parting with a present interest in a domain as large (as I stated the other day) as Indiana and Ohio—I say if there should be only one phrase in a statute indicating that purpose, and there be three others indicating a contrary intention, then, according to this rule which I have read, which is without exception wherever the English language is spoken and wherever civilization and law prevail, you must decide in favor of the people against the schemes of men who prepare bills to be passed by a legislature ignorant of their hidden and secret meaning.

Then, Mr. President, if that be so, where is the claim of this company? The statute says under that construction, "do this according to this condition, according to this act, and then we will give you a title to the land." Understand I do not deny that the railroad company had an interest in the land. It had no title, no estate in the land, but a claim on the Government as under an executory contract, that when it complied with the conditions Congress prescribed then it was entitled to the land. Now, what right have they to come here and say we should give them land they never have earned by a compliance with the law under which they set up their claim? On this view of the case, and which I have demonstrated is the correct one, the company's title falls to the ground, and if we allow them to have the land it is a pure gift, made now with our eyes open, to this company of this immense empire of the public domain.

But, Mr. President, I will assume for the purposes of this argument that that was wrong. I will go upon the theory on which the Senators from Oregon themselves go, and for the purpose of showing that under no state of affairs, under no construction of this statute, has this railroad company any right to the bounty it demands of the Government of the United States. I will assume that this grant was on a condition-subsequent; and there is very little difference in common honesty whether you take it one way or the other when you look at the general and broad result, very little difference whether the one or the other be the rule, because on either theory the grantee, the railroad company, can not honestly or legally claim the whole land unless it complied with the condition of the grant as prescribed in the act.

Now, let us see what interest was passed in this land on the theory of the railroad company. Something must be done, say the company, in order to divest the interest of the railroad company, and we must proceed upon the theory that estates which have been once vested ought not to be divested except in pursuance of law and all that sort of fine learning which the advocates of the railroad company so bewilder us with.

I heard stated not long ago on this floor a proposition of this sort, and a very remarkable one, that the common law abhors a forfeiture. Certainly it abhors forfeitures when they result from a breach of contract between individuals, but the common law never speaks against a statute. To quote the language of a great Mississippi judge, the statute when it comes, comes as a strong man and destroys all before him. You can not construe a statute so as to do away with its meaning upon any idea that the common law which it breaks down and abolishes abhors that which the statute prescribes shall be done. That is the law of this land. Let the common law be what it may, when the statute speaks the common law must fall before it.

But, Mr. President, assuming that on a breach of the condition subsequent an entry and all that sort of thing must be made in order to divest the title of the railroad company, what does that amount to? Senators are complaining that we are insisting on a technical forfeiture here and not on just and substantial rights and against substantial wrongs on the part of the railroad company. All the people's rights, they say, rest on a mere technicality, nothing just, nothing substantial. But, sir, what is the doctrine about entry on which they so much rely? All their claim is based on the fact that there has been no entry on the part of the Government of the United States to defeat this estate of the railroad company. What is that but the merest quibble, the most contemptible technicality that was ever introduced into a discussion for the purpose of defeating the rights of a great people and securing a grant of an immense property to a defaulting corporation? What is this idea that the grantor in case of a breach of condition-subsequent must make an entry based upon? It is based upon another rule of law which has been exploded in England for over three hundred years and never had any force in the United States.

The origin of this rule was at a time when men did not know how to read or write, when deeds were unknown, when estates passed from one to another orally. In that condition of affairs they had what was called livery of seizin; that is, the grantor and grantee went on the land and

the grantor took up a tuft of grass and handed it to the grantee. That was livery of seizin, and that was done in the presence of the neighbors, the vicinage, and that was all done for the purpose of notoriety, and that the feudal lord might know upon whom to call for service. The whole origin of this doctrine of a re-entry by the grantor on condition-subsequent broken is based on that exploded practice of the common law not at all necessary since the statute of Charles II, which required all conveyances of an interest in land to be in writing. It was held that no title could vest to an estate of freehold without seizin on the part of the grantee. And when deeds came to be made on condition-subsequent it was necessary in order to convey title that an entry whereby seizin was acquired should be made by the grantee. Then when the condition was broken it was held that inasmuch as the grantee's title commenced by entry and seizin, it could not be divested in any less solemn manner; and on that grew up the idea that on condition broken the estate still remained with the grantee until entry was made by the grantor. But as a grant of a term for years only, even it were for nine hundred and ninety-nine years, could commence without entry and seizin, so it was held that on breach of condition in that case no entry by the grantor was necessary, and that the estate determined *ipso facto* on the breach and was revested in the grantor.

It is thus seen that this doctrine of the necessity for an entry on breach of condition-subsequent arose only from the supposed necessity for entry and seizin by the grantee in the creation of the estate, and was founded on it, and that whenever there was no necessity for such entry and seizin by the grantee in the first instance there was equally no necessity for entry on breach of the condition in order to revest the estate in the grantor.

I have a citation here to illustrate this, and I will read it, not to enlighten the learned lawyers of the Senate, for they all know that, but I am arguing now for the American people; I am trying to let them know by what miserable technicalities based on exploded theories of the common law their right to an empire is to be lost and conveyed to a railroad company. Judge Kent (volume 4, page 128), speaking of these conditions, says:

There is this further distinction to be noticed between a condition annexed to an estate for years and one annexed to an estate of freehold—

You must remember an estate for years is even one for nine hundred and ninety-nine years. An estate is of freehold even if it is just for the life of the party—

that in the former case the estate *ipso facto* ceases as soon as the condition is broken; whereas, in the latter case, the breach of the condition does not cause the *cesser* of the estate, without an entry or claim for that purpose. It was a rule of the common law that when an estate commenced by livery (of seizin) it could not be determined (or ended) before entry.

And Cruise says that the reason of this is—

because the solemnity of a feoffment with livery of seizin can only be defeated by an act of equal notoriety. (See 1 Greenleaf's Cruise, page 505.)

It is thus proven that this doctrine of an entry or some act equivalent to it is based on the exploded idea of livery of seizin, a performance which I will venture to say has never taken place on the American continent since the first settler who bought a tract of land from a drunken Indian and took a tuft of grass as an evidence of the conveyance.

This old doctrine of livery and seizen went to this extent until the statute of uses was passed, that though you had the fee you could not convey a perfect title to the land by writing only. There had to be also seizin on the part of the grantee, or, as the old law books say, *juris et seisinæ conjunctio*, union of right and seizin before there was title. From all that old black-letter learning comes, as I have said, this doctrine of entry on condition-subsequent broken. Holding that entry and seizin were necessary to create the estate, they logically held that the same acts were necessary to defeat it.

It so happened that a celebrated case came before the Supreme Court when Chief-Justice Marshall was presiding, and a lawyer took it into his head that he would defeat a grant made by the State of Virginia in Kentucky on this old common-law idea that there was no title until there was an actual seizin, but he failed, as I will show.

Now, if I make out, as I will make out beyond all controversy or dispute, that seizin is not now essential to the perfecting of a right under a grant from the United States, then standing on that old law that wherever seizin is not necessary to commence an estate, entry is not necessary to defeat it, I have made the claim of the railroad company in this case so thin and nebulous, so thoroughly insubstantial and technical, that it will be difficult for a man of ordinary understanding to comprehend it.

I was going on to say that livery of seizin was all a humbug in this country, especially when applied to public grants, grants by the Government, and grants of wild and unappropriated empires where there was not a white man in the world to be present to witness the livery of seizin. Suppose there had been an undertaking to make livery of seizin out in this great northwestern country; it would have been a farce. Now see what Judge Story said on that subject in the case to which I have referred, namely, Green *vs.* Liter, in 8 Cranch, page 229. That was the case where a writ of right was brought to recover a large tract of land granted by the State of Virginia in the State of Kentucky while Kentucky was part of that State, and the defense was that there had been no entry, no livery of seizin, no taking in the old barbarous law language of the esplees; and therefore, that, it being a rule of the common law that entry must happen as a condition-precedent to the maintaining of the writ of right, the demandant must go out of court. It was well settled by the common law that in ordinary cases of grants between private persons he must go out because in actions of ejectment and other possessory actions the question was simply as to the possession, but in the writ of right the question was as to the mere right which never was complete without actual or legal seizin.

Let us see how that worked out, how that lawyer was defeated in the Supreme Court of the United States who brought up that old black-letter learning to defeat the title of a man who had got title by patent from the State of Virginia to an immense land grant in the State of Kentucky, and which he had never seen, never been within 500 miles of it.

It is clear—

Says Justice Story, in the case to which I have referred—

by the whole current of authority, that actual seizin, or seizin in deed, is, at the common law, necessary to maintain a writ of right. Nor is this peculiar to actions on the mere right. It equally applies to writs of entry; and the language of the court, in both cases, is, that the demandant, or his ancestor, was, within the time of limitation, seized in his demesne as of fee, &c., taking the esplees, &c. It is highly probable that the foundation of this rule was laid in the earliest rudiments of titles at the common law. It is well known that in ancient times no deed or charter was necessary to convey a fee-simple. The title, the full and perfect dominion, was conveyed by a mere livery of seizin in the presence of the vicinage. It was the notoriety of this ceremony, performed in the presence of his peers, that gave the tenant his feudal investiture of the inheritance. Deeds and charters of feoffment were of a later age; and were held not to convey the estate itself, but only to evidence the nature of the conveyance.

The conveyance was by livery of seizin, and the *pedis possessio* was the evidence of it. That was the old rule.

The solemn act of livery of seizin was absolutely necessary to produce a perfect title, or, as Fleta calls it, *juris et seisinæ conjunctio*. But, whatever may be its origin, the rule as to the actual seizin has long since become an inflexible doctrine of the common law.

It must be inflexible if at this date it is to operate so as to deprive the Government of the United States of this land. Then the court goes on to show that a great many things in the line of this actual seizin were dispensed with. For instance, if there was danger in going on the land, a man might go in sight of it and make a claim, for, says Mr. Justice Story, using the old law Latin, "*Lex non cogit seu ad vana aut impossibilia.*" The law compels no man to perform an impossibility.

But I come now to the very point in controversy here. Says Justice Story:

No livery of seizin is necessary to perfect a title by letters patent.

The title commenced here when the company had a patent.

The grantee, in such case, takes by matter of record—

The grantee, in this case, takes by matter of record the rolls of Parliament, the highest record known in England, or the rolls of the Congress of the United States, the highest evidence here—

The grantee, in such case, takes by matter of record; and the law deems the grant of record of equal notoriety with an actual tradition of the land in the view of the vicinage. The contrary is the fact as to feoffments. The deed is inoperative without livery of seizin.

That is a deed between two parties and not of record—a mere matter *in pais*.

This difference alone would seem to carry a pretty strong implication that actual seizin passed by operation of law, on a patent from the Crown, for it is the union of a right and seizin that constitutes a perfect title; and when once the law has declared a title perfect, it must include everything necessary to produce that effect. Accordingly, we find it expressly held in Barwick's case (5 Co., 94) that letters patent under that great seal do amount to a livery in law.

And so all the way through. I will read another extract showing another ground for the position I take. In that case, as I have intimated, as in this, the grant was of wild and uninhabited land, and the court in the following clear and expressive language shows the folly of applying this exploded principle of entry and seizin to such a case. The extract will be found in 8 Cranch, page 249:

And this leads us to say that even if, at common law, an actual *pedis possessio*, followed by an actual perception of the profits, were necessary to maintain a writ of right, which we do not admit, the doctrine would be inapplicable to the waste and vacant lands of our country. The common law in many cases dispenses with such a rule; and the reason of the rule itself ceases when applied to a mere wilderness. The object of the law in requiring actual seizin was to evince notoriety of title to the neighborhood and the consequent burdens of feudal duties. In the simplicity of ancient times there were no means of ascertaining titles but by visible seizin, and, indeed, there was no other mode between subjects (private persons) of passing title, but livery of the land itself by the symbolical delivery of turf and twig. The moment that a tenant was seized he had a perfect investiture, and, if ousted, could maintain his action in the realty, although he had not been long enough in possession even to touch the esplees. The very object of the rule was notoriety to prevent frauds upon the land [lord!] and upon the other tenants. But in a mere uncultivated country, in wild and impenetrable woods, in the sullen and solitary haunts of beasts of prey—

This is a perfect description of the lands contained in the grant to this railroad company—

what notoriety could an entry, a gathering of a twig or acorn, convey to civilized man at a distance of hundreds of miles? The reason of the rule could not apply to such a state of things, and *cessante ratione, cessat ipsa lex.*

I have other places marked here which explain this doctrine fully, but these are enough. The doctrine thus announced by the Supreme Court of the United States by that great judge was that there was no

livery of seizin required, there was no entry required, in cases of grants like the one before us, and the doctrine I have read from the other books is that when no entry was required to create the estate re-entry is not required on breach of a condition-subsequent to revest the title in the grantor. And it is admitted on all sides that the passage of an act of forfeiture is but a substitute for an act of entry; and of course if no entry is required no act is required. But, if it be deemed as still necessary, we can all see upon what an unsubstantial and shadowy ground the railroad company places its rights, namely, our failure hitherto to pass such an act as the equivalent of and substitute for entry.

But passing from that, see what next comes. It is said that the decisions in Schulenberg *vs.* Harriman and Van Wyck *vs.* Knevals conclude the Government in this case. I have heard it asserted here for four years that these cases decided this doctrine, and I presume that the Senator from Oregon [Mr. MITCHELL] will get up now and say they do, and that it is necessary as a substitute for entry that Congress should pass some law asserting its claim. Is that your position? [Addressing Mr. MITCHELL, of Oregon.] You do not dissent. There is no such doctrine as that announced in that case.

I have heard it said that we had lost by our failure to act, and that the Government of the United States could never assert its claim to this forfeited land unless Congress should first pass an act declaring this forfeiture. Now let us see how much the Supreme Court said, and that in a case where it was not necessary to say anything at all about it, where the United States was not a party and therefore could not have been concluded by the judgment of the court. Says the Supreme Court:

> If the grant be a public one it must be asserted by judicial proceedings authorized by law, the equivalent of an inquest of office at common law, finding the fact of forfeiture and adjudging the restoration of the estate on that ground, or—
>
> "Or"—
>
> or there must be some legislative assertion. (Schulenberg *vs.* Harriman, 21 Wall., page 63.)

That is all. And gentlemen forget in their quoting of this case, the first part which I have read, some "judicial proceedings authorized by law," and confine themselves wholly to the last part of the proposition, the alternate one, the "legislative assertion"—one or the other. Of course the first part is a very clear proposition. The United States can only act by some officer. Although the thirty-eight States united have over fifty million of people, they can not perform a governmental act except by the hand of somebody authorized by law to act for them, and, of course, in a settlement of title it ought to be by judicial act.

According to that decision nothing more was necessary than for the Attorney-General of the United States the first time there was a forfeiture to have commenced proceedings by a bill in equity to remove a cloud on the title or an action of ejectment where these parties actually held the land by actual *pedis possessio* in violation of the grant. He is authorized and required by law to bring all suits that are necessary to effect the purpose of vindicating the rights of the United States.

You may ask me if I am in favor of the passage of this bill when judicial proceedings will do. I answer, yes; either will do; and as the executive department for all these long years has not asserted the rights of the United States to this forfeited land, and out of deference to precedent and to Congress still declines to act, then I propose, so far as in me lies, to aid and assist in making that assertion.

Now we come to the other case in which my friend from Nebraska figured, Van Wyck *vs.* Knevals; and it is claimed that that settles it. When I look into that case I find the very same language I have read from Schulenberg *vs.* Harriman:

> If the whole of the proposed road has not been completed, any forfeiture consequent thereon can be asserted only by the grantor, the United States, through judicial proceedings, or through the action of Congress. (Van Wyck *vs.* Knevals, 106 U. S., 369.)

And yet we have heard over and over again that because Congress had not passed some act on this subject there had been a waiver of the forfeiture. But there are other things claimed to have been decided by these cases which I will notice now. I asked the Senator from Oregon if there was any other case besides these two on which he claimed that there was an estoppel or waiver. He gave me no other case. He claimed that under Van Wyck *vs.* Knevals and Schulenberg *vs.* Harriman it had been decided by the Supreme Court of the United States that a performance of the condition at any time, though after the time prescribed in the charter was a sufficient performance. I say that there is no such doctrine and could not have been unless the Supreme Court had undertaken to do what that court I hope will never assume to do—legislate, make law instead of declaring what the law is.

There is a phrase used in the case of Van Wyck *vs.* Knevals of this sort:

> Assuming that the Burlington and Missouri River Railroad, with which the company's road connected, was not, as averred by the complainant, a branch of the Union Pacific Railroad, and that, therefore, the company's proposed road was not entirely completed, the fact remains that the company constructed a portion of the proposed road, and that portion was accepted as completed in the manner required by the act of Congress. * * * So far as that portion of road which was completed and accepted is concerned the contract of the company was executed; and as to the lands patented, the transaction on the part of the Government was closed and the title of the company perfected.

Upon that gentlemen base the idea that completion after the time prescribed in the charter will do. Now let us see. Nothing in the world is more common, nor more necessary as a rule of the construction of the decision of a court, than to see what the facts are on which the decision is based. Now, turning to page 363, I find this:

> The company built sections of the road from time to time, each in due time completed.

And it was on that state of facts that the court said the company having built and completed the road, and the President having accepted it, the title was complete. They completed it in sections, in the language of the Supreme Court, "each in due time completed."

Now, sir, whenever you can bring the performance within the rule decided to be good in that case I will admit your title is good. So I pass from that.

As a last resort they bring up the fact that patents have been issued by the Government. They seem to think that if they can get patents by inducing a Secretary of the Interior or an Attorney-General, or even the President of the United States to issue, or agree to issue, a patent for land, there is an end of the controversy, the title has gone, and the people of the United States have lost their right and title to the land by an illegal and unauthorized act of their officers. I will direct inquiry to that and see how that stands. The first case I will read from is in 9 Cranch, very early in our history. There were brave men before Agamemnon; so there were wise and shrewd men to get the land of the people of the United States even as far back as the very beginning of the Government, and so they started the doctrine that whenever they had a patent the United States were concluded. Well, here is what the Supreme Court said on that subject. Marshall was on the bench, and Marshall delivered the opinion of the court. I will not read the whole of it—only the point decided:

> But there are cases in which a grant is absolutely void—

The question in that case was whether they could attack the patent at law or were compelled to go into a court of equity, either doctrine, however, holding that the United States was not bound if that patent was bad. It was a mere question of jurisdiction. I will read what the Chief-Justice said:

> But there are cases in which a grant is absolutely void; as where the State has no title to the thing granted; or where the officer had no authority to issue the grant. In such cases, the validity of the grant is necessarily examinable at law. (Polk's Lessee *vs.* Wendell *et al.*, 9 Cranch, page 99.)

This statute here requires that these patents should be issued upon the completion of the road within the time fixed by the charter. If issued afterward on subsequent completion they are without authority of law and void. I have some other authorities, and here is one decided in the time of Chief-Justice Taney, almost as great a judge as Chief-Justice Marshall (21 Howard, 431). The opinion was delivered by Judge McLean, a very able lawyer. Says he, in Easton *vs.* Salisbury (21 Howard, page 431):

> The President of the United States has no right to issue patents for land the sale of which is not authorized by law.

In another case (2 Howard, 318), Judge McLean again in the case of Stoddard *vs.* Chambers, delivering the opinion of the court, said:

> No title can be held valid which has been acquired against law; and such is the character of the defendant's title, so far as it trenches on the plaintiff's. * * * The issuing of a patent is a ministerial act, which must be performed according to law.

The point is that it must be issued in accordance with law and it is void if not issued in accordance with law. I have read enough on this point to establish the doctrine. The railroad company have no valid patent unless they can show it was issued according to law. It has been shown that patents issued for road completed after the time allowed by the charter are against law, and therefore void.

Then next comes this most monstrous doctrine of what they call equitable estoppel, which means, when translated into plain, pure Anglo-Saxon language, that wherever a railroad company can by blandishment, by argument, by deception, or by corruption prevent an officer or Department of the Government of the United States from discharging its duty according to law and the Constitution, it may plead in defense this default or neglect, or, as technically called in law, the laches of the Government. And having failed to show any title by the affirmative action of the Departments of the Government to these lands and by their compliance with law, they claim now that the people of the United States have lost their rights because their servants were unfaithful. I propose to read some authorities on that subject, and see how much there is in that; and the first case which I will read is the United States *vs.* Kirkpatrick, 9 Wheaton, 735. John Marshall was then on the bench, and this opinion was delivered by Mr. Justice Story:

> Then, as to the point of laches, we are of opinion that the charge of the court below, which supposes that laches will discharge the bond, can not be maintained at law. The general principle is, that laches is not imputable to the Government, and this maxim is founded not in the notion of extraordinary prerogatives, but upon a great public policy. The Government can transact its business only through its agents; and its fiscal operations are so various and its agencies so numerous and scattered that the utmost vigilance would not save the public from the most serious losses if the doctrine of laches can be applied to its transactions. It would, in effect, work a repeal of all its securities.

That was very early. That was followed by a case in 1 Peters, page 325, Dox *et al. vs.* the Postmaster-General. That was a case where the opinion of the court was delivered by Chief-Justice Marshall. The

same doctrine of laches of the Government was pleaded in that case against a recovery by the Government. Chief-Justice Marshall said:

After a full discussion of the question, the court laid down the principle "that the mere laches of the public officers constitutes no grounds of discharge in the present case." The same question came on to be again considered in the case of the United States *vs.* Vanzandt, 11 Wheat., 184.

Giving it the sanction of his great name. But even if there was anything in this doctrine of equitable estoppel, as my friend from Georgia [Mr. BROWN] seems to think and as the Senator from Ohio [Mr. SHERMAN] indicates, can they plead it in this case? I have in my hand a minority report made on this same grant to the Northern Pacific Railroad by Judge PAYSON, of Illinois, and I feel a pleasure in saying that no man in either branch of Congress has been more devoted to the interests of the American people against the claims and aggressions of these railroad corporations than he. He deserves honor for his noble, his untiring, his persevering course in defending the rights of the American people; and I here, though he belongs to a different political party from me, accord to him my admiration for his conduct. In the Forty-seventh Congress, when this question was up—this is the Forty-ninth—it was four years ago, nearly five years ago, and the question was mooted about forfeiting this land grant, and what did the railroad company do? I read from his report to show what they did do.

The eminent counsel—

Says Judge Payson in his report—

for the railroad company have, in the elaborate briefs filed with the committee, as well as in their oral arguments before it, assumed that by the acts of Congress making the grant and the acts amendatory thereto the title to all these lands was absolute in the company.

No condition-subsequent, but the title absolute. This is the report of the minority of the Judiciary Committee of the House:

That because no power was reserved to Congress in express terms to declare a forfeiture for breach of the condition as to the time of the completion of the road, therefore no such power exists; and they also insist that, in any event, by the provisions of the ninth section of the act of July 2, 1864, the grant is irrevocably pledged to the construction of this particular road.

After this is it not the most impudent, the most audacious of all possible positions for the railroad company to come before Congress and insist, "We have been misled; we have invested money and built this railroad while you were asleep; it was your duty to have spoken it was your duty to have acted; it was your duty to have declared forfeiture?" Then that same railroad company, its agents, its eminent counsel, insisted that there was no right of forfeiture at all. It is a maxim of law and of common sense that no man can take advantage of an act or default for which he himself is responsible. "Here slept," they say, "the people of the United States; your agents slept: your agents did not discharge their duty; and we poor, innocent men, relying upon the non-action, the acquiescence of the people of the United States, by reason of the failure of their agents to act, we claim that it would be unjust to us now to disturb us in our property." Then, at the same time, when these agents were being moved to act, some of them active, appealed to by the people to act, these same agents were induced not to act by the urgent argument and solicitation of the railroad company itself denying the right and power of Congress to act. Now, where comes in the doctrine of equitable estoppel so eloquently set forth by the Senator from Georgia yesterday?

The railroad company, having given an anodyne to the agents and trustees of the people of the United States and put them into a state of profound slumber and inaction, come to-day and say they are entitled to rights because of this slumber. That is the exact case and the whole of it.

Mr. President, going over the case supposed by my friend from Georgia of Smith and Jones, where Smith had a secret title to land and allowed Jones to suppose that his title was good and go on and build on it; and saw him build on it and improve it, and said nothing until the improvements were made, and then claimed title, the Senator from Georgia says Smith ought to be estopped; and he ought. But how does this case before us compare with that? Here was no secret title hid in the pocket of anybody; here was upon the statute-book of the United States the title-deed by which this railroad company claimed the property, written in language not to be misunderstood. Here was the railroad company, with the statute before it, saying not to Smith, as in the case of the Senator from Georgia, but to Smith's agent, "Do not interfere; you have no right to interfere;" and having persuaded Smith's agent, Smith being absent and unable to speak for himself, that he had no right to interfere, how then would the Senator from Georgia think Smith ought to be concluded by this equitable estoppel, in my judgment a very inequitable and iniquitous estoppel, if it was ever allowed?

But another thing. The Senator from Georgia, and I understand that to be the position of the Senator from Oregon who read his New York case, they all assume to go upon the doctrine that where a man having title to property allows another to come into possession of that property, upon the belief that he is owner, and make improvements upon it, costly and valuable improvements, and says nothing about his right, then he ought to be estopped. Suppose I give them the benefit of this; suppose I allow them the full latitude of all that doctrine, what good does it do them? It does them no good except in what we are already willing to grant them. They only improved that tract of land, which was 400 feet wide and 2,000 miles long, which was the grant of the right of way. It was that tract of land upon which they entered and made their improvements, and we say to them, "We do not want that back; go on and keep it." But they say the argument goes to the extent that we are not only estopped as to that tract, but as in the case of my friend from Georgia in the supposititious case of Smith and Jones, we are estopped from asserting any title to any land within 40 miles of that place. That is a very singular doctrine. I give you all the benefit of your estoppel according to the strictest rule you can apply to a private individual upon the tract of land upon which you entered and improved. Keep it; hold it, your 400 feet wide and 2,000 miles long. That is a separate and distinct grant under this statute. But when you say, "We are not only entitled to that, but we are entitled to one-half of all the land within 40 miles on either side of the road," upon which you never entered, and upon which you never made an improvement, I think the question is wholly different, and rather hard to understand in the sense in which the Senator from Georgia and other Senators have presented it.

So, Mr. President, to look at this thing all around, what is it? It is an empire granted by the Congress of the United States to a corporation upon conditions that it never has complied with, and it is now seeking to have confirmed on the ground of the neglect, the laches of the public agents, which neglect was procured by themselves. That is all there is in it. Where is the equity in favor of such a party?

But the Senator from Oregon put the case, I thought, on a higher and better ground than that, and I admire him for it. He admits that this delinquent and defaulting corporation has no rights. He puts it upon the ground of public good. Upon that ground I take him by the right hand. If he can show me that it is for the good of the people of America, the landless and homeless millions, that this empire should be surrendered in contravention of law to this railroad company, I will join with him; but he can not do that. The only point the Senator could make was this: If we forfeit that little piece of land, that 75 miles in the Cascade Mountains, they will not build through the mountains. The answer to that I will call his attention to, contained in the language of the ninth section of the act of 1864:

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

Under that the power exists to take possession of all the property of the company from one end of the road to the other, line, locomotives, stock, mortgages, and do anything with it as Congress sees proper unless they build that 75 miles of road. There is no danger that that road will not be built unless Congress shall by the solicitations and blandishments of this railroad company neglect its duty in that respect as it has in reference to the forfeiture of the land heretofore. The power is ample, and the duty is plain to exercise it.

Now, Mr. President, I have said about all I desire to say on this occasion. I have been moved to speak by what I regard as my solemn duty to the American people to present these views in opposition to any further neglect on the part of Congress to enact a law which will preserve and protect their rights and interests in this land. I know no individual, no man connected with the railroad company, not one. I know no officer of the road. I never had a business transaction with any party connected with the road. I do not desire any. Regarding it as a great enterprise I am perfectly willing to go into all the equities they may have against the United States and deal fairly and justly.

I am willing to give them the old rule of six sections per mile all the way through, and if after that is done there still remains an honorable obligation on the part of the United States to make any contribution for losses sustained by this company, the company being shown to have performed in every respect fully, fairly, honestly, its duty, I am willing to adjust that. But there is one thing that I am not willing to do, and that is when I have a clear power and a clear right on the part of the American people to assert their rights to this magnificent domain which was granted to this railroad company, I am not willing to surrender their rights to it, but on the contrary I will do all that is in my power to secure to the people of this country for homes for themselves and their posterity forever this land which I believe justly belongs to them.

I believe that the people of the United States yet have some rights which corporations, enriched by subsidies from the public property, arrogant in their power gotten and preserved by a criminal neglect of their duties by public officers, are bound to respect.

Mr. President, I believe in the institution of private property. I believe it is essential to all progress and advancement, essential even to the happiness of the people. I believe a man is entitled, justly entitled, by both divine and human law, to whatever he may gain by his talents, by his energy, by his industry, and by his self-denial. I believe that we ought to so act that this right will always be recognized and secured by the American people. There is no danger to this right unless we shall so act that immense fortunes shall result to men not through their own merit but through vicious and reckless legislation,

like this grant, which transfers to a favored few the lawful rights, the gains of the many toilers who create the wealth of the country.

If this goes on those whose fortune is a hard one, the landless, homeless, propertyless, hungering for bread for themselves and their families, seeing these great wrongs and unable to redress them, will, in their condemnation of these methods by which enormous wealth is gathered by a few, include an opposition to wealth *per se*, however acquired. Starvation and want, accompanied by a sense of injustice and wrong, are not discriminating judges. So, sir, in advocating the forfeiture of this land grant, I sincerely believe I am pursuing that course which will suppress the growth of socialism and discontent. It will encourage an obedience to the laws, love and respect for the Constitution, and a devotion to the institutions on whose preservation rest the happiness and welfare of the American people.

Mr. MITCHELL, of Oregon. The Senator from Mississippi [Mr. GEORGE] declined several times in the course of his admirable speech to yield to me for questions and of course I declined to persist in the questions I wished to ask. I have no disposition to speak now. I would like, however, in order that the RECORD may show precisely where we all stand, to ask the honorable Senator from Mississippi whether he will answer some questions now?

Mr. GEORGE. Perhaps so.

Mr. MITCHELL, of Oregon. The Senator from Mississippi has made a very interesting speech, but I confess, for one, that it is the most remarkable legal argument I have ever listened to either in the Senate of the United States or before any judicial tribunal. The Senator made an apology which excuses him to a certain extent for the remarkable character of his speech considered as a legal argument, by stating that he was speaking for the country and not for the Senate. In fact he argued all around the various questions involved in this debate, and at various times in the course of his extraordinary remarks he occupied almost every position for a time that has ever been occupied by any one who has ever discussed the subject.

In fact he reminded me very much of the young man who was being examined preparatory to teaching a country school. After having answered a great many questions in a quite satisfactory manner the examiner finally said to him as a kind of wind-up of the whole business, "Mr. Jones, I would in conclusion be glad to have your opinion of the formation of the earth." He threw himself back in a rather dignified way and made this reply: "Well, sir, in regard to that question, there are two theories extant; one is that the earth is round, and the other is that the earth is square. I teach both."

Now, my friend from Mississippi has taken a position here to-day as a lawyer in regard to the great fundamental question that meets us at the threshold with reference to the construction of this grant that I have never heard taken anywhere by any lawyer in regard to this matter. It is possible that everybody, as well those lawyers who have favored forfeiture and those who have protested against forfeiture in the past, are wrong, and that the Senator from Mississippi alone is right. Most certain it is that never yet have I heard any lawyer, as I said before, either here or at the other end of this building or in any court, or elsewhere, take the position that the conditions in the grant to the Northern Pacific Railroad Company were conditions precedent, and not conditions subsequent. For the first time in the long investigation and discussion of this question that theory has been advanced by the Senator from Mississippi on the floor of the Senate to-day.

In all the able arguments which have been made in the House of Representatives and elsewhere, in all of the able reports which have been made in the House of Representatives and elsewhere by those who have aimed at precisely the same thing the Senator from Mississippi is now aiming at, namely, to have a declaration of forfeiture made of all the lands of this company adjacent to that portion of the road that was not completed on the 4th of July, 1879, no one, either upon the floor of the House, upon the floor of the Senate, or in any report that has ever been made, has ever taken the position, so far as I am advised, that the conditions incorporated in the grant to the Northern Pacific Railroad Company are conditions-precedent, and the performance of which upon the part of the company was necessary to the vesting of the title in the company to the lands included in the grant.

The Senator from Mississippi eulogized an honorable member of the House, and eulogized and read from an able report made by that gentleman in the House; and yet he will find if he examines that report carefully, that that Representative, Judge Payson, upon this fundamental question, upon this pivotal proposition to be considered in the construction of this grant, holds just to the reverse of the Senator from Mississippi. In other words, he, as well as every other lawyer who has ever spoken on this subject here or elsewhere, no matter what end he desired to accomplish, recognized the statement to be true that the conditions in this grant are conditions-subsequent, and not conditions-precedent; and that the terms of the grant taken all together, as I admit they must be, and not merely a few words from the third section, operate to vest the title to this grant in the company as of the date of the act—not merely an equitable title, but the legal title, and that legal title is subject to be divested only by a failure upon the part of the company to comply with the condition-subsequent attached to the grant.

But inasmuch as now for the first time the able Senator from Mississippi, the great lawyer and distinguished citizen from the South, and most interesting and captivating speaker as he is, has taken the position plainly, openly, and above board that the title to these lands did not pass by virtue of the terms of the grant, but that the grant is a mere compact or covenant between the United States and the company, I should like to know from the Senator from Mississippi when it is in the progress of operations under the grant that the title does pass to the company.

Mr. GEORGE. Do you want me to answer?

Mr. MITCHELL, of Oregon. In a moment. There must be a time the Senator will concede, and a precise and particular time, a day of time, a moment of time, when the legal title passes from the sovereign to the grantee.

What I wish to know in view of the most unprecedented and to me startling position of the Senator from Mississippi in regard to the character of the grant is this: The Senator has stated it did not pass at the date of the grant. When then, and if at all, does the legal title pass from the one to the other and vest in the grantee? Is it when the company have completed a certain 20 miles of road? Is it when the 20 miles have been accepted, or is it when the patent has been issued? When? I await now for a reply.

Mr. GEORGE. I have never studied the point very particularly, but my idea about it is that the right to the land accrues to the company upon its compliance with the condition, and when the Government made the conveyance by issuing patents in pursuance of that condition it was a complete investiture of title.

Mr. MITCHELL, of Oregon. There must be some particular time when the title passes. Is the issuing of the patent the time, or is it before the issuing of the patent?

Mr. GEORGE. I do not think there is a complete conveyance of a legal title until the patent is issued. There may be a complete equitable ownership before that time on a compliance with the conditions of the grant.

Mr. MITCHELL, of Oregon. The Senator must recognize, and all must admit, that the legal title can not vest in two persons at the same time. The legal title must remain in the grantor or it must be in the grantee, in one or the other. There must be a time, as I said before, when the title passes, just as there must be a time when any other thing under the sun must occur that occurs at all

The Senator has said that it does not pass at the date of the grant because he says the conditions in the grant are conditions-precedent, and not conditions-subsequent, and therefore the title did not pass, and can only vest upon the performance by the company of the conditions-precedent.

What I want to get at precisely, if I can, is exactly at what time, in the opinion of the Senator, the title vests in the grantee: In other words, at precisely what time does the title flit from one to the other? Is it when they have completed the road and asked for commissioners, or is it still later, after the commissioners have been appointed and have examined the road, or is it still a little beyond, after the President has accepted the report of the commissioners, or is it still further beyond when the patent issues? It must be one or the other of those times.

Mr. GEORGE. I have stated my views on the subject substantially. The company have no right to the lands except the right obtained by complying with the conditions according to the terms of the contract; and when they do comply according to the terms of the charter they have that right and the United States is to convey title. They do not get it before. My position is just this: there is no title to an estate vested in the grantees until they have complied with the conditions upon which the grant was made according to the terms prescribed in the act.

Mr. MITCHELL, of Oregon. With all deference to the Senator, that is rather vague and uncertain. I think I have a right to assume from what the Senator from Mississippi said in his opening argument, that in his opinion the title to this land did not pass until the patent was issued.

Mr. GEORGE. I do not think the technical, legal title does.

Mr. MITCHELL, of Oregon. Does not the Senator from Mississippi know that the Supreme Court of the United States have decided time and time again that the issuance of a patent is a mere ministerial act, and that it is not necessary to the vesting of title.

Mr. GEORGE. Not that it is not necessary, but it does convey the last dry, naked legal title. All I mean to say is that the company have no right to the land until they comply with the act of Congress.

Mr. MITCHELL, of Oregon. That may do as an argument for the audience addressed by the Senator.

Mr. GEORGE. It suits me. If you do not like it I can not help it. It is sufficient for all the purposes we have here before the Senate. The railroad company have no right to the land until they comply with the terms of the contract strictly and literally.

Mr. MITCHELL, of Oregon. The Senator from Mississippi desires to be fair, of course. The Senator from Mississippi would not under any conceivable circumstances do anything that might by any possibility be construed as a misrepresentation of the law or the facts. I know he would not. I know he desires nothing of that kind, and yet the Senator from Mississippi in support of the most extraordinary po-

sition taken by him that this grant is not a grant *in præsenti*, that it does not convey the title, that the conditions attached to the grant are not conditions subsequent but conditions precedent, refers to one decision of the Supreme Court of the United States, and on that alone he builds his argument.

I desire to show if I can, and I think I can, that there is no parallel whatever, that there is no sameness whatever between the two. There is no approximation in the facts of one toward the facts of the other. What I mean to say is that the terms of the grant in the one case are wholly, entirely, absolutely, and radically different from the terms of the grant in the other case. There is no approach to similarity in the two cases, as I shall endeavor to show in a moment.

Before proceeding to that, however, I admit the rule of construction contended for by the honorable Senator from Mississippi. I admit of course that we are not at liberty to simply select three or four terms used in the third section of the granting act, where it says, "that there be, and hereby is, granted to the Northern Pacific Railroad Company, its successors and assigns," &c., so much land, but that we must take the whole act together.

I will even go as far as the Senator from Mississippi can desire to have me go, and I will admit that if there were any other terms or words or phrases used in the granting act, whether in the same section in which these words of present grant are found, or whether in preceding sections or in subsequent sections, that would modify or change these particular words or give to them a different construction from that the law would give to them if standing alone—I admit, I say, if that is so, then we have no right to assume that this is a present grant. But is that so, and is the case of Rice *vs.* The Railroad Company, in 1 Black, quoted by the Senator from Mississippi, a parallel case? Let us see. In the case of Rice *vs.* The Railroad Company, the fourth section of the act is as follows:

That the lands hereby granted to the said Territory shall be disposed of by said Territory only in the manner following—that is to say—

I invite the attention of the Senator from Mississippi to what follows—

No title shall vest in the said Territory of Minnesota, nor shall any patent issue for any part of the lands hereinbefore mentioned, until a continuous length of 20 miles of said road shall be completed through the lands hereby granted.

As a matter of course no title passed by virtue of that grant. Why? Because by the express terms of the grant it was declared that it should not pass. "No title shall vest" was the language of that act, and yet the Senator from Mississippi quotes this decision of the Supreme Court of the United States as an authority to be applied to the construction of the grant to the Northern Pacific Railroad Company.

Let us examine a little further and see what the court said in discussing the terms of this grant, and see why it was that the court could in the nature of things, under the law, and under every rule of construction, come to no other conclusion than they did do, namely, that no title passed in that particular case under the terms of the grant. Mr. Justice Clifford in his opinion, after quoting these words, said:

It is insisted by the defendants that the provision does not devest the grant of a present interest, that it only so qualifies the power of disposal that the Territory can not place the title beyond the operation of the condition specified in the grant. But they do not attempt to meet the difficulty, that, by the express words of the act, the absolute title remained in the grantor, at least until 20 miles of the road were completed; nor do they even suggest by what process of reasoning the four words, "no title shall vest"—

Quoting them from the act—

can be shorn of their usual and ordinary signification, except to say that it would be doing great injustice to Congress to hold, notwithstanding the words of the first section, that no title passed to the grantee.

Could there be any question in that case as to where title rested when by the express terms of the grant it was declared in so many words that no title should vest, that the title should remain in the grantor, in the sovereign? Yet my friend from Mississippi refers to this authority, and it is the only one to which he does refer, in order to sustain the most remarkable position assumed by him, to the effect that the conditions in the grant to the Northern Pacific Railroad Company are conditions-precedent, the performance of which are necessary upon the part of the company in order to vest title.

So then there is nothing in the position of the Senator from Mississippi so far as that is concerned. The foundation having been swept away, the whole fabric of his argument must tumble to pieces.

The Senator, after having quoted that authority, makes an attempt to point out certain words in the granting act to the Northern Pacific Railroad Company which must in his opinion be held to modify the terms of present grant in the third section, and how far has he been successful? Does he find in that act a provision to the effect that no title shall vest, as was found in the Minnesota case? Not by any manner of means. Does he find anything that can by any proper rule of construction be held for one moment to control the words of present grant employed in the third section of the act? To what does he call attention as controlling in that regard? Simply this and nothing more: He quotes from the fourth section of the act in order to sustain his position where it is said:

And, from time to time, whenever 25 additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every 25 miles of said road is completed as aforesaid.

He failed to read, however, what preceded and to which attention was called by my colleague, wherein it is said after commissioners shall have been appointed, &c., to examine the same:

And if it shall appear that 25 consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to, and coterminous with, said completed section of said road.

Here it will seen the clause assumes that title has already passed, and the patents are held simply as confirming such title.

Mr. GEORGE. I read that section.

Mr. MITCHELL, of Oregon. I beg pardon; I did not know the Senator referred to it. Here we have now the only thing to which the Senator from Mississippi has been able to call attention, as words that would control the ordinary meaning and effect of the granting terms used in the third section. Does not the Senator know—of course he does—that it has been decided frequently, as I said a moment ago, that the mere issuance of a patent is a ministerial act; that it conveys nothing; that it is a mere evidence of title, and that whenever the right to a patent has once vested, it is, in the language of the Supreme Court of the United States, "equivalent, as respects the Government dealing with public lands, to a patent issued." The Supreme Court of the United States, in Stark *vs.* Starrs (6 Wallace, 418), say:

The right to a patent once vested is treated by the Government, when dealing with public lands, as equivalent to a patent issued.

Again, the Supreme Court of the United States, in Barney *vs.* Dolph (97 United States Reports, page 656), said:

When the right to a patent once became vested in a settler under the law it was equivalent, so far as the Government was concerned, to a patent actually issued. * * * The execution and delivery of the patent, after the right is complete, are the mere ministerial acts of the officer charged with the duty.

Then all this talk to the effect that the title to these lands did not and could not pass to the company until the issuance of a patent falls to the ground. It is not the law; it can not in the nature of things and in view of the many decisions which have been made upon this and cognate questions be the law. The Supreme Court have decided frequently that after a certificate has been issued to a pre-emption or a homesteader the right to sell the land is complete in the entryman or the party holding the certificate. No patent is necessary; the title vests. The issuance of a patent is a mere ministerial act of the officers of the Government; it conveys nothing.

Mr. SPOONER. The lands are taxable by the State.

Mr. MITCHELL, of Oregon. They are taxable by the State, as suggested by the Senator from Wisconsin, and where lands have been sold under the State tax laws such sales have been held by the Supreme Court of the United States to be good, and pass the title of the lands to the purchaser. I do not remember the particular cases just now, but I know there are such cases.

It is not true then that the conditions of this grant are conditions-precedent, or that it is not a grant *in præsenti*. It is true that they are conditions subsequent, and it is true that the grant conveys a present title to these lands to the company. But it being true that these conditions are conditions subsequent, any failure on the part of the company, to perform the conditions of course will, at the instance of the grantor, divest the title and return it to the donor or grantor.

So it is useless, it seems to me, and it is not in my opinion in the interest of those people whom the Senator from Mississippi would serve, to deceive ourselves here or elsewhere in regard to the real nature of the grant, or in regard to the law applicable to the grant, or in regard to the rules of construction which courts must inevitably apply to the grant when they come to consider it. Is it not, I insist, as I did yesterday, for the interest of the hundreds of thousands of settlers who have taken up homes all along this grant from Saint Paul to Oregon and Washington Territory and have proceeded upon the theory that the grant did belong to the railroad company—I say it is not for their interest, in my judgment, to involve them in litigation that will not be ended during the lifetime perhaps of many who are now members of this body.

Mr. GEORGE. The amendment of the Senator from Louisiana, for which I propose to vote, confirms them in all their title.

Mr. MITCHELL, of Oregon. I understand all that; but the Senator must concede that all the provisions we may insert here for the benefit and protection of settlers under the grant must come, doubtless at the instance of the railroad company, under the review of the judiciary.

Mr. EUSTIS. Will the Senator allow me to ask him a question?

Mr. MITCHELL, of Oregon. Certainly.

Mr. EUSTIS. I will suppose the case of a settler who has purchased land from the railroad corporation which we propose now to declare forfeited, but to confirm that sale, how can litigation possibly arise between the railroad corporation and that settler?

Mr. MITCHELL, of Oregon. It is not difficult to conjecture how litigation will arise.

Mr. EUSTIS. If the company have already sold the land to the

settler the company could possibly have no interest in such a litigation.

Mr. MITCHELL, of Oregon. I admit there may be some cases where parties protected by the bill might not be troubled, but as a general thing it will involve the people generally along the line of the completed road in an immense and troublesome litigation.

Mr. GEORGE. Who will they litigate with? With the railroad company? I admit that we can not pass a law which will prevent a railroad company from litigating with anybody about anything which they desire.

Mr. MITCHELL, of Oregon. Never; for they will litigate until the end of time.

Mr. GEORGE. Not until the end of time. We can prevent that.

Mr. MITCHELL, of Oregon. There is no question about that. They will litigate as long as they have the means to employ lawyers to carry on litigation, so far as that is concerned. And that is the very point I am making; and it is from such a calamitous condition of affairs I would protect these thousands of settlers.

Mr. GEORGE. I do not see what benefit they can get by litigating when they have sold the land.

Mr. MITCHELL, of Oregon. They may not get any benefit. I am simply saying in a general way that, in my judgment, it will involve litigation that will be most troublesome, expensive, and tiresome. It will render uncertain titles to land, retard the settlement of the country, and inaugurate a reign of legal controversy without a parallel in our history.

Mr. GEORGE. As to litigation, let me make this remark: If the railroad company is going to embark in an unjust litigation for the purpose of deviling those people out of their rights, then let us repeal the charter, as we have a right to do under the law. If that is the only way to stop it from doing injustice, I am perfectly willing to repeal the charter, and then it can not sue anybody.

Mr. MITCHELL, of Oregon. All right; then let the Senator from Mississippi introduce a bill to repeal the charter, and we will consider that proposition.

Mr. GEORGE. I mean to say that if it becomes necessary to protect the settler I would repeal the charter.

Mr. MITCHELL, of Oregon. Mr. President, I did not intend to make a speech, but I was so astonished at the position taken by the Senator from Mississippi that I have been led into making these few scattered remarks. I only desired to ask the Senator from Mississippi a few questions in order that I might get at the precise position he occupies.

So far as I am concerned I hope we will get to a vote. I have taken up more time than I intended in this discussion. In fact when the bill was brought up I did not intend to say a solitary word. I am extremely anxious that a forfeiture should be declared of the lands between Wallula and Portland, and I believe it to be the interest of the people, the interest of commerce, the interest of the whole nation, and of all concerned in the development of the great Pacific Northwest that there shall be a speedy completion of the Northern Pacific road across the Cascade Mountains; and believing as I do that to deprive them of the land on the top of the Cascade Mountains, which is only valuable to them and not for settlement, might delay the prosecution of the work and perhaps retard for years, at least, if not in fact entirely defeat the completion of a competing line across the continent, I am willing to vote and shall vote against the amendment proposed by the Senator from Nebraska.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The question is on the adoption of the amendment offered by the Senator from Nebraska [Mr. VAN WYCK].

Mr. BECK. Let the amendment be read.

The CHIEF CLERK. In section 1, line 12, of the reprinted bill, after the word "Oregon," it is proposed to strike out all down to and including the word "mountains," in line 14, and to insert in lieu:

And also all lands which appertain to and are coterminous with that part of the branch line across the Cascade Mountains which shall not have been constructed at the date of the passage of this act.

Mr. DOLPH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. I desire to ask a parliamentary question before we take the vote. The Senator from Louisiana [Mr. EUSTIS] has an amendment to propose, and I prefer his amendment to that of the Senator from Nebraska, but I prefer the amendment of the Senator from Nebraska to nothing. I desire to know whether after having voted to amend the bill and agreed to these other amendments, the amendment of the Senator from Louisiana, which is to strike out the whole bill from the enacting clause and substitute his amendment in place of it, would be in order?

The PRESIDING OFFICER. The Chair holds that it would be in order unquestionably. The Secretary will call the roll on agreeing to the amendment of the Senator from Nebraska [Mr. VAN WYCK].

The Secretary proceeded to call the roll.

Mr. CALL (when Mr. BUTLER'S name was called). The Senator from South Carolina [Mr. BUTLER] requested me to state that he is absent on necessary business of the Senate, and is paired on this bill with the Senator from Pennsylvania [Mr. CAMERON]. If the Senator from South Carolina were present he would vote for the amendment of the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote on the pending amendment.

Mr. HEARST (when his name was called). I am paired with my colleague [Mr. STANFORD].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were here I believe he would vote "nay." If I were not paired, I should vote "yea."

Mr. SAULSBURY. I paired last evening with the Senator from Vermont [Mr. MORRILL], who I understand is unwell to-day, and I shall continue the pair. I wish to say that I would vote for the amendment if he were here.

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON] on this question.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

Mr. VEST. The Senator from New York [Mr. EVARTS] requested me to pair with him. If he were present, I should vote "yea."

Mr. GEORGE (when the name of Mr. VOORHEES was called). I am authorized to state that the Senator from Indiana [Mr. VOORHEES] is unavoidably absent, and if present would vote "yea." He is paired with the Senator from Iowa [Mr. ALLISON].

Mr. HARRIS (when Mr. WHITTHORNE'S name was called). My colleague [Mr. WHITTHORNE] is necessarily absent, and will be for several days. He is paired generally with the Senator from Oregon [Mr. MITCHELL], but not upon this bill. Hence the Senator from Oregon does perfectly right to record his vote.

The roll-call was concluded.

Mr. WILSON, of Iowa. I desire to state that my colleague [Mr. ALLISON] is paired with the Senator from Indiana [Mr. VOORHEES]. If present, my colleague would vote "yea."

Mr. PLUMB. I am paired on this question with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], but I am assured upon the other side of the Chamber that, if present, the Senator from Nebraska would vote "yea;" so that I shall vote. I vote "yea."

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, he would probably vote "nay" and I should vote "yea."

Mr. CALL. I ask if the Senator from Connecticut [Mr. HAWLEY] has voted or is otherwise paired?

The PRESIDING OFFICER. He is not present.

Mr. CALL. I agreed to pair with him several days ago, and as I do not see him in his seat I shall withhold my vote. If he were present, I should vote "yea."

Mr. CONGER. My colleague [Mr. PALMER] is generally paired with the Senator from North Carolina [Mr. VANCE], but I do not know whether the pair extends to this vote.

The PRESIDING OFFICER. It does. The pair was announced by the Senator from North Carolina [Mr. VANCE].

The result was announced—yeas 24, nays 18; as follows:

YEAS—24.

Aldrich,	Coke,	Harris,	Spooner,
Beck,	Colquitt,	Harrison,	Teller,
Berry,	Cullom,	Jones of Arkansas,	Van Wyck,
Blackburn,	Eustis,	Logan,	Walthall,
Chace,	George,	Maxey,	Wilson of Iowa,
Cockrell,	Gibson,	Ransom,	Wilson of Md.

NAYS—18.

Blair,	Dolph,	Jones of Nevada,	Pugh,
Bowen,	Edmunds,	McMillan,	Sawyer,
Brown,	Frye,	Miller,	Sherman.
Conger,	Hoar,	Mitchell of Oreg.,	
Dawes,	Ingalls,	Payne,	

ABSENT—34.

Allison,	Hale,	Mitchell of Pa.,	Saulsbury,
Butler,	Hampton,	Morgan,	Sewell,
Call,	Hawley,	Morrill,	Stanford,
Camden,	Hearst,	Palmer,	Vance,
Cameron,	Jones of Florida,	Pike,	Vest,
Evarts,	Kenna,	Platt,	Voorhees,
Fair,	McPherson,	Plumb,	Whitthorne.
Gorman,	Mahone,	Riddleberger,	
Gray,	Manderson,	Sabin,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair will take this occasion to lay before the Senate several bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 334) granting the title of the United States to certain lands to the county of Randolph, in the State of Illinois, on certain conditions, was read twice by its title, and referred to the Committee on Public Lands.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5044) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming; and

A bill (H. R. 7083) to incorporate the trustees of the Young Woman's Christian Home in Washington, D. C.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 8278) for the relief of Seth M. Barton; and

A bill (H. R. 8192) to remove the political disabilities of J. R. Eggleston, of Mississippi.

The bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was read twice by its title.

Mr. DAWES. There is no occasion to refer the bill. It has passed both Houses. It is the bill which was recalled from the President to make some verbal amendments that do not affect the line of the road at all, but accidentally there was omitted some reference to certain small reservations in the Indian Territory, the draughtsman of the bill supposing that the line passed through the Cherokee Nation only. It was recalled and the omitted names inserted. That is all the change there is.

Mr. EDMUNDS. What is the state of the bill? Is it a new bill just passed?

Mr. DAWES. This seems to be a new bill, having those changes only. I do not know; I have not traced the history of it back. This is certainly a new engrossment; but what the history in the other branch is I have not consulted to learn.

Mr. EDMUNDS. Does it stand as a bill that has passed the House of Representatives simply?

The PRESIDENT *pro tempore*. It stands as a new bill from the other House.

Mr. DAWES. I suppose the other bill having been recalled a new bill has been introduced, but I am not informed. This appears certainly to be a new engrossment.

Mr. EDMUNDS. Would it not be better for the committee to compare it and see?

Mr. DAWES. I do not know. This comes up from the Calendar of the House of Representatives, and I do not know any benefit that that course would have. Suppose we find one way or the other, it would be hardly respectful to send back a suggestion to them that they shall do this in a different way.

Mr. EDMUNDS. But this, I understand the Chair to say, is a new bill of the House of Representatives, which has never been here before.

Mr. DAWES. But it is the bill which has been to the President, with the verbal alterations I have stated, for I have compared them. If the Senator will look on the first page of the RECORD of to-day he will see just what was done.

Mr. EDMUNDS. That I do not want to see.

Mr. CONGER. If it is a new bill it should be referred to the committee, of course.

Mr. DAWES. It is of no consequence to me.

Mr. EDMUNDS. That is the best way, and then you will be sure.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Indian Affairs.

NORTHERN PACIFIC RAILROAD LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. EUSTIS. I now propose the amendment of which I gave notice.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause, and to insert:

That except as to all lands granted for that portion of the road of the Northern Pacific Railroad which was completed before July 4, A. D. 1879, and also excepting the right of way, with necessary lands used in operating said railroad, and also except all lands included within the limits of any village, town, or city site, the grant of public lands made in aid of the construction of the said Northern Pacific Railroad by act of Congress approved July 2, A. D. 1866 (13 Statutes at Large, page 365), be, and it is hereby, declared forfeited and determined; and the said act making the grant is, so far as said grant is concerned, hereby repealed, and said lands are hereby restored to the public domain for sale and settlement under existing laws of the United States; and all of said lands shall be held and treated as though said grant and the withdrawals under it had never been made; *Provided*, That in case of any of the lands embraced within any of the terms of this act, to which said railroad company would have been entitled had the said road been constructed as provided in the act making the grant, have been sold by said company prior to January 1, A. D. 1884, the party or persons so purchasing any of said lands, his heirs and assigns, shall have the right to the lands so purchased to the extent of 320 acres, upon making proof of the fact of such purchase before the register at the local land office of the district where said land may be located; and upon proof as above within twelve months of the passage of this act, patents shall issue to the parties entitled thereto for the land; and in any case of purchase or settlement, as contemplated in this act, of more than 320 acres by each settler, the 320 acres to each settler may be selected by him within one year from the passage of this act, he filing the description of such selection at the proper land office or with the Commissioner of the General Land Office.

SEC. 2. That all persons who have made actual settlement or have made valuable improvements upon the odd-numbered sections adjacent to the said road or branch thereof, with or without contract of purchase therefor, with a *bona fide* intent to secure title thereto by purchase from said Northern Pacific Railroad Company when the said company had earned the same by compliance with the conditions and requirements of said act, or to acquire title to the same under the public-land laws of the United States, and being a citizen of the United States, or having declared his intention to become one in compliance with the naturalization laws of the United States, shall be entitled to enter one quarter-section, of 160 acres each, of the lands so settled upon or improved by such person, under the pre-emption or homestead laws of the United States; and in case such person has exhausted his or her right under said laws, then and in that case such person may enter one quarter-section, of 160 acres, of the land so settled upon or improved, by paying therefor $1.25 per acre.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. EUSTIS].

Mr. BECK. Mr. President, I desire to say in advance that I will not detain the Senate by making a speech of any length. I am not a member of any of the committees having charge of the public lands or the land-grant railways and I never was. I have no interest in any of them, and therefore am not as familiar with that class of subjects as gentlemen who have been specially charged with their management.

I have always believed that we gave to the great railroads of the country not only public lands far beyond what was needed for the work they undertook to do, and to several of them subsidies in money to which they were not entitled, therefore I believe that whenever the Congress of the United States if called upon to act in regard to any land-grant road, whatever lands are unearned at the time Congress acts, we not only have the right but it is our duty to declare forfeited and restored to the public domain, free from the double prices we imposed on the alternate sections because of the increase of value supposed to be given to them by the railroad.

Therefore I voted with great satisfaction for the amendment offered by the Senator from Nebraska [Mr. VAN WYCK]. That is as far, I understand, as we have ever gone. A bill (I believe it is now the law; the President may as yet not have signed it) to which I called attention yesterday, relating to the Atlantic and Pacific Railway, after full consideration by Congress was passed, forfeiting the unearned lands precisely to the extent the amendment of the Senator from Nebraska now proposes to do, both Houses of Congress refusing to go an inch further in the direction of the forfeiture proposed by the Senator from Louisiana, though earnestly urged elsewhere to do so by arguments quite as strong as any we have heard here.

I have always understood, too, that this was the principle laid down in the platform of the great party to which I have the honor to belong. Although repeated efforts were made to urge the party to go further, when the last Democratic platform was adopted we declared in July, 1884, that:

We believe that the public land ought, as far as possible, to be kept as homesteads for actual settlers; that all unearned lands heretofore improvidently granted to railroad corporations by the action of the Republican party should be restored to the public domain, and that no more grants of land shall be made to corporations, or be allowed to fall into the ownership of alien absentees.

To all that I agree, and I voted accordingly; but when it comes to a question of lands that have been earned then I think more careful consideration should be given to the great questions involved than has been given in this proposed substitute. When the bill was first brought up a very careful Senator, the Senator from Missouri [Mr. COCKRELL], among other things said on the first morning of the debate:

Here some want to go to an extreme length; others want to take a medium position, and others want to go a very short distance, and none of them will compromise. I believe that we ought to agree upon something and accomplish something; and it was for that reason that I was in favor of this bill, which could become a law and become operative; and then I was in favor at the same time of considering the other question. I think that is the only way to succeed. I think it is the only way to accomplish anything. I think the Senator from Nebraska is throwing a stumbling-block in his own pathway. I think he is doing more to prevent any forfeiture than could possibly be done by passing this bill.

Then, as I understand it, the Senator from Nebraska [Mr. VAN WYCK] had offered a substitute or amendment substantially similar to that now offered by the Senator from Louisiana [Mr. EUSTIS]. The amendment is printed in the RECORD, and while it may not be word for word the same as the present amendment, it seems to me in listening to the amendment when it was read to be substantially the same as that which the Senator from Missouri offered. I then said:

I desire to ask the Senator from Missouri if the Committee on Public Lands have considered the question now presented in the amendment of the Senator from Nebraska at all?

That is the amendment of the Senator from Louisiana, as I understand it.

Mr. COCKRELL. As I understand it they have not. I was just going to remark that the Committee on Public Lands have not come to a conclusion in regard to the bill which has been offered here as an amendment.

Mr. BECK. One other suggestion. Would the laying of this amendment on the table now be any committal in any way against the forfeiture declared by it, provided the Committee on Public Lands should consider it proper?

Mr. COCKRELL. I do not see that it would.

Mr. BECK. Why not let the whole subject go to the committee now and be considered at once?

Mr. COCKRELL. I propose to move to recommit the whole matter to the Committee on Public Lands for further consideration.

And so the debate went on. In order to prevent any misunderstanding and to prevent any of the rights of the people of the United States from being lost, and while the Committee on Public Lands was giving the matter the careful consideration to which I thought it was entitled, and to which the Senator from Missouri agreed it was entitled, I offered

as an additional section the following, which was adopted by the Senate:

SEC. 3. That nothing in this act shall be construed to waive or release or in any way affect any right of the United States to have any other lands granted by them to the said railroad company forfeited for any failure of said company to comply with the conditions of the grant.

That is my position now. I am willing to forfeit all the unearned lands. I am willing that the matter should then go back to the Committee on Public Lands for their consideration to see how much further we can go or ought to go, having due regard to the interests of all parties concerned, and reserve all the rights of the United States in express terms to whatever we now have a right to. But when I am told that the Committee on Public Lands have not even considered the great question now presented by the amendment, or the substitute, for that is what it is, first presented by the Senator from Nebraska and now by the Senator from Louisiana, I am not prepared to vote for it without its being considered by a committee of the Senate, as an amendment to a bill which did not embrace any of the great considerations which ought to be carefully investigated in dealing with an important matter like this.

I suppose no Senator will deny that if all the lands given to the Northern Pacific road not earned before 1879 should be declared forfeited the same general policy should prevail that all the lands given to all the other land-grant railroads of the country that did not earn them within the time embraced in the limits of their charter should be forfeited as well, and that the Committee on Public Lands, when it comes to consider that question, would not forfeit the lands of only one road, leaving to the Union Pacific and to the Central Pacific, the great competitor of the Northern Pacific Railroad, or to the Atlantic and Pacific, whose unearned lands alone were forfeited almost by the unanimous vote of both Houses, leaving all the others to stand as they are, that they should retain the grants they have solely for the purpose of breaking down one competing road.

That does not look to me like wise legislation. If that principle of forfeiture shall be asserted let it be asserted in the broadest, fairest, and most equitable manner, so that all roads shall be treated alike. Nothing would so gratify the owners of the Union and Central Pacific roads, the managers of which have not commended themselves either by the treatment of the people along their lines or by the way in which they conducted the building of those great roads—nothing would gratify them so much as to see their great competitor crushed to the earth by an act of Congress and a monopoly given to them of all the transportation across the continent on American soil north of their lines, with the right to charge whatever they chose to demand.

Why should we punish one road and leave the others, especially the Union or Central Pacific, with their sixty-four millions of our money in addition to their land grants, with all the interest that we have paid on the great subsidy which was given, undisturbed, while we crush their competitor? Is that statesmanship? Is it the part of either wisdom or fair play? I do not believe such a measure would be proposed by the Public Lands Committee. At least, before I vote to punish one to build up another, and that other, in my judgment (I mean the Union and Central Pacific roads), no more deserving, no less grasping, in the hands of no better people—before I would destroy one to build up the other I want at least the sanction of a carefully considered bill by a committee appointed for that purpose, who can hear all that can be said on both sides; and I shall require better reasons than I have yet heard for doing so.

Mr. EUSTIS. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. I have no objection; but I desire to repeat that I have not studied the great legal questions growing out of the legislation in regard to the land-grant railways and public lands. I am not going into an argument upon that branch of the subject; perhaps I am not prepared to answer many of the technical questions that Senators who have been studying railroad law may be able to put to me. Therefore, I would rather finish stating the reason, which I hope to make very brief, why I can not vote for as radical a measure as is now suggested, and let other gentlemen speak in their own time. If that is equally satisfactory I would rather pursue that course for the reason I have given.

I confess that I was greatly impressed when the debate on the bill first came up with the importance of having an American railway along the line over which the Northern Pacific road runs, by a statement made by the Senator from Oregon [Mr. DOLPH], which I have before me in the RECORD, and will read, because it impressed me then as a reason why our competing road should not be broken down, no matter what wrong may have been committed in its inception or in its early management. The Senator from Oregon said:

The Northern Pacific Railroad Company are struggling to complete its Cascade branch to connect by a direct line Lake Superior and Puget Sound. Just north of their line now completed is the Canadian Pacific Railroad. That railroad company received from the Canadian Government $25,000,000 in money and 25,000,000 acres of land and a loan of $35,000,000, and the Government took back from the company 6,666,666 acres of land at $1.50 an acre, making $10,000,000. It received a donation of completed road of 707 miles—from Lake Superior westward to Winnipeg, 400 and odd miles; from Winnipeg to the boundary line of the United States, 65 miles; and on the western slope, 200 and odd miles. So there was $25,000,000, 25,000,000 acres of land, a loan of $35,000,000, and 707 miles of completed road—completed in the best manner—donated to them.

The Government of Great Britain has granted a subsidy to that company of $500,000 a year for the purpose of aiding in establishing a line of steamers from the terminus of their road on Puget Sound to Australia, China, and Japan, and the company is now having constructed five large steamships which will be ready in 1888 for service, and in the mean time are proposing to put on a line of three steamships which are to be hired or purchased for the purpose. England, with its commercial ports and commercial agencies established all over the world, is attempting to seize and take out of our grasp the commerce of the old East, of the Pacific coast, and Puget Sound; and what are we doing?

I repeat again that statement impressed me. I knew the general truth of it. If we are to have American competition with that great British railroad I insist that, despite whatever may have been done that was wrong in years gone by on account of the land grants or subsidies, it is the only competitor which we can have with the line through Canada. Two or three years ago I went over part of the Canadian line. I know it is magnificent, and I know that England does not intend to be dependent even upon the Suez Canal in case Russia, France, or any other country should force her to close it, or make it impossible to navigate it with safety.

She intends to reach India, China, Japan, Australia, and all the great countries of the East by the West, and to have her great line from Montreal through her own country to Puget Sound, and her connections with all those great commercial countries despite what may happen in the Eastern world by war or any unfriendly complication. She has it now, and if we intend to compete for the trade with the countries across the Pacific which has from time immemorial made all the nations that could control it rich and powerful, we must maintain and support our great coextending railroad line.

But independent of all these considerations we have great interest in our own almost boundless Territories that never would have been worth a penny but for the Northern Pacific Railroad. The thousands of fat cattle and other products which come from them every year to Chicago and New York never could have reached the eastern seaboard but for that line of road; and the Canadian Government to-day is seeking to divert much of that trade. It proposes if our dealers will take their cattle to Montreal and get a clean bill of health from the English authorities in Canada to induce the English Government to allow the cattle carried there alive over their lines to graze on English pastures as long as they please; whereas now we are compelled to kill them within fourteen days, and they can only go, I believe, 17 miles into the interior, which would make a difference in favor of cattle carried through Canada of over $10 per head.

I am not prepared in the face of all these facts and many others I might state without further examination to do anything that will rudely break down a great line of road of so much importance to us and destroy the only competitor we have with this great Canadian line. Whatever may be our rights of forfeiture, I insist we ought to act prudently and justly. There is not a civilized nation in the world that would permit a private citizen, even if he had a better title than the man who was building such a road, to have sat by as we have done and seen the road go on as we have allowed it to go on, and allowed him to assert in its courts a better right to it after all the laches he had been guilty of in allowing the other man to build it in the belief that it was his own. Public policy forbids one citizen from taking such advantage over another. "He who seeks justice must do justice;" that is what justifies estoppel between citizens.

The Government is not estopped, I admit. Why? Because the Government is not presumed to be influenced by the passion, by the desire for gain, by the greed, by the injustice that the actions of a private person may be governed by. No time runs against the commonwealth. The king can do no wrong. Government can not do injustice. These are the ideas which are presumed to govern its action and to make any limitation on its right as they apply to private people a reflection on its sovereignty. But in justice, in equity, in all the principles that it is supposed Congress will enforce, and which up to this day it has administered, and which to the Atlantic and Pacific road on yesterday it administered, it is presumed that we are the impartial guardians of justice and right between the people and the corporations and that we will apply these principles as we require citizens to observe them in their dealing with each other.

We have not only sat still, we have aided the road since 1879. I remember that my attention was called some years ago to an affirmative act of Congress, passed in 1882, in aid of the Northern Pacific Railway. I had occasion to pass through the Crow reservation, and great discontent existed among those Indians because of an alleged violation of our agreement as to the right of way through their reservation. Long after 1879, long after the time of the forfeiture now claimed by this substitute had passed by, we not only acquiesced in allowing this railroad company to go on, but the Congress of the United States affirmatively aided the company in obtaining from the Crow Indians the lands needed for the construction of their road. In volume 22 of the Revised Statutes, pages 157, 158, and 159, you will find an act approved July 10, 1882, the substance of which is:

Whereas by section 1 of an act of Congress approved July 2, 1864, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route" (13 Statutes at Large, page 365), the Northern Pacific Railroad Company was author-

ized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely: Beginning at a point on Lake Superior in the State of Minnesota or Wisconsin, thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude, to some point on Puget Sound; and

Whereas—

Certain rights were given to it which I need not stop to read—

Whereas the said company desires to construct its line of railroad upon such designated route, and claims the right by virtue of said act so to do—

Which Congress then conceded.

And whereas a reservation held by the Crow Indians was in the way of their line, therefore Congress say—

A strip of land not exceeding 400 feet in width; that is to say, 200 feet on each side of the line laid down on the map of definite location hereinbefore mentioned, wherever said line runs through said reservation between the one hundred and seventh degree of longitude west of Greenwich on the east and the mid-channel of the Big Boulder River on the west, containing 5,384 acres, more or less—

Shall be given to that road.

SEC. 2. That for the purpose of carrying the provisions of this act into effect the sum of $25,000 is hereby set aside, out of any moneys in the United States Treasury not otherwise appropriated, to be deposited in the United States Treasury to the credit of the Crow tribe of Indians, and to be expended for the benefit of the said Indians in such manner as the Secretary of the Interior may direct.

Then it goes on to provide:

But the land, or any part thereof, relinquished to the United States by said agreement shall not be used for railroad purposes by or for the said Northern Pacific Railroad Company, its successors or assigns, except upon the condition-precedent that the said company, its successors or assigns, shall, within sixty days from the taking effect of this act, pay to the Treasurer of the United States said sum of $25,000 hereby appropriated, to be paid by the United States for the lands relinquished to the United States by said agreement, and shall, within the same time, file with the Secretary of the Interior its written acceptance of the conditions of this section.

All of which was done and the money paid to the Indians after some delay.

That act was approved July 10, 1882, three years after. We are now asked to go back and forfeit everything for non-compliance with the terms of the original grant. By that act of 1882 nearly 100 miles through the Indian reservation was obtained by Congress for the railroad company, and even before the payment of $25,000 to the Indians it was given to the company and the road built over it.

I ask Senators what in the face of that affirmative action of Congress three years after 1879, to wit, July 10, 1882, would be the assumption of the world, of the people of the United States, as to the attitude of Congress supported by the decision of the Supreme Court in the case of Schulenberg *vs.* Harriman, and others of like character, and what would be the view of persons desiring to purchase lands, bonds, or stock of the company when Congress had not only not declared or attempted to declare a forfeiture because of the non-completion of the road in 1879 but on the contrary had voluntarily stepped in and made arrangements by an act full of recital of the rights of the company to continue it without complaint because of delay and obtain rights of way from Indian tribes, and became the fiduciary, appropriating the money from the Treasury which was to be paid back by the road? If that was not a full recognition of all the rights the road ever had, I am unable to understand the meaning of language or appreciate the force of co-operative action.

Surely the presumption of law in the face of that act of Congress, and the assumption of every man who desired to buy the lands, the stock, or the mortgage bonds of the road, would be that the Government of the United States did not intend to declare a forfeiture, even though they might have the power. On the contrary, the recitals of that act furnish conclusive evidence that Congress was urging the road forward by every means in its power to the Pacific, so that by means of that great line we could control the trade of this continent and the countries beyond the Pacific, instead of allowing the Canadian line to do so, which, as every intelligent member of the House and Senate knew, was being built just north of it for that purpose.

Did men buy the mortgage bonds and deal in the stocks on the assumption that Congress was sustaining the road long after 1879, and that all its earned lands belonged to it? You have only to look at the New York papers every day to see that the stock of the Northern Pacific Railroad is being sold in the open market to everybody. The mortgage bonds were of course sold to everybody. The men who hold these bonds to-day, the men who hold the lands and the stock, may have bought them since 1879 in open market, bought in the faith and belief as they had a right to believe by the action of the Congress of the United States that it did not intend to enforce or assert anything in the nature of a forfeiture, because of any failure in point of time in its completion. The present holders of stock, bonds, and lands of the company may all be men who did not own one dollar of the original stock or get one dollar of the advantage which it is claimed has been given to such a large extent to the original projectors of the line of road. Surely in the face of these facts before we undertake to declare a forfeiture reaching back to 1879, before we undertake to say that the people of the United States who have since that time bought the bonds, the lands, or the stock of the road, and own it now, having paid full value for it, shall lose it all, we will at least inquire carefully how far they may have been led to make these investments by our action or non-action, and how far they may have been induced to believe that they were receiving the property purchased with the assent, if not the guarantee, of the Congress of the United States.

Surely we ought at least to give careful consideration by a committee of the Senate of a bill which seeks to strike all that property down, so that they and their friends and attorneys may be heard; and if they can show cause against it, this body should at least have a report showing upon what ground such a forfeiture is based before we should be called upon to act upon it, and not bankrupt hundreds of people without warning by an amendment to a bill which had nothing to do with this great question, and that we were told by the committee had never been considered by them. I can not consent to declare all that property and all these rights forfeited to the United States in view of all these facts and many more of like character that might be cited.

I am prepared to go as far as any man in seeing to it that the lands of this country are reserved for homesteads and given to our own people. I may be prepared to go too far. I felt at one time as though even if we were straining a point I might vote for some amendment asserting our right to declare a forfeiture and remit all these questions in regard to all land-grant roads to the courts; but, on reflection, the injustice of it and the ruinous consequences seemed to me so great as to demand deliberation and extremely well-considered legislation, reserving the rights of the United States and all their people, and reserving the rights of the present owners of that great property, whether they are stockholders, bondholders, or holders of lands, every one of whom may, I repeat, for aught I know, be innocent purchasers since 1879.

I determined, therefore, that I would go no farther at present than to forfeit the unearned land on this road from Wallula to Portland and the unfinished portion of the Cascade branch, leaving all other questions to the Committee on Public Lands to still further and more carefully consider all the rights of the United States, whatever they may be ascertained to be, these rights being carefully guarded by the section which I had the honor to propose, and which was adopted, I believe, by the unanimous vote of the Senate.

I desired only to say this much as a reason for declining at present to vote for amendments which have not been considered and which, I believe, when they are considered will not meet with the approval of the American people.

Mr. EUSTIS. Mr. President, I should like to ask the Senator from Kentucky a question, not a technical question in any sense. I should like to ask him whether he understands that, so far as the right or power of forfeiture is concerned, the law applied to the Atlantic and Pacific road was the same law as should be applied to the Northern Pacific?

Mr. BECK. As far as I am advised it is, and I think perhaps it is a little stronger in favor of the right of the Northern Pacific than it was as to the Atlantic and Pacific, although I have not examined either of them with the care that a person would who was charged with that business; but I find in the RECORD of to-day a copy of the mortgage of the Atlantic and Pacific road, which is not as broad as I understand is the mortgages made by the Northern Pacific road, because, after giving the right to mortgage, the act of April 20, 1871, contains the following proviso:

Provided, That if the company shall hereafter suffer any breach of the conditions of the act above referred to, under which it is organized, the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to as much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage.

This, I think, was a limitation upon the right of the mortgagees and a warning to them that if they did take that mortgage they took it subject to foreclosure or subject to whatever might happen and that it should not reach beyond what was already earned, and they could not complain if they did not get anything beyond that. If there is any such limitation on the right of the Northern Pacific mortgagees I am not aware of it.

Mr. EUSTIS. Mr. President, there is not the slightest similarity, in my humble judgment, between the two cases. When the Senator from Kentucky says that he has not carefully examined the laws that explains the extraordinary statement he lately made that in the one case we are proposing a forfeiture of the lands and that in another and identical case we are confirming the title to the lands. So far as I am concerned I am not in favor of discriminating in favor of any railroad corporation whatsoever. I am in favor of enforcing the laws of the United States, and I can show to the satisfaction of even the Senator himself, if he will give me his attention, that the reason why the two Houses passed that law to which he has referred and by which they recognize that title although those lands conterminous to that line of road have been acquired only after the extension of the term fixed in the grant, is perfectly plain and evident as a matter of law; and it is equally plain and equally evident that the rule which was applied in that case and controlled the action of Congress has not the remotest application to the case which we have under consideration.

In the case of the Northern Pacific Railroad Company Congress merely conferred upon the corporation a general power to mortgage. It could

mortgage its lands, its franchises, its property, mixed, personal, and real. In a case of that kind the Supreme Court of the United States has decided that whenever this general power of mortgaging lands was conferred upon a railroad corporation, it did not pass the legal title, and that you could raise no implication by reason of this power being conferred against the power of the Government. That remained as it was before, unlimited and absolute. That is to say, it conferred this grant subject to the right of forfeiture. Therefore when that question came up before the Supreme Court of the United States, the railroad corporation took the position that the Senator from Kentucky takes; and what did the Supreme Court of the United States say?

It is not necessary to go into the merely technical question whether the legal title passed from the United States by virtue of that mortgage and the act of Congress which authorized it, nor whether, if it ever becomes necessary to foreclose that mortgage, the rights of the United States in the land would be divested by the proceeding—

Why?

because we are satisfied that the United States, until she conveys them by patent or otherwise, has an interest, whether it be legal or equitable, which the State of Nebraska is not at liberty to divest by the exercise of the right of taxation.

Therefore in the case of the Northern Pacific Railroad Company where the general power to mortgage has been given, that power to mortgage can be exercised only in subordination to the conditions upon which the grant has been made. But the power to mortgage in the case of the Atlantic and Pacific Railroad was entirely different. That was not a case where the Government of the United States gave a general power to the corporation to mortgage the lands. It was a case where they not only gave the power to mortgage, but they defined what should be the effect of the exercise of that power; and what was that? That there should be no breach of the condition in the grant so far as the mortgagees were concerned until the foreclosure of the mortgage. That is to say, in the case of the North Pacific Railroad the mortgage and the rights of the mortgagees were subjected to the conditions in the grant, and in the case of the Atlantic and Pacific Railroad the condition of the grant was subjected to the rights of the mortgagees. I will read the statute which applies to the Atlantic and Pacific Railroad Company:

Provided, That if the company shall hereafter suffer any breach of the conditions of the act above referred to—

That is to say, if there be a breach of condition, such as the noncompletion of the road within the time specified—

the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to as much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed—

When?

at the time of the foreclosure of said mortgage.

And the legal effect of this provision is simply this, that if the railroad was to be completed within ten years, that condition was effaced from the statute, and the new condition was imposed which extended to the time of the foreclosure of the mortgage. Why? For the simple reason that no benefit could accrue to the Government of the United States from forfeiting lands upon which there was a mortgage for their full value and which they recognized notwithstanding the road had not been completed within the time prescribed.

Mr. BECK. The Senator from Louisiana of course is much more familiar with the matter than I am; but it seems to me that the act of May 31, 1870, volume 16 of the Statutes at Large, page 379, is as broad and as comprehensive—and I would like to hear the Senator from Louisiana explain this—as it is possible to be, and this proviso is part of it:

Provided, That all lands hereby granted to said company which shall not be sold or disposed of or remain subject to the mortgage by this act authorized, at the expiration of five years after the completion of the entire road, shall be subject to settlement and pre-emption like other lands.

That seems to be a reservation not only of the whole of it, not merely the completed portion, for five years after the road is finally completed from end to end before anybody else can take any rights. It seems to be a wonderfully broad provision.

Mr. EUSTIS. But it does not specify what the effect of it shall be.

Mr. GEORGE. That only applies to lands within the extra indemnity limits granted by that act. Before that time the indemnity limits extended 10 miles on each side beyond the 40 miles within which the alternate sections were taken. By that act they were allowed 10 miles more, and I have read the discussion on that. That provision applies solely to the "lands hereby granted," within the extra 10 miles.

Mr. BECK. And that might be a very large amount, because as it went through the Crow reservation for one hundred and odd miles they had to go outside all that distance to get anything. But my object was to show that there were so many serious questions that the committee ought to carefully consider involving the rights of the parties, that we should be careful before we vote on the forfeiture.

Mr. EUSTIS. I merely rose to explain the difference between the laws regulating the rights of these two corporations because the Senator from Kentucky expressed very grave apprehensions that our action would result in very inconsistent legislation and indicated, although I know he did not mean it, that we were showing favors to one railroad corporation by confirming their grant and were dealing very harshly and unjustly with an equally deserving other corporation. I wish to tell the Senator from Kentucky that the position I have taken I intend to maintain regardless of any corporations or regardless of any localities or interests, and that is that wherever there has been a breach of condition with reference to any of those land grants, because of breach of condition I am in favor of forfeiting those land grants.

Mr. VANCE. Mr. President, one of the very earliest recollections of my boyhood connected with politics was the universal complaint of extravagance and wastefulness in the disposition of the public domain. The old Whig party, with whom I associated in those days, were eloquent upon the subject, and from that time to the present it is rare that you will meet a man at all acquainted with the condition of our country who will not deplore the wastefulness and the extravagance which has been observed in the disposal of our public domain, and deplore the easy virtue of Congresses which have lavished it away. Especially has this been so since the system of subsidizing railroads has been entered upon by grants of the public lands, and you will meet with no one, not even excepting those who were instrumental in making the grants, who will not tell you that it is all very wretched and that the legislation was very improvident, and that it is a great pity that it can not be stopped. Then they will talk about the virtue of giving homes to the people and checking the power of corporations and the accumulation of land in a few hands that should be reserved for the individual citizens; but it is still rarer to find a man and a legislator who is willing to put a stop to this when the opportunity is afforded.

Why, Mr. President, it seems to be admitted, certainly it has been admitted by some of the opponents of this amendment of the Senator from Louisiana [Mr. EUSTIS], that the Government is not estopped from forfeiture in this case, and, even where it is not admitted, I submit in all candor that it will be held by the best legal minds of this country to have been established by this discussion that the Government is not estopped in this case from forfeiture. If it is not estopped from forfeiture, if the rights of the people have not been given away, if the power is still in the hands of the American Legislature to save the remnants of this great domain for homes for the people, I say if legally and technically it is within our reach, what equities are there that appeal to the consciences of Senators not to enforce the legal remedy which is in our power. What hardship, what injustice has been perpetrated upon this railroad company? What sufferings or wrongs will be inflicted if we avail ourselves of our legal right?

I confess, sir, that the statement of the case and all the facts surrounding it, instead of appealing to my good nature or to my tender sensibilities to extend favors and concessions still more to this great corporation have the reverse effect upon me.

Since this discussion has been going on I have looked more into the history of this corporation than I had ever done before, and I have come to the solemn conclusion that I am not only ready to avail myself in the name of the American people of every legal, technical, or whatever other remedy can be gained in the courts to preserve and to take back as far as possible all of these public lands that have not honestly been earned by these corporations according to the terms of the grants, but I feel inclined to go still further. I would not only vote for the amendment of the Senator from Louisiana, but I would go so far as to vote for a bill that would be as effective as the Yankee's scarecrow, which he described in his advertisements as being so terrible that it not only made the crows quit stealing his corn, but made them bring back all the corn they had stolen the year before. [Laughter.]

If it was possible, I say, within the forms of law to pass a bill through this Congress that would not only preserve to the Government and the people the lands which the railroad corporations have not earned, but would make them bring back and restore that which they have defrauded the people of through Congressional legislation, I would gladly vote for it.

While I do not boast much about my conscience—I never knew a man that did talk much about his conscience but what would bear watching, and a good deal of it [laughter]—I profess to have quite as much as any other Senator, and I am ready now to assure you that if I could be instrumental in passing a bill that would restore to the people of these United States all the lands and all other property of which they have been defrauded by loose, improper, inconsiderate, or corrupt legislation in the last forty years I should not lose a moment's peace in the consideration of it.

What are the hardships that would attend a forfeiture in this case? The company has received nothing but favors from the time that it applied for its charter. It has never appeared before this body except to ask a new favor; and even the beneficence, to call it nothing else, which Congress has shown in granting these favors, according to the Senator from Kentucky [Mr. BECK], has been extended to this corporation at the cost of a waiver of all the rights of the Government. A mendicant approaches you and asks you for a quarter; you give it to him, and therefore you acknowledge that he has a right to the balance of the money that is in your pocket, and you have waived all your just claims upon it!

Why, sir, this amendment would inflict no hardship upon those who have bought homes or parcels of land from the railroad corporation, because their rights are protected and reserved. They did not fail to

comply within the time prescribed in the grant after due diligence, because it has been elicited in this discussion, and is not denied, that for more than six years the company were idle and struck not a spade in the ground. About one-half of the time which they were given to complete the road according to the contract they were idle. If they had used their utmost endeavors and had failed after due diligence, then they could appeal to the generosity and to the magnanimity of their country, but they did not do so. They have not lost money by a hard bargain. If so, then I should be very happy myself to be the victim of such a bargain. How have they suffered? I believe it has been likewise elicited in the discussion that not one single dollar of money was ever advanced out of the pockets of the stockholders for the purpose of building a mile of this road. If I am not mistaken, that is the case.

Mr. GEORGE. I made the assertion exactly as the Senator has repeated it, that not a dollar was paid in. It has never been denied.

Mr. VANCE. In other words, every mile of road that they have constructed, and which is now their property, has been made out of the gift of the people of the United States; and if the gift were to stop short now, how could they be said to be the victims of a hard bargain?

Why, sir, I have gleaned a few figures from the report of the Commissioner of Railroads and the speeches of Senators on this subject, and I find that by estimation the lands which have been granted to this road are worth $108,000,000, and they are constantly rising in price in the market; that the whole road when completed will not exceed a cost of $75,000,000, and when completed they will then have on hand a road worth $75,000,000, if you estimate it at simply what it cost without noticing any other element of value connected with it—$75,000,000—they will have on hand surplus lands over and above the price of constructing the road worth $33,000,000.

All this is the gift of the people of the United States, and it is now objected to going back to take an inconsiderable portion of these lands from them, which were not earned within the time prescribed by the grant; and grave Senators, admitting the legal power of the Government to enforce its forfeiture under the hard rules of law, appeal to the equity of Senators and to the magnanimity of the American people not to crush these poor little railroad incorporators, when every man of them has been enriched by the gift of the people's money, has been rendered affluent by a gift of the homes of American women and children; and we are to give them still more, and they announce at the same time that they not only failed to finish their road within the time prescribed by law, but it is admitted here for them by one of their most eloquent advocates, the Senator from Oregon [Mr. MITCHELL], that they never intend to finish that portion of it from Wallula to Portland, 214 miles. That is forever to be unfinished. They have no idea of completing it. Where are the equities, I ask again, that appeal to the magnanimity of Congress or of the American people?

Mr. President, if we were as ready here when the opportunity is afforded to resist the arguments and the blandishments of power and of wealth as we are to discourse wisely and virtuously, with the whites of our eyes upturned to heaven, before the people, there would be quite a different kind of legislation enacted here to that which I have been witnessing since I have been in this body. All this public domain should sacredly be reserved for homes for the people.

Mr. President, perhaps there are some Senators who look beyond the mere present, who occasionally stop and put aside the busy thought of the busy hour and look at what is to befall our children in the coming generations and look at what is to befall the people of these happy United States when our population shall be overcrowed and overflowing like that of many of the countries of the Old World; when thousands and hundreds of thousands and millions of our people shall have neither homes nor the means of obtaining homes. What may we expect when our land is thus overcrowded? We have no vast standing army to preserve order by the shedding of blood, and I trust in God we never shall have. Then we shall have our land filled to overflowing with unemployed, landless, and homeless people; and a landless and a homeless and an unemployed and a starving man will always be a dangerous citizen. A man who has a home and a family and a breathing place, and room for the display of his industry and activity upon this earth, will never be a disorderly man.

The very wisest legislation and the most important object to which American Senators could address themselves would be to this great question of preserving, so far as possible, room and homes for our people in the future, to avert the day of peril. Home is the dearest and the sweetest word in the English language. There is scarcely an association worthy of the commemoration of man that is not connected with home. Home is the source, the nursery, and the breeding-place of man's happiness, prosperity, and civilization; the stability of free institutions and of liberty itself depends upon our homes, and such homes can not be obtained if we ruthlessly and extravagantly cast away this great heritage and permit it to pass into the hands of soulless corporations, that will deal it out as they deem proper and in large estates perhaps or at exorbitant prices to our citizens.

That is the view which I take of this great question. Those are the reasons which influence my vote, and I trust if the time shall not be now, yet at no very distant day I shall see a different spirit prevail in this country on that question to that which I fear prevails now.

Mr. TELLER. Mr. President, I would suggest to the Senator from North Carolina that this land, although it may be owned in part now by this railroad company, is still capable of making homes for the people. One would suppose, to listen to the Senator's argument made this afternoon, that the railroad company by some process, by some proceeding, was about to destroy all this vast area of country and render it uninhabitable. The land will be there whether the title is in the Government or whether the title is in the railroad company; and there will be as many homes upon it undoubtedly in twenty or fifty years from now as if the Government had retained all the lands.

As I said the other day, this is not a question of the policy of granting land to railroad companies. When we have forfeited all the unearned lands we have declared against that policy. It may be in good taste and it may be proper for the Senator from North Carolina to speak of this grant as a fraud and a robbery. I think, Mr. President, if the Senator would turn his memory back to the day when this grant was made, it would be in better taste for him to be silent upon that subject. I am quite willing to listen to criticism of the men who made, as I think they did make, a mistake when they granted away so much public land for this purpose. I am not quite prepared to sit here in the Senate and hear the men who were as patriotic, as faithful, and as honest as any men who ever sat in this body or any other accused of robbery of the people.. It was a time when those great men who were dealing with great subjects had something else to do beside think of what would be the condition of the country in fifty or one hundred years. They were concerned as to what would be its condition the next day and the day thereafter. When the Senator and his friends were in arms against the Government of the United States, when they were presenting to the Senate and to the House of Representatives questions that had never been presented to a legislative body in the world, it is not strange that the men dealing with those great questions might not have dealt as clearheadedly as the Senator can in these days of peace and quietude; but that they dealt as honestly and as patriotically nobody will deny.

I said the other day that I would not have voted for these grants had I been a member of the Senate. I repeat it, I would not then; but I would have done just what they did do with the great Pacific roads; I would have voted them money instead of voting them lands. I would have aided these great enterprises to build their roads across the continent. There is not any man who can stand up here and make it appear to the intelligent American people that the policy of connecting the Atlantic and the Pacific by railway was an unwise policy. It was the height of statesmanship and it was the height of patriotism, and if it had cost fourfold what those roads did cost it would still have been wisdom. There is not time now and it is not worth while to enter into a defense of those men, at this period.

The simple question here is did we vest the title in this railroad corporation? Whether we should repeat it or not, is not the question; but did we do it? Within two days I have heard it denied that we vested the title in the corporation. The Supreme Court of the United States, the court of last resort, has so declared over and over again; it is consonant with the opinions of the legal fraternity for two hundred and fifty or three hundred years; it is in keeping with the unbroken line, notwithstanding what has been said on the other side of the Chamber, of judicial decision for more than a quarter of a century.

I did not say, as the Senator from Florida [Mr. CALL] made me say in the RECORD, that the passive acquiescence of the Government of the United States vested a title; not at all. It was vested by the act; it went into this corporation, a title to be taken out of it by nobody under any circumstances, except for a failure to perform the condition subsequent, and then only at the option of the grantor.

Mr. President, all my life as a lawyer I have dealt with this class of subjects; I have dealt with but little other than real-estate law; and when I said the other day on the floor of the Senate that it was the unbroken line of decisions, I spoke that which I knew could not be denied and successfully controverted on this floor.

I have heard to my astonishment in the discussion here that a condition precedent and a condition subsequent were not distinguished by the speakers. I can not determine whether it is because they have failed to give attention, or whether it is because they are addressing the public. It seems to me this debate has proceeded for three days not to the Senate, not to the legal ability of this body, but to the public, to make it appear that there was a wrong being perpetrated by this body now as there had been twenty-odd years ago in depriving the people of that which legally belongs to them, the right to occupy the public lands. I am as ready to throw safeguards around the public lands as anybody living; and the Senator from North Carolina, whether he is the lineal representative now here of the old Whig party, of which he speaks, or of that other party of which he is now a bright and shining light, has no right to refer to the past history of either of these parties to bring in contrast that of the Republican party since it has dealt with the public lands, for it has shown everywhere a greater desire to give to the people the land than ever either of the old political parties of which he speaks did.

Mr. VANCE. Will the Senator allow me a word?

Mr. TELLER. Certainly.

Mr. VANCE. I simply want to remark that when a Senator on that

side of the Chamber, in reply to my argument against a wasteful extravagance in granting away the public lands, the homes of the people, replies that I was engaged in the rebellion, I know then that the Lord hath delivered mine enemy into my hands!

Mr. TELLER. I understand that the honorable Senator does not deny that he was engaged in it, but I have understood he was rather an unwilling operator sometimes. He was not as energetic perhaps as some of the rest, but still he was there participating. I refer to that with no idea of reflecting on the Senator. I refer to it to show that when these acts were passed it was not in such times as this, it was not with the light that we have now; that when we were anxious to connect the Atlantic and the Pacific it was at a time when it was not certain that we could maintain the integrity of the empire, it was at a time when there was an inducement for the western coast people to cast their lot with another government.

Every inducement ought to have been and was given to them by the Government of the United States, and I repeat again that the condition of affairs then was such that it would be, I think, at least modest for the gentlemen who assail the men then in power to stop and think whether under those circumstances they might not in their places have done the same thing. It was a time when the Government did not have millions locked up in the Treasury of the United States. It was a time when the Government was straining every energy to develop every interest in the country to maintain its great Army, to keep peace at home and to conquer rebellion in at least one-third of its territory. Those questions had no relation to a mere matter of law, and I would not have referred to them but that every argument which has been made for two days has been made not upon the law of the case, but upon an address to the people at large, an arraignment of the Republican party in its past dealing with public lands. I shall be prepared at a proper hour of the day at any time to show that in all our relations to the land laws of this country we stand a head and shoulders above any other political party, and I challenge the other side of this Chamber with a full knowledge of every statute that has been passed on this subject to show a tithe of the interest in favor of the people who toil on the farm with that which we have crystallized into law. If I was not familiar with the history of the whole settlement of the West, as well as with the legislation, I might not venture to make such a challenge, but I do it with a knowledge of the law and of the facts.

I will take occasion some day to reply to some of the assertions made on that side of the Chamber, which have no relation to this bill, with reference to our conduct in relation to the public lands, and I will show that the statements made here are untrue from the record—unwittingly made, I know, because they are taken from public magazines and other sources where writers, ignorant of the facts, have asserted things that can not be sustained from the record.

This, I repeat again, is a question of law. The company has performed its condition, and the right of the Government of the United States, in my opinion, is gone; and it does not make any difference whether the company has been loyal to the trust imposed, or whether it has not. It has performed its condition, and, in the language of the law, repeated in every elementary book and repeated by every court, the condition once performed is gone forever.

Mr. HAWLEY. Mr. President, I have no apology to make for these great railroads; I have nothing but pride, satisfaction, and congratulation to express concerning the action of this great Government in building those magnificent lines. It is one of the noblest chapters in the history of the great Republic; I am proud of every vote our predecessors gave; I am proud of every step they took toward building them. I have no repentance for any acre of land that was given to them. We did the best we could at the time.

We were in the great agonies of a tremendous war. All these gentlemen had forsworn their right and title to all that property, had left us and gone away. It was a struggle for national existence. That land that the Northern Pacific Railroad holds now, and which is filling up with a great and prosperous and powerful people, was held then by the howling savage, the fiercest bands within our limits. We said, "Whoso builds this road, we will make him rich; we will give him the dominion of a prince if he will bind the two sides of this continent together and strengthen us in the new republic that we are to build here," if these other men succeed in establishing another. I am glad we did it; it was an act of foresight, an act of great statesmanship. I am proud of every page and of every letter of it.

Now, as to the details of those bills that more than twenty years ago were passed I do not speak. Those Territories are beginning to fill up, and it seems that somebody has made some money out of the roads. While tens of thousands of families have lost nearly all they had in the investment from time to time, somebody is making a fortune out of it. That is what we hear; and yet four or five years passed before anybody undertook to accept our offer and organize companies. Now we are turning around to see that we might have made a sharper bargain; that if we had known how well this would eventually succeed we might have had the road built for fewer acres. Now we will study every crook and turn and cranny of the law to see if we can not take back what we once cheerfully offered.

All the technicalities of estoppel and waiver are of no use as against the Government. We permitted these people to go on. We passed acts of renewal, acts intended to strengthen them; we assisted them in getting the title of the Indians to the lands; we inspected every 25 miles of the road in sections, and approved them, and said to the railroad company every time we accepted 25 miles of finished road, "That is good; go on with this work." And now we turn around seven years after the limitation has expired and say: "For all that was unfinished in 1879 we shall take back the corresponding lands. Much of it is yet held in the Land Office not yet patented to you; a great deal of it is patented; it is sold to actual settlers and they are upon it; but all that we can possibly get back by any turn or twist of the law we are going to take." I will not do it.

A great government like ours is bound to behave like a gentleman; and after it stood by here for the larger part of twenty years and permitted these people to go on and cheered them in their course, it has no right now as a prosperous government, a great and glorious government, as a gentleman among governments, to rise up and plead the tricks and quirps of the law. We made in some respects a bad bargain. The only one thing about it that I regret is that we did not affix to all these grants of land conditions saying, "You shall sell these lands at $1.25 or $2 or $3 or $4 an acre—fix a price so that they may always be open to anybody who will take them, to the end that there may not come to be untimately an enormous accumulation of lands in the hands of the corporation." I am opposed to that. I would regulate and restrict the accumulation of great landed estates by every means in my power.

I have voted for some bills to that effect this session, and will vote for more if we can do it fairly and justly; but as for repenting of anything, as for playing the tricks of Shylock on these companies that to the glory of the American name have welded this continent, that to the glory of the United States have constructed lines of railroad that would make five belts around the globe—as for repenting of anything that the Republican party or my country did in building these roads, I will not do it. I am proud of it all.

Mr. LOGAN. Mr. President, I do not care to enter into the discussion of this question at length, but, sir, remarks have been made by Senators who were professedly discussing the legal aspects of this question which were not warranted by the facts, and therefore I propose to make answer briefly to them.

Why a Senator should declare that land grants to the Pacific railroads were passed through Congress by corruption, or insinuate that corrupt Congresses had passed them, I can not understand, nor will I remain quiet and listen to such remarks without responding.

It is a well-known fact that the Democratic party and the Republican party in their platforms declared in favor of Pacific railroads, and that these land grants were passed by the votes of both parties and not by the votes of one party; and for Senators now to rise in their places and undertake to cast a stigma upon the Republican party and charge that they are responsible for the wrongs that have accumulated on account of these corporations is without foundation and ought not to be uttered by an honorable Senator.

Some of the Senators on the other side of the Chamber have spoken of the land being taken by the hands of robbers out of the hands of the poor who are entitled to homesteads. Sir, in response to that, let me ask you when the Democratic party, while they were in power, ever gave homesteads to the people of this land? No, sir; it was left to the Republican party to enact the homestead law, and to Abraham Lincoln to sign it; and it comes with a bad grace from Senators on the other side of the Chamber to accuse the Republican party of not being the friend of the homeless. Sir, the insinuation is without foundation in fact.

But, sir, let us look at this question in its moral as well as in its legal aspect. The proposition made by the Senator from Louisiana [Mr. EUSTIS] is, I believe, to take from the Northern Pacific Railroad Company the lands that were granted to it by the Government the length of the uncompleted portion of the railroad in the year 1879, but which has been completed and accepted since. The Congress of the United States did not attempt to forfeit this part of the grant prior to the completion of the road, but permitted the company to mortgage the property and complete the road, and after its completion you wish to step in and forfeit the grant; and since the road has been completed and the grant recognized as the property of the corporation by virtue of the authority of law enacted by Congress, you propose by and through a grown-up prejudice against railroads to destroy the contract of the Government with these parties merely because you think it will be to you some political advantage. Sir, there is not a fair and unprejudiced lawyer on that side of this Chamber who believes in the legality and justice of such an act.

There is not a court in the land that would not decide that the forfeiture not having been declared until after the completion of the road without objection on the part of the Government while it was being constructed, that at this time it would not be just and equitable to declare the forfeiture, and that if you forfeit the lands now you do it without that justice, fair dealing, and honesty that should be exercised

in dealings between man and man or Government and man. You may have the power to do it, and if you do do it it is because you have the power and not because you think it fair and just to all parties.

The Government gave these lands to the company to enable them to build the road from the money that might be accumulated from the sale of the lands and the bonds based upon the lands, and for that the Government took upon itself the right to double the price of every even section along on either side of the railroad, so that the Government should obtain as much money when the road was built for its lands that it should sell as it would have obtained from all the lands—those given to the railroad company and those retained by the Government.

That was the proposition. The Government was to sell its lands retained for two dollars and a half per acre, and thereby reimburse itself. But, sir, some people wish the Government not only to be reimbursed but want these lands taken from the railroad company which they have acquired under the law and sell them also. In other words after you have obtained a sufficient amount of money to pay for the whole of the lands, the Government must take the gift back into its hands and resell and speculate on that, and yet gentlemen favoring this proposition talk about the Government being robbed. For a great government like this to make a contract and agreement or to pass a law authorizing these people to acquire land by performing a certain act and doubling the price of its lands and receiving that price and as soon as it has received that amount of money, twice the amount the land was valued at, and get it into its coffers, then it is to reach out and take the rest of the land and say "we will have that too!" Mr. President, is this right?

Will any man claim that this would be an honest transaction? Would it be so between individuals? You sell a man an acre of ground provided he puts up a certain house on it. You double the value of your acre of ground retained, and sell it for that double price; and whenever he completes the house you go on and say, "You will take the land his house is on because he did not finish the house as soon as he promised, although you made no claim of failure in the contract as to time until he finished the house;" and you call that an honest transaction. I do not.

I did not assist in granting these lands or giving them away, as you term it, to these railroads, but I take part of the responsibility for those of my party who did. But you charge the responsibility on the Republican party, and, as was well said by the Senator from Colorado [Mr. TELLER], gentlemen who had nothing to do with it, gentlemen who had nothing to do with this Government at that time; persons who then were not in sympathy with this Government; persons who were then trying to wreck the Government; persons who were then opposed to every act performed by the Government for its own restoration, now come here and criticise every act that was done in reference to developing the great resources of this country, and appeal to the people of this land and tell them that they have been robbed by the Republican party!

Senators will allow me to say to them that it does not come in the best grace from gentlemen who did not participate in the affairs of the Government at that time to rise now in this Chamber and criticise the action of the party that had control of the Government, and now for the sake of making political capital to come here and denounce the action of Congress and the conduct of those who had charge of this Government in maintaining and restoring it to its unity, its strength, and its power, and criticise the party that did save and re-establish it, and because they then opened great highways to the Pacific Ocean whereby our Territories might be teeming with an industrious and energetic population.

I am not opposed to the rights of any portion or of any class of people in this country; but I am in favor of honesty toward all in our conduct as legislators representing the whole people, and I would treat a railroad corporation just as I would treat an individual, or an individual just as I would treat a railroad corporation. If I make a contract with an individual, and that individual complies with the law, I then am bound to comply on my part; and if the contract is suspended for a time and then I permit the contract to go on and be completed, I am morally bound to carry out my part of it.

The mere fact that these grantees suspended work for a time, did not go on with the road, and we failed to do on our part, does not authorize you to do what you propose to do now. Your course caused them to believe that they would acquire the land under the law, and it is certainly the duty of the Government to redeem all its promises. And now because there is a rage against what is called monopolies you think it will be popular, and therefore you are willing to violate an honest, fair contract; you are willing to deprive persons of rights they have acquired under your laws; you are willing to make this Government stand in the eyes of the civilized nations of the world as a government that agrees to propositions and when they are carried out acts in bad faith and destroys the contract itself; you are willing to double your price for your land and, when you have sold it, then to take from the other party that which they have acquired. That is your proposition. That is exactly what you propose to do, and I am opposed to acting in bad faith.

I am willing to vote for the forfeiture of every land grant in this country where the companies have not made effort to comply with the contract, where they have failed on their part; but where we have permitted them to go on under the law and carry out according to the proposition that was laid down by Congress for them to act under and then they have done that and earned the grant given them, I am not willing to agree to bad faith on the part of the Government.

Sir, there is such a thing as people being honest and being fair. There is such a thing as persons sometimes going a little too far in their political career by attacking others merely for the purpose of augmenting their own power as a political organization; but I will say to the Senators who attempt to do this that whenever before a great, intelligent people such as we have in this country men try to play a part that is not fair and honorable for the purpose of adding strength to their political organization, they will fail. It only requires a little time for the people to reflect and see what objects men have in view when they attempt such legislation.

I say to Senators who have had but little to do with this affair that the less they say about the management of this Government by the Republican party during the time they were claiming to be outside, the better it will be for their organization. I have no disposition, nor has any of those with with whom I am associated politically, to taunt men on account of their positions during the war. I have never felt so inclined, and I do not now; but beware that you do not taunt the party that saved this Government and the people who lived under it during this terrible trial with what they did in order to preserve it and extend its resources.

If you leave it off, so do we; but you must not insinuate that for nearly twenty years during the time the power of this country was in the hands of the Republican party it was used corruptly during the period of this great struggle between this Government and your section. Our party was doing all they could to save this country, and to develop the growth and the interest of this great land of ours. Let that be.

So far as the legal aspects of the question are concerned that is a different proposition. Nobody objects to your discussing this or any other question on that ground.

Mr. President, I hope the substitute of the Senator from Louisiana may be defeated. I am for the bill as it now is.

Mr. SAULSBURY. Mr. President, I shall not detain the Senate more than a few moments. I shall vote for the amendment of the Senator from Louisiana [Mr. EUSTIS]. I want, however, to say that I am surprised at the turn which the debate has taken. Gentlemen on the other side complain that the arguments used on this side of the Chamber have been directed from partisan motives. I have listened to several gentlemen here. I listened to the Senator from Florida [Mr. CALL] who made an able, eloquent, and legal argument in favor of the forfeiture of the lands which are now claimed by the Northern Pacific Railroad. I listened a few days ago, and listened again to-day, with great pleasure to the Senator from Louisiana [Mr. EUSTIS], who made a legal argument which I say here is unanswered and unanswerable.

I listened to-day with a great deal of care to the legal argument presented by the Senator from Mississippi [Mr. GEORGE]. The argument was a strictly legal argument, sustained by decisions of the Supreme Court. From neither of these gentlemen did I hear one single allusion to the Republican party. They spoke of a public act not as the act of the Republican party or of the Democratic party, but they spoke of an act which, in their judgment, was unwise, an act which took from the people of this country forty or fifty millions of acres of the public domain; but, so far as I now remember, not a single allusion was made to the Republican party. While they condemned that act they said nothing about who was responsible for that act. I am therefore surprised that gentlemen on the other side of the Chamber should rise up and charge Senators on this side in discussing a public question with being influenced by party considerations.

Now, sir, all that I have heard of a partisan nature has been from the other side of the Chamber. I heard the Senator from Colorado [Mr. TELLER], I heard the Senator from Illinois [Mr. LOGAN], I heard the Senator from Connecticut [Mr. HAWLEY], and every word, except what they have said, has been uttered in reference to party action. There has been an attempt on the other side of the Chamber to defend an act which they seemed to suppose their own party was responsible for. So far as the discussion on this side of the Chamber is concerned I have heard nothing of a party character, but strictly a legal presentation of the questions now before the Senate and before the country.

Mr. President, notwithstanding the criticism which has been made of the expression of opinion about this act, I shall take it upon myself to say without reference to who is responsible—for I do not know who voted for or who voted against these land grants—that a more unwise and more wrongful act never was committed upon the people of this country than to take thirty, forty, or fifty millions of acres of the public domain and give it to a few incorporators of the Northern Pacific Railroad Company for the purposes of that corporation. They were men of means, men of capital, men of influence. It was not the poor men, the tenant farmers of the country, who were receiving this magnificent gift of the public domain, but it was men possessing wealth associated together for speculative purposes who became the recipients of this magnificent bounty of the Federal Government.

Sir, we had a public domain which should have been the pride of every American citizen. We had a public domain greater by far and more valuable than that of any other country on earth. Russia and some others might have exceeded us in the number of acres, but theirs was frozen territory and sterile land. We had a public domain adapted by nature for the homes of American citizens; and the highest trust that devolved on the American Senate was to preserve that great domain from the greed of corporations and the avarice of the rich men of the country.

Why, sir, I saw a statement not long since that in the State of Illinois, the State which is honored by the service in the Senate of the distinguished Senator who preceded me, that there were thirty thousand tenant farmers in that State who do not own their homes; men who are not able to own their homes. That condition of affairs exists in the rural sections of the country, a large part of the lands of this country being held by a few individuals. The tenant farmers are only able to get stock and cultivate the soil. We should have held these public lands for those men whenever they see proper to go and settle on them, because in the settled portion of the country they can never acquire without means the homes on which they must live and bring up their families.

You tell me it was a magnanimous act in which we ought to glory, as was stated by the Senator from Connecticut that these lands were given away to a rich corporation instead of tenant farmers, and others who should have had them for homes. Do you tell me that it is an act in which we ought to glory, that this public domain has been given away to a few corporations, and that the great body of the people should thus have been deprived of them for homes?

But, say the Senator from Illinois and the Senator from Colorado, these lands are open for settlement. At what price? At the price put on them by these rich men who are incorporated in these companies. I agree that they will be anxious to sell the lands; but they will fix their own price on them. They will hold them for years and then sell at a high price lands which without the intervention of the railroads could have been bought for a dollar and a quarter an acre.

Then I am reminded that when they offer their lands for sale the railroad companies reserve all mineral lands and all mines. They have struck a bonanza, and they intend to make the most of it. But notwithstanding all that, if these men had complied with the letter of the law, if they had completed their road within the time specified in the granting act, I would not have voted to disturb them in the possession of one acre, however unwise I might have considered the donation.

Mr. LOGAN. Will the Senator allow me to ask him what his idea was, or what he intended to prove by saying there were twenty thousand people in Illinois who do not own their homes?

Mr. SAULSBURY. I cut out of a newspaper a sermon preached I think by a leading——

Mr. LOGAN. I am not questioning the correctness of the statement. I only ask what the Senator proposes to prove by the statement; what he proposes to illustrate by the idea he had in view.

Mr. SAULSBURY. I was insisting that these men who were unable to buy lands in the State in which they reside had a claim on this Government; that the lands which were held by the public as the public domain of the country should be held by the Government in trust for those people who desire to secure homes.

Mr. LOGAN. Can the Senator find any country, any State, or any government on earth where out of three million people all own homes except twenty thousand?

Mr. SAUSLBURY. All the better for us; and I say here and now that I wish every American citizen, white and black, owned his own domicile. I believe it would be better for the country if every man was able to own his own homestead, his own domicile.

Mr. LOGAN. The Senator and I will not disagree upon that. I wish every man did own his home. But the point is this: You can not find a country on the face of the globe where there are not more than 20,000 people out of three million who do not own their homes; and under any condition of things there will be that many. The lands in Illinois within my recollection, and much this side of the time when I was a grown man, have been sold for a dollar and a quarter an acre, thousands and thousands of acres right where I was raised. I could have bought half the country for a dollar and a quarter an acre since I have arrived at manhood.

Mr. SAULSBURY. I say to the Senator from Illinois that I find no fault with the people of Illinois, I was only speaking of a fact; and I am told that instead of thirty thousand the number is eighty thousand tenant farmers in the State of Illinois. I do not know the fact, but I am told it was shown by the Senator from Florida.

Mr. LOGAN. I do not doubt it; and if the Senator will examine his own State, I have not the slightest doubt that he will find more persons in his State to-day without homes than he will find in the State of Illinois; and yet it is not as large in population as one county in the State of Illinois. I will venture that assertion.

Mr. SAULSBURY. I do not know how that fact may be. I regret exceedingly that in my own State the lands are held by comparatively a few people. I regret exceedingly that that is the case in every State. But we are reminded by Divine authority that we shall always have the poor with us, and we ought, therefore, as legislators, when we had a public domain that might have been secured for homes for the people of that description, we ought to have held it, and it was an unwise act of legislation which took it away from the people and gave it to the rich corporations of the country. Nevertheless, as I before remarked, if those grantees had complied with the terms of the grant, I would be the last man to take one single foot from them which they had earned.

I hold that not having earned the land according to the terms specified in the grant, they have no vested right, none whatever; the land becomes again the property of the Government, and it is now our duty to enact a declaration of forfeiture of every foot of land where the road was not completed within the time specified in the grant.

But we are met with the position that these men have an equitable, though they may not have a legal, right to the land. I put a question to the Senator from Ohio [Mr. SHERMAN], now occupying the chair, a few days ago when he had announced the land was theirs; and he was reminded by the Senator from Massachusetts [Mr. HOAR] that there was an equitable estoppel. That question was disposed of this morning in the strong and convincing argument of the Senator from Mississippi [Mr. GEORGE]—an equitable estoppel against the Government when the decisions of the Supreme Court have repeatedly asserted that there can be no laches urged in defense against the claims of the Government!

But if these companies have an equitable claim for these lands we can adjust that after a declaration of forfeiture. We can not adjust it by refusing to declare a forfeiture.

Mr. LOGAN. I wish the Senator would allow me to make a suggestion to him. I agree with him and his friends in reference to the forfeiture of grants that have not been earned, as I regard it. I stated my position in reference to those cases where the roads had been built and the companies had not forfeited their grants. But now I want to suggest that if the Government of the United States claims that this company is not entitled to the land along the line of road it has completed from Bismarck, why is it that the Government of the United States has ever since required it to carry the mails, and not only that but, required it to pay into the Treasury of the United States 50 per cent. of its earnings on the transportation of every article belonging to the Government; 50 per cent. of the amount charged to the people in that community into the Treasury of the United States, and the Government has been using that all the time? Why is it that the Government required that of them, and you say that they are in default? Why has the Government paid them for carrying the mail, and compelled them to do it at 20 per cent. less than it pays to other parties for carrying the mail, and required them to pay to the United States 50 per cent. on all the Government property they carry over the road if the Government thinks the contract was not performed?

Mr. SAULSBURY. I will say to the Senator from Illinois that I have not looked into the question as to whether the grant of the franchise required it or not. It may be a condition of the franchise of the road which may be separable from the land grant.

Mr. LOGAN. No; we provide and have provided in the appropriation bill that passed the Senate on Saturday last, and we have in every appropriation bill year after year put in a section requiring these land-grant railroads to pay 50 per cent. into the Treasury of the United States, thereby recognizing the fact of their compliance. On Saturday last the Army appropriation bill passed here with that provision in it, without a solitary objection being made to it; and it applies to this railroad and every other land-grant railroad.

Mr. SAULSBURY. I have no doubt that the action of the Appropriations Committee, of which the Senator is a member, was proper and right. I do not know the considerations which influenced that committee.

Mr. LOGAN. The very language that we adopted came from the House of Representatives.

Mr. SAULSBURY. Very well. I suppose the company were entitled to it and they are entitled to the land grant earned up to Bismarck, over 500 miles of the road. That is not denied.

The suggestion of the Senator from Illinois has no bearing or weight upon the discussion of the question really involved. The question is whether we ought to declare the forfeiture of these lands. I hold that you can not consider the equitable considerations involved in this question without such a declaration. If you fail to do that, if you affirm and confirm the grant, then all equities are submerged in the grant.

The people have some equities as well as the railroad company, but you can not consider the equities on the part of the people if you affirm the railroad grant. You never can consider that question until the estate in the lands is vested absolutely in the Government of the United States. Then if the railroad corporators have equities and come to Congress and present them, no one will be more ready than myself to give them a fair and impartial consideration; but I am unwilling to cut off the equitable claims of the people of this country to the land by a refusal to declare the forfeiture.

The people of this country have some equitable claims as well as the railroad corporators. These lands belong to the public; these lands were taken from the public; they were put in a condition where the price of the lands was not to be determined by the Government but to

be determined by the incorporators, and to that extent wrong and injury were inflicted upon the people of the country.

Sir, first settle the legal status of these lands and then let the railroad company come to Congress and make some exhibit and show what they have received from the lands already granted. They have already had patents to between five and six million acres of the public land. They are doubtless entitled to other lands for which they have not obtained patents; but let them make an exhibit, let them show what their franchise and the road are worth; let them show what the road cost; let them show what they have realized from the lands granted to them and which have already been patented to them; let them make a fair exhibit; and then any equity between the railroad and the people we can decide; but so long as you fail to take control of these public lands and to divest all claim to them on the part of these railroads you never can consider the equities that arise in the case.

I am in favor of dealing justly with the railroad, but I am fully as anxious to deal justly with the people. An exhibit was made here a few days ago by the Senator from Florida which showed that up to the present time from the 500 miles which they had built they had realized a clear profit of $15,000,000.

Now, let us deal with this question as legislators ought to deal with it. I know how futile it is to make an appeal in behalf of the people against the monopolies of the country. I have been here too long not to have seen the potent influence of corporate power. The people are the last whose interests are generally consulted in reference to questions of this character. You should do justice to all parties; but I repeat again, and I want to emphasize that opinion, that you never can deal justly with the people of this country until you declare the forfeiture of every acre of the public domain which was not earned in strict compliance with the terms of the land grant.

Why, sir, take the very fact mentioned to-day, the fact that they had postponed from time to time the commencement of the construction of this railroad, that they waited for six long years before they put a spade in the ground, until the price of iron had diminished. Having procured the grant on representations that the cost of construction would be thus and so, they waited and delayed until time should bring down the prices of articles used in constructing the road. Ought not that to be an element that enters into the consideration of the equities in this case?

Mr. President, in behalf of the people of the country I say we ought to-day to declare the forfeiture of every acre of the lands not only of this company, but of every other company incorporated by Congress that had a land grant given to it, which has not earned it in strict compliance with the law. It will be only declaring what has already occurred. The forfeiture occurred at the very time that they failed to comply with the law. The declaration of forfeiture has been delayed too long. Whenever an attempt of that kind is made the railroad corporations and the friends of the railroad corporations are around the Capitol crying out about the injustice that will be done the company.

I do not know that we are ever to get a declaration of forfeiture, but I would tie up this land and not one foot of it should inure to the benefit of these companies until there is a declaration of the forfeiture of unearned grants, so that the account between the people of the country and the companies may be equitably adjusted.

Mr. President, I have detained the Senate much longer than I intended. I have an amendment to offer to the bill which is not now in order, an amendment which I think ought to be adopted. I will speak in reference to that for a few moments. Whether this pending amendment is adopted or not, I shall offer an amendment that hereafter no patent shall be issued for any portion of land included in any railroad grant which was not earned in strict compliance with the terms of the grant, until Congress shall authorize the issue of such patent, and the reason I do that is this: Up to 1874 Congress acted upon these questions of patents, but since that time an executive officer, the Secretary of the Interior, acting of his own motion, without authority of Congress, has issued patents for the land which in his judgment had been earned. That is a power that I would not give to any executive officer.

The executive officer ought not to want it, and I do not suppose does want to exercise power over questions with which Congress has not dealt. But these railroads have come to the Interior Department and have secured in some instances patents for lands which were not earned in compliance with the railroad grant, and therefore to relieve the executive department from all importunity on the part of railroad companies, and to retain in the hands of Congress the control, power, and authority of these railroads, I shall offer that amendment, and I believe that it ought to be adopted. We ought not to leave it to the discretion of any executive officer to determine a question which the Congress of the United States itself ought to determine.

Mr. EDMUNDS. Mr. President, I do not wish to interfere with my friend from Florida, who has not spoken on this subject, as I see he rises. I yield to the Senator from Florida.

Mr. CALL. Does the Senator from Vermont propose to speak?

Mr. EDMUNDS. But a few words. I intend to stay here, if I can, until this bill is disposed of.

Mr. CALL. I would prefer to hear the Senator.

Mr. EDMUNDS. Mr. President, the existence of this bill implies the fact that we are going to make the law now different to what it is. That is the only object of the bill which deals with existing affairs, that the law whatever it is now is one way and that if we pass the bill it is to make the law another way, unless it be declaratory of some existing state of things. Now, in respect of these railroad land grants, it has become the settled law, as decided by one department of this Government that has the last word about all these affairs, the Supreme Court of the United States, that all the land grants which had affixed conditions of time to them did not prevent the company from being entitled to go on and to receive their patents for the work that they did just as between private persons where there is an equity of redemption if the man who makes a mortgage does not pay at the time, he still has his rights just as they were before.

In 1883, Mr. Garland, the present Attorney-General of the United States, and to whom I am always glad to pay my respectful homage as an upright and just man, reported from the Committee on the Judiciary, which then had charge of these subjects of forfeitures, naturally enough, as they were legal matters, reported, as I believe by the unanimous judgment of that committee composed of Democrats to their full proportion, a bill which I ask to have the Secretary read as illustrating what I have to say upon this subject of the forfeiture of land grants.

The Chief Clerk read as follows:

47TH CONGRESS, 2d Session.

S. 2301.

[Report No. 906.]

IN THE SENATE OF THE UNITED STATES,
JANUARY 2, 1883.

Mr. GARLAND, from the Committee on the Judiciary, submitted a report (No. 906), accompanied by the following bill; which was read the first and second times by unanimous consent.

A bill providing for the forfeiture of railroad grants in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where grants of lands by Congress have been made to aid in internal improvements, and said lands have not been patented by the United States to the grantee, where the grantee was a corporation, or where the lands were granted to the State, and said lands have not been disposed of by the State, and said grants have become subject to forfeiture or resumption by the United States for any cause whatever, it shall be the duty of the Attorney-General to cause suit or suits to be brought in the name of the United States in the proper courts having jurisdiction, to obtain judgments declaring the forfeiture or right of resumption by the United States of such lands, as the case may be, which suit or suits shall be subject to trial or hearing like other suits, with right to writ of error or appeal by either party, as in other cases. This section shall not be construed so as to prevent the executive authority of the United States from taking possession and disposing of any of such lands without judicial proceedings in any case in which it could lawfully do so if this act had not been passed.

SEC. 2. That the provisions of the first section of this act shall not apply to the case of any railroad (except as mentioned in section 3 of this act) in which, within one year preceding the passage of this act, any substantial progress in building the same has been accomplished in good faith, and shall be continued in the manner hereinafter mentioned, or in which, before the 1st day of December, 1882, there shall have been made any substantial progress in the building thereof, and which progress shall be continued in good faith, as hereinafter mentioned. The foregoing provisions of this section, limiting the application of section 1 of this act, shall cease, determine, and be of no effect in the case of every railroad affected thereby the building of which shall not be in good faith continued after said 1st day of December, 1882, to the number of miles in each year required by the act or acts granting such lands, or act or acts amendatory thereof, and in the manner so required, until such railroad shall be entirely completed.

SEC. 3. That nothing in this act shall be construed to be a waiver of any condition or requirement imposed upon any corporation or in respect of any such grant by the act or acts granting lands to or in aid of it or amendatory thereof.

SEC. 4. That in every case in which any corporation, or its lawful successor, being lawfully entitled so to do, shall not do the acts mentioned in section 2 of this act, it shall be the imperative duty of the Attorney-General of the United States to proceed against it as provided in section 1 of this act.

Mr. EDMUNDS. With this bill Mr. Garland, from the Committee on the Judiciary, submitted a report on the question of the forfeiture of land grants, expressing the views of that committee; and I now ask that that report may be read.

Mr. TELLER. What report is that?

Mr. EDMUNDS. The report of Senator Garland, the present Attorney-General, from the Committee on the Judiciary, on the bill to provide for the forfeiture of land grants.

The Chief Clerk read as follows:

In the Senate of the United States. January 2, 1883. Ordered to be printed.

Mr. GARLAND, from the Committee on the Judiciary, submitted the following report (to accompany bill S. 2301):

The Committee on the Judiciary have for some time had under consideration various memorials asking for the forfeiture of certain railroad land grants, with several bills and resolutions on the same subject. The resolutions and bills differ as to the way and manner of securing forfeitures; some asking for a direct declaration by Congress, others seeking to invest the Secretary of the Interior with the power to make such declarations.

Upon full consideration of all these propositions, in connection with the various grants to be reached in this way, the committee found great difficulty in devising any one plan that would be effectual. The grants themselves are different and do not by any means, in all cases, carry the same meaning as to the relative rights and duties of the companies and the Government.

The committee is unwilling to confide this vast power of declaring forfeitures to any one officer of the Government. In its essential elements it is a judicial proceeding; and while it is within the power of Congress in certain cases to make this declaration, it is deemed best for the security and protection of all concerned that some means of a judicial character should be devised to accomplish this end.

In Farnsworth *vs.* Minnesota and Pacific Railroad Company, 92 United States Reports (2 Otto), 66, the Supreme Court say:

"A forfeiture by the State of an interest in lands and connected franchises, granted for the construction of a public work, may be declared for non-compli-

ance with the conditions annexed to their grant, or to their possession, when the forfeiture is provided by statute, without judicial proceedings to ascertain and determine the failure of the grantee to perform the conditions."

This decision was preceded by the cases of Schulenberg *vs.* Harriman (21 Wall., 44) and United States *vs.* Repentigny (5 Wall., 211) to the same effect. These decisions, of course, are limited, and that carefully, to the language of the grants discussed, which provide clearly for the exercise of such power, and do not, as they could not, embrace cases in which the grants were upon different conditions. Without undertaking to decide whether in all grants of land by the United States to railroads Congress can declare this forfeiture, the committee considered it best to adopt some measure that would avoid this question, and place the parties in attitude towards each other that would insure to each fair dealing and justice as far as can be done.

They propose to direct the Attorney-General to institute proper judicial proceedings against any railroad companies that he may have reason to believe are in default as to the conditions of their grants, to bring about a forfeiture, and secure the rights of the Government to the lands. This proceeding, in the nature of an information, will bring the supposed defaulting company into court, to be heard in defense against a forfeiture; and the court can enter such a judgment or decree as in its opinion will secure to the Government not merely in declaring a forfeiture, if need be, but in declaring resumption of the lands granted. Appeal to be allowed as in other cases in the courts.

This proceeding, however, is not to interfere in any manner with any right of the Executive under his authority to enforce and execute the laws to take possession and dispose of any such lands, without these proceedings where he could have done so if no act as contemplated by the committee had passed.

While the committee had no doubt at all that some steps should be taken to declare forfeitures in many of these cases, yet they were of opinion that in all cases where reasonable and proper diligence and exertions had been used by any of these companies, they should have the benefit of the same in any proceedings against them; and accordingly the committee were of opinion it would be just to allow the companies to show in defense that for one year previous to the passage of the act any substantial progress in good faith in the building of the roads, limiting this period to the first day of December, 1882. The substantial progress is to be considered and passed upon by the Attorney-General first before instituting proceedings, and then, if pleaded in defense of the proceedings instituted, the court is to pass upon it. Of course it is a difficult matter to determine what is substantial progress, and no general rule touching it can be laid down. Therefore, the committee would leave it general in this way, to be determined upon in each particular case. Some provision of this kind is necessary, as certainly the grants were made with a view of securing the building and completion of the roads; and when efforts looking earnestly to that end are being made, the Government would not desire forfeitures of the grants. And this is in no sense a waiver by the Government of any condition or requirement imposed upon any corporation; and when this progress is not shown to exist, it is made the imperative duty of the Attorney-General to proceed against the companies.

It is believed by the committee such a law will enable the Government to get rid of all these grants of lands to railroads that are not being used for legitimate purposes, or are misused, or in which no efforts are being made to build the proposed roads; and at the same time to have carried out all these grants in which the companies in good faith are trying to finish their roads. In other words, while such a law would be protective of the rights of the Government it would not be oppressive to corporations that are working and dealing fairly with the liberality of the Government in trying to secure the objects of those grants.

And to this end they have agreed on the bill herewith proposed, and recommend its passage.

Mr. EDMUNDS. The bill reported by Senator Garland from the Committee on the Judiciary I believe—I have not had time to look it up—was an exact copy of a bill that was agreed upon unanimously by the Committee on the Judiciary when Senator Thurman and Senator McDonald were its members. That committee then having charge of this question of legal forfeitures thought that it might be supposed that Congress had public ends in view in granting lands to various railroad companies and to various States for railroad companies, and that if Congress was right in respect of the public interest of having such a line for the benefit of the people of the United States, which must be paid for by somebody, it was right that Congress should not take advantage of the mere lapse of time in respect of any company, or corporation, or individual that was struggling to get on within reasonable limits which this bill provided for; and so, unanimously, the Committee on the Judiciary, composed of Democrats and Republicans, who had given attention to the subject, provided for what we thought was a just way of ending all this question of the forfeiture of grants—to wind up by judicial proceeding that should leave nobody to come to Congress afterward, either a settler or a grantee of the corporation or whatever; to wind up by a judicial proceeding every grant that did not come within the stipulation that this bill provided for of going on in good faith with the work that the public interest required.

Now apply that to this present corporation, where do we stand? This corporation has gone on exactly in the form that this bill stated, struggling all the time to accomplish the building and operation of a line of railway that should connect Puget Sound and the Pacific Ocean with the Atlantic coast. That is what it has been doing. Whether its stock has been watered, I do not know. I know nothing about its concerns, and I care nothing about them except in the public sense. It has accomplished the great operation of building a line connecting with our State lines that go to the Atlantic Ocean in one way and through a State corporation in Oregon down the Columbia River. It has not earned the land that it might have earned by building a line of its own down the Columbia River, the grant for which this original bill proposed to forfeit, that we all agree ought to be forfeited; and now is saddled on to that simple thing the question of whether all the other lands that are conterminous with the road that according to the proprieties of the bill that was reported from the Committee on the Judiciary and was not reached to be acted upon, should be allowed to remain, shall be forfeited, although the railroad has been built in every conformity with the act of Congress except the mere matter of time.

That is all there is of it; and then when you come to the Cascade Mountains where the line straight on to Puget Sound was to go and is to go some time or other for the benefit of the people of the United States, the question is whether on the theory that the committee thought was a right one you will stand up and say, now that they are struggling to build that by money which they have not got out of the lands which have been given to them, but that they must get and are getting by pledging everything that they have on that line to be built, all lands that they have or that are to be earned and the line itself—whether it is for the interest of the people of the United States to say to this company, "You can not get any money in that way; the thing is stopped?" Is that right? It is right if it is not for the public interest to have that line. If it is for the public interest, a great public interest that affects a continent, that affects this Republic and all its commerce, then I say if it were a new question I would give to anybody who would build through that immense range of mountains these 150 or 200 miles, whatever is required to make a straight line to Puget Sound——

Mr. DOLPH. Seventy-five miles remain to be built.

Mr. EDMUNDS. But from the Columbia River to Puget Sound is 200 miles.

Mr. MITCHELL, of Oregon. Two hundred and sixty-two.

Mr. EDMUNDS. I would give all the land there is within 50 miles on either side, and every settler in those mountains, every man of those of whom my friend from Delaware has been talking so eloquently—and if I had his eloquence I would talk for them in the same way—every settler there would say, "Yes, by all means; I will give this company every other section going back 50 or 100 miles into these mountains if they will only give me a railroad that shall let me out to Puget Sound or to the Columbia River, in order that I may be in intimate intercourse with my fellow-republicans"—and by "republicans" I do not mean political Republicans—"my fellow-people in this Republic all over the United States, because without this railroad I can not live; with it I can, and my wheat and my corn and my products of whatever kind can find a market to the people who want them."

Now the question is whether the Senate of the United States is wise enough to see that this link ought to be built and ought to be opened, and that the public ought to aid it in order that every settler there may get his commodities to market in a fair way and in a right way and in a way which does not tax him a cent or a penny. That is the question. And so, as I said the other day, if this were a perfectly new question I would vote to give this company, or any other company, any amount of public lands in that vicinity, leaving the alternate sections for the settlers, that would build the road across that Cascade range in order that an outlet to the waters of Puget Sound and of the Columbia River on this side might be opened to the people of the United States who are to build up their hamlets and their farms in that range. That is the whole of the question.

And it is amazing to me that Senators stand up here and talk what somebody might call—no, I will not use the phrase; I will leave that blank—stand up here and argue that we are destroying the rights of the people of the United States and settlers in saying that we will do everything that we can to carry on this work to its end, Puget Sound, and will not take advantage of the mere lapse of time in carrying out a great national work.

Mr. CALL. Mr. President, I do not propose to detain the Senate any great length of time.

Yesterday, I believe, reference was made by the Senator from Oregon [Mr. DOLPH] to the condition of the public lands in the State of Florida, and he stated that I exhibited for the first time an extraordinary zeal in supporting the present bill for forfeiture. I wish it to go upon the record that ever since I have been a member of this body I have at every session introduced a petition, and a resolution, and generally a bill for the protection of the actual settlers upon the railroad grants in that State that had not been earned by the completion of the roads within the time specified in the grant. There has, therefore, been no negligence on my part in seeking to obtain for them homes upon the public lands free of cost.

Now, I desire to say in response to what has been said by the Senator from Vermont, that in a question where 100,000,000 acres of the public lands of the United States are to be donated to corporations—for the action of the Senate upon this bill is to determine so far as this body is concerned its action at this time on other bills where the lands have not been earned within the time specified in the grant—it is amazing that when the whole course of the English law and the law of every country indisputably has been unfriendly to the vesting of the titles of great bodies of real estate in corporations, when this very body at at this session of Congress has passed an act hostile to it and declaring it to be a great public evil, and the Senator from Massachusetts [Mr. HOAR] has even endeavored to ingraft a condition upon all the public lands in the Territories, which was proposed by him to be made beyond even the power of State authority to remove or change, forbidding land to be held in any but small tracts, not exceeding 640 acres; it is amazing in view of these facts that any Senator should affect to regard this question and the propositions and arguments by which it is maintained upon this side of the Chamber in the light of considerations entirely foreign to it and not in any way related to these great objects of the established public policies of our people.

What has the magnificent highway from Puget Sound to the head-

waters of the Mississippi and Lake Superior to do with the attachment of a condition to the public lands of this country that the settler shall occupy and live upon them only at the will of a corporation and upon prices fixed by them, for that is what you propose to do, and that is the law which is sought to be repealed. It is to say that every settler shall live upon the public land at the will of a corporation unlimited and absolute upon terms of sale entirely in its power; and not only that, but when you have forced him by this law containing the propositions of the Senator from Oregon here to-day to pay the price fixed by the corporation for this land, you give the money, the earnings of his hard labor, away to the owners of a railroad corporation, not to the amount necessary to construct the road, but to three and four times the amount necessary for its construction, and you compel him to pay this enormous sum over and above the cost of construction of the railroad for the sole purpose of enriching men who have contributed little or nothing to the construction of the railroad, and after it has been built with the settlers' money you give it to the men who have paid nothing for it.

That is the practical question before the Senate; not what has been done by Democrats or Republicans; not as to the wisdom of the homestead law and the credit you are entitled to for passing it years ago, but whether now, when landlordism prevails more in the United States under the system of profuse and reckless grants of public land, you will attach this condition to the hundred million acres of the public land which still remain that is in question now before you. Five States equal to Indiana and Ohio are proposed to be given away by the Senate to a few individuals with power in them to impose these severe burdens on all the people of the United States who may be compelled to live on the public lands.

That is the reason why those on this side of the Chamber who oppose this new grant say that whatever legal rights have attached to the Government and remain in the Government should be exercised with reference to these lands in favor of actual settlers. Is there no other way to compel this railroad to build its line to Puget Sound as stipulated in its charter except to compel the settlers to build it? We never hear in this body of compelling a corporation to comply with the conditions of its charter. It seems to be an obsolete idea that a man who invests in a corporation does so subject to the condition that the corporation and all its property shall be forfeited if it does not complete its road.

Mr. MAXEY. With the consent of the Senator from Florida I will state that the charter was granted during the war; the charter was granted in 1864. The work was not begun till 1870. There was no war in 1866, and then not a thing had been done; and in 1868, when the next extension was passed, nothing was then done. There was the extension of 1870, and till then nothing was done.

Mr. CALL. The suggestions of the Senator are very forcible. But suppose we concede the whole ground claimed by Senators on the other side. I say why do we not hear of compelling this corporation to complete its highway to Puget Sound? Is it not true in all laws, and in every light possible to place it in, that when a railroad accepts a charter and completes a part of its line, the whole line completed and every dollar of its resources and property are subject to forfeiture if it does not carry out its charter obligation to complete the line to its terminus in a reasonable time? We hear about inducing this corporation to continue its line in conformity with its charter obligation, but not of compelling its completion by a forfeiture of its franchises and property.

So powerful has become the opinion in this body in sympathy with corporate power that we do not hear of the right of the people of the States, of the whole community, to compel the performance of its obligations. But what more? Is there no other way and no better way to build railroads, if it must be done by the public—and I am willing always to attach conditions to the lands of the country to construct proper highways—but must we take from the labor of the people upon that line and give it to the corporations without any return?

Why not give the settlers the railroads if you require them to pay three, four, or five dollars an acre for their homes, and apply their money and labor to building a railroad, or let it belong to the public, let it belong to an educational fund, let it be charged in some portion of its receipts with the payment to the people of their money invested in these railroads.

Why, always when a great public highway and a great public policy of transportation is discussed in reference to these grants, will we insist upon doing it in such a manner as will create a landed aristocracy, in such a manner as will create landlordism, in such a manner as will impose burdens upon the settler on the public land in order that it may enrich some speculator?

The Senator from Kentucky [Mr. BECK] talks about Wall street and the sales of the Northern Pacific stock. What portion of the people of the United States, as compared with those who want homes on the public lands, are those who invest in stocks? What per cent. do the commercial and speculative interests in New York bear in comparative worth with those of all the people that the statesman is to bring them up here when you show that seven million of the agricultural laborers of the United States are without homes. Senators talk about forfeiting unearned lands and give a definition to "unearned lands" that leaves nothing to forfeit. Even in this bill the paltry amount of 2,000,000 acres only is talked about as being forfeited. Why, Mr. President, it is a surrender of the whole question. I am indifferent whether you forfeit an acre of this land, unless you do something upon a scale large enough to benefit the people of the United States.

I am well satisfied that the only safety for corporate interests and corporate power is in not deceiving the people. The safety of property is in such regulation as will make corporate power amenable as a servant to the public interests securing reasonable and just compensation to them. But to talk now about such a proposition where an empire is to be given away to a few individuals without reference to its value, without reference to the cost of the work, or the consideration of what they have done—an empire to be given away in order that it may enrich a few persons upon the plea that a great highway can be built in no other way, seems to awaken surprise.

Why, Mr. President, of all methods of building railroads that which attaches a condition to every acre of the public land that it shall be occupied only at the will of a corporation by a lease if it chooses so to do and at prices fixed by itself, and then that the labor of these people shall be given away, making it the interest of the corporation to exact from the settler the highest possible price, and then attach the right of taxation as a franchise to the corporation upon his production, upon all that he makes to just such an amount as the company, the proprietor of the land, may choose to affix, is beyond all doubt the most vicious and hurtful condition that could be imposed upon the public lands and the most injurious one to the settler and to the country in all its great interests.

These are the considerations, and no one upon this side who has advocated this forfeiture does it because the Government has a naked power of forfeiture. The Senator from Mississippi, in an argument which, step by step and analysis by analysis, can not be met, and as able as ever will be made, which the learned Senator from Vermont, with his astuteness, can not take step by step, proposition by proposition, and refute it, for it is not his own proposition, but it is the decision of the Supreme Court on every single point analyzed, and places beyond controversy in its juxtaposition to its succeeding proposition—the argument of the Senator from Mississippi is a demonstration. There is no decision of the Supreme Court, there is no inference from any decision of the Supreme Court that any right can ever be gained by the acquiescence of the agents of the Government and their failure to enforce the law. There is no equity and no consideration of interest to a railroad corporation or an individual that can be urged as an argument against the whole body-politic of the country and against the public policies which you have affirmed to be necessary. The public policy of a settlement of the public land by the citizens of the United States without cost, the public policy that vast territories of land shall not be granted to corporations without limit and without expense or consideration paid by them. No one upon this side of the Chamber advocates the passage of this bill except upon the proposition that the public interests, the welfare of the whole people, demand the opening of this grant to settlement by the people, and that it can be done with justice to the corporation and in the interest of the preservation of the great highway of transportation to the Pacific.

Mr. EDMUNDS. I wish, in addition to what I said before, to call the attention of the Senate to another consideration in two minutes, and I shall be done.

Our British brethren have built a railway in some places within a hundred miles of this Northern Pacific road across the continent, and I am told that the track is actually laid so that it reaches the northern waters of Puget Sound now. I had doubted that, and I am not sure that is true at this moment, but it will be. I think it worth the while of American Senators looking to larger objects and wider schemes for the trade of the world, to consider whether it is not of the utmost importance that the United States should have a line that should go to Puget Sound as well, so that the traffic of Asia coming into that wonderful inland sea, as Puget Sound is, should have a United States communication with the interior of our country and with the eastern seaboard. That is the practical question in respect of building in the shortest possible time and in the best possible way this connection of what is now 100 miles or so across this rough range of mountains in our territory.

So then, as I said the other day, and I repeat it now, if it were a perfectly new question I would, acting for the people of the United States, give to any corporation every alternate section of land for 40 miles on either side or 100 miles on either side, that would in the quickest way get a foothold on that sound that should attract the commerce of Asia to us, and not to the British ports and to this British railroad.

I do not know that I appeal to anybody who cares anything about the trade of the United States, for there may be those who would rather shut themselves up like a clam in its shell, and not reach out to this vast trade where everything is to be accomplished for our products in Asia, and say "we do not care." I hope I do, I believe I do, and therefore I should hope that the Senate of the United States, not caring anything for the personal interests of this corporation, which I do not, but for wise and great public interests would stimulate the completion of

that line for objects which are interesting to every person in the United States who has anything to do, or anything to sell, or anything to gain. We have been a little short-sighted, I think, in respect of our foreign commerce. We have shut ourselves up and have said, we will not do this and we will not do that, and so on and so on, while our adversaries and competitors in the peaceful competitions for the trade of the world, for the sale of products, and so on, have been placing their hands upon nearly every island in the sea and placing their communications with every other continent which brings back to them large returns, while we have considered ourselves best to be shut up in a quasi-continental and insular way, and try to live within ourselves; but we produce too much for that.

We want to find markets, we want to find places where the industry of the people of the United States, the oranges of Florida and the butter of Vermont may go and find a market, and I make that personal allusion in order to reply to my friend from Florida, as he grows oranges and we make butter, and so on of every industry and production of the United States. If we are to compete with the world—we can not trade with ourselves alone—we must find avenues, we must attract commence; and now here are our rivals whose flag covers every single meridian of longitude over the globe, who have now a railway whose terminus on Puget Sound is certainly not 200 miles from where this terminus will be, to take the steamships that cross the Pacific Ocean from all that great East, that store-house of possibilities, to attract trade, and we are higgling here over the question of whether we will prevent this Northern Pacific Railroad Company from raising money on its bonds which are pledged on that very grant to finish that line, in order that the trade may come to us and not go to them.

Any Senator who wants to do that can do it. The President of the United States, in a recent message, has referred to this subject in these words:

> The nation has made princely grants and subsidies to a system of railroads projected as great national highways to connect the Pacific States with the East. It has been charged that these donations from the people have been diverted to private gain and corrupt uses, and thus public indignation has been aroused and suspicion engendered. Our great nation does not begrudge its generosity, but it abhors peculation and fraud; and the favorable regard of our people for the great corporations to which these grants were made can only be revived by a restoration of confidence, to be secured by their constant, unequivocal, and clearly manifested integrity. A faithful application of the undiminished proceeds of the grants to the construction and perfecting of their roads, an honest discharge of their obligations, and entire justice to all the people in the enjoyment of their rights on these highways of travel, is all the public asks, and it will be content with no less. To secure these things should be the common purpose of the officers of the Government, as well as of the corporations. With this accomplishment, prosperity would be permanently secured to the roads, and national pride would take the place of national complaint.

I agree to all that. I think I have been, in my humble way, as diligent and industrious in checking every fraud and contrivance of all the land-grant corporations in respect to gaining advantages over the United States as anybody else—I say according to the capacity that I have—and therefore I am not their friend in that sense, but in the wider and the national sense. When you find a corporation that has not got any money of the Government at all, and that has only been struggling under adversity to get a national line through from ocean to ocean, I say that we shall make the greatest mistake of this present year at least if we do anything which will diminish or delay the completion of that line—the rival of our British neighbors, their line being now done, and which they have built by Government aid—by undertaking to forfeit even this little Cascade arrangement that is still left.

And so I hope that we shall confine this bill to what it was originally intended to be, a forfeiture of the land that clearly ought to be forfeited, as we all agree, and not undertake, by standing on the letter of the law like Shylock and saying we will not go any further, to embarrass and stop a great national work, which has the widest objects and the widest results, because we say the law is on our side.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Louisiana [Mr. EUSTIS].

Mr. GEORGE. Mr. President, I desire to make one single observation.

It has been stated several times by Senators on the other side that this bill deprives the railroad company of some rights which they would be entitled to enforce in a court of law. On that subject I desire to say in the presence of the members of the Judiciary Committee and of the Senate, that this bill if it passes, in whatever shape it may be passed, is nothing more than what was called entry at common law by a private person. It is that act on the part of the Government, and it is only that act which enables the Government to assert its right against the railroad company for the forfeiture, and notwithstanding any provision of this bill if it be passed, every legal right which the Northern Pacific Railroad Company has may be enforced in the courts of the country.

Mr. CALL. I wish to ask the Senator from Vermont a question. Admitting that a great highway is necessary to carry the butter of Vermont and the oranges of Florida, I should like the Senator to tell me whether he thinks the best way to build that highway is to require, either directly or indirectly, the settlers on the public land of the United States along the line of that road to pay three or four times the cost of the road out of their labor to those who build the road, and then give the railroad to them? Admitting that the great highway is necessary and that it should be built by Government aid, does he think the best way to do it is to require the settlers on the public land to pay such a price for their land as will exceed the cost of building the road three or four times and then give it away?

Mr. EDMUNDS. No, I do not; and no settler will now go into that Cascade range and buy land at 50 cents an acre. If he can have a railroad through there he will be willing to give $5 an acre, and he is only required to give $2.50.

Mr. CALL. I speak of the whole line of the road from the point where it stopped when the time for completion fixed by the act had expired. Does he think upon general principles that the best way to build a highway required by Florida and Vermont and all the States of the Union is to impose a tax upon the people who live along or near the line of that road, with a strip either of 40 or 80 miles wide, for three times the necessary cost of construction of the road, and then give it away?

Mr. EDMUNDS. No, I do not think anything of the kind; but I think of the line of any railroad in Florida, Vermont, or anywhere else, if you had not provided for the railroad you would not have had the settler; and if he wants to go there and is able to go there by giving $2.50 an acre for the land because he is on the line of a railroad, he is making a good bargain; and I can tell the Senator from Florida, as he probably has not been up the Cascades as I have——

Mr. CALL. I am not speaking about that, but about the general policy.

Mr. EDMUNDS. I am speaking about the general policy too, which always comes out in particulars. If this railroad be not built through the Cascade range there will not be one hundred settlers within 100 miles in twenty-five years, or fifty, because they have no possible way of getting out through that rough mountain region. You are doing a benefit to the settlers, as they are called, if you can build a railroad through there and let them get their lands for $2.50 instead of $1.25, or for a homestead either, because the land is not worth anything at all unless you have a railroad there.

Mr. CALL. If $2.50 an acre for the land belonging to the United States 40 miles in width along the line of that road yields a sum three times greater than is necessary to build a railroad, and you are going to make the settler pay it, why not construct it out of the Treasury of the United States and let the United States or somebody else own an interest in the property that you create out of the public funds?

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Louisiana [Mr. EUSTIS].

Mr. CONGER. Mr. President, I do not propose to frighten my fellow-Senators here by rising to speak at this hour on this question. I should not have thought of doing it at all, but the zeal of some of our friends has compelled them to speak several hours one day and several hours another day, and as was said about the grains of barley, several hours make a day, and the main portion of some of the speeches to which I have listened is portraying to the American people the grievous wrongs of permitting railroad companies to withhold from the settler who desires land and a home the lands which have been given to them.

I have been waiting and listening with a kind of anxiety that I can hardly express in the ordinary language for some of these tender-hearted gentlemen whose whole soul seems to be wrapped up in the constant and persistent endeavor to find out how the landless may get land and how the homeless may get homes, to suggest some way in which that vast amount of land, millions of acres, vast empires of land, which this Government—their Government—the Government which they have controlled and managed, could in some manner be thrown out to the homeless, landless citizens of the United States, but I have not heard a word, not a suggestion, not a thought, not an inquiry, and yet every Senator upon that side of the Chamber and on this knows, when they have been describing the millions of acres, the empires of land that are withheld from the occupancy of the settler, that for every acre, acre for acre, county by county, empire by empire, they are withholding by non-action at least as many acres, as great an empire of land, numbered by millions and millions of acres, as have ever been given to the railroad companies.

They are withholding from the citizens of the United States an equal amount of land, the alternate sections running all through these lines, by imposing upon them and keeping upon them a price beyond the reach of the settlers to overcome. Every alternate section of the lands along lines given to railroads (with the exception of a little right of soldiers to make a homestead of 80 acres only, I think) is held by the Government at $2.50 per acre. These alternate sections must be equal to the lands granted to the railroads, and by your action and by mine, or by your inaction and by mine, are taken away from the domain of lands upon which the citizen may go and make a homestead except these few rights of soldiers. This is so to-day, and has been all the while up to twenty minutes past 6 to-night, and not a word said about it, not a sympathy shown, not an expression of feeling here against the Government for keeping away from the settlers of the United State these millions of acres and this empire of land.

Why is it that the sympathy and gush all runs in one direction? Why is it if the real object is the desire to give lands to settlers, as is

proclaimed here so loudly and so pathetically by so many gentlemen—why is it that some one never has thought of introducing a bill to throw open to settlers this other half of this vast empire and let them make homesteads upon it; let them enter upon these lands where they have a railroad, where railroads have been built, where they can reach them, where they can make homes, and within convenient distance reach a means of public conveyance to go to them and to come from them to interchange visits of interest, of business, of affection, with the friends they have left?

Sir, in my humble judgment these few remarks which I make will cause a great many people in the United States to wonder if they could not find in the records, among the innumerable and immeasurable speeches which have been made on this floor, among these vast large-hearted, sympathizing men, some effort, some suggestion coming from somebody whose heart is overflowing continually with the desire that lands may be thrown open for homesteads, that the Government, rich, great, substantial, proud, magnificent, should not give away its half of these railroad lands to the settlers, to its own people. I say it to go forth to the American people, there never has been within my hearing the least suggestion that the Government might take its half of the reserved lands along the railroads and among the railroad grants and give the land to the people. It was by some effort that we got a bill through giving to poor soldiers the right to have homesteads of 80 acres on railroad grant lands; and I recollect how difficult it was to induce members of the other House and members of the Senate to grant to the defenders of the nation that little right to a little homestead among these lands.

Mr. President, I venture to say that if it should be read by the people of the United States that no Senator on this floor during all these exciting discussions and all these pitiable and pathetic appeals to take from somebody else lands to give to settlers, it will hardly be believed when I assert that no man here has ever thought that the Government might give its own lands to settlers, its worthless lands, as they would have been without these railroads, to homestead settlers.

I commend—that is the object of these few remarks—I commend to the gentlemen whose hearts are overflowing with such professed sympathy, such worthy feelings for the landless people of the United States that they will think whether they will not work in some way, either before the debate closes on this bill or on some other bill, some expression in accordance with the suggestions I have made, and have the Government of the United States give these vast domains of lands to the settlers of the country without compelling them to go and pay $2.50 an acre when they want to make a home on these lands.

My speech is short. It is meant to be a little pithy. It is not very reproachful to anybody; but, if it does not awaken a little sympathy in the minds of these supersensitive gentlemen about lands and about the deprivation of the poor settlers who can not get lands, if it does not give them a little direction in favor of compelling their own Government themselves, where they may and where they have the right without question to throw open all that vast empire of the alternate sections of public lands, I shall be mistaken.

I think I may have been the means of opening by these few scattering suggestions and remarks which I have made the flood-gates of sympathy in another direction. Next week, or the week after, in the few days that are left of this session, and especially in the coming session, I shall expect every one of these advocates of the rights of the people, I shall expect every gush and every impulse of the nature of those gentlemen who have been so pathetic here, to run in the direction of compelling the Government to give its vast domain to its own people; and if I shall have accomplished that, sir, I shall have done more for the people who have no homes and no lands, and who desire homes and desire lands, to give them a home where there have already been railroads built within 10, 20, or 30 miles of these lands of the United States, than all this sympathy will do for them if it should be carried on to midnight by more pathetic and more gushing Senators than I have heard yet.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. EUSTIS].

Mr. DOLPH and Mr. EUSTIS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On these questions I have been paired with the Senator from Indiana [Mr. VOORHEES], but my pair has been so arranged as to permit me to vote. I do not know exactly how it is arranged; but I am at liberty to vote, and I vote "nay."

Mr. BLACKBURN (when his name was called). I am paired generally with the Senator from Nebraska [Mr. MANDERSON], but upon all questions relating to this bill the pair has been transferred to the Senator from Tennessee [Mr. WHITTHORNE]. I therefore vote "yea."

Mr. CAMERON (when his name was called). On this question I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "nay."

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. I should vote "yea" if he were present.

Mr. FRYE (when Mr. HALE'S name was called). My colleague [Mr. HALE] is absent from the Senate, and is paired with the Senator from Kentucky [Mr. BECK]. I understand that both Senators would vote "nay" if present.

Mr. HARRISON (when his name was called). Upon this question I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "nay" and I understand that he would vote "yea."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). As has just been stated by the Senator from Indiana [Mr. HARRISON], my colleague [Mr. JONES, of Arkansas] is paired with him. If my colleague were present, he would vote "yea."

Mr. KENNA (when his name was called). I desire to state that I am paired with the Senator from Minnesota [Mr. SABIN]. If he were here, he would vote "nay" and I should vote "yea."

My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT]. My colleague would vote "yea" if he were present.

I wish to say in reference to the pair announced by the Senator from Iowa [Mr. ALLISON] that his pair with the Senator from Indiana [Mr. VOORHEES] was transferred to the Senator from Alabama [Mr. MORGAN], those two Senators differing on this question. The Senator from Indiana would vote "yea" and the Senator from Alabama would vote "nay" if present.

Mr. EDMUNDS (when Mr. MORRILL'S name was called). My colleague [Mr. MORRILL] is detained this afternoon by illness, and I think he is paired with some Senator, but I do not know whether upon this question or not.

Mr. CAMERON. He is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. PLUMB (when his name was called). The Senator from Alabama [Mr. MORGAN] is detained from the Chamber by illness in his family. He requested me to pair with him on this question, stating that he would vote in the negative. I have arranged a pair with the Senator from Indiana [Mr. VOORHEES], as has been stated by the Senator from West Virginia [Mr. KENNA].

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE]. If my colleague were present, he would vote "nay."

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is detained from the Chamber by sickness. If he were here, he would vote "nay." He is paired with the Senator from West Virginia [Mr. KENNA].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "yea."

Mr. SEWELL (when his name was called). On this question I am paired with my colleague [Mr. MCPHERSON]. If he were present, he would vote "yea" and I should vote "nay."

Mr. VANCE (when his name was called). I am paired, as has been announced, with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. If he were here, I should vote "yea" and he would vote "nay."

Mr. HARRIS (when Mr. WHITTHORNE'S name was called). My colleague [Mr. WHITTHORNE] is necessarily absent. He is paired generally with the Senator from Oregon [Mr. MITCHELL], but not upon this question. Upon this question he is paired with the Senator from Nebraska [Mr. MANDERSON]. If my colleague were present, he would vote "yea."

The roll-call was concluded.

Mr. HAWLEY. My colleague [Mr. PLATT] is absent, and is paired with the Senator from West Virginia [Mr. CAMDEN].

The result was announced—yeas 12, nays 32; as follows:

YEAS—12.

Berry,	Cockrell,	George,	Maxey,
Blackburn,	Coke,	Gorman,	Van Wyck,
Call,	Eustis,	Harris,	Wilson of Md.

NAYS—32.

Allison,	Dawes,	Jones of Nevada,	Pugh,
Beck,	Dolph,	Logan,	Ransom,
Blair,	Edmunds,	McMillan,	Sawyer,
Bowen,	Frye,	Mahone,	Sherman,
Brown,	Gibson,	Miller,	Spooner,
Chace,	Hawley,	Mitchell of Oreg.,	Teller,
Conger,	Hoar,	Payne,	Walthall,
Cullom,	Ingalls,	Plumb,	Wilson of Iowa.

ABSENT—32.

Aldrich,	Hale,	Manderson,	Sabin,
Butler,	Hampton,	Mitchell of Pa.,	Saulsbury,
Camden,	Harrison,	Morgan,	Sewell,
Cameron,	Hearst,	Morrill,	Stanford,
Colquitt,	Jones of Arkansas,	Palmer,	Vance,
Evarts,	Jones of Florida,	Pike,	Vest,
Fair,	Kenna,	Platt,	Voorhees,
Gray,	McPherson,	Riddleberger,	Whitthorne.

So the amendment was rejected.

Mr. MITCHELL, of Oregon. On the 28th of May, when this bill was up, I submitted an amendment, which was printed. The object of the amendment is simply to make definite a certain line in the bill. It makes no change whatever in any respect. I am sure that it is an

amendment for which all can vote. I ask to have it read, and if any further explanation is desired I will make it in a few words.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 2, line 13, it is proposed to strike out all after the word "line" down to and including the word "eighty," in line 18, and to insert:

Known as the "Harrison line," being a line drawn from Wallula, Wash., easterly to the southwest corner of the southeast quarter of the southeast quarter of section 5, in township 7 north, of range 38 east of the Willamette meridian.

Mr. MITCHELL, of Oregon. This amendment makes no change whatever in the bill. It simply defines with certainty a certain line defined in the bill, but in reference to which there is some doubt. ["All right."]

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SAULSBURY. I have an amendment which I gave notice I should offer, to come in as a proviso at the end of section 3 of the bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add after section 3 the following provisio:

Provided, That no patent shall hereafter be issued for any lands included in any grant of lands to aid in the construction of any railroad, which at any time has been liable to forfeiture for failure to comply in the time specified with the terms of the grant, until Congress shall authorize the issuing of such patent.

Mr. SAULSBURY. I desire to say in this connection that the only object is to prevent an executive officer of the Government of his own motion from determining the question which we have been discussing to-day, as to whether these lands belong to the railroad company or not. I understand that it has been for some years the practice of the Interior Department to grant patents of their own motion. I have understood that up to 1874 no patents were granted in cases of this kind without the affirmative sanction of Congress. The amendment is simply to reserve the right to Congress to determine the question as to whether patents shall be issued for these lands.

Mr. DOLPH. I simply wish to say that the amendment in effect would be worse than what is known as the Eustis amendment, because the executive officers would be governed by it, whereas the courts would determine the effect of the Eustis amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Delaware [Mr. SAULSBURY].

Mr. SAULSBURY. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. I should vote "yea" if I were not paired. My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT]. My colleague would vote "yea" if he were present.

Mr. PLUMB (when Mr. MORGAN'S name was called). The Senator from Alabama [Mr. MORGAN] is paired with the Senator from Indiana [Mr. VOORHEES].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "yea."

Mr. SEWELL (when his name was called). I have transferred the pair with my colleague [Mr. MCPHERSON] to the Senator from Maine [Mr. HALE]. I vote "nay."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. I should vote "yea" if he were here.

Mr. VEST (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. I should vote "yea" if he were present.

The roll-call was concluded.

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE]. If my colleague were present, he would vote "nay."

Mr. CALL. I desire to announce, by request of the Senator from South Carolina [Mr. BUTLER], that if he were present he would vote for the Eustis amendment and for the amendment of the Senator from Delaware [Mr. SAULSBURY].

Mr. MCMILLAN. My colleague [Mr. SABIN] would vote "nay" if he were present. His pair has been announced with the Senator from West Virginia [Mr. KENNA].

The result was announced—yeas 14, nays 31; as follows:

YEAS—14.

Berry,	Coke,	Gorman,	Van Wyck,
Blackburn,	Eustis,	Gray,	Wilson of Md.
Call,	George,	Harris,	
Cockrell,	Gibson,	Maxey,	

NAYS—31.

Allison,	Dawes,	Logan,	Sawyer,
Beck,	Dolph,	McMillan,	Sewell,
Blair,	Edmunds,	Mahone,	Sherman,
Bowen,	Frye,	Miller,	Spooner,
Brown,	Hawley,	Mitchell of Oreg.,	Teller,
Chace,	Hoar,	Payne,	Walthall,
Conger,	Ingalls,	Plumb,	Wilson of Iowa.
Cullom,	Jones of Nevada,	Pugh,	

ABSENT—31.

Aldrich,	Hampton,	Mitchell of Pa.,	Sabin,
Butler,	Harrison,	Morgan,	Saulsbury,
Camden,	Hearst,	Morrill,	Stanford,
Cameron,	Jones of Arkansas,	Palmer,	Vance,
Colquitt,	Jones of Florida,	Pike,	Vest,
Evarts,	Kenna,	Platt,	Voorhees,
Fair,	McPherson,	Ransom,	Whitthorne.
Hale,	Manderson,	Riddleberger,	

So the amendment was rejected.

Mr. VAN WYCK. I move to add at the end of the bill:

That the following words in the act of July 2, 1864, section 2, "and the right of way shall be exempt from taxation within the Territories of the United States," are hereby repealed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. VAN WYCK. After all we have done and are now preparing to do for the Northern Pacific Railroad, it seems to be but a simple act of justice that we should at least put the Territories through which the road passes in the same situation as other communities and require this railroad company, which has 2,000 miles constructed, to bear its share of taxation. From 1864 to now their right of way has been exempt from taxation, which is 400 feet wide, and upon which are built their station-houses, their machine-shops, and buildings which are used as elevators, and that property should now at least be subject to taxation as other property is.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. VAN WYCK. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. My colleague would vote "yea" if he were present.

Mr. KENNA (when his name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT]. My colleague would vote "yea" on this question. I am paired with the Senator from Minnesota [Mr. SABIN]. If I were not paired I should vote "yea."

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. VEST (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. I should vote "yea" if he were here.

The roll-call was concluded.

Mr. PLUMB. The Senator from Alabama [Mr. MORGAN] is paired with the Senator from Indiana [Mr. VOORHEES]. I do not know how either one of them would vote on this question; I simply announce the fact of the pair.

The result was announced—yeas 26, nays 20; as follows:

YEAS—26.

Beck,	Cullom,	Maxey,	Teller,
Berry,	Eustis,	Plumb,	Van Wyck,
Blackburn,	George,	Pugh,	Walthall,
Bowen,	Gibson,	Ransom,	Wilson of Iowa,
Call,	Gray,	Riddleberger,	Wilson of Md.
Cockrell,	Harris,	Sewell,	
Coke,	Jones of Nevada,	Sherman,	

NAYS—20.

Allison,	Dawes,	Hoar,	Miller,
Blair,	Dolph,	Ingalls,	Mitchell of Oreg.,
Brown,	Edmunds,	Logan,	Payne,
Chace,	Frye,	McMillan,	Sawyer,
Conger,	Hawley,	Mahone,	Spooner.

ABSENT—30.

Aldrich,	Hale,	Manderson,	Saulsbury,
Butler,	Hampton,	Mitchell of Pa.,	Stanford,
Camden,	Harrison,	Morgan,	Vance,
Cameron,	Hearst,	Morrill,	Vest,
Colquitt,	Jones of Arkansas,	Palmer,	Voorhees,
Evarts,	Jones of Florida,	Pike,	Whitthorne.
Fair,	Kenna,	Platt,	
Gorman,	McPherson,	Sabin,	

So the amendment was agreed to.

Mr. GEORGE. I move to amend the third section of the bill in line

4, after the word "failure," by the insertion of the words "past or future;" so as to make the section read:

That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them to the said railroad company forfeited for any failure, past or future, of said company to comply with the conditions of the grant.

I desire to insert those words for fear that this bill, if passed, may be treated as an amnesty act as to all past failures of companies.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE].

The amendment was agreed to.

Mr. BLAIR. I move to strike out all after the enacting clause of the bill and to insert:

That any railroad corporation to which grants of land have hitherto been made and which have not completed their full line of road within the time allowed by the terms of their charters and of the grants of such lands for the completion thereof, and which have since proceeded in good faith and with reasonable diligence to complete their line of road, are hereby authorized to complete the construction thereof within five years from the passage of this act, and all grants of land hitherto made to them shall be upon the condition of such completion within five years from the passage of this act and hereby are confirmed to them: *Provided*, That within ten years from the date hereof any and all such granted lands shall have been sold and disposed of to private individual owners, in tracts of land not exceeding 320 acres, all lands not sold within one year from the passage of this act at a price not exceeding $2.50 per acre, and upon the further condition that any and all portions of said granted lands not so alienated by such corporation within ten years from the passage of this act shall be forfeited and is hereby declared to be forfeited, and shall by proclamation of the President be resumed by the United States and restored to the public domain and made subject to disposition and settlement under the general laws relating to the public lands. All the lands granted to any railroad corporation since the year 1860, which corporation has not completed its road, are hereby declared to be forfeited to the United States: *Provided*, Such corporation shall not accept the conditions of this act and file its acceptance thereof with the Secretary of the Interior within six months from the passage of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR. I opposed the bill in committee, and having taken no part whatever in the debate thus far, I will consume, if the Senate will consent to listen at this late hour, four or five minutes in saying why I opposed it, and why, if anything is to be passed, I desire that something of this kind should become a law.

The Northern Pacific Railroad Company has completed the greater portion of its line since the expiration of the time within which by its original charter the whole was to have been completed. It has gone on in good faith and with great diligence in the prosecution of this purpose. The Government has stood silently and quietly by acquiescing in its action, accepting the sections of road as constructed and certifying corresponding sections of land as they were earned from period to period until the road is now almost completed. There remains the branch which leads from Wallula to Portland, and the bill reported to the Senate was for the purpose of forfeiting the land grant opposite that branch. It was said in debate that there was no opposition to that forfeiture, and that the necessity for constructing that branch at the present time is not so great as for the completion of the main line through the Cascade Mountains to Puget Sound. That is very true; but the necessity of constructing that branch at some time is very great, and I have never understood that the corporation proposed to fail in that part of its duty.

It now has a temporary outlet to Portland, it is true, by way of a road owned by another corporation. That, however, is temporary, in that whenever that other corporation sees fit to impose heavier tolls and practically to control the fares and freights of the whole length of the line of the Northern Pacific Railroad it can do so. Therefore I think that the corporation should be held to its agreement with the Government and should be allowed the use of these lands for the purposes, at some time, and that not remotely, but within a reasonable period, of completing the branch from Wallula through to Portland.

The forfeiture of this part of the land grant was the purpose of the bill reported to the Senate. Since then it has been amended in such way as to interpose probably an impregnable obstacle in the way of the completion of the Cascade branch. That I think makes the bill very much worse than it was before.

But to reach the main point, as the matter lies in my mind, the general proposition which governs us with regard to all these forfeitures is this: Wherever a corporation has gone on in good faith since the expiration of the time limited by law for the completion of its road, using due diligence in the prosecution of its work, and the Government has permitted it to do so, it has given practically a license to that company to go on until it shall have ceased to prosecute the work with reasonable diligence and with an earnest, honest purpose for the completion of the road.

It is not a question whether 25 miles here or there be completed, but when the Government lies quietly by and allows it to go on, it is a question whether it be allowed to complete between the termini the whole road, and to make connection from one side of the continent to the other; and to interpose our right of forfeiture before the corporation has had a reasonable opportunity for that completion I think would be acting in bad faith with the corporation.

But at the same time it is a proper matter of legislation, whatever shall relate to the quieting of the titles to be derived through the railroads to the lands which have been granted to them, and therefore it is that in confirming these grants to roads which are engaged in the prosecution of their work and which may be expected to make, or which will make, the effort to complete them within a reasonable time, we may impose whatsoever conditions we see fit.

By our grants hitherto we have improvidently locked up these immense tracts of land in such a way that these corporations, or the syndicates to which they may dispose of the lands may come to control them for all time, and in the future these great monopolies will be sources probably of grave trouble in our country. If we can now in confirming these grants to such corporations as I have described impose conditions which would result in the near future in the alienation of all the lands from the corporations to private individuals and in small quantities in accordance with the general public sentiment and what seems to be indicated as necessary to the general public good, it would be a wise thing, as I think, to do.

Therefore it is that I have moved the amendment, and I am not willing that the debate shall pass away and this great question disappear, as it may, from the control of our practical legislation without being upon the record in favor of some disposition of these land grants in some such way as is suggested by the amendment in order to obviate and avoid the evils of the time to come.

I shall ask for a vote on the amendment, of course not anticipating that it will commend itself to the general judgment of the Senate as it does to my own.

Mr. MITCHELL, of Oregon. I move to lay the amendment on the table.

The motion was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. DOLPH. I ask for a separate vote on what is known as the Van Wyck amendment. ["No!" "No!"]

The PRESIDENT *pro tempore*. Is a separate vote demanded?

Mr. HARRISON and others. Let us take the yeas and nays on the passage of the bill.

Mr. DOLPH. I withdraw the demand.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. HAWLEY. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT]. My colleague would vote "yea" if he were present.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. HARRIS (when his name was called). Upon the passage of the bill I am paired with the Senator from Vermont [Mr. EDMUNDS]. In its present shape he would vote "nay." I should vote "yea" if he were present.

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. As I understand he would vote in favor of the bill if present. I shall vote. I vote "yea."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

Mr. HAWLEY (when Mr. PLATT'S name was called). My colleague [Mr. PLATT] is absent, and is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. GRAY (when Mr. SAULSBURY'S name was called). My colleague [Mr. SAULSBURY] is paired with the Senator from Vermont [Mr. MORRILL] on this question.

Mr. VEST (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. I do not know how he would vote on the bill, and I shall not vote.

Mr. HARRIS (when Mr. WHITTHORNE'S name was called). My colleague [Mr. WHITTHORNE] is paired with the Senator from Nebraska [Mr. MANDERSON]. If my colleague were present, he would vote "yea."

The roll-call was concluded.

Mr. RANSOM. I desire to state that the Senator from Pennsylvania [Mr. CAMERON] and the Senator from South Carolina [Mr. BUTLER] are paired on this measure.

Mr. VEST. I shall vote in order to make a quorum. I vote "yea."

Mr. SPOONER. I wish to state that the Senator from Nebraska [Mr. MANDERSON] was obliged to leave some days ago under an order of the Senate and has not been able to return to the Senate. I understand that if he were here he would vote "yea."

The result was announced—yeas 42, nay 1; as follows:

YEAS—42.

Allison,	Bowen,	Coke,	Dolph,
Beck,	Brown,	Conger,	Eustis,
Berry,	Chace,	Cullom,	Frye,
Blackburn,	Cockrell,	Dawes,	George,

Gibson,	Logan,	Pugh,	Van Wyck,
Gorman,	McMillan,	Ransom,	Vest,
Gray,	Mahone,	Riddleberger,	Walthall,
Harrison,	Maxey,	Sawyer,	Wilson of Iowa,
Hawley,	Miller,	Sherman,	Wilson of Md.
Ingalls,	Mitchell of Oreg.,	Spooner,	
Jones of Nevada,	Plumb,	Teller,	

NAY—1.

Blair.

ABSENT—33.

Aldrich,	Hale,	Manderson,	Saulsbury,
Butler,	Hampton,	Mitchell of Pa.,	Sewell,
Call,	Harris,	Morgan,	Stanford,
Camden,	Hearst,	Morrill,	Vance,
Cameron,	Hoar,	Palmer,	Voorhees,
Colquitt,	Jones of Arkansas,	Payne,	Whitthorne.
Edmunds,	Jones of Florida,	Pike,	
Evarts,	Kenna,	Platt,	
Fair,	McPherson,	Sabin,	

So the bill was passed.

AMENDMENT TO BUTTER AND OLEOMARGARINE BILL.

Mr. BLAIR. I submit an amendment intended to be proposed to the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. I ask that the amendment be read for information, and that it be referred to the Committee on Agriculture and Forestry and printed.

The PRESIDENT *pro tempore*. The proposed amendment will be read if there be no objection.

The amendment was read, and referred to the Committee on Agriculture and Forestry, and ordered to be printed; as follows:

SEC. —. No matter of a yellow color, tint, or hue shall be introduced into the article described as oleomargarine in the second section of this act in the process of its manufacture; nor shall any coloring substance or coloring process be made use of in such manufacture or in the preparation of oleomargarine for sale or consumption which shall create a resemblance in the color of oleomargarine to the color of butter, as defined in the first section of this act. Any oleomargarine made in violation of this section shall be seized, forfeited to the United States, and destroyed.

PUBLIC-LAND LAWS.

Mr. DOLPH. I move that the Senate proceed to the consideration of the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

Mr. HARRIS. I move that the Senate do now adjourn.

Mr. PLUMB. Let us just take up the bill.

Mr. DOLPH. I simply propose to take the bill up.

Mr. HARRIS. Very well; I withhold the motion.

Mr. BERRY. What bill is it proposed to take up?

Mr. DOLPH. The bill providing for the repeal of the pre-emption law, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon to proceed to the consideration of the bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. HARRIS. Now I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 16, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 15, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday, when,

On motion of Mr. BEACH, by unanimous consent the reading of so much of the Journal as related to the introduction of bills and resolutions was dispensed with.

The residue of the Journal was read and approved.

BOILER PLANT, PHILADELPHIA MINT.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting, with inclosures, an estimate from the Director of the Mint for an appropriation for changing the boiler plant of the United States mint at Philadelphia, Pa.; which was referred to the Committee on Appropriations, and ordered to be printed.

FISHWAYS AT GREAT FALLS OF THE POTOMAC.

The SPEAKER also laid before the House a letter from the acting Secretary of War, transmitting a letter from the acting Chief of Engineers inclosing report from Major Lydecker, in response to a resolution of the House calling for information relative to the erection of fishways at the Great Falls of the Potomac; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ARMY APPROPRIATION BILL.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes; which, with the Senate amendments, was referred to the Committee on Military Affairs, and ordered to be printed.

LICENSING OF TOW VESSELS.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews; which was referred to the Committee on Commerce.

SOUTHERN UTE INDIANS.

The SPEAKER also laid before the House the bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah; which was referred to the Committee on Indian Affairs.

STEVEDORES.

The SPEAKER also laid before the House the bill (S. 2313) defining the service of a stevedore as a maritime service and creating a maritime lien in his favor therefor; which was referred to the Committee on Commerce.

LEAVE OF ABSENCE.

Mr. KING, by unanimous consent, obtained leave of absence for five days, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. REED, of Maine, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Lewis M. Perry.

NATIONAL SOLDIERS' HOME.

Mr. NEGLEY. I ask unanimous consent to take up, for the purpose of concurring in the amendments of the Senate, the bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes.

Mr. RANDALL. In view of the desire to reach the legislative appropriation bill I must call for the regular order.

Mr. NEGLEY. I trust the gentleman will not object to the present consideration of this matter, because the bill contains provisions which ought to become law for the protection of moneys of the Soldiers' Home. My proposition is simply to concur in the amendments of the Senate, which perfect and simplify the bill. It will take but a second.

Mr. RANDALL. Does the gentleman think it will cause any debate?

Mr. NEGLEY. No, sir. The Committee on Military Affairs are unanimous in recommending concurrence in the amendments.

There being no objection, the House proceeded to consider the amendments of the Senate; which were read, as follows:

At the end of line 7, page 1, insert "and any dividend hereafter made in favor of the home shall be paid to the United States and covered into the Treasury."

In line 9, page 1, strike out "Treasurer of the United States" and insert "Secretary of the Treasury."

Strike out the preamble.

The amendments were concurred in.

Mr. NEGLEY moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WOLFORD and others addressed the Chair.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. RANDALL] insist on his call for the regular order?

Mr. RANDALL. I prefer to insist as against my own side rather than against the other.

The SPEAKER. The regular order is the call of committees for reports.

MRS. M. C. MILES.

Mr. WINANS, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1627) granting a pension to Mrs. M. C. Miles; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBERT C. KELLEY.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2286) for the relief of Albert C. Kelley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BARDEN.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2353) granting a pension to William Barden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY MASON.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2325) to grant a pension to Nancy Mason; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH GARAGHTY.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2366) granting a pension to Elizabeth Garaghty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN REED, SR.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1626) granting a pension to John Reed, Sr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RACHEL ANN PIERPONT.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2452) granting a pension to Rachel Ann Pierpont; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES S. FURNESS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2454) granting a pension to James S. Furness; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ADELINE P. LOY.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2479) granting a pension to Mrs. Adeline P. Loy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA WILKINS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2459) granting a pension to Eliza Wilkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN WINES.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2478) granting a pension to John Wines; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALONZO RAYMOND.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2388) granting a pension to Alonzo Raymond; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIDNEY DENTON.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2420) granting a pension to Sidney Denton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN G. WARREN.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2391) granting a pension to John G. Warren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE C. M'NAIR.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7689) granting a pension to Caroline C. McNair; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH F. KIRKHART.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 9167) granting a pension to Joseph F. Kirkhart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUKE HOROBIN.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 8949) granting a pension to Luke Horobin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES T. WORNOM.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER TRIMBLE.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1897) granting a pension to Alexander Trimble; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with an adverse recommendation bills of the following titles; which were ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 5246) granting a pension to Samuel Hiseler;
A bill (H. R. 9005) for the relief of Eliza Boyd; and
A bill (H. R. 9003) for the relief of Sarah E. Myers.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 8311) for the relief of Betsey A. Mower; which, on motion of Mr. WAIT, was referred to the Committee of the Whole House on the Private Calendar, and, with the adverse report, ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an adverse recommendation bills of the following titles; which were ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 8793) for the relief of E. Devol; and
A bill (H. R. 8206) granting a pension to Garrett D. Zetterman.

FRANKLIN SWEET.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7540) to increase the pension of Franklin Sweet; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY GUNSALES.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3931) granting a pension to Nancy Gunsales; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. ROBAUGH.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7696) for the relief of George W. Robaugh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM DICKENS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2262) granting a pension to William Dickens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. BURRELL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1826) granting a pension to Andrew J. Burrell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADDISON A. JACKSON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1958) granting an increase of pension to Addison A. Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH C. WRIGHT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1614) granting a pension to Sarah C. Wright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABBIE B. HEATH.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1997) granting a pension to Mrs. Abbie B. Heath; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC RANSOM.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with amendment the bill (S. 2334) granting a pension to Isaac Ransom; which was referred to the Committee of the Whole House on the

Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH MAYS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1654) granting a pension to Joseph Mays; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELVIRA BLISS SHELDON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2029) to increase the pension of Elvira Bliss Sheldon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENSIONS.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with an amendment in the nature of a substitute the bill (S. 1886) for the relief of the soldiers of the late war honorably discharged after three months' service who are disabled and dependent upon their own labor for support, and all dependent parents of soldiers who died in the service or from disabilities contracted therein; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendment and accompanying report, ordered to be printed.

MICHAEL FITZPATRICK.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8963) granting a pension to Michael Fitzpatrick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN MORAN.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 8469) granting a pension to John Moran; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SOPHIA SPRAIN.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8485) granting a pension to Isaac Askie;

A bill (H. R. 8849) granting an increase of pension to Sarah A. Hooper; and

A bill (H. R. 4066) granting a pension to Mary M. Taylor.

MARCEL GAGNON.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2363) granting a pension to Marcel Gagnon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANTHON EITAPENCE.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 2330) for the relief of Anthon Eitapence; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INDIAN TRAINING-SCHOOL, NORTH CAROLINA.

Mr. LANHAM, from the Committee on Claims, reported back with an amendment the bill (H. R. 3917) to appropriate $127.60 to reimburse the Indian committee of Western Yearly Meeting of Friends in Indiana for money expended by them in the purchase of Government lands in North Carolina for an Indian training-school; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. G. HUSTON & CO.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back with amendments the bill (H. R. 4184) for the relief of R. G. Huston & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CHARLES L. SCUDDER.

Mr. MCKENNA, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5917) for the relief of Charles L. Scudder; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTIN L. BUNDY.

Mr. SMALLS, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 365) for the relief of Martin L. Bundy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER MOFFITT.

Mr. RICHARDSON, from the Committee on War Claims, reported a bill (H. R. 9473) for the relief of Alexander Moffitt; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees. If there be no objection the Chair will now recognize gentlemen to make reports who were not in their seats when their States were called.

There was no objection.

GEORGE H. PETTIGREW.

Mr. STORM, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 119) for the relief of George H. Pettigrew; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TESTING OF CHAINS AND ANCHORS, ETC.

Mr. MORROW, from the Committee on Commerce, reported back with amendments the bill (H. R. 3644) to require the testing of chains and anchors, and for the better securing of life and property on shipboard; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MRS. LIZZIE MAYNADIER PHELPS.

Mr. BUCHANAN, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 1899) for the relief of Mrs. Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late minister of the United States to Peru; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 505) for the relief of William J. Gamble;

A bill (S. 1657) to legalize the incorporation of national trades unions;

A bill (S. 2078) for the relief of Coronna, Taussig & Co. and others; and

A bill (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. HERBERT. I hope we will have the hour for the consideration of bills.

The SPEAKER. The question is not debatable.

The House divided; and there were—ayes 91, noes 40.

So the motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BLOUNT in the chair), and resumed the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment, which was submitted by the gentleman from Missouri [Mr. O'NEILL].

The Clerk read as follows:

In line 1187, after the word "thousand," add "five hundred;" so that if amended the clause will read:

"Office of assistant treasurer at Saint Louis, for assistant treasurer, $4,500.

Mr. HISCOCK. I rise to oppose the amendment.

Mr. RANDALL. I understand that debate on this amendment is exhausted.

Mr. HISCOCK. Then I move to strike out the last word of the amendment.

Mr. RANDALL. The House, as I am informed, was dividing when the Committee of the Whole last rose. I was not in charge of the bill at that time.

The CHAIRMAN. The tellers had taken their places.

Mr. RANDALL. I hope, if gentlemen desire to debate this matter, they will take the opportunity on the next paragraph.

Mr. O'NEILL, of Missouri. I wish only to state that this is not an increase. The amendment simply restores the salary to what it has been all along for the last ten or twenty years.

Mr. RANDALL. I think it right that I should say a word in answer to the gentleman from Missouri [Mr. O'NEILL]. I understand perfectly well that the law fixes this salary at the amount named in the amendment, or even a greater amount.

Mr. O'NEILL, of Missouri. Five thousand dollars.

Mr. RANDALL. But I feel it incumbent on me to state that I shall feel it my duty to resist every effort to increase the amount of the appropriations in this bill. The condition of the public revenues and the probable amount of the appropriations require, in my judgment, that I should do this, in pursuance of the action of the committee.

Mr. HISCOCK. Now, I think I should be allowed to say a single word.

Mr. O'NEILL, of Missouri. This is not an increase over the appropriation which has been allowed for years past.

Mr. RANDALL. I have conceded that.

Mr. HISCOCK. Mr. Chairman, I am very glad that the gentleman from Pennsylvania, the chairman of the Committee on Appropriations [Mr. RANDALL], has made this statement to the House; and I hope that the chairman of the Committee on Ways and Means [Mr. MORRISON] is present that he may hear what I have to say, and also any further explanation which the gentleman from Pennsylvania may be able to make in reference to this matter.

The aggregate amount of the appropriations made or proposed as the several bills now stand is $229,749,318.32. The amount of the sundry civil bill as agreed upon in committee is $21,053,822.04, and the deficiency estimates, $6,529,058.82; the fortification bill (amount last year), $725,000; the additions necessary to the naval bill as reported for pay of the Navy and to complete the cruisers authorized by act of March 3, 1885, and their armaments, $3,000,000; further miscellaneous appropriations, $2,000,000; to refund duties under the decision made in the case of Oberteuffer *et al. vs.* Robertson, $10,000,000; amounting in all to $273,057,119.18. The estimated annual permanent appropriations, including interest and sinking fund, are $118,910,955, making an aggregate of $391,968,154.18, against which we have the net ordinary receipts, estimated as amounting to $330,000,000, and the postal revenues, $47,542,000, aggregating $377,542,000, leaving a deficit for the next fiscal year of $14,426,154.18.

Sir, I have taken pains to collect carefully the amounts appropriated by the bills which have passed. I have also taken into account expenditures for the current year, together with the increased expenditures provided for the next fiscal year, and the result is as I have shown. The next fiscal year is to see a deficit of more than $14,000,000 upon the most conservative estimates.

Mr. RANDALL. I desire that we shall have order. The gentleman from New York is making some statements which I should like to hear.

The CHAIRMAN. The committee will be in order.

Mr. HISCOCK. Mr. Chairman, when the distinguished chairman of the Committee on Ways and Means reported to the House his bill "to reduce taxation" he said the expenditures for the fiscal year 1885, including pensions and the legal requirements of the public debt, were $305,830,970.54; and, quoting either the language of the President's message or the report of the Secretary of the Treasury, he said:

> Neither the actual needs of an economical administration of the Government nor the patriotic expectations of the people justify any increase of this enormous annual expenditure, and we may safely estimate the annual surplus to exceed $30,000,000.

Sir, the permanent annual appropriations and the aggregate of the appropriations of the various bills already passed or proposed for the coming fiscal year reach, as I have shown, the amount of $391,968,-154——

[Here the hammer fell.]

Mr. ANDERSON, of Kansas, obtained the floor and said: I yield my time to the gentleman from New York.

Mr. HISCOCK. The amount I have just named is an excess of $85,-000,000 above the estimates upon which the Ways and Means Committee brought in their bill to reduce taxation. We are upon the eve, I understand, of an attempt to reduce tariff taxes, and I have thought now upon this occasion, at this day—two days before it is to be attempted—that it is proper I should call the attention of the distinguished chairman of the Committee on Appropriations and the distinguished chairman of the Committee on Ways and Means to these startling facts I have put this committee in possession of.

My statement will go into the RECORD before the day is over. I will state, and that will go into the RECORD, the expenditures by the Government for the present fiscal year, and to which I shall add the increases made or certain to be made, for purposes other than those for which the administration has expended money for the current year, to-wit, the river and harbor bill and some other items, and the same result will be reached. By adding to the expenditures for the present fiscal year the additions Congress will make for the next the deficiency will be apparent.

If you propose to keep good the sinking fund, and I apprehend under the pledges which have been made to pay off the national debt there is no one who intends to have that solemn obligation repudiated—if that is the purpose, I repeat emphatically, there is to be a deficiency next year. The revenues of the Government will not meet its expenditures and meet the requirements of the sinking fund.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, the statements made by the gentleman from New York [Mr. HISCOCK] are not a surprise to me. They can be accounted for. In the first place, the increase in appropriations this year over the preceding year for pensions is about $15,750,000. There is no one here who is not willing, notwithstanding the aggregate of public expenditures may be largely increased, to give this increase as estimated, as an amount necessary to pay the pensions due to the soldiers.

Another cause of increase is the river and harbor bill, which I understood the gentleman from New York to include in his figures——

Mr. HISCOCK. Yes; I did.

Mr. RANDALL. Amounting to $15,142,100, the two items aggregating nearly $31,000,000; but all this money for rivers and harbors may not be expended. It never is.

The figures of the appropriations for the next fiscal year, stated in the manner the gentleman attempts, may be approximately correct, but they are based upon the condition of these bills at this time when some have not passed the House at all, while others have not passed the Senate or still remain in conference. It does not follow that the expenditures will be more than this year.

I am also aware, Mr. Chairman, that by reason of a recent decision of the United States court the Government is liable to be made to refund taxes it has received from customs duties—known as the covering decision—which may reach ten millions of money. That decision will likewise have the effect to decrease the annual revenues of the Government to the extent of $5,000,000 if the custom laws continue as now.

I think the gentleman's figures are too high, and I say further that in my judgment the appropriations will approach the estimate of revenues. The increase of revenue for this year indicates as possible that instead of being $315,000,000, as the Treasury estimates fix, it will approach $335,000,000.

Mr. HISCOCK. My estimate is based on the receipts of $330,000,000.

Mr. RANDALL. I understood the gentleman to say $315,000,000.

Mr. HISCOCK. No, sir.

Mr. RANDALL. I was not able to follow the gentleman's figures with certainty on account of the confusion in the Hall. My estimate of receipts for next year is $335,000,000.

The amount of indefinite and permanent appropriations will reach $118,000,000 if we take the estimates. The sinking fund is constantly increasing and the amount of interest to be paid constantly decreasing. I object to any such statement based on the assumption that the river and harbor bill is to be increased or is likely to be in the struggle for life between the legislative power and the Executive. It may not pass the scrutiny of the President.

Mr. HISCOCK. My estimate includes it as it has passed the House.

Mr. RANDALL. The estimate for rivers and harbors by the engineers was about $42,300,000. It was cut down by the officers of the Government to $10,176,000.

The CHAIRMAN. The gentleman's time has expired.

Mr. McMILLIN. I will take the floor and yield my time to the gentleman from Pennsylvania.

Mr. RANDALL. I thank the gentleman from Tennessee. I do not think we need apprehend the danger which the gentleman from New York presents to the consideration of this House, for we have a surplus which will meet any extraordinary demand on the Treasury such as is presented in the pension cases and refunding of taxes in custom claims.

Nay, more sir, we have made a reduction with one exception in our annual appropriation bills, so far as they have been reported to the House, whether they be the bills which come from the Appropriations Committee proper or from committees to which have recently been assigned that duty. And the Senate in one instance, the Army appropriation bill, have reduced said bill below the amount as it passed the House about $138,000.

I am led to admonish the House, particularly this side, that they ought to follow closely the recommendations of every one of these committees having charge of appropriations, and to keep them down to the lowest possible point where we can go before the people of the United States, as we think we shall be able to go, and show an honest and honorable and a faithful discharge of our public duties in this most important particular.

The words of the gentleman from New York should be a warning to this side of the House in stronger terms and more definite language than any I can employ in appealing to the majority who now have control of this House to stand by the Appropriations Committee and reduce these expenditures. There is another point to which I wish to direct the attention of the gentleman from New York, and it is this, that his apprehension of a deficit in the coming year may be avoided because it is well known that the appropriations are always in excess of expenditures. In other words, that the Government always finds it possible, even after we have appropriated here, to reduce the expenditures of the Government below the amounts covered by the appropriation acts. I

admit that there have been peculiar reasons for some of the increases which have been made; and I assert now, with all of the deliberation that a careful investigation of the subject warrants me in making, that there has not been thus far in any of the annual appropriation bills any undue extravagance, and I will illustrate it in the case of this very bill. The reductions will approach near a million dollars in extent before this bill is concluded in the House.

In the case of the sundry civil bill, now ready to be reported, and which will be reported so soon as the issue touching the question of tariff legislation shall be determined, it reduces this year's appropriation under that of last year to the extent of about $5,150,000. It is not one of apprehension, but it is one that appeals to us as demanding the utmost caution on the part of the majority side of the House who are to be held responsible to the public for the appropriations; and it becomes our duty under these conditions, independent of our obligations as representatives of the people, to see that not one unnecessary dollar is included in any of these annual appropriation bills which are to be passed.

Mr. O'NEILL, of Missouri. Mr. Chairman, concerning this question of economy, about which we hear so much, it may be well to keep in view the fact that there is an economy that is an honest economy, and there is also a dishonest side to the question. I protest it is not honest economy when you propose to put the hand of this Government into the pocket of an office-holder who is performing faithfully and honestly his duty and take from him $500 to which he is entitled by law. That is not honest economy, nor does the country ask it.

Here is a man who gives a bond in the first place for $200,000 for the faithful discharge of the duties of his office. The responsibility attached to the office is so great that while he has held his office for eleven years there is not to-day a single person looking for that position. Now, in order to make the cross-cut on expenses, you propose under this wild cry for retrenchment and reform which has been set up here by this committee to practically assess this officer $500 a year, although ten years ago this officer's salary was reduced in the appropriation bill from $5,000 to $4,500. You now propose to make another slash at it, and reduce it to $4,000 because you think he may stand it. That is not my idea of retrenchment, nor is it my idea of honesty. Standing here as a Democrat, I believe that a proper regard for the honesty and efficiency of the public service will not permit such an action.

I believe in getting the best men you can to fill your offices and to pay them proper prices. You are working here for $5,000 a year and give no bond. You realize what you can save out of your salaries. Here is a man who gives a heavy bond of $200,000 and who is responsible for the acts of his clerks and for any accidents which may arise in his office. One mistake of one man may rob him of his salary for years and yet you propose under this "cheap John" cry of retrenchment and reform to rob this man of a part of his salary. [Laughter and applause.]

Mr. MORRISON. Putting aside, as others have done, for a moment the question of the Saint Louis appropriation, I may be allowed to say that the purpose of the gentleman from New York [Mr. HISCOCK] in the statements he has made will be misunderstood by no one, and that his estimates of revenues and expenditures are as incorrect as his purpose is unjust and unrighteous. I mean, of course, the purpose of continuing unnecessary taxes.

I had occasion to state some time ago that the end of this fiscal year, the first full year under the present administration, would show increased revenue receipts and decreased expenditure. And now within two weeks of the end of the fiscal year I say what I know to be the fact, that I rather understated than overstated the increased receipts and decreased expenditures. At the end of the fiscal year two weeks hence the statement of expenditures and revenues will show the truth of what I have said and now repeat, that notwithstanding increased pensions less money will be expended this year in administering the Government than last, only a part of which was under the present administration.

Neither is the statement of the gentleman as to the appropriations correct, if I understood him correctly.

Every appropriation bill that has gone through the House, or has been reported during the session, is below that of the current year except perhaps that for the consular and diplomatic service, which is but a little increased, and the aggregate of that which is intended to meet the entire expenditure of the year not in excess of the appropriation for the present fiscal year, including the deficiencies estimated and soon to be reported and passed.

Mr. Chairman, it is true that there comes upon us an unexpected demand or expenditure out of the decision of the Supreme Court to the effect that the Government must refund duties assessed on packages or coverings on imported goods. Is the Democratic House responsible for that? Why, sir, that comes from yonder conference-room, where the tariff bill that you of the minority now passed was made and where you did not take to yourselves all you intended to grab. The decision referred to is the result of bungling there when you passed the commission or tariff bill of 1883. That is not chargeable to us.

Mr. Chairman, the end of the next two weeks will show, as I have said, a larger surplus for this the current year than we had at the end of the last year, 1885.

As to the question of taxation or reduced taxation, taking as a basis the receipts and expenditures of this fiscal year, eleven and a half months of which are gone, or estimating the expenditures of next year as indicated by the appropriations already made or reported, we will have a surplus of more than twenty millions, unless, of course, we should pass the pension-arrears bill and make other extraordinary expenditures which make no part of the expenditures in the last few years. In that case, of course, there would be a deficiency, without increased taxation or without a great revival of business resulting in increased consumption, and of course more revenue, which is paid on what we consume.

Mr. HISCOCK addressed the Chair.

Mr. BLAND. I rise to a question of order. I understand in Committee of the Whole gentlemen can not speak a second time until others who desire to do so are heard. I want to speak to the pending amendment.

The CHAIRMAN. The gentleman has stated the rule correctly.

Mr. HISCOCK. There were some things said by the gentleman from Illinois [Mr. MORRISON] to which I would like to reply at this time. I ask the gentleman from Missouri to yield to me.

Mr. BLAND. I wish to go on with the business and not debate politics.

The CHAIRMAN. If the gentleman from Missouri insists the Chair will have to sustain the point of order.

Mr. BLAND. The gentleman from New York can speak after I get through.

I voted against the increase of salary of the assistant treasurer at Baltimore, I voted also against the Cincinnati increase, simply because the amendments proposed to increase the salaries of the assistant treasurers there from four thousand to five thousand dollars. I was quite willing to appropriate the salaries at Baltimore, Cincinnati, and Saint Louis precisely as they are now, $4,500. But this committee went to work and increased the salary of the assistant treasurer at Baltimore to $5,000, and also of the assistant treasurer at Cincinnati to the same figure. And yet the business in the office at Saint Louis is greater than at Baltimore and Cincinnati. The business at Saint Louis amounts to $57,000,000 annually, at Baltimore to $53,000,000, and at Cincinnati to about $52,000,000. And yet this committee have increased the salaries at those two offices to $5,000, $500 more than the assistant treasurer at Baltimore and Cincinnati are receiving now. And still it is proposed to reduce the salary of the assistant treasurer at Saint Louis to $4,000, taking away from him $500 of what he is now receiving.

I say, as a matter of justice and fair play this committee should do no such thing. While I voted against the increase to $5,000 I was quite willing you should let the salaries remain where they are; and that is what we ought to do with the Saint Louis office. If you vote the increase demanded here over the appropriation so as to give the assistant treasurer at Saint Louis a salary of $4,500 you give him what he has been receiving all the while and $500 less than the law allows him.

Mr. RANDALL. Will the gentleman yield to me?

Mr. BLAND. Not at this moment. Now, I say that is not fair play; it is not just to increase the amount at Cincinnati to $5,000, raising the salary of the assistant treasurer there to $500 more than he is receiving when the business at his office is less than it is at Saint Louis. And the same holds true with regard to Baltimore. You raise the salary of the assistant there $500 more than he is receiving; and you propose to cut down the salary at Saint Louis where a larger business is done than at either of those offices. You propose to cut down the salary of that officer $500, giving him $1,000 less than the others; and yet the assistant treasurer at Saint Louis is doing more business than either one of them.

Now, I insist that this committee and this House should not under any pretext do injustice of that sort. We ask no increase for the Saint Louis office. We simply ask that the salary may remain what it has been, $4,500, $500 less than you have given to the corresponding officer at Baltimore and Cincinnati. I do not see how the chairman of the Committee on Appropriations can insist on this unjust discrimination.

Mr. RANDALL. I wish to correct the gentleman in this; his language would seem to imply that the Committee on Appropriations have made the increase to which he refers.

Mr. BLAND. I did not mean that.

Mr. RANDALL. It was the Committee of the Whole that made the increase.

Mr. BLAND. The Committee on Appropriations reported an appropriation of $4,000 for these officers in the different cities, and the Committee of the Whole has increased the appropriation to $5,000 in the case of Baltimore and Cincinnati. We do not ask that amount for this officer at Saint Louis, but simply that the salary shall remain what it has been. I hope this will be agreed to.

Mr. BUTTERWORTH. I wish to say to the gentleman in charge of this bill that I was not aware that the amount for the assistant treasurer at Cincinnati had been increased beyond what the law allows. In moving the increase it was my understanding that the salary was fixed by law at $5,000. If the legal salary is only $4,500, I desire to fix that amount. I do not wish to have the salary increased or diminished, but simply to appropriate what the law allows.

Mr. BLAND. As I understand, the law provides a salary of $5,000

for all these officers; but the appropriation bills for probably the last ten years have appropriated only $4,500 in each case. No one of these officers has been receiving for some years past the full amount that the law authorizes. It has become customary to appropriate only $4,500 for these various assistant treasurers. By the action of the Committee of the Whole on this bill the salaries of these officers at Cincinnati and Baltimore have been raised to $5,000; and now it is proposed to cut down the salary of the corresponding officer at Saint Louis to $4,000. The proper mode would be to allow all to remain upon the basis on which they have been for some years, $4,500.

Mr. RANDALL. I hope the House by its vote will restore these salaries to the amount recommended by the Committee on Appropriations.

Mr. BLAND. I hope we shall agree in each case to the amount which has been appropriated for some years past. I think $4,500 is enough for any of these officers.

Mr. RANDALL. It seems to me that the impropriety and imprudence of the action of the Committee of the Whole—I say this with perfect respect to everybody—is shown in the very case of the assistant treasurer at Cincinnati, whose salary by the action of the committee has been increased beyond what the law authorizes.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. O'NEILL].

The amendment was agreed to; there being—ayes 87, noes 38.

The Clerk read as follows:

Office of assistant treasurer at San Francisco: For assistant treasurer, $4,500; cashier, $3,000; book-keeper, $2,500; one chief clerk, $2,400; assistant cashier, receiving-teller, and assistant book-keeper, at $2,000 each; coin-teller and one clerk, at $1,800 each; one clerk, $1,400; one messenger, $840; and four watchmen, at $720 each; in all, $27,120.

Mr. FELTON. I move to strike out, in line 1196, $4,500 as the salary of the assistant treasurer at San Francisco, and insert $5,000. I am induced to offer this amendment, not because an increase has been made by the Committee of the Whole in other similar cases, but because I believe it is due to the officer who occupies this position that he should receive the full amount of salary allowed by law. The subtreasury at San Francisco is, I believe, in point of business, the third in the United States.

When the present incumbent took possession of his office, something like a year since, there was committed to his custody over $80,000,000. This office at San Francisco is the chief disbursing and receiving office of the Government west of the Rocky Mountains. I think that a salary of even $5,000 is not at all commensurate with the services which this officer is required to render, the responsibilities and anxieties attendant upon an office of this character. The salary authorized by law in this case is $6,000. My amendment proposes to allow only $5,000, as that is the amount allowed to Boston and other large offices.

Mr. RANDALL. As the gentleman from California [Mr. FELTON] has said, the law fixes this salary at $6,000; but that was done upon the idea that the cost of living was greater in San Francisco than at any of the other cities having subtreasuries. That condition of things no longer prevails, and I see no reason why the salary of the assistant treasurer at San Francisco should be placed at a higher figure than that which has been voted by the Committee of the Whole for the corresponding officer at Saint Louis, $4,500.

Mr. FELTON. My amendment proposes to appropriate only $5,000.

Mr. RANDALL. That puts this office above the Saint Louis office——

Mr. FELTON. As it should be. It does five times the business of the Saint Louis office. The business of the office at San Francisco is more than three times that of some of those subordinate offices.

Mr. RANDALL. There is only a limited number of business hours in the day; and if more business is done at the San Francisco office than at other places it is probable there is a larger clerical force.

Mr. FELTON. The gentleman will allow me to ask whether he would be willing to assume the duties of an office involving transactions of millions of dollars per day at the same salary as an office where the business amounted to only $100,000.

Mr. RANDALL. I wish to say that in my view one of the mistakes of the civil-service system is in assuming that when you have examined a man as to his educational requirements that is an all-sufficient test of his qualifications for office. There are other things that come into consideration in determining eligibility to office. One is the industrious and energetic habits of the applicant; another is his integrity. I say that the assistant treasurer at San Francisco will be as honest and upright upon a salary of $4,500 as upon a salary of $5,000. It all rests in the integrity of the man.

Mr. FELTON. Why is the salary so much higher for New York? And the gentleman stated the other day that in his own personal business he would be willing to pay a salary of $5,000 for the services of such a man as the clerk of his committee; and I thought he was right when he said so.

Mr. RANDALL. Yes, sir; and I consider the position of clerk of the Appropriations Committee a more important office—not perhaps in respect to integrity, but in point of information—than any of these positions.

Mr. FELTON. One more remark, this officer has been so unfortunate as to have lost two years' salary.

Mr. RANDALL. In what way?

Mr. FELTON. By loss of money.

Mr. RANDALL. Was it lost by default?

Mr. FELTON. Yes; and a gentleman preceding him some years since lost $10,000 by forgery after six years' service. He, however, was like Dundreary's brother Sam, "he was an ass," for he paid into the Treasury the loss, and while the Government has relieved, as they should have done, similar losses sustained by other treasurers, it has never reimbursed him.

Mr. RANDALL. Was there a defalcation?

Mr. FELTON. Losses by paying two forged checks. The treasurer at San Francisco is required to give a bond to the extent of one million, as it takes that amount to justify it.

[Here the hammer fell.]

Mr. EZRA B. TAYLOR. Mr. Chairman, I misunderstand something in regard to this matter which I would like to have explained to me. I am told this officer by law is entitled to $6,000 a year for salary. The appropriation in the bill is $4,500. This amendment is to put it at $5,000. Now what do we gain by appropriating only part of what is due to this Government officer? Has he not a claim against the Government for the balance? Is it not a mere pretense of economy when we appropriate less than is due? It looks to me like a mere pretense of economy on the part of the Democratic majority. Now suppose some one of the unregenerate sons of Adam who sit in the reporters' gallery should tell the people of this pretense of economy, or suppose that other kind of unregenerate sons of Adam, known as Republican stumpers, in the interim between this and the next session of Congress, should also let it be known that this is a dead pretense of economy and that nothing is gained by it, what then would be the position of the gentlemen who urge it?

If this $6,000 salary is too much, then let us repeal the law, and do not under the pretense of economy appropriate below the amount required for this salary by law and call that saving money.

Mr. RANDALL. I ask for a vote.

Mr. HIESTAND. Mr. Chairman, in order to relieve my friend from Ohio, as well as the Democrats on the other side of this House who do not seem to understand the policy of this administration, I ask the Clerk to read what is said by a Washington correspondent of the Boston Advertiser. I ask the Clerk to read it.

The Clerk read as follows:

A Washington correspondent of the Boston Advertiser says:

"A Democratic member of the Committee on Appropriations says that the President has called in members of the committee and urged on them the policy of economy, or a show of it, in cutting down the appropriations. He said: 'The parties are so nearly in harmony on all other questions that the only potential issue we can make before the people is that of economy. That must be our issue in the coming elections, and it must rely for support upon the showing made by the Appropriations Committee.'

"To the objection raised by a Southern member of the committee that there would be heavy deficiencies which would make a bad showing, the President said the first matter of consequence was to make a strong showing in cutting down expenses, and sweeping work could be done in cutting off useless officials. The gentlemen said further that Mr. CARLISLE had repeatedly conferred with the President on this matter, and then advised with the Democrats of the committee, urging the widest latitude in reducing the sums recommended for appropriations. As a result the sundry civil appropriation bill will be cut down $1,000,000, the legislative $1,000,000, and four hundred offices abolished.

"The President is reported as having been very insistent in this matter, and as saying: 'If you will take an extreme course in this matter of opposing liberal appropriations and indorse my policy of civil-service reform, nothing can beat us in 1888.'"

The question recurred on the amendment of Mr. FELTON.

The committee divided; and there were—ayes 75, noes 72.

Mr. RANDALL. It is so close I ask for a vote by tellers.

Mr. FELTON. Does the gentleman want to make this an exceptional case?

Mr. RANDALL. It is an exceptional case.

The CHAIRMAN. Does the gentleman from Pennsylvania make the point of no quorum?

Mr. RANDALL. I do.

The CHAIRMAN appointed Mr. RANDALL and Mr. FELTON to act as tellers.

The committee again divided; and the tellers reported—ayes 90, noes 80.

So the amendment was agreed to.

The next amendment coming over was the following, moved by Mr. CANNON:

In lines 1230 and 1232 strike out "293" and insert "358;" so it will read: "For the wages of workmen and adjusters, $358,000."

Mr. CANNON. I will detain the committee but a moment in order to explain briefly the purposes of my amendment. The appropriation as recommended by the Committee on Appropriations is $293,000. The only question at issue is whether the bill shall tell how much it cost for this purpose or whether it shall be paid secretly from the silver-profit fund.

Mr. RANDALL. There is no occasion for that amendment at all, and I know something about this, for it is in my own city.

Mr. CANNON. It is estimated and submitted by your Secretary of

the Treasury and by the adoption of my amendment the bill shows exactly what this service costs the Government. You decrease the amount here and expect to make it good out of the secret silver-profit fund.

Mr. RANDALL. Just as you did.

Mr. CANNON. I beg pardon.

Mr. RANDALL. There is no secret about it. It is set forth exactly in the mint statement.

Mr. CANNON. The gentleman from Pennsylvania said a while ago, calling the attention of the country to the fact, this bill was $808,000 less for the current year. Now here is the appropriation of a hundred thousand dollars less than the amount necessary for this service, the expectation being the reduction will be made good out of the secret silver-profit fund.

Mr. RANDALL. The gentleman from Illinois misleads the House, of course unintentionally. [Laughter.] He knows as well as I do that the appropriation last year is just what it is for this year.

Mr. CANNON. I beg pardon. If the gentleman will look at it for last year he will find out it is not.

Mr. RANDALL. If the gentleman will look at this item he will find it is $293,000, the same as is provided in this bill.

Mr. CANNON. I beg the gentleman's pardon; this is a reduction of the wages of workmen and adjusters. Two hundred and ninety-three thousand dollars is what you recommend, and this is a reduction of $65,000 under the item for the current year. Now, I will ask the gentleman are you going to do less in the way of coinage this year than you did last?

Mr. RANDALL. Well, the gentleman will give up, I suppose, when he is convinced by the reading of the law?

Mr. CANNON. Precisely.

Mr. RANDALL. I have the law here; will you come over and read it?

Mr. CANNON. Read it yourself or send it over.

Mr. RANDALL. This relates, now remember, to the mint at Philadelphia:

For wages of workmen and adjusters, $293,000.

That is just the same amount that we have given here, so the $800,000 reduction, the gentleman will observe, is not made up in part by the reduction of $100,000, as he has stated, on this mint.

Mr. CANNON. I have the law here and have carefully examined it. I would be glad if the gentleman would allow me to see that act to which he has referred.

Mr. RANDALL. Undoubtedly; here it is. I offered to send it to you.

Mr. CANNON (after examining the act). Ah! the gentleman misleads the House now, unintentionally, no doubt. [Laughter.]

The estimate, when you get at the facts, is $65,000 for wages of workmen above the appropriation for the current year and above the recommendations for this year, and $10,000 for the contingent fund. But I am still correct, because you drop out the mint at Carson City altogether with its $114,000 of appropriation.

Mr. RANDALL. But we have not come to that point in the bill yet, and the House may not agree to that. The gentleman said this was $100,000 less than the amount of last year; now I have convinced him to the contrary.

Mr. CANNON. I beg pardon. I was stating the amount with reference to the mints as a whole. You dropped out $114,000 for the Carson City mint, expecting that the mints at Philadelphia, San Francisco, and New Orleans will do all the minting that is required or that will be done for the current year. So that in fact it is $100,000, as I have said, and $14,000 more of a reduction. Now, who is misleading the House?

Mr. RANDALL. Well, you are. [Laughter.] There has been $1,700,000 of Bland money coined right along monthly at the Philadelphia mint. There is going to be no difference there in reference to the coinage. The appropriation for last year, which covered the entire expenditure, was $293,000, just as I have said. Now, finding that he is wrong, the gentleman shoots off to another position altogether.

Mr. CANNON. I was incorrect in reference to the specific point of the reduction; but, as far as the mints are concerned, I have shown that I was correct, and $14,000 more than correct.

Mr. RANDALL. I have only spoken of the mint that was directly under consideration, and I have borne out the statement by the figures.

Mr. CANNON. Having the whole mint service in mind, I was incorrect as to the wages of the employés at the Philadelphia mint, but I was upwards of $14,000 under in the estimate of the shortage when the whole mint service is taken into consideration. Now, when I have been frank, the gentleman from Pennsylvania is called upon to be frank also and to admit that fact.

Mr. RANDALL. Now, the gentleman's complaint is against himself and not against me. That is the worst one in the world to get into difficulty with, for you never get even. [Laughter.]

Mr. CANNON. Is it not true that the appropriation is $114,000 less, as recommended in this bill, than the appropriations for the present year?

Mr. RANDALL. The House will see that the gentleman started off with an assertion that this appropriation for Philadelphia was some $63,000 less than the appropriation for last year. Now, I have proven to him that it was the same as last year.

Mr. CANNON. And the House has found out that there is $114,000 less for the mint service than was appropriated last year.

Mr. RANDALL. I will talk about the general reduction when we come to the discussion of that part of the bill.

Mr. CANNON. And I hope the gentleman will explain the reason for this discrepancy.

[Here the hammer fell.]

Mr. BLAND. Mr. Chairman, I want to call the attention of the committee to the law on this subject. The act providing for the coinage of the standard silver dollar contains this provision:

And the Secretary of the Treasury is authorized and directed to purchase silver bullion, at the market price thereof, not less than $2,000,000 worth per month, nor more than $4,000,000 worth per month, and cause the same to be coined monthly as fast as so purchased into such dollars; and a sum sufficient to carry out the foregoing provision of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

There is a standing appropriation, for what purpose? For the purpose of carrying into effect the provisions of this act, authorizing the coinage of the standard silver dollar; not only providing for the purchase of bullion, but for all of the expenses connected with the coinage of the standard dollar, and the appropriation is a permanent one under that statute.

I am aware there is an idea in this House and elsewhere that that statute ought to be repealed; and that instead of this being a standing and permanent appropriation it ought to be subject to the will of Congress at every session.

Mr. RANDALL. There is nothing in this bill touching that.

Mr. BLAND. I understand that. But that is the theory the gentleman from Illinois [Mr. CANNON] is going upon.

Mr. CANNON. I beg the gentleman's pardon. The gentleman does not measure his words and does not state the fact correctly when he says so.

Mr. BLAND. I believe I am stating the fact correctly. The gentleman desires a specific appropriation in this bill for the purpose of employing laborers. Does not that law make the appropriation?

Mr. CANNON. It does.

Mr. BLAND. Why make another?

Mr. CANNON. Because I want this bill to show on its face what the expenses of this service are.

Mr. BLAND. But the act itself makes the appropriation; and hence it is not necessary to make another. Whenever it comes to the point that this House must make an appropriation every session for the payment of the expenses of purchasing bullion and coining standard silver dollars you will have the question up on appropriation bills, and we may fail to appropriate one session or the next. But I contend the law itself makes the appropriation, and a permanent one, to pay all the expenses of coinage so far as silver is concerned.

Mr. HEWITT. Will the gentleman read or allow me to read the next clause showing what is to be done with the profit and seigniorage?

Mr. BLAND. It is practically paid into the Treasury.

Mr. HEWITT. And how is it to be got out without an appropriation?

Mr. BLAND. The appropriation is made here.

Mr. HEWITT. That fund goes specifically into the Treasury.

Mr. RANDALL. The law provides that it shall be taken out, and it was taken out for the Bland silver-dollar service to the extent of $156,000 in 1885.

Mr. HEWITT. Does the chairman of the Committee on Appropriations hold that that is a permanent appropriation?

Mr. RANDALL. I am not bound to state what I hold. The Treasury so holds.

Mr. MILLS. The Treasury Department sent to Congress a statement containing a number of permanent appropriations—this is one among the rest—and asked to have them repealed.

Mr. HEWITT. It never has been judicially tested.

Mr. RANDALL. The Treasury Department gives its construction to the statute and they meet that with due and proper appropriations.

The question being taken on Mr. CANNON'S amendment, it was disagreed to.

The Clerk read the following paragraph under the heading, "Mint at San Francisco, Cal.:"

For wages of workmen and adjusters, $170,000.

Mr. MCKENNA. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 1249 and 1250 strike out "$170,000" and insert "$250,000."

Mr. MCKENNA. Two hundred and fifty thousand dollars has been the usual appropriation for the San Francisco mint. In the amount as it comes from the Committee on Appropriations there is an apparent saving of $80,000; but it is only apparent, for the reasons already intimated—on account of the numerous funds to which the Department can resort for payment.

The question I was going to ask the gentleman from Pennsylvania [Mr. RANDALL] when I was interrupted by the gentleman from Illinois was this, Whether the expenses of the Philadelphia mint did not

amount to $437,000 last year instead of $393,000 as appropriated by the bill? I now ask that question of the gentleman from Pennsylvania.

Mr. RANDALL. That is including what is paid out from the fund known as the standard-silver-dollar fund.

Mr. McKENNA. That fund is a permanent appropriation for special purposes. The Department uses what is called the bullion fund to buy the silver necessary to coin standard silver dollars. They use this permanent appropriation for the payment of the extra expenses that may be occasioned by coining the silver dollar or other expenses of the mint.

The Philadelphia mint is run night and day. It is strained to its full capacity for the coining of silver dollars. The New Orleans mint is run to its full capacity. But from the San Francisco mint is taken away the coining of standard silver dollars entirely. Why? Because it is part of the discrimination against the coining of the standard silver dollar. The coining is taken from San Francisco, where that money is popular, and it is brought over here, where a man apologizes if he gives it to you in change. The object is to crowd the Philadelphia mint to its utmost capacity day and night and take this service away from the San Francisco mint. The use of other funds is not apparent to the public, and although there is a decrease of $80,000 on the face of the bill, there is no real decrease.

It is the same pretense that appears throughout this bill, the same attempt to make a showing of a decrease of appropriations. Now, sir, I say that the appropriation ought to be restored to the San Francisco mint, so that if a change should come over the Treasury Department the money would be available to enable it to resume the coinage of the standard silver dollars on the Pacific coast, where, as I have already said, they are popular.

Mr. WARNER, of Ohio. Is not the permanent appropriation as applicable to the coinage of standard dollars at the San Francisco mint as at the Philadelphia mint?

Mr. McKENNA. Yes, sir.

Mr. WARNER, of Ohio. And therefore it is wholly within the discretion of the Government, and has nothing to do with this appropriation here?

Mr. RANDALL. The extra amount of coinage of the Bland dollars at the Philadelphia mint grows out of the fact that they can be coined there at less cost than at the other mints. I will submit——

Mr. McKENNA. They can be coined at somewhat less cost, but the Philadelphia mint is running day and night and is subjected to an extra strain for the coinage of these silver dollars, that have been taken away from the Pacific coast for no other reason, I believe, but to discriminate against the silver dollar. Now, let us restore this appropriation to the San Francisco mint. Then if the Secretary of the Treasury still chooses to use his discretion in favor of Philadelphia he can do so, but, on the other hand, if he changes his mind, this appropriation will be on hand to enable the coinage to go on at the San Francisco mint. What was the gentleman from Pennsylvania going to say?

Mr. RANDALL. I was going to submit a letter from the Secretary of the Treasury, but I will state the substance of it and incorporate the letter in my remarks. The original estimate for the San Francisco mint was $150,000, but by a letter dated February 23, 1886, it was asked to be increased to $170,000. Now, that is the estimate and that is the sum given in the appropriation bill. The gentleman from California wanted to know about the estimate.

The following is the letter above referred to:

TREASURY DEPARTMENT, *February* 25, 1886.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of letter of the Director of the Mint, of the 24th instant, in which he requests, for reasons therein stated, that the estimate of appropriation for "wages of workmen, mint at San Francisco," for the fiscal year 1887, to be found on page 34 of the Book of Estimates, be increased from $150,000 to $170,000.

Respectfully, yours,

D. MANNING, *Secretary.*

The Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., June 24, 1886.

SIR: Referring to the estimates of appropriations for the support of the mint service for the fiscal year 1887, which I had the honor to forward to you November 5, 1885, I have the honor to state that the estimate for wages of workmen at the San Francisco mint was placed at $150,000. The appropriation for the current fiscal year for that purpose is $235,000. It will be seen that the estimate for the fiscal year 1887 is $85,000 less than the present appropriation.

The superintendent of the mint at San Francisco informs me that it will not be possible to properly execute the business of the mint with the amount for which appropriation has been asked.

As the coinage of small gold is by your direction executed at the San Francisco mint, the force of adjusters has been necessarily increased, and if the same character of coinage is continued during the next fiscal year, I am satisfied that the sum named in my estimate will not be sufficient.

I have, therefore, the honor to request that you will increase the estimate for wages of workmen at the San Francisco mint to $170,000.

Very respectfully,

JAMES P. KIMBALL,
Director of the Mint.

Hon. DANIEL MANNING,
Secretary of the Treasury.

Mr. McKENNA. The estimate is influenced by the same animus that I have spoken of, the desire to coin these dollars on this side of the continent, where they are thought not to be popular, and to take them away from the Pacific coast, where they are deservedly popular. As I have already said, if this amendment restoring the appropriation for the San Francisco mint be adopted, it will not necessarily compel the money to be used there.

I wish to say, also, Mr. Chairman, in answer to the question which the gentleman from New York [Mr. HEWITT] put to the gentleman from Missouri [Mr. BLAND] a while ago, that it is not the permanent appropriation that goes back into the Treasury. It is only the profit that is made upon the purchase of this bullion that goes back—the so-called seigniorage. But the permanent appropriation is there; it is perennial, and they use it to pay the expenses of this coinage, when on the face of the appropriation bill only a certain figure has been allotted for that purpose. I certainly think this amendment ought to be adopted.

Mr. RANDALL. Mr. Chairman, I want to state in reply to the gentleman from California [Mr. McKENNA] that the permanent appropriation for the coinage of the silver dollar is available at any of the mints, wherever the Secretary of the Treasury and Director of the Mint discover that these dollars can be most economically coined. That appropriation goes so largely to the mints at Philadelphia and New Orleans because in the opinion of the Secretary of the Treasury and the Director of the Mint the coinage can be done at those mints for less money than at San Francisco. For that reason, the Secretary of the Treasury recommended a reduction of $85,000, still leaving the amount necessary to continue the payment at the San Francisco mint for the coinage of minor coin, and of such gold coin as may be required.

Mr. HEWITT. Will the gentleman from Pennsylvania answer a question?

Mr. RANDALL. Certainly.

Mr. HEWITT. If there is any deficiency of silver dollars in California or anywhere else, is it not the duty of the Treasury Department to supply them without cost?

Mr. RANDALL. Yes, sir.

Mr. McKENNA. Let me answer that by saying that the Treasury Department have purposely made it difficult for people on the Pacific coast to get these silver dollars distributed to them. How? Under the former administration application could be made to the subtreasury, but under this administration the application is required to be forwarded to Washington, thus occasioning additional delay.

Mr. HEWITT. Is there, in fact, any deficiency of silver dollars in San Francisco?

Mr. McKENNA. There is just as much deficiency there as anywhere else. There is a deficiency of subsidiary coinage, and there is a complaint of worn-out coin.

Mr. RANDALL. In reply to the remarks of the gentleman from California, I wish to say that the impression that the Treasury Department is inimical to the circulation of the Bland dollar is entirely erroneous. To any fair mind that has examined the matter every act of the Department in relation to this subject shows that they have endeavored in every possible way to get the Bland dollar into circulation. Injustice has been done to the Department in that respect. This shows, if I am not mistaken (and if I am the gentleman from New York [Mr. HEWITT] will correct me), that the maximum amount of Bland dollars in circulation under this administration is greater than it has been under any previous administration.

Mr. HEWITT. You are perfectly right.

Mr. McKENNA. Then will the gentleman from Pennsylvania explain why the Treasury Department requires these applications for the Bland dollar to be forwarded to Washington for approval, instead of permitting them, as the former administration did, to be made to the subtreasury at San Francisco?

Mr. PERKINS. Will the gentleman permit me to ask if it has not been also the requirement of the present administration that people applying for the Bland dollar should pay the expense of its transportation?

Mr. TOWNSHEND. That is not so now.

Mr. PERKINS. Well, it has been so under this administration.

Mr. TOWNSHEND. It was so under former administrations. The law has been changed.

Mr. RANDALL. Mr. Chairman, in connection with this question I desire to give the figures showing the circulation of the Bland dollar under this administration as compared with former ones. On the 31st of December, 1884, there were in circulation Bland dollars to the amount of about $43,000,000. On the 31st of December, 1885, the circulation of Bland dollars was about $52,500,000. This shows that the present administration, instead of failing to execute the law, has been industrious in trying to secure the issuance and circulation of the Bland dollar. I yield now to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Chairman, I move to strike out the last word.

Mr. ALLEN, of Mississippi. Mr. Chairman, I rise to a parliamentary inquiry. Is the discussion of the question of silver coinage in order at this time? If so, I shall ask unanimous consent to suspend business until I go home and get my silver speech which I failed to deliver here when the subject was under discussion before. [Laughter.]

Mr. RANDALL. I beg that the gentleman will not go, because the vote taken a few minutes ago showed that they were too many Democrats at home already. [Renewed laughter.]

Mr. BLAND. So far as concerns the coinage of silver dollars on the

Pacific coast, the complaint has been, and it seems to me very justly, that there has been more of such coinage in San Francisco than was necessary. I think there has been in the San Francisco mint from $48,000,000 to $50,000,000 of silver that has never gone into circulation. It is very true that certificates may be issued on this coinage, and those certificates may circulate throughout the country; but I see no necessity for coining so large an amount of silver dollars in San Francisco, away from the centers of population. Indeed, Mr. Chairman, we ought to have a mint in the Mississippi Valley, where this silver could be coined—in the center of population and contiguous to the mining territories.

With regard to silver going into circulation, it is true that the present administration has put more of this coin in circulation than has any prior administration; but I am sorry to say that so far as the circulation of certificates is concerned I see no very great improvement now as compared with former administrations.

I have one further remark to make with regard to this silver question and with regard to the Saint Louis assay office, which will be considered by the Committee of the Whole in a few moments. I see that the Committee on Appropriations has failed in this bill to appropriate one dime to carry into effect the law creating that assay office—an office authorized by law for the express purpose of compelling bullion holders in New York to deliver bullion at the New Orleans mint for the same price at which they would deliver it at the Philadelphia mint. The former Director of the Mint said that unless this was done he would open a bullion market at Saint Louis by establishing an assay office there, and would ship the bullion from Saint Louis to New Orleans to be coined. Yet I find that the Committee on Appropriations has failed entirely to make any appropriation for the purpose of carrying out this law providing for an assay office at Saint Louis.

Mr. WARNER, of Ohio. Mr. Chairman, it has been stated that the Treasury Department has done everything it could to force into circulation the standard silver dollars. Now, I attach no importance to any effort to force the circulation of the coin itself. Nobody cares whether the coin circulates or whether the paper representing the coin goes into circulation. What I complain of, if anything is to be complained of, is that opportunity is not given to every one to exercise his choice as between coin and paper, as between the silver certificate and the silver dollar. Under the law as it has been interpreted the coin must be deposited before the certificates can be obtained. I think the law ought to be so modified (if any modification is necessary in order to permit this to be done) that anybody may take his choice between paper and coin. There is no gain to anybody in this country or in the world by having the coin itself circulate in preference to the certificates which represent it.

Mr. HEWITT. But is not the provision of the law mandatory? I ask the gentleman as a lawyer whether the Secretary of the Treasury can do anything else than obey the law?

Mr. WARNER, of Ohio. A similar proceeding could be adopted in this case to that which has been pursued when greenbacks are offered at the custom-house in New York for customs duties. Greenbacks thus offered are accepted. Why? Because if the customs officers should refuse to accept them the notes could be handed in at the other counter where gold could be obtained for them, and then the gold could be offered to the receiver of customs dues. Of course the officer of the Government may in his discretion demand that I shall first deposit my $10 in silver at one counter before receiving the silver certificate at another; but no such interpretation of the law is necessary. If I ask for silver certificates instead of silver dollars, why may I not have them? Certainly the terms of the law call for no interpretation which would prevent this.

Mr. BROWN, of Pennsylvania. Under the administration of Mr. Folger as Secretary of the Treasury the certificates were always issued when requested instead of silver dollars.

Mr. WARNER, of Ohio. I am aware that has been the practice heretofore. The Treasurer or assistant treasurer has paid out silver certificates when requested in lieu of coin; and this may be done, in my judgment, under the law. All that is necessary is to maintain stability of circulation; and whether that be through the circulation of coin or paper should be left entirely to the choice of those who circulate it.

Mr. RANDALL. I ask that the Committee of the Whole vote in this case the amount of the estimate.

The question being taken on the amendment it was not agreed to.

Mr. GLOVER. I move the amendment which I send to the desk.

The Clerk read as follows:

After line 1252 insert a new paragraph, as follows:
"Assay office at Saint Louis, Mo."——

Mr. CANNON. We have not concluded the mints or reached the assay offices yet. I have an amendment touching a mint.

Mr. GLOVER. I understand that my amendment is as much in order at this point as at any other.

The CHAIRMAN. The last paragraph of the appropriations for the mint at San Francisco has been read.

Mr. CANNON. But the assay offices have not been reached. They begin on page 53 of the bill.

Mr. GLOVER. An amendment with reference to an assay office must be in order at any point under the heading "United States mints and assay offices."

The CHAIRMAN. The Chair suggests to the gentleman from Missouri to withdraw his amendment for the present. The Chair will recognize him at a later stage of the bill.

Mr. CANNON. I will yield the floor to the gentleman from New York, who desires to be heard for a few moments.

Mr. HISCOCK. I move to strike out the last word. I take the opportunity, Mr. Chairman, of replying to the gentleman from Illinois [Mr. MORRISON], who said I was mistaken in my estimate of expenditures and receipts for the next fiscal year, and that I had made it here for some unholy purpose.

Mr. MORRISON. If the gentleman will allow me I will say that I said "some unrighteous purpose." And by that I meant a continuation of unnecessary taxes.

Mr. HISCOCK. I understood him to say further than that that my estimates in reference to receipts were not high enough, and that in reference to disbursements I was too high. Now, I have before me the expenditures of the Government for the present fiscal year, estimated for fifteen days, amounting to $245,396,090.46; adding to it the amount due the sinking fund for the next fiscal year, $46,659,000, it aggregates $292,055,090.46.

It is proper to say, in making up that amount, the post-office expenditures enter into it only in so far as money is taken from the other revenues of the Government in excess of revenues from the Post-Office Department. Putting, therefore, into this statement the amount of expenditures of the Post-Office Department in excess of its revenues and including the amount due the sinking fund for the next fiscal year, the amount is $292,055,090.46.

I say this amount is taken from the books of the Treasury, and there is no mistake about it.

I repeat what I said earlier to-day. The total estimate of revenues of the Government for the next fiscal year, excluding the postal revenues, which ought to enter into the account (as they are not included in estimate of revenues and the expenses; disbursements of the Post-Office Department do not go into the expenditures of the Government upon the books of the Treasury Department except in so far as they are in excess of postal revenues), will amount to $330,000,000, possibly three million more than that at the utmost.

I deny the appropriations for the next fiscal year so far are lower than they were for the current year. But this last estimate is based not on appropriations, but based on expenditures of our Democratic administration in the first year of its service, when it is before the country on its good behavior. Take those expenditures; add the deficiencies the Government has submitted, $6,529,000, and which have been recommended and are now pending; add to it the amount carried by the law, $6,000,000, for the payment of the claims to the Geneva awards; add to it for pensions $14,754,000, the amount already appropriated for next year in excess of the payments for this; add to it $10,000,000 customs duties which have to be refunded under the decision in the case of Oberteuffer *vs.* Robertson; add to it the amount carried by the river and harbor bill—you will remember there were not any appropriations for rivers and harbors for the current year and no expenditures—as it passed the House, $15,142,100, all aggregating $52,425,153; add this to the expenditures for the current year, with the amount to be paid the sinking fund; next, the three amounts to be added are $245,396,090.46, $46,695,000, $52,425,153—aggregate, $344,470,243.46. The receipts at the outside are only $333,000,000; deficiency, $11,470,243.46.

My remarks on this question will appear in the RECORD to-morrow. I trust and hope the gentleman from Illinois [Mr. MORRISON] will be frank enough to examine them, and when he has made that examination he will say to this House my estimate of expenditures for the next fiscal year is correct, and my estimate of the revenues for the next fiscal year is correct. This is a question upon which we ought not to differ.

Mr. MORRISON. I want to say in reply to the gentleman from New York, and I will be as frank as he wants me to be, that I have already examined this whole question of current revenues and expenditures and have examined with especial care the estimates of both for the coming year. Of course what the revenues for the next year may be can only be estimated, because, as the gentleman himself very well knows, under the same revenue laws receipts change largely. The difference has been in receipts from customs and internal revenue more than $126,000,000 within five years. That is to say, from these two sources we got $240,752,304 in 1878 and $366,908,325 in 1882 under the same law.

Mr. HISCOCK. The average has been from four to eight millions since the passage of the last bill.

Mr. MORRISON. What amount?

Mr. HISCOCK. The difference in receipts varies only as I remember it. I can not be exact from four to eight millions since the passage of the last tariff bill.

Mr. MORRISON. They fell off more than twenty millions between 1884 and 1885, and since then have again increased. They differ largely in different years and I have already said I can not tell what they will be exactly next year. I estimate they will be as much next year as the receipts for the first eleven months of this indicate, and it is on that basis I place or fix my estimate. I assume we will not spend any more

money next year than we will this, which is less than the expenditure of last.

Mr. RANDALL. Less.

Mr. MORRISON. Yes, we will expend less if we do not further increase expenditures for pensions, which of course we may do.

I ought to have said, in reply to the gentleman from New York not long ago, concerning the $10,000,000 which he says we will be compelled to pay as the result of his mistake or error or something else in the tariff bill, that there is plenty of money in the Treasury now to pay that $10,000,000 for the current year; and in future years, if we will but pass the tariff bill, containing, as it does and as a part of it, what is called Mr. HEWITT'S amendment—that is the bill last year introduced by the gentleman from New York and now incorporated in the tariff bill—that $10,000,000 will be paid into the Treasury and not out of it, which will add to instead of taking from the revenues of next year.

Mr. HISCOCK. Let me interrupt the gentleman to ask if he says the disbursements of next year will be no more than they are for the current year? I wish to call his attention now in connection with that question to the fact that here is in the first place an increase of $14,700,000 for pensions; here is an increase of $15,142,000 for rivers and harbors; here is a deficiency bill now in the committee of $6,000,000——

Mr. RANDALL. That may be only $4,000,000.

Mr. HISCOCK. Very well; that may be. You have already passed deficiency bills here at this very session amounting to $6,000,000, and I appeal to the gentleman in view of these facts to stand up to that assertion, that the disbursements will be no more than they are for the current year.

Mr. RANDALL. But the deficiency bill to which the gentleman from New York has alluded is now pending in the committee, and may not reach the $4,000,000.

Mr. HISCOCK. Well, call it $4,000,000; admit that it will be that or less, and strike out the $10,000,000 for refunding customs, and then it simply balances the Government accounts.

Assuming that you will have the large amount that has been collected from customs for the current year, it simply amounts to an aggregate of $330,000,000 of receipts against $330,000,000 of expenditures, and you can make nothing else out of it.

Mr. MORRISON. The pension bill which has become law is but half the gentleman's estimate. The expenditures of last year mentioned in the tariff report contained both river and harbor appropriations and deficiencies, and I do not believe in the gentleman's balances. They are all unbalanced. Still, I but repeat in saying we can not tell what will be the revenues next year, so much depends on the condition of the country and the ability of the people to use the necessaries and comforts of life and to pay taxes on them. My estimates are based on the Treasury transactions of last year, the first eleven months of this year, and the most reliable information now to be had. I would not like to promise what the House might or might not do in the matter of expenditures or appropriations in the next few weeks.

But I do assume that the heads of Departments will do next year as has been done this, and will go on reducing expenditures; and if the gentleman from New York has examined for himself, as he says he has, he has found that less money is being spent this year than was spent last. Whatever, therefore, the House of Representatives, the gentleman from New York, or myself may do, I assume that no matter what appropriations are made the administration, the President and assistants, will go on in the next year reducing expenditures just as has been done up to this time. Of course any large increase of the pension-list or grant of arrears would need to be provided for.

[Here the hammer fell.]

Mr. RANDALL. I now ask for a vote.

Mr. HISCOCK. I wish to add a single word, to ask a question of the gentleman from Illinois before he takes his seat; and for that purpose I move to strike out the last word.

Is it not true that you reported a bill for the reduction of tariff taxes upon the assumption that the expenditures this year were only about $303,000,000; and is not that the statement embodied in your report? Is it not equally true that for the next fiscal year your expenditures will reach $344,000,000, including in that only the excess made for the postal service in excess of the postal revenues?

Mr. MORRISON. I will say candidly, in response to the gentleman from New York, that I do not exactly remember the statement in the report, not having the figures immediately before me, but they are based upon estimates derived from the Treasury Department, and within the space of two weeks you will see whether they are correct or not.

Mr. HISCOCK. You will find that they are entirely in error.

I withdraw the *pro forma* amendment.

The CHAIRMAN. The Clerk will read——

Mr. RANDALL. I believe there is an amendment pending.

The CHAIRMAN. There is no amendment pending, as the Chair is informed.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the section the following:

"Mint at Carson, Nev.: For salary of superintendent, $3,000; for assayer, melter and refiner, and coiner, at $2,500 each; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each; chief clerk, at $2,250; cashier, book-keeper, and weigh clerk, at $2,000 each; abstract clerk and register of deposits, $1,800 each; assayer's computation clerk, $1,200; in all, $29,550. For wages of workmen and adjusters, $60,000. For incidental and contingent expenses, $25,000."

Mr. RANDALL. I submitted an amendment, which will be found printed in the CONGRESSIONAL RECORD, on the evening when this bill was under consideration——

The CHAIRMAN. The Chair will state for the information of the committee that he has directed the clerks, wherever a paragraph was read under the order for that evening session, to which amendments were offered and to which paragraph objection was made, that the whole proceeding in reference to such section should begin *de novo*. That is to say, that all amendments to such paragraph must be again offered in the House when the section is reached for consideration.

Mr. CANNON. I should be glad to have the attention of the gentleman from Pennsylvania [Mr. RANDALL]. This amendment provides an appropriation for the mint at Carson, which is contained in the appropriation for the current year. It has dropped out from this bill. My amendment carries $114,550. I offer it for the purpose of calling the attention of the gentleman from Pennsylvania and the House to an item of reduction in this bill of that amount; and at the close of my remarks, or before the amendment is voted on, I will withdraw the amendment, that the gentleman from Nevada, who desires to address the committee, may renew it.

Mr. RANDALL. The Committee on Appropriations omitted any appropriation for the mint at Carson City because it was omitted in the estimates. A letter was addressed to the committee by the acting Secretary of the Treasury, which, if the gentleman from Illinois will have read, explains this matter as well as anything that can be said on the subject.

Mr. CANNON. I desire to state the whole question as to the cessation of business at Carson mint. As the Director of the Mint has told us, it was for this reason, that when bullion was brought in there to be coined they refused to pay for it in silver dollars; they would pay for it only in drafts. That threw the expense of shipping the silver dollars from New York or San Francisco on the men who sold the bullion, whereas the dollars should have been coined and paid out there.

I further call the attention of the gentleman from Pennsylvania to this point: that in the two items we have just left there is a reduction in the amount for wages of workmen and adjusters at San Francisco of $65,000, and for incidental expenses, $10,000. This makes a total reduction in this portion of the bill of $180,550, a reduction that I intended to talk about a moment ago, when I had a controversy with the gentleman from Pennsylvania; so that here is a reduction of one-fourth in these items of the amount the gentleman boasted his bill was reduced below the current law. He boasted the amount was $800,000. This $189,550 must be paid from the permanent appropriation for the silver dollar.

I withdraw the amendment.

Mr. WOODBURN. I renew the amendment.

That any member of this House should offer an amendment to put in operation the mint at Carson City is to me a most agreeable surprise. That mint was constructed in 1869, and ever since its completion has been in almost constant operation until the 1st day of April of last year, when an order from the Secretary of the Treasury suspended its operation. In the following September, by a subsequent order, the mint was definitely closed down and its employés discharged, retaining nobody there save and except the superintendent and a few watchmen.

On that very day there were over 3,000,000 silver dollars at the Carson mint, which could have been utilized in that section of country. There was enough bullion on hand to keep that mint in operation for the ensuing six months.

But mark further, during the year up to the 1st of April that mint, well equipped as it was and well conducted as any other mint in this country, covered into the Treasury of the United States $7,000 in excess of its expenditure. More than that, for the five years prior to that date it covered into the Treasury of the Government $67,000 and more in excess of the appropriation. So that it was no burden to this Government. It was running to its full capacity. It is situated in the heart of one of the greatest gold and silver producing regions of the earth. To-day within 20 miles of it we are producing a million of dollars in gold and silver, upon which we are compelled to pay freight to the city of San Francisco.

The people west of the Rocky Mountains—between the Rockies and the Sierras—have humbly petitioned the President of the United States to reopen this mint. The President said he would give the memorial his most solemn attention and report his conclusion, but he has never done it. We have hitherto appealed in vain to the Secretary of the Treasury for redress and he has given a deaf ear to our appeal. We have by resolution in this House asked this House to compel the Secretary of the Treasury to inform us why in direct violation of the law he ever issued any order closing down a mint created by Congress and that can only be destroyed by its creator. That resolution was never heard of since it was referred to the Committee on Coinage.

Now, this appropriation bill as herein introduced contains not the most remote allusion to the Carson mint. I ask most respectfully the

chairman of the Committee on Appropriations, has not the Secretary of the Treasury recommended to your committee to make no appropriation in this bill for the continuation of that Carson mint? Is there not a recommendation on file?

Mr. RANDALL. I have stated that it was omitted in the estimates.

Mr. WOODBURN. I should like to have an answer to my question.

Mr. RANDALL. You shall have it.

Mr. WOODBURN. The Director of the Mint gives as the sole reason why that mint was suspended in April, 1885, that there was very little bullion offered for sale.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. On last Friday I gave notice, as I supposed, of an amendment I was intending to offer when the paragraph was reached, and asked that it be printed in the RECORD; and in the RECORD I had printed a communication from the Director of the Mint relating to the mint at Carson City. I have no hostility, neither do I believe has any member of the Committee on Appropriations any hostility, to the continuance of coinage at that mint. But I believe that the real reason which prompted the Director of the Mint to stop the coinage there is stated clearly in his report. It appears from that report that the cost of coining each piece above the denomination of 1 cent at the mint in Philadelphia was for the year 1884 1.30 cents, and for 1885, 1.89 cents. At the mint at San Francisco the cost for 1884 was 4.37 cents, and for 1885 5.80 cents. At the mint at New Orleans for 1884 1.55 cents, and for 1885 1.49 cents; and at the mint at Carson for 1884 7.28 cents, and for 1885 9.13 cents.

It is proper to state, however, that the coinage executed at the mint at Philadelphia included over fifteen millions of 5 and 3 cent nickel pieces in 1884, and over seven millions in 1885; the cost of coining which is considerably less than that of executing gold and silver pieces.

Now, Mr. Chairman, I suppose it was in this view that no estimate was made for the mint at Carson, but there was subsequently addressed to the Committee on Appropriations a letter, which I will ask to have read as a part of my remarks, and which prompted me to give notice last week that I would introduce an amendment in relation to the Carson mint:

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 5, 1886.

SIR: I have the honor to call your attention to copy of a letter from the Director of the Mint, inclosed herewith, in reference to the omission from the legislative bill of an appropriation for the support of the United States mint at Carson, Nev., for the year ending June 30, 1887, with the recommendation that an appropriation be made in accordance with the suggestions of the Director of the Mint.

Very respectfully,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C. June 5, 1886.

SIR: I have the honor to invite your attention to the fact that the legislative, executive, and judicial appropriation bill as reported to the House of Representatives is without any appropriation for the United States mint at Carson, from the fact that at the same date a letter was addressed you reporting the fact of the practical "cessation of all kinds of business at the mint at Carson since the suspension of the coinage of the silver dollar, June 1, 1885." I saw no grounds "for an estimate of expenditures at this mint for the coming year." But it was stated that "should the mint be closed as recommended the only provision which need be submitted to Congress accordingly would be for a custodian and for what assistance might be necessary."

In the omission of any specific estimate for the mint at Carson, therefore, no appropriation has been reported to the House. I desire to call your attention to the requirement of an appropriation of at least $7,500 for the proper care and custody of the building and of the delicate and valuable machinery and apparatus therein contained.

I have also to submit the proposition whether it would not be well to suggest for the consideration of Congress an appropriation the same as that for the present fiscal year, especially in view of the fact that representations have been made to the Bureau of the Mint of the readiness on the part of the producers of bullion to deposit the same at the mint at Carson, instead of sending it to private refineries, on condition that certain benefits which it is claimed are conferred by the law, and which during the present year have been withheld from this institution in common with some others by the action of the Department, are restored.

I may say, indeed, that it is doubtless true that the cessation of deposits at the Carson mint are very largely due, first, to the payment of depositors by draft instead of in cash; and, second, to the imposition of a "transportation charge" upon depositors for cost of transportation of refined bullion to some coinage mint or to the assay office at New York, especially as the charge made by the express companies to the Government, and so imposed upon depositors, has been in excess of rates paid by private shippers.

I desire also to call attention to the fact that omission of the usual appropriation for the United States mint at Carson will deprive that institution of the means to reopen, if in the course of the year, at the discretion of the Department, it should be deemed expedient.

I have already explained the details of this matter to the chairman of the subcommittee as well as the chairman of the Committee on Appropriations.

Very respectfully,

JAMES P. MITCHELL,
Director of the Mint.

The honorable SECRETARY OF THE TREASURY.

Mr. RANDALL. In compliance with the suggestion in that letter I submitted an amendment on Friday last, which appears in the RECORD of June 12. That is the amendment I desire to offer. When I presented the amendment on Friday evening I said: "I desire to offer an amendment in relation to the Carson mint. I suppose it will be objected to, but in connection with it I desire to have printed in the RECORD a letter which I have received from the acting Secretary of the Treasury, transmitting a letter from the director of the mint at Carson."

I am entirely willing, in deference to the view expressed by the Director of the Mint, and under the discretion lodged with him, to give my vote in favor of an appropriation for the Carson mint.

I do not know whether the Director of the Mint will expend that money or not, but it is well, as he says, to provide for any and every contingency in connection with the general coinage that is necessary for the country. I ask now to have read the amendment of which I gave notice on Friday evening.

The amendment was read, as follows:

Appropriation for the Carson mint for the year ending June 30, 1887.

For salaries:	
Superintendent	$3,000
Assayer	2,500
Melter and refiner	2,500
Coiner	2,500
Assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each	6,000
Assistant chief clerk	2,250
Cashier, book-keeper, and weigh clerk, at $2,000 each	6,000
Abstract clerk and register of deposits, at $1,800 each	3,600
Assayer's computation clerk	1,200
Total	29,550
For wages of workmen and adjusters	60,000
For incidental and contingent expenses	25,000
Total	114,550

Mr. GLOVER. Mr. Chairman, notice having been given on Friday last of intended amendments, are those amendments to be considered as pending to-day?

The CHAIRMAN. They are not.

Mr. PERKINS. Is this amendment offered as a substitute for the amendment of the gentleman from Nevada [Mr. WOODBURN]?

Mr. RANDALL. They are both the same. I do not care where the amendment comes from, but I wish to say that this subject had been examined by members of the Committee on Appropriations and the line of the amendment practically agreed upon.

The CHAIRMAN. The Clerk will report again the amendment offered by the gentleman from Pennsylvania, so that it may be clearly understood.

The amendment was again read.

The amendment was agreed to.

The Clerk read as follows:

Mint at New Orleans, La.: For salary of the superintendent, $3,500; for the assayer, melter and refiner, and coiner, three in all, at $2,500 each; cashier and chief clerk, at $2,000 each; assistant assayer, assistant melter and refiner, and assistant coiner, $1,900 each; abstract clerk and bookkeeper, at $1,600 each; weigh clerk and assayer's computation clerk, at $1,600 each; register of the deposits, warrant clerk, and assistant weigh clerk, at $1,250 each; in all $30,850.

For wages of workmen and adjusters, $74,000.

For incidental and contingent expenses, including repairs and new machinery, $35,000.

Mr. GAY. I move to amend, in line 1268, after the word "each," by inserting "cashier's clerk at $1,100."

Mr. Chairman, this clerk has been in the employ of the mint there for years, although he is not included in the present estimate, and I would like to ask the chairman of the Committee on Appropriations to accept this amendment without putting it to the House.

Mr. RANDALL. I would like the gentleman *from Louisiana* [Mr. GAY] to tell the House some reason why the amendment should be accepted.

Mr. GAY. I will do that with great pleasure.

Mr. Chairman, the work done by the mint at New Orleans is as important in proportion to the expenditure made there, and as regular, as that at any other mint in the United States.

The force there is not large in proportion to the work. I was glad to hear the gentleman from Pennsylvania read a statement from the Director of the Mint showing that New Orleans ranks next to Philadelphia in reference to economy of coinage, the rate of expense at New Orleans in 1884 and 1885 being 1.55 and 1.49 as against 7.28 and 9.13 at Carson City for the same years. Now, New Orleans is the wrong place at which to make a diminution in the force employed in the operation of the mint, for the reason that the summers there are excessively warm and the city is liable to sickness, so that if you remove the assistant cashier, as is proposed to be done in this bill, there will be no one left, in the event of the sickness or absence of the cashier, to take his place. This office of assistant cashier is a necessary office. The salary is only $1,100. I received only this morning a letter from the superintendent of the mint at that city, who knows better than any other man the necessities of the case. He writes:

I inclose a special from Washington which I clipped from this morning's Picayune. What does it mean? I don't understand it. Far from diminishing either the clerical or manual force of this mint, I think both ought to be increased. This mint is now being worked to its full capacity. With the end of June I will have coined since January 1, 1886, $5,400,000, which, allowing about twenty days for repairs and overhauling, is at the rate of $10,000,000 a year.

It will thus be seen that the superintendent of that mint, who is a most competent judge as to the needs of the mint, protests against dispensing with this officer, whose services he considers absolutely neces-

sary. I would have been glad if the Committee on Appropriations had accepted this amendment——

Mr. RANDALL. I had no power to accept the amendment. I really do not know the reasons which prompted this omission from the estimates. The committee followed the estimates. I can only say in respect to the statement of the gentleman from Louisiana that if we once get away from the estimates we may enter upon the creation of a large number of officers whose services the Government does not require.

Mr. GAY. This is not the creation of a new office, but simply the continuance of one already in existence and which is really necessary.

[Here the hammer fell.]

Mr. RANDALL. Let us have a vote.

Mr. BLANCHARD. I desire to state that in the legislative, executive, and judicial appropriation bills for a number of years past an allowance of $1,100 has been made for the cashier's clerk at the New Orleans mint, and I see no reason why that office should be dispensed with this year.

Mr. RANDALL. I have stated the reason; it is omitted from the estimate.

Mr. BLANCHARD. There is no reason why it should have been omitted from the estimate.

The question being taken, the amendment of Mr. GAY was agreed to.

Mr. GAY. I offer a further amendment, to strike out, in lines 1260 and 1261, the words "sixteen hundred dollars each" and insert "eighteen hundred dollars each;" so as to appropriate $1,800 as the salary of the abstract clerk and the book-keeper.

Mr. RANDALL. I shall have to make a point of order on that amendment. In the law for the current year the salary is $1,600.

Mr. BLANCHARD. Will the gentleman refer to that law?

Mr. GAY. I would like to make an explanation for one moment if the gentleman will withhold the point of order.

Mr. RANDALL. Certainly, I will do so till the gentleman has made his explanation.

Mr. GAY. As the gentleman pays great deference to the estimates I desire to read to him from the estimate made by the Director of the Mint:

An addition of $200 to the salary of the book-keeper and abstract clerk is recommended in consideration of the duties and responsibilities of that office.

The Director of the Mint makes that recommendation; and although the Committee on Appropriations has not adopted it, I ask the House to adopt it.

Mr. RANDALL. Mr. Chairman, the law for the current year contains this provision:

Weigh clerk, abstract clerk, book-keeper, and assayer's computation clerk, at $1,600 each.

Now, this amendment, as I understand, proposes to increase the salary to $1,800.

Mr. GAY. And it is embraced in the estimates.

Mr. RANDALL. I send to the Chair the provision of law to which I have referred.

The CHAIRMAN. Will the gentleman from Pennsylvania inform the Chair whether there is any other law fixing this salary than this provision from the appropriation bill?

Mr. RANDALL. I know of no law except the appropriation act. It is fixed by the act of March 3, 1885.

Mr. GAY. This is an appropriation act?

Mr. RANDALL. Yes, sir.

Mr. GAY. The Director of the Mint, in pursuance of an urgent request from the superintendent of the mint at New Orleans, recommends that the salaries of these two clerks be increased by the addition of the pitiful sum of $200 each. I ask the Committee on Appropriations to assent to this amendment, or, if not, I hope it will be sustained by the House.

The CHAIRMAN. Assuming that the salary fixed in the law for the current year is that applicable by law to these offices, and there not appearing any contrary legislation, the Chair sustains the point of order.

The Clerk read the following:

Assay-office at New York: For salary of superintendent, $4,000; for assayer and for melter and refiner, at $3,000 each; chief clerk, assistant melter and refiner, and weighing clerk, at $2,500 each; book-keeper, $2,350; cashier, $2,000; warrant clerk, $2,250; bar clerk, abstract clerk, and assayer's computation clerk, at $1,800 each; assistant weigh clerk, $1,600; register of deposits, $1,250; assayer's first assistant, $2,250; assayer's second assistant, $2,150; assayer's third assistant, $2,000; in all, $38,750.

Mr. HEWITT. I move, in line 1282, after "thousand," to insert "five hundred;" so it will read "four thousand five hundred dollars."

Mr. RANDALL. I will submit that to a vote of the House. That is the law in the last appropriation bill. The committee considered it should be reduced.

Mr. HEWITT. If the gentleman states the committee considered it should be reduced, I ask to be heard on that question.

Mr. TOWNSHEND. They would not have made the recommendation if they had not so believed.

Mr. RANDALL. I have no objection to hearing the gentleman's statement. I wish, however, to get on with the bill.

Mr. HEWITT. Mr. Chairman, $4,500 is the existing salary in the case of a man who has been for thirty years in the Government service. He has received his position by his merits. He is not a partisan. He is not turned out; and he will not be turned out. I take it the object is he shall continue to render his valuable service on the same terms as heretofore. [Cries of "Vote!"]

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

For wages of workmen, $25,000.
For incidental and contingent expenses $10,000.

Mr. GLOVER. I wish to make an amendment to be inserted at the end of line 1299.

Mr. JAMES. I wish to move an amendment to the text of the paragraph.

The CHAIRMAN. The amendment of the gentleman from New York is first in order, and his amendment will be read.

The Clerk read as follows:

Insert after the word dollars, in line 1299, the following:
"*Provided*, That no part of this appropriation shall be used for parting or refining for private individuals or firms."

Mr. RANDALL. That amendment is subject to a point of order.

Mr. JAMES. I think not.

Mr. RANDALL. I will withhold the point of order to hear what the gentleman has to say.

Mr. JAMES. It does not change existing law. It simply says that this money shall not be used for parting and refining. They can carry on this work without using this money. I should like very much to stop this work of parting and refining at the Government mints and assay offices for private individuals, but in order to do that it is necessary to repeal the law. My amendment provides simply that none of this money shall be used for that purpose.

Mr. RANDALL. That is a change of existing law, as I will show.

Parting and refining is authorized by section 3524, as amended in Supplement to Revised Statutes, page 598, chapter 95, and the charges therefor are authorized to be used to defray the expenses. (Supplement to Revised Statutes, page 379, paragraph 8.)

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. GLOVER. Mr. Chairman, I move the following amendment, to come in after line 1299.

The Clerk read as follows:

Assay office, Saint Louis, Mo.: For assayer in charge, $2,500; one clerk, $1,000; in all, $3,500.
For incidental and contingent expenses, including labor, $3,000.

Mr. GLOVER. Mr. Chairman, this is not the first time an attempt has been made to abrogate the assay office in the city of Saint Louis by the expedient of dropping it from the appropriation bill. I can not but conceive that the effort now made has something to do with the differences concerning the further coinage of silver which have been considered in this House at the present session. Gentlemen may differ from me in that opinion, but my view will be more plausible when there is made a comparison of statistics between the work done in this office and that done in the other four assay offices for which provision is made in this bill.

It would seem as though the proposition to strike off the last addition to the force of assay offices was meant to prevent the expansion of the machinery giving facilities for the further coinage of silver, as the selection of this office for elimination can hardly be explained upon any other view. It appears that although this is the youngest institution of the kind now in existence, its progress has been more rapid, it has done more business in proportion to the time it has been established, than any other of the assay offices, all things being considered. It was opened January 3, 1883, and has therefore been in existence only five years. Like a new business house, it is necessary such an establishment should become widely known before it is widely patronized, but its progress for the first two or three years has been as rapid as that of any other, and after that its business has been constantly and rapidly increased every year.

I will read to the House the statistics showing the business transacted for the four years beginning in 1882, and pointing out the increase in the business at this office.

In 1882 the receipts were $15,392.45; in 1883, $46,170.06; in 1884, $80,801.61, and in 1885, $120,680.88.

Mr. RANDALL. What is the amount covered by the amendment?

Mr. GLOVER. It is the reproduction of the last appropriation.

By receipts, Mr. Chairman, I mean the amount of bullion deposited and purchased for coinage on Government account, and I hold in my hand a letter from the assayer of this office informing me that the receipts of this office this year will amount to $160,000.

Now, I hear my friend from Ohio on the left, General WARNER, insinuate that these statistics are not imposing in themselves, and that the business of the assay office must necessarily be transacted at a loss. I am perfectly willing to deal with that phase of the question, and will proceed to do so by comparing the business of the Saint Louis assay

office, which is stricken from the bill, with the business of the Boisé City office and that at Charlotte, N. C., both of which are retained in the bill. The assay office at Boisé City, Idaho, still in existence, had been open for seven years before it received in one year as much bullion as this office will receive during the current calendar year; and the office at Charlotte, N. C., still open, received in the tenth year of its existence only $133,544.27, which is less than this office will receive in its fifth year, and this was, moreover, the largest annual amount which that office had received up to that time.

It may be supposed that because this assay office is located in the Mississippi Valley, afar from the mines which exist in the West, that therefore a discrimination should be made against its continuance; but a direct comparison of the receipts as between the New York office and the San Francisco office show that this is no safe rule by which to govern the Appropriations Committee in its dealings with this question.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. REAGAN was recognized, and yielded his time to Mr. GLOVER.

Mr. GLOVER. I am very much obliged to the gentleman from Texas.

On this question of proximity to the mines, Mr. Chairman, it may be well to institute a comparison between the New York and Philadelphia offices and the San Francisco office. The usefulness of the assay office and the amount of its receipts depends as much on its proximity to the centers of trade, where the supplies are procured and the offices of the mining companies are located, as on its proximity to the mines themselves. In proof of this fact we find that the New York assay office received during the last fiscal year over $35,000,000 in gold bullion, or $10,000,000 more than the mint at San Francisco, which comes next in the list, and it received more gold of native production, that is, direct from the mines, than the Philadelphia mint and all of the other mints in the whole country combined, with the exception of the mint at San Francisco.

Now, I understood the gentleman from Ohio, General WARNER, to say that this office was not self-supporting, or to say something that would lead to that inference. I reply that none of the assay offices are self-supporting in the sense that the gentleman from Ohio means; and that this office is as much a self-supporting office as two or three of those whose existence is continued in this bill. That fact I will establish by a comparison of figures.

The assay office at Helena, Mont., expended $29,639.81 in the last fiscal year, and earned $4,704.30, or 15.87 per cent. of its expenses. The mint at Denver earned 17.59 per cent. of its expenses. This office at Saint Louis expended $6,509.09, and earned $783.65, or 12.05 of its expenses. The sum of $1,035.86, included in the expenditures, was spent for fitting up new rooms for a laboratory, an expense which will occur but once; and, it may be added, if this appropriation is discontinued it would be a direct loss to the Government of that expenditure. But the actual running expenses were therefore only $5,464.23, and the receipts were consequently 14.34 per cent. of the expenses. This is a larger average than that of two, or probably three, of the offices continued by this bill at the same period of their existence, and is within 3 per cent. of the record of the old and long-established Denver mint, in the heart of the mining country.

In fact, sir, one is almost led to expect that the prosperity of this young office and its prospects for the future are the inciting causes of the attack upon it.

Now, gentlemen, a word further and I am done. As my colleague from Missouri [Mr. BLAND] said the proposition is not what the expense is as compared with that of the other offices or the receipts as compared with the disbursement, but the indirect—I will not say the indirect but the direct—gain to the United States Government by having the office in existence; and I will cite to you a pertinent fact to establish the proposition that within one year the saving to the Government has been some $40,000. This was the fact as I understand it to which the gentleman from Missouri alluded when he arose. At the time it was proposed to abolish the office in 1884, Mr. Burchard, the Director of the Mint, stated that the existence of this office at Saint Louis enabled him to save about one-half of 1 per cent. on bullion purchased for coinage at the New Orleans mint, as by threatening to open the bullion market——

[Here the hammer fell.]

Mr. RANDALL addressed the Chair.

Mr. GLOVER. I should like permission to say one word more.

Mr. RANDALL. I yield the gentleman two minutes.

Mr. GLOVER. I thank the gentleman from Pennsylvania.

Mr. Chairman, as I was saying, by threatening to open a bullion market for silver at Saint Louis, where the works at Cheltenham belonging to the Saint Louis Smelting and Refining Company and the Kansas City Smelting and Refining Company, two of the largest refineries in the country, could deliver silver cheaper than in New York, he had virtually compelled the New York silver dealers to deliver silver to New Orleans at the same price as to Philadelphia, whereas the Government had been obliged before this office was opened to pay the transportation charges. Were it to be closed now no doubt it would have to pay them again.

Now, according to the report of the Director of the Mint for the fiscal year ending June 30, 1885, page 91, there was purchased for coinage for New Orleans, at the New Orleans mint, during that year, silver bullion to the amount of $8,549,171.95. One-half of 1 per cent. on this sum would be $42,745.85, or about eight times the total cost of running this office for the present fiscal year. It is clear in view of these figures the Government saved from $35,000 to $40,000 a year by keeping this office open.

[Here the hammer fell.]

Mr. RANDALL. I presume this omission was made because the subcommittee in the first instance, and the general committee subsequently, did not think this appropriation was necessary. But I would like to hear the exact reading of the amendment, so that I may understand the extent of what is proposed.

The Clerk read the proposed amendment, as follows:

After line 1299 insert the following:

"Assay office at Saint Louis, Mo.: For assayer in charge, $2,500; one clerk, $1,000; in all, $3,500. For incidental and contingent expenses, including labor, $4,800."

Mr. RANDALL. That is in excess of the estimate, and in excess of the amount appropriated last year. If the gentleman insists on $4,800 for that purpose, I must ask the committee to vote down the amendment. If, however, the gentleman will modify it by inserting in place of $4,800 the sum of $3,000, which is the amount of the estimate, I am willing to submit it to the vote of the committee without comment.

Mr. O'NEILL, of Missouri. Before this is done, I desire to call the attention of the House to the fact that assay offices, other than at Saint Louis, are located in Idaho, in Montana, in North Carolina, and in New York. This is the only one in the Mississippi Valley, and its removal will leave a gap of some thousand miles without such an office for the convenience of the people. I called on the Director of the Mint, and was assured by him he did not make this recommendation. He stated that he furnished the estimates for the continuance of the office, and that the suggestion came entirely from the subcommittee having this in charge.

Mr. CANNON. I desire to say as to this assay office, and all the others, unless it be the one at New York, that I am satisfied they should all be abolished, especially the one in North Carolina and the one at Saint Louis.

Mr. COX. Why does the gentleman object to the office at Charlotte?

Mr. CANNON. Allow me to proceed. There is some excuse for the office at Boisé City and the one farther west.

Mr. O'NEILL, of Missouri. Why does the gentleman except one at Boisé City, where there are the largest expenses and the smallest receipts, and which is within 200 miles of the assay office at Helena, Mont.?

Mr. CANNON. I say there is some little excuse for the one at Boisé City and the other in Montana; not much, however. It is in a mining district and is convenient for the producers of bullion.

Mr. O'NEILL, of Missouri. Will the gentleman pardon me one moment? The only office that the people of New Mexico and Southern Colorado can reach is the one at Saint Louis.

Mr. CANNON. That office is purely a convenience for the citizens of Saint Louis. It comes in competition with private assay offices and ought never to have been established. There ought never to have been any assay offices established anywhere, unless it be at New York, and I doubt the propriety even of that.

Mr. O'NEILL, of Missouri. The gentleman is quite mistaken.

Mr. CANNON. There may be some little excuse for the assay offices in the mining regions, but their principal use is to furnish salaries to the people who run them.

Mr. WARNER, of Ohio. It appears from the statement which has been made that it takes some $8,000 to do a little over $100,000 worth of work. That is, it costs 6 or 7 per cent. to do the work of this office. The sooner such offices are discontinued the better.

Mr. O'NEILL, of Missouri. It only takes $5,000 to do the work, and the receipts are $120,000.

Mr. BLAND. I remember when the bill was pending for the establishment of this office before the Committee on Coinage, Weights, and Measures I reported the bill and it passed the House. The then Director of the Mint, Mr. Burchard, claimed the bullion dealers in New York were imposing on the Department by requiring it to pay the transportation of bullion from New York to New Orleans. To prevent this, and to enable them to get bullion as cheap at New Orleans as at Philadelphia, Mr. Burchard proposed to have an assay office at Saint Louis; and with that understanding the House passed a bill to establish that office, and since its establishment bullion dealers at New York have furnished it to New Orleans the same as at Philadelphia. Now, do away with this office, and you simply place this Government under the control to that extent of the bullion dealers of New York; you let them get the advantage of the Government to one-half of 1 per cent. on all these transactions. I do not think that the continuance of this assay office ought to excite the prejudices of any one.

The amendment proposed by Mr. GLOVER, as modified by striking out $4,800 and inserting $3,000, was agreed to.

The Clerk commenced to read the next paragraph.

Mr. SYMES. Mr. Chairman, I desire to offer an amendment in line 1271.

Mr. RANDALL. Mr. Chairman, I make the point of order that that paragraph has been passed.

Mr. SYMES. Mr. Chairman, I was on the floor and endeavoring to get recognition when the Clerk was reading the paragraph in regard to the mint at Denver, but he passed on quickly to the one in relation to the New York assay office, and when that paragraph was reached the gentleman from New York [Mr. HEWITT] was recognized. I tried to get the floor, as gentlemen around me will bear witness, but immediately after the New York paragraph was passed the gentleman from Saint Louis [Mr. GLOVER] was recognized. I was constantly endeavoring to get the floor, but the eyes of the Chair were on the Democratic side, and I did not succeed in attracting his notice. It may be owing to the mildness of my voice that I have been overlooked. [Laughter.]

Mr. GALLINGER. Mr. Chairman, I will vouch for the fact that the gentleman from Colorado [Mr. SYMES] was on his feet and endeavoring to be recognized.

The CHAIRMAN. The Chair does not think it necessary to attempt to vindicate itself. The Chair has been endeavoring to act fairly and equitably. The gentleman from Pennsylvania [Mr. RANDALL] makes the point of order that this paragraph has been passed, and the Chair must sustain the rule.

Mr. CANNON. Mr. Chairman, I suggest that we might go back by unanimous consent. The gentleman from Colorado certainly was trying to get the floor.

Mr. SYMES. I was trying to get the floor, but when the gentleman from New York [Mr. HEWITT] was recognized I did not want to go on shouting. I ask unanimous consent to return to the paragraph in relation to the mint at Denver.

Mr. RANDALL. The only trouble about it is that if I go back for one I will have to do it for all.

Mr. SYMES. Well, if you want to establish the precedent that we have got to stand down here in front of the desk and yell, I will take my chances of drowning the voices of other gentlemen. [Laughter.]

The CHAIRMAN. The Chair has ruled upon the point of order.

Mr. SYMES. Well, Mr. Chairman, I now ask unanimous consent to go back to line 1271.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado to return to line 1271 of the bill?

There was no objection.

Mr. SYMES. I move to amend so as to increase the salary of the superintendent of the Denver mint from $2,250 to $2,500. Mr. Chairman, I am only asking that this salary shall be continued at the same rate at which it has stood ever since the mint was established. I find upon examination that since the establishment of the mint the salary has been $2,500, and I find that this bill cuts it down to $2,250. I apprehend that there is no reason for that reduction. I have only to add, sir, that I hope I am not so narrow-minded as not to desire that the superintendent of that mint, now that he is a Democrat, shall have the same salary that his Republican predecessors have had, and I do know that no gentleman who is fit to occupy that position can live respectably in the city of Denver on less than $2,500.

Mr. RANDALL. Mr. Chairman, although the heading of this paragraph is "Mint at Denver," it is really an assay office, and this is the same salary that is allowed in the office at Helena, Mont. I hope the increase will not be made.

The question was taken; and there were—ayes 55, noes 49.

So the amendment was agreed to.

The Clerk read as follows:

Territory of Alaska: For salary of governor, $2,600; judge, $2,500; attorney, marshal, and clerk, $2,500 each; four commissioners, $1,000 each; four deputy marshals, $750 each; in all, $19,600.

For incidental and contingent expenses of the Territory, stationery, lights, and fuel, to be expended under the direction of the governor, $2,000.

Mr. TARSNEY. Mr. Chairman, I move to amend by inserting, after line 1331, this provision:

For the education of children of school age in Alaska, without reference to race, $25,000, to be expended under the direction of the Secretary of the Interior.

Mr. RANDALL. In the absence of a reference to the law authorizing this amendment I must make the point of order.

The CHAIRMAN. Does the gentleman from Michigan claim that there is authority of law for this amendment?

Mr. TARSNEY. Mr. Chairman, we have a Territory in the Northwest——

Mr. RANDALL. The gentleman will pardon me, but I want to have a decision on the point of order.

Mr. TARSNEY. Very well.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURNES. Mr. Chairman, I move to amend in line 1324 by striking out "twenty-six hundred dollars" and inserting "three thousand dollars;" also in lines 1325 and 1326, by striking out "twenty-five hundred dollars" and inserting "three thousand dollars." My reason for offering these amendments can be stated in very few words. The organic law establishing the Territory of Alaska fixes the salary of the governor and the salary of the judge of the United States court at $3,000 each. Within the last few years two gentlemen have been appointed to those positions respectively, and have gone out a distance of nearly 5,000 miles to enter upon the performance of their duties with the understanding and expectation that their salaries should be as fixed by law. I submit, Mr. Chairman, that there is no gentleman on this floor who wishes a judge of a United States court to have his salary reduced to $2,500, and I trust there is no gentleman here who desires that the governor of a great Territory shall have his salary reduced to $2,600. Surely such reductions would not be creditable to the Congress of the United States.

Mr. BUTTERWORTH. There would still be a balance due them under the law.

Mr. BURNES. Yes, sir. They would have a valid claim, under the decision of the Supreme Court of the United States, for the difference between the amount at which their salary is fixed by the law and the amount appropriated; so that in any case we would make nothing by the reduction.

Mr. RANDALL. The salary under existing law is, I find, $3,000, but the governors of the other Territories are paid $2,600 a year, and I do not like to see the House make an exception in the case of Alaska. I do not think the duties of the governor of Alaska and the judge are so important as to justify any increase of their salaries beyond the amounts paid in the other Territories. Indeed, I think they earn their salaries more by staying out there at all than by any duties they have to perform; but I am willing to submit the question to a vote.

Mr. BURNES. Does not the gentleman from Pennsylvania know that these two officers will have valid claims against the Government for the difference between their salaries as fixed by law and the amounts appropriated here?

Mr. RANDALL. I think they will not, when this bill becomes a law.

Mr. BURNES. The gentleman will find in the Statutes at Large the act establishing a Territorial government in Alaska, a separate independent act, which fixes these salaries at $3,000 each. Now I submit that under the law we are bound to pay these officers that amount.

Mr. RANDALL. I think that before this bill becomes a law some way will be found to prevent any person provided for in it from having any claim against the Government for any sum beyond that which is appropriated in the bill.

Mr. HILL. Mr. Chairman, I agree with the gentleman from Pennsylvania that the salary fixed for these officers in Alaska is higher than the salary for like officers in the other Territories of the United States, but it must be borne in mind that the expenses of traveling to and from Alaska and the cost of living there are much greater. I know very well, Mr. Chairman, that nearly every proposition that has been made concerning this appropriation bill has been in favor of increasing expenditures. I am sorry that the whole session has passed away without our having had an opportunity to consider any proposition at all to reduce taxes. We have been informed by the gentleman from Illinois [Mr. MORRISON], the chairman of the Committee on Ways and Means, that on Thursday next he will endeavor to bring up a proposition to reduce taxes and to economize in the administration of the Government. At that time I hope to see my friend from Pennsylvania [Mr. RANDALL], who has such a well-earned reputation for economy, vote to consider that bill. I propose to vote in that way, without committing myself to vote for the passage of the bill in its present shape. While I am willing to vote to consider any bill reported to this House by any of its standing committees I do not thereby bind myself to vote for every proposition in it. I want that bill considered because I desire the opportunity to offer an amendment to strike out that clause which puts wool on the free-list. I will not vote for that provision; but there are a hundred good things in the bill for each of which I will vote; and I want the support of my economic friend, the chairman of the Committee on Appropriations, in voting to consider that bill next Thursday.

Mr. WARNER, of Ohio. When does my friend expect to get an opportunity to offer that sort of an amendment or secure a vote on it? Not this session.

Mr. HILL. The gentleman does not know what is going to happen this session. If we take up and consider that bill as it ought to be considered in a deliberative assembly like this I take it for granted we shall have the opportunity during the consideration of the measure to vote on the proposition I have indicated.

Now, Mr. Chairman, I have had the means within the last few weeks of learning a good deal about Alaska Territory, and my information is that immigration is pouring into the Territory all the time; that the Government has valuable property and vast interests to be protected there. I hope the House will adopt the amendment offered by the gentleman from Missouri and let these salaries stay just where the law fixes them.

Mr. MCADOO. I move a *pro forma* amendment. I have no doubt, Mr. Chairman, that the gentleman who now occupies the position of governor of Alaska is a very estimable person; and I believe, as the gentleman from Ohio [Mr. HILL] has stated, that the Territory will in the future become very important, and immigration will undoubtedly be attracted there, particularly on the part of those who like cool summers. [Laughter.] But I wish to say that if this House is to raise the

salary of the governor of Alaska, then I can not see how in justice to the gentleman occupying the position of governor of Arizona we can refuse to raise his salary.

Mr. HILL. I can tell the gentleman. The law fixes different salaries for the two offices. You can not raise the salary of the governor of Arizona Territory without subjecting your amendment to a point of order; but you can raise this salary.

Mr. MCADOO. I see the gentleman's point. But I say it would be an injustice to raise the salary of the governor of the Territory of Alaska and not to raise that of the governors of Arizona and Utah. Here are two men, each of whom is confronted with a great problem. In the Territory of Arizona the problem is the Apache trouble. In the Territory of Utah, the governorship of which, in my opinion, is an office next in importance to those occupied by the heads of Departments here in Washington, the governor is confronted with the Mormon trouble. To say that a gentleman of his ability (for a man must have considerable ability to occupy such a position) shall receive only the same salary as the officer who presides over the sparsely settled Territory of Alaska would be a glaring abuse of power on the part of Congress.

I believe that the salaries now established by law for the governorships of these two Territories are inadequate. These two governors ought to be men of first-class executive ability; in fact, they ought to be statesmen, men who would shine in any department of life; and that they should be sent to these important positions and expected to rule those two growing Territories, with the internal troubles every day arising there, for the beggarly pittance of $2,600, is something which ought to be remedied by legislation.

I therefore sincerely hope that the salary of the governor of Alaska will not be raised, because I believe that, taken in comparison with the salaries paid to the governors of the two important Territories I have named, it is adequate.

Mr. RANDALL. The law fixes the salary of all the Territorial governors except that of Alaska at $3,500; yet this bill provides in those cases for the payment of only $2,600. Hence, to raise the salary of the governor of Alaska from $2,600 to $3,000 would, it occurs to me, be unjust in regard to all these other officers.

Mr. TOWNSHEND. Mr. Chairman, I have no doubt it must strike the mind of every man that there ought to be an equality in the salaries of the governors of our Territories; but in view of the fact that the only clause in the bill which would lawfully limit the salaries of these governors to the amount proposed by the Committee on Appropriations has been struck out, and as it is apparent that we have not the power to economize by a reduction of these salaries, and in view also of the fact that the House seems to be in favor of voting the very highest salaries the law will permit——

Mr. RANDALL. I do not know that, until a vote has been had in the House by yeas and nays.

Mr. TOWNSHEND. I am satisfied from the votes already taken in Committee of the Whole that the disposition here is to give the highest salaries allowed by law; and the Committee on Appropriations is deprived of all opportunity to reduce expenditures by the reduction of salaries. Judging from what has transpired in the past, I have no doubt that when the vote shall be taken the House will put up this salary; and it seems to me, therefore, a waste of time to contend for any reduction in these matters.

I am satisfied, as is the gentleman from Pennsylvania, that these salaries ought all to be upon the same level, that there ought to be uniformity in the compensation of these officers; but from what has already occurred I anticipate what will happen in this case, and it seems scarcely worth while to spend time in resisting these propositions to enlarge official salaries.

Mr. RANDALL. The existing law, as I have said, fixes $3,500 as the salary of the governor in all these Territories except Alaska, as to which the salary is fixed by law at $3,000; but the proposition is now to allow the governor of Alaska $3,000 and appropriate for all the other Territorial governors $2,600 each. I hope the proposition will be voted down.

The question was taken; and Mr. BURNES'S amendment was disagreed to.

The Clerk read as follows:

Territory of Dakota: For salary of governor, $2,600; chief-justice and five associate judges, at $3,000 each; and secretary, at $1,800; $22,400.

Mr. CANNON. I move to strike out, in line 1349, "two thousand six hundred dollars," and in lieu thereof to insert "thirty-five hundred dollars;" so it will read:

Territory of Dakota: For salary of governor, $3,500.

Now, Mr. Chairman, the law provides that the governor of Dakota Territory shall receive a salary of $3,500 a year. This appropriation bill recommends $2,600, which is a reduction of $900 under the law. I think I need only state the proposition. This is Dakota Territory, and its governor, under the law, is entitled to $3,500 a year; why, therefore, should this appropriation bill provide only $2,600 in part payment of that salary, thereby sending to the Court of Claims this governor to recover the balance of $900 still due him under the law?

Mr. RANDALL. Let me ask the gentleman how long it has been since this salary has been reduced to $2,600?

Mr. CANNON. A good many years ago, no doubt.

Mr. RANDALL. It was ten years ago.

Mr. CANNON. Very well, then; say that it was ten years ago.

Mr. RANDALL. The governor of Dakota has been holding office at that salary for a good while. No removal has been made that I have heard of.

Mr. CANNON. The gentleman is not quite frank in his statement, for this salary has been reduced every year for nine or ten years by legislation. This year you have not attempted general legislation; you omit the legislation this time. The particular equity in this case is in the fact that here is the Territory of Dakota, the governor of which is entitled by law to receive a salary of $3,500 a year, and it is reduced in this appropriation bill to $2,600. This great Territory of Dakota has a population of 400,000 inhabitants. It is a Territory sufficiently large to make four States like that of Ohio. It is kept out of the Union, however, by main force, because the gentlemen on the other side of the House fear if they should admit it into the Union two or three Representatives on this floor and two Senators in the other branch of Congress would be added to the number already politically against them.

Now, until justice is done to the Territory of Dakota I think your former constituents, Mr. Chairman, and my former constituents, and the former constituents of other gentlemen upon this floor, should have the very best possible government they can get. I wish therefore in this bill to provide that their governor shall receive the salary which he is justly entitled to under the law. I think $3,500 a year is not too much. I do not propose to make the amendment in reference to the other Territories, although they are all entitled to $3,500, but perhaps $2,600 is enough in those cases.

Mr. TOWNSHEND. Does it not cost as much to live in the other Territories as it does in Dakota?

Mr. RANDALL. This salary was fixed in 1878 at $2,600, and my recollection is that it has been at that figure ever since. I do not see any particular necessity for raising it to $3,500 a year at the present time.

Mr. MCMILLIN. Mr. Chairman, these salaries are provided in this bill at just what they have been for eight or ten years. I insist, therefore, we are representing the sentiment which sent us here when we undertake to provide for these salaries no higher sum than heretofore has been allowed. I can speak unhesitatingly for myself on that question, because a number of these salaries, if not all of them, will be drawn by men of the party to which I belong.

The fact is, Mr. Chairman, salaries were increased to such a degree as would make even the prodigal son ashamed. The people believing what was said in regard to that matter sent those here who reduced these salaries to a proper figure. Now, they have remained at that figure ever since, and I object to their being increased unnecessarily in this bill. In the Forty-seventh Congress when the House became Republican the gentleman from Illinois was here on the other side of the House, and he was a member of the Committee on Appropriations when the same doctrine was adhered to concerning these salaries which characterized the administration of the Democratic majority.

Now, Mr. Chairman, having been sent here upon the ground we should practice retrenchment and reform in the administration of this Government, I do insist under the circumstances it is not a fair thing for us to increase these salaries beyond the figure at which they have been fixed for at least the past eight or ten years. There are patriotic and able men all over the country who are willing to accept these positions at the salary fixed in this bill without any unseemly scramble for them. I do not say it is ignoble or improper because of the aspirations of an American citizen to hold a public office. It is his right, and I do not make any remark, therefore, or any point upon any man who seeks to serve his country. But what I do insist upon is that we are not under any obligation because the men who are to hold these positions are of the same party to provide higher rate of pay for them. It is our duty to adhere to this report coming from this committee, which feels there should be no increase, and in case an increase is determined upon the RECORD shall show exactly who it is that favors such increase of salaries.

I say let the salaries stay just where they are now. The country has approved of the reduction which was made years ago, and there is no principle of justice which demands us now to turn our backs upon that principle. It has been accepted in good faith and is satisfactory; and I hope the amendment will be voted down.

Mr. MILLIKEN. I do not think the proposition of my friend from Tennessee, that there are plenty of men seeking office, is any argument whatever against the amendment. It may be said that there are plenty of men in this country who would be glad to take the office of President of the United States without any salary whatever simply for the sake of the honor it confers. The same may be said of other offices. I do not know but that some of our fellow-citizens might be glad of an opportunity to occupy the positions that we fill without any salary whatever.

Mr. MCMILLIN. I am not urging that. I made no such argument.

Mr. MILLIKEN. But the fact is, if that rule be adopted, that no man can hold office in this country unless he be rich enough to give up his private business and live upon his own resources.

But the real point is, why should not this man have the salary fixed by law? If the salaries are too high, why do you not bring in a general bill and reduce them in a regular way? I do not believe in this indirect way of accomplishing legislative results. If you give any of these officers any part of the salary fixed by law, withholding the remainder, they undoubtedly have a case which they can take to the Court of Claims and require the Government to pay the remainder. They can go to this court and make far larger costs against the Government, which it must appropriate to pay for, than the mere payment of the salary involves. You will have to pay both the costs and the salaries. I do not know what the salary ought to be. I am not discussing that question. It does not enter into the consideration of this question at all; but since these salaries are fixed by law, then in obedience to the law we must pay them. The man who accepts that office accepts it with the knowledge that the law fixes a certain salary for it, and he has a right to expect that salary to be paid to him.

Mr. RANDALL. There is not an applicant for this office who does not know that this salary has been reduced to $2,600, and that it has been standing at that figure for years past.

Mr. MILLIKEN. That does not change the question. The law gives a certain amount of salary, and it is the duty of the Appropriations Committee to comply with the law. You have no right to change it in this manner.

Mr. HILL. Mr. Chairman, since the committee has determined to cut down the salary of the governor of Alaska I have no desire to increase the salary of any of the other Territorial governors, because I believe the governor of Alaska ought to receive a larger salary than any of the rest. I think in the present instance the salary of the governor of Dakota is large enough.

But I wish to say a word to my friend from Illinois [Mr. CANNON] in response to his remarks complaining that Dakota had been kept out of the Union. I want to ask him why it was that his party in the Forty-seventh Congress, when they had a majority in both Houses, did not then admit Dakota as a State?

Why did the Senate of the United States in the Forty-eighth Congress vote down a proposition to admit Dakota into the Union? And further let me say to the gentleman that Dakota has never asked to be admitted into the Union as a State. There is no proposition on the part of the people of that Territory for admission. There is no memorial from her Legislature to come in. It is true that a part of her people held a mass meeting in the southern part of the Territory and got up what they called a constitution and adopted it, but that was done without consultation with anybody else.

Mr. RANDALL. Mr. Chairman, I must raise the point of order, and object to the gentleman discussing this question on an appropriation bill. There has been a hit now on each side, and that is enough. The discussion of the admission of Dakota is not in order under this paragraph.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The question was taken; and on a division there were—ayes 28, noes 51.

So the amendment was not agreed to.

The Clerk read as follows:

Territory of Montana: For salary of governor, $2,600; chief-justice and two associate judges, at $3,000 each; and secretary, at $1,800, $13,400.

For legislative expenses, namely: For per diem of members and officers of the Legislature, mileage, and for printing bills, laws, and journals, $17,724.80; rent of secretary's office, legislative halls, and committee-rooms, and storage-room for Government property, fitting up halls, removing furniture, clerk, porter, and messenger for secretary's office, postage, stationery, official printing, fuel and lights, stoves, carpets, furniture and repairs on furniture, and telegraphing, $4,275.20; in all, $22,000.

For contingent expenses of the Territory, to be expended by the governor, $500.

Mr. TOOLE. I move the adoption of the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding to line 1405—

"*Provided*, That the sum of $900 of said amount is hereby specifically appropriated for the salary of clerk in the secretary's office."

Mr. RANDALL. I reserve all points of order on that amendment until the gentleman from Montana makes an explanation of it.

Mr. TOOLE. Mr. Chairman, this amendment does not increase or decrease the amount appropriated by the bill. It simply provides that the sum of $900 of the gross amount appropriated shall be specifically set apart for the payment of the salary of the clerk in the secretary's office. In the first place, the clerk mentioned in the amendment is provided for in the bill, and the sum of $900 was the estimate made by the Department and furnished to the Committee on Appropriations for his compensation. I offer the amendment for the reason that I know personally within the last fiscal year the sum of $600 was required to be paid by the secretary himself as part of the salary of the clerk, being a deficiency to that extent; and the appropriation as now reported by the committee is $845 less than the estimates of the Department. So that it will be seen that this does not increase or decrease in any way the amount recommended, but simply specifically appropriates a sum for this payment.

Mr. RANDALL. On an examination of the estimates I find that provision has been made for this clerk; and I will not insist upon this point of order.

The amendment of Mr. TOOLE was agreed to.

The Clerk read to line 1433, under the heading "Territory of Utah."

Mr. RANDALL. Now I ask the Clerk to read the paragraph on page 62 relating to the office of Inspector-General.

The paragraph was read.

Mr. RANDALL. Some member objected to that paragraph and it was passed over, but no amendment was offered. I ask the Clerk now to read, on page 69, the paragraph relating to public buildings and grounds. I think no further objection was made as far as page 68.

The Clerk read the paragraph on page 69 relating to public buildings and grounds.

Mr. PRICE. Do I understand the gentleman from Pennsylvania to say that no objection was made as far as page 69?

Mr. RANDALL. I said page 68.

Mr. PRICE. The clause on page 68, from line 1657 to line 1668, appropriating for rent of buildings for use of the War Department was objected to by myself.

Mr. RANDALL. It is sufficient for the gentleman to say so. I do not have it so marked.

Mr. PRICE. I only made the objection with the view of calling the attention of the House to the fact that so large a portion of the sum appropriated by this bill is for rents.

I move to strike out the last word, for the purpose of enabling me to say that there is in this bill $105,520 for rents. Nor is this all. There is, perhaps, an equal amount where the appropriation is partly for rent and partly for other things, and the exact amount for rent can not be ascertained. I can not learn it from the bill.

I claim, Mr. Chairman, that the committee should not be asked to appropriate $200,000 for rent. I know positively of $105,120; and I know there must be about as much more, but I can not learn the precise sums from the bill. It seems to me there is a useless expenditure of public moneys for rent, which ought to be avoided by some means—I do not know how.

In this connection I may say that all over the country we adopt the policy, where we have any public business to do, of appropriating money with which to erect public buildings for the use and benefit of the Government. Why that policy is not pursued at the capital of the nation I can not tell. Here a great deal of money is expended uselessly in my opinion in that way.

I may say also, a great deal of money is expended, in my opinion—I do not expect to change the bill, but I call attention to it—in buildings that are absolutely worthless for the purposes intended. I think we might by judicious management avoid the expenditure of so large a sum if we were to address ourselves to ascertaining how we might obtain these buildings at less cost than is provided for in this bill.

I do not think it is necessary for me to say anything more on this subject. I give it as my opinion that we are spending $150,000 or $175,000 for rents when we should not be expending any such amount. If the committee had done its duty a better plan might have been submitted, whereby money might be saved and the service of the Government be equally well performed.

I withdraw the formal amendment.

Mr. RANDALL. I renew the formal amendment and yield the floor to the gentleman from Virginia [Mr. CABELL.]

Mr. CABELL. The Committee on Appropriations sent out a subcommittee to look into this matter of renting houses and if possible to have the rents reduced. The Committee on Appropriations did its duty in this respect. As much time as it was possible to give to the question was given to it. If the gentleman will examine the bill of last year as well as the bill of this year he will see that reductions were made in two or three instances. Wherever we could make reductions we did make them, and we were just as anxious to make those reductions of rent as the gentleman from Wisconsin could possibly be. If he knows any means or method whereby we can reduce these rents from the present rate and will give us the information it will be a matter of great satisfaction to the committee and we will vote with him, I am satisfied, most cheerfully. We did our best and were anxious to do more.

Mr. WARNER, of Ohio. Is it not expected that on the completion of the new War Department these offices will be transferred to that building so that there will be a saving to that extent?

Mr. CABELL. Yes, sir; and it was for that reason we could not in some instances get the rents reduced, because it was understood by the people having houses to rent that that would be the case; that some of these offices would be removed. Consequently they would not make any reduction upon the rents of the buildings which they are now renting to the Government. They did not want to take any such risk. They regarded the Government's tenure as very uncertain, and were not anxious to rent to it at present rates.

Mr. PRICE. As gentlemen on the committee seem to desire some suggestion to aid them in the line of economical expenditure of the public moneys, let me make one suggestion to them. We have got between

this Capitol and the river lands enough upon which to erect all the public buildings which we need. Money is worth to this Government about 3 per cent., and I venture the suggestion, though I do not absolutely know it, that we do not rent these public buildings for less than 16 to 18 per cent. of the cost of their construction. Now, if we took the land which we give to a railroad company—without, as I understand, getting anything at all for it—if we utilized that land and erected our own buildings upon it, would it not be better economy than this plan of renting buildings all over this city at a cost greatly in excess of the interest on the money for which these buildings could be erected?

Mr. CABELL. That may be very true, but that is a matter with which I had nothing to do and with which the committee had nothing to do.

Mr. WARNER, of Ohio. Oh, we are putting up public buildings fast enough.

Mr. PRICE. But are you putting them in the right places?

Mr. CABELL. As for the rents we pay, they do not amount to so much as the interest upon the expenditures that would be required to erect suitable buildings. I may state, however, that in a short time removals will be made from some of these hired buildings into the new Pension Office and other buildings belonging to the Government.

Mr. MILLIKEN. Mr. Chairman, I would like to ask the Committee on Appropriations if they can give the House any information as to the percentage upon the value of the property hired that the Government is now paying in the shape of rent? My friend upon my left [Mr. WARNER, of Ohio] thinks that we are erecting public buildings enough.

The Committee on Public Buildings and Grounds have taken the position assumed by my friend from Wisconsin [Mr. PRICE] that it would be much better for the Government to erect suitable buildings for its own purposes in this city with money at 3 per cent. than to pay from 12 to 17 per cent. upon the cost of the buildings we use, as I am informed we are paying now, in the shape of rent.

Mr. CABELL. That may be so, but I submit that that is a question that was not referred to the Committee on Appropriations.

Mr. WARNER, of Ohio. Our experience is that it costs more to keep our public buildings in repair than to construct them.

Mr. MILLIKEN. If gentlemen have any doubt as to the kind of buildings that we are hiring and paying rent for they had better go through the city post-office, a place which seems fitter for the habitation of rats than of clean Caucasians who like to occupy decent offices and to do business with reasonable convenience—a place, too, where the Government has not the slightest safety or protection for its papers and records.

Mr. RANDALL. Mr. Chairman, I agree with the general scope of the remarks of the gentleman from Wisconsin; I believe we ought to gather these offices into our own buildings. The subcommitte on Appropriations sought to reduce the rents provided for in this paragraph. The Adjutant General's Office, for instance, and the Surgeon-General's Office are largely incidental to the Pension Office, and that source of expense will be reduced naturally as we get further away from the war. Now, in reference to this plan, the committee have provided in the sundry civil bill that the Indian Bureau, the Educational Bureau, the Land Office, the Labor Bureau, the pension agent of this District, and the Geological Survey shall go into the new Pension building; thus making an aggregate reduction of $37,100 in the rents now paid. It will be seen, therefore, that the policy of the committee is directly in the line indicated by the gentleman from Wisconsin [Mr. PRICE].

The amendment was withdrawn.

The Clerk read as follows:

For per diem in lieu of subsistence of inspectors and clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $2.50 per day, and for actual necessary expenses of transportation, $10,000, to be expended under the direction of the Secretary of the Interior.

Mr. LAIRD. Mr. Chairman, I desire to offer an amendment to come in after the words "Secretary of the Interior," in line 1961.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

In line 1961, after the words "Secretary of the Interior," insert the following proviso:

"*Provided*, That the Commissioner of the General Land Office shall at once pass to patent, in due and ordinary course of law, without the obstruction of unauthorized boards, all homestead and pre-emption claims in the districts of agricultural lands upon which final proof has been made before the local land-offices, and against which no specific charge of fraud is proved or pending."

Mr. RANDALL. Mr. Chairman, I make the point of order against that amendment that it changes existing law.

Mr. LAIRD. I beg the gentleman's pardon. There is no existing law. Your Land Commissioner is against the existing law; this amendment is not.

Mr. RANDALL. I ask for a decision.

The CHAIRMAN. The Chair sustains the point of order.

Mr. REED, of Maine. I hope the gentleman from Pennsylvania [Mr. RANDALL] will give us the existing law.

Mr. RANDALL. There is not any existing law, as the gentleman from Nebraska admits; but this makes law, and therefore it is in violation of the rule

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For connected and separate United States and other maps prepared in the General Land Office, $10,000.

Mr. LAIRD. Mr. Chairman, I move to amend by striking out the last word. Under the theory and guise of protecting the public domain from so-called "plunderers" the Commissioner of the General Land Office is running a vendetta against the best interests of all the territory beyond the Missouri River. By his order of April 3, 1885, he suspended the due operation of the land laws of the United States against half the continent.

Mr. RANDALL. This is not the place to correct anything that may be wrong in that respect, nor to discuss it.

Mr. LAIRD. Am I not in order, Mr. Chairman?

The CHAIRMAN. The gentleman from Pennsylvania, as the Chair understands, raises a question of order.

Mr. RANDALL. I ask that the gentleman shall confine himself to the proposition before the Committee of the Whole.

Mr. LAIRD. Under the guise of the protection of the public domain this man Sparks is clouding the title and menacing the homes of the people in the country I represent.

Mr. RANDALL. Whenever that subject is appropriately before the House I will not throw the least obstruction in the way of debate by the gentleman from Nebraska or any other gentleman, but I must insist upon the rule being administered touching this bill because I desire to have it passed at the earliest possible moment.

Mr. LAIRD. Is not this bill subject to discucsion?

Mr. RANDALL. Oh, yes, as to any question really germane to the bill.

Mr. LAIRD. Is not this item subject to discussion? It proposes to make the Treasury of the United States pay the hire of a lot of political papsuckers who go around undermining the titles of honest settlers. I want to discuss this question.

Mr. RANDALL. I will join the gentleman in correcting any abuse which may exist in any proper way——

Mr. LAIRD. I thank the gentleman for his manly offer. If you will do that, will you allow me to proceed now?

Mr. RANDALL. No; I do not think I am warranted in allowing this matter to be discussed except——

The CHAIRMAN. The gentleman from Nebraska has moved a *pro forma* amendment, and the gentleman from Pennsylvania insists that the gentleman from Nebraska is not discussing the amendment.

Mr. RANDALL. I insist on the discussion being germane to the bill.

Mr. LAIRD. I move to strike out the entire paragraph authorizing the employment of special agents. That is what I want to get at.

The CHAIRMAN. The gentleman will proceed.

Mr. LAIRD. In the moment allotted to me under the rules I desire to call the attention of the House and the country to the fact that Commissioner Sparks has in his brief career robbed or attempted to rob eighty-four thousand settlers, generally heads of families, representing a population of over 250,000 people, of their vested rights in and to 13,320,160 acres of land which they have taken from the public domain in compliance with the public-land laws of the United States.

Having accomplished this reform in less than one year, the Commissioner, backed and flanked by the band of hireling spies provided by this item, proposes to show the country what further he can do in the way of unsettling the land titles of half this continent, and driving the peaceful possessors of the soil supposed to be the common heritage of the people forth from their homes to the end that he may pose as a reformer, and drink the paid flattery of his gang of spotters, spies, and poisoners of the tenures of the settlers of the West.

Mr. Chairman, in the name of a constituency of brave and honest men, who are, however, slanderously denounced by the spies of this Department as land thieves—robbers of the earth—I protest against the great Government of the United States lending itself to an outrageous invasion of the property rights of the people as well as to an infamous libel upon their honor.

I trust that every man who stands upon this floor as the advocate and defender of the rights of the poor will vote with me to take from this man Sparks who, from either mistake or malice, seems bent upon the depopulation of the agricultural districts of the West, a power, namely, a band of secret and hired spies, which becomes in his hands a perpetual menace to the development of the agricultural lands across the Missouri, and particularly in the States of Nebraska and Kansas and the Territories named in his order of April 3, 1885.

Gentlemen ask how it is possible that such a gigantic outrage is possible. I will answer, but I can only state conclusions. He sends these agents into the field to find fraud. Mind you to find fraud. And they are advised that their reports are privileged. No claimant can see the report. It is sacred from the scrutiny of those whose rights are subverted by it. It is sacred to injustice and their master, the Commissioner. They have full license, and their opinion, founded upon stealth and sacred from inspection—their opinion, mark you—not their sworn and specific charge, but their loose and confidential opinion, derived from hearsay, becomes the ground of a general and sweeping order suspend-

ing the patents of eighty-four thousand settlers having under the statutes and the decisions of all the courts vested rights in over 13,000,000 acres of the public land, acquired by hardships which have tried the courage and endurance of the best and most honest of the entire population of the nation.

This is no declamation, Mr. Chairman, and I say out upon a policy which arms the Government against that class of its population which is its stay in war and its stability in peace; out upon a policy infamous in any country, but still more monstrous when applied to freemen in free America!

By the operation of the order issued by the Commissioner of the General Land Office on the 3d of April, 1885, some eighty-four thousand homestead and pre-emption entries were suspended. Thereby the Commissioner impeached the testimony of something like two hundred thousand persons, the claimants themselves and their witnesses, backed up by the certificates of the appointed agents of the Government in the local land offices, who are called upon to pass upon the question of the sufficiency of this proof; and this was done upon the opinion, miscalled evidence, of from eighteen to twenty-seven special agents such as he proposes by this paragraph to turn loose upon a long-suffering community, already nearly persecuted to death.

The consequences of that upon the country west of the Missouri, in the States of Nebraska and Kansas and the Territories of Dakota, Montana, Idaho, Washington, &c., is that settlers there are practically driven from their homes. They are confronted by the fact that under the order of the Commissioner suspending the operation of the law they are unable to raise any money with which to provide themselves with bread during the time intervening from the date of settlement until their lands are in a condition to raise a crop.

Mr. BUTTERWORTH. Just at this point will the gentleman explain to the House the precise *modus operandi* by which a man acquires his right to a patent, and how he is injured by this delay?

Mr. LAIRD. I will do so. A person who is twenty-one years of age, a citizen of the United States, or has declared his intention to become such, or is the head of a family, moves onto a tract of land, subject to entry—that is not previously entered in good faith by another qualified person—and having settled thereon makes a homestead entry or pre-emption, filing literally an affidavit in which he sets out that he is of the required age, that he is a citizen or has declared his intention to become such, and that he has settled on and is then residing on the land described, and that he takes the same for a home. He must build a house on the claim and cultivate and make it his home, if a pre-emption, for at least six months; if a homestead, for five years, unless he was a soldier, in which case his service, not exceeding four years, may be deducted from the five years' required residence, unless he should desire to commute the entry, in which case he proceeds as in the case of a pre-emption claim before described. When he has done this and desires to "prove up," that is, take the title to himself, which, during the time of his settlement has remained in the Government, he gives notice for sixty days in some paper published and circulated in the county where the land is situated, stating that at a day named he will appear at the local land office with his witnesses, two in number, naming them, and make proof of his compliance with the law as to settlement on and improvement of the tract in question.

If he appears at the time mentioned and makes the proof required under oath and in writing, and the register and receiver of the local land office are satisfied with the sufficiency of the same, they receive from the claimant, in case it be a pre-emption claim or commuted homestead, $1.25 or $2.50 an acre for the land "proved up," or according as the land is within or not within the grant of a railroad, and thereupon issue to the claimant what is called a "final receipt," being the duplicate receipt of the register and receiver of the given land office, which recites that in consideration of his compliance with the law and the payment of the required fees and purchase-money the claimant is entitled to a patent to the tract described. In the case of an uncommuted homestead the claimant proves settlement and improvement as required by law and pays the land-office fees and takes his final receipt, which entitles him to patent.

These final receipts so acquired, and eighty-four thousand of which Commissioner Sparks has suspended and rendered inoperative, are held to be absolute title by all the supreme courts of all the States where land has been acquired from the General Government, and this decision of the State courts is affirmed by the Supreme Court of the United States, and from this interpretation of the law no man on earth dissents except Sparks. Probably from five hundred thousand to a million people in the States of Kansas and Nebraska have no other or better title to-day.

As soon as a final receipt is issued for lands they become taxable and are taken and sold for State and municipal taxes. Millions of dollars of loans are held throughout the East on titles based on final receipts. This being the law it was always possible heretofore for a man to raise from $100 to $500 on a mortgage based on such a receipt. Now it is impossible to raise a penny, and that because of the order and general cussedness and uncertainty of Sparks.

Now, Mr. Chairman, having seen that there is no authority of law for the actions of the Commissioner, it becomes important to know what authority of fact he can furnish for his proceeding. Upon what authority of fact does the Commissioner arrest the due operation of the laws?

I hold in my hand a copy of his report and the testimony of eighty-four thousand claimants, backed up by two witnesses each, and the certificates of the officers of the Government who certify to the good character of those giving the testimony, which testimony is only given after sixty days' notice to all the world that the parties propose to offer it. And this entire mass of testimony is impeached upon the hearsay say-so of less than eighteen of those spies who go about the country to blackmail the title of honest settlers. I read from what one of these people says in his report.

[Here the hammer fell.]

Mr. NELSON obtained the floor and said: I yield my time to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. This man says:

In my opinion all the titles or 90 per cent. of the titles in the States of Kansas and Nebraska and the Territory of Dakota, &c., are fraudulent.

"In the opinion." Since when, Mr. Chairman, was a hired assassin of the titles of honest men entitled to give "opinions." Do we hold our rights subject to the discretion of a set of spies in the field and a demagogue in the position of the Commissioner of the General Land Office? Since when has not only the sworn testimony of over two hundred thousand persons and the certificates of the trusted officers of the Government but the presumptions of law that arise in behalf of the good faith of the proceedings of public officers been impeached by the "opinion" of a set of spies based on what they hear from persons unknown or what they see while traversing the country, forming their "opinion" of fraud from the window of a palace-car?

What right have such men to charge that in their opinion 90 per cent. of those who have entered claims and who are to-day living in Kansas and Nebraska have succeeded in securing such claims by fraud? Yet, sir, that is the character of testimony upon which the presumption has been raised and upon which the claims of thousands of people are "hung up" by the Commissioner of the General Land Office. He asks at the hands of Congress that this system, which has become infamous in the country, shall be continued by the payment of $10,000 more to this floating gang of secret spies who condescend to absorb our means, drink whisky at our expense, and ride down and damn our people.

Mr. Chairman, let me say in this connection that I do not stand here as a defender of the thefts of the public domain. I will go as far in any rational direction to defend it as will Commisssioner Sparks, but sir, in Nebraska and Kansas, in the region where there are a hundred applicants for every claim on the public lands, where the land offices are open to complaint against the sufficiency of any man's title, there is no question but the administration of the laws and the protection of the public domain can be trusted to the people themselves.

If I have acquired a title without compliance with the law concerning improvement and settlement, then A B can file his contest against me. The case will be heard and the decision made, and if I have not complied with the law I will be dispossessed and my claim will be delivered over to A B.

So it will be in every other case the moment it is proved that there has been a substantial violation of the law as to the improvement and settlement of settlers on the public domain in the region of agricultural lands. We have already at least fifty land officers in the States of Kansas and Nebraska. Are they not sufficient to watch over the public lands? You have them in every State and Territory. If you can not trust them to administer the laws put them out and put others in that you can trust—but save us from secret assault and mad reform.

What necessity then is there, Mr. Chairman, for this money? Nothing but this hue and cry against these settlers upon the public lands raised by these very agents. What is there to justify the charge that of all the men who live on these claims 90 per cent. are there through fraud? Nothing save a bought and "paid-for opinion;" and I therefore move to strike out the entire paragraph.

Mr. SPRINGER. Mr. Chairman, I regret that the gentleman from Nebraska has taken occasion at this time to attack the present administration of the Land Office under Commissioner Sparks, and especially on account of an order suspending final action upon entries on the public domain in certain localities.

That order of Commissioner Sparks was made when he entered upon the duties of his office, and was for the purpose of suspending final action, which was the granting of patents in certain instances upon the public lands and in certain localities for reasons which he has assigned in his report. Was he warranted in making this order suspending final action?

Let us see. I maintain that he was. The authority upon which the action was based was derived from information and reports of special agents of the Interior Department appointed by the previous Secretary of the Interior. These reports were made under the operation of an order issued by the former Commissioner of that office.

Mr. LAIRD. Will the gentleman permit a suggestion?

Mr. SPRINGER. I prefer not to yield the short time I have now. I want to call the attention of the committee to the fact that Mr. McFar-

land in several of his reports had directed the attention of Congress to this very fact and made similar recommendations.

Mr. LAIRD. Did he issue any general order suspending the operation of law in a whole Territory?

Mr. SPRINGER. I will state to you exactly what he did. Mr. Sparks in his report used this language:

At the outset of my administration I was confronted with overwhelming evidences that the public domain was being made the prey of unscrupulous speculation and the worst forms of land monopoly through systematic frauds carried on and consummated under the public land laws. My predecessor—

That is Mr. McFarland—

had for three years called the attention of Congress to the extent and magnitude of fraudulent appropriations of public lands, and, as shown by his general and special reports, had found it necessary to suspend the issue of patents in several States and Territories, either wholly or in certain classes of entries and special districts of country.

Mr. LAIRD. That was not with reference to the agricultural lands.

Mr. SPRINGER. That is what Mr. McFarland did. Mr. Sparks goes on as follows:

It appears that at the approaching end of the last administration these suspensions were removed by official order, and that a flood of suspected entries had been passed to patent and were passing to patent when I assumed the duties of this office. Applications for suits to set aside patents on ground of fraud, where the patents had been issued as late as the 3d of March, 1885, had already been presented. Reports of special agents, registers and receivers, and inspectors of surveyors-general and local land offices, communications from United States attorneys and other officials, and letters from public men and private citizens throughout the country, were laid before me, all detailing one common story of widespread, persistent public land robbery committed under guise of the various forms of public land entry.

These reports come, mind you, from the officials of the Interior Department who had been appointed by the predecessor in office of Mr. Sparks, the appointees of a previous administration. They were Republicans who made the reports, and not the "hirelings" of a Democratic administration, as my friend from Nebraska has been pleased to call them, and to which he asks the attention of the House as being engaged in this business.

Mr. BUTTERWORTH. Let me ask my frind a question. Do you not think that in the wide sweep of that order, which included the innocent and the guilty alike, there was not the exercise of that wise and just discrimination that should characterize the administration of an officer charged with such a trust as is imposed upon the Commissioner of the General Land Office?

Mr. SPRINGER. The fact is, sir, that the fraudulent appropriation of the public domain was so widespread and so universal that there was but one way to meet the danger, and that was to suspend final action upon the granting of patents until all of the formalities required by the land laws of the United States had been complied with. That was all that Commissioner Sparks did in his order, and I defy any man to contradict that he has saved more acres of the public domain than any of his predecessors.

Mr. LAIRD. And I would like the gentleman to show that he has ever saved an acre of it.

Mr. SPRINGER. I repeat, he has saved the public land from spoliation and fraudulent entry, and for doing this he is to receive the thanks of the American people, who desire the lands to be used for homes for the honest toilers of this country, and not for rings of land speculators. This he will receive, Mr. Chairman, notwithstanding the odium that is attempted to be cast upon him by gentlemen here to-day.

Mr. PERKINS. Where is the evidence that he has ever saved an acre of the public land?

Mr. SPRINGER. I will show the gentleman.

Mr. CUTCHEON. I would like to ask the gentleman from Illinois how long Commissioner Sparks had been in office when he made this sweeping order?

Mr. SPRINGER. But a few days.

Mr. CUTCHEON. So I understood.

Mr. SPRINGER. Now, I want to call the attention of the committee further to some statements contained in the official report of the Commissioner of the Land Office. He uses this language:

In many sections of the country, notably throughout regions dominated by cattle-raising interests—the vast area lying west of the ninety-ninth meridian—examinations, wherever made, had developed at all points that entries were chiefly fictitious and fraudulent and made in bulk through concerted methods adopted by organizations that had parceled out the country among themselves and were maintaining seized possessions of unentered lands by boundaries and inclosures defended by armed riders and protected against immigration and settlement by systems of espionage and intimidation.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, a message in writing from the President was communicated to the House by Mr. PRUDEN, one of his secretaries.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. TOWNSHEND was recognized, and yielded his time to Mr. SPRINGER.

Mr. SPRINGER. I am much obliged to my colleague.

I continue reading from the Commissioner's report:

In other cases, as in farming regions approximate to the cattle belt, it was shown that individual speculation, following the progress of public surveys, was covering townships of agricultural land with entries made for the purpose of selling the claims to others, or by entries procured for the acquisition of lands in large bodies.

Again, in timbered regions, the forests were being appropriated by domestic and foreign corporations through suborned entries made in fraud and evasion of law. Newly discovered coal fields were being seized and possessed in like manner.

The question of my own duty, as the administrative officer immediately charged under the law with seeing that the public lands were disposed of only according to law, was at once forced upon me. Should I continue to certify and request the issue of patents by the President indiscriminately upon entries which there was every reasonable ground to believe were fraudulent in a greater part, or should I withhold such final action until examination could be made and the false claims separated from those that were valid?

I maintain, Mr. Chairman, that this is all that Commissioner Sparks has done, and in doing it he is entitled to the thanks of Congress and the gratitude of the country. He has simply withheld final action until he could sift out the fraudulent from the honest; and in doing this he ought to be assisted by Congress, and is being assisted by the agents, appropriations for whom the gentleman from Nebraska desires to strike out of the bill.

Mr. Sparks pertinently asks in his report:

Should I disregard cumulative evidences of the universality of fraudulent appropriation of public lands and become an official instrumentality of their consummation, or should I say, "I mean to know what I am doing before I ask the President of the United States to sign any more land patents?"

That was the question which was presented to the Commissioner, and this was the manner in which he proceeded to perform his duties.

The final action upon these patents was the issue of the patent with the signature of the President of the United States. It was not interfering with the operations of the Land Office in any remote district of the country; but it was simply to stop final action until such investigation should be had by agents of the Department so as to enable the Commissioner to determine where the fraudulent entries were. If gentlemen will read the report from page 50 to page 63 or page 64, they will find the reports of agents of land offices who were in office when Commissioner Sparks assumed the duties of his office, in which they stated, as was stated by the gentleman from Illinois [Mr. PAYSON], my colleague, last Monday, in discussing the bill to repeal the pre-emption, timber-culture, and desert-land laws, that 90 per cent of these entries were fraudulent. And if the evidence had accumulated, showing the fact that 90 per cent. of the entries of the public domain were fraudulent, what would you have thought of a Commissioner, in the face of that evidence furnished by agents appointed by his predecessor, if he should have proceeded to grant patents? He should have been impeached and removed from office as a *particeps criminis* in the greatest fraud of the century, the spoliation of the public domain.

Mr. RANDALL. I would like to ask the gentleman from Nebraska [Mr. LAIRD] to agree as to fixing some time for closing this debate.

Mr. REED, of Maine. I think this matter had better be ventilated.

Mr. RANDALL. There is no disposition not to tell everything connected with this matter, so far as we know. That is not the point I want to get at. I want to know whether the gentleman from Nebraska and I can agree, and the House can confirm that agreement, as to the length of time desired for the discussion of this paragraph. I am desirous of getting on with the bill. I am not going to be exacting at all as to the time allowed, but I wish to have the time fixed.

Mr. BUTTERWORTH. I suggest to the gentleman that the country feels a great interest in this matter. I suppose his own constituents are interested in it, as certainly mine are. It is a question about which they are very solicitous.

Mr. RANDALL. I understand it is an important matter, but it is not more important than the passage of this bill and sending it to the Senate.

Mr. BUTTERWORTH. Perhaps I would have said the same thing by this time if the gentleman had permitted me to say it. I think some time might profitably be devoted to this matter, that the country may understand the position of it.

Mr. RANDALL. The gentleman from Ohio will remember that this discussion is more appropriate on the sundry civil bill.

Mr. REED, of Maine. But since it is commenced here we may as well go through with it.

Mr. LAIRD. What does the gentleman from Pennsylvania say to the proposition of allowing an hour for debate?

Mr. PERKINS. An hour is not too much.

Mr. RANDALL. I am willing that by unanimous consent the debate shall run for another hour.

The CHAIRMAN. Is there objection to the proposition that the debate on the pending paragraph shall continue for one hour?

There was no objection.

Mr. RANDALL. The time already occupied I believe is even on each side.

The CHAIRMAN. Just even.

Mr. RANDALL. Therefore the rest of the time will be allotted by the Chair.

Mr. MCADOO. Mr. Chairman, from the vigor of the attack made upon the Commissioner of the General Land Office, both in this House

and in certain public newspapers, one thing is absolutely certain, either Mr. Sparks is maladministering and disgracing his office, or else he has aroused the passions of certain persons who have an interest in getting hold of the public domain to the injury of the people of the United States. Now, Commissioner Sparks came into office under peculiar circumstances. There was an aroused public opinion throughout the country that the public domain of the United States was getting dishonestly into the hands of large capitalists. The *bona fide* settlers, the men who were making entries for the purpose of getting homes and building up the country, were sending out appeals through the press to the Government of the United States to protect them from parties who were making unfounded claims upon the public domain for dishonest purposes—retarding its healthy and enduring growth.

Nothing has been adduced here to show that the Commissioner of the General Land Office has not the discretionary power as to when he shall issue a patent. There is lodged in this officer discretion as to whether in his opinion the claim has been honestly pre-empted, the settlement honestly taken up, and the conditions of the law complied with. If he is not satisfied—and as an honest man he is obliged to be satisfied—that these conditions have been complied with, he is not required by the law to issue a patent.

Now, as he says so eloquently and pathetically in his report, when he was confronted with testimony, not of men whom he or this administration had been instrumental in appointing, but by the testimony of the agents of the last administration, by letters of the honest settlers in the West, by an aroused public opinion, that these laws had been used for the purpose of stealing the public lands, there was but one course for an honest public officer, and that was the one pursued by Mr. Sparks in stopping the final issue of patents until the law had been complied with. What honest man in these United States objects to this—that a public officer, striving to preserve the public domain against dishonest settlement, should stop the wholesale issue of patents in order to do so?

Now, Mr. Chairman, I supplement what has been read by the gentleman from Illinois from this report by showing in the language of the Commissioner what was the result of this course:

> The result of this action has been salutary, and has, when fully understood, met with hearty approval from *bona fide* settlers. I have received many letters expressing gratitude that steps are being taken to arrest the disposal of lands for speculation and monopoly to the disadvantage of those who desire to secure permanent homes. Settlers who go out on the frontier and endure the hardships of pioneer life do so with the expectation that they will be joined by others; that communities will spring up, churches and schools be established, the value of their possessions enhanced, and the conveniences and the advantages of civilized life attained; but speculative appropriations of public lands destroy these hopes and leave actual settlers isolated for years, or they are compelled to remove to other localities. From this, the *bona fide*, honest class, assurances of satisfaction have been voluntarily tendered for the action taken.

[Here the hammer fell.]

Mr. BEACH. If I can be recognized, I will yield my time to the gentleman from New Jersey [Mr. MCADOO].

The CHAIRMAN. The gentleman from New Jersey [Mr. MCADOO] will proceed.

Mr. MCADOO. Now, Mr. Chairman, if the Commissioner states the truth in his report, no complaint has come from the honest settlers on our Western territory. Who are the men who complain? If the honest settlers, whom the Commissioner says he is protecting by the arrest of these patents, are not complaining, then the only complaint that is voiced here is from the speculators, the grabbers, the stealers, and the monopolizers of the public domain.

Let me read from the report of one of the special agents, the report of Special Agent Webster Eaton. It is dated "Duluth, Minn., October 28, 1884"—before this administration had been elected, so that it can not be said this is from one of the partisans of Mr. Sparks, who is endeavoring to back up the statement of the Commissioner's report. After recapitulating the details he says:

> Thus it will be seen that there have been over forty-three hundred final entries of this kind made, to say nothing about the cash entries and entries at public sale; and I know—

The gentleman from Nebraska [Mr. LAIRD] lays great stress on the fact that some of these special agents say "in their opinion." Here is an officer of the last administration who does not give his "opinion," but says "I know." Now, if he is to be confuted, and if the action of this House is to be honest, let us know something to the contrary. This is not a question of the opinion of these agents against the opinion of the gentleman from Nebraska; but this agent says:

> I know that there are less than one hundred actual settlers—
>
> Out of these forty-three hundred pre-emptors—
>
> living upon any of these lands in this land district who make a living by farming, or who are trying to make a living in that way.

How are these forty-three hundred pre-emptors who are not farming making a living? What are they doing? They are acting as the stool-pigeons, the decoy-ducks, the manipulators, and the tools of those who are striving to get great blocks of the public domain at little or no expense.

> And although I have made diligent inquiry during my stay of over one year in this place, I have yet to find one person who is making a farm or trying to make a farm upon a pre-emption claim. Therefore I think I am fully warranted in saying that less than one-thirtieth of the claims taken in the Duluth United States land district are taken for actual settlement.

Even if the Commissioner of the General Land Office had violated the letter of the law, then it was almost justifiable, if it is ever justifiable to stretch authority, in the fruits which it produced; for if the Commissioner had not thus stopped the issue of these patents, and brought the matter home to the head of the Interior Department for his approval or revocation, I am obliged to confess that in my opinion the Congress of the United States would not have done as it did the other day in repealing the timber-culture, pre-emption, and desert-land laws.

Mr. WARNER, of Ohio. And the repeal of those laws was supported by an overwhelming vote of the House, and upon an admitted state of facts substantially as stated in the Commissioner's report.

Mr. MCADOO. That is the fact. I believe there was no division upon the final vote.

A MEMBER. There were only 7 votes in the negative.

[Here the hammer fell.]

Mr. PERKINS. Mr. Chairman, the proposition now before this House for consideration is one which concerns the people of the West deeply; and I question whether any man on this floor, who is at all familiar with the circumstances existing in that part of the country, or at all cognizant of the great wrong which has been done by the present Commissioner of the General Land Office, will stand here and justify his conduct for one moment.

Gentlemen living in New Jersey, gentlemen living on the Atlantic coast who have no practical or personal information on the subject, may defend him, but those of us who know from actual observation, who know from actual experience some of the conditions there, will in my judgment be far from agreeing to support in any degree the rulings, decisions, or regulations of that office.

It has been suggested by the gentleman from Nebraska [Mr. LAIRD] that the Commissioner of the General Land Office has expressed the opinion that 90 per cent. of all land entries in the State of Kansas as well as in his own State of Nebraska, and indeed in that whole territory west, are fraudulent in their character. Yet to sustain him in that position, to find some foundation for the slanders he has made of those who have made entries of the public lands, he takes the position that all who have mortgaged their lands after they have perfected their entry did so in violation of law and with fraudulent intent, and that therefore all their entries must be suspended.

Those settlers are the men who have been wronged. In most instances those men only sought the opportunity to mortgage their lands after making their entries in good faith for the purpose of securing money with which to cultivate and improve them. Yet these entries are suspended by the order of the Commissioner of the General Land Office and the settlers are libeled as public plunderers.

If they obtain credit on them by pledging them, or mortgage them to secure the payment of an honest debt, the Commissioner of the General Land Office holds that they do it in violation of law. The result is their credit is destroyed, and their opportunity to get money to improve their homes, to beautify their farms, to pay their debts, and to make them more comfortable is gone. The ultimate result is, Mr. Chairman, in many instances, to compel them to sell their homes to those who have means to improve them, or who have money to invest for purposes of speculation.

Almost every month of the year witnesses in my State the organization of some new county. Immigrants have been going there by the thousand, ay, by the hundred thousand, within the last eighteen months, and communities have grown with wonderful rapidity. All that great area lying west of the ninety-sixth degree has been settled by honest seekers for homes upon the public domain, and we ask for them some protection. They have, as a rule, taken it under the pre-emption law, and so far as I know not a single entry, after investigation, has been found fraudulent or canceled by this Commissioner of the General Land Office in my own Congressional district, and what is true of my district is true generally of the State I have the honor in part to represent upon the floor of this House.

Not one in one hundred, after investigation, has been found to be fraudulent. Yet this man soon after he was inducted into office arrogated to himself the right to suspend every entry in all that territory and to brand the people as pilferers, and thus bring suffering and distress to this whole class of worthy settlers. And not content with this, we find him suspending the statutes of the United States and organizing a government of his own.

The CHAIRMAN. The gentleman's time has expired.

Mr. LAIRD. I will take the floor and yield my time to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Why, sir, we find this officer suspending the statutes of the United States and declaring to those in charge in the various local land offices that they shall not receive a filing under the pre-emption law; that they shall not receive a declaratory statement under the desert-land act; that they shall not receive evidence or a declaration under the timber-culture law. He has by this order assumed the functions of legislation, and suspended all these statutes of the United States and compelled the officers in the local land offices to violate their oaths by refusing to execute the laws in behalf of these

settlers on the public lands. Is it remarkable, therefore, that the Secretary of the Interior should say to this Commissioner of the General Land Office, Why, sir, you can not in that way strike down the legislation of this great Government?

As I have already stated, he has given it as his opinion that 90 per cent. of these entries are fraudulent, and, as has been suggested by the gentleman from Nebraska [Mr. LAIRD], I challenge him to present a particle of evidence to prove that slander upon the people of my State.

Let me suggest, in answer to the gentleman, that the men investigating these claims are not the men who were employed or appointed by the predecessor of the present Commissioner of the General Land Office. So far as I know—and I know many of them personally—every one of those men has been recalled, and the men now in the field conducting these investigations are men appointed upon the recommendation and at the request of the present Commissioner.

The opinion of his predecessor has been called into question here. I challenge the gentleman from Illinois, or any other gentleman on the floor of this House who desires to sustain the present incumbent of this office, to produce a single order made by Judge McFarland or any other predecessor in which entries in that entire region or in a good agricultural section were suspended.

Individual entries have been suspended, I confess, and rightly, but I take the position that the occupant of this Land Office has no authority to suspend entries in an entire region to correct some unlawful or improper entries in individual cases. Let the wrongdoer suffer, but do not destroy the credit of these men throughout that great area of country who occupy these lands and are struggling with adverse circumstances to make for themselves comfortable homes.

The gentleman from New Jersey says that the settlers are not protesting against it. By what authority is this statement made? I say to him that the occupants of the lands are protesting against it. Mr. Chairman, he is not familiar with the circumstances of the case or he would not have made that assertion. He does not know the facts as they exist.

Why, against the arbitrary orders of the Commissioner of the General Land Office there comes up a voice from the West that should be irresistible and that should be heeded by this House in its action upon such questions. It is against these practices that the voice of the people of my State has been already raised. With such unanimity and to such an extent has this cry been raised in Kansas, that the Legislature of the State last winter passed a joint resolution invoking the power of Congress to protect the settlers against the tyranny, the libels, and the unauthorized wrongs of this wrecker who sits enthroned in the General Land Office. And what is true of my own State is true in greater or less degree in every State and Territory of that great West.

Attention has been called to the repeal of the pre-emption and timber-culture acts. I confess that the House did within the last few days pass such a bill; but it was put through under a suspension of the rules, when but fifteen minutes' debate could be given to the consideration of that important subject.

If that bill had been submitted to a candid and careful consideration and discussion here it might have been otherwise. I do not say that it would not have been passed even under such circumstances; but, sir, it is remarkable to me that a committee that is privileged, that has the right to call up a bill whenever it can get recognition of the Speaker, finds it necessary to have its measures passed under a suspension of the rules, and to give to the opponents of the bill, the men who do represent the settlers and these important interests in the West, but fifteen minutes' time for discussion and for a consideration of the measure. That is, in part, the wrong of which I complain; and if in connection with this bill we can do anything to protect the settlers against the unjust exactions, the arbitrary and unauthorized decisions, the misrepresentations and decrees which strike down the just with the unjust and ruin homes and wreck legitimate enterprises upon the public domain, we should do it, and teach this possesser of brief authority that there is a limit to the endurance of the people.

[Here the hammer fell.]

Mr. BAYNE. Mr. Chairman, I desire to say a word or two on this subject.

I voted the other day for the bill which was reported from the Committee on the Public Lands by the gentleman from Indiana [Mr. COBB], by which the power to take the public lands could only be exercised under the one process of law, that is to say, by settlement under the homestead law. I sincerely hope that that bill may soon become a law, and that the present mode of settlement upon our public lands may be utterly overthrown.

It is unquestionably true that very large portions of the public domain are taken up by single individuals under the present complicated system of entries; and it is also unquestionably true that the Commissioner of the Land Office had good reason to take steps with a view to breaking up this system of obtaining large tracts of land by single individuals. So far as he has gone in that direction and in efforts to prevent fraudulent entries of the public lands, and the absorption by the few to the exclusion of the many, his course meets my commendation and approval, and I believe it will meet the commendation of the country. There doubtless have been some things done that have worked hardships to honest *bona fide* settlers.

I could not help believing, when I heard the gentlemen from Nebraska and Kansas and other gentlemen here who are familiar with the facts in discussing the question now before the committee, that some of the orders of the Commissioner of the General Land Office have worked harnships and grievous difficulties to a considerable number of settlers, many of whom experience trying times before they make the lands on which they enter profitable and productive.

I do not know myself what course he could have pursued which would have drawn a line of distinction between those who entered upon the lands for fraudulent purposes and those who are *bona fide* settlers; but this I do say, that it was the bounden duty of that officer, and it is the bounden duty of the Interior Department, to prevent the kind of frauds that have been perpetrated unquestionably to a very considerable extent in many States and Territories of the West. There is not a scintilla of doubt, Mr. Chairman, about the truth of the assertion that a great many frauds have been perpetrated. To what extent I do not pretend to say.

The reports of the Commissioner of the Land Office set forth the fact that only about 30 per cent., perhaps, of the settlements of certain parts of the country are *bona fide*. That may be an exaggeration or it may only apply to particular sections of the country. But if fraudulent entries have been and are being made to any considerable extent, it is the duty of the Commissioner of the Land Office to use all the measures which are placed at his disposal to prevent them. The public lands belong to the people of the United States, and those who want them for homes and for purposes of cultivation—not speculation—should alone have the opportunity of taking and enjoying them. That is the course dictated by wise policy. I think, sir, the bill which was passed by the House, if it shall pass the Senate and be approved by the President, will have the effect of bringing about that condition of things.

I sympathize with the *bona fide* settlers of the West as much as any one can do. There have gone from my section of Pennsylvania a very large number of people to the Western States and Territories with a view to settlement; and of course it is my desire to encourage them, and give to every man who goes on a piece of public land intending to occupy it the right to have it patented to him. I want the old soldiers of the Republic to have these lands, and I want every one who will avail himself of the provision of the law to have the opportunity to obtain 160 acres of land.

If the Commissioner of the Land Office has issued an unnecessary order which will preclude *bona fide* settlers I regret it. I hope he will modify or rescind such order, and enable them to go on the lands and occupy them without unnecessary delay.

Mr. REED, of Maine. It would be as well if the Secretary of the Interior rescinded it. He has rescinded almost all his orders.

Mr. BAYNE. I do not care by whom it is done; but I would like to have it rescinded or modified in the interest of honest settlers, and therefore in the interest of the people.

Mr. COBB. There never was any trouble about the *bona fide* settlers. It was the thieves that made the trouble.

Mr. WEAVER, of Iowa. What are the complaints made here to-day against the Commissioner of the General Land Office? His order suspending these entries and withholding patents can not ultimately result in injury to any honest man. It may result in causing temporary inconvenience to some honest men, but that is all.

Mr. BROWN, of Pennsylvania. It may have the effect of starving them to death.

Mr. WEAVER, of Iowa. How can that be? There is no likelihood of that. If a man enters upon land in good faith he can cultivate it and make a living, and if he is an honest man he should be willing to suffer a portion of the inconvenience, in order to bring to light the frauds which we are officially informed amount to 90 per cent. of the entries. Now, Mr. Chairman, it is the duty, and it ought to be the pleasure, of every member of this House, without regard to party, to stand by the Commissioner of the General Land Office in his endeavor to preserve the public domain for *bona fide* settlement.

Mr. CUTCHEON. Will the gentleman allow me?

Mr. WEAVER, of Iowa. No, sir; I have only five minutes.

Mr. CUTCHEON. Do you think there are 90 per cent. of fraudulent entries in your State?

Mr. WEAVER, of Iowa. There are no homestead lands in my State. I would like to know what object the Commissioner could have in adopting a policy which would result in inconvenience to the great body of honest settlers? He could certainly have no such object or intention. Here is a public officer sworn to discharge his duty, and doubtless he knows more about the facts connected with this matter than all the balance of us put together, for the reason that it is his exclusive business; certainly more than any man who does not devote the same amount of time and attention to it. It is his judgment, when brought face to face with these facts, that a large proportion of the entries are fraudulent; and that being his judgment, it is his duty to do all in his power to preserve the public domain.

Mr. ROWELL. Did he acquire all that knowledge in three weeks?

Mr. WEAVER, of Iowa. Why not? There is not a member of this

House, unless it be some member of the Committee on Public Lands, who has devoted three weeks to the study of this question. None of those who are criticising the Commissioner of the General Land Office, I venture to say, has devoted three weeks to it. I do not risk much when I say they have not devoted three days to patient investigation. The Commissioner, on the other hand, had all the appliances and conveniences which the General Land Office supplied for informing his conscience and his judgment. I shall stand by him, and this House should stand by him and hold up his hands.

There can be no question the Commissioner is acting honestly; there is no question that he has more information than anybody else; and there can be no question or denial of the fact that there have been a large number of fraudulent entries on the public domain. It has been the rule and not the exception for the past ten or fifteen years.

I want to see fair play to this officer, who is standing there heroically and making a battle against a confederation of public-land thieves who are seeking to aggrandize themselves and deprive poor and honest people of homes. The Commissioner is not seeking to injure honest men. He is their friend and protector. I think it would best comport with the duties of members of this House to stand up for this laborious, faithful, and couragous public officer.

Mr. REED, of Maine. I do not propose in this discussion to call names. I do not propose either to proclaim one man a tyrant or another man a thief. I propose to ask the attention of this House to the admitted facts of the case. The gentleman from Iowa [Mr. WEAVER] has just overwhelmed us with a declaration of the immense knowledge the Commissioner of the Land Office must have had when he began this business. Now, he entered upon his office on the 26th of March, and he issued this order on the 3d day of April. How must he have filled up his mind on the Sabbath which there was between?

Every defense here which is made of the Commissioner of the Land Office is an attack upon the Secretary of the Interior; because this very order of April 3 which was issued by the Commissioner has been annulled by the Secretary of the Interior. What was the foundation of this action on the part of the Commissioner? It was a declaration on hearsay evidence, such as could not be admitted to invalidate a single title, that 90 per cent. of the land entries were fraudulent.

Does any man in this House believe that story? Does any man believe that 90 per cent. of the immigrants into the West are thieves or fraudulent persons? If so, how does it happen that all this fraud is in the West and none of it in the South? The truth is, those who know Mr. Commissioner Sparks can understand the working of his mind. He came into office with a great idea that this country had been flooded with fraud. The Commissioner of Pensions shared that idea. The Auditors and Comptrollers were all agog to punish fraud which they thought had been committed; but in every instance they found out their mistake, and the Secretary of the Interior, under his official seal, has condemned the Commissioner of the General Land Office. Why, look at it, see what the nature of this proceeding was. If the Commissioner of the General Land Office had any right, if he had any duty to perform in the premises, it was the right and the duty to annul particular entries as to which there were charges of fraud.

Instead of that, what does he do? He suspends every land entry. Now, what does the law require? Is the law so silly as to leave this country open to the pillage of a thousand men, nine hundred of whom can be successful thieves? What is it necessary to do in order to prove up a claim? It is necessary to have the man's oath, to have the testimony of two witnesses, to have a magistrate declare that he knows those witnesses and knows them to be veracious men, and it is required that there shall be publication in the newspaper nearest to the district, so that the whole thing may be open to the prying eyes of the people of the vicinage, the men that used to constitute the jury in old days. What a silly thing it is then to talk about 90 per cent. of these claims being fraudulent! If you want to judge of this Commissioner take one plain case. He took it upon himself to annul the law of the land, to declare that no other entry should be received in certain cases, simply because Congress was considering a bill to stop such entry, and his action in that matter was promptly suspended by the Secretary of the Interior.

[Here the hammer fell.]

Mr. STEELE was recognized, and yielded his time to Mr. REED.

Mr. REED, of Maine. There is nobody in this country that objects to the pursuit and hunting down of fraud. There is nobody that finds fault with any honest effort to hunt down wickedness, whether it be in the North or in the South, in the remote West or in the East. We all join with hearty accord in that. But, in order to strike down cases of fraud, what is the necessity that every honest man shall have the presumption of law turned against him and be pronounced a scoundrel until he proves himself a virtuous man to the satisfaction of Mr. Commissioner Sparks? The Commissioner may strike down the statute law of the land, but are you willing that he should strike down the presumption which hedges around every innocent man under our law?

What has been his defense here to-day? Has there been any proof from disinterested witnesses? Not one syllable. The defense has been readings from his report, with the interesting commentaries of the gentleman from Illinois [Mr. SPRINGER] and the gentleman from New Jersey [Mr. MCADOO]; which last gentleman admits that the Commissioner has violated the law, which first gentleman simply contents himself with epithets. Is this the kind of defense that you have for your Commissioner? His report! What is the effect of his action? Is anybody from the West, where they know the facts, produced to approve of it? No; but Mr. Commissioner himself, sitting in his office here in Washington, says that the result has been salutary, and the gentleman from New Jersey is perfectly content, and the whole Democratic party is pleased, and thinks Mr. Commissioner Sparks ought to have a vote of thanks! What a spectacle this is! Here is a system of land laws which has been attacked by this Commissioner, a system under which the most magnificent States have been added to this country, and without a word of proof, without a syllable of evidence, thousands and thousands of poor men, honest settlers on the soil, have been put to great discomfort and disadvantage and loss. "Oh, but," says the gentleman from Iowa [Mr. WEAVER], "it will eventually come out all right. If these settlers have honest titles they will eventually get their property."

But what will happen to them in the mean time? The same thing will happen to them that happens to the hundreds of honest claimants against this Government who besiege our doors from year to year, and whom we regularly refuse to relieve. What will happen to them? How are these settlers going to obtain a living? How are they going to obtain the means of cultivating their lands? The normal and natural way, if they have not money—and they are not millionaires—the natural way is by mortgaging their right and their title to the land. This right and title is precisely what is denied them by the Commissioner, and that being denied them they are compelled to sell out to the very speculators against whom this man is loudly proclaiming that he intends to defend them. I do not know about the wisdom of this particular amendment; probably it was offered only to call the attention of the House to the subject; but I do say that before Congress adjourns, if the Commissioner still persists, something ought to be done to do justice to this class of men that we are all so loud-voiced in praising in the abstract and so reluctant to do anything for in the concrete.

[Here the hammer fell.]

Mr. WARNER, of Ohio. I yield two minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Chairman, it must be a matter of deep regret to all of us who admire the powers of the gentlemen from Maine that in this instance he should appear in court without a client. For whom does the gentleman from Maine expend his wit and his eloquence? For the honest settlers on these public lands who have made complaint to Congress or for the loan-offices of the West? And when I say this I do not mean to impugn the gentleman's motives; but the men who are clamoring against the order of Commissioner Sparks are largely those who manage the loan-offices of the West, who have traded upon these dishonest pre-emptions, who have made loans upon them.

Now, I want to adduce here as a witness on behalf of this maligned Commissioner of the General Land Office, who has been execrated here to-day as if he were a sort of American Guy Fawkes, the evidence of an impartial observer. That standard publication the North American Review went to the expense of getting a commissioner to go out there and investigate this system. The services of a member of the British Parliament were obtained. This gentleman, after a personal inspection, makes a stronger report than any inspector of the Land Office. He says:

> No one can travel in the border States, where there yet remains some public land to be disposed of, and inquire among the land-offices there, without feeling that by paltry and occult methods the United States is being defrauded of nearly is much of its domain as by the depredations of railroad corporations and the extravagance of legislators. In Dakota and Minnesota I have seen men farming land and paying half the crop as rent to quasi-landlords who actually had no title whatever to the holdings. They had filed timber-culture entries, by which, on payment of a fee of $14 and signing an agreement to plant 10 acres of trees within four years' time, they were allowed to use 160 acres of prairie land, to which their title would be perfected when the agreement was fulfilled.
>
> The entryman, under the timber-culture act, is not compelled to plant any trees until the third year from date of entry, when if he likes he may file a relinquishment of his claim, and the land is again open for entry. Thus a man without the faintest intention of planting a tree or doing a stroke of work can get possession of 160 acres of land, let it to a tenant, and pocket a heavy rental—half the fruits of another's toil—for three years. The most astonishing thing about this is that such a man can find a tenant. Others file timber-culture entries solely with a view to holding the land out of market until the growth of the community around it puts up its value. At the end of the third year the entryman will agree with another for a sum of money to make a written relinquishment so that the other may file a new entry on the spot.
>
> The second speculator will repeat the process, only charging a heavier consideration to the next entryman when the time comes for his relinquishment. So the process goes on, without a tree being planted on the land, and the honest settler is kept hopelessly out of it. This sort of thing is carried on by wholesale; and on a larger scale still are frauds perpetrated under the desert and timber-land acts, which enable capitalists in combination, by means of dummy entrymen, to appropriate miles of territory. The dummy entryman is also used by capitalists on an immense scale under the homestead and pre-emption laws.

Thus it appears that without the faintest intention of planting a tree or doing a stroke of work a man can get possession of 160 acres of land, upon which he can pocket a heavy rental or hand it over for cash to the foreign and domestic land-stealers.

[Here the hammer fell.]

Mr. MCADOO. I hope my friend from Ohio [Mr. WARNER] will allow me one moment more.

Mr. WARNER, of Ohio. Just one moment.

Mr. MCADOO. Mr. Chairman, why was there not in this House eloquent denunciation of the late chief of the Interior Department, who, if he did not violate the letter, certainly outraged the spirit of the law when the expiring moments of his official term were devoted to granting millions of acres of the public lands to railroad corporations?

[Here the hammer fell.]

Mr. LAIRD. Why does not the gentleman strike at him instead of at these settlers?

Mr. WARNER, of Ohio. The gentleman from Maine complains that we have not brought witnesses from the West into the House to testify as to the facts which have been presented. But everybody knows that the files of the Land Office are loaded down with testimony of fraudulent entries and of devices of every kind to get hold of the public domain. It is known by evidence accessible to everybody that nothing which could be done by the land-grabbers to gobble up the public lands has been left undone, and that these lands were fast passing into the hands of speculators, who were acquiring them by all kinds of fraud, until the time seemed near at hand when it would be impossible for anybody to find anywhere in this broad country a quarter-section upon which to settle and make a homestead. It was to stop this and retain the public lands for actual settlers that the bill repealing the pre-emption laws passed here the other day by an overwhelming majority.

When Commissioner Sparks came into office and found from abundant evidence the state of things, there was but one practical way to deal with the question, and that was to stop the final issue of all patents until full investigations could be made. Possibly there may have been hardships in particular cases; but the facts are being investigated and patents issued as fast as possible to those entitled to them. It is simply a fight between the land-grabbers and the Commissioner in behalf of the people and the homestead settlers, and in this contest the Commissioner will be sustained.

[Here the hammer fell.]

Mr. SYMES. Mr. Chairman, I apprehend that no gentleman here, in anything that has been said, desires to encourage fraud in the acquisition of the public lands. I assume that no gentleman on this or the other side of the House desires to do anything which shall prevent the executive department of this Government from arresting the unlawful "grabbing" of valuable tracts of public land.

But, sir, let me state what is complained of. The action of the Commissioner in some of the orders which he has issued reminds us of the old Indiana justice of the peace, who, after listening for two long days to the evidence pro and con in a criminal case, wound up his decision upon the conflicting testimony by saying that he had grave doubts as to the guilt of the prisoner, but whereas when a law student he had read in Blackstone that it was better that ninety-nine innocent men should be punished than that one guilty man should escape, therefore he would find the prisoner guilty. [Laughter.] That decision illustrates the general sweeping orders which have been made by the Commissioner.

For one, I want to see all fraudulent entries set aside and the authors of the frauds punished. I would encourage the Commissioner in prosecuting these frauds. But it is not necessary to work great hardship and injustice on thousands of innocent settlers in the prosecution of fraudulent entries. These sweeping orders of the Commissioner have worked such hardship, and that is what I complain of.

[Here the hammer fell.]

Mr. SPRINGER. Mr. Chairman, the gentleman from Maine stated that no man in this House believed that 90 per cent. of the land entries under the timber-culture, the desert-land, and the pre-emption laws were fraudulent. My colleague [Mr. PAYSON] made that statement the other day, and he has proved it in his remarks, which are printed in the RECORD of last Thursday. I commend that speech to my friend from Maine and other gentlemen on this floor who say that Mr. Sparks had no justification for issuing this order.

I yield the remainder of my time to the gentleman from Indiana [Mr. COBB].

Mr. COBB. Mr. Chairman, I am astonished at gentlemen on the other side, especially the gentleman from Maine [Mr. REED] and one or two others, who have made such a ferocious attack upon the Commissioner of the General Land Office. They charge him with violating the law and with the violation of precedents in this order which he has made for the protection of the public lands.

Now, if they would examine this question as they ought to do they would not thus charge the Commissioner. Let me say to these gentlemen that I can show them more than fifty precedents for the action of the Commissioner in withdrawing lands from settlement under the operation of the pre-emption, timber-culture, and desert-land acts.

And yet they would undertake to prejudice the Commissioner before the House and the country for his recent actions. Let us see how much justice there is in this complaint.

These lands were withdrawn from settlement many times for railroad purposes in the past and gentlemen did not complain; but when they are withdrawn for the purpose of protecting the people, then it is that these gentlemen rush to the front and make this savage attack upon the Commissioner. Why, I can point to instances under former Commissioners of the Land Office and Secretaries of the Interior where they have withdrawn the lands in contemplation of legislation when the legislation was never had; and afterward, some year and a half after, they have revoked the order; and yet gentlemen insist here that there is a great violation of the law in this order of Commissioner Sparks. For forty-four years this has been done under nearly all of the administrations coming down from that time to this, and yet it is said that this is a precedent which has never been set before. I respond, Mr. Chairman, that the Commissioner has done nothing but to follow the law, and I have the evidence here.

I will not take time to discuss it in the short time remaining to me, but at some future time I propose to present to the House evidence which can not be questioned in this regard. I propose to produce orders which I hold in my hand and place them in the RECORD showing what I have said to be true. I have only a part of them here now, but I will produce the others when occasion arises. When that is done gentlemen who make this zealous assault upon the Commissioner of the Land Office will be able to see whether they were right or not in their hasty conclusions.

They want their constituents to take the public lands as they have been doing in the years past. We want to preserve these public lands just as the Commissioner of the Land Office does, and hold them for the benefit of the actual settlers. What does it matter to a man living upon a homestead entry out in the Far West whether he gets his title to-day or to-morrow? He knows that he is complying with the law, and that it is but a question of time as to the perfection of his title. He knows that the time will come when the Government will have to give him a good title. It is the men who are stealing these lands who are opposed to this order and complaining about its effect. It is the men who want to commit depredations upon the public lands that denounce Mr. Sparks, and the men who want their people to do these things as they have been doing in the past who denounce him. That is the trouble. Their constituents "have a part of the pork," as has sometimes been said.

Now, in view of the legislation which was pending here in Congress repealing the pre-emption, timber-culture, and desert-land laws, Mr. Sparks withdrew from the operation of these acts by his order a certain amount of the public lands. But he did nothing more in principle than had been done in the numerous cases to which I have referred. Lands were withdrawn for railroad corporations, millions of acres; yea, more than a hundred millions of the public lands, in order to let the corporations have the benefit of them or to await the time when Congress should pass an act to give them to the railroad companies.

Mr. WEAVER, of Iowa. And they make no complaint of that.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Nebraska.

The amendment was not agreed to.

The Clerk read as follows:

Indian Office: For compensation of the Commissioner of Indian Affairs, $4,000; assistant commissioner, who shall also perform the duties of chief clerk, $3,000; one financial clerk, at $2,000; chief of land division, at $2,000; chief of accounts division, $2,000; one principal book-keeper, $1,800; four clerks of class 4, eight clerks of class 3, one draghtsman, at $1,600; one stenographer, at $1,600; ten clerks of class 2, fifteen clerks of class 1, nine clerks, at $1,000 each; twelve copyists, one messenger, two assistant messengers, one laborer, one messenger-boy, at $360; two charwomen, at $180 each; in all $93,460.

Mr. NELSON. I make the point of order against the second portion of that paragraph—the following words:

Assistant commissioner, who shall also perform the duties of chief clerk, $3,000.

I make the point under Rule XXI, that it is new legislation, and it also increases the salary from $2,000 to $3,000. It is clearly within the rule. I must say, in addition, that I am somewhat surprised to find this committee reporting, in view of their pretenses of economy, a clause creating a new office and increasing the salary $1,000.

Mr. RANDALL. The statement of the gentleman is correct. The warrant of the committee was that such a bill was reported favorably from the Indian Committee, of which I think the gentleman is himself a member.

Mr. NELSON. That would be but another reason why it should not be included here. It is the substance of another bill pending before the House.

Mr. RANDALL. I will not insist that the point of order is not well taken.

Mr. CANNON. I would be very glad if the gentleman from Minnesota would consent to withdraw the point of order and test the sense of the House touching this amendment. I think I can convince him it is an apt thing to do.

Mr. NELSON. I am so well satisfied that it is an improper thing to do from first to last, that for that very reason I can not withdraw the point.

Mr. RANDALL. I want to say one word. So far as I know, the report would seem to show that the recommendation from the Committee on Indian Affairs was unanimous.

Mr. NELSON. Not at all.

Mr. TOWNSHEND. This is a very important office. It is the only bureau of the Interior Department that has not an assistant of this character. I know that the Indian Office requires an assistant commis-

sioner, as much perhaps as any bureau of the Interior Department, and I trust the gentleman from Minnesota will, in the interest of public business, withdraw his point of order.

Mr. RANDALL. The gentleman from Minnesota attacks the extravagance of the Committee on Appropriations, and yet he is not on record in any way as being against this very proposition reported from the committee of which he is a member.

Mr. NELSON. I will say to the gentleman from Pennsylvania at the time the Committee on Indian Affairs considered that bill I was away on a short visit to Minnesota; but before I went away I stated expressly I was opposed to that proposition.

Mr. RANDALL. I presume the Committee on Appropriations, seeing a unanimous report, so far as the record went to show it, were induced to put this provision in the bill.

Mr. SPRINGER. I would suggest to the gentleman from Minnesota that the fact that a member of Congress had to go away during the session of Congress ought to show him that a commissioner may require to go away sometimes, and somebody should be provided to administer the office in his absence.

Mr. RANDALL. Is the point of order insisted on?

Mr. NELSON. Yes, sir.

The CHAIRMAN. The Chair sustains the point of order in part only. He does not sustain it as regards the language "assistant commissioner," but he does as to the amount.

Mr. RANDALL. Then we will have to put in $2,000 after the words "chief clerk." I offer that amendment.

Mr. NELSON. Has the Chair ruled on the point of order?

The CHAIRMAN. The Chair has ruled that so far as the amount of money to be paid is concerned the point of order is well taken. As to the words "assistant commissioner," the point of order is overruled.

Mr. NELSON. I submit to the Chair that this creates a new office.

The CHAIRMAN. The Chair thinks that under the rule which has been cited it is competent to increase the number of employés in a Department.

Mr. TOWNSHEND. I move to amend the amendment by striking out the words "chief clerk" and inserting "assistant commissioner."

Mr. WEAVER, of Iowa. I do not think it fair to withhold this officer's pay.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

Mr. BAYNE. I rise to a point of order. I wish to inquire, will the assistant commissioner come under the civil-service law?

The CHAIRMAN. The Chair thinks not.

Mr. BAYNE. The chief clerk would.

Mr. SPRINGER. Oh, no; he gets $2,000.

Mr. NELSON. I submit this is creating a new office.

Mr. TOWNSHEND. If I understood the ruling of the Chair correctly it is this: that it was in order to constitute an assistant commissioner of Indian affairs, but it was not in order to increase the salary from $2,000 to $3,000. If that is so, then I desire to change the amendment of the gentleman from Pennsylvania so that this officer shall be designated as assistant commissioner, with a salary of $2,000.

Mr. RANDALL. What the Commissioner wants is to have one who will perform the duties both of assistant commissioner and chief clerk, but at different times. When the Commissioner finds it necessary to go away some one should be left in the office to perform such duties as are required of the Commissioner. Therefore the language we really want is "assistant commissioner and chief clerk, $2,000," but the salary ought to be $3,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars" insert "chief clerk, $2,000."

Mr. NELSON. I make the point of order against that amendment under Rule XXI. The chairman of the committee has just ruled that the words "assistant commissioner"—an officer that is not known to our Indian law—shall remain in the bill. If this amendment is adopted you will have an assistant commissioner and also a chief clerk not now in the bill.

Mr. RANDALL. I will make the language so that it will not have that effect. I will modify the amendment so that there shall be an assistant commissioner and chief clerk with a salary of $2,000.

Mr. NELSON, But the gentleman knows there is no such officer as assistant commissioner.

Mr. RANDALL. The chief clerk in the absence of the commissioner can act as assistant commissioner.

The CHAIRMAN. The Chair has already ruled upon the point of order. The amendment of the gentleman from Pennsylvania is pending and the Clerk will report it.

The Clerk read as follows:

In line 1970, strike out "three" and insert "two;" so that it will read: "Assistant commissioner, who shall also perform the duties of chief clerk, $2,000."

The amendment was agreed to.

The Clerk read as follows:

Pension Office: For compensation of the Commissioner of Pensions, $5,000; first deputy commissioner, $3,600; second deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; two qualified surgeons, who shall be experts in their profession, at $2,000 each.

Mr. PRICE. Mr. Chairman, I want to offer an amendment to that paragraph.

Mr. THROCKMORTON. I rise to a point of order.

The CHAIRMAN. The Chair will hear the gentleman from Texas on the point of order, after which the gentleman from Wisconsin [Mr. PRICE] will be recognized.

Mr. THROCKMORTON. I make the point of order that the words "five thousand dollars," in line 1984, and the words "two thousand five hundred dollars," in line 1987, are not in accordance with existing law. I understand that there is no law giving the Commissioner of Pensions $5,000.

Mr. RANDALL. I think the law fixes the salary at $3,500.

Mr. ADAMS, of New York. The law fixes it at $4,000.

Mr. TOWNSHEND. The appropriation bill for the current year fixes it at $5,000. That is the present law.

The CHAIRMAN. The gentleman will understand that a distinction has been drawn all the way through between the law fixing a salary and the salary as fixed by the amount appropriated in an appropriation bill.

Mr. TOWNSHEND. As I understand the matter——

Mr. RANDALL. I desire to have the point of order settled, and not to have the merits discussed on the point of order.

Mr. TOWNSHEND. I do not want to discuss the merits, but I want to call the attention of the Chair to what I understood to be the ruling of the Chair the other day to the effect that the appropriation bill of the current year is in the nature of a law, and that if a change is made from the current appropriation bill that is a change of existing law. Now, in this particular the Committee on Appropriations have simply followed the bill of the current year, so that under the ruling of the Chair, as I understand it, there is here no change of existing law.

The CHAIRMAN. The gentleman has misunderstood the ruling of the Chair. Where a salary has been fixed by a general provision of law the Chair has held that it was not in order to reduce it, but that where there was no law the bill fixed the salary. But the Chair understands that there is a general provision of law fixing the salaries of these officials, and, if so, in the opinion of the Chair that is the law governing the salaries, and the point of order is sustained.

Mr. THROCKMORTON. I move to strike out "five thousand," and insert "four thousand."

Mr. PRICE. Mr Chairman, that is the amendment I sent up to the desk some time ago, and I desire to be heard upon it.

The CHAIRMAN. The Chair recognized the gentleman from Texas simply on a question of order, taking the gentleman from Wisconsin [Mr. PRICE] off the floor, with the assurance that he would be recognized later.

Mr. PRICE. Mr. Chairman, on the question of the amendment I have offered——

Mr. RANDALL. Mr. Chairman, I ask to have the amendment read.

The Clerk read as follows:

Amend, in line 1984, by striking out "five" and inserting "four;" so that the clause, if amended as proposed, will read, "For compensation of the Commissioner of Pensions, $4,000.

Mr. RANDALL. The gentleman does not need that amendment if the point of order is sustained.

Mr. PRICE. Mr. Chairman, I am probably the best judge myself of what I need.

The CHAIRMAN. The Chair will suggest to the gentleman from Wisconsin [Mr. PRICE] that the amount of $5,000 to which he objects goes out under the ruling of the Chair sustaining the point of order.

Mr. PRICE. Mr. Chairman, I want to be heard on this provision of the bill. I want to say, in the first place, that it is clearly in violation of the Revised Statutes, and is therefore obnoxious to the rule. In addition, I want to say that if it is possible to make that salary still less than I have proposed, the acts of the present Commissioner of Pensions abound with evidence that would justify such a procedure. [Laughter.]

First, as to the law; that point has been settled. Secondly, I say I want to reduce the salary below the amount proposed in my amendment because the gentleman now in charge of the Pension Office is not properly discharging the duties of the high trust to which he has been called by this administration.

Mr. RANDALL. Mr. Chairman, with great respect to the gentleman from Wisconsin I submit that there is really no amendment pending.

Mr. PRICE. Very well; then I will move to strike out the last word.

The CHAIRMAN. If the gentleman will allow the Chair to make a suggestion, the "five thousand" goes out of the bill under the ruling of the Chair upon the point of order, and the Chair now suggests that the gentleman move to insert the amount he proposes.

Mr. PRICE. Then I move to make it $3,000, and that is too much pay. [Laughter.]

Mr. RANDALL. Well, I give it up. [Renewed laughter.]

Mr. PRICE. Now, Mr. Chairman, I want to say that we are appro-

priating this money to a man who is not discharging legally, intelligently, or conscientiously the duties of his office. To prove this, I call attention to page 14 of his last report, where he says:

It is now an offense, prohibited by orders as well as repugnant to all fairness, for any employé to act as the agent or attorney of any outside party.

So it always was. The Commissioner proceeds:

Yet within a recent period one clerk has confessed to the Commissioner that he acted as agent for one man in aiding to prepare from three hundred to four hundred cases. This instance is only solitary in its extent, not its character.

I stand in my place in the American Congress to denounce that statement as absolutely, unconditionally false. I have weighed my words. I know what I mean and what I say. I have talked to the Commissioner on this subject; and that statement refers to a gentleman who is acting as my private secretary. This clerk has admitted to the Commissioner that he had prepared slips simply calling up three hundred or four hundred cases. I know that he never prepared the papers in any pension case in his life; nor did I. He did not do this for an agent, but for me, and he so stated to the Commissioner. I have never yet acted in the capacity of a claim agent. I want to make this declaration clear and emphatic; and if, after the long months of maladministration of that office, the present Commissioner has a friend on this floor who dare deny it, let an investigating committee be ordered, and I will prove the correctness of my statements.

Look again at the language of this report. I read from the lower part of page 14:

Still further; human ingenuity has been exhausted in the attempts at furnishing tests and barriers against claims.

True, every word of it; and it is a lamentable truth, reflecting directly upon the official character of this officer. Had it been stated that human ingenuity had been exhausted in attempts at furnishing tests and barriers against unjust claims, the conduct so described would have been permissible and commendable. But it is against all claims that these "tests and barriers" have been erected. The language is:

Human ingenuity has been exhausted in the attempts at furnishing tests and barriers against claims.

That is true to-day; it is true to the everlasting disgrace of this Government and this Congress which permits it. Cases almost without number might be stated where men have secured in support of their applications for pensions the testimony of a long line of witnesses—sixteen, eighteen, or twenty; and then this Pension Bureau has sent out a man under its employ who would find somebody to say, under oath or otherwise, that one of these eighteen or twenty witnesses constituting a chain of testimony was not a man entitled to credence. And on that showing the claim is rejected, and the applicant for a pension goes begging.

[Here the hammer fell.]

Mr. THROCKMORTON. Mr. Chairman, the gentleman from Wisconsin [Mr. PRICE] moved, as I understand, an amendment to strike out "$5,000" and insert "$3,000" as the salary of the Commissioner of Pensions. I propose to amend by inserting "$4,000," and I do so on this ground: I see that the Commissioner of the General Land Office and the Commissioner of Indian Affairs are each allowed in this bill $4,000, and I can not conceive of any reason why the Commissioner of Pensions should be allowed a larger salary than the Commissioner of the General Land Office or the Commissioner of Indian Affairs.

Mr. Chairman, I have adhered pretty steadily to the recommendations of the Committee on Appropriations so far as this bill has progressed, but in regard to cutting down the salaries of the assistant treasurers of the United States my judgment did not approve of the action of that committee, because I felt that these assistant treasurers should have adequate compensation not only with reference to the amount of business they have to transact but also in view of the great responsibility devolving upon them.

It will be remembered that upon the question of allowing increased salaries to clerks of committees in this House I opposed the proposition. I believed it wanton extravagance on the part of Democratic members of this House to allow annual clerks to committees who have no business to do during the vacation of Congress.

In the present case, I can see no reason why the heads of these different bureaus should not be placed upon an equality. No gentleman, I think, can state any justification for paying the Commissioner of Pensions a salary of $5,000 while the Commissioner of the General Land Office and the Commissioner of Indian Affairs receive only $4,000 each. Gentlemen have been warning members of the House in regard to entering upon extravagance on this bill. I say to the committee, and especially to my Democratic associates, that on all these points to which I have referred I have acted in the line of economy and with a view to the just demands of the public service. In offering my present proposition I have nothing to say against the Commissioner of Pensions, for I regard him as an able and conscientious officer. I simply maintain that there is no reason why he should have higher compensation than other officers of like grade.

Mr. TOWNSHEND. Mr. Chairman, I am not surprised at the venomous assaults which come from the other side of the House against the Commissioner of Pensions. It is not my intention to make any reply to them. Those who know General Black, those who are familiar with the manner in which he has discharged the duties of his office, can not but concede that a more able, intelligent, conscientious, and faithful officer never occupied a position under the Federal Government. I will say further that no gentleman who has ever held the office of Commissioner of Pensions has done more work in the administration of the office than General Black has done. As the record will show, he has examined patiently and industriously and disposed of more claims for pensions than any preceding Commissioner ever did in the same length of time. If the gentleman from Wisconsin [Mr. PRICE] has not discovered this fact, I can tell him that in his own neighborhood in the State of Wisconsin he will find among the veterans who have been applying for pensions proof of the assertion which I make, that General Black has been more liberal in the allowance of pensions than any Commissioner who ever preceded him.

Mr. PRICE. Do you deny the statement I made?

Mr. TOWNSHEND. One word further. So far as concerns the intellectual ability of General Black or his eminent qualifications for the duties of his office, he needs no defense from me.

Mr. DUNHAM. Then he is not a "physical wreck?"

Mr. WEAVER, of Iowa. Perhaps the gentleman from Illinois can get the gentleman from Wisconsin to explain how it was he made use of the services of one of the clerks in the Pension Office.

Mr. TOWNSHEND. Yes; the gentleman might explain how it was that he used the services of one of the clerks of that bureau to fill out some three hundred blank slips in pension cases. I thought the clerks in that bureau had enough to do through the day and were entitled to a rest at night; but it seems my friend here has or had some friend in that department who does this kind of work for him.

But, Mr. Chairman, I rose for the purpose of denying the charges made against General Black. I do not wish to detain the House.

Mr. PRICE. Is there any man of intelligence on the other side bold enough to deny the statement I made?

A MEMBER. What is the statement?

Mr. PRICE. That when the Commissioner penned the statement I read he penned a statement which was absolutely and unqualifiedly false.

Mr. TOWNSHEND. What is the gentleman's statement?

Mr. PRICE. I have called attention to it.

Mr. HOPKINS. The gentleman from Illinois is not responsible for what my colleague does not know. [Laughter and applause.]

Mr. TOWNSHEND. What is the statement?

Mr. PRICE. It is to be found in the second clause from the top of the fourteenth page of his report.

Mr. TOWNSHEND. I stand here ready to defend General Black against any charge made by the gentleman from Wisconsin.

[Here the hammer fell.]

Mr. THROCKMORTON'S amendment to the amendment was agreed to.

Mr. PRICE'S amendment as amended was then adopted.

Mr. THROCKMORTON. I now make the point of order on line 1987.

Mr. SPRINGER. There is no law fixing the amount of that chief clerk.

Mr. RANDALL. It is fixed by section 4040 Revised Statutes.

The CHAIRMAN. What is the appropriation in the bill for the current year?

Mr. SPRINGER. The bill fixes it at $2,000.

The CHAIRMAN. The point of order is sustained.

Mr. MORRISON. I move to insert "$2,000."

Mr. RANDALL. That follows as a matter of course.

The CHAIRMAN. The question is on fixing the salary at $2,000.

The amendment was agreed to.

Mr. SPRINGER. I understand the gentleman from Pennsylvania to say that section 4042 of the Revised Statutes fixes it at $2,000.

Mr. RANDALL. So I understood, but I may be wrong about that.

Mr. STEELE. I move the committee rise.

Mr. TAULBEE. Before the committee rises I desire to make a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Pennsylvania move the committee rise for the purpose of extending the time?

Mr. RANDALL. I would like by unanimous consent to have the time extended to 6 o'clock.

The motion to rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

Mr. LAIRD, by unanimous consent, was granted leave to extend his remarks in the RECORD.

And then (the hour of 5 o'clock p. m. having arrived) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of Lew Gore Post, Grand Army of the Republic, of Manhattan, Kans.; and of Axtell Post, Grand Army of the Republic, of Marshall County, Kansas, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. BENNETT: Petition of John H. Jackson, of Wilmington, N. C.—to the Committee on the Judiciary.

By Mr. BLANCHARD: Petition of Charles M. Wells, administrator of Martha L. Wells, deceased—to the Committee on War Ctaims.

By Mr. CAINE: Petition of F. A. Hammond and 108 others, citizens of San Juan County, Utah Territory, presenting objections to the passage of Senate bill 1916, authorizing the removal of the Southern Ute Indians from Colorado to Utah Territory, and suggesting certain amendments thereto—to the Committee on Indian Affairs.

By Mr. CATCHINGS: Papers relating to the claim of Emily Thrift, and of John L. Hebron, administrator of John Hebron, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. CLEMENTS: Petition of Nicholas Rawlings; of James P. Cox, son of John Cox, and of John P. Davidson, of Floyd County; of J. H. Bray, of Gordon County; of Balinger Gravely, of Polk County; of F. A. Cordon, widow of James A. Cordon, of Dalton; and of William H. Baker, son of Pleasant Baker, of Boston County, Georgia, asking that their war claims be referred to the Court of Claims—to the same committee.

Also, papers relating to the claims of John Cox, of Floyd County; of James A. Carden, of Whitefield County; of Ballinger Gravely, of Polk County; of John H. Bray, of Gordon County; of Pleasant Baker, of Barton County; of Nicholas Rawlins and John P. Davidson, Floyd County, Georgia—to the same committee.

By Mr. CUTCHEON: Resolutions of Pomona Grange, No. 19, of Michigan, in regard to imitations of butter—to the Committee on Agriculture.

By Mr. DUNN: Petition of James Dougherty, of Saint Francis County; of Mrs. A. R. Wycough, agent for Mary E. and Esther A. B. Nuly, of Independence; of John R. Sembler, of Forest City; of Mrs. Jennie Dickinson, daughter of Joseph H. Egner, of Batesville, and of Mrs. Jane A. Sutton, widow of Samuel I. Sutton, of Phillips County, Arkansas, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. W. J. GREEN: Papers relating to the claims of Nathaniel K. Thornton and of Frederick Mathis, of Sampson County; of William R. Clark, of Daniel L. Smith, of Richard W. Johnson, of Hector McMillan, and of Susan Hagard, of Cumberland County; of Stephen Howell, of Goldsborough; of Ezekiel Stearns, of Margaret Duffy, of John A. Williams, and of John Davis, jr., of Wayne County; and of Theophilus Weaver, of Harnett County, North Carolina—to the same committee.

By Mr. HEARD: Petition of ex-soldiers of the sixth Congressional district of Missouri, in favor of the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. HEMPHILL: Papers relating to the claim of John G. Grant, of Marlborough County, South Carolina—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Petition from hospital stewards of the United States Army for the passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. HOPKINS: Three petitions of ex-soldiers, sailors, and citizens of Kane County, Illinois, asking for passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. McRAE: Papers relating to the claims of Nathan H. Cloyes; of Martin Cash, of Harvey Clift, and of Francis A. Ward, of Hot Springs; of Nancy Chenault and of Henry N. McCray, of Saline County; of John Gillespie, of Crawford County; of Morgan Price, of Garland County; of David Dodd, of Benton County; of Michael McNally, of Sebastian County; of Elisha G. Abbott, of Arkansas County; of Elias R. Core and of Hugh Core, of Pulaski County, Arkansas—to the Committee on War Claims.

By Mr. MATSON: Petition of Hardy Smith Post, No. 117, Department of Missouri, Grand Army of the Republic, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. MILLARD: Petition of citizens of Spencer, Tioga County, New York, for the passage of Senate bill 1886—to the same committee.

By Mr. MORROW: Memorial of citizens of Utah, concerning the protection of settlers against trespass of cattle-men in the Territories of the United States—to the Committee on the Public Lands.

By Mr. NORWOOD: Petition of George Van Waldren; of John Walsh, son and agent for estate of Thomas J. Walsh; of A. Sheftall; of A. Sheftall, son and heir of S. Sheftall; of Richard Butler, of Christian Ubele, of Catherine Rutherford, of Rebecca D. Fulton, and of Henry Fields, of Savannah; of Susan Currin, of McIntosh; of Thomas W. Quarterman, of Darien; of Mrs. Salvina L. Morton, of Halcyondale; and of J. L. Morton, of Screven County, Georgia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. RANDALL: Petition of Henry J. Miller, for a pension as the father of William H. Miller, late a private of Company F, One hundred and ninety-sixth Regiment, Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, petition of the Women's Christian Temperance Union, of Philadelphia, officially signed, representing 300 members, asking for the better legal protection of young girls in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ROBERTSON: Petition of D. O. Riley and others, of Leitchfield, Ky., asking for the passage of a bill granting pensions to soldiers and sailors of the Union Army in the late war, and to their widows and orphans, and for other purposes—to the Committee on Invalid Pensions.

By Mr. SINGLETON: Papers relating to the claim of Elizabeth Bourg, of Yazoo County, Mississippi; and of Seaborn J. Brown, of Wayne County, Mississippi—to the Committee on War Claims.

By Mr. SMALLS: Petition of Martha Knowles, of Beaufort County; and of Mary Allston, of Georgetown County, South Carolina, asking that their war claims be referred to the court of claims—to the same committee.

By Mr. SOWDEN: Petition of Augustus E. Mensing and others, members of Company E, Two hundred and second Regiment Pennsylvania Volunteers, asking for the payment of bounty promised them at the time of their enlistment—to the same committee.

By Mr. SPRINGER: Petition of members of A. S. Webber Post, No. 421, Grand Army of the Republic, of Pawnee; and of members of Delevan Post, No. 155, Grand Army of the Republic, of Delevan, Ill., asking for the passage of Senate bill 347—to the Committee on Invalid Pensions.

Also, petition of ex-Union prisoners and others of Sangamon County, Illinois, for pensioning prisoners of war—to the same committee.

By Mr. J. M. TAYLOR: Petition of Martha Sanders, of Henderson County, Tennessee, for pension, and for other purposes—to the same committee.

By Mr. WAKEFIELD: Petition of George P. Johnston and 79 others, citizens of Watonwan County, Minnesota; and of Grand Army of the Republic Post No. 64, of Saint James, Minn., requesting the passage of Senate bill 1886—to the same committee.

By Mr. WILKINS: Petition of J. A. Cowell, James S. Minnis, and 200 others, citizens of Tuscarawas County, Ohio, praying for the passage of Senate bill 1886, for the relief of disabled soldiers of the late war—to the same committee.

By Mr. WISE: Papers relating to the claim of Elizabeth H. Clay, of Manchester, and of Jane M. Thompson, of Hanover County, Virginia—to the Committee on War Claims.

SENATE.

WEDNESDAY, *June* 16, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. EDMUNDS. It is necessary to have a short executive session for a few minutes, and I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. There are some resolutions of the Massachusetts Legislature which my colleague [Mr. DAWES] is about to present, and which will take only a minute. I should like to have that done now.

Mr. EDMUNDS. I will withhold the motion until the strict morning business is through, if that be necessary, although I did not know but that it would be more convenient in respect of public business to have an executive session now.

Mr. HOAR. The morning business will require but a few minutes probably.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of 511 dairy farmers of Ohio, praying for the passage of the bill regulating and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Philadelphia Wool Merchants' Association, praying for the passage of the amendment to the oleomargarine bill proposing to put worsteds on the same basis as woolens; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I present resolutions of the Legislature of Massachusetts in reference to the recent unjustifiable proceedings of the Dominion Government invading the rights of our fishermen. I ask that the resolutions may be read and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read the resolutions, as follows:

Resolutions relating to the seizure of American fishing vessels by the Canadian authorities.

Whereas the people of this Commonwealth view with deep concern the official seizure of vessels belonging to its citizens, the breaking up of their voyages, and the spoliation of their cargo in the British province of Canada; and

Whereas the fishing interests have ever been regarded as not only among the

most valuable and important as a source of food supply, but invaluable as a nursery for the naval service of the nation in time of war: Therefore,

Be it resolved, That the senate and house of representatives of the Commonwealth of Massachusetts in General Court assembled look to the Congress of the United States and the executive department of the National Government for prompt and decided action, to the end that American fishermen may be protected in the exercise of their lawful rights, and that further complications in regard to the commercial privileges of our citizens in British ports may be avoided.

Resolved, That a copy of these resolutions be transmitted to the Senators and Representative in Congress from this Commonwealth, and to Hon. Thomas F. Bayard, Secretary of State.

HOUSE OF REPRESENTATIVES, *June* 3, 1886.

Adopted. Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk*.

SENATE, *June* 9, 1886.

Adopted in concurrence.

E. HERBERT CLAPP, *Clerk*.

A true copy.
Attest: EDWARD A. McLAUGHLIN, *Clerk*.

Mr. HOAR. Mr. President, upon the question of the reference of the resolutions I wish to say that the constituency represented by my colleague and myself is more largely interested directly in this subject than any other State in the Union, as is well known. I suppose the State of Maine comes next in regard to the number of persons whose livelihood is affected by the present conduct of the Dominion of Canada.

There is still, naturally, of course, a great feeling of uneasiness on the part of the Massachusetts fishermen; and I wish to say through you to them that I am sure the Committee on Foreign Relations of the Senate is thoroughly possessed of the justice of their case, and thoroughly alive and alert in regard to the necessity of preserving the honor and dignity of the United States and the interests of this most deserving class of our citizens.

There is no class of American citizens a wrong upon whom would excite in this body more instant sympathy and desire for redress than the American sailor, the men who follow the sea, especially the fishermen; and under the lead of my honorable friend, the junior Senator from Maine [Mr. FRYE], who, I suppose, knows as much about this subject as any man in the United States, whether in the public service or out of it, there is no question that everything legislative power can accomplish will be done to maintain the position of the United States in this controversy.

I wish to add that in my judgment it will be necessary to enlarge somewhat the scope of the legislation which has already been adopted as an amendment to the shipping bill, and to put in the power of the President of the United States the right not merely when a certain commercial privilege is denied to any ship of the United States to retaliate by a denial of the like commercial privileges, but to clothe the President with the power in his discretion of denying all commercial privileges in our ports to the vessels of the power where such privileges are denied to us, or of any particular port, province, colony, or dependency thereof, as he shall see fit; and this proposition, which is embraced in a bill introduced elsewhere by my colleague from the Cape district in Massachusetts, has my hearty support and sympathy.

The PRESIDENT *pro tempore*. The resolutions will be referred to the Committee on Foreign Relations.

Mr. CAMERON. I present a resolution adopted by the board of directors of the Chamber of Commerce of Pittsburgh, Pa., opposing the passage of the so-called oleomargarine bill, and as the resolution is very short I ask that it may be read at the desk.

The PRESIDENT *pro tempore*. The resolution will be read if there be no objection.

The resolution was read, and referred to the Committee on Agriculture and Forestry, as follows:

PITTSBURGH, PA., *June* 15, 1886.

Senator J. D. CAMERON:

At the regular meeting of the board of directors of the Chamber of Commerce of Pittsburgh held this day the following resolutions were adopted:

Whereas a bill is now pending in Congress (which has already passed the House of Representatives) defining butter, also imposing a heavy tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; and

Whereas such legislation will have a tendency to destroy an industry which has for its object the production of a cheap and wholesome food, of which more than 200,000,000 pounds are now produced and used in this country: Therefore,

Resolved, That the Chamber of Commerce of Pittsburgh is opposed to any legislation against this large and growing industry, and that copies of this resolution be wired and forwarded to the Senators from Pennsylvania with the request that they use their influence in defeating said bill.

JOHN F. DRAVO, *President*.
S. L. McHENRY, *Secretary*.

Mr. CAMERON presented a petition of the American Agriculture and Dairy Association and 461 dairy farmers of Pennsylvania, praying for the passage of the bill regulating and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented the memorial of Isaac H. Knox and others, engaged in business at the National Stock-Yards at East Saint Louis, Ill., remonstrating against the passage of the oleomargarine bill on the ground that it would depreciate the value of cattle and destroy a legitimate industry; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of G. F. and E. C. Swift, of Chicago, Ill.; of citizens of New York, Boston, Baltimore, Washington, D. C., and 100 other prominent citizens of the United States, praying Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the building of the Harlem River Canal for a sum not exceeding $1,295,000, including the right of way free to the United States Government, to be completed by July 4, 1888; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of Emory K. Gott and 9 other captains of fishing vessels, praying for the passage of the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season; which was referred to the Committee on Fisheries.

He also presented the petition of F. P. Allen and others, of Sedgwick, Me., praying for the passage of the bill now before the Senate to regulate the sale of imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. LOGAN. I present a petition of citizens of Libertyville, Ill., stating that:

The undersigned dairymen and butter-makers respectfully petition your honorable body for the adoption of the bill of the American Agricultural and Dairy Association.

This is the bill which passed the other House and is now before the Committee on Agriculture and Forestry. I also present various petitions of the same purport from citizens of Crescent City, Saint Joseph, Oregon, Sparta, Godfrey, Onargo, Princeton, Chicago, Yellow Creek, Centennial, Chatham, and Saint Anne, all in the State of Illinois. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. LOGAN presented a petition of citizens of Colorado, praying that a land office be established at Akron, Colo.; which was referred to the Committee on Public Lands.

Mr. EDMUNDS. I present, in support of the bill granting a pension to Mrs. Emily J. Stannard, widow of the late General Stannard, the affidavits of Dr. L. M. Bingham, Dr. Walter B. Carpenter, General William Wells, General P. P. Pitkin, Hon. E. R. Hord, Hon. John L. Barstow, Mr. John A. Arthur, Mr. Sayles Nichols, Hon. G. G. Benedict, General Theodore S. Peck, and General William W. Henry. I move the reference of the affidavits to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL. I present sundry petitions from citizens of Livingston, Linn, Sullivan, and adjoining counties in Missouri, praying for the passage of the bill regulating the sale of and taxing imitation butter. They represent a very large number of the persons engaged in the dairy and agricultural interests in those counties. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. ALLISON presented resolutions adopted by the Traveling Men's Association of Iowa, favoring the passage of the bill to remove the tax or license now being levied upon commercial travelers for goods sold by them by sample in the several States and Territories; which were referred to the Committee on Commerce.

Mr. VEST presented petitions of citizens of Chillicothe, Lathrop, Macon, and other localities in Missouri, praying for the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. INGALLS presented the petition of George S. Coe, president of the American Exchange Bank; H. P. De Graaf, president of the Bowery National Bank; William Dowd, president of the Bank of North America; F. A. Potts, president of the New York, Susquehanna and Western Railway Company, and 101 other prominent citizens of New York city, praying Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the building of the Harlem River Canal, &c.; which was referred to the Committee on Commerce.

He also presented a petition of the American Agricultural and Dairy Association and 82 dairy farmers of Kansas, praying for the passage of the bill regulating the sale of and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 855) for the relief of David Armstrong, submitted an adverse report thereon; which was agreed to and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2117) for the relief of the estate of Francis M. Murray, deceased, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2646) authorizing the Postmaster-General to pay rent on certain buildings leased for post-offices, reported it without amendment.

Mr. GRAY, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 21) for the relief of Adelicia Cheatham; and

A bill (H. R. 7809) for the relief of Edwin Stevens.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (H. R. 4527) granting a pension to Elizabeth Slenbaker, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2010) granting a pension to William Jumper, reported it with an amendment, and submitted a report thereon.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3384) for the relief of James M. Bacon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., reported it with an amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb;

A bill (H. R. 7018) granting a pension to Aretus F. Loomis;

A bill (S. 2497) to increase the pension of James Johnston; and

A bill (H. R. 5715) granting a pension to Mary Sprague.

KANSAS CITY, FORT SCOTT AND GULF RAILWAY.

Mr. DAWES. The Committee on Indian Affairs, to whom was referred yesterday the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, have instructed me to report back the same without amendment and to ask present action upon it.

I will state the circumstances which lead the committee to make this request. A similar bill passed both Houses and went to the President some two weeks ago. It was found after it had passed out of the possession of the two Houses that by a clerical error there had been left out of the provisions of the bill a small reservation of Indians across which the description of the direction of the road was found to lead, and it was necessary to include them in the provisions of the bill. The bill was called back for that purpose by the House of Representatives and the House of Representatives retraced all its steps by reconsideration till it came to the point where amendments to the bill were in order. Then the amendments, which were half a dozen or more, all of them verbal, having that purpose in view, and that only, were adopted by the other branch; and then the measure thus amended was sent here as a new bill. So it is necessary, if it pass, that it be read three times in the ordinary way as if it had never been here. It has been considered on its merits in both branches, and there appears to be no objection to it. It is so merely formal that I think the Senate would not object to having its consideration completed at this time.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate to proceed to the consideration of the bill reported by him at this time.

Mr. EDMUNDS. Reserving the right to object for a minute, I ask the Senator whether the bill has the safety and repealing clauses in it?

Mr. DAWES. I believe it has. I prefer to have it read. I am quite confident it has. Let the bill be read.

Mr. MAXEY. The bill has that clause in it.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. DAWES. The clauses to which the Senator from Vermont referred are found in the twelfth section of the bill, which reads as follows:

> That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 2665) granting a pension to John C. Rhoads; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2666) granting a pension to William Ogden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 2667) for the prevention and cure of contagious and infectious diseases in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2668) for the relief of Joseph R. Anderson; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2669) for the relief of I. L. Cain; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 2670) granting an increase of pension to James H. Thomas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2671) granting one condemned cannon to the Grand Army Post at Ayr, Iowa; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAWES introduced a bill (S. 2672) to protect the freedom of commercial intercourse; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CULLOM introduced a bill (S. 2673) granting an increase of pension to Garrett Wall; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2674) granting a pension to Will T. Jaccard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEORGE introduced a bill (S. 2675) for the completion of a public building at Santa Fé, N. Mex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes.

The message also announced that the House had passed the bill (S. 1486) to authorize the Denison and Washita Valley Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes.

The message further announced that the House had passed a bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing of 4,000 copies of the reports of the consuls of the United States on cattle-breeding and dairy farming; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes; and

A bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-three minutes spent in executive session the doors were reopened.

HOUSE BILL REFERRED.

The bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey was read twice by its title, and referred to the Committee on Military Affairs.

CONSULAR REPORTS ON CATTLE-BREEDING AND DAIRY-FARMING.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

> *Resolved by the House of Representatives (the Senate concurring)*, That there be printed 4,000 copies of the reports of the consuls of the United States on cattle-breeding and dairy-farming; 2,000 copies of which shall be for the use of the House of Representatives, 1,000 copies for the use of the Senate, and 1,000 copies for the use of the State Department.

PUBLIC-LAND LAWS.

Mr. DOLPH. I move that the Senate proceed to the consideration of House bill 7887, to repeal all laws for the pre-emption of the public lands, and for other purposes.

The motion was agreed to; and the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes, was announced as being before the Senate as in Committee of the Whole.

POSTAGE ON FOURTH-CLASS MAIL MATTER.

Mr. WILSON, of Iowa. I desire to ask, in pursuance of the notice I gave on last Friday, that this order of business may be temporarily laid aside, and that the Senate take up Order of Business 585, being Senate bill 1079.

Mr. CHACE. That I understand is the bill in regard to the fourth-class mail matter.

Mr. WILSON, of Iowa. Yes, sir.

Mr. CHACE. When the Senator makes his remarks on that bill I should like also to have the privilege of making some little reply. I should like the reply to go into the RECORD together with his remarks. If it would suit the Senator just as well to call the bill up to-morrow

it would suit me much better. I am not prepared just at this time to go into the subject, and I suggest that he postpone his remarks until to-morrow.

Mr. HARRISON. To-morrow is set apart for the Calendar.

Mr. CHACE. This is on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Iowa asks the unanimous consent of the Senate that the pending bill be informally laid aside so that he may be allowed to make his remarks on another bill. Is there objection? The Chair hears none.

PENSION APPROPRIATION BILL.

Mr. LOGAN. I desire to report an appropriation bill. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, to report it with amendments. I ask that it be taken up for consideration at this time.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent of the Senate to proceed to the consideration of the bill just reported. Is there objection?

Mr. WILSON, of Iowa. I will not object to that, retaining the right to the floor.

The PRESIDENT *pro tempore*. The Chair hears no objection, subject to the right of the Senator from Iowa [Mr. WILSON].

Mr. LOGAN. It is a very short bill and will take but a few moments.

By unanimous consent the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, was considered as in Committee of the Whole.

The first amendment reported by the Committee on Appropriations was, in line 17, to increase the appropriation "for fees and expenses of examining surgeons" from $500,000 to $821,000.

The amendment was agreed to.

The next amendment was, at the end of the clause making appropriations "for the salaries of eighteen agents for the payment of pensions," after line 92, to insert:

And hereafter the provisions of section 3 of the act approved July 5, 1884, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes," are hereby extended and made applicable to all official mail matter of agents for the payment of pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. LOGAN. Now, Mr. President, I ask leave to have printed in the RECORD the letter of the assistant Secretary of the Interior and the letter of the Commissioner of Pensions making the suggestions in reference to the amendments which have been made upon which the committee based their action. I desire also to have printed in the RECORD a comparative statement of the appropriations, estimates, &c., of last year and of this year.

The PRESIDENT *pro tempore*. If there be no objection the papers referred to will be printed in the RECORD in connection with the Senator's remarks.

The papers are as follows:

DEPARTMENT OF THE INTERIOR, *Washington, June 11, 1886.*

SIR: This Department is in receipt of your letter of the 9th instant, inclosing copy of H. R. 5201, "an act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes," and requesting information if any additional appropriation will be required to be made therein, and, if so, the amount of same, in consequence of the act of March 19, 1886.

In reply thereto I transmit herewith a copy of a statement from the Commissioner of Pensions, to whom your letter of inquiry was referred.

It is his opinion that no additional appropriation will be necessary for the payment of the pensions for the fiscal year ending June 30, 1887, the sum appropriated in the above-mentioned act, $75,000,000, being deemed sufficient.

The Commissioner, however, makes other recommendation relative to legislation that will the better enable him to adjust the business of his office in connection with the payment of pensions.

The views and recommendations expressed therein, I beg leave to state, meet the approval of this Department, and are respectfully submitted to the Senate Committee on Appropriations for appropriate action.

Very respectfully,

H. L. MULDROW, *Acting Secretary.*

Hon. WILLIAM B. ALLISON,
Chairman of the Committee on Appropriations, United States Senate.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., June 10, 1886.

SIR: I have the honor to acknowledge the receipt, by your reference dated the 9th instant, of a letter addressed to you on that date by Thomas P. Cleaves, clerk of the Committee on Appropriations of the United States Senate, who states that he is directed by the chairman of the committee to inclose a copy of House bill No. 5201, making appropriation for invalid and other pensions for the fiscal year ending June 30, 1887, and for other purposes, as well as a copy of the act of Congress approved March 19, 1886, increasing the pensions of widows and others, and asking whether any additional appropriation will be required to be made therein by reason of the passage of said act.

The Commissioner is of opinion that the $75,000,000 provided for in the pending bill will be ample for the payment of all current pensions during the fiscal year beginning July 1 next, as well of those now on the rolls as of those hereafter likely to be admitted, including the additional rights conferred by the act of March 19, 1886.

In this connection the Commissioner takes occasion to invite attention to the provisions of this bill in so far as they relate to the appropriation for clerk-hire and other necessary expenses of the agencies.

For clerk-hire, fuel, and lights the bill is believed to sufficiently provide, but for postage on letters to the Executive Departments and to pensioners, stationery, and other necessary expenses of the pension agents the $9,000 appropriated is largely insufficient.

For the nine months of the present fiscal year ending March 31 last the eighteen pension agents expended for the several items referred to amounts as follows:

For postage, $23,766.22; for stationery, $6,281.86, and other necessary expenses, $3,646.50, making a total of $33,694.58. For the remaining three months of the present fiscal year it is fair to assume that a sum one-third as great will be expended under these items, so that the gross amounts expended and to be expended during the present year will be $44,926.10.

The amount which will be required for these items for the fiscal year ending June 30, 1887, can not, in view of the increase in the pension-roll, be less than the sum stated herein, and I am of opinion that the appropriation of $9,000 for these items should be increased to $50,000.

The estimates for the fiscal year of 1887 contained no appropriation for postage on letters to the Executive Departments and to pensioners, and this omission was due to the fact that it was believed in view of the change in the method of paying pension agents, as provided by the act of March 3, 1885, there would be no difficulty in securing for them the use of the penalty frank envelope, a privilege which I am advised is being enjoyed by all similar officers in this Department in their official correspondence.

The existing law on this subject in terms excludes the pension agents from the list of those entitled to use said envelopes, and their exclusion is without doubt due to the fact that when the law was passed the agents received not only a salary of $4,000 per annum but an additional allowance at the rate of $15 per hundred for all vouchers prepared and paid at their agencies in excess of four thousand per annum. Compensation on account of vouchers was subsequently reduced to $12.50 per hundred and so continued until the act of March 3, 1885, directed that the fees on vouchers should be available only for the payment of clerk-hire at the agencies.

The compensation of pension agents is therefore at this time merely $4,000 per annum each, and the Government is required to pay all expenses incident to their official duties. The Commissioner can see no good reason why the pension agents should not be permitted to use this penalty franked envelope. It is to be desired upon a number of grounds.

This office has experienced great difficulty in adjusting intelligently the accounts of pension agents on account of this item of postage. There are no safeguards yet devised by which to determine even approximately what amount a pension agent can legitimately expend for postage in his official correspondence, the volume of which is uncertain, and the opportunity for illegitimate use of postage-stamps comparatively easy.

If an amendment to the pending bill can be added authorizing the use by the pension agents of these envelopes, and it become a law, each illegitimate use of the penalty envelope would be subject to detection and punishment.

Again, the Government derives no benefit from the appropriation in favor of pension agents for postage, as the receipts shown by the records of one department are offset by the expenditures of another. Then the labor incident to the use of postage-stamps, it will be seen, is considerable when it is remembered that there were 345,125 pensioners on the 30th of June last, that the roll is increasing, and that each of these pensioners had to be addressed at least four times in each fiscal year, not to speak of the numerous letters of inquiry to which the pension agents are required to respond.

The Commissioner is of opinion that the interest of the Government will be better served by the use of these envelopes than by the appropriation for postage, and he earnestly recommends that said amendment be passed as a part of the pending appropriation bill. If the amendment referred to does not become a law, the appropriation for postage, for stationery, and other necessary expenses should, as stated before, be increased from $9,000 to $50,000.

The appropriation provided in the pending bill for fees of examining surgeons is not sufficient for that purpose. I have had a careful examination and computation made of the accounts of examining surgeons for the first six months of the present fiscal year, and the amount necessary to pay them was $434,552.50, and upon this basis there will no doubt be required for the whole of this present year at least twice as much, that is to say, $869,105. In addition to this amount, there were remaining unpaid accounts of examining surgeons for preceding fiscal years amounting to $178,339.31.

To satisfy the accounts of examining surgeons during the fiscal year ending June 30, 1887, for services performed in that year, there will be required a sum not less than $1,000,000, and the Commissioner recommends that the amount of $500,000, which it is proposed to appropriate for this purpose in the pending bill, be increased to $1,000,000.

At the time the estimates for the fiscal year ending June 30, 1887, were submitted, it was thought that $576,000 would be sufficient for fees and expenses of examining surgeons. This was based upon the experience of the office in prior years, but since the submission of the estimates the volume of business done by the examining surgeons has grown to such great proportions as to make the amount appropriated in the pending bill entirely inadequate for the purpose; hence the recommendation that the amount be increased from $500,000 to $1,000,000.

He further recommends that the limitation in the pending bill, that each member of an examining board shall receive the sum of $2 for each examination provided no more than five are examined in any one day, and that he shall receive only $1 for each examination in excess of five, be repealed. It is found also in the appropriation for the present fiscal year, approved March 3, 1885.

He is of opinion that there is no sufficient reason for denying to an examining surgeon the fee of $2 for each examination in which he participates, regardless of the number of applicants who appear.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

The honorable the SECRETARY OF THE INTERIOR.

Army and Navy pensions.

Amount of estimates for 1887	$75,830,200 00
Additional amounts asked for by the Secretary of the Interior	541,000 00
Total	76,371,200 00
Amount of House bill	75,754,200 00
Increase made by Senate Committee for fees and expenses of examining surgeons	321,000 00
Total	76,075,200 00
Amount of act for 1886	60,000,000 00
Amount of deficiency estimates for 1886 submitted for fees, &c., of examining surgeons	321,660 69
Total for 1886	60,321,660 69
The bill, as reported, is less than estimates	296,000 00
The bill, as reported, exceeds the act for 1886 and deficiencies estimated	15,753,539 31

Comparative statement showing the appropriations for 1886, *the estimates for* 1887, *the amounts of House bill, and the amounts recommended by the Senate Committee on Appropriations for* 1887.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate committee, 1887.
To Army and Navy pensions	$59,172,000	$75,000,000	$75,000,000	$75,000,000
Fees and expenses of examining surgeons	500,000	576,000	500,000	821,000
Salaries of pension agents (eighteen)	72,000	72,000	72,000	72,000
Expenses of pension agencies:				
Clerk-hire	256,000	150,000	150,000	150,000
Rents		20,000	20,000	20,000
Fuel		1,200	1,200	1,200
Lights		2,000	2,000	2,000
Stationery and other necessary expenses		9,000	9,000	9,000
	256,000	182,200	182,200	182,200
Total pensions	60,000,000	75,830,200	75,754,200	76,075,200

MILITARY ACADEMY APPROPRIATION BILL.

Mr. LOGAN. I now report from the Committee on Appropriations the bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887. I will state to the Senate that the bill is reported by the committee just as it came from the other House, with no amendments whatever, and it will take but a short time to consider it if the Senate will take it up.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent for the consideration of the bill just reported by him from the Committee on Appropriations. Is there objection? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. PLUMB. I desire to have the yeas and nays on the passage of the bill simply to record my vote against the bill, and to say further that in pursuance of what has been my purpose heretofore in regard to matters of the kind, I shall not vote for any more appropriations for the Military Academy at West Point until there is a change in the law whereby at least one-half of the appointees to fill the vacancies occurring in the Army shall be taken from civil life, whatever may become of the young gentlemen who graduate at West Point. My own belief is—I do not care to argue it at length—that we are building up in the exclusiveness which we are creating in the Army an aristocratic and anti-republican institution which will some day return to plague us. I therefore desire to express my view against this bill by casting my vote against it. I ask for the yeas and nays on its passage.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I do not see the Senator from Vermont [Mr. MORRILL] with whom I am paired, and I withhold my vote.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

The roll-call was concluded.

Mr. HARRIS. My colleague [Mr. WHITTHORNE] is paired with the Senator from Oregon [Mr. MITCHELL] on all questions, but on this question the Senator from Oregon is at perfect liberty to vote if he chooses.

Mr. MITCHELL, of Oregon (after having voted in the affirmative). I had forgotten the pair and withdraw my vote.

Mr. HARRIS. The Senator need not do so.

Mr. MITCHELL, of Oregon. Very well; let my vote stand.

Mr. CAMDEN (after having voted in the affirmative). I am paired with the Senator from Connecticut [Mr. PLATT], but as I understand he would vote "yea" I will let my vote stand.

Mr. KENNA. I am paired with the Senator from Minnesota [Mr. SABIN], who is absent, but I presume he would vote "yea" if present, and I vote "yea."

Mr. MCMILLAN. My colleague [Mr. SABIN] is detained from the Chamber by sickness. He would vote "yea" if he were here.

The result was announced—yeas 42, nays 4; as follows:

YEAS—42.

Allison,	Cullom,	Hawley,	Mitchell of Oreg.,
Berry,	Dawes,	Hoar,	Payne,
Blair,	Dolph,	Jones of Arkansas,	Pugh,
Bowen,	Edmunds,	Jones of Nevada,	Ransom,
Brown,	Eustis,	Kenna,	Sawyer,
Butler,	Frye,	Logan,	Sewell,
Call,	Gorman,	McMillan,	Sherman,
Camden,	Gray,	McPherson,	Spooner,
Cameron,	Hale,	Manderson,	Walthall.
Cockrell,	Harris,	Maxey,	
Coke,	Harrison,	Miller,	

NAYS—4.

Chace,	Plumb,	Teller,	Wilson of Iowa.

ABSENT—30.

Aldrich,	Gibson,	Morrill,	Vance.
Beck,	Hampton,	Palmer,	Van Wyck,
Blackburn,	Hearst,	Pike,	Vest,
Colquitt,	Ingalls,	Platt,	Voorhees,
Conger,	Jones of Florida,	Riddleberger,	Whitthorne,
Evarts,	Mahone,	Sabin,	Wilson of Md.
Fair,	Mitchell of Pa.,	Saulsbury,	
George,	Morgan,	Stanford,	

So the bill was passed.

Mr. LOGAN. I ask leave to file a brief statement explaining the bill to save me from the necessity of making remarks. I ask that it be printed in the RECORD.

The PRESIDENT *pro tempore*. The statement will be printed in the RECORD unless objection be made.

The statement is as follows:

MILITARY ACADEMY.

Amount of estimates for 1887	$412,075 70
Amount of bill as passed the House	297,805 00
Amount of bill as reported to the Senate	297,805 00
Amount of appropriations for 1886	310,021 64
The bill, as reported, is less than the estimates	114,270 70
The bill, as reported, is less than the appropriations for 1886	12,216 64

The following table shows in a comparative way the appropriations for the fiscal year 1886, the estimates submitted for the fiscal year 1887, and the amounts provided by the House bill and the Senate Committee on Appropriations:

Comparative statement showing the appropriations for 1886, *the estimates for* 1887, *the amounts of House bill, and the amounts recommended by the Senate Committee on Appropriations for* 1887.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate committee, 1887.
FOR PAY OF THE MILITARY ACADEMY.				
Pay of eight professors	$25,500 00	$25,466 67	$25,466 67	$25,466 67
Commandant of cadets, additional pay	1,200 00	1,200 00	1,200 00	1,200 00
Instructor of practical military engineering, additional pay	900 00	900 00	900 00	900 00
Instructor of ordnance and science of gunnery, additional pay	900 00	900 00	900 00	900 00
Eight assistant professors, additional pay	4,000 00	4,000 00	4,000 00	4,000 00
Three instructors of cavalry, artillery, and infantry tactics, additional pay	1,500 00	1,500 00	1,500 00	1,500 00
Four assistant instructors of cavalry, artillery, and infantry tactics, additional pay	2,400 00	2,400 00	2,400 00	2,400 00
Adjutant, additional pay	400 00	400 00	400 00	400 00
Treasurer, quartermaster, and commissary of cadets, additional pay	700 00	700 00	700 00	700 00
Master of the sword	1,500 00	1,500 00	1,500 00	1,500 00
Pay of cadets	170,000 00	185,760 00	160,000 00	160,000 00
Teacher of music	1,080 00	1,080 00	1,080 00	1,080 00
Military Academy band	9,240 00	9,240 00	9,240 00	9,240 00
Additional pay of professors and officers for length of service	9,525 00	11,548 33	11,548 33	11,548 33
Total, pay	228,845 00	246,595 00	220,835 00	220,835 00

Comparative statement showing the appropriations for 1886, *the estimates for* 1887, *the amounts of House bill, &c.*—Continued.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate committee, 1887.
FOR CURRENT AND ORDINARY EXPENSES.				
Repairs and improvements	$11,000 00	$15,000 00	$10,000 00	$10,000 00
Fuel and apparatus	13,000 00	16,300 00	16,300 00	16,300 00
Gas-pipes, fixtures, repairs, &c	900 00	900 00	900 00	900 00
Fuel of cadets' mess-hall, laundry, and shops	3,000 00	3,000 00	3,000 00	3,000 00
Postage and telegrams	300 00	300 00	300 00	300 00
Stationery, blank-books, &c	600 00	600 00	600 00	600 00
Transportation of materials, discharged cadets, &c	2,000 00	2,000 00	1,750 00	1,750 00
Printing, materials, &c	1,000 00	1,000 00	1,000 00	1,000 00
Clerk to disbursing officer and quartermaster	1,200 00	1,650 00	1,200 00	1,200 00
Clerk to adjutant in charge of cadet records	1,200 00	1,500 00	1,200 00	1,200 00
Clerk to the treasurer	1,200 00	1,200 00	1,200 00	1,200 00
Department of mathematics	300 00	375 00	175 00	175 00
Department of civil and military engineering	600 00	600 00	600 00	600 00
Department of chemistry, mineralogy, and geology	2,930 00	2,930 00	2,930 00	2,930 00
Department of natural and experimental philosophy	2,850 00	3,400 00	2,850 00	2,850 00
Department of modern languages	275 00	250 00	200 00	200 00
Department of geography, history, and ethics	300 00	300 00	150 00	150 00
Department of drawing	1,234 50	1,632 50	500 00	500 00
Department of law	250 00	250 00	250 00	250 00
Department of artillery, cavalry, and infantry tactics	1,300 00	1,225 00	1,225 00	1,225 00
Department of ordnance and gunnery	300 00	550 00	300 00	300 00
Department of practical military engineering	1,200 00	1,200 00	1,200 00	1,200 00
Expenses of Board of Visitors	3,000 00	3,000 00	3,000 00	3,000 00
Total, current and ordinary expenses	49,939 50	59,162 50	50,830 00	50,830 00
FOR MISCELLANEOUS AND INCIDENTAL EXPENSES.				
Gas-coal, oil, &c., for lighting	3,500 00	3,500 00	3,500 00	3,500 00
Water-pipes, plumbing and repairs	1,500 00	1,500 00	1,500 00	1,500 00
Cleaning public buildings (not quarters)	600 00	600 00	600 00	600 00
Brooms, brushes, pails, &c	200 00	200 00	200 00	200 00
Chalk, crayons, sponges, slates, and rubbers	300 00	300 00	300 00	300 00
Compensation of chapel organist	200 00	200 00	200 00	200 00
Compensation of librarian	120 00	120 00	120 00	120 00
Pay of engineer	1,200 00	1,200 00	1,200 00	1,200 00
Pay of assistant engineer	1,000 00	1,000 00	1,000 00	1,000 00
Pay of five firemen	2,700 00	2,700 00	2,700 00	2,700 00
Pay of librarian's assistant	1,000 00	1,000 00	1,000 00	1,000 00
Increase and expense of library	1,000 00	2,000 00	1,500 00	1,500 00
Additional furniture and repairs to library rooms	200 00	520 00	200 00	200 00
Furniture for cadet hospital and repairs of same	100 00	100 00	100 00	100 00
Bedding, &c., for candidates previous to admission	500 00	500 00	500 00	500 00
Renewing furniture in section rooms and repairs of same	500 00	1,000 00	500 00	500 00
Refurnishing offices, carpeting, repairs, &c		300 00		
Contingencies for superintendent of the academy	1,000 00	1,000 00	1,000 00	1,000 00
Total, music and incidental expenses	15,620 00	17,740 00	16,120 00	16,120 00
FOR BUILDINGS AND GROUNDS.				
Repairing roads, paths, and bridges	500 00	1,000 00	500 00	500 00
Continuing breast-high wall	500 00	1,000 00	500 00	500 00
Reflooring cadet barracks	5,000 00	2,400 00	5,000 00	5,000 00
Repainting and completing repairs to same		3,710 00		
Clothes presses and lockers for use of cadets		4,800 00		
Painting new cadet hospital	1,150 00			
Painting administration building	790 00			
Painting portion of cadet barracks	300 00			
Relining parapets of cadet barracks with galvanized iron	500 00			
Additional bath-tubs for use of cadets	1,000 00			
Addition to building so as to permit new water-closets for use of cadets	1,200 00			
Erection of new ice-cooler for cadet-mess	300 00			
Repairs to band barracks	3,857 14			
Water works, maintenance, &c	520 00	1,000 00	520 00	520 00
Renewing knee-guard, riding hall		450 00		
Painting academic building		850 00		
Alteration of library building		5,000 00		
Converting old cadet hospital into quarters for officers		3,500 00	3,500 00	3,500 00
Erecting new gymnasium and converting present one into bowling alleys for cadets		35,000 00		
Erection of coal-shed for storage of quartermaster's coal		6,150 00		
Erection of engine-house		3,500 00		
Renewing hose for two steam fire-engines		1,918 00		
Erection of shops for mechanics of quartermaster's department		11,500 00		
Repairs to north wharf		1,150 00		
Additions to the cadet laundry		5,000 00		
Repointing cadet mess-building		650 00		
Total, buildings and grounds	15,617 14	88,578 20	10,020 00	10,020 00
Total for Military Academy	310,021 64	412,075 70	297,805 00	297,805 00
RECAPITULATION.				
For pay of professors and others	228,845 00	246,595 00	220,855 00	220,835 00
For current and ordinary expenses	49,939 50	59,162 50	50,830 00	50,830 00
For miscellaneous and incidental expenses	15,620 00	17,740 00	16,120 00	16,120 00
For buildings and grounds	15,617 14	88,578 20	10,020 00	10,020 00
Total	310,021 64	412,075 70	297,805 00	297,805 00

THE APPROPRIATION BILLS.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] is entitled to the floor on the bill which the Senate took up at his request.

Mr. ALLISON. Before my colleague proceeds I think I ought to state to the Senate that there are still five of the regular appropriation bills which have not yet reached the Senate, two of them the most important bills of the session—the legislative, executive, and judicial and the sundry civil bill. We are now within two weeks of the expiration of the fiscal year. In the nature of things it will be impossible for these bills to pass before the 1st day of July, as the Senate can not consider them by that time after they come from the House. I desire that the Senate should know that this is no fault of ours.

Mr. BECK. The naval appropriation bill had better not be omitted. That is an important one.

Mr. ALLISON. The two most important are the sundry civil, and the legislative, executive, and judicial. Of course the naval bill is also important.

In the nature of things, I repeat, it will be impossible to pass these bills before the 1st day of July; and whatever responsibility attaches to the failure to pass them can not be charged to the Senate and whatever embarrassments may result from their non-passage prior to the expiration of the fiscal year can not be charged to the Senate. I would state that there are no appropriation bills now pending before the Committee on Appropriations of the Senate. All that we have received from the House of Representatives have been disposed of.

REPORT OF COMMISSIONER OF LABOR.

Mr. HAWLEY. I have the consent of the Senator from Iowa [Mr. WILSON] to call up the joint resolution to print the report of the Commissioner of Labor, which was laid on the table yesterday for an arithmetical correction, which has been made. An addition of 4,000 copies was ordered to be printed.

I will explain to the Senate that the joint resolution providing for printing the first annual report of the Commissioner of Labor was before the Senate yesterday and its consideration nearly completed when an additional number of 4,000 copies to be printed was added, which required some little change in the figures of the appropriation, and it was temporarily laid on the table for the purpose of having the necessary correction made. I ask that the resolution be now taken up and concluded.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 183) providing for printing the first annual report of the Commissioner of Labor.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee.

Mr. HAWLEY. The committee has amended its amendment. Only the second amendment need be read.

The PRESIDENT *pro tempore*. The amendment as now proposed by the committee will be stated.

The CHIEF CLERK. It is proposed to amend the second section, so as to make it read:

That the sum of $18,808.20, or so much thereof as may be necessary to defray the cost of the publication of said report, and the further sum of $275, or so much thereof as may be necessary to defray the cost of wrapping 15,000 copies for the Department of the Interior, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

POSTAGE ON FOURTH-CLASS MAIL MATTER.

The bill (S. 1079) to regulate the rate of postage on fourth-class matter was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] is entitled to the floor.

Mr. CHACE. Before the Senator from Iowa proceeds I wish to say that I was absent from the city last Monday when he gave notice that he would call this matter up to-day, or I should have asked the Senate to allow me to reply at once. It will not be convenient for me to reply immediately, and if the Senator goes on now, I shall ask the Senate on a week from to-day to permit me to submit some remarks in reply to the Senator from Iowa in regard to this matter.

Mr. WILSON, of Iowa. Mr. President, the author of the book entitled The Expansion of England commenced his first lecture therein contained with the following sentences, namely:

It is a favorite maxim of mine that history, while it should be scientific in its methods, should pursue a practical object; that is, it should not merely gratify the reader's curiosity about the past, but modify his views of the present and his forecast of the future. Now, if this maxim be sound, the history of England ought to end with something that might be called a moral. Some large conclusion ought to arise out of it; it ought to exhibit the general tendency of English affairs in such a way as to set us to thinking about the future and divining the destiny which is reserved for us.

The maxim here stated and the conclusion drawn from it apply as forcefully to those who are intrusted with affairs of government as they do to the writers of history. Facts which are of importance to the writers of history are none the less so to those who make and execute laws. The lawmaker who fails to see the close connection existing between the work of his predecessors and the conditions which require remedial or preservative action by him will rarely act with that considerate wisdom which alone can best conserve the true interests involved in public affairs. None of the disturbing conditions which exist in the affairs of this country will be rightly understood or properly adjusted if we fail to study the causes which have induced them. In this manner we may advance upon a knowledge of the general tendency of American "affairs in such way as to set us to thinking about the future and divining the destiny which is reserved for us."

We have some mighty problems demanding solution. No country ever had greater complexity in its affairs than has ours to-day. No lawmakers were ever confronted with more serious, delicate and exacting responsibilities than those of this Republic. Turn which way we may this truth appears. Externally and internally this truth commands our attention. It is present in our foreign affairs, in our domestic concerns, in our commerce, in our manufacturing and producing industries, in our financial systems, in our general business, in our employments, in our divisions of population, in the relations of wealth and poverty, in whatsoever we have that can be affected by the making or unmaking of laws. No man can be so little informed as not to know that there is much of discontent in respect of many things in this country; and he is an inapt reader of the signs of the times who does not realize that there is need for him to "modify his views of the present and his forecast of the future" if in these respects his judgment has led him to believe that the conditions which attend us are free from evil tendencies.

Mr. President, the subject embraced by the bill which we are now considering is one from which we may gather some lessons of wisdom. Why is this bill here? Such things do not come of their own accord. They are not the products of chance. It is not here because of any cause stated or intimated in the report of the committee. That report treats the subject of the bill as an isolated fact in the affairs of our national administration. This is a very mistaken view of the case. A careful consideration of the subject in connection with its surroundings will disclose that it is not an isolated fact, but, on the contrary, is one of a group in which it is an active force, sustaining close relations with each and every other member. And the misfortune of the country is that these facts and forces have too long and too persistently been treated as isolated factors in our national affairs.

The unrest and agitations which now disturb this country largely owe their existence to the unskillful treatment of the connected relations which the said subjects bear toward each other and to the general affairs of the country which has marked our past legislation. There are now pending in Congress many bills whose preparation and introduction were induced by the results which have sprung from the absence of considerate, studious, comprehensive action in our past legislative movements. We have bills for the regulation of interstate commerce, for the adjustment of the relations between labor and capital, for the solution of conflicts of employers and employed, for the elimination of alien landlordism, for the better protection of individuals and communities against the evil effects of harmful practices which have sprung from insufficiently guarded privileges and powers granted with good intent but without requisite and thoughtful caution, and many others of kindred character that might be mentioned. Why have these bills been introduced? Not because they relate to new subjects, nor because they have not been legislated on before. It is because results have been induced, so threatening in character, and so inimical to the general welfare, as to command our attention and enforce obedience.

Mr. President, what has induced so great attention in the matter of the regulation of interstate commerce? Is it merely because we have railroads in the country? Surely no one will contend that this is the cause. Railroads are necessary to our progress and prosperity. But we all realize that few subjects have ever caused more profound and determined agitation than that which embraces our transportation system and the methods of its administration. Many Congresses have given earnest and protracted attention to this subject without solving its problems or arriving at any comprehensive and definite result. Nor will we reach an adjustment of this subject and subdue the popular agitation, which it has induced, by mere denunciation of its elements of friction and evil. It must be studied in connection with its relations with many other things.

This course will lead us to conservatively care for all of the public, corporate, and private rights and interests which are connected with each other by indissoluble ties that make each a part of the whole. I have presented the features of this case which I now have in mind to the Senate on former occasions. But the more I reflect upon it the greater its significance appears, and it defines to my mind very clearly some of the legislative mistakes of the past. We have too often legislated in respect of subjects of great public concern as though they were isolated facts sustaining no important relations to other things. Our course in this regard has been marked with great singleness of purpose. This may be a good method in the matter of enforcing results, but it imports many dangers when employed in the formulation of public policies through whose operation we seek to evolve results.

When we have this latter purpose in hand we must keep in mind the relations which the subject commanding our immediate attention sustains toward other things to be affected by it when our legislation shall have made it an active force. And it seems to me that we have reached a point in our national progress presenting conditions which ought "to set us to thinking about the future and divining the destiny which is reserved for us," and of significance enough to suggest to the American statesman that the time has arrived when it may be well for him to "modify his views of the present and his forecast of the future."

Mr. President, popular demand is not always the safest guide for the legislator. Especially is this true if by legislation we are to understand such official movement as projects measures and policies with a purpose single to public good and general welfare. This is not always the character of legislative action, as this country has come to realize from many costly and unpleasant experiences. We have had much bad legislation in this country. But it has rarely been enacted with bad intent, and in almost every instance it has been enacted in response

to popular demand. The people in each of these instances have had their minds fixed on accomplishing some definite purpose and have demanded legislation for its realization. Rarely do such demands pass unheeded. Almost always the legislative ear catches the sound, and the legislative mind busies itself in the formulation of prompt response. Many times the response has been much too prompt. Speed rather than caution has too frequently been the rule of legislation, and so it has often happened that the best-intentioned legislation responsive to popular demand has induced most unexpected and unwelcome results.

A few years ago the popular demand was pronounced for a pre-emption law, later for a homestead law. An affirmative response was given by Congress. Had a little more of studious care been observed in the enactment of those laws some of the results which have come to us from them and which we are now trying to change by further legislation could not have transpired. The purpose of those laws was to enable the people to secure homes on the public domain with the least cost, inconvenience, and delay compatible with the public interests they were designed to conserve. The pronounced policy of those laws was to multiply homes by making their acquisition inexpensive and limiting the number of acres that each person might acquire. This was a grand policy, and it has worked wondrous results.

But we are not satisfied with some of the practices which have obtained under those laws. While they have enabled hundreds of thousands of our people to acquire free, or at little cost, homes, and assured to the prudent comfort, if not fortune, they have also made possible foreign landlordism and boundless landed estates. With these latter we are now trying to deal through legislative action in such manner as to abolish both. We have come to realize that the ownership of vast estates in the lands of this country by persons who neither reside in the United States nor owe allegiance to the Republic is not an assuring fact of the presence of best conditions in our future.

And when this is supplemented by the fact that millions of acres of land have passed to the ownership of a few of our own citizens, and we realize that both of these threatening features of our national case were made possible by defects in legislation that was designed for wholly different results, we may well start the inquiry whether or not other laws carry in their seemingly wise, proper, and conservative lines possibilities which may develop into disturbers of our progress and peace.

Do we not all now realize how much of the perplexities of these times might have been avoided if, when the popular demand of but a few years ago induced the legislation which devoted empires of the public lands to the construction and development of our railway system, a hesitating and prudent forecast of the possibilities involved had marked the action of Congress? Had this obtained at that time we should have but little cause now to engage in wrestling with the difficult subject of the regulation of interstate commerce, nor would that commerce have been weighted down with a burden of nominal cost in the instrumentalities through which it operates of more than three times the actual expenditures involved in their creation.

True there might not have been the multitude of colossal private fortunes evolved that now make this country exceptional in that regard to almost all others. But if this were true we would now be rid of one of the most disturbing factors in the financial, commercial, and general business affairs of this country. It is possible that those gigantic gambling institutions commonly called stock exchanges might not have flourished in the more conservative conditions which painstaking prudence and study could have established through even slight modifications in the legislation to which I have referred. This would have been no calamity, as all thoughtful men will now admit. And had our course and legislation been such as to have avoided the results indicated another demoralizing presence in our present business system might not have appeared. I refer to those other organized instrumentalities of chance operations so baneful in their effects on values, the boards of trade, and other like organizations.

Mr. President, I have not time now to follow this train of thought into its comprehensive grasp of the details of causes of unrest, disturbance, and discontent which prevail in this country. It is enough for me to say in this connection that the conditions which have forced us to consider how we can devise legislative remedies are not of spontaneous growth, but come from causes imbedded in the defects of past governmental action, both national and State. The past has been too unmindful of the effects likely to result from the causes which it organized. We have been too intent on forcing rapid development to concern ourselves with anything else. We have been content to boast of so-called wondrous progress without care for or study of our danger charts. We seem to have believed that going fast was going safely. We are beginning to realize that something has gone wrong. We are not all likely to agree in our diagnosis of the case. This has long been evident from the conflict of proposed remedies. But there is one fact involved about which there will be but little dispute. I think that the tendency of the present time toward centralization will be admitted by all. There may be disagreements in respect of the ultimate effect of this tendency, but I doubt if there can be any as to its existence.

I do not use the term centralization in its political sense, and as applied to the movements of the Government. I use it in that more comprehensive sense which applies to the general conditions of the country and the complex affairs of our people. Almost every complaint which has addressed itself to Congress for a remedy has its origin in the general tendency of the times toward centralization. We see evidences of the truth of this statement on every hand and in all directions. It applies to capital, to the power of corporations, to industries, to methods of business, to the ownership of land, to the employments of men, and in all of these respects and the many others I will not now stop to name, its effects are prejudicial to the best interests of the country and to the best conditions of our people.

Practically the individual has been abolished in this country. Nothing is done but by combination, which is but one phase of centralization. Capital moves in this line, and, as a natural result, labor, in its defensive efforts, has associated, combined, centralized. Hence individualism has been suppressed. The man who toils for wages is no longer master of his own movements. The society or order to which he belongs determines when and how and for what and for whom he may work. Any system or condition of society, in any country, which enforces such results can not but be harmful. It is destructive of the doctrine on which our institutions rest, the equality of all men. There is not equality in any system which forces men to surrender their individuality and subjects them to the decrees and orders of associations in respect of their daily employments. Nor would the wage-workers of this country submit themselves to such conditions had not our methods of business forced them into defensive movements.

The independent, self-reliant man, free to consult his own necessities and to obey the dictates of his own judgment, will rarely fail of success. We have evidence of this in almost every line of our history and in every department of our activities. Thousands of names of men whose early experiences were in our fields, our mines, our workshops adorn the pages of our history which record the beautiful and wondrous stories of successful American lives. In politics and public affairs, in private occupations and personal ventures, in science and its bewildering unfoldings, in invention and its startling transformations, in commerce and its achievements, in trade and its sturdy struggles, in literature and its beautiful creations, in art and its priceless treasures, in wealth and its commanding influences, and, indeed, in every department of human endeavor wherein resolute men have won success and renown, we find in conspicuous places the names of men who began at the foot of the ladder and toilsomely worked their ways to its top. This was made possible by that freedom of individual action which allowed the ambitions and aspirations of the poor boy to find realizations in the triumphs of the successful man.

These things could not have been but for that American system of equality which recognized each man's right to order his own ways and assured him that freedom of personal action which enabled him to work his way from rear to front and from the bottom to the top. Hence whatever assaults this system of equality or interferes with this freedom of personal action or obstructs the forward and upward movements of our people is inimical to the true interests of every boy and man who must depend on his own exertions for success in life. Such things tend to the creation of classes in society and to impact them into social strata from which there is no escape. When this condition prevails the stratum into which the father was born receives the son, the grandson, and so the process goes on through the generations. The toiler of to-day is assured that his descendants will be toilers. The worst features of the Old World systems of society will be transferred to this country, to evolve the germs of discontent which may in time develop into social disorder and political revolution.

Mr. President, have we not already indications in this country of sufficiently serious import to put us on earnest inquiry in respect of the causes which have induced them. Is it not apparent that something has induced the workingmen of this country to believe that the time has come when they must abandon reliance on freedom of personal action, surrender individualism, and resort to defensive associations which absorb the units of workers into an aggregated control which marks the first stages of class stratification? I know that this is not a result desired by the workingmen of this country.

I know that great masses of them feel how hard a lot it is to be forced toward any such realization. They prefer the former and better conditions which assured to each and every man that masterful freedom of action and forceful possession of himself which has heretofore enabled so many of them to go to the front and to the top. And I feel that it is quite time for us to seriously consider whether or not there are defects in our public policies and laws resulting in tendencies and practices whose logical results are evidenced by the discontent of those who work in the fields and shops of this country, and is rapidly extending to other callings in the regions more or less remote from our great business centers.

We know that this discontent exists and that it is increasing and spreading to regions and employments which have not long been affected by it. We have also come to realize that these tendencies and practices have been induced, or at least made possible, by the character and provisions of some of our past and best-intentioned legislation. This result springs from a fact stated in the earlier part of my remarks to-day, when I said: We have often legislated in respect of subjects of great public concern as though they were isolated facts sustaining no important relations to other things.

An illustration of this statement is presented by the subject em-

braced in the bill and report now before the Senate. The bill proposes an increase of the rate of postage on fourth-class matter, and, when considered in connection with another bill touching the same subject, proposing a reduction of the postage on certain fourth-class matter, is, in substance and effect, a measure for doubling the rate on merchandise packages sent by mail. The introduction of the bill was induced by complaints, coming from various sources, representing that the present law relative to postage on merchandise packages is an active and effective instrumentality in the matter of centralizing trade in the few great cities of the country to the serious injury of the general mercantile interests in all other sections of the Union.

The introduction of the bill served one practical purpose. It at once disclosed how far we have advanced toward the centralization of mercantile trade in the great cities. The first assault made upon the measure came in the form of a charge that it was induced by the express companies, and that they had probably used money to secure its introduction into Congress. This was a valuable suggestion, inasmuch as it disclosed a knowledge on the part of those making it that the transportation of merchandise by mail had reached such vast proportions that it was so materially interfering with the business of the express companies as to cause them to move on Congress for its abolition. This was a definite suggestion touching the magnitude of the mercantile carrying trade conducted by the Government by means of the mail.

Following upon the charge that the express companies were the instigators of the movement, the merchants and advertising agencies of the great cities set the newspapers at work and denunciations came to hand thick and fast. But the articles published in the city papers were not always of the most discreet character; for they, too, served to disclose the magnitude of the retail trade of the city merchants carried on through the mails to the injury of the business of the local merchants throughout the country. City merchants had themselves interviewed and their statements were given to the public by the newspapers. The press of New York, Boston, and Philadelphia was prolific in this kind of literature, supplemented by editorial articles. But the effect of it all was to show how this trade by mail had mounted into tens of millions of dollars. The New York Tribune, in an article introductory to interviews had with some of the leading merchants of that city, said:

The large dry-goods firms in New York and other cities, who have built up an enormous trade by correspondence in the last ten years, are naturally indignant at the bill which strikes at this system, which puts city and country customers almost on a par as regards ease of selection and cheapness of delivery, and has increased and stimulated high-class shopping to the benefit of everybody but the express companies and the local dealers.

And then in the interviews which follow may be found such expressions as these:

We do not pay the charge on goods in small parcels either by mail or express. If the rate is doubled the loss falls on the out-of-town customer. * * * The merchants here will take some concerted action on this bill soon.

Another merchant in the same column is reported as saying:

The passage of Senator WILSON's bill will damage our country trade, however, seriously.

And still another:

We are opposed to this bill because it will prevent shopping by out-of-town people.

And yet another:

The passage of the Wilson bill would be a hardship to all the large dry-goods houses. * * * The loss to the New York merchants alone would amount to several millions a year if we have to fall back on the express companies for everything.

Another New York paper remarked as follows about the bill and the merchants of that city, namely:

Merchants of this city who have built up a large trade with country customers through the mails are very much interested in the bill introduced in the Senate by Senator WILSON, of Iowa, proposing an increase in the rate of postage on fourth-class matter from 1 to 2 cents an ounce. Hundreds of merchants here oppose the bill, thinking that it is destined to materially injure a business which since the reduction in fourth-class rates they have built up to one of very large proportions. Most of the large retail firms dealing in dry goods and fancy goods have departments with large numbers of clerks employed who do nothing but attend to orders received by mail for goods to be shipped to all parts of the country by mail or express.

I might multiply evidences of the magnitude of the retail trade by mail to an almost endless extent and from others of the great cities, but do not deem it necessary so to do. There is, however, some official testimony upon the subject which I deem of sufficient importance to present. It is an official statement prepared by the postmaster of New York showing the transactions of that office in respect of the several classes of postal matter handled during the last fiscal year. The statement is as follows, namely:

Statement of the character and quantity of packages of mail matter of the fourth class (ordinary and registered) passing through the post-office of New York, and of the various kinds of merchandise and other articles inclosed therein.

FOURTH-CLASS MATTER—ORDINARY.

The statistics called for as to this class will be found in the fourth item of the table below, under its appropriate head. It has been thought advisable to give also, for purposes of comparison, those relating to first, second, and third class matter. Examination of the table will clearly show the different sources of the postal revenue and the causes of deficiencies therein. The figures given are those for the last fiscal year.]

Articles included in different classes and rates of postage thereon.	Estimated quantity, &c., of matter handled.				Proportionate number, weight, and bulk, with revenue derived from each.			
	Pieces.	Pounds.	Sacks.	Postage.	Number.	Weight.	Bulk.	Revenue.
First class:								
Sealed matter, 2 cents per ounce; postal cards, 1 cent each	110,000,000	2,400,000	30,500	$1,152,000	.248+	.049+	.042+	.298+
Second class:								
Publications, bulk rate, 2 cents per pound	175,000,000	25,000,000	330,000	250,000	.395+	.511+	.461+	.064+
Publications from public, 1 cent per 4 ounces	40,000,000	2,750,000	130,000	490,000	.090+	.195+	.181+	.126+
Third class:								
Circulars, 1 cent each	75,000,000	2,700,000	30,000	750,000	.169+	.055+	.041+	.194+
Miscellaneous, 1 cent per 2 ounces	30,000,000	4,250,000	60,000	425,000	.067+	.086+	.083+	.110+
Fourth class:								
Samples, 1 cent per ounce	8,000,000	2,880,000	33,750	475,200	.018+	.058+	.047+	.123+
Miscellaneous, 1 cent per ounce	4,000,000	1,920,000	101,250	316,800	.009+	.039+	.141+	.082+

A study of this exhibit, keeping in view the fact that it relates to a single office, will readily disclose the vast proportions to which the merchandise package business by mail has grown, and how small a percentage of the postal revenue it pays, and the same officer states concerning registered packages that—

It is estimated that 75 per cent. of the parcels registered at this office are sent by merchants to their customers throughout the country. Dry goods, clothing, boots and shoes, bonnets and other millinery goods, gloves, tools, whips, cheap watches, toys, fancy articles, &c., make up their contents.

A large proportion of these articles is sent long distances, many going across the continent to San Francisco, Cal., and other remote points. A careful estimate of the cost of transporting merchandise packages by mail shows that the Government sustains a loss on each one carried over 200 miles, and this accounts for a very large percentage of the deficiency in postal revenue. Hence the Government at a heavy loss to itself puts the retail merchants of the great cities in direct competition with local dealers the country over, and thus aids in the centralization of the business concerned in those centers of trade. Could it be expected that this process should be continued without attracting attention and inducing complaint? And when we consider the magnitude of the retail trade with remote regions the merchants of the great cities have built up, need we wonder at the sharp opposition they have organized to this bill?

The character of the complaints which came to me, both before and after the introduction of the bill, show that its subject embraces more than the questions of cheap postage and postal revenue. One correspondent said:

I never go the post-office without being vexed at what I see. Almost every mail brings bundles of goods of some kind to those who ought to buy at home and in this way help to keep our town prosperous. The people are fooled by all sorts of circulars and advertisements sent here from the cities, and they get no better bargains than us merchants here could give them for the same kind of goods if trade would stay at home.

Another said:

This thing of the Government helping New York and other big-city merchants to compete with us in the smaller towns is an outrage. It takes away from us most of the cash trade in many things, and leaves us all of the credit business. The customers that order from the big-city houses by mail and get their goods that way have to pay cash, and the city houses have no risks to run. But we have to do all of the credit business and take all the risks. It is not right. It hurts our business and our town and ought to be stopped.

And yet another wrote:

I am glad you are trying to do something to stop this city retail business by mail. I have been a merchant here for over ten years, and I have noticed our own local trade going away from us to the cities. This is hurting us badly, and I do not think it is right for the Post-Office Department to do this work for city merchants, and I hope your bill will pass; for the way this thing is going it not only hurts the business here, but it does not help the people who buy away from home. We could do as well by them as the city merchants do if they would only give us a chance. It is all stuff about it making goods cheap for the people.

Very many letters of like character have come to me from different sections of the country, and others presenting different and very pertinent views of the subject. Here is an extract from one of the latter. The writer says:

In this town there is one man who does more business in the course of a year than any merchant or firm in the place. He has no capital invested, and does not need any; but still he does more business than any of us, and makes more clear money. He solicits orders in town and country, and sends them to Chicago, New York, and other cities. His stock in trade is a lot of illustrated catalogues, pamphlets, &c., and even these do not cost him anything. His business is all cash, but he does not even pay any taxes. When the assessor comes around this man has nothing to put down on the tax-book; but when the assessor calls on me and the other merchants and business men here he finds us with stocks of goods, capital, and store-houses. We go down on the book and have to pay the taxes to meet the public expense. We can not feel that this is right, and the Government ought not to help put this wrong on us.

It would be difficult to find any rule in political economy to refute that correspondent's statement or to negative his declaration; but his is not an isolated case. Indeed, there is scarcely a phase of business experience that is not presented by one or more of my correspondents. I select the following as an additional example. The correspondent says:

I read that interview with you that was printed in the Inter-Ocean. I think you are right. There is too much of this thing of running everything into the cities going on. I know you are right when you say that the low rate of postage on goods carried by mail is hurting local business in all of the towns. It is not only doing this, but it is affecting the value of property, too. I own two business houses in this town. The business that goes away from here by mail has reduced their value not a little. The merchants who occupy them say that so much of the best trade goes to Chicago and other cities that they must have lower rents; and I hear the same said by other men, and I know it is the same in other towns.

These are not frivolous complaints. They are all full of meaning. They are indications of the rapid formation of an additional cause of discontent, the effects of which will be of more universal application than any other now existing; for they will operate in greater or less degree on every community in the land, and Congress is allowing this formative process to go on without any adequate excuse, and withholding all effort to provide a remedy even to the limited extent of the pending bill. And this condition is allowed to continue in spite of the advice of one of the best informed officers in the postal service. For when this bill came before the Committee on Post-Offices and Post-Roads of the Senate it was referred to the Postmaster-General with request that he give his views concerning it and obtain those of the postmaster at New York.

The report of the committee quotes from the reply of the Postmaster-General and shows that both he and his Third Assistant are opposed to the passage of the bill, but it wholly ignores the response of the postmaster at New York, who, in the matter of practical knowledge of the present system, is by far the best qualified to speak on the subject. In his letter addressed to the Postmaster-General, who, at the instance of the committee, had directed him to communicate his views touching the bill and its subject, he expressed himself as follows, namely:

POST-OFFICE, NEW YORK, N. Y., OFFICE OF THE POSTMASTER,
February 17, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of 10th instant, inclosing a copy of Senate bill No. 1079, and requesting an approximate statement of the character and quantity of fourth-class packages and the kind or kinds of merchandise contained in such packages passing through this office.

In reply I beg leave to say that I have caused the desired statement to be prepared, and inclose the same herewith.

In answer to your further request for such suggestions and information on the subject-matter of the bill as I may be able to furnish, I have to say that the increase in postage rates for which it provides is in my opinion an important step in much-needed postal legislation; that the speedy enactment of the bill is in every way desirable; and that the interests of the Post-Office Department (and consequently those of the public) would be greatly promoted if such action were followed by further legislation in the same direction.

This is the official opinion of a man who is brought into never-ceasing contact with the subject of which he speaks. It can not be said that his judgment is tempered by the bias of his local surroundings. New York merchants desire a continuance of the present system. He says that it should be changed, and that the bill reported adversely by the committee is an important step in much-needed postal legislation, and that its speedy enactment is in every way desirable. But the judgment of this well-informed officer will not now be accepted by Congress. The reform proposed will not now prevail. The tendency of the present times is against it. We must wait until the evil gets its full growth.

We are repeating the mistake which attended the development of the evils which all now admit attend our transportation system, and are not likely to attempt its correction until it shall have become strong enough to resist, possibly for years, all efforts in that direction. But the time will come in this regard when the American legislator will be forced to "modify his views of the present and his forecast of the future" relative to this subject, as he was forced to do in respect of the transportation question in its relations to interstate commerce.

Mr. President, for years we have been accustomed to hear denunciations of the so-called railway kings. Some of these denunciations have been and are reasonable, some unreasonable. The men so denominated are comparatively few in number, all possessing great wealth, and residing at a few of the principal business centers of the country. It was not the men or their wealth that engendered the bad feelings manifested by the denunciations which have been heaped upon them. The cause is to be found in the uses of the power they possessed over the business and general interests of the people. This is why Congress has struggled for years to regulate their methods. Success has not yet been reached in this regard.

We still have that conflict on our hands, and while it progresses we have warning that our railway kings are to have the companionship of merchant princes; and that, in combination, they will carry on the movement toward a more perfect business and capital centralization in the great cities. This will tend to multiply causes of discontent and force dangerous factors into our political affairs, and we may now assure ourselves that the time will come when the people of this country will resolutely resist the domination of the great cities and enforce their demand for the enactment of laws to put an end to the now well-defined tendency of the times toward centralization.

He is an inapt reader of passing events who can not see in our present conditions abundant cause "to set us to thinking about the future and divining the destiny which is reserved for us." And if we will but settle down to this task with serious purpose to resolve it we will not fail to discover that we are not conserving the best interests of the country by allowing the present tendencies to uninterruptedly go on; that our drift has been, and now is, too decidedly toward the establishment of dominating and, in a certain sense, autocratic aggregations. The excitement which has attended the phenomenal movements of the forces that have wrought out the many admirable, not to say wondrous, results of our much-applauded progress has closed our ears to the voice of caution and shut our eyes to the danger-signals that have been planted along our way.

Our headlong speed has been an exhilaration, and we have been all too unmindful of the character of the methods that have promoted it. Whatever has promised a quick result, a speedy gain, a new development, a phenomenal transformation, an exceptional experience in harmony with desire has been embalmed in our laws and public policies without the accompaniments which prudent forecast of the possibilities involved would have invoked and established. And this explains why it is that, now that many of the possibilities have resolved themselves into facts, we are casting about for counteracting forces through which to correct the errors of the past, and accounts for the presence of the many bills now pending in Congress in respect of the several subjects and interests to which I had reference in the earlier part of my remarks. For years such bills have been pressed in Congress. Each succeeding year has added force to the insistence with which they have been pressed.

The present session of Congress is likely to realize the enactment of some of them. Those that fail will be here again, and in time those that deserve success will overcome the resistance now opposed by the aggregations of wealth and influence and persuasion and interest and tenacity, and take their places among the laws of the land and the reforms of the times. Some of them may have to wait until conditions grow worse and more harm shall have been done. This is likely to be the case with the effort, now unsuccessful, to reform the evils attendant upon the system of transportation of merchandise packages in the mails at a positive loss to the Government revenues, the aggravation of the causes of discontent indicated by the letters from which I have quoted, and the unsatisfactory condition of the various characters of business involved which is sure to arise from continued and absorbing centralization in the great cities. I have made an effort at reform in this regard.

For the present it is defeated. Time and the worse phases of experience will ultimately bring it success. *It were better it should come now.* This is the lesson taught by our experiences in the other fields to which I have referred. What we have learned in them will be repeated in the one to which the present case relates. Then will come the remedy, but its work will be far more difficult than if attempted now. The country will then understand that it is not a question of cheap postage confronting it, but a demoralized condition of business which no people can stand and prosper.

PUBLIC-LAND LAWS.

Mr. DOLPH. I call for the regular order.

The PRESIDING OFFICER (Mr. CHACE in the chair). The regular order will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and to insert:

That section 2299 and section 2301, and chapter 4 of title 32, excepting sections 2275, 2276, 2283, 2286, and 2288, of the Revised Statutes of the United States are hereby repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated upon surveyed or unsurveyed lands before the 1st day of July, 1886, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed; that all entries made under the pre-emption laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold, after final entry, to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale: *And provided further*, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, to perfect title to a tract of land heretofore entered by him under the homestead law, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed; but this provision shall not apply to persons who shall perfect title to lands under the pre-emption or homestead laws under proceedings already initiated: *And provided further*, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash (except for fees and commissions) in the sale and disposal of public lands, at the land offices at which such certificates are now receivable in commutation of homestead and in payment for pre-emption claims: *And provided further*, That all certificates heretofore issued by the Commissioner of the General Land Office to soldiers, or their widows, or their minor children, under section 2306 of the Revised Statutes, may be located by the original beneficiaries, their heirs, legal representatives, or assigns; and upon such location patent shall issue in the name of the locator.

SEC. 2. That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878, and all laws supplementary thereto or amendatory thereof, be, and the same are hereby, repealed: *Provided*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1886, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed: *And provided further*, That the following words of the last clau e of section 2 of said act, namely, "That not less than twenty-seven hundred trees were planted on each acre," are hereby repealed.

SEC. 3. That an act to provide for the sale of desert lands in certain States and Territories, approved March 3, 1877, is hereby amended by adding thereto the following sections:

"SEC. 4. That at the time of filing the declaration hereinbefore required, the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands, may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements.

"SEC. 5. That no land shall be patented to any person under this act unless he or his assigns shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, at least $3 per acre of the whole tract reclaimed and patented, in the manner following: Within one year after making entry for such tract of desert land as aforesaid, the party so entering shall expend not less than $1 per acre in the necessary irrigation, reclamation, and cultivation of said tract, in the construction of main or branch ditches to or upon the same; and he shall in like manner expend the sum of $1 per acre during the second and also during the third year thereafter, until the full sum of $3 per acre is expended in the construction of canals and ditches to irrigate, reclaim, and cultivate said tract of desert land. Said party shall file during each year, with the register, proof, by the affidavits of two or more credible witnesses, that the full sum of $1 per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid, the lands shall revert to the United States, and the 25 cents advanced payment shall be forfeited to the United States, and the entry shall be canceled. Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of $3 per acre: *Provided*, That proof be further required of the cultivation of one-eighth of the land.

"SEC. 6. That this act shall not affect any valid rights heretofore accrued under said act of March 3, 1877, but all *bona fide* claims heretofore lawfully initiated may be perfected, upon due compliance with the provisions of said act, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed; or said claims, at the option of the claimant, may be perfected and patented under the provisions of said act, as amended by this act, so far as applicable.

"SEC. 7. That at any time after filing the declaration, and within the period of three years thereafter, upon making satisfactory proof to the register and receiver of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and that he or she is a citizen of the United States, and upon payment to the receiver of the additional sum of $1 per acre for said land a patent shall issue therefor to the applicant or his assigns: *Provided, however*, That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this or any preceding act shall be subject to contest, as provided by the law relating to homestead cases, for illegal inception, abandonment or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands and moneys paid therefor shall be forfeited to the United States.

"SEC. 8. That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to the State of Colorado."

SEC. 4. That section 2275 of the Revised Statutes be amended so as to read as follows:

"Where settlement with a view to pre-emption or homestead has heretofore been made, and where settlement with a view to homestead shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections 16 or 36, those sections shall be subject to the claim of such settler under the pre-emption or homestead law; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented to pre-emptors or homestead settlers; and other lands are also appropriated to compensate deficiencies for school purposes where sections 16 or 36 are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever."

SEC. 5. That section 2289 of the Revised Statutes be amended so as to read as follows:

"SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years if a male, or at the age of eighteen years if a female, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; and every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate 160 acres."

SEC. 6. That section 2288 of the Revised Statutes be amended so as to read as follows:

"SEC. 2288. Any *bona fide* settler under the pre-emption, homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, canals, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim."

SEC. 7. That any person entitled to enter a homestead under section 2289 of chapter 5 of the Revised Statutes shall, by complying with all the provisions of said chapter relating to the entry of homesteads, be entitled to make one entry as a homestead of one half-section or less of unappropriated mountainous land, as defined by this section, and in a compact form. Any 40-acre tract of the surveyed public lands, exclusive of mineral lands, three-fourths of which is so mountainous and rough that it can not be plowed and cultivated, shall be deemed mountainous land within the meaning of this section, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the proper land office. The determination of what is mountainous land shall be subject to the decision and regulations of the Secretary of the Interior, who may provide for cross-examination of witnesses and for the production of proof on behalf of the United States before the register and the receiver as to the character of the lands at the date of the application or of final entry: *Provided*, That all the provisions of the homestead law relating to final proof, fees, contests, citizenship, relinquishments, residence, death, and transfers of the homestead claim shall apply to entries under this section: *And provided further*, That this section shall only apply to and take effect in the States of California, Oregon, Colorado, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, and New Mexico.

SEC. 8. That in all cases under the pre-emption and homestead laws, and under this act, all contests or protests on the part of the Government, or any individual, concerning the land entered, shall be instituted within ninety days after final entry and issue of the duplicate receiver's receipt, and not afterward: *Provided*, That whenever it shall appear upon the face of the papers returned to the Commissioner's office that a clerical error has been committed, such entry may be suspended, upon proper notification to the claimant, through the local land office, until such error has been corrected: *Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained. This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption and homestead acts: *Provided*, That after the lapse of two years from date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead or pre-emption laws or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

SEC. 9. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within five years after the date of the issuance of such patents.

SEC. 10. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations, isolated and disconnected fractional tracts authorized to be sold by section 2455 of the Revised Statutes, and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry.

SEC. 11. That an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, and section 2 of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880, are hereby repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Public Lands as a substitute for the bill.

Mr. DOLPH. Mr. President, I do not propose to discuss the bill at length. The Committee on Public Lands in the Forty-eighth Congress reported a bill containing many of the provisions of the present bill and it passed the Senate. By that bill it was proposed to repeal the pre-emption law, the timber-culture law, the desert-land act, and to amend the homestead law in some particulars. The bill had previously passed the House of Representatives, but owing to the lateness of the session and the pressure of business in the House the bill was never afterward taken up in that body and no action was had upon the Senate amendments. So the bill failed.

At the present session the Committee on Public Lands of the Senate spent several days examining the question of amendments to the general land system, and after careful consideration reported a bill. The bill with some other bills which had been introduced on subjects embraced in the bill reported by the committee was referred to the Secretary of the Interior, and a report was received from him in regard to several of the provisions of the bill reported by the committee. The committee then re-examined the whole matter, made some modifications to the bill first reported, and adopted many suggestions made by the Secretary of the Interior, and reported a second bill covering the same ground and intended to take the place of the first.

Then a bill came from the other House which had passed that body repealing the pre-emption law, the timber-culture act, and the desert-

land law. That bill was referred to the Committee on Public Lands, and the matter was again to some extent examined by the committee, and they reported back the House bill with an amendment substituting the Senate bill which had been perfected by the committee and reported.

By the amendment of the committee to the House bill the repeal of the pre-emption law is proposed, saving the right of all persons who have initiated claims under the law, allowing them to be perfected and title to be secured as if the law had not been repealed, and also providing that where a person has never had the benefit of the pre-emption law, and but for the repeal of that law might have taken a pre-emption claim, who has made heretofore a homestead entry, and for any reason has failed to secure his homestead, may make another homestead entry, thus attempting to provide that no person entitled to make a settlement under the homestead law shall be deprived of acquiring a homestead from the public lands.

The bill as reported by the Senate committee as an amendment to the pending bill also proposes the repeal of the timber-culture act, but in the like manner saving the rights of all persons who have initiated claims under the act, or who shall have done so before the time specified in the act, which is July 1, I think, may proceed to perfect their title as if the pending measure had not been passed.

In the bill reported by the Committee on Public Lands at the Forty-eighth Congress and which passed the Senate the repeal of the desert-land act was proposed. Upon further consideration the committee have concluded that its repeal would be unwise; there is a large area of the public lands, containing 500,000,000 of acres, which are desert and worthless without irrigation, which never can be occupied and title acquired to them under the homestead or pre-emption law. The committee have proposed certain amendments to the law.

Under the law as it stands and under the amendments proposed a person who takes a desert-land claim must pay the Government a dollar and a quarter an acre. He must also when he makes application to enter a claim show by a map to be filed in the local land office his plan for irrigation, which must be sufficent to irrigate the land he proposes to enter. He must then annually expend a dollar an acre upon his claim for three successive years. Each year he must make proof before the local land office that he has expended $1 per acre in the construction of his irrigating ditches; and if he fails for any one year to make the proof his claim is to be canceled and he loses the first payment, which is 25 cents per acre; and at the end of the three years, if he is then a citizen of the United States, and has shown that he has made the necessary expenditure of $3 per acre, $1 every year for three years in succession, and pays to the Government the further sum of $1 an acre, he is to receive title to the land.

The committee believe that these amendments, which I may say are approved by the Interior Department, will place the law beyond the field of speculation, will secure the reclamation of desert lands before any title can be acquired from the Government, and will prevent their being held for any considerable time by persons who enter them without the intention of making reclamation of them. The conditions are very hard, considering that the Government is giving away all valuable agricultural land; but the expenditure of $3 an acre in reclamation and a payment of a dollar and a quarter an acre to the Government, although onerous under the law, will be better than to have no law by which title can be acquired in these desert-land tracts.

Mr. BLAIR. If the Senator will not deem it an interruption or troublesome, I should like to ask him a question.

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from Oregon yield?

Mr. DOLPH. I do; but I will state to the Senator from New Hampshire that I am not intending to make a speech. I simply wish to make a statement in regard to what is contained in the bill.

Mr. BLAIR. I was going to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. DOLPH. I do.

Mr. BLAIR. I wish to ask the Senator in regard to the onerous charge in the terms under which title to desert lands could be obtained, if in his judgment it would not be much better for the individual who is in search of a homestead even upon desert lands to reduce the amount that the amendment proposes shall be paid? Would it not be sufficient security to the interests of the public and certainly more just to the individual who as a rule must be a poor man, to let him have title to the land upon an aggregated payment of $1.25 an acre, which is now required under the pre-emption law, and all that is required for obtaining the most valuable agricultural lands? Would not that be likely to secure the necessary expenditure for irrigation, without which of course the whole investment is useless; and if that should be so, is it not really a more just provision for the settler himself?

Mr. DOLPH. I will state to the Senator from New Hampshire that these lands can not be reclaimed without the expenditure of considerable sums of money; they are absolutely worthless in their present condition. I do not believe that the requirement that there shall be expended upon he land the $3 per acre is an unwise provision, but I do think that the Government might well afford to sell the lands say at 25 cents an acre, because, as I said, they are of no value whatever to the Government until they are reclaimed by a large expenditure of money. But I think in the disposition of them the man who enters desert lands should be required to reclaim them, or at least to extend a given sum, and that a considerable sum, upon them, before the title passes from the United States, so that they shall not pass into private hands until they are actually reclaimed and made productive.

Mr. BLAIR. We give the agricultural lands to homesteaders for nothing. Why would it not be a just thing in this bill to provide for the expenditure of $3 per acre in the way of improvements, for irrigation purposes, and then the land having been thus made available and valuable, let the title to the land in tracts of 160 acres go gratis, as it does now under the homestead law, remitting the $1.25 and making the bill provide for the expenditure of $3 per acre for the purposes of irrigation?

Mr. DOLPH. I will state to the Senator that it is utterly impracticable to secure the reclamation of these lands in quantities of 160 acres. In many places the water has to be brought 30 or 40 miles, at a large expense for ditching, and whoever enters and reclaims these desert lands must have some capital in order to enable him to do it. I think the quantity mentioned in the pending bill and in the original act of one section is the minimum amount that can be retained in the bill, and make it practicable to secure the reclamation of these lands.

I see what the Senator from New Hampshire is driving at. He thinks, I judge, that the provisions of the bill are a hardship upon the people who are to enter these lands. I myself think they are unusual. I think that they are unjust when we compare them with the disposition the Government is making of its arable land, its agricultural land. I would much rather see the dollar and a quarter an acre required to be expended upon the land for its reclamation before the title passed from the Government than to see it paid to the Government, because the Government is benefited and the country is benefited by the reclamation of these lands, which, as I said, are utterly valueless without the expenditure. But all the members of the Committee on Public Lands did not share in my views. Many of the Senators and Members of Congress are uninformed in regard to the arid region. No man can conceive of the character of that country until he has been over it and has seen it for himself. It is very difficult to explain to the satisfaction of people who have never seen it what is necessary for the reclamation of the desert land and the development of that country. Therefore, so far as I am concerned, I was glad to take so much as we could get, to retain the desert-land act, with additional onerous provisions which would permit the acquisition of titles by private persons to the desert land and secure its reclamation.

Passing from the question of the amendment of the desert-land act, two important provisions for the amendment of the homestead law are made by our substitute for this bill. One is to amend the first section of the homestead law so that a woman eighteen years of age and a male twenty-one years of age may take a homestead. As the law now stands both have to be twenty-one years of age; but that is the less important of the two.

The other is a provision for the repeal of the commutation clause of the homestead law, which is that a homestead settler after having resided upon and cultivated his homestead claim for a period of six months in the manner provided by the pre-emption law may virtually convert his homestead claim into a pre-emption claim and pay for it as such. The bill that came from the House proposed to extend the time of residence and cultivation required to thirty months and allow the commutation feature of the homestead law to remain. With that change I myself believe that the House bill in that respect is right; but a majority of the committee thought that the commutation clause should be entirely repealed, so that the Government would no longer receive, except for desert lands, any compensation whatever for the public lands, that the five years' residence and cultivation should be required in every case of a homestead entry; and that is the bill as reported by the Senate committee.

There are some other general provisions relating to the conduct of the business concerning the public lands in the Interior Department, some of them conferring additional power upon the Commissioner of the General Land Office and the Secretary of the Interior, some of them intended to relieve them from responsibility and to point out the course of action which they should pursue, and all intended to simplify and unify and make harmonious the practice in the General Land Office. Those provisions can be better explained as they come up one by one if any objection should be made to them. I shall not take any further time of the Senate in making any explanation of the bill.

Mr. MITCHELL, of Oregon. I wish to attract the attention of my colleague to this question. On page 6, line 42, I find the following:

That all certificates heretofore issued by the Commissioner of the General Land Office to soldiers, or their widows, or their minor children, under section 2306 of the Revised Statutes, may be located by the original beneficiaries, their heirs, legal representatives, or assigns; and upon such location patent shall issue in the name of the locator.

By referring to the section of the Revised Statutes named in that clause I find that it is as follows:

SEC. 2306. Every person entitled, under the provisions of section 2304, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than 160 acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed 160 acres.

The clause in the bill refers to certificates heretofore issued by the Commissioner under this section, while the section says nothing about certificates——

Mr. DOLPH. Does that section refer to soldiers at all?

Mr. MITCHELL, of Oregon. It says: "Every person entitled under the provisions of section 2304."

Mr. DOLPH. Please read section 2304, and then I will explain.

Mr. MITCHELL, of Oregon. It is:

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February 13, 1862, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding 160 acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

Mr. DOLPH. I will explain now to my colleague what that means. The section last read provides that certain soldiers and men who have served in the Navy may take up a homestead by simply entering upon the land. They are not required to reside upon it or cultivate it in order to obtain title. To identify those who were entitled to enter lands under this provision the Secretary of the Interior, as I understand, issued to these persons certificates, which showed that they were persons who were mentioned in section 2304. The Secretary of the Interior issued under the law certificates to soldiers and sailors who were entitled to enter under these provisions, which enabled them to go to the local land offices and locate their certificates on any public lands subject to entry.

It was also ruled for a time, as I understand, that these certificates were assignable; that when a certificate was once issued the sailor or soldier to whom it was issued might assign it, and the assignee could locate the land. It has since been ruled that they are not assignable. Large numbers of these certificates have passed into the hands of third persons, who by the later ruling of the Department are prevented from using them. It was in order to cover these contradictory rulings and to dispose of these outstanding certificates and do justice to the people who now own them that this provision was inserted by the committee.

Mr. MITCHELL, of Oregon. The object of the provision then is to make good those that are in the hands of innocent holders for a valuable consideration. But what I wish to call the attention of my colleague to is this, is not the wrong number named in the bill, is not the wrong section of the Revised Statutes named? Should it not be section 2304 instead of 2306?

Mr. DOLPH. I will examine that before the bill passes.

Mr. MITCHELL, of Oregon. The bill speaks of all certificates heretofore issued by the Commissioner of the General Land Office under section 2306 of the Revised Statutes, whereas there is no provision at all in section 2306 for the issue of any certificates, but section 2304 does provide for the location of the warrants of soldiers and seamen who served in the war of the rebellion on 160-acre tracts. That can be examined, of course.

Mr. PLUMB. I want to call the Senator's attention to the last part of section 2306, under which these certificates have been issued. That was designed to cover a condition of things in which parties who had served in the Army of the United States during the war of the rebellion had entered only 80 acres of land within railroad limits, and they were to be entitled to enter as much more as would make up 160 acres; and under the last clause of section 2306 the Department ruled that certificates could be issued to a soldier covering the amount of land necessary to bring his entry up to 160 acres; and by the ruling of the Department also it was held, as the Senator from Oregon [Mr. DOLPH] has stated, that these certificates might be transferred. They have been so transferred according to that ruling, and the purpose of this part of the section is simply to preserve the existing status in reference to those certificates so issued and transferred.

So the Senator from Oregon [Mr. MITCHELL] will find that the latter part of section 2306 is the one which provided for this privilege. The other simply gives the right to enter the land, and section 2306 gives the authority for the issue of the certificates for the quantity necessary to make up the total of 160 acres.

Mr. MITCHELL, of Oregon. I understand the object of the provision, but I wish to call the attention of my colleague and of the chairman of the committee to one further fact. This bill repeals nearly every section of chapter 4 of the Revised Statutes.

Mr. PLUMB. But it does not repeal section 2304.

Mr. MITCHELL, of Oregon. I say it repeals nearly every section of that chapter, and among others it repeals section 2277, as I understand.

Mr. PLUMB. Yes.

Mr. MITCHELL, of Oregon. Which reads as follows:

All warrants for military bounty lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of $1.25 per acre, for the quantity of land therein specified; but where the land is rated at $1.25 per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

That is repealed. The provision in section 2 retains the ability of soldiers and seamen who served in the war of 1812 and the rights of their assignees to locate the land-warrants issued to them on the public lands of the United States; but you have repealed or propose to repeal by this bill, as I understand it, section 2277, which would cut off all land-warrants issued to Mexican war soldiers or to any other soldiers except those who served in the war of the rebellion.

Now, there are to my knowledge quite a number of warrants still in the hands of the Mexican war soldiers. Some of them, I presume, are in the hands of speculators who have purchased them; but there are quite a number, perhaps a hundred all told, in the hands of the original parties or in the hands of their transferees; and as I understand this bill you leave them remediless if you repeal section 2277, which will be repealed if this bill becomes a law, and you make no provision whatever by which your Mexican war soldier having a land-warrant can locate it upon any of the public lands of the United States.

Mr. PLUMB. The Senator is mistaken about that. Section 2277 was an enlargement of the privilege which the owner of the land-warrant originally had; that is to say, it reached a class of purchasers who would become or might become interested in the ownership of a land-warrant. Until the act of the 22d of March, 1852, was passed, land-warrants could not be used in satisfaction of pre-emptions. Under that act of March 22, 1852, which has become section 2277 of the Revised Statutes, a land-warrant could be used in lieu of money wherever it was used under the pre-emption law.

Now we repeal the pre-emption law, and probably if that section was not repealed the effect would be the same, because it would not be likely that a warrant could be used under it; but the area of land on which land-warrants can be located is not diminished by this bill at all—I mean of land on which they can be located without settlement. But as we give the land away absolutely, do not sell it at all, therefore there would be no propriety in exacting from a person who held a land-warrant payment for the land which he can get without any money.

Mr. MITCHELL, of Oregon. It is the intention of the committee, then, as I understand, to cut off the right of the Mexican war soldier, or any other soldier who did not serve in the war of the rebellion, to locate a land-warrant which he may happen to have by virtue of any law.

Mr. PLUMB. Not at all. I think the Senator will find that every right of that individual is reserved absolutely under this bill. This is necessary to the harmony of the bill, because we are tearing up the pre-emption system by the roots, and the only way in which the land-warrant and the pre-emption system came to be connected was by reason of this section of the Revised Statutes, which provides that a person may use a land-warrant in place of money in payment of a pre-emption claim.

Mr. MITCHELL, of Oregon. Now I call the attention of the chairman of the committee to the tenth section of the bill as bearing on the point under consideration. That section provides as follows:

That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations, isolated and disconnected fractional tracts authorized to be sold by section 2455 of the Revised Statutes, and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry.

Mr. PLUMB. That was designed to cover just this case. Under the law as it now stands the President of the United States may order to be offered at public sale any portion of the surveyed lands of the United States. If they are not sold at public sale they then become subject to private entry. The section is to prevent the President of the United States from taking out from under the operation of the homestead law public lands by having them offered at public sale, and thus after the sale opening them to private entry.

Mr. MITCHELL, of Oregon. But this provision, if I understand it, absolutely takes away every right, with certain exceptions which are specified in the section, of every person to either make a purchase at public sale or make a private entry on the public lands. The only question, then, is whether those who hold land-warrants and who did not serve in the war of 1812 come within the exceptions specified in section 10.

Mr. PLUMB. The only purpose of section 10 is to prevent the President from offering at public sale any more of the public lands of the United States, except the military reservations, which it is now provided may be sold in that way. Every single acre of public land upon which a holder of land-warrants can now locate a military land-warrant he can locate a land-warrant upon when this bill passes. The only way we interfere with his right at all is that he is not authorized to sell it to a pre-emptor; that is to say, there is no pre-emptor any more.

Mr. MITCHELL, of Oregon. Then the Senator from Kansas and the committee understand that the location of any land-warrant on a certain piece of the public land would not be a private entry.

Mr. PLUMB. No, it is not a private entry.

Mr. MITCHELL, of Oregon. What is it?

Mr. PLUMB. It is the location of a land-warrant. A private entry is the purchase of land at a stipulated price in cash. But even if that

were true, still the Senator's objection would fail for this reason: This does not interfere with any land that is now subject to private entry. The great mass of public land heretofore offered at public sale can be located upon with land-warrants or can be sold for a dollar and a quarter to a private-entry man; this only provides that the President shall not bring any more lands into that class. The President may, as the law stands to-day, order all the lands in Colorado or Oregon or anywhere to be sold at public sale, and if they are not sold at public sale they then become, by reason of the fact of their having been offered at public sale and not sold, subject to private entry; that is to say, any man may go in and buy all he pleases at a dollar and a quarter an acre without settlement. We simply say that no more of the public land of the United States shall be subject to those conditions; but every acre of land which can now be entered by a land-warrant or is now subject to private entry—that is to say, which can be purchased at a dollar and a quarter an acre—is still subject to it, even if this bill shall pass.

Mr. MITCHELL, of Oregon. I think there is very great doubt about whether the position taken by the chairman of the committee is correct. Here is an absolute repeal of all rights, an absolute taking away by this section it seems to me of every right except as to certain specified cases that are named in the section, of any person to purchase public land at public sale or to make private entry. I think it is a very serious question whether that does not include the right of a person holding a Mexican war land-warrant to locate his land-warrant on the lands of the United States. I desire to preserve the right. That is the only object of my suggestion at this time. I desire, so as to leave no question about it, to preserve in express words the right of the Mexican war soldier, who happens to have a land-warrant, to locate that land-warrant upon the public lands of the United States after this bill shall have become a law just the same as he has now.

Mr. PLUMB. That is exactly what the bill does.

Mr. MITCHELL, of Oregon. Then in order to remove all doubt about that, and I think there is material doubt, would there be any objection to inserting at the end of section 10 these words, or some equivalent words:

Provided, however, That this shall not apply to military bounty-land warrants issued to soldiers of the Mexican or other wars, which warrants may be located on any public lands not mineral, reserved, or otherwise appropriated.

Mr. PLUMB. That would be very objectionable, because that enlarges the law. Let me call the Senator's attention, as he has the Revised Statutes before him, to section 2414.

Mr. MITCHELL, of Oregon. I do not wish to enlarge the law at all, and will accept any modification securing the object. I simply wish to preserve the rights of these parties as they are to-day.

Mr. PLUMB. Let me read the section under which land-warrants are now located. When I say "located," I mean as contradistinguished from their use as cash on lands subject to pre-emption:

SEC. 2415. The warrants which have been or may hereafter be issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum price. When such warrant is located on lands which are subject to entry at a greater minimum than $1.25 per acre, the locator shall pay to the United States in cash the difference between the value of such warrants at $1.25 per acre and the tract of land located on. But where such tract is rated at $1.25 per acre and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

You will notice there the limitation is on lands "subject to private entry." As I said before—and I repeat it with perfect confidence in the soundness of my conclusion in regard to the effect of this bill—by this bill we do not change that rule. We only provide that no more of the lands of the United States than the lands which are now subject to private entry shall ever become subject to private entry. That is all.

The President may never make them subject to private entry anyhow. There is no legal right, therefore, and no just claim of the people holding land-warrants that they shall enter upon any particular lands. All the lands that are now subject to private entry can be located on by land-warrants. We do not touch the lands now subject to private entry, as the Senator will see by reading section 10. We expressly exclude them from the operation of that section; we leave them subject to private entry indeed, as they are now, and those lands can be taken up by land-warrants if the holders of the land-warrants so choose. And we do not touch sections 2414 and 2415 and the following, which provide the methods whereby land-warrants may be located and the classes of lands on which they may be located.

Mr. DOLPH. I wish to state what I conceive to be the objection to my colleague's proposed amendment.

As the bill for the repeal of the pre-emption law and timber-culture law came from the House at the last Congress, section 6 provided for a sweeping repeal of every law substantially but the homestead law. This was its language:

SEC. 6. That after the passage of this act no public lands of the United States adapted to agriculture shall be sold except mineral lands and town sites; and all of the public lands of the United States adapted to agriculture shall be reserved for actual and *bona fide* settlers only under the provisions of the homestead laws, subject, however, to bounty-land warrants and college scrip issued by authority of Congress.

This is what the committee said in regard to that in the report which accompanied the Senate bill:

The apparent object of section 6 of the bill as it came from the House is to prevent cash sales. As worded, it leaves much in doubt and confiscates valuable vested rights. If this section should become a law, it would seem as if no lands could be selected for railroads, canals, or wagon-roads. The only scrip mentioned are military bounty-warrants, agricultural college, soldiers and sailors' rights (additional).

There are several other kinds of scrip extant, issued under other acts of Congress, which have been bought and sold on the strength of such enactments.

The apparent object of section 6 can be accomplished, and objections thereto removed, by substituting for the section the section proposed by the committee as an amendment.

Which was, that thereafter there should be no land sold at public sale or subject to private entry. When the bill came into the Senate it was objected by the Senator from Missouri and others that it would be unjust to some of the Southern States, where all the public lands had been offered at public sale and were now subject to private entry and comparatively worthless, to withdraw them from private entry; and the language of the section was, I find, as it appears in the bill now reported by the committee.

The trouble would be in adopting an amendment specifying any kind of warrants or scrip, because there are still others outstanding, there being quite a large variety of scrip which is yet to be entered on the public lands which is presented to the local land offices and laid on lands that are public lands and open to entry.

Mr. MITCHELL, of Oregon. Is there any objection to putting in an amendment simply reserving to all such soldiers the same rights they have now, so as to remove any doubt?

Mr. DOLPH. This is a very important matter. Whenever we commence to make even a small amendment in a provision with regard to the land system, which is complicated, we should be very careful. These various laws having been enacted at different times and received construction by different Departments and different courts, we are very liable to do something that we do not intend.

Mr. MITCHELL, of Oregon. If we are to take the thing just as the committee has reported it, it is not worth while to offer any amendments.

Mr. DOLPH. I do not think I ought to be understood as making any such suggestion as that; but I feel bound, having charge of the bill, to state why I think difficulties might grow out of such a provision.

Sections 2277 and 2278 which have been referred to are provisions that it is proposed to repeal. It might be well enough to leave those sections remain in force so far as to allow all military bounty warrants and agricultural-college scrip to be used in payment for pre-emption claims which have now been initiated. I would see no objection to leaving those sections in force for that purpose; but we can not leave those sections in force to run indefinitely unless we extend the pre-emption law indefinitely. We must cut off that right when we repeal the pre-emption law. As was said by the Senator from Kansas, we cut off the right of the holders of these warrants to use them in payment for pre emption claims, but that does not prevent their being laid on lands which are subject to be entered by homestead.

Mr. MITCHELL, of Oregon. That is just the point to be demonstrated. If it is so perfectly clear that the rights of these parties will be the same after this becomes a law, then there can be no harm from the insertion of a proviso reserving their rights.

Mr. DOLPH. If my colleague will give me his attention I think I can make this matter apparent.

From an early day it was the practice of the Government when public lands were sold to sell them at public sale. Those sales were regulated by law. They continued two days. The lands were sold to the highest bidder. The lands which had been offered at public sale and not sold were after that time subject to be purchashed for cash; in other words, were subject to private entry. So the term "private entry" has from long usage come to have a technical meaning. Lands subject to private entry are lands which have been put up at public auction, have been offered for sale, and have not been purchased, and now may be purchased in any quantity by any person at a dollar and a quarter an acre.

Mr. MITCHELL, of Oregon. Offered lands.

Mr. DOLPH. Offered lands. One person may purchase every acre of public land subject to private entry in the United States to-day for $1.25 per acre. One purchaser may take them all. That is what is referred to when we speak of lands offered at public sale and subject to private entry. But it was not the intention of the committee, and I think they have not done it, to provide that military bounty land-warrants, agricultural college scrip, what is known as the Dodge scrip, and soldiers' additional homestead scrip, large varieties of scrip, can not be laid upon the public lands. That was the very thing to be avoided. The committee thought that the House bill as it came to us at the last Congress did cut off those rights, and so reported this section as a substitute.

I feel very confident myself that the effect is not what is supposed by my colleague, that all that is referred to or covered by the ninth section is land which has been offered at public sale and may now be entered for cash in any quantity.

Mr. MITCHELL, of Oregon. Why then refer to them at all?

Mr. DOLPH. I will state, if I am allowed a moment further, that

I would not undertake myself, and I do not believe there is a member of the committee who would undertake, to enumerate all kinds of scrip that are outstanding; and I fear that if we begin to mention some, to make it certain according to the idea of my colleague, we should leave out some by not being familiar enough to enumerate the various kinds of outstanding scrip.

Mr. MITCHELL, of Oregon. The trouble is that the committee did commence to enumerate; the committee did attempt to enumerate and did enumerate and preserve by express enactment the rights of those soldiers who served in the war of the rebellion. They are expressly mentioned in the bill, and their rights are preserved by the clause to which I have called attention, whereas there is nothing said in the bill in reference to land-warrants held by Mexican war soldiers and by any other soldiers except those who served in the war of the rebellion.

Mr. DOLPH. I do not think we did mention them for that purpose. We simply made a rule to govern the Interior Department, that whereas the scrip had been issued to these soldiers and sailors, and whereas by the ruling of the Department it had been held to be assignable, and by another ruling it had been held that it was not assignable, and the scrip is now held by persons who can not use it under those rulings, the committee undertook to cure that trouble and to provide that the land might be entered by the original beneficiaries or by the assignees. I do not understand that we undertook to make any provision that the warrants might be entered, because they certainly can be still entered either by the original beneficiaries or by the assignees.

The soldiers' bounty warrants are but a small part of the outstanding scrip. I suppose the agricultural-college scrip is the largest class of scrip outstanding. That, I think, is a very large amount. There are various kinds of scrip, and if we undertook to mention any we should have to mention all. In the opinion of the committee it was not necessary to mention any, because all the scrip may still be entered notwithstanding the provisions of the bill reported.

Mr. MITCHELL, of Oregon. That may possibly be the effect of the bill, but I do not think so from my present examination of it. I want to leave the right of any Mexican war soldier who holds a land-warrant to locate his scrip upon any of the public lands of the United States. It seems to me a general clause might be put in in a few words, simply reserving the existing right of all holders of scrip, not enlarging them.

I do not think any pride of opinion on the part of the chairman of the committee or of the Senator having the bill in charge ought to prevent their inserting a word or two to that effect. I shall not offer the amendment myself.

Mr. DOLPH. What section does my colleague refer to?

Mr. MITCHELL, of Oregon. Section 10. A proviso can be added there.

Mr. DOLPH. That section provides that no lands shall be offered at public sale hereafter.

Mr. MITCHELL, of Oregon. It says:

Shall be sold at public sale or be subject to private entry.

Mr. DOLPH. That is, entered for cash.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Public Lands.

Mr. BLAIR. I move to add at the end of the third section of the committee's amendment these words as a continuation and part of the proviso:

And upon proof of the expenditure of the full sum of $3 per acre as herein provided, and of the improvements required in this proviso, no further payment shall be required, but patents shall issue accordingly. But none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership, which condition shall be expressed in the original patent thereof.

Mr. President——

The PRESIDENT *pro tempore*. Will the Senator send the amendment to the desk so that it may be read?

Mr. BLAIR. I will read it again. Let it be taken down by the Secretary.

The PRESIDENT *pro tempore*. It can not be taken down.

Mr. BLAIR. Very well; I send it up.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. At the end of the second subdivision of section 3 it is proposed to add:

And upon proof of the expenditure of the full sum of $3 per acre as herein provided, and of the improvements required in this proviso, no further payment shall be required, but patents shall issue accordingly. But none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership, which condition shall be expressed in the original patent thereof.

Mr. BLAIR. Mr. President, the original desert-land act was approved March 3, 1877, and, in brief, it authorized, upon the payment of 25 cents per acre, an individual who desired to procure title to a tract not exceeding 640 acres, a section, to file a declaration stating his desire, and upon the expenditure of a dollar per acre in the way of reclamation, and the reclamation of the land, it being desert land, he became entitled to his patent. There were various other conditions in the act. As everybody understands, the act itself has resulted in very great abuses, and almost the chief frauds connected with the administration of our land laws have been in connection with this particular act. And so it seemed to the committee originally desirable to repeal it *in toto*, but finally as it appeared to be necessary that there should be some peculiar provisions of law in order to secure the reclamation of the 500,000,000 acres of our public domain which are really desert land and which will never be valuable——

Mr. INGALLS. About how many acres?

Mr. BLAIR. About 500,000,000 acres. So the Senator from Oregon said a few moments ago.

Mr. INGALLS. That is a very wild estimate.

Mr. BLAIR. It is not 500,000,000 square miles, you know. That was the Senator's statement, and I do not know but that it is substantially correct. I think it is.

Mr. INGALLS. There is less than 500,000,000 acres of unsurveyed land left in the public domain at this time.

Mr. BLAIR. It may be of unsurveyed land. I can not say in regard to that; but in a general way we see it stated that there are about 200,000,000 acres of agricultural lands remaining open to improvement under the homestead law, and the desert lands are an immense body. I do not know what proportion of them may be capable of improvement by irrigation and so be capable of settlement and production, but the desert lands form a very large proportion of the public domain; but whatever they may be, it is alleged that by the construction of the necessary works of irrigation they may be made as valuable as any of our agricultural lands, and in many cases more valuable than our present agricultural lands. But it requires the expenditure of large amounts of money for irrigation, so that in order to irrigate small tracts provision must be made for the irrigation of very large tracts. A great amount of capital is requisite to the improvement of these lands in such a way that they may be occupied at all.

It is the object of the amendment of the desert-land act proposed in this bill to make these lands available for settlement and use by the homesteaders of the country, and at the same time to provide a system of machinery by which the means can be obtained to create these great and expensive works of irrigation. And so the second paragraph of section 4, commencing in the eleventh line of page 7, provides:

Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands, may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements.

That opens the way for the necessary combination of individuals to obtain the means of constructing the works of irrigation. That is all well, but going further, to the modification of the fifth section of the original act, or what is the fifth section as it appears here near the bottom of page 7, it is provided:

That no land shall be patented to any person under this act unless he or his assignors shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, at least $3 per acre of the whole tract reclaimed and patented, in the manner following.

That is, $3, $1 each year for three years in succession. I do not know that that is so seriously to be objected to as the other consideration to which I am now coming, and which has led to the offering of this amendment. You say it is contemplated that these persons authorized to associate together and take up tracts of a square mile each, or any smaller proportion they see fit, may, after initiating these proceedings, assign their lands. It is proved from the very fact that these desert lands never have been taken up and never have been improved by poor people that they are not likely to be improved in the future by people of small means.

This association allows them to take up large tracts, and it may be that in some instances they will make the improvements themselves, but they have the unlimited right of assignment vested in them by this bill; and it is evident that their assignee may in any instance or in all instances be the same individual, may be a corporation, or may be a syndicate. Somebody is to be the assignee of these lands who is able to furnish the necessary money to make these expensive improvements in the way of irrigation. The result of the adoption of the proposed amendment to the desert-land act will be simply this: that the money for these expenditures of a dollar an acre every year for three years will be obtained of capitalists who have the money, under contract of agreement on the part of those who take up the lands in their own names originally—the money I say will be furnished by them under a contract for the assignment of the lands when the irrigation improvement has been made. Thus the way is directly open for the purchase of the whole land, it might be of immense tracts of the public domain, and the making of these improvements by capitalists and syndicates; and thus the evils which we have been discussing in the Senate for a few days past of landlordism, excessive holdings in single control or ownership, are permanently brought upon the country by the provisions of this proposed amendment to the desert-land act.

In order to obviate that and to remove what in the natural and proper operation of this bill I take to be a hardship, I offer this amendment, which contains two propositions. One is that upon the making of these improvements, upon the expenditure of this $3 per acre so that this now waste land shall become valuable for the purposes of human habitation and production, the Government shall part with its title; and if the improvements are made by homesteaders, by people in moderate circumstances, by those who desire the lands for homes, for the raising of population and the establishment of great States, then these people

are entitled and ought to be entitled to receive these lands as cheaply as we give away homesteads to others who constitute a like population. That proposition then would seem to be equitable and strictly right and in consonance with our present policy and the policy which we propose to continue with reference to our public lands hereafter if this bill becomes a law.

But in order to guard against the abuse of enormous holdings by those who may furnish the means to individuals who initiate these proceedings, the second proposition is introduced into the amendment, which is:

But none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership, which condition shall be expressed in the original patent thereof.

We concede by requiring that in the first instance these lands shall go to individuals in no larger holding than a single section, the propriety of the general principle that these lands now and forever hereafter shall be secured in small quantities to the families of the people who are able to purchase them and to occupy them as homesteads. It is of no consequence, it is of no use to enunciate a principle of this kind and have it applicable only to the original transfer of title from the General Government to the first holder under the General Government. If the principle is worth anything, it is of importance only in its subsequent working in society and throughout the great future to guard against the evils which have been so often adverted to. Therefore it is that I offer this amendment to facilitate the real purpose of the bill and to prevent the abuses to which it seems to me it will otherwise pave the way directly.

Mr. DAWES. I should like to ask the Senator from New Hampshire, suppose that his condition is violated, what would be the effect upon the estate?

Mr. BLAIR. I suppose that the effect upon the estate of the violation of that condition would be to authorize the General Government, if it saw fit, to enforce a forfeiture, the General Government not being obliged to enforce a forfeiture as I leave this amendment, but always being actuated by equitable principles, it could relieve from the effects of the breach of condition wherever equity seemed to require it.

Mr. DAWES. It struck me that the Senator's phraseology as I heard it was just the difference between a covenant and a condition, and that therefore the title would be upheld, but the covenant might be broken. I suggest to the Senator, if he desires to make it so as to work a forfeiture of the estate, whether he has got the proper language for that purpose.

Mr. DOLPH. I ask the Secretary to read the paragraphs on top of page 1104, which I send up, from a work published by authority of Congress, entitled "The Public Domain," and published by a commission appointed under authority of Congress.

The Chief Clerk read as follows:

LANDS TO WHICH THE DESERT-LAND ACT APPLIES.

December 1, 1883.

(See map fronting this page.)

Agriculture depends upon irrigation in Nevada, New Mexico, Arizona, Colorado, Wyoming, Idaho, Southern California, Montana, Eastern Oregon, a portion of the western part of Dakota, and Eastern Washington Territory; also in other portions of the public domain. The desert-land act, however, applies to the localities above named, and the lands therein are so called by law, and are so disposed of unless the contrary be shown. This vast arid region, estimated to contain more than 700,000,000 acres, contains a water-supply sufficient to irrigate 30,000,000 acres. What artesian wells may do is a question for the future.

A great portion of the timber lands of the nation lie within this region, generally on the mountains (see timber map). Within this area lie the grazing or pasturage lands of the public domain (covering copper, coal, iron, and the precious metals), estimated at more than 350,000,000 acres. June 30, 1883, the United States owned (estimated), within subdivisions above enumerated, more than 500,000,000 acres of land within the area shown by the map and known as the arid region. Along streams, near springs, or by the side of water-holes, or in valleys can be found thousands of farms and homes using the existing water supply. These have been taken under the homestead, pre-emption, or other settlement laws; but it may be safely said that such lands with water-supply immediately adjacent have long since been entered.

Mr. DOLPH. I hope the amendment of the Senator from New Hampshire will not be adopted. I think it has hardly been considered enough to be attached to this bill, which has received such great consideration by the Committee on Public Lands.

Mr. INGALLS. Mr. President, it appears from the extract read by the Secretary from the work on the public domain that while the arid or sterile or desert lands are estimated to aggregate 700,000,000 acres, the only part of them that can be irrigated and that, therefore, would be subject to the provisions of the act, is about 30,000,000 acres if all the water accessible upon the surface of the ground were used. The commission indulge in a speculation as to the possibility of boring artesian shafts by which other portions of this land might be subjected to cultivation by what may be called subterranean supply. The only reason I have for voting for the repeal of the pre-emption and timber-culture and desert-lands acts is found in the approaching exhaustion of the arable public domain.

Up to this time the surveyed portion of the public lands of the United States amounts to something over a thousand million acres; that is, in that portion of the country exclusive of the original thirteen Colonies. There remain unsurveyed in round numbers a little less than 500,000,000 acres, of which a large proportion consists of mountain ranges, of inaccessible regions largely of the sterile character that has been described in the extract read by the Secretary; and those most competent to judge are of opinion that within ten years from this time there will not be an acre left in the public domain upon which corn and wheat can be raised without irrigation; that we shall have reached the absolute limit of arable land subject to homestead entry in the public domain. That presents a very dangerous emergency, an emergency that has long been contemplated with grave apprehension by those who have studied our institutions, and the only reason which exists in my mind for agreeing to the repeal of these acts is found in this fact alone.

Whereas now a singler settler can obtain a quarter-section of ground as a pre-emptor, an additional quarter-section as a timber-culture claimant, and an additional quarter-section as a homesteader, making 480 acres in all, if these two acts are repealed he will then be limited simply to the 160 acres to be obtained as a homestead settler; and that will in some manner perhaps retard or procrastinate or delay or defer the emergency which I have spoken of, when there will be no longer any arable domain over which this surplus population of ours can diffuse itself peaceably; so that we shall be brought then face to face with the consideration whether we shall restrict immigration, or with that other more dangerous and hazardous emergency whether we shall enter upon a new career of conquest for the purpose of acquiring in the north or in the south additional territory over which our surplus population can be diffused and extended peacefully without danger to our institutions.

I regret exceedingly that the committee saw fit to exclude from the operations of this proposed act what is known as the desert-land law. I know of no reason that exists why, if the timber-culture act should be repealed, the desert-land act should not also be repealed.

The Senator from Oregon [Mr. DOLPH] states that the area is very large and that unless peculiar inducements are offered, in consequence of the necessity of capital aggregated in order to construct the canals, these lands must forever lie dormant. These lands are not intended for the interest of aggregated capital. We are not legislating for corporations. We have been endeavoring here for days to wrest from corporations something that they have, as we contend, illegally and improperly acquired under previous acts of Congress; and the Senator from Oregon insists that we shall continue in effect and operation the desert-land act, under which I profess to be able to show that more enormous wrongs have been perpetrated than under all other acts of Congress affecting the public domain.

There has been much said about the frauds of pre-emption claimants, about the oaths which have been as light as dicers' oaths which they have filed with regard to their residence, about the structures which they have erected for a compliance with the demands of the Government that houses should be placed upon the land. The papers have been full of the wrongs perpetrated under the timber-culture act, and we have been regaled time after time, year after year, with reports of commissioners and special agents sent out for that purpose, who have depicted the plantings that have been made on the public lands under the timber-culture act, by which 160 acres have been acquired by planting seeds and cuttings of trees no larger than whip-stocks, by which the necessary oaths have been made through a flexible conscience so that title has been obtained.

But all these aggregated, compounded together, do not approach the confessed and admitted wrongs which have been accomplished under the desert-land act. They are not denied; they are confessed. It is admitted by everybody that great corporations, men engaged in the cattle business, have gone out and secured a water course, a fertile valley, a copious spring, and by filing upon that under the desert-land act have secured the control of vast areas of country adapted for grazing purposes, and that never so much as a quart or a pint or a drop of water has been diverted from the water course over those lands to accomplish the purposes of the desert-land act.

Yet the Senator from Oregon and the Committee on Public Lands, with all these facts staring them in the face, saw fit to consent that the pre-emption act, which relates only to individuals, and the timber-culture act, which applies only to individuals, should be abrogated, and that the desert-land act, which proposes to put enormous quantities of land aggregated together in the hands of corporations, because none but corporations can handle it, shall be continued in operation.

Mr. President, I think it is a mistake. If any of these acts is wrong, they are all wrong; if any of them is wrong, then pre-eminently the desert-land act is wrong.

In legislating for the benefit of individual settlers upon the public domain there are a hundred reasons why the desert-land act should be repealed to one why either of the others should be repealed, because, as the Senator from Oregon himself admits, the desert lands can not be occupied by individual settlers. There must be corporations formed, there must be aggregations of capital made, canals must be constructed at enormous expense before the lands can in any way whatever be made available; and you are perpetuating the worst form of land aggregation, of land monopoly, of the system which we have been denouncing here in the case of railroads, in the case of aliens from Scotland, England, and Germany who have come over here and acquired in one way or another titles to vast acres of our public domain.

I believe that the timber-culture act properly applied is of immensely

more value to the people of this country than the desert-land act. If the desert-land act shall be retained, why should not the timber-culture act be retained under proper restrictions? Everybody admits that the great need of the Western country is forest; that one cause of the climatic vicissitudes is the want of foliage, of the shade that comes from groves, and from vast areas that could be covered under the operation of that act with forests of cottonwood and black walnut and other rapidly-growing trees.

If the desert-land act is to be retained for the benefit of the people of the Pacific coast, why, I ask, under proper restrictions as to cultivation, as to occupation, as to the means by which the title can be secured, should not the timber-culture act also be retained, an act confessedly of the greatest beneficence, of the highest wisdom, which was entered upon as a policy deliberately by this country for the purpose of ascertaining whether or not the early and the latter rain could not be secured upon those sterile valleys by the beneficent agency and operation of the laws of nature?

I hope the committee will review their decision; that if one of these laws is to go they will all go; and that if one of them is to be retained for the benefit of the people upon the Pacific slope, the system and under proper restrictions, limitations, guardianship, whatever may be necessary to secure its faithful and efficient application, will also be applied to the timber-culture act, which I believe, properly administered, would be of immense value to all that great outlying region between the piedmont of the Rocky Mountains and the shores of the Mississippi River.

Mr. PLUMB addressed the Senate. [See Appendix.]

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New Hampshire [Mr. BLAIR].

Mr. CALL. I do not propose to make a speech on this subject, but it seems to me that section 3 of the committee's amendment is somewhat uncertain. The section provides an amendment to the act approved March 3, 1877, in the following words:

SEC. 4. That at the time of filing the declaration hereinbefore required, the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation.

That would imply that the Commissioner or somebody else should have the right to judge as to the sufficiency of the map; but suppose he does accept the map, what then? He has no power whatever to enforce the execution of the plan according to the map, but, on the contrary, the amendment proposes that if the party entering expends a dollar an acre every year upon this land, after $3 shall have been expended he has title to it whether there is any reclamation or not, provided he also has cultivated—how long, whether a day or a month or a year, is not stated—one-eighth, I believe it is, of the land.

The condition of title under this amendment, which professedly is for the reclamation of this land and its irrigation, is that he shall spend somehow a dollar an acre each year for three years, making $3 an acre upon the land. Whether ineffectually spent, whether accomplishing anything or not, it does not matter; and also that he shall cultivate for some indefinite period of time one-eighth of the land.

It seems to me that it would not be very difficult to devise a plan by which, if the object is to reclaim these desert lands for the purpose of occupation and settlement, the condition of title might be made the reclamation of the land. The fact that something has been done should be required, not merely something attempted to be done, for manifestly under the provisions of this section there is nothing required except the filing of the map showing the source from which the water is to be obtained and the plan, which plan shall be sufficient in the judgment of somebody, who it is not stated, to effect the purposes of reclamation. The condition of title is the expenditure in some way or somehow of a dollar an acre per year, whether in labor at $3 a day or in material at some indefinite price, or in subsistence, it does not say; but as to the fact sought to be obtained, that is left by the section entirely immaterial—the fact of reclamation.

Mr. President, I only intended to make that criticism upon this section of the committee's amendment and to say that while it is a great object of public policy that these lands should be reclaimed and that they should be reserved for homes for the people and at the least cost possible to them, certainly some intelligent and wise and efficient plan and method of attaining that object should be provided by the law.

Now, in regard to the pre-emption law, that is a very important matter. I have seen the operation of it also. A pre-emption is simply a privilege given to a man upon the supposition that he has no money to enter upon the public land upon a declaration that he proposes to do it for his own occupation and cultivation for a home.

Mr. PLUMB. The Senator will permit me to interpose a word there. The original law did not fix the time at all, but by regulation of the Department which remained in force until within the last ten years the time was thirty days. The law then changed the time permanently and made it six months.

Mr. CALL. I remember in the early experience that I had that the time was six months, whether by regulation of the Department or by statute I am not prepared to say.

However, when the man paid his money for the land, of course he had a title and it was immaterial what he did with it. If he went upon the land and he went there with the intention of making it his home, it was a compliance with the law, a *bona fide* compliance, whether he changed his purpose or not. He was not held amenable for anything but a fraud, and there were and could be but few frauds in that period of time committed under the pre-emption law.

All lands were subject to sale at land sales advertised, general land sales. But when the land began to be settled and occupied, when the policy of the country and the rightful policy of the country came to be to give the public land to the people who would go and live upon it at the smallest possible cost, then there arose antagonism between the law giving a pre-emption and the law giving a right of homestead. Some men could not take homesteads; all men could take a pre-emption by actual residence and occupation. The pre-emption law gave title in six months on payment of Government price, the homestead law required five years; hence the contest between applicants under the two laws.

Both these laws have been made the instruments of fraud in the interest of speculation. In the State of Florida there have been public agencies advertised to obtain homesteads for people in any part of the country, and it is known that homesteads have been obtained and patents issued for people who were never known to be upon the land.

Frauds will be committed under any law when land begins to be valuable; and doubtless the pre-emption law has been the means of great frauds. Where land was fertile, in watered regions which commanded large districts of grass-grazing, men would acquire pre-emptions fraudulently for the purpose of preventing homestead occupation, for the purpose of getting a title to large bodies of land to individuals who might by these locations control these large valuable tracts. Such, I understand, to have been the character of grievances which have created a great public opinion, an opinion in the interest of and favorable to the preservation of the public domain for actual settlement and cultivation, which certainly is a wise and proper object.

Mr. President, the man who attempts to enforce the land laws against people who are seeking to acquire interests upon the land, whether fraudulently or otherwise, will be an object of great unpopularity. It has been so everywhere when the pre-emption law and the homestead laws have been enforced in the interest of the people. If your purpose is to confine the disposition of the land to actual settlement and cultivation it needs to be very rigidly and at the same time to be very carefully and justly administered. I have no question that whether he be a Republican or whether he be a Democrat, whatever he may be, who shall undertake to enforce faithfully the law for the preservation of the public domain for the people of the country, he is going to encounter a vast amount of hostile criticism.

People do not commonly regard it as an offense to appropriate the public lands of the United States. We have grown up under the idea that the public domain was intended for the use of everybody, and to some extent it is true. There are generations of people who have grown up on the public domain of the United States without ever having had a title or an interest under the law to it, and I do not know that it could have been put to a better use.

But now, when you have got a settled policy, a policy antagonizing speculation and capital and preserving this land for settlers who will cultivate it, who will actually settle upon it and make homes upon it for their families, you are going to encounter the antagonism of all other classes who have speculative interest in the land for the purposes of speculation and sale, who are very numerous, and they will create a great deal of trouble and be very abusive and very vigorous in evading any laws, or the administration of any laws, you may pass.

I say this much in defense of the Commissioner of Public Lands. His offense seems to have been an endeavor to preserve the lands for actual settlement and cultivation, and with proper provisions for the sale and disposition of the timber lands so that the supply of lumber for the mills can be had. This is a wise policy.

Mr. PLUMB. I call the attention of the Senator from Florida to the original act. It was not amended at all. His criticism of this portion of the bill is without foundation. Chapter 107 of the laws of 1877, passed the 3d day of March, 1877, after naming the declaration and so on to be made, says:

Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of $1 per acre for a tract of land not exceeding 640 acres to any one person, a patent for the same shall be issued to him.

He will observe that we do not interfere with that at all. The proof of the actual reclamation is still to be made, but we require intermediate proof, and there can be no full proof of reclamation except it is also accompanied by this intermediate proof of the expenditure of a dollar an acre each year, and so on. But if the Senator can suggest a form of language better calculated to accomplish the purpose, I do not think any member of the committee will object to it; but proof of reclamation is required by the original statute. The trouble was that as no particular form of reclamation was required, no particular expendi-

ture of money required to be made, no particular kind of ditch required to be constructed, and so on, it was often taken advantage of for a fraudulent purpose.

Mr. DOLPH. Mr. President, I did not enter at all upon the reasons for the repeal of the pre-emption law or the timber-culture act. They are stated at length in the report made from the committee by myself. I am not going now to state the reasons except to say that the controlling reason with me is that I think the time has come when one person should be permitted to obtain title to only 160 acres of the agricultural public lands belonging to the Government. I think also that the timber-culture act has proved a failure. Experience has not justified the expectations of the friends of the act when it was passed.

In regard to the desert-land law the case is different. We heard the other day the Senator from Alabama [Mr. MORGAN], who made the trip last year to California, describe all that country between the Rocky Mountains and the Sierra Nevada as being in the main a desert where nothing grew but sage-brush, valueless except by irrigation, but rich if water could be got upon it—productive as the Delta of the Nile, he said, if water could be got upon it. I have shown that the amount of this land is very large and the amount which can ever be reclaimed is very small. Now, I will say to the Senator from Kansas [Mr. INGALLS] that if under the pre-emption laws title could be obtained to that land, all the delegation from California and Oregon and Washington Territory and Montana and Wyoming and New Mexico would not be here clamoring for the retention of that act.

If people were permitted to buy that land at a dollar and a quarter an acre they would want no better law than that. If they could take it as homesteads and live upon it without reclamation and large expenditures upon it, they would be satisfied; they would want no other law. But the trouble is that those laws are not applicable to that arid region. There must be some exception made in the general system of disposing of the public land. That exception has been attempted to be made by the desert-land act.

If this act is now repealed absolutely those lands must lie there unoccupied and unimproved until some substitute is adopted, unproductive, the country undeveloped; but if there is some law, even an onerous law, as this desert-land law will be when it is amended as proposed by the committee, by which titles can be acquired, considerable portions of the land will be taken up and will be reclaimed and will become a source of income and revenue to the country.

What is the situation now? As was stated by the commission in the volume which I had the Secretary read from at the desk, settlers have gone in under the homestead and pre-emption laws, and even the desert-land act, along the streams and where there is water-supply, and have taken up the land and have settled; but of course the population is sparse, and until there can be more settlers in that country those people must be without the benefit of schools and without all the advantages which thickly settled communities enjoy in all this Republic. Pass over that country, and you will see all along through it what are called gulches, or the beds of dry streams. These gulches are made in the spring of the year as the melted snow comes down from the mountains. The water is melted rapidly, and it gullies out the surface; but as soon as the snows are gone—there are no rains during the dry season—the country is dried up and parched; scarcely a living stream in all that region.

But what is the effect of reclamation of these desert lands? Judge Carey, of Wyoming, came before the committee. He gave us an instance. He said that out at Cheyenne, I believe it was, the people wanted to bring water into the city that they might grow shade trees and have water for use, and they made a long ditch running back to the mountains 50 miles, struck a water-supply, and supposed they were going to have a water-supply for that purpose. After they had dug their ditch they found that during the dry season they had no water, and when the snow melted in the spring the water ran off and ran to waste, ran out into the great rivers; but after a while they began to irrigate, and they took water in the mountains and brought it down and put it on the land and began to raise crops. It ran through one man's field, percolated into another, and they made an additional farm. And so they kept on reclaiming area after area, and they not only reclaimed a large body of land with this water which before ran to waste, but from the water they had a perennial stream at the town of Cheyenne, because the water, instead of running off from the surface, was retained, and was the means of causing crops to grow on that arid region, and then percolated out through the soil and made a living stream where there was no water before. That is the advantage of the irrigation of this land, inconceivable to one who has never been there and seen that region; and that is why I am earnest—not for the purpose of having corporations get hold of some of that land. Corporations go where there is better land than that when they want it. I am in earnest that the settlers who go there to live, for the purpose of mining and other enterprises, and others who go there to make homes, shall have an opportunity to get title under some law however onerous the condition, and I say the conditions we are proposing in this bill are certainly hard enough.

That is the situation in regard to this arid region. I hope the amendment of the Senator from New Hampshire will be voted down.

Mr. MITCHELL. I desire at this time to submit a couple of amendments to this bill. They are as follows:

Insert the words "or homestead" after the word "pre-emption," in line 18, page 5, section 1.

Also insert at the close of section 10 the following:

Provided, Nothing herein shall be construed as depriving the holders of military bounty-land warrants or land scrip at any time heretofore issued under any law of the United States of their right to locate such warrants or scrip on the public lands of the United States as by existing law they may now do.

The PRESIDENT *pro tempore*. The amendments will be received and printed.

Mr. BOWEN submitted an amendment intended to be proposed by him to the bill; which was ordered to be printed.

Mr. HARRISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 17, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 16th day of June, 1886.

POSTMASTERS.

Patrick Murphy, to be postmaster at Lawrence, Essex County, Massachusetts, *vice* George S. Merrill, whose commission expires June 16, 1886.

George F. Spencer, to be postmaster at Kirksville, Adair County, Missouri, *vice* Joseph D. Miller, commission expired.

William McNeily, to be postmaster at Canandaigua, Ontario County, New York, *vice* F. O. Chamberlain, whose commission expires June 16, 1886.

A. S. Hottenstein, to be postmaster at Milton, Northumberland County, Pennsylvania, *vice* Joseph A. Logan, whose commission expires June 26, 1886.

J. B. McKenzie, to be postmaster at Hopkinsville, Chistian County, Kentucky, *vice* John B. Gowen, commission expired.

M. E. Smith, to be postmaster at Osborne, Osborne County, Kansas, *vice* Charles W. Crampton, commission expired.

Margaret A. Shirley, to be postmaster at Logan, Cache County, Territory of Utah—reappointment.

Andrew M. Phlegar, to be postmaster at Bodie, Mono County, California, *vice* Raymond Holmes, whose commission expires June 21, 1886.

Henry W. Clendenin, to be postmaster at Springfield, Sangamon County, Illinois, *vice* Paul Shelby, resigned. The nomination of Mr. Clendenin delivered to the Senate the 8th of March last is this day withdrawn.

Edward McClung, to be postmaster at Fairfield, Wayne County, Illinois, *vice* Thomas W. Scott, suspended under the provisions of section 1768 of the Revised Statutes, the nomination of John L. Handley, who was designated and also nominated to the Senate, having been rejected.

Julia D. Young, to be postmaster at Wright's Grove, Cook County, Illinois, *vice* V. S. Boggs, resigned.

David W. Flowers, to be postmaster as Newton, Jasper County, Iowa, *vice* George B. Hunter, whose commission expires June 21, 1886.

Charles E. Monell, to be postmaster at Kirwin, Phillips County, Kansas, *vice* William T. S. May, resigned.

Charles Keith, to be postmaster at Greenfield, Franklin County, Massachusetts, *vice* Darwin F. Hamilton, whose commission expires June 16, 1886.

Edward P. Kimball, to be postmaster at Ipswich, Essex County, Massachusetts, *vice* John H. Cogswell, whose commission expires June 16, 1886.

George S. Prescott, to be postmaster at Merrimac, Essex County, Massachusetts, *vice* George E. Picker, commission expired.

George L. Sleeper, to be postmaster at Natick, Middlesex County, Massachusetts, *vice* Mrs. Caroline Brigham, whose commission expires July 1, 1886.

Consider A. Stacy, to be postmaster at Tecumseh, Lenawee County, Michigan. *vice* Fred. Rosacrans, commission expired.

B. F. Mahan, to be postmaster at Anaconda, Deer Lodge County, Territory of Montana, *vice* Samuel M. Johnston, resigned.

H. H. Dolen, to be postmaster at Brownville, Nemaha County, Nebraska, *vice* Daniel O. Cross, resigned.

John C. Logue, to be postmaster at Central City, Merrick County, Nebraska, *vice* William E. Letcher, resigned, to take effect July 1, 1886.

Thomas Brady, to be postmaster at Bergen Point, Hudson County, New Jersey, *vice* Charles T. Munn, whose commission expires July 6, 1886.

Miner Samons, to be postmaster at Canisteo, Steuben County, New York, *vice* H. S. Beebe, commission expired.

Herman Baumer, to be postmaster at Johnstown, Cambria County, Pennsylvania, *vice* George T. Swank, whose commission expires June 21, 1886.

Isaac T. Carr, to be postmaster at Neillsville, Clark County, Wisconsin, *vice* William Campbell, whose commission expires July 1, 1886.

William J. Bryan, to be postmaster at San Francisco, San Francisco

County, California, *vice* Samuel W. Backus, whose commission expired May 22, 1886.

Arthur Watson, to be postmaster at Northampton, Hampshire County, Massachusetts, *vice* Lorenzo W. Joy, commission expired. This nomination is in lieu of that of December 16, 1885.

Orville A. Manville, to be postmaster at White Hall, Washington County, New York, *vice* John T. Clark, commission expired. This nomination is in lieu of that of December 21, 1885.

Wilson D. Lyon, to be postmaster at Elkhorn, Walworth County, Wisconsin, *vice* Henry Bradley, whose commission expires July 6, 1886.

UNITED STATES MARSHALS.

Charles M. Newlin, of Delaware, to be marshal of the United States for the district of Delaware, *vice* Henry H. McMullen, commission expired. This nomination is in lieu of that of December 14, 1885.

John R. Rankin, of Texas, to be marshal of the United States for the western district of Texas, *vice* Sidney D. Jackman, deceased.

Assistant surgeon in the Navy.

Thomas Andrew Berryhill, of Pennsylvania, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

For promotion in the Army.

ELEVENTH REGIMENT OF INFANTRY.

First Lieut. George G. Lott, to be captain, June 1, 1886, *vice* Beach, resigned.

Second Lieut. Henry O. S. Heistand, to be first lieutenant, June 1, 1886, *vice* Lott, promoted.

EIGHTH REGIMENT OF INFANTRY.

Second Lieut. Robert F. Ames, to be first lieutenant, May 20, 1886, *vice* Hyde, appointed regimental adjutant.

For appointment by transfer in the Army.

Second Lieut. Sedgwick Rice, of the Twenty-second Infantry, to be second lieutenant in the Seventh Cavalry, June 10, 1886, with rank in the cavalry arm from August 29, 1885, *vice* Davidson, transferred to the Eleventh Infantry.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 7, 1886.

GOVERNOR OF DISTRICT OF ALASKA.

Alfred P. Swineford, of Marquette, Mich., to be governor of the District of Alaska.

SUPERVISING INSPECTOR OF STEAM-VESSELS.

William M. Daly, of Michigan, to be supervising inspector of steam-vessels for the eighth district.

ASSAYER.

Henry F. Wild, of Idaho, to be assayer of the United States assay office at Boisé City, in the Territory of Idaho.

UNITED STATES CONSULS.

J. Richard Wingfield, of Charlottesville, Va., to be consul of the United States at San José, Costa Rica.

L. J. Du Pré, of Alabama, to be consul of the United States at San Salvador.

Henry Gillman, of Detroit, Mich., to be consul of the United States at Jerusalem.

PENSION AGENTS.

Truman H. Ailen, of Oakland, Cal., to be pension agent at San Francisco, Cal.

George W. Glick, of Atchison, Kans., to be pension agent at Topeka, Kans.

SURVEYORS OF CUSTOMS.

John H. P. Voorhies, of Colorado, to be surveyor of customs for the port of Denver, in the State of Colorado.

George A. Hessen, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee.

COLLECTORS OF CUSTOMS.

Jeptha V. Harris, of Florida, to be collector of customs for the district of Key West, in the State of Florida.

Theophilus M. Favre, of Mississippi, to be collector of customs for the district of Pearl River, in the State of Mississippi.

John Priest, of Oregon, to be collector of customs for the district of Yaquina, Oreg.

REGISTERS OF LAND OFFICES.

William Foxen, of Detroit, Mich., to be register of the land office at Detroit, Mich.

Sylvester Hull, of Shasta County, California, to be register of the land office at Shasta, Cal.

RECEIVER OF PUBLIC MONEYS.

Matthew H. Maynard, of Marquette, Mich., to be receiver of public moneys at Marquette, Mich.

COLLECTOR OF INTERNAL REVENUE.

John E. Fitzgerald, of Massachusetts, to be collector of internal revenue for the third district of Massachusetts.

ATTORNEYS OF THE UNITED STATES.

John E. McComb, of Texas, to be attorney of the United States for the eastern district of Texas.

Rudolph Kleberg, of Texas, to be attorney of the United States for the western district of Texas.

Charles B. Pearre, of Texas, to be attorney of the United States for the northern district of Texas.

POSTMASTERS.

Joseph C. Hendrix, to be postmaster at Brooklyn, Kings County, New York.

Nelson G. Foshay, to be postmaster at Peekskill, Westchester County, New York.

John Q. Tabor, to be postmaster at Bryan, in the county of Brazos and State of Texas.

James W. Lauer, to be postmaster at Evansville, in the county of Vanderburgh and State of Indiana.

William G. Morris, to be postmaster at Frankfort, in the county of Clinton and State of Indiana.

William P. Hale, to be postmaster at Peru, in the county of Miami and State of Indiana, in place of George I. Reed.

William H. Evans, to be postmaster at Princeton, in the county of Gibson and State of Indiana.

Henry E. Wadsworth, to be postmaster at La Porte, in the county of La Porte and State of Indiana.

William M. Green, to be postmaster at West Bay City, Mich.

James B. Looney, to be postmaster at Hancock, Mich.

For promotion in the Army.

MEDICAL DEPARTMENT.

Lieut. Col. Thomas A. McParlin, assistant medical purveyor, to be surgeon with the rank of colonel, September 16, 1885, *vice* Campbell, retired from active service.

Maj. Bernard J. D. Irwin, surgeon, to be assistant medical purveyor with the rank of lieutenant-colonel, September 16, 1885, *vice* McParlin, promoted.

For appointment in the Army.

MEDICAL DEPARTMENT.

William P. Kendall, of Massachusetts, to be assistant surgeon with the rank of first lieutenant, August 12, 1885, *vice* Azpell, retired from active service.

Henry S. T. Harris, of Virginia, to be assistant surgeon with the rank of first lieutenant, January 5, 1886, *vice* Maddox, killed in affair with Indians.

Executive nominations confirmed by the Senate June 16, 1886.

ASSISTANT SURGEONS IN THE NAVY.

Corbin J. Decker, of New Jersey, to be an assistant surgeon in the Navy.

Thomas Andrew Berryhill, of Pennsylvania, to be an assistant surgeon in the Navy.

ASSISTANT SECRETARY OF THE INTERIOR.

David L. Hawkins, of Missouri, to be Assistant Secretary of the Interior.

Executive nomination rejected by the Senate June 7, 1886.

CHIEF-JUSTICE OF TERRITORY OF ARIZONA.

John C. Shields, of Michigan, nominated to be chief-justice of the supreme court of the Territory of Arizona

POSTMASTER.

Abraham Rose, nominated to be postmaster at Vinton, Benton County, Iowa.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 16, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

WEIL AND LA ABRA MINING COMPANY.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report from the Secretary of State concerning the claim of Benjamin Weil and the La Abra Mining Company, of Mexico, agreeably to the resolution of the House of Representatives dated May 13, 1886.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June* 15, 1886.

JUDGMENTS AGAINST THE UNITED STATES.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a list of unpaid judgments against the United States by the Court of Claims, and recommending an appropriation for their payment; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ELDREDGE, for ten days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes; and

A bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va.

DENISON AND WASHITA VALLEY RAILWAY COMPANY.

Mr. THROCKMORTON. Mr. Speaker, Senate bill 1486 was read a few mornings ago, and, at the request of the gentleman from New Jersey, who objected to its then present consideration, was printed in the RECORD and laid over to be taken up at some future time. I understand the objection is withdrawn.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (S. 1486) to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. RANDALL. Does this come up by unanimous consent?

The SPEAKER. The gentleman from Texas asks unanimous consent to take it up for present consideration. It was read two or three days ago in full and objection was made, which the Chair understands is now withdrawn.

Mr. RANDALL. If it involves no debate I shall not object.

The SPEAKER. Unless the reading of the bill be again demanded the question will be on ordering it to be read a third time.

The bill was ordered to be read a third time; and having been read the third time, was passed.

Mr. THROCKMORTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARRISON DEWEY.

Mr. GROUT. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of House bill 3110, for the relief of Harrison Dewey, and put the same upon its passage; and as showing fully the unusual merits of the bill I ask that the reading of the report be had.

Mr. RANDALL. Is it lengthy?

Mr. GROUT. The report is quite brief, but it states the whole story.

The SPEAKER. The bill and report will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be directed to amend the record of the War Department in the case of Harrison Dewey, late second lieutenant of Company E, Second Regiment Vermont Volunteers, so as to grant him an honorable discharge from said service as of the date of his dismissal as now shown by said record.

The report (by Mr. BRAGG) is as follows:

The committee find from an investigation of the military history of Harrison Dewey as follows: He was mustered into service as first sergeant Company E, Second Regiment Vermont Volunteers, June 20, 1861; was promoted to second lieutenant same company and regiment, and mustered in as such to date January 11, 1862.

On the 4th day of October, 1862, Maj. Gen. William F. Smith, commanding Second Division, Sixth Corps, reported Lieutenant Dewey, with many officers, absent without leave, and requested that such officers be requested to rejoin their command at once or be dismissed. Upon this recommendation, approved by General McClellan, general commanding, Lieutenant Dewey was dismissed the service, by special order from the War Department, to date October 4, 1862.

Lieutenant Dewey, on an application for a vacation of this order, filed in the office of the Adjutant-General in 1880, states under oath that after the close of the Peninsular campaign in 1862, while his regiment was on the march from Harrison's Landing to Fortress Monroe, he was taken sick and sent to Odd Fellows' Hall Hospital, Washington, where he remained several weeks, when he returned to his regiment and first heard or knew of his dismissal.

This statement is confirmed by the records in the Surgeon-General's Office, which show that Lieutenant Dewey was "admitted to Odd Fellows' Hall Hospital, Washington, August 30, 1862, with remittent fever, and returned to duty November 27, 1862."

The application for relief has been denied at the War Department upon the sole ground "that the order had been executed, and it was not in the legitimate province of the Department to reconsider or reverse it."

The case is one of unquestionable merit, and the relief should be granted by legislative action, the only means left to remedy the wrong unintentionally done a good officer.

Your committee recommend that the bill do pass.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. TRIGG. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill H. R. 2139 on the House Calendar.

The SPEAKER. Is this a private bill?

Mr. TRIGG. It is a bill to exchange property purchased at Abingdon, Va., for the erection of a public building. It requires no appropriation.

The SPEAKER. It will be read subject to objection.

Mr. BEACH. I call for the regular order.

Mr. TRIGG. I hope the gentleman will withdraw that demand. I wish to state that the bill is introduced by request of the Secretary of the Treasury. The money was appropriated for this building, but has been unexpended and is waiting the exchange of that property, which is necessary to be made.

Mr. BEACH. There are a number of bills of the same general character, and I shall object to the consideration of any of them out of their regular order.

PRINTING OF CONSULAR REPORTS ON CATTLE-BREEDING, ETC.

Mr. BARKSDALE, from the Committee on Printing, submitted the following report:

The Committee on Printing, to whom was referred the following concurrent resolution, having considered the same, direct me to report it back and recommend its passage. The estimated cost of the printing is $1,572:

IN THE HOUSE OF REPRESENTATIVES, *June* 14, 1886.

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 3,000 copies of the reports of the consuls of the United States on cattle-breeding and dairy-farming; 2,000 copies of which shall be for the use of the House of Representatives and 1,000 copies for the use of the Senate.

Mr. RICHARDSON. I have an amendment I desire to offer.

The Clerk read as follows:

Amend by adding after the word "Senate," in the last line, "and 1,000 copies for the use of the State Department." Also substitute the word "four" for the word "three;" so as it will read, 4,000 copies instead of 3,000 copies.

The question being taken on the amendment, the Speaker decided that it was rejected.

Mr. RICHARDSON. I call for a division.

Mr. BARKSDALE. Before that is put, permit me to have read under the rules a letter from the Secretary of State.

The SPEAKER. It can only be done by unanimous consent, as the House is now dividing.

Mr. STORM. I object.

Mr. RICHARDSON. I am satisfied if the gentleman understood it he would not make the objection.

The question was taken; and on a division there were—ayes 32, noes 9.

So the amendment was agreed to.

The resolution as amended was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. 2172) restoring to the United States certain lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded, which is the call of standing and select committees for reports.

WOOL DUTIES.

Mr. MORRISON, from the Committee on Ways and Means, reported back with adverse recommendations the resolution introduced by Mr. GROSVENOR, for the restoration of the wool duties of 1867, and the resolution of Mr. WILKINS, in regard to retaining the present rates of duty on wool; which were laid on the table, and the accompanying report ordered to be printed.

Mr. MORRISON. I ask permission for the gentleman from Ohio [Mr. MCKINLEY] on behalf of the minority to present their views

There being no objection, leave was given to present the views of the minority; and they were ordered to be printed with the report of the majority.

REPORTS OF CONSULS.

Mr. BELMONT. I am directed by the Committee on Foreign Affairs to ask that they be discharged from the further consideration of sundry reports of consuls on the trade and commerce of foreign countries, referred to that committee. It would appear that the printing of those reports is amply provided for by section 3798 of the Revised Statutes. The committee ask that it be authorized to return to the Clerk of the

House of Representatives the said reports with a view to their being transmitted by him to the Public Printer, and that the committee be discharged from the further consideration of the matter. I make that motion.

The motion was agreed to.

PUBLIC BUILDING AT FORT SCOTT, KANS.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 1386) for the completion of a public building at Fort Scott, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT ATCHISON, KANS.

Mr. WADE, from the Committee on Public Buildings and Grounds, also reported back with a favorable recommendation the bill (S. 1350) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Atchison, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PATENT OFFICE FEES.

Mr. MORGAN, from the Committee on Patents, reported, as a substitute for H. R. 7195, a bill (H. R. 9474) to authorize and direct the Commissioner of Patents to notify certain persons that fees in certain cases are subject to their order; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 9010) for the relief of Sylvanus Sandford; and the same was referred to the Committee on War Claims.

AMANDA HOUSELL.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back the bill (H. R. 3546) granting a pension to Amanda Housell with Senate amendments; which was referred to the Committee of the Whole House on the Private Calendar, and, with the Senate amendments and accompanying report, ordered to be printed.

BENJAMIN OBEKIAH.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2173) granting a pension to Benjamin Obekiah; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH M. POTTER.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6162) granting a pension to Joseph M. Potter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL TODD.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7335) granting a pension to Michael Todd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GILES WRIGHT.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 8828) granting a pension to Giles Wright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER P. HOFFMAN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6823) granting a pension to Peter P. Hoffman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back the bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims, with amendments by the Senate.

Mr. WARNER, of Missouri. Would it be in order for me to ask unanimous consent at this time to act on the Senate amendments?

The SPEAKER. That would not be in order at this time.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the Senate amendments and accompanying report, ordered to be printed.

ESTATE OF JOHN C. THOMPSON.

Mr. HOWARD, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4079) for the relief of the estate of John C. Thompson, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MELINDA GRIMES.

Mr. SMALLS, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 5184) for the relief of Melinda Grimes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BARKER, WILLIAMS AND OTHERS.

Mr. GALLINGER, from the Committee on Claims, reported, as a substitute for H. R. 6854, a bill (H. R. 9475) for the relief of Barker, Williams and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 6854) was laid on the table.

SILAS D. BALDWIN.

Mr. NEGLEY, from the Committee on Military Affairs, reported back favorably the joint resolution (H. Res. 19) for the relief of Silas D. Baldwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL W. DANNER.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 4684) to relieve Samuel W. Danner of the charge of desertion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. NEGLEY, from the Committee on Military Affairs, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2651) for the relief of Jesse Edens;

A bill (H. R. 2530) for the relief of C. A. Worthington;

A bill (H. R. 4895) to remove the charge of desertion against Willis Layton;

A bill (H. R. 5407) to relieve John Lyon from the charge of desertion;

A bill (H. R. 5417) for the removal of the charge of desertion from the record of Clement H. Cole;

A bill (H. R. 3044) for the relief of Clarkson Tryon;

A bill (H. R. 6618) for the relief of John J. Silbernagel;

A bill (H. R. 4725) to remove the charge of desertion from the military record of William Miller;

A bill (H. R. 1915) to remove the charge of desertion from the military record of Michael Clancy;

A bill (H. R. 3938) for the relief of James Coughlin;

A bill (H. R. 6141) for the relief of Lee L. Betterton;

A bill (H. R. 6729) for the relief of Albert G. Romine;

A bill (H. R. 5258) for the relief of James W. Dotson; and

A bill (H. R. 3316) for the relief of Lewis J. Trasper.

JAMES ROACH.

Mr. WOLFORD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 228) for the relief of James Roach; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

T. J. PAYNE.

Mr. WOLFORD, from the Committee on Military Affairs, also reported back with an amendment the bill (H. R. 1710) for the relief of T. J. Payne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES S. CLARK & CO.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 2474) for the relief of James S. Clark & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of general appropriation bills.

Mr. WELLBORN. Mr. Speaker, this day was set apart by order of the House for the consideration of bills reported from the Committee on Indian Affairs. I ask unanimous consent that that order be continued until the 29th day of June.

Mr. RANDALL. With the same privileges as before and subject to the same limitations.

Mr. WELLBORN. Yes; the same order.

The SPEAKER. The gentleman from Texas [Mr. WELLBORN] asks unanimous consent that the order heretofore made setting apart this day for the consideration of bills reported from the Committee on In-

dian Affairs be continued until the 29th of the present month. Is there objection?

There was no objection, and it was so ordered.

The motion of Mr. RANDALL was then agreed to.

LEGISLATIVE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. When the committee rose yesterday the legislative, executive, and judicial appropriation bill was under consideration. The Clerk will report the pending paragraph.

The Clerk resumed the reading of the bill at line 2013.

Mr. TAULBEE. Mr. Chairman, when the committee rose last evening I had addressed the Chair with a view to offering an amendment to the paragraph last read by the Clerk. Before I offer that amendment I wish to ask the chairman of the Committee on Appropriations what information he has with reference to the duties of the surgeons described in lines 1990 and 1992 of the bill. I wish to state that it is my information that all these surgeons do the same kind of work, that they work promiscuously. I make this inquiry, or suggestion, with the view of moving to amend by striking out, in lines 1990 and 1991, the words "two qualified surgeons, who shall be experts in their profession, at $2,000 each;" and also by striking out, in line 1992, the word "eighteen" and inserting "twenty."

Mr. RANDALL. So far as I know, the officials are surgeons, whose duty it is to pass upon surgical questions involved in applications to the Pension Office for pensions. I know of no other duty which they perform.

Mr. TAULBEE. Do not all these twenty surgeons do the same duty?

Mr. TOWNSHEND. I will state to my friend from Kentucky [Mr. TAULBEE] that I am well satisfied from what I know of the Pension Office that these two surgeons have entirely different duties to perform from the others. They are experts, as stated in the bill; and if we should strike out this special provision for them in the absence of any good reason being shown, it may greatly cripple the work of the Pension Office. I believe the appropriation last year was the same as proposed in this bill.

Mr. TAULBEE. The only reason I have to furnish is that, according to my information (and I think the information is correct), the surgeons who receive only $1,800 per year do precisely the same work as these two who get $2,000. Now, I want fair play and justice; and I maintain that as all these surgeons, according to my information from members on the floor as well as others who I believe know all the facts, do the same work they should be upon an equality as to salary. If the services of these two are worth $2,000 each, we ought to give the same amount to the whole twenty. If the services rendered by all these surgeons are worth only $1,800 a year each, I see no good reason for selecting two of these officers to receive a salary of $2,000 and giving only $1,800 each to the other eighteen.

Mr. LONG. Do not these two surgeons have a sort of final responsibility upon appeal? I do not know that it is so; I merely suggest it.

Mr. TAULBEE. According to my understanding that is not the fact, but, on the contrary, the whole twenty do the same work, these surgeons who receive $1,800 frequently doing the work of the two who receive $2,000. In other words, the work is done by these various officers promiscuously. That is my understanding; and I think I am correct.

Mr. PERKINS. I desire to say to the gentleman from Kentucky that his information is correct. The duties of these men are substantially the same. By reading the bill it will be seen that they are required to possess the same qualifications. The duties they are called upon to perform are, as suggested by the gentleman, entirely the same. It seems to me, therefore, they ought to receive the same compensation. I think with the gentleman from Kentucky that a salary of $2,000 is not too much for each of these men, if they possess the requisite qualifications.

Mr. TOWNSHEND. I desire to ask the gentleman from Kansas [Mr. PERKINS] whether in the statement he has just made he speaks from his own personal knowledge or merely from hearsay.

Mr. PERKINS. I speak from the knowledge which I have obtained at the Pension Office by coming in contact with the men who are engaged in doing this work. The two surgeons who receive $2,000 each constitute no part of the medical board of referees, but perform duties independently of the board—the same duties performed by the eighteen who are provided for in the bill.

Mr. RANDALL. There is no distinct and separate statute authorizing these two officers to receive $2,000 each; but there is precedent. From 1882 they have been recognized as distinct from the others, and have been paid $2,000 each.

Mr. TAULBEE. I believe that is true.

Mr. RANDALL. I will add that they were estimated for this year at that salary; but the Commissioner himself submitted a proposition that these two officials should each receive $2,250. The committee, however, declined to accede to that proposed increase, and continued the salaries as they have been since 1882.

Mr. MORRILL. Was not the increase of which the gentleman speaks recommended for the whole twenty of these surgeons?

Mr. RANDALL. No, sir; only for these two.

Mr. MORRILL. Did not the Commissioner make a recommendation as to the eighteen?

Mr. RANDALL. He wanted those eighteen put up to $2,000, a proposition which the committee did not adopt.

Mr. TOWNSHEND. Mr. Chairman, I hope the House will not strike out the provision of the bill on this subject, which has been the appropriation since 1882, when it was inserted, I have no doubt, for some good reason then assigned by the Commissioner of Pensions or the Secretary of the Interior. By making a change in this particular with no better information than is suggested here on the floor we may throw that entire office into confusion. I hope that the practice of the House sanctioning the distinction recognized by this bill will not be overthrown without any kind of official data and without the assignment of any reason except vague rumors or statements which gentlemen claim to have heard in the Pension Office.

Mr. HEARD. We are advised by the gentleman from Pennsylvania the chairman of the Committee on Appropriations that it is recommended by the Commissioner of Pensions to increase the salaries of all the eighteen medical examiners from $1,800 to $2,000 each, and of the two officers now in question to $2,250 each. I would ask the gentleman from Pennsylvania, or the gentleman from Illinois, both being on the committee, whether it appears from any statement made by the Commissioner of Pensions that there is any difference in the character of the work performed by these two men from that done by the eighteen?

Mr. RANDALL. The very language of the estimate goes to show that these two men perform a different class of work. In 1883 there were four of them, and it was expressly declared that they should be surgeons, while the others are described as medical examiners for pensions.

Mr. HEARD. I would like to ask this further question as to these two parties; does the gentleman know——

Mr. RANDALL. I do not know them.

Mr. HEARD. I did not mean to ask if the gentleman knew them individually, but whether or not the gentleman knows them to be actual surgeons in the office. I understand there is some question about the fact.

Mr. RANDALL. The law requires them to be.

Mr. MATSON. Mr. Chairman, I understand that the two qualified surgeons provided are specialists in their profession, and the language of the act I understand to be substantially that. One I know is assigned to special work in connection with diseases of the mind, having had large experience in hospitals for the insane. The other, I am of the impression, is an oculist, and has to do with diseases of and injuries to the eyes. These are both important matters, more important than the general work of the office, requiring special skill and knowledge, which is entitled, I should say, to at least an additional compensation of $200 a year above that of the ordinary physicians in the office.

Upon that subject I want to say, while the matter has been raised, that although there is no amendment pending——

Mr. RANDALL. There is an amendment of the gentleman from Kentucky.

Mr. MATSON. That is in relation to the pay of the two medical examiners. I say that while there is no amendment pending to that effect, I think they all should be paid $2,000 a year.

All of the reviewers of cases, the legal reviewers, are paid $2,000, and the medical reviewers get but $1,800. I see no reason why there should be such a distinction, and think they ought to be paid just as much. What ought to have been done by this bill was to raise the pay of the medical reviewers $200 each, and not take up two and provide $200 additional for them and pay the rest but $1,800.

Mr. TAULBEE. Mr. Chairman, in reply to the gentleman from Pennsylvania as to the fact that these two officers are required to be surgeons, if he will look at line 1992 of the bill he will find that the eighteen medical examiners are required to be surgeons.

Mr. PERKINS. And of skill and experience in their profession.

Mr. TAULBEE. Now, I do not think that any gentleman has denied but that the examiners do the work promiscuously of the office. That is my understanding, and I have no doubt of the truth of it.

My amendment proposes to reduce the salary of the two qualified surgeons to $1,800, putting them down upon the same basis as the other medical examiners who do the same work. I think there ought to be uniformity in the pay. My judgment is that $1,800 is sufficient, and for the sake of uniformity, if the House is of opinion that $1,800 is enough for the two surgeons in question, then I insist the House ought to vote $2,000 a year to each of the other eighteen medical examiners.

Mr. TOWNSHEND. We can not do that under the law.

Mr. TAULBEE. It is suggested by the gentleman from Illinois that we can not do that under the law. I maintain if we can vote $2,000 to these two, that we can vote with the same propriety $2,000 to the other eighteen. I understand the chairman of the Committee on Appropriations to say that there is no law fixing the compensation of the two at $2,000 except the current appropriation bill.

Mr. RANDALL. I so understand it.

Mr. TAULBEE. Now, it has been repeatedly held by the chairman of the Committee of the Whole that the current appropriation bill for purposes of the point of order is not regarded as existing law. Under the ruling I see no propriety in giving these men a larger rate of compensation than is fixed by the general law.

Mr. RANDALL. I urge a vote; but before demanding it desire to say that the two qualified surgeons shall be experts in their profession, while the eighteen medical examiners are required to be surgeons of education, skill, and experience. It is rather, I confess, a distinction without much of a difference, but there is a distinction at all events.

The question being taken on the amendment of Mr. TAULBEE, the committee divided; and there were—ayes 16, noes 63.

So the amendment was not agreed to.

Mr. BURROWS. Mr. Chairman, I desire to inquire whether the provision in lines 1997 and 1998, providing for twenty-four assistant chiefs of division at $1,800 each, is not new legislation and liable to the point of order.

Mr. RANDALL. I think not, although the gentleman can test the point of order.

Mr. BURROWS. Where is the law?

Mr. RANDALL. The law of the last session of Congress. It is not law as against a permanent statute, but it is the law until repealed at all events.

Mr. BURROWS. I understand——

Mr. RANDALL. The gentleman will find in the existing law, twenty-four assistant chiefs of division at the same salary fixed here.

Mr. TOWNSHEND. I can answer the gentleman that this is not new legislation.

Mr. BURROWS. What is not new legislation?

Mr. TOWNSHEND. The eighteen chiefs you speak of.

Mr. BURROWS. Where is it provided for in the permanent law?

Mr. TOWNSHEND. I do not know whether it is contained in the Revised Statutes or not; but if all appropriations are ruled out on the ground that they are not contained in the statutes, you could strike out everything in the bill and abolish the entire Pension Office.

Mr. BURROWS. I am not speaking on that theory; but I ask what authority there is for the appropriation?

Mr. TOWNSHEND. And I am speaking of the practice in making up appropriation bills. This appropriation stands upon the same footing as all of the other officers of the Pension Office.

Mr. BURROWS. I mention it because I am advised a practice is growing up of designating in the various Departments chiefs of bureaus or chiefs of divisions, evading civil-service examination. For instance, take offices where there are twelve clerks, six $1,800 clerks——

Mr. TOWNSHEND. If a practice has grown up it has grown up under your own administration, because it has come over from the last administration to this.

Mr. BURROWS. Take offices where there are eight $1,200——

Mr. RANDALL. Is there anything before the committee?

The CHAIRMAN. There is not.

Mr. RANDALL. Then I raise the point of order against this discussion.

Mr. BURROWS. Then I will move an amendment. I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized and will proceed.

Mr. BURROWS. And I do it for the purpose of making a suggestion. I understand the practice obtains in the various Departments of the Government of designating chiefs of division without authority of law. Rule XIX of the civil-service rules excludes from examination all chiefs of division. The practice is growing up of designating a chief of division and then creating a vacancy and filling the place without examination.

To illustrate: Take an office where there are twelve clerks; now a practice is obtaining of designating six of the clerks as chiefs of division and the others as subordinates under them, each one having one subordinate; so that when a vacancy occurs by removal or in any other way an appointment is made evading the civil-service examination.

Mr. HAMMOND. Does the gentleman know of any such practice?

Mr. BURROWS. I have stated that I am so informed from a source which I consider reliable.

Mr. HAMMOND. I saw a statement in the Post this morning that some rascal could do that if he wanted to.

Mr. BURROWS. I did not read the Post, and therefore did not know it contained the statement referred to.

Mr. HAMMOND. Then the gentleman did not get his information from the Post?

Mr. BURROWS. No; not from any authority so unreliable as that.

Mr. HAMMOND. That is the only source where the information has been published, so far as I know.

Mr. LONG. Does the gentleman from Georgia mean to intimate that any man who does that is a rascal?

Mr. HAMMOND. I have merely said that the Post of this morning stated that a rascal could do such a thing if he wanted to.

Mr. BURROWS. I am advised, as I have already stated, that it is being done continually in the various Departments of the Government. Now, I do not know but this proviso in reference to assistant chiefs of division is for the same purpose of appointing these assistant chiefs of division without civil-service examination. I have said all that I wish to, and now withdraw the *pro forma* amendment. [Cries of "Vote!"]

Mr. TOWNSHEND. I renew the *pro forma* amendment for the purpose of saying that if the gentleman from Michigan has found a mare's nest, it is a mare's nest belonging to the Republican party. These assistant chiefs of division come over to us from the Republican administration of Mr. Arthur. They were put into the bill of 1883. Therefore, if there has been any attempt to evade the civil-service law, it does not lie in the mouth of that side of the House to make complaint of it. It comes over to us from his own party.

I will remind the gentleman further that I am willing to make defense of his own administration in that regard. It is not put in the bill for the purpose of evading civil-service examination. That law requires these assistant chiefs of division so appointed to be appointed through the civil-service examination. It is not, therefore, an evasion of the law. It could not be an evasion of the law. If, however, there is any fault about it, the gentleman must make complaint against his own administration.

Mr. BURROWS. I desire to say in reply that when I alluded to the fact this practice was growing up I intended to be understood it was growing up under this administration, and not that it had grown up under the preceding administration. Furthermore, that if that practice has grown up under this or former administrations, for one, in my judgment, it should be put an end to.

Mr. TOWNSHEND. Can you give us any evidence where it has grown up under this administration?

Mr. BURROWS. I only repeat what I have already stated, that I have been so informed from a source I deem to be reliable.

Mr. TOWNSHEND. That is an extremely vague answer, and I hope the gentleman will state some particular Department where any such practice has grown up.

Mr. BURROWS. I shall not answer the gentleman from Illinois when he asks me for the source of my information as he answered, the other day, the gentleman from Maine—"It is none of your business."

Mr. TOWNSHEND. If the gentleman is not ready to state his authority he should not have made the charge of any such practice having grown up under this administration.

Mr. BURROWS. Of course it is understood I do not wish the removal of any one who gave me the information.

Mr. REED, of Maine. I am glad the gentleman from Michigan does not attempt to reply in the same way, as he would not find himself at home in that kind of dialect. [Laughter.]

[Here the hammer fell.]

The CHAIRMAN. The Chair understands by unanimous consent all formal amendments are withdrawn.

The Clerk read as follows:

For an additional force of one hundred and fifty special examiners, for one year, to be appointed by the Secretary of the Interior, on the recommendation of the Commissioner of Pensions, at a salary of $1,400 each, $210,000; and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they are found to be qualified.

Mr. MCCOMAS rose.

Mr. LONG. I rise to a question of order on that paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. LONG. I make the point of order against the words in lines 2022, 2023, and 2024: "to be appointed by the Secretary of the Interior, on the recommendation of the Commissioner of Pensions."

If the Chair will look at the provision in the last year's bill it will be found to be in every respect identical, except these words I have read have been inserted.

I make the point of order on those words, first, because they are a new law—an entirely new provision of law. The Civil Service Commission would have, I think, the right to make rules as to these officers, with regard to their appointment. But if this clause is inserted that discretion is taken away from them, and these officers are appointed entirely on the recommendation of the Commissioner of Pensions.

For those two reasons I raise the point of order.

Mr. RANDALL. Representing the Committee on Appropriations, I want to direct the attention of the Chair to the facts in connection with this matter. The language of the current law is:

For an additional force of one hundred and fifty special examiners for one year, at a salary of $1,400, $210,000.

Now it is alleged that that law ceases and determines at the end of the fiscal year, ending 30th June next. What is provided in the bill we are now considering is for another and a different year entirely. There is where the whole matter hinges.

Mr. LONG. But in that case the point of order would lie against the whole section. In that case the whole section becomes law. I did not raise the point of order to that extent. I recognize this as a work which is in progress; and so far as it is in progress under the provisions of last year's law it is in order to continue it, but not to continue it with a new provision of law, which is new legislation, and which would also take from the Civil Service Commission a discretion which under

the existing law would be lodged in them with regard to the appointment of these special examiners.

Mr. RANDALL. I am not discussing the point of order suggested by the gentleman from Massachusetts as to the entire paragraph. I am only stating in opposition to the point of order as made by the gentleman that the law of the current year provides that these officers should be for one year. The law as proposed in this bill provides that there shall be next year another corps of one hundred and fifty examiners. It all hinges on that, as I said before.

Mr. LONG. I am inclined to think that the gentleman from Pennsylvania would agree with me that if any officers should be selected under the civil-service rules these officers should be.

Mr. RANDALL. That has no relation to the point of order. When that question is up I will discuss it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TOWNSHEND. How far does the point of order extend?

The CHAIRMAN. The Clerk will report the words against which the point of order was made.

The Clerk read as follows:

To be appointed by the Secretary of the Interior, on the recommendation of the Commissioner of Pensions.

Mr. RANDALL. If the Chair rests his ruling upon the old act, then I must ask that the language embraced in the old act shall be inserted here.

The CHAIRMAN. The Chair bases it on the general principle that this changes the law as to the mode of appointment. So far as regards these employés being appointed for a year, that is true of all the employés in all the Departments generally; it is true there are exceptions. They would all be dropped out but for the appropriation bill.

Mr. GALLINGER. I move to strike out the last three words. I offer this amendment for the purpose of calling attention to the fact that on the 9th day of this month, when this appropriation bill was under discussion, the gentleman from Illinois [Mr. TOWNSHEND] made a vehement attack on the last administration of the Pension Office with reference to the appointment of these special examiners, saying they were all Republicans. During that discussion the following colloquy occurred:

Mr. TOWNSHEND. Look at this statement. Of one hundred and forty-eight regular special examiners General Black found in office not a single one of them was a Democrat.

Mr. GALLINGER. How did the gentleman find that out?

Mr. TOWNSHEND. From the Pension Office, of my own seeking; from the very best authority which can be given.

Mr. GALLINGER. How did the gentleman from Illinois find it out? Have these men testified they were all Republicans? Or has it merely been assumed that they were Republicans?

Mr. TOWNSHEND. I have it from the best authority.

Mr. GALLINGER. What authority?

Mr. TOWNSHEND. I have it from the best authority; and I defy the gentleman to deny its correctness.

Mr. GALLINGER. I do not know the name of one man in the special service.

Mr. TOWNSHEND. I dare the gentleman to deny it, or any one else.

Mr. GALLINGER. But you do not know that fact.

Mr. TOWNSHEND. I do know it. I have it from authority in which I have the greatest confidence.

Mr. GALLINGER. Let us have it.

Mr. TOWNSHEND. I have it from official authority.

Mr. GALLINGER. We want to know.

Mr. REED, of Maine. We want to know the gentleman's authority.

Mr. TOWNSHEND. I have it from the Pension Office.

Mr. REED, of Maine. From whom?

Mr. TOWNSHEND. It is none of your business. [Laughter and applause.]

Mr. GALLINGER. Let us have your authority.

Mr. TOWNSHEND. I state again I have it from the Pension Office, and every word of it is true. And I believe the gentleman knows it.

Mr. GALLINGER. I do not know it; and I would not take your word for it [laughter], or that of anybody else. These men have not testified they were Republicans. Who knows whether they were or not?

During that discussion I believed I had authority for the statement that these men were not all Republicans. That authority I have been convinced since was correct. But in addition to what information I had myself I hold in my hand a letter, received a few days ago, dated Terre Haute, Ind., June 10, 1886, which I will read:

Hon. J. H. GALLINGER, *Washington, D. C.:*

DEAR SIR: I have read the statement made by Mr. TOWNSHEND "that there was not a Democrat on the list of special examiners when Mr. Black took charge of the office." I want to say to you that I served during the time from April, 1884, until July, 1885, as a special examiner, and was assigned to duty in this State, and during all this time there were three avowed Democrats serving in the same capacity, and they are in the service yet, one of them being especially retained for Democratic testimony before the committee of investigation at Cincinnati, Ohio, after the Presidential election. The strongest evidence that these men were Democrats, outside of the assertions they made, is the fact that two of them glorified over the election of Cleveland and remained on a protracted drunk for days. I was detailed to hunt one of them up, and found him in a Democratic saloon hollowing for the President and more rum.

[Laughter.]

Out of regard for the tender sensibilities of the gentleman from Illinois [Mr. TOWNSHEND], who tells gentlemen on this floor when they ask him a civil question that it is none of their business, and in contrast to the gentleman's conduct when he refuses to give his authority, I refrain from reading two additional lines in this letter which might seem personal to the gentleman from Illinois, and will say that the letter is signed, "Very respectfully, W. H. Soale."

Mr. Chairman, Mr. Soale is a practicing attorney in the city of Terre Haute, and my design has been simply to add this letter to the current history of this discussion, and I will leave the gentleman from Illinois to settle with this committee the question of fact that he has raised by his wholesale and unwarranted charges against Mr. Dudley, late Commissioner of Pensions.

Mr. TOWNSHEND. Mr. Chairman, there are two kinds of Democrats in office, as I have discovered since the election of Mr. Cleveland—those who were Democrats before his election and those who have been converted since he was elected.

Mr. STEELE. I hope the gentleman does not refer to the Third Assistant Postmaster-General.

Mr. TOWNSHEND. I have nothing to say on that subject. I am simply saying a word or two now in reply to the gentleman from New Hampshire [Mr. GALLINGER]. When I was asked the other day where I got my authority for the statement I had made I gave the only answer that any gentleman could demand of me, the only answer that it could be expected I would give; I said that I had got it from the Pension Office. I would like to know what further information the gentleman had a right to demand. When he kept pressing me for my authority I said that my statement was based upon official information, and gave him to understand that that information was obtained from the Pension Office. I repeat that now. I meant no discourtesy by my reply; but when gentlemen ask me a question over and over and over again to which I have already given a plain, direct answer, I feel that a point has been reached where forbearance ceases to be a virtue. All I have to say about the matter is that I got my information from the Pension Office. Is anything more necessary to make the gentleman understand where I got my information? And, Mr. Chairman, I now repeat that I believe that information was correct, notwithstanding the letter which the gentleman has read. I apprehend that the writer of that letter is a Democrat of the class who were converted after Mr. Cleveland's election.

Mr. STEELE. Oh, no; this man was bounced because he was not a Democrat.

Mr. TOWNSHEND. Well, all I know about this subject is that I had my information from the Pension Office, that of the one hundred and fifty special examiners appointed there was not a Democrat among them.

Mr. GALLINGER. Will the gentleman be kind enough to tell me how any man in the Pension Office could have known the politics of those special examiners?

Mr. TOWNSHEND. That is a question I am not able to answer. The authority from which I got my information could perhaps explain it, but I can not. But, Mr. Chairman, I think the gentleman from New Hampshire has perhaps been misled as to what I did state here. I stated that among the one hundred and fifty special examiners appointed as such there was not a single Democrat.

There were nearly four hundred persons engaged in that work, but all of them except one hundred and fifty were clerks detailed from the office. Now I understand that among those clerks so detailed there were four or perhaps five Democrats. That is the statement I made the other day, that of the clerks detailed for this work I understood that there were four or five Democrats; but that the special examiners appointed as such were all Republicans.

Mr. GALLINGER. Does the gentleman know anything about a special examiner by the name of Eisenstein, an Ohio man, a Democrat?

Mr. TOWNSHEND. I do not know anything about him.

Mr. RANDALL. Mr. Chairman, I object to this wide latitude of debate upon a motion to strike out the last word. I want to bring it back to the consideration of what is legitimately in this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GALLINGER. I withdraw the formal amendment.

Mr. REED, of Maine. Mr. Chairman, as the remark of the gentleman from Illinois [Mr. TOWNSHEND] which has been commented upon was made to me in reply to what I supposed was a civil question, I wish to say that I have not harbored any resentment. I have had no feeling that the gentleman from Illinois intended to be uncivil. I think he acted up to the full measure of his knowledge of what was civil. [Laughter.]

The Clerk read as follows:

For an additional force of one hundred and fifty special examiners, for one year, to be appointed by the Secretary of the Interior, on the recommendation of the Commissioner of Pensions, at a salary of $1,400 each, $210,000; and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they are found to be qualified.

Mr. GROSVENOR. I move to strike out from the words "and no per-," on line 2025, to the end of the paragraph, including lines 2026, 2027, 2028, and 2029. Mr. Chairman, on the 9th day of June the gentleman from Illinois [Mr. TOWNSHEND] in debate upon this bill used the following language (RECORD, page 5483):

I am warranted in making the statement, sir, that if you will ascertain the number of Republican soldiers who have been removed from office under this administration it can be shown that an equal number of Democratic soldiers have been appointed.

And on the 10th of June the same gentleman used the following language, to be found on page 5540 of the RECORD:

Yet the aggregate of the soldiers appointed under Cleveland's administration is equal to if not greater than the aggregate number of soldiers removed.

I call the attention of the committee to the fact that in speaking of the removals the distinguished gentleman used the words "Republican soldiers," and in speaking of the appointments he used the words "Democratic soldiers." That is exactly a fair proposition on its face; but the difficulty in working it out is that "Republican soldiers" as a rule were soldiers upon the side of the Union, while the term "Democratic soldiers" covers two varieties of soldiers. [Laughter.]

Now, Mr. Chairman, I claim that these removals and appointments have been made without regard and in direct violation of sections 1546 and 1754 of the Revised Statutes, which I include as a portion of my remarks:

SEC. 1546. No officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

I hold in my hand the annual address of the department commander of the Grand Army of the Republic of the State of Virginia; and in that I find a correspondence which I will embody in my remarks touching this identical question. From this correspondence I learn that in the department of Virginia there have been twenty-one ex-Union soldiers removed from office and fourteen ex-confederate soldiers appointed in their places, besides seven Democrats who never went to war at all.

Now, if the gentleman from Illinois meant to say that something like an equal number of "Democratic soldiers" had been appointed, without drawing any line of distinction between those who fought upon the Union side and those who fought on the other, then he is approximately right.

Mr. Chairman, I will not say anything in the way of complaint in regard to the appointment of ex-confederate soldiers. I think that, considering the representation of ex-confederates upon this floor and in the Senate and in the diplomatic places and all other positions of the Government, it is no more than fair that when a Republican is removed a Democratic ex-confederate should be appointed. Speaking for myself, I would vastly prefer that the places of honor and trust in the Southern States should be conferred upon ex-confederates rather than upon that other class of gentlemen, especially in the Northern portion of the Union. I think that in the nature of things this is what ought to be done.

[Here the hammer fell.]

Mr. BUTTERWORTH obtained the floor and said: I yield my time to my colleague [Mr. GROSVENOR].

Mr. GROSVENOR. I complain in the first place because these Union soldiers have been removed; that is my first proposition. My second complaint is that if they were to be removed their places were not all filled with ex-confederate soldiers instead of those gentlemen who did not go to the war.

Some of these cases, Mr. Chairman, are of the most flagrant character. I have a note here in reference to A. J. Hopkins, engine-tender, Bureau of Construction and Repairs, appointed in 1869 upon the recommendation of Naval Constructor Webb. He was in 1861 arrested at Portsmouth, Va., and confined in Libby prison for his loyalty to the Government; served in the Union Army during the rebellion; had sixteen years' experience in the yard; was an honored and respected citizen; was removed May 4 last, and Virginius Freeman, of the confederate navy, appointed. This Mr. Freeman was in the Union Navy before the war, which he left to join the confederate cause.

I have also a reference to the case of one Fuller, a Union soldier, who lost an arm in the service of his country, in a Pennsylvania regiment. I find that he has been removed apparently without cause so far as is disclosed in the record, and an ex-confederate has been put in his place.

The record of this State alone shows that nearly all the removals that have been made have been removals of Union soldiers. The names embraced in this record are only such as belong to the Grand Army of the Republic, and come, therefore, within the proper jurisdiction of the encampment officers. But from the same authority I learn that outside of this record there have been a large number of Union soldiers removed from office; and in no case in Virginia, so far as these men are concerned, has there been any Union soldier appointed.

Now, I agree that "Democratic soldiers" have been appointed, but the language of the distinguished gentleman from Illinois was calculated, I thought, to be misleading when he only gave the general description of "Democratic soldiers." I desire to append to these few remarks the record to which I referred and which I have before me.

I quote from the report of Col. H. De B. Clay, commander of the Department of Virginia, Grand Army of the Republic:

And now, comrades, we come to that portion of my report which I believe you will agree with me as being of great and important interest—it is the violation in spirit and letter by the present national administration of the law which gives to the honorably discharged Union soldiers and sailors of the late war the preference over civilians in the matter of employment.

With the desire to prevent the discharge from Government employ of the members of this department, I took action soon after the inauguration of President Cleveland, by addressing the Secretary of the Navy the following letter:

HEADQUARTERS DEPARTMENT OF VIRGINIA,
GRAND ARMY OF THE REPUBLIC,
Newport News, Va., April 6, 1885.

SIR: I have the honor to inclose herewith lists of names, and place of employment, of thirty-nine ex-Union sailors and soldiers, members of the Grand Army of the Republic, who served during the late civil war, and who are, or until within a day or two have been, employed at the Gosport navy-yard, Portsmouth, Va.

I take the liberty of submitting to your consideration the services of these men, in the hope that you will be pleased to direct their continuance as employés o your Department.

I believe them all to be worthy and deserving, and to be of that class whose employment is contemplated in section 1754 Revised Statutes, and section 3 of the act of Congress approved August 15, 1876. Please see paragraph 12, page 159, Navy Regulations.

Day before yesterday Nelson Proctor, one of the men named on the roll, was dropped from the position of foreman of laborers, and the reason assigned was the "want of funds." I ask that he be restored to his place when the Department is in funds and requires the services of such an employé.

Very respectfully,

H. DE B. CLAY,
Commander Dept. of Va. G. A. R.

Hon. WILLIAM C. WHITNEY,
Secretary of the Navy, Washington, D. C.

Accompanying that letter was a list of thirty-nine ex-Union soldiers and sailors, members of the Grand Army, who were then employed in the navy-yard at Portsmouth. The list contained the name, rank, regiment, corps, service, character of wound, date of discharge, and length of time in their then position.

That letter and list I carried to Washington immediately after it was written. Accompanied by Hon. H. LIBBEY, Representative from the second Congressional district of Virginia, I called at the Navy Department, who left letter and list with the Secretary, with the expectation that they would receive some acknowledgment or reply, but to this day there has been no attention paid to it or my request.

Within a few days after my letter was written to the Secretary of the Navy Commodore Mayo was relieved from command of the navy-yard at Portsmouth, and Commodore Truxton, to whom I addressed a letter, was placed in command. The following is a copy of my letter:

HEADQUARTERS DEPARTMENT OF VIRGINIA,
GRAND ARMY OF THE REPUBLIC,
Newport News, Va., April 17, 1885.

COMMODORE: I inclose herewith a list of the names of members in good standing in the Grand Army of the Republic, who are, or until very recently have been, employed in the several departments of your command.

They are old soldiers and sailors who served in the Union Army during the late civil war, and who are employed, and whose claims for continued employment are and were based on the provisions of sections 1754 and 1755 Revised Statutes, and section 3 of the act of Congress approved August 15, 1876.

Many of these men have been in the navy-yard for years, and have become efficient and skillful in their several positions; therefore, on the theory of retaining old and faithful servants, and because of the law giving them the preference, I hope it may be your pleasure to give them work, and prevent their removal, as is rumored is in contemplation.

Very respectfully,

H. DE B. CLAY,
Commander Department of Virginia, Grand Army of the Republic.

Commodore WM. T. TRUXTUN,
Commanding Navy-Yard, Portsmouth, Va.

Accompanying that letter was a statement of names, &c., similar to that sent the honorable Secretary of the Navy, and, as in that case, no reply or acknowledgment was made thereto.

I waited patiently until June before I again made a move. In the mean time many of our comrades were discharged from the navy-yard and their places filled by civilians and ex-confederates. In June I went to Washington for the purpose of seeing if I could induce the administration to stop their discharge. I called on the Secretary, but he was absent. I called on the President, but he referred me to the Secretary; so I returned without obtaining any result, unless it was my removal as collector of customs at Newport News, Va., and the appointment of an ex-confederate as my successor.

My summary removal from office, without charges, caused me some surprise, as I had written a letter, of which the following is a copy, and which explains itself:

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
Newport News, Va., May 18, 1885.

SIR: The newspapers of to-day bring to my notice the changes that are occurring among the Federal office-holders in this State.

I take it for granted that removals or suspensions are only made on charges preferred against the official sought to be affected thereby. I, therefore, with a consciousness of having performed my duty with honesty and efficiency, deem it a duty to myself and the faithful men under me to ask that in the event of any complaint being made against me by responsible parties that I be heard in my own defense before action being taken thereon by the Government.

With a desire to place the Department in possession of information not heretofore furnished by me, I have the honor to report that I am of that class whose employment is contemplated by section 1754 Revised Statutes, and section 3 act of Congress approved August 15, 1876.

Very respectfully,

H. DE B. CLAY, *Collector.*

Hon. DANIEL MANNING,
Secretary of the Treasury, Washington, D. C.

On seeing the report of my removal in the papers, I called on the President, explained that I was a Union wounded soldier who had been appointed for a term of four years as collector of customs, and had been confirmed by the Senate. There had never been a complaint made against the administration of my office that I knew of. I had rendered my accounts regularly, and was in no way indebted to the Government. I asked for reasons for my removal. I was referred to Hon. D. Manning, the Secretary of the Treasury, who gave me a hearing, with the assurance that I would not be removed, as he would see the President. Notwithstanding this promise, my friends in New York, Ohio, and Virginia, business men and Grand Army men, Democrats and Republicans, deluged the President and Secretary with testimonials as to my integrity and experience, and urged my retention on business principles, and because I was an honorably discharged wounded Union soldier they asked that I be permitted to serve the two years of my unexpired term of office. There never was a man whose friends rallied more loyally than did those who came to my support. For three months I held on, with almost the entire Democratic press of the State fighting and maligning me, and, as far as they dare, attacking the Grand Army for its support of me. Finally, on September 1, 1885, I was ordered to turn over my office to Maj. Baker P. Lee, without a charge of any kind having been made

known to me by the Department. Since then my accounts have been adjusted and closed, with a small balance found due me, showing that I had at least been an honest and accurate official.

In August I wrote Comrade Jos. W. Kay, of Brooklyn, one of the most energetic workers of the Veterans' Rights Union, asking his assistance in securing the retention of Comrade Spencer of Phil. Kearny Post. Comrade Kay responded promptly, and at once set about the work of keeping him in, as shown by his letter to me, as follows, namely:

VETERANS' RIGHTS UNION, *Brooklyn, N. Y., August* 5, 1885.

COMMANDER AND COMRADE: Your favor 1st instant is at hand this morning. I got a letter from Allan a day or two ago, and it inclosed another; the one you send was probably the one intended for me. I will do what I can to present the matter of Comrade Spencer to the Secretary in such a way as to insure recognition, and united now in the defense of a comrade as twenty years agone in defense of a united country, we will try to succeed.

Yours, in F., C., and L.,

JOSEPH W. KAY,
107 *Prince Street, Brooklyn, N. Y.*

H. DE B. CLAY,
Dept. Com. G. A. R., Virginia.

October 25, 1885, I again visited the Navy Department, encouraged by a letter published by the Secretary of the Navy to the Veterans' Rights Association, professing a disinclination to remove the Grand Army men from the Brooklyn navy-yard. The Secretary was absent in New York, but I saw Commodore David Harmony, acting Secretary, and to him appealed to have certain of our comrades, whose cases I presented, restored to the yard. I was told by the commodore that the Department held the commandant of each navy-yard responsible for appointment and discharge of all civil employés, and would not interfere; that the Secretary had appointed a few foremen, but that was all. Later I forwarded through Congressman LIBBEY the applications for restoration to the yard of Comrades Eaton, Bond, Ryder and Kennedy, but nothing had been done up to a week ago.

My efforts to prevent removals at the Portsmouth navy-yard have not been entirely lost, as of the thirty-nine comrades at work there on April 1, 1885, there are still five employed, and with the exception of those five, and two in Richmond, I don't know of another Grand Army man in the employ of the Government in the entire department, which consists of the States of Virginia, North and South Carolina. Efforts should be continued to procure the restoration of our comrades to positions they once held, or to other places in the Government employ, whereby they can earn a support.

The following is a description of those of our comrades who have been removed from civil positions they held under the Government in this department, and whose claims were presented to the administration, asking their retention, and no attention paid thereto:

Past Department Commander William N. Eaton, of Farragut Post, No. 3, who was removed from the position of store clerk, department of steam-engineering, navy-yard, Norfolk, Va., May 29; no charges; no cause is assigned. An untrained civilian, William Easby, was appointed in his place. Comrade Eaton had filled the place for nearly eighteen years; he has the finest testimonials from officers of the Navy under whom he had served, who testified to his ability and character. This case has been twice presented to the Secretary of the Navy and once to Commodore Truxtun, without any cause assigned by either as to why discharged.

Past Department Commander Richard Bond, Farragut Post, No. 3, formerly brass-molder and galvanizer in construction department, Norfolk navy-yard, has applied under this administration to foreman at the navy yard for work, has been refused, and no cause assigned, excepting he must get recommendation from the local Democratic committee of Portsmouth. This, notwithstanding his many testimonials and recommendations from the several naval constructors under whom he served, testifying to his skill as a workman and his excellent character. He failed in securing work, and saw men employed who had never been in United States service in any capacity before. Comrade Bond enlisted in the Marine Corps in June, 1861, and was discharged therefrom September 23, 1864, on surgeon's certificate of disability, the result of disease contracted in the service. He was shot through both arms during the war.

Past Department Commander William Ryder, entered the naval service in 1859, serving as gunner's mate until the breaking out of the war, when he enlisted in the Army, was transferred to the Navy, accompanying Admiral Farragut up the Mississippi, was honorably discharged in 1865, was employed as quarterman of riggers at Norfolk navy-yard, was removed, and J. W. Thompson, who had been an officer in Gaines's confederate battery, appointed in his place.

Comrade James Kennedy, of Farragut Post, No. 3, who enlisted in Marine Corps in 1850, and was honorably discharged in 1864, and who had been employed as laborer in steam-engineering department for previous two years, made application to the proper officers of yard for work, was refused, notwithstanding many men who had never served the United States were employed at the time.

Junior Vice Department Commander Rufus S. Jones enlisted July, 1863, Eighth Regiment United States Colored Troops, served as sergeant-major, was appointed inspector of customs at Old Point, Va., March 15, 1882, and was removed June 24, 1885, and an ex-confederate put in his place.

Charles Spencer, private Company G, Fifth Massachusetts Volunteer Infantry, served from August, 1862, to June, 1863, was removed without cause August 31, 1885, from position of clerk and inspector United States customs, Richmond, Va., in which position he had served eight years, under three different collectors, to their entire satisfaction, according to their letters in his possession. Among the efforts made for his retention and reinstatement was a resolution of Phil. Kearny Post to collector of customs at Richmond June 17, 1885, about time first changes in employés were mentioned. No notice taken of it.

Letter by commander of post to Secretary of the Treasury, July 23, 1885, inclosing testimonials. Nothing heard from it.

Letter to the President by Comrade Spencer, July 25, 1885, inclosing testimonials. Referred to the Secretary of the Treasury. Nothing more heard from it.

The "Veterans' Rights Union," of Brooklyn, N. Y., took the case in hand in August, 1885. Copies of all testimonials were sent to them. Comrades Hedges and Kay, of that organization, had a personal interview with the President and Secretary of the Treasury in October, 1885. The latter made a special memorandum of the case, promising to give it his personal attention. Nothing has come of it. It is proper to say that the "Veterans' Rights Union" used their best endeavors to have Comrade Spencer reinstated, but without avail; they worked hard and faithfully.

Patrick Keenan, first lieutenant Company K, Tenth New York Heavy Artillery, served from September, 1862, to September, 1865; was removed without cause October 31, 1885, from position of United States internal-revenue gauger, second district of Virginia.

The removal was made through the Secretary of the Treasury, at the instance of a Congressional and district committee from Norfolk, Va., comprising United States Solicitor-General Goode and others.

Comrade Keenan was stationed at Norfolk, Va. No efforts were made for retention or reinstatement.

James Sweeney, private, Company A, Forty-third New York Volunteers, served from 25th August, 1861, to September 20, 1865; was removed without cause December 31, 1885, from position of boatman, United States customs service, Richmond, Va., which position he had held for eleven years. In his efforts to be retained and reinstated he had a personal interview with the Secretary of the Treasury a few days before the end of December. The Secretary informed him that had he known the circumstances before he appointed Comrade Sweeney's successor he would not have done so, but as he had approved the appointment it was too late to reverse his action.

Past Department Commander William H. Appenzeller, of the Eleventh Pennsylvania Cavalry, a house-joiner in the department of yards and docks, Norfolk navy-yard, was discharged in July without assigning cause.

J. J. Booth, who was in the Army gunboat service and an inmate of Libby prison, was discharged from his position as engineer of steam fire-engine, Norfolk navy-yard, and his place filled by an ex-confederate soldier.

John Brown was forty-four years in the Army and Navy; was laborer in the steam-engineering department; discharged in June.

James Cook served in the Navy, was disabled at Fort Jackson; was oakum-spinner in steam-engineering department,

Frank Craig, wounded, was in First Maryland; was writer in steam-engineering department; discharged in July and his place filled immediately.

James B. Dempsey, Third New York Cavalry, harness-maker, yards and docks, discharged in July from Norfolk navy-yard.

A. C. Fuller, Fifty-eighth Pennsylvania, badly wounded and discharged on surgeon's certificate of disability; was painter in yards and docks; discharged in July and an ex-confederate put in his place.

John Fleming, Thirteenth Pennsylvania Cavalry, was shipkeeper; discharged in July and an ex-confederate put in his place.

Henry Johnson, Eleventh Pennsylvania Cavalry, wheelwright, yards and docks; discharged in July and an ex-confederate now doing his work.

Thomas P. Jones, United States Navy, steam-engineering, was in United States Navy during war; discharged in August, a Democratic ward worker put in his place.

Past Department Commander S. B. Kenney, served in Army and Navy; was store clerk in yards and docks; replaced by an ex-confederate soldier.

John T. Lawrence, United States Marine Corps, was disabled in service; was rigger, steam-engineering department; was on board United States ship Cumberland when sunk by Merrimac; discharged and an ex-confederate put in his place.

Thomas Geary, enlisted June, 1863, on board United States steamship Buchanan as landsman; discharged November, 1866, as steward; employed since 1866 in Government navy-yard, Norfolk, Va., with intermissions, as engine tender in department yards and docks; discharged last summer.

James Copeland, enlisted in Thirty-seventh United States colored troops June 18, 1864, as private; discharged 11th February, 1867, as corporal of Company H; employed by the Government in the United States navy-yard, Norfolk, Va., with intermissions, since March 1, 1871; discharged last summer.

Hamilton Hodges, enlisted on board United States steamship Roanoke, February 3, 1862, as landsman; discharged from United States steamship Chicopee January 30, 1865, as landsman; employed in United States navy-yard, Norfolk, Va., with intermissions, since 1872 as hostler; removed, and replaced by an ex-confederate.

Nelson Proctor, enlisted in Second United States Colored Troops July 13, 1863, as private; discharged from same July 16, 1866, as private; employed, with intermission, in United States navy-yard, Norfolk, since 1882, as foreman of laborers, yards and docks; was discharged in April.

George W. Smith, landsman, United States Navy, enlisted on United States ship Brandywine July 13, 1863, and was discharged therefrom on the 23d day of July, 1864; occupation, ship-keeper, Norfolk navy-yard, from which he was discharged last summer.

James T. Hodges, landsman, United States Navy, enlisted on the United States ship on the 16th February, 1863, for one year, and was discharged therefrom on the 16th day of February, 1864; occupation, ship-keeper, Norfolk navy-yard, from which he was discharged last summer.

Laster Brown, landsman, United States Navy, enlisted October 26, 1862, on United States ship Steppingstone, and was discharged therefrom March, 1864; occupation, laborer in construction department, Norfolk navy-yard.

William Teemer, enlisted First United States Colored Troops November 27, 1863, and discharged therefrom February 4, 1866; discharged from navy-yard last summer.

James E. Fuller, sergeant First United States Colored Troops, enlisted December 13, 1863, and discharged therefrom February 4, 1866; discharged from navy-yard last summer.

William Silloway, plumber, yards and docks; First and Second Rhode Island; served four years; discharged and replaced by civilian.

Lewis B. Place, coppersmith in steam-engineering department; in Navy three years.

John Miller, who served on board the U. S. S. Cumberland when sunk by the Merrimac, was discharged from the position of revenue boatman, custom-house at Norfolk, on the appointment of the Democratic collector in May.

A. A. Portlock, an old veteran, also lost his position as janitor at the custom-house at the same time and from the same cause.

There are many ex-Union soldiers and sailors in Virginia who are not Grand Army men, and of whom I make no mention, who were discharged from Government employ as a result of the incoming of the Democratic administration.

In my judgment a full and complete recognition of the services of those who saved the Union, not only as a preservation of the rights given by the Revised Statutes, now frequently violated, but also to the perpetuation of the Union of the States; for if this Republic proves herself ungrateful to those who preserved her integrity and fails to make treason odious where is the reward and punishment in contemplation for those who may be actors in the scene?

It is true that homes have been established and pensions provided for disabled veterans. That is all very well as far as it goes; but there are thousands of our comrades who are able and desirous of working, and to those men should preference be given by the Government whenever they are found faithful and efficient. There are men to-day inmates of the various soldiers' homes who have been compelled to seek shelter there for want of employment, and who, if the Government would open her stores, shops, and offices, would gladly accept work which they could perform as acceptably as the civilians and others who now hold those places.

HENRY DE B. CLAY,
Commander Department of Virginia.

J. E. Stokes, ex-Union soldier, an old man, a laborer—honest and capable—removed April 29, 1885, and James Elam appointed.

J. N. C. Cole, clerk, soldier in New Jersey regiment, removed in May, 1885, and R. H. Hamilton put in his place.

W. H. King, special laborer, was a loyal Virginian, son of ex-Chief Engineer King; supports his widowed mother; removed June 6, 1886, and one Albert Perry appointed.

J. J. Buchanan, old, reliable Union man; served thirty years in Navy; removed May 29, 1885, and C. B. Page, ex-confederate, appointed in his place.

William R. Carpenter, William Silloway, J. W. McDonough, and

John V. Schorlen, all soldiers, removed without cause to make room for non-soldiers.

Peter Oakes, foreman of laborers, Bureau of Construction and Repair, appointed 1873 upon recommendation of Rear-Admiral Cooper, was an ex-Union officer; wounded three times; entering the service as a private and coming out a captain—competent, worthy, and reliable—was removed April 27, 1885, and John Castin, a man with no experience, put in his place.

I insist, Mr. Chairman, that this record shows conclusively that the practice of the current administration of the Government is to remove men from office in violation of these statutes. I have illustrated my position by reference to a single State. But I insist that from one end of the Union to the other the same thing is going on.

I complain of it; I oppose it; I denounce it. There are all over the country loyal Union ex-soldiers whom, I regret to say, are Democrats. I am sorry it is so. I think they are in the wrong political party. I think many of them now begin to see that the change they voted for is bringing into possession of the places of profit the men who either fought to destroy the Union or else refused to fight on either side. The trouble has been that our soldier friends in the North have looked at the politics of the country from the atmosphere of the North. They have sought for a change for a great many reasons not pertinent of this issue nor suggestive of this result.

To the amazement of these men, they find that the advent of a Democratic administration heralds the dawn of a day when the greatest and most potent qualification to preferment is a record of hard fighting in the rebel army. Look at our diplomatic representatives. So far as I know, but one minister or envoy who served in the Union Army has been sent abroad. That is my information. I do not complain; but I state facts.

In the North the disparity is about as bad. The reasons are obvious. In the South the dominating party is made up, brain and leadership, of ex-confederates, and so the popular will controls. In the North there is a scarcity of Union soldiers to appoint from, and so necessity controls. And so, between the upper and nether millstones, our Democratic Union soldier friends are being ground very fine. The distinguished soldier who, solitary and alone, represents the fighting men of the old Union Army in the President's Cabinet, bears about the proper and legitimate relation to the whole Cabinet that the appointments of this administration of ex-Union soldiers bear to the whole number of its bestowals of favor—one in seven.

But I do not complain of the administration. A stream can not rise above its source. It owes its political life to the one hundred and fifty-three electoral votes it had ready to be cast from the States in which no contest was made. They came to it as a matter of course. They were not contested. I need not stop now to say how futile such a contest would have been. I only point out that in what it has done the administration has recognized its friends, and gratitude in politics is a great and most commendable thing.

I refer to these things that such Democratic Union soldiers as have vainly sought for recognition may feel that no injustice has been done to them, and that the party in power has dealt justly with all its adherents from the standpoint of the party value of the various constituent elements of which this Democratic party is composed.

The day is dawning, Mr. Chairman, when the party which saved the Union and brought the country from the dark days of 1861 through the darker days of 1864 and out of the dreary wilderness of reconstruction and across the Red Sea of irredeemable paper-money and practical repudiation out upon the solid ground of Union, honest money, and good times, will be again assigned to the control of the nation it made great, and then the Democratic ex-soldiers of to-day will be Republican Union soldiers of the coming better day.

Mr. WARNER, of Ohio. Mr. Chairman, my colleague [Mr. GROSVENOR] has made the remark, if I rightly understood him, that when "Democratic soldiers" were spoken of reference was made to two classes of soldiers. Now, my friend knows perfectly well that the beneficiaries of this bill and the beneficiaries of the $80,000,000 appropriated for pensions, are all soldiers of one class, all Union soldiers; and the attempt to lug into a discussion of this bill partisan debate of this character seems to me entirely out of place. I supposed the war was over and we were here as one people of a common country. I have this further remark to make respecting the occupation of offices by soldiers. The difference between this administration and former administrations is this: Under former administrations, it is true, soldiers were liberally appointed to office, but they were almost without exception Republican soldiers. No matter how gallantly a man may have fought in the war, no matter how much he may have suffered, no matter how severely he may have been wounded, no matter though he may have lost a limb or been otherwise disabled, yet if since the war he has voted the Democratic ticket he was told "There is no office for you."

I say that was the rule, that was the practice, and there were almost no Democratic soldiers in office when Mr. Cleveland was elected; that is, in appointive offices. The policy in that respect has been changed. Democratic soldiers are now given an even chance. For places filled by soldiers the question is not now, What ticket have you voted? but Were you a soldier; have you an honorable record? That is as it should be. That is fair dealing with those who fought during the war side by side and shoulder to shoulder without difference as to politics.

Why, sir, we heard no politics then. Men stood together fighting for the maintenance of the Union, for the preservation of this Republic, and for nothing else. No question was then asked as to one's politics. When men were wanted to fight battles, no such questions were asked. I hardly ever heard politics alluded to or spoken of during the war. I have heard more of it in a single day on the floor of this House than I heard for five years during the war. Soldiers were Union men then, and they are entitled to be considered as Union soldiers now, when places are to be distributed, and not as Republican soldiers or Democratic soldiers.

But heretofore they have been held as entitled to office only if Republicans. Heretofore those appointed to office, I say, were almost without exception Republicans. Under Republican administrations of the Government only Republican soldiers could get into office; no Democratic Union soldier had a chance to be appointed. Now Democratic Union soldiers have an equal chance with Republicans.

Mr. STEELE. Will the gentleman from Ohio point me to a Republican appointed under this administration of the Democratic party?

Mr. WARNER, of Ohio. Let me say to the gentleman from Indiana that to my knowledge there have been numerous appointments of Union soldiers who belong to the Republican party; but Democratic soldiers ought to have preference till they have a fair share of the offices.

Mr. STEELE. Will the gentleman be good enough to give us the names of some of them?

Mr. WARNER, of Ohio. I know myself of gentlemen on this side of the House who fought on the other side in the war recommending the appointment of Union soldiers belonging to the Republican party.

Mr. TOWNSHEND. Now, Mr. Chairman, when I made the statement alluded to by the gentleman from Ohio [Mr. GROSVENOR] the other day, I had in my mind only that variety of soldiers belonging to the Democratic party who served in the Union Army. I made the statement then, and I now reiterate it, and it has never been successfully contradicted, and I maintain it can not be successfully contradicted, that of those who enlisted in the late war on the side of the Union the majority of them were Democrats. [Laughter on the Republican side of the House.]

But, sir, I wish to say another thing. I have recognized the fact there are two varieties of soldiers in the Democratic party, some who served on the side of the Union and some who served on the other side.

Mr. BURROWS. Let me ask the gentleman a question.

Mr. TOWNSHEND. The gentleman from Michigan will pardon me for not allowing him to interrupt me at this point. I wish to call the attention of my friend from Ohio [Mr. GROSVENOR] also to the fact he seems to be ignorant of, and that is there are two sorts of soldiers in the Republican party. One variety consists of those who fought for the Union and the other variety of those who fought to destroy the Union. If my friend is really ignorant of that fact, or if he doubts it, I can perhaps convince him by mentioning some of the names which may be well known to him, if not personally, at least historically. Under one Republican administration a confederate officer was placed in the Cabinet of a Republican President—by General Grant during his first term. Mr. Akerman, of Georgia, was that confederate, who was given charge of the office of Attorney-General of the United States. He was a confederate soldier.

Then, too, Mr. Hayes elevated a confederate who fought during the war to destroy the old flag, and as Postmaster-General in his Cabinet gave him the chief control over all the post-offices and all the postmasters throughout the Union. Yes, and I am reminded by a gentleman who sits near me that he afterward gave General Key, who had been Postmaster-General in his Cabinet, a United States judgeship; that is, he gave him a life office, by placing him where he can not be removed either by a Republican or a Democratic President. Another President sent a confederate soldier as minister to Russia—Mr. Orr, of South Carolina. Another distinguished confederate general, one of the ablest among them, one responsible perhaps for the loss of as many Union lives during the war as any other, General Longstreet, was appointed under Republican administration as our minister to Constantinople for the Turkish Empire.

I am only speaking of appointments of confederate officers made by Republican Presidents. I wish to call attention to another confederate appointed by a Republican President, that distinguished confederate soldier John S. Mosby, of Virginia, to Hong-Kong, China, and received a salary of $4,000 or $4,500 a year. He was the man who is said to have carried the black flag in Virginia during the late war and as saying that he would show no quarter to Union soldiers, and it is reported that Union soldiers said that when they fell into his hands they received no quarter.

I have a number of other names that I might refresh the memory of my friend on the other side with. There is a Senator to-day holding his position in the other end of the Capitol, General MAHONE, of Virginia, a distinguished confederate leader. He is honored with the position he now holds by the Republican party. I have not time to go all over the list. There are many of them.

It may be well to remember, too, that Mr. MAHONE had been intrusted with the entire control of the patronage of the Republican administration in the whole State of Virginia; and I must not forget the gentle-

man who once occupied a seat on this floor, and whom the gentleman from Michigan assailed one day in discussion here with so much bitterness and vituperation—Mr. Chalmers, of Mississippi, who was said to have murdered colored soldiers at Fort Pillow.

[Here the hammer fell.]

Mr. RANDALL. I am almost inclined to suggest to the House an evening session for debate only on this Pension Office matter—— [Cries of "Vote!" "Vote!"] But in the mean time I desire to come to some understanding upon the length of debate upon this paragraph. I ask unanimous consent that the debate shall now close—— [Cries of "Vote!" "Vote!"] I think each side has had a fair and safe opportunity of fighting their battles over.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BURROWS. I would like to ask——

The CHAIRMAN. Does the gentleman object?

Mr. BURROWS. I do not object; I would merely like to ask one question of the gentleman from Illinois. He seems to be posted on the details of the Army, and has stated that more Democrats enlisted in the Union Army than Republicans. I wish to inquire if he has about his clothes the statistics so as to enable him to show us the proportion of Republicans and Democrats who enlisted in the confederate army?

Mr. TOWNSHEND. I do not think I understand the question.

Mr. BLAND. I object to the discussion and call for a vote.

Mr. BURROWS. I asked the gentleman for the figures showing the proportion of Republicans and Democrats in the confederate army.

Mr. TOWNSHEND. Both sides down South contributed very largely to that army.

Mr. RANDALL. If five minutes on each side will satisfy gentlemen I am willing that the debate shall run for that length of time.

Mr. HAMMOND. I object.

Mr. OUTHWAITE. Say twenty minutes.

The CHAIRMAN. The gentleman from Georgia objects.

Mr. HAMMOND. I object, because we have already had enough of this discussion. Let us go on with the bill.

Mr. RANDALL. Well, I propose to control my own plan of business in reference to the bill.

Mr. HAMMOND. I merely suggest that we have had enough of this discussion for one day, and if the gentleman from Pennsylvania will not move that the committee rise I will make that motion for the purpose of limiting debate.

Mr. RANDALL. I hope that we can come to some understanding, and that the committee will not rise.

Mr. HAMMOND. I withdraw the motion.

Mr. REED, of Maine. Let us have twenty minutes.

Mr. RANDALL. I will agree to that, believing it will save time.

The CHAIRMAN. It is understood then that the debate shall close in twenty minutes, which will be divided equally between the two sides.

Mr. ROWELL. Mr. Chairman, I have no doubt that when the Democracy came into power they found a very large proportion of the offices filled by Republicans, nor have I any doubt that when they go out of office at the end of this administration and the Republicans come into power we will find that the offices are largely filled by Democrats. But when any gentleman comes upon this floor and attempts to state that of the appointments of this administration there have been as many Union Democratic soldiers as there have been Republicans removed who were Union soldiers, he certainly is talking against light and knowledge. It would not be reasonable that such a state of things could exist. All of us know, as a matter of personal experience and observation, that the great body of men who wore the blue to-day vote the Republican ticket, and, therefore, there is not so large a number of Democratic Union soldiers from which to select as there are of Republican Union soldiers.

I take it, sir, that local experience, unless there are certain special influences, is good experience all over the country upon which to base our judgment.

In the city in which I live there were seven free-delivery clerks when this administration came into power, five of whom were Union soldiers and one of the other two was the son of a Union soldier. Within two months of the incoming of the present administration a Democratic postmaster was appointed in that city, and every one of the free-delivery clerks was removed, including the five Union soldiers, one of whom had served ten years and eleven months from the time of the commencement of the free-delivery service in that city and never lost a trip. He had never been tardy at the office, although he was sixty years old and made 22½ miles a day, not including going up and down steps, and this every day in the week, in sunshine and storm. They all went off, and not a single Union soldier was appointed in their places. One of the men appointed had often boasted upon the streets of Bloomington that he had served in the confederate army. After his appointment he denied it. The clerks in the post-office, nine in number, I believe, were removed, and not one Union soldier was appointed in the place of the four Union soldiers removed.

The outgoing Republican postmaster was a Union soldier, conspicuous for his gallantry. His successor was not a soldier. That he is a good citizen and makes a good officer I fully concede.

Good men were appointed free-delivery clerks from the Democratic party; good men were appointed in the post-office. I have no objection to the kind of men appointed, or to the kind of service they give us, except that under Democratic rule it takes two more free-delivery clerks to do the work than it did under the Republican rule. But when they come here and tell me that when they removed the Republican soldiers they appointed Democratic soldiers in their place, I know in my own locality that is not true. In two instances, I admit, it is true; because I want to do justice. A Republican soldier who had been an examining surgeon of the Pension Department was removed and a Democratic soldier was appointed in his place. A gallant Republican soldier, a transfer clerk, who had been thirteen months a prisoner in a rebel prison, was removed, and a Democratic soldier, a good man, was appointed in his place. Those are the sole appointments of Democratic soldiers in my section of the country.

In Springfield, Ill., the United States marshal, district attorney, and collector of internal revenue—all Republican Union soldiers—have been superseded by Democrats, who were not soldiers. I take it that is the experience everywhere in the North; and I take it the Democratic party is obliged to give us that experience in order to satisfy other members of the party and because of the scattering number of Union soldiers in the Democratic party generally over the North.

As regards confederate soldiers appointed by Republican administrations, I call the attention of the gentleman to the fact that wherever a confederate soldier has become a conspicuous Republican he has been conspicuously boycotted by his confederate associates.

[Here the hammer fell.]

Mr. CAMPBELL. Mr. Chairman, the gentleman from Illinois [Mr. ROWELL] who has just taken his seat says that "all of us know, as a matter of personal experience and observation, that the great body of men who wore the blue to-day vote the Republican ticket."

In contradiction of this I quote from his Democratic colleague [Mr. TOWNSHEND], who, in the debate upon this bill a few days ago, used the following language:

Did not Democratic soldiers fight as bravely and make as great sacrifices to preserve the Union as Republican soldiers? Were there not as many Democrats in the Union Army as there were Republicans? I tell you now, gentlemen, that if the long roll could be called of the dead and the living who fought for the Union in the late war and their political sentiments could be ascertained you would find that a majority of them were Democrats.

That statement, the report shows, was treated then as it was to-day, with "derisive laughter on the Republican side." In addition to the potent argument of "derisive laughter," a distinguished Representative from the State of Indiana [Mr. BROWNE] undertook to reply to the gentleman from Illinois [Mr. TOWNSHEND]; and it is especially to his remarks and to the tables printed by him purporting to show the number of Republican and Democratic votes cast in the years 1862, 1863, and 1864 by the soldiers in the field that I now direct the attention of the House. He [Mr. BROWNE] says:

But there is something due to truth, something due to history, and I desire to correct a statement inadvertently made by my amiable friend from Illinois [Mr. TOWNSHEND] in his speech. * * * I have here compiled from authentic records the votes of the soldiers of those States who, by the laws existing at that time, were permitted to vote.

Then follow the tables which pretend to be a true statement of the vote of certain soldiers in the field, but which in fact are not so. The "authentic record" of the gentleman from Indiana was an alteration of the true record. Of course I do not impute the mutilation to the gentleman himself, but to the erroneous, second-hand authority from which he quoted.

The tables as printed by the gentleman are as follows:

In 1862 Union soldiers were permitted to vote in the field in five States only. That vote was as follows:

States.	Republican.	Democratic.	Republican majority.
Colorado	567	12	555
Iowa	14,874	4,115	10,759
Missouri	2,139	7	2,132
Pennsylvania	1,867	274	1,593
Wisconsin	8,373	2,046	6,827
Totals	27,820	6,454	21,466

Percentage: Republican, 81.13; Democratic, 18.87.

In 1863 the soldiers' vote was as follows, to wit:

States.	Republican.	Democratic.	Republican majority.
California	4,143	140	4,003
Iowa	17,041	3,004	14,037
Missouri	8,827	777	8,050
Ohio	46,315	2,391	39,224
Pennsylvania	1,392	53	1,339
Wisconsin	9,257	747	8,510
Totals	82,275	7,112	75,163

Percentage: Republican, 92; Democratic, 8.

In 1864 the soldiers' vote was as follows, to wit:

States.	Lincoln.	McClellan.	Lincoln's majority.
Maine	4,174	741	3,433
New Hampshire	2,066	690	1,376
Vermont	243	49	194
Pennsylvania	26,712	12,349	14,363
Maryland	2,800	321	2,479
Ohio	41,146	9,757	31,389
Michigan	9,402	2,959	9,442
Iowa	15,178	1,364	13,814
Wisconsin	11,372	2,458	8,914
California	2,600	237	2,303
Kansas	2,867	543	2,324
Kentucky	1,194	2,823	.....
Totals	119,754	34,291	85,463

Now, the fact is, and it can not be gainsaid, that in the original and true tables of the soldiers' vote the word "Republican" does not appear. In every instance where that word appears in the foregoing tables the word "Union" has been erased and the word "Republican" inserted in its place. Restore the wording in the light of the facts I shall proceed to unfold, and you will comprehend the complete change of sense; and the utter destruction of the theory, so cunningly devised by this alteration, that a large majority of the Union soldiers were Republicans.

You will observe that the table for the year 1864 does not use the words "Republican" or "Democrat," but states the vote for "Lincoln" and "McClellan" respectively. That is correct, and I shall show conclusively before I take my seat who the men were that voted for Lincoln in 1864, and upon what ticket he was running. It may also be well enough in passing to refer to the notorious fact that the "soldier vote" was taken very incompletely, and returned very carelessly and inaccurately.

The true tables showing the soldier vote of 1862 and 1863 are found in the Tribune Almanac for 1864, on page 69. Those tables do not show that any "Republican" soldiers voted in the year 1863. During that year (1863) there was not a "Republican" ticket in the field in any State named in the gentleman's table. In the year 1864 there was not a Republican ticket in the field in any State named in the gentleman's table, nor in any other State of the Union.

Mr. ROWELL. Did you elect a President in 1864?

Mr. CAMPBELL, of Ohio. Yes, sir; we did.

A MEMBER. Was he Republican or Democrat?

Mr. CAMPBELL, of Ohio. He was running upon the "Union" ticket.

Mr. EZRA B. TAYLOR. In 1863 and 1864 was there a Democratic ticket in those States, and was it successful?

Mr. CAMPBELL, of Ohio. Gentlemen, you are all jumping up at once, as if you were hurt; but I defy——

A MEMBER. What ticket was McClellan on?

Mr. CAMPBELL, of Ohio. I defy you to put your finger on any Republican national platform for 1864, or any Republican national ticket for 1864. I have examined many of the Republican daily papers for that year, and no such platform or ticket appears in them, and I have also examined all other attainable authorities, with the same result.

Mr. CUTCHEON. The ticket was called "Union-Republican."

Mr. CAMPBELL, of Ohio. No, sir; it was called the "Union ticket;" or, in a few instances, the "National Union ticket."

Mr. REED, of Maine. There was a Union ticket and a disunion one.

Mr. CAMBPELL, of Ohio. What the gentleman from Maine designates as a disunion ticket was headed by a Union general who was, up to the time of his death, and who in memory is yet, the idol of the Army of the Potomac.

Mr. FARQUHAR. Will the gentleman allow me?

Mr. CAMPBELL, of Ohio. Yes, sir.

Mr. FARQUHAR. The gentleman from Ohio I think overlooks this fact, that the proper official designation of the Republican party is the Union Republican party of the United States.

Mr. CAMPBELL, of Ohio. That may be true, but during the war the Republican party wholly disappeared. The "Union party" in 1860 supported Bell and Everett.

[Here the hammer fell.]

Mr. OUTHWAITE was recognized and yielded his time to Mr. CAMPBELL, of Ohio.

Mr. CAMPBELL, of Ohio. I can tell you exactly the process by which the Republican party disappeared. Thousands and hundreds of thousands of men went into that party, as you all know, with the understanding that it was to be the "Union" party; that partisan differences were to be sunk for the time, to be perhaps resurrected and settled after the rebellion had been put down.

In 1861 but few States held elections. Among them, however, were the great States of New York and Ohio, and no Republican ticket was run in either of those States. In regard to the New York election for that year, I find this in the Tribune Almanac for 1862, page 57:

The senate is composed of twenty-two Republicans and ten Democrats, though many were elected on Union tickets. The assembly, as between Republicans and Democrats, is close, with a small Republican majority, though a very large majority were chosen as Union men.

The process of evolution from the Republican party to the Union party had begun, and its progress was rapid and uninterrupted.

In 1862 Pennsylvania, Indiana, and Illinois held their first elections after the war, and not one "Republican" ticket was run in either of those States. In 1863 the "Republican" ticket had disappeared from every State in the Union except the New England States and Michigan. In 1864, and again in 1865, the Republicans were as utterly lost to the political history of this country as the Federalists or the Whigs. I have examined the New York Tribune, Hartford Courant, Philadelphia Press, Cincinnati Gazette, and Commercial, and other Republican daily papers for 1864, and there is no mention of a "Republican" ticket in any of them.

But, Mr. Chairman, I can inform the gentlemen on the other side when and how they resuscitated their party. The history of its mutations—its death and its sudden resurrection—is found faithfully depicted in that good Republican document, the Tribune Almanac for the years 1862 to 1867. In that book the members of this House prior to the Thirty-eighth Congress are uniformly classified as "Republicans" and "Democrats." In the first session of the Thirty-eighth Congress (December 7, 1863) they are classified as "Republican and Unconditional Unionists" (together), "Border State Men," and "Democrats." In the second session of the Thirty-eighth Congress (December 5, 1864) and first session of the Thirty-ninth Congress (December 4, 1865) they are classified as "Unionists" and "Democrats." [Laughter on the Republican side.]

Mr. REED, of Maine. And that was so on both sides of Mason and Dixon's line.

Mr. COBB. Let history be unfolded. The gentlemen on the other side have never read it.

Mr. GROUT. Will the gentleman from Ohio——

Mr. CAMPBELL, of Ohio. I will answer you one at a time. The gentleman from Maine is the one about whom I read in last Monday's Cincinnati Commercial-Gazette. The genial Washington correspondent (F. D. M.) gives a graphic and humorous account of the tactics which the gentleman from Maine employs against the new members on this side of the House, and depicts in glowing colors the unutterable awe with which the new members aforesaid regard that able and witty gentleman.

Now, I am one of "those young members," and ought to be dreadfully alarmed. I retort upon the gentleman from Maine by saying to him that if he is very anxious to discuss the soldier question in politics he ought to go up to his own State and hold a joint debate with General Hall, who says that out of sixty-six thousand soldiers in that State the Republican party has never chosen one to either House of Congress. [Laughter on the Democratic side.]

I know that the gentleman from Maine has a trick of shrugging his shoulders and winking his eyes, and making everybody laugh on that side of the House.

Mr. STRUBLE. The laughter was excited by the gentleman from Ohio himself the last time.

Mr. CAMPBELL, of Ohio. Now I will listen to the gentleman from Vermont [Mr. GROUT], whose question I did not hear.

Mr. GROUT. The ticket on which Lincoln was elected President in 1864, what was the full name of that ticket? Please read it from the Tribune Almanac.

Mr. CAMPBELL, of Ohio. Yes, sir; I will read it with great pleasure. I read from the Tribune Almanac for 1865. The platform of 1864 is here called the "Union platform." That is all. It is neither "Republican" nor "Union Republican." Every man who knows anything of the history of this country, or who is intelligent enough to sit on this floor, knows that this ticket was voted by hundreds of thousands of Democrats who believed in sustaining the administration, no matter who might be at the head of it, until the rebellion was crushed.

Mr. CUTCHEON. Then, why did not they vote for McClellan? Was he a disunionist?

Mr. CAMPBELL, of Ohio. One of the gentlemen wants to know why they didn't vote for McClellan. I am afraid that the thread of my argument will be slightly interrupted by the continuous questions showered upon me, but I will stop and explain that point if the gentleman will give me time.

Mr. MCKINLEY. Will my colleague permit me a single question?

Mr. CAMPBELL, of Ohio. I will yield to my colleague from Ohio for a question, and then I will answer the gentleman from Michigan. If you come one at a time, I will take care of all of you. [Laughter.]

Mr. MCKINLEY. I am inclined to think that my colleague is true to history. I want to ask him if the fact is not, what I gather it to be from what he has already said, that at the time of which he is speaking whenever a Democrat in the North wanted to be on the side of the Union he had to vote the Republican ticket——

[Here the hammer fell.]

Mr. STEELE was recognized.

Mr. MCKINLEY. Give me time to finish my question.

Mr. STEELE. I yield for the gentleman.

Mr. MCKINLEY. My question is, whether in the North, when a Democrat wanted to be on the side of the Union, he was not compelled to leave the Democratic party and vote the Union Republican ticket, which stood as the representative of the party that was engaged in putting down the rebellion and saving the Union?

Several MEMBERS on the Democratic side. No, sir! No, sir!

Mr. CAMPBELL, of Ohio. In answer to my colleague I will ask him if he does not know that upon this floor there once sat a one-legged Democrat from Ohio by the name of Rice?

Mr. MCKINLEY. Yes, sir.

Mr. CAMPBELL, of Ohio. And does not the gentleman know that that Democrat, who left his leg on the battlefield and who was one of the most gallant officers of the Union Army, voted at the head of his regiment in 1863 for Vallandigham?

Mr. MCKINLEY. I know nothing about that; but I ask my colleague if it is not true, as a matter of fact, that the great body of Democrats in our own State who were on the side of the Union voted the Union Republican ticket; and I ask my colleague if he himself did not so vote?

Mr. CAMPBELL, of Ohio. There has been no "Union Republican" ticket in the field since I can remember. I voted the "Union" ticket in 1864.

Mr. MCKINLEY. I thought so. Because you were for the Union, and, being for the Union, you were necessarily against the Democratic party and for the Republican party. [Laughter on the Republican side.]

Mr. CAMPBELL, of Ohio. Not exactly. I voted the Union ticket, because I believed in prosecuting the war under the existing administration, and I did not like to "swap horses in crossing the stream."

My colleague asks two questions. First, he wants to know why all the Democratic soldiers did not vote the "Union" ticket. That was a matter for each to decide in his own way. I know that enormous numbers were Democrats, no matter how they voted in 1864. In my county Lincoln received 2,867 votes in 1860, yet over forty-five hundred men went into the Union Army. From that county there went four colonels, and three of them were Democrats. In my district I can recall to mind but two brigadier-generals, and both were Democrats. One was the eloquent General Ward, lately deceased, and the other General Vanderveer, whose brigade saved the day at Chickamauga. These distinguished soldiers are well known to my colleague. Now, what was the other question?

Mr. MCKINLEY. Did General Ward vote for Vallandigham.

Mr. CAMPBELL, of Ohio. I do not know. Probably he was one of the numerous Democrats who voted the "Union" ticket in 1863. I know General Vanderveer was.

I will now proceed with the evolution of the Republican party out of the "Union" party and back into its original form. By consulting the Tribune Almanac again, it is found that in the second session of the Thirty-ninth Congress (December 3, 1866), the members of this House were then classed as "Republicans and Unionists" (together), and "Democrats and Conservatives" (together); while in the first session of the Fortieth Congress (March 4, 1867), we get back again to the old names of "Republican" and "Democrat," and the Republican party ceased to masquerade longer in any portion of the Democratic garb.

Thus "history and truth" (in whose behalf the gentleman from Indiana [Mr. BROWNE] appears here) show that the Republican party disappeared at the outbreak of the war, and only openly reappeared when its leaders could no longer control President Johnson and thereby put the Southern States into a permanent condition of vassalage.

In support of my charge that there were no parties during the war except the "Union" party (composed of Republicans and anti-administration Democrats) and the "Democratic" party, I shall call two Republican witnesses in this House.

I shall first refer to the venerable father of the House, Mr. WAIT, of Connecticut. We find from his biographical sketch in the Congressional Directory that "he was the first elector at large, as a war Democrat, in 1864, on the Lincoln and Johnson ticket." He ran on the "National Union" ticket, which was the only Lincoln ticket in Connecticut.

I shall also have to call the attention of my distinguished colleague from the fourteenth district of Ohio [Mr. GROSVENOR] to the fact that in the Cincinnati Gazette of November 2, 1864, I find, under the heading "political," announcements of a number of Union meetings (no "Republican" meetings are announced), and that the one at the George-street engine-house, in Cincinnati, was to be addresed by Col. C. H. Grosvenor. I also find in this paper a ticket printed in these words: "Ohio Union Presidential ticket: For President, Abraham Lincoln; for Vice-President, Andrew Johnson." I call attention to this in order that my colleague may explain how, if he did not belong to the Union party in 1864, he came to be on the stump for that party.

Mr. GROSVENOR. I did belong to the Union party in 1864.

Mr. CAMPBELL, of Ohio. Then we acted together.

Mr. GROSVENOR. I did belong to that party in 1864, and I have belonged to it ever since. My colleague from Ohio [Mr. CAMPBELL] belonged to it at that time.

Mr. CAMPBELL, of Ohio. I did, undoubtedly.

Mr. GROSVENOR. But he now belongs to the party which at that time was as strongly disunionist as he was a Union man.

Mr. CAMPBELL, of Ohio. I accept my colleague's apology. [Laughter.]

I also call the attention of the gentleman from Indiana [Mr. BROWNE] to the following, which I read from the Commercial Gazette of October 20, 1864, and which shows that the "Union" party was the administration party in his own district, as it was everywhere else, during the war—

RICHMOND, IND., *October* 17.

The Quaker City was gaily illuminated last night in honor of the Union victories in Ohio, Pennsylvania, and Indiana—

referring to the recent October elections held in those States. I am therefore compelled to call the gentleman himself [Mr. BROWNE] as another witness that there was no Republican party in 1864.

In support of the statement to which I referred at the outset, wherein the gentleman from Illinois [Mr. TOWNSHEND] claims there were as many Democrats as Republicans in the Union armies, I wish to add some figures.

The total vote in all the States for Mr. Lincoln in 1860 was 1,866,352, yet there were 2,859,132 enlistments in the Union Army, which, reduced to a three years' basis (and that probably covers all duplicate enlistments), gives the total number of men 2,320,272. My State gave Mr. Lincoln 221,809 votes and sent 319,659 men to the Union Army. The gentleman from Illinois [Mr. TOWNSHEND] has stated here that one county in his district gave Mr. Lincoln 11 votes and another 27 votes, but that each of those counties sent 1,000 men to the Union Army. The border States of Missouri, Kentucky, Maryland, West Virginia, and Tennessee gave Mr. Lincoln 22,094 votes, yet sent 301,612 men to the Union Army, not counting the thousands from those States who enlisted in and were credited to Northern States. I append a table showing the vote and enlistments in those States:

States.	Votes for Lincoln in 1860.	Union troops enlisted.
Missouri	17,028	109,111
Kentucky	1,364	79,025
Maryland	2,294	50,316
West Virginia*	1,408	32,068
Tennessee	None	31,092
Total	22,094	301,612

*This includes all counties in Virginia (1860) afterward severed and erected into West Virginia.

It is true, Mr. Chairman, that the Northern Democracy, before the war broke on us in its fury, tried to prevent it by every means in their power; that they yearned for peace with their kindred of the South; but, when the storm came, they bared their bosoms to it with unflinching hearts and unflagging zeal. They laid down their lives by the tens of thousands—not that they loved the South less but the Union more. It matters little what gentlemen may say here, or elsewhere, they can not rob the Democratic soldiers of their eternal glory in that they saved the Union.

Mr. STEELE. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. STEELE. I yield that time to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CAMPBELL, of Ohio. Will not the gentleman yield to me to finish my answer?

Mr. STEELE. I can not yield for another speech. You have made three.

Mr. CURTIN. Mr. Chairman, I regret exceedingly that the war should be so often fought over in this House. At the same time I rejoice that all the battles here are bloodless ones and make no graves. [Laughter.]

As to the question which has been raised concerning the politics of the men who went into the war, I can only speak from my own experience. In the volunteer service of Pennsylvania there was no distinction of party in regard to entering the service of the country; and when the conscription occurred there was no distinction of party observed in filling the decimated ranks of the Union forces. I will say further that in Pennsylvania no matter what were a man's antecedents in respect to religion or politics, he received his commission or promotion according to the manner in which he discharged his duties in the field. In God's name let us quit fighting that war over.

A MEMBER. Amen.

Mr. CURTIN. We have had enough of it surely. The dead, if they could be summoned from their graves, would not desire the strife continued; and the living soldiers of the Republic, entitled as they are to the gratitude and homage of the country, do not desire it. Why should we fight that war over?

Complaint is made that appointments under this Government have been made from men who fought on the other side. Of that I have never complained.

[Here the hammer fell.]

Mr. RANDALL. I move that gentlemen be allowed to print their remarks on this subject.

Mr. CURTIN. No, I will not print; I wish to speak what I have to say. [Laughter.] I only want a minute or two more. Why, sir, I gave my colleague [Mr. RANDALL] a commission in the Army, and he was a Democrat.

Mr. RANDALL. I would be very sorry to think that the people of the North who voted the Democratic ticket were inimical to the restoration of the Union. There is no truth in any such assumption.

Mr. CURTIN. I will say that in a moment if you will give me further time. You will be delighted to hear what I am going to say. [Laughter.]

Mr. GIBSON, of West Virginia. I move to strike out the last word, and yield my time to the gentleman from Pennsylvania [Mr. CURTIN].

The CHAIRMAN. The gentleman from West Virginia has no time to yield. The Chair desires to state that further debate is out of order, as the time limited for this debate had expired.

Mr. TOWNSHEND. I ask unanimous consent that the gentleman from Pennsylvania [Mr. CURTIN] be allowed five minutes.

Mr. CURTIN. I do not often trouble the House.

Mr. RANDALL. If my colleague [Mr. CURTIN] will wait a moment until this paragraph is disposed of he will have an opportunity to proceed.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I withdraw the formal amendment which I offered.

The CHAIRMAN. The Clerk will now read the next paragraph.

The Clerk read as follows:

For per diem in lieu of subsistence for one hundred and fifty additional special examiners above provided for, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, $190,000.

Mr. SPRINGER obtained the floor and said: If the gentleman from Pennsylvania [Mr. CURTIN] desires to be recognized, I move to strike out the last word and yield to him.

Mr. CURTIN. Mr. Chairman, I hear complaints on this floor that men who in the war were on the side of the States in insurrection hold seats here. Some of those men are maimed and crippled. Sir, I have no apology to make for the men who conceived that great insurrection; but I welcome on this floor the men who in error fought it out. They are the true representatives of their part of the United States. I never complained of the administration of General Grant for appointing to office soldiers from the South, because brave men like those who had fought in the war in defense of their homes when assailed were the true representative men of their section. I do not object, of course, to the appointment of Union soldiers. On the contrary, I have never recommended a man to the smallest office in Washington or in Pennsylvania who was not a Union soldier. And such men should be preferred, as they saved the Government and perpetuated liberty, where they have proper capacity to discharge the duties. But I do object most seriously to a charge that all the Union soldiers of this country were men of one party.

I speak from my experience when I say that in Pennsylvania both parties contributed to the volunteer service in proportion to their numbers, and all sensible men know full well that if the war had been for a political party alone it would have been a signal failure instead of a brilliant success. While but two States of the South were united in the prosecution of the war on the side of the Confederate States, the North, unfortunately for them, was united. In the great State of Pennsylvania the malcontents, those who objected to the war, who held back, who favored the rebellion, or the establishment of the Confederate States, could have been hauled in an omnibus, with room to spare. I mean the few who gave comfort or help to the South. The North was united in that war. Politics were forgotten. If from a Democratic county, the regiments were made up of Democrats more largely than Republicans; on the other hand, I tell my friend from Illinois, from Republican counties the majority of soldiers who went into the field from the North were Republicans. It was a union of the people of the North to maintain the Government. That war for the re-establishment of the Government was successful; and now, when the States which were then in rebellion are represented on this floor and in the august assembly at the other end of the Capitol, why should we seek continually to revive the animosities and hatreds of that war over and over again? And for what? I fear that some of my friends here fight the war over from time to time in order to be re-elected to this House. [Laughter and applause.]

Let us forget the war and turn to the legislation proper for this great country. Many of you who now fight the war so gallantly did not fight very much when the actual shedding of blood was going on. [Laughter.] I have no doubt many of you on this floor would have been very glad to have participated in the conflict when men were killing each other; but you were not there. I was not there. I did not go to the war; my duty was fulfilled by persuading other men to go to the war. And in that I was very successful. [Laughter.] The State which I as its chief executive represented at that time had nothing to do with politics in the prosecution of the war.

I wish to correct my friend from Indiana [Mr. BROWNE] in a statement made by him which I saw in his speech as it was published in the RECORD, that in the year 1863 the soldiers in the field voted largely for the Republican ticket. Unfortunately for me at that time the supreme court of the State of Pennsylvania decided the soldiers could not vote in the field.

Mr. BROWNE. Will the gentleman allow me to ask him a question?

Mr. CURTIN. With pleasure.

Mr. BROWNE, of Indiana. Did not the soldiers vote, but those votes were not counted because of the decision of the supreme court?

Mr. CURTIN. There was no arrangement made by the State to take the votes. I wish to say to my friend from Indiana that I happened at that time to be a candidate for governor in the State of Pennsylvania; and that, the supreme court having decided the soldiers could not vote in the field, some 30,000 votes were taken from me.

Mr. BROWNE, of Indiana. How could the supreme court decide they could not vote unless there was a vote calling for such decision?

Mr. CURTIN. The decision of the supreme court was made before the election.

Mr. BROWNE, of Indiana. But how did the question come to arise?

Mr. CURTIN. Under the law of 1862–'63.

Mr. BROWNE, of Indiana. Permit me to say that in my schedule here there appears only about 2,000 Pennsylvania votes.

Mr. CURTIN. That was an irregular vote. They voted under the law upon the lines in Canada, they voted under the same law in Mexico in 1846, they voted in 1861 and 1862, but they did not vote in 1863.

The CHAIRMAN. The gentleman's time has expired.

Mr. CURTIN. Now, suppose we resolve ourselves into the House of Representatives and go on with the public business and quit fighting the war over again. [Great laughter and applause.]

Mr. RANDALL. I certainly hope that will be done. [Renewed laughter.]

Mr. STEELE. I do not agree in thinking we ought to forget the war. We have on both sides left upon the fields as gallant soldiers as ever did battle. Heroic deeds were performed on both sides both by the dead and the living that we as American citizens feel proud of and love to talk about, and while the soldiers of both sides agree that the result was as it ought to have been, on our side we are especially thankful that the result was favorable to us. Assertions such as the gentleman from Illinois [Mr. TOWNSHEND] has just made will not only prevent our forgetting the bitterness of the war, but has a tendency to revive it.

But, sir, I did not rise to discuss this matter, but to ask the gentleman from Pennsylvania [Mr. RANDALL] who has charge of the bill if he will not allow us to recur to that provision in the bill making an appropriation for the War Department, as I noticed yesterday that he had, upon what he thought to be a unanimous report from the Committee on Indian Affairs, asked to create out of the chief clerk in that Department an assistant commissioner with increased pay; but it failed, among other reasons, because the report had not been unanimous. Now, Mr. Chairman, the Committee on Military Affairs has made a unanimous report favoring a bill to create an Assistant Secretary of War. The Secretary represents that he needs one, and every one familiar with the duties of that office knows that he does; and while the other Cabinet officers have one to three assistants, the Secretaries of War and Navy have none, and have to appoint a deputy every time they go away for either business or pleasure. I see the gentleman will object, so will take this occasion to publicly express the hope that my colleague [Mr. MATSON] will soon report back the bill I have twice introduced, repealing the arrears act. There is no reason in the world why one set of soldiers should receive pensions from the date of their discharge while another set, those who did not apply until after the 1st of July, 1880, should not have the same privilege. The Committee on War Claims will, I hope, report back the bill to equalize bounties. There is no reason why those soldiers who went into the service through patriotism from 1861 until 1863 should not have as much bounty as those who were encouraged to go afterward by the reception of large bounties. None received too much.

Mr. CURTIN. In that you will find me heartily with you.

Mr. STEELE. I know you are, and there are a few others on your side who are, and there are others who are when on the stump, but I do not think are so much, at least when it comes to voting; but of this we will have occasion to speak advisedly soon—I hope before we go home. I would pension all disabled soldiers.

The civil-service law distresses my Democratic friends. I am a civil-service man from bed-rock now, and I delight in it. True, I voted against the bill, and I am glad I did. I thought I knew how the law would be treated should "we go out" and "you come in," but was to some extent mistaken, for I find that instead of boldly trampling it under foot or trying to repeal it you are clumsily evading it.

If we take statements, not only from our side but from yours, it is said to be true that in some departments of the Pension Office seventy out of seventy-four appointees under this law are Democrats; in the Baltimore post-office seventy out of seventy-two are Democrats; in the Philadelphia post-office about the same proportion, and so on. If you are not satisfied with the law why do you not come up like men and repeal it? Are you afraid to sever your alliance with the Mugwumps—

that you can not carry New York without them? I think I am safe in saying that there are not a dozen men on your side who are really favorable to the law, yet you have not the courage to meet it as it ought to be met.

I will not help you to repeal it now if I did vote against it. Your trouble comes from your own seeking, and I will let you bear it. If we were just coming into a Republican administration I would vote to repeal it, and I say to you in candor that the very first men who would go out of office would be those who attended Republican clubs and professed Republicanism, but after our defeat suddenly found they were and had been good but mild Democrats. I would not trust them, be they high or low, an Assistant Postmaster-General or a low-grade clerk. The second would be those who are now Democrats, but who had after the election become Republicans.

I do not think it necessary, nor would I turn efficient men out of office because of their politics, but if when we come into power again all of the offices and clerkships should be filled by Democrats, I would make vacancies until I at least surrounded myself with men who were in sympathy with the views of my party and who I had confidence to believe would assist in such reforms as will doubtless be necessary. I have been agreeably disappointed (and most of you grievously so) with the firm stand of President Cleveland. He has withstood your threats and appeals as well as any man could. I really think he has remembered a plank in your platform on the subject of civil-service reform, while you have forgotten not only that, but every other plank, excepting that unrecorded one, "Turn the rascals out."

I do not find fault with Mr. Cleveland because of his appointment of a Postmaster-General who issued a secret order suggesting how the law could be evaded and who keeps in office an Assistant Postmaster-General who claims to be a Democrat. I do not find fault with him on any such ground.

[Here the hammer fell.]

Mr. RANDALL. I had an understanding with the committee that this character of debate should end in twenty minutes. I think the House is violating good faith, for I supposed we were going right on with the consideration of the bill and not have these amendments proposed to the succeeding section after the time fixed for debate had expired. I do not think it is fair.

Mr. REED, of Maine. I think it is but just to the gentleman from Pennsylvania to say that the gentleman from Indiana, having time on this side, yielded it to the other side, and that even after that gentlemen on the other side continued that kind of debate.

Mr. RANDALL. I was not aware of that.

Mr. REED, of Maine. That is the fact.

Mr. RANDALL. Now, I ask unanimous consent that after the gentleman from Indiana closes we may have a vote upon the pending question.

Mr. REED, of Maine. I felt that when the gentleman from Ohio had so fully answered himself all through his speech that there was no need to go further.

Mr. STEELE. I should like to have two or three minutes longer.

Mr. RANDALL. I ask then that when the gentleman from Indiana has occupied three minutes more the debate be closed.

There was no objection, and it was so ordered.

Mr. STEELE. Mr. Chairman, I do not find fault with the President who appointed an Attorney-General who succeeded in getting him into trouble on the Pan-Electric plan. I do not find fault with the Secretary of War, who comes from a Mugwump State if there is one, who made great and earnest pretenses of virtue in reference to the details of Army officers, and about his first act was to order an officer to his regiment who was serving on the staff of the General of the Army, alleging that he was going to order officers to their regiments who had been absent over three years; and yet there are now officers in this city from their regiments who have been away from them for several years and no special reason for it. His order to the officer serving on the staff of the general made him a conspicuous reformer. I do not object to him because the Secretary of the Navy took the course he did in reference to the Dolphin. I do not object to him because the Secretary of the Interior flew the flag at half-mast on account of the death of Jacob Thompson. These are acts for which the President is not personally responsible; and if I could have my way I would say let the President appoint his Cabinet upon probation. He would not then have a Secretary of State who would make treaties in violation of law relative to our fishery privileges.

[Here the hammer fell.]

Mr. RANDALL. I now call for a vote.

Mr. SPRINGER. I desire to make a few remarks upon this paragraph before the debate is closed.

Mr. RANDALL. I would like to close it now if possible, and hope the gentleman will take some other time.

The CHAIRMAN. There is nothing pending, and if no amendment is offered the Chair will direct the Clerk to read the next paragraph.

Mr. SPRINGER. If the gentleman from Pennsylvania prefers a vote I will not interfere at this time.

The Clerk read as follows.

United States Patent Office: For compensation of the Commissioner of the Patent Office, $5,000; for assistant commissioner, $3,250; for chief clerk, $2,250; one law clerk, at $2,000; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; twenty-eight principal examiners, at $2,400 each; thirty-two first assistant examiners, at $1,800 each; thirty-six second assistant examiners, at $1,600 each; forty-one third assistant examiners, at $1,400 each; fifty fourth assistant examiners, at $1,200 each; one financial clerk, $2,000, who shall give bonds in such amount as the Secretary of the Interior may determine; one librarian, $2,000; three chiefs of division, at $2,000 each; three assistant chiefs of division, at $1,800 each; three clerks of class 4, one of whom shall act as application clerk; one machinist, $1,600; five clerks of class 3, one of whom shall be translator of languages; eighteen clerks of class 2; fifty clerks of class 1; one skilled laborer, $1,200; four skilled draughtsmen, at $1,200 each; three draughtsmen, at $1,000 each; one messenger and property clerk, $1,000; thirty-two permanent clerks, at $1,000 each; five model attendants, at $1,000 each; ten model attendants, at $800 each; seventy-five copyists, six of whom may be copyists of drawings; four copyists, at $720 each; sixty-two skilled laborers, at $720 each; forty-five laborers, at $600 each; forty laborers, at $480 each; fifteen messenger boys, at $360 each; in all, $661,020.

Mr. THROCKMORTON. Mr. Chairman, I make the point of order on lines 2036 and 2037, providing for the salary of the Commissioner of the Patent Office, $5,000.

The CHAIRMAN. What point does the gentleman make?

Mr. THROCKMORTON. I understand there is no law for the compensation.

Mr. RANDALL. Section 447 fixes the salary at $4,500.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RANDALL. I now ask to amend. But before that is done I ask to insert $4,500 at this point.

Mr. BUTTERWORTH. I rise to a parliamentiary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTTERWORTH. Do I understand the chairman of the Committee on Appropriations to say that the compensation of the Commissioner of Patents is fixed by law at $4,500?

Mr. RANDALL. I do say so, and will show the gentleman the statute.

Mr. BUTTERWORTH. My impression is otherwise.

Mr. RANDALL. I have the statute before me.

Mr. BUTTERWORTH. I think in the Forty-eighth Congress the salary was fixed at $5,000. That is my impression.

Mr. RANDALL. It was done in an appropriation bill.

Mr. BUTTERWORTH. I am aware of that, but was it not fixed in the bill as permanent law?

Mr. RANDALL. Was the word "hereafter" inserted?

Mr. BUTTERWORTH. I do not remember; but that is my information about it.

Mr. RANDALL. I will read it:

For compensation of the Commissioner of the Patent Office, $5,000.

But there is a separate statute which fixes it at $4,500, a permanent statute, and it is upon that the decision of the Chair is based under the rules of this House. I do not advocate the lowering of the salary; but I have to state in connection with the point of order the result of my examination.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] moves to insert $4,500.

Mr. BUTTERWORTH. I trust that will not be urged. I hold, aside from the question whether the Commissioner of Patents earns that salary or not, it would savor somewhat of injustice to call Hon. M. V. Montgomery from a lucrative practice and appoint him to office and then diminish the salary.

Mr. RANDALL. The point of order has been decided.

The CHAIRMAN. The Chair was submitting an amendment.

Mr. BUTTERWORTH. What is the amendment?

The Clerk read the amendment, as follows:

After the word "office" insert "$4,500;" so that it will read:
"For compensation of the Commissioner of the Patent Office, $4,500."

Mr. RANDALL. That is according to the existing law, which the Chair states must operate.

Mr. BUTTERWORTH. If the gentleman puts it upon that ground, of course we are powerless.

Mr. THROCKMORTON. Would an amendment to the amendment be in order?

The CHAIRMAN. It would.

Mr. THROCKMORTON. I move to amend so as to make the sum $4,000; which would put this officer on an equality with other heads of bureaus.

The amendment to the amendment was disagreed to.

The amendment proposed by Mr. RANDALL was agreed to.

Mr. BURROWS. I make the point of order against the provision in lines 2038 and 2039, where the salary of the assistant commissioner is increased to $3,250—an increase of $250.

Mr. RANDALL. That is correct; it is an increase of $250.

Mr. BURROWS. I make the point of order on it.

Mr. HENDERSON, of Iowa. I hope the gentleman from Michigan will not insist upon that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RANDALL. I move to amend by inserting $3,000 as the amount.

The amendment was agreed to.

Mr. RANDALL. I offer the amendments which I send to the desk.

The Clerk read as follows:

In line 2055 strike out "three" and insert "two;" so that it will read, "two clerks of class 4."

In line 2059 strike out "eighteen" and insert "fourteen;" so that it will read, "fourteen clerks of class 2."

In the same line strike out "fifty" and insert "forty-three;" so that it will read, "forty-three clerks of class 1."

In line 2060 strike out "four" and insert "three;" so that it will read "three skilled draughtsmen."

In line 2064 strike out "thirty-two" and insert "twenty-seven;" so that it will read "twenty-seven permanent clerks."

In lines 2066 and 2067 strike out "seventy-five" and insert "sixty-three;" and strike out "six" and insert "five;" so that it will read "sixty-three copyists, five of whom may be copyists of drawings."

In line 2069 strike out "sixty-two" and insert "ninety-two;" so that it will read "ninety-two skilled laborers."

In lieu of the sum proposed in line 2073 insert $649,820.

Mr. RANDALL. This amendment comes from the subcommittee that had charge of this bill I believe with unanimity. It was never considered by the general committee, but I offer it in obedience to what I believe to be the united voice of the subcommittee who framed this bill.

Mr. CANNON. I desire to correct one statement just made by the gentleman from Pennsylvania, which is no doubt an unintentional error. I understood him to say that the amendment which he offers comes with the unanimous recommendation of the subcommittee that prepared this bill. Am I correct?

Mr. RANDALL. I was so informed.

Mr. CANNON. I want to disabuse the gentleman's mind of that impression.

Mr. RANDALL. Does the gentleman say he dissented?

Mr. CANNON. Certainly; and I understand that probably a majority of the subcommittee dissented.

Mr. RANDALL. Will the gentleman from Ohio [Mr. BUTTERWORTH] say he dissented?

Mr. BUTTERWORTH. I will say to the gentleman from Illinois [Mr. CANNON] that on the recommendation of the Commissioner the examining force was increased, and this decrease was authorized he said by the condition of the office. When this was called up I do not remember if my colleague [Mr. CANNON] was present, but those present agreed, I think, that these changes should be made.

Mr. RANDALL. That was the way it came to me. I am not a member of the subcommittee, and, of course, can not tell anything about it of my own personal knowledge.

Mr. CANNON. If there was a hearing and action upon this matter by the subcommittee I was not notified.

Mr. RANDALL. The gentleman will remember distinctly the general committee had not acted upon this amendment, because the bill was reported before the subcommittee acted in this particular.

Mr. TOWNSHEND. I can give the history of this matter. I offered the amendment myself in the subcommittee, and authority was given by the general committee to report it to the House.

Mr. BUTTERWORTH. It was from a desire to increase that portion of the force which it was most desirable should be increased for the public interest and to make such reduction as the condition of the service would warrant that we acted on the suggestion of the Commissioner.

Mr. TOWNSHEND. I will say further the change will save some $11,000.

Mr. BUTTERWORTH. Making the amount for this service, I think, about $21,000.

Mr. TOWNSHEND. I can give the exact figures: The total under the present organization is $32,800. If this change is made there will be a saving of $11,200; the total cost being $21,600. There is no increase in the number of officers.

Mr. BUCHANAN. Will the gentleman answer a question?

Mr. TOWNSHEND. Yes, sir.

Mr. BUCHANAN. Is the money that you say is saved by this to be expended for an increase of force in another and more effective direction?

Mr. TOWNSHEND. No, sir; there is no use whatever made of the money saved by this change. This is simply the employment of lower salaried officers instead of higher ones.

Mr. BUCHANAN. I ask the question because I happen to know that the examiner force of that office should be increased.

Mr. TOWNSHEND. That has been done.

The amendment of Mr. RANDALL was agreed to.

The Clerk read as follows:

For purchase of books, and expenses of transporting publications of patents issued by the Patent Office to foreign governments, $4,000.

For photolithographing or otherwise producing plates for the Official Gazette, $44,000.

For photolithographing or otherwise producing copies of drawings of the weekly issues of patents, for producing copies of designs, trade-marks, and pending applications, and for the reproduction of exhausted copies; said photolithographing or otherwise producing plates and copies, referred to in this and the preceding paragraph, to be done under the supervision of the Commissioner of Patents, and in the city of Washington, if it can there be done at reasonable rates; and the Commissioner of Patents, under the direction of the Secretary of the Interior, shall be authorized to make contracts therefor, $90,000.

Mr. CAMPBELL, of Ohio. I do not intend to speak at great length on this soldier question, but am obliged to refer to a member of the House by name, and shall therefore occupy a few minutes longer in order that I may not be accused of saying behind a man's back that which I would not say to his face.

In the debate on this bill, the gentleman from Pennsylvania [Mr. BRUMM] made this remark, when addressing himself some days ago to the gentleman from Illinois [Mr. TOWNSHEND], but which he [Mr. TOWNSHEND], in the confusion, did not hear:

Does not the gentleman know that the soldiers who were Democrats in the Army were those who got in after the conscription act was passed, that they were conscripts?

Mr. BUCHANAN. May I call the attention of the gentleman from Ohio to the fact that the gentleman from Pennsylvania [Mr. BRUMM] is not in his seat?

Mr. CAMPBELL, of Ohio. Well, the gentleman from Pennsylvania ought to be in his seat. I thought he was here and that I saw him here to-day. I have waited five days for him to be in his seat, in order to attack the foregoing remark.

Mr. BUCHANAN. The gentleman from Ohio gave as a reason for making his remarks now, that he wished to speak in the presence of the gentleman to whom he referred, and that is why I made the suggestion.

Mr. CAMPBELL, of Ohio. Well, I will have to make the statement to the House while I have the floor, and if the gentleman from Pennsylvania has any friends here who can defend such language as he used, let them do so. I merely want to say that I denounce the statement of the gentleman from Pennsylvania [Mr. BRUMM], that the Democratic soldiers of the Union Army were conscripts, as a vile, malicious slander. It is a slander on every Democratic soldier. It is a slander on every Republican comrade of a Democratic soldier; and it is a slander on the gentleman's own Republican colleague, whom I see before me [Mr. BINGHAM], who served long and gallantly on the staff of that "superb soldier" who led the Democratic ticket in 1880.

Mr. CUTCHEON. I thought the war was over. The gentleman from Pennsylvania [Mr. CURTIN] told us so.

Mr. CAMPBELL, of Ohio. That kind of war is not not over with me, and it will not be over so long as gentlemen on this floor, or anywhere else, designate the Democratic soldiers of the Union Army as conscripts. That remark can not pass unchallenged or unrebuked when I am present. I come from a county where a majority of the men who went to the Union Army were Democrats. I represent a district in which there are living Democratic soldiers by the thousands, and where every graveyard has its quota of Democratic soldier dead. I live in a State which sent one hundred and fifty thousand of her Democratic sons across the Ohio River to face destruction on a hundred battlefields, and I belong to a nation whose integrity and glory is due to her Democratic soldiers. I, for one, shall not stand idly by and hear those heroes, living and dead, vilified by the name of "conscript."

Did the Democracy of the North wait for the draft? Does not every man on this floor recall the outbreak of the war? The smoke had not died away on Sumter when there marched out of my town a Democratic company called the Jackson Guards. Its name denoted the political complexion of nearly every member; and there is not, to my knowledge, a living man who marched out that day who is not a Democrat. The captain is, and always was, a Democrat. That company formed part of the First Ohio Regiment, which is eulogized by Whitelaw Reid in his Ohio in the War; and was one of the few regiments present at the first battle of Bull Run, which has never been charged with joining in the rout. I am informed by my colleague [Mr. GEDDES] that the company of that regiment which was raised at his home was commanded by a life-long Democrat, then over sixty years of age; and my colleague [Mr. FORAN] tells me that every man of the company from his home was an Irish Democrat. Such incidents are within the recollection of everybody.

Let me quote a passage from the memoirs of General Grant as showing who it was that first stepped to the front when there was fighting to be done. On page 230 of volume 1 he describes the scene at Galena when the news came that war was on us. They apparently held a first-class Democratic meeting. General Grant himself was chairman. Bear in mind he had voted for Buchanan and was a Douglas Democrat. This is what he says:

As soon as the news of the call for volunteers reached Galena posters were stuck up calling for a meeting of the citizens at the court-house in the evening. Business ceased entirely; all was excitement; for a time there were no party distinctions; all were Union men, determined to avenge the insult to the national flag. In the evening the court-house was packed. * * * The two principal speeches were made by B. B. Howard, the postmaster, and a Breckinridge Democrat at the November election the fall before, and John A. Rawlins, an elector on the Douglas ticket.

We have no way of putting on record on this point the testimony of Abraham Lincoln, but his private secretary and personal friend, John G. Nicolay, on page 75 of his work, entitled The Outbreak of Rebellion, says:

Parties vanished from politics. Universal opinion recognized but two rallying points—the camps of the South which gathered to assail the Union, and the armies of the North that rose to defend it.

In contradiction of the innuendo made often on this floor that the Democrats of the North did not come up promptly and effectively to the cause of the Union let me quote no less a Republican authority than James G. Blaine. I read from his Twenty Years of Congress, volume 1, page 298:

It is due to the Democracy of the North to say that however strongly they had opposed the election of Mr. Lincoln, and however hostile they had been to the principles which he represented, the mass of the party responded with noble

enthusiasm and with patriotic fidelity to the Union. Their great leader, Senator Douglas, set a worthy example by promptly waiting on the President and expressing his deepest sympathy and his most earnest co-operation in the struggle for the life of the nation. * * * He had a larger following than any other party leader of his day. Nearly a million and a half of men believed in his principles, were devoted to him personally, trusted him implicitly. The value of his active loyalty to the Union may be measured by the disaster which would have been caused by hesitation on his part. When he returned to his State after the firing on Sumter the Republican Legislature of Illinois received him with a display of feeling as profound as that with which they would have welcomed Mr. Lincoln. His address on that memorable occasion was worthy of the loftiest patriot, and was of inestimable value to the cause of the Union. Perhaps no word spoken carried confidence to more hearts or gave greater strength to the national cause.

And let me here add the testimony of a statesman who was a Democrat "after the most straight sect" during the entire war. I refer to that honored ex-member of this House, Samuel S. Cox.

On page 622 of his Three Decades of Federal Legislation I read:

If the Democracy had not poured their legions into the Union armies where would the President and his Cabinet and the Congress which met in 1861 have been? If the Northern Democrats were so desirous of a peace with disunion all they had to do was to remain at home. Would they have accepted such a peace? No! From the beginning to the close of the civil war over two million one hundred thousand officers and soldiers volunteered upon the Union side. Two-thirds of them were Democrats. Such a splendid illustration of patriotism history never before recorded. It was the Northern Democrats who saved the Union.

And on page 623 he says:

There is not one of the two hundred thousand crippled and disabled soldiers and sailors, there is not a widow or an orphan upon our pension-rolls, whose voice does not vindicate the part which the Northern Democrats bore in the salvation of the Republic, and time itself has vindicated the wisdom, courage, and devotion of their party.

In conclusion, Mr. Chairman, I only ask from the Republicans on this floor, or elsewhere, the same measure of honor for the Democratic soldiers which is accorded so eagerly to those of their own political faith. I do not ask them to be magnanimous; to say that they are proud of the fortitude and valor of the ragged and hungry men in gray who barred our way South with their unnumbered dead. I do not even ask them to remember in kindness the widow and fatherless down in the land of the palmetto and the cypress; but I claim from them that they do justice to the boys in blue who may see fit to hold political opinions in conflict with theirs.

This is why I have protested against belittling the number or insulting the memory of the Democratic soldiers of the Union.

Mr. MILLS, Mr. BAYNE, and Mr. CANNON addressed the Chair——

Mr. MILLS was recognized.

Mr. CANNON. Mr. Chairman, as a member of the committee preparing this bill I ask to be recognized to offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. MILLS] has been recognized.

Mr. CANNON. Mr. Chairman, I make the point that under the ordinary rule of parliamentary courtesy the committee reporting the bill should be first recognized.

Mr. BLOUNT. Does the gentleman propose to offer an amendment on behalf of the committee?

Mr. CANNON. Not on behalf of the committee, but from the minority of the committee; an amendment of which I gave notice in general debate as being from that minority and antagonizing this provision so far as it cuts down the estimates.

The CHAIRMAN. What is the point of order?

Mr. CANNON. My point is that when a bill of this kind is being read for amendment the uniform parliamentary courtesy is to recognize, first, the gentleman in charge of the bill who represents the majority; second, to recognize on the part of the minority any member of the subcommittee that assisted in preparing the bill; then to recognize gentlemen not upon the committee. The purpose of this order of procedure is to allow the bill to be perfected as far as possible by the committee which prepared it.

Mr. MILLS. I will relieve the Chair and the gentleman from Illinois from any difficulty by yielding to the gentleman from Illinois.

Mr. CANNON. I do not desire the gentleman to yield to me. I put the matter on the ground——

Mr. MILLS. I give way, and will let the Chair recognize the gentleman.

The CHAIRMAN. The Chair does not see that there is involved here any point of order under the rules, but merely a question of parliamentary courtesy. The usage which the gentleman from Illinois states is one which the Chair is disposed to observe. The amendment of the gentleman from Illinois will be read.

The Clerk read as follows:

In line 2128, strike out the word "one" wherever it occurs and insert the word "two."

In line 2129, strike out the word "three" and insert the word "four."

In line 2131, after the word "copyists," insert "two copy-holders, at $720 each."

In line 2132, after the word "messenger," insert "one assistant messenger, $600; one watchman."

In line 2133 strike out the word "twelve" and insert "one charwoman, $200; eighteen.

And in lieu of the sum proposed in line 2133 insert "$52,980."

Mr. MCMILLIN. I reserve a point of order on that amendment.

Mr. CANNON. Let the point of order be disposed of now.

The CHAIRMAN. The gentleman from Tennessee will state his point of order.

Mr. MCMILLIN. My point is that there is no law authorizing these officers. They are not carried in the present appropriation bill nor provided for by statute.

Mr. CANNON. In reply to that point of order I refer the Chair to the provision of general law authorizing the appointment of the Commissioner of Labor and the organization of his bureau. That law directed the Commissioner to make specific estimates for the affairs of his bureau for the coming year, this being the first year since its organization. In pursuance of that law and of the custom prevailing with reference to all similar departments he submits his estimate. That estimate provides for a force to carry out the general provision of law; and this amendment in pursuance thereof is strictly in order.

Most of the force specified in the amendment is force provided for in the general Revised Statutes, being clerks of class 4 and lower grades.

Mr. MCMILLIN. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment offered by the gentleman from Illinois.

Mr. CANNON. The amendment which I have offered places the *personnel* of this force precisely as recommended in the supplementary estimate of the Commissioner of Labor forwarded properly to this House through the Speaker February 5, 1886.

Mr. MILLS. That is right.

Mr. CANNON. Having made this statement, and in view of such general statements as have heretofore been made I will, unless some gentlemen desires further information touching the amendment, ask for a vote.

Mr. O'NEILL, of Missouri. As a substitute for the amendment of the gentleman from Illinois I offer what I send to the desk.

The Clerk read as follows:

Commissioner of Labor, $3,000; chief clerk, $2,000; two clerks of class 4, both to be statistical experts, $3,600; two clerks of class 3, $3,200; two clerks of class 2, $2,800; four clerks of class 1, one of whom may be a translator and two of whom may be stenographers, $4,800; two clerks, at $1,000 each, $2,000; two copyists, at $900 each, $1,800; two copy-holders, at $720 each, $1,440; one messenger, $720; one messenger, $600; one watchman, $720; one skilled laborer, $600; one charwoman, $300; one charwoman, $200; eighteen special agents, at $1,400 each, $25,200; total, $52,980.

Mr. O'NEILL, of Missouri. This amendment is substantially the same as that of the gentleman from Illinois except that it avoids a mistake which he has made in the arrangement of these various clerks of classes 1, 2, 3, and 4. The aggregate named in the gentleman's amendment is all right. My amendment, I believe, conforms to the recommendation of the Commissioner of Labor as embraced in the estimates.

Mr. ADAMS, of New York. Why do you increase the appropriation?

Mr. O'NEILL, of Missouri. Because of the estimates coming from the Commissioner of Labor.

Mr. CANNON. I will say in reply to the gentleman that these changes have been found to be necessary.

Mr. O'NEILL, of Missouri. This embraces the entire force asked by the Commissioner of Labor.

Mr. ADAMS, of New York. That ought to have been known when the estimates were submitted originally.

Mr. RANDALL. The amendment of the gentleman from Illinois is not in accordance with the estimates subsequently submitted.

Mr. O'NEILL, of Missouri. Gentlemen are in error in regard to the effect of the amendment. The aggregate is the same and the committee reported a different salary for these different clerks. My effort is to restore these salaries.

Mr. STORM. The amount is the same?

Mr. O'NEILL, of Missouri. Yes, the amount is the same.

Mr. RANDALL. That is the only thing. In the opinion of the committee it is better to adopt the amendment of the gentleman from Illinois. I now yield to the gentleman from Texas [Mr. MILLS], who desires to submit a paper in approval of that amendment.

Mr. MILLS. I move the following amendment.

The Clerk read as follows:

Strike out lines 2128 to 2135, inclusive, and insert:

"Two clerks of class 4, both to be statistical experts; two clerks of class 3; two clerks of class 2, one of whom may be a stenographer; four clerks of class 1, one of whom may be a translator and one a stenographer; two clerks at $1,000 each; two copyists at $900 each; two copy-holders at $720 each; one messenger at $720; one messenger at $600; one watchman at $720; one skilled laborer at $600; one charwoman at $300; one charwoman at $200; eighteen special agents at $1,400 each; in all $52,980."

Mr. MILLS. And I ask for the reading of the following communication.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF LABOR,
Washington, D. C., June 4, 1886.

MY DEAR SIR: In answer to your inquiry relative to the pecuniary needs of this bureau and for my reasons for submitting the estimate for salaries and expenses for the fiscal year ending June 30, 1887, as printed in Executive Document No. 69, H. R., I have the honor to submit the following:

The Bureau of Labor was not organized until the latter half of the fiscal year ending June 30, 1885; therefore, no estimates were made or could have been made by the officers of the bureau and in accordance with its requirements, so that the estimates submitted for the year ending June 30, 1887, gave the first opportunity for stating to Congress the pecuniary needs of the bureau. The

sum appropriated for the present fiscal year was perhaps ample for carrying on the restricted and tentative investigation the results of which have been laid before Congress, but for carrying out the provisions of the organic law of the bureau a much larger sum would be needed.

This office is directed to "collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity." To collect such information it is necessary to resort to the most expensive method for securing statistics; that is, the employment of special agents. This office has no routine duties to perform, but is obliged to lay out its work and then prosecute it, and the class of information called for demands the method mentioned. It is also essential, in performing this class of work, to secure experienced agents; but the results of the labors of such agents would be of little use unless such results are properly digested by another class of persons constantly employed in office work. During the present year we have employed twenty such agents for the length of time necessary, and a small force of temporary clerks, supplemented by the clerical labors of the special agents themselves. This has taxed the force at our command to its utmost. Long day hours and night-work have been essential to the carrying out of the plans of the year.

This can not be kept up, and in order to make any reasonably extensive investigations, and on the plans already submitted to and approved by the honorable Secretary of the Interior, we need the amount of money stated in the estimates printed in Executive Document No. 69. Light and not very valuable investigations can be carried on for a smaller amount of money, and if the estimates are reduced the results of our work must be reduced accordingly, not only in value but in extent. I do not believe this is what Congress intended when the bureau was created. With the amount of money called for in the estimates, however, this bureau can do valuable work and make its investigations of such extent as to not only command the respect and confidence of the people, but to be of great practical value to Congress itself. For instance, the line of work already laid out for the coming year consists of—

1. An investigation into the number, causes, duration, and results and other features of all strikes occurring in the United States since and including the year 1881.

2. An investigation into the hours of labor, wages paid, method of payment, tours of duty, the condition, &c., of railway employés on all railroad systems in the United States.

3. An investigation as to the kind and amount of work performed in the penal institutions of the several States and Territories of the United States and the District of Columbia, the methods under which convicts are or may be employed in such institutions, and as to all facts pertaining to convict labor and its influence upon the industries of the country.

4. An investigation into the distribution of products, the cost of production and distribution of products as far as the leading articles of consumption are concerned, tracing each article from its production to its consumption, and gathering all the facts as to cost and method of distribution.

5. An investigation into the employment, wages, conditions, &c., of the women workers of great cities.

You will at once perceive that had Congress been in possession of definite information upon the points just referred to it would have been in a far better condition to have discussed many of the bills before it at the present session.

I have endeavored to secure a harmonious distribution of labor, based on the experience of the past year, and as expressed in the estimates referred to. The work of this bureau can not be compared with that of other offices, because, as I have indicated, it requires original investigation, and in a line that has not been carried out by others, except in individual States. It is essential, therefore, that the equipment of the bureau should be adequate to the proper establishment of its work, if its work is to be of value. It is often necessary to secure the services of an expert. It is also essential that this bureau should build up a library of books especially adapted to its wants, and that trade and special journals should be taken for the use of the office. These matters call for considerable expense, and under the estimates are provided for, but no provision for them appears in House bill 8974.

I assure you, sir, that should Congress grant the amount called for in the estimates and that amount should prove to be more than is needed, it will not be expended. I also assure you most emphatically that under no circumstances will the work of this bureau be carried to such an extent on any appropriation, however small, as to create a deficiency.

Trusting that I have met your wishes as to the extent of your inquiry,

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT,
Commissioner.

Hon. R. Q. MILLS, M. C., *Washington, D. C.*

Mr. O'NEILL, of Missouri. The gentleman from Illinois [Mr. CANNON] has changed his amendment so as to conform to the estimate of the Department for special agents, and I therefore withdraw my amendment.

Mr. MILLS. I also withdraw mine.

Mr. WARNER, of Ohio. How many special agents are now to be provided for?

Mr. CANNON. Eighteen.

Mr. BAYNE. I ask for a further modification in line 2134 by striking out $1,200 and inserting $1,400.

Mr. O'NEILL, of Missouri. And make the number of special agents eighteen?

Mr. CANNON. Yes; this is all right. Now read the amendment as modified.

The Clerk read as follows:

In line 2128, strike out the word "one" wherever it occurs and insert the word "two;" in line 2129, strike out the word "three" and insert "four;" in line 2131, after the word "copyist," insert "two copy-holders, at $720 each;" in line 2132, after the word "messenger," insert "one assistant messenger, at $600; one watchman;" in line 2133, strike out the word "twelve" and insert "one charwoman, $200; eighteen;" and strike out, in line 2134, "one thousand two" and insert "one thousand four;" and in lieu of the sum proposed in line 2135 insert $52,980.

The committee divided; and there were—ayes 58, noes 25.

So Mr. CANNON'S amendment as modified was agreed to.

Mr. WEAVER, of Iowa. I move, after the word "agents," in line 2134, to insert "at least two of whom shall be females;" and I hope no point of order will be made against this, if it is obnoxious to any point of order. Sir, from the number of women engaged in industrial pursuits it seems to me only fair that this provision should be made for them.

Mr. BUCHANAN. Make it three instead of two.

Mr. WEAVER, of Iowa. Yes; as the number has been increased to eighteen, I will modify my amendment and make it three instead of two.

The amendment was agreed to.

The Clerk read as follows:

For per diem of special agents when away from home on duty, in lieu of expenses for subsistence, the rate to be fixed by the Secretary of the Interior and not to exceed $3 per day, and for transportation and for traveling expenses of officers, $20,000.

Mr. CANNON. I move, in line 2140, to strike out $20,000 and insert $39,850. That is in accordance with the estimate of the Commissioner of Labor.

The amendment was agreed to.

The Clerk read as follows:

Office of the Director of the Geological Survey: For Director, $6,000; executive officer, $3,000; chief clerk, $2,400; chief disbursing clerk, $2,400; librarian, $2,000; one photographer, $2,000; three assistant photographers, one at $900, one at $720, and one at $480; two clerks of class 1; one clerk, at $1,000; four clerks, at $900 each; four copyists, at $720 each; one watchman, at $840; four watchmen, at $600 each; one janitor, at $600; four messengers, at $480 each; in all, $35,540.

Mr. WARNER, of Ohio. I move to strike out the last word for the purpose of asking the chairman of the committee in the first place respecting the salary of the Director of the Geological Survey as provided by this bill, whether that is fixed by law now at $6,000?

Mr. RANDALL. It is.

Mr. WARNER, of Ohio. The salary of the Director of the Geological Survey $6,000! I must confess my surprise at the size of that salary, while the heads of some of the most important bureaus do not get more than half that.

Mr. RANDALL. The gentleman can offer an amendment to reduce it, if he thinks proper.

Mr. WARNER, of Ohio. I do offer an amendment to reduce it to $4,000.

Mr. CANNON. And I make the point of order that that amendment changes existing law.

The CHAIRMAN (Mr. CRISP in the chair). Does the Chair understand the gentleman from Illinois to hold that it is not within the power of the House to appropriate less than the salary fixed by law?

Mr. CANNON. I do not think it is.

Mr. WARNER, of Ohio. I do not think the House has deprived itself of the right to limit appropriations even by its rules.

Mr. CANNON. Let the amendment be again read.

The Clerk read as follows:

Strike out, in line 2167, the word "six" and insert "four;" so that it will read "four thousand dollars."

Mr. CANNON. I make the point of order against that.

Mr. WARNER, of Ohio. The salaries of some of the most important heads of divisions——

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. CANNON. My point of order is that the permanent law fixes the salary of this officer at $6,000, and that it is not in order to change it upon an appropriation bill.

The CHAIRMAN. The Chair overrules the point of order, believing that it is within the power of Congress to reduce salaries.

Mr. LONG. Let us have a vote.

Mr. WARNER, of Ohio. I was saying, Mr. Chairman, that the heads of some of the most important bureaus under the Government have salaries of only $3,000 or $4,000, as, for instance, in the Pension Office, with the immense amount of work imposed upon him and the responsibilities that attach to that office. The officers in charge of the Land Office and the Indian Office and other officers have salaries small in comparison with this. What is there in this office which requires such an extraordinarily large salary in comparison with the others?

What is there so extraordinary in this position as to require such a salary? I grant you that we need a scientist of experience and ability at the head of this bureau; but this is a remarkably high salary, higher I venture to assert than is paid to any man in the United States for similar services, and I venture to assert that there is not a professor of geological science in the United States who receives anything like such a salary.

But I wish before taking my seat to ask the chairman of the committee whether or not provision has been made for the large number of employés, professors, &c., who have heretofore been employed in this service at a cost, all told, including the printing I believe for the last year, of about $1,000,000, far beyond, in my judgment, the value of the work, valuable as some of the work certainly is.

Mr. RANDALL. I think the gentleman's figures are incorrect.

Mr. WARNER, of Ohio. About $1,000,000, I think, including printing.

Mr. RANDALL. But the matter will come up, at all events, in the sundry civil bill, which provides for this service.

Mr. WARNER, of Ohio. Then I do not wish to discuss it further here.

The question being taken on the amendment of Mr. WARNER, of Ohio, the committee divided; and there were—ayes 30, noes 57.

Mr. WARNER, of Ohio. I shall have to ask tellers.

Several MEMBERS. Oh, no!

Mr. WARNER, of Ohio. Very well. I will withdraw the demand for tellers, and will submit an amendment making the salary $5,000 instead of $6,000, and on that I shall ask tellers.

Mr. MILLIKEN. The Superintendent of the Geological Survey has to be a man of great learning, and there are few men in this country who can fill the place.

Mr. MORRISON. I think the gentleman is mistaken.

Mr. WARNER, of Ohio. Yes; there are plenty of men who can fill it.

Mr. CANNON. A single word touching this amendment. The law, when there was plenty of time for consideration and action, organized this bureau, for it was fixed away back several years ago, the first director being Clarence King, and fixed the salary at $6,000. I say that was done after deliberate consideration of all of the facts surrounding it. I believe that law was right and that it is still right. I believe this official is not getting too much salary for the work done.

Mr. WARNER, of Ohio. The head of the Labor Bureau gets only $3,000.

Mr. CANNON. I understand that; but if the gentleman does not think he gets enough, then amend the law and give him more.

Mr. WARNER, of Ohio, What professor of geology in the United States gets $6,000?

Mr. MORRISON. Not one.

Mr. WARNER, of Ohio. And there are more eminent men, permit me to say, in that science than the gentleman who is in charge of this bureau here. There are others in the United States.

Mr. HOPKINS. Will the gentleman name a more eminent man in this profession than the present head of that bureau?

Mr. CANNON. If there is a professor of geology in the United States who does not get enough pay I would advise my friend from Ohio to put his hand in his pocket and help to pay the difference. But do not cut this man down contrary to law.

The Commissioner of Pensions gets but $4,000. If that is not enough, and I am inclined to think it is not enough, change the law, and give him more. But where is the propriety, because somebody wants to make a little reputation for economy, or because somebody has some reason or other for not approving of the work of this bureau or of some official in it—where is the propriety or sense of withholding $1,000 from what is his salary under the law, and driving him to the Court of Claims to recover that sum?

Mr. EZRA B. TAYLOR. Will the gentleman permit me to ask him a question?

Mr. CANNON. Yes, sir.

Mr. EZRA B. TAYLOR. Is there any show of saving by paying only $5,000 if $6,000 is the law?

Mr. CANNON. The show is in the bill. It will make the amount of the bill $1,000 less than what the law allows.

Mr. EZRA B. TAYLOR. And what idiot takes that for anything but a show?

Mr. CANNON. I will let the gentleman's colleague answer that.

Mr. WARNER, of Ohio. I desire to say a word as to the sufficiency of salaries. A salary of $6,000 is extraordinary for this service and this position. It is more than a Senator of the United States gets. It is within $3,000 of the sum paid to a Cabinet officer. Besides, $6,000 now is as much as $12,000 twenty years ago. Let me remind this House that all salaries have been increased rapidly, have been doubled since the war, when they were established, by the increase in the value of money. The purchasing power of a salary now is worth twice as much to the man who receives it as it was in 1865. It is more than it was in 1847. All salaries, therefore, have been increased. And while we are not increasing the number of dollars, let it be remembered we are increasing all the time the total value of the salary.

Mr. EZRA B. TAYLOR. Will the gentleman allow me to ask him a question?

Mr. WARNER, of Ohio. Yes, sir.

Mr. EZRA B. TAYLOR. Does this amendment change the salary? Does it decrease the salary?

Mr. WARNER, of Ohio. I trust that would be the result when the bill finally becomes a law, and I think it would be.

Mr. EZRA B. TAYLOR. Would that be the result as the bill is now?

Mr. WARNER, of Ohio. If this should go through both Houses with the first clause in the bill amended as I think it will be, then it would. There can be no possible harm in taking the chances on that.

Mr. FELTON. Will the gentleman allow me one question?

Mr. WARNER, of Ohio. Certainly.

Mr. FELTON. If that clause is restored in the other House and comes back here, will this House agree to it?

Mr. WARNER, of Ohio. I think so. The Senate has a right to put any such amendment on the bill.

Mr. HOPKINS. This is simply an experiment on your part, without any fixed notion that your amendment will be effective.

Mr. WARNER, of Ohio. I think I understand the situation as well as the gentleman from Illinois [Mr. HOPKINS]; perhaps a little better.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio [Mr. WARNER].

The committee divided; and there were—ayes 47, noes 68.

Mr. WARNER, of Ohio. No quorum.

Mr. O'NEILL, of Missouri. This amendment is recommended by the committee and is the existing law.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Ohio [Mr. WARNER] and the gentleman from Illinois [Mr. CANNON].

Mr. DUNHAM. Will the gentleman from Ohio state whether he would be in favor of cutting down his own salary?

Mr. WARNER, of Ohio (one of the tellers). Debate is not in order. Let us go on with the vote.

Before the count was completed,

Mr. WARNER, of Ohio, said: If we can have a vote on this in the House I will not insist on the point of order as to a quorum.

Mr. CANNON. If you vote down the previous question you will be entitled to a vote in the House.

The count was resumed and completed; and the tellers reported—ayes 65, noes 101.

So the amendment was disagreed to.

The Clerk read the following paragraph:

For rent of buildings for use of the Department of the Interior, in the discretion of the Secretary, $38,000.

Mr. RANDALL. In lieu of the three lines just read I submit by instruction of the committee the substitute which I send to the desk.

The Clerk read as follows:

Strike out the paragraph just read and in lieu thereof insert the following:
"The rent of buildings for the Interior Department, namely: For the Bureau of Education, $6,000; Geological Survey, $20,000; Indian Office, $5,000; Bureau of Labor, $1,776; Railroad and General Land Office, $1,800; a store-room for documents, $360; in all, $35,436."

The amendment was agreed to.

The Clerk read the following paragraph:

For surveyor-general of the Territory of Dakota and Minnesota, $2,500; and for the clerks in his office, $9,000; in all, $11,500.
For rent of office for the surveyor-general, fuel, books, stationery, and other incidental expenses $2,500.

Mr. PAYSON. I move to amend by inserting in line 2234, after the word "Dakota," the words "and Nebraska."

Mr. RANDALL. There is no objection to that.

Mr. GILFILLAN. I have no objection to this amendment being considered now if I can reserve the right to make a point of order on the paragraph after it is amended.

Mr. PAYSON. That right can be reserved.

The amendment offered by Mr. PAYSON was agreed to.

Mr. GILFILLAN. I desire to make a point of order on this paragraph—first in respect to the words in lines 2234 and 2235, "and Minnesota." I make a second point upon the words in line 2235, "five hundred."

Upon the first point I will say that the State of Minnesota is by existing law a surveying district of itself, with an established office, and an established surveyor-general with a salary fixed by law. This, then, is new legislation and is repugnant to the rule. I make the point on the words "five hundred," in line 2235, because it is in excess of the salary fixed by law for the surveyor-general of Dakota, and hence is new legislation.

The CHAIRMAN. Does the gentleman state that the salary is now fixed by law at $2,000?

Mr. GILFILLAN. Yes, sir. Now, Mr. Chairman——

The CHAIRMAN. The Chair entertains the same view that the gentleman from Minnesota does, and sustains the point of order.

Mr. RANDALL. Mr. Chairman, I would like to be heard upon that.

The CHAIRMAN. The gentleman from Minnesota made the point of order that the salary of the surveyor-general of the Territory of Dakota was fixed by law at $2,000. The gentleman also made the further point that there was created by law a surveyor-general for the State of Minnesota.

Mr. RANDALL. It is to the latter point that I desire to speak. Has the Chair ruled upon that?

The CHAIRMAN. The Chair has ruled that if the salary was fixed by law at $2,000 the provision in this bill seeking to appropriate more was out of order.

Mr. RANDALL. That point of order may be good, but the point that I want to speak to is the one which would go to prevent the consolidation of these offices. This consolidation is proposed at the suggestion of the Land Office. There are no lands to be surveyed in Nebraska.

Mr. PAYSON. The point of order is made not against the amendment, but against the provision in the bill consolidating the State of Minnesota with the Territory of Dakota.

Mr. GILFILLAN. The point is against the words "and Minnesota."

Mr. RANDALL. We omit to make any appropriation for that district, and we do so on the suggestion of the Department. The truth is that very many of these land districts might well be consolidated.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILFILLAN. Now, Mr. Chairman, I move to amend by inserting at the end of line 2240 the following:

For surveyor-general of Minnesota, $2,000; and for the clerks in his office, $8,000; in all, $10,000.

For fuel, books, stationery, pay of messenger, and other incidental expenses, $1,000.

I will simply say, Mr. Chairman, in support of this amendment, that it is copied from the Statutes at Large of the last session, and is a repetition of the provision which was then made for the salaries and incidental expenses of the office of the surveyor-general of Minnesota.

Mr. BUTTERWORTH. As I understand it, the necessity for this amendment results from the decision of the Chair sustaining the point of order.

Mr. GILFILLAN. This amendment is made necessary by the decision of the Chair upon the point of order, but it has merit behind it. We have in the State of Minnesota public lands unsurveyed to the amount of between eleven and twelve million acres.

Mr. RANDALL. Even if Minnesota is put into the bill, I ask this House to adhere to the estimate. The estimate does not call for $10,000. Supposing Minnesota to be included in the bill, still the amount called for is only $4,800; $1,800 for the salary of the surveyor-general, and $3,000 for the clerks in his office. Even if the House is willing to continue that office which the Land Office declares to be unnecessary, I am sure that it does not desire to raise the amount above what the estimate calls for.

Mr. GILFILLAN. How much is estimated for the clerks?

Mr. RANDALL. Three thousand dollars, and $1,800 for the salary.

Mr. GILFILLAN. The salary is fixed by law at $2,000.

Mr. RANDALL. That I understand.

Mr. GILFILLAN. I have not seen the estimates to which the gentleman refers. If the chairman of the committee thinks the sum in this amendment is too large, let it be reduced to the proper amount.

Mr. RANDALL. I say that the Land Office does not ask for any appropriation for this Minnesota office; but if the House insists upon putting it into this bill, then I do not want them to go beyond the estimate.

Mr. GILFILLAN. As I have said, I copied this amendment from the act of last year. Now, if it shall appear that the sum set out in this amendment is in excess of the estimates, let it be reduced to the proper amount.

The question was taken; and the amendment was rejected—ayes 38, noes 63.

Mr. GILFILLAN. I reoffer my amendment modified by inserting the amount given in the estimates.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

For surveyor-general of Minnesota, $2,000, and for the clerks in his office, $4,800; in all, $6,800.

For fuel, books, stationery, pay of messenger, and other incidental expenses, $1,000.

Mr. RANDALL. The gentleman has it wrong now.

Mr. CANNON. I think the gentleman from Minnesota desires to still further modify the amendment.

Mr. GILFILLAN. Yes; the $4,800 should be $3,000. The amendment as it now stands embraces simply the items recommended by the Department, except that the salary is $2,000 instead of $1,800.

Mr. RANDALL. It has been fixed at that for ten years, I think.

Mr. CANNON. It has been $2,000 heretofore.

Mr. RANDALL. No, sir.

Mr. PAYSON. Section 2208 of the Revised Statutes provides that the salary of this officer shall be $2,000 a year.

Mr. RANDALL. I find that I was wrong. The appropriation last year was $2,000.

Mr. GILFILLAN. Then the amendment is right.

Mr. RANDALL. I move to amend the amendment so as to appropriate $1,800 for the surveyor-general, as in the other cases; $3,000 for clerk-hire, and $1,000 for incidentals. The gentleman from Minnesota had better accept this.

Mr. GILFILLAN. I accept the amendment of the gentleman as a modification of my amendment.

The question being taken on the amendment of Mr. GILFILLAN as modified, it was agreed to.

The Clerk read as follows:

For surveyor-general of Louisiana, $1,800; and for the clerks in his office, $10,000; in all, $11,800.

Mr. BLANCHARD. In order to make an inquiry of the gentleman in charge of this bill, I move to amend by striking out the last word. In the last two legislative, executive, and judicial appropriation acts, copies of which I hold in my hand, I find there was allowed for the clerical force in the office of surveyor-general of Louisiana, $13,500. In this bill the appropriation for that purpose is only $10,000, a deficiency of $3,500. Now I would like from the gentleman some explanation of the reason of this reduction.

Mr. RANDALL. I have no knowledge of any deficiency. The reason for fixing the amount named in this bill is that it is in accord with the estimate from the Department, which is $1,800 for salary of the surveyor-general and $10,000 for these other purposes. I do not suppose this survey is going on forever; hence I presume the service is susceptible of reduction from year to year, and this, I suppose, is the reason why the estimate this year is lower than the appropriation of last year.

Mr. BLANCHARD. I withdraw the *pro forma* amendment, and move to amend by striking out in the pending paragraph "$10,000" and inserting "$13,500," and making the aggregate appropriation in the paragraph $15,300. This is the exact amount appropriated for the surveyor-general's office in Louisiana in the last two bills of this character. There is exactly the same clerical force in the office now that has been there during the last two or three years; and there is the same amount of work to be done by that office as when the larger appropriations in the last two bills were made. The only reason that can be given for not making the appropriation in this paragraph $15,300, as heretofore, is that the parties who prepared the estimates fixed the amount at only $11,800. Not one word of explanation is vouchsafed to show that the appropriation for the coming fiscal year should be smaller than it was for the two preceding years. Upon the mere arbitrary estimates submitted to the Committee on Appropriations that committee has reduced this appropriation $3,500, and is not able to give any reason for the reduction except that the estimate calls for only $11,800.

Mr. ADAMS, of New York. Can the gentleman give any reason why this appropriation should be more than $11,800, the amount of the departmental estimate?

Mr. BLANCHARD. I have given the reason that there is now as much work to be done in that office as heretofore. The surveys of public lands now going on there are just as numerous to-day and require just as large an appropriation to pay the expense as during the last two years.

Mr. ADAMS, of New York. Has the gentleman himself any information on that point?

Mr. BLANCHARD. I have information that there is as much work in the surveyor-general's office now as heretofore when larger appropriations were made.

Mr. ADAMS, of New York. Has the surveyor-general written any communication to you on the subject?

Mr. BLANCHARD. I have not any written information from him. I know, however, that there is now as much business in that office as at any time during the last two years and as great need of clerical assistance.

Mr. RANDALL. Mr. Chairman, if the committee is not to depend upon the statements of the Commissioner of the General Land Office as to what he wants, I would like to know whom it can depend on. He not only put in his estimate the amount we propose to appropriate, but, as I am advised, he was spoken to personally. I therefore ask for a vote, and hope the amendment will not prevail.

The question being taken, the amendment of Mr. BLANCHARD was rejected.

Mr. PAYSON. I ask unanimous consent to turn back to line 2234 to make a verbal correction in the amendment there adopted. The words "State of" should be inserted before "Nebraska."

Mr. RANDALL. There is no objection to that.

The CHAIRMAN (Mr. CRISP). If there be no objection that verbal modification will be made. The Chair hears no objection.

The Clerk read as follows:

For surveyor-general of Nebraska, $1,500; and for the clerk in his office, $1,000; in all, $2,500.

For rent of office for the surveyor-general, fuel, books, stationery, and other incidental expenses, $1,000.

Mr. RANDALL. These items relating to Nebraska should go out, in view of the amendment already adopted.

Mr. PAYSON. That should be done. I move to strike out these two paragraphs.

The motion was agreed to.

The Clerk read as follows:

For surveyor-general of Oregon, $1,800; and for the clerks in his office, $2,500; in all, $4,300.

Mr. HERMANN. I move to amend by striking out, in the paragraph just read, "$1,800, as the salary of the surveyor-general of Oregon," and to insert in lieu thereof "$2,500," and I ask the indulgence of the House while I occupy a few minutes in support of this amendment.

The law allows, as the salary of this officer, $2,500. This bill proposes a reduction of $700 upon the compensation of the surveyor-general of a district the fifth in area in the United States.

Let me direct the attention of the House to some facts in this connection which are worthy of careful consideration by members who are called upon to vote on this proposition: Total area of land in Oregon, 60,975,360 acres; area of land surveyed to June 30, 1885, 39,647,093 acres; area of lands unsurveyed to June 30, 1885, 21,328,267 acres; about one-third yet to be surveyed.

WHAT IS THE CONTINUING DEMAND FOR PUBLIC LANDS IN OREGON?

There were surveyed in 1882 4,711,952 acres; in 1883, 2,492,323 acres; in 1884, 2,130,432 acres; in 1885, 2,868,317 acres—slightly diminished because of the arbitrary restrictions imposed on the public surveys.

I ask special attention of this committee to the statement as to whether settlements keep pace with these surveys? I am satisfied when the House is informed in reference to this matter it will not sanction an unjust discrimination against the surveyor-general of the State of Oregon.

Look at the total land disposals in Oregon:

Years.	Entries.	Acres.
1883	7,329	504,828.80
1884	8,291	604,696.60
1885	8,481	488,287.71
Nine months to March 31, 1886	5,277	377,809.77

Do the settlements keep pace with the surveys? There were taken by homestead settlers in 1881, 122,094.46 acres; in 1882, 153,532.46 acres; in 1883, 236,362.04 acres; in 1884, 233,148.55 acres; in 1885, 191,444.04 acres; for nine months ending March 31, 1886, 221,307.67 acres.

I desire to call your attention to another unjust discrimination.

Montana, whose surveyer-general is allowed $2,500, disposed of 81,821.22 acres in 1884 for homestead settlement, against 233,148.55 acres in Oregon; in 1885, 60,591.72 acres, against 191,444.04 acres for homestead settlement in Oregon.

Wyoming, whose surveyer-general is allowed $2,500, disposed of only 44,153.72 acres in 1884 for homesteads, and in 1885 only 46,195.28.

Utah, whose surveyer-general is allowed $2,500, disposed of only 60,691.46 acres in 1884 for homestead, and in 1885 63,539.81 acres.

The CHAIRMAN. The gentleman's time has expired.

Mr. HERMANN. I have not concluded my statement in behalf of the amendment. I have offered to strike out "$1,800" as the salary for the surveyor-general of Oregon, as provided in this bill, and in lieu thereof to insert "$2,500."

Mr. PETERS. I will take the floor and yield my time to the gentleman from Oregon.

Mr. HERMANN. I have a few more statements of facts which should be brought to the attention of the House. I do not trouble the House very often.

The CHAIRMAN. If there be no objection the Chair will recognize the gentleman from Kansas [Mr. PETERS] as having yielded his time to the gentleman from Oregon.

Mr. HERMANN. In addition to the facts already stated, I desire to say, Mr. Chairman, that Oregon is now fifth in order in amount of homestead settlements and lands taken thereunder, Kansas, Nebraska, Dakota, and California alone being ahead in the order named; and yet Oregon is placed at the foot of the list, alongside of Louisiana and Nevada and Florida, where there are comparatively few lands to be surveyed or now disposed of.

Wyoming, Washington, Utah, New Mexico, Montana, Idaho, and even Arizona, all are allowed appropriations to cover the maximum, $2,500, fixed by law. Yet their duties and responsibilities are much less and the amount of lands demanded for settlement less than in Oregon.

Why is this discrimination made against Oregon? Why allow a salary to these surveyors-general and deny the same compensation to one with much greater business?

As the figures show, the State is increasing most rapidly in population by immigration in the past few years.

They are coming by the Northern Pacific, the Union Pacific, by the Southern Pacific and local railways, as well as by the Canadian Pacific, and by sea; and still there are 21,328,267 acres of the public domain unsurveyed, and with many millions of the lands surveyed, to afford future homes for the homeless.

You allow $1,800 to Oregon while the law authorizes $2,500. This the surveyor-general has always received. He has no perquisites or fees. He can not maintain himself on this. You require him to hold his office in a large city, where living and rents are high and other expenses in proportion. If he has a family, what has he left?

Sir, the law allows him $2,500. Under this he is offered and accepts the office with this express and stipulated contract price as the compensation for his labors.

He executes a bond of $30,000, undertakes the duties, and assumes the liabilities and responsibilities. Under the law and the decisions he is entitled to the sum promised him in the law. You allow him $700 less than his contract salary. Is he not entitled to the balance? Is there not a deficiency? But aside from the law I ask if this officer, presumed and expected to be a skilled and professional surveyor, and with the vast duties appertaining to his office, should not at least be allowed the full sum of $2,500? His district embraces the whole State of Oregon, an area half as large as France and twice as large as England; an area equal to all of New England and two-thirds of New York, or greater than New York and Pennsylvania combined, and yet it is proposed in the pending bill to allow the surveyor-general the salary of a clerk, and a very subordinate one at that.

I appeal to the House for justice.

Whoever shall hold these public offices, whether Democrats or Republicans, I do trust that gentlemen intrusted with the discharge of duties of this magnitude will be provided with proper and just compensation. When the salary of other surveyors-general with far less business is allowed to remain at $2,500 a year, I hope the proper and just thing will be done in the case of Oregon by adopting the amendment which I have submitted. Because we lack representation on this floor; because I appear before you alone as the Representative of the State of Oregon, I hope that will not militate against the necessity of doing justice in this instance. [Applause.]

Mr. RANDALL. Mr. Chairman, I hope the House will allow the bill in this respect to go through as it has been reported from the Committee on Appropriations.

Mr. BLANCHARD. Can a point of order be now raised on these lines 2294 and 2295, which are as follows:

For surveyor-general of Oregon, $1,800.

The CHAIRMAN (Mr. CRISP in the chair). The Chair thinks it is too late, as debate has been exhausted.

The committee divided; and there were—ayes 64, noes 72.

Mr. HERMANN. No quorum.

Mr. RANDALL. I hope, Mr. Chairman, that the members of the House will take some other occasion to pay tribute to the section of my friend from Oregon. [Laughter and applause.]

Mr. HERMANN and Mr. RANDALL were appointed as tellers.

The committee again divided; and the tellers reported—ayes 79, noes 87.

So Mr. HERMANN'S amendment was rejected.

Mr. HERMANN. I move then to strike out "$1,800" and insert "$2,250."

Mr. RANDALL. I hope not.

Mr. HERMANN. All the other surveyors-general have been kept at $2,500. There is no other instance where the salary is $1,800, so far as I know.

Mr. RANDALL. I hope the recommendation of the committee will be adhered to.

The CHAIRMAN. The question is on the amendment of the gentleman from Oregon to strike out "$1,800" and insert "$2,250."

Mr. PRICE. I demand a division.

The committee divided; and there were—ayes 55, noes 83.

So the amendment was rejected.

The Clerk read as follows.

For office of disbursing clerk and superintendent of building: Disbursing clerk and superintendent, $2,100; one clerk of class 2 (accountant); one clerk of class 1 (storekeeper); one engineer, at $1,400; one assistant engineer, at $1,000; one fireman, who shall be a blacksmith, at $900; one fireman, who shall be a steam-fitter, at $900; one conductor of elevator, $720; two firemen, at $720 each; one carpenter, at $1,200; one assistant carpenter, at $1,000; captain of the watch, at $1,000; nineteen watchmen; twenty laborers; one plumber, $900; one awning-maker, at $900; and fifteen charwomen, at $180 each; and for force in the additional building as follows: Four watchmen, three laborers, and three charwomen, at $180 each; in all, $51,040.

Mr. O'NEILL, of Missouri. I move, in line 2440, to strike out "$180" and insert "$240." I understand it was the understanding of the Committee on Appropriations that the compensation of charwomen should be increased from $15 to $20 a month. As this is the last item in the bill where it occurs I have offered the amendment, and I ask now, if the amendment shall be adopted in this instance, that the same increase shall take place in the preceding paragraphs of the bill; that is, that the pay of these charwomen shall be increased from $15 a month to $20 a month.

Mr. RANDALL. What would be the aggregate?

Mr. O'NEILL, of Missouri. I am not able to state at this moment.

Mr. O'NEILL, of Missouri. I will offer the amendment here and give the estimates hereafter.

Mr. RANDALL. I am not disposed to make the point of order upon this, but for the present will reserve it.

Mr. O'NEILL, of Missouri. In all the public buildings throughout the country that class of labor is paid $20 per month.

Mr. RANDALL. Well, if the House wants to increase these salaries I have no objection. They are the lowest salaries paid under the Government. I am not going to sit here individually and object to this amendment increasing the salaries of these women.

The amendment of Mr. O'NEILL, of Missouri, was agreed to.

The Clerk read as follows:

Office of the Solicitor of the Treasury: For compensation of the Solicitor of the Treasury, $4,500; assistant solicitor, $3,000; chief clerk, $2,000; four clerks of class 4; three clerks of class 3; two clerks of class 2; two clerks of class 1; one assistant messenger; and one laborer; in all, $28,080.

Mr. THROCKMORTON. Mr. Chairman, in lines 2528 and 2529 I make the point of order on the salary, $4,500, fixed for compensation of Solicitor of the Treasury.

I see by the report here furnished by the chairman of the committee in charge of the bill that the law fixes the salary at $4,000. This is in excess of what the law provides for this salary, and hence I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LONG. Then I move to amend by inserting $4,000.

The amendment was agreed to.

The Clerk read as follows:

For salaries of the district judges of the United States for California, the northern district of Illinois, the eastern district of Louisiana, Massachusetts, Maryland, New York, New Jersey, the southern district of Ohio, and for Pennsylvania, twelve in all, at $4,000 each, $48,000.

Mr. FELTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert in line 2556, after the word "California," "$5,000;" on line 2559 strike out the words "twelve in all;" strike out line 2560; and insert "in all, $49,000."

Mr. FELTON. Mr. Chairman, this amendment will simply restore to the judge occupying that position at the present time the amount to which under the statute he is entitled and has always received—that is to say, $5,000.

Mr. RANDALL. The law fixes it at $5,000, it is true; but that is an old law, and as I have had occasion once before to say in the course of this debate it was probably passed on the assumption that it cost more to live in California than in other sections of the country. The truth is, as I am well advised, that it costs no more to live there now than in other portions of the country.

Mr. HENLEY. Would it be in order to ask for the reading of that amendment again?

The amendment was again reported.

The question was taken; and on a division there were—ayes 54, noes 72.

So the amendment was not agreed to.

The Clerk read as follows:

Court of Claims: For salaries of five judges of the Court of Claims, at $4,500 each; chief clerk, $3,000; one assistant clerk, $2,000; bailiff, $1,500; and one messenger; in all, $29,840.

For stationery, books, fuel, labor, and other miscellaneous expenses, $3,000.

Mr. MORRISON. Mr. Chairman, I move to strike out the section last read, formally, that I may submit a statement.

On yesterday the gentleman from New York [Mr. HISCOCK], commenting on the report on the tariff bill made by me from the Committee on Ways and Means, questioned the correctness of the estimated surplus and the condition of the Treasury for the next fiscal year ending June 30, 1887. He asked that I would examine his figures and state what I thought of their correctness. I have done so, and after the most careful examination I am satisfied of the correctness of my previous estimates. Of course they are but estimates, and are subject to change or variation from causes some of which I stated yesterday, chiefly the condition of the country as to prosperity or adversity.

Here are the closing statements of the gentleman from New York, taken from the RECORD of this morning.

Assuming that you will have the large amount that has been collected from customs for the current year, it simply amounts to an aggregate of $330,000,000 of receipts against $330,000,000 of expenditures, and you can make nothing else out of it.

And again:

Mr. HISCOCK. I wish to add a single word, to ask a question of the gentleman from Illinois before he takes his seat; and for that purpose I move to strike out the last word.

Is it not true that you reported a bill for the reduction of tariff taxes upon the assumption that the expenditures this year were only about $303,000,000; and is not that the statement embodied in your report? Is it not equally true that for the next fiscal year your expenditures will reach $344,000,000, including in that only the excess made for the postal service in excess of the postal revenues?

Mr. MORRISON. I will say candidly, in response to the gentleman from New York, that I do not exactly remember the statement in the report, not having the figures immediately before me, but they are based upon estimates derived from the Treasury Department, and within the space of two weeks you will see whether they are correct or not.

Mr. HISCOCK. You will find that they are entirely in error.

In this statement the gentleman makes the receipts and expenditures for next year balance, but it is only just to say that in his estimate of separate items of expenditure he left the Treasury with a deficit of $14,000,000 next year.

That part of the report of the Ways and Means Committee the correctness of which is questioned by the gentleman from New York is as follows:

The Treasury receipts for the fiscal year 1885 were $323,690,706.38. The increased receipts from customs and internal taxes, the principal sources of revenue, for the months of the fiscal year of 1886 already past, over the receipts of the same months of last year, justify the estimate that the receipts for the present fiscal year will exceed $335,000,000. Nor may our annual Treasury receipts be expected again to fall below that sum without reduced taxation, inasmuch as these receipts result chiefly from the taxes on articles of necessity and comfort to be consumed in continually increasing quantities with our ever-growing population.

The expenditures for the fiscal year 1885, including pensions and the legal requirements of the public debt, were $305,830,970.54. Neither "the actual needs of an economical administration of the Government" nor the patriotic expectations of the people justify any increase of this enormous annual expenditure, and we may safely estimate the annual surplus to exceed $30,000,000.

The reductions to result from the proposed bill are within this estimated surplus, and a little exceed $25,000,000 on the basis of last year's importations. (See table of estimates submitted with this report.)

This estimate is based on a comparison of next year, 1887, with last year, 1885, for expenditures, and for receipts it is based on the increase of this year over last; which is shown by actual receipt for the eleven and a half months already past will be more than ten and possibly thirteen millions in excess of last year, when the surplus was in round numbers $18,000,00, but with the additional or increased receipts of this year would have been $30,000,000. This, too, when the usual river and harbor bill of $14,000,000 was passed, and we had the ever-recurring miscellaneous and deficiency bills.

If we base our estimates for 1887 on the receipts and expenditures of the first eleven and a half months of this year, 1886, a still larger surplus for next will appear.

The actual and estimated expenditure for 1886 by the Treasury Department is $290,000,000. The accounts for eleven and a half months elapsed show that estimate is fully up to the amount required. The surplus for this year was estimated by the Secretary at $24,250,000, counting on a revenue of $315,000,000, but I have already shown the revenue will be $335,000,000, which will increase the surplus this year to $44,000,000.

Mr. HISCOCK. Mr. Chairman, all I desire to say in reply to what the gentleman from Illinois has said is this: In the estimate which I submitted on yesterday I did not include but one miscellaneous bill, I believe. I did not include a number of bills which have passed the House carrying appropriations for public buildings. I did not include the probable increase of the river and harbor bill by the Senate. In my opinion the miscellaneous appropriations which will become law before this Congress adjourns will amount to somewhere from six to eight millions of dollars. In reference to the provision for the refunding of customs duties to which I called attention on yesterday I desire to say this, that I have before me the copy of a letter of the Secretary of the Treasury in which he estimates that the effect of the decision in that case will be to reduce the revenues to the extent of from eight to ten millions of dollars each year. It is proper I should add further in this connection that if the proper protests have been served, and I do not know whether they have been or not, but doubtless they have been, the Government may be compelled to refund the duties that have been collected under the construction put by the Department upon the law, and instead of being compelled to refund $10,000,000, it may possibly amount to $24,000,000.

Mr. MORRISON. I stated yesterday that so far as any reply was or is necessary to the gentleman's restatement of the estimated ten millions to be refunded as the result of mistake in the last tariff bill, the ten millions would come into the Treasury and not go out if the tariff bill was passed because it corrected the mistake. In the remarks already made I did not intend to provoke the gentleman from New York [Mr. HISCOCK] to restate his, as I believe, erroneous estimates; but he has done so, and I will restate briefly the basis of my estimates, and if I state anything erroneous I ask that the gentleman will correct me.

The Treasury estimate of expenditures for the present year was $290,000,000. The estimate of revenue was $315,000,000. This shows, if it prove correct, a surplus of $24,000,000 for this year, 1886.

The gentleman from New York has examined the Treasury statements himself, and has doubtless ascertained that the revenue will be eighteen to twenty million dollars more than was anticipated. Therefore the surplus of this year, to end in two weeks, will be forty-four millions instead of twenty-four millions.

Of course I am assuming that in the next year this administration will be as economical as it has been in the present year, except to the extent we make it pay expenditures it was not compelled to pay before. These consist entirely in pensions. So far we have not increased the pension-list to the extent of more than $10,000,000, as I think—at all events not more than $14,000,000—in the widows' bill and the Mexican pension bill. If in that way we increase expenditures $14,000,000, take that from forty-four millions and we still have a surplus of thirty millions left.

Mr. HENLEY. May I ask the gentleman a question?

Mr. MORRISON. Certainly.

Mr. HENLEY. Does the gentleman deduct from the supposed surplus the items of expenditure just now enumerated by the gentleman from New York, namely, the river and harbor bill, &c.?

Mr. MORRISON. I do. There was no appropriation for rivers and harbors this year, but, as the gentleman from California knows, about as much of the appropriation made two years ago was spent this year as last.

At the beginning of this fiscal year a large balance was unexpended. And whatever appropriation may be made now there will hardly be more expended in the next year than in this. In the $290,000,000, current expenses for this year, is included a part of what was appropriated for rivers and harbors two years ago.

Mr. HENLEY. The reason why I ask the question was because in the estimate of expenditure and probable surplus which the gentleman from Illinois [Mr. MORRISON] made in his report on the tariff bill from the Committee on Ways and Means he did not then enumerate the items of expenditure, the river and harbor bill, &c., which have been mentioned by the gentleman from New York.

Mr. MORRISON. No, I did not go into detail.

Mr. HENLEY. And yet the result as to the extent of the surplus he estimated was the same then as he thinks it will be now.

Mr. MORRISON. I did not go into details, but I took into consideration the fact that a portion of the appropriation for rivers and harbors was expended this year.

There is no escaping this question, gentlemen, we must vote on it without covering it up by figures or estimates.

Mr. HENLEY. I do not intend to let any delusive statement go uncontradicted, so far as I am concerned.

Mr. MORRISON. No, it is not best to delude ourselves.

Mr. HISCOCK. There is not to be any attempt on my part to cover anything up. In reaching this estimate of deficiency I pursued two courses. First, I took the appropriations that have been made by this Congress, or which are reported as pending in the House. I took those as the basis of the expenditure for the next fiscal year as I saw them reported by the committees of this House; and I do not increase them by the amounts which are likely to be added to them in the Senate. Taking them at the figures at which they have passed the House and where they have been concurred in in the Senate, the result is brought out which I stated yesterday, that the deficit for the next fiscal year will be $14,000,000.

Mr. MORRISON. Oh, no; you came out even yesterday.

Mr. HISCOCK. I beg the gentleman's pardon and correct him as to that.

Then I took up the expenditures of the current year and to those expenditures I added the items of increase of certain appropriations which had been made in this Congress in reference to matters for which no appropriations were made for this year or in which there was an excess of appropriation for next year over this year, and then by taking out the $10,000,000 to refund customs and wiping out the deficiency bill which is reported here it balanced. But if those customs duties are to be refunded and the deficiency bill passes here as it is recommended by the Secretary of the Treasury or by the Committee on Appropriations that have submitted it, I repeat what I said yesterday, there is to be a deficit of from eleven to fourteen millions of dollars.

Mr. WARNER, of Ohio. I do not understand this arrangement. The gentleman from New York tells us there is to be a deficit and then his side of the House votes solidly for every increase of appropriation.

Mr. HISCOCK. So far as that is concerned I will say to the gentleman from Ohio [Mr. WARNER] that a very old trick is being tried to be perpetrated here. You have reduced a few salaries below the sum fixed by general statute, knowing that as a matter of course additions will be made to them in the Senate, and you have done it with the view of getting a little cheap credit for the House as being somewhat more economical than the Republican Senate, and so that you may talk about it on the stump.

Mr. MORRISON. Mr. Chairman, the gentleman from New York——

Mr. HISCOCK. The gentleman from Illinois [Mr. MORRISON] is not a party to that trick. I do not charge him with that. It is men of smaller type that are indulging in it. [Laughter.]

Mr. MORRISON. I withdraw the amendment.

Mr. RANDALL. Now, Mr. Chairman, I yield to the gentleman from Virginia [Mr. CABELL]. By agreement of the Committee of the Whole House a certain paragraph was allowed to be passed over with the understanding that the gentleman from Virginia [Mr. CABELL] should have a right to offer an amendment to it.

The Clerk read as follows:

For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, $2,050,000.

Mr. CABELL. I move to amend line 1071 by striking out "two million fifty thousand" and inserting "one million nine hundred thousand."

Mr. RANDALL. That is a reduction of $150,000. I hope the amendment will be adopted.

Mr. TOWNSHEND. I want an explanation as to why it should be adopted.

Mr. BLANCHARD. What is the reason for it?

Mr. CABELL. I will give a reason and a good one, and if the committee will hear me they will see, I think, that this amendment ought to be adopted without hesitation. The appropriations——

Mr. HISCOCK. Mr. Chairman, before we go to that, I desire to make the point of order on the third section of this bill.

Mr. RANDALL. We have passed that.

Mr. HISCOCK. I do not care if you have passed it, there has been no amendment offered.

Mr. RANDALL. Too late.

Mr. HISCOCK. I insist that I am in time, Mr. Chairman.

The CHAIRMAN. The Chair thinks otherwise. The point of order is overruled. The gentleman from Virginia [Mr. CABELL] will proceed.

Mr. CABELL. The amount appropriated for the fiscal year ending June 30, 1885, was $2,100,000. The amount expended for that period was $1,963,527.41, leaving an unexpended balance of $136,472.59. Since that time the Commissioner of Internal Revenue reports that he has reduced the number of his officials 926. Those are officials that are paid under the clause of this bill which I am seeking to amend. Now, if the amount of $1,963,000 was sufficient to meet the expenses named of the Internal Revenue Bureau at that time, much more ought it to be sufficient now when the force has been reduced.

Mr. HISCOCK. Mr. Chairman, by what order are we now proceeding?

The CHAIRMAN. By unanimous consent.

Mr. HISCOCK. I object.

The CHAIRMAN. The matter has been already agreed to and directed by unanimous consent. The gentleman from Virginia will proceed.

Mr. CABELL. The amount appropriated for the fiscal year ending June 30, 1886, was $2,100,000. The Commissioner reports that the probable expenditures to the 1st of July next will be $1,849.98, leaving an unexpended balance of $251,000 from the appropriation of last year. Now, the Committee on Appropriations, by this bill, appropriates $2,050,000. We sent to the Commissioner and asked how much he had already expended and what would probably be his expenditures this fiscal year, and here is his reply, in substance:

From the appropriations for salaries and expenses of agents and subordinate officers there were expended up to March 31 $1,359,098. It is estimated that the expenses for the quarter ending June 30 (now nearly expired) will be $470,000, or together an aggregate sum of $1,849,098.

So it will be observed that the amount which I propose that we shall appropriate in this bill is $51,000 more than has been or will be expended this fiscal year for the same identical service. Now, why should we appropriate, and what does the Commissioner want with more money than we propose to appropriate by this amendment? Seeing that the number of officials has been cut down, is not $51,000 more than will be expended this fiscal year a sufficient amount to appropriate in this bill? We give a sufficient amount with considerable margin besides. Indeed, what do you want with any margin? Might we not with propriety reduce this appropriation $200,000? But instead of that, however, I ask only that you reduce the amount named in this bill by about $150,000; thus leaving the appropriation $1,900,000 instead of $2,050,000. That is the amendment I have proposed, and from the Commissioner's statement it is entirely sufficient, for he states what has been and what will be his expenditures during this year, and they do not come up, I say, to within $51,000 of the amount I propose.

Objection has been made, upon this bill and others, to the hazardous manner of appropriating money in bulk. Look at this appropriation to which I have referred and as it appears, and say if it is not the most objectionable paragraph in this bill. Mark the language:

For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, $2,050,000.

There you have four classes of officers only designated and appropriated for, and necessarily a large sum for "miscellaneous expenses." Do you not want your appropriations more definite in character and more specifically set out than you have them here? You are appropriating here in the dark as to a large sum of money for miscellaneous and other purposes, and the only guide you have to go by is the amount of the expenditure for last year. That amount is less by $51,000 than I propose by my amendment to appropriate in this bill, and I hope the amendment will be adopted.

Mr. BUTTERWORTH. Will the gentleman permit me a question?

Mr. CABELL. Yes, sir.

Mr. BUTTERWORTH. The reduction of force to which the gentleman refers was in the home office here in Washington, was it not?

Mr. CABELL. No, sir; here is the statement from the Commissioner's report of 1885, page 19: "Gaugers, 180; storekeepers and gaugers, 532; storekeepers, 214; total, 926." So that the reduction must apply to the whole force throughout the country.

In fact, I do not see why we could not make a greater reduction than I propose in view of the number of officers that have been cut off or dispensed with.

Mr. BLANCHARD. Is the gentleman's amendment in accordance with the estimate of the Department?

Mr. CABELL. Since the original estimates were submitted the Commissioner has ascertained what his expenses have been and what they will likely be to the end of the year, and as a result of his information we ought to cut down this appropriation so as to conform to the amount which will actually be required, taking the present year's expenditures as a basis.

Mr. CANNON. Mr. Chairman, the appropriation for this purpose for the fiscal year 1885 was $2,100,000. The expenditures for that year were $1,963,000, leaving an unexpended balance in round numbers of $136,000. This bill proposes an appropriation of $2,050,000, being $50,000 less than was appropriated for the current year. Now the gentleman from Virginia proposes, as I understand, another reduction of $100,000.

A MEMBER. One hundred and fifty thousand dollars.

Mr. CANNON. If I can have the attention of the gentleman from Virginia——

Mr. CABELL. Certainly.

Mr. CANNON. I desire to say that as I understand from what he has stated as to the expenditures of the current year the amount he proposes to appropriate would be about equal to that expenditure. Am I correct as to that fact?

Mr. CABELL. The Commissioner of Internal Revenue has stated in a letter addressed to the gentleman from Pennsylvania [Mr. RANDALL], the chairman of the Committee on Appropriations, the day before yesterday, that the expenditure for the current year would be $1,849,098.

Mr. CANNON. If I understand correctly the gentleman's statement he proposes now an appropriation for the next year equal to the expenditure for the current year. Am I correct on that point?

Mr. CABELL. I propose an appropriation of $51,000 more.

Mr. CANNON. But $150,000 less than the appropriation this year?

Mr. CABELL. About that.

Mr. CANNON. Now I wish to state that possibly the appropriation proposed by the gentleman may be sufficient. I have no desire that there shall be appropriated one cent more than is required. But I call your attention, gentlemen on the other side of the House, to the fact that you are chargeable this year and the coming year for the collection of these revenues.

Mr. RANDALL. They are increasing now.

Mr. CANNON. The gentleman says they are increasing. I say you are chargeable with the collection of these revenues.

Mr. RANDALL. And we will collect them.

Mr. CANNON. All I want is that there shall be such an amount of money appropriated that in any event you may be able to collect the revenues honestly; and if you fail to do so, I do not want you to have the excuse of saying that you had not money sufficient. Having said this much, and the responsibility being thrown upon you, you may, so far as I am concerned, make this appropriation just what you please.

Mr. RANDALL. If we appropriate $51,000 more than the expenditure for the present year that certainly ought to be sufficient.

Mr. TOWNSHEND. No estimate has been made by the Commissioner of Internal Revenue or the Secretary of the Treasury which indicates that these revenues can be collected properly for a less sum than has been estimated for. This proposition, so far as I have any knowledge, is not offered at the suggestion of any of the Treasury officials——

Mr. RANDALL. It is based upon the figures of the Commissioner of Internal Revenue.

Mr. TOWNSHEND. No, sir. The Secretary of the Treasury informed us that $2,100,000 would be required for this purpose. The Committee on Appropriations cut down that amount $50,000. Now, it is just as important to collect the revenues as to retrench expenditures. All I wish to do is to put into the hands of the Department such an appropriation as will enable it honestly and faithfully to collect the revenue.

If there is hostility against the internal-revenue law, the proper way for gentlemen to proceed against it is to repeal the law. I desire that every man shall bear his fair share of the burdens of the Government. We in Illinois are paying our internal-revenue assessments. I want other States to pay their proper proportion, and I know that if we appropriate an insufficient sum there will be difficulty in the collection of the revenue.

What are the facts? You can not accurately estimate the expenses of the next year by the amount expended in the past year. There may be during the coming year more frauds, more "moonshiners;" there may be unexpected difficulties in the collection of the internal revenue. Prudence demands that you place in the hands of the Treasury officials a fund which shall be sufficient to meet any emergency that may arise. I shall therefore resist this proposition.

Why, sir, the other day we passed a bill which will largely increase the expenditures of the Internal Revenue Bureau. I allude to the oleomargarine bill.

Mr. GIBSON, of West Virginia. That will never be a law.

Mr. TOWNSHEND. Yet after passing a bill which largely increases these expenditures you come in here and propose to cripple the Treasury Department in the collection of the revenues. I repeat, that while I desire to reduce expenditures I want the revenue properly collected. I therefore insist that we should appropriate the amount of the estimate.

Mr. RANDALL. Mr. Speaker, I think it due to the House to say that this amendment is based upon information which came in subsequently to the submission of the regular estimates.

A MEMBER. On the day before yesterday.

Mr. RANDALL. I think there is no danger, if this amendment be adopted, that there will be any difficulty about the collection of the revenue. The officer at the head of the Internal Revenue Department ought to be able to collect the revenue for the coming year with $50,000 more than he has expended during the current year. But if by any possibility the appropriation proposed in the amendment should be insufficient, we shall be here in December to meet the emergency.

Mr. TOWNSHEND. And provide a deficiency appropriation.

Mr. RANDALL. It is not fair that in the present condition of our finances a large sum should be unnecessarily added to the aggregate appropriations in this bill. I therefore ask that this amendment may be adopted.

Mr. TOWNSHEND. A single remark before the gentleman from Pennsylvania takes his seat. He says that information has come from the Department since the bill was prepared. I was a member of the subcommittee that prepared this bill; and I have not received a scintilla of evidence from the Department that there ought to be any change in this appropriation.

Mr. RANDALL (exhibiting a paper). Here is the letter.

Mr. TOWNSHEND. What is the character of the information?

Mr. RANDALL. There it is; read it.

Mr. TOWNSHEND. I understand that the only information furnished is a statement of the Commissioner of Internal Revenue as to the expenditures of the present year. The letter does not give any new light as to how much may be required for the next year. [Cries of "Vote!" "Vote!"]

Mr. RANDALL. I think we are quite safe in adopting the amendment.

The question being taken on the amendment of Mr. CABELL, it was agreed to.

Mr. RANDALL. I now move that the committee rise and report the bill and amendments to the House.

Mr. BUTTERWORTH. By inadvertence the compensation of the assistant treasurer at the city of Cincinnati was made $5,000 instead of $4,500, as it was intended to be. I ask by unanimous consent that that salary be made $4,500 instead of $5,000.

There was no objection, and it was ordered accordingly.

Mr. CANNON. Under the head of the Third Auditor's Office, Treasury Department, I move to strike out "six" laborers and insert "seven."

Mr. RANDALL. That is the addition of one laborer, and as there has been a reduction of twenty-two officers in that bureau I do not know that I should object.

The amendment was agreed to.

Mr. O'NEILL, of Missouri. I ask by unanimous consent that the increase of compensation of charwomen in the various Departments and in all instances be raised from $180 to $240.

Mr. RANDALL. The committee has inserted that increase in one place, and as these charwomen receive the smallest salaries, of course if it goes in one place it should go in all the other places.

Mr. O'NEILL, of Missouri. Then, as I understand it, there is no objection to the increase being made in all the Departments.

The CHAIRMAN. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. RANDALL. I now move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. RANDALL. I demand the previous question on the amendments.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. RANDALL. I am under obligation to ask for a separate vote on the increase of the subtreasurers in Boston, Chicago, San Francisco, and Saint Louis.

Mr. TOWNSHEND. There are other amendments the gentleman having charge of the bill [Mr. HOLMAN] mentioned on which he would ask separate votes.

Mr. RANDALL. I am under obligation only to ask for separate votes on the amendments I have indicated.

The SPEAKER. If there are any other amendments gentlemen will indicate them.

Mr. TOWNSHEND. I am unable to do so at this time.

Mr. WARNER, of Ohio. Let us have separate votes on all the amendments.

The SPEAKER. The Chair is advised there are more than a hundred amendments to the bill.

Mr. WARNER, of Ohio. I will not insist, then, upon separate votes upon all of them.

Mr. FELTON. If there are separate votes demanded upon the amendments increasing compensation of the subtreasurers I do not see why we should not also have separate votes on all the other amendments.

Mr. RANDALL. I ask only for separate votes on the four amendments I have indicated. Any gentleman can ask for a separate vote on any of these four amendments, but I should prefer, in order to save time, that the vote should be taken on all four at once, as they involve the same question.

Mr. FELTON. I withdraw the demand for separate votes on all the amendments.

Mr. BAYNE. I am willing so far as I am concerned the four amendments in reference to the subtreasurers should be voted on together.

The SPEAKER. The Chair will submit the question in reference to these four amendments together—that is, upon the amendments increasing the compensation of the subtreasurers at Boston, Chicago, Saint Louis, and San Francisco.

The House divided; and there were—ayes 67, noes 84.

Mr. FELTON. No quorum.

Mr. BAYNE. I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. FELTON. I withdraw the point of no quorum.

Mr. LONG. I insist upon it.

The SPEAKER appointed as tellers Mr. LONG and Mr. RANDALL.

The House again divided; and the tellers reported—ayes 63, noes 103.

So the four amendments were rejected.

Mr. RANDALL. Now, in reference to the increase of ten thousand at the New York subtreasury.

Mr. HEWITT. I suggest by unanimous consent that the language of my amendment be substituted for the language contained in the bill.

The SPEAKER. Is a separate vote demanded on the amendment?

Mr. RANDALL. It is.

The SPEAKER. Then the amendment will be read.

The Clerk read as follows:

Insert in line 1165, after the word "each:"

"For other clerks, messengers, and watchmen in addition to those herein provided for, as the exigencies of the public business may require, $10,000.

Mr. RANDALL. I understand the gentleman from New York asks unanimous consent to modify that by making it $6,000.

Mr. FELTON. I object.

Mr. RANDALL. I am willing, of course, that the lesser amount shall be incorporated, and then take a vote upon that.

Mr. HEWITT. I can not consent to that. Ten thousand dollars is required to do the work of this office.

Mr. RANDALL. It is altogether disproportionate to the others.

The question was taken; and on a division there were—ayes 39, noes 76.

Mr. SCOTT. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. SCOTT and Mr. RANDALL were appointed tellers.

The House again divided; and the tellers reported—ayes 38, noes 127.

So the amendment was not agreed to.

Mr. TOWNSHEND. I demand a separate vote on the amendment inserting the Carson City mint appropriation.

The Clerk read the amendment, as follows:

Add to the section the following:

"Mint at Carson, Nev.: For salary of superintendent, $3,000; for assayer, melter and refiner, and coiner, at $2,500 each; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each; chief clerk, at $2,250; cashier, book-keeper, and weigh clerk, at 2,000 each; abstract clerk and register of deposits, $1,800 each; assayer's computation clerk, $1,200; in all, $29,550. For wages of workmen and adjusters, $60,000. For incidental and contingent expenses, $25,000.

The question was taken; and on a division there were—ayes 86, noes 8.

So the amendment was agreed to.

Mr. RANDALL. I now ask a vote on the remaining amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887; and

A bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 5201) making an appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes.

REFERENCE OF A SENATE BILL.

The SPEAKER laid before the House the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and restore the same to settlement, and for other purposes; which was read a first and second time, and referred to the Committee on the Public Lands.

CONTESTED ELECTION—PAGE VS. PIRCE.

The SPEAKER also laid before the House testimony in the contested-election case of Page vs. Pirce; which was referred to the Committee on Elections, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. As there is an evening session fixed for the consideration of private bills to-night, and in view of the fact that we have had a long tug at this bill, I move that the recess be taken now. I do this at the instance of many gentlemen on both sides.

Mr. REAGAN. If no other appropriation bill is ready to be taken up I ask to take up the interstate-commerce bill.

The SPEAKER. But the gentleman from Pennsylvania has moved that the House now take a recess until 8 o'clock for the consideration of bills on the Private Calendar to which there is no objection, under the special order heretofore made.

Mr. WEAVER, of Iowa. I ask the gentleman to let us take up the Iowa forfeiture bill. It will not take twenty minutes.

Mr. RANDALL. It is entirely with the House to decide.

The question being taken on Mr. RANDALL'S motion, there were on a division—ayes 93, noes 19.

So the motion was agreed to; and accordingly (at 4 o'clock and 30 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the Clerk called the House to order at 8 o'clock p. m., and directed the reading of the following letter from the Speaker:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 16, 1886.

SIR: Hon. WILLIAM M. SPRINGER is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. SPRINGER). The Clerk will report the special order under which the session of the House is held this evening.

The Clerk read as follows:

Resolved, That Wednesday next the House will at 5 o'clock take a recess until 8 o'clock p. m., the evening session to be devoted to business on the Private Calendar to which there may be no objection, the session not to continue beyond 11 o'clock p. m.

CLAIMS.

Mr. WARNER, of Missouri. I have reported from the Committee on Claims the bill (H. R. 1357), which passed the Senate with amendments. The Committee on Claims unanimously recommend non-concurrence in the Senate amendments, and that a committee of conference be asked on the disagreeing votes of the two Houses. I ask that order may be made by unanimous consent.

Mr. WISE. I rise to make an inquiry. I understood the Private Calendar was to be called in regular order this evening?

The SPEAKER *pro tempore*. The rules require that the bills on the Calendar shall be called in regular order when the House is in Committee of the Whole.

Mr. WARNER, of Missouri. I make this request for unanimous consent before the House goes into Committee of the Whole.

The SPEAKER *pro tempore*. If there be no objection the committee will be discharged from the consideration of the Senate amendment to the bill indicated, the amendments will be non-concurred in, and a committee of conference will be asked.

Mr. ANDERSON, of Kansas. Let the bill be read.

The Clerk read the title of the bill, as follows.

A bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims.

Mr. MCMILLIN. Is that a general bill?

Mr. WARNER, of Missouri. It is a private bill, which passed the House last session. It relates only to two private claims, those of Joseph C. Irwin & Co. and C. A. Perry & Co.

There being no objection, the Committee of the Whole was discharged from the further consideration of the Senate amendments to the bill, the amendments were non-concurred in, and it was ordered that a conference be asked.

ORDER OF BUSINESS.

Mr. BUCHANAN. I move that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar under the special order heretofore made. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

Mr. SPRINGER. It is understood that this and the next three bills on the Calendar, also relating to private land claims, shall be passed over informally. There is no desire to consider them at this time.

The CHAIRMAN. If there be no objection this bill and the three following bills, H. R. 218, H. R. 3216, and H. R. 3235 will be passed over informally.

There was no objection.

The CHAIRMAN. The Clerk will report the next bill.

The next business on the Private Calendar was the bill (H. R. 2140) for the relief of the Columbia Bank, in Pennsylvania, reported adversely from the Committee on War Claims.

Mr. FLEEGER. The gentleman from Pennsylvania [Mr. HIESTAND], who has charge of this bill, is not present. I ask that it be passed over informally.

There was no objection.

Mr. ELY. I presume that bills passed over in this way retain their places on the Calendar?

The CHAIRMAN. That will be the inevitable result.

WILLIAM B. ISAACS & CO.

The next business on the Private Calendar was the joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co., reported by Mr. REID, of North Carolina, from the Committee on War Claims.

Mr. SPRINGER. I suggest, in order that we may have some uniformity of action, that the bills be first read and then a brief statement made or the report read before objections are called for.

The CHAIRMAN. If there be no objection that course will be taken.

Mr. WILLIS. I object.

Mr. BURROWS. We can not know what the subject is unless the bill is read.

Mr. WILLIS. If we are to have the Constitution of the United States read upon every bill we will never get through.

Mr. BURROWS. All I ask is that the bill be read, so that we may know what it is.

Mr. WILLIS. I have no objection to that.

Mr. SPRINGER. I ask that this joint resolution be read subject to to objection.

The joint resolution was read, as follows:

Resolved, &c., That the petition and claim of William B. Isaacs & Co. for certain assets claimed to belong to them, as successors in interest of certain banks of Virginia described therein, with the accompanying papers now on file in the House of Representatives, be referred to the Court of Claims for adjudication; that wherever papers or affidavits are made or executed by persons deceased not interested in the cause they shall be considered as evidence by the court and given such weight as they may deserve, but wherever the affidavits are of living persons the evidence shall be taken in the usual way, subject to cross-examination on behalf of the United States; that the court shall fully adjudicate upon the rights of the parties and the ownership of the property described in the petition, and render such judgment as to justice may obtain, upon finding the fact of ownership or right, either in the petitioners or in the United States, or any other persons, to said property. The said petitioners shall not be barred of relief in the said court by reason of any act of limitations; nor shall said petitioners be bound to make any oath or proof in said court except touching the right and justice of their claim. From any judgment rendered by the said court either party may, within ninety days from the rendition of such judgment, appeal to the Supreme Court of the United States in the manner provided by law in other cases of appeal from the Court of Claims.

The Committee on War Claims reported the following amendment:

Strike out all after the enacting clause and insert the following:

"That the petitions and claim of William B. Isaacs & Co. for certain assets claimed to belong to them, as successors in interest of certain banks of Virginia, described therein as having been taken by the Government of the United States in the month of August, 1865, with the accompanying papers now on file in the House of Representatives, being Miscellaneous Document No. 5, second session Forty-fifth Congress, be referred to the Court of Claims for adjudication; that wherever papers or affidavits are made or executed by persons deceased, not interested in the cause, they shall be considered as evidence by the court and given such weight as they may deserve, but wherever the affidavits are of living persons the evidence shall be taken in the usual way, subject to cross-examination on behalf of the United States; that the court shall fully adjudicate upon the rights of the parties and the ownership of the property described in the petitions, and, as matter of law, to whom it should be paid, and report said findings of fact and law to Congress for consideration. The said petitioners shall not be barred of relief in the said court by reason of any act of limitations."

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. SPRINGER. I should like to have a word of explanation about this bill, reserving the right to object. I understood this was simply a reference of this claim, under the general provisions of the Bowman act, to the Court of Claims for the ascertainment of the facts. But as I understood the reading of the amendment, it is referred to the Court of Claims for adjudication.

Mr. WISE. No, sir.

The CHAIRMAN. The Clerk will again report that portion.

The first portion of the amendment was again read.

Mr. SPRINGER. There is certainly an amendment required there. It should read that the claim is referred to the Court of Claims for judicial ascertainment of the facts, instead of "for adjudication."

Mr. WISE. I would like to call the attention of the gentleman from Illinois——

The CHAIRMAN. That will be a question of amendment after the bill is taken up for consideration. Is there objection to the consideration of this bill?

Mr. GEDDES. Mr. Chairman, that was the amendment made by the committee, and it certainly was so reported.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. SPRINGER. I shall object unless the gentleman agrees to the amendment I have indicated.

Mr. WISE. I have no objection to that, but I would like to state to the gentleman from Illinois [Mr. SPRINGER] that this merely provides for the submission of this case to the Court of Claims to ascertain the fact of ownership and report to this House. The bill does not undertake to appropriate any money, or to determine that this money, upon the adjudication of the court, shall be given to these claimants.

Mr. GEDDES. Let the amendment of the committee be read.

The CHAIRMAN. The amendment has been reported in full.

Mr. SPRINGER. I shall not object to the consideration of the bill if, as I understand, the gentleman from Virginia consents to the amendment I propose.

Mr. WISE. I have no objection to the amendment.

Mr. SPRINGER. Now, Mr. Chairman, I move to strike out the word "adjudication" and substitute the words "judicial ascertainment of the facts."

Mr. WISE. I do not object to that amendment, for that is exactly the intendment of the bill.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. SPRINGER].

The Clerk read as follows:

Strike out the word "adjudication," in line 11 of the proposed amendment of the committee, and insert in lieu thereof the words "judicial ascertainment of the facts."

Mr. ROWELL. I move to add to that the words "including the question of the loyalty of the claimants."

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ROWELL] to the amendment of the gentleman from Illinois [Mr. SPRINGER].

The amendment to the amendment was agreed to.

The amendment of Mr. SPRINGER as amended was then adopted.

The CHAIRMAN. The question is on the motion to lay this bill aside with the recommendation that it be reported favorably to the House.

Mr. BURROWS. Mr. Chairman, would it not be well for us to know what the bill is?

The CHAIRMAN. It has been reported once, but by unanimous consent it may be reported again.

Mr. BURROWS. Let us have the report read.

The CHAIRMAN. The gentleman from Michigan [Mr. BURROWS] asks for the reading of the report. The Clerk will read it.

The report (by Mr. REID, of North Carolina) was read, as follows:

The Committee on War Claims, to whom was referred a resolution (H. Res. 67) for the relief of William H. Isaacs & Co., beg leave to report that the questions involved in this resolution were, by the action of the House in the Forty-fifth Congress, referred to the Committee on the Judiciary, and a favorable report was made thereon, but no action taken by the House. That in the Forty-sixth Congress like action was taken, and again a favorable report was made thereon. In the Forty-seventh Congress it was referred to the Committee on War Claims, who made a favorable report thereon, but in neither case did the resolution have action by the House.

The facts in this case have been so often and so fully reported that your committee have adopted in the main the report from the Judiciary Committee of the Forty-fifth Congress, as setting forth accurately the facts involved.

That it appears from the papers referred with said petition that on the evacuation of Richmond, on the 2d of April, 1865, the Bank of Virginia and the Farmers' Bank of Virginia withdrew from their said banks about $450,000 in gold and silver coin and bullion, principally, however, in gold coin, and proceeded with said treasure, under the care of certain officers of said banks, to Washington, in the State of Georgia; that on the 24th day of May, 1865, the said officers of said banks, together with said treasure, set out with a wagon-train from Washington, Ga., for Richmond, having the proper permit and safe-conduct for so doing, issued by General M. B. Patrick, provost-marshal-general; that some time during the night of the 24th of May, 1865, being encamped near the Savannah River, about 18 miles from Washington, Ga., they were attacked by an armed cavalry force and their surrender demanded. They claimed the protection guaranteed them under the safe-conduct or pass of General Patrick, which was disregarded, and, under threat of death, they were obliged to submit to being pillaged. These robbers succeeded in carrying away about $250,000 in gold and silver coin and bullion of the said $450,000. The following day that portion of the treasure train left intact proceeded on its way to Richmond, and finally arrived there.

The next day following the robbery the bank officers remaining behind recovered about $110,000 of the treasure of the $250,000 of which they had been pillaged the previous night, and carried the same to Washington, Ga., and placed it on deposit with the cashier of the Bank of Washington, where it remained under the care and custody of the said officers of said Richmond banks until the latter part of July, 1865, at which time, having procured a pass and safe-conduct from General Steedman, in command of that district, with headquarters at Augusta, Ga., said officers proceeded with said $110,000 from Washington to Augusta. That about the 1st of August said bank officers arrived in Augusta with said $110,000 and placed it on deposit in one of the Augusta banks, where it remained under the control and within the possession of said officers of said Richmond banks until the latter part of August, 1865, at which time General Steedman, in obedience to instructions from the authorities at Washington, D. C., requiring the delivery of said $110,000 to a United States Treasury agent, who had been sent to Augusta, Ga., took possession thereof and delivered it to said Treasury agent, who thereupon transported the same to Washington, D. C., and placed it in the United States Treasury.

That soon thereafter the officers of said Richmond banks proceeded to Washington, D. C., and presented their petition in writing to the President of the United States and the Secretary of the Treasury, setting forth that said treasure was the private property of said banks, and that they were entitled to have the same returned to them. That after a full investigation of all the facts in connection with the matter the President of the United States, the Secretary of the Treasury, and the Attorney-General decided that said treasure was the private property of the said banks, and that they were legally entitled to have the same turned over to them; and the necessary directions were given therefor. That, notwithstanding this decision, subsequently a joint resolution was introduced in the House of Representatives on the 22d of March, 1867, providing for the covering of said gold and silver coin and bullion into the Treasury of the United States, which said resolution passed the House on the day on which it was introduced, and passed the Senate the following day.

From that day to the present the owners of said treasure have been endeavoring to secure the return of said treasure to its legal owners.

That in June, 1871, under and by virtue of decrees made by the circuit court of the United States at Richmond, the assets of said banks were sold for the benefit of the creditors of said banks. That among the assets so sold was the claim of said banks for said $110,000 of gold and silver coin and bullion. That at said sale William B. Isaacs & Co. became the purchasers, for the benefit of themselves and others as creditors of said banks. That by virtue of said sale said William B. Isaacs & Co. have become the successors in interest of said banks in and to said treasure.

The question for determination is, was said treasure, at the time it was so taken possession of by the United States at Augusta, the private property of said banks? If it was, then your committee agree that the said banks or their legal representatives are justly entitled to receive from the United States the value thereof. In the judgment of your committee it is deemed the better course to refer the question of ownership of said treasure for determination to the Court of Claims.

Your committee have agreed to the accompanying bill, which provides for a reference of this case to the Court of Claims for its investigation.

Upon the case thus stated there would seem to be little or no doubt that the money so taken should be paid over to the petitioners, Messrs. Isaacs & Co. But there must have been evidently another side to this case, which your committee have no means of investigating.

The story of the petitioners, as above recited, is supported very fully by *ex parte* affidavits and some documentary evidence, which, if they state all the facts, would compel the judgment of the committee. Yet your committee do not fail to see that there must have been some other side to this story to have required or induced the action of Congress; some representations must have been made to Congress that should have induced both branches to have taken the very prompt action which they did in this case, and the President of the United States to approve the bill covering this money into the Treasury of the United States. That side of the case has not been presented to your committee, and if it were we have no proper and adequate means of investigating it, or the truth of the very clear *prima facie* case made by the petitioners. If the latter case should be fully sustained, upon thorough and impartial investigation, then it seems clear to your committee that the petitioners would be entitled to relief. This seems, therefore, to be one of that class of claims which should be investigated by a judicial court, with a view that the rights of both the United States and the petitioners should be ascertained and determined upon by evidence taken under all the safeguards that the law requires in the investigation of rights by the courts.

Therefore your committee recommend the passage of the joint resolution as amended.

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. WISE. Mr. Chairman, I ask unanimous consent of the House to have a reconsideration of the amendment offered by the gentleman from Illinois [Mr. ROWELL] with reference to loyalty. I think that if the House will allow me to make a statement they will see that that amendment is destructive of the whole bill, and that with the amendment retained there would be no use in passing the bill. Further, I think the House will agree with me that it is unjust to pass the bill with that amendment.

The only question involved in the case is as to whether these parties, William B. Isaacs & Co., as the successors of the Virginia banks, are the owners of certain moneys which were taken out of their possession on the 23d day of August, 1865, not captured, not abandoned, but taken from them at a time when there was not in the United States one armed confederate soldier, taken from them after this money in their possession had been deposited in a bank at Augusta, Ga., under the safe-conduct of an officer of the United States, General Patrick, with the approval of General Steedman and General Terry. After it was taken from them, investigation was made by direction of the then President of the United States, the Government being represented by three of the ablest lawyers at that time in the District of Columbia; the question as to whether the property belonged to these banks was fully investigated, and after thorough investigation it was determined that it did belong to them.

Mr. ROWELL. Will the gentleman permit me a suggestion?

Mr. WISE. Certainly.

Mr. ROWELL. This bill proposes to refer this case to the Court of Claims for the ascertainment of all the facts, and requires the court to report to Congress their conclusions of fact and of law.

Mr. WISE. Certainly.

Mr. ROWELL. No money can be paid under this bill until further action by Congress.

Mr. WISE. I understand that.

Mr. ROWELL. Then it will not do any harm to have the character and standing of these parties certified to Congress by the court?

Mr. WISE. But, my dear sir, the question of loyalty does not come in here at all. The simple question is whether this property belonged to them. There was as much right to take my money——

Mr. ROWELL. If the case is as the gentleman states, will not Congress find that way after we get the facts?

Mr. WISE. But the amendment of my friend, as the House will see, would deny to these claimants the right to go into court to prove their ownership of this property if they had taken part in the rebellion.

Mr. ROWELL. That would be the case under the Bowman act, but not under this bill.

Mr. WISE. But by this amendment you propose to say that they shall not go into court unless they establish their loyalty.

Several MEMBERS. Oh, no.

Mr. WISE. What was the gentleman's amendment?

Mr. ROWELL. My amendment provides that the court should report to Congress on that question, with the other facts in the case.

Mr. WISE. Then I have no objection whatever to the amendment of my friend. I misunderstood its purport.

The question being taken, the bill was laid aside to be reported to the House with a recommendation that it do pass.

ORDER OF BUSINESS.

Mr. ZACH. TAYLOR. Mr. Chairman, I ask that gentlemen who desire to reach particular bills be allowed to call them up out of the regular order.

Several MEMBERS. That is right.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. ZACH. TAYLOR. I ask unanimous consent that this method of procedure be adopted.

Mr. BUCHANAN. In view of past experience I shall have to object. I will not object to a series of unanimous consents; but I object to that being made the standing order for the evening.

J. A. WILSON.

Mr. ZACH. TAYLOR. I ask unanimous consent to take up for consideration the bill (S. 16) for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased. This bill is on page 37 of the Calendar. It is for the payment of a small claim, which has been passed repeatedly by first one and then the other branch of Congress, but which has never passed both Houses during the same Congress.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased, late of Hardeman County, Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of $3,478, in full compensation for supplies furnished to the Union Army by the said Gregory Jarratt, deceased, in said county, in 1862 and 1863.

The CHAIRMAN. Is there objection to the present consideration of this bill? The Chair hears none.

Mr. SPRINGER. I call for the reading of the report.

Mr. ROWELL. If my colleague will permit, I think I can state the facts in this case more briefly than they are stated in the report, as I had occasion once to examine the claim. This case is here because of a little accident which happened in connection with it in the Quartermaster-General's Office.

Gregory Jarratt, for whose property in the form of supplies taken by the Union Army this bill proposes to make compensation, was at the time an old pensioner and a loyal man, but when the Quartermaster-General's Department wrote down to Tennessee to a very prominent loyal man there inquiring in regard to Mr. Jarratt, the reply was sent back that he was a disloyal man. This statement was founded on a mistake, by which Gregory Jarratt was confounded with another man of similar name. From that time the Quartermaster-General refused to consider the case. Payment ought to have been made long ago for the supplies taken from this loyal man; and payment would have been made in the Quartermaster's Department but for the mistake of Colonel Hurst in confounding Gregory Jarratt with another person bearing a similar name.

Mr. SPRINGER. Did my colleague [Mr. ROWELL] examine the facts?

Mr. ROWELL. I did examine the whole case very thoroughly and closely in the last Congress.

Mr. SPRINGER. Then I am satisfied that the claim is a proper one.

Mr. RICHARDSON. Allow me to add that, as a member of the Committee on War Claims, I made the report upon this case at the present session, and can confirm the statement of facts as made by the gentleman from Illinois [Mr. ROWELL].

The question being taken, the bill was laid aside to be reported to the House with a recommendation that it do pass.

HENRY S. COHN.

Mr. ROBERTSON. I ask unanimous consent to call up the bill (H. R. 917) for the relief of Henry S. Cohn.

The bill was read, as follows:

Be it enacted &c., That the Paymaster-General of the Army be, and is hereby, authorized and directed to pay to Henry S. Cohn, late of Company G, One hundred and sixth Ohio Volunteer Infantry, the full pay and emoluments of a second lieutenant of infantry from the 15th of February, 1863, to the 22d of May, 1863, deducting therefrom all pay received by him from the Goverment as first sergeant for that period.

Mr. SPRINGER. This bill, I believe, involves the payment of only $130.

Mr. ROBERTSON. That is all. The bill is all right.

The question being taken, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARTIN L. BUNDY.

Mr. BROWNE, of Indiana. I ask unanimous consent, for the first time in my life I believe, to put a bill on its passage. It is not one that will cost the Government a penny. It is the bill (S. 365) for the relief of Martin L. Bundy.

A MEMBER. On what page of the Calendar is it?

Mr. BROWNE, of Indiana. I believe it is not on the Calendar, having been reported only yesterday. The report from the Committee on War Claims was unanimous; and if the Committee of the Whole will indulge me just two minutes for an explanation I will withdraw my application for the passage of the bill should there be any objection to it.

Mr. SPRINGER. Does the gentleman say the bill is not before the Committee of the Whole?

Mr. BROWNE, of Indiana. I say it is not on the Calendar.

The CHAIRMAN. The Clerk informs the Chair that the bill is on the Calendar.

The bill was read, as follows:

Be it enacted, &c., That in the settlement of the accounts of Martin L. Bundy, late a paymaster in the United States Army, the proper accounting officers shall allow the sum of $719.47, being for the forage of two horses, to which he was entitled, and which was not drawn by him, from the 17th day of July, 1862, to the 15th day of April, 1865.

Mr. BROWNE, of Indiana. I can state this case in a few minutes. Maj. Martin L. Bundy was a volunteer paymaster in the United States Army, and distributed as much money perhaps during the four years of his service as any man who was engaged in that department.

At the end of his term he made a settlement with the department. He received a receipt in full. Seven or eight years afterward it was ascertained, or at least claimed, that he had received duplicate credit for one of the vouchers, amounting to $552. I went to the Treasury Department to see if under the circumstances they would not remit it, Major Bundy in the mean time having become involved pecuniarily. They said it would not be possible to do that. On examination it was ascertained he was entitled to commutation of forage under the law for about forty-four months, amounting to $728, and on the suggestion of the Treasury Department a bill was introduced simply to allow him to recoup the claim for forage against the claim of the Government which had been made. And while the sum of $200 is due to Major Bundy under this bill, he will be allowed simply to extinguish this claim of $552.

Mr. SPRINGER. I am satisfied with the gentleman's explanation.

Mr. BROWNE, of Indiana. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

WELLS C. M'COOL.

Mr. BUCHANAN. I call for the regular order of business.

The CHAIRMAN. The regular order is called for, and the Clerk will report the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 3930) for the relief of Wells C. McCool.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. SPRINGER. Read the bill.

Mr. BAYNE. I ask by unanimous consent bills be considered in their regular order on the Calendar, and that unless some gentleman asks for the consideration of a bill it be informally passed over.

Mr. ANDERSON, of Kansas. Does the gentleman mean that the bill shall be passed? [Cries of "No!" "Regular order!"]

The CHAIRMAN. The regular order is called for, and the Clerk will report the bill.

Mr. SPRINGER and Mr. BAYNE rose.

The CHAIRMAN. The Clerk will report the bill, as the regular order is called for.

Mr. BAYNE. I think, perhaps, my proposition was not understood.

The CHAIRMAN. It was submitted by the Chair, and the regular order was called for.

Mr. BAYNE. It was not understood.

The CHAIRMAN. That was not the fault of the Chair.

The bill was read, as follows:

Whereas on the 1st day of December, A. D. 1862, Wells C. McCool, formerly of Guthrie County, State of Iowa, and now of the city of Salem, in the State of Nebraska, was regularly mustered into the service of the United States as first lieutenant of Company A, Twenty-ninth Iowa Infantry Volunteers; and

Whereas on the 25th day of February, A. D. 1863, he was senteneed by a court-martial to be dismissed from the service of the United States, with the loss of all pay and allowances; and

Whereas he has never received any portion of his pay and allowances as such lieutenant; and

Whereas the said sentence of said court-martial was not approved or promulgated until about April 30, 1863; and

Whereas said McCool was therefore kept in the service until that time; and

Whereas on the 12th day of September, A. D. 1863, the said Wells C. McCool re-enlisted in said Company I, Twenty-ninth Iowa Infantry Volunteers, as a private soldier, and served faithfully as such until the close of the term of service of his said company, and was mustered out with his company and regiment on the 10th day of August, A. D. 1865; and

Whereas the slight act of insubordination which caused his dismissal was his only unsoldierly act during his entire term of service; and

Whereas his disabilities on account of said dismissal were removed by the President of the United States on the 22d day of August, 1867; and

Whereas he was afterward commissioned by the governor of Iowa as an officer in the State troops of said State, and faithfully served as such until his removal from the State: Therefore,

Be it enacted, &c., That there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $542.50, the amount of the pay and allowances of Wells C. McCool as first lieutenant of Company I, Twenty-ninth Iowa Volunteer Infantry, from December 1, A. D. 1862, to April 30, 1863, to be paid by the proper officers of the United States to the said Wells C. McCool, his heirs, executors, administrators, or assignees: *Provided*, That the same be accepted as in full of all claims against the United States for the military services of said Wells C. McCool down to the date of the passage of this act.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Mr. BAYNE. I now ask by unanimous consent that the Calendar be called in regular order, and that each bill as it is reached be passed over informally, not to lose its place on the Calendar unless some gentleman rises and asks for its consideration.

Mr. KLEINER. This is the regular order.

Mr. BAYNE. Yes, it is in the regular order upon the Calendar; but if its consideration is not asked for, under my proposition it will be passed over informally.

The CHAIRMAN. Is there objection to the proposition that the Calendar shall be called in regular order, and unless the consideration of a bill shall be asked for when it is reached it shall be passed over informally? Is there objection to that proposition?

Mr. DUNHAM. I wish to ask this question: Has a request been submitted to-night that members present shall be permitted to call up bills on the Calendar whenever recognized by the Chair?

The CHAIRMAN. That has been submitted and objected to.

Mr. TAULBEE. Will that bring up bills to which there is objection?

The CHAIRMAN. It will not.

Mr. TAULBEE. I hope consent, then, will be given.

The CHAIRMAN. Is there objection to the proposition?

There was no objection, and it was ordered accordingly.

Mr. SPRINGER. I desire to ask the gentleman who submitted the report in this case whether this pay is for any part of the time when he was absent from his regiment on leave?

Mr. KLEINER. The report shows the facts.

Mr. LYMAN. This man was in my regiment and was not absent for a day.

Mr. KLEINER. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

The next business on the Private Calendar was the joint resolution (H. Res. 82) for the relief of Luther F. Worder.

Mr. HEARD. I ask that this joint resolution be considered.

The joint resolution was read at length.

Mr. FELTON. I object to its consideration.

Mr. MATSON. Mr. Chairman, I would suggest that the gentleman state briefly the ground of his objection.

The CHAIRMAN. The gentleman from California has the right to object without specifying any ground under the order for this evening's session.

The joint resolution is not before the House, and the Clerk will report the next bill.

The next business on the Private Calendar was the bill (H. R. 1773) for the relief of James J. Johnston.

Mr. LEHLBACH. I ask unanimous consent that that bill lie over, and that the House take up the bill H. R. No. 4594, which is also a patent case——

Several Members demanded the regular order.

Mr. ANDERSON, of Kansas. I shall object to any bills extending patents at this time.

The CHAIRMAN. The request of the gentleman from New Jersey could only be granted by unanimous consent, and the regular order is demanded.

The next business on the Private Calendar was the bill (H. R. 200) for the relief of Henrietta H. Cole.

Mr. ANDERSON, of Kansas. I object to the consideration of that bill.

The next business on the Private Calendar was the joint resolution H. Res. 60, reported adversely from the Committee on Military Affairs.

Mr. SPRINGER. I object to its consideration.

Mr. CUTCHEON. I think, possibly, if the committee understood the adverse report this joint resolution might be passed.

The CHAIRMAN. There is objection to its consideration.

The next business on the Private Calendar was the bill H. R. 4235, reported adversely from the Committee on Military Affairs.

Mr. SPRINGER. I object to the consideration of that bill.

SILAS QUACKENBUSH.

The next business on the Private Calendar was the bill (H. R. 528) for the relief of Silas Quackenbush.

Mr. WARD, of Indiana. I ask that this bill be considered now.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Silas Quackenbush, of Tipton County, in the State of Indiana, out of any money in the Treasury not otherwise appropriated, the sum of $850, for money paid by said Quackenbush for a substitute during the late war for the Union.

Mr. SPRINGER. Let the report be read.

Mr. WARD, of Indiana. I am satisfied that I can submit a statement to the committee which will take less time than the reading of the report.

Silas Quackenbush is a resident of Tipton County, Indiana. In November, 1864, he was drafted into the military service of the United States and went in response to that draft. He did not go into the Army,

but went to Indianapolis and procured a substitute and paid him $850. The substitute was mustered into the naval service and served throughout the war. After that, and under the same draft, through some mistake or fraud on the part of the mustering officers, Quackenbush was drafted into the Army, and though he had paid the substitute who was still serving, he was forced to go into the Army, and served until February, 1864.

At that time he was honorably discharged. He protested against being mustered into the service and went not voluntarily, his substitute being still there. The substitute served throughout the war, and the man who had sent him, Mr. Quackenbush, was compelled also to go.

Mr. HENDERSON, of Iowa. What is the amount of the claim?

Mr. WARD, of Indiana. Eight hundred and fifty dollars.

Mr. HENDERSON, of Iowa. Is the report unanimous?

Mr. WARD, of Indiana. Yes, sir.

The bill was laid aide to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. SOWDEN. I ask unanimous consent to return to the bill (H. R. 4235) directing the Secretary of the Treasury to prepare medals of honor to be bestowed upon certain Pennsylvania volunteer soldiers of the late war. This was passed over when my attention was momentarily drawn away, and I did not hear the statement of the Chair when objection was called for. I hope unanimous consent will be given to return to it.

The CHAIRMAN. The Chair is informed that the bill was reported and was objected to.

Mr. ERMENTROUT. I think my colleague is entitled to consideration in this matter.

Mr. SPRINGER. I think this privilege should be accorded to the gentleman under the circumstances.

The CHAIRMAN. The gentleman from Illinois himself objected.

Mr. SPRINGER. I objected because it was adversely reported, and I did not hear any gentleman request to take it up.

The CHAIRMAN. It can only be done by unanimous consent. Is there objection?

Several MEMBERS. Regular order.

The next business on the Private Calendar was the bill (H. R. 527) for the relief of William Pike.

Mr. WARD, of Indiana. That bill and the succeeding one are identically the same with the claim just passed. The same facts are embodied in these two bills and the one a little lower down on the Calendar. These men were all from the same county and there were four of them. If it is just and equitable to pass the case which has just been passed, it is proper to pass this and the next one to it.

Mr. SOWDEN. I object to the present consideration of this bill.

The next business on the Private Calendar was the bill (H. R. 529) for the relief of George W. Baldwin and others.

Mr. WARD, of Indiana. I ask consideration of this bill. The facts are just the same as in the last bill passed.

Mr. SOWDEN. I object to the consideration of the bill.

Mr. BUCHANAN. Mr. Chairman, inasmuch as the committee will evidently be subjected to a system of retaliation I ask unanimous consent that we return to the bill (H. R. 4235), which was objected to.

Mr. HEARD. I object. If we are to be bulldozed by one member in disregard of our rights, let us know the fact and adjourn.

The next business on the Private Calendar was the bill (H. R. 2033) granting the franking privilege to Julia D. Grant.

Mr. SOWDEN. I object to the consideration of this bill.

Mr. SPRINGER. Allow me to make a statement. I want to appeal to my friend from Pennsylvania——

Mr. PRICE. Regular order.

Mr. SPRINGER. Well, Mr. Chairman, if the gentleman from Pennsylvania is going to object to all of these bills, I move that the committee rise.

The question was taken; and on a division there were—ayes 20, noes 54.

So the motion was not agreed to.

The CHAIRMAN. The Clerk will report the next bill.

Mr. HENDERSON, of Iowa, addressed the Chair.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HENDERSON, of Iowa. I rise to make a request for unanimous consent. It is perfectly obvious we will have to abandon this situation unless we can reach harmony among our members. It is known to many of us that the bill which the gentleman from Pennsylvania [Mr. SOWDEN] desired to call up was passed over because the gentleman did not hear when the Clerk read the title. I ask unanimous consent that we return to that bill.

Mr. FELTON. I object.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read the title of the next bill, as follows:

A bill (H. R. 2053) for the relief of Rachael J. Floyd.

Mr. GALLINGER. I ask for the consideration of that bill.

Mr. WEAVER, of Iowa. I ask unanimous consent to make a statement.

The CHAIRMAN. That is not in order. The Chair has recognized the gentleman from New Hampshire [Mr. GALLINGER], who asks for the consideration of the bill H. R. 2053.

Mr. DUNHAM. I desire to ask a question for information. What has become of the bill which proposed to grant the franking privilege to Mrs. Grant?

The CHAIRMAN. That was objected to.

Mr. DUNHAM. I desire to have it stated to the House who the gentleman was that made that objection.

The CHAIRMAN. The gentleman has no right now to have that stated. The Clerk will report the bill the consideration of which is called for by the gentleman from New Hampshire [Mr. GALLINGER].

The bill was read.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. SOWDEN. I object.

Mr. WEAVER, of Iowa. I ask unanimous consent to make a brief statement.

There was no objection.

Mr. WEAVER, of Iowa. It is always well to do as we would like to be done by. I do not think we should proceed further until the gentleman from Pennsylvania [Mr. SOWDEN] is allowed to make a statement. I think he ought to be heard.

The CHAIRMAN. Is there objection to the gentleman from Pennsylvania making a statement?

There was no objection.

Mr. SOWDEN. I did not come here to-night with the purpose of interfering with the transaction of the public business for which the House has convened. But when I found that the committee was engaged in the consideration of a bill four bills ahead of the bill (H. R. 4235), to which my colleague [Mr. ERMENTROUT] and myself were preparing an amendment and through the preparation of which we failed to hear the calling of the bill when it was passed over, we first detected this when House bill 528 was being considered; and after this bill had been disposed of I immediately arose with the view of calling the committee's attention to the manner in which House bill 4235 had been passed without our observing it when an objection was made and the regular order demanded, and we thus denied even the courtesy of an explanation. This we deemed an injustice and our excuse for objecting to the consideration of these bills.

Mr. ERMENTROUT. What the gentleman has just stated is strictly correct.

Mr. SOWDEN. Now, I say this bill is a meritorious one, and is worthy of consideration; and the fact of my not having heard the announcement that it had been reached ought not to militate against those interested in the passage of this legislation. Therefore it was I asked unanimous consent to call it up for consideration at this time.

Mr. ERMENTROUT. Ask it now.

Mr. ANDERSON, of Kansas. I ask unanimous consent, in view of the statement that has just been made by the gentleman from Pennsylvania [Mr. SOWDEN], that we return to that point in the Calendar, to the bill (H. R. 4235), and then proceed as we have been doing in order from that point.

Mr. TAULBEE. That is right.

The CHAIRMAN. The gentleman from Kansas asks that the committee return to the point indicated, to the bill designated by the gentleman from Pennsylvania, and proceed from that point. Is there objection?

There was no objection.

MEDALS FOR PENNSYLVANIA VOLUNTEER SOLDIERS.

The bill (H. R. 4235) directing the Secretary of the Treasury to prepare medals of honor to be bestowed upon certain Pennsylvania volunteer soldiers of the late war was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to cause to be prepared a medal of honor, with suitable devices, to be bestowed upon each of the surviving soldiers of the Logan Guards, of Lewistown, Pa.; Allen Infantry, of Allentown, Pa.; Washington Artillery, of Pottsville, Pa.; National Light Infantry, of Pottsville, Pa.; and the Ringgold Light Artillery, of Reading, Pa., they having been the first to respond to the President's call for troops of date April 15, 1861, having been mustered in at Harrisburg, Pa., on April 18, 1861, and reported for duty at Washington on the same day.

Mr. SPRINGER. I reserve the right to object till the report has been read.

Mr. SOWDEN. I call for the reading of the report.

Mr. ERMENTROUT. I suggest that the reading of the report is not necessary. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] called for the reading of the report, reserving the right to object.

The Clerk proceeded to read the report from the Committee on Military Affairs (by Mr. NEGLEY), as follows:

The Committee on Military Affairs, to whom were referred House bill 4235 H. Res. 60, and petition of Lieutenant-Colonel Muzzy and others, beg leave to submit the following report:

Each of the foregoing references contains an eloquent appeal to Congress to bestow, in a fitting manner, a badge of personal distinction on the survivors of the Logan Guards, Allen Infantry, Washington Artillery, National Light Infantry, and the Ringgold Light Artillery, volunteer organizations of Pennsylvania, who marched in advance of the other troops to the defense of the capital in

April, 1861. A like honor is requested by the survivors of the "forlorn hope," formed by General Banks preparatory to the storming of Port Hudson, La., in June, 1863.

Mr. ROWELL. I think the Clerk is not reading the right report. This refers to the joint resolution (H. Res. 60) which has been passed over.

The CHAIRMAN. The Clerk informs the Chair that the same report applies both to the bill and the joint resolution.

The Clerk continued the reading, as follows:

That it would be an eminently just expression of patriotism and profound wisdom for the Government, which owes its existence to the unfaltering loyalty, patriotic zeal, and high moral courage of those who first entered the path of duty in defense of the laws and to preserve the Union in that eventful hour when the nation first realized its peril and its duty no one will deny; still less will any true friend of liberty or lover of his race question the justice or propriety of the Government rewarding, in a spirit of immeasurable gratitude, the services of the men who knew no sacrifice too great to achieve success for our arms.

The inquiry under consideration is whether at the present time the distinction sought for can be granted with impartial discrimination, and whether a votive gift of this character from a great nation would do deserved honor to the dead as well as to the living, according to the sphere of action of each individual, not only in the commands enumerated, but all others. We fear not. However sacred the duty, it does not lie within the scope of the law, or that of sweet persuasion, to summon to an earthly recompense the men who felt the sharp agony of death on the battlefield, or who perished in pitiless despair from the savagery of the prison-pen, or who felt the crimson current of life slowly ebbing away without a soothing hand to bind their wounds or moisten their feverish lips with a drop of water. Neither can we deal with the individuality of the many who disappeared on the march, beneath swift waters, hidden by the smoke of the skirmish line, and, beyond the simple word "missing," have passed into the realm of the unknown.

A long sweep of years have disappeared in the abyss of time since that golden-hued morning when the Angel of Peace stood in the dawn of the new era and showered her benign blessings upon those who lost and those who won.

Mr. ANDERSON, of Kansas. I ask that the further reading of the report be dispensed with. We have got the facts.

A MEMBER. This is now the rhetoric.

The CHAIRMAN. The reading of the report was called for, the right to object being reserved.

Mr. SPRINGER. My only object in calling for the reading of the report was to learn whether the Military Committee had good reason for reporting adversely.

Mr. SOWDEN. It is a misnomer to call this an adverse report, as the reading of it will show.

Mr. ROWELL. I am told it was reported back with an adverse recommendation unanimously.

Mr. MATSON. I ask if the fact that there was an adverse report is not in the nature of an objection?

Mr. MILLIKEN. I understand there is a dispute whether the report was adverse or not in this case.

The CHAIRMAN. The Chair is of opinion an adverse report is not *per se* an objection in contemplation of the order made.

Mr. CUTCHEON. It is certainly an adverse report against the granting of the gold medals.

The Clerk continued the reading of the report:

The battle-riven standards, which were hallowed by the love and devotion of the old soldiers, have been enwrapped with tender care and folded away among the nation's heir-looms; but why should any member of the old guard entertain the fear of being forgotten? The aims, the statesmanship, and martial dignity of a nation are nothing more than a truthful reflection of the lives and meritorious deeds of the men who stood in the ranks of its defenders. The historian who gleans after the tempest of battle and who lays his sheaves of homage on the altar of truth is the only faithful artificer of *personnel* of the contending armies. The only inheritance a brave soldier can translate into immortality is the record of his services in defense of truth, liberty, and humanity. Every life given up in obedience to the commands of the state is another golden thread added to the warp destiny is busily weaving for the nation. The irresistible and ever-expanding influences of a higher civilization and a broader Christianity sown in the conscience of the American people by the war will sanctify and glorify the services of the men who solved by the stern arbitrament of the sword whether a popular government had the inherent power to resist and survive the greatest civil war since the mediæval ages. The memory of the chivalrous sons of every period live in deeds and not in testimonials. The brief inscription, "Stranger, go tell the Lacedæmonians that we lie here obedient to their commands," has remained like a perennial monument on the plains of history, when all the other trophies set up to honor Leonidas and his forlorn hope have been washed away by the flood of centuries.

Mr. GLOVER. I desire to make a parliamentary inquiry. How much longer is that report?

The CHAIRMAN. That is not a parliamentary inquiry.

The Clerk resumed and concluded the reading of the report, as follows:

In after years, when the pride of race, love of country, and the convictions which will flower and fruit on our tree of knowledge shall subdue the demons of ignorance and prejudice, each generation will thank the Giver of all Good that the Union was saved and the "government of the people" was preserved for the people. In that day the names appended to the petitions before us and those of their comrades will appear in letters of living light.

In conclusion, we respectfully recommend that the bills and petitions herein referred to be laid on the table, and that this, the unanimous report of the Committee on Military Affairs, be spread on the pages of the CONGRESSIONAL RECORD.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. MOFFATT (in his seat). I object.

Mr. STEELE. The gentleman did not rise in his place and object.

The CHAIRMAN. Does the gentleman object to the consideration of this bill?

Mr. MOFFATT (still in his seat). Yes, sir.

Mr. STEELE. I insist upon the point of order that no gentleman has risen in his place and objected.

Mr. MOFFATT. Mr. Chairman, if it is understood that an immediate vote can be taken on this bill I will withdraw the objection.

Mr. ERMENTROUT. There will be no trouble about that. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. Is the objection withdrawn?

Mr. MOFFATT. Yes, sir.

Mr. ERMENTROUT. I have offered an amendment to the bill.

Mr. JOHNSTON, of Indiana. Let it be reported. I do not want to object to the consideration of this bill, but this report is made——

A MEMBER. Let us hear the amendment.

Mr. JOHNSTON, of Indiana. I have the floor.

The CHAIRMAN. Does the gentleman from Indiana object to the consideration of the bill?

Mr. JOHNSTON, of Indiana. I wish to state, Mr. Chairman, that this report is made by Mr. NEGLEY, a member from the State that is to be benefited. I think it but proper that he should be present when this report is considered, and upon that ground I object.

Mr. ERMENTROUT. He might stay away forever.

The CHAIRMAN. The gentleman from Indiana objects. The Clerk will report the next bill.

Mr. PAYNE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PAYNE. The chairman of the Committee of the Whole had stated the question to the committee, no objection was made, and the gentleman from Pennsylvania [Mr. ERMENTROUT] offered an amendment. Pending that amendment this objection was made, and my point is that it was made too late.

The CHAIRMAN. The Chair understood that the gentleman from Indiana [Mr. JOHNSTON] was on his feet awaiting recognition to object.

Mr. RANDALL. No; it was another gentleman behind him.

Mr. ANDERSON, of Kansas. The gentleman from Pennsylvania [Mr. ERMENTROUT] had been recognized by the Chair to offer an amendment.

Mr. ERMENTROUT. Yes; and I had sent it to the Clerk's desk.

The CHAIRMAN. The Chair had not stated the proposition to the committee.

Mr. PAYNE. I understood the Chair to do so.

The CHAIRMAN. But the gentleman from Indiana [Mr. JOHNSTON] was on his feet seeking recognition.

Mr. ERMENTROUT. The Chair was about putting the question on my amendment.

The CHAIRMAN. The Chair understood the gentleman from Indiana [Mr. JOHNSTON] to be on his feet seeking recognition to object.

Mr. JOHNSTON, of Indiana, again rose.

The CHAIRMAN. Does the gentleman withdraw his objection?

Mr. JOHNSTON, of Indiana. If these gentlemen will sit down and behave themselves, I will withdraw the objection. [Laughter.]

The CHAIRMAN. Does the gentleman withdraw his objection?

Mr. JOHNSTON. Whenever they keep quiet I will.

The CHAIRMAN. The gentleman does not withdraw his objection. The Clerk will report the next bill.

Mr. JOHNSTON, of Indiana. I withdraw the objection, Mr. Chairman.

The CHAIRMAN. The objection is withdrawn. The Clerk will report the amendment offered by the gentleman from Pennsylvania, Mr. ERMENTROUT.

The Clerk read as follows:

And that the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury for the foregoing purpose.

Mr. WEBER. Mr. Chairman, I would not take up a moment of the time of this committee if I supposed that this proposition would be voted down, but as there is some danger that it may be voted the other way, I desire to make a very brief statement. I think that the proposition to grant medals to our volunteer soldiers is rather a dangerous one; I think it is opening a wide door; but if we do it at all, let us at least crown those soldiers who are best entitled to such recognition. The parties who will be decorated according to this proposition are men who never made an attack upon Port Hudson.

Mr. SOWDEN. One word, Mr. Chairman.

Mr. WEBER. I understood that this report was precisely the same as the report on the bill preceding it.

Mr. SOWDEN. No, sir. The gentleman is mistaken. There is but one report on both this bill and the joint resolution covering the men who had made the attack upon Port Hudson, and which fact leads to this confusion——

A MEMBER. The gentleman from New York [Mr. WEBER] is "off."

Mr. WEBER. I may be "off," but if so it is because the Clerk was "off" in the statement made from the Clerk's desk.

Mr. STEELE. I move that the report of the committee be adopted.

The CHAIRMAN. The gentleman from New York [Mr. WEBER] is on the floor.

Mr. WEBER. If gentlemen will allow me to proceed a moment perhaps this matter can be straightened out without difficulty. The

Calendar does not specify whether these were Port Hudson volunteers or not; but I understood the Clerk to say that this report was precisely the same as in the preceding case. If that be so, then my remarks are pertinent; if not, of course I have nothing further to say.

The CHAIRMAN. The Clerk will read the caption of the report, which shows to what it relates.

Mr. ADAMS, of New York. Before any further action is taken on this bill I desire to know who was the author of the adverse report.

The CHAIRMAN. The Chair is not informed.

Several MEMBERS. General NEGLEY.

The CHAIRMAN. The Clerk will read the caption of the report.

The Clerk read as follows:

The Committee on Military Affairs, to whom were referred House bill 4235, H. Res. 60, and petition of Lieutenant-Colonel Muzzy and others, beg leave to submit the following report.

Mr. WEBER. Then I submit that I am in order in my remarks; and I make the assertion that the last assault on Port Hudson was June 14.

Mr. SOWDEN. Will the gentleman hear me a moment?

Mr. WEBER. If the gentleman can give me any information I shall listen to him very gladly.

Mr. SOWDEN. The purpose of this bill is to cover the five original companies from Pennsylvania, known as the "First Defenders." It seems that the first proclamation of President Lincoln calling for seventy-five thousand troops was issued on the 15th of April, 1861. On the afternoon of the same day the Secretary of War telegraphed to the governor of Pennsylvania that a call had been made on Pennsylvania for sixteen regiments.

Two regiments were wanted within three days; a sudden dash upon the capital was strongly threatened; Washington was entirely unprotected and at the mercy of the assailants. Earnest appeals were made by the governor of Pennsylvania for men, and the first five companies to respond to the governor's call were the companies named in the bill before the committee. These five companies, numbering four hundred and eighty-two men, arrived at Harrisburg on the 17th of April, and on the morning of the 18th of April they were mustered into the United States service by Captain Simmons, of the United States Army, and departed for Washington at 9 a. m. on the same day, arriving at Baltimore at 1 p. m.

These troops were forced to march some 2 miles through that city, from Bolton to Camden Station. They were attacked by the mob as they passed through the streets of that city, and orders were given to the men to preserve their tempers and to make no reply to anything that should be said to them. Every insult that could be heaped upon them was offered, but no word of reply was elicited, the officers and men marching steadily on toward Camden Station.

As these men boarded the train at the station the angry mob hurled a shower of bricks, clubs, and stones into their disorganized ranks, fortunately inflicting but slight injuries. At 7 o'clock p. m. of the 18th of April these five companies, the head of the grand column of two millions of men who afterwards marched in their wake, arrived in Washington.

Maj. Irwin McDowell assumed command and ordered them to quarters in the Capitol. These soldiers were the first volunteers that arrived at the capital in response to President Lincoln's first call for troops, and for this distinction the slight recognition provided for in the bill under consideration is sought. They ask for no pension, nor did they receive any bounty, but they do ask this Congress to give them a medal of some kind in recognition of the fact that they were the first soldiers who arrived at the capital.

Mr. ROWELL. There was not in the Northern States a single village where the telegraph reached that did not enlist soldiers on the same day. Here is a soldier, the gentleman from Iowa [Mr. LYMAN], who enlisted on that day. I enlisted twenty soldiers on the same day.

Mr. WEBER. My objection generally, as I stated, is to granting medals at all. My special objection was with reference to the "forlorn hope" storming party at Port Hudson, La. As it seems this bill does not include the soldiers named in the preceding bill, I have nothing further to say on that particular point. I now yield my time to the gentleman from Indiana [Mr. MATSON].

Mr. MATSON. Mr. Chairman, five minutes ago I asked the gentleman to yield to me, because at that time I apprehended there was some danger this bill might be reported favorably from the Committee of the Whole, but since ascertaining the sentiment on both sides of the House I think there is no danger of that. The proposition to decorate men who enlisted for three months and to leave without decoration men who fought clear through the war is so absurd on its face that I have no apprehension it will meet the favor of this House.

Mr. BRUMM. I rise to a parliamentary inquiry. I understand that the adverse report of the committee in this case assumes to be a unanimous report. I am told by one member of the committee, a gentleman from Pennsylvania, that he never saw this report and never consented to it. [Cries of "Vote!" "Vote!"]

Mr. SOWDEN. I desire to be heard, Mr. Chairman, in response to the gentleman from Indiana [Mr. MATSON]. I say that this Congress has been invidious in conferring distinctions upon certain soldiers. It has made a distinction in granting special pensions to some of the widows of general officers. It has made discriminations in favor of many general officers of the Army and Navy. Now, here we have four hundred and eighty-two private soldiers who admittedly were the first to arrive at this capital at the outbreak of the late war—more than one-half of whom are dead now.

They served their term honorably. They received no pay while in the service. It was only after they had returned home some time that they were paid.

The majority of these three-months' men, who first responded to the call of the President, led other companies into the war afterwards. The majority of them re-enlisted and returned to fight for the flag of their country and the preservation of the Union.

It is folly for the gentleman from Indiana [Mr. MATSON] to say they were only in the service three months and why should they receive this distinctive recognition from the hands of Congress.

Mr. JOHNSTON, of Indiana. Will the gentleman permit me to ask him a question?

Mr. SOWDEN. Certainly.

Mr. JOHNSTON, of Indiana. I ask the gentleman, then, whether the troops of the District of Columbia had not been mustered in some time before that; and whether they had not been guarding public property when these troops from Pennsylvania got here?

Mr. SOWDEN. No, sir; and that fact is apparent when we recollect that the Washington troops celebrated a different day from the 18th of April as the anniversary of their enlistment. These troops known as the first defenders who came from the State of Pennsylvania were the first men to respond to the call of the President, and were the first men who arrived at the capital. Are these brave soldiers to be laughed at by some of these would-be soldiers' friends? These brave men ask for very little at the hands of the Government which they helped to save, and they ought to have the medals provided for in this bill.

Mr. ADAMS, of New York. Let me ask the gentleman whether none of these soldiers were severely injured while passing through Baltimore?

Mr. SOWDEN. Some of them were slightly injured. Now, sir, when we refer to this report unfortunately the gentleman who wrote it coupled with these men who came first to the capital other men who are alleged to have stormed and carried Port Hudson, with which they had nothing to do.

Let me call attention to what is stated in this report of these brave men from Pennsylvania:

That it would be an eminently just expression of patriotism and profound wisdom for the Government, which owes its existence to the unfaltering loyalty, patriotic zeal, and high moral courage of those who first entered the path of duty in defense of the laws and to preserve the Union in that eventful hour when the nation first realized its peril and its duty no one will deny; still less will any true friend of liberty or lover of his race question the justice or propriety of the Government rewarding, in a spirit of immeasurable gratitude, the services of the men who knew no sacrifice too great to achieve success for our arms.

When these men so promptly responded to the call of the President to defend the capital is it not proper that the Government should grant them this recognition? It will cost the Government but little, and while these medals are of no great intrinsic value, they will be to these men the source of just pride.

Mr. ADAMS, of New York. I hope the gentleman will give us a chance to vote.

Mr. SOWDEN. I now move that the bill be laid aside to be reported to the House with the recommendation that it do pass, notwithstanding the adverse report which has been submitted. [Cries of "Vote!"]

The question first recurred on Mr. ERMENTROUT'S amendment; which was rejected.

The CHAIRMAN. The question next recurs on the motion of the gentleman from Pennsylvania [Mr. SOWDEN] that the bill be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 10, noes 53.

Mr. SOWDEN. No quorum.

The CHAIRMAN. No quorum having voted, tellers will be appointed.

Mr. ROWELL. Under the special order that point can not be made.

Mr. PERKINS. That is the consideration we get for going back.

The CHAIRMAN. Debate is not in order.

Mr. WHEELER. I move to recommit the bill.

The CHAIRMAN. That is not in order.

The CHAIRMAN appointed as tellers Mr. SOWDEN and Mr. SPRINGER.

Mr. DUNHAM. By turning to page 65 of the Calendar we find the special order for this evening's session. That order provides bills may be considered to which there is no objection. It does not provide that nothing can be done if there is objection. It seems to me when a bill is brought up and there is objection the whole matter should be passed over informally. I therefore submit this bill should be passed over.

The CHAIRMAN. The Chair will state in response to the point of order of the gentleman from Illinois that the question of objection per-

tains only to the commencement of the consideration of the bill If the consideration is entered upon, the rules of the House, the Chair thinks, apply to the bill, and it requires, if the point is made, the presence of a quorum.

Mr. STEELE. Regular order!

Mr. DUNHAM. But this order under which the House meets does not apply alone to the objection to the question of consideration. It applies generally to the question of objection to the bill at any stage.

The CHAIRMAN. The Chair thinks the gentleman has the right to make the point of no quorum.

Mr. HENDERSON, of Iowa. I rise to a parliamentary inquiry.

Is it in order, pending these proceedings, to move that the committee rise?

The CHAIRMAN. It is not. The tellers will report.

The House again divided; and the tellers reported—ayes 8, noes 52.

Mr. SOWDEN. No quorum.

Mr. SPRINGER. I move that the committee rise.

The CHAIRMAN. The committee finding itself without a quorum, it is the duty of the Chair to order the roll to be called.

Mr. ROWELL. I ask unanimous consent that this bill be laid aside temporarily.

Mr. ADAMS, of New York. I object.

Mr. THOMPSON. Is it in order to move that the committee rise?

The CHAIRMAN. It is not at this time.

The Chair will submit the request of the gentleman from Illinois for unanimous consent that this bill be laid aside temporarily. Is there objection?

Mr. ADAMS, of New York. I withdraw the objection.

So, there being no further objection, the bill was temporarily laid aside.

ORDER OF BUSINESS.

Mr. SPRINGER. Mr. Chairman, I shall object to the consideration of the two bills immediately succeeding this on the Calendar—House bills No. 527 and No. 529, which were objected to when reached in their regular order, and ask the House to take up the next bill on the Calendar.

The CHAIRMAN. The Clerk will report the next bill.

FRANKING PRIVILEGE TO JULIA D. GRANT.

Mr. SPRINGER. I call up the next business on the Calendar, the bill (H. R. 2033) granting a franking privilege to Julia D. Grant.

The bill was read, as follows:

Be it enacted, &c., That all mail-matter carried by post to Julia D. Grant, widow of the late Ulysses S. Grant, or sent by her under her written autograph signature, be conveyed free of postage during her natural life.

Mr. PRICE. I rise to a parliamentary inquiry. I ask is it not true that in the bill pensioning Mrs. Grant at $5,000 a year the franking privilege was included?

Mr. CUTCHEON. I think not.

Mr. PRICE. I think it was.

Mr. CUTCHEON. Mrs. Garfield has the franking privilege, but not Mrs. Grant.

Mr. FELTON. It can do no harm if she already has it to pass the bill again.

Mr. PRICE. There is harm in it all the way through.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. CUTCHEON. I am informed by the Clerk that there is a Senate bill precisely like the one just passed granting this privilege to Mrs. Grant. I would therefore ask, if it be in order, to reconsider the vote just taken so as to take up and pass the Senate bill instead of this.

The CHAIRMAN. That can not be done in the committee. When we reach the consideration of the bill in the House that motion will then be in order.

RACHAEL J. FLOYD.

The next business on the Private Calendar was the bill (H. R. 2053) for the relief of Rachael J. Floyd.

Mr. GALLINGER. I ask for the consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be authorized and directed to pay the said Rachael J. Floyd, widow of said deceased, out of any money in the Treasury not otherwise appropriated, the sum of $510, being the proportion earned during the time served of the gratuity for continuous services of said deceased as a machinist in the Navy, provided for under said act relating to machinists in the Navy, approved June 16, 1880.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM DOLTON.

The next business on the Private Calendar was the bill (H. R. 1501) referring the claim of William Dalton to the Court of Claims.

Mr. BUCHANAN. I call for the present consideration of the bill.

The bill was read, as follows:

Be it enacted, &c., That the claim of William Dalton, of the city of Trenton, in the State of New Jersey, against the Government of the United States, for the rental alleged by the said William Dalton to be still due him from the said Government for the use of a building in said city for a post-office by the post-office authorities, be, and the same is hereby, referred to the Court of Claims of the United States for adjudication and settlement; and that said court is hereby authorized and, upon filing in said court of a proper petition therefor by said Dalton, directed to take jurisdiction of said claim as fully and with the same effect as if the time limited by law for the filing of such claim had not heretofore expired: *Provided, however*, That the said William Dalton shall commence his said action in the said court within six months after the passage of this act.

The committee recommend the following amendments:

Strike out the name "Dalton" wherever it occurs in the bill and insert the name "Dolton," and also amend the title to conform.

The amendments were agreed to.

There being no objection, the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

R. D. BECKLEY AND LEON HOWARD.

The next business on the Private Calendar was the bill (H. R. 5872) for the relief of R. D. Beckley and Leon Howard.

Mr. TRIGG. I ask the present consideration of the bill.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to R. D. Beckley and Leon Howard, late employés under the Doorkeeper of the House of Representatives, Forty-eighth Congress, the sum of $368 each, being the difference in salary paid to laborers and that paid to messengers, which latter office they respectively filled from the 2d day of January, 1884, to the 7th day of July, 1884, and from the 1st day of December, 1884, to the 4th day of March, 1885, aggregating nine months and six days, during which they performed all of the duties of messengers and received only the pay of laborers.

SEC. 2. That the amount to pay the same is hereby appropriated and made immediately available.

Mr. BROWNE, of Indiana. Let me ask if this is favorably reported; and, if so, by what committee?

Mr. TRIGG. It is favorably reported from the Committee on Claims, and is in keeping with other bills of the same kind recently passed.

Mr. SPRINGER. It is the same. The principle has been settled by a test vote in the House recently.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELEANOR T. BROOKBANKS AND OTHERS.

The next business on the Private Calendar called up for consideration (by Mr. WARD, of Indiana) was the bill (H. R. 506) for the relief of Eleanor T. Brookbanks and others, reported by Mr. KLEINER from the Committee on War Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Eleanor T. Brookbanks, Joseph L. Brookbanks, Amos E. Brookbanks, Reuben G. Brookbanks, and Mary E. Lee (the only heirs at law of Reuben M. Brookbanks, deceased), of Tipton County, in the State of Indiana, out of any money in the Treasury not otherwise appropriated, the sum of $850, for money paid by the said Reuben M. Brookbanks for a substitute during the late war for the Union.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. BROWNE, of Indiana. I would like to know why a man should be paid for hiring a substitute? I presume the report of the committee discloses some reason for this?

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. BROWNE, of Indiana. I do not object to the consideration of the bill. I simply desire to know why the money should be paid.

Mr. BRECKINRIDGE, of Kentucky. I desire to have the report read, reserving the right to object.

The CHAIRMAN. It is too late to reserve the right to object. The Chair called for objection twice and no objection was made. The gentleman from Indiana [Mr. WARD], if he desires it, can call for the reading of the report in his own time.

Mr. WARD, of Indiana. I do not call for the reading of the report.

Mr. JOHNSTON, of Indiana. This is the same character of bill as we have already passed. This man was drafted, put in a substitute, and by some mistake had to serve also while his substitute was serving.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HEIRS OF JACOB CRAMER.

The next business on the Private Calendar called up for consideration (by Mr. RANDALL) was the bill (H. R. 3642) for the relief of the heirs of Jacob Cramer; reported by Mr. ST. MARTIN from the Committee on War Claims.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Pensions be, and is hereby, authorized and directed to issue to the heirs of Jacob Cramer a bounty-land warrant for 200 acres of land for services rendered by said Jacob Cramer as a lieutenant in the Pennsylvania Continental Line in the Revolutionary war; the said Jacob Cramer being entitled thereto pursuant to the resolution of the Continental Congress of September 16, 1776, and the provisions of the act of July 27, 1842, extended by the act of February 8, 1851.

Mr. RANDALL. This is a unanimous report.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BANGS, BROWNELL & CO.

The next business on the Private Calendar called up for consideration (by Mr. MILLIKEN) was the bill (H. R. 1034) for the relief of Bangs, Brownell & Co.; reported by Mr. REID, of North Carolina, from the Committee on War Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Bangs, Brownell & Co. the sum of $5,410, out of any money in the Treasury not otherwise appropriated, for tar and wood seized by the United States and sold and for use of vessel and loss of tools and materials.

The Committee on Claims recommended the following amendment:

In line 5, strike out "$5,410" and insert "$5,000."

Mr. SPRINGER. I object to the consideration of that bill.

Mr. MILLIKEN. I would like to have the report read.

Mr. SPRINGER. I suggest to the gentleman from Maine to make a statement in explanation of the bill.

The CHAIRMAN. If there be no objection, the gentleman from Maine will make an explanation of the bill, the right to object being reserved.

There was no objection.

Mr. MILLIKEN. Messrs. Bangs and Brownell are two as honorable men as are to be found in this country. One of them lives in Maine, the other in New York. Mr. Bangs is one of the most noted military officers in Maine. He engaged by a permit from the Government to make tar down upon the coast of Florida during the war. Gentlemen will remember, perhaps, that tar was something that we very much needed at that time. The Government itself approved of this. These men were officers of the Army, and went out for that purpose. Their vessel was seized, as the report shows, and their tar was taken and was turned over to the Government. Their tools also were turned over to the Government. The vessel was retained for a considerable time.

The matter was referred in the first place to the Comptroller of the Treasury, and, as the report shows, he stated squarely it was a just claim and should be paid, but it did not come under his jurisdiction. It afterward went before the Commissioners of Claims and they stated the same thing in substance.

Mr. Brownell was arrested on the charge of making tar where he was not permitted to do so. He was tried. It was shown by abundant evidence that he had a special permit. He was acquitted. And now these men come here for justice, and ask payment for merely the property that was taken by the Government when they were in pursuit of a legitimate business under the permit of the Government.

This is a unanimous report from the Committee on War Claims, as the chairman of the committee, the gentleman from Ohio [Mr. GEDDES], will state to the House.

Mr. CUTCHEON. Did the Government dispose of the property and turn the proceeds into the Treasury?

Mr. MILLIKEN. Yes, sir.

Mr. CUTCHEON. And this bill gives just the amount?

Mr. MILLIKEN. It gives payment for the property turned in to the Government and also for the use of the vessel at the same rate the parties had to pay themselves.

Mr. COMPTON. Where and when was the seizure made?

Mr. MILLIKEN. It was made as the vessel was bound from New Orleans, I think, to the coast of Florida.

A MEMBER. It was seized at Barrancas, Fla.

Mr. JOHNSTON, of Indiana. There is an amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES H. PLUMMER.

The next business on the Private Calendar was the bill (H. R. 3750) for the relief of Frances H. Plummer.

Mr. LYMAN. I ask the present consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the sum of $1,000 be paid, out of any money in the Treasury of the United States not otherwise appropriated, to Frances H. Plummer, widow of J. B. Plummer, deceased, in full satisfaction and discharge of any and all claims against the United States for the loss of property by said J. B. Plummer or his said widow at the evacuation of Fort Cobb, Indian Territory, in May, 1861.

The CHAIRMAN. Is there objection to the present consideration of this bill?

There was no objection.

An amendment reported by the Committee on War Claims striking out the words "five hundred," in the first line of the bill, so as to make it read, "That the sum of $1,000 be paid," &c., was agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. MORHISER.

The next business on the Private Calendar was the bill (H. R. 5877) for the relief of William H. Morhiser.

Mr. HENDERSON, of Iowa. I ask the present consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, a sum of money sufficient to pay to William H. Morhiser the pay and allowances due him for services to the United States Government for which he has not been paid, and which shall be computed as follows:

First, the pay and allowances of a private of cavalry from November 30, 1863, to January 1, 1865; and

Second, such additional pay and allowances as commutation of rations, &c., as were allowed to prisoners of war from July 30, 1864, to January 1, 1865.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE T. DUDLEY.

The next business on the Private Calendar was the bill (H. R. 1503) for the relief of George F. Dudley.

The bill was read, as follows:

Whereas on or about the 18th day of May, A. D. 1865, George T. Dudley, first lieutenant of Company M, Fiftieth Regiment New York Volunteer Engineers, for visiting the city of Richmond, Va., on the occasion of its evacuation by the confederate army, on the 3d day of April, 1865, was dismissed from the United States service by sentence of court-martial, with loss of pay and allowances, having been absent from his command without permission for twenty-four hours; and

Whereas the facts in the case being put before him, the honorable Secretary of War did order "that the sentence of said court-martial be revoked," intending to restore to the said officer his pay and allowances, as well as his rank and commission; and

Whereas the order issued by the War Department did not carry out the wishes of the honorable Secretary, but merely restored to the said officer his rank and commission, without giving him his pay and allowances, which can only be restored to him by an act of Congress: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said George T. Dudley shall be entitled to and receive the pay and allowances of his rank which were due him at the date of his dismissal from the service; and that the Treasurer of the United States be, and is hereby, authorized to pay the said George T. Dudley, from any moneys in the Treasury of the United States not otherwise appropriated, the amount found to be due him at that time.

Mr. LYMAN. I ask the consideration of that bill.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. SPRINGER. Will the gentleman state the amount involved?

Mr. LYMAN. I do not remember exactly, but it is about $200.

There was no objection.

Mr. LYMAN. Mr. Chairman, since this bill was reported a similar bill for the same purpose has come from the Senate, and I move that it be substituted for the House bill.

The CHAIRMAN. That can be more properly done in the House after the Committee of the Whole shall have reported the bill to the House.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MOSES B. WALKER.

The next business on the Private Calendar was the bill (H. R. 1802) for the relief of Moses B. Walker.

Mr. WADE. I ask the present consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is authorized and directed to enter in the records of his Department the settlement of $550 which is charged in the accounts of Moses B. Walker, late colonel of the Thirty-first Ohio Volunteer Infantry, as of the 30th day of September, 1861, for money received by him while in the service of the United States.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN R. HARRINGTON.

The next business on the Private Calendar was the bill (H. R. 4594) for the relief of John R. Harrington.

Mr. MATSON. I ask the present consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That John R. Harrington have leave to apply to the Commissioner of Patents for an extension for the term of seven years of the reissued letters patent numbered 2415 and 2416, each dated December 11, 1866, for improvements in carpet-lining and means for producing the same, from and after his decision thereon; such application to the Commissioner of Patents to be made within three months from and after the date of the passage of this act, and the proceedings before said Commissioner to be made to conform to the statute relating to the extension of letters patent granted for the term of fourteen years.

SEC. 2. That no right of action to recover damages shall accrue to the patentee, or his assignee, from the time of the expiration of said patents until the extension, as contemplated by the first section of this act.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. ANDERSON, of Kansas. I object.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

STEPHEN N. SMITH.

The next business on the Private Calendar was the bill (H. R. 3126) for the relief of Stephen N. Smith.

The bill was read, as follows:

Be it enacted, &c., That the patent granted to Stephen N. Smith on the 13th day of June, in the year 1882, for "improvements in machines for making lacing-hooks," and which patent, on the face thereof, was granted for the term of seventeen years from the date of said patent, shall be, and the same is hereby, made a valid grant for the full term of seventeen years from the date of said patent, notwithstanding the fact that a patent had been previously granted to said Stephen N. Smith in Canada for the same invention.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. ANDERSON, of Kansas. I object, and shall object to all bills extending patents.

Mr. SPOONER. I wish the gentleman would allow me to make a brief statement in regard to this bill.

Mr. ANDERSON, of Kansas. I am willing to hear the gentleman's statement.

Mr. SPOONER. This is merely a bill asking that the patent be validated for the time for which it was originally granted, the time it bears on its face, that is, seventeen years from the date it was issued. The difficulty in the case arises from the fact that by some error in the Canadian patent——

Mr. SPRINGER. Mr. Chairman, I object to discussion. As the gentleman from Kansas objects to the consideration of the bill, there is no use in taking up time in discussing it.

Mr. SPOONER. I do not think the gentleman from Kansas will object when he understands the case.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

ILLEGAL TONNAGE DUES.

The next business on the Private Calendar was the bill (H. R. 4583) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to allow and pay, out of any moneys in the Treasury not otherwise appropriated, to the North German Lloyd Steamship Company of Bremen, the Hamburg American Packet Company of Hamburg, and the Norse American Line of Sweden, interest at the rate of 5 per cent. per annum on such moneys as have been exacted from such companies in contravention of treaty provisions, and heretofore refunded under the act of June 19, 1878; such interest to be computed from the date of the respective payments by such companies up to the time of refunding the same under the act aforesaid: *Provided, however*, That such interest shall be accepted by said companies, respectively, in full settlement of all claims on account of said moneys exacted from them in contravention of treaty provisions as above stated.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. RANDALL. I reserve the right to object until we have an explanation of the circumstances of the case and a statement of the amount of money involved.

The CHAIRMAN. The report will be read.

The Clerk proceeded to read the report.

Mr. GLOVER (before the reading of the report was concluded) said: Mr. Chairman, I think it obvious from the importance of the subject-matter of this bill that it ought not to be considered to-night; and as the report is some twenty pages long, I desire to object now to the consideration of the bill.

Mr. BUCHANAN. The gentleman will allow me to say that I have here a communication from the Treasury Department, directed to the Secretary of State, which is very short, and will perhaps serve as a substitute for reading the remainder of the report.

Mr. GLOVER. I did not hear the gentleman's remark.

Mr. BUCHANAN. This communication, in fact, recommends the payment of this money. This is a matter of treaty obligation, involving the honor and good faith of the country.

Mr. GLOVER. That does not convince me that it is proper to consider the matter to-night.

Mr. CUTCHEON. What is the amount?

Mr. RANDALL. The original amount, if I understood the report correctly, was $138,000, and the rate of interest is 5 per cent.

Several MEMBERS. Regular order.

The CHAIRMAN. The regular order being called for, the Clerk will read the next bill.

STEPHEN N. SMITH.

Mr. ANDERSON, of Kansas. I ask consent to say that the bill which was before the Committee of the Whole just before the last one—a bill for the relief of Stephen N. Smith—was, I understand, not for the extension of a patent. I will, therefore, withdraw my objection to its consideration.

The CHAIRMAN. That bill can only be recurred to now by unanimous consent.

Mr. SPOONER. I hope that will be granted.

Several members called for the regular order.

The CHAIRMAN. The regular order is demanded; and the next bill on the Calendar will be reported.

SURVIVORS OF EXPLORING STEAMER JEANNETTE.

The next business on the private Calendar (called up by Mr. BUCHANAN) was the bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas.

The bill was read, as follows:

Whereas the steamer Jeannette, while engaged in an exploring expedition by authority of Congress and under the direction of the Secretary of the Navy, was wrecked in the arctic seas, on the 13th day of June, 1881, and in consequence thereof the lives of many of her officers and crew were lost; and

Whereas a court of inquiry, appointed in pursuance of a joint resolution of Congress to investigate the circumstances attending the loss of the said steamer Jeannette, and the general conduct and merits of all the officers and enlisted men of the expedition, reported, after a thorough investigation, that, while every officer and man so conducted himself that there was no occasion to impute censure to any member of the expedition, the constancy and endurance with which they met the hardships and dangers that beset them entitle them to great praise: Therefore,

Be it enacted, &c., That to reimburse the survivors of the officers and crew of the said steamer Jeannette for losses incurred by them, respectively, in consequence of the wreck of that vessel, there shall be paid, out of any money in the Treasury not otherwise appropriated, the following sums, to wit: To George W. Melville, chief engineer, $1,000; to John W. Danenhower, lieutenant, $1,000; to Raymond L. Newcomb, naturalist and taxidermist, $600; to John Cole, acting boatswain, $600; to W. F. C. Nindemann, seaman, $600; to James A. Bartlett, fireman, $600; and to the remaining survivors of the crew of said vessel, namely, Louis P. Noros, Herbert W. Leach, Henry Wilson, Frank E. Manson, Charles Tong Sing, seamen, and John Lauterbach, coal-heaver, the sum of $600 each.

SEC. 2. That the 23d day of March, 1882, being the date of finding the remains of the commanding officer and others of the said expedition, shall be deemed and taken to be the date of the decease of the following-named officers and enlisted men of the expedition who lost their lives in the retreat from the wreck of the said steamer Jeannette, namely: Lieut. Commander George W. De Long; Lieut. Charles W. Chipp; Passed Assistant Surgeon James M. Ambler; Jerome J. Collins, meteorologist; William Dunbar, ice-pilot; Walter Lee, machinist; Henrich H. Kaack, Carl A. Gortz, Adolph Dressler, Hans H. Erichsen, Ah Sam, Alfred Sweetman, Henry D. Warren, Peter E. Johnson, Edward Star, and Albert G. Kuehne, seamen; Nelse Iverson, George W. Boyd, and Walter Sharvill, coal-heavers; and Seaman Alexy.

SEC. 3. That the accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to the widow of any deceased officer or enlisted man named in the second section of this act, or if there be no widow living, to the lawful child or children of such deceased, or if there be no widow or child living, to the surviving parent or parents of such deceased, or if there be no widow, child, or parent living, to the brothers and sisters of the deceased, if any, a sum equal to twelve months' pay according to the rate of pay at which the name of such deceased was borne upon the pay-rolls of the said steamer Jeannette: *Provided*, That the legal representatives of the deceased officers and enlisted men named in the second section of this act shall also be paid from the Treasury any arrears of pay due such deceased, the same to be computed up to and including the said 23d day of March, 1882: *Provided further*, That the relatives, in the order herein named, of Seaman Aniguin, one of the crew of the steamer Jeannette, and who, while connected with said expedition, died at Irkutsk, Siberia, January 5, 1883, shall in like manner be entitled to receive twelve months' pay in addition to the amount due said deceased at the time of his death.

There being no objection, the Committee of the Whole proceeded to consider the bill.

The amendments reported by the Committee on Claims were read, as follows:

In line 6 of section 3 insert after the word "surviving" the word "dependent."

In lines 7 and 8 of the same section strike out the words "or if there be no widow, child, or parents living, to the brothers and sisters of the deceased."

At the end of the bill add the following:

"*Provided, further*, That in any case where heretofore a pension has been granted, or may hereafter in fact be granted, to any such widow, child, or dependent parent, by reason of the death of any of the persons named in the second section of this act, in the payment of such pension account shall be taken of any sum paid under this act, and to the extent of its amount said sum shall be in lieu and stead of such pension, and no further."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM TALBERT.

The next bill on the Private Calendar (called up by Mr. HOWARD) was the bill (H. R. 3475) for the relief of William Talbert.

The bill was read, as follows:

Be it enacted, &c., That the claim of William Talbert, of Montgomery County, Maryland, for the use by the Government of his patented improvement for marine railways, be, and the same is hereby, referred to the Court of Claims, with authority to take jurisdiction thereof, and to award judgment thereon according to its value to the Government during the existence of said patent, on principles of equity and justice.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

Mr. SPRINGER. I would like to hear the report read, unless some gentleman will state the facts of the case.

Mr. McCOMAS. This is a claim for the use of an invention for hoisting vessels, which was used for a certain length of time by the Government. The bill provides that the case be referred to the Court of Claims, that it may ascertain whether the Government owes anything for the use of this patent, and if so, what.

Mr. ANDERSON, of Kansas. What amount is claimed?

Mr. McCOMAS. I do not know the precise amount—just whatever the court may say the use of the invention was worth.

Mr. ANDERSON, of Kansas. In round numbers, what is the amount of the claim?

Mr. McCOMAS. I have a very vague recollection, but my impression is that it is a very small matter. This is all I can say about it.

Mr. CUTCHEON. After examination by the Court of Claims, the case is to come back to Congress for further action?

Mr. McCOMAS. That is all. It will come back here after the report by the Court of Claims.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. McCOMAS subsequently said: I wish to say that I was partially in error in the statement I made a few moments ago as to the bill for the relief of William Talbert. I was right in saying that the amount of the claim is small; but on examining the bill I find that it does not provide for bringing the case back to Congress after an examination by the Court of Claims, but allows the court to dispose of it. I think it just to make this correction, so that any member who may regard the fact as material may take action accordingly.

ALEXANDER GOBLE.

The next business on the Private Calendar (called up by Mr. LYMAN) was the bill (H. R. 2176) for the relief of Alexander Goble.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Alexander Goble, late a corporal of Company A, One hundred and fifth Regiment Pennsylvania Volunteers, out of any money in the Treasury not otherwise appropriated, the sum of $190, with interest thereon from the 15th day of June, 1865, being bounty-money due said Alexander Goble from the Government of the United States.

There being no objection, the Committee of the Whole proceeded to consider the bill.

The amendment reported by the Committee on War Claims to strike out the words "with interest thereon from the 15th day of June, 1865," was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

DR. W. S. HOSACK.

The next business on the Private Calendar was the bill (H. R. 2175) for the relief of Dr. W. S. Hosack.

Mr. SPRINGER. There is an adverse report in this case. I object to the consideration of the bill.

MYRON E. DUNLAP.

The next business on the Private Calendar (called up by Mr. BAYNE) was the bill (H. R. 2013) for the relief of Myron E. Dunlap.

The bill was read, as follows:

Whereas Myron E. Dunlap, late first lieutenant of Company E, Fourteenth Regiment New York Heavy Artillery, was cashiered from the service for tendering his resignation; and

Whereas said dismissal was based upon insufficient grounds: Therefore,

Be it enacted, &c., That the said First Lieut. Myron E. Dunlap, late of Company E, Fourteenth Regiment New York Heavy Artillery, be, and he is hereby, honorably discharged from the military service of the United States, with like effect and with the same rights and privileges in all respects as if he had been regularly mustered out of the military service of the United States on the 23d day of July, 1864; and the Secretary of War is hereby directed to enter upon the proper records of the War Department the corrections made by this act of the military record of said officer.

There being no objection, the Committee of the Whole proceeded to consider the bill.

The amendments reported by the Committee on Military Affairs were read, as follows:

In lines 6 and 7, strike out the words "with like effect and with the same rights and privileges in all respects."

At the end of the bill add the following:

"*Provided*, That this act shall never be construed so as to grant any pay or allowance to the beneficiary under the same."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FARAN & M'LEAN.

The next business on the Private Calendar was the bill (H. R. 1776) for the relief of Faran & McLean.

Mr. MATSON. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and reconsider the claim of Faran & McLean for the refunding of certain taxes alleged to have been improperly and illegally assessed and collected, namely, for the amount of $2,260, as claimed by them in the papers now on file in the Treasury Department; and if, upon reopening and reconsidering said claim, said Commissioner shall find said taxes, or any part of the same, to have been illegally or improperly assessed and collected from said claimants, it is hereby made his duty to audit and ascertain the amount of taxes so illegally and improperly collected from said claimants, deducting, however, any legal unpaid taxes which claimants should have paid and did not, if any there shall be, under section 103 of the act of June 30, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes;" and the Secretary of the Treasury is hereby authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the amount of taxes so found by said Commissioner of Internal Revenue as aforesaid to have been illegally and improperly assessed and collected to the said Faran & McLean.

No objection being made, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LIGHT-HOUSE TENDER LILLY.

The next business on the Private Calendar was the bill (H. R. 5889) for the relief of the officers and crew of the light-house tender Lilly and the inspector of the fourteenth United States light-house district.

Mr. WARNER, of Missouri. I ask for the consideration of the bill.

The bill was read, as follows:

Be it enacted, &c., That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be applied by the United States Light-House Board to reimburse the officers and crew of the United States light-house tender Lilly and the inspector of the fourteenth light-house district for losses sustained by them by the burning of said vessel, on the 20th day of September, 1884, at Cincinnati, Ohio: *Provided*, That each person claiming remuneration under this act shall furnish to the Light-House Board a statement, duly verified, of the value of the property by him lost; also what amount of insurance, if any, received thereon, which amount shall be deducted from the value of said property on settlement by the accounting officers of the Light-House Board: *Provided also*, That the award of the Light-House Board for such losses shall be final, and the payment thereof to the several claimants shall be held and taken as a complete relinquishment and satisfaction of all claims for damages sustained by them by reason of the burning of said vessel as aforesaid.

SEC. 2. That said sum, or as much thereof as may be necessary, shall become at once available for the purposes aforesaid.

No objection being made, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LEGAL REPRESENTATIVES OF JOHN M. ROBESON, DECEASED.

The next business on the Private Calendar was the bill (S. 209), with amendment, for the relief of the legal representatives of John M. Robeson, deceased.

Mr. GEDDES. I ask for the consideration of the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of John M. Robeson, deceased, the sum of $1,000; and this amount to be in full satisfaction of all claims of said estate against the United States.

The amendment of the committee was read, as follows:

Strike out "one thousand" and insert "five hundred."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HENDERSON, of Illinois. I move that the committee rise. [Cries of "No!"]

The committee divided; and there were—ayes 14, noes 42.

Mr. TAULBEE. Is the session to-night limited?

The CHAIRMAN. The order of the House provides the session shall not extend beyond 11 o'clock. The noes have it.

So the committee refused to rise.

ALLEY BETWEEN LOTS 6 AND 7 IN SQUARE 635.

The next business on the Private Calendar was the bill (H. R. 4162) authorizing the District of Columbia to convey the alley, 15 feet wide, running east and west between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots.

Mr. ROWELL. There has been a Senate bill passed on the same subject.

The CHAIRMAN. No demand being made for the consideration of the bill, it will be passed over informally.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

The next business on the Private Calendar was the joint resolution (H. Res. 26) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company.

Mr. PERKINS. I ask for the consideration of the joint resolution.

The joint resolution was read, as follows:

Whereas the Kansas City, Fort Scott and Gulf Railroad Company, successor to the Kansas and Neosho Valley Railroad Company, has, under and in accordance with the provisions of "an act to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act entitled 'An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River,' approved July 25, 1866," restored to the United States all the unsold lands received by it under its land grant herein specified, and paid into the Treasury the proceeds of all lands sold: Therefore,

Resolved, &c., That the said Kansas City, Fort Scott and Gulf Railroad Company, successor to the Missouri River, Fort Scott and Gulf Railroad Company, shall be, and is hereby declared to be, entitled to the payment in full of all compensation earned heretofore by said last-mentioned company in transporting mails and military and other supplies for the Government, to the same extent and effect as though no lands had been granted for the benefit of said company; and the proper accounting officers of the Treasury are hereby required to audit and pay all such accounts, out of any money in the Treasury not otherwise appropriated, the same as if no lands had been granted to said company.

Mr. ROGERS. I interpose objection until I hear some explanation of this joint resolution.

Mr. PERKINS. This has passed the Senate four times. The Senate joint resolution has been reported favorably by the committee as well as the House resolution. When we reach the House I will ask that the Senate resolution be substituted in place of the House resolution.

Now, Mr. Chairman, this is the only railroad company on record in the United States which voluntarily surrendered a land grant. In 1866

Congress made to the State of Kansas, to aid in the construction of a road, a grant of lands; and in the course of time those lands passed by proper authority to this company under the conditions this railroad should transport troops and military supplies of the Government without charge. This continued until 1877. Under the grant a great tract of land passed to this company. In the mean time many settlers had gone on it; controversies arose; litigations ensued. This company then came to Congress and asked that it be relieved of this obligation to transport troops and military supplies upon the condition to return to the Government of the United States its entire grant except where it had sold lands, and where lands had been sold the money it had received therefor be covered into the Treasury of the United States. That it did this is shown by the certificate of the Commissioner of the General Land Office, which is made a part of the committee's report. The lands have been reconveyed to the Government with the exception of those which were sold, and in that case the money has been turned over to the Government.

Of course the bill simply authorizes the accounting officers of the Treasury to investigate and ascertain how much this company, if they had not been a land-grant company, would have received for the transportation of troops.

Mr. SPRINGER. What is the amount involved.

Mr. PERKINS. It is estimated that it is between twelve and fifteen thousand dollars; I can not give the exact figures.

I may say that during the time this was a land-grant company they paid to counties, municipalities, and to the State of Kansas more than $15,000 of taxes, not a dollar of which will ever be returned, of course. This proposition now pending is to pay the company for the work which it did and the services it rendered the Government without compensation for the transportation of troops at the time to which I have referred.

Mr. GEDDES. I would like to inquire of the gentleman from Kansas whether it was not ascertained by this railroad company that it would make more by this transaction than by holding on to the land grant.

Mr. PERKINS. No, sir.

Mr. GEDDES. It ought to have a medal, then, for returning the grant. [Laughter.]

Mr. PERKINS. The reason is, perhaps, as I have already suggested: That there were settlers upon the lands, and there was litigation in the courts; and although the court decided in favor of the railroad company, yet the settlers were there upon the lands, refusing to recognize the title of the railroad company, refusing to enter into contracts and resisting its claims to have possession. The company, to avoid the difficulty thus presented, concluded it would be better to surrender the grant.

Mr. SPRINGER. The report, I presume, shows the amount of money received for lands actually sold and turned into the Treasury of the United States. How much does the gentleman recollect was the fund derived from this source?

Mr. PERKINS. But a small amount; some three or four thousand dollars, I think.

Mr. SPRINGER. And how much do you undertake to say the remainder of the land would be worth that was surrendered by the company?

Mr. PERKINS. Oh, very much more than the claim against the Government.

Mr. SPRINGER. What is the present claim?

Mr. PERKINS. Some twelve or fifteen thousand dollars.

Mr. SPRINGER. But for what purpose?

Mr. PERKINS. For the transportation of troops and stores during the time it was a land-grant railroad, and for which the company received no compensation. All this bill does is to authorize the accounting officers of the Treasury to find how much during that time it would have received from the Government for the service rendered if it had not been a land-grant road, and to audit and pay the amount.

Mr. WEAVER, of Iowa. That is all. It has no further effect.

Mr. PERKINS. And report the facts so ascertained for the settlement of the account of the company.

Mr. CUTCHEON. Just the same I understand as if it had not been a land-grant road.

Mr. PERKINS. Precisely; it having rendered the service without compensation and afterwards restored the lands.

Mr. SPRINGER. This service was not rendered during the war.

Mr. PERKINS. No, sir; the act was in 1866 which granted the lands, and the act was approved in 1877 which relieved the company of the grant.

Mr. ROGERS. Inasmuch as the matter is now before the House, I withdraw the objection. If any other gentleman desires to renew it he can do so.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM HUNTINGTON.

The next business on the Private Calendar was the bill (H. R. 2918) for the relief of William Huntington.

Mr. HEARD and Mr. VOORHEES asked for the consideration of the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Huntington, formerly marshal of the United States for the Territory of Washington, out of any money in the Treasury not otherwise appropriated, the sum of $1,064.11, the same being a balance found due him from the United States on the judicial determination of two suits instituted against said Huntington and his bondsmen, in the district court of the second judicial district of Washington Territory, by the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. BROWNE, of Indiana. It is now twenty-five minutes to 11 o'clock, and I think it will be 11 before we can pass the bills in the House which have been reported favorably.

Mr. MORRILL. I hope the gentleman will allow me to call up a bill to which I think there will be no objection and have it passed.

Mr. BROWNE, of Indiana. I will renew the motion, then, after the consideration of the next case.

FRANKING PRIVILEGE TO JULIA D. GRANT.

The next business on the Private Calendar was the bill (S. 579) granting the franking privilege to Julia D. Grant.

Mr. ROWELL. I move that the bill be laid aside to be reported favorably to the House.

Mr. SPRINGER. We have already passed a House bill for the same purpose.

The CHAIRMAN. One or the other of these bills can be reported adversely.

Mr. SPRINGER. When we get in the House the House bill can be laid upon the table and the Senate bill substituted.

The CHAIRMAN. It may by unanimous consent be substituted now.

Mr. ROWELL. I ask unanimous consent that it be substituted now.

The CHAIRMAN. The Chair thinks it can be done in the House, and for the present it will be laid aside informally to be acted upon by the House when the committee rises.

Mr. SPRINGER. I move that the committee rise.

LEAVENWORTH, NORTHERN AND SOUTHERN RAILWAY COMPANY.

Mr. MORRILL. I ask the gentleman to permit me first to call up for present consideration Senate bill 1352, granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation at Fort Leavenworth. This is a bill which interests a hundred thousand of my constituents.

Mr. SPRINGER. Let it be read.

The bill was read, as follows:

Be it enacted, &c., That the right of way, not exceeding 100 feet in width, is hereby granted to the Leavenworth, Northern and Southern Railway Company, a corporation created under the laws of the State of Kansas, to construct and operate a railroad across and over the military reservation at Fort Leavenworth, in the State of Kansas, upon such line as shall be designated and fixed by the Secretary of War: *Provided*, That if any part of the line to be so designated and fixed shall be upon any portion of any right of way heretofore fixed by the Secretary of War for any other railroad company, all differences between such companies as to the occupying of such line, and as to any compensation to be paid therefor, shall be determined by the Secretary of War: *And provided further*, That no further interference with any railway line now in operation on said reservation shall be made than the public interest shall require.

Mr. MORRILL. This bill allows this company to build its road through a corner of this military reservation, subject, as far as the location of the line is concerned, to the approval of the Secretary of War.

Mr. SPRINGER. This I understand is the shortest line to Leavenworth?

Mr. MORRILL. Yes, sir.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Several members rose and asked unanimous consent to call up bills out of their order.

Mr. SPRINGER. I see it is impossible to accommodate all the gentlemen now. I suggest that we now rise and report these bills, and after we have disposed of them other bills may be called up in the House, so far as there may be time. I move that the committee rise.

Mr. BRECKINRIDGE, of Kentucky. Can we not agree that each gentleman shall hand his bill to the Clerk and have it entered as passed? [Laughter.]

The motion that the committee rise was agreed to.

The committee accordingly rose; and Mr. SPRINGER having resumed the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House, having had under consideration the Private Calendar under the special order, had directed him to report back sundry bills with various recommendations.

BILLS PASSED.

The first business reported from the Committee of the Whole House was the joint resolution (H. Res. 69) for the relief of William B. Isaacs & Co., with amendments.

Mr. WISE. If in order I call for a division of the amendments.

Mr. ROWELL. Having heard the report read, I ask unanimous consent to withdraw the amendment I offered.

Mr. WISE. I thank my friend. I think the question to which his amendment referred is not involved.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent to withdraw the amendment to the amendment. The Clerk will report it.

The Clerk read as follows:

Insert these words: "Including the question of the loyalty of the claimant."

The SPEAKER *pro tempore*. If there be no objection this portion of the amendment will be withdrawn.

There was no objection.

The amendment reported by the Committee of the Whole as thus modified was agreed to, and the joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

House bills of the following titles, reported from the Committee of the Whole House without amendments, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 9017) for the relief of Henry S. Cohn;
A bill (H. R. 3930) for the relief of Wells C. McCool;
A bill (H. R. 528) for the relief of Silas Quackenbush;
A bill (H. R. 2053) for the relief of Rachael J. Floyd;
A bill (H. R. 5772) for the relief of R. D. Beckley and Leon Howard;
A bill (H. R. 506) for the relief of Eleanor T. Brookbanks and others;
A bill (H. R. 3642) for the relief of the heirs of Jacob Cramer;
A bill (H. R. 5877) for the relief of William H. Morhiser;
A bill (H. R. 1802) for the relief of Moses B. Walker;
A bill (H. R. 3475) for the relief of William Talbert;
A bill (H. R. 2176) for the relief of Alexander Goble;
A bill (H. R. 1776) for the relief of Faran & McLean; and
A bill (H. R. 2918) for the relief of William Huntington.

House bills of the following titles were reported with amendments, which were agreed to; and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1501) referring the claim of William Dolton to the Court of Claims (the title was amended so as to read "A bill referring the claim of William Dolton to the Court of Claims");
A bill (H. R. 1034) for the relief of Bangs, Brownell & Co.;
A bill (H. R. 3750) for the relief of Frances H. Plummer;
A bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas; and
A bill (H. R. 2013) for the relief of Myron E. Dunlap.

The following Senate bills, reported without amendment, were severally ordered to a third reading, and were accordingly read the third time, and passed:

A bill (S. 16) for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased;
A bill (S. 365) for the relief of Martin L. Bundy; and
A bill (S. 1352) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation at Fort Leavenworth.

Sundry House bills and a joint resolution were reported favorably from the Committee of the Whole House, for which, by unanimous consent, Senate bills and a joint resolution of the same titles were taken from the Private Calendar, ordered to a third reading, and were accordingly read the third time, and passed; as follows:

A bill (S. 579) granting a franking privilege to Julia D. Grant; the bill (H. R. 2033) with the same title was laid on the table;
A bill (S. 498) for the relief of George T. Dudley; the bill (H. R. 1503) with the same title was laid on the table;
Senate joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company; joint resolution (H. Res. 26) with the same title was laid on the table; and
A bill (H. R. 5889) for the relief of the officers and crew of the light-house tender Lilly and the inspector of the fourteenth United States light-house district was reported with amendments.

Mr. WARNER, of Missouri. I ask unanimous consent to report at this time from the Committee on Claims the bill (S. 2073) with the same title, and that it be passed in place of the House bill.

There was no objection; and the bill (S. 2073) having the same title was ordered to a third reading; and it was accordingly read the third time, and passed.

House bill 5889 was laid on the table.

Mr. MORRILL moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL B. SEAT.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent to take up Senate bill No. 24 on this Calendar (there having been reported favorably a House bill of like tenor) and put it upon its passage.

Mr. MATSON. I reserve the right to object to that bill until I hear it read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to Samuel B. Seat, of Montgomery County, Tennessee, the sum of $933.72, the same being a refund to said Seat of the amount hitherto paid by him in excess of what was actually due by him to the United States, and which he paid in satisfaction of an erroneous judgment.

Mr. CALDWELL. Mr. Chairman, I desire to make a brief statement, and I am satisfied that after I make it there will be no objection to this bill.

Mr. MATSON. I make no objection.

The SPEAKER *pro tempore*. Is there objection to discharging the Committee of the Whole from the further consideration of this bill and bringing it before the House for immediate consideration?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RIGHT OF WAY FORT RUSSELL AND FORT LARAMIE RESERVATIONS.

Mr. CAREY. Mr. Speaker, I move that the Committee of the Whole be discharged from the further consideration of Senate bill No. 2222, and that it be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Cheyenne and Northern Railway Company, a corporation created and organized under the laws of the Territory of Wyoming, is hereby authorized to build its road across the Fort Russell and Fort Laramie military reservations, upon such a line and subject to such restrictions as may be approved by the Secretary of War: *Provided*, That such right of way shall not exceed 100 feet in width, and shall be subject to such change or removal as may be prescribed by the Secretary of War, at the expense of the railway company.

SEC. 2. That if the rights hereby conferred shall not be exercised and the road built within three years next after the passage of this act, all the rights and authority hereby granted shall absolutely cease and determine.

The SPEAKER *pro tempore*. Is there objection to discharging the Committee of the Whole from the further consideration of this bill and bringing it before the House at this time for consideration?

There was no objection.

Mr. RANDALL. Does the Secretary of War approve of this?

Mr. CAREY. Yes, sir; his letter is here approving it.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MCMILLIN moved to reconsider the votes by which the two last bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PRICE. Mr. Speaker, I ask unanimous consent of the House to take up one bill and pass it.

The SPEAKER *pro tempore*. The hour of 11 o'clock having arrived, it is the duty of the Chair, under the order of the House for this special session, to declare the House adjourned until to-morrow at 11 o'clock a. m.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Papers relating to the claim of Benjamin B. Jordan, of Alcorn County, Mississippi—to the Committee on War Claims.

By Mr. BALLENTINE: Petition of James Anderson, of Wayne County, Tennessee, asking reference of his claim to the Court of Claims—to the same committee.

By Mr. BAYNE: Petition of the Chamber of Commerce of Pittsburgh, Pa., against House bill 8745, and against the construction of any low bridge across the Mississippi River at or near Saint Louis—to the Committee on Commerce.

By Mr. BLANCHARD: Papers relating to the claim of Marie A. Prudhomme, of Natchitoches Parish, Louisiana—to the Committee on War Claims.

By Mr. BLOUNT: Petition of Margaret Bloodworth, of Wilkinson County, and of Thomas Clements, of Monroe County, Georgia, asking that their war claims be referred to the Court of Claims—to the same committee.

Also, papers relating to the claim of Thomas Clements, of Monroe County, Georgia—to the same committee.

By Mr. C. R. BRECKINRIDGE: Papers relating to the claim of Alexander Davis, of Conway County, Arkansas, and of Phillis Pearson and others, of Fairfax County, Virginia—to the same committee.

By Mr. T. M. BROWNE: Petition of Moses D. Leeson Post, Grand Army of the Republic, of Indiana, for the passage of Senate pension bill 1886—to the Committee on Invalid Pensions.

By Mr. BUNNELL: Petition of the Industrial Home Association of Utah, to provide means of self-support for the dependent classes in said Territory, and to aid in suppressing polygamy—to the Committee on the Territories.

Also, petition of Nelson Post, No. 504, Grand Army of the Republic,

of Burlington, Pa., asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of Post No. 2, Grand Army of the Republic, of Philadelphia; Post No. 12, of Roxborough; Post No. 45, of Phœnixville; and Post No. 6, of Germantown, Pa., for the passage of Senate bill 2056—to the same committee.

By Mr. CLARDY: Petition of Difani Post, No. 273, Grand Army of the Republic, of Perryville, Mo., for the passage of Senate bill 1886 for the relief of disabled soldiers and sailors—to the same committee.

By Mr. COLLINS: Resolutions of the Legislature of the Commonwealth of Massachusetts, asking for prompt and decided action for the protection of American fishermen in the exercise of their lawful rights—to the Committee on Commerce.

By Mr. COX: Petition of Harvey Durham, and of N. G. Gulley, of Johnson County; of John B. Sugg, of Maria R. Royster, of Drury Partin, and of Joseph D. Hayes, of Wake County; and of John J. Fearington, of Chatham County, North Carolina, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to claim of Joseph D. Hayes, of Wake County; of Maria P. Royster, of Wake County; of John J. Fearington, of Chatham County; and of Harvey Durham and John G. Gulley, of Johnson County, North Carolina—to the same committee.

By Mr. CUTCHEON: Resolution of Samuel Judd Post, No. 133, Department of Michigan, Grand Army of the Republic, in favor of the Senate bill 1886, to pension disabled and dependent soldiers—to the Committee on Invalid Pensions.

Also, memorial of citizens and business men of Muskegon, Mich., for the erection of a suitable public building at Muskegon as proposed by House bill 4545—to the Committee on Public Buildings and Grounds.

Also, memorial of S. Walter Reynolds, John W. Barney, and Thomas Griffith, hospital stewards, United States Army, asking for increase of compensation—to the Committee on Military Affairs.

By Mr. DOUGHERTY: Papers relating to the claim of William A. D. Roberts, of Clay County, and of Andrew J. Pellicen and of John A. Pellicen, of Saint John's County, Florida—to the Committee on War Claims.

By Mr. DUNN: Papers relating to the claims of Samuel J. Sutton, of Phillips County; of John R. Sembler, of Saint Francis County; of James Dougherty, of Saint Francis County, and of Lizzie E. Neely, Mary E. Neely, and Esther A. B. Neely, of Independence County, Arkansas—to the same committee.

By Mr. ERMENTROUT: Petition of Robert T. Matthias, hospital steward, for the passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. GROUT: Petition of C. E. Spaulding and 31 others, citizens of Warren, Vt., asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. HOWARD: Two petitions of ex-soldiers and citizens of Crawford County, Indiana, praying for the passage of pension laws recommended by the Grand Army of the Republic—to the same committee.

By Mr. McCOMAS: Petition of B. P. Reutch, for payment of war claims—to the Committee on War Claims.

By Mr. MATSON: Petition of Isaac D. Ward, for relief—to the Committee on Claims.

By Mr. MILLARD: Papers relating to the claim of Jane Hopkins, of Iberia Parish, Louisiana—to the Committee on War Claims.

By Mr. NORWOOD: Papers relating to the claims of Rebecca D. Fulton, of Henry Fields, of Ann Susan Carrier, of Thomas J. Walsh, of Richard Butler, of William Rutherford, of Abraham Sheftall, of Dr. Solomon Sheftall, of Christian Ubele, of George Von Waldner, of Chatham County; of Simeon L. Morton, of Scriven County; of Thomas W. Quarterman, of Liberty County; and of Sabina Morton, executrix of Silas Morton, of Chatham County, Georgia—to the same committee.

By Mr. PEEL: Papers relating to the claims of George W. Mitchell and of John Miser, of Benton County; and of David Mayberry, jr., of Washington County, Arkansas—to the same committee.

By Mr. PINDAR: Petition of 89 soldiers of Herkimer County, New York, praying for the passage of soldiers' relief bill—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of Vessel-Owners and Captains' Association of Philadelphia, to extend the usefulness of the Signal Service along the Atlantic seaboard—to the Committee on Appropriations.

By Mr. ROBERTSON: Petition of Professor W. B. Gwyn and others, of Bullitt County, Kentucky, for an appropriation for the improvement of Salt River—to the Committee on Rivers and Harbors.

By Mr. ROGERS: Memorial to support Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of Catherine M. Moreley, of Robertson County, Texas, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ST. MARTIN: Petition and documents to accompany House bill 9189, for the relief of the Citizens' Bank of Louisiana—to the Committee on Private Land Claims.

By Mr. J. M. TAYLOR: Papers relating to the claims of Pieta Priddy, of Shelby County; of Peyton S. and John F. Warner, of Gibson County; and of George M. Robinson, of Madison County, Tennessee—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of Lizzie E. Pullen, of Jacob E. Hodges, of George Smith, of John C. Harris, and of A. H. Hurt (now Lilly), of Hamblen County; of William Line, of Andrew Caldwell, of John Turner, of Samuel C. Odell, of Robert Caldwell, of John H. Caldwell, of John Turner, guardian, and of A. A. Caldwell, of Jefferson County; of William A. Bryan, of Fayette County; and of B. J. Kimbrough, heir of James Kimbrough, of Shelby County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. VAN EATON: Papers relating to claim of Leflore County, and of Charles F. Felder, of Amite County, Mississippi—to the same committee.

By Mr. WAKEFIELD: Petition of Bart W. Day and 123 others, citizens of Jackson, Minn., praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Martha A. Peacock, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINS: Petition of Henry Bowers, John R. Kennedy, and 300 others, citizens of Tuscarawas County, Ohio, praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *June* 17, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, submitting, in reply to a resolution of April 5, 1886, a report in regard to the distribution of public documents by the Department of the Interior; which was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of June 14, 1886, a statement in regard to the transportation of United States mails over inland water routes.

The PRESIDENT *pro tempore*. If there be no objection the communication will be referred to the Committee on Post-Offices and Post-Roads, and printed.

Mr. FRYE. Was not that called for by a resolution offered by the Senator from Kansas [Mr. PLUMB]?

The PRESIDENT *pro tempore*. It was.

Mr. FRYE. Then my impression is that he wants it for use on the Post-Office appropriation bill which is now pending between the two Houses, and I suggest that it be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Cincinnati (Ohio) Chamber of Commerce, remonstrating against the proposed construction of a bridge across the Mississippi River at Saint Louis, Mo.; which was referred to the Committee on Commerce.

He also presented a memorial of the Cincinnati (Ohio) Chamber of Commerce, remonstrating against the proposed construction of a bridge across the Little Kanawha River at its junction with the Ohio River; which was referred to the Committee on Commerce.

He also presented a petition of Memorial Post, No. 141, Grand Army of the Republic, Department of Ohio, praying for favorable action on the recommendations of the committee on pensions of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. CULLOM presented the petition of John D. Pope, vice-president of the Saint Louis Canal Company, praying that should the desert-land act be repealed lands lying within the scope of works already under construction be exempted from the operation of the proposed repeal of the existing law; which was referred to the Committee on Public Lands.

He also presented resolutions adopted by the Produce Exchange of Chicago, Ill., representing the produce and dairy interests of Illinois, and attested by George W. Linn, president, and R. M. Littler, secretary, favoring the passage of the House oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented the petition of Ellis Mendell and others, citizens of Mattapoisett, Plymouth County, Massachusetts, praying for the passage of the bill respecting oleomargarine as reported by the House Committee on Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I present the memorial of Thomas Dana & Co. and a large number of other merchants of Boston, Mass., remonstrating against

the passage of the bill defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. I move the reference of the memorial to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAWES. I present the petition of a large number of citizens of Mississippi, praying for the passage of the bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883. As the bill is before the Senate now, I move that the petition lie on the table.

The motion was agreed to.

Mr. SPOONER presented a petition of the American Agricultural and Dairy Association and 164 dairy farmers of Wisconsin, praying for the passage of the bill regulating the sale of and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. WILSON, of Iowa, presented a petition of the American Agricultural and Dairy Association and 821 dairy farmers of Iowa and 240 cattle-men of Dakota, praying for the passage of the bill regulating the sale of and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. TELLER presented petitions of 114 dairy farmers of Colorado and California, praying for the passage of the bill regulating the sale of and taxing imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. SAWYER presented resolutions adopted by the Green County (Wisconsin) Pomona Grange, Patrons of Husbandry, in favor of the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. SAULSBURY presented the petition of Capt. Douglass Ottinger, of the United States Revenue Marine, praying that the joint resolution (H. Res. 125) awarding to Joseph Francis the thanks of Congress and a gold medal for the construction and perfection of life-saving appliances, be recommitted to the Committee on Commerce of the Senate for the purpose of hearing further evidence in regard to that matter; which was ordered to lie on the table.

Mr. CONGER presented nine petitions of 548 dairy farmers of Michigan, praying for the passage of the bill regulating and taxing imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. DOLPH presented the petition of 109 dairy farmers of Oregon, praying for the passage of the bill regulating and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2431) granting a pension to Henry Shoulders;

A bill (S. 2519) granting an increase of pension to Richard B. Rians;

A bill (H. R. 4374) to increase the pension of Samuel Frost;

A bill (H. R. 944) for the relief of Mary Jane Conrad; and

A bill (H. R. 6087) granting a pension to Patrick Murphy.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 2554) to amend section 2133 of the Revised Statutes of the United States, moved its indefinite postponement, which was agreed to; and he reported a bill (S. 2676) to repeal chapter 360 of the statutes of 1882, entitled, "An act to amend section 2133 of the Revised Statutes in relation to Indian traders;" which was read twice by its title.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 758) granting a pension to Alexander Harper, reported it without amendment, and submitted a report thereon.

Mr. HARRISON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 1801) for the reappraisement and sale of a certain tract of land of the reservation of the Sac and Fox Indians of the Missouri tribe, in the State of Nebraska, to report it without amendment. I do not accompany the bill with any written report. I desire to state that Senate Executive Document No. 83 of this session contains a communication from the Department of the Interior showing the reasons for the passage of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. RANSOM. I am instructed by the Committee on Private Land Claims, to whom was referred the bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado, to report it with an amendment in the nature of a substitute, striking out everything after the enacting clause and proposing the substance or actually the bill of the Senate No. 11, which has been reported favorably to this body by the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland, reported it without amendment.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 2677) to regulate the jurisdiction of the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAWES (by request) introduced a bill (S. 2678) to amend sections 2529 and 2728 of the Revised Statutes of the United States, in relation to the appointment of appraisers in the Boston custom-house; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. INGALLS introduced a bill (S. 2679) granting a pension to Hugh N. Shanks; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2680) granting a pension to Elizabeth M. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2681) increasing the pension of George W. Harris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 2682) granting a pension to Thomas W. Egan; which was read twice by its title.

Mr. VAN WYCK. I desire to say in this connection that while I introduce the bill most cheerfully, it was drawn by the friends of General Egan, and proposes to have the pension date back to 1864, a matter which I presume will not be agreed to by the Senate or by the Congress of the United States. I move that the bill be referred to the Committee on Pensions.

The motion was agreed to.

Mr. INGALLS introduced a bill (S. 2683) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HEARST introduced a bill (S. 2684) granting a pension to Kate C. McDougal; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. SAWYER submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ACCOUNTS OF POSTMASTERS.

Mr. SAWYER. I submit the following resolution, and ask for its present consideration:

Resolved, That the Postmaster-General be requested to inform the Senate of the amount of additional compensation allowed postmasters and late postmasters in the State of Wisconsin under the act of March 3, 1883, for the payment of which no provision has been made.

Mr. INGALLS. It is not the custom of this body to request information from subordinate officers. I suggest that the customary word "directed" be inserted in the resolution.

I would add in connection with this subject that I offered a resolution similar in purpose the other day, calling for information as to the amount due postmasters in the State of Kansas on the readjustment of salaries. That was amended at the suggestion of the Senator from Michigan [Mr. CONGER] so as to include the information in regard to all States in the Union. A report was sent back from the Postmaster-General to the effect that it would require a very large force of clerks fourteen months to furnish the information, and thereupon the matter lay upon the table, where it now reposes.

I will add that I have reason to believe that the response of the Postmaster-General was not correct. That is the mildest term I will employ in my criticism. I am informed that the adjustment has been made in every case, and that it appears in dollars and cents upon the jacket in each instance. So all that would be required would be a simple transcription of the indorsements upon the jackets in those cases in order to give us the information desired.

The Post-Office Department is determined that those amounts shall not be paid, if any obstacle that it can interpose will prevent it. There have been too many concurrent expressions on that subject to leave any doubt in my mind on that point.

Inasmuch as the Senate has once called on the Post-Office Department for this information respecting the postmasters in every State in the Union, and the reply has been that there is an impossibility to furnish it, I suggest to the Senator from Wisconsin that the adoption of such a resolution the second time would put the Senate in a very disagreeable and unfortunate attitude.

Mr. SAWYER. I was not aware of the previous resolution. If there is no objection I will withdraw the resolution I have offered.

The PRESIDENT *pro tempore*. The resolution is withdrawn.

DEPARTMENTAL CLERKS—CIVIL SERVICE.

Mr. INGALLS submitted the following resolution; which was read:

Resolved, That the President be requested, if in his opinion not incompatible with the public interest, to furnish to the Senate the following information:

First. The number of clerks now embraced within the provisions of the civil-

service act of January 16, A. D. 1883, who were removed from office in the several Executive Departments, and the number of such clerks who were appointed to office in the several Executive Departments under the civil-service rules from July 16, A. D. 1883, to March 4, A. D. 1885, not including in such removals and appointments clerks excepted from examination by Rule XIX of the amended civil-service rules.

Second. The number of clerks embraced within the provisions of the civil-service act of January 16, 1883, who were removed from office in the several Executive Departments and the number of such clerks who were appointed to office in the several Executive Departments under the civil-service rules from March 4, A. D. 1885, to June 15, A. D. 1886, not including in such removals and appointments clerks excepted from examination by Rule XIX of the amended civil-service rules.

Third. The number and names of chiefs of division and chief clerks who were removed from office in the several Executive Departments from July 16, A. D. 1883, to March 4, A. D. 1885, and the number and names of such chiefs of division and chief clerks who were appointed to office during the same period, and the number of such appointments which were made by promotion.

Fourth. The number and names of chiefs of division and chief clerks who were removed from office in the several Executive Departments from March 4, A. D. 1885, to June 15, 1886, and the number and names of such chiefs of division and chief clerks who were appointed to office during the same period, and the number of such appointments which were made by promotion.

Mr. COCKRELL. I shall want to offer an amendment to the resolution, and I have not time to prepare it now. Let it be printed and lie over until to-morrow morning.

Mr. INGALLS. It will go over under the rule.

Mr. COCKRELL. There is no objection to the passage of it except that I want to make it a little more comprehensive.

The PRESIDENT *pro tempore*. The resolution will go over.

SOLDIERS' CLAIMS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to certify to the Senate the claims of the volunteer soldiers adjusted by the accounting officers of the Treasury since the last deficiency report of the Treasury.

CONSIDERATION OF THE CALENDAR.

The PRESIDENT *pro tempore*. The morning business is closed, and the Calendar is now in order under a rule adopted by the Senate which will be read; and the Chair will strictly enforce it if the Senate will sustain him in doing so.

The Chief Clerk read as follows:

Ordered, That Thursday, June 17, be devoted to the Calendar under the five-minutes' limitation for debate and subject to objection, which objection shall operate only to pass over the case, retaining its place on the Calendar; and that no motion shall be made to proceed to the consideration of any bill where objection is made to the consideration of the same; and that Friday shall be devoted to the Calendar under the eighth rule.

The PRESIDENT *pro tempore*. The Calendar will be proceeded with at the point where its consideration was left off when the Calendar was last considered.

WILLIAM TALBERT.

The bill (S. 1554) for the relief of William Talbert was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

The Committee on Claims reported an amendment, after the word "patent," in line 9, to strike out "on principles of equity and justice;" so as to make the bill read:

Be it enacted, &c., That the claim of William Talbert, of Washington City, D. C., for the use by the Government of his patented improvement for marine railways, be, and the same is hereby, referred to the Court of Claims, which said court is authorized and directed to take jurisdiction thereof, and to award judgment thereon, according to its value to the Government during the existence of said patent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIMON J. FOUGHT.

The bill (H. R. 1902) granting an increase of pension to Simon J. Fought was considered as in Committee of the Whole. It proposes to increase the pension of Simon J. Fought, formerly a corporal of Company D, Forty-sixth Regiment Ohio Volunteers, to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF ERSKINE S. ALLIN.

The bill (S. 1359) for the relief of the heirs of Erskine S. Allin was announced as next in order on the Calendar, and was read.

Mr. CULLOM. The bill seems to appropriate a large amount of money. I should like to have some explanation of it.

The PRESIDENT *pro tempore*. The bill is reported from the Committee on Patents with an amendment reducing the amount from $100,000 to $30,000.

Mr. COCKRELL. I think the bill had better be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. COCKRELL. Let it retain its place on the Calendar.

The PRESIDENT *pro tempore*. It will not lose its place under the order applicable to this day.

JOHN WILLIAMS.

The bill (S. 2262) for the relief of John Williams was announced as next in order on the Calendar.

Mr. DOLPH. I object to that bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

STATE WAR CLAIMS.

The bill (S. 309) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States was announced as next in order.

Mr. GORMAN. Let the bill go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

EFFICIENCY OF THE ARMY.

The bill (S. 2199) to increase the efficiency of the Army of the United States was announced as the next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The bill is objected to, and goes over.

Mr. CULLOM. That bill was reported by my colleague [Mr. LOGAN]. I do not see him present, and I ask that it be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill goes over under objection already made.

Mr. CULLOM. I did not hear the objection stated.

J. M. HIATT.

The bill (S. 1492) for the relief of Hiatt & Co. was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 10, after the word "cents," to insert "or so much thereof as may be found actually due the claimant after an investigation of the facts by the Secretary of the Interior;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to J. M. Hiatt, only surviving partner of Hiatt & Co., late traders for the Osage tribe of Indians, out of any money in the Treasury accruing to the Osage tribe of Indians by act of Congress approved June 16, 1880, the sum of $16,759.99, or so much thereof as may be found actually due the claimant after an investigation of the facts by the Secretary of the Interior, which sum shall be in full satisfaction of the claim of said Hiatt & Co. against the Osage tribe of Indians for goods sold them on an extended credit.

The amendment was agreed to.

Mr. CULLOM. I observe that the bill proposes that the payment shall be made by the Secretary of the Interior. I think it should be made by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. CULLOM. I do not object to its consideration; I simply call attention to the fact.

Mr. COCKRELL. In line 3, I move to strike out the word "Interior" and insert "Treasury;" so as to read:

That the Secretary of the Treasury be, &c.

It is a mere clerical oversight, evidently.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co."

E. C. CHIROUSE.

The bill (S. 1375) for the relief of E. C. Chirouse, late United States Indian agent, was considered as in Committee of the Whole. It directs the accounting officers of the Treasury, in the settlement of the accounts of E. C. Chirouse, late United States Indian agent at Tulalip, Wash., to adjust and settle the same upon the principles of equity and justice, and to award him credit for disbursements that appear to have been honestly made in good faith and have inured to the benefit of the Indians or the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. MALO.

The bill (S. 1376) for the relief of John F. Malo was considered as in Committee of the Whole. It directs the Secretary of the Interior to pay, out of the unexpended balance of appropriations for schools for 1885 or prior years, to John F. Malo, for services rendered and expenditures incurred by him in maintaining an Indian boys and girls' school among the Turtle Mountain Chippewas of Dakota, from September 20, 1882, to December 1, 1883, $1,000.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. MAXEY, from the Committee on Indian Affairs, April 29, 1886:

The Committee on Indian Affairs, to which was referred the bill (S. 1376) for the relief of John F. Malo, respectfully submits the following report.

In response to a communication from the chairman, the acting Secretary of the Interior writes as follows:

DEPARTMENT OF THE INTERIOR, *Washington, March* 19, 1886.

SIR: I have the honor to acknowledge the receipt of your note of 6th instant, referring, with request for examination and report, Senate bill No. 1376, "for the relief of John F. Malo," which contemplates the payment, out of the unexpended balance of appropriations for Indian schools for 1885, or prior years, to Rev. John F. Malo $1,000, for services rendered and expenditures incurred by him in maintaining an Indian boys and girls' school among the Turtle Mountain Chippewas of Dakota, from September 20, 1882, to December 1, 1883.

The subject having been referred to the Commissioner of Indian Affairs, I transmit in reply a copy of his letter of 18th instant, with accompanying papers noted therein.

The late Commissioner of Indian Affairs urged an appropriation for the payment of this claim, in which Mr. Secretary Teller concurred.

The Commissioner of Indian Affairs expresses the opinion that the claim is a just one, and recommends the passage of the bill, in which recommendation this Department concurs.

Very respectfully,

H. L. MULDROW, *Acting Secretary.*

The CHAIRMAN *Committee on Indian Affairs, United States Senate.*

This communication was accompanied by the following:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, *Washington, March* 18, 1886.

SIR: By your reference of the 8th instant, I am in receipt of a letter from Hon. H. L. DAWES, chairman of the Committee on Indian Affairs, United States Senate, requesting a report on Senate bill (S. 1376) for relief of John F. Malo, for services rendered and expenditures incurred by him in maintaining an Indian boys and girls' school among the Turtle Mountain Chippewas of Dakota, from September 20, 1882, to December 1, 1883, amounting to $1,000.

In reply I have the honor to state that the claim in favor of J. F. Malo was allowed by this office on December 27, 1883, under authority of the Department of December 22, 1883, and for your information and that of the Senate committee I inclose herewith copies of the voucher and authority upon which the settlement was made, and also Ex. Doc. No. 240, House of Representatives, Forty-eighth Congress, second session, containing letter from this office dated June 10, 1884, giving history of the claim and reasons why it was not allowed by the accounting officer. I think the claim a just one and recommend its passage.

Very respectfully,

J. D. C. ATKINS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The United States, to Rev. John F. Malo, Dr.

For conducting a day school among the Turtle Mountain Chippewa Indians, in Dakota, from September 20, 1882, to December 1, 1883, say fourteen months, with an average attendance of thirty-five boys and thirty-five girls..... $1,000

WASHINGTON, D. C., *December* 21, 1883.

I, John F. Malo, of Turtle Mountain, Dakota, do swear that I have conducted the school referred to in the above account during the period therein mentioned; that the average attendance therein named is correct; that the charge for conducting the school is, I believe, reasonable and just, and that no part of said account has ever been paid by said Indians or by the United States.

JOHN F. MALO, *M. P.*

Subscribed and sworn to before me this 21st day of December, A. D. 1883.

[SEAL.] CHARLES S. DRURY, *Notary Public for District of Columbia.*

THE BUREAU OF CATHOLIC INDIAN MISSIONS, *Washington, D. C., December* 21, 1883.

We certify that the records of this bureau show that the school named in the above account was conducted by said Rev. J. F. Malo, at his own expense, during the time therein named, and that the average attendance named is correct; and that, in our opinion, the charge made is reasonable and just.

I. B. A. BROUILLET, *Director.*
CHAS. S. LUSK, *Secretary.*

Official copy.
Settled December 27, 1883.

——— ———, *Chief Finance Division.*

DEPARTMENT OF THE INTERIOR, *Washington, December* 22, 1883.

SIR: In compliance with the recommendation contained in your communication of 21st instant, authority is hereby granted for the settlement of account in favor of Rev. John F. Malo, in the sum of $1,000, for conducting a day school on the Turtle Mountain Chippewa reservation in Dakota from September 20, 1882, to December 1, 1883, payable from funds applicable thereto.

The account is herewith returned.

Very respectfully,

H. M. TELLER, *Secretary.*

Official copy.

——— ———,
Chief of Finance Division.

The COMMISSIONER OF INDIAN AFFAIRS.

The committee is fully satisfied that the claim set forth in the bill is just and reasonable, wherefore the committee recommends that said bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHEROKEE FUNDS.

The bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceed of lands under the act of March 3, 1883, was considered as in Committee of the Whole.

The PRESIDENT *pro tempore.* The Chair is advised that there is a long amendment proposed by the Senator from Alabama [Mr. MORGAN], who is not present.

Mr. DAWES. The Senator from Alabama left his amendment in my charge.

The PRESIDENT *pro tempore.* Does the Senator from Massachusetts move that amendment?

Mr. DAWES. No; but the original bill I should like to amend. In line 7, after the word "against," I move to insert the words "any money now or hereafter due;" and after the words "Cherokee Nation," in the same line, to insert the words "and deducted therefrom," and to strike out the succeeding lines, 8, 9, and 10, in the following words:

On account of its lands west of the Arkansas River, and shall be a lien on said lands, and which shall be deducted from any payment hereafter made on account of said lands.

So as to read:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $75,000, or so much thereof as may be necessary, to carry out the provisions of this act; and the amount actually expended shall be charged against any money now or hereafter due the Cherokee Nation and deducted therefrom.

The object of the amendment is not to charge it specially on the land.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

INDIAN TRAINING-SCHOOL IN OREGON.

The bill (S. 2060) to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training-school, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to purchase for the use of the Indian training-school near Salem, Oreg., a tract of land, containing 84.92 acres, adjoining the farm of the training-school, at a sum not exceeding $1,500, payment to be made in labor, to be performed by the Indian pupils attending the school.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE OVER WILLAMETTE RIVER.

The bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon, was considered next in order on the Calendar.

Mr. MITCHELL, of Oregon. My colleague [Mr. DOLPH] has charge of the bill, but the Senator from Vermont [Mr. EDMUNDS] some days ago indicated to me that he wished to suggest an amendment to it. Therefore I ask that the bill be laid over until to-morrow.

The PRESIDENT *pro tempore.* The bill will be passed over.

Mr. MITCHELL, of Oregon, subsequently said: The Senator from Vermont [Mr. EDMUNDS] is not in his committee-room, and he was aware that this order was coming up to-day, and I understand he does not now desire to suggest any amendment. I will say in addition that this bill was carefully considered by the Committee on Commerce and reported unanimously by that committee, and I ask the Senate to go back to it.

The PRESIDENT *pro tempore.* If there be no objection the consideration of the bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon, will be resumed as in Committee of the Whole. The amendment reported by the Committee on Commerce will be stated.

The CHIEF CLERK. The committee propose to amend by striking out section 5 of the bill, as follows:

SEC. 5. That such alterations or changes as may be required by the Secretary of War or Congress in bridges constructed under the provisions of this act shall be made by the persons or corporations owning or controlling said bridges, at their own expense; and said Oregonian Railway Bridge Company is hereby authorized to borrow money to be used in the construction of such bridge, not exceeding the sum of ——— thousand dollars, and for such purpose to issue bonds running ——— years and bearing 7 per cent. per annum interest, payable semi-annually, and, for the purpose of securing payment of the principal and interest thereof, to execute a mortgage on all the rights, privileges, and franchises of such company, including the said bridge; and it is hereby expressly provided that Congress reserves the right at any time to alter, amend, or repeal this act.

And in lieu thereof inserting:

SEC. 5. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river is hereby expressly reserved; and all changes or alterations so required shall be made at the expense of the parties owning or controlling said bridge.

The PRESIDENT *pro tempore.* The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes, was announced as next in order on the Calendar.

Mr. INGALLS. That bill can hardly be considered this morning.

The PRESIDENT *pro tempore.* The bill will go over.

ESTHER A. KEYSER.

The bill (S. 2291) for the relief of Esther A. Keyser was announced as next in order.

Mr. INGALLS. Since that bill was reported from the Committee on the District of Columbia information has reached me that there are

parties interested who have not been heard. My memory just reminds me of that fact. I ask that the bill may be passed over, retaining its place, until such time as I can consider it further.

Mr. HARRIS. Would it not be quite as well to recommit the bill?

Mr. INGALLS. Perhaps that would be better.

Mr. HARRIS. It would be better.

Mr. INGALLS. I move to recommit the bill to the Committee on the District of Columbia.

The motion was agreed to.

PROSPECT HILL CEMETERY.

The bill (S. 1187) to amend an act incorporating the proprietors of Prospect Hill Cemetery, approved June 13, 1860, was considered as in Committee of the Whole.

The bill was reported by the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 11, before the word "acres," to strike out "100" and insert "18;" in line 12, after "District of Columbia," to strike out the words "to sell and dispose of such parts of said land as may not be wanted for the purposes of said cemetery;" so as to read:

That the name and title of said corporation shall be the Prospect Hill Cemetery, and in that corporate name it shall have perpetual succession, and shall be able and liable to sue and be sued as a body politic and corporate, and exercise all the corporate authority and powers conferred upon it, and be subject to all the liabilities and duties imposed under the original act of incorporation aforesaid, may have and use a common seal, and shall have power to purchase and hold not exceeding 18 acres of land in the District of Columbia.

The amendment was agreed to.

The next amendment was to insert the following as an additional proviso to section 1: .

And provided further, That no portion of said 18 acres shall be sold by said corporation, except for cemetery or burial purposes.

The amendment was agreed to.

The next amendment was, in section 2, line 5, after the word "proprietors," to insert "or owners;" and in the same line, before the words "said cemetery," to insert "lots in;" so as to make the section read:

SEC. 2. That the affairs of said corporation shall be conducted by a board of nine directors, any five of whom shall constitute a quorum, with full authority to act, which board of directors shall be elected annually by a majority of the votes of the proprietors or owners of lots in said cemetery; and the board of directors shall select and appoint from their own board a president and treasurer, and also from their own board or otherwise, a secretary and a superintendent, which superintendent shall have the immediate custody, supervision, and management of the cemetery, under the rules and regulations of the board. The directors shall have authority to fill temporary vacancies occurring in their board, and shall hold their offices until their successors are elected or appointed and qualified.

The amendment was agreed to.

The next amendment was, in section 4, after the word "business," at the end of line 10, to strike out "each member of said corporation or proprietors of lots shall pay an annual fee of $1;" so as to make the section read:

SEC. 4. That the annual meeting of the proprietors of lots in said cemetery shall be held in the city of Washington on the first Monday in March of every year, for the purpose of receiving the annual report of the board of directors and for electing a new board, the place and hour of assembling to be specified in a public notice previously given by publication in one or more of the daily newspapers published in said city of Washington. At such meeting there shall be at least twenty lot proprietors to constitute a quorum to transact business. In all elections held under this act each proprietor shall be entitled to one vote.

The amendment was agreed to.

The next amendment was to strike out section 7, in the following words:

SEC. 7. That the words "the proprietors," where they occur in the original act of incorporation hereby amended, shall be interpreted and construed to mean the proprietors of lots in said cemetery, and which is hereby declared by this amendment to be the true intent and meaning of said words.

The amendment was agreed to.

The next amendment was, in section [8] 7, after the word "kind," in line 4, to insert "nor shall the cemetery grounds be enlarged beyond the ground now owned by said corporation;" so as to make the section read:

That burial lots in said cemetery shall not be subject to the debts of the proprietors thereof, and the land of the company dedicated to the purpose of a cemetery shall not be subject to taxation of any kind; nor shall the cemetery grounds be enlarged beyond the ground now owned by said corporation.

The amendment was agreed to.

The next amendment was to strike out section 12, as follows:

SEC. 12. That this act shall take effect from the passage thereof.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

That all acts and parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LICENSE TAX OF PRODUCE DEALERS.

The bill (S. 2219) to reduce the license tax of produce dealers at large and in the several markets was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. HOAR. I suggest to the Senator from Kansas to strike out in line 27 the words "not less than ten." It seems to me that a minimum penalty is always wrong.

Mr. INGALLS. Very well, let that be done. The bill was prepared by the District commissioners and sent here as a suggestion of their own after full examination into the condition of affairs here. The suggestion made by the Senator from Massachusetts is very proper, and I think the amendment should be made.

Mr. HOAR. The bill provides that a man must pay his license tax and he may be subjected to a penalty of not more than $30 for not paying in time. If it is a mere accident, the court ought to be permitted to waive it.

The PRESIDENT *pro tempore*. If there be no objection, the amendment striking out the minimum penalty will be made. The Chair hears no objection.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF LABORERS FOR DECORATION DAY.

The joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF CHEROKEE RESERVATION IN ARKANSAS.

The bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHEROKEE CLAIMS.

The bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1883, was considered as in Committee of the Whole. It provides for paying to the treasurer of the Cherokee Nation $2,800 as a full and final discharge of all claims against the United States for the erection of certain corn-mills, as stipulated in the fourth article of the Cherokee treaty of February 14, 1833.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF INAUGURATION DAY.

Mr. HOAR. I ask unanimous consent that the next order of business, being the joint resolution (S. R. 55) proposing an amendment to the Constitution of the United States, may be considered pending so far that I may move an amendment to it to be printed, and then go over.

The PRESIDENT *pro tempore*. The Senator from Massachusetts offers an amendment.

Mr. HOAR. It is not necessary to have either read. Let it go over.

The PRESIDENT *pro tempore*. It will go over; and the amendment will be printed.

FEDERAL ELECTIONS.

The bill (S. 2297) concerning Federal elections was announced as next in order.

Mr. COCKRELL. Let that bill go over. It can not be considered now.

The PRESIDENT *pro tempore*. The bill being objected to goes over.

ANN B. HUBBARD.

The bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix, was considered as in Committee of the Whole. It provides for the payment to Ann B. Hubbard, as administratrix of the estate of Edward Hubbard, deceased, of $336.41, in full compensation for his services in transporting the mails of the United States between the post-offices at Wiscasset and Sheepscott Bridge, Me., from December 8, 1871, to February 11, 1873.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WARD.

The bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party was considered as in Committee of the Whole. It proposes to direct the Attorney-General to ascertain what sum, if any, is a fair equivalent for services rendered by William Ward in the court of common pleas of Delaware County, Pennsylvania, in defending certain attachments and suits pending therein against the United States Revenue-Marine Steamer William H. Seward; and to direct the Secretary of the Treasury to pay to Ward such sum as the Attorney-General shall certify to be a fair equivalent for the services.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. G. COMBS AND OTHERS.

The bill (S. 2298) for the relief of R. G. Combs and others was considered as in Committee of the Whole. It provides for the payment to various persons named the sums specified, being the value of labor and materials furnished in the building of the United States revenue-cutter called Thomas Corwin, built at Albina, Oreg., during the years 1875 and 1876, and for which labor and materials no sum whatever has ever been paid.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. SPOONER May 3, 1886:

The Committee on Claims, to whom was referred the bill (S. 83) for the relief of R. G. Combs and others, have examined the same, and beg leave to report:

That in 1875 the United States entered into an agreement with the Oregon Iron Works, an Oregon corporation, for the construction at Albina, Oreg., of the revenue-cutter called Thomas Corwin. The contract-price was $92,000, to be paid as the work progressed, in four equal installments. The contract gave to the Government the right to finish the vessel at the cost of the contractor, in case the latter failed.

The contractor made various subcontracts, and proceeded with the work, borrowing money for the purpose from the First National Bank of Portland, and making to the bank, to secure it for advances made and to be made, an assignment of the sum to grow due from the Government under the contract. The contractor received three installments, and before the payment of the last one failed and was adjudged a bankrupt. The bank at the time of the failure had advanced for the completion of the vessel upon the security of the last installment the sum of $18,399.96.

Upon the failure the United States took possession of the vessel and removed her to San Francisco, and finished her at a cost of $10,150.77, leaving a balance of the original contract-price of $8,249.23, which was covered into the Treasury and carried to the surplus fund at the close of the fiscal year ending June 30, 1877.

A suit was brought by Coffin & Hendry, San Francisco, to recover for material furnished in rigging the vessel, $3,659.20.

The court held (1) that the United States did not become the owner of the vessel until completion and delivery after trial trip; (2) that the possession of the Government while the vessel was being completed was the possession of the contractor; (3) that the Government, in completing the vessel, was, under the contract, simply the agent of the contractor.

The committee are of opinion that the decision was right and in accordance with the terms of the contract, and they have, therefore, reported favorably at this session a bill giving to the First National Bank of Portland the surplus of $8,249.23, assigned to it as before stated.

The parties named in the bill are ship carpenters, painters, laborers, and firms who furnished material for the vessel. The labor and material all went into its construction. Some of them sought to enforce against the vessel liens for labor and materials under the State law, but they failed because of the relation of the United States to the vessel.

Mr. Evans, a Treasury agent, reported upon the case in 1878, in which he says:

"The Corwin is really a valuable vessel, finely finished, and her probable value is in excess of her cost."

Referring to the claims covered by this bill, he says:

"They are mostly due to poor men who feel the loss keenly, and it is hardly to be supposed that the Government desires to avail itself of any technicality to evade the payment to these her citizens."

The committee think these people should be paid. They belong to a class who can not well afford to work for nothing. The claims have no foundation in strict law, but have in them the strongest elements of equity. The probability is that the contract for the construction of the vessel was too low, and the committee, having recommended the allowance of the surplus to the bank, which gives it not quite 50 per cent. of its advances, think the Government should pay these claims for labor and material, of which it has had the benefit, at 50 cents on the dollar.

A similar recommendation was made by the committee at the first session of the Forty-eighth Congress, Mr. MANDERSON making the report.

The committee report a substitute which simply cuts down one-half the amounts named in the original bill, and recommend the passage of the substitute.

The committee recommend the indefinite postponement of S. 83.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDNANCE ACCOUNT OF KANSAS.

The bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government was considered as in Committee of the Whole. It is a direction to the Secretary of War to cause the State of Kansas to be credited on its ordnance account with the General Government with the sum of $24,448.50, for ordnance and ordnance stores drawn by the State to aid the General Government in the protection of the State against Indian invasion and depredations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION OF DISTILLED SPIRITS.

The bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits was announced as next in order.

Mr. ALDRICH. The Committee on Finance are considering sundry amendments to that bill, and I suggest that it go over without prejudice.

The PRESIDENT *pro tempore*. The bill goes over.

ELIZUR B. HALL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22 of range 15 east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel.

The Committee on Public Lands reported an amendment, in line 3, after the words "issue to," to insert "the grantee of;" and in line 7, after the word "meridian," to insert "State of Kansas;" so as to make the bill read:

Be it enacted, &c., That a patent shall issue to the grantee of Elizur B. Hall, as administrator of the estate of William Frederick Schlagel, for the south half of the southeast quarter of section 34, in township 22 of range 15 east of the sixth principal meridian, State of Kansas, in the usual form and with the usual covenants, as far as may be practicable.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MILITARY QUARTERS AND BARRACKS.

The bill (S. 1935) authorizing and directing the Secretary of War to enlarge, repair, and complete certain military quarters and barracks in Wyoming Territory and in the State of Nebraska was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED M'MURTRIE.

The bill (H. R. 2066) for the relief of Alfred McMurtrie was considered as in Committee of the Whole. It proposes to pay to Alfred McMurtrie, of Luzerne County, Pennsylvania, $115, for hay, corn, and oats taken for the use of and used by the Army of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUFFERERS BY WRECK OF STEAMER ASHUELOT.

The bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments.

The first amendment of the committee was, in section 1, line 13, after the word "paymaster," to strike out "James Entwistle, passed assistant engineer;" and in lines 14 and 15 strike out "Robert R. Leitch, passed assistant engineer;" so as to read:

That to reimburse the officers of the United States steamer Ashuelot, wrecked off the Lamock Islands, in the China Sea, on the night of the 18th of February, 1883, for the loss incurred by them, respectively, in said wreck, there shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, the following sums, namely: To Andrew J. Iverson, lieutenant; Ambrose B. Wyckoff, lieutenant; Henry T. Stockton, lieutenant; Frank R. Hotchkin, lieutenant, junior grade; T. E. D. W. Veeder, lieutenant, junior grade; Edward N. Whitehouse, paymaster; Samuel H. Dickson, passed assistant surgeon; and James M. Pickrell, assistant engineer, each $1,000. To Silas H. Wright, naval cadet; Samuel H. Williamson, naval cadet; William T. Webster, naval cadet; Robert Stewart, naval cadet; A. F. Collander, mate; and David Monat, pay clerk, each $700.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "the," to insert "surviving;" and after "parents," in the same line, to strike out "and if there be no parent, the brothers and sisters;" in line 7 strike out "Brownson" and insert "Bronson;" in line 9 to strike out "Woo" and insert "Yoo;" and in line 10 to strike out "Scutland" and insert "Scotland;" so as to read:

SEC. 2. That the widow, child, or children, or in case there be not such, then the surviving parent or parents of those in the service who were lost in the wreck of the United States steamer Ashuelot, namely: William Gronan, seaman; George Valentine, captain of the hold; Fritz Rackenbach, quartermaster; William Bronson, landsman; Saint Leger Crone, quarter-gunner; Ah Kid, painter; Sun Shing, carpenter's mate; George Ashton, carpenter; Ah Yoo, landsman; Andrew Scotland, private marine; and Benjamin H. Wohlrab, landsman, shall be entitled to and receive, out of any money in the Treasury of the United States not otherwise appropriated, as follows, to wit: The relatives, in the order named, of the persons connected with the United States steamer Ashuelot hereinbefore referred to, a sum equal to twelve months' sea-pay of each person lost.

The amendment was agreed to.

The next amendment was to strike out the proviso after the word "lost," in line 16 of section 2, as follows:

Provided, That the legal representatives of the above deceased persons who were in the service of the Government shall also be paid from the Treasury of the United States any arrears of pay due said deceased at the time of their death.

And in lieu thereof to insert:

Provided, That in any case where heretofore a pension has been granted, or may hereafter in fact be granted, to any such widow, child, or dependent parent by reason of the death of any of the persons named in this section, in the payment of such pension account shall be taken of any sum paid as above provided, and to the extent of its account said sum shall be in lieu and stead of such pension, and no further: *Provided further*, That the legal representatives of the above deceased persons who were in the service of the Government shall also be paid from the Treasury of the United States any arrears of pay due said deceased at the time of their death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED CONGRESS OF AMERICAN NATIONS.

The bill (S. 2362) to promote the political progress and commercial prosperity of the American nations was announced as next in order.

Mr. FRYE. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

THE BRITISH BARK CHANCE.

The bill (S. 2088) for the relief of the owners, officers, and crew of the British bark Chance was considered as in Committee of the Whole.

The Committee on Foreign Relations reported an amendment, in line 6, before the word "thousand," to strike out "ten" and insert "fifteen;" and after the word "thousand" to insert "five hundred;" so as to make the bill read:

Be it enacted, &c., That the Secretary of State be, and hereby is, authorized and directed to draw his requisition upon the Secretary of the Treasury for the payment, out of any money in the Treasury not otherwise appropriated, of the sum of $15,500 to the duly accredited representative of the Government of Great Britain at Washington, to enable said government to pay the same to the owners of the British bark Chance, of the port of Sydney, New South Wales, to indemnify them, and the officers and crew of said bark, for abandoning their whaling voyage in the Arctic Ocean, in the month of September, in the year 1871, and rescuing from shipwreck ninety-six American seamen and transporting them to Honolulu.

Mr. COCKRELL. Let the report be read.

Mr. FRYE. Does the Senator desire to hear the report?

Mr. COCKRELL. I should like some explanation of the case.

Mr. FRYE. It is a very plain case and has been reported favorably by House committees and Senate committees three or four times.

In 1871 this British bark, having been on the whaling-ground for months, received notice that American vessels were fast in the ice farther north, with a request for help. The men immediately abandoned their fishing, went up, and rescued ninety-six American sailors and carried them to Honolulu. That broke up their whole whaling voyage. They never received one dollar for it. They received $35 a head under the disabled and destitute sailors' act for the support of our sailors while they were on board this vessel; that was all the Government could do. The matter has been standing from that time to this, fifteen years, and it is rather a discredit to the Government of the United States.

Mr. COCKRELL. Why did they not know how much was due to them? When they introduced the bill they only claimed $10,000, and the Senate committee have raised it to $15,500.

Mr. FRYE. The calculation on the part of the House——

Mr. COCKRELL. This is a Senate bill.

Mr. FRYE. There was a report made at this session in the House. It has been reported favorably in the House, and reported for $10,000. The calculations were made—of course there was necessarily something indefinite about it—as to the loss of the adventure for the whole year's season was lost. They made calculations about the loss, and they made it about $22,000. The House committee then cut it down one-half to make it absolutely certain, and called it $10,000. We took the bill in our committee at $10,000, and the committee unanimously said it was an injustice, and that it was so long ago that what we should do would be to practically add interest to the $10,000 by an amendment, and we have added it.

Mr. COCKRELL. Is it not a violation of every rule and precedent in the Senate to allow interest?

Mr. FRYE. This is due to foreign people, and not to our own people. The Senator from Vermont [Mr. EDMUNDS] advocated that and advised it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEAVES OF ABSENCE IN GOVERNMENT PRINTING OFFICE.

The bill (H. R. 544) granting leave of absence to employés in the Government Printing Office was considered as in Committee of the Whole.

The bill was reported from the Committee on Education and Labor with amendments.

The first amendment was, after the word "office," at the end of line 3, to insert "whether employed by the piece or otherwise;" and in line 6, before the word "year," to insert "fiscal;" so as to read:

That the employés of the Government Printing Office, whether employed by the piece or otherwise, be allowed a leave of absence, with pay, not exceeding fifteen days in any one fiscal year, after the service of one year, and under such regulations and at such time as the Public Printer may designate.

The amendment was agreed to.

Mr. COCKRELL. Is there any report with that bill?

The PRESIDENT *pro tempore*. There is no report.

The next amendment was, in line 8, after the word "designate," to insert:

Such employés as are engaged on piece-work shall receive the same rate of pay for the said fifteen days' leave as will be paid to day-hands: *Provided*, That those regularly employed on the CONGRESSIONAL RECORD shall receive leave, with pay, at the close of each session pro rata for the time of such employment.

The amendment was agreed to.

The next amendment was to insert as an additional section:

SEC. 2. That this act shall take effect on and after the 1st day of July, 1886.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FERRY AT FORT BUFORD.

The bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HARRIS. In the title the word "a" should be converted into "and;" so as to read: "A bill to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory.

The PRESIDENT *pro tempore*. That amendment to the bill will be made.

JOSEPH FRANCIS.

The joint resolution (H. Res. 125) in recognition of the services of Joseph Francis was announced as next in order on the Calendar.

Mr. McPHERSON. In the absence of the Senator from New York [Mr. EVARTS] I ask that that go over.

The PRESIDENT *pro tempore*. It goes over.

FORFEITURE OF RAILROAD LAND GRANTS.

The bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was in line 13, after the word "act," to insert:

Also except so much of said act as relates to a grant of land in aid of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad.

So as to read:

That so much of the several acts and parts of acts of Congress as are below recited be, and they are hereby, repealed, namely:

Chapter 83, 11 Statutes at Large, page 30, approved August 11, 1856, entitled "An act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads in said State, and for other purposes," except so much of said act as relates to a grant of land in aid of "a railroad from Jackson to the line between the State of Mississippi and the State of Alabama," which road was completed within the time prescribed by said act; also except so much of said act as relates to a grant of land in aid of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad.

The amendment was agreed to.

The next amendment was, after the word "domain," in line 42, to strike out the words:

And subject to entry and settlement, under the provisions of the homestead laws, by actual settlers only.

So as to read:

That all rights, titles, and privileges as to any of the public lands granted or conferred by, through, or under the said several provisions of law be, and they are hereby, declared forfeited and determined; that all the lands within the terms and scope of said several provisions of law be, and they are hereby, restored to the public domain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ANDREW T. M'REYNOLDS.

The bill (S. 2217) for the relief of Andrew T. McReynolds was announced as next in order.

The PRESIDENT *pro tempore*. This bill has been heretofore considered, the report of the Committee on Pensions read, and a motion made to refer it to the Committee on Claims. The question is on that motion.

Mr. HARRIS. Let the bill be read for information.

Mr. CONGER. I hope the bill will be acted on. It was up the other day and passed over. It is a pension bill for an old soldier of the Mexican war, Colonel McReynolds, and also a soldier in the war for the Union, a gentleman whom I had the pleasure of meeting but a few days ago, old and infirm.

Mr. COCKRELL. This is not a pension bill at all; it is a bill that the Committee on Pensions reported, without having, in my judgment, jurisdiction of the matter. I object to it unless it is referred to the Committee on Claims. It is purely a claim; not a pension.

Mr. HOAR. Suppose the Senator allows the report to be read.

The PRESIDENT *pro tempore*. It has been read heretofore.

Mr. CONGER. I said it was a pension bill. I have not examined the case, although I know the man.

Mr. HOAR. Allow me to make a suggestion.

Mr. CONGER. I think the bill ought to pass.

Mr. COCKRELL. It is to pay Mr. McReynolds $950, taking his receipt therefor in full discharge of all claims. It is not to pay him a pension.

Mr. HOAR. Will the Senator allow me to make a suggestion before he makes an objection?

Mr. COCKRELL. Certainly.

Mr. HOAR. A bill now referred to the Committee on Claims would not, in all probability, with the great mass of business before that committee, get examined and reported in time to be considered by the present Congress. I never heard of this case before and know nothing about it; but if it be true, as the Senator from Michigan says, that this is an aged man, a soldier of two wars, it seems to me it would be a pity to dismiss the man to another Congress merely on the technical ground that the wrong committee had considered it. I hope the Senator from Missouri will look at the report and see whether it is a good case or not.

Mr. COCKRELL. Let the bill retain its place on the Calendar and go over for to-day. We can take it up to-morrow, if necessary.

The PRESIDENT *pro tempore*. Objection being made, the bill is passed over without losing its place.

JUDGE FOR SOUTHERN ALABAMA.

The bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 6, after the word "receive," to strike out "the same" and insert "a;" and after the word "salary" to strike out "and to be paid in the same manner that the judge of the other district court of said State is allowed and paid" and insert "$3,500, payable quarterly;" so as to make the section read:

That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the southern judicial district of the State of Alabama; and that said judge shall be entitled to receive a yearly salary of $3,500, payable quarterly.

Mr. HARRISON. Before the amendment is agreed to I desire to offer an amendment, which, if it is adopted, involves a disagreement to this amendment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator propose an amendment to the amendment?

Mr. HARRISON. It is not in the nature of an amendment to this amendment. I propose to offer two additional sections to the bill, being the bill regulating the salaries of United States district judges generally, which has been passed by the Senate.

Mr. VAN WYCK. If the Senator insists on that amendment I shall have to object to the consideration of the bill. That question can not be considered properly under this order.

The PRESIDING OFFICER. Does the Senator from Nebraska object to the consideration of the bill?

Mr. VAN WYCK. I do.

The PRESIDING OFFICER. The bill goes over.

Mr. HARRISON. I ask that for the present the Senator from Nebraska will consent that the bill may be passed informally so as to be called up again to-day when the Senator from Alabama [Mr. PUGH] is in the Chamber.

Mr. VAN WYCK. I withdraw the objection.

The PRESIDING OFFICER. Objection is withdrawn. The Chair would suggest to the Senator from Indiana that the usual course is to act upon the amendments of the committee before other amendments are received.

Mr. HARRISON. Then I hope the Senate will disagree to this amendment.

Mr. HOAR. I reported the bill. I will waive the amendment of the committee until the question is taken on the Senator's amendment.

The PRESIDING OFFICER. Then the Chair will entertain the amendment of the Senator from Indiana.

Mr. HARRISON. I offer the following amendment in the nature of additional sections to the bill:

SEC. —. That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of $5,000 per annum.

SEC. —. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which such justice or judge may be a member.

The PRESIDING OFFICER. The question is on this amendment.

Mr. MAXEY. That amendment is certainly too broad to go on a bill local in its character. It increases the salary of all the district judges not now at $5,000 up to that in the future. I hardly think in a thin Senate like this it is advisable to go into that subject.

Mr. HARRISON. Allow me to say that it is absolutely essential in creating this new district to fix the compensation of this judge.

Mr. MAXEY. Precisely; but the bill fixes it at $3,500.

Mr. HARRISON. I know it does, but if we are to increase the salary to $5,000 by general legislation, of course it is entirely appropriate to do it on a bill which fixes the salary of a single judge.

Mr. MAXEY. I do not want to object to the bill, but I think we ought to discuss that matter much more fully than it is possible to do on a bill like this.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The question being put, there were on a division—ayes 8, noes 7; not a quorum voting.

Mr. HARRISON. I call for the yeas and nays.

Mr. VAN WYCK. Evidently this can be considered to-morrow under the order of business for to-morrow.

Mr. HARRISON. It will hardly be reached to-morrow; but if we can have unanimous consent to call it up to-morrow when the Senate is fuller I will let it go until to-morrow.

Mr. CONGER. By the understanding and unanimous consent all bills which are even objected to in this course of proceeding hold their place, going over without prejudice under Rule VIII, and come up whenever they are reached again.

The PRESIDING OFFICER. That is true under the order.

Mr. HARRISON. That is true; but the place this bill occupies on the Calendar is such that it is uncertain when it may be reached under the general call. I hope we shall either consider it now, or if Senators prefer to have it go over let it go over until to-morrow with the understanding that it may be called up then.

Mr. MAXEY. Neither of the Senators from Alabama is present. I do not want to interfere with the passage of a bill in relation to that State. The amendment of the Senator from Indiana opens a great, broad question, in which every State is concerned and about which there is very great difference of opinion. I do not propose to consider that question on this bill. I do not want to object to the bill if doing so can be avoided; and if the Senator is willing to let it go over informally until to-morrow, I shall not object to that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana that the bill be informally postponed, subject to be called up at any time, with all its rights under the rule under which the Senate is acting?

Mr. KENNA. Does that consent carry with it the amendment of the Senator from Indiana?

The PRESIDING OFFICER. It carries with it the consideration of the whole question.

Mr. HOAR. Allow me to make one suggestion. That assent carries with it the power of any single Senator at any time to object, as now. It does not put it beyond the right of objection.

Mr. KENNA. I have no earthly objection to the original proposition, but I do object to attaching to it a general salary feature, as suggested by the Senator from Indiana.

Mr. HARRISON. I suggest then that by unanimous consent this bill go over until to-morrow, until the Senators from Alabama are present, to be then considered the same as it would have been to-day, subject to the objection of any Senator to put it over.

The PRESIDING OFFICER. Is there objection to that suggestion?

Mr. KENNA. I have no objection to the bill going over without the amendment of the Senator from Indiana. I think no one objects to the original bill; but if that carries with it the consideration of the proposition of the Senator from Indiana, I object.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. HARRISON. I hope the Senator will withdraw that objection until the Senators from Alabama are present. I want to consult them on this point.

Mr. KENNA. I withdraw the objection until those Senators are present.

The PRESIDING OFFICER. Is there objection to passing over the bill informally, subject to its being called up? The Chair hears none, and it will be so ordered.

JOHN TAGGART.

The bill (H. R. 4115) for the relief of John Taggart was considered as in Committee of the Whole. It provides for the payment to John Taggart, late postmaster at Bolton, Harrison County, Missouri, of $30.64, in full of all claims against the United States on account of stamps destroyed by fire in the fall of 1870.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN SOUTHERN FLORIDA.

The bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of Florida was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL F. GARRETT.

The bill (H. R. 1840) granting a pension to Samuel F. Garrett was considered as in Committee of the Whole.

Mr. COCKRELL. Is there a report in that case?

The PRESIDING OFFICER. There is. The report will be read.

The Chief Clerk proceeded to read the report submitted by Mr. SEW-

ELL, from the Committee on Pensions, May 11, 1886, but before concluding,

Mr. COCKRELL. Let that case be passed over. I remember the case now.

The PRESIDING OFFICER. The bill will be passed over.

ISAAC HARTER.

The bill (S. 1802) for the relief of Isaac Harter was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

CATHERINE WHITESELL.

The bill (H. R. 6590) granting a pension to Catherine Whitesell was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Catherine Whitesell, widow of Dr. George L. Whitesell, as if Dr. George L. Whitesell had been mustered into the military service of the United States during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. BARBARA FUCHS.

The bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Barbara Fuchs, step-mother of John Fuchs, late of Company H, Sixth Regiment of Wisconsin Infantry Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the passage of the bill:

The claimant filed her application for a pension as the dependent step-mother of John Fuchs, late private of Company H, Sixth Regiment Wisconsin Infantry Volunteers, and who was killed in action June 19, 1864, at Petersburg, Va. Soldier was never married. Claim was rejected on the ground that there is no title in claim, she not being the natural mother of soldier.

M. Feelder and Jacob Blum testify that they knew claimant as the step-mother of soldier; that soldier at the time of his father's (Sebastian Fuchs) marriage with said claimant was a child of about three years of age.

John G. Steiger and Philip Eder testify that claimant's husband, at soldier's death, was feeble and unable to support her.

Michael Feelder and Jacob Blum further testify that claimant has not remarried since the death of soldier's father, April 5, 1867. He was a laboring man, sickly and unable to support his family. He used to mend shoes, and had no income from his real estate. Since his death claimant has supported herself by selling the real estate she owned. They owned some real estate in Fountain City, Wis., worth about $2,000, and she has sold the most of it to support herself. Soldier worked for his parents prior to his enlistment, and gave all his earnings to them, and did this for three years before his enlistment.

In soldier's letter to parents, bearing date February, 1864, at Camp Washburn, he sends for their support $60 out of his bounty of $75; he also sent them his certificate of muster, to enable them to draw the bounty given by the town, with instructions to use it for their support.

The applicant at the death of her husband (soldier's father) was left with four girls to support, the oldest being seventeen and the youngest two and one-half years of age. The soldier's letter, written but a few months before his death, and his sending a large portion of his earnings to the support of his parents, strengthened with other testimony showing that prior to and at the time of his enlistment he felt it his duty to contribute to the support of his father's family, evidence the fact that had he lived he would have cared for her who cared for him in his infancy in her now poor and helpless condition.

Your committee therefore recommend the passage of the bill.

Mr. COCKRELL. I must object to that. I do not think that is a case which comes within the provisions of the law. The holding of two or three thousand dollars' worth of real estate does not seem to me to constitute a person a dependent mother.

The PRESIDING OFFICER. The bill is objected to, and goes over.

JAMES B. RUSSELL.

The bill (H. R. 5696) for the relief of James B. Russell was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

TURNER C. GOODRUM.

The bill (S. 2397) for the relief of Turner C. Goodrum was considered as in Committee of the Whole. It provides for the payment of $100 to Turner C. Goodrum, due as additional bounty under the act of July 28, 1866.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS AT SAN ANTONIO AND FORT BRADY.

The bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., was considered as in Committee of the Whole. It is a direction to the Secretary of War to purchase and acquire a valid title to, for the United States, a certain tract of land lying in the county of Bexar, in the State of Texas, near the city of San Antonio, consisting of 310 acres, more or less, and being the same now held by the United States for a drill-ground under a rental contract with John H. Kampmann, and dated July 1, 1885.

Mr. CONGER. I offer an amendment to this bill, to be added as additional sections.

The CHIEF CLERK. It is proposed to insert as additional sections the ollowing:

SEC. 3. That the Secretary of War is hereby authorized to sell the military reservation known as Fort Brady, in the village of Sault Sainte Marie, in the State of Michigan, except that portion lying north of Water street extended, which shall be reserved for canal and wharf purposes, and except the plot of ground now occupied as a military cemetery, which shall also be reserved. In disposing of said property the Secretary of War shall cause the grounds to be platted in blocks, streets, and alleys, corresponding as near as may be with the plat of the village of Sault Sainte Marie, and in lots not exceeding one-quarter of an acre in each, unless with due reference to the requirements of the houses and buildings now located on said grounds. The Secretary of War shall also cause the lots to be appraised and sold at public or private sale, at not less than the appraised value, having first been offered at public sale. The expense of advertising, appraisement, survey, and sale shall be paid out of the proceeds of said sale, and the balance paid into the Treasury of the United States.

SEC. 4. The Secretary of War is also authorized to purchase grounds in or near the village of Sault Sainte Marie, suitable and sufficient for fortification and for garrison purposes, and construct thereon the necessary buildings, with appurtenances, sufficient for a four-company military post, to be known as Fort Brady, in accordance with estimates to be prepared by the War Department; and a sufficient sum of money, not exceeding $120,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to comply with the provisions of this act: *Provided*, That the title to the lands authorized to be purchased under the second section of this act shall be approved by the Attorney-General.

SEC. 5. That in platting these grounds the Secretary of War, in his discretion, may reserve all that part of the reservation lying south of Portage street, to be set apart and kept by the municipal authorities of Sault Sainte Marie as a public park for its citizens and the people of the United States.

SEC. 6. That section 1 of this act shall not be of effect until the purchase of a new site provided for in section 4 shall have been effected.

Mr. CONGER. The proposition I offer has passed the Senate as a separate bill. I have in my hand the report of the Committee on Military Affairs of the Senate in which there is a copy of reports of the officers from the commandant of the fort, General Hancock, and the Secretary of War, all recommending that the site of the old fort used for Indian purposes half a century ago and which is below the present United States canal where it is no protection to it, be changed. It is right in the middle of the village. On the bluff opposite the canal is the site recommended by the War Department, ground which can be obtained by purchase and the fort be located there. The report is a long one, but in substance each of these officers recommends that the change be made.

The bill which I have offered as an amendment has passed the Senate without opposition and it was prepared by the War Department and sent to me to be introduced in the Senate at the time it was passed with such modifications as the committee had made. The necessity of the change for military purposes is fully set forth and also the necessity of it for the protection of the canal and the bridges across into Canada of the railroad companies.

The only reason I desire to have it put upon this bill is that it has passed the Senate and it is kindred to this bill, in order that both these bills may become a law, and I shall ask a conference committee in regard to it.

Mr. MAXEY. If the bill under consideration for the purchase of grounds in San Antonio for military purposes were a Senate bill, I should certainly make no objection; but the Senator from Michigan knows the situation in which I am placed. The bill that has now been reached has passed the House. It was reported with a conclusive report in its favor by the Committee on Military Affairs by the Senator from Missouri [Mr. COCKRELL]. Those directly interested in the passage of the bill fear that the amendment of the Senator from Michigan, which has nothing whatever to do with the pending bill, but is a separate and distinct bill itself, would endanger and probably lose both in the House. That is the only objection they have to it.

Believing that it is my duty to act toward those who are responsible for the House bill and knowing that it is not their desire to have the amendment put on, I sincerely hope the Senator will not insist upon the amendment. I do not wish to do anything against the wishes of those who have engineered the bill successfully to its present point, and it being a House bill, I would greatly prefer that the Senator should take some other occasion to pass his bill. I know his bill is right. I once reported on that bill myself; I am not objecting to it on that ground; but at this stage of the session, I fear that it would endanger the passage of the bill.

Mr. CONGER. There can possibly be no objection to the measure I have offered. Both are for procuring military sites and regulating them. They are kindred objects. They are both for the interest of the Government, not for individuals or for corporations, and both have been recommended by the Secretary of War as necessary for the military purposes for which they are proposed. In a committee of conference there can be no possible doubt this will be agreed on, it having passed the Senate and no objection being made to it anywhere. The bill itself in fact came drafted from the Secretary of War, and I take the usual course which it is very proper to take to secure the passage of both these bills. My amendment can not jeopardize the House bill, and I hope there will be no objection to it.

Mr. MAXEY. I have said——

The PRESIDING OFFICER. The Chair having indulged the Senator from Michigan will indulge the Senator from Texas, but under the rule no Senator has the right to be heard more than once on the same question.

Mr. MAXEY. I desire to say that no man in the Senate is more accommodating than myself. If it was a question of my own and this was a Senate bill I would not say a word. I have explained why it is that I regard it as a duty to object to the amendment. If the Senate sees proper to put it on, I can not help myself.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan [Mr. CONGER].

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CONGER. The title should be amended by adding the words: "And to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon."

The PRESIDING OFFICER. The title will be so amended, there being no objection.

Mr. CONGER. I move that the Senate insist on its amendment and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. COCKRELL, Mr. CONGER, and Mr. HARRISON were appointed.

NATIONAL CEMETERY AT NATCHEZ.

The bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., was considered as in Committee of the Whole. It proposes to appropriate $10,000 for the construction of a macadamized road from the city of Natchez, Miss., to the national cemetery near that city, and provides that the right of way, not less than 75 feet in width, shall first be secured to the United States to the ground over which the road shall run, and that the road shall be constructed under the supervision of the Secretary of War, upon a contract let to the lowest bidder.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendments to this bill reported from the Committee on Military Affairs by the Senator from Mississippi [Mr. WALTHALL] will be stated.

The CHIEF CLERK. The first amendment is, in line 6, after the word "macadamized," to insert "or gravel."

The amendment was agreed to.

The next amendment was, in line 8, to strike out the word "seventy-five" and insert "fifty;" so as to read:

That the right of way, not less than 50 feet in width, &c.

Mr. FRYE. I should like to inquire of the Senator from Mississippi whether or not these proposed amendments were considered in committee.

Mr. WALTHALL. They were recommended by the Secretary of War, and the committee did not receive his recommendation till after the bill was reported.

Mr. FRYE. They were not then voted on by the committee?

Mr. WALTHALL. No, sir; not before the bill was reported. I submitted them afterward.

Mr. FRYE. All right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRIVATE LAND CLAIMS.

The bill (S. 11) to provide for ascertaining and settling private land claims in certain States and Territories was announced as next in order.

Mr. TELLER. Let that go ever.

The PRESIDING OFFICER. The bill will be passed over.

CHRISTIAN BROTHERS' COLLEGE, SAINT LOUIS.

The bill (S. 2415) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., was considered as in Committee of the Whole. It proposes to have the Quartermaster's Department of the United States Army investigate the circumstances, character, and extent of the alleged occupation by the United States authorities, for Government purposes, during the late war, of the college building and grounds of the Christian Brothers in Saint Louis, Mo., the actual value of the use and occupation of that portion of the property occupied for the time it was occupied by the United States troops, the amount of damage to the real estate arising from and incident to such occupation, and to find and award and certify to the Secretary of the Treasury what amount, if any, is equitably due the trustees from the United States as the reasonable value of such use and occupation, and for damages to the buildings and grounds the natural result of such occupation. The Secretary of the Treasury is to pay to the trustees, or their successors, the amount, if any, so found to be due from the United States; and the acceptance by the trustees of any sum so paid is to be in full satisfaction of all claim of every name and nature for the occupation, and all damages resulting therefrom.

Mr. CONGER. Is there a report?

The PRESIDING OFFICER. There is.

Mr. DOLPH. I will state that the report is very long. The bill was a long time before the committee.

Mr. CONGER. This bill appropriates money. I wish to know what the amount of damages supposed to be incurred was.

Mr. DOLPH. Whatever is allowed by the Secretary of War.

Mr. FRYE. How much was claimed?

Mr. DOLPH. The amount claimed was $30,000. The amount reported by the majority of the committee two years ago was $20,000. But the report will show that the actual damages would be much less.

Mr. CONGER. I understand this to be a war claim for damages arising during a state of war.

Mr. DOLPH. It is claimed and shown to the satisfaction of the committee that Saint Louis at the time the property was occupied was not in hostile territory so as to come within the rule laid down. The committee were not satisfied to report any given amount but preferred to refer it to the Secretary of War to investigate and examine into it upon such testimony as might be furnished.

Mr. CONGER. I suppose technically the fact is that the State of Missouri was not at any time within the rebellion. I will not make any objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES C. DUANE.

The bill (S. 1576) for the relief of Col. James C. Duane was considered as in Committee of the Whole. It proposes to appropriate $648 to reimburse Col. James C. Duane, brevet brigadier-general, United States Army, for losses incurred in his office as engineer of the third light-house district through the forgeries committed by a clerk in his office, Henry J. Buete (who has fled the country), in raising his official checks to amounts greater than those for which they were drawn and signed, between the 1st of January and the 23d of June, 1879, without any negligence or fault on the part of Colonel Duane.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ILLEGAL TONNAGE DUES.

The bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues was announced as next in order.

Mr. FRYE. Is the report long?

The PRESIDING OFFICER. Ten or twelve pages, the Secretary states to the Chair.

Mr. ALDRICH. I object to the bill.

The PRESIDING OFFICER. The bill will be passed over.

ALEXANDER K. SHEPARD.

The bill (H. R. 33) for the relief of Alexander K. Shepard was considered as in Committee of the Whole.

The Committee on Claims reported an amendment, in line 5 to strike out "$17,268.53," and insert "$14,458.04;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and required to pay to Alexander K. Shepard, of Tuscaloosa, Ala., the sum of $14,458.04 out of any money in the Treasury not otherwise appropriated.

Mr. HARRISON. There seems to be a minority report there. I think that had better go over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM TALBERT.

Mr. JONES, of Arkansas. I enter a motion for the reconsideration of Order of Business 952, being the bill (S. 1554) for the relief of William Talbert. My object in entering the motion is to call up the House bill, which is identical with this, which has just passed the House. When that comes here I should like to have that taken up instead of this.

The PRESIDING OFFICER. The Senator's motion will be entered.

SAMUEL P. EVANS.

The bill (S. 277) for the relief of Samuel P. Evans was considered as in Committee of the Whole. It proposes to pay to Samual P. Evans $1,154.04 as fees for services rendered by him as marshal after the expiration of his term of office and before his successor was appointed and qualified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM FISHER.

The bill (H. R. 7470) for the relief of William Fisher was considered as in Committee of the Whole. It provides that the sum of $231.30, being the amount of revenue tax imposed by law upon William Fisher, of Franklin County, Virginia, for the manufacture of 257 gallons of distilled spirits which were destroyed by fire at the house of Fisher on the 11th of March, 1885, without fault or negligence upon his part,

and the interest and penalties imposed for the non-payment of the tax shall be released and remitted to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE CONTESTED ELECTIONS.

The bill (H. R. 6637) relating to contested elections was considered as in Committee of the Whole.

The bill was reported from the Committee on Privileges and Elections with amendments.

The first amendment was, in line 19, after the word "elections," to insert the words "and the same shall be kept by him in the Capitol;" so as to read:

That section 127 of the Revised Statutes of the United States be so amended as to read as follows:

"All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without necessary delay, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

"The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall file the same with the clerk of the Committee on Elections, and the same shall be kept by him in the Capitol," &c.

The amendment was agreed to.

The next amendment was, in line 45, after the word "printed," to insert the words "as he shall determine;" so that the paragraph will read:

If either party, after having been duly notified, should fail to attend, by himself or by an attorney, the clerk of the committee shall proceed to open the packages, and shall cause such portions of the testimony as he shall be of opinion ought to be printed, as he shall determine.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

That the clerk of the Committee on Elections shall hold his office until his successor is appointed and qualified. He shall receive for his services $2,000 per annum; and he shall prepare, when directed by the committee, for publication, a digest of election cases, but shall not be entitled to additional compensation therefor.

Mr. HOAR. The words "to be printed" ought to be repeated. I move to amend in line 44, inserting after the word "testimony" the words "to be printed."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BUSH & GRIGSBY.

The bill (S. 1534) for the relief of John P. Bush and James Grigsby was announced as next in order.

Mr. BERRY. There is a House bill in precisely the same language as that bill. I move that the House bill be considered in lieu of the Senate bill.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to consider the House bill of the same title. The Chair hears no objection.

The bill (H. R. 2953) for the relief of John P. Bush and James Grigsby was considered as in Committee of the Whole. It provides for the payment to John P. Bush and James Grigsby, doing a distilling business at Glennville, in the county of Washington, Kentucky, under the firm-name and style of Bush & Grigsby, of $1,029.34, in full for taxes paid by them for and on account of deficiencies in not producing 80 per cent. of the producing capacity of their distillery as established by law, by reason of unavoidable accidents, which occurred during the months of February, March, April, and May, 1875.

Mr. FRYE. Is the amount the same in both bills?

Mr. BERRY. Precisely the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill No. 1534 will be indefinitely postponed.

EQUALIZATION OF BOUNTIES.

The bill (S. 778) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union was announced as next in order.

Mr. COCKRELL. Let that go over. We can not consider that now.

The PRESIDING OFFICER. The bill, being objected to, goes over.

COMMERCIAL PRIVILEGES.

The bill (S. 2392) to limit the commercial privileges of vessels of foreign countries in the ports of the United States to such purposes as are accorded to American vessels in the ports of such foreign countries was announced as next in order.

Mr. FRYE. That bill has become a law in the form of an amendment to another bill, and may as well be indefinitely postponed. I make that motion.

The motion was agreed to.

PATRICK COOK.

The bill (S. 1018) for the relief of Patrick Cook was considered as in Committee of the Whole. It proposes to pay to Patrick Cook, a resident of the District of Columbia, $1,500, being the amount awarded him by the late board of audit for and on account of damages to his real estate in the city of Washington, one-half of the sum to be chargeable to the revenue derived from taxation within the District of Columbia.

Mr. COCKRELL. Let the report be read.

The Secretary read the report, submitted by Mr. BLACKBURN May 17, 1886, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 1018) for the relief of Patrick Cook, having considered the same, report as follows:

That on the 20th of January, 1875, Patrick Cook filed before the board of audit a claim for damages to certain lots belonging to him in the city of Washington, in square No. 24, said damages occasioned by public improvements in excavating Twenty-fourth street northwest, between M and N streets; and on the 3d of August, 1875, the board of audit, after inspection, awarded to said Patrick Cook the sum of $1,500, that sum being the one-half of the amount claimed by him in his said petition. The said sum of $1,500 was, however, not paid to the said Patrick Cook, for the reason that the board of audit was legislated out of existence before they had prepared and issued to him the necessary certificate; and thus the claim now stands. Your committee think that he should be paid the $1,500 adjudged by the board of audit as due to him, and to that end report the accompanying bill with recommendation that it do pass.

Mr. COCKRELL. I do not see any one of that committee present. I should like to make some inquiries as to whether there are any other claims of this same class; whether there may not be other claims, and this simply be a precedent for them. The board is defunct, having been legislated out of existence. This may be a precedent to bring in a large class of claims, and as there is no member of the committee present I ask that it go over.

The PRESIDING OFFICER. The bill, being objected to, goes over.

BILLS POSTPONED INDEFINITELY.

The bill (S. 711) to establish the meaning of the word "month" in the statutes of the United States was announced as next in order.

Mr. FRYE. That and the next three bills in order are adversely reported.

The PRESIDING OFFICER. Being objected to, the three cases will go over.

Mr. COCKRELL. Why not postpone them indefinitely, unless they are wanted to be retained on the Calendar.

Mr. FRYE. I have no objection to that.

Mr. COCKRELL. I move then to indefinitely postpone Senate bill 711.

The motion was agreed to.

Mr. COCKRELL. Let the other two be passed over, the bill (S. 1877) for the relief of John McNaughton, and the bill (S. 1822) for the relief of Maj. E. A. Hancock.

The PRESIDING OFFICER. That order will be made.

YELLOWSTONE RIVER PARK.

The bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, was announced as next in order.

Mr. COCKRELL. That is quite a lengthy bill, and the Senator who reported it [Mr. MANDERSON] is not present. As my colleague [Mr. VEST] takes an interest in it, and is not here, it had better go over.

The PRESIDING OFFICER. The bill will be passed over.

INSURANCE IN THE DISTRICT OF COLUMBIA.

The bill (S. 1213) to regulate insurance in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 9, after the word "policies," to strike out "of" and insert "or;" so as to read:

That no company hereafter organized or incorporated within the District of Columbia shall transact the business of insurance in any of its branches unless the whole capital of such company be not less than $100,000, actually and in good faith paid up in full, in cash, excepting life-insurance companies which issue to their members policies or certificates agreeing to pay benefits or sums of money which are to be realized by assessments levied upon the members; no other capital than such assessments shall be required of them.

The amendment was agreed to.

The next amendment was, in line 12 of section 1, after the word "them," to strike out—

A majority of the directors or trustees of such insurance companies shall reside within said District.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "December," to insert "accompanied by a list of the names of the stockholders;" so as to read:

SEC. 2. That every insurance company doing business in said District must transmit to the commissioners of the District a statement of its condition and business for the year ending on the preceding 31st day of December, accompanied by a list of the names of the stockholders, which statement shall be rendered on the 1st day of January following, or within sixty days thereafter, except that foreign companies shall transmit their statements of business, other than that done in the United States, prior to the following 1st day of July, which statements

must be in form and state the particulars required by the blanks prescribed by the commissioners.

The amendment was agreed to.

The next amendment was, after section 5, to insert as a new section:

SEC. 6. That each insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured, so that the whole contract may appear in said application and policy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF ARMY OFFICERS.

The bill (S. 2193) to retire disabled officers of the Army was announced as next in order.

Mr. COCKRELL. I move that that be indefinitely postponed. It is reported adversely.

The motion was agreed to.

EDWARD D. PATCHIN.

The bill (S. 2455) granting a pension to Edward D. Patchin was announced as next in order.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 18, 1886:

The Committee on Pensions, to whom was referred the petition of Edward D. Patchin, have examined the same, and report:

The petitioner is a son of Bernard Patchin, who, as shown by the report of the Adjutant-General, was a private in Company B, Forty-first Ohio Volunteers, was enrolled September 30, 1862, died of disease at Nashville, Tenn., January 17, 1863. Officer's certificate shows that he died of typhoid fever contracted in line of duty; that at the time he entered the service he was a young man of good health and habits. The Pension Office records show that the widow and two minor children were pensioned; that the widow remarried in 1865, and that the two sons, Edward D. and Charles B. Patchin, were continued on the roll until the expiration of the time limited for their receiving a pension.

The petitioner now prays for the passage of a special act placing him on the pension-roll by reason of an accident whereby he has been crippled for life and disqualified for engaging in active employment. He is now about twenty-five years of age, and says he is the only surviving issue of the said Bernard Patchin; that he is not able to perform manual labor, and that he has no means of support.

His identity is established by the testimony of three witnesses, who say he is the only surviving issue of the soldier; that he is hoplessly maimed for life, and that he has no means of support.

In view of his helpless condition, and of his being deprived of support and protection, the committee report the accompanying bill for his relief with a recommendation that it do pass.

Mr. COCKRELL. I object to that.

The PRESIDING OFFICER. Objection being made the bill goes over.

MARY KARSTETTER.

The bill (H. R. 2043) to place Mary Karstetter on the pension-roll, was considered as in Committee of the Whole. It proposes that Mary Karstetter, widow of Jacob Karstetter, a soldier in the volunteer service of Pennsylvania, be placed on the pension-roll as the widow of a soldier.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEEL FOR ORDNANCE.

Mr. HAWLEY. The next two orders on the Calendar may be passed over, the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and the bill (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare.

The PRESIDING OFFICER. Being objected to, the bills will go over.

Mr. HAWLEY. I do not wish to enter an objection; I merely ask that they may be passed over.

The PRESIDING OFFICER. The effect is exactly the same. They hold their places on the Calendar under the rule for to-day.

MEXICAN WAR PENSIONS.

The bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war was announced as next in order.

Mr. TELLER. That had better go over. It can not be considered under this order.

The PRESIDING OFFICER. The bill is objected to, and goes over.

GUTHERZ'S "FARMING IN DAKOTA."

The bill (S. 2457) providing for the purchase of the painting entitled "Farming in Dakota" was considered as in Committee of the Whole. It proposes to appropriate $3,000 for the purchase of the painting entitled "Farming in Dakota," by Carl Gutherz.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT LAND IN LOUISIANA AND MICHIGAN.

The bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College, at said place for educational purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments: In line 6, after the words "Baton Rouge," to insert the words "the possession of;" in line 9, after the word "line," to strike out the word "fifty" and insert the words "one hundred;" in line 11, after the word "Texas," to strike out the word "railroad" and insert "railway;" and in line 21, after the words "United States," to strike out "they" and insert the words "the possession of the same;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Louisiana State University and Agricultural and Mechanical College, at Baton Rouge, the possession of the buildings and grounds of the United States barracks at Baton Rouge, for the purposes of the said university and college, except that portion of said grounds that lies westward of a line 100 feet east of the center of the railroad track of the Louisville, New Orleans and Texas Railway Company, and said excepted lands may be used and occupied by said railroad company; but should said railroad company cease to use and occupy said lands, then the possession shall revert to the United States: *Provided, however*, That the board of managers of the said university and college shall keep the buildings in good repair and insured for the use of the United States: *And provided further*, That whenever the said buildings and grounds cease to be used for educational purposes by the said university and college, or when required by the Secretary of War for the use of the United States, the possession of the same shall revert to the Government of the United States.

The amendments were agreed to.

Mr. CONGER. I move to add as an additional section at the end of the bill the following:

SEC. 2. That fractional section 1 and lot numbered 4, section 2, township 48 north, range 25 west, in the district of lands subject to sale at Marquette, Mich., except a tract 220 feet by 190 feet, containing 1 acre, on the extreme north end of said tract, being a light-house reservation, be, and the same are, granted to the city of Marquette, Mich., to be held in trust for the purpose of a public park, reserving the right of way on the above-granted land to the above-excepted tract: *Provided*, That if the above-granted land shall cease to be used for park purposes the same shall revert to the United States: *Provided further*, That Congress reserves the right at any time to alter or amend this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. CONGER].

Mr. COCKRELL. I should like to ask the Senator from Michigan if that question has been referred to any committee of the Senate?

Mr. CONGER. I was about to read from the report of the House committee containing the recommendation of Vice-Admiral Rowan and the Light-House Board.

Mr. COCKRELL. Has it been reported by any committee of the Senate?

Mr. CONGER. It has not.

Mr. COCKRELL. And it has not been presented in the Senate?

Mr. CONGER. Yes, sir; I presented a bill for this purpose.

Mr. COCKRELL. To what committee was it referred?

Mr. CONGER. To the Committee on Commerce. It relates to a light-house reservation.

Mr. COCKRELL. Is not the Senator the chairman of that committee?

Mr. CONGER. No, I am not; I am a humble member of that committee.

Mr. COCKRELL. The Senator is a member of the committee, and I should think he would not want to have a bill pending before his own committee taken away from that committee.

Mr. CONGER. In order that the bill may pass, if it is a proper one to become a law, I have asked that it be appended to this House bill. It is the recommendation of the House Committee on Public Lands. It is also the recommendation of Vice-Admiral Rowan in the report which I have here, and the recommendation of C. S. Fairchild, acting Secretary of the Treasury, that this rocky promontory overlooking Lake Superior at Marquette, which has been reserved for thirty or forty years for light-house purposes, may be given to the city of Marquette in trust for a public park. Mr. Peter White, of that town, has offered to spend several thousand dollars in making it an agreeable place of resort for the people of the United States. It is useless for agricultural or mineral or timber purposes. I have here a letter of the Secretary of the Treasury. I have also the letter of Vice-Admiral Rowan, the chairman of the Light-House Board, the closing part of which is as follows:

Recommendation is, therefore, respectfully made, that the proper steps be taken by the Department for the relinquishment of the reservation in question, except as to the acre and right of way above specified, the right of the board to use any part of the reservation that may be needed hereafter for light-house purposes to be reserved.

I will say that at Marquette, on another point near the entrance into Marquette Harbor we have a light-house erected, and that there may never be a necessity for a light-house on this point. It is the wish of the citizens that they may use it as a public park, and the Secretary of the Treasury and the Light-House Board both recommend its use for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CONGER. The title should be amended by adding "and granting to the city of Marquette, Mich., certain lands for park purposes."

Mr. WALTHALL. I move to amend the title further by striking out the word "War" and inserting "the Interior;" so as to read "Secretary of the Interior." This is one of the abandoned reservations which as passed into the charge of the Interior Department.

Mr. CONGER. The ground covered by my amendment is still a light-house reservation, and is only granted temporarily, or as long as Congress may desire, for park purposes. I do not know why that change in the title should be made. However, if the Senator from Mississippi insists I do not care.

The PRESIDING OFFICER. The title will be reported as proposed to be amended.

The CHIEF CLERK. "A bill authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College, at said place, for educational purposes, and granting to the city of Marquette, Mich., certain lands for park purposes."

The PRESIDING OFFICER. The title will stand as reported, if there be no objection.

Mr. CONGER. I now ask for a committee of conference.

The PRESIDING OFFICER. The Senator from Michigan moves that the Senate insist on its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. WALTHALL, Mr. CONGER, and Mr. TELLER were appointed.

GEORGIA STATE CLAIMS.

The bill (S. 2457) for the relief of the State of Georgia was announced as next in order.

Mr. LOGAN. I object to that bill.

The PRESIDING OFFICER. The bill is objected to and goes over.

COURTS IN EASTERN MICHIGAN.

The bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISS EULA E. HENRY.

The bill (S. 2414) for the relief of Miss Eula E. Henry was considered as in Committee of the Whole. It authorizes the Postmaster-General in his discretion to credit the account of Miss Eula E. Henry, late postmaster at Centre Point, Ark., with $202, lost by a robbery of the mails at or near Hope, Ark., on or about November 13, 1884.

Mr. BUTLER. If there is a report in that case let it be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. MAXEY May 19, 1886:

The Committee on Post-Offices and Post-Roads, to which was referred the bill (S. 2414) for the relief of Miss Eula E. Henry, respectfully submits the following report:

That Miss Henry was postmaster at Center Point, Howard County, Arkansas, prior to September 12, 1884, and has so been continuously from and since that date; that as such postmaster it was her duty to make remittances to the postmaster at Little Rock, Ark., of money collected for money-orders issued from her office.

It appears that she made the following remittances to the postmaster at Little Rock, to wit: 1884, September 12, in registered package 67, the sum of $47; 1884, November 15, in registered package 45, the sum of $10; 1884, November 22, in registered package 53, the sum of $133; 1884, November 27, in registered package 56, the sum of $12, making total $202, all inclosed in official envelopes, and sealed in the presence of Alice Henry, and each package addressed to the postmaster at Little Rock, Ark., and in the presence of the same witness placed in the mail-sack for Nashville, Howard County, Arkansas, and in the presence of said witness delivered to the proper mail-carrier, and that she, the said postmaster, Eula E. Henry, in due time received from the postmaster at Nashville, Ark., a receipt for said registered package, but that she has never received a receipt therefor from the postmaster at Little Rock, Ark.

About the remittance there does not appear to be question by the Post-Office Department. The Assistant Attorney-General for the Post-Office Department, Edwin E. Bryant, esq., writes to Miss Henry, February 5, 1886, that she had not asked for credit for the above amounts within three months from the date of the loss, and that under the proviso to the act approved March 17, 1882, which requires the claim to be made within three months from the date of loss, the credit can not be given. It does appear, however, that on December 9, 1884, which was less than three months from the date of the first loss, she did notify the Superintendent of the Money-Order System of the loss of the remittances of November 15, 22, 27, 1884. The exact character of remittances is set forth of the above dates in the form prescribed by the Department.

In addition to the foregoing Miss Henry wrote to the Department December 6, 1884, notifying the Department of the robberies going on between her office and Little Rock, and requesting to be advised if she should still continue to remit to Little Rock. Replying to the letter of Mr. Bryant, that she had failed to formally advise the Department within three months of the loss, she says she was daily expecting discovery of the thief, and that she was young, inexperienced, and had no one to advise her. The fact that robbery of the mails in that vicinity about that time was largely carried on was developed before the committee in the case of Rosa Wallace, postmaster at Washington, Ark., who has been relieved of her losses at the present session.

The committee is of opinion that the transmission of the sums set forth and in due form has been fully proven, the loss has been fully proven, and the only error of Miss Henry was the technical error of failing to report within three months, and that she satisfactorily accounts for the failure.

The object of the bill is simply to enable the Department to settle her accounts the same as if her report had been made within the three months, and this the committee believes equitable; wherefore the bill is reported back without amendment with recommendation that it pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. MADDOX AND OTHERS.

The bill (S. 565) for the relief of Joseph H. Maddox and others was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. Does the Senator from Missouri object?

Mr. COCKRELL. Let it be passed over under the rule.

The PRESIDING OFFICER. The bill is objected to and goes over.

Mr. GORMAN subsequenty said: During my absence I understand that the bill (S. 565) for the relief of Joseph H. Maddox and others was reached on the Calendar and passed over. I ask leave to go back to that bill.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all matters in relation to the agreement of Joseph H. Maddox and his associates, made with the supervising agent of the Treasury, with the approval of the Secretary of the Treasury, for the delivery of tobacco and other property, under the permit, safeguard, and orders of the President of the United States, shall be referred to the accounting officers of the Treasury Department for determination upon the evidence taken and now on file in the office of the clerk of the United States Court of Claims and the War Department; and directs the accounting officers of the Treasury to adjust, settle, and pay to Maddox the amount found to be due him, in his own right as well as assignee, on account of the loss and damage sustained by him and his associates by the seizures by the military forces of the United States of the tobacco purchased by them under their agreement, and which was actually taken and seized by the United States, by or under the orders of a military officer or officers, which amount shall not exceed the value of the tobacco at the time it was taken.

Mr. COCKRELL. In line 4, after the word "Maddox," I move to strike out the words "and his associates" and insert "Benjamin F. Camp and D. P. Parr, parties of the one part;" after the word "with," in the same line, to insert the words "H. A. Risley;" and in line 6, after the word "Treasury," to insert "dated November 13, 1864, and sanctioned by President Lincoln on November 17, 1864;" so as to make the first part of the bill read:

That all matters in relation to the agreement of Joseph H. Maddox, Benjamin F. Camp, and D. P. Parr, parties of the one part, made with H. A. Risley, the supervising agent of the Treasury, with the approval of the Secretary of the Treasury, dated November 13, 1864, and sanctioned by President Lincoln on November 17, 1864, for the delivery of tobacco and other property, &c.

Mr. MCMILLAN. Does the bill authorize the payment of assigned claims to be paid the assignee? I think there is a statute preventing that.

Mr. COCKRELL. This is just the assignment of his copartners. This pays all to him.

Mr. MITCHELL, of Oregon. It is the assignment of a claim simply to one copartner.

Mr. LOGAN. I wish to know a little more about the bill.

Mr. MITCHELL, of Oregon. I can state all about it in a moment.

Mr. LOGAN. Just explain it.

Mr. MITCHELL, of Oregon. I will explain the matter to the Senator from Illinois. July 2, 1864, Congress passed an act empowering the President of the United States and the Secretary of the Treasury to authorize agents—

To purchase for the United States any products of States declared in insurrection at such places therein as shall be designated by him, at such price as shall be agreed on with the seller, not exceeding the market price thereof at the place of delivery, nor exceeding three-fourths of the market value thereof in the city of New York, at the latest quotations known to the agent purchasing.

In pursuance of the several provisions of the act a contract was entered into with Maddox, Parr, and Camp authorizing them to proceed South and purchase gold-bearing products in the insurrectionary States then engaged in rebellion. The object of the act evidently was to deprive those engaged in war against the Government of the sinews of war, gold-bearing products. The contract was entered into and was submitted to the Secretary of the Treasury, approved by him, and a safe-conduct was issued by the President of the United States, Mr. Lincoln, over his own signature, as follows:

EXECUTIVE MANSION, *November* 17, 1864.

An authorized agent of the Treasury Department having, with the approval of the Secretary of the Treasury, contracted for the products above mentioned, and the parties having agreed to sell and deliver the same to the said agent, it is ordered that products moving in compliance with and for fulfillment of said contract, and being transported to said agent or under his direction, shall be passed from seizure and detention by any officer of the Government; and commanders of military departments, districts, posts, and detachments, naval stations, gunboats, flotillas, and fleets will observe this order, and give the said B.

F. Camp, J. H. Maddox, and D. P. Parr, their agents and transports, free and unmolested passage, for the purpose of getting said products, or any part thereof, through the lines, and safe-conduct through our lines, excepting blockaded lines, while the same are moving, with strict compliance with regulations of the Secretary of the Treasury, and for the fulfillment of said contract with the agent of the Government.

ABRAHAM LINCOLN.

In pursuance of this contract, which was made with a special agent of the Treasury Department, Mr. Risley, approved by the Secretary of the Treasury, approved furthermore by the President of the United States, Mr. Lincoln, by the safe-conduct issued in pursuance of it, they went South and purchased an amount of tobacco for the purpose of bringing it to Norfolk, Va., to turn it over to the United States authorities. While in transit the property so purchased, and for which they paid their money, was captured, notwithstanding the safe-conduct, by the Federal troops. A portion of it was burnt. Of course no claim could be made properly for that, but so far as the property was taken by United States officers and devoted to the use of the United States Army a claim is made.

The bill simply authorizes the Secretary of the Treasury to investigate and find out what amount was so lost and to pay it. That is about the sum and substance of the bill.

Mr. LOGAN. The only object I had was to understand the proposition. I see the statement is made that it was a contract with Mr. Risley. It was a contract in what way? Was the Government purchasing tobacco? Did the Government purchase the tobacco, or were these people purchasing it for speculation?

Mr. MITCHELL, of Oregon. The Government was authorized by Congress to do this very thing, and the contract provided that the Government was to receive one-fourth and the parties purchasing the property three-fourths of the profits of the enterprise. This was authorized by a law of Congress.

Mr. LOGAN. I recollect very well that there was an order of the United States Government against paying for any commodities within the lines of the enemy in gold. I intend to understand this bill before it is passed, not that I am objecting to it, but I want to understand it and I want Senators to understand it. To say that it was a contract with the Government will not do. Parties went to the President of the United States under that law and asked permits to go and purchase property for themselves—tobacco, cotton, and sundry things. The permits were given, but the parties went on their own responsibility. They were merely permitted to pass through the lines and to have a safe-conduct and to pay in gold for these things.

By examining the law you will find that when the agents or other persons took possession of the cotton and abandoned property, the Government was entitled to one-fourth of the profits and they were entitled to the balance; but in regard to the purchase of this tobacco, when it is stated now at this late day that it was a contract with the Government to purchase tobacco for the Government, that can not be the fact; nor to purchase cotton for the Government. It could not be a contract of that kind; and to call merely a permit for a person to pass through the lines to purchase property for the purpose of speculating on it, a contract with the Government, is going further than I propose to allow the law to be construed, if I can help it, because I do not believe it.

So far as the tobacco is concerned and this man's rights, that is another thing, but I do not desire to sit here and allow the construction given so that hereafter every claim which can be possibly brought against the Government may be paid under one construction or another. One day we hear the construction given that if an Army officer entered a town with his army and issued a proclamation to the people that if they would only be quiet their property would be protected, they are entitled to damages for all the property which might have been destroyed in any way whatever, and that they shall be paid for it by the Government. That construction has been given here on the floor of the Senate.

That is not the law, and nobody ever thought of its being the law until within the last two or three months. Nobody ever before heard of such a construction given to the law, and there is no basis for it to be found anywhere on the face of God's earth in the laws of war. There never has been any such law, but it is coming to be so asserted now, and I do not desire to see it go any further.

I do not wish to discuss the proposition as to the rights of these people; they may have rights; but I do object to this being called a contract with the Government, where a permit was given to a man to pass through the lines for his own profit and gain, that therefore it is a contract with the Government and the Government is responsible for every dollar's worth of property that he purchased. Millions of dollars' worth of cotton were bought down in the South. I can give one instance, at Jackson, Tenn., where a man in Illinois had a permit to pass through the lines and purchase cotton. He purchased 300 bales of cotton and paid gold for it, and my troops burned every pound of it, and he has never asked to be paid, because I told him he could not get it; and he ought not to have it either. He took the risk when he passed through the lines and had the permit of the President. He took the risk of the fortunes of war and lost his property, and he is not entitled to have the Government pay for it.

A man who passed through the lines under a permit of the President took the risk of the fortunes of war just the same as the man who was in arms against the Government. They stood upon the same basis precisely, and you will find no law regulating the principles governing warfare that will recognize such a man as standing in any other light; and when he passed through the lines on his own responsibility and has only protection for the property, it can not be claimed that the Government should be responsible for it if he loses it. In that way millions of dollars would be paid out of the Treasury.

This is the first case I ever heard of where one of the men passing through the lines with a permit and his property was destroyed is proposed to be paid by the Government for his property.

Mr. HOAR. Is there any proposition here to pay for the property?

Mr. LOGAN. What is the proposition then? I should like to know before the bill passes how much tobacco was taken by the Federal forces and what this man claims. Here is a claim, no estimate made, no account to refer to, nothing of that kind; and is he to be allowed to come in and prove anything he chooses to prove at this late day before the Court of Claims and get a judgment against the Government for it? Is that the argument? I say this is too loose a way of legislating in reference to property and in reference to values and in reference to money to be paid out of the Treasury.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOGAN. Very well. I am perfectly willing it should expire. I object to the case until I understand more about it.

The PRESIDING OFFICER. The Senator from Illinois objects, and the bill goes over.

SAMUEL NOBLE.

The bill (S. 2475) for the relief of Samuel Noble was announced as next in order.

Mr. COCKRELL. I wish to have the case reported back to Congress. I shall move to strike out the words "to render final judgment" and to insert "to report the same back to Congress," at the end of line 18. Instead of making it an ordinary case, let the court be required to report it back to Congress, as they have been doing in so many cases.

Mr. MITCHELL, of Oregon. I suggest to the Senator from Missouri that the facts in this case have already been passed upon by the Court of Claims after full investigation.

Mr. COCKRELL. Then why is it proposed to refer it back to the Court of Claims?

Mr. MITCHELL, of Oregon. The object of the bill is simply to remove the effect of the statute of limitations. That was the only question. That being the case, the committee thought that it would not be a matter of justice to this claimant to have the case come back to Congress again.

Mr. COCKRELL. Did the court in that investigation determine the amount? There was a great deal of difference in the value put upon cotton during the war. It ranged from $1.25 down to 50 cents a pound.

Mr. MITCHELL, of Oregon. I do not think there was any question about the amount, but there was a technical reason why the court could not render a judgment in favor of the claimant. The matter was considered very carefully by the Committee on Claims. There was no dissenting opinion. It was the unanimous belief of the Committee on Claims that it was a case wherein the statute of limitations should be waived.

Mr. COCKRELL. Let the bill be passed over, and I will look into it.

Mr. MITCHELL, of Oregon. All right.

The PRESIDING OFFICER. Does the Senator from Missouri object?

Mr. COCKRELL. I ask that it be passed over under the rule on which we are acting. I shall object, if necessary.

Mr. MITCHELL, of Oregon. I will state that the case immediately preceding the case of Maddox, in which the Senator from Maryland [Mr. GORMAN] takes some interest, as he introduced the bill, is something of a very similar nature.

Mr. COCKRELL. I know that.

Mr. MITCHELL, of Oregon. I wish the Senator from Missouri would look into that case also.

The PRESIDING OFFICER. The bill will be passed over.

SOLDIERS' HOME BARRACKS.

The bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western Branches of the National Home for Disabled Volunteer Soldiers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAILROADS IN MONTANA.

The bill (S. 2281) granting to railroads the right of way through the Indian reservation in Northern Montana was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in section 1, line 13, after the word "feet," to strike out the words "on each side of the central line of said road" and insert "in width;" and in line 19, after the word "amount," to strike out

the words "twenty acres" and insert "three hundred feet in width and three thousand feet in length;" so as to make the section read:

That the right of way through the Indian reservation in Northern Montana set apart for the use of the Gros Ventre, Piegan, Blood, Blackfeet, and other Indians, by act of Congress approved April 17, A. D. 1874, is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of 100 feet in width; also the right to take from the public lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of its road.

The amendments were agreed to.

Mr. DAWES. In section 1, line 6, "April 17" should be "April 15." The act referred to was approved April 15, 1874. I move that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 16th instant, approved and signed the following acts:

An act (S. 121) to authorize the construction of a bridge across Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road;

An act (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York;

REMOVAL OF EASTERN CHEROKEES.

The bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory was considered as in Committee of the Whole. It proposes to appropriate $20,000 to pay for the removal and subsistence of those members of the Eastern band of Cherokees who have removed themselves, as well as those who may now or hereafter desire to remove, to the Cherokee Nation, in the Indian Territory, at the rate of $53.33 per head, being the amount specified in the eighth article of the Cherokee treaty of December 29, 1835, and the act of Congress approved July 29, 1848.

Mr. COCKRELL. I should like to hear some report explaining that matter.

Mr. DAWES. This arises from a negotiation which has been going on by the Interior Department with the remnant of the Cherokees who still remain in North Carolina. Originally, in the early treaty of 1835, I think it was, it was provided that out of a certain fund which belonged to the Cherokees there should be paid $53.33 to each one of the Cherokees of North Carolina who would remove and become a part of the Cherokee Nation.

For a long time that was done by individual Indians, and a good many years passed. Then after a while the sum so appropriated, it being supposed that no more of them would go, was set apart by an act of Congress for another beneficial purpose for the Indians in North Carolina. Since then the Indians in North Carolina have been more and more inclined to join their brethren in the Indian Territory, and now the Secretary of the Interior and the Indian Commissioner have an idea that they will get them all there. At any rate, there is quite a body of them ready to go now. They are entitled each one as fast as he shall go to the $53.33.

It would not be necessary to have an act of Congress to authorize the payment of it had it not been that some time in the past, supposing that there would be no further use of that kind, the fund was set apart by an act of Congress for other beneficial purposes.

Mr. COCKRELL. This comes out of the Treasury? It does not come out of the Indian funds?

Mr. DAWES. No, it is a fund in the Treasury which belongs to the Indians. It is not United States money, but it has been by act of Congress taken under the possession of the United States, and the Government still holds it to be money belonging to those Cherokees.

Mr. COCKRELL. If you make it come out of the Indian fund and amend the bill so that it will come out of the Indian fund, it is all right; but if not, it is all wrong. I do not think that because about the year 1833 or 1835 we may have agreed to pay these Indians a certain amount if they would leave North Carolina and go over to the Indian Territory, they can be allowed to stay there and raise two or three generations and then all of them get $53.33 apiece. I do not believe that any such contract or obligation exists, actual or implied.

Mr. DAWES. When we purchased of the Indians east of the Mississippi River their possessions, in our agreements, and the consideration which we pledged those Indians that we would pay them for that land, among other things was this sum of money.

Mr. COCKRELL. Is it a continuing contract, that they can stay there and raise three or four generations of children, and then all of them get $53.33 a head?

Mr. DAWES. There was no limitation upon the time in which they should go. I have no question about the Senator's concurring in this measure if he will sit down and look at it.

Mr. COCKRELL. Let it come out of the Indian fund and it will be all right; I shall then have no objection to it at all; but I do not want it to come out of the Treasury, out of the tax-payers.

Mr. DAWES. I have no objection to such phraseology as the Senator suggests, except that the Treasury and the Interior Departments have framed the bill themselves to meet the accounts in the Treasury between them and the Cherokee Indians. I would consent to any change of phraseology that I knew would not thwart the whole measure.

Mr. COCKRELL. Let it read:

There is hereby appropriated the sum of $20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior out of the funds of the said tribes.

Let them expend their own money in that way if they want to do so.

Mr. DAWES. I have the message of the President on this subject, which I ask may be read.

Mr. COCKRELL. Read the whole document.

The PRESIDING OFFICER. The document will be read.

The Chief Clerk read Senate Executive Document No. 84, Forty-ninth Congress, first session, as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of 52th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill, recommended by the Commissioner of Indian Affairs, for the payment of money claimed under alleged existing treaty stipulations and laws by such Eastern Cherokee Indians as have removed or shall hereafter remove themselves to the Indian Territory.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1886.

DEPARTMENT OF THE INTERIOR, *Washington, February* 25, 1886.

To the President:

I have the honor to submit herewith a draught of proposed legislation, prepared in the Office of Indian Affairs, entitled "A bill for the removal of the Eastern Cherokee Indians to the Indian Territory," for which purpose the sum of $20,000 is estimated to be appropriated thereunder.

This bill provides for the payment not only of the expenses of removal of such of the said Indians as may desire to remove West, at the rate of $53.33 each, but also for the payment of certain of the Eastern Cherokees who heretofore have so removed at their own expense, and who are entitled to reimbursement at the rate above stated for such expenses.

A copy of report of 20th instant from the Commissioner of Indian Affairs, transmitting the draught of bill to this Department, which recites the various provisions of the treaties and laws bearing upon the subject, together with a copy of the letter of the Cherokee attorney mentioned therein, is also herewith.

The Commissioner recommends the appropriation. I respectfully request that the matter may be presented to Congress for such action as that body may find to be right and proper.

I have the honor to be, very respectfully, your obedient servant,

L. Q. C. LAMAR, *Secretary.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 20, 1886.

SIR: I have the honor to submit herewith a copy of a communication, dated Washington, D. C., January 20, 1886, from J. M. Bryan, attorney, inviting attention to certain claims of North Carolina Cherokees for removal and subsistence-money they are entitled to receive under the provisions of the treaties of 1835, 1836, 1846, and an act of Congress approved July 29, 1848 (9 Stats., page 264).

By the eighth article of the New Echota treaty of December 29, 1835, with the Cherokees (7 Stats., page 482), the United States agreed to remove these Indians west, the price for removal being fixed at $20 and one year's subsistence at $33.33 for each of such persons who might prefer to remove themselves.

By the third article of the supplementary treaty of March 1, 1836 (7 Stats., page 488), the sum of $600,000 was allowed to the Cherokees in lieu of all claims of every nature and description against the United States, including the expenses of their removal.

By the eleventh article of the treaty of August 6, 1846 (9 Stats., page 873), the question whether the amount expended for the one year's subsistence should be paid out of Government or Cherokee funds was submitted to the Senate for decision, as also the question if the Cherokees were to pay, whether the subsistence should be charged at a greater rate than $33.33 per head.

The fourth section of the act of July 29, 1848 (9 Stats., 264), directed the Secretary of War to ascertain the number of Indians remaining at the ratification of the New Echota treaty, May 23, 1836, and the Secretary of the Treasury to set apart a sum equal to $53.33 for each individual reported by the Secretary of War, upon which interest was to be paid at 6 per cent. per annum on such per capita.

The fifth section provided for the payment of the $55.33 for the removal and subsistence of such individual members as might thereafter desire to remove, upon their removal west, which amount was to be charged to the general Cherokee fund and reimbursed therefrom.

This fund, under the act of March 3, 1875 (18 Stats., 447), was applied for the education, improvement, and civilization of these Indians, after certain specific acts and payments had been effected, and under the act of August 15, 1876 (19 Stats., 197), the balance of this fund, after certain payments therefrom, was placed to their credit upon the books of the Treasury Department, to bear interest at 5 per cent. per annum, and the Secretary of the Interior is authorized to use annually, for agricultural implements and for educational purposes among said Indians, so much of the principal of said fund as, with the interest annually accummulating thereon, shall amount to $6,000.

In view of the fact that Congress has determined the uses to which this fund must be applied, and the Indians are without means for their removal, I am of the opinion that Congress should furnish the necessary means to enable the Department to effect their removal, as stipulated in the eighth article of their treaty of 1835.

I therefore respectfully recommend that Congress be requested to appropriate, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary, to pay the cost of the removal and subsistence of those members of the tribe who have removed, as well as those who may now or hereafter desire to remove, at the rate of $53.33 per head.

I inclose herewith a draught of a bill covering the amount required to carry out the objects specified.

Very respectfully,

J. D C. ATKINS, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

A bill for the removal of the Eastern Cherokee Indians to the Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the amount necessary to pay for the removal and subsistence of those members of the Eastern band of Cherokees who have removed themselves, as well as those who may now or hereafter desire to remove, to the Cherokee Nation, in the Indian Territory, at the rate of $53.33 per head, being the amount specified in the eighth article of the Cherokee treaty of December 29, 1835, and the act of Congress approved July 29, 1848, there is hereby appropriated the sum of $20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior.

WASHINGTON, D. C., *January* 20, 1886.

SIR: I respectfully beg leave to call your attention to a claim of North Carolina Cherokees, who removed from North Carolina to the Cherokee Nation, Indian Territory, about ten years ago.

The list of these claimants that I am representing is on file in the Indian Department, and every claim fully proven, as to number of persons and date of removal.

The claim is for their removal, and subsistence for one year.

Under Cherokee treaty of 1846, provision is made that all money due the Cherokees the United States Government agrees to pay 5 per cent. interest from the 12th of June, 1838.

Therefore we think it reasonable and just that these claimants should receive interest on the several sums due them from the date of their removal West, as it was their own funds placed in the hands of the United States Government for this special purpose, and to draw interest at the rate of 6 per cent. per annum.

It has been near nine years since these claims have been presented to the Government for payment.

I also submit a report from the Interior Department, dated February 10, 1885, for your information on these claims, and I respectfully ask that you will have their money appropriated and paid.

Very respectfully,

J. M. BRYAN,
For Claimants.

Hon. J. D. C. ATKINS,
Commissioner Indian Affairs.

Mr. COCKRELL. In line 14, after the word "necessary," I move to insert the words "out of the balance of the general Cherokee fund;" so as to read:

There is hereby appropriated the sum of $20,000, or so much thereof as may be necessary, out of the balance of the general Cherokee fund, to be expended under the direction of the Secretary of the Interior.

Mr. DAWES. I suggest to the Senator that he refer to the statute of August 15, 1876, which seems to apply to the fund that was originally intended for this purpose. By the act of March 3, 1875, the fund was applied to the education, improvement, and civilization of these Indians.

Mr. COCKRELL. The act of August 15, 1876, is the right one. That is what covers the balance.

Mr. DAWES. You would refer to that, would you not?

Mr. COCKRELL. Yes. Let it read:

Out of the general Cherokee fund placed by the act of August 15, 1876, to their credit upon the books of the Treasury Department, and bearing interest at 5 per cent. per annum.

That will specify it.

The PRESIDING OFFICER. The amendment as modified will be stated.

The CHIEF CLERK. In line 14, after the word "necessary," it is proposed to insert:

Out of the balance of the general Cherokee fund placed by act of Congress of August 15, 1876, to their credit upon the books of the Treasury Department, and bearing interest at the rate of 5 per cent. per annum.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DAWES subsequently said: I move to reconsider the vote by which the Senate passed Order of Business 1362, being Senate bill 1799.

Mr. COCKRELL. I was just going to make that motion myself.

Mr. DAWES. I beg the Senator's pardon. Let the bill be reconsidered and go over.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to reconsider the vote by which the Senate passed the bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] now objects to the consideration of the bill, and it goes over.

WILLIAM TALBERT.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 3475) for the relief of William Talbert; in which it requested the concurrence of the Senate.

Mr. JONES, of Arkansas. This morning the Senate passed a bill (S. 1554) for the relief of William Talbert, and I find a bill has since passed the House of Representatives almost literally in the same language. I ask the unanimous consent of the Senate to have the House bill laid before the Senate by the presiding officer, and that it be considered in lieu of the Senate bill.

The PRESIDING OFFICER. If there be no objection the Chair will lay the bill before the Senate.

The bill (H. R. 3475) for the relief of William Talbert was read the first time by its title.

The PRESIDING OFFICER. The Senator from Arkansas asks the unanimous consent of the Senate to consider the bill at this time; is there objection? The Chair hears none.

Mr. COCKRELL. Let the bill be read.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the claim of William Talbert, of Montgomery County, Maryland, for the use by the Government of his patented improvement for marine railways, be, and the same is hereby, referred to the Court of Claims, with authority to take jurisdiction thereof, and to award judgment thereon, according to its value to the Government during the existence of said patent, on principles of equity and justice.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES, of Arkansas. I move to amend the bill to make it conform strictly to the bill reported by the Senate committee by striking out the words "on principles of equity and justice" at the end of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. LOGAN. It seems to me that under the bill, with that clause stricken out, the court would be compelled to give judgment for the claimant.

Mr. JONES, of Arkansas. No; the intention in striking out those words is simply to provide no new rule of trial; that it shall be tried as any other case to be tried in the court. The committee was under the impression that if the words "on the principles of equity and justice" were added to the bill, after provision for the trial, it might be held to suggest some new ground of trial, and not that it stand on its merits like any other case.

Mr. LOGAN. The court would have no power under the bill with that clause stricken out except to award a judgment against the Government in favor of the claimant. They would have no power to decide against him. They could only take jurisdiction for the purpose of awarding a judgment.

Mr. JONES, of Arkansas. I am willing that an amendment shall be made if the Senator thinks there is any doubt about it. I think the bill simply allows the court to take jurisdiction and decide the case. If the Senator prefers the language to remain in the bill as it came from the House, I really have no objection. I simply moved the amendment to make it conform to what was agreed upon by the Senate committee.

Mr. LOGAN. With that clause stricken out there is nothing in the bill except authority to the court to take jurisdiction and to award judgment against the Government. They would have no power under the bill to try the case and decide on the principles of equity as to whether the claimant is entitled to anything or not.

Mr. JONES, of Arkansas. I ask the Senator to suggest an amendment. I am perfectly willing to agree to it.

Mr. HARRISON. I suggest whether after striking out the words proposed by the Senator from Arkansas to follow the words "and award judgment thereon" by the words "for such amount as is found due, if anything," would not meet the view of the Senator from Illinois.

Mr. JONES, of Arkansas. I think that would be a proper amendment.

Mr. LOGAN. I suggest after "award judgment thereon" to insert the words "as the merits of the case may demand."

Mr. JONES, of Arkansas. I think that is right. I have no objection to that modification.

Mr. DOLPH. The bill seems to be a short one. I ask to have it read.

The PRESIDING OFFICER. The Secretary will read the bill as it will stand when amended as proposed.

The Secretary read as follows:

That the claim of William Talbert, of Montgomery County, Maryland, for the use by the Government of his patented improvement for marine railways be, and the same is hereby, referred to the Court of Claims, with authority to take jurisdiction thereof and to award judgment thereon, as the merits of the case may demand according to its value to the Government during the existence of such patent.

Mr. LOGAN. Strike out the words "to award judgment" and insert the amendment as I have offered it, "according to the merits or the case," because the case may have merits or it may not have. That will carry with it the right to award judgment for the amount if there is any amount to be allowed.

The PRESIDING OFFICER. The bill will be so modified if there be no objection.

Mr. MCMILLAN. Is there a report accompanying the Senate bill? If there is I should like to hear it read.

Mr. JONES, of Arkansas. There is a report.

Mr. MCMILLAN. The bill seems to authorize a suit upon a claim and the entry of judgment, as I understand it, and it does not provide

for a report of the facts to Congress, as far as I see. If the report is not long I ask to have it read. Perhaps the Senator can state substantially the case and that will answer. All I want to know is what the general character of the claim is.

Mr. JONES, of Arkansas. The claimant in this case invented a contrivance by which ships at the navy-yard here could be docked, drawing a foot or two more of water than was possible without his contrivance. He applied for a patent on it, and before the patent was obtained in the exigency of the time the Secretary of the Navy put his invention in use, and the Government has used it for a great length of time without compensation, beginning the use before the patent was obtained. That, I think, is the ground on which the Government put its refusal to pay for the use of the patent. The Secretary of the Navy and other officers recommend the adjudication of the claim and that justice be done the claimant.

Mr. MCMILLAN. Very well; that is a satisfactory explanation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. JONES, of Arkansas. I move to reconsider the vote by which the Senate passed the bill (S. 1554) for the relief of William Talbert, and that the bill be indefinitely postponed.

The PRESIDING OFFICER. The Chair hears no objection, and the vote is reconsidered. The bill will be postponed indefinitely.

AMENDMENT OF COPYRIGHT LAW.

The bill (S. 2496) to amend title 60, chapter 3, of the Revised Statutes of the United States was announced as next in order.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHACE] has charge of the bill and is absent. In his absence it is hardly worth while to read the bill and the report.

Mr. HARRISON. Let it go over. I make a formal objection.

Mr. ALDRICH. I ask that the bill may go over without prejudice.

Mr. HARRISON. It does; it goes over till to-morrow.

The PRESIDING OFFICER. The bill goes over.

BONDS OF EXECUTORS.

The bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that there is an amendment in manuscript which the Senator from Vermont [Mr. EDMUNDS] desires to have proposed to the bill.

Mr. HARRISON. I suggest that the bill had better go over, as neither the Senator from Tennessee [Mr. HARRIS] who reported the bill nor the Senator from Vermont is here.

The PRESIDING OFFICER. The bill will go over.

JOHN KOUNS.

The bill (S. 897) for the relief of John Kouns was the next in order.

Mr. DOLPH. The vote indefinitely postponing the bill was reconsidered for the purpose of withdrawing the papers from the files of the Senate. I renew the motion to indefinitely postpone the bill.

The motion was agreed to.

THEODORE W. TALLMADGE.

The bill (H. R. 1905) for the relief of Theodore W. Tallmadge was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 9, after the words "United States," to insert the words "subject to military bounty-land warrant location;" so as to make the bill read:

That the Secretary of the Interior of the United States be, and is hereby, authorized and directed to issue and deliver to Theodore W. Tallmadge land-scrip by which the said Theodore W. Tallmadge, or his assigns, upon the presentation thereof to the proper officers of the Land Department, shall be entitled to enter 160 acres of the surveyed public lands of the United States subject to military bounty land-warrant location, not mineral or otherwise appropriated, granted to him in lieu of bounty-land warrant numbered 69651, misappropriated by an employé of the United States land office at Stevens' Point, Wis.

Mr. LOGAN. All lands are subject to bounty-land warrant location.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SALARIES OF REGISTERS AND RECEIVERS.

The bill (S. 2401) to classify and fix the salaries of registers and receivers of United States land offices was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 2, line 4, after the word "moneys," to strike out the remainder of the section in the following words:

And credited to the appropriation for incidental expenses of the several land offices.

So as to make the section read:

That all fees allowed by law to registers and receivers for reducing testimony to writing and for furnishing abstracts from their records and plats or diagrams of townships shall be deposited in the Treasury as public moneys.

Mr. HARRISON. If there is any member of the Committee on Public Lands present I should like to know generally whether the bill is an increase or a decrease of the salary and compensation.

Mr. DOLPH. The bill certainly does not increase the salaries. It substitutes a salary for fees. The salary is regulated by the amount of fees in the office. I think it will probably decrease the compensation, because it will be observed, for instance, that where the earnings are less than $5,000 and more than $4,000, then the salary shall be $2,000.

Mr. LOGAN. Does the bill fix any salary?

Mr. DOLPH. No; it does not fix the salary for any given officer, but it regulates the amount of salary by the earnings of the office. Instead of allowing the officer to retain fees for compensation and a small salary, the fees are to be paid into the Treasury and the officer receives a salary to be fixed and determined by the amount of fees earned in the office.

Mr. WALTHALL. I will state to the Senator from Illinois that the Committee on Public Lands considered the matter, and the conclusion we all reached was that it would be a slight decrease in compensation.

Mr. HARRISON. That is satisfactory. I only wanted to know the general effect of it.

The PRESIDING OFFICER. The question is on agreeing to the first amendment reported from the Committee on Public Lands.

The amendment was agreed to.

The next amendment was, in section 3, line 3, after the word "Treasury," to strike out the remainder of the section, in the following words:

And be deemed an appropriation to pay for making such copies; and the Commissioner of the General Land Office shall be authorized to use any portion of this appropriation for piece-work, or for temporary clerk-hire by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding $1,200 a year.

So as to make the section read:

That the moneys received at the General Land Office as fees for furnishing transcripts of records and plats shall be deposited in the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WALTHALL. I desire to call attention to a clerical error in the title. The title reads "to classify and fix the salaries of registers and registers of the United States land offices." It should read "registers and receivers." I propose that the title be amended by striking out the word "registers" where it occurs the second time and inserting the word "receivers."

The PRESIDING OFFICER. That correction will be made in the title.

ANSON RUDD.

The bill (S. 2504) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to make, execute, and deliver all needful instruments conveying and transferring the right, title, and interest of the United States in and to a certain tract of land situate in the county of Fremont, Colorado, to Anson Rudd, being the same tract which Anson Rudd and Harriet Rudd, his wife, conveyed to the United States by general warranty deed, without consideration, dated March 20, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMS AND STORES TO DAKOTA TERRITORY.

The bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes, was announced as next in order.

Mr. BUTLER. Let that go over.

The PRESIDENT *pro tempore*. The bill will go over.

MARIA SYPHAX.

The bill (S. 2517) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax," was considered as in Committee of the Whole. It proposes to construe the act of June 12, 1866, entitled "An act for the relief of Maria Syphax," releasing and confirming to her, her heirs and assigns, the title to a piece of land therein described, being part of the Arlington estate, in the county of Alexandria, Virginia, to operate as a relinquishment to Maria Syphax, her heirs or devisees, of any outstanding title to the land which the United States may have acquired since the date of that act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL ASSISTANT ADJUTANT-GENERAL.

The bill (S. 2339) to provide for one additional assistant adjutant-general with the rank of major of cavalry, was considered as in Committee of the Whole.

The first section provides that the President, by and with the advice and consent of the Senate, may appoint one additional assistant adjutant-general of the Army with the rank of major of cavalry, who shall be entitled to all the benefits of the existing laws relating to officers of that grade in said corps.

Section 2 provides that after such appointment is made the number of assistant adjutant-generals with the rank of major of cavalry shall, when the first vacancy in that grade occurs, be reduced to thirteen, as now, and the additional office of that grade hereby created shall cease.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMS AND STORES TO OREGON AND WASHINGTON.

The bill (S. 2035) to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55 for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes, was announced as next in order.

Mr. BUTLER. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

GENERAL AND LIEUTENANT-GENERAL.

The bill (S. 1964) to repeal a certain portion of section 1094 of the Revised Statutes of the United States was announced as next in order.

Mr. COCKRELL. Let that bill pass by until I can look at it. I have never seen the bill before and I want to look at it.

Mr. LOGAN. The Senator was in the committee when the bill was agreed to, after it was discussed. It has been only a short time ago.

Mr. COCKRELL. I will look at it.

The PRESIDENT *pro tempore*. The bill will be passed over.

NEW WHARF AT FORTRESS MONROE.

The bill (S. 1148) providing for the construction of an iron pier at Fortress Monroe, Va., was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in lines 3 and 4, after the word "dollars," to insert "or so much thereof as may be necessary;" in line 6, to strike out "an iron pier" and insert "a new wharf;" and after "Virginia," in line 8, to insert "upon plans to be approved by the Secretary of War;" so as to make the bill read:

Be it enacted, &c., That the sum of $150,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the construction of a new wharf, and improvements to the roadway leading thereto, on the Government reservation at Fortress Monroe, Va., upon plans to be approved by the Secretary of War.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion, the title was amended so as to read:

A bill providing for the construction of a new wharf at Fortress Monroe, Va.

ROAD TO CHALMETTE NATIONAL CEMETERY.

The bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish, was considered as in Committee of the Whole. It proposes to appropriate $25,000, or so much thereof as may be necessary, for the purpose of constructing a macadamized road from the United States barracks in the parish of Saint Bernard, Louisiana, about 1½ miles, to the national military cemetery at Chalmette.

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. WALTHALL] has submitted an amendment.

The amendment was, in section 1, line 7, after the word "road," to insert "or wagon roadway."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. EUSTIS. To make the title correspond with the body of the bill, I move to strike out the word "macadamized" from the title.

The PRESIDENT *pro tempore*. If there be no objection that change will be made and the original title amended by striking out "macadamized."

J. M'A. WEBSTER.

The bill (S. 1773) for the relief of Lieut. J. McA. Webster, of the Twenty-second Infantry, United States Army, was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, after the word "safe," in line 10, to strike out:

And for this loss the board of review finds that the commanding officer was partially responsible, for not providing a secure place in which to deposit the funds intrusted to the care of the quartermaster and commissary.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay Lieut. J. McA. Webster, of the Twenty-second Infantry, United States Army, who was quartermaster and commissary at Fort Lyon, Colo., in January, 1883, the sum of $109.16, out of any moneys not otherwise appropriated, to reimburse him for a like amount stolen from him out of an insecure safe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

K. G. BILLINGS.

The bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of K. G. Billings, of Lancaster County, South Carolina, formerly a soldier in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEXICAN TREATY AWARDS.

The bill (S. 2207) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th of July, 1868," was announced as next in order.

Mr. COCKRELL. Let that be passed over. The Senator who reported it [Mr. EDMUNDS] is not here.

The PRESIDENT *pro tempore*. The bill will be passed over.

LEAKAGE OF DISTILLED SPIRITS.

The bill (S. 559) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, the sum of $10,790.32; to Silas Q. Howe, surviving partner of William T. Pate & Co., the sum of $19,662.19; to Henry W. Smith, surviving partner of F. & J. W. Gaff & Co., the sum of $14,062.50, the same being due them for taxes paid upon distilled spirits lost by leakage while stored in a United States bonded warehouse, under the control and in the custody of the collector and inspector of internal revenue for their respective districts (the fifth district of Illinois and the third and fourth districts of Indiana), from July, 1864, to December 31, 1864.

Mr. CULLOM. This seems to be a pretty large sum of money. Is there any report connected with it? If there is I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. ALDRICH. I object to the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

R. G. HUSTON & CO.

The bill (S. 2529) for the relief of R. G. Huston & Co. was announced as next in order.

Mr. DOLPH. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

PROPOSED CONGRESS OF AMERICAN NATIONS.

Mr. FRYE. Order of Business 1100 was passed over on my objection. On consultation with some members of the Committee on Foreign Relations, I desire to withdraw the objection and ask that the bill may be considered now.

The PRESIDENT *pro tempore*. The Senator from Maine withdraws the objection made to the consideration of Order of Business No. 1100, and asks that the bill be now considered subject to the rule. Is there objection? The Chair hears none.

Mr. FRYE. I simply desire to say that I interposed an objection because there were two or three Senators who desired to make speeches in favor of this bill. One was the Senator from Alabama [Mr. MORGAN] and another the Senator from New York [Mr. EVARTS], but the session is getting so far along that the Committee on Foreign Relations deem it inadvisable to delay the bill, provided it can be passed now, and I presume there is no objection to it. It is the unanimous report of the Committee on Foreign Relations after very careful consideration.

The bill (S. 2362) to promote the political progress and commercial prosperity of the American nations was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF JOHN WIGHTMAN.

The bill (S. 2530) for the relief of the legal representatives of John

Wightman, deceased, was considered as in Committee of the Whole. The claim of the legal representatives of John Wightman, deceased, for and on account of mail service rendered by him in carrying the United States mails on route No. 3413, from Pittsburgh to Erie, Pa., a distance of 133 miles, three times a week each way, from August 1, 1859, to and including June 30, 1860, at the rate of $9,000 per annum for six times a week each way, is by the bill referred to the Court of Claims.

Mr. COCKRELL. I should like to hear some reason for that.

Mr. MITCHELL, of Oregon. The Committee on Claims had no trouble whatever with this case. The facts speak for themselves. The assignor of this party had a contract for the usual four years to carry the mails on the route between Erie and Pittsburgh, Pa., commencing in 1857. The contract was for six times a week each way, and the service was entered upon, running through a thickly settled portion of the country, through several shire towns. The session of Congress that ended March 4, 1859, failed to make appropriations for the postal service for the coming fiscal year. The result was that the Postmaster-General issued an order reducing the service on this route to three times a week, which raised of course a great commotion in that section of the country, as they had had a daily service for half a century before, and appeals were made to the Postmaster-General on the subject through Judge Church, I think, who came on as the representative of the people in regard to the matter. The result of the conference was this. The Postmaster-General said: "I have no money to pay you. I recognize the importance of the service; I will do this, provided the contractor is willing to take his chances, I will direct that the mails be delivered by the several postmasters along the route for six times a week service, and in that case you will perform the service and look to Congress for the pay. I have no money to pay you." He said he would do it.

In pursuance of that understanding the postmasters along the route at the different points delivered the mail to the contractor, Mr. Wightman, who was recognized as the contractor, and was the assignee of the original contractor, six times a week, and he performed the service for eleven months to the end of the contract term, but was only paid for performing the service three times a week. The Postmaster-General recommended to Congress in his annual report an appropriation to settle these matters. The appropriation has never been made, and the claimant now comes to Congress and asks to have the matter referred to the Court of Claims for the purpose of ascertaining whether he performed the service under this arrangement, and authorizing payment in case it was performed.

Mr. SAULSBURY. I should like to inquire whether this extra service was performed at the request of the Department or was it a voluntary service?

Mr. MITCHELL, of Oregon. It was approved by the Post-Office Department, and I may say authorized so far as the Department could authorize it, not having money at the time to pay for it. The Postmaster-General directed that the mail be delivered to the contractor six times a week during the term, and also recommended that Congress provide for the payment, but Congress has never done it. It is a very meritorious case in my opinion and in the opinion of every member of the committee.

Mr. SAULSBURY. Without knowing anything about the merits of the claim, I desire to say——

Mr. MITCHELL, of Oregon. It was not extra service, but simply carrying out the service according to the contract, but for which no appropriation was made by Congress. It was a contract made in pursuance of law for this service.

Mr. SAULSBURY. It was service supplementary and a service not authorized by the appropriation. If it is only proposed to refer it to the Court of Claims I shall not interpose any objection.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I want to add at the end of the bill:

Deducting therefrom the sum of $375, one month's extra pay received by the claimant.

When this contract was declared forfeited by the Postmaster-General under the law he paid this man one-twelfth of $4,500, a month's extra pay, and the claimant accepted that, and as a matter of course he must have that deducted from any compensation that he may receive under the contract.

Mr. MITCHELL, of Oregon. Certainly; but that is already allowed in this arrangement, as I understand.

Mr. COCKRELL. It is not authorized to be allowed here. There is no provision in this bill which would justify that to be allowed.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to add to the bill these words:

Deducting therefrom the sum of $375, one month's extra pay received by the claimant.

Mr. MITCHELL, of Oregon. Of course there could not be any objection to the proposed amendment if it were necessary; but this bill, the Senator from Missouri will observe, simply provides that he shall be paid whatever he has not been paid at the contract price for six times a week.

Mr. COCKRELL. The $375 was no part of the contract price. It was a gratuity, that was paid to him in consequence of abrogating the contract, and there is nothing in this bill that would require a deduction of that. He would just make that much clear.

Mr. MITCHELL, of Oregon. If the Senator thinks that is necessary, I shall not object.

Mr. COCKRELL. Here is his receipt, and there is not a line in the bill that would authorize the court or the Treasury Department to deduct this sum.

Mr. MITCHELL, of Oregon. The court would certainly hold that he received that month's pay.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. SAULSBURY. I once examined this claim some years ago and reported against it. That was a claim which was to be paid to Mr. Wightman, and the committee came to the conclusion that this was a voluntary service with full knowledge and consent of the Post-Office Department; but the claim then was not proposed to be sent to the Court of Claims for adjustment, but he asked that Congress pay the amount. I think I made a report adverse to that; but this bill simply asks for the privilege of going to the Court of Claims to establish a claim, if he has one, and I do not think there is much objection to that with the provision inserted on the motion of the Senator from Missouri. Therefore I approve of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ARLANTA T. TAYLOR.

A bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor was announced as next in order.

Mr. COCKRELL. Let that bill be passed over for the present.

The PRESIDENT *pro tempore*. The bill will be passed over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 16) for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased;

A bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Krop, deceased;

A bill (S. 365) for the relief of Martin L. Bundy;

A bill (S. 498) for the relief of George T. Dudley;

A bill (S. 579) granting a franking privilege to Julia D. Grant;

A bill (S. 1352) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation at Fort Leavenworth;

A bill (S. 2222) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations;

A bill (S. 2073) for the relief of the officers and crew of the light-house tender Lilly and the inspector of the fourteenth United States light-house district; and

Joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company.

PUBLIC-LAND LAWS.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (H. R. 7887) to repeal all laws providing for the preemption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes; which was ordered to lie on the table and be printed.

ESTATE OF JOSEPH R. SHANNON.

The bill (S. 396) for the relief of Mrs. Mary Shannon, widow and administratrix of the estate of Joseph R. Shannon, deceased, and to provide for the payment of the loss of the steamboat A. W. Quarrier, was announced as next in order.

Mr. DOLPH. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. DOLPH. I withdraw my objection on a statement made to me by the Senator from Colorado [Mr. TELLER].

The PRESIDENT *pro tempore*. The objection is withdrawn.

Mr. COCKRELL. There are some papers connected with this case which I desire to present to the Senate when it is brought up. I do not want to delay action on the case, but I want to have an opportunity of looking at the papers and hunting up an affidavit that was made by the claimant in his lifetime before another tribunal in order that I may present them. I do not think the Senate Committee on Claims has ever seen the affidavit that was made by this claimant in another suit, in which he described all the property and all the steamboats he ever owned, and left this out.

The PRESIDENT *pro tempore*. The bill will be passed over.

MONUMENT AT STONY POINT, NEW YORK.

The joint resolution (S. R. 67) authorizing the Secretary of War to erect at Stony Point, New York, a monument was announced as next in order.

Mr. DOLPH. I object to that.

The PRESIDENT *pro tempore*. The joint resolution will be passed over.

ASSIGNEES OF ADDISON C. FLETCHER.

The bill (S. 2560) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the assignees and owners of letters patent numbered 101604, dated April 5, 1870 (antedated October 5, 1869), for an improvement in adhesive postal and revenue stamps, issued to Addison C. Fletcher and duly assigned, together with the right of recovery and compensation for the use thereof by the United States Government in the collection of revenue on distilled spirits and malt liquors during the years 1868, 1869, 1870, 1871, and 1872.

Mr. COCKRELL. In line 17, before the word "use," I move to insert "alleged;" so as to read:

With the right of recovery and compensation for the alleged use thereof by the United States Government.

Mr. HOAR. It strikes me that the better policy would be to pay for the use, the actual use, and not for the use that was alleged. I will not object, however, if the Senator prefers to pay for what the man alleges the Government used.

Mr. COCKRELL. I do not know that we used it at all.

Mr. HOAR. The bill as drawn by the Senator from Connecticut [Mr. PLATT] only provides for ascertaining what the use actually was. The Senator proposes that the man shall get pay for what he alleges it was.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. COCKRELL. I find, beginning in line 32, this language:

To determine to what extent said stamp was manufactured and used by the Government, and a legal and equitable rate of compensation therefor; finally, to find the aggregate sum or sums to which the several claimants named in this act are equitably entitled as compensation for the use of said stamp, and to report their said findings to Congress.

This bill goes upon the theory that the Government used these stamps and that these parties are entitled to compensation for that use. The point I make is that I want that question determined by the court; and in order that I may have more time to look at it, I object to the further consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

MAJ. JAMES BELGER.

The bill (S. 1580) for the relief of Maj. James Belger was announced as next in order.

Mr. COCKRELL. Let that pass over.

The PRESIDENT *pro tempore*. The bill will be passed over.

CONFINEMENT OF INEBRIATES.

The bill (S. 2545) to provide for the confinement of inebriates in the Government Hospital for the Insane was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in line 3, after the word "oath," to insert "of either parent, brother, sister, son, daughter, or guardian, or commissioner, or justice of the peace of the District of Columbia;" and after the word "person," at the end of line 5, to insert "actually resident;" so as to read:

That whenever by petition, under oath, of either parent, brother, sister, son, daughter, or guardian, or commissioner, or justice of the peace of the District of Columbia, any person actually resident in the District of Columbia shall be alleged to be an habitual drunkard, incapable of taking care of himself or herself, or his or her property, the supreme court of said District, in special term, shall have the power, in its discretion, on such preliminary examination or inquiry as it may think proper to make *ex parte*, to issue a warrant to the marshal of the United States for the District of Columbia to arrest and bring the person so charged before such court.

The amendment was agreed to.

Mr. RIDDLEBERGER. Is that bill now on its passage?

The PRESIDENT *pro tempore*. It is now open to amendment. The amendments of the committee are being considered. The next amendment will be stated.

The next amendment of the Committee on the District of Columbia was, after the word "insane," in line 21, to insert:

When such petition is filed by any person other than a commissioner or justice of the peace, the court shall cause notice of the filing thereof to be given to the attorney of the United States for the District of Columbia, whose duty it shall be to attend such hearing in the public interest.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

Provided, That no person shall be admitted to said Hospital for the Insane under the operations of this act who shall appear to the court on such hearing to have come to or have been brought into the District for the purpose of being admitted therein.

The amendment was agreed to.

Mr. HOAR. I see that this bill has very humane provisions so as not to prevent wounding the self-respect of the person charged more than is necessary by allowing the proceedings to be voluntary on his part in certain cases; and in accordance with that design I move an amendment, in line 11, after the words "*ex parte*," to insert "to issue an order of notice to such person to appear before said court, or in its discretion;" so as to read:

On such preliminary examination or inquiry as it may think proper to make *ex parte* to issue an order of notice to such person to appear before said court, or in its discretion to issue a warrant to the marshal of the United States for the District of Columbia to arrest and bring the person so charged before such court.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. RIDDLEBERGER. I was not in when the bill was called up. I was a member of the Committee on the District of Columbia when this bill was passed upon by that committee, and as the bill was passed upon at that time it provided for taking up anybody on the accusation of any number of people from a grandfather down to a mother-in-law, and confining him or her in what may be called a hospital, but I can not understand the distinction myself between a jail and a hospital if you are confined in it.

I opposed the bill in that committee, and I opposed it on the ground that the Constitution of the United States gives a man the right of trial by a jury of his peers before his body can be taken and confined, whether it be in a hospital or a jail.

Sir, this is a summary proceeding that I know meets a kind of ideal sentiment in the District of Columbia, to which I am at all times and under all circumstances unwilling to yield. I say, give the Constitution of the United States full application. Tell me what right you have to take up a drunkard on these streets and confine him without a trial by jury. If any Senator in this body owing somebody $20 should be summoned to appear he would possibly plead that he could not be taken out of here on civil process, but at the same time he would plead what he would call his inalienable, his constitutional right of trial by jury.

Now, sir, I have objected to it until I have gotten sick; I have objected to all these innovations upon the fundamental principles of this Government until I have gotten tired.

This bill provides for nothing more or less than that you can take up an inebriate in the District of Columbia and that you can confine him in what you call a hospital, and I care not what name you have prefixed to it; it may be the Providence Hospital. It is made to conform to a sentiment that is neither honest nor manly. Why, sir, pass such a bill as that, and then take the Constitution of the United States and throw it out of the Senate and say there is no longer a right of trial by jury for any man. I say this bill is hypocrisy from beginning to end and if passed is the greatest innovation that has yet been made upon the right of trial by jury and I should despise myself as a lawyer if I should vote for it, or as a citizen if I should enforce it, or as an American if I should in any way sanction it.

Mr. HOAR. Does it not provide for trial by jury?

Mr. RIDDLEBERGER. No, sir, it does not provide for trial by jury; it provides for taking up the unfortunate on the street and gives to the judge a right to summon a jury, but the Constitution says there shall be a jury selected in a certain form, that they shall be chosen in a certain way, and the bill is an innovation upon that. It is a bill that is contrived by what is called now the local-option sentiment of this country; and while I can be a local optionist if I want to be, I yet refuse to let the local-option sentiment destroy the right of trial by jury given by the Constitution to every man charged with an offense.

The PRESIDENT *pro tempore*. It is the duty of the Chair to inform the Senator from Virginia that his five minutes are out.

Mr. RIDDLEBERGER. Is this bill under the five-minute rule?

The PRESIDENT *pro tempore*. It is.

Mr. RIDDLEBERGER. Then I object to its consideration to-day.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over.

JOHN P. WALWORTH.

The bill (S. 2122) for the relief of John P. Walworth was considered as in Committee of the Whole. It proposes to pay to John P. Walworth $2,820, being the proceeds of the sale of certain funds, to wit, $4,700 in bank-notes of the issue of the Louisiana Bank of New Orleans, and which were in the month of August, 1863, on deposit in that bank to the credit of Walworth, and received from the bank by Col. S. B. Holabird, chief quartermaster at the post of New Orleans, by order of Major-General Banks, and sold, and the proceeds thereof, to wit, $2,820, afterward covered into the Treasury of the United States.

Mr. LOGAN. Is there a report?

The PRESIDENT *pro tempore*. There is.

Mr. LOGAN. Let it be read.

Mr. JONES, of Arkansas. I will state for the information of the Senator from Illinois, if he will allow me, that this bill is for the relief of John P. Walworth, a citizen of Chicot County, Arkansas, whose loyalty is beyond any sort of question. He had on deposit in one of the banks in New Orleans $4,700, and under General Order No. 202, issued by General Banks in 1863, the bank was required to turn this money over to the quartermaster.

Mr. LOGAN. That is enough. It was not the bank's funds?

Mr. JONES, of Arkansas. No, sir.

Mr. LOGAN. All right. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY GEE.

The bill (H. R. 248) for the relief of Henry Gee was considered as in Committee of the Whole. It proposes to authorize Henry Gee, of Florida, who, under the act of August 11, 1842, for his relief, made a void location, to make a relocation as provided by that act upon any unoccupied lands subject to homestead and pre-emption entry in the State of Florida.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. WHITE.

The bill (H. R. 5175)) extending the provisions and benefits of the pre-emption law to John E. White was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY MARTIN.

The bill (H. R. 1418) for the relief of Henry Martin was considered as in Committee of the Whole.

The Committee on Public Lands reported amendments, in line 4, after the word "representatives," to strike out "or assigns;" in the same line, after the word "select," to insert "within one year from the passage of this act;" in line 6, before the word "eighty," to insert "a tract of;" and after the word "character," in line 8, to strike out—

And in tracts not less than the subdivisions provided for in the United States land laws, and if unsurveyed when taken, to conform when surveyed to the general system of the United States land surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the said Martin, or his legal representatives, in accordance with the provisions of this act, which scrip shall be received in payment for said land.

So as to make the bill read:

Be it enacted, &c., That Henry Martin, of Seward County, Nebraska, or his legal representatives, may select, within one year from the passage of this act, and shall be allowed a patent for a tract of 80 acres of the unoccupied and unappropriated public lands of the United States in the State of Nebraska, subject to entry, not mineral in character.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed

E. REMINGTON & SONS.

The bill (S. 2533) for the relief of E. Remington & Sons was considered as in Committee of the Whole. It directs the Secretary of the Treasury to adjust the claims of E. Remington & Sons for drawback on arms exported by them in 1879 and 1880 without the filing of drawback entries thereof at the time of shipment.

Mr. COCKRELL. If there is any report there let it be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the following report, submitted by Mr. MILLER June 1, 1886:

The Committee on Finance, to whom was referred a bill for the relief of E. Remington & Sons, having examined the same, submit the following report:

A bill (S. 1722) was reported favorably from the Senate Committee on Claims (Report No. 858, Forty-seventh Congress, first session). For the reasons set forth in that report, which is embodied herein, the committee recommend favorable action by the Senate.

[Senate Report No. 858, Forty-seventh Congress, first session.]

That E. Remington & Sons, of New York, as manufacturers of fire-arms, chiefly for export, prior to 1879, imported certain material for use and which was used in the manufacture of fire-arms. On this material they paid the proper customs duties. The fire-arms manufactured from this imported material were by them exported in 1879 and 1880, when they claimed the drawback duty allowed in such cases. The claim was rejected, for the reason that at the time of the exportation it was the rule of the Treasury Department that no drawback could be allowed under section 3019 of the Revised Statutes unless the materials entering into the manufacture of the merchandise were imported within three years from the date of exportation of the manufactured article. Remington & Sons, in consequence of this rule, filed no drawback entries. It was useless to do so. This ruling of the Treasury Department has since been declared illegal and void by the law officers of the Government, but the Department has not felt authorized to waive its general regulations limiting drawback to cases where proper entries had been made, and Remington & Sons therefore apply to Congress for relief.

The following letter of the Secretary of the Treasury to Hon. WARNER MILLER, under date of April 4, 1882, gives a correct statement of the case:

TREASURY DEPARTMENT, *April* 4, 1882.

SIR: I have received the letter of Messrs. E. Remington & Sons, which you referred to this Department, under the date of the 31st ultimo, in regard to their claim for drawback on certain arms exported by them.

The reasons why the claim was not paid in the regular manner were, first, that at the time of the exportation it was the rule of this Department that no drawback could be allowed under section 3019 of the Revised Statutes unless the materials entering into the manufacture of the merchandise were imported within three years from the date of exportation of the manufactured article, and second, that no drawback entries were filed in these particular cases, the parties alleging, and it is undoubtedly true, that the reason the drawback entries were not filed was that it seemed useless to file such entries in view of the rule, the materials having been imported more than three years. The rule was, however, subsequently revoked by an opinion of the Attorney-General; still, in the absence of the drawback entries, the Department did not feel authorized to waive its general regulations limiting drawback to cases where proper entries had been made.

I am informed that since the passage of the drawback law of 1861 it has been the unvarying rule of this Department to refuse allowance of drawback where entries for exportation were not filed, regardless of the reasons which led to the failure to file such entries. In the case of the Sone and Fleming Manufacturing Company, of the city of New York, a claim for drawback was rejected for the reason that drawback entries were not filed, the clerk of the company who was intrusted with the fees and the duty of making entries having stolen the fees and failed to perform his duty. A bill, No. 1982, was introduced in the third session of the Forty-sixth Congress for their relief, and it is understood is now before the Committee on Claims in the United States Senate.

It is suggested that the claim of Messrs. E. Remington & Sons, which is an equitable one, be incorporated in the bill for the relief of the Sone and Fleming Manufacturing Company. Messrs. Remington & Sons have been requested to furnish full details of the claims either to you or to this Department.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

Hon. WARNER MILLER,
United States Senate.

As shown by certificate of the collector of customs at New York, the drawback duty on the twenty-two export shipments made by Remington & Sons amounts to the sum of $5,672.15, which amount, less 10 per cent., as provided by section 3019 of the United States Revised Statutes, should, in the opinion of your committee, be returned to E. Remington & Sons, who it appears failed and neglected to file the proper drawback entries in consequence of the foregoing erroneous ruling of the Department, which covered the case of the imported material used by them. In the opinion of your committee Messrs. E. Remington & Sons are entitled to the same relief which at the present session of Congress they have recommended in the case of the "Sone and Fleming Manufacturing Company." (See Report 177.)

The committee recommend the following amendments: Strike out the words "six thousand," in line 11 of the bill, and insert "five thousand six hundred and seventy-two fifteen one-hundredths;" and add at the end of line 12 the following, "less 10 per cent. thereof, as provided by section 3019 of the Revised Statutes;" and as thus amended they recommend the passage of the bill.

Mr. VAN WYCK. I would appeal to the Senator from Missouri to withdraw his call for the reading of the report, as no one is listening to it. It is only occupying time without benefit.

Mr. COCKRELL. It is not very long, and I might differ with the Senator as to whether it was of any use to read it or not.

Mr. VAN WYCK. Because no one was listening.

Mr. COCKRELL. The Senator may not have been listening to it, but I certainly think others were.

Mr. VAN WYCK. The gentleman who called for it was not.

The Secretary resumed and concluded the reading of the report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURETIES OF CAPT. HOLLISTER E. GOODWIN.

The bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties was considered as in Committee of the Whole. It proposes to release and discharge David S. Biggs and the heirs, next of kin, and personal representatives of Joseph Biggs from any and all liability or payment of money upon a bond executed in the year 1863 by Hollister E. Goodwin as principal and David S. Biggs and Joseph Biggs as sureties, conditioned as required by law for the performance by Goodwin of the duties of assistant quartermaster of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PARK AT PAGOSA SPRINGS.

The bill (S. 1073) to establish a public park at Pagosa Springs, in the State of Colorado, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was to strike out, in section 1, lines 27 and 28, as follows:

Forever reserved from sale and dedicated to public use as a park, to be hereafter known as Bruno Park.

And insert:

Granted to the State of Colorado for a public park, and the same shall be kept and maintained by said State for that use.

So as to read:

That the land beginning at a point on the left bank of the Rio San Juan where the north line of Hermosa street in the town-site of Pagosa Springs produced will intersect the same; thence running due east 80 chains; thence due south to a point due east of the corner to sections 24 and 25 of township 35 north, range 2 west; thence due west to said corner; thence north 89° and 45′ west to the southeast corner of lot 2 of section 24; thence north to the northeast corner of lot 2; thence west to a point due south of the southwest corner of land belonging to the Pagosa Springs Company; thence due north to said corner; thence along the east boundary of said land, north 6′ and 28″ east, 2,654$\frac{1}{10}$ feet, to the northeast corner; thence east 70 feet to the northwest corner of lot 10, block 31 of the survey of the town-site of Pagosa Springs; thence south 150 feet to the southwest corner of said block; thence east 500 feet to the southeast corner of said block; thence north 150 feet to the northeast corner of said block; thence eastwardly along the southerly side of San Juan street to its intersection with the left bank of the Rio San Juan; thence up said river, following its left bank, to the place of beginning, be, and the same is hereby, granted to the State

of Colorado for a public park, and the same shall be kept and maintained by said State for that use.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the land so reserved for a public park shall be under the control of the Secretary of the Interior, who shall provide for the survey of said park and marking the boundaries thereof; and he shall have power to provide for the preservation of the timber and for the protection of the natural curiosities contained in said park; and for that purpose he may appoint a superintendent to take charge of and exercise authority over said park, and who shall receive such annual compensation for such services as the Secretary of the Interior may determine; and such service may be terminated at any time the Secretary may direct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. B. WILSON.

The bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased, was considered as in Committee of the Whole. It proposes to refund and pay to H. B. Wilson, administrator of the estate of William Tinder, deceased, $5,000, in full satisfaction of the claim of the estate of Tinder for money paid upon a judgment of forfeiture upon a bond for the appearance of one Evans, who was charged with crime by indictment in the circuit court of the United States for the district of West Tennessee, and who was afterward captured by the administrator and returned to the custody of the court, and convicted and punished for the crime with which he was charged.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M'BRIDE.

The bill (H. R. 4836) for the relief of Thomas McBride was considered as in Committee of the Whole. It proposes to pay to Thomas McBride $1,000, in full compensation for the barge Henry Bartley, lost while under charter to the United States Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORVILLE HORWITZ.

The bill (S. 618) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co., was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, in line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury of the United States be, and he is hereby, directed to pay, out of any money in the Tressury not otherwise appropriated, to Orville Horwitz, assignee in trust of William Y. De Ford and George T. De Ford, copartners trading as C. D. De Ford & Co., the sum of $4,653.75, or so much thereof as the said trustee shall prove to the satisfaction of the Commissioner of Internal Revenue that he or the said firm have expended in the purchase of revenue stamps used by him or them to stamp packages containing cigars upon which he or they shall prove to the satisfaction of said Commissioner that a tax had been previously paid under the revenue laws in force at the time of the manufacture and sale, but which were made liable to be stamped under the act of July 20, 1868.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INSPECTION OF EXPORTED MEATS, ETC.

The bill (S. 1644) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes, was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Chair will state that this bill is reported by the Senator from Vermont [Mr. EDMUNDS], and it is a bill reported unanimously from the Committee on Foreign Relations, and it was believed to be a matter of great public importance at this time, although it seems to be a long bill.

Mr. COCKRELL. Let us act upon the amendments as we go along.

The PRESIDENT *pro tempore*. The amendments will be acted on as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The bill was reported from the Committee on Foreign Relations with amendments, in section 5, line 15, after the word "this" to insert "and the next preceding section;" and in the same section, line 17, after the word "and," where it occurs the first time, to strike out "ninety" and insert "ninety-two;" so as to read:

The foregoing provisions of this and the next preceding section shall expire on the 4th day of March, A. D. 1892, and shall no longer be in force.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ADJOURNMENT.

Mr. CULLOM. It is getting late, and I move that the Senate do now adjourn.

Mr. HARRIS. I appeal to the Senator from Illinois, as this is perhaps the last day that we shall have during this session upon the Calendar under the present rule, that we devote the whole of this evening to acting upon the Calendar.

Mr. CULLOM. There is such a thing as working men to death. We are not tiring ourselves very much, but there are some officers of the Senate who have done a pretty hard day's work.

Mr. HARRIS. An hour longer will dispatch a great deal of business. It is the last day we shall have.

Mr. CULLOM. I withdraw the motion.

HOUSE BILL REFERRED.

The bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

LUCINDA M'GUIRE.

The bill (S. 2588) for the relief of Lucinda McGuire was announced as next in order.

Mr. LOGAN. Is there a report with that bill?

The Chief Clerk proceeded to read the report, submitted by Mr. FAIR June 2, 1886.

Mr. LOGAN. I will object to this without waiting to have the entire report read.

The PRESIDENT *pro tempore*. The bill will be passed over.

GEORGE T. NEWMAN.

The bill (S. 1513) for the relief of George T. Newman was considered as in Committee of the Whole. It provides for the payment to George T. Newman of $935.37 for beef delivered at the Blackfoot agency in 1883.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE AT SAINT LOUIS.

The bill (S. 2589) authorizing the construction of a bridge over the the Mississippi River at Saint Louis, Mo., was announced as next in order.

Mr. McMILLAN. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

OTOE AND MISSOURIA LANDS.

The bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, was considered as in Committee of the Whole.

Mr. DAWES. There is a long amendment reported, which I think it is not necessary to read, because I propose a substitute for it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts proposes a substitute for the amendment of the committee.

Mr. DAWES. The amendment is to strike out all after the enacting clause and insert, instead of the amendment reported by the committee, a shorter one that has been agreed on.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized and directed to extend the time of the payments of the purchase-money under the sales made under the two acts, one entitled "An act to provide for the sale of the remainder of the reservation of the confederate Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1881, the other entitled "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes," approved August 7, 1882, as follows: The time of each payment shall be extended two years beyond the time now fixed by law: *Provided*, That the interest now due on said payments shall be paid annually at the time said payments are now due: *Provided also*, That all persons who have settled or shall settle upon said Omaha lands and who have filed their declaratory statement, or who may make *bona fide* settlement, improvement, and filing prior to the date of the passage of this act and subsequent to the date authorized by proclamation of the President in pursuance of the act aforesaid for such settlement, filing, and improvement in all other respects, except as to time, in conformity with said act, may make the first payment as therein required two years from the date of the passage of this act, and the second payment one year thereafter, and the third payment two years thereafter, but the interest required thereon by law shall be paid annually on the date of the passage of this act: *Provided*, That all other provisions in the acts above mentioned, except as changed and modified by this act, shall remain in full force.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be considered as agreed to. The amendment as amended is agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. DAWES, the title was amended so as to read "A bill authorizing the Secretary of the Interior to extend the time of pay-

ment to purchasers of lands of the Otoe and Missouria and of the Omaha Indians."

KANSAS LAND-GRANT RAILROADS.

The bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, was announced as next in order.

Mr. HOAR. This case is one of the land bills which are to be taken up specially.

The PRESIDENT *pro tempore*. The bill will be passed over.

SAINT PATRICK'S CHURCH.

The bill (H. R. 5509) for the relief of Saint Patrick's church, in the city of Washington, D. C., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAX ON BUSINESS OF REAL-ESTATE AGENTS.

The bill (S. 1882) to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, which were, in line 8, after the word "seventy-one," to insert the words "requiring real-estate agents to pay $25 annually, and in addition a monthly tax of one-fourth per cent. on gross receipts;" in line 13, after the word "commissions," to insert the words "in lieu of said monthly tax of one-fourth per cent. on gross receipts;" and in line 19, after the word "repealed," to insert the words "and from and after the passage of this act real-estate agents in the District of Columbia shall pay a license-fee of $50 per annum, to be collected as other licenses are collected in said District."

So that the bill will read:

Be it enacted, &c., That so much of clause 38 of section 21 of the act of the Legislative Assembly of the District of Columbia entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August 23, 1871, requiring real-estate agents to pay $25 annually, and in addition a monthly tax of one-fourth per cent. on gross receipts, as amended by the act amendatory thereof, approved June 20, 1872, as requires real-estate agents in said District to pay a tax of 1 per cent. on their commissions in lieu of said monthly tax of one-fourth per cent. on gross receipts, and so much of section 15 of said act approved August 23, 1871, as requires said real-estate agents to give bond to said District, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed; and from and after the passage of this act real-estate agents in the District of Columbia shall pay a license-fee of $50 per annum, to be collected as other licenses are collected in said District.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SEAL ROCKS IN SAN FRANCISCO HARBOR.

The bill (S. 2428) to grant certain Seal Rocks to the city and county of San Francisco, State of California, in trust for the people of the United States, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was, in section 1, line 7, after the word "granted," to insert "subject to the provisions named;" so as to read:

That all the right and title of the United States in and to the rocky islets known as the Seal Rocks, and all rights to seals resorting there, situated off Point Lobos, in the city and county of San Francisco, State of California, are hereby granted, subject to the provisions named, in trust to said city and county, upon the following conditions and for the following uses, to wit: Said city and county shall hold said Seal Rocks inalienable for all time, in trust for the people of the United States, and shall commit to the commissioners of Golden Gate Park the custody and care of said Seal Rocks, and shall keep said rocks free from encroachment by man, and shall preserve from molestation the seals and other animals now accustomed to resort there, to the end that said Seal Rocks will continue to be a public preserve and resort for seals.

The amendment was agreed to.

The next amendment was, after the word "seals," at the end of line 16, to insert:

Provided, That the United States may at all times control and limit or diminish the number of the seals resorting to said rocks so as to protect the fisheries and fishing industries: *And provided further*, That whenever any of said rocks, or the space occupied by said rocks, shall be required by the United States for the erection or maintenance of any public work, or for any other purpose, then as to the rocks or space so required the provisions of this act shall terminate, and the United States shall be reinvested with the full title, control, and possession thereof.

The amendment was agreed to.

Mr. LOGAN. How are the United States to limit the seals or diminish them, I should like to inquire, except by killing them? Is that the idea?

Mr. BERRY. I did not hear the question of the Senator from Illinois.

Mr. LOGAN. There is a provision for limiting the number of the seals that make these rocks a resort. I ask what is the intention of the committee? How are they to be limited unless they are destroyed?

Mr. BERRY. We simply reserve the power to the Government to limit them if it shall be deemed important hereafter. That is a reservation to the General Government, so that the city of San Francisco shall not destroy them; but the Government reserves the right and power to destroy them hereafter if it should be deemed necessary.

Mr. LOGAN. It is all right. I only wanted to know how they would be regulated.

Mr. BERRY. The bill was introduced by the senior Senator from California [Mr. STANFORD], who is not present.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD MAIL SERVICE.

The bill (S. 2438) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement was announced as next in order.

Mr. HARRISON. That is a matter that I think had better go over. It is a general bill.

The PRESIDENT *pro tempore*. It will be passed over.

Mr. FRYE. Why should it go over?

Mr. HARRISON. The Senator who reported it is not here.

Mr. FRYE. He simply moved an amendment, which was rendered necessary by the action of the House of Representatives.

Mr. HARRISON. Relating to post-offices?

Mr. FRYE. Yes. I do not think there will be any objection to the bill as amended. It passed the Senate as reported originally.

Mr. HARRISON. Very well.

The PRESIDENT *pro tempore*. If there be no objection the bill is before the Senate as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments, in line 6, before the word "than," to strike out "length," and after the word "than" to strike out "is prescribed by section 4004 of the Revised Statutes" and insert "40 feet in length;" so as to make the bill read:

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized to allow compensation to such railroad companies as had furnished apartments in cars for use as railway post-offices of less than 40 feet in length, in cases where such apartments had been furnished in pursuance of an agreement or understanding with the Postmaster-General, the Second Assistant Postmaster-General, or the Superintendent of the Railway Mail Service that special compensation should be allowed therefor; such allowances to be proportioned to the length of the apartments furnished, and not exceeding a pro rata of the price allowed for a 40-foot car, and for the time unpaid for up to the date when the company was notified by the Department that such payment could not be made because not warranted by the present law.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. HALL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1232) granting an increase of pension to John S. Hale.

The Committee on Pensions reported amendments, in line 3, to strike out the name "Hale" and insert "Hall," and in line 5, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the pension of John S. Hall, heretofore allowed by special act of Congress, be, and the same is hereby, increased to $50 per month, for total blindness, to take effect from the passage of this act, and to be in lieu of all other pensions.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John S. Hall."

ADDITIONAL ASSISTANT SECRETARY OF THE TREASURY.

The bill (S. 2618) creating an additional Assistant Secretary of the Treasury was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM BERDAN.

The bill (S. 2619) authorizing a settlement of the claim of Hiram Berdan, assignee of the Berdan Fire-Arms Manufacturing Company, was announced as next in order.

Mr. COCKRELL. I should like to hear the report read in that case.

Mr. DOLPH. I object to it.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Being objected to, the bill goes over.

ELIZA ELLEN EHLE.

The bill (S. 1775) for the relief of Eliza Ellen Ehle was announced as next in order.

Mr. COCKRELL. I object to that.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. MILLER. Can not the report be read?

Mr. COCKRELL. We shall have to discuss it. There are a great many bonds lost that we are called on to pay for. I had a case examined once and I examined the whole record in regard to the claims for lost bonds, and there are some very remarkable cases where the loss of bonds had been proved most conclusively and the bonds have since turned up, so that we must be guarded in the matter. There are a great many bonds in that condition.

Mr. MILLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his objection?

Mr. COCKRELL. I object.

The PRESIDING OFFICER. Then debate is out of order.

Mr. MILLER. There is a report in this case and a letter of the Secretary of the Treasury.

The PRESIDING OFFICER. The bill is objected to and has gone over.

SECOND LIEUTENANTS IN SIGNAL CORPS.

The bill (S. 2620) to repeal so much of the act of June 20, 1878, as provides for the appointment of second lieutenants in the Signal Corps was announced as next in order.

Mr. DOLPH. In that case there is a minority report; I suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

ENGRAVING AND PRINTING.

Mr. HARRISON. The next case ought to go over.

The PRESIDING OFFICER. The next bill on the Calendar, being the bill (S. 2621) to limit the printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department, and the Signal Service, will be passed over.

RESTORATION OF PENSIONS.

The bill (S. 2482) to restore pensions in certain cases was considered as in Committee of the Whole. It provides that the "act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions all officers and enlisted men in the Army, and their widows and minor children.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. BOULTER.

The bill (S. 2418) granting a pension to Sarah E. Boulter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah E. Boulter, widow of Joseph B. Boulter, late a sergeant of Company D, Fifth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY A. SMITH.

The bill (S. 2002) granting a pension to Betsey A. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $16 per month, the name of Betsey A. Smith, widow of Mark W. Smith, late an ordnance-sergeant in the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIA WALKER.

The bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker was considered as in Committee of the Whole. It proposes to pay to Maria Walker, widow of John H. Walker, a soldier of the Revolutionary war, arrears of pension from the 4th of March, 1860, to March 9, 1878, at the rate of $8 per month.

Mr. INGALLS. Does that allow arrears of pension? Let it be read again.

The PRESIDING OFFICER. The bill will be read again.

The Chief Clerk read the bill.

Mr. INGALLS. Let us hear the report in that case read.

Mr. BLAIR. Perhaps I can state it so as to satisfy the Senator.

Mr. INGALLS. Let the report be read.

Mr. BLAIR. This is a Revolutionary soldier's widow, the only one living in the country, down in Texas.

Mr. INGALLS. This gives arrears for eighteen years.

Mr. BLAIR. She lives down in Texas. Her pension was cut off when the rebellion broke out, and we did not pay her from 1860 to 1878. It is simply to give that widow of a Revolutionary soldier, she being over ninety years of age, her pension during that time.

Mr. COKE. I know the old lady; she lives in my town.

Mr. INGALLS. If the Senator from Texas knows her, it is evident the bill ought to pass; but I want to hear the report.

Mr. COKE. She is the widow of a Revolutionary soldier, ninety years old.

Mr. BLAIR. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR June 8, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker, have examined the same, and report:

Your committee append hereto the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1943), which contains a full statement of the facts, and recommend the passage of the bill:

Mrs. Maria Walker is the widow of John H. Walker, who was a private soldier in Captain Henry's company, Colonel Alexander's regiment, Georgia militia, in the war for American independence. Mrs. Walker became his wife on March 14, 1815. Her husband died in 1836, and she has never remarried. Under the act of February 3, 1853, which provided for the pensioning of the widows of Revolutionary soldiers who were married after the year 1800, she was placed on the pension-roll from the date of that act, and continued to draw a pension up to March 4, 1860, at which time she was dropped from the rolls. She was restored to the rolls under the act of March 9, 1878, at the rate of $8 per month.

Mrs. Walker has made several applications to the Pension Office to be allowed payment of her pension for the time during which she was suspended from the rolls, but is and has been unable to comply with the requirements of that office as to proof of loyalty to the United States during the period of the late civil war, as, being a native and always a resident of the South, she naturally sympathized with her people, to whom only, at her then advanced age, could she look for counsel and relief.

Mrs. Walker is now over ninety years of age, is in straitened circumstances, and largely dependent upon relatives and friends for a home and support, her only income being the $8 per month she now receives since she was restored to the rolls.

Mrs. Walker is one of the very few, perhaps the only widow of a soldier of the Revolutionary war now living; and in view of the facts it would seem eminently proper for the American Congress to pay to this old lady the small sum which the bill will allow, and thereby place her for the remainder of her days, which must be very short at best, beyond the reach of want.

Your committee therefore recommend that the bill do pass, with the following amendment: Strike out all after the word "sixty," in line 7 of the bill, and insert the words "to March 9, 1878, at the rate of eight dollars per month."

Mr. VAN WYCK. When was she dropped from the roll?

Mr. BLAIR. In 1860, and restored in 1878.

Mr. VAN WYCK. Then I would suggest that the form of the bill be changed, and that she be restored to the roll from such a date. We can not at this juncture in the history of the legislation on this matter come in now and pass a special bill giving arrears of pension. That is a thing which ought never to be thought of.

Mr. BLAIR. To amend the bill would send it back to the House.

Mr. VAN WYCK. It will be competent to restore her to the pension-roll from that date or to increase her pension. Better by far do the latter than commence now and establish a precedent for paying arrears of pension. If we do, we shall never see the end of the applications. I will go as far as the Senator from Texas desires or as far as the Senator from New Hampshire in my support of a pension to this widow of a Revolutionary soldier to any extent.

Mr. COKE. The only objection to the Senator's suggestion is that there will be doubt about the action of the House.

Mr. VAN WYCK. We shall be here probably a month yet, and if there were only three days left there would be no difficulty in passing it in the House.

Mr. BLAIR. It does not occur to me that it would be an exhibition of very good sense on our part to change the form of the bill as it now is. It relates only to the widow of a Revolutionary soldier. There is no analogy between what is being done here and the ordinary payment of arrears of pensions.

This woman was a pensioner. She was dropped in 1860. She was restored by the action of the Department in 1878, and has been receiving her pension at the same rate ever since. This is a proposition simply to pay her the arrears between those two dates, which the Department has no authority to do, and I can not conceive that the bill can be put in any better form, if as good a form, as it now stands. As I was suggesting, a return of the bill to the House will simply delay it.

Mr. VAN WYCK. Then I will move as an amendment that she be restored to the pension-roll from the date she was dropped, but deducting what she has received.

Mr. COKE. The legal effect of the bill is just that.

Mr. VAN WYCK. Precisely; but I want to do it in a form which has been recognized. I have said that where persons have been improperly dropped and have been restored to the roll it has been the custom to restore them to the roll from the time they were dropped and to allow them to receive pay from the time they were dropped. That is far different from a bill which says on its face that it is for arrears of pension. I will propose an amendment—because I am with the Senator from Texas on the amount of money—that she be restored to the pension-roll from the time she was dropped.

Mr. INGALLS. I object to the consideration of this bill.

Mr. BLAIR. I move to proceed to its consideration.

Mr. INGALLS. The Senator from New Hampshire says, "Vote it down." He proposes to have no amendments adopted here. I object to the bill.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. VAN WYCK. I shall move an amendment in the morning.

Mr. BLAIR. I opposed action on the amendment. I think I had a right to do so without subjecting myself to the comments of the Senator from Kansas.

HENRIETTA M. DRUM HUNT.

The bill (S. 2435) granting a pension to Henrietta M. Drum Hunt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henrietta M. Drum Hunt, widow of the late Lieut. Henry J. Hunt, United States Navy, and pay her a pension of $40 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOANNA W. TURNER.

The bill (S. 2176) granting a pension to Joanna W. Turner was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 7, before "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name Joanna W. Turner, a volunteer nurse in the Army during the late civil war, and pay her a pension of $40 per month, in lieu of that which she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES B. ROYCE.

The bill (S. 2622) granting an increase of pension to James B. Royce was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James B. Royce, late a private in Company I, Seventh Regiment Vermont Volunteers, at the rate of $40 a month, in lieu of the amount now received by him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES L. MILLER.

The bill (H. R. 8332) increasing the pension of James L. Miller was considered as in Committee of the Whole. It proposes to increase the pension of James L. Miller, late of Company C, First Kentucky Cavalry, to $72 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA L. PREUSS.

The bill (H. R. 921) granting a pension to Clara L. Preuss was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clara L. Preuss, widow of Leopold B. Preuss, late captain of Company C, Fourth Regiment Kentucky Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LETITIA J. GARRARD.

The bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Letitia J. Garrard, dependent mother of Daniel Garrard, late captain Company F, Twenty-second Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION AGAINST FIRE.

The bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia was announced as next in order.

Mr. GORMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING AT CONCORD, N. H.

The bill (S. 2240) to increase the appropriation for the erection of the public building at Concord, State of New Hampshire, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HANNIBAL, MO.

The bill (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury, and to make the same fire-proof, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT ASHEVILLE.

The bill (H. R. 5546) for the erection of a public building at Asheville, N. C., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PEORIA.

The bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUIDING AT SAVANNAH.

The bill (H. R. 5547) for the erection of a public building at Savannah, Ga., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT DULUTH.

The bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT FRANKFORT.

The bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT KEOKUK.

The bill (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof, was considered as in Committee of the Whole.

Mr. FRYE. Was not this bill passed three years ago? I thought the Senator from Iowa called it up and had it passed.

Mr. WILSON, of Iowa. This is a House bill. I desire to offer two amendments to the bill. In line 5, I move to strike out "twenty-five," before "thousand," and insert "forty." I will send to the Secretary's desk a letter from the Secretary of the Treasury showing the necessity of this increase.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 5, before the word "thousand," it is proposed to strike out "twenty-five" and insert "forty;" so as to read:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the further and additional sum of $40,000, or so much thereof as may be necessary.

Mr. HOAR. The chairman of the committee [Mr. MAHONE], who reported the bill, is absent. I think it had better go over.

Mr. WILSON, of Iowa. The chairman of the committee informed me that if his attention had been called to the matter and these papers had been originally filed before the committee he would have reported the amendment I now propose.

The PRESIDING OFFICER. The letter will be read. ["Oh, no!"]

Mr. WILSON, of Iowa. If no one desires to have the letter read I shall not ask for its reading.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. WILSON, of Iowa. I move to amend, in line 6, by striking out all after the word "necessary" and inserting what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 6, after the word "necessary," it is proposed to strike out:

To construct and finish said building at Keokuk, Iowa, as a fire-proof building, in accordance with said plans and specifications in the office of the Supervising Architect.

And in lieu thereof to insert:

To enlarge and complete said building at Keokuk, Iowa, and to finish the same as a fire-proof building, the sum of $140,000 to be the limit of the cost of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. The question is on agreeing to the preamble.

The preamble was agreed to.

Mr. WILSON, of Iowa. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

PUBLIC BUILDING AT EL PASO.

The bill (H. R. 6665) for the erection of a public building at El Paso, Tex., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT WILLIAMSPORT.

The bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, line 8, after the word "hundred," to insert "and twenty-five;" in line 10, before the word "thousand," to strike out "and twenty-five;" and in line 12, after the word "dollars," to insert "including site;" so as to make the section read:

That the first section of the act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, post-office, and other Government offices at Williamsport, Pa.," approved August 3, 1882, be, and the same is hereby, amended by substituting the words "two hundred and twenty-five thousand dollars" in the place of the words "one hundred thousand dollars;" so that the first section of said act, as amended, shall read as follows: "Shall not exceed the cost of $225,000, including site."

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That the sum of $50,000, in addition to the sum heretofore appropriated, be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be expended and used, under the direction of the Secretary of the Treasury, for the purchase of additional grounds and for the prosecution of the work of construction and furnishing materials therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. In the absence of the Senator from Pennsylvania [Mr. CAMERON] I will take the liberty of moving that the Senate insist on its amendments and ask for a conference on this bill.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

JOHN A. COAN.

The bill (H. R. 4412) for the relief of John A. Coan was considered as in Committee of the Whole. It proposes to pay to John A. Coan, of Lewis County, Kentucky, $350, in full compensation for two horses, saddles, and bridles taken from him by the United States forces in Louisiana.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATE NATIONAL BANK OF LOUISIANA.

The bill (S. 710) for the relief of the State National Bank of Louisiana was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the claim of the State National Bank of Louisiana for the payment of cotton belonging to that bank taken by the agents of the Treasury Department of the United States in the States of Louisiana and Arkansas after the 30th of June, 1865.

Mr. MCMILLAN. Is there a report?

The PRESIDING OFFICER. There is a report. The report will be read if desired.

Mr. HARRISON. There is no request for the reading of the report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEAVES OF ABSENCE TO NAVY-YARD EMPLOYÉS.

The bill (S. 2268) to grant leaves of absence to employés in United States navy-yards was announced as next in order.

Mr. COCKRELL. I object to that.

The PRESIDING OFFICER. The bill is objected to, and goes over.

LOTTERY CIRCULARS.

The bill (S. 2066) to amend section 3894 of the Revised Statutes of the United States, relating to the transmission through the mails of lottery, gift-enterprise, and other circulars, was announced as next in order.

Mr. GORMAN. Let that go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

P. B. SINNOTT.

The bill (S. 2000) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon, was considered as in Committee of the Whole.

The Committee on Claims reported an amendment, to fill the blank in line 10 by inserting "$1,565.14;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to release P. B. Sinnott, late Indian agent at Grand Ronde agency, State of Oregon, and his sureties on his official bond, from a judgment recovered against them by the United States on such official bond, in the district court of the United States for the district of Oregon, on the 15th day of January, A. D. 1886, for the sum of $1,565.14, and to cancel the same upon the payment by said Sinnott of the costs and disbursements of said suit.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL CADET-ENGINEERS.

The next business in order was the joint resolution (S. R. 60) for the purpose of temporarily increasing the number of assistant engineers in the United States Navy by restoring certain cadet-engineers named therein to their legal rights and to their proper office and rank in the United States Navy, authorizing and directing the President to appoint such cadet-engineers (graduates) assistant engineers, to commission them as such, and to antedate their commissions.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. Being objected to, the joint resolution goes over.

E. J. NORTHCUTT & BROTHERS.

The bill (S. 1340) for the relief of E. J. Northcutt & Brothers, for losses sustained by Indian depredations in Southern Oregon in 1855, was announced as next in order.

Mr. COCKRELL. Let that be passed.

The PRESIDING OFFICER. Being objected to, the bill goes over.

ALFRED J. HILL.

The bill (H. R. 8651) increasing the pension of Alfred J. Hill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alfred J. Hill, late adjutant of the Third New Hampshire Regiment, at the rate of $17 per month, in lieu of the sum now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA B. DAVIDSON.

The bill (S. 2321) granting an increase of pension to Clara B. Davidson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clara B. Davidson, widow of General John W. Davidson, United States Army, at $50 per month, in lieu of the amount she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE R. HOOPER.

The bill (S. 1838) to increase the pension of George R. Hooper was considered as in Committee of the Whole. It proposes to increase the pension of George R. Hooper, late a private in Company K, Twelfth Regiment Massachusetts Volunteers, from $50 to $75 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN LEDDY.

The bill (H. R. 4615) for the relief of Ann Leddy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Leddy, of the city of New York, widow of Thomas Leddy, late a private in Company I, Seventeenth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN H. HARRELL.

The bill (S. 2569) granting a pension to Helen H. Harrell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Helen H. Harrell, widow of Abraham D. Harrell, late a captain in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE E. COFFIN.

The bill (H. R. 1150) granting a pension to Catherine E. Coffin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine E. Coffin, widow of Charles P. Coffin, late a corporal of Company A, Nineteenth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. B. NORTON.

The bill (S. 282) for the relief of A. B. Norton was considered as in Committee of the Whole. It proposes to pay to A. B. Norton $1,853, being the amount paid by him involuntarily, under protest and moral duress, to the inspectors of the Post-Office Department, in 1877.

Mr. SPOONER. I move to amend in line 7, after the word "protest" by striking out the words "and moral duress;" so as to read:

Paid by him involuntarily, under protest, to the inspectors of the Post-Office Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

LITTLE FALLS WATER-POWER.

The bill (H. R. 4063) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS B. MOORE.

The bill (H. R. 107) for the relief of Elias B. Moore was considered as in Committee of the Whole. It proposes to appropriate $325 for the relief of Elias B. Moore, ex-postmaster of Fayetteville, Ark., that being the amount of postal stamps taken possession of by the United States Army in 1862, the value of which has been paid to the Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAFTON MONROE.

The bill (H. R. 5890) for the relief of Grafton Monroe was considered as in Committee of the Whole. It proposes to direct the Auditor of the Treasury for the Post-Office Department, in adjusting the accounts of Grafton Monroe, late postmaster at Annapolis, Md., to credit him in his accounts as such postmaster with $4,315.13 for postage-stamps and money-order funds burglariously stolen from the post-office at Annapolis, Md., on the morning of February 4, 1884.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments.

The first amendment was to add at the end of section 1 the following:

Provided, That it shall be proven to the satisfaction of said Auditor that said postage-stamps and money-order funds were lost as aforesaid without fault or negligence upon the part of said postmaster.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, directed, in adjusting the accounts of Grafton Monroe, late postmaster at Annapolis, Md., to credit him, the said Grafton Monroe, in his accounts as such postmaster, with $2,430, the same being for postal funds burglariously stolen from the post-office at Annapolis, Md., on the morning of February 4, 1884: *Provided*, That it shall be proven to the satisfaction of said Auditor that said postal funds were lost as aforesaid without fault or negligence upon the part of said postmaster.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GORMAN. I move that the Senate insist on its amendments and request a conference with the House of Representatives.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

SUSAN A. WAMACK.

The bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Susan A. Wamack, of Morgan County, Kentucky, administratrix of the estate of Stephen M. Farish, deceased, $159.29, for services as mail contractor in Kentucky from April 1, 1861, to October 7, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. J. PHILLIPS.

The bill (H. R. 5553) for the relief of E. J. Phillips was announced as the next bill in order.

Mr. COCKRELL. I thought we passed a general law which authorized the adjustment by the Post-Office Department of all such claims; and if this claim comes within the terms of that law, I must object.

Mr. HARRISON. I do not think that the law which was passed related to cases of burglary, but to losses by fire; did it not?

Mr. COCKRELL. No; it related to any kind of a loss where the postmaster was not in fault.

Mr. HARRISON. The amount of loss to be covered by the law I think was limited to $300.

Mr. COCKRELL. No; it may have been limited to $2,000.

The PRESIDING OFFICER. The clerks inform the Chair that it was limited to $2,000.

Mr. COCKRELL. That is my recollection, and I do not think I am mistaken, for I have looked at it very often.

Mr. SAWYER. This bill is not on account of the postal funds, but money-orders and stamps. The payment is recommended by the Post-Office Department.

Mr. COCKRELL. All cases of loss of stamps are covered by the law.

Mr. SAWYER. But this is a larger amount than is covered by the law, I think the Senator will find by examining the report.

Mr. COCKRELL. I am certain the law authorizes the payment; but I could not find that the report referred to that question at all.

Mr. SAWYER. What is the amount in the bill?

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. COCKRELL. Let it be passed over until we can examine into it.

The PRESIDING OFFICER. Being objected to, the bill goes over.

THOMAS SAMPSON.

The bill (H. R. 4139) for the relief of Thomas Sampson was announced as next in order.

Mr. GORMAN. Let that bill go over. The Senator from Pennsylvania [Mr. CAMERON] I know desires to be present when it is considered.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

Mr. MCMILLAN. I think there is no objection to the bill. It was reported by the Senator from New York [Mr. MILLER] from the Committee on Commerce.

Mr. GORMAN. I understand that the Senator from Pennsylvania desires to be present when it is considered.

Mr. MCMILLAN. I was not aware of that.

PUBLIC-LAND LAWS.

The bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes, was announced as next in order.

Mr. CULLOM. That bill has been before the Senate and is now pending as the unfinished business.

Mr. MITCHELL, of Oregon. Yes, it is the unfinished business at present.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM R. WHEATON AND CHARLES H. CHAMBERLAIN.

The bill (S. 988) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in lines 7 and 8, to strike out "$5,330.76, being" and insert "$3,800, being a portion of;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to pay to William R. Wheaton, register, and to Charles H. Chamberlain, ex-receiver of the land office at San Francisco, Cal., jointly, out of any money in the Treasury not otherwise appropriated, the sum of $3,800, being a portion of the amount deposited in the Treasury of the United States by them as fees for testimony which was taken by clerks whose compensation was paid from the private funds of said register and said ex-receiver.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLORIDA TELEGRAPH LINE AND SIGNAL STATION.

The bill (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Florida, and the establishment of a signal station, was considered as in Committee of the Whole. It proposes to appropriate $17,000 for the construction of a military telegraph line on the eastern coast of the State of Florida from a point at or near Point Jupiter, Florida, to Sanford, Fla., and for the establishment of a station for the taking of meteorological observations and the display of storm-signals at Point Jupiter; the line and station to be constructed, maintained, and operated under the direction and control of the Secretary of War, in connection with the establishment of signal and display stations for the observation and report of storms for the benefit of commerce and agriculture.

Mr. CALL. In line 7, after the word "Florida," where it occurs the second time, I move to insert the words "or to the nearest point of railroad connection;" so as to read:

At or near Point Jupiter, Florida, to Sanford, Fla., or to the nearest point of railroad connection.

Mr. LOGAN. How did that bill come to be reported from the Committee on Commerce?

Mr. MCMILLAN. It proposes to establish a signal station.

Mr. CALL. There will be no objection to this amendment. It is simply designed to shorten the line.

Mr. LOGAN. I understand that; but the bill ought to have gone to the Committee on Military Affairs.

Mr. MCMILLAN. No; it is for the establishment of a signal station.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARIA WALKER.

Mr. COKE. I ask that the objection be withdrawn to the bill (H.

R. 6311) granting arrears of pension to Mrs. Maria Walker in order that I may offer an amendment to the bill.

Mr. BLAIR. I should like to know what is proposed.

Mr. COKE. I propose to offer an amendment.

Mr. BLAIR. I object to the consideration of the proposed amendment.

The PRESIDING OFFICER. The Senator from New Hampshire objects to the consideration of the bill.

Mr. COKE. Does the Senator object?

Mr. BLAIR. I object to the consideration of the bill if it is proposed to amend it.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

The bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation was announced as next in order on the Calendar.

Mr. RIDDLEBERGER. Does not that include all their property on New York avenue?

The PRESIDING OFFICER. It includes a lot on New York avenue.

Mr. RIDDLEBERGER. I see that the bill was reported from the Committee on the District of Columbia by the presiding officer of the Senate at this time, and it includes all the property of what is called the Young Men's Christian Association.

The PRESIDING OFFICER. If the Senator will hear the bill read he will understand exactly what it includes.

Mr. RIDDLEBERGER. I think I am right.

The PRESIDING OFFICER. The bill has not yet been read. The bill will be read if there is no objection.

The CHIEF CLERK. The Committee on the District of Columbia report to strike out all after the enacting clause of the bill and to insert:

That the property known as lot 3, square 222, being house numbered 1409 New York avenue, in Washington city, D. C., occupied by the Young Men's Christian Association of Washington, be, and the same is hereby, exempt from all taxation so long as the same is so occupied and used; and the taxes which have accrued and become due on and after July 1, 1884, be, and the same are hereby, released, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property from taxation.

Mr. RIDDLEBERGER. I object to that.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. RIDDLEBERGER subsequently said: I withdraw my objection to Senate bill 1188, having very great doubts about whether it is entirely correct.

The PRESIDING OFFICER. The objection is withdrawn. The substitute reported by the Committee on the District of Columbia has been read. The bill is before the Senate as in Committee of the Whole, and the question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARIA WALKER.

Mr. COKE. I again ask that the objection to the consideration of the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker be withdrawn by the Senator from New Hampshire in order that I may propose an amendment, which I think will be satisfactory.

The PRESIDING OFFICER. The Senator from Texas asks the unanimous consent of the Senate to consider at this time the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker.

Mr. CULLOM. I hope the Senator from Texas will allow the Calendar to be finished and let that bill be passed over. There has been objection made to the bill, and it will lead to discussion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. COKE. I hope no objection will be made. The bill was passed over informally, and I simply ask the Senate to return to it.

Mr. CULLOM. Have the Senator from Texas and the other Senators who have been discussing it agreed upon an amendment?

Mr. COKE. I think there will be no trouble about it now.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? If not, the bill is before the Senate as in Committee of the Whole, and the Senator from Texas will suggest his amendment.

Mr. COKE. I submit an amendment to come in after the word "war," in line 5.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out all after the word "war," in line 5, down to and including the word "month," at the end of the bill, and to insert:

The amount of money she would have received at $8 per month had she not been dropped from the roll between the 4th of March, 1860, when she was dropped, and the 9th of March, 1878, when she was restored.

So as to read:

That the Secretary of the Interior be, and is hereby, authorized and directed to pay to Maria Walker, widow of John H. Walker, a soldier of the Revolutionary war, the amount of money she would have received at $8 per month had she not been dropped from the roll between the 4th of March, 1860, when she was dropped, and the 9th of March, 1878, when she was restored.

Mr. INGALLS. The words "had she not been dropped from the roll" are superfluous and might as well be omitted.

Mr. COKE. I doubt if they are superfluous. Still, I am entirely willing the words should be omitted if the Senator insists upon it. They can do no harm in the bill.

Mr. VAN WYCK. Let me suggest to the Senator that we pursue the course we have been in the habit of pursuing in phraseology. We have frequently restored to the rolls persons who had been dropped and given them pay from the date they were dropped. I suggest to the Senator the ordinary phraseology in those cases, "be directed to restore the name," inserting the name, "to the pension-roll from the date when her name was dropped therefrom at the rate of $8 per month"——

Mr. MAXEY. That is in the amendment.

Mr. VAN WYCK. I have no objection to the other amendment being embraced in the bill, but I should like to have this inserted. I ask the Chief Clerk to give me the name.

The CHIEF CLERK. "Mrs. Maria Walker."

Mr. COKE. The date is the 4th day of March, 1860.

Mr. CULLOM. I hope we shall go on with the other cases on the Calendar until the Senators agree upon an amendment to the bill.

Mr. COKE. I thought an amendment had been agreed on. I suppose it will be arranged in a moment.

Mr. INGALLS. I understood the Senator from New Hampshire [Mr. BLAIR] to object to the bill.

The PRESIDING OFFICER. The Chair put the question subsequently, and there was unanimous consent to its consideration. The bill is, however, subject to objection.

Mr. VAN WYCK. I propose to have the bill read:

Be directed to restore to the pension-roll the name of Maria Walker, from March 4, 1860, the date when her name was dropped therefrom——

Mr. LOGAN. If you stop right there you have got it all right.

Mr. VAN WYCK. No; because she has received a pension since March, 1878.

Mr. LOGAN. That does not make any difference.

Mr. VAN WYCK. And then I propose to add the words:

Deducting therefrom any money she has received since March 9, 1878.

The PRESIDING OFFICER. Does the Senator from Nebraska offer that amendment?

Mr. VAN WYCK. I offer that amendment.

Mr. COKE. Where does it come in?

The PRESIDING OFFICER. As a substitute for the amendment proposed by the Senator from Texas.

Mr. COKE. Then, in order to get the matter settled, I will accept the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The Secretary will report the amendment just moved by the Senator from Texas.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Mrs. Maria Walker, from March 4, 1860, the date when her name was dropped therefrom, at the rate of $8 per month, deducting therefrom any money she has received since March 9, 1878.

Mr. LOGAN. The phrase "since that time" will cover it.

Mr. CULLOM. Is the bill subject to objection?

The PRESIDING OFFICER. The Senator from Texas has modified his amendment on the suggestion of the Senator from Nebraska.

Mr. HARRISON. I understand that under the amendment as it now stands this poor woman would get a pension for eighteen years paid to her and would have deducted from that all she has received in twenty years.

Mr. VAN WYCK. No; she will get her pension from 1860 to 1878, and the amendment merely deducts what she has received from 1878 to the present time.

Mr. COKE. Will the Senator from Nebraska——

Mr. HARRISON. I think the Senator had better object to it and let it go over until it can be settled.

Mr. VAN WYCK. The form in which the amendment is drawn is perfectly plain, and I trust there will be no objection to it.

Mr. MCMILLAN. I ask that the bill be laid aside informally.

The PRESIDING OFFICER. The bill will be laid aside informally to be taken up again.

J. N. QUACKENBUSH.

The bill (S. 2661) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein was announced as next in order.

Mr. LOGAN. Let that be passed over. The Senator from Massachusetts [Mr. DAWES] who reported the bill is not here.

The PRESIDING OFFICER. The bill will be passed over.

LAFAYETTE FOWLER.

The bill (H. R. 8676) for the relief of Lafayette Fowler was considered as in Committee of the Whole. It proposes to remit to Lafayette Fowler, of Carroll County, Virginia, $130.50, being the amount

of revenue tax imposed by law upon him for the manufacture of 145 gallons of distilled spirits which were destroyed by fire in his storehouse February 22, 1886, without fault or negligence on his part, and the interest and penalties imposed for the non-payment of the tax.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. H. TRIPLETT.

The bill (H. R. 279) for the relief of T. H. Triplett was considered as in Committee of the Whole. It proposes to credit T. H. Triplett, postmaster at Dalton, Ga., with $120, the amount of postal funds forwarded by him for deposit and destroyed in transit by fire.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH ROMISER.

The bill (H. R. 1059) to grant a pension to Joseph Romiser was considered as in Committee of the Whole. It proposes to place the name of Joseph Romiser, late of Capt. Frank Mason's company of Maryland Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERRITORIAL LAWS.

The bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Territories with amendments.

The first amendment was, in section 1, to strike out lines 21 and 22 in the following language:

Providing for the election of members of the board of supervisors in townships, incorporated towns, or cities.

The amendment was agreed to.

The next amendment was, in section 1, after line 22, to insert the following:

For the punishment of crimes or misdemeanors.
For the assessment and collection of taxes for Territorial, county, township, or road purposes.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following language:

SEC. 2. That it shall be the duty of the Legislative Assemblies of the several Territories to pass such general laws as may be necessary for the government of their respective Territories on the subjects above mentioned, not inconsistent with acts of Congress or the Constitution of the United States.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 2. That no Territory of the United States now or hereafter to be organized, or any political or municipal corporation or subdivision of any such Territory, shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

The amendment was agreed to.

The next amendment was, after section 2, to insert the following as an additional section:

SEC. 3. That no law of any Territorial Legislature shall authorize any debt to be contracted by or on behalf of such Territory except in the following cases: To meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense.

The amendment was agreed to.

The next amendment was to insert as an additional section after section 3 the following:

SEC. 4. That no political or municipal corporation, county, or other subdivision in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding 2 per cent. on the value of the taxable property within such corporation, county, or subdivision, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void.

The amendment was agreed to.

The next amendment was to insert the following as section 5:

SEC. 5. That section 1889, title 23, of the Revised Statutes of the United States be amended to read as follows:

"The Legislative Assemblies of the several Territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, and for conducting the business of insurance, banks of discount and deposit (but not of issue), loan, trust, and guarantee associations, and for the construction or operation of railroads, wagon-roads, irrigating-ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association."

The amendment was agreed to.

The next amendment was, to add as a new section:

SEC. 6. That nothing in this act contained shall be construed to abridge the power of Congress to annul any law passed by a Territorial Legislature, or to modify any existing law requiring in any case that the laws of any Territory shall be submitted to Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to prohibit the passage of local or special laws in the Territories of the United States to limit Territorial indebtedness, and for other purposes."

Mr. HARRISON. I move that the Senate insist upon its amendment to this bill and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

MRS. MARIA WALKER.

Mr. VAN WYCK. I now ask that House bill 6311 be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker.

Mr. VAN WYCK. I now move to amend by striking out all after the enacting clause of the bill and inserting:

That the Secretary of the Interior be, and hereby is, authorized and directed to restore to the pension-roll the name of Mrs. Maria Walker, widow of John H. Walker, a soldier of the Revolutionary war, from and after March 4, 1860, and pay her a pension therefrom, deducting any sums received since that date.

Mr. BLAIR. At what rate shall the pension be paid?

Mr. VAN WYCK. The legal rate.

Mr. BLAIR. That is quite indefinite.

Mr. VAN WYCK. That can be inserted, but there is only one rate for widows.

Mr. BLAIR. I do not raise any objection or make any suggestion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. INGALLS the title was amended so as to read: "A bill for the relief of Maria Walker."

Mr. COKE. I move that the Senate insist on its amendment and ask for a committee of conference.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

SURVEY OF HISTORIC GROUNDS, ETC.

The bill (S. 1976) to provide for the survey of certain historic grounds, locations, and military marks was announced as next in order.

Mr. COCKRELL. I object.

The PRESIDING OFFICER. Objection being made the bill goes over.

ESTATE OF FRANCIS M. MURRAY.

The bill (S. 2117) for the relief of the estate of Francis M. Murray, deceased, was considered as in Committee of the Whole.

The Committee on Claims reported an amendment in line 7, after the words "sum of," to strike out "six hundred and fifty" and insert "three hundred and ninety;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Francis M. Murray, deceased, late of McCracken County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $390, for 1,300 bushels of stone-coal taken by and delivered to the steamboats White Cloud and Silver Moon, in the year 1863, at Paducah, in the State of Kentucky, said boats being at the time in the employment of the Navy Department of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RENT OF POST-OFFICE BUILDINGS.

The bill (S. 2646) authorizing the Postmaster-General to pay rent on certain buildings leased for post-offices was considered as in Committee of the Whole. It directs the Postmaster-General to pay the amount of rent, now due or to become due, on such buildings as have been formerly leased for use and are now used as post-offices, by contract, duly signed by the Postmaster-General, until the expiration of the leases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. It appears on the Calendar that the bill was reported with an amendment.

The PRESIDING OFFICER. There is no amendment on the face of the bill. The Chair is informed that there is a mistake in the printing of the Calendar.

EDWIN STEVENS.

The bill (H. R. 7809) for the relief of Edwin Stevens was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Edwin Stevens $730, to indemnify him for certain expenses incurred and paid by him while acting as United States consul at Ningpo, China.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADELICIA CHEATHAM.

The bill (S. 21) for the relief of Adelicia Cheatham was announced as next in order.

Mr. LOGAN. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

ELIZABETH SLENBAKER.

The bill (H. R. 2547) granting a pension to Elizabeth Slenbaker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Slenbaker, mother of Joseph Slenbaker, late of Company E, First Regiment Potomac Home Brigade Maryland Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM JUMPER.

The bill (S. 2010) granting a pension to William Jumper was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment in line 7, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of William Jumper, late a private in Company A, Eleventh Indiana Cavalry, at the rate of $8 per month, in lieu of the $2 per month heretofore allowed him, as specified in pension-certificate 298771

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN THOMPSON, ALIAS S. E. E. SEELYE.

The bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. BACON.

The bill (H. R. 3384) for the relief of James M. Bacon was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury in the settlement and adjustment of the accounts of James M. Bacon, late a lieutenant in the First Regiment Dakota Cavalry Volunteers, to allow credit for the disbursements of the public funds disbursed by him as acting assistant quartermaster on account of the expenses incurred by the Northwest Indian expedition in the months of July, August, September, October, and November, 1864, and for the disbursement of which proper vouchers were taken, but which were lost or destroyed through no fault or neglect of the officer, upon satisfactory evidence being furnished of the actual disbursements of the funds for the benefit of the public service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL CEMETERY AT KNOXVILLE.

The bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, after the word "road," line 6, to strike out the following words:

Commencing on the southeast side of the national cemetery, on Broad street, at Knoxville, Tenn., where Holston street connects with said Broad street, and running with said Holston street to the line of Gray Cemetery, and thence with the line of and over said Holston street, with the lines of Gray Cemetery and the said national cemetery, to Munson street, at the northeast corner of the said national cemetery, and thence with the line of said national cemetery and over said Munson street to the Jacksborough road, at the northwest corner of said cemetery, and thence south with the line of said national cemetery and over the said Jacksborough road to the corner and opposite the line dividing the national cemetery and the said Gray cemetery grounds.

And in lieu thereof to insert:

From the intersection of Broad and Holston streets, thence along the line of Holston street to the intersection of said street with Munson street, at the northeast corner of the national cemetery at Knoxville, Tenn.

So as to read:

That the sum of $6,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized road from the intersection of Broad and Holston streets, thence along the line of Holston street to the intersection of said street with Munson street, at the northeast corner of the national cemetery at Knoxville, Tenn.

The amendment was agreed to.

The next amendment was, in section 1, line 23, before the word "feet," to strike out "fifty" and insert "thirty;" so as to read:

Provided, That the right of way, not less than 30 feet in width, shall first be secured to the United States to any part of the ground over which said road shall run not now owned by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY SPRAGUE.

The bill (H. R. 5715) granting a pension to Mary Sprague was announced as next in order.

Mr. COCKRELL. I object.

The PRESIDING OFFICER. The bill will be passed over.

MRS. ANNIE S. WEBB.

The bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Annie S. Webb, a volunteer nurse in the late war, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARETUS F. LOOMIS.

The bill (H. R. 7018) granting a pension to Aretus F. Loomis was considered as in Committee of the Whole. It proposes to place the name of Aretus F. Loomis, late a private in Company K, One hundred and twenty-fifth New York Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES JOHNSTON.

The bill (S. 2497) to increase the pension of James Johnston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Johnston, late first sergeant of Company C, Fifteenth Maine Volunteers, at the rate of $30 per month, in lieu of the present pension which he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRISON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 18, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 17, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ACCOUNTS OF THE LATE SECRETARY OF ALASKA.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the late secretary of the Territory of Alaska and recommending an appropriation to pay him certain items disallowed in his accounts; which was referred to the Committee on Appropriations, and ordered to be printed.

PENSION APPROPRIATION BILL.

The SPEAKER also laid before the House under the rule a bill of the House (H. R. 1501) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, with amendments by the Senate; which was referred to the Committee on Appropriations, and ordered to be printed.

SAMUEL F. RICE.

Mr. OATES. Mr. Speaker, I ask unanimous consent to take from the Private Calendar the bill (H. R. 8751) for the relief of Samuel F. Rice and put it upon its passage.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill indicated by him and that it be taken up for present consideration. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the claim of Samuel F. Rice for a balance due him by the United States for his services as an attorney assisting in the prosecution of forty-two criminal cases in the circuit court of the United States for the middle district of Alabama, forty-one of which were against deputy marshals for alleged violation of section 5438 of the Revised Statutes of the United States, and the other for alleged perjury, be, and the same is hereby, referred, along with the letter of the Attorney-General of November 25, 1885, addressed to the Secretary of the Treasury, relating to said claim, and the papers therein referred to, to the Court of Claims, with full jurisdiction in said court to inquire and determine whether said services were worth more than the amount which has been paid on account of them, and, if so, how much more.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Committee on the Judiciary recommended an amendment striking out, in lines 17 and 18 of the bill, the words "and that said court report to Congress its determination in the premises" and inserting in lieu thereof the words "and the said court shall hear all legal evidence taken by deposition or orally as to the character and value of the services rendered by said Rice, and the contract, if any, under which the same were rendered; and if said court shall find from the evidence that said Rice is entitled to compensation in excess of the $2,500 which he has received, said court shall report its finding and all the evidence in the cause to Congress."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. STEELE, from the Committee on Military Affairs, reported back the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, with a recommendation that the amendments of the Senate thereto be non-concurred in, and that a committee of conference be requested on the disagreeing votes of the two Houses.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will announce the managers on the part of the House at some time during the day.

T. J. PITZER.

Mr. TAULBEE. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 952) for the relief of T. J. Pitzer, and that the House now proceed to consider the same.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to T. J. Pitzer, of Barboursville, Ky., out of any moneys in the Treasury not otherwise appropriated, the sum of $400, for mules taken from him and used for the public service during the late civil war.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. TAULBEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PASSENGERS ON TOW-VESSELS.

Mr. DUNHAM. I ask unanimous consent that the amendments of the Senate to the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews be non-concurred in, and that the House request a conference with the Senate on the disagreement.

There being no objection, it was ordered accordingly; and the Speaker announced the appointment of Mr. CRISP, Mr. CLARDY, and Mr. DUNHAM as conferees on the part of the House.

EDWARD G. PENDLETON.

Mr. BINGHAM. I ask unanimous consent to take from the Private Calendar and pass with the amendments reported by the Committee on Claims the bill (H. R. 7807) to muster Edward G. Pendleton, a captain of cavalry, into the service of the United States, and to pay him for his services from August 31, 1861, to July 10, 1864, inclusive.

The bill and amendments were read.

Mr. BLAND. I call for the regular order.

Mr. BINGHAM. I trust the gentleman will allow this bill to pass.

The SPEAKER. The regular order is demanded.

WOOL DUTIES.

Mr. MCKINLEY. In pursuance of leave granted yesterday, I desire now to file the views of the minority of the Committee of Ways and Means on two resolutions, one for the restoration of the wool duties of 1867, and the other for retaining the present rates.

The SPEAKER. The views of the minority which the gentleman from Ohio now presents under leave of the House will be printed with the report of the majority of the committee.

CORRECTION.

Mr. LAIRD. Mr. Speaker, I desire to correct the RECORD of May 18. In the vote as published on page 4603, upon the passage of Senate bill No. 1405 in relation to the study of the nature of alcoholic drinks and narcotics in the public schools of the District of Columbia and the Territories, I am recorded as not having voted. As a fact I did vote, and upon inquiry of the Journal Clerk I find the Journal so shows. I desire the RECORD to show that I voted in favor of the passage of that bill.

The SPEAKER. The correction will be made.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers without leaving copies was granted in the following cases:

To Mr. PRICE, in the case of Thomas Cummings.

To Mr. HALSELL, in the case of William Watkins.

To Mr. O'NEILL, of Pennsylvania, in the case of H. R. 2678, first session Forty-eighth Congress, for the appointment of Dr. A. P. Frick an assistant surgeon in the United States Army.

REPORT ON FORFEITURE OF NORTHERN PACIFIC LAND GRANT.

The SPEAKER. The gentleman from California [Mr. HENLEY], on behalf of the Committee on Public Lands, asks that an order be made for reprinting a report the copies of which, as he states, have been exhausted. The Clerk will read the proposed resolution.

The Clerk read as follows:

Resolved, That the Public Printer be, and he is hereby, directed to print for the use of the House of Representatives 1,000 copies of the report of the Public Lands Committee on the forfeiture of the Northern Pacific land grant.

There being no objection, the resolution was considered and adopted.

CLAIMS.

The SPEAKER announced the appointment of Mr. SPRINGER, Mr. WARNER of Missouri, and Mr. BUCHANAN as conferees on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims.

REPORT OF INTERNATIONAL POLAR EXPEDITION.

Mr. BARKSDALE. I send to the desk a privileged report from the Committee on Printing.

The Clerk read as follows:

The Committee on Printing, to whom was referred the following concurrent resolution, have considered the same; and I am instructed to report it back to the House and recommend its passage. The cost is estimated at $8,877.37:

"*Resolved by the House of Representatives (the Senate concurring)*, That 4,500 copies, with the necessary illustrations, be printed of the report of the international polar expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer, 1,250 of which shall be for the use of the Senate, 3,250 for the use of the House of Representatives."

The resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORFEITING IOWA LAND GRANTS.

Mr. COBB. I ask, by unanimous consent, to call up for consideration the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

The SPEAKER. The bill will be read subject to objection.

The bill was read.

Mr. STRAIT. I object.

Mr. WEAVER, of Iowa. I hope it will be called up immediately after the morning hour.

CALL OF COMMITTEES.

The SPEAKER. The committees will now be called for reports for reference.

HENRY DURKEE.

Mr. WHEELER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8620) granting relief to Henry Durkee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMERY S. WARDWELL.

Mr. WHEELER, from the Committee on Military Affairs, also reported back with amendment the bill (H. R. 1028) for the relief of Emery S. Wardwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with accompanying report, ordered to be printed.

PROMOTIONS IN ARMY MEDICAL DEPARTMENT.

Mr. STEELE, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

APARTMENT SERVICE.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 8705) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE MAXWELL, ETC.

Mr. SESSIONS, from the Committee on Indian Affairs, reported a bill (H. R. 9476) for the relief of George Maxwell, F. C. Bulkley, and H. L. Newman; which was read a first and second time, referred to

the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, STATESVILLE, N. C.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 3578, a bill (H. R. 9477) for the erection of a public building at Statesville, N. C.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3578) was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the following bills; which were referred as indicated:

The bill (H. R. 3328) for the relief of Matilda Stockdale—to the Committee on Claims.

The bill (H. R. 3910) for the relief of Elizabeth Ward—to the Committee on Pensions.

COL. CHARLES E. CAPEHART.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE E. PRATT.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1326) granting a pension to Caroline E. Pratt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY C. SMITH.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1170) granting a pension to Nancy C. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN DUFFY.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1930) granting a pension to John Duffy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. RANDLE.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (S. 1331) for the relief of William H. Randle, of Nashville, Tenn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOLOMON DAVIS.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (H. R. 3334) for the relief of Solomon Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES R. BERRY.

Mr. HOWARD, from the Committee on Claims, also reported back favorably the bill (H. R. 120) to refund the illegal revenue tax collected by James R. Berry as late auditor of the State of Arkansas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD H. PORTER AND JAMES PORTER.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with favorable recommendation the bill (S. 1368) for the relief of Richard H. Porter and James Porter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

Mr. SPRINGER, from the Committee on Claims, reported back bills of the following titles; which were referred to the Committee on War Claims, namely:

A bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased; and

A bill (H. R. 9450) for the relief of George Hill, jr.

JOHN F. CADWALLADER.

Mr. SPRINGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 2166) for the relief of John F. Cadwallader; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES HOLBROOK.

Mr. SPOONER, from the Committee on Accounts, reported back with a favorable recommendation a resolution of the House of May 3, 1886, providing for the payment of Charles Holbrook, a laborer in the press gallery; which, with the accompanying report, was referred to the Committee on Appropriations.

ADVERSE REPORTS.

Mr. CALDWELL, from the Committee on Commerce, reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 3748) to promote the efficiency of the Revenue-Marine Service; and

A bill (H. R. 5339) relating to the officers of the Revenue-Marine Service.

SESSION OF UTAH LEGISLATURE.

Mr. HILL. Mr. Speaker, I ask unanimous consent of the House to take from the Calendar for present consideration the bill (H. R. 9118) to provide for a session of the Utah Legislature.

This bill is in obedience to a message from the President of the United States, and I hope there will be no objection, in view of the exigencies of the case, to its present consideration.

Mr. SPRINGER. Permit me to say that there is urgent necessity for this measure to pass now. The charitable institutions of that Territory will be without money to pay expenses after the 30th of this month unless this bill shall pass. It is reported from the Committee on the Territories in obedience to a special recommendation from the President. The institutions for the deaf and dumb and other charitable institutions will be compelled to close for want of funds.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. REED, of Maine. I object.

Mr. SPRINGER. I hope the gentleman from Maine will not object. Let me state to him——

Mr. REED, of Maine. I think we had better have a private explanation some other time. There is no immediate urgency that I can see for this bill.

Mr. SPRINGER. It is recommended by the President, who has asked the passage of the bill in a special message; and, as I have said, the charitable institutions will have no money after the 1st of July, the Legislature having adjourned without making an appropriation.

The SPEAKER. There is objection to the request of the gentleman from Illinois.

ORDER OF BUSINESS.

Mr. COBB. Mr. Speaker, I move to go to the House Calendar for the purpose of taking up public-land forfeiture bills for present consideration.

Mr. HISCOCK. Mr. Speaker, there has been an understanding that to-day a motion would be made to go into Committee of the Whole for the consideration of the tariff bill. I would like to inquire of the gentleman from Illinois at what time it is intended to make that motion, in order that the House may be advised of the fact.

Mr. MORRISON. At half past 1 o'clock to-day, with the consent of the House.

The question being taken on the motion of Mr. COBB, the House divided; and there were—ayes 129, noes 9.

Mr. STRAIT. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. STRAIT and Mr. COBB were appointed tellers.

The House again divided; and the tellers reported—ayes 185, noes none.

So the motion was agreed to.

The SPEAKER. The Clerk will report the first bill on the Calendar.

SOUTHERN PACIFIC RAILROAD LANDS.

The first business on the House Calendar from the Committee on the Public Lands was the bill (H. R. 5883) forfeiting certain lands granted to the Southern Pacific Railroad Company (of California) by section 18 of the act of Congress approved January 27, A. D. 1866.

Mr. COBB. I move that this bill be laid aside, and I do this by consent of the gentleman in charge of it, who is not present.

Mr. STRAIT. I object.

Mr. PAYSON. I wish to make a parliamentary inquiry. If the gentleman having charge of the bill, as I understand Mr. Henley, of California, desires it to be laid aside, may it not be done?

The SPEAKER. It may by consent or by a vote of the House, or the House may refuse to consider it altogether.

Mr. PAYSON. I understand my colleague, the chairman of the committee, has indicated that the gentleman from California is willing to postpone its consideration.

The SPEAKER. But the gentleman from Minnesota objects.

Mr. PAYSON. Then I move that the consideration of the bill be postponed.

Mr. DAVIDSON, of Florida. I would ask if the general order in relation to the consideration of these land-grant-forfeiture bills does not

provide that they shall be taken up and considered in the order in which they appear on the Calendar.

The SPEAKER. That is correct; but the House may refuse to consider any one of them and proceed to another. It is entirely in the control of the House.

The question being taken on the motion of Mr. PAYSON, it was agreed to.

So the House refused to consider the bill.

ONTONAGON RAILROAD LAND GRANT.

The next business on the House Calendar was the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.

Mr. PAYSON. I have charge of that bill and move to postpone its present consideration. I object to its consideration now.

The SPEAKER. Will the House proceed to the consideration of the bill?

The question being taken, there were on a division—ayes 23, noes 121.

Mr. GUENTHER. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. GUENTHER and Mr. COBB were appointed tellers.

The House again divided; and the tellers reported—ayes 1, noes 162.

So the House refused to consider the bill.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the next land-grant-forfeiture bill on the House Calendar, as follows:

A bill (H. R. 6658) to declare forfeited certain lands granted to aid in the construction of a railroad from Portland, in Oregon, to the Central Pacific Railroad, in California.

Mr. PAYSON. I object to the consideration of that bill.

The SPEAKER. The question is, Will the House now proceed to consider the bill the title of which has just been read?

The question being taken, the Speaker stated that the noes seemed to have it.

Mr. THOMAS, of Wisconsin. I call for a division.

The House divided; and there were—ayes 8, noes 140.

Mr. THOMAS, of Wisconsin. No quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint as tellers the gentleman from Wisconsin [Mr. THOMAS] and the gentleman from Indiana [Mr. COBB].

Mr. WEAVER, of Iowa. Would it be proper to ask unanimous consent that some one would announce what we are trying to do, that we may all understand it? I ask unanimous consent that the gentleman from Illinois [Mr. PAYSON] may be allowed to make a brief statement.

Mr. PAYSON. If I may have the consent of the House I will make a short statement.

Mr. STRAIT, and Mr. THOMAS, of Wisconsin, objected.

Mr. WEAVER, of Iowa. We are trying to pass over a few bills in order to reach the Sioux City and Saint Paul Railroad land-grant-forfeiture bill.

The SPEAKER. The tellers will resume the count.

The count was completed; and the tellers reported—ayes 2, noes 161.

So the House refused to consider the bill.

The Clerk commenced to read the title of the next forfeiture bill on the House Calendar, the bill H. R. 6659.

Mr. LA FOLLETTE. I move that the House take a recess until half past 1 o'clock.

The House divided; and the Speaker stated that the "noes" seemed to have it.

Mr. LA FOLLETTE. I call for a division.

The House again divided; and there were—ayes 11, noes 154.

So the motion that the House take a recess was not agreed to.

The Clerk again commenced to read the title of the bill H. R. 6659.

Mr. STRAIT. I move that the House do now adjourn.

The question was taken; and there were—ayes 5, noes 98.

So the House refused to adjourn.

The Clerk read the title of the bill H. R. 6659, as follows:

To declare forfeited certain lands granted to aid in the construction of a railroad from the Central Pacific Railroad, in California, to Portland, in Oregon.

Mr. HENLEY. Pursuant to a programme agreed upon by the Public Lands Committee this morning, I object to the consideration of that bill.

The question being taken on considering the bill, there were—ayes 13, noes 134.

Mr. STRAIT. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Illinois, Mr. PAYSON, and the gentleman from Minnesota, Mr. STRAIT.

The House again divided; and the tellers reported—ay 1, noes 162.

So the House refused to consider the bill.

The Clerk commenced to read the title of the bill H. R. 147, the next forfeiture bill on the House Calendar.

Mr. STRAIT (at 12 o'clock and 55 minutes p. m.). I move that the House take a recess until half past 1 o'clock p. m.

The question was taken; and there were—ayes 6, noes 107.

Mr. STRAIT. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Minnesota, Mr. STRAIT, and the gentleman from Illinois, Mr. PAYSON.

The House again divided; and the tellers reported—ay 1, noes 162.

So the House refused to take a recess.

Mr. STRAIT. I move that when the House adjourns to-day it be to meet on Saturday next.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. STRAIT. I call for a division.

The House divided; and there were—ayes 7, noes 74.

Mr. STRAIT. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Minnesota, Mr. STRAIT, and the gentleman from Illinois, Mr. PAYSON.

Before the tellers had completed the count,

Mr. THOMAS, of Wisconsin, said: May I ask unanimous consent to make a statement which it seems to me may settle this matter?

The SPEAKER. The gentleman from Wisconsin [Mr. THOMAS] asks unanimous consent to make a brief statement. Is there objection?

There was no objection.

Mr. THOMAS, of Wisconsin. We have no objection, Mr. Speaker, to the portion of the bill which forfeits the land grant to the Sioux City and Saint Paul Railroad Company; but we have been taken by surprise somewhat by an intimation——

Mr. STEELE. I call for the regular order.

Mr. DUNHAM. The gentleman from Wisconsin had unanimous consent to make a statement.

The SPEAKER. The gentleman asked unanimous consent to make a brief statement, and there was no objection.

Mr. STEELE. I object.

Mr. DUNHAM. The objection is too late.

Mr. WEAVER, of Iowa. If the gentleman does not want to make a speech I think there will be no objection to his proceeding.

Mr. THOMAS, of Wisconsin. I do not want to make a speech. I wish merely to submit a proposition, and I understood I had unanimous consent to do so.

The SPEAKER. The gentleman will state his proposition.

Mr. THOMAS, of Wisconsin. There is a clause in this bill which we have been informed it is proposed to strike out. It has been adopted as a part of the bill in the report of the committee. Consequently we are taken by surprise. I wish to read that clause, and if gentlemen will consent that that clause shall go in the bill as it came from the Senate and as the Committee on Public Lands have reported the bill we have no objection, and are willing it shall be considered at a session of the House next Tuesday evening.

Mr. COBB. We can not agree to that.

Mr. THOMAS, of Wisconsin. We are ready to meet the effort to amend the bill if we can have ample time to present fully to the House the questions and equities involved.

Mr. STEELE. I call for the regular order.

Mr. WEAVER, of Iowa. We can not allow that four men shall control the House.

Mr. SPEAKER. The tellers will resume the count.

TARIFF.

Mr. MORRISON (at half past 1 o'clock p. m.). The hour has arrived at which, by unanimous consent, it was understood I was to be allowed to make another motion.

The SPEAKER. There is a motion pending, made by the gentleman from Minnesota [Mr. STRAIT], that when the House adjourns to-day it be to meet on Saturday next.

Mr. STRAIT. I withdraw that motion in order that the gentleman from Illinois [Mr. MORRISON] may proceed to call up the tariff bill.

Mr. MORRISON. I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider revenue bills; and on that motion I demand the previous question.

Mr. SPRIGGS. I call for the yeas and nays.

Mr. MORRISON. I will withdraw the demand for the previous question and ask for the yeas and nays.

Mr. MCKINLEY. In the confusion the motion of the gentleman from Illinois was not distinctly understood on this side. Is the motion to go into the Committee of the Whole House on the state of the Union to consider the general tariff bill reported by the Committee on Ways and Means?

Mr. MORRISON. That is the object of the motion.

Mr. MCKINLEY. We join in requesting the yeas and nays.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills raising revenue, and upon that motion the gentleman demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 157, not voting 27; as follows:

YEAS—140.

Adams, J. J.	Daniel,	Laffoon,	Scott,
Allen, J. M.	Dargan,	Landes,	Seymour,
Anderson, C. M.	Davidson, A. C.	Lanham,	Shaw,
Ballentine,	Davidson, R. H. M.	Lore,	Singleton,
Barbour,	Dawson,	Lovering,	Skinner,
Barksdale,	Dibble,	Lowry,	Snyder,
Barnes,	Dougherty,	Mahoney,	Springer,
Barry,	Dunn,	Matson,	Stewart, Charles
Beach,	Fisher,	Maybury,	Stone, W. J., Ky.
Belmont,	Ford,	McCreary,	Stone, W. J., Mo.
Bennett,	Forney,	McMillin,	Storm,
Blanchard,	Gibson, C. H.	McRae,	Strait,
Bland,	Gibson, Eustace	Miller,	Swope,
Blount,	Glass,	Mills,	Tarsney,
Breckinridge, C. R.	Glover,	Mitchell,	Taulbee,
Breckinridge, WCP.	Green, W. J.	Morgan,	Taylor, J. M.
Burnes,	Hale,	Morrison,	Throckmorton,
Bynum,	Halsell,	Neal,	Tillman,
Cabell,	Hammond,	Neece,	Townshend,
Caldwell,	Harris,	Nelson,	Trigg,
Campbell, Felix	Heard,	Norwood,	Tucker,
Candler,	Hemphill,	Oates,	Turner,
Carleton,	Henderson, J. S.	O'Ferrall,	Van Eaton,
Catchings,	Herbert,	O'Neill, J. J.	Wakefield,
Clardy,	Hewitt,	Outhwaite,	Ward, T. B.
Clements,	Hill,	Peel,	Weaver, J. B.
Cobb,	Holman,	Perry,	Wellborn,
Cole,	Howard,	Reagan,	Wheeler,
Compton,	Hudd,	Reese,	Willis,
Comstock,	Hutton,	Richardson,	Wilson,
Cowles,	James,	Riggs,	Winans,
Crain,	Johnston, T. D.	Robertson,	Wise,
Crisp,	Jones, J. H.	Rogers,	Wolford,
Croxton,	King,	Sadler,	Worthington,
Culberson,	Kleiner,	Sayers,	Carlisle, John G.

NAYS—157.

Adams, G. E.	Farquhar,	Little,	Ryan,
Allen, C. H.	Felton,	Long,	Sawyer,
Anderson, J. A.	Findlay,	Louttit,	Scranton,
Arnot,	Fleeger,	Lyman,	Seney,
Atkinson,	Foran,	Markham,	Sessions,
Baker,	Fuller,	Martin,	Smalls,
Bayne,	Funston,	McAdoo,	Sowden,
Bingham,	Gallinger,	McComas,	Spooner,
Bliss,	Gay,	McKenna,	Spriggs,
Bound,	Geddes,	McKinley,	Stahlnecker,
Boutelle,	Gilfillan,	Merriman,	Steele,
Boyle,	Goff,	Millard,	Stewart, J. W.
Brady,	Green, R. S.	Milliken,	St. Martin,
Browne, T. M.	Grosvenor,	Moffatt,	Stone, E. F.
Brown, C. E.	Grout,	Morrill,	Struble,
Brown, W. W.	Guenther,	Morrow,	Swinburne,
Brumm,	Harmer,	Muller,	Symes,
Buchanan,	Hayden,	Negley,	Taylor, E. B.
Buck,	Henderson, D. B.	O'Donnell,	Taylor, I. H.
Burrows,	Henderson, T. J.	O'Hara,	Taylor, Zach.
Butterworth,	Henley,	O'Neill, Charles	Thomas, J. R.
Campbell, J. M.	Hepburn,	Osborne,	Thomas, O. B.
Campbell, J. E.	Herman,	Owen,	Thompson,
Campbell, T. J.	Hires,	Parker,	Viele,
Cannon,	Hiscock,	Payne,	Wade,
Conger,	Holmes,	Payson,	Wadsworth,
Cooper,	Hopkins,	Perkins,	Wait,
Curtin,	Irion,	Peters,	Wallace,
Cutcheon,	Jackson,	Phelps,	Ward, J. H.
Davenport,	Johnson, F. A.	Pidcock,	Warner, A. J.
Davis,	Johnston, J. T.	Pindar,	Warner, William
Dingley,	Kelley,	Plumb,	Weaver, A. J.
Dorsey,	Ketcham,	Price,	Weber,
Dowdney,	La Follette,	Randall,	West,
Dunham,	Laird,	Ranney,	Whiting,
Ellsberry,	Lawler,	Reed, T. B.	Wilkins,
Ely,	Le Fevre,	Rice,	Woodburn.
Ermentrout,	Lehlbach,	Rockwell,	
Evans,	Libbey,	Romeis,	
Everhart,	Lindsley,	Rowell,	

NOT VOTING—27.

Aiken,	Dockery,	Haynes,	Pirce,
Bragg,	Eden,	Hiestand,	Reid, J. W.
Bunnell,	Eldredge,	Hitt,	Stephenson,
Burleigh,	Frederick,	Houk,	Van Schaick,
Caswell,	Hall,	Jones, J. T.	White, A. C.
Collins,	Hanback,	Murphy,	White, Milo.
Cox,	Hatch,	Pettibone,	

The following-named members were announced as paired until further notice:

Mr. PIRCE with Mr. BRAGG, on all political questions.

Mr. JONES, of Alabama, with Mr. BURLEIGH. Mr. BURLEIGH, if present, would vote against the consideration of the tariff bill, Mr. JONES in favor of it.

Mr. FREDERICK with Mr. HANBACK.

Mr. HALL with Mr. BUNNELL.

Mr. DOCKERY with Mr. HOUK.

Mr. COX with Mr. HAYNES. If present, Mr. COX would vote for the consideration of the tariff bill, Mr. HAYNES against it.

Mr. COLLINS with Mr. STEPHENSON. If present, Mr. COLLINS would vote for the consideration of the tariff bill, Mr. STEPHENSON against it.

Mr. EDEN with Mr. PETTIBONE. If present, Mr. Eden would vote for the consideration of the tariff bill, Mr. PETTIBONE against it.

Mr. HATCH with Mr. CASWELL.

Mr. REID, of North Carolina, and Mr. VAN SHAICK were announced as paired on the question of the consideration of the tariff bill. If present, Mr. REID would vote for the consideration of the bill, Mr. VAN SHAICK against it.

Mr. WHITE, of Minnesota, and Mr. HIESTAND were announced as paired on the question of considering the tariff bill. If present, Mr. WHITE would vote for consideration, Mr. HIESTAND against it.

Mr. ELDREDGE and Mr. WHITE, of Pennsylvania, were announced as paired until June 26.

Mr. HITT and Mr. MURPHY were announced as paired on the question of the consideration of the tariff bill. Mr. HITT, if present, would vote against consideration, Mr. MURPHY in favor of it.

Mr. WEAVER, of Iowa. Mr. Speaker, I desire to announce that my colleague, Mr. FREDERICK, is confined to his room by illness.

The result of the vote was then announced as above recorded. The announcement was received with applause on the Republican side.

Mr. MORRISON. Mr. Speaker, I rise to give notice that on next Tuesday I will renew the motion I have made to-day. [Applause on the Democratic side.]

Mr. MCKINLEY. Mr. Speaker, I desire to give notice that we will try to be here next Tuesday. [Applause on the Republican side.]

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the bill making appropriations for the naval service.

Mr. O'NEILL, of Missouri. I raise the question of consideration on that bill for the purpose of endeavoring to bring before the House the reports of the Committee on Labor.

The SPEAKER. The question of consideration can not be raised on this motion, but the motion can be rejected by the House if it so determines.

Mr. O'NEILL, of Missouri. I understand, and that is the reason I make the suggestion.

The question was taken on the motion of Mr. HERBERT; and there were—ayes 149, noes 19.

So the motion was agreed to.

Mr. O'NEILL, of Missouri. All right. I have discharged my duty in the matter.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL, from the Committee on Appropriations, reported the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HISCOCK. Mr. Speaker, I reserve all points of order on that bill.

NAVAL APPROPRIATION BILL.

The House, in pursuance of the motion of Mr. HERBERT, resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

On motion of Mr. HERBERT, by unanimous consent the first reading of the bill was dispensed with.

Mr. HERBERT. Mr. Chairman, I would like to come to some agreement with the gentlemen on the other side and with the House as to the time to be occupied in general discussion of this bill. On this side of the House I think there is very little disposition to discuss it, and I think we would be satisfied with two or three hours—an hour or an hour and a half on each side.

Mr. EZRA B. TAYLOR. Mr. Chairman, speaking not for the leaders, but for those who are led, I think we are willing on this side to have no discussion of the bill.

Mr. HISCOCK. Mr. Chairman, I dissent from the expression of the gentleman from Ohio. Discussion is desired on this side of the House; and it seems to me if they want two hours on the other side, it being now 2 o'clock, they had better let the discusion run on until the time for adjournment and fix the limit later.

Mr. HERBERT. Would not the other side of the House be willing to consent now that general debate be closed to-day at 5 o'clock?

Mr. HISCOCK. No, I do not believe it would.

Mr. STEELE. I think it would. If the gentleman from Alabama will make a proposition of that kind I think we shall agree to it pretty quickly.

Several MEMBERS (to Mr. HERBERT). Make the motion.

Mr. HERBERT. I am not permitted, as I understand, to make a motion to limit general debate until there has been some debate.

Mr. BUCK. I desire to say to the gentleman from Alabama that several gentlemen on this side of the House, including at least two who are not members of the committee, desire to be heard on this question, occupying perhaps altogether three or four hours on this side. I desire, therefore, that debate be allowed to run for a while until we can determine what limitation should be agreed upon.

Mr. BOUTELLE. I suggest to the gentleman from Alabama that he proceed now with his opening remarks, and as the debate runs along we can see how much time is desired for general debate.

Mr. ANDERSON, of Kansas. I suggest to the gentleman in charge of the bill that while it is perfectly natural that gentlemen who are on the committee should desire to speak and should wish to obtain ample time for that purpose, yet the House has some rights in such a matter. It is now very late in the session, and I hope this debate will not be spun out indefinitely.

Several MEMBERS. That is right.

Mr. HERBERT. Mr. Chairman, as I understand the rules of the House I would have no right to move to limit the debate until there has been some general discussion. That disposes of the desire of some of our friends here who wish to have an immediate vote on that question; and as my colleagues on the committee desire that the debate shall proceed, I will go on with my explanation of the bill, giving notice that very soon I shall make a motion (in which I hope I shall have the co-operation of the gentlemen on both sides) to limit the debate.

Mr. SPRINGER. Before the gentleman from Alabama proceeds to explain the bill let us have order.

The CHAIRMAN. Gentlemen will resume their seats, and the House will come to order.

Mr. HERBERT Mr. Chairman, if the committee will give me its attention I will endeavor to explain this bill.

The appropriations in it are under several heads. The first is for the pay of the Navy, officers and men. Then there are separate appropriations for the eight different bureaus into which the Navy Department is divided. Then there is a separate appropriation for the naval asylum; another for the Naval Academy; and then comes up the question of an appropriation for the war college. Besides these there is an appropriation for the marines. I shall take up these several items in their order; and we first come to the question of the pay of the Navy.

The committee, when they began to investigate this question, were struck with the fact that there was a large surplus on hand which had been for several years gradually accumulating to the credit of the pay of the Navy. On inquiry it was ascertained that a very considerable portion of this sum was net balance, against which there were no outstanding debts whatever. At the end of the last fiscal year, on the 30th of June, 1885, this surplus amounted to $576,000. These accumulations have resulted from the operation of the annual appropriations for this service as affected by the law of 1874, which makes appropriations for the pay of the Navy continuous. There are five of these funds which do not lapse into the Treasury at the end of two years as other appropriations do, the fund for the pay of the Navy, the fund for the pay of the Marine Corps, the fund for clothing of the Navy, the fund for small stores, and the naval hospital fund.

I have before me a table prepared in the office of the Fourth Auditor of the Treasury, who deals with these accounts, showing the gradual accumulation of these funds. At the end of the fiscal year 1879, the balance on hand to the credit of pay of the Navy in round numbers was $209,000; in 1880, $1,397,000; in 1881, $1,747,000; in 1882, $1,629,000; in 1883, $2,051,000; in 1884, $2,182,000. These however, were not net balances. There is or was a large outstanding indebtedness against each of these items. But at the end of the fiscal year 1885, there remained in the Treasury, as I have said, to the credit of pay of the Navy, the sum of $576,000.

Now, according to the construction of this act of 1874 and the other laws bearing on the same question, from the days of Secretary Sherman down to the present administration, it has been held that this net balance standing to the credit of the pay of the Navy at the end of each year and against which there was no indebtedness whatever, might be used for the pay of the Navy for any year whatever. This was the decision of the Comptroller under Secretary Sherman, and this ruling was followed by Secretary Folger and Secretary McCulloch. Comptroller Lawrence delivered an elaborate opinion adopting this construction. This ruling had stood, and the practice under it had been uniform for twelve years when this appropriation bill was framed. Therefore, desiring to utilize this net balance of $576,000, we made our appriations less by that much than was supposed to be necessary for the wants of the Navy.

But an opinion has been delivered by Second Comptroller Maynard, answering a call made upon him, in which he differs from the construction heretofore put upon the law of 1874 by his predecessors. This different construction of the law, however, does not alter the fact there is a balance carried over from year to year, almost constantly increasing, a balance of $576,000 at the end of the last fiscal year, a balance which, it is estimated, will amount to $684,000 on the 30th of this month. There is no need for it; we ought to utilize it, and we propose to do so by changing the verbiage of the original bill and reappropriating this sum which stands there subject to the order of Congress. By that much then we reduce, not the expenditure, but the amount taken from the Treasury.

This appropriation pay of the Navy is further affected by a falling off in the amount that will be due for longevity-pay under the law of 1882. That law, which I need not speak of at length, gave longevity-pay to certain officers. The law was, to a certain extent, retroactive, so that the heaviest payments under it would become due in the first few years after its passage. To meet this demand, an appropriation of some $30,000 was made. But that appropriation was totally insufficient. There has been paid on account of that law, out of "pay of the Navy," $286,409.75.

It is estimated by the Fourth Auditor that by reason of the falling off of this demand the amount necessary to pay the Navy will be reduced for the next fiscal year by something like $150,000. It was also in evidence before our committee there would be a surplus remaining from the appropriations for the present year of $90,000. A more accurate estimate furnished from the Treasury is $108,000. That is to say, the estimate is there will be to the credit of pay of the Navy an increase of surplus funds of from $576,000 to $684,000, thus making the difference of $108,000.

In addition to all this the pay of the Navy under the operation of the act of 1882 restricting the number of officers is gradually decreasing, and will continue to do so until we reach the limit fixed by that law.

I send to the Clerk's desk and ask to have read the following two statements:

Statement showing the number of reductions in the line officers of the Navy since July, 1882, under the operations of the naval act, approved August 5, 1882, and the amount of reduction in pay of the Navy, represented thereby for fiscal year 1885–'86.

Grade.	Number on list— July 1, 1882.	By act of August 5, 1882.	June 1, 1886.	Reductions.	Increase.
Admirals	1	1	1	0	.....
Vice-Admirals	1	1	1	0	.....
Rear-admirals	11	6	*7	4	.....
Commodores	25	10	11	14	.....
Captains	50	45	45	5	.....
Commanders	90	85	85	5	.....
Lieutenant-commanders	80	74	74	6	.....
Lieutenants	280	250	250	30	.....
Masters†	100	75	75	25	.....
Ensigns	100	75	167	.....	‡67
Midshipmen	111	(§)	.....	111	.....
Cadets, after four years	106	(§)	73	33	.....
Cadets at Academy	135	(§)	210	.....	75

*One in excess having received the thanks of Congress—Rear-Admiral Worden.

†Title changed to "lieutenant, junior grade," act of March 3, 1883.

‡Increase authorized by act of June 26, 1884; title changed to "ensign, junior grade," by act of March 3, 1883; "ensigns, junior grade," made "ensigns," act of June 26, 1884.

§Number retained according to vacancies.

NOTE.—In August, 1884 (the date of making estimates for pay of the Navy for 1885 and 1886), the reductions under the operations of act of August 5, 1882, shows at that date the annual amount of pay for above class of officers was decreased $142,073, computed at average pay.

Statement showing the number of reductions in the Medical, Pay, and Engineer Corps of the Navy since July 1, 1882, under the operations of the naval act approved August 5, 1882, and the amount of reduction in pay of the Navy for the fiscal year 1885–'86.

Grade.	Number on list— July 1, 1882.	By act of August 5, 1882.	May 26, 1886.	Reductions.
Medical directors	15	15	15	.....
Medical inspectors	15	15	15	.....
Surgeons	50	50	50	.....
Passed assistant and assistant surgeons	93	93	*80	3
Pay directors	13	13	13	.....
Pay inspectors	13	13	13	.....
Paymasters	50	40	64	4
Passed assistant paymasters	30	20	27	3
Assistant paymasters	19	10	17	2
Chief engineers	70	70	70	.....
Passed assistant engineers	100	60	82	18
Assistant engineers	78	40	66	12
Cadet-engineers	46	.....	†21	25

*Ten vacancies existing subject to be filled.

†Under the decision of the Supreme Court the names of twenty-seven cadet-engineers, legislated out of the Navy under the interpretation by the Department of act of August 5, 1882, were restored to the Navy list on March 10 last. Six of these have since resigned, and the remaining ones will eventually become assistant engineers.

NOTE.—In August, 1884, the date of estimating for pay of the Navy for 1885–'86, the reduction under the operations of act of August 5, 1882, shows, at that date, the annual amount of pay for the above classes of officers was decreased $66,600—computed at average pay.

The reduction in the pay of officers was down to that time, now nearly two years ago, $142,000. These estimates are the latest which have been made, and this reduction continues and will go on until the limitations of the law are reached all along the line.

We might estimate that a very considerable sum could on this account be taken from the pay for the coming year were it not for the fact that a certain number of cadet engineers have, contrary to the decision of the former Secretary of the Navy, been decided by the Supreme Court to be entitled to commissions. So the pay due these is to be reckoned as offsetting in part at least these reductions I have explained resulting from the operation of the law of 1882, as it affects other officers.

Taking all these things into consideration, the committee have reduced the amount of appropriation of pay of the Navy and pay miscellaneous, which goes with it, by the sum of $206,192. We feel sure we are now very far within the limit, and that there will be a small surplus of this particular appropriation.

And here let me remark that it has been the anxious endeavor of this committee to frame a bill that was perfectly fair. I think my colleagues on the other side of the House who have co-operated with us on this side in examining the estimates and framing this bill will agree that we have intended there should be no deficiency anywhere.

Wherever we have found a deficiency in the bills of past years, if we believed that deficiency was likely to occur in the future upon the same estimates, we have raised the amount and given enough to avoid it; but, on the other hand, we have endeavored to give no more than enough.

We next came to the Bureau of Navigation. The appropriation for this bureau for the fiscal year 1886 amounted altogether to $114,500. The appropriations recommended by the present bill reach an aggregate of $120,500. We have added in some cases and reduced in others, and have made the same appropriations in other respects as in the bill of last year.

For instance, on the ocean surveys $10,000 was appropriated last year. It turns out that only some three or four thousand dollars of that sum has been used, and so we appropriated $4,000 for the present year. But the surveys made under the direction of the Hydrographic Office along the coast of Mexico in the track of the steamers from San Francisco to Panama have not yet been mapped, and an appropriation for charts was wanted. For this purpose we have given $10,000. Twenty thousand dollars was asked, but $10,000 is probably as much as will be utilized during the present year. We have also given something for a compass-testing house, and have reduced the amount of the civil establishment by $1,800.

As to this subject of the civil establishment of the several bureaus in the different navy-yards, the committee have found very great difficulty in dealing with the question, and I think I may say for all of us that the bill is more unsatisfactory to the committee in that regard than in any other.

But when I come to a proper bureau, one which furnishes an illustration of these difficulties, I will endeavor to explain why we were forced to bring in a bill which we are free to say is far from satisfactory to ourselves. I think the reasons which I will assign will carry their lesson with them.

I now come to a matter of importance—not important on account of the amount of money immediately involved but in the consequences to result from our action. In the last Congress some $14,000 was appropriated in the naval bill for a naval war college which has been established by executive order at Newport, and a somewhat similar sum was appropriated in another bill.

There is no appropriation contained in this bill for that college. It has never been established by law, though it has been recognized in the appropriation bills and perhaps by reference to it in other acts of Congress. Now is the proper time to consider carefully the question whether or not that college is to become a permanent institution. In the opinion of a large majority of your committee it ought not. We have now a Naval Academy at Annapolis. We have at Newport the torpedo school and we have there a training school. This war college established there would be the third institution under the Navy Department at Newport. Why should we have so many?

Mr. MCADOO. May I ask the gentleman a question?

Mr. HERBERT. Certainly.

Mr. MCADOO. Do you not think it has been the policy of the Department to establish these training schools near the watering places as a general rule, and more for the purpose of benefiting the watering places than the public service?

Mr. HERBERT. That I would not like to say. It seems to me that is not a question for us to consider. Let us decide the other and greater question of establishing or not, permanently, another naval college which will necessarily continue to grow and grow until it becomes a matter of great expense to the Government. We believe, after a full consideration of the question, that there is no necessity for it. The committee are all friends to naval education. We are all friends to the Naval Academy; and we have increased the appropriations for that institution. For the purposes of instruction we estimated we had put $10,000 additional into pay miscellaneous, and in another place we add $5,000 for instruction.

We believe that it is beyond all doubt that the battles of the future are to be decided very largely by scientific knowledge. I believe that we ought to have the very best talent and training in the construction of our ships and in the building of engines. It is from the education of picked young men in these branches we are to expect the best results from the expenditure of money. For one, I am willing to appropriate liberally for a post-graduate course—a course that will develop to the very highest extent the best talent in our land. But I would have that course open to our young men—boys, if you please to call them so—the men we are to rely on to build or devise the ships and engines and implements of war of the future. But what is to be taught in this school for older officers? How to maneuver ships when we have no ships to maneuver? How to manage guns when we have no guns?

It does seem to me that just at this time when our old navy is fast passing away, when it will soon live only in history, now when we need money so much for the building of new ships and new guns, now is not the time for the establishment of another naval college. Build ships and put the officers on them, and then they will learn to maneuver them. Construct guns and put the officers in charge of them, and then they will learn to manage them. If an officer wishes to take a special course of study let him attend a post-graduate course at Annapolis. There we have professors and libraries and apparatus. We had before us Captain Ramsay, the distinguished Superintendent of the Naval Academy, and had his opinion in full on this question, and it was largely upon that opinion and the reasons he gave that we acted when we refused to appropriate for a naval war college.

But why not have the post-graduate course at Annapolis? The necessary building is already there; a good building erected for the purpose to which it was never put—that of a hospital. It would furnish quarters for the officers. We have, as I have said, the plant already there—engines, models, apparatus, library, professors, and all. If necessary we can add to them. This will be easier and cheaper and better than to build a new and rival institution. Mr. Chairman, there are already too many jealousies and rivalries existing among our naval officers. Let every member of this House who is a real friend of the Navy be careful how he votes for the establishment of an institution that will be a new dividing-line, a new source of rivalry and jealousy.

These in brief are the reasons which induced the committee to refuse any appropriation for this war college. It is true it was only a modest amount asked for, some $14,000 in this bill. But another estimate was made for it in another bill in the hands of the Appropriations Committee, the sundry civil bill I believe, amounting to perhaps as much.

We next come to the Bureau of Ordnance. The appropriations there are about what they were for the last fiscal year. It will be noted by any gentleman who has followed me with the Book of Estimates that $146,000 was given in the last bill for purposes for which we only give $127,500. That is for ordnance and ordnance stores. But the difference is only apparent; it is not real. From the $146,000 appropriated for ordnance and ordnance stores for the fiscal year 1886 there was taken and used for the payment of the civil establishment, in addition to the $5,000 expressly appropriated for that purpose, the sum of $23,204. If you subtract that from $146,000 you get about the sum we have given.

Now, we know very well that this country needs a larger appropriation for ordnance than that. It requires more ships and more ordnance; and all that we have provided for in another and separate bill. If we had appropriated in this bill for ordnance and nothing more then it might have been urged by those who are disposed to oppose all expenditures for the increase of our naval establishment, that we had already appropriated for that purpose and that might have been given as a reason for refusing to take up the bill we have reported for new ships. The bill now before the House under the rules can not contain appropriations for new vessels. It can not contain appropriations for any new enterprise. All such must necessarily go upon a separate and distinct bill. So we concluded it would be well to put everything relating to a new navy in one bill.

There are here estimates for improved Hotchkiss and Gatling guns with which to arm our old ships—the ships in our old Navy. Those same estimates were submitted in the last Congress, and substantially nothing was appropriated for them. They are submitted again; but we have appropriated nothing for them except what may be used from the $127,000. Out of similar appropriations hitherto made money has been expended for this purpose, and we now have in our old Navy quite a number of guns of this kind, paid for from this appropriation. We believe this appropriation will be sufficient in addition to the ordinary purposes to arm with rapid-firing guns at least one ship. On the Trenton there are four 37-millimeter revolving guns; on the Tennessee four; on the Lancaster four; on the Omaha four; on the Hartford four; on the Brooklyn four; and on the Pensacola two 57-millimeter guns. These have been purchased out of the appropriations made from year to year, similar to that which we make here.

We have appropriated for torpedoes, and for the work connected with them, $58,500 against $60,000 appropriated heretofore. We have added some little items, which I need not stop to explain, in the other bill which we have reported to the House and which I feel confident we shall be able to take up and pass, in addition to what is appropriated here for torpedoes.

We next come to the Bureau of Equipment and Recruiting. The business of this bureau, as its name implies, is to provide sails, anchors, chains, ropes, and everything that goes to equip a ship. When we look into this bureau we find some things which are very astonishing, but they are things for which the present distinguished chief of the bureau is in no sense responsible. For instance, we find that there is on hand now in the Bureau of Equipment and Recruiting canvas enough to fit out the whole British navy. "Canvas enough to give two suits of sails and a foretop sail to the whole British navy"—that is the expression of Commodore Schley. Altogether, according to the calculation which I have made upon his figures, we have enough to serve our present Navy for thirteen years. He said it would take 7,000 yards with which to give two suits of sails and a foretop sail to the largest ship we have in service.

We have about thirty vessels bearing more or less sail-power. A suit of sails is considered to last three years; so that it would be necessary every year to equip with sails one-third or about ten of our ships. If you average the number of yards for each ship it would make about 5,000 yards for each, or 50,000 a year; and the number of yards we have on hand is 657,903. But the fact is that much of this canvas has come over for ten or twelve years and is nearly worthless.

Then we find extravagance in other things. For instance, there are these spectacle-irons used in rigging sails. We have on hand of these spectacle-irons or clews 75,099 pounds. It is estimated that these are worth $18,744. Upon the estimate of a thousand to a ton and sixty to two suits of sails, we have enough on hand to last us for over fifty years. But making another calculation, estimating according to amounts that have been actually used, as shown by the books since these were bought, and that was a long time ago, in 1871 and 1872—I am making the estimate upon that—we have enough of these to last the Navy for eighteen years.

Now all this comes from what in my opinion is a wrong system the Navy has fallen into. I might designate it as the Toodles system. Toodles bought the coffin because it was a good thing to have in the house. So whenever you appropriate money and give it to a bureau with power to expend it, the money is apt to be expended for things not necessary perhaps at the time but handy to have in the house. We believe it wise to appropriate no more money than is actually needed.

This bureau furnishes also a proper instance from which to explain the difficulties I said we labored under in adjusting the appropriations to the civil establishments in the navy-yards. The House must know, in the first place, that each of these eight different bureaus in the Navy Department has complete jurisdiction over the subject-matter confided to it.

Each is absolutely beyond the control of the other. Each is a little separate Navy Department within itself, and they occupy toward each other and toward the Secretary of the Navy very much the same relation that the several Departments of this Government occupy toward the President. We find this division into different bureaus ramifying everywhere and into everything. Wherever there is a trace of our Navy, there we find the divisions made by these bureaus. We find it on shipboard, we find it in the navy-yards. Go into a navy-yard, and you find there the civil establishment of the Bureau of Construction and Repair.

That bureau has to do with the construction of the hulls of ships, and it has its blacksmith shops, its joiner shops, its paint shops, its storehouses, its clerks, its writers, and all its numerous supervisory force. Then right alongside of that is the Bureau of Equipment and Repair, and it has its blacksmith shops, its joiner shops, its paint shops, its storehouses, and all its supervisory force. You find the same thing when you come to the Bureau of Steam-Engineering or the Bureau of Ordnance. Now, these employés, these blacksmiths and joiners and clerks and writers and storekeepers, all this supervisory force, constitute what is known in the language of the Navy Department the "civil establishment" of the different bureaus, and it has been the custom heretofore to appropriate simply a lump sum, so much for the civil establishment of each bureau.

For the civil establishment of the Bureau of Equipment and Recruiting there was appropriated for the fiscal year ending in June, 1885, the sum of $9,000. There was actually expended for this civil establishment $20,400. The difference between the sums was taken from the general appropriation.

The last Congress very properly provided that the heads of Departments should send in separate and detailed estimates for all these "civil establishments." It was doubtless the intention of Congress that we should appropriate separately for each employé, so much for this clerk, and so much for that head laborer.

Now, I would like the attention of the House while I endeavor to explain why we did not do that. It was because we found it was impossible for us to determine how many employés were needed by each one of these different bureaus. No one can have any idea of the difficulty of the task of correcting this abuse, too much supervisory force in the navy-yards who have not studied the question, and the efforts that have been made in this direction heretofore. Bureau chiefs are naturally jealous of the power confided to them. They deem it their duty to preserve it, and to do this each feels that his organization must be kept separate and complete. This question is not a new one. It is not presented now for the first time.

In 1882, when Mr. Chandler was Secretary of the Navy, it was presented to him under the operation of a resolution of Congress, an act passed doubtless at his own instance, and he attempted the very reform which we are lamenting to-day that we are unable to carry out fully. Secretary Chandler appointed a board, consisting of Commodore Luce, a line officer; Chief Engineer Loring, a staff officer, and Mr. Mullett, a civilian, to examine into this whole question of the navy-yards and see how many of them ought to be discontinued, and to report generally as to how they could be rendered more efficient and at the same time their administration be made more economical. That board made two reports. When the first report had come in and the Secretary had been furnished with certain memoranda showing the condition of things in the navy-yards Secretary Chandler addressed a circular letter to the chiefs of the different bureaus, which I ask the Clerk to read for the information of the House.

The letter was read, as follows:

NAVY DEPARTMENT,
Washington, June 23, 1883.

SIR: Your attention is called to the "memoranda on the reorganization of the navy-yards, and the disposition proposed to be made of each yard," submitted to the Department by the navy-yard commission in advance of their formal report to Congress.

You will immediately give such orders and make such recommendations to the Department as are necessary to carry into effect, under your bureau, the recommendations of the commission.

The act of August 5, 1882, required the Secretary of the Navy, in certain contingencies, to "suspend work at those yards where he finds it can best be dispensed with," and directed that "at the yards so closed only such officers and employés shall be retained as are necessary to preserve and take care of the property of the Government, and all other persons shall be transferred or discharged."

The sundry civil appropriation act of March 3, 1883, appropriated "for navy-yards and stations, $150,000, and $50,000 additional, which shall be used only in the care and preservation of such yards and stations as may be closed."

The Department understands that this last appropriation of $50,000 will be applicable to the care and preservation of yards and stations where work in the construction and repair of naval vessels may be suspended, in the manner specified in the act of August 5, 1882, although they may continue to be used as naval depots as well as organized to preserve and take care of the property of the Government therein.

In accordance with these views, work is ordered to be suspended as soon as practicable at the Pensacola, League Island, New London, and Boston yards. At Boston, however, work in the rope-walk and the sail-maker's department will continue.

At Portsmouth, repairs of wooden vessels may continue for the present. At Washington, work upon repairs of vessels, or for any purpose not mentioned in the memoranda of the commission, will be discontinued.

You will cause to be made the changes in the organization at each yard recommended by the commission and required by these instruction. You will also carefully consider whether a reduction of foremen beyond that recommended by the commission can judiciously be made in the interest of economy. If so, you will proceed to make such reduction.

You will further examine the "Statistics of navy-yards," in Appendix No. 20 to the report of the Department to the President of November 29, 1882 (page 177), and endeavor to discover additional reductions which may be made in the list of civil employés at each navy-yard, whether in your own or any other bureau, and either make or recommend such reductions.

Your attention is specially called to the large number of persons engaged in clerical duties, either as clerks or writers, and you will endeavor to direct or recommend the discharge of some of these.

The statistics referred to show an enormous daily expenditure on the 16th day of November, 1882, namely: For 657 foremen, clerks, and employés, other than ordinary mechanics and workingmen, $2,179.72, and for 3,805 other employés, $9,139.65, making 4,462 total employés at a daily compensation of $11,319.37, or at the rate of over $3,000,000 a year, when the only work in progress on ships of war at all the yards was repairing the Omaha, Shenandoah, Trenton, Ossipee, Mohican, and Alert. This enormous expenditure for such feeble results is inconsistent with faithful administration, and the Department stands pledged that all unnecessary work shall be discontinued and all employés not needed dismissed. It will be impossible that this pledge shall be carried out unless with the cordial and vigorous co-operation and action of the heads of the bureaus. You are confidently relied upon to do your part in this work of economy.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Chief Constructor T. D. WILSON,
Chief of Bureau of Construction and Repair.

But that vigorous letter and every effort of Secretary Chandler was unavailing. The chiefs of bureaus protested. They failed and refused to give him that co-operation without which reform was impossible. I find no fault with these chiefs. They can not co-operate in breaking up their organizations without surrendering their power—the power which under the present system the law seems to confide to them. The fault is in the system, and this effort of Secretary Chandler and his failure seem to demonstrate it. The board I have spoken of came to that conclusion, and expressed it very pointedly. It will be noted that the letter of Secretary Chandler I had read was dated June 23, 1883. I have stated that his effort failed. After that, October 11, 1883, that board, with the present chief of the Bureau of Steam-Engineering then a member of it, made a report, from which I make the following extract:

To a proper understanding of the subject, it should be stated that the present wasteful extravagance in employing so great an excess of non-producers, and the inefficient system of doing business which has for years past been steadily increasing in our navy-yards, is but the natural outgrowth of the constitution of the Navy Department itself. There can be no manner of doubt of this. Each navy-yard is made up of a number of separate and comparatively independent establishments, little principalities, as it were, each owing allegiance to its own sovereign, the chief of the bureau to which it belongs. The heads of departments of a navy-yard have extensive and responsible duties, and a large

patronage, and are naturally jealous of the interference of any one but their own chiefs.

Thus each department has been gradually building itself up so as to be independent of all other departments, and is constantly striving to do all its own work. Each of the principal departments has its own body of artisans, its own machinery, its own steam generators, and its own peculiar method of doing business. As an illustration, we take from official "schedule of wages" (Form 9) of civil engineer's office the following ratings: Boiler-makers, boiler-makers' helper, calkers, coopers, cabinet-makers, core-makers, ship-joiners, ship-carpenters, machinists, machinists' helpers, molders, oakum-pickers, and pattern-makers—a little ship-yard in itself.

In this way it has come that some of our yards are filled up with machinery far beyond their actual needs, and it is no exaggeration to say that there is to-day enough machinery of various kinds in either the New York or Boston yard to do the work of its own particular class of the entire Navy during peace. We habitually speak of a private ship-yard as a "plant;" but each of our national ship-yards is a segregation of "plants," each having its own separate organization, and each its own internal regulations. Many illustrations might be given to show how, through the want of concert of action among these several "plants," useless and vexatious delays occur, to say nothing of the waste of time and of public money due to such diffusion.

To make such radical changes as we proposed in our memorandum was no easy task, nor did we expect that they could be effected without considerable friction, not to say opposition; but supposing the changes to be made on the basis laid down by the commission, it is hardly to be hoped that under present conditions they will be permanent. For whatever changes may be introduced now, and how beneficial soever they may be, still the same causes remaining in active operation must inevitably produce the same results, and in time restore the system of independent plants, with all its attendant evils. Hence we conclude that to organize our navy-yards on a just and permanent basis, to consolidate their several plants, to introduce thrift in the management and promptness in the methods of doing work, with a proper system of accountability; to secure, in short, in each of our yards unification, method, economy, and dispatch, with an administration of its affairs agreeable to the principles of business as understood in civil life, it is absolutely necessary to begin within the Navy Department itself.

Secretary Chandler seemed to have been of this opinion before, but he was confirmed in it now, for he recommended in his report, December, 1883, for both 1882 and 1883, that the Bureaus of Construction and Repair, of Steam-Engineering, and the work of equipment should be put under one head and one management. In this way, in my opinion, and in this way alone, will it ever be possible to bring the number of employés in the civil establishments of these different bureaus within proper bounds.

The Committee on Naval Affairs conferred with the chief of every bureau to find some way in which we could make a reduction in this establishment, but while now and then there was some chief who admitted that perhaps this or that officer might be dispensed with, yet in the majority of cases there was a demand even for an increase.

Mr. BOUTELLE. I desire to ask my colleague on the committee, simply for information, whether it is his purposes to discuss at this time on this bill the question of the reorganization of the Department, because in that case some of us on this side may desire to modify the line of procedure which we had proposed to take in regard to this bill.

Mr. HERBERT. I propose to discuss that matter only to this extent: I am endeavoring to show why, in this bill, we have not specified particularly the number of the employés, with the names and salary of each. I propose to show that we have undertaken in another bill to provide a system under which it can be done. I wish to show that we can not do it here.

Mr. BOUTELLE. I have not the slightest objection to that discussion coming up; but it may, as I have said, modify the action which some of us on this side expected to take in regard to this appropriation bill, this being a bill to appropriate money to carry on the Navy, and the other question being an entirely distinct one, in regard to which there is a bill now on the Calendar of the House. I do not deprecate the discussion at all.

Mr. HERBERT. I do not think, Mr. Chairman, that this is an entirely separate question. I do not think I can intelligently discuss this bill and give to this Committee of the Whole the reasons why we were not able to follow exactly what seemed to be the course marked out for us by the law of the last Congress, without alluding to the difficulties which we have undertaken to remedy in the other bill.

Mr. BOUTELLE. Then my friend, the chairman of the committee, will see very clearly that if this discussion is to go over the field of these two important bills, there is a necessity that the debate should not be restricted so closely as he suggested at the opening of the discussion.

Mr. HERBERT. Well, we have not been able to agree upon any limit to this discussion. If the discussion were limited, I should limit my remarks. It is because we were unable to agree upon a limit that I am going more fully into this question than I otherwise would. I will, however, say to my colleague on the committee that I do not propose now to discuss the details of the bill we have reported consolidating certain of these bureaus. I simply want to show, and I think it is legitimate I should do so, that the construction of the civil establishment of these different yards is something we could not get at in an appropriation bill; that the remedy is to be sought elsewhere; and it is legitimate for me to show that this was the view of Secretary Chandler, and that he so recommended to Congress.

Mr. BOUTELLE. That is exactly the point I wanted to raise. If the question is to be discussed now, we may desire to show that the plan of reorganization which the gentleman advocates is not advisable.

Mr. HERBERT. I know that on this point my colleague on the committee, the gentleman from Maine, differs with me. Which is right it will be for the House to decide when we reach that bill. I am confining myself now to this inherent difficulty encountered by the committee, and arising from the fact that each of these different bureaus has its own storekeepers, its own blacksmiths, its own clerks—all this supervisory force side by side in the same navy-yard, all paid from different appropriations, though all working on the same ship—and am endeavoring to make clear the reasons why we could not effect a greater reduction in these civil establishments.

Now, I deferred this portion of the discussion until I came to this bureau because the difficulty is very apparent right here. There was appropriated in the last bill $9,000 for the civil establishment of the Bureau of Equipment and Recruiting. Of course it was the expectation that no more was to be spent; that is to say, it was the seeming expectation; yet the Committee on Appropriations must have known and did know there was danger that more would be spent, and in order to prevent this that committee last year induced the House to provide that there should be separate estimates submitted for this establishment in each bureau. Now, this estimate was made by the Bureau of Equipment and Recruiting.

We have navy-yards at Kittery, Me., at Charlestown, Mass., at Brooklyn, N. Y., at League Island, at Washington, at Norfolk, at Pensacola, and at Mare Island. I will not go through with all of them, but I will take up one or two as samples. In the navy-yard at Kittery, Me., this Bureau of Equipment and Recruiting has altogether eleven persons. Little or nothing is being done there. Some work was done in the way of repairs last year; but at the time this estimate was made nothing was being done. There were, under this bureau, only eleven persons there. They had little to do except to take care of the property of the Bureau of Equipment and Recruiting. These eleven included one clerk at $1,200 and another writer at $1,000, making two persons doing clerical duty where there were only eleven employés in all.

Then we come to the navy-yard at Charlestown, Mass. There is a rope-walk there, a very good one, too, I believe, conducted under the Bureau of Equipment and Recruiting. Rope is made well, and, according to the statements before us, which we have no reason to doubt, made at a reasonable expense. But all the employés at the Charlestown navy-yard numbered only fifty-seven, which seems to be about the average number for the year round.

Now, in addition to the superintendent of the rope-walk, there were two clerks and one writer; that is to say, three persons doing clerical duty for only fifty-seven employés. We supposed we could strike out one there. So our first estimate was to strike out a writer at Kittery navy-yard, Maine, and to strike out a clerk at the Boston navy-yard.

So when we went to Brooklyn, which is the principal navy-yard in the country, where more work is done than anywhere else, we found there two clerks and seventy persons. At League Island we found one clerk and eight employés; nothing is done at that yard. At Washington we found two clerks and one writer and seventy-nine employés altogether. All these in this single Bureau of Equipment and Recruiting.

Mr. GOFF. Will the gentleman permit me to ask him a question?

Mr. HERBERT. Certainly.

Mr. GOFF. I understand you are stating this as evidence of the fact that the system itself is weak?

Mr. HERBERT. Yes; I am citing these facts to show that the system is weak.

Mr. GOFF. Now, could not the Secretary of the Navy by the stroke of his pen remedy the evil of which you complain?

Mr. HERBERT. No; not unless he is a stronger man than Secretary Chandler, and he was most earnest in favor of consolidation.

Mr. GOFF. What you seem to complain of is the excess of employés on the civil-list.

Mr. HERBERT. It is precisely that point, and if the House has paid attention to the letter read from the Clerk's desk it was precisely that point to which Secretary Chandler addressed himself. He failed in his effort to reduce the number of these employés because he was met with a protest from the chiefs of the bureaus in the Navy Department.

Mr. GOFF. In other words, those chiefs of bureaus report they have no more employés than the necessities of the service demand.

Mr. HERBERT. Of course they do.

Mr. GOFF. If the Secretary of the Navy thinks to the contrary and that the force is excessive can he not, nevertheless, reduce that force?

Mr. HERBERT. It seems that Secretary Chandler could not do it, for he tried in the most earnest way to accomplish that result. We have, if we did not know it otherwise, evidence from his letter, which has been read, that he knows how to use the English language——

Mr. GOFF. Do you not admit my proposition?

Mr. HERBERT. No.

Mr. GOFF. Can not the Secretary of the Navy reduce that force under the several bureaus if he issues his order to that effect?

Mr. HERBERT. Of course he can reduce the force somewhat, and it has been reduced in some degree, but not to the extent to which it ought to go. This can not be done under the present system.

Mr. BOUTELLE. Now, is it not the fact that consolidation is going on in several of these bureaus under the present organization?

Mr. HERBERT. To a limited extent, yes.

Mr. BOUTELLE. Is it not true, as stated by concurrent testimony of the bureau officers, that it is perfectly competent for the Secretary of the Navy by order to accomplish all the reductions you desire?

Mr. HERBERT. No, sir; that is not the concurrent testimony of the bureau officers.

Mr. BOUTELLE. Is it not the testimony of every bureau officer, every officer of the Navy with the exception of Mr. Whitney (the Secretary) and Commodore Walker?

Mr. HERBERT. The gentleman's memory is at fault, for there is no one more opposed to the consolidation which is sought to be secured than Commodore Harmony.

Mr. BOUTELLE. I will include him also, and again ask whether it is not the testimony of every bureau officer, with the exception of Mr. Whitney (the Secretary), Commodore Walker, and Commodore Harmony, that these reductions can be accomplished under the present system by the order of the Secretary?

Mr. HERBERT. Those three gentlemen of course all testified in favor of the consolidation.

Mr. BOUTELLE. I do not consider there was a single other officer who appeared before the committee whose testimony was not that all these reforms can be accomplished by the administrative action of the Secretary of the Navy.

Mr. HERBERT. The gentleman is at fault again. Commodore Schley did not agree it could be done.

Mr. BOUTELLE. I do not understand Commodore Schley as saying before the committee the proposed changes could not be made by order of the Secretary,

Mr. HERBERT. I remember his testimony right well.

The CHAIRMAN. The gentleman's time has expired.

Mr. HERBERT. I did not know that I was consuming so much of the time of the House.

Mr. BOUTELLE. I move that the time of the gentleman from Alabama be extended indefinitely.

There was no objection, and it was ordered accordingly.

Mr. HERBERT. I am very much obliged to my colleague on the committee and to the House. I am not going into what the bill contains, but I am merely speaking of the difficulties with which we had to contend. The gentleman seems to have forgotten the testimony of Commodore Schley. When he was asked by Mr. BUCK which of the three bureaus could be consolidated, or which three bureaus he named, he said:

Construction, Engineering, and Equipment Bureaus might be readily combined, because they appertain, you may say, in the same general way to construction. They all have to do with the construction of ships.

So much for the testimony of Commodore Schley on that particular point. But as I have said I do not propose to discuss the bill, but simply in this way to show why we could not appropriate separately and specifically for each of the employés. The first idea of the committee was to strike out from the civil establishment for this bureau one clerk at Kittery, Me., another at Charlestown, Mass., a clerk at Brooklyn, N. Y., one at Washington, a writer at Norfolk, a clerk at Mare Island, where they had one clerk and one writer to only thirteen employés; and that would have made a very much less sum than we have now in the bill.

But we were met by so many protests that we found ourselves unable in this as in other bureaus to bring the sum down as low as we desired. What were we to do? We had also the question to meet, which one of these clerks can be best spared? Who could best determine that question? We concluded to leave it to the Secretary of the Navy, acting in concert with the chiefs of the different bureaus. Therefore, while we have reduced to some extent the amount of the appropriation for the civil establishment in each one of these cases, we made the appropriations in lump sums.

As to the bill we have heretofore reported consolidating certain bureaus I believe its enactment would reduce these expenses as Commodore Walker estimated at least 33 per cent., besides rendering the service much more efficient.

Now, Mr. Chairman, I pass the Bureau of Yards and Docks. In this bill we have appropriated already for this purpose $272,000 against $244,000 last year, making a total increase of $28,000. We attempt to make and do make a reduction in the civil establishment and when we appropriated there as in the other bureaus a sum of money for the civil establishment, we provide that no other fund appropriated by this bill shall be used for the payment of such services.

Mr. BOUTELLE. I dislike very much to interrupt my colleague in his argument, but in order to preserve the continuity of the colloquy which took place between us a little while ago, I ask him to permit me to read a portion of the testimony of Commodore Schley upon this subject.

Mr. HERBERT. Certainly.

Mr. BOUTELLE. In response to the following question by myself:

Do you think the evils you point out—is it your idea that they require a statutory enactment to remove them?

He replied:

I said a moment ago that the difficulties appear more functional than organic. The law which creates the present organization of the Navy Department places its business and its administration in the hands of the Secretary of the Navy, so that if it fails it must be administrative rather than organic. I can see that the present organization is defective, &c.

Simply sustaining the view I advanced that the testimony of the leading officer of the Department who came before the committee was that the apparent difficulties which exist, and I suppose that they are in all human affairs, are administrative rather than organic or functional.

Mr. HERBERT. My colleague is now discussing the particular provisions of the consolidation bill. I admit with him that Commodore Schley was opposed to the bill about which we examined him. But I quoted from his testimony for the purpose of showing that he agreed with me that certain difficulties under which we labored might be avoided by consolidating three of the bureaus; and I say he admits the difficulties as I have quoted him—difficulties which I think ought to be remedied by passing that bill. But I will not discuss that bill now. When it comes up I shall have something to say upon it.

Now, passing from the Bureau of Yards and Docks——

Mr. FELTON. Will the gentleman permit me to ask him a question before passing from that subject? I see in line 199 provision is made for contingent expenses that may arise at navy-yards and stations $20,000. I would like to know what is considered as contingent expenses. Is that at the discretion of the Department to be used for any purpose they may see proper? To be more explicit I will state the reason for the inquiry.

At the Mare Island navy-yard there is a marine corps, and no provision is made for housing them and they are living in stables and sheds to-day. I have been requested from the yard and from many of our people to give some attention to the subject of getting them properly housed. I suppose the expenditure of two or three thousand dollars would do it; and I simply desire to know whether the Department could appropriate up to that amount for that purpose from this fund.

Mr. WISE. This does not cover that at all.

Mr. HERBERT. This is to meet expenditures that can not ordinarily be foreseen, and would probably not cover the case to which the gentleman from California [Mr. FELTON] alludes.

Now, as to the yards and docks, we not only appropriate $28,000 more to the whole bureau, but the sum total for repairs will exceed that for the current year by a still greater sum than $28,000, because we save for this purpose a portion of the sum that was heretofore taken from the appropriation for repairs and applied to the civil establishment. It will be noted by any one who has a book of estimates before him, that this civil establishment spent last year $96,000. There had been appropriated for it $59,000. The difference between $59,000 and $96,000 had been deducted from the $200,000 which had been given for repairs.

Now, instead of $96,000 we appropriate $74,000, and the difference between $74,000 and $96,000, namely, $22,000, which was formerly subtracted from repairs, will go to that purpose now. Thus $50,000 more will be available for repairs than heretofore.

The committee felt it was justified in recommending this larger expenditure for the reason that our navy-yards, most of them, are in a very dilapidated condition. This appropriation is not intended for the erection of any new dock, but is intended simply for the repair of yards, buildings, &c. We believe, however, this is a sufficient sum for that purpose.

Then we come to the naval asylum. The appropriation there is altogether an increase of some $14,000 over that for the current fiscal year. The principal item of increase is $10,000 for erecting a brick building for kitchen, &c., which seems to be very necessary. There is an item also of $4,500 for the repairs of buildings, which are much dilapidated. The committee was carrying out here, as everywhere in the bill, its purpose not to follow as a guide the appropriations for the current year, but to increase on these where it was necessary and to diminish them where it could with safety.

In the Bureau of Medicine and Surgery the appropriations last year were $125,000; this year they are $120,000.

I will not undertake to dwell on each of these separate bureaus because I am admonished I am consuming a great deal of time. But when we come to the Bureau of Provisions and Clothing we are confronted with some very interesting facts. As far back as 1843 the present system was established by which the Government furnishes to sailors their clothing, charging them cost price for it, and the fund which was appropriated originally for that purpose is turned over and over again and not paid back to the Government. It is a continuous appropriation. For a long time 10 per cent. was added to the cost in order to cover waste and other expenses. Some ten or twelve years ago it was deemed this was unfair to the sailor and the 10 per cent. was omitted; and since that time only the cost price has been charged to the sailor.

There is on hand now in money belonging to this bureau for clothing, $562,000; of clothing goods in store, $437,000; on shipboard, $241,000; making, in all, $1,242,000 in money and in clothing. We ask ourselves the question, what is the use for all this? It turns out that the average amount of expenditures for clothing the Navy for a year is $276,000. So that here is a supply on hand of money and clothing for four years and a half. The last appropriation that was made was in 1875. All

the time since that date this—all that has not been wasted—has been on hand in that bureau.

Now, what has been the consequence? The answer is waste and extravagance. There has been a loss on sales of condemned clothing in the last ten years, of $272,000; and there has been a loss by the reduction in the price of clothing on hand which had to be reduced in order to adjust it to prices ruling in a falling market of $438,000.

In other words, this Government has lost in this bureau from these two causes in ten years, $710,000, and this does not account for the losses on clothing now on shipboard. And the losses do not stop here. We found on investigation that we had 6,069 pea-jackets on hand, which originally cost about $15 apiece, the present price being $11.50. We have 6,217 monkey-jackets on hand, valued now at $9.50 a piece.

We called for a list of the different articles on hand and the sales of each during the last fiscal year, and found that the number of pea-jackets taken by the sailors in 1885 amounted to six hundred and ninety-six. If these pea-jackets could last so long and not rot, and the sales should continue at the rate of ninety-six per annum, the Chief of the Bureau of Clothing might go to sleep and sleep as long as Rip Van Winkle, yes, as long as old Epimenides, his prototype, that is fifty-seven years, and wake up and find after his nap was finished that he still had a year's supply of pea-jackets on hand. But the truth is that these pea-jackets have become so worthless that the sailors refuse to take them. When the Secretary orders, as he will, a sale to clear out the worthless goods on hand the Government will pocket another loss of more than $100,000. We have on hand five and one-half years' supply of monkey-jackets; four and one-half years' supply of bue cloth trousers; three and one-half years' supply of satinet; twelve years' supply of canvas duck; four and one-half years' supply of caps; twenty years' supply of mattress covers; twenty years' supply of boots.

Now, the committee believe that this state of things ought not to be permitted to continue; so we propose to utilize in other ways a portion of the clothing fund (as the chief of the bureau admits we can do); and we take $250,000 from the clothing fund and transfer it to the appropriation for provisions in the same bureau. Then we come to "small stores" in this same bureau. The books show that in stores and money the bureau has on hand a six years' supply. These small stores consist of pipes, tobacco, needles, thread, and things of that character.

Mr. WARNER, of Ohio. When were all these things purchased?

Mr. HERBERT. Many of them were purchased ten or twelve years ago, but some of them only a few years back. In the small stores account we find that Paymaster Smith at one time two or three years ago purchased over five thousand ditty-boxes. It was supposed that the sailors would want them to hold their needles and tobacco and pipes and such things, and he laid in a liberal supply, five thousand, at $2.50 apiece, making $12,500. Few or none of them were ever sold, and they are still on hand.

Mr. WARNER, of Ohio. Is the man who purchased them still on hand?

Mr. HERBERT. I think he has been court-martialed and suspended. We take $250,000 from "clothing" and $75,000 from "small stores," and still leave enough on hand for clothing and small stores.

We come next to the Bureau of Construction and Repair. For this bureau we appropriate very nearly the same amount as for the present fiscal year. It is true that a much larger sum was asked, but in the opinion of the committee the Government ought not to go on expending money on rotten wooden ships. As I said before, the old navy is passing away. We should expend only enough money to take care of it in decent order until we can take steps, as in my opinion we should, to build a new navy.

I will not stop now to read the figures, but I will say that the expenditures made in recent years for the repair of the Mohican, the Omaha, and the Mohegan can not be justified.

In the Naval Academy appropriation we have made an increase here and there, and have cut down here and there.

The additions and subtractions are very inconsiderable, and there is, perhaps, nothing in that portion of the bill that would justify me in dwelling upon it.

The last appropriation in the bill is for the Marine Corps. In this we have reduced the amount given for clothing. Here the clothing is dealt out to the marines as part of their pay, as it is in the Army; and so there is an annual appropriation for the purpose of paying the expense of clothing the marines. On examining the question, we thought it proper to cut down the appropriation for clothing from $77,000 to $50,000. Taking into consideration the cost of this clothing, some $33 for each man and boy, and taking into consideration also the number of men and boys in the service, we reached the conclusion that the appropriation proposed in the bill added to the stock of clothing now on hand will give about two years' supply in money and clothing, and this we deemed sufficient. We have also cut down all along in these civil establishments.

I have now gone through this bill. I have occupied more time than I had expected; but that time is not wasted if I have succeeded in enabling any portion of the House to understand clearly the figures in the bill as we understand them. I trust that the Committee of the Whole will agree with the Committee on Naval Affairs that this bill ought to be passed substantially as it is. But as a matter of course the bill is here for consideration, and the Committee of the Whole will deal with it as in its discretion it may deem proper. Our work is before you. All I can say in conclusion is that we have labored upon this bill diligently; and we have sought faithfully on the one hand to provide for the necessities of the Navy, and on the other to do the fullest measure of justice to the Government.

Allow me one word further in answer to an inquiry which has been made. I have been asked whether we have provided in this bill for any new ships. Gentlemen who have heard my remarks know that I have stated we have not. It would not have been in order for us to do so. We could not on this bill provide for anything new. All that must come in a separate bill.

Mr. GOFF. In this connection, will the chairman of the committee state why it is that no appropriation is made in this bill for the completion of the monitors? That would have been practicable here.

Mr. HERBERT. We have put that on the bill for the new navy.

Mr. GOFF. I know you have; but I asked why was not an appropriation made in this bill (where it would have been eminently practicable) for the completion of these vessels.

Mr. HERBERT. I might ask why my colleague on the committee did not insist on that course in the committee, but that would not be a proper question. I will say that the appropriation for the completion of the monitors would be in the nature of new work, and that it was thought proper to put everything of that kind into one bill, as we have done—a bill which is before the House. One reason which influenced me in this matter—and I think it had weight with other gentlemen—was that if we should make a partial appropriation in this bill, if we should appropriate something here toward the increase of the Navy, that might be used as an argument why we should never get at the other bill, why we should never do anything substantial.

I would leave that bill to stand as a bill for the increase of the Navy, containing everything for that purpose; and when we shall have passed it, as I believe we will, we shall have accomplished something we can remember with pride. I believe all the true friends of the Navy will act with us in the effort to reach that bill on which we propose to provide for new armored vessels and new cruisers—to take the initiative in the construction of a new navy.

Mr. GOFF. As the gentleman was explaining in detail the full features of this bill, and giving the reasons why the committee had reported such a bill, I thought it proper he should call the attention of the House to that omission—not that I was not aware of the action of the committee and the motive which influenced some menbers of it in reaching that conclusion.

Mr. HERBERT. The reasons are as I have stated; and I am obliged to the gentleman for calling my attention to the point.

Mr. BUCK Mr. Chairman, I do not propose to follow through the various items which have been alluded to and explained by the chairman of the Committee on Naval Affairs [Mr. HERBERT]. I will only say, in a general way, that I approve of the general features of the bill, and think it a measure in the interest of economy and the well-ordering of the Navy Department. I wish to call attention to one or two points on which I have been obliged to disagree with the majority of the committee. One of those is in regard to the naval war college at Coasters', Harbor Island, near Newport, R. I. This may be considered a small matter and unworthy the attention of the committee, but I think we make a serious mistake if we fail to appropriate for the maintenance of that college. It was established by an order of Secretary Chandler in October, 1884, for the purpose of instructing officers of the Navy in the higher branches of study connected with the naval service and which are necessary to be understood by all officers who are to serve in the Navy. I will only cite a few paragraphs in the report made to Secretary Chandler by Rear-Admiral Luce, of the Navy, touching the reasons for the establishment and maintenance of this college. He says:

It is found that numbers of young officers after a little experience at sea take up of their own accord those studies for which they have developed a taste; it may be ordnance, astronomy, electricity, steam, history, international law, or the languages. There are others who, possessed of undoubted ability, do not exert themselves in the direction of self-improvement for want of proper facilities, or, perhaps, of an incentive—men who could take a high stand in almost any branch were the opportunity offered or the motive power applied.

For years past the Bureau of Ordnance has recognized the existence in the service of a large amount of talent that could be utilized for its own special purposes, and it has always encouraged officers to qualify themselves in that particular line. It now finds its reward in a body of capable and efficient assistants.

The present admirable post-graduate course at the torpedo station is due solely to the enlightened policy of that bureau.

In the establishment of the proposed school the Navy Department would be doing for all professional branches what the Bureau of Ordnance has been long doing to supply its own particular needs. It would, moreover, consolidate the instruction in each into a well-organized and homogeneous system.

* * * * * * *

A more extended course in mechanics, gun construction, &c., is necessitated by the very great advances that are being constantly made in ordnance; while recent hydrographic work, the exact determination of latitudes and longitudes, in the many cases where this still remains to be effected, the addition of iron ships to the Navy, involving the necessity of precise evolution of their magnetic constants, &c., show how imperative is the demand for higher instruction in surveying, nautical astronomy, and practical physics.

Now the gentleman from Alabama [Mr. HERBERT], chairman of the

Committee on Naval Affairs, cited with approbation Rear-Admiral Luce on another matter. It seems to me if Rear-Admiral Luce is such good authority on another matter he may be considered as good authority in this matter. I know there may be a bit of sentiment about this naval war college. I have the greatest regard for the opinion of my colleagues on the Committee on Naval Affairs, but it did seem to me, Mr. Chairman, that they failed properly to appreciate the importance of a naval school of a higher grade, as this is. I think whatever may have been their motives, and they were good ones I know, they were founded on a misjudgment of what the real object is and what the results of this naval war college have been.

It has only been established a short time. It is a young institution, but the reports of the officers in charge of that naval war college show a commendable degree of progress there.

The appropriation asked for this year was $14,000. Last year we appropriated only $8,000.

It was suggested by the distinguished gentleman from Alabama [Mr. HERBERT] that it would be as well if we removed it to Annapolis. Then why not put some clause in the bill removing it to Annapolis if gentlemen wish to have it there?

But, sir, I will make this suggestion in regard to the proposition of removal: That it would be equally appropriate to remove Harvard College or Yale College to the vicinity of the high school of Washington, Saint Louis, or Chicago, or near some preparatory school, so as to have both the higher and lower branches taught at the same place. I think this school could be located at Annapolis, where the academy is; but it seems to me that to mix up the post-graduates with an undergraduate system is altogether at war with the system of education which has been maintained in this country for a number of years and sanctioned by the very best instructors and scholars that we have.

I regret, therefore, that no appropriation has been put into this bill for the maintenance of that naval war college, and I give notice at the proper time, if nobody else does it, I will move an amendment making provision for it.

Mr. SAYERS. Is there any authority other than the order of Secretary Chandler for the establishment of that naval war college?

Mr. BUCK. I am not aware of a statutory provision for it, but it has been recognized and provided for in appropriation bills since 1884, and it was appropriated for in the bill for last year, appropriating $8,000, and that has been held as sufficient authority for the maintenance of this college. But I will not detain the committee longer in reference to that item.

I should prefer, of course, that this college should be located at New London, where there are public buildings and where the officers could be accommodated; but I do not wish to do anything which will result in blotting out what I think is a very promising institution.

Now, as to changes in the items in the bill. The gentleman from Alabama [Mr. HERBERT] has made a clear and elaborately prepared statement of this bill. He understands these various items, for he has given the most careful attention to every one of them. He has alluded to some of the reasons why they have cut down amounts in the bill from last year. It will be found on examination that these differences consist of two classes—one of deductions growing out of the discovery of amounts in the various Departments which go to the account of surplus, and the other of items which have been authorized by law and have been appropriated for in former years and have been estimated for this year, but have been taken out of this bill, where they could have been placed, and put into the new-ship bill; and the gentleman from Alabama ingeniously and happily said they would help to pass that bill.

I wish to call the attention of the committee to the way the difference between this bill and the bill of last year is made up, and to show that so far from there being a less amount appropriated in this bill than in the bill of last year there is really more, if we take into consideration the recommendations of the new ship bill.

In the first place the bill appropriates $11,849,858.70. Last year, that is, for the current year, it was $15,029,704.95. That makes a decrease of $3,179,846.25. In round numbers it is three millions of decrease from the appropriation of last year.

How is that account made up? Why, in this way: In the first place in the bill of 1885, that is to say, in the act of March 3, of that year, provision was made for the construction of two cruisers and two gunboats at a cost of $1,895,000. That money has not been used. It is conceded in the report which goes with this bill that in comparing the present bill with that which preceded it this sum should be deducted from the latter. It should therefore be taken into the account in making up the difference between the present bill and the appropriation for the current fiscal year.

That, the gentleman from Alabama says, should be so counted, and he has so stated in his report. But there are other items that come in; there is the item for the "Pay of the Navy," which amounts to $576,380.24. Now, in the course of the investigation which the committee made they found that under the head of "Pay of the Navy," there would be at the end of the fiscal year 1886 this sum of $576,380.24 for which no use could befound; that is to say, that after all of the bills had been paid which were authorized by law there would still remain this fund for which no use is provided under the law, and we thought proper, therefore, to deduct that from the estimates of the Department.

I think the gentleman from Alabama, therefore, was probably correct in the position he took that this pay fund of the Navy, being surplus money, should be used, provided we could not reasonably anticipate an emergency in the next year for which it might be used. I can not anticipate any, and hope that none will arise.

I do not believe there will be any, unless the gentleman from Maine succeeds in stirring up the House to such a pitch of excitement that we shall send all of the Navy we have now into Canadian waters to protect the schooners and fishing vessels like the David J. Adams and others which have been seized by the Canadian authorities. The money is lying in the Treasury subject to order whenever it can be used under existing law; and if we fail to make any appropriation for these estimates that have been made running to that extent, then the Department must take that sum of $576,000 and upward and use it. So that by omitting in our bill to appropriate for expenses that are authorized by law we oblige those in charge of this Department to use this money.

In other words, we do precisely the same thing as if we appropriated the money and still allowed them to have the surplus remaining of $576,380.24. That is all there is of it, so that this sum should be counted in. We are really taking and using it. It goes to make the sum total of the bill. We have held it as trustees, you may say, for the public up to this time; but now we propose to use it, so that in effect we are appropriating that sum of money to be used in the next fiscal year instead of allowing it to remain as a surplus fund in the Department.

The same also may be said, Mr. Chairman, of the surplus fund arising from the pay of the Marine Corps, and that, the gentleman from Alabama has said, was $200,000. I believe he is in error in that respect, since the exact amount is $217,964.94.

Mr. HERBERT. Yes, it is; but we only utilized $200,000 of it.

Mr. BUCK. Yes; I was about to state that $200,000 of it will be used; but still the actual amount is as I have stated, and I will show the gentleman presently the reason why I call attention to this. In the clothing account there is also a fund amounting to some $250,000, and in the "small-stores account" there is a fund of $75,000. Now, that completes the list of items which, I submit, should go into the appropriation bill of this year and be added as a part of the sum total of the bill. They belong to it, because although they are items which grow out of a surplus in years past, and which have been discovered upon an examination, still they form a part of the fund which is in effect appropriated by this bill.

Mr. HERBERT. I know my colleague desires to be correct; and, if he will permit me, I will call his attention to this point——

Mr. BUCK. Certainly.

Mr. HERBERT. I think he is in error in one respect. I admit that all of these items have been incorporated in this bill and that money is to be used for this year. But when you take $576,380.24 from the pay of the Navy, $200,000 from the pay of the Marine Corps, $250,000 from the clothing account, and $75,000 from the small-stores, and add that to the $1,895,000, and then add the total to the amount of the bill, it still falls $200,000 short of the bill of last year.

Mr. BUCK. That is true; but the gentleman will remember that I have only called attention to one class of the items I proposed to add. I have not yet concluded my statement, and the gentleman will see when I get through the relation it has to the point I am now discussing.

I have already stated that there were two classes of accounts to be added to the bill. After I had closed my remarks on the first class the gentleman from Alabama interrupted me and stated it was not sufficient to make up the total of this bill to a sum equal to that of the bill of last year. Although conceding my position as to these surplus items to be correct, he makes that suggestion. Now I am only through with one-half of my remarks, and the gentleman will see in a moment the point I wish to make.

In the present year the Department of Yards and Docks asked an appropriation providing for the general maintenance of yards and docks of $300,000. That is the estimate for this year. Last year they used $200,000——

Mr. HERBERT. My colleague does not mean, I suppose, to be understood as saying——

Mr. BUCK. They appropriated it.

Mr. HERBERT. But is it not true that they took some $60,000 and used it for the payment of the civil establishment?

Mr. BUCK. But the appropriation for the current year for the maintenance of yards and docks was $200,000.

Mr. HERBERT. Yes, that was the appropriation; but we are giving now a great deal more for yards and docks, some $50,000 or $60,000, and yet the bill will be $200,000 less, counting all these items you mention.

Mr. BUCK. I know the fact which the gentleman states, but I am going to add other items and show that you will overrun the bill of last year.

I was about to say that instead of giving to the Bureau of Yards and Docks $300,000, as they called for in the estimates, we have given them

$190,000 for the maintenance of yards and docks; that is, to keep the yards and docks in proper repair and to keep the plant in shape. We give them in the new ship bill $250,000 for the same purpose.

Mr. SAYERS. That bill has not passed yet.

Mr. HERBERT. We will admit all that.

Mr. BUCK. The chairman of the committee, the gentleman from Alabama [Mr. HERBERT], has said to the committee he expects that new ship bill will pass. He knows as well as I do that I shake hands with him on that and hope it will become a law. But what I am getting at now is to show that the gentleman from Alabama has taken money when called for by the Bureau of Yards and Docks and has not appropriated it in the appropriation bill, where it could have been put, but has put it in the new-ship bill. And I do not propose he shall make use of that as being in the line of economy except for what it is worth. I think the money should be used for the maintenance of those yards, but I want to show to the committee exactly the difference between this bill and the bill of last year, not that I am finding any fault with it.

But, as I have already said, we give $190,000 in this bill and $250,000 in the new-ship bill for yards and docks. The gentleman from Alabama will remember also the estimate sent in for the improvement of the plant in the Washington navy-yard, amounting to $38,894. They are doing some very excellent work there in the line of constructing heavy ordnance. Now, this appropriation for yards and docks has been divided and a part of it put in the appropriation bill and a part of it in the ship bill, but we must count it wherever it is.

Mr. SAYERS. Will the gentleman allow me to interrupt him?

Mr. BUCK. Yes, sir.

Mr. SAYERS. No part of those submitted items are in this bill.

Mr. BUCK. What submitted items?

Mr. SAYERS. The item for the improvement of equipment plant at the Washington navy-yard is not here. None of those items occur in this bill.

Mr. BUCK. The gentleman will find in the Book of Estimates an estimate for equipment plant at the Washington navy-yard, $38,894.

Mr. SAYERS. Not a dollar of which is appropriated in this bill.

Mr. BUCK. And then under the general head of maintenence of yards and docks there is an appropriation of $190,000. The law is so worded that the $250,000 appropriated in the ship bill can be used for it; that is to say, for the same purpose.

Then, again, I wish to speak of the provision in the new-ship bill for the manufacture of torpedoes. I am unable to recall the language of the statute as authorizing the making of any torpedoes, if there is any. But I think there is authority for it in a former appropriation bill, if nowhere else. I will not state it on my own authority, because I do not recall the language of the statute or the time it was passed, but I judge they have been authorized by law, because these torpedoes have been frequently estimated for, and once or twice have been provided for in appropriation bills.

I wish to say that the Government of the United States does not own a single automobile torpedo at the present time, as I understand it. For torpedoes there was an estimate made in the Book of Estimates, which we had before us. The estimate was $250,000. We do not appropriate a cent for torpedoes in this bill; but we do appropriate in the new ship bill $125,000 to carry out and conform to that estimate for torpedoes. Then again we appropriate in addition to that a large sum for the armament of vessels——

Mr. SAYERS. Will the gentleman allow me to interrupt him again?

Mr. BUCK. Certainly.

Mr. SAYERS. The gentleman says there is an appropriation for the torpedo corps in the new ship bill of $220,000.

Mr. BUCK. Not in the new ship bill. The sum for torpedoes in that bill is $125,000. It is for the manufacture or purchase of torpedoes.

Mr. SAYERS. And that we make no appropriation for that in this appropriation bill. This estimate of $250,500 embraces also estimates of $65,000, of $7,000, and of $2,500 for labor, material, &c., for torpedoes, of which there is appropriated in this bill $50,500.

Mr. BUCK. The gentleman's figures differ from mine. The sum I find on page 113 of the Estimates is $250,000. However that may be, you have appropriated $125,000 for this purpose in the new-ship bill. The figures of the gentleman from Texas include ordnance as well as torpedoes. I say we have appropriated $125,000 in the new-ship bill for torpedoes. It must be based on that estimate, if it is based on anything, mixed in with other ordnance and other things as it is.

The gentleman reminds me there is an appropriation for torpedoes here. I wish to show that there is still remaining $125,000 that goes into the new-ship bill for torpedoes, but which should be counted against the Naval Affairs Committee when they say they are appropriating a less amount than last year. I approve of the appropriation most cordially and heartily, but I want to show the exact condition of things.

Mr. HERBERT. If the gentleman will permit me I would remark that I have never said we propose to appropriate less than was appropriated last year, taking the two bills together; nothing of the kind. Suppose we do appropriate more. I think we ought to appropriate more. We are in favor of increasing the Navy.

Mr. BUCK. The explanation of the gentleman from Alabama is to the point. I do not criticise him in the position he took. I am only stating what I thought he omitted to state; that is all.

We come now to the next and last item that I shall allude to, and that is the item of $1,000,000 which is put into the new-ship bill. Now, where does that properly belong? What is it for? In the first place, it is for the armament for vessels under the act of March 3, 1885—the two cruisers and the two gunboats.

Mr. HERBERT. It is for that only in part.

Mr. BUCK. That is an item that is authorized by law and is in the estimate book, but, whether it was in the estimate book or not, we could have appropriated for it, because a law existed which called for the appropriation. However, instead of appropriating for it in the appropriation bill, we have seen fit to put it into the new-ship bill. That is all right, and I hope it will pass; but it is there and must be counted. To provide the armament for these vessels will take a part of the million dollars.

There is another item which the $1,000,000 applies to—that is, the armament of the ships that are provided for in the new-ship bill. The Department is to go to that $1,000,000 to get funds for the armament for these new ships; also for the armament of the unfinished monitors and for the Miantonomoh. Every one of these items is authorized by law and can be appropriated for if we see fit, with the exception of the items providing for the ten ships in the new-ship bill. They were authorized by law, and we could have put them into the appropriation bill, but we saw fit not to do so, but to put them into the new-ship bill.

Mr. HAYDEN. And they would have been put into the appropriation bill if it had not been for the new-ship bill.

Mr. BUCK. Certainly, they could have been put into this appropriation bill, but they have been put into the ship bill, and if that will have the effect predicted by the gentleman from Alabama [Mr. HERBERT] of forcing the passage of that bill, I shall be very glad that they are there. Still, they should be counted in making up this general deduction from last year.

Now, adding these three sums together, they make $1,375,000, which should be added to the items that I have already described. But we must remember that one of the items has not yet been authorized by law, so that we could not have appropriated for it if we would; that is, the armament of the ships in the new bill, so I take out one-half of the amount ($1,000,000) appropriated for that purpose in the new-ship bill. I assume that the Secretary of the Navy will favor the building of new ships, and will take one-half of it to put into the vessels that are authorized by the new-ship bill, and will apply the rest of it to the ships that are authorized by the act of March 3, 1885, and to the monitors and the Miantonomoh. Therefore, I think the gentleman from Alabama will agree with me that it is at least fair to take out $500,000 from this $1,000,000 provided for armament.

Now, by deducting $500,000 from $1,375,000, which is the amount appropriated for yards and docks, torpedoes and general armament, added together, the amount left to be added to the items of pay of the Navy and the other surplus account is $875,000. That, added to the other items that I have described (I will not go through them again in detail), including $1,895,000 in the act of March 3, 1885, amounting to $2,996,300.24, will make the sum of $3,871,300.24 which I think ought to be added to the bill of this year, and then we can draw a proper comparison between the present appropriation bill and the bill of last year. That is the amount, after I have deducted $500,000 of the $1,000,000 appropriated in the new-ship bill for general armament.

Mr. HERBERT. You think you ought to take $3,871,300.24 out of the new-ship bill and put it in against $1,800,000, in order to make this bill larger than that?

Mr. BUCK. The gentleman from Alabama knows how much I am in favor of the new-ship bill, and when he suggests that I would take away any part of it in order to injure it he makes the suggestion facetiously, not in earnest.

Mr. HERBERT. The gentleman misunderstood me.

Mr. BUCK. So, Mr. Chairman, I say that we should add the sum of $3,871,300.24 to the amount carried by this bill, which makes it $15,721,158.94, and then there will be an increase over the appropriation bill of last year of $691,453.99, provided we add these items which were estimated for, and which would undoubtedly have been put into this bill if they had not been put into the other, and which we have considered as carefully and discriminately as any other items in the bill.

When I started out on this comparison between the bill of last year and the bill of this year I little anticipated that my friends would interpose so many suggestions, but I have yet to hear from any gentleman a suggestion that the position I have assumed in regard to these items is not entirely correct, namely, that they should be counted as against the Committee on Naval Affairs—not that I think they are wrong; I shall vote for them most cheerfully; but while I want the gentlemen who represent the majority on this floor to gather up all the crumbs of political comfort they possibly can, I am not willing that they should secure this little item and call it economy merely because it is not put into the appropriation bill but is put into another bill.

The committee will bear me out on this, that I have not touched at all upon that tender, nervous, irritable subject, the five monitors. If we had touched upon that, I do not know how it might have affected this discussion. There are differences on that matter wide and vast. The gentleman from Texas [Mr. SAYERS], my colleague on the committee, who is now looking at me smilingly, would differ, I suppose, entirely from myself about the history of those vessels, the propriety of finishing them, and what they would be good for after being finished. But I say nothing on that subject. I confine myself to these particular items, and say that each one of them could have been appropriated for in the appropriation bill.

In regard to the pay of the Navy, it has been suggested to me by a gentleman who is high authority on this matter that as to the $576,380.24 surplus, it will be necessary in order to make it available that it be reappropriated. I am inclined to think this position is correct. It seems to me on principle it ought to be so.

Mr. HERBERT. I think so myself, under the present decisions.

Mr. HISCOCK. As the gentleman from Connecticut [Mr. BUCK] has referred, I suppose, to a remark of mine, I desire to say, although I do not claim to be very high authority on this subject, that in my opinion every annual appropriation bill carries appropriations for that fiscal year only, not for any other; and therefore if there is a surplus appropriated on any item, that surplus can not be used in the next fiscal year without a reappropriation. But I trust there will be nothing in the form of a reappropriation. I believe every surplus thus arising should be covered into the Treasury, and whatever money may be required for another year should be provided in a new appropriation. If there ever was a vicious practice, it is the practice of reappropriating unexpended balances of previous appropriations.

Mr. BUCK. I think the suggestions of the gentleman from New York [Mr. HISCOCK] are certainly in the proper line; and the chairman of the committee [Mr. HERBERT] seems to concede that there should be a provision for reappropriating or for making a new appropriation.

Mr. HISCOCK. I hope we shall never reappropriate an unexpended balance. Every surplus appropriation of this kind should be allowed to lapse into the Treasury. The practice of reappropriating is objectionable and vicious, because it seems like trying to steal from one year's fund for the benefit of another, and thus improperly to get credit for apparent economy. Under such a system the people do not know how much money we are actually appropriating from time to time.

Mr. BUCK. Whatever may have been the practice or whatever may now be the law, it was the understanding of the committee that this surplus of $576,380.24 could be used without any reappropriation, and that the appropriations in the bill could be reduced by that amount. But notwithstanding these suggestions, it seems to me the position is sound that, if we allow that surplus of $576,380.24 to stand without reappropriation, we permit that surplus to be returned into the Treasury, and must appropriate a corresponding amount in the bill or else make an insufficient provision for the service. Hence I submit I am correct in my conclusion that we have this year recommended appropriations larger than those of last year.

Not wishing to occupy further time, I yield to the gentleman from Iowa [Mr. HEPBURN] the residue of my hour.

Mr. HEPBURN addressed the committee. [See Appendix.]

The CHAIRMAN. The committee will rise, as it is near 5 o'clock, when the House adjourns under the special order.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the naval appropriation bill, and had come to no resolution thereon.

Mr. O'NEILL, of Missouri. I ask by unanimous consent there be an evening session to consider reports of the Committee on Labor.

Mr. KING. There are very few members present.

Mr. BURROWS. I shall object unless the hour is fixed for closing the evening session.

Mr. O'NEILL, of Missouri. I am willing to have it close at 10 o'clock,

Mr. BURROWS. With that understanding I withdraw objoction.

Mr. PETERS. I demand the regular order.

The hour of 5 p. m. having arrived, the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLOUNT: Papers relating to the claim of Winford H. Bailey, of Wilkinson County, Georgia—to the Committee on War Claims.

Also, petition of Winford H. Bailey, of Wilkinson County, Georgia, asking that his case be referred to the Court of Claims—to the same committee.

By Mr. T. M. BROWNE: Petition of 477 citizens of Delaware County, Indiana, for the passage of Senate bill 1886, on pensions—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petition of D. W. Knight, of Cheatham County, Tennessee, for payment of his war claim—to the Committee on War Claims.

By Mr. COX: Papers relating to the claim of Drury Partin, of Wake County, North Carolina—to the same committee.

By Mr. CUTCHEON: Petition of Albert Fensch, hospital steward, for increase of compensation—to the Committee on Military Affairs.

By Mr. ERMENTROUT: Petition of Albert Fensch and others, and of Frank Criss and others, hospital stewards, United States Army, asking for the passage of Senate bill 1119—to the same committee.

By Mr. FULLER: Petition of Charles City Post, No. 3, Grand Army of the Republic, of Floyd County, Iowa, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of J. W. Dickson and 64 others, citizens of Chickasaw County, Iowa, for the same—to the same committee.

By Mr. GAY: Papers in the claim of Clariece Hewitt, widow of James Hewitt, deceased, of Orleans Parish, Louisiana—to the Committee on War Claims.

By Mr. GIBSON: Papers relating to the claim of Moses Baylor, of Jefferson County, West Virginia—to the same committee.

By Mr. HEWITT: Papers relating to the claim of Seman, Bache & Co.—to the Committee on Claims.

By Mr. LOVERING: Resolutions of the Commonwealth of Massachusetts, asking for such legislation as shall protect the fishery industry of this country in the exercise of its lawful rights—to the Committee on Foreign Affairs.

By Mr. MORGAN: Petition of N. L. Archey and other colored people, asking for an appropriation to aid them to emigrate to Liberia—to the Committee on Appropriations.

By Mr. PETERS: Petition of Harper Post, Grand Army of the Republic, of Harper, Kans., favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of the Travelers' Protective Association of Kansas, opposing the tax on commercial salesmen in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMALLS: Papers relating to the claim of Edward H. Alston, of Georgetown County, and of Martha Knowles, of Beaufort County, South Carolina—to the Committee on War Claims.

By Mr. STAHLNECKER: Resolutions of the commercial associations of New York, in reference to New York Harbor—to the Committee on Rivers and Harbors.

By Mr. SWOPE: Petition of 106 citizens of West Fairview, Cumberland County, Pennsylvania, praying for the passage of Senate bill 1886, for the relief of disabled soldiers—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: Memorial of Post 141, Grand Army of the Republic, of Cleveland, Ohio, in favor of certain additional legislation—to the same committee.

By Mr. VAN EATON: Papers relating to the claim of Mrs. Mary A. Butler, of Le Flore County, Mississippi—to the Committee on War Claims.

By Mr. A. J. WARNER: Petition of James Rutter and 110 others, of Athens County, Ohio, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. WILSON: Papers relating to the claim of Thomas Brown, of Jefferson County, West Virginia—to the Committee on War Claims.

Also, petition of A. R. Brown, son of Thomas Brown, deceased, of Charlestown, W. Va., asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. WISE: Petition of A. L. Fisher, administrator of John Fisher, of Henico County, Virginia, for payment of his claim—to the same committee.

SENATE.

FRIDAY, *June* 18, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. ALLISON. As the Journal is a matter of considerable detail, I think it is hardly necessary to read it through. I move that the further reading of the Journal be dispensed with.

The PRESIDENT *pro tempore*. If there be no objection the further reading of the Journal will be dispensed with, and it will stand approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury; which was referred to the Committee on Appropriations, and ordered to be printed, and to be printed in the RECORD; as follows:

TREASURY DEPARTMENT, *June* 17, 1886.

SIR: I have the honor to acknowledge the receipt of Senate resolution of the 20th ultimo, "that the Secretary of the Treasury be directed to inform the Senate what buildings are rented in the city of Washington for the use of the United States and the annual rent of each," and in reply thereto transmit the desired information in the following table.

Buildings rented by the United States in Washington, D. C.

Location of building.	For what purpose used.	Annual rental.
.....	State Department stable	$600
RENTED BY THE TREASURY DEPARTMENT.		
Southwest corner Seventeenth and F streets	Offices of Second Auditor	3,000
610 Seventeenth street, fourth and fifth floors	Offices of Second Auditor (files)	825
1421 G street	Office Marine-Hospital Service	1,800
407 Fifteenth street	Bureau of Statistics	3,000
Total		8,625
RENTED BY THE WAR DEPARTMENT.		
Corner Fifteenth street and Pennsylvania avenue	Quartermaster-General's Office	10,000
Stable, square 183	do	540
610 Seventeenth street	Adjutant-General's Office	2,000
620 Seventeenth street	do	2,100
1704 G street	do	1,600
Corner Seventeenth street and Pennsylvania avenue	Paymaster-General's Office	3,600
17 Fifteenth-and-a-half street	Commissary General's Office	2,500
1503 Pennsylvania avenue	Surgeon-General's Office	3,200
935, 937, and 939 F street	do	4,000
941 F street	do	1,500
1733 G street	do	1,000
614 Seventeenth street	Engineer Office	1,200
1700 Pennsylvania avenue	Office Public Buildings and Grounds	900
2126 Pennsylvania avenue	Officer in charge of Potomac River improvement	600
810 Nineteenth street	Officer in charge of certain river and harbor works	480
1719 and 1721 G street	Signal Service	1,900
616 and 618 Seventeenth street	do	1,800
1725 G street	do	1,200
1718 and 1720 Pennsylvania avenue	do	780
1719 and 1721 Pennsylvania avenue	do	540
Rear of 1132 Seventeenth street	do	540
Rear of 1732 G street	do	120
Rear of 1729 Pennsylvania avenue	do	120
Rear of Nineteenth and G streets	Ordnance Office stable	120
2005G street	Records of Rebellion	1,200
otal		43,540
RENTED BY THE NAVY DEPARTMENT.		
Corner Fifteenth street and New York avenue	Navy Pay Office	900
Corner Seventeenth street and New York avenue	Hydrographic Office	900
Corner Eighteenth and G streets	Museum of Hygiene	2,460
Total		4,200
RENTED BY THE INTERIOR DEPARTMENT.		
635 F street (two rooms)	Department proper	360
Corner Eighth and G streets	Department and Commissioner of Railroads	1,800
F street, between Thirteenth and Fourteenth (Hooe building)	Geological Survey	20,000
Seventh street, between E and F (Second National Bank building)	Indian Office	5,500
Northeast corner Eighth and G streets (Wright building)	Bureau of Education	6,000
1416 F street (Kellogg building)	Bureau of Labor	1,776
Corner Fourth and F streets	United States Pension agent	2,000
1405 H street (Kennady building)	Civil Service Commission for month of June, 1886, per month	240
Total		37,676
RENTED BY THE POST-OFFICE DEPARTMENT.		
Location of building.	For what purpose used.	Annual rental.
Seaton House	City post-office	$5,000
Third and East Capitol streets	Branch city post-office	360
Eighth and E streets	Money-Order Office, Post-Office Department	8,000
914 E street	do	4,500
418 and 420 Ninth street (part)	Topographer's Office, Post-Office Department	*1,500
Total		19,360

*Including heat.

There are no buildings rented in Washington by the Department of Justice.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. JOHN SHERMAN, *President pro tempore of the Senate.*

PETITIONS AND MEMORIALS.

Mr. BUTLER. I present a report of a committee of the American Medical Association, memorializing Congress on the prevention of yellow fever. The memorial appears to be in aid of a bill now before Congress looking to the appointment of a commission with a view to preventing the introduction of yellow fever by inoculation. I move the reference of the paper to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. BUTLER. The memorial is accompanied by a letter from Dr. Gaston, of Atlanta, who forwarded it to me. I should be glad to have this report printed, as it relates to a very important subject certainly, for the use of the committee.

The PRESIDENT *pro tempore.* The Senator from South Carolina asks that the paper presented by him be printed in the ordinary document form. The Chair hears no objection, and it is so ordered.

Mr. COCKRELL. I present the petition of Charles Bock, a pension claimant under claim No. 292072, late a member of Company F, Second Illinois Light Artillery, now seventy-one years old, and his wife is sixty-seven, praying an increase of the rate of pension allowed him by law. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

Mr. HARRISON presented four petitions, signed by 89 dairymen and butter-makers of Indiana, praying for the passage of the bill regulating

the sale of and taxing imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. SEWELL presented a petition of 128 dairy farmers of New Jersey, praying for the passage of the bill regulating the sale of and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. EDMUNDS presented the petition of Mrs. Sophia B. King and others, of Worcester, Washington County, Vermont, praying that the pension of David G. King, late a private of Company E, Eighth Regiment Vermont Volunteers, may be increased from $50 to $72 per month; which was referred to the Committee on Pensions.

He also presented the petition of J. C. Gibson, of Richmond, Va., praying that there may be a Federal code of procedure; which was referred to the Committee on the Judiciary.

Mr. EDMUNDS. I ask unanimous consent, out of time, as I feel obliged, on account of the illness of my colleague [Mr. MORRILL], to go up to see him, though I am glad to say he is not dangerously ill, to introduce a bill out of order.

[The bill appears under the appropriate head.]

Mr. WILSON, of Iowa, presented a petition of the board of county supervisors of Linn County, Iowa, praying for the passage of the bill providing for indemnity for swamp lands sold or otherwise disposed of by the United States; which was referred to the Committee on Claims.

Mr. MANDERSON. I present the memorial of a large number of attorneys of different towns in the State of Nebraska, remonstrating against the passage of House bill No. 7216, which has reference to the location of courts of the United States in the district of Nebraska. I move the reference of the memorial to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR. I present two memorials of citizens of Massachusetts, remonstrating against the passage of the oleomargarine bill. They are addressed to my colleague [Mr. DAWES] and myself, but evidently intended as memorials to the Senate. I move the reference of the memorials to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HAWLEY presented the petition of Robert E. Horne and 34 other citizens of Litchfield, Conn., praying for the passage of the bill regulating the sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a petition of citizens of Maine, praying for the passage of the oleomargarine bill, so called; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLER presented the petition of the American Agriculture and Dairy Association and 750 dairy farmers of the State of New York; the petition of the Albright Grange, No. 440, Patrons of Husbandry, of East Homer, N. Y.; the petition of dairymen of Pine Valley, N. Y., and the resolutions of the Board of Trade and Transportation of New York city, praying for the passage of the bill regulating and taxing imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. BLAIR presented a petition of 222 dairy farmers of Vermont and New Hampshire, praying for the passage of the bill regulating and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR. I present a petition of the local organizations of the National Woman's Christian Temperance Union in each State and Territory, I think—I have a list of them here, which I will not enumerate—most earnestly pleading and protesting against all legislation by Congress, in any form, that may conflict with the laws enacted by States prohibiting the manufacture and sale of alcoholic beverages, or that may impair the efficiency of such laws.

The PRESIDENT *pro tempore* The petition will be referred to the Committee on Education and Labor.

Mr. BLAIR. I present also a petition from the same body in all the States and Territories, in which they most respectfully and earnestly ask that the bill passed by the United States Senate and now pending before the House, to provide for a national commission of inquiry concerning the alcoholic liquor traffic and its relations to the public welfare, may have early concurrence. The bill having passed, I move that the petition lie on the table.

The motion was agreed to.

Mr. DOLPH presented the petition of Joseph Neumann, of California, praying that means be provided to enable him to cause to have made a show-case for the preservation of the first flag made of American silk, presented by him to, and accepted by, Congress and deposited in the Smithsonian Institution, together with the full history of its creation; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2485) granting a pension to Robert Boyd; and

A bill (H. R. 8602) granting a pension to Sarah M. Carroll.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted a report thereon:

A bill (H. R. 3358) granting a pension to Hiram L. Wait;

A bill (H. R. 8351) for the relief of Edward Coleman;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll; and

A bill (H. R. 8372) granting a pension to John E. Doggett.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 8066) to pension Martha A. Vorhees, reported it with amendments, and submitted a report thereon.

Mr. BLAIR. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 2609) granting a pension to Emily C. Stannard, to report it without amendment. The report is not ready, and I ask leave to submit the report subsequently.

The PRESIDENT *pro tempore*. Leave will be granted.

INVESTIGATION OF INDIAN AFFAIRS.

Mr. HARRISON. The Committee on Indian Affairs was directed by resolutions of the Senate adopted June 11 and December 3, 1884, and February 3, 1885, to inquire into the condition of the Indians in the Indian Territory and upon other reservations. A partial report in response to those resolutions was submitted some days ago by the chairman of the committee [Mr. DAWES], and I now submit a further report, and ask that it may be printed.

The PRESIDENT *pro tempore*. The order to print will be made under the general rule. The report will be laid on the table.

HOUSE COMMITTEE CLERKS.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the joint resolution (H. Res. 76) fixing the time when the pay of certain clerks to committees of the House of Representatives shall begin, have instructed me to report it without amendment; and as it is a matter which relates to the House organization, the payment of clerks, I ask unanimous consent that it may be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that the pay of the clerks to committees of the House of Representatives which have been or may be hereafter authorized by the House, who are paid during the session only, shall begin from the time such clerks entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairman of the several committees employing clerks for the session only.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURIFICATION OF WATER-SUPPLY.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back the letter of the Secretary of War with the accompanying documents, being maps and reports relative to the advisability and practicability of providing the water supply of the capital with filters and other appliances for cleansing and purifying the water, which information was called for under a Senate resolution of February 8, 1886. It is considered of sufficient importance by the committee to recommend the printing of the usual number, with no extra copies. I therefore move that the usual number of the communication and accompanying documents be printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 2685) authenticating the official seals used by the Government Departments, and by the several bureaus, officers, and offices thereof, and by the United States courts in the District of Columbia; which was read twice by its title, and referred to the Committee on the Library.

Mr. SAWYER introduced a bill (S. 2686) granting a pension to Morris T. Manton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2687) granting a pension to William B. Barnes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2688) granting a pension to Thomas P. Norman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2689) to refer the cotton claim of Charles Delano to the Court of Claims of the United States; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2690) requiring patents to be issued to actual settlers on the public lands of the United States within the limits of railroad grants which have been purchased from the grantee to the extent of 160 acres; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB introduced a bill (S. 2691) restoring the name of Oliver H. Judd to the pension-roll; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2693) for the relief of the heirs of William H. Finch; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2694) for the relief of John Finn; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Arkansas (by request), introduced a bill (S. 2695) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HOAR introduced a bill (S. 2696) granting an increase of pension to Reuben Weiss; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2697) granting an increase of pension to Joseph M. Howe; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2698) for the relief of Henry Pickett, of Washington, D. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER introduced a bill (S. 2699) granting a pension to Sarah E. Norton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2700) for the relief of James H. Berry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 2701) for the relief of Felix Marcinkowski; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 2702) to remove the charge of desertion from the record of William F. Harris; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2703) granting a pension to Frank V. Gray; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALL, Mr. SAWYER, and Mr. VAN WYCK submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. CALL and Mr. MCPHERSON submitted amendments intended to be proposed by them respectively to the legislative, executive, and judicial appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER. I offer an amendment to the sundry civil appropriation bill. I offered it the other day, but in the print a portion of the item was left out. I now offer it in a corrected form so that it may be printed.

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CALL, it was

Ordered, That the papers in the case of Dr. Oliver Chamberlain be taken from the files and referred to the Committee on Pensions, there being no adverse report.

RAILROAD ATTORNEYS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Chair lays before the Senate——

Mr. BECK. If the morning business is closed, I desire to call up the motion to reconsider the vote by which the Senate passed the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grants of lands or pecuniary aid from the United States. The motion to reconsider was made by the Senator from Connecticut [Mr. HAWLEY].

Mr. INGALLS. Does not the resolution I offered yesterday, that comes up this morning, have precedence?

The PRESIDENT *pro tempore*. It does. The resolution submitted yesterday by the Senator from Kansas [Mr. INGALLS] comes over, under objection, and is part of the morning business. The Chair is also of the opinion, and the Senator from Kentucky is informed, that under the order adopted the day before yesterday no business can be considered to-day except under the eighth rule.

Mr. BECK. I have been trying for ten days and giving notice day by day that I should call up the bill which passed the Senate upon a call of the yeas and nays by a vote of 37 to 11, and a motion was made to reconsider. I have faithfully tried day after day to get a decision in regard to that motion; and I think there must be some time when one man's motion can not tie up a bill that has passed upon a call of the yeas and nays by a vote of 37 to 11, and I do not think any order can be made to deprive me of my right. If that can be done, then one man can defeat any bill after it has been passed.

Mr. HOAR. I should like to inquire if the Senator from Kentucky proposes to object to debate or discussion on the motion to reconsider the bill?

Mr. BECK. I allowed the motion to lie over until now, hoping that the Committee on Rules would report a rule making the question debatable. If they do not, I am willing that unanimous consent shall be had for debate in this case. If the bill will not bear discussion it is of no value.

DEPARTMENTAL CLERKS—CIVIL SERVICE.

The PRESIDENT *pro tempore*. The resolution submitted yesterday by the Senator from Kansas [Mr. INGALLS], which came over under objection, is now the order of business clearly, as part of the morning business. It will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. INGALLS, as follows:

Resolved, That the President be requested, if in his opinion not incompatible with the public interest, to furnish to the Senate the following information:

First. The number of clerks now embraced within the provisions of the civil-service act of January 16, A. D. 1883, who were removed from office in the several Executive Departments, and the number of such clerks who were appointed to office in the several Executive Departments under the civil-service rules from July 16, A. D. 1883, to March 4, A. D. 1885, not including in such removals and appointments clerks excepted from examination by Rule XIX of the amended civil-service rules.

Second. The number of clerks embraced within the provisions of the civil-service act of January 16, 1883, who were removed from office in the several Executive Departments and the number of such clerks who were appointed to office in the several Executive Departments under the civil-service rules from March 4, A. D. 1885, to June 15, A. D. 1886, not including in such removals and appointments clerks excepted from examination by Rule XIX of the amended civil-service rules.

Third. The number and names of chiefs of division and chief clerks who were removed from office in the several Executive Departments from July 16, A. D. 1883, to March 4, A. D. 1885, and the number and names of such chiefs of division and chief clerks who were appointed to office during the same period, and the number of such appointments which were made by promotion.

Fourth. The number and names of chiefs of division and chief clerks who were removed from office in the several Executive Departments from March 4, A. D. 1885, to June 15, 1886, and the number and names of such chiefs of division and chief clerks who were appointed to office during the same period, and the number of such appointments which were made by promotion.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. VANCE. I have no objection to the resolution just read, but I ask to have an amendment adopted which I send to the desk.

Mr. INGALLS. Before the amendment offered by the Senator from North Carolina is read I ask leave to make one or two suggestions of amendment in the original text, if he will allow me, to which I think there will be no objection.

The PRESIDENT *pro tempore*. That will be quite in order at any rate.

Mr. INGALLS. In the third paragraph, after the words "removed from office," I move to insert "or reduced in grade."

The PRESIDENT *pro tempore*. The amendment will be stated.

Mr. HARRIS. The Senator modifies the resolution.

The PRESIDENT *pro tempore*. It is a modification of the resolution.

The CHIEF CLERK. In the second line of the third paragraph it is proposed to insert the words "or reduced in grade;" so as to read:

The number and names of chiefs of division and chief clerks who were removed from office or reduced in grade in the several Executive Departments.

The PRESIDENT *pro tempore*. The Senator from Kansas so modifies the resolution.

Mr. INGALLS. Also in the fourth paragraph, after the words "removed from office," I propose to insert the words "or reduced in grade;" so as to read:

The number and names of chiefs of divisions and chief clerks who were removed from office or reduced in grade in the several Executive Departments.

The PRESIDENT *pro tempore*. The resolution will be so modified, The Senator from North Carolina [Mr. VANCE] offers an amendment, which will be read.

The CHIEF CLERK. It is proposed to add as a new paragraph:

5. And that the President be requested to further inform the Senate how many appointments were made in each of the Departments of officials within the scope of the civil-service act between the date of the approval of the said act, the 16th of January, 1883, and the 15th of July, 1883, when said act went into effect, together with the names of said appointees, the places to which they were appointed, and whether to fill vacancies made by removals or otherwise.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. VANCE].

The amendment was agreed to.

The resolution as amended was agreed to.

RAILROAD ATTORNEYS.

Mr. BECK. Mr. President——

Mr. HAWLEY. I should like to say a word or two in response to the remark made by the Senator from Kentucky.

Mr. BECK. If the Senator will allow me, I rose only for the purpose of withdrawing my request, after reading the rule for this morning. I was not aware that it extended to to-day as well, until the President kindly sent it to me.

Mr. HAWLEY. For the very reason that the matter has now gone over I should like to say a word or two in reference to what the Senator from Kentucky said.

Mr. BECK. Let me say only this: I shall endeavor to call up the motion to reconsider on Monday morning, and I desire very much that the Committee on Rules should report the rule suggested. I will postpone it until Tuesday or Wednesday if necessary, so that the Committee on Rules can report a rule to allow motions of that character to be debated. I want that done; and perhaps the matter had better remain

until, say, Tuesday morning, to give the committee time to report. I think the Senate will agree to their report as soon as they make it.

Mr. HAWLEY. The Senator from Kentucky in the remarks he first made said he had been trying for ten days to get up this motion to reconsider, and he thought it strange if the motion of one man could prevent the final passage of the bill.

Mr. BECK. I had no reference to any individual.

Mr. HAWLEY. I wish to make it clear that no reproach of that kind lies against me. I entered the motion to reconsider and was ready to reconsider it that day or the next, and the two propositions to delay have come from the Senator from Kentucky, and very reasonably, because he desired to have the rule altered which prevents debate on a motion to reconsider. I assented to that; but I have never asked for any delay, and have been ready to consider the matter at any day briefly, and I proposed to consider it; and both propositions bodily have come from him.

Mr. BECK rose.

Mr. HOAR. I should like to ask unanimous consent, if the Senator will hear me before he proceeds——

Mr. BECK. Certainly.

Mr. HOAR. I ask unanimous consent that when the motion to reconsider is taken up, without affecting at all the time when it shall be taken up, it be debatable.

Mr. BECK. I hope that will be done.

Mr. HOAR. I think the rule was put in by inadvertence; and my suggestion is in this particular matter that when the motion to reconsider is taken up it shall be debatable. That will solve the whole matter.

Mr. HARRISON. As the Senator from Kentucky has already suggested deferring this matter until a time when probably the rule will be before us, would it not be better to await application for unanimous consent until that time, which will undoubtedly then be given?

Mr. HOAR. I hope the Senator from Indiana will not object, because the Committee on Rules may not meet for several days.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate that when the motion to reconsider the bill referred to is pending the rule shall not be enforced which prohibits debate on a motion to reconsider. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BECK. Then I give notice that I shall endeavor on Tuesday to call it up. That will give the Committee on Rules an opportunity to make their report, hoping the Senator will agree to it if made.

I wish to add that the rules of the other House, as I understand them, make a motion to reconsider a privileged motion, and I hope the Committee on Rules will at the same time make it a privileged motion in the Senate for the reason I suggested, not applying it to the Senator from Connecticut, that one man by entering a motion to reconsider may prevent action altogether, unless it is a privileged motion, and in order to call attention to the importance of making such a motion debatable.

Both things, in my judgment, ought to be the rule of the Senate. It is a privileged motion in the other House, and it ought to be debatable, so that a Senator who makes a motion to reconsider shall have a right to give the reasons why he makes it.

It was not with any reference to the Senator from Connecticut that I spoke, for from the beginning he has expressed his desire to have the motion to reconsider acted upon, and he desired to be heard upon it, as I thought was his right.

CHEROKEE FUNDS.

Mr. INGALLS. I move to reconsider the vote by which the Senate yesterday passed the bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

FERRY AT FORT BUFORD.

Mr. PLUMB. I move to reconsider the vote by which the Senate passed the bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory.

The PRESIDENT *pro tempore*. Does the Senator wish action upon the motion now?

Mr. PLUMB. I simply wish to enter the motion at this time.

The PRESIDENT *pro tempore*. The motion will be entered.

ORDER OF BUSINESS.

Mr. SEWELL. I ask the Senate to take up the bill (H. R. 67) for the relief of Fitz-John Porter.

Mr. SAWYER. I wish to offer a resolution.

The PRESIDENT *pro tempore*. The motion of the Senator from New Jersey is not yet in order. The morning business is not yet closed.

ACCOUNTS OF POSTMASTERS.

Mr. SAWYER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby instructed to furnish the Senate any additional claims not heretofore reported for salaries of postmasters or late postmasters that have been adjusted under the act of March 3, 1883.

Mr. CHACE. I offer a resolution directed to the Postmaster-General, and it is in terms the same resolution as the one offered by the Senator from Wisconsin [Mr. SAWYER] yesterday, changed, however, to cover all the States. That Senator withdrew the resolution after having offered it because the Senator from Kansas [Mr. INGALLS] stated that he had already offered and procured the passage of a similar resolution, and that the Postmaster-General had refused to respond to the resolution on the ground that it would require a very large clerical force—in effect that the Department would be physically unable to respond to it.

I have reason to believe, as the Senator from Kansas said, that that view can not be maintained by the Postmaster-General, that these accounts are adjusted, and that it is simply a matter of making a transcript from the books of the Department.

I wish to say further that from correspondence put into my possession between certain claim agents in this city and claimants under the law of 1883, the evidence points very strongly to the suspicion that there may possibly be some collusion between parties in the Post-Office Department and certain claim agents in this city, one individual in particular, who assumes to put himself above not only the Department, but above Congress itself, and to dictate to claimants what they shall do and what proportion they shall share with him. He even goes so far as to give his own name to an act passed by the Congress of the United States.

I wish to say that in my opinion the Postmaster-General owes it to himself and to the Department to take such prompt action in regard to the adjustment of these salaries as shall purge the Department from this grave suspicion that rests upon it. It is a shame; it is a disgrace. I do not mean to charge (I can not charge because I am not prepared to prove) that anybody in that Department is guilty; but I do say that the circumstances point to a very grave suspicion, and for that reason I offer the resolution.

There ought to be no necessity for any claim agent to intervene between a citizen of the United States who has been an official and who has a claim against the Department. Such claims ought to be adjusted by the Department and reported to Congress promptly, and we should then appropriate the money to pay them, and the claims should be paid promptly.

Mr. HAWLEY. Without commission.

Mr. CHACE. Without commission; and no claim agent should be put into a position where he can say to any claimant, "Stand and deliver!"

Mr. SAULSBURY. I hope the Senator from Rhode Island, as he has stated——

The PRESIDENT *pro tempore*. The Senator from Rhode Island offers a resolution, which will be read; and then the Senator from Delaware will be recognized.

The Chief Clerk read as follows:

Resolved, That the Postmaster-General be, and he is hereby, directed to inform the Senate of the amount of additional compensation ascertained to be due postmasters and late postmasters under the act of March 3, 1883, for the payment of which no provision has been made.

The PRESIDENT *pro tempore*. If there be no objection the resolution is before the Senate, and the question is on its adoption.

Mr. SAULSBURY. I have no objection to the resolution, but the Senator from Rhode Island has stated that there is reason for grave suspicion that persons connected with the Post-Office Department, especially one person, are in collusion with claim agents.

Mr. CHACE. Will the Senator excuse me? I did not say that.

Mr. SAULSBURY. I certainly misunderstood the Senator then; and I was going to say that it would be but just to those who are not liable to such suspicion that the name of the party to whom the Senator refers should be made known.

Mr. CHACE. I have no objection to naming him. It is one Spalding. He assumes to attach his own name to an act of Congress, and calls it the Spalding act, prints it in circulars, and sends it all over the country, calling it the Spalding act, and even goes so far as to print the fact alleged by him that he got the law through.

Mr. BUTLER. This question has been frequently before the Senate, not only under the present administration but under the preceding one, when similar resolutions were offered. I think it is due to the Department, not only as at present administered but as administered by the predecessor of the present Postmaster-General, to say that they have "in season and out of season," upon all occasions where they could properly do so, notified these claimants that they are under no obligations whatever to pay any proportion of the money to any claim agent. I know that to be a fact, because there were quite a number from my State and they have written to me repeatedly about it.

Why there is this delay I confess I can not understand, but I do not think Mr. Spalding has any better standing in the Post-Office Department than he has with the Senator from Rhode Island.

Mr. CHACE. If the Senator will allow me right there, I wish to say that perhaps my language may have been a little stronger than the circumstances would warrant; but these accounts under the law should have been long ago adjusted.

Mr. BUTLER. I agree with the Senator about that entirely.

Mr. CHACE. They are not adjusted, and in numerous instances when applications have been made simply a partial adjustment has been made. It is not that there is any direct evidence, but the facts as they exist create in the minds of persons ignorant of how such things are done a suspicion. I do not mean to say, nor do I mean to insinuate, that I think any one in the Department is guilty of this collusion, but I do say that the manner in which the business is, I will not say done, but neglected to be done, leaves them open to that charge.

Mr. BUTLER. I quite appreciate all that the Senator from Rhode Island has said. After having had some correspondence and communication with the Department on this very subject, I felt justified in stating that claimants have been notified again and again, as I stated before, that they are under no obligation whatever to pay Mr. Spalding one dollar. There is nothing that I know of which can prevent his communicating and corresponding with various claimants, as he is constantly doing, sending his circulars and requesting them to send to their Representatives and Senators——

Mr. CHACE. Allow me to interrupt the Senator there. There is something which can be done, and that is the prompt adjustment of these accounts.

Mr. BUTLER. I understand that, but I say there is nothing that can be done which will prevent Mr. Spalding corresponding with claimants.

Mr. CHACE. Oh, no.

Mr. BUTLER. I agree with the Senator that a prompt adjustment of the claims would soon end the whole matter, and I think it ought to be done promptly. I have no hesitation in saying so, and I said so under the former administration. What the particular trouble is, I confess I myself do not understand.

Mr. CHACE. Nobody can deny that former administrations and this stand in the same position. I did not mean to draw any distinction.

Mr. BUTLER. I understand that perfectly well.

Mr. MAXEY. I know a great deal about the trouble to which the Senator from Rhode Island refers. The bill was in my charge in the Committee on Post-Offices and Post-Roads. After a very thorough investigation I became satisfied that a great many postmasters in the United States were entitled to a readjustment of their accounts fairly and honestly. I know that at that time, which was under a Republican administration, the then controlling powers were disinclined to favor the measure. They thought it would cost a very large amount of money and involve a vast deal of trouble. I replied that it made to me no difference how much it would cost; if the claim was honest it ought to be paid I then believed so; and I now believe so.

So far as Mr. Spalding or Mr. Anybodyelse is concerned, it never had the slightest influence on the committee on this earth. I have received letters not only from my own State but from many portions of the country on the subject. As I happened to be connected with the passage of the bill persons wrote to me wanting the bill passed, and I think there has been, to say the least of it, a delay in the Post-Office Department not only in the last administration but in the present administration that I can not account for. These men ought to have had their money years ago, and I say now that whatever can be done to aid in the prompt adjudication and just settlement of these claims and the payment of the claims ought to be done.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

J. H. THORNBURG.

Mr. PLUMB. I introduce a bill, which I ask the Senate to consider now.

The bill (S. 2692) to amend an act approved June 1, 1886, granting a pension to J. H. Thornburg was read twice by its title.

Mr. PLUMB. On the 1st day of June the bill was approved by the President, which had passed both Houses of Congress, granting a pension to a man named "Thornbury," as named in the bill—b-u-r-y. It turns out that it was a mistake either of the printer or the person draughting the bill or of somebody else. It should be Thornburg—b-u-r-g. I do not think that in a matter of that kind any Senator would object to passing a bill to correct the original act; and therefore I ask that the bill I have just presented for that purpose, only changing the terminal letter of this man's name who should receive the pension, may be taken up for consideration now.

The PRESIDENT *pro tempore*. The Senator from Kansas asks the unanimous consent of the Senate to proceed to the consideration of this bill now. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend and correct the act approved June 1, 1886, "granting a pension to J. H. Thornburg;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Thornburg, late of Company D, Eighth Iowa Cavalry Volunteers.

And the pension is to commence from the date of the approval of the original act.

Mr. INGALLS. That original act ought to be repealed if this is to be a substitute for it, or otherwise there will be an act under which somebody will be entitled to claim.

Mr. PLUMB. I accept the suggestion and will add a section repealing the original act.

Mr. HOAR. Then the other section ought to be changed, because the first section is that that act is amended so as to read so and so, leaving the original act in force except as amended. It would strike me, therefore, that if the Senator adopts his colleague's suggestion the bill says that that act is repealed and that Thornburg be placed on the pension-roll from the time the other act, the repealed act, was approved.

Mr. PLUMB. The time is so short that I do not think that is very material.

Mr. HOAR. But the propositions seem inconsistent.

The PRESIDENT *pro tempore*. The Chair is advised that as the bill now stands it modifies the original act without making it necessary to repeal it.

Mr. PLUMB. I think amending it "so as to read as follows" is sufficient. I do not adopt my colleague's suggestion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT WATER SUPPLY.

Mr. VAN WYCK. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Secretary of War be, and he is hereby, directed to appoint a board, to consist of three officers of the Army other than those now connected with the District government, to examine and report whether the present distribution of the water supply to the District of Columbia is conducted and made according to proper engineering principles; what amount of water is supplied daily for United States Government use; what amount for private use; and whether the water-tax payers of Washington are equally and fairly supplied with water, according to their locality and to the means available by the District government, and to transmit to the Senate the report of the board hereby directed to be appointed.

Mr. INGALLS. It is obvious that that is not within the competence of a Senate resolution. The duties imposed on the Secretary of War are by statute. It is not competent for the Senate by resolution to order the Secretary of War to perform a duty that would otherwise be enjoined upon him by law. I suggest to the Senator from Nebraska that while I have no objection to the inquiry that he desires, the resolution ought to be referred either to the Committee on Military Affairs or the Committee on the District of Columbia for further examination.

Mr. VAN WYCK. That resolution is precisely in the language of a resolution offered some three years ago by the Senator from Minnesota [Mr. MCMILLAN], and I think the point was not then raised upon the resolution. It went over for a day. What action was had I do not remember, but the resolution itself had the effect to accomplish a great deal of good for people who were gathering water in this city by drops; and it occurred to me that we were in that condition again where a great many of the citizens of Washington are doing that very thing now, gathering water by the teaspoonful, and that the introduction of the resolution would probably have the effect of calling the attention of the authorities to it so far that they may aid in giving to the people of the District some relief. Some relief is necessary.

Strange as it may appear, four years have elapsed since an appropriation of about $600,000 was made for the extension of the Aqueduct; and now, after time enough has passed to have built a railroad across this continent, they are asking for about the same amount to finish the extension of the Aqueduct; which means, I presume, four years more before the Aqueduct will be finished—eight years to finish what is called an extension of the Aqueduct. Why, I suppose the people of this District do not know, and the Congress of the United States do not know; but there is the fact. In winter time the water is suffered to run to waste a great deal by half the population of the city for fear of the frost bursting the pipes; and in the summer time it half runs away for another class of population who want to have fountains in their parks. Therefore it is that those who actually need, for the necessaries of life, water, are really deprived of it in the city.

I desire to do enough to call the attention of the authorities to this matter. There may be far off in the future a time when there is to be water enough in this city and the supply will be so abundant that the citizens will not have to be watching that a drop is not wasted here or there, but that seems far off yet. Four years have gone and we have an expenditure of nearly three-quarters of a million of dollars without result.

I am perfectly willing that this resolution shall be referred to the Committee on the District of Columbia, and trust——

Mr. INGALLS. Say the Committee on Military Affairs, as it is directed to the Secretary of War.

Mr. VAN WYCK. I prefer the Committee on the District of Columbia, because they are connected with the District commissioners and the water board, and I trust at least this will have the effect which the resolution of three years ago had.

Mr. INGALLS. Very well.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on the District of Columbia.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning business is closed.

Mr. SEWELL. I ask to take up Order of Business 303, being the bill (H. R. 67) for the relief of Fitz-John Porter.

The PRESIDENT *pro tempore*. The Senate has adopted a special order which requires a new mode for conducting business to-day, which will be read. Senators will please take notice of the terms of the order under which the Senate is acting to-day.

The Chief Clerk read as follows:

Ordered, That Thursday, June 17, be devoted to the Calendar under the five-minutes' limitation for debate and subject to objection, which objection shall operate only to pass over the case, retaining its place on the Calendar; and that no motion shall be made to proceed to the consideration of any bill where objection is made to the consideration of the same; and that Friday shall be devoted to the Calendar under the eighth rule.

The PRESIDENT *pro tempore*. Business under the eighth rule is now in order.

Mr. SEWELL. I ask unanimous consent to take up the bill I have named. I understood the Senator from Illinois [Mr. LOGAN] to desire to fix a day for it. I want to take up the bill in order that we may agree upon a time to consider it.

The PRESIDENT *pro tempore*. The Chair does not understand whether the Senator from New Jersey is asking the Chair a question.

Mr. SEWELL. I ask unanimous consent to take up this bill for the purpose of naming a day which the Senator from Illinois and myself may agree on.

Mr. VAN WYCK. I do not see how that can well be done now.

The PRESIDENT *pro tempore*. Pending the special order, the Senator from New Jersey asks unanimous consent of the Senate to proceed to the consideration of Order of Business No. 303, being the bill (H. R. 67) for the relief of Fitz-John Porter. Is there objection?

Mr. INGALLS. Is unanimous consent asked to take that up in violation of the order previously made?

The PRESIDENT *pro tempore*. That is the only way in which it can be done, by unanimous consent. Is there objection?

Mr. INGALLS. I object.

Mr. SEWELL. I move to take up the bill, the objection to the contrary notwithstanding.

The PRESIDENT *pro tempore*. That motion is not in order under the eighth rule. No bill can be taken up on such a motion, under the eighth rule, unless it is objected to in its due order when reached.

Mr. SEWELL. We can always move to take up a bill, I understand.

Mr. HOAR. Does the Chair understand that this order continues through to-day.

The PRESIDENT *pro tempore*. It continues through to-day. Whenever a bill is reached under the eighth rule on the Calendar, then it is in order to move to proceed to its consideration if objection be made to it.

Mr. HOAR. I do not speak in reference to this matter, which is not in my charge at all, but to another; but when the order was passed, I expressly stipulated that it should be on condition that it should be in the power of a Senator to move to proceed to consider a bill; and the Senator from Vermont [Mr. EDMUNDS] said that he so understood it.

Mr. SEWELL. This case was passed over without prejudice.

Mr. INGALLS. Where does the consideration of the Calendar begin to-day under this order?

The PRESIDENT *pro tempore*. At Order of Business 163. If the bill to which the Senator from New Jersey refers is on the Calendar it will be reached no doubt in a short time.

Mr. MCPHERSON. I understood the understanding to be that on a motion made to-day to take up any bill on the Calendar which was passed over yesterday with a like understanding it would be in order to move its consideration notwithstanding any objection.

Mr. SEWELL. My colleague and I did not understand that the Calendar would be commenced at Order of Business 163. I withdraw my motion for the present. We shall reach the bill after a while.

The PRESIDENT *pro tempore*. The first case on the Calendar under the order will be stated.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 506) for the relief of Eleanor T. Brookbanks and others;
A bill (H. R. 528) for the relief of Silas Quackenbush;
A bill (H. R. 917) for the relief of Henry S. Cohn;
A bill (H. R. 932) for the relief of T. J. Pitzer;
A bill (H. R. 1034) for the relief of Bangs, Brownell & Co.;
A bill (H. R. 1501) referring the claim of William Dalton to the Court of Claims;
A bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas;
A bill (H. R. 1776) for the relief of Faran & McLean;
A bill (H. R. 1802) for the relief of Moses B. Walker;
A bill (H. R. 2013) for the relief of Myron E. Dunlap;
A bill (H. R. 2053) for the relief of Rachael J. Floyd;
A bill (H. R. 2176) for the relief of Alexander Goble;
A bill (H. R. 2918) for the relief of William Huntington;
A bill (H. R. 3642) for the relief of the heirs of Jacob Cramer;
A bill (H. R. 3750) for the relief of Frances H. Plummer;
A bill (H. R. 3930) for the relief of Wells C. McCool;
A bill (H. R. 5872) for the relief of R. D. Beckley and Leon Howard;
A bill (H. R. 5877) for the relief of William H. Morhiser;
A bill (H. R. 8751) for the relief of Samuel F. Rice;
A bill (H. R. 9017) for the relief of Henry S. Cohn; and
Joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRISP, Mr. CLARDY, and Mr. DUNHAM managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPRINGER, Mr. WARNER, and Mr. BUCHANAN managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution for the printing of 4,500 copies, with the necessary illustrations, of the report of the International Polar Expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Order of Business 163, being the resolution submitted by Mr. PLATT declaring that executive nominations shall hereafter be considered in open session, was announced as the first business in order.

Mr. ALLISON. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

ELON A. MARSH AND MINARD LAFEVER.

The bill (S. 500) for the relief of Elon A. Marsh and Minard Lafever was announced as next in order.

Mr. ALLISON. I object to that also.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

STEPHEN N. SMITH.

The bill (S. 708) for the relief of Stephen N. Smith was announced as next in order.

Mr. ALLISON. I object to the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

WILLIAM C. DODGE.

The bill (S. 301) for the relief of William C. Dodge was announced as next in order.

Mr. ALLISON. I do not object to the consideration of that bill, but it seems to me that the blanks in it ought to be filled.

The PRESIDENT *pro tempore*. There are amendments reported which provide for that. The amendments will be read.

The Chief Clerk read the amendments reported by the Committee on Patents, which were to fill the blanks in line 6 and line 10 by inserting "ten thousand" before the word "dollars."

Mr. ALLISON. I object to the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

CALIFORNIA LAND SALES.

The bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of lands in said State was announced as next in order.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

DISTRICT TAX-SALES.

The bill (S. 634) relating to sales for taxes in the District of Columbia was considered as in Committee of the Whole.

The Committee on the District of Columbia reported an amendment, in line 15, after the words "deed and," to strike out "such deed shall be conclusive evidence;" so as to make the bill read:

Be it enacted, &c., That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes or assessments that have been or may be levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser, his heirs or assigns, if the property be not redeemed within two years of the date of such sale, to a deed from the commissioners of the District which deed shall vest in the grantee a good and valid title, and shall be presumptive evidence in all controversies in relation thereto that the property so conveyed was subject to the taxes for which the property was sold, that such taxes were not paid, and that the property was not redeemed before the execution of the deed, that the manner of levy, notice, sale, and all the other prerequisites of law were complied with necessary and proper to make such deed and title valid.

The amendment was agreed to.

Mr. CALL. That is a very important bill. There is a large amount of property in this District the taxes upon which I understand have been accumulating for a number of years under the former system of special assessments. I do not know how far this bill may cover such cases. As it is a very important matter, I ask the chairman of the Committee on the District of Columbia if the bill has been carefully considered in reference to that class of persons who have been unable to pay the large assessments made for improvements.

Mr. INGALLS. It has been very carefully considered. It was passed by the Senate at the last session. It merely provides a method by which the payment of taxes can be enforced.

There is at the present time nearly a million dollars of delinquent taxes in the District, much of which is not paid simply because people can use their money in some other way more profitable than by paying their taxes. This bill merely provides that a deed may be issued when the property is sold for taxes after the proper time for redemption has elapsed. It is a provision that exists in every other community in the Union, so far as I know. The committee have endeavored to guard it carefully. I trust that the Senator will not interpose any objection to the bill.

Mr. CALL. I do not object. I only wish to know whether there has been any provision made for that class of people who have incurred large indebtedness on their property by reason of special assessments made some years ago for improvements in the District. I wished to ascertain whether it would apply to that class of tax-payers.

Mr. MCPHERSON. I desire to say with respect to this bill, which does not entirely commend itself to my judgment, that on careful investigation of the matter I understand that unless the District commissioners can proceed in the manner provided in this bill there will be great loss to the revenues of the District. If we had pursued this policy at a much earlier date the community would have been far better off. There are taxes laid from which the District gets no benefit. I hope the bill will become a law.

Mr. CALL. My object has been accomplished; I merely wished to call attention to the fact that there were a very large number of deserving people here whose property has been virtually confiscated under the system of special assessments. There ought to be some relief for them.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT LIQUOR SALES.

The bill (S. 1380) relating to the sale of distilled and fermented liquors in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, at the end of section 2 to strike out the following proviso:

Provided, however, That where the written permission of a majority of the persons owning real estate and a majority of the residents keeping house has been secured as above required, such written permission shall hold good until the commissioners, in their discretion, shall direct the party applying for the license to again secure such written permission.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF PETER DELLA TERRE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 492) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre, deceased.

The Committee on Claims reported an amendment, after the words "sum of," in line 6, to strike out "fifty" and insert "ten;" so as to make the bill read:

Be it enacted, &c., That out of any money in the Treasury of the United States the Secretary pay to Frank Della Terre and Susan F. Della Terre, heirs of the late district attorney of the northern district of California, Peter Della Terre, deceased, the sum of $10,000, in full consideration for extraordinary services rendered by said Peter Della Terre, during the years 1857, 1858, and 1859, in defending the title of the United States to public property in the State of California, and recovery of 19,148 square miles of territory, valued at $150,000,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRUSTEES OF ISAAC R. TRIMBLE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1388) for the relief of the trustees of Isaac R. Trimble.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORIDA INDIAN WAR CLAIMS.

The bill (S. 1729) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities was announced as next in order.

Mr. CALL. Let the bill be passed over.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The bill will be passed over on objection.

MOBILE DOCK COMPANY.

The bill (S. 300) for the relief of the Mobile Marine Dock Company was announced as next in order.

Mr. LOGAN. I object to the consideration of that bill.

The PRESIDING OFFICER. The Senator from Illinois objects to the consideration of the bill. It will be passed over.

CLERK-HIRE TO POSTMASTERS.

The bill (H. R. 4415) to make the allowances for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEE ON DOMESTIC MONEY-ORDERS.

The bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5 was considered as in Committee of the Whole. It proposes to reduce the fee for each domestic money-order not exceeding in amount $5 from 8 cents to 5 cents, the reduction to take effect within one month after the date of the approval of the act by the President.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OBSTRUCTION OF NAVIGABLE WATERS.

The bill (S. 64) to prevent the obstruction of navigable waters and to protect public works against trespass or injury was announced as next in order.

Mr. DOLPH. I ask that that bill go over, retaining its place on the Calendar.

The PRESIDING OFFICER. The Senator asks that this bill go over without prejudice, retaining its place under the eighth rule. The Chair hears no objection.

FITZ-JOHN PORTER.

The bill (H. R. 67) for the relief of Fitz-John Porter was announced as next in order.

Mr. LOGAN. There is no use in reading that bill. I object to taking it up now.

Mr. SEWELL. The Senator from Illinois desires to make a suggestion, I suppose.

The PRESIDING OFFICER. The Senator from Illinois interposes an objection to the consideration of the bill.

Mr. LOGAN. The Senator from New Jersey said that when this bill was reached he would be willing to fix a day for taking it up for consideration. I am perfectly willing to do so; and if the Senate will agree to it I suggest that it be taken up next Thursday and disposed of.

Mr. SEWELL. The Senate will have to give unanimous consent to take it up and make it a continuous order so as to supersede everything else.

Mr. LOGAN. That can be done by unanimous consent.

Mr. ALLISON. I shall object to making it a continuous order.

Mr. LOGAN. We can make it a special order for Thursday and take it up and dispose of it.

Mr. SEWELL. To follow whatever the unfinished business is on that day.

Mr. ALLISON. I do not object to that, but if any appropriation bills are ready they should have preference.

Mr. SEWELL. Of course; everything gives way to appropriation bills.

The PRESIDENT *pro tempore.* Will Senators state their proposition?

Mr. SEWELL. I ask unanimous consent, as the Senator from Illinois is not ready to go on with the discussion to-day, that the bill be made the special order for Thursday of next week, to follow any unfinished business coming up that day, subject of course to the appropriation bills.

The PRESIDENT *pro tempore.* The Senator from New Jersey asks unanimous consent that the pending bill be made the special order for Thursday next, subject only to any unfinished business on that day. If there be no objection that will be considered the order of the Senate. The Chair hears no objection, and it is so made a special order.

JAPANESE WORKS OF ART.

The bill (S. 1772) providing for the purchase of the Capron collection of Japanese works of art, now on temporary deposit in the National Museum, was considered as in Committee of the Whole.

Mr. ALLISON. Let the report be read.

The Secretary read the following report, submitted by Mr. VOORHEES, from the Committee on the Library, March 4, 1886:

In the matter of the purchase of "the Capron collection of Japanese works of art," now on temporary deposit in the National Museum, referred by resolution of the Senate to the Committee on the Library, that committee reports a bill for the purchase of the same.

Your committee also reports the letter of Spencer F. Baird, Secretary of the Smithsonian Institution and Director of the United States National Museum, together with the letter of G. Brown Goode, assistant director, on the subject of said collection.

[United States National Museum, under direction of the Smithsonian Institution.]

WASHINGTON, *February* 26, 1886.

SIR: I am in receipt of your communication asking my opinion as to the probable value of the Capron collection of Japanese works of art, and as to the desirability of their purchase. I have requested one of my assistants to examine the collection, and inclose herewith his report.

The Capron collection is an interesting one, and is constantly increasing in value. In fact, several of the articles included could probably not be readily obtained elsewhere. In view, therefore, of the fact that Japanese art is undergoing great deterioration and is rapidly disappearing, it would seem eminently appropriate that a collection, which is so interesting to artists and so suggestive to students of industrial art and to designers, should become the property of the Government and be displayed in the National Museum. We have already a large number of objects of a similar nature, for the most part the gift of the Japanese Government, acquired both at the time of Perry's expedition and during the past year. The Capron collection added to these would give to the National Museum a very creditable collection illustrating Japanese arts and manufactures.

I am, sir, yours, very respectfully,

SPENCER F. BAIRD,
Secretary Smithsonian Institution and Director United States National Museum.

Hon. W. J. SEWELL,
Chairman Joint Library Committee, United States Senate.

[United States National Museum, under direction of the Smithsonian Institution.]

WASHINGTON, *February* 23, 1886.

SIR: Pursuant to your instructions, I have carefully examined the collection of Japanses works of art belonging to the estate of the late General Horace Capron, with the view of estimating its desirability for the use of the National Museum, and of forming an idea of its commercial value, and have the honor to report as follows:

The collection, in connection with similar objects already the property of the Museum, would be extremely serviceable, and I should hope that it may be possible to acquire it.

The lacquered objects are the most valable, particularly the four which bear the crest of one of the families of shoguns—the Tokagawa family, if my memory serves me right. These I estimate at $3,000. There are also about twenty pieces of smaller size, many of them of great age and fine quality. These are probably worth $1,000. Total for lacquer, $4,000.

The bronzes are forty-six in number, five being of large size. I place their value at $3,500.

There are also two pieces in silver bronze and one in gold bronze, representing birds and flowers, which I place at $1,100.

There are 37 carvings of ivory, estimated worth $700, and 10 carvings in wood, at $500.

The porcelains and enamels are worth, perhaps, $1,025. The armor, lance, and sword, $400. The large pictorial screens, albums, and scrolls, $450. This makes a total of $11,675.

There is also the collection of coins, containing 63 pieces; 35 of them are of gold, and weigh about 600 grams. I am told that an expert from New York appraised this collection as worth $5,000. I think it may safely be considered worth $3,000, although I know little or nothing of the value of Japanese coins.

The estimates thus amount to $14,675. I may add that there has been an enormous increase in the value of such objects since the collection was first deposited in the Museum, and that the figures here presented are nearly double what I should have thought it proper to submit under similar circumstances five years ago. I have not, of course, a dealer's familiarity with values, but am tolerably well acquainted with the subject under consideration, and do not believe that my estimates are too high. That they are not too low, particularly in the case of the lacquers, I am not at all positive.

Yours, very respectfully,

G. BROWN GOODE, *Assistant Director.*

Professor SPENCER F. BAIRD,
Director United States National Museum.

A revised descriptive catalogue of the foregoing collection is also submitted as a part of this report.

Descriptive catalogue (revised) of General Horace Capron's collection of specimens of antique Japanese works of art, temporarily deposited in the United States National Museum, Smithsonian Institution.

INTRODUCTION.

In Japan, the love of art has penetrated even to the lowest classes of the people. Their fancies, conceits, poetry, puns, legends, and mythology are all expressed in characteristic forms of art, such as are enumerated in the collection herein described. Instead of ink and paper, or paint and canvas, the artists have selected, as their mediums of expression, porcelain, lacquer-work, screens, embroidery, ivory, and ertal.

This rare and original collection was made by General Capron during a long residence in Japan, which covered a period of the greatest interest in the history of that empire, embracing as it did the closing scenes of a revolution which terminated in the abolition of the feudal system, thereby forcing the Daimios and princes of the empire to offer for sale vast treasures in the way of rare art productions of the days of Japan's greatest prosperity and unrivaled proficiency, specimens of which had been sacredly guarded for centuries. It was from such sources that this collection was taken.

The numerous legends herein recorded were gathered from the people during actual residence among them, and subsequently corrected and elaborated, reference for the purpose to Professor W. E. Griffis's works, The Mikado's Empire (Harpers, New York), Corea, the Hermit Nation (Scribner's, New York), Japanese Fairy World (J. H. Barbyte, Schenectady, N. Y.), and to Audesley and Bowers, The Keramic Art of Japan.

The greater portion of the lacquered work of the collection was taken from the private stores of the Tycoons which were confiscated at the close of their reign by the Mikado's Government. These pieces bear the armorial insignia of the princely families in which they have been treasured for centuries. Other specimens in this collection were derived from imperial sources as presents. The peculiar significance of the combinations of plants and birds in these pieces will be found in the notes appended to this catalogue.

All the articles embraced in this collection were secured before any attempt had been made to imitate these rare and unrivaled works of Old Japan and the substitution of gamboge, tinfoil, and other combinations for pure gold used in the decorations of these antiques.

The time required to produce a first-class lacquered specimen was formerly from four to six years. The longer the time given to each coating the harder and more durable it becomes. From six to eight and even twenty coats of lacquer are necessary for the best work, applied at intervals of from four to six months; hence the worthlessness of the lacquer productions of the present period.

In their keramic products likewise, especially the Satsuma faience, time or labor under the old dynasties were not considered, and during the existence of the Satsuma princes in full power the pure specimens of their potter's work, now so rare, were made without regard to cost. These were never designed to be sold, but were made to serve as presents among the princes and rulers of the empire. No such ware is made at the present time worthy the attention of foreign purchasers. The Satsuma faience in this collection was procured when the lords of Satsuma were wealthy and in the height of their power.

No. 1. The cock on the drum is often chosen by the artist in cloisonné, lacquer, porcelain, and bronze. It is a symbol of good government and a peaceful state of society. It was an ancient custom in China and Japan to station a drum on a stand in front of the magistrate's office. Any one oppressed or maltreated could come and, by beating the drum, call attention to his complaint, and receive redress. In time of misrule or public disturbance the drum would often sound, scaring away bird and beast; but when all was "peace under heaven" the drum was neglected. Years rolled by in peace and quietness; vines grew up and encircled the drum; rust corroded it, and a large piece fell from the side. The cock with his flock becoming familiar with its peaceful aspect selected it as a fit abode for his harem, and the quiet repose of the mother with her little brood as they appear in peaceful possession of the great drum is the result. By such simple means are great events remembered and ancient customs transmitted for ages.

ELABORATELY CARVED IVORIES.

No. 2. Medicine chest.

No. 3. An elaborately carved ivory cylinder, exhibiting a religious procession winding up a hill through bowers of trees and flowers.

No. 4. Cigar-case.

No. 5. *Fukuroku Jin.*—Fukuroku Jin is one of the seven gods of happiness, and the patron of long life and prosperity. He is represented with a cheerful countenance and long flowing beard, and is usually accompanied by a crane or stork, which is the symbol of longevity, and said to live ten thousand years. Every one likes Fukuroku Jin, and wants to get his favor and live long. Children are amused by him. He is mostly seen at weddings, with his long white hair and pleasant smile. (Jap. Fairy World, page 78.)

No. 6. *Akechi.*—This figure, it is believed, is intended to represent Akechi, who assassinated Nobunaga Kioto in 1558-'60. He was a stern, proud man. Not liking the familiar manner in which Nobunaga, in a merry mood, at a feast at his own castle, seized Akechi around the neck and made a drum of his head by drumming on it with a fan, he determined upon revenge. This he accomplished by surprising Nobunaga in his palace at Kioto. (The Mikado's Empire, page 231.)

No. 7. *Kiyomori.*—This tall figure of a warrior in a passion—in white ivory—is Kiyomori, who caused the death by assassination of Yoshitomo. In 1159 he conceived a plan for the complete extermination of the Miame tos, which was centered in the children of Tokiwa, the concubine of Yoshitomo. (The Mikado's Empire, page 121.) Tokiwa is represented in an ivory group of a mother and her three little children fleeing for safety through the snow. For the interesting history of her escape from his wrath, and the eventual restoration of her family to power, see legend attached to that group of ivory, No. 24.

No. 8. The ivory figure with goggle eyes and distorted countenance is one of the thunder-gods. They are seen standing on either side of the main entrance to Buddhist temples. They are of colossal size, and the more hideous the better.

No. 9. A beautiful carved representation of a brave man who killed a serpent which for a long time had infested his neighborhood.

No. 11. Represents a citizen of the third class in holiday dress.

No. 12. Represents a lady of the third class in holiday dress.

No. 13. *Yoritomo.*—This elaborate carving in ivory represents one of Japan's greatest heroes. He was of the Minamoto family, and lived in the twelfth century. Japanese history is filled with his heroic exploits. In his younger life he was a "Prince Hal," and in his after life he became a "Bluff King Harry," barring his polygamic tendencies. (Chap. xiv, The Mikado's Empire.)

No. 14. *Kai Riu O.*—(The god with a black ball in one hand, white in the other.)—This figure represents the god of the sea, who is in the act of raising a tempest in the sea by rolling a black ball or smoothing it down by rolling the white ball. (Japanese Fairy World, page 273.—"The Jewels of the Ebbing and the Flowing Tide.")

No. 15. *Hideyoshi.*—Hideyoshi, born of a peasant family in 1536, was represented as a cunning, reckless boy, at one time a "betto" (groom). He grew up a man of war and a successful soldier. He first reduced the daimios to submission, and then sent his generals Konishi and Kato Kiyomasa, to invade Corea, which he made tributary to Japan. Hideyoshi was one of Japan's ablest rulers. He died in 1598. (See "Corea, the Hermit Nation.")

No. 17. *Kato Kiyomasa.*—This figure is supposed to represent Kato Kiyomasa, who commanded one wing of Hideyoshi's army in the Corean expedition in the sixteenth century. It was he that instigated the cutting off of the ears of the Coreans killed in battle. The ears of ten thousand Coreans killed in one battle were cut off and preserved in salt, or *sake*, and carried back to Japan. In the city of Kioto stands to this day a barrow—*Mimidzuka*, or Ear Monument—under which are entombed the ears of the ten thousand Corean warriors. (The Mikado's Empire, page 245.)

No. 18 represents an ancient warrior in full armor. Japanese armor is made of steel and lacquered paper laced with silk cords.

No. 19. *Lu Wen, the Japanese Rip Van Winkle.*—This woodman, one day, shouldered his own ax and started for the woods to procure his winter's supply of fuel, but was beguiled by a large fox a long distance up the mountain, when suddenly he came upon two beautiful ladies seated upon the ground playing checkers. Lu Wen stopped and wondered, but the ladies took no notice of him, continuing their game, not even asking him to play with them. At last Lu Wen bethought himself of his home and family, and the necessity for his preparation of his winter's wood. Turning back, he went off down the mountain, but his cabin was gone! The venerable rocks were there, but a strange people surrounded them; the children mocked, the dogs barked at him; no one knew him and he knew no one. His long white beard swept the ground and his strange appearance excited wonder. At last he was met by a venerable lady, who, taking compassion upon him, informed him that away back in the history of her family there was a man lived in that neighborhood by the name of Lu Wen, but that was six generations back, and no one ever knew what became of him, so poor Lu Wen hobbled up the mountain side, and was never heard of after. (The Mikado's Empire, page 503.)

No. 20. *Hotei, the Japanese Santa Claus.*—Hotei is one of the seven patrons of happiness. He is as round as a pudding, and as fat as if rolled out of dough. He is a jolly vagabond, but a great friend of the children, who romp over him, standing upon his knees, and hanging around his shoulders, pulling his hair and his long ears. He always has something good for them, which he carries in a sack, which he partially opens that they may see what it contains, but suddenly closes it before they have fairly ascertained its contents. By and by, if the children are good, he opens it. (Japanese Fairy World, page 83.)

No. 21. *Daikoku.*—Another of the seven patrons is a short, chubby fellow, with eyes half sunk into his fat face, but winking with fun. He has a cap set on his head, a long sack over his shoulders, his throne is two straw bags of rice, and

his badge a small hammer or mallet, with which he makes people rich when he shakes it at them. He has long-lopped ears.

No. 22. *Raiko and the Dragon.*—Raiko was famous for his prowess in arms, and deified because of his having killed the great ghoul with three eyes, and the Dojl, or giant-boy demon who ate up young girls. (Japanese Fairy World, page 191.)

No. 23. This exquisitely-wrought ivory figure represents a Japanese fisherman returning from the scene of his daily labor, bearing his little child upon his shoulders holding a fish. It is a beautiful illustration of a Japanese's love for his children. To fully appreciate the delicacy of the carving in this as in all the other pieces in this collection, it should be examined under a magnifying glass.

No. 24. This group represents Tokiwa. Tokiwa was a young peasant girl of superior beauty, whom Yoshitomo made his concubine, and who bore him three children. She fled to escape the minions of Taira after the death of her lord in 1159, who was assassinated in a bath by three hired assassins at Utsumi, in Owari. Tokiwa's flight was in winter, and snow lay upon the ground. She knew neither where to go nor how to subsist; but clasping her babe to her bosom, her two little sons on her right, one holding his mother's hand, the other carrying his father's sword, they trudged on, nearly frozen and half starved. She was met in her flight by a Taira soldier, who, pitying her and her children, gave her shelter and protection, supplying her and her children from his own meager rations. Her husband's great enemy, Kiyomori, was anxious to overtake her, and, believing that her filial affection for her mother would cause her to yield herself up, had seized upon her. Tokiwa heard of her mother's durance at Kioto. Then came the struggle between maternal and filial love. To enter Kioto she feared would be the death of her children, but for the salvation of her mother, a sentiment so strong with the Japanese, she was influenced to take her course into the city, and to trust to her beauty and accomplishments to melt the heart of Kiyomori. Thus she saved the lives of her mother and children. The babe at the breast was the future Yoshitsune, a name which at this period awakens in the breast of a Japanese youth emotions that kindle his enthusiasm to emulate a character that was the mirror of chivalry, valor, and knightly conduct. He was the Chevalier Bayard of Japan. The oldest son, who is represented in the group carrying his father's sword, became a noted warrior. (The Mikado's Empire, page 124.)

No. 25. This figure, a companion to No. 23, is another specimen of skill of the highest order in this art of carving in ivory, and should be examined under a high magnifying power.

No. 26. A mail-clad warrior of the sixteenth century.

No. 27. A Japanese water-carrier.

No. 28. A street juggler, with his boy acrobat.

No. 29. Peasant girl and child.

No. 30. The children's friend and adviser.

No. 31. An exquisite carving, representing three field-mice.

No. 32. One of the gods possessing power to control wild beasts.

No. 33. Fukuroku Jin, mounted on a horse. (See legend attached to No. 5.)

No. 34. *Benton, Queen of the World under the Sea.*—Legend. In the sixth century there lived upon the coast of Tango a poor fisherman and his wife. Their only means of subsistence was the fish caught from the sea by their only son, Taro by name. One day in autumn Taro was out as usual in his boat. The sea was rough and the waves high. He uttered a prayer to the sea-god Kai Riu O. Suddenly there appeared upon the crest of the waves a divine being, robed in white, riding upon a large tortoise. Approaching the wearied fisherman, he greeted him kindly, and invited the poor fisherman to follow him and he would make him a happy man. Taro, mounting the tortoise, sped away with marvelous celerity. The wonderful sights he witnessed in the realms below the sea it would take pages to describe—splendid palaces, richly-dressed ladies with retinues of pages, waiting to welcome him; music, feasts, flowers, songs, and dances; rich jewels and precious gems, dazzling to behold. Amidst this splendor he spent most happily (what he supposed to be) seven days, when he bethought himself of his parents, whom he felt it was wrong to leave so long without their usual supply of food. He determined to return to them. The queen allowed his request; he was escorted to the white marble gate of the palace, and mounting the same tortoise, soon reached the spot which he had left in his boat. The mountains and rocks were familiar to him, but no trace of his parents' hut was to be seen. All was changed. He made inquiries of an old gray-headed fisherman, who informed him that centuries before the persons he described had lived there, and had been buried long years ago, pointing out the place of their interment. He thought their names could be read upon some of the very old tombstones, if the moss and lichens which completely hid them, could be removed. Thither Taro hied, and, after a long search, found the tomb of his parents. A cold shiver ran through him; his teeth, one by one, dropped from his mouth; his limbs stiffened, and his face wrinkled. The weight of four centuries was upon him—he died. The fishermen in various parts of Japan worship the memory of this good boy, Taro, who, even in the palace of the sea gods, forgot not his old parents. (The Mikado's Empire, page 498.) In those days, the jelly-fish—which is now a simple lump of jelly as white and as helpless as a pudding—was a lordly fellow, who waited upon the Queen of the World under the Sea, and right proud he was of his office. He would get his back up and keep it up high when he wished. He was on good terms with the king's dragon, which often allowed him to play with his scaly tail, and never hurt him in the least. But, alas! by betraying the queen's confidence on a certain occasion he was condemned to lose his shell, and was afterward to float helplessly and ashamed. Their children also were ever to be soft and defenseless. Banished from the queen's province, the jelly-fish blushed in confusion, and squeezing himself out of his shell he swam out of sight. (Japanese Fairy World, page 141.)

No. 35. Carpenter with his adze.

No. 36. Old man and boy sheltered from the storm by a palm.

No. 37. *Daikoku* (a small ivory figure with a dragon on its back).—A long while ago, when the Japanese first became Buddhists, they continued to burn incense to Daikoku, because he was the patron of wealth. The Buddhist idols took exception to this, and determined to get rid of him. They sent a dragon to destroy him, but Daikoku clung fast to his money-bags, and only laughed at the dragon and all efforts to destroy him. At last he shook him off, and sent him away howling.

The dragon.—Chief among the ideal creatures of Japan is the dragon. It is seen carved upon the tombs, on the temples, dwellings, and shops. It appears upon the government documents, on their paper money, stamped upon their coins, carved in bronze, in wood, in ivory, and glares upon you from their pictures. There are many kinds of dragons, such as the violet, the green, the red, the white, the black, and the flying dragon. Some are scaly, some horned, all hideous—the more so the better. When the white dragon breathes, the breath of his lungs goes into the earth and turns to gold. When the violet dragon spits, his spittle becomes balls of pure crystal. One delights to kill human beings. One causes floods and storms. The fire dragon is only 7 feet long, but its body is all flame. (The Mikado's Empire, page 478.)

No. 38. Finely wrought group representing the goat-tamer with his little boy.

In Case No. 87 will also be found a choice collection of small but rare specimens of carving in bronze. They are all antiques. They are numbered from 39 to 67, inclusive.

These exquisite specimens of the carver's art are called Netsuke. They are all drilled with two holes in the back, through which silken cords (holding pipe, tobacco pouch, and the smoker's outfit) are run; and the ivory button thrust through the girdle holds the smoker's kit easily. In every sense these ivory toggles are fine illustrations of Japanese decorative art.

No. 68. A case containing a collection of Japanese coins. These were secured only after several years' persevering labor. No attempts at preserving the coins of the country had been made, and those were found here and there among the old curio-hunters, assisted by the obliging managers of the Oriental Bank, and Mitsui, the great Japanese banker. Some date from the sixteenth century, others from the fourteenth, and exhibit the early attempts of the Japanese to convert their bullion into convenient forms for circulation, and show their gradual advancement to the beautiful milled coinage of the present day.

Nos. 72 and 73 are two albums, bearing the Tycoon's crest. They were taken from his private collection. They were originally intended for the preservation of autograph verses of their most renowned poets, of which some twenty or more specimens are inserted in the Japanese Hiragana. The reverse pages have been utilized by the collector for many excellent photographs made by Japanese during 1874, the photographic art then having been only a few years known there. They embrace various scenes, such as the most famous shrines, temples, and parks.

Case 86. In the western division of this case will be found a variety of specimens of Japanese work in bronze and in lacquer, all of which are the productions of the most renowned artists of Old Japan, such as Goro Saburo, of Kioto.

No. 76 is a delicately executed carving in bronze, representing an eagle upon a rock surprised by a serpent crawling from under his perch. Nothing can excel this specimen, either in the workmanship or the expression with which the artist has inspired his work.

No. 77. A beautifully enameled holder for a Japanese pencil or brush-pen.

No. 78. An oval vase, carved in a most elaborate manner to represent a religious procession winding around an eminence. Pilgrimages to famous sacred mountains are considered very meritorious acts among the Japanese.

No. 79. This piece is wrought out of the root of a shrub, and represents birds treed by dogs. This is an artistic delineation of a peculiar tendency of the Japanese to study nature in all its forms, and to work into a significant shape every old stump or root, which, in their imagination, resembles a living form of man or beast.

No. 80. One of the seven patrons of husbandry, mounted upon a mythical animal resembling a reindeer. It is in gold bronze, and is a most spirited piece. He is supposed to be on an errand of mercy.

No. 81. Bamboo cigar-holder.

No. 82. A beautiful chow-chow box. A chow-chow box is a convenient arrangement for serving up for a guest a meal of several courses. It is generally made of wood or papier-maché, finely laid on lacquer. It is divided into sections (in this case four) held in place by a conveniently arranged handle. This serves not only to keep the contents warm but to keep them from slopping over. One of these is placed before each guest as they are seated upon the matted floor, and a pretty Japanese maiden is always in attendance kneeling, ready to replenish the food when required One of these sections may contain fish, another rice, another soup from the seaweed, and a fourth the vegetable daikon, or colossal silver radish, which comprises the principal menu of the Japanese.

No. 83. A large scarf-box of pure gold lacquer, from the Tycoon's collection.

No. 84. Gold-lacquered tray.

No. 85. *A gold-lacquered hibachi* (the hibachi, or fire-brazier).—"The hibachi, or fire-brazier," says Professor Griffis, "is to the Japanese household what the hearth or fire-place is in an occidental home; around it friends meet; the family gathers; parents consult; children play; the cat purrs, and the little folks listen to fairy legends of household lore from nurse and grandma." The hibachi is always found in a Japanese house in some form; often in bronze, carved into fantastic shapes. It is an indispensable requisite, and constant one to light the pipe; for the Japanese of both sexes and of all ages and conditions smoke. Time is allowed for every laborer in the progress of his daily employment to "take a smoke." The Japanese pipe which accompanies the hibachi is made with a tiny bowl. After long mechanical practice the nimble fingers, with automatic precision, roll up the small pellet of the gossamer-cut tobacco in size just to fit the bowl of his pipe. This he touches to the glowing coal in the ubiquitous hibachi, and after one, or, at most two, very deliberate puffs, the pipe is emptied, and a fresh pellet prepared. A native will sit by the hour, mechanically rolling up these tobacco pills, oblivious, apparently, to all surroundings, and the exactness with which he forms his pellets to fit his pipe is wonderful. A shrewd judge once discovered the thief who had stolen his gold-mounted pipe by noticing a suspected person engaged in preparing his pellets to fill his pipe. He saw him draw from its pouch his golden pipe, and commence abstractedly to roll up the globules of tobacco, when, on turning to the brazier, the mouth of the bowl downward, out rolled the pellet. It was made too small for the bowl of the pipe. Here, then, there was conclusive evidence that the pipe was not his own. (The Mikado's Empire, page 501.)

No. 86. Robe chest, formerly belonging to the Tycoon; *it bears his crest of the* three mallow leaves within a circle. This is one of the finest representative pieces of the work of old Japanese artists extant.

No. 87. A cabinet, in old gold lacquer, from the Tycoon's private collection.

Nos. 88 and 89. Two gold-lacquered dispatch boxes, also from the Tycoon's private stores.

No. 90. A pearl-inlaid scarf box.

No. 91. The old Tycoon's helmet case, on which is emblazoned his crest.

No. 92. A chow-chow case of less pretensions. On the eastern section of case No. 86 will be seen the following rare pieces:

Nos. 93 and 94. Two hanging tablets, originally intended for holding slips of poetry, but now, through the agency of Tiffany & Co., converted into beautiful holdings for a thermometer and a weather glass. They are very old and of pure gold lacquer.

Nos. 95 and 96 are two specimens of rare carving in wood. They are the production of an unknown age, but believed to be of the fifteenth century. These pieces, when discovered, were laid away in a family tracing far back its descent. They were looked upon as "heir-looms," but want tempted the owners to part with them. The frames to these pieces were so old as to fall off in the handling, and were newly framed since they came into the possession of the present owner.

No. 97. *Cloisonne vase.*—Is a splendid specimen of cloisonne work. There are few superiors.

No. 98. Another cabinet from the Tycoon's private stores. It is one of the finest specimens of old gold lacquer. It has on it the Tycoon's crest of three leaves within a circle, said to have been derived from a cake ornamented with three mallow leaves, offered in hospitality to the founder of the Tokugawa family, in the fourteenth century.

No. 99. One of the imperial presents. It is several feet in height. The base or pedestal is of pure old gold lacquer; nothing ever made of this character of work surpasses it. On the pedestal rests a richly wrought silver vase of basket-form, from which springs two branches of the Japanese plum-tree (mume), converging to form an arch; on these branches are perched two nightingales wrought in silver. This combination of the nightingale with the plum-tree is the poet's combination. It is symbolical of friendship and esteem.

No. 100. Another imperial present, equally exquisite in design and execution The base is of pure gold lacquer. On this pedestal rests a representative of a rock carved in bronze, around which are twining branches of "Paulownia Imperialis," the imperial tree of Japan. Upon the top of this rock are perched, in graceful attitude, two of the mythical "Ho-ho," or, according to Griffis,

Ho-wo. Both of these mythical birds are wrought from pure silver, and are of the highest order of Japanese art. These two pieces—Nos. 99 and 100—were selected by members of the royal household from a collection of rare productions in the possession of the ancient princes of the Empire, said to be two hundred years old.

The Japanese idea of the mythical Ho-ho (the Ho-wo, or phœnix, as seen in piece No. 100; sometimes written by the English Ho-ho).—The Ho-wo, as seen on the smaller silver (imperial presents) is a fabulous bird of Chinese mythology, whose visits upon the earth are as rare as those of the angels. It is seen sculptured upon the tombs of the Shoguns of Japan, stamped upon their paper currency, and pictured in every way. It seems to be a combination of the pheasant and peacock. According to Professor Griffis, it is described by the Chinese as follows: "The phœnix (Ho-wo, in Japan) is the essence of water. It was born in the Vermilion cave. It roosts not but upon the most beautiful trees; it eats not but of seeds of the bamboo; it drinks not but of the sweetest springs; its body is adorned with the five colors; its song contains the five notes. As it walks it looks around; as it flies, the hosts of other birds follow it. Virtue, obedience, justice, fidelity, and benevolence are symbolized in the decoration of its head, wings, body, and breast. Its appearance is waited with great eagerness, as the annunciation of some great event or the appearance of some great leader."

The Ho-wo and the Paulownia Imperialis tree are often blended as imperial emblems on the Mikado robes, curtains, &c. This tree is an emblem of rectitude. Its leaves form the imperial crest. (The Mikado's Empire, page 481.)

No. 101. The Tycoon's sword-rack in gold lacquer.

No. 102. The sword of the Tycoon.

No. 103. A specimen of Japanese carving in wood, representing a fishing junk, with crew, dog, and nets.

In the long case resting against the north wall are the following pieces:

Nos. 104 and 105 are two Japanese screens, decorated with paintings on silk, representing street scenes in the city of Tokio in the times of the Shogunate, and also Japanese annual celebrations, as, for instance, the Feast of Flags, the annual display of the Nobori. This last is explained in the following sketch:

Nobori (the paper fish).—The fifth day of the fifth month—5th of May—is celebrated in Japan as the Feast of Flags, and is the day on which is displayed the Nobori, or paper fish. It is suspended from a tall bamboo pole over every house wherein a male child has been born during the preceding year. This fish is generally of paper, but sometimes, among the wealthy, is made of silk, and graduated in size to suit the purse—in some instances 30 to 40 feet in length, generally from 6 to 10. They are formed and painted to represent the carp, which fish is selected because of its ability to swim swiftly against a rapid current and leap over waterfalls, thus symbolizing great energy of character, the ability to surmount great difficulties and eventually to achieve success. (Japanese Fairy World, p. 227.) This fish being hollow and suspended by the mouth, the wind expands the body and it floats in the air with all the grace of movement of a fish in his native element.

Screens Nos. 106 and 107. On these screens the paintings are on silk. They represent the three ruling classes in the Japanese Empire, under the dual form of government. The robes of state and the details of every article of dress in each of the three ranks, the Mikado, the Tycoon, and the Daimios, even to the color and quality of the material, as well as to form, was regulated by edict; so also was the style of dressing the hair. All were different down to the common cooly. The double eyebrow, as seen upon the forehead of the Mikado, his wife, as also that of the Tycoon's consort, indicate their direct descent from the royal family. The Tycoons themselves were not of royal descent, but as commanders-in-chief of the armies had usurped the whole power of the throne for several centuries.

Of the bronzes in this case—

No. 108 is an incense-burner in octagon shape.

No. 108½. Another small incense-burner.

No. 109. An elaborately-carved falcon, perched upon the branch of a tree, which may be used as a bouquet holder, although it was not originally intended for that. This beautiful specimen of Japanese carving in bronze will bear inspection, but to appreciate more clearly the wonderful productions during past ages of this isolated and half-civilized people it should be borne in mind that all this exquisite carving in bronze and in ivory are the results of patient hand labor, unaided by any mechanical appliances whatever. It is not infrequent that the decoration of one of these pieces has required the work of a skilled artisan for years.

No. 110 is a Japanese god upon a fish, representing the first introduction of letters to Japan. (Corea, the Hermit Nation, pages 20 and 51.)

No. 111 is a Japanese god upon a reindeer in repose.

Nos. 112 and 113. A pair of richly carved vases, 36 inches in height. They are the work of centuries back.

Nos. 114 and 115. A pair of bronze vases of the famous Zogan style of workmanship; inlaid with gold and silver; 26 inches in height.

No. 116. *Jiariya* (Young thunder).—A poor but brave and ambitious boy, expert swordsman, and ambitious to restore the shattered fortunes of his family, became chief of a band of robbers, who plundered many wealthy merchants, and in a short time in this way had accumulated much wealth. Jiariya, hearing of an old man that lived in a mountainous region, started out to rob him. Overtaken in a heavy storm, he took refuge in an humble house. Entering, he found a very beautiful woman, who treated him with kindness. At midnight, when all was still, he unsheathed his sword, and going noiselessly to her room, was about to strike off her head, when in a flash her body changed into a very old man, who seized the heavy steel blade and broke it in pieces as though it was a stick. Jiariya was amazed, but not frightened. "I am Senso Dojin," exclaimed the old man, "and have lived in these mountains many hundred years; but my body is a frog. I can easily put you to death, but I have another purpose." Jiariya was undaunted, and asked to be received as his pupil. The old man said to him: "Henceforth cease from robbing the poor. Take from the wicked rich and those who acquire money dishonestly and help the suffering." Thus speaking, the old man turned into a huge frog and hopped away. From that time forth the oppressed poor people rejoiced as the avaricious and extortionate money-lenders lost their treasures, while they were protected. Jiariya married a beautiful woman, and after a very eventful life, and in one of his greatest battles, he was successful in killing the great dragon coil. During the time he remained with the old man of the mountains he had learned how to govern the frog, which, at his bidding, assumed great size, so that on its back he could stand up and cross rivers. He also learned how to cause storms, control the mountain spirits, and direct the elements at will, and throughout the country was known as "Young Thunder." He was made a Daimio of Idzu, and lived for many years in the bosom of his family, engaged in the reading of books, teaching his children, cultivating flowers, and beautifying his yashiki by the introduction of rare and beautiful plants. (Japanese Fairy World, page 126.)

No. 117. *Senso Dojin* (legend).—When Jiariya, or Young Thunder, in his youth, became chief of a band of robbers, he started out on an expedition to rob an old man. This old man was Senso Dojin, who had lived in the mountains many hundred years. His true body, however, was that of a frog, but retained the form of a very old man. He determined to instruct Jiariya in the way of the mountain spirits, how to cause a storm of wind or rain, to make a deluge, and control the elements; also how to govern frogs, and at his bidding to assume great size. Senso Dojin then bade Jiariya depart and henceforth cease from robbing the poor, but to take from the rich, the wicked, and dishonest. Thus speaking, the old man turned into a frog and hopped away.

No. 118. Lacquered pedestal.

No. 119. Japanese god upon a horse.

No. 120. Same as 119.

No. 121. One of the Seven Patrons of Happiness, Toshitoku, upon a reindeer in repose.

No. 122. A finely wrought vase, 12 inches in height.

No. 123. Japanese bull, used as a beast of burden.

No. 124. Bronze vase, square form, 12 inches in height.

Nos. 125 and 126. Pair of cloisonne vases, 25 inches in height.

No. 127. A Satsuma vase, 26 inches in height. One of the finest specimens of an Old Satsuma vase, both as to form and decoration, to be found.

Nos. 128 and 129. A pair of Satsuma vases of the sixteenth century, very unique in form and finish; 24 inches in height.

Nos. 130 and 131. A pair of Satsuma vases, 27 inches in height. The form and decoration of this pair of vases are of the highest order. In Audesley and Bowes's work on Japanese Keramics, plate 16, part 2, and plate 22, part 6, will be seen engravings of this character of vase.

Nos. 132 and 133. A pair of Old Satsuma vases, 25 inches in height, of the elephant trunk pattern. This particular form of decoration was only in vogue during the seventeenth century, which indicates strictly the period of their manufacture. For an illustration of a pair exactly similar to these, see plate 23, part 2, Audesley and Bowes's work on Japanese Keramics.

Nos. 134 and 135. A pair of Hizen vases, 48 inches in height. Decoration, blue and gold under a glaze. These vases are of a peculiar construction, in two perfect cylinders, one within the other. The outer cylinder is open work, a pattern rarely seen, and greatly admired by connoisseurs in this art.

No. 136. Incense burner, in Satsuma faience. Very old and rare.

137. Japanese coat of mail of the sixteenth century.

Nos. 138 and 139. Lacquered pedestals.

Nos. 140 and 141. Lacquered pedestals.

Nos. 142, 143, and 144. Three extra fine old Satsuma vases.

PORCELAIN.

Satsuma Faience.

The manufacture of Satsuma faience was commenced in the sixteenth century.

"The earliest reliable specimens of Satsuma pottery are of very rude manufacture, being of a dark colored clay, rudely modeled and very different from those beautiful works of a soft-tinted faience of a later period, decorated with flowers, birds, and other objects, a style more delicate and artistic than can be found throughout the entire range of keramic art outside the islands of Japan."

About the year 1597, after the Japanese had invaded Corea, Shimadzu Yoshihisa, Prince of Satsuma, who accompanied that expedition, brought with him on his return to Japan a number of Corean potters, skilled in the fabrication of porcelain, and settled them in the neighborhood of Kagoshima, in the province of Satsuma. Speedily setting to work, they experimented on the various materials obtainable in that neighborhood, and after repeated trials succeeded in producing a hard faience which is now known by the name of Satsuma ware.

The descendants of these Corean potters have ever since—up to the year 1871—been under the authority and patronage of the many generations of the Satsuma princes, whose immense wealth and influence were directed to the perfection of this work.

Shimadzu Yoshihisa had taken care to secure the best and most experienced workmen, which policy has been continuously followed by all his successors up to the time of the abolishment of the feudal system in 1871.

Since that period, deprived of the protection and support of the reigning princes of Satsuma, this work has gradually fallen away, until at the present time there is none manufactured worthy the attention of the foreign collectors. See report to the Asiatic Society, after a most careful inspection into the condition of the works in Japanese keramics.

The production of a fine crackle observable in the pure Satsuma is due to the unequal contraction which takes place between the body and the glaze, which results in the minute net-work of fine cracks. "It can be said that in the entire range of keramic art there has been no surface produced more refined or more perfectly adapted to receive the colored decoration so famous in the Satsuma faience."

The specimens of the Satsuma faience which are sometimes met with, heavily decorated with religious or heraldic designs, most probably received their finish in the Kioto school. The pure Satsuma is, in most cases, finished in floral designs in combination with birds, with occasional medallions in geometrical figures emblematical of some sentiment.

The imitation Satsuma, manufactured at Awata in Hizen, and decorated in Tokio, is easily detected, the pure Satsuma being somewhat roughly potted, and generally of a hard and rather grayish-white body, while the faience of the Awata ware is most carefully manipulated, and is of a fine, soft texture, of a warm creamy or pale yellow tint, covered with a thinner or more minute crackle glaze than that applied to the pure Satsuma. It is also more profusely decorated and heavily ornamented with storks, tortoises, dragons, and birds of various kinds in heavy imitation of gold, and enameled in gaudy tints. Samples of this class of work are illustrated in plates 38, 39, 40, and 42, of Audesly and Bowes's Keramic Art of Japan, and are very fine specimens, although not Satsuma.

The pure Satsuma is of a very light tint, ranging between grayish white and vellum, or light cream color; the imitations are mostly in a buff color or light yellow. At a very early period a black ground was resorted to, but not long followed. A few specimens of this are now in existence.

ARITA.

The ware known as Arita, Imari, Nagasaki, &c., are all manufactured in the province of Hizen, and mostly exported from Nagasaki, but little or none is manufactured in that town. The great Hizen vases, such as were exhibited at the exposition at Vienna and at Paris (specimens may be seen in the vestibule at the Corcoran Art Gallery), are made at Arita, in the province of Hizen, and are known as Hizen manufacture. Their great fault is too much crowding in the decoration and great want of taste. This style still clings to this class of keramic art.

Of the fine specimens of blue under a glaze, so much admired by connoisseurs in the pure Hizen manufacture, there are two in vases in this collection—Nos. 130, 131.

Symbolical combinations.

(See "The Mikado's Empire," page 581.)

The combination of trees, flowers, and birds on the Japanese porcelains, screens, &c., are symbolical of some sentiment, as, for instance, the pine tree and the stork, emblems of longevity. They are seen embroidered on silk robes, and presented to newly born infants.

The willow and the swallow, the bamboo and the sparrow are indications of gentleness, and are often seen on screens and fans.

The young moon and the cuckoo, the bird as seen flying across the crescent, has a poetic reference to a renowned archer, who shot a hideous beast, having the head of a monkey and the claws of a tiger.

The Phœnix bird (Ho-wo, or Ho-ho), with the Paulownia Imperialis, as seen embroidered on the Mikado's robes, rugs, curtains, gilded screens, &c., is an emblem of rectitude. The leaves of this tree form the imperial crest.

The red maple leaves and the stag are often painted upon their screens with

great effect. It signifies change, as, for instance, in the fall of the year the leaf changes to a beautiful crimson, sometimes to a brilliant maroon, and when used upon their screens and presented to another party may indicate a change of feeling or sentiment. A lover to send his once loved a sprig of this autumn maple is equivalent to giving her the mitten.

The cherry blossom and pheasant are often combined in poetry and art decorations. The beautiful feathered bird and the bloom of the Sakura tree, which is cultivated solely for its blossoms, the national flower of that beautiful land. The flowers are often as large as a rose, and the falling bloom whitens the ground.

FLOWERS, ETC., 2.

The plum (Mume) tree, joined with the nightingale, is the poet's combination. It is always admired. This beautiful flowering tree is not infrequently seen in full bloom and not a leaf visible. It bursts into clouds of fragrance and beauty in February; sometimes it may be seen in full bloom with the ground, in early morning, covered with snow.

The combination of bamboo and the sparrow or the willow with the sparrow are emblems of happiness.

The plum tree in Japan blooms in February; the cherry tree in April; the lotus in July; the chrysanthemums in August, and long into winter.

THE JISHIN UWO, OR EARTHQUAKE.

The great fish, upon whose back is supposed to rest the main portion of the Japanese Empire, is the largest of all their mythical creation. The head of the fish, it is believed, is under the most northern portion of the main island, and its tail somewhat near Tokio and Kioto, the two parts where the greatest effects of the earthquake is felt. A gentle quaver of the earth is produced when he simply bristles his spine. A severe shock indicates that the brute is on a rampage, like a wounded whale. When the great sea-dragon thrashes the ocean bottom in his wrath, the ground trembles, and rocks and houses tumble, and destruction follows. When he arches his back in his wrath, the ocean rolls, and the awful tidal wave engulfs the land, and cities and towns are swept away in interminable ruin.

Japan feels the gentle quaver when he breathes; frequently, Mr. Griffis says, about twice a month on an average. I have felt them twice in a day, and one hundred have occurred in one moon. The last great upheaval occurred in 1856, when it is claimed fifty thousand people perished in Tokio alone. Serious shocks, however, have occurred since and are frequent.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. SIBLEY.

The bill (S. 918) for the relief of Charles A. Sibley, guardian of Lloyd M. Stevens, was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over.

NICHOLAS J. BIGLEY.

The bill (S. 42) for the relief of Capt. Nicholas J. Bigley was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over.

GEORGE W. SAULPAW.

Mr. HOAR. I am obliged to leave the Chamber for a short time to attend a committee meeting, and I should like to have unanimous consent that Order of Business 326, being the bill (S. 474) for the relief of George W. Saulpaw, may be passed over, retaining its place on the Calendar. I do not propose to call it up to-day, but not to have it lose its place on this Calendar if it comes up again.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. The Chair hears none.

CINNABAR AND CLARK'S FORK RAILROAD COMPANY.

The bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company was announced as next in order.

Mr. VEST. I object to the consideration of that bill.

Mr. SAWYER. The Senator from South Carolina [Mr. BUTLER] is very much interested in that bill, and I ask that it be passed over without prejudice until he comes in.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over without prejudice.

Mr. SAWYER. Only until the Senator from South Carolina comes in.

Mr. VEST. No; I do not consent to that.

Mr. SAWYER. Then I move to proceed to the consideration of the bill.

Mr. MANDERSON. I rise for the purpose of making an inquiry. If this bill shall be considered, notwithstanding the objection, will it be considered under the eighth rule, limiting debate to five minutes?

The PRESIDENT *pro tempore*. The Chair is of opinion that it will ["No!" "No!"], until 2 o'clock at any rate.

Mr. HARRISON. I think where a bill is taken up on motion over an objection, the debate on it proceeds without limitation.

The PRESIDENT *pro tempore*. That would be true, unless the rule was modified by the special order applicable to this day.

Mr. MANDERSON. My vote would depend on that ruling. I do not desire to antagonize the consideration of the bill if it can be considered without the limitation of five minutes on debate.

Mr. INGALLS. The language of the rule is:

But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

The PRESIDENT *pro tempore*. The Chair, on reflection and examining the rule, is of opinion that the special order under which the Senate is acting to-day does not abrogate the eighth rule in that respect, so that if the bill is taken up on this motion it will be open to general debate.

Mr. HARRISON. Before that motion is put I would suggest to the Senator from Missouri whether it would not be better to yield to the request of the Senator from Wisconsin, and let the bill go over without prejudice. If it is taken up and debated to-day, it will take a large part of the day.

Mr. VEST. I have no objection to that.

Mr. SAWYER. I will now yield, because the Senator from South Carolina has come in.

Mr. BUTLER. I have no interest in the bill. I am simply the mouthpiece of the Committee on Territories.

Mr. LOGAN. Let it go over without prejudice, retaining its place on the Calendar.

Mr. BUTLER. What would be the effect of that?

Mr. LOGAN. It does not lose its place. It will be reached again.

The PRESIDENT *pro tempore*. If passed over without prejudice it will retain its place.

Mr. INGALLS. A majority can take it up at any time they desire.

Mr. BUTLER. I do not desire to antagonize the rule agreed upon. Therefore I consent to that arrangement.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice. A majority can take it up at any time.

Mr. BUTLER. Very well.

FOREST RESERVATION AT CLARK'S FORK.

The bill (S. 581) to establish a forest reservation on the headwaters of the Missouri River and the headwaters of Clark's Fork of the Columbia River was announced as next in order.

Mr. COCKRELL. I should like to hear some explanation of that bill, especially of the boundaries of this park.

The PRESIDENT *pro tempore*. There is no written report accompanying the bill.

Mr. COCKRELL. Is there any member of the Committee on Agriculture present who has any knowledge or information in regard to this bill?

The PRESIDENT *pro tempore*. The Senator from New York [Mr. MILLER], the chairman, who reported the bill, is absent by leave of the Senate on committee service. Is there objection to the consideration of the bill?

Mr. COCKRELL. I do not object to it, because it is probably right, but I think we should know something about the size of this reservation, and have some explanation of it. The Senator from Vermont [Mr. EDMUNDS] who introduced the bill is not present. I understand the Senator from New York will be here in a few moments.

Mr. LOGAN. Let it be passed by temporarily.

Mr. COCKRELL. Let it be passed by, to be called up as soon as the Senator from New York comes in.

The PRESIDENT *pro tempore*. The bill will be passed over.

ERNEST H. WARDWELL.

The bill (S. 1455) for the relief of Ernest H. Wardwell was announced as next in order.

Mr. LOGAN. I object to that at present.

The PRESIDENT *pro tempore*. The bill will be passed over.

RICHARD C. RIDGWAY AND OTHERS.

The bill (S. 1839) for the relief of Richard C. Ridgway and others was announced as next in order.

Mr. INGALLS. I move that that bill be referred to the Committee on Finance.

Mr. CALL. I hope the Senator will withdraw that motion. This bill has received very careful consideration, more than once as I understand by the Commissioner of Internal Revenue, and has been very exhaustively considered in the Committee on Claims, as is exhibited by a report made by Senator Jackson, formerly a member of this body. It is a case of very great hardship and seems to be perfectly plain, one in regard to which there can be no kind of doubt. If the Senator will look at the report he will see that the case is a perfectly clear one, and one to which there can be no objection.

Mr. INGALLS. I can not understand on what theory the bill ever went to the Committee on Claims, or ever was reported by that committee. It is a matter for the consideration of the Committee on Finance. It relates to the collection of internal revenue, refunding the taxes that were paid under the excise law. Obviously it is a mistake, and it is not too late to rectify it, and I hope therefore that the motion I have made will be agreed to.

Mr. CALL. I do not know that it is a matter exclusively within the jurisdiction of the Finance Committee. It is scarcely an argument to be urged when a committee of this body having jurisdiction, and quite as capable of considering the merits of the claim as any other committee, and having given to it the most careful consideration, has reported a state of fact in regard to which if the Committee on Finance were to report adversely it would not affect the substantial force and conclusiveness of the facts contained in this report. There is a report that parties have paid under an improper construction of the law, as admitted by the Department, taxes upon spirits which were not in bond. The law is entirely plain on the subject, and is so reported by the proper officer of the Government that the tax was improperly paid—paid upon spirits which were not in bond, when the instruction of the

Department had been to exact tax only on such amount of spirits as were found to be in the warehouse.

For these reasons I think the Senate ought to act on this claim, which has been pending Congress after Congress on this state of facts, after the Department has acknowledged its propriety, and there is no dispute in regard to any fact whatever. The bill simply asks that the matter be referred to the Commissioner of Internal Revenue, to pay such amounts as he shall ascertain were improperly exacted under that construction of the law.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the bill be referred to the Committee on Finance.

A division was called for.

Mr. INGALLS. In order that the absence of a quorum may not be disclosed, I object to the consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. CALL. I have a right, I believe, to move that that bill be taken up by vote of the Senate notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator has a right to make that motion.

Mr. CALL. I make that motion, then.

Mr. COCKRELL. I hope it will not prevail.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate proceed to the consideration of Senate bill 1839, notwithstanding the objection.

Mr. CALL. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT.]

Mr. HARRIS (when his name was called). The Senator from Vermont [Mr. EDMUNDS] is absent to-day owing to the illness of his colleague [Mr. MORRILL]. I was asked to pair with him, and I agreed to do so on all questions where I thought we would differ; but on this question I am sure we would vote the same way. I therefore vote "nay."

My colleague [Mr. WHITTHORNE], who is necessarily absent, is paired with the Senator from Oregon [Mr. MITCHELL].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. MITCHELL, of Oregon (when his name was called). I am paired with the Senator from Tennessee [Mr. WHITTHORNE]. If he were present, I should vote "nay."

Mr. HARRIS. The Senator may vote on this question if he chooses to do so.

Mr. MITCHELL, of Oregon. I decline to vote.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "yea" if he were present.

The roll-call was concluded.

Mr. JONES, of Arkansas. I am paired with the Senator from Rhode Island [Mr. CHACE], who is called away. I have no idea how he would vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote.

Mr. DOLPH (after having voted in the affirmative). I withdraw my vote. I recollect that I am paired with the Senator from Georgia [Mr. BROWN].

Mr. JONES, of Arkansas. I vote "yea," to make a quorum.

The result was announced—yeas 17, nays 23; as follows:

YEAS—17.

Beck,	Cullom,	Jones of Arkansas,	Walthall,
Berry,	Eustis,	McPherson,	Wilson of Md.
Butler,	George,	Maxey,	
Call,	Gibson,	Pugh,	
Colquitt,	Gray,	Ransom,	

NAYS—23.

Aldrich,	Dawes,	Jones of Nevada,	Sawyer,
Allison,	Frye,	Logan,	Sherman,
Blair,	Harris,	McMillan,	Teller,
Cockrell,	Harrison,	Mahone,	Van Wyck,
Coke,	Hawley,	Miller,	Wilson of Iowa.
Conger,	Ingalls,	Plumb,	

ABSENT—36.

Blackburn,	Fair,	Mitchell of Oreg.,	Sabin,
Bowen,	Gorman,	Mitchell of Pa.,	Saulsbury,
Brown,	Hale,	Morgan,	Sewell,
Camden,	Hampton,	Morrill,	Spooner,
Cameron,	Hearst,	Palmer,	Stanford,
Chace,	Hoar,	Payne,	Vance,
Dolph,	Jones of Florida,	Pike,	Vest,
Edmunds,	Kenna,	Platt,	Voorhees,
Evarts,	Manderson,	Riddleberger,	Whitthorne.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The bill goes over under objection.

PROPERTY SEIZED IN THE UTAH EXPEDITION.

Mr. COCKRELL. There is a House bill on the table, which I ask to have laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. COCKRELL, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. JONES of Arkansas, Mr. HOAR, and Mr. MITCHELL of Oregon.

CARRYING OF PASSENGERS BY STEAM-VESSELS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. MILLER, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MILLER, Mr. DOLPH, and Mr. GORMAN.

FOREST RESERVATION AT CLARK'S FORK.

Mr. COCKRELL. Now I ask that Order of Business 325, which was passed over in the absence of the Senator from New York [Mr. MILLER], being the bill (S. 581) to establish a forest reservation on the headwaters of the Missouri River and the headwaters of Clark's Fork of the Columbia River, be called up.

Mr. MILLER. That is a bill which passed the Senate at the last session.

Mr. COCKRELL. I had the matter laid over informally until the Senator from New York could be sent for, simply to have some explanation of the area of this country and the object of the bill.

Mr. MILLER. I am not able to state at this very moment the precise area. The matter has gone out of my mind, and the papers in connection with it were sent to the other House some time ago, and I have not yet been able to have them returned, but it is precisely the same bill which passed the Senate at its last session.

The Senate will remember that the bill was introduced by the Senator from Vermont [Mr. EDMUNDS], who had charge of it at the last session, and who made a statement then which was printed in the RECORD.

I am very sure that the boundaries of the reservation and the amount of land contained in it would commend the measure to all the Senators if I were able to state the exact figures, but having sent the papers to the other House and been unable to secure their return, I am not able to give the exact data. The location is at the headwaters of the Columbia River and other streams in a mountainous region, and it is simply for the preservation of the forest in that region and for the protection of the waters of those rivers.

Mr. COCKRELL. The area is the same as was embraced in the bill passed by the Senate during the last Congress?

Mr. MILLER. Precisely the same in that respect as the bill passed at the last session.

Mr. PLUMB. I think I shall object to the bill, for the present at all events.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

REPEAL OF THE CIVIL-SERVICE LAW.

The bill (S. 839) to repeal chapter 27 of the acts of 1883, relating to civil service, was announced as next in order.

Mr. ALLISON. Let that be indefinitely postponed.

The PRESIDENT *pro tempore*. There is an adverse report.

Mr. HAWLEY. That bill might as well be indefinitely postponed.

The PRESIDENT *pro tempore*. If there be no objection the bill will be indefinitely postponed.

Mr. VANCE. There is objection. I ask for a vote upon that question.

Mr. HAWLEY and Mr. ALLISON. Let us take the vote by yeas and nays.

Mr. COCKRELL. I object to the consideration of the bill.

Mr. ALLISON. I move the indefinite postponement of the bill.

Mr. INGALLS. I object to the consideration of it.

Mr. HARRIS. Being objected to, it goes over.

Mr. VANCE. I move that it be taken up notwithstanding the objection. I want a vote upon it at some time.

Mr. HAWLEY. I hope it will be taken up and disposed of.

Mr. VANCE. It can as well be disposed of now as at any other time.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 839) to repeal chapter 27 of the acts of 1883, relating to civil service.

Mr. HAWLEY. I care to make no speech upon it. There is an adverse report from the Committee on Civil Service.

Mr. LOGAN. Let us have the yeas and nays.

Mr. HAWLEY. We may as well have the yeas and nays upon it at once. I renew the motion to indefinitely postpone the bill.

The yeas and nays were ordered.

Mr. INGALLS. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the act approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," and all acts supplementary thereto or amendatory thereof, are hereby repealed.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the motion to postpone the bill. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ALDRICH responded to his name.

Mr. HAWLEY. I should have been glad to withdraw my motion of indefinite postponement and let the vote be taken squarely on the bill.

Mr. BUTLER. If the Senator from Connecticut withdraws the motion I shall take the liberty of renewing it.

Mr. ALLISON. Let us go on.

Mr. INGALLS. If I could have the opportunity I would move to lay the bill on the table.

The PRESIDENT *pro tempore*. A response has been made. ["Object!" "Object!"]

Mr. ALLISON. Let the roll-call proceed.

The PRESIDENT *pro tempore*. A response having been made, the roll-call will proceed.

The Secretary resumed the calling of the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS] upon all questions to-day. If he were present, I should vote "nay."

Mr. COCKRELL (when Mr. HARRISON'S name was called). I am paired with the Senator from Indiana [Mr. HARRISON]. I should vote "yea" if he were present.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "nay."

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE]. If present, my colleague would vote "yea" on this motion; but by the authority given me by my colleague the Senator from North Carolina is authorized to vote upon this bill, his own pet measure.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "nay."

Mr. HARRIS (when Mr. WHITTHORNE'S name was called). I will announce for all to-day that my colleague [Mr. WHITTHORNE] is paired with the Senator from Oregon [Mr. MITCHELL]. I do not know how either would vote on this motion.

The roll-call was concluded.

Mr. JONES, of Arkansas. I am paired with the Senator from Rhode Island [Mr. CHACE], but learning from his colleague that he would vote "yea," if present, I will vote "yea."

Mr. MCMILLAN. My colleague [Mr. SABIN] is detained from the Senate by sickness. If he were here, he would vote "yea." He is paired with the Senator from West Virginia [Mr. KENNA].

Mr. HAWLEY. My colleague [Mr. PLATT] is absent, paired with the Senator from West Virginia [Mr. CAMDEN]. If my colleague were here, he would vote "yea."

Mr. BUTLER (after having voted in the affirmative). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON], but understanding that he would vote "yea," if present, I shall allow my vote to stand.

Mr. MANDERSON. I announce my pair with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote. I should vote "yea" if he were here.

Mr. FRYE. My colleague [Mr. HALE] is absent from the city, and is paired with the Senator from Kentucky [Mr. BECK]. If present, my colleague would vote "yea."

Mr. BECK. After what the Senator from Maine has said, I ought to state that I would vote "nay" but for the fact that I am paired with his colleague [Mr. HALE].

Mr. HEARST. In the absence of my colleague [Mr. STANFORD], not knowing how he would vote, I withhold my vote.

Mr. HARRIS. As there is not a quorum voting, and my vote can not change the result, to secure a quorum I record my vote "nay."

The result was announced—yeas 33, nays 6; as follows:

YEAS—33.

Aldrich,	Frye,	Logan,	Spooner,
Allison,	George,	McMillan,	Teller,
Blair,	Gibson,	McPherson,	Van Wyck,
Bowen,	Gray,	Miller,	Walthall,
Butler,	Harrison,	Plumb,	Wilson of Iowa,
Cockrell,	Hawley,	Pugh,	Wilson of Md.
Conger,	Hoar,	Sawyer,	
Cullom,	Ingalls,	Sewell,	
Dawes,	Jones of Arkansas,	Sherman,	

NAYS—6.

Berry,	Eustis,	Jones of Nevada,	Vance.
Call,	Harris,		

ABSENT—37.

Beck,	Evarts,	Maxey,	Riddleberger,
Blackburn,	Fair,	Mitchell of Oreg.,	Sabin,
Brown,	Gorman,	Mitchell of Pa.,	Saulsbury,
Camden,	Hale,	Morgan,	Stanford,
Cameron,	Hampton,	Morrill,	Vest,
Chace,	Hearst,	Palmer,	Voorhees,
Coke,	Jones of Florida,	Payne,	Whitthorne.
Colquitt,	Kenna,	Pike,	
Dolph,	Mahone,	Platt,	
Edmunds,	Manderson,	Ransom,	

So the bill was postponed indefinitely.

FRANCIS DENMEAD.

The bill (S. 766) for the relief of Francis Denmead was considered as in Committee of the Whole.

Mr. HARRIS. I move to amend by striking out, after the word "twenty-four," in line 11, all the rest of the bill.

The SECRETARY. It is proposed to strike out, after the word "twenty-four," the words: "And the same hereby are granted and conveyed to Francis Denmead, his heirs and assigns forever;" so that the bill will read:

That the United States of America hereby quitclaims and releases to Francis Denmead, his heirs and assigns, any title or interest which the said United States have, by reason of any escheat or supposed escheat, in and to the following-described real estate situate, being, and lying in the city of Washington and District of Columbia, known and designated on the public plat or plan of said city as lots numbered 1, 2, 18, 19, and 20, in square numbered 924.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT ACCOUNTS.

The bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. INGALLS. In connection with the bill just passed I ask to have printed in the RECORD, as matter that may be important for the House to consider in connection with the bill, a letter from the former president of the board of commissioners of the District dated March 10, 1886, a letter from the Treasurer of the United States dated April 6, 1886, and also another from the same official dated June 1, 1886.

The PRESIDENT *pro tempore*. No objection being made, the papers will be published in the RECORD.

The papers are as follows:

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
Washington, March 10, 1886.

SIR: At present by law the Treasurer of the United States is required to invest so much of the sinking fund of the District of Columbia as is not required for current interest in District bonds (United States Statutes, volume 22, page 470) and is also required by the organic act of the District to invest all money retained from District contractors in United States or District of Columbia bonds. These bonds at the present time have gone so high in price that it is necessary to pay premiums of about 19 per cent. for 3.65 bonds and 32 per cent. for the 7 per cent. bonds of the District of Columbia. As these bonds mature their price will necessarily decline and the loss will be that of the United States and the District. If Congress by joint resolution should authorize the Treasurer of the United States when, in his judgment, it is for the interest of the United States or the District of Colnmbia so to do, to retain the money instead of investing it in bonds allowing 3 per cent. interest on the sums so retained, the commissioners think it would be a wise provision. The commissioners understand that this is also the opinion of the United States Treasurer, who suggests this as the simplest and best mode of securing the Government against loss. The commissioners therefore take the liberty of inclosing a form of a joint resolution by Congress to that effect and beg for it the serious attention of the committee, supposing that a joint resolution will be sufficient for the purpose and that the committee will confer with the Treasurer of the United States, whose opinion upon this point would be duly appreciated by Congress, as it is by the commissioners. Nearly three and one-half millions of the District 6 per cent. debt will mature in 1891, and this resolution if adopted will enable the Treasurer to apply the sums so retained to the payment of that debt.

Very respectfully,

J. B. EDMONDS, *President.*

Hon JOHN J. INGALLS,
Chairman Committee for District of Columbia,
United States Senate.

TREASURY OF THE UNITED STATES, *Washington, April* 6, 1886.

SIR: I notice in Senate bill No. 1854, authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys, in lieu of investing the same in bonds, provision is made only for the retention in the Treasury

of the amounts available for the various sinking funds and the amounts retained from District contractors. I would be glad if the bill was so amended as to include in its provisions the Metropolitan police and firemen's relief funds. Said funds are required by law to be invested in bonds, and such investment, if made in the present condition of the market, is likely to entail a loss.

Very respectfully,

C. N. JORDAN,
Treasurer United States,
Ex officio Commissioner Sinking Fund, District of Columbia.

Hon. J. J. INGALLS,
Chairman District Columbia Committee,
United States Senate.

TREASURY OF THE UNITED STATES, *Washington, June 1, 1886.*

SIR: Referring to Senate bill No. 1854, authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds, the Treasurer desires to make the following statement and suggestions:

Under the provisions of the act of February 25, 1885 (District appropriation bill), the profit realized from bonds sold for account of District of Columbia contractors now amounts to $22,424.85, which is to be credited to the United States and District of Columbia in equal parts.

The Treasurer still holds, for account of contractors—

District of Columbia 3.65 per cent. bonds	$72,000
District of Columbia 5 per cent. bonds	27,000
United States 4½ per cent. bonds	100
United States 4 per cent. bonds	46,000
	145,100

These bonds were purchased at a cost aggregating $166,000. The Treasurer is of the opinion that the present high rate at which these bonds are held in the market is but temporary, and it would be advisable to sell them now and realize the profit which would amount to over $9,000, paying the contractor 3 per cent. per annum on the retained amount under the provisions of the pending bill. A reinvestment could be made whenever the bonds could be purchased at prices which would seem to justify it.

Very respectfully,

C. N. JORDAN,
Treasurer United States,
Ex officio Commissioner Sinking Fund, District of Columbia.

Hon. J. J. INGALLS,
Chairman District Columbia Committee,
United States Senate.

LOTTERY ADVERTISEMENTS.

The bill (S. 1072) to prevent the publication of lottery advertisements, and for other purposes, was announced as next in order.

Mr. HARRIS. Let that go over.

Mr. WILSON, of Iowa. I move the consideration of the bill notwithstanding the objection.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Iowa moves that the Senate proceed to the consideration of the bill, notwithstanding the objection. The question is on that motion.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. GEORGE. I ask to have the first part of the bill read again.

The Chief Clerk read as follows:

That it shall be unlawful within any district, Territory, reservation, or other place over which Congress has exclusive jurisdiction for any person knowingly to publish, &c.

Mr. GEORGE. That will do.

Mr. WILSON, of Iowa. I do not wish to take any time in discussing the bill. I will only state that this bill originated with the commissioners of the District of Columbia. It was suggested by them and a draught of the bill furnished, which was referred to the Committee on the Judiciary and reported. I hope it will pass.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DRAWBACK ON IMPORTED TOBACCO.

The bill (S. 477) to allow drawback on imported materials used in the manufacture of tobacco, snuff, and cigars exported from the United States was announced as next in order.

Mr. HARRIS. That is adversely reported. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

INSPECTORS OF TOBACCO AND CIGARS.

The bill (S. 476) to repeal section 3151 of the Revised Statutes of the United States, concerning inspectors of tobacco and cigars, was announced as next in order.

Mr. HARRIS. That is in the same position, and I make the same objection to it.

The PRESIDING OFFICER. The bill will be passed over.

RAILROADS IN THE HANDS OF RECEIVERS.

The bill (S. 870) to provide that where any railroad property is taken into the possession of any United States court, and such railroad shall not have been completed, the net earnings of said railroad shall be applied to the completion of the same, was announced as next in order.

Mr. HARRIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HEIRS OF JOHN W. JUDSON.

The joint resolution (S. R. 3) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario was considered as in Committee of the Whole.

The Committee on Claims reported amendments, after the words "sum of," at the end of line 9, to strike out "fifteen thousand five hundred and eighty-eight dollars and seventy-two" and insert "one thousand one hundred and fourteen dollars and sixty-seven;" and after the words "sum of," in line 15, to strike out "fifteen thousand five hundred and eighty-eight dollars and seventy-two" and insert "one thousand one hundred and fourteen dollars and sixty-seven;" so as to make the joint resolution read:

Resolved, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Emily E. Judson, of Oswego, N. Y., the widow of John W. Judson, formerly of said Oswego, and to John A. Judson, of Newport, in the State of Rhode Island, Ellen H. Judson, of said Oswego, and William P. Judson, of said Oswego, the children and heirs at law of said John W. Judson, and all being of full age, the sum of $1,114.67, in full settlement for the services rendered by said John W. Judson as agent for public works on Lake Ontario, in said State of New York; and the said sum of $1,114.67 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS J. CASSARD.

The joint resolution (S. R. 56) authorizing Augustus J. Cassard to accept a gold medal conferred upon him by the Government of France was considered as in Committee of the Whole. It proposes to authorize Augustus J. Cassard to accept a gold medal of the first class which has been conferred upon him by the French Government for valuable services rendered to that government in the years 1880 and 1881 while consul at Tampico.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATHILDA VICTOR.

The bill (S. 975) for the relief of Mathilda Victor was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, in line 4, after the words "sum of," to strike out "thirty" and insert "ten;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay Mathilda Victor the sum of $10,000, for services rendered to the United States in the years 1862, 1863, and 1864 of the war for the Union, by the surrender of her home and property, an institution devoted exclusively to educational and charitable purposes, in Baton Rouge, La., for the use and occupation of United States soldiers as a hospital, as a depot for quartermaster and commissary stores, as quarters for cavalry troops and horses, and for other purposes; and the amount hereby allowed is in full of all demands of said Mathilda Victor against the United States on account of said services rendered, and is appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO MINOR CHILDREN.

The bill (S. 1948) increasing the rate of pension to minor children, and extending the pensionable period therefor, was considered as in Committee of the Whole. It provides that the pensions of all minor children, and of all widows which are increased on account of minor children at the rate of $2 per month by existing laws, shall be increased on account of each child, hereafter, to $4 per month, in lieu of $2; and the period of minority during which such payment shall be made shall be extended to eighteen years, instead of sixteen years, as now provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN MERCHANT MARINE.

The bill (S. 184) for the encouragement of the American merchant marine, and to promote postal and commercial relations with foreign countries, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in line 4, after the word "amended" to strike out "and re-enacted;" in line 10, after the word "exceeding," to strike out "one dollar" and insert "fifty cents;" in line 15, after the word "bidder," to insert:

And it is hereby made the duty of the Postmaster-General to advertise for bids at the proper time in advance of the lettings, and to enter into contracts for the performance of such service, subject to the provisions of this act.

In line 30, before the word "all," to strike out "and;" and in line 33, after the word "rates," to insert:

And if there shall be a disagreement as to what rates are reasonable, the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, with power in said appraisers to choose a third if they fail to agree.

So as to make the bill read:

Be it enacted, &c., That section 4009 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows, to wit:

"SEC. 4009. For transporting the mails of the United States between any port of the United States and any foreign port, or between ports of the Atlantic and ports in the Pacific, touching at any foreign port, there may be allowed a sum not exceeding 50 cents per mile, on the trip each way, of actual nautical miles traveled between terminal points, for each trip actually made; but such service shall be performed only under contract entered into by the Postmaster-General, after legal advertisement, with the lowest responsible bidder; and it is hereby made the duty of the Postmaster-General to advertise for bids at the proper time in advance of the lettings, and to enter into contracts for the performance of such service, subject to the provisions of this act; and the aggregate amount to be expended for such service shall not exceed the gross revenues of the Post-Office Department of the United States on mail-matter sent to and received from foreign countries during the fiscal year next preceding the year in which such contracts are made, less the amount paid for transportation on foreign vessels, and the net amount paid foreign administrations for intermediary, territorial, and sea transit of such mails. The ships with which such contracts shall be made shall be ships of American registry only, and contracts shall be for a term of not more than four years; and the general laws regulating the transportation of inland mails shall be applicable to such contracts, except as herein provided. All vessels engaged in such contracts shall in time of war be subject to purchase or charter by the United States at reasonable rates; and if there shall be a disagreement as to what rates are reasonable, the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, with power in said appraisers to choose a third if they fail to agree; and all foreign vessels or sailing vessels carrying the mails of the United States may be allowed a sum not exceeding the sea-postage now allowed by law."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOURTH BRIGADE, SOUTH CAROLINA TROOPS.

The bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops was considered as in Committee of the Whole.

The Committee on Claims reported the bill with amendments: in line 3, after the word "shall," to insert "notwithstanding the bar prescribed by any statute of limitation;" in line 9, after the word "them," to insert "prior to the 21st of July, 1874, and subsequent to July 1, 1868;" so as to make the bill read:

Be it enacted, &c., That the Court of Claims shall, notwithstanding the bar prescribed by any statute of limitation, hear, determine, and adjudge any claim or claims of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops, a municipal corporation of the State of South Carolina, against the United States, for the rent due by them or for the use and occupation by them, prior to the 21st of July, 1874, and subsequent to July 1, 1868, of certain buildings on Citadel Green, in the city of Charleston, after the legal termination of the late war; and that any judgment in favor of the claimant rendered hereunder be paid as other judgments of the said court are paid.

Mr. LOGAN. Is there a report with that?

The PRESIDING OFFICER. There is a report.

Mr. LOGAN. Let it be read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. GRAY March 29, 1886:

The Committee on Claims, to whom was referred the bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops, submit the following report:

This claim was prosecuted and heard before the Court of Claims upon petition filed July 21, 1880, and the court made therein the following findings as to the facts:

"I. The board of field officers of the Fourth Brigade of South Carolina Militia was a perpetual corporation, created by the State of South Carolina in 1809. The said corporation was vested with power to purchase and hold land not exceeding 300 acres for the use of the militia in the parishes of Saint Philip and Saint Michael's.

"On the 25th May, 1835, the said corporation became the owners by purchase of a parcel of land, with the building thereon, on Citadel Green, in the city of Charleston, known as the Picquet guard-house, and on the 1st August, 1856, of another parcel of land, with a building thereon, known as the Boylston House, in the city of Charleston.

"II. When the rebellion broke out the confederate forces took possession of the premises, and continued their occupancy for war purposes until they evacuated Charleston in February, 1865. The United States troops then took possession of the premises and turned them over to the Bureau of Refugees, Freedmen, and Abandoned Lands. In October, 1865, that bureau surrendered them to the city of Charleston, and Charleston in turn delivered them to the claimant.

"Whether the officers of the claimant consented to the occupancy of the premises by the confederate forces does not appear. They were themselves actively engaged in the rebellion.

"III. August 20, 1867, the United States forces again took possession of the Picquet guard-house and of the Boylston House, and occupied the former until November 1, 1874, and the latter until April 1, 1879.

"For this occupancy the United States paid rent to the city of Charleston until July 1, 1868; for the Picquet guard-house at the rate of $50 a month, and for the Boylston House at the rate of $92 a month.

"Since July 1, 1868, no rent has been paid to the claimant and no express lease appears to have been made.

"The rate of rent paid prior to July 1, 1868, would be a reasonable compensation for the use of the buildings subsequent to that date.

"IV. On the 8th June, 1877, the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops was created a corporation by the State of South Carolina and vested with the rights, franchises, and property of the board of field officers of the Fourth Brigade.

"CONCLUSION OF LAW.

"Upon the foregoing findings of facts the court decides as conclusions of law that the claimant is entitled to recover for the use and occupation of the Picquet guard-house from July 21, 1874, to November 1, 1874, at the rate of $50 a month, $166.12; for the Boylston House from July 21, 1874, to April 1, 1879, at the rate of $92 a month, $5,181.67; making in all, $5,347.79."

The court, in its opinion, says:

"We agree to the position taken by defendant's counsel that so much of the claim as originated prior to July 21, 1874, is cut off by the statute of limitations (R. S. 1069). As no time was fixed for the payment of the rent, it must be deemed to be payable as it accrued. The petition was not filed until July 21, 1880."

It having been made to appear to your committee that this claim had been presented from time to time to accounting officers and special boards charged with the settlement and adjudication of such claims from 1869 to 1879, inclusive, and that the claim had never been disallowed, but had been several times reported upon favorably, it seems to them that justice requires that the claimant should be permitted by law to present its whole claim to the court untrameled by the statute of limitations.

Your committee therefore recommend that the bill be amended by inserting in the third line, between the words "shall" and "hear," the following words: "notwithstanding the bar prescribed by any statute of limitations:" and by inserting in the eighth line, between the words "them" and "of," the following words: "prior to the 21st day of July, 1874, and subsequent to July 1, 1868," and that so amended the bill do pass.

Mr. LOGAN. This report is a little obscure. Do I understand that the bill authorizes the claim from July, 1868, to 1874? Is that the idea of the bill? Or is it the intention of the bill to authorize the claimant to present a claim beginning with 1874, excluding all prior to that time?

Mr. GRAY. That is it.

Mr. LOGAN. Then I have no objection.

Mr. CONGER. The report does not speak of occupancy by the United States of the premises during this time. The claim is for that, but the report does not assert it.

The PRESIDING OFFICER. The question is on the amendments proposed by the Committee on Claims, which have not been acted upon.

The amendments were agreed to.

Mr. CONGER. I ask whether in the bill there is any provision that the amount shall be in full satisfaction of any claim.

Mr. BUTLER. This only authorizes the parties to go to the Court of Claims, removing the bar of the statute of limitations. The Court of Claims will, of course, investigate the claim.

Mr. CONGER. I supposed it was an appropriation of the amount due.

Mr. LOGAN. No; it is only to go to the Court of Claims.

Mr. CONGER. I have no objection.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF MICHAEL O'BRIEN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1249) for the relief of the heirs of Michael O'Brien. It provides for the issuance of a land-warrant to William O'Brien, James O'Brien, and Louisa Turnbroke, children of Michael O'Brien, deceased, late a member of the Second United States Infantry, Michael O'Brien having served in the United States Army from the year 1820 to 1838.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL subsequently said: I should like to ask what was done with the bill (S. 1249) for the relief of the heirs of Michael O'Brien.

The PRESIDING OFFICER. The bill was passed.

Mr. COCKRELL. I move to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The Senator from Missouri moves to reconsider the vote by which the bill was passed. *Is there objection?* The Chair hears none, and the motion to reconsider the bill is agreed to. The bill is again before the Senate.

Mr. COCKRELL. I object to the bill. Let it go over until we can have time to discuss it.

Mr. BLAIR. What is the suggestion?

Mr. COCKRELL. We have not time to discuss the bill now.

Mr. FRYE. It has to be stated that the bill retains its place or it goes on the other Calendar.

Mr. COCKRELL. It makes no difference on which Calendar it stands.

The PRESIDING OFFICER. The Senator from Missouri objects, and the bill goes over.

REAR-ADMIRAL CARTER.

The bill (S. 729) for the relief of Rear-Admiral Carter, was announced as next in order.

Mr. LOGAN. Is there any report with this bill?

The PRESIDING OFFICER. The Senator who reported it [Mr. BLACKBURN] is not present.

Mr. LOGAN. Let it go over.

Mr. HARRIS. I ask that it be informally passed over until the Senator who reported it is present.

The PRESIDING OFFICER. If there be no objection, that course will be pursued.

Mr. LOGAN. I have no objection to considering the bill; but I want to say one word in reference to this remarkable proposition. Men get on the retired-list in the Army and Navy for the purpose of getting a rank they claim and which they did not have before retirement, it being understood that no extra pay was involved. This has been done in several instances. Soon afterward a bill comes into Con-

gress asking that they be allowed back pay for a grade they did not hold. I want it understood that I shall object to this bill when it comes up, or any other like it, if I am present.

I merely make this statement to call the attention of the Senate to bills of this character which are being promoted in the Congress of the United States unjustly and unfairly. I do not know how this is, but that is the character of several of these bills which I have noticed.

CITIZENS' BANK OF LOUISIANA.

The bill (S. 709) for the relief of the Citizens' Bank of Louisiana was announced as next in order.

Mr. LOGAN. I object to that.

Mr. GIBSON. I move that that bill be considered notwithstanding the objection.

Mr. MCMILLAN. There is a minority report on that bill.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. GIBSON] moves to proceed to the consideration of the bill notwithstanding the objection.

Mr. DOLPH. It will take the rest of the day.

Mr. GIBSON. I call for the yeas and nays on my motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN] on questions generally, but I do not think the pair covers this case, and I vote "yea."

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE]. If he were present, my colleague would vote "nay," I think.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Indiana [Mr. HARRISON]. I do not know how he would vote, and therefore I withhold my vote.

Mr. DOLPH. I announce my pair with the senior Senator from Georgia [Mr. BROWN]. If he were here, I should vote "nay."

Mr. JONES, of Arkansas. As I understand there is no quorum I take the liberty of voting, and vote "yea."

Mr. DOLPH. I will do the same. By arrangement with the Senator just voting, I vote "nay."

Mr. GIBSON. I should like to inquire if there is a quorum.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. GIBSON. Then I withdraw my call.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent that the call for the yeas and nays may be withdrawn.

Mr. LOGAN. You can not do that unless the bill is passed by.

Mr. HARRIS. That will be the result of the withdrawal.

Mr. LOGAN. Very well. The case is lost the way it is. I have no objection to the case being passed over.

Mr. GIBSON. Let it be passed over without prejudice.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent to withdraw his call and that the bill be passed over without prejudice. Is there objection? The Chair hears none. That course will be taken.

THEOPHILUS FISK MILLS.

The bill (S. 2023) providing for the payment of $2,500 to Theophilus Fisk Mills for executing a model and design for an equestrian statue of the late General John A. Rawlins was announced as next in order.

Mr. LOGAN. I wish to know whether the bill provides payment for a statue that is being prepared to be put up or a model which was not accepted.

Mr. BUTLER. Let us have the report read.

The PRESIDING OFFICER. There is no report accompanying the bill.

Mr. HARRIS. The Senator who reported the bill [Mr. VOORHEES] is absent. He was here a few moments ago. I ask to have the bill informally passed over.

The PRESIDING OFFICER. The Senator from Tennessee suggests that the bill be informally passed over.

Mr. LOGAN. I have no objection to that course.

The PRESIDING OFFICER. It is so ordered, no objection being made.

DISTRICT COMMISSIONERS.

The resolution submitted by Mr. VAN WYCK, March 31, 1886, "that the commissioners of the District of Columbia inform the Senate whether they are stockholders in certain corporations," &c., was announced as next in order.

Mr. VAN WYCK. I suggest that the resolution go over without prejudice.

The PRESIDING OFFICER. It will be passed over without prejudice.

NORTHWEST TRADING COMPANY.

The bill (S. 1941) to enable the Northwest Trading Company, a private corporation organized under the general laws of Oregon, to purchase certain lands in the Territory of Alaska, was announced as next in order.

Mr. HARRIS. Let that go over. It was reported adversely.

Mr. FRYE. Can it not be acted upon adversely?

Mr. HARRIS. It can; but I thought it better to consume the time in considering favorable reports.

Mr. CONGER. Let it be acted on and indefinitely postponed.

The PRESIDING OFFICER. The Senator from Michigan moves that the bill be indefinitely postponed.

Mr. DOLPH. I object to the consideration of the bill under the rule. Let it go over under the ninth rule.

Mr. CONGER. We shall only have to consider it hereafter.

Mr. DOLPH. The Committee on Territories have that subject before them and may want to consider the bill hereafter.

Mr. CONGER. If there is any object in retaining the bill on the Calendar, I withdraw my motion.

The PRESIDING OFFICER. The bill will be passed over.

B. B. CONNOR.

The bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky., was announced as next in order.

Mr. DOLPH. There is a minority report in that case.

The PRESIDING OFFICER. Does the Senator from Oregon object?

Mr. DOLPH. Let the bill go over.

The PRESIDING OFFICER. Does the Senator ask to have it retain its place on the Calendar?

Mr. DOLPH. I am willing that it shall go over, retaining its place.

The PRESIDING OFFICER. The bill goes over, retaining its place on the Calendar.

FORT OMAHA MILITARY RESERVATION.

The bill (S. 1861) to provide for the sale of the site of Fort Omaha, Nebraska, the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LABOR ARBITRATION.

The bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés was announced as next in order.

Mr. ALDRICH. That bill can go over. I object to its present consideration.

The PRESIDING OFFICER. The Senator from Rhode Island objects.

ARKANSAS HOT SPRINGS RESERVATION.

The bill (S. 2079) to provide for the control of the reservation of public lands and the distribution of hot water, Hot Springs, Ark., was announced as next in order on the Calendar.

Mr. MCMILLAN. Let that go over.

The PRESIDING OFFICER. Objection is made.

Mr. BERRY. What Senator objected?

The PRESIDING OFFICER. The Senator from Minnesota [Mr. MCMILLAN].

Mr. MCMILLAN. I understand that discussion of the bill would consume all of to-day and perhaps more, and there are bills on the Calendar which it is desirable to have disposed of. I think it will be an economy of time if the matter is passed over for the present.

Mr. BERRY. I do not desire to move to consider the bill this evening notwithstanding the objection if I can get unanimous consent that it may be considered at an early day. Legislation upon this subject is necessary at this session. It is an absolute necessity, as I regard it, and I ask the unanimous consent of the Senate that the bill be made a special order for next Wednesday at 2 o'clock. I think we can consider it in two or three hours and dispose of it, if we can take it up at that time.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the bill be made a special order for Wednesday next at 2 o'clock.

Mr. MCMILLAN. Is that subject to the consideration of appropriation bills?

Mr. BERRY. Of course it will give way to appropriation bills.

Mr. LOGAN. I shall object to its being made a special order.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. LOGAN. I do not desire to do an ungracious thing, and I am always willing to accommodate my friend, for he is very kind; but I must object to the bill being made a special order, and I will state the reason why.

Of course, without any reflection in any way, I think the bill is such

a one as ought not to be enacted into a law, and for that reason, by every means I possibly can that is proper, I shall object to its becoming a law. It is, in my judgment, a bill to confiscate the property of private individuals. That is the effect of it, and I shall certainly object to it in every way I can.

Mr. BERRY. I appeal to the Senator from Illinois that he will allow the bill to come up and be discussed, and if it is not a proper bill then he will have an opportunity to amend it.

The state of affairs at the Hot Springs at this time is such that the passage of no law is worse, in my opinion, than almost any law which could be passed. I am wedded to no particular system, but the present system is unjust. It is a monopoly of that water in the hands of a few individuals. Two-thirds of the water escapes and is not being used and utilized, and hundreds of citizens there, and invalids, want to use it.

If this is not a correct bill let us pass a correct bill, and I appeal to the Senator from Illinois to give it an opportunity to be heard. He can suggest an amendment, if he thinks this is confiscating private property, and the amendment can be considered, and the whole matter will be before the Senate; but I ask him not to defeat action by objecting to the consideration of the bill.

Mr. LOGAN. This course does not defeat action at all. The bill is on the Calendar, and it is bound to come up again, for after this rule is exhausted then it will be open for discussion; but under the present call of the Calendar I shall certainly object to its consideration. Of course it will come up on the Calendar, and then my objection will amount to nothing; the majority of the Senate can do what they please with it, as a matter of course.

When I speak of the bill I speak of the bill in its present shape. It might perhaps be put in a shape acceptable to the body, but I speak of it in its present shape. I certainly would not vote for it in its present shape, for I consider it the confiscation of private property. I have read it carefully, and that is the way I regard it.

Of course the bill may be amended so as to be satisfactory all around. I am not objecting to a proper bill, but under the order on which we are acting now I certainly shall not agree that a bill of that character shall come up.

Mr. BERRY. The request I made was that the bill be made a special order for next Wednesday, when it can be taken up and disposed of in two or three hours, I feel very sure.

Mr. LOGAN. I object to the bill being made a special order. I will say to the Senator that a single objection can not prevent the bill from coming up hereafter, and that it will remain on the Calendar.

Mr. BERRY. We shall never reach the Calendar again this session, I fear, and the bill has been passed over three or four times. All I ask is a fair consideration of the measure, so that the whole matter may be presented to the Senate, and if it is an unjust bill, let the bill be amended so as to make it just.

Mr. LOGAN. To accommodate the Senator I will consent that the bill be passed over without losing its place on the Calendar under this order. I shall agree to that, and that will not affect its status.

Mr. BERRY. The Calendar may not be called again, and in my opinion the bill will not be reached unless it is made a special order. The Senator forces me to move to proceed to the consideration of the bill. If next Wednesday will not suit him, I ask the Senator to name a day when it can be considered, so that it can be heard again.

The PRESIDING OFFICER. This debate is by unanimous consent.

Mr. LOGAN. Because I objected to the bill the Senator regards me perhaps as the individual who is in charge of the opposition to the bill. He is mistaken in that. I merely examined the bill for the reason that at one time I was connected with the establishment of a hospital at that place and I examined very thoroughly into the laws which related thereto. When this bill came up my attention was called to it, and on reading it I regarded it as I have said.

But the Senator is mistaken if he supposes that I have any interest in guarding the Hot Springs, in any way, shape, or form, except the interest I have as a Senator in any law that may be passed where property is affected by the passage of the law.

I do not care when the bill is taken up. As I said, I shall object to its being taken up next Wednesday, because it would interfere with other matters which are on the Calendar. It is a bill which can not pass the Senate without considerable discussion; I am very sure no bill of that character could, having the provisions in it that it has. So I will say to the Senator that my objection will only tend to pass it over informally, if I may use that term, so that it will come up again on the Calendar. It may be taken up to-morrow by a majority vote.

Mr. BERRY. If the Senate will allow me, I wish to say a few words more.

The PRESIDING OFFICER. The Chair ought to remind the Senator that this debate is proceeding by unanimous consent.

Mr. BERRY. I will detain the Senate but a moment I had not intended to use any language that would accuse the Senator from Illinois of being the special champion of the bath-house interests there. I did not mean that at all. I simply intended to say that whether this is a just bill or an unjust bill it is a bill reported by the Committee on Public Lands. It did not meet my views fully, but still I regarded it as better than the present condition of affairs.

As I understand it, the hot water there is monopolized by a few individuals, and two-thirds of it is allowed to escape, when it is needed for the invalids of the country. I appeal to the Senator to give an opportunity to have a hearing upon the bill, and if it is not a just bill give us one that is just, but do not defeat this proposed legislation, which is absolutely necessary for the interest of the Government, for the interest of the invalids of the country, and the interest of the people of the Hot Springs, by an objection which will result in no consideration at all.

The PRESIDING OFFICER. Does the Senator from Arkansas move to proceed to the consideration of the bill?

Mr. BERRY. If the Senator will agree to let it pass over, with the understanding that if it is called again he will not object to it, then I will allow it to pass over for this evening, as there seems to be difficulty in obtaining a quorum.

Mr. LOGAN. I certainly shall not object to the consideration of the bill except under the rule on which we are proceeding.

Mr. BERRY. Then I should like to have the Senator name some time when it will suit him to have the bill made a special order.

Mr. LOGAN. The bill will come up in the natural course of business in the Senate, and I shall make no objection to its coming up legitimately and properly to be discussed, but it can not be discussed under the present rule.

Mr. BUTLER. The Senator from Arkansas can call up the bill at any time. If he can get a majority of votes for it it can be considered at any time. It does not lose its place on the Calendar.

The PRESIDING OFFICER. The Senator from Illinois objects to the bill, but agrees that it may retain its place on the Calendar.

Mr. BERRY. Very well; let it be passed over.

Mr. CONGER. Let the bill be passed over, holding its place on the Calendar.

The PRESIDING OFFICER. That is the proposition which was made by the Senator from Illinois. There being no objection, that is agreed to.

PORTLAND NATIONAL BANK.

The bill (S. 84) for the relief of the First National Bank of Portland, Oreg., was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5, to strike out the words "eighteen thousand three hundred and ninety-nine dollars and ninety-six" and to insert "eight thousand two hundred and forty-nine dollars and twenty-three;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the First National Bank of Portland, Oreg., the sum of $8,249.23, out of any money in the Treasury not otherwise appropriated, said sum being the amount advanced by said bank to the Oregon Iron Works, the contractor with the United States for the construction of the United States revenue-cutter called Thomas Corwin, built at Albina, Oreg., during the years 1875 and 1876, upon the security of the hypothecation of the payments to be made by the United States to said contractor, and used in the construction of said revenue-cutter, and which sum has not been paid to the said bank.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ADJOURNMENT TO MONDAY.

Mr. MANDERSON. I move that when the Senate adjourn to-day it be to meet on Monday next.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to.

TRANSMISSION OF WEATHER REPORTS.

The bill (S. 2004) authorizing the transmission of weather reports, storm and flood warnings, and the announcement of the approach of cold waves through the mails free of postage was announced as next in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDING OFFICER. The bill has been previously read and considered. The pending question is on an amendment proposed by the Senator from Kansas [Mr. INGALLS], which will be read.

The SECRETARY. In line 10, after the word "reports," it is proposed to strike out the words:

Or containing warning of the approach of storms, floods, frosts, or cold waves,

So as to read:

And that all official mail matter relating to weather reports may be transmitted through the mail free of postage.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DAWES. The Senator from Kansas in my rear [Mr. PLUMB] took a deep interest in this bill when it was up before, and unless the Senator from Michigan [Mr. CONGER] who has the bill in charge will wait until he comes in, I shall ask that it go over.

Mr. CONGER. I have no objection to the amendment. It leaves the bill to cover the ground desired by the Department.

Mr. DAWES. What does the Senator say?

Mr. CONGER. I say, with the amendment made the bill covers what I desired to be included in the bill and what the Department desires.

Mr. DAWES. I shall object to the consideration of it until the Senator from Kansas comes in.

Mr. CONGER. Which Senator from Kansas?

Mr. DAWES. The Senator from Kansas whose seat is behind mine [Mr. PLUMB].

The PRESIDING OFFICER. The bill is objected to and goes over.

Mr. CONGER. I hope not.

Mr. DAWES. Let it be passed over and let us proceed to something else.

Mr. CONGER. There is no objection to the pending amendment, and the Chair was on the point of declaring that it was agreed to when the Senator from Massachusetts interposod.

Mr. DAWES. I do not know that the Senator from Kansas desires to be heard, but let the Senate proceed to some other bill, and leave this stand just as it is until the Senator comes in.

The PRESIDING OFFICER. If there be no objection the bill will be informally passed over, holding its place on the Calendar.

Mr. CONGER. That was done before, when it was suggested that somebody ought to be here who would like to be present.

Mr. COCKRELL. The Senator from Kansas [Mr. INGALLS] is now here.

Mr. CONGER. The amendment was being adopted. I do not see why there should be any objection to action on the bill.

Mr. DAWES. I gave the reason which led me to object. It is a reason which governs Senators here quite often.

The PRESIDING OFFICER. To which Senator from Kansas did the Senator from Massachusetts refer?

Mr. DAWES. I referred to the Senator from Kansas [Mr. PLUMB].

Mr. CONGER. The Senator from Kansas [Mr. INGALLS] offered an amendment to the bill to which there is no objection, and it was about being adopted by the Senate, and I do not suppose he asks any further time.

Mr. DAWES. I have no objection personally to the bill; I do not desire to object to it; only if I were temporarily absent and a bill in which I was interested should come up I have no doubt that some one would ask that it be delayed for a few minutes.

Mr. CONGER. I will simply say in reply that the amendment which the Senator from Kansas offered has been accepted.

Mr. DAWES. I will send for the Senator from Kansas [Mr. PLUMB]. I do not desire to obstruct the passage of the bill; I only desire the Senator from Kansas to know that it is up.

Mr. CONGER. The Senator from Massachusetts did not hear me. I wish the Senator would give me his attention for a moment. If the Senator who offered the amendment is absent, and the Senate adopts his amendment, I do not think he would have any further objection to the bill.

Mr. DAWES. I do not know that he has, but I have sent for him and that will make it certain. Does the Senator have any objection to the bill being laid aside informally?

Mr. CONGER. I only want to have it considered at some time.

The PRESIDING OFFICER. There being no objection, the bill will be informally laid aside.

Mr. DAWES. The Senator from Kansas [Mr. PLUMB] having entered the Chamber, I withdraw my objection.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and the question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. INGALLS] in line 10, after the word "reports," to strike out the words "or containing warnings of the approach of storms, floods, frosts, or cold waves."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the transmission of weather reports through the mails free of postage."

POSTAGE ON FOURTH-CLASS MAIL MATTER.

The bill (S. 1079) to regulate the rate of postage on fourth-class matter was announced as next in order.

Mr. COCKRELL. That was reported adversely. Let it go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. CONGER. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Having been objected to, the bill passes from the consideration of the Senate.

Mr. MAXEY. I ask the Senator from Missouri to withdraw his objection to the action on the bill.

Mr. COCKRELL. I withdraw the objection.

Mr. MAXEY. I ask that the bill be indefinitely postponed.

Mr. COCKRELL. I have withdrawn the objection.

The PRESIDING OFFICER. The Chair is informed that the Senator from Rhode Island [Mr. CHACE], who is now absent, has given notice that he desires to address the Senate upon the bill on next Wednesday.

Mr. MAXEY. Then let the bill remain on the Calendar.

Mr. CONGER. The Senator who reported the bill requests that it go over to the Calendar under Rule IX, where it may be discussed. Therefore I object to its consideration.

The PRESIDING OFFICER. Being objected to, the bill goes over.

ESTATE OF RUDOLPH LESCHOT.

The bill (S. 2101) for the relief of Edward G. Thompson, administrator *de bonis non* of the estate of Rudolph Leschot, deceased, was announced as next in order.

Mr. MCMILLAN. The Senator from Connecticut [Mr. PLATT] who reported the bill is absent, and it had better go over.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Minnesota objects to the consideration of the bill. Does the Senator desire to have it go over under Rule IX, or that it shall retain its place on this Calendar?

Mr. MCMILLAN. I have no objection to its retaining its place.

Mr. COCKRELL. I object to it. Let it go over to the other Calendar.

The PRESIDING OFFICER. The bill goes over under Rule IX.

EIGHT-HOUR LAW.

The bill (S. 1884) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law was announced as next in order on the Calendar.

Mr. BUTLER. Let that go over.

The PRESIDING OFFICER. The bill goes over under objection.

COLLISION SUITS AGAINST THE UNITED STATES.

The bill (S. 4) to permit the owners of certain vessels, and the owners or underwriters of cargoes laden thereon, to sue the United States was announced as next in order on the Calendar.

Mr. MCMILLAN. Let that go over.

Mr. FRYE. Why should the bill go over?

Mr. MCMILLAN. One reason is that the Senator who made the report is absent.

Mr. FRYE. It is a very carefully drawn bill and has had the consideration of the Judiciary Committee. It is a very important measure, and I do not see any earthly objection to it.

Mr. MCMILLAN. I object to the bill.

The PRESIDING OFFICER. The Senator from Minnesota objects.

Mr. FRYE. Will the Senator so object as to let it stand on this Calendar?

Mr. MAHONE. It does that anyway.

Mr. FRYE. No; it goes over to the Calendar under Rule IX under an objection.

Mr. MCMILLAN. I do not desire that the bill shall lose its place on the Calendar.

Mr. FRYE. Then let it be passed over informally, with the consent of the Senator.

Mr. MCMILLAN. Very well.

The PRESIDING OFFICER. The bill will be passed over informally, retaining its place on the Calendar.

OPEN SESSIONS.

The resolution submitted by Mr. RIDDLEBERGER April 12, in relation to the consideration of business in open session, was announced as next in order.

Mr. HAWLEY. When my colleague [Mr. PLATT] was necessarily called away he made one special request of me. This subject having been, I will not say under his charge, but it having been one that he especially brought before the Senate, his request was that if it should come up I would ask that it might lie over until he should return. He made, as the Senate know, a speech at very considerable length, of much historical research and argument, upon the subject, and takes a very warm interest in the question. I ask therefore, or I suppose my objection is sufficient, that the resolution go over.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The objection of the Senator is sufficient.

Mr. HAWLEY. I ask that the resolution be passed over, retaining its place on the Calendar.

The PRESIDING OFFICER. Is there objection to the resolution being passed over, retaining its place on the Calendar?

Mr. RIDDLEBERGER. I have not heard what the Senator said. I ask his pardon, because it was not his fault, neither was it mine.

Mr. HAWLEY. I am very sorry. I thought I spoke distinctly.

Mr. RIDDLEBERGER. I think you did.

Mr. BUTLER. There is so much talking in the rear that nobody can hear.

Mr. RIDDLEBERGER. There are reasons why we did not hear.

The PRESIDING OFFICER. The Senator from Virginia will suspend, and the Chair will have order restored in the Senate before any more business is transacted.

Mr. HARRIS. What is the order of business under consideration?

The PRESIDING OFFICER. To get the Senate in order.

Mr. HARRIS. That I understood, but I wanted to know the order of business.

The PRESIDING OFFICER. Then the order of business will be the resolution of the Senator from Virginia.

Mr. RIDDLEBERGER. Let it be read.

The PRESIDING OFFICER. The resolution will now be read.

The Secretary read the resolution submitted by Mr. RIDDLEBERGER April 12, 1886, as follows:

Resolved, That all matters other than those relating to treaties shall be considered and acted upon by the Senate in open session.

Mr. HAWLEY. I will not take the trouble of repeating all that I said before. The Senator from Virginia is aware of the part my colleague has taken in the discussion of this question. Therefore I feel obliged to object to the consideration of the resolution, but I ask that it be passed over, retaining its place on the present Calendar.

The PRESIDING OFFICER. The Senator from Connecticut asks that the resolution be passed over, retaining its place on the Calendar. Is there objection?

Mr. RIDDLEBERGER. I object to passing it over.

Mr. FRYE. The only way to prevent that is to make a motion to proceed to the consideration of the resolution.

Mr. RIDDLEBERGER. But I do not understand yet what the position of the resolution is. The subject has been here five months; I know that, and it is before the Senate.

The PRESIDING OFFICER. The resolution is upon the Calendar and is now laid before the Senate for its consideration and action.

Mr. RIDDLEBERGER. It is now before the Senate, as I understand, for its consideration and action, as it has been for months preceding; but the Senator from Connecticut asks that it shall be passed by informally. I have no objection to that being done, if the Senator can answer for his colleague that it can be considered within three or four days. I have let the resolution go over before, but there seems to be no end to this thing. I am ready to vote on it and let it go. Let the Senate vote on it and let it go one way or the other. If the Senator really thinks that his colleague wants to be here when the resolution is acted on and is not paired upon this question, let it go. However, I find that on most of these matters when they are brought to the attention of the Senate absent Senators are paired. Now, is the Senator from Connecticut, I mean the colleague of the Senator who is on the floor, paired on this question or is he not?

Mr. HAWLEY. I have said I desired that action upon the resolution should be delayed until my colleague returns. I suppose his general pair would cover this question. I do not know how he stands in reference to the Senator with whom he is paired, or how the other Senator stands in reference to this particular question. I objected to its present consideration and agreed to let the resolution retain its place on the Calendar.

Mr. RIDDLEBERGER. It has been on the Calendar.

Mr. HAWLEY. I object absolutely and without condition.

The PRESIDING OFFICER. The resolution is passed over.

Mr. RIDDLEBERGER. I avow that the resolution is on the Calendar and has been there for months. It has been there for five months. I deferred to the Senator from Connecticut, and it is not taken up by the favor of any Senator on the floor, and can not be objected to and passed out of sight in that way. If it is to be done, it is not to be done by a rap of the gavel. I shall ask that it be taken up by the Senate notwithstanding the objection.

The PRESIDING OFFICER. Does the Senator from Virginia move that the Senate proceed to the consideration of the resolution?

Mr. RIDDLEBERGER. I do, sir; and when I make the motion I wish to be allowed the privilege of stating that this is the third time I have deferred to the objection, or rather have been asked to defer to the objection, of the Senator from Connecticut on account of the absence of his colleague, and I have twice withdrawn the resolution itself in deference to one that was pending, offered by his colleague. I ask again for a vote on this question.

The PRESIDING OFFICER. The Chair will state the question. The Senator from Virginia moves that the resolution be taken up for consideration by the Senate notwithstanding the objection.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. The Chair must remind the Senator from Wisconsin that this is not a debatable question.

Mr. SPOONER. I understand that the question is not debatable, but I desire by the leave of the Senate simply to bring to the attention of the Senator from Virginia the fact that the other day when this matter was before the Senate the Senator from Vermont [Mr. MORRILL] indicated a desire to speak upon it, and said that he was prepared to address the Senate upon it at that time. To-day he is detained from the Senate by illness, and I think under the circumstances the Senator from Virginia would hardly like to press the consideration of the resolution. The Senator from Vermont is always here when he is in health.

Mr. RIDDLEBERGER. That is a suggestion which was not made before, and of course, if the Senator from Vermont still wants to speak on this question and is detained by illness, I will withdraw my motion.

The PRESIDING OFFICER. The Senator from Virginia withdraws his motion, and the resolution is passed over.

Mr. SPOONER. It will retain its place on the Calendar?

The PRESIDING OFFICER. It will retain its place on the Calendar, if the Senator from Virginia does not object, in accordance with the request of the Senator from Connecticut.

Mr. HAWLEY. Allow me to remark for the information of the Senator from Virginia that the resolution the Senate has already discussed on this subject is the first one on the Calendar under Rule VIII, the resolution offered by my colleague, so that there is no difficulty about the question coming up.

GREELY'S POLAR EXPEDITION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 4,500 copies, with the necessary illustrations, be printed of the Report of the International Polar Expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer; 1,250 copies of which shall be for the use of the Senate and 3,250 for the use of the House of Representatives.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 506) for the relief of Eleanor T. Brookbanks and others;

A bill (H. R. 528) for the relief of Silas Quackenbush;

A bill (H. R. 917) for the relief of Henry S. Cohn;

A bill (H. R. 1802) for the relief of Moses B. Walker;

A bill (H. R. 2013) for the relief of Myron E. Dunlap;

A bill (H. R. 2176) for the relief of Alexander Goble;

A bill (H. R. 3930) for the relief of Wells C. McCool; and

A bill (H. R. 5877) for the relief of William H. Morhiser.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 932) for the relief of T. J. Pitzer;

A bill (H. R. 1034) for the relief of Bangs, Brownell & Co.;

A bill (H. R. 1501) referring the claim of William Dalton to the Court of Claims;

A bill (H. R. 2918) for the relief of William Huntington;

A bill (H. R. 3750) for the relief of Francis H. Plummer; and

A bill (H. R. 5872) for the relief of R. D. Beckley and Leon Howard.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas; and

A bill (H. R. 2053) for the relief of Rachael J. Floyd.

The following bills and joint resolution were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 1776) for the relief of Faran & McLean—to the Committee on Finance.

The bill (H. R. 3642) for the relief of the heirs of Jacob Cramer—to the Committee on Pensions.

The bill (H. R. 8751) for the relief of Samuel F. Rice—to the Committee on the Judiciary.

Joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co.—to the Committee on Claims.

TERRITORIAL LAWS.

The PRESIDENT *pro tempore* appointed Mr. HARRISON, Mr. MANDERSON, and Mr. BUTLER the conferees on the part of the Senate upon the amendments of the Senate to the bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States.

GRAFTON MONROE.

The PRESIDENT *pro tempore* appointed Mr. MAXEY, Mr. CONGER, and Mr. CHACE the conferees on the part of the Senate upon the amendments of the Senate to the bill (H. R. 5890) for the relief of Grafton Monroe.

MRS. MARIA WALKER.

The PRESIDENT *pro tempore* appointed Mr. BLAIR, Mr. SAWYER, and Mr. WILSON, of Maryland, the conferees on the part of the Senate upon the amendment of the Senate to the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker.

PUBLIC BUILDING AT KEOKUK.

The PRESIDENT *pro tempore* appointed Mr. MAHONE, Mr. WILSON, of Iowa, and Mr. VEST the conferees on the part of the Senate upon the amendments of the Senate to the bill (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof.

PUBLIC BUILDING AT WILLIAMSPORT.

The PRESIDENT *pro tempore* appointed Mr. MAHONE, Mr. CAMERON, and Mr. CAMDEN the conferees on the part of the Senate upon the amendments of the Senate to the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States

circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor.

STATEMENTS ON BUTTER AND OLEOMARGARINE.

Mr. MILLER, from the Committee on Agriculture and Forestry, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Agriculture and Forestry in considering House bill No. 8328 be, and are hereby, authorized to take testimony and print the same for the use of the Senate, and that the expenses of the same be paid out of the contingent fund of the Senate.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MILLER, it was

Ordered, That the papers in the case of Elizabeth Hamilton on the files of the Senate be referred to the Committee on Revolutionary Claims.

AMERICAN SILK FLAG.

Mr. DOLPH submitted the following resolutions; which were referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Be it resolved by the Senate of the United States, That Joseph Neumann be, and he is hereby, allowed the sum of $—— to furnish and cause to be placed in the Smithsonian Institute a suitable glass case for the exhibition and preservation of the American silk flag heretofore presented by said Joseph Neumann to the Senate of the United States, and accepted by a resolution of that body July 12, 1870, together with a complete history pertaining to said flag.

Be it further resolved, That the officers and superintendent of said Institute are hereby requested to furnish such assistance as may be necessary for the above object. Said above-named sum of $—— to be paid to said Joseph Neumann out of the contingent fund of the Senate not otherwise appropriated, and the Sergeant-at-Arms is hereby authorized to draw his warrant on said fund for said sum of money.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 185) for the printing of certain eulogies delivered in Congress upon the late Joseph Rankin; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *protempore*:

A bill (S. 1797) granting a pension to John S. Kirkpatrick;

A bill (S. 1618) granting a pension to John G. Nicholas;

A bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy;

A bill (S. 686) granting a pension to Charles N. Sebastian;

A bill (S. 1077) granting a pension to Newcomb Parker;

A bill (S. 787) granting a pension to Reuben Farnham;

A bill (S. 1304) granting a pension to William Reynolds;

A bill (S. 1486) to authorize the Denison and Washita Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; and

A bill (S. 1841) granting a pension to Joseph Shull.

WILLIAM H. WYMORE.

The bill (S. 586) for the relief of William H. Wymore was announced as next in order.

Mr. COCKRELL. Let that be passed over.

Mr. FRYE. It is an adverse report.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

MRS. HENRIETTA. H. COLE.

The bill (S. 380) for the relief of Mrs Henrietta H. Cole was considered as in Committee of the Whole. It proposes to refer to the Commissioner of Patents the patent granted to Henrietta H. Cole, of New York, for improvement in fluting-machines, who shall determine the same upon testimony; and if in his judgment the petitioner has not been compensated for her time and ingenuity in perfecting her patent, he shall have authority to extend it for seven years from the 12th of June, 1883.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 185) for the printing of certain eulogies delivered in Congress upon the late Joseph Rankin was read twice by its title, and referred to the Committee on Printing.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; and

A bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887.

AMENDMENT TO A BILL.

Mr. MAHONE submitted an amendment intended to be proposed by him to the bill (H. R. 2522) to authorize the establishment of export-tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco; which was referred to the Committee on Finance, and ordered to be printed.

METROPOLITAN RAILROAD COMPANY.

The bill (S. 851) to amend the charter of the Metropolitan Railroad Company was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. This bill has been read at a former stage, and some of the amendments reported from the Committee on the District of Columbia were agreed to. The remaining amendments will be stated and acted upon.

The SECRETARY. The committee report to strike out section 2 of the bill, in the following words:

SEC. 2. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway, the relative condition of the chartered rights of each may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party, and on such notice to the other party as the court may order.

And in lieu thereof to insert:

SEC. 2. That whenever the track extension herein authorized coincides with the route of any other duly incorporated street-railroad company, but one set of tracks shall be used by the companies in interest, which are hereby authorized and empowered to use such tracks in common upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested, and shall have power to determine the terms upon which the company herein specified shall be entitled so to use and enjoy the track of such other street-railroad company, and the amount and manner of compensation to be paid therefor.

Mr. VAN WYCK. I did not hear the reading of the bill at the time to which the President of the Senate refers, but it would seem as if this were an opportune time now to obtain some reforms in the management of the street railways in this city. A long time ago a resolution passed the Senate requiring the Committee on the District of Columbia to institute some reform.

Mr. HARRIS. If the Senator from Nebraska will allow me, I can state to him that there is now pending before the District Committee a bill on the general subject in which is included the question of street railroad methods and a reform in those methods. Exactly what conclusion the committee will come to I am not prepared to say. But this bill simply extends some additional lines in the southeastern and northeastern parts of the city and in the southern part of the city near the river, to which I do not think any Senator would object understanding the exact purport and purpose of the measure.

Mr. VAN WYCK. He would probably not object to it; but it is probable, as we are approaching near the end of the session that we shall not have very much more business of this nature, and it occurred to me that it would be probably a very opportune time to put some suggestions upon this bill, so that the system which is very grievous, as the Senator no doubt well knows, shall not be continued to any greater extent in this city at least in the line extended by the Metropolitan Railroad, and that they shall be required to make their streets passable for vehicles at least on the new road which they are making.

To have a continuation of the line will certainly be desirable, and if the Committee on the District of Columbia can not reach what has been built and is done, it would seem that it would be within their province upon this bill at least to protect the citizens from any further railroads such as we have now.

It was supposed some weeks and probably months ago that some attention would be directed to that point, and the Senator now says the Committee on the District of Columbia have been considering it. Whether they will do anything or what it may be that they will do we can not of course at this time state; but the streets here are almost impassable along the line of the Metropolitan Railway. There are places on New York avenue and Connecticut avenue along the line of this road in such a condition that it would seem that some general provision should be made, some clause delegating some power somewhere. There is no power anywhere to regulate the running of these cars, the rate of speed, the motive power.

There have been a number of patriots dancing attendance upon this Congress, who have been besieging members of the Senate and I suppose of the other House. They are very anxious to establish new lines of street railway. They want to tear up some streets where there is no necessity for doing it, because they say they want a cable railway. The cable road seems to be the very thing of all others whereby the speed shall be increased and the comfort of passengers considered. It was suggested to that class of patriots that they try their hand upon the roads already here, and if the cable railway be a good thing, which I suppose it is, as there is not a question it is in my mind, to apply it, if it is a good thing, as Congress has the power, to the roads already in existence and let it be established there.

But if the committee have the time to devote and can cause an extension of these lines, it would seem as if there ought to be time enough here to make some provision as to what should be done at least upon

that portion of the new line which is to be built under the provisions of this bill.

Therefore if it does not embarrass the Committee on the District of Columbia in this matter, I would very much like to have them accept an amendment to the bill that the rate of speed upon these cars shall be subject to the control and regulation of the District commissioners, that the motive power shall be subject to the regulation and control of the commissioners of the District, and that the repair of the streets shall be subject to the control and regulation of the commissioners of the District. I would offer an amendment, then, that the rate of speed on the Metropolitan Railway line shall be regulated by the commissioners of the District of Columbia, and also that the motive power shall be regulated by them.

The PRESIDENT *pro tempore*. Before the Senator from Nebraska offers the amendment the Chair will state that there is an amendment pending striking out the second section of the bill and inserting. The question is on agreeing to that amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska is now in order. The amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. —. That the rate of speed on the Metropolitan Railway line shall be regulated by the commissioners of the District of Columbia; also that the motive power and the repair of the streets and the substitution of new rails shall be subject to the control and direction of the commissioners of the District of Columbia.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. HARRIS. I have no objection to authorizing or giving the commissioners authority to regulate the rate of speed. I think perhaps that is well enough; but in respect to the other features of the amendment, Congress has complete power over all the question. Congress can require the road to be constructed in any manner or changed in any manner that it may choose to direct; but if Congress could delegate the power to the commissioners of the District of Columbia to require the street-railroad companies to adopt engines instead of horse-power, to require them to tear up their entire plants and construct new plants upon a different method, it would be a pretty large power to lodge in the commissioners of the District. I am, for one, not ready to concede it just at this time; but if the Senator will modify his amendment, authorizing and giving the commissioners power to regulate the rate of speed, I certainly shall not object to it, though, as a member of the committee, I am not authorized to accept it.

Mr. VAN WYCK. It would seem the other power proposed to be granted is as necessary and as safe certainly for the railway company. I think they will take no exception to the place where the power is proposed to be lodged. I think it has ordinarily happened that the street-railways in this city have been reasonably well, not protected I should say, but honored by having persons who are closely related with them in the board of District commissioners, so that it is not an unfriendly tribunal, and probably never can be an unfriendly tribunal from the situation of affairs.

It is the least that could be offered that the officers and friends and owners of the corporation shall be delegated with this power. I would prefer some other tribunal, but I knew very well if I suggested any other it would not probably be assented to by the committee, and I was anxious that the committee should do something toward some reform in this direction.

Mr. HARRIS. I move to amend the amendment by striking out all after that part which gives the commissioners authority to regulate the rate of speed.

The PRESIDENT *pro tempore* The amendment to the amendment is in order and will be stated.

The CHIEF CLERK. It is proposed to strike out from the amendment the words:

Also that the motive power, and the repair of the streets, and the substitution of new rails shall be subject to the control and direction of the commissioners of the District of Columbia.

Mr. VAN WYCK rose.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Nebraska that, having addressed the Senate once under the five-minute rule, he is not entitled to the floor again.

Mr. RIDDLEBERGER. Mr. President, this involves more than appears on the surface. It involves the question as to whether in the District of Columbia there shall be what we call in common parlance a surface track, or whether they may keep up the cobble-stone business in the middle of the streets of this city, notwithstanding the progress which is being made in all the large cities of the country, and I may say of the world.

I am not disposed to say that the Washington and Georgetown Railroad Company have exerted too much influence, but it is the apprehension in the minds of some people that there would not be a railroad down Pennsylvania avenue if you required them to put down a surface track and to tear up the cobble-stones, and to take away their horses and substitute a cable. I mean to make only that expression and then to let the Senate consider it.

Mr. INGALLS. The bill does not apply to the Washington and Georgetown road at all. It applies to the Metropolitan, or what is commonly known as the F street line, that asks a few additional privileges in the way of extensions to its existing system.

Senators who are aware of the present condition of that line know that it now extends out on East Capitol street to within two blocks of Lincoln Park. One section of the bill provides that it may extend its line to Lincoln Park, and thence go south down Eleventh street east to the junction of Virginia avenue. Every property-holder in every block by which this proposed extension is to run has filed a petition with the Committee on the District of Columbia, asking that the bill may be acted on favorably.

Mr. RIDDLEBERGER. Will the Senator state when that petition was filed?

Mr. INGALLS. The bill further provides that from the P street circle up Nineteenth street to the boundary the line shall be operated a certain number of trips each hour. It provides further that from Seventeenth street down past the new State, War, and Navy Department building, where there is a portion of track that is not used at all, the line may be abandoned. It has not been used for a long time. A portion of the track is covered by the sheds of contractors engaged in putting up that building. It is necessary for the public convenience that that track should be removed and the road-way restored to its original condition, and the bill provides that that may be done and at the expense of the railroad corporation.

I believe I have expressed thus briefly all that the bill contemplates. It is for the public convenience, and so certified by those who are to be affected by it.

I would suggest to the Senator from Nebraska that while the street-car service in this city is undoubtedly in an unsatisfactory condition, while the speed is not sufficient, while the cars are antiquated and ill-kept, this is not the bill upon which to attempt to regulate that subject.

The Committee on the District of Columbia have taken a large amount of testimony under the resolution offered by the Senator from Nebraska. We have endeavored to formulate some system that would do away with these admitted difficulties and provide the people here with a satisfactory street-railway service; but the difficulties are so great, the evidence as to the value of conflicting systems has been so variant as between the horse and the cable system and the electric system, that while the committee have been diligent they have not yet been able to present a satisfactory solution of this whole subject. I beg to assure the Senator from Nebraska and the Senate that the committee have not been indifferent or indolent upon this subject.

I therefore hope that without attempting to burden this bill with provisions applying to this line which ought to apply to all, as the Senator himself will admit, he will permit this bill, which simply provides for an extension of the facilities of this one line through certain parts of the city that are now confessedly lacking, to pass, and leave us to deal with the other subject in a general bill that the committee have under contemplation and of the importance of which the committee are as fully aware as the Senator from Nebraska.

Mr. DAWES. I objected to the consideration of this bill when it was before the Senate not long since, because I was uncertain where it was proposed to lay the additional road. Since then I have examined the map, and it seems to me to be a very desirable bill, a bill which instead of objecting to I should be very much in favor of.

I think it a good deal of an object to get up that track down Seventeenth street to the State, War, and Navy Department building, and it certainly must be very desirable to require the running of the cars from P street to the Boundary more frequently. The new road that is to be laid is in that part of the city connecting this road with a wharf at one place and with the navy-yard at another place, if I am not mistaken, but certainly they are connections which a glance at the map will show are very desirable.

That the track of this road in certain parts of the city is in very bad condition, every one will admit, and that the existing lines ought to be required to lay a different rail from what they do I think every one would be in favor of; but I hardly think it could be incorporated upon this bill with propriety.

Therefore, having objected to the bill when it was originally considered, I felt it was due to the Senate that I should do what I did, examine the map and make this statement.

Mr. RIDDLEBERGER. The idea that I am opposed to the construction of street railways in Washington is certainly erroneous, but I do know the fact that there are propositions before the District Committee that are entirely different from what I hear stated here by the chairman of that committee, as I understood them when I was a member of it. There is a proposition, for instance, to build a cable railway, a surface track, to go down B street, to go out New Jersey avenue, and then take E street down to where it would connect with just what the Senator said was the E-street road; and then it would go out and strike Eighteenth street, and from Eighteenth street branch off and go out M street (if I am not mistaken, and I think I am not) through Georgetown, leaving then its own elbow at Eighteenth and M, going out to T street, coming back down T street to Sixth, and coming down Sixth street to the Baltimore and Potomac Railroad depot, at the same time

leaving its Eighteenth street elbow and coming down to what is called Water street, and going along all the wharfage of that street. Why is it that there can not be a bill here to grant that franchise, a cable road with a surface track? Instead of it, here comes in this proposition.

I say again, and I mean to repeat time and again, that it is the Washington and Georgetown Railroad corporation, not the Senate of the United States, that is controlling the District of Columbia in this matter. They dare not come in here themselves; they do not have anybody here to represent them; but they have got a cobble-stone track for horses to trot over, to pull slow coaches, stopping at the ringing of the bell by a conductor with a punch agent in the car, with people to tramp over you; and they control this whole matter, and have controlled it, in my judgment, since I have been here.

Can any Senator tell me why there should not be a bill passed to give these franchises that hurt nobody, that touch nobody, that hurt nobody's interest? We can not have it; but if you propose to tear up some of your asphalt pavement and put down some more cobblestones, so as to preserve in a way what seems to be a Washington system, you can get here a report and advocates for it. Go to Philadelphia, and you will find people there thinking the cable system and the street surface system better. Go farther, to Boston, and you will find it; and if you want to find something abroad that can possibly influence you in a matter of this sort, you will find that the English Parliament has said that there shall be no other system of street railways there. Yet here we are, having a cobble-stone system of railways in the city of Washington, forsooth because the Washington and Georgetown Railroad Company have it, and they will not consent to tear it up.

I am not opposing the bill, if they would just come and say that they will construct a surface railway in this city. That is what ought to be done. It does not hurt the streets. You can walk across it, drive across it, do as you please, and you would not know there was an obstruction on the streets; but here is this system that is now held up and maintained by a corporation which seems to have more control in the District of Columbia than Congress, which seems to arrogate to itself the power to legislate for these people and for this District and for their rights.

The PRESIDENT *pro tempore*. The Senator's time has expired.

Mr. RIDDLEBERGER. I just want to say one word more and that is all. I have contended for this and I have done it because I thought it was right. Every time that you put down a cobble-stone in this city you put down a rock that is to be thrown into the very face of the men who are dealing with the profits of this street railroad company.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. HARRIS] to the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. VAN WYCK. I propose a substitute for my amendment.

Mr. HARRIS. The Senator from Nebraska proposes to modify his amendment.

Mr. VAN WYCK. I have been of course disposed to assent to the suggestions made by the Committee on the District of Columbia, and as I do not desire to embarrass them in the examination of the main question which they are now considering, I have assented to offer this as a substitute:

That the commissioners of the District of Columbia shall have power to regulate and control the running of cars on the Metropolitan Railroad and branches, and the rate of speed on said road and branches, and the repair of streets occupied by said road.

Mr. HARRIS. I have no objection to that amendment.

The PRESIDENT *pro tempore*. The Senator from Nebraska modifies his amendment and the Senator from Tennessee withdraws the amendment offered by him to the amendment of the Senator from Nebraska.

Mr. MCMILLAN. Let the amendment be read as modified.

Mr. VAN WYCK. I desire to insert in the amendment which I modified at the request of the Senator from Tennessee to regulate not the cable-power but the horse-power, and give them authority to regulate so that more than one little pony shall be used to draw a heavy load of passengers up these heavy grades. I have inserted it and I wish the Senator from Tennessee would consent that that should be put in.

Mr. HARRIS. I will hear the amendment read as now modified.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. —. That the commissioners of the District of Columbia shall have power to regulate and control the running of cars on the Metropolitan Railroad and branches, and the rate of speed of said road and branches, and the repair of streets occupied by said road, to be done by said company.

Mr. VAN WYCK. I added that. I think it ought to be done by the company.

Mr. HARRIS. There is no objection to that.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Nebraska as modified.

The amendment was agreed to.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. There is one other amendment reported from the Committee on the District of Columbia which has not yet been acted upon. The remaining committee amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. —. That all acts authorizing the use of that portion of West Seventeenth street by said company for the operation of a street railroad south of H street be, and the same are hereby, repealed; and said company shall, within ninety days after the passage of this act, abandon the use of such portion of said street for said purpose, and restore the same to a proper condition for travel uniform with the remainder of such street; and in the event of refusal or neglect so to do within the time specified, all rights accruing to said company under this act are hereby declared to be forfeited, null, and void.

The amendment was agreed to.

Mr. ALLISON. In section 1, line 27, after the word "act," I move to strike out all down to and including the words "by it," in line 29, in the following words:

And the said company is hereby authorized to maintain and operate all the roads and tracks heretofore laid or controlled by it.

These seem to be general words, which may have more significance than we know of at this moment.

Mr. RIDDLEBERGER. There is no Senator on this floor who can comprehend that amendment unless perhaps it be the Senator from Iowa himself, and I will ask him to explain what its effect will be?

Mr. ALLISON. I simply move to strike out those words.

Mr. RIDDLEBERGER. I know, but simply moving to strike out a few simple words may imply a great deal.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment moved by the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

E. J. PHILLIPS.

Mr. COCKRELL. Yesterday when the bill (H. R. 5553) for the relief of E. J. Phillips was reached, I asked that it might be passed over, the explanation not being sufficiently given by the report. I have examined the law of March 17, 1882, and I find that the Post-Office Department can only adjust claims under $2,000. I have in my hand a letter from the Assistant Attorney-General for the Post-Office Department dated February 29, 1884, touching this claim and stating that it has been reported by the Post-Office Department to Congress for an appropriation, the amount being over $2,000, and that is the only reason why it has not been paid by the Department. Therefore I ask that the bill be taken up and acted upon now.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster-General to settle and adjust the accounts of E. J. Phillips, postmaster at Oberlin, Ohio, and to credit him with $2,114.89, for United States postage-stamps of the value of $1,837.64, and money-order funds amounting to $277.25, lost by a burglary, without any fault or negligence of the postmaster.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEAVES OF ABSENCE IN THE GOVERNMENT PRINTING OFFICE.

Mr. MANDERSON. The Senate yesterday passed the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office with amendments. I wish to move that the House be requested to return the bill to the Senate with a view of obtaining a conference between the two Houses on the bill and amendments.

The PRESIDENT *pro tempore*. The order to request the return of the bill will be entered, if there be no objection.

OBSTRUCTIVE DEPOSITS IN NEW YORK HARBOR.

The bill (S. 2157) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith, was announced as next in order on the Calendar.

Mr. MCMILLAN. Let that be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over.

INQUESTS UNDER NATIONAL AUTHORITY.

The bill (S. 2171) to provide for inquests under national authority was announced as next in order.

Mr. GEORGE. I object to that bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

ROBERT H. MONTGOMERY.

The bill (S. 1717) for the relief of Robert H. Montgomery, a captain in the Fifth Cavalry, United States Army, was considered as in Committee of the Whole. Robert H. Montgomery, a captain in the Fifth Regiment of Cavalry, United States Army, having been a prisoner of war in the hands of the enemy during the period of time from the 19th of November, 1863, to the 16th of February, 1865, the Secretary of War is directed by the bill to correct the military record of Montgomery so that it shall appear that he served continuously in the regular Army from the 6th of August, in the year 1860.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. AKINS AND JACOB D. FELTHOUSER.

The bill (S. 1803) for the relief of William H. Akins and Jacob D. Felthouser was announced as next in order.

Mr. MCMILLAN. That bill was reported without recommendation by the Committee on Patents, I observe, and the Senator from Rhode Island [Mr. CHACE] who made the report is absent.

The PRESIDENT *pro tempore*. The bill will go over on objection.

LEGAL REPRESENTATIVES OF PETER LYLE.

The bill (S. 701) for the relief of the legal representatives of Peter Lyle, deceased, was announced as next in order on the Calendar.

Mr. COCKRELL. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is a report. Does the Senator from Missouri desire to have the report read?

Mr. COCKRELL. I object to the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

R. D. EVANS AND R. M. GREEN.

The bill (S. 1361) for the relief of Robley D. Evans and Richard M. Green was announced as next in order.

Mr. COCKRELL. I should like to hear enough of the report read to know whether either of these claimants was in the employment of the Government.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report, submitted by Mr. PLATT, from the Committee on Patents, April 20, 1886; but before concluding was interrupted by,

Mr. COCKRELL. I see the report states that—

Robley D. Evans was, at the time the machine was put in use, the equipment officer in charge of the equipment division of the Washington navy-yard. Richard M. Green, the other patentee, was foreman of the chain and smith shop.

Let the bill go over.

The PRESIDENT *pro tempore*. The bill will go over.

LEGAL REPRESENTATIVE OF HENRY S. FRENCH.

The bill (S. 609) for the relief of the legal representative of Henry S. French was announced as next in order.

The PRESIDENT *pro tempore*. The Senator from Ohio objects to the consideration of the bill, and it goes over.

PAY OF GRADUATES OF NAVAL ACADEMY.

The bill (S. 882) to equalize the pay of graduates of the Naval Academy was announced as next in order.

Mr. HOAR. The Senator from New Jersey [Mr. MCPHERSON], who has that bill in charge, is absent. Let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

AGRICULTURAL EXPERIMENT STATIONS.

The bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, was announced as next in order.

Mr. VANCE. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

THOMAS G. CORBIN.

The bill (S. 1262) for the relief of Thomas G. Corbin was announced as next in order.

Mr. ALLISON. Let that be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

APPOINTMENTS IN MARINE-HOSPITAL SERVICE.

The bill (S. 780) to regulate appointments in the Marine-Hospital Service of the United States was announced as next in order.

Mr. COCKRELL. At the instance of the Senator from Maryland [Mr. GORMAN] I object to that.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. MCMILLAN. Let it be passed without prejudice.

Mr. COCKRELL. I have no objection.

Mr. MCMILLAN. I think there is no real objection to the passage of the bill.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

ABEL J. LEWIS.

The bill (H. R. 6381) granting a pension to Abel J. Lewis was announced as next in order.

The PRESIDENT *pro tempore*. The attention of the Senator from New Hampshire [Mr. BLAIR] is called to this bill. There is a memorandum on it from him for it to lie over. Does he object to its consideration?

Mr. BLAIR. Yes. I think the claim has been allowed at the Pension Office. I was spoken to in regard to it.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

JOHN D. FINCHER.

The bill (S. 1768) granting a pension to John D. Fincher was announced as next in order.

Mr. COCKRELL. I ask that that lie over. The report states that "the examining board find nothing the matter with him," and I think, in view of the fact that the examining board find that to be so, we ought not to grant a pension.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. WILSON, of Iowa. I wish to call the attention of the Senator from Missouri to the case just passed over. I think if the Senator will read the entire paragraph from which he quoted an expression he will be satisfied to let that bill pass.

Mr. COCKRELL. I will examine it further to see.

Mr. WILSON, of Iowa, subsequently said: I understand the Senator from Missouri [Mr. COCKRELL] to withdraw his objection to the bill (S. 1768) granting a pension to John D. Fincher.

The PRESIDENT *pro tempore*. The bill will be read.

The bill was read, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to place on the pension-roll the name of John D. Fincher, late of Company H, One hundred and thirty-second Regiment of Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'KERNAN.

The bill (S. 1817) for the relief of John McKernan was considered as in Committee of the Whole. It proposes to place the name of John McKernan, of the Soldiers' Home, Washington, on the pension-roll, on account of disability contracted while in the service of the United States as a second-class private of ordnance in the Ordnance Department of the Army, at Benicia arsenal, California.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY VON KUSSEROW.

The bill (S. 2254) granting an increase of pension to Mary Von Kusserow was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Von Kusserow, widow of the late Lieut. Col. Charles Von Kusserow, Second United States Veteran Volunteers, and to pay her a pension corresponding with the rank of a lieutenant-colonel in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE S. FISHER.

The bill (S. 1834) for the relief of George S. Fisher was announced as next in order.

Several SENATORS. That is an adverse report.

Mr. MANDERSON. I ask that that go over to the Calendar under Rule IX.

The PRESIDENT *pro tempore*. It will be so ordered.

SARAH E. E. PERINE.

The bill (S. 2265) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, was announced as next in order.

Mr. ALLISON. Let that go over.

Mr. HOAR. Allow me to say that there are three or four of these cases of ironclads, where there was a contract just after the beginning of the use of ironclads, all of which have passed the Senate unanimously on explanation. By the orders of the Navy Department a commission was appointed, who found that the contractors were entitled to large additional compensation. This authorizes simply the going to the Court of Claims. The Senate, on explanation, has passed two or three of these cases unanimously.

Mr. ALLISON. Is this bill reported favorably?

Mr. HOAR. Yes, sir; and it is included in the report of the naval commission. I am not aware that there is any real objection to it.

Mr. ALLISON. I withdraw the objection.

The PRESIDENT *pro tempore*. The bill will be read.

The bill was read, and the Senate, as in Committee of the Whole, resumed its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF ERSKINE S. ALLIN.

The bill (S. 1359) for the relief of the heirs of Erskine S. Allin was announced as next in order.

Mr. ALLISON. I think that had better go over.

The PRESIDENT *pro tempore*. Objection being made, the bill will go over.

JOHN WILLIAMS.

The bill (S. 2266) for the relief of John Williams was announced as next in order.

Mr. DOLPH. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

ADJUSTMENT OF STATE CLAIMS.

The bill (S. 309) to settle and adjust the claims of any State for ex-

penses incurred by it in defense of the United States was announced as next in order.

Mr. GORMAN. Let that go over.

Mr. FRYE. In the absence of the Senator from Massachusetts [Mr. HOAR], who reported the bill, I ask that it go over without prejudice.

Mr. GORMAN. I have no objection to that.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be passed over without prejudice.

EFFICIENCY OF THE ARMY.

The bill (S. 2199) to increase the efficiency of the Army of the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I simply desire to say, the bill having been passed, that I do not approve of all the features of the bill by any means. I did not sanction it fully in committee and do not approve it now. I simply desire to record my protest against it.

ATLANTIC AND PACIFIC SHIP-RAILWAY COMPANY.

The bill (S. 2288) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes, was announced as next in order.

Mr. MCMILLAN. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

FEDERAL ELECTIONS.

The bill (S. 2297) concerning Federal elections was announced as next in order.

Mr. COCKRELL. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

CHANGE OF INAUGURATION DAY.

The joint resolution (S. R. 55) proposing an amendment to the Constitution of the United States was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. There is an amendment offered by the Senator from Massachusetts [Mr. HOAR] which will be stated.

The CHIEF CLERK. Under the head of "Article XVI," it is proposed to strike out:

The term of office of the President and the second session of the Fiftieth Congress shall continue until the 30th day of April in the year 1889; and the 30th of April shall thereafter be substituted for the 4th of March as the commencement of the official term of the successive Presidents, Vice-Presidents, and Congresses of the United States.

And in lieu thereof to insert:

The term of office of the President and of the Fiftieth Congress shall continue until the last Tuesday of April in the year 1889, at noon. The Senators whose existing term would otherwise expire on the 4th day of March in the year 1889, or thereafter, shall continue in office until noon of the last Tuesday in April succeeding such expiration; and the last Tuesday of April, at noon, shall thereafter be substituted for the 4th of March as the commencement and termination of the official term of the President, Vice-President, Senators, and Representatives in Congress.

The PRESIDENT *pro tempore*. The question is on the amendment just read.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is on the passage of the joint resolution; which, under the provisions of the Constitution, requires a two-thirds vote.

The joint resolution was passed, two-thirds of the Senators present voting in favor thereof.

Mr. HOAR. I move that the preamble be stricken out.

The motion was agreed to.

SURVEY OF HISTORIC GROUNDS, ETC.

Mr. COCKRELL. Yesterday when Order of Business 1526 on the Calendar, being Senate bill 1976, was reached I did not have the papers pertaining to it before me, and I asked that it be passed over. I now ask that that bill may be taken up. It will occupy but a moment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1976) to provide for the survey of certain historic grounds, locations, and military marks. It directs the Secretary of War to cause to be made by an officer of the Engineer Corps, in co-operation with the Maumee Valley Monumental Association, an examination and inspection of each of the following-named historic grounds, locations, and military works, to wit:

The burial place on Put-in-Bay Island of the sailors of the Navy in the war of 1812.

Fort Industry, at the mouth of Swan Creek, on the Maumee River.

Fort Miami, on the north and west side of the Maumee River, 7 miles above Fort Industry.

Fort Meigs, and the burial grounds of the soldiers of the war of 1812, near the same, on the south and east bank of the Maumee River, 10 miles above the mouth of Swan Creek.

A suitable portion of the battlefield of Fallen Timber, on the north and west bank of the Maumee River, 4 miles above Fort Meigs, where Anthony Wayne defeated the allied Indian nations under Turkey Foot, August 20, 1794.

Fort Defiance, at the confluence of the Auglaize and Maumee Rivers, erected by General Wayne in August, 1794.

Fort Wayne, at Fort Wayne, Ind., at the confluence of the Saint Joe and Saint Mary's Rivers, which was erected by General Wayne in October, 1794.

And he shall cause to be made a survey and full report to Congress of the location, situation, and condition of the same, and the amount of grounds necessary for the proper protection and improvement of the works, forts, battlefields, and burial places in and near the same, as well as the probable cost thereof; and the report shall be accompanied with the necessary maps and drawings.

The bill was reported from the Committee on Military Affairs with an amendment, to insert as a new section the following:

SEC. 2. That the sum of $150 is appropriated, out of any money in the Treasury not otherwise appropriated, for the expense of the examination and inspection provided for in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I have no objection to the mere survey contemplated in the bill just passed. I was not present in the committee when the bill was acted on. If, however, there should come up hereafter propositions to erect monuments on all these various places, to purchase ground, and to expend hundreds of thousands of dollars upon them, I want it to be distinctly understood that the passage of this bill is no guarantee of the Senate that they will be recognized, and I for one will be opposed to them.

JUDGE FOR SOUTHERN ALABAMA.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. PUGH. Will the Senator withdraw that for a moment? A bill was passed over yesterday of local importance that I ask the consideration of for a few minutes.

Mr. ALLISON. I withdraw the motion for the present.

Mr. PUGH. It is Order of Business 1134, a House bill.

The PRESIDENT *pro tempore*. If there be no objection the bill will be stated by title.

The SECRETARY. "A bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama."

Mr. KENNA. I understand an amendment which was proposed yesterday to that bill will not be offered—an amendment involving the salaries of all the district judges. With that understanding, I have no objection.

Mr. HOAR. The Senator from Vermont [Mr. EDMUNDS] being away, I shall take advantage of his absence to observe for the information of some Senators that there is a place in this country where they appoint committees, and in that place a committee have voted to recommend the passage of this amendment, which has already passed the Senate. So I think it is better not to move it on this bill. Let it take its luck.

Mr. KENNA. In the line of the suggestion of the Senator from Massachusetts, I will say that there is a place in this country where all the bills that may be reported by committees are not passed; but I have no objection to this bill coming up under the understanding that the amendment referred to is not to be moved.

Mr. ALLISON. I withdraw the motion, to allow the Senator from Alabama to have his bill passed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment of the committee was, in section 1, line 6, to strike out "the same" and insert "a;" and after the word "salary," in line 7, to strike out the words "and to be paid in the same manner that the judge of the other district court of said State is allowed and paid" and insert "of $3,500, payable quarterly;" so as to make the section read:

That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the southern judicial district of the State of Alabama; and that said judge shall be entitled to receive a yearly salary of $3,500, payable quarterly.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That terms of the district court for the southern district of Alabama shall, in addition to the regular terms as now provided by law, be held on the fourth Mondays in October, February, and April in each year, for the purpose of deciding causes of admiralty and maritime jurdisdiction.

The amendment was agreed to.

The next amendment was to strike out section 3, as follow:

SEC. 3. That the district judge for the southern district of Alabama shall reside at Mobile.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That the jurisdiction of the present district judge for the several districts of Alabama, and his successors, shall hereafter be confined to the northern and middle districts of said State.

The amendment was agreed to.

Mr. LOGAN. I desire to offer an amendment as a new section:

That the salary of all the district judges of the United States shall be $5,000 per annum hereafter.

Mr. KENNA. Now I appeal to the Senater from Illinois whether he will offer that amendment in face of the understanding we have had this day?

Mr. LOGAN. What understanding?

Mr. KENNA. Yesterday this bill came before the Senate subject to objection. That amendment was offered by the Senator from Indiana [Mr. HARRISON]. I objected to its consideration, and on account of the absence of the Senator from Alabama [Mr. PUGH], by common consent it went over, I withdrawing my objection. A moment ago the bill was called up. I stated that I understood the amendment offered yesterday would be withdrawn and not insisted upon, and that being the case I would make no objection, but if that amendment was to be insisted upon I would object. Thereupon the Senator from Massachusetts [Mr. HOAR]—which the Senator from Illinois may not have heard—stated that because of the fact that somewhere in this country where bills were passed and committees made reports, a report had been made which met his views, therefore the amendment should not be considered here. I having withdrawn the objection with that understanding, I trust the Senator from Illinois will not press the amendment.

Mr. LOGAN. You can renew the objection so far as that is concerned.

Mr. KENNA. If an objection lies as well now, I am content to renew it.

The PRESIDENT *pro tempore*. Objection is made.

Mr. LOGAN. I will state to the Senator from West Virginia that I am not on the Committee on the Judiciary, but I have seen this game of shuttlecock played here long enough about the salaries of judges. I have tried for a number of years to have their salaries increased. That ought to be done and it has been agreed to time and again by one House or the other. One House agrees to it and the other House vetoes it, and there is no way to pass it except on a bill of this character, and this being a bill to appoint a judge is the only bill before Congress that I know of on which it can be put. I have no doubt the other branch of Congress will take it with this amendment. I have no right to refer to other parts of this Congress, but I may say that I see a general disposition to reduce all salaries. I do not believe in that policy. It is not economy to reduce the salaries of judges, but it is economy to increase them if they are too low and give them a decent, respectable salary. I move the amendment and shall not be deterred from doing it.

Mr. KENNA. I do not want to interfere with the passage of this original bill, but I think I am perfectly clear in the statement to the Senator from Illinois that the attaching of this amendment to the bill will not facilitate it in any way. A bill involving substantially what the Senator from Illinois now proposes has passed the Senate and gone to the House, and is subject to consideration there at the pleasure of the House. We can not by any action here properly, it seems to me, undertake to enforce an order of business elsewhere. I do not want to obstruct the passage of the original bill; I conceive it to be a bill of merit. I do not, however, want to see this proposition attached to it. I shall be obliged to object to the consideration of the whole measure unless I can object separately to this particular proposition, and if it be necessary to prevent the consideration of this proposition I shall object to the consideration of the bill.

Mr. PUGH. The bill is one of great importance, and its necessity was passed upon by the Judiciary Committee, by which it was unanimously reported on the statement of the circuit and district judges and the bar that there is now practically a denial of justice in maritime cases under the present arrangement for holding courts in Alabama.

I desire to say to my friend from Illinois that I am satisfied the attempt to put his amendment on this bill will lessen the chances for passing the salary bill through the other House. It has no place on this bill. This judge is for a local jurisdiction. By this bill the new judge is to hold the court in the city of Mobile and nowhere else; and the district judge now there holds three courts in various parts of the State twice a year. His salary remains as it is unless there is a general law to increase the salaries.

I do not violate the rules of the Senate by saying that the condition of the salary bill in the House is that it has been reported favorably from the Judiciary Committee of the House. The Judiciary Committee have asked and obtained leave from the House to consider for two days bills from that committee, and I am informed by a member of the committee that this salary bill is one of the bills they intend to call up for action.

Under these circumstances it looks to me as if it would prejudice the standing of the salary bill in the House to attach it as an amendment to this bill. The amendment is out of place on this local bill; and not being unfriendly to the salary bill in the House I suggest to the Senator from Illinois to allow this local bill to go through without the amendment.

Mr. LOGAN. In response to that I will say that I certainly feel kindly to this bill. I do not know that the Senator will remember it, but I have tried for years to get an increase of salary for the judge of the northern district of Illinois, who holds court at Chicago—a man who does more work than any district judge in the United States, at a small salary; and in order to obtain that increase for him I was willing to increase the salary of all the district judges. I think they ought to have more. I am always told that if this bill passes without that amendment it will be done in the House or some other place. It has not been done, and it will not be done this session or any other. I notice the disposition in some places on other bills that I have to deal with about salaries, and I am satisfied that it will not be done. I propose for that reason, unless this amendment can go on this bill, that this bill shall not pass under this order.

Mr. PUGH. I now ask the Senator from West Virginia to allow the vote to be taken upon the amendment to this bill.

Mr. KENNA. I can not do that. Of course a majority of the Senate can do as they please.

Mr. PUGH. The Senator can make his objection afterward.

Mr. KENNA. I can not allow this amendment to go on the bill with my assent to it.

Mr. PUGH. The Senator can object to the bill after the vote on the amendment. The right to object continues up to the passage of the bill. I hope the Senate will vote down the amendment.

Mr. ALLISON. I think this had better go over until morning and then let us arrange respecting it.

I move that the Senate proceed to the consideration of executive business.

PUBLIC-LAND LAWS.

The PRESIDENT *pro tempore*. Before putting the question on that motion the Chair will lay before the Senate as the unfinished business, in accordance with the understanding of the Senate, the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

The question now is on the motion of the Senator from Iowa.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty-nine minutes spent in executive session the doors were reopened; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, June 21, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 18th day of June, 1886.

FOR PROMOTION IN THE ARMY.

First Regiment of Cavalry.

Maj. Abraham K. Arnold, of the Sixth Cavalry, to be lieutenant-colonel, June 11, 1886, *vice* Forsyth, promoted to the Seventh Cavalry.

Fifth Regiment of Cavalry.

First Lieut. Adolphus W. Greely, to be captain, June 11, 1886, *vice* Adam, promoted to the Sixth Cavalry.

Second Lieut. James V. S. Paddock, to be first lieuetnant, June 11, 1886, *vice* Greely, promoted.

Sixth Regiment of Cavalry.

Capt. Emil Adam, of the Fifth Cavalry, to be major, June 11, 1886, *vice* Arnold, promoted to the First Cavalry.

Seventh Regiment of Cavalry.

Lieut. Col. James W. Forsyth, of the First Cavalry, to be colonel, June 11, 1886, *vice* Sturgis, retired from active service.

Sixth Regiment of Infantry.

First Lieut. Frederick W. Thibaut, to be captain, June 6, 1886, *vice* Murdock, deceased.

Second Lieut. Zerah W. Torrey, to be first lieutenant, June 6, 1886, *vice* Thibaut, promoted.

FOR PROMOTION IN THE ARMY IN ACCORDANCE WITH SECTION 1207, REVISED STATUTES.

Ordnance Department.

First Lieut. Rogers Birnié, jr., to be captain, June 14, 1886.

First Lieut. Ira MacNutt, to be captain, June 14, 1886.

First Lieut. Charles C. Morrison, to be captain, June 14, 1886.

First Lieut. Frank Baker, to be captain, June 14, 1886.

WITHDRAWAL.

Nomination withdrawn June 18, 1886.

Charles Holliday, nominated to be postmaster at Saint Louis, Gratiot County, Michigan, which nomination was delivered to the Senate the 6th day of January, 1886.

CONFIRMATIONS.

Executive nominations confirmed by the Senate the 18th day of June, 1886.

TO BE JUSTICES OF THE PEACE FOR THE DISTRICT OF COLUMBIA, TO BE ASSIGNED TO THE CITY OF WASHINGTON.

Charles Walter.
Charles S. Bundy.
William C. Harper.
John N. Oliver.

POSTMASTERS.

Robert H. Taylor, to be postmaster at Wilmington, New Castle County, Delaware.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 18, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

TRUST FUNDS, WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, in reply to a resolution of the House of Representatives calling for a schedule of trust funds, &c., in his hands; which was referred to the Committee on Ways and Means, and ordered to be printed.

MARE ISLAND NAVY-YARD.

The SPEAKER also laid before the House a letter from the acting Secretary of War, transmitting an estimate from the Secretary of the Navy of appropriations for officers' cottages and repair of barracks, &c., at the Mare Island navy-yard; which was referred to the Committee on Appropriations, and ordered to be printed.

REFERENCE OF A HOUSE RESOLUTION.

The SPEAKER also laid before the House Senate amendments to the joint resolution (H. Res. 183) providing for the printing of the first annual report of the Commissioner of Labor; which were referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. JOHNSON, of New York, for ten days, on account of business.

To Mr. TRIGG, until Tuesday next.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa, appears to have been improperly referred to the House Calendar. The Chair will order it to be placed on the Private Calendar.

PRINTING OF EULOGIES ON THE LATE JOSEPH RANKIN.

Mr. HUDD, by unanimous consent, submitted a joint resolution (H. Res. 185) providing for the printing of certain eulogies delivered in Congress upon the late Joseph Rankin; which was read a first and second time, and ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

The joint resolution is as follows:

Be it resolved, &c., That there be printed of the eulogies delivered in Congress upon the late Joseph Rankin, a Representative in the Forty-ninth Congress from the State of Wisconsin, 12,500 copies; of which 3,000 shall be for the use of the Senate and 9,500 for the use of the House of Representatives; and the Secretary of the Treasury be, and hereby is, directed to have printed a portrait of the said Joseph Rankin, to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HUDD moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy;

A bill (S. 686) granting a pension to Charles N. Sebastian;

A bill (S. 787) granting a pension to Ruben Farnum;

A bill (S. 1077) granting a pension to Newcomb Parker;

A bill (S. 1304) granting a pension to William Reynolds;

A bill (S. 1486) to authorize the Denison and Washita Valley Railway Company to construct and operate a railroad through the Indian Territory, and for other purposes;

A bill (S. 1618) granting a pension to John G. Nicholas;

A bill (S. 1797) granting a pension to John S. Kirkpatrick; and

A bill (S. 1841) granting a pension to Joseph Shull.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. BELMONT. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back the bill (H. R. 6392) with Senate amendments and recommend concurrence in certain of the amendments enumerated in the report and non-concurrence in the others.

The report was read, as follows:

The Committee on Foreign Affairs, to whom was referred the bill (H. R. 6392) making appropriations for the diplomatic and consular service for the year ending June 30, 1887, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate No. 5, in line 10; No. 6, in line 113; No. 11½, in line 526; No. 13, in line 577; No. 14, in line 654; and No. 15, in line 658.

They recommend non-concurrence in the amendments numbered 1, 2, 3, 4, 7, 8, 9, 10, 10½, 11, and 12.

The report of the committee was agreed to.

The SPEAKER. Does the gentleman desire to ask a conference at present?

Mr. BELMONT. Not at present.

STATUE OF LIBERTY ENLIGHTENING THE WORLD.

Mr. BELMONT. I am directed by the Committee on Foreign Affairs to present a report which I send to the desk. I will ask that it be read. On the 12th of May last a message from the President of the United States urging upon Congress action in the matter of an appropriation of such sum of money as in the judgment of Congress shall be deemed adequate to defray the cost of the inauguration of the statue of "Liberty Enlightening the World," presented by citizens of the French Republic to the people of the United States in commemoration of our independence as a nation, was referred to the Committee on Foreign Affairs with leave to report at any time. I ask that the report be read.

The Clerk commenced to read the report.

Mr. OATES (interrupting the reading). Is that a privileged matter?

The SPEAKER. The message was referred to the Committee on Foreign Affairs with leave to report at any time. The Clerk will continue the reading.

Mr. DUNHAM. Does that order give the right to report on private bill day?

The SPEAKER. It gives the right to report at any time. The Chair understands the report is made not for action, but for reference to the Committee on Appropriations. If there be no objection, the further reading will be dispensed with.

Mr. BELMONT. There are only a few lines more.

Mr. DUNHAM. Will a motion to allow the report to be printed in the RECORD dispense with the reading?

The SPEAKER. The gentleman from New York has the right to have the report read before it is referred. The House has to act upon it.

The Clerk continued and concluded the reading of the report.

Mr. BELMONT. I ask the adoption of the report. The Committee on Foreign Affairs is of opinion that the Government is in honor bound to make provision for this inauguration, under the joint resolution of Congress of March 3, 1877, and therefore recommends that a suitable appropriation be made. The committee now asks to be discharged from the further consideration of the matter, and that it be referred to the Committee on Appropriations. It is a subject which properly belongs to the Committee on Appropriations, and that committee can report an appropriation in connection with the sundry civil bill.

By a joint resolution of Congress, approved March 3, 1877, the President was authorized and directed to accept the colossal statue of Liberty Enlightening the World when presented by the citizens of the French Republic, and to designate and set apart for the erection thereof a suitable site upon either Governor's or Bedloe's Island, in the harbor of New York, and upon the completion thereof to cause the statue "to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister republic."

The President was further thereby "authorized to cause suitable regulations to be made for its future maintenance as a beacon, and for the permanent care and preservation thereof as a monument of art and the continued good-will of the great nation which aided us in our struggle for freedom." Thursday, the 3d of September, being the anniversary of the signing of the treaty of peace at Paris by which the independence of the United States was recognized, has been selected as an appropriate day for the ceremonies of inauguration.

The SPEAKER. The Chair understands the committee asks to be discharged from the further consideration of the matter, and that it be referred to the Committee on Appropriations.

Mr. BELMONT. Yes; for the reasons given in the report. I make that motion.

The question being taken, the Committee on Foreign Affairs was discharged from the further consideration of the message, which, together

with the report of the committee, was referred to the Committee on Appropriations.

FINAL ADJOURNMENT.

Mr. ANDERSON, of Kansas. I desire to introduce a resolution for reference.

The SPEAKER. Is it a privileged resolution?

Mr. ANDERSON, of Kansas. Yes, sir.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 12 o'clock m. Saturday, July 3, 1886.

The resolution was referred to the Committee on Ways and Means.

ORDER OF BUSINESS.

Mr. HERBERT. I move to dispense with private business for to-day.

Mr. OATES. On last Friday there were two special orders postponed for final action until to-day.

The SPEAKER. The Chair thinks the motion of the gentleman from Alabama [Mr. HERBERT] would not interfere with those special orders which assigned two bills for consideration this morning.

Mr. OATES. Then I have no objection to my colleague's motion.

Mr. TAULBEE. Would that dispense with the call of committees for reports?

The SPEAKER. It would not, but the House of course could make another order hereafter.

The question being taken on the motion of Mr. HERBERT, there were—ayes 88, noes 31.

Mr. ZACH. TAYLOR. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Tennessee, Mr. ZACH. TAYLOR, and the gentleman from Alabama, Mr. HERBERT.

Mr. ZACH. TAYLOR. I withdraw the point as to a quorum.

So (further count not being called for) the motion was agreed to, and private business was dispensed with for this day.

The SPEAKER. As has already been stated, there is an order assigning two bills for consideration immediately after the reading of the Journal this morning.

Mr. RANDALL. Must that order be executed?

The SPEAKER. It must, unless it be postponed. The Clerk will report the titles of the bill and joint resolution as to which the special order was made.

The Clerk read as follows:

A bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes.

Joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

Mr. RICHARDSON. So far as I am concerned I am willing to let those two matters go over until next Friday after the reading of the Journal.

Mr. HERBERT. I move that the order for the consideration of those two bills be postponed.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON], in charge of the first bill, asks that it be postponed until next Friday morning. Is there objection?

Mr. JOHNSTON, of Indiana. I object. I understand we have dispensed with the consideration of all private business for to-day.

The SPEAKER. This is a special order.

Mr. JOHNSTON, of Indiana. Was there a special order made in each case?

The SPEAKER. There was.

Mr. JOHNSTON, of Indiana. I withdraw the objection.

No further objection being made, the consideration of the bill, H. R. 5194, was postponed until next Friday after the reading of the Journal.

Mr. HERBERT. I make the same motion as to the joint resolution, H. Res. 72.

The SPEAKER. The question is on the passage of the joint resolution; and the Chair is under the impression that the yeas and nays have been ordered upon it. At any rate it was agreed the yeas and nays should be taken. The gentleman from Alabama moves to postpone the further consideration of the joint resolution until next Friday.

Mr. OATES. It has been postponed for several weeks.

The question being taken on the motion of Mr. HERBERT, there were—ayes 87, noes 13.

Mr. OATES. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Alabama, Mr. OATES, and the gentleman from Alabama, Mr. HERBERT.

The House divided; and there were—ayes 125, noes 43.

So the consideration of the joint resolution was postponed until next Friday.

Mr. SPRINGER. I now move to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a vote of two-thirds.

The question being taken, the Speaker stated that the "ayes" seemed to have it.

Mr. TAULBEE. I call for a division.

The House divided; and there were—ayes 105, noes 26.

So (further count not being called for) the motion was agreed to, two-thirds voting in favor thereof.

Mr. O'NEILL, of Missouri. With the consent of the gentleman from Alabama [Mr. HERBERT] I ask unanimous consent to make two reports from the Committee on Labor.

Mr. HERBERT. I hope that consent will be given, as the gentleman informs me that he is going away to-night.

There was no objection.

LEAVE OF ABSENCE GRANTED TO EMPLOYÉS IN U. S. NAVY-YARDS.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back favorably the bill (H. R. 8819) to grant leaves of absence to employés in the United States navy-yards; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

IMPORTATION OF LABOR UNDER CONTRACT.

Mr. O'NEILL, of Missouri, from the Committee on Labor, also reported back favorably the bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole for the further consideration of the bill making appropriation for the naval service for the fiscal year ending June 30, 1887, and pending that motion I ask unanimous consent that general debate on the bill be limited to four hours. I know that the House is impatient to end the debate sooner, but we have not been able to effect any other agreement, and as gentlemen on both sides have consented to this limitation I hope the House will consent.

There was no objection, and it was so ordered.

The motion of Mr. HERBERT was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill. The gentleman from Maine [Mr. BOUTELLE] is entitled to the floor.

Mr. BOUTELLE. Mr. Chairman, I yield twenty minutes of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I was prepared to accept this bill as one which ought to pass with very little discussion. The gentleman from Alabama [Mr. HERBERT] insisted that the debate should be very brief. He thought that two hours would be sufficient, and then he consumed an hour and a half in discussing the matter affirmatively, suggesting to my mind that possibly it should receive a more careful examination than many of us have yet been able to give it.

I am not, perhaps, prepared just at this moment to discuss it as I would wish to do. I will therefore, if the Committee of the Whole will permit, occupy my time with some observations in reference to the address which was made the other night by the gentleman from Alabama [Mr. WHEELER], the colleague of the chairman of the committee. That gentleman delivered an address occupying an hour and a half. Nearly every moment of his time was consumed in an assault upon the memory of the late Secretary Stanton. Apparently that speech was prepared with very great deliberation. The gentleman had taken ample time for its preparation. More than three weeks had been devoted to that purpose. He had ransacked all the authorities within his reach in order to furnish what would seem to justify the most unjustifiable assault which he made upon Mr. Stanton on the 12th of May last.

Mr. HERBERT. The gentleman will permit me to call his attention to the fact that my colleague who delivered the speech referred to is not at present in the House.

Mr. HEPBURN. That is not my fault. The gentleman's colleague was in the House ten minutes ago, and knew that I proposed to discuss this matter.

Mr. Chairman, on the day that I have named the gentleman from Alabama used the language which I shall cite. It will be remembered that at that time the Committee of the Whole was engaged in the discussion of an appropriation bill and of those paragraphs which referred to the Judge-Advocate-General's Bureau. After the debate was substantially concluded the gentleman said he desired to remind the committee of a little episode in the history of that Department, and continued:

It will be remembered at that time there was a great political quarrel between McClellan on the one side and influential officials connected with the Republican administration on the other side; and means had to be devised to strike down McClellan.

During that summer, while troubles were brewing in the Army in front of Washington, a law was enacted providing for the appointment of a Judge-Advocate-General. The idea was to appoint Joseph Holt to be Judge-Advocate-General of the Army, not, as history tells us, for the purpose of administering justice, but in order to use the intricacies of the law to strike down McClellan; and after the disasters of August, 1862, in the month of September, Joseph Holt was appointed.

The gentleman was reminded that was not history and that a charge of that kind could not be made without an attempt to vilify the memory of Abraham Lincoln. These two great men were intimately connected, and the commission of Joseph Holt was signed by Mr. Lincoln. Mr. Lincoln knew all his acts. Mr. Lincoln was conversant with the necessities of his appointment. Mr. Lincoln approved of his course in that office.

It then occurred to some of the gentlemen on the other side that it would not be wise thus wantonly to assail the memory of Mr. Lincoln through Judge-Advocate-General Holt. And the gentleman from Wisconsin [Mr. BRAGG], knowing that fact, promptly came to the relief of the gentleman from Alabama [Mr. WHEELER], and suggested it was another person who was intended when they assailed the Judge-Advocate's Department.

Then the gentleman from Alabama shifts his ground and says:

I thank the gentleman from Wisconsin for the suggestion that the charges we make were against the arch-conspirator, Mr. Stanton [hisses on the Republican side], who sought and conspired to drag down officers of the Army who did not comport to his views or sustain the line of policy he sought to inaugurate. .

After that the gentleman concluded it was wise to shift his ground again. His charge was not broad enough for the purpose of his proof; and when he published his speech he uses this language:

I thank the gentleman from Wisconsin [Mr. BRAGG] for the suggestion that the statements refer to the conspirator, Edwin M. Stanton [hisses on the Republican side], who sought to conspire to drag down officers of the Army who did not conform to his views or sustain the line of policy that he had inaugurated.

That was not broad enough, and so when he delivered his speech the other night (June 4) he still broadened the ground, and said the charge he had made was that Mr. Stanton had sought to conspire to drag down officers; and then in his astonishing argument he proposes to say Mr. Stanton, not as Secretary of War in Mr. Lincoln's Cabinet, as he originally charged, not as a member of the administration of Mr. Lincoln when he was engaged directly in trying to put down the rebellion, but at a much earlier period, when he was a member of Mr. Buchanan's cabinet, had sought to conspire against certain "officers," and among them he includes Mrs. Surratt.

He says the persons Mr. Stanton sought to drag down were Buchanan and his Cabinet, and he indulges in most laudatory commendations of these gentlemen. They were all of them, he informs us, loyal and honest men, forgetting among that number was the same Joseph Holt whom he originally says was inducted into the office of Judge-Advocate-General in order to conspire to drag down McClellan, to settle the "political quarrel then existing between McClellan and certain prominent Republicans." Think of it! The man he lauds as a loyal man, as an honorable man, as an honest man, being a party to this conspiracy to settle this political quarrel by dragging down one of the great Federal commanders!

Mr. Chairman, the gentleman introduced certain proofs, or what he denominated proofs, to sustain his position. He says Mr. Stanton conspired against Buchanan and the other members of the Cabinet, and in the line of his conspiracy divulged the secrets of the administration. And he has much to say about the dishonor involved in divulging the secrets of that Cabinet. He tells us that Mr. Wilson, in an article in the Atlantic Monthly for 1870, says "he (Stanton) put himself in communication with the Republicans in Congress and kept them well informed as to what was going on in the councils of the administration." And there he closes his quotation. If he had continued and quoted the entire sentence he would have read the words "directly relating to the dangers of the country." Stanton's solicitude was for an imperiled country, and the entire sentence shows that he limited his communications to such as were "directly relating to the dangers of the country."

But those words of limitation, so important to the real meaning of Senator Wilson, the gentleman sees fit to omit. And I here make the assertion, that in every scrap of quoted proof the gentleman has adduced he has garbled it. He has violently wrenched it from its context or omitted material parts, that had they been properly placed or fully quoted would have conveyed a different meaning. In the quotation cited the gentleman conveys the impression that Stanton, from treachery or in the wantonness of gossipping, betrayed the secrets of Mr. Buchanan's council board, while the quotation entire places him in the line of exalted patriotism, advising his copatriots as to dangers impending over their common country.

Every one of these authorities testified to the fact that Mr. Stanton's communications were confined to the immediate dangers of the country. What secrets were there, I would ask the gentleman, in the councils of that administration that might not be divulged to patriots? All that Stanton said was with reference to the imminent perils threatening the country; dangers which were then surrounding the Union.

Was it objectionable that all the world, at least that portion of the world which was loyally, zealously, and faithfully striving to protect the Union, should know of these dangers? I defy the gentleman in all of the voluminous writings to which he referred, with one solitary exception, to show that any one condemned Mr. Stanton for divulging any secrets of that administration that did not directly bear upon the then existing perils of the country. I also defy him to find in any of his authorities any single instance where Mr. Stanton had held communication with any man upon this subject except those who were loyally and faithfully striving to save the Union.

Who were the men that Stanton conspired with? Who were the men that he communicated with? They were Mr. Seward, Mr. Chase, Mr. DAWES, Mr. Howard, Mr. Wilson, and Mr. Welles. That is the list of the names, and they include all that are named. What secret of that administration concerning the perils of the country ought not to have been known at that time to these men?

The gentleman quotes Montgomery Blair as among his authorities, the only one who used a harsh criticism on Mr. Stanton's conduct. He quotes Mr. Buchanan as an authority; and yet Mr. Buchanan says in one letter some time in April, 1862, in which he discusses the subject of divulging Cabinet secrets, that history presents but one case in which there is known to have been dishonor of that character, and that man was destroyed. And yet Stanton at that time was in the very height of his power, honored by all; no destruction had come to him; so that he at least could not have been the man whose conduct had become known to Mr. Buchanan in his historical reading. So it is in the second quotation the gentleman makes from Mr. Buchanan, found in a letter of a few weeks' later date, again clearly showing that Mr. Stanton was not the man who was in the mind's eye of the writer of the letter, and that Mr. Buchanan gave no such construction to Mr. Stanton's conduct as is given by the gentleman from Alabama.

The gentleman says that Mr. Howard is a witness against Stanton. Mr. Howard says, quoting the gentleman substantially, that he is satisfied that Stanton was the author of certain resolutions that were introduced in the House of Representatives on the 9th day of January, 1861. The gentleman has very much to say about these resolutions. He was careful, however, not to quote them. It may be well to give some attention to them in this connection. Mr. Howard says the "committee was raised at the request of loyal members of Mr. Buchanan's Cabinet" and that "the resolutions came from them."

The resolutions instructed the committee to inquire—

1. Whether any executive officer of the United States has been or is now treating or holding communication with any person or persons concerning the surrender of any forts or fortresses or public property of the United States; and whether any demand for such surrender has been made, when, and by whom, and what answer had been given?
2. Whether any officer of this Government has at any time entered into any pledge, agreement, or understanding with any person or persons not to send re-enforcements to the forts of the United States in the harbor of Charleston, and the particulars of such agreement, pledge, or understanding; when, where, and with whom it was made and on what consideration?
3. What demand for re-enforcements of the said forts has been made, and for what reason such re-enforcements have not been furnished?
4. Where the ships of the United States are now stationed, with what commands, and with what orders?
5. Whether the custom-house, post-office, arsenal, and other public buildings of the United States, at Charleston, have been seized and are held in possession by any person or persons, and the particulars of such seizure and possession?
6. Whether any revenue-cutter of the United States has been seized and is now held in possession by any person or persons, and the particulars thereof; and whether any efforts have been made by the head of the Treasury Department to recapture or recover possession of said vessel?

These were the resolutions concocted by these "conspirators" that the gentleman refers to as an evidence that Mr. Stanton was striving to break down his colleague in the Cabinet, Mr. Toucey. Now, gentlemen, remember that under these resolutions raising this committee there were five gentlemen appointed to constitute the committee. It was composed of Mr. DAWES, Mr. Reynolds, Mr. Howard, Mr. Cochran, of New York, a Democrat, and Mr. Branch, of North Carolina, a Democrat, who was afterward killed in the confederate service. These were the men intrusted with the duty of making such inquiries as were to result in breaking a Cabinet officer, and which the gentleman says sustains his charge that Mr. Stanton was a conspirator and was trying to drag down officers of the Army in 1862! Surely all will agree that if the result of these inquiries would be to "drag down" a Cabinet officer, then I ask was it not the duty of all loyal hands to aid in dragging him down?

Mr. Chairman, the gentleman indulged in very much of eulogy in reference to Mr. Toucey. He was a "loyal, patriotic man," so the gentleman says, and that Edwin M. Stanton was trying to drag him down and dishonor him. The report of the committee referred to estalished the fact that although at that time—the latter part of January, 1861—we had thirty-eight war vessels in commission, yet there only two upon the Atlantic coast. We had twenty-eight vessels in the different navy-yards, partially dismantled, and Mr. Toucey had under his control on the 1st of January of that year $648,000 of unexpended appropriations for repairs, yet not one of these vessels was prepared for active service, justifying in the opinion of many the charge that has been made against him, that with design and purpose he scattered parts of the Navy of the United States where it might not be used against the Confederate States and left other parts in an unserviceable condition.

This same Mr. Toucey, day after day, week after week, accepted the resignations of officers who resigned, having first turned over voluntarily in many instances the property of the United States, the custodians of which they were, after all the facts were known to him. Let me call attention to a few of those cases.

RESIGNATIONS.

Lieut. J. R. Hamilton resigned December 1. His resignation reached the Department December 15, and was accepted the same day without examination or inquiry as to conduct. He immediately addressed a letter to his late brother officers advising them to resign and to bring their vessels with them to Southern ports and turn them over to the traitors already in arms. Had the Secretary declined to accept this resignation Hamilton might have been tried for this treason.

V. M. Randolph, captain, of Alabama, who had been excused from active service for two or three years on account of ill health, as stated, on the 10th of January forwarded his resignation. Before 12 o'clock noon of the 12th and before his resignation had reached Washington, and while still a captain, he appeared before the gates at the Pensacola navy-yard at the head of an insurgent force and demanded its surrender. The yard and the forces and the United States stores and all other property of vast amount was surrendered to him. The dispatch from the commandant announcing the ignominous surrender reached the Department on the evening of the 13th. The resignation of Captain Randolph reached the Department on the 14th, when, without inquiry or delay, it was immediately accepted.

Commander Ferroud, also of Alabama, was the executive officer at the Pensacola navy-yard. When the attack was made on the yard he met the assailants at the gate by previous arrangement, conducted them to the commandant, and participated in the surrender, and immediately engaged in service under the new commandant of the yard. This was while still retaining his commission. On the 13th or 15th he forwarded his resignation. It reached the Secretary on the 21st of January, seven days after official notice of his action had been received at the Department. Yet this resignation was immediately accepted without inquiry.

F. B. Renshaw, a lieutenant of the Navy, a citizen of Florida, actively engaged in the surrender. It was by his order that the flag was hauled down and degraded amidst taunts and jeers. He immediately enrolled himself under the leader of the insurgents. He continued to hold his commission until the 16th of January. His resignation reached the Secretary on the 22d, when, like the others, it was without inquiry promptly accepted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE. As a matter of justice to the gentleman from Iowa I yield him more time.

Mr. BEACH. How much time does the gentleman yield?

Mr. BOUTELLE. I will say I yield the gentleman as much time as he may desire, since the gentleman from New York wishes to be specific.

Mr. HEPBURN. The resignations of a large number of officers under the same class of circumstances, tainted with the same offense and crime, were by this officer promptly accepted. Did not that justify the suspicion on the part of loyal men at that time, surrounded as they were with recognized perils on every hand—traitors within and traitors without the Departments—did not that justify their being suspicious of a man charged with the defense in part of this Government when he would conduct himself in that way?

I submit to the gentleman that the charge he ought to have made, if he made any against Mr. Stanton, was disloyalty to party rather than disloyalty to his country. Where does duty lie under such circumstances? When, if there are such times, a man can not be true to both party and country, what does duty require at his hands? If there was treachery, which I deny, it was toward a disloyal party, but there was nothing but loyalty toward the Constitution that he had taken an oath to support and the lawful and patriotic purposes of his chief. There was no oath binding him to support the machinations of the men who were trying to destroy the Government.

There was an oath registered requiring him to be loyal and true to his Government.

And is it not true that the assaults that have fallen upon Mr. Stanton had their origin in a bitter disappointment that he did not lend his powerful aid to the purposes of those who opposed the suppression of the rebellion? He had been "a pro-slavery Democrat," the gentleman informs us, and doubtless all such expected that Stanton by easy stages would find himself in the disloyal camp. And when his sturdy blows fell thick and fast upon them there was no limit to their hate and rage.

The course that Mr. Stanton pursued, in my humble judgment, and it seems to me that ought to be the judgment of all loyal men, was the course that an honorable man ought to pursue. Mr. Stanton, the gentleman says, sought to drag down McClellan. That is the original charge. I assert there is absolutely no proof of that. Mr. Stanton was at all times the friend and the supporter of General McClellan until in his judgment he had shown the country that he was incapacitated for the duty that was required at his hands. While a great organizer, while a soldier of the highest merit in many respects, he demonstrated his incapacity, so it was believed, to handle large forces in the field and to fight them. Mr. Stanton was capable of recognizing this fact, and knowing how much depended on his capacity to so handle the Army, knowing what results would follow incapacity, he was prompt to say a change of commanders was necessary when he was fully satisfied this incapacity was proven. But there was no "dragging down;" there was no "conspiracy." Mr. Stanton of all men was open in all his doings with all other men. Stanton's opinions in that period were known all through the country as perhaps those of no other equally distinguished man in the country were known. He was one of all others who made no concealment with regard to his opinions upon the subject of the conduct of the war. Those who are familiar with the current literature of that day know that I am but stating the facts with regard to this matter. What Mr. Stanton thought upon public questions was publicly stated, and very early after the mooted incapacity of the general it was known what he thought and that he was in favor of a change of commanders.

With reference to his conduct in the Surratt case, the gentleman from Alabama at this late day, without knowing any of the facts—it being impossible for him to have known them at the time—gratuitously states that Mrs. Surratt was an innocent woman and that she was unjustly condemned. I do not care to enter into that discussion. The gentleman charges that Mr. Stanton, as a part of a conspiracy, withheld from the President of the United States the important fact that the court condemning Mrs. Surratt had asked executive clemency for her benefit. He quotes then the President's statement in proof, yet there are two gentlemen who say it is not true, Mr. Stanton and Judge Holt.

Judge Holt, whom the gentleman from Alabama indorses so enthusiastically as an honest and honorable man, gives a direct denial to the statement of suppression. All the facts known to any one concerning the trial and the findings of the court were laid before the President, and if the President did not know (as he later may have said he did not) that the court had asked clemency at his hands, it was his own fault and not the fault of the men whom it is the purpose of the gentleman from Alabama to deride and malign.

The gentleman tells us that while this "conspiracy," dark and deep and damnable, was going on (the one against Buchanan and his Cabinet) on the side of the loyal men of this country, there was no conspiracy upon the other side; that upon the part of Southern men all was open and above-board—honorable and high-minded. Again, the gentleman has failed to read the history of his times. Why, Mr. Chairman, a gentleman then holding a seat in Congress from his own State, Alabama, gave as a reason for coming to Washington in December, 1860, that by so doing he could tie the hands of the Government and allow the rebellion to assail it. The gentleman ought to know something of the history of his own State and of its public men, yet he seems not to know that this Representative of that State himself averred that his sole object in coming here as an officer of this Government, charged with defending the Constitution and the country against its enemies, was to tie the hands of the Government so that it could not prepare to defend itself.

The Senators from the gentleman's own State, and from five or six other States in the South, advised their constituents as follows. I read from a letter dated January 7, 1861, and written from Washington:

MY DEAR SIR: On the other side is a copy of resolutions adopted at a consultation of the Senators from the seceding States, in which Georgia, Alabama, Louisiana, Arkansas, Texas, Mississippi, and Florida were present. The idea of the meeting was that the States should go out at once, and provide for the early organization of the confederate government not later than the 15th of February. This time is allowed to enable Louisiana and Texas to participate.

It seemed to be the opinion that if we left here force, loan, and other volunteer bills might be passed, which would put Mr. Lincoln in immediate condition for war; whereas by remaining in our places until the 4th of March it is thought we can keep the hands of Mr. Buchanan tied and disable the Republicans from effecting any legislation which will strengthen the hands of the incoming administration.

The resolutions will be sent by the delegation to the president of the convention. I have not been able to find Mr. Mallory [his Senatorial colleague] this morning. I have thought it best, therefore, to send you this copy of the resolutions.

In haste, yours,

D. L. YULEE.

JOSEPH FINEGAN, Esq.,
Tallahassee, Fla.

There is patriotism for you! There is honor for you! There is high-mindedness and purity and singleness of purpose! These gentlemen, coming here to the United States Senate with their oaths to support the Constitution fresh upon their lips, with the duty imposed upon them of doing all in their power to sustain the life of the nation, avowing that they retained their seats in the United States Senate and kept up the seeming of citizens and Senators of the United States in order that they might "tie the hands" of their Government and thwart its efforts to sustain itself.

In order that they might permit the Treasury still to be bankrupted, the Army still to be unrecruited, the Navy still to be scattered to the four winds of heaven, they boldly avowed to their co-conspirators that duty to the confederacy required of them dishonor and treason of this character to the Government they had sworn to support. And these are the men that the gentleman from Alabama eulogizes, while Stanton is the object of all his vituperative calumny!

The resolutions referred to in this letter are as follows:

Resolved, That in our opinion each of the Southern States should, as soon as may be, secede from the Union.

These gentlemen were at this time engaged, as Senators of the United States, in advising certain States to secede—pushing them out of the Union.

Resolved, That provision should be made for a convention to organize a confederacy of the seceding States; the convention to meet not later than the 15th of February next at the city of Montgomery, in the State of Alabama.

Resolved, That in view of the hostile legislation that is threatened against the seceding States, and which may be consummated before the 4th of March, we ask instructions whether the delegates are to remain in Congress until that date for the purpose of defeating such legislation.

Resolved, That a committee be, and are hereby appointed, consisting of Messrs. Davis, Slidell, and Mallory, to carry out the purpose of this meeting.

Those gentlemen were Senators from States not then seceded. No State action at that time had even assumed to change their relations to the United States. Whatever secession and rebellion might have pretended to accomplish at a later time in the way of absolving them from oaths and from the obligations of loyalty and duty, at this time, the 5th of January, 1861, there was no pretense that their States were out of the Federal Union.

Remember, that was a secret meeting, held in the night—the gentleman will be sorry to hear that—in the night of the 5th of January.

Mr. Chairman, the gentleman from Alabama has very much to say in criticism of other people, of those of whom he must have known but little. The value of criticism depends much upon the opportunities of he who criticises to form a correct judgment, and upon the character and temper of the critic. Who is the gentleman that so harshly criticises Mr. Stanton? He was a cadet at the Military Academy. He was for five years fed and clothed by the bounty of the Government? He was there under an agreement signed by himself, with the consent of his parents, that he would remain in the military service for eight years.

Mr. WHEELER. Unless sooner discharged.

Mr. HEPBURN. He was there under an oath that he would support the Constitution of the United States, that he would bear true allegiance to the Government of the United States, that he would defend this Government against all its enemies, all—foreign enemies and domestic enemies were all included in the ample obligation of this solemn oath. How did the critic of Mr. Stanton demean himself?

On a day in June, 1859, he was given his commission and renewed the oath which five years earlier, as a youth, he had taken to support the Constitution, to bear true allegiance to the United States, and to defend it against all its enemies. Yet early in 1861, before he had rendered a day of service, save in the peaceful occupation of a secure camp, he tenders his resignation and urges its acceptance. One copy of that resignation he sends by mail; and, for fear it may not go with sufficient directness and certainty, he sends another by Adams Express Company, urging that he be at once discharged.

I will do the gentleman the credit to say that so far as I know no hostile overt act which would bring him within the limits prohibited by the Army Regulations was committed by him until after the acceptance of that resignation. But there is something said in the Army Regulations about the dishonor of resigning a commission in the face of the enemy. I commend the study of that article to the gentleman. It will be better employment than digging among musty records in efforts to find something that may smirch the fame of a patriot.

Mr. Chairman, I take it that this labored assault on Mr. Stanton would not have been made if there had not been a seeming necessity plainly apparent to the gentleman. A convention is approaching in which he is interested. The gentleman has political aspirations in his State. He is entitled to them. His scholarship, his merits, his exalted position on this floor and in the country wherever he is known place each of the positions of honor within the limits of the proper ambition of that gentleman.

Entering the military service of the confederacy in April, 1861, he had reached in less than three years the exalted position of a lieutenant-general in its armies. As he tells us himself in the Directory, he had frequently been intrusted with the command of all the cavalry, all the infantry, all the artillery, in many important engagements. He occupies an important position in his State and he speaks for many people. But a little while ago none too partial friends were presenting him as the person to represent his State in the other end of the Capitol.

The gentleman knew that at the time he spoke his State was doing especial honor to Mr. Jefferson Davis, who was making extended journeys in Alabama, and that everywhere Mr. Davis was repeating the story of his devotion to the cause of the rebellion and was being received with the acclaims of the people; that as the people of Philadelphia long ago, when Washington was going to his home after a successful warfare of eight years in which he achieved the liberties of his country, turned out to do him honor and the little maidens strewed the pathway of his horses and his carriage with flowers, so did the people in the gentleman's district and State welcome Mr. Jefferson Davis. All of his old sentiments were being uttered there—ay, and cheered to the echo by the crowd.

The gentleman felt it to be necessary for him to do something to show that he was in accord with that popular and everywhere prevalent sentiment of his State. Hence, to popularize himself at home, he makes this assault upon the nation's head. It may help him there. It will not help him with those who have heard or know of the venomous and untruthful character of that assault, and who venerate the grand character of the assailed.

Mr. Chairman, the gentleman addressed some portions of his remarks to me, for which I thank him. He attempts to make me say that I desired the hanging of gentlemen who were upon the opposite side of this struggle from myself. I had made no such statement. I expressed no such sentiment; I have no such feeling. I addressed the gentleman from Alabama. I said in substance that it was Mr. Stanton's kindly hand, with others, that lifted from the gentleman's neck a halter which his own conduct had won.

I was speaking to him and of him; and he so understood it. He asked me where I had imbided this idea of hanging gentlemen. Did I discover that idea? Oh, no; I did not; I am not the discoverer of it. This idea of hanging traitors has the authority of one of much higher distinction than myself. The gentleman is a "Jacksonian Democrat;" he trains under the banner of "Old Hickory." He prides himself upon the fact that he at least is a "Jacksonian Democrat." Yet, certainly, he has not studied all the writings of that grand old man. Let me commend to him a letter bearing the date of May 1, 1833, in which Andrew Jackson writes:

MY DEAR SIR: I have had a laborious task here; but nullification is dead; and its actors and courtiers will only be remembered by the people to be execrated for their wicked designs to sever and destroy the only good Government on the globe and that prosperity and happiness we enjoy over other nations of the world. Haman's gallows—

I commend the sentence to the gentleman from Alabama—

Haman's gallows ought to be the fate of all such ambitious men who would involve their country in civil war and all the evils in its train that they might reign and ride on its whirlwinds and direct "the storm."

[Applause.]

Will the gentleman study a little more of this kind of Jacksonian Democracy in order that he may be a better Jacksonian Democrat? Those were the ideas of a Jackson Democrat; and the idea did not originate with me.

I think if he will pursue the study of the subject he will find something in the Constitution of the United States that he has several times sworn to support. Four times at least he has taken that. There he will find the definition of treason to be, "levying war against the United States; adhering to its enemies; giving them aid and comfort," and the punishment is death. If the gentleman has levied war against the United States; if he has adhered to its enemies; if he has given them aid and comfort, he ought to be able himself to settle the question as to how he should be punished under the supreme law of the land.

Mr. Chairman, I have observed that there are some gentlemen on the other side of the House who are unwilling to allow any man upon this side to refer to any of the incidents of the war without assuming to take offense. I know of no reason for this. I notice that in the campaigns that those gentlemen wage at the South they do not hesitate to discuss matters of this kind. If one of us ventures to speak of any subject connected with the war, it is at once alleged that we are "waving the bloody shirt" and trying to arouse the passions growing out of the war, that ought to be allowed to slumber. But I notice that in the Southern States no such condition of feeling obtains.

I notice that in the State of Georgia at this time there is going on a notable canvass between two distinguished citizens of that State, each one of whom, in order to secure the votes of the people, is insisting that he was the better soldier and that he contributed most to the cause of the confederacy. This is only one of many illustrations of the fact that on that side of the line there is no objection to the "waving of the bloody shirt."

Mr. Chairman, the gentleman from Alabama made charges against Mr. Stanton of cruelty, of arbitrary arrests, of arbitrary dismissals from the service, and other kindred offenses.

It seems to me that if the purpose of the gentleman was what he announced it to be, to correct history, or to write history, he might have found some subjects for discussion nearer home—subjects of which he knew something. He might have discussed and reprobated, if he wished, the cruelties of the conscription laws of the Confederate States, a conscription law which swept all the white males from fifteen years of age to fifty into the army, without reference to what their sentiments may have been.

Under that law the most patriotic man in the land, thoroughly loyal to the United States, might have been, and in thousands of instances was, forced into a service that he abhorred. Yet the gentleman has no criticism for such cruelty as that. He has no criticism to make with regard to the outrages and cruelties of Salisbury and Andersonville—none at all. I remember that twenty-six men from my own county were captured by the forces under the command of the gentleman from Alabama, and were by them sent to endure the horrors of Andersonville; and all of those man, though then young, stalwart, hale and hearty, are to-day either dead or prematurely old, broken down by the outrages perpetrated on them there. But the gentleman from Alabama has no word of disapprobation for matters of that kind.

No one ought to expect that Mr. Stanton would escape criticism, but it seems to me that one ought to consider his surroundings, the situation he was placed in, and the difficulties incident to his career. He was surrounded by enemies, who were ready to assail him because of personal reasons. There were the contractors, who were trying to gorge themselves upon the public Treasury; then there were persons whose

ambitions were not sympathized in by him and who naturally antagonized him.

During his term of office twenty-five thousand commissions were issued by the Secretary of War; more than two million of men were placed in the armies, with all the arms, accouterments, and equipments such a vast host required; more than two billions of money was expended by his Department during the time he was Secretary of War, and yet no dollar, no cent of that was ever charged to have been improperly expended for his benefit.

Mr. KELLEY. If the gentleman from Iowa will permit me to read a brief letter of the date of November 18, 1862, I think it will throw some light upon the point he is now discussing.

Mr. HEPBURN. I gladly yield for that purpose.

Mr. KELLEY. It is a letter from Edwin M. Stanton to Rev. Heman Dyer, the gentleman who received the letter which I was permitted to read a few days ago. Instead of sending this letter to the Clerk's desk, I propose to read it myself.

WASHINGTON, *November* 18, 1862.

DEAR SIR: Your note of the 11th instant has remained unanswered because of the pressure of business, which left me neither time nor strength to respond.

When General McClellan failed to obey the order of the President to move against the enemy, given on the 1st of October, I thought he ought to be removed upon the spot. Nearly a month—time enough to have had a victorious campaign—was lost by his disobedience of orders. When his creatures and those who are enemies of the country undertook to apologize for his delay by the false pretense that he needed supplies that were held from him by the War Department, my duty to the country required the exposure of the falsehood, and I demanded a report on the subject from the general-in-chief.

It is not my fault that he was not removed before the New York election after his disobedience of orders. The loss of three weeks' time rests not on my shoulders. In respect to any combination by Mr. Chase, Mr. Seward, and myself against General McClellan, it is utterly false. For reasons needless to mention, fire and water would as soon combine. Each does his duty as he deems right. In respect to the imputation of selfish or ambitious motives denial is needless. Those who make the imputation do it ignorant of my principles of action, or with prejudiced feelings, and, like all other public men, I must expect and patiently bear misconception and false report.

In respect to the present position of affairs, all I can say is that the whole power of the Government is being put forth with more vigor and I think more earnestness on the part of military commanders than at any former period. Treason is encouraged in the Northern States by the just discontent of the people. But believing our national destiny is as immediately in the hands of the Most High as ever were the children of Israel, I am not only undismayed, but full of hope.

For myself, turning neither to the right hand nor to the left, serving no man and at enmity with none, I shall strive to perform my whole duty in the great work before us. Mistakes and faults I no doubt may commit, but the purpose of my actions shall be single to the public good.

With sincere regard, I am yours, truly,

EDWIN M. STANTON.

Rev. H. DYER.

Mr. Chairman, I thank the gentleman from Iowa for his courtesy in yielding to me.

Mr. HEPBURN. And, Mr. Chairman, I thank the gentleman from Pennsylvania for presenting at this opportune moment this letter. Its statements make thoroughly complete a letter that I desire to read. I have this morning received a letter from Hon. Charles A. Dana, who was the Assistant Secretary of War during the period of Mr. Stanton's service. No man can speak of Mr. Stanton with more of authority than this distinguished gentleman. He was in position to know. His high character gives certainty to his statements. The letter reads:

NEW YORK, *June* 17, 1886.

DEAR SIR: I am sorry to say that my period of intimacy with Mr. Stanton and of service under him in the War Department did not really begin until after General McClellan had been removed. For this reason I am not able to speak upon that point from personal knowledge of my own. But upon the general question of Mr. Stanton's purposes, I can say most emphatically that in all my acquaintance with him he never had but one purpose in his mind, and this was to carry the war efficiently forward to a victorious conclusion. He had no friends but those who were of that mind, and he knew no enemies but those whom he regarded as the enemies of his country. Whoever was not for prosecuting the war most vigorously, whoever hesitated, whoever interposed obstacles, whoever in his opinion failed to come up to the high mark of zeal and thoroughness, might be certain to have Mr. Stanton for a critic and an antagonist. Of himself, of his own personal interests and advancement, no man could be less careful than he was. All mercenary considerations he despised, and the end of the great struggle left him a much poorer man than he was at the beginning. All mere friendships he was ready to disregard and fling away as soon as he came to believe that their object did not share his own high and patriotic enthusiasm for the Union. He was such a man in his day and work as Oliver Cromwell was in his; and they who now propose to judge him by any narrow standard of their own are sure to judge wrongly.

Of course, a great heroic figure like Stanton is not infallible, because he is a man. It was always possible for him to judge wrongly and to be deceived by erroneous evidence. But one thing was never possible for him, and that was to be unfaithful to the Union or to show any mercy in feeling or in act toward its enemies.

It is very easy for men in this year of 1886 to find blemishes in the conduct or the character of this great man; but we who knew him thoroughly and whose fortune it was to labor at his side and under his orders, can not be mistaken in our opinion that without him the Union could not have been saved.

Believe me, dear sir, very faithfully, yours,

CHARLES A. DANA.

Hon. W. P. HEPBURN.

Mr. Chairman, the gentleman from Alabama in the course of his remarks frequently adverted to the fact that this controversy had been forced upon him. I want to call the attention of the House to the fact that that is not a correct statement; that the gentleman himself has brought about all the controversy which has been indulged in on this subject. In the first place, his assault made upon the Judge-Advocate General's Bureau on the 11th of May was an entirely gratuitous one. Then on the 4th of June he took extraordinary pains to reiterate all the charges that he made in his first assault. Although he seven times says that others have forced this controversy upon him, I appeal to the committee as to the truth of the statement.

The gentleman says that I have forced it upon him, and as proof of that he says that during some portion of the sittings of the House I have assumed a very "martial mien." The gentleman is mistaken about that. I have no desire to have a "martial mien." The gentleman is a military character. For five years he was at West Point; for a long time he was serving in the confederate armies. I take it that he acquired a "martial mien." I understand that the first thing they get at West Point is a "martial mien," and having seen the gentleman's "martial mien," I can swear by all the Democratic gods that I at least do not want one. [Laughter.]

Mr. Chairman, the gentleman tells us that he wants peace, he wants the era of good feeling, he wants the abandonment of all consideration of the old issues. How does his conduct comport with this declaration? No member of this House has so persistently assailed the great characters of our history as the gentleman from Alabama. When the Fitz-John Porter case was under consideration, on two occasions at least he went out of his way to arraign all of those who had anything to do with the issues involved in that case. Every man who differed with him and who had aught to do with the trial of that case has come in for a full share at least of the gentleman's maledictions and vituperations.

I say to the gentleman that if he wants peace, if he really desires an era of good feeling, let him keep his sacrilegious hands off our noble dead. That will be an earnest of what he wants—an earnest of his sincerity in this behalf. I do not wish, any more than the gentleman, to arouse the ill-feeling that may be excited by a discussion of this kind; but I want him to understand that I will not submit to have those men, whose memories are embalmed in our hearts, whose memories we revere, the recollection of whose heroism, whose matchless services, whose sacrifices we remember—I will not tamely submit to have them derided, assailed, misrepresented by him.

I insist that the gentleman has been a beneficiary of the kindness of heart of Mr. Stanton. If Mr. Stanton had set his iron will against the terms of surrender which were so beneficial to the gentleman, who believes that those stipulations would have been the terms of the surrender? At that time we were in a condition to dictate what the conditions should be; our armies were the masters of the situation, and the terms agreed upon were prompted by kindness and magnanimity on the part of the Government, and no one was more prominent in those manifestations than Mr. Stanton. He says that all of these constitutional questions bearing upon his status as a citizen were settled by his surrender. I remember he was paroled, and I am reminded he is paroled to-day.

By the terms of his parol he was to go quietly to his home, and so long as he demeaned himself peaceably toward the Government so long he was to be undisturbed. The spirit of that parol required something more from the gentleman than merely the sheathing of his sword. I understand the spirit of the parol required there should be no more of vilification and slander, that it meant ceasing to wag vituperative tongues against that Government that granted the parol. I think, therefore, the spirit of that parol required the gentleman should not be prominent among those who are denouncing Mr. Stanton.

The gentleman certainly does not seem to appreciate how Stanton was esteemed by the loyal people of this country. As the writer of the letter I have referred to says, in his judgment "the war could not have terminated successfully without the aid of Mr. Stanton," so it is believed that no man could have taken his place. That is a common sentiment. Wherever patriotic sentiments are cherished the name of Mr. Stanton is remembered with love and veneration; and the gentleman could have done nothing to arouse the indignation and wrath of the people I represent more quickly than by his wanton and unjustifiable and unworthy attack upon that distinguished character. [Applause.]

Mr. BOUTELLE. I reserve the balance of my time.

The CHAIRMAN. The gentleman has twenty minutes of his time remaining. [Cries of "Vote!" "Regular order!"] If there be no gentleman desiring to proceed with the discussion of the bill, it will be read by sections for amendment.

Mr. WISE addressed the committee. [See Appendix.]

Mr. BOUTELLE. Mr. Chairman, it has not been my purpose to indulge in any extended remarks on this bill, and the few observations that I have to make will be of a desultory character. I shall endeavor to confine myself to the propositions submitted in the bill, with some slight reference to suggestions and observations made yesterday by the chairman of the committee in the introduction thereof. I desire to say, at the outset, that the Republican members of the Committee on Naval Affairs from the beginning of this session have acted upon the uniform, consistent purpose of aiding in every possible way in all judicious legislation that would tend to the improvement and rehabilitation of the United States Navy. It has been our purpose scrupulously to avoid allowing our action to be in the slightest degree influenced by the fact that the control of the national administration and the man-

agement of the Navy Department have, since the last session of Congress, passed from the hands of our political friends into the hands of our political opponents.

We have endeavored to avoid, and I think my Democratic colleagues on the committee will concede that we have largely succeeded in avoiding, any imitation of the partisan captiousness which may have animated the political opposition in former committees and former Congresses. It has not been our purpose or our desire to follow the administration of the Navy Department with the microscope of criticism in order to find some slight departure from the line of procedure that would accredit itself to us upon which to hang criticisms and fault-findings. The members of this House will bear witness that during this session we have not loaded the files of the House with resolutions calling upon the Secretary of the Navy to inform Congress and the public in detail as to whether at any time during the year he had committed the indiscretion of going on board of a naval vessel. There have been no Tallapoosa resolutions introduced by us, nor have we felt it incumbent upon us to inquire whether the Despatch may have been used in the harbor of New York possibly for purposes of a social character. From the beginning it has been the purpose of the Republican members of the committee to give to the administration of the Navy Department the most cordial, earnest, and sincere co-operation in every effort toward the rehabilitation of that great and important arm of the public service. Of course, Mr. Chairman, we all understand what political exigency means.

We are all of us aware that the control of a political committee may carry with it some sort of sense of obligation to make out a case for one's party, and to make criticisms upon the opposition, and I can understand how my colleague, the distinguished chairman of the Committee on Naval Affairs, may have felt it, as undoubtedly he did feel it, incumbent upon him to scrutinize with the utmost care the administration of the Navy Department during all those years of Republican rule in order to justify, as far as possible, the claims that were made before the election, that the interests of the American people required that the administration of the navy should be transferred from Republican to Democratic hands. I bear very cordial testimony to the zeal and the industry and the energy with which the chairman of the committee has addressed himself to becoming familiar with the workings of the naval institution, and I think that his colleagues and associates on the Democratic side will need no assurance from me that he has not neglected any legitimate opportunity for criticism of Republican administration that may have fallen in his way. In view of these things, Mr. Chairman, I think I may also fittingly congratulate the Republican side of the House and the Republicans of the country that, after the administration of the Navy Department for a quarter of a century has been submitted to the keen and searching criticism of so able and zealous a gentleman as the chairman of the Committee on Naval Affairs, he has found so very few things to criticise and so very little with which any fault can be found.

With reference to the Republican administration of that great Department of the United States Government, beginning at the outbreak of a great national struggle, going through four years of such gigantic strife as the world has seldom seen, coming down through the years that have elapsed since the war, through these changing seasons in naval administration, naval construction, and naval methods, covering the great experimental period in the naval history of the world, I think we may well congratulate ourselves irrespective of party. I think the representatives and the people of the United States, rising above sectional and factional differences, may well congratulate themselves that the administration of this great Department of the Government, when overhauled and examined and scrutinized by a political opposition at the end of a quarter of a century, proves to be such that the most serious and important criticisms that can be leveled against it are comprised in the fact that we have on hand more monkey-jackets than the sailors require at this particular juncture, and that there are a few hundred pounds more of iron "spectacle-clews" for mainsails and foresails and topsails of the Navy than we are likely to want during the next few years. And, in view of these criticisms as to alleged unnecessary expenditure, or excessive provision for the wants of the future in regard to clothing and clew-irons, it must be borne in mind that the pea-jackets are all there, and that up to date the iron for the spectacle-clews is safe in the storehouse, "present and accounted for." It has not been made away with; there is no deficit; there has been no embezzlement, no abstraction.

Mr. Chairman, there is another feature in regard to this matter of what has been criticised as an extraordinary expenditure for clothing that had better perhaps be referred to at this time. While I am in no wise constrained to make any special apology for any special feature of the details of administration of the Navy Department during the past twenty-five years, and while I am quite ready to admit that there may have been some slight mistakes made even under the beneficence of Republican rule, seldom as those mistakes seem to have occurred in any of the Departments, if we may judge from the failure of our Democratic brethren to discover them, yet it ought to be borne in mind that these large purchases of clothing do not represent a loss to the Government of the United States, for if an examination of the appropriations is made it will be found that since 1874, when these large purchases were made, there has been a corresponding decrease in the appropriations, and that the money expended for this clothing has been flowing back into the Treasury in the clothing fund by the sale of these materials to the sailors of the Navy.

It is proper, Mr. Chairman, in this connection to add that this alleged excessive purchase of material in the Bureau of Equipment in regard to canvas does not constitute an indictment or a legitimate cause of complaint against the organization or the political administration of the Navy Department. This matter of the purchase of canvas, upon which such stress has been laid, was one entirely within the purview of the regular officers of the Navy in control of that bureau. Whatever criticism there may be, whatever fault may legitimately be found, goes directly to the administration of the affairs of bureaus by the regular officers having supervision thereof, and is in no wise chargeable to the political or the civil administration of the Department.

I have in my hand the report of the evidence given before our committee by the chief bureau officers. In the evidence of Commodore Schley, the chief of the Bureau of Equipment and Recruiting, in the course of whose examination these matters were fully discussed, he stated that at present his bureau was "working like a clock," that none of the criticisms were at present applicable to the operations of his department; and in reply to a question by the gentleman from Texas [Mr. SAYERS], whether this reorganization had been effected under the present administration, he replied that it had. But, in reply to a subsequent question by myself as to when he was assigned to the post which he now occupies, he replied that he was assigned just after he came from the arctic region, in October, 1884. The question was then asked:

Did you commence reorganization at once?

His reply was:

I began by simplifying these methods, introducing more system in the ways commonly employed by business men outside.

Q. Did you receive the co-operation of the former Secretary of the Navy?
A. Yes, sir.

There we have the testimony of Commodore Schley, a gentleman who has been very properly referred to in the remarks of the chairman of the committee as a model of efficiency and ability in the control of his department, that the reforms that were necessary, that the correction of these faults to which reference has been so conspicuously made, did not depend upon the advent of a Democratic administration, but were begun immediately upon his appointment by a Republican Secretary of the Navy.

As I said at the outset, it is not my purpose upon this bill to indulge in any extended or elaborate remarks; and, in conclusion, I will say that as an entire measure appropriating money for carrying on the Naval Department the Republican members of the committee will be found giving a cordial support to the general features of the bill. There are some points upon which amendments will be offered and some criticisms which may be made during the five minutes' debate, when that shall arise. I understand that the chairman of the committee yesterday in his opening remarks explained the effect of the discrepancy between the estimates and the appropriation for pay for the Navy, which is some $800,000 less in the bill than appeared in the estimates. I understand that an amendment will be offered at the proper time to reappropriate the surplus five hundred and odd thousand dollars of the former appropriation, which, under a recent ruling of the Comptroller, would not be available this year without such reappropriation.

I find also in the bill some provisions that seem to be obnoxious to the point of order that was made upon the legislative bill, provisions that would have the effect of enacting laws in regard to the salaries of officials, and I give notice now that at the proper time the point of order will be made upon some of those provisions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LORE. Mr. Chairman, I share the feeling of, I presume, a large number of members of this House, I will not say of disgust, but I will say the feeling of revolt against the attempt in the American Congress to wash our dirty linen before the people of the world. It does not add to the dignity of this House nor to the force of any argument which has been made here to indulge in sulphurous denunciation of the one section of our beloved country by the other, or to fight over again *ad nauseam* the fratricidal battles of 1861 to 1865. I congratulate the House most heartily upon a return again to the bill that is before us and to the questions which should legitimately occupy the attention of this House in the remarks of the gentleman last on the floor, and sincerely hope that hereafter gentlemen in discussing this measure will stick to the bill and not to a constituency a thousand miles away, and recognize the fact that we legitimately have before the House the naval appropriation bill, not the resurrected hates of a deadly civil war.

Permit me to say, as a member of the Committee on Naval Affairs—and it is with great pleasure that I do so—that our Republican brethren on the other side of this House who are members of this committee have heartily co-operated in the preparation of this bill. They have met us with a frankness and a fairness and a patriotism that is worthy of all commendation in the effort honestly to provide for the support of the Naval Department of this Government.

I submit, sir, that a careful examination of the bill which has been submitted to the House for the maintenance of the Navy Department ex-

hibits the care and scrutiny exercised by members of both sides of the House, who have met together not in hostile array, but in the most friendly accord, to provide for the exigencies of the hour and to present an honest bill—not, as has been sometimes charged, to cut down appropriations because the amount asked was large, or to add simply in a spirit of favoritism, but honestly to determine what each branch of the Navy Department requires for its financial needs, and then in a spirit of fairness to appropriate just that amount. I believe that this spirit prevades the entire bill.

There is one measure which has been commented upon to some extent to which I desire to call the attention of the House for a few moments. The gentleman from Connecticut [Mr. BUCK], in that pleasing and genial manner in which he always presents his case, and in language that wins our regard if not assent, has seen fit to take exception to the dropping of the war college at Newport, R. I. Now, I agree with the gentleman from Connecticut that there is need, if we propose to keep abreast of the great maritime nations of the world, that we shall have an advanced or post-graduate course for those who are to be officers of our Navy. I believe the battles of the future on the water are to be fought not as formerly by vessels which overcome the opposing vessels with a sweeping broadside or by boarding. That time is passed.

It will be the gun of long range, it will be the swift battering ram, it will be the cruiser, it will be the torpedo, it will be an encounter of intellectual naval giants that will decide the great naval battles of the future. And when that time comes we shall need the highest American talent; we shall want to take from our midst the brightest and noblest boys that go to Annapolis or elsewhere and clothe them with all the power, with all the preparation that we can give them by the most advanced methods of instruction. Therefore, I say that perhaps one of the crying needs of the Navy Department is that we shall take those young men and place them upon the very highest level of scientific attainments. But Newport is not the place.

I must say, in passing, that the war college there was established not by authority of law, but by an order of the then Secretary of the Navy. Recognizing, I concede, the need of the hour, he saw fit to establish this college; and it was, as the gentleman from Connecticut has said, recognized in some subsequent appropriation bills. It therefore has a legal standing in this Congress.

Mr. BUCK. Will the gentleman allow me to make a suggestion?

Mr. LORE. I am very glad to have the gentleman do so.

Mr. BUCK. I find upon examination since yesterday that there was a statute which authorized the appropriation for this college.

Mr. LORE. Was it prior to its establishment?

Mr. BUCK. I find in the sundry civil appropriation act of August 7, 1882, the following:

> For repairing and extending wharf and the erection of boat-houses on Coasters' Harbor Island, $5,000. And the cession by the State of Rhode Island to the United States of said island for use as a naval training station is hereby accepted.

Under that statute the appropriation was made.

Mr. LORE. But that does not cover the precise ground of which I am speaking. It was not an enabling law. It was a recognition, not of the war college proper——

Mr. BUCK. It was a recognition of the station.

Mr. LORE. It was a recognition of the propriety of that sort of school.

Mr. BUCK. It was an acceptance by the United States of the cession made by Rhode Island for the establishment of a naval training school, and the property thus ceded has been used ever since for that purpose, and that purpose only.

Mr. LORE. I think my friend will agree with me that there was no original legislation creating a war college proper, but that the institution originated, very properly, in the mind of the Secretary of the Navy; and the legislation to which the gentleman refers was rather approving legislation than originating legislation.

Mr. SPOONER. The gentleman from Delaware will permit me to inquire whether the legislation referred to by the gentleman from Connecticut is not quite as efficient as if there had been an act establishing the institution in the first place.

Mr. LORE. I fully agree with my friend from Rhode Island that the propriety and necessity of the institution and its subsequent recognition by acts of Congress, make it a legal institution to that extent.

Mr. BUCK. The act to which I have referred was passed in 1882, before any sort of order on the subject had been issued by Secretary Chandler.

Mr. LORE. But I do not think it had in view, as my friend if he examines the law will see, the establishment of what is now designated as the naval war college. The act had in contemplation rather some general training in this regard.

But, Mr. Chairman, that is not at all material in this case. There was a Congressional recognition, as I believe, of the institution which had been previously established under the authority of the Navy Department. But Newport was not the place for such an institution. A recent visit to the school at Annapolis has thoroughly convinced me that we have there a place ready at hand for a college of that character, whenever we desire it. I do not think it would be wise to make an appropriation for it in this bill, because there has been as yet no well-digested plan presented to the Naval Committee upon which we could act with any degree of intelligence. If we are to establish a war college, as I believe we should, it ought to be at Annapolis. A recent visit to the academy there as one of the Board of Visitors, has given me a very high opinion of that institution.

We have there not only a large and able corps of skilled professors, selected from the whole naval establishment for fitness in their several duties, but we have the plant necessary for this post-graduate course, to which very little addition need be made. We have chemical laboratories, machine-shops, arms and equipments of all grades, ample grounds, and all mechanical and scientific appliances. We have also buildings, as the distinguished chairman of the Committee on Naval Affairs said. The Government, in 1869, having over 100 acres of ground which is outside of the academy grounds proper, erected a very large brick hospital, which is most admirably adapted to the needs and wants of a war college of the character I speak of when it shall be necessary to establish it. This building is now boarded up, untenanted, save in one or two rooms by a temporary care-taker, and is a standing invitation for use as a first-class war college.

Now, Mr. Chairman, instead of creating an entirely new pair of steps by which you must ascend the educational structure from the bottom, as in Rhode Island, where we must originate the entire plan, where we must get a complete corps of professors, where we must get the machinery and everything of that character, instead of creating a new stair-way, all we have to do at Annapolis is to add one or two more steps to those already erected, so that these young men may mount to the highest plane of scientific attainment, and climb to the top room of "wisdom's wondrous building."

I wish to say the Naval Academy, with its buildings and grounds constituting one of the most beautiful spots my eyes have ever rested upon, under the management of the present superintendent, Capt F. M. Ramsey, has as an educational institution attained a degree of exactness, a degree of discipline, a degree of perfection in the mental and physical training of our young men of which I think we as a people may be justly proud. The institution is a model one. If we desire, therefore, to establish this war college, let us do it as wise people of other countries have done. Let us simply add to the Naval Academy, and make it a great naval university by additional machinery, the additional plant that may be necessary, and not create an entirely new and original plant, which is but the beginning of a new college and vast expenditure. Let us keep the advanced scholars under the charge of the able corps of professors in that school. If you please, add one or more, in order that, as we propose, we may stand in the advanced rank of naval education in the world.

While I agree with the necessity for this college, while I am prepared, at the proper time, whenever the proper scheme is presented, to vote—and I shall cheerfully vote—for such an appropriation and for such an establishment, this bill is not the place for nor is this the time to make a start in that direction until a carefully prepared scheme shall be devised and presented.

Mr. Chairman, it was therefore wise the appropriation was omitted from this bill. I do not wish to see our naval education divided, part located in Rhode Island and another part in Maryland. I do not wish to see our energies divided, but rather that they should be concentrated in one place, so as to secure the results which come from a large, strong, well-constructed, and thoroughly equipped institution.

One more suggestion. In my judgment, Mr. Chairman, it is a matter of total indifference to the American people whether the bill we have prepared is $200,000 less or $500,000 more than the naval appropriation bills heretofore presented to the House. All that is asked of this House the extended debate in this respect dwarfs to insignificance. All that the country demands of the Naval Committee is that the bill presented shall be an honest bill, having in it adequate appropriations for every branch of the naval establishment without room for extravagant expenditures, with every estimate fairly made and every need of the American Navy honestly measured and provided for. If they are not so made in this bill it is because the committee were unable to get an intelligent understanding of the condition of that particular branch where a deficiency exists.

There are some respects in which each member of the committee perhaps would like amendments to be made. It is almost impossible in a body of men like that for all to get precisely what each would like. But I desire to say this, that in the outcome, that in the aggregate, the bill meets with the approval of the committee, and I trust and I believe the House will with some unanimity second the report of the committee and give their labor the form and force of law.

After this naval appropriation bill has been disposed of we can then go to the other question of the enlargement of our Navy, as it is presented in the other bill reported from the Committee on Naval Affairs, and in which we are all so deeply interested. [Applause.]

I reserve whatever time I have remaining.

The CHAIRMAN. The gentleman has twelve minutes of his time.

Mr. GOFF. Mr. Chairman, I yield two minutes of my time to the gentleman from Alabama [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, I desire simply to avail myself of the latitude of debate allowed in Committee of the Whole to discuss one great question relating to the industrial interests of the country; but as I have no wish, sir, to consume the time of the committee in the discussion of the question, limited as I am, I will ask leave to extend my remarks in the RECORD.

Mr. MORRISON. Do I understand the gentleman is going to make some remarks on this subject, the naval appropriation bill?

Mr. MARTIN. I think they are as pertinent to the subject as those we have heard here this morning.

Mr. MORRISON. I wanted to interpose an objection, after the gentleman had voted against the consideration of another subject—the tariff—to a proposition to make a speech in the House on it.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Alabama.

Mr. MARTIN. Mr. Chairman, frree lumber, free salt, free wool, and free fish to-day mean free "iron-ore," "free mineral substances in a crude state and metals unwrought," free "coal," and free "coke" to-morrow. The former might not predjudice the interests of Alabama, while the latter would deal a death-blow to the growing mining and manufacturing interests of our State; it would put an end to the development of her resources, and stop, indefinitely, the further progress of our people in mining and manufacturing. Free lumber, free salt, free wool, and free fish are reported on the free-list by your Committee on Ways and Means; and free iron-ore, free coal, free coke, and free mineral substances, &c., are what the gentleman from Illinois [Mr. MORRISON] had intended should go on the free-list, and were included in the free-list of the original bill, which he introduced into this House on the 15th of February last.

The gentleman from Illinois [Mr. MORRISON] was very bold, and he meant to pass a bill, if he could, which the whole country would feel from the heart of its commercial life to its upper and nethermost extremities. But your committee lacked the dash and boldness of their intrepid leader, and sought to win by more conservative means. "Divide and conquer," said your committee. Let us strike down, in the first instance, unorganized labor; let us strike down wool, so recently fully protected by the tariff bills of 1866 and 1867; and then we shall have the assistance of the persons representing such interest in this House to put upon the free-list other articles—raw materials, they are called—which are now protected by the existing tariff. I can see, Mr. Chairman, the destruction of Alabama's mining and manufacturing interests if this be done, and no earthly consideration shall cause me to falter in the duty which I owe to the State and people of Alabama, and of my district, of voting against this bill.

There was more in that famous declaration of General Hancock that "the tariff is a local question" than any one then imagined; but when we learn who it is that would have a high protective tariff, and who would impose duties ad valorem without regard to the protection of domestic industries, we find that here, as elsewhere, every man is in favor of what he believes will advance his pecuniary interests and those of his constituents.

I was asked some days ago to state how I stood upon the tariff; whether I favored a "high protective tariff;" "a tariff for revenue, with incidental protection;" or "free trade?" These expressions have a technical meaning in the vocabulary of every man using them; and they mean the same thing with no two men; hence the folly of declaring in favor of either one or the other. Let not one man say I am of Paul, and another I am of Apollos, but, remembering the solemn pledge of the Democratic party to revise the war tariff in the manner specifically set forth in the platform of the National Democratic party, adopted at Chicago in June, 1884, let us take this "Morrison bill," as it is styled, in our hands and apply the test of that platform to it.

The pledge of the Democratic party to revise the tariff must be faithfully kept and performed. Mr. Cleveland now occupies the White House upon the faith reposed in us by the American people. If that platform admits of a double construction, the one which will secure the protection of our own people and the other which would lead to injury or destruction of all American enterprises for the sake of cheaper markets in which to buy, then for Heaven's sake let us put the same construction upon the language employed which we gave to it in the presence of every laboring man while the Presidential campaign was in progress. Any other course would be, in my judgment, unworthy of the party, and would secure disaster to our cause during the coming November elections.

The measure under consideration is of more importance to the American people than perhaps any other of our present session. We may vote away the public money recklessly, violate every duty which we owe to the people as their stewards, and the mischief done thereby will be insignificant comparatively to passing a measure which, if it should become a law, would destroy certain American enterprises and leave many of our laboring men engaged in them without employment. Already great strikes have shaken the leading industries of the Union, and some enterprises are tottering because of the unsettled condition of the country; and yet we are gravely discussing how we may further cripple labor, for it is nothing less, and retard the wonderful progress of our industrial classes. If we would consent to admit the true cause of the strikes, namely, the demand of the American laborer for greater opportunity for self-enlightenment, and for the means of better feeding, better clothing his family, and of educating his children, we would see at once the utter futility of the effort to relegate the laborer back into his former condition of almost servile dependence.

But, Mr. Speaker, I have seemingly digressed, and will return to the inquiry: Does this bill revise the war tariff of 1861, in the manner laid down in the platform of the National Democratic party? If so, if it were a true revision, I should feel constrained to support it; for I am sure that neither in word, thought, nor action have I ever gone astray from the principles of Democracy as laid down in that platform.

Let us now examine the positions upon the tariff taken so distinctly by both great political parties in 1884.

Before doing so we should recall the fact that an evil genius obtained dominion over the Democratic party in 1880, when the false doctrine of "tariff for revenue only" was incorporated into its platform; and an eminent soldier, who had never studied the subject, was placed upon it, to find it as treacherous as the trap-door of the gibbet. It brought defeat to our party, but the affliction was sanctified to us; we saw the light, even in the gloom of defeat; and the declaration was distinctly made at Chicago that—

> The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

True it is that the further declaration is distinctly made that Federal taxation shall be exclusively for public purposes, and shall not exceed the needs of the Government economically administered; and the sentiment is re-echoed by every genuine Democrat in the land; and yet we declare that our party won its triumph mainly upon the distinct denunciation of the Republican party for having "deprived labor of employment and of just reward." The Democratic party is the declared friend of the laboring man, and every article of the platform breathes a desire to protect and foster his interests and in every way known to the political economist to exalt him among men and to better his condition. Such principles are worthy of this enlightened age; they thrilled the American people throughout this vast country and secured for us a splendid victory in the face of incredible difficulties.

Mr. Chairman, the platform of our party was not a snare and a lie, but the faithful expression of pure Democratic principles, proclaimed by the party's most enlightened following. It declared that "the Republican party during its legal, its stolen, and its bought tenures of power has steadily decayed in moral character and political capacity;" and we are on trial before the country, and must show that our promises to protect the labor element of the country were not toils and delusions to ensnare the trusting and unsophisticated laborer. To this circumstance I invite the careful attention of the House: That no protection, in the sense of putting money into his pocket by taxing other people to do it, is anywhere promised in our platform to the capitalist because of his plant. On the contrary, the taxes are to be laid "on fewer imported articles, bearing heaviest on articles of luxury and bearing lightest on articles of necessity."

Our platform, Mr. Chairman, is the shield and buckler of the poor laboring man; and if we purpose to continue in power as a party let us never forget the friends who filled our ranks in the day of battle and uttered the battle-cry as we rushed upon our political foes and achieved the victory of 1884.

The protection to the capitalist is wholly incidental, and intended to be so; for the duties are to be collected under our platform for revenue purposes, and are to be so laid as to "cover any increased cost of production which may exist in consequence of higher rate of wages prevailing in this country." "But, in making reduction in taxes, it is not proposed to injure any domestic industries, but rather to promote their healthy growth," is the language of the platform—a strange way of taxing for their benefit by reducing the rate of duty. And if further evidence were needed that our platform upon the tariff was framed in the interest of the workingman, we repeat one of its charges against the Republican party: "It has subjected American workingmen to the competition of convict and imported contract labor."

In my examination of the subject I pass now to the consideration of the platform of the Republican party. It is a matter of profound surprise that any intelligent man should declare there was little or no difference on the subject of the tariff between the two great political parties. How reads the tariff plank of the Republican party?

> We therefore demand that the imposition of duties on foreign imports shall be made not "for revenue only," but that in raising the requisite revenues for the Government such duties shall be so levied as to afford security to our diversified industries and protection to the rights and wages of the laborer, to the end that active and intelligent labor as well as capital may have its just reward and the laboring man his full share in the national prosperity.

And again, that platform declares:

> The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus, not by the vicious and indiscriminate process of horizontal reduction, but by such methods as will relieve the tax-payer without injuring the laborer or the great productive interests of the country.

What, then, is the difference between the two parties, and what marked result characterized the last canvass for the Presidency? It is this: That the Republican party pledged itself to protection for the sake of protection; it pledged itself "to afford security to our diversified industries" that labor "as well as capital" might "have its just reward;" and the marked feature of the campaign was the fact that the capital of the country was on the side of Mr. Blaine. It was because the Republican party was too heavily loaded with (what the country believed to be) the spoils of a "protective tariff for the sake of protection," because it was drunk with success and its barns were bursting with fatness, that the people who had borne such political wrongs were enabled to overthrow the hosts of the enemy.

All other differences were merged in this one: That while the Republican party would secure protection to labor as well as capital, the Democratic party promised to protect labor with only incidental protection to capital. We have now, Mr. Chairman, the criterion by which our bill must be tried. There is no longer a question as to the character of the tariff, for a tariff of some sort we are bound to have; but the issue is, whether or not the present bill violates the pledges of the Democratic party to the laboring men of the country, or is in any true or proper sense a revision of the present tariff in a spirit of fairness to all interests.

Proceeding to the examination of this bill, the first thing which attracts our attention is the free-list. We find remitted by it on wood and lumber $1,072,063.18; on salt, $751,390.24; on textile fibers, $1,947,459.39; on fish, $83,124.18; and on wools, &c., $3,243,200.01; aggregating a total of $7,097,237.00; a good showing truly, if from it we are to understand that that sum of money is to be kept in the pockets of the people, instead of being drawn out in the shape of taxes. But this is not all. It must be accomplished without wronging the laboring man, whom we have promised to protect. Your committee, in recommending this free-list, have assigned the reasons which influenced them as to each item, and if their reasoning is novel and peculiar they must not complain if they find earnest men in this House who are not impressed by such reasoning. The report on the items named in the free-list is as follows:

The duties intended to be removed by the bill are chiefly those which tax articles used by our own manufacturers, which now subject them to a hopeless competition at home and abroad with the manufacturing nations, none of which taxes such materials, that our own manufacturers may successfully compete, both at home and abroad, with manufacturing nations which do not tax such materials, thus securing markets for the products of hands now idle for want of work to do. Some of the materials upon which great industries are built, such as wood, salt, hemp and wool, are placed on the free-list.

The report then continues:

In the past twenty years we have obtained from tax on imported wood an amount estimated at less than $20,000,000, to encourage felling our trees and destroying our forests. In a much shorter period we have given more than 35,000,000 acres of land in bounty to encourage the planting of trees.

Now, one would imagine from these extracts that the lumber business of the country had been a losing business to the Government, and that it would have kept money in the pocket to have left every tree standing untouched by the woodman's ax. This language on the part of a statesman is certainly remarkable. What became of the trees which were felled and the lumber put upon the market thereby? How many men have grown rich in the lumber business; how many mouths have been fed; how many bodies clothed, and how many children have been educated out of the incomes derived from the business? But the report says that less than $20,000,000 have been obtained by encouraging the felling of trees and destroying our forests.

Is it wrong to fell a tree or destroy a forest for commercial purposes; to build houses, to convert a portion into furniture, and use the balance for the comfort of mankind? But the committee declare that in a much shorter time the Government has given 35,000,000 acres of land in bounty to encourage the planting of other trees. So it appears that the lumber business of this country has been enormous, although the Government has received only the beggarly sum of $20,000,000 for encouraging that industry. The same reasoning would apply to our lands worn out by the pursuit of agriculture.

But I pass to another proposition equally as surprising, when coming from such a source. We read from the report that—

The tax on imported salt is remitted to those who catch and trade in fish, and to those who pack meats for the foreign market. It is believed this tax should be remitted to all.

Now the tax on imported salt is remitted to those who catch and trade in fish and to those who pack meats for foreign markets, simply as an encouragement to the laboring people who are engaged in those pursuits. This circumstance is seized upon to strike down a great industry of the country, because a certain class get their imported salt for nothing. Would it not have been better to have made the traders in fish and the packers of meat pay the same duty as all other persons? The salt industry of the country is enormous, when the Government realizes about $750,000 per annum upon the importations of it. How many laborers are engaged in making it who will either lose their employment or its present remunerative wages, we are not told by the committee. In the views of the minority we read:

This article is manufactured in fifteen States and Territories, and exists in others. As raw material it is as cheap as sand, gravel, or clay for building purposes, and equally with them prepared for use, represents labor, and is only the more costly to the extent it is prepared for higher uses. It was protected in 1849 at the rate of 2 cents on each bushel; the price to the consumer was then $1.35 per bushel. Under the protection policy of 1861 by the development of the industry at home, the price has fallen to 8 cents a bushel, and neither as a measure of relief to the consumer nor to reduce revenues, can the proposed action be justified. Seven thousand wage-workers employed in this industry are assaulted without justification or reason.

The next statement to which we invite attention is the paragraph about hemp. It is as follows:

After a century of failure to make hemp either a profitable crop or a successful industry through protective taxation, further effort should be abandoned. For nearly a century, with only one interval, hemp has been protected, and yet its production has decreased because its culture under protection was unprofitable, while the consumption of articles manufactured from this and kindred fibers has enormously increased; until now the annual tax on imported hemp, manila, and similar fibers is several times greater than the annual value of all the hemp raised in the United States. This increasing tax is a burden alike upon the manufacturer and the consumer of such articles, and ought to be removed.

Here we are gravely told that hemp is not a profitable crop with the present rate of duty upon it, and therefore all duty should be removed and that industry discontinued; I say discontinued, because if the present tariff can not make it other than a losing crop, the removal of the duty will only make it the less profitable. And for what reason? Because its culture under protection is unprofitable, while the revenue derived from the importation of it is quite as great or greater than the value of all the hemp raised in the United States. I submit and inquire if this does not present a case under the pledge of our platform for an increase in the rate of duty upon it instead of putting it on the free-list? A moment's reflection will show you that the same thing would occur in the production or manufacture of anything else if the rate of duty did not so far protect that the American producer could compete with the imported article. The true condition of the hemp industry is shown by the following, which I clip from the views of the minority:

The report of Hon. J. R. Dodge, statistician of the Agricultural Department (Report No. 27), issued in March of this year, gives the following interesting statement of this production, which would seem to controvert the views of the majority concerning this industry:

"Mr. C. E. Bowman, commissioner of agriculture of Kentucky, and agent of the United States Department of Agriculture for that State, estimates the hemp crop grown there in 1884 at 5,000,000 pounds, that grown in 1885 at 8,000,000 pounds, and that to be grown the present season—assuming the yield to be an average one—at 10,000,000 to 12,000,000 pounds. The figures for 1884 are larger than those returned by the assessors and published in the report of the State auditor; but the auditor himself (Mr. Russell McCreary) agrees with Mr. Bowman that a true return would confirm the estimate just given. The price of hemp is now quoted at from $5.60 to $5.75 per 100 pounds, and engagements for the crop to be grown this year are being made at the rate of $5.25 to $5.50. At these figures Mr. Bowman considers this crop the best paying one now grown in the State, and anticipates that the area devoted to it will this year be from 30 to 50 per cent. greater than in 1885."

Next in order, we come to wool. Your committee in their report say, from "the beginning until now some qualities of wool have paid some rate of duty;" that "for many years last past the rate on imported wool has been more than double that imposed on other products of pasture, field, and farm." Upon what other "products of the pasture, field, and farm" have duties been imposed, save on sugar, together with other articles, including those articles now enumerated in the free-list of this bill?

But we come to a most remarkable declaration, that "these other lower tax-protected products have outrun or kept far in advance of the wondrous growth of our population;" and that "wool, protected double as much, has fallen further behind."

Compare these statements with those about hemp, and we again inquire whether hemp-growing should be stricken down, if it has in fact outrun or kept far in advance of the wondrous growth of our population. Instead of being a fit subject for the free-list it is pre-eminently deserving, as a branch of American industry, the fostering protection of the Government incidentally bestowed in raising its revenue.

The minority in their views declare that "it [hemp] should have and receive fair and adequate protection and not be crippled at this time when the outlook for its profitable development promises so much." I must respectfully protest on behalf of the hemp farmer against such legislation. The proposed action in relation to hemp could alone be justified by demonstrating that our whole tariff system of incidental protection by the levying of adequate duties was false and ruinous to the country.

The following extract from the committee's report is simply astounding:

Wool finds its market at home, and its price is increased by a tax, part of the burden of which must be borne by the grower of other farm products, whose surplus in foreign markets fixes his price at home, and to the increase of which his wool-growing neighbor contributes nothing.

Remember that this is the reason assigned by your committee why the duty should be taken off wool! Where do iron, steel, in fact any of the articles produced in this country and protected by our tariff duties, find a market? Who bears "a part of the burden" but those self-same growers of "farm products, whose surplus in foreign markets fixes his price at home, and to the increase of which" his iron or steel manufacturing "neighbor contributes nothing?" If, therefore, the reason assigned for removing the duty on wool has any weight, does it not apply with equal force to every other industry of the country at present kept alive by tariff protection?

Suppose we admit the tax on woolen goods to be too high and a burden upon the tax-payers, why not revise this item of the tax-list and

bring it within just, fair, and reasonable limitations? Do not strike down the great industry of wool-growing in order to enable the manufacturer, who is protected, to manufacture wool at a cheaper rate. Such action is nothing less than the declaration upon our part that what I shall denominate the productive industry of the agricultural class of our people must go upon the free-list in order that a duty may remain on woolen goods for the manufacturer's benefit. The gentleman from Illinois [Mr. MORRISON] saw the force of this argument, and he met it at once by putting iron-ore and other raw materials upon the free-list of his original bill.

But I will not pursue this branch of the subject any further. It is evident to my mind that if the policy of this bill be followed out to its logical sequence it must result in one of two things—either absolute free trade, or the abandonment of intentional incidental protection and in a tariff for revenue only. Either one is a clear abandonment of Democratic doctrine as set forth in our platform, and would be a betrayal of the confidence reposed in us by the laboring men of America.

In conclusion, let us ascertain if this measure be truly a revision, or in the line of a revision, of the present "tariff in a spirit of fairness to all interests."

The report of the committee opens in these words:

> The rate of duty or tax on imported goods subject to duty is as low as 5 on some, and higher than 200 per cent. on others.

This statement of itself demonstrates the necessity of a revision of our present tariff. No wonder that both the great political parties made haste to "denounce the abuses of the existing tariff," as the Democratic party expressed it; and to pledge "itself to correct the inequalities of the tariff," as the Republican platform has it. But each party further promised to make a reduction "without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country." Such is the language of the Democratic platform.

Will any man have the hardihood to say that this measure is not violative of that solemn declaration of protection to the American laborer? Revision, in the sense in which both political parties used the word, meant reduction; a lopping off here and there, where the duty did more than protect the laborer; where it put money, taxed from another, into the full pockets of the capitalist. Experience had taught us that this reduction could not be done by what is known as "horizontal reduction," and we are now to learn by the fate of this bill that it can not be done by striking down certain branches of industry, while others are to be continued in the genial warmth of extravagant protection. If the tax on some imported goods is but 5 per cent., while on others it is higher than 200 per cent., why did not the committee revise the whole tax-list, and give us the reduction demanded by every tax-payer in the Union? They certainly had all the means of information at hand, and the two eminent statesmen [Mr. MORRISON and Mr. HEWITT] whose bills are blended in the reported bill of your committee are certainly competent, if any men in this country are equal to it, to revise the present tariff, to reduce it in such manner as not to injure or destroy or endanger any branch of American industry. This bill does not pretend to be a revision, but merely in the line of revision. The committee say:

> All that Congress can do, in the absence of a general revision of the tariff with new and simple classifications, is to provide for each cause of complaint as it arises. In the bill proposed the most pressing and prominent of the grievances are dealt with.

Are the items named the only causes of complaint which have arisen? If not, why were other causes of complaint ignored? This bill did not cover the entire surplus of revenue; probably not half of it.

I turn from considerations which might well influence any other member of this House to one of a purely local character.

Among the stricken industries upon the proposed free-list of the tariff bill of the coming Fiftieth Congress, I think I see iron, and coal, and sugar taking their places. Let us remember this, that a false principle, once deliberately established by a political party, will govern future action until condemned by the judgment of the people, expressed at the polls. We had an experience of that kind when General Hancock met defeat upon a platform which announced the false doctrine of a tariff for revenue only. We expunged it from our platform of principles, and in its place inserted the good, old, sound, and wholesome principle which placed Mr. Cleveland in the Presidential office. Let us now hold fast to the winning card, and not discard it on the eve of another call to show our hands.

I have seen Alabama in the recent development of her coal and iron interests, springing, as it were, into newness of life. A great city, for the South, has sprung up so suddenly and is growing so rapidly that we know of no parallel instance of it in the history of the South. Capital has come to us; forms of industries unknown to our people have taken the place of unproductive agriculture, and Alabama is about to share in the benefits arising from protecting the American laborer.

I have been urged by friends not to withhold my support from the bill, but I feel constrained to do so. It is in effect a proposition to the Alabama mining and manufacturing industries to discontinue working their plants, to discharge their employés, and to what end? Solely for the beggarly consideration of being able to buy more with a penny in a cheaper market.

Our people have learned wisdom in the school of experience, and they realize that only by means of diversified industries can they enrich their State and make themselves prosperous and respected by the world. If any principle inculcated by a political party was ever calculated to do this for a State, it is that pledge of the Democratic party to protect the laboring man in realizing good, living wages. I am, therefore, in favor of a tariff which comes up to the provisions of the Democratic platform, neither more nor less.

My first duty as a member of this House is to the General Government, but my devotion to the interests of the people of Alabama is so great that nothing appears good for the Union which would strike down the great interests of Alabama.

Mr. GOFF. Mr. Chairman, I regret that the honorable chairman of the Committee on Naval Affairs in submitting his bill to the House did not deem it proper to confine himself to the matters I may say legitimately presented by the bill. Had he not deemed it proper, in my humble opinion, to travel outside of the record, and in order to enable him to claim that the committee he represents, that the party he speaks for, is entitled to some advantage by virtue of the provisions of this bill, and also to attack the organization of the Navy Department and its management by preceding administrations of the Government, I would not now be tempted to submit the argument I deem it proper under the circumstances to make.

If he had not thought it incumbent upon him in order to claim that which we hear so frequently upon this floor, economy—economy by the present administration of the Government at the expense of the preceding ones—I should not allude to the figures I shall now present to the consideration of this committee. I say the gentleman will not be able to maintain his plea of economy in this particular instance. I say that he will not be able to show to this House or to the country that appropriations have been reduced under the provisions of this bill. It appears, Mr. Chairman, that the estimates for the coming fiscal year for the naval service amount to $7,129,087.50, and that the amount offered or directly appropriated by this bill is $6,312,503.26, showing a difference of $816,584.24.

But the gentleman, as was shown by my colleague from Connecticut [Mr. BUCK], was compelled to state that he was relying upon the sum of $576,380.24 coming over as a surplus from the previous appropriation bill to be used in the present fiscal year under this bill. Now, I desire to call the attention of the chairman of the committee to page 729 of the Revised Statutes, and to sections 3690 and 3691, from which it appears that this surplus to which he alludes and upon which he relies, in order to sustain the claim of economy, is covered back into the Treasury of the United States; and unless he here asks that it be reappropriated, or asks to amend his own bill and add to it said sum, that virtually according to his own statement and report there will during the coming fiscal year be a deficit of that amount. Now, in addition, items that are usually appropriated on the regular appropriation bill, as my colleague on the committee clearly demonstrated, have been carried to the other bill called the "Naval Increase bill," and they necessarily would find a place in this bill but for the fact that said additional bill has been presented, and which the gentleman from Alabama says he expects the House will take up and consider at this session.

Mr. WISE. That is true.

Mr. GOFF. That is true as my colleague and friend from Virginia says. Then that should have been plainly stated in the bill, and the honorable chairman of the committee should have given that statement in his opening remarks.

Mr. HERBERT. With the consent of the gentleman I will say that I did. A great portion of my speech was devoted to showing that it would be necessary under the rule adopted to make an amendment to this bill in the form suggested.

Mr. GOFF. But it has not been carried out when you go to sum up the total of the bill, and was not presented in the light I have alluded to.

Mr. HERBERT. But I stated according to the precedents followed from Secretary Sherman to this time that it was not necessary because the surplus might have been used without making a special appropriation.

Mr. GOFF. But the statute of the United States to which I called attention has intervened since that time.

Mr. HERBERT. Not at all, I beg the gentleman's pardon. Judge Lawrence has decided the question.

Mr. GOFF. What appropriation has been so used since the Revised Statutes went into effect?

Mr. HERBERT. Mr. Lawrence expressly decided when the matter of the pay of the Navy was before him in January, 1884, that there was authority for the use of this fund, and he considered this very statute in making his opinion in connection with the statute of 1874 making an appropriation for the pay of the Navy, and held that it was a continuing appropriation and did not require reappropriation.

Mr. GOFF. The items to which he alluded were the expenses involved during the fiscal year for which appropriated, and coming in after its termination, and before the expiration of the first subsequent

fiscal year. It is eminently proper, and that is the theory of the law, to retain control of this surplus fund in order that the expenditures that might have been incurred but may not have been audited shall be paid out of that sum. That is the object of retaining the surplus in that condition.

But now, Mr. Chairman, I wish to call attention to another matter, and that is the bureau system. The gentleman has found it necessary in order to claim extravagance in previous administrations to make the declaration that the system of organization now existing in the Navy Department is vicious.

The Secretary of the Navy in his report of last December styled the organization of the Department of the Navy a "vicious organization." The President of the United States in his annual message to Congress alludes to that report of the Secretary and invites favorable action upon his recommendation. I claim that the honorable Secretary of the Navy made an unpardonable blunder in this particular; and I say that he has also had the manliness to admit to the Naval Committee that he did make that blunder. Therefore I am more surprised that the honorable chairman of the committee still makes this claim before the House.

The organization of the Navy Department as it exists to-day has so existed since 1843, virtually. There have been a few changes, the establishment of a bureau or so, but the theory of organization is identical. It has grown up with the needs and necessities of the Government, and the system was adopted as the result of long experience and the best thought upon the question.

The Secretary of the Navy, in his report dated November 30, 1885, said: "There is something radically wrong with the Department," and "a reform in our organization is indispensable." He asserted that the eight existing bureaus, (1) Yards and Docks, (2) Equipment and Recruiting, (3) Navigation, (4) Ordnance, (5) Construction and Repair, (6) Steam Engineering, (7) Provisions and Clothing, (8) Medicine and Surgery, should all be abolished and the entire business of the Department be confided to three new bureaus called by him (1) the Bureau of Personnel, (2) the Bureau of Material and Construction, and (3) the Bureau of Finance and Accounts. The Secretary suggested eight subbureaus in connection with said three bureaus, making, in fact, eleven in place of the eight bureaus now existing. After more carefully considering the matter, he concluded that the position he had taken was not tenable, and he abandoned it and proposed in place of the present organization five new bureaus, to be called (1) Navigation, (2) Ordnance, (3) Medicine and Surgery, (4) Material, Construction, and Repair, (5) Supplies and Accounts, with four subbureaus, making, in all, nine in place of eight, as at present provided for. How long the Secretary will hold to this view, if he has not already abandoned it, I am unable to say. As I have said, the present system is the result of many years of experience. Under it the Department successfully managed the Navy during our civil war, accomplishing under it, as all will concede, wonderful and happy results.

If you will analyze the theory of the organization of the Department, will examine into the special duties of each bureau, will observe a proper distinction between and pay proper regard to the staff and the line of the Navy, as has heretofore been done, you will see that Secretary Whitney's proposed plan of reorganization will not promote the efficiency nor aid the discipline of the Navy. You will then see, Mr. Chairman, that it will be improper, most unwise, to have line officers direct the staff in the discharge of their especial and technical duties, or the staff to attempt to control or order the line in the matter of their most important, necessary, and dangerous requirements. You do not require of your line officers, of your commodores and commanders, that they purchase the food, clothing, and other supplies for the Navy; but you do expect them to direct the movements of your ships and fleets in time of war, and to maintain the efficiency and discipline of the men under them. Nor do you expect your surgeons and paymasters to interfere with your commanding officers; but you do look to them to see to the health of and care for the disabled of our Navy, and pay the liabilities and see to the financial affairs of the Department.

Secretary Whitney's plan would strangely commingle the duties of the officers of the Navy, and would not in my opinion promote their efficiency. We do not require them to be experts in all matters relating to all branches of the service, but we do expect them to be proficient in their particular line. He who is jack of all trades, we are told, is boss of none. The Secretary stated in his testimony before the Naval Committee that his proposed plan of three bureaus was similar to the organization of the navies of the nations of foreign countries. He has not given us an instance. He can not do it. The honorable chairman of the Naval Committee can not do so; let him do so now if he can; let any of my friends of that committee who will follow me do so, if they can.

Mr. Chairman, this effort that has been made, this abuse of the system of organization, is an endeavor to sustain the charge that Republican Secretaries of the Navy under this system have been corrupt and extravagant, have used it to aid them in their partisan purposes, and, also, to account for the present deplorable condition of the Navy of this nation. It will not work, it can not be sustained. The system condemned by Secretary Whitney in his report is in effect commended by him in the last bill he has caused to be submitted, to which I have already alluded. After this, Mr. Chairman, I can well drop this branch of the question. It is very easy to tear down, to destroy an existing plan, but it is very hard sometimes to construct a new one to take its place.

I concede that some slight modifications of the present plan—not change of the system—may be made and should be made, but they are not of the character submitted by the Committee on Naval Affairs. It is a change brought about by the advance of science, brought about by the enlightenment of the age in which we live, brought about by the change from the construction of wooden ships of war to the building of the iron and steel ships now found on the sea. When we build our new navy, as I trust we will proceed at once to do, the Secretary, who has direct charge of all the bureaus, and can change and apportion the duties relating to them as he may deem best, can by his own order, by the stroke of his pen, make the necessary change, one of detail merely, and not one that destroys the present admirable system of organization.

Mr. Chairman, we have not to-day a single first-class war ship. We have no war-ships we can regard with pride or satisfaction. Our position is most humiliating to the nation, to the people, to our naval officers. We have in our Navy a *personnel* of which we are justly proud, but our ships are now, have been for years, worthless makeshifts, the derision of the world. Time has rendered our wooden ships useless, and science long since stripped them of the virtue they once had. Improvement in naval architecture during the past twenty years has been wonderful, marvelous. We have not kept pace with the progress of the times. When it was shown that it was folly longer to continue the construction of wooden ships of war our Democratic friends refused to assent to appropriations for iron ships; and, as they were in the majority in this House, they controlled the matter. They did not wish a Republican administration to control expenditures and build a navy. So the country suffered, and year after year millions have been expended in the repair of the old wooden ships.

We do not demand a large navy, but we should have a respectable one. We will never increase our commerce until we build a navy. Both must go hand in hand together. As your navy went down, so did your commerce. As the navy shall be rebuilt, so will your commerce be restored. It is a mistake to say that we have no use for a navy, that a nation at peace with all the world needs no navy. When at peace we should send our Navy to all commercial ports where American enterprise has penetrated and is endeavoring to extend our commerce. The flag of the Union, waving from an American man-of-war in foreign ports, is a grand protection to our commerce. A good navy means good commerce, and both mean national prosperity and strength.

The gentleman from Virginia [Mr. WISE] says that during the past twenty years over $75,000,000 has been expended in the construction of a navy. Why does my friend talk so? Why do our friends on the other side continue to make such statements? Why did not the gentleman give this House and the country the benefit of the items of that large aggregate of money? I ask him now to do so. When was the money appropriated? Give us dates. The gentleman can not do it. No such appropriations were ever made.

Let my colleagues of the Naval Committee who follow me in this discussion explain what they mean by these statements. The fact is, we have made no appropriations, made none from 1865 down to 1883, except for eight small vessels of about 500 tons each and for the unfinished monitors. That we have no navy is not the fault of the Navy Department, under its administration by Republican Secretaries. They could not build without the means to build with, and Congress refused the means. We have appropriated and used many millions in the repairing of our old ships under, I am justified in saying, the idiotic legislation of Congress. The Republican party when it recovered control of this House in 1881 changed this method of our Democratic friends and made the first appropriations for the construction of our new Navy. Congress is to blame for the condition of the Navy, not the Navy Department.

Secretary Welles, when he retired from office, which he had filled with honor to himself and to the success and glory of the nation, in a report to this House called its attention to the requirements of the Navy, to the change in naval construction, and admonished the country that unless early steps were taken the Navy would soon be without vessels, the nation without men-of-war from which its flag could fly. Gentlemen, you should read that report. It is well, graphically written—the words of a patriot, the voice of a prophet.

Congress ignored his recommendations. There was some excuse for it then. It was the time when the change from the old to the new was in progress, from the construction of wooden to iron ships. Naval architecture was fast changing and rechanging; matters were unsettled. We had no ironclads previous to the war. It was during our civil conflict that the wonderful impetus was developed for the construction of iron ships both at home and abroad.

The first iron ship that crossed the ocean from our shores, bearing our flag to foreign lands, was visited as a curiosity, gazed upon as a wonder, taken as a model by all the world. But it had its defects; improvements were soon suggested, plans were revised, architects were uncertain. Congress awaited further developments, and repaired the

old ships as the best thing then to do. Then our Democratic friends came into power in this House, and, as they and their party have been doing for years, they adopted the policy resorted to by the Republicans as the best at the time, and continued it when conditions had changed, and when other nations were utilizing time and building navies. You are always happy when you can do things that we have done, adopt policies or platforms the Republicans have used, but the good that was intended has generally been realized before you have advocated the policy. If you can tent on our old camp ground you are contented, and you do not seem to know, while you so rest, that the army of progress and enlightenment has moved on far in front of you. You are content, for you know that in the course of time you too will move on. [Applause.]

Mr. WISE. My friend from West Virginia will do me the justice to say that I stated that I did not wish to make any party capital out of this, or to appeal to any party prejudice. I stated that in my judgment the money had not been properly appropriated; holding nobody responsible.

Mr. GOFF. I did not understand my friend to say that the money had not been properly appropriated, and the inference to be drawn from his remarks was that it had not been properly expended by the Republican administration.

Mr. WISE. No, sir.

Mr. GOFF. If the gentleman means to say that it was improperly appropriated, then it was the fault of the Congress of the United States and of the Democratic majority in this House, and not the fault of the Republican Secretary of the Navy. The Republican Secretary of the Navy long years ago advised with this House upon the condition of affairs, and recommended the construction of additional ships.

Who has controlled the House of Representatives during most of the time mentioned by the gentleman from Virginia? Who reported and had charge of the appropriations for the Navy? Who was it that over and over again came in here with appropriations limiting the expenditure of money for the Navy to the *repairing* of old ships? Was that done by the Republicans? The honorable chairman of the present Committee on Appropriations [Mr. RANDALL] was Speaker of the House during most of that period. A Democratic member of this House was chairman of the Committee on Appropriations. I have taken the pains to run through quite a number of these appropriation bills (not all of them), and to note the statements that were made on this subject upon the floor of the House when those bills were under consideration. I find, for instance, that Mr. Clymer, a distinguished Democratic member of Congress from the State of Pennsylvania, had charge of the bill in 1878, and said: "I call the attention of the House to the fact that this appropriation is sufficient for the actual *repair* of all the vessels of our Navy."

This is but a sample—one of many. So it went on year after year, limiting the appropriations to repairs, not permitting the construction of a ship. Why, sir, many millions of dollars have been expended in repairs where none should have been made. Still, until it had been determined to build new ships it was incumbent upon us to repair the old, for otherwise we would soon have had no ships upon the sea at all—not even wooden ones. Hence my Democratic friends thought it "economy," thought it "reform," to appropriate many millions to be expended in the repair of old war ships. Grand old ships they were. They bore us and our flag through many a dark hour and o'er many a tempestuous wave, landing us finally in the harbor of safety and peace, giving us national strength and renown. [Applause.] These grand old ships, I say, were worthy of some consideration, and they are the only veterans of the war that my Democratic friends want to vote arrears of pensions to every year. [Laughter and applause.]

The honorable chairman of the committee, in answer to an inquiry made by myself, stated that the committee had omitted from this bill all reference to and all appropriations for the monitors—the double-turreted monitors—the Puritan, the Amphitrite, the Monadnock, and the Terror. Now, my friends on the other side have always approached the discussion of matters relating to these monitors with a great deal of dread and anxiety. They have always looked upon any proposition for appropriations in this regard as an effort by the Republican side of the House to secure money to be improperly expended by a Republican administration—always intimating, as my friends here will remember, that the ships were absolutely worthless and that the money was desired for partisan purposes. My friends on the other side know that this has all along been the intimation, if not the charge.

Now, these much-abused vessels, these double-turreted monitors, the construction of which was commenced in 1874 and has been dragging along from that time to this with occasionally a small appropriation, and often none—these ships are to-day conceded by Secretary Whitney and the officers of the Navy Department to be the best ships of their class in the world. The Secretary of the Navy in his testimony before the Naval Committee concedes that these vessels, which have been thus shamefully treated for years, and referred to as worthless, as not fit to finish, are the finest of their class, and advises that they be completed. He recommends for the completion of these monitors an appropriation of $3,178,046. But there is not a dollar of appropriation for that purpose in this bill.

The Republican policy has always been for a navy. Republican administrations have asked of Congress from time to time, year after year, appropriations to build up a navy. The subject has been agitated on this floor. It has been contended about by conference committees at the dead hour of the night; and finally, when the clock was pointing almost to the hour of final adjournment, the friends of an efficient navy have been obliged to yield, and the reply "no navy" has been made again and again by Congress to the demand upon it.

Secretary Hunt on June 29, 1881, appointed the first advisory board to prepare a "practical and plain statement of the pressing need of appropriate vessels" for the Navy, to be presented for the consideration of Congress. This important action was taken at the suggestion of President Garfield, and much good has come from it. Rear-Admiral John Rogers was the president of this board, which also contained 1 commodore, 1 captain, 3 commanders, 3 lieutenants, 2 chief and 1 past assistant engineer, and 3 naval constructors, all capable and experienced men. They reported November 7, 1881, discussing the subject fully, and recommending 2 steel cruisers of about 5,873 tons displacement, 6 steel cruisers of about 4,560 tons displacement, 10 steel cruisers of about 3,043 tons displacement, 20 wooden cruisers of about 793 tons displacement, 5 steel rams of about 2,000 tons displacement, 5 torpedo gunboats of about 450 tons displacement, 10 cruising torpedo boats, 10 harbor torpedo boats; in all, 68 vessels of all sizes, at a total cost of $29,607,000.

This report, it should be observed, related to unarmored vessels only and did not consider ironclads. From this report sprung the first effort to build steel cruisers.

After the report of the first advisory board Congress at its next session took up the subject. The House Committee on Naval Affairs, Hon. B. W. Harris, chairman, on March 8, 1882, made a full report, and recommended the building of a part of the ships advised by the board. Congress, acting on this report, in the act of August 5, 1882, directed as follows:

> The building of one steel cruiser of between 5,000 and 6,000 tons displacement and one steel cruiser of between 4,300 and 4,700 tons displacement; the steel to have a tensile strength of not less than 60,000 pounds to the square inch and a ductility of 25 per cent. in 8 inches.

It was also provided in said act that a naval advisory board of five officers and two civilians should be appointed to aid in designing and constructing the vessels and to supervise the work.

The Secretary of the Navy was also directed to invite, by advertisement for sixty days, all competent persons to submit plans of the vessels or any part thereof.

The advertisement was issued on August 5, 1882, calling for designs within sixty days after August 20, 1882. The advisory board was organized November 13, 1882, with Rear-Admiral R. W. Shufeldt president and Chief Engineer Alexander Henderson, Commander John A. Howell, Lieut. Edward W. Very, Naval Constructor F. L. Fernald, Mr. Henry Steers, and Mr. Miers Coryell members of it.

The board was composed of as able men for the work to be done as the country could furnish—men of experience, of profound education, of the highest character. Notice as I proceed how it has been treated by Secretary Whitney.

No complete designs of cruisers had been obtained as the result of the advertisement, and a further notice was issued by the Secretary, dated November 17, 1882.

When Congress met in December, to it was submitted a report of the advisory board recommending that, in addition to the two cruisers already authorized, there be provided for one steel cruiser of about 4,000 tons displacement, three steel cruisers of about 2,500 tons displacement, and one dispatch vessel or clipper (two of these vessels are desirable) to have a sea speed of 15 knots, to be built of iron and be armed with one 6-inch breech-loading rifle and four revolving guns, and one cruising torpedo-boat.

In the naval appropriation of March 3, 1883, Congress appropriated $1,300,000, as follows:

For the construction of the steel cruiser of not less than 4,300 tons displacement now specially authorized by law.

For two steel cruisers of not more than 3,000 nor less than 2,500 tons displacement each.

For one dispatch boat, as recommended by the naval advisory board in its report of December 20, 1882.

The Secretary of the Navy was directed to invite proposals and to award contracts "to the lowest and best responsible bidder or bidders," subject to such provisions for the security of completion as he might prescribe and in accordance with the act of August 5, 1882.

It was found by the Department that the cruiser of between 5,000 and 6,000 tons could not be built within the limit of cost fixed by Congress. The general features of a steel cruiser of 4,300 tons, two cruisers of 3,000 tons, and a dispatch boat of 1,500 tons were prepared by the advisory board and on March 23, 1883, submitted by letter to the shipbuilders who it was thought likely would make proposals for construction, and they were requested to make advice and suggestions which would enable the Department to reach "such final plans and specifications as will give the most effective ship of the class which can be built."

Advertisements, dated April 28, were issued May 2, 1883, asking proposals for the four ships, to be received July 2.

Proposals were received for all the ships except the smaller, the Dol-

phin, from (1) The Harlan & Hollingsworth Company, of Wilmington, Del.; (2) Cramp & Sons, Philadelphia; (3) John Roach, of New York; for the largest, the Chicago, also from the Delamater Works, New York; for the Atlanta, from the Quintard Iron Works, New York; for the Boston, from Harrison Loring, of Boston; and for the Dolphin, from Cramp & Sons, Mr. Roach, Allen & Blaisdell, of Saint Louis, and H. A. Ramsay & Co., of Baltimore.

Mr. Roach was the lowest bidder on all the ships, and the contracts were awarded to him; the estimates, the contract prices, and the next lowest bids were as follows:

Vessels.	Cost estimated by the advisory board.	Contract prices.	Next lowest bids.
Chicago	$1,248,000	$889,000	$1,080,000
Boston	783,500	619,000	650,000
Atlanta	783,500	617,000	650,000
Dolphin	399,000	315,000	375,000

The contract prices were $315,000 less than the next lowest bids and $774,000 less than the estimated cost.

John Roach had already spent his money in building his plant, had already been to the expense that these men who bid next highest, bid hundreds of thousands of dollars over him, would have been compelled to go to if the contract had been let to them. John Roach was prepared to make his own steel, to furnish his own material—the others must purchase it, import much of it, and hence they estimated for it in their bids. Hence it was that Roach could so far underbid his rivals in this branch of American industry and labor, of which he was the pioneer, and for being which, and on account of his devotion to that principle without which his great establishments could not survive a day, he has been branded as a "rascally contractor," and persecuted by those who, weak of themselves, pygmies by his side, are strong only on account of the accident of official position. [Applause.]

The contracts with Mr. Roach were dated July 23, 1883, except that for the Chicago, which was July 26, 1883. The essential stipulations of all the contracts, taken from that of the Dolphin, were as follows:

DOLPHIN'S CONTRACT.

The preamble recites the authority to build given by Congress, the advertisement, proposal, and acceptance, and that "the drawings and specifications required by the act of August 5, 1882, have been duly provided, adopted, and approved, in accordance with the provisions of said act relating thereto." The contractor thereupon agrees—

1. That he will build the dispatch boat "in conformity with the aforesaid plans and specifications hereto annexed and in accordance with the provisions of the acts of Congress approved August 5, 1882, and March 3, 1883, respectively, before mentioned and relating thereto."

2. "The construction of the hull and machinery and the fittings of the vessel shall conform in all respects to and with the plans and specifications hereto annexed, which plans and specifications shall be deemed and taken as forming a part of this contract and with the like operation and effect as if the same were incorporated therein."

Changes are not to be made or paid for except in accordance with the acts of Congress.

3. Materials and workmanship shall be "first class and of the best quality," subject to the inspection of the advisory board.

4. The steel used shall conform to the tests prescribed by the board and approved by the Secretary, June 18, 1883.

5. All necessary additional working plans will be made by the contractor and approved by the board.

6. The contractor will pay all inventors or patentees for designs or devices used.

7. The vessel shall be completed and ready for inspection and delivery before the end of twelve months. The lien of the United States shall attach for each payment as it is made.

8. The contractor shall keep the ship insured for the benefit of the United States.

9. The vessel shall be sufficiently strong. When ready for delivery she shall be subjected to a trial trip and accepted only on these conditions:

First. The working of the machinery shall be to the satisfaction of the advisory board.

Second. The indicated horse-power shall be 2,300, maintained for six hours, "provided that in case of the failure of the development of this power the vessel shall be accepted if it can be shown to the satisfaction of the naval advisory board and the Secretary of the Navy that this failure was due neither to defective workmanship nor materials."

Third. Any defect in the engines discovered within four months after acceptance shall be repaired by the contractor.*

Fourth. The weight of machinery and boilers shall not exceed 430 tons, under a penalty of $2,000 for over 5 per cent. excess, and also $200 for each ton over the 5 per cent. excess.

10. If the result of the trial trip is satisfactory the vessel shall be accepted and final payments made, except $8,000 to be held until after a final trial trip, to be made three months after the preliminary acceptance. If on the final trip or within such three months any defect from bad workmanship or material appears, the same must be repaired by the contractor. After final acceptance the $8,000 will be paid.

11. In case the work does not make satisfactory progress toward completion the Secretary may declare the contract forfeited, and thereupon the contractor shall become the debtor of the United States for all payments made him and the Secretary shall proceed to have a valuation made of the work already done.

12. After the valuation the Secretary may, in his discretion, proceed to complete the ship, with authority to use the contractor's yard, plant, and material.

13. The work shall be completed by the Secretary at the contractor's risk and expense. A final settlement is provided for.

14. The vessel is not to be accepted unless completed in strict conformity to the contract, under the supervision of the board, and in accordance with the provisions of the acts of August 5, 1882, and March 3, 1883.

15. No member of Congress or Government official is to be interested in the contract.

16. The United States agree to pay for the vessel $315,000 in ten equal installments with a reservation of 10 per cent. on each installment; the last payment not to be made until acceptance of the vessel as in the tenth clause recited. Upon performance of the contract the reservations are to be paid. Disputes concerning the meaning of drawings or specifications or discrepancies between the same and the contract are to be determined by the Secretary of the Navy.

A bond of the contractor with two sureties accompanied the contract. It will be seen that the terms of the contracts were just and appropriate and that there was no lack of effective stipulations to protect the Government.

The law requiring the ships to be built of steel of great tensile strength and ductility caused the contractor much difficulty, and there were some changes which also produced delays; but, on the whole, the work went on satisfactorily.

All changes and additions made and extras allowed are stated in detail in a letter from the Secretary to the House of Representatives of February 11, 1885, and in an answer of the present Secretary to a Senate resolution of March 5, 1886. They have been less than could reasonably have been expected.

January 17, 1884, the Senate Committee on Naval Affairs commenced an inquiry with reference to the ships then building. The testimony before them was printed under the head "Additional Steel Vessels," and February 12 they made a report approving the course which had been pursued by the advisory board and the Secretary, expressing confidence in the vessels, and recommending additional vessels, the task of designing and constructing them to be intrusted to the board.

November 20, 1884, the Dolphin's trial trip commenced, but the thrust length of her shaft broke. This led to a careful consideration of the question whether the manufacturers had not failed to reach in the steel shafting the success which had resulted in the steel for the hulls of the ships.

The conclusion of January 15, 1885, was that no risk should be run nor delay occasioned as to any of the ships, and that the new manufacture of shafts hammered from single steel ingots should not be put into the ships, but that shafts built up from scrap-iron should be first used, and the steel shafts so far as prepared should be subjected to severe practical tests, the contractor to allow the Government the difference in cost between steel and iron, and the steel shafts also to be taken as duplicate pieces if they should stand the tests. "This was a fair, wise, and prudent arrangement."

The delay occasioned by the change of shafting for all the ships led the contractor to ask for the release to him of some of the 10 per cent. reservations. These reservations represented work actually done, and on which the United States had a lien for all payments made. The Secretary asked the Attorney-General's opinion as to his right in his discretion to anticipate the time of paying the reservations which were provided for by the contract but not prescribed by the law; and the opinion was that they could be paid.

The naval advisory board approved the payment on January 31, 1885, of five of the ten reservations on each ship, and they were, by direction of the Secretary, paid on that date.

Conferences continued between the contractor and the Department as to the alterations and consequent delays and injury to him which had taken place, and on the 13th of February, on a statement by the contractor that he considered that all equities in his behalf by reason of alterations had been adjusted, the payment of four additional reservations on the Dolphin, Atlanta, and Boston was approved by the board and directed by the Secretary, but no more were paid on the Chicago.

WHAT THE PRESENT ADMINISTRATION HAS DONE ABOUT THE DOLPHIN AND OTHER NEW NAVAL VESSELS.

The Dolphin's trial trip took place on March 10, 1885. It appears from the report of the advisory board of March 17, that the hull and fittings were "strong and well built and in strict conformity with the contract, drawings, and specifications" (except in a few insignificant minor items); that the weight of the machinery did not exceed the contract limit of 430 tons, that it worked smoothly, continuously, and satisfactorily throughout the trial; that the horse-power was 182 less than the 2,300 specified in the contract, but that the board was of the opinion that the deficiency was not due to defective workmanship or materials, but that with better coal and a well-trained engineer force these results would be exceeded; that the mean speed had been 15.16 knots per hour; and the board recommended that the vessel be accepted.

Bear in mind, if you please, Mr. Chairman, that the act of Congress authorizing the construction of this vessel directed that this advisory board should be appointed and required it to see to the building of the ship and to report to the Secretary on its completion.

March 20, 1885, Secretary Whitney in a letter to the contractor notes the deficiency of horse-power, and suggests that another trial be had.

April 7, Secretary Whitney informs the advisory board that as his action in making final payment is one for which he has responsibility, concerning which it is evident it was not intended that he should rely solely upon the advisory board, he has designated three persons to assist him.

On the same day he appoints for that purpose a board consisting of Capt. George E. Belknap, Commander Robley D. Evans, and Mr.

Herman Winter. Was this a fair board? Was it an impartial one? Where is the authority for its appointment? It is not provided for in the law.

Mr. DINGLEY. Is it in the contract?

Mr. GOFF. Nor is it in the contract. Still Secretary Whitney assumes to appoint them for the purpose of assisting him in the examination of the Dolphin. They were constituted the eyes through which the Secretary was to look. They were the glasses through which he gazed, and you will find, I think, that they have magnified most prodigiously.

Captain Belknap is a line officer, a brave and efficient one, but with no special knowledge or experience of naval designing or construction. His promotion to be a commodore, if made, would take place June 2, 1885. His next desire was the high post of Superintendent of the Naval Observatory. While he was engaged as a member of the Dolphin examining board (between April 7 and June 15) he was examined for promotion and passed the medical board. On May 21 he was ordered to the Observatory, and on June 2 he was promoted. On June 15 he reported against the Dolphin.

Commander Robley D. Evans is a naval line officer. He was a brave and efficient one during the war. He had a grievance against the last administration, against the previous Secretary, the one who contracted for the Dolphin. Commander Evans, after over two years of service as inspector of the light-house district of Baltimore, Norfolk, and Washington, had been, on July 14, 1884, relieved from duty and placed on waiting orders by Secretary Chandler. He had through his friends and the newspapers remonstrated against this order, but it had been adhered to. Seven days after Secretary Whitney went into office he, on the appeal of Evans's friends, on March 14, 1885, restored him to the light-house command, ousting Commander Silas Casey.

Mr. Herman Winter is, I am informed, a naval architect; is, I learn, the superintendent of the Metropolitan Steamship Company of which Mr. Dimock, Mr. Whitney's brother-in-law, is manager. The ships of this line have been built by Cramp & Sons; it is a rival line to the Mallory line, whose ships have been built by Mr. Roach. Mr. Winter is to be treated as identified with ship-builders who are rivals of Mr. Roach and hostile to him.

Mr. Winter is also an inventor, and I see he on May 1, 1883, took out a patent for a "power windlass;" February 12, 1884, a patent on a "hawse pipe stopper;" and May 19, 1885, a patent on "steering machinery." The report made by him on the Dolphin found fault with the grip of the steam windlass, declared that the "hawse pipe stoppers" were wrongly made and of insufficient strength, and indirectly praised his own invention, and also condemned the "steering gear."

This is either an unfair board—constituted to be so—or a most unfortunate combination of unfortunate circumstances surround it. God save you, Mr. Chairman, from the temptation and misfortune of like circumstances. Secretary Whitney must have known these facts; did know that Belknap depended on his favor for promotion and assignment to duty; that Evans despised Chandler—hated him with a hate that can never die; that Winter was interested with the rivals of Roach, whose work he was to judge, and personally interested in the success of patents not used by Roach in the construction of the Dolphin. Has this board ever been equaled? Can it be duplicated? It is altogether lovely. Without exception, it is beautiful. After the appointment of this examining board Secretary Whitney began the work of forcing Mr. Roach to agree to further trial trips. Mr. Roach considered that he was entitled, after the contract trial which had taken place, to a decision by the Secretary whether or not the deficiency of 182-horse power was due to defective workmanship or material, and he was willing to receive such decision. He believed that there was no right to ask a second trial, and feared that it was demanded by the Secretary with the preconceived wish and determination of condemning the ship. It seems his fears were well grounded.

On April 7, when Secretary Whitney appointed his examining board, he again asked of Mr. Roach another trial trip. By this time Mr. Roach began to be financially embarrassed, caused by the known hostility to him of the Department in which he had the unfinished contracts for the four ships.

Congress had on March 3, 1885, appropriated $69,201 to Mr. Roach by name for the use of his ship-yard for the ironclad Puritan and for the care and storage of the vessel. This amount Secretary Whitney refused to pay. And, also, he refused to pay him approved bills for extras on the ships amounting to large sums of money. Thus pressed Mr. Roach consented to another trial trip; but the Secretary then, on May 22, informed him that one more trip would not satisfy him; that, in addition to a trial to be had on May 28, "she must be put to a similar run at sea upon such day as you may name. I do not insist upon her full horse-power, or 15 knots-speed, upon this latter trial, if deemed by you too trying upon her new machinery. A speed of 12 knots will answer the conditions under which I wish to place her."

Two unsuccessful attempts were made before a continuous six hours' run was secured. On the first, on May 12, a forward crank-pin became heated about the middle of the trial; on the second, on May 18, an after-bearing became heated before the speed-trial began.

The third took place on May 28, and a six-hour run was made. This trial was a success. The Dolphin stood the test—filled all requirements—and a telegram was sent Secretary Whitney, as follows:

ASTOR HOUSE, NEW YORK CITY, *May* 28, 1885.

SECRETARY OF THE NAVY, *Washington:*

Dolphin ran six consecutive hours to-day without mishap of any sort, averaging from seventy-two to seventy-six turns per minute. All conditions very favorable. Steam-pressure from 84 to 89 pounds. Average speed 15½ knots. Speed for two hours, 15.9 knots per hour; approximate mean collective horse-power, 2,240. As ship was aground on reef on Wednesday she ought to be docked before sea trial.

G. E. BELKNAP, *President of Board.*

This telegram was carefully kept secret, I understand, by express direction of Secretary Whitney, and never saw the light until May 25, 1886, when he answered the Senate resolution of March 6, 1886. It slept one year, all to three days. It would have been well for some men had it never come to light. Better for their reputation had it slept for all time. On June 11 the sea trial was had outside Sandy Hook, and its success was announced to Secretary Whitney as follows:

NEW YORK, *June* 11, 1885.

SECRETARY OF THE NAVY, *Washington:*

The Dolphin ran six consecutive hours at sea to-day, loaded to service trim, without drawback, making from sixty-four to seventy-two revolutions of screw per minute; natural draught; no blowers used. Average approximate speed, 12¼ knots as shown by patent log. Approximate speed shown by bearings influenced by fair tide, 13.4 knots. All conditions favorable for trial, smooth sea not admitting of real test as to sea-going qualities of ship. Ship probably can not be docked before early next week.

GEO. E. BELKNAP, *President of Board.*

This telegram was also kept secret from June 11, 1885, to May 25, 1886. There is no intimation yet of structural weakness, of lack of speed, of defects in stearing apparatus, of matters covered by the patents of Winter. I would take the statement of John Roach on these subjects, risk his judgment, interested as he is, in preference to this examining board all the time, for his life has been a true and pure one, bringing joy and contentment to the lowly and the poor, and fame and prosperity to his adopted country. His life has been a great success, and his integrity is not to be questioned. [Great applause.] This grandest artisan of our country, who has harmed no one and done good to so many, is yet to be convicted by this jury that has heard no evidence and found no fact against him. [Applause.]

In reply to this telegram of the examining board, through its president, Captain Belknap, dated June 11, 1885, Secretary Whitney sent the following telegram:

NAVY DEPARTMENT, *Washington, June* 12, 1885.

To Capt. GEORGE E. BELKNAP,
President of the Board, New York, N. Y.:

Yesterday's trial was, as you know, wholly valueless.

Why, he knows to the contrary. He has already reported otherwise. But to continue with the telegram:

It occurred without my orders or knowledge. I find that the orders were given here in my absence under a mistake.

Mr. Chairman, he had already given an order that the trial should be made on a day to be agreed upon, and stating that he asked only 12 knots an hour.

To test her strength when subjected to the strain of a heavy sea was the object of her trial. I do not doubt her ability to run 13 knots an hour in smooth water.

She had already made over 15 knots in rough water, in water where sea speed is tested.

I want to know whether she is structurally weak or not.

He does not ask to be advised as to her structural condition, but, suggestively, he uses the word "weak."

Putting her into a heavy sea at a speed not trying to her machinery was the condition you asked for.

Now note what follows:

Has yesterday's trial aided you in determining this matter? If not, require such tests to be had within the next week as you may deem necessary for the purpose. Have the board stay in New York until this is settled. Do this unless you prefer to make your report based on your present information.

W. C. WHITNEY, *Secretary.*

Mr. Chairman, why do not these dispatches appear in the Secretary's report? The other papers, reports, and instructions do, but not these. It took the power of this Congress to bring the favorable telegrams of the examining board to the gaze of the public. Mr. Chairman, down to the date of this dispatch from Secretary Whitney to Captain Belknap there had not been an intimation in any report or dispatch of the weakness of the Dolphin. The board saw from that dispatch, just as we see from it, the character of the report expected from it.

Mr. STEELE. Are we to understand that the telegrams you read and the statements you make relative to the contracts are official?

Mr. GOFF. Yes, sir, official from the Department, in reply to an inquiry of the Senate.

Mr. Chairman, no further "tests" were had. The report was made at once. The board, although it had reported that the Dolphin made *over* 15 knots at a time when 15 knots were required, and that she made over 13 knots when 12 knots were required, although there had never been an intimation as to want of strength and speed, the board on June 15, 1885, made their report condemning the Dolphin because she had not the requisite strength and stiffness, because she could not make the required speed, and because there were "numerous other defects," most of which, the board stated, could be overcome. They base their

opinion that the vessel lacked strength and stiffness on the vibration of the engine-room floors and the heating of the after crank-pin, due, as they said, to some changes which had been made after the first trip in the situation of about 45 tons of ballast. Wonderful discovery this wonderful board has made. Vibration! Experts write, skilled constructors teach, that it is a sign of strength when these great iron ships vibrate; that it is evidence of proper construction. When you put on steam and go at full speed you break the machinery, you injure the vessel, unless you have the relief that vibration brings. Experts say that some of the strongest ships vibrate more than those known to be structurally weak. But I must ask you to read their verdict of condemnation and the flimsy pretense on which it is based, and hasten on.

June 17 Secretary Whitney wrote a letter, which he made public, transmitting the Belknap report to Attorney-General Garland. In this letter he declares as a matter of fact, first, that the Dolphin had not reached a sea speed of 15 knots, which, as a matter of fact, was not true; to have reached which she should have shown 17½ knots speed in smooth water, he says; second, that she had great structural weakness, which was not true, and third, that there were other defects which the contractor was willing to remedy and could therefore be dealt with without legal advice. He thereupon states that as the Government was not receiving what it expected and had a right to expect, he desired the Attorney-General's opinion "whether the Department has in the matter a bad bargain simply, which as between contracting parties it must stand to, or has it a broken contract entitling it to insist upon something better. How far is the contractor responsible for the speed, strength, and general workmanship of the vessel, and what are the remedies of the Department under the circumstances." He adds:

I the more willingly avail of the privilege of referring this matter to your judicial judgment and advice lest that in a spirit of resentment at this result I should be unjust.

June 30, 1885, Attorney-General Garland rendered his opinion, which was received by Secretary Whitney on the next day.

First, he declares that the Dolphin should be rejected because she had not the requisite strength and stiffness; the contractor having stipulated that she should be sufficiently strong.

Secondly, he advises that the Dolphin should be rejected because she had less than 15 knots sea speed. He says the act of Congress authorized "one dispatch boat as recommended by the naval advisory board in its report of December 20, 1882." That report recommended "one dispatch vessel or clipper to have a sea speed of 15 knots." The contract had reference to the act, and the contractor was as much bound "to make a ship of the sea speed of 15 knots as though he had agreed to do so in express words."

Thirdly, that there was no "valid contract at all between Mr. Roach and the United States."

And that by the ninth clause, in case of a failure of horse-power the vessel shall be accepted nevertheless, if it appear that the shortcoming was not owing either to defective workmanship or material, it was the "obvious intention" to "relieve the contractor of all duty and responsibility as to the power of the ship and make it feasible to force upon the United States a ship wanting in the prime quality of speed and fundamentally different from what Congress authorized and was so desirous to secure." "What was thus attempted was wholly out of the question."

The contract being an entirety he decides that the illegality of any element "must necessarily vitiate the whole and abrogate the contract."

He concluded, therefore, "that no contract exists between Mr. Roach and the United States;" that the amounts paid him passed into his hands without authority of law, are the moneys of the United States, and may be recovered from him, and that the ship may be held for the moneys.

The principal errors of Secretary Whitney's letter asking the opinion were as follows:

First, his declaration that the Dolphin had not the requisite strength and stiffness. It is true the Belknap board had so reported, but theirs was not a correct finding. The report itself and all subsequent facts show this. And besides the advisory board, authorized by Congress, reported in her favor.

Secondly, his declaration that the Dolphin had not reached a sea speed of 15 knots. She had reached substantially that speed on two trials, one in the sound, one at sea. The claim that she should have reached 17½ knots while a new ship on trial in order to be a 15-knot ship was unwarranted, unheard of before, in the sense used by him.

Thirdly, his assumption that the Department had either a "bad bargain" or a "broken contract" on its hands was an unfair method of stating for decision a judicial question.

I think that Attorney-General Garland was mistaken in the following particulars:

First, the mention in the act of Congress of the advisory board's report, and the remark in that report that the dispatch boat was to have a sea speed of fifteen knots, did not make it a fundamental condition of any contract which might be made that the contractor should guarantee such speed and that the ship should remain on his hands unless she reached it.

Secondly, the decision that there was no valid contract at all as to the Dolphin was, in my opinion, gross error. I venture the assertion that there is not a member of our Judiciary Committee who will so hold, not a lawyer on this floor who will so claim. The ship was built according to designs which by the law had to be prepared in detail by the Navy Department before the ship was contracted for or commenced. The contractor could not have been reasonably required to guarantee a certain horse-power on those designs with which he had nothing to do, but he could only be asked to guarantee good materials and workmanship.

To hold that the omission to require a guarantee of horse-power was a fundamental and fatal defect in the contract, which made it (being an entirety) absolutely void and left a completed war ship on the hands of the contractor worthless to him, while the Government had no claim upon the sureties but must follow the vessel by a suit in equity to charge it with the payments made, was I think certainly erroneous.

The opinion of Attorney-General Garland was given by Secretary Whitney to the newspapers on or about July 12, 1886, and he thus virtually announced that it would govern his action. There had been no mention either in the act of Congress or the advisory board's recommendations of any specific speed except for the dispatch boat. The other vessels were to have "the highest attainable speed." But the clause that the contractor should be responsible for deficiency in horse-power unless caused by defective workmanship or materials was contained in the contracts for the Chicago, Boston, and Atlanta, and on all the four ships there had been paid the contractor $2,125,226.51.

MR. ROACH'S FAILURE.

The public promulgation by Secretary Whitney of the declaration that Mr. Roach was virtually the debtor of the Government for over $2,000,000, to secure which sum the four ships were to be seized and held, in effect, so far as Mr. Roach's financial standing was concerned, added two millions to his debts and practically nothing to his assets. His assets were $4,631,478.23 and his debts $2,262,877.81, as shown by his assignees. The proclaimed addition of $2,125,226.51 to his debts destroyed his credit and compelled him on July 18 to make an assignment and close his ship-yards and machine-shops at Chester, and at the Morgan Iron Works, New York city.

There were thrown from employment by Mr. Whitney's blow at Mr. Roach, necessitated by his assignment, at the Morgan Iron Works, ten hundred and fifty-two men with a weekly pay-roll of $12,358.28; at the Chester Works, eleven hundred and thirty-seven men, with a weekly pay-roll of $11,802.02—$24,160.30. The usual force employed for years before had been, at the Morgan Works, eleven hundred and thirty-one men, with a weekly pay-roll of $14,034.46; at the Chester Works, thirteen hundred and thirty-one men, with a weekly pay-roll of $14,341.20—$28,375.66. During the five years from 1872 to 1876, Mr. Roach had consumed materials and paid out wages amounting to $14,890,147, of which the wages at the works were $7.269,734, and 90 per cent. of the whole amount represents the labor of American workmen.

Between 1876 and 1885 Mr. Roach had built sixty-six steamers at contract prices of $19,345,000; other work amounting to $3,147,000; or a total in nine years of $22,492,000, 95 per cent. of which went for American labor. This information I gather from statements made by Mr. Roach and by his assignees.

ADVISORY BOARD'S CONCLUSIVE REPLY TO ALL CRITICISMS ON THE DOLPHIN.

Meanwhile the advisory board had been trying to get a hearing on the charges against the Dolphin. The Belknap report of June 15 had been given the public and made the basis for destroying Mr. Roach without Mr. Whitney inviting a word in reply from the advisory board. At last, however, in a letter of July 13, the board state that they had seen in the public prints and had unofficially what purported to be a copy of the report and appendix of a board appointed to examine the Dolphin; that they had prepared and placed upon their records a statement in reply, a copy of which they submit and request may be given the same publicity.

Secretary Whitney received the statement, kept it secret, gave it to the Belknap board, they kept it until July 31, when they returned it with a feeble rejoinder, and on the same day Mr. Whitney gave both papers to the public, informing the advisory board that he can but express his surprise that the board should have certified the vessel to him "with so many admitted defects as shown by your report to have existed." This statement is remarkable. There are no defects admitted in the report. Mr. Whitney also in publishing the advisory board's report in his report to Congress omits the letter of transmission and request for publication signed by all the members of the board and publishes the report without date or authentication. The advisory board's report thus treated by Mr. Whitney is an elaborate review of all the criticisms on the Dolphin and a complete and overwhelming reply to them all. The board conclusively demonstrate that the vessel is structurally strong and that she has a sea speed of 15 knots.

All this reached the public after Mr. Roach had been forced to make an assignment—after his great shops had been closed and his grand army of expert toilers separated from him forever.

After the failure of Mr. Roach and the consequent indignation aroused

throughout the country, Mr. Whitney abandoned every pretense of acting on Attorney-General Garland's opinion.

The opinion had declared that there were no contracts at all with Mr. Roach. This would have released the sureties and destroyed the liens provided for in the contracts, and would have left the Government no remedy except to sue Mr. Roach for the payments made, seeking to hold the ships by equity proceedings.

Mr. Whitney therefore abandoned Mr. Garland's opinion, which had had its day and served its purpose, and took possession of the Chicago, Boston, and Atlanta, under the contracts, and is now finishing them in Mr. Roach's yard. Official reports made to him show that up to the time of stoppage the contracts had been complied with in every respect and that the ships were all they should have been.

He also took possession of the Dolphin under an agreement that Mr. Roach's assignees should sue the United States for any balance due in the Court of Claims, saying in his report:

If the ship is the Government's design the contractor should be held to correct construction, but not for the performance of the ship.

Thus he reversed the opinion of the Attorney-General.

Mr. Whitney also says in his report:

I have, in addition, taken measures to ascertain and settle the question as to her strength. If she proves well built in that regard the other matters of dispute can be, I think, settled by agreement or arbitration out of court.

The key to Mr. Whitney's whole action since he caused Mr. Roach's failure has been this: to justify and vindicate his conduct and to escape from the public condemnation which has visited him. In this he has shown his conceded ingenuity and resorted to measures so unfair and oppressive as to justify us in calling them cruel and brutal.

In preparing the Dolphin for a sea trial he arbitrarily removed from her Chief Engineer Morley, who was in every way familiar with the machinery, and put on a new engineer who knew nothing of it.

He put on board three so-called experts, who were neither well known nor competent, and who became the laughing-stock of the Navy and of the country.

He sent the ship out in search of a great storm. She encountered such off Cape Hatteras. The seas washed over her deck so severely that the bridge was started, the experts were also made sea-sick, but the vessel remained strong and stanch, and she made good speed.

He suppressed, so far as he could, all announcement of this great success of the ship. He did not allow his so-called experts to make him a formal report, but only to give him a memorandum, which he kept secret. He gave to the public no report from Captain Meade, who was in command of her at the time. His suppression of the facts relative to the speed made by the Dolphin, in his letter to the Attorney-General, is most remarkable, and his claim that the ship had not made 15 knots, as required by——

Mr. HERBERT. Was not Secretary Whitney speaking of sea speed?

Mr. GOFF. I will discuss that in a moment.

Mr. HERBERT. Did that dispatch of the examining board say that the Dolphin had made 15 knots an hour sea speed, to use the language of the contract?

Mr. BOUTELLE. What is sea speed?

Mr. HERBERT. I am asking a question for the gentleman from West Virginia to answer.

Mr. GOFF. The dispatches say "average speed" and "average approximate speed." "Sea speed" is not mentioned, only as it is included in "average" and "average approximate speed." The fact is "sea speed," as it is now used, had not been thought of then.

Mr. HERBERT. Do you mean to say that there is nothing in the contract about "sea speed?"

Mr. GOFF. I do not. I say the construction now placed on those words was not understood at that time in the light it is now used. It is an afterthought.

Mr. HERBERT. I ask you if the contract did not designate sea speed?

Mr. GOFF. Yes; if you make the act of Congress authorizing the building of the vessel part of the contract.

Mr. HERBERT. Does the dispatch say that the vessel had made 15 knots, sea speed?

Mr. GOFF. I have said that it does not use the words sea speed, except——

Mr. HERBERT. That is the difference.

Mr. BOUTELLE. Was not the vessel at sea when she made that speed? [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. There are twenty minutes remaining of the two hours.

Mr. BOUTELLE. I desire to be recognized in that time, and I will yield to my colleague from West Virginia [Mr. GOFF] on condition that he will inform me whether it is the understanding on the part of the Naval Committee that the Dolphin, when she made this 15½ knots an hour, was traveling on the land instead of on the sea. [Laughter.]

Mr. GOFF. I accept the time with thanks. The gentleman's question answers itself, I see.

Now, Mr. Chairman, what is meant by "sea speed," by this claim that in order to make 15 knots an hour at sea 17 or 17½ knots must be made on the sound or over smooth water? It is utterly preposterous to claim that such was ever intended or expected of the Dolphin. The advisory board explain what is meant by sea speed as referred to in the law relating to the Dolphin:

As that speed the Dolphin would be able to make in fair weather for a continuous run of more than one day's steaming; in fact, we expected the Dolphin to make the trip from New York to Key West, say, at that rate in good weather. To say that the Dolphin should make 17 to 17½ knots per hour in smooth water in order to make 15 knots at sea is a broad generality, which does not accord with any design or calculation that was ever made on the new vessels or other similar vessels with which we are acquainted. The present recognized standard of speed, and which we see credited to vessels of all navies, is that which they obtain by taking the second mean of four runs back and forth over a measured mile, the turns being made at full speed.

This is the board of which Rear-Admiral Simpson is now the president, not the one over which Captain Belknap presided. The Simpson board reported that the Dolphin could do this, and that her design was such that to enable her to make 17 to 17½ knots would require from 3,300 to 3,600 horse-power, whereas her maximum was only 2,300.

Is it not preposterous to set up this claim now? It is the desperate effort of desperate men caught in their disreputable work; it is "the drowning man catching at the straw." Mr. Chairman, we can not approve of this conduct; gentlemen, we will never build a navy if we uphold it. We must treat the men with whom we contract fairly; we can not afford to be unjust. We should encourage the industries of our country, not discourage them; should build them up, not tear them down.

The Dolphin is a good strong vessel, as grand a ship as dances on ocean's wave. She is the vessel for which designs were made, relative to which the contract was entered into, and we owe it to ourselves, to the Government we represent, to our name and good fame, to correct the misrepresentations that have been made about her, to resent the indignities that have been heaped upon the head of the grand old man who has gone down in order that she may float. As long as the Dolphin is, and long after, will John Roach live. And long before the Dolphin ceases to bear our flag and defend our honor will those who have slandered the ship and endeavored to destroy the man who built her have finished their course, run their race, and been forgotten, let us hope forgiven, also, by those they have traduced, and the country they have injured. [Applause.]

I would rather be in the place, humble as it may be, of old John Roach to-day, without hope, without fortune, but, thank God, not without friends, with the aspirations of his long life blighted, his hopes all wrecked, his home and happiness gone, his household gods all scattered, the light of his industries, the crowning glory of his old age, gone out, than to stand with the "young reformer," the brilliant Secretary, in his imposing marble palace at the other end of the Avenue. [Great applause.]

Mr. O'NEILL, of Missouri. Mr. Chairman, I ask unanimous consent to submit some remarks upon the pending question for publication in the RECORD.

There was no objection.

Mr. O'NEILL, of Missouri. Mr. Chairman, in submitting to the House the following views on the United States Navy, its condition and its needs, I desire to state that I am indebted for the same to Lieut. Aaron Ward, of the Navy, at present with the Hartford.

THE UNITED STATES NAVY—ITS CONDITION AND ITS NEEDS.

When we consider the importance of our vast commercial interests, the wealth of our seaboard cities, and the extent of our coast line, it seems at first sight remarkable that the decay of the American Navy and the inadequacy of our coast defenses have but lately excited general public attention.

It may be well to notice at the outset the causes contributing to this indifference. We find people who ask in all sincerity what we need a navy for anyhow; others, from interior States, argue from a selfish point of view that a navy is of no interest to them, as it contributes nothing to their protection. Others again, who recognize the necessity of an adequate naval force, will object to present improvement, because, although our civil war found us with a small navy, we improvised a large fleet, and may in like manner succeed in forming a suitable one to meet future dangers.

Because improvements are made so rapidly in appliances for naval warfare that our policy should be to await a solution of the great problems of ordnance, armor, and torpedoes before making a start ourselves.

Or, finally, any decided advance in our naval methods may be deemed inadvisable, because naval officers themselves are not a unit as to the course to be pursued.

To answer these objections *seriatim* we may say concerning the first that no matter how peacefully we may be disposed we can not hope so to shape our destinies as to be perpetually insured against the evils of a foreign war. When such a war occurs the Navy bears the same relation to the other defenses of a maritime nation as does an army to the fortresses which line an inland frontier and cover important strategic points.

Short of mounting a continuous line of guns from Maine to the Rio Grande and along the whole Pacific seaboard, it is difficult to see how

we would do without any navy and maintain in time of war a purely defensive rôle, even of the most approved Chinese description. Shore batteries would not prevent an enemy from holding the broad estuaries of Narragansett and Chesapeake Bays, Long Island Sound and other important arteries of our coasting trade; nor could guns alone prevent the bombardment of any of our seaboard towns if the enemy were present in sufficient force. Both military and naval authorities are unanimous in assigning to the Navy the duty of holding the first line of the country's defenses; and in view of its mobility it is difficult to understand how any successful defense of a long seaboard can be undertaken without a naval armament. Nor is it wise to assume that our part in the event of possible hostilities should be of a purely defensive kind, and we certainly can not attempt offensive movements at sea without a naval armament.

Some of the duties of our Navy in time of peace were enumerated by the Rodgers board in 1881, as follows:

The protection and advancement of American commercial or political interests abroad.

The enforcement of neutrality laws.

The prosecution of hydrographic work.

The maintenance of a training organization of officers and men, and, where practicable, the suppression of internal riot.

Take, for example, the current year. A strong force of vessels and a landing party of twelve hundred men were required to protect American interests at Panama. Frequent complications on the Central American coast have kept war vessels on constant duty in patrolling the waters of the Caribbean and on the Pacific side. We add the Santos case in Ecuador and the recent Guatemala troubles as additional cases in the last few months where force was required to be present at short notice in distant places. Such emergencies no one can foresee, and least of all can they be provided for off-hand. But we are no advocates of a "peace navy," for the principal object of maintaining military establishments at all is to have efficient material on hand for the time of war. The real "peace navy" is the one strong enough to insure our not being caught aback when active operations are required, and sufficiently formidable to make people think twice before provoking unprofitable hostilities.

The fathers of the country have transmitted to us as a tenet of our political faith that we should remain aloof from all possible foreign complications. So far this legacy has been cherished with a reasonable amount of success. But if any one chooses to look back even through the last twenty years of our history he will not fail to notice at least three occasions when our friendly relations with as many different foreign powers have been endangered. Are such difficulties likely to become more or less frequent when our commercial activity, and consequent rivalry with other nations, increases with every succeeding year?

From our fathers also we have inherited the principles of the Monroe doctrine. If the doctrine is a wise one, it is well that we stand committed to all which it implies. But in that case when we are called upon to maintain its validity we shall need something more substantial afloat than spirits from the vasty deep or the paper broadsides of peace societies to maintain our position.

That inland cities or interests would not be affected by a hostile occupation of our seaboard, or by injury to our coast towns, is an argument almost too short-sighted to require refutation. Stop the wheels of industry and commerce in New York, Boston, or Philadelphia, interrupt our seaboard communication, and will the effect on Saint Louis or Chicago be so beneficial as to suggest a renewal of the experiment?

Within the last eight years serious labor riots have occurred in our Eastern cities, the immediate effect of which in paralyzing trade could be counted by hours, perhaps. Was the result favorable or otherwise, even to such distant interests as the farms of Minnesota or the Mississippi cotton plantations? Close but for a week the gates through which our agricultural and commercial products go forth to seek the markets of the world, and our material progress will be impeded, whether we hail from Maine or Texas.

Great as our country is in size, it is greater still in the fact that its widely varying interests are interdependent and that we are by necessity, as well as by choice, a united people. Unconscious as one may be of the fact until it is rudely brought home to him by the sound of a hostile shot, there is no citizen among us whose stake in the country is limited by the four walls of his shop, or office, or by the fence around his front yard.

Those who believe that an improvised navy will always answer our purpose, and who point to the results of the civil war as a proof of their view, may be reminded that the struggle was maintained against a belligerent who possessed substantially no navy at all. What little he did succeed in creating was enough to insure the total destruction of our flourishing merchant marine.

In action against Southern vessels our vast expenditure for an improvised naval armament resulted in the capture or destruction of the few gunboats and ironclads which the South, far less favored with means and material, improvised in its turn. But such capture or destruction was not effected without sacrifice, out of all proportion to the direct result obtained, and finally the improvisers may vote that if we become involved in a foreign war the improvising will all have to be done on our side. But modern naval armaments demand months for the building of a single rifled cannon, years for the production of a modern battle-ship. Suppose we could hire, buy, or borrow the vessels and armament, there yet remains the preliminary practice which is essential to the successful use of modern weapons of precision. To prepare for war in time of peace meant much when it was first given as a parting word of advice to our people; but it means far more to-day when success in naval warfare depends upon practical skill and efficient ships and not upon the mere numbers of the men or the tons borne in a navy-list.

Of patriotism our country has doubtless its full share; but better far is the intelligence that foresees a possible evil and prepares to meet it than the noisy exuberance of unprepared zeal with its tardy millions for an ineffectual defense. If we wait until faultless ships, perfect guns, and unerring torpedoes are produced to create our new Navy, we should no doubt obtain a perfect material; but what will be done in the mean time? No man will pretend that we have yet solved the last problem in any branch of science, that the locomotive has reached perfection, or that the electric-light as now used can not be improved upon; but we do not consider these sufficient reasons for failing to profit by the speed of the one or the rays of the other.

The complaint of the Navy is not that we are a few steps behind other nations in the march of improvement, waiting to come to the front with a rush at the proper moment, but that we are all but hopelessly out of sight astern. In naval matters we have followed a plan which if adhered to would find us without men who could even understand the naval equivalent for the locomotive, much less be able to run it. Our condition would be distinctly better if our service were to-day on a par with that of Brazil or Chili. We should have fewer ships, but they would be of modern types, and the experience gained in such service afloat would bear some relation to the requirements of naval warfare for the next decade at least. The word obsolete as applied in general to foreign vessels of war is distinctly a relative term. Chief Engineer King instances the Dreadnought, a British "obsolete" ironclad built several years ago, which was lately the flag-ship of the British Channel squadron, and an efficient vessel at that, more formidable than the whole American fleet now in commission. With us the word obsolete means that the cruiser of 1885 is a reproduction of the one launched in 1875. The one of that date is but little different and has no better guns than the ship built ten years earlier; and all bear a striking family likeness to the old steam-sloop of 1855.

In other navies the material, form, and armaments of the cruising ship show a more complete change in the last fifteen years than was made in ship-building and guns from the time of the Spanish Armada to the days of Nelson and Trafalgar.

Lack of unanimity among naval officers as to the best means of recreating our Navy is no reason for not improving the service at all. We look in vain through the records of other professions to find advances which in their origin were not the subject of dispute and often of bitter controversy.

Even in matters of national policy, how much harmony prevailed in the Congress that framed our present Constitution? Have we since agreed with absolute unanimity as to the provisions of that instrument? Do we not, on the other hand, find in every walk of life marked differences of opinion, from the varying causes of physicians as to the value of a given operation to the bickering of neighboring farmers as to the best time and means of sowing their seed and harvesting their grain?

And in this matter there is one important point that escapes the attention of critics altogether: The sphere of modern naval operations is so vast, the variety of appliances so numerous, that there is a constant tendency among officers of all navies to devote their spare time to specialties, since one mind can scarcely obtain full insight into all that a navy is called upon to possess and perform. This tendency is a good one so long as it does not interfere with the performance of general-service duties. But the immediate effect is embarrassing, for the specialist, in his enthusiasm for his own particular subject, is liable to underrate the importance of others. A member of Congress hears from one officer that the Navy needs torpedoes to make it perfect; another officer argues with like exclusion for new ships or better guns.

The result is confusing, but the cause, making some allowance for human nature, is a very simple one. We may compare it to the conduct of a party of shipwrecked men stranded on a desolate coast; one of them, who has been injured in the wreck, wants surgical assistance; a second has been cast ashore naked, he cares nothing for a doctor, but would give a year's wages for a suit of clothes; a third, half starved, clamors for bread. The multiplicity of naval requests rightly interpreted means that we really need a fresh start in every respect, as we shall endeavor to show.

The question as to what we most need depends upon a greater question still, one which has been before the Houses of Congress since they were first instituted, and which has remained unanswered up to the present time, namely: What is to be our general naval policy in time of war?

EXISTING SHIPS AND ARMAMENT.

The Navy Register for 1885 gives a list of naval vessels available for

commission, omitting tugs and a small iron gunboat, launched in 1843 and cruising in the lakes, we may divide the list into two categories—cruisers and harbor-defense ironclads.

There are thirty-one names of cruisers, but from those should be subtracted at least three, the Tennessee, Lackawanna, and Wachusett, whose days of active service are probably numbered.

In considering the remaining twenty-eight vessels which constitute our entire cruising fleet, it will be interesting to group them by their dates of design; in reality they are all of one class, namely, unarmored broadside sloops of war, with sail and steam power, and all but three are built of wood.

Class I is the veteran Powhatan of 4,000 tons displacement, a paddle-wheel steamer, launched thirty-four years ago, with a coal capacity of 650 tons, daily consumption of 50 tons, at a maximum speed of 10½ knots, which she can maintain for thirteen days. Her battery consists of fourteen 9-inch cast-iron smooth-bore guns.

Class II. Five ships, dating from 1857 to 1859, Lancaster, Brooklyn, Hartford, Pensacola, and Richmond, of from 2,800 to 3,200 tons displacement, ship-rigged, single screw, coal capacity 250 to 350 tons, and able with that supply to maintain their maximum speed of 10 to 10½ knots for nine days in calm weather and smooth sea. The battery power differs, one of the ships being provided with comparatively respectable armament of eight 8-inch converted rifles, the others carry from twelve to eighteen smooth-bore 9-inch guns, and one (or two) 8-inch rifle pivots.

Class III. Three vessels of some 2,000 tons displacement, launched just before the war, or in the early part of the struggle—the Ossipee (1861), Juniata (1863), and Shenandoah (1863). They have single screws and with their full coal supply may maintain a maximum sea speed of 9½ knots for from seven to nine days. The battery power averages six 9-inch smooth-bores, one 8-inch converted rifle, and one rifled 60-pounder to each ship.

Class IV. Two vessels of 1,600 tons displacement, the Iroquois (1859) and Kearsarge (1862), ship-rigged, single screw, coal capacity 200 tons, with which supply they could maintain a maximum speed of 11 knots for about six days under favoring conditions of wind and weather. Battery power, four 9-inch smooth-bores in broadside, two 8-inch converted rifles, and one 60-pounder as pivot guns.

The above list of eleven ships, over one-third of the whole fleet, includes all that may be called *ante bellum* vessels. Many represent types that were in their day equal to anything produced abroad, but they are now much further behind the requirements of the present than they ever were ahead of the ships of the past.

We next come to vessels built since the war and find relief in contemplating at the outset in Class V the Trenton, the finest vessel in the service, and the only one of its class. She was launched in 1876, is ship-rigged, and with her coal capacity of 330 tons can maintain a speed of 13 knots under favorable conditions for six days. Her battery of ten 8-inch converted rifles and two bow guns (since changed to one 8-inch rifle) is the heaviest carried by any ship in our service.

Class VI. A single ship—the Omaha—launched in 1869. Her displacement is 2,400 tons. This is bark-rigged, single screw, and as refitted has a probable speed of 12 knots; her battery the usual 9-inch smooth-bore with converted rifle pivot.

Class VII includes six ships—Vandalia, Marion, Quinnebaug, Swatara, Galena, and Mohican—of from 1,900 to 2,100 tons displacement; bark or ship-rigged; launched at various times from 1873 to 1883; coal capacity and speed vary; the first three of the class could perhaps maintain 12 knots speed for seven days.

The armament is their weakest point, being in general six 9-inch smooth-bores, one 8-inch, and one 60-pound rifle.

Class VIII comprises eight small sloops of from 1,000 to 1,350 tons displacement—the Adams, Alliance, Enterprise, Essex, Nipsic, Yantic (1864), Alert, and Ranger—the last two are of iron; all, Yantic excepted, were launched between 1874 and 1878. They are mostly bark-rigged, single screw, coal capacity averaging some 150 tons; speed varies. Half of them will do perhaps 12 knots for ten days; the balance may maintain 10 knots for about the same length of time.

Finally, in Class IX we have the iron Monocacy of something less than 1,400 tons, launched in 1865, and of the old double-ender class typified in the late Tallapoosa. This vessel has been practically rebuilt in Asiatic waters, and has performed efficient service there, especially in river work. Her speed is given at 12.4 knots. Her armament, however, consists of old-fashioned 8-inch smooth-bores and two 60-pound pivots.

In looking over this melancholy exhibit the advocate of improvised navies should observe that although the list goes back to the very Noah's ark of steam-marine architecture and comes down to the Mohican of to-day, it contains but two names of ships completed during the late war, the Shenandoah, launched in 1863, and the Monocacy. Of the seven hundred vessels equipped and put in service from 1861 to 1865 these two remain. The millions lavished on the improvising scheme have gone where "pound-foolish" money usually goes, and have left in our cruising fleet little or nothing to show for the outlay.

When we consider the eleven *ante bellum* vessels with reference to their possibilities under steam, it is important to remember that with most of them the retarding influence of even a moderate head wind and sea is very great. Overburdened with heavy top-hamper they are very far removed in their lines and horse-power from the conditions common to merchant steamers and cruising men-of-war of the present.

Within the current year one of the largest of these older vessels, when approaching a foreign port, experienced a series of fresh squalls which raised a moderate sea between the ship and a mountainous weather shore 3 miles distant. The vessel's speed, under three-quarter power, with thirty-five revolutions per minute, dropped from 8½ knots an hour to 1 knot! The signal man on shore, who had the vessel in plain sight, repeatedly signaled to the town that there was an American war-ship in distress outside. When the wind moderated and the ship reached her anchorage the American consul was preparing to send out a local freight boat to tow in Uncle Sam's lame duck. We may question the propriety of punishing the signal man for giving a false alarm, since he had never seen a steamer before, in such weather, going ahead (?) under steam and making no progress. But we may also ponder over another question: How much good is accomplished by sending the American flag into foreign ports to be the object of ridicule instead of a symbol of power?

The unprofessional reader may realize by a comparison the condition of a fleet such as the one above described. What would his opinion be of a fleet of merchant steamers, one-third of which dated back over thirty years in model and mode of construction? Imagine the Inman or Cunard line as retaining not only the models of the past but as still running the old Scotia and City of Manchester, that were plying on the transatlantic route away back in the sixties, and remember that vast as the change has been in mercantile ship-building, the principles of naval construction have been still more completely changed in the above period. As an instance of our status in construction we note that for at least ten years the importance of all-around fire has been recognized by all naval powers, and many other points have been sacrificed to obtain it, but if we except the Trenton, with its (original) armament of two 8-inch guns firing right ahead and one of the same caliber for stern fire, there is not a single cruiser in the Navy to-day which can pretend to possess such advantage.

True, many of them have 60-pounder converted breech-loader Parrotts as bow-chasers on the forecastle, but as this gun belongs to a class of which two have burst within two years at ordinary target practice it would be unwise to rely implicitly upon the efficiency of this weapon. Nor has our system involved any special economy. Twelve years ago there were on the Pacific station two small wooden sloops, the Mohican and the Scout, respectively American and British. Each was then making its last cruise and returned home to be broken up.

In 1885 a new Scout and a new Mohican appear to replace the old ones on their respective navy-lists. At this point similarity ends and differences begin to appear.

We find the new Mohican a wooden sloop of 1,900 tons; coal capacity less than 170 tons. She has made two passages, one of 1,140 miles with 145 tons of coal, and the other of 1,000 miles on 121 tons. Her maximum endurance would be about 2,000 miles at a speed of from 8 to 9 knots. Her best speed so far has been 10¼. It is doubtful if she will ever make 12 knots. But as a sample of what can be done by a system of reconstruction under the head of "repairs" with obsolete materials and insufficient means for prompt and economical work, she is an undisputed success. Her cost for hull and machinery was over $900,000.

The Scout is a 1,500-ton torpedo cruiser, built of steel, with a light protective deck; coal capacity, 450 tons; speed on her trial trip, 16½ knots; endurance at the highest speed, seven days. Her armament consists of four 5-inch rifles and eleven Whitehead torpedo tubes; her cost, $324,000. If it be objected that the Scout's actual battery is inferior to what could be mounted on the Mohican, we note that the Scout is to be followed by seven others of only 100 tons additional displacement, which will carry fewer torpedoes but a battery of six 5-inch rifles.

The chief point is that this vessel cost but little over one-third of the money charged to the Mohican, and, to make a comparison nearer home, the cost of the 12-knot wooden Mohican was actually greater than the contract price agreed upon for the steel 14-knot 4,500-ton Chicago.

The efficient portion of our cruising fleet, and the only part which it is worth while to keep in commission, consists of perhaps fourteen vessels. Of these the Trenton is easily the first and best, then five of the vessels of class 7, the sixth, the Mohican, being so far behind the others in efficient speed. The Omaha and Monocacy may be accounted fairly good, but not likely ever to be duplicated even by ourselves. Of the eight smallest sloops six are fairly good of their kind—probably as efficient as British gunboats of the same tonnage. Compared with vessels of foreign navies the Trenton and class 7 make the most favorable showing, the comparison being of course made with vessels of substantially the same type and not with very recent ships; with that reservation the Trenton would stand well when compared with any unarmed second-class cruiser launched prior to 1878.

The Quinnebaug and class would compare reasonably well in model and steam endurance with the British Garnet and class, which are the fourth-rate unarmored cruisers of that service. All of the above ves-

sels, except the Ranger, Alert, and Monocacy, are of wood; their corresponding types in other navies are of iron, steel, or composite, the frames of iron, the planking and decks of wood; the strength, even of a composite ship, being one-half greater than that of a wooden ship, while in endurance the vessel built wholly or partially of iron has still greater advantages over wooden constructions.

Steel is, however, the material for modern unarmored vessels—not steel-clads, as many persist in calling them—and except for special purposes we shall find that the use of iron and wood in hulls has been abandoned in foreign-built cruisers of to-day.

If we consider the question of armament, the fatal weakness of the dozen or so of vessels which constitute our real Navy will be only too apparent. With the exception of the Trenton and Lancaster, the broadside batteries of all the other ships consist of a certain number of 9-inch smooth-bores and one 8-inch converted rifle, with the dubious 60-pounder as a bow-chaser. The smooth-bores are of the Dahlgren pattern, and were, in their day, the best guns afloat. The 8-inch rifle is a make-shift obtained by converting the 11-inch smooth-bore Dahlgren.

A comparison of this ordnance with modern requirements for similar weights of gun is made in the following table:

	Weight of gun, pounds.	Caliber, inches.	Charge, pounds.	Weight of projectile, pounds.	Initial velocity, feet per second.	Muzzle energy, foot-tons.	Muzzle energy, per pound of gun.	Penetration of wrought-iron at 1,000 yards (inches).
Existing American guns afloat:								
9-inch smooth-bore....	9,000	9	10	70	1,320	847	0.094	....
15-inch smooth-bore..	42,000	15	100	450	1,600	7,997	0.19	9
8-inch converted rifle.	17,000	8	35	180	1,450	2,627	0.155	7
Various foreign guns:								
Krupp, 9.45-inch.....	40,320	9.45	165	352	1,910	8,755	0.217	(*)
Armstrong, 8-inch.....	25,760	8	90	180	2,020	5,001	0.190	13
Krupp, 6-inch.....	8,736	6	33	112	1,835	2,170	0.248	18
Vavasseur, 8-inch	21,280	8	100	200	1,975	5,408	0.254	13.7

*At 169 yards penetrated a "sandwich" target of 12 inches of iron, 2 inches of oak, and 8 inches of iron—total 20 inches of iron—and shot continued 2,400 yards beyond.

The table does not give the penetration of our standard broadside gun, the 14-inch smooth-bore. Probably the best expression for that will be found in the reply of one of our Mobile heroes, who was asked what effect the Hartford's 14-inch shot had produced on the 2-inch plates of the confederate ram Tennessee, laid on three deep for the protection of her sides. "Well," said he, "we gave her a broadside at 20 yards, and we might as well have spit at her." Under these conditions a naval officer who commands at great gun drills feels about as usefully employed as though he were teaching the men how to handle flint-lock muskets. Nor is it surprising that one of our best artillerists publicly characterized our temporizing with makeshifts as a "deliberate waste of public money."

To resume. The American cruising navy has some fourteen efficient vessels. All but two are of less than 2,200 tons displacement. Only one of them can steam over 13 knots for a week.

The armament, chiefly smooth-bores, as obsolete for modern great-gun practice as would be old brown Bess for infantry fire; the few rifle-guns immensely inferior, weight for weight, to modern rifles in range, weight of projectile, penetration, and accuracy of fire; the arrangement of the armament of the style in vogue thirty years ago, when rams and torpedoes were almost unheard of, and when vessels went into action broadside to broadside with a couple of pop-guns for bow and stern chasers.

And if we glance for a moment at our ironclad coast defenders we find matters at least as bad. This line of the national defense consists of six single-turreted monitors of 2,100 tons displacement, of a maximum speed of six knots, each armed with two 15-inch smooth-bores. Then come eight monitors, inferior to the first in speed and armament, with either or both of the guns of 11-inch caliber. The turrets of these vessels are from 8 to 12 inches in thickness, without backing of any kind, and composed of 1-inch plates. This defense any modern rifled gun of 6-inch caliber and upward would penetrate at 1,000 yards with ease. Five more monitors of double-turreted type have been for years awaiting completion under a rebuilding scheme.

Of the Miantonomoh, as she is intended to be, we have official particulars. Her turret armor is to be equivalent to 13 inches of steel, side armor 5 to 7 inches iron, deck armor 1¾ inches iron; the four guns to be capable of piercing 14 inches of steel at 1,000 yards. She will be sufficiently valuable as a means of defense to justify completion. Her light draught of 14 feet will make her useful in the comparatively shoal water of many of our seaports. The official report compares her favorably with a British second-class coast defender, the Cyclops, built in 1871, and a Brazilian monitor which dates back to 1875. The Cyclops cost $750,000 for hull and machinery; the Miantonomoh is estimated to cost when completed $1,425,000, exclusive of armament.

NEW SHIPS AND ARMAMENT.

We may discuss further on such causes of our present condition as is may seem possible to remedy, and will now proceed to consider what has been done since 1880 to strengthen our naval force. The Navy at above described is the Navy as it exists to-day, with offensive power distinctly inferior to that possessed by Brazil or Chili, and as a defense materially worse than what we had in 1861.

In 1881 the then Secretary of the Navy, the late Mr. Hunt, convened a board of naval officers, with Rear-Admiral John Rodgers as president, to report upon the needs of the service in the matter of cruising ships, as to numbers, types, speed, armament, and rig. The report begins by showing that for the ordinary squadron duties in time of peace forty-three vessels are required constantly in commission, and that the reserve should consist of not less than 50 per cent., making sixty-five ships in all. Of these thirty-eight were required at once.

The types as selected were, two of 15 knots and 5,873 tons; six of 14 knots and 4,560 tons; ten of 13 knots and 3,043 tons, and twenty of 10 knots and 793 tons.

Five rams and twenty-five torpedo-boats were recommended for immediate construction. No mention was made of armored vessels, as they were considered excluded by the instructions to the board, which called for such recommendations as "Congress would be likely to approve." But a minority report gave importance to the question of armor by insisting that "a modern navy must consist essentially of powerful ironclads."

In the following year after mature consideration Congress alloted for the building of the thirty-eight ships, needed immediately, any unexpended balance under the Bureau of Construction and Repair for building two steam cruising vessels of war. An advisory board of naval officers was to assist the Secretary in deciding how to dispose of this liberal endowment. The board submitted a report which was accepted, with certain modifications, and in 1883 Congress recognized the scheme as proposed by appropriating $1,300,000 for the construction of three cruisers, the Chicago, Boston, Atlanta, and a dispatch-boat, the Dolphin.

With criticisms on the advisory board and on the contractor who undertook to build the above-named vessels this paper has nothing to do. That the board deserve, on the whole, hearty commendation for the attention given to their labors is a feeling too firmly established, in the naval service at all events, to be shaken by any semi-political clamor over real or possible shortcomings. Under difficult circumstances the board has done its best. Not the least of the obstacles thrown in its way was the fact that its labors began in a field absolutely new to any American constructors, either in the service or out of it. Nor was it anything but a positive disadvantage to have the board constituted of officers who none of them held positions in the bureaus of the Navy Department. For the board was forced to be dependent for much of its information upon the Department itself, which necessarily complicated the solution of important questions.

All plans for hulls and engines were elaborated much more minutely than is customary abroad for contract work, especially for engines. There, where long experience has produced eminent firms of engineers, the latter are allowed more freedom of design, being limited chiefly in weight, space, and horse-power required, and receive a bonus for any excess obtained. Here the board may have justly reasoned that in work which was largely experimental minute specifications were necessary; at all events that principle obtained.

Mr. Roach, as is well known, secured the contract for building all the vessels, whose principal dimensions are as follows:

	Chicago.	Atlanta.	Boston.	Dolphin.
Length.....feet...	315	270	270	240
Beam .....feet...	48.02	42	42	32
Displacement .....tons...	4,500	3,000	3,000	1,485
Mean freeboard.....feet..	20.6	18.6	18.6	14.25
Freeboard at ends.....feet...	.....	9	9	.....
Coal.....tons...	940	580	580	310
Sea-speed.....knots...	14	13	13	15
Cost.....	$889,000	$618,000	$618,000	$315,000

Armament:
Chicago, four 8-inch, eight 6-inch, and two 5-inch rifles.
Atlanta and Boston, each, two 8-inch and six 6-inch rifles.
Dolphin, one 6-inch rifle.

Of these the Dolphin is the only one completed and submitted to preliminary test. Whether the trial showed partial or total failure is a matter of comparatively little direct importance to the strength of our fleet. The vessel is simply a dispatch-boat, by no means a vessel of war. If it be true as alleged that the advisory board was in doubt as to the propriety of building her at all at the present time, the result may be accepted as a severe but not wholly undeserved punishment. Imperfections have shown the people at large that we can not expect to enter the arena of modern ship-building with a rush and turn out perfect vessels of war as easily as we can model our specialties of river steamboats and fast yachts. She will be a cheap investment for that purpose.

The Chicago and the sister ships Atlanta and Boston are still "nearing completion," as they have been for many months. All of these vessels are unarmored steel cruisers, and their armament is to consist of modern breech-loading cannon.

From the Chicago a sea speed of 14 knots is expected and an endurance, with 940 tons of coal, of 4,000 miles, at from 10 to 11 knots per hour. The vessel may make 16 knots on the measured mile. The sea speed of the Boston and Atlanta is given as 13 knots or a possible 14½ on the mile; endurance, with normal coal supply, 3,900 miles, at 10 knots.

Several features of the design of these ships have from time to time been criticised with a greater or less degree of intelligence but with unvarying animosity. The type of boiler and engines used in the Chicago, the low freeboard of the Atlanta and Boston, and the maximum speed expected of all three have been the special subjects of attack. If it were possible to make use to-day of the knowledge gained in the last three years' experience we might, for example, lighten the moving parts of the machinery in our new cruisers, substituting steel for iron. This would add to the speed of the moving parts and increase the efficiency of the engines as well as decrease the weight.

A very short time ought to suffice to complete these cruisers; and it is only the part of common sense as well as of common fairness to let them prove their merits or demerits by actual trial.

A single point for the improvisers may be noted here. When the Roach failure occurred this summer, and the question came up of the Government's taking the uncompleted cruisers to its own yards to finish the work no navy-yard possessed the necessary tools for the purpose. Nor was there probably any outside firm in the country at that time which could have done the work required. In March of the current year Congress authorized the construction of four additional unarmored cruisers. A board convened by the Secretary of the Navy to recommend plans for the proposed vessels has submitted the general details of four ships, as follows.

	Cruiser A.	Cruiser B.	Cruiser C.	Gunboat D.
Cost not to exceed.....dollars...	1,100,000	1,100,000	520,000	275,000
Displacement.....tons...	4,600	4,600	1,700	870
Length.....feet...	300	300	230	165
Beam .....feet...	49	49	36	31
Draught .....feet...	19	19	14	11.9
Freeboard.....feet...	13	13	{ 6 / 14	5 / 13
Speed.....knots...	18	18	16	12
Horse-power.....	8,500	8,500	3,300	1,300
Coal.....tons...	830	830	400	160

Armament of Cruiser A: Two 8-inch rifles, eight 6-inch rifles, six Whitehead tubes.
Armament of Cruiser B: Twelve 6-inch rifles, six Whitehead tubes.
Armament of Cruiser C: Six 6-inch rifles, six Whitehead tubes.
Armament of Gunboat D: Four 6-inch rifles.

	A and B.	C.	D.
	Tons.	*Tons.*	*Tons.*
The weight allowed for machinery and boilers complete....	903	356	140
The weight allowed for ordnance complete.....	260	130	70

Cruisers A, B, and C are twin-screw steel ships, the gunboat D single-screw and composite. In all the vessels allowance is made for suitable secondary batteries of machine-guns, for protective steel decks, and for water-tight subdivisions of the hull. The cost given includes in all cases hull and machinery only.

When these vessels will be commenced, whether they will be built by contract or otherwise, and, in fact, whether the designs will be accepted at all, are points awaiting a solution which we hope will not be long delayed.

The examples of other powers, the opinions of our best officers, and our previous experience, so far as it applies, demand certain essential qualifications in our future cruising fleet.

Speed.—Our vessels should be at least as fast as men-of-war of equal displacement and character produced by foreign powers. It is not too much to ask to-day that a cruiser of 3,000 tons and upward should develop sufficient horse-power to insure a sea-speed of 18 knots per hour. The term "sea-speed" is applied to speed obtained under favorable conditions of wind and weather, with fairly good coal, and with the regular fire-room force of a vessel in commission.

We believe it a mistake to seek for extreme economy of coal at the highest speed at the expense of economy at lower rates.

The speed of a man-of-war for ordinary cruising purposes need not exceed from 7 to 10 knots. It is at this rate that coal economy becomes an important consideration. The highest speed of the ship would rarely be required for over twenty-four consecutive hours, and on such occasions even an extravagant consumption may be justified to insure the required results.

The Chilian cruiser Esmeralda furnishes a case in point. At her highest speed of 18 knots she burns 200 tons a day; at 8 knots, 18 tons, her coal capacity being 600 tons. She could therefore maintain a speed of 192 miles per day for over a month.

Vessels of from 2,400 to 3,000 tons should make not less than 16 knots as a maximum sea speed, and cruisers of from 1,400 to 2,000 ought to do 14 knots or better.

Handiness is scarcely less important than speed to the modern vessel in battle. A reaction, which bids fair to be permanent, has set in from the system of extreme length and narrow beam, and the shorter, broader, vessels of the present have an immense advantage in turning power over the knife-edge types which prevailed at the outset of fast ship-building.

In all vessels handiness is increased by the use of steam steering-gear which admits of much greater rudder surface than could possibly be operated by hand. We also owe increased turning power to the use of the twin screw which is adopted by all cruisers of sufficient size and draft. Incidentally the twin screw gives greater length of stroke, an immense advantage in a man-of-war, where the machinery must be kept below the water-line and where every inch gained in the restricted dimensions of beam and depth is of value to the designer of the machinery.

Other advantages of the twin screw for man-of-war propulsion are pointed out by Assistant Naval Constructor F. T. Bowles, United States Navy,* as follows:

> If one engine is disabled the remaining one can still propel the vessel at three-quarter speed. The water-tight subdivision of the ship is made easier, and the motive power can not be disabled by injury to a single compartment.

But the point which concerns us specially is that the steering-gear can all be placed below the water-line, and that the twin screws add greatly to the vessel's maneuvering power, enabling her to turn nearly on her center when one screw is backing and the other going ahead.

Draught.—Under this head we may also quote from Mr. Bowles's pamphlet:

> The advantages of large draught are many and important. It is the most valuable and economical direction in which to increase the dimensions of ships, and particularly of war vessels, because the increased depth beneath the water-line renders possible a more efficient disposition of and greater protection to the machinery and greater immersion of the screws. It has been shown that it enables us to obtain forms of less resistance, thus favoring economical propulsion.
>
> Again, deep draught tends to produce what is of great importance to gunners, a steady ship in a seaway. In view of these manifest advantages, it seems advisable to draw attention to the fact that the Chicago, drawing 20 feet 6 inches extreme draught, can with safety enter thirty-two ports on the Atlantic coast; the Boston and Atlanta, drawing 18 feet 6 inches, can enter only six ports from which the Chicago is debarred, namely, New Bedford, Fall River, New Haven, Washington, Annapolis, and Tampa. If the Chicago's draught had been 2 feet greater she would be debarred from only two ports among the thirty-two, namely, Marblehead and Vineyard Haven, showing that an extreme draught of 22 feet might be adopted as safe, convenient, and advantageous for cruising vessels.

We quote this as applying chiefly to cruisers; for coast-defense vessels other considerations obtain.

Mr. Bowles makes a good point concerning the draught in increasing the steadiness of the ship as a gun platform. We have repeatedly heard foreign officers of different nationalities complain with reference to vessels of light draught and relatively high speed that what with the vibrations of the ship and unsteadiness in a seaway accurate firing was almost out of the question.

Protection.—As to the protective feature of modern vessels, we believe that the unarmed cruiser will prove a more satisfactory ship than either the "cruising ironclad" or heavily-belted cruising ship. The weight of armor is advantageously replaced by increase in armament, coal capacity, and consequent endurance, the latter feature being of vital importance to us who have substantially no outlying coaling stations.

We think that in the near future armor for cruisers will be replaced by the system of water-tight subdivision to an extent hitherto unrealized, that sea-going cruisers will be practically of double hull construction with honey-comb subdivion, and that the interior of the ship will be as complete a system of water-tight compartments as can be devised without affecting the propulsion and fighting qualities. The resulting increase in weight will be provided for by a moderate addition to the displacement, but will in turn admit of lightening the hull, owing to the effect of the bulkheads in stiffening the ship, and the increased rigidity of structure will tend also to check vibrations of the ship at high speed, and thus improve the accuracy of gun practice. To this system of protection as far as it has gone we already add protective steel decks over the vitals of the ship (boilers, engines, and steering gear) and steel shields for the protection of the working guns' crews. Such decks and shields must be sufficiently strong to deflect projectiles from rapid-firing guns.

Other immunity from danger is best obtained by perfecting the vessel's armament. We have profited but little by the lessons of the war if we do not recall the effect of Farragut's "wall of fire" in protecting his wooden fleet from the guns of New Orleans and of Mobile Bay.

Armament.—The question of armament for our wooden cruisers we believe to be already solved on a principle to which this country owes many honorable naval actions in by-gone days. Heavy batteries have

* "Our new Cruisers," by Assistant Naval Constructor F. T. Bowles, Proceedings Naval Institute, No. 26.

always been the rule for our war ships in the past, and that rule is not likely to be changed in the future. In actual numbers our modern armament must needs suffer some reduction, owing to the increased weight of each single gun of recognized efficiency. For this decrease our designers provide by giving to each piece a vastly increased train and consequent greater field of fire. Our ordinary sponson gun is to be the steel 6-inch breech-loading rifle, with a penetration of 11 inches in wrought iron at 1,000 yards.

In addition to these weapons, the pivot-gun adopted for cruisers is a steel-rifled 8-inch, which has a penetration of 16 inches at the same distance. We think that the system of arming a cruiser with several such 6-inch guns and one or more of the larger pivots is infinitely preferable to the opposite plan of concentrating all the weight and most of the chances of success in two or three monster rifles borne by the same amount of displacement for cruising purposes. Such as they are, the rifles adopted can be used with effect against all but the heaviest ironclads, and these are not antagonists which a cruising ship can be fairly expected to engage. A comparison of the requirements for hull and machinery, with the recommendation of the Walker board for the latest new cruisers, shows an encouraging state of affairs in so far as intentions are concerned.

The pending trial of the Chicago, Boston, and Atlanta, if satisfactory, will encourage us to proceed with confidence in rebuilding the Navy upon our own resources and with an exclusive reliance on home talent. But if the reverse obtains, and these vessels prove radically defective in hull or machinery, such a failure may call for a different course in constructing the next group of cruisers. We may then have to consider whether it will not be worth while to pocket some national pride and intrust the construction of one or two model ships to foreigners who know how to build them. In that case the younger men to whom we look for a future corps of constructors will be profitably occupied in watching the work done abroad and acquiring practical knowledge to be applied for our benefit at home later on.

We should not ignore the fact that the Walker board seeks to achieve in a new field results equal to the best attained by foreign builders with their years of experience.

We may instance in point the weight of machinery. The weight per horse-power, in the British Iris, was 326 pounds; in the Chicago it rose to 419 pounds, which, as we have said before, seemed an undue amount, but in the new cruiser, A, the allowance is but 238 pounds per horse-power, or 88 pounds less than the Iris.

Cruiser C, of the Walker board, may be compared to the German twin-screw dispatch-boat Blitz, which it resembles in displacement, horse-power, and speed, as the following will show:

	Cruiser C.	Blitz.
Displacement.....tons...	1,700	1,600
Length.....feet...	230	245
Beam.....feet...	36	32.6
Draught.....feet...	14	13.3
Speed.....knots...	16	16.2
Horse-power.....	3,000	2,808

The allowance in the Blitz of weight of machinery per horse-power is 299 pounds, and for cruiser C, 218 pounds. For the British Scout, a specially light service vessel of 1,500 tons, the allowance is 240 pounds. But there can be no question as to the excellence of the general features embodied in the recommendations of the Walker board. If their proposals can be carried out within the limits of displacement and cost allowed we may hope to see the Navy provided with cruisers that will go, that can fight, and that will not readily sink.

NUMBER OF NEW CRUISERS REQUIRED.

We may safely adopt the standard of the Rodgers board as a minimum. The estimate of this board called for a force in commission of forty-three vessels, and fixed upon seventy as the total number of cruisers needed.

Of the seventy we may now be said to have fourteen, leaving fifty-six to be provided for, and in something like the following proportions:

A. Eight 18-knot cruisers, of from 3,500 to 4,500 tons.
B. Sixteen 17-knot cruisers, of from 2,500 to 3,500 tons.
C. Eighteen 15-knot cruisers, of from 1,500 to 2,500 tons.
D. Fourteen 13–14-knot cruisers, of from 1,000 to 1,500 tons.

To this force of fifty-six vessels we add from existing resources, such as they are, in Class A, one vessel, the Trenton; in Class C, five vessels; in Class D, eight vessels—all capable of performing efficient service for an average of ten years if armed with modern guns. Taking as a guide the price already quoted for hull and machinery of our new vessels, noting also the known cost of the Esmeralda and other modern cruisers, the expense for our entire new fleet complete with all armaments and equipments should not exceed the following figures:

Eight vessels of 4,500 tons, at $1,600,000 each, equal	$12,800,000
Sixteen vessels of 3,000 tons, at $1,000,000 each, equal	16,000,000
Eighteen vessels of 2,000 tons, at $800,000 each, equal	14,400,000
Fourteen vessels of 1,500 tons, at $700,000 each, equal	9,800,000
Total	53,000,000

The squadrons being made up substantially as follows:

Stations.	Class of vessel.				Total to stations.	Total now on station for all purposes.
	A.	B.	C.	D.		
Asiatic	1	2	3	3	9	7
North Atlantic	1	2	3	2	8	6
Pacific	1	2	2	3	8	6
South Atlantic	1	1	2	2	6	3
European	1	1	2	2	6	4
Training squadron, Naval Academy, surveying, &c.	.....	.....	2	4	6	6
Total	5	8	14	16	43	32

This arrangement does not provide for a complete reserve of 50 per cent., as recommended by the Rodgers board, the idea being that the number of vessels in ordinary should be kept at the lowest limit consistent with possible demands in the event of war. A vessel never deteriorates more rapidly than when she is not in use, and the smaller the number available consistent with actual needs of the service the better, as the ships can be kept more constantly employed. Nor do the proposed limits of size agree with those recommended by the Rodgers board. A greater displacement than 4,500 tons is not advantageous; the relatively slight gain in battery power and speed does not appear to offset the greatly increased first cost and expense of maintenance of vessels of larger tonnage than the above limit.

On the other hand, the building of cruisers of much less than 1,000 tons displacement we consider a decided disadvantage. The battery power of such vessels must needs be confined to one or two efficient guns. A vessel of some 750 tons requires a complement of officers and rated men as great as would suffice for a ship of double the displacement, though the smaller vessel carries a crew entirely too small to furnish even an efficient landing party. The gain in the economy of fuel on the part of the smaller ship is an advantage more apparent than real. Both a medium and a small-sized cruiser should differ but slightly in consumption at economical cruising speed. At full power, when the difference in coal consumed becomes significant, the object to be attained justifies the increase in favor of the better fighting ship.

We speak here of cruising vessels. Smaller gunboats armed with a single heavy gun and of very light draught for river and harbor service have advantages which are real, though often overrated; but in no sense can such vessels be regarded as a part of a cruising fleet.

COAST-DEFENSE VESSELS.

As Congress has never determined upon a general plan of action for future emergencies, we must needs assume some line of conduct as likely to be adopted in the event of hostilities. We may suppose that our efforts in the line of battle would be chiefly defensive, or at all events that Congress would be very unlikely to appropriate the enormous sums necessary to construct and maintain an armored seagoing line of battle. There are many officers who would consider such a course as altogether undesirable.

On the other hand, at a relatively low cost, we could at once commence to prepare a line of iron-clad defense ships. As coast defenders they must be of light draught as compared with European monster ironclads. Our lamentable lack of docking facilities will also limit the beam of our vessels. To these necessities we may afford to sacrifice some coal capacity and speed; but nothing should interfere with our adoption of the heaviest armor and of the most efficient heavy guns.

If the monitor type, pure and simple, is not adhered to in designing these ships it is believed that the inclined casemate would commend itself to our designers, with turrets placed diagonally at opposite ends of the casemate. Such a vessel in the disposal of her armament would resemble the Boston and the Atlanta, the superstructure being an inclined casemate of deflecting armor and the turret high enough to fire over the casemate battery with their guns in barbette.

It is probable that for one-half of the money expended on the British sea-going Inflexible (nearly $4,000,000) our Navy could possess a vessel for coast service which would carry a heavier battery than the British ship and be at least as efficiently protected.

Side by side with our floating batteries we should develop the type of vessel originated in the Alarm and brought to a greater perfection in the Polyphemus, the torpedo ram, with or without bow-fire. In these vessels high speed, great maneuvering power, and structural strength to withstand the shock of ramming should be combined with as much protection from end-on fire as can be afforded. Here again the inclination of the armor used will add much to its efficiency.

But no intelligent forecast can be made of the exact nature of our iron-clad line of defense until Congress indicates the provision which it is willing to make for that object.

We should be able to pay as much for defending our coasts as will have to be spent to put our cruising fleet in proper condition. Such a sum would purchase complete at least ten Inflexibles and ten torpedo rams of the Polyphemus class, while vessels more useful for our purpose can be produced for the same sum and in much larger numbers.

Whatever may be the course determined on one fact is evident, and

to those who rely upon improvising defenses it is not a reassuring fact, if coast defenders are to carry any armor at all it must be reasonably effectual against modern great guns to be of any use. But there is not a single firm in the country to-day capable of turning out a single 6-inch steel plate. It would take our best manufacturers months even to prepare for such a task, and plates of upright armor will have to be at least 18 inches thick to resist rifled guns carried afloat by so-called "second-rate" ironclads. The 38-ton Woolwich, 81-ton Krupp, and, of course, the heavier guns, have a penetration of 18 inches at 1,000 yards. England alone has over twenty seagoing ships with guns of the above caliber and upward.

OUR MODERN ORDNANCE.

Heavy batteries have been usually characteristic of American ships. During our civil war the most powerful batteries afloat were probably carried by our vessels, consisting chiefly of the Dahlgren smooth-bores, to which we have previously referred. These guns among their other merits possessed the great one of being readily cast by any foundry of reasonable proportions, and the castings could easily and rapidly be prepared for service.

With the development of armor the requirements of naval ordnance underwent a radical change. Foreign powers applied themselves with vigor to the construction of guns that might disable the new ironclad squadrons. Our own experience during the war had prepared naval officers for the inevitable change from smooth-bore to rifled cannon. They had seen improvised and scantily protected Southern ironclads defying all but the heaviest calibers of smooth-bores at point-blank range. On the other hand, the Union ironclads when injured by gun fire invariably owed serious mishaps to the effects of rifled cannon.

But the great rifled gun of twenty-five years ago and those produced to-day are as different in accuracy, range, penetration, and weight of metal as two weapons of the same character can very well be.

Fully alive to the necessities of the situation, the late Commodore Jeffers, as Chief of Bureau of Naval Ordnance, repeated annually in his reports to the Secretary, and through him to Congress, the most urgent requests for improvement in naval armament; but with substantially no result. True, appropriations were made for the conversion of some of our largest smooth-bores into rifles by the Palliser system of lining the bore with a steel tube. The resulting guns were, like all makeshifts, an improvement on the original, but of insufficient penetration and range.

About ten years ago the same chief of ordnance made his memorable effort to obtain in the United States suitable material for our first steel breech-loader. Turning to the source of supply from which our improvising friends would derive American weapons in case of emergency, the chief made every effort to secure from our steel manufacturers an ingot of sufficient size for his purpose. The piece could not be completed, "for lack of suitable material," until some two years after it was first designed; and yet the gun was not phenomenal in size or difficult of manufacture; it was only a poor little 3-inch boat howitzer, weighing some 400 pounds. Gun, carriage, ammunition, and powder-monkey, all combined, would not weigh half as much as a single shot from a 100-ton Armstrong, the 71-ton Krupp, or the 81-ton Woolwich rifle! And it took more than a year to find the steel even for this modest *début* in the manufacture of the rifled breech-loading cannon.

The history of our naval ordnance work during the past six or eight years if ever writen will be a monument to the persistence and energy of a handful of officers who have carried their experimental work to the point of complete success in spite of every obstacle that apathy or ignorance could throw in their way. With scanty appliances and scantier resources the men interested in ordnance work have found nothing so difficult to overcome as the inertia of indifference on the part of their own countrymen.

Manufacturers of steel and iron have done what the limited appropriations would justify them in undertaking to further the advance of our gun construction. But it is manifestly absurd to suppose that these gentlemen will risk a purchase of the costly plant necessary to produce modern gun metal when there is no hope of their ever covering expenses.

In his work on The Establishment of Steel-gun Factories in the United States, Lieut. W. H. Jacques, United States Navy, gives a detailed account of a mission sent to Europe in 1883 (proceedings Naval Institute No. 31), its members constituting the gun-foundry board, composed of Navy and Army officers. Any one who wishes to place the blame for our existing condition in ordnance precisely where it belongs will profit by a perusal of this valuable work.

The gun-foundry board, from the information acquired at home and abroad, recommended steel for the manufacture of heavy ordnance adapted to naval warfare. It recommended further that the steel should be produced by private companies and fabricated by the Government for the Army at Watervliet arsenal, and for the Navy at Washington navy-yard. The figures submitted by the board were:

A.—*Approximate cost of plant for producing the tempered parts of guns up to 100 tons ready for delivery at gun factory.*

Casting	$250,000
Forging (hydraulic press)	150,000
Rough boring and turning	210,000
Tempering	50,000
Total	660,000
Additional cost, if liquid compression is adopted	175,000

B.—*Approximate cost of plant for gun factories.*

Guns up to 6-inch caliber	$50,000
Guns from 6 to 12 inch caliber	150,000
Guns from 12 to 16 inch caliber	350,000
Buildings and shrinking-pit	350,000
Total	900,000

Three years will be required to complete the tools, construct the shops, and establish the plant. Such a factory will be able to turn out per year fifty 6-inch, seventeen 12-inch, and twelve 16-inch guns, or a proportionally large number of small calibers at a yearly expense of about $2,000,000.

The fact that the United States is destitute of the means of fabricating the modern guns so urgently needed for national defense, and that at least three years will be required to complete the tools, * * * would seem to demand an immediate appropriation of the amount estimated for the establishment of the proposed gun factories.

The report presented to Congress early in 1884 was not acted upon by the House but was considered by the Senate. An amendment to the naval appropriation bill passed at that session directed that the foundry board should reconvene to perfect detailed plans for the proposed gun factories for guns from 6 to 16 inch caliber and to suggest in what annual installments appropriations could be most economically made.

The board in carrying out these instructions finds, as anticipated, that there are responsible steel manufacturers in this country who, although not provided at present with the necessary plant, are willing to construct the same, and to make bids for contracts with the Government for the supply of the requisite material for the heaviest guns adapted to naval warfare if a guaranteed order of sufficient magnitude, accompanied by a positive appropriation extending over a series of years, should be made by Congress. (Report of the honorable Secretary of Navy, 1884.)

At its last session, ending March 4, 1885, Congress failed to act at all on the report of the ordnance board. An appropriation of $500,000 to provide for commencing work on the armaments of the latest cruisers (Walker board), though passed by both Houses, failed to become a law through an alleged "error on the part of the engrossing clerk."

In the mean while work on steel guns for the Navy, chiefly under an appropriation for arming the Chicago, Boston, and Atlanta, has progressed as well as circumstances permit. We have at present finished, or in process of construction, two 5-inch, twenty-one 6-inch, eight 8-inch, and two 10-inch guns. The larger guns are in a backward state, as the forgings must necessarily be procured from foreign makers and have been delayed in their delivery.

The following table * shows the weight of gun, charge, and projectiles for each class proposed:

	Gun.	Charge.	Projectile.
	Pounds.	*Pounds.*	*Pounds.*
5-inch breech-loading rifle	6,200	30	60
6-inch breech-loading rifle	11,000	50	100
8-inch breech-loading rifle	27,650	125	250
10-inch breech-loading rifle	55,000	250	500
10½-inch breech-loading rifle	64,500	275	550
12-inch breech-loading rifle	100,000	425	850
16-inch breech-loading rifle	245,000	1,000	2,000

*General Information Series No. 4, Office Naval Intelligence.

The 6-inch has given a range of over 7,000 yards, at 10° elevation.

The designs for all the proposed rifled guns have long since been completed. The report of the gun foundry board states specifically the minimum time required to prepare a satisfactory plant, and to be dependent on home production alone for our ordnance.

It remains to be seen how much longer people will wait patiently for active operations to begin.

SECONDARY BATTERIES.

Secondary batteries of small, rapid-firing guns have assumed great importance in recent years, not only as weapons of a really formidable caliber and range against unarmored ships of war but because they are the most valuable arm yet produced for the purpose of repelling torpedo attacks. Starting from the Gatling and other bullet-firing machine-guns we have reached the 47-millimeter (1.85-inch) Hotchkiss "rapid-firing" gun, which, with a crew of two men, fires eighteen rounds a minute, the projectile weighing 3.3 pounds and perforating 3.93 inches of steel at point-blank range. The 57-millimeter Hotchkiss fires a 6-pound projectile, seventeen rounds a minute, with a crew of three men, and a penetration of over 5 inches of steel.

Our present supply of these weapons is an American invention, but the Hotchkiss factory is at St. Denis, France. Whether we can rely upon extempore arrangements for suddenly procuring as many of these weapons as we should need in the event of war, is rather doubtful. Owing to a lack of suitable appropriations the new cruisers will be the only vessels entirely supplied with these weapons. A few experimental rapid-firing guns are now afloat, carried mostly by the different flagships in commission. This seems a scanty outfit for instructing the Navy at large in the use and capabilities of the weapon.

NAVAL ADMINISTRATION.

Before any comprehensive scheme is adopted for building up a new Navy the question will have to be settled as to whether all or any of the new ships are to be constructed at the Government navy-yards, or whether the work is to be done exclusively by contract. The quality of Government work has nearly always been superior to corresponding work done by contract, though the cost has been greater and often unnecessarily extravagant. The object of giving out contract work where

intelligent supervision will insure proper results is to encourage the enterprise of naval ship-building by private firms. This form of assistance every maritime power is compelled to resort to in time of war, and there is a certain healthy element of competition in building some vessels of a given class by contract work while one or more of the same type are being produced in Government yards. In any case it would be unwise not to reserve some construction work to be done at the navy-yards. We rely upon these arsenals in time of peace for ordinary repairs, which can not be effected without suitable plant and skilled labor. The men and their appliances can not be put to better use when the work of repairs is slack than by having them co-operate in the work of construction.

We assume that the yards will be relied upon, at least in part, for the production of our new cruisers, and we may inquire to what extent existing forms of naval administration are likely to insure satisfactory results.

The present administration of the Department is apportioned among eight different bureaus, namely: Equipment, Construction, Steam Engineering, Yards and Docks, Navigation, Ordnance, Provisions and Clothing, and Medicine and Surgery. In the management of any vast undertaking subdivision of labor is a first principle and, in fact, a necessity. But we do not consider the idea as successfully applied when it produces in a given number of departments as many quasi-independent authorities. That sort of division may be carried so far that each part requires its own special appliances and men for work that could often be done more cheaply and effectually if concentrated in one hand or under one roof. It tends, in short, to a multiplication of parts which renders the business cumbrous and extravagant, just as the principle of independent action when carried too far inevitably tends to conflicts of authority, which may sometimes be amusing, but which are always in the end regrettable.

We hear of a vessel at a navy-yard which requires work under three different bureaus to provide an extra wire and bell-pull for an engine-room gong, of another on board of which one bureau selects a certain locality for side-light screens, a second bureau hitting on the same spot for storing the sheet-anchor, and a third seizing upon the same site to erect platforms for the Hotchkiss guns. A yard-tug is laid up for repairs, her services being actually needed for daily routine purposes; the restoration of the tug to duty is delayed for months because the boiler supplied by one bureau can not be placed exactly in the position prepared for it by another; the upshot being that when the misunderstanding (personal or otherwise) is removed a few hours of labor and a nominal expense suffice to place the offending boiler just where it should have been landed months before. Such small frictions, even if of daily occurence, may amount to nothing in themselves, but they indicate a form of organization which has either outlived its usefulness or outgrown its original proportions.

On this whole subject, and incidentally on our multipicity of navy-yards, we can not do better than quote from the report of the honorable Secretary of the Navy for 1884:

> The bureaus having the supervision of work at the navy-yard are unrestricted in the expenditure for repairs of ships and engines, except by the gross amount of the annual appropriation. The only pretext upon which the existence of our overgrown establishment could be justified was this demand for annual reconstruction under the head of repairs, and hence it is that instead of maintaining such yards, and such only, as were necessary for the advantage and benefit of our ships, the ships have been made to drag out a protracted existence for the benefit of the yard.
>
> Assuming that the workshops are to be kept open only at the New York, Norfolk, and Mare Island yards, certain improvements in administration are indispensable or any modern ship which may be built at them will be a failure, and any ship built elsewhere which may be sent to them for repairs will be ruined, while both in building and repairing excessive and extravagant expenditure will be made.
>
> First among the necessary improvements is that reccommended in the report of last year:
>
> "These establishments must be thoroughly reorganized in such a way as to exclude all political considerations from their management, otherwise bad and expensive work will be the result. We can not afford to destroy the speed of our naval engines in order to make votes for any political party. Whatever other governmental agency may be conducted with partisanship a great naval workshop, dealing with the hull of a modern steel steamship, * * * can not be successfully so managed. * * *
>
> Until the navy-yard workshops are managed on business principles and without regard to politics the construction and repair of the new American Navy should be committed to those builders who employ or discharge their foremen and all their artisans according to their skill as mechanics and without caring for their political opinions or votes.
>
> Secondly. A plan must be adopted to fix with certainty the direct responsibility of some one person for the performance of the work. The present system has two defects. The navy-yard is a great naval station, with an admiral or commodore in command * * * the mechanical workshops and the officers in charge of them are under his control and he is supposed to be responsible for what is done. However complete may be the military supervision the technical oversight of the commander-in-chief is usually merely nominal.
>
> The next defect is of the same character as that which exists in the Department itself, namely, the subdivision of the direction of work upon vessels among the naval constructor, the chief engineer, and the equipment officer, and none of them under any control on the spot except that of the line officer who commands the naval station. Under these circumstances unity of action and effective direction and superintendence in the building or repairing of a ship are impossible. The remedy for these defects must be found in placing one technical head—a competent ship-builder—over all the persons engaged in building or repairing the ship, over the work on the hulls, machinery, and equipment. The difficulty of finding within or without the naval corps persons fit for the service required * * * is recognized. But they must be found, if the Government workshops are to be worthy of the name.

The report further recommends that the supervising naval constructor at each of the three working yards, shall be under the direct supervision of a chief of Bureau of Naval Construction at the Department, leaving all military control at the yards in the hands of the commandants as heretofore, and further says that if such reform as recommended are not practicable, "it would be better to discontinue our yards for all working purposes, and not only build but repair our vessels and engines by contract."

Going a step further, and in the direction pointed out by Commander B. H. McCalla in his report on the Panama expedition of 1885, we should hope to see at the Navy Department a central office—

> The chief of which having received a military education, and being thoroughly cognizant of the intentions and desires of the Secretary, should be held responsible for the technical details necessary to fit out an expedition or ship in the most efficient manner. Under the present system the chiefs of half a dozen bureaus may overwhelm the commanding officer of an expedition or the commandant of a station with confusing telegrams, thereby causing delay or possible failure.

These reflections were applied chiefly to expeditions or ships, but the whole principle may be advantageously extended to group the construction and military features of our establishment as much as possible under separate and responsible heads. Such an organization would place in the Department, as adjunct and professional advisers of the Secretary, a constructor-general on the one hand, and a chief of the military branch on the other. The latter, under the direction of the Secretary, would have charge of the movements of squadrons, the *personnel* of the Navy, and, in general, of all operations, and be with reference to the Navy what the Adjutant-General is to the Army. The former would assume direction of everything appertaining to hulls and machinery, yards and docks, and equipment.

The specialties of ordnance, navigation, provisions and clothing, and medicine and surgery could form appropriate subdivisions under a well-defined limitation of their respective powers, and with a reference of their doings to the Secretary and to either or both of his technical assistants in so far as their actions could be affected. A single accountant-general, to whom all returns of receipts and expenditures are made, would advantageously replace the eight financial clerks required under the existing system. The new plan would substitute for eight different heads of departments two technical advisers, whose respective duties and responsibilities can be very sharply defined, with four heads of divisions upon whom the Secretary could call when necessary for information in their specialties.

Under some such system as the above we may expect to see the work of navy-yards and the general business of the Department conducted on principles that will insure harmony of action and effective results. The idea of depending on an admiralty board for administration work is distinctly less promising than the above plan, whether the said board be independent of Department offices or formed by confederating the chiefs of the existing bureau system. On this point the opinion of one of the most valuable officers that the Navy ever had can not fail to be of weight. Real-Admiral Jenkins, during a recent discussion of the Naval Institute, spoke as follows:

> I am, and have long been, of the opinion that boards should not be called upon to administer anything. They are extremely useful for the purposes for which they are chiefly convened, but for carrying out their own recommendations after they have been properly accepted and approved, a professional expert of large experience and undoubted ability is, to my mind, an indispensable factor to success. Divided individual responsibility, as is the case where boards are required to carry out their own plans, much oftener results in partial, if not complete, failure than when the whole care and responsibility are placed in the hands of one person. Failure with the one responsible officer, if failure there should be, is his failure alone. Not so with a mixed board, for then the responsibility is divided and no father will ever be found to assume its paternity.—*Proceedings Naval Institute No. 32.*

TORPEDOES.

Torpedoes are either offensive or defensive. The former class includes all forms of submarine mines which are intended to close a seaport against an attacking squadron or to obstruct a hostile fleet in its movements through channels and fairways which may be of sufficient importance to require protection.

This branch of the national defense, the placing of submarine mines, is intrusted in the United States to the Engineer Corps of the Army. It is noticed here incidentally and only to dispel the illusion cherished by many that the defensive torpedoes if used in sufficient quantities will keep a hostile fleet from our shores. The experience of our own civil war should have taught us that the presence of mines alone, and especially of improvised mines, was never an insurmountable obstacle to the movements of the Union vessels.

The defensive mine must be fitted either to explode on contact with a vessel or else with electrical connection by cable to a shore station, from which the torpedo is exploded at the will of the operator. The former mine has the disadvantage of being dangerous alike to friend and to foe. Its presence seals a harbor more completely than any blockading squadron could do it, and if it breaks adrift from its moorings it is a further menace to friendly vessels. If fitted so as to become harmless as soon as it breaks adrift, a favorite American type, it is then, if no longer a danger to friends, at least a useless form of defense.

Contact mines can be operated against by a hostile fleet with com-

parative impunity if not under cover of guns, and a passage-way can be cleared through such a defense by grappling, countermining, or exploding the mines with torpedo catches and the like. The electric mine must obviously also be under the protection of batteries or the enemy can shell and destroy the station of the operator and grapple unmolested for the connecting cables, which, when found and cut, render the mine useless.

An additional form of purely defensive torpedo to which particular attention has been given in this country is the controlled torpedo. This is usually a spindle-shaped boat, carrying in its bows a suitable charge of explosive and fitted with engines and propeller and steering gear. The engines are run by compressed air, carbonic acid gas, &c., stored in reservoirs in the boat, or by electricity supplied to a motor in the boat from a shore station through the medium of a cable. The movements of the torpedo are controlled, in all the types, from the shore by a wire carrying a current which is directed at the will of the operator so as to start or stop the engines, alter the position of the helm, or fire the torpedo. The operator must at all times know the position of the torpedo, and this is effected by fitting the weapon with two range poles projecting above water which indicate its whereabouts. Lights, screened from the enemy, are mounted on the range staffs for night work.

This form of weapon may be formidable in the defense of harbors, although its range is limited by the ability of the operator to follow its movements, and it is not likely to be practically effective at distances exceeding one mile. In any case, the station of the operator will require the same battery protection as is necessary for all torpedoes operated from a shore base.

So far no torpedo of this description has been found available for naval use, as the type can not be handled from a boat or vessel under way.

The marine torpedo outfit of all naval powers, except the United States, consists at the present time of two forms of weapon, the outrigger and the automobile torpedoes.

The outrigger torpedo is the simplest and for many purposes the best of offensive torpedoes carried afloat. It consists of a spar rigged out from a boat or vessel and bearing at its outer end a charge, fitted to explode on contact or by electricity, at the will of the operator.

The explosive generally used in all forms of naval torpedoes is gun-cotton, a reasonably safe, cheap, and effective substance. The case in which it is confined may be reduced to the lightest weight consistent with holding the charge together, and the introduction of this explosive has consequently done away with the cumbrous and unwieldly iron shells which constituted the envelope of the old gunpowder torpedo. The modern gun-cotton torpedo weighing less than 70 pounds is more effective than the old ship-torpedo, whose weight complete was over 350.

We here reach a point at which Uncle Sam can be at least found "on deck," to use the current phrase. We have spars, and probably as good a form of spar-torpedo as any afloat. We have a recently established Government gun-cotton factory which turns out as good an article as any yet produced, and by this time there probably exist enough gun-cotton outfits to equip completely as many as a dozen of our vessels of war.

But how we propose to carry the new weapon around is not quite clear, unless we are to rely upon harbor tugs, or those abominably noisy craft, the poky steam-launches of our men-of-war. These boats are indeed fitted with the usual spar attachments, but nothing in the nature of bullet-proof shields, or shelter even from the descending column of water after explosion, is yet supplied for any of them. In a modern torpedo attack their noisiness would betray them from afar, and their lack of speed would seriously jeopardize any chances of success after their first discovery, in these days of machine-guns and rapid-firing small-arms.

The United States also adheres to the spar torpedo as a supposed defensive weapon for its cruisers; weapon of offense it could scarcely be, for no American vessel carrying it to-day, the Trenton alone excepted, could get within hailing distance of a foreign antagonist of equal tonnage, unless the latter were disabled or should seek close action for her own purposes.

The torpedo owes its origin to an American, Bushnell, its first noted public success to another, Fulton, and its general use in warfare dates from our civil war. Since that time we have been content to travel in the path of progress at the seven-knot speed of our steam-launches and accept the length of a torpedo spar as a sufficient distance for looking beyond the ends of our noses. Other nations, however, have not been satisfied with any such rate of progression or circumscribed horizon. All European naval powers and other nations with navies, while retaining the spar topedo, have spared no pains to increase the range of the torpedo as an offensive weapon and to insure its rapid transportation. The necessary disadvantage of the ordinary spar torpedo is that the boat carrying it must be brought almost in contact with the hostile ship to insure a successful explosion. To obtain equally good results from a reasonable distance other nations have turned their attention to a form which should be quite as portable as an outrigger torpedo and practically lengthen the spar by a distance corresponding to the effective range of the improved weapon.

Mr. Whitehead's torpedo is the most satisfactory solution of this problem up to the present time. It is a fusiform submarine boat with engines, screws, and rudder, and carrying a supply of power in the shape of compressed air. This boat carries in its bow a magazine of gun-cotton which explodes on contact. The torpedo is ejected from a ship or boat through a torpedo tube by compressed-air pressure. On leaving the tube it takes up a motion due to its own engines and power, and travels through the water at a constant depth, determined beforehand by the operator. Two special fittings, a hydrostatic piston and a pendulum, serve to maintain this constant immersion—when the torpedo tends to alter its depth the piston acts against this tendency by its effect on suitable diving rudders, the pendulum serving as a regulator for the piston to prevent extreme variations.

This torpedo has been adopted as a service weapon by all European naval powers, by several of our South American neighbors, and by China and Japan.

We are the only nation whose immense seaboard remains up to the present time entirely unprotected by any device of this kind, although our countless creeks and rivers and net-work of inland navigation afford the most desirable basis of operation for directing such torpedoes offensively against an enemy hovering on our coasts.

The cause of this apathy must be found elsewhere than in the naval service. Year after year the report of the naval Chief of Ordnance has urged the acquisition of this weapon as the only existing practical solution of an important naval problem; and he has urged in vain. Assuming that a portion of this indifference is due to doubt as to the value of the torpedo, it may be well to consider its alleged merits and defects.

To argue that the Whitehead is unacceptable because it is not an American weapon is to dispute the efficacy of the modern breech-loading rifle and of the compound engine on analogous grounds. The Whitehead, made in Austria by an Englishman, and the idea of which originated with an Austrian artillery officer, is no longer the invention nor the special weapon of any nation, but an international arm of offense, common to all but ourselves. Moreover it happens, curiously enough, that the especial form of Whitehead which is most favorably reported upon is not the one turned out at present by Whitehead himself, but by a rival manufacturer in Berlin, the latter using phosphor-bronze for the material of his torpedoes instead of steel, thereby obtaining freedom from rust and deterioration, while the other qualities are said to equal those possessed by the best Whiteheads proper. Certainly, if any one in America can produce an offensive topedo as portable as the Whitehead and as effectual, let us have it by all means in preference to the work of a foreigner, but the acquisition of worthless experiments will be more costly to us in time lost even than in wasted money.

It is urged against the Whitehead that it has never made its record in battle. The first one ever used in action was discharged by H. M. S. Shah against the Huascar, when the latter was in the hands of Peruvian insurgents in 1877. The torpedo failed, and is said to have been unable to overtake the hostile ship. It is fair to remember that this was one of the earliest types of Whiteheads. Its highest speed for what would now be considered short ranges was not to exceed 10 knots and its accuracy was far inferior to the practice made by the modern torpedo of the same dimensions. If we reject the principle of an automobile torpedo on the score of this failure, we might on equal grounds refrain from using modern sewing-machines because the earliest invention was cumbersome and liable to get out of order.

We next find the Whitehead as a weapon in the hands of the Russians during the Russo-Turkish war. During the whole war only five or six were expended, two were lost in practice, and three (or four) used in service, as follows: Two were discharged on the night of December 27, 1877, in the harbor of Batoom by Russian torpedo boats at a Turkish vessel of war. The ship escaped injury, and both torpedoes were picked up on the beach next day, one with the magazine gone. Hobart Pasha, in the North American Review for November and December, 1877, states that the safety-pins were not withdrawn from the firing apparatus before discharge. Moreover, we notice in other accounts of the attack that one torpedo was towed into the harbor suspended below a raft, and the other discharged from a frame at the side of a boat, a mode of discharge modified in existing torpedo-boats; also that the Turkish ships presented a poor mark, being bows on to the attack.

The next and only other attempt to use the Whitehead in battle occurred in the same harbor of Batoom on the night of January 25, 1878, a Whitehead (some say two) being discharged at a Turkish vessel at 100 yards range, sinking her immediately. Whether these results are considered favorable or not to the Whitehead, they offer special food for reflection to American critics. For we learn that the Russians received their supply of Whiteheads at the outbreak of hostilities precisely as our Navy would be likely to receive them if we kept on waiting Micawbar-like for "something to turn up." But that is a bad time to commence scraping an acquaintance with a Whitehead. No farmer would run the risk of transferring his hired hand, at a day's notice, from the handling of a flail to the superintending of his latest thrashing-machine, and one is no more likely to find afloat than ashore men capable of understanding all the intricacies of a mechanical production at a day's notice. The Whitehead is a machine, and while its adjust-

ments have been much improved and simplified of late years, it can only be handled successfully, like any other mechanical contrivance, by those who know its peculiarities through constant and careful practice.

Those who should be best informed on the capabilities of the Whitehead consider its positive value as dating from 1880, and it was in the same year that the first successful form of ejecting tube for boats was devised and tested.

We may notice some of the published results obtained by different nations First, as to the possibility of losing the weapon in practice. M. Charmes states * that the French torpedo vessel, the Japan, discharges some two hundred torpedoes per month without ever losing a torpedo, and concludes that if any are lost elsewhere it is from lack of practice on the part of the officers and men. He also takes the liability (which in service is not limited to torpedoes) of charging all errors and mistakes on the part of the operators to imperfection in the torpedo. In the case of the Japan her practice is conducted underway or at anchor in good or bad weather, and either at a movable or fixed target, and always with a certain degree of success. In her latest practice while under way, firing at a movable target, the deviations of the torpedo have been so slight that 95 per cent. of the torpedoes discharged would have struck a vessel 210 feet long, at a range from 250 to 400 yards.

The ordinary torpedo practice of British cruising ships includes firing from the (modern) side frames of their steam-launches at a space between two buoys placed fifty yards apart from a range of 400 yards, and the writer has been recently assured that in the case of a vessel under discussion the mark had been missed but three times (one missfire) during a three years' cruise, the practice being held once a quarter, at which time four runs are usually made.

Out of sixty runs made at Kiel, Germany, a short time since, the mean error in direction in a range of 400 yards was only 24 yards, and the depth was within a small decimal of what the torpedo was intended to maintain.

But as the precision of the Whitehead under reasonably favorable circumstances can be no longer disputed, it is held by some that it is too delicate, too liable to get out of order, to stand the rough handling of the service. Apart from the fact that it has now been carried and used in practice for years by the ships of different navies we may instance in reply the the case of a German torpedo which at the end of a run was taken from the water and put in store without previous cleaning, was left there through the winter months and was successfully run in the spring without overhauling. We may further note that during certain Russian maneuvers the Russian vice-admiral had gotten under way to seek out the enemy's squadron and passed within 200 yards of some fishing boats, when the flagship was struck with a Whitehead and declared out of action.

The torpedo had been discharged from one of the fishing boats by a party of three officers of the opposing squadron disguised as fishermen. So this delicate machine could be stowed away in an ordinary fishing boat and be successfully discharged with a jury rig of some kind, though it may be too fragile to trust in a suitable torpedo room and to be handled successfully from approved appliances. A pertinent question would be, how many modern small arms would have stood successfully the test applied to the first of these torpedoes and how could even the smallest rifled cannon have been concealed and used with effect as was the case with the second torpedo. Mr. Charmer pointedly remarks that the chief objections to the automobile torpedo have emanated from France and England, the greatest of maritime nations, which seem to feel instinctively the dangers to which this revolution in naval warfare exposes them.

Austria, Russia, Italy, and especially Germany, the more recent naval powers, less fettered by tradition and conservatism, are ardent supporters of the modern torpedo system, and use every effort to perfect that branch of their naval service. Germany allotted in one year nearly one-fourth of her naval budget to her torpedo system. France and England, which can not afford to be left behind, offer in their great military harbors a daily scene of activity in the matter of torpedo practice, which is a constant source of surprise to many of our naval officers, and an object of envy to all of them who witness it.

The following table will give some of the essential particulars of the so-called 14-inch British, the Whitehead proper, and the Berlin (Schwartzkopff) type of existing locomobile torpedoes:

Patterns.	Length.	Diameter.	Weight complete.	Speed in knots for—		Weight of explosive.
				200 yds.	600 yds.	
	Ft. in.	*Inches.*	*Pounds.*			*Pounds.*
British No. 1	14 6	14	525	25.5	20	44
British No. 2	14 7	14	575	.....	22	46½
Whitehead No. 1	14 6	14	529	25	20	37½
Whitehead No. 2	14 6	14	594	25	21.5	41
Schwarzkopff	14 9	14	616	24	.....	44

* Revue de Deux Mondes, December, 1886.

A knot is 1.153 statute miles, and a speed of 25 knots represents, therefore, a speed of 28.82 statute miles. The latest German 14-inch torpedoes have enough motive power to run a total distance of 4 knots.

	Whitehead.	Schwarzkopff.
Maximum horizontal deflection at 400-yard range	±24 ft.	± 23 ft.
Maximum vertical deflection at 600-yard range	± 9 in.	± 8 in.

A few years ago Whitehead offered to sell to the United States five torpedoes of different patterns, with working drawings and the right to all future improvements, for $95,000. The cost of subsequent single torpedoes would be about $1,500 each.

Whitehead himself supplies wholly or partially nearly all nations except Germany and Spain, but many countries have in addition manufactories of their own. The service range of the weapon is from 50 to 600 yards, although it can run up to 1,000 yards at a speed of 18 knots.

It has been estimated that at the close of 1883 upward of three thousand Whiteheads were in the hands of the different naval powers, and great additions have since been made to the supply, Germany having included four hundred in a single order.

TORPEDO BOATS.

Of importance scarcely secondary to that of the Whitehead itself is the subject of the modern torpedo boat, built to carry the automobile or spar torpedo. If the Whitehead now enjoys a complete monopoly as the naval offensive torpedo for use on shipboard and bids fair to drive out the spar torpedo altogether in smaller craft, the boats themselves have revolutionized the art of miniature ship-building in many important particulars. As none of these boats have appeared in United States waters a brief description of them may not be out of place. Their length is from 60 to 80 feet for the smaller types and from 90 to 125 for the larger "cruising" boats, built of steel, very low in the water, of high speed, and fitted with noiseless engines, and of great maneuvering power. Strong in construction, they are abundantly secured by water-tight compartments from all ordinary casualties. Two years ago two of these boats collided nearly end on at full speed in the harbor of Naples. The bow of one boat was nearly torn off, but her collision bulkhead held and both boats reached the naval arsenal in safety. Who that has ever seen these quiet imps of destruction gliding about in foreign waters can fail to realize what a tremendous change their development has effected in the conditions of naval warfare?

To quote again from M. Charmes:

> As long as the Whitehead was carried on board of ironclads whose range of artillery fire prevented approach at sufficiently close quarters to bring the torpedo into play, it could be claimed that this weapon would be a secondary character. Carried by modern torpedo boats along the coast or at the entrance to harbors the torpedo became a terrible weapon. Out of sight of land there was still for a time some doubt as to its successful employment. This illusion may have existed until April, 1884, when, for the first time, cruising torpedo boats appeared in our (French) squadrons, capable of holding the sea in any weather and of making long voyages. Already English-built boats, destined for Greece and for some of the South American states, had gone from England to their distant home ports without convoy and without accident, although not without experiencing heavy weather. The two squadron torpedo boats Nos. 63 and 64, built by M. Normand, had also successfully performed the journey from Brest to Toulon. But these were not public experiments and little attention was paid to them. A different result was obtained when these above-named torpedo boats got under way in the Mediterranean squadron in April, 1884.

Mr. Charmes then relates at length the experience of the squadron, which has since become well known through the public press. With a rapidly freshening breeze the sea became so heavy that two ironclad coast-defense vessels were compelled to seek shelter, while the torpedo boats successfully weathered the gale in company with the rest of the squadron. What is less publicly known is that these boats continued with the fleet during its entire cruise through the western part of the Mediterranean, taking only such precautions in heavy weather as would be common to all but the largest type of cruising ships. The test was complete, and it may be asserted from the experience of these vessels and of others of the same class, one of which has recently gone unattended from England to Australia, that the largest torpedo boats will keep the sea in any weather, and are in fact, as well as in name, "cruising" boats. The smaller craft, or harbor boats, have weatherly qualities which are not to be despised, but are not provisioned or otherwise supplied for extended service at sea, nor are they intended for such service. The very smallest class are required to perform their duties in such weather as would be practicable for ordinary steam-launches, and they more than fulfill this condition.

As to the probable value of these boats for offensive purposes there can be no reasonable doubt. Current service literature teems with authenticated instances of successful approaches made by them upon a supposed hostile squadron, and without discovery; and the conditions have invariably been far too favorable to the defense. The boats have left their squadrons at a certain hour; it has been known that their return must occur between certain limits of time and of direction. No experiment has yet shown conditions approximating to those of actual warfare. Two or three boats have made a sham attack on as many ironclads, when in reality the attack should not even be attempted by

less than three or four of these pigmies to each vessel. The crews of the defense vessels, instead of being worn out by previous vigils and false alarms, have been collected *en masse* to spy out the movements of their enemies for a few hours at the utmost; and the electric light has been utilized under the most favoring conditions. And yet the success of the torpedo boat in approaching unobserved has been simply marvelous.

Many have held that when the torpedo boat is once sighted, its destruction by modern machine-gun and small-arm fire would be all but certain. The practice made by Her Majesty's gunboat Medway has been instanced in support of this view. In reviewing her experiment we find that as the Medway approached "end on" at a speed of 8 knots a target representing a second-class torpedo boat, she opened fire at 560 yards, ceasing fire at 80 yards, and in the two minutes thirty-five seconds of the run firing one hundred and thirty-five shots and making one hundred and fifteen hits. There is no question but that such a fire would annihilate a torpedo boat in actual practice; but it may be asked how many of these fifty-four shots a minute were fired inside the ordinary White head range? Why should the Medway have two and a half minutes' time allowance for covering the distance of 480 yards, when a second-class boat would have approached the Medway a like distance in a little over one minute?

Finally, what practice would the Medway have made at night with or without the doubtful assistance of the electric light, and where would the consorts of the dummy boat have been in actual warfare while all these shots were being poured into their companion and most of the attention given to her. The machine-gun is certainly the best defense yet produced for modern vessels against their new assailants, but the gun has not yet the best of it by any means. "Bantry Bay" is the latest experience quoted by anti-torpedo men against the torpedo in general and the torpedo boat in particular.

But the point is not a strong one. The results of the recent maneuvers at Bantry Bay show that when a powerful fleet has absolute control of a comparatively small sheet of water, and has abundance of time and of materials for perfecting its defense, it can impede the direct attack of torpedo boats (until the boom has been broken through), and by bringing upon the attack the combined fire of ships, batteries, machine-guns and flanking batteries on shore, aided by vidette boats outside of the main defense the assailant may be successfully repelled. It scarcely required such an outlay to prove that proposition. A dozen torpedo boats with a handful of men are not yet supposed to move in actual warfare upon an enemy's fleet when every single condition favors the defense, and the very fact that such a fleet should require, for successful protection against these modern sea hornets, more elaborate preparation than any British fleet ever made in battle to repel hostile attack, should prove, even if the tiny adversaries were worsted, that they were not to be despised.

A single point brought out in the Bantry Bay maneuvers against the Whitehead deserves passing notice. The Polyphemus, moving at a high rate of speed, was reported to have escaped contact with a number of Whiteheads, all of which should have hit her, though some of the ranges were rather long. The writer has suggested as a possible cause of this immunity the high speed of the vessel with a consequent wave motion which may have deflected the torpedoes. Assuming this to be true it would be the most serious objection yet urged against the Whitehead, and would diminish its sphere of usefulness to that extent, but to that extent only. For against hulks towed at a moderate speed its success has been all that could be desired, and against stationary vessels without cumbrous exterior defenses all but certain.

The following gives some particulars concerning recent torpedo boats of different manufactures:

1880—Russian boat, the Batoom, built by Yarrow; length, 100 feet; beam, 12 feet 6 inches; draught, 4 feet; speed, 22.16 knots; horse-power, 500; revolutions, 392; steam, 119 pounds; coal supply, 5 tons; endurance, at 10-knot speed, 450 miles.

In 1881 Yarrow followed up this boat by another, also 100 feet long, built for Italy, and which attained a maximum speed on trial of 22.46 knots, or nearly 26 statute miles.

1883—Russian boat, the Lucknow, built by Thornycroft; length, 113 feet; beam, 12 feet 6 inches; depth of hold, 6 feet 6 inches; draught, aft, 6 feet; displacement, 60 tons; armament, 6 Whitehead torpedoes (with two ejecting tubes), and two Hotchkiss guns. Mean of six runs, at load draught over measured mile, 19.49 knots; mean speed for 3-knots continuous run, 18.96. She would steam with her full coal supply 1,000 knots at 10.8-knot speed.

Thornycroft built almost a sister boat for the Australian Government. Her supply of coal of 10 tons would carry her 1,270 knots at a speed of 11½ knots.

1884—The latest German boat reported as attaining a maximum speed of 20½ knots during a five-hour continuous run at load draught, this being the highest speed for prolonged running yet attained.

1885—Yarrow is building for Austria two boats to be 135 feet long, 13.75 feet beam, to develop 1,100 horse-power, and have a speed when light of 25 knots, and of 22 knots when loaded ready for service.

1885—One of six Turkish torpedo boats, built by the Forges et Chantrers Company in France, made a trial trip in April, and at her load displacement carrying twenty-four persons, made 20.3 knots over the measured mile. Dimensions of the boat length, 101.7 feet; beam, 11.7; draught, 5.7; displacement, 42 tons; fittings are two Whitehead bow tubes, and in addition a spar for outrigger torpedo.

In a valuable report on torpedo boats made to the Secretary of the Navy by Lieutenant Very in August, 1884, there occurs a quotation from a report to the German Reichstag, made by a board of naval officers in the spring of 1884, as follows:

> * * * The small size and very high speed of these boats make them difficult targets to hit. * * * The success of an operation would not be made dependent upon a single shot or single boat, but attacks would be made by from two to six boats approaching in opposite directions. Even in a bright moonlight and with the greatest possible care and alertness it becomes impossible for a ship to anchor for a single night on a coast defended by these torpedo boats.
>
> Numerous and well-provided boats make a blockade an undertaking of the most difficult character. It makes it necessary for the blockading squadron to haul off the coast every night. Its coal supply is thereby wasted, the harbor is left open at night, the actuality of the blockade is threatened Even though under way, the squadron is not safe, for the boats can follow it out and find the ships.
>
> It is readily conceivable that in an energetic defense of this kind many boats will be disabled, through accident and the enemy's fire, and the number of boats must not be limited to that barely necessary for active work.

The German report then recommends that the German torpedo fleet be brought up to 150 boats, and gives the number possessed or building by other nations, as follows (1884): England, 129; France, 76; Russia, 125; Italy, 53; Holland, 24; Norway and Sweden, 15; Austria, 14; Denmark, 9; New Zealand, Austria, Brazil, Spain, Chili, Greece, and the Argentine Republic also possess one or more each of these modern craft. The report gives the average cost of a torpedo boat with its torpedoes and revolving cannon as $57,170.

Lieutenant Very concludes his paper by recommending as our minimum war footing a fleet of ninety boats and a minimum peace establishment of thirty-four, and says:

> But our builders having no experience in this work could not meet the demand. * * * A sufficient number should, however, be obtained from European manufacturers to serve as a model and to produce a sufficiently large flotilla to secure the training of officers and men.

A recent British writer remarked that even in England there were but few firms which made a success of building torpedo boats.

The German rule of one boat to every 10 miles of seacoast would require three hundred torpedo boats for the Atlantic coast alone. (Our Seacoast Defenses, by Lieutenant Griffin, United States Engineers.)

At present the United States possess nothing of the kind. We have one builder who could certainly fulfill the conditions of speed; but his boilers of a special type, valuable in many respects, have the disadvantage of requiring most skillful handling by carefully trained men, or they are likely to fail in steam-power at a critical moment, especially when the approach of the boat must be made by stealth and with more or less frequent stoppages. So that improvising tactics will not avail us in this direction. Wherever the torpedo boats come from we must secure them in time to learn how they should be properly handled, and such experience is gained, as is usual with experience of any value, only by careful and constant practice. Of all this our Navy knows nothing, except what it may chance to pick up by studying the current prints or by watching the daily routine of torpedo drill as carried on in in every foreign naval port.

In this résumé of existing foreign torpedo outfit and of our deficiencies a detailed notice of submarine gun discharge has been purposely omitted. The idea of projecting an explosive shell under water by gun power dates back to Fulton; nor has it been greatly improved upon since its earliest inception. A few years ago the scheme was revived by a distinguished American inventor, but the only official trial which ever took place was far from satisfactory. The first shot aimed at a target 285 feet distant failed to hit the mark; the second stuck in the mud, and the experiments have not since been resumed. The boat built to carry the submarine gun was altogether too frail and crank for service use in even moderate weather, and its acquisition by the Government, which has been suggested, would be a costly purchase at any price beyond current rates for old iron and firewood.

Among the objections to submarine gun fire we note the immense power required to obtain any sort of range for the inert shell through the high resistance of the water, the torpedo being a mere projectile without propelling power of its own. The power required for expelling this projectile requires in turn a strong and correspondingly heavy gun to withstand the bursting effect of its charge, and the weight of the gun leads us to injudicious increase in the size of the torpedo-boat and of the mark afforded to an enemy's fire. Moreover, the noise made by one discharge of the gun will effectually prevent a second shot under like conditions if the boat has stolen within range unobserved.

But even if we assume that with future successes the submarine gun will throw a kindly veil of oblivion over the fiasco of the past, the question is whether we must await such a problematical development or provide ourselves with existing and perfected weapons. Putting the claim upon a ground that can not be gainsaid, the Navy may fairly demand to be supplied with the Whitehead and the torpedo-boat, if only to learn the capabilities of weapons which are certain to be used against us by any hostile naval force. If we are not to be armed ourselves, we are at least entitled to know precisely what the weapons of our antagonists can do, that we may attempt to devise efficient defense.

In accepting the example of other nations as our guide for the imme-

diate future we do not wish to exclude from consideration any meritorious new inventions or improvements which may be presented from time to time by Americans or foreigners. But let these novelties, while in the nursery stage, be classed where they belong, and appropriated for accordingly, not as weapons for the Navy but as experiments. Too much attention can not be given them as such, but we can not afford to saddle upon the ordnance estimates any such charges in the future as have been paid in the past, for erratic water-rockets and tubular cable monstrosities, while the general public is led to imagine that these crudities are adopted as actual implements of war. Service estimates should be for service weapons. The Navy has had more than enough of worthless crudities foisted upon it already.

The remedy for an existing lack of torpedo outfit is not far to seek. Place at the control of some naval officer of acknowledged ability, preferably the energetic chief of Bureau of Ordnance, the sum of, say, $2,000,000. Let the control of this official be absolute when his plan has been approved by the Secretary of the Navy and his proposed adjuncts. Give to the officer selected the widest scope as to his personal choice of subordinate officers to superintend the construction and acquisition of our modern weapons and let the whole responsibility be his.

In a word, and for once, put a naval matter in the hands of naval officers, interested in its success. The experiment will not be too costly. The sum named is but a little over double what has been paid for the latest wooden addition to our melancholy fleet, a vessel whose manifest inadequacy has already been fully discussed. The result of this trial may be confidently predicted. In three years, if need be, the United States will possess a fleet of at least thirty boats, armed with the best type of Whitehead, and possessing as high a speed as any such vessels afloat. We should find ourselves at last even with other nations, instead of trailing hopelessly behind. Starting from this point it will be unusual indeed if the Navy and our inventors can not keep abreast of improvement in the principles which render the offensive torpedo of to-day a weapon too formidable to be despised and too important to be neglected.

CONCLUSIONS.

The Navy now afloat consists of thirty-one cruisers, of which fourteen at the outside may be regarded as vessels worth possessing.

We have as coast defenders fourteen single-turret and five double-turret monitors, the former ridiculously inefficient in guns, armor, and speed; the latter in various stages of reconstruction, but which will be useful if completed according to existing designs.

We have three cruisers and one dispatch-boat building and four more cruisers on paper, these seven cruisers all to be modern vessels of good speed, coal endurance, and armament.

In ordnance we have enough modern guns building to arm the first three cruisers and dispatch-boat, some twenty-one guns all told. But we have no suitable gun-factory plant, nor is any American manufacturer prepared to furnish material except for the smaller guns. Our torpedo outfit is restricted to the spar topedo. Of high-explosive spar torpedoes we have not enough afloat to fit out even the small squadrons now in commission, nor do we possess a single torpedo boat or movable torpedo.

To establish a suitable gun factory and enable our manufacturers to supply gun material, to build and equip a fleet of at least fifty-six modern cruisers, to provide a squadron of thirty torpedo boats, to provide for the purchase of movable torpedoes, and to prepare and arm a modern line of battle of armored coast defenders and rams will cost, all told, between eighty and one hundred millions of dollars, or, say, ten millions a year for eight or ten years.

The sum of one hundred millions is about 2½ per cent. of the value of destructible property exposed to any enemy in eight of our Atlantic harbors enumerated by Lieutentant Griffin, United States Army, in Our Seacoast Defenses. The sum is also less than the average amount on hand daily at the mint and subtreasury alone in the city of San Francisco on the Pacific seaboard. These facts have their significance when we remember that the modern system is to make war sudden, sharp, and decisive, and to make the beaten party pay expenses. Germany exacted a billion of dollars from France in 1871, and under similar circumstances we should probably have to pay even more.

Let us suppose that Congress settles upon a definite plan for the reconstruction of the Navy, and that it has considered the proposals of modifying existing forms of naval administration; there will yet remain an issue upon which all hope of adequate vessels may be wrecked—the rock of political distrust, which prevents one party from countenancing the appropriation of large annual sums to be expended under the direction of a naval Secretary of opposite political views. But even this obstacle can be avoided by means which have been successfully used heretofore. Congress could perfectly well appoint as its commissioners of the naval-constructor fund a limited number of citizens with a national reputation for integrity and business sagacity, and whose political affiliations are not so strong as to render them objects of suspicion by either party.

Such a commission, if intrusted by Congress with the sole duty of seeing that certain funds are legitimately applied, may be safely trusted to perform its work to the satisfaction of the great body of voters. The knowledge of the commission as to naval affairs might be of the most limited kind, but (unless we greatly overrate the intelligence of our American commercial men) we believe that its representatives could see that American ships of war are built to mean business, and that the nation's funds are expended in a business-like way.

When the whole question of naval reconstruction is removed from politics and placed upon its proper footing, as a matter of national concern and of national honor, there are few partisans who could not sink their differences to effect results that they must desire as American citizens.

The flag of our country is displayed in the seas to-day far to leeward of other naval ensigns. It floats there to show that the policy of inaction and lack of definite purpose never pays, and that in naval matters, at all events, we can not drift to windward.

The task to be undertaken is a great one; its fulfillment will consume the greater part of a decade. But if Americans decide to make up for lost time, the old "long pull, strong pull, and the pull altogether" will safely place us where we belong.

Mr. SAYERS. Mr. Chairman, the gentleman from Maine [Mr. BOUTELLE] congratulates the country upon the very successful and satisfactory manner in which our naval affairs have been administered during the time the Republican party had control of the executive branch of the Government. He dwells with much apparent pride and satisfaction upon the bureau system of the Department, and challenges criticism as to the wisdom of the organization and as to the results it has accomplished.

Upon these propositions, Mr. Chairman, I do not hesitate to join issue with the distinguished gentleman, and I do deny that the Navy Department was wisely and efficiently conducted during the period stated, and that its subdivisions are such as to merit the approbation of those whose experience and abilities entitle them to speak with authority upon the subject.

The soundness of a theory or the wisdom of a policy is demonstrated only by its practical application.

Many a magnificent scheme has been exploded when subjected to the crucial test of actual trial, and the folly of the plan becomes so apparent as to be easily appreciated by the dullest intellect.

If the proposition submitted by the gentleman from Maine and, to a certain extent, reiterated by the gentleman from West Virginia [Mr. GOFF] be true, then our fleet should be in an admirable condition, worthy our greatness as a people and responsive to the immense sums of money that have, with lavish prodigality, been expended upon it for so many years past; and our navy-yards should be fully equal in their ability for rapid, economical, efficient, and skilled work to those of any European nation whatsoever.

But how is it with our war ships and naval workshops? Are the pictures so pleasingly drawn by these gentlemen—one speaking as to the bureau system and the other as to the general departmental management—true to reality?

The testimony which I have to offer is reliable. It comes not from the mouths of Democratic partisans. It is authoritative. Its entire correctness can not be successfully controverted. It will be accepted without hesitation by the committee and by the country as worthy every confidence. Secretary Hunt, in his report of November 28, 1881, alluding to the condition of the Navy, speaks of it in this wise:

> The condition of the Navy imperatively demands the prompt and earnest attention of Congress. Unless some action be had in its behalf it must soon dwindle into insignificance. From such a state it would be difficult to revive it into efficiency without dangerous delay and enormous expense. Emergencies may at any moment arise which would render its aid indispensable to the protection of the lives and property of our citizens abroad and at home, and even to our existence as a nation.
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> We have been unable to make such an appropriate display of our naval power abroad as will cause us to be respected. The exhibition of our weakness in this important arm of defense is calculated to detract from our occupying in the eyes of foreign nations that rank to which we know ourselves to be justly entitled. It is a source of mortification to our officers and fellow-countrymen generally, that our vessels of war should stand in such mean contrast alongside of those of other and inferior powers.

Mr. Secretary Chandler, after enumerating the available cruising war vessels of the Navy, says in his annual report of 1882 that—

> These vessels are creditable in their appearance, commodius in their quarters for officers and seamen, well adapted for ordinary naval exercises, and useful for displaying the national flag upon the seas and in the harbors of the commercial world. But they are of low speed; their engines are not modern, only fourteen being compound; and their steaming, maneuvering, and destructive powers are inferior to those of the present war ships of other navies. It is not the policy of the United States Government to maintain a large navy, but its reputation, honor, and prosperity require that such naval vessels as it possesses should be the best which human ingenuity can devise and modern artificers can construct. Our present vessels are not such, and can not be made such.

Our present Secretary, Mr. Whitney, in his admirable and instructive report of November 30, 1885, submits to the President a graphic but painful and humiliating description of our fleet. He deals with the subject plainly and unflinchingly. On pages 32 and 33 of his report will be found the following:

> At the present moment it must be conceded that we have nothing which deserves to be called a navy. The highest official authority in our service said in 1876:
>
> "There is no navy in the world that is not in advance of us with regard to ships and guns, and I, in common with the older officers of the service, feel an anxiety on the subject which can only be appreciated by those who have to command fleets and take them into battle."

And so recently as 1883 the same distinguished authority stated that it was universally admitted that "we have no navy, either for offense or defense."

The country has expended since July 1, 1868—more than three years subsequent to the close of the late civil war—over seventy-five millions of money on the construction, repair, equipment, and ordnance of vessels, which sum, with a very slight exception, has been substantially thrown away, the exception being a few ships now in process of construction. I do not overlook the sloops constructed in 1874 and costing three or four millions of dollars, and to avoid discussion they may be excepted also. The fact still remains that for about seventy of the seventy-five millions of dollars which have been expended by the Department for the creation of a navy we have practically nothing to show.

It is questionable whether we have a single naval vessel finished and afloat at the present time that could be trusted to encounter the ships of any important power—a single vessel that has either the necessary armor for protection, speed for escape, or weapons for defense. This is no secret; the fact has been repeatedly commented upon in Congress by the leading members of both parties, confessed by our highest naval authorities, and deprecated by all.

And Admiral Porter, whose thorough and accurate acquaintance with everything connected with or pertaining to the duties of his high office and whose character, personal and professional, is beyond all question, thus feelingly writes of the fleet in his report of November 30, 1885. Says he:

At the present time we have literally nothing in commission but so-called "vessels of war" that can scarcely perform the duties of a peace establishment, and in case of a conflict with any naval power the aforesaid war vessels would have to go into retirement until peace was declared, the largest of them having neither speed nor battery that would enable her to contend successfully against a two-gun modern French or English gunboat.

But, Mr. Chairman, it may be supposed that the proof, though altogether reliable and coming from sources that make it convincing, is too general. To meet such objection I now present to the committee for its consideration the following tabular statement furnished me by the Navy Department.

Name of vessel.	Of what built.	When built.	Complement of officers and crew.	Original cost in Construction department.	Cost of repairs Construction department.	Original cost of machinery.	Cost of present machinery.	Cost of repairs to machinery.	Cost of equipment outfit.	Cost of repairs to equipment outfit.	Total cost including repairs.	Probable future length of effective service.
												Years.
Yantic	Wood	1864	143	$137,762 00	$375,593 60	$68,500 00		$153,137 70	$26,495 15	$66,492 44	$827,980 89	3
Wyandotte *a*	Iron	1862	104	633,327 84	217,086 80			38,855 97		10,481 82	899 752 43	
Passaic *a*	do	1862	104	423,172 00	229,171 40			62,106 92		27,831 59	742,291 91	
Nantucket *a*	do	1863	104	408,091 00	212,224 85			48,941 29		17,717 96	686,975 10	
Nahant *a*	do	1863	104	413,515 00	207,558 96			34,936 21		5,178 26	661,188 43	
Montauk *a*	do	1862	104	423,027 00	213,356 96			53,109 91		22,709 23	712,203 10	
Manhattan *a*	do	1862	104	628,879 00	243,461 04			39,363 39		38,617 34	950,320 77	
Mahopac *a*	do	1862	104	635,375 00	254,307 45			45,957 64		31,231 83	966,871 92	
Lehigh *a*	do	1863	104	422,726 00	201,373 86			48,733 34		16,833 08	689,666 28	
Jason *a*	Iron	1862	104	436,450 00	207,953 36			57,379 91			701,783 27	
Catskill *a*	do	1863	104	427,767 00	210,488 91			50,853 18		21,236 09	710,345 18	
Camanche *a*	do	1862	104	613,165 00	302,057 00			17,630 54		6,837 47	840,690 01	
Canonicus *a*	do	1862	104	621,215 00	248,280 10			49,407,36	22,392 32	43,729 62	985,024 40	
Ajax *a*	do	1862	104	583,172 24	154,325 46			38,489 95	25,440 10	24,272 62	825,700 37	
Saugus *a*	do	1862	104	588,466 00	193,730 00			43,496 73	2,593 66	24,531 53	852,817 92	
Fortune	do	1862	52	149,600 00	88,681 81			92,259 65	3,767 53	26,934 38	861,243 37	10
Leyden	do	1865	52	128,000 00	52,402 85			67,656 23	1,467 61	6,211 89	255,738 58	10
Mayflower	do	1864	52	106,240 00	79,722 16			75,240 14	6,207 98	13,588 95	280,999 23	10
Nina	do	1864	52	128,000 00	30,696 45			48,428 06		5,808 38	212,932 89	10
Rescue *b*	do	1861		17,300 00	21,196 23			29,185 14		3,039 06	70,720 43	
Speedwell	do	1865	52	149,600 00	62,160 69			99,748 03		17,633 90	329,142 62	10
Standish	do	1864	52	106,240 00	58,255 25			55,236 53		4,028 51	222,760 29	10
Triana	do	1864	52	128,000 00	41,276 14			81,733 44		11,389 00	262,398 58	10
Catalpa *c*	Wood			55,000 00	26,950 09			38,436 82		3,546 98	123,933 89	1
Cohasset *c*	do			14,500 00	51,879 36			62,958 35		2,860 25	132,197 96	2
Adams	do	1874	159	264,021 00	104,938 57	186,886 73		128,755 14	49,972 25	95,883 01	830,456 70	6
Alarm	Iron	1874	50	282,552 00	25,226 82			36,272 21	15,852 90	16,975 14	376,879 07	20
Alert	do	1873	150	326,016 00	81,255 70			82,879 08	61,098 76	45,256 55	596,506 09	15
Alliance	Wood	1873	158	388,771 32	48,097 24	183,680 25		102,031 42	41,081 20	44,019 11	807,680 54	6
Brooklyn	do	1858	276	417,921 00	1,206,864 13			343,013 73		385,024 12	2,352,822 98	3
Despatch *d*	do		75	98,500 00	79,009 50			64,830 57	7,722 84	68,346 85	318,409 76	2
Enterprise	do	1873	169	304,148 00	73,684 48	185,003 49		75,520 87	64,115 37	57,754 66	760,226 87	6
Essex	do	1874	149	300,746 00	51,617 81	172,455 90		78,349 43	61,974 26	51,632 76	716,776 16	6
Franklin *c*	do	1854 to 1865	76	891,236 35	200,976 64	444,583 25		222,180 82	113,141 40	176,244 19	2,048,362 65	
Galena	do	1871 to 1880	193	598,857 00	14,172 03		273,403 47	56,040 84	57,873 12	51,499 60	1,051,846 06	5
Hartford	do	1858	310	502,650 00	856,875 14			312,423 39		405,331 39	2,077,279 92	5
Intrepid	Iron	1874	50	425,998 00	29,315 91			10,053 90	36,123 44	3,546 04	505,039 29	20
Iroquois	Wood	1858	198	307,155 00	556,017 84			420,713 92		131,779 80	1,415,666 56	2
Juniata	do	1862	187	364,820 00	575,349 92			368,668 72		220,101 49	1,528,940 13	3
Kearsarge	do	1861	185	286,918 00	699,051 63			217,117 63		227,589 90	1,430,677 16	3
Lancaster	do	1876 to 1881	412	535,921 92	25,735 54		196,660 45	7,696 71		276,850 75	1,042,865 37	10
Lackawanna *f*	do	1862	215	451,069 00	721,006 29	52,827 72		249,754 46	19,495 47	250,530 97	1,744,683 91	
Marion	do	1871	183	482,831 00	94,564 93	167,563 19		112,370 22	74,488 41	74,008 00	1,005,825 75	5
Michigan	Iron	1844	81	154,100 00	93,669 72			4,005 44		39,803 80	291,578 96	20
Minnesota *g*	Wood	1855	79	691,408 00	972,291 80			310,334 96		364,558 85	2,338,593 61	
Mohican	do	1872	187	591,276 43			227,109 69	78,170 70	20,155 58	67,730 90	984,443 30	10
Monocacy	Iron	1863	115	190,112 00	132,677 77		103,999 99	166,233 85	21,359 90	568 87	614,952 38	3
Monongahela *g h*	Wood	1862	48	373,796 00	648,870 23				16,007 94	235,238 34	1,273,912 51	
New York *i*	do	1865		200,141 00			109,677 72				309,818 72	
Nipsic	do	1873	164	264,466 00	20,485 17	98,403 62	259,063 18	56,789 91	48,812 10	41,962 36	789,982 34	5
Omaha	do	1867	252	601,505 00	338,089 92		155,274 54	187,402 83	50,673 84	139,334 51	1,472,280 64	10
Ossipee	do	1861	172	363,787 00	763,062 97	43,277 20		461,951 95		229,442 45	1,861,521 57	6
Palos	Iron	1865	51	128,000 00	93,508 98			61,740 97	23,541 25	435 29	307,226 49	3
Pensacola *a*	Wood	1858	348	304,790 00	1,209,773 98	468,783 02	367,499 98			435,301 09	2,786,148 07	3
Pinta	Iron	1865	52	128,000 00	139,272 00			91,697 00	7,915 91	21,501 20	388,386 11	3
Powhatan	Wood	1847	243	771,771 00	774,718 24			136,591 22		339,593 98	2,022,674 44	1
Quinnebaug	do	1871	187	471,773 00	22,220 12		207,991 86	95,333 73	63,340 69	17,211 20	877,870 60	5
Ranger	Iron	1873	129	207,322 00	74,755 48		140,522 58	38,990 15	39,184 10	37,828 79	538,603 10	15
Richmond	Wood	1858	264	566,259 00	682,540 38			225,964 02		394,644 87	1,869,408 27	6
Shenandoah	do	1862	219	379,917 00	566,374 63	69,006 24		210,453 00	15,143 51	185,359 64	1,426,254 02	2
Swatara	do	1872	185	348,214 00	141,880 00		190,743 37	157,729 28	72,434 65	129,774 62	1,040,775 92	5
Tallapoosa	do	1874	131	200,692 00	180,278 54	82,939 73		230,543 71	23,067 42	32,422 53	749,943 92	6
Tennessee *j*	do	1865	394	908,564 00	850,681 91	1,118,990 41		275,135 05	182,996 21	352,232 33	3,688,599 91	
Trenton	do	1873	423	659,256 57	240,204 82	660,458 15		101,123 84	131,878 22	40,958 72	1,833,880 32	10
Thetis	do	1884	12	140,000 00	31,696 57			895 02			172,591 59	10
Vandalia	do	1872	172	623,430 12	125,711 22	101,930 37		126,768 52	75,857 44	95,486 54	1,149,234 21	10
Wachusett *k*	do	1861	190	314,362 85	383,576 20			204,131 75			902,070 80	
Wabash *g*	do	1854	82	864,100 00	938,289 81			252,594 01		278,213 62	2,333,197 44	
Monterey *c*	do			23,437 00	86,737 19		58,992 85	50,672 70	1,075 92	4,794 02	225,709 68	2
Rocket *c*	do			22,500 00	20,038 41			38,825 76		686 61	81,750 78	3

a This vessel was built of iron with single bottom and has 5 inches of laminated armor, turret from 10 to 11 inches in thickness, armed with muzzle-loading guns of antiquated type. It can not be said to be possessed of any value viewed from a military standpoint at the present time, and would require extensive repairs to make it fit for service.

b Yard tug; purchased; condemned.
c Purchased; yard tug.
d Purchased.
e Not worth repairs.
f Condemned.
g Not worth repairing.
h Has no machinery.
i On stocks.
j Should be condemned.
k Condemned.

Name of vessel.	Of what built.	When built.	Complement of officers and crew.	Original cost in Construction department.	Cost of repairs Construction department.	Original cost of machinery.	Cost of present machinery.	Cost of repairs to machinery.	Cost of equipment outfit.	Cost of repairs to equipment outfit.	Total cost including repairs.	Probable future length of effective service.
												Years.
Portsmouth *l*	Wood	1843	118	$147,057 00	$630,062 48					$101,226 34	$878,345 82	2
Jamestown *l*	do	1845	118	176,544 00	747,858 54					109,605 42	1,004,067 96	2
Saratoga *m*	do	1842	118	139,185 00	565,593 70			$42 63		106,729 11	811,550 44	2
New Hampshire *n*	do	1863	166	372,948 00	131,882 56					130,525 19	635,355 75	
Vermont *n*	do	1848	100	212,999 00	127,627 09					62,420 24	403,046 33	
Constitution *n*	do	1797	15	302,719 00	807,692 37					158,266 92	1,268,678 29	
Independence *n*	do	1837	71	287,600 00	543,798 05					55,753 13	887,151 18	
St. Louis *n*	do	1828	49	125,468 00	526,516 20					51,506 39	703,490 59	
St. Mary's *n*	do	1844	15	162,997 00	452,404 64					25,500 00	740,901 64	
Dale *n*	do	1839	50	97,361 00	287,116 87					53,936 79	420,414 66	
Constellation *o*	do	1854	195	277,106 00	319,437 59			8 00		70,811 71	667,362 30	
Total			10,333	28,411,306 82	24,077,342 04	$4,105,289 27	$2,291,839 68	8,776,337 41	$1,484,748 37	7,446,496 88	75,273,312 06	
Amphitrite *p*	Iron	1874	*q*162		*r*414,192 36	317,621 53	208,712 32				940,526 21	
Miantonomoh	do	1874	*q*162		*r*941,882 64		663,108 16	126,577 96	20,101 82		1,751,670 58	
Monadnock	do	1874	*q*162		*r*585,600 61	321,460 28		31,078 34			938,139 63	
Puritan	do	1874	*q*162		*r*511,928 50	230,196 74	410,299 99	3,166 60			1,155,591 83	
Terror	do	1874	*q*162		*r*436,811 73	216,833 05	208,712 32	34,183 82			896,540 92	

l Wooden sailing vessel and no machinery; used as training apprentice ship; old, and expensive to keep in repairs, and will not last longer than two years.
m Wooden sailing vessel; used as training apprentice ship; old, and expensive to keep in repairs, and will not last longer than two years.
n Wooden sailing vessel and no machinery; of no use to the service except for receiving or school ship.
o Wooden sailing vessel and no machinery; will last a long time as a practice ship at the Naval Academy.
p New, with double-bottom hull; the Miantonomoh is nearly complete; the Puritan has her engines in; the work of putting the machinery in the Amphitrite and Terror is now under way; the Miantonomoh lies at Mare Island navy-yard.
q Complement allowed during late war.
r Cost Construction department to date.

In it not only appears the name, age, and character of every vessel, but there is also shown the original cost of each ship and all subsequent expenditures upon it in the way of repairs. The probable length of future effective service which may be expected of each vessel is also given.

This statement, carefully prepared—every figure taken from the original entry—furnishes the most conclusive testimony, not only as to the present condition of the fleet, but it also exhibits, with perfect accuracy and in the strongest light, the wasteful expenditure of the public treasure that has characterized our naval administration during the past twenty years.

It presents a sad commentary upon the wisdom, the economy, and the efficiency of those who have been charged with high and important functions, and is indeed a sorrowful answer to the vast sums that have been so liberally appropriated for the proper maintenance of this popular branch of the military service. Its entire accuracy can not and will not be questioned. The responsibility for this shameful condition of our Navy rests upon those who have been charged with the disbursement of the money intrusted them, and they will not be permitted to equivocate or to deny. The original entries are in the books of their own making and keeping. These books have been opened and examined, and upon their every page are found the indisputable evidences of their own official misconduct and everlasting disgrace.

So much as to our fleet. When viewed in the light of the facts which I have been able to lay before the committee "the some slight mistakes made even under the beneficence of Republican rule" admitted to have occurred by the distinguished gentlemen from Maine [Mr. BOUTELLE] develop into crimes of the greatest magnitude and call for the severest condemnation by all just-minded men of whatever political faith.

But how does it stand with reference to our navy-yards? Is their present condition such as to justify the expenditure that has been so lavishingly made upon them for the past twenty years?

The gentleman from West Virginia [Mr. GOFF] commends most highly the present bureau system, and, in glowing and emphatic terms, pronounces it the perfection of wisdom and the careful embodiment of long official experience.

I have great confidence in the judgment of my friend from West Virginia, and, apart from political partisanship, would accept any opinion coming from him without question.

But to-day he seems to have lost that equipoise of judgment by which he is characterized, and, altogether ignoring what has heretofore been written upon the subject by an eminent and highly-trusted member of his own party, showers down upon the bureau system as at present constituted, in language strong, forcible, and copious, his choicest and richest benedictions.

I, however, appeal from the judgment of the honorable gentleman from West Virginia to the deliberately formed and carefully expressed opinion of Hon. William E. Chandler, ex-Secretary of the Navy, delivered under the sanction of a grave constitutional duty.

In his annual report of 1883, Mr. Chandler, referring to the defects in the navy-yard management, says:

> Much difficulty has been experienced in effecting navy-yard reforms, owing to the opposition of persons interested in the existing system, not only to closing the repair-shops in yards to be hereafter kept only as naval stations and arsenals, but also to concentration and economy at yards which are to be kept open for work. The assistance and specific directions of Congress should therefore be sought and effectively accorded. The arguments and facts which show that reforms should be instituted are overwhelming. The change of naval construction from wooden to steel ships would of itself involve a revolution in methods of work. With but little more than thirty vessels in commission, only five or six have required repairs at any one time, and by distributing these among as many navy-yards the cumbrous organization and heavy expenditures at each yard have been hung upon and charged to the one ship then in hand, with the results which published records have shown.

And again, in his report of 1884, he tells us, as the result of his official experience and of his thorough acquaintance with the present method of departmental work, that—

> There is something radically wrong in a system which unites in a single organism a military post with its routine, its forms and ceremonies, its modes of official correspondence, its quarters for officers, and its drill-grounds and barracks on the one hand, and a mechanical workshop devoted to operations that have not the remotest connection with the discipline of a military service. The organization, the methods of control required, the objects to be accomplished are totally dissimilar and incompatible. It would be wrong to undervalue the importance of military forms and usages and the elaborate but perhaps necessary machinery which is a characteristic feature of military administration; but it is clear that this is not the kind of machinery that belongs to a workshop.
>
> At the present time navy-yard administration is overloaded with traditions and customs, the work is obstructed by a cumbrous organization, technical responsibility is lost in the elaborately graded multitude of semi-technical and semi-military officials; instead of smoothness is to be found friction, instead of promptness delay and procrastination, instead of thrift extravagance, instead of unity of action a mass of discordant interests. And as if one such establishment were not enough of a blunder, the national policy, under the clamor of localities seeking patronage, has multiplied these military shops and dotted them all over the country, in order that the benefits of wasteful governmental expenditure may be shared by many States.

Here, Mr. Chairman, we find the Secretary of the Navy sustained by the President, and with a majority of the Senators in close political sympathy with him, proclaiming the grossly defective character of the departmental organization—complaining of the improper combination of powerful and interested influences to thwart every attempt toward the correction of existing evils—and calling upon Congress, with the greatest emphasis, to interpose and to assist him, by statutory enactment, in the laudable endeavor to correct the fearful abuses that were preventing an economical and efficient administration of our naval affairs.

That the committee, Mr. Chairman, may be advised as to the expenditures at the several navy-yards during the last seventeen fiscal years, under the mischievous operation of the prevailing bureau system, I submit the following tabular statement. [For statement see opposite page.]

This statement speaks for itself, and should immediately awaken every one, who may give it the proper consideration, to the necessity of the speedy inauguration of measures that will prevent such gross mismanagement in the future.

Mr. Chairman, while upon this subject I beg to call attention to several portions of the very able and exhaustive report of the present Secretary. Speaking of the organization of the Department, he says:

> It must be evident that there is something radically wrong with the Department. The universal dissatisfaction is the conclusive proof of this. It is expressed to me by influential members of both political parties, and quite universally by the naval officers, coupled with the hope and expectation that some remedy may be found and speedily applied. Placed temporarily in charge of the interests of the service, it forces itself daily upon me for consideration.

Tabulated statement showing cost of maintaining the various navy-yards, with value of their products, from the year 1868–'69 *to the year* 1884–'85.

Heads of expenditure.	Mare Island, Cal.	Portsmouth, N. H.	Boston, Mass.	New York, N. Y.	League Island, Pa.	Washington, D. C.	Norfolk, Va.	Pensacola, Fla.	Total.
Cost of repairs made to buildings, docks, wharves, &c.	$1,198,656 24	$739,355 98	$1,171,599 84	$1,046,412 59	$360,844 70	$790,053 08	$879,424 53	$438,721 58	$6,625,068 54
Cost of repairs made to machinery	445,873 66	571,509 17	365,098 53	817,955 21	60,160 55	299,058 61	393,760 24	74,322 10	3,027,738 07
Civil and contingent expenses: Clerk, messengers, watchmen, teams, fire-engines, fuel, furniture, vehicles	2,743,596 07	2,119,170 84	3,858,269 59	4,301,290 82	1,093,162 30	2,475,267 18	2,439,045 60	929,850 40	19,959,652 80
Cost of dredging	41,972 96	.....	17,569 14	186,743 16	20,826 26	46,189 60	70,468 28	.....	383,769 49
Total cost of maintaining yard	4,321,896 61	3,410,566 06	5,387,833 91	6,230,094 14	1,512,614 82	3,534,019 35	3,756,939 40	1,414,076 29	29,568,040 58
Amount expended for material and labor used in producing manufactured articles, or performing work for the Navy	7,215,050 85	8,536,767 48	13,721,762 05	16,846,472 52	2,202,620 91	11,976,305 27	7,219,340 38	363,337 89	68,081,657 35
Estimated value of manufactured articles produced and work performed for the Navy	8,266,237 15	10,520,599 11	16,779,450 51	19,700,543 27	2,604,753 62	15,173,985 88	8,353,561 06	387,434 70	81,786,565 30
Cost of maintaining yard and performing work for Navy, less estimated earnings	3,270,710 31	1,426,734 43	2,330,145 45	3,376,023 39	1,110,482 11	336,338 74	2,622,718 72	1,389,979 48	15,863,132 63

And again:

For the security of the public it is provided by law that the purchases of the Navy Department shall be by contract, after advertisement, and shall go to the lowest bidder; that only "regular dealers" shall be dealt with by the Department, which has been interpreted to mean persons whose occupation it is to deal in such articles with the general public. The contract system can be dispensed with only when there is an emergency certified to by the bureau officer for the immediate purchase, doubtless largely intended for a time of war. Without an efficient head to establish a system and attend to its proper enforcement in the matter of purchases, one would expect to find that order of things which has heretofore brought grave scandals upon the Department, namely, large private purchases where contracts were intended by law, and the business falling into the hands of naval contract brokers to the exclusion of regular dealers in the articles. These abuses (quite inevitable in the absence of a proper system) were investigated and exposed by Congressional committee years ago; but by recent investigations I find the same order of things largely existing down to a recent date, and the same men named in the Congressional report holding substantially the same relation to the Department as before, and with the same scandalous results.

The open purchases of the Navy Department for the year ending June 30, 1885, amounted to $841,285.84 while the purchases by contract amounted to only a little over a million. A large proportion of the open purchases consisted of articles of either comparatively small value, or more or less difficult of classification; but $138,000 of the amount was spent by the seven bureaus, each acting independently of the other for coal bought, not in one lot, but at 166 several open purchases (this does not include coal bought by ships on foreign stations); 299 different open purchases of stationery were made by eight different bureaus; $121,315 66 was spent for lumber and hardware by six bureaus in 499 separate open purchases. Seven bureaus spent $46,000 for oils and paints in 269 separate purchases; 117 different open purchases of iron and steel were made at an expense of $41,524.48; $68,881.59 was spent for hemp and cordage in 45 different open purchases. Eight bureaus supply stationery to ships; three bureaus supply ships with lamps and lanterns. To the same ship one bureau supplies electric lights and the light for general illuminating purposes; another supplies electric search lights, and a third oil and light for the engine and fire rooms.

These facts are taken from the records of the year ending June 30, 1885, and its showing is more favorable than that for the previous year.

And, also:

In the summer of 1883 an order was given for $61,000 worth of canvas to a person who was not a dealer in the article and at a time when there was the usual supply of canvas on hand.

Under an order made by Secretary Thompson in 1877 it was understood that the limit of any single purchase under a "certificate of necessity" was $500. For purchases involving a larger amount resort must be had to the ordinary contract system. Several months were consumed in the delivery of this $61,000 worth of canvas and the bills were made out in sums of less than $500 each. The "certificate of necessity" accompanied each one, and in that form the bills passed the Treasury Department.

Two or three of these bills, with the bureau officer's certificate of necessity upon them, would sometimes be dated and presented on the same day.

During the same year coal was purchased by different paymasters from the same person on or about the same days, deliverable at the very same place, of like quality and character, but at prices differing from 50 to 65 cents a ton.

It is idle to suppose that abuses of the character I have glanced at can be prevented merely by a change in the *personnel* of the Department. It is the system that is vicious.

And further:

Take the Omaha for an example. She has been rebuilt within the last four years, at an expense of $572,000. It was an act of the greatest folly. She in a repaired wooden vessel, with boilers, machinery, and guns, all of which would at the time have been sold for what they would have brought by any other nation on earth. In the event of a war she can neither fight nor run away from any cruiser built contemporaneously by any other nation. Her rebuilding cost the full price of a modern steel ship of her size and all modern characteristics.

* * * * * * *

At present the four heads of these bureaus, instead of co-operating, work independently of each other and not always in harmony in producing their respective parts of a completed ship. After the Omaha had been commissioned and was ready for sea, it appeared that the several bureaus working independently upon her had between them so completely appropriated her space that they had left her coal-room for not more than four days' steaming at her full capacity. Each bureau, too, finds it necessary to maintain its separate shops in the several navy-yards, each with a separate organization of foremen, quartermen, leading men, &c., so that shops doing precisely the same class of work—carpenter-shops and machine-shops, for instance, are commonly duplicated and sometimes triplicated in the same navy-yard with a corresponding multiplicity of foremen and organization expenses—a state of things which, under the present organization of the Department, it is almost impossible to correct.

Certainly, Mr. Chairman, it will not be deemed necessary for me to further answer that portion of the speech of the gentleman from West Virginia which has reference to the bureau system as now maintained in the Navy Department. If these subdivisions of labor and authority were ever of any advantage to the country, those who favor their continuance should be required to demonstrate, with proof the most convincing, their entire adaptation to the purposes for which they were instituted.

But I will not dwell longer upon this subject. There is upon the Calendar of the House a bill reported by the Committee on Naval Affairs, which, if enacted into law, will, it is confidently believed, bring about a considerable reformation of the abuses that have impaired the efficiency of the Naval Department for so many years, subjecting it to the imputation of the most shameful and wasteful extravagance, and of the corrupest practices that ever disgraced the government of a free people.

In reference to this bill, I desire to correct a statement just made by the gentleman from West Virginia. In his remarks I understood him to say that another bill upon the same subject was prepared by Mr. Whitney and submitted to the committee, and that he afterward acknowledged before the committee the impropriety of the bill, and desired that it should not be reported upon; and that the present bill, now upon the Calendar, was prepared by or at the instance of Mr. Whitney and submitted to the committee. If I have understood the gentleman correctly, I am bound to say that the gentleman from West Virginia is quite mistaken.

It was my habit to attend the meetings of that committee regularly, and I was present when the Secretary appeared before it. I heard no such acknowledgment from him. On the contrary, he strongly and earnestly favored its approval by the committee. That bill was discussed day after day by the committee, and it was only when the Republican members refused to join in the measure of reform that the chairman of the committee [Mr. HERBERT] himself prepared the bill now upon the Calendar and submitted it to the Secretary.

I repeat it, the bill, as presented to the committee, was not the work of the Secretary, but of the chairman of the committee, the gentleman from Alabama. The Secretary of the Navy had nothing whatever to do with its preparation, and the gentleman from Alabama, on his own motion, submitted it to the Secretary of the Navy and then brought it before the committee.

Mr. BOUTELLE. I would like to ask the gentleman if it was not introduced with the approval of the Secretary of the Navy.

Mr. SAYERS. It was introduced with the approval of the Secretary, for the reason that any reform inaugurated by this House would be better than none. It was approved by the Secretary because, under the present system, it would be impossible for him or any other Secretary to correct those vicious abuses which have been portrayed in such vivid colors by his predecessor, Mr. Chandler.

Mr. BOUTELLE. Would it be convenient for my colleague to inform me how he knows what the motives of the Secretary were in giving that approval?

Mr. SAYERS. If the gentleman from Maine had attended the meetings of the committee, as it was his duty to do, he might be as well informed upon that point as myself.

Mr. BOUTELLE. Do I understand my colleague to say that the Secretary of the Navy has, in any way, advised the Naval Committee of the reasons which induced him to approve the substitution of the second bill for the first one?

Mr. SAYERS. It was not necessary for him to advise the committee.

Mr. BOUTELLE. Very well. How, then, could I have been informed upon the subject by attendance at the meetings of the committee?

Mr. SAYERS. Because it was talked over repeatedly, openly and aboveboard, by the committee.

Mr. BOUTELLE. But how could the committee have been informed of the Secretary's motives?

Mr. SAYERS. Because the Secretary told the chairman of the committee, and by the chairman the committee was so informed. Now you have it; are you satisfied?

Mr. BOUTELLE. Ah! Some private understanding between the Secretary of the Navy and the chairman of the committee!

Mr. SAYERS. No, sir; no such thing.

Mr. BOUTELLE. Mr. Chairman, I am talking about official communications from the Secretary of the Navy to the Committee on Naval Affairs, not about private understandings.

Mr. SAYERS. I object to the gentleman further interrupting me. There were no private understandings. It is not the policy of our party.

Mr. BOUTELLE. Then I would like the gentleman to state the official communication conveying this information.

Mr. SAYERS. I have not the time to further bandy remarks with the gentleman from Maine. It was my intention when this debate began to adopt a different line of argument before the committee, but the gentleman from West Virginia [Mr. GOFF] has seen proper to bring up the question of the Dolphin and the cruisers, which were undertaken to be constructed by Mr. John Roach, whom the gentleman has repeatedly, and with much apparent affection, termed "Honest John Roach."

Let me to say to the gentleman from West Virginia, and to all who think like him, Mr. Chairman, that we do not shrink from a most thorough and critical examination into everything connected with the dispatch boat—the Dolphin. We are more than willing that the light of intensest inquiry and criticism be turned upon that piece of business, and if anything can be discovered that will be agreeable to Honest John Roach, or to the advisory board, or, to the then Fourth Auditor of the Treasury, or to the then Secretary of the Navy, or to their friends, we will most heartily wish them every enjoyment of what small crumbs of comfort they may be able to seize upon.

By way of answer to what has been said by the gentleman from West Virginia upon this subject, I shall submit to the committee three propositions, and will endeavor to support each of them by such argument and evidence as will convince every unprejudiced mind of their entire correctness.

These propositions are:

First. That Mr. Roach undertook the construction of the Dolphin, the Boston, the Atlanta, and the Chicago for a price much less than their proper construction would be reasonably worth, and that in order to partly save himself in the transaction he was compelled to build and did build the Dolphin so defectively, as compared with the terms of his contract, that it could not successfully answer the purpose for which it was intended.

Second. That the naval advisory board, whose duty it was, as defined by the statute, "to advise and assist the Secretary of the Navy in his office or elsewhere, in all matters referred to it by him relative to the designs, models, plans, specifications, and contracts for said vessels in all their parts, and relative to the materials to be used therein and to the construction thereof, * * * and to examine all materials to be used in said vessels and inspect the work on the same as it progressd and have the general supervision thereof under the direction of the Secretary," was either grossly neglectful of its duties or was incapable of their proper performance, or was in close sympathy with Mr. Roach and to the detriment of the Government.

Third. That Mr. Secretary Whitney, in all that he has done in reference to the Dolphin and the other vessels, has acted as an honest, faithful, and efficient officer, looking to the interests of the Government only in every step he took.

These propositions are plain, can be easily understood, and they comprehend the whole matter. Let us examine them carefully, with that spirit of fairness and sense of justice which is alike due to all concerned. Congress, in pursuance of the recommendation made by the naval advisory board in its report of December 20, 1882, authorized the construction of three cruisers and one dispatch boat as recommended by said board in said report, and especially provided that no such vessel should be accepted unless completed in strict conformity with the contract.

As this report, Mr. Chairman, must necessarily be the beginning point in this examination, I invite the attention of the committee to the following passage:

Also one dispatch vessel or "clipper," to have a sea speed of 15 knots, to be built of iron, and be armed with one 6-inch breech-loading rifle and four revolving guns.

ESTIMATES.

Load displacement	tons...	1,500
Cost:		
To hull		$230,000
To machinery		175,000
To ordnance		30,000
To equipment		25,000
Total		460,000

On the 28th day of April, 1883, Mr. Secretary Chandler invited proposals for the building of these vessels until July 2, 1883. Mark the shortness of the time. Congress had provided that at least sixty days should be allowed for this purpose, and the Secretary avails himself of the shortest limit. In this publication for proposals we find the following clause:

The three cruisers must be completed within eighteen months and the dispatch boat within twelve months from the execution of the respective contracts. Payments to each contractor will be made in ten equal installments as the work progresses, upon bills duly certified, from which 10 per cent. will be reserved, to be paid on the full and final completion of the contract.

There were four proposals submitted by as many different parties for each vessel, and as the amount of the several bids will to a certain extent indicate the estimated value of the work and material involved, I submit them to the committee.

Tabular statement of proposals for the construction of the steam steel cruisers Chicago, Atlanta, and Boston and the dispatch boat Dolphin.

CHICAGO.	
No. 1	$1,120,000
No. 2	1,080,000
No. 3	1,163,000
No. 4. John Roach, Morgan Iron Works, New York city, N. Y	889,000
ATLANTA.	
No. 5	775,000
No. 6	650,000
No. 7. John Roach, Morgan Iron Works, New York city, N. Y	617,000
No. 8	763,400
BOSTON.	
No. 9	777,000
No. 10	650,000
No. 11. John Roach, Morgan Iron Works, New York city, N. Y	619,000
No. 12	748,000
DOLPHIN.	
No. 13	375,000
No. 14. John Roach, Morgan Iron Works, New York city, N. Y	315,000
No. 15	380,000
No. 16	420,000

The gentleman from West Virginia [Mr. GOFF] was unfortunate in calling the attention of the committee to these bids. Viewed in the light of subsequent events they can not fail to suggest the thought that "Honest John," when so greatly underbidding his rivals upon every ship, knew what he was about; that his loss would be only apparent, and from the investment he would surely reap a rich reward. "Honest John" was dealing with his friends. It would not do to lose the bids, whatever the seeming sacrifice.

And so "Honest John" secures the bids and executes his bonds, that for the Dolphin bearing date July 23, 1883.

To demonstrate, Mr. Chairman, how thoroughly inefficient a bond, however well drawn and carefully prepared, may become for the purpose apparent on its face whenever the contracting parties are strictly in accord with one another, I shall read to the committee some of the clauses that are to be found in the Dolphin bond. They are worth listening to, however inoperative they may have afterward become through the dexterous management of these mutual friends, the Secretary of the Navy, the Fourth Auditor of the Treasury, the advisory board, and "Honest John Roach." One might well imagine that trained and skillful gamblers were at work. The contract intended for the public was duly signed, sealed, delivered, and admitted to record with all the solemnity of official routine. The contract to be executed was yet to see the light of day—perhaps never. The clauses, Mr. Chairman, that I desire to submit to the committee are as follows:

Whereas the act making appropriations for the naval service for the year ending June 30, 1884, approved March 3, 1883, made an appropriation for the construction of a steel cruiser of not less than 4,300 tons displacement, then specially authorized by law; two steel cruisers of not more than 3,000 nor less than 2,500 tons displacement each, and one dispatch boat; and authorized the Secretary of the Navy to construct said vessels;

And whereas, after due advertisement, the proposal of the said principal party of the first part for the construction of the hull and machinery of one of said vessels, to wit, a dispatch boat of about 1,500 tons displacement, has been duly accepted by the Secretary of the Navy;

And whereas the drawings and specifications required by the act of August 5, 1882, have been duly provided, adopted, and approved in accordance with the provisions of said act relating thereto:

Now, therefore, this contract witnesseth that, in consideration of the premises and for and in consideration of the payments hereinafter provided for, the parties of the first part, for themselves, their heirs and assigns, personal and legal representatives, do hereby covenant and agree to and with the United States as follows, that is to say:

First. The said parties of the first part will, at their own risk and expense, construct, in conformity with the afore said plans and specifications hereto annexed, and in accordance with the provisions of the acts of Congress approved August 5, 1882, and March 3, 1883, respectively, before mentioned and relating thereto, one dispatch boat of about 1,500 tons displacement, with fittings as specified, of the following principal dimensions:

Length between perpendiculars, 240 feet; extreme breadth, 32 feet; depth in

hold, 18 feet 2 inches; and provided and fitted with machinery, engines, and boilers complete in all their parts, appurtenances, and spare parts, and in all respects as described in the specifications, and deliver the same at the port of New York, N. Y., or Norfolk, Va., to such persons as the Secretary of the Navy may direct to receive the same, at either of said ports.

Second. The construction of the hull and machinery, and the fittings of the vessel, shall conform in all respects to and with the plans and specifications hereto annexed, which plans and specifications shall be deemed and taken as forming part of this contract with the like operation and effect as if the same were incorporated therein. No omission in the plans or specifications, of any detail, object, or provision necessary to carry this contract into full and complete effect, in accordance with the object and intent of the acts of Congress above mentioned, shall operate to the disadvantage of the United States, but the same shall be satisfactorily supplied, performed, and observed by the parties of the first part, and all claims for extra compensation by reason of, or for or on account of such extra performance are hereby and in consideration of the premises expressly waived.

* * * * * * *

Fourteenth. It is mutually understood, covenanted, and agreed, by and between the respective parties, that it shall not, under any circumstances, be obligatory upon the party of the second part to accept the vessel or any part thereof to be constructed under this contract unless the same shall have been completed in strict conformity with this contract, under the supervision of the naval advisory board, and in accordance with the provisions of the act of August 5, 1882, as modified by the act of March 3, 1883, hereinbefore referred to, and this qualification shall be deemed and taken as applicable and applying to each and every clause, covenant, and condition, express or implied, in this contract contained.

Fifteenth. It is hereby mutually and expressly covenanted and agreed, and this contract is upon the express condition, that no Member of or Delegate to Congress, nor any officer of the United States, naval, military, or civil, is, or shall be, admitted to any share or part of this contract, or to any benefit to arise therefrom.

Sixteenth. The United States, in consideration of the premises, do hereby contract, promise, and engage to and with the parties of the first part, as follows:

1. The contract price to be paid for the vessel, machinery, and fittings, to be constructed and furnished in accordance with this contract, shall be $315,000 (three hundred and fifteen thousand dollars).

2. Payment shall be made by the United States in ten equal installments, as the work progresses, with a reservation of 10 per cent. from each installment.

3. No payment shall be made except upon bills, in triplicate, certified by the inspectors and naval advisory board in such manner as shall be directed by the Secretary of the Navy, whose final approval of all bills thus certified shall be necessary before payment thereof.

4. All warrants for payments under this contract shall be made payable to the contractors or their order.

5. The last payment shall not be made until this contract shall have been fully performed by or on the part of the parties of the first part, and the vessel, machinery, and fittings shall have been accepted by the party of the second part, as in the tenth clause of this contract hereinbefore recited.

6. When all the conditions, covenants, and provisions of this contract shall have been performed and fulfilled by and on the part of the contractors they shall be entitled, within ten days after the filing and acceptance of their claim, to receive the aggregate amount of the reservations from the respective payments made to them during the progress of the work, on the execution of a final release to the United States, in such form as shall be approved by the Secretary of the Navy, of all claims of any kind or description under or by virtue of this contract.

The act in pursuance of which these vessels were to be built provides that neither of them shall be contracted for or commenced until full and complete detail drawings and specifications thereof, in all its parts, including the hull, engines, and boilers shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board or by a majority of the members thereof, and by the Secretary of the Navy. It is to be presumed that this provision of the law had been complied with before these contracts were made.

But, nevertheless, we find that while the Dolphin was undergoing construction no less than forty different changes in the plans of the hull, no less than fifteen different changes in the specifications for building the ship, and no less than thirty-eight different changes in the machinery, aggregating ninety-three changes in all, were actually made. At whose expense, Mr. Chairman, were these alterations effected? Is it to be supposed that "Honest John" suffered in consequence of such action? What was the advisory board doing before the execution of the contract? Its members were selected for their supposed eminent fitness for such duties. Were they wanting in capacity, or did they lack the requisite amount of attention and industry necessary to the perfection of the plans and designs of the vessel prior to the making of the contract? We will soon see how much these changes cost the Government. It is a well-known fact, obtaining in all branches of business, that it is in the alterations of agreements that contractors generally make their largest profits, especially when there has been competition in building.

I now, Mr. Chairman, desire to call the attention of the committee to the sixteenth clause of the contract. By reference to it the committee will see that a reservation of 10 per cent. upon each installment was to be retained until every condition, covenant, and provision of the contract had been performed and fulfilled by the contractor, and we also see that no payment should have been made to the contractor, except on bills in triplicate, certified by the inspectors and the naval advisory board and approved by the Secretary of the Navy.

This clause appears in each of the contracts for the construction of these vessels; yet, nevertheless, we find from this statement furnished me from the Fourth Auditor's office that it was disregarded. The statement reads thus:

DOLPHIN.

Dec. 11, '83, to May 29, '84.	Payments on hull (nine)	$144,666 00	
February 5, 1885.	Payments of reservations on hull (five)	8,930 00	
18, 1885.	Payments of reservations on hull (four)	7,144 00	
Dec. 6, '83, to May 29, '84.	Payments on machinery (nine)	110,484 00	
February 5, 1885.	Payments of reservations on machinery (five)	$6,820 00	
18, 1885.	Payments of reservations on machinery (four)	5,456 00	
	Total payments	283,500 00	
	Price, per contract, fully equipped for sea	315,000 00	
	Extra payments (not included in contract) authorized by Secretary of the Navy	17,494 14	
			$332,494 14
	Amount paid on contract as per schedule of payments above	283,500 00	
			283,500 00
	Unexpended balance		48,994 14
	Total payments to John Roach, contractor for Dolphin	300,994 14	

CHICAGO.

Mar. 28, '84, to Jan. 29, '85.	Payments on hull (eight)	439,200 00	
February 5, 1885.	Payments of reservations on hull (five)	38,910 00	
Mar. 28, '84, to Jan. 29, '85.	Payments on machinery (eight)	200,880 00	
February 5, 1885.	Payments of reservations on machinery (five)	5,540 00	
		684,530 00	
	Price, per contract, fully equipped for sea	889,000 00	
	Extra payments (not included in contract) authorized by Secretary of the Navy	5,686 46	
			894,686 46
	Amount paid on contract as per schedule of payments above	684,530 00	
			684,530 00
	Unexpended balance		210,156 46
	Total payments to John Roach, contractor, for the Chicago	690,216 46	

Payments made since the Navy Department took charge.

Nov., '85, to Apr., '86, inc.	By Pay Inspector E. Stewart, U. S. N	$20,305 13	
Nov., '85, to May, '86, inc.	By Pay Inspector L. G. Billings, U. S. N	123,715 34	
	Total payments	144,020 47	

ATLANTA.

Dec. 21, '83, to Nov. 17, '84.	Payments on hull (nine)	308,691 00	
February 5, 1885.	Payments of reservations on hull (five)	19,055 00	
18, 1885.	Payments of reservations on hull (four)	15,244 00	
Dec. 21, '83, to Nov. 17, '84.	Payments on machinery (nine)	191,079 00	
February 5, 1885.	Payments of reservations on machinery (five)	11,795 00	
18, 1885.	Payments of reservations on machinery (four)	9,436 00	
	Total payments	555,300 00	
	Price, per contract, fully equipped for sea	617,000 00	
	Extra payments (not included in contract) authorized by Secretary of the Navy	11,827 63	
			628,827 63
	Amount paid on contract as per schedule of payments above	$555,300 00	
			$555,300 00
	Unexpended balance		73,527 63
	Total payments to John Roach, contractor, for the Atlanta	567,127 63	

Payments made since the Navy Department took charge.

Nov. '85, to Apl. '86, inc.	By Pay Inspector E. Stewart, U. S. N	$62,728 46	
Nov. '85, to May '86, inc.	By Pay Inspector L. G. Billings, U. S. N	826 32	
	Total payments	63,554 78	

BOSTON.

Dec. 21, '83, to Dec. 20, '84.	Payments on hull (nine)	309,663 00	
February 5, 1885.	Payments of reservations on hull (five)	19,115 00	
18, 1885.	Payments of reservations on hull (four)	15,292 00	
Dec. 21, '83 to Dec. 20, '84.	Payments on machinery (nine)	191,727 00	
February 5, 1885.	Payments on reservations on machinery (five)	11,835 00	
18, 1885.	Payments on reservations on machinery (four)	9,468 00	
	Total payments	557,100 00	

Price, per contract, fully equipped for sea	$619,000 00	
Extra payments (not included in contract) authorized by Secretary of the Navy	11,825 15	
		$630,825 15
Amount paid on contract as per schedule of payments above	557,100 00	
		557,100 00
Unexpended balance		73,725 15
Total payments to John Roach, contractor for the Boston	568,925 15	

Payments made since the Navy Department took charge.

Nov., 1885, to April, 1886. By Pay Inspector E. Stewart, U. S. N	$5,305 13	
Nov., 1885, to May, 1886. By Pay Inspector L. G. Billings, U. S. N	53,551 19	
Total payments	58,856 32	

Now, Mr. Chairman, am I doing an injustice to any one in saying that "honest" John Roach was in the hands of his friends, and that he had nothing to fear however low his bid?

The advertisement for proposals to construct these vessels notified the public that a reservation of such portion of the contract price would be retained until the satisfactory completion of the vessels; it was nominated in the bonds; and yet we find "honest" John Roach with the written consent of the Secretary of the Navy and of the advisory board, and with the permission of the Fourth Auditor of the Treasury, openly and boldly taking from the vaults of the Treasury the security, which by the terms of his contract the Government was to retain until the vessels had been constructed and delivered as he had agreed to do.

The true contract is coming to the light and appears to be quite different from that given to the public. The honorable gentleman from West Virginia has indulged his imagination in no small degree when speaking of this advisory board. Could the contractor, under the terms of his bonds, have drawn the reservations except upon triplicate bills certified by the board? If not, why did they certify the bills? Is it possible that the board did not have intelligence enough to understand the nature of the contract and its own responsibilities under it?

It was clearly its duty to represent the Government, not to assist the contractor in getting hold of the money before it was due him. The board in this and in other matters, that I will presently bring to the attention of the committee, did, in my opinion, great violence to its relations to the Government, and if it had been properly dealt with would be resting to-day under an indictment for conniving at a fraud upon the Treasury.

On the 19th day of January, 1885, in a communication to the Attorney-General, Mr. Chandler, speaking of these vessels, says:

One of the ships has been wholly finished, two more are nine-tenths finished, and the fourth is almost eight-tenths finished, all in full conformity with the contract.

Note their condition and then refer to the report of the advisory board of March 17, 1885, upon the second preliminary trial of the Dolphin, in connection with the Fourth Auditor's account, and it will be perceived that Mr. Roach was permitted to draw—contrary to the express terms of the contract—$28,350 of the reservations on the Dolphin and $155,690 on the other ships, making in all $184,040 taken from the Treasury during the month of February, 1885, with the written consent of the contractor's friends, among whom might also be properly included the then Attorney-General, Mr. Brewster. And if, in addition to this large sum thus illegally withdrawn, we consider the allowances to Mr. Roach because of alterations, $46,833.38, which were also paid him, we will not be astonished at the immense advantages which one, who basks in the sunshine of official favor, has over ordinary mortals in the race of life.

Mr. MILLS. Do I understand my colleague to say that none of the vessels had been accepted when these reservations were drawn?

Mr. SAYERS. Not one of them had been then accepted by the Government. The statement of Mr. Chandler, which I have just read, shows their then condition as he thought it.

Mr. WISE. They never were completed by Mr. Roach.

Mr. SAYERS. The condition of the Fourth Auditor's Office in respect to these vessels became known to Mr. Whitney immediately after his accession to office, and evidently aroused in his mind the suspicion that something was wrong.

Mr. Chairman, what safeguards have the people for protection against public plunderers, if men high in official position, and enjoying the confidence of a great party, then in control of the executive branch of the Government, will not only permit contracts to be thus violated in the interest of their favorites but also actively assist in finding reasons and opportunities for breaking them, to the very great disadvantage of the Government?

We now come to the period in the history of these transactions, when the Dolphin is to be put upon her trial trips preliminary to her acceptance by the Government, and again we find "honest" John Roach and the advisory board in the closest and most friendly companionship. They travel along like brothers. One would not imagine that they occupied independent and antagonistic relations. When we last saw them they were at the Treasury; now they are on board of the Dolphin. It is her first trial trip. How does she behave herself? Is she such a vessel as this advisory board recommended to Congress in 1882? What are the tests that are put to her? The advisory board is still dealing gently with "honest" John. She is put upon the smooth and calm waters of Long Island Sound. An accident happens—a trifling one, however.

I will read, Mr. Chairman, to the committee a portion of the report of the advisory board:

NAVAL ADVISORY BOARD, NAVY DEPARTMENT,
Washington City, 24th November, 1884.

SIR: The board would respectfully report that it was notified by the contractor, Mr. John Roach, that the Dolphin would be ready on the 20th instant for the preliminary trial to test the machinery, engine, boilers, and appurtenances, as required by the ninth clause of the contract. This trial was to be made, as recommended by the board in its letter to the Department of 11th September, in Long Island Sound, and the data to be recorded as required by the United States steam log, and as approved by the Department in a letter to the board of 25th October.

The contract conditions were as follows:

(2) That the collective indicated horse-power developed by said engines under the prescribed conditions shall be two thousand three hundred (2,300), and maintained successfully for six consecutive hours; provided that in case of the failure of the development of this power, the vessel shall be accepted if it can be shown to the satisfaction of the naval advisory board and the Secretary of the Navy that this failure was due neither to defective workmanship nor materials.

The board assembled on board the Dolphin at 8 a. m., on the 20th instant, at the dock in East River at the foot of Eighth street.

The ship left the dock at 9.15 a. m., and proceeded at two-thirds power into the Sound. At 10.46 a. m. she passed Execution Rock light at full speed; the agreement being to run as nearly as possible a straight course at full speed to the Middle Ground light, 30½ miles distant, and as far beyond as neccessary to occupy a time of three hours, in order that six hours might expire on the return to Execution Rock light.

At 12 h. 40m. 10s. the engines slowed down for twenty minutes to examine a bearing; with this exception the engines worked continuously, the boilers furnished ample steam, the fire-room blowers furnishing excellent draught until 2.36 p. m., when, the vessel having fallen off four points while turning at full speed to return, the thrust-length of the main shaft broke just at the neck of the coupling abaft the main bearing.

No damage, further than a slight injury to the bearings of the broken length of shaft, was done to the machinery, and the vessel then came to anchor, lying 4 miles southeast of Falkner's Island light, and assistance was sent for.

The board is gratified to state that, except for this accident, the vessel would have been recommended for acceptance, as the average collective indicated horse-power of the engines was 1,954, and the maximum, 2,151; the average over the ground for the whole distance of 55.7 nautical miles run was, approximately, 15.3 knots per hour.

The board estimates that the speed through the water for one hour, for which more accurate observations were obtained, was at the rate of 16 to 16¼ knots.

The trial was sufficient to convince the board that the vessel will fully meet the estimates of her design when a continuous trial is obtained after the shaft is replaced.

The contractor, it will be readily perceived, is not in the hands of an enemy. The report is short and to the point, but a careful analysis develops the fact that she is not the vessel which Congress desired to be constructed. She has not yet been tried upon a rough sea and before a heavy gale. Let us see how this vessel shows herself upon her second trip. I commend the report of the advisory board to the careful consideration of the committee. "Honest" John and his friend—the advisory board—are again upon deck. They again proceed to the smooth waters of Long Island Sound. The day is not unpleasant, nor is the cruise disagreeable. Everything is auspicious. Let me read portions of the board's description of their day's enjoyment:

NAVAL ADVISORY BOARD, NAVY DEPARTMENT,
Washington City, March 17, 1885.

SIR: The board has the honor to report that the preliminary trial of the Dolphin has been made in accordance with the ninth clause of the contract for the construction of that vessel, concluded July 23, 1883.

As stated in our report of November 24, 1884, the Dolphin was presented for preliminary trial on November 20 last, and while on trial on that date the thrust-length of the steel shafting broke. A new thrust-shaft was made of forged steel, as recommended by the board and approved by the Department in letters dated November 28. This shaft, after being manufactured under the inspection of the board and tested in accordance with instructions approved by the Department on December 5, 1884, was rejected for the reasons stated in the board's letter to the Department of January 9, 1885. Then, in order to avoid delay, the board recommended that this shaft be made of wrought-iron, it being then the intention to retain the other steel shafts, the tests for their examination having so far developed no flaws.

Subsequently, however, in the examination of the broken shaft such extensive additional flaws were discovered in the center of its length, and as flaws were also found in drilling the end of the intermediate shaft, the board decided that the intermediate and steel propeller shafts should be removed and replaced by iron ones under the conditions approved by the Department for the steel shafting of the cruisers, in its letter to the board of January 15, 1885. This decision was approved by the Department and the Dolphin's shafting as tried on the 10th instant consisted of the original built-up crank-shaft, forged from steel blooms with cranks of wrought-iron and steel crank-pins and three lengths of forged scrap-iron shafts of 13¼ inches diameter. Certain changes in detail of the vessel have been made and completed as approved by the Department since the first trial, all of which have tended to the increase of the efficiency of the vessel and contributed to the success of the trial, of which the results were, in detail, as follows:

The Dolphin, in charge of the contractor, Mr. John Roach, left the dock at the foot of Eighth street, on the East River, New York city, at 8.50 a. m., Tuesday, March 10, to make the preliminary trial in Long Island Sound.

The weather was clear; the thermometer showed 31° Fahrenheit; a stiff breeze blew all day from the northwest, at the rate of about 30 miles an hour, according to the Signal Office records; the tide was high at Ward's Island at 5.22 a. m.

The Dolphin's draught of water is 11 feet 7 inches forward, 14 feet 7 inches aft, 13 feet 1 inch mean; the displacement was 1,300 tons, or 200 tons less than the load displacement.

The degree of completeness, apart from the requirements of the contract, will

be shown sufficiently by the following statement: No armament, ammunition, provisions, or stores on board; whale-boat and large cutter at the davits; masts, spars, and rigging complete, no sails on board, water-tanks full, and about 120 tons of coal in the bunkers; anchors and chains on board.

The period of six consecutive hours, during which the engines were to be worked at full power, was begun when the buoy at Throg's Neck bore abeam at 9 hours 58 minutes 4 seconds a. m.

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The machinery in all its parts worked smoothly, continuously, and satisfactorily throughout the trial, and the board is of the opinion that the deficiency of 182 horse-power from the mean of 2,300 required by the contract for six consecutive hours was not due to defective workmanship nor materials, but that with better coal and a well-trained engineers' force these results will be exceeded.

According to the records of the board, the total weight of the machinery, engines, boilers and appurtenances, and spare parts, completed as required, including water in surface condensers and boilers, does not exceed the limit of 430 tons set by the contract. The board finds that the hull and fittings are strong and well built, and in strict conformity with the contract, drawings, and specifications, and that the vessel will be completed in all respects, as required by the contract, on the 18th instant, except the following minor items, namely: adjusting the Hotchkiss-gun centers, and fitting the sideboards for dishes, which can only be completed after the vessel is at the navy-yard.

The board therefore recommends that the Dolphin be accepted, subject to the provisions of the ninth and tenth clauses of the contract, and orders issued to the contractor for her delivery to the commandant of the New York navy-yard, as already agreed upon, on the 18th instant.

The board will forward approved bills for the final payments, in accordance with the memorandum submitted to the Department, being in amount the tenth payment on the contract and the amounts due for changes and additions, as approved by the Department, less the reservation of $8,000, to be withheld under the tenth clause of the contract, and the amounts due the Government on approved changes in the original plans.

It will be noted, Mr. Chairman, in this report, that the steel shaft made to take the place of the one broken upon the first trial trip had been rejected, and that flaws had been detected in the intermediate and steel propeller-shafts, notwithstanding the very great satisfaction expressed by the board in its report of November 24. In consequence of the detection of these flaws and of the rejection of the new steel thrust-shaft and of the intermediate and steel propeller shafts, iron shafts were substituted in their stead. Why this change from steel to iron? What is the reason given by the board for its allowance? The contract required steel. The board says that the change from steel to iron was permitted in order to avoid delay.

There can be but one opinion touching the matter. There was no necessity for haste. Hostilities were not pending, nor did the slightest indication of a war exist. The board was ostensibly the representative of the Government, and it should not have shown itself so ready to accommodate the contractor. The anxiety so clearly manifested by the board to force this vessel upon the Government was, to use no harsher phrase, altogether unseemly. Its conduct can not but arouse the suspicion that there was an intense desire to have the matter settled before the new administration could sufficiently inform itself, so as to act with the proper regard for the public interest. Why, Mr. Chairman, if a gentleman should desire to purchase a horse for driving or for riding, unless he were very familiar with the animal, he would test his qualities oftener and at longer stretches before taking him than did this board the Dolphin, when they recommended her acceptance.

The reason given—to avoid delay—will satisfy no unbiased mind. It tends only to excite ridicule and disgust, or to provoke a just and righteous feeling of indignation against this open exhibition of a flagrant disregard for the public welfare.

A vessel—to which is to be intrusted the lives and honors of gallant men, and upon whose strength and speed may depend the fate of battles and the preservation of cities from assault and capture—should be subjected to severer tests than those applied by the advisory board to the Dolphin.

What was the plain and unmistakable duty of Mr. Secretary Whitney in the premises? He had become cognizant of the gross irregularities in the office of the Fourth Auditor, to which I have already alluded. The great number of changes that had been made in the designs and plans of the vessel had been brought to his attention. The results of the first and second trial trips on Long Island Sound were known to him.

He acted just as any honest man and faithful official would do, if like situated. The advisory board had clearly demonstrated its entire unfitness for the purposes for which it had been constituted. To rely upon it longer would be practically to rely upon the contractor; for the issue had been clearly made and the advisory board had committed itself so strongly to the fortunes of the vessel, that the reputations of both board and vessel were alike involved.

The present Secretary had but one course to adopt. He acted promptly and unhesitatingly, and in so doing showed himself worthy the position he occupies with reference to the President and to the country. He applied to the Attorney-General for an opinion as to the law of the case, and at the same time called to his assistance another board, composed of two naval officers and one civilian, all skilled in the science of naval architecture. Of this no one should be heard to complain.

The Attorney-General in his response said as to the defect in the article of speed:

The act of Congress under which the vessel was built (22 Stat., 477) makes an appropriation for the construction of "one dispatch boat, as recommended by the naval advisory board in its report of December 20, 1882." Upon reference to that report it will be found, as I am informed by you, that the board recommended the construction of "one dispatch vessel or clipper, to have a sea speed of 15 knots," and I take it as very clear that the recommendation became, by force of this reference to it, as much a part of the statute as though it had been recited therein word for word.

The contract contains no express covenant as to the speed of the vessel—unless one is necessarily involved in the stipulation for a "collective indicated horse-power" of two thousand three hundred—but its very first covenant is to construct a dispatch boat "in conformity with the aforesaid plans and specifications hereto annexed, and in accordance with the provisions of the acts of Congress approved August 5 and March 3, 1883, respectively, before mentioned and relating thereto," and I am of opinion that the covenant bound the contractor as effectively to make a ship "of the sea speed of 15 knots" as though he had agreed to do so in express words.

It may be said, possibly, that the covenant as to power and speed is not absolute, but qualified by the provision that, if upon the trial trip the engines should not develop the full power called for by the contract, and the failure should not be due to "defective workmanship or materials," the ship should be accepted by the Government nevertheless.

This attempt to bind the Government to take from the contractor's hands a ship of less power and speed than what the act of Congress peremptorily requires is, in my opinion, utterly null and without effect. It was to the quality of speed more than any other that Congress was looking, as the terms "dispatch vessel or clipper" used in the report of the advisory board referred to in the law plainly show. Congress deemed that the service required a swift vessel of a sea speed of 15 knots, and it directed such a vessel to be contracted for and built.

The contractor can not be heard to allege ignorance of the very law under which the contract was made. He was bound to know the source and extent of the authority of the official with whom he contracted. "Individuals as well as courts," say the Supreme Court, "must take notice of the extent of authority conferred by law upon a person acting in an official capacity, and the rule applies in such a case that ignorance of the law furnishes no excuse for any mistake or wrongful act." (Whiteside *et al. vs.* The United States, 93 U. S., 257; Hawkins *vs.* United States, 96 U. S., 691; The Floyd Acceptances, 7 Wall., 666.)

With a full knowledge of the statute authorizing the construction of a dispatch boat of a designated speed and no other, and with the plans and specifications under which the work was to be done laid before him that he might bid with intelligence and safety, the contractor, if he had misgivings whether a vessel planned like the Dolphin would make the required speed, should have abstained from sending in proposals, knowing as he did, or ought to have done, that a ship defective in point of speed could not be accepted under the statute, whatever her merits might be in other respects.

Under any other view the most imperative requirements of Congress would be liable, at all times, to be evaded upon one pretext or another. I can not conceive how it could be seriously urged that the United States is bound under the law in question to accept from the contractor any other sort of vessel than the one ordered by Congress to be built—namely, a dispatch boat or clipper of a sea speed of 15 knots; and the Dolphin having been found not to be a vessel of that description, as I must assume, it would seem to follow that nothing short of an act of Congress could authorize her acceptance.

And as to the lack of the necessary strength the same authority says:

If this defect exists, as I must assume, it is fatal, whether due to the plans upon which the vessel was built or not, because, by the ninth clause of the contract, the contractor and his sureties stipulate "that the vessel constructed under this contract shall be sufficiently strong to carry the armament, equipment, coal, stores, and machinery prescribed by the naval advisory board and indicated in the annexed drawings and specifications."

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Now, it is too plain for serious discussion that the contractor has by this covenant undertaken to make a ship for a specific purpose in accordance with given drawings and specifications, and has, to all intents and purposes, warranted that the ship so agreed to be built shall be "sufficiently strong" for that purpose. In a word, the contractor, by this covenant, makes the plans of the advisory board his own, and agrees to construct a vessel of sufficient strength according to those plans.

Manifestly, then, the Dolphin, which I am bound to assume, in view of the report accompanying your communication, is anything but "sufficiently strong," can not, for this reason alone, be accepted by you under the contract, the defect mentioned being fundamental in character.

The third objection, as to the general character of the workmanship of the vessel, I need not stop to consider, in view of your representation that, if the vessel is otherwise in accordance with the contract, this objection can be readily dealt with by you, the contractor being ready and willing to make the vessel satisfactory in this respect also.

As to whether the Government has been in any wise estopped or compromitted by acts of acquiescence, approval, or acceptance by the advisory board or others, I am of opinion that the Government stands unaffected by any such acts. This must be the case necessarily, if the law authorizing the building of a dispatch boat is to have effect. Its language is that "no such vessel shall be accepted unless completed in strict conformity with the contract, with the advice and assistance of the naval advisory board," * * * and consequently no acceptance of a vessel not built "in strict conformity with the contract" could bind the Government. Neither the Secretary of the Navy nor any officer under him had any dispensing power over this statute, the words of which, appearing as they do in a context displaying great solicitude for the protection of the public interests, can not be taken in any other sense than as mandatory without a plain disregard of the legislative intention.

The power to accept a ship built under this law can not be exercised unless the fact be that the ship was constructed in strict conformity with the contract, and the mere enunciation from any official quarter that the ship was so constructed, when in truth it was not, lends no validity whatever to a pretended act of acceptance. It was not the intention of Congress that the United States should be foreclosed or concluded in any such way, or that any departure from the contract, except as expressly provided for, should be condoned by the act or judgment of any official, and that it should be open at all times to show that a vessel alleged to have been built and accepted under the law was not so built and accepted. It was competent for Congress to create an extraordinary barrier of this kind against fraud and inefficiency, and it is the duty of those called upon to apply their language to do so in such a way as to make it effective.

The case of the Floyd acceptances, already referred to, shows how difficult it is to bind the Government, by the acts of its officers, in the matter of contracting for and disbursing its moneys; and before that case was decided an opinion by one of my predecessors was given sustaining the view that was afterward adopted in that case. (10 Opin., 288.)

After all, this is but an application of the general doctrine that the Government of the United States, in transactions of this character, is not ordinarily bound by an estoppel. (Fennemore *vs.* United States, 3 Dallas, 363; Johnson *vs.* United States, 5 Mason, C. C., 425; United States *vs.* Collier, 3 Blatch., C. C., 325; Cook *vs.* United States, 12 *ib.*, 43, 61; Herman Estoppel, § 219; 10 Opin., 231; 12 *ib.*, 43.)

These references show the application of this doctrine in almost every conceivable shape; and also, that in dealings with the Government, upon contracts, there is always a safeguard, until the final acceptance by the proper officer, and a disbursement of the money.

The opinion of the Attorney-General, Mr. Chairman, upon the points submitted him can not be otherwise than entirely satisfactory to every one whose prejudices are not so great as to utterly destroy his ability to reach a just conclusion upon the merits of this transaction. It comes from one who stands in the very front rank of his profession, and as such—independent of his high official position—his opinion carries with it a force that is absolutely irresistible.

The board selected by Mr. Secretary Whitney to examine the Dolphin at once entered upon the discharge of the duties incident to its appointment, and on the 15th of June, 1885, submitted a report, from which I read to the committee the following extracts:

The board, after some delay in collecting the data necessary for its information, convened at New York on the 16th April, 1885, and was occupied more or less in the duties before it from that date until the 11th instant; and after careful examination of the vessel and trials under steam, together with all the facts obtainable with regard to the progress of her construction and the changes made from time to time in the original contract and specifications by authority of the naval advisory board, find that, in its opinion, the vessel has not in all respects been constructed in accordance with the terms of the contract and specifications, in that, in various parts and particulars, "the materials and workmanship used and applied in the construction of the hull of said vessel, in details and finish," were not found to be "first-class and of the very best quality," as required and stipulated in said contract and its specifications.

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The Dolphin is intended for a dispatch boat. She has, and was intended to have, very little offensive power. Reliable speed is therefore her first and greatest requisite for usefulness. She must be able to possess this quality in all weather and under all conditions at sea.

The law authorizing the construction of the Dolphin provided for a "sea speed" of 15 knots per hour. A dispatch boat not having the ability to make that speed continuously in such weather as she may reasonably be called upon to encounter, would at this day not answer the purposes of the service.

That a boat of her size should possess this requisite speed it is absolutely indispensable that she should have great strength and stiffness. That the Dolphin has not the requisite strength and stiffness to enable her to make the speed required under the conditions she must be prepared to meet, admits of no doubt, in the opinion of the board.

The board witnessed her performance on the smooth waters of Long Island Sound on three occasions. The conditions were most favorable, but the speed attained, making proper allowance for tidal influences, was not in excess of 15 knots per hour, a result very far from promising a like speed on the sea under the conditions she must always be ready to meet in actual service; for in order that a vessel should keep up a sea speed of 15 knots per hour she should be able to make from 17 to 17½ knots per hour in smooth inland waters like the sound.

On the occasions referred to the vibration of the Dolphin when subjected to only that duty and test was very perceptible, and of a character to demonstrate inadequate strength and stiffness. Under such circumstances the floors of the engine-room were observed to spring severely. And this, let be it noted, occurred when she was subjected to much less severe duty than she must be expected to encounter when actually engaged in the service for which she was intended.

These facts, so obvious to the board, needed no corroboration, but corroboration was furnished on the second of the unsuccessful trial trips witnessed by the board. On that occasion her after crank-pin became hot after a short run—even before the actual trial begun. This pin had given no trouble on the previous trial, and the board was informed by the contractor and his men that it had never before given any trouble. The only reason apparent for the trouble on this occasion, and the one to which it was doubtless due, is to be found in the following facts: On the previous unsuccessful trial about 40 tons of pig-iron had been put in the forward part of the ship to trim her. Five tons more were added on this occasion, and of course some portion of the coal had been consumed from her bunkers. Even these slight changes in the situation of weights were seemingly sufficient to alter her shape so as to cause this after crank-pin to heat almost at once.

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The contract, among other things, provides that "provision be made for closing the fire-room hatches and other openings sufficiently tight to maintain an air pressure equivalent to a head of water of 1 inch in the fire-room," and that the ship's engines shall in a trial trip of six hours indicate 2,300 mean horse-power.

With regard to the first stipulation, no attention seems to have been given for its proper observance, the contractor alleging that such pressure had been obtained on the first trial, witnessed by the advisory board, by using tarpaulins to cover the hatches, but, owing to changes made by the board with regard to the blowers, he could not now get the pressure. It is only too evident that such an alleged contrivance was but a makeshift at best, and could be of no practical value.

With regard to the stipulation as to horse-power, two unsuccessful attempts to run the Dolphin in Long Island Sound for a period of six hours were witnessed by this board. On the third trial the Dolphin succeeded in running the required six hours, and she subsequently made a fourth trial at sea from Sandy Hook to Barnegat Light and loaded to her sea displacement. The trip at sea, however, gave no test of her sea-going qualities, as the water was as smooth as had been previously found in the sound.

On the first unsuccessful trip for the period she was running on the trial her engines indicated a mean collective horse-power of 2,088; on the second occasion her after crank-pin became heated, as previously stated, before the actual trial began; on the third occasion her engines indicated for the period of six hours a mean collective horse-power of 2,253; and on the fourth trial, the boilers making steam under natural draft alone, the horse-power developed by engines and pumps was 1,648.

On all these occasions great efforts were made by the contractor and his men to show the utmost power which could be developed. Her coal was of a superior quality, her engine and fire rooms in charge of regular engineers, and streams of water were kept playing on the journals to prevent heating; in short, her conditions in all respects were more favorable than those she can be expected to have when in service, especially when called upon to run day after day under the varying phases of wind, sea, and weather on the open ocean—the only test of real value in determining the qualities of a sea-going vessel.

With regard to the general workmanship found on board the Dolphin the board is of the opinion that it does not conform to the terms of the contract and specifications in many particulars, as will be seen by reference to the appendix marked 1, annexed to this report, giving in detail the proceedings and findings of the board.

Since the board began its detailed examination, the results of which are embodied in this report and its addenda, the contractor has been at work upon the vessel from time to time in remedying defects discovered by the board, and the Dolphin is now in much better condition and appearance than when the board first saw her, and in some important regards she is substantially improved.

For instance, she has been stiffened forward in the fore peak abreast the bawse pipes by a vertical plate brace, a point where special weakness was observed; in the after transom, where the reverse frames were cut off, the cut frames have been connected by a floor plate; the spar-deck and berth-deck have been calked fore and aft; the step of the mizzenmast, which was weak and insecure by reason of defective support, has been strengthened to a degree promising perfect security; the skin of the vessel has been repainted at various points where the skin was accessible; the hold store-rooms, fore and aft, have been freshly painted and fitted with proper shelving, and other things have been done in the direction of making the Dolphin a much better ship than the board found her on its first inspection.

In an appendix to this report there is a detailed statement specifying the defects apparent in the construction of the vessel.

In number these defects are fully one hundred, many of them being of a very substantial character.

There is, Mr. Chairman, a report from Captain Meade, of the Navy, made to the Secretary on the 20th of March, 1886. Captain Meade had been in charge of the vessel ever since the 3d of December, 1885, and was thoroughly acquainted with her qualities, good and bad.

From this report I desire to submit to the committee the following extracts:

The Dolphin, as at present fitted, can not safely be driven at full power even in moderately rough water, and my opinion is, she is merely useful for smooth-water dispatch.

Under these circumstances it seems rather a misnomer to call her a "dispatch vessel."

And comparing her with sea-going vessels she appears to great disadvantage, since she is too large, too expensive, and too ill-arranged and inconvenient for use as a pleasure craft. (See Inclosure C.)

About 2.30 p. m., with the acquiescence of the civilian experts, I altered the course to the westward to close with the land, and ran the vessel in the trough of the sea to test her rolling powers. I soon found I could not run her over forty revolutions per minute without endangering the boats, and forty revolutions under the circumstances only gave a speed of about 6 knots. The engine-room pendulum showed the greatest roll to be 26°, but the pendulum in the pilot-house marked 40° to leeward and 31° to windward. Yet the roll was easy, and she shipped no water so long as the revolutions were kept down to 40. The experiment of increasing them to 50 caused her to roll quickly and uneasily, and I slowed again.

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To sum up, I consider the Dolphin reasonably strong, and her machinery reliable. As to the latter, there is too much of it; it occupies too much space, and seems to have been carefully designed to employ as many men as possible. The general plan of the ship and machinery is unsatisfactory. In my judgment a vessel like the Dolphin is wholly unsuited to the needs of our Navy. The internal arrangement has many absurd features to the eye of a practical seaman, but on the whole, except as to rough work, my criticism of this vessel concerns the designer rather than the builder. (See Inclosure F.) As the Dolphin in her present condition is merely a smooth-water nondescript, too large and too expensive for use as a yacht and of too limited capacity for a freight boat, being unable to berth comfortably even her own ship's company, I can not help regarding her as a species of marine "crazyquilt"—that is, she shows her design to be the outcome of many conflicting opinions and not that of one controlling and competent brain. Much of the work, especially the decks, joiner work, riveting, cementing, &c., is of a careless or cheap character, indicating either negligence or sharp practice at the yard where she was built, or gross carelessness in the inspection by the Government board and officers detailed for that duty. The inspection of the Dolphin's hull especially calls for severe censure. (See Inclosure D.)

This report was made after actual trial of the ship's speed and working qualities. The ability of this officer is unquestioned, and no charge has been brought against him because of any partiality or prejudice toward any of the persons connected with this unfortunate controversy.

Whatever speed the Dolphin may have developed upon the very limited trials given her by the advisory board and upon which their reports of November 24, 1884, and March 17, 1885, are founded—these trials having been made upon the smooth waters of Long Island Sound—it can not be successfully maintained that the speed reported by that board was equal to a sea speed of 15 knots.

It is my understanding, Mr. Chairman, that there is a difference between ordinary speed and sea speed, and that the rule is, if a vessel is to accomplish a sea speed of 15 knots, she must be able to make a speed in smooth waters of from 17½ to 18 knots.

Mr. GOFF. Will the gentleman permit me to inquire his authority for that statement?

Mr. SAYERS. I am more than willing to furnish the authorities if I can be allowed the time.

Mr. HERBERT. Will my colleague upon the committee [Mr. SAYERS] allow me to read two lines?

Mr. SAYERS. Yes, sir.

Mr. HERBERT. I read from the report of the examining board, page 302 of the last report of the Secretary of the Navy:

In order that a vessel should keep up a sea speed of 15 knots per hour, she should be able to make from 17 to 17½ knots per hour in smooth waters like the sound.

This is a distinction, which the gentleman from West Virginia in his speech entirely ignored.

Mr. GOFF. I concede that the report of the examining board makes the statement, but the advisory board took issue with that statement and denied its truth.

Mr. SAYERS. I decline to be further interrupted, unless more time is allowed me. Upon the question of the difference between ordinary speed and sea speed, Mr. Chairman, permit me to read to the committee an extract from the report of the first advisory board, made November 7, 1881. That board was composed of R. W. Shufeldt, rear-admiral, president of board; Henry Steers, naval architect; Miers Coryell, marine engineer; Alexander Henderson, chief engineer; J. A. Howell, commander; Edward W. Very, lieutenant; F. L. Fernald, naval constructor.

These gentlemen, all officers of the Navy and distinguished for their professional ability and experience, say:

The board decided that, in estimating the proper speed allowance for vessels, what is commonly known as maximum speed, or speed in smooth water on the measured mile, should not be considered, as such a basis is a deceptive one; but that the speed recommended should be the average speed at sea that the vessel would be capable of making under full power.

In order that a high rate of speed may be maintained at sea, a great weight of machinery is necessary, and also a great amount of space in the holds of the vessel. These demands alone place a limit upon the minimum displacement of the ship; while, on the other hand, the necessity of keeping within bounds in the draught of water of the ship, and of restricting the length and other measurements to limits that will permit a proper amount of handiness in maneuvering power, places a limit upon the maximum displacement, and consequently upon the speed.

It is the opinion of the board that the maximum sea speed that can be recommended as the measure of the size of the largest class of vessels is 15 knots per hour.

Upon the same subject Lieutenant Very, of the Navy, testified in this manner:

Take, for example, a ship and put her on the line between Liverpool and New York, and if, after running for a year (taking the weather as it comes, through storm and calm), she makes an average of 15 knots, that same ship will on the measured mile make an average of 17½ knots; but that is her maximum speed, and we have estimated that the highest average speed required was 15 knots.

He testifies further in the report that—

The maximum rate of speed in first-class ships, as contemplated in the report, would be 17 and 18 knots on a measured mile, but the average speed would be 15 knots.

And also Mr. Cramp, a distinguished ship-builder, that—

Fifteen knots an hour at sea, in ordinary weather, with full armament and everything on board, as recommended by the advisory board, was equivalent to 17½ or 18 knots on measured mile.

These opinions come from gentlemen of great ability and long experience, and are entitled to the highest consideration. They were expressed long before the Roach contracts were made, and therefore without reference to this trouble.

A few words, Mr. Chairman, in reference to the charges of a personal character that have been urged against the members of the board appointed by Mr. Secretary Whitney, and also against the Secretary himself, by the gentleman from West Virginia [Mr. GOFF].

These charges, it occurs to me, do not appear to be warranted by anything that has been developed during this controversy, from the beginning to the end. That board, I have been informed, was composed of gentlemen of unimpeachable integrity and of great skill in naval architecture, and I respectfully submit that these charges should have no weight either with this committee or elsewhere, unless supported by better evidence than that offered by the gentleman from West Virginia.

As to the desire of the Secretary to reduce Mr. Roach to penury and bankruptcy, I can only say that Mr. Roach himself does not so believe, if confidence is to be placed in the following letter:

NEW YORK, *November* 3, 1885.

SIR: Your letter of October 1, with draft of proposed agreement relating to the steamship Dolphin, was in due time received, and was entirely satisfactory to me, and I made every effort to have it executed by the sureties on the contract.

For reasons satisfactory to him, one of them declines to unite with me in this. I, therefore, while entertaining the opinion that the agreement does not affect the liability of the sureties, yet am desirous that the agreement should not fail by reason of their refusal to sign, and propose, as consideration to the Government, that from the first moneys coming due me from the Government, arising from other transactions, there be set aside the sum of $25,000 to await the determination of this litigation and to answer any judgment which may be recovered therein.

This in addition to the retention of the balance unpaid upon the Dolphin contract.

It is, however, to be understood that if, at any time pending any future proceedings, the sureties shall sign the proposed agreement, and duly deliver the same, the proviso in said agreement for the retention of $25,000 is annulled, the same being held in lieu of the consent of said sureties.

Respectfully, yours,

JOHN ROACH.

Hon. WILLIAM C. WHITNEY,
Secretary of the Navy.

Surely the friends of Mr. Roach should be satisfied. He has expressed himself entirely so.

Finally, Mr. Chairman, with the evidence that is before us, can the committee come to any conclusion other than that the present Secretary has acted wisely and justly throughout this whole matter? As a confidential adviser to the President and as the chief of a great Department of the Government he has, in a practical manner, demonstrated his entire fitness for the honorable, responsible, and onerous position he occupies.

The President made no mistake when selecting him for a membership in his Cabinet, and the House and the country will sustain him in the effort he made, upon his entry into office, to prevent the accomplishment of a great wrong upon the Government.

To him belongs the high honor of first initiating a reform under the present administration, and I trust that he may follow up the good work, whatever the consequences to himself or to others, until his Department becomes restored to that economy, purity, and efficiency, which in former days made our Navy a pride to the American people and an object of emulation and envy to the nations of Europe. [Applause.]

Mr. BOUTELLE. Mr. Chairman, I have but a few words to say in reply. The gentleman from Texas, in his attempt to vindicate the Secretary of the Navy from the very damaging charges which have been made against him here to-day, substantiated as they are by official records and incontrovertible documents, has devoted his remarks almost entirely to an arraignment of the advisory board under whose supervision the Dolphin and other vessels of that class were designed and constructed.

I desire to say simply that an arraignment of that advisory board is not an arraignment of the Republican party. It is not an arraignment of the Republican administration except in so far as a Republican administration is responsible for the selection of the officers who constituted that board; and yet I desire to assume for myself as a Republican, and the Republican party of this country ought to be proud to assume, whatever of responsibility there may be in the selection of the *personnel* of that advisory board, whose superior, I believe, it would have been impossible to have selected either in the United States Navy or in the navies of the world.

I am surprised, Mr. Chairman, to have my attention called in connection with this point to the fact that the Secretary of the Navy in making his report to Congress, in citing the statement of this advisory board, has carefully and scrupulously concealed and suppressed the names of the board, possibly lest the people of the country might find in the names of these distinguished officers an answer in itself to any aspersions which he or others might see fit to cast upon them.

I find this document of the advisory board which they had to submit voluntarily to a Secretary of the Navy who had published broadcast the sweeping criticism which had been made upon them by a board not provided for by any law or regulation—this document, being their review of these adverse findings, was transmitted to the Secretary with a letter to which the signatures of the advisory board were appended; and the Secretary has carefully omitted the letter and the signatures from his report. I will read the names of that advisory board and call the attention of the House and the country to the character, the standing, the record of the men who have been arraigned to-day as naval experts by my distinguished and expert naval friend from the State of Texas [Mr. SAYERS].

Edward Simpson, rear-admiral of the United States Navy, president of the board, a man who for a lifetime has honored the records of the Navy not only as a gallant officer but who has enriched the scientific literature of the world, and who to-day stands in this country and in Europe an acknowledged authority upon everything connected with naval architecture or naval ordnance.

The next member of the advisory board was Henry Steers, naval architect. I wonder if the name of that family was ever heard of in Texas? Did the hills and valleys of Alabama ever reverberate with the names of James R. and George Steers, the famous builders of the yacht America, and who put afloat that magnificent specimen of naval architecture the frigate Niagara, in whose presence the ships of the world dipped their colors in compliment to American pre-eminence in grace and beauty of modeling? The son Henry, a grandson of the famous Henry Steers, who built the Shark and Grampus in the olden days, has shown himself worthy of his lineage by designing the finest merchant steamships that ever bore the American flag.

Alexander Henderson, chief engineer of the United States Navy; J. A. Howell, captain, United States Navy; F. M. Barber, lieutenant-commander; F. L. Fernald, naval constructor—these are the men who under the law of Congress were selected by Secretary Chandler to design these new ships for the United States Navy.

And now, Mr. Chairman, I desire just one moment more, for I have been generous with my time and have not very much trenched upon the patience of the House. In conclusion let me say that with a modesty born of some experience in naval and maritime matters, with a caution arising from a knowledge that we are in a transition period in naval architecture and that the building of these steel vessels is our first experiment in that line, with a desire to save the possibilities of legitimate criticism which may arise in the future, I wish to give my judgment, humble though it may be, that the ships designed by that board, the Chicago, the New York, the Atlanta, the Boston, and the Dolphin, will prove as fine vessels of their class as float upon the waters of the globe to-day.

I give my prediction that when the Chicago sails from our shore with the flag of the Union at her peak no member of this House who shall see her, no person who shall meet her in the waters of the world, will be ashamed of that piece of handiwork constructed by American artisans, built in a great American ship-yard, by one of the greatest of American ship-builders, from designs by some of the most eminent men, whose achievements and whose skill have embellished and will continue to reflect honor upon the annals of the American Navy. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. TAULBEE took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased;
A bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot;
A bill (S. 277) for the relief of Samuel P. Evans;
A bill (S. 282) for the relief of A. B. Norton;
A bill (S. 618) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co.;
A bill (S. 710) for the relief of the State National Bank of Louisiana;
A bill (S. 988) for the relief of William R. Wheaton and Charles H. Chamberlain, of California;
A bill (S. 1073) to establish a public park at Pagosa Springs, in the State of Colorado;
A bill (S. 1148) providing for the construction of a new wharf at Fortress Monroe, Va.;
A bill (S. 1187) to amend an act incorporating the proprietors of Prospect Hill Cemetery, approved June 13, 1860;
A bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation;
A bill (S. 1213) to regulate insurance in the District of Columbia;
A bill (S. 1232) granting an increase of pension to John S. Hall;
A bill (S. 1375) for the relief of E. C. Chirouse, late United States Indian agent;
A bill (S. 1376) for the relief of John F. Malo;
A bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district;
A bill (S. 1513) for the relief of George T. Newman.
A bill (S. 1576) for the relief of Col. James C. Duane;
A bill (S. 1644) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes;
A bill (S. 1773) for the relief of Lieut. J. McA. Webster, of the Twenty-second Infantry, United States Army;
A bill (S. 1838) to increase the pension of George R. Hooper;
A bill (S. 1882) to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872;
A bill (S. 1935) authorizing and directing the Secretary of War to enlarge, repair, and complete certain military quarters and barracks in Wyoming Territory and in the State of Nebraska;
A bill (S. 1942) for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co.;
A bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party;
A bill (S. 2000) for the relief of P. B. Sinnott, late Indian agent at Grand Ronde agency, State of Oregon;
A bill (S. 2002) granting a pension to Betsey A. Smith;
A bill (S. 2010) granting a pension to William Jumper;
A bill (S. 2060) to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training-school;
A bill (S. 2088) for the relief of the owners, officers, and crew of the British bark Chance;
A bill (S. 2115) granting to the Oregonian Railway Bridge Company, of Oregon, the right to construct a bridge over the Willamette River, in the vicinity of Ray's Landing, Oregon;
A bill (S. 2117) for the relief of the estate of Francis M. Murray, deceased;
A bill (S. 2122) for the relief of John P. Walworth;
A bill (S. 2167) granting a pension to Joanna W. Turner;
A bill (S. 2219) to reduce the license tax of produce-dealers at large, and in the several markets;
A bill (S. 2240) to increase the appropriations for the erection of the public building at Concord, State of New Hampshire;
A bill (S. 2281) granting to railroads the right of way through the Indian reservation in Northern Montana;
A bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1833;
A bill (S. 2298) for the relief of R. G. Combs and others;
A bill (S. 2321) granting an increase of pension to Clara B. Davidson;
A bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government;
A bill (S. 2339) for one additional assistant adjutant-general with the rank of major of cavalry;
A bill (S. 2362) to promote the political progress and commercial prosperity of the American nations;
A bill (S. 2397) for the relief of Turner C. Goodrum;
A bill (S. 2401) to classify and fix the salaries of registers and receivers of United States land offices;
A bill (S. 2414) for the relief of Miss Eula E. Henry;
A bill (S. 2415) for the relief of the trustees of the Christian Brothers College, of Saint Louis, Mo.;
A bill (S. 2418) granting a pension to Sarah E. Boulter;
A bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States;
A bill (S. 2435) granting a pension to Henrietta M. Drum Hunt;
A bill (S. 2438) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement;
A bill (S. 2456) providing for the purchase of the painting entitled "Farming in Dakota";
A bill (S. 2482) to restore pensions in certain cases;
A bill (S. 2497) to increase the pension of James Johnston;
A bill (S. 2504) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont in said State;
A bill (S. 2517) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;"
A bill (S. 2530) for the relief of the legal representatives of John Wightman, deceased;
A bill (S. 2533) for the relief of E. Remington and sons;
A bill (S. 2569) granting a pension to Helen H. Harrell;
A bill (S. 2618) creating an additional Assistant Secretary of the Treasury;
A bill (S. 2622) granting an increase of pension to James B. Royce;
A bill (S. 2646) authorizing the Postmaster-General to pay rent on certain buildings leased for post offices;
A bill (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Florida, and the establishment of a signal station; and
Joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:
A bill (H. R. 544) granting leave of absence to employés in the Government Printing Office;
A bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.;
A bill (H. R. 1418) for the relief of Henry Martin;
A bill (H. R. 1005) for the relief of Theodore W. Tallmadge;
A bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish;
A bill (H. R. 3475) for the relief of William Talbert;
A bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15 east of the sixth principal meridian to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel;
A bill (H. R. 6590) granting a pension to Catharine Whitesell;
A bill (H. R. 6637) relating to contested elections;
A bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas; and

The message further announced that the Senate had passed without amendment bills of the House of the following titles:
A bill (H. R. 107) for the relief of Elias B. Moore;
A bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas;
A bill (H. R. 248) for the relief of Henry Gee;
A bill (H. R. 279) for the relief of T. H. Triplett;
A bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882;
A bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.;
A bill (H. R. 921) granting a pension to Clara L. Preuss;
A bill (H. R. 1059) to grant a pension to Joseph Romiser;
A bill (H. R. 1150) granting a pension to Catherine E. Coffin;
A bill (H. R 1172) to remove the charge of desertion from the record of Franklin Thompson alias S. E. Seeyle;
A bill (H. R. 1902) granting an increase of pension to Simon J. Fought;
A bill (H. R. 2043) to place Mary Karstetter on the pension-roll;
A bill (H. R. 2066) for the relief of Alfred McMurtrie;
A bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings;
A bill (H. R. 2953) for the relief of John P. Bush and James Grigsby;
A bill (H. R. 3384) for the relief of James M. Bacon;
A bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased;
A bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix;
A bill (H. R. 4063) to authorize the improvement of the water-power on the Mississippi River at Little Falls, Minn.;

A bill (H. R. 4115) for the relief of John Taggart;
A bill (H. R. 4412) for the relief of John A. Coan;
A bill (H. R. 4527) granting a pension to Elizabeth Slenbaker;
A bill (H. R. 4615) for the relief of Ann Leddy;
A bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard;
A bill (H. R. 4836) for the relief of Thomas McBride;
A bill (H. R. 5175) extending the provisions and benefits of the preemption law to John E. White;
A bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida;
A bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western Branches of the National Home for Disabled Volunteer Soldiers;
A bill (H. R. 5509) for the relief of Saint Patrick's church, in the city of Washington, D. C.;
A bill (H. R. 5546) for the erection of a public building at Asheville, N. C.;
A bill (H. R. 5547) for the erection of a public building at Savannah, Ga.;
A bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn.;
A bill (H. R. 6665) for the erection of a public building at El Paso, Tex.;
A bill (H. R. 7018) granting a pension to Aretus F. Loomis;
A bill (H. R. 7470) for the relief of William Fisher;
A bill (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury, and to make the same fire-proof;
A bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties;
A bill (H. R. 7809) for the relief of Edwin Stevens;
A bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb;
A bill (H. R. 8332) increasing the pension of James L. Miller;
A bill (H. R. 8651) increasing the pension of Alfred J. Hill;
A bill (H. R. 8676) for the relief of Lafayette Fowler; and
Joint resolution (H. Res. 76) fixing the time when the pay of certain clerks to committees of House of Representatives shall begin.

The message further announced that the Senate had passed with amendments the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, requesting a committee of conference, and had appointed Mr. WALTHALL, Mr. CONGER, and TELLER conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., requested a committee of conference, and had appointed Mr. COCKRELL, Mr. CONGER, and Mr. HARRISON conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. MCADOO. I pause until the other side have ceased to weep over the woes of Mr. John Roach, so eloquently and pathetically depicted by the gentleman from West Virginia [Mr. GOFF]. I had come, in the language of the street, to look upon the case of Mr. Roach as a "chestnut." I thought it was a part of ancient history. I remember very well the Republican party made Mr. Roach and his woes a part of their party platform in the State of New York, and I was well aware that in every Republican newspaper in that State and on every stump where a Republican orator went the great living issue of the day was the persecution of honest John Roach. I have also somewhat of a recollection that when the intelligent people of that great State voted in November they rendered a decisive verdict, adverse to the efforts of the Republican party on behalf of Mr. Roach, among other issues, and, therefore, I was somewhat astonished, knowing the shrewd and astute character of the gentleman from West Virginia [Mr. GOFF], and likewise of the gentleman from Maine [Mr. BOUTELLE], that they should have attempted again on this floor to make a public issue of the question whether the present Secretary has or has not persecuted Mr. Roach. I say this with nothing but respect for Mr. Roach—a self-made man, of determination, pluck, ability, and great enterprise; an excellent type of what a determined, shrewd, industrious man can become under our system of Government.

Now, Mr. Roach is the most singularly successful persecuted man I ever knew. It has been said by our Republican friends that by the conspired and systematic attacks of the wicked Democrats poor Mr. Roach had been driven into bankruptcy. Well, Mr. Roach's bankruptcy was the most successful and prosperous bankruptcy that I have ever read about, for he retired, I understand, with the statement that he was able to pay, I think, $4 for every $1 that he owed, and I am not aware at the present moment that Mr. Roach is suffering for the necessaries of life, though of course, if we are to accept the excited and somewhat exaggerated language of the gentleman from West Virginia [Mr. GOFF], poor Mr. Roach, the Atlas who has been carrying the marine interests of the United States upon his devoted shoulders, is today in pecuniary want, stricken with poverty in his declining years, while his wicked persecutor at the other end of the Avenue is reveling in luxury in his so-called gilded palace. This is indeed dramatic!

Now, Mr. Chairman, what are the simple facts of the case? There are some difficulties that must suggest themselves to the advocates of Mr. Roach. Mr. Roach, it is said, made a bad bargain; was fooled by the advisory board. Well, if Mr. Roach was the shrewd, careful, able contractor, the great marine-builder of the United States, as his friends claim he was, he would have made a good contract. Great and successful contractors are always careful about such things. But why did Mr. Roach enter into a loosely constructed contract, so slipshod in its provisions? I will tell the gentlemen why. Because Mr. Roach thought the party of the first part, the United States Government, was permanently in the hands of his friends, and that he was dealing with a friendly agent, so that all his blunders and mistakes, if nothing worse, would be forgiven and condoned. If Mr. Roach had been contracting with the present able, honest, upright, vigilant Secretary of the Navy he would have either not entered into the contract, or, if he entered into it, he would have fulfilled it to the letter. That is the whole case.

The gentleman from Maine [Mr. BOUTELLE], after the able and unanswerable argument of my friend from Texas [Mr. SAYERS], sees that he must defend something because somebody has been successfully attacked, and so, with a wise discretion which does him credit, he selects his clients with great care. He does not defend the last administration; he does not defend the administrations that have been expending the people's money on these vessels. Oh, no. He assumes that the gentleman from Texas [Mr. SAYERS] has made an attack upon the advisory board. The gentleman from Texas made no attack upon the advisory board, or else I misunderstood him. The gentleman from Texas has successfully shown on this floor that the Dolphin was not constructed in accordance with the contract, leaving the responsibility to fall where it belongs. The gentleman from Maine [Mr. BOUTELLE] has plead guilty for the party in power at that time by failing to defend it and selecting as his objective point the defense of the advisory board.

If the Dolphin was not properly constructed, the fault lies with the administration in power at that time. No one here has attacked the integrity or the military records of the gentlemen who composed the advisory board, and therefore there is no need of this elaborate and spirited defense, no need to recapitulate their services to the Government, and to hold them up as having been subjected to a wanton attack by the gentleman from Texas [Mr. SAYERS]. If the gentleman from Maine wants to expend his powers in defense, let him defend the administration of the Government at that period. The advisory board may well say "Save us from our friends." Now, Mr. Chairman, as I said before, I think it is idle at this time to make a defense of the present Secretary of the Navy. He has had in this whole matter an overwhelming and decisive popular verdict in his favor. The case is closed, and no passionate and eloquent appeals addressed to the sensibilities of the people of the United States on behalf of Mr. Roach or the advisory board can make them forget that the facts have been demonstrated to be against the Dolphin and in favor of the Secretary of the Navy. Another charge is brought up here. They say that although the Democratic party pretends to be in favor of upbuilding the Navy quickly, the present Secretary has not taken advantage of the last law passed on that subject to build the three ships authorized to be built, and that, although several months have elapsed, they have not yet been started.

Mr. REED, of Maine. Fourteen months.

Mr. MCADO. Well, say fourteen months. Now, Mr. Chairman, that argument goes too far. That is the strongest argument against the methods pursued by former administrations. Why has not the Secretary of the Navy started the construction of those vessels? Because he is an honest, cautious man, having the expenditure of other people's money, and he has profited by what he found in the Department when he took charge of it. He intends that there shall be no more loosely constructed contracts, and that there shall be delegated to no body of men, however distinguished, the responsibility that belongs to the Department itself.

Mr. GOFF. Will the gentleman yield to me for a moment?

Mr. MCADOO. I can not yield, because my time is very limited and I have promised a part of it. Mr. Chairman, the Secretary of the Navy intends to see that hereafter the contracts shall be so carefully drawn that no contractor can have any excuse, legal or otherwise, for a failure to build such vessels as Congress authorizes and requires to be constructed.

Mr. GOFF. I want to call the attention of the gentleman to the fact that the Secretary of the Navy in his report to Congress last December stated that in thirty days from that time he would be ready to commence the construction of those vessels.

Mr. MCADOO. That is all right.

Mr. GOFF. Why has he not done it?

Mr. MCADOO. It has taken him all this time, every moment of it, to get the contracts carefully drawn up, to receive all the bids, propositions, and suggestions, and to investigate all the details, and to see to it that the plans are properly perfected. It was the absence of such

care that was the difficulty with the gentleman's party friends in administering the Navy Department. That is the rock upon which they came to grief. Their policy was to come to Congress and get some provision in an appropriation bill for the building of a vessel, and then, without the caution and discretion and vigilance which should have characterized them in entering upon such an important matter, to rush off to their friends, the contractors, and give the work into their hands. This change is reform, and if the gentleman does not take kindly to reform it is because he has not been used to it.

Why, I am astonished, Mr. Chairman, at the vim and the passion and the earnestness of gentlemen on the other side in defending the last administrations of the Navy. We all know that the man who was fed upon a diet of crow said he "could stand it, but did not hanker after it." But our friends on the other side actually seem to like it. I thought they were through with trying to make a defense of those methods; and I for one would never resurrect them here on this floor if gentlemen over there had not gone into this defense *in extenso* of those who have controlled the Navy Department, its methods, and its policy.

Mr. Chairman, I do not rise for the purpose of making any defense of the gentleman now in charge of that Department. He needs no defense. The gentleman from Maine [Mr. BOUTELLE] very fairly admitted—and the concession did him credit—that the gentleman now in charge of the Navy Department is an honest, earnest man, trying to do his duty. Sir, he needs no defense here or elsewhere. He has the commendation, and better than that, he has the confidence of the honest people of the United States.

I did not rise for the purpose of entering into any partisan or personal argument. I rose with the view of trying to impress upon this House, outside of all partisan considerations and political advantages, that the bill which follows this should have our support. I am sorry that I do not see here at present my venerable and distinguished friend from Indiana [Mr. HOLMAN], and also my highly respected, able, and good friend the gentleman from Tennessee [Mr. MCMILLIN], because I intended to address my remarks principally to those gentlemen and to those on this floor who share their sentiments. There is before this House, Mr. Chairman, the most important measure that has been here for many Congresses—I mean the bill to increase the naval establishment. Forgetting the history of the past, leaving out of question such matters of ancient history as how the Navy has been ruined or despoiled or built up, we are confronted with the question, Shall we build up a respectable Navy? Shall we protect our coasts at home and our interests abroad? I say to gentlemen, with no disposition to lecture them, that every member of this House will be held to a personal responsibility by his constituents for his action on this important matter of building new ships. No gentleman on the other side can go home to his constituents and say it was the fault of the Democratic party that these ships were not built; nor can any one on this side go back to his constituents and say it was the obstructive tactics of gentlemen on the other side that prevented the measure. Every member of this House will be brought to a direct responsibility by his constituents if we fail in our great duty in this respect.

What I was about to say, especially to the gentlemen who are unfortunately absent, is this: The naval establishment has always been popular in the United States. The Constitution itself especially fosters two of the armed powers of the Government, the militia and the Navy. Throughout all the debates in the earlier Congresses, throughout the debates of the convention that framed the Constitution, there was shown a spirit of jealousy toward a standing army; but the leading spirits of our Government have always maintained in this House and elsewhere the naval and militia establishments of the country. The Constitution itself in direct terms looks to fostering the Navy, making it incumbent upon Congress that the naval establishment as well as the militia shall be maintained.

Now, I wish to read in this connection a brief extract showing that the Navy is a democratic-republican institution, always popular with the people of the United States. I have before me remarks of Mr. Clay in the debate on the naval establishment in January, 1812. The debate had been running for many days, and a variety of opinions (as is frequently the case in our own times) had been expressed. Mr. Clay took the floor and made these pertinent remarks:

> On this interesting topic a diversity of opinion has existed almost ever since the adoption of the present Government. On the one hand there appeared to him to have been attempts made to precipitate the nation into all the evils of naval extravagance, which had been productive of so much mischief in other countries, and, on the other, strongly feeling this mischief, there has existed an unreasonable prejudice against providing such a competent naval protection for our commercial and maritime rights as is demanded by their importance, and as the increased resources of the country amply justify.
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> It appeared to Mr. C. a little extraordinary that so much, as it seemed to him, unreasonable jealousy should exist against the naval establishment. "If," said he, "we look back to the period of the formation of the Constitution it will be found that no such jealousy was then excited. In placing the physical force of the nation at the disposal of Congress the convention manifested much greater apprehension of abuse in the power given to raise armies than in that to provide a navy. In reference to the Navy, Congress is put under no restrictions; but with respect to the Army—that description of force which has been so often employed to subvert the liberties of mankind—they are subjected to limitations designed to prevent the abuse of this dangerous power."
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> But the source of alarm is in ourselves. Gentlemen fear that if we provide a marine it will produce collision with foreign nations, plunge us into war, and ultimately overturn the Constitution of the country. Sir, if you wish to avoid foreign collision you had better abandon the ocean, surrender all your commerce, give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels be deemed wise of that statesman who would recommend that the nation should be unarmed; that the art of war, the martial spirit and martial exercises should be prohibited, and that the great body of the people should be taught that national happiness was to be found in perpetual peace alone? No, sir. And yet every argument in favor of a power of protection on land applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce; and if we wish to invite the continuance of the old or enaction of new, unjust edicts, let us refrain from all exertion upon that element where they operate, and where, in the end, they must be resisted.
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> What maritime strength is it expedient to provide for the United States? In considering this subject three different degrees of naval power present themselves. In the first place, such a force as would be capable of contending with that which any other nation is able to bring on the ocean—a force that, boldly scouring every sea, would challenge to combat the fleets of other powers, however great. He admitted it was impossible at this time, perhaps it never would be desirable, for this country to establish so extensive a navy.

What Mr. Clay contended for is now the policy of the Democratic party—not a navy for conquest and invasion, but one for protection and security, advanced, original, modern, moderate, but sufficient.

> The groundless imputation that those who were friendly to a navy were espousing a principle inimical to a freedom should not terrify him. He was not ashamed when in such company as the illustrious author of the Notes on Virginia, whose opinions on the subject of a navy, contained in that work, contributed to the formation of his own. But the principle of a navy, Mr. C. contended, was no longer open to controversy. It was decided when Mr. Jefferson came into power. With all the prejudices against a navy which are alleged by some to have then been brought into the administration—with many honest prejudices, he admitted—the rash attempt was not made to destroy the establishment. It was reduced only to what was supposed to be within the financial capacity of the country. If ten years ago when all those prejudices were to be combatted, even in time of peace, it was deemed proper by the then administration to retain in service ten frigates, he put it to the candor of gentlemen to say if now when we are on the eve of war and taking into view the actual growth of the country and the acquisition of our coast on the Gulf of Mexico we ought not to add to the establishment.

In the views here expressed (and I could now and may at a future time add many more as to the absolute necessity of a respectable, modern, and sufficient navy for the protection of our coast and the maintenance of our dignity and rights in our commercial relations with other countries) Mr. Clay was sustained by George Washington, Mr. Stoddard, Secretary of the Navy in 1798, by the illustrious author of the Declaration of Independence, Thomas Jefferson, by Mr. Madison, by Paul Hamilton, and by all those wise, prophetic, and patriotic men who founded our Government, and their immediate successors.

In conclusion, I will say that if in the light of these authorities and in spite of the overwhelming demand of the American people who will not allow us to interpose mere partisan and political questions against a measure of this kind this Congress should fail to appropriate for building up the American Navy, it will have been derelict in its duty and unfaithful to a great and honorable trust.

I yield whatever time I may have remaining to the distinguished gentleman from Alabama [Mr. HERBERT] the chairman of the committee.

Mr. HERBERT. Mr. Chairman, in those two minutes I desire simply to say this dispute about the Dolphin arose largely out of the indefiniteness of the term sea-speed used in the contract. And while that was the point upon which the whole controversy hinged, yet the gentleman from West Virginia [Mr. GOFF] omitted it from his speech. And while it was plain sailing to leave that out, he would have had some difficulty to get over it if he had put it in.

The Secretary of the Navy appointed a board to advise him what he should do. There was a duty imposed on the advisory board. It was said this contract must be executed to the satisfaction of the Secretary. These three gentlemen were appointed as advisers. After the failure of Mr. Roach the Secretary took possession, as any prudent man would do, of this vessel built with Government funds. He believed he was right. The assignees, on the other hand, believed Roach was right in his claim—that is, we will give them that credit. The Secretary invited them to sue him and let the Court of Claims decide between them and the Government. They refused, thus indicating clearly they feared to trust this question about which we have heard so much to the Court of Claims.

I hope this question will be settled very soon. An offer has been made which it is probable the Secretary of the Navy will accept.

Now, Mr. Chairman, as we have finished the political part of the discussion on this bill, I hope we will now be permitted to take it up section by section for amendment. And I hope we will take it up in a business manner and in the same spirit in which both sides in the committee-room, Democrats and Republicans, united in preparing it and making it a fair and honest bill. It comes to the House with but few points of difference.

The CHAIRMAN. The time set for general debate has expired, and the bill will now be read by sections for amendment.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1887, and for other purposes:

Pay of the Navy: For the pay of officers on sea-duty; officers on shore and

other duty; officers on waiting orders; officers on the retired-list; admiral's and vice-admiral's secretaries; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; inspections; receiving-ships and other vessels; extra pay to men re-enlisting under honorable discharge; pay of petty officers, seamen, landsmen, and boys, including men in the engineers' force, and for the Coast Survey service and Fish Commission, seven thousand five hundred men and seven hundred and fifty boys, at the pay prescribed by law; in all $6,312,707.26.

Mr. HERBERT. I move after line 20 to insert the following:

The Clerk read as follows:

Besides which the sum of $576,380 of surplus which went to the credit of the pay of the Navy is hereby reappropriated and made available.

Mr. HERBERT. Now, Mr. Chairman, I endeavored yesterday in the remarks I submitted on this bill to explain to the House how this became necessary. At the time we prepared the bill we went upon the construction given to the law of 1874, but a few days ago a decision was made by the Second Comptroller of the Treasury, whose opinion had been asked, differing from that rendered by First Comptroller Lawrence.

Mr. HOLMAN. What is the character of that latter decision?

Mr. RANDALL. It is contained in the letter of the Second Comptroller, and I suggest it be printed in the RECORD.

Mr. HERBERT. I am willing it should be printed in the RECORD. In 1874 a law was passed which provided at the end of two years all appropriations not used should lapse into the Treasury, but a proviso made certain exceptions in favor of the continuance of permanent appropriations, and named specifically appropriations for pay of the Navy and pay of the Marine Corps. Under Secretary Sherman and Secretary Folger and Secretary McCulloch, in reference to the law of 1874 First Comptroller Lawrence held the surplus on hand remaining from the pay of the Navy after one year might be applied to the payment of any indebtedness of any year whatever. Under the recent decision reappropriation is necessary. That is the whole of it.

Mr. RANDALL. I ask for the printing of the decision in the RECORD.

The CHAIRMAN. The Chair hears no objection.

Mr. RANDALL. It is follows:

PAY OF THE NAVY AND THE MARINE CORPS.

TREASURY DEPARTMENT, *May* 29, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of the 27th instant inviting attention to the appropriations for pay of the Navy and Marine Corps contained in H. R. 8975, making appropriations for the naval service for the fiscal year 1887, and requesting to be informed whether, should the sums named under the heads mentioned prove insufficient to meet the pay of the Navy and Marine Corps accruing during the fiscal year 1887, any unexpended balance remaining of the appropriations for 1886 and for prior years for the same purposes would, under the provisions of section 3690 Revised Statutes, as modified by the act of June 20, 1874 (18 Stat., 110), be available to meet the resulting deficiency or whether such balance could be applied only to "pay" accruing in the fiscal years for which the appropriations were specifically made.

In reply thereto I inclose herewith copy of a communication from the Second Comptroller of the Treasury, to whom the matter had been referred for decision, in which he holds that the annual appropriation for pay of the Navy and Marine Corps is available only for the fiscal year for which it is made.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. SAMUEL J. RANDALL,
Chairman of the Committee on Appropriations,
House of Representatives.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., May 29, 1886.

SIR: I am in receipt of a letter addressed to the acting Secretary by Hon. SAMUEL J. RANDALL, chairman Committee on Appropriations, dated May 27, 1886, inclosing a copy of H. R. bill 8975, making appropriations for the naval service for 1887, and inviting attention to the contemplated appropriations therein on pages 1 and 2 for the pay of the Navy, and on page 20 for pay of the Marine Corps, and requesting to be informed whether, "should the sums named under the heads mentioned, prove insufficient to meet the pay of the Navy and of the Marine Corps accruing during the fiscal year 1887, any unexpended balance remaining of the appropriations for 1886 and prior years for the same purposes would, under the provisions of section 3690, R. S., as modified by the act of June 20, 1874, S. at L., vol. 18, page 110, be available to meet the resulting deficiency, or whether such balance could be applied only to 'pay' accruing in the fiscal years for which the appropriations were specifically made."

This question having been referred to the Second Comptroller for decision, by indorsement of the honorable Assistant Secretary, upon the letter above named of May 27, I have the honor to say that, in my opinion, under the provisions of the several statutes relating to the subject, if the H. R. bill referred to should become a law and the appropriations therein made for the pay of the Navy for the fiscal year ending June 30, 1887, should prove insufficient for that purpose, any unexpended balances remaining of appropriations for 1886 and prior years would not be properly available to meet the deficiency.

Section 3678 of the Revised Statutes provides that all sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

Section 3979 prohibits any Department of the Government from expending, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year.

Section 3690 requires all balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, to be applied solely to the payment of expenses properly incurred during that year or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund.

It is, however, provided that this section shall not apply to appropriations known as permanent or indefinite appropriations.

These permanent or indefinite appropriations are specified in sections 3687, 3688, and 3689 of the Revised Statutes, and do not include the annual appropriations for the pay of the Navy.

In 1874, by section 5 of chapter 328, Congress enacted that after July 1, 1874, the Secretary of the Treasury should annually cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury; but it was provided that this provision should not apply to permanent specific appropriations or to other designated appropriations, among which was included the pay of the Navy and Marine Corps; but it was declared that these appropriations should "continue available until otherwise ordered by Congress."

The plain import of this declaration is that the annual appropriation for the pay of the Navy and Marine Corps was to continue available for the purpose for which it was appropriated, and for no other purpose; that is, for the pay of the Navy and Marine Corps for the fiscal year for which the appropriation was made. The appropriation was not thereby made permanent or indefinite, and was not thereby brought within the provisions of statute applicable to such appropriations.

It was simply made continuously available without limit as to time, until otherwise ordered by Congress, for the purpose or object for which it was made, to wit, for the pay of the naval establishment for the current year.

I am aware that a different construction has been given to this statute and that a practice has grown up in the Department of carrying the unexpended balances of appropriations for the pay of the Navy at the end of each fiscal year to the credit of the appropriation for the succeeding year and merging it therein, but it is contrary to the general scheme of the statute upon the subject and to the obvious intent of Congress in the passage of the act of 1874, and it is not difficult to perceive how its continuance may lead to embarrassment and confusion, and even injustice in some cases.

Claims are frequently presented to the accounting officers by persons who are, or have been, in the naval service, or their heirs, for pay justly due them for services rendered many years prior to the filing of the claim, and for the payment of which Congress had made an adequate appropriation and had declared in the act of 1874 that the appropriation should continue available indefinitely for the payment of such claims.

Upon the allowance of the claim it can be immediately paid if this provision of law is observed; but if the unexpended balance of the appropriation for that year has been applied to meet deficiencies in the annual appropriations for the pay of the Navy for subsequent years, it is evident that it is no longer available for the purpose for which it was originally intended, and the claimant is deprived of the money to which he is clearly entitled, and must await the pleasure of Congress before he can be paid.

Very respectfully,

I. H. MAYNARD, *Comptroller.*

Hon. C. S. FAIRCHILD,
Acting Secretary of the Treasury.

Mr. RANDALL. This practice grew up under a decision to which the gentleman has alluded, but the appropriation always embraced, by detail and in the aggregate, a sufficient amount to meet that expenditure. The amendment of the gentleman, of course, is necessary under this decision so as to make available that balance. It has got to be disposed of in some manner, either to go back into the Treasury or be reappropriated. I would like this opinion to go into the RECORD.

The CHAIRMAN. It has been ordered to be printed in the RECORD.

Mr. GOFF. Mr. Chairman, it seems to me it would be better to carry out the theory of the statute to which the chairman of the committee has alluded. Let this surplus lapse or return it to the Treasury and then appropriate here the sum actually required to be used in the coming fiscal year for this purpose. What is the objection to that plan?

It was certainly the intention of Congress when it provided that the surplus should be turned into the Treasury; and in the absence of any legislation that will be the result. I am of the opinion, therefore, that we should provide now for the actual needs of the service for the coming year independently of past appropriations, and then by virtue of law this surplus will return to the Treasury.

Mr. RANDALL. I would like to hear from the chairman of the committee as to whether or not the amount appropriated in the bill and this reappropriation added together will equal the estimates?

Mr. HERBERT. No, sir; but it is admitted to be sufficient for the service for the next fiscal year. I explained all that on yesterday.

Mr. RANDALL. The gentleman's speech is not in this morning's RECORD, and consequently I have had no opportunity, not being here when he delivered it, of hearing his explanation of this branch of the subject.

Mr. HERBERT. It was explained very fully on yesterday. In reply to my colleague, however, from West Virginia, I know of no reason why in this case we should depart from the usual and ordinary method of reappropriating a fund which, like this, has been left over from the preceding appropriations.

On yesterday the gentleman from New York [Mr. HISCOCK], whom I do not now see in his seat, went off on that subject, I think, without reflection, when he used the rather harsh word in criticising this method as stealing, the stealing of one appropriation for another. Now, knowing that this has been very commonly acted upon, I took occasion to look at the bills reported from the Committee on Appropriations when he was the chairman of that committee in the Forty-seventh Congress, and I find it was not unusual to adopt this plan. For instance, in the legislative, executive, and judicial appropriation bill, on page 33, provision is made there for the supervising surgeons, and this language is used:

The same to be paid from the permanent appropriations for the Marine-Hospital Service.

Again, in another bill from that committee—and I only take one example from each bill, although they are numerous—making appropriation for the sundry civil expenses of the Government, on page 9 it provided—

That any balance of appropriations for repairs and preservation of public buildings in Alaska, under the act of March 3, 1881, for the service of the Government for the fiscal year 1882, which remains unexpended on the 30th June, 1882, is hereby reappropriated and made available for the original purpose.

Again, in the Navy bill it will be found:

And any unexpended balances of appropriations for this purpose for the fiscal year 1882 is hereby reappropriated and made available on account of this service for this fiscal year.

Again, in the bill to provide for deficiencies, on page 3:

To enable the Secretary of the Treasury to transfer of the appropriations for contingent expenses of the Treasury Department, miscellaneous items for 1882, so much as may be required to supply deficiencies in the appropriations for contingent expenses of the Treasury Department, fuel, &c., not exceeding the sum of $3,200.

This, Mr. Chairman, is the general practice, and there is no reason for departing from it now. This fund is here; it is subject to appropriation by Congress; it was appropriated for this purpose, and the amount has accumulated year after year, and it is the judgment of the committee that we should thus utilize it.

Mr. BROWN, of Pennsylvania. Will the gentleman permit me to state that the complaint of the gentleman from New York, as I understood him, was mainly for taking and using a fund without reappropriating it. He did not complain of reappropriating it, but simply of the manner in which it appeared in this bill.

Mr. HERBERT. I think the gentleman is mistaken in that.

Mr. BROWN, of Pennsylvania. I so understood his objection.

Mr. GOFF. Mr. Chairman, I move to strike out the last word.

I think, in justice to the gentleman from New York, who is now absent, that it is proper to say that his position, as I understood it, was that stated by the gentleman from Pennsylvania, that he found no provision in this bill reappropriating the surplus to which the chairman of the committee has called attention, and, in the absence of a provision of that kind, that the same would not be available during the coming year.

Now, I have no serious objection to the amendment, but I think it would be better to go about it in the regular way. I know that there have been instances in the past where that course has been pursued, but it would be better, in my opinion, to let the law of 1874 be carried out, and let the sum revert to the Treasury, so that each bill will state the exact amount of the appropriation. Of course, however, if the chairman of the committee prefers otherwise I shall not contend for this position.

Mr. HERBERT. Perhaps that was the position of the gentleman from New York; but I did not so understand him at the time, and especially as I tried to explain in his hearing that I would offer the amendment to meet this point. However, if he was present he would probably let this go.

Mr. GOFF. The gentleman's statement made on yesterday was very full, but there was very much of it which we were unable to hear on account of the confusion prevailing. I am frank to say that I did not hear his explanation of this matter.

The amendment of Mr. HERBERT was agreed to.

The Clerk read the following paragraph:

Pay, miscellaneous:

For commission and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of apothecaries, yeomen, and civilian employés, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets, and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1887, in excess of the numbers of each class provided for in this act, and for any increase of pay arising from different duty, as the needs of the service may require; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library; mail and express wagons, ferriage, tolls, and livery and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, cost of special instruction at home or abroad, including maintenance of students, and information from abroad, and the collection and classification thereof, $225,000.

Mr. BOUTELLE. I desire to ask the chairman of the committee if he can give the House any information as to how much of the fund appropriated in this paragraph is likely to be used for the purchase of plans or information from abroad. I understand that during the last year there has been quite an expenditure from this fund of "pay miscellaneous" for the purchase of plans or designs of engines in England. It has been said that $25,000 were expended for that purpose, and I have heard it estimated as high as $65,000.

Now, inasmuch as it has not been the policy of the administration to furnish any compensation or bounty or premium or payment for plans furnished by American designers, I am somewhat interested to know how much of this sum was expended for this purpose last year, so that we may form an idea how much may be appropriated from this fund for similar purposes this year.

And in this connection I would like to ask the chairman further whether his information agrees with mine, to the effect that this purchase of designs abroad has been without any special utility thus far; that these designs and draughts of engines have not been used; that the designing and preparation of plans for the new cruisers are going forward upon a basis decided upon prior to the purchase of these foreign plans and are proceeding without any modification arising from a study of those plans, further than that the action of the Bureau of Steam Engineering might be modified by the general information which they at all times seek to obtain from abroad; whether it is the fact that those plans have proved defective in many important particulars and inferior to the designs which are being carried forward in our own department. I would like at this point to have any information the chairman of the committee may be able to give on this subject.

Mr. HERBERT. I will state to my colleague I am unable to inform him how much money has been devoted to the purchase of information of this kind from abroad. But I will state if there has been any considerable sum there is less appropriated under this head in this bill than was appropriated last year, and so the expense from that source will not be so great. I do know that plans have been purchased abroad of a vessel, the Na-ni-wa-kan, built by Armstrong & Co., said to be a modern vessel of the very finest and best type. What use the Secretary has put that to I do not know. But he is very wisely endeavoring to avail himself of the experience which has been purchased abroad at very great cost, and is seeking to give to those under him who are devising these new ships and new engines every possible facility which can be laid before them so that they may make no mistake.

Mr. PETERS. Is this money expended with the view of securing designs from abroad, or to pay for designs actually purchased?

Mr. HERBERT. They are purchased for information to be used by our designers of ships and engines, so as to enable the Navy Department to build the best possible type of ship.

Mr. BOUTELLE. I am speaking of the designs for engines.

Mr. HERBERT. My remarks apply not only to engines, but to ships.

Mr. BOUTELLE. How much does the gentleman understand has been expended for that purpose?

Mr. HERBERT. I have stated that I could not tell the amount. The figures have never been given. I know, as the gentleman from Maine knows, that we have made a very considerable reduction in this item, so that there will not be as large a fund to draw upon for this purpose for the next year if this bill passes in its present form as there is now.

Mr. BOUTELLE. I understand that, but I do not understand that hitherto there have been these expenditures for plans and designs of machinery purchased abroad. I do not think that has been so hitherto.

Mr. HERBERT. Possibly not; but it ought to have been.

Mr. BOUTELLE. I am rather ignorant about this matter, because the Secretary has given us no information in detail, but the complaint has been made to me personally by American designers and draughtsmen that they have been called upon by the Department for plans and designs, and that when they furnish them they have to bear the entire expense, receiving no compensation whatever. They complain of a policy which, while it furnishes no encouragement to American talent, goes abroad and expends large sums of money for plans and designs made by foreign architects—designs which have not been utilized, as I understand, and which I have what I regard as good authority for saying have proved in many important particulars defective. It seems to me that if this appropriation of "pay miscellaneous" is to be utilized for the purpose of obtaining designs and plans for improving the construction of our engines and vessels, there should be some arrangement made whereby a portion of the money provided by the people for the purpose of obtaining improved designs should be offered for competition among American designers.

Mr. HERBERT. I did not suppose, Mr. Chairman, that my colleague would object for a moment to the Secretary taking every possible precaution to get the very best plans and to build the very best ships, and I see he does not. But the ground of his complaint is the difference between the treatment of the American contractor and the foreigner. Now, if the gentleman will think a moment, he will see that that objection is unfounded for this reason: The law under which these ships are being built (and we do not contemplate changing it in any bill that we have before us) is that they shall be built in America, so that when an American sends in a design for a ship, if it is accepted, he has a chance to bid for the construction of the vessel and make his money on that; but no foreigner can hope for any such thing. Therefore, all we can do, and all that the Secretary has done, is to buy the plans of the very best ships that are afloat and the very best engines that move them. I think, and I have no doubt this House will think, that is a very wise course of conduct on the part of the Secretary.

Mr. BOUTELLE. My friend the chairman of the committee will do me the justice to admit that if we are not now in danger of buying ships or engines abroad it is not the fault of certain gentlemen who might be named if the rules of the House would permit, and it is not at all certain that the action of the House in the consideration of this bill may not be diverted back to a line of policy which has been advocated in quarters I am not permitted to name, a policy which might enable foreign contractors to build some of our engines, if not some of our ships.

Mr. WARNER, of Ohio. I move to strike out the last word for the purpose of calling attention to this section and the one that follows. Two hundred and twenty-five thousand dollars is here appropriated for "miscellaneous" purposes. These purposes are grouped, but they

are not specified, and, taken together, they make a large group with a large sum applicable to the whole group. Now, I want to ask the chairman of the committee in whose discretion is the distribution of this appropriation.

Mr. SAYERS. This character of appropriation has always been in this form.

Mr. WARNER, of Ohio. Who has control of the disbursement or distribution of this miscellaneous appropriation?

Mr. SAYERS. This kind of appropriation is always in this form. There never has been an itemized appropriation under this head.

Mr. WARNER, of Ohio. I like the plan of itemized appropriations as recommended by Jefferson in 1801.

Mr. SAYERS. It would be scarcely possible to follow it in this case.

Mr. WARNER, of Ohio. I see the difficulty; but my question is still unanswered as to who has control of distributing this appropriation.

The CHAIRMAN. The Secretary of the Navy.

Mr. WARNER, of Ohio. I withdraw the formal amendment.

The Clerk read as follows:

For the compensation of the two civilian members of the naval advisory board for the time they may serve after June 30, 1886, at the rate of $2,500 each for six months, and of $250 each for traveling and other expenses for six months, $5,500: *Provided*, That the sum accepted by them under this act shall be in full of all services rendered after June 30, 1886.

Mr. BOUTELLE. Mr. Chairman, I rise to a parliamentary inquiry. I wish to know whether the last clause in the paragraph just read is not open to the point of order which was sustained on the legislative bill, that it is new legislation?

The CHAIRMAN. Does the gentleman make the point of order?

Mr. BOUTELLE. I make the point of order that the words in lines 59, 60, and 61, "that the sum accepted by them under this act shall be in full of all services rendered after June 30, 1886," is new legislation, fixing the salaries of these officers.

The CHAIRMAN. The Chair will ask the gentleman from Maine if there is any law fixing these salaries?

Mr. BOUTELLE. I presume so. I have made the point of order for the purpose of bringing out the facts.

Mr. HERBERT. There is no law.

Mr. BOUTELLE. If there is no law, how can the law be made in this appropriation bill?

The CHAIRMAN. The Chair would like to be informed whether there is any law fixing the salaries?

Mr. BOUTELLE. I am unable to answer the question, but I understand the chairman of the committee to say there is not.

Mr. HERBERT. The law on which this item is based provided for two civilian members of the naval advisory board, but did not provide any compensation for them after the 30th of June of the present year. It was supposed that they would get through with their duties before that time, but it happens that they will be needed for some time longer, and therefore this provision was put in the bill that they be paid at this rate with the proviso that the sum they accepted under this bill should be in full payment for their services after the 30th of June.

The CHAIRMAN. The Chair understands that there is no law fixing these salaries, and therefore overrules the point of order.

The Clerk read as follows:

For preparing and engraving on copper plates the surveys of the Mexican coast, and for publishing charts of the coast from San Francisco to Panama, $10,000.

Mr. BUCK. I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

For repairs and improvements on naval war college buildings; heating, lighting, and furniture for same; books and stationery, freight, and other contingent expenses; facing college building with Portland cement; purchase of food and maintenance of horses and mail wagons and attendance on same; clerk to commandant or senior officer, and attendant on buildings; in all, $8,000.

Mr. BUCK. Mr. Chairman, I offer this amendment at this point, because it is the most natural place for the amendment to come in, and it is the place where it was originally put in the bill when first draughted, as well as in the estimates.

As I stated yesterday, this college was started in 1884. Since the debate of yesterday I have ascertained that the order of Secretary Chandler establishing this college, and which was dated October, 1884, was based upon the authority of an act of Congress passed in 1882, for the acceptance of Coaster's Harbor Island, near Newport, in the following language:

And the cession by the State of Rhode Island to the United States of said island for use as a naval training station is hereby accepted.

That is the authority of law for the establishment of this college. In the discussion yesterday it was stated that this college should be united with the school at Annapolis; but, Mr. Chairman, as was then suggested, to locate this school there would unnaturally mix up what is in a certain sense a primary school for naval cadets with this school which is designed for post-graduates, that is, for officers of the Navy who have been in service for some years and who may wish to pursue an advanced course of study in an institution not connected with the Annapolis Academy.

I hope my colleagues on the committee and my friends on the other side will not insist that we shall in this summary way blot out an institution which seems to promise to do so much good. If we destroy this institution why not destroy the torpedo station which was established for a similar purpose in connection with the Ordnance Department? Why not take the torpedo station and all other auxiliary institutions of the Navy Department, as well as the naval war college, and put them in one place, at Annapolis?

It seems to me, Mr. Chairman, that the mere statement of the case is enough to convince any gentleman who will give any attention to the subject that it would be most unwise and injudicious for us now, without proper consideration or thought, to omit to appropriate for this institution, which is calculated to be so useful. I hope gentlemen here will not insist upon destroying this institution so early in its life. Nothing can be said against it. It has been successful up to this time. Nothing can be said against the locality where the school is established. It seems to me that if gentlemen will look into this matter with any sort of care they will agree with me that it is altogether too early to condemn this school before it has had a fair chance to demonstrate its utility.

I will say in passing that almost all the officers and others connected with the Navy who take advantage of this school are men who have been for many years in the service. They are not boys or young men, but for the most part middle-aged men, who have grown up in the service and desire from natural taste or inclination to pursue some particular course of study. It is true that without any college a great many men having a natural taste for a particular branch of study will pursue it alone and unaided, and in this way may often develop great capacity and efficiency. But who does not know that a school where such persons may go and have the aid of lectures and experiments is of the greatest benefit? I hope, therefore, that this amendment will be favorably considered by the committee.

One word in conclusion. I have in this amendment named $8,000 as the aggregate appropriation for this purpose. The estimate was for $14,000; but thinking that possibly some gentleman might consider $14,000 an extravagant appropriation, I have named in the amendment $8,000, the amount appropriated for this college last year. The small amount proposed must obviate, I think, any possible charge of extravagance.

Mr. SPOONER. Mr. Chairman, the interest of my State in the United States Navy is something more than a sentiment. We of Rhode Island claim, founding our faith upon authentic history, that within our waters the American Navy was born. We furnished the first "commander-in-chief," so called, of the American Navy in the war of the Revolution. We furnished that great naval commander Commodore Oliver Hazard Perry, and scores of other gallant officers, who have largely contributed to the success and deserved fame of our national Navy.

The people of my State have, and have always had, a lively interest in our Navy, and an earnest, patriotic desire for its proper support.

The State of Rhode Island, with what I might almost term munificent liberality, donated to the United States Coasters' Harbor Island, at Newport, a most valuable and eligibly located piece of property, for naval purposes. That donation was accepted by the Government, as the gentleman from Connecticut [Mr. BUCK] has already said, by act approved August 7, 1882. The building on this island is the one for the necessary repair and improvement of which the appropriation now proposed is required.

I have not time in the brief period allotted to me to go largely into the consideration of this matter; but I do desire to say that the gentleman from Delaware [Mr. LORE] stands perhaps alone when he undertakes to argue that Newport is not the proper place for the war college, and that it should be established in connection with the Naval Academy at Annapolis. The naval board which was appointed to examine concerning the location of this war college reported unanimously in favor of its present location. I will annex to my remarks a quotation from their report which I have not time now to read.

That location has been commended and approved by the preceding Secretary of the Navy as well as by the present Secretary. The institution and its work are also strongly indorsed by the Admiral of the Navy, as appears by his report now before me. Rear-Admiral Luce, who has charge of the war college, is earnestly in favor of maintaining it at the present location.

[Here the hammer fell.]

Mr. GOFF. I will take the floor and yield my time to the gentleman from Rhode Island.

Mr. SPOONER. Perhaps I can not better answer those who object to the naval war college than by quoting from the report of the Admiral of the Navy for the present year.

He says:

The naval war college of to-day is but the beginning of an institution that will in the future, I believe, confer great benefit on the service.

There are some officers who retard its progress by their opposition, yet no one can give a single good reason why such an institution should not be maintained.

I have had as much to do with graduates from the Naval Academy as any one, and I do not hesitate to say that the academic course does not and can not thoroughly prepare an officer for all the high duties he will be called upon to perform.

If I were selecting officers in time of war I should certainly give the preference to those who had gone through a course at the torpedo school and war col-

lege, for the reason that in the studies which young officers will pursue at these post-graduate institutions they will have brought before them in practical form many things that they had previously only learned theoretically, and perhaps indistinctly remembered.

A naval officer of the present day to be eminent in his profession must be a constant student, and where could he have such an opportunity of becoming acquainted with all the improvements, modifications, and experiences in the art of war as by a course of study at the war college? Officers of the Navy should seek all sources of information to fit themselves for the high duties of the future. Those who oppose this school because they can no longer benefit by it, or for other undefined reasons unworthy of consideration, should be content to let the Navy Department exercise its own judgment in the matter and not endeavor to throw obstacles in the way of a valuable institution.

No good reason can be advanced why our naval officers should not have an opportunity of perfecting themselves in professional matters, which will at least keep them on an equality with officers in foreign navies.

I consider that the education received by cadets at the Naval Academy is merely the groundwork to fit them for what they will have to learn practically in the future.

As the war college is made more attractive to students by the consideration of interesting professional subjects—on which few young officers are sufficiently well informed—it will afford full instruction in professional science, and impart that general information without which a naval officer can not be considered fully qualified to supervise the important matters which constantly claim his attention.

The naval war college was instituted, and is intended, for the instruction of officers who have already served at sea. It is not intended for naval cadets in continuance of the academic course, but for officers pursuing an advanced course of study and for the practical application of science and theory, analogous in its methods of instruction to those pursued at the torpedo station. Those best qualified to judge concur in the opinion that the separation of the war college and the academy is for the interest and advantage of both.

I believe I can not better conclude my remarks than by referring to a statement made by Rear-Admiral Luce, in a letter to myself, which I will print with my remarks. It strongly corroborates what I have said in the few minutes at my command, and presents the claims of the naval war college for maintenance in its present location clearly and strongly.

The appropriation proposed should certainly be granted, and the course of instruction maintained which promises so much to increase the efficiency of the Navy.

The Secretary of the Navy, in his last annual report, says:

The naval war college began its first session September 3, under the direction of Rear-Admiral Stephen B. Luce, president of the college. The instruction consisted of lectures on military science, the art of naval warfare, and marine international law. The college, now fairly in operation, by giving officers an advanced course of instruction on subjects directly connected with the most important duties of the profession, fills what has hitherto been a serious want in our system of naval education.

The previous Secretary of the Navy, responding to a Senate resolution of inquiry, February 11, 1885, said:

As it was deemed advisable that the course of study should be made to supplement the present instruction of naval officers in torpedoes at Newport, R. I., and that the place should be selected where the Department is already in possession of the necessary grounds and buildings, the board recommended the establishment of the college of instruction at Newport.

* * * * * * *

The reasons which have controlled the action of the Department are to be found in the recognized necessity for an advanced course of military and naval education in the United States. There are now existing three schools for the purpose in the Army and one in the Navy. The latter is at the torpedo station at Newport, where a class of officers is assembled for a few months in each year for instruction in the art of manufacturing and using torpedoes and torpedo explosives. The constant changes in the methods of conducting naval warfare imposed by the introduction of armored ships, swift cruisers, rams, sea-going torpedo-boats, and high-power guns, together with the more rigid methods of treating the various subjects belonging to naval science, render imperative the establishment of a school where our officers may be enabled to keep abreast of the improvements going on in every navy in the world. The torpedo school only partially fulfills the imperative requirements. The college is intended to complete the curriculum by adding to an extent never heretofore undertaken the study of naval warfare and international law and their cognate branches.

The great surplus of officers in the Navy makes it especially appropriate to require that at all times some of them not needed for actual duty shall be engaged in courses of professional study calculated to improve and qualify them for better service in the future.

In instituting this school of instruction at Coasters' Harbor Island, the Department, acting within the scope of its powers, has simply utilized public grounds and buildings under its own immediate control for a wise and beneficial purpose, and has detailed public officers who can readily be spared to constitute the president and faculty of the college.

Very little expense will be incurred in carrying out the Department's plan, while the benefits to be realized by the Navy and the country will be of great importance. The subject is commended to the notice and favor of Congress.

The question of location was thoroughly considered by the board of naval officers to whom the same was submitted, who reported strongly in favor of Newport as affording the most advantageous site, and, referring to Coasters' Harbor Island, said:

Newport possesses a site at which the school could be permanently established, and where there is little probability that its welfare would clash with any other interest of the service. The torpedo station is already at this place, and it would be possible to so extend its facilities that the instruction in physical science might be given—although this would entail a considerable outlay for buildings, apparatus, &c., as well as a yearly expenditure for instructors. As practical exercises afloat ought to constitute a part of the course at the war school, Newport offers exceptional advantages.

The following is the letter of Rear-Admiral Luce referred to:

UNITED STATES NAVAL WAR COLLEGE,
Newport, R. I., May 26, 1886.

SIR: I take the liberty of calling your attention to the fact that the Naval Committee has failed to include this college in the naval appropriation bill.

The cause of this omission, I am led to infer, is on account of some supposed advantages in favor of some other place for the location of the college.

But I would point out to you that the college, as now established, had the full sanction of the Navy Department, has the indorsement of the Secretary of the Navy in his recent annual report, the advocacy of the Chief of the Bureau of Navigation, and the warm support of the distinguished Admiral of the Navy.

This place was deliberately chosen by a board of officers convened for the special purpose of reporting on the subject of a post-graduate course; and in settling upon Coasters' Harbor Island they were governed by what was believed to be for the best interests of the service.

The recommendations of the board were approved by the Secretary of the Navy, and have already been carried into effect.

To withhold an appropriation now with a view to reversing the deliberate conclusions of those who have brought the college up to its present state of usefulness and by that means endeavor to strangle in its infancy an institution so full of promise exhibits a feeling of unfriendliness to the Navy which I can not believe the Naval Committee on further consideration will sustain.

I have heard indirectly that certain irresponsible parties have suggested a crude, ill-digested plan of combining this college with the Naval Academy, to the great detriment of the latter. But what advantage can possibly be claimed for such a step that would overbalance the injury that would result to both establishments? Not one. It has been urged that the college would have the advantage of the Naval Academy library. But the college has its own library, which has been carefully selected with special regard to its needs, and it wants no other.

Furthermore, the curriculum of studies, the routine, the manner of carrying on the instruction, and the discipline are all so dissimilar at the two establishments that it would be difficult to imagine a more incongruous arrangement.

Two of the graduates of the Naval Academy, whose predilections would naturally lead them to favor their *Alma Mater*, have attached their official signatures to the report recommending the present location for the post-graduate course; and Lieut. C. G. Calkins, another graduate, in an essay on the higher education of naval officers, an essay which received the highest prize of the Naval Institute, uses the following emphatic language in regard to a post-graduate course:

"The extension of the usefulness of naval officers has recently become a matter of vital importance to the naval service of the future.

* * * * * * *

"It may be urged that the establishment of post-graduate courses at the Naval Academy would satisfy all the conditions requisite for success. But the object of the plan being to secure varied attainments, the limited range of branches for which the Naval Academy offers advantages will not be sufficient for all. Many of the officers who take these advanced courses will hereafter be instructors at the Naval Academy. To secure the best results they should be brought into contract with broader methods and ideas than can be fully applied in that institution. In-and-in breeding never succeeds in the long run, but fresh blood is needed in every system to secure soundness and vigor.

"The practical difficulties due to differences in age and rank would also be felt. Uniformity in treatment and the restraints of discipline necessary in such a school can not readily be applied to officers of various grades and acquirements. They might be found obstructive to earnest students and irritating to men of mature years. The class system does not apply to the objects proposed. The association of a number of young officers might result in the establishment of an easy routine of study, or, if competition were introduced to prevent this, might repeat or intensify some of the animosities and injustices with which former unfair competitions have afflicted some grades in the service." (United States Naval Institute, vol. 9, No. 2, 1883.)

If the reasoning which would confine an advanced course of studies for naval officers to the Naval Academy be sound, then not only should the torpedo school be sent from Newport to Annapolis but the artillery school at Fort Monroe and the cavalry and infantry school at Fort Leavenworth should be sent to West Point. But such a preposterous idea has never been even suggested.

General Tidball, the present very efficient commandant of the artillery school, said that West Point would be the very last place for such a school. In reference to the then proposed establishment of the war college he said: "As regards locality I think Annapolis, notwithstanding the advantages of the academy library, would be the least desirable of any from the fact that it brings the instruction of the maturer officers into juxtaposition with that of the more juvenile cadets, two entirely distinct classes, requiring different methods and different treatment."

This evidence is exceedingly valuable, as coming from an officer of large experience in the management of a post-graduate school.

General Tidball's views were those subsequently adopted by the board on the post-graduate course. (See Senate Ex. Doc. No. 68, Forty-eighth Cong., second session, page 6.)

It is to be regretted that the views of the board, so carefully and conscientiously worked out, should have been set aside. Every new undertaking will provoke opposition. There are those who, unwilling to build up, will gladly assist in pulling down; others will joyfully embarrass the workers out of merewantonness. This is only to be expected. It is only the few who are just enough to let those most interested in, and responsible for, an enterprise be intrusted with its success.

I sincerely trust that the opinions of these few may have weight with the Naval Committee and with the House in regard to an appropriation for the maintenance of this college.

I may say, in conclusion, that I have written a letter of similar import to Hon. CHARLES A. BOUTELLE, member of Congress.

Very truly, yours,

S. B. LUCE,
Rear Admiral, United States Navy, President of College.

Hon. HENRY J. SPOONER,
United States House of Representatives.

Mr. SAYERS. Mr. Chairman, I understand the location of this college is a very nice place as a pleasure resort, in fact it is a very beautiful summer resort. The Committee on Naval Affairs had various persons before them to testify in reference to this college, among others Admiral Luce himself; and we came to the conclusion that the only difference so far as the advantages are concerned between Annapolis and the place where the naval war college is established is that the sea breeze is probably more delightful than at Annapolis; and that is about all. We had the superintendent of the Naval Academy before us, one of the most distinguished officers in the Navy, and one of the finest scholars in the country, who testified upon this point, and he tells us that it is within the power of the Naval Academy at Annapolis to furnish what may be termed a post-graduate course, as a course for officers who have been already in the service without much expense. He said that there was a building there which had been completed for the Government some time since, a large building sufficient for the purpose,

and that a very slight appropriation, in order to put it in repair, was all that was necessary. The Naval Academy also has already the apparatus that is necessary; it has a steam-engine there, and a very fine library, and all the facilities necessary for these officers to perfect themselves in a course of professional training in all of the branches that could be taught at the war college.

Mr. GROUT. Will the gentleman permit me to make a suggestion?

Mr. SAYERS. Certainly.

Mr. GROUT. According to the authority of Commodore Luce, in charge of the war college, there are none of the appliances and literary books at the Annapolis academy such as are required at this naval war college. They have there their own machinery and appliances and experimental instruments of the very best quality. Now, of course, you can take them and bring them to Annapolis, but they are not at Annapolis now.

Mr. SAYERS. That is just what we propose to do. Everything at the college belongs to the Government, and in the opinion of the committee it will be less expense to move the property suitable for educational purposes to the Naval Academy than to keep up the naval war college. True it has not cost much up to this time, but it is only the grain of mustard-seed; it will grow and grow and grow until the birds of the air can rest upon its branches; and it will develop larger and larger until it becomes a great wide-spreading bay-tree under which all of the officers can lie down and refresh themselves in its shade. [Laughter.]

Mr. GROUT. How can it grow and grow beyond the requirements, which are not excessive? It has not proved itself to be an expensive institution up to this time.

Mr. SPOONER. With the permission of the House I desire to say that the expenses are certainly not greater for the maintenance of this institution where it is now than if it was at the Naval Academy at Annapolis, or any other place, because the buildings are already there at Coasters' Harbor Island, and certainly the moderate expenditure that has been asked thus far for the support of the institution is not excessive. But a very moderate amount is required to continue it if appropriated, and no more than would be appropriated for the college if it was located at any other point.

Mr. LORE. My friend means the nucleus of buildings is there; but the buildings will have to be extended.

Mr. SPOONER. There is a large building, which simply needs repairs, already there.

Mr. WARNER, of Ohio. Is it proposed to maintain there at public expense a thoroughly equipped college?

Mr. GROUT. Only for that purpose.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WOLFORD having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. JOHNSON, one of its clerks, announced that the Senate requested the return of the bill (H. R. 544) granting leaves of absence to employés in the Government Printing Office.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Connecticut.

The committee divided; and there were—ayes 31, noes 36.

So the amendment was not agreed to.

The Clerk read as follows:

For completing the reduction of the observations of the transit of Venus, to be expended under the direction of the Transit of Venus Commission, $3,000.

Mr. HERBERT. Mr. Chairman, I am instructed by the committee to move an amendment striking out certain lines which have been just read and inserting what I send to the desk, which is merely a change of phraseology.

The Clerk read as follows:

Strike out lines 110, 111, 112, and insert:

"For the completion and other expenses connected with the report of the observations of the transit of Venus, in 1874 and 1882, to be expended under the direction of the Transit of Venus Commission: *Provided*, That said commission shall deliver all the instruments and other public property in their possession into the custody of the Secretary of the Navy, $3,000."

Mr. HOLMAN. Mr. Chairman, I believe there is an item for this purpose in the legislative appropriation bill, and I ask the gentleman if he has examined it?

Mr. HERBERT. I have not.

Mr. HOLMAN. I hope this may be passed over until an opportunity for examination can be had. I think the appropriation is made in that bill.

Mr. HERBERT. Very well; I am willing to pass it over informally. I did not know that there was anything of the kind in the legislative bill.

The CHAIRMAN. Is there objection?

Mr. WADSWORTH. I object.

Mr. HOLMAN. I believe that is covered by the legislative bill, and trust my friend from Kentucky will permit this to be passed until we can determine.

Mr. HERBERT. I want it to be passed over with the understanding that it goes into the bill unless it is contained in the other. The gentleman from Indiana will agree that it is to remain in this bill?

Mr. HOLMAN. Oh, certainly. It can be stricken out, however, afterward if it is found to be a duplicate, as there is objection to passing it over.

The amendment was agreed to.

The Clerk read the following paragraphs of the bill without any amendments being offered until line 174, under the heading "Bureau of Equipment and Recruiting" was reached.

Mr. WISE. I omitted to offer an amendment at the proper time. I ask unanimous consent to be permitted to go back to offer an amendment at the end of line 125, under the heading "Bureau of Ordnance."

Mr. HERBERT. I object.

The Clerk read the paragraph appropriating for the naval asylum, Philadelphia, lines 208 to 236.

Mr. WHEELER addressed the committee. [See Appendix.]

Mr. HERBERT. I move that the committee rise.

The motion was agreed to.

The committ accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, had come to no resolution thereon.

ARMY APPROPRIATION BILL.

The SPEAKER. The Chair appoints as the managers of the conference on the part of the House on the Army appropriation bill Mr. BRAGG of Wisconsin, Mr. VIELE of New York, and Mr. STEELE of Indiana.

ADMISSIONS TO THE FLOOR.

The SPEAKER also announced the following as the select committee to investigate the alleged violations of Rule XXXIV: Mr. RICHARDSON of Tennessee, Mr. MCRAE of Arkansas, Mr. CAMPBELL of Ohio, Mr. GUENTHER of Wisconsin, and Mr. LYMAN of Iowa.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887; and

A bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The SPEAKER. The hour of 5 o'clock having arrived, the House is in recess until 8 o'clock this evening, when it reassembles for the consideration of pension and other bills under the special order.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

The Clerk read the following letter:

SIR: Hon. C. C. MATSON is designated to preside at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk of the House of Representatives.

Mr. MATSON accordingly took the chair as Speaker *pro tempore.*

Mr. WINANS. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole for consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills on the Private Calendar under the special order. The Clerk will report the first bill.

WILLIAM J. OWINGS.

The first business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings.

Mr. MATSON. Mr. Chairman I ask unanimous consent that that bill be passed over informally.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. MATSON. I now ask that members present may be allowed to call up such bills as they desire to have considered.

Mr. BRADY. I call for the regular order.

Mr. ADAMS, of Illinois. Perhaps the gentleman will allow me to make another request for unanimous consent, namely, that the bills be read by title in their order, but that when a bill is reached and no member rises to address the Chair, that bill be passed over informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

SECTIONS 4756 AND 4757 REVISED STATUTES.

The next business on the Private Calendar was the bill (H. R. 4702)

amending sections 4756 and 4757 Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. MATSON. Mr. Chairman, that bill seems to be of a general character and I ask that it be passed over.

There was no objection, and it was so ordered.

MARGARET HUNTER HARDIE.

The next business on the Private Calendar was the bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie.

Mr. RANDALL. I ask the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the pension of Margaret Hunter Hardie, widow of Bvt. Maj. Gen. James A. Hardie, formerly Inspector-General of the Army, be, and the same is hereby, increased to $50 per month.

Mr. PRICE. Mr. Chairman, I would ask what is the present rate of pension which this lady receives?

Mr. RANDALL. I ask that the report be read, and I hope that the gentleman from Wisconsin [Mr. PRICE] will be kind enough to give his attention.

Mr. PRICE. I certainly will listen when I have asked for information.

Mr. RANDALL. Mr. Chairman, as regards the officer for the benefit of whose widow this bill is reported I wish to say that I saw him here during the war, in 1862, just before I was elected to Congress, and witnessed his efforts in the service of the Government. He was the great assistant of Edwin M. Stanton, the organizing mind, as I think the Carnot of the war, and if there was a man who rendered great service to our side in that struggle it was the husband of the lady who is seeking relief here, and who is in great need.

The report (by Mr. SCOTT) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie, have had the same under consideration, and report:

Your committee recommend the passage of the bill, and have agreed to the adoption of the report prepared and submitted by the Committee on Pensions of the Senate. (See Senate Report No. 252, Forty-ninth Congress, first session.

The following is the Senate report:

The Committee on Pensions, to whom was referred the bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie, respectfully report:

The committee have only considered this bill, and desire to preface their report upon the same with the petition of the claimant, making it a part thereof, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The petition of Margaret Hunter Hardie, a citizen of the United States and resident of the District of Columbia, respectfully shows that she is the daughter of the late Henry D. Hunter, for many years an officer of merit in the Navy; the niece of the late Col. Richard B. Mason, of the Dragoons, who commanded in California during the Mexican war, and the widow of the late James Allen Hardie, an inspector-general in the Army.

That since the death of her husband, December 13, 1876, she has been in receipt of the monthly pension of $30 granted by the general law, and now prays an increase to $50 per month, because of her increasing age and infirmity and the gradual exhaustion of the slender means left to her at the time of her husband's death.

In support of her petition she refers to the long and important services of her husband as an Army officer, extending from the year 1843 to 1876, and including such duties and services as the following:

Assistant professor at the Military Academy 1844 to 1846. Commandant and civil administrator of the district of San Francisco during the Mexican war. Adjutant-general, Department of Oregon, 1860. Assistant adjutant-general, and afterward judge-advocate-general, headquarters Army of the Potomac, 1861 to 1863. Inspector-general in charge of the Inspector-General's Bureau at Washington, 1864 to 1865; also at the same time chief of the military staff of the Secretary of War. Senior officer of board of inspection of forts and arsenals 1866 to 1867. Special agent for investigation of war claims of Massachusetts and Kansas, and Indian war claims in Montana and Dakota, and the "Modoc" war claims 1867 to 1874. President of the special claims commission in the War Department 1867 to 1869. Special agent War Department attached to Indian commission of 1867. Inspector-general Military Division of the Missouri 1869 to 1872. Special agent for distribution of Government relief after the great fire at Chicago 1871. Inspector-general in the War Department and at headquarters of the Army 1872 to 1876.

The petitioner says that her late husband held the rank of brigadier-general of volunteers, and of colonel, brevet brigadier-general, and brevet major-general in the regular Army, and that he was engaged in the Mexican war, the Indian war in Washington Territory in 1858, and the civil war, until called to the War Department in 1863, and that for twenty months he was the actual chief of the Inspector-General's Bureau, and acted as Secretary of War, by appointment of the late President Lincoln, during an absence of Mr. Secretary Stanton in the fall of 1863.

The petitioner appends as an exhibit to this petition a copy of a memoir of her late husband, imprinted at Washington, 1877, and refers especially to pages 32, 33, 55, and 56, thereof, whereon are printed testimonials to his character and services from Generals Grant, Sherman, Sheridan, Hancock, McClellan, Burnside, Hooker, Reynolds, Humphreys, Franklin, Wool, and others.

The petitioner says that she has two young daughters dependent upon her for support.

MARGARET HUNTER HARDIE.

Witnesses:
JOSH HARDIE.
CHAS. F. BENJAMIN.

General Hardie was a distinguished officer of the Army, having gone through all grades of the service up to that of brigadier-general and brevet major-general. Similar pensions have been granted to widows of officers of his rank, and the committee recommend the passage of this bill.

Mr. RANDALL. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. Mr. Chairman, I want to make one more appeal to the House on this bill, to stop this vicious, because unjust, system of legislation. I have no argument to make that you are not all familiar with, but there is not a man in this House who does not know that, whatever may have been the distinguished services of the distinguished gentleman who was the husband of this widow, there were thousands of others, equally meritorious, whose widows to-day are getting nothing. Now, will you continue this unjust system always? If you do I can not help it, except by the adoption of means to which I am unwilling to resort—calling a quorum, using the one-man power. I have nothing further to say.

Mr. RANDALL. I have great respect for the gentleman's opinions, but when he says that this is unjust, I only claim the right to hold a different opinion. I move that the bill be laid aside with the recommendation that it do pass.

The motion was agreed to.

CHARLES J. ESTY.

The next business on the Private Calendar was the bill (S. 810) granting a pension to Charles J. Esty.

Mr. MORRILL. I ask for the consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Esty, late a private in Company H, Tenth New Hampshire Volunteers.

Mr. GALLINGER. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

ABBY L. BURBANK.

The next business on the Private Calendar was the bill (S. 2192) granting a pension to Abby L. Burbank.

Mr. GALLINGER. I ask for the consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abby L. Burbank, widow of Charles H. Burbank, late a surgeon in the United States Navy, and pay her a pension at the rate of forty dollars per month, in lieu of the amount she is now receiving.

Mr. MATSON. I ask for the reading of the report in this case.

The report (by Mr. BRADY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2192) granting an increase of pension to Abby L. Burbank, respectfully submit the following report:

Your committee, to whom was referred the bill (S. 2192) granting an increase of pension to Abby L. Burbank, have examined the same, adopt the Senate report, and recommend that the bill do pass.

The following is the report, by Mr. BLAIR, from the Committee on Pensions of the Senate, made April 20, 1886, Senate Report No. 665, namely:

The petitioner, Abby L. Burbank, is the widow of Charles H. Burbank, late a surgeon (ranking with lieutenant) in the United States Navy. He enlisted May 9, 1861, and died in the service January 30, 1885, at Portsmouth, N. H. The widow was granted a pension upon her application by the Department under the general law, at the rate of $25, commencing February 18, 1885. She now asks that this amount be increased for the reasons set forth in her petition, which is as follows:

To the Senate and House of Representatives:

On the 16th of April, 1885, the Pension Bureau issued in my (Abby L. Burbank's) favor a pension certificate No. 3261, entitling me to a pension of $25 per month as the widow of Charles H. Burbank, medical inspector, United States Navy, who died on January 30, 1885, of heart disease, induced by malaria, contracted at different periods in the service.

I do not consider the pension granted me is sufficient, and I would ask for an increase on the following grounds, namely:

Firstly, that the pension should have been commensurate with the rank which Dr. Burbank held when he first seriously contracted malaria, which was in 1871, while attached to the U. S. S. Michigan, on the lakes, when he held the rank of surgeon, which rank entitles to $30 per month. Also at a later date he was exposed to malaria and was very sick while on the North Atlantic squadron; and later still during his last cruise, while attached to the Brooklyn, on the South American coast, and on the west coast of Africa, when he was of the rank of medical inspector.

Dr. Burbank has suffered very much from this cause, especially through the latter part of his service, but through much distress and suffering held steadfastly to his duties; never more steadfastly or with greater effort than during his last cruise, which lasted more than three years, and from which he returned a broken-down man, and lived but three months after his return.

Secondly, I would ask for an increase of pension on the ground of his war record.

Dr. Burbank was on the Hartford under Admiral Farragut at the taking of New Orleans, and performed efficient service there; also at Pilot Town Hospital, Southwest Pass, Mississippi River, in 1862, where, owing to all the other surgeons dying, he was left in sole charge, when his duties became so arduous, and his responsibility became so great, that his health for a time was greatly impaired. He was also on the blockade, and was in active service all through the war.

Finally, I would ask for a larger pension on the ground of insufficient support. I am left in delicate health, with five children, all of whom are minors but one, and with means so limited that it is impossible to live upon it. In consideration of all these conditions, I would most earnestly appeal for a pension of $50 per month to enable me to provide for my family, which now I am unable to do.

ABBY L. BURBANK.

PORTSMOUTH, N. H., *December* 3, 1885.

Your committee, having verified the accuracy of the above petition, adopt the statements of fact set forth therein, and report back the petition with an original bill increasing the pension of the widow of this brave officer to $40 per month, and recommend that it do pass.

Mr. MATSON. Mr. Chairman, I feel obliged to object to the passage of this bill. This officer was a surgeon; and as such he performed only a quasi military service. It is not alleged that he ever underwent

any of the dangers of battle. Perhaps he may have been subjected to the dangers of service upon the sea, but so far as appears he encountered none of the perils of battle.

Mr. BRADY. A naval officer on board a war vessel is subjected of course to the dangers of battle.

Mr. MATSON. Very often there are hospital ships on which surgeons do duty.

Mr. BRADY. It does not appear from the record in this case that that was the fact here.

Mr. MATSON. I supposed it did. But, sir, I do not wish to cast any reflection on this officer. I am willing to allow him credit for everything stated in the report. Still the fact remains that he was a surgeon; and the proposition now is to select his widow from among hundreds of thousands of widows and increase her pension from $25 to $40 a month. It is a bad precedent. It may have been done before; but these things ought not to be done.

It certainly is manifestly wrong to single out one case in this way without any strong reason, and there is not a strong reason in this case. The fact that this surgeon contracted malaria, the fact that he lingered with the disease and subsequently died, does not distinguish the case of his widow from the cases of hundreds of thousands of other widows whose husbands died in the service. That is all there is in that part of the case.

The fact that this lady has five children who are minors only puts her upon a level with the numerous other widows of the country who have minor children. For each child under sixteen years of age she is entitled to a pension of $2 a month until the child reaches the age of sixteen, so that if all five of her children are under that age, she now draws a pension of $35 a month—$25 for herself and $2 for each of her children.

A MEMBER. The report states that four of her children are minors.

Mr. MATSON. Then she is drawing $33 a month. She says she wants the Government to support her. There is the bare proposition. Has this Government undertaken to give a full support to the widow of every man who died in the service? It has not done it and it can not do it. If it did we should have to grade pensions very differently, for some women with four children can live upon $35 a month and others can not.

Mr. PRICE. I indorse the gentleman's reasoning as applicable to this case; but I would like to have him tell me by what process he arrives at the conclusion that this bill is objectionable, when the one under consideration a few minutes ago to raise a pension from $25 to $50 a month was not to the gentleman objectionable.

Mr. MATSON. I object to that, too.

Mr. PRICE. Well, you did not object to it.

Mr. MATSON. I thought that you would talk in the one case and I would talk in the other. [Laughter.]

Mr. PRICE. But you did not vote with me.

Mr. MATSON. I did not think it necessary when you were the only man voting.

Mr. PRICE. If you had voted with me there would have been two of us.

Mr. MATSON. I have voted with you time and again. I have never favored these increases of pension for any rank; but I do not know that it is necessary for me to repeat what has been said so often. The fact is that Congress began a great many years ago to increase the pensions of the widows of general officers until it has become almost an established thing, so that it is almost useless to resist in such cases, because the House passes them over our heads. We made a test case here several weeks ago. The case was about as weak as any that could be found; but we were beaten in a full House. What is the use of kicking against a thing that is well established? But this thing of granting increased pensions to widows of officers below the rank of general officers is not a fixed precedent by any means. There are some such cases, but they are very "few and far between." It is not right, I insist, Mr. Chairman, that bills of this character should pass.

Mr. GALLINGER. Mr. Chairman, it occurs to me that this case is considerably stronger in merit than the opposition which the gentleman from Indiana has presented to it. It has peculiar merits, if gentlemen will consider for a moment, and I will briefly call their attention to them.

Dr. Burbank was in the service of the country for a period of twenty-four years, and the record shows that he was a very efficient, faithful officer. It shows that he at one time, when every other surgeon had died while in a very unhealthy part of the country, unquestionably remained at this post day and night and attended the sick men at a time when he himself was far from well and his health very much injured, but he continued faithful to his duty on that occasion where it needed quite as much heroism for a man to stand as it ever does in line of battle.

The record further shows that although Dr. Burbank was a sick man for many years he did not flinch from performing his duty to its fullest extent. The record shows that he went to the southern coast of this country and the coast of Africa, into the malarial districts of this and foreign countries, performing his duty resolutely and honorably without reference to his own comfort and health. After twenty-four years of service, which I am satisfied was service of extraordinary fidelity, Dr. Burbank died; and for some reason, I confess I do not know why, his wife was given but $25 a month pension, while if he had been ranked as a major, as a surgeon with that rank, she would have received $50 a month.

Mr. MORRILL. I beg the gentleman's pardon; the pension of the rank of major is only $25 a month.

Mr. GALLINGER. Well, I stand corrected; I was told differently. This man was very efficient and faithful in the discharge of his duties, and his widow is certainly deserving of some consideration. She was pensioned, and she comes here now and asks an increase, not because she has to rear five children, because that is a reason which is given in many such cases and is a strong reason to some extent, being in the nature of an appeal for sympathy in her behalf; but it is true, as I have it from the best men of both political parties that she is in very delicate health and it is a terrible struggle for her to support her children and maintain herself.

But the principal strength of her claim is because her husband had performed extraordinary services to the Government for nearly a quarter of a century, faithfully caring for those around him. For twelve or fifteen years, broken in health, carrying this disease with him, he performed these duties and died leaving this dependent family. I think it is a meritorious case, and there are precedents for the case. I believe it is as strong a case as that which has just now been passed, and I understand the gentleman from Wisconsin admits that. I feel that we ought not to discriminate against the widow in this case who asks this small amount at the hands of the Government when other widows in similar cases have received their pensions.

Mr. BRADY. Mr. Chairman, I have no desire to take up the time of the committee in discussing this question, or any other case that comes before the committee at these night sessions. I desire specially though very briefly to call the attention of the committee to a fact which has much influence with me, and that is that the Committee on Pensions of the Senate and the Senate itself have passed this bill; the Committee on Pensions of the House have considered it and reported it favorably to the House. I think it is a case meritorious in every respect. There are a number of precedents that might be cited, not as strong even as this, and I trust the report of the committee will be sustained and the bill passed.

Mr. PRICE. If the gentleman from Virginia can show me a case that he has ever found that is not meritorious, I will agree that his indorsement is worth something.

Mr. BRADY. Unfortunately, the gentleman from Wisconsin never knows a meritorious case from any other in this House, not only as to pensions but as to all other cases.

Mr. MORRILL. I ask unanimous consent that this bill go over to a full House.

Mr. GALLINGER. I will not agree to that without giving notice of entering a motion to reconsider the case we have just passed. If one goes over, let both go.

Mr. MORRILL. That is a very different case. This is establishing a new precedent.

Mr. BRADY. I object to its going over. This is pension evening; we have assembled here for the purpose of transacting this business; cases of this kind have gone to the House from this committee and been sustained, and I think the committee is fully competent to deal with this question.

Mr. MORRILL. My request is that the bill be reported back to the House with the understanding that a vote be taken in a full House. I do it out of consideration for the gentleman who is pressing the case.

I wish it to be understood, though, that this is in my opinion a dangerous precedent to pass here. I feel that there is hardly a widow in the land whose husband fell upon the battlefield who could not come and urge stronger reasons than are urged in this case. I believe we shall be flooded with bills if we begin this species of legislation. There are a hundred thousand such cases in this land which will come to Congress.

Mr. GALLINGER. If they served as long and faithfully they ought to have relief.

Mr. BRADY. How many served twenty-four years?

Mr. MORRILL. Of those twenty-four years twenty were in time of peace with a good salary, and he could have resigned at any time he pleased. It was a fair salary, and in fact that is rather against the case than for it. I simply ask that it go over to a full House.

Mr. GALLINGER. If you consider the fact that he was in the service twenty-four years, and there were fifteen when he was almost unfitted for duty though he stuck faithfully to his post it is not against the claim. For all that period of fifteen years he was in very bad health, but he still stood at his post.

Mr. MORRILL. I do not understand the report to say anything of that kind.

Another thing, this is almost in the nature of a positive direction to the Committee on Invalid Pensions to allow cases of this kind. In the Committee on Invalid Pensions we have stood there, the chairman and several other members, opposing bills of this kind on principle; but

now if a precedent is to be established it ought to be done by a full House and when a quorum is present.

Mr. PRICE. Mr. Chairman, on this question I desire to say one thing to my distinguished, highly esteemed, genial, but somewhat erratic friend from Virginia on my left here, who made a statement that I am unwilling shall go into the RECORD uncontradicted.

The gentleman says I have never discovered anything meritorious in any of these bills.

Mr. BRADY. I beg the gentleman's pardon; I do not think I said that.

Mr. PRICE. That was the gentleman's language. I want to place myself right in regard to that. My theory is, I would pay to the widow of every soldier who sacrificed life and fortune in the defense of this Government to the extent of its revenues if necessary. But I have opposed all these propositions to take those who have a pension already and give them more while others are getting nothing. And I particularly object to giving a man or a woman or a dependent more because the husband was an officer.

I think the gentleman from Virginia does not misunderstand me and I hope he will not repeat it again—although I am not sure he will not. [Laughter.] Every one here with any intellect knows, and it does not require much talent to understand it, that my opposition is purely and solely to these distinctions made upon rank and position. In my opinion they are unrepublican; and I have opposed them to the extent of one vote in all cases.

If the chairman of the Committee on Invalid Pensions had been consistent with his own dictates of what is right, he would at least have given me one more vote against the proposition to select for a higher pension this lady whose case was brought up under the auspices of my able, distinguished, and genial friend from Pennsylvania, who on every occasion that I have known him to come here has always had some one of this class of cases to take up; the case of some officer's widow who is now receiving a pension and to give her more. I know the gentleman is conscientious. I can not agree with him. My judgment does not run in the same line. Therefore my misfortune has been that I have found it necessary to call the attention of the House to this system of legislation, which I believe to be vicious and unjust, in order that it may be put a stop to.

Mr. BRADY. I concede to the gentleman from Wisconsin that he is the champion of the private soldier as against the officer.

Mr. PRICE. Equal rights for all is what I want.

Mr. BRADY. The gentleman has always appeared here as the advocate of the poor private. I happened to be in the war, a private as well as an officer. I have friendship and sympathy for both and believe in doing justice to each.

Mr. PRICE. Justice to each alike.

Mr. MATSON. The gentleman from Wisconsin has arraigned me. What he stated he stated without thinking. He said I advocated the increase of pensions of officers.

Mr. PRICE. I was not referring to the gentleman from Indiana. I mean my distinguished friend from Pennsylvania [Mr. RANDALL]. Do not make a mistake there.

Mr. RANDALL. I do not, like some other gentlemen, want to fight the battle over again. The case which has been referred to is decided, and that is the end of it. We are all happy and brethren again.

Mr. CUTCHEON. I desire to say just one word in reference to this case. If we are to act upon this report at the present time I hope this bill will not pass. I do so because I feel, and I feel it somewhat strongly, too, that if there is any danger to-day that impends over our pension system it is the piling up of these big pensions that are out of proportion to the whole pension system.

Mr. GALLINGER. Will the gentleman allow me a question?

Mr. CUTCHEON. Yes, sir.

Mr. GALLINGER. Why did you not object to the case last passed?

Mr. CUTCHEON. I was not in; I got in just as it was being voted on.

Now, if any good reason can be shown why this widow should be taken out of the great number of widows to whom our law grants pensions and a higher pension given to her, then I certainly will vote for it. But I have listened attentively to all that has been said, and I see absolutely nothing that applies to this particular widow that will not apply to every one that is pensionable under the law.

Mr. BRADY. Did the gentleman hear the report read?

Mr. CUTCHEON. I heard the report read in full, except, perhaps, the first few words. In the first place it appears this man was a surgeon, a non-combatant——

Mr. BRADY. He was in the Navy.

Mr. CUTCHEON. A non-combatant, not required to bear arms. It appears in the next place that he served for twenty-four years. As the gentleman from Kansas [Mr. MORRILL] said, during those twenty-four years he drew a good salary. It was his privilege at any time to retire from the service if he chose and take a pension; but he preferred the full pay and duty. In the next place it is said he was sick for fifteen years. If he was sick, he got his full pay all the time, sick or well.

Then it is said that finally he died. I take it every widow's husband dies, and I take it one of them is about as dead as another. I see no reason in that. It is said this widow has a family. Why, you can go to your widows' pension-list and pick out thousands who have larger families than this lady and less pension. Many have no pension at all.

I can see no reason in anything that is alleged here why this pension ought to be increased. Feeling that way, I shall give my individual vote against it. I shall not make any factious opposition. I shall not raise the point of a quorum. I end as I began. If there is any one thing that is to-day threatening our pension system it is this piling up of large pensions, burdening the Treasury, and producing a certain degree of demoralization among our entire pensionable class.

Mr. SAWYER. Mr. Chairman, I never have said anything in this committee or in this House, but I do not like the tenor of some of the remarks that have been made here to night. When we are considering the case of a brave officer, a surgeon in the Navy, exposed to all the dangers and perils of battle as much as the man who walks the quarter-deck, and when it is said that he might have resigned, I think that is a remark which ought not to be made.

Mr. CUTCHEON. If the gentleman alludes to me, I will say, if he will permit me, that my remark applied to this officer's sickness. It was stated that he stood at his post although he was sick, and I remarked that if he was sick it was his privilege to resign, but that he preferred to remain on duty and draw his full pay.

Mr. SAWYER. Of course it is the privilege of any officer to resign.

A MEMBER. Or of a member of Congress, either.

Mr. SAWYER. Certainly. Again, Mr. Chairman, I do not believe that the pittance that is voted by the action of Congress to any soldier or his widow has been, or is likely to be, so large as to create dissatisfaction on the part of the people generally with the pension system. A bill is now pending the effect of which will be to distribute among comparatively a few men over $200,000,000 for arrears, and our side of the House is supposed to be in favor of it.

Now, you may take all the pensions that have been granted by act of Congress since the system of granting pensions began, and supposing the system to continue for a quarter of a century longer, increasing as rapidly as it has increased for two years, yet it will not make so great a drain upon the Treasury as that arrears act which we Republicans claim to be in favor of. I do not believe that there are two thousand people to-day upon the pension-rolls of the United States that have been placed there by act of Congress, and whenever the question comes before us of acknowledging the value of the services of the men who, with their lives in their hands, exposed themselves to the dangers of hospital, and camp, and battlefield, it does not look well in my judgment for us, especially for us Republicans, to be always talking about the fear that if we act liberally we shall endanger the pension system in the affections of the people.

I tell you, gentlemen, that there is nothing that Congress does or can do which so commends itself to the mass of the people, North and South alike, as making liberal provision for those men who endured the hardships and dangers of the war in the service of their country.

Mr. PRICE. It should be done equally, though.

Mr. SAWYER. Equally! I do not propose to discuss that question. In my judgment there should be a difference, but I do not propose to argue the question now. I merely wish to enter my dissent from the idea that there is danger that Congress by its liberality to those who are entitled to pensions will disturb the confidence of the people in the pension system.

So far as this particular case is concerned, I feel this way: This man as a surgeon in the service of his country endured as much exposure and subjected himself to as great peril when he was upon the coast of Africa, or in New Orleans, or at any of the posts along our southern coast where yellow-fever was raging as any man incurs upon the battlefield, and when we have the case of a man who stands at his post unflinchingly and serves his country for twenty-four years it is no more than just that his service should be acknowledged, and when application is made on behalf of the widow who stood by him in the hour of danger, caring for their children, I say it is no more than right that she should be protected and her children cared for.

Mr. CUTCHEON. And, Mr. Chairman, I would add to that that this widow is now getting precisely the same pension that she would get if her husband had been a major in the Army and had fallen in battle at Petersburg or the Wilderness torn by shot or shell.

Mr. GALLINGER. Mr. Chairman, I do not desire to detain the committee, but I wish to say a word. The gentleman from Wisconsin [Mr. PRICE] is always consistent about these pension cases. He believes in pensioning the widow of the major-general at the same rate that he would pension the widow of a private soldier.

Mr. PRICE. That is it. You quote me correctly.

Mr. GALLINGER. Well, Mr. Chairman, that is an extraordinary position; and the gentleman from Wisconsin has a patent on it and nobody is trying to take it away from him. Nature made a difference, and the law makes a difference, and this Congress is not going to undertake to undo what nature and the law have done in that regard.

The gentleman from Michigan [Mr. CUTCHEON] takes strong ground against this case from a little different standpoint. I will not stop to

answer all his objections. I will simply say that if this man had been in the Army and had shown the same bravery and fidelity that he showed as a surgeon, the probability is that he would not have stopped at the rank of major. As it was, he reached the highest rank that he could reach under the circumstances in which he was placed, and if he had been in the Army it is quite likely that we might have been asked here to-night to pension the widow of a brigadier-general instead of the widow of a major.

History proves that there is no post so dangerous as that of a surgeon on the coast of Africa, or on our own southern coast during the prevalence of the terrible epidemics that sometimes prevail, and the record in this case shows that this man stood to his post when every other surgeon was dead, and faithfully discharged his duty to the men who were under his care.

If this House wishes to vote a pension of $50 a month in the case they have just passed upon and refuse to pension this widow at the rate of $40 a month, I have only to say that they are more inconsistent than I believe they are going to be. I ask for a vote.

The question was taken on the motion to lay the bill aside to be reported to the House with the recommendation that it do pass, and there were—ayes 23, noes 13.

So the motion was agreed to.

HENRY BELLION.

The next business on the Private Calendar was the bill (S. 1217) for the relief of Henry Bellion.

The CHAIRMAN. In the absence of demand for the consideration of this bill it will be passed over.

WILLIAM LYNCH.

The next business on the Private Calendar was the bill (H. R. 6132) granting a pension to William Lynch.

Mr. CONGER. I call for the consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of William Lynch, late a private in Company E, Fifth Regiment United States Infantry, subject to the provisions and limitations of the pension laws.

Mr. WINANS. I would like to hear the report read in this case.

The report (by Mr. STRUBLE) was read, as follows:

William Lynch enlisted as sergeant in Company E, Fifth Regiment United States Infantry, March 8, 1849, for five years; re-enlisted September 8, 1854, and was honorably discharged September 8, 1859. He alleges that while serving in line of duty in Utah Territory, in the winter of 1857-'58, and owing to exposure from continued sleeping upon the ground, he incurred a disability of right leg and right hip, which soon resulted in a shortening of that leg, accompanied by severe pains, which disabilities have continued to this time. Claimant at that time, and at time of filing his original declaration for pension, supposed that the disability incurred as above stated was rheumatism, and so averred. He did not place himself under the treatment of an Army surgeon, nor is there an official record of his disability.

Pierce Tobin testifies that he enlisted in said Company E, in Utah, in the summer of 1858; that he was drilled by Sergt. William Lynch, who was lame and complained of lameness and rheumatic pains contracted during the previous winter while lying on the frozen ground. The credibility of Tobin is certified to by the officer before whom he made his affidavit.

Patrick Larkin and Thomas Burke testify to having been neighbors and fellow-laborers with claimant from 1859 to 1870; and that he was suffering with some disability which he called rheumatism or inflammation of hip-joint; and that claimant was able to do only one-fourth the work of an able-bodied man. Claimant was examined April 30, 1884, by board of surgeons at Kansas City, who failed to find any disability. June 17, 1884, he was examined by Dr. D. P. Porter, of Kansas City, who found chronic inflammation and enlargement of said hip-joint and a shortening of 1 inch in said right leg. He estimated claimant's disability as total.

December 16, 1885, claimant was examined by board of surgeons at Leavenworth, who found, substantially, the same evidences of disability as discovered by Dr. Porter, and rated claimant at fifteen-eighteenths of total disability.

Your committee therefore report the bill favorably, and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT K. BENNETT.

The next business on the Private Calendar was the bill (H. R. 7698) granting a pension to Robert K. Bennett.

Mr. MORRILL. I ask for the consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert K. Bennett, late of Company H, One hundred and fifty-sixth New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANTHONY M'ROBERTSON.

The next business on the Private Calendar was the bill (H. R. 7327) granting a pension to Anthony McRobertson.

Mr. WHEELER and Mr. MORRILL asked for the consideration of the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anthony McRobertson, late a private in the Seventy-second Regiment of Missouri Enrolled Militia.

Mr. WALLACE. I call for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

Claimant was a private in Company B, Seventy-second Regiment Missouri Enrolled Militia, and claimed a pension for gunshot wound of the right jaw-bone; also gunshot wound through the back, received in action in Stone County, Missouri. His claim was rejected because not within provisions of pension laws.

Capt. Henry Sullivan, of Company K, Forty-sixth Missouri Volunteers, who was in command of a squad of men from his own company and claimant's company, and Lieut. D. S. Pearce, of claimant's company, both testify to the terrible manner in which claimant was shot. Captain Sullivan says he was within 20 steps of him when he was shot, and says that claimant "was shot through the body; the ball entered the breast, passed through the body, and lodged in the skin in the back. The second shot struck him in the left jaw, knocked out his teeth on both sides, cutting his tongue nearly in two, and passed out at the right cheek. The rebel who shot him was within 6 feet of McRobertson when he was shot, the powder burning his face."

Dr. L. L. Frazier testifies that he was called to attend claimant the same day of his injury, and found—

"That he was wounded by a ball passing through his left jaw, knocking out several teeth, and striking the inside of the right jaw, and passing downward out of reach, causing quite an impediment in his speech; that afterward several pieces of bone came from his jaw-bone, causing a stiffness in his jaws, operating against him in opening his mouth, and necessarily causing a permanent impediment in his speech. Another ball entered his back, under the left shoulder-blade, passing through his chest, and lodging against the skin, from whence I cut said ball. His condition was certainly a very critical one, and one at the time that I thought was beyond recovery."

The evidence shows that the men were under the command of General Sanborn, district commander.

Your committee are unable to see why the case was rejected, as the evidence in the case was filed prior to July 4, 1874, and therefore report favorably, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY H. STUTSMAN.

The next business on the Private Calendar was the bill (S. 1224) granting a pension to Henry Stutsman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Stutsman, late a private in Company F, Thirteenth Regiment Iowa Volunteer Infantry.

Mr. PERKINS. There is an adverse report in this case.

Mr. MORRILL. I move that the bill be laid aside to be reported to the House with a recommendation that it lie on the table.

The motion was agreed to.

HENRY ROSCOE.

The next business on the Private Calendar was the bill (H. R. 6523) granting a pension to Henry Roscoe.

Mr. WINANS. I ask for the consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Henry Roscoe, late first lieutenant of Company C, Fourth Regiment New York Volunteer Infantry, on the pension-roll, and pay him a pension at the rate of $24 per month from and after the passage of this act.

The amendments reported by the Committee on Invalid Pensions were read, as follows:

Strike out, in line 4, the words "place the name" and insert "increase the pension."

In line 6, strike out the words "on the pension-roll."

Mr. CUTCHEON. I ask for the reading of the report in this case.

The report (by Mr. PINDAR) was read, as follows:

Claimant is now receiving a pension of $17 per month for double inguinal hernia, received in service in the late war as first lieutenant of Company C, Fourth Regiment New York Volunteers. He filed application for increase, which was rejected upon the ground that he is now receiving the full amount of pension to which he is entitled for double hernia.

The examination on his application for increase to $24 per month discloses the following facts:

"We find on right side an oblique inguinal hernia, descending into the scrotum, about the size of a man's fist. It is easily reduced while he is standing, and the ring is so large and patulous that it is evidently extremely difficult if not impossible to keep the hernia up with a truss. On left side we find a very small inguinal hernia, filling the abdominal ring and giving an impulse on coughing. This hernia protrudes very slightly through the ring and evidently could be easily retained by a well-fitting truss.

"*Piles.*—We find seven small external around anus, and, on straining, three internal piles are brought into view, each about the size of a small strawberry, all somewhat inflamed. Tongue not coated, rather pale skin, anemic in look, no enlargement of liver or spleen.

"*Diarrhea.*—No evidence of diarrhea, except his statement. If the claimant was a private we should rate him twelve-eighteenths, third grade, for double hernia. We should also rate his piles at three-fourths total, if that disability appeared on his order for examination."

Dr. George H. Marmion testifies as follows:

"Am a citizen of Elizabeth County, Virginia; aged forty-three years [and well known to be a reputable physician of good standing and entitled to credit]; am a physician of nineteen years' standing; my post-office is Hampton, Va. I have carefully examined Henry Roscoe in relation to his disability and find him suffering under the following disabilities: Double inguinal hernia, reducible, but can not be retained by a truss; hernial tumor as large as a cocoanut at present; he suffers also with chronic diarrhea, and states he has suffered thus since 1863. There is a large mass of hemorrhoids protruding from the anus on all sides of the sphincter, each of which is as large as an almond and the orifice surrounded with——"

Said Roscoe states that he had a paralytic stroke December, 1880, and lost use of right arm and left leg and right side of the face, which he has only partially recovered.

The constant attacks of diarrhea are clearly traceable to the hernia and keep him in a condition incapacitating him entirely from the performance of manual labor. The piles and chronic diarrhea can be clearly traced as results of the causes producing the original rupture.

The condition of this soldier is such, in the opinion of your committee, as to entitle him to the relief sought, and we therefore recommend that the bill be amended by striking out the words "to place the name," in line 4, and insert "to increase the pension," and strike out the words "on the pension-roll," in line 6, and that the bill as amended do pass.

The amendments reported by the Committee on Invalid Pensions were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY M. GILLHAM.

The next business on the Private Calendar was the bill (H. R. 8374) granting a pension to Mrs. Mary M. Gillham.

Mr. CONGER. I ask for the consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Gillham, widow of James G. Gillham, late a private in Company I, Seventeenth Regiment of Iowa Infantry Volunteers.

Mr. WALLACE. I call for the reading of the report.

The report (by Mr. CONGER) was read, as follows:

Mrs. Gillham is the widow of James G. Gillham, late a private in Company I, Seventeenth Iowa Volunteers, who died April 20, 1885.

At the time of soldier's death he was drawing a pension of $8 for right inguinal hernia, from which he had been a constant sufferer since his discharge.

Mrs. Gillham filed application for pension June 16, 1885, which was rejected for the reason "that cause of soldier's death not shown to have resulted from his service." This rejection is based on the certificate of Dr. R. A. Patchin, who was his attending physician in his last illness, and who certifies that the immediate cause of death was "cirhosis of the liver."

Mrs. Louisa Wallace, a professional nurse, testifies:

"She was present with James G. Gillham in his last sickness, and waited on him for several days; that he was suffering with hernia of a very extraordinary character, which was attended with cramps, and his whole system was more or less affected, thereby being reduced to a mere skeleton, and during the last week of his sickness was complicated with liver trouble, the combined effects of which produced his death. The physician treated him for liver trouble; the whole right side was so tender he could not bear the weight of his clothing."

Dr. J. F. Kennedy, secretary of the State board of health of Iowa, says:

"When I was a member of the pension examining board of this city, Mr. Gillham, husband of Mary M. Gillham, came before me two or three times relative to his physical condition, and I tried to procure him a Government trusts, which was refused, as he was not a pensioner, but only an applicant. I believe his death was indirectly attributable to his hernia."

It is in evidence that said Gillham was confined to his room and bed much of the time during the last year of his life, suffering great pain from his rupture, and it would seem to be a reasonable presumption that this disability was the indirect cause of his death. At any rate, he received an injury while serving his country that disabled him and made him a sufferer during all the remainder of his life, prevented him from obtaining a competence for his family, and his wife is now left alone and destitute. The Government should in part compensate her for this loss.

Your committee believe her justly entitled to a pension, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WARREN L. RICE.

The next business on the Private Calendar was the bill (H. R. 7517) for the relief of Warren L. Rice.

Mr. O'HARA. I call for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Warren L. Rice, late a private in Company F, Sixth Michigan Heavy Artillery, subject to the provisions and limitations of the pension laws.

Mr. WALLACE. I call for the reading of the report.

The report (by Mr. O'HARA) was read, as follows:

Warren L. Rice enlisted as a private in Company F, Sixth Michigan Heavy Artillery, February 5, 1864, and was discharged August 20, 1865; bases his claim for a pension on account of rheumatism contracted while in the service of the United States and in the line of duty. Claim rejected because there is no record evidence showing condition in the service, and testimony filed is not considered sufficient to show that the alleged rheumatism was contracted in service. The record shows that soldier was absent sick in hospital at New Orleans while in the service; regimental hospital records not on file. Records of Surgeon-General's Office show soldier sick with diphtheria at post hospital.

Dr. Calvin F. Ashley, of Ypsilanti, Mich., testifies that he has known soldier since 1854; he was a hearty, healthy man prior to and at the time of his enlistment, free from rheumatism, sciatica, or any kindred disease.

Louis Merrill, private and acting sergeant of claimant's company, testifies that soldier while on guard duty was taken sick and fell insensible; was ordered to the hospital at New Orleans in consequence thereof. Affiant is corroborated in this testimony by Lorenzo Hoight, first sergeant of company.

Capt. Alonzo Shumway, of the same company, states:

"That *en route* from Fort Gaines, Ala., to New Orleans, La., claimant was prostrated with severe rheumatism. He continued to suffer for some time while in camp at Carrollton. He was not put on sick list. He had severe pain in back and hips, which I believe was caused by rheumatism; his face was much swollen, caused by neuralgia."

Dr. Ashley further testifies that soldier came home a physical wreck, and that he treated him from September, 1865, for rheumatism, and that his liver was exceedingly torpid, and he continued to treat him during the year 1866, during which time he was totally unable to perform manual labor.

Dr. Rosman, who treated claimant, is dead, but his widow testifies that claimant was treated by her husband for about two years, from 1867, for rheumatism and liver trouble. The medical examiner, in July, 1883, states that while there are no visible symptoms of rheumatism, he complains of weak back and symptoms which point to sciatica. His appearance is that of chronic dyspepsia and debility. Had he claimed for debility resulting from chronic dyspepsia, I should rate him a total, $8.

Two members of the board of surgeons, March, 1884, state there is a general athrophy of the muscular system, there is increased cardiac impulse, but no valvular disease. For muscular atrophy and consequent debility of the whole system we rate him one-fourth, third grade.

All the evidence tends to show that claimant entered the service of the United States a sound, healthy man; he came out a physical wreck, and has continued to suffer from its effect. Your committee therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL BULMAN.

The next business on the Private Calendar was the bill (H. R. 8977) to restore to the pension-roll the name of Samuel Bulman.

Mr. WEBER. I call for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to restore to the pension-roll the name of Samuel Bulman, late a private in Company M, First Regiment New York Volunteer Artillery, as dependent father of Dewitt C. Bulman, late a private in Company B, Twenty-eighth New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

VIRGINIA TAYLOR RANDALL.

The next business on the Private Calendar was the bill (H. R. 7712) granting a pension to Virginia Taylor Randall.

Mr. WHEELER. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Virginia Taylor Randall, widow of Lieut. Col. Burton Randall, late a surgeon in the United States Army, and that she be paid a pension of $25 per month.

Mr. MATSON. I call for the reading of the report.

Mr. WHEELER. The committee that reported this bill ask to substitute the report which I hold in my hand, which is simply the original report with certain documents stricken out to make it briefer.

The report (by Mr. WOLFORD) was read, as follows:

The committee find that Colonel Randall was appointed in the regular Army of the United States fifty-four years ago; that he served with credit and distinction for a period of thirty-six years; they also find that during the late war he was brevetted for faithful and meritorious service. The committee find that he served in the campaign against the Seminole Indians in Florida, and in the army of occupation and invasion in the war with Mexico. They find that in the Florida war he contracted disease from which he never recovered. The committee here insert, as part of their report, the record of Colonel Randall furnished by the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 16, 1886.

Statement of the military service of Burton Randall, late of the United States Army, compiled from the records of this office.

He was appointed assistant surgeon United States Army October 24, 1832; promoted surgeon July 7, 1838; retired October 17, 1868. He received the brevet of lieutenant-colonel March 13, 1865, "for faithful and meritorious services during the war." He was on duty at Fort Jackson, La., from October, 1832, to July, 1833; in the Indian Territory to December, 1833; in Louisiana to April 1836; in connection with emigrating Indians to August, 1836; at Washington, D. C., to October, 1838; at Philadelphia, Pa., to April, 1839; in the Florida war against the Seminole Indians to March, 1842; at Fort Pickens, Fla., to June, 1842; in Louisiana to April, 1843; in the Indian Territory to January, 1847; with the army of occupation and invasion in the war with Mexico, to July, 1848; at Fort Barrancas, Fla., to September, 1849; at Jackson barracks, La., to June, 1853; in the Indian Territory to August, 1857, and at Carlisle barracks, Pa., to September 26, 1861; on leave to October 26, 1861; in charge of the general hospital at Annapolis, Md., to July, 1862; on duty at Fort Hamilton, New York Harbor, to March, 1866, and at Fort Trumbull, Conn. (on leave May 1 to June 30, 1867), to August 16, 1867; on sick leave to September 15, 1868; awaiting orders to October 17, 1868, upon which date he was retired from active service, being over sixty-two years of age, under act of July 17, 1862. On November 9, 1878, he was admitted to the Government Hospital for the Insane, in the District of Columbia, where he remained, under medical treatment, until he died, February 8, 1886.

J. C. KELTON,
Assistant Adjutant-General.

It appears from evidence before the committee that the widow of Colonel Randall, Mrs. Virginia Taylor Randall, a niece of Zachary Taylor, late President of the United States, is now sixty-seven years of age, and that she was married to Surgeon Randall in the year 1848.

The committee also append to and make a part of their report the statement of Hon. JOSEPH WHEELER:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 2, 1886.

MY DEAR SIR: I served with and was intimately acquainted with Col. Burton Randall during the winter of 1859 and 1860. I recall conversations in his family regarding his ill health, and that it was attributed to exposure in the service and the hardships incident thereto. At this time there was no "retired-list" and pension claims were not considered.

I regard the bill introduced by Mr. WILLIS, to grant a pension to Colonel Randall's widow, as very meritorious, and hope it will receive your favorable consideration. Mrs. Randall was, as you know, a Miss Virginia Taylor, of Kentucky, a niece of President Taylor.

With high regard, truly your friend,

JOSEPH WHEELER.

General FRANK L. WOLFORD,
House of Representatives.

The committee recommend that, in view of all the circumstances and the age of Mrs. Randall, the bill do pass.

Mr. PRICE. I move to amend this bill by striking out at the end the words "and that she be paid a pension of $25 a month" and inserting after the word "pension-roll" the words "subject to the provisions and limitations of the pension laws."

Mr. WHEELER. I have no objection to that amendment. In that form the bill will amount to exactly the same thing that it does now.

Mr. WINANS. The bill will be in better form if amended as proposed.

Mr. PRICE. It will look better on the record, and if it amounts to the same thing there can be no objection.

The amendment of Mr. PRICE was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

MRS. THOMAS.

Mr. WOLFORD. Mr. Chairman, I ask by unanimous consent to take up House bill 4688, to increase the pension of Mrs. Thomas, the widow of a gallant major who was killed by the Modoc Indians. It was reported originally by the committee of the House at $40 a month. In the House it was reduced to $30. The Senate have returned it with the pension restored to $40 a month. I desire to call it up to concur in the Senate amendment.

Mr. MORRILL. I demand the regular order of business.

MARY B. HOOK.

The next business on the Private Calendar was the bill (S. 2095) granting an increase of pension to Mary B. Hook.

The CHAIRMAN. No member moving to consider the bill, it will be informally passed over.

MRS. THOMAS.

Mr. MORRILL. I understand the gentleman from Kentucky is unable longer to remain in the House and I will withdraw my objection to taking up the bill (H. R. 4688) to increase the pension of Mrs. Thomas, but I give notice I shall insist on the regular order till 10 o'clock, when I will not object to members calling up bills by unanimous consent.

Mr. WOLFORD. The Senate amendment strikes out $30 a month and inserts $40, and I move it be concurred in.

Mr. MATSON. Let the bill be reported.

The CHAIRMAN. The Clerk states that the bill is not on the Calendar of the Committee of the Whole House on the Private Calendar.

Mr. MATSON. If the bill is not on the Calendar, it can not be considered.

Mr. WOLFORD. The committee have reported unanimously in favor of concurring in the Senate amendment.

Mr. PERKINS. I understand the gentleman to state the bill has passed the Senate and that the question is on concurring in the Senate amendment.

Mr. MATSON. The Senate amendment puts back the pension to $40, which was cut down in the House to $30.

Mr. WOLFORD. I hope the gentleman from Indiana will not object to taking up this bill.

Mr. MATSON. I do not make any point of order. I wish to accommodate my friend from Kentucky, but I would like to know whether the Chair is not bound to protect the committee in a matter of this kind.

The CHAIRMAN. The Chair will ask for the reading of the order under which the House is acting to-night.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 8 p. m., at which evening session private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered. *As amended.*

The CHAIRMAN. While this bill has been reported heretofore——

Mr. WOLFORD. It is the unanimous report of the committee.

The CHAIRMAN. It passed the House and was sent to the Senate, from which it was returned with an amendment, and then it was recommitted to the Committee on Pensions.

Mr. WOLFORD. From which concurrence in the Senate amendment is unanimously reported.

The CHAIRMAN. The Chair is inclined to think it could not be considered under the special order which has been read.

Mr. NEECE. If I understand the reading of that order it does not require bills to be on the Calendar.

The CHAIRMAN. They can not be on the Calendar unless they have been referred to the Committee of the Whole by the House.

Mr. WOLFORD. This bill was reported at $40 by the committee, but the Committee of the Whole House struck it down to $30. The Senate amendment restores the pension to $40. It was referred to the Committee on Pensions, and that committee directed me to report concurrence in the Senate amendments.

The CHAIRMAN. The Clerk has informed the Chair it is not upon the Calendar.

Mr. WOLFORD. It has been unanimously reported favorably.

The CHAIRMAN. When?

Mr. WOLFORD. At the last meeting of the committee.

The CHAIRMAN. When was it reported to the House?

Mr. WOLFORD. I am directed to report it now.

The CHAIRMAN. It is not now in order. The gentleman can report it at the next meeting of the House, and that will cause only a delay of one week. This committee can not receive reports of committees. That is the province of the House. The bill is not before the committee.

RACHEL BARNES.

The next business on the Private Calendar was the bill (H. R. 9106) granting a pension to Rachel Barnes.

Mr. FULLER. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rachel Barnes, widow of William Barnes, who served in Company I, Second United States Infantry, from February 24, 1838, to and until February 24, 1841, and pay her such pension as her said husband, William Barnes, would have received had he been allowed a pension upon the claim filed by him July 3, 1880, and had the same continued until the date of his death, to wit, March 24, 1882: *Provided*, That said Rachel Barnes shall not be paid any pension after said last-named date, but upon payment of the pension herein provided for her name shall be dropped from said roll.

Mr. FULLER. I move to strike out all after the word "her," in line 9, and in lieu thereof to insert "a pension as such widow from and after the passage of this act, subject to the provisions and limitations of the pension laws."

Mr. WALLACE. I ask for the reading of the report.

Mr. FULLER. It is quite lengthy, and, if necessary, it can be printed in the RECORD.

Mr. WALLACE. I do not see how we are to vote intelligently unless these reports are read. If they are not read it turns over to a committee the whole legislation of the House.

Mr. FULLER. After I have made a brief statement, if it is not satisfactory the gentleman can then have the report read.

Mr. WALLACE. The report is read, as I understand it, in my time.

Mr. LONG. But the report is quite lengthy, and all the gentleman from Iowa asks is to make a statement of the case, after which, if the reading of the report is insisted upon, why of course that is the right of any gentleman.

Mr. WALLACE. I do not desire to appear captious, and have no objection to the gentleman making a statement.

Mr. FULLER. Mr. Chairman, as I have a personal knowledge of many of the circumstances surrounding this case I feel it my duty to take a few minutes of the time of the Committee in stating what I know of this case, which to me is a very sad one.

William Barnes, the husband of Rachael Barnes, who is seeking a pension, was a soldier from February 24, 1838, to February 24, 1841, in Company I, Second United States Infantry. This was during the Florida war. During the winter of 1840–'41, while engaged in a lengthy scouting expedition in South Florida among the swamps and everglades of that region, sleeping on the ground, with no tents, he contracted partial blindness.

This partial blindness continued and gradually grew worse until he was entirely incapacitated from earning a livelihood. They had no surgeon with them and he was treated in camp by a steward. This soldier filed an application for pension July 3, 1880. As the incurrence of the disease of the eyes was more than forty-five years ago, it was difficult to find testimony. His comrades were dead. He proved the soundness of his eyes at date of enlistment and their unsoundness upon his return home after his discharge. He also showed by two affidavits of civilians, who saw him during service, that his eyes were affected while in the service. The Department rejected the claim January 14, 1881, for the reason that he had not shown origin to the satisfaction of the office.

There was only one chance remaining, and that was to find living comrades who could indentify him. I entered into a correspondence with the Department to ascertain if there was a living soldier who belonged to his company. After a long search it was ascertained that his lieutenant was still living—General M. R. Patrick, governor of the Soldiers' Home at Dayton, Ohio. Mr. Barnes had become very much discouraged. He had no money. He was strong, but he could not see to work. It seemed to him that the fates were against him, and for himself and wife, with whom he had lived for nearly fifty years, it was "over the hill to the poorhouse." When he learned that his old lieutenant, Patrick, was still living he brightened up. He began to hope and believe that he would receive his dues from the Government. His friends gave him money and he went to Dayton, Ohio, to see General Patrick.

I well remember his coming to see me on his return and his jubilant manner. He said his lieutenant remembered him and would send the necessary testimony. He said at first General Patrick did not recall him. They talked over the incidents of those years. The general got out his old trunk in which were the old army papers. The years were brought back. The battles of forty-five years ago were again talked over. He remembered William Barnes, the trouble with his eyes he recalled. The necessary link in the case was found. Days and weeks passed and nothing was heard from the Department or General Patrick. I noticed that Uncle Barnes was not so cheerful. He would ask me if I thought his old lieutenant would "go back on him," as he expressed it.

I met the old gentleman on the evening of March 23, 1882, on my way home from my office. He stopped me. I saw he was very much agitated and depressed. His manner was very peculiar and not at all natural. He abruptly said to me: "Mr. Fuller, you need not do anything more for me in that pension matter." I said to him I should, and

that we could get the pension. He turned from me and leaned over the fence and commenced to weep, and said: "Let it go, my old lieutenant has 'gone back on me.' He thinks I am a fraud, and they (the Government) will do nothing for me." I endeavored to console him; told him that the Government was slow to act and that there was much red tape about Government offices, and said to him that in the morning I would write to the Pension Office and our Congressman; that I believed General Patrick had sent in the testimony, but the office was slow in acting upon the case. I could not console him. I never saw him again alive.

The next day, about 11 o'clock in the morning, my little boy found him hanging to a tree in my timber-lot, a short distance from my house. Uncle Barnes had given up; hope had died out; the poor-house was before him; the Government that he had served so well he thought had forsaken him; his last remaining comrade, his lieutenant, he believed had changed his opinion and thought him a fraud. It was too much. His mind gave way, and with the only thought that he must get away from this, to him, cruel world he took his life. If he had only waited a few days this feeling of gloom and utter despondency would have given way to joy. Let me here read Lieutenant Patrick's letter to the Commissioner of Pensions, February 16, 1882:

On or about the 7th of January, 1882, in reply to inquiries made in relation to one William Barnes, formerly of I Company, Second Regiment of Infantry, I wrote you giving some facts which I found in my journal. I had written him at about the same time very nearly a duplicate of what I wrote you. At his own expense he has come here to see me, bringing with him letters of the very best character. His presence here and a re-examination of my journal enable me to speak of him more in detail than before; and, at the risk of being somewhat prolix, I will state that in the summer of 1839 he, with his company, under command of Captain Russell, went into Florida and down the coast in the neighborhood of Key Biscayne and the mouth of the Miami River, where the captain was soon after killed and the company left in command of a young lieutenant recently appointed from civil life.

When I reached there, in December following, I found that the company was for quite a time without shelter, sleeping in the open air, suffering much from mosquitoes and the climate generally. A number of cases of moon-blindness existed when I took the company, some of the men being unable to perform night duty on that account.

I do not recollect anything in particular of this man Barnes, save that on several occasions I took him with me as a very trusty man. He had been a corporal almost from his enlistment, but, being without any education, felt himself incapable of discharging the duties, and so resigned.

On the 1st day of March following I find him one of the picked men who were sent out and were attaked by Indians, in which he behaved remarkably well, as he was reported to have done once before I took the company. Between that time and the 1st of July following I occasionally took him with me on hunting expeditions, I carrying a rifle and he a fowling-piece, because, as he stated, he could not see to shoot at any distance, as he could when he first came into Florida.

On examining my journal in his presence he has recalled to my recollection certain incidents, such as my signaling him to join me when he has been at some distance from me, and his being unable to see me until being told by those with him that I was signaling.

On one occasion in particular he was for a time very much troubled at a reprimand I gave him for not shooting at an object which I pointed out, until he again reminded me that he could see but a short distance. I find from a reference to my journal that on the 24th of July I placed him in charge of certain rough carpenter work in building a post, and in connection with the fall of a bent in a large building the question of his defective eyesight again came up.

From my knowledge of the man up to the time of his discharge in February, 1841, I feel very confident, amounting to almost certainty, that his disability commenced in the summer of 1839, while serving in the neighborhood of Key Biscayne, involving a large amount of boat-service among the keys, bays, Miami River, open-water everglades, and water service generally (the sun shining upon the water with great brilliancy), sleeping in open air at night during that summer, and that it became intensified by continuous service through the summer of 1840 in the sands of the Touhlacooche and Ochlawaha districts, when troops in that country were usually at rest. On this subject I speak from an experience of five years' continuous service in Florida.

In 1837, and again in 1842, I found myself laid up with brain-fever from these same causes.

I have asked Colonel Thomas (treasurer of the home), recognized as among the ablest of our medical men, to be present during my examination of the man and himself to examine him professionally with a view to giving his opinion in the case. Through other sources than the letter I have received I hear the very best character possible given him as to perfect truthfulness and honesty, and these accord with the record in my journal of the trusts with which he was honored when with me. I do not know whether this statement can be of any use in forwarding his claim, but so far as it goes I can swear to it.

Very respectfully,

M. R. PATRICK, *Governor.*

This letter containing such convincing evidence of the righteousness of William Barnes's claim came too late. I trust this House will vindicate his memory by granting a pension to his widow.

Rachel Barnes, widow of William Barnes, applied for a pension March 20, 1883. Her application was rejected under the technical rules of the Pension Office. Mrs. Barnes is not a young woman. She is between seventy and eighty years of age. She took the death of her husband very hard. She has no means of support. She should receive the pension which undoubtedly her husband would have received had he lived. No words of mine can add to the strength of the simple facts in this case. I believe it is only justice that Congress assist this widow, and I trust the pension asked will be granted.

Mr. CUTCHEON. By the bill no arrears are allowed?

Mr. FULLER. No, sir; it does not provide for arrears.

Mr. NEECE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after "1841," in line 8, and insert "and pay her a pension subject to the provisions and limitations of the pension laws."

Mr. O'HARA. The amendment already offered accomplishes what the gentleman from Illinois desires.

Mr. NEECE. Then I withdraw the amendment.

Mr. WALLACE. I ask the gentleman from Iowa [Mr. FULLER] which is the longest, the report or his statement? If the report is longer, I withdraw my request for the reading of it.

The amendment offered by Mr. FULLER was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. ANDERSON, of Ohio. I ask unanimous consent to take up out of its order the bill H. R. 5796.

Mr. MORRILL. I must insist on the regular order.

Mr. PERKINS. I wish to make a suggestion. I understand that General ANDERSON can not be here next Friday evening, and it would be an accommodation to him to have the bill he has indicated taken up now.

Mr. NEECE. I shall insist on the regular order till about 10 o'clock, and I shall then be willing that members shall call up bills out of their regular order.

The CHAIRMAN. The regular order being insisted upon, the Clerk will report the next bill.

MARGARET S. FAIN.

The next business called up for consideration (by Mr. SWOPE) was the bill (H. R. 260) for the relief of Margaret S. Fain.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret S. Fain, widow of William C. Fain, who was killed while recruiting a regiment about April 6, 1864, at Pitman's Ferry, Hope County, Tennessee.

The Committee on Invalid Pensions recommended the following amendment:

Add at the end of the bill the words "and pay her the pension allowed to the widow of a captain."

Mr. WALLACE. Let the report be read.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 260) for the relief of Margaret S. Fain, report:

The evidence filed in this case shows that William C. Fain, the husband of the petitioner, Margaret Fain, was an attorney-at-law residing at Morgantown, Fannin County, Georgia; that in March, 1864, he left home to join the Union Army; that he went to Cleveland and Knoxville, Tenn., and received from Maj. Gen. D. C. Stanley, commanding First Division Tenth Army Corps, authority to raise a regiment for the United States service; that he engaged in recruiting under this authority and raised some four companies; that while engaged in this recruiting service he and a party of his men were attacked and captured by a confedertate force under Captain Rogers; that he was placed on horseback by his captors, taken some 3 miles to Edwards Ferry, Tocoa River, and there shot through the head and killed; and because of the loss of her husband while thus engaged in the military service of the United States, and in the discharge of his duty in recruiting for the Army, the widow now asks a pension.

The testimony filed to show these facts is:

That of the widow, who was with her husband at the time of his capture, at the house of one Alexander Officer, near Ducktown, Polk County, Tennessee, who followed her husband when he was taken away, and came up in time to see him shot from his horse, and found him dead when she reached him. This capture and killing was on the morning of April 6, 1864.

James Parks testifies to the loyalty of Colonel Fain, and, though not personally present, to the service and death as above stated, from information obtained at the time, as he was assisting to raise the regiment, and was at headquarters on the day of the occurrence. He says that Fain made an attempt to escape and was shot.

William Postell was a member of the regiment; on the day of the occurrence was at the house of Aaron Mathis, within 1 mile of the place of killing; saw the confederate detachment of some sixty men, under Captain Rogers, pass within 100 yards, having Colonel Fain in their possession; about fifteen minutes after heard the report of guns; went and found Colonel Fain lying dead, being shot through the head; made a personal examination.

Many other witnesses testify to his loyalty, his recruiting service, and his death.

General Stanley, under date of December 13, 1870, certifies to having given Colonel Fain permission to recruit a regiment of the mountaineers of Tennessee, Georgia, and the Carolinas; and that proper authority for this purpose was issued from the headquarters of General Thomas.

From the testimony there can be no doubt as to the facts: Mr. Fain was a Union man; was authorized to raise a regiment for the Army; was engaged in this work when he was captured and shot, in an effort to escape, by the confederate forces under Captain Rogers. Had Mr. Fain lived to complete his regiment he would have undoubtedly been commissioned as a colonel, and having lost his life while engaged in the public service, we believe the widow should be pensioned.

We therefore recommend the passage of the bill with an amendment adding "and pay her the pension allowed to the widow of a captain."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES SAVERCOOL.

Mr. RANDALL. After sitting for an hour watching for a case reported by the gentleman from New Jersey [Mr. PIDCOCK] I was called out for a few moments, and, in my absence, I understand that bill was passed over. It is the bill (H. R. 6824) granting a pension to James Savercool.

The CHAIRMAN. It was passed over because no demand was made for its consideration.

Mr. LONG. Let the gentleman from Pennsylvania call it up now.

Mr. RANDALL. If there be no objection, I now call up that bill for consideration.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Savercool, late of the United States Navy.

Mr. WINANS. Let the report be read.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6824) granting a pension to James Savercool, having considered the same, submit the following report:

The claimant enlisted in the United States Navy August 27, 1864, and was discharged June 2, 1865.

He served as fireman on the United States steamer Nipsic, and near Boston, Mass., in March, 1865, from exposure and hardships, contracted scurvy, a disease which caused sores on his limbs, spongy gums, and weakness of back.

His claim for pension was submitted for admission in the Pension Office June 18, 1885, and resubmitted for admission August 5, 1885, after a careful examination of all claimant's witnesses by special examiners of the Pension Office, who recommended the claim for admission, but rejected August 14, 1885, on the ground that there is no record of alleged disability and claimant's inability to furnish evidence to satisfactorily establish the origin of the same in the service. Claimant's soundness at enlistment was testified to by several credible witnesses before the special examiner, and four of his comrades in service testify to his illness in service, in March, 1865, at the time of contraction of alleged disease of scurvy, but are unable to state the nature of claimant's disease; that he was in hospital, and some of them testify that they went to see him in hospital and saw a rough, scabby rash on his legs.

The inability of the witnesses to positively assert that the disease with which claimant was troubled in service was scurvy undoubtedly caused the rejection of the claim by the reviewer in the Pension Office. The records show that the claimant entered the Chelsea Hospital and was treated from April 20, 1865, until discharge, May 30, 1865, for erysipelas, extending to the foot. M. Rosaline Fitch testified before the special examiner that she has charge of her late father, Dr. James C. Fitch's books; that they show seven or eight visits charged to claimant's account from 1862 to April, 1865, and twelve visits in 1876, 1877, and 1879; that cash visits would not be charged, and that she has seen claimant at her father's house a number of times.

Dr. A. L. Gibbs testified that he has treated two of claimant's children within the last three years for eczema, which could not be cured, being seated in their blood. It broke out in sores over the legs, arms, face, and body.

Dr. George D. Fitch testified that he distinctly recollects that he heard his father, the late Dr. Fitch, say that claimant had scurvy, heard him say so about ten days after his return from the army.

Dr. L. C. Osmun testified that he treated claimant in 1879 and 1880 for scurvy; lower limbs swollen, inflamed; bowels alternately relaxed and costive; sponginess of gums, with bleeding on slight irritation; limbs congested and broken out in little pustules; feet also swollen; face sometimes puffed, but not sore; trouble most in warm weather; suffered from general debility; no evidence of syphilis; habits correct.

Many of claimant's neighbors testified that since discharge from the Navy he has been a constant sufferer from this dreadful disease, having nasty red sores on his limbs, with general weakness of limbs and back, which has largely incapacitated him for work.

The special examiner in his report says: Dr. Fitch, whose original testimony appears in the case, should be believed, as he was a good physician and careful about giving testimony in pension claims; he stated that he treated the man for scurvy when he returned from the service, and his testimony is corroborated by the statement of his son, Dr. G. D. Fitch. Another fact favorable to the case is the reticence usually observed by persons afflicted with skin disease. The evidence shows conclusively that he had scurvy or some disease of the cuticle, at least, at discharge, and that he has it now, and I should therefore recommend the allowance of the claim. The examining surgeon rated the claimant's disability one-half to three-quarters.

Your committee, realizing that this case is a meritorious one, recommend that the bill do pass.

The bill was laid aside to be reported to the House with a favorable recommendation.

JACOB CASE.

The next business on the Private Calendar called up for consideration (by Mr. WINANS) was the bill (H. R. 8835) granting a pension to Jacob Case.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Case, late of Company D, Thirtieth Regiment New Jersey Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ABRAHAM P. GRIGGS.

The next business on the Private Calendar called up for consideration by (Mr. WINANS) was the the bill (H. R. 8834) granting a pension to Abraham P. Griggs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abraham P. Griggs, late of Company B, First Regiment New Jersey Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN MILLER.

The next business on the Private Calendar called up for consideration (by Mr. ERMENTROUT) was the bill (H. R. 8836) granting a pension to John Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Miller, late of Company A, Thirty-eighth Regiment New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AARON GARIS.

The next business on the Private Calendar called up for consideration (by Mr. SWOPE) was the bill (H. R. 8830) granting a pension to Aaron Garris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Aaron Garris, late of Company C, Twentieth Regiment Pennsylvania Cavalry.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, strike out "Garris" and insert "Garis."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

B. FRANK PATTERSON.

The next business on the Private Calendar called up for consideration (by Mr. NEECE) was the bill (S. 1390) for the relief of B. Frank Patterson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of B. Frank Patterson, late of Company F, Fourteenth New Jersey Volunteers, on the pension-roll, subject to the provisions of the pension laws.

Mr. MATSON. I ask for the reading of the report.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1390) for the relief of B. Frank Patterson, having examined the same, submit the following report:

The claimant was mustered into service August 26, 1862, as first sergeant of Company F, Fourteenth Regiment New Jersey Volunteers; was promoted to be second lieutenant of the same company and regiment on November 19, 1863, and discharged April 1, 1864, on account of disability.

The basis of this soldier's claim is disease of the bladder and kidneys, contracted in 1862 while in the line of his duty, and for which he was treated by Dr. A. Treganowan, the surgeon of his regiment; and the further cause of disability, that while on the march from Gettysburg to Williamsport, Md., in the attempt to jump a ditch he fell backward and received severe injuries in his spine, from which he never recovered and is now almost wholly disabled.

The claim was rejected by the Pension Bureau on the ground that his disabilities did not arise while in the line of his duty.

Dr. Treganowan and Dr. J. B. Goodenough and two neighbors testify that at enlistment the claimant was a sound, healthy man, and free from any disease or disability whatever.

Dr. A. Treganowan, surgeon of claimant's regiment, testifies that claimant was attended by him for catarrh of the bladder and inflammation of the kidneys in 1862, while at Monocacy, Md., and remained under his medical care almost continuously for the same difficulty until the date of his discharge from the service on surgeon's cirtificate of disability in December, 1863, and that said certificate of disability was granted by him while surgeon of the regiment, and that said disability was contracted in the service while in the discharge of duty.

John C. Patterson, captain and major of same regiment, testifies that near Williamsport, Md., in July, 1863, claimant in jumping a ditch fell backward and hurt his back and spine and never recovered from it. His first sickness was while lying in camp at Monocacy Junction in the winter of 1862 and 1863.

George W. White, corporal Company G, and Guaudin Hampton, private Company D, both of same regiment, testify that near Williamsport, Md., July 10, 1863, claimant in jumping a ditch fell backward in it and injured his back and spine so that he could not walk for several days, and was unfit for duty for some time. They state they were eye-witnesses to the injury.

Dr. J. B. Goodenough again testifies that in the summer of 1865, he thinks July, he was called on by claimant for medical treatment and found him suffering from disease of kidneys and great nervous prostration; that claimant is completely broken down by a complication of diseases brought on by exposure in the army.

Dr. H. W. Garrison testifies that he treated claimant during the years 1880 and 1881 for nasal catarrh, neuralgia of head, spine, kidneys, and stomach; that claimant is unable to perform manual labor, and at times confined to his bed. During the years 1880 and 1881 he believes his disability to have been one-half; that he knows nothing of claimant's condition prior to 1880, and that in his opinion said disability was caused by exposure to malarial influence and hardships while in the service.

Neighbors of claimant who have known him intimately for twenty-five years testify that he has been afflicted with neuralgia of bladder and kidneys and head and nervous prostration, so that he could not get out of bed a great part of the time, and not able at any time to perform manual labor, the least exertion causing great weakness, being weak across the back and groins. There are no records of this regiment on file in the office of the Surgeon-General.

The claimant testifies very strongly that he never had any venereal disease before his service, in the service, or since his discharge, and there is no testimony on file which would show to the contrary.

There is no doubt but that the disease of bladder and kidneys with which claimant suffers resulted from malarial troubles and his weakened condition after receiving the injury to his spine.

The physicians who testify are reported to be men of ability and of good standing, and their opinion as to the cause of said disability should be entitled to great credit.

This man was a good soldier, and his record as a soldier is good. He remained on duty even while suffering from complicated disease, until he was physically unable to perform his duties, and finally received an honorable discharge.

The committee therefore, believing this to be a worthy and deserving case, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ZEBULON S. TOMPKINS.

The next business on the Private Calendar called up for consideration (by Mr. RANDALL) was the bill (S. 2067) for increase of pension to Zebulon S. Tompkins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Zebulon S. Tompkins, late of Company E, Sixth New Jersey Volunteers, at the rate of $12 per month, in lieu of the amount now received by him under the law.

Mr. MATSON called for the reading of the report, but withdrew the call after the Clerk had read three or four lines.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. ANDERSON, of Ohio. It is now 10 o'clock, and I renew my request to be permitted to call up out of its order the bill I have indicated.

Objection was made.

JOSHUA ARMSTRONG.

The next pension bill called up for consideration (by Mr. BINGHAM) was the bill (H. R. 2027) granting a pension to Joshua Armstrong.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorzed and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joshua Armstrong, dependent father of John E. Armstrong, late of Company A, Seventh Regiment United States Cavalry.

Mr. WALLACE. I call for the reading of the report.

Mr. BINGHAM. This is the case of a dependent father, and the pension is granted under the provisions and limitations of the pension law.

The CHAIRMAN. The reading of the report is called for.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2027) granting a pension to Joshua Armstrong, respectfully report:

Joshua Armstrong applied for pension to the Pension Department, April 5, 1880, as the dependent father of John E. Armstrong, who enlisted April 2, 1875, in Company A, Seventh United States Cavalry, and was killed in the battle of the Little Big Horn River, Montana Territory, June 25, 1876.

The Pension Bureau rejected the claim on the ground that the soldier left surviving a minor child, who is still living.

The birth of soldier's child, Ida Matilda, September 8, 1858, and child, Mary Emma, born January 26, 1861, is shown by verified copy of church record. Child Mary Emma was sixteen years of age January 26, 1877.

The facts of this case are briefly as follows: At the expiration of a previous term of service John E. Armstrong returned to his home with the intention of quitting the trade of war, and of resuming the arts of peace in the bosom of his family. But when he reached his home he found that the history of Enoch Arden had been repeated in his own case. When he enlisted he left a wife and two children; when he returned he found his wife living with another man and in a condition for—hich he disclaimed all responsibility. As soon as he realized the situation, and it required only a glance at the figure of his wife, in profile, he again left, re-enlisted April 2, 1875, and was killed as stated at the battle of Little Big Horn, June 25, 1876.

The two daughters whom he had by his wife are of age and married; the other child which his wife had he disclaimed all responsibility for.

It is in evidence that the soldier lived with his father prior to enlistment, and that he contributed to his support, sending him at one time as much as $100 out of his pay for that purpose.

The father is old and suffering from senile affections, as described by the examining surgeon. His claim for a pension was rejected by the Pension Department because at the time of the filing of his application there was a minor child surviving. As she is now of age and married, your committee think that, as this objection no longer exists, the father should receive the asked-for relief, and they therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JONAS SCHOONOVER.

The next business on the Private Calendar called up for consideration (by Mr. WINANS) was the bill (H. R. 8663) to increase the pension of Jonas Schoonover.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to increase the pension of Jonas Schoonover, late colonel of the Twenty-ninth Regiment Ohio Infantry Volunteers (who is now on the pension-roll under certificate of invalid pensions numbered ——, at the rate of $30 per month), to $72 per month.

The Committee on Invalid Pensions recommended the following amendment:

In line 8 strike out "$72" and insert "$40."

Mr. WINANS. I withdraw the call for the consideration of this bill.

Mr. PRICE. I move that it be reported with the recommendation that it be laid on the table. This is one of the objectionable bills.

Mr. RANDALL. I suggest that as the gentleman who introduced this bill is absent it be passed over, retaining its place on the Calendar.

Mr. ELLSBERRY. I would rather have the bill acted upon to-night. I call for the reading of the report.

The report (by Mr. ELLSBERRY) was read, as follows:

The files in this case show that claimant enlisted as a private soldier October 3, 1861.. That he served faithfully in the Twenty-ninth Ohio Volunteers until July 13, 1865. During the four years of service he served as private, lieutenant, captain, major, lieutenant-colonel, and colonel, having won his promotions by gallant and meritorious service. He is now receiving a pension of $30 per month on account of rheumatism. Under the existing laws the Pension Office can allow no more, as the soldier does not require the constant aid and attention of another person, and there being no grade between the rate of $30 for total inability to perform any manual labor and the rate of $50 for total helplessness.

The facts in this case seem to be that for several months each year for the past five years this claimant has been bedfast and totally helpless from the disability incurred in the Army, namely, rheumatism; while during the remainder of the year he is able to dress himself and with difficulty get around the room and on the street.

Dr. A. E. Foltz, his family physician, after giving a very careful description of the case, adds:

"During the winter of 1881 and 1882 he was confined to his bed and utterly helpless; nearly all the joints of the upper and lower extremities were involved, being acutely inflamed, red, swollen, and very painful, lasting about three months. Each succeeding winter he has had similar attacks. He presents all the disastrous joint affections of chronic articular rheumatism with winter attacks of the acute disease."

Dr. W. C. Jacobs corrpborates the above, and adds that he does not believe he can ever be any better. A. B. Kuder and O. W. Hale corroborate this, and add that for past six months the claimant has been the most of the time unable to walk at all.

While this case is not one of utter helplessness, entitling him to $50, it certainly approximates very closely to it, and the claimant deserves more than the comrade who is simply disabled from performing any labor.

Your committee recommend the passage of the bill with an amendment striking out the words "seventy-two," in line 8, and inserting the word "forty."

Mr. PRICE. I renew my motion that this bill be laid aside with the recommendation that it be laid on the table.

Mr. MORRILL. I wish to say in regard to this bill, Mr. Chairman, that I have examined every paper in that case, and a more meritorious application has not been before this House during this session. This man for four or five months of the year is entirely helpless.

If he continued to be helpless during the remainder of the year he would be entitled to $50 a month. As it is he only gets $40 a month. We have repeatedly acted upon just such cases, and it has been customary with the committee where helplessness exists, as in this case, to allow the difference between $30 and $50, according to the character of the disability.

Mr. MATSON. Will the gentleman from Wisconsin state the ground of his objection?

Mr. PRICE. My chief objection is that we ought not to raise a man who is getting $30 while many are getting nothing. Now, when you come to figures, the half difference between $30 and $50 is $40. If this man was disabled half the year, he would get that.

Four months, or one-third of the year, this man is disabled, but one-third of the difference would not be $40, yet you propose to give him this amount as if he was disabled half the year. I know you are going to vote the bill through, and it does not make much difference what argument is made against it.

The question being taken on the amendment of the committee, it was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LIBBIE C. MONTIS.

The next business on the Private Calendar was the bill (S. 1836) for the relief of Libbie C. Montis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to restore to the pension-roll, subject to the limitations and provisions of the pension-laws, the name of Mahlon D. Montis, late a private in Company G of the Second Regiment of Ohio Volunteers, commanded by Col. William Irvin, and to place the name of Libbie C. Montis on the pension-roll as the widow of said pensioner, deceased.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1836) for the relief of Libbie C. Montis, have had the same under consideration and beg leave to refer to the annexed report of the Senate Committee on Pensions, which they adopt as their own, and recommend the passage of the bill with the following amendments:

Strike out all after the word "of," in line 5, and including the word "of," in line 7; also strike out all after the word "Montis," in line 7, and insert therein instead the words "widow of Mahlon D. Montis, late a private in Company G of the Second Regiment of Ohio Volunteers, war with Mexico;" so as to read after the word "of," in line 7, as follows: "Libbie C. Montis, widow of Mahlon D. Montis, late a private in Company G of the Second Regiment of Ohio Volunteers, war with Mexico."

That it appears from the papers in this case that Libbie C. Montis is the widow of Mahlon D. Montis, a private in Capt. James E. Harle's Company G, Second Ohio Volunteers, in the war with Mexico in 1847. That while in the service he contracted a disease in the line of his duty, which became chronic and made him an invalid throughout his life, and for which he was pensioned.

From patriotic impulses he attempted to enlist during the last war, but was rejected for physical disability. At the urgent call of the Government for one-hundred-day troops he did enlist and served for that time, and was honorably discharged on the 2d day of September, 1861, at Columbus, Ohio. In consequence of thus volunteering his name was dropped from the pension-roll, and he finally died of a complication of diseases which had their origin in the disease contracted while he was a soldier in the Mexican war and for which he was originally pensioned.

Declaration for pension filed December 28, 1885; claim rejected January 27, 1886, on the ground that the "death cause not due to service."

The statement of claimant is substantiated by affidavit of Mahlon D. Montis, dated May 23, 1851, as to the disease, which was contracted at or near Jalapa, Mexico, in July, 1848. Also the affidavit of James E. Harle, captain Company G, Second Ohio Volunteers (war with Mexico), dated May 23, 1851. Also affidavits of T. R. Robie, M. D., and J. H. Officer, M. D., dated May 23, 1851, corroborating original statement as to the disease contracted while a soldier in the war with Mexico; also, by affidavit of W. T. McMahon, M. D., dated May 7, 1875, that he had treated this soldier as his family physician since 1864 for the

disease contracted in Mexico, which was at first and for many years chronic diarrhea, which emaciated him very much, and as a result this soldier had at first nervous difficulties, which finally resulted in epilepsy, which caused his death.

The statement is further corroborated by the certificate of the board of examining surgeons, dated March 27, 1875, as to the condition of this soldier at that time, and they say that he was then "so disabled by disease as to be entitled to a pension of $8 per month," and is signed by J. B. G. Baxter, M. D.; N. F. Graham, M. D.; William Grinsted, M. D., and Luther C. Cox, examining surgeons.

The statement is further corroborated by an affidavit signed by S. S. Stearns, M. D., dated November 5, 1883, setting forth the fact that his disease was contracted during the Mexican war; also affidavit of Adolph Behrend, M. D., dated December 6, 1883, to the same effect.

The soldier died July 16, 1885.

Taking into consideration all the evidence filed in this case, your committee believe it to be their duty to report in favor of this bill and recommend its passage.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. LONG. Is it in order to ask consent to call up a bill out of its regular order?

The CHAIRMAN. It is not in order. The bills are called up in their order upon the Calendar by order of the committee.

Mr. MATSON. I move that the committee do now rise.

The motion was not agreed to, there being on a division—ayes 12, noes 20.

HENRY BELLION.

Mr. HERMANN. Mr. Chairman, with the consent of the committee I desire to state that a bill was inadvertently omitted on my part and passed over by the House. It is on page 52 of the Calendar, for the relief of Henry Bellion. I ask consent of the House to go back and take up this bill and put it upon its passage.

There was no objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and required to place the name of Henry Bellion, of Portland, Oreg., on the pension-roll, on account of a disability contracted in the service of the United States Army, in Company E, First Regiment United States Dragoons.

The report (by Mr. LANDES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1217) granting a pension to Henry Bellion, have examined the same, and report:

That the facts upon which this bill is founded are set forth in the report made by the Senate committee, which report is accepted as the report of this committee, and is as follows:

[Senate Report No. 611, Forth-ninth Congress, first session.]

The application of the petitioner was rejected by the Pension Office on account of his inability to furnish satisfactory testimony connecting the alleged disabilities with the service and line of duty.

The Adjutant-General's report says:

"Henry Bellion enlisted on the 12th day of February, 1855, and was assigned to Company E, First Regiment of the United States Dragoons, and that he was discharged February 12, 1860, by reason of expiration of service. Muster-rolls reporting him absent or present do not show nature of disability."

The Surgeon-General's report says that Private Henry Bellion, Company E, First Regiment Dragoons, was sent to hospital, Fort Walla Walla, Washington Territory, October 2, 1857, with gunshot wound.

Both the Adjutant and the Surgeon General admit that the records are defective.

The board of examining surgeons find: "A ball has struck his right leg about midway of its length, outside the tibia, and been removed." The right index finger has been injured and amputated. They also find inguinal hernia, requiring use of truss.

The soldier avers that he is unable to learn whether the surgeon of his regiment is living or dead; that many of his comrades, immediately after discharge, enlisted in the Union service, and he has never heard of them since, and that it is impossible to furnish the testimony required.

In view of all the circumstances the committee feel that it is only an act of justice to concede some relief to this man.

The bill is reported favorably, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. LONG. Mr. Chairman, I do not want to ask any favor for myself, but I would ask unanimous consent that each member of the committee here present have consent to call up one case out of the regular order.

Mr. MATSON. I must object to that. We can not get around at this late hour of the night.

Mr. LONG. But some of us can get around. [Laughter.] [Cries of "Regular order!"]

Mr. WALLACE. Mr. Chairman, coming as I do to the House so late in the session I had hoped it would not be necessary for me to rise for the expression of my views on any subject but that I could satisfy myself in voting my sentiments. But this legislation here to-night, I may be permitted to say, seems so extraordinary and so subversive of what I consider proper and right and consistent legislation, that I deem it my duty to enter a protest. Thirty-five men, it seems, can draw from the Treasury the money of the United States for a large amount of pensions, disbursing the funds of the Government indiscriminately in granting special acts of relief. The precedent is bad and the system infamous.

Mr. BINGHAM. Mr. Chairman, I do not wish to interrupt the gentleman, but I would like to ask to what bill he is speaking.

The CHAIRMAN. There is no bill before the committee, and the gentleman is not now in order.

Mr. BINGHAM. The gentleman can make his speech when a bill is under consideration.

Mr. WALLACE. I beg pardon; I thought a bill had been read.

JAMES F. SALYERS.

The next business on the Private Calender was the bill (H. R. 3948) granting a pension to James F. Salyers.

Mr. WINANS. I ask consideration of that bill.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James F. Salyers, late a private in Company B, Eighteenth Regiment Kentucky Volunteer Infantry.

Mr. WALLACE. Mr. Chairman, it is very disagreeable to me——

Mr. LONG. Will the gentleman excuse me? Has consideration been asked for this bill?

The CHAIRMAN. It has, and the bill has been read.

Mr. WALLACE. It is very disagreeable to me to make this movement or take this step. Coming, as I have said, so lately into the House I feel it somewhat presumptuous that so new a member should endeavor to interpose an objection to this method of legislation, which I understand has been in existence some eighteen months. But it seems to me, with the precedents which have gone before and in view of the recent veto messages of the President of the United States, I am not entirely alone in feeling this to be an outrageous form of legislation. I do not only allude to it in the case of pensions, but my protest is to this system of legislation, no matter what may be the object for which the money is being appropriated.

I should object to it no matter for what purpose the money was drawn from the Treasury to be paid out indiscriminately upon such slight consideration as we have had here to-night. If of three hundred and twenty-five members of this House we can not get more than thirty-five who take an interest in pensions, I think it would be a very good idea for us to abolish this practice of holding special pension sessions. While I do not desire to call a quorum on these bills to-night, I shall certainly at the next meeting of this kind that is held enter my protest and call a quorum if the attendance be so limited as it is this evening.

It is very far indeed from my mind to make any opposition to pensions. I am in favor of all legitimate and rightful pensions; and whenever there is a proposition to give a pension to a man who has served his country, and in rendering that service has received a wound or contracted an illness of a character to keep him from earning a living and taking his part in the struggle of life, I shall accord it my vote most cheerfully.

But I have seen this evening several bills passed simply on the report of a committee. That committee is not infallible. Several of its reports have been changed, reversed, and seventeen of these bills vetoed. It seems to me clear that thirty-odd members of the House have no right to take the public money which should be a sacred trust with them and with each member of the House and vote it away in this manner.

I have no doubt that certain of my friends on the other side, who do not think politically as I do, will say, "That is because he comes from the South."

I desire to say, sir, that I come from a section of the New South, that has forgotten the war—a South of peace and harmony among men. I am happy to say that I do not believe there is one man who comes from my section who would raise that question or desire to hear it raised on this floor. Therefore I disclaim all feeling of sectionalism, I disclaim all prejudice against pensions; but I should most earnestly protest against any form of legislation drawing money from the Treasury for any purpose whatsoever by so limited a body as we have here to-night, and especially in the manner in which this legislation has gone on, without even hearing many of the reports made from the committee read. I have heard a pension voted to a man who died long since the war from a disease of the liver, a disease which may come on at any time suddenly, and which carries its victim off without very long suffering, and could not have been the result of a war twenty years ago.

As I understand it there has been a sort of agreement between parties here that these pension bills shall be allowed to pass in this way, but I wish to say I can not consent to sit by at any future meeting without calling a quorum if the attendance is as small as it is here to-night. I do not say that I shall call a quorum if a large body or a respectable body of members shall be in attendance. [Laughter.]

Mr. HOLMES. I would like to ask the gentleman to inform us what he would regard as a respectable number, so that we may try to be prepared to do business at our next meeting.

Mr. WALLACE. I prefer to withhold that information for the present.

Mr. PERKINS. And I would like to ask the gentleman if this legislation would be more meritorious than it is if the House were full?

Mr. WALLACE. Yes. Whatever the full House would do by a majority they have a right to do, and they would be responsible for it.

Mr. LONG. Would the gentleman from Louisiana think it worth while to consider this particular case, to let the report be read and let us determine whether the case is a meritorious one?

Mr. WALLACE. I am not alluding to this particular case, but to the general practice in regard to these special pension bills.

Mr. LONG. But would it not be well to have the report in this case read and the case considered?

Mr. PRICE. I want to ask the gentleman from Louisiana how in the nature of things the State that he represents in part could have received at one time $1,000,000 and at another time $300,000 which was purely local in its benefits if we had been sticklers for a quorum at the time we voted those appropriations in the Forty-eighth Congress?

Mr. WALLACE. I do not profess to be responsible for what was done by any legislative body in which a quorum was not present. I was not here. I would object to thirty-five men voting away $1,000,000 for any purpose in my or any district.

Mr. PRICE. Then I understand the gentleman only became responsible for the action of the American Congress when he took his seat here a few days ago. I am glad to know that.

Mr. WALLACE. I became partially responsible, and I do not wish to bear one thirty-fifth part of this responsibility either. I simply make to-night the announcement I have that there may be no unpleasant feeling if at any future meeting I should make the point I have indicated and raise that issue.

Mr. ADAMS, of Illinois. Will the gentleman permit me a suggestion? It has frequently occurred that even when one of the regular appropriation bills involving a very large amount of money was under consideration this House sat in Committee of the Whole with only 90 voting.

Mr. WALLACE. But with the larger part of the members present.

Mr. ADAMS, of Illinois. Oh, no.

Mr. BRADY. Why we passed the legislative appropriation bill a few days ago, appropriating about $20,000,000, and I am sure there was not a quorum present at the time.

Mr. WHEELER. Will the gentleman yield to me for a moment?

Mr. WALLACE. I will yield to the gentleman from Alabama.

Mr. WHEELER. I fully agree with all the gentleman says regarding the importance of strictly and zealously guarding the Treasury. I fully concur with the gentleman that it is the duty of Congress to carefully consider every pension bill and to vote down every bill which is not meritorious; but I can not agree with him that bills of this character would be more carefully considered if every member was in this Hall.

My experience has taught me that the Committee on Pensions take all proper care to guard against imposition. I believe some four thousand pension bills have been referred to the Committee on Invalid Pensions and but five hundred have received favorable consideration.

The reports made by the committee are printed and placed before each member of the House, and my experience has taught me that with fifty to seventy members present we more fully understand each case than we would if all the members were here giving their usual attention to what is going on in the House. The gentleman from Louisiana must have observed that the noise and confusion of a full House makes it difficult for any member to fully understand the proceedings, and it often happens that but very few seem to understand the questions at issue.

To impose legislation of a private nature upon all the members of the House would go very far to retard business, and I can not think it would prevent the passage of a single bill which would not be rejected by the members who are present to-night. It is frequently the case that questions come up which members think should be brought before the full House, and such propositions very seldom meet with objection.

The gentleman will therefore observe, notwithstanding the fact that fewer members are present at evening sessions, those few are enabled to give subjects brought before them better attention than is usually given them by three hundred and twenty-five members.

Mr. WALLACE. As I understand, all these bills coming before the House on Friday nights are cases that have been rejected at the Department.

Several MEMBERS. Oh, no!

Mr. WALLACE. And the *prima facie* evidence is that there is something wrong about them. If the business of this House is to be left entirely to committees, then the House as it stands is entirely too large. There are three branches of the Government before which these bills must come—the House, the Senate, and the President. How is it possible for the Executive of this country to give proper consideration to bills which are sent to him at the rate at which these pension bills are sent, and at the same time give due consideration to important matters of general legislation submitted for his approval?

A MEMBER. That is not our fault; it is his lookout.

Mr. WALLACE. It is the "lookout" of those who desire good government. The President of the country does earnestly desire it, and in the conscientious discharge of his duties desires to examine these bills which are sent to him. He can not do more than a certain amount of work in a given time, and consequently has to allow many pension bills to become laws without his signature. I am informed that as many as two hundred have been placed in his hands at once. How is it possible for him in the course of ten days to give such a mass of bills mature consideration? To send him bills in this way is unfair to him, unjust to the people, and without proper regard for the interests of the Treasury. Under such circumstances as these it is impossible that pension cases can be considered in the thorough manner that they should be.

Mr. LONG. Will the gentleman allow me one suggestion?

Mr. WALLACE. I will yield for a question.

Mr. LONG. I desire to make a single suggestion, and I do it in good faith. The gentleman claims that it is desirable to give each one of these bills careful consideration. Now, how can the gentleman give to this particular bill before us at this moment more careful consideration than by having the report read, examining the circumstances for himself, speaking upon it if he so desires, interrogating the committee that reported it, and ascertaining how far they have looked into the matter? Is not such a course preferable to dealing, as we are now dealing, in generalities, which in no way contribute to the understanding of the legislation before us?

Mr. WALLACE. So far as I have observed there have not been more than two or three requests to-night for the reading of the reports, except requests made by myself.

Mr. LONG. Let me ask the gentleman whether he has carried his investigation so far as to examine the reports or interrogate the committee so as to satisfy himself in regard to the propriety of the reports. If he had done so, I am sure he would have found that, as the gentleman from Alabama [Mr. WHEELER] has stated, these cases have in general been carefully investigated by the committees. Certainly the gentleman would arrive at the merits of any particular case much more directly and satisfactorily by having the bill and report read.

Mr. WALLACE. I can not undertake to come here and be the only one to ask for the reading of reports. I can not stand here as the great demander of that proceeding. I do not want to occupy any such position.

Mr. LONG. That is substantially the very position which the gentleman proposes to take hereafter by insisting upon a quorum; he proposes to make himself the arbiter hereafter of all pension legislation.

Mr. WALLACE. I only propose to do that in regard to pension legislation which I consider improper. I make no objection to any other kind of pension legislation.

Mr. GALLINGER. Of course the gentleman knows that every member of the House is furnished with a copy of the bill and report in every case.

Mr. PERKINS. Do I understand the gentleman from Louisiana to say that he thinks all this pension legislation is wrong?

Mr. WALLACE. I do not. A part of it is wrong and a part of it is right. That is exactly my view. I think that a great deal of this pension legislation is meritorious. A great many persons for whose benefit pension bills are brought into the House deserve to receive pensions; and I am in favor of granting pensions in all cases where men are worthy of them—where it can be shown that they have while in the military service received wounds or incurred disease from which they suffer.

But I am not prepared to say that pensions should be granted, as they are here in many cases, where the disability can not be traced to any service in the war, where a great deal must be taken for granted as to the facts of the case, and where the bills are passed without any consideration and by a very small vote. I do not think that is proper legislation, and with a large body of members in attendance I do not believe it would be passed.

Mr. NEECE rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. WALLACE. Yes; for a question.

Mr. NEECE. Does not the gentleman know that the Pension Bureau in many instances asks the House to pass private bills?

Mr. WALLACE. Some of them, yes. I say and I affirm I am not opposed to a few of these bills, but there are a great many I am opposed to. I say furthermore I am opposed to any legislation which takes out of the Treasury of the Government the large amount of money this pension service does, or any other service of the same size and character, by so small a body of members assembled in this House at these night sessions out of a large number of members composing the House itself.

Mr. BINGHAM. Is not the gentleman familiar with the fact, not only in this Congress but in preceding Congresses, the deliberation, consideration, and conclusion of pension legislation has always been accepted by the House as being done on Friday or any other evening fixed for that purpose, when but a limited number of the House, as has always been the case, is in attendance? It is known to the House and the country that gentlemen come here simply for the consideration of their own cases. It is a time of watchfulness on their part to see that those cases come up in their turn and are properly considered.

At these evening sessions of Congress but a limited number of members attend. They take the Calendar, which is printed, and they see the cases which are likely to be taken up and considered, and if it is not likely those in which they are interested will come up they do not

come to the House. If those cases are reported by the committee favorably and are placed upon the Calendar for consideration at these night sessions, the assumption is, of course, they are good cases for the House to pass.

Mr. WALLACE. That is not proof always the case is a good one.

Mr. BINGHAM. The gentleman should take exception to the specific case and not take exception generally as to the wisdom of this whole legislation.

Mr. WALLACE. Then in order to understand each one of these cases I would be compelled to call for the reading of the report of the committee accompanying it, and I do not wish to set myself up here as a reformer by being the only one to call for the reading of the reports of committees. There is a much surer way to reach that result, and that is to provide these reports shall be read in every case. Such has not been the practice. In order to force these cases through the reading of the reports is nearly always omitted.

Mr. PERKINS. Do I understand the gentleman from Louisiana to say while in his judgment much of this legislation is right, nevertheless it should be rejected?

Mr. WALLACE. No; I said nothing of the sort.

Mr. PERKINS. Or that it should not be considered in these evening sessions unless a respectable number of members of the House is present to consider them?

Mr. WALLACE. I believe a fair and proper representation of a legislative body like the House of Representatives, which consists of three hundred and twenty-five members, should be present at these night sessions to consider any question where disbursements from the Treasury of the Government are to take effect.

Mr. LONG. Is it not a matter of fact, let me ask the gentleman, we will get a better consideration of these bills to-night than if the House were full?

Mr. WALLACE. No; I do not think so. Only those come here who have bills they desire to pass. Those who have no bills do not come at all. They go to the various places of amusement. This is known as pension night, and those who have pension cases come here and attend to them; those who have no business of that character remain away, and each one present being anxious to secure adoption of his own bill is not likely to be critical of his neighbor's.

Mr. LONG. What does the gentleman suggest as to considering this bill now and having the report read?

Mr. WALLACE. I am not taking issue against any report or against any particular bill. [Cries of "Vote!"] I am making these remarks to-night so it may not be charged in the future that I take the House by surprise if I shall make this motion and call a quorum and thereby overthrow an established custom. I wish to do nothing that may tend to throw the course of business here into chaos [cries of "No!" on the Republican side] or of being in any way an impediment to proper legislation.

A MEMBER. No, not chaos. [Laughter.]

Mr. WALLACE. If the gentleman does not know what chaos means he can send for a dictionary. He probably thinks I mean a place much hotter than this. [Laughter.]

Mr. MATSON. I move that the committee rise.

Mr. BROWN, of Pennsylvania. Having been lectured by the gentleman from Louisiana, I hope the House will be allowed to proceed with the consideration of these pension cases.

The CHAIRMAN. The report in this case having been called for, it will be read.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3948) granting a pension to James F. Salyers, submit the following report:

James F. Salyers enlisted as a private in Company B, Eighteenth Regiment Kentucky Volunteers, on 18th October, 1861, and was discharged for disability July 1, 1862; filed claim for pension July 2, 1879, alleging injury to knee-cap of left leg. His claim was rejected May 1, 1881, on the ground that the disability was not incurred in the line of duty.

The facts, as shown by the records and proof on file in the Pension Office, are as follows:

After enlistment, and while the soldier was absent on furlough, he had an encounter with confederates in a hand-to-hand engagement, in which he received a cut near the left knee. He was not mustered until February 8, 1862. After he had received the cut aforesaid, regimental surgeon testified as follows:

"That when claimant enlisted, October 18, 1861, he was perfectly sound. When the regiment was mustered into the service, February 8, 1862, I examined him. He had, about two weeks after he enlisted, while on a furlough at his home in Grant County, been attacked by some rebels, and in the skirmish that followed received a cut with a knife across the tendon of the extensor muscles of the thigh, a couple of inches above the upper margin of the patella, which had healed up, apparently sound, so that he was regularly performing soldier's duty; consequently we received him and had him mustered in about the 1st of March, 1862.

"While on duty with his company at Nicholasville, Ky., there being sleet on the ground at the time, he received a fall, the force of which lacerated the ligaments where it had been formerly cut. About a week after came under affiant's treatment. The thigh, and, in fact, the whole limb, was terribly swelled; it suppurated and confined him for two months in bed. He partially recovered, with ligaments elongated, the patella falling below the knee, leaving the limb weakened, so that he was discharged."

This captain testifies as follows:

"That March 1, 1862, at Nicholasville, Ky., while returning from guard duty, slipped and fell, the ground being covered with ice, upon his knee with such violence as to cause a rupture of the conjoined tendon and other relative parts of the left knee-cap, dislocating the same and causing it to slip down some two or three inches below the proper position, in which situation it yet remains. Was present when claimant received said injury."

The Pension Office rejected the claim on the ground that the present disability was traceable to the cut, and that the cut was received while claimant was absent on furlough.

Your committee believe that while the said cut may have been the remote cause, the injury received from the fall superinduced the development of whatever injury resulted from the cut, and is the direct cause of the present disability, which was unquestionably received while in line of duty. We therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MATSON having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole, having had under consideration pension bills upon the Private Calendar, had directed him to report sundry bills with various recommendations.

BILLS PASSED.

The following bills reported from the Committee of the Whole were severally considered, ordered to be engrossed for a third reading, read the third time, and passed, namely:

A bill (H. R. 6132) granting a pension to William Lynch;

A bill (H. R. 7698) granting a pension to Robert K. Bennett;

A bill (H. R. 7327) granting a pension to Anthony McRobertson;

A bill (H. R. 8374) granting a pension to Mrs. Mary M. Gillham;

A bill (H. R. 7517) for the relief of Warren L. Rice;

A bill (H. R. 8977) to restore to the pension-roll the name of Samuel Bulman;

A bill (H. R. 6824) granting a pension to James Savercool;

A bill (H. R. 8835) granting a pension to Jacob Case;

A bill (H. R. 8834) granting a pension to Abraham P. Griggs,

A bill (H. R. 8836) granting a pension to John Miller;

A bill (H. R. 2027) granting a pension to Joshua Armstrong; and

A bill (H. R. 3948) granting a pension to James F. Salyers.

The following bills, reported from the Committee of the Whole with amendments, were severally considered, the amendments concurred in, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 6523) granting a pension to Henry Roscoe;

A bill (H. R. 7712) granting a pension to Virginia Taylor Randall;

A bill (H. R. 9106) granting a pension to Rachael Barnes;

A bill (H. R. 260) for the relief of Margaret S. Fain;

A bill (H. R. 8663) to increase the pension of Jonas Schoonover; and

A bill (H. R. 8830) granting a pension to Aaron Garis.

The title of the latter bill was amended so as to conform to the action of the committee.

Senate bills of the following titles were severally considered, ordered to a third reading, read the third time, and passed:

A bill (S. 810) granting a pension to Charles J. Estey;

A bill (S. 1390) for the relief of B. Frank Patterson;

A bill (S. 2067) for an increase of pension to Zebulon S. Tompkins; and

A bill (S. 1217) for the relief of Henry Bellion.

The bill (S. 1836) for the relief of Libbie C. Montis was considered, the amendment recommended by the committee agreed to, and the bill as amended ordered to be read the third time; and was accordingly read the third time, and passed.

Mr. MCMILLIN moved to reconsider the several votes by which bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PRICE. I ask a separate vote on Senate bill 1133.

Mr. WINANS. I ask a separate vote on Senate bill 2192.

The bill (S. 1224) granting a pension to Henry H. Stutsman, reported adversely from the Committee of the Whole, was considered, and the adverse recommendation concurred in.

MARGARET HUNTER HARDIE.

The next business reported from the Committee of the Whole with a favorable recommendation was the bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie.

The bill was ordered to a third reading, and was read the third time.

Mr. MCMILLIN. I suggest that this bill, having reached its third reading, and the other bill (S. 2192) about which there is considerable diversity of opinion, be reported to the full House, especially as one of these provides for an increase of pension merely because there is an increase of necessity on the part of the pensioner, as claimed by the applicant.

Mr. RANDALL. I hope this bill will not be laid aside for that purpose; let us pass it now.

Mr. MCMILLIN. In this connection I want to suggest that where the soldier is disabled that enters in as an element; but the law fixes the pension as to widows, and the increasing disability of the widow

herself has not been heretofore taken as an element in determining the amount of pension. I think therefore the gentleman should allow it to take that course.

Mr. RANDALL. This is one of the most meritorious bills; and it is quite unfortunate the gentleman should have selected such a bill to make the issue upon.

There is no objection to the bill that I know of except that of the gentleman from Wisconsin, who objects upon principle, and for whose convictions I have the highest possible respect. But I do not want this particular bill picked out.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Tennessee asks unanimous consent; and assumes, in view of the statement of the gentleman from Pennsylvania, that there is objection.

Mr. McMILLIN. I do not desire to make the point of no quorum——

Mr. RANDALL. I hope the gentleman will not do that. To go and pick out a particular bill——

Mr. McMILLIN. I beg to say any bill where the ground for the increase of pension is merely the increase of poverty or debility of the widow should not pass except by a vote in a full House.

Mr. RANDALL. That is not the case with this bill.

Mr. McMILLIN. There is one of these bills which has that feature. If it is not the case in this bill I do not oppose it.

Mr. GALLINGER. That is not the case with the other bill either. That circumstance merely happened to be mentioned.

Mr. McMILLIN. I do not propose to make the point on the bill that has not that ingredient in it.

Mr. RANDALL. I do not understand that this bill has that feature. I will not say it has not, as I am careful what I say. I rest the passage of this bill on what is stated in the report, and if the gentleman chooses to object I can not help it.

The question being taken, it was decided in the affirmative; and the bill was passed.

ABBY L. BURBANK.

The next business reported from the Committee of the Whole House was the bill (S. 2192) granting a pension to Abby L. Burbank; reported with a favorable recommendation.

Mr. McMILLIN. That is the case which was put on the ground of increased debility of the widow.

The SPEAKER *pro tempore*. The question is on the third reading of the bill.

Mr. McMILLIN. I do not object to the third reading.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

The question being taken, the Speaker *pro tempore* stated that the "ayes" *seemed* to have it.

Mr. McMILLIN. I call for a division.

The House divided; and there were—ayes 20, noes 7.

Mr. McMILLIN. I suggest to the gentleman who has charge of this bill to let it go over by consent.

Mr. GALLINGER. I do not consent.

Mr. WINANS. I make the point of no quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Michigan, Mr. WINANS, and the gentleman from New Hampshire, Mr. GALLINGER.

Mr. McMILLIN. I move that the House do now adjourn.

The question being taken on the motion to adjourn, the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. McMILLIN. I call for a division.

The House divided; and there were—ayes 10, noes 13.

So the House refused to adjourn.

Mr. RANDALL. I rise to make a privileged motion. I move to reconsider the vote by which the bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie was passed; and I move that the motion to reconsider be laid upon the table.

The SPEAKER *pro tempore*. Another motion is pending on which the House is dividing. The gentleman from New Hampshire [Mr. GALLINGER] and the gentleman from Michigan [Mr. WINANS] will take their places as tellers. The question is on the passage of the bill.

The House again divided; and the tellers reported—ayes 17, noes 8.

The SPEAKER *pro tempore*. The "ayes" have it, and the bill is passed.

Mr. McMILLIN. The point as to no quorum was not withdrawn.

The SPEAKER *pro tempore*. If the gentleman insists, the Chair will withdraw the announcement of the result. Gentlemen who have not voted will pass between the tellers.

Mr. ERMENTOUT. There is evidently a quorum in the House. [Laughter.]

Mr. NEECE. I insist that all shall be compelled to vote.

Mr. ERMENTROUT. Let the Sergeant-at-Arms bring them in.

Mr. McMILLIN. It is evident nothing can be done to-night, and I move that the House adjourn.

Mr. RANDALL. I ask the gentleman to withdraw that for a moment until I make the motion to reconsider.

Mr. McMILLIN. Gentlemen have stated to me that the bill just passed is the one which embraces the ingredient I have spoken of. The RECORD will show how that is.

Mr. RANDALL. That bill has passed, and I do not want it to go over without reconsideration.

Mr. GALLINGER (one of the tellers). When the House is dividing is a motion to adjourn in order?

The SPEAKER *pro tempore*. The motion to adjourn is always in order when the House finds itself without a quorum.

Mr. McMILLIN. I will withhold the motion to adjourn that the gentleman from Pennsylvania may make the motion he has indicated.

The SPEAKER *pro tempore*. The motion of the gentleman from Pennsylvania would not be in order except by unanimous consent while the House is dividing on another motion.

Mr. RANDALL. It is as much so as the motion to adjourn.

The SPEAKER *pro tempore*. When the vote shows the absence of a quorum the motion to adjourn is in order.

Mr. RANDALL. Not until the tellers have made their report.

The SPEAKER. The gentleman from Pennsylvania can ask unanimous consent to submit his motion.

MARGARET HUNTER HARDIE.

Mr. RANDALL. I ask unanimous consent to reconsider the vote by which the bill (S. 1132) granting an increase of pension to Margaret Hunter Hardie was passed; and I move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. If there be no objection that order will be made.

There being no objection, the motion to reconsider was laid on the table.

Mr. McMILLEN. I move that the House do now adjourn.

The motion was agreed to—ayes 14, noes 10.

And accordingly (at 11 o'clock and 2 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BURNES: Petition of C. B. Caslar, George W. Cooper, and other members of the Grand Army of the Republic in Atchinson County, Missouri, in favor of Senate bill 1886, and other just and liberal legislation for the benefit of dependent and needy soldiers—to the Committee on Invalid Pensions.

By Mr. CRAIN: Papers relating to the claim of Vidal Hernandez, of Texas—to the Committee on War Claims.

By Mr. DINGLEY: Petition of the New York committee for the prevention of State regulation of vice, officially signed, asking an official inquiry and appropriate legislation concerning the alleged international traffic in young girls for immoral purposes—to the Committee on the Judiciary.

Also, petition of citizens of Oxford, Me., for increase of pension of Cyrus T. Wardwell—to the Committee on Invalid Pensions.

By Mr. EUSTACE GIBSON: Papers relating to the claim of George P. Tambro, of Jefferson County, West Virginia—to the Committee on War Claims.

By Mr. T. J. HENDERSON: Petition of Mrs. James H. Braffett, of Campton, Ill., for a pension—to the Committee on Invalid Pensions.

By Mr. MATSON: Petition of members of U. S. Grant Post, No. 14, of Montana; of Henry C. Beebe Post, No. 223, of Michigan, and of H. S. Eggleston Post, No. 199, of Wisconsin, for the passage of Senate bill 1886—to the same committee.

By Mr. RANNEY: Petition of Alfred Bloxham, for an invalid pension—to the same committee.

By Mr. RICHARDSON: Petition of C. R. Holmes, administrator of estate of Mrs. Dorothy Phillips, asking to refer claim of said deceased to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Petition of Mrs. Susan Richardson, of Franklin County, and of Mary A. England, of Van Buren County, Arkansas, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. SPRINGER: Petition of members of Camp Butler Post, No. 389, Grand Army of the Republic, of Riverton, and of Morgan Post, No. 208, of Illiopolis, Ill., for the passage of Senate bill 347—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of J. G. Young and 150 others, of Warren, Ind., asking for the passage of Senate bill 1886—to the same committee.

By Mr. O. B. THOMAS: Petition of citizens of Crawford County, Wisconsin, praying that a pension be granted Lieut. Cyrus Peck, Thirty-sixth Regiment Wisconsin Volunteers—to the same committee.

By Mr. TUCKER: Petition of citizens of Missouri, for a Federal code of procedure—to the Committee on the Judiciary.

By Mr. WHEELER: Petition of Mary Arnold, formerly Mary Gance, asking that her claim be referred to the Court of Claims—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 19, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ROAD TO NATIONAL CEMETERY AT NATCHEZ.

The SPEAKER laid before the House the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., with Senate amendments thereto.

Mr. VAN EATON. Mr. Speaker, I ask unanimous consent that the Senate amendments (which are merely formal) be concurred in.

The amendments were read, as follows:

Amend, in line 3, after the word "macadamized," by inserting "and gravel." In line 5, strike out "seventy-five" and insert "fifty."

The amendments were concurred in.

Mr. VAN EATON moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY MARTIN.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 1418) for the relief of Henry Martin; which were referred to the Committee on the Public Lands.

THEODORE W. TALLMADGE.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 1905) for the relief of Theodore W. Tallmadge; which were referred to the Committee on Claims.

ROAD TO NATIONAL CEMETERY, CHALMETTE, LA.

The SPEAKER also laid before the House the bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national cemetery at Chalmette, in said parish, with Senate amendments thereto.

Mr. ST. MARTIN. Mr. Speaker, I ask that the amendments of the Senate be concurred in.

The amendments were read, as follows:

In line 4, after "road," insert "or wagon roadway."

Amend the title so as to read "An act making an appropriation to construct a road or wagon roadway from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish."

The amendments were concurred in.

Mr. ST. MARTIN moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider lie on the table.

The latter motion was agreed to.

WILLIAM TALBERT.

The SPEAKER also laid before the House the bill (H. R. 3475) for the relief of William Talbert, with the Senate amendments thereto.

The SPEAKER. The amendments to this bill are merely formal. They will be read.

The Clerk read as follows:

After "thereon," in line 5, insert "as the merits of the case may demand." In line 6 strike out "on principles of equity and justice."

The amendments were concurred in.

ELIZUR B. HALL, ADMINISTRATOR.

The SPEAKER also laid before the House the bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15 east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel, with Senate amendments thereto.

The amendments were read, as follows:

In line 1, after "to," insert "the grantee of." In line 4, after "meridian," insert "State of Kansas."

The amendments were concurred in.

CATHERINE WHITESELL.

The SPEAKER also laid before the House the bill (H. R. 6590) granting a pension to Catherine Whitesell, with amendments of the Senate thereto.

The amendments were read, as follows:

Strike out all after "Whitesell," in line 4, down to and including "rebellion," in line 6. After "surgeon," in line 7, insert "from and after the passage of this act."

The amendments were concurred in.

CONTESTED ELECTIONS.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 6637) relating to contested elections; which were referred to the Committee on Elections.

OTOE AND MISSOURIA INDIAN LANDS.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas; which were referred to the Committee on Indian Affairs.

UNITED STATES BARRACKS AT BATON ROUGE, LA.

The SPEAKER also laid before the House the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes.

The SPEAKER. This bill has been returned from the Senate with amendments and with a request for a conference.

Mr. IRION. I move that the House non-concur in the amendments of the Senate and agree to the conference asked.

The motion was agreed to.

LAND NEAR SAN ANTONIO, TEX.

The SPEAKER also laid before the House the bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.

The SPEAKER. This bill has been returned from the Senate with amendments and with a request for a conference.

Mr. SAYERS. I move that the House non-concur in the amendments of the Senate and agree to the conference asked.

The motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the following titles; which were severally read a first and second time, and referred as indicated:

The bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased—to the Committee on Claims.

The bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot—to the Committee on Claims.

The bill (S. 277) for the relief of Samuel P. Evans—to the Committee on Claims.

The bill (S. 282) for the relief of A. B. Norton—to the Committee on Claims.

The bill (S. 618) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co.—to the Committee on Claims.

The bill (S. 710) for the relief of the State National Bank of Louisiana—to the Committee on Claims.

The bill (S. 988) for the relief of William R. Wheaton and Charles H. Chamberlain, of California—to the Committee on Claims.

The bill (S. 1073) to establish a public park at Pagosa Springs, in the State of Colorado—to the Committee on the Public Lands.

The bill (S. 1148) providing for the construction of a new wharf at Fortress Monroe, Va.—to the Committee on Military Affairs.

The bill (S. 1187) to amend an act incorporating the proprietors of Prospect Hill Cemetery, approved June 13, 1860—to the Committee on the District of Columbia.

The bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation—to the Committee on the District of Columbia.

The bill (S. 1213) to regulate insurance in the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 1232) granting an increase of pension to John S. Hall—to the Committee on Invalid Pensions.

The bill (S. 1375) for the relief of E. C. Chirouse, late United States Indian agent—to the Committee on Claims.

The bill (S. 1376) for the relief of John F. Malo—to the Committee on Indian Affairs.

The bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district—to the Committee on the Judiciary.

The bill (S. 1513) for the relief of George T. Newman—to the Committee on Claims.

The bill (S. 1576) for the relief of Col. James C. Duane—to the Committee on Claims.

The bill (S. 1644) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes—to the Committee on Commerce.

The bill (S. 1773) for the relief of Lieut. J. McA. Webster, of the Twenty-second Infantry, United States Army—to the Committee on Claims.

The bill (S. 1838) to increase the pension of George R. Hooper—to the Committee on Claims.

The bill (S. 1882) to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872—to the Committee on the District of Columbia.

The bill (S. 1935) authorizing and directing the Secretary of War to enlarge, repair, and complete certain military quarters and barracks in Wyoming Territory and in the State of Nebraska—to the Committee on Military Affairs.

The bill (S. 1942) for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co.—to the Committee on Indian Affairs.

The bill (S. 2000) for the relief of P. B. Sinnott, late Indian agent at Grand Ronde agency, State of Oregon—to the Committee on Claims.

The bill (S. 2002) granting a pension to Betsey A. Smith—to the Committee on Pensions.

The bill (S. 2010) granting a pension to William Jumper—to the Committee on Invalid Pensions.

The bill (S. 2060) to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training-school—to the Committee on Indian Affairs.

The bill (S. 2088) for the relief of the owners, officers, and crew of the British bark Chance—to the Committee on Claims.

The bill (S. 2115) granting to the Oregonian Railway Bridge Company, of Oregon, the right to construct a bridge over the Willamette River, in the vicinity of Ray's Landing, Oregon—to the Committee on Commerce.

The bill (S. 2117) for the relief of the estate of Francis M. Murray, deceased—to the Committee on War Claims.

The bill (S. 2122) for the relief of John P. Walworth—to the Committee on War Claims.

The bill (S. 2176) granting a pension to Joanna W. Turner—to the Committee on Invalid Pensions.

The bill (S. 2219) to reduce the license tax of produce-dealers at large and in the several markets—to the Committee on Ways and Means.

The bill (S. 2240) to increase the appropriations for the erection of the public building at Concord, State of New Hampshire—to the Committee on Public Buildings and Grounds.

The bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1883—to the Committee on Indian Affairs.

The bill (S. 2298) for the relief of R. G. Combs and others—to the Committee on Claims.

The bill (S. 2321) granting an increase of pension to Clara B. Davidson—to the Committee on Invalid Pensions.

The bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government—to the Committee on Military Affairs.

The bill (S. 2339) for one additional assistant adjutant-general with the rank of major of cavalry—to the Committee on Military Affairs.

The bill (S. 2362) to promote the political progress and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

The bill (S. 2297) for the relief of Turner C. Goodrum—to the Committee on War Claims.

The bill (S. 2401) to classify and fix the salaries of registers and receivers of United States land offices—to the Committee on the Public Lands.

The bill (S. 2414) for the relief of Miss Eula E. Henry—to the Committee on Claims.

The bill (S. 2415) for the relief of the trustees of the Christian Brothers College, of Saint Louis, Mo.—to the Committee on War Claims.

The bill (S. 2418) granting a pension to Sarah E. Boulter—to the Committee on Invalid Pensions.

The bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States—to the Committee on Commerce.

The bill (S. 2435) granting a pension to Henrietta M. Drum Hunt—to the Committee on Invalid Pensions.

The bill (S. 2438) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement—to the Committee on the Post-Office and Post-Roads.

The bill (S. 2456) providing for the purchase of the painting entitled "Farming in Dakota"—to the Committee on the Library.

The bill (S. 2482) to restore pensions in certain cases—to the Committee on Invalid Pensions.

The bill (S. 2497) to increase the pension of James Johnston—to the Committee on Invalid Pensions.

The bill (S. 2504) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State—to the Committee on Private Land Claims.

The bill (S. 2517) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax"—to the Committee on the Judiciary.

The bill (S. 2530) for the relief of the legal representatives of John Wightman, deceased—to the Committee on Claims.

The bill (S. 2533) for the relief of E. Remington & Sons—to the Committee on Claims.

The bill (S. 2569) granting a pension to Helen H. Harrell—to the Committee on Pensions.

The bill (S. 2618) creating an additional Assistant Secretary of the Treasury—to the Committee on Expenditures in the Treasury Department.

The bill (S. 2622) granting an increase of pension to James B. Royce—to the Committee on Invalid Pensions.

The bill (S. 2646) authorizing the Postmaster-General to pay rent on certain buildings leased for post-offices—to the Committee on the Post-Office and Post-Roads.

The bill (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Florida, and the establishment of a signal station—to the Committee on Military Affairs.

Joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days—to the Committee on Labor.

JUDICIAL PROCEEDINGS IN PENNSYLVANIA.

The SPEAKER also laid before the House the bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, it is the design of a gentleman representing the House Committee on Claims to call up this bill and have it substituted for a House bill of similar import which has been reported favorably from that committee. It seems hardly worth while, therefore, to refer this bill to the Committee on Claims; and I ask unanimous consent that it lie on the table for the present.

There being no objection, it was ordered accordingly.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House a communication from the Senate of the 18th instant requesting the return of the bill (H. R. 544) granting leave of absence to employés of the Government Printing Office.

The SPEAKER. Without objection the order will be made.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. JOHNSON, of New York, for ten days, on account of important business.

To Mr. WHITE, of Pennsylvania, for four days, on account of important business.

To Mr. CABELL, for five days, on account of important business.

To Mr. FINDLAY, for three days.

REPORT OF ENGINEERS ON CAIRO BRIDGE.

On motion of Mr. NEGLEY, by unanimous consent it was ordered that the report of the board of engineers on the proposed bridge at Cairo, Ill., be printed.

ORDER OF BUSINESS.

Mr. ANDERSON, of Ohio. Mr, Speaker, I will be unavoidably absent from the House for the next ten days, and I therefore ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill of the Senate No. 856 and that the same be put upon its passage.

The SPEAKER. The title of the bill will be read subject to objection.

The Clerk read as follows:

A bill (S. 856) to provide for the erection of a public buliding in the city of Dayton, Ohio.

Mr. BEACH. Mr. Speaker, I regret to feel obliged to object to the consideration of that bill, but I shall have to do so. It is a meritorious bill, one of the most meritorous bills of this class before the House; but I shall make no discrimination——

Mr. ROGERS. Regular order.

Mr. DUNHAM. I hope the gentleman will not insist upon that.

The SPEAKER. The regular order is the call of committees for reports.

Mr. ROGERS. I withdraw the demand.

INSPECTOR OF HULLS AND BOILERS, DULUTH.

Mr. NELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill No. 3504 and put it upon its passage. This simply provides for an inspector of hulls and boilers at Duluth.

The SPEAKER. There are no bills on the Speaker's table.

Mr. NELSON. I will make a brief explanation, with the consent of the House.

This bill was reported adversely and laid on the table. The fact is that originally this bill was referred to the Committee on Commerce. It provides for an inspector of hulls and boilers at Duluth. The Committee on Commerce reported back a general bill including this matter, with two or three others, with reference to inspectors at other points, and recommended that the individual bills be laid on the table.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That section 4414 of the Revised Statutes is hereby amended by inserting, after the word "Savannah," in the second line of the sixth paragraph of said section, the words "Duluth, Minnesota."

There being no objection, the bill was taken from the table and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT DUBUQUE.

Mr. WEAVER, of Iowa. Mr Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa, and put the same upon its passage. This has been examined and approved by the Secretary of War, and unanimously reported from the committee.

Mr. BEACH. Is that bill on the House Calendar?

The SPEAKER. It is a bill to authorize a private corporation to construct a bridge at the point named.

Mr. DUNHAM. Mr. Speaker, inasmuch as the bill is in the usual form, it is unnecessary to take up the time of the House with reading it, and especially as it is unanimously reported from the Committee on Commerce.

Mr. HOLMAN. I think the bill should be read.

The Clerk proceeded to read the bill.

Mr. HOLMAN. I called for the reading of the bill, but the portion which I wished to hear has been read and is satisfactory. If no other gentleman desires the further reading I shall withdraw the call.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. WEAVER, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DUNHAM. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 3034) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service, and put the same upon its passage.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MORRISON. I object.

Mr. DUNHAM. I hope the gentleman will withdraw the objection long enough to allow a brief explanation, not exceeding two minutes.

The SPEAKER. There is objection.

LIGHT-HOUSE SUPPLY STEAMER FOR ATLANTIC AND GULF COAST.

Mr. CLARDY, from the Committee on Commerce, reported back the Senate amendments to the bill (H. R. 7627) to provide for the construction of a light-house supply steamer for the Atlantic and Gulf coast, with the recommendation that the House non-concur in the amendments and agree to the committee of conference asked by the Senate on the disagreeing votes of the two Houses.

Mr. HOLMAN. I ask that the Senate amendments be read.

The amendments were read at length.

The motion to non-concur was agreed to.

The SPEAKER announced the appointment of Mr. CLARDY, Mr. TARSNEY, and Mr. MORROW as conferees on the part of the House.

CORRECTION OF SOLDIERS' RECORD.

Mr. BURROWS. I ask unanimous consent to take from the Private Calendar for present consideration the bill which I send to the Clerk's desk. If the House will give me its attention just for a moment I will explain what there is in this bill. It is reported unanimously from the Committee on Military Affairs.

The Twelfth Michigan Infantry was organized and mustered into the service in the winter of 1861–'62 and served during the war. In 1864 the regiment veteranized, and it found itself at the close of the war in Arkansas. In December, 1865, the members of the regiment, becoming impatient of their long retention in the service after peace was assured, and thinking they ought to be discharged, waited on the colonel of the regiment through a delegation of some three hundred of the command and asked to be discharged, and insisted if he took active steps toward that end they might be discharged, and that if they were not to be relieved soon they should return to their homes. The colonel thereupon telegraphed to General Reynolds, and the conference with him resulted in an order directing the muster-out of the regiment on the 15th day of February, 1866, at Jackson, Mich.

The delegation that waited upon the colonel thereupon returned to duty in the regiment and continued to serve until the hour of discharge, on the 15th February, 1866, when nine members of this regiment were confronted with an order from the War Department that they be dishonorably discharged because of their solicitation in 1865 to be relieved from the service and intimation that if not so discharged they would go home. Under that order they were dishonorably discharged, and although they served faithfully during the war and for a year thereafter, yet they have borne the disgrace of a dishonorable discharge for now a quarter of a century. It is time that this great wrong to these brave men was redressed by expunging this record and granting them an honorable discharge to date from the muster-out of their regiment.

The chairman of the Committee on Military Affairs, the gentleman from Wisconsin [Mr. BRAGG], is familiar with the case, and, I think, will corroborate what I say. I ask that these men be released from this dishonorable record.

The SPEAKER. The bill will be read.

The bill was read, as follows:

A bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry dishonorably discharged under special orders 92, War Department, Adjutant-General's Office, dated March 1, 1866.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to cancel as null special orders numbered 92, War Department, Adjutant-General's Office, dated March 1, 1866, directing in substance that certain enlisted men belonging to the Twelfth Michigan Volunteer Infantry be dishonorably discharged the service on account of mutinous conduct while with their command in Arkansas, and to cause to be issued to each of the persons therein named an honorable discharge, to have the same force and effect and confer the same rights upon each of said persons, if living, or, in case any of them shall have died, to the respective heirs of such, the same as if such special orders had never been promulgated and executed.

Mr. MILLS. What was the date of this alleged mutinous conduct?

Mr. BURROWS. December, 1865, six or eight months after the war was over.

Mr. TOWNSHEND. I do not object to this bill; but I regret the Committee on Military Affairs have not brought in a general bill granting an honorable discharge to all soldiers who are marked as deserters, but who did not intentionally desert. Many meritorious cases of that kind arise from the fact that many soldiers were compelled to go home on sick furlough, and by reason of illness were not able to report at the expiration of their furloughs. In all such cases where the soldier had no intention to desert his post of duty an honorable discharge should be granted. Only the intentional deserters should be excluded from the operation of such a bill.

Mr. BURROWS. I understand the gentleman from Illinois [Mr. TOWNSHEND] does not object to this bill?

Mr. TOWNSHEND. No, sir.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee;

An act (H. R. 1982) for the relief of John Fraser; and

An act (H. R. 4838) to abolish certain fees for official services to American vessels and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes.

SHIPPING FEES.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

Upon an examination of a bill originating in the House of Representatives, No. 4838, entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," I find that there is such a failure to adjust existing laws to the new departure proposed by the bill as to greatly endanger the public service if this bill should not be amended or at once supplemented by additional legislation.

The fees which are at present collected from vessels for services performed by the bureau of inspection, and which made up the fund from which certain expenses appurtenant to that bureau were paid, are by the proposed bill abolished; but no provision has been substituted directing that such expenses shall be paid from the public Treasury or any other source.

The objects of the bill are in the main so useful and important that I have concluded to approve the same upon the assurance of those actively promoting its passage that another bill shall at once be introduced to cover the defect above referred to.

The necessity of such supplemental legislation is so obvious that I hope it will receive the immediate action of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

The message was referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

Mr. DINGLEY. By instructions of the Select Committee on American Ship-building and Ship-owning Interests, I ask unanimous consent for the consideration of the bill which I send to the desk.

Mr. HERBERT and others called for the regular order.

Mr. DINGLEY. It is only to supply an omission.

Mr. HERBERT. I must insist on the regular order.

Mr. DINGLEY. Will the gentleman waive that demand for a moment that I may ask that the Shipping Committee may have leave to report at any time on this subject?

Mr. MORRISON. Let us have the regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection.

ORDER OF BUSINESS.

Mr. HERBERT. I move to dispense with the morning hour for the call of committees for reports.

The question being taken, there were—ayes 109, noes 19.

So (further count not being called for and two-thirds having voted in the affirmative) the morning hour was dispensed with.

Mr. HERBERT. I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

Mr. MORROW. This day has been set apart by special order for the consideration of resolutions paying a tribute of respect to the memory of the late Senator MILLER, of California. In view of the fact, however, that it is expected the naval appropriation bill will be concluded during the early part of this day's session, it has been agreed that the resolutions in reference to the late Senator MILLER will be postponed till 3 o'clock, unless the naval appropriation bill shall be sooner concluded.

The motion of Mr. HERBERT was agreed to.

NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CRISP in the chair, and resumed the consideration of the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For provisions for the seamen and marines; commuted rations for officers, naval cadets, seamen, and marines; commuted rations stopped on account of sick in hospital and credited to the hospital fund; water for drinking and cooking purposes on board ships; and for labor and expenses of inspectors, in all $1,160,000; of which the sum of $250,000 shall be paid from the clothing fund and $75,000 from the small-stores fund on hand to the credit of the Bureau of Provisions and Clothing, and the remainder, to wit, $835,000, is hereby appropriated from the Treasury of the United States.

Mr. HERBERT. I move to amend, in lines 273 and 274, by striking out "inspector" and substituting "inspection."

The amendment was agreed to.

Mr. HERBERT. I move to amend, in line 274, by striking out "sixty" and substituting "eighty-one;" so that it will read, "in all, one million one hundred and eighty-one thousand."

Also, in line 279, by striking out "eight" and inserting "seven," and striking out "thirty-five" and inserting "fifty-six;" so that the line will read, "remainder, to wit, seven hundred and fifty thousand."

The amendments were agreed to.

Mr. HERBERT. I move to amend, in line 289, by striking out "foremen" and substituting "firemen."

Also, in lines 294 and 295, by striking out "$28,585.24" and inserting in lieu thereof "$35,000."

The amendments were agreed to.

The Clerk read as follows:

For pay of professors and others: For two professors, namely, one of mathematics and one of chemistry, at $2,500 each; three professors (assistants), namely, one of physics, one of Spanish and French, and one of English studies, history and law, at $2,200 each; four assistant professors, namely, three of French and one of drawing, at $1,800 each; sword-master, at $1,500, and two assistants, at $1,000 each; boxing-master and gymnast, at $1,200; assistant librarian, at $1,400.

Mr. LORE. I move to amend by striking out, in line 349, the word "chemistry" and inserting the word "physics;" and by striking out, in line 351, the word "physics" and inserting the word "chemistry."

Mr. HERBERT. That correction ought to be made. It was suggested after the estimates were put in and after the bill was framed.

The amendments were agreed to.

The Clerk read as follows:

For pay of watchmen, mechanics, and others: For captain of the watch and weigher, at $2 50 per day; four watchmen, at $2 per day each; foreman of the gas and steam heating works of academy, at $5 per day; ten attendants at gas and steam heating works, one at $3, one at $2.50, and eight at $2 per day each; four laborers at gas and steam heating works, at $1.50 per day each; one yeoman, $600; one foreman of joiners, one foreman of painters, and one foreman of masons, at $3.50 per day each; one mason, at $3 per day; two joiners and one painter, at $2.50 per day each; one tinner, one gas-fitter, and one blacksmith, at $2.50 per day each; one mechanic at workshop, at $2.25 per day; one master-laborer, to keep public grounds in order, at $2.28 per day; twenty-two laborers, to assist in same, three at $2 per diem each, eleven at $1.50 per diem each, and eight at $1.25 per diem each; one laborer to superintend and keep in order upper quarters of naval cadets, at $2 per diem; twenty servants to keep in order and attend to quarters of naval cadets and public building, at $20 per month each; in all, $42,922.45.

Mr. SMALLS. I move to amend, in line 412, by striking out "twenty" and inserting "twenty-five;" so as to make the pay of these twenty servants $25 a month each.

Mr. Chairman, I find by the Book of Estimates that the Secretary of the Navy recommends the raising of the pay of these servants to $25 a month. There seems to be a considerable distinction made between these and the rest of the laborers employed in the academy. I do not know whether the matter has been brought to the attention of the chairman of the committee, but I find in the estimates this recommendation by the Secretary. The increase being recommended by him, I feel satisfied that it is proper, and it certainly is very much needed, for $20 a month seems to be very small pay. I do not know that the chairman of the committee will have any objection to the amendment.

Mr. HERBERT. That question was called to the attention of the committee and was considered along with several other recommendations of increase of salaries, all of which were refused, with the exception, I believe, of a very small increase in the case of the chemist.

Mr. SMALLS. Will the chairman of the committee please inform us whether there is any law fixing the pay of these servants at $20 a month?

Mr. HERBERT. I do not know of any law fixing it. It is a matter of appropriation. This is the pay these servants have been receiving for years past; it was fixed years ago, when money was worth not more than half as much as it is now. The employés are asking for an increase of wages all along the line at this time, when money is more valuable than it has been for twenty years past, and, after considering the matter, the committee have thought proper to refuse to make any of these increases.

Mr. SMALLS. I will ask the chairman whether this matter has not been brought to the attention of the Secretary by the professors in the academy and whether they have not recommended this increase? It seems quite evident that these servants are just as valuable and render as much service as others who are receiving $1 a day.

Mr. HERBERT. It is true that the professors recommended this increase, as they recommended increases in other cases, but I do not understand that it has been recommended by the Secretary. The gentleman is, of course, aware that these estimates are merely sent in for the consideration of Congress, and that it is for us to determine whether the amounts asked for shall be granted or not. Now, the committee did consider this question, and came to the conclusion that they ought not to raise these wages.

Mr. SMALLS. I hope the chairman will not object to this increase. These servants have very small pay, and the increase is recommended by the professors at the academy. In behalf of these poor men I ask the chairman of the committee to consent to the adoption of the amendment, and I am sure he will do so, for I know he has a liberal heart.

Mr. HERBERT. Mr. Chairman, these servants are getting more wages now than half the laborers in the State which I in part represent, and I think they are getting enough. Further, I say to the gentleman that even if his amendment were adopted it would not accomplish the object he has in view, because it simply increases the aggregate result, not the wages of these special laborers.

Mr. SMALLS. Do I understand the chairman to consent to the amendment?

Mr. HERBERT. I most certainly do not consent to it. I think the House ought to vote it down.

Mr. SMALLS. I hope the House will not do that. I hope it will take into consideration the fact that this is very small pay for these men. They are poor colored men, and inasmuch as the Democratic party proposes to be the leader, the "Moses," of the colored people, I hope our Democratic friends will say on this occasion that these poor men shall have at least $25 a month.

Mr. ADAMS, of Illinois. Before the question is taken, I wish the chairman of the committee would explain the difference between the services performed by the "one laborer" provided in line 408, who is "to superintend and keep in order upper quarters of naval cadets," and these servants spoken of by the gentleman from South Carolina, whose duty seems to be almost precisely the same, although in the one case the pay is $2 a day and in the other $20 per month.

Mr. HERBERT. The language of the paragraph indicates the difference. The duty of the one laborer is "to superintend and keep in order," and he has more responsibility. We appropriate here simply the same amount which has been paid heretofore and with which, so far as we know, the employés have been satisfied.

Mr. SMALLS. If there has been anything wrong in the appropriation bill heretofore we ought now to rectify it, especially when some of us are going before the people asking to be re-elected.

Mr. BURROWS. The difference between these employés appears to be that one man who superintends the others and does nothing himself receives $2 a day, while those who do the work get $20 a month.

Mr. HERBERT. Well, the officers in charge seem to think there is reason for the difference, and I doubt not there is. This difference has long existed, and I think it is incumbent upon gentlemen on the other side before urging this amendment to show some reason for a change. I hope we shall have a vote.

Mr. BUCK. I have no disposition to take up time; but I am inclined to think the gentleman from South Carolina has some reason for the amendment he has offered. I find in the Book of Estimates this note, which I had not observed before:

These men are obliged to clothe, feed, and lodge themselves, and can not do so on $20 a month.

Mr. SAYERS. I will ask my colleague on the committee [Mr. BUCK] whether in the appropriation bills heretofore passed these laborers have not uniformly received $20 per month?

Mr. BUCK. I do not know how much they have received heretofore; but I know complaint has been made that the wages are altogether too low, a complaint which comes even more from the Department than from the men. This note in the Book of Estimates, sent us for our guidance in making up the amount of wages, says that these men can not feed, clothe, and lodge themselves on $20 a month.

Mr. SAYERS. These laborers are receiving at present 25 or 30 per cent. more than laborers of similar grade in private employ in any State of this Union, especially in the South.

Mr. BUCK. The amendment proposes an increase of only $5 a month in the pay of these men, who, as an official statement declares, can not feed, clothe, and lodge themselves on the amount now paid.

Mr. SAYERS. If they are not satisfied the Government would have no difficulty in filling their places at the present pay.

Mr. BUCK. I think our friends on the other side ought to economize in some other direction rather than here.

A MEMBER. We might strike off the "superintendent."

The question being taken on agreeing to the amendment of Mr. SMALLS, there were—ayes 67, noes 60.

Mr. HERBERT. I make the point that no quorum has voted.

Tellers were ordered; and Mr. HERBERT and Mr. SMALLS were appointed.

The committee again divided; and the tellers reported—ayes 83, noes 78.

Mr. HERBERT. I will not further insist on a quorum.

So the amendment was agreed to. [Applause on the Republican side.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. JOHNSON, one of its clerks, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 1327) authorizing the Court of Claims to hear and determine certain claims, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed, as conferees on the part of the Senate Mr. JONES of Arkansas, Mr. HOAR, and Mr. MITCHELL of Oregon.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to to their crew, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MILLER, Mr. DOLPH, and Mr. GORMAN.

NAVAL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The Clerk read as follows:

For pay of the employés in the department of steam-engineering, Naval Academy: For one master-machinist, at $3.50 per day; one boiler-maker and one pattern-maker, at $3.50 per day each; two machinists and one blacksmith, at $2.50 per day each; four laborers, at $1.50 per day each; in all, $7,668.

Mr. LORE. I move to strike out, in lines 415 and 416, the words "three dollars and fifty cents" and insert "four dollars;" also to amend the aggregate of the paragraph by striking out "$7,668" and inserting "$7,851."

This amendment is designed to correct an error which was made in the original estimates, in which the pay of the master-machinist was inadvertently reduced from $4 to $3.50 per day. The committee inserted in this bill the precise amount of the estimate; but the superintendent of the Naval Academy told me last week that there was a mistake in this particular. This amendment merely corrects that mistake, and continues the wages at the amount heretofore paid.

The amendment was agreed to.

Mr. HOLMAN. I move to strike out the last word for the purpose of making a remark. Mr. Chairman, yesterday when the item to appropriate $3,000 to complete the reduction of the observations of the transit of Venus was read I stated I thought that item was covered by the legislative, &c., appropriation bill. I had reference to the appropriation of last year, which was in the following language in the legislative, &c., appropriation bill:

For completing the reduction of the observations of the transit of Venus under the direction of the Transit of Venus Commission, $5,000.

It was then understood that would more than cover the entire expense to be incurred. Large appropriations had been previously made. In the legislative, &c., appropriation bill for the present year provision was made for small contingencies, which we supposed would cover every remaining item. It is for miscellaneous computations $1,200. That was the extent of the estimate as it came to the Committee on Appropriations. I am not able to say, therefore, not having the outside matter before the Committee on Appropriations, whether in this appropriation of $3,000 this item comes in or not.

In addition, I wish to call the attention of my friend from Alabama [Mr. HERBERT] having charge of this bill to another fact. Under the heading of Bureau of Steam-Engineering, in lines 336 and 337, I find the following item:

For contingencies, drawing-materials, instruments, &c., for the draughting-room, $500.

Those items seem to belong to the legislative, &c., appropriation bill. In that bill the appropriation is made in the aggregate in the following language:

For stationery, furniture, &c.——

Mr. LORE. What lines does the gentleman refer to?

Mr. HOLMAN. I refer to lines 336 and 337, on page 15 of the naval appropriation bill. The appropriation as made in the aggregate in the legislative, &c., appropriation bill is in the following language:

For stationery, furniture, newspapers, plans, drawings, drawing materials, freight, expressage, postage, and other absolutely necessary expenses for the Navy Department and its various bureaus and officers, $11,000.

I have not been able to examine the extent to which this goes. I am apprehensive my friend in framing this bill without regard to the legislative, &c., has duplicated the appropriations for the same objects. I know duplications will occur under almost any system, but at the same time members of the committee can not be too vigilant in concurring against all such duplications in the appropriations.

I withdraw my *pro forma* amendment.

Mr. HERBERT. All this is out of order, of course, and I do not understand the exact purpose of the gentleman from Indiana in making the inquiry after we have passed from the paragraph to which he has referred. I call attention to the naval appropriation bill for 1885, which contains this item:

For contingencies, such as instruments and materials for draughting-room, $1,000.

Thus the present estimate is similar to that put in the naval appropriation bill of the preceding year, and it is the same language used in that bill.

Mr. HOLMAN. I have no doubt, as a matter of fact, there is a chance of duplication under any system which may be adopted.

Mr. HERBERT. That is in the present bill, and it is also in the appropriation bill for last year, which was framed by the old committee. I can not see any difference. If there is any duplication it probably occurred last year, unless the gentleman in the legislative, &c. appropriation bill has included an item in the naval appropriation bill. This seems to be here according to precedent. Now, the dividing lines between the different committees are altogether arbitrary. I think it is entirely proper that the different committees having charge of these bills should be careful not to duplicate expenditures. If the gentleman's inquiry has that purpose in view it is proper, and I submit when this committee finds in the naval bill for last year an item precisely the same as that for which an estimate is sent us it is right and proper to insert it. We certainly are not subject to criticism for so doing.

Mr. HOLMAN. The gentleman from Alabama has failed to observe my remarks, that probably duplication will occur under any system of appropriation. It perhaps is inevitable, and results in the main from the way in which estimates are referred to the committee or referred to subcommittees of different committees. In looking over these items I am impressed more than ever before, however distributed, it is of the highest importance to avoid duplication. It is apparent there is duplication here, unintentional duplication of course, and it is likely the same duplication occurred in former years.

Mr. HERBERT. I think, as the gentleman suggests, it is well for all the committees to be on the lookout in this regard.

Mr. HOLMAN. That was my only motive in calling attention to the fact that this was likely to occur.

Mr. BUCK. Is it in order to go back to line 412? I think the chairman of the committee will consent in view of the fact that we passed an amendment raising the pay of these servants to $25 a month, which would increase the aggregate just $100.

The CHAIRMAN. The Chair will state to the gentleman that the amendment correcting the total has already been made.

Mr. HERBERT. That is right, of course. I suppose that will be done by the Clerk as we proceed with the bill.

The Clerk read as follows:

For head-stones for the graves of sixty sailors and marines buried in the naval cemetery at the Naval Academy, Annapolis, Md., who lost their lives by being wrecked in the United States steamer Huron, $500.

Mr. HOLMAN. Mr. Chairman, I wish to call the attention of the gentleman from Alabama to the fact that there is a general provision in the sundry civil bill covering the whole field of head-stones to mark the graves of soldiers and sailors; and I hope when that bill comes up he will consider it in connection with this item.

Mr. HERBERT. If that be true I presume it would be proper to strike it out here.

Mr. HOLMAN. No, I would not do that. This is an exceptional case; but I think the gentleman should take notice of the fact when we reach the consideration of this item in the bill to which I have referred.

The Clerk read as follows:

For commencing the erection of the new naval observatory and necessary buildings on the site purchased under the act of Congress approved February 4, 1880, $50,000.

Mr. WARNER, of Ohio. Mr. Chairman, reserving the point of order on that clause until I can make some inquiry, and also offer an amendment, I wish now to make a *pro forma* amendment for the purpose of asking information.

The inquiry I desire to make is, whether any general plan has been adopted for an observatory, in the first place; and, in the second place, what is meant by the words "and necessary buildings." Does that include separate buildings for the accommodation of the officers connected with this establishment? And, if not, what is included in those words?

Mr. HERBERT. In reply to the gentleman from Ohio I will state that there are no plans that I know of; that is to say, no definite plans were submitted to the committee. This estimate came from the Secretary of the Navy in the form in which it was adopted, and I am unable to answer fully his inquiry.

Mr. WARNER, of Ohio. Mr. Chairman, it seems to me then that there should certainly be an amendment to this paragraph. It now opens the door to a very wide expenditure, and I am advised, or have heard it stated at any rate, that it was in contemplation to construct a sort of villa out on the grounds selected for the site of this observatory, to include not only the buildings and necessary offices for the observers and computers, but cottages, fine residences, for the officers in charge and their families—for the professors now engaged at the observatory—and that that plan involves a cost of from $600,000 to $1,000,000.

Mr. BUCK. I would like to ask the gentleman, with his consent——

Mr. WARNER, of Ohio. I yield to the gentleman, because information is what I am desirous of getting.

Mr. BUCK. I ask what is the source of the gentleman's information as to the statement that private residences are to be built out there?

Mr. WARNER, of Ohio. That is just the information I want to get. I know that is in one of the plans, for I have seen it. It has also been discussed in the public press and has been advocated in connection with the observatory. It has, in fact, been agitated for years that with the erection of the observatory buildings there should also be built residences for the professors and officers of the observatory.

Now, I wish to remark in reference to the observatory building itself, that astronomers are agreed that for the purposes required they want no very costly structure. After the foundation is prepared, which is the important part of the structure, nothing but a mere shell is needed for the purpose of a building. The temperature inside of the building should be as nearly as possible the same as the outside temperature, so that all that is needed for the observatory proper is shell, besides the necessary offices for computers. Indeed, I understand now, notwithstanding the reports, that it is not the wish of the professors in charge of this work that there should be constructed costly buildings for offices or residences, only so far as the needs of the observatory are concerned. The site which has been selected I believe is a very satisfactory and desirable one.

It takes the observatory out of the fogs of the Potomac and puts it in purer air, where observations can be made regularly and satisfactorily.

The construction of the observatory building itself is very desirable; but for the observatory proper and necessary offices the entire cost of construction should not exceed $100,000. I therefore wish to offer this amendment, if the clause is allowed to remain in the bill, to strike out, in line 457, the words "and other buildings," limiting the appropriation strictly to an observatory; then include at the end of line 459 these words:

Provided, That no plan for an observatory, including offices for observers and computers, shall be adopted that will involve an expenditnre of more than $100,000.

That is ample. The best observatory in the world, that built not merely as an observatory, but as a work of art as well, that constructed by the Emperor Nicholas of Russia, only cost about $300,000 with all the necessary buildings. In no observatory in the world has better work been done than recently at our own. But I understand that a new observatory is needed, and the site has already been selected. It is in the equipment that the main cost will come in hereafter, and I hope the committee will accept the amendment, so that we may know what plan we are entering upon.

Mr. HERBERT. I have no authority, of course, in this matter to speak for the committee. But for myself I will say I am in sympathy with the spirit and purpose of the amendment. Perhaps it ought to be modified a little. Certainly I think the gentleman is right in desiring to limit the cost. It may be, however, that some outbuildings are necessary.

Mr. WARNER, of Ohio. I will insert in the amendment a provision for offices for computers and for outhouses.

Mr. HERBERT. As I have said, I am willing to accept the amendment, but I have no authority to speak for other members of the committee.

Mr. BRECKINRIDGE, of Arkansas. I ask the gentleman from Alabama whether any plan has been submitted to the committee?

Mr. HERBERT. I do not know of any plan. The plan which the gentleman from Ohio speaks about, which he has seen referred to in the newspapers, I am satisfied is one that simply exists in that way and not in the mind of the Secretary.

Mr. WARNER, of Ohio. I know it is a plan which has been persistently urged by officials of the Navy.

The CHAIRMAN. The Clerk will report the amendment offered by by the gentleman from Ohio.

The Clerk read as follows:

In line 457, strike out "and necessary buildings;" and at the end of line 459 insert as follows:

"*Provided*, That no plan for a naval observatory including offices for observers and computers and necessary outbuildings shall be adopted that will involve an expenditure of more than $100,000.

Mr. ROGERS. Let the paragraph be reported as it will read after it is thus amended.

The Clerk read the paragraph as proposed to be amended.

Mr. BRECKINRIDGE, of Arkansas. I ask the chairman of the committee if the full estimate and plan have been submitted to the committee, or are we simply called upon to vote the proposed $50,000 without there being any final estimate for the completion of the observatory?

Mr. HERBERT. I will state to the gentleman that the amendment——

Mr. BRECKINRIDGE, of Arkansas. I am not talking about the amendment.

Mr. HERBERT. As I said, no plan at all has been submitted to the committee. The matter is left to the Secretary of the Treasury, and if we pass this proposed amendment it will be left to him to devise the building to be erected, just as in ordinary cases where we appropriate $100,000 for a building according to plans afterwards to be devised.

Mr. BRECKINRIDGE, of Arkansas. The Department submitted the estimate which the committee reported?

Mr. HERBERT. The Department submitted the estimate, and we left it to the Department, as is usual in such cases, to devise the plan for the building. I do not know of any case in which a plan for a building, except in the case of the Library, has been submitted to any committee before the bill authorizing the building passed. We have done simply what is usual; we have appropriated so much for a building, leaving the plans to be made by the Department.

Mr. BRECKINRIDGE, of Arkansas. That is quite different from the method pursued with public works that I have been connected with on committee. A plan has always accompanied the estimate, and the estimate has been not merely for the commencement of the work but for its final completion. No such plan has been submitted here. I think this is an unusual and unwise way of appropriating money. We do not know what the views of the Department may be. No one here is prepared to say what kind of an observatory the exigencies of the country and of science may require at this time. I think it would be better the whole paragraph were stricken out until we get a complete estimate from the Department. If they want $100,000 for an observatory, I am willing to give that. It is evident that we are asked to act upon this subject when it is not in any state of maturity. There is no well-defined plan. There is no official estimate. I think it would be better to pass over the whole matter until we get some accurate information from the Department. And I shall move at the proper time that the whole paragraph be stricken out. I shall do so in no spirit of unfriendliness to the erection of a suitable observatory.

The CHAIRMAN. The gentleman from Arkansas may make the motion he has indicated after the committee has acted on the pending amendment.

Mr. ADAMS, of Illinois. I make the point of order against the amendment of the gentleman from Illinois that it is a change of existing law. We are appropriating for the naval establishment. In this part of the bill we are appropriating for the commencement of a construction which has been authorized by law.

Mr. WARNER, of Ohio. I beg the gentleman's pardon. I think he can find no law authorizing the erection of the building. There is a law authorizing the purchase of a site.

Mr. ADAMS, of Illinois. Perhaps the gentleman will see his correction is unnecessary. There is a law for purchasing a site. There is a law for preparing the plans. There either is or is not a law for commencing the building, it makes no difference to my purpose which. Assume that there is no law now limiting the amount. There is a law that the naval observatory to be built shall not exceed in cost $100,000. This is not an appropriation. It is not a limitation of an appropriation contained in this bill. It is a limitation of all appropriations that shall hereafter be made. It is so indirectly, because it is a limitation on the plan which shall be adopted for that building.

Mr. WARNER, of Ohio. On that point one word.

The CHAIRMAN. In the opinion of the Chair, after debate upon the merits of the amendment it is too late to raise the question of order. The gentleman from Ohio [Mr. WARNER] submitted an amendment, which was discussed by the gentleman from Alabama [Mr. HERBERT] and by the gentleman from Arkansas [Mr. BRECKINRIDGE], and the Chair thinks it is now too late to make the point of order.

Mr. ADAMS, of Illinois. I will remind the Chair that I made the point at the first moment I had an opportunity, because as soon as the amendment was offered the gentleman from Arkansas [Mr. BRECKINRIDGE] was on his feet, and I was reminded by the Chair that he was

on his feet. I intended to make the point, and I thought I did make it at the first moment when I could properly do so.

The CHAIRMAN. As the Chair understands the rule, the time to make the point of order is upon the offering of the amendment, as soon as it is read; but of course a gentleman may rise and state that he reserves the point of order.

Mr. ADAMS, of Illinois. May I ask the Chair what would happen if the gentleman who offered the amendment immediately proceeded to discuss it, as he might do under the rule?

The CHAIRMAN. The gentleman making the point can take him off his feet by the point of order.

Mr. ADAMS, of Illinois. But is he obliged to do it at that time?

The CHAIRMAN. The Chair thinks so. The Chair thinks that the conduct of business would require that any technical point of that character should be made before discussion of the merits of the proposition.

Mr. BUCK. Mr. Chairman, I rise for the purpose of making an inquiry in order to get at the legal construction of the amendment. I wish to ask the gentleman from Ohio [Mr. WARNER] whether he intends it to limit the entire expense both of the observatory proper and of the offices of the various employés and officials connected with the observatory, so that the entire structure shall cost only $100,000, or whether he intends to allow the cost of the observatory proper to be governed by the discretion of the Department, limiting only in this way the cost of the other buildings?

Mr. WARNER, of Ohio. The object is to take away unlimited discretion and to limit the expenditure for the observatory and offices for computers—not quarters, not residences—but offices for the observers and computers while at work there, to $100,000.

Mr. BUCK. That is to say, the gentleman understands the amendment to mean that this is to be the limit of the entire expense proposed?

Mr. WARNER, of Ohio. That is the idea.

Mr. BUCK. I think, Mr. Chairman, that that would be a very unfortunate limitation, because without proper plans and estimates from the Department it would be impossible for us to know whether it will not be absolutely essential to the completion of the observatory to expend more than $100,000. I must say that I am somewhat in sympathy with the suggestion of the gentleman from Arkansas [Mr. BRECKINRIDGE]. Without some plan I certainly would not like to fix a limit in this way. I would much prefer to vote for the bill as it was originally drawn, because we shall certainly have to expend more than $50,000 to accomplish any sort of good.

Mr. WARNER, of Ohio. As the bill stands now, a plan might be adopted which would cost five millions. There is no limitation whatever.

Mr. BUCK. I have not the least fear of that kind, Mr. Chairman, and I am sure that the fear of the gentleman from Ohio [Mr. WARNER] is more technical than real. The idea of constructing private residences there, building a villa, as the gentleman suggests, is absolutely without foundation. I have never before heard the suggestion that it was intended to construct a villa in connection with the Naval Observatory, and I am sure there is no foundation for the idea.

Mr. BOUTELLE. Especially under a reform administration.

Mr. BUCK. Especially under a reform administration, as my friend from Maine suggests.

Mr. WARNER, of Ohio. If the gentleman will inquire, he will find that the idea of constructing residences has been persistently pressed.

Mr. ROGERS. The gentleman from Connecticut [Mr. BUCK] I apprehend is mistaken about the position of my colleague [Mr. BRECKINRIDGE]. The very question which he himself puts to the gentleman from Ohio [Mr. WARNER] indicates the unwisdom of embarking in an appropriation of this kind until we have some official information as to what we are to construct. The only information furnished to the House on this subject so far we get from the gentleman from Ohio on my left [Mr. WARNER], and that is totally unofficial. The chairman of the committee who reported this bill is unable to give us any sort of estimate or statistics by which to judge whether we care to undertake this enterprise at all or not. Personally I do not know anything about the necessity or the reasons for it or the expenditure that is contemplated, and the House seems to be precisely in the same position. That, to my mind, is ample reason why this whole provision ought to go out of the bill.

When a question arises here as to an appropriation for a public building, we all understand something about what is required, and we can get official information from various sources as to the necessity for it, the size of the town, the character and amount of the business transacted, and such matters; but here we are left totally in the dark as to how much money is to be expended, as to how it is intended to be expended, and as to what sort of structure we are to have. In short, we are entirely without official data by which we can judge whether we ought to embark in this enterprise at all. Now, sir, I am unwilling to vote for a provision of this kind without having some official information upon which to act understandingly, and I think the proper course to pursue in this case is to strike this whole provision out of the bill until the gentlemen who have the matter in charge are sufficiently interested in it to give Congress some data by which to be guided in making the appropriation. Until that is done, I shall vote against this and every other appropriation looking in this direction.

Mr. BLANCHARD. Mr. Chairman, I think there is no doubt in the mind of any one who has looked into this question that a naval observatory adequate to the demands of the service should be erected here. Congress seems to have reached this view as early as 1880, for in that year a law was passed providing for the purchase of a naval observatory site. That law, which I have before me, provided for an appropriation of $75,000 to pay for the site. The site has been purchased, and, as I understand, all of the $75,000 has been expended in that way—perhaps an additional sum. I have no exact information as to how much that site has cost; but the Government has gone to the expense of purchasing a site which has cost at least $75,000, and upon that site a naval observatory building adequate to the demands of that service should be erected. But I think this committee, in advance of any plan submitted showing what the structure is to be and its cost, should not adopt such an amendment as that of the gentleman from Ohio, restricting the cost of the building to $100,000.

Rather than adopt such an amendment I for one would favor the proposition of the gentleman from Arkansas, that this whole paragraph be struck out and no provision for the building be made at all until a plan and estimates have been submitted to Congress. We can then see exactly what the building is to be and what it is to cost. But certainly we should not now restrict the cost of this building to $100,000, when we do not know the nature and cost of the building contemplated by those charged with this matter. I hope that the amendment of the gentleman from Ohio will be voted down; and, as I have said, I am disposed to favor the proposition suggested by the gentleman from Arkansas, to strike out the paragraph and await the submission to Congress of plans and estimates.

Mr. REAGAN. I concur with the gentleman from Louisiana [Mr. BLANCHARD] in his dissent from the amendment of the gentleman from Ohio, and I favor the amendment proposed by the gentleman from Arkansas. It seems to me unwise to enter upon the construction of a naval observatory in advance of the submission of plans and estimates to Congress. We all know what such a step means. When you give a Department a *carte blanche* in that respect it adopts whatever plan it pleases. I think it will be best to strike out the entire paragraph until proper plans and estimates shall have been submitted to Congress. It is not best for us to delegate to any Department of the Government the power of determining what expenditures there shall be of the money of the people.

Mr. BUCK. I think there is a misconception on the part of some gentlemen here in regard to the matter of the plans for this naval observatory. In the report of the superintendent of the observatory I find it stated that plans have been prepared for a long time, have received the approval of prominent scientific men, and the work can be begun as soon as the money is forthcoming. It also appears by this report that were the funds now in hand it would take fully three years to erect the new building, transfer the plant, and get everything into working order. It will be seen that everything is in readiness to go on with the building provided the money be appropriated.

I take the liberty of bringing to the attention of gentlemen two paragraphs from the report of the superintendent:

> The sum asked for the new observatory ($586,138) is intended to cover all expenses of putting the establishment, on its removal, in perfect working condition in every way. It includes the erection of the observatory buildings proper, quarters for the superintendent, the observers, and others whose attendance is necessary at all times, especially during the night; the removal and remounting of the instruments, construction of roads, grading and fencing, and other details of like character.
>
> Plans for the proposed building were prepared in 1881 under the supervision of the then superintendent, the late Rear-Admiral John Rodgers, United States Navy. After completion they were submitted to some of the leading scientists of the country for examination, and, receiving their approval, were adopted by the commission authorized by Congress to take cognizance of the matter. They are believed to be in the main all that is desirable.

Mr. BLANCHARD. Has the gentleman the plans before him?

Mr. BUCK. I have never seen the plans, nor do I know what expense they contemplate in the aggregate. It is clear, however, from the report of the superintendent that the plans are all matured.

Mr. BLANCHARD. Is there any member of the committee who can inform the House what the plans are and what is the aggregate of the estimated expense?

Mr. BRECKINRIDGE, of Arkansas. In the appendix of the last Book of Estimates, page 279, we find that the estimate for the total completion of this building is $586,138. That has nothing to do with the buying of instruments, which, as gentlemen know, is often the most expensive part of an observatory. This estimate embraces officers' quarters and everything of that sort. I presume it embraces quite a number of buildings rather than a single building. Now it may be demonstrable that all this is necessary; but as yet no attempt has been made to demonstrate it, and there is a decided difference of opinion on the subject.

I find by reference to page 162 that the estimate for commencing the work is $250,000. I think we had better omit any appropriation of this kind for the present, as has been done in past years.

Mr. Chairman, is it in order for me to move to strike out the paragraph?

The CHAIRMAN. There is an amendment now pending which, in the opinion of the Chair, should be first voted upon.

Mr. WARNER, of Ohio. Mr. Chairman, for my part I favor an appropriation for commencing the observatory proper. I withdraw the amendment I have already offered, and substitute what I send to the desk.

The Clerk read as follows:

Strike out, in line 457, the words "and necessary buildings."
After the word "dollars," in line 459, add the following:
"*Provided*, That the construction of no building shall be commenced except an observatory proper, with necessary offices for observers and computers."

Mr. ADAMS, of Illinois. That is all right.

Mr. BUCK. Does that amendment limit the amount at all?

Mr. WARNER, of Ohio. It does not.

Mr. BUCK. Does it provide for striking out, in line 457, the words "and necessary buildings?" If those words are left in, I think the amendment is proper enough.

The CHAIRMAN. The Chair will state that the amendment strikes out those words.

Mr. WARNER, of Ohio. It is not necessary now to provide for any outbuildings. If they should be required they can be appropriated for a year or two hence. It will not take long to construct them.

Mr. BUCK. If the amendment of the gentleman from Ohio is to prevail it simply limits the character of the structure without limiting the amount it may cost.

Mr. WARNER, of Ohio. That is all.

Mr. BUCK. Now, it seems to me that as it may turn out that other buildings are necessary in connection with the observatory proper, it would be entirely judicious to leave that question to the discretion of those who may have charge of this matter.

Mr. WARNER, of Ohio. They can be provided for hereafter. They will take but a short time to build.

Mr. BUCK. I will say to the gentleman from Ohio I think there is much sense in his amendment. But in reply to a question he asked me a moment ago I will say these plans will require an expenditure of $586,138.

Mr. BRECKINRIDGE, of Arkansas. I will move to strike out the whole paragraph as soon as the amendment has been voted on.

Mr. BLANCHARD. At first I supposed plans for the construction of the naval observatory had not been submitted or adopted. I understand now such plans have been long since submitted and adopted. I will read from the appendix, to which we were referred by the gentleman from Arkansas, the following letter:

UNITED STATES NAVAL OBSERVATORY,
Washington, September 18, 1885.

SIR: No appropriation having been made for the erection of a new naval observatory upon the site purchased therefor under the act approved February 4, 1880, I have the honor to renew the estimate which was submitted by my predecessors *in* 1882, 1883, and 1884, and beg to request that it may be again submitted to Congress with the approval of the Department.

In anticipation of removal to the new site, no money of any moment has been expended at the present location for repairs and improvements for several years. As a consequence thereof, the buildings and appurtenances are fast getting into a dilapidated condition hardly creditable to a national institution of such prominence and character; and unless Congress, in its wisdom, sees fit to grant the money, or a part of it, submitted in the estimate for the proposed new structures, then it is urged that a reasonable sum be appropriated for the purpose of improving the condition of things here at the old point.

The sum asked for the new observatory ($586,138) is intended to cover all expenses of putting the establishment, on its removal, in perfect working condition in every way. It includes the erection of the observatory buildings proper, quarters for the superintendent, the observers, and others whose attendance is necessary at all times, especially during the night; the removal and remounting of the instruments, construction of roads, grading and fencing, and other details of like character.

Plans for the proposed building were prepared in 1881 under the supervision of the then superintendent, the late Rear-Admiral John Rodgers, United States Navy. After completion, they were submitted to some of the leading scientists of the country for examination, and, receiving their approval, were adopted by the commission authorized by Congress to take cognizance of the matter. They are believed to be in the main all that is desirable.

The present location is unhealthy in the extreme, and those who are called upon for night service suffer more or less from malaria a good part of the time. Fogs also, gathering over the Potomac at certain seasons of the year, frequently obstruct the observers, and many desired opportunities for astronomical work are lost in consequence. On the other hand, the terrene surroundings and influences and atmospheric conditions at the new site are very salubrious and favorable, and it is to be hoped that Congress will give such facts careful consideration when the estimate in question is laid before it.

I also submit, in connection with this subject, a communication from the late Supervising Architect of the Treasury to the Committee on Appropriations of House of Representatives in 1882.

Very respectfully,

GEO. E. BELKNAP,
Commodore, U. S. N., Superintendent.

Capt. J. G. WALKER, U. S. N.,
Chief of Bureau of Navigation, Navy Department.

So it will be seen by this statement these plans, submitted in 1881, have been adopted by the commission appointed by Congress for the purpose. If that is the case, it seems the part of wisdom Congress should now make appropriation for the purpose of commencing the erection of the naval observatory. I do not think either the amendment of the gentleman from Ohio [Mr. WARNER] or the one of the gentleman from Arkansas [Mr. BRECKINRIDGE] should be adopted, but the report of the committee on this subject appropriating $500,000 for the commencement of this building should prevail.

Mr. REAGAN. Without putting any limitation to it at all?

Mr. BLANCHARD. The plan as submitted for five hundred and odd thousand dollars will complete the whole thing.

The question recurred on the amendment of Mr. WARNER, of Ohio.

Mr. BLANCHARD called for a division.

The committee divided; and there were—ayes 49, noes 6.

Mr. BLANCHARD. No quorum has voted.

Mr. BOUTELLE. I hope the gentleman will withdraw his call for a quorum. It is evident the amendment is going to carry.

Mr. BLANCHARD. I withdraw the call for a quorum.

So the amendment was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the paragraph as amended.

The committee divided; and there were—ayes 14, noes 51.

So the amendment was rejected.

The Clerk read as follows:

For pay of non-commissioned officers, musicians, and privates: For 1 sergeant-major, 1 quartermaster-sergeant, 1 leader of the band, 1 drum-major, 50 first sergeants, 140 sergeants, 180 corporals, 30 musicians, 96 drummers and fifers, and 1,500 privates, $255,052.

Mr. HERBERT. I move, on the part of the committee, to insert after the word "dollars," in line 479, the following:

But the further sum of $200,000 of the surplus fund now standing to the credit of the pay of the Marine Corps is hereby appropriated and made available for that purpose during the fiscal year 1887.

I explained, Mr. Chairman, in reference to the first item of pay of the Navy, a new ruling in the Treasury Department, rendered necessary this reappropriation. The same circumstances apply here, and for the same reason this amendment was rendered necessary.

The amendment was agreed to.

The Clerk read as follows:

For repairs of barracks at Portsmouth, N. H.; Boston, Mass.; Brooklyn, N. Y.; League Island, Pennsylvania; Annapolis, Md.; headquarters and navy-yards, Washington, D. C.; Gosport, Va.; and Mare Island, California, $9,000; for the erection of a building for marine barracks at navy-yard Pensacola, Fla., to take the place of one destroyed on account of yellow fever (appropriation to be immediately available), $2,000; placing tin roof on marine barracks and officers' quarters at Washington, D. C., $1,200; rent of building used for manufacture of clothing, stowing supplies, and offices of assistant quartermasters, Philadelphia, Pa., and San Francisco, Cal., $2,260; in all, $14,460.

Mr. MCKENNA. Mr. Chairman, I offer an amendment to this paragraph of the bill, which I send to the desk.

The Clerk read as follows:

Add, after the word "dollars," in line 514, "for the erection of officers' quarters at the marine barracks, Mare Island navy-yard, California, $15,000." In line 520, strike out "fourteen" and insert "twenty-nine."

Mr. WARNER, of Ohio. The point of order should be reserved on the amendment.

Mr. HERBERT. I reserve the point of order.

Mr. MCKENNA. Mr. Chairman, this amendment is recommended by the Secretary of the Navy. I send to the Clerk's desk a letter from the Secretary of the Treasury transmitting the subject to Congress; also a letter from the Secretary of the Navy, and another letter from an officer who was sent to examine into the necessity of this improvement, addressed to the Secretary of the Navy, which I ask to have read.

The Clerk read as follows:

TREASURY DEPARTMENT, *June* 17, 1886.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of letter of the Secretary of the Navy of the 15th instant, submitting estimates of appropriations for the following objects: Erection of three cottages for officers' quarters at marine barracks, navy-yard, Mare Island, California, $15,000; repair of barracks, outbuildings, and parade-ground, navy-yard, Mare Island, California, $5,000.

Respectfully, yours,

C. S. FAIRCHILD,
Acting Secretary.

The honorable SPEAKER *of the House of Representatives.*

NAVY DEPARTMENT, *Washington, D. C., June* 15, 1886.

SIR: I have the honor to transmit herewith a copy of a communication dated the 7th instant, addressed to me by Maj. H. B. Lowry, quartermaster of the Marine Corps, accompanied by an estimate of $20,000; $15,000 of that sum being for the erection of three cottages for officers' quarters at the marine barracks, navy-yard, Mare Island, and $5,000 for the repairs of barracks, outbuildings, and parade-ground at that post, and have to request that the same may be submitted to Congress. The Department approves of this estimate and recommends that it receive favorable action. Both the officers' quarters and the repairs suggested are objects of immediate necessity.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. DANIEL MANNING,
Secretary of the Treasury, Washington, D. C.

UNITED STATES MARINE CORPS, QUARTERMASTER'S OFFICE,
Washington, D. C., June 2, 1886.

SIR: I herewith respectfully inclose estimates for the erection of three cottages, to be used as officers' quarters at the Marine Barracks, navy-yard, Mare Island, California, and an estimate of $5,000 to be used in repair of barracks, outbuildings, and parade ground at the same post.

In this connection I would state that the marine barracks referred to were erected in 1863 at a cost of $139,058.44.

The original plans, embracing four cottages, one in use by the commanding marine officer, was erected in 1870.

The officers doing duty are now quartered in barracks with the enlisted men, a condition of affairs that produces discomfort, discontent, and trouble.

Every naval officer on duty at the yard has his house; even the teamster is located in a separate cottage. This distinction ought not to exist, and I sincerely hope that in justice to the marine officers now on duty in California, separated as they are from the East, and in so isolated a place as the navy-yard is, that these estimates may be submitted to Congress with the approval of the honorable Secretary of the Navy.

Very respectfully, your obedient servant,

H. B. LOWRY,
Major and Quartermaster, U. S. M. C.

Hon. W. C. WHITNEY,
Secretary of the Navy.

Mr. McKENNA. The estimates in obedience to that have been ascertained and amount to $15,000.

Now, I know how reluctant the House is to add any amendment to the appropriation bills as they come from the committees. But if the members of the House have attended to the reading of that letter they will see that Major Lowry went to California in obedience to the orders of the Secretary of the Navy, made on May 8, 1886, and has only just made his report as to the condition of the barracks and the necessities for these quarters.

Had that report come in at an earlier date, in time to have been referred in the estimates to the Naval Committee, I have no doubt, sir, that they would have considered the recommendation and made an appropriation of at least that percentage of the estimate which is usually made for work which is thus recommended.

It is true that the quarters are occupied by the officers at present, and in which they have resided for some time, but it is none the less true that the original estimate included the erection of these quarters in order that there might be some separation between the officers and men on duty at that point.

It is very essential that this work should be done, and I hope the amendment will receive the approbation of the committee.

Mr. HERBERT. Mr. Chairman, the points of order against this amendment are two. The amendment provides in the first place for the erection of a building at the point designated, and the gentleman has pointed out no statute authorizing the erection of such new building. The next point is that this provision would properly go into the sundry civil bill, where the public buildings are provided for and does not properly belong to this bill.

Mr. McKENNA. Will the gentleman allow me to say that I consulted with the chairman of the Committee on Appropriations, who told me, if I am not disclosing a matter I should not, that the Naval Committee was the proper committee and had jurisdiction of this subject.

Mr. RANDALL. I said to you that I was not in favor of this appropriation.

Mr. McKENNA. You undoubtedly did. I have not said that you were.

Mr. RANDALL. And that I never would consent that it should go on the sundry civil bill.

Mr. McKENNA. But did you not tell me what I have just stated?

Mr. RANDALL. Well, I turned you over to the Naval Committee with the understanding that I was not in favor of making the appropriation.

Mr. McKENNA. I do not, of course, know what your understanding was, but I know what you said.

Mr. RANDALL. Do you mean to say that I said anything different to you personally from what I now say?

Mr. McKENNA. I say that you said to me personally just exactly what I said a little while ago.

Mr. RANDALL. What was it?

Mr. McKENNA. You also said to me that you were not in favor of putting on the bill which you designated, I do not now remember the name, any provision of this kind, not being in favor of building quarters for officers.

But I understood you to say this matter was for the Naval Committee, and that the proper place was on this bill.

Mr. RANDALL. I said, if the gentleman will recollect, that I did not think appropriations in connection with the Navy had a proper place in the sundry civil bill, and I alluded to your California drydock, and said because it was for the completion of that work we inserted the appropriation in the sundry civil bill; but I deny I ever in any way gave you the least encouragement to believe I would support this proposition.

Mr. McKENNA. Have I said so, or anything like that?

Mr. RANDALL. I may have misunderstood the gentleman. I do not want to put any other other construction on his language than what he intended.

Mr. HERBERT. I insist on the point of order. The estimates on which the gentleman from California [Mr. McKENNA] relies were referred by the Speaker to the Appropriations Committee. That was a decision by the Speaker himself, that that committee had jurisdiction, and that the Naval Committee had no jurisdiction of that subject-matter. Both of those points of order were good.

Mr. HENLEY. I see, however, that the gentleman from Alabama deals with cognate improvements in this bill. Here is an appropriation for the erection of marine barracks at various navy-yards.

Mr. HERBERT. The gentleman is mistaken. There is no appropriation for the erection of a marine barracks anywhere, except one for a building which was burned down at a place where marine barracks were already established by law. There is no precedent in that.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RICHARDSON took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. JOHNSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads; and

A bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn.

The message further announced that the Senate had passed with amendments the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor, requested a conference, and had appointed Mr. MAHONE, Mr. CAMERON, and Mr. CAMDEN the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof, requested a committee of conference, and had appointed Mr. MAHONE, Mr. WILSON of Iowa, and Mr. VEST the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States, requested a committee of conference, and had appointed Mr. HARRISON, Mr. MANDERSON, and Mr. BUTLER the conferees on the part of the Senate.

The message further announced that the Senate had passed with amendments the bill (H. R. 5890) for the relief of Grafton Monroe, requested a conference, and had appointed Mr. MAXEY, Mr. CONGER, and Mr. CHACE conferees on the part of the Senate.

The message further announced that the Senate had passed the bill (H. R. 6311) granting arrears of pensions to Mrs. Maria Walker, requested a conference, and had appointed Mr. BLAIR, Mr. SAWYER, and Mr. WILSON of Maryland conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BOUTELLE. I would like to ask the chairman of the committee a question. I understand him to make the point that this proposed amendment is not germane to this bill.

Mr. HERBERT. I do not make that point.

Mr. BOUTELLE. There is a paragraph of this bill which relates to the repairs of the barracks, to the erection of a building for marine barracks at the navy-yard, Pensacola, Fla., and to various cognate subjects.

Mr. HERBERT. I did not make the point that the amendment was not germane. The point I made was this: The Naval Committee and every other committee of this House has jurisdiction only over the matters confided to it by the rules. When the present rules were framed the Naval Committee was given jurisdiction over the ordinary appropriations for the naval service. That is to say, the regular annual appropriation bill for the Navy rightfully contains just exactly such matters as it has contained heretofore. There is no other way of construing the rule of the House, which gives us jurisdiction over that matter and leaves with the regular Appropriations Committee such jurisdiction as is not taken away from it. We must go to these bills as they existed heretofore and find out what they contained. The line between these different bills, as I have had occasion to say once before during the progress of this bill, is very arbitrary and in many cases I can see no reason for it. Yet it exists. And when we undertake to decide what we have jurisdiction over and what the Committee on Appropriations has jurisdiction over, there is no way of getting at it except by looking at the bills of past Congresses. When we look at these we find that appropriations for public buildings belong to the sundry civil bill.

Mr. BOUTELLE. Does the gentleman question the jurisdiction of the Naval Committee over the subject-matter of the repairs of barracks or the erection of buildings for marine purposes at navy-yards? I ask the question because those very items are incorporated in this bill.

Mr. HERBERT. I do not question the jurisdiction of the Naval Committee over repairs; but I do as regards the erection of buildings. That is an illustration of what I have just said.

Mr. BOUTELLE. This very bill contains a provision for the erection of a naval observatory.

Mr. HERBERT. Exactly so; and if the point of order against that provision had been insisted upon it would have been sustained.

I want to state further to my colleague that it was understood by the members of our committee—at least by those who were present when this question of the Naval Observatory was considered—that the ob-

servatory would be ruled out on a point of order if the point were made; but, as we thought it ought to be erected, we put the provision into the bill to take its chances, and it seems to have run the gauntlet. That, however, does not show that the point of order might not have been made against it.

Mr. BOUTELLE. Mr. Chairman, it seems to me that the House ought to understand this question, which appears to me to be a perfectly simple one. The bill which I hold in my hand, reported by the Naval Committee, contains provisions for the repair of marine barracks at Portsmouth, N. H., at Boston, at Brooklyn, and at other places, and for the erection of a building for marine barracks at the navy-yard at Pensacola, to take the place of the one destroyed on account of the yellow fever. It is now proposed to amend the bill by making an appropriation for additional buildings, structures of precisely the same nature, for precisely the same purposes, at the Mare Island navy-yard; and it does seem to me that if the subject-matter of this amendment is not in order on this bill, then none of these provisions to which I have referred have a right to a place in the bill. If, on the other hand, the Naval Committee had jurisdiction—and I can not conceive of any Representative doubting that it had and must have had jurisdiction over appropriations for marine barracks and for officers' quarters at marine barracks—so that they were justified in bringing in the appropriations which they have reported here, then the amendment proposing to extend the operation of this paragraph so as to provide for the construction of other buildings at the navy-yard in California is certainly legitimate and must be in order.

In addition to that, Mr. Chairman, it seems to me that there can be no point of order raised upon this proposition as a matter of new legislation, because the navy-yards of the United States are established by law.

The naval establishments at the various yards have been provided for by law, and it is certainly competent for Congress under existing law to make appropriations for keeping up those establishments which have been regularly provided for by statute.

Mr. ADAMS, of Illinois. Mr. Chairman, with regard to the point of order that this is not a proper place for this appropriation I shall say nothing. It is new to me, and it strikes me as unsound. I desire to speak of the other point of order, namely, that these buildings, as the gentleman from Alabama has said, are not authorized by law. It makes not the slightest difference in the world, under our rules, whether these three buildings have been previously authorized by law or not, for the appropriation, however unauthorized by law, is in continuation of a work already in progress. Now I am informed as a matter of fact that some years ago, when the first building was erected, there was an estimate for five buildings and an appropriation to commence the erection of them. One of them was built, and afterward another was built, but these three are yet uncompleted; and, under any reasonable construction of our rule, it seems to me clear that, whether previously authorized by law or not, this is "in continuation of appropriation for such public works and objects as are already in progress." The matter of fact I get from the gentleman from California [Mr. MCKENNA], who proposed the amendment. I know nothing of it personally.

Mr. HERBERT. In conclusion, I desire to say, Mr. Chairman, that there may have been some such law, but I have never seen it and I demand its production, because unless we see it we can not tell whether it authorizes such a building as that or not. But both these points of order, it seems to me, are perfectly good. One is that this is not a matter confided to us by the rules of the House. It might have been, but it was not. The rules are to be judged by the appropriation bills as they existed at the time the rules were adopted, and looking at them it is very clear that the erection of new buildings belongs to the sundry civil bill and not to the Committee on Naval Affairs.

Mr. BOUTELLE. Yet you have in this bill an item for the erection of a new building for the marine barracks at Pensacola.

Mr. HERBERT. I have already explained that that is to take the place of one that was burned down.

Mr. BOUTELLE. How does that alter the case?

Mr. HERBERT. Because that was established by law, and therefore there was an existing law for the appropriation.

Mr. BOUTELLE. Do I understand the gentleman to hold that it requires a special law to provide for the erection of marine barracks in a navy-yard?

Mr. HERBERT. This is not a provision for marine barracks.

Mr. BOUTELLE. Do I understand the chairman to make a distinction between the provision of law that would be required for the erection of marine barracks and the provision that would be required for the erection of officers' quarters?

Mr. HERBERT. Not at all. If there were no marine barracks there, it would require a law to authorize their construction. There being no officers' quarters, it requires a law to authorize the building of them.

Mr. BOUTELLE. I take issue with the chairman on that point.

Mr. HERBERT. It is a question for the chairman of the Committee of the Whole to decide.

Mr. MCKENNA. Mr. Chairman, it appears to me to be a most extraordinary position to take, that you can make an appropriation for the construction of a building to take the place of one destroyed by fire, and yet that you can not make provision for the necessary officers' quarters, they being naval officers and this being a naval post. It does seem to me very extraordinary that the Committee on Naval Affairs should bring in here a recommendation for the construction of a new building, trusting to the indulgence of the House that the point of order would not be made against it, and yet that when an amendment is urged which is necessary for the public service the committee should themselves raise the point of order to prevent that amendment being adopted.

Now who knows whether this building is necessary? Do we? Has the chairman of the Naval Committee been there to inspect? No, sir. Has he ever seen the place at all? No, sir. Whose duty is it to ascertain the facts in these matters and suggest the remedy for any defect? Necessarily it is the duty of the Secretary of the Navy. In the discharge of his duty he sent an officer out there on the 8th of May with direct orders to investigate the condition of these barracks. The report comes that they are in bad condition and need repairs. The report comes that officers are now mingled with the men, much to their discomfort and to the detriment of discipline.

Mr. HERBERT. I call the attention of the gentleman to the fact that we did give an increased appropriation covering the repair of the barracks he is talking about.

Mr. MCKENNA. How much?

Mr. HERBERT. It was the estimate of the Quartermaster-General that out of what we appropriate he could apply $1,500 to the repair of barracks.

Mr. MCKENNA. Let me show you how much of an increase this is. The estimate for the purposes here enumerated in the bill is $15,000, and the bill appropriates $9,000—a very magnificent increase!

Mr. HERBERT. I meant an increase over the bill of last year, not over the estimate.

Mr. MCKENNA. Now, Mr. Chairman, this recommendation of the Secretary of the Navy embraces $5,000 for repair of barracks. In deference to what the chairman of the committee has told me in regard to the testimony given before the committee, I entirely omitted that item from my amendment, and confined it to the recommendation for the erection of officers' quarters. Is not this a necessary service? What should be the test of appropriations if not the necessity of the service? What is the business of a committee of this House charged with appropriations for public purposes if it is not to provide adequately for necessary service; and when such a committee does not do this, is it not derelict in its duty?

I know the reluctance to grant appropriations, and to some extent I sympathize with it; but when this reluctance goes so far as to withhold adequate appropriations for necessary service, it becomes detrimental to the public business and a neglect of public duty. I think this House should make the appropriation asked for by the Secretary of the Navy, who is supposed to know the needs of the service in these cases, who has informed himself in this matter, and who recommends this appropriation as urgent.

The CHAIRMAN. The Chair is of opinion that under the rules the Committee on Naval Affairs, in reporting a bill of this character, has no authority to include a provision for the construction of new public buildings; and when a point of order is made upon such a provision the Chair is of opinion that it must be sustained. The Chair, therefore, sustains the point of order.

The Clerk resumed and concluded the reading of the bill.

Mr. BUCK. Mr. Chairman, we are now through with the consideration of the various items of this bill. I desire now to state the aggregate amount of appropriations embraced in the bill after taking into account the changes which have been made during its consideration. I stated the other day that the bill appropriated $11,839,972.70; and for the current year the appropriations were $15,029,704.95. It has been claimed that a decrease has been made upon the appropriations of last year to the extent of $3,189,732.25.

Now, there are certain items which were estimated for and might have been put in this bill, and which are authorized by existing law, but which, or a part of which at least, have been placed in the "new-ship bill." The rest of them have in the course of the consideration of the present bill been reappropriated to be used during the next fiscal year, as in my remarks in the general debate on this bill I predicted would be the case. I will simply state those items which are to be taken into consideration when we compare this bill with the bill of last year. The first is for the increase of the Navy, provided for by the act of March 3, 1885, and the amount is $1,895,000, which has not been used. The remaining items are balance on "pay of the Navy," which has been reappropriated by the vote of yesterday, $576,308.24; surplus in Marine Corps, $200,000; surplus in clothing, $250,000; small stores, $75,000; improvement and plans of navy-yards, $250,000; for manufacture of torpedoes, $125,000; and for armament of vessels authorized by act of March 3, 1885, for the monitors and for the Miantonomoh, $500,000. That is an estimate, being one-half of the $1,000,000 appropriated for the above purpose and also for the armament of the vessels provided for in the new-ship bill, which is certainly a very fair estimate. It will be seen that the item for armament of the vessels provided for in the new-ship bill could not have been put into this appropriation bill, for they are not yet authorized by law, but the other items could have been put in, for they are authorized by existing law.

These sums which I have named should, therefore, be added to the

bill we have reported this year, they being items which come from the "new-ship bill." Those items amount in all to $3,871,300.24, which, added to the bill as originally reported, makes $15,711,272.94.

Now, subtracting from this amount the appropriations of last year, we have $681,576.99 as the legitimate increase of appropriations over those of last year, without taking into account the additions or subtractions made during the consideration of the bill. We have added exactly $4,414.76. We have taken from the bill $79,000.

These figures I have from the Clerk, and they correspond with my own memorandum, making the actual increase of appropriations over and above the appropriations of last year $606,982.78.

Mr. CANNON. I understand that the appropriation for the armament of the ships authorized by the act of March 3, 1885, is not included in this, but in another bill, together with a number of items for torpedoes, &c.

Mr. BUCK. That is the fact.

Mr. CANNON. Suppose that the "new-ship bill," as it is called, should not pass, what then?

Mr. BUCK. Then there will be no provision for the manufacture of torpedoes, no provision for the armament of the monitors or the Miantonomoh or the vessels authorized by the act of March 3, 1885.

Mr. CANNON. I ask my friend, and also members of his committee on the majority side, whether it is not an open secret that the leaders on that side have decreed that the "new-ship bill," reported from the Committee on Naval Affairs, shall not and will not pass at this session of Congress?

Mr. BUCK. I am unable to say what their purpose may be, but it is our purpose to urge the passage of that bill. If it should not pass, these various items will, of course, fail.

Mr. HERBERT. Mr. Chairman, I am much obliged to my colleague on the Committee on Naval Affairs, the gentleman from Connecticut [Mr. BUCK], for recurring to this subject, because I think his statements made the other day, and which he now repeats, should be answered. I was astonished at him then, as I am now, undertaking on the floor of the House to explain away the work he did in committee and which he aided us in doing. I repeat, I am astonished at his efforts to show that we have not been economical, when all the time he stood by us in all our efforts to reduce, as we did successfully, not only the amount of money taken out of the Treasury but the money altogether—surplus funds and everything else. The appropriation for the increase of the Navy left out of this bill and in the bill of last year put together would show we have reduced expenditures by a sum of nearly $300,000.

The true statement of the amounts involved in the present bill is as follows:

In bill as reported, not counting surplus funds utilized		$11,849,858 70
Deduct amount subtracted by amendment for "provisions"		79,000,00
Making		11,770,858 70
Increased by amount of amendment "civil establishment," "provisions and clothing"	$4,414 76	
And amount amendment for increased pay of laborers at Naval Academy	1,200 00	
		$5,614 76
Total in bill as amended, excluding surplus funds utilized		11,776,473 46
Reappropriated:		
"Pay of the Navy"	$576,380 24	
"Clothing and small stores"	325,000 00	
"Pay of Marine Corps"	200,000 00	
		1,101,380 24
		12,877,853 70

The total amount included in the bill therefore is $12,877,853.70, as against an appropriation for the preceding year of $15,029,704.80, making a difference of $2,151,651.10. From this it is fair to deduct the amount in bill of last year for "increase of Navy," $1,895,000; making a difference of $256,651.10.

Strangely enough my colleague undertakes to cipher away this sum by selecting certain items estimated for in the Bureau of Ordnance and not included in our bill. His whole argument on this point is disposed of by the simple statement that last year's bill appropriated $229,000 to the Bureau of Ordnance and the present bill appropriates $228,204 to this same bureau. I believe he also said something about items estimated for in the Bureau of Yards and Docks. To this bureau the appropriation for the year 1885–'86 was $244,000, whereas we give that same bureau in this bill $272,000. Our reductions have been in "Pay of the Navy," "Pay miscellaneous," steam-engineering in the civil establishments of all the bureaus and elsewhere.

I submit that my colleague on the committee ought not to attempt to explain away the good work he has helped to accomplish. He ought to join with me in contending before the country that we have not only utilized surplus appropriations made by previous Congresses and thus taken away from those who control them the temptation to waste money, but that we have also increased appropriations wherever it was necessary to prevent a deficiency in the coming fiscal year.

Our appropriation for a new Naval Observatory (not included in the act of the last Congress) I might call attention to if this $50,000 be taken into consideration. Then the difference in the two bills would be not $256,651.10 but $306,651.10.

The gentleman has been comparing our bill not with the act of last Congress but with estimates.

Mr. BUCK. In my remarks I have drawn no comparison between the estimates, but only between the bill of last year and the bill of this year.

Mr. HERBERT. I beg pardon of my colleague on the committee, but he spoke of the estimates for torpedoes.

Mr. BUCK. I alluded to the estimates for torpedoes for the purpose of showing the estimates for the manufacture of torpedoes had been made and based on those estimates we made appropriation for the purpose which was put into this appropriation bill.

Mr. HERBERT. Your argument can not be sustained on any other idea than that of comparing the figures in our bill with the estimates.

Mr. BOUTELLE. Allow me to suggest——

Mr. HERBERT. I can not yield.

Mr. BOUTELLE. I wish to suggest——

Mr. HERBERT. If the gentleman will allow me I will go on with my remarks.

Mr. GOFF. I raise the point of order, Mr. Chairman, that the bill has been finished and there is nothing before the committee on which discussion can be had. [Cries of "Vote!"]

Mr. HERBERT. I have the floor, and I move to strike out the last word.

Mr. BOUTELLE. If the gentleman does not wish to be corrected I hope he will confine himself within the range of facts.

Mr. HERBERT. I will stop for a correction.

Mr. BOUTELLE. My correction is this (cries of "Order!"): The point the gentleman from Connecticut was making was that instead of a decrease this bill is an increase on the bill of last year.

Mr. HERBERT. That is where we differ, and I am trying to show that it is not.

Mr. GOFF. Has not a point of order been raised that there is nothing before the House for discussion?

The CHAIRMAN. The gentleman from Alabama has moved to strike out the last word.

Mr. CANNON. I have not been present during the time this bill was under consideration. If I understand correctly there is no appropriation in this bill for armament of ships the construction of which has been authorized, nor for torpedoes, but that those are recommended in another bill coming from the same Committee on Naval Affairs.

Now, suppose that bill does not pass; what is to become of this service?

Mr. HERBERT. I want to answer the question of the gentleman from Illinois; that is to say, the question as to whether or not we expect to pass the ship bill. I reply to him I think we will. The gentleman says he understands it has gone forth from the leaders of this side of the House that it will not pass. I think that is a mistake. From my conversation with certain leading gentlemen on this side I am satisfied the bill will pass, and hope I am not mistaken.

Mr. CANNON. But does my friend from Alabama think it good policy in legislation that this appropriation bill, which must pass, providing for this branch of the public service, should be permitted to pass without containing these important items for the public service, but rather permit them to go upon a bill which may, and I believe will, fail to pass?

Mr. HERBERT. I think it is good policy to do just what we are doing and pass the bill in its present form.

I move that the committee rise and report the bill to the House.

Mr. GOFF. I hope the gentleman will not do that; I want to offer an amendment to the bill.

Mr. HERBERT. Certainly, if the gentleman wants to amend the bill I will withdraw that motion.

Mr. GOFF. I offer the amendment which I send to the desk.

The Clerk read as follows:

SEC. 2. For the completion of the double-turreted monitors Puritan, Amphitrite, Monadnock, and Terror, the sum of $3,178,046 is hereby appropriated, distributed as follows:

For the completion of the Puritan, $969,232.

For the completion of the Amphitrite, $651,084.

For the completion of the Monadnock, and for the construction of engines for said vessel, $918,942.

For the completion of the Terror, $638,788.

Mr. HERBERT. I make the point of order upon that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. HERBERT. That is not germane to this portion of the bill. We have already passed the portion of the bill where it could properly be inserted.

Mr. GOFF. But I offer it as an independent section—an additional section to the bill.

The CHAIRMAN. The Chair overrules the point of order.

Mr. GOFF. Mr. Chairman, as I stated on yesterday, there is no appropriation contained in this bill for the completion of these double-turreted monitors; and as I think if the attention of this House is directed to this matter they will, while they still have an opportunity, insert a provision in the proper place for the completion of these vessels, I should be derelict in my duty if I did not give them that opportunity.

Now, I asserted on yesterday, and invited contradiction if it was not true, that these vessels were to-day concededly the best vessels of their

types known to naval architecture. I said on yesterday that the Secretary of the Navy in his testimony before the Committee on Naval Affairs commended these ships to the consideration of the committee and the country, and I propose now to ask the attention of the House to his testimony. He says, and I quote from page 62 of the report of the Committee on Naval Affairs, in response to this question:

Give us your opinion as to whether this Congress ought to appropriate money to complete these monitors.

Answer. It would be my opinion that they ought. It was not my opinion originally when I first began to think about it. I think there has been considerable prejudice against these ships. They have been taken up piecemeal and carried on by little contracts and drawn on through a great many years, and I don't think perhaps in a business-like way. I think there is some prejudice against them from that. When you think what we have spent on those ships——

Here he was interrupted by another question as to his opinion of these ships, and replied:

I suppose they would be quite formidable vessels.

And such is the drift of his testimony.

Now I turn to the testimony of Admiral Porter, which will be found on page 71, in which he states that they are most excellent ships, and that there have been a great many misrepresentations made about them. He says:

I have had them all examined by boards under my direction at different times, and I have examined the Miantonomoh, which is about the same as the rest, although they are quite different from the original ships; the original ships were very good ships in the history of our country. They were the most powerful in the world. These have more speed.

Now I do not want to take up the time of the committee or my own limited time going on with this testimony——

Mr. GIBSON, of West Virginia. May I ask my colleague a question?

Mr. GOFF. Certainly.

Mr. GIBSON, of West Virginia. When were these ships commenced?

Mr. GOFF. In 1874.

As Secretary Whitney says, only very insignificant appropriations have been made toward their completion. Whenever an effort was made to complete them it was always met on the other side with a laugh on the floor of the House. We were told that the ships would not float if ever they were completed; and we struggled here term after term, Congress after Congress, in the vain effort, as history shows, to complete these vessels.

Now, it is conceded by the Secretary of the Navy and all the officers of the Navy who have examined the question that these ships, if completed, will be most powerful vessels of war and useful to this country. We have no coast defenses to-day, and this double-turreted monitor system of coast defenses is the best known in the world. This is the best information obtained from the officers who have examined the ships, and the Secretary of the Navy, Mr. Whitney, also indorses that opinion. The foreign governments who have heretofore abandoned this system are again coming back to it.

Why should we not complete them? Why should not the appropriation be made upon this bill? It is the proper bill for this purpose. These are not new vessels. The bill to increase the efficiency of the Navy and the vessels therein provided for refers to new ships; but this is a provision to complete vessels now in progress of construction. The figures I have sent to the desk in the amendment are the identical amounts suggested by the Secretary of the Navy, Mr. Whitney, himself, who has recommended the completion of the ships. The chairman of the Committee on Naval Affairs has incorporated it into this other bill to which he alludes, but as to which there is doubt of its passage. There is no doubt of the passage of this one; and why should my friends on the other side of the House hesitate to place in the hands of a Democratic administration the money to complete the vessels and give the beginning of a new Navy? Do you discredit your own Secretary, or dread your own administration?

[Here the hammer fell.]

Mr. GIBSON, of West Virginia. My colleague from West Virginia [Mr. GOFF] seems to be very much disturbed by the action of the Democratic party in relation to the Navy of this country. From 1865 the party he represents has been in charge of the legislative department of this Government, the purse of the Government, and the executive portion of the Government.

Mr. GOFF. Does the gentleman say the Republican party during that time has had charge of the legislative department of the Government?

Mr. GIBSON, of West Virginia. There has been from that time until this administration no law that has passed both branches of Congress that has not had to be approved or vetoed by a Republican President. There has been no law passed that it was not necessary for a Republican Executive to put into force or to withhold. And we have had under one of the Republican Presidents the action of the party refusing to use money that had been appropriated for public purposes.

Now, if this country is without a navy to-day it is useless for my colleague to charge that the Democratic party is responsible for it. If these boats have not been completed they had an opportunity to complete them, and the money that has been appropriated by the Congress of the United States—in all, $400,000,000—has been wasted and expended, and not a solitary ship worthy of note has been built during that time.

Mr. GOFF. Will the gentleman permit me a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. GOFF. When was an appropriation made for the construction of ships the expenditure of which a Republican administration had charge of?

Mr. GIBSON, of West Virginia. I will answer my colleague by saying that during all this time they have not made an appropriation to build a navy that could not be used by a corrupt administrator for his corrupt purposes.

Mr. GOFF. Do you say there has been no appropriation?

Mr. GIBSON, of West Virginia. Why did you not shape your appropriations so that the ships could be built?

Mr. GOFF. Who brought in the appropriation bills?

Mr. GIBSON, of West Virginia. It is useless, since the Republican party has been in power since 1865, and if we find ourselves helpless and defenseless against assault, to charge the Democratic party is responsible for it. Why is it, when they have had the purse of this country and could have voted millions, and did vote millions for every other purpose, that they never voted a cent for the purpose of reconstructing and building up a navy? Why is it that during all this time you have done nothing for the fortifications of this country? Why is it, after there have been Republican administrations since 1865, we are helpless and defenseless? And now you come here and undertake to charge us, because we do not make appropriations to construct a navy all in one year, with being responsible for all this dereliction.

[Here the hammer fell.]

Mr. REED, of Maine. Whenever I hear a gentleman on the Democratic side make that kind of oration, and I hear him very often, I know there is only one man in the whole House that believes it, and that is the man who is making it. [Laughter.]

Now the fact about this whole business of the Navy is this; I have witnessed considerable of it myself: The Democratic party came in possession of the House at the Forty-fourth Congress. From that time on, except when we had a Republican House during one Congress, there has been no appropriation for the building of ships until last year, and of that appropriation the Secretary of the Navy thus far has declined to avail himself. The Democratic House inaugurated the system of appropriating millions for repairs, but not a dollar to build a ship. And yet their orators are continually discoursing here about our not having a navy and about a Republican administration being responsible for it. Now, is it not about time that kind of silly talk had an end? When you can not believe yourselves what you are saying, is it worth while to talk it to your constituencies? Are they more ignorant than you are, do you think? [Laughter.] It is a heavy charge to make against them. Yet you reiterate this again and again. I would not be surprised, however, if the gentleman from West Virginia was the last man to do it. It has probably struck bed-rock.

The truth about it is when you came into power in the House of Representatives you did not know what to do with your power any more than you do now when you come into power in the country. You did not understand it, and you are feeling around in the dark trying to do something and making a conspicuous failure of it before the whole community. And the worst of it is you perpetuate in the minds of the community the failures you are making by this kind of oration.

There is a proper place in this bill to do something for the coast defense. You had some excuse for not doing it when you simply had the recommendations of a Republican Department—I mean an excuse founded on your own ideas of things; but then, with your own ideas of things, when a Democratic Secretary of the Navy comes here and recommends this thing and this money is to be expended by him and you declare you want it spent, why do you not do it? [Applause.]

Mr. GIBSON, of West Virginia. Mr. Chairman, I desire to say a word or two in relation to the arrogant and impudent remarks of the gentleman from Maine. There is but one thing more reprehensible than ignorance, and that is impudence and impertinence.

Mr. REED, of Maine. You ought to know. [Laughter.]

Mr. GIBSON, of West Virginia. One may be excusable for not knowing, but he is not excusable for impertinence.

Mr. BOUTELLE. Is the gentleman testifying as an expert? [Laughter.]

Mr. GIBSON, of West Virginia. No, sir. If I wanted an expert on impertinence I would call upon you, for I know of no gentleman more expert in that line. [Renewed laughter.]

Now, Mr. Chairman, I do not understand by what right the gentleman from Maine [Mr. REED] undertakes, in his arrogant manner, to control the expression of opinion upon this subject.

Mr. REED, of Maine. I never undertook to control your opinion.

Mr. GIBSON, of West Virginia. Well, it is not because you had not the impudence to do it. The Republican party came into power in this country in 1865. That was in the Forty-fourth Congress. They then had complete control of the reconstruction of the Navy, if they had desired to reconstruct it, and if they did not rebuild the Navy then, nor from that time down, why is it that they undertake now, because

we were partially in power in one or two Congresses, to hold us responsible for that dereliction, and get up here and undertake to lecture us in this manner? If the gentleman from Maine desires by argument to prove that we have been derelict in this respect, let him do so; but I want to say to him that I am tired of the arrogant manner in which he undertakes to wield the whip here, and I for one will not submit to it. [Laughter.]

Mr. BROWN, of Pennsylvania. I should think you would be tired of it.

Mr. GIBSON, of West Virginia. Are not you tired of it?

Mr. PAYNE. I believe you are.

Mr. GIBSON, of West Virginia. Anybody with good taste would be. Now, Mr. Chairman, all I desired to say was that these gentlemen have no right to hold us responsible because the Navy has not been rebuilt. In my opinion, both parties have been derelict in not rebuilding the Navy of this country. I had rather, to-day, see money appropriated for the reconstruction of our Navy so that it might carry our flag all over the world than for any other purpose, and I do not believe that this nation can ever take its proper place among the nations of the earth without a first-class navy. [Applause.]

Mr. HERBERT. Mr. Chairman, the gentleman from Maine [Mr. REED] has made a very round assertion here, that we Democrats are responsible for the policy of appropriating for repairs only, and not for the building of ships. He says we inaugurated that policy. Now let us look at the facts. I have turned very hastily to such of the appropriation bills for past years as I have at hand, and what is the result? I take the appropriations for 1872, when the Republicans were in power, and I read the item for repairs, as follows:

For preservation of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of material; purchase of tools; wear, tear, and repair of vessels afloat, and general maintenance of the Navy; incidental expenses, advertising and foreign postages, $3,500,000.

Turning to 1873 I find under the same head an appropriation of $3,500,000. In 1874 I find $3,270,000, and in 1875, $3,300,000. All these are appropriations for repairs. Now, turning to 1876, which I believe was the first year the Democrats had control here, I find the appropriations for repairs cut down to $1,750,000, and so it goes on from that time down to the present. I have the book here containing all the appropriations, so that any gentleman who desires may look at the figures, and he will find that the appropriations under the head of repairs have steadily decreased under Democratic control until in the present bill, reported by the Committee on Naval Affairs and just agreed upon here, the amount is only $980,000. So much for the facts.

Mr. REED, of Maine. To the gentleman from Alabama, for whom I have very sincere respect, I desire to make serious reply. I remember very distinctly the first Congress of which I was a member, and the naval appropriation bill of that year. I remember that it struck me as a very singular thing, showing a very remarkable state of public sentiment, that so much money was spent upon repairs. Indeed, I recollect saying at that time, to such an extent was the custom of making repairs carried, that they would take a hawser-hole and repair around it—would do anything rather than use the term "ship-building."

At the close of the war we found ourselves with a very large navy, such as it was. It was a good navy for those times; but like everything else it wore out. There being nothing done but simply repairs, the vessels wore out and became obsolete. The Democrats, when they came into power in this House, were entirely unwilling to make any appropriation for the building of ships; and everybody in this House knows that they have steadily fought against such a policy ever since. The first attempt that was made to create a new navy suitable for the present time was made by the Forty-seventh Congress, Mr. Chandler being at that time Secretary of the Navy. Under his wise administration, under his administration, which will bear all the scrutiny and criticism that gentlemen choose to put upon it, it was determined to discontinue in a very large measure the work in the navy-yards, where only the old wooden ships could be built, to take a new departure and begin the construction of a new navy. It is this policy which is attempted to be carried out in the "new-ship bill" reported by the Democratic Committee on Naval Affairs.

Now, there were built or begun certain monitors which it is believed by prominent naval authorities, and with the indorsement of the Secretary of the Navy, will be useful for coast defense. If there is anything we need now it is vessels suitable for coast defense. Now, the question is, will you pass this amendment recommended by your own Secretary of the Navy, in pursuance of a plan formed years ago, and thus carry out work already begun? The vote on this amendment will show whether you mean to do that or not.

The question being take on the amendment of Mr. GOFF, there were—ayes 67, noes 69.

Mr. GOFF. I make the point that no quorum has voted, and call for tellers.

Tellers were ordered; and Mr. GOFF and Mr. HERBERT were appointed.

The committee again divided; and the tellers reported—ayes 76, noes 88.

So the amendment was rejected.

Mr. HERBERT. I now move that the committee rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, had directed him to report back the same with amendments, and to recommend that it be passed as amended.

Mr. HERBERT. As there is, I believe, no particular contest on any amendment reported from the Committee of the Whole, I suggest, and I presume it will be consented to on the other side, that the question on all the amendments be taken in gross.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the question is upon agreeing in gross to the various amendments reported from the Committee of the Whole on the state of the Union.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. HERBERT. I call for the previous question on the passage of the bill.

The previous question was ordered.

Mr. GOFF. I move that the bill be recommitted to the Committee on Naval Affairs with instructions to report it back with the amendment which I send to the desk.

The Clerk read as follows:

SEC. 2. For the completion of the double-turreted monitors Puritan, Amphitrite, Monadnock, and Terror, the sum of $3,178,046 is hereby appropriated, distributed as follows:

For the completion of the Puritan, $969,232.

For the completion of the Amphitrite, $651,084.

For the completion of the Monadnock, and for the construction of engines for said vessel, $918,942.

For the completion of the Terror, $638,788.

Mr. GOFF. On agreeing to this motion I call for the yeas and nays.

The yeas and nays were ordered, 52 voting in favor thereof.

Mr. HERBERT. It was agreed that at 3 o'clock the gentleman from California [Mr. MORROW] should call up the resolutions relative to the death of Senator MILLER, of California. I will therefore ask that the further consideration of this bill be now suspended, in order to proceed with that order.

The SPEAKER. The previous question has been ordered on the passage of the bill, and it will come up on Monday morning immediately after the reading of the Journal. Is there objection to laying the bill aside at this time? The Chair hears none.

REPORTS FROM COMMITTEE ON ACCOUNTS.

Mr. SPOONER. The gentleman from California [Mr. MORROW] has consented I should report resolutions from the Committee on Accounts for the purpose of having them referred to the Committee on Appropriations. It is necessary they should have immediate consideration.

There was no objection.

Mr. SPOONER, from the Committee an Accounts, reported back the following resolutions; which were referred to the Committee on Appropriations:

House resolution for the payment of Frank H. Isham and William E. Mallory for services in the document-room, House of Representatives;

House resolution for the payment of Jacob Pendle for services as a laborer;

House resolution providing additional payment to George Winters and L. B. Cook, conductors of elevator;

House resolution providing for additional compensation to Noah W. Halley, a folder acting as messenger;

House resolution for payment of funeral expenses of Charles S. Trentlen; and

House resolution providing additional compensation to Frank B. Gorman, a laborer, acting as a page.

PUBLIC BUILDING, DAYTON, OHIO.

Mr. ANDERSON, of Ohio. In view of the fact I shall be compelled to be absent for ten days, I renew the motion that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Dayton, in the State of Ohio, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, internal-revenue office, pension office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $150,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least 50 feet, including streets and alleys; and for the purposes herein mentioned the sum of $150,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be ex-

pended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Ohio shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment of the Committee on Public Buildings and Grounds was read, as follows:

After the word "dollars," in line 13, insert the following:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury.

There was no objection, and the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill and amendment.

The amendment was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ANDERSON, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, CLARKSBURG, W. VA.

Mr. GOFF. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 4335) making an appropriation to continue the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act for the construction of a court-house and post-office at Clarksburg, W. Va.," approved March 3, 1885, be amended by making the limit of cost of the said building, including site, $85,000, and that sum is hereby fixed as the limit of cost thereof.

SEC. 2. That said extension of limit is made for the purpose of admitting of a necessary enlargement of the present plan of the said building, and of providing fire-proof construction; and the sum of $35,000 is hereby appropriated for the said building, out of any money in the Treasury not otherwise appropriated.

The amendment of the commmittee was read, as follows:

In line 7, strike out "$85,000" and insert "$80,000."

There was no objection, and the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill and amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GOFF moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRANT AND HIS GENERALS.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] asks, by unanimous consent, to have printed in the RECORD the body of a petition from ex-Union soldiers in reference to Bolling's painting of "Grant and his Generals."

There was no objection, and the petition is as follows:

To the honorable Senate and House of Representatives:

The undersigned, ex-Union soldiers and members of the Grand Army of the Republic, having heard with regret that Bolling's great painting of "Grant and his Generals" is about to be sold and removed from this city, respectfully petition the honorable Senate and House of Representatives to take some action toward its retention by purchase, so that it may remain in the city of Washington, where it may be viewed by soldiers and their relatives, very few of whom have not been under the command of or in battle with some one of the officers there so faithfully, accurately portrayed.

Of the twenty-seven there represented only eleven are living. Their original likenesses can never be grouped together on the same canvas, and its purchase and preservation by Congress would be gratifying to every American.

Its value to the people can scarcely be named in money.

And your petitioners will ever pray.

EULOGIES ON THE LATE SENATOR MILLER.

Mr. MORROW. Mr. Speaker, in accordance with the notice given heretofore I now call up for consideration the resolutions of the Senate in relation to the death of Hon. JOHN F. MILLER, late a Senator from California, and ask that they be read.

The Senate resolutions were read, as follows:

IN THE SENATE OF THE UNITED STATES, *May* 27, 1886.

Resolved, That the Senate has heard with profound sorrow of the death of JOHN F. MILLER, late a Senator from the State of California.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute of regard to his high character and distinguished public services.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

Mr. MORROW. In connection with the resolutions which have just been read I desire to offer the following resolutions and ask their present consideration.

The Clerk read as follows:

Resolved, That the House of Representatives has received with great sorrow the official announcement of the death of JOHN F. MILLER, late a Senator from the State of California.

Resolved, That the business of the House be now suspended, that opportunity may be afforded to members to give expression of the sentiments they entertain for the life, character, and public services of the late Senator MILLER, and the loss sustained by the country in the death of so able and faithful public servant.

Resolved, That at the conclusion of these tributes to his memory the House stands adjourned.

Mr. GROSVENOR. Mr. Speaker, I rise to advocate the adoption of the resolutions which have just been read. At the same time I desire to offer brief testimony of my own personal regard for the memory of JOHN F. MILLER, as well as to call the attention of the House to some of the salient characteristics of that distinguished citizen as they fell under my own personal observation during my acquaintance with him.

JOHN F. MILLER was born in the State of Indiana. He came to manhood at a time when the great questions which culminated ultimately in the civil war were agitating the people of that State. In common with a large body of the younger men of Indiana, he espoused heartily everywhere the cause of the Union and the proposition to uphold the supremacy of the Constitution; and when the war broke out the call of the Government for troops came to him as a baptism, and he entered the Union Army imbued with the true sentiments of the period in which he lived. He went into the war as a Union man.

Whatever may be said now, looking backward over that period of time, JOHN F. MILLER lived in the present of that time and not in the prospective future; for it is within my own personal knowledge that he accepted in the fullest degree the idea of the martyred President, that the war was to be waged as a war for the preservation of the Union, and he adopted, without reservation in the present or prospective enlargement in the future, the utterance of Lincoln, "I would save the Union with slavery if I can, but if I can not save the Union without destroying slavery, I will save the Union."

It was under the inspiration of that sentiment, the real Union sentiment of 1861, that JOHN F. MILLER joined the armies of the Union. I first became a subordinate to him at a time when neither of us had received or witnessed the baptism of blood; and the first day that I ever reported to him for duty was at a time when he had received an order, during the memorable eight weeks of what we have termed the blockade of Nashville in the fall of 1862, to proceed with his command, by night march, to attack an outpost of the enemy at Lavergne. I speak of Lavergne because I have treasured it always in my memory. It was at Lavergne, or on our way to it, that I heard the first whistle of a bullet fired by an enemy of the flag of my country, and I know that the same deep impression was made upon him as upon me, for when I visited California I learned that the beautiful home which he had reared for himself in the magnificently beautiful valley of Napa was called Lavergne, indicating that the impressions were upon him as they had been upon me, and were most lasting in their duration.

I remember very well the circumstances of that march. I remember very well the early daylight attack upon the enemy. With a vastly superior force we surprised the small force there, and captured the most of them and stampeded the rest. It was an insignificant battle as compared with the great battles which followed; it was insignificant in the numbers engaged; it was insignificant in the blood which was shed, and insignificant in its results; but yet it gave to the Army of the Cumberland, or that portion of it which was engaged, an opportunity to mark the first step in the direction of actual war on the part of the men who were afterward to become famous during that struggle. I remember the plaudits of the Army of the Cumberland that were showered upon JOHN F. MILLER after his distinguished career at Stone River. It was an early exhibition on the part of a mere colonel of infantry, of a spirit which imbued the Army of the Cumberland later when, without the orders of the commander, and over against the suggestion of General Grant himself, they passed the rifle-pits at the foot of Missionary Ridge, charged to its top, and won a victory—a victory won by the private soldiers of the Army in obedience to orders which no general officer of the Army has been able to find a record of and no officer claims to have given. The orders were the sound of the enemy's guns—the orders which carried gallant old Jim Steedman to the glory he won at Chickamauga.

At Stone River JOHN F. MILLER made a demonstration of the same character, and crowned his career in that battle with a result grandly significant and valuable to the Union Army. He was wounded. It was supposed he was permanently disabled. But six months afterward, when the great army under Rosecrans refitted and reorganized, and in magnificent battle array, on the 24 day of June, 1863, poured out from their camps at Murfreesborough and moved by divers lines of communication in the direction of the Tennessee River, JOHN F. MILLER rode out at the head of his brigade, the incarnation of war in the person of a volunteer officer, and with a bright view ahead of him. His career up to that time had given a promise that nobody doubted the fulfillment of. But in an insignificant engagement incident to the long march to Tullahoma and Manchester he fell again, terribly wounded, in the affair at Liberty Gap. I remember well when he was being carried back to the rear with a wound that ultimately terminated his life. I remember the look that was on his face, and I remember a single utterance. Hopeful words were being spoken to him as to his recovery, and

consolation was being administered to him by his comrades around him, and he said just this: "I estimate no importance so far as my own personal future is concerned, as compared with the disappointment that I shall not participate to the end in this great campaign."

A career that would have been second to that of no volunteer officer of the Union Army, in my judgment, was by that bullet, that fatal bullet, turned aside, and General MILLER was assigned to a duty which took him out of the active command of active troops in the front. Very few men would have remained in the service under such circumstances. Patriotism inspired him to hold on. A high sense of duty, a high sense, as he termed it, of gratitude to his State and to his country that had conferred the honors upon him induced him to stay and do what he might do to still further promote the interests of the Union Army.

He was assigned to the very important and delicate position of Nashville. Nashville at that time contained more property belonging to the Government than any other place south of the Ohio River. The population was a mixed one. It was made up of citizens with strong rebel tendencies and citizens with strong Union tendencies, and there were bitter antagonisms. Out from Nashville radiated the power of the Union, and out of Nashville also radiated the influence of our enemy. The friends of many a fighting confederate remained there, and property rights and confusion of all kinds pressed upon the commander of the post.

Conflicting interests arose everywhere, and General MILLER became a sort of civil or quasi-civil commander. No man ever did his duty better; no man ever more justly won the high esteem and confidence of the people of a city or of his commanders in the army or of his whole people than did JOHN F. MILLER. He was unflinching in the discharge of duty and yet always considerate of the rights of men; and to-day his memory is green among the men who loved the Union in Nashville, and he is held in high regard among the people who at that time were the enemies of the Union.

He was there with the Army of the Cumberland under Thomas when it won its grandest victory. He contributed by the organization of the forces in the city and the surrounding positions greatly to the efficiency of the army which on the 15th and 16th of December, 1864, encountered the army under Hood in the last great struggle for supremacy in Tennessee. And from the top of Overton Hill, JOHN F. MILLER, disfigured and almost destroyed by the bullets of the enemy, looked out upon the broken masses of Hood's army as they retreated shattered and disorganized toward Brentwood, and understood, as we all understood, that his career in the Army had ended. Well had he done his work, and well had gained rank, fame, and the gratitude of his country.

I did not rise to speak at any length of JOHN F. MILLER as a citizen. Others will do that who knew him better. Others will speak of his career since the war. I came here simply to testify to his character and attainments as a soldier and to give them my meed of praise. He was strictly a volunteer soldier. He had no training in arms; and yet within a year and a half after he joined his regiment his military attitude, his military bearing, his military character was formed, and he showed to the world that he had in him the stuff, the elements that make a great military commander.

Since that time his career has been that of a civilian. He achieved success everywhere, rapid success, which crowned his efforts on behalf of the Union, crowned his efforts on behalf of his country. Afterward he carried from his native State and handed over to the Golden State of California an allegiance that never faltered, and he became identified with and an advocate of her interests with the same zeal, the same courage, the same high purpose that he had brought to the discharge of every duty that he had ever attempted the performance of.

I testify from my own knowledge of him that he was a patriotic citizen, that he was a successful soldier, that he made the highest sacrifice that any man could make for his country, that in civil life he was clear-headed and patriotic, always standing by the right, never flinching, never compromising, never yielding his convictions of duty and justice.

In social life among his friends and in his family, he was a gentle, kind, good man. Out upon the shore of the Pacific, in the soil of the State that he loved, and to which, as I have said, he carried his ripest allegiance, he lies to-day, his career ended. Over his grave the tears of affection will be shed. Upon his grave will be heaped the laurels of affection for many a year to come. May the time never come when his example shall not be to the people of this country a bright, a burning, a shining light.

Mr. HOLMAN addressed the House. [See Appendix.]

Mr. CUTCHEON. Mr. Speaker, a leader has fallen. A man is gone! We pause to-day for a little while in the midst of our public duties to contemplate a life and a lesson which, if given due consideration, may tend quite as much to the welfare and honor of the Republic as if the hour were given to the ordinary tasks of legislation.

We stand to-day in the presence of that most impressive phenomenon, a finished life—a completed life-work; in the presence of that greatest mystery of all our being, the dissolution of that subtile tie which binds the soul to the mortal frame, and which being unbound, the form which has been a thing of power and beauty lapses to corruption, and the masterful spirit, unchained from its fetters of flesh, flies whither all sense fails to discern and faith alone can follow.

That noblest work of God, an honest man, as an actual presence, has ceased from among men.

Except as a memory and an influence his life is ended, his work is complete to our limited perceptions. The eye that flashed with intelligence is dark; the voice that quivered with emotion or inspired like the summons of a trumpet in the crash of battle is silent; the hand of might is nerveless; the presence which was familiar in court and camp and council is seen no more among men. A power that moved men, that wielded communities, that shaped destinies, has ceased to manifest itself. In brief, a man is gone! And yet it is because he is not wholly gone that we pause to celebrate this memorial to-day.

The fountains which he touched still flow; the trains of events which he set in motion still operate; lives which he molded and directed still multiply and extend his influence; blows that he struck still resound throughout the land; winged words that he uttered still fly from lip to lip, overleaping the narrow boundaries of mortal life.

The present century has been full of great thoughts and great words, and among the greatest has been the thought and the word "evolution." And there is no grander field for study than the evolution of a life—of life from life.

I do not mean this in the narrow sense of the evolution of natural or animal life, the mere relighting of a torch from the embers of a dying fire. I mean rather the study of the development of character from the action and interaction of all the forces and agencies that impinge upon and penetrate life.

It is because the deceased Senator had become a factor in this process of evolution of national life that the business of the House is suspended that we may dwell upon the event and study the character of him whom we commemorate.

Here we contemplate him stripped of all adventitious surroundings. He was a Senator; he is a Senator no more. He was a military leader; he is a general no longer. He commanded great enterprises; he commands them not now. Whatever he may have been by virtue of rank or office or station, he is now simply a man, a character. As such let us speak of him.

The late Senator MILLER was not personally known to me, except as a public man. I knew him only as we all know men who touch the multitudes, the masses of men; as we know the men who by strong powers are lifted up into sight of the many.

Let us measure this man, if we can, and ascertain what it was in his life that made him what he was; that gave him power to command and gained him the confidence and love of a great Commonwealth, whose commission he bore.

First let us glance at the outside of his life.

He was born in 1831, in Southern Indiana, of parents who had removed, first from Virginia, then from Kentucky, and who were of Scotch and Swiss descent—two strong and liberty-loving races.

He was nurtured in the school of independence and self-support. He was well cultured in youth and trained to a knowledge of the law.

When he had scarcely more than attained his majority he cut loose from home and old friends and struck out into the romantic, the almost mythical, the golden West—the modern El Dorado.

In the broad, free, and somewhat unpolished spirit of that rough new land he grew into the firm mold of a strong, self-reliant, and adventurous manhood.

Recalled by the demands of filial duty, to which he was ever responsive, he returned to his former home and to the practice of his exacting profession.

It was at a time when ancient parties were breaking up and going to pieces in the fierce throes of a mighty moral upheaval.

In the heat of this smithy of the gods, where thunderbolts were forging, the character, well modeled by heredity, shaped by education, strengthened and broadened by travel and experience of rude frontier life, was tempered and hardened into enduring texture.

The cry of the oppressed, of the millions deprived of the common rights and privileges of humanity, came up to him with an irresistible appeal that smote upon his conscience and his volition as the voice of God.

Then the divine ichor that had been distilled into ancestral blood within sight of the majestic vision of Mont Blanc, or the awful heights of the Jungfrau, or that had hardened the sinews of some progenitor at Bannockburn, stirred within his veins, and the august summons of Liberty to do battle in her cause found in young MILLER a ready and obedient votary.

So we find him in 1860, at the age of twenty-nine, a member of the senate of his native State, as a representative of that young and burning and puissant party which demanded that no more virgin Territories should be laid in the arms of the unholy Moloch of slavery. We shall never forget that year. It was the Lincoln year. It was a year when men seemed to break away from all the traditions of their lives and surrender themselves to the control of one overpowering sentiment, that now or never was the time to stay the further spread of human slavery in this land.

Men may reason as they please as to the origin and the causes of this

wonderful wave of enthusiasm which swept over the country, and which bore us with a resistless impulse, first to a political revolution, and then into the dreadful throes of war, from which we emerged bloody and chastened, but freed from the "body of death" of slavery; but as for me, I can only believe that the time had come in the eternal counsels of God when the consummation of His divine purpose for the good of the race required that slavery should perish from this land, and He raised such instrumentalities as He could to execute His purpose.

As was so eloquently said not long since in this House by the gentleman from West Virginia [Mr. WILSON], "As I look back to that dread panorama after the lapse of twenty years I see, or I seem to see, the stately steppings of that Providence which was using the wrath of man to work out His own comprehensive and beneficent purpose."

Into the resistless sweep and swirl of impulses and events of that great crisis young MILLER was drawn unresisting. He recognized at once the part and the place to which he was called, and accepted it. While serving in the senate of his State the war came. He had not reached his thirtieth year. He recognized the fact that in a popular government the will of the majority must be supreme. He recognized the further fact that the responsibility of the ballot in peace implies the responsibility of the bayonet in time of war.

The very institution of popular government implies that minorities will be submissive to the will of the majority and seek the rectification of supposed grievances only at the ballot-box. But suppose that minorities do not submit, but resort to armed combinations too formidable to be repressed by the civil power, what then? There remains but one alternative—the conflict of arms or the death of popular institutions.

In common with the manhood of the North, Mr. MILLER felt that this Union and these institutions were a sacred and solemn trust for unpeopled States and for unborn centuries—a trust which it would be base to betray and cowardly to surrender.

I shall never forget how, in the spring of 1862, I one morning heard an Italian organ-grinder upon the streets of a Michigan city plying his vocation. Even his organ had been set to the popular impulse and was wailing forth the strains of The Star Spangled Banner, and as again and again the familiar refrain—

> Oh, say, does the Star-Spangled banner yet wave
> O'er the land of the free and the home of the brave?—

floated out with plaintive and apprehensive cadence upon the morning air I fancied that in it I heard the voice of all the oppressed peoples of all climes and all ages beseeching us that the great Republic, the great experiment of "government of the people, by the people, and for the people," might not perish from the earth. We can not doubt that our friend heard that same voice and answered that same impulse.

Thus in the evolution of this life the strong, well-nurtured, well-cultured, self-reliant, and tempered young citizen and statesman became a soldier.

Military command was foreign to his life and habit, yet he had all the elements of a commander. I venture to say that when he threw himself into the ranks of war the question of command or rank scarcely occurred to him. He simply took the place to which he seemed to be called, the place to which he was fitted.

So from the senate he stepped to the head of a regiment, the Twenty-ninth Indiana, and soon found himself commander of a brigade. It was not that he was ambitious—not that he was self-seeking. It was the outworking of his formed character, of his natural powers.

I stood a few days ago in the midst of that silent city of the dead, on the crest where the waves of war broke in fire and blood along the hills of the Antietam, and gazed in admiration upon the colossal statue in granite of the private soldier of the Union. There, chiseled upon the enduring rock, is the sentiment which mustered armies, which won battles, which restored the Union, "Not for ourselves, but for our country." Oh, glorious sentiment of patriotism, which forgets self, which puts aside pleasure, and profit, and peace, to battle and suffer and die for the coming millions!

Senator MILLER became General MILLER. It is not my purpose to follow him in his military career, for I am studying character rather than annals. A single instance will suffice. At the battle of Stone River, December, 1862, there came a time when it seemed to him that the result hung trembling in the balance. Van Cleve's division, impetuously assailed, had yielded and fallen back, until the weight of the attack came upon MILLER'S line. The enemy showed a disposition to break through and divide our army in twain. MILLER had the river in his front. Most men would have awaited the attack with such defensive preparations as they could make. But that was not Colonel MILLER'S way. Audacity and daring were the characteristics of the man.

Without orders from any superior officer he dashed across the stream, attacked and drove the enemy's infantry, rushed upon and captured his guns and colors, restored the center, and saved the right wing of the army from disaster.

He assumed a very grave responsibility. Had the movement failed he might have been court-martialed. But it succeeded, and a grateful commander, recognizing how much he owed to this gallant and self-reliant officer, telegraphed the President from the field of battle recommending his promotion "for gallantry on the field."

In this action, though severely and dangerously wounded, Colonel MILLER refused to leave the field, feeling that as he had taken the responsibility and made the venture he should stay by his brigade until the victory was assured. This courage, or, as the speech of the plain people has named it, "pluck," was characteristic of his whole career as a soldier.

A wound, which well-nigh proved fatal, received while leading his brigade at Liberty Gap, deprived him of the sight of an eye, and for a time retired him from his command. With many this would have excused them from further service in the field; but not so with MILLER. With the leaden bullet still lodged in the eye-socket he returned to the field and to command, to share with the gallant and sturdy Thomas in the complete overthrow of Hood at Nashville, which was the definite beginning of the end—the collapse of the armed resistance of the confederacy.

At the close of the war he was offered a high commission in the regular Army. But he was not a soldier by profession or by choice. War with him was only the road to peace. To him the performance of military duty was only discharging one of the great obligations of citizenship. He declined the appointment. Through the years of excitement preceding the war, and throughout the grim and trying experiences of the war itself, he had never forgotten the dream of his youth—of a home on the sunset side of the continent. Civilization marches with the sun. Its cradle was in the Orient, and with a stately tidal sweep it has rolled around the planet until it has touched and filled the Occident.

By some occult impulse in all ages men have been impelled to "go west." General MILLER was under this spell. Whether it was the charm of the climate, or music and balm of "the Pacific Sea," or the love of being a factor in a new and rising empire that attracted him I know not. Perhaps all these. Something impelled him in the path of empire, and beyond the Sierras was to be his home, to build, to work, to die. There the President of the United States made him the chief fiscal agent of the Government upon the Pacific coast. Here he proved himself as efficient and faithful in peace as he had been brave and patriotic in war. He held the position of collector of customs for San Francisco for four years and declined reappointment.

In this, as in every other trust confided to him, another trait of his character was prominently illustrated—his strict integrity. But he did not confine himself to the simple discharge of his official duty. The breadth, energy, and progressiveness of his mind impelled him to take an active part in all the great social, political, and industrial movements of his State and section.

Three times he was elected by his party to represent it upon the electoral ticket, and in 1879 he became a member of the constitutional convention to relay the foundations of the State.

But he was pre-eminently a man of affairs. With the commercial and industrial development of the Pacific coast he was closely identified. He was among the first to apprehend the resources of our Alaskan possessions and seek their intelligent development. Everywhere he exhibited the traits which made him what he had grown to be—courage, firmness, persistence, self-reliance, patriotism, and integrity.

In 1880 he was summoned by his adopted State to take his place in the nation's highest council. With that capacity for growth and adaptation which was characteristic of him in every position to which he was called he stepped quietly and easily into the new sphere, and turned all the acquirements of his previous life as student, lawyer, Senator, soldier, and man of affairs to account in the discharge of his new duties. What he lacked he set himself with industry and persistence to acquire, and discharged the delicate duties of chairman of the Committee on Foreign Relations with credit to himself and honor to his country.

But the zenith had been reached.

The shock which his constitution had received from the wounds and exposures of war had left their ineffaceable mark, their inevitable weakness.

He had risen with strong and steady step through the gradations of honor and usefulness only at the summit to feel the world sink under him.

He had achieved all that heart could wish of earthly good. Wealth, honor, fame, friendship, and the love of friends.

In the midst of all, the final summons came.

> Leaves have their time to fall,
> And flowers to wither at the north wind's breath,
> And stars to set; but all,
> Thou hast all seasons for thine own, O Death!

"It is given unto all men once to die." Whatever else we may be doing, whithersoever else our feet may be tending, one thing is absolutely sure, that every day and every hour we come nearer to—

> The undiscovered country from whose bourn
> No traveler returns.

It is but a question of a few years, a few days, a few hours. And when they are past years dwindle to the span of hours.

The main question is not when or where, but how. No time, no place, no circumstance is inapt for dying when man dies for humanity; and when, in March last, JOHN F. MILLER, in this city of Washington, gave up his life, he but completed the offering which he made to his country in 1861.

This, then, is the character which we have disclosed, and which has entered into and become a part of the nation's life.

A boy born with the sturdy independence and love of liberty of his Swiss and Scotch ancestry mingled with staunch and staying qualities of the Anglo-Saxon race.

A youth well nurtured and molded for manly effort and achievement by the blessed necessity which has been upon our American boys of making their own way in the world.

A young manhood adventurous and courageous, firm-knit and fibrous, reaching out into new fields for work and conquest.

A manhood strong, masterful, dutiful, patriotic, holding not his life dear for his country's sake, audacious at need, puissant among men, subduing obstacles to his will, in the fight to stay until the dawn of victory and peace should come with its cooling dews and tender sunshine to soothe and heal the wounds of war. A man of affairs without stain and without reproach. A statesman of broad views, possessed of the confidence of his people and the respect of his colleagues. Truly this is an American character of the best type, an evolution of government by the people.

Though he has fallen when, in the ordinary course of events, years of honorable and useful life should have lain before him, we can not say that it is an unfinished life.

> Virtue, not rolling suns, the mind matures;
> That life is long which answers life's great end.

The future of this Republic shall be better, safer, grander for the life of JOHN F. MILLER. In that rising empire by the Pacific which now hymns his requiem, may many a young man arise who shall emulate his manly virtues and repeat his life.

Mr. MCKINLEY addressed the House. [See Appendix.]

Mr. LOUTTIT addressed the House. [See Appendix.]

Mr. TUCKER. Mr. Speaker, the death of Hon. JOHN F. MILLER, Senator of the State of California, severs the tie of a pleasant friendship, not intimate, but real, between him and myself. At the request of his colleagues in this House I have a melancholy satisfaction in saying a few words to testify my respect for the citizen, soldier, and Senator whose loss the country and his native and adopted States sincerely deplore.

His paternal stock was Virginia, a fact which creates a kinship no Virginian can ignore. From Franklin County, one of the most southern of those in piedmont Virginia, his father emigrated to Southern Indiana, where Mr. MILLER was born in 1831.

His robust nature was nurtured to a hardy manhood in the schools of his native State, and he received his legal training at a law school in the city of New York, whence he emigrated to the then new Commonwealth of the Pacific, in whose service in the United States Senate he died.

In the mean time he had returned to Indiana and taken honorable position in her Legislature; and at the breaking out of the civil war he accepted the commission of colonel in one of her regiments. During the four years of war he performed his part in that dread drama with unsurpassed heroism, and, bearing on his person the scars of honorable wounds won in many battles, he retired at the close of the struggle with the distinctions of numerous brevets for courage and good conduct and the well-earned rank of a major-general.

He returned to civil life in California, and was in 1881 sent by that State to the Senate of the United States as successor to Mr. Booth.

It was here that I first knew him, and our relations were cordial and close during the period of the debates on the Chinese question, in which he took prominent position in the Senate and I took the same side on this floor.

In the maturity of his powers and prime of his life he yielded as a Christian hero to the summons of death, and closed a well-spent life in the hope, as I humbly trust, of a blessed immortality, inspired by faith in the Divine Author of our Christian religion.

In his origin, nativity, and life his experience took in the extremes and the great middle valley of the continent. From the ancestral home in an Atlantic State to that of his birth in the Mississippi Valley, and, finally, to that on the Pacific shore, he was an American citizen of the truest type, His destiny was, by origin, birth, and life, with the American Union.

As a Representative of Virginia in this House and as a citizen of Virginia during the period of civil convulsion when his attitude was in antagonism to all my opinions, I find no difficulty in paying unstinting tribute to his merits as a soldier and a statesman. Differences of opinion breed diverse convictions as to duty, but when the one are honestly formed and the other are conscientiously maintained the natural outgrowth of a chivalrous magnanimity is a sincere and genuine mutual respect and esteem. The man who is sincere and devout even in the maintenance of error is a nobler being than the man who is insincere and false in his advocacy of truth. Infallibility is not given to man. "To err is human," but sincerity, the love of truth, and a conscience void of offense toward God and man are admirable and noble though they be allied to error.

On this high plane—once enemies, now friends, once aliens, now allies and fellow-citizens of this great Union of republican Commonwealths—we can, we must, let us vow on the altar of a common country we will, forget and forgive the past, will cease criminations and recriminations, and will, with hearty respect for honest differences of opinion and convictions, henceforth unite in an honorable emulation to make the reunion of the States more glorious than the old Union, in conserving the liberties of the people, and in promoting the welfare and progress of our whole country in the great future of its destiny.

I believe that such were the feelings of the Senator whose memory we this day honor. His character and his abilities were broad and large enough to embrace the whole Union.

His courage, as a personal quality, was unquestionable. It was of the aggressive type. He felt the *guadium certaminis* when war raged. To him danger was delight, his exposure to it an exhilaration. When prudence prompted hesitancy in others, his undaunted spirit impelled him to audacity to achieve what doubt deemed impossible. The story of his military career is replete with all that makes the history of a dashing cavalier and a knightly hero.

But when war closed and peace came his combative spirit rested beneath the shadow of its wings. The arm uplifted in battle embraced his former foe in the grasp of a restored brotherhood. He gave the solid talents and the heroic character he had devoted to his country on the battlefield to the healing of the wounds of war and to the culture of the arts of peace.

May we not hope that those who survive him may follow this noble example. Let us exorcise from our debates the demon of hate and bitter memories, and link the earnest efforts of the living to the patriotism and magnanimity of the lamented dead in preserving the Union for which he fought, with all the rights of the States and the people under the Constitution, for which we should all contend, as the heritage of his and our posterity to the remotest generations!

Mr. BUTTERWORTH. Mr. Speaker, General JOHN F. MILLER, late United States Senator from California, was the son of a pioneer in the Great West. He was a farmer's boy and learned stability at the plow. His father, and he with him, encountered early in life those vicissitudes which develop and strengthen character and fit men for important duties in life. At the hearth-stone at which General MILLER was nurtured there were none but healthful influences. His father belonged to the yeomanry of the land, that sterling class that gives to our country its strength in peace and its valor in war. There came to his home neither the poverty that pinches nor the wealth that becomes a burden. Through industry and frugality the elder Miller was enabled to dispense charity, which he did without ostentation.

Senator MILLER'S mother was a woman who possessed splendid native ability, and realized, of a truth, that those who hold the guiding-strings above the children at the hearthstone exercise a mightier influence in the Republic than those who make its laws. She knew, as did her husband, that at the hearth-stones of America the sure and lasting foundations of our free government are laid. She realized as well that the country could not safely trust the man whose palate had a quicker sensation than his heart, and that in our country pure hearts are mightier for the defense of freedom than strong arms. She, with her husband, appreciated the advantages of liberal education; and hence, though opportunities for schooling were not ample as now, yet the children of that household went forth with minds well trained and stored with useful knowledge. They did not bear with them wealth which is estimated in shekels, but had for their portion a better heritage, rich mental furnishing, hearts devoted to duty, untiring industry, all supplemented and upheld by a rugged honesty that does not wear away by use.

With such surroundings, it is not strange that the children who went forth from the Miller homestead after having grown to manhood should each have become a blessing to the community in the midst of which he cast his lot. Blessed with great physical strength and a sound mind and with a quickened sense of duty to God and his fellow-men, General MILLER began his career in life. I will not trace that career; others have and others will bear evidence that it was in many things brilliant, in all things worthy. I was not intimate with him, but our families were so related through marriage that I had opportunity to learn something of the characteristics of the family and the stern virtues which marked the character of the general.

An intimate acquaintance with General MILLER was not essential to learn that he was a man of mark. I do not mean to say that he was brilliant. His intellect shone rather with a sure and steady light. His mind was well balanced, and of him I think it can be as truly said as of any man in public life that in deciding upon a course of action duty was supreme. Our country does not find its greatest security in the fact that there are men among us who are transcendently brilliant; whose exploits in the field and in the forum challenge the attention and admiration of the world. They come but to perform a service which requires possibly but a day or a year, or at most a half a score of years—a service that involves but one controlling thought; and not unfrequently the heart is not co-laborer with the hand, and the voice too frequently but echoes sentiments that are the obvious outgrowth of existing con-

ditions, and which are not coined from the crucible of serious thought and reflection, nor come of inspiration which sometimes springs from a life devoted to duty.

The greater security is found in the development of those moral and intellectual conditions which are born of the influences which surrounded and pervaded the home of General MILLER'S childhood. He had been taught to listen to the "still small voice" that comes in the hush of the night and teaches as never man taught. He had learned to lean upon that stronger arm, and as into the valley and shadow he walked that voice comforted him and that arm sustained him even to the end. He has passed away from among us. That MILLER lived and that he died we know; but what that death portends, what it is, except that under its strange influences the heart ceases to beat, the lips become dumb, the eyes sightless, and the ears stopped up, and the flesh grows cold and crumbles into dust, we do not know. That we, too, must die we also know. That it is better to live well seems clear even according to the world's philosophy, that which is most materialistic; for whether death ends all or is but the beginning of another life, the experience of mankind would seem to leave no doubt that things are so ordered that our chief joy will be found in the faithful discharge of duty.

This I know to have been the abiding faith of General MILLER. It was his struggle to walk in the light and to bear testimony in his life (not pretending to be free from frailties) to the truth that was great within him. The calm resignation he manifested on his approaching dissolution, the perfect confidence he had that this life is but the germ of immortality, enabled the believer to say, "It is well with him." As I stood beside the dead I found myself repeating the words of Cato:

> It must be so,—Plato, thou reasonest well!—
> Else whence this pleasing hope, this fond desire,
> This longing after immortality?
> Or whence this secret dread, and inward horror,
> Of falling into naught? Why shrinks the soul
> Back on herself, and startles at destruction?
> 'T is the divinity that stirs within us;
> 'T is heaven itself that points out an hereafter,
> And intimates eternity to man.

Whether in the field where sin is atoned by the shedding of blood, whether in the Senate or in the quiet walks of life, JOHN F. MILLER was guided and upheld by an unwavering belief in the precepts and example of the Nazarene. Supported by that Christian faith, he placed his own in the mighty but unseen hand of the Eternal Father, and with unfaltering step and cheering hope he walked through the shadows into that land from which, though separated from us by a thin veil which a straw might rend, no echoes come.

General MILLER won fame on the field of battle. He won distinction and honor in the Senate. He won riches in the field of business enterprise. His fame may not outlast this generation, the honor he won be forgot, his riches must perish, but the sublime faith I have mentioned abides with him still. It is immortal as the spirit it leavens. His last witness was that compared to this faith the honors he had won were dross—were nothing. It is a pleasure to do honor to the memory of such a man as General MILLER whose private and public life was full of usefulness and without reproach. Such lives are too few, the influence of such examples too little heeded.

Mr. MCKENNA. Mr. Speaker, Theodore Parker said, "It is no merit in a man to die." Grief will not pause to dispute it. The deceased is not concerned. "Nor praise, nor blame, nor love, nor hate, nothing can touch him further." But death may instruct the living.

It is a wise provision that death, though as "common as the most vulgar thing to sense," and always to be expected, yet is always sudden. In its suddenness is the emphasis of its lesson. It admonishes by shock mortality of immortality. It points from time to eternity, and its victim must have indeed passed a barren existence if he leave not precept to assist to endure earth or deserve Heaven.

In Senator MILLER'S life there were sweet lessons for both. In every place he was adequate; in every relation exact and dutiful. His ability was animated and urged by good intention. He dreamed no dreams. He sought results and accomplished them. He was religious, not in form and ceremony only, but in feeling. It was visible in the rectitude of his life. It was noticeable in his character. He was conscientious. Had he been less so he would have been alive to-day. His place was in Washington; the hazard of the trip he would not consider. Disease might intermit its hold and it was his duty to be ready. This his standard, this the impulse and force of his life. He achieved more and deserved more than greater men, and whether we depict him as citizen or soldier or Senator or husband or father, praise swells to eulogy and a nation applauds.

Mr. Speaker, I have been summoned at the latest minute to take another's place. I could not refuse. I dislike to refer to it. It would be affectation to apologize. Had I longer time to prepare and greater ability I should have been anticipated and excelled by the eloquent gentlemen who have preceded me in tribute to the dead Senator, and every mark of respect California is eager to show her departed representative will be satisfied by my colleague who succeeds me. Mine is a suitable but subordinate part. Others have the gracious office of eulogy; mine is to describe the performance of a trust.

I was deputed with others, the country's proxy, to convey the remains of Senator MILLER to the Pacific coast. We executed the trust. Starting from the nation's capital, where his life was rounded and completed, yet ended, we speeded to the Mississippi and over it, to the Missouri and over it, across the plains and over the mountains, through pass and gorge and tunnels; on, on, at the rising of the sun, under his meridian beams, and at his setting; on, on, under the solemn stars; on, along the path of empire to its limits at the ocean, compassing a continent in a deed of tributary love.

At Colfax, on the western slope of the Sierras, midst snow silently falling, we fulfilled the nation's deputation and delivered our charge to the soldier comrades of the departed general, and to representatives from a sovereign State all that was mortal of her Senator.

Our office was done. A State assumed it, and then conducted it with solemn ceremony. Grief and love and respect claimed two days for indulgence and tribute, and then the funeral march to the grave. The day was beautiful, of gorgeous sunlight, as if prefiguring the glory of the resurrection to console wife and daughter and friends with the sweet hope of a reunion in Heaven. A city quit its traffic, hushed its life, and gathered to honor and mourn him. A State, a nation had showered offices and distinctions on him. "A little earth for charity" was now all either could give. The sun sank, pageantry faded, the multitude departed, then friends, then wife and daughter, and he was left to repose in his grave on Lome Mountain in the State he loved and served, overlooking the fair city and the ocean beyond whose waters as they beat against the coast sound everlasting farewells, everlasting earthly farewells.

Mr. MORROW. Mr. Speaker, the tribute of respect that has been paid to the memory of the late Senator MILLER by those who were immediately associated with him in public affairs testifies how worthily he had discharged the public duties he had assumed to perform in the most important and honorable stations in the Republic. His career was an active and an eventful one, and the distinction he attained among his fellow-men was the result of honest, laborious, and well-directed efforts in public service.

The leading incidents of his life may be briefly told.

Born in Union County, Indiana, in the year 1831, he passed his youth and school days in the midst of scenes and adventures always associated with the occupation and development of a new country.

He was perhaps spared some of the privations encountered by many young men in the West by reason of the fact that his parents were able to give him the advantages of a good education before he took his start in life; but even under the most favorable circumstances no young man could grow to manhood in the West at that time without having his mettle tested in many ways. That young MILLER went through the usual ordeal with credit to himself is shown by the self-command and perfect confidence in himself he displayed in after years when confronted with new and unexpected emergencies.

He began the study of law at an early age, and graduated with distinction in 1852 from the New York State Law School. The next year we find him in California, practicing his profession with success at a bar noted for the ability of its lawyers and the wide range of its litigation.

In 1855 he returned to Indiana in consequence of the supposed serious illness of his mother, to whom he was greatly devoted. Her early recovery gave him the opportunity of resuming his professional and business relations in California, but the attractions of his family home and the inducements there offered him were sufficient to prevent his immediate return to the Golden State.

At the breaking out of the rebellion Mr. MILLER was a senator in the Indiana State Legislature, where he had achieved an enviable reputation for close attention to official duties and had demonstrated his capacity as a man of affairs.

He thus early in life won public confidence without any of the meretricious devices of the mere politician, and gained respect and esteem without any compromise with his dignity or self-respect.

His valor and patriotism drew him into the Army in 1861. Like many of our heroes of that period, he exchanged the duties of civil life for the dangers of the field without hesitation. The transition was easy and in accord with his active disposition, his undaunted courage, and his faith in the integrity and perpetuity of the Union.

His military career was one of honorable distinction from first to last. Entering the Army as colonel of the Twenty-ninth Indiana Volunteers, he attained the rank of brevet major-general, rendering gallant services in every rank and station to which he was assigned. At Stone River, Liberty Gap, and Nashville he was particularly conspicuous as a brave and skillful commander. It will not be necessary for me to repeat the incidents of his splendid military service. They have been outlined in military orders, preserved in the records of his regiment, brigade, and division, and have become a part of the brilliant and enduring history of this great country.

At the close of the war General MILLER declined further employment in the Army, and, although suffering from severe wounds, he proceeded to California to engage in the active duties of his profession. It was at this period that I first met him, and the acquaintance then formed soon ripened into a friendship that continued down to the day of his death.

Soon after General MILLER arrived in California he was appointed

by President Johnson collector of the port of San Francisco. He held the office for four years, discharging its duties with great efficiency and good judgment, and gaining the entire confidence of the business community.

For ten years he was a leading officer of the Alaska Commercial Company, a well-known corporation on the Pacific coast. The character and policy of this corporation have often been commended, officially and otherwise, for its just and honorable dealings with the Government and its wise and generous treatment of employés. General MILLER'S association with an enterprise of this reputation shows that in private business as well as in public service he earned the gratitude of good people by furnishing an example worthy of imitation.

It is also worthy of mention that General MILLER never neglected his duties as a citizen. In all his business relations he was public spirited and generous. He was an ardent Republican, and always ready to labor for the success of his party, believing in its principles and having faith in the ability of the people to reach reform in the administration of Government affairs through party organization.

In 1879 he was elected a member of the constitutional convention of California, and participated in the formation of our present constitution. In 1881 he was elected a United States Senator by the Legislature of California for the term of six years. As a Senator his services were characterized by great attention to the detail of Congressional business in which the people of his State were interested. He was in the habit of responding promptly and pleasantly to every demand made upon him for a proper service. But with all his kindness of disposition he did not permit himself to be occupied with trifling matters to the exclusion of more important business.

He was deeply interested in the welfare of his State, and looked forward with great anxiety to the time when Congressional legislation or other action on the part of the General Government would solve some of the difficulties pertaining to our peculiar position on the Pacific coast. He was eminently a statesman of enlarged views, and, being well informed on all the leading questions of the day, was able to render to his State and the nation most important service.

His fame as a soldier and a statesman was not the gift of fortune or the chance of reckless adventure, but the hard-earned reward for faithful devotion to the welfare and glory of his country. He grew to commanding position with an adaptability of capacity which always marks the vigor of well-equipped manhood where the social forces are active and aggressive.

He was perhaps known to but few members of this House, but the place he occupied in the affairs of the country was distinctly marked and his influence everywhere felt. This House, therefore, performs its solemn duty on this occasion with the full knowledge that a page in its history is being given to one who achieved renown as the just distinction accorded to heroic and patriotic public services.

Mr. Emerson, in one of his admirable essays, discourses on the fact that many men of great figure are known to history by deeds which do not appear to justify their fame. "We can not," he says, "find the smallest part of the personal weight of Washington in the narrative of his exploits," and he mentions Philip Sidney, the Earl of Essex, Sir Walter Raleigh, and others, as men of distinction, who accomplished but few deeds worthy of historical mention. It is a fact that the character of a man can not be determined by the mere incidents of his life, no more than can the mass of the mountain be ascertained by measuring the altitude of its prominent peaks. In human nature, as elsewhere, the magnitude of force and power is not always disclosed by what is seen. Back of the visible action there may be a mental and moral combination, moving with certainty and winning success with apparent ease in grave emergencies. A man thus organized has character, and he may have genius. "He conquers because his arrival alters the face of affairs."

Senator MILLER possessed this latent power in a remarkable degree, and always commanded respect and confidence, not so much because of what he said or did, but because it was apparent that he could say and do much more if it were necessary.

The career of Senator MILLER was incomplete. The full measure of his capacity had not been attained. He had plans for the future, and had his life been spared his mature judgment and large experience would have been of untold value in the councils of the nation. He felt that he could be of service to his country, and even when his malady had become dangerous he refused to lay aside his work for needed rest. With the restless spirit of the wounded but gallant soldier who hears a summons in the notes of preparation for the coming battle, Senator MILLER came from his distant home at the commencement of the present session of Congress to engage in the active duties of legislation.

He knew the Angel of Death had come very near to him before—

> And wondered why he stayed his dart,
> Yet quailed not, but could meet him so,
> As any lesser friend or foe.

Such serene courage might again dismiss the unwelcome messenger. He would not weakly surrender even to the inevitable, but the struggle was all in vain. The energies of his scarred and overtaxed frame had broken from their natural channels and no human skill could restrain their wasting current.

The end came, and the spirit of a brave man found rest.

> Fair life to pulseless silence wed.

We all remember the solemn ceremony in this Capitol in memory of the deceased Senator, and the mournful pageant escorting his remains to their final sepulcher at Lone Mountain, by the restless sea. It was a fitting and deserved tribute to one whose life and character are worthy of all praise. Kind father, devoted husband, faithful friend, patriotic citizen and statesman, farewell! California has had other sons fall on the field of duty, but the waves of the Pacific have chanted no sadder requiem than they do to-day over the remains of JOHN FRANKLIN MILLER.

The question being taken on the resolutions, they were unanimously adopted.

And then, in accordance with the concluding resolution, the House (at 4 o'clock and 35 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred, as follows:

By Mr. BURLEIGH: Resolutions of the commercial associations of New York city, in reference to New York Harbor—to the Committee on Rivers and Harbors.

By Mr. BYNUM: Petition of 54 soldiers of Boggstown, Shelby County, Indiana, for the passage of the Logan bill—to the Committee on Invalid Pensions.

By Mr. J. E. CAMPBELL: Petition of Jacob Banker Post, Grand Army of the Republic, of Middleton, Ohio, and others, for the passage of Senate bill 1886—to the same committee.

By Mr. T. J. CAMPBELL: Petition of Michael Pfuertner, of New York, asking for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. ELLSBERRY: Papers relating to the case of Isaac East, Company C, Forty-eighth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of members of the Grand Army of the Republic, for the purchase of the picture of "Grant and his Generals"—to the Committee on the Library.

By Mr. HILL: Petition of members of Bishop Post, No. 22, Grand Army of the Republic, Defiance, Ohio, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of T. H. Comriff and 100 others, of McCook County, Dakota, for the division of the Territory—to the Committee on the Territories.

By Mr. HOUK: Four petitions of hospital stewards, in reference to increase of pay—to the Committee on Military Affairs.

By Mr. JACKSON: Petition of soldiers of Freedom, Pa., for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. LORE: Petition of Mary E. Stroud, Caroline Gibbons, and 8 others, citizens of Wilmington, Del., asking for better legal protection of young girls in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MERRIMAN: Petition of N. W. Messerole and others, of New York, for the passage of the tariff bill—to the Committee on Ways and Means.

By Mr. MILLARD: Petition of ex-soldiers, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of Buford Gaddie and others, of Hart's Mill, Chautauqua County, Kansas, asking for the passage of Senate bill 1886, for the relief of Union soldiers of the late war—to the same committee.

By Mr. PETERS: Petition of T. O. Howe Post, Grand Army of the Republic, favoring pension legislation—to the same committee.

By Mr. ROGERS: Papers relating to the claim of Susan Richardson, of Franklin County, and of Mary A. England, of Crawford County, Arkansas—to the Committee on War Claims.

By Mr. SENEY: Memorial of Grand Army of the Republic Post, of Cleveland, Ohio, for pension legislation—to the Committee on Invalid Pensions.

By Mr. SHAW: Petition for the relief of Philip Wentz, and of Jacob H. Krumrine, of Carroll County, Maryland—to the Committee on War Claims.

By Mr. SPRINGER: Petition from the Maimed Soldiers' League of Philadelphia, Pa., for the passage of House bill 7640—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of W. H. Richardson and 150 others, of Red Key, Ind., asking for the passage of Senate bill 1886—to the same committee.

By Mr. E. B. TAYLOR: Petition of 22 members of Geddings Post, Grand Army of the Republic, of Jefferson, Ohio, in favor of Senate bill 1886—to the same committee.

By Mr. VAN SCHAICK: Memorial of James Mullaly, late private of Company D, Nineteenth Wisconsin Infantry Volunteers, praying for a pension—to the same committee.

By Mr WORTHINGTON: Petition of citizens of Fulton County, and of Chillicothe, Ill., for the passage of pension bill 1886—to the same committee.

SENATE.

MONDAY, *June* 21, 1886.

Prayer by Rev. M. W. HAMMA D. D., of Baltimore.

The Secretary proceeded to read the Journal of Friday's proceedings, when, on motion of Mr. FRYE, and by unanimous consent, its further reading was dispensed with.

CREDENTIALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the credentials of NELSON W. ALDRICH, elected a Senator from the State of Rhode Island for the term beginning March 4, 1887. The credentials will be read.

The Chief Clerk read the credentials, as follows:

By his excellency George Peabody Wetmore, governor, captain-general, and commander-in-chief of the State of Rhode Island and Providence Plantations.

Be it known that NELSON W. ALDRICH, of Providence, in the State aforesaid, qualified according to the Constitution of the United States for a Senator in the Congress thereof, was, by the Legislature of said State, in conformity with law, on the 9th day of June, A. D. 1886, elected a Senator from said State in the Congress of the United States for the term of six years, commencing on the 4th day of March, A. D. 1887.

In testimony whereof I have hereunto set my hand and caused the seal of said State to be affixed, at Providence, this 14th day of June, in the year of our Lord 1886, and of the Independence of the United States of America the one hundred and tenth.

By his excellency the governor:

[SEAL.]

GEO. PEABODY WETMORE.
JOSHUA M. ADDEMAN,
Secretary of State.

Mr. HOAR. I should like to be permitted to say a word in regard to the credentials of the Senator from Rhode Island.

I have had occasion to examine this subject with some care as chairman of the Committee on Privileges and Elections. A great many of the credentials which are presented are informal, although they contain a very long enumeration of unnecessary particulars. I desire to call the attention of the Senate to the fact that these credentials seem to me a perfect and model form, which I wish all the States in the Union might copy.

The PRESIDENT *pro tempore*. The credentials will be placed on file.

WORLD'S PASTIME EXHIBITION AT CHICAGO.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter from the management of the World's Pastime Exhibition Company, of Chicago, Ill., inviting the Senate to attend and participate in the opening ceremonies of the exposition at Chicago on July 3, 1886, which will be read.

The letter was read, and ordered to lie on the table, as follows:

CHICAGO, ILL., *June* 17, 1886.

DEAR SIR: The World's Pastime Exposition Company, of Chicago, Ill., as represented by the undersigned, citizens' committee and exposition officials, extends to your honorable body an invitation to attend and participate in the opening ceremonies of the exposition to take place at Chicago on the 3d day of July next, at which time the citizens of Chicago, in conjunction with the exposition management, have determined to celebrate our national independence with imposing ceremonies.

Inasmuch as this is the first exposition of national importance that has been created in this country without financial aid from the national Legislature, we trust you will not hesitate to give the enterprise such recognition as the acceptance of this invitation may imply.

Very respectfully, yours,

T. Z. COWLES,
Chairman Citizens' Committee.

THE WORLD'S PASTIME EXPOSITION COMPANY.
MALCOM MCNEILL, *President.*
J. W. RYCKMAN, *Manager.*
A. F. DEXTER, *Treasurer.*
H. WINSTON WALKER, *Secretary.*

The PRESIDENT *of the Senate of the United States.*

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Chamber of Commerce of Cincinnati, Ohio, favoring an amendment of section 5258 of the Revised Statutes, as to the legal protection of railroad companies by the United States Government against unlawful interference with and obstruction of their general traffic; which was referred to the Committee on the Judiciary.

He also presented the petition of F. W. Allen, of Oneida, N. Y., praying relief for alleged injustice done his brother, W. R. Allen, in depriving him of his commission as naval cadet; which was referred to the Committee on Naval Affairs.

Mr. GORMAN presented petitions signed by 103 dairy farmers of Maryland, Delaware, and Kentucky, praying for the passage of the bill regulating the sale of and taxing imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. BUTLER presented the petition of Robert Alexander Massey and 61 other citizens of color of Lancaster County, South Carolina, praying Congress to appropriate $100 per head to pay their expenses to Africa; which was referred to the Committee on Foreign Relations.

Mr. SAWYER presented resolutions adopted by Pomona Grange, Patrons of Husbandry, of Dunn, Eau Claire, and Buffalo Counties, Wisconsin, in favor of the passage of the bill to regulate the manufacture and sale of oleomargarine, butterine, &c.; which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented the petition of J. P. Smith and 43 other citizens of Belleville, Ill., praying for the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. WILSON, of Iowa, presented a petition of the board of county supervisors of Henry County, Iowa, praying for the passage of an act granting indemnity to that and other counties on account of swamp lands sold or otherwise disposed of by the United States; which was referred to the Committee on Claims.

Mr. HOAR presented the memorial of Smith, Adams & Houghton and others, residents of Springfield, Mass., remonstrating against the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. WHITTHORNE presented the petition of Robert W. Park, of Carroll County, Tennessee, late a private in Company I, Seventh Regiment Tennessee Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HARRIS. I present a communication from, and resolutions adopted by, the Merchants' Exchange, the Cotton Exchange, and other citizens of the city of Memphis, Tenn., in the nature of a memorial, remonstrating against the construction of what are called "low bridges" across the Mississippi and Ohio Rivers. I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. CAMERON presented a memorial of butchers of Allegheny County, Pennsylvania, remonstrating against the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens and ex-Union soldiers of the thirteenth Congressional district of Pennsylvania, praying for the passage of legislation recommended by the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented a petition of George Washington Brientnall, late a private in Company D, Seventy-seventh Pennsylvania Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PLATT presented a petition of Knights of Labor of Bridgeport, Conn., praying for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. LOGAN. I present a memorial numerously signed by citizens of Cook County, Illinois, at the stock-yards there, remonstrating against the passage of the bill known as the oleomargarine bill. I move that the memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CALL presented a petition of the United Labor League of America, praying for an appropriation to pay John Pope Hodnett for services rendered to the workingmen of the District of Columbia as counsel during the last fifteen years; which was referred to the Committee on Appropriations.

Mr. MILLER presented a petition of merchants of the city of New York, praying that an appropriation of $1,000,000 be made for the permanent work of deepening the water over Sandy Hook bar to 30 feet at low tide; which was referred to the Committee on Commerce.

Mr. VOORHEES presented certain additional papers to accompany the bill (S. 2434) to provide for the purchase of grounds and the erection of buildings for the post-office and for other uses for the United States, at Logansport Ind.; which were referred to the Committee on Public Buildings and Grounds.

Mr. KENNA presented the petition of a committee of the Medical Society of the District of Columbia, praying for such legislation as will prevent the adulteration of wine; which was referred to the Committee on Finance.

Mr. INGALLS presented a memorial of 100 citizens of Ivanhoe, Finney County, Kansas, remonstrating against any amendment of the land laws; which was ordered to lie on the table.

Mr. CONGER presented the petition of Capt. John H. Russell, praying to be reimbursed for losses sustained by him during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. 3750) for the relief of Frances H. Plummer, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. 2395) to authorize and empower the Union Pacific Railroad to construct branch roads, reported it with amendments.

Mr. CONGER. By order of the Committee on Commerce I report favorably the bill (H. R. 6979) authorizing the construction of additional light-house districts, and I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. I object.

Mr. CONGER. Let the bill be read for information.

The PRESIDENT *pro tempore*. Objection being made, the bill can not be further proceeded with. It will go on the Calendar.

Mr. CONGER. I ask to have the bill read.

The PRESIDENT *pro tempore*. The Senator can not have it read, it being objected to; it goes on the Calendar, and can be called up after to-day.

Mr. CONGER. I suppose a Senator can ask to have any paper read which he wishes to have read.

The PRESIDENT *pro tempore*. The Chair is of opinion that after objection is made the bill can not be read until to-morrow, when it will be in regular order.

Mr. CONGER. I ask that it be placed on the Calendar. I am a little surprised that the objection comes from a gentleman representing so many interests in favor of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla., to report it without amendment, and I ask for its present consideration.

Mr. INGALLS. Regular order, Mr. President.

The PRESIDENT *pro tempore*. Objection is made.

Mr. CONGER. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER. From the same committee I report with amendments the bill (H. R. 7633) establishing additional aids to navigation at the mouths of the Mississippi River, and I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. Regular order.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. CONGER, from the Committee on Commerce, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 1323) providing for the establishment of fog-signal, light-ship, and lights off the mouth of the Mississippi River, and for other purposes; and

A bill (S. 339) to enable the Light-House Board to increase the number of the light-house districts on the Western rivers, and making an appropriation therefor.

Mr. CONGER. I am also instructed by the Committee on Commerce, to whom was referred the bill (S. 340) to authorize the creation of an additional light-house district, to report it adversely, the subject-matter being embodied in a House bill which I have heretofore reported. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. BOWEN, from the Committee on Indian Affairs, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2704) for the relief of John Little and Hobart Williams; which was read twice by its title.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased, reported it with an amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 3642) for the relief of the heirs of Jacob Cramer, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. GRAY. I am instructed by the Committee on Claims, to whom was referred the bill (S. 31) for the relief of Warren Mitchell, to report it favorably, and to submit a report thereon.

Mr. HOAR. The Senator from Delaware will pardon me. I understood there was to be a minority report in that case. I understand that a majority of the committee favor the report the Senator has made, but it will be more convenient to have the two printed together, and if the Senator will withdraw his report I will send in my minority report in the course of a few days.

Mr. GRAY. I beg the Senator's pardon; I understood the minority report was made and signed.

Mr. HOAR. It has not been signed.

Mr. GRAY. It was a misunderstanding on my part.

Mr. HOAR. Perhaps the majority report can be kept from the Printer. I want the two printed together. That will answer my purpose.

Mr. GRAY. I will withdraw my report.

The PRESIDENT *pro tempore*. The report is withdrawn.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., reported it with amendments.

Mr. MCMILLAN. I wish to say in connection with the report just made by the Senator from Missouri [Mr. VEST] that I am entirely in favor of the bill authorizing the construction of a bridge there in accordance with the report of the engineers, and in favor of repealing the charter already existing. The only difference between myself and the committee was in regard to some recommendations of the engineers as to the piers.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. VEST. I am instructed by the Committee on Commerce to report back adversely the bill (S. 2515) to authorize the construction of a bridge across the Mississippi River at or near Memphis, in the State of Tennessee. The bill was introduced by the Senator from Tennessee [Mr. HARRIS]. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (H. R. 5003) for the relief of Mary E. Casey, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, reported it with an amendment.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5921) granting an increase of pension to John Ryan;

A bill (S. 2598) granting a pension to James Noyes;

A bill (H. R. 6747) granting a pension to Mary A. Thomas; and

A bill (H. R. 1580) for the relief of Emily B. Baker.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the petition of Frank W. Tubbesing, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2705) granting a pension to Frank W. Tubbesing; which was read twice by its title.

DEARBORN PARK, CHICAGO.

Mr. HOAR. I am directed by the Committee on the Judiciary, to which was referred the bill (S. 925) to grant Dearborn Park, in the city of Chicago, to said city for the use and benefit of public and benevolent institutions, to report it with amendments.

Mr. LOGAN. If there is no objection I ask unanimous consent to take the bill up and act on it now. It will occupy but a moment. I am sure there will be no objection to it with the amendments reported by the Judiciary Committee.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. BUTLER. Will the Senator explain what the bill is?

Mr. LOGAN. Let the bill be read. It will explain itself.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The Chief Clerk read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. HOAR. There are certain amendments reported by the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The amendments reported by the committee will be read.

The amendments were, in line 12, after the word "Chicago," to strike out "and its successors" and insert "without covenant of any kind, express or implied;" in line 15, after the word "Home," to insert the words "of Chicago;" in line 18, after the word "exist," to insert "by or;" in the same line, after the words "account of," to insert "this;" and in the same line, after the words "change of," to insert "the;" so as to read:

That all right, title, and interest of the United States in and to a piece or tract of land bounded on the north by the south line of Randolph street, on the east by the west line of Michigan avenue, on the south by the north line of Washington street, and on the west by the east line of an alley known as Dearborn Place, which said tract of land is known as Dearborn Park, in Fort Dearborn addition to Chicago, as subdivided and platted by the Secretary of War in the year 1839, be, and the same are hereby, released, relinquished, and granted to the city of Chicago without covenant of any kind, express or implied, for the use and occupancy by the following public and benevolent institutions, one-third to each: The Chicago Public Library, Soldiers' Home of Chicago, and Chicago Academy of Design: *Provided*, That nothing herein contained shall deprive the owners of contiguous lots of any valid rights or claims, if any such exist, by or on account of this change of the dedication originally made by the United States.

The amendments were agreed to.

The next amendment was to add to the bill:

Nor shall any claim or demand accrue to the said city of Chicago or any person whatsoever by, under, or in consequence of this act: *And provided further*, That if either of said public uses shall cease, then and thereupon the portion of the land whose use shall cease shall revert to the United States free and discharged of any easement or dedication to public uses whatsoever.

Mr. CALL. I suggest to the Senator in charge of the bill to change the language and instead of saying "whose use," say "the use of which." I think that grammatical. The word "whose" is hardly correct in that connection.

Mr. HOAR. I am not aware of any reason for preferring one phrase to the other.

Mr. CALL. I understand it to be property, to which the term "whose use" is not applicable. I think the words "to which use" would be better.

Mr. HOAR. It speaks of the institution, of a person.

Mr. LOGAN. Either one is correct.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on the Judiciary reported to amend the preamble in the second paragraph, after the word "exist," by striking out the word "or" and inserting "so;" so as to read:

Whereas the object and uses for which such dedication was made no longer exist, so that said park can be used, &c.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the adoption of the preamble as amended.

The preamble as amended was agreed to.

J. G. FLOURNOY.

Mr. GEORGE. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7650) to remove the political disabilities of I. G. Flournoy, of Mississippi, to report it favorably with an amendment. I ask for the present consideration of the bill. It will not take a minute to pass it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on the Judiciary was, in line 3, to strike out "I" and insert "J;" so as to read "J. G. Flournoy."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, two-thirds of the Senators present voting in the affirmative.

The title was amended so as to read: "A bill to remove the political disabilities of J. G. Flournoy, of Mississippi."

EULOGIES ON REPRESENTATIVE RANKIN.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 185) for the printing of certain eulogies delivered in Congress upon the late Joseph Rankin, to report it favorably without amendment, and I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREELY'S POLAR EXPEDITION REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the concurrent resolution of the House of Representatives for printing Lieutenant Greely's Report of the International Polar Expedition to Lady Franklin Bay with amendments, and I ask for its present consideration.

By unanimous consent the Senate proceeded to consider the concurrent resolution.

The amendments of the Committee on Printing were, in line 9, to strike out "3,250" and insert "2,500;" and in line 10 to add the words "and seven hundred and fifty copies for distribution by the Signal Service Bureau;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That 4,500 copies, with the necessary illustrations, be printed of the report of the International Polar Expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer; 1,250 copies of which shall be for the use of the Senate and 2,500 for the use of the House of Representatives, and 750 copies for distribution by the Signal Service Bureau.

Mr. CONGER. Does that reduce the total number to be printed?

Mr. MANDERSON. It does not. It makes the House resolution correspond exactly with the resolution which passed the Senate a few days ago.

The amendments were agreed to.

The resolution as amended was agreed to.

Mr. MANDERSON. I move that a committee of conference be requested with the House of Representatives on the concurrent resolution and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. GORMAN were appointed.

DEBATE ON MOTIONS TO RECONSIDER.

Mr. FRYE. I am instructed by the Committee on Rules to report the following resolution:

Resolved, That the last paragraph of clause 1, Rule XIII, is hereby amended by striking out the words "without debate."

I ask for its immediate consideration. It simply provides for debate on a motion to reconsider.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MCMILLAN. Let the rule be read as proposed to be amended.

Mr. FRYE. By the rule as it is now it is provided that a motion to reconsider shall be passed upon without debate. This strikes out the words "without debate," and allows debate on a motion to reconsider, which is highly proper. Those words were put in the rule by inadvertence, undoubtedly.

Mr. BECK. Do you make it privileged?

Mr. FRYE. Not privileged, but debatable.

The PRESIDENT *pro tempore*. The rule will be read as proposed to be amended.

The Chief Clerk read the last clause of the first paragraph of Rule XIII as proposed to be amended, as follows:

Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

Mr. FRYE. It simply leaves it debatable; that is all.

Mr. BECK. That is right.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. FRYE. Two resolutions touching the subject were referred to the Committee on Rules. I report them back, and ask that they lie on the table.

The resolutions were ordered to lie on the table, as follows:

Resolved, That Rule XIII be amended by striking out the words "without debate" in the last sentence of clause 1.

Submitted by Mr. INGALLS April 1.

Resolved, That the last paragraph of the first clause of Rule XII be amended so as to read as follows:

"Any motion to reconsider may be laid on the table without affecting the question in reference to which the same is made, and if laid on the table it shall be a final disposition of the motion."

Submitted by Mr. EDMUNDS June 14.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 2706) to incorporate the Washington and Western Maryland Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2707) conferring jurisdiction upon the Court of Claims to finally determine the claim of Charles E. Creecy for use of the Schillinger patent in the Capitol grounds; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 2708) for the relief of Maria L. Strong; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2709) granting a pension to George Washington Brientnall; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2710) referring the claim of Madeira & Cabada to the Court of Claims; which was read twice by its title, and referred to the Committe on Claims

Mr. WILSON, of Iowa, introduced a bill (S. 2711) granting a pension to John A. Hively; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 2712) granting a pension to William Doan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2713) granting an increase of pension to William F. McMillan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 2714) to submit to the Court of Claims for adjudication the title of William McGarrahan to the Rancho Panoche Grande tract of land, in the State of California, and for other purposes; which was read twice by its title.

Mr. VOORHEES. I ask that the bill be referred to the Committee on Mines and Mining.

Mr. PLUMB. I will state to the Senator from Indiana and the Senate that a bill for that general purpose was before the Committee on Public Lands some years ago, and investigation was had there at great length. Although I think myself that the general subject of the McGarrahan claim has been under the jurisdiction of that committee, I shall not now interpose an objection to the bill going to any other committee which the Senator may desire.

Mr. VOORHEES. Let the bill go to the Committee on Mines and Mining, and if hereafter the Senator from Kansas thinks that is not the proper designation we can confer together about it.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Mines and Mining.

Mr. PLUMB introduced a bill (S. 2715) granting a pension to Thomas Anderson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2716) granting a pension to Eliza A. Bishop; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2717) to amend chapter 90 of the act of May 3, 1876, Forty-fourth Congress, first session, entitled, "An act revising and amending the various acts establishing and relating to the Reform School in the District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL introduced a bill (S. 2718) for the detail of officers of the

Army for colleges and schools; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE. I introduce a bill and ask its reference to the Committee on Commerce without printing.

The bill (S. 2719) to amend the laws relating to inspection of steam-vessels was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 2720) to relinquish the interest of the United States in certain lands in Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. HARRISON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed to the river and harbor bill; which, on his request, was read, referred to the Committee on Commerce, and ordered to be printed, as follows:

That the sum of $25,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the improvement of the Wabash River, and to be expended between Vincennes and Terre Haute, Ind.

CHEROKEE CLAIM.

Mr. JONES, of Arkansas. On Thursday last the Senate passed the bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1833, in which there was a mistake of the Printer. I should like to have the bill recalled from the House of Representatives for the purpose of making the correction.

The PRESIDENT *pro tempore*. If there be no objection the bill referred to by the Senator from Arkansas will be recalled. The Chair hears no objection, and that order will be made.

NATIONAL CEMETERY AT NATCHEZ.

Mr. WALTHALL. On the 18th instant the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., was passed by the Senate with an amendment. It has been discovered that in the bill as it was returned to the other House there is an error. I ask that the bill be recalled from the House.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GORMAN, it was

Ordered, That the papers in the case of Maria L. Strong, widow of the late Rear-Admiral James H. Strong, United States Navy, be taken from the files of the Senate and referred to the Committee on Pensions.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 260) for the relief of Margaret S. Fain;
A bill (H. R. 2027) granting a pension to Joshua Armstrong;
A bill (H. R. 3948) granting a pension to James F. Salyers;
A bill (H. R. 6132) granting a pension to William Lynch;
A bill (H. R. 6523) granting a pension to Henry Roscoe;
A bill (H. R. 6824) granting a pension to James Savercool;
A bill (H. R. 7327) granting a pension to Anthony McRobertson;
A bill (H. R. 7517) for the relief of Warren L. Rice;
A bill (H. R. 7698) granting a pension to Robert K. Bennett;
A bill (H. R. 7712) granting a pension to Virginia Taylor Randall;
A bill (H. R. 7374) granting a pension to Mrs. Mary M. Gillham;
A bill (H. R. 8663) to increase the pension of Jonas Schoonover;
A bill (H. R. 8830) granting a pension to Aaron Garis;
A bill (H. R. 8834) granting a pension to Abraham P. Griggs;
A bill (H. R. 8835) granting a pension to Jacob Case;
A bill (H. R. 8836) granting a pension to John Miller;
A bill (H. R. 9106) granting a pension to Rachael Barnes; and
A bill (H. R. 8977) to restore to the pension-roll the name of Samuel Bulman.

The above eighteen pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

CANCELLATION OF LAND ENTRIES.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, directed to inform the Senate how many entries of public land of the United States have been canceled for fraud after investigation by special agents and after due hearings conducted in accordance with the rules of practice during the years 1883, 1884, 1885, and 1886, up to the present time; and whether any entries of public lands have been canceled solely upon reports of special agents without hearings; and, if so, how many during each of the above-mentioned years; and whether any entries canceled for fraud upon special agents' reports have subsequently been reinstated upon testimony taken at public hearings; and, if so, how many during each of said years; and, also, how many entries investigated by special agents were voluntarily relinquished by the claimants during each of said years; also, the number of land patents issued from April 3, 1885, to and including April 3, 1886, giving the number in each land district; and how many land patents have been issued since April 3, 1886, up to and including the present date, giving the number in each land district.

INDIAN TRADERSHIPS.

Mr. WILSON, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether or not he received the resolution of this body of May 10, 1886, calling for information as to the renewal or non-renewal of licenses to Indian traders, and the grounds upon which the renewal of licenses to such Indian traders were refused; and if said resolution has been received by him, why it has not been answered and when a response thereto may be expected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 834) for the relief of John A. London;
A bill (H. R. 1657) for the relief of Patrick S. Doig;
A bill (H. R. 3504) to amend section 4414 of the Revised Statutes, relating to inspectors of hulls and boilers;
A bill (H. R. 4335) making an appropriation to continue the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof;
A bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry dishonorably discharged under special orders 92, War Department, Adjutant-General's Office, dated March 1, 1866;
A bill (H. R. 5652) for the relief of James W. Goodrich; and
A bill (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa.

The message also returned to the Senate, in compliance with its request, the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office.

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.;
A bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish;
A bill (H. R. 3475) for the relief of William Talbert;
A bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15 east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel; and
A bill (H. R. 6590) granting a pension to Catherine Whitesell.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSHEND, Mr. WILSON, and Mr. LONG managers at the conference on the part of the House.

The message also announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRAGG, Mr. VIELE, and Mr. STEELE managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, agreed to the conference asked by the Senate on the said bill and amendments, and had appointed Mr. CLARDY, Mr. TARSNEY, and Mr. MORROW conferees on the part of the House.

The message further announced that the House had passed the bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 810) granting a pension to Charles J. Esty;

A bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie;

A bill (S. 1217) for the relief of Henry Bellion;

A bill (S. 1390) for the relief of B. Frank Patterson; and

A bill (S. 2067) for increase of pension to Zebulon S. Tompkins.

CINNABAR AND CLARK'S FORK RAILROAD.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the morning business is closed.

Mr. BUTLER. I move that the Senate proceed to the consideration of the bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. MANDERSON. Do I understand that that bill is proposed to be considered at this time?

Mr. BUTLER. Yes, sir; at the present time.

Mr. MANDERSON. I do not desire to make an objection to the consideration of the bill, but simply to call to the attention of the Senator from South Carolina the absence of the Senator from Missouri [Mr. VEST], who is interested in the measure.

Mr. PLUMB. He is not absent.

Mr. VEST. I am here.

Mr. MANDERSON. The Senator from Missouri is here, and I make no further objection, if it is the desire of the Senate to consider the bill at this time.

Mr. DOLPH. I object. I intended to move as soon as the morning business was over that the Senate resume the consideration of the public land bill.

Mr. BUTLER. I do not know that a single objection is in order.

The PRESIDENT *pro tempore*. The objection is not in order. The motion is in order at this time to proceed to the consideration of the bill.

Mr. BUTLER. I move that the bill be taken up, notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate proceed to the consideration of the bill. [Putting the question.] The Chair is of the opinion that the noes have it.

Mr. BUTLER. We may as well have the yeas and nays upon the question, I suppose.

The yeas and nays were ordered, and taken.

Mr. PLATT. I am paired with the Senator from West Virginia [Mr. CAMDEN].

The result was announced—yeas 30, nays 17; as follows:

YEAS—30.

Blackburn,	George,	Maxey,	Sewell,
Bowen,	Gorman,	Miller,	Spooner,
Butler,	Harris,	Mitchell of Oreg.,	Stanford,
Call,	Hoar,	Payne,	Teller,
Cameron,	Ingalls,	Plumb,	Walthall,
Conger,	Kenna,	Pugh,	Whitthorne.
Cullom,	McMillan,	Ransom,	
Frye,	Mahone,	Sawyer,	

NAYS—17.

Berry,	Dawes,	Jones of Arkansas,	Wilson of Iowa,
Blair,	Dolph,	Manderson,	Wilson of Md.
Cockrell,	Gray,	Sherman,	
Coke,	Harrison,	Vest,	
Colquitt,	Hawley,	Voorhees,	

ABSENT—29.

Aldrich,	Evarts,	Logan,	Riddleberger,
Allison,	Fair,	McPherson,	Sabin,
Beck,	Gibson,	Mitchell of Pa.,	Saulsbury,
Brown,	Hale,	Morgan,	Vance,
Camden,	Hampton,	Morrill,	Van Wyck.
Chace,	Hearst,	Palmer,	
Edmunds,	Jones of Florida,	Pike,	
Eustis,	Jones of Nevada,	Platt,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company.

The bill was reported from the Committee on Territories with an amendment, to strike out all after the enacting clause and to insert:

That a right of way is hereby granted the Cinnabar and Clark's Fork Railroad Company, a corporation duly organized under the laws of the Territory of Montana, across such portions of the northern border of the Yellowstone National Park as may be necessary to reach, by the nearest practicable route from Cinnabar, the Clark's Fork mining district, in said Territory of Montana, by the way of the Yellowstone River to its junction with the East Fork of said river; thence by the way of said East Fork to the Soda Butte Creek; thence by said creek to the Clark's Fork mining district, upon such location as may be approved by the Secretary of the Interior, subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875. Said right of way hereby granted shall be restricted to such limits as are absolutely essential for the road-bed and slopes of cuts and base of fills, except at such points, not nearer than 10 miles from each other, as may be designated by said railroad company for station buildings, depots, side-tracks, turnouts, and water stations, at which points the right of way shall be limited to the actual sites for said buildings, and the limitation for side-tracks or switches shall not exceed in width 60 feet, to cover all trackways, and a length of 500 feet; that the structures erected by said railroad company within the park shall not in any instance include machine shops, repair shops, supply stations, hotels, restaurants, eating-houses, stores, or any building except a depot, including telegraph or telephone office, residence for station agent, and one building for residence of section hands; and said right right of way and locations for depot grounds shall not in any instance include objects designated as natural curiosities or matters of interest to tourists, or be surrounded or inclosed by fences, walls, or hedges that shall obstruct the view of any contiguous objects, or bar the passage to them of pedestrians or vehicles, and no rights of any kind shall vest in said railroad company in or to any part of the right of way herein provided for until plats thereof, made upon actual surveys for the definite location of said railroad, and including the points for station building, depots, side-tracks, turnouts, and water-stations, shall be filed with the Secretary of the Interior and be duly approved by him. No timber or other materials to be used in the construction of said railroad shall be cut or taken from any portion of the Yellowstone National Park, except such as may be cut or taken within the right of way hereby granted; and the grants hereby made are limited also so as not to include any coal or other mineral found on said right of way; nor shall said company, or its successors, use the property given hereby for any purposes except in the construction and operation of a railroad.

SEC. 2. That none of the shares of the capital stock of the corporation herein named shall be transferable until at least 50 per cent. of the par value thereof shall have been paid in in cash. No bonds shall be issued or mortgages executed for the security thereof by said corporation in an amount exceeding one-half of the sum which its president, treasurer, and chief engineer shall certify, under oath, to the treasurer of the Territory of Montana, has been actually expended, at the time of the issue of such bonds, upon the railroad so to be constructed; and any false swearing in the matter shall be perjury. The whole amount of bonds outstanding at any one time shall not exceed one-half of the actual cost of the construction and equipment of such railroad. The provisions of this section relating to the transfer of stock and the issue of bonds shall be applicable to any corporation to which the corporation named in this act shall convey, or attempt to convey, its franchises, or rights, or property, prior to the final completion of said road.

SEC. 3. That all charges for transportation of either freight or passengers over said railroad shall be reasonable, and without discrimination as to persons, shippers, or consignees. No rebates or drawbacks of any kind or nature shall be allowed, directly or indirectly, to any patron of the railroad, nor shall there be any unjust discrimination in the facilities afforded shippers or consignees at any station on the line of said railroad; and as to these and all kindred matters Congress reserves the right to make all necessary regulations as to said railroad, in consideration of this grant, as well as to alter or amend this act.

SEC. 4. That if said road shall not be constructed and in running order within three years from and after the passage of this act, the right of way hereby granted shall thereupon be forfeited, and this condition is expressly understood to be a condition-precedent as to all rights granted hereby; and in case of a breach of the condition of this section, all rights granted hereby shall revert to the United States by operation of this provision, without the necessity of any action by Congress: *Provided*, That the grant hereby shall not be held or construed as exclusive, so as to prevent the allowance of the locating other roads along the valleys or route adopted under this act, under such grants and regulations as Congress may make and provide and the courts equitably administer.

Mr. VEST. Mr. President, if I can secure the attention of the Senate for a very few moments I should like to give my reasons, and very earnestly, why this bill should not become a law.

To those Senators, if there be any such here, who believe that the Yellowstone Park should be destroyed and cease to exist I have no argument to make. I am very well aware that it is popular to assert in this country that nothing should exist in which there is not money, and that any one who proposes to preserve the great National Park in its original grandeur and beauty and to preserve the game, which has almost ceased to exist upon this continent, is taunted with æstheticism and is sneered at as behind the proper spirit and ideas of the age.

I am not ashamed for myself to say that my life has been largely devoted to field sports, that I have lived a large portion of my time in the woods and forests and mountains and upon the rivers of the great West. I know whereof I speak when I say to-day, without any other interest or motive under heaven than that of an American citizen and Senator, that the construction of this railroad is the destruction of that park. To those who think that Mammoth Cave should be turned into a subterranean storehouse for mercantile purposes, that the Falls of Niagara should be used with their water-power to turn a mill, that the wonderful geysers of the Yellowstone Park should be devoted to laundry purposes and leased out to Chinamen in order to wash dirty linen, to such persons I have and can have no argument and no appeal to make. But to those who sympathize with me in the purpose to preserve one spot at least on this continent from the rush and greed and avarice of the age, one spot in which nature shall exist as it was originally, in which the great game, the elk and the bison and the black-tailed deer, shall always be found for our children and our children's children, to such Senators I now appeal most earnestly against this bill.

I know, Mr. President, that it is said this railroad is necessary in order to reach mines. I shall not stop to discuss the value of those mines, because, like all mining property, their value is prospective and in the future. They may amount to a great deal, and they may amount to nothing, with the chances largely in favor of the latter proposition. I solemnly assert my opinion, based upon close examination and without prejudice, that this railroad is not proposed to be built to reach any mines, that it is not intended for any such purpose, and I propose to show, if not by actual demonstration at least by probable facts, that my assertion is correct.

These mines are represented to be of large value; thousands of dollars it is said are invested in them; and what proof have we presented here from the stockholders of these mining companies that the proposed route through the park is the only practicable line to the North Pacific Railroad? I call attention to the fact, and I defy contradiction when I say, in the presence of the enormous valuation upon this mining property, with thousands of tons of ore, as General Anderson says, dumped out already waiting for the cars to carry it to the reduction works in Montana, with stock companies organized for working the mines, that no preliminary survey has ever been made of any route to these mines.

Only a few hundred dollars would have been necessary to make this survey; and yet with this enormous mining property upon their hands these gentlemen have not seen fit or proper to make a survey, for it would be ridiculous to argue that they had not the means to make these preliminary surveys in order to ascertain by what route they could most cheaply and rapidly approach this property.

There are three routes proposed. One of them is the Boulder route outside of the park, which is perfectly practicable. I have here the letter of an engineer officer, who has been over every foot of it, declaring that the road can be built. It is a little farther, a little longer distance, but entirely practicable; and this officer, as will be seen by his letter, traveled over the whole Boulder route, not one foot of which is inside of the Yellowstone National Park.

But without preliminary surveys, a thing unheard of in such an enterprise, a bill is presented here session after session and pressed upon Congress to run this railroad up the Yellowstone River to the East Fork of that river, and then up Soda Butte Creek, going through the loveliest portion of the Yellowstone National Park, and the only portion, as I shall show by evidence beyond question, in which the game congregate during the winter months. In the summer the large game of the Yellowstone can go where they please without let or hinderance; but in the winter they come into this identical region, the loveliest portion as I have said of that great park on the Yellowstone River and Soda Butte Creek, and there and there only they have a range during those winter months in which the range is most necessary to them.

Why have the projectors of this enterprise had no preliminary survey of the route made? Why is it that they do not bring to Congress the best proof that the nature of the case is susceptible of—the reports of engineers, from practical observation, who can testify to Congress that this is the cheapest and most practicable route between Cinnabar and the Clark's Fork mines?

Mr. BUTLER. I should like to ask the Senator from Missouri a question, if he will yield to me.

Mr. VEST. Certainly.

Mr. BUTLER. I ask him if in his experience he has ever known a survey to have been made before a charter has been secured?

Mr. VEST. This is a case in which the whole argument turns upon whether a charter shall be granted upon this particular route or not. If there were a proposition here for a charter between certain points on the most practicable route there would be something pertinent in the inquiry of the Senator from South Carolina; but here is a proposition fixing the route, and that is the remarkable fact to which I point to-day. They do not want a survey; they do not propose to have one, because perhaps a survey would defeat their object, which is to get into the Yellowstone National Park, not to get to these mines, but to run up this valley of the Yellowstone, up to Soda Butte Springs, the most wonderful springs in that country, at which point they propose to build a depot. The real purpose is to construct a railroad to carry passengers, not ore. There is the money in this enterprise, and not in going to the mines, in which they say they have already ore dumped out ready for transportation. I know whereof I speak from personal observation. I have been in that park and traveled over this identical territory, and I am as thoroughly convinced of the truth of what I say as if it were a mathematical proposition.

I know great exertions have been made to pass this bill. I know that a former officer of the Interior Department has been lobbying Congress three sessions to pass it, and he is here again now for the same purpose. I know that Senators, myself included, have been attacked and besmirched in the public press, and we have been branded by the assertion that we were the tools of the Northern Pacific Railroad. I assert here to-day, using only such language as this presence admits, that the assertion that I have any other object, direct or indirect, than that which is proper to a citizen of this country and a Senator representing a sovereign State, is so utterly and infamously false, that the wretch who makes it is unworthy of credence from any gentleman. No man connected with the Northern Pacific Railroad Company has ever approached me or dared to do so. If the Northern Pacific Railroad has any interest in this matter, it is to construct this road because it is a branch running directly to their main line. How could the Northern Pacific Railroad have any other interest?

I speak only in the way of conjecture, because I assert that no agent, no officer, no one connected with that road has ever approached me in any way. I mention this not from any personal feeling, for I know that when any public man stands in the way of one of these speculative enterprises the first thing is to cajole him or buy him, and if that can not be done the next thing is to destroy him. I do not expect to be personally exempt from the ordinary fate of public life, and I mention this only to emphasize my statement that these extraordinary means to pass this most extraordinary bill with a route already fixed upon the face of it come and come alone from the idea that they want not to carry out the ore from these mines but to carry passengers into the park.

Mr. President, I said, and I said it deliberately, that the construction of this railroad meant the destruction of that park, and I repeat it distinctly. I do not mean to say, that the construction of this railroad will immediately frighten away all the game from the park and burn the forests and close up the geysers hermetically; but I do mean to say that the construction of this or any other railroad within its territorial limits breaks down the purpose and object for which that park was created and it ceases to be a park.

The original idea was that this National Park should remain in its original condition exempt from the ordinary mercantile and commercial interests of this great country. Once let in this railroad, the agent of commerce, and you destroy the park. Afterward the number of railroads that go into the park amounts simply to nothing, for the idea upon which the park was based will have been destroyed and destroyed forever. If this railroad be constructed in the most beautiful portion of the park it will be a very few months until another bill will be proposed to construct a railroad from Green River upon the Union Pacific up to Lewis Lake and connecting with the Northern Pacific. Three years ago when I passed on horseback along this route the survey had been made up to the park, and I saw the pegs which the engineers had driven for the projected road of which I now speak. A bill was pending here in the last Congress for the construction of this road by Lewis Lake, pressed I do not know in what interest, but I very much suspect in the same interest as the bill now pending before this body. Construct this road, and then road after road will demand admission from every direction into the Yellowstone Park, and that is the end of the idea upon which it was originally organized.

Mr. President, I shall indulge in no rhetoric in speaking of the wonderful scenery, of the geysers, of the Yellowstone Falls. I shall leave that to others if they see proper to address the Senate on a subject which admits of the largest amount of descriptive power without going beyond the truth. But leaving aside the æsthetical idea of a park for the people, for the preservation of the great game of this continent, and appealing only to the mercenary idea, let me say to the Senate that the construction of this railroad means the destruction of the timber upon the headwaters of the Missouri River, thereby affecting the whole southern country to the mouth of the Mississippi. It goes without saying that the existence of those forests to-day is the most potent agency toward preventing overflows in the lower and southern country. The forests in their primeval condition, with their ferns and mosses and leaves and verdure, absorb the heavy and enormous rains which periodically fall in that portion of our country and prevent their sweeping down over a bald surface until they press to satiety the lower rivers and cause the overflows which are so destructive to property in some of the Southern States.

Mr. VOORHEES. May I ask the Senator what is the proposed length of this road in the park?

Mr. VEST. There is no survey, as I have said; but the accounts as to distance differ. My own personal knowledge leads me to say that this road will run from 60 to 65 miles inside the National Park. The Senator from South Carolina [Mr. BUTLER] says no. Here is the evidence so complete and conclusive that no human being can doubt it. Here is the testimony of General Sheridan, and of Mr. W. Hallett Phillips and an officer of the Geological Survey, Mr. Hague, all of whom make substantially the same statement.

It has been said—and I will read these statements at leisure if any Senator desires to hear them or I will have them read—it has been said by some of these witnesses that the distance is 46 to 50 miles; but I assert from what I know of the country between Cinnabar, on the route proposed, up the Yellowstone River, and then up the East Fork, and then up Soda Butte Creek to the Clark's Fork mines, that it is nearer 65 than 46 miles.

Mr. INGALLS. Do you mean 65 miles south of the northern boundary?

Mr. VEST. I mean 65 miles on this proposed route.

Mr. INGALLS. Not 65 miles south of the northern boundary of the park?

Mr. VEST. No; the most extreme point south of the northern boundary is about 11 miles; that is, a direct line from the northern boundary of the park to the most extreme point on this proposed route; but I am speaking now of the longitudinal distance from where it enters the park on the north near Cinnabar, which is the terminus of the branch of the Northern Pacific Railroad nearest the park, up the Yellowstone River to its eastern fork and the Soda Butte Creek, and then up Soda Butte Creek to the Clark's Fork mines. That I say is 65 miles, or in that vicinity.

Mr. VOORHEES. I do not wish to interrupt the Senator, but as this subject is somewhat new to me, I should like to have his comment on this part of the report accompanying the bill. The report says:

This company was organized under the laws of the Territory of Montana to construct a railroad from Cinnabar, the terminus of the Livingston branch of the Northern Pacific Railroad, on the Yellowstone River, about 5 miles north of the northern boundary of the park, to reach Clark's Forks mining district, in Southern Montana, lying a few miles north of the northeast corner of the park.

Each end of this road according to this report is outside the park.

Mr. VEST. That is true. But if the Senator from Indiana will simply look at the map of the Yellowstone Park which I have here, and which has the railway marked on it, he will see exactly where that route runs.

For General Sherman I have very great regard, and however much

we may differ from him in regard to his conclusions he is always frank and honest in their utterance. When General Sherman was in the park, the year before I was there the first time, he came to the conclusion that the game could never be preserved in that park, and that the idea that the great game of this country, the bison, the elk, and the black-tail deer, could be preserved at all was simply Utopian and ideal; but to one who has been accustomed to field sports and the habits of game it is not difficult to conceive how a preserve could be created with even imperfect guardianship which would very soon induce the large game to congregate there and consider themselves safe from all assault. Instinct far surpasses intellect when we consider the wonderful intelligence of animals in selecting localities in which they are safe from the pursuit of the huntsman.

Let there be, as there has been upon the Potomac River, a preserve like that of the Woodmont Club, with 10,000 acres of land only, and with only three gamekeepers. In less than eighteen months after that preserve was created the deer from all the adjacent mountains, finding this a comparatively safe refuge, when started in from their covers immediately made this preserve the objective point, until to-day there are more deer found upon that 10,000 acres, I undertake to say, than on any other 10,000 acres in the Eastern States.

Now, let me read, if the Senate pleases, while upon this idea, a letter coming from a practical hunter and woodsman, whose opinion and testimony are worth all the rhetoric and all the appeals that may be made in this Chamber within the next five hours. When in the Yellowstone Park I made the acquaintance of Mr. Hofer, one of those men fast disappearing now from the frontier, who live in the forest—men who, like Daniel Boone and Kenton, when their cattle mingled with those of a neighbor 25 miles distant, thought the towns and cities were encroaching upon the domain which they loved so well, and immediately moved farther west. This man Hofer lives in the mountains. He knows by instinct almost equal to that of the animals themselves their habits. Here is his testimony in regard to the result of even the imperfect guardianship which we have been enabled under an act of Congress to put over this splendid park. Mark you, it is a part of 3,300 square miles, with such rivers and mountains and lakes and waterfalls, to say nothing of the wonderful geysers, as the whole world beside does not furnish. Mr. Hofer, writing to Mr. Hallett Phillips, says, speaking of the proposed railroad:

> The country which they propose to go through is about all the ground that is used as a winter range or feeding-ground for elk, bison, and antelope within the limits of the park. If it is cut off and a railroad run through, you may as well kill off the game at once, for it will be driven off. The idea that teams, &c., frighten off the game is foolish. All winter, elk have fed in sight and close to the wagon-road. I have the Government stock now on the East Fork of Gardiner. Often the elk come down among the mules and horses and feed with them. All winter, elk, antelope, and mountain sheep have been with our stock. It is the shooting and loud noises that scare off the game. A thousand teams would be hauling freight to Cook all winter and the game never leave on their account; so long as they do not shoot at them, so long will the game have no fear of teams. It is in winter that the game wants to be protected. In summer they can go anywhere, but in winter there is only a small portion of the park where they can stay. The railroad would take that from them. I have been here long enough to know how it will work. All of you who are interested in the park know it only in summer. You should know that the snow is so deep in winter, through the park, that game must come out to live.

He then shows that the country through which the railroad would penetrate is the only locality where the game comes out to feed. He concludes by saying that the objection to a railroad across the Snow Mountains on account of the depth of snow is untenable, that all the narrow-gauge railroads in Colorado run through more snow than ever falls in the Snow Mountains; the snowfall in Colorado being from 5 to 10 feet more.

Mr. President, that letter may be roughly written, but it comes from a huntsman, a man who has lived in those mountains for years, who has had charge of the Government stock during the last winter, who testifies now that the elk, and the antelope, and the bison, and the deer come down to feed with his stock. That is worth all the declarations of these speculators that could be piled on these tables until they reached the ceiling.

It is said here that the wagon-roads scare off the game. Under the present administration in that park the game has increased and more than doubled within the last two years; a change for the better which is almost beyond description. But now if this railroad is constructed all that has been done for the preservation of the game goes for nothing. Every Senator who has been in the vicinity of that park or within its territorial limits knows that for twelve and fourteen and fifteen months at a time not one single drop of rain falls.

In traveling on horseback from the Union Pacific to the Northern Pacific Railroad, as I did three years ago, we traveled for days over fallen timber intertwined, thrown there by the fires which originated from a single spark, perhaps from the carelessness of some camper or hunter who had left his camp-fire burning and gone on his next day's journey. During these terrible seasons of drought the forests become like tinder, and a single spark starts a conflagration which destroys hundreds of miles of magnificent timber. Is it necessary for me to call the attention of the Senate to the danger that would be a thousand times multiplied by the construction of a railroad through such a country as that?

Mark you, sir, this proposed route goes up the Yellowstone River through the most beautiful forests in that whole park. It is almost impossible now, with ten assistant superintendents, all mountaineers, to keep the fires from destroying all the timber on the headwaters of the Missouri and Columbia Rivers. Nor are we without a preliminary survey under the influence—I will not say the influence, but under the persistent labor of these speculators and their attorneys—to put this railroad through that park, have this timber destroyed, and give up the idea upon which the park was originally constructed, and for what? Upon the assertion that they desire to reach some undeveloped mines of enormous wealth, according to their statement, and yet they are not willing to furnish fifteen hundred or two thousand dollars with which to make a survey of a route to them. I must be excused if I doubt the statement that they desire to carry out the ore; I must be excused if I further doubt the statement that there is no other route by which they can reach those mines. I have here a letter from Lieutenant Bailey, of the United States Army:

> HEADQUARTERS FIFTH UNITED STATES INFANTRY,
> *Fort Keogh, Mont., May 31, 1884.*
>
> SENATOR: I am in receipt of a letter from Colonel Gregory, of General Sheridan's staff, informing me that you are interested in affairs concerning the Yellowstone Park and desirous of obtaining information relative to the practicability of building a railroad from the Northern Pacific Railroad into Cook City—
>
> Which is the Clark's Fork mining district—
>
> by way of Boulder Creek—
>
> That does not touch the Yellowstone Park at all—
>
> In reply thereto I have the honor to inform you that in the fall of 1878 I marched up that creek to near its head with wagons and had scouts made from my camp to the head of the creek. From recollection—my notes having been lost or destroyed—I am of the opinion that a railroad can be built up Boulder Creek to its head and that a pass can be found over the divide through which it would be practicable to build a railroad. After crossing the divide by skirting along the foot of the mountains a gradual descent into Cook City can be obtained. From about 6 miles above the Natural Bridge dense timber will be encountered on Boulder Creek, but a roadway could easily be opened and the timber utilized in many ways.
>
> My opinion is based not only upon my own observations and the reports of my scouts, but also upon the statement of my guide, who had hunted through that region for years, that if it became necessary for me to go into the park by that route he could take me there by crossing the divide at the head of Boulder Creek, and then down either Hell Roaring or Soda Butte Creek, the latter affording the most easy passage of the two. I was informed before going into Boulder Creek by men who claimed to have a thorough knowledge of the Snow Mountains that there were only two passes over them, one by Boulder Creek, the other by Clark's Fork, and the passes shown on the accompanying map confirm their statements. I return herewith the map sent me by Colonel Gregory with my proposed route marked thereon in red ink. If more definite and accurate information is desired I am willing to make a survey of the route. Trusting that information contained herein may of service to you,
>
> I am, Senator, your obedient servant,
>
> H. K. BAILEY,
> *First Lieutenant and Adjutant, Fifth Infantry.*
>
> Hon. GEORGE G. VEST,
> *United States Senate Chamber, Washington, D. C.*

There is the statement of an Army officer who has been over the Boulder route and who says it is practicable for the construction of a railroad.

But, Mr. President, there is a feature in this bill to which I ask the attention of the Senate.

Mr. ALLISON. May I ask the Senator a question before he proceeds further?

Mr. VEST. Certainly.

Mr. ALLISON. I ask whether this bill is recommended either by the Interior Department or by the War Department?

Mr. VEST. It is not; and upon the contrary the Secretary of the Interior has laid before the Senate in a report here which covers every detail of this measure his opposition to it and his reason for that opposition.

I am authorized to say that the Secretary of War is opposed to it, and the commanding general of the Army, General Sheridan, who is familiar with that country and has been over it time and time again, is also opposing it, and his letter is here before the Senate.

Mr. BUTLER. I think it should be stated in that connection that the present Secretary of the Interior as a Senator and a member of the Committee on Railroads reported in favor of this identical bill.

Mr. ALLISON. I see by the original act that the Secretary of the Interior is charged with the control and care of this park.

Mr. VEST. He is. The Secretary of the Interior has control of this park under the law.

In reply to the Senator from South Carolina [Mr. BUTLER] I have simply to remark that while the Secretary of the Interior was a member of that committee as a Senator, I undertake to say now, for I have it from him, that he knew nothing about this bill, that he paid no attention to it, that there were personal and family circumstances then existing which prevented his attention to it.

Mr. BUTLER. I am only governed by the record.

Mr. VEST. I will explain that record, and I put against that record the official statement of the Secretary of the Interior to-day, when he is acting as Secretary of the Interior, and by virtue of that office is custodian of this park. He opposes this measure in every way possible. I undertake to say that every man who knows anything of the park and is interested in its preservation is opposed to it. Mr. W. Hallett Phillips, who was sent there as agent of the Interior Department, gives

his reasons in opposition to it. Mr. Hague, whom I met in the park as a member of the Geological Survey, gives his reasons at length against it. The park superintendent is against it; and old Jack Barronet, the father of the guides in the West, has written me in opposition to this railroad. I stand here to-day and say from my own personal knowledge of that country and of the park that the construction of this railroad is absolutely the destruction of the park itself.

Now, Mr. President, a few words as to the extraordinary provisions of this bill. Section 4 provides:

That if said road shall not be constructed and in running order within three years from and after the passage of this act, the right of way hereby granted shall thereupon be forfeited, and this condition is expressly understood to be a condition precedent as to all rights granted hereby; and in case of a breach of the condition of this section, all rights granted hereby shall revert to the United States by operation of this provision, without the necessity of any action by Congress: *Provided*, That the grant hereby shall not be held or construed as exclusive, so as to prevent the allowance of the locating other roads along the valley or route adopted under this act, under such grants and regulations as Congress may make and provide and the courts equitably administer.

Why is that provision put in this bill? Why was it necessary to suggest that other roads might be constructed along this same river? Why is the idea sedulously inculcated in this provision of the bill that this shall not be the only railroad that goes into the park?

As I said before, there was a bill pending here in the last Congress for the construction of a road from Green River on the Union Pacific up by Lewis Lake to Cinnabar. That bill has not been presented at this session. It is held in abeyance and reserve; but just so soon as the present bill is enacted into a law, this other set of speculators will come to Congress, and we are estopped from denying them the right to enter the park because we have given the privilege to the gentlemen now asking it. If we once break up the idea of this being a park exclusively that is the end of the act of 1873, and for myself I shall have no more concern with that park or anything pertaining to it.

Mr. President, I have spoken earnestly. I have no interest in this matter except as a citizen and a Senator. I have no feeling except the feeling of one who knows the truth of what he says and desires to impress it upon his fellow Senators. I impute no motive other than a proper one to anybody. I indignantly repudiate the ascription of any improper motive to myself.

I do not propose to urge upon the Senate that they shall interfere with the commerce of the country, that they shall break up the great railroad system of the country in order to preserve the wild game of the West, or in order to preserve the geysers and lakes and waterfalls and mountains of that wonderful region.

I do not believe this railroad is necessary. I believe it is certain that the real purpose is not put upon the face of this bill. It was said two years ago when this bill was first brought here that they were willing to put a provision in it, and the then Commissioner of Railroads, who was a stockholder in the mines, stated to various Senators, myself included, that they were willing to put in a provision that nothing but freight should be carried upon the cars of this projected company. But, sir, the bill is changed; it now provides for freight and passengers, with depots at each 10 miles. It proposes to run to the Soda Butte Springs, the most wonderful mineral springs in the whole of the Western States and Territories. It is a passenger road. The idea is to get into the park, and then when the main line is constructed up the Yellowstone River it follows as a corollary, as a logical sequence, that branches are to be constructed and run down to the geysers, to the Yellowstone Lake, and to the falls of the Yellowstone.

Once put a railroad of that sort in the park, and I for one will vote to throw the whole park into the public domain and let the first and fastest man enter Old Faithful for laundry purposes and take the great falls of the Yellowstone for a mill. I would not give one farthing for that park if this bill becomes a law. I would not entertain the idea of wasting one hour of my time hereafter upon the park if this legistion is once had and this entering step is once taken by this Congress.

Mr. BUTLER. Mr. President, I am very sorry that I can not sympathize entirely with my friend the honorable Senator from Missouri in the esthetic view he takes of this case.

Mr. VEST. I am past that word "esthetic."

Mr. BUTLER. I say it with all respect. Of course while I have great admiration and respect for that Senator, I do not sympathize with him. He has had the good fortune to have hunted in that great park of the West, and fished in its streams and enjoyed its magnificent scenery. I have never had that opportunity, and, as my friend from Mississippi [Mr. GEORGE] says, very few of my constituents will ever have that opportunity, and I do not know but that about the best disposition which can be made of that park would be to do as my friend has suggested, throw it open for settlement under the land laws of the United States. I think perhaps that would be about as well as anything else. I agree entirely with General Sherman about that, whose letter I will read. I know nothing about this railroad bill except such information as I have acquired by reason of my position upon the Committee on Territories. The bill came to the Committee on Territories, why I confess I do not understand. It had before had the unanimous report of the Railroad Committee of this body, and I suppose I may refer to the other House, because their report is before us, and it has had a unanimous report from the committee of the House.

The PRESIDENT *pro tempore*. The Senator will pause to enable the Chair to receive a message from the President of the United States.

[Several messages in writing were received from the President of the United States, by Mr. PRUDEN, one of his secretaries.]

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved the act (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa.

The message also announced that the President had, on the 21st instant, approved and signed the act (S. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. At 2 o'clock the unfinished business comes up. There is some morning business yet to be disposed of, and the Chair asks the Senator from South Carolina to yield so that it may be laid before the Senate.

Mr. BUTLER. I shall ask after that has been announced by the Chair that the consideration of this bill be proceeded with until we have concluded it to-day.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr LOGAN, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. LOGAN, Mr. PLUMB, and Mr. GORMAN.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes.

Mr. ALLISON. I move that the Senate insist on its amendments disagreed to by the House.

The motion was agreed to.

The PRESIDENT *pro tempore*. Does the Senator desire to have a conference now?

Mr. ALLISON. No, sir.

PUBLIC BUILDING AT DAYTON, OHIO.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio, which was, after the word "dollars," in line 10, to insert:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury.

Mr. MAHONE. There is no objection to that amendment. I move that the Senate concur in it.

The motion was agreed to.

LEGAL REPRESENTATIVES OF JOHN M. ROBESON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased, which was, in line 4, to strike out "one thousand" and insert "five hundred;" so that the bill will read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of John M. Robeson, deceased, the sum of $500; and this amount to be in full satisfaction of all claims of said estate against the United States.

Mr. COCKRELL. I move that the Senate insist on its amendments and ask for a conference.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HOAR, Mr. MITCHELL of Oregon, and Mr. GRAY were appointed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 834) for the relief of John A. London;

A bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry dishonorably discharged under special

orders 92, War Department, Adjutant-General's Office, dated March 1, 1866; and

A bill (H. R. 1657) for the relief of Patrick S. Doig.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 3504) to amend section 4414 of the Revised Statutes, relating to inspectors of hulls and boilers; and

A bill (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa.

The bill (H. R. 4335) making an appropriation to continue the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 5652) for the relief of James W. Goodrich was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

LEAVES OF ABSENCE IN GOVERNMENT PRINTING OFFICE.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office, returned from the House to the Senate in compliance with the request of the Senate.

Mr. MANDERSON. I move that the Senate insist upon its amendment to that bill and ask for a conference on the disagreeing votes.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN were appointed.

CINNABAR AND CLARK'S FORK RAILROAD.

Mr. BUTLER. Mr. President——

Mr. CONGER. If the Senator from South Carolina will yield a moment I wish to ask the Chair if we lay aside this bill on reaching 2 o'clock, what place it will hold to-morrow morning, whether it will be the unfinished business after the routine morning business.

The PRESIDENT *pro tempore*. There is no such thing as unfinished business in the morning hour. The bill would be subject to be called up by a vote of a majority of the Senate.

Mr. CONGER. Subject to be called up as it was this morning by a vote?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. CONGER. Then——

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the unfinished business is before the Senate.

Mr. CONGER. I suggest to the Senator from South Carolina, being in favor of this bill myself, and the unfinished business being a bill that several of us would like to have considered to-day, that if it meets his views he leave the further consideration of this bill without any motion——

The PRESIDENT *pro tempore*. The bill takes its place upon the Calendar subject to be called up.

Mr. CONGER. Until after the morning business to-morrow, and then take it up again as was done this morning by a vote.

Mr. BUTLER. May I inquire what the unfinished business is?

The PRESIDENT *pro tempore*. What is called the pre-emption law repeal bill.

Mr. BUTLER. I have no desire to antagonize the regular order, and I therefore yield to the suggestion of the Senator from Michigan. I simply desire to have this bill considered and disposed of, now that it is under consideration. I am no more interested than other Senators. If it is agreeable to the majority of the Senate that we shall lay aside this bill and take up the unfinished business I shall acquiesce, with the understanding, however, that we shall take this bill up to-morrow morning after the regular morning business. I shall be glad to have some understanding of that kind.

Mr. CONGER. Let the Senator give notice that after the regular morning business to-morrow he will move to take it up.

Mr. BUTLER. I give that notice now.

Mr. VEST. It can only come up by a vote.

Mr. CONGER. But the Senator has had his say and the rest of us want ours.

Mr. VEST. That is all right.

Mr. BUTLER. I submit to the Senator from Missouri that it is but just that the rest of us should have the same right that he has had in the further consideration of the bill.

The PRESIDENT *pro tempore*. The unfinished business now comes up.

Mr. ALLISON. I desire to say before the subject of the Cinnabar Railroad passes from the consideration of the Senate that I supposed there was an understanding that the pre-emption repeal bill should be taken up and disposed of to the exclusion of all other matters, and I hope that will be done, unless it can be finished to-day, as I trust it can be; but if not, I trust the Senator from South Carolina will allow the railroad bill to pass by until the pending order of business shall be disposed of. I think we can easly dispose of the Senator's bill before the close of the session.

Mr. BUTLER. I, of course, have no more control over it than any other Senator, but I should be very glad to have it discussed in the morning hour at least. However, we can settle that to-morrow morning.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I give notice that on Wednesday next, immediately after the conclusion of the morning business, I shall ask the Senate to take up for consideration the report of the conference committee on the Post-Office appropriation bill.

ELIZABETH S. DE KRAFFT—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 2223, entitled "An act granting a pension to Elizabeth S. De Krafft."

My objection to this bill is that it is of no possible advantage to the beneficiary therein mentioned. It directs that her name be placed upon the pension-roll, subject to the provisions and limitations of the pension laws. The effect of such legislation would be to permit Mrs. De Krafft to draw a pension at the rate of $30 each month from the date of the approval of the bill.

On the 26th day of February, 1886, under the provisions of the general pension law, she was allowed a pension of this exact sum; but the payments were to date from November 10, 1885.

I am so thoroughly tired of disapproving gifts of public money to individuals who in my view have no right or claim to the same, notwithstanding apparent Congressional sanction, that I interpose with a feeling of relief a veto in a case where I find it unnecessary to determine the merits of the application.

In speaking of the promiscuous and ill-advised grants of pensions which have lately been presented to me for approval, I have spoken of their "apparent Congressional sanction," in recognition of the fact that a large proportion of these bills have never been submitted to a majority of either branch of Congress, but are the result of nominal sessions held for the express purpose of their consideration and attended by a small minority of the members of the respective Houses of the legislative branch of Government.

Thus in considering these bills I have not felt that I was aided by the deliberate judgment of the Congress; and when I have deemed it my duty to disapprove many of the bills presented, I have hardly regarded my action as a dissent from the conclusions of the people's representatives.

I have not been insensible to the suggestions which should influence every citizen, either in private station or official place, to exhibit not only a just but a generous appreciation of the services of our country's defenders. In reviewing the pension legislation presented to me many bills have been approved upon the theory that every doubt should be resolved in favor of the proposed beneficiary. I have not, however, been able to entirely divest myself of the idea that the public money appropriated for pensions is the soldiers' fund, which should be devoted to the indemnification of those who in the defense of the Union and in the nation's service have worthily suffered, and who in the day of their dependence, resulting from such suffering, are entitled to the benefactions of their Government. This reflection lends to the bestowal of pensions a kind of sacredness which invites the adoption of such principles and regulations as will exclude perversion as well as insure a liberal and generous application of grateful and benevolent designs. Heedlessness and a disregard of the principle which underlies the granting of pensions is unfair to the wounded, crippled soldier who is honored in the just recognition of his Government. Such a man should never find himself side by side on the pension-roll with those who have been tempted to attribute the natural ills to which humanity is heir to service in the Army. Every relaxation of principle in the granting of pensions invites applications without merit and encourages those who for gain urge honest men to become dishonest. Thus is the demoralizing lesson taught the people that as against the public Treasury the most questionable expedients are allowable.

During the present session of Congress four hundred and ninety-three special pension bills have been submitted to me, and I am advised that one hundred and eleven more have received the favorable action of both Houses of Congress and will be presented within a day or two, making over six hundred of these bills which have been passed up to this time during the present session, nearly three times the number passed at any entire session since the year 1861.

With the Pension Bureau, fully equipped and regulated by the most liberal rules, in active operation, supplemented in its work by constant special legislation, it certainly is not unreasonable to suppose that in all the years that have elapsed since the close of the war a majority of the meritorious claims for pension have been presented and determined.

I have now more than one hundred and thirty of these bills before me awaiting executive action. It will be impossible to bestow upon them the examination they deserve, and many will probably become operative which should be rejected.

In the mean time I venture to suggest the significance of the startling increase in this kind of legislation and the consequences involved in its continuance.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 21, 1886.

Mr. ALLISON. I move that the message of the President just read lie upon the table.

The motion was agreed to.

MARGARET D. MARCHAND—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return herewith Senate bill No. 226, entitled "An act granting a pension to Margaret D. Marchand," without approval.

The beneficiary named in this bill is the widow of John B. Marchand, who entered the United States Navy in 1828, who was promoted to the rank of commodore in 1866, and who was placed upon the retired-list in 1870. He died in August, 1875, of heart disease.

His widow filed an application for pension in 1883, claiming that his fatal disease was caused by exposure and exertion in the service during the war of the rebellion. The application was rejected because of the inability to furnish evidence to prove that the death had any relation to the naval service of the deceased.

I am unable to see how any other conclusion could have been reached. The information furnished by the report of the committee to whom this bill was referred, and derived from other data before me, absolutely fails to connect the death of Commodore Marchand with any incident of his naval service.

This officer was undoubtedly brave and efficient, rendering his country valuable service. But it does not appear to have been of so distinguished a character, nor are the circumstances of his widow alleged to be such, as to render a gratuity justifiable.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

The PRESIDENT *pro tempore*. The message will lie on the table.

THOMAS S. HOPKINS—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I hereby return without my approval Senate bill No. 183, entitled "An act for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers."

This soldier was enrolled in the Army June 2, 1862, and discharged June 30, 1865. He was sent to the Government hospital September 20, 1863, and thereupon transferred to the invalid corps.

He filed his declaration for a pension in November, 1880, alleging that while in the service he contracted malarial fever and chronic diarrhea, and was seized with convulsions, suffering from great general debility.

A pension of $50 a month was granted to him in June, 1881, dating from the time of filing his application, which sum he has been receiving up to the present time.

This bill proposes to remove the limitation fixed by the law of 1879 prescribing the date prior to which an application for pension must be filed in order to entitle the claimant to draw the pension allowed from the time of his discharge from the service.

If this bill should become a law, it would entitle the claimant to about $9,000 of back pension. This is claimed upon the ground that the soldier was so sick from the time of the passage of the act creating the limitation up to the date allowed him to avail himself of the privileges of the act that he could not file his claim.

I think the limitation thus fixed a very wise one, and that it should not, in fairness to other claimants, be relaxed for causes not mentioned in the statute, nor should the door be opened to applications of this kind.

The beneficiary named in this bill had fifteen years after the accruing of his claim and before it is alleged that he was incapacitated within which he might have filed his application and entitled himself to the back pension now applied for.

The facts here presented come so far short of furnishing a satisfactory excuse for his delay that, in my judgment, the discrimination asked in his favor should not be granted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

The PRESIDENT *pro tempore*. The message will lie on the table.

CORNELIA R. SCHENCK—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I hereby return without approval Senate bill No. 1584, entitled "An act for the relief of Cornelia R. Schenck."

It is proposed by this bill to grant a pension to Mrs. Schenck as the widow of Daniel F. Schenck, who entered the military service of the United States in August, 1861, and was mustered out October 21, 1864.

The record of his service contains no mention of any disability; he died in December, 1875, of a disease called gastro-enteritis, which, being interpreted, seems to denote "inflammation of the stomach and small intestines." So far as the facts are made to appear, the soldier, neither during the term of his service nor during the eleven years he lived after his discharge, made any claim of any disability.

The claim of his widow was filed in the Pension Bureau in 1885, ten years after her husband's death, and is still undetermined.

The fact that her application is still pending in that bureau is sufficient reason why this bill should not become a law.

A better reason is based upon the entire lack of any facts shown to exist which entitle the beneficiary named to a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 21, 1886.

The PRESIDENT *pro tempore*. The message will lie on the table.

PUBLIC BUILDING AT SIOUX CITY, IOWA—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 763, entitled "An act for the erection of a public building at Sioux City, Iowa."

The report of the committee of the House of Representatives to whom this bill was referred states that by the census of 1880 the population of Sioux City was nearly 8,000, and that by other enumerations since made its population would seem to exceed 23,000. It is further stated in the report that for the accommodation of this population the city contains 393 brick and 2,984 frame buildings.

It seems to me that in the consideration of the merits of this bill the necessities of the Government should control the question, and that it should be decided as a business proposition depending upon the needs of a Government building at the point proposed in order to do the Government work.

This greatly reduces the value of statistics showing population, extent of business, prospective growth, and matters of that kind, which, though exceedingly interesting, do not always demonstrate the necessity of the expenditure of a large sum of money for a public building.

I find upon examination that United States courts are sometimes held at Sioux City, but that they have been thus far held in the county court-house without serious inconvenience and without any expense to the Government. There are actually no other Federal officers there for whom the Government in any view should provide accommodations, except the postmaster. The post-office is now located in a building rented by the Government until the 1st day of January, 1889, at the rate of $2,200 per annum.

By the last report of the Supervising Architect it appears that on October 1, 1885, there were eighty new public buildings in course of construction, and that the amount expended thereon during the preceding year was nearly two and a half millions of dollars, while large appropriations are asked to be expended on these buildings during the current year.

In my judgment the number of public buildings should not at this time be increased unless a greater public necessity exists therefor than is apparent in this case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

Mr. ALLISON. I move that that message be printed and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

PUBLIC BUILDING AT ZANESVILLE, OHIO—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 206, entitled "An act to provide for the erection of a public building in the city of Zanesville, Ohio."

No Federal courts are held at Zanesville, and there are no Government officers located there who should be provided for at the public expense, except the postmaster.

So far as I am informed the patrons of the post-office are fairly well accommodated in a building which is rented by the Government at the rate of $800 per annum; and though the postmaster naturally certifies that he and his fourteen employés require much more spacious surroundings, I have no doubt he and they can be induced to continue to serve the Government in its present quarters.

The buildings now in process of construction, numbering eighty, involving constant supervision, are all the building projects which the Government ought to have on hand at one time, unless a very palpable necessity exists for an increase in the number. The multiplication in these structures involves not only the appropriations made for their completion, but great expense in their care and preservation thereafter.

While a fine Government building is a desirable ornament to any town or city, and while the securing of an appropriation therefor is often considered as an illustration of zeal and activity in the interest of a constituency, I am of the opinion that the expenditure of public money for such a purpose should depend upon the necessity of such a building for public uses.

In the case under consideration I have no doubt the Government can be well accommodated for some time to come in all its business relations with the people of Zanesville by renting quarters, at less expense than the annual cost of maintaining the proposed new building after its completion.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

The PRESIDENT *pro tempore*. The message will be printed and referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution for the printing of 38,000 copies of the report of the Commissioner of Education for 1884–'85.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 107) for the relief of Elias B. Moore;

A bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas;

A bill (H. R. 279) for the relief of T. H. Triplett;

A bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882;

A bill (H. R. 921) granting a pension to Clara L. Preuss;

A bill (H. R. 1059) to grant a pension to Joseph Romiser;

A bill (H. R. 1150) granting a pension to Catherine E. Coffin;

A bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye;

A bill (H. R. 1902) granting an increase of pension to Simon J. Fought;

A bill (H. R. 2043) to place Mary Karstetter on the pension-roll;

A bill (H. R. 2066) for the relief of Alfred McMurtrie;

A bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings;

A bill (H. R. 3384) for the relief of James M. Bacon;

A bill (H. R. 4412) for the relief of John A. Coan;

A bill (H. R. 4527) granting a pension to Elizabeth Slenbaker;

A bill (H. R. 4615) for the relief of Ann Leddy;

A bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard;

A bill (H. R. 4836) for the relief of Thomas McBride;

A bill (H. R. 5175) extending the provisions and benefits of the preemption law to John E. White;

A bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers;

A bill (H. R. 5509) for the relief of Saint Patrick's church, in the city of Washington, D. C.;

A bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn.;

A bill (H. R. 7018) granting a pension to Aretus F. Loomis;

A bill (H. R. 7470) for the relief of William Fisher;

A bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties;

A bill (H. R. 7809) for the relief of Edwin Stevens;

A bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb;

A bill (H. R. 8332) increasing the pension of James L. Miller;

A bill (H. R. 8651) increasing the pension of Alfred J. Hill;

A bill (H. R. 8676) for the relief of Lafayette Fowler; and

Joint resolution (H. Res. 76) fixing the time when the pay of certain clerks to committees of House of Representatives shall begin.

HOUSE BILL REFERRED.

The bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PENSION APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing votes of the Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. LOGAN, Mr. DAWES, and Mr. GORMAN.

PUBLIC LAND LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes, the pending question being on the amendment proposed by Mr. BLAIR to add at the end of line 48 of section 3 of the amendment reported by the Committee on Public Lands the following words:

And upon proof of the expenditure of the full sum of $3 per acre as herein provided, and of the improvement required in this proviso, no further payment shall be required, and patent shall issue accordingly; but none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership, which, as an express condition, shall be inserted in the original patent thereof; and breach of the condition shall render the lands liable to forfeiture to the United States.

Mr. BLAIR. I desire to modify the amendment before the vote is taken.

The PRESIDENT *pro tempore*. The modified amendment has been read.

Mr. DOLPH. Let it be read again.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment proposed by Mr. BLAIR.

Mr. BLAIR. The amendment has since been considered by the committee and again modified by striking out the first clause down to the word "accordingly," in line 4, and the word "but," following it, and then inserting "*Provided further;*" so that it reads in this wise:

Provided further, That none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership (unless title thereto be derived by inheritance), which, as an express condition, shall be inserted in the original patent thereof; and breach of the condition shall render the lands liable to forfeiture to the United States.

As thus modified the amendment is approved by the committee.

The PRESIDENT *pro tempore*. The amendment will be read, as now modified.

The CHIEF CLERK. In section 3, at the end of line 48, it is proposed to add:

Provided further, That none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership (unless title thereto be derived by inheritance), which, as an express condition, shall be inserted in the original patent thereof; and breach of the condition shall render the lands liable to forfeiture to the United States.

Mr. HARRISON. I should like simply to ask a question. I understand that under the present law regulating the sale of desert lands the amount that may be taken up by any one individual is 640 acres, one section. I understand also that until he has perfected his title by irrigating the land and bringing it into cultivation he can not transfer his inchoate right to any one else. In other words, the patent must issue in the name of the person who made the application for the entry. I would ask the Senator in charge of the bill whether I am right in thus understanding the law?

Mr. DOLPH. The original act is, which is not disturbed by the present bill:

Provided, That no person shall be permitted to enter more than one tract of land, not to exceed 640 acres, which shall be in compact form.

The question has been raised whether that was the original act by which a person declared his intention to take the claim or the final entry. The present bill with the amendment calls that the declaration. The final entry would be final proof so as to leave it standing that no person shall be permitted to enter more than one tract of 640 acres.

Mr. HARRISON. That is true; and yet I notice in section 5, and running through this and the following sections, that an assignment is allowed, which so far as I can understand the bill may take place immediately after the original declaration is made. The party having made his declaration of a purpose to take up a particular section of land under the desert-land law, immediately after that declaration may assign his right to another; and unless the amendment now proposed puts some limitation upon it, as the bill was reported, it seems to me that it opens the way for taking up in single ownership the valleys of all the streams in the desert region, because if any number of persons may be associated together under a preliminary agreement, if they choose to transfer their title or their declaration as soon as made to a corporation or to an individual this seems to open the door for such transfers. The effect of it would be in all those valleys where irrigation is difficult, where some expensive works would be necessary in order to bring water to them, that we should presently find these valleys in single ownership owned in enormous tracts.

Mr. DOLPH. I will state to the Senator that that is not the way the committee understand it, for this morning it was agreed to that those words allowing an assignment should be stricken out if any one objected to them. I think the only effect would be if a man had expended $2, to enable him to transfer his claim to the next man he would put on a dollar and he would have only one claim. It might be assigned during the progress of reclamation, but it was agreed in committee this morning that even those words might go out.

Mr. HARRISON. If that is done, it obviates the objection I am now making. It seems to me it would be a very short-sighted and even ruinous policy to leave this desert-land legislation in such shape that organizations for the purpose of constructing irrigating canals could be organized, and then under these assignments of declared claims a whole valley could be taken up and held in a single ownership.

It would be a great deal better that the restoration of these desert lands should be very slow rather than that the reclamation of them should be hastened by such processes as these. I think it clear that we should in this legislation stick close to the idea that these lands be taken up under the desert-land act where a larger area than agricultural lands is allowed, and something like the same restrictions as to transfer of ownership pending the acquisition of title from the Government should be legally maintained. It is not to the interest of the people or of the Government that these lands should be brought into cultivation at such an expense; that is, I mean at the cost of having them held in single ownership in vast bodies.

I shall therefore, when this amendment is disposed of, move to strike out the words allowing an assignment.

Mr. DOLPH. I am authorized to consent to that.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The question is on the amendment of the Senator from New Hampshire [Mr. BLAIR] to the amendment of the Committee on Public Lands.

Mr. LOGAN. Let it be read again.

The Chief Clerk read the amendment of Mr. BLAIR.

Mr. LOGAN. I should like to ask the Senator in charge of this amendment a question, so that we may thoroughly understand it. It provides that no larger ownership shall ever exist than 640 acres in one individual. Of course under the general construction of the law corporations are considered persons; but does the Senator understand that a corporation is considered an individual?

Mr. BLAIR. That would be the natural construction. This is an act to provide for the settlement and reclamation of these lands, and they are agricultural lands when reclaimed. The purpose of the amendment is just what it states, to prevent an accumulation of these lands and their aggregation in large masses in single holdings.

Mr. LOGAN. I understand that.

Mr. BLAIR. There is no exception made in reference to corporations.

Mr. LOGAN. What I want to get at is this: I know that all the courts construe a corporation to be a person in law, an artificial person; but whether there is a distinction made between a person and an individual in law is the question that I ask. The word "individual" is used here instead of the word "person," I believe.

Mr. DOLPH. Say "natural or artificial person," to make it sure.

Mr. LOGAN. Whether I agree to it or not makes no difference, but if your intention is to allow 640 acres of land to be held in the hands of one person you had better use the term "one person," and then it will apply to corporations as well as to individuals if that is the intention of the committee. If the intention of the committee is, however, to allow corporations to hold as much land as they want, and individuals not, that is another thing.

Mr. BLAIR. There was no such purpose.

Mr. LOGAN. I presume there was not. I only make the suggestion in order to have the language so that there will be no misconstruction about it.

Mr. BLAIR. After the word "individual" there the words "or corporate" might be added, so as to say "individual or corporate ownership."

Mr. LOGAN. I make the suggestion. If the Senator does not want to amend it, very well.

Mr. BLAIR. I say it may be amended to meet the suggestion of the Senator. Since the modification the Senator's objection does not arise. The language is in a "single ownership." The word "individual" is not used, nor is the word "person" or "corporation."

Mr. LOGAN. It was read in that way.

Mr. BLAIR. That was before the modification.

Mr. LOGAN. Now I desire to ask one further question. How will the Senator construe the language referring to individuals owning 640

acres of land in any portion of the country? Then, in a neighborhood, each head of a family may have 640 acres of land. Suppose any one of them should become dissatisfied and wish to move to some other part of the country, he would have to find a man who lived in some other part of the State to purchase his land, would he not? He can not sell under this bill to any of the other neighbors because each of them already owns 640 acres.

Mr. PLATT. Suppose it was to be sold on execution for debt?

Mr. LOGAN. As the Senator suggests, suppose an owner is in debt and a judgment is obtained against him and the land is sold on execution, who will buy the land? A man already owning 640 acres can not purchase the land. It can not be sold for taxes. I want to know what the meaning of this amendment is before I vote for it. I think it will be a pretty troublesome proposition in law when it comes to be analyzed.

Mr. BLAIR. The amendment is designed to prevent the aggregation of ownership in a larger amount than 640 acres in any one single ownership, unless it may devolve by the ordinary rules of inheritance, which it is very difficult to interfere with. There would be undoubtedly some difficulties of the kind that Senators have suggested in the administration of this law; but it is not believed by those who advocate the amendment that those evils are at all commensurate with the other and greater evils which are likely to result from the aggregation of great bodies of land in single ownership, which is almost the inevitable result from the improvement of these lands and the almost necessary result of the ownership of the powers of irrigation and the works of irrigation by large companies or by wealthy individuals.

It can easily be seen that if expensive works of irrigation are erected, their owners will, unless there be some restrictive legislation, necessarily come to the control of the lands to which the water is necessary; and owning the land and the water in large tracts, the evils of landlordism, as it is called, will be the inevitable result. It is the purpose of this amendment to make such provision as will prevent these evils from coming to pass.

Mr. MITCHELL, of Oregon. I should like to ask the Senator from New Hampshire a question bearing on this amendment. The amendment provides, "that none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership," which condition shall be inserted in the original patent. Does the Senator think that we can control the disposition of these lands after the patent has issued? Has not all control of the Government then passed?

Mr. BLAIR. That is a condition to be inserted in the patent, and the ownership of the land will be accepted upon that condition. It will be a condition which will run with the land. It is designed so to be.

With reference to sales for taxes this would only prohibit the person who has already 640 acres of land becoming the purchaser at the tax sale; anybody else who is not in the possession of 640 acres will have an opportunity to purchase. It is the principal design of the amendment to distribute the ownership of this land in small holdings.

Mr. INGALLS. How about the county? It is a quasi-corporation, and it must purchase at the sale for taxes unless there are private purchasers.

Mr. BLAIR. I am not aware of any law or necessity that compels the county to purchase.

Mr. INGALLS. Under all laws that provide for the sale of property for taxes there is a provision, and there must be for the protection of communities, that whenever individual offerings are not made, the land is bid in by the county, so that the preferred lien of taxes may be thereby protected. Otherwise the law would be ineffectual. The county is a quasi-corporation. This language would equally apply there, so that you practically nullify all tax laws by the provision.

Mr. BLAIR. It is not quite to that extent. In the first place it would be a very slight inconvenience if the county were not able to purchase. The lands would remain, the lands would be improved, the lands would be sold if they were of any value. There would be likely to be a purchaser for the amount of the taxes at all events, and the county could of course purchase to the extent of a single tract. But the difficulties of this description, the difficulties of administration, which are more in fancy than in fact, would disappear, I think, in the practical operation of the law. But I am not able to see how, unless by some express provision of this kind, the other greater evils which have been alluded to and which civilized countries have so largely suffered can possibly be prevented.

This is not like the ordinary disposition of lands under the homestead law. It is not a case where there is no more than the ordinary danger of the accumulation of lands in large aggregations and single ownerships. From the very nature of the case, the irrigation will control the soil, unless there be some restrictive legislation of this sort.

Now, conceive of a large tract of 50, 60, 100, or 200 square miles of land where the irrigation for this large tract of land is in the hands of a syndicate of capitalists; they practically own the soil of this vast tract unless there is some restrictive legislation of this kind. They owning the water, the poor man who wishes to make a homestead is obliged to pay whatever rent they may ask, and if he is not able to pay that they very soon take his land, and in a short time by virtue of the control of the water they also control the soil itself, or if they reach it they take whatever they choose in the way of remedy.

Mr. LOGAN. This amendment does not intend where a man owns more than 640 acres of land to take it away from him, does it? Is that the object?

Mr. BLAIR. It intends that no man shall come to own of this land more than 640 acres.

Mr. LOGAN. But there may be those who have acquired it already. Suppose a man owns eight or ten thousand acres of land there, and has the patent for it.

Mr. BLAIR. This, of course, has no retroactive effect.

Mr. LOGAN. So I should understand it. Therefore those people who own large bodies of land there now are to be uninterrupted, but hereafter nobody else, poor or rich, shall compete with those men who own large bodies of land, because you hold them harmless in this amendment and prohibit everybody else from purchasing more than 640 acres. That seems to be the effect of the amendment.

Mr. BLAIR. It may be that the evil already exists to a great extent. There are the Spanish grants, there are the instances which have been adduced in debate in the Senator's own State; and the object of this amendment is to prevent the extension of the difficulties. Of course vested rights can not be divested. We recognize that fact. It only has application to the future.

Mr. LOGAN. I do not know that I am against the amendment. I am only asking for information. This amendment, in other words, goes to this extent, that Congress proposes to determine that a man shall or shall not invest his money in a particular article that he desires, and that a man shall not sell to another unless Congress selects the person to whom he sells; that is, he can not sell to a man unless he is circumscribed by a certain limit of property. A person having beyond that can not be a purchaser. Hence, a poor man who desires to sell his land shall only sell it to an individual who does not own land, for if he owns any land he can not buy 640 acres, for if he did it would be in excess of the amount named in the amendment.

Thus a man is restricted in his sales. He is not to find his purchaser at all unless that purchaser comes within a certain description. If that man has no land he can purchase 640 acres, but if he has 5 acres he can not. Hence you prescribe by law the character of the purchaser that shall be found in that Territory so far as owning real estate is concerned. Congress takes it upon itself to say that a man shall purchase if he belongs to a certain class and holds within a certain limit of property, and if he holds beyond that he shall not become a purchaser. In other words, he shall not select his own investment; Congress shall dictate to him where his investment shall be placed.

Mr. MITCHELL, of Oregon. If he owns 40 acres of desert land he can buy 600 more, and if he owns 320 he can buy 320 more.

Mr. LOGAN. Yes; but if he owns 1 acre he can not buy 640 acres.

Mr. MITCHELL, of Oregon. He can buy 639.

Mr. LOGAN. But he can not select the quantity he desires; that is what I mean. He is restricted in his purchase, and the man who sells is restricted in his sale. I do not pretend to say whether this principle is right or wrong, I merely want to know what it is.

Mr. MITCHELL, of Oregon. One other word right there: How are the people generally to have notice of the fact of just how much land the purchaser owns? If a purchaser should happen to have more than he is entitled to hold by virtue of this provision, how is John Doe, the seller, to know the fact? This condition of my friend from New Hampshire, according to his theory, follows and renders the purchase void.

Mr. BLAIR. Does the Senator think that, with notice of this condition in the patent itself, the person who proposes to purchase will be so ignorant of his own affairs that he will buy additional land to be forfeited, and pay for it? The person who sells gets his money. The purchaser is the man who has knowledge of the amount of the land he already possesses. He knows whether he has 640 acres of this land. If now he chooses to buy some more to increase his holding beyond that amount and to pay for it, the seller, the person of whom he purchases, suffers no injury. He buys in violation of law and in violation of an express condition that runs with the land; and if he has notice in a matter with regard to which he will have full information, he acts knowingly.

Mr. HARRISON. I think what the Senator from Oregon is getting at is this: Suppose a man having one of these sections of desert land offers it to me for sale; I have none of it; I am competent to buy; there is no disqualification on my part. But it may be that the seller has acquired this 640 acres of land, having at the time he acquired it 640 acres besides somewhere else in New Mexico or California or some other State or Territory. Would not the amendment as proposed avoid the title in my hands, and could I buy safely without searching the records of every county that had desert land in it?

Mr. BLAIR. That might possibly be so; but there is an old adage, "beware the purchaser;" and undoubtedly there would be regulations made that would protect the title. Difficulties of this description can be suggested *ad infinitum*, but they would all be likely to disappear in the practical working of the law; and we have to elect at all events between the allowance of the continuance of evils which have already com-

menced and other and very serious aggravations in this country. Unless we can affix some such condition as this which shall apply to the original transfer of title from the Government and which shall run with the land, I see no way; and if Senators do I would be very glad if they would suggest it—I see no way to guard against the ultimate aggregation of the ownership of these desert lands in a very few individuals.

Other countries limit the holding of their lands; have done so in past times and do it in the present time, and I do not believe that we shall find any serious difficulty in carrying out a law of this description. Something certainly ought to be done, and if Senators who see these objections and anticipate these difficulties can suggest a different remedy, I, for one, shall be very glad to acquiesce in it.

Mr. HARRISON. I am in sympathy with any amendment that tends to limit the ownership of this land to small holdings. I think it is the true policy of the Government in disposing of these lands that it should dispose of them in small sections, and that so far as possible it should impress this condition upon them after they have passed from the Government. But it seems to me that there is as to this amendment the objection which has been suggested by the Senator from Oregon. Perhaps it may be that as the right to enforce the forfeiture is left with the Government, it may be taken for granted that the forfeiture would not be enforced as against an innocent person who had bought under such circumstances. That is the only suggestion that occurs to me.

Mr. BLAIR. The Senator will observe that the amendment makes the title forfeitable; it is not forfeited *per se;* and of course the equity of the case, as was suggested the other day, would always be the rule of the administration of the law.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire to the amendment of the Committee on Public Lands.

Mr. PLUMB. This amendment was authorized to be offered by the Committee on Public Lands. It is applicable to only a comparatively small area of the public domain; that is to say, an area which is small in comparison with that which has heretofore been disposed of, and will be rendered smaller no doubt by the fact that not a large proportion of what is now desert land can ever be reclaimed for lack of water; at all events much of it can not be reclaimed by any water now existing in the surface flowing in that channel.

It simply perpetuates the rule of ownership which the law requires in the exception; that is to say the law permits only the acquisition of 640 acres now. My judgment is that what is enough in the beginning is enough always. If there is any propriety in limiting the acquisition of the desert lands to the extent of saying that not more than 640 acres shall be acquired by any person, there is just as much reason, and I think more, for saying that that limitation shall always remain and that no more than 640 acres of this land shall ever be aggregated in the hands of any one holder.

It may not be a very big step toward what is called land reform, but at any rate it is a step in the right direction, and whatever reasons may exist now for it they will undoubtedly increase with years.

There is force in the suggestion of my colleague that at some time these lands may be sold for taxes; and yet that policy which has become necessary in all the Western States at least, of permitting the local authorities to purchase, and in fact requiring them to purchase, in order that the lands may not remain unsold might require larger bodies in that way to become the property of the different counties or perhaps the cities or the States in which these lands are located. But that provision of law could very well be modified. That rule existing which is necessary to a certain extent may not continue necessary; and if it does, or if something like it should seem necessary, undoubtedly the Territories can by appropriate legislation adopt some provision which will obviate the necessity of such wholesale purchases by the counties or by the other municipalities.

I think myself that it is well to begin at this point to put some limitation upon the acquisition of large bodies of land. With the disappearance of the public domain, the lands in the hands of private owners will enormously enhance in value. This is foreseen by persons who have idle money and to whom real estate is attractive, and they are now purchasing bodies of land as they have never done before. While I do not think as a rule such purchases have heretofore proven very profitable, they are more likely from now on to become so, by reason of the fact, as I said, that the Government will cease to sell land to private persons.

Mr. JONES, of Nevada. I wish to ask the Senator from Kansas a question if he will permit.

Mr. PLUMB. Certainly.

Mr. JONES, of Nevada. If the reasoning of the Senator is good in reference to the limitation of the acquisition of land under this bill, why not apply it to homesteads?

Mr. PLUMB. It might well be applied to homesteads, although the reason in my judgment is not so strong. In the first place, an association of persons is necessary in order to put water upon this land. Inevitably the water and the land go together, and necessarily of course the ownership would have a tendency that way which does not exist where homesteads are taken by small proprietors.

Mr. JONES, of Nevada. In answer to that, it seems to me that the argument is stronger in favor of limiting the acquisition of land where there is the strongest inducement for the aggregation of capital to acquire the land. I wish to prevent that, and for that very reason I am in favor of the opposite conclusion.

Mr. PLUMB. I do not think it is so, but still I hope the Senator will not object to this proposition because he can not reach something else. The person who buys the desert land must necessarily have water along with it, while in the case of a homstead the tract of land will be watered by nature and it will only be necessary to purchase the land. In the former case more capital will be required, and it of course will absorb a larger quantity than the single tracts permitted to be acquired by one person.

Mr. MITCHELL, of Oregon. May I ask the Senator from Kansas a question?

Mr. PLUMB. Certainly.

Mr. MITCHELL, of Oregon. Is it not necessary to make the grant conditional? After Congress has provided a way by which the title shall be made to a certain portion of the public domain, and that way has been followed and a certificate has been issued, is not the constitutional power then forever gone to make any provision whatever in reference to that matter, as to how it shall be owned, how transferred, as to who shall own it, or anything about it? Is there not an insuperable barrier unless you make the grant conditional and the condition runs all the way through?

Mr. PLUMB. That is exactly what I propose to do. We propose to attach a condition to the purchase that the land shall be available in certain quantities. I do not think there is any doubt of the power of Congress to do that, because possibly the possession may not be ample enough; and I as one of the committee would be very much obliged to the Senator from Oregon if he would apply his legal acumen to this amendment and make it more certain to accomplish the object.

Mr. MITCHELL, of Oregon. I am opposed to any such provision as will make the grant of pre-emption or homestead or desert land conditional. I think it will lead to inextricable confusion, and for that reason I am opposed to any such provision. I think if you are to provide that certain parties can take up a certain quantity of land for homestead, or a certain quantity of land as a pre-emption claim, or a certain quantity of land as a desert-land or as timber-culture or timber-entry, you should fix the amount he shall take, and then make a stringent provision that he shall comply with all the terms in order to get that land, and after he has got it that he shall have the title absolute, and that no condition shall attach, but it shall run on forever. That is my idea.

Mr. PLUMB. There may be some inconveniences asserted about almost any proposed legislation, and that of course would be inconvenient. The Senator from Illinois suggested the inconvenience it would make to a man who had 1 acre and wanted to buy a tract of 640 acres. That is, upon the theory that these rectangular pieces of land as surveyed by the Government and as held by the Government will continue for all time to come; but that is merely a matter of minor consequence. The great overshadowing thing is speculation in the soil; and that, I think, ought to be prevented as far as possible.

The world is wide enough. There are inventions enough of different kinds, there are enterprises enough of all sorts into which the genius of the skillful and determined people of the United States and of the world can get without being permitted to speculate in the lands in order to bring them wealth and competence. I think it is wise to begin a limitation upon the holding of lands. It does not attach to that which has already been done.

Mr. HAWLEY. Mr. President, I was quite well satisfied with the bill as reported by the committee. I have voted, and will vote again, that in giving out these lands originally by the Government, they may be given in small holdings, especially the arable lands, those that have the average fertility and productiveness of farming lands. But if I am correctly informed, from what I have heard and from what I have seen of sage-brush land, the portion I have been across in going to California, 640 acres would not feed a goat. I do not know who would ever want to take that land in small quantities.

Mr. HARRISON. Does the Senator mean after it has been subjected to irrigation?

Mr. HAWLEY. It is not wholly desert land if it is where it can be well watered.

Mr. HARRISON. Men can not take it except by irrigation; they can not get a title to it at all without irrigating it.

Mr. HAWLEY. There comes another question. Who will undertake this expensive scheme of irrigation if he can hold only 640 acres? You may have to combine the requisite number of men who may have 50,000, 100,000 or 200,000 acres to make the necessary irrigation.

Mr. HARRISON. I suggest to the Senator from Connecticut that the obvious way in a majority of cases is that they organize and build the canals and let out the water to farmers precisely as water companies in cities do to private consumers.

Mr. HAWLEY. It is possible it may work in that way, but I do not like to assume to attach conditions to the soil which shall remain with it after it passes out of the control of the National Government; and

whenever this territory shall become the territory of a State, I believe in leaving to the State the absolute control of title in all respects.

Mr. INGALLS. I move to amend the amendment by striking out the words, in lines 4 and 5, "said lands shall ever," and inserting the words "the public lands of the United States shall hereafter;" so that instead of reading as now:

That none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership—

It will read:

That none of the public lands of the United States shall hereafter be sold or held in larger bodies than 640 acres in a single ownership.

The suggestion of the Senator from Nevada was very pertinent and just. The considerations which moved him had already presented themselves to my mind. I am clear in my opinion that if there should be a limitation in the ownership of lands it should apply to the land that is valuable, and valuable for a single owner in small quantities, rather than to land that is valueless unless it is held in large quantities. Logically there is no reason why, if this principle is to apply to all, it should not apply to the provisions of the homestead and pre-emption and timber-culture acts, if the two latter are to be retained.

I understand that this is a movement in the direction of the distribution of property in this country per capita. The Senator from Wisconsin [Mr. SPOONER] suggests "communism." I do not echo his opinion; but the same argument which will apply to the inhibition of the ownership of lands in large quantities will apply to a restriction upon the ownership of cattle in large quantities or money in sums that are beyond the personal use of him who enjoys it.

Without any reference whatever to communism, or to anarchy, or to socialism, or to nihilism, I say that this amendment is in the direction of the equal distribution of property, real, personal, and mixed, per capita among all the inhabitants of this country. That is exactly what it means. There is a declaration that the ownership of lands shall be limited so far as the title which the United States Government can convey is concerned. Very well; I do not say that I am opposed to that. I do not know what right any one man has to the possession of $100,000,000 while hundreds of thousands of his fellow-beings within, it may be, the reach of the sound of his voice are suffering for the necessaries of life. I do not understand upon what system of justice, either natural, legal, or social, such a distribution of property can be justified.

Every living being under the protection of the law has a right to a livelihood and to the means of support. One of the crying evils of this epoch is the gigantic, indefensible, inexplicable accumulation of property, far beyond the need or the requirements of a possible use of the individual who has acquired it; while, at the same time, thousands and millions of others equally well qualified, morally, physically, and mentally, starve for the necessaries of life.

If this is a matter in which Government can properly interfere, how can we better begin than by declaring that so far as we are concerned there shall be a uniform distribution among all the people of this country of the public lands of the United States, that there shall be no accumulation in private hands or in corporate hands, no matter what may be the faculties or the powers of men, no matter what may be their habits of industry or indolence, of sagacity or improvidence, no matter what may be the natural differences in man, ordained by God and beyond the power of legislation—that so far as we are concerned every man, black and white, provident and improvident, old and young, shall have his equal and proportionate share of the public domain?

As I said, that is exactly what this amendment means. In so far as we can put it in language, in so far as we can deal with the subject by statute, this is the enactment of the equal distribution of property. It is declaring that legislation shall take the place of energy, sagacity, intelligence, good morals, industry, whatever makes men strong and communites powerful and great; that hereafter so far as we are concerned we shall dispense with the results of ignorance and vice and improvidence, and that in everything which affects the public property of the United States every man by virtue of the fact that he is a man and a citizen shall have his equal proportionate share.

If this is to apply to sage-brush land, if it is to apply to the region of greasewood and of jack-rabbits and gray sand, that can only be made arable when the tribute of the streams is poured over it by the hand of man, why should it not apply to the fat and fertile prairies of the West? Why should it not apply to the rich alluvial bottoms of the streams that empty into the Missouri and the Mississippi? What is the reason why this beneficence of legislation should be applied to that region where alone it is ineffectual and indifferent? So far as these lands are concerned, lying in the basins of the mountains at great elevations, where the beneficent showers are shut off by intervening mountain ranges, all that land is valueless unless the streams can be diverted from their natural channels and pour in their fertile waters upon those arid sands. It is admitted that it will require capital, aggregated, corporate, in order to construct the miles of ditch and canal necessary for this purpose.

The poor man has no use for the land which is to be reclaimed under the desert-land act. No homestead settler, no pre-emptor, no timber-culture claimant ever seeks his little area in that region. That is left for men of capital; that is left for corporations that can command vast means to construct these great avenues for the water. If we are legislating for the great number of small holders, if we intend to enforce the idea that it is only through the great multitude of small freeholders of land that the institutions of this country are to be preserved, then this principle must be applied to that region where the small freeholders go.

Therefore it is that I propose to amend the amendment. I propose to make this beneficent principle apply not alone to the region that is described by the amendment of the Senator from New Hampshire, but to make it apply to all the public domains of the United States, so that hereafter by no means whatever of device or contrivance or perjury or purchase shall there be any holding in the hands of a single individual of more than 640 acres so long as there is another individual within the limits of the United States and claiming citizenship who desires to become a pre-emptor, a homesteader, or a timber-act claimant upon the public domain.

Mr. TELLER. Mr. President, the public mind has been directed recently (and when I say recently I mean within the last five or six years) to the question of saving the public land for settlers. There has been a very general opinion among the people, and not without some cause, that there was a large amount of public land being appropriated not by persons who desired to make homes on it, but by those who desired to hold the land for speculative purposes.

That has been true to a considerable extent. It has always been true. It was as true forty years ago as it is to-day, to the degree in which entries were then made. They were not made as numerous as to-day, yet the proportionate number of entries for speculative purposes made in 1850 I have no doubt was equal to the number made in 1880 and subsequent years.

I have spent a quarter of a century upon the frontier; I have lived in a public-land State, and I claim to have some knowledge of the condition of that country and other sections of the United States where the public-land laws have been in force for the last twenty-five years. I may say that I know something from actual observation and experience of the condition of the land from a little west of Chicago to the foot of the Rocky Mountains, a distance of more than a thousand miles; and I repeat that the frauds now complained of are no greater in proportion, in my judgment, than heretofore. But we have now reached a condition of affairs, with reference to the public land, where the small area that is still left, as compared with the great area that we had forty years ago, has attracted the public attention, and we have therefore pretty generally all over the United States concluded that the land hereafter should be reserved for the actual settler.

More than eight years ago in this body I introduced a bill for the repeal of the pre-emption law. I think it would have been wise to have repealed it then, because the people who really desire to make homes upon the arable portions of the public domain can make them under the homestead as properly as under the pre-emption law. It would have been wisdom on the part of the framers of the homestead law if when they passed that law in 1862 they had at the same time repealed the pre-emption law.

I am as desirous of maintaining the public land for the settler as anybody in this country. I join with every one who regrets that any portion of the public land, or any considerable portion of it at least, is in the hands of corporations or bodies or individuals even who do not make actual and immediate use thereof. Yet I want to say that the cry so frequently made that the land is being aggregated in the hands of a few in the United States is not sustained by the facts. I heard the other day upon the floor of the Senate statements which have gone out to the laboring people of this country, in substance notifying them that it was no longer possible for them to make homes on the public land; that the public land had been absorbed by the capitalists of the country; that it had been absorbed by the railroad companies of the country, and by people who have been more fortunate in getting on the frontier early, and who had capital with which to aggregate vast quantities of land. I recollect that I have heard within the last ten days on the floor of the Senate the statement made that the tenant system in this country was worse than it was in Ireland.

I wish to enter my protest against all such statements for two reasons: First, they are to the men who ought to be going west and seeking homes upon the public lands an official utterance from the Senate of the United States that there is no opportunity for them thus to make homes. Next, these statements are a declaration which is eagerly seized upon by those who are complaining of their lot, who are dissatisfied with the conditions of society, who are ready to break out into revolution and disturbing the organized conditions of society upon the theory that they have a grievance against the Government of the United States.

The record has been made by the Government of the United States and put within the reach of all who speak and write upon this subject. We have within the reach of everybody in this country the Census Reports of 1870 and 1880. There have recently appeared in the publications of the day articles written by men who prophesy a condition of

affairs in this country with reference to land equally as bad as that of Ireland, England, and Scotland; and newspaper and magazine articles have been quoted that have been published in this country stating allegations of the character I mention as facts.

I have taken a little pains to go over the records of the Government upon this question, and I shall very briefly refer to them in order to show that there is no such considerable aggregation of the public land, or the land that has not been public for many years, in the hands of a few to the exclusion of the many; that in twenty years we have more than doubled the number of farms without very largely increasing the area of those farms; that while during the ten years from 1870 to 1880 the increase in farms was 51 per cent., the increase in the area was about 31 per cent.; that while the small farms under 3 acres, between 3 acres and 10 acres, and between 10 acres and 20 acres, have been very rapidly decreasing, the large farms have not increased in proportionate numbers to the decrease of the small farms, and that the great increase of farms in this country has been of that class of farms which indicates to any man who is familiar with the rural districts of the United States a condition, not of destitution, not of want, but of prosperity. They are neither very large farms nor very small ones, indicating as I say that the owners of land who are neither poor nor rich have got control very largely of the land in this country—the class of men who send their sons to colleges, who educate them to the duties of life; the class of men who dominate and control every portion of this country to-day, either themselves or their sons; the class of men from whom spring the best people in the United States; and when I say that it is equivalent to saying the best people in the world, the boys who are brought up on a farm not so small that there is poverty, distress, want, and destitution, but where there is comfort, intelligence, virtue, education. They are the class of men who have doubled and trebled their farms in the United States in the last decade as shown by the census.

In 1870 the number of farms in the United States was 2,659,985. In 1880 the number was 4,008,907, or an increase of 1,348,022. In 1870 the number of farms under 20 acres was 473,503. I will stop here to speak of a farm of 20 acres. Everybody understands that a farm of 20 acres, unless it is a garden farm in the vicinity of a city, is not sufficient to support a family in the independence in which American families are usually supported and in which they ought to be supported. Therefore it is not a matter of regret that the small farms should disappear and that the moderate-sized farms of which I have spoken should take their place. In 1880 the number under 20 acres was 393,990, or a decrease of 79,513 farms of an area less than 20 acres. In 1870 the number of farms containing 20 acres and over in the United States was 2,186,419. In 1880 that class of farms had increased to 3,614,917, or an increase of farms above 20 acres of 1,428,498. In 1870 the number of farms of 50 acres and less than 100 acres was 754,221. In 1880 the number was 1,032,810, an increase of 278,589, or 37 per cent.

In 1870 the number of farms of 100 acres and less than 500 acres was 565,054. This is the class of farms of which I have spoken. This is the class of farms upon which I say live the intelligent American farmers. This is the class of farms from which the boys go out to fill all the American colleges, to fill nearly all the learned professions in this country, and to control and dominate commerce, politics, and religion. They go out from these American homes of from 100 acres up to 500 acres, not including, you will see, the 500-acre farms but the 160-acre farms and the 320-acre farms which are somewhat common in the West and in the South.

Mr. GEORGE. Will the Senator repeat the number of that class of farms?

Mr. TELLER. I will; and I desire to attract to that class of farms the attention not simply of the Senate but of the country, because I hold that it is not desirable that the American farmer should be confined to a small farm of 50 acres. I do not believe in these days of improved machinery and increased demands of the farmer for that which his father perhaps felt he could do without, that a farm of much less than this acreage can support in comfort, in prosperity, and in happiness an American farmer. In 1870 the number was 565,054. In 1880 it was 1,695,983, or more than three times what it was in 1870, an increase of 1,130,929 in ten years. Does anybody see danger to this country from an American citizen owning less than 500 acres? These farms are every one of them under 500 acres.

Mr. GEORGE. And over 100 acres?

Mr. TELLER. Over 100 acres, the farms between that, including 100 acres, and less than 500 acres. I wish to ask again, does anybody anticipate that there is danger to this country by the aggregation of less than 500 acres of land in the hands of any intelligent American citizen?

Mr. GEORGE. Will the Senator allow me to ask him another question right there? Do those numbers represent the total area of the farms or only the cultivated portion?

Mr. TELLER. These figures represent the men who own and cultivate some portion of the land.

Mr. GEORGE. A part of it being in wood?

Mr. TELLER. A part of it being in wood. The census report shows what proportion to the whole is in wood, in pasture, in meadow, and what portion is cultivated. This, of course, in this class of farms argues and testifies to the prosperity of the American citizen, and I look at it and read it with pleasure. It indicates to me that the men on whom we rely for the safety and perpetuity of the Government, for its proper administration, and for its prosperity, are prosperous themselves. You may accumulate millions in Wall street, you may accumulate great fortunes in banks and in moneyed centers. but this means prosperity to between seven million and nine million men who secure their living upon farms in this country.

In 1870 the number of farms containing 500 acres and less than 1,000 acres was 15,873; in 1880 the number of this class was 75,972, or an increase of 60,199. It will be observed that there has been a very large percentage of increase in that kind of farms. That fact has been seized and paraded through the country to show that there was an aggregation of all the lands in the hands of a few; and yet if you will take the census reports and take the States in which these big farms exist, of which I shall speak hereafter, you will find that they are in the very States where there is apparently to-day the least danger from the aggregation of property of that kind in the hands of a few. They are largely in the South. They are largely in Mississippi, in Georgia, in Alabama, in Arkansas, and States of that character. I submit that the fact must be patent to every man who studies the question that there is not in that section of the country any immediate prospect of the aggregation of these farms in the hands of the few to the destruction of the many.

In 1870 the total area in farms in the United States was 407,735,041 acres. In 1880 the total area in farms was 536,081,835 acres, or an increase of 128,346,794 acres in ten years. It will be seen that while the number of farms increased 50 per cent. the area increased only about 31 per cent. The total increase in farms, as I have before stated, was 1,348,922, and the acreage 128,346,794, or an average of a little less than 90 acres for each new farm.

It will also be observed that there was a decrease from 1870 to 1880 in the small farms of 79,000—that is, in the farms containing less than 20 acres; and in the farms containing 20 acres and less than 50 acres the decrease was 66,140, or a total decrease in the farms under 50 acres of 135,140. The decrease in the small farms and the average increase in the new farms indicate that there has been during that decade at least no considerable aggregation of the land in the hands of the few.

I have prepared a table for my own convenience showing the number of farms in the several States in 1870 and in 1880, the increase between 1870 and 1880, the average size of all the farms in each State in 1870 and the average in 1880. I shall not read the table but I submit it to go in the RECORD. It is as follows:

Table No. 1.

States.	Number of farms—		Increase.	Average size 1880.	Average size 1870.
	1880.	1870.			
Alabama	135,864	67,381	58,582	139	222
Arkansas	94,433	49,424	45,011	128	254
Illinois	255,741	202,803	52,938	124	128
Iowa	185,351	116,292	69,059	134	134
Indiana	194,013	161,289	32,724	105	112
Kansas	138,561	38,202	100,359	155	148
Kentucky	166,453	118,422	58,031	129	158
Georgia	138,626	69,956	68,970	188	338
Massachusetts	38,406	26,500	11,906	87	103
Nebraska	63,387	12,301	51,086	157	169
Maryland	40,517	27,000	13,517	126	167
Ohio	247,189	195,953	51,126	99	111
Pennsylvania	213,542	174,041	39,501	93	103
New York	241,058	216,253	24,805	99	103
North Carolina	157,609	93,565	64,044	142	212
Michigan	154,008	98,786	55,222	90	101
Tennessee	165,650	118,141	47,509	125	166
Texas	174,184	61,125	113,059	208	301
Virginia	118,571	73,849	34,666	167	246
Minnesota	92,386	46,500	45,886	145	139
Mississippi	101,772	68,023	33,749	156	193
Missouri	215,577	148,328	67,247	129	146
Florida	23,438	10,241	13,197	141	232
Vermont	35,522	33,827	1,695	137	134
Rhode Island	6,216	5,368	840	83	94
West Virginia	62,674	39,778	22,896	163	214
Wisconsin	134,322	102,904	32,418	114	+114
South Carolina	93,864	51,889	41,975	143	233
Louisiana	48,292	28,481	19,811	171	247
Maine	64,309	59,804	4,505	102	+ 98
New Jersey	34,307	30,652	3,655	85	98
New Hampshire	32,181	29,652	2,529	116	122
California	35,934	23,724	12,210	462	482
Colorado	4,506	1,738	2,668	259	184
Oregon	16,217	7,587	8,630	260	315
Washington	6,529	3,127	3,402	216	208
Dakota	17,435	1,720	15,715	218	176
Average				134	153

I also have a table showing the total area in acres and the total area in farms in several of the States and Territories.

Total area and acres in farms.

States.	Total area, acres.	Acres in farms.
Alabama	33,440,000	18,855,334
Arkansas	34,464,000	12,061,547
California	101,350,400	16,593,742
Colorado	66,512,000	1,165,374
Florida	37,553,200	3,297,324
Georgia	38,064,000	23,043,282
Kentucky	25,856,000	21,495,240
Kansas	52,531,200	21,417,468
Iowa	35,856,000	24,752,700
Minnesota	53,353,600	13,403,019
Oregon	61,459,200	4,214,712
Tennessee	26,912,000	20,666,915
Nebraska	49,187,200	9,944,826
Texas	170,099,200	36,292,219
Dakota	95,424,000	3,800,656
Montana	93,491,200	405,683
New Mexico	78,451,200	631,131
Utah	54,380,800	655,524
Arizona	72,332,800	135,573
Idaho	54,272,000	327,798
Wyoming	62,649,600	12,433
Washington	44,275,200	1,409,421

I have prepared another table which I shall put in the RECORD, showing the increase of farms of 50 acres and less than 100 acres, and the increase of farms of 100 acres and less than 500 acres, between 1870 and 1880:

Increase of farms of 50 acres and less than 100 acres, and 100 acres and less than 500 acres, from 1870 to 1880.

States.	50 acres and less than 100.	100 acres and less than 500.
Alabama	12,444	33,535
Arkansas	14,147	34,511
California	715	7,966
Colorado	288	2,764
Connecticut	569	3,725
Florida	3,026	4,992
Georgia	7,683	36,145
Illinois	8,950	50,622
Indiana	11,516	42,670
Iowa	17,247	65,021
Kansas	22,356	88,471
Kentucky	10,836	43,982
Massachusetts	1,860	5,945
Mississippi	7,851	26,455
Michigan	28,090	33,216
Minnesota	14,445	51,336
Missouri	19,435	72,491
Nebraska	13,273	40,055
New Jersey	202	3,375
North Carolina	11,840	47,987
Ohio	7,132	41,573
Oregon	314	8,797
Pennsylvania	2,641	40,604
Rhode Island	297	1,279
South Carolina	5,464	20,623
Tennessee	11,763	44,509
Texas	18,649	64,553
Virginia	5,464	26,405
West Virginia	4,384	22,497
Wisconsin	14,656	44,520
New York	Decrease.	40,325
Dakota	381	16,210
Delaware	Decrease.	1,799
New Hampshire	Decrease.	4,787
Nevada	35	537

I find, for instance, that in the State of Alabama, which had 12,444 farms of 50 acres and less than 100 acres more than in 1870, they had of farms of 100 acres and less than 500 acres 33,535. So you may go through the different States and you will see that the increase of these farms has indicated not the aggregation of vast bodies of land in the hands of a few, but a general distribution among the very people who ought to control, and who do control, the land in this country.

So that Senators may understand the tables, I will state that the aggregate of the two columns will sometimes be greater than the whole number of increase shown in the other table, but that arose from the fact that in the same State the small holdings very largely decreased.

Mr. GEORGE. Were the tables made from the census report?

Mr. TELLER. These tables are made from the census reports, and have been verified and corrected. I believe them to be absolutely correct, unless the accountant may occasionally have made an error in casting up; nothing more than that.

It will be seen by these tables, as can be seen by anybody who chooses to go to the reports, that while all classes of farms above the 50-acre limit have increased, yet the average size of the farms in 1880 is less than it was in 1870 and less than in 1860 and in 1850. The average size of farms in the United States in 1870 was 153 acres, and in 1880 it was 134 acres.

Mr. GEORGE. Have you the average size of the farms in 1850 and 1860?

Mr. TELLER. I can not give it from this volume. I will simply say that there has been a decrease in the size of farms from 1850 to the present time, and perhaps before I get through I shall turn to some notes and be able to give the exact figures.

There are in the United States, as shown by the census of 1880, 28,578 farms above 1,000 acres, and that has been made the text of magazine and newspaper articles and of rostrum speeches *ad nauseam*. We have been pointed to the fact that there were 28,000 farms in the United States of more than 1,000 acres each. When you take into consideration the vast area of this country, when you take into consideration the fact that those 28,000 farms are among a people of sixty million, it is not at all startling, and it does not make any comparison with Ireland, England, Scotland, or Wales, as some declaimers have declared.

I have prepared a table showing where these farms are, which I will submit. The following States each have more than one hundred such farms:

Alabama	1,868	Kansas	235
Arkansas	648	Minnesota	145
Florida	377	Missouri	685
Georgia	3,491	Colorado	114
Kentucky	1,112	California	2,531
Louisiana	1,319	Wisconsin	109
Mississippi	1,833	Oregon	352
North Carolina	1,721	Nevada	118
South Carolina	1,635		
Texas	3,793	Total Western and Pacific States	5,577
Virginia	1,563		
West Virginia	845		
Tennessee	1,086	New York	281
		Pennsylvania	244
Total Southern States	21,291	New Hampshire	104
		Ohio	252
Illinois	649	Maine	116
Indiana	275		
Iowa	364	Total	997

Thus it will be seen that in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Virginia, West Virginia, and Tennessee, out of the 28,000 there are 21,291.

Mr. GEORGE. What sort of farms?

Mr. TELLER. Farms of over 1,000 acres. I repeat what I said before that I do not believe any intelligent man in this country who has kept himself posted on the condition of those States is complaining of land aristocracy there to-day. Whatever may have been the case in the past, no such complaint can be properly lodged to-day, and the holders of the lands are prepared, I think, as a general rule, to part with them at reasonable prices and on proper terms.

Mr. GEORGE. There is no doubt about that.

Mr. TELLER. I cite this to show that in the regions of country where capital is the most aggressive, and where the people have had the most of it, they are not aggregating the public land; that capital has not taken that direction to any considerable extent. Take the State of Illinois. It has only 649 farms above 1,000 acres; and Indiana has only 275 such farms; Iowa, 364, and Kansas, 235. With free land and cheap land in Kansas to be had of railroad companies, and of settlers who became discouraged and were ready to sell, there were only 235 farms in Kansas in 1880 of 1,000 acres and above. California has 2,531; Colorado, 114; Nevada, 118, and Oregon, 352. It will also be seen from the table I have submitted that the great State of New York, with its millions of unused capital in its cities and with its milionaires by the hundred, has only 281 farms containing more than 1,000 acres; Pennsylvania has 244 and Ohio 252.

I assert that an examination of the census reports and of these tables ought to put a stop to the repeated assertion that the capitalists of the United States have laid their hands upon the land to the exclusion of the men who desire to till the soil for a living. It is not true in the West, in the South, in the East, or in the Middle States.

I wish to show that the decrease of farms from 20 acres to under 50 acres in the United States is not the result of the poverty of the people. It is not because the people are compelled to part with their holdings because some capitalist envies them their possession and has paid a price that compels them to part with their property. The States which have decreased their holdings of that kind are Arkansas, Colorado, Connecticut, Dakota, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Mississippi, Missouri, Nebraska, New Hampshire, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin—East and West alike. It simply argues prosperity on the part of the American agriculturist, and because of his prosperity he has increased his boundaries and extended his borders.

I have submitted a table showing the increased number of farms in the several States during the ten years from 1870 to 1880. I wish now to call attention to the vast number of farms. Let me take by way of illustration the State of Alabama. The State of Alabama between 1870 and 1880 increased its number of farms 58,582. The average increase, taking the increased number of acres to enter into the farming land of Alabama, shows that the average of the farms thus increased was 63½ acres only. Arkansas increased her holdings 45,011, or very nearly double her holdings, and yet Arkansas had only an average of 138 acres in this increased number of farms. Illinois increased her number of farms 52,938, and the average size of her farms to-day is

124 acres. The average added to her farms during the years from 1870 to 1880 was only 109 acres, showing that with the increased number of farms came smaller farms and not larger.

Oregon, a State where land is to be had cheap, where donation lands are obtained in larger areas than under the ordinary settlement law, has an average of only 210 acres in her new farms. California increased her number of farms during the decade of which I am speaking 12,210. Her average number of acres in farms now is 462 acres, and the average size of the farms that she thus increased is only 423 acres. New York increased her number of farms considerably, and the average size of the farms thus increased was only 64 acres. Nebraska made a very great increase, from about 12,000 farms in 1870 to above 63,000 in 1880, and her increase, on an average, was only 154 acres, showing that very largely this system of increase in the new land States—and I can say the same of Kansas—arises from the fact that a settler may take 160 acres of land, and occasionally a settler could not get 160 acres, and thus the average falls a little below the Government subdivision of a quarter-section. In Kansas the average of her new farms was 157 acres. Missouri added a very large number of farms during the decade of which I am speaking. Missouri added 67,247 farms. Her average of farms now is 129 acres. The average of the farms that she added during the decade was only 91 acres. An examination of the census reports will show that 55 per cent. of the farms of the United States are less than 100 acres.

States having farms of 500 acres and less than 1,000, and the number.

Alabama	6,645	Kansas	1,169
Arkansas	1,703	Missouri	3,536
Florida	652	Nebraska	666
Georgia	7,017	Michigan	408
Kentucky	3,802	Minnesota	741
Louisiana	2,159	Nevada	146
Mississippi	3,936	Oregon	1,280
North Carolina	5,063	Wisconsin	666
South Carolina	3,693	New York	1,315
Tennessee	3,549	Pennsylvania	922
Texas	5,988	Vermont	585
Virginia	5,561	Massachusetts	243
West Virginia	2,255	New Hampshire	385
California	3,108	New Jersey	147
Colorado	233	Connecticut	133
Illinois	3,249	Maine	378
Indiana	1,320	Maryland	728
Iowa	2,298		

I wish to say a word in reply to what was said the other day about the timber-culture law and the desert-land act. I have been furnished by the officials of the Land Department since that speech was made with a statement, bearing date June 17, 1886, of the original homesteads, final homesteads, number of entries, &c., as well as the timber-culture and desert-land entries. It was asserted here that the greatest frauds had been perpetrated under the desert-land act; that the timber-culture act was an innocuous sort of act, but that the desert-land act was extremely violent. There have been under the desert-land act 3,381,178.56 acres filed upon, or applied for, or declared for—the various forms of expression used in this bill. Four hundred and eighty-five thousand two hundred and forty-eight and forty-five one-hundredths acres in all have been certified by final certificate, less than half a million acres since 1878, when the act was passed.

There can not have been any very great and extended fraud under that act in the way at least of appropriating public land. The complaint which is rightfully made of the act by the Department, and has been for years, is not that men succeeded in acquiring from the United States land not properly belonging to the applicants, but that by their filing they held from the settler the land upon which they put their filings, and they hold it out so that it ceases to be public land for all practical use for a period of years, and then abandon it.

It is not in my judgment so much the fault of the law after all as it is the fault of the country. The people have applied for this land hoping and expecting that they would be able to make title to it by putting the water upon it, and they have found out in very many cases that it can not be done. There appeared this morning in the Committee on Public Lands incidentally and accidentally a young man from the State of Illinois who had gone down to Arizona. He told me that he and his friend had put in between four and five hundred thousands dollars in a ditch which had been by storms very badly damaged, so that they had been utterly unable to furnish the applicants with water with which they expected to redeem the land and make their title. I have within my own knowledge one other ditch company in the same region that suffered in the same way. They were neither dishonest nor unfair; they hoped and expected when they filed upon this section of land that by the time they were compelled to prove up there would be an opportunity to purchase water of the ditch company. The ditch company failed and the land remains unoccupied, but the title is in the Government of the United States. This amendment prevents them, not from filing, but provides that when they file they must show that they have some means of acquiring the water, and that every year they must make to the Department a proper report with maps showing that they are making progress towards the ultimate reclamation of the land. When that safeguard is thrown around the appropriation of land under the act, with the other safeguards put around it in the bill, I do not believe there will be any considerable complaint.

The timber-culture act is a law that was intended to be beneficent, and is to some extent. It is to the extent at least that it clothes any 10 acres with timber in the timberless regions, but it was intended to make the country more habitable. It was believed that if every short distance a 10-acre grove could be raised, it would have a beneficial effect upon the climate, and it was supposed the Government could under such terms readily part with its title. The settler must go upon the land, not to live upon it, but he must cultivate 10 acres of land and put it in trees and must continue their growth at least eight years before he can obtain title. In the great majority of cases the settler has found it utterly impossible so to do, or he has found that the cost of so doing was so extravagant compared with the value of the land that he has abandoned it. The complaint made by the Department, and justly made, was not that they were appropriating the land and getting the title without putting on the trees, but that an interested party going out and following up the surveyor would file his timber-culture claim and hold the land from settlement for a year, and then say to the settler who came along, "give me $50," or $100, or whatever it might be, "and I will relinquish my timber-culture claim and you may file on it for a homestead. That is where the trouble has been, and that is where the fraud has been. But little of this land has passed into private ownership, as I shall show by the statement I have from the Department.

Under the timber-culture act the number and area of entries made to June 30, 1885, was as follows:

Original entries 159,244 in number, or 25,607,546.14 acres. Final entries 1,967 in number, or 249,489.78 acres. There have been only 1,967 pieces of land certified to the owners under the timber-culture act, and under the desert-land act 1,451 or 485,248.45 acres, or on an average of 330 acres each. That is the average size of a desert-land act claim. It can not be more than 640 acres, but it must have been very much less in a great many cases, because the average of the whole is only 330 acres.

The other day a Senator spoke of the tenant system in this country as equal to that of Ireland. There are in the United States, as shown by the census reports, 1,024,801 tenant farmers. Of this number 322,557 are cash tenants, largely of the class who hire a little piece of land in the neighborhood of a town upon which to make their gardens. Seven hundred and two thousand two hundred and forty-four of them till the land for a share of the crop. I wish to submit to the Senate and to the country that the men who till land upon shares will never degenerate into the condition of the Irish or the English tenantry. It is the cash tenants who are ground down by the landlord. There are thousands and tens of thousands of young men in the States, and even some of them in the newer States, who go upon land and work it for a few years with the expectation and with the ultimate object of becoming its owners, and their expectations are largely realized.

It was said here the other day that the system of tenantry was as bad in the United States as in Ireland; and that statement I have seen repeated in the public press, and I have seen it in magazine articles. We ought to take into consideration the fact that Ireland is somewhat less in area than the State of Indiana and with very much less arable land; that it has in all only about 20,000,000 acres of land. Ireland has something over five hundred thousand tenants, half as many as in all the United States, half as many as can be found among a people of sixty millions.

Mr. GEORGE. Out of a population of how many?

Mr. TELLER. Out of a population of about 5,000,000. For the purpose of showing the difference between our condition and that of Ireland and England, I wish to read from the Financial Reform Almanac for 1886, which I have taken the pains to verify by the English publications, and I read from it because it is more convenient to read from than the books in the Library. It says:

From the Domesday returns of 1874—

Which are returns made to the British Government officially—

From the Domesday returns of 1874 (which, as we have pointed out, very greatly understated the facts as to the size of the large landed estates, having altogether omitted London, and uninclosed woods, &c., and leases reputed to be for ninety-nine or more years), the main facts appeared to be that in England and Wales—

Twelve persons own 1,038,883 acres.

Sixty-six persons own 1,917,076 acres.

Mr. DAWES. Does the last number, sixty-six, include the first twelve?

Mr. TELLER. Oh, no.

Mr. DAWES. Sixty-six other persons.

Mr. TELLER. Sixty-six other persons.

One hundred persons own 3,917,641 acres.

Two hundred and eighty persons own 5,425,764 acres, or about one-sixth of the inclosed lands.

Five hundred and twenty-three persons own one-fifth of all England and Wales.

Seven hundred and ten persons own one-fourth of all England and Wales.

Eight hundred and seventy-four persons own 9,267,031 acres.

Ten thousand two hundred and seven persons own two-thirds of the whole of England and Wales.

In Northumberland County, which contains 1,220,000 acres, some twenty-six persons own half the county.

One man owns over 186,397 acres in England.

Another owns over 102,785 acres in England.

A body of 4,500 men own 17,498,200 acres, or more than half England and Wales.
In Scotland, where the total area is 18,946,694 acres, one man owns 1,326,000 acres, and has besides 32,095 acres in England; total, 1,358,095 acres.
Another has 431,000 acres.
Another has 424,000 acres.
Another has 306,000 acres.
Twelve owners have 4,339,722 acres, about a quarter of Scotland, and more than the whole area of Wales, equal to eight entire English counties—Beds, Berks, Bucks, Cambridge, Cheshire, Derby, Cornwall, and Cumberland.
Twenty owners hold more than 120,000 acres each.
Twenty-four owners hold more than 4,931,888 acres (a fourth of Scotland).
Seventy owners hold about 9,400,000 acres (a half of Scotland).
One hundred and seventy-one owners hold about 11,029,228 acres.
Three hundred and thirty owners hold about two-thirds of all Scotland.
Seventeen hundred owners hold about nine-tenths of all Scotland.

Now we come to Ireland:

In Ireland, where the total area is 20,159,677 acres—
One person owns 170,119 acres.
Twelve persons own 1,297,888 acres.
Three persons own over 100,000 acres each.
Fourteen persons own over 50,000 acres each.
Ninety persons own over 20,000 acres each.
One hundred and thirty-five persons own over 10,000 acres each.
Four hundred and fifty-two persons own over 5,000 acres each.
Two hundred and ninety-two persons own 6,458,100 acres (nearly one-third of the island).
Seven hundred and forty-four persons own 9,612,728 acres (nearly one-half of the island).
One thousand nine hundred and forty-two persons own two-thirds of the whole island.

In Ireland the total number of people who hold land is 68,716. Of that number 36,141 own less than an acre; 6,892 own less than 10 acres. The total holdings of less than 10 acres are 43,033 out of 67,816. In 1881 the population was 5,174,836. There were 547,222 tenants. Fifty-two per cent. of the owners have less than an acre, and 1 man in 79 is an owner. Why, Mr. President, 74 per cent. of the people who are put down as farmers in this country live on their own farms, and 8 per cent. only of the entire farming population—I do not speak of the owners, but of the men who are classed as farmers, who are cultivating the land for themselves and not as laborers—only 8 per cent. of them pay a cash rent, while 18 per cent. of the others farm upon shares; a common and reputable and respectable and, I will say, profitable way for a farmer who has not got the money to buy a farm to cultivate.

Mr. GEORGE. Has the Senator the statistics as to the amount of land owned by corporations in Ireland, England, and Scotland?

Mr. TELLER. I have not got them convenient. The tables could be found here after some examination, but I did not attempt to eliminate that from the general mass of information about land found in these works.

Mr. President, I do not intend to spend very much time over this question. I repeat that I have not called the attention of the Senate and the country to these facts because I am a disbeliever in the virtue of land to the masses. I would like to see the uneasy, disturbed, dissatisfied laborers of the country upon the land, even though each might have but a small holding. I realize that there is nothing so civilizing, there is nothing of such a conservative tendency as the ownership of the soil; and they are the happiest and the best and the most prosperous people where the greatest percentage of the population wring their living from the soil. I am not disposed myself to throw any obstacle in the way of the distribution of the public lands to the people, but I do desire to see what little is left, not so little as some people suppose, occupied by the men who want to occupy it for the purposes of a home.

Mr. GEORGE. Allow me to ask a question there that I suppose the Senator is familiar with. Can he state approximately how much agricultural land is now owned by the United States?

Mr. TELLER. I wish I could answer that question. I have made some effort in two branches of the public service to determine that fact. There are no data by which it can be determined. It is largely a subject of guess. I saw the statement made recently in a semi-official report by a commission that there were 700,000,000 acres of land in this country that could be irrigated if we had water, but that there was water only for about 30,000,000 acres. Mr. President, that is the veriest guess in the world. There is no man who is to-day qualified to speak authoritatively upon that subject, I do not care what his experience may have been. The Government has taken no step to determine how much of its lands can be irrigated, how much water there is to put upon the lands, and any attempt to state it is a mere guess. Neither has the Government taken any steps to segregate on its books the land that is arable from the non-arable land, from the mountains, from the declivities, and from the character of land that can not be cultivated.

Mr. GEORGE. Can the Senator give an approximate estimate as to the amount of arable land now owned by the Government that can be cultivated without irrigation, depending on the seasons only?

Mr. TELLER. The latest estimate I have seen has placed it at about 200,000,000 acres. It must be very largely in excess of that, because there is nearly that already that has been surveyed and stands upon our books as arable land. It must be twice that. But how much there is will never be determined until you determine first how much of it can be cultivated without irrigation. When that is determined, then you may divide the arable land from the non-arable, because you can have then the opportunity of determining how much water there is.

It is only a few years ago that it was said all the arable land had been taken in the Salt Lake Valley; that no more could be taken. Fifteen years ago, I think, that statement was made publicly everywhere. Year after year the Mormons have brought their great immigration and put it out upon those arid lands and have brought water to them and have made them produce crops. It is a fact that irrigation increases the water in every stream. It fills up the earth. When you suppose you have taken all the water from a stream going up toward its head and taking it all out so that none of it runs down the river, in a few years springs will break out on the hills and the sides of the country that is the watershed, it will fill the streams again with a large amount of water; other ditches go out, and thus the streams continue to increase from the very fact that the whole earth becomes a storehouse for water.

The great Salt Lake, near Salt Lake City, increased its area 17 per cent., largely attributed by scientific men who have examined it to the increased amount of rainfall by virtue of irrigating the fields adjacent to the lake and on the streams above. I do not pretend myself to know whether the rainfall is increasing so rapidly, as is said, but I do know the fact that to-day there are settlements in a region of country that twenty-five years ago when I went across the continent no man believed was capable of raising a spear of wheat or an ear of corn. Now there are flourishing communities there, raising crops year after year successfully, with all the appliances of civilization, bringing it from what we believed to be an inhospitable soil at that time. So no man can say we have little or much yet until the Government shall take pains to examine.

But in every portion of the country we have yet millions of acres of land waiting for the farmer's hand. The great State of Texas with its 170,000,000 acres of land has but 36,000,000 in farms to-day. It is true that some of it may be in cattle ranches, that some men may have large areas devoted to grazing, but the cattle interest will disappear before the approaching farmer. It can be demonstrated that wherever the country will sustain a farmer, cattle-raising will cease to be profitable as soon as there is a farmer there ready and willing to take the soil and till it. So we may say that these great regions devoted in our imagination to great cattle ranches will disappear, and they will be covered, as Western Kansas and Eastern Colorado are being covered to-day, by farms of 160 and 320 acres. "Why," said a gentleman, a friend of mine from Texas, a member of the other House, to me within a week, "I can point to you in Texas as good land as the sun ever shone on waiting for the settler; 25 miles you may ride at a time and not see a house;" and yet we are told that there are no homes for the homeless, no lands for the landless!

I want the people who labor and toil to understand that the great West is not yet occupied, it is not touched. Of Colorado, with its 66,000,000 acres, less than 5,000,000 in 1880 had been subjected to private ownership. There are millions of acres of both land and water, as there are in Idaho, as there are in Nevada, as there are in Oregon, and Washington, and Montana, and Dakota, waiting for the settler.

The bill that the committee has presented is not in all its details satisfactory to me, but I believe, on the whole, it is a proper bill, and will accomplish that which we had all set out to do—to save, as far as practicable, the public land for the homeless.

The honorable Senator from Mississippi [Mr. GEORGE] asked me something about corporations, and I know it has been a subject of complaint that in this country we have allowed great corporations to control immense areas of land. We gave to the Northern Pacific Railroad Company an empire in extent; we gave another empire to other railroads to cross the continent—to the Atlantic and Pacific and to the Union Pacific and the Central Pacific; and before that we gave an empire in area in the States of Iowa, Minnesota, Michigan, and Illinois. Where is the land that was held by the corporations in the four States I have last named?

The corporations have parted with their title, as the Northern Pacific and these other companies will in due time. When settlers want the land they will get it, and they will get it on fair and profitable terms. We need not anticipate that the railroad companies in this country will become the great landed proprietors and rent out their lands. That system can not be made profitable in this country, and the companies are too poor to do it. The Union Pacific Railroad Company to-day would be glad to dispose of its land; the Northern Pacific Railroad Company would be glad to dispose of its land; all these companies are anxious to dispose of their lands; and I am glad that such is the condition of affairs that they can not keep their lands. I think that it would have been a wise provision when we built these great railroads if we had indorsed their bonds and kept the lands. It is too late to raise that question now. The simple question is, what shall we do with what is left? Let us save it and keep it for the settler; let us save it and keep it for the people who want homes of their own, whether they be American citizens or whether they be those whom we have invited to our borders.

Mr. CALL. Mr. President, I understand the question before the Senate is the amendment of the Senator from New Hampshire [Mr. BLAIR] which proposes to attach a covenant or condition to the patent that no man shall ever hold more than 640 acres of what are called desert lands; that is to say, it shall run with the patent. The amend-

ment of the Senator from Kansas [Mr. INGALLS] is to apply that to all land. That I presume, however, is merely by way of exhibiting the character of the amendment proposed by the Senator from New Hampshire.

The question of land tenure is certainly a very large one, much too large to be discussed in this way and upon this bill. I do not see how it is possible under our form of government for the United States Congress to attach a condition to a sale of land which shall operate to deprive a State government of its power over the subject.

It is true that the United States, as any other proprietor of lands, may attach conditions to every sale of land running with the land, but it is also true that it can attach no condition to a sale which will be operative to divest the State authority of its control over the subject, and it is equally clear that it is not among the powers granted to the General Government to prescribe the conditions of land tenure in the States, or the quantities of land that may be held by individuals. For that reason I shall vote against any amendment of that description without committing myself on the question of the policy as a matter of economy of some limitations upon landtenure.

It is quite clear that whenever the land of a country becomes concentrated into the hands of a few individuals, whenever its franchises are concentrated in the hands of a few persons, whenever the right of taxation upon transportation and locomotion by whatever means is vested in a few individuals, that country can no longer be a republican country. The power of controlling the lives and fortunes of men must result in one of two things, either in a revolution by which the great majority who are controlled will throw off the control or in a complete submission to their wishes.

The Senator from Colorado [Mr. TELLER] has presented some figures from the census in relation to a subject to which I made reference some days ago, but these figures are wholly illusive and evidence nothing upon the subject. It is the proportion, it is the relative number and amount of interest of the persons owning and those not owning land that must indicate whether there is anything in the apprehension felt by well-informed men upon this subject.

The statement that I read was a correct one, and it evidenced the fact that there was a larger number of persons in this country who cultivated the soil as tenants without ownership of land than in either Ireland, Scotland, or England or France. The question was whether in this country, where land existed in such vast and almost unlimited quantities, within the first one hundred years or within a very short period after the first century of our national existence the land of the country, whether in small bodies or large bodies, was vested in a comparatively small proportion of the great population of this country, whether it did not evidence that there was a tendency to leading a large and a vastly more numerous portion of the agricultural laborers into the condition of mere tenants than was desirable, and whether, in connection with that, the manifest growth of corporate power in which by the estimation of figures reasonably certain, and in the opinion of the Senator from Texas, in which I concur, the error in which was evidently against and not in favor of the people, when one-fifth the entire accumulated wealth of this country was vested in the hands of corporations, and when a debt, which is in all respects a public debt, to be paid in taxes, exceeding the war debt had been incurred without representation and without the consent or recognition of the national Congress or the taxing power of the States—whether these things taken together did not import a change in the character of our institutions and a condition of things economically which threatened danger to the country. And when it was found by the census and by the reports of the Labor Bureau made here that more than one million able-bodied laboring people in this country were without employment or the means of subsistence from their labor during the past year, is there not something that required the attention of statesmen and legislators?

This is the statement I presented from the North American Review:

* * * * * * * *

At the census of 1880 there were found to be 1,024,601 farms rented by tenants in the United States. That figure alone entitles America to take rank as possessing the largest tenant-farming class now furnished by any nation—a strange singularity for a nation, one of whose proudest boasts is that the old feudal institution of landlordism has obtained no foothold on her free soil! But to bring it nearer to the actual truth, that figure must be made bigger still. In the five years since the census was taken, it is a modest and well-considered calculation that the number of tenant-holdings has increased 25 per cent.

This would raise the number of tenant-holdings at present in the United States to a million and a quarter. In Great Britain and Ireland, the countries that have clung most tenaciously to the aristocratic system, the number of tenant-holdings, according to statistics obtained during the late Parliament, is as follows: In Ireland, 547,222; in England and Wales, 414,804; in Scotland, 80,101; total, 1,069,127. Thus the United States, at the present day, posesses a quarter of a million more tenant-farmers paying rent to landlords than the three kingdoms and the principality together. It contains more than three times as many as England and Wales, and more than twice as many as landlord-ridden Ireland.

In the State of Illinois alone, which is neither an old Eastern nor a Southern State, there are, with a less population, nearly twenty thousand more tenant-farmers than there are in the ancient feudal kingdom of Scotland. By the next time the census is taken the probability is the number of tenant-farmers in the United States, increasing in pace with the population, will be up to a million and a half. And from that onward, for reasons which will appear, the ratio of increase in tenancies will be greater than ever.

Going a little further into the figures of the census, we find that the total number of persons engaged in agriculture in the United States five years ago was 7,670,493; of this number 2,984,306 are registered as normal owners of their holdings, the remainder being tenants paying rent to landlords and agricultural laborers. Thus, at the first flush, the census shows the popular notion that the agricultural classes of the United States own the soil they till to be incorrect. In France, on the other hand, where the feudal system is not yet eradicated, out of a population twelve millions less than that of the United States, there are in round numbers 5,000,000 rural proprietors, each holding less than 20 acres (from 1 to 6 hectares apiece), and cultivating the land with their own hands; while there are 2,000,000 of a class comprising owners of holdings larger than 20 acres, landlords, and owners of house property in towns.

It is a suggestive fact—to go no deeper than the surface of these figures—that France, with her expensive and restricted soil, has been able to place more than five million thrifty agriculturists in absolute proprietorship of their small holdings, while America, on her boundless virgin area, unhampered by title-deeds or traditions of past proprietorial rights, with her ever-growing population hungry for land, has been unable to establish quite three millions of proprietors, both great and small. And it is to be noted that the ratio of working proprietors of land in France is steadily increasing, and that of the tenants and landlords is steadily diminishing, while the reverse is true of the United States.

* * * * * * * *

But it is no longer a question of untold millions of acres of public domain. It is no longer a question for to-morrow, it is a question for to-day. The pressure has already come. For all practical purposes of bestowing free farms on its growing population, the public domain of the United States is now exhausted.

According to the reports of the Land Office, the diminution of the public domain, by all methods, fraudulent and lawful, under the homestead and preemption, the timber-culture, the desert, and other land acts, is taking place at the rate of 20,000,000 acres a year. And according to the same reports there are just 5,000,000 acres of the public domain still left of a character that makes them available for settlers without capital.

Said the Land Commission, report of 1880: "It was estimated, June 30, 1879, that (exclusive of certain lands in the Southern States) of lands over which the survey and disposition laws had been extended, lying in the West, the United States did not own, of arable agricultural public lands, which could be cultivated without irrigation or other artificial appliances, more than the area of the present State of Ohio, namely, 25,576,960 acres." Of this arable land about 7,000,000 acres were taken up in the year ending June, 1880.

I say, therefore, Mr. President, that these things are not unworthy of consideration, and I find that not long ago, in the year 1883, the following testimony was given by a person who has attained very considerable eminence—a person, whatever may be said of his views or the correctness of his theories, who is unquestionably a man of research and distinguished ability, and who is now a living power among some four or five hundred thousand laboring men associated together and exercising a vast and controlling power over many of the domestic interests and many of the great transportation lines of our country. I refer to Mr. Henry George. He stated facts which no doubt are correct, and which I know to be true with respect to some of the States. He said:

In Maine one man owns 750,000 acres of land, and a railroad official in California controls 550,000.

He estimates that 100,000,000 acres in two Western States are held by two hundred men.

Mr. BLAIR. I ask the Senator what he reads from?

Mr. CALL. I read from the testimony taken before the Committee on Education and Labor in 1883, page 344 of the first volume, and these statements have been made everywhere. They are made upon the basis of the census.

It appears that there are between five and six millions of people engaged in agriculture in this country who are without interest in the land. I am not here to discuss the question how far that is inconsistent with the present or with the future safety or sound economical condition of the country, but I am free to say that it is an anomalous and a significant fact when taken in connection with the vast power of corporations, when taken in connection with the fact that a power of taxation greater than that possesssd by the National Government or the States exists by virtue of their corporate power upon every day's labor, upon the clothing and food of every man, woman, and child in this country.

The natural and social law that aggregates wealth, aggregates property, and controls vast franchises with powers of taxation more valuable than any gift of lands or title of nobility ever given in the past history of the world is a most significant and important thing for the consideration of those who believe in and desire a republican government, the equality of the people, and the equal rights of all men to control the public power.

But, Mr. President, this bill is a very important bill, and I have here a communication frem the General Land Office, which ought to be carefully considered and weighed before this bill shall receive the assent of this body. I will read a short analysis of it prepared by the Commissioner of the General Land Office in response to the committee of the House, which with the accompanying letter ought to be considered by the Senate in order that we may determine by a careful examination of the bill how far its provisions are justly subject to the objections which he makes:

The bill as reported to the Senate, 2299, differs from the original bill, 1296, materially, as follows:

1. A proviso is added to the second section (page 3, lines 13, 14, 15, 16) repealing the requirement "that not less than twenty-seven hundred trees were planted on each acre."

2. Sections 3, 4, 5, 6, 7, and 8, amending the desert-land laws, omit the requirement of residence found in the original bill, leave the quantity of land that may be entered as now provided, namely, 640 acres, but provisions are incorporated in sections 5 and 7 of the bill as reported which enables proof to be made by and authorizes patents to be issued to the assignees of entrymen, thus doing away with the restriction in the present law which limits desert-land entries to the quantity of 640 acres to each person. Under the provisions of this section a sin-

gle person or corporation may obtain title to all the land he or the corporation choose to cause to be entered, since the privilege of assigning an entry is equivalent to allowing a party as many entries as he wishes. It will only be necessary for cattle companies or speculative combinations to obtain entries through their employés or persons hired for the occasion, and obtain assignments from them.

The provision referred to, therefore, opens all unentered lands in California, Oregon, Nevada, Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, Dakota, and Colorado to private purchase, without limit of quantity to the purchaser, at $1.25 per acre. It removes forever the possibility of the acquirement of those lands from the Government for homes for the people, and places the fee of a territorial empire in the hands of cattle barons and land monopolists.

The provision legalizing the assignment of desert-land entries is also extended to the entries already made, thus protecting the willful frauds by which great bodies of land have already been covered up.

The amended bill does not make desert entries homestead entries in character as provided in the original bill, and hence the provisions of section 8 do not apply to such entries, but an equivalent result is obtained through the legalization of assignments.

The provisions respecting reclamation, improvement, and cultivation are *prima facie*, but it will be wholly impossible to enforce them. With great areas of land covered by such entries and dominated by the interests in which they are made; with no inhabitants upon stock ranges, and no person to testify to the character of land or of compliance with requirements except employés of the companies controlling the land, it is plain that all conditions and requirements can be easily and successfully evaded.

A provision in section 8 of the amended bill which was also in the original bill was inadvertently not remarked upon in Commissioner's letter to Mr. COBB. It is that patents are required to be issued in all cases after the entry has been made for two years if there is at that time no pending contest or protest. This provision secures patents upon all, even the most notoriously fraudulent entries, after two years, if no private person contests or protests. Under this provision it would only be necessary that the facilities of the Government to examine entries should be inadequate to the work in order to save and protect all frauds which some individual person should not challenge, and a simple withdrawal of a contest or protest would save and protect even such incidental cases.

Section 6 (not noted in previous letter) adds to existing law (section 2288, Revised Statutes) a provision authorizing transfers of entries for canals and ditches. As the right of way for these purposes is already provided for by law (section 2339, Revised Statutes) the amendment is unnecessary unless it is to be used, as it probably would be, to enable assignments of entries to be made for the ostensible purpose of ditches but really to acquire title to lands in excess of statutory limitations.

Mr. TELLER. Will the Senator allow me to interrupt him a moment?

Mr. CALL. Certainly.

Mr. TELLER. The committee instructed the Senator who has the bill in charge to strike out the words "assignees," &c., as to desert-land entries. That had escaped the attention of the committee until this letter came up. So that objection will be obviated. The lands are not assignable, and it was not intended that they should be.

Mr. CALL. That objection is obviated. It is perhaps due to the Commissioner, whose conduct has been severely criticised, that I read something from the communication which he has addressed to a member of the House of Representatives, a copy of which he has sent to me. He says:

In my annual report I have set forth some of the evidences before this office showing that a great majority of pre-emption entries are frauds upon the public domain and frauds upon actual settlers. This was no new development. My predecessors had represented to Congress the fact that great frauds were perpetrated upon the pre-emption law. In 1882 my immediate predecessor stated that, as indicated by correspondence and official reports, "a material proportion of the pre-emption entries now made are fraudulent in character, being chiefly placed upon valuable timber or mineral lands or water rights, and made in the interest and by the procurement of others, and not for the purpose of residence and improvement by the professed pre-emptor.

In 1883 he made a special report to Congress (Senate Ex. Doc. No. 61, Forty-seventh Congress, second session), in which he said:

Complaints of frauds and appeals for protection by *bona fide* settlers from the exactions and oppressions of those who commit or cause these frauds to be committed are constantly coming up to this office. A flood tide of illegal appropriation seems to be sweeping over the new States and Territories threatening to engulf the entire public domain.

In my report for 1885 I stated:

"Reports of special agents, registers and receivers, and inspectors of surveyors-general and local land offices, communications from United States attorneys and other officials, and letters from public men and private citizens throughout the country were laid before me, all detailing one common story of widespread, persistent public land robbery committed under guise of the various forms of public land entry.

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"In other cases, as in farming regions approximate to the cattle belt, it was shown that individual speculation, following the progress of public surveys, was covering townships of agricultural land with entries made for the purpose of selling the claims to others, or by entries procured for the acquisition of lands in large bodies.

"Again, in timbered regions, the forests were being appropriated by domestic and foreign corporations through suborned entries made in fraud and evasion of law. Newly discovered coal-fields were being seized and possessed in like manner."

The universality of fraud in pre-emption entries of public lands is a matter of general knowledge and common notoriety. The Senate committee, reporting in favor of the repeal of the pre-emption law, quote from Senate report of the Forty-eighth Congress:

"Another reason for the repeal of this law is the alarming increase of fraudulent claims under it in late years, owing to the greater demand for, and increased value of, the lands, the discontinuance of public sales, and the withdrawal of lands from private entry."

And again:

We adopt the following, quoted from Report 1544 from the House Committee on the Public Lands at the first session of the present Congress, to accompany the bill under consideration:

"Whole townships of the public domain have been acquired under this law by capitalists who do not reside within hundreds of miles of the land, and never did. They have secured them through paid agents in their employ, who receive so much for their services when they make the proof necessary to entitle them to a patent from the Government, and assign their claims to their employers. This is done, of course, through perjury and subornation of perjury.

"For each one of these agents or claimants is required to make settlement on the pre-emption claim under the law, and he must make oath before the register or receiver of the land district in which the lands are situate, on which he claims to have settled for the purpose of pre-empting, and that he has never had the benefit of any right of pre-emption; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use, and that he has not directly or indirectly made any agreement or contract in any way or manner with any person whatsoever by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself. And yet it is well known that this oath is daily taken by parties who make it under contracts such as we have indicated above. They file with the register of the proper land district their declaration, make their proof, affidavit, and payment required by the law, and receive their title, and transfer the same to the parties with whom they made the contract before they attempted to make the pre-emption."

The proposition of the present Senate bill to confirm pre-emption entries already made and the mandatory direction to the officers of the Land Department to issue patents on such entries is therefore a proposition to confirm, validate, and legalize these fraudulent, invalid, and illegal entries. This proposition does not rest upon any assumption of the legality or good faith of the entries, but distinctly upon the ground that the claims have been sold. The condition of confirmation is simply and alone that proof of sale shall be made. All that is needed then to secure the confirmation of a fraudulent entry, or even of a fictitious entry in the name of a non-resident party, is a transfer in the name of the entryman or purported entryman.

It is assumed that this provision is but a declaration of the law which would govern a judicial determination in similar cases. If this were true no further legislation would be necessary. If not true, then it is new and novel legislation and not a declaration of existing law.

Now, Mr. President, this bill proposes to confirm all that class of entries which have been reported to the Senate as made in the interest of land monopoly, of the concentration of vast bodies of public land, which by their location control largely other great bodies of land widely extended for grazing purposes. This land, as it has been published in the New York Herald, is largely owned by foreign syndicates either in one way or another, either by mortgage or by having the title directly vested in corporate bodies.

In the State of Florida there are several hundred thousand acres of land held by parties from abroad, by foreigners. I am not here to object to that. I do not know how far in the present financial condition of the State that may not be an advantage, but the policy I do object to. I think some legislation should be had which would save the public domain for the actual settlement of the people; and however the acquisition of large bodies of land by foreigners may have introduced money into the country, however it may have advanced the present well-being of communities, it is full of calamity in the future and of menace in the present.

In regard to these desert lands, I think that this letter of the Commissioner of the General Land Office should be read before this bill is acted upon, and I shall ask that it be read by the Secretary, as I think it is due to him and to his recommendations, and to a knowledge of the present bill, and its force and effect, that these very able and very concise and clear suggestions of his should be presented to and considered by the Senate.

In regard to these desert lands, as to all the lands, the homestead law of this country fixes the policy to which the Senator from Kansas adverted of a limitation upon the quantity of land to be owned by individuals. It fixes the quantity at 160 acres as a matter of policy. As a matter of power and law the Government attempted to do and did no more than to give that land in the first instance in that quantity and with 160 adjacent acres when it could be found as the quantity which as a matter of public policy it was advisable should be owned by one person or one family.

It was the theory that chiefly the soil should be cultivated by the owners of the soil. Certainly there is great difficulty in accomplishing that object; certainly it has never yet been fully accomplished. France has come nearer to it than any other people, and there is a greater amount of prosperity in that country than is to be found anywhere, not excepting our own country with its vast amount of virgin land now becoming exhausted by these lavish grants to corporations. Up to this time with this vast amount of virgin land free to everybody, with its forests open and furnishing a subsistence almost without labor to an immense number of people, many of whom have grown up from generation to generation upon the public domain without ever having owned a foot or an inch of the soil. But France with her limited area and with her lands almost entirely in quantities of from 20 to 160 acres—160 acres being a principality—is certainly the most prosperous people in the world in their domestic economy. We are better and happier because we have a wider field and land is cheaper here.

But concerning these desert lands, I should concur with any well-devised policy which might be adopted by which the land might in proper quantities be taken possession of by those who have the means to do it, the fact of its being desert and of its needing artificial aid for reclamation being established, upon the condition of reclamation, some price, some proportion to cost of profit upon it in the event of reclamation being allowed to the person making it, and some limitation placed

upon exacting oppressive charges from the people. That, it seems to me, the condition of reclamation being the sole condition of title and a limitation upon excessive prices, would be the proper system to apply to that. But the opinion of the Commissioner in this letter which I shall ask to have read is that in the present state of the law as amended by this bill now proposed, which allows for a dollar and a quarter an acre any amount of this land to be acquired, the only other condition being the payment of $3 in the attempt to reclaim it, would be productive of serious injury and dispose of a large quantity of the public lands improvidently and place them beyond the reach of the people—the actual settlers—except at very high prices, beyond their ability to pay. This I think worthy of serious consideration by the Senate.

But, as I said before, I am not in favor at this time of this proposed interference with what will be doubtless the proper subject of future legislation by the States in deciding whether or not a limit shall be fixed to the ownership of the land; and, if so, what limit. I am not in favor of an amendment which proposes to make a condition and covenant running with the land, a condition of land tenure placed beyond the power of the State governments to regulate and control. I do not think we have the power to do that, and if we had the power to do it, it would be a very unwise exercise of it to continue a law for this State which might not suit it, and the same law for another State, with a dense population and different condition, which might perhaps demand it.

I now ask the Secretary to read the remainder of that communication from the Commissioner of the General Land Office.

The Chief Clerk proceeded to read, but was interrupted by,

Mr. CALL. With the consent of the Senate I ask that that may be printed in the RECORD without reading. I only desire to present the view of the Commissioner in order that it may receive consideration here.

Mr. INGALLS. Has the Senator read the communication himself so that he is able to say it is respectful in tone and fit to be printed in the RECORD?

Mr. CALL. I have read it; and there is nothing in it that is disrespectful.

Mr. INGALLS. I have heard some observations from executive officers within a very brief time that appeared to me to be not very respectful to either House of Congress. I did not know but that this might come in the same category.

Mr. CALL. I ask the Senator if he thinks it respectful to those officers to ask if they will put such things in their communications to Congress?

Mr. INGALLS. It may not be respectful, but it seems to be necessary. If the Senator vouches for it, I make no objection.

The PRESIDING OFFICER. In the absence of objection the paper will be published in the RECORD.

The paper is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 12, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th ultimo, inclosing a copy of Senate bill No. 1296, and stating "that the Committee on Public Lands of the House of Representatives, in considering the House bill on the same subject, desire my opinion thereon, particularly in respect to the eighth section, and inviting any further suggestions I may make in connection therewith for the consideration of the committee.

H. R. 380 (to repeal the pre-emption laws, &c.), to which my attention is called in connection with S. 1296, proposes the repeal of the pre-emption, timber-culture, and desert-land laws and general provisions of law authorizing public and private land sales. In so far as the Senate bill corresponds with the House bill in the matter of such repeals it appears unobjectionable. I also concur with the proposition of the Senate bill that the commutation features of the homestead laws be abolished.

But the Senate bill contains certain other features which in my judgment are at variance with established legal principles and contrary to the public interests. A proviso in the first section declares that "all entries heretofore made under the pre-emption laws, on which final proof and payment have been made, and to which there are no adverse claims and which have been sold to innocent purchasers, shall be confirmed and patented upon presentation of satisfactory proof to the proper Department officer of such sale."

In my annual report I have set forth some of the evidences before this office, showing that a great majority of pre-emption entries are frauds upon the public domain and frauds upon actual settlers. This was no new development. My predecessors had represented to Congress the fact that great frauds were perpetrated upon the pre-emption law. In 1882 my immediate predecessor stated that, as indicated by correspondence and official reports, "a material proportion of the pre-emption entries now made are fraudulent in character, being chiefly placed upon valuable timber or mineral lands or water rights, and made in the interest and by the procurement of others, and not for the purpose of residence and improvement by the professed pre-emptor."

In 1883 he made a special report to Congress (Senate Executive Document No. 61, Forty-seventh Congress, second session), in which he said: "Complaints of frauds and appeals for protection by *bona fide* settlers from the exactions and oppressions of those who commit or cause these frauds to be committed are constantly coming up to this office. A flood-tide of illegal appropriation seems to be sweeping over the new States and Territories, threatening to ingulf the entire public domain."

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"In many sections of the country, notably throughout regions dominated by cattle-raising interests—that vast area lying west of the ninety-ninth meridian—examinations, wherever made, had developed at all points that entries were chiefly fictitious and fraudulent, and made in bulk through concerted methods adopted by organizations that had parceled out the country themselves and were maintaining seized possessions of unentered lands by boundaries and inclosures defended by armed riders and protected against immigration and settlement by systems of espionage and intimidation.

"In other cases, as in farming regions approximate to the cattle belt, it was shown that individual speculation, following the progress of public surveys, was covering townships of agricultural land with entries made for the purpose of selling the claims to others, or by entries procured for the acquisition of lands in large bodies. Again, in timbered regions the forests were being appropriated by domestic and foreign corporations through suborned entries made in fraud and evasion of law. Newly discovered coal fields were being seized and possessed in like manner."

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The proposition of the present Senate bill to confirm pre-emption entries already made and the mandatory direction to the officers of the Land Department to issue patents on entries is therefore a proposition to confirm, validate, and legalize these fraudulent, invalid, and illegal entries. This proposition does not rest upon any assumption of the legality or good faith of the entries, but distinctly upon the ground that the claims have been sold. The condition of confirmation is simply and alone that proof of sale shall be made. All that is needed then to secure the confirmation of a fraudulent entry, or even of a fictitious entry in the name of a non-existent party, is transfer in the name of the entryman or purported entryman.

It is assumed that this provision is but a declaration of the law which would govern a judicial determination in similar cases. If this were true no further legislation would be necessary. If not true, then it is new and novel legislation and not a declaration of existing law.

The pre-emption law provides that "if any person taking such oath swears falsely in the premises he shall forfeit the money which he may have paid for such land and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of *bona fide* purchasers for a valuable consideration, shall be null and void, except as provided in section 2288."

The exception in this provision has never been regarded by the courts or by this Department as referring to the rights of purchasers as against the United States, but only as to obligations between vendor and vendee.

As against the United States the purchaser takes only what his vendor has to convey. In Yost *vs.* Shields (1 Woolworth, 353), the court said:

"It is further insisted on behalf of the defendants that they are *bona fide* purchasers, and that they, as such, are entitled to the protection of the court. I think it pretty clear that some at least of these defendants purchased and paid their money without any knowledge in fact of any defect in the title. Yet they are not *bona fide* purchasers for a valuable consideration without notice in the sense in which the terms are employed in courts of equity. And this for several reasons:

"They all purchased before the issue of the patent. The more meritorious purchased after the entry had been assailed and decided against by the Land Office But this is a circumstance not material to this consideration. Until the issue of the patent the legal title remained in the United States. Had his entry been valid, Shields would have taken only an equity. His grantees took only an equity. They did not acquire the legal title. And in order to establish in himself the character of a *bona fide* purchaser, so as to be entitled to the protection of chancery, a party must show that in his purchase and by the conveyance to him, he acquired the legal title. * * * After he had gone through with the process of making the entry, after he received the patent certificate, Shields had no more right or title or interest in the land than he had before. As he had none he could convey no interest in the land. By the deed which he made and by the successive deeds which they received, his grantees took no more than he had, which was nothing at all."

This is a declaration of the law which governs judicial determinations in all this class of cases. It is the law itself as declared by all authorities on jurisprudence, and as settled by legal opinions and judicial decisions from the earliest period of the general pre-emption system to the present day. In 1836 Mr. Attorney-General Butler (3 Op., 92) said:

"The assignee of the pre-emption certificate (supposing it, for the purposes of this opinion, to be assignable) takes it subject to all the equities existing between the original parties—the United States and the settler to whom it was given—even though he had no notice of such equities at the time of the assignment and payment of the purchase-money; and that he can acquire a specific execution of the engagement contained in the pre-emption laws, on no other terms than could have been insisted on by his assignor, the original vendee.

"The error of the argument in favor of the assignee consists in assuming that the equities of the parties are merely equal, and that the legal title is in the assignee. The legal title, until letters patent shall have issued, is in the United States; and if their equity is merely equal to that of the assignee, yet it must be preferred, because they have the legal title. The doctrine as to purchasers for a valuable consideration without notice is applicable for another reason. If this were a case in which the parties were both suable the appropriate remedy of the assignee to compel the vendor to complete the title would be a bill for a specific performance. In other words, as the United States are in possession, and refuse to convey, the assignee must necessarily be the plaintiff. But a purchase for a valuable consideration, without notice, is not ground on which to maintain a suit. It can only be used as a defense; it is a mere shield, and not a weapon of attack.

"In all cases of this sort the rule *caveat emptor* is particularly applicable; and if the assignee has chosen to part with his money without providing suitable means of indemnification to meet the contingency of a failure of title in his assignor, he must submit to the consequences of his indiscretion."

In a recent decision by this Department (R. M. Chrisinger, 4 L. D., 347), the honorable Secretary of the Interior said:

"It is insisted by counsel and ably argued at length that the assignees of Chrisinger, being *bona fide* purchasers after entry, are entitled to intervene and have their interests protected, as they took without notice of any defect in the final proof.

"This proposition is not tenable. It involves the principle that although the claim for title while in the hands of the entryman is worthless on account of his failure to comply with the law, such claim may be strengthened and made a matter of absolute right by virtue of a transfer to an innocent purchaser. The converse of this, however, is true. Conceding the right of sale after the issuance of final certificate and prior to patent, the purchaser takes no better claim for title than the entryman has to confer, and whatever right is thus acquired is subject to the subsequent action of the Land Department."

It is obviously proper to apply the same rule to the Government in the matter of pre-emption claims that regulates the transfer of property from one individual to another. That rule is *caveat emptor*. It is uniformly so applied.

In the case of Whitaker *vs.* Railroad Company (7 Copp., 86), it was said by this Department under Mr. Secretary Schurz:

"In all cases of purchases of pre-empted lands before the issuance of patents therefor the rule *caveat emptor* is particularly applicable; and if the entries are fraudulent or void the purchasers acquire nothing. And it has been held in cases of entries under the early pre-emption laws having like provisions to those of section 13, act of 1844, and section 2262 Revised Statutes, as well as under later acts, that the doctrine of *bona fide* purchaser is not applicable to one who purchases of a pre-emptor before patent, and that such purchasers must abide by the disposition of the cases by your office or this Department, that they take no better title than their vendors have, and that your office and the Department had full authority to cancel pre-emption entries for invalidity or fraud. The foregoing conclusions will be found to be fully supported by the following authorities, the numerous decisions cited in United States Digest, volume 14, page 59, paragraph 1242, especially:

"Barnes *vs.* Childs, 10 Peters, 179, and Vattier *vs.* Hinde, 5 Peters, 271; Arnold *vs.* Grimes and Chapman, 2 Iowa (Clarke's) Rep., 99; Anketel *vs.* Convers, 17 O. St., 11; 3 Opinions Attorneys-General, 91 and 664; Dupont *vs.* Waterman, 10 Cal., 354; Chew *vs.* Barnet, 11 Serg. & R. (Pa.), 2893; Barnard *vs.* Ashley, 18 How., 43; De Mott *vs.* Starkey, 8 Bard. (N. Y.) Ch., 403; Smith *vs.* Shane *et al.*, 1 McLean, 27; Randal *vs.* Ebert, 7 Minn., 450; Carroll *vs.* Safford, 3 How., 461, 462; Sampeyreac and Stewart *vs.* U. S., — Pet., 241; Pinson *vs.* Ivey, 1 Yerger, 9 (Tenn.), 302; Craig *vs.* Peeiper *et al.*, 10 Tenn., 193; Oakley *vs.* Ballard *et al.*, 1 Hempstead, 476; Root *vs.* Shields, 1 Wool., 363-365; Shepley *vs.* Cowan, 1 Otto, 340; Moore *vs.* Robbins, 6 Otto, 530; and Timlins *vs.* Elliott, above cited."

"Further decisions upon the same point are: Harkness *vs.* Underhill, 1 Black, 31; Garland *vs.* Wynn, 20 How., 6; Gray *vs.* Stockton, 8 Minn., 472; Hill *vs.* Miller, 36 Mo., 183; Bettis *vs.* Amonett, 4 La., 363; Pepper *vs.* Dunlap, 9 Rob. (La.), 283; Kittridge *vs.* Herbert, 9 La. An., 154; Souddy *vs.* Shaffer, 10 La. An., 134; McLane *vs.* Bovee, 35 Wis., 27; Haydel *vs.* Nixon, 5 La. An., 558; Guidney *vs.* Woods, 19 La., 337; Vance *vs.* Kohlberg, 50 Cal., 346; Hesters *vs.* Breunan, 50 Cal., 211; Smiley *vs.* Sampson, 1 Nebr., 56; Franklin *vs.* Kelley, 2 Nebr., 79; Kellon *vs.* Easley, 1 Dillon C. C., 281, and numerous others."

It must be conceded that the law is well settled that the same rule not only ought to be applied but is applied to the Government that regulates the transfer of private property from one individual to another. What is sought by spoliators of the public domain is to induce Congress to ingraft in the statutes the principle that the Government cannot avail itself of the common rules of law applicable to transfers of property between individuals, to assert the somewhat exploded doctrine that the United States has no power to protect its own property.

In private transactions *bona fide* purchasers for value after deed are protected. So in respect of public lands. *Bona fide* purchasers for value, after patent, are protected. But neither in private nor in public transactions can purchasers before deed or patent demand a conveyance from the legal owner of the property, nor do they possess the character or have the standing of *bona fide* purchasers.

It is clear that a proposition to confirm entries that have been sold before patent is not a declaration of the law that would govern a judicial determination in such cases, but is a declaration that overthrows fundamental legal principles.

In the light of these principles it is possible that the clauses referred to in the first section of the Senate bill defeats itself, since as the purchaser of a pre-emption claim before patent is not an "innocent purchaser" there could legally be no confirmation under a clause confining confirmations to purchasers of that class.

The eighth section of the bill provides:

"That in all cases under the pre-emption and homestead acts all contests or protests on the part of the Government or any individual concerning the land to be entered shall be instituted within ninety days after the duplicate receiver's receipt is issued, and not thereafter."

The Government has no facilities for ascertaining within ninety days whether an entry is made by a qualified party or upon lands subject to entry, or whether the laws have been complied with. There is usually no knowledge at this office of the existence of such entry until a much longer period has elapsed, since it is several months before entries are posted upon the records and it may be months longer before an examination can be made to ascertain whether even upon the face of the papers an entry is presumptively allowable. Information which would place the Government upon inquiry in respect to the merits of a claim can not be expected to be furnished *pro bono publico* within ninety days or any other fixed period, and no facilities exist through which the information can be officially obtained within any such period.

Contestants and protestants can not be expected to appear within that period, nor can any period be fixed when their rights would terminate so long as the legal title to the land remains in the United States and they have not been heard.

Should this bill become a law, the valid prior right of honest settlers upon public lands would be placed at the mercy of whoever might get an entry of record before they did and without their knowledge. Executive action being estopped at the expiration of a certain time, the only guard against fraudulent entries and entries made to fraudulently seize the possessions and improvements of actual settlers would be the brief period in which the Government or the settler could obtain information of the wrong. It is my judgment that such provision would amount to a confiscation of actual settlement rights, and that the easy terms upon which executive supervision is concluded would invite fraudulent and fictitious entries *ad libitum*.

It would further give a standing of validity to entries that might be made on Indian or military reservations, on lands granted to railroads, or for schools or internal improvements, or upon any other lands reserved from entry by law or claimed by adverse right. It is not my opinion that either the public safety or the private rights of citizens should be stricken down in this summary manner.

The first proviso of the eighth section is:

"That whenever it shall appear upon the face of the papers returned to the Commissioner's office that a clerical error has been committed, said Commissioner shall have power to suspend such entry, upon proper notification to the claimant, through such local land office, until such error has been corrected."

As the Commissioner already has such power this proviso adds nothing to his athority and nothing to the law, unless it implies that clerical errors only shall be considered, but that as a matter of administration no consideration can be given to substantial defects.

The second proviso is:

"That after final proof of the claimant, and the issuing of the duplicate receiver's receipt, if it shall come to the knowledge of the Commissioner, before the patent has issued for the same, that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold and conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor, and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court, by a scire facias, bill, or information, to set aside such title. This section shall apply to all cases of homestead acts."

This proviso contains three propositions, namely: First, to prohibit any inquiry into the validity of an entry after issue of receiver's receipt, and before patent upon any other ground than that of fraud; second, to prohibit any inquiry on the ground of fraud if the claim has been sold; and third, to transfer to the courts the authority of determining the validity of unsold entries challenged for fraud.

These propositions rest upon three others, namely: First, that the action of the register and receiver is conclusive except in case of frand; second, that the assignment of an entry before patent estops an inquiry into the validity of the claim even in case of fraud; and third, that an entry of public lands can be set aside for cause only by the judicial courts.

These propositions have been advanced in scores of cases before the Supreme Court of the United States and the supreme courts of the several States, and have as repeatedly been denied.

The propositions that the transfer of a claim adds anything to its efficacy against the United States, or that a certificate of purchase is in the nature of an investiture of title, or that the purchaser of an entry before patent is in any legal sense an innocent purchaser, are refuted by decisions hereinbefore cited. Many others might be referred to.

In Irvine *vs.* Marshall, 20 How., 555, it was held that although a certificate may be the subject of bargain and sale yet the United States can take care that conveyance shall be to him who is in good faith its vendee, and the court said:

"The reception of the certificate of purchase as evidence of title may be regular and convenient as a rule of business, but it has not been anywhere established as conclusive evidence, much less has it been adjudged to forbid or exclude proofs of the real and just rights of claimants."

A mere declaration in writing by a vendor that the vendee has paid the purchase-price of land, and that he intends to give him a deed, is not a document purporting to convey title. (Osterman *vs.* Baldwin, 6 Wall., 116.)

Legal title does not pass by contract of purchase without deed, and one who holds or claims by contract only is not protected as a *bona fide* purchaser for value. (Boone *vs.* Chiles, 10 Pet., 177.)

It will not do for a purchaser to close his eyes to facts which are open to his investigation for the exercise of that diligence which the law imposes. Such purchasers are not protected. (Boush *vs.* Wall, 15 Pet., 111.)

Purchasers by quitclaim deed even are not regarded as *bona fide* purchasers without notice. (Oliver *vs.* Piatt, 3 How., 333; May *vs.* Le Claire, 11 Wall., 217; Dickerson *vs.* Colgrove, 100 U. S., 578.)

Party without title can not acquire it by payment of taxes on land. (Homestead Co. *vs.* Valley R. R., 17 Wall., 153.)

A purchaser of land must look to every part of the title which is essential to its validity. (Brush *vs.* Ware, 15 Pet., 112.)

States have no power to declare certificates of purchase of equal dignity with a patent. (Bagnell *vs.* Broderick, 13 Pet., 436.)

If, before patent issues, the land department finds the entry erroneous it may treat the assignment as void, and, notwithstanding it, set the entry aside. (Franklin *vs.* Kelley, 2 Nebr., 79.)

"The act of 1841 provides that the entry shall be made with the register of the land office. The acts organizing the Land Department of the Government provide that the action of the register shall be subject to revision and supervision by the Commissioner of the General Land Office; and entry with the register is dependent upon the approval of his superior, so far as the course and order of the business go; and, without the affirmative action of the Commissioner, the patents issue. It would be a great evil if a party claiming a pre-emption right could, as soon as his entry was made, convey the land to a third party, and thereby prevent the Commissioner from re-examining and disapproving the entry if it was erroneously allowed. Such course would expose the Government to serious loss, and pervert a statute conceived in a wise policy and a generous spirit into a means of perpetrating the greatest frauds. This is the mischief aimed at. The object was to protect the Government, and in this view the language—that the right secured by the act should not be assigned—is apt. As between the claimant and the Government, his interest is a right merely until the patent issues. It is subject to reinvestigation and, on inquiry, to be disregarded by the Department Until the patent issues, it is treated by the Government not as a title, but as a right, or a claim of right.

"I admit that if an entry under the act is made with the register, and the Commissioner finds that it was illegally allowed, as, for instance, if the entry is upon lands not subject to pre-emption, and he sets it aside, a conveyance intermediate the entry and the official act of vacating it would be void. Such a conveyance would be within the mischief. But if a valid entry be made, and a patent issued upon it, a conveyance intermediate those two acts would not be within the mischief. The issue of the patent is a confirmation of the entry; it relates back to it, and takes effect from it. (Astrom *vs.* Hammond, 3 McLean, 107.)"

The courts have often ruled that where the right to a patent has once become vested in a purchaser of public lands it is equivalent, so far as the Government is concerned, to a patent issued. (Stark *vs.* Starrs, 6 Wall, 402; Simmons *vs.* Wagner, 101 U. S. 260.) But none of these decisions hold that the certificate and receipt of the register and receiver is conclusive evidence that a right has vested, nor that a patent is not necessary for the conveyance of the legal title. In Myers *vs.* Croft, 13 Wall., 291, the court says that the pre-emptor could sell after entry if he came up and made his proof and payment "with clean hands." But he must be in good faith the owner of the land and have "done nothing inconsistent with the provisions of the law on the subject."

The validity of a conveyance depends upon the validity of the entry, and that is always a proper subject of inquiry by the Land Department at any time before patent issues, and by the courts in a proper proceeding afterward.

In the case of Harkness *vs.* Underhill (1 Black., 316), counsel for plaintiff urged that—

"The register and receiver having sold the land to Waters in conformity with the instructions of the Commissioner of the General Land Office had no further power or jurisdiction over it. Neither had the Commissioner of the General Land Office power to set aside the sale even for fraud. This could only be done by judicial authority."

Counsel for defendant in reply cited the language of the supreme court of Missouri in Green *vs.* Hill, 9 Mo., 322:

"It is the duty of the Commissioner of the General Land Office to revise the proceedings of the register and receiver and vacate entries which may have been illegally made, and thereby arrest the completion of a title originating in fraud, mistake, or violation of law." And to the same effect: Perry *vs.* O'Hanlon, 11 Mo., 585; Huntsucker *vs.* Clark, 12 Mo., 333: Nelson *vs.* Simms, 23 Miss., 383;

Glen vs. Thistle, 23 Minn., 42; Mitchell vs. Cobb, 13 Ala., 137; Dickinson vs. Brown, 9 Smeade & Marshall, 130; Gray vs. McCance, 4 Ill.

The court (Mr. Justice Catron) said: "The question is again raised whether this entry having been allowed by the register and receiver could be set aside by the Commissioner.

"This question has several times been raised and decided in this court upholding the Commissioner's powers." (Garland vs. Winn, 20 How., 8, Lytle vs. The State of Arkansas, 22 How.)

In Barnard vs. Ashley (18 How., 43), the court said that the power of supervision by the Commissioner of the General Land Office "is exercised by virtue of the act of July 4, 1836, which provides 'that from and after the passage of this act the executive duties now prescribed, or which may hereafter be prescribed by law appertaining to the survey and sale of the public lands of the United States, or in any wise respecting such public lands, and also such as relate to private claims of land and the issuing of patents for all grants of land under the authority of the Government of the United States, shall be subject to the supervision and control of the Commissioner of the General Land Office, under the direction of the President of the United States.'

"The necessity of 'supervision and control,' vested in the Commissioner acting under the direction of the President, is too manifest to require comment, further than to say that the facts found in this record show that nothing is more easily done than apparently to establish, by *ex parte* affidavits, cultivation and possession of particular quarter-sections of lands, when the fact is untrue. That the act of 1836 modifies the powers of registers and receivers to the extent of the Commissioner's action in the instance before us, we hold to be true. But if the construction of the act of 1836 to this effect were doubtful, the practice under it for nearly twenty years could not be disturbed without manifest impropriety.

"The case relied on, of Wilcox vs. Jackson, 13 Pet., 511, was an ejectment suit, commenced in February 1836; and as to the acts of the register and receiver, in allowing the entry in that case, the Commissioner had no power of supervision, such as was given to him by act of July 4, 1836, after the case was in court.

"In the next case, 9 How., 333, all the controverted facts on which both sides relied had transpired and were concluded before the act of July 4, 1836, was passed; and therefore its construction, as regards the Commissioner's powers under the act of 1836 was not involved. Whereas, in the case under consideration, the additional proceedings were had before the register and receiver in 1837, and were subject to the new powers conferred on the Commissioner.

"In Vaquire vs. Tyler (1 Black, 195), the court recognized and affirmed the 'plenary powers conferred upon the Commissioner by the act of July 4, 1836,' and said that the power of the Secretary of the Interior under the act of March 3, 1849, to revise on appeal is 'necessarily coextensive with the powers to adjudge by the Commissioner.'"

In Shepley vs. Cowan (91 U. S., 340), the court say:

"The officers of the Land Department are specially designated by law to receive, consider, and pass upon proofs presented with respect to settlement upon the public lands with a view to secure the rights of pre-emption. If they err in the construction of the law applicaple to any case, or if fraud is practiced upon them, or they themselves are chargeable with fraudulent practices, their rulings may be reviewed and annulled by the courts when a controversy arises between private parties founded upon their decisions.

In Marquiz vs. Frisbie (101 United States, 475), the court say:

"We have repeatedly held that the courts will not interfere with the officers of the Government while in the discharge of their duties in disposing of the public lands, either by injunction or mandamus. (Litchfield vs. Register and Receiver, 9 Wool., 552; Gaines vs. Thompson, 7 *Id.*, 347; The Secretary vs. McGarrahan, 9 *Id.*, 289.)

"After the United States has parted with its title and the individual has become vested with it, the equities subject to which he holds it may be enforced, but not before. (Johnson vs. Towsley, 13 *Id.*, 72; Shefley vs. Cowan, 91 U. S., 330.)

"We did not deny the right of the courts to deal with the possession of the land prior to the issue of the patent or to enforce contracts between the parties concerning the land. But it is impossible thus to transfer a title which is yet in the United States."

In the United States vs. Schurz (102 United States, 395), the court say:

"The Constitution of the United States declares that Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States. Under this provision the sale of the public lands was placed by statute under the control of the Secretary of the Interior. To aid him in the performance of this duty a bureau was created, at the head of which is the Commissioner of the General Land Office with many subordinates. To them, as a special tribunal, Congress confided the executing of the laws which regulate the surveying, the selling, and the general care of these lands."

Congress has also enacted a system of laws by which "rights to these lands may be acquired and the title of the Government conveyed to the citizens. This court has with a strong hand upheld the doctrine that so long as the legal title of these lands remained in the United States, and the proceedings for acquiring it were as yet *infieri*, the courts would not interfere to control the exercise of the power vested in their tribunal. To that doctrine we still adhere."

And again (*Id.*, 401): "The question whether any particular tract belonging to the Government was open to sale, pre-emption, or homestead right is in every instance a question of law as applied to the facts for the determination of those officers."

In Quinby vs. Cowlan (104 U. S., 420) the court say:

"The laws of the United States prescribe with particularity the manner in which portions of the public domain may be acquired by settlers. They require personal settlement upon the lands desired and their inhabitation and improvement, and a declaration of the settler's acts and purposes to be made in the proper office of the district within a limited time after the public surveys have been extended over the lands. By them a land department has been created to supervise all the various steps required for the acquisition of the title of the Government. Its officers are required to receive, consider, and pass upon the proofs furnished as to the alleged settlements upon the lands, and their improvement when pre-emption rights are claimed, and, in case of conflicting claims to the same tract, to hear the contesting parties.

"The proofs offered in compliance with the law are to be presented, in the first instance, to the officers of the district where the land is situated, and from their decision an appeal lies to the Commissioner of the General Land Office, and from him to the Secretary of the Interior. For mere errors of judgment as to the weight of evidence on these subjects by any of the subordinate officers the only remedy is by an appeal to his superior of the Department. The courts can not exercise any direct appellate jurisdiction over the rulings of those officers or of their superior in the Department in such matters, nor can they reverse or correct them in a collateral proceeding between private parties.

"In this case, the allegation that false and fraudulent representations as to the settlement of the plaintiff were made to the officers of the Land Department is negatived by the finding of the court. It would lead to endless litigation and be fruitful of evil if a supervisory power were vested in the courts over the action of the numerous officers of the Land Department on the mere questions of fact presented for their determination. It is only when those offisers have misconstrued the law applicable to the case as established before the Department, and thus have denied to parties rights which, upon a correct construction, would have been conceded to them, or where misrepresentations and fraud have been practiced necessarily affecting their judgment, that the courts can in a proper proceeding interfere and refuse to give effect to their action. On this subject we have repeatedly and with emphasis expressed our opinion, and the matter should be deemed settled. (Johnson vs. Towsley, 13 Wall., 72; Shepley vs. Cowan, 91 U. S., 330-340; Moore vs. Robbins, 96 *Ibid.*, 530.)"

The doctrine applicable to the conclusive character of the solemn judgments of courts, with full jurisdiction over the parties, and the subject-matter, made after appearance, pleading, and contest by parties on both sides, can not be properly applied to the proceedings of the land office, where no issue is taken, no adversary proceedings had, no contest made, and the land officers act only on such evidence as claimant presents, with no means of controverting its truth. (United States Minor, 114 United States, 243.)

The quasi judicial nature of the functions of land officers has reference only to cases in which individuals have, as against each other, contested the right to a patent before them. (*Id.*)

Where a patent has been obtained through mistake or by fraud and perjury, and there are no innocent holders for value, the legal title conveyed by the patent may be set aside in a court of equity. (*Id.*)

The principles settled by the courts are that the action of registers and receivers in admitting an entry of public lands is not conclusive, but is subject to review by the superior officers of the Land Department, by appeal in cases of contest between private parties, and as a matter of executive supervision in cases not of individual contest; that the latter are cases between the Government and the entry-man alone; that assignees before patent have no standing as innocent purchasers; that until patent issues on public-land entries the legal title to the land remains in the United States; that the Commissioner of the General Land Office may reject and cancel unpatented entries for illegality and fraud; that this is necessarily an act of executive jurisdiction; that the duties of supervising the disposal of public lands are executive duties and are not the subject of judicial interference; that the question of passing the title of the United States upon an entry of public lands under the public-land law is essentially a question of executive and not of judicial determination; that the point where the jurisdiction of the courts begins is the point at which executive jurisdiction ceases, namely, after patent has been issued, when, in a proper proceeding, the courts may intervene to correct the errors of executive action; and that it is only after the conveyance of legal title by patent that purchasers for value are protected by the courts.

The distinction between executive and judicial powers is elemental in our form of government, and this distinction has been invariably maintained by the highest judicial authorities. "It is impossible," say the Supreme Court, for the judiciary "to transfer a title that is yet in the United States."

Congress has exclusive power to dispose of the public lands. It may establish such agencies for that purpose as it pleases, but whether even Congress can constitutionally vest executive duties in the judicial courts may well be questioned. If this could be done it is apparent that the existing judicial establishment would be wholly inadequate to that purpose; that courts would need to be multiplied by the hundreds to take cognizance of the question, depending in tens of thousands of cases whether a pre-emptor has, by compliance with law, made himself a legal purchaser of public lands, or whether a homestead claimant has, by compliance with law, entitled himself to receive a patent for a given tract.

That the present system of ascertaining the validity of public-land entries is inefficient and unsatisfactory is undeniable. Registers and receivers can not and do not ascertain the validity of claims presented *en masse* and, as they usually are, upon alleged proofs made before numerous officers irresponsible to the United States. The means allowed the General Land Office are inadequate to the supervision contemplated by the law, which, if it could be fully exercised, might eliminate the false claims from the true ones.

But does the remedy lie in abolishing even the attempts of supervision, and in relieving claims from liability of inquiry by placing the most limited power of inquiry in tribunals which can not practically, if they could constitutionally, exercise any part of such power? It appears to me that this question answers itself.

The third section of the Senate bill amends instead of repeals the desert-land act and extends its provisions to the State of Colorado. The injury to the country in the illegal appropriation of great bodies of land under cover of this act, especially in valleys and along streams, thus monopolizing the control of still greater areas, is a sufficient warning against extending its provisions or perpetuating in any manner a measure that produces such results.

The seventh section provides a new form of entry, namely, that of "mountain homesteads." It is not the contemplation of the bill that there shall be any cultivation of the land. The purpose clearly is to relieve entrymen of the requirement of cultivation.

But the entry is still a homestead entry and the amendments proposed to the desert-land act made entries under that act homestead entries also. Thus every person can obtain three homestead entries, one under the homestead laws proper, one for 320 acres under the mountain act, and another for 320 acres also, under the desert act. And by making these latter two classes "homestead entries" they are brought under the provisions of the eighth section of the bill, which in effect validates and confirms them, however illegal, and although made upon land not subject to such entries unless the Government shall learn of the illegality within the impossible period of ninety days. In other words the "mountainous" and amended "desert" propositions of the bill open the whole country west of the one hundredth meridian to practically unrestrained appropriation through the merest forms of paper entry

The fifth section restricts regular homestead entries, that is to say, entries requiring residence, improvement, and cultivation, to 80 acres. These are entries which may be made by actual inhabitants and cultivators, who are thus discriminated against by the proposed bill. It is urged that such discrimination is proper because of the difference in the value of lands that may be taken for cultivation and those that may be taken for grazing purposes.

Clearly, indeed, the mountain and desert "homesteads" appear to be intended to supply forms of entry for grazing purposes. It is well known that the grazing interest is not an individual farming interest in the "desert" and "mountainous" regions, but a collective and corporate interest. It must be equally well known that the grazing entries provided for will necessarily be made in such collective and corporate interest since the control for stock-range purposes of the territory west of the one hundredth meridian largely prevents any entries from being made otherwise than in such interest.

The question, therefore, is whether this vast territory, nearly as large as the entire area of all the States of the Union east of the Mississippi River, and capable of sustaining a population of 50,000,000 of inhabitants, shall be given in fee to cattle companies.

It is urged, of course, that the land is worthless for any other than grazing purposes. If this were literally and universally true, it would be no good reason why the United States should hasten to place its title to half a continent in the hands of private corporations.

The inhabitants of China cultivate the entire surface of their vast territory, making the very rocks blossom with vegetation. The ancient Peruvians cultivated to the snow line of the Andes. Among the best lands in Dakota, Nebraska, and Kansas are those that a few years ago were deemed worthless. It is unsafe to say that nature is forever barren anywhere. If the great area derided as worthless for agricultural purposes is worth seeking by corporations and syndicates, it is worth keeping by the Government; if worth purchasing by foreign capitalists, it is worth preserving for occupation by American citizens; if worth the price of fraud, bribery, perjury, and murder, by which its acquisition and

control have in many cases hitherto been sought and maintained, it is worth holding onto by the Government until demanded by honest individual industry.

I think the United States need be in no hurry to part with these lands. It is, however, unquestionably competent for Congrsss to give away these lands if it pleases to do so. It is doubtless also competent for Congress, as a general proposition, to prohibit any inquiry into the validity of claims asserted to public lands; to abolish the conditions-precedent provided by existing laws for the acquisition of title; to repeal all restrictions calculated to preserve the public domain for actual settlement, and to require patents to be issued without regard to the merits of claims for them.

The propriety of doing these things is a matter which no doubt can be safely left with Congress to consider.

The need of some radical change in the public-land system is immediate and imperative. But it does not follow that such change should be in the direction of the condonation of frauds heretofore perpetrated, the opening wide the doors to irresponsible, unpunishable, and unlimited frauds in the future, the capitulation of law, order, and authority, the surrender of the Government of the United States to the robbers of its public lands; on the contrary it is my belief that the abnegation of national sovereignty over the public domain sought by various propositions now before Congress would be a present crime against homeless millions of the American people, and perilous to the future of the Republic.

It is a mere triteness of observation to say that the condition of a people, their peace and prosperity, and the security of their institutions depend primarily upon the tenure by which the soil of the country is held. No graver problem can be brought before the statesman of this period than that involved in the disposition of the remaining body of public lands. Shall they be preserved for actual inhabitancy, or shall they be given over to capitalistic ownership and control? If the former is the purpose of Congress, I respectfully submit that the practical solution of the difficulties of the existing situation is to place in the hands of the Land Department necessary means to extinguish unlawful and fraudulent claims, and to prevent the assertion of such claims in future by the prompt repeal of all laws under which claims of that character are now originated.

I respectfully recommend that H. R. 380 be substituted for Senate bill 1296, and that the third section of the House bill be so amended as to repeal sections 2299, 2301, and 2309 of the Revised Statutes, and section 2 of the act of June 15, 1880, entitled "An act relating to the public lands of the United States," that the fifth section of the bill be so amended as to exclude abandoned military or other reservations from public sale and private entry; that the sixth section be stricken out as practically unnecessary; and that the bill be further amended by provisos repealing the first and third sections of the act of May 14, 1880, entitled "An act for the relief of settlers on public lands," the act of June 14, 1878, entitled "An act for the relief of settlers on the public lands under the pre-emption laws," and the act of June 9, 1880, entitled "An act to amend sections 2262 and 2301 of the Revised Statutes of the United States, in relation to the settler's affidavit in the pre-emption and commuted homestead cases."

I also especially recommend the repeal of the act of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory."

It is further my judgment that the public interests and the interests of settlers on public lands would be promoted by the repeal of the act of June 3, 1878, entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes, and that the mineral laws should be amended by repealing all provisions authorizing the entry of placer mineral lands and mill-sites, which forms of entry are made a cover for an evasive appropriation of sources of water supply.

I also recommend that the making or procurement of false, fraudulent, or fictitious entries of public lands and the making or procurement of false and fraudulent surveys of public lands and of private land claims be declared penal offenses.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. T. R. COBB,
United States House of Representatives.

Mr. CAMERON. I move that the Senate adjourn.

Mr. HARRISON. I ask the Senator from Pennsylvania to yield to me while I submit a conference report.

Mr. CAMERON. I withdraw the motion for that purpose.

INSURANCE COMPANIES IN DAKOTA.

Mr. HARRISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and to authorize and empower the Legislative Assembly of said Territory to pass general laws, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the said bill and agree to the same.

BENJ. HARRISON,
S. M. CULLOM,
GEO. GRAY,
Managers on the part of the Senate.
W. D. HILL,
CHAS. S. BAKER,
C. E. BOYLE,
Managers on the part of the House.

The PRESIDENT *pro tempore.* The report calls for no action by the Senate.

REPORT OF COMMISSIONER OF EDUCATION.

The following resolution from the House of Representatives was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That of the report of the Commissioner of Education for 1884–'85 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 20,000 for the use of the Commissioner of Education.

EXECUTIVE SESSION.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 22, 1886, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 16, 1886.

SURVEYORS-GENERAL.

Benjamin T. Ledbetter, of Louisiana, to be surveyor-general of Louisiana.

Joseph C. Straughan, of Indiana, to be surveyor-general of Idaho.

REGISTER OF LAND OFFICE.

George W. Monroe, of Bozeman, Mont., to be register of the land office at Bozeman, Mont.

RECEIVERS OF PUBLIC MONEYS.

S. S. Carnahan, of Concordia, Kans., to be receiver of public moneys at Concordia, Kans.

James Browne, of Las Vegas, N. Mex., to be receiver of public money at Las Cruces, N. Mex.

Abram Hall, of Miles City, Mont., to be receiver of public moneys at Miles City, Mont.

Ezra W. Miller, of Elk Point, Dak., to be receiver of public moneys at Huron, Dak.

ASSISTANT APPRAISERS OF MERCHANDISE.

Edgar A. Brown, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

Edward Rowe, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

UNITED STATES CONSUL.

William B. McMaster, of New York, to be consul of the United States at Cartagena, Colombia.

INDIAN AGENT.

John V. Summers, of El Dorado Springs, Mo., to be agent for the Indians of the Quapaw agency, in the Indian Territory.

POSTMASTERS.

John W. Fletcher, to be postmaster at Battle Creek, Calhoun County, Michigan.

Frank Cass, to be postmaster at Holliston, Middlesex County, Massachusetts.

L. D. Palmer, to be postmaster at Yankton, in the county of Yankton and Territory of Dakota.

Joshua S. Palmer, to be postmaster at Portland, in the county of Cumberland and State of Maine.

Angelo E. Tower, to be postmaster at Ionia, in the county of Ionia and State of Michigan.

George J. Love, to be postmaster at Huron, in the county of Beadle and Territory of Dakota.

John A. Collins, to be postmaster at Washington, in the county of Franklin and State of Missouri.

Edmund P. Matthews, to be postmaster at Bowling Green, in the county of Pike and State of Missouri.

Thomas W. Locke, to be postmaster at Louisiana, in the county of Pike and State of Missouri.

Milton H. Westbrook, to be postmaster at Lyons, in the county of Clinton and State of Iowa.

Wirt Adams, to be postmaster at Jackson, in the county of Hinds and State of Mississippi.

James Winnie, to be postmaster at Grand Lodge, Eaton County, Michigan.

Thomas A. Hills, to be postmaster at Leominster, Worcester County, Massachusetts.

Martin L. Harlow, to be postmaster at Whitman, Plymouth County, Massachusetts.

William Furlong, to be postmaster at Freeport, Armstrong County, Pennsylvania.

Daniel McCarthy, to be postmaster at Braddock, Allegheny County, Pennsylvania.

Executive nomination confirmed by the Senate June 21, 1886.

POSTMASTER.

George T. Spencer, at Kirksville, Adair County, Missouri.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 21, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MAIL TRANSPORTATION.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting estimates from the Postmaster-General of appropriations for transportation of mails over non-subsi-

dized railroads controlled by the Central Pacific Railroad for part of the current year and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WAKEFIELD, for ten days, on account of important business.

To Mr. BUCHANAN, for this day, on account of sickness.

To Mr. BROWNE, of Indiana, indefinitely, on account of sickness in his family.

To Mr. PETERS, for three days, on account of important business.

To Mr. ANDERSON, of Ohio, during this week, on account of important business.

To Mr. RICE, for one week, on account of important business.

To Mr. CLEMENTS, for ten days.

LIBBIE C. MONTIS.

The SPEAKER. On last Friday evening the House passed a bill (S. 1836) for the relief of Libbie C. Montis, with an amendment. It appears upon examination that the amendment sent to the Clerk's desk and agreed to by the House has no application to the bill. Since that time the amendment has been placed in the form in which it was intended to be adopted; and if there be no objection the vote passing the bill and the vote ordering it to be read a third time will be reconsidered, and the Clerk will now read the amendment as it was intended to go into the bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Libbie C. Montis, widow of Mahlon D. Montis, late a private in Company G of the Second Regiment Ohio Volunteers, war with Mexico."

The SPEAKER. If there be no objection this amendment, the effect of which is simply to put the name of the beneficiary on the pension-roll subject to the provisions and limitations of the pension laws, will be agreed to, and the bill as amended will be read the third time, and passed. The Chair hears no objection, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 107) for the relief of Elias D. Moore;

A bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas;

A bill (H. R. 279) for the relief of T. H. Triplett;

A bill (H. R. 363) to provide for the erection of a public building in the city of Peoria, in the State of Illinois, approved May 9, 1882;

A bill (H. R. 921) granting a pension to Clara R. Preuss;

A bill (H. R. 1059) to grant a pension to Joseph Romiser;

A bill (H. R. 1150) granting a pension to Catherine E. Coffin;

A bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson;

A bill (H. R. 1902) granting an increase of pension to Simon J. Fought;

A bill (H. R. 2043) to place Mary Karstetter on the pension-roll;

A bill (H. R. 2066) for the relief of Alfred McMurtrie;

A bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings;

A bill (H. R. 3384) for the relief of James M. Bacon;

A bill (H. R. 4412) for the relief of John A. Coan;

A bill (H. R. 4527) granting a pension to Elizabeth Slenbaker;

A bill (H. R. 4615) for the relief of Ann Leddy;

A bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard;

A bill (H. R. 4836) for the relief of Thomas McBride;

A bill (H. R. 5175) extending the provisions and benefits of the preemption law to John E. White;

A bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers;

A bill (H. R. 5509) for the relief of St. Patrick's church, in the city of Washington, D. C.;

A bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn.;

A bill (H. R. 7018) granting a pension to Aretus F. Loomis;

A bill (H. R. 7470) for the relief of William Fisher;

A bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties;

A bill (H. R. 7809) for the relief of Edwin Stevens;

A bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb;

A bill (H. R. 8332) increasing the pension of James L. Miller;

A bill (H. R. 8651) increasing the pension of Alfred J. Hill;

A bill (H. R. 8676) for the relief of Lafayette Fowler; and

Joint resolution (H. Res. 76) fixing the time when the pay of certain clerks to committees of House of Representatives shall begin.

JAMES W. GOODRICH.

Mr. STONE, of Massachusetts. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of House bill No. 5652 and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to James W. Goodrich, out of any money in the Treasury not otherwise appropriated, the sum of $414.14, to indemnify him for loss of postal funds sustained by him and caused by the robbery of the post-office in Haverhill, Mass., in February, 1881.

The Committee recommend the adoption of the following amendment:

Strike out the words "fourteen dollars and fourteen cents" and insert "three dollars and ninety-seven cents;" so that it will read "the sum of $403.97."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEACH. I trust the gentleman from Massachusetts will give some reason why this claimant can not get his claim refunded under the general bill.

Mr. STONE, of Massachusetts. This bill is similar in character to one that I offered about two weeks ago, being the case of a burglary of a post-office, and the Postmaster-General made a report upon the case, declining to allow it upon the ground that there was no general law upon the subject. The report sets forth all the facts in this case, and if the gentleman desires it may be read.

Mr. BEACH. I will not object in this instance.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE, of Massachusetts, moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES S. CLARK & CO.

Mr. STONE, of Kentucky. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (S. 2474) for the relief of James S. Clark & Co. and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read in full.

Mr. SPRINGER. Reserving my right to object, I would like to know how much is involved in this bill.

Mr. STONE, of Kentucky. The amount is not specified in the bill, but is a matter to be adjudicated by the court.

Mr. SPRINGER. What is the character of the claim?

Mr. STONE, of Kentucky. This is a case arising from a loss of cotton, which was taken under the "captured and abandoned property act." This cotton was sold and the proceeds turned into the Treasury of the United States under the act in question. The owner of the property, Mr. Clark, did not make his claim until two months after the six years' limitation within which parties who had cotton claims could file applications, and hence it was barred by the statute of limitation. The case was decided against him, therefore, for that reason and that only. The facts are shown to be, as I have stated, that the cotton was taken and the money put into the Treasury arising from the sale. All he asks now is that this bar of limitations be removed and that he go into court, and if he establishes the claim that the money be paid to him; otherwise, of course, he gets nothing.

Mr. SPRINGER. What is the number of bales of cotton involved?

Mr. STONE, of Kentucky. The claim is for nine hundred bales of cotton.

Mr. SPRINGER. That will amount to about $100,000.

I am obliged to object, Mr. Speaker, to the consideration of this until to-morrow, at all events, so that I can have an opportunity of investigating this report.

Mr. STONE, of Kentucky. If the chairman of the committee will allow me, I will say that the bill has already passed the Senate unanimously, and has been reported unanimously by the War Claims Committee of this House, and is now upon the Calendar. I hope, therefore, that he will not interpose an objection.

Mr. SPRINGER. It can be taken up in the same way in the morning; but I will have to object until I can examine the report more fully.

PENSIONS APPROPRIATION BILL.

Mr. TOWNSHEND. Mr. Speaker, I am instructed by the Committee on Appropriations to report back the pensions appropriation bill with the recommendations of the committee on the amendments of the Senate thereto.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill of the House (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend non-concurrence in the amendments of the Senate numbered 1 and 2.

Mr. TOWNSHEND. I move that the report be adopted; and also that a conference be appointed, as I have no doubt it will economize time.

Mr. HOLMAN. I hope these amendments will be read.

The amendments were read.

The motion of Mr. TOWNSHEND was agreed to.

The SPEAKER appointed Mr. TOWNSHEND, Mr. WILSON, and Mr. LONG as managers at the conference on the part of the House.

JOHN M. HANSON VS. UNITED STATES.

Mr. HENDERSON, of Iowa. I am instructed by the Committee on Appropriations to report back a resolution submitted to that committee and recommend its passage, with an amendment, striking out the words "Commissioner of the General Land Office," and inserting the "Secretary of the Interior."

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the resolution calling for information touching the amount necessary to execute a decree for survey in the case of John M. Hanson *vs.* the United States, in the United States court for the northern district of the State of Florida, having considered the same, recommend the adoption of the resolution, as follows:

HANSON VS. UNITED STATES.

Whereas in open court, on the 14th day of April, A. D. 1885, the honorable judge of the United States for the northern district of the State of Florida, in the cause entitled "John M. Hanson *vs.* The United States, decree for survey," did decree and order the surveyor-general for the State of Florida "to forthwith survey, make, and file in this cause a plat and map of such survey;" and

Whereas it appears that the surveyor-general aforesaid, not having money in his hands to execute the said order, referred it to the honorable Commissioner of the General Land Office. The honorable Commissioner in a communication under date of July 14, 1885, to the surveyor-general decides "that the survey of the grant would have to be deferred until Congress made appropriation for the same:" Therefore,

Be it resolved, That the honorable Secretary of the Interior be requested at earliest day possible to furnish this House copies of the order of the honorable judge of the court aforesaid of April 14, 1885, and a copy of his instructions to the surveyor-general aforesaid of July 14, 1885, and an estimate of the amount of money required to survey said grant in accordance with the decree of the court, and such other information as may be necessary to the fulfillment of said order of the court aforesaid.

The resolution was adopted.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATRICK S. DOIG.

Mr. LINDSLEY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 1657) for the relief of Patrick S. Doig, and that the same be now considered.

The bill was read, as follows:

Be it enacted &c., That the Adjutant-General be, and is hereby, authorized and directed to remove the charge of desertion against Patrick S. Doig, late a private in Company D, Eighth Regiment United States Infantry, so that it may not be a hinderance to his right to a pension or bounty.

Mr. BEACH. I ask my colleague if this bill has been reported favorably by the Committee on Military Affairs?

Mr. LINDSLEY. It has been. There is a unanimous report in its favor.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LINDSLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN A. LONDON.

Mr. HALSELL. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 834), and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $200 to John A. London, of Butler County, Kentucky, late a private in Company A, Twelfth Kentucky Regiment of Cavalry, on account of bounty due him under the laws of the United States.

The Committee on War Claims recommended the following amendments:

In line 5 strike out the words "the sum of two hundred dollars" and insert in lieu thereof "such sum of money."

At the end of the bill add the following:

"As he would have been entitled to under the laws of the United States had he been mustered into the United States service with Company A, Twelfth Kentucky Cavalry, on the 12th day of November, 1862."

Mr. SPRINGER. Do these amendments increase or diminish the amount?

Mr. HALSELL. They are simply intended to make the amount conform to the law as to bounty.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HALSELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HERBERT and others called for the regular order.

Mr. ZACH. TAYLOR. I ask the gentleman from Alabama to withdraw for a moment the call for the regular order that I may introduce a resolution.

The SPEAKER. The States and Territories will be called this morning for the introduction of bills and resolutions.

Mr. ZACH. TAYLOR. I desire to offer this for the purpose of present consideration.

Mr. SPRINGER. The regular order is demanded not only by the gentleman from Alabama but by other gentlemen. Is the demand insisted upon?

Mr. HERBERT. It is.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5;

A bill (H. R. 4415) to make the allowances for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes; and

A bill (H. R. 5553) for the relief of E. J. Phillips.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 84) for the relief of the First National Bank of Portland, Oreg.;

A bill (S. 184) for the encouragement of the American merchant marine, and to promote postal and commercial relations with foreign countries;

A bill (S. 380) for the relief of Mrs. Henrietta H. Cole;

A bill (S. 492) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre;

A bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State troops;

A bill (S. 634) relating to sales for taxes in the District of Columbia;

A bill (S. 766) for the relief of Francis Denmead;

A bill (S. 851) to amend the charter of the Metropolitan Railroad Company;

A bill (S. 975) for the relief of Mathilda Victor;

A bill (S. 1072) to prevent the publication of lottery advertisements, and for other purposes;

A bill (S. 1380) regulating the sale of distilled and fermented liquors in the District of Columbia;

A bill (S. 1388) for the relief of the trustees of Isaac R. Trimble;

A bill (S. 1717) for the relief of Robert H. Montgomery, a captain in the Fifth Cavalry, United States Army;

A bill (S. 1768) granting a pension to John D. Fincher;

A bill (S. 1772) providing for the purchase of "the Capron collection of Japanese works of art;"

A bill (S. 1817) for the relief of John McKernan;

A bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds;

A bill (S. 1861) to provide for the sale of the site of Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon;

A bill (S. 1948) increasing the rate of pension to minor children and extending the pensionable period therefor;

A bill (S. 1976) to provide for the survey of certain historic grounds, locations, and military works;

A bill (S. 2004) authorizing the transmission of weather reports through the mails free of postage;

A bill (S. 2199) to increase the efficiency of the Army of the United States;

A bill (S. 2254) granting an increase of pension to Mary von Kusserow;

A bill (S. 2265) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased;

A bill (S. 2692) to amend and correct the act approved June 1, 1886, granting a pension to J. H. Thornburg;

Joint resolution (S. R. 3) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario;

Joint resolution (S. R. 55) proposing an amendment to the Constitution of the United States; and

Joint resolution (S. R. 56) authorizing Augustus J. Cassard to accept a gold medal conferred upon him by the Government of France.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. BARKSDALE. I rise to make a privileged report. I am in-

structed by the Committee on Printing to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House (the Senate concurring), That of the report of the Commissioner of Education for 1884–'85 there be printed 6,000 copies for the use of the Senate and 12,000 copies for the use of the House.

The report of the Committee on Printing was read, as follows:

The committee recommend the passage of the resolution. The estimated cost will be about $11,000.

Mr. WILLIS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of the resolution the following:
"And 20,000 copies for the use of the Commissioner of Education."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILLIS. I ask leave to print in the RECORD the letter of the Commissioner of Education in relation to this.

Mr. MORRISON. I object.

NAVAL APPROPRIATION BILL.

The SPEAKER. As the regular order the House resumes consideration of the naval appropriation bill. The pending question is on the motion of the gentleman from West Virginia [Mr. GOFF] to recommit the bill to the Committee on Naval Affairs, with instructions to report it back with an amendment. On that question the yeas and nays have been ordered. Tne Clerk will report the amendment.

The Clerk read as follows:

SEC. 2. For the completion of the double-turreted monitors Puritan, Amphitrite, Monadnock, and Terror, the sum of $3,178,046 is hereby appropriated, distributed as follows:

For the completion of the Puritan, $969,232.

For the completion of the Amphitrite, $651,084.

For the completion of the Monadnock, and for the construction of engines for said vessel, $918,942.

For the completion of the Terror, $638,788.

Mr. HERBERT. I hope the motion to recommit will be voted down. That matter will come up in connection with the new-ship bill.

The question was taken; and there were—yeas 100, nays 131, not voting 92; as follows:

YEAS—100.

Adams, G. E.	Gilfillan,	Lovering,	Rowell,
Allen, C. H.	Goff,	Lyman,	Sawyer,
Anderson, J. A.	Grout,	Markham,	Smalls,
Atkinson,	Guenther,	McKenna,	Spooner,
Baker,	Harmer,	McKinley,	Steele,
Bound,	Hayden,	Millard,	Stephenson,
Boutelle,	Henderson, D. B.	Milliken,	Stewart, J. W.
Brown, C. E.	Henderson, T. J.	Moffatt,	Strait,
Brown, W. W.	Henley,	Morrill,	Swinburne,
Buck,	Hepburn,	Morrow,	Symes,
Butterworth,	Hiestand,	Nelson,	Taylor, E. B.
Cannon,	Hires,	O'Donnell,	Taylor, I. H.
Conger,	Holmes,	O'Hara,	Taylor, Zach.
Cooper,	Hopkins,	O'Neill, Charles	Thomas, J. R.
Davis,	Houk,	Osborne,	Thomas, O. B.
Dingley,	Jackson,	Parker,	Thompson,
Dorsey,	James,	Payne,	Van Schaick,
Dunham,	Kelley,	Payson,	Wade,
Ely,	La Follette,	Perkins,	Wadsworth,
Everhart,	Laird,	Pirce,	Wait,
Farquhar,	Lehlbach,	Plumb,	Warner, William
Felton,	Lindsley,	Price,	Weaver, A. J.
Fleeger,	Little,	Reed, T. B.	Weber,
Fuller,	Long,	Rockwell,	West,
Gallinger,	Louttit,	Romeis,	Whiting.

NAYS—131.

Allen, J. M.	Davidson, R. H. M.	Lanham,	Sayers,
Ballentine,	Dibble,	Lawler,	Scott,
Barbour,	Dougherty,	Le Fevre,	Seney,
Barksdale,	Dunn,	Lore,	Seymour,
Barnes,	Ellsberry,	Lowry,	Singleton,
Barry,	Ermentrout,	Mahoney,	Skinner,
Beach,	Fisher,	Martin,	Springer,
Belmont,	Foran,	Matson,	Stahlnecker,
Bland,	Ford,	Maybury,	St. Martin,
Bliss,	Gay,	McAdoo,	Stone, W. J., Ky.
Blount,	Geddes,	McCreary,	Stone, W. J., Mo.
Bragg,	Gibson, C. H.	McMillin,	Swope,
Breckinridge, C. R.	Glass,	McRae,	Tarsney,
Breckinridge, WCP.	Glover,	Merriman,	Taulbee,
Burnes,	Green, R. S.	Miller,	Taylor, J. M.
Caldwell,	Hale,	Mitchell,	Tillman,
Campbell, Felix	Hall,	Morgan,	Townshend,
Campbell, J. E.	Halsell,	Morrison,	Turner,
Candler,	Hammond,	Neal,	Van Eaton,
Carleton,	Harris,	Neece,	Viele,
Clardy,	Heard,	Norwood,	Ward, J. H.
Cobb,	Hemphill,	Oates,	Ward, T. B.
Collins,	Henderson, J. S.	Outhwaite,	Warner, A. J.
Compton,	Herbert,	Peel,	Weaver, J. B.
Comstock,	Holman,	Perry,	Wellborn,
Cowles,	Howard,	Randall,	Wheeler,
Cox,	Hudd,	Reagan,	Willis,
Crain,	Hutton,	Reid, J. W.	Wilson,
Crisp,	Irion,	Reese,	Winans,
Croxton,	Johnston, J. T.	Richardson,	Wise,
Culberson,	Jones, J. H.	Riggs,	Wolford,
Dargan,	Kleiner,	Rogers,	Worthington.
Davidson, A. C.	Laffoon,	Sadler,	

NOT VOTING—92.

Adams, J. J.	Cole,	Hill,	Ranney,
Aiken,	Curtin,	Hiscock,	Rice,
Anderson, C. M.	Cutcheon,	Hitt,	Robertson,
Arnot,	Daniel,	Johnson, F. A.	Ryan,
Bayne,	Davenport,	Johnston, T. D.	Scranton,
Bennett,	Dawson,	Jones, J. T.	Sessions,
Bingham,	Dockery,	Ketcham,	Shaw,
Blanchard,	Dowdney,	King,	Snyder,
Boyle,	Eden,	Landes,	Sowden,
Brady,	Eldredge,	Libbey,	Spriggs,
Browne, T. M.	Evans,	McComas,	Stewart, Charles
Brumm,	Findlay,	Mills,	Stone, E. F.
Buchanan,	Forney,	Muller,	Storm,
Bunnell,	Frederick,	Murphy,	Struble,
Burleigh,	Funston,	Negley,	Throckmorton,
Burrows,	Gibson, Eustace	O'Ferrall,	Trigg,
Bynum,	Green, W. J.	O'Neill, J. J.	Tucker,
Cabell,	Grosvenor,	Owen,	Wakefield,
Campbell, J. M.	Hanback,	Peters,	Wallace,
Campbell, T. J.	Hatch,	Pettibone,	White, A. C.
Caswell,	Haynes,	Phelps,	White, Milo
Catchings,	Herman,	Pidcock,	Wilkins,
Clements,	Hewitt,	Pindar,	Woodburn.

So the motion was not agreed to.

On motion of Mr. HERBERT, the reading of the names of members voting was dispensed with.

The following-named members were announced as paired until further notice:

Mr. COMPTON with Mr. SCRANTON.

Mr. CABELL with Mr. CAMPBELL, of Pennsylvania.

Mr. CATCHINGS with Mr. EVANS.

Mr. WILKINS with Mr. JOHNSON, of New York.

Mr. LANDES with Mr. LITTLE.

Mr. FREDERICK with Mr. HANBACK.

Mr. CLEMENTS with Mr. BUNNELL.

Mr. HATCH with Mr. CASWELL.

Mr. DOCKERY with Mr. HOUK.

Mr. HITT with Mr. MURPHY. On the question of considering the tariff bill Mr. HITT would vote "no;" Mr. MURPHY "ay."

Mr. BURLEIGH with Mr. JONES, of Alabama.

Mr. ELDREDGE with Mr. WHITE, of Pennsylvania.

Mr. FORNEY with Mr. RYAN.

Mr. O'FERRALL with Mr. HERMANN.

Mr. SOWDEN with Mr. WHITE, of Minnesota.

Mr. GROSVENOR with Mr. GIBSON, of West Virginia.

Mr. EDEN with Mr. PETTIBONE.

Mr. COLE with Mr. BRADY.

Mr. O'NEILL, of Missouri, with Mr. BAYNE.

Mr. BARRY with Mr. PETERS.

Mr. HILL with Mr. RICE.

Mr. DAWSON with Mr. BUCHANAN.

Mr. MILLS and Mr. HISCOCK were announced as paired until Tuesday morning.

The following-named members were announced as paired for this day:

Mr. PINDAR with Mr. NEGLEY.

Mr. ROBERTSON with Mr. BURROWS.

Mr. ANDERSON, of Ohio, with Mr. BINGHAM.

Mr. BENNETT with Mr. BROWNE, of Indiana.

The result of the vote was then announced as above recorded.

The bill was then passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSURANCE COMPANIES IN DAKOTA.

Mr. BAKER. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said bill and agree to the same.

W. D. HILL,
CHARLES S. BAKER,
C. E. BOYLE,
Managers on the part of the House.

BENJAMIN HARRISON,
S. M. CULLOM,
GEORGE GRAY,
Managers on the part of the Senate.

The SPEAKER. The rule requires that a conference report be accompanied with a statement in writing showing the effect of the amendments as agreed upon by the committee of conference. Unless, however, such a statement be demanded the Chair will put the question on agreeing to this report.

The report was agreed to.

Mr. BAKER moved to reconsider the vote by which the report was

agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and resolutions for printing and reference without debate, on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and resolutions of inquiry directed to the heads of the Executive Departments are also in order for reference to appropriate committees.

H. H. ALEXANDER.

Mr. OATES. I introduce (by request) a resolution to pay H. H. Alexander for services as stenographer in 1884; and I ask its reference to the Committee on Accounts.

The SPEAKER. Does the resolution propose payment out of the contingent fund of the House?

Mr. OATES. That is the proposition.

Mr. ADAMS, of Illinois. As the resolution recites that the proposed payment is for indebtedness incurred in 1884, ought the resolution to go to the Committee on Accounts?

The SPEAKER. If the indebtedness was incurred in 1884 the Committee on Accounts could not provide payment out of the contingent fund, as the accounting officers of the Treasury Department would not approve the account.

Mr. OATES. Then I presume the resolution should go to the Committee on Claims.

The resolution was referred to the Committee on Claims.

JACK BOYD.

Mr. WHEELER introduced a bill (H. R. 9479) for the relief of Jack Boyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVILINE FONDREU.

Mr. WHEELER also introduced a bill (H. R. 9480) for the relief of Eviline Fondreu; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OMEY HOWELL.

Mr. WHEELER also introduced a bill (H. R. 9481) for the relief of Omey Howell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUKEY OWEN.

Mr. WHEELER also introduced a bill (H. R. 9482) for the relief of Sukey Owen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID M'GOWEN.

Mr. WHEELER also introduced a bill (H. R. 9483) for the relief of David McGowen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAROLINE DEVAN.

Mr. WHEELER also introduced a bill (H. R. 9484) for the relief of Caroline Devan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. L. MANLY.

Mr. WHEELER also introduced a bill (H. R. 9485) for the relief of T. L. Manly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. JAMES H. BONE.

Mr. WHEELER also introduced a bill (H. R. 9486) to correct the military record of Capt. James H. Bone, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DEPOSITORS IN FREEDMAN'S BANK.

Mr. WHEELER also introduced a bill (H. R. 9487) directing the Secretary of the Treasury to ascertain amount still due and unpaid to depositors in the Freedman's Bank; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PREVENTION OF VARIOLOID.

Mr. WHEELER also introduced a bill (H. R. 9488) authorizing the investigation of certain discoveries for the prevention of varioloid; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WINNIE TRAMIEL.

Mr. ROGERS, by request, introduced a bill (H. R. 9489) for the relief of Winnie Tramiel; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZA J. BELL.

Mr. ROGERS also introduced a bill (H. R. 9490) for the relief of Eliza J. Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORP. A. H. BATTLE.

Mr. PEEL introduced a bill (H. R. 9491) to grant a pension to Corp. A. H. Battle for injuries received in Florida war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES D. WATSON.

Mr. MARKHAM introduced a bill (H. R. 9492) for the relief of Charles D. Watson: which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HERMAN J. STONE.

Mr. MARKHAM also introduced a bill (H. R. 9493) for the relief of Herman J. Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES FERGUSON.

Mr. MARKHAM also introduced a bill (H. R. 9494) granting a pension to James Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC N. HATHORN.

Mr. MARKHAM also introduced a bill (H. R. 9495) granting a pension to Isaac N. Hathorne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. EDMONDS.

Mr. MARKHAM also introduced a bill (H. R. 9496) granting a pension to Charles H. Edmonds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE COLE.

Mr. MARKHAM also introduced a bill (H. R. 9497) granting a pension to Jesse Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. N. E. HARRIS.

Mr. MARKHAM also introduced a bill (H. R. 9498) granting a pension to Mrs. N. E. Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIETT H. NELMES.

Mr. MARKHAM also introduced a bill (H. R. 9499) granting a pension to Harriett H. Nelmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. OMAN.

Mr. MARKHAM also introduced a bill (H. R. 9500) granting a pension to William T. Oman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS PRYCE.

Mr. MARKHAM also introduced a bill (H. R. 9501) granting a pension to Thomas Pryce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH REILEY.

Mr. MARKHAM also introduced a bill (H. R. 9502) granting a pension to Elizabeth Reiley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM REUPSCH.

Mr. MARKHAM also introduced a bill (H. R. 9503) granting a pension to William Reupsch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. R. SPENCER.

Mr. MARKHAM also introduced a bill (H. R. 9504) granting a pension to J. R. Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. W. TIMMONS.

Mr. MARKHAM also introduced a bill (H. R. 9505) granting a pension to H. W. Timmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. TUTTLE.

Mr. MARKHAM also introduced a bill (H. R. 9506) granting a pension to John T. Tuttle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM UNDERWOOD.

Mr. MARKHAM also introduced a bill (H. R. 9507) granting a pension to William Underwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAGGIE J. SKINNER.

Mr. MARKHAM also introduced a bill (H. R. 9508) granting a pension to Maggie J. Skinner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. W. VAN HORNE.

Mr. MARKHAM also introduced a bill (H. R. 9509) granting a pension to J. W. Van Horne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC W. WILSON.

Mr. MARKHAM also introduced a bill (H. R. 9510) granting a pension to Isaac W. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HERZINGER.

Mr. HENLEY introduced a bill (H. R. 9511) for the relief of John Herzinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICERS OF UNION PACIFIC RAILWAY COMPANY.

Mr. HENLEY also submitted the following resolution; which was referred to the Committee on Pacific Railroads:

Whereas it appears from the published reports of the Union Pacific Railroad Company that the said corporation, without the consent of Congress, did issue in 1883 about five millions of collateral trust bonds, also $6,000,000 6 per cent. collateral trust bonds; did pay dividends in 1883 and 1884, notwithstanding the existence of a gross floating debt of $13,000,000; and in 1883 and 1885 did guarantee interest on $14,931,000 Oregon Short Line bonds in defiance of the provisions of the law of 1873, section 4, of volume 17, Statutes at Large: Therefore,

Be it resolved by the House of Representatives, That the Attorney-General be, and he is hereby, directed to prosecute all officers of said corporations civilly and criminally against whom there is sufficient evidence to warrant judgment or conviction.

MINERAL LANDS.

Mr. SYMES introduced a bill (H. R. 9512) to amend an act entitled "An act to amend section 2326 Revised Statutes of the United States in regard to mineral lands, and for other purposes; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

FOG-SIGNAL, LONG ISLAND SOUND, CONNECTICUT.

Mr. MITCHELL introduced a bill (H. R. 9513) making appropriation for the establishment of a fog-signal at New Haven light-house, Long Island Sound, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES L. FERRIS.

Mr. SEYMOUR introduced a bill (H. R. 9514) to increase the pension to James L. Ferris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BLAKE.

Mr. WAIT introduced a bill (H. R. 9515) granting an increase of pension to George W. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M. JACKSON.

Mr. BLOUNT introduced a bill (H. R. 9516) for the relief of Robert M. Jackson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMERICUS, PRESTON AND LUMPKIN RAILWAY COMPANY.

Mr. CRISP introduced a bill (H. R. 9517) authorizing the Americus, Preston and Lumpkin Railway Company to erect and maintain a bridge across Flint River, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPORTING AND EXPORTING COMPANY, GEORGIA.

Mr. NORWOOD introduced a bill (H. R. 9518) for the relief of the Importing and Exporting Company of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN F. THOMAS.

Mr. NEECE introduced a bill (H. R. 9519) granting a pension to John F. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. B. AVERY.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 9520) to increase the pension of A. B. Avery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS G. CONATY.

Mr. MATSON introduced a bill (H. R. 9521) for the relief of Thomas G. Conaty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH WILBUR.

Mr. HOWARD introduced a bill (H. R. 9522) granting a pension to Joseph Wilbur; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON, LEON AND MOUNT AYR, IOWA.

Mr. HEPBURN introduced a bill (H. R. 9523) granting a condemned cannon to the posts of the Grand Army of the Republic at Leon and Mount Ayr, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SENATE EXECUTIVE DOCUMENT, NO. 85.

Mr. ANDERSON, of Kansas, submitted the following concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring therein), That 10,000 copies of Senate Executive Document No. 85, of the Forty-ninth Congress, be printed; one-half for the use of the Senate and the other half for the use of the House.

EDWARD M'NERHANEY.

Mr. MORRILL introduced a bill (H. R. 9524) for the relief of the heirs of Edward McNerhaney, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL JORDAN.

Mr. MORRILL also introduced a bill (H. R. 9525) for the relief of Michael Jordan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. S. M'CARLEY.

Mr. HALSELL introduced a bill (H. R. 9526) for the relief of J. S. McCarley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. S. M'CARLEY, ADMINISTRATOR.

Mr. HALSELL also introduced a bill (H. R. 9527) for the relief of J. S. McCarley, administrator of the estate of John McCarley, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES D. RYAN.

Mr. HALSELL also submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That James D. Ryan be paid the sum of $120 for forty-eight days' services in the seal-room of the House, for which he has received no compensation.

MRS. BETTIE MARSHALL.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 9528) granting a pension to Mrs. Bettie Marshall; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES C. LEMON.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 9529) for the relief of James C. Lemon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER S. BROWN.

Mr. WILLIS introduced a bill (H. R. 9530) granting a pension to Peter S. Brown; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

S. R. AMES.

Mr. WILLIS also introduced a bill (H. R. 9531) granting a pension to S. R. Ames; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. C. RUSH.

Mr. WILLIS also introduced a bill (H. R. 9532) granting a pension to J. C. Rush; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M. DOVE.

Mr. WADSWORTH introduced a bill (H. R. 9533) for the relief of Robert M. Dove; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BAYOU LA FOURCHE.

Mr. GAY presented a concurrent resolution of the General Assembly of the State of Louisiana, asking Congress for an appropriation to remove obstructions from the channel of Bayou La Fourche, Louisiana; which was referred to the Committee on Rivers and Harbors.

CHARLES W. SANBORN.

Mr. DINGLEY introduced a bill (H. R. 9534) to increase the pension of Charles W. Sanborn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED SHATTUCK.

Mr. DINGLEY also introduced a bill (H. R. 9535) for the relief of Alfred Shattuck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS AGAINST UNITED STATES.

Mr. GIBSON, of Maryland, introduced a bill (H. R. 9536) for a more expeditious adjudication and payment of private claims against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. C. SPENCER.

Mr. GIBSON, of Maryland, also introduced a bill (H. R. 9537) for the relief of W. C. Spencer, late captain Seventeenth Infantry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. J. FELIX MORGAN.

Mr. COMPTON, introduced a bill (H. R. 9538) for the relief of Dr. J. Felix Morgan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IGNATIUS I. LANGLEY.

Mr. COMPTON also introduced a bill (H. R. 9539) for the relief of Ignatius I. Langley, of Saint Mary's County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

I. C. SETON LYLES.

Mr. COMPTON also introduced a bill (H. R. 9540) for the relief of I. C. Seton Lyles, of Prince George's County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. THOMAS S. FERRAL.

Mr. COMPTON also introduced a bill (H. R. 9541) for the relief of Mrs. Thomas S. Ferral, of Prince George's County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY JANE RICHARDS.

Mr. COMPTON also introduced a bill (H. R. 9542) granting a pension to Mrs. Mary Jane Richards, widow of William E. Richards; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BUSINESS OF DISTRICT COMMITTEE.

Mr. COMPTON also submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That until the adjournment of the present session of Congress, Tuesday and Wednesday evenings of each week be designated and set aside for night sessions for the consideration of bills reported and to be reported by the Committee on the District of Columbia.

AARON RING.

Mr. ELY introduced a bill (H. R. 9543) granting arrears of pension to Aaron Ring; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTIONS 2529 AND 2728 REVISED STATUTES.

Mr. LONG introduced a bill (H. R. 9544) to amend sections 2529 and 2728 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CANADIAN SEIZURE OF FISHING VESSELS.

Mr. LONG also presented resolutions of the Legislature of Massachusetts, relative to seizure of American vessels by Canadian authorities; which were read, and referred to the Select Committee on American Ship-building and Ship-owning Interests.

Mr. LONG. I ask unanimous consent that the resolutions may be printed in the RECORD.

There was no objection.

The resolutions are as follows:

Resolutions relating to the seizure of American fishing vessels by the Canadian authorities.

Whereas the people of this Commonwealth view with deep concern the official seizure of vessels belonging to its citizens, the breaking up of their voyages, and the spoliation of their cargo in the British province of Canada; and

Whereas the fishing interests have ever been regarded as not only among the most valuable and important as a source of food supply, but invaluable as a nursery for the naval service of the nation in time of war: Therefore,

Be it resolved, That the senate and house of representatives of the Commonwealth of Massachusetts in general court assembled look to the Congress of the United States and the Executive Department of the National Government for prompt and decided action, to the end that American fishermen may be protected in the exercise of their lawful rights, and that further complications in regard to the commercial privileges of our citizens in British ports may be avoided.

Resolved, That a copy of these resolutions be transmitted to the Senators and Representatives in Congress from this Commonwealth and to the Hon. Thomas F. Bayard, Secretary of State.

HOUSE OF REPRESENTATIVES, *June* 3, 1886.

Adopted. Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk*.

SENATE, *June* 9, 1886.

Adopted in concurrence.

E. HERBERT CLAPP, *Clerk*.

A true copy. Attest:

EDWARD A. McLAUGHLIN, *Clerk*.

DANIEL GLEESON.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 9545) to increase the pension of Daniel Gleeson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HORACE WALKER.

Mr. HAYDEN introduced a bill (H. R. 9546) to remove the charge of desertion from the military record of Horace Walker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECTIONS 2529 AND 2728 OF REVISED STATUTES.

Mr. COLLINS introduced a bill (H. R. 9547) to amend sections 2529 and 2728 of the Revised Statutes; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

CHESTER DENTON.

Mr. CUTCHEON introduced a bill (H. R. 9548) granting a pension to Chester Denton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHERINE HAMM.

Mr. STRAIT introduced a bill (H. R. 9549) for the relief of Mrs. Catherine Hamm, widow of Michael Hamm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES ELLSBURY.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 9550) granting a pension to Charles Ellsbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNCLAIMED BANK DEPOSITS.

Mr. MORGAN introduced a bill (H. R. 9551) to require publication of unclaimed bank deposits; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIS TEFFT.

Mr. WARNER, of Missouri, introduced a bill (H. R. 9552) to place the name of Willis Tefft on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ANN OTTEN.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 9553) to place the name of Mary Ann Otten on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON S. ROBINSON.

Mr. WADE introduced a bill (H. R. 9554) granting a pension to Solomon S. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRAUDULENT SETTLEMENT.

Mr. GLOVER introduced the following resolution; which was referred to the Committee on Expenditures in the Treasury Department:

Whereas heretofore the United States recovered a judgment for $25,000 against Richard D. Lancaster in the circuit court for the eastern district of Missouri; and

Whereas the said Lancaster, a short time prior to said judgment, conveyed all his property to his brother-in-law and his business partner and that partner's brother, and thereupon procured a settlement with the United States for the sum of $500, and thereupon received back his said property from the temporary holders thereof; and

Whereas the said transfers are fraudulent upon their face, and if merely colorable the affidavit filed by the said Lancaster alleging his total insolvency was false, and the said settlement was procured by fraud, conspiracy, and perjury on the part of said Lancaster; and

Whereas in that case the said fraudulent settlement can and should be set aside, and the entire amount of said debt can and should be recovered to the use of the United States; and

Whereas the United States district attorney of the eastern district of Missouri has been lately investigating, under the order of the Secretary of the Treasury, the said frauds committed by said R. D. Lancaster upon the revenue of the United States; and

Whereas he discovered such evidence of fraud as justified him in demanding power to put the parties implicated under oath, and therefore applied to the Department for the detail of a clerk for that purpose, under section 183 of the Revised Statutes, which reads as follows:

"Any officer or clerk of any of the Departments lawfully detailed to investigate frauds on or attempts to defraud the Government, or any irregularity or misconduct of any officer or agent of the United States, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation;" and

Whereas, for reasons which can only be surmised, this demand was refused:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a statement of what reasons, of a public nature, induced him to refuse, on the demand of the district attorney, the usual and necessary means provided by statute for the investigation of frauds upon the revenue laws, including the detail of a clerk requested by him; and also that the Secretary of the Treasury transmit to the House copies of all papers relating to the investigation in question, and the correspondence of the Department with the district attorney at Saint Louis; and

Be it further resolved, That the Secretary of the Treasury be requested to advise this House what reasons, of a public nature, at present exist why the Treasury Department should not make a thorough investigation, under oath, of the parties implicated in and having knowledge of the subject-matter of said investigation.

FRANCIS M'GARRY.

Mr. GLOVER also introduced a bill (H. R. 9555) granting a pension to Francis McGarry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHARINE KENNEDY.

Mr. GLOVER (by request) also introduced a bill (H. R. 9556) for

the relief of Mrs. Catharine Kennedy, formerly Jackson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES R. SILVERS.

Mr. BURNES introduced a bill (H. R. 9557) granting a pension to James R. Silvers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BRADLEY.

Mr. BURNES also introduced a bill (H. R. 9558) granting a pension to George W. Bradley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. H. HENDERSON.

Mr. HEARD introduced a bill (H. R. 9559) for the relief of D. H. Henderson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWARD T. PERKINS.

Mr. HEARD also introduced a bill (H. R. 9560) for the relief of Edward T. Perkins; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

WILLIAM ENGLAND.

Mr. HEARD also introduced a bill (H. R. 9561) for the relief of William England; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. A. LEONING.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 9562) granting a pension to F. A. Leoning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL E. COLEMAN.

Mr. LAIRD introduced a bill (H. R. 9563) granting a pension to Daniel E. Coleman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARCHIBALD F. COON.

Mr. LAIRD also introduced a bill (H. R. 9564) granting a pension to Archibald F. Coon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HIXSON.

Mr. LAIRD also introduced a bill (H. R. 9565) for the relief of William Hixson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HESEKIAH B. REED.

Mr. LAIRD also introduced a bill (H. R. 9566) granting a pension to Hezekiah B. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. PENNISTON AND ANDREW J. MILLER.

Mr. DORSEY introduced a bill (H. R. 9567) for the relief of William S. Penniston and Andrew J. Miller; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NANCY J. STEVENS.

Mr. DORSEY also introduced a bill (H. R. 9568) for the relief of Nancy J. Stevens; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

APPEALS IN PENSION CASES.

Mr. GALLINGER (by request) introduced a bill (H. R. 9569) to allow appeals in cases arising under the pension laws of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HORATIO M. ELLISON.

Mr. HIRES introduced a bill (H. R. 9570) granting a pension to Horatio M. Ellison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID D. WINNER.

Mr. HIRES also introduced a bill (H. R. 9571) granting a pension to David D. Winner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE ARMIES OF INDIA.

Mr. BLISS offered the following resolution; which was referred to the Committee on Military Affairs:

Resolved, That, if compatible with the public interest, the President be requested to transmit to the House of Representatives the report of Lieut. Col. H. M. Lazelle, of the Twenty-third United States Infantry, upon the armies of India and upon the military maneuvers in that country in 1886.

JAMES GOLDEN.

Mr. JAMES introduced a bill (H. R. 9572) for the relief of James Golden; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MONETARY CONFERENCES OF 1878 AND 1881.

Mr. JAMES also introduced a joint resolution (H. Res. 186) providing for the printing and distribution of documents of the monetry conferences of 1878 and 1881; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. VIELE introduced a bill (H. R. 9573) to incorporate the Maritime Canal Company of Nicaragua; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPORT ON EDUCATION IN ALASKA.

Mr. VIELE also offered the following resolution; which was referred to the Committee on Printing:

Resolved, That 3,000 extra copies of Senate Document No. 85, being the report on education in Alaska, be printed for the use of this House."

GEORGE BEATTIE.

Mr. BAKER introduced a bill (H. R. 9574) for the relief of George Beattie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENT ON CRAB ISLAND, LAKE CHAMPLAIN.

Mr. JOHNSON (by Mr. BAKER) introduced a joint resolution (H. Res. 187) providing for the erection of a monument at Crab Island, Lake Champlain, over the grave of the unknown dead who fell at the battle of Plattsburg on the 11th of September, 1814; which was referred to the Committee on the Library.

NEWELL F. OSTERHOUT.

Mr. PAYNE introduced a bill (H. R. 9575) granting a pension to Newell F. Osterhout; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE STRENGE.

Mr. PAYNE also introduced a bill (H. R. 9576) granting a pension to George Strenge, late a private in Company A, Sixteenth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FLYNN.

Mr. PAYNE also introduced a bill (H. R. 9577) granting a pension to John Flynn, late of Company B, Eighth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCIUS F. MILLS.

Mr. SAWYER introduced a bill (H. R. 9578) for the increase of pension of Lucius F. Mills; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA E. DICKENS.

Mr. ARNOT introduced a bill (H. R. 9579) granting a pension to Anna E. Dickens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. H. M'WETHY.

Mr. SENEY also introduced a bill (H. R. 9580) granting a pension to C. H. McWethy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. CASTELLO.

Mr. WARNER, of Ohio, introduced a bill (H. R. 9581) to correct the record of George W. Castello, late of Company C, Ninth Ohio Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMITTEE ON SALARIES.

Mr. WARNER, of Ohio, also offered the following resolution; which was referred to the Committee on Rules:

Resolved, That a committee on the adjustment of salaries of officials and the pay of employés in the various Departments of the Government, to consist of nine members, shall be appointed by the Speaker.

It shall be the duty of this committee to inquire into, consider, and classify the salaries of officials and the pay of employés in the various Departments and branches of the public service, with a view to a more equitable apportionment of salaries and pay to the various duties performed, and to economize and reduce expenditures in the public service. Said committee shall have power to sit during the vacation of Congress, and shall report, by bill or otherwise, to the House on or before the second Monday of December next.

The committee shall be allowed a clerk at $6 a day, to be paid out of the contingent fund of the House.

THOMAS JONES, JR.

Mr. FORAN introduced a bill (H. R. 9582) for the relief of Thomas Jones, jr., postmaster of the city of Cleveland, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. E. CALDWELL.

Mr. FORAN also introduced a bill (H. R. 9583) for the relief of E. E. Caldwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAY FOR DECORATION DAY.

Mr. FORAN also introduced a joint resolution (H. Res. 188) providing for the payment of per diem laborers in Government employ on the

30th of May of each year, as on other days; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MARY M. SCHOCK.

Mr. McKINLEY introduced a bill (H. R. 9584) granting a pension to Mary M. Schock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB LONG.

Mr. McKINLEY also introduced a bill (H. R. 9585) granting a pension to Jacob Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THAD. COFFIN.

Mr. McKINLEY also introduced a bill (H. R. 9586) granting a pension to Thad. Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABELLA HODGSON.

Mr. McKINLEY also introduced a bill (H. R. 9587) granting a pension to Isabella Hodgson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB WOLF.

Mr. McKINLEY also introduced a bill (H. R. 9588) granting a pension to Jacob Wolf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATE FLEIG.

Mr. ERMENTROUT introduced a bill (H. R. 9589) granting a pension to Kate Fleig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. LUTZ.

Mr. ERMENTROUT also introduced a bill (H. R. 9590) granting a pension to John C. Lutz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP TOTHEROLE.

Mr. ERMENTROUT also introduced a bill (H. R. 9591) granting a pension to Philip Totherole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CASPAR SCHARFF.

Mr. ERMENTROUT also introduced a bill (H. R. 9592) granting a pension to Caspar Scharff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIGNAL CORPS OF THE ARMY.

Mr. ERMENTROUT also introduced a bill (H. R. 9593) to regulate the promotion of officers of the Signal Corps of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF DIRECTOR OF THE MINT.

Mr. RANDALL submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of Mint on the production of the precious metals in the United States for the year 1885 be printed, and that 6,000 extra copies be printed; 4,000 copies for the use of the House of Representatives and 2,000 for the use of the Senate.

MARY BEERS.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 9594) granting a pension to Mary Beers, widow of Robert B. Beers, Company A, Seventieth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB B. DOCK.

Mr. SWOPE introduced a bill (H. R. 9595) granting a pension to Jacob B. Dock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, YORK, PA.

Mr. SWOPE also introduced a bill (H. R. 9596) for a public building at York, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HERRMAN GAUDIG.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 9597) to remove the charge of desertion from the military record of Herrman Gaudig; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM O. CRANDALL.

Mr. PIRCE introduced a bill (H. R. 9598) granting a pension to William O. Crandall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. G. FRIE.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 9599) for the relief of W. G. Frie, of Perry County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEWIS T. WHITE.

Mr. McMILLIN introduced a bill (H. R. 9600) for the relief of Lewis T. White, of Sumner County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF WILLIAM PEPPER, DECEASED.

Mr. RICHARDSON introduced a bill (H. R. 9601) for the relief of the legal representatives of William Pepper, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RE-EXAMINATION OF CLAIMS.

Mr. RICHARDSON also introduced a bill (H. R. 9602) authorizing the Quartermaster-General and the Commissary-General to re-examine claims against the United States and to extend the time for filing such claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY H. HAGGARD.

Mr. HOUK introduced a bill (H. R. 9603) granting a pension to Henry H. Haggard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BURNNETT.

Mr. HOUK also introduced a bill (H. R. 9604) granting a pension to James Burnnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER GOSSETT.

Mr. HOUK also introduced a bill (H. R. 9605) granting a pension to Alexander Gossett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. V. BERLISON.

Mr. HOUK also introduced a bill (H. R. 9606) for the relief of R. V. Berlison, of Loudon County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARSHALL J. GRUBB.

Mr. HOUK also introduced a bill (H. R. 9607) to correct the military record of Marshall J. Grubb; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

R. R. ROBINSON.

Mr. HOUK also introduced a bill (H. R. 9608) for the relief of R. R. Robinson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH R. ANDERSON.

Mr. HOUK also introduced a bill (H. R. 9609) for the relief of Joseph R. Anderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

I. L. CAIN AND OTHERS.

Mr. HOUK also introduced a bill (H. R. 9610) for the relief of I. L. Cain and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARMON DAY.

Mr. BUCK introduced a bill (H. R. 9611) granting a pension to Harmon Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. OWEN.

Mr. STEWART, of Vermont, introduced a bill (H. R. 9612) for the relief of George H. Owen, late consul at Messina; which was read a first and second time, ordered to be printed, and, by unanimous consent, referred to the Committee on Foreign Affairs.

MARY TRUNNELL.

Mr. BARBOUR introduced a bill (H. R. 9613) for the relief of Mary Trunnell; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ADDITIONAL DAY FOR DISTRICT OF COLUMBIA BUSINESS.

Mr. BARBOUR submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the Committee on Rules inquire into the expediency of allowing one additional day during the present session for the consideration of business reported by the Committee on the District of Columbia, with instructions to report during the present week.

CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. BARBOUR (by request) also introduced a bill (H. R. 9614) for the prevention and cure of contagious and infectious diseases in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN O'BRIEN.

Mr. BARBOUR (by request) also introduced a bill (H. R. 9615) for the

relief of John O'Brien; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NAVAL HOSPITAL, PORTSMOUTH.

Mr. LIBBEY introduced a bill (H. R. 9616) providing an appropriation for the improvement of the naval hospital park at Portsmouth, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ST. JOSEPH'S CATHOLIC CHURCH, MARTINSBURG, VA.

Mr. WILSON introduced a bill (H. R. 9617) for the relief of St. Joseph's Catholic church at Martinsburg, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY E. JOHNSON.

Mr. GUENTHER introduced a bill (H. R. 9618) granting a pension to Mary E. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE STRONG.

Mr. PRICE introduced a bill (H. R. 9619) granting an increase of pension to George Strong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MORTIMER B. BULL.

Mr. PRICE also introduced a bill (H. R. 9620) to increase the pension of Mortimer B. Bull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MULLALY.

Mr. VAN SCHAICK introduced a bill (H. R. 9621) granting a pension to James Mullaly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTHUR J. CARRIER.

Mr. GIFFORD (by request) introduced a bill (H. R. 9622) granting to Arthur J. Carrier section 18, in township 109, of range 71 west of the fifth principal meridan, Dakota; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

VIVIAN BACA.

Mr. JOSEPH introduced a bill (H. R. 9623) for the relief of Vivian Baca; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MATIAS CONTRERAS.

Mr. JOSEPH also introduced a bill (H. R. 9624) for the relief of Matias Contreras; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANUELITA SWOPE.

Mr. JOSEPH also introduced a bill (H. R. 9625) for the relief of Manuelita Swope; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. The Chair will now recognize gentlemen who were not in their seats when their States were called.

PUBLIC BUILDINGS AT NEW ORLEANS.

Mr. KING introduced a bill (H. R. 9626) to cede to the city of New Orleans certain public buildings and grounds situated therein; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COAST DEFENSES.

Mr. KING also introduced a bill (H. R. 9627) to provide for coast defenses of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DEPARTMENT OF PUBLIC WORKS.

Mr. KING also introduced a bill (H. R. 9628) creating a department of public works; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on Public Buildings and Grounds.

Mr. KING. I ask that it may be referred to the Committee on the Judiciary.

The SPEAKER. The bill does not belong to the Committee on the Judiciary under any rule of the House. There is no rule which gives any one committee jurisdiction over the various subjects to which this bill relates.

Mr. KING. I ask, then, that it may be referred to the Committee on Commerce.

There being no objection, the bill was referred to the Committee on Commerce, and ordered to be printed.

JOHN MACK BUXTON.

Mr. WELLBORN introduced a bill (H. R. 9629) for the relief of the legal representatives of John Mack Buxton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. J. DRENNAN.

Mr. STONE, of Kentucky, introduced a bill (H. R. 9630) for the relief of A. J. Drennan, administrator of E. D. Drennan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. OSBORN.

Mr. HALL introduced a bill (H. R. 9631) granting a pension to John W. Osborn, a private in the late war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMELINE TOPPING.

Mr. HALL (by request) also introduced a bill (H. R. 9632) granting a pension to Emeline Topping; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' REUNION AT FORT MADISON, IOWA.

Mr. HALL also introduced a joint resolution (H. Res. 189) for four pieces of ordnance to be loaned to soldiers' reunion at Fort Madison, Iowa, in July, 1886; which was read a first and second time.

Mr. HALL, I ask unanimous consent that this resolution be now considered.

The SPEAKER. That can not be done at this time.

The joint resolution was referred to the Committee on Military Affairs, and ordered to be printed.

FREDERICK B. WOOD.

Mr. LOWRY introduced a bill (H. R. 9633) granting a pension to Frederick B. Wood, late of Company M, Twenty-ninth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS OF STENOGRAPHERS.

Mr. ADAMS, of Illinois, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on Accounts be directed to examine into the claims for stenographic work done for the standing and select committees of the House during the present session by other than the official stenographers of the House, which claims can not be paid out of the contingent fund of the House, and report the same back to the House, to be referred to the Committee on Appropriations for payment by specific appropriation.

PETER FALLON.

Mr. NORWOOD (by request) introduced a bill (H. R. 9634) granting an increase of pension to Peter Fallon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BEATTIE AND JOHN BEATTIE, JR.

Mr. DAVIS introduced a bill (H. R. 9635) to provide for the payment of the claim of William Beattie and John Beattie, jr.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES HARDING.

Mr. DAVIS also introduced a bill (H. R. 9636) to increase the pension of Charles Harding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMON BEAKLER.

Mr. LITTLE introduced a bill (H. R. 9637) granting a pension to Simon Beakler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB SHEPHERD.

Mr. LITTLE also introduced a bill (H. R. 9638) granting a pension to Jacob Shepherd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS TODD.

Mr. PERKINS introduced a bill (H. R. 9639) removing the charge of desertion in the case of Thomas Todd; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN M. PEARSON.

Mr. PERKINS also introduced a bill (H. R. 9640) granting a pension to John M. Pearson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA J. REYNOLDS.

Mr. BRUMM (by Mr. BROWN, of Pennsylvania) introduced a bill (H. R. 9641) granting a pension to Emma J. Reynolds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills. My object is to reach the sundry civil bill.

Mr. ZACH. TAYLOR. I ask the gentleman from Pennsylvania [Mr. RANDALL] to suspend that motion for a moment, in order that I may ask the House to consider at this time a resolution to prevent the de-

struction of Government property in the city of Memphis, for which the citizens of that town have subscribed the money themselves.

Mr. RANDALL. I will do that at the end of the session of to-day.

The question was taken on motion of Mr. RANDALL, and the Speaker declared that the ayes seemed to have it.

Mr. MATSON. I ask for a division.

The House divided; but before the completion of the count,

Mr. MATSON. I withdraw the demand for a division. My object was to see whether the other side of the House was really anxious for general pension legislation.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. REAGAN in the chair).

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. RANDALL. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. RANDALL. Mr. Chairman, I do not intend to occupy the hour to which I am entitled in the discussion of this bill. The bill and report speak for themselves, and, this being a business bill purely, I consider that the hour can be more usefully employed in the consideration of the details of it. I will therefore yield now to any gentleman who may desire to discuss the bill under the hour rule; and if no gentleman desires to avail himself of that opportunity, I will ask unanimous consent to dispense with general debate, with the condition, however, that when we reach that part of the bill which relates to the surveys of the public lands and the prevention of frauds in connection therewith general debate shall be allowed for a reasonable time. I think I have come to an understanding with the gentlemen who desire to speak on that portion of the bill which will be entirely satisfactory.

Mr. ANDERSON, of Kansas. That is all right.

Mr. RANDALL. I also ask that the gentleman from Alabama [Mr. HERBERT], who is a member of the commission in relation to the scientific bureaus, shall have an opportunity to speak in that connection.

Mr. LONG. I ask the gentleman from Pennsylvania to also reserve for me forty minutes which I have promised to gentlemen who wish to speak.

Mr. RANDALL. On what part of the bill?

Mr. LONG. I do not know what part. I have promised the gentleman from Maine [Mr. MILLIKEN], who is not in his seat at this moment, twenty minutes, and I have promised the same time to the gentleman from California [Mr. MORROW].

Mr. RANDALL. My wish is not in the least to restrict debate, but it is essential that this bill shall be passed at an early day, and I think I shall have the co-operation of every member of the House in securing that object.

Mr. BUTTERWORTH. Is it the understanding that when a portion of the bill is reached in which there is a general interest and which gentlemen may desire to discuss briefly an opportunity will be afforded them to do so?

Mr. RANDALL. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. What is the understanding as to the part of the bill relating to the Geological and Geodetic Survey?

Mr. RANDALL. I put no restriction upon the debate on that part of the bill, because the gentleman from Alabama [Mr. HERBERT], having been a member of the commission, desires to speak upon the subject, and other gentlemen may wish to reply to him.

Mr. WARNER, of Ohio. I shall want to occupy a little time on that question.

Mr. TOWNSHEND. What is the limit proposed on the general debate?

Mr. RANDALL. Mr. Chairman, I am afraid that the gentleman from Ohio [Mr. BUTTERWORTH] who is a member of the Committee on Appropriations may have misunderstood me as assenting to general debate upon all parts of the bill.

Mr. RYAN. The gentleman from Ohio is not in his seat just now, but I think his understanding was that general debate would be only upon the portion of the bill in regard to the survey of the public lands.

Mr. RANDALL. There will be no difficulty about it, because members on this side of the House have no desire to cut off any reasonable debate.

Mr. RYAN. I do not think the gentleman from Ohio [Mr. BUTTERWORTH] misunderstood the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I was afraid he might have led me into too large an agreement—one that I might not be able to carry out.

The CHAIRMAN. Will the gentleman from Pennsylvania please indicate his precise request?

Mr. RANDALL. I ask unanimous consent that general debate upon this bill be dispensed with, subject to the conditions which I have stated.

A MEMBER. What are they?

Mr. RANDALL. That when the provision relating to the survey of the public lands is reached general debate shall be allowed, and again when the provision relating to the Geological and Geodetic Surveys is reached. Also that forty minutes be reserved, which the gentleman from Massachusetts [Mr. LONG] states he has agreed to give to certain members.

The CHAIRMAN. Is there objection to that request?

Mr. DUNHAM. Will the Chair state the request?

The CHAIRMAN. The request is that by unanimous consent general debate be dispensed with until the Committee of the Whole shall reach the clauses in relation to the survey of the public lands and appropriations therefor, and the clauses in reference to the Geological Survey, &c., and that in addition there be a reservation of forty minutes in favor of the gentleman from Massachusetts [Mr. LONG].

Mr. DUNHAM. Would a motion be in order to suspend the rules and pass the bill?

Mr. RANDALL. We are not in the House, and the motion suggested by the gentleman is of course not in order.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Pennsylvania [Mr. RANDALL]? The Chair hears none.

The Clerk, proceeding to read the bill by paragraphs for amendment, read the following:

For court-house and post-office at Louisville, Ky.: For continuation of building, $200,000.

Mr. WARNER, of Ohio. I desire to inquire whether these appropriations for public buildings are restricted to the amount limited in the laws providing for the construction of the buildings or whether appropriations have been made without regard to that limitation.

Mr. RANDALL. There is no instance, so far as I know—if there is any such instance it is an oversight on the part of the committee—where these appropriations exceed the limits authorized by existing law.

Mr. WARNER, of Ohio. That is the information I desired to elicit.

The Clerk read as follows:

For post-office and court-house at Quincy, Ill.: For approaches complete, exclusive of iron fence, $5,000.

Mr. BAKER. I move to amend by inserting after the paragraph just read the following:

For post-office, custom-house, and court-house at Rochester, N. Y.: For continuing the work on and construction of the building, $100,000.

Mr. Chairman, I desire to make a brief explanatory statement. The act which passed the House at this session and became a law on the 3d of May last increased the limit of expense for this building at Rochester from $300,000 to $500,000—an increase of $200,000, which was made in accordance with the recommendations of the Secretary of the Treasury and the Supervising Architect. In a communication which has been printed as Executive Document No. 236, the Supervising Architect asked an appropriation of $100,000 for the continuance of this work. There is available to the credit of this fund for the continuation of the work under existing contracts about $108,000.

When I observed that the appropriation for this building had been omitted from the present bill, I at first suspected it was an oversight, but I afterward learned from my friend the chairman of the committee that inasmuch as $108,000 was available, the committee thought an appropriation at this time would not be necessary. But I am assured by the contractors and by the Supervising Architect that an appropriation in addition to the amount now available is absolutely required; and I desire to urge it upon the committee, for the reason that there is a very great necessity for the completion of this building in Rochester at the earliest possible date. It is designed to accommodate the post-office, the district court, the internal-revenue officers, the custom-house officers, and the commissioners of the United States. The various offices connected with these branches of public business are now accommodated in rented quarters. The post-office is in a wooden building, the accommodations of which are wholly insufficient; and there is urgent necessity for the earliest possible completion of the building now in progress. The appropriation proposed in my amendment will, in the judgment of the officers of the Government, be necessary to continue the work. It is within the limit prescribed by law; and I trust the chairman of the committee will consent to the proposition.

Mr. RANDALL. The reason which prompted the action of the committee in omitting any appropriation for the building at Rochester was that this building had already received appropriations to the amount of $300,000, being at that time up to the limit of the law. Since the consideration of that part of the bill by the Committee on Appropriations a bill has been passed by both Houses and has become a law increasing the limit to $500,000; but the report of the Supervising Architect shows that there was in the Treasury on September 30, 1885, an unexpended balance of about $183,000 for the work upon this building. The committee, even in view of the legislation to which I have just referred, would not, I think, have reported an additional appropriation for this purpose. The gentleman from Rochester [Mr. BAKER] now tells the committee that there is the sum of $108,000 not covered by contracts.

Mr. BAKER. Will the gentleman permit me a moment?

Mr. RANDALL. Certainly.

Mr. BAKER. I understand that existing contracts cover the amount now available toward construction, and that contemplated changes in the building connected with its enlargement, which is provided for by this last legislation, will necessitate the appropriation of this additional amount in order that the work may be prosecuted during the coming fiscal year.

Mr. RANDALL. If, as the gentleman states, contracts are made covering the amount already appropriated, the chances are that those contracts embrace about as much work as can be done during the coming fiscal year.

Now the gentleman asks, in addition to that, $100,000. I could not consent, so far as that is concerned, to such an enormous increase at this time. If it were more reasonable I do not know, as one member of the committee, in view of the extension which has become a law, I would interpose with so much vehemence.

Mr. BAKER. A single word in reply to the gentleman from Pennsylvania. I do not wish to increase the amount of this appropriation bill one dollar unnecessarily. Now, these changes will necessitate new contracts. The chairman of the committee, of course, should know better than I do about these matters.

Mr. RANDALL. It has not been entered upon, and no plan has been submitted to the committee in connection with the increase in this structure.

Mr. BAKER. In that connection I will say the new plans for the large building are made, and the working plans are being perfected for resuming operations. Of course I am depending on the Supervising Architect of the Treasury Department, who says he will need this amount, and has certified that in the letter which is before the committee.

Mr. WARNER, of Ohio. I would like to know whether this change in the limit has been made heretofore?

Mr. RANDALL. Yes; that is law, making the limit $500,000. It recently became the law.

Mr. WARNER, of Ohio. Is it proposed to exceed that amount?

Mr. RANDALL. No; this is within $100,000 of that limit. I would like to have the gentleman modify his amendment and make it $50,000.

Mr. BAKER. I will compromise and make it $75,000.

Mr. RANDALL. I do not wish any compromise.

Mr. BAKER. I only want what is necessary to resume operations upon this structure, and I think $100,000 is necessary.

Mr. WARNER, of Ohio. What is the question?

Mr. RANDALL. If the gentleman will make it $50,000 I will agree to that. I understand the gentleman accepts that. [Laughter.]

Mr. BAKER. No.

Mr. RANDALL. Then I withdraw the amendment to the amendment.

Mr. BAKER. I ask for a vote on my amendment making it $100,000.

The committee divided; and there were—ayes 59, noes 46.

So the amendment was agreed to.

The Clerk read as follows:

For court-house and post-office at Winona, Minn.: For completion of building under present limit, $80,000.

Mr. GALLINGER. I offer the following amendment.

The Clerk read as follows:

Amend by inserting, after line 136, the following:

"For court-house and post-office at Concord, N. H.: For fire-proofing and interior finish of same, $35,000."

Mr. RANDALL. I make the point of order on that amendment there is no law for it. There is an estimate for it, but there is no law.

Mr. GALLINGER. I have no disposition to discuss it at length. I will say, Mr. Chairman, simply this contemplates an appropriation included in a bill which has already passed the Senate. I admit it exceeds the limit, and if the point of order is made it is good against the amendment.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

The Clerk read as follows:

Northwest Seal Rock light station, California: For continuing the construction of a light-house on Northwest Seal Rock, off Point Saint George, California, $50,000: *Provided*, That the entire cost of this light-house shall not exceed $450,000.

Mr. WARNER, of Ohio. I ask the gentleman from Pennsylvania whether a single limit of law is anywhere exceeded in these paragraphs relative to light-houses and light stations?

Mr. RANDALL. There is no limitation. The committee inserted some limitations where there was no limit to the law authorizing them. The report shows that. There are some appropriations for light-houses which were inserted without law. Lubec Narrows light station, Maine, and Watch Point light station, Lake Champlain, New York, are subject to the point of order if it shall be made against them, for there is no law providing for these expenditures; and if the point of order should be made, of course they will have to be ruled out. I wish to act with the committee in perfect good faith. The appropriation for Lubec Narrows is $40,000, and for Watch Point, $500. And those appropriations are not in obedience to existing law. As I have said, they are, in my judgment, subject to the point of order.

Mr. LONG. But that is not admitted on the part of the committee, which holds they are works in progress of construction.

Mr. RANDALL. The gentleman from Massachusetts is quite right in correcting me. As he says, that is not the opinion of the majority of the committee, otherwise these appropriations would not be here. I desire to say to the House in my own judgment as an individual member of the committee they ought not to be here; but nevertheless they are here. It will be noticed the limitations in this particular will be found in the report of the committee.

There being no limitation as to Musquito Inlet, we ask to insert the entire cost shall not exceed the limited estimate of $200,000. And as to the Northwest Seal Rock, that the entire cost of the light-house shall not exceed $450,000. That is the limitation.

Mr. EZRA B. TAYLOR. Mr. Chairman, I am not interested in this appropriation, and only made the point of order for the purpose of emphasizing my opposition to any legislation in the bill. I now withdraw it.

Mr. RANDALL. I also desire to state that there was inserted in the bill a steam-tender for the fourth light-house district. The present tender there is so old as to have become dangerous to navigate it; and as it belonged to the general light-house system, the provision was inserted in the bill.

Mr. McMILLAN. Mr. Chairman, I desire to reserve the point of order upon the paragraph withdrawn by the gentleman from Ohio.

Mr. RANDALL. You refer now to the Lubec light? I do not clearly understand the paragraph to which the gentleman from Ohio made the point of order.

Mr. RYAN. It has been withdrawn.

Mr. McMILLIN. And I rise to renew it. I also desire to reserve the point of order as to the New Bedford light.

Mr. LONG. That has not been reached.

Mr. McMILLIN. When it is reached.

Mr. ADAMS, of Illinois. I believe we ought to have a distinct understanding as to what the point of order is. I am inclined to think the original point of order made by the gentleman from Ohio was good, as I understand the statement of the gentleman from Pennsylvania. But the gentleman as chairman of the committee has treated the House very fairly. Nothing that he has done will tend to confuse our discussion of the point of order. It was well enough to have had the explanation, and I think the gentleman from Ohio did entirely right to withdraw it. I submit, therefore, to the gentleman from Tennessee, if he has no substantial objection to this particular item, that he also withdraw the point of order.

Mr. McMILLIN. I make the point of order for this purpose, and I can not, for the reasons I am going to give, withdraw it. We have changed the rules of the House, whether wisely or otherwise I am not going to argue, to prevent legislation on appropriation bills; and after that change, which has been enforced liberally where it increased expenditures, I do not propose that we shall be placed in the awkward attitude of refusing to enforce the rule where there is a diminution of expenditures. In other words, where the enforcement of the rule would increase expenditures it has been liberally construed, and I repeat, I do not propose that we shall embarrass ourselves by refusing to enforce it where there is a diminution, or where its non-enforcement will be an increase of expenditures.

Mr. ADAMS, of Illinois. I submit that where an amendment or a provision in the bill meets with almost the unanimous consent of the House we may well waive a point of order which would be good if insisted upon. But I will content myself with suggesting to the Chair that the point of order probably came too late. I made a point of order the other day on the naval bill which was ruled out on the ground that discussion had taken place on the merits, and that the point of order came too late.

Mr. McMILLIN. In response to what my friend from Illinois has said I wish to state that I agree with him as to the propriety of the rule and what its construction should be in such cases. I do not believe in the doctrine that the House should ever hamper itself with any provision which prevents it from controlling the appropriations it is making. I believe it is right to designate how the appropriations shall be made and expended, and that the limitation ought to go with every appropriation bill. I do not believe that there ought to be any rule of the House ever adopted that will contravene that principle.

Mr. ADAMS, of Illinois. I agree with the gentleman.

Mr. McMILLIN. But having entered upon it, having enforced it whenever the result was an increase of expenses, I submit that it should also be enforced where the result is a retrenchment of expenditures. Let us be consistent in the enforcement of the rule that we have made.

Mr. RANDALL. The gentlemen from Tennessee will observe that the committee are fixing a limit beyond which the Light-House Board could not go in the construction of a light on this rock. Now, $450,000 we thought was a proper limitation on the aggregate amount to be expended on this rock for light-house purposes.

Mr. WARNER, of Ohio. What does the law provide?

Mr. RANDALL. The law makes no limitation, and there may be, as the committee thought, a very large amount in excess of $450,000 expended there unless there was some restriction. We believe that

limitation is sufficient to complete in every respect a proper light-house at that point. I hope the gentleman under such circumstances as these will permit this by consent to remain in the bill.

Mr. McMILLIN. I do not make the point of order on the proviso if the appropriation is to be made. But my point of order is that there is no law authorizing the construction.

Mr. RANDALL. The gentleman is mistaken about that.

Mr. McMILLIN. I so understood the gentleman from Pennsylvania himself. It was on that ground that I submitted the point of order.

Mr. RANDALL. We are talking altogether of different paragraphs of the bill. I am talking of the paragraph with which we are now dealing, that with reference to the Northwest Seal Rock, in California, where the proviso is made that the entire cost shall not exceed $450,000.

Mr. McMILLIN. I do not wish to make the point of order as against the limitation of any appropriation which the bill legitimately carries.

The CHAIRMAN. The point of order being withdrawn, the Clerk will read.

Mr. CANNON. Permit me a moment, Mr. Chairman. I understand the gentleman from Tennessee is ready to invoke the rule where any thing does not please him in relation to legislation, but when it does please him he is ready to waive it.

Mr. McMILLIN. How is that?

Mr. CANNON. I say I understand the gentleman's position to be that where the legislation does not please him he is willing to invoke the aid of the rule, but where it does please him he does not desire to interpose the point of order.

Mr. McMILLIN. The gentleman has listened to little purpose if he so understood me.

Mr. CANNON. I wanted to see if I was correct.

Mr. McMILLIN. No, sir. The gentleman was not at all correct.

The CHAIRMAN. There is no question before the committee.

The Clerk read the following paragraph:

Lubec Narrows light station, Maine: For establishing a light to guide through the dredged channel in Lubec Narrows, Maine, $40,000.

Mr. McMILLIN. That is the paragraph to which I made the point of order.

Mr. RANDALL. I shall only say that the bill establishing that light has passed both Houses, but has not yet become a law. The paragraph is no doubt subject to the point of order.

Mr. RYAN. I do not believe it is subject to the point of order.

Mr. RANDALL. This is a new light.

Mr. RYAN. I know it is a new light. But I think the general duty of lighting the coast which devolves on the Government authorizes the establishing of light-houses wherever they are needed for the purposes of commerce, and authorizes Congress to pass a law to establish a light-house wherever along the coast commerce may require it. And I believe it is incident to our right to maintain and protect the commerce of the coast that we shall make the necessary appropriations.

Mr. CLARDY. The point suggested by the gentleman from Kansas [Mr. RYAN] was fully discussed some time ago. I think we all agree in the ruling by the Speaker that the establishment of each light-house requires new legislation.

Now, this particular bill, as has been stated by the gentleman from Pennsylvania, passed the House and in some form has passed the Senate, but it is now in conference and it may or may not become a law.

Mr. WARNER, of Ohio. Does that include this light?

Mr. CLARDY. Yes, sir; I think the point of order made by the gentleman from Tennessee [Mr. McMILLIN] ought to be sustained. I want to say in that connection I make this statement because there are other bills which were passed on the same day by the House that this bill was passed, and which have also been passed by the Senate, which are not embraced in this appropriation bill. They are bills equally meritorious, and I deem it unjust and unfair to them that these bills should be inserted here and that the others should be omitted. I trust the point of order will be sustained.

Mr. CANNON. I want to say a word about the point of order, which I think is a very important point. I believe under the Constitution, Congress having the power to regulate commerce not only as regards foreign nations but among the States wherever you find navigable waters upon which commerce goes, the erecting of light-houses, the doing anything you deem proper that will promote that commerce is a matter that calls for an appropriation; and the Constitution as well as our general legislation casts the duty upon Congress to appropriate money for those objects. I understand gentlemen to take the position that before a light can be placed at this or any other point along our coasts, or along our great rivers upon which commerce goes, and which are declared to be navigable, Congress must pass an act declaring that a light-house shall be constructed at a particular point. I can not agree with any such interpretation.

Mr. WARNER, of Ohio. There is no doubt about the power of Congress to appropriate money for a light-house at this point, but that is not the question. This House has provided by its rules it will not make appropriations on appropriation bills for anything not previously in another way provided for by law. Now, this very point is included in the bill which has passed this House and is in conference. It is not a law.

Mr. CANNON. If the gentleman from Ohio will allow me, I will say the highest law known to the country does authorize this or any other improvement that is necessary to protect our commerce in the way of light-houses.

Mr. WARNER, of Ohio. The Constitution authorizes it, of course, but we must do it in the way that our rules prescribe.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. LONG. Will the Chair before he rules on the point of order allow me just one word? So far as this appropriation is concerned the rules to-day are exactly what they have been in previous Congresses. This provision would have been as obnoxious to the rule in the last Congress as it is to the present rule, and yet in previous Congresses it has always been held that these light-houses might be established on an appropriation bill.

Mr. BOUTELLE. I desire to state that this provision for a light-house at Lubec Narrows was an estimate which came to the House on the recommendation of the Light-House Board. It is a bill not inaugurated by any local or individual influence or interest whatever; but it was regularly recommended by the Light-House Board, in order to provide for the necessities of commerce resulting from the opening of a new channel at Lubec Narrows.

Congress for several years has appropriated year after year for opening a channel at Lubec Narrows, which it is impossible to utilize without the establishment of this light-house, that is to say, impossible to utilize at night. And the Light-House Board recommended the establishment of this light-house, a bill for which has passed this House, and which I supposed had passed the Senate, as there was no objection to it. But I am informed now it is hung up in conference upon an omnibus bill, in which the Senate has included a number of light-house bills that have passed this House.

Now, it is obvious, Mr. Chairman, that this is a measure which the Congress of the United States will eventually adopt. There is no objection raised to it on the merits. The necessity of it for the uses of commerce has been brought to the attention of the House by the Light-House Board, and I do trust that the point of order will not be permitted to throw this appropriation out of the bill at this time, and thus possibly prevent for another year the erection of a building which is absolutely necessary for the uses of commerce, and against which no one on either side of the House has the least objection.

The CHAIRMAN. This item of appropriation not being for work already in progress, the point of order is sustained.

Mr. RANDALL. I desire to say that I differ with the gentleman from Maine [Mr. BOUTELLE] as to the rule. I think the rule now is not the same as it was before as to this particular matter.

Mr. LONG. What do I understand is ruled out on the point of order?

The CHAIRMAN. The items in lines 171 down to 173.

The Clerk read as follows:

Watch Point light station, Lake Champlain, New York: For the re-establishment of a light on Watch Point, Lake Champlain, New York, $500.

Steam-tender for the fourth light-house district: For building and completing a new steam-tender for service in the fourth light-house district, $68,300.

Mr. McMILLIN. I make the point of order on the provision for a steam-tender.

Mr. CLARDY. Mr. Chairman, I desire to make a point of order upon the preceding provision in regard to the Watch Point light station.

Mr. LONG. Too late.

Mr. McMILLIN. The gentleman from Missouri addressed the Chair while the Clerk was passing to the next paragraph.

Mr. RANDALL. I do not desire to take advantage of anybody here.

The CHAIRMAN. Does the Chair understand the gentleman from Missouri [Mr. CLARDY] to make the point of order on this provision in regard to the Watch Point light station?

Mr. CLARDY. I undertook to make the point, because this is new legislation.

The CHAIRMAN. If that fact is not controverted the point of order will be sustained. [After a pause.] The point of order is sustained.

Mr. CANNON. I would be glad to know what paragraph this point is made on.

Mr. McMILLIN. Now, Mr. Chairman, I make the point of order on this steam-tender appropriation. It may be a very proper appropriation, but there is no law authorizing it.

The CHAIRMAN. The point of order is sustained.

Mr. RANDALL. I desire to be heard on that point.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. CANNON. I rise to a question of order.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. RANDALL. The general law authorizes the light-house establishment and the purchase of fuel and the pay of employés connected with the service. It allows for the purchase of provisions and various other things, and vessels of this kind are essential to the execution of the law in connection with the light-house service. Therefore this is different from other matters that have been objected to and which require specific law. This is essential to the administration of the service under existing law.

I desire that the House shall have the benefit of all the information the committee has on these subjects, and, therefore, I read this statement:

This is to take the place of the Geranium, a wooden side-wheel steamer. There were long periods during last winter when it was impossible to replace important buoys because of the peculiar construction of this tender. She can be removed to some district where such arduous service is not required.

That is all I have to say on this point.

Mr. McMILLIN. In response to the argument of the gentleman from Pennsylvania I would state that there is no law authorizing the supplanting of the "Geranium." The present law contemplates that the fragrance of that flower shall continue with us, and statutory action is required to "waste its sweetness on the desert air." [Laughter.] Another steamer is said to be necessary. Now, it will not be contended that there is a law authorizing the construction of that steamer, and the gentleman's argument that the steamer is necessary for the light-house service would be equally forcible upon the point of order made against the light-house itself, because if the steamer is necessary the light-house itself is necessary, and so we would have no limitation. What I want, Mr. Chairman, is a clean-cut bill, and I insist that, there being no law for the construction of this vessel, we should not enact a law on an appropriation bill. This matter also, I understand, is in conference. This House has practically declared that there is no law authorizing it by attempting to enact a law, and the question is in conference to-day. Either the House did not know what it was about then, or else there is no law authorizing the construction of this steamer. I insist on the point of order.

Mr. RANDALL. I ask a decision.

Mr. STONE, of Massachusetts. Mr. Chairman, I insist that this particular paragraph is not properly open the point of order. My proposition is this: that the rule is not intended to prevent legislation which has a direct relation to the subject-matter in hand; but it is intended to prevent and prohibit legislation which relates to new matter. That is the general proposition.

But further than that, I submit that, the Government having established a Light-House Board and undertaken to provide a proper system of light-houses, a provision in an appropriation bill which, in the judgment of the committee, proposes simply to establish a new light-house or to provide the Light-House Board with a new tender or steamboat is merely legislation in the direction of a system to which the Government is already committed, and is therefore in no proper sense new legislation. The Government is engaged in this work, is committed to it, has established a Light-House Board; and hence in making appropriations of this kind we are doing substantially the same thing as when we appropriate money for the continuation of a public work already in progress. The latter proposition, though distinct and positive in its character, involves the same principle as the provision now under consideration, which it seems to me should be dealt with in the same way. Otherwise it appears to me that the Committee on Appropriations will find themselves met by difficulties which will so completely obstruct and hamper them in the discharge of their duties that it will be impossible to appropriate money successfully to enable the Government to go on with the prosecution of business in which it is engaged.

Mr. LONG. Mr. Chairman, on reading the statute which relates to lights and buoys I find that among the appurtenances and appointments which are recognized as necessary for the establishment of these light-houses are light-vessels, beacon-buoys, &c. In other words, a tender, or light-vessel, seems to be recognized with buoys, fuel, coal, &c., as part of the machinery contemplated by the general law. Hence I submit the present provision is not new legislation.

The CHAIRMAN. Under clause 3 of Rule XXI no appropriation for any expenditures not previously authorized by law, unless in continuation of appropriations for such public works as are already in progress, can be made. Under that clause of the rule the Chair sustains the point of order.

Mr. CANNON. I did not understand distinctly the ruling of the Chair. Did the Chair sustain the point of order?

The CHAIRMAN. The point of order is sustained.

Mr. CANNON. Well, Mr. Chairman, with all due respect to the Chair, I desire, before we pass further, to ask the gentleman from Pennsylvania [Mr. RANDALL] whether he does not think an appeal ought to be taken from the decision of the Chair?

Mr. RANDALL. I do not mean to appeal.

Mr. HOLMAN. Oh, no.

Mr. CANNON. Then I will appeal, Mr. Chairman; and I wish to say a word on this appeal.

There is upon the statute-book a law constituting a Light-House Board; there is a law constituting the fourth light-house district; there is a law providing for buoys, seamen, vessels, and all the appliances for this service. The Book of Estimates contains, in a note, the statement that this appropriation is for a steamer—

To take the place of the Geranium, a wooden side-wheel steamer. There were long periods during last winter when it was impossible to replace important buoys because of the peculiar construction of this tender. She can be removed to some district where such arduous service is not required.

So that here is a harbor upon which are buoys, adjacent to which are light-houses; and a small steamer is necessary to replace the buoys and protect under general law this harbor. The proposition now is to appropriate for that small steamer. I understand the point of order to be that this appropriation can not be made unless, in the first place, there is passed a separate, independent law authorizing this steamer to be provided. If this is to be the construction of the rule, where are we to stop? If that is what the rule means, if that is what the decision of the point of order means, can we under such a construction buy a skiff, can we buy anything, unless there is a prior special law authorizing the expenditure? In my opinion the House of Representatives, in adopting the rule now invoked, never intended to place such a limitation upon the power of the House in making appropriations. The replacing of buoys is a matter incident to the maintenance of the light-house service; and for that purpose this small steamer is required. This is a necessary incident to the execution of existing law under the Constitution. The buying of fuel, the buying of skiffs, the construction of steamers of wood or iron, necessary to carry on this business, is a mere matter of appropriation for a work in being, a work in progress; and I believe that under the rules of the House we have authority to make such an appropriation on a general appropriation bill—not as a matter of new law, but in carrying out the Constitution under existing law, the Constitution being known to all the people, and the existing law declaring these harbors to be harbors, constituting the Light-House Board, and authorizing the conduct of the business of that board.

Mr. LONG. Mr. Chairman, I submit there is another consideration upon which this provision is in order. I understand the point made by the gentleman from Tennessee to be that this is new legislation; that it is similar to the establishment of a new light-house. But, sir, this is not a new object in any sense. There is already in use in connection with this light-house district a wooden side-wheel steamer called the Geranium. That is part of the work already in progress there. It is an object already under way. The old steamer is to a certain extent worn out, is no longer fit for the use required. There is no proposition here to establish a new service, calling for the employment of a new tender, but simply to carry out the work already in progress, in accordance with the language of the rule itself, the purpose being to make good a part of that work which is deteriorated or in need of repair.

The decision of this matter turns of course upon the question whether we shall adopt a narrow construction, which will tend to defeat all action by this House in matters of this kind, or whether we shall adopt a liberal and reasonable construction. A narrow construction, if the House sees fit to adopt it, can no doubt be defended. But I trust we shall adopt a generous, liberal, reasonable construction, which will enable us to carry out the real spirit of the rule, so that where a work or object is already in progress, and a part of the appurtenances or machinery of that work is in need of repair, we can carry the work forward even if it requires the substitution of a new tender for an old tender, a new sail for an old sail, a new boat for an old boat, or a new gallon of oil for an old gallon which has been consumed.

Mr. EZRA B. TAYLOR. What is the question before the committee?

The CHAIRMAN. The appeal from the decision of the Chair.

Mr. CLARDY. According to the theory of the gentleman from Massachusetts because there had been light-houses at a few harbors the Committee on Appropriations would have complete jurisdiction to have gone on and made new appropriations therefor.

Mr. LONG. I hold so and held so in the committee.

Mr. CLARDY. But the committee did not vote so.

Mr. LONG. No, it did not.

Mr. McMILLIN. The committee held otherwise, that the old light-house could not be supplanted by a new one, and properly referred the subject to the Committee on Commerce. The gentleman from Massachusetts concedes his case away.

The question is on the appeal from the ruling of the Chair. The question is whether the ruling is right or wrong.

The gentleman from Massachusetts[Mr. LONG] says the question is so close either ruling might be sustained. Are we to vote the Chair has made a wrong ruling? I wish to ask again, if there were authority for the construction of this vessel, why is it this House has solemnly passed a statute authorizing the construction of this very vessel?

Mr. LONG. The question was not raised.

Mr. McMILLIN. No, sir, the fact was there was no law to authorize it. The rule provides where there is no law there shall be no appropriation, and the question we are to act upon is whether the Chair shall be overruled when he decides there is no law for it. Where is the law for the construction of this vessel? Who has seen it? Who has heard of it? Who has read it to this House?

If what the gentleman said as to the light-house service is applicable, then on the appropriation bill you may tear down every light-house in America, sink every vessel and build new ones in their places, and not only new ones, but ten where is now one. That is the legitimate outcome of the position he has taken.

He says either ruling may be sustained here. If you follow strict construction, then the Chair is right. Now, will the House vote to overrule the Chair, who has ruled out this provision, when we all know it is a ruling in strict accordance with the rule? If we do so we will do in-

justice to the Chair. We will also violate the rules of the House which we have so recently adopted. We will do the country still greater injustice.

The CHAIRMAN. The Chair sustained the point of order, and from that point of order an appeal has been taken to the committee. The question now is, Shall the decision of the Chair stand as the judgment of the committee?

The decision of the Chair was sustained.

The Clerk read as follows:

Seul Choix Point light station, Michigan: For establishing a light on Seul Choix Point, Michigan, $15,000.

Mr. CLARDY. I make the point of order. Is there a law for that?

Mr. RANDALL. There is a law for that.

Mr. CLARDY. I withdraw the point of order.

The Clerk read as follows:

Store-house, Revenue-Marine Service, Wood's Holl, Mass.: For extension of wharf and erection of abuilding to be used as a ware-house and coal store-house for revenue-marine service, at Wood's Holl, Mass., $12,000.

Mr. BLANCHARD. I move the following amendment.

The Clerk read as follows:

After the word "dollars," in line 266, add:

"For a suitable steam-vessel, to be used in patrolling the Mississippi River between New Orleans and the Passes with the view to prevent smuggling, $10,000."

Mr. RANDALL. I will reserve the point of order on that amendment, but I am willing to hear what the gentleman has to say on the subject.

Mr. BLANCHARD. As showing the necessity for this appropriation for the construction of a suitable vessel or tug to be used between the custom-house at New Orleans and the mouth of the Mississippi I send to the Clerk's desk to be read some communications from the Secretary of the Treasury.

The Clerk read as follows:

TREASURY DEPARTMENT, *May* 12, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of March 2 last, and its inclosure, a communication from the surveyor of customs at New Orleans, requesting that a steam-tug be furnished for duty in that district, and suggesting that an estimate for this purpose be submitted to Congress.

In reply, I inclose herewith a copy of Department letter of the 10th instant, addressed to Hon. J. B. EUSTIS, United States Senate, in which it is recommended that the sum of $10,000 be appropriated for the construction or purchase, as the Department may deem advisable, of a suitable steam-vessel, to be used in patrolling the Mississippi River between New Orleans and the passes with the view to prevent smuggling.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. N. C. BLANCHARD,
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 10, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant and its inclosure, a communication from the surveyor of customs at New Orleans, requesting that a steam-tug be furnished for duty in that district, and desiring to be informed if the Department has any recommendation to offer in relation to an appropriation for the purpose.

In reply you are informed that after an examination of the recommendations from the customs officers at New Orleans on file in this Department, it is believed that it would be advantageous if Congress would appropriate the sum of $10,000 for the construction or purchase, as the Department may deem advisable, of a suitable steam vessel, to be used in patrolling the Mississippi River between New Orleans and the Passes with the view to prevent smuggling.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. J. B. EUSTIS,
United States Senate.

Mr. BLANCHARD. The collector of customs and the surveyor of the port of New Orleans have earnestly recommended to the Secretary of the Treasury that a steam-tug should be provided for the customs service at that point, and in accordance with these recommendations the Secretary of the Treasury has advised Congress to make an appropriation of $10,000 for that purpose.

A steam vessel is required by the exigencies of the customs service at that port. In the value of exports and imports New Orleans is second only to New York, and yet not a steam vessel is provided for the use of the customs service there. New Orleans is about 125 miles from the mouth of the river, and it is very essential to have a steam vessel to ply between the port and the mouth of the river. I think it will be a judicious expenditure and one in the line of economy.

It is well known that much smuggling is going on, and unless the customs service is given this steam vessel to prevent it, it results in a loss of thousands of dollars annually to the Government in the way of revenue. Now is it not economy to stop that by allowing this vessel to be built?

Mr. RANDALL. I am not prepared to gainsay a word the gentleman has uttered in favor of this proposition. But we had no estimate for it, and of course it is not in this bill; and under the decision of the chairman a moment ago, and which was sustained by the House, it is clearly subject to the point of order. If the gentleman, however, can by hook or crook or some other way, or somewhere else, secure the insertion of the amendment, I am not opposed to it.

Mr. BLANCHARD. I hope the point of order will not be insisted upon.

Mr. RANDALL. I have to do so. I can not discriminate. The gentleman will see the delicacy of my situation.

Mr. BLANCHARD. What is the point of order?

Mr. RANDALL. It is the same as that made against the steam-tender for the fourth light-house district; that is to say, there is no law providing for it. I sympathize with the gentleman, but I am unable to help him in this matter.

Mr. BLANCHARD. I do not want the gentleman's sympathy, I want his vote. [Laughter.]

Mr. RANDALL. You want the point of order withdrawn. I can not do that. This is not contained in the estimates.

Mr. BLANCHARD. I wish to ask if the gentleman seriously believes that it is necessary to have an act of Congress to authorize the construction of a vessel like this before the Committee on Appropriations can make provision for it?

Mr. RANDALL. I say now that that is the recent decision of the Chair, which was sustained by the committee.

Mr. BLANCHARD. I do not know, Mr. Chairman, that I caught exactly the point of order on which the Chair ruled a little while ago.

Mr. CANNON. May I ask the gentleman a question?

Mr. BLANCHARD. Certainly.

Mr. CANNON. My eye was turned in that direction while the appeal from the decision of the Chair was pending just now, and I do not remember having seen the gentleman give me any substantial aid or comfort. [Laughter.] Now, I am sorry for the position he is in, but do not see how I can help him.

Mr. BLANCHARD. Is that a question, I will ask the gentleman from Illinois, or a mere gratuitous statement? [Laughter.]

Mr. CANNON. Then I will withdraw it.

Mr. BLANCHARD. Well, on the point of order, it occurs to me, Mr. Chairman, that this is not a case in which the point should be sustained. Under existing law it is required that Congress shall make appropriations for the customs service at the port of New Orleans. Whatever is necessary for that service it is the duty of Congress to provide. Now, it is clearly shown here by the report of the customs officers at the port of New Orleans, and by the recommendations of the Secretary of the Treasury, that this steam vessel is needed there. It is an incident, I may say, to the customs service there—an indispensable requisite. It is as much almost of necessity to the customs service as is an appropriation for repairs upon the custom-house itself; and it seems to me, sir, to be stretching the rule to sustain a point of order upon a proposition of this kind that the appropriation can not be allowed here because no special act of Congress has been passed authorizing the construction of this steam vessel.

The CHAIRMAN. The Chair sustains the point of order under clause 3 of Rule XXI.

Mr. CRAIN. Mr. Chairman, I move to insert the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 266, insert "for the construction of one revenue steamer for duty on the Southern coast of the United States, $85,000."

Mr. RANDALL. I must make the point of order against that amendment, but will reserve it to allow the gentleman to make a statement.

Mr. CRAIN. Mr. Chairman, in support of the amendment I might content myself, in view of the fact that the chairman of the Committee on Appropriations makes the point of order against it, with reading the recommendations or suggestions of the Secretary of the Treasury on the subject of the amendment, which will be found in the Book of Estimates, on page 197. After making an estimate for this vessel, he says, in a note appended:

The Revenue-Marine steamer McLane, which it is desired to replace, was of light build originally, and not designed for the service; is now worn out and deemed unworthy of repairs. The Department has no vessel with which to supply her place. The station can not be left vacant without great public detriment. Due regard for the public interest and true economy require that the appropriation be made.

It seems to me, Mr. Chairman, in view of this statement of facts, coming as it does from the Secretary of the Treasury himself, who controls the Revenue-Marine Service of this country, that the chairman of the Committee on Appropriations might waive this point of order, which I understand is raised merely in the interest of economy. The Secretary of the Treasury tells us that it would be much more economical to allow the appropriation to be made in order that there should be a seaworthy vessel upon the Southern coast for the purpose indicated than to attempt to repair the McLane.

That vessel is in such a condition that when a storm arises in the Gulf of Mexico it is dangerous for her to put to sea, because she would be in the condition of the Tallapoosa and other vessels of the American Navy, unfit to weather the storm, and, instead of being able to rescue those who might be subjected to the dangers of the deep, she would herself be in peril. The officer in command in fact has reported that the McLane was not seaworthy and was in no condition to perform the duties required of a revenue-cutter.

Is it right, then, I ask the chairman of the Committee on Appropriations, to leave a large portion of the Southern coast without a cutter? This vessel performs duty on our coast from Port Eads, in Louisiana, down to Brownsville, at the mouth of the Rio Grande. The Secretary

of the Treasury tell us in this Book of Estimates that she is totally unfit for the service and is in such a condition that she is unworthy of repair.

Which, I ask the chairman of the Committee on Appropriations, is the more economical method of procedure, to allow this amendment to go through without raising the point of order, thereby perhaps being subjected to the odium of inconsistency, or to have so large an extent of the Southern coast left without the service of a revenue-cutter at all? There is more danger of smuggling along that coast than there is along the Atlantic coast, which is amply protected by well-equipped and seaworthy vessels that are suitable for the service to which they are assigned. From Cuba, from Mexico, from South America smugglers can come and land with impunity upon the Southern coast unless we have revenue-cutters to protect it, particularly as in the land customs service we have not guards enough along the coast to prevent these smugglers from landing or to capture them after they shall have landed.

I again say that true economy would seem to demand the waiver of the point of order in this case at least, and the adoption of the amendment.

Mr. RANDALL. It is the odium which might come from an inconsistent action on my part that compels me to make the point of order. I commend to the gentleman from Texas my remarks in reply to the gentleman from Louisiana. I can not withdraw the point of order.

Mr. CRAIN. May I ask the chairman of the Committee on Appropriations one question?

Mr. RANDALL. Certainly.

Mr. CRAIN. Is there not an exception to every rule?

Mr. RANDALL. Yes, sir; that is an axiom.

Mr. CRAIN. Will you make an exception in this case?

Mr. RANDALL. I am act ng for the Committee on Appropriations and not in my own individual right here.

Mr. CRAIN. I understand that.

Mr. RANDALL. While I have no doubt there is force in what the gentleman from Texas states, still I must keep straight on the line which has been drawn, that nothing shall go into this bill which is subject to the point of order.

Mr. LONG. I rise to a question of order. I understand there is nothing before the committee.

The CHAIRMAN. The point of order made by the gentleman from Pennsylvania is sustained.

The Clerk read the following paragraph:

Engraving and printing:
For labor and expenses of engraving and printing, 1887: For salaries of all necessary clerks and employés, and for labor (by the day, piece, or contract), including labor of workmen skilled in engraving, transferring, and other specialties necessary for carrying on the work of engraving notes, bonds, and other securities or obligations of the United States, and national-bank notes, the pay for such labor to be fixed by the Secretary of the Treasury, at rates not exceeding the rates usually paid for such work, $300,860, to be expended under the direction of the Secretary of the Treasury.

Mr. HENDERSON, of Iowa. I would like to ask the chairman of the Committee on Appropriations a question about this innocent-looking paragraph. I see that it appropriates the money in bulk for clerks, laborers, workmen, &c. I would like the gentleman to state whether or not this section does not drop some twenty-five clerks from the control of the civil-service law by putting them underneath the operations of that law?

Mr. RANDALL. I will be quite frank with the gentleman. This appropriation is in bulk, with a limitation only on the number of employés. The head of that bureau did recommend a provision to be inserted by which twenty-five employés would be brought under the civil-service law.

Mr. HENDERSON, of Iowa. Below the civil-service law?

Mr. RANDALL. Brought under the operation of the civil-service law. They are not now by existing law under that law; and the committee, or the majority of the committee, did not wish to take them out of the classification that they are under by past law and transfer them within the operation of the civil-service law. I think I have been straight and frank in my reply.

Mr. DINGLEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend line 273 by inserting, after the word "notes," the following: "of the denomination of $1, $2, and other denominations authorized by law."

Mr. RANDALL. I reserve the point of order.

Mr. DINGLEY. There is no point of order applicable. These are the denominations already authorized by law.

Mr. RANDALL. I make the point of order.

Mr. DINGLEY. I would like to hear what the point of order is.

Mr. RANDALL. The law gives the discretion to the Secretary of the Treasury in this matter of the printing of one and two dollar notes, and this takes from the Secretary of the Treasury that discretion. The effect of it I am not able to discuss on a point of order, because it might run into a discussion on the merits of the question whether silver should be circulated or not.

Mr. DINGLEY. On the point of order I desire to say that the law to-day, while it authorizes the Secretary of the Treasury to prescribe the denominations of United States notes, yet the Secretary of the Treasury, Secretary Chase, in 1863, prescribed the denominations of United States notes, by an order of the Department, to be one dollar, two dollars, five dollars, ten dollars, and upward; and that order stands to-day under the statute as the law of the land. One and two dollar United States notes are the lawful denominations among others of United States notes at this time, and hence there can be no point of order made upon that amendment. In the amendment I have introduced I simply recite the denominations that are authorized by law, in order to point out to the Secretary of the Treasury the fact that one-dollar and two-dollar United States notes are still the lawful currency of the country. I see no point of order that can be sustained.

Mr. RANDALL. The gentleman concedes that what he wants to reach is in harmony with a regulation of the Treasury Department. He does not contend surely that that is the language of the law. I ask the Clerk to read section 3575.

The Clerk read as follows:

The Secretary of the Treasury may provide for the engraving and preparation, and for the issue of fractional and other notes, and shall make such regulations for the redemption of such notes when mutilated or defaced, and for the receipt of fractional notes in payment of debts to the United States, except for customs, in such sums, not over $5, as may appear to him expedient.

Mr. DINGLEY. That is not the law which applies to this matter. The section which does apply to it is section 3571.

Mr. CANNON. Let that be read.

The Clerk read as follows:

United States notes shall be of such denominations, not less than $1, as the Secretary of the Treasury may prescribe, shall not bear interest, shall be payable to bearer, and shall be in such form as the Secretary may deem best.

Mr. RANDALL. That is more distinct than the one I had read.

Mr. DINGLEY. But I call the attention of my friend from Pennsylvania to the fact that there has never been but one order of the Secretary of the Treasury prescribing denominations of United States notes, and that was the order of Secretary C[illegible]se, that the denominations should be one dollar, two dollars, five dollars, ten dollars, and upward. No order of the Secretary of the Treasury has been issued since that time changing the denominations of the United States notes.

Mr. RANDALL. That was the policy, perhaps, of the gentleman who occupied the office of Secretary of the Treasury when such order was issued. I think I can say it is not the policy at present of that Department. I will read:

It is not the policy of the present officers of the Treasury Department to issue one and two dollar notes. No more of such notes will be printed while this policy continues.

C. S. FAIRCHILD, *Acting Secretary.*

Then, in addition, I have a statement from the Treasury Department which would seem to show that there are now $18,000,000 of ones out and $18,000,000 of twos.

Mr. DINGLEY. The number has been reduced over ten millions within a year and a half.

Mr. RANDALL. My statement comes down to the 1st of June, 1886.

Mr. LONG. Does the gentleman from Pennsylvania [Mr. RANDALL] claim that these words offered as an amendment would control the discretion of the Secretary?

Mr. RANDALL. I say they would change the law by depriving the Secretary of his discretion.

Mr. LONG. Would they deprive him of his discretion?

Mr. WARNER, of Ohio. I desire to call the attention of the gentleman from Pennsylvania to the act of 1878, which changes the sections of the Revised Statutes he refers to and limits the discretion of the Secretary of the Treasury. I will read it:

Be it enacted, &c., That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury, or other officer under him, to cancel or to retire any more of the United States legal-tender notes, and whenever any of said notes may be redeemed or be received into the Treasury, under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but shall be reissued and paid out again and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation or destruction of mutilated notes and the issue of other notes of like denominations in their stead, as now provided by law.

Mr. RANDALL. The whole matter is discretionary.

Mr. WARNER, of Ohio. When the Secretary of the Treasury under this law destroys worn-out or mutilated notes he is obliged to issue notes of like denominations. He can not issue notes of other denominations in place of the notes destroyed, and in this respect this act modifies prior statutes, and takes away the discretion which formerly resided with the Secretary of the Treasury.

Mr. RANDALL. The Secretary of the Treasury has not reduced the volume of United States notes out. It is fixed by law at $346,681,016, and that is the amount that was out on the 1st of June, 1886.

Mr. WARNER, of Ohio. But the limitation on the total volume is not the only limitation prescribed by the act of May, 1878. The reissue must be in like denominations of the notes destroyed.

Mr. RANDALL. Now the gentleman says that the Secretary was bound, under the law to which he refers, to issue again one and two dollar notes when notes came in of those denominations.

Mr. WARNER, of Ohio. Precisely.

Mr. RANDALL. I say that under both the sections I have read the matter is left to the discretion of the Secretary.

Mr. WARNER, of Ohio. But this is a subsequent act.

Mr. RANDALL. And I will show the effect of that discretion when I state the fact that on the 31st of December, 1884, there were but forty-three millions of coin out to take the place of these ones and twos, whereas under the change of policy and under the discretion exercised by the Secretary of the Treasury the amount of Bland dollars out was increased to fifty-two millions on the 31st of December, 1885.

In other words, the administration, instead of making war on the Bland dollar, as some gentlemen have intimated they have done, have, by their public acts and by the discretion which the law has given them and which they have exercised, increased the amount of those dollars nearly ten millions in the aggregate. Now, if that discretion is to be destroyed, it is to be done by the change of existing law. Hence I make the point of order.

Mr. WARNER, of Ohio. A word further, Mr. Chairman. The law to which I refer is the act of May 31, 1878, which is subsequent to any of the sections of the Revised Statutes to which the gentleman from Pennsylvania refers. That act, I say, not only limits the total amount of greenbacks or United States notes by prohibiting their reduction below $346,000,000, but it fixes the denomination of the notes and keeps them the same as when the act was passed. It prohibits a change in the denominations. They can not be canceled or destroyed under this act unless mutilated, and then new notes of like denominations must be issued.

Mr. RANDALL. Admitting that that is the law and is binding on the Treasury Department, the appeal should be to the Secretary of the Treasury instead of to this House, in violation of its rules as I think, asking the House to change the existing law by a new law destroying the discretion of the Secretary.

Mr. WEAVER, of Iowa. Mr. Chairman, I think the debate on this question is a little premature, as it would more properly come in on another amendment to the paragraph, but inasmuch as the subject is up I desire to be heard upon it in connection with the point of order. I defy any man, no matter how ingenious he may be, to escape the conclusion that the law peremptorily forbids changing the denominations of the Treasury notes that were outstanding May 31, 1878. I call attention to the language of the law. It has been read, but I will read it again:

From and after the passage of this act it shall not be lawful for the Secretary of the Treasury, or other officer under him, to cancel or retire any more of the United States legal-tender notes.

Now, Mr. Chairman, if the Secretary of the Treasury receives into the Treasury one and two dollar notes and cancels them and issues notes of other denominations, say one note for ten, I want to know if he has not then canceled ten one-dollar notes and issued one note? And I ask if this law does not clearly forbid the cancellation of those notes unless they are mutilated? And if they are mutilated, it expressly says that they shall be reissued in like denominations. Like what? In like denominations with the notes that were mutilated and canceled. There can be no mistake about that, and this law is mandatory, not directory. It says further:

And when any of said notes may be redeemed or be received into the Treasury under any law, from any source whatever, and shall belong to the United States, they sha l not—

What shall not? The notes received—

they shall not be retired, canceled, or destroyed, but they shall be reissued—

What shall be reissued? The notes received—

they shall be reissued and paid out again and kept in circulation.

It were impossible, sir, for human language to be plainer or more explicit. And to show that this is the meaning of it, the last clause of this act provides that "nothing herein shall prohibit the cancellation, destruction, or mutilation of notes and the issue of other notes of like denomination in their stead, as now provided by law."

Now, what does the Secretary of the Treasury say in his letter of March 2, 1886, in response to what is known as the Bland resolution? On page 4 of that document, speaking of the circulation of the Bland dollar, to which the gentleman from Pennsylvania has referred and of the efforts of the Treasury Department to put it into circulation, the Secretary of the Treasury says:

I have pressed its circulation at the expense of the United States notes, ones and twos, which as fast as redeemed have been reissued only in larger denominations."

Now, I say that in thus retiring the one and two dollar notes and issuing in their stead notes of larger denominations, the Secretary of the Treasury has—I do not say intentionally—contravened squarely the provision of the law of May 31, 1878. He had no right thus to reduce our one and two dollar currency. There is no more useful currency in this country than those one and two dollar Treasury notes. People require them for change in their every-day transactions, and one purpose of this act of May 31, 1878, was to prevent the diminution of this form of our paper circulation. I call attention to contemporaneous history.

At the time of the passage of the act of May 31, 1878, the resumption act of 1875 was in full operation. One section of that resumption act provided for the retiring of Treasury notes down to $300,000,000 prior to January 1, 1879; and it was provided further that after the date named the Secretary of the Treasury could redeem the Treasury notes then outstanding, which would have taken up every dollar of these notes. At that time the Treasury Department was giving preference to the destruction of one and two dollar Treasury notes; these were being destroyed faster than notes of any other denomination; and to stop this destruction of the one and two dollar notes, as well as all other forms of Treasury notes then in circulation as money, was the reason for using the language incorporated in the act of 1878; under which act, I say, there is no discretion left in the Treasury Department either to reduce the amount of this currency or to change the denomination. Prior to the passage of the act of May 31, 1878, the Secretary of the Treasury had a discretion in this matter, and might issue Treasury notes in any denomination he saw proper; but the act of May 31, 1878, was intended to preserve the denominations and the quantity then outstanding. At the proper time I shall offer an amendment which I have prepared on this subject.

Mr. TOWNSHEND. Mr. Chairman, this is a very important question. The present is perhaps the only opportunity we shall have at this session to provide for the issue of notes of small denominations——

A MEMBER. A point of order is pending.

Mr. TOWNSHEND. I am aware of that; and therefore I want to impress on the mind of the Chair the importance of the ruling he is now to make. In order that we may save time I suggest that the Chair, in ruling upon the amendment of the gentleman from Maine, which relates to the Treasury notes, might indicate whether it will be in order for myself or any other member to submit an amendment to the amendment providing for the issue of silver certificates in denominations of one, two and five dollars. There is a demand from every section of this country for silver certificates and Treasury notes of these denominations. I trust, therefore, the Chair will indicate his opinion whether we may now have an opportunity to provide for the issue of such notes. The opportunity of compelling the Treasury Department to issue these notes has thus far not arisen.

Mr. RANDALL. The matter just suggested by the gentleman from Illinois [Mr. TOWNSHEND] is a different subject altogether from the pending question of order. Now, Mr. Chairman, complaint is made in regard to the administration of the existing law in reference to one and two dollar notes. This is a concession that to accomplish what these gentlemen desire something must be added to the existing law. I say, then, that by the admission of gentlemen who advocate the amendment it is a change of existing law.

Mr. BLAND. Mr. Chairman, one word upon the point of order. It seems to me that the act of 1878, which has been read by the gentleman from Ohio, was intended to repeal simply so much of the resumption act as provided for the retirement of 80 per cent. of legal-tender notes when national-bank notes were issued. The resumption act provided that $300,000,000 of legal-tender notes should be the maximum amount outstanding, and provided for the contraction of such currency down to that amount. The act of 1878 was evidently intended to repeal so much of the resumption act as limited the amount of legal-tender notes to $300,000,000. The act provided:

And when any of said notes may be redeemed or be received into the Treasury under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but shall be reissued, paid out again, and kept in circulation.

It will hardly be contended, Mr. Chairman, that this does away with the discretionary power of the Secretary of the Treasury under prior statutes to determine the denominations of legal-tender notes. I believe the highest denomination which can be issued is $10,000, but between $1 and $10,000 there is a discretionary power which has always been exercised by the Secretary of the Treasury as to the denominations in which the legal-tender notes shall be issued.

Mr. WARNER, of Ohio. There had been such discretion up to the time of the passage of the act of 1878.

Mr. BLAND. That is true; but the act of 1878 was intended merely to prohibit the reduction of the legal-tender circulation below $346,000,000, the resumption act having provided that it should not be reduced below $300,000,000.

Mr. WARNER, of Ohio. Can the Secretary of the Treasury, under the act of 1878, cancel any United States note unless it is mutilated?

Mr. BLAND. I think there is no question on that point.

Mr. WEAVER, of Iowa. If the gentleman from Missouri [Mr. BLAND] is correct in his construction of the law, I ask him what meaning he gives to the language which says that these notes shall be reissued in like denominations?

Mr. BLAND. It does not say that.

Mr. WEAVER, of Iowa. It does. Listen.

Mr. BLAND. That is when mutilated notes are destroyed.

Mr. WEAVER, of Iowa (reading):

And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever, and shall belong to the United States, they shall not be r tired, canceled or destroyed, but shall be reissued and paid out again, and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation or destruction of mutilated notes and the issue of other notes of like denomination in their stead.

Mr. BLAND. That is instead of mutilated notes. That simply means where notes come in and are mutilated parties can have other notes of like denomination to replace them.

Mr. NEECE. Will the gentleman allow me to ask him a question?

Mr. BLAND. Certainly.

Mr. NEECE. What does the statute mean by "notes of like denomination?"

Mr. BLAND. That is applied to mutilated notes.

Mr. WEAVER, of Iowa. So that no notes would be retired or canceled.

Mr. BLAND. That is very true. The object of the law was to fix the amount of legal-tenders at $346,000,000. I do not desire to go into the discussion of the merits of this matter. While it may be true the people may have occasion for the use of one and two dollar bills, yet if we are disposed to put coin into circulation there is only one way to do it. We can never force gold or silver into circulation until paper money is withdrawn. The statistics show that we coin about 80 per cent. of gold in twenty-dollar pieces. That is not coined for circulation, but it is coined for the convenience of the banks. If the policy of putting coin into circulation is to be authorized we should coin gold into five and ten dollar pieces, and withdraw all paper money from circulation under five or ten dollar bills. I speak only as a matter of policy.

The large amount of coin kept in circulation in France is because it is coined into small pieces and no small denominations of paper money are put into circulation.

While I say it is a matter of policy to be decided by Congress and without expressing any view on that subject, still under this law I claim the Secretary of the Treasury is not prohibited from exercising that discretion he has always exercised in determining what denominations of legal-tender notes may be issued. I do not think the law was intended to do away with that discretion.

Mr. NEECE. Mr. Chairman, we have a statute evidently intended to protect the country in its circulating medium. It takes from the Secretary of the Treasury all power to determine what kind of money shall circulate among the people. That question is fixed by law, which has been passed by Congress. This amendment secures the continuance of that law. We have provided when one and two dollar notes are taken into the Treasury they shall be reissued in like denominations. I ask now whether they are reissued in like denominations? If we take the report of the Secretary of the Treasury we will find they are not reissued in like denominations. In other words, the law is not executed, and I believe this amendment ought to be adopted.

The people should determine, and not the Seeretary of the Treasury, what kind of money should circulate. I am in favor of silver circulation, but I am not in favor of the forcing against the will of the people the circulating of silver in place of one and two dollar bills. I am not in favor of those one and two dollar bills being taken out of the circulating medium. They are convenient and many times preferred to silver. I say we should compel the Secretary of the Treasury when one and two dollar bills are taken into the Treasury to reissue them in accordance with the plain provision of the law. There is an opinion gaining ground in this country that the people are not competent to judge for themselves the kind of money they shall have. That opinion may do for some countries, but will not be tolerated in this.

Mr. WEAVER, of Iowa. Mr. Chairman, I must dissent respectfully from the opinion given by the gentleman from Missouri [Mr. BLAND] and the gentleman from Pennsylvania [Mr. RANDALL] as to the possible construction of this law. I call attention again to the act of May 31, 1878, prohibiting any further destruction of the greenback currency. It provides in terms, and we must always get the meaning of a law from the language itself when not ambiguous, that when Treasury notes are received into the Treasury and belong to the Government, from any source whatever, they, the notes received, should not be canceled or destroyed—that is the language—but should be paid out again. Having once been paid out and come back into the Treasury in the course of business, they should again be paid out and kept in circulation—that is, the specific notes; showing that the legislator had two things in his mind when framing this law—first, the prevention of the destruction of any more of the greenbacks; and, second, the preservation of the denominations of notes then outstanding. There can be no other construction of it. It is manifest upon its face that that was the purpose of the law.

Mr. CANNON. Will the gentleman allow me a suggestion?

Mr. WEAVER, of Iowa. Certainly.

Mr. CANNON. I remember very well when that law was discussed and passed, and there was a fear in the House at that time that possibly an unfriendly Secretary of the Treasury, or one who might come in afterward, would so manipulate the currency as to secure the issue only of large bills, and take the small notes, with the advantages they carry with them, from the people.

Mr. RYAN. The discussion at that time shows plainly that fact.

Mr. WEAVER, of Iowa. Certainly. There can be no doubt but that was the apprehension prevailing, and this was to prevent that very thing from being done. I was engaged in the currency controversy at that time throughout the country, and not only did that fear obtain in Congress, but the practice obtained at that time in the Treasury Department of canceling a larger proportion of the ones and twos than of the larger denominations. There seemed to be a purpose in withdrawing them from circulation, and this statute was framed for the very purpose of preventing that. From its plain and unmistakable construction the Secretary of the Treasury had no right, in order to advance silver circulation, to make war upon the one and two dollar notes.

The gentleman from Pennsylvania says he did not make war upon the silver dollars. That is a question about which there is a difference of opinion, and I would like to have an opportunity of meeting the gentleman in discussion upon this floor on that very point for about one hour; but we have not the time for that now. But it is certain that he made war upon the one and two dollar notes in violation of this statute to which I have referred of May 31, 1878. I do not pretend to say that he did it knowingly, but wittingly or otherwise he violated the statute when he canceled the one and two dollar notes and issued larger denominations in their stead.

Mr. RANDALL. Mr. Chairman, I have only to say that the Secretary of the Treasury is acting under existing law. If he disobeys the law, that is one thing; but neither he nor we have anything to do with the purposes or motives of the men who passed the law. He reads the law as he finds it on the statute-book, and by its provisions his course of conduct is regulated.

He has in pursuance of the law marked out a course of procedure, and this amendment proposes by a change of the language of the law to compel him to go from that line, and therefore it is a change of existing law, and can not be in order on this bill. No matter what the object is, it is a change of the statute.

Mr. WARNER, of Ohio. Let me ask the gentleman if the Secretary of the Treasury has not authority now to issue one and two dollar notes?

Mr. RANDALL. He may or may not have it under the existing law; that is a question; but your proposition is to change the law so as to compel him to act differently.

Mr. WARNER, of Ohio. It makes no change in the law; it makes an appropriation for the preservation of the one and two dollar notes and to prevent their withdrawal and the issuing of other and larger notes in exchange.

The CHAIRMAN. The Chair is ready to rule on the question of order.

By the act of 1869 provision is made for the retirement and cancellation of the $400,000,000 of outstanding legal-tenders. The act of May, 1878, to which reference has been made in this discussion, had for its object the arrest of the process of the withdrawal and cancellation of the legal-tender notes. It was provided that when they were paid into the Treasury they should not be retired or canceled, but reissued; but as to the denominations in which they were to be reissued, that is not specified until we come to the proviso, which has sole reference to the cancellation and destruction of mutilated notes and the issue of others of like denominations. In point of fact one and two dollar notes are not now issued. The law must be changed in order to enable the issue of them. That is the object of the amendment which is now pending and against which the point of order is made. But as it is not provided by law, the Chair must sustain the point of order.

Mr. DINGLEY. I most respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Maine appealing from the decision of the Chair, the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were on a division—ayes 62, noes 71.

Mr. RANDALL. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. RANDALL and Mr. DINGLEY were appointed tellers.

The committee again divided; and the tellers reported—ayes 87, noes 85.

So the decision of the Chair was sustained.

Mr. WARNER, of Ohio. I now offer another amendment to come in after the words "United States," in line 274. This amendment is not a violation of the law, because it is a provision having direct reference to the subject and in line with its purpose. I propose to insert, after the words "United States," as follows: "Including one and two dollar United States notes."

Mr. RANDALL. That is the same thing.

Mr. WARNER, of Ohio. No, it is quite different; it is certainly not subject to the point of order. The law authorizes——

Mr. RANDALL. Let it be reported from the desk.

The Clerk read as follows:

After the words "United States," in line 274, insert:
"Including one and two dollar United States notes."

Mr. RANDALL. I reserve the point of order.

Mr. WARNER, of Ohio. There can be no question, it seems to me, Mr. Chairman, about that amendment. The law authorizes the reissue of United States notes whenever they are destroyed because of being worn out. In other words, it provides for the issue of notes to replace mutilated notes of all denominations; and by inserting the words here "including one and two dollar notes" you certainly make no extension of the law; it is no limitation on the present law, but an appropriation for a specific purpose already authorized by law.

Mr. TOWNSHEND. I move to amend the amendment by adding "and silver certificates?"

Mr. ADAMS, of Illinois. I desire to ask a parliamentary question. Is the amendment offered by the gentleman from Maine [Mr. DINGLEY] now pending?

The CHAIRMAN. It was ruled out on a point of order, and the decision of the Chair was sustained by the committee.

Mr. RANDALL. I make the point of order first on the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND] to the amendment of the gentleman from Ohio. There is no law authorizing the issue of silver certificates of one and two dollar denominations. That is new legislation.

Mr. WARNER, of Ohio. There is no question about that, that the amendment of the gentleman from Illinois is subject to the point of order, being new legislation, but the amendment I have offered is not legislation in any sense. It seems to me perfectly clear.

The CHAIRMAN. The Chair sustains the point of order on the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND].

Mr. RANDALL. I now make the point of order on the amendment of the gentleman from Ohio [Mr. WARNER].

The CHAIRMAN. Will the gentleman from Ohio send the Chair the law?

Mr. RANDALL. I will now say a word on this proposition. It does add to the law, and therefore changes the law, and the avowed object is to do something to compel a different administration of the law; and to compel a different administration of the law it is necessary to change the existing law under which the Secretary now acts.

The CHAIRMAN. The Chair is ready to rule on the point of order. This act of 1878 arrested the cancellation of United States notes to the amount of about $46,000,000, and it contained this proviso:

That nothing herein shall prohibit the cancellation and destruction of mutilated notes, and the issue of other notes of like denomination in their stead, as now provided by law.

The only provision in this law for the issuance of notes is to supply the place of mutilated and canceled notes. It seems to the Chair the point of order clearly lies against the amendment.

Mr. WARNER, of Ohio. I offer another amendment, to insert these words:

Including the issue of one and two dollar notes of the United States to take the place of mutilated and canceled notes of like denominations.

Mr. RANDALL. I make the point of order that that is a change of existing law.

Mr. ANDERSON, of Kansas. Existing law is one thing and the practice of a Democratic Secretary of the Treasury is a wholly distinct thing. My friend from Pennsylvania is confusing those two things.

Mr. RANDALL. I very often do get things confused, and do not wonder at it.

Mr. ANDERSON, of Kansas. The amendment last proposed by the gentleman from Ohio [Mr. WARNER] is exactly in the language of existing law.

Mr. RANDALL. Then it is not necessary, and the Secretary of the Treasury will carry out existing law as understood by the Treasury Department.

Mr. ANDERSON, of Kansas. But the Secretary of the Treasury is not the officer to construe the law. It is for Congress to make the Secretary of the Treasury obey the law.

Mr. RANDALL. I think he is doing so.

Mr. ANDERSON, of Kansas. I think not. And Congress should have an opportunity to express itself by a vote on this question.

Mr. RANDALL. The only difference between the gentleman from Kansas and myself is that he wishes something done and wants to provide a law to compel the Secretary to do it. I want him to exercise the discretion lodged in him by existing law.

Mr. ANDERSON, of Kansas. He is not obeying the existing law.

Mr. MILLS. The existing law provides that whenever mutilated notes are returned to the Treasury they shall be reissued in like denominations. If a one-dollar bill or if ten one-dollar bills that are mutilated are returned to the Treasury it is the duty of the Secretary to issue ten new one-dollar bills in lieu of them. That I understand to be the law; but the provision offered by my friend from Ohio [Mr. WARNER] is to make an appropriation to carry out that law. That is all there is about it. Now there is no appropriation to pay for the issuance of notes in place of the mutilated ones. It is not to issue more new notes, but it is to comply with the provision of the law relating to the issue of notes of like denominations in place of those mutilated.

Mr. RANDALL. I submit there is no appropriation in this amendment.

Mr. WARNER, of Ohio. We can add that hereafter.

Mr. RYAN. The amendment does not provide an appropriation. That can be provided for elsewhere if it be desirable to have one and two dollar notes reissued. The suggestion made by the gentleman from Pennsylvania [Mr. RANDALL] that this amendment offered by the gentleman from Ohio is of no consequence if it does not change existing law has some significance. It is, however, of consequence in this respect only, that it is a sort of suggestion by the legislative body of the Government to the Executive that they desire to have ones and twos reissued, and nothing more. The amendment itself does not change existing law. It does not affect existing law in any particular whatever, and the only significance it has or can possibly have is, as I before stated, to suggest to the Secretary of the Treasury that it is the judgment of the law-making body of this country that he ought to issue ones and twos in lieu of the returned mutilated notes.

Mr. RANDALL. The gentleman from Kansas gives away the whole case. When the gentleman wants to make a legal suggestion to the executive officers of the Government he ought to so frame his statutes that they will not be in violation of the rules of the House.

Mr. WARNER, of Ohio. This simply provides that out of the appropriation which this paragraph carries, of over $300,000, there may be used such sum as may be required to carry out the law in that regard; that is, to provide for the reissue of one and two dollar notes in place of one and two dollar mutilated notes canceled and retired. The law authorizes it now; but this authorizes the application of some part of this appropriation to that object, and that is all it does.

Mr. BLAND. Gentlemen seem to overlook the fact that this act simply provides that it shall not be construed to prevent the Secretary of the Treasury issuing like denominations for mutilated notes. It does not say that he shall do it. The preceding part of the act provides that the legal-tender currency shall not be reduced below $346,000,000, and changes the law which provided for the issue of $300,000,000. Now this proviso simply means that the law shall not be construed to prevent the issuing of like denominations. It does not take away the discretion of the Secretary at all. There is no intention in the act to take away the discretion of the Secretary of the Treasury as to these denominations, and hence the provision is made that the act shall not be construed to prevent him from issuing like denominations.

Now, Mr. Chairman, I desire to make one or two remarks with regard to the policy of this amendment. One is that the law now on the statute-book requires the Treasury Department to keep in circulation $346,000,000 of legal-tender notes. There is a discrimination everywhere against the circulation of silver. Why? It is coined by the Government on Government account, and is piled up in the Treasury, and paid out only at the discretion of the Secretary of the Treasury. The law provides for the circulation of legal-tender notes by providing that the volume shall not be reduced below $346,000,000.

The moment you pass any law here providing for one and two dollar greenback bills you do not increase the circulation of greenbacks a dollar. What do you do? You simply drive out of circulation about $50,000,000 now in circulation and pile it up in the Treasury. That is all your law operates to do; that is all it will do; and I do not understand why gentlemen here insist that we shall go on and issue one and two dollar legal-tender notes when the law already provides that the legal-tender currency shall be kept in circulation so that there is no necessity of making a vacuum for it. But, provide for issuing one and two dollar coin certificates and you force silver into circulation. My policy would be to let the legal-tender notes stand where they are. I would withdraw them and not issue them under $20, thus making room for one and two dollar coin notes issued upon silver. That is the sort of legislation we ought to enact here, because silver needs legislation to get it into circulation, while greenbacks need none. And I am astonished that gentlemen will undertake to drive out of circulation forty or fifty millions when we have not got enough in circulation now. There is no question that this amendment is in violation of existing law, because it changes the discretion of the Secretary of the Treasury in this regard. I am not upholding the Secretary of the Treasury or the Treasurer.

I am mindful of the fact that no doubt they have withdrawn one and two dollar greenback bills in order to get out silver, because they believed that the silver dollar would be unpopular among the people and that a cry would be raised against it. But the fact is otherwise. Silver goes into circulation, and the longer it remains in circulation and the more of it you put in circulation the more popular and the more stable its circulation will be and the more difficult it will be to induce the people to give it up. Now, it is bad policy for those here who advocate silver circulation to drive it out by putting out these bills and calling in the silver now in circulation and piling it up in the vaults of the Treasury. On the other hand, there is a bill pending here for the purpose of issuing one and two dollar silver certificates. I would amend that so as to call them "coin notes," and require the coin notes to be issued upon all the gold and silver in the Treasury. I would take care of that; the greenback is able to take care of itself. The law takes care of it.

Mr. NEECE. Not unless it is enforced.

Mr. BLAND. Not that I object to legal-tender notes. I am as strongly in favor of greenbacks as any gentleman upon this floor; but I do not desire to see them put forward at the expense of silver.

[Here the hammer fell.]

Mr. WEAVER, of Iowa. Mr. Chairman, the point of order——

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. WEAVER, of Iowa. I wish the Chair would do so, because I wish to speak on my amendment.

The CHAIRMAN. The Chair understands that this amendment relates simply to the reissue of mutilated notes.

Mr. WARNER, of Ohio. Mutilated notes only.

The CHAIRMAN. The Chair overrules the point of order.

Mr. WARNER, of Ohio. I desire now to say a word upon the merits of the amendment in reply to my friend from Missouri [Mr. BLAND].

There is now no law authorizing the issue of silver certificates of denominations below $10 or gold certificates of denominations below $20. There is great need in the country for small bills. There is a demand for them everywhere, and for my part I prefer to let the people themselves choose which form of currency they will take, whether greenbacks or silver, whether paper representing the coin or coin itself. There is nothing gained by forcing the circulation of either silver or gold coin. The policy of all enlightened nations has come to be to allow the people to decide whether they will take coin or paper in equal amount. It is not the form in which money circulates, but the quantity, that signifies.

Mr. BLAND. Will the gentleman allow me one question?

Mr. WARNER, of Ohio. Certainly.

Mr. BLAND. Does not the gentleman know that under the law as it now exists, and as enforced by the Treasury Department, if you compel the issue of one and two dollar greenbacks one-half of the silver will be driven out of circulation?

Mr. WARNER, of Ohio. This measure will not necessarily drive silver out of circulation or lessen the total money volume. Another law controls the volume of metallic or convertible money; that is the law of the equilibrium of currencies among nations. You may provide for a given proportion of the circulation to be in the form of small bills, or you may limit the total quantity of paper, and leave the denominations to be determined by the demands of trade for them. The total volume, which is, I say, the only question of significance, will not be different in either case. Whether one and two dollar greenbacks be issued, or only fives and tens and larger denominations, the total volume will remain the same, and the quantity of silver that circulates as coin, or by certificates, will not be materially changed. Inasmuch, then, as no silver certificates of small denominations are provided for, why deprive the people of the convenience of small United States notes? As business is carried on in this country small notes are necessary, and if the people choose to use small legal-tender notes I have no objection, and I do not think there is any valid objection to them. Small notes, I say, will not lessen the silver part of our money volume. To the extent people prefer silver dollars they can have them, or they can have certificates in denominations of ten dollars and upward. All the silver in the country can go into circulation in that way now.

All that is required is to pay out the surplus in the Treasury on the interest-bearing debt and then collect no more in taxes—and my friend from Texas [Mr. MILLS] will agree with me on that—than is required to carry on the Government. Then your money will all be in the hands of the people, either in the form of small bills, larger notes, or coin. It is always safe to leave a question of this kind to be determined by the people themselves. I have no desire to force into circulation silver dollars if the people prefer the paper representatives. The controlling question is always the volume of money, for on that depend prices and commercial activity. The question as to particular denominations which shall circulate is a matter of convenience to be left to the people.

Mr. NEECE. Mr. Chairman, the gentleman from Missouri [Mr. BLAND] has had a great deal of trouble about the silver dollar. Now, I have regarded him as a safe leader in behalf of the silver dollar. I begin to have some doubt of my leader, although I have followed him in all his silver projects during this session of Congress. Now, sir, he advises a direct violation of the law in order to get his silver dollar into circulation

Now, Mr. Chairman, if that has got to be done I will no longer follow my friend from Missouri. I believe the best way is to have the circulating medium the people want and to obey the law. I would not leave it to the President, or the Secretary of the Treasury, to determine what the law shall be. The law should be made by the law-making power of the Government. They will do what the people want, or at least ought to.

Where are the one and two dollar notes to-day. Why, sir, they are being destroyed? I ask by what power they are being destroyed. The law forbids their destruction. Why are they not reissued by the Government? I will tell you why. It is because no money has been appropriated to provide for their reissue—an indirect way to accomplish what can not be done directly. The omission to appropriate the necessary amount to reissue is taken as a justification by the Secretary of the Treasury for not reissuing the mutilated currency after it has been received by the Treasury. And when those in charge of the law see that Congress neglects its duty, then it does not take a great stretch of conscience to suspend the law entirely and set up the one man will. In the Forty-eighth Congress, where the proposition to suspend the issuing of one and two dollar greenbacks was voted down by almost a two-thirds vote, yet by the omission of the necessary appropriation to reissue those notes, the refusal to reissue was accomplished, and scarcely any one understood how it was done.

Let us look for a moment at the law which the gentleman from Missouri [Mr. BLAND] advises we shall violate. It is the act of May 31, 1878. It has already been referred to by my friend from Iowa [Mr. WEAVER], but I will read it again:

> That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury, or other officer under him, to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and put out again and kept in circulation.

What is it that is to be put out again by the Treasurer? Why the very notes received by him; not a substitute or its equivalent in amount. He has no discretion over it. The reissue and to keep in circulation mean to pay and circulate the very identical bills taken in unless they are mutilated, and then they are to be reissued in like denomination that the Secretary receives, if he receives one-dollar notes, five-dollar notes, ten-dollar notes, and twenty-dollar notes. He has no power to cancel or destroy them. He is compelled to reissue them if mutilated, and if not, to keep them in circulation; and now, in case he shall receive mutilated notes, the law attempted to protect them for circulation the same as those not mutilated. Therefore, it provided for their reissue in like denomination—not quantity nor like amount, but like denomination—to again assume their place as the circulating medium. The proviso was added to the act so there could be no destruction or change in amount or denomination. The provision reads as follows:

> *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and reissue of other notes of like denomination in their stead as now provided by law.

It will thus be seen that the law is imperative, leaving no discretion in the hands of the administration. It provides that these notes shall be reissued precisely as they were at the date of the passage of the act.

I take it for granted, Mr. Chairman, before we can complain of the Secretary of the Treasury we should appropriate sufficient money to carry out the law in its fullest extent. If then he shall violate it, he will be at fault; but the fault at present rests with this Congress for not appropriating sufficient money for the purpose of executing the law. When we have done that we shall have done our duty, and then we shall have the right to call upon the Secretary of the Treasury to do his duty.

If the Secretary of the Treasury can refuse to reissue the one and two dollar bills and to keep them in circulation as provided for by the act referred to, then with no greater stretch of the law he can refuse to coin the silver that is provided for by the law which the gentleman from Missouri [Mr. BLAND] has given himself so much trouble about. If this law is to be violated, ignored, or suspended, then we had better let those whose duty it is to carry out the law be the judges as to the extent, policy, and manner of violation. I insist on a strict compliance with the law by those whose duty it is to execute it.

My point is, the people should be the judges of the kind of money which shall circulate. It should be and is fixed by a positive statute so plain that no lawyer or judge in my opinion would risk his reputation by saying that when certain bills of the denominations of ones and twos are received by the Secretary of the Treasury he may withhold them and put in circulation bills of like amount of some other denomination. If that construction is given the statute we may find ourselves with bills not less than five hundred or one thousand dollars in circulation. Then what becomes of the language in the law "of like denomination?" Is a fifty-dollar bill of like denomination, of fifty one-dollar bills? The gentleman from Missouri [Mr. BLAND] says it will drive silver out of circulation. If silver will not circulate along with our greenbacks after giving it an equal chance under the law, then we must let it go. This is a question of executing the law on our part. Shall we appropriate the necessary money to have the law executed?

Mr. DINGLEY. The amendment offered by the gentleman from Ohio [Mr. WARNER] is substantially the same as the one I have offered, and I trust the committee will adopt it.

It appears from the report of the Comptroller of the Treasury for the last year the volume of one and two dollar United States notes has been reduced from fifty-eight millions to forty-six millions notwithstanding our increasing population. The people of this country, Mr. Chairman, believe that one and two dollar notes are necessary for the transaction of their business. Complaints are coming to me every week and almost every day from various parts of the country to the effect the business of the country is suffering from a dearth of one and two dollar notes.

Mr. BLAND. Will the gentleman yield to me?

Mr. DINGLEY. No, I can not yield.

A large portion of the business of this country is conducted through the mails by the remittance of one and two dollar notes. But a small portion of the post-offices of the country are money-order offices, and it is absolutely necessary for the transaction of important branches of business that the people should be provided with one and two dollar notes. I do not believe any important object can be obtained by limiting these notes, which are so convenient, and to which they have become so attached, and to which the business of the country has been adapted.

The gentleman from Missouri [Mr. BLAND] suggests that in furnishing the people with one and two dollar notes we will serve to prevent the increase of silver dollars. How that may be I do not know; but I

believe the people of the country ought to be given that currency which they find to be the most convenient, whether it is silver dollars or whether it is paper notes. I trust, therefore, while the amendment is in the nature of moral direction it may have the effect. The people of the country should be supplied with sufficient one and two dollar notes. The interests of the business of the nation require it, and I sincerely hope that this amendment will be adopted, now that an opportunity is offered.

Mr. BLAND. Mr. Chairman, I am not astonished that the gentleman from Maine should have declined to yield for an interruption. I wanted to ask him if he was in favor of issuing one and two dollar silver certificates?

Mr. DINGLEY. I voted for the report of that bill.

Mr. BLAND. Then I want your co-operation to get up that bill and secure its adoption by the House. That will afford real relief.

Mr. DINGLEY. The gentleman must very well understand that there is very little possibility or probability of securing action upon that matter by the House at this late date in the session.

Mr. BLAND. If the gentleman desires that bill to be passed, and his friends on that side who have been hostile to silver will assist, there will be no trouble in getting it up.

But there is an effort to crowd through an amendment of this kind with reference to the one and two dollar bills, and thus do away with the necessity of that bill. Now, that is just what I denounce. I want that bill to be taken up, considered, and passed. If the House wants one and two dollar bills, let them pass that bill and issue silver certificates, and not drive $50,000,000 out of circulation by putting through an amendment of this kind on this bill. Therefore, when the gentleman from Maine and others whom I know have been hostile to silver favor such an amendment as this on the present bill, my suspicions are aroused, because I can see but one possible reason for it. There is no difficulty in getting that bill before the House if gentlemen really desire it. I am not opposed to the issue of the one and the two dollar notes in that shape; but what I oppose is the idea or the proposition here of putting the one and two dollar bills in the shape of an amendment upon this bill, and thereby driving silver out of circulation. It is not possible by such means to do the greenback circulation any good whatever. That circulation is kept up by law, and we want law to keep up every other circulation.

Mr. CUTCHEON. Why does not your Secretary of the Treasury issue one and two dollar notes?

Mr. BLAND. Because, I have no doubt, the idea is by forcing silver into circulation to make it unpopular among the people.

Mr. NEECE. Let me ask my friend from Missouri if he is not willing to allow the people to have the one and two dollar bills or the silver dollars, just as they see proper? Does he not want them to have a choice?

Mr. BLAND. That is just what I claim. I do not propose to deny them that privilege, but I want to issue them as certificates in order to get more money into circulation. I do not want to discriminate against silver. I repeat, the law keeps the greenbacks out already, and there is no trouble about that circulation. It is fixed by law; it must be kept in circulation. But, on the other hand, silver circulation is placed in the hands of the Secretary of the Treasury and at his discretion, and I want to take that discretion from him. You can easily do that if you will let this question alone here and join with me in securing the consideration of that bill providing for the issuing of one and two dollar silver certificates.

Mr. MILLIKEN. I would like to know from my friend from Missouri, in view of his recent statement, how the law keeps the greenback out any more than it does the silver dollars?

Mr. BLAND. Because the law says that it shall be kept out. It specifies the amount of $346,000,000 to be in circulation.

Mr. MILLIKEN. Yes, but people will take as many greenbacks as they please and just as much silver as they please. Now, the gentleman seems to want to have the law in such shape as to force the silver into circulation.

Mr. BLAND. Precisely.

Mr. MILLIKEN. And in that I claim the gentleman gives away his whole case.

Mr. BLAND. I give away nothing. I want the law framed in such shape that it will take this money out of the Treasury and not permit it to be locked up there at the discretion of any official of this Government. I understand the position of the gentleman from Maine. All of them are hostile to silver money and make war on it. You have an opportunity to get it into circulation, and to get the one and two dollar bills also, if the law is passed to which I refer.

Mr. WEAVER, of Iowa. Mr. Chairman, I have listened with much interest to the remarks of the gentleman from Missouri [Mr. BLAND], and I must say that I am very much astonished. He discusses this question as if there were a sufficient amount of money in circulation.

Mr. BLAND. The gentleman is entirely mistaken. I am arguing just the contrary. If the gentleman will allow me to say, I was suggesting that this proposition would withdraw $50,000,000. You drive it out of circulation.

Mr. WEAVER, of Iowa. Well, the gentleman's position is not tenable. He discusses it as though there were a sufficient amount of money in circulation, and as though the question is whether we shall have greenbacks or silver.

By the act of 1878 authorizing the coinage of the Bland dollar provision was made for silver circulation. That act was followed in May, 1878, by the act prohibiting the further destruction of greenbacks and prohibiting any change in their denominations. It was evidently the intention of the same Congress that passed the two acts that hereafter the circulation—I mean the legal tender of the country—should be gold, silver, and greenbacks, a trinity of legal-tender money. Now, the resumption act of 1875 authorized the coinage of half-dollars, quarter-dollars, and 10-cent pieces, and the Bland act authorized the coinage of the silver dollar. The other act of Congress provided that there should be greenbacks in denominations of one, two, five, and ten dollars, and so on; and that three kinds of money, silver, gold, and legal-tenders, should circulate together.

Now the gentleman says this amendment was hostile to the silver dollar. Not at all. Is there no other way to get it in circulation except to provide for one and two dollar silver certificates? I give the gentleman from Missouri notice that I am just as good a silver man as he is, but if the fight comes as between the greenback and silver I am for greenbacks. Is there no way to get silver into circulation except by destroying our greenbacks? Lo, "I show you a more excellent way!" Pay it out on the public debt. If we have got to retire the greenback to get silver into circulation I stand by the greenback, and so do the people generally, because the greenback is far more convenient. But no such conflict is necessary. There is ample room in this country for the circulation of all the gold we can get, and all the silver that will come to us, and of all the greenbacks now authorized by law, and a great deal more. The people are perishing for it all over the country.

I have been considered by some people rather extreme in my notions of finance. But I have always been in favor of gold, silver, and paper money, all issued by the Government and all full legal tender, and properly limited in amount. I have before me the Washington Post of this morning, and to show this committee the progress we are making in favor of a rational currency system I will quote from an editorial in that paper of to-day:

> Paper, in the delicate qualities now manufactured, is so much more agreeable and convenient to handle than either silver or gold, that it seems certain that it will be wholly substituted for them in the near future, and that the precious metals will not be used as currency except the little silver that is needed for subsidiary coin.

If any Greenbacker had said as much he would have been laughed at from Maine to California, from the lakes to Mobile Bay. But furthermore this editor says:

> A question worth settling is whether it is longer necessary to coin metals which, however valuable as tokens of solvency, are no longer used as coins anywhere in America or Europe except in a small way.

Well, sir, we are making some progress, and I congratulate the country, I congratulate the Democratic party, I congratulate this House that the greenback schoolmaster has been abroad and that his teachings have been listened to. The greenback apostle went out before the people, taking his life and reputation in his hand, to advocate a correct system of American finance.

Mr. ROWELL. Has it captured the Post?

Mr. WEAVER, of Iowa. Yes, it seems so, truly; and we mean to keep on until we capture all the parties in this country and inaugurate a sensible system of finance—gold, silver, paper, all issued by the Government and all a full legal tender.

Mr. SYMES. My friend from Maine [Mr. DINGLEY] offered his amendment, as I understand, because he says he sees no possibility of getting the silver-certificate bill before the House this session. If I watched the silver debate in this House with any degree of correctness for two continuous months there is not a man to-day out of the three hundred and twenty-five members on this floor who is not in favor of the silver-certificate bill. However much gentlemen may have differed upon the coinage measures, upon free coinage, upon limited coinage, or any other kind of coinage, there was during the whole of that debate no difference of opinion upon the proposition that silver at least should be used in this country as a subsidiary coin, and be a legal tender for all debts, public and private, for a hundred dollars or more.

Why, sir, the most crystallized gold-bug from Wall street, New York, advocated upon this floor that silver should at least take the place in this country of all small bills. But, sir, all must know that the people of this country do not desire, or a certain portion of them at least, to carry around silver dollars in their pockets to any large extent. We all know that a very large class of people, as has been truly said by my friend from Maine, do business by transmitting small bills through the mail. Those small bills are becoming scarce, and I have no doubt that the Secretary of the Treasury has been drawing in one and two dollar greenbacks and putting out silver dollars as he pretends, or trying to put them out in their place, for the sole and only purpose of making silver dollars in the coined form odious in this country.

Why, sir, we saw the Representative from New York [Mr. HEWITT] hold up four silver dollars which he said he had been compelled to take.

He said this with the same air as a New York dude will quarrel with the barber when he gives him $4 in change, which is more money than the Almighty or his education will enable him to earn honestly. And still the aforesaid gentleman when I asked if he would support the bill to provide for the use of one and two dollar certificates by the Treasury evaded the question. This shows the good faith of the gentleman toward silver.

Then it is a fact we all admit, the free-coinage man, the limited-coinage man, the gold-bug, and he who is in favor of suspending silver coinage until the nations of Europe shall join with us in an international coinage—all, I say, must be in favor of the silver certificate bill, which requires the Secretary to issue $75,000 in one and two dollar certificates on the silver dollars in the Treasury, because they all desire silver to be used in small transactions, and they all desire an increase of small bills.

The CHAIRMAN. The time of the gentleman has expired——

Mr. RANDALL. Mr. Chairman, I do not see any necessity that this discussion on the greenback and the silver dollar should continue any longer. In the controversy between the two, I want to be exactly fair to both if I can, and to that end I think we had better now close the debate upon this paragraph.

Mr. MILLER. Mr. Chairman, with the permission of the gentleman from Pennsylvania, I want to make a statement with reference to the condition of the bill that has been mentioned here and the probability of its being passed. We have a continuing order, adopted on the 26th of April, which sets apart one day, and continues that order until the end of this Congress, for the purpose of considering and passing that bill. The order excepts appropriation bills, revenue bills, and prior orders. So, according to my understanding, there is nothing now in the way of that bill under the rules except the bills to forfeit land grants and one other prior order.

Mr. BLAND. There is nothing whatever in the way. If the majority of the House want to consider it they can consider it at any time.

Mr. MILLER. They can consider it, of course, but I say that, simply taking the precedence to which it is entitled under the rules and the order of the House, it will come up as soon as the appropriation bills are disposed of.

With reference to the matter of it there is no question that the people of this country desire paper circulation. They do not want gold. It appears by an examination of the returns from the custom-house in New York city, that great commercial center where the gold of the country is hoarded, that less than 1 per cent. of the revenue that is paid into the custom-house is in gold, and less than one-half per cent. is in silver. Thus it appears that over 98½ per cent. of the revenues of this Government derived from duties are paid into the Treasury in paper money.

Now, sir, there is a reason for this. We have a widely extended country; we have a great many centers of trade; there is hardly a man in business in any country village who does not buy his goods at eight or ten different places. He has to make his remittances in money, because the produce is sold at one season of the year and the money comes back, and the goods have to be bought at another season and the money has to be remitted for them. Now, it costs just about six times as much to ship silver as to ship currency, and it costs about three times as much to ship gold as it costs to ship currency. So that our people have not taken to the use of paper money without good reason. They use that money because of its convenience of handling and its general convenience. We ship money from New York to San Francisco and to Mexico and all over this broad continent. We are not a compact nation, and our money has to move rapidly, because we have less circulation per capita than any other people on the face of the earth, whereas, from the wide expanse of our territory, we ought to have the largest volume of circulation. Hence the necessity of our money moving rapidly and of its being in a form that can be cheaply handled and transported. But in order to circulate that money two or three things ought to be done. One is to relieve the Treasury.

It is true that the issue of greenbacks would answer the purposes of the people just as well as the issue of silver certificates, but you have a coinage act by which you are continually coining and hoarding up coin in the Treasury. You are thus accumulating a burden, for it will not circulate among the people because it is coin. Your gold and your silver do not circulate, but if you issued silver certificates based upon silver lying in the Treasury you would put into circulation $89,000,000 that we now have there, and to that extent you would increase the circulation of the country; you would give the people that much more money, and that is an object to be desired. If, on the other hand, you issue these one and two dollar notes you do not put another dollar in circulation beyond what is already out, but if you issue one and two dollar silver certificates you do put into immediate circulation these eighty-nine millions of silver which are now lying idle in the Treasury, and which amount to $1.50 per capita for every person in the United States.

Mr. MILLIKEN. What my friend from Missouri [Mr. BLAND] seems to desire is an unfair advantage for his silver dollar. Now, these silver dollars are coined at the rate of two million per month, and the people can get them if they want them. The gentleman gives away his case when he says that he desires an unfair discrimination against the greenback in order to force his currency into circulation.

Now, all that we ask for the greenback is that it shall be issued in denominations of one and two dollars, so that the people may have an opportunity to get these small notes if they want them. We do not ask that silver shall be tabooed in order to force greenbacks upon the people. By no means. Ever since the greenback was backed up by gold—that is ever since the resumption of specie payments—the greenback has been able to stand upon its own legs.

My friend from Missouri [Mr. BLAND], in order to force the silver dollar into circulation, wants to say to the people, "One and two dollar greenbacks shall not be issued; you shall not have them because we want you to take our coin; we know you will not take it unless you are compelled to, and we mean to compel you to take it by withholding from you the greenback which you want."

Mr. SYMES. Will the gentleman allow me now to ask him a question?

Mr. MILLIKEN. Yes, sir.

Mr. SYMES. I want to know how the people can get these silver dollars out of the Treasury, if they want them, as the gentleman has stated they can do.

Mr. MILLIKEN. The people can get all the silver dollars they want in the city of Washington or anywhere in this country, and a great many more than they want. They can get more than they can carry in their pockets, more than they can carry away in bags. They have only to ask them from the cashier, who is ever ready to hand them over.

Mr. SYMES. My friend is not answering my question. I want to know how any person out of the sixty million people of this country can get out of the Treasury of the United States one of those silver dollars piled up there.

Mr. MILLIKEN. They can put in a *quid pro quo*, and take the silver dollars in the same way as they would take any other currency.

Mr. SYMES. No, sir; they can not do anything of the kind.

Mr. MILLIKEN. The silver dollars are not locked up in the Treasury, but are forced into circulation so far as they can be. Everybody is offered silver. You have more of it offered you than you want at any restaurant.

Mr. SYMES. I dispute the gentleman's proposition. The gentleman is pettifogging with this matter when he says we can go to a restaurant and get silver. He does not answer my proposition that a man can not take a silver dollar from the Treasury of the United States unless——

Mr. MILLIKEN. It is no use for the gentleman to quibble on a simple point. He knows that every man in this country can get every silver dollar he wants, and more than he wants.

[Here the hammer fell.]

Mr. RANDALL. I hope now the debate may be closed on this amendment by common consent.

The CHAIRMAN. The question will now be taken on the amendment of the gentleman from Ohio [Mr. WARNER], which will be read.

The Clerk read as follows:

After the words "United States," in line 274, insert "including reissue of one and two dollar United States notes to take the place of mutilated and canceled notes of like denomination.

The question being taken, there were—ayes 62, noes 76.

Mr. WARNER, of Ohio. I make the point that no quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. WARNER, of Ohio, and Mr. RANDALL were appointed.

The committee again divided; and the tellers reported—ayes 75, noes 87.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The Committee of the Whole House on the state of the Union rose informally, when a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendments of the House to the bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. LOGAN, Mr. DAWES, and Mr. GORMAN.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. WEAVER, of Iowa. I offer the amendment which I send to the desk.

The Clerk read as follows;

After the word "Treasury," in line 279, add the following:

"*Provided*, That no portion of this sum shall be expended for printing United States notes of large denomination in lieu of notes of a small denomination canceled or retired."

Mr. RANDALL. That is subject to a point of order.

Mr. WEAVER, of Iowa. Certainly it is not. I would like to hear what point of order the gentleman can raise against it.

Mr. RANDALL. It changes existing law. The proviso embodied in the gentleman's amendment is not the law now.

Mr. WEAVER, of Iowa. I wish to be heard on the point of order. The amendment does not change existing law, but is simply a limitation upon the disbursement of money appropriated in the bill. It provides that no portion of this money shall be expended for issuing notes of large denominations in lieu of those of small denominations canceled or destroyed.

Mr. RANDALL. That is clearly new legislation.

Mr. WEAVER, of Iowa. If there is no appropriation for that purpose, of course no small notes will be retired and large ones issued in their stead. I am astonished at the position taken by the gentleman from Pennsylvania.

Mr. RANDALL. You need not be.

Mr. WEAVER, of Iowa. I will point out the cause of my astonishment. The gentleman from Pennsylvania sustained the provision in the legislative, executive, and judicial appropriation bill that no part of the civil-service appropriation should be available until the commission had certified to each Department the names of all eligibles who had been examined before that commission.

Mr. RANDALL. The gentleman is mistaken; I did not sustain it.

Mr. WEAVER, of Iowa. Did not sustain it?

Mr. RANDALL. I was in favor of the provision; but I took the ground that it was in violation of the rules.

Mr. WEAVER, of Iowa. I heard the gentleman's ingenious speech.

Mr. RANDALL. There was no ingenuity about it; I was flat-footed, as I always am.

Mr. WEAVER, of Iowa. I did not hear the gentleman say that the provision was in violation of the rules of the House. But certainly the present amendment does not change any law.

Mr. RANDALL. Oh, it does; otherwise it would not be offered.

Mr. WEAVER, of Iowa. I will yield to the gentleman now to point out the law it changes.

Mr. RANDALL. We have heard the law, we have heard the regulations of the Department; we know what is the present policy of the Department and what its procedure is. If this proposition did not contemplate a change of law designed to bring about a different course of action on the part of the executive officers it would not be offered.

Mr. WEAVER, of Iowa. Does the gentleman contend we are compelled to appropriate money and change the denomination of these greenbacks? Certainly not. The gentleman claimed where the bill changed the salary of an officer by appropriating less than the law allowed, appropriating $4,500 when the law fixed the salary at $5,000, it was not subject to the point of order, and he was clearly right. But he claims that an amendment which withholds—which appropriates nothing to change the denominations of greenbacks is subject to the point of order. In other words, his position is plainly and clearly this, that it is the duty of this House, under the law, to appropriate money to change the denomination of our greenbacks. The two positions are irreconcilable and untenable.

Mr. RANDALL. The gentleman wants an appropriation of money, and he wants to say in this bill how it shall be expended, contrary to the discretion lodged with the Secretary of the Treasury in the existing statute.

Mr. WEAVER, of Iowa. No, sir.

Mr. RANDALL. I say that is a change of law.

Mr. WEAVER, of Iowa. I want to say how it shall not be expended.

Mr. RANDALL. How it shall not or how it shall is a change of existing law.

Mr. WEAVER, of Iowa. It changes no law. It merely withholds the appropriation, the same as when you fail to appropriate the full amount of an officer's salary, and that is always held to be in order.

Mr. RANDALL. It is an infringement of the discretion of the Secretary of the Treasury.

Mr. WEAVER, of Iowa. I have the floor, and I differ with the gentleman. I certainly am correct. I simply say no portion of it shall be expended in printing bills of a larger denomination in place of small notes retired or canceled. That is not subject to the point of order. It does not change existing law. I wish to have the attention of the House while the Chair decides, and if he rules that point of order against us I will then attempt to get the opinion of the committee.

Mr. RANDALL. This is the case presented in the legislative appropriation bill. We said no money should be expended in reference to the Civil Service Commission except so and so. The gentleman from Georgia decided that was subject to the point of order. Now, this is an amendment which provides this money shall not be expended unless something is done by the Secretary of the Treasury. In my judgment it changes existing law by infringing the discretion under the present statute.

Mr. WEAVER, of Iowa. Ah, there is a difference between the cases which the gentleman puts. The civil-service law requires and empowers the Civil Service Commission to make the rules and regulations for that service subject to the approval of the President. But there is no law here requiring the Secretary of the Treasury to retire small notes, one and two dollar greenback notes, and issue in their place notes of a larger denomination. There is no law requiring any such thing, and that is the difference between the two cases.

Mr. RANDALL. I submit we should now have a ruling by the Chair.

Mr. WEAVER, of Iowa. Excuse me. The most that can be contended for by the gentleman is that there is a discretion lodged in the Secretary of the Treasury to take up small notes and issue large bills therefor. But there is no violation of that discretion if Congress merely withholds the appropriation for the printing of large bills.

Mr. RANDALL. I submit, with great respect to the gentleman from Iowa, that the committee has already decided the question in reference to the provision there should not be any appropriation for the Civil Service Commission unless they should do so and so.

Mr. WEAVER, of Iowa. But that is not this case.

Mr. RANDALL. The gentleman says no money shall be appropriated unless the ones and twos are issued.

Mr. WEAVER, of Iowa. I beg pardon. This does not require the Secretary to do anything. The provision in the legislative bill required him to do something, which was a change of law. It required him to do an affirmative act. This takes from him the appropriation and leaves him quiet.

Mr. RANDALL. Your amendment says they shall not do it unless they do it in a particular way.

Mr. WEAVER, of Iowa. No; this amendment does not, as just stated, require him to do anything.

Mr. RANDALL. I call for a ruling on the point of order.

The CHAIRMAN. In relation to the Civil Service Commission it was held it was not competent to place an amendment on the bill which compelled that commission to change two of its rules. The present case has this for its basis: The law prescribes the Secretary of the Treasury may issue notes of various denominations, but does not advise the proportion of the denominations in which they shall be issued. Now, it is proposed by the amendment to say in issuing these notes the Secretary of the Treasury shall not issue large notes in lieu of small notes.

Mr. WEAVER, of Iowa. No; it merely provides that no part of the appropriation shall be used to change the denomination of the bills.

The CHAIRMAN. Shall not issue in that proportion in payment. That he shall not issue larger notes in lieu of small notes. The Chair is of the opinion that the point of order is not well taken, and rules the amendment to be in order.

Mr. WARNER, of Ohio. A word upon this amendment.

Mr. RANDALL. I would like to have a vote. [Cries of "Vote!" "Vote!"]

Mr. WARNER, of Ohio. By the act of 1878, to which reference has already been made, it is provided that—

> When any of said notes may be redeemed, or be received into the Treasury under any law, or from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again, and kept in circulation.

In connection with this provision of law I desire to call the attention of the committee to the letter which has been read by the chairman of the Committee on Appropriations from the acting Secretary of the Treasury, addressed to that committee, in which he uses this language:

> It is not the policy of the present officers of the Treasury Department to issue one and two dollar notes. No more of such notes will be printed while this policy continues.

It is, he says, "not the policy of the Treasury Department to issue one and two dollar notes." The law says that all United States notes when received into the Treasury shall be reissued, and when mutilated and destroyed that other notes of like denomination shall be issued in their place. That is the law plain and clear. I can but regret that any Treasury official should see fit to send such a letter as this to this House or to a committee of the House. It is the duty of the Secretary of the Treasury and of all the officers of the Treasury to carry out the law exactly as they find it upon the statute-book.

Mr. RANDALL. That is just what they are doing.

Mr. WARNER, of Ohio. And notice such as this, that the Treasury Department has adopted a policy in contravention of the law, which it will adhere to, is, to say the least, a most remarkable declaration to be sent to a leading committee of this House.

Is this not a proper subject for inquiry? It certainly may become so. There has been altogether too much "policy" for many years in the administration of the affairs of the Treasury Department and too little regard for the plain provisions of law. I had supposed that Congress determined the policy of the Government when it enacted a law, and that it was the duty of the officers of the Government to carry out the law.

The Treasury is not a bank, to be managed according to a "policy" to be prescribed by its appointed officers, but the Treasury of the United States is to be managed according to the laws enacted by Congress.

Mr. RANDALL. In opposition to that, Mr. Chairman, I desire to say simply that the policy of the administration is in obedience to the law, and I ask a vote.

Mr. DANIEL. I would like to ask the chairman of the Committee on Appropriations a question to see if I correctly understand this matter. I would like to know where, in this statute, which forbids the further retirement of the United States legal-tender notes, there is any vesting of any discretion whatsoever in the Secretary of the Treasury to reissue other notes than those which are received, or new notes of the same denomination, in lieu of them? Where, in any statute, is that discretion?

Mr. RANDALL. He is not prohibited. The gentleman has the statute before him, and if he will look at it it is plain.

Mr. RYAN. Here is the language of the law, if the gentleman will permit me:

Provided, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

Mr. RANDALL. That proviso, as the gentleman will see, is that nothing herein shall prohibit the Secretary of the Treasury from doing that.

Mr. WARNER, of Ohio. But if reissued they must be in notes of the same denomination, and to issue them in different denominations would be as much a violation of the law as for him to say he would collect a lower scale of duties.

Mr. RANDALL. I ask a vote on the proposition of the gentleman from Iowa.

Mr. WEAVER, of Iowa. Let the amendment be reported again, so that the committee will clearly understand it.

The amendment was again read.

The question was taken; and on a division there were—ayes 65, noes 59.

Mr. RANDALL. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. RANDALL, and Mr. WEAVER, of Iowa, were appointed tellers.

The committee again divided; and the tellers reported—ayes 48, noes 79.

Mr. WEAVER, of Iowa. No quorum.

Mr. RANDALL. I am under obligation to move that the committee rise at this time to enable the gentleman from Tennessee to submit a resolution.

Mr. WEAVER, of Iowa. All right. The question on the amendment is pending and the vote will be taken in a full House.

The motion of Mr. RANDALL was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries; who also announced that the President had approved bills of the following titles:

An act (H. R. 247) granting a pension to Lewis Tyus;
An act (H. R. 448) granting a pension to Newton Day;
An act (H. R. 908) granting a pension to Margaret E. Cochran;
An act (H. R. 1100) granting a pension to Jane W. Devereux;
An act (H. R. 1279) granting a pension to Darius M. Seaman;
An act (H. R. 1841) granting a pension to George W. Stout;
An act (H. R. 1889) granting a pension to Isaac Carleton;
An act (H. R. 2803) granting a pension to John H. Snyder;
An act (H. R. 3144) granting a pension to Isaiah H. Mitchell;
An act (H. R. 3198) granting a pension to Mrs. Mary Hastings;
An act (H. R. 3941) granting a pension to Mary M. Galleyan;
An act (H. R. 3972) granting a pension to Sanford C. Willhoite;
An act (H. R. 5328) granting a pension to Noah Hoffman;
An act (H. R. 5329) granting a pension to William Antes;
An act (H. R. 5331) granting a pension to Emma M. Shiner;
An act (H. R. 5332) granting a pension to Elizabeth Crowley;
An act (H. R. 5335) granting a pension to Philip Deremer;
An act (H. R. 5336) granting a pension to Benjamin S. Wolverton;
An act (H. R. 5702) granting a pension to Jenet L. Johnson;
An act (H. R. 5729) granting a pension to Elizabeth Warner;
An act (H. R. 6092) granting a pension to Parmelia Smith;
An act (H. R. 6389) granting a pension to Francis M. Moore;
An act (H. R. 6725) granting a pension to William M. Swartz;
An act (H. R. 7330) granting a pension to Josie H. Babb;
An act (H. R. 7468) granting a pension to Lemuel Adams;
An act (H. R. 8085) granting a pension to Amos C. Weeden;
An act (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier;
An act (H. R. 3135) granting an increase of pension to Charles Sebring;
An act (H. R. 1548) for the relief of Ellen Crymble.
An act (H. R. 1560) for the relief of Evaline A. White;
An act (H. R. 1651) for the relief of Rosina Heineman;
An act (H. R. 3848) for the relief of H. P. McFarlin;
An act (H. R. 7168) for the relief of Mrs. Sallie Ancrum;
An act (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith;
An act (H. R. 525) to restore Robert C. McKee to the pension-roll;
An act (H. R. 5899) to place the name of Robert Beard on the pension-roll;
An act (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check and the assistant treasurer of the United States at New York to pay the same;
An act (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas;
An act (H. R. 6975) to establish additional life-saving stations; and
An act (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate requested the return to that body of the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., and the bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1883.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 544) granting leave of absence to employés in the Government Printing Office; and

A bill (H. R. 7650) to remove the political disabilities of I. G. Flournoy, of Mississippi.

The message further announced that the Senate had passed the bill (S. 925) to grant Dearborn Park, in the city of Chicago, to said city for the use and benefit of public and benevolent institutions; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendments a resolution of the House for printing the report of the International Polar Expedition to Lady Franklin Bay, asked a conference with the House on the amendments, and had appointed as conferees on the part of the Senate Mr. HAWLEY, Mr. MANDERSON, and Mr. GORMAN.

The message further announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the House, and had appointed as conferees on the part of the Senate Mr. LOGAN, Mr. PLUMB, and Mr. GORMAN.

The message further announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The message further announced that the Senate had passed without amendment the joint resolution (H. Res. 185) for the printing of certain eulogies delivered in Congress upon the late Joseph Rankin.

DAMAGES BY THE MISSISSIPPI AT MEMPHIS.

Mr. ZACH. TAYLOR. Mr. Speaker, I ask unanimous consent to submit a joint resolution, and ask its present consideration.

The SPEAKER. The joint resolution will be read subject to objection.

The joint resolution was read, as follows:

Whereas the lower portion of the city of Memphis, Tenn., has in part been destroyed by the caving of the bank of the Mississippi River at that point; and

Whereas great destruction of private property has been entailed and destruction of the property of the United States threatened thereby; and

Whereas Congress has failed to protect said property by the appropriation of money for that purpose; and

Whereas the citizens of said city have subscribed money sufficient for said purpose: Therefore,

Be it resolved by the Senate and House of Representatives in Congress assembled, That all or enough of the barges, boats, tools, implements, and appliances now at said city, under the control, custody, or management of the Mississippi River Commission, and used by said commission for the improvement of the Mississippi River at said city, are hereby loaned to the properly authorized officers of the taxing district of Shelby County, Tennessee, to be used by them in improving said river at said city below Beale street thereof; said loan to be made under such regulations as may be made by the Secretary of War for the proper use, safe-keeping, and the return of the same to the proper officers of the United States, and for the payment of all damages which may result to the United States by virtue of such use.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. TOWNSHEND. I simply want to enter my objection to the use of Government property for the purpose indicated.

Mr. WILLIS. It is the very work the Government is engaged in at Memphis.

Mr. TOWNSHEND. I have no desire, however, to object to the consideration of the resolution.

There being no objection, the joint resolution (H. Res. 190) was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ZACH. TAYLOR moved to reconsider the vote by which the

joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TUCKER. I desire to call up a Senate bill that came over with a slight verbal amendment.

The SPEAKER. Where is it?

Mr. TUCKER. On the table.

The SPEAKER. The Chair is informed that the bill to which the gentleman refers is in the Clerk's room; it has not yet been laid before the House.

And then (the hour of 5 o'clock having arrived) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition of D. W. Washburn Post, Grand Army of the Republic, Department of New York, relating to Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. BARKSDALE: Papers relating to the claim of Sarah Cagle, of Charles Weill, and of Benjamin M. D. Mason, of Rankin County; of Mrs. Sidney Harding, administrator of Richard Harding, of John R. McAlpine, of Tenor Braboy, colored, of Elizabeth McArthur, of Anna Maria Ragsdale, of James H. Maury, and of Thomas Ryan, of Claiborne County; of Isaac Roberts, of Thomas Kidd, and of James I. Dromgole, of Hinds County, Mississippi—to the Committee on War Claims.

By Mr. BLOUNT: Petition of Robert M. Jackson asking that his war claim be referred to the Court of Claims—to the same committee.

Also, papers relating to the claim of Robert M. Jackson, of Upton County, Georgia—to the same committee.

By Mr. BOUTELLE: Memorial of Asbury Caldwell Post, No. 51, Grand Army of the Republic, of Sherman Mills, Me., in favor of the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. W. C. P. BRECKINRIDGE: Memorial of Doctors Garnett, Bulkley, and Smith, special committee of the Medical Society of District of Columbia, asking for the passage of a bill to prevent the adulteration of wines—to the Committee on Ways and Means.

By Mr. BUTTERWORTH: Memorial of Post 141, Grand Army of the Republic, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of W. F. Young and others, of Edgar County, Illinois, asking that a special-act pension be granted Emily Dailey, widow of James Dailey—to the Committee on Pensions.

Also, petition of Alexander Post, Grand Army of the Republic, of Hume, Ill., for the passage of Senate bill pensioning Union soldiers—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Petition of the heir at law of Thomas Ellison; of heir of Hezekiah Ellenburgh, deceased; of Thomas G. Barker; of administrator of C. C. Adams, deceased; of George H. Gilreath; of administrator of John H. Hutchins, deceased; of administrator of James Johnston, deceased; of James P. Johnston; and of heirs of Wyatt Johnson, deceased, of Chattooga County, Georgia; and of Joel R. Prewett, of Paulding County, Georgia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. COMSTOCK: Petition of 66 members of Hill P. Clark Post, Grand Army of the Republic, of Saranac, Mich., asking a pension for all soldiers of the war who are without means of support—to the Committee on Invalid Pensions.

By Mr. GAY: Papers relating to the claim of Celestine Danterine, of Iberia Parish, Louisiana—to the Committee on War Claims.

By Mr. GOFF: Petition of Caroline M. Jackson, administratrix of James Jackson, deceased, for reference of claim to Court of Claims—to the same committee.

By Mr. GROUT: Petition of D. Wilkins and 42 others, members of Grand Army of the Republic Post, North Calais, Vt., for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. HALSELL: Papers to accompany bill for the relief of John C. McCarley; and of John C. McCarley, administrator of John McCarley, deceased—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Petition of Mrs. S. M. Hoyt and 119 other ladies of Delaware County, Iowa, wives and daughters of farmers of said county, praying for legislation against bogus butter—to the Committee on Agriculture.

By Mr. HOUK: Papers relating to the claim of Marshall J. Grubb, for a pension—to the Committee on Invalid Pensions.

By Mr. IRION: Concurrent resolution of the Louisiana Legislature, asking appropriations for Tchefuncta and other streams emptying into Lake Ponchartrain—to the Committee on Rivers and Harbors.

By Mr. JACKSON: Petition and papers in the case of Ann E. Kettlewood, for relief—to the Committee on Invalid Pensions.

By Mr. KING: Resolutions of the Legislature of Louisiana, for an appropriation to improve Bayou La Fourche at its mouth—to the Committee on Rivers and Harbors.

Also, resolution of same, asking the donation of the United States marine hospital, at New Orleans, for educational purposes—to the Committee on Public Buildings and Grounds.

By Mr. LAIRD: Memorial of Hezekiah B. Read, asking that he be granted a pension by special act—to the Committee on Invalid Pensions.

By Mr. LAFFOON: Petition asking for the passage of bill for the increase of militia appropriation—to the Committee on the Militia.

By Mr. LITTLE: Petition of members of McConkey Post, No. 391, Grand Army of the Republic, and others, citizens of Catawba, Clark County, Ohio, asking for the passage of Senate bill 1886, relating to pensions—to the Committee on Invalid Pensons.

Also, petition of citizens of Greene County, Ohio, asking that a pension be granted Jacob Shepherd and Simon Beakler—to the same committee.

Also, memorial of Memorial Post, No. 141, Grand Army of the Republic, of Cleveland, Ohio, asking certain legislation relative to pensions—to the same committee.

By Mr. LOUTTIT: Petition of James Cox, of San Joaquin County, California, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORRILL: Petition of Jonganoxie Post, No. 149, of Kansas, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. O'HARA: Papers relating to the claim of Daniel Dougherty, of Craven County; of Dorsey S. De Loach, of Northampton County, and of Joseph K. Smith and of Freeman Hines, of Jones County, North Carolina—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Petition against House bill 6114—to the Committee on Commerce.

By Mr. PERKINS: Petition of J. H. Morgan and others, citizens and ex-soldiers of the late war, of Gardner Township, Cherokee County, Kansas, asking for the passage of Senate bill 1886, for the relief of infirm and indigent Union soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. PERRY: Petition of Ballard D. Dean, of Belton, and of Rev. H. M. Singleton, son and heir of Elizabeth Singleton, deceased, of Oconee County, South Carolina, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. RANDALL: Memorial of the Maritime Association of New York, for the passage of the bill for telegraph line in connection with signal station at Point Jupiter, Florida—to the Committee on Military Affairs.

By Mr. ROGERS: Petition and papers to go with claim of Eliza J. Bell—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Winnie Tramel, of Indian Territory—to the Committee on War Claims.

By Mr. SENEY: Petition of Dr. William Harmon and 33 others, ex-soldiers and citizens of Seneca County, Ohio, and of the Maimed Soldiers' League, of Philadelphia, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Petition of Matt Starr Post, No. 378, Grand Army of the Republic, of Jacksonville, for the passage of Senate bill 347; also, petition of same for the passage of the Blair pension bill—to the same committee.

Also, memorial of J. M. Nash and others, of Neenham Post, No. 68, Grand Army of the Republic, and of L. E. Knapp and others, of W. P. Russell Post, No. 89, Grand Army of the Republic, for the passage of Senate bill 1886—to the same committee.

By Mr. J. W. STEWART: Memorial of Kevney Post, No. 48, Grand Army of the Republic, for the passage of Senate bill 1886—to the same committee.

By Mr. TUCKER: Petition of John R. Buchanan, of Augusta County, Virginia, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. VAN EATON: Petition of Jacob C. Peebles, of Adams County; of W. L. Nugent, administrator of Mrs. E. A. Dunn, deceased; of Maria P. Crizer, of Adams County; of Henry Bodon, of Pike County; of L. G. Aldrich, executor of L. D. Aldrich, deceased; and of A. Cunningham, executor of the late Martha Crane, deceased, asking that their war claims be referred to the Court of Claims—to the same committee.

Also, memorial of citizens of Jackson County, Mississippi, relative to bridge across West Pascagoula River—to the Committee on Commerce.

By Mr. VOORHEES: Papers in the case of Samuel H. Peregoy—to the Committee on Invalid Pensions.

Also, memorial of the officials of Olympia and Tumwater, Wash., asking for the passage of House bill for the construction of dam across Budd's Inlet, Washington Territory—to the Committee on Commerce.

By Mr. WAIT: Petition of George W. Blake, for increase of pension—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Minerva T. Harris, widow of James D. Harris; and of Mary R. Crutcher, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

SENATE.

TUESDAY, *June* 22, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when; on motion of Mr. BUTLER and by unanimous consent, its further reading was dispensed with.

BONDED EXPORT WHISKY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of June 8, 1886, certain information in regard to the authority upon which the orders of January 6, 1885, and March 27, 1886, relating to the exportation and reimportation of distilled spirits, were issued, &c.

The Secretary proceeded to read the communication.

Mr. INGALLS. I ask unanimous consent that the document be printed in the RECORD and referred to the Committee on Finance.

Mr. DAWES. The information was called for by a resolution submitted by myself. I think the communication might lie on the table and be printed as a document. We can then determine what use it will be proper to make of it after we see what it is.

The PRESIDENT *pro tempore*. It is usual to print reports of heads of Departments in the RECORD, and it will be also printed as a document.

Mr. DAWES. I have no objection, of course. Perhaps it had better lie on the table without reference for the present.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

The communication was ordered to be printed, and printed in the RECORD, and to lie on the table, as follows:

TREASURY DEPARTMENT, *June* 22, 1886.

SIR: I have the honor to acknowledge the receipt of the resolution passed by the Senate June 8, 1886, calling on the Secretary "to furnish to the Senate the authority upon which" the Secretary issued the "orders" of January 6, 1885, and March 27, 1886, relating to the exportation and reimportation of distilled spirits, "together with all decisions of the Attorney-General, opinions of the Commissioner of Internal Revenue, correspondence, and all other papers relating to" said orders; and to inform the Senate what quantity has been exported under the order of January 6, 1885, on what quantity the tax was paid under that order, what quantity of that exported has been returned to the United States under the order of March 27, 1886, at what ports of entry it was admitted and received, and where it is now stored in bond.

In reply, I have the honor to transmit herewith copies of the documents called for, respectfully referring to the opinion of the Attorney-General of December 23, 1884 (see document No. 6 inclosed), as being the authority "in deference" to which circular No. 282, approved by the Secretary January 6, 1885, was issued. (See document No. 8.)

In regard to the disposition of the 7,750,696 gallons of spirits in distillery warehouses June 30, 1885, which had been stamped and bonded for export under said circular No. 282, the Commissioner of Internal Revenue reports to me, under date of the 11th instant, as follows:

	Gallons.
Exported under said bonds	1,410,356
Withdrawn on payment of tax	6,337,331
Claimed as lost by leakage	3,009
Total	7,750,696

Reports from collectors of customs show the quantity of domestic spirits reimported and entered for warehouse since March 27, 1886, and the quantity of such spirits remaining in customs warehouses, to be as follows, in taxable gallons:

Ports.	Entered.	Remaining in warehouse.
New York	124,696	92,097
Boston	928	928
Philadelphia	55,938	52,895
Baltimore	34,266	27,914
Cincinnati	17,981	13,661
Saint Louis	1,758	1,581
Total	235,567	189,076

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. JOHN SHERMAN,
President pro tempore of the Senate.

SUSPENSION OF PUBLIC LAND LAWS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 7th instant, certain information in regard to the issuance by the Commissioner of the General Land Office of a circular suspending applications for the entry of lands under the pre-emption, timber-culture, and desert-land laws from June 2, 1886, to August 1, 1886.

The Secretary proceeded to read the communication.

Mr. INGALLS. It is unnecessary to read anything more than the letter of transmission. I ask that the letter and the accompanying documents be printed.

The PRESIDENT *pro tempore*. The letter of transmission has not been read. If there be no objection the reading will be dispensed with, and it will be printed in the RECORD, and be printed also as a document, with the accompanying documents. The Chair hears no objection, and that order will be made. Does the Senator move to refer it?

Mr. INGALLS. I will not ask that, as the matter would probably go to the Committee on Public Lands, of which my colleague [Mr. PLUMB] is chairman, and he is not in his seat. Let it lie on the table until he comes in.

The PRESIDENT *pro tempore*. It will lie on the table for the present.

The communication was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR, *Washington, June* 21, 1886.

SIR: On the 7th instant I was duly notified of the adoption by the Senate of the following resolution:

"*Resolved*, That the Secretary of the Interior be, and is hereby, directed to inform the Senate whether the Commissioner of the General Land Office has, with the approval of the Secretary of the Interior, issued a circular in the following words:

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., June* 2, 1886.

"*To the registers and receivers, United States Land Offices:*

"GENTLEMEN: The repeal of the pre-emption, timber-culture, and desert-land laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time.

"WM. A. J. SPARKS, *Commissioner.*

"Approved:

"L. Q. C. LAMAR, *Secretary.*"

Said resolution was immediately referred by me to the honorable Commissioner of the General Land Office, with a request for a report thereon, and on the 18th instant the Commissioner submitted the accompanying report, which is herewith forwarded for your consideration.

Shortly after the promulgation of said circular a grave doubt arose in my mind as to the existence of sufficient legal authority in the Department for such suspension of either the pre-emption, timber-culture, or desert-land laws as was contemplated in the aforesaid circular of June 2. Thereupon, after consultation with the Commissioner, an order was promulgated, with my approval, revoking said circular of June 2, which said order of revocation is as follows:

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., June* 4, 1886.

"*To registers and receivers, United States Land Offices:*

"GENTLEMEN: Based upon satisfactory evidence that an unusual number of entries under the pre-emption, timber-culture, and desert-land laws are at this time being made, anticipating the action of Congress repealing said laws, and following numerous precedents of this office and Department deemed to be in substantial harmony therewith, the following order, approved by the Secretary, was on the 2d instant issued to you:

"'The repeal of the pre-emption, timber-culture, and desert-land laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time.'

"Now, in view of serious question as to the existence of sufficient absolute legal authority therefor the same is hereby revoked.

"WILLIAM A. J. SPARKS, *Commissioner.*

"Approved:

"L. Q. C. LAMAR, *Secretary.*"

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The PRESIDENT *pro tempore of the Senate.*

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting the petition of James A. Swift and 13 other second lieutenants of the Signal Corps, praying that Congress extend to them the same privileges and opportunities for promotion to which the officers of the Engineer Corps and the Ordnance Department are now entitled under law; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MAXEY. I present a memorial of citizens of Corpus Christi, Tex., remonstrating against the removal of the custom-house at that place to Laredo. This memorial is addressed to my colleague [Mr. COKE] and myself, but is evidently designed as a memorial to Congress. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. HOAR presented the petition of John M. Payne, of Orangeburgh County, South Carolina, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HOAR. I present a petition of sundry citizens of Haverhill, Mass., including the mayor and some of the other municipal officers, praying that a pension be granted to William L. Eddy, late a private in Company F, Seventh Massachusetts Volunteers. The petition is accompanied by the draught of a bill. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

Mr. CAMERON presented the petition of Dr. Peter D. Keyser and other citizens of Philadelphia, Pa., praying for the continuation of the National Board of Health; which was referred to the Committee on Epidemic Diseases.

Mr. EUSTIS presented a resolution of the General Assembly of the State of Louisiana, relative to the necessity of an appropriation by Congress for the improvement of navigable streams in the parish of Saint Tammany; which was referred to the Committee on Commerce.

He also presented a resolution of the General Assembly of the State of Louisiana, favoring an appropriation by Congress for the improvement of navigation in a portion of Bayou La Fourche, within the parish of La Fourche; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GRAY. I am instructed by the Committee on Claims, to whom was referred the bill (S. 31) for the relief of Warren Mitchell, to report it favorably without amendment, with a majority and minority report.

The PRESIDENT *pro tempore*. The report and the views of the minority will be printed, and the bill will be placed on the Calendar.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (S. 2369) granting an increase of pension to William H. H. Price, reported it with amendments, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7193) granting a pension to Sarah A. Tucker; and

A bill (H. R. 3363) granting a pension to Jennette Dow.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the bill (S. 2259) to increase the pension of Thomas Chapman, reported it with an amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5705) granting a pension to Charles Wyant; and

A bill (S. 1531) granting an increase of pension to William Winans.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1987) for the relief of David L. Brainard and others, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3750) for the relief of Frances H. Plummer, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1252) for the relief of Frances H. Plummer, asked to be discharged from its further consideration, which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2562) granting a pension to Henry F. Kaiser, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2699) granting a pension to Sarah E. Norton, reported it with an amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2424) granting an increase of pension to George W. Kincaid;

A bill (S. 2487) granting a pension to Andrew Mucklin; and

A bill (S. 2488) granting a pension to John B. Fuller.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the bill (S. 1562) granting arrears of pension to A. C. Hight, reported it adversely, and the bill was postponed indefinitely.

UNION PACIFIC RAILROAD BRANCHES.

Mr. WILSON, of Iowa. I desire to state with reference to a report made from the Judiciary Committee yesterday by the Senator from Massachusetts [Mr. HOAR], being the bill (S. 2395) to authorize and empower the Union Pacific Railroad to construct branch roads, which he reported favorably, that the Senator from Minnesota [Mr. MCMILLAN] and myself do not concur in that report.

NICARAGUAN CLAIMS CONVENTION.

Mr. MAXEY, from the Select Committee to Inquire into all Claims of Citizens of the United States against the Government of Nicaragua, to whom was referred the following concurrent resolution, reported it without amendment:

Whereas the following resolution was passed in the Senate on March 10, 1882, and in the House of Representatives on the 16th March, 1882:

"*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to bring to the attention of the Government of Nicaragua the necessity of arranging by a convention for final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua and claims of citizens of the United States against the Government of Nicaragua."

And whereas no information has been given to Congress of any practical progress that has been made in the adjustment of the claims of the citizens of the United States against the Republic of Nicaragua:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to bring this subject to the attention of the Government of Nicaragua, with a view to securing the prompt and full satisfaction of the just claims of the citizens of the United States against the Government of Nicaragua.

Mr. MAXEY. I ask that the resolution be considered at the present time.

The resolution was considered by unanimous consent, and agreed to.

INTERMENT IN NEW BERNE NATIONAL CEMETERY.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 7364) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late Mrs. Harriet B. Lehman, to report it favorably without amendment. I ask for the present consideration of the bill. It merely gives permission to bury the widow of a soldier in the cemetery by his side, and the War Department say there is no objection.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GEORGE introduced a bill (S. 2721) to remove the disabilities of John K. Mitchell; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GEORGE. The petition in this case has already been referred to the Committee on the Judiciary.

Mr. GEORGE (by request) introduced a bill (S. 2722) for the relief of Emilie L. Major; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 2723) for the relief of Lindsay Murdoch; which was read twice by its title, and referred to the Committee on Finance.

Mr. WALTHALL introduced a bill (S. 2724) for the relief of William J. Poitevent; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2725) to construct a road to the national cemetery at Corinth, Miss.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 2726) to increase the pension of Agnes Allison; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. MCMILLAN. I present an amendment which I desire to propose to the sundry civil appropriation bill. I desire to accompany it with a brief statement of facts in regard to the subject of the amendment; which I ask may be printed, and, with the amendment, referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That order will be made.

Mr. DOLPH submitted an amendment intended to be proposed by him to the bill (S. 2457) for the relief of the State of Georgia; which was ordered to lie on the table and to be printed.

RAILROAD RECEIVERS.

Mr. GEORGE submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be instructed to inquire into the powers of receivers appointed by United States courts for insolvent railroad companies, either with or without instructions from the courts appointing them, to disregard the laws of the States in which said railroads are operated in relation to the regulations of fares and freights, and also to inquire whether any legislation is needed in reference to this subject; and that they report by bill or otherwise.

DEMONETIZATION OF COIN.

Mr. VAN WYCK. I desire to call up, merely for the purpose of reference, the bill (S. 1194) to prevent demonetizing American coin by certain persons in the United States, which has been long upon the President's table. I ask to have it referred to the Committee on Finance.

The PRESIDENT *pro tempore*. If there be no objection the bill will be referred to the Committee on Finance. The Chair hears no objection.

RAILROAD ATTORNEYS.

Mr. HAWLEY. I desire to call up my motion to reconsider the vote by which the Senate passed the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. BECK. I am glad the Senator has called up the motion. I was rising for the same purpose.

Mr. DAWES. Will the Senator, before he calls that up, allow me to ask unanimous consent to take a bill from the Calendar which will not interfere with it?

Mr. HAWLEY. Certainly.

The PRESIDENT *pro tempore*. Pending the motion to reconsider, the Senator from Massachusetts [Mr. DAWES] asks unanimous consent that the Senate proceed to the consideration of a bill on the Calendar.

Mr. DAWES. Laying aside the bill called up by the Senator from Connecticut informally.

Mr. BUTLER. I do not understand that the Senate has determined to proceed to the consideration of the measure suggested by the Senator from Connecticut. He simply made a proposition to call it up.

Mr. HAWLEY. I yielded the floor to the Senator from Massachusetts to make some proposition, understanding that he desires to leave town. I will defer the matter for that purpose.

The PRESIDENT *pro tempore*. Until the motion is put and carried it will not be in order for the Senator from Connecticut, even by unanimous consent, to interpose.

Mr. BUTLER. Let us have an understanding about the matter.

Mr. DAWES. I hope after a statement there will be no objection to my request.

Mr. BUTLER. I intended to ask the Senate to proceed to the consideration of the Cinnabar and Clark's Fork Railroad bill, which was under discussion yesterday in the morning hour, and I have not consented to take up the motion to reconsider suggested by the Senator from Connecticut.

The PRESIDENT *pro tempore*. The Senator from Connecticut is in order in moving to proceed to the consideration of the bill.

Mr. BUTLER. I understand that.

The PRESIDENT *pro tempore*. It can be done by a majority of the Senate.

Mr. BUTLER. I have not the slightest objection to the Senator from Massachusetts proceeding with the matter he has in charge.

Mr. DAWES. I do not wish to interfere with the Senator's measure.

Mr. HAWLEY. I yielded the floor for the moment to the Senator from Massachusetts, who desires to leave town.

Mr. BECK. I rose to make the same motion as the Senator from Connecticut. I understand that was the first motion made, and now I ask the Senate to vote upon it.

The PRESIDENT *pro tempore*. That is the first motion; but the Senator from Massachusetts asks the unanimous consent of the Senate to take up a bill.

Mr. BECK. I object. I do not know what it is.

Mr. INGALLS. May we understand what is the motion now pending?

Mr. HAWLEY. I moved to proceed to the consideration of Senate bill 2578. Upon the passage of that bill I entered a motion to reconsider.

Mr. INGALLS. Then the question is not upon the bill, but upon the motion to reconsider.

Mr. HAWLEY. The question is upon the pending motion to reconsider the vote on the passage of the bill.

The PRESIDENT *pro tempore*. That will be the question before the Senate when that bill is taken up. The bill must be taken up in order to present that question. The pending question is on the motion to proceed to the consideration of the bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate. The question now is on the motion to reconsider the vote by which the bill was passed.

Mr. DAWES. Now I ask unanimous consent that the bill may be informally laid aside so that I may ask the Senate to take up a bill under peculiar circumstances.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Massachusetts?

Mr. INGALLS. If the Senator from Connecticut desires the consideration of the bill that he has moved I hope he will proceed under the direction of the Senate, and if he does not, I hope he will withdraw his application and let something else be done.

Mr. HAWLEY. I am quite ready to proceed, but the Senator from Massachusetts makes a personal appeal to me. He desires to leave town, and has some matter which he asks the unanimous consent of the Senate to consider. I do not know what it is, but it is the usual courtesy of the Senate, and I yielded the floor for a moment.

Mr. DAWES. I wanted to ask the passage of a bill on the Calendar, as I am going away.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2281) granting to railroads the right of way through the Indian reservation in Northern Montana.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 118) for the relief of J. M. Hobbs; and

Joint resolution (H. Res. 190) to loan the taxing district of Shelby County, Tennessee, certain barges, boats, &c., at Memphis, Tenn.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 248) for the relief of Henry Gee;

A bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.;

A bill (H. R. 2953) for the relief of John P. Bush and James Grigsby;

A bill (H. R. 3440) making an appropriation to construct a road or wagon-roadway from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish;

A bill (H. R. 3475) for the relief of William Talbert;

A bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased;

A bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix;

A bill (H. R. 4063) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn.;

A bill (H. R. 4115) for the relief of John Taggart;

A bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5;

A bill (H. R. 4415) to make the allowances for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes;

A bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida;

A bill (H. R. 5547) for the erection of a public building at Savannah, Ga.;

A bill (H. R. 5553) for the relief of E. J. Phillips;

A bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes;

A bill (H. R. 6590) granting a pension to Catherine Whitesell;

A bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15 east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel;

A bill (H. R. 6665) for the erection of a public building at El Paso, Tex.;

A bill (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury, and to make the same fireproof;

A bill (S. 16) for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased;

A bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased;

A bill (S. 365) for the relief of Martin L. Bundy;

A bill (S. 498) for the relief of George T. Dudley;

A bill (S. 579) granting a franking privilege to Julia D. Grant;

A bill (S. 1352) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation at Fort Leavenworth;

A bill (S. 2073) for the relief of the officers and crew of the light-house tender Lilly and the inspector of the fourteenth United States light-house district;

A bill (S. 2222) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations; and

Joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company.

J. N. QUACKENBUSH.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate to proceed to the consideration of a bill, which will be read for information, and then the Chair will ask for objections.

Mr. HAWLEY. Let us hear what the bill is.

Mr. BECK. The present measure is to be informally laid aside, I understand.

The CHIEF CLERK. A bill (S. 2661) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. DAWES. I will state with the indulgence of the Senate why I ask to have the bill considered now.

On the last day when the Calendar was before the Senate I was engaged in the room of the Committee on Appropriations, and the Senator from Illinois when this bill was reached kindly asked that it might be passed over because of my absence. It is necessary for me to be absent from the Senate and the city for two or three days, and that is the reason why, as the Calendar will be considered again in my absence, I should like to have this matter considered now. The bill has passed the Senate unanimously once, and I think the present shape of the bill will meet every one's sanction if it is only understood what it is.

The PRESIDENT *pro tempore*. If there is no objection the bill will be read.

The bill was read, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. INGALLS. Is there a report in that case?

Mr. DAWES. There is a report.

Mr. INGALLS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. BUTLER. I did not exactly catch the point in the bill with regard to the retirement of that officer. As I caught the reading it provided for his retirement as a commander with the highest rank in that grade.

Mr. DAWES. The highest pay on the retired-list.

Mr. BUTLER. The highest pay on the retired-list of commander. My understanding of the matter in committee was that he should be placed upon the retired-list with the rank he held when dismissed from the service. I think it had better be modified. That would put him away up.

Mr. COCKRELL. I move to strike out the words "with the highest retired-pay."

The PRESIDENT *pro tempore*. The reading of the report has been called for.

Mr. DAWES. The report will show. He was tried when he was a commander.

Mr. BUTLER. I understand that, but the bill provides for the highest pay of commander. I am very willing that the bill should pass so as to retire him with the pay of commander as of the rank he held when dismissed.

Mr. DAWES. There are different grades of pay between sea-service and shore-service and all that; but I did not suppose that there were different grades of pay of commanders when on duty.

Mr. BUTLER. I move to strike out the words "with the highest retired-pay."

Mr. McPHERSON. The Senator will understand that there is longevity pay also in the grade of commander. The highest rate would be sea-pay.

Mr. DAWES. He is to have the highest pay of a commander on the retired-list.

Mr. McPHERSON. They are retired as a matter of course as they go from the active-list. It would depend altogether on how much longevity pay he received.

Mr. DAWES. I am willing to strike that out.

Mr. McPHERSON. The longevity-pay extends also to the retired-list, and so does the sea-pay.

The PRESIDENT *pro tempore*. The report will be read.

Mr. DAWES. I am willing to amend the bill in that respect.

Mr. INGALLS. Can we not have the report read, so that we may understand what is the meaning of these motions to amend? If this is to be decided by two or three members of the Senate without any further consideration, I am content; but I should like to get at the facts of the case so as to vote understandingly.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. DAWES June 14, 1886:

The Committee on Naval Affairs, to whom was referred the bill (S. 962) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein, beg leave to submit the following report:

The bill was referred to the Committee on Naval Affairs on January 8, 1886. After giving it consideration the committee instructed one of their members to report the bill adversely, which was done on May 5, 1886. Some members of the committee not being present when the adverse report was ordered to be made, and desiring to give the bill further consideration in the committee, it was recommitted to the Committee on Naval Affairs on May 20, 1886.

After full consideration of all the facts and circumstances bearing upon this case your committee now report the bill to the Senate, with an amendment in the nature of a substitute.

The bill, as introduced, proposed to authorize the appointment by the President of a commander in the Navy, to take rank and position as of the time of the suspension of John M. Quackenbush, namely, June 9, 1874, or, as will be seen from the preamble, the object of the bill is to restore Quackenbush to his original position in the Navy.

The substitute proposed by your committee authorizes the President to appoint said Quackenbush a commander in the Navy, and place him on the retired-list as such with the highest retired-pay of that grade, from the date of his appointment, and further provides that the money paid him from date of suspension, June 9, 1874, until April 1, 1881, shall not be required to be restored to the United States, as it appears that no question as to his status as a naval officer was ever raised until the latter date.

The history of this case is very fully given in a report made to the Senate on March 6, 1884, by Mr. Jones, of Florida, on behalf of the Committee on Naval Affairs of the Forty-eighth Congress, which is hereunto appended and made a part of this report. Your committee therefore report back the bill in a new form and recommend its passage as reported.

John N. Quackenbush was, upon the 25th day of May, 1871, duly appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate, a commander in the Navy of the United States, in regular course of promotion from the rank of lieutenant-commander. He was tried by a naval court-martial in February, 1874, and sentenced to dismissal. The record shows that this sentence was approved by the President on the 5th day of June, 1874.

On the 9th day of June, 1874, the Secretary of the Navy addressed a letter to Commander Quackenbush, at Boston, informing him of the sentence of the court-martial and of its approval by the President, and stating that from that date (9th June) he would "cease to be an officer in the Navy."

On 12th June, 1874, the Secretary of the Navy again addressed a letter to Commander Quackenbush, at Boston, asking him to return the order dismissing him from the Navy; and the latter returned the order to the Secretary of the Navy, under cover of a letter of the 15th of June, 1874.

On the 8th day of December, 1874, the Secretary of the Navy again addressed a letter to Commander Quackenbush, at Boston, stating that the sentence of the court-martial was, on the 9th day of June, 1874, mitigated to suspension from rank and duty, on furlough-pay, for six years, the suspension to date from that day. And the Fourth Auditor was so notified the same day.

On the 10th day of June, 1874, the President nominated to the Senate W. S. Schley to be commander in the Navy, "vice Quackenbush, dismissed," which nomination was confirmed by the Senate on the 12th day of June, 1874.

It appears that this nomination was inadvertently made "vice Quackenbush, dismissed," as there had been no intention on the part of the President to dismiss Quackenbush. A retention of both Schley and Quackenbush upon the list made an excess of one over the legal number of commanders. The Secretary of the Navy, as soon as this fact was called to his attention, directed that no nomination should be made to the next succeeding vacancy; which recommendation was complied with, no appointment being then made, or having subsequently been made, to the position made vacant by the retirement of George W. Morris, the only result of the error having been that Schley received his promotion a few weeks earlier than would otherwise have been the case.

The President referred the matter to the Attorney-General for an opinion. The Attorney-General rendered his opinion on the 16th day of March, 1878 (15 Op., 465), in which he says:

"Presuming that the first branch of your inquiry—that part of it relating to the admissibility of 'parol proof' that the President assented to the mitigation of the sentence on the 9th of June—is propounded with reference solely to the admissibility of the letter of the Secretary of the Navy of the 8th of December as evidence of the fact just mentioned, I submit that this letter can not be properly viewed in the light of mere parol evidence of such fact. It is an official document, pertaining to a matter which necessarily came within the official observation of the Secretary, and, regarded simply as such, is entitled to be received as at least *prima facie* proof of what is therein stated touching that matter; but being, moreover, an act which, in contemplation of law, proceeds from the President himself, it must be deemed to be evidence of the very highest order of the particular fact above referred to. The directions of the President respecting the mitigation of a court-martial sentence may be, and frequently are, given *ore tenus*, and left to be formally made known and carried out through the head of the appropriate Department. When this is the case, the orders or instructions of the latter issued in discharge of that duty constitute primary and perhaps conclusive evidence of what the directions of the President were.

"Agreeably to these views, the letter of the Secretary of the Navy of the 8th of December must be considered satisfactory proof not only of the mitigation of the sentence by the President, but that it was mitigated by him on the 9th day of June, the time stated in the letter—supposing, of course, that the power to mitigate might then have been exerted by the President.

"This nomination following so closely on the letter of dismissal, written by the Secretary of the Navy, is apparently inconsistent with the subsequent statement by him that the sentence was mitigated by him at the time mentioned. It assumes, indeed, the complete execution of the sentence—that the officer was thereby dismissed, and is an official act based on this assumption. But it did not of itself affect or change the previous or then existing status of such officer. Thus had the nomination been made after the approval of the sentence of dismissal, but before anything was done in execution thereof, it could hardly be considered as constituting a sufficient execution of that sentence.

"So the confirmation of the nomination, and the issue of a commission thereupon, did not necessarily produce any alteration of the status of the officer under sentence. * * * It may be that the 'vice' in the nomination was made by inadvertence, and, in view of the statement just adverted to, it can not be regarded otherwise than as thus originating."

Following this advice of the Attorney-General, Commander Quackenbush has served out his probation under order of the President, the duration of which expired on the 9th day of June, 1880, at which time he was restored to waiting-orders pay, under which he now is. The recent decision and judgment of the Supreme Court of the United States in the case of Charles M. Blake *vs.* The United States (13 Otto, 227) makes questionable the right of the said Quackenbush to hold said office, not by reason of the order of dismissal, first erroneously promulgated and immediately afterward withdrawn, because, according to the opinion of the Attorney-General, the letter of the Secretary of the Navy, on the 8th day of December, in which it is stated that the President had assented to the mitigation of the sentence on the 9th day of June, is accepted as evidence of the highest order of the fact referred to therein; but, by reason of the fact that the nomination of W. S. Schley to be commander was made "vice Quackenbush, dismissed," which, if given its full force as a *bona fide* act of the President, taken in connection with the subsequent confirmation of the same by the Senate, according to the decision of the Supreme Court operates to supersede Quackenbush, who thereupon ceased to be an officer of the Navy.

With respect to the making of the nomination of W. S. Schley in the manner it was, Hon. George M. Robeson, in a letter to the President dated February 16, 1882, says:

"The nomination of Schley '*vice* Quackenbush' went through in some incomprehensible manner, and when brought to my attention, as it made an excess of numbers, I ordered no nomination to be made for the position shortly after vacated by the retirement of Morris, which reduced the number of commanders to the legal limits."

It will be remembered that Mr. Robeson was Secretary of the Navy at the time the matters mentioned in his letter took place.

General Grant, in a letter to the President dated February 10, 1882, says:

"The case of Commander J. N. Quackenbush, United States Navy, sentenced to be dismissed in 1874, has just been called to my attention, with the hardship attending his case, by reason of inadvertency in sending in the nomination of his successor after his sentence had been commuted. The matter of nominations or promotions in the Army and Navy is regulated by law, so that the Executive scarcely thinks to look at the nominations when put before him, supposing, of course, they are to fill vacancies. In this way it seems Commander Quackenbush was suspended, and now finds himself in danger of being out of the Navy by reason of the recent decision in another case. I remember the case of Commander Quackenbush, but not the details of my action. I have no doubt, however, that Hon. George M. Robeson, then Secretary of the Navy, knows and remembers all about it. I do know, however, the intention was not to put him out of the service, and I now recommend his nomination to the vacancy which was kept open for him from the time of the first vacancy after the promotion of Schley.

"The fact that executive action was delayed so long in the case of Commander Quackenbush, at the request of Samuel Howe, shows quite conclusively that the approval of the sentence and mitigation was done at one and the same time. My decision was probably given verbally to the Secretary, and a mistake in the record has been made by a clerk."

With respect to the latter question, Mr. Robeson, in the letter already quoted from, says:

"The action of approval and of mitigation was at one and the same time, whatever the records in the Department may appear to show. The direction to me being verbal, and a letter being sent at once by me to Commander Quackenbush, and afterward, in December, the letter promulgating the finding and mitigation, I may have rested content with my action, and neglected to order or to make full indorsement of the records."

It is highly probable that the draught of the formal approval of the sentence of dismissal, which appears upon the record of the court-martial in the handwriting of some one else other than the President, was made on the 5th day of June, but was not actually signed by the President till on the 9th day of June.

The bill under consideration authorizes the President to nominate and, with the advice and consent of the Senate, to appoint the said John N. Quackenbush commander in the United States Navy, *vice* George U. Morris, retired, to take rank and position on the list of such commanders from and after the date of the retirement of Morris, namely, October 21, 1874, and next after the name of Commander W. P. Sampson; the appointment to be to fill the vacancy still unfilled, caused by the retirement of Morris, the right to fill which is unquestioned under the above decision, and the right to reissue the original commission of Commander Quackenbush might be questionable, with the provision that such appointment shall not entitle the said John N. Quackenbush to compensation during the time that intervened between the appointment of Schley and the subsequent retirement of Morris; and with the further provision that after such reappointment the said John N. Quackenbush shall be entitled (with the exception provided above, namely, that no compensation shall be received for the few months that intervened between the issuing of the commission to Schley and the retirement of Morris) to compensation from the date of his original commission to the present time, as by him duly received up to the time of the raising of the question as to his status, in consequence of the Supreme Court decision in the case of Blake above referred to; and he having been all this time borne on the rolls of the Navy, and on waiting orders, he shall receive whatever

arrears of salary have accrued since the 1st day of April, 1881, that being the day on which further payment of his salary was deferred until his status should be finally decided.

There appears to be no doubt of the fact that it was not the intention of the President to dismiss Commander Quackenbush from the Navy, either by the approval of the sentence of the court-martial or the nomination of Schley to be commander. Quackenbush has, as before stated, served out his probation under the order of the President, and it would be a hardship for him now not to be retained in the Navy. The committee therefore report the bill back with a favorable recommendation.

Mr. INGALLS. The report which has just been read does not disclose the reasons why this man was dismissed by court-martial from the naval service of the United States. It carefully avoids any expression of opinion on that subject, or any statement of the evidence which was before the court-martial by whom he was tried.

My object in calling for the reading of the report was to ascertain if possible upon what evidence the court-martial acted; and I have been endeavoring to ascertain by inquiry from those who are advised, and I learn from the facts which have been stated to me that the suppression of the truth in the report is at least something for which the proposed beneficiary of this bill has devout reason to be thankful. If I am correctly advised, he was tried by court-martial for being drunk on duty at a foreign station, on shipboard, in the presence of his men, and that in a foreign country in that condition he visited disreputable places of resort, and in every way in which it could be done disgraced the uniform and the flag of his country.

He was sentenced to be dismissed from the service, and by the same appliances which have been used in his behalf since that time the sentence of dismissal was mitigated by the President of the United States to suspension for the term of six years, and he was subsequently ordered to active service and continued for two years in that capacity. Now, this bill proposes to place him on the retired-list and practically give him a pension amounting, I suppose, to about $1,500 a year, and thereby put him in a position in the same category with those who have acted in compliance with their orders and the rules and regulations of the service.

Mr. President, action like that invoked by this bill is destructive of discipline, of the *morale* of the service. I have said upon more than one occasion on this floor that no man who wears the uniform of the United States, either as a military or naval officer, who is once dismissed after fair trial for drunkenness upon duty ever ought to be restored. It is a disgraceful implication upon the service that this should be done, and the methods which have been resorted to, which I do not wish to characterize here, for the purpose of bringing influences to bear in order to place this man back in position and give him this money, to which he is not entitled, are such as ought not to be employed.

Mr. MCPHERSON. If the Senator from Kansas will bear with me a moment, I wish to know after the sentence of the court-martial was approved by the President how it could have been mitigated?

Mr. INGALLS. I was informed upon inquiry, or supposed I was informed, that the sentence of the court-martial was that he should be dishonorably dismissed from the service. I think the Senator from South Carolina can say whether that is correct.

Mr. BUTLER. That is correct.

Mr. INGALLS. Now the Senator from New Jersey inquires how that could have been modified.

Mr. BUTLER. It was modified in this way: The sentence was mitigated by President Grant to six years' suspension from the service.

Mr. INGALLS. Without pay.

Mr. BUTLER. I do not remember, but perhaps on furlough-pay; but in the mean time the present Commodore Schley was appointed to take the place made vacant by the dismissal of Commander Quackenbush. That in law operated as an ejection from the service, and this bill was originally intended to correct that mistake. There is no doubt about the fact that a mistake was made. The Secretary of the Navy admitted it.

Mr. INGALLS. What was the practical result of the mistake?

Mr. BUTLER. The practical result was that the nomination and confirmation of Commander Schley put Quackenbush out of the service.

Mr. INGALLS. The Senator from Massachusetts informs me that I am mistaken in saying that after his dismissal he served but two years. He informs me that it was six.

Mr. President, I do not know the proposed beneficiary of this bill, and it is unnecessary for me to say that I speak absolutely without any personal feeling whatever; but if the facts are as stated to me, if they are as stated by those who defend this bill, I can not understand upon what reason, upon what basis of justice, upon what sentiment that will sustain the honor of the naval service, the Senate can vote to put this man on the retired-list and thereby remove every stigma that has been affixed to him, and declare practically that he is on the same footing and in the same category with those who have served honorably and efficiently under the flag of their country.

Mr. BUTLER. That is a very proper and pertinent inquiry made by the Senator from Kansas; and I want to state in justification of my own conduct that the bill as it first came to the Committee on Naval Affairs proposed to restore this officer, Commander Quackenbush, to the rank that he held when he was dismissed. The practical effect of that would have been to put him above the present Commodore Schley, who distinguished himself in the command of the expedition for the relief of Greely and his companions. I could not consent to that. I could not consent that an officer who had, as the Senator from Kansas has stated, disgraced himself by drunkenness with his uniform on should ever be restored to the active-list of the Navy. I think it bad in principle; I think it is dangerous in principle.

We have had a very serious experience within the last four or five years in the sinking of the Ashuelot by a man who had been court-martialed and dismissed for drunkenness. By importunity he was restored, and the result was that while in command of a ship he became intoxicated, the ship was lost, and several lives lost with the going down of the vessel. That is a practical illustration of the danger of restoring an officer to the active-list of the Navy who had been drunk once.

But it was represented to the members of the committee that this officer had a good record during the war; I think perhaps he had distinguished himself; and out of consideration for that fact I yielded my consent to this bill which puts him upon the retired-list of the Navy, as I supposed, with the rank that he held when he was dismissed from the service. It was purely and solely out of consideration to his past record in the Navy that I gave my assent to the bill which is now under consideration.

As the Senator from Kansas has stated, I have not a particle of feeling about this case. I know this officer very slightly; and I agree with the Senator from Kansas that it is a very dangerous precedent, one which ought not to be followed. I am very frank to say that I reluctantly gave my consent to the passage of this bill, which puts him upon the retired-list, without back pay, with the rank that he held when he was dismissed from the service.

Mr. INGALLS. What pay will he receive under this bill?

Mr. BUTLER. I do not really remember now. About $1,500 I am informed.

Mr. BECK. Mr. President——

Mr. DAWES. Will the Senator indulge me a moment?

Mr. BECK. I was about to rise to say that I thought, when another bill was pending and unanimous consent was asked that a bill that would pass without debate should be taken up, I do not think this bill ought to be pressed now under the circumstances. The debate will last not only until 2 o'clock, but for a good many hours apparently.

Mr. DAWES. The Senator will allow me to make some reply to the Senator from Kansas. The Senator from Kansas has seen fit to criticise the report which has been submitted to the Senate in language which reflects upon the frankness and sincerity of those who presented that report.

Mr. INGALLS. Pardon me a moment; I referred to the report of the committee at a previous Congress, not the report made now.

Mr. DAWES. I submitted that report to the Senate, and I am responsible for it. I adopted the report made to the last Congress by a distinguished Senator of this body, and I repudiate the charge, made without the slightest foundation, and only growing out of the habit of scolding members of the Senate, that there has been any concealment whatever or any intention of misdirecting the Senate. Sir, every fact necessary for the foundation upon which this bill rests is set out in the report, and it is based solely on the fact that this officer was displaced from the Navy upon a mistake of the Navy Department; and that is recited in full. That mistake had no relation to the cause for which he was originally tried by court-martial.

Mr. BUTLER. I think it is due to the committee, and also due to Mr. Quackenbush, that the Senator from Massachusetts should state what I forgot to state, that for the last twelve years his conduct has been absolutely blameless, as I am told.

Mr. DAWES. I was going to state that. Here was a commander in the Navy who had distinguished himself by honorable service in the Navy. He was overtaken in a foreign port with drunkenness and behaved in a manner unbecoming his position. He was tried by court-martial. It was the first and only charge of the kind ever made against him. It was of such a gross character that the court-martial felt compelled to pass the severe sentence upon him that they did of dismissal from the service. Nobody complains of that. But when it was brought to the consideration of President Grant, and he heard all the mitigating circumstances connected with the case, and the fact that this man had an honorable and distinguished record, he felt as if it was due to him, and it could be done safely to the Navy, to give him an opportunity to show whether this was a confirmed habit, or whether it was an accidental overcoming of him under circumstances of peculiar temptation to which he most unfortunately yielded, and the President mitigated that sentence. But a few hours before he had approved the sentence, and when the facts came to his knowledge, he recalled his approval. He approved the sentence on the 9th day of the month, and on the 10th he recalled his approval and put the officer on suspension for six years to see what would be the effect upon him. The Navy Department inadvertently on the next day, not having before it at that moment the mitigation of the sentence, nominated another man in place of this man dismissed, and he was confirmed properly enough. That eight or ten years afterward was decided by the Supreme Court to work the dismissal of such a man. But this man went on under his

six years' suspension, perfectly sober as he ever was in this world. At the end of the six years he was called back to the service and served in his rank for five or six years more until 1881, when this decision of the Supreme Court came out in another case, which compelled the Navy Department in 1881 to drop him from the rolls, although he had served five or six years in his rank as commander in the Navy under the supposition of everybody that he was an officer in the Navy. Under these circumstances last year the Senate passed unanimously a bill to put him back in his old place.

I agree heartily with the Senator from South Carolina that we should do injustice to a gallant officer of the Navy by putting him above Commodore Schley, and every member of the committee agreed that under all the circumstances the best that could be done for this unfortunate man who has suffered so much by his one act of folly and who has shown by ten or twelve years of rectitude in life that it was not a confirmed habit—the best that could be done, and it was just and right that it should be done, was that he should be put upon the retired-list of the Navy at the point he was when the court-martial took place.

This is the whole of this case. I have not a word to say about the criticism of the Senator from Kansas of men who are habitually addicted to drink who are in the Army or the Navy; but men do sometimes yield to temptation for once and recover from it and are men afterward; and a wise discretion in the superior officer, in the Executive, exerted in such instances, instead of working harm to the service, is an encouragement and a hope held out to men who have thus yielded in a single instance that it is possible for them to recover themselves. Justly and discreetly and properly administered, there is no principle governing the control of the Army and the Navy which in my opinion would be more healthy than that. It is on that ground that this bill is here in its present shape. I think the word "highest" should be stricken out. It was inserted by me not knowing these different grades of pay. The intention was to put him right where he was when he was court-martialed.

Mr. HAWLEY. In order that I may vote as I desire to vote on this matter I wish to ask whether this bill attempts to remit or revoke anything of the penalty imposed, or whether it simply places this man where he would have been, having suffered all that punishment, if it had not been for a mistake in promotion?

Mr. HOAR. I have seen myself a letter from President Grant saying that this was a mistake.

Mr. DAWES. It puts him there from the day of his appointment, with a proviso that he shall not pay back the salary of those years when he supposed he was in the Navy and was acting in obedience to the orders of the Navy Department. The proviso is that he shall not pay back that salary. The legal status is that he has served and taken the pay of an officer of the Navy when he was not one, and therefore it might be that he would have to pay back that money.

Mr. HAWLEY. The bill neither credits nor takes back anything?

Mr. DAWES. Not a particle.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 8 of the bill it is proposed to strike out the word "highest," before the word "retired-pay;" so as to read:

And place him on the retired-list as such with the retired-pay of that grade.

The amendment was agreed to.

Mr. BUTLER. I would suggest another verbal amendment in order to make the bill perfectly clear; that is, after the word "appointment," in line 9, to insert "under this act;" so as to read:

With the retired-pay of that grade from the date of such appointment under this act.

Mr. DAWES. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina.

The amendment was agreed to.

Mr. LOGAN. Is the retired-list full?

Mr. BUTLER. No, it has never been full.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. LOGAN. There is no use in opposing bills of this kind in the Senate; but I should like to call the attention of the Senate of the United States to one thing. When any man in the Army or the Navy asks to be put on the retired-list it is agreed to; but I should like to call the attention of Senators to it and ask them to read for their own information the retired-list of the Navy. I do not propose to take up the time by reading it now, but I call attention to the number of retirements in the Navy which have been made by act of Congress. There are that many pages [indicating] of the Navy Register on the retired-list, thirty-nine pages, close print, containing the retired-list, and the Senate will be astonished when they see the number that have been put upon that list by act of Congress, men who have been drunkards and dismissed for every offense known to the laws of the country.

Mr. BUTLER. Is that the Navy?

Mr. LOGAN. It is the retired-list of the Navy that I hold up here. As I stated, I merely ask Senators for their own information to read that retired-list and see what the Congress of the United States has been doing for a few years past, and then if they will turn to the Army Register and see what they have done in the Army retired-list they will be astonished at their own acts.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I would vote "nay" if he were present.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS] and withhold my vote.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If not paired, I should vote "yea."

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired on general political questions with the Senator from North Carolina [Mr. VANCE]. How my colleague would vote on this question, if present, I do not know. I presume he would have no objection to the Senator from North Carolina voting.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. PLUMB (when his name was called). I am paired generally with the Senator from Alabama [Mr. MORGAN], but for the purpose of this vote he is paired with the Senator from Maine [Mr. FRYE]. I vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote if present, and I withhold my vote.

Mr. SAWYER (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If I were not paired, I should vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

Mr. VOORHEES (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. I do not know how he would vote, but were he here I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call having been concluded, the result was announced—yeas 22, nays 17; as follows:

YEAS—22.

Blackburn,	Dawes,	Hearst,	Payne,
Blair,	Dolph,	Hoar,	Pugh,
Butler,	Eustis,	Jones of Arkansas,	Sewell,
Call,	George,	Jones of Nevada,	Stanford.
Cameron,	Gray,	Manderson,	
Conger,	Hawley,	Mitchell of Oreg.,	

NAYS—17.

Allison,	Harrison,	Sherman,	Wilson of Iowa,
Berry,	Ingalls,	Teller,	Wilson of Md.
Cockrell,	Logan,	Van Wyck,	
Coke,	McPherson,	Vest,	
Colquitt,	Plumb,	Whitthorne,	

ABSENT—37.

Aldrich,	Frye,	Maxey,	Sabin,
Beck,	Gibson,	Miller,	Saulsbury,
Bowen,	Gorman,	Mitchell of Pa.,	Sawyer,
Brown,	Hale,	Morgan,	Spooner,
Camden,	Hampton,	Morrill,	Vance,
Chace,	Harris,	Palmer,	Voorhees,
Cullom,	Jones of Florida,	Pike,	Walthall.
Edmunds,	Kenna,	Platt,	
Evarts,	McMillan,	Ransom,	
Fair,	Mahone,	Riddleberger,	

So the bill was passed.

RAILROAD ATTORNEYS.

The PRESIDENT *pro tempore*. The bill before the Senate will now be read.

The Senate proceeded to consider the motion to reconsider the vote on the passage of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grants of lands or pecuniary aid from the United States.

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. HAWLEY] moves to reconsider the vote by which this bill was passed.

Mr. HAWLEY. On the 1st of June the Senator from Kentucky [Mr. BECK] offered the bill under consideration, which I ask the Secretary to read.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That it shall be unlawful for any member of either House of Congress to accept employment as attorney at law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

Mr. HAWLEY. That bill was laid upon the table, not referred to a committee, and was called up on the 10th; a reference was refused; and the bill was passed. In the course of the afternoon I read over and considered the bill. It seemed in my judgment to be very harsh and severe. The evil, if there be one, I would acknowledge; I would desire to reach it by some rule of the Senate, or, if necessary, by a statute. The bill attracted no attention as it lay on the table.

It was invisible to the public eye. It attracted no attention. It is to the Calendar that we are accustomed to look for bills that await the action of the Senate. Before bills reach the Calendar they are in a chrysalis state, supposed to be undergoing a careful investigation by a competent committee. Theoretically some thought is given to the evil which is alleged to exist and which the bill is to remedy; also to the existing statutes to see whether they do not sufficiently cover the ground. Thirdly, the provisions of the proposed bill are scanned. Is there a vacuum in legislation? Does the bill fill it? Is the evil known to exist? Are the provisions reasonable? Is the evil a crime—a *malum in se?*" Or is it of a less degree—some proceeding in contravention of public policy which can be reached by a milder form of prohibition which shall affirm the general sense of the wrong of the conduct in question?

Is the bill such that honorable men, proceeding in entire innocence of improper intent, men of unquestioned integrity and high motives, might unexpectedly find themselves convicted of a felony, beggared by a fine, and forever disgraced by a term in the penitentiary?

This bill was sprung suddenly upon the Senate. It had never been considered by a committee. It was not even debated. It is aimed at conduct which has evidently a range of moral character from entire innocence up to corruption deserving impeachment and expulsion. It contains possibilities of perfect surprise and sudden, final, and irreparable dishonor. Are its provisions well considered? The murderer has the advantage of being charged with guilty knowledge and intent.

This bill takes no knowledge of motive, of intent. Will a court equitably consider and construe it? I hope so. I hope the courts will be wiser than Congress is in the passing of the bill. It was proposed and passed as a resolution of adjournment of Congress might be if a deadly, merciless pestilence had suddenly discovered itself. It is aimed at ourselves—four hundred and one men—four hundred and one only. Its passage is an affirmation that some among us are guilty of practices so heinous, yet up to this moment entirely unknown, that all the wise processes of legislation must be instantly suspended, and the bill passed as one would ring the fire-bell or light the beacon-fires of war.

Had it been some form of swindling, robbery, murder, or treason to which it had been discovered that Congressmen only were addicted, doubtless the Senate would have preserved its dignity and adhered to its wise and conservative rules. But not only was it stampeded through the Senate, but it was affirmed in the only two or three sentences of explanation that "the bill had better be voted down than sent to the Judiciary Committee." The disrespect to the leading committee that committee can take care of. The reflection upon the Senate, for myself, I disclaim and resent.

But the Senator from Kentucky went further. He declared that "a reference to any committee amounts to a defeat of the bill." Has not the Senate command over its committees? Can it not instruct them? Can it not relieve a committee from the charge of a bill and take up the measure in full Senate at any hour of any day?

The Senator from Kentucky affirms that corrupt and dishonorable conduct has so strong a hold upon the Senate that not only the committee highest in rank but the majority of this body will resort to disreputable evasions to escape a high duty and protect a felony, and the only safety for the public honor is to suspend all the machinery of legislation and rush the bill through by an instant vote without an instant of deliberation, lest the low tone of public morals here prevalent may defeat justice.

This bill as it stands gives sanction to a cheap, common, and nasty defamation of Congress, which is untrue, and brings the Government into discredit. It can be abused. How, those familiar with the practice of criminal law can tell better than I; but a man is liable to be sent to the penitentiary if he receives payment for service of any kind, the collection of an ordinary debt if you choose, or the settlement of a question concerning a trespass upon land, from any railroad company or from the agent of any company which has been created by a charter from the National Government or which has received a grant of land or has received any aid whatever at any time. I suppose that the Senator from Maine might receive instructions or a request from the Illinois Central Railroad Company to secure a debt in Maine and might do it without reflection upon his honor. It certainly would not be *malum in se;* and he might have forgotten that thirty or forty years ago that railroad received a land grant.

So of various other railroads that in some way may have received aid, whether to the extent of one dollar or thousands, no matter how long ago. If he accepts payment for service of any kind for such a road, if he becomes in any respect or degree the attorney of the road or of any of its agents, he is liable to go to the penitentiary and pay a heavy fine—not a fine or an imprisonment, but by the statute he is required to suffer both a fine up to $5,000 and imprisonment in the penitentiary up to a year. He is found guilty of felony, a man entirely without dishonorable intent and without dishonorable action.

Sir, I have said very nearly all I care to say upon this bill. I protest against that kind of legislation in a matter of this sort affecting the honor of the Congress of the United States. Such haste is not needed. Such haste is an unworthy reflection upon ourselves. We can afford in that as well as in all other things to stand upon the proper dignity and self-respect of the body and make a reference of the bill to a committee. I resent the imputation that any committee would smother such a bill, or that a majority of the Senate would permit it to be smothered.

I have no railroad stock, no bonds. I never was attorney for a railroad company that I remember, unless it was in some minor matter thirty or more years ago. I have no personal interest in any sense whatever, no prejudices. I was not asked to make this motion. I made it of my own will as a result of my own consideration, because I will not, by such stampeding, assent to the proposition or to the intimation that we are so rotten that we must ring the fire-bell and pass the bill without consideration or reference.

That is all I have to say, sir.

Mr. BECK. Mr. President, all the suggestions of the Senator from Connecticut [Mr. HAWLEY] that anybody was stampeded, or that any one was sought to be insulted, or that there was any effort made to reflect upon any member of either House of Congress, are altogether gratuitous. I had no such intention. The bill declares and embraces no such purpose. Nor was there any haste in its presentation. It was printed June 2, and laid upon the tables of Senators from that day till the 10th, and was called up after due notice given. I announced when it was called up that I had nothing to say about it unless other Senators wanted to discuss it, because its provisions were plain and obvious. A motion was made to refer it. The yeas and nays were called upon the question of reference, and the Senate refused to refer it to any committee. The bill is not over ten lines long, and it was obvious that no committee could give any further information about it than it shows upon its face. It submitted the simple proposition, shall members of either House of Congress be allowed hereafter to act as attorneys for land-grant railroads or railroads that have charters or subsidies from the United States? That was fairly presented to the Senate; every Senator had a right to debate it. No one desired to; and upon a call of the yeas and nays on the passage of the bill it was passed by a vote of 37 yeas to 11 nays. Therefore it is absurd to complain of my action. If gentlemen now desire to reconsider what they have deliberately done, that is their business; but to suggest that this is bad legislation, or that it is out of the line of past legislation, or that such limitations on the action of members of Congress have not been imposed time and again, is not warranted by the facts.

Turn to the Revised Statutes. Section 1058 provides that—

Members of either House of Congress shall not practice in the Court of Claims.

There is a distinct and important limitation upon the right of members of Congress to practice law in the court where the interest of the United States may be involved.

Mr. HAWLEY. May I ask what is the penalty in that case? The Senator has the statute.

Mr. BECK. I have read the whole provision.

Mr. HAWLEY. There is no penitentiary penalty and no heavy fine.

Mr. BECK. There are penalties attached to all violations of law. What they are under the particular law I will not stop to inquire, as I have not examined, but I will read another section of the Revised Statutes, and then the Senator perhaps will ask the same question.

Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever, from any person for procuring, or aiding to procure, any contract, office, or place, from the Government or any Department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place, and every member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution be brought before him in his official capacity, or in his place as such member of Congress, shall be deemed guilty of a misdemeanor.

That section applies to members from the time of their election to Congress who shall take a fee for giving any attention to any business that may legitimately come before them while they are members of either House of Congress. And the Senator from Connecticut will observe:

Such member of Congress so offending shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than $10,000.

Double the amount that I provide. I hope Senators will read carefully section 1781 of the Revised Statutes and they will see that I propose no new or untried principle.

Mr. HOAR. What is the offense?

Mr. BECK. The offense is where any member of Congress receives

or agrees to receive money for his attention to, or service, among a number of other things, in regard to any matter that may be pending or that may by the law or under the Constitution be brought before him in his official capacity.

Mr. HOAR. A bribe.

Mr. BECK. No, sir; that is not the section under which bribery is punished. It reaches any service he may render for pay in matters that are or may come before Congress. I will turn in a moment to the section in regard to bribery. I supposed some one would suggest that I was reading from the statute punishing bribery. There is a distinct provision in regard to bribery. Perhaps I had better remove all dispute about that. Section 5500 deals with bribery.

SEC. 5500. Any member of either House of Congress who asks, accepts, or receives any money, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, either before or after he has been qualified or has taken his seat as such member, with intent to have his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House, or before any committee thereof, influenced thereby, shall be punished by a fine not more than three times the amount asked, accepted, or received, and by imprisonment not more than three years.

And section 5420 provides the same punishment in regard to any one who offers any member of Congress a bribe. Therefore I repeat that independent of all questions of bribery, section 1781 punishes with fine and imprisonment double the fine and imprisonment named in the bill I have had the honor to propose any member of either House who receives any money for his attention to, or service, independent altogether of his vote, in regard to any matter which may by law or under the Constitution be brought before him in his official capacity as such member of Congress, whether the action or proceeding was pending or not when he took the money. That provision of law is an insult to sensitive gentlemen far greater than any that can be imagined as growing out of the proposition I have made, which is simply that members of Congress shall not be attorneys for land-grant roads, and shall not come into either House with retainers or fees in their pockets from the managers of those roads with which we have to deal. They are allowed, so far as this bill is concerned, to act as attorneys or agents for all other roads, corporations, or individuals, or they may be employed in any other capacity except in the interests of those roads that are our creatures, subject to our legislation, and in regard to which so many important public interests are involved under their charters and the acts of Congress passed or pending in regard to them. Congress has never trusted to the honor of its individual members.

Section 1782 Revised Statutes assumes that members of Congress may do things that they ought not to do and that public policy dictates they ought not to be allowed to do. The Senator from Connecticut seems to think it is an insult to have any prohibitory law upon the statute-book unless we first prove that some great wrong has been done. He argues that it is a reflection on somebody. The statute-books are full of such reflections, if gentlemen will examine them.

Mr. HAWLEY. Allow me to make a single correction right there. The word "insult" was not in my remarks anywhere.

Mr. BECK. Well, the intimation was that the proposed law is a reflection upon gentlemen; that it ought to be presumed they would not be guilty of any improper conduct. The Revised Statutes are full of such reflections, and wholly disregard all such chivalrous sentiments. The very next section assumes that members of Congress may be guilty of improper conduct, because it provides:

SEC. 1782. No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and be fined not more than $10,000, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

I propose no such penalty as that, and yet a man may receive a fee, may have a retainer of a thousand or ten thousand dollars in his pocket from a land-grant railroad company to act as their attorney and stand by them under all the obligations that that retainer imposes upon him, and it is assumed to be very unjust to prevent him from occupying the relation of attorney and judge at the same time, yet if he takes one penny for helping any poor fellow to get an office he is liable to be fined not less than $2,000 and imprisoned four years, and be forever incapable of holding any office of honor, trust, or profit under the United States. All such complaints against the bill I introduced, and which the Senate, acting under the promptings of justice and decency, passed by such a pronounced majority, are, as I said at first, absolutely absurd in the face of such legislation as I have called attention to.

A member of Congress is not allowed to prosecute any claim either in the Court of Claims or before any Department of this Government. He can not for a consideration help the humblest or the most deserving of his own constituents; he can not receive a penny for it, no matter how much labor he may perform, or however much he may be convinced of the justice of the claim. The law does not allow him to do it. Even a clerk who has served in any Department is not allowed to practice before the Court of Claims or in any Department of the Government, no matter how needy or dependent he may be, and however well qualified he may be, for two years after he leaves the employ of the United States; if he does he is guilty of a misdemeanor. And yet I am to be told that because I insist and the Senate has voted that attorneys for land-grant railroads shall not sit in either House of Congress to be influenced by the money received from those corporations I am insulting or wounding the sensibilities of somebody!

The Revised Statutes go a great deal further than my bill goes. Senators will observe that this bill only carries out a well-established, just public policy. Here is another provision, section 3739 of the Revised Statutes:

SEC. 3739. No member of or Delegate to Congress shall directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States, by any officer or person authorized to make contracts on behalf of the United States. Every person who violates this section shall be deemed guilty of a misdemeanor, and shall be fined $3,000.

The Senator from Connecticut wondered if we thought anybody was guilty of being an attorney for land-grant railroads. Would anybody suppose that a member of either House of Congress would be interested in Government contracts? The Congress of the United States seemed to think that possible, and therefore provided against it, and provided a fine of $3,000 for those guilty of it. It goes on to provide:

All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced on the part of the United States, in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum of money so advanced.

Section 3741, according to the ideas of the Senator from Connecticut, places upon the statute-book a direct reflection upon every member of either House of Congress. It uses this language:

SEC. 3741. In every such contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

He has to be reflected upon or insulted in the face of every contract made by the United States by the insertion of an express provision to the effect that he must be excluded. Is it to be regarded as no insult that the law says members of Congress shall not have any connection with that class of business; and that it is an attack on the character of a member of Congress to say that he shall not be attorney for land-grant roads while he is drawing a salary from the United States as a member of either House?

I might go on and read provision after provision far more searching, more insulting, if that word may be used, than the provisions of the bill which is now sought to be reconsidered. It is called my bill. I accept it. I limit the prohibition, as Senators know, to the railroads that have been chartered by the United States or that have received land grants or subsidies from the United States, because these roads are our creatures, subject to the control of Congress, at least that is the theory, and we have to deal with them in a great variety of ways. I insist that no right-thinking man would claim that they ought to have their hired attorneys voting on this floor, where questions affecting them may arise at any moment. Here is one provision, for example:

SEC. 4001. All railway companies to which the United States have furnished aid by grant of lands, right of way, or otherwise, shall carry the mail at such prices as Congress may by law provide; and, until such price is fixed by law, the Postmaster-General may fix the rate of compensation.

Ought any attorney of any of these railroads to vote in Congress upon that question, which involves millions of dollars to the tax-payers or the railroads, according to the way it may be adjusted by law. We have had it up time and again. We have the absolute right to fix any rate we please for carrying the mails. Surely every member of Congress ought to be free to act in the interest of the United States, and he ought not to be the retained attorney of any of the railroads with whom we are settling important matters of that sort. No member of Congress can make any contract of any kind with the United States; he can not even agree in advance, as section 1781 provides, to attend to any business for any person that may come before Congress. Here is a provision saying that all the mails of the United States over these land-grant roads must be adjusted by the representatives of the people.

Mr. INGALLS. Will the Senator pardon a question?

Mr. BECK. Certainly.

Mr. INGALLS. It happened that I was absent from the city last week when this bill was under consideration, and I therefore labor under the misfortune of not having heard the debate.

Mr. BECK. There was no debate.

Mr. INGALLS. I ask the Senator to advise me, as I presume that he had some object in presenting this bill, that it is not mere fulmination, mere target-practice or firing in the air, if he knows or has any reason to believe that there is any member of this or the other House who is or has been acting as attorney for any of these land-grant roads; and then if he will pardon me one question further, I should

like to ask him why this provision, if it is a valid and proper one, should not apply to all railroad corporations as well as to land-grant railroads of the United States?

Mr. BECK. If I had ever so much information in regard to the action of individuals it would not bear upon this question, and giving it might only bring up a personal wrangle of denial and assertion in regard to members of Congress having relations with these roads. If it is against public policy, as I think it is, that any man should, while attorney for a land-grant road, be a member of either House of Congress, that is a good reason for the passage of the bill.

Mr. INGALLS. What is the exigency that requires this bill without a reference to be passed instantaneously, extemporaneously, without consideration or report by a committee? I assume that the Senator must have some information, or else he would permit this bill to take the ordinary course of legislation. I submit that when he asks us to depart from the usual custom of the Senate in these matters, if he has information he ought to communicate it so that we may act upon the same information that he does.

Mr. BECK. It is not my method of dealing with legislation to indulge in personal wrangles. I am making no charges.

Mr. INGALLS. It is a question not of personal wrangle but of information.

Mr. BECK. I am making no charges against anybody. If I were to say there are or have been members of either House engaged in this way, then I should be called on to name them, and then to have an investigation. I do not name any one. I am asserting that if there is any principle that ought to govern the action of a member of Congress, it ought to be that he should not be the attorney for a land-grant railroad over which we have jurisdiction and with which we are compelled to have conflicts here and in the courts upon questions of great public importance, involving vast sums of money and important principles of public policy; and if any man has such a connection he ought to surrender it before he comes to Congress, and he ought to act the part of a judge, guarding the interests of the people of the United States, and allow the railroads to have other attorneys who bear no official relation to the public interest.

Mr. HAWLEY. May I interrupt for a moment?

Mr. BECK. Yes, sir.

Mr. HAWLEY. The Senator goes further in the bill, which says, "which obtained its charter or any grant of land or pecuniary aid from the United States," no matter whether it was five, twenty, or forty years ago, and no matter how completely closed the transaction may have been, how completely it may have passed from the memory of man, how utterly disconnected with Congress it may have been.

Mr. INGALLS. Take the case of the Illinois Central, for instance.

Mr. HAWLEY. I spoke of that before.

Mr. BECK. I read the statute providing that every railroad company to which the United States has furnished grants of land, right of way, or other aid shall carry the mail at such prices as Congress shall by law prescribe. I do not care whether the road was finished twenty years ago or ten years ago, if it is a land-grant railroad we have a right to require it to carry our mails free of charge if Congress so declares; and we have a right to settle that question without having any paid attorney of that road in either body; and I insist that no man has a right to be attorney for any railroad company over which we have such power and hold such obligation when he assumes the duty of a Senator or Representative in Congress.

Mr. HARRISON. Will the Senator allow me to ask him a question simply for information?

Mr. BECK. Yes, sir.

Mr. HARRISON. I inquire whether in the case of those earlier grants of lands to the States that were afterward given by the States to particular railroad companies, as in the case of the Illinois Central, the provision of the statute he has read as to carrying the mails applies to such roads? I ask for information, because I do not know.

Mr. BECK. I have not the statutes before me, and without the charters of these roads I can not state accurately what the mail provision applies to; but I assert that it is demanded by public policy when any gentleman accepts the position of Senator or Representative in the other House, that he ought to dissolve his connection with all the land-grant railroads of the United States. There are plenty of lawyers who can attend to that business, when he is by virtue of his position professing to be the disinterested representative of the States and people. His duty is to guard them, and not to look to the interest of railroads with their money in his pocket.

I go a step farther. I think it is improper that any lawyer who has a retainer or a fee in any form from any land-grant railroad should vote or should go into the courts of the United States to argue questions as their retained counsel. Men may be employed by these railroad companies simply because they are members of Congress, simply because of the influence they are supposed by their clients to have over the judges who were perhaps nominated by them or who were confirmed by the votes of such members of Congress as are Senators. The clients know that those judges are looking every day to the Senate for favors and think that they grant favors in return.

I have before me now a bill that passed the Senate the other day, for which, no doubt, the judges of the Supreme Court are very much obliged to the Senate of the United States and would look very kindly on any suggestion that would come from that direction:

It reads as follows:

A bill to authorize the employment of law clerks or stenographers for the justices of the Supreme Court of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of facilitating the dispatch of business in the Supreme Court of the United States, said court be, and is hereby, authorized to employ a law clerk for the Chief-Justice and one for each of the associate justices thereof, with an annual salary, to be fixed by the court, not to exceed the sum of $2,000, to be paid monthly out of any moneys appropriated for the expenses of that court: *Provided*, That each person so employed shall be subject to removal at the pleasure of the court or at the pleasure of the member of the court to whom he is assigned for duty.

I think litigants who have business before that court often seek to obtain the services of some member of Congress who has obliged the judges, say, by giving them each a two-thousand-dollar clerk for their accommodation, however needed it might be, and that the client would leave his home lawyer that he would otherwise perhaps have employed. While I do not seek in this bill to prevent members of either House of Congress from practicing in the Supreme or any other court and obtaining such benefits as they may obtain by reason of their position, they have enough advantage without having the additional advantage of having the fees of the land-grant or subsidized railroads in their pockets when they are dealing either with the courts or with Congress over all the other lawyers of the country, and they ought not to have it.

Mr. HOAR. I wish to ask the Senator from Kentucky if any Senator who has a private secretary votes anything more for a bill advocated by the Senators who voted that he should have such secretary.

Mr. BECK. I do not think that cuts any figure. I am insisting that it is against public policy for men who have to deal with these land-grant railroads, in their extensions, in their mails, in their obligations to us, to be their attorneys. I hold in my hand——

Mr. HOAR. I do not think the Senator has caught the point of my question.

Mr. BECK. I find no fault with gentlemen practicing in the courts; but I deny that the railroads to which we have granted charters should have representatives in either House of Congress as their attorneys. Unless prohibited they will seek them naturally because of advantages that their relations with the court give them. I repeat it is unjust to the other lawyers if there was no higher objection.

Mr. HOAR. The Senator will pardon me. I understood him to imply that the judges of the Supreme Court would be likely to favor or would be thought by clients to be likely to favor Senators who voted for the bill giving them law clerks.

Mr. BECK. Oh, Mr. President——

Mr. HOAR. I thought the Senator seemed to put a pretty serious imputation upon the judges. My question was whether he thought that a Senator to whom we have given a private secretary would vote any more for the bills introduced by the men who voted for that measure.

Mr. BECK. I am not going into that. It is simply nibbling at a great question like this. I said that litigants in the country who saw the relations that existed between Senators and the court by reason of the favors that the court was receiving from Senators would look to them as clients always look to men that they think are in favor with the powers that be in the courts to decide, and that they had advantages enough over the other attorneys of the country by reason of that relation, which the clients would always understand, and which gave them a legitimate standing before the court, without the additional fees that they receive from railroads chartered by us and with which we have to deal. That is what I was insisting upon, and I insist upon it now.

It is a rule of the House of Representatives that no member has a right to vote on any measure in which he is personally interested. It ought to be the rule everywhere. I contended for it here three years ago in regard to national banks and their attorneys when Congress extended from six months to three years the time for payment of the notes that had been lost during the time the banks were in existence and which had to be paid to us when they went into liquidation or their charters expired. We had a reliable report that there were at least six millions of these notes lost. The banks were obliged by law to account for them within six months, yet Congress gave them three years, and the Comptroller last winter was seeking to get them absolutely. That extension at 6 per cent. interest was a gift of $900,000 given to the national banks, and the attorneys for the banks in both Houses of Congress voted for that $900,000 gift. But that is a small matter compared with the questions involved in the land-grant and subsidized railroads. Still it illustrates the power of great corporations and their attorneys in the legislation of the country.

I had another object in view when I prepared the bill. I insist that there ought to be no excuse for any crimination or recrimination such as we have heard in regard to the interest of Senators as attorneys for land-grant railroads; the law ought to make such a relation impossible. I can turn to the debate in this body not only this year but last year and the year before, where all sorts of intimations were thrown out that there are men in both Houses of Congress who are in-

terested in the land-grant and in the subsidized roads and have been acting as attorneys for them. I desire to pass a law to make it impossible that that thing can be said in regard to any member of Congress without its being a personal affront. Pass a bill that he shall not so act, and then the presumption will be that every honorable man will refuse to act as their attorney, and that he will be in fact as in law the representative of the United States and of all the people of the United States in the controversies between the Government of the United States and the creatures that it created and in regard to the obligations that they have undertaken.

I was about to say when the Senator from Massachusetts interrupted me that I hold in my hand a House bill and a House report, a Senate bill and a Senate report, made to this Congress in regard to the Union and Central Pacific Railroads, where they are seeking to get relief from what is known as the Thurman act and where all sorts of appeals in the interests of these roads are made. One is a very able report from the Senator from Massachusetts himself [Mr. HOAR], another an amendment by the Senator from Iowa [Mr. WILSON], another in the House of Representatives, all dealing with great questions in connection with these roads.

Will any gentleman in either House insist that any man who is the attorney of either road, any man who is retained in any way by any of these roads, when these great questions involving perhaps fifty or one hundred million dollars to the tax-burdened people of this country come up for consideration, shall, without letting us know it, advocate the interests of the road whose money, in the shape of retainers or fees, he has in his pocket, keeping the fact concealed, professing all the time that he is acting and arguing in the interest of the United States? I say it ought not to be allowed, and all I seek to do by this bill is to say that it shall not be.

Heretofore we have had, as common rumor asserts, arguments made by distinguished lawyers in both Houses apparently in the interest of the public service with thousands of dollars of the money of these railroads in their pockets when they were persuading us to take one side or the other side apparently only for the public good.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. TELLER. I suggest that the Senator from Kentucky be allowed to finish his remarks.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Kentucky will proceed.

Mr. BECK. I am perfectly willing to stop now. I suppose we can bring the bill up to-morrow morning again, because other gentlemen desire to discuss it. I have been told by the Senator from Colorado that he desired to do so. To-morrow morning I can finish. I do not want to interrupt the regular order, but I do desire to have this motion disposed of as soon as possible.

The PRESIDENT *pro tempore*. The question before the Senate is the pre-emption-law repeal bill.

Mr. MITCHELL, of Oregon. Before the regular order is taken up, I send to the desk an amendment, which I desire to have printed and inserted in the RECORD, to the bill which has been under discussion, which I shall offer if the motion to reconsider prevails.

The proposed amendment is as follows:

Amendment intended to be proposed by Mr. MITCHELL, of Oregon, to the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States, namely: In line 7, after the words "United States," insert the following:

"Or from any bank or other corporation, or officer or agent thereof, which obtained its charter or any pecuniary aid from the United States; or from any corporation or company, its officer or agent, engaged in the business of interstate commerce, by land or water, or in the business of any interstate transportation, or in the transportation of United States mails; or from any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country, any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied, by any act of Congress; or from any corporation, company, or person, its officer or agent, engaged in the manufacture, production, consumption, or sale of butter, oleomargarine, tobacco, whisky, or wines, or any other product or article whatsoever in any manner now taxable or subject to taxation by any act of Congress; or of any company, firm, corporation, or person, its officer or agent, engaged in raising milch-cows, or beef-cattle, or hogs, or in the manufacture or sale of butter, or of the oleo oil from which is manufactured oleomargarine."

Mr. CALL. If it be in order, I venture to express the hope that the unfinished business will be laid aside and that we proceed to the consideration of the motion of the Senator from Connecticut [Mr. HAWLEY]. I think it an important matter, and one which ought to be fully considered by the Senate. I believe there are a number of Senators who wish to be heard on the subject. I do myself. I make that motion.

The PRESIDENT *pro tempore*. The motion is in order. The Senator from Florida moves that the present bill be laid aside and that the Senate proceed to the consideration of the bill introduced by the Senator from Kentucky [Mr. BECK], being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grants of lands or pecuniary aid from the United States.

Mr. PLATT. That displaces the pre-emption repeal bill.

The PRESIDENT *pro tempore*. It does.

Mr. PLATT. I do not think we ought to do that.

Mr. CALL. Can we not do it temporarily?

Mr. TELLER. No; let the regular order go on.

Mr. CALL. Let it be done informally. I move to lay it aside informally.

The PRESIDENT *pro tempore*. That requires unanimous consent.

Mr. DOLPH. I object to that.

The PRESIDENT *pro tempore*. Objection is made.

Mr. CALL. Then I move to lay aside the regular order.

The PRESIDENT *pro tempore*. The Senator from Florida renews his motion to lay aside the pending bill with a view to proceed to the consideration of the railroad bill.

Mr. HOAR. The Chair meaning by "railroad bill" the bill just under discussion?

The PRESIDENT *pro tempore*. The bill in regard to acting as attorneys for certain railroads.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. I suggest to the Senator from Florida that the Senator who is in charge of this bill consented to the arrangement that it might go over for discussion to-morrow morning. Why should we waste time now and postpone the regular order which we have agreed on both sides should come up at 2 o'clock, and should be the regular order? This is the first business on the Calendar, and it is extremely important to get it to the House. It deals with a very great question, and it has been discussed largely for several days. Nothing will be saved by using the time in calling the yeas and nays and debating when the Senator from Kentucky [Mr. BECK] himself agreed that this matter might go until to-morrow.

Mr. CALL. If Senators on the other side so desire I have no objection to withdrawing the motion; but the argument and discussion upon this bill in my impression is an impeachment of the Senate and of the members of Congress, and it ought to be disposed of. The Senate owes it to its own dignity, and every Senator here to his, that when the matter has been presented as it has it be fully considered. I do not think there is anything more important, and the country would feel that the Senate has a proper appreciation of its own dignity if it considers and acts on it.

Mr. HARRISON. I perfectly agree with the Senator about that. The only question is about disturbing an established order which has unanimous consent on both sides.

Mr. CALL. It will take a long time if we only devote the morning hour to this bill. But I withdraw the motion.

The PRESIDENT *pro tempore*. The pre-emption repeal bill is before the Senate. Pending that, the Chair will dispose of morning business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1836) for the relief of Libbie C. Montis with an amendment, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the following bills:

A bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1833; and

A bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.

CANCELLATION OF LAND ENTRIES.

The PRESIDENT *pro tempore*. There are a number of maps and other exhibits attached to the letter of the Secretary of the Interior submitted this morning in respect to suspension of entries in the Land Office. These will be referred to the Committee on Printing. To have them printed by a formal order would involve delay and expense.

Mr. VOORHEES. If an order should be made for printing that document——

The PRESIDENT *pro tempore*. The custom has been, where the accompanying papers and maps are likely to involve delay and large expense, that the question of printing is referred to the Committee on Printing.

Mr. VOORHEES. I know nothing about the maps, but the text ought to be printed.

The PRESIDENT *pro tempore*. The letter has already been ordered to be printed. It is only the question of printing the exhibits sent in by the Commissioner of the General Land Office that will be referred to the Committee on Printing.

Mr. VOORHEES. Very well.

CHEROKEE CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate the bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1833, returned from the House of Representatives in compliance with the request of the Senate.

Mr. JONES, of Arkansas. There was a clerical error in that bill as passed by the Senate. I ask unanimous consent now to make the correction by inserting the words "Old Settler" in line 4, and striking out the word "nation" and inserting "Indians" in line 5.

The PRESIDENT *pro tempore*. The proposed amendments will be read.

The CHIEF CLERK. It is proposed in line 4 of the bill, before the word "Cherokee," to insert "Old Settler," and to strike out the word "nation" in line 5 and insert "Indians;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the treasurer of the Old Settler Cherokee Indians the sum of $2,800, &c.

The PRESIDENT *pro tempore*. If there be no objection the vote on the passage of the bill will be reconsidered, and also the vote on the third reading. The bill is now open to amendment, and the question is on the amendments of the Senator from Arkansas.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CEMETERY AT NATCHEZ.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., returned from the House of Representatives in compliance with the request of the Senate.

Mr. WALTHALL. I ask unanimous consent to make a correction in the amendment of the Senate to that bill, the error having occurred in the Senate. The correction is to strike out the word "and," between "macadamized" and "gravel," and insert "or." The amendment was passed "macadamized or gravel," but in making it up the clerk put in the wrong word.

The CHIEF CLERK. It is proposed to strike out the word "and" and insert "or;" so as to read:

That the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized or gravel road from the city of Natchez, Miss., to the national cemetery near that city.

The PRESIDENT *pro tempore*. If there be no objection, the amendment heretofore made will be changed as proposed. The Chair hears no objection.

LIBBIE C. MONTIS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1836) for the relief of Libbie C. Montis, which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Libbie C. Montis, widow of Mahlon D. Montis, late a private in Company G, of the Second Regiment Ohio Volunteers, war with Mexico.

Mr. SAWYER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 118) for the relief of J. M. Hobbs was read twice by its title, and referred to the Committee on Indian Affairs.

The joint resolution (H. Res. 190) to loan the taxing district of Shelby County, Tennessee, certain barges, boats, &c., at Memphis, Tenn., was read twice by its title, and referred to the Committee on Commerce.

RICHARD C. RIDGWAY AND OTHERS.

Mr. CAMERON. I ask that Order of Business 333, being the bill (S. 1839) for the relief of Richard C. Ridgway and others, be placed on the Calendar under Rule VIII. During my absence from the Senate some days ago it was placed under Rule IX. I ask that it take its place on the Calendar under Rule VIII. I do not wish to call it up now.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks that the bill named by him be placed on the Calendar under Rule VIII instead of Rule IX. If there be no objection that order will be made. The Chair hears no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., agreed to the conference asked by the Senate on the said bill and the amendments thereto, and had appointed Mr. CUTCHEON, Mr. LAIRD, and Mr. ERMENTROUT managers at the conference on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, agreed to the conference asked by the Senate on the said bill and the amendments thereto, and had appointed Mr. WHEELER, Mr. DARGAN, and Mr. STEELE managers at the conference on the part of the House.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof; and

A bill (H. R. 7650) to remove the political disabilities of I. G. Flournoy, of Mississippi.

PUBLIC LAND LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS] to the amendment offered by the Senator from New Hampshire [Mr. BLAIR]. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to strike out from the proposed amendment the words "said lands shall ever" and insert "the public lands of the United States shall hereafter;" so that the amendment will read:

Provided further, That none of the public lands of the United States shall hereafter be sold or held in larger bodies than 640 acres in a single ownership (unless the title thereto be derived by inheritance), which, as an express condition, shall be inserted in the original patent thereof; and breach of the condition shall render the lands liable to forfeiture to the United States.

Mr. BLAIR. I desire to raise a question whether the amendment to the amendment is in order. The proposition of the committee as it appears before the Senate is itself in the form of an amendment to the bill under consideration. To that amendment I moved an amendment. Is not the proposition of the Senator from Kansas an amendment in the third degree?

Mr. INGALLS. If the Chair will hear me a moment on that point——

The PRESIDENT *pro tempore*. The Chair has no doubt about it. The amendment is in order.

Mr. INGALLS. The motion to strike out and insert renders the part proposed to be stricken out and the part proposed to be inserted both open to amendment in the second degree.

Mr. BLAIR. I merely wished to ascertain where we are, because it would make a little difference in the remarks I propose to offer to the Senate.

The PRESIDENT *pro tempore*. The amendment to the amendment is in order.

Mr. BLAIR. Mr. President, for myself I believe in the principle embodied in the proposed amendment of the honorable Senator from Kansas. There is a bill now pending before the Committee on Public Lands which embodies precisely that principle, and involves, if it should become a law, its application to all the agricultural public lands of the United States. The committee has considered that bill to some extent, but not decisively, and has not as yet ordered it to be reported. I am not able to say what will become of it in the committee, but I believe that in due time it will reach the Senate with the approval of the committee.

But this bill does not contemplate a general discussion of the principle thus involved. The main purpose of the bill is to abolish three of the forms under which the public lands may now be acquired by private individuals, and to substitute in place of them acquisition by what is called the process of home exemption. It abolishes the timber-culture act *in toto*, and it abolishes all other methods of acquisition, as I have stated, save only the plan by homestead exemption and the method of acquisition under the desert-land act.

The original proposition was to abolish this latter method of acquisition also, but it has been thought necessary, as so large a proportion of the public domain is desert land, that there should be some special provision retained, analogous to the old provisions of the desert-land act, under which this great part of the public domain may be reclaimed, made habitable, suitable for homesteads and for the exercise of that producing power which is essential to the multiplication of our people.

Therefore, it is only necessary to consider the question involved in this amendment at the present time so far as the features of the desert-land act which we propose to retain are concerned. It is found that in order that these lands may be reclaimed at all two things must be done. First, a system of irrigation must be provided. That involves vast expenditure. Systems of irrigation have been established in the Territories and in some of the Western States under the local laws. They are not the creature of the laws of the United States at all. Large companies have been organized, vast amounts of capital have been concentrated in those companies, and by virtue of the development of the power of irrigation they will come ultimately of necessity to control all the land that is thus to be made serviceable to man. The power that owns the water which supplies these vast areas is the power which controls the land; and if the irrigating companies are allowed to go on under State organization and buy and control all the water which irrigates 10 square miles, 60 square miles, 100 square miles, or 500 square miles, in no way under the control of and in no wise responsible to the national authorities, they will come ultimately, of course, to control the desert lands. If they are permitted to do this, unless before we part originally with the title now vested in the Government to these lands we impose some condition which shall make them available to the poorer classes of our people, available to the middling population of the present and the future, the result must be that the control and management of vast sections, equivalent in area to some of the older States, will fall into the hands of very few individuals.

So it is that right here and now in the enactment or defeat of this measure (and if it is to be enacted by the adoption of some such provision as is suggested in the amendment) we have to decide the question for all time whether individuals, men of small property, are to control these grounds under any such reasonable terms as will permit their existence, or whether we are to turn over the control to vast syndicates, to great corporations, and to land monopolists.

I do not know that the amendment which has been proposed is in the best form, but I do know that we stand now at the parting of the ways, and that the decision which we make at this time with reference to this matter, if the bill is to become a law, is decisive for all time. It is not important with reference to the present moment; it is not important with reference to the reclamation and the immediate uses of this land; but it is important with reference to that time when land will become a scarcity in this country, when instead of a population of 60,000,000 people we shall have a population of 300,000,000, and when it will become a serious question whether the individual citizen in the United States shall be satisfied with the seven acres, which under the institutions of old Rome were given to a citizen, or whether he shall be deprived wholly of that independence which is the result of the ownership of land.

We sanction the principle in this initiatory legislation as in all our legislation with reference to public land. that we give a homestead of only 160 acres. We do not permit any individual to acquire more than that amount under the homstead law, under the pre-emption law, or under the timber-culture law. We restrict the holdings; and under the desert-land act we restrict the holdings which shall be derived by the original acquisition of title as it passes from the General Government, from the sovereignty in which resides the original title for all these lands. We recognize the principle here and now in this initial act; and yet if there be reason for the adoption of the principle at any time, if there be reason for the adoption of the principle now, that reason will be increased an hundred fold in the future.

Of what comparative importance, I ask, is it whether now in the reclamation of these lands before they are valuable to anybody we restrict the holding? If after these lands have become productive in the future we could see to it that for the benefit of the individual citizen who may depend upon land for his sustenance there should be the necessary subdivisions, it would be well; but when we have once parted with our title, when it has become a vested right in private ownership, how then are we to remedy and to avoid the evil which will become flagrant and which at the present time exists only in anticipation?

To my mind, there would be no harm whatever in permitting capital in vast quantities and in small ownerships to be invested not only in the irrigating company itself but in the process of the reclamation of these lands. That would do no harm at the present time. It might facilitate the opening of the country to settlement by making the land valuable. But the difficulty is that when we have parted with the title our control over the land is gone under the principles of law and the adjudications of the courts, and in the future, unless it be by revolution, unless it be, so to speak, by lawless interference with the law itself, there is no way in which we can remove the evil which will be the result of allowing these lands once to pass into private ownership in vast quantities.

Therefore it is that it becomes all important that now we put some limitation upon the amount of land that shall be holden. The bill itself undertakes to do that, so far as parting with the title from the General Government is concerned; but if we may impose a condition as to the amount that shall originally be parted with, can we not also impose a condition as to the size of the ownership in all time to come? Can we not impose a limitation which shall run with the land? Have not nations done it in all times past? Has it not been necessary? Was it not necessary under the institutions of old Rome while she was yet a republic? Has it not been done by various other nations? If it has been, it demonstrates not only the necessity but the possibility of its being done, and being so done as to contribute to the stability, to the permanency, and to the prosperity of the people.

I have already alluded to the fact that the real necessity increases as time goes on, as the lands are improved, and as population is multiplied; and yet I have called attention to the fact that unless we act now we can never act. It is an evil which must be prevented by the action of the national power at the present time, or it is never likely to be prevented at all.

Whether the holding of land in vast quantities be a public evil, is a question which has been suggested here. It is claimed that under the operation of our institutions there should be no restriction whatever upon the acquisition of vast quantities of land, because it is said that under the operation of our institutions these vast quantities will become redistributed; but if they are liable to be acquired at all, what reply is it to the existence of the evil to say that masses of land to-day may be acquired and subsequently be subdivided under the natural operation of the laws of society and of our institutions, if a like acquisition could go on with reference to other lands under the Government in other places, and the evil simply be transferred from one locality to another? The fact that this process goes on at all anywhere in our country demonstrates the fact that if it proceeds under the operation of the laws of human nature, the same acquisition will continue in other portions of the country. It is an evil which will grow with its own aggravation, once existing at all. The demoralization which will result will be likely to contribute to the aggregation of the evil, until finally our institutions will fall as the institutions of other nations have fallen, by reason of the acquisition and control of the public lands in the hands of a few individuals.

This evil has already shown itself in our own country. What is the difficulty with the South to-day? More than all things else the development of our southern country is prevented by the fact that its land ownership is in large masses and that the common people are in a situation where they are unable to acquire the consideration wherewith they may purchase land, which is cheap, largely for the very reason that it is held in such enormous ownerships, and that resulting from a condition of things which has passed away, you will say, but nevertheless the land in the South, what ought to be the most prosperous, as it is the most fertile region of our country; the great evil growing out of slavery exists in its consequences to-day; and that is likely to prevail until such time as there shall be acquired from some source or other a sufficiency of capital on the part of the common people of the country, there to obtain possession of and to depend upon a living derived from the land. For there is nothing so true in my mind as that land and liberty are just the same thing. They are synonymous terms.

There is a wide and a recognized distinction between property in land and property of a personal nature. The Senator from Kansas [Mr. INGALLS], in his remarks yesterday in support of his amendment, claimed that all property is the same in nature, and that an effort to restrict the holding of land is precisely the same as though it were an effort to restrict the amount of personal property which should be held by individuals. But, sir, it is not the case at all. Land has in itself when combined with labor a creative power which does not belong to personal property. That is evanescent in form, in substance; it is of no importance except as it may be made use of in connection with labor for the improvement of the creative power of the land itself. So the man who has his 40 acres of land, or his 20 acres of land, can root himself and his family in the soil and grow by virtue of it, when any amount of property, unless it may be converted by purchase into that which the land produces, would soon result only in his starvation and in his ruin.

As to whether this evil does exist in our country, and if so to what extent, I have alluded to the South already. The bonanza farms, as they are called, that is to say the farms of a thousand acres or more, have increased many hundred per cent. during the last decade, between 1870 and 1880. There is one single ownership of land in the State of Florida of 4,000,000 acres, owned by a citizen of Philadelphia to-day. There is many a farm in this country to-day of from 50,000 to 60,000 acres of land. What is the great curse of California to-day? Her Mexican land grants and the ownership of the improved and valuable agricultural lands of that State being vested in comparatively few individuals. The difficulty with the Pacific coast more than any other difficulty that can be named is the ownership of vast masses of land in the hands of comparatively few individvals. The same is true in Arizona; the same is true in New Mexico; and the same is becoming true, and by virtue of the operations of this measure will become irremediably true in all our Western States and Territories where desert lands abound, and they comprise, as has been shown already, at least five-sevenths of the available public domain of the present day.

This amendment is aimed at the restriction, or rather at the prevention of the existence of this evil. I do not know whether it be the best remedy that could be devised. No other has been offered in this direction. As the discussion has gone on I have noted the objections which have been raised, and I have endeavored by modifications of my amendment, which I will now read to the Senate, to remove all those objections. Undoubtedly further objections would arise in the operation of such a law. Experience will develop them. It can only be expected that at the present time we adopt some provision sufficiently broad and comprehensive to prevent the introduction of the evil, and then having prevented the introduction of the evil if there be hardships in the operation of the provision we can relieve or modify them from time to time in the future. Under the operation of the desert-land act as proposed, no title can be acquired for three or four years at the least, and as I said, long before acquisition of the title will take place to a single section under its provisions there will be ample opportunity to relieve from any hardship that may result from a lack of sufficiently liberal legislation at the present time.

One objection made to my amendment was that the seller of the land might own tracts in different parts of the country. If he did, the land that is affected by the operation of this measure would be subject to forfeiture in his own hands; but the difficulty is suggested that by reason of his ownership of lands where the forfeiture had not been enforced, lands situated in different parts of the country, he might be able to impose upon the purchaser, and thus obtain a consideration for lands which he had no right to sell, and the purchaser would be defrauded. In order to avoid that difficulty, which in practice I believe would not be of serious consequence, I desire that the amendment may be still fur-

ther modified, after the words in the sixth line, "single ownership," by the insertion of the words "within the same county." All land transactions or transfers of title are recorded, of course, in the county where they take place, and become matters of record; so that if the amendment be modified in that way it will read:

That none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership within the same county.

The evil will thus be obviated of imposition by men who may own land in various parts of the country selling their lands thus owned in violation of law to purchasers who might pay for them in ignorance of the fact that their title was subject to forfeiture.

Another objection suggested was that the act of forfeiture might be committed years and years before the enforcement of the forfeiture, and thus difficulty would occur. In order to reach that suggested difficulty, I wish to modify the amendment by adding to it the words:

Proceedings for which forfeiture shall be waived unless commenced within ten years after the act of forfeiture is committed.

The Senator from Florida [Mr. CALL] raises still another objection, an objection which I do not believe would have force, and yet it is well enough to provide against it. He says that after the lands have passed under the control of the State governments it would be anomalous, to say the least, if not a violation of the rights of ownership of the States, for the General Government, which originally imposes these conditions, to assume jurisdiction over any act of forfeiture. That may be so, or it may not be so. It is not necessary to raise the ghost of State-rights in order that we may have the amendment efficient; and therefore I desire to modify it still further to meet his objection by adding these words:

But if the act of forfeiture shall occur within the jurisdiction of a State, such proceedings shall be within the exclusive jurisdiction of such State.

If there be no objection, I ask unanimous consent that the amendment be modified in the manner which I have indicated. If no member of the committee and no other Senator makes an objection, I ask that this be done.

The PRESIDING OFFICER (Mr. BERRY in the chair). The Senator from New Hampshire asks unanimous consent to modify his amendment in the manner suggested by him. If there be no objection he will be allowed to so modify it. The Chair hears none.

Mr. PLATT. I should like to have the amendment read as it has been modified.

The PRESIDING OFFICER. The amendment will be read as modified by the mover.

The CHIEF CLERK. At the end of line 48 of section 3 it is proposed to add the following additional proviso:

Provided further, That none of said lands shall ever be sold or held in larger bodies than 640 acres in a single ownership within the same county (unless the title thereto be derived by inheritance), which, as an express condition, shall be inserted in the original patent thereof; and breach of the condition shall render the lands liable to forfeiture to the United States, proceedings for which forfeiture shall be waived unless commenced within ten years after the act of forfeiture is committed. But if the act of forfeiture shall occur within the jurisdiction of a State, such proceedings shall be within the exclusive jurisdiction of such State.

The PRESIDING OFFICER. The Chair hears no objection, and the amendment is so modified.

Mr. PLATT. That does not interfere with the pending amendment of the Senator from Kansas?

The PRESIDING OFFICER. It does not. The pending amendment is the amendment of the Senator from Kansas to the amendment of the Senator from New Hampshire as modified.

Mr. BLAIR. The Senator from Colorado [Mr. TELLER] in his remarks yesterday introduced, as a reply to the objections raised to the acquisition of large masses of land in the hands of individuals or corporations, the census; and he claims that because the census shows that the ownership of small farms in the country is very rapidly increasing, therefore the alleged evil of the acquisition of great tracts of land in single ownerships does not exist in our country, at least to such an extent as to be a great or a threatened evil. I think any one must see that there is no connection between the Senator's argument and the Senator's conclusion. Any one who considers that we have a continent of our own, and that the lands of the United States to-day are as large in area as those of all Europe, and who considers further that we have a population of not more than one-sixth that of the continent I have last named, will see at once that there is room for a very vast and rapid expansion of the holdings of land which will not in the slightest degree interfere with the progress of the evil of which we complain and against which we seek to guard by this amendment.

It is a matter of common information that vast acquisitions of tracts of land in all the valuable and available portions of this country, in the Territories and the States alike, have been going on during recent years in the form of alien ownership in West Virginia, in Texas, and in all the Territories. It is not necessary to specify them, because, as I said before, it is a matter of common information that the evil everywhere exists. The committee of which my honorable friend is a member at this very session reported a bill—I had almost said under his very direction, certainly under his direction and that of the chairman of the committee, and he was as active as anybody in securing the enactment of a bill to prohibit acquisition to go on any longer under alien ownership. But that will have but a very slight effect to prevent the investment of foreign capital and the substantial control of these vast bodies of land in the hands practically of foreign individuals. Wherever the capital is there income will be found, and our country will come to be drained by the foreign landholders as it is to-day being drained by the foreign bondholders. It will come to be drained of the income of our real estate.

Mr. PLATT. I should like to ask the Senator a single question. Does he think that the bonds of the United States are now held by foreigners to any considerable extent?

Mr. BLAIR. I do not think they are held to any considerable extent now. The time was when they were so held, and I only speak of that as an illustration of the fact that that people must rapidly become poor which pays largely in the way of interest on the income of its lands to a foreign people or to foreign capitalists, and it is wise for us to initiate and to establish the policy in reference to our lands which we have substantially recovered with reference to our bonds.

But the point I was making is that by prohibiting the ownership of lands in the name of aliens we do not reach the root of the evil. It is the fact of the investment of the foreign capital. That we can not reach perhaps fully, but the real evil grows out of the fact of the ownership of the land in vast bodies subject to the dictation and control of a comparatively few individuals. That proceeding is going on in this country, that evil is flagrant in all sections of our country, and if we would remove it and guard ourselves against the evils of foreign landlordism, or domestic landlordism, if you please, it is necessary for us now to secure, if possible, some provision by which the vast tracts we are seeking to reclaim shall be held in comparatively small subdivisions.

I wish to read the testimony of Mr. William Godwin Moody, a somewhat distinguished political economist of our country, a man who has given as much study possibly to the subject of the land-holdings of the country as any other one who lives in it. He was the first one to urge the establishment years ago of a national bureau of labor. He memorialized the last Congress, and he secured the memorializing of Congress by many distinguished men of the country; he pressed the measure, and finally it attracted public attention and others assisted, and the existence of the Labor Bureau is largely to be attributed to the movements which he initiated. He testified before the Senate committee in the year 1883 upon the relations between labor and capital, and speaking of the bonanza-farms in the country, with reference to which he had made personal investigations, having traveled some ten thousand miles, visiting them in person and examining their operations with a great deal of care, he said in reply to the question:

Q. Where do you locate that condition of things?

A. I will take the whole line from British Columbia down to the Mexican line, the region lying west of the Mississippi. Four years ago I visited that western region for the purpose of making an examination of these very features of its settlement. I made a trip of over 10,000 miles, and examined various farms running from 10,000 up to 100,000 acres, upon which there were thousands of acres in grain, where there were ten, one hundred, two hundred, or two hundred and fifty laborers employed, but not a woman or child or fixed inhabitant upon the territory of one of them.

Q. All males?

A. All males. For a period running from three to five months in the year, that is, from October to March, there would be only from three to five men employed on each one of those holdings, but there would be perhaps two hundred and fifty employed for two or three or four weeks, generally about three weeks, during harvest-time.

By the CHAIRMAN:

Q. I do not quite understand your statement. You are speaking of the number employed during the winter months upon those farms as compared with the number employed during the harvest, are you not?

A. I am taking the two extremes of the labor employed upon those places. The lowest, I say, was from 3 to 5 persons employed on each of these great holdings in the winter months, from October to March (I am speaking without reference to my memoranda), and the largest number employed upon the largest farm which I visited was, I think, 250 men, who were employed during the harvest season in August and September. I was informed that in the time of plowing there would be from 25 to 50 men employed; in the seed-time perhaps a little larger number; in June and July, a much larger number. I speak now of the Grandin farm, in the valley of the Red River of the North, some 36 miles north of Fargo, in Dakota, along the line of the Northern Pacific Railroad. Upon that place at the time I visited it there were a little more than 5,000 acres in wheat. The hands employed were: from April 1 to April 30, 150; from May 1 to July 15, 20; but if breaking new ground, 50; from July 15 to July 31, 100; from August 1 to September 15, 250; from September 15 to October 31, 75; from November 1 to March 31, I have the number set down here as 10. These are the numbers that were reported to me by the book-keeper; but, by inquiring of the men and from other sources, I learned they had but 5 men really during this last period, though evidently 10 appeared in the accounts. So you will see that from August 1 to September 15, a period of about six weeks, there were 250 men employed upon that farm as against 5 men during a period of five months, there being no woman or child or fixed inhabitant upon the place.

Of course the result of a system of that kind is that the lands of the country fall into the hands of what are called bonanza owners and are cultivated by men who receive wages and employment for a brief period, and who disappear during the remainder of the season and are of no consequence whatever as a local population. He is questioned in this way:

By the CHAIRMAN:

Q. To what extent do you find that method of holding land in large tracts by capitalists existing here, and is it increasing?

A. I will give you an approximation. Previous to 1860 the number of farms of 1,000 acres and over in the United States—that is, in the Northern States——

Mr. GEORGE [interposing]. Do you mean the Northwestern States as well?

A. I mean California, Illinois, Iowa, Kansas, Michigan, Nebraska, Utah, Wash-

ington Territory, Wisconsin, Connecticut, Maine, Massachusetts—New England, the Middle States, and Ohio. In 1870, in the first tier of States, including Ohio and west of Ohio, the number was 1,236; in 1880 the number was 606. There was an increase of 100 per cent. in that decade, and I find that in the decade between 1870 and 1880 there has been an increase of 800 per cent. in the number of farms of that character.

Q. In the same territory?

A. In the same territory—no; I will have to amend that. I think that 800 per cent. increase extends farther, takes in more territory; it takes in the territory down to Texas. But that increase has been all within the decade. The increase in the number of farms of from 500 to 1,000 acres each has been about 700 per cent. in the same period. We are unfortunately situated in regard to the terminology adopted by the officials of our Census Bureau in setting forth the results of their inquiries upon this subject. They class the farms, under the head of farms, from 500 to 1,000 acres, and farms "1,000 acres and over;" but, as you will understand from what I have said, this last classification of "1,000 acres and over" includes some farms of hundreds of thousands, and even millions, of acres.

Q. That is the point that I wish to call attention to specially, the size of these enormous farms, which practically introduce the factory system into agriculture.

A. Yes, that is what they do; and my observation is that they are becoming generally prevalent; they cover very large portions of the country, I think the major portion of the country that has gone into occupation within the last fifteen years.

By Mr. GEORGE:

Q. Where do these farms of a million acres exist?

A. It might require, perhaps, some little searching to point out the particular ones.

Q. I am curious to know where, in this country, farms of a million acres can be found. Can you name the State or Territory where any such farms exist?

A. If you will give me time, I will give you the exact data hereafter. In the mean time, with your permission, I will pass to other subjects.

Q. All right. If you want time you can take it. But that is a very prominent and striking fact if it exists.

A. It is a very prominent and almost a startling fact. I can name now one very large holding in one of the Southern States by one man, a holding of some 4,000,000 of acres.

Q. Which Southern State is that in?

A. Florida. The holder is the most noted saw-maker in the United States; he lives in Philadelphia, his name is Hiram Disston, I think; he holds 4,000,000 in Florida. There is another large holding of some 3,500,000 acres in the Pan Handle of Texas. It belongs to a corporation. The corporators are individuals living in Chicago. Allow me to read from the current literature of the day, from the Chicago Tribune, a statement on this subject:

"The Northwest Texas Cattle-Raisers' Association has been in session for three days at Fort Worth. The organization has a membership of two hundred and twenty-three, who own from 1,000 to 60,000 head of cattle, and represent a grand total of 1,400,000 cattle. There are several who can boast of the ownership of from 40,000 to 60,000 head, and fourteen who lay claim to over 20,000. Among the first from the North to embark in the ranching business in Texas were the Harold Brothers, who went from Bloomington, Ill., in the fall of 1875. The aggregate of their worldly possessions amounted to $48,000, the sum they invested in cattle. To-day they are the owners of 60,000 head, and are reputed to be worth at least $1,500,000. During the season of 1883 they sold 10,000 head. The largest ranch in the State is that of Charles Goodnight, at the head of the Red River. He began buying land four years ago, securing 270,000 acres, at 35 cents per acre. In the mean time the prices advanced to $1 and $2 per acre, but he is still buying, and now controls 700,000 acres. To inclose his landed possessions 250 miles of fencing is required. The Matador Company's ranch is situated on the Pease River, and comprises 100,000 acres of land recently sold to a company of Scotch capitalists for $1,250,000."

He spoke of the way this increase of ownership is going on in the State of Texas, which is to a very great extent. Their public lands of course are not under our control, and if Texas is suffering from the increase of this evil she is only suffering in the same way that the country is at large. However, I suppose that it is superfluous to read this sort of matter to the Senate, and yet there will a time come when the Senate of the United States and the people of the United States will be dealing with this difficulty in the same way that they seek to protect themselves against the effusion of blood, and it will be well to give heed to this thing in season. This discussion and this debate will be pertinent in a century from this time, and it will attract the attentention of the American Senate after we shall have perhaps passed away, and possibly very much sooner.

The other day I sent to the desk and there was read a newspaper statement, but one which I have never seen contradicted and which I suppose to be substantially correct. It is at all events in accordance with the teachings of history in other parts of the world as well as in our own country, and I shall recall the attention of the Senate to it. This alleged evil is located in the State of Illinois and in a single county, the county of Logan. The gentleman who makes this statement is a Mr. Reynders. He says:

I spent a long time with the Scully tenants, or "renters," as they are called, in the summer of 1882. It was in Logan County, Illinois, that Scully laid the foundations of his present fortune. Immediately after the Mexican war he began buying up soldiers' homestead warrants. For these he paid extremely little, as he went to work very quietly and systematically, buying from men who either remained in the Army or returned to occupations in the large cities, which indicated their indisposition to become pioneer farmers in what was then a wild region of country. In more than one instance, it is said, he secured a 160-acre tract for $5 or $10. He has never sold an acre of all the land thus acquired. On the contrary, it has been made the means of wringing from the hard hands of a large peasant tenantry by any indirection all that their daily toil might produce above a wretched subsistence year in and year out. He is virtually as much master of about a thousand of these human toilers as the pharaohs were of the Egyptian slaves whose lives were sacrificed in building the pyramids, and their condition is little better than that of the wretched fellaheen of to-day, who are compelled to labor unceasingly through a miserable existence to provide for the extravagance of successive khédives.

Scully's rents are adjusted according to the quality of the land, but in no case are they low enough to leave the cultivators more than enough to keep body and soul together. These are mostly men with families, and without capital, who rent the land in the vain hope of being able to save enough in a few years to enable them to become purchasers of other land and establish comfortable homes. Instead of this they usually find themselves worse off at the end of five or six years than they were at the beginning, with their labor mortgaged to pay arrears of rent. Besides the rental the tenant is obliged to pay all taxes and other charges on the land, and to make his own improvements, no indemnity being allowed. In the city of Lincoln Scully has several agents to watch and report on crop prospects, secure prompt payment of rents, and see to the exact observance of the iron-clad leases. His agents make much of the assertion that Scully's rents are reduced when the crops fail. This, however, is only partially true. For every such "reduction" the tenant is charged with the deficiency and obliged to make it up in the next good season. The astute landlord does not try to extract blood from a stone.

Having been bought up in small parcels here and there, Scully's lands often adjoin farms owned by those who live on them, and the contrast is striking.

I will ask the attention of the Senate to this fact because here is the operation of this system of landlordism in direct competition with that of small ownerships, which is the system we are trying to secure to those who are to come after us by this amendment to the bill.

A squatter's shanty in Harlem is a palace compared to the squalid huts of the renters. On the other hand, the dwellings of the owners of adjoining farms are, as a rule, well-built, tasteful, and comfortable houses, that indicate the prosperous industry of the American farmer.

* * * * * * *

From his lands in Logan County alone he derives an annual rental of nearly $150,000. The pitiable condition of the people under this system is likely soon to result in decided action. While I was in the neighborhood there was no little talk of bringing forward a measure in the Legislature to forfeit the lands to the State, paying Scully a fair indemnification and allowing his tenants to become proprietors by a system of small payments extending over ten years. This is somewhat on the plan of Gladstone's land bill for Ireland, and much trouble might be avoided by adopting some such scheme before it is too late.

Some such scheme in the distant future when our population becomes dense, unless there be precautionary measures taken, will be indispensable, and particularly with reference to those lands which can only be reclaimed by irrigation, and which are so sure to fall immediately into vast ownerships if we are not attentive to our duties now.

I hope that the benefits of this amendment, which is simply an application of the principles we have already adopted in reference to the initiatory sale, may extend to the time when it will be of importance that small holdings shall be reserved in such a way that the masses of the people can have lands and homes.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Kansas [Mr. INGALLS] to the amendment proposed by the Senator from New Hampshire [Mr. BLAIR] as modified.

Mr. HARRIS. Let the amendment to the amendment be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. In lines 4 and 5 of the proposed amendment strike out the words "said lands shall ever" and insert the words "the public lands of the United States shall hereafter;" so as to read:

Provided further, That none of the public lands of the United States shall hereafter be sold or held in larger bodies than 640 acres in a single ownership within the same county, unless the title thereto be derived by inheritance, which, as an express condition, shall be inserted in the original patent thereof; and breach of the condition shall render the lands liable to forfeiture to the United States; proceedings for which forfeiture shall be waived unless commenced within ten years after the act of forfeiture is committed. But if the act of forfeiture shall occur within the jurisdiction of a State, such proceedings shall be within the exclusive jurisdiction of such State.

Mr. DOLPH. Mr. President, I am not in favor of the amendment to the amendment. I was not in committee in favor of the amendment proposed by the Senator from New Hampshire, and upon reflection I am convinced that it would be unwise to saddle any such amendment upon the bill.

There are certain things which all are agreed ought to be done. One of those is the repeal of the pre-emption law; another is the repeal of the timber-culture act. Then there are certain amendments of the land laws which are very much needed to simplify the practice in the General Land Office. These matters ought not to be embarrassed by new and experimental questions. I shall therefore vote against the amendment to the amendment and against the amendment of the Senator from New Hampshire.

Mr. PLATT. Will the Senator from Oregon allow me to ask him a question on this point for information? If he is going to make some remarks I wish he would inform the Senate whether there is really any special danger that the desert lands may be acquired in large quantities. I wish to know whether the character of the lands and the character of the improvement which is to be made upon them afford any indication as to whether without the adoption of some such amendment they would or would not be likely to fall into hands where single persons or single corporations would hold large quantities of them. The Senator is familiar with those Western lands, and we who reside in the Eastern part of the country are not.

Mr. DOLPH. I am not so familiar with the workings of the desert-land law as some other members of the Committee on Public Lands and some other Senators. There are some desert lands in Eastern Oregon and Eastern Washington, but the amount is comparatively small compared to the amount in California, Arizona, Wyoming, Utah, and Idaho, and probably in Colorado. But my judgment is that the bill as it now stands, so far as desert lands are concerned, will, if it becomes a law, prevent their purchase and reclamation to any considerable extent. Such lands can not be reclaimed except by the expenditure of large sums of money. Their reclamation will require an aggregation of capital by an association of the settlers or some other association of

individuals. I have an impression that if these desert lands are ever reclaimed it will be under some more liberal law than the desert-land act will be if amended as proposed by the Committee on Public Lands.

My own opinion is that the law as it now is should be permitted to stand, or that if it is amended at all it should be amended liberally with a view to the reclamation of those lands. But I am willing to save whatever can be saved of the law. I am willing to preserve it if I can, even with the amendments which have been proposed by the committee in the bill now before the Senate for consideration.

I do not believe that there is any great danger of the desert lands being accumulated in the hands of large holders. They are not the character of lands which are sought for by corporations. Corporations and persons who desire to acquire large amounts of land seek a different character of land from the desert lands. The first bill reported by the Senate Committee on Public Lands was reported——

Mr. LOGAN. Before the Senator proceeds further I should like to have him explain one point. I do not think the Senator from New Hampshire made it very clear, and I beg his pardon for making that statement. Under the desert-land act can an individual now acquire more than 640 acres by locating?

Mr. DOLPH. As I understand the law he can not. The original desert-land act which was approved March 3, 1877, contains the following proviso:

Provided, That no person shall be permitted to enter more than one tract of land, and not to exceed 640 acres, which shall be in compact form.

It has been contended that the entry was what we have termed in the bill under consideration a declaration; but the Commissioner of the General Land Office and the Secretary of the Interior, as I have understood, have construed that proviso in such a manner as to prevent the patenting of more than one desert-land claim to one claimant.

Mr. LOGAN. That is my understanding of the law. Then the accumulation of more than 640 acres of land in the ownership of one individual, to which the Senator from New Hampshire objected so seriously, and perhaps his objection is well founded, can only be acquired by avoiding the law, as I understand it, by purchasing and buying up from people who have taken their claim, as they call it, under the desert-land act. Is not that true?

Mr. DOLPH. It can not be acquired at all. I understand that the officers of the General Land Office and the Secretary of the Interior have always held that under the desert-land act each claimant was restricted to one entry.

Mr. LOGAN. That is my understanding.

Mr. BLAIR. If the Senators will permit me, right at that point is where the misunderstanding occurs. Both the present law, and this bill, if it becomes a law without the amendment which I have offered, will prohibit the acquiring in the original title as it comes from the United States more than 640 acres; but the present law and the bill without the amendment will permit the man as soon as he has perfected his title to sell it, and the same purchaser may buy all the titles in the whole country, and therefore the accumulation will occur. My amendment applies to the future.

Mr. LOGAN. I understand it perfectly. Let me make a suggestion to the Senator from New Hampshire. The way that any one individual acquires more than 640 acres of desert land under the law now is by purchase from those persons who have located the land and acquired title. That is the only way, is it not?

Mr. BLAIR. Unless by some fraud.

Mr. LOGAN. I am speaking of acquiring land properly. Then, when you provide in your amendment that no person shall own more than 640 acres of land, is it not very easy for an individual to have a dozen persons connected with him in an organization and each one acquire 640 acres of land, and in that way get the land in the hands of a corporation just as easily as they can to-day? Would your amendment prevent that?

Mr. BLAIR. Unless it is fraudulently evaded, it would.

Mr. LOGAN. I beg pardon, I speak of no fraud under your amendment. There is a provision in your amendment that no one person shall own more than 640 acres of land, but you do not provide that he shall not be associated with anybody else. An association of fifty men may locate, each individual, under your amendment, 640 acres of land, and make a company in that way, holding the land, not in the corporation, but each individual holding the land, and then after the title is acquired each individual may lease it to the corporation for a hundred years. Your amendment does not amount to a row of pins so far as prohibiting that thing is concerned. It does not amount to anything. It only amounts to a declaration against individuals purchasing land and against men owning land. It is only an entering-wedge to a declaration of a different character, for it does not inhibit or prohibit except on its face, because there are many ways by which men could acquire land under it.

Mr. BLAIR. May I ask the Senator if he would approve of a provision against leasing also?

Mr. LOGAN. No, sir; I assure the Senator I would not.

Mr. BLAIR. Then why does the Senator object to doing something? He is not willing to do anything; yet the objection is under the guise of friendship for the measure itself.

Mr. LOGAN. The Senator had better take that back. There is no guise of friendship. I do not act in that way, sir. I was only suggesting that your amendment amounted to nothing except a declaration against individuals owning property, because under that amendment I could myself take twenty men and have each one locate 640 acres of land, and when they got it and acquired their title I could lease every acre of the land from them for ninety-nine years and hold it. I was only suggesting that to show that this thing of being so anxious to do something to satisfy people and to get up a hue and cry against individuals, unless a man has genius enough to mold a proposition that conforms to his ideas he had better let it alone.

Mr. BLAIR. The Senator may be quite right——

The PRESIDING OFFICER. The Senator from Oregon [Mr. DOLPH] has the floor.

Mr. DOLPH. I yield to the Senator from New Hampshire.

Mr. BLAIR. Will the Senator permit me to go on for a moment?

Mr. DOLPH. Certainly.

Mr. BLAIR. The Senator from Illinois may be quite right that no one should make any effort to prevent an evil. That may be all true. The Senator is apart from the fact if he imagines that this difficulty in regard to leases was first suggested to the Senator from New Hampshire by his honorable and distinguished and very intelligent self. It is a difficulty that I have thought of.

Mr. LOGAN. I have no doubt of it.

Mr. BLAIR. And I have thought that even what has been attempted here would not be obtained, and it was not worth while to trouble very much more in the effort to perfect the amendment in that direction. The Senator would have heard, if he had been present a few moments ago, the suggestion that these difficulties were to be developed in the future; that undoubtedly this provision, if it should be adopted, could be in many ways evaded, but that under the operation of the law itself, if the bill shall become a law, there could be no acquisition of title in less than three years, and meanwhile observation and thought might perfect the law or result in the enactment of new provisions which should anticipate every possible evasion. If in a general provision declaratory of the sense of Congress, that these lands should be held and occupied in smaller holdings, an indorsement of that principle could be obtained by a declaration of this sort in this measure, it would not be very difficult hereafter to perfect a measure which should carry out the real intent of Congress.

Mr. DOLPH. Mr. President, I sympathize with the object sought to be accomplished by the amendment offered by the Senator from New Hampshire, but undoubtedly the same reason would hold good for limiting the future ownership of the agricultural public lands that exists for limiting the future ownership of these desert lands. I think that the whole subject of the limitation of ownership, if it is to be acted upon at all by Congress, ought to receive more consideration than we have given or can give to the subject now; and I am myself opposed to putting any amendment of the kind upon the present bill.

As I said before, we are all agreed upon certain things which ought to be done, among which is the repeal of the pre-emption law and the timber-culture act, and these should not be embarrassed by this amendment.

The original bill for the repeal of the pre-emption and the timber-culture acts was reported on the 1st day of February, 1886. It was Senate bill 1296. After that bill was reported numerous suggestions were received by the committee and by members of the committee from various sources, among others from persons familiar with the land laws in the Western States.

Among other communications I received on the 13th of March a letter from the Secretary of the Interior transmitting a copy of Senate bill 1296, which was the original bill reported by the committee, with several proposed amendments to the bill marked upon a copy of it in red ink. I also received a communication of the same date from the Secretary of the Interior transmitting a copy of Senate bill 1415, a bill which I had not previously seen, which was introduced by the senior Senator from Nevada [Mr. JONES], with a similar letter suggesting various amendments. As I design to have the letters of the Secretary of the Interior in regard to both bills read for information, I will ask to have Senate bill 1415 printed in the RECORD in this connection. I shall not ask to have it read at this time, as I suppose it has been read.

Mr. INGALLS. What is the bill?

Mr. DOLPH. It is a bill to amend the desert-land act.

Mr. INGALLS. Let us hear it read then.

Mr. DOLPH. I have no objection.

The PRESIDING OFFICER. The bill will be read.

The Secretary read as follows:

A bill (S. 1415) to promote the reclamation of the desert lands of the United States.

Be it enacted, &c., That it shall be lawful for any citizen of the United States, or any person of requisite age who may be entitled to become a citizen and who has filed his declaration of intention to become such, and on payment in advance of 25 cents per acre, to file a declaration, under oath, with the register and the receiver of the land district in which any desert land is situated and over which the public surveys have been extended, that he intends to reclaim a tract of such desert land, not exceeding one section, by conducting water upon said land, and so as to thoroughly irrigate and reclaim the same within a period of three years thereafter, and in the manner and within the times hereinafter provided:

Provided, however, That the right to the use of water by the person so conducting the same on or to any tract of desert land of 640 acres or less shall depend on *bona fide* prior appropriation; and such right shall not exceed the amount of water actually appropriated and necessarily used for the purpose of irrigation and reclamation as herein provided; and all surplus water over and above such actual appropriation and use, together with the waters of all lakes, rivers, and other sources of water-supply upon the public lands and not navigable, shall be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights. Said declaration shall describe particularly said section of land, or legal subdivision thereof, according to the lines of United States surveys. At the time of filing the declaration the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops in every part thereof, and shall also show the source of the water to be used for irrigation and reclamation; and said declaration shall show that said applicant has a ditch or water right or privilege, or an interest therein, sufficient to irrigate and reclaim said land as herein provided; and any person otherwise qualified may make entry for a tract of desert land, not exceeding a section, who owns such water-ditch, water-right, or privilege, or an interest therein sufficient to thoroughly irrigate the same. Persons taking up separate sections or fractional parts of sections of desert lands may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of intended improvements.

SEC. 2. That no land shall be patented to any person under this act unless he or his assignors shall have expended in the necessary irrigation and reclamation thereof, by means of main canals and branch ditches, at least $3 per acre of the whole tract reclaimed and patented, in the manner following:

Within one year after making application for such tract of desert land, and filing his map as aforesaid, the party so applying shall expend not less than $1 per acre in the necessary irrigation and reclamation of said tract, in the construction of main or branch ditches to or upon the same; and he shall in like manner expend the sum of $1 per acre during the second and also during the third year thereafter, until the full sum of $3 per acre is expended in the construction of canals and ditches to irrigate and reclaim said tract of desert land. Said party shall file, during each year, with the register and receiver, a map or plan showing the progress of said improvements, and shall prove each year, by the affidavits of two or more credible witnesses, that the full sum of $1 per acre has been expended in such necessary improvements during such year and during each year since filing the application therefor. If any party who has made such application shall fail during any year to file the plan and testimony aforesaid, it shall be the duty of the register and receiver to cancel his application; and such lands shall revert to the Government of the United States, and the 25 cents advance payment shall be forfeited to the United States.

SEC. 3. That in all cases where desert lands have heretofore been taken up under the law for the sale of desert land, and the entries thereof have not been canceled or abandoned, the Commissioner of the General Land Office shall give notice to each locator thereof to file within ninety days thereafter, with the register and the receiver of the local land office, a map or plan of any improvements commenced or projected for the necessary irrigation and reclamation of the land so taken up, the progress made in such irrigation, the source of water-supply, and other particulars herein required in case of an original application, the same to be substantiated by the affidavits of at least two credible witnesses. If it shall appear to the satisfaction of the Commissioner of the General Land Office, from the showing thus made in any case, that the party thus taking up said desert land is not in good faith proceeding to irrigate and reclaim the same, or that he has no ditch or water right or privilege, or interest therein, sufficient to irrigate it, or has not expended in the necessary works to irrigate it at least $1 per year for any part of three years elapsing since the date of his entry, he shall order the cancellation of said entry, and restore said land to the public domain. In case any desert land shall have been suspended, such suspension shall be removed, and notice shall be sent as in other cases, and proof shall be required that the parties claiming the same were diligently engaged in necessary works of reclamation at the date of suspension; and if the suspension was made after the lapse of a year after entry, proof shall be made that at least $1 per year per acre had been expended before a suspension, and on such proof being made the time of suspension shall not be included in estimating time for any of the purposes of this act: *Provided*, That expenditures made during the period of suspension shall be applied in satisfaction of the annual expenditure required by this act. The annual proofs required by this act in cases of new entries shall be made by parties claiming under former entries: *Provided*, That the proof made under the notices aforesaid shall suffice for the year in which such proofs are made. In case of failure to make such proofs annually thereafter, the entries of all persons defaulting therein shall be canceled. Any witness in making any proof, or any applicant making any affidavit or oath required by this act, who swears falsely to any material matter contained therein, the said false swearing being willful and corrupt, shall be deemed guilty of perjury, and shall be punished by imprisonment of not more than five years nor less than one year, and by a fine of not more than $1,000.

SEC. 4. That at any time after filing the declaration, and within the period of three years thereafter, upon making satisfactory proof to the register and the receiver of the reclamation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and upon payment to the receiver of the additional sum of $1 per acre for said land, a patent shall issue therefor to the applicant or his assigns.

SEC. 5. That all lands, exclusive of timber lands, and mineral lands which will not without irrigation produce some agricultural crop, shall be deemed desert lands within the meaning of this act, which fact shall be ascertained by the proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office of the district in which said tract of land may be situated.

SEC. 6. That this act shall only apply to and take effect in the States of California, Oregon, and Nevada and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota; and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office.

Mr. DOLPH. I now ask to have a communication read which relates to the bill which has just been read.

The PRESIDING OFFICER. The communication will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, March* 13, 1886.

SIR: I have the honor to return herewith the copy of Senate bill 1415, submitted to me for examination and comment.

I have caused the copy to be modified by certain erasures and interlineations, with a view to making it consistent with other public land laws and long-standing practice under them, its several parts consistent with each other, and the whole unambiguous and complete, without, however, interfering with what seems to be the policy of the bill. The majority of these changes will, I think, commend themselves to your judgment without discussion; and as to the remainder, the following are my reasons for suggesting the modifications indicated.

Section 1 (page 1, line 14): The existing desert-land law does not in terms provide for an "entry," and therefore the Land Department has been compelled, in administering it, to treat the "filing" as an entry. It is better that an entry should be expressly provided for. The copy of the bill has been corrected throughout so as to conform to this provision, and at the same time so as to refer to filings under existing law (mentioned in section 3 of the bill) as "claims" or "applications."

Section 4 (page 6, line 8): Existing law does not in terms provide for "contests" against desert-land claims, and therefore the Land Department has been compelled to allow them on general principles. I think it better that they should be expressly provided for. The method of contest provided in the homestead law is excellent, well understood, and well adapted to this or any other class of public land claims.

As to the policy of the bill as drawn, I must express my approval of the provisions requiring plans and proof of reclamation from time to time, which appear to have been intended to and doubtless will remove one of the chief defects in the existing law, namely, the want of adequate provision for enforcing the work of reclamation. I think, also, that the provision limiting entry to surveyed lands is an improvement on the present law.

But, in my judgment, other provisions in this bill are impolitic, and still others might be added by way of improving its policy. These I will indicate in their order.

1. The bill as drawn permits more than one claim or entry by the same person, thus departing from the existing law. I think that, as the area of the public domain decreases, the policy of limiting the right of entry, heretofore and for years deemed advisable in nearly all the land laws, should be all the more carefully maintained.

2. The right of entry is limited (section 1, lines 35 to 38) to those who already have "a ditch or water right or privilege, or an interest therein." I am at a loss to understand the necessity or propriety of this provision, which seems to be repeated in lines 38 to 42. It would appear to have a tendency to throw the chief control of the desert lands of the country into the hands of wealthy ditch and canal owners, to the detriment of the interests of the poorer classes of our people.

3. The same policy of favoring these rich corporations appears again in sections 2 and 4, which by implication authorize unlimited assignments prior to final proof and entry and the concentration of large bodies of land in their hands. Under the first desert-land act, which did not limit an individual to one entry, a tract of 150,000 acres in California thus passed into the hands of one person or company. Such a policy favors speculation in the public domain, induces these companies to hire persons to file claims with a view to transfer to them, and enables them to hold the lands at speculative prices. Hence I think it a bad policy, and suggest that the law should forbid all contract or sale of the land before final entry, except for such public purposes as are indicated in section 2288, Revised Statutes, and as indicated below. If assignment prior to final entry is to be authorized, however, it should be done by express words, and judicious safeguards should be thrown around it.

4. I think that a provision should be inserted in the bill limiting final entry to citizens of the United States, as is the requirement of the homestead law.

5. I think that a provision should be added requiring proof of actual cultivation and the raising of crops prior to final entry, and that to that end the time within which final entry may be made should be extended from three to five years. Under this bill, as under existing law (as construed by the Land Department), the claimant may prepare all the means of reclamation, without actually reclaiming the land, and thereby defeat the primary purpose of the law.

6. I think that it would be good policy to add a provision allowing the right of entry upon 640 acres of desert land under section 2289 of the homestead law, upon complying with all the requirements of said law, except that residence might be required after one year, and also with those of the desert-land law, except payment for the land. Such a provision appears in section 3 of Senate bill 1296, though more elaborately than would be required here, to which, as amended by my direction, I give my approval.

7. I think that a provision might well be inserted allowing claimants to pledge their lands to ditch and canal owners as an inducement to and security for them to build canals and ditches and to sell water or water rights, and yet without impairing the title of the United States in any tract or claim which may be subsequently forfeited under the law. This would induce our poorer citizens to take up lands, tend to remove the desire of canal companies to own the land, and promote the earlier reclamation of large tracts of our domain where there are no natural supplies of water, and which must depend on some great canal for reclamation.

8. I think that it is advisable to add a provision limiting the right of entry to persons who have not filed claims under some other law of the United States, and to require an oath to said effect to be made at date of application and of final entry. As our public domain decreases, it would seem to be good policy to distribute the benefits of the land system to the greatest number. Under existing laws a person may make claim after claim of the various kinds allowed, and thus settlement or entry for merely speculative purposes is encouraged, and the settler who has not had the benefit of either law is often excluded from the bounty which was intended for him.

L. Q. C. LAMAR, *Secretary.*

Hon. JOSEPH N. DOLPH,
Public Lands Committee, United States Senate.

Mr. DOLPH. In this connection I wish to read, and shall ask afterward to have the whole communication read, an extract from the other letter of the Secretary of the Interior to which I referred, a letter of the same date relating to Senate bill 1296, the first bill reported by the committee. On page 5 of the letter I find the following:

I am very doubtful of the expediency of the provision of section 3—

That is section 3 of the bill first reported by the committee—

which limits the disposal of desert lands to homestead settlers, and in quantities not exceeding 320 acres. On the contrary, I have approved Senate bill 1415, with certain amendments, in a communication of even date herewith addressed to you. While I think that the homestead law may very properly be applied to desert lands, with the reclamation of the entire tract, however, as suggested in said communication, I nevertheless believe that the existing system of disposal by sale, as proposed to be amended by Senate bill 1415, should be retained.

Mr. WALTHALL. Will the Senator from Oregon allow me to interrupt him?

Mr. DOLPH. Certainly.

Mr. WALTHALL. I think it would be as well if the entire communication from which the extract has just been read should be itself read.

Mr. DOLPH. I am going to have it read.

Mr. WALTHALL. It should be read in order that the Senate may understand the position of the Secretary of the Interior as he defines it himself. I ask the Senator to have the entire communication read.

Mr. DOLPH. I stated to the Senate that I intended to have the en-

tire communication read, but I desire now to state while upon the question of the desert-land act that the Senate committee upon receiving the communications to which I referred and other suggestions reconsidered the whole question, and took up these two bills, the bill which had been previously reported by the committee and the desert land bill introduced by the Senator from Nevada, with the amendments which had been suggested by the Secretary of the Interior, and went through them both. Some of the amendments were adopted. Others were not. Among the suggestions which were not adopted by the committee were several of those concerning the provisions of the bill which relate to the management of the General Land Office, but the objections made to the bill to amend the desert-land act were in the main obviated by the committee.

The first objection was that the bill as introduced permitted more than one claim or entry by the same person. If that has not been obviated already it will be done by an amendment which I am authorized by the committee to offer at the proper time. Objection was also made that the bill limited the right of entry to those who already had a ditch or water right or privilege, or an interest therein. That provision was stricken out of the bill. A provision recommended by the Secretary, and which was contained in the original bill reported by the committee, that final entry should be limited to citizens of the United States, was also adopted, and the bill was amended in that particular. The suggestion that cultivation of the land should be required was in part adopted, and it was provided in the bill reported by the committee that at least one-eighth of the land should be under cultivation before patent was obtained. The suggestion that the claimants should be allowed to pledge their lands to ditch companies was not adopted. I may say that in the main the suggestions of the Secretary and the amendments of the desert-land act proposed by him were adopted. Yesterday the Senator from Florida [Mr. CALL] read a communication to himself from the Commissioner of the General Land Office——

Mr. WALTHALL. Would it not be in proper order now to read the communication from the Secretary of the Interior from which the Senator from Oregon just read an extract?

Mr. DOLPH. I should like to designate the order in which my remarks shall be presented, but still I have no objection; the communication may be read at this time.

Mr. WALTHALL. I think, as the communication has been commented on, that the communication itself should be read.

Mr. DOLPH. I am not commenting on it any further.

The PRESIDING OFFICER. Does the Senator from Oregon desire to have the communication read?

Mr. DOLPH. Yes; let it be read as a part of my remarks.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, March* 13, 1886.

SIR: I have the honor to transmit herewith a copy of Senate bill 1296, referred to me for examination and comment.

I have caused said copy to be modified by certain erasures and interlineations, to the end that, without change of what appears to be its policy, it may be consistent, complete, unambiguous, and comformed to other public-land laws and to the well-established practice under them. I think that the majority of these amendments will commend themselves to you without an explanation, and as to the remainder the following are my reasons in brief:

Section 1, page 1: This amendment causes the section to apply only to the pre-emption law, section 2299, which is part of the homestead law, being included in the general clause interlined at line 5, and section 2301, also a part of the homestead law, being repealed in section 11 of the bill. Section 2275 is inserted, because it is amended by section 4 of the bill.

Section 1, page 2: Application of the provision in lines 16 to 22 should not be limited to claims already filed, because this act extends the right of pre-emption to June 30, 1886. The "date of application for the confirmation," &c., is inserted in order to make the provision more definite. The words "after final entry" are added, because it is presumed, from the recognition of the prohibition against sale before entry in section 6 of the bill and from the use of the words "innocent purchasers," that it was not the intention to condone a fraudulent sale of the land.

Section 2, page 3: Section 2317, Revised Statutes, though treated by the Department as impliedly repealed by the timber-culture act of 1878, I think should be repealed in terms.

Section 3, pages 4 and 5: As this section purports to grant homestead rights in desert lands, it has been amended so as to conform to the homestead law. The right of contest is provided for, which I regard as a highly important provision. At the end of line 44 is inserted a clause providing a presumption of residence, &c., for the reason that residence, &c., for five years after entry must be proved (line 32), and yet need not be begun (line 38) for a year after entry. These provisions in the bill are modeled on the homestead law (sections 2291 and 2297, Revised Statutes), and this inconsistency between them has been a source of trouble in applying the law to a variety of cases.

Section 7, pages 7 and 8: As this section purports to grant homestead rights in mountainous land, the amendments are made for the purpose of adapting it to the provisions of the homestead law and the settled practice thereunder.

Section 8, pages 9 and 10: The words "ninety days" in line 4 are changed to "two years," because the latter is the period mentioned in line 25, and I think it altogether better than said shorter period. In line 16 the words "after final entry" are inserted, because the law (recognized in section 6 of the bill) forbids sale prior to final entry, and hence the vendee before such entry can not be "a *bona fide* purchaser."

To the policy of the bill I take no exception, saving those hereinafter indicated.

1. I can not approve of the provision in section 1, lines 22 to 27. It has always been a matter of grave doubt whether Congress intended to allow a pre-emptor to take a homestead, or a homestead claimant to acquire a pre-emption. The Land Department has, however, interpreted existing statutes as not forbidding these double entries; and the result has been the encouragement of speculative settlements, and a perfunctory compliance or fraudulent non-compliance with the law. For these reasons, and because its expediency has always been questioned, and because the area of our public domain is fast decreasing, and the time has certainly come when it is good policy to extend the benefits of the public land laws to the largest number of persons, I think the double entry herein provided for is injudicious. Further, as the provision stands, it applies only to homesteaders heretofore claiming, and I see no sound reason for discriminating against those who may claim hereafter.

2. For reasons just above stated I favor the insertion of a provision in this bill prohibiting a person who has acquired title under either the donation, pre-emption, homestead, timber-culture, timber-and-stone-land, desert-land, or mountainous-land law, or under any foreign grant, from filing a claim or acquiring title under any other of the said laws. Under existing statutes a person may go the rounds of all these laws, filing claim after claim, with an eye single to speculation, and often to the exclusion of settlements by other persons who have acquired title under none of them.

3. I am very doubtful of the expediency of the provision of section 3, which limits the disposal of desert lands to homestead settlers, and in quantities not exceeding 320 acres. On the contrary, I have approved Senate bill 1415, with certain amendments, in a communication of even date herewith addressed to you. While I think that the homestead law may very properly be applied to desert lands, with the reclamation of the entire tract, however, as suggested in said communication, I nevertheless believe that the existing system of disposal by sale, as proposed to be amended by Senate bill 1415, should be retained.

4. Section 7 of the bill provides for entry "as a homestead" of a new class of lands denominated "mountainous." I approve of the application of the homestead system to such lands, if it be feasible. But I may suggest that, as mountainous land is described as "so mountainous and rough that it can not be plowed and cultivated," such land would appear to be rather unsuitable for permanent residence and for a home. The greater part of said lands are probably timbered, and the timber-and-stone-land act of June 3, 1878, has provided for their sale at $2.50 per acre.

5. I do not perceive any good reason for amending the homestead law, as in section 5, so as to make women, not heads of families, eligible for entry at the age of eighteen years. This is a departure from the policy of all prior land laws, and is not demanded by public sentiment or desirable for any cause, so far as I am aware.

6. Section 8 provides a two years' limitation for contests against or inquiries into the validity of final pre-emption and homestead entries. I think that this provision might with propriety be extended to all final entries or locations under the public land laws.

7. The provision in section 8, lines 17 to 22, requiring judicial proceedings to cancel a final entry, I totally disapprove of for the following reasons: First, it is a radical departure from the letter and the spirit of all former land laws; second, it assumes that title passes out of the United States by an entry or location, whereas both the Department and the courts have almost invariably held to the contrary; third, it divests the Land Department of a jurisdiction over entries which it has always exercised, which does and of right ought to belong to it until the issue of patent, and for the exercise of which adequate quasi-judicial machinery has been or may be devised; fourth, it will provoke a multiplicity of suits, since it contemplates a complete trial in the Land Department and another in the courts, with the result of an increase of expense both to the claimant and to the Government; fifth, it will prolong controversies over the issue raised, often for several years, whereas the preliminary trial, with the appeals, must also usually consume one or more years, and it will thus tie up the land for an unnecessarily long period in the hands of persons adjudged by the Department to have entered by fraud, and to the great and often irreparable damage of other and *bona fide* adverse claimants; sixth, it will result in flooding the courts with the already great quantity of contested entries, whose number will be vastly augmented by the resistence of those fraudulent entrymen who now never take an appeal when their wrongdoings have been exposed; seventh, it will discourage the institution of contests, for it will create delays and finally take the conduct of the cases away from the contestants, who are under existing laws the best safeguards against fraudulent entries, which are so readily made by reason of the *ex parte* proceedings at final proof; eighth, it is opposed to sound policy, for the reason that the surest guarantee of *bona fide* settlement and entry is facility of contest, followed by a swift, sure trial, and a summary cancellation upon proof of the fraud.

I am of opinion that this provision, which would be an incentive to and a protector of fraud, should be eliminated, and that instead thereof the following provision should be inserted: "The Commissioner shall suspend the issue of patent, and hold the entry or location for cancellation, with right of appeal to the Secretary of the Interior; and if appeal be not taken as prescribed by the regulations, or if the Secretary should affirm the decision of the Commissioner, the entry shall be canceled, and the land and all moneys paid therefor shall be forfeited to the United States."

8. I decidedly disapprove of the provision in section 11 repealing the act of March 3, 1879 (20 Statutes, 472). Said act, by providing for public notice of intention to make final proof and entry, is almost the only check upon the consummation of secret and fraudulent claims. Its enactment was the result of long experience, and I believe it to be in every sense effective, while it is not ordinarily detrimental to the interests of persons who are acting in good faith.

9. I also disapprove of the provision in section 1, lines 16 to 22, confirming all pre-emption entries heretofore made on proof of sale and in the absence of adverse claims.

It condones all such fraudulent claims in the past, even those where the question has been adjudicated and the entries legally canceled, and it invites new frauds in the future by providing such a precedent. It does not limit the sales to those made prior to that act, but invites every fraudulent pre-emptor to make a swift conveyance of his claim, pretended or otherwise, and evade the penalty of the law. Its evident purpose is, however, not so much the relief of entrymen as of their assignees, of whom, it is notorious, there is a large number who have got into their hands great tracts of lands by means of the grossest frauds and perjuries, which they have aided and abetted. If the provision is made to apply to sales made before final entry, it would be a condonation of another class of frauds in both vendor and vendee. If the cases to be affected by it were few in number, or of unexpected hardship, there might be some excuse for such a provision; but in fact they are numerous, and the hardship rests deservedly and almost wholly on the speculators, who have evaded the law by inducing ignorant men or their own servants to settle on lands under a pretense, to swear falsely to their *bona fides* at date of entry, and theretofore or thereafter to convey to them. Such a provision is, in my judgment, wholly indefensible.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

Hon. JOSEPH N. DOLPH,
Public Lands Committee, United States Senate.

Mr. WALTHALL. Now, with the permission of the Senator from Oregon, I ask that Senate bill 1296, which I understand to be the bill referred to in that communication, shall be printed in the RECORD with the communication.

The PRESIDING OFFICER. If there be no objection the bill referred to will be printed in the RECORD. The Chair hears no objection.

The bill is as follows:

A bill (S. 1296) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes.

Be it enacted, &c., That section 2299 and section 2301, and chapter 4 of title 32, excepting sections 2276, 2283, 2286, and 2288, of the Revised Statutes of the United States, are hereby repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1886, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed; that all entries heretofore made under the pre-emption laws, on which final proof and payment have been made, and to which there are no adverse claims, and which have been sold to innocent purchasers, shall be confirmed and patented upon presentation of satisfactory proof to the proper department officer of such sale: *And provided further*, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, to perfect title to a tract of land heretofore entered by him under the homestead law, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed; but this provision shall not apply to persons who shall perfect title to lands under the pre-emption or homestead laws under proceedings already initiated: *And provided further*, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash (except for fees and commissions), in the disposal of public lands, at the land offices at which such certificates are now receivable in commutation of homestead and pre-emption rights: *And provided further*, That all certificates heretofore issued by the Commissioner of the General Land Office of soldiers, or the widows of such, or their minor children, under section 2306 of the Revised Statutes, may be located by the original beneficiaries, their heirs, legal representatives, or assigns, and upon such location patents shall issue in the name of the locator.

SEC. 2. That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878, be, and the same is hereby, repealed: *Provided*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1886, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed.

SEC. 3. That an act to provide for the sale of desert lands in certain States and Territories, approved March 3, 1877, is hereby amended so as to read as follows:

"SEC. 1. That it shall be lawful for any citizen of the United States, or any person of requisite age who may be entitled to become a citizen, and who has filed his declaration to become such, to file a declaration, under oath, with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one half-section, by conducting water upon the same, within the period of five years thereafter: *Provided, however*, That the right to the use of water by the person so conducting the same on or to any tract of desert land of 320 acres shall depend upon *bona fide* prior appropriation; and such right shall not exceed the amount of water actually appropriated and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands, and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights. Said declaration shall describe particularly said half-section of land, if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey. At or after the expiration of the period of five years after filing said declaration, upon making satisfactory proof to the register and the receiver of the reclamation of not less than one-half of said tract of land in the manner aforesaid and that he or she is a citizen of the United States, and has for such period of five years resided upon and cultivated said tract, and that no portion of the same has been alienated except as in section 2288 of the Revised Statutes, a patent for the same shall be issued to him or her: *Provided*, That the party filing upon the lands under this section shall make his residence upon the same within twelve months after such filing, which residence shall thereafter be continuous; and any failure to reside upon said lands thereafter for a period of more than six months shall work a forfeiture of all rights under said filing and settlement: *Provided further*, That no person shall be permitted to enter more than one tract of land and not to exceed 320 acres, which shall be in compact form.

"SEC. 2. That all lands, exclusive of timber lands and mineral lands, which will not without irrigation produce some agricultural crop, shall be deemed desert lands within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated.

"SEC. 3. That this act shall only apply to and take effect in the States of California, Oregon, Colorado, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota; and the determination of what may be considered desert land shall be subject to the decision and regulation of the Secretary of the Interior: *Provided*, That this act shall not affect any valid rights heretofore accrued under said act, but all *bona fide* claims heretofore lawfully initiated may be perfected, upon due compliance with the provisions of said act, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed."

SEC. 4. That section 2275 of the Revised Statutes be amended so as to read as follows:

"Where settlement with a view to pre-emption or homestead has heretofore been made, and where settlement with a view to homestead shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections 16 or 36, those sections shall be subject to the pre-emption or homestead claim of such settler; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented to pre-emptors or homestead settlers; and other lands are also appropriated to compensate deficiencies for school purposes where sections 16 or 36 are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever."

SEC. 5. That section 2289 of the Revised Statutes be amended so as to read as follows:

"SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years if a male, or at the age of eighteen years if a female, and is a citizen of the United States, or who has filed his declaration of intention to become such as required by the naturalization laws, shall be entitled to enter one quarter-section, or a less quantity, of unappropriated public lands of the minimum price of $1.25 per acre, or 80 acres or less of such unappropriated lands the price of which has been enhanced to double the minimum price, or $2.50 per acre, to be located in a body in conformity to the legal subdivisions of the public lands, and after the same have been surveyed; and every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate 160 acres."

SEC. 6. That section 2288 of the Revised Statutes be amended so as to read as follows:

"SEC. 2288. Any person who has already settled on the public lands, either by pre-emption or by virtue of the homestead law, or any amendments thereto, and any person who shall hereafter settle on the public lands by virtue of the homestead law, or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads, canals, or ditches for irrigation or drainage across such pre-emption or homestead; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads."

SEC. 7. That any person entitled to enter a homestead under the provisions of chapter 5 of the Revised Statutes shall, by complying with all the provisions of said chapter relating to the entry of homesteads, be entitled to enter as a homestead one half-section or less of mountainous land, as defined by this section. All lands, exclusive of mineral lands, which are so mountainous and rough that they can not be plowed and cultivated shall be deemed mountainous lands within the meaning of this section, which fact shall be ascertained by proof of two or more credible witnesses, under oath, whose affidavits shall be filed in the land office at which the lands are subject to sale. The Secretary of the Interior may provide for cross-examination of such witnesses, and for the production of proof of the United States, before the register and the receiver as to the character of the lands sought to be entered; but the production of such proof shall not preclude the Secretary from requiring other and further evidence as to the character of said lands at the time of making final proof: *Provided*, That this act shall only apply to and take effect in the States of California, Oregon, Colorado, and Nevada and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, and New Mexico; and the determination of what may be considered mountainous land shall be subject to the decision and regulation of the Secretary of the Interior: *And provided further*, That any 40-acre tract of the public lands three-fourths of which is mountainous land, as defined in this section, shall be deemed, for the purposes of this act, as mountainous land.

SEC. 8. That in all cases under the pre-emption and homestead acts all contests or protests on the part of the Government or any individual concerning the land to be entered shall be instituted within ninety days after the duplicate receiver's receipt is issued, and not afterwards: *Provided*, That whenever it shall appear upon the face of the papers returned to the Commissioner's office that a clerical error has been committed, said Commissioner shall have power to suspend such entry, upon proper notification to the claimant, through such local land office, until such error has been corrected: *Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall come to the knowledge of the Commissioner, before the patent has issued for the same, that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold and conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court by a scire facias, bill, or information, to set aside such title. This section shall apply to all cases of suspended entries under the United States pre-emption and homestead acts: *Provided*, That when two years have elapsed, or shall hereafter elapse, from the date of the issuance of the receiver's receipt upon the entry of any tract of land under the homestead or pre-emption laws, and when during such period no contest shall have been instituted or protest or objection filed against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

SEC. 9. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within five years after the date of the issuance of such patents.

SEC. 10. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations, isolated and disconnected fractional tracts authorized to be sold by section 2455 of the Revised Statutes, and mineral and other lands, the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry.

SEC. 11. That an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, section 2301 of the Revised Statutes, and section 2 of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880, are hereby repealed.

Mr. DOLPH. Accompanying this letter the Senate bill which has just been ordered to be printed in the RECORD was returned with certain proposed amendments indicated in red ink.

As I said before, these letters, together with the bills and the amendments, were laid before the Committee on Public Lands, and certain of the sections which I will now name, section 6 of the bill and section 8 of the bill, were adopted precisely as recommended by the Secretary of the Interior.

Now, to indicate the character of some of the criticisms which have been made of this bill, I read from the communication read by the Senator from Florida [Mr. CALL] yesterday:

Section 6—

That is, in Senate bill No. 2299—

Section 6 (not noted in previous letter) adds to existing law (section 2288, Revised Statutes) a provision authorizing transfers of entries for canals and ditches. As the right of way for these purposes is already provided for by law (section 2339, Revised Statutes) the amendment is unnecessary, unless it is to be used, as it probably would be, to enable assignments of entries to be made for the ostensible purpose of ditches, but really to acquire title to lands in excess of statutory limitations.

I say that is a fair sample of some of the criticisms which have been made on this bill. The original is section 2288 of the Revised Statutes, which reads as follows:

SEC. 2288. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption, or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

That section was proposed to be amended, because it was supposed by some members of the committee that the words "or hereafter may settle on the public lands, either by pre-emption or by virtue of the

homestead law" might be incompatible with the repeal of the pre-emption law, and when it was under consideration it was suggested, and properly I think, that a homestead settler ought also to have power to transfer a right of way for canals and irrigating ditches, and those words were inserted. That is made the basis of a suggestion by the Commissioner that it would be possible under such a provision authorizing the transfer of a right of way for an irrigating ditch for parties to make a transfer of the title to their claim. If that argument is valid in the case of the right to transfer the right of way for a ditch it is valid in the case of the right to transfer grounds for a cemetery or a lot for school purposes.

The main objection to the balance of the bill seems to be to the provision contained in the first section, as follows:

That all entries made under the pre-emption laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold, after final entry, to *bona fide* purchasers for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale.

The Senator from Kansas [Mr. PLUMB], chairman of the committee, discussed that provision at length the other day. I am not going to repeat what he then said. The committee believe that that provision conforms to the existing law, by which the rights of innocent purchasers are already preserved, and that if that is not so the same rule ought to be applied when the Government comes to deal with its citizens that courts of equity apply in controversies between citizens themselves.

This is all I desire to say on the subject. I do not desire to argue the matter again. I thought it was probably due to the Secretary of the Interior that the communication which I have had read should be placed on record together with the bills.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the Senator from New Hampshire [Mr. BLAIR].

Mr. SAULSBURY. I have not a particle of objection to a limitation as to the quantity of these lands which shall be conveyed in the original grant, but when we undertake to follow the lands beyond that and say they never thereafter shall go into single hands, I think we are going too far. I shall therefore vote against the amendment because, while I am perfectly willing to put a restriction on the amount of land granted by the Government in its patents, when you undertake to follow these lands through all time and say they shall not be accumulated in the same hands I think you are going too far.

The fact is that there are some men who seem unable to hold land, and there are other men, their neighbors, who, when their lands are put in the market, will become the purchasers of them because they think they are worth more to them than to others. I do not know that there is any particular objection to that. I shall, therefore, vote against the amendment.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from Indiana [Mr. VOORHEES].

Mr. HARRIS (when his name was called). The Senator from Vermont [Mr. EDMUNDS] is confined at home ill. I am paired with him. If he were present, I should vote "nay." As I do not know how he would vote, I withhold my vote.

Mr. HEARST (when his name was called). I think this amendment if adopted would make the bill totally inefficacious——

The PRESIDING OFFICER. The Chair must remind the Senator that debate is out of order during the roll-call.

Mr. HEARST. Therefore I vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. PLUMB (when his name was called). I am paired on this question with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. He is for this bill, but I do not know how he would vote on this amendment; so I shall not vote. I should vote "nay" if not paired.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. VOORHEES (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

The roll-call was concluded.

Mr. KENNA. I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "nay."

Mr. BECK. I am paired with the Senator from Maine [Mr. HALE], but believing that he would vote "nay" on this question if he were present, I vote "nay."

Mr. KENNA. On the assurance that the Senator from Minnesota [Mr. SABIN], with whom I am paired, would vote "nay" if present, I vote "nay."

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote. If any Senator can tell me how he would vote if present, I can decide whether I can vote. I should vote "nay" if he were here.

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE]. If my colleague were present, he would probably vote "nay."

Mr. VANCE. On the assurance of the colleague of the Senator from Michigan, with whom I am paired, that he would vote "nay" if present, I desire to vote. I vote "nay."

Mr. RANSOM. As I stated before, I am paired with the Senator from New York [Mr. MILLER]. Satisfied that he would vote "nay" if he were here, I vote "nay."

Mr. SAWYER. I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "nay."

Mr. HARRIS. The Senator from South Carolina would vote the same way.

Mr. SAWYER. Then, if you say so, I vote "nay."

Mr. HARRIS. I will take the responsibility of saying so.

Mr. SAWYER. I vote "nay."

The result was announced—yeas 3, nays 42; as follows:

YEAS—3.

Blair,	Dawes,	Teller.

NAYS—42.

Allison,	Dolph,	Kenna,	Sewell,
Beck,	Eustis,	Logan,	Sherman,
Berry,	George,	McMillan,	Spooner,
Blackburn,	Gorman,	McPherson,	Stanford,
Butler,	Gray,	Manderson,	Vance,
Call,	Harrison,	Maxey,	Walthall,
Cameron,	Hawley,	Mitchell of Oreg.,	Whitthorne,
Chace,	Hearst,	Payne,	Wilson of Iowa,
Cockrell,	Ingalls,	Pugh,	Wilson of Md.
Coke,	Jones of Arkansas,	Ransom,	
Conger,	Jones of Nevada,	Sawyer,	

ABSENT—31.

Aldrich,	Fair,	Mahone,	Plumb,
Bowen,	Frye,	Miller,	Riddleberger,
Brown,	Gibson,	Mitchell of Pa.,	Sabin,
Camden,	Hale,	Morgan,	Saulsbury,
Colquitt,	Hampton,	Morrill,	Van Wyck,
Cullom,	Harris,	Palmer,	Vest.
Edmunds,	Hoar,	Pike,	Voorhees.
Evarts,	Jones of Florida,	Platt,	

So the amendment was rejected.

Mr. DOLPH. By direction of the Committee on Public Lands I move to amend the committee's bill or substitute in section 3 by striking out the words "or his assignors," in line 18 of the section. I have my doubts about its being a proper amendment, but I am directed by the committee to move it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. DOLPH], which will be stated.

The CHIEF CLERK. In section 3, line 18, after the word "he," it is proposed to strike out "or his assignors;" so as to read:

That no land shall be patented to any person under this act unless he shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, at least $3 per acre of the whole tract reclaimed and patented.

The amendment was agreed to.

Mr. DOLPH. By direction of the Committee on Public Lands I also move to amend further by striking out the words "or his assigns," in line 67 of section 3, with the same purpose in view of preventing the assignability of a claim.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. DOLPH. I also, by direction of the same committee, move to strike out the word "three" and insert "*four*," in line 60 of section 3.

Under the provisions of the bill a claimant for a desert-land title is required to expend a dollar per acre a year for three years and to have one-eighth of the land under cultivation. Then this provision is that he shall, within three years after making his declaration, make final proof. The committee think, on examination, that he ought to have a little time after complying with the conditions of the act to make his proof. Therefore they propose to make the time four years for the declaration instead of three.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. PLUMB. I wish to offer one or two amendments from the Committee on Public Lands also. I move to insert, after the word "laws," in section 1, line 12, the following words:

Including the right of such persons as have entered contests to make entry of the land the subject of such contests, as provided by existing law.

So as to read:

Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accuring under said laws, including the right of such persons as have

entered contests to make entry of the land the subject of such contests, as provided by existing law; but all *bona fide* claims lawfully initiated upon surveyed or unsurveyed lands before the 1st day of July, 1886, may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed.

Mr. COCKRELL. I should like to know the effect of that.

Mr. PLUMB. Under the present law the person entering a contest against any one already claiming public land who made the original entry has a preference right to enter the land if the contest is decided against the original entryman. Many of these contests, many hundreds, perhaps, are pending now, and of course if they were not saved the contests already initiated would not inure to the benefit of the parties making them. It puts them simply in the shoes of the person who steps out of possession of the land. It was supposed when the bill was originally drawn that the word "contests," in line 17, covered that class of cases; but on reflection the committee were satisfied that it did not do so, at least that it was not sufficiently clear to remove all doubt.

Mr. MITCHELL, of Oregon. Is not that the law now by a special act?

Mr. PLUMB. It is by the act of 1880.

The amendment was agreed to.

Mr. PLUMB. I now move in section 1, line 14, to strike out "July" and insert "October;" so as to read:

But all *bona fide* claims lawfully initiated upon surveyed or unsurveyed lands before the 1st day of October, 1886, may be perfected upon due compliance with law, &c.

The amendment was agreed to.

Mr. PLUMB. In section 1, line 20, before the word "made," at the beginning of the line, I move to insert the word "heretofore." That limits the operation of this provision to such entries as have heretofore been made and does not extend it to the future.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 1, line 20, before the word "made," it is proposed to insert "heretofore;" so as to read:

That all entries made under the pre-emption laws, on which final proof and payment may have been heretofore made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold, after final entry, to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale.

Mr. MITCHELL, of Oregon. I do not think that amendment should be adopted. The adoption of that amendment would be to prescribe a rule that is in direct contravention, as I understand, of the decisions of the Supreme Court of the United States on that subject. The right to sell land acquired under any of the land laws of the United States after final proof of entry has been made is complete.

Mr. PLUMB. This does not refer to the right of selling.

Mr. MITCHELL, of Oregon. If I did not understand it——

Mr. PLUMB. It does not refer to that. It only confirms entries heretofore made. It does not interfere at all with the right to sell.

Mr. HARRISON. Let it be again reported.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment proposed by Mr. PLUMB.

Mr. MITCHELL, of Oregon. I did not misunderstand the effect of the amendment and I do not think it ought to be adopted. The amendment of the committee as it stands now provides:

That all entries made under the pre-emption laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold, after final entry, to *bona fide* purchasers for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale.

I insist that that is just as it should be as it stands without any amendment. If the rule should apply to cases where entries have heretofore been made, why not apply it to cases where entries may hereafter be made? The object of the provision in the bill of course is simply to protect a *bona fide* purchaser who purchases land from a person who has made his entry, paid his money, received his final receipt, where such a purchaser purchases in good faith for a valuable consideration having examined the record and finding that the entryman has made his final proof before the register and receiver.

Now, then, I say that that rule should apply at all times and under all circumstances, and I can not see why it should be limited to entries heretofore made, because, as I have said, the Supreme Court of the United States has decided time and again that when final proof is made and entry is made, then the right to sell and convey the land is complete in the entryman. It may be sold for taxes. The Supreme Court decided that in several cases.

The effect of the amendment offered by the Senator from Kansas is simply to so frame the provision and so modify it and shape it that while it protects innocent purchasers in the past it does not protect innocent purchasers in the future.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I will state that this amendment was inserted wholly at the suggestion of the Secretary of the Interior. I do not myself think there is any good reason why the rule should not apply to entries hereafter made as well as to entries heretofore made, but it is conservative ground to occupy, to say the least.

A great mass of entries we know have been made heretofore which are now struggling against the opposition of the Interior Department and in which great interests are involved, and some rule should be adopted with reference to those entries which would permit their being protected.

A further suggestion of the Department was that it should be limited to entries heretofore made; that is to say, the class of entries which had been made in view of the statute which now exists, leaving those who come hereafter to take their chances under the more stringent ruling of the office, thinking that that would not perhaps do any injustice. It is not in my judgment very material either way; still on the whole I think it is better to insert the word.

Mr. BERRY. The bill as reported from the committee proposes to validate fraudulent entries that have been sold to *bona fide* purchasers. The bill, as the letter of the Secretary of the Interior shows, if passed as reported by the committee, would apply to future transfers. In other words, if parties should fraudulently enter lands after the passage of the bill they could transfer their entries to innocent holders, and thereby prevent the cancellation that the Government proposes The amendment offered by the chairman of the committee, the Senator from Kansas [Mr. PLUMB], says that it shall only protect *bona fide* purchasers before the passage of this act, not protect purchasers who may purchase this land after the act passes.

Mr. MITCHELL, of Oregon. Will the Senator from Arkansas give me a good reason why purchasers in good faith for a valuable consideration at any time without notice of fraud or without notice of any failure to comply with the law on the part of the entryman should not be protected just as much as an innocent purchaser for a valuable consideration is protected by the courts in an ordinary transaction? That is to say, when he purchases at a time when the Supreme Court said the entryman has a right to sell and the purchaser has a right to buy, why should not an innocent purchaser be protected in the future as well as in the past? What reason is there for the difference?

Mr. BERRY. I will answer the Senator. If this bill passes as it came from the committee, it will be simply serving notice on all those who hold these lands under fraudulent entries that if they do not transfer them immediately the entries will be canceled. If the bill passes as proposed to be amended by the Senator from Kansas, then all parties will be put upon notice, and if they afterward purchase land after the passage of this act they can not claim to be innocent holders.

Mr. MITCHELL, of Oregon. That is begging the whole question. Of course if a transfer is made to avoid and evade the law it is not a transfer in good faith; it is not a transfer for a valuable consideration, and it does not meet the proposition at all.

The courts have decided this very question. It has been decided by the district judge holding the circuit court in the State of Oregon, following the decisions of the Supreme Court of the United States, that where an entryman has perfected his title before the register and receiver, and received his final certificate and paid his money, he has a right to sell that land, he has a right to mortgage it if he sees proper; and the person purchasing and paying his money in good faith takes a good title, although subsequent to that transaction some flaw may be found in the title of the original entryman. It seems to me that is right, that it is fair and just; it is applying the same rule precisely to these matters that courts of equity apply in all other matters. If a man makes a fraudulent transfer, if he colludes with the person to whom he makes the transfer, of course he does not come within the rule of being a *bona fide* purchaser for a valuable consideration.

There is another thing about it. How far is the Land Department behind to-day, and how far behind will it be for years to come in the issuing of patents? Years. There are to-day to my certain knowledge hundreds and thousands, I may say, of persons who have taken up their homesteads, their donation claims under the Oregon donation laws and other donation laws and their pre-emption claims, who have perfected their title so far as concerns the doing of everything upon their part that the law requires them to do, who have paid their money and received their certificates, and yet they have not received their patents and will not receive them and can not receive them for years and years to come.

Now the effect of this amendment is simply that if a person makes a sale at any time in the future after his final entry to a purchaser, although the purchaser may act in entire good faith, may examine the record and find that the party has made the entry according to law, received a certificate, and paid his money—no matter how much good faith may characterize the transaction, if at any time thereafter upon the suggestion of some special agent some informality or fraud if you please should be discovered in reference to the original entry, the rights of the innocent purchaser are not protected; he loses his money and he loses his land. I insist that that is not right, and there is just as much reason to apply the rule to entries in the future as there is for applying it to entries made in the past, and more too.

Mr. MAXEY. The object of the committee is to protect innocent purchasers in good faith for a valuable consideration, without notice, actual or constructive. That is the intent of the committee, I think,

and in accomplishing that object if they left out the word "heretofore" they would extend this protection to frauds which may occur in the future. If the word "heretofore" is inserted, then all purchasers of fraudulent claims will have notice of record that that class of claims is not protected. Therefore I think the word "heretofore" ought to be inserted in the section.

Mr. INGALLS. Mr. President, I presume I am very obtuse about this matter, but I wish the Senator from Oregon would inform me how the word "heretofore" will in any manner affect the sense, object, and purpose of this bill if it should be inserted. I can not imagine a more absolutely superfluous and nugatory word than "heretofore" inserted before the word "made." What does "heretofore" refer to? When will this bill become operative? When will this measure take effect if we agree to it? On the day of its approval. The word "heretofore," then, must necessarily refer and take effect and be construed from the time when this bill is approved. It is idle to suppose that means now. "Heretofore," whenever this bill becomes effectual and operative, will refer to the time when it is approved by the President of the United States.

How does it change the sense of the bill if we leave the word "heretofore" out? The word "heretofore" in it remains exactly the same as it is now, and I am somewhat surprised that the committee should move to put it in, because I do not think it will make one hair white or black. The law will take effect from its approval, and the word "heretofore" may mean made and issued before the time when this act was approved. It will include everything between now and that time.

Mr. MITCHELL, of Oregon. Does the Senator from Kansas think the words "may have been," as they stand, would apply?

Mr. INGALLS. There is no principle of parliamentary interpretation more explicit, more clear, and better distinguished than that the law can only take effect from the date of its approval by the President of the United States, and the word that we put in now of course will be so construed whenever this bill goes into operation; and whether you put in "heretofore" or leave out "heretofore" does not add a single cubit to the stature of the bill. It can only affect the certificates made and issued before the bill is approved, unless we provide by language which can not be misunderstood that it shall apply to certificates issued after the bill is approved.

Mr. MITCHELL, of Oregon. The chairman of the committee evidently does not understand the original text of the bill as his colleague does.

Mr. INGALLS. I am not responsible for the interpretation that the chairman of the committee may place on the bill. I appeal to the common understanding of men, and I assert that it makes no difference whatever in the minutest subdivision of a hair so far as the rights of claimants are concerned under this bill, should it become a law, whether the word "heretofore" is inserted or whether it is omitted.

Mr. MITCHELL, of Oregon. The Senator thinks in either event it simply relates to those made prior to the passage of the bill.

Mr. INGALLS. Prior to the passage of the bill.

Mr. MITCHELL, of Oregon. I had thought that construction might be placed on this before. I am not quite certain that that is the proper construction.

Mr. INGALLS. I think no other construction can be placed on it.

Mr. HARRISON. I rose to ask the Senator from Kansas who proposed this amendment at what point the word "heretofore" is to be inserted.

Mr. PLUMB. Before the word "made," at the beginning of line 12.

Mr. HARRISON. It seems to me it might make a difference if it had been inserted in line 21, "and which may heretofore have been sold." I supposed that was the point.

Mr. INGALLS. That would be different.

Mr. HARRISON. That would of course effectuate the intention of the amendment, which I understood to be to protect all the pre-emption claims in which final entry had been made and which, prior to the passage of this act, had been transferred to an innocent purchaser. That is the point which has been debated, and if that is the intention of the Senator from Kansas I think the word he proposes to insert should come in a little later in the bill, and then it would not be subject to criticism. In line 21 it might be inserted so as to read "and which may have been heretofore sold."

Mr. INGALLS. That is a different proposition.

Mr. HARRISON. I understand it to be a different proposition. I say being inserted there it would not be subject to criticism.

Mr. INGALLS. I am only criticising it where it is applied by the amendment as offered. I am not criticising it if applied to line 21.

Mr. PLUMB. I do not care to enter into a controversy with my colleague upon the construction of the language of this section; but notwithstanding the emphasis with which he has said it does not make any difference, I respectfully submit that it does. It entirely changes the purpose of the section. This is a continuing provision without the word "heretofore." Any entry which may have been made and which shall have been followed by a sale to a *bona fide* purchaser for value is protected by this provision, no matter whether the entry is made to-day, to-morrow, next year, or the year after.

Mr. HARRISON. It can not be made after the bill passes.

Mr. INGALLS. Because the law is repealed.

Mr. PLUMB. There is where Senators mistake the scope of this bill. It repeals it as to all entries which have not been already initiated, but there are many thousands of them, and perhaps tens of thousands, and I do not know but hundreds of thousands, that have already been initiated and that will be perfected hereafter and during many months hereafter under the provisions of existing law, the pre-emption law.

The distinction made by the word "heretofore" is between entries that have already been perfected and certificates issued and which may be sold after such entry is perfected to an innocent purchaser for value, and those entries which may be hereafter made which may be sold, and the word "heretofore," as I think, makes a broad distinction between these two classes of cases.

Mr. MITCHELL, of Oregon. Now, I suggest to the Senator from Kansas, does he think Congress has any right to make any such provision as this? Is it not a fact that the title to this land the moment the entry is made passes out of the Government of the United States and into the vendee?

Mr. PLUMB. It does if we do not limit it by law. But suppose we say otherwise, what is to limit the power or the right, as the Senator uses the term, of Congress to do that?

Mr. MITCHELL, of Oregon. I do not think you can put any limitation after you have provided that a certain party by doing a certain thing shall acquire title to the land. I think that is the end of it. The title vests and you can not impose a condition on it afterward.

Mr. PLUMB. I do not care to discuss that question with the Senator. I should feel that I was treading on very dangerous ground if I did not suppose the United States might provide by regulation for the disposition of its own title and for all that might happen to the land or the title to it up to the issuing of the patent. Up to that time conditions may be imposed.

Mr. CALL. Mr. President, I think there has been an erroneous construction put upon the law by the Senator from Oregon [Mr. MITCHELL]. It is not the law that the title of the United States passes upon an entry made or an application made for entry, or when a certificate is issued, as I understand. The Supreme Court of the United States, in the case of Irvine *vs.* Marshall, 20 Howard, 555, held that although a certificate may be the subject of bargain and sale, yet the United States can take care that conveyance shall be to him who is in good faith its vendee, and the court said:

> The reception of the certificate of purchase as evidence of title may be regular and convenient as a rule of business, but it has not been anywhere established as conclusive evidence, much less has it been adjudged to forbid or exclude proofs of the real and just rights of claimants.

A mere declaration in writing by a vendor that the vendee has paid the purchase-price of land, and that he intends to give him a deed, is not a document purporting to convey title. (Osterman *vs.* Baldwin, 6 Wallace, 116.)

And there are a great many other decisions by both the Supreme and circuit courts of the United States holding that nothing but the patent is evidence of title or conveys title, and that a purchaser is not a *bona fide* purchaser without notice who buys land that has been entered under any illegal or fraudulent pretense without a patent. That is the law. Now, in regard to this amendment, I do not think it very material, but I do not see how the Senator from Kansas [Mr. INGALLS] can construe the language "may have been" as referring to something future. An entry which may have been made is of necessity of the past, and the word "heretofore" of course has reference to the approval of this bill, as he stated; and the section itself in these terms, "may have been made," can only refer to cases that have occurred previous to the approval of the act.

But the question whether a different law shall be applied to purchasers claiming under the pre-emption laws of the United States from that which prevails between private individuals is a very doubtful one. The law between private individuals is that a *bona fide* purchaser without notice does not thereby acquire any other title than the party had who sold to him. There may be estoppels provided by statute law for want of record, estoppels because of the absence of some act or notice given by the vender, but a man can never acquire from another one because he purchased in good faith something which that other did not have. He can not acquire a right which was not in his vender. The vender may be estopped for negligence, but there is no process by which I can sell to a man something which I have not got and which I never had.

Mr. MAXEY. If you are on the record the apparent owner of a tract of land and convey that tract of land to A you are thereby stripped of all title. If A fails to put his deed on record and you subsequently sell that same tract of land to B, who purchases innocently without any notice, actual or constructive, of the previous conveyance, and he pays the purchase-money, he is protected by the courts and by the law in his purchase, although it was subsequent to your former sale to A.

Mr. CALL. That is precisely what I said. The estoppel comes from the failure of the vender to perform some act. A man can never sell that which he has not, but the true owner may be estopped from asserting his true claim. The status of title and property must be derived

from the vender, something that is in him. But in the case of the United States the law has been affirmed substantially as it has been stated by me, that the patent is the evidence of title and it is the only evidence of title. The entryman may sell anything that is in him and he may convey anything that is in him; but the question is, whether he can convey anything which is not in him. The question here is as to a mere certificate, and this is almost the precise language of the court in the case of Yost *vs.* Shields (1 Woolworth, 353), and in other cases:

As against the United States the purchaser takes only what his vender has to convey.

Only the interest which he has in conformity with law acquired; and the conclusive fact is stated by the court that up to the time of issuing the patent *bona fides* can not attach and be the subject of investigation. A purchaser takes only the right, perfect or imperfect, which is in his vender. I have the decisions of the Supreme Court before me in the letter of the Commissioner of the General Land Office to this effect. I merely wished while I was on my feet to call attention to the fact that in the marked copy of the bill which has been furnished me by the Interior Department in this section now under consideration are the following words:

That all entries made under the pre-emption laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold after final entry to *bona fide* purchasers for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale.

This note is made upon this clause by the Commissioner of the General Land Office:

It condones all such fraudulent claims in the past, even those where the question has been adjudicated and the entries legally canceled, and it invites new frauds in the future by providing such a precedent.

And it is the opinion of the Commissioner that it should be stricken out. I merely wished to place before the Senate his comment on that subject.

I understand the reason to be that which has been stated in the reports made, that a large number of pre-emption entries have been made as a system by parties engaged in it by having a house placed upon wheels and allowing it to remain for a certain period of time upon one tract and then wheeling it over to another, and that it has been made a means of conveyance of large bodies of land to individuals in fraud of the pre-emption law. I do not mention these as facts, but I see them stated in reports. I understand from the Commissioner of the General Land Office that this language in this bill would condone and confirm all cases of that description.

The Senator from Kansas who has submitted this amendment doubtless presents many cases of great equity. Where such a case really exists, where an honest entry has been made and where a transfer has been made before patent and it was all in good faith, there is no kind of doubt that the United States ought to confirm. Every reason of good policy and equity would require in all such cases the confirmation of the title and the issuance of the patent, notwithstanding there might be irregularities, notwithstanding there might be an innocent and not a fraudulent failure to comply with some provision of the law.

Mr. MITCHELL, of Oregon. Does the Land Department now do that thing?

Mr. CALL. Whether it does or not I do not know. Whether there are different constructions of law, as there are frequently differences between different persons on points of law, which would somewhat narrow and limit the interpretation that you or I might put on the law in the Department, I do not know. But I mean to say that all classes of cases to which I suppose the Senator from Kansas refers certainly ought to be confirmed. If, however, the language of this section is open to the criticism that it would confirm a great many cases of fraudulent entry where there had been a general object and purpose to defraud the Government, and it would confirm them in the hands of persons who while they might be *bona fide* purchasers in respect to the payment of the consideration, the money, while there might not be proof of their personal knowledge or being chargeable with sufficient knowledge to make them parties to the fraud, it is a very grave question whether, if there have been five or six or seven or eight hundred or eight thousand acres of this land under this character of pre-emption entries accumulated in the hands of one or two or three individuals, it ought to be confirmed. I myself think it ought not to be confirmed in such cases; but in the great majority of cases perhaps the considerations are such that there ought to be a confirmation, and the provision of the bill ought to be addressed to that.

Mr. MITCHELL, of Oregon. Mr. President, there has been a conflict going on for years between the courts and the Land Department on this very question. The courts have uniformly decided one way; the Land Department has not been consistent with itself. The courts have followed the law as it exists to-day, while the Land Department has only at different times followed the law and at other times has not followed the law as the courts have construed it. The pre-emption law as it stands on the statutes to-day protects innocent purchasers for a valuable consideration who purchase after final entry and proof. Section 2262 of the Revised Statutes does that. I will read it.

Mr. INGALLS. Before patent issues?

Mr. MITCHELL, of Oregon. Before patent issues.

SEC. 2262. Before any person claiming the benefit of this chapter is allowed to enter lands he shall make oath before the receiver or register of the land district in which the land is situated that he has never had the benefit of any right of pre-emption under section 2259; that he is not the owner of 320 acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall—

Do what, now?

forfeit the money which he may have paid for such land, and all right and title to the same; and any grant or conveyance which he may have made, except—

Now comes the exception—

except in the hands of *bona fide* purchasers, for a valuable consideration, shall be null and void, except as provided in section 2288.

Which is another matter not affecting this question. There is a plain provision of law, as plain to my mind, and always has been, as it could possibly be written, that *bona fide* purchasers for a valuable consideration, where a purchase is made after final entry, after proof, and before patent, shall be protected. The courts, whenever they have had an opportunity to pass upon that question, have construed the law as it reads, while the Land Department has varied. Occasionally there has been a decision by the Secretary of the Interior in accordance with the rule laid down in the statute by its plain terms and as construed by the courts, but more recently the decisions of the Land Department have been the other way. I say that by the adoption of this amendment, or if the proper construction of the bill is as suggested by the senior Senator from Kansas [Mr. INGALLS], the effect is to change the law as it is to-day in regard to this matter and deprive a *bona fide* holder for a valuable consideration of the rights now given him by the law as it stands.

The senior Senator from Kansas insists that the bill as it stands, or as it will stand with the amendment proposed by the chairman of the committee, will simply protect those *bona fide* purchasers in cases where entries have been made and sales made prior to the passage of this bill, thereby placing a legislative construction on the law as it stands to-day. As I said, there has been some doubt about it in the mind of the Land Department, and the effect of this legislation would be to declare that while Congress gives the construction that the courts have placed heretofore on this statute as to all cases of prior entry, it refuses to place that construction on the law as to the future. Is not that so?

Mr. PLUMB. That undoubtedly is the effect.

Mr. MITCHELL, of Oregon. That I protest against. The very object, I say, of this provision which receives the construction suggested by the senior Senator from Kansas is to change the law on this subject. If Congress wants to do that, be it so. I say it is an injustice to men who purchased land at a time when the laws of the country said they had a right to purchase, and purchased in good faith and for valuable consideration. I say it is an injustice to such men.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. BERRY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Before the roll is called I desire to have read simply for the information of the Senate and that we may have it in an available form a letter in regard to this bill and in regard to this provision. It was written by the Commissioner of the General Land Office to me at my instance, giving his views in regard to the various provisions of the bill. The letter is not very long and I ask that it may be read.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 21, 1886.

SIR: In compliance with your personal request of yesterday for a statement of objections to the Senate bill amending House bill No. 7887, to repeal the pre-emption, &c., laws, I have the honor to say that the objections to the Senate bill are generally to those matters in which it changes the House bill.

The following specific objections to the Senate amendment may be stated:

1. The second clause of the first section confirming all entries heretofore made under the pre-emption laws and which may have been sold to "innocent purchasers" must have the effect, if any, to validate and confirm all illegal and fraudulent entries so made under that act.

This provision, and a similar provision in the eighth section in respect to final entries *hereafter* made under the pre-emption and homestead acts, are in contravention of well-settled principles of the law of real property and of the law of equity. I think that neither under the civil law nor the common law, nor in any legal authorities, nor in any decision under the public land laws, is it or has it ever been asserted that a person can be an innocent purchaser who buys of one who does not own the legal title. Equity never relieves in such cases, and there is no reason why it should.

In private transactions the owner of property is not expected to indemnify a person against loss who purchases from one who has merely a claim to a legal title but not the legal title itself. The doctrine of *caveat emptor* is as good against a purchaser of property claimed to be derived from the United States as against the purchaser of property claimed to be derived from any other source.

The property of the United States in its public lands is as sacred as the property of individuals, and no good reason would appear to exist why legal principles should be violated and the public domain sacrificed to make good to the purchasers of fraudulent entries, or to speculators in them, titles which may be either absolutely void or voidable in law.

The classes of people who will chiefly be benefited by the proposed legislation

are corporations and syndicates who have covered grazing and timber lands with a cloud of false entries and money-lenders who have taken worthless mortgages at exorbitant rates of interest and other charges. Doubtless individual citizens may also have been misled by erroneous advice or persuaded by land or loan agents to invest their money without looking to the foundations of their titles, but such persons have no possible claim upon the United States. Their purchases were private transactions, with which the United States had nothing to do. The public records were open to their inspection. They knew, or might have known, that their venders were not the owners of the land, but had only a claim to it, and that the validity of this claim depended upon its merits. They are charged with a knowledge of the law that all claims under the public land acts are subject to a final confirmation and are liable to defeat, and that titles do not pass until patents issue. If in some individual cases the purchasers of inchoate titles have suffered a misfortune which appeals to personal sympathy, and if such cases were a proper subject for public relief, it would be far better that direct money appropriations should be made than that a horde of false and fraudulent claims should be rushed through to patent by force of Congressional confirmation in order to save certain persons from the consequences of their own indiscretion.

2. The last clause of the first section of the Senate amendment provides for the location of soldiers' additional homestead entries by assignees. This provision is not in the interest of soldiers, their heirs or legal representatives, by whom the locations may now be made, but is exclusively in the interest of the speculative holders of such claims. I think legislation in the interest of any character of speculation in public land unwise, inexpedient, and contrary to good policy.

3. The last proviso in the second section of the Senate amendment repeals the existing requirement that timber-culture entrymen, in making final proof, must show that the specified number of trees were planted on each acre. This requirement is one of the conditions upon which all timber-culture entries have been made. Its repeal changes the contract in favor of the entryman, and enables proof to be made upon natural trees, when they may exist, instead of cultivated ones.

4. The third section amends the desert-land act in some meritorious particulars, but embraces other provisions of a different character, the principal of which is the incorporation of a right of assignment of the unperfected entry. This feature changes fundamentally the underlying principle of the public land laws, that entries shall be made for the exclusive benefit of entrymen and not for the benefit of other persons, and it practically abrogates existing restrictions of the act limiting one person to one entry of 640 acres. By the proposed amendment any purchaser of desert entries may obtain as great a quantity of land which has been heretofore entered or which may be hereafter entered under this act as he may be able or may choose to pay for. That it is the purpose of the amendment to aggregate entries in single or corporate hands is shown by the clause providing for the association of entrymen and the filing of joint maps, coupled with the right of assignment. In Wyoming, Montana, and elsewhere great bodies of land have been covered by consecutive desert-land entries, embracing the water privileges of many square miles of territory. To legalize the assignment and consolidation of these entries as proposed by the Senate amendment is to create a land monopoly of vaster proportions than any against which publicists have warned the country or political conventions have denounced.

Another objection to the amendment is that the provisions of the desert-land act are extended to another State (namely, Colorado) than the States to which it was confined by the original act. The public injury already done under this act, which, as stated by my predecessor, operates not to the reclamation of land but to its misappropriation and the prevention of reclamation, should not be extended to embrace additional territory. Legislation clamored for by monopolists is not legislation presumptively in the public interests.

5. Section 4 of the amendment protecting settlements on school sections before survey does not add to or change existing law. Under some past rulings of this office homestead settlers were not considered as protected by the statute, but the law as construed in more recent years protects all settlement rights upon such sections. The Senate amendment upon this point is not of itself objectionable. It is simply unnecessary.

6. The fifth section extends the homestead privilege to single females between the ages of eighteen and twenty-one. As young girls are not expected, as a class, to take up public land for the purpose of a home and to live alone upon isolated claims, there would seem to be no utility in this provision, at least not for any purpose of promoting actual settlements

7. The sixth section, authorizing the transfer of any portion of a claim under the settlement laws for church, cemetery, or school purposes, or for the right of way for railroads, canals, or ditches, adds to existing law (section 2288, Revised Statutes) the words "canals or ditches for irrigation or drainage." As the right of way for the latter purposes is already secured by general law (sections 2339, 2340, Revised Statutes), the occasion for this amendment is not evident. The objection to it, apart from its apparent want of utility for any necessary purpose, is the liability of its use for the consummation of frauds upon a great scale. "Any portion" of an entry may be so transferred. The words "any portion" include the whole. Entire claims may therefore be transferred under the proposed amendment for the ostensible purpose named. It is not necessary that any canals or ditches should actually be constructed. The claims can be transferred for the alleged purpose of constructing them, and the amount of land that may be thus acquired by corporations or individuals may be limited only by the extent of territory desired to be dominated.

8. The seventh section provides a new form of entry, to wit, "mountain homesteads" of 320 acres. No cultivation of the land is required. It opens up the States of California, Oregon, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, and New Mexico to an easy form of fraudulent entry, which, falling under the provisions of the eighth section of the Senate amendment, will be protected and validated by the enforced confirmations of that section.

9. The eighth section is the germ and essence of the entire amendment. This section practically cuts off adverse claims and effectually prohibits contests against invalid entries, also rendering impossible an official investigation of fraudulent ones; confirms all entries that may be sold, however false or baseless, unless knowledge of the fraud is brought to attention within an impossible period; deprives the Land Department of its jurisdiction to determine the validity of claims against the United States under the public land laws; transfers executive functions to the judiciary; imposes upon the courts duties which if they could be performed would require a quadruplication of the judicial establishment, and makes an absolute confirmation after two years of all entries not otherwise confirmed in fact or effect by other provisions of this section and bill.

I regard this section as a nullification of all guards and restrictions in the public land laws; as a reversal of the whole policy of legislation in respect to the acquisition of individual titles to public land; as a repudiation of the pledges of political parties and conventions to preserve the public domain for actual settlements, and, in short, as the destruction of the public land system of the United States. And I perceive that this radical change can have no other effect than to promote the interests of speculation and monopoly.

10. The ninth section, providing that suits to vacate patents shall not be brought after five years from the date of the passage of the act or from the date of the issue of patents hereafter, would have the effect to validate both void and voidable patents even in the hands of the patentees, unless suit should be brought within the time fixed, which is wholly impossible, particularly in respect to patents issued to corporations, when the bringing of the suit may depend upon the settlement of questions that may not even be considered within the term of five years.

If it is said that some limitation of time is necessary within which public-land entries shall be liable to attack by individuals or to inquiry by the Government, in order that certainty in land titles may be assured, it may be replied that the same reason would apply to claims for money out of the Treasury, since such claims, equally with claims for public land from the treasury of the public domain, are the subject of sale and assignment; that unless the public-land system should be changed to favor speculative proprietorship instead of actual inhabitancy there is no substantial reason for anticipating the regular and orderly termination of cases; and, further, that another and better method exists by which a final adjudication of claims can be facilitated. This is by a simple repeal of laws under which the most extensive frauds have been committed, thus preventing their future perpetration, and by increasing the facilities of this office for the examination of existing claims, so that the work can be speedily performed, false claims discovered and suppressed, and good ones confirmed and patented.

Your attention is called to my report, May 6, 1886 (Senate Ex. Doc. No. 134), showing that, with the increased force asked for, the pending cases of final entry can reasonably be expected to be closed within a year and a half.

I also respectfully call your attention to marked paragraphs in my predecessor's annual report for 1884, pages 15, 16, and 17, and in my report for 1885, pages 64–67, relative to examinations of entries, and to other marked paragraphs in reports for 1883, 1884, and 1885, relating specifically to different classes of entry.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. F. M. COCKRELL,
United States Senate.

Mr. INGALLS. Unless the chairman of the committee anticipates the conclusion of the bill to-night, I move that the Senate do now adjourn.

Mr. DOLPH. I think there will be no difficulty in finishing the bill to-night.

CARRYING OF PASSENGERS BY STEAM VESSELS.

The PRESIDENT *pro tempore.* Before the motion to adjourn is submitted, the Chair will lay before the Senate a report of a committee of conference, which has been laid on his table.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crew, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

WARNER MILLER,
J. N. DOLPH,
A. P. GORMAN,
Managers on the part of the Senate.
CHARLES F. CRISP,
R. W. DUNHAM,
MARTIN L. CLARDY,
Managers on the part of the House.

The PRESIDENT *pro tempore.* The action of the House passes the bill without any further action of the Senate.

The Senator from Kansas [Mr. INGALLS] moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 23, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 22, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. RICHARDSON. I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction of bills and resolutions.

There was no objection.

The Journal as read was approved.

CARTER W. TILLER.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I return without my approval House bill No. 4002, entitled "An act granting a pension to Carter W. Tiller."

The records of the War Department show that George W. Tiller, the son of the claimant, enlisted in a Kentucky regiment on the 8th day of October, 1861, and that he deserted on the 20th day of September, 1863; that he was captured by the confederates afterward, but the time and circumstances are not given. On the 21st day of July, 1864, he was admitted to the Andersonville hospital and died the same day of scorbutis.

The father filed his claim for a pension in 1877, alleging his dependence upon the deceased soldier. It is probably true that the son while in the Army sent money to the claimant, though he appears to have been employed as a policeman in the city of Louisville ever since his son's death at a fair salary.

The claim thus made was rejected by the Pension Bureau on the ground that the claimant was not dependent upon his son.

I am entirely satisfied of the correctness of this determination, and if the records presented to me are reliable, I think the fact which appears therefrom that the death of the soldier occurred ten months after desertion, and had no apparent relation to any service in the Union Army, is conclusive against the claim now made.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

The SPEAKER. What action does the House take?

Mr. TAULBEE. I ask that the message be referred to the Committee on Invalid Pensions.

The SPEAKER. If there be no objection the message will be referred to the Committee on Invalid Pensions, and will be printed.

There was no objection.

JOHN TAYLOR.

The SPEAKER. The Chair also lays before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 3826, entitled "An act for the relief of John Taylor."

By this bill it is proposed to increase the pension of the beneficiary named to $16 a month. He has been receiving a pension under the general law, dating from his discharge in 1865. His pension has been twice already increased, once by the Pension Bureau and once by a special act passed in 1882. His wound is not such as to cause his disability to become aggravated by time. The increase allowed by this bill when applied for at the Pension Bureau in 1885 was denied on the ground "that the rate he was receiving was commensurate with the degree of his disability, a board of surgeons having reported that he was receiving a liberal rating."

I can discover no just ground for reversing this determination and making a further discrimination in favor of this pensioner.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

The SPEAKER. What action does the House take? If there be no objection the message will be referred to the Committtee on Invalid Pensions, and will be printed.

There was no objection.

JOEL D. MONROE.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 4058, entitled "An act for the relief of Joel D. Monroe."

The claimant mentioned in this bill enlisted in August, 1864, and was discharged with his regiment June 4, 1865.

The record of his short military service exhibits no mention of any injury or disability; but in June, 1880, fifteen years after his discharge, he filed in the Pension Bureau a claim for a pension based upon the allegation that in December, 1864, he was injured by a falling of a tree which struck him on his head, affecting both of his eyes. He added to this allegation the further complaint that he contracted rheumatism while in the service.

The application for a pension was rejected by the Pension Bureau because there was no record of the disabilities claimed, nor was satisfactory proof furnished that any such disabilities originated in the service.

I am so entirely satisfied with this determination of the Pension Bureau that I am constrained to withhold my approval of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

JOHN W. FARRIS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I hereby return without approval a bill originating in the House of Representatives entitled "An act granting an increase of pension to John W. Farris," which bill is numbered 6136.

The claimant mentioned in this bill enlisted in the month of October, 1861, and was mustered out of the service in August, 1865.

In 1881, sixteen years after his discharge, he filed an application for a pension, alleging that he was afflicted with chronic diarrhea contracted in the Army, and in 1885 his claim was allowed, and he was granted a pension for that cause.

In September of the same year, and after this pension was granted, he filed an application for an increase of his rate, alleging that in 1884 his eyes became affected in consequence of his previous ailments and the debility consequent thereupon.

The ingenuity developed in the constant and persistent attacks upon the public Treasury by those claiming pensions, and the increase of those already granted, is exhibited in bold relief by this attempt to include sore eyes among the results of diarrhea.

I am entirely satisfied with the opinion of the medical referee, who, after examining this case in October, 1885, reported that "the disease of the eyes can not be admitted to be a result of chronic diarrhea."

On all grounds it seems to me that this claimant should be contented with the pension which has been already allowed him.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 21, 1886.

HENRY HIPPLE, JR.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I herewith return without approval House bill No. 6897, entitled "An act granting a pension to Henry Hipple, jr."

This claimant entered the Army as a drummer August 6, 1862, and was discharged May 29, 1863.

In 1879, sixteen years after his discharge, he appears to have discovered that during his short term of military service in the inhospitable climate of Port Tobacco, within the State of Maryland, he contracted rheumatism to such an extent as to entitle him to pension, for which he then applied.

It is conceded that he received no medical treatment while in the Army for this complaint, nor does he seem to have been attended by a physician since his discharge.

Without commenting further upon the features of this case, which tend to discredit it, I deem myself obliged to disapprove this bill on the ground that there is an almost complete failure to state any facts that should entitle the claimant to a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 21, 1886.

FRED. J. LEESE.

The SPEAKER also laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 3624, entitled "An act granting a pension to Fred. J. Leese."

This claimant enlisted September 7, 1864, and was discharged June 4, 1865. During his short term of service there does not appear on the records any evidence of disability.

But in November, 1883, eighteen years after his discharge, he filed his application for a pension, alleging that in November, 1864, he contracted chronic diarrhea from exposure and severe work.

His claim has not yet been fully passed upon by the Pension Bureau, which in my opinion is sufficient reason why this bill should not become a law. I am also thoroughly convinced, from examination of the case that the claimant should not be pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 21, 1886.

JOHN HUNTER.

The SPEAKER also laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I hereby return without approval House bill No. 1990, entitled "An act granting a pension to John Hunter."

The claimant was enrolled July 20, 1864, and was discharged by expiration of his term of service July 13, 1865.

During four months of the twelve while he remained in the service he is reported as "absent sick." His hospital record shows that he was treated for intermittent fever and rheumatism. In 1879, fourteen years after his discharge, he filed his claim for a pension, alleging that in May, 1864, he received a gunshot wound in the right leg while in a skirmish. The month of May, 1864, is included in the time during which, by the record, he appears to have been absent sick and undergoing treatment for fever and rheumatism. His claim was rejected in December, 1884, on the ground that there was no record of the alleged wound, and the claimant was unable, though aided by the Bureau, to prove that the injury claimed was due to the service.

The evidence recited in the report of the Congressional committee to whom this bill was referred, though it tends to show, if reliable, that when the soldier returned from his service his leg was affected, fails to show a continuous disability from that cause. It is stated that about five years ago, while the claimant was gathering dandelions, in stepping across a ditch his leg broke. The doctor who attended him states that the leg was about four weeks longer in uniting than is usual, but he is not represented as giving an opinion that the fracture had anything to do with his patient's military service.

I find no reference to his condition since his recovery from the fracture of his leg, and there seems to be no allegation of present disability either from Army service or the injury sustained while gathering dandelions.

GROVER CLEVELAND

EXECUTIVE MANSION, *June* 19, 1886.

Mr. PERKINS. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. If these messages are not referred to a committee will it not be the privilege of the House to vote upon them, they being submitted to the House for that purpose by the Speaker?

The SPEAKER. It will.

Mr. PERKINS. And if they are referred to a committee and the cases are again returned to the House, will they be privileged?

The SPEAKER. They are privileged matters under the Constitution.

ELIJAH P. HENSLEY.

The SPEAKER also laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I hereby return without approval House bill No. 1707, entitled "An act granting a pension to Elijah P. Hensley."

The records of the War Department show that this claimant was mustered into the Third North Carolina Regiment, but on the muster-out roll of his company he is reported to have deserted April 3, 1865, and there is no record of any discharge or disability.

In September, 1866, an order was issued from his department headquarters removing the charge of desertion against him. Thirteen days afterward, and on the 25th day of September, 1866, he filed an application for pension, which in 1868 was granted. He drew such pension, dating from 1865 until 1877, when, upon evidence that the injury for which he was pensioned was not received in the line of duty, his name was dropped from the rolls.

The pensioner appealed from this determination of the Pension Bureau to the Secretary of the Interior, who, as lately as May, 1885, rendered a decision sustaining the action of the bureau.

I find nothing in the facts presented to me which, in my opinion, justifies the reversal of the judgment of the bureau and the Secretary of the Interior.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 21, 1886.

ELIZABETH LUCE.

The SPEAKER also laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 5997, entitled "An act granting a pension to Elizabeth Luce."

The claimant named in this bill is the widow of John W. Luce, who entered the Army in August, 1861, and who was discharged in January, 1864, for a disability declared at the time in the surgeon's certificate to arise from "organic stricture of the urethra," which, from his statement, existed at the time of his enlistment.

Notwithstanding the admission which thus appears to have been made by him at the time of his discharge, he soon afterward made an application for a

pension, alleging that his difficulty arose from his being thrown forward on the pommel of his saddle when in the service.

Upon an examination of this claim by a special examiner, it is stated that no one could be found who had any knowledge of such an injury, and the claim was rejected.

In 1883, twenty years after the soldier alleged he was injured in the manner stated, he died and the cause of his death was declared to be "chronic gastritis, complicated with kidney difficulty."

It is alleged that the examinations made by the Pension Bureau developed the fact that the deceased soldier was a man of quite intemperate habits.

The theory upon which this widow should be pensioned can only be that the death of her husband resulted from a disability or injury contracted or received in the military service. It seems to me that however satisfactorily the injury which he described may be established, and though every suspicion as to his habits be dismissed, there can hardly possibly be any connection between such an injury and the causes to which his death is attributed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

NATIONAL MUSEUM.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the director of the National Museum for the preservation of collections, current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PRODUCTION OF PRECIOUS METALS IN 1885.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a report of the Director of the Mint upon the production of precious metals for the year 1885; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CLAIMS ALLOWED AND UNPROVIDED FOR.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a supplemental list of claims allowed by the several accounting officers of the Treasury under appropriations as to the balances of which are exhausted or carried to the surplus fund; which was referred to the Committee on Appropriations, and ordered to be printed.

FORT NIAGARA, NEW YORK.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate of an appropriation for the protection of the site of Fort Niagara, New York; which was read, referred to the Committee on Appropriations, and ordered to be printed.

TRUST FUNDS AND UNEXPENDED BALANCES.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, with accompanying schedules, in response to a resolution of the House calling for information concerning trust funds and unexpended balances in the custody of the several Departments; which was referred to the Committee on Ways and Means, and ordered to be printed.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. Several days ago, the Chair laid before the House the agricultural appropriation bill with the Senate amendments, and it was temporarily laid on the table. The gentleman from Missouri [Mr. HATCH], the Chair understands, desires to have it referred to the Committee on Agriculture.

Mr. HATCH. I ask that it be referred to the Committee on Agriculture and that the Senate amendments be printed.

There was no objection, and it was so ordered.

FORFEITURE OF LAND GRANTS.

The SPEAKER also laid before the House the bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads, with the Senate amendments thereto; which were referred to the Committee on the Public Lands.

ROAD TO NATIONAL CEMETERY, KNOXVILLE, TENN.

The SPEAKER also laid before the House the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., with the Senate amendments thereto.

Mr. HOUK. Mr. Speaker, I ask unanimous consent that the amendments of the Senate to that bill be non-concurred in and a conference requested.

The SPEAKER. The Clerk will report the amendments, after which the Chair will ask for objections.

The Clerk read as follows:

Page 1, strike out all after "road," in line 3, down to and including "grounds," in line 14, and insert "from the intersection of Broad and Holston streets, thence along the line of Holston street to the intersection of said street with Munson street at the northeast corner of the national cemetery at Knoxville, Tenn."

Page 1, line 15, strike out "50" and insert "30."

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. HOUK]?

There being no objection, the Senate amendments were non-concurred in and a conference was requested.

J. G. FLOURNOY.

The SPEAKER also laid before the House the bill (H. R. 7650) to remove the political disabilities of J. G. Flournoy, of Mississippi, with Senate amendments thereto.

Mr. TUCKER. Mr. Speaker, I ask that the amendments of the Senate to that bill be concurred in. They are merely formal.

The SPEAKER. The amendments will be read, after which the Chair will ask for objections.

The Clerk read as follows:

In line 1, strike out "I" and insert "J."

Amend the title so as to read: "An act to remove the political disabilities of J. G. Flournoy, of Mississippi."

The SPEAKER. Is there objection to the request of the gentleman from Virginia that these amendments be concurred in?

There being no objection, the amendments were concurred in.

COURT-HOUSE, KEOKUK, IOWA.

The SPEAKER also laid before the House the bill (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof, with Senate amendments thereto.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the Senate amendments be concurred in.

The SPEAKER. The Clerk will read the amendments, after which the Chair will ask for objection.

The Clerk read as follows:

In line 4 strike out "25" and insert "40."

Strike out all after "necessary," in line 5, down to and including line 7, and insert:

"To enlarge and complete such building at Keokuk, Iowa, and to finish the same as a fire-proof building, the sum of $140,000, to be the limit of the cost of said building."

Mr. HALL. Mr. Speaker, the Senate amendments to this bill are in exact accord with the wish of the Committee on Public Grounds of the House. The bill passed the House originally under a peculiar order, and limited the amount of the appropriation to $25,000, although a letter from the Secretary of the Treasury had advised us of the necessity for an appropriation of $40,000. The Senate has simply amended the bill in accordance with the suggestion of the Secretary. I move that the House concur in the amendments of the Senate.

There being no objection, the Senate amendments were concurred in.

LEAVES OF ABSENCE IN GOVERNMENT PRINTING OFFICE.

The SPEAKER also laid before the House the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office, which had been returned from the Senate with amendments and a request for a conference.

Mr. FARQUHAR. I ask unanimous consent that the House non-concur in the amendments of the Senate to this bill and agree to the conference asked.

Several MEMBERS. Let the amendments be read.

The amendments were read.

The SPEAKER. Is there objection to non-concurring in these amendments of the Senate and agreeing to the request for a conference?

Mr. MORRISON. I think the bill and amendments should be referred. We can not understand the amendments from this hasty reading.

The bill, with the amendments, was referred to the Committee on Printing.

LOCAL OR SPECIAL TERRITORIAL LAWS.

The SPEAKER also laid before the House the bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States.

The SPEAKER. This bill has been returned from the Senate with amendments and a request for a conference.

Mr. SPRINGER. I ask unanimous consent that the House non-concur in the amendments of the Senate and agree to the request for a conference.

Mr. REED, of Maine. Let the amendments be read.

The amendments were read.

Mr. SPRINGER. At the request of the gentleman from Wyoming [Mr. CAREY], I move that this bill, with the amendments of the Senate, be referred to the Committee on Territories, and that the amendments be printed.

The motion was agreed to.

SENATE BILLS REFERRED.

The following bills, returned from the Senate with amendments and a request for a conference thereon, were severally referred as indicated:

The bill (H. R. 5890) for the relief of Grafton Monroe—to the Committee on Claims.

The bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker—to the Committee on Invalid Pensions.

PUBLIC BUILDING AT WILLIAMSPORT, PA.

The SPEAKER also laid before the House the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices, at Williamsport, Pa.," and making an additional appropriation therefor.

The SPEAKER. This bill has been returned from the Senate with amendments and a request for a conference.

Mr. BROWN, of Pennsylvania. I move that the House non-concur in the amendments and agree to the conference.

Mr. SPRINGER. I ask the reference of the bill and amendments to the Committee on Public Buildings and Grounds.

The bill and amendments was referred to the Committee on Public Buildings and Grounds.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes; the bill having been returned with a message that the Senate insisted on its amendments disagreed to by the House of Representatives.

The SPEAKER. If there be no objection this bill with the accompanying message of the Senate, will lie on the table for the present.

There was no objection.

RIGHT OF WAY FOR RAILROADS IN NORTHERN MONTANA.

The SPEAKER also laid before the House the bill (S. 2281) granting to railroads the right of way through the Indian reservation in Northern Montana; which was read a first and second time.

Mr. SCOTT. A House bill exactly the same in its provisions as this bill in the Senate has been favorably reported by the Committee on Public Lands and is now on the Calendar. I ask unanimous consent that this Senate bill be now taken up and put on its passage.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COBB. I object.

The SPEAKER. The bill will be referred to the Committee on Indian Affairs.

Some time subsequently,

Mr. COBB said: I have read Senate bill No. 2281, which the gentleman from Pennsylvania [Mr. SCOTT] desired to have considered, and I withdraw my objection.

There being no further objection, the bill was taken up, read a third time, and passed.

SENATE BILLS REFERRED.

Bills of the following titles were severally read twice, and referred as indicated:

The bill (S. 84) for the relief of the First National Bank of Portland, Oreg.—to the Committee on Claims.

The bill (S. 184) for the encouragement of the American merchant marine, and to promote postal and commercial relations with foreign countries—to the Committee on the Post-Office and Post-Roads.

The bill (S. 380) for the relief of Mrs. Henrietta H. Cole—to the Committee on Patents.

The bill (S. 492) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre—to the Committee on Claims.

The bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State troops—to the Committee on Claims.

The bill (S. 634) relating to sales for taxes in the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 766) for the relief of Francis Denmead—to the Committee on the District of Columbia.

The bill (S. 851) to amend the charter of the Metropolitan Railroad Company—to the Committee on the District of Columbia.

The bill (S. 925) to grant Dearborn Park, in the city of Chicago, to said city for the use and benefit of public and benevolent institutions—to the Committee on Public Buildings and Grounds.

The bill (S. 975) for the relief of Mathilda Victor—to the Committee on War Claims.

The bill (S. 1072) to prevent the publication of lottery advertisements, and for other purposes—to the Committee on the Judiciary.

The bill (S. 1380) regulating the sale of distilled and fermented liquors in the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 1388) for the relief of the trustees of Isaac R. Trimble—to the Committee on Claims.

The bill (S. 1717) for the relief of Robert H. Montgomery, a captain in the Fifth Cavalry, United States Army—to the Committee on War Claims.

The bill (S. 1768) granting a pension to John D. Fincher—to the Committee on Invalid Pensions.

The bill (S. 1772) providing for the purchase of "the Capron collection of Japanese works of art"—to the Committee on the Library.

The bill (S. 1817) for the relief of John McKernan—to the Committee on Pensions.

The bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds—to the Committee on the District of Columbia.

The bill (S. 1861) to provide for the sale of the site of Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon—to the Committee on Military Affairs.

The bill (S. 1948) increasing the rate of pension to minor children, and extending the pensionable period therefor—to the Committee on Invalid Pensions.

The bill (S. 1976) to provide for the survey of certain historic grounds, locations, and military works—to the Committee on Military Affairs.

The bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party—to the Committee on the Judiciary.

The bill (S. 2004) authorizing the transmission of weather reports through the mails free of postage—to the Committee on the Post-Office and Post-Roads.

The bill (S. 2199) to increase the efficiency of the Army of the United States—to the Committee on Military Affairs.

The bill (S. 2254) granting an increase of pension to Mary von Kusserow—to the Committee on Pensions.

The bill (S. 2265) for the relief of Sarah E. Perine, widow and administratrix of William Perine, deceased—to the Committee on Claims.

The bill (S. 2692) to amend and correct the act approved June 1, 1886, granting a pension to J. H. Thornburg—to the Committee on Invalid Pensions.

Joint resolution (S. R. 3) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario—to the Committee on Claims.

Joint resolution (S. R. 55) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Joint resolution (S. R. 56) authorizing Augustus J. Cassard to accept a gold medal conferred upon him by the Government of France—to the Committee on Foreign Affairs.

The SPEAKER also laid before the House a concurrent resolution providing for the printing of the report of the International Polar Expedition to Lady Franklin Bay, with amendments of the Senate thereto; which was referred to the Committee on Printing.

RETURN OF BILLS TO THE SENATE.

The SPEAKER also laid before the House messages from the Senate requesting the return of bills of the following titles:

The bill (H. R. 7341) to construct a road to the national cemetery at Natchez, Miss.; and

The bill (S. 2292) to provide for the settlement of a certain Cherokee claim, under a treaty of February 14, 1833.

The SPEAKER. Without objection these orders will be made.

There was no objection, and it was ordered accordingly.

PURCHASE OF LAND, SAN ANTONIO.

The SPEAKER announced as managers at the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., Mr. CUTCHEON, Mr. LAIRD, and Mr. ERMENTROUT.

UNITED STATES BARRACKS, BATON ROUGE.

The SPEAKER announced as managers at the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College of said State for educational purposes, namely, Mr. WHEELER, Mr. DARGAN, and Mr. STEELE.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 248) for the relief of Henry Gee;

A bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.;

A bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15 east of the sixth principal meridian to Elizur B. Hill;

A bill (H. R. 2953) for the relief of John P. Bush and James Grigsby;

A bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish;

A bill (H. R. 3475) for the relief of William Talbert;

A bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased;

A bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix;

A bill (H. R. 4063) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn.;

A bill (H. R. 4115) for the relief of John Taggart;

A bill (H. R. 5221) to change the time of holding United States circuit and district courts in southern district of the State of Florida;

A bill (H. R. 5547) for the erection of a public building at Savannah, Ga.;

A bill (H. R. 6590) granting a pension to Catharine Whitesell;

A bill (H. R. 6665) for the erection of a public building at El Paso, Tex.;

A bill (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury, and to make the same fire-proof;

A bill (S. 16) for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarrett, deceased;

A bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased;

A bill (S. 365) for the relief of Martin L. Bundy;

A bill (S. 498) for the relief of George D. Dudley;

A bill (S. 579) granting a franking privilege to Julia D. Grant;

A bill (S. 2073) for the relief of the officers and crew of the light-house tender Lilly, and the inspector of the fourth United States light-house district;

A bill (S. 2222) to authorize the Cheyenne and Northern Railroad Company to build its road across the Fort Russell and Fort Laramie military reservations;

A bill (S. 1352) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation of Fort Leavenworth; and

Joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5;

A bill (H. R. 4415) to make the allowances for clerk-hire to post-masters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes;

A bill (H. R. 5553) for the relief of E. J. Phillips; and

A bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. O'NEILL, of Missouri, for one week, on account of important business.

To Mr. JAMES, for one week, on account of important business.

To Mr. BENNETT, indefinitely, on account of sickness.

To Mr. COOPER, indefinitely, on account of important business.

SPECIAL PENSION ACTS.

Mr. MATSON. I rise to present a privileged report. I am instructed by the Committee on Invalid Pensions to report back with an amendment the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, requested, if not incompatible with the public service, to inform the House how many persons are now drawing pensions from the Government of the United States by reason of special pension acts having been passed in their behalf, and what amount of money is required annually to meet the obligations incurred by the Government to this class of pensioners.

The report of the Committee on Invalid Pensions was read, as follows:

The Committee on Invalid Pensions, to whom was referred the resolution of Mr. BLANCHARD, introduced in the House on the 14th of June, 1886, and referred to the committee, having considered the same, beg leave to report as follows:

This committee regard the resolution as timely, and that the answer thereto by the honorable Secretary of the Interior will give to the House and the country valuable information which they should possess in a condensed form.

The committee regards the purpose of the resolution to acquire information as to the number and cost of original pensions granted by special acts, and not to relate to acts to increase pensions, and therefore ask that said resolution, to be made more specific, be amended by inserting the word "original," in line 4 between the word "drawing" and the word "pensions," and, as amended, recommend that it do pass.

The amendment recommended by the committee was agreed to.

The resolution as amended was adopted.

Mr. MATSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. M. HOBBS.

Mr. PEEL. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 118) for the relief of J. M. Hobbs, and that the same be considered at this time.

The bill was read, as follows:

Be it enacted, &c., That the sum of $973.44 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the benefit of J. M. Hobbs, of Bentonville, Benton County, Arkansas, for tobacco furnished the Indian Department, under contract with the Commissioner of Indian Affairs, in 1860.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BEACH. This is apparently a very stale claim, having originated in 1860. I should like some explanation of it.

Mr. PEEL. A report from the Committee on Claims accompanies the bill, which will give a better explanation than I can give.

The report (by Mr. HOWARD) was read, as follows:

The claim is for 3,042 pounds of manufactured tobacco furnished the Government, upon contract with A. B. Greenwood, Commissioner of Indian Affairs, for the use of the Indian Bureau, at the rate of 32 cents per pound, $973 44.

The Commissioner of Indian Affairs, A. B. Greenwood, states upon oath that in the fall of 1860 he was Commissioner of Indian Affairs, and at that time, by the direction of the Secretary of the Interior, with the approval of the President, he was directed to repair to what was then known as Bent's Fort, on the Upper Arkansas, to meet the Cheyenne and Arapahoe Indians, for the purpose of concluding a treaty with those tribes. A train loaded with goods was to be sent out for these Indians, and it became necessary to procure tobacco, and it was thought best to procure a good article; and upon making inquiry as to article and price, he contracted, as Commissioner of Indian Affairs, with J. M. Hobbs (this claimant) for what tobacco it was thought necessary to purchase. By the terms of the contract the tobacco was to be delivered at Kansas City, Mo., to be sent out upon the train, which was to start from Kansas City; that from some cause the train started earlier than first agreed upon.

The Commissioner states he did know the reason for the train starting earlier than the time first agreed upon, but has now forgotten. The tobacco was delivered by the time stipulated. On the arrival of the Commissioner he found the tobacco stored at Kansas City, the place agreed upon in the contract for the delivery of the same, at a warehouse used for storing Government goods; took a portion of the tobacco with him and distributed on his trip to the Indians. On the return of the Commissioner from the Indian country to Kansas City, left the tobacco in charge of the warehouseman, subject to orders from the Indian Office at Washington, intending the tobacco to be used in supplying the Indians the next season.

The Commissioner further states that he had kept a full and complete memorandum of his trip, &c., but it was burned during the late war, with every other paper he possessed of any value; for that reason is unable to fix dates precisely, &c.; that the tobacco delivered was 3,042 pounds, at 32 cents per pound. In regard to the price, it was thought to be at the time the most advantageous to the Government.

The claimant swears to the correctness of the account, and that the tobacco was delivered according to the terms of the contract.

John Lechliter, an expert tobacconist, swears he was an employé of J. M. Hobbs in the summer of 1860, at Hobbs's tobacco factory at Bentonville, Ark., putting up tobacco, and that in the latter part of the summer of that year two loads of manufactured tobacco, grade No. 1, were loaded up at the factory to be carried, as he understood, to Kansas City, Mo., upon a contract with A. B. Greenwood, then Commissioner of Indian Affairs, to be issued to the Indians; that the tobacco at that time was worth at the factory 32 cents per pound.

Your committee are of the opinion that the contract was made in good faith; that the tobacco was delivered according to the terms of the contract, and that the same has never been paid for; that the price charged was reasonable for the quality furnished, and that it is reasonable to presume that the tobacco was used for the benefit of the Government, and that the weight of evidence is overwhelmingly in favor of the correctness of the claim. They therefore recommend that the bill do pass without amendment.

Mr. BEACH. The report fails to give any reason why this claimant has slept so long on his rights.

Mr. PEEL. The claim has been before Congress for ten years.

Mr. BEACH. And reported favorably?

Mr. PEEL. It has been more than once reported favorably.

Mr. BEACH. Under those circumstances I will not object.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

NEW MEXICO SUPREME COURT.

Mr. CULBERSON, from the Committee on the Judiciary, reported, as a substitute for H. R. 2850, a bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 2850 was laid on the table.

TERMS OF COURT IN MICHIGAN.

Mr. ROGERS, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MONTANA SUPREME COURT.

Mr. ROGERS, from the Committee on the Judiciary, also reported back with a favorable recommendation the bill (S. 503) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts in said Territory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER IN MONTANA.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 7851) to authorize the construction of a bridge across the Missouri River in Montana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

BRIDGE OVER TENNESSEE RIVER.

Mr. CRISP, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS WEST PASCAGOULA RIVER, MISSISSIPPI.

Mr. CRISP, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 6114) to require the New Orleans, Mobile and Texas Railroad Company to construct and maintain a suitable draw in said company's bridge across the West Pascagoula River, in the State of Mississippi; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. CRISP. Those bridge bills, I think under the direction of the Speaker, go to the Private Calendar and not to the House Calendar.

The SPEAKER *pro tempore* (Mr. WELLBORN). That reference has been made.

Mr. DAVIS, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 1730) providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever and of a method of preventing that disease by inoculation, and to obtain all information possible as to the cause and prevention of that disease; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TENEDO TEN EYCK.

Mr. DARGAN, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3032) to authorize the President to restore Tenedo Ten Eyck to his former rank in the Army and to place him upon the retired-list of Army officers; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. BRAGG. Mr. Speaker, I ask permission for the minority of the committee to file their views in opposition to that bill, to be printed with the report of the committee.

There was no objection, and it was so ordered.

J. M. HIATT.

Mr. PERKINS, from the Committee on Indian Affairs, also reported back favorably the bill (S. 1942) for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co.; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

J. G. FELL AND OTHERS.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, reported, as a substitute for H. R. 3209, a bill (H. R. 9643) for the relief of J. G. Fell, Edward Hoopes, and George Burnham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, JEFFERSON, TEX.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 2442 a bill (H. R. 8544), for the erection of a public building at Jefferson, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The House bill H. R. 2442 was laid on the table.

MRS. SARAH YOUNG.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2113) granting a pension to Mrs. Sarah Young; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE P. BOLTON.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9004) for the relief of Caroline P. Bolton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. HEDRICK.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8623) granting a pension to Mary E. Hedrick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GREEN FIELDS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9170) for the relief of Green Fields; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES HAHNEMAN.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8180) granting an increase of pension to Charles Hahneman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY PARROTT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7952) granting a pension to Mary Parrott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY CORBETT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9213) granting a pension to Mary Corbett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8809) granting a pension to Ashley C. Rice;
A bill (H. R. 4030) granting a pension to George A. Warren;
A bill (H. R. 8423) granting a pension to Mary H. Phillips;
A bill (H. R. 4036) granting a pension to Mary A. Mykins;
A bill (H. R. 7288) granting a pension to George R. Long;
A bill (S. 158) granting a pension to Mary A. Mykins; and
A bill (S. 1459) granting an increase of pension to Walter A. Donaldson.

MARY GRIMES.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9247) granting a pension to Mary Grimes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIVINGSTON CLARK.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7547) granting a pension to Livingston Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD FOREMAN.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 9248) to increase the pension of Richard Foreman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SARAH RANDLES.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7352) granting a pension to Mrs. Sarah Randles; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILA CLARK.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 8847) for the relief of Phila Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY TARBELL.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 6656) for the relief of Mary Tarbell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES H. BLOOD.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2263) granting a pension to Col. James H. Blood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY WOOD.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7971) granting a pension to Mary Wood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES SMITHPETER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 752) granting a pension to James Smithpeter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLARA B. DAVIDSON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2321) granting an increase of pension to Clara B. Davidson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 725) to pension Mary Ann Perkins; and
A bill (H. R. 4576) for the relief of Mary Brady.

REBECCA MORRIS.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8486) granting a pension to Rebecca Morris; which was referred to the Committee of the Whole House on the Private Calendar; and, with the accompanying report, ordered to be printed.

IRENE GOOGINS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8635) granting a pension to Irene Googins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NIRIUS CISSELL.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9026) granting a pension to Nirius Cissell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS WEEKLEY.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8437) granting a pension to Thomas Weekley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7994) granting a pension to Moses Triplett;
A bill (H. R. 7783) for the relief of Nancy E. Sams;
A bill (H. R. 7551) granting a pension to Anderson W. Young; and
A bill (H. R. 7782) for the relief of James A. Sams.

LUCINDA BARRETT.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 356) granting a pension to Lucinda Barrett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW J. VANORDER.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 8067) to pension Andrew J. Vanorder; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MISSOURI ANDERSON.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5171) granting a pension to Missouri Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY KAYLOR.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6423) for the relief of Mary Kaylor; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEWIS A. CRONKHITE.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8352) for the relief of Lewis A. Cronkhite; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORRIN P. COOLEY.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with amendment the bill (S. 1844) granting a pension to Orrin P. Cooley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY LAFNER.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2308) granting a pension to Henry Lafner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANNA M. MARSHALL.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2393) granting a pension to Anna M. Marshall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE FAULK.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2147) granting a pension to George Faulk; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN P. TAYLOR.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1779) for the relief of John P. Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS G. POLLEY.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5629) granting a pension to Thomas G. Polley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH JONES.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 9301) granting a pension to Joseph Jones; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MAHALA BROWN.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8384) for the relief of Mahala Brown; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM B. EVE.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8720) granting a pension to William B. Eve; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY P. REED.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3963) granting a pension to Henry P. Reed; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH A. JONES.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 8355) for the relief of Sarah A. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES H. HUSK.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 7035) granting an increase of pension to James H. Husk; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SUSANNAH ARTHINGTON.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4827) for the relief of Susannah Arthington; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EMILY THREADGILL.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7418) granting a pension to Emily Threadgill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM M'FADDEN.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6027) granting a pension to William McFadden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

OWEN P. WILSON.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6069) granting a pension to Owen P. Wilson; which was referred to the Committee of the Whole House

on the Private Calendar, and the accompanying report ordered to be printed.

LINNÆUS W. RISLEY.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8670) granting a pension to Linnæus W. Risley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN SELBY.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6026) granting a pension to John Selby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LARKIN DELPH.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7504) granting a pension to Larkin Delph; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 2655) granting a pension to Benjamin F. Kelley; which, on motion of Mr. GOFF, was referred to the Committee of the Whole House of the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 941) granting a pension to Esther V. Blackburn; which, on motion of Mr. STONE, of Kentucky, was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4284) granting a pension to Franklin R. Dunsmore;

A bill (H. R. 3966) restoring to the pension-roll the name of Margaret Lynch;

A bill (H. R. 3986) granting a pension to Alonzo A. Chaddock;

A bill (H. R. 8669) granting a pension to Thomas R. Elliott;

A bill (H. R. 5626) granting a pension to Cressy Roberts;

A bill (H. R. 7449) granting a pension to Benjamin Ruh;

A bill (H. R. 4858) to increase the pension of Ann Leddy;

A bill (H. R. 3434) granting a pension to Greenbury Lynch;

A bill (H. R. 884) granting a pension to I. H. R. Caldwell;

A bill (H. R. 5276) granting a pension to Christopher H. Mathewson;

A bill (H. R. 6065) granting a pension to Mrs. Isabella Bullock;

A bill (H. R. 4289) for the relief of Atha L. Isenbery;

A bill (H. R. 8887) for the relief of James F. Cullen;

A bill (H. R. 6070) granting a pension to William M. Campbell;

A bill (H. R. 1654) granting a pension to C. C. White;

A bill (H. R. 7041) granting a pension to Samuel Anderson;

A bill (H. R. 4736) granting a pension to William P. Lowery;

A bill (H. R. 3417) to restore the name of Robert N. Doughty to the pension-roll;

A bill (H. R. 4269) for the relief of Saraphina E. Dukes, widow of Alexander Dukes;

A bill (H. R. 3959) granting a pension to Benjamin Lucas;

A bill (H. R. 7274) to place the name of Joseph Frisbee on the pension-roll;

A bill (H. R. 3423) granting a pension to David B. England;

A bill (H. R. 5465) granting a pension to Robert Hollan;

A bill (H. R. 2356) granting a pension to Hartford Matherly;

A bill (H. R. 8166) granting a pension to Joseph Bastin;

A bill (H. R. 4504) granting a pension to Sanford M. Dougherty;

A bill (H. R. 2387) granting an increase of pension to Freemorton Young;

A bill (H. R. 2380) restoring the name of Elizabeth French to the pension-roll;

A bill (H. R. 4734) to increase the pension of Mrs. D. P. Woodbury;

A bill (H. R. 7943) granting a pension to Daniel F. Tuder;

A bill (H. R. 4004) granting a pension to Mary Howard;

A bill (H. R. 7706) granting a pension to Thomas Hoskins;

A bill (H. R. 2281) granting a pension to Clevlin C. Creech;

A bill (H. R. 5099) granting a pension to William B. Davis; and

A bill (H. R. 3974) granting a pension to Sarah A. Hicks.

FRANCES M. LAMBERT.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1063) for the relief of Frances M. Lambert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MINNIE C. BOUCHER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6473) granting a pension to Minnie C. Boucher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET DUNLAP.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2167) granting a pension to Mrs. Margaret Dunlap; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANHATTAN PICKETT.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back amendments of the Senate to the bill (S. 7165) to increase the pension of Manhattan Pickett, with the recommendation that they be non-concurred in; which were referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD CORNING.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1666) granting a pension to Edward Corning; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying bill, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. ZACH. TAYLOR, the Committee on Pensions was discharged from the further consideration of the bill (S. 785) granting a pension to George Ham; and the same was referred to the Committee on Invalid Pensions.

MRS. HENRIETTA M. DRUM HUNT.

Mr. SCOTT, from the Committee on Pensions, reported back with amendment the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. JOSEPHINE DE COSTA THOMAS.

Mr. WOLFORD, from the Committee on Pensions, reported back with a favorable recommendation the amendments of the Senate to the bill (H. R. 4688) granting a pension to Mrs. Josephine De Costa Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF ISAAC P. TICE, DECEASED.

Mr. TRIGG, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 1311) for the relief of the administrator of the estate of Isaac P. Tice, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. B. NORTON.

Mr. LANHAM, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 282) for the relief of A. B. Norton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. LANHAM, from the Committee on Claims, also reported back the bill (H. R. 2409) for the relief of A. B. Norton, with the recommendation that it do lie on the table.

HENRY HERMAN.

Mr. MILLER, from the Committee on Claims, reported back with amendment the bill (H. R. 2028) for the relief of Henry Herman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLIE M'ROBERTS.

Mr. MULLER, from the Committee on Claims, also reported back favorably the bill (H. R. 5711) for the relief of Ellie McRoberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CRUMBO & MELCHER.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (H. R. 3330) making an appropriation of $1,958 to reimburse Messrs. Crumbo & Melcher for money lost on their contract to construct a roadway from New Albany, Ind., to the national cemetery near that place, caused by change of grade; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRITISH BARK CHANCE.

Mr. GALLINGER, from the Committee on Claims, reported back with amendments the bill (H. R. 2088) for the relief of the officers, owners, and crew of the British bark Chance; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FLORA SKINNER.

Mr. GALLINGER, from the Committee on Claims, also reported back favorably the bill (H. R. 580) for the relief of Flora Skinner;

which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIBORNE DE LOACH.

Mr. NEAL, from the Committee on Claims, reported a bill (H. R. 9645) for the relief of the heirs or legal representatives of Claiborne De Loach, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE B. COSBY.

Mr. MCKENNA, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 7873) for the relief of George B. Cosby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK P. MURPHY.

Mr. MCKENNA, from the Committee on Claims, also reported back with amendment the bill (H. R. 2237) for the relief of Frank P. Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. KINKEAD.

Mr. MCKENNA, from the Committee on Claims, also reported back favorably the bill (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MCKENNA, from the Committee on Claims, also reported back the bill (H. R. 1453) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood, with the recommendation that it do lie on the table.

WILLIAM M. MORRISON.

Mr. FLEEGER, from the Committee on Claims, reported back with amendments the bill (H. R. 2629) for the relief of William M. Morrison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPRESENTATIVES OF JOHN WIGHTMAN.

Mr. FLEEGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 2530) for the relief of the legal representatives of John Wightman, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPRESENTATIVES OF ELIZA N. FERRIS.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 2427) for the relief of the legal representatives of Eliza N. Ferris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on War Claims:

A bill (H. R. 1033) for the relief of the heirs of William Pitcher, Axel Hayford, and Samuel Otis and John B. Ferguson; and

A bill (H. R. 9060) for the relief of William H. Young.

E. S. ROWLAND.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 7294) for the relief of E. S. Rowland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCES W. DYER.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 1071) for the relief of Frances W. Dyer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA M. COGSWELL.

Mr. GEDDES, from the Committee on War Claims, reported a bill (H. R. 9646) for the relief of Anna M. Cogswell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELLEN MALLOY.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 9647) for the relief of Mrs. Ellen Malloy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM JOHNSON AND OTHERS.

Mr. GEDDES, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 2306) for the relief of Hiram Johnson and others.

Mr. J. M. TAYLOR. I ask that that report be placed on the Private Calendar.

The SPEAKER. That order will be made, and the report will be printed.

Mr. RICHARDSON. I ask permission to file the views of the minority on this bill.

There being no objection, leave was granted to file the views of the minority, to be printed with the report of the majority.

NATHANIEL M'KAY AND OTHERS.

Mr. GEDDES, from the Committee on War Claims, also reported back with amendments the bill (S. 1477) for the relief of Nathaniel McKay and the executors of Donald McKay; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

HEIRS OF CHARLES B. SMITH.

Mr. GEDDES, from the Committee on War Claims, also reported back with a favorable recommendation the bill (S. 148) for the relief of the heirs of Charles B. Smith, deceased, late a lieutenant in the Fifth Iowa Cavalry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. OURSLER.

Mr. PERRY, from the Committee on War Claims, reported a bill (H. R. 9648) for the relief of John A. Oursler; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS F. PERKINS.

Mr. PERRY, from the Committee on War Claims, also reported a bill (H. R. 9649) for the relief of Thomas F. Perkins, administrator of Eliza M. Dawson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARYLAND ROMAN CATHOLIC CLERGYMEN.

Mr. PERRY, from the Committee on War Claims, also reported a bill (H. R. 9650) for the relief of the corporation of Roman Catholic Clergymen of the State of Maryland; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. E. PERINE.

Mr. RICHARDSON, from the Committee on War Claims, reported, as a substitute for H. R. 5714, a bill (H. R. 9651) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. W. GLASSIE AND OTHERS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2328) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. FRANCES MARSHALL.

Mr. KLEINER, from the Committee on War Claims, reported back with amendments the bill (H. R. 5362) for the relief of Mrs. Frances Marshall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HEISTAND, from the Committee on War Claims, reported adversely on the petition of James P. Carroll for commutation of rations while on recruiting service; which was laid on the table, and the report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HIESTAND, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 8496) for the relief of the heirs of Christopher Cott; and it was referred to the Committee on Military Affairs.

LANDS AT SAULT DE ST. MARIE.

Mr. GREEN, of New Jersey, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 8425) to confirm certain lands to the village of Sault de St. Marie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EXEMPTION FROM TAXATION.

Mr. BARBOUR, from the Committee on the District of Columbia,

reported back favorably the bill (S. 1130) to exempt from taxation the property held by the trustees of the Corcoran Gallery of Art, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompany report, ordered to be printed.

Mr. BARBOUR, from the Committee on the District of Columbia, also reported favorably the bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PROTECTION OF LIFE AND PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. DOWDNEY, from the Committee on the District of Columbia, reported back the bill (H. R. 9034) for the further protection of property from fire and safety of lives in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF WILLIAM BLAIR LORD.

Mr. SPOONER, from the Committee on Accounts, reported back with an amendment a resolution for the relief of the estate of William Blair Lord; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPOONER, the Committee on Accounts was discharged from the further consideration of the resolution for the relief of Minnie Lyles; and it was referred to the Committee on Claims.

MONUMENT TO ABRAHAM LINCOLN.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported back favorably the bill (S. 2012) for the erection of a monument to Abraham Lincoln; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

STATUES OF COLUMBUS, LAFAYETTE, AND GARFIELD.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, also reported back favorably the joint resolution (S. R. 35) setting apart public reservations for statues to Columbus, Lafayette, and James A. Garfield; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INSPECTION OF STEAM VESSELS.

Mr. DINGLEY, from the Select Committee on American Ship-building and Ship-owning Interests, reported a bill (H. R. 9652) to amend the laws relating to inspection of steam vessels; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RELINQUISHING LANDS TO SAN FRANCISCO.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. WARD.

Mr. ATKINSON, from the Committee on Patents, reported favorably the bill (S. 2158) for the relief of W. H. Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TELEGRAPH, SANFORD TO POINT JUPITER, FLA.

Mr. VIELE, from the Committee on Military Affairs, reported favorably the bill (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Fla., and the establishment of a signal station; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ESTATE OF JOHN W. REED.

Mr. ADAMS, of Illinois. Mr. Speaker, I desire to submit a privileged report.

The SPEAKER. The report will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May* 21, 1886.

"*Resolved*, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House to Addie S. Reed, widow of John W. Reed, late an employé of the House, a sum equal to his salary for six months, and also the expenses of his last illness and funeral, not to exceed $250."

The Committee on Accounts, to whom was referred the accompanying resolution, having considered the same, respectfully report that said John W. Reed was an employé of the House as a messenger during the Forty-eighth Congress, and also during the Forty-ninth Congress up to the date of his death, May 20, 1886. His widow, the said Addie S. Reed, is in very needy circumstances, his whole estate outside of a small homestead being insufficient to pay his funeral expenses. Following repeated precedents, the committee recommend that the resolution pass.

Mr. ADAMS, of Illinois. If any gentleman wishes to ask any question about this matter, the facts are within the personal knowledge of the gentleman from Texas on my left, to whom I will yield for the purpose of such explanation. [Cries of "Vote!" "Vote!"]

The resolution reported by the committee was adopted.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF RULES—PAYMENT OF PENSIONS.

Mr. MORRISON. Mr. Speaker, on Thursday last I gave notice of my then intention to renew the motion to consider the tariff bill. I have no expectation that any different result would now be attained from that arrived at when the motion was before made. Therefore I shall not renew the motion to-day. I now call up a privileged matter, the report of the Committee on Rules, proposing an amendment to Rule XXIII.

The Clerk read as follows:

Resolved, That it shall be in order, when any general bill or proposition to increase the rates or amounts of pensions, or to grant pensions to persons not previously entitled thereto by law, is under consideration, to amend the same so as to provide by taxation or otherwise for the payment thereof; but no such amendment shall be in order unless the net revenue provided for shall be thereby set apart for the sole purpose of paying such increased pensions.

The proposed rule or amendment of the rule will, when adopted, be clause 9 of Rule XXIII, and is intended to give the House power, when granting additional or increased pensions, to provide the means for paying them at the same time and by the same bill in which the increase is made.

The number and magnitude of proposed increases now pending, in view of the present condition of the Treasury, its receipts and expenditures, make this amendment necessary, unless we would mock those to whom we grant pensions while leaving the Government without the means of paying them.

Since the late war we have paid for pensions more than eight hundred millions. When we have paid another $800,000,000 there will be pensions yet to pay. The arrears bill passed in 1879 was estimated to cost from twenty-five to thirty-five millions. It has already cost nearly two hundred, and will have cost $260,000,000 when all payments are made, or eight times the amount stated when the arrears bill was passed.

We have at this session already increased widows' pensions and passed through the House the Mexican pension bill. The two together will increase the yearly pension-roll not less than ten and maybe as much as fifteen millions of dollars.

There are still pending in this Congress the maimed or crippled soldiers' pension bill, the destitute or poor soldiers' pension bill, the bill to pension soldiers who suffered in prisons, and the new arrears bill or bill to repeal the arrears limitation. The cost of this last arrears bill is estimated by the Commissioner of Pensions at $222,000,000, without including what may be required to pay rejected claims and claims not yet presented. I assume, therefore, that it is not safe to estimate the whole cost of the pending arrears bill at less than $300,000,000, of which more than $50,000,000 would be payable in the first year. The gentleman from New York [Mr. HISCOCK] but a few days since predicted a deficit for the coming year of $14,000,000. Others have predicted a yet more doleful condition of the Treasury for the fiscal year beginning with next month.

I do not share in these gloomy forebodings, but the surplus will not be large as compared with the demand for increased pensions, and certainly none of those who so much protest their earnest desire to grant all the pensions asked for will refuse to provide the money to pay them. The source from which the money would be obtained would be in the discretion of Congress, but must be obtained from some source, whether in the same bill or not would rest in the same discretion.

In these days of reckless, not to say extravagant, appropriations for purposes other than payment of pensions, it would, I believe, be a wise precaution, which must lead to more frugal legislation, to provide for raising the money for the payment of every large appropriation in the same bill which authorizes the expenditure. But putting aside the question of any general policy this provision may be indispensable to the payment of pension arrears.

I reserve the remainder of my time.

Mr. REED, of Maine. I have listened, Mr. Speaker, with some interest to hear a statement of the reasons which governed the majority of the committee in this proposed change of the rules of the House. I admit the gravity of these questions connected with pensions; I have no desire to diminish or avoid that; but I am surprised to see the action which is proposed upon the other side. If there be anything in the logic which has been presented here in favor of this proposition it must equally apply to all other subjects of appropriation as well as pensions; yet this rule proposes to confine the amendment to pensions alone.

Now, what is the real object—or, rather, for I am not willing to go into a question of motives, what will be the practical effect of this action? Surely the consideration of the question of pensions ought to be separate from any other, and every member of the House ought to have

an opportunity to express his views upon the pension question undisturbed by any other. Yet there is not a practical man in this House who does not know that this rule, proposed to be made applicable to pensions alone, will, if adopted, be employed to fasten upon every pension bill some method of taxation which will prove obnoxious to many men who might be desirous, after careful consideration, of voting for that particular pension bill.

This method of embarrassing legislation is proposed only as to pension bills. Why this invidious distinction? For what purpose is it attempted to saddle bills connected with pensioning soldiers with the possibility of legislation put on solely for the purpose of defeating the bills themselves?

The gentleman from Illinois has alluded to a debate in which the question of deficiency or possible deficiency was raised. Whether he is correct in his statement of figures or my colleague on the committee, the gentleman from New York [Mr. HISCOCK], I can not undertake to say. But this I do know, that long before the actual limit for necessary expenses of the Government is reached there is a large amount appropriated for the sinking fund, and we know that the situation is quite liable to be such that we shall not be able to continue the payment of the public debt except by putting it out of existence at a very great premium. And that may happen to us shortly.

We also know another fact: This country is wonderfully recuperative as to its income, and we, all of us, who look about can see the signs of a coming prosperity which, like the one of a few years ago, may lift our income, as such prosperity has lifted it before, a hundred millions.

I do not feel, so far as the future is concerned, there is very grave danger we shall exceed our income. At least I see no such crisis which demands of us that we should invidiously single out a particular class of legislation and give opportunity to impair it by tacking on legislation which is obnoxious to those who are in favor of the subject of the appropriation.

I have tried, Mr. Speaker, to state this matter as fairly and as candidly as I know how, and for one I am not willing to enter upon such an invidious course as is proposed by the gentleman from Illinois [Mr. MORRISON]. I yield whatever time the gentleman desires to my colleague on the committee from New York.

Mr. HISCOCK. Mr. Speaker, I go further than my colleague on the Committee on Rules in reference to this question, and assert that it is an attempt to make an invidious distinction; it is more than that. I say to the gentleman from Illinois [Mr. MORRISON], who fathers this report, it is an attempt on his part to defeat the pension legislation by this Congress; that will be the certain result—will be the result of this amendment offered to the rules.

It is an attempt on the part of the gentleman from Illinois [Mr. MORRISON] to evade the responsibility of the defeat of such legislation by a direct vote. When pension bills are reported here by committees of the House he desires for himself and his friends to escape the responsibility of a direct vote against those bills.

What will be the effect, I ask the House, if this amendment is adopted? You move to amend a pension bill by a provision levying a tax, and it follows that the whole system of revenue taxation or customs taxation or tariff taxes is forced into the House and into the discussion; an endless debate is to and will ensue, and the result will be the pension legislation will be defeated, and the gentlemen on the other side of the House—I will not say the other side of the House, but gentlemen opposed to pension legislation—will evade the responsibility of voting directly against the bill.

It puts it in the power of any man to precipitate the House into an endless discussion foreign to the merits of the bill, the end of which can not be foreseen at this late day in this session of Congress. And that, in my humble opinion, is the object of the amendment to the rules.

This amendment to the rule was reported here, sir, some time ago. It is brought up now in these last days of the session, and it is urged that it is proper that a pension bill shall carry the pledge of a particular fund for its payment. I desire to impress upon the House the effect of the amendment to the rule will be absolutely to defeat every pension measure introduced here, however meritorious it may be.

But I am surprised, Mr. Speaker, any gentleman should take the ground that the United States should attempt to pledge any part of its revenues for any particular purpose.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Certainly.

Mr. RANDALL. Have we not already pledged the gold coin coming into the Treasury for the interest on the bonds?

Mr. HISCOCK. We have, and that is the only pledge Congress has ever made.

Mr. MORRISON. Also in the case of the Navy pension fund.

Mr. HISCOCK. The Government pledged its revenue for the payment of the public debt when it was necessary to do it in order to sustain the public credit. When, Mr. Speaker, this Government was striving for its very existence, when it was necessary to sustain our credit abroad to support our armies in the field, we pledged that all of the revenue derived from the customs duties should be sacredly devoted to the payment of the public debt, and I confess my surprise that that should be cited at this time by the gentleman from Pennsylvania as a precedent for this measure. Have we reached that point, I ask, that what we were compelled to do to maintain our credit in the world in the darkest days of our nation's history should be cited as a precedent for the adoption of a policy such as is proposed to be inaugurated here in reference to the pensions of our soldiers?

Mr. BLAND. Does the gentleman from New York contend that we pledged gold for the payment of the public debt? If he does, I would like him to cite me to the law.

Mr. HISCOCK. Well, then, I will amend by saying coin, if I said gold.

Mr. BLAND. No; we did not pledge coin for anything.

Mr. HISCOCK. But I will say to the gentleman from Missouri that I do not intend to drift into a discussion of the silver question here to-day.

Mr. MCKINLEY. The gentleman from New York does not wish to be understood as claiming that this proposes to pledge anything for the payment of pensions? Is it not rather a proposition of this character: That if you are going to give pensions to the soldiers of the country where are you going to get the money from to provide for their payment? If it were an honest effort to pledge the revenues to the payment of pensions I would favor it, for that is an obligation that we should sacredly keep.

Mr. HISCOCK. Oh, yes. Let me read the proposed rule:

Resolved, That it shall be in order when any general bill or proposition to increase the rates or amounts of pensions, or to grant pensions to persons not previously entitled thereto by law, is under consideration, to amend the same so as to provide by taxation or otherwise for the payment thereof—

A special tax, as I understand this amendment to the rule, is to be in order for the payment of the pensions that will be due under the particular bill under consideration.

But no such amendment shall be in order unless the net revenue provided—

Provided under that bill—

provided for shall be set apart for the sole purpose of paying such increased pensions.

Yes, sir, this is a bill for pledging certain revenues of the Government for certain specific objects; and we are going back in the history of the world to the time when England and the weaker nations since then have been compelled to pledge specific revenues to borrow money.

The Government of the United States, rich in its resources, rivaling as I believe any other nation on the face of the earth in its wealth, proposes by this rule to go back to the half-barbaric ages and pledge certain revenues to certain specific purposes; and I almost wonder that the gentleman did not propose to pass it over to some special machinery for its collection—to the creditor, if you please—and follow completely the precedent that in part is followed.

But, Mr. Speaker, I now desire to call the attention of the gentleman from Illinois who reports this resolution to some language of his used upon another occasion. I refer to his language in the last Democratic national convention, as I believe he was the gentleman who reported the platform for the convention; and I read one of the resolves in the platform of the last national Democratic convention:

The system of direct taxation, known as internal revenue, is a war tax, and so long as the law continues the money derived therefrom should be sacredly devoted to the relief of the people from the burdens of the war.

Now, I call his attention particularly to this:

And be made a fund to defray the expenses, and for the care and comfort of worthy soldiers disabled in the line of duty in the wars of the Republic, and for the payment of such pensions as Congress may from time to time grant to such soldiers, a like fund for the sailors having been already provided.

Here is the gentleman from Illinois recorded before the election advocating and promulgating for his party a platform upon which he went to the country and asked the election of his candidates, saying to the soldiers, "Internal-revenue taxes are pledged for your support and for the payment of pensions to you." I ask the gentleman from Illinois if we have exceeded the amount raised from this source? The report from the Secretary of the Treasury is that one hundred and fifteen millions of dollars will be raised for the current year. We have the pledge of the Democracy that this one hundred and fifteen millions shall be devoted to the care, support, maintenance of, and for pensions to loyal soldiers; and here at the very first session of the first Congress that is convened since the adoption of that platform, we find the same distinguished gentleman who reported that plank in the platform of his party saying to the soldiers, "No, we have not money enough to pay you your pensions and carry out and redeem that pledge, and we repudiate the solemn obligation we are under to you that the internal-revenue tax, the war tax, shall be devoted to that holy purpose."

Repudiate! Yes, that is the word; and every bill that comes in here to provide for you, no matter how meritorious it may be, we propose to have it subject to an amendment, by any one of the three hundred and twenty-five members of this House who wishes to affix to it some provision in reference to taxation, which will be subject to an amendment also, the effect of which will be to defeat all bills for your relief, just or not—to defeat them all most certainly.

Mr. BLAND. Let me ask the gentleman from New York if the

construction of a platform is law. The object here is to carry out the platform by enacting into a law that provision.

Mr. HISCOCK. I am surprised that so distinguished a gentleman as the gentleman from Missouri, a leading Democrat, should ask that question. I would have been surprised more, except that the gentleman that offers this amendment to the rules so quickly repudiates the plank in the platform to which I have called attention, and I answer him by saying that in my judgment the pledges that we made to the soldiers in our national platforms ought to be redeemed. At least, sir, we should not shirk from voting on bills that are introduced here upon their merits. We should not attempt to avoid the responsibility of our votes. We should come up like men and vote directly on every proposition that is here upon its merits.

Mr. Speaker, I concede that there is great likelihood that there will be a deficiency during the next fiscal year. But I ask you, and I ask the gentleman from Illinois [Mr. MORRISON], is that a good reason why we should repudiate solemn obligations? It may be a good reason why we should have other legislation. It may be a good reason why we should defeat schemes and defeat certain bills carrying appropriations of money. But it is not a good reason why solemn obligations upon the strength of which, upon the faith of which, a great party has come into power should be repudiated.

I do not know, Mr. Speaker, what pension bills I may vote for. Whenever they come here I am willing to take the responsibility of voting for or against them as my judgment may advise to be proper. I shall never seek to shrink from the responsibility of a direct vote, and I beg of this House—it will be for its credit—I beg of the other side—it will be for your credit—to meet this question squarely before the country. And I say to the other side, I say to the gentleman from Pennsylvania [Mr. RANDALL] who asked the question with reference to the pledge of our revenues or of our coin to the payment of the public debt—I say to him that the Democratic party so near the time of its having come into power, and to individual members of that party, they can not afford to shrink from the responsibility of this question. They can not afford to dodge it. They had better meet it squarely and vote directly upon it. The country is prepared, if any pension legislation is proposed here which ought not to be adopted—the country is prepared for its defeat and expects Congress to defeat it; and if there is any pension legislation proposed here which ought to be enacted into law, the country is prepared to pay the money which may be required by that legislation.

Mr. DOUGHERTY. Will the gentleman yield to me for a question?

Mr. HISCOCK. I yield the floor and reserve the balance of my time.

Mr. RANDALL and Mr. CANNON rose.

Mr. REED, of Maine. I will yield to the gentleman from Illinois [Mr. CANNON] if he wants to go on now. I yield him five minutes.

Mr. CANNON. I desire to offer an amendment to this proposed rule, of which I will now give notice to the gentleman from Illinois [Mr. MORRISON]. After the word "law," where it first occurs in the proposed rule, I desire to insert the following words:

Or to authorize the expenditure of money for any other purpose or to make any charge upon the Government not heretofore authorized by law.

And at the end of the proposed rule I desire to add these words:

Or other expenditure or charge upon the Government.

So that if amended as I indicate the rule will read as follows:

Resolved, That it shall be in order, when any general bill or proposition to increase the rates or amounts of pensions, or to grant pensions to persons not previously entitled thereto by law, or to authorize the expenditure of money for any other purpose, or to make any charge upon the Government not theretofore authorized by law, is under consideration, to amend the same so as to provide by taxation or otherwise for the payment thereof; but no such amendment shall be in order unless the net revenue provided for shall be thereby set apart for the sole purpose of paying such increased pensions or other expenditure or charge upon the Government.

I want to see what the Committee on Rules mean by this proposed rule. I think I do see it to my own satisfaction. They propose to place it in the power of any man in the House, friendly or unfriendly to pension legislation, to move a revision of the tariff or the imposition of internal-revenue taxation all along the line upon any general pension bill or any individual pension bill that may be under consideration in the House. And that means in most instances a defeat of the individual bill and perhaps in many cases of general legislation, because with the unlimited power of amendment and the disposition to amend and discuss revenue matters upon this floor it would mean weeks and months for the consideration of every proposition that would be brought before the House to amend the general pension law or to extend its provisions to those not covered by it. The intention and effect of this proposed rule is to embarrass and prevent pension legislation. This side of the House is ready to enact pension legislation, that is just precisely as we enact all other legislation; and then if we need more money to meet it we are ready to raise it by taxation just as we do to meet other expenditures.

I want to see now, gentlemen, whether you are willing to go a step farther in the enactment of this rule, and say that when there is a public building to be erected in the district of some gentleman to whose constituents that public building is a boon, whether you are willing then also to rise and protect the supposed public interest and to move a general or special revenue bill upon such proposition. Or if, perchance, some of the gentlemen south of Mason and Dixon's line desire that the House shall authorize the improvement of a so-called river where God Almighty did not make one, whether it would be in order to move a general or special tax bill on legislation authorizing an appropriation for river and harbor improvement throughout the length and breadth of the country. Why is it that the expenditure of money for pensions, either general or special, should be selected by the other side of this House and the Committee on Rules to be burdened with clogs, while they propose to allow public buildings, frequently of almost as great value as the balance of the towns in which they are built, and river and harbor appropriations, to go through without these clogs?

Mr. TOWNSHEND. Does your amendment permit such an amendment to be moved to river and harbor bills?

Mr. CANNON. Certainly; the language of my amendment is "all expenditures not theretofore authorized," and I hope my friend from Illinois [Mr. TOWNSHEND] will be found voting for my amendment or voting down the previous question, so that I may offer it if the gentleman from Illinois [Mr. MORRISON] does not choose to admit it.

Mr. REED, of Maine. How much time have I left?

The SPEAKER. The gentleman from Maine and the gentleman from Illinois [Mr. CANNON] have occupied twenty minutes of his time.

Mr. HISCOCK. Did I speak in my own time, Mr. Speaker?

The SPEAKER. The Chair understood the gentleman from New York to speak in his own time.

Mr. HISCOCK. I did, and reserved the balance of my time.

Mr. RANDALL. The remarks of the gentleman from Illinois who introduced, on behalf of the Committee on Rules, this proposed change of rule were so clear, comprehensive, and, I might add, conclusive that he has left little for others to say in its advocacy. I concede to the other side full measure of patriotism in relation to these matters, and I claim for this side a like spirit in every particular, both individually and collectively. There is not anybody, so far as I know, on this floor who is not ready to do entire justice to the soldiers of the Union in the granting of proper pensions. There may be differences of opinion as to the method in which pensions should be granted and as to the extent of allowance to which we should go. No one, however, will differ upon this proposition: that if we do give pensions we ought honestly to provide the money to pay them. What is our present condition? The probable revenues and the amount of appropriations may be about equal. Those appropriations for pensions by existing laws require $80,000,000 of money.

What does this proposition say? Simply that if we add to the required $80,000,000, we shall at the same time provide the means of payment. That is the courageous, the manly, way of dealing with the question. I have witnessed on this floor from time to time efforts to get some political advantage for one party or the other in connection with pensions. We should discountenance all such efforts. There should not, in the American Congress, be any doubt about the attitude of any of the representatives of the American people in this particular. The gentleman from New York [Mr. HISCOCK] has said that we have made no such distinction as this heretofore. We have made distinctions, and I cite an instanee. Under the act of 1862 providing for a sinking fund, we make a distinction in favor of the public debt. We make a distinction in reference to the customs revenues paid in gold in behalf of the interest on the public debt.

Why, then, if we are to go on granting additional pensions, should we not say that we will at the same time provide the particular means of paying them? My friend from Illinois [Mr. CANNON] thought he had found danger in this proposition because of the opportunity it would afford for tariff legislation. He need not be uneasy about that. This proposed change has no such possibility. It could not have any such object. I believe that all sides here seek rather to reduce than to increase the revenue from that source, and any effort of legislation of that kind would be to decrease the revenue, rather than to provide additional means to meet the expenditures of the Government. The passage of the arrears bill, independent of the passage of other pension bills now pending, requires that we should at the same time provide the money for their payment, and we all know that the present sources of revenue would prove inadequate to that end.

Do not let us pettifog about this question, or venture in the least upon the realm of the demagogue. There has been enough of that. Let us to-day say deliberately that hereafter when we vote pensions, that not having the money in hand we will vote also the taxation necessary to raise the money to pay such pensions. And, Mr. Speaker, I deny the right of any gentleman on the other side, or anywhere, to question in this connection the motives of the committee or of the majority of the Committee on Rules. I know that they were prompted by a sincere desire not to cripple what is justly due to the soldier. Their purpose was to stop holding out to him the liberal hand, when we have not the money to give him which we profess to desire to give.

Mr. REED, of Maine. I yield five minutes to the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY. Mr. Speaker, if this proposition coming from the Committee on Rules, representing the majority of this House, means anything, it means that we have not revenues enough now on hand to

pay the pensions of deserving soldiers. If it means anything, it is a confession before the House and the country that our revenues are inadequate to meet the just demands of the disabled soldiers of the Republic. Now, if it means that, Mr. Speaker, then the conduct of this House and the conduct of certain members of this House is quite unexplainable.

We have witnessed here within the last six days an effort on the part of a majority of the leading committee of this House to reduce the receipts of this Government from customs about $26,000,000, a proposition coming from the Committee of Ways and Means to so adjust the tariff as to diminish the annual income of the Government $26,000,000; and now, immediately after the failure of that committee to have accorded to it even the courtesy of a consideration by the House of that measure for the reduction of the revenues, immediately following that, we have this proposition from a member of the Committee on Rules, himself the chairman of the Committee on Ways and Means of the House which reported that tariff measure—we have a proposition from that distinguished gentleman which amounts to a confession that we have not, and will not have within the next twelve months, revenue enough in the Treasury to meet the honest and just demands of the soldiers of the Republic.

What strange inconsistency! What is the matter? What can account for these contradictory positions within a week?

Now, Mr. Speaker, if we have not revenue enough to meet these demands to-day, then why, in the name of Heaven, did you want to reduce revenues $26,000,000 last Thursday? What has been done with that surplus since then?

And not only does that proposition come from the majority of the Committee on Ways and Means, but if the newspaper reports are correct, the gentleman from Pennsylvania [Mr. RANDALL], who on this occasion at least seems to be in harmony with the majority on the other side of the House, has himself a bill that he is about to introduce in the House reducing internal taxation some $20,000,000 and customs duties about $6,000,000. Yet these two leading gentlemen of the same political faith, each proposing to reduce the annual income of the Government, come in here and say to the House, "We have not money enough to pay our pensioners; and if you intend to vote pensions you must provide a way to get the money." There is enough and a surplus for all other purposes.

I say that is not fair; that is not frank; that is not manly. If we have no money in the Treasury to pay the pensions of our worthy and dependent soldiers, let us put some there; let us provide means to increase our revenues, increase our taxation. If it is necessary that we should resort to an income tax in order to give to the soldiers of this country what we pledged them they should have when they went forth to fight and suffer, then I am in favor of an income tax. But it would not seem necessary to resort to any extraordinary taxation so long as the Ways and Means Committee of the House report a surplus of thirty millions in the Treasury which they feel called upon to diminish by a revision of the tariff.

Mr. RYAN. An income tax for general purposes.

Mr. MCKINLEY. For general purposes; for there is no reason in the world why a discrimination should be made against the just claims of the soldiers of the Republic. The only purpose of such a movement must be to make the payment of pensions odious. It is virtually saying that the House will provide money for every other purpose in the ordinary way through its appropriate committee, but for the deserving soldiers, if you would keep your promises with them, you must find the money.

Why do not the gentlemen on the other side apply such a requirement to the appropriation to pay their salaries and allowances? It would be just as sensible and equally appropriate. Why not fix that limitation and condition upon every bill which requires the expenditure of money? Why not make the River and Harbor Committee bring in a tax bill as a rider to provide for the fourteen millions which it proposes to expend for the fiscal year? Why not make the Public Buildings Committee carry on every bill for the erection of a public building a tax bill to pay for the proposed expenditure, and so all the way through? Why single out the soldiers, the maimed and crippled defenders of the Union, and require that their claims, the most sacred and obligatory which rest upon us, shall be paid from a different fund; ay, more, that before they shall have the relief they deserve the money must be raised by special taxation, differing from all other claims against the Government? This is not right, and should be firmly resisted by every real friend of the soldier and of good legislation.

[Here the hammer fell.]

Mr. REED, of Maine. I yield five minutes to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, I agree with the gentleman from Ohio [Mr. MCKINLEY] that the only ground upon which a proposition of this kind can be defended is the claim that there is need of additioal money to pay the pensions of the deserving soldiers of the Republic. But, Mr. Speaker, I take it that this is not the real reason which prompts this measure. For some time past I have been led to believe there was a settled policy of opposition to all pension legislation, which was to be followed by the majority of this House and by its party in future political contests before the country, and that it is desired to prepare the country for such a contest. I believe that the chairman of the Committee on Ways and Means [Mr. MORRISON], who presents this proposition, has learned, to his sorrow, that the people have determined that his attack upon their industries shall be met and defeated, and that his party has for the last time made a successful canvass before the people unless attention can be diverted from its true free-trade character.

I think the gentleman when he introduced this proposition confessed what most people before well knew, that this country intends to stand by the American system of protection to labor and honest industry. I believe that the proposition now presented is "a new departure," that it is authorized by the highest authority representing the party who are in the majority in this House. I have seen with surprise high officials of the country attempt to throw discredit upon the pension legislation of this Congress. I think that there emanates from the highest source and permeates down through the lower officials of that party an attempt to discredit the deserving character of the pension legislation which has been asked for in this House. It has been too often said and too often allowed to go unchallenged upon this floor that the pension laws of the United States are already too liberal. This is a mistake that I fear some well-meaning people may have had imposed on them by these assertions. They are not too liberal. The fact is, the pension laws of the United States are not to-day even just. The applications for pensions of many thousand deserving soldiers, their widows and dependent parents, that have been pending for years and yet remain unsettled is conclusive proof of this. The small and trifling sums allowed for disability incurred in the line of duty when pensions are granted is additional evidence, if any is needed, not to speak of the vast number rejected on purely technical grounds.

This country should know that to-day there are not as many men drawing pensions on account of wounds received in battle as there were Union soldiers killed in battle, yet all know that at least four were wounded to one killed; that there are not to-day as many men drawing pensions for disease incurred in the four years of hard campaigning as lost their lives by disease, yet it is beyond dispute that at least six men became seriously sick in the Army to every one that died.

The pension laws, I repeat, are not liberal; they are not even just.

Mr. Speaker, if this is the issue which gentlemen propose, let it be made. I have sat here night after night when, as has been truly said, a minority of the House came here to pass pension legislation, when men would rise with words such as I have heard here to-day declaring that they favored pension legislation, and yet would consume every moment that they could in methods which did not tend to the passage of such legislation, but did tend to consume the time and lessen the number of worthy cases that could be considered. And I am glad to be able to say that those who made these obstructions have generally been men who saw no service at the front in any army, and have never learned the kindly sentiment of respect which every true soldier feels for another.

I have heard with regret veto messages of pension bills read from that desk which contained not one patriotic expression, but were full of complaints about Congress granting pensions to some poor private soldier or his widow lest in every case it might not have been conclusively proven that the death or injury directly resulted from the wounds or disability alleged. I am the more surprised at these things when I know that this same Executive has approved laws granting officers' widows much larger pensions in cases in which it was not even alleged that death occurred from any disability incurred in the service.

It has been said there ought not to be so many private pension bills. I grant it; but why? Not that these individual applications are not deserving and worthy, but because they ought to have been in most cases granted before they came here. I repeat that it has been too often said, and gone unrefuted, that the pension laws are too liberal.

But, gentlemen, if you wish to make that issue, if you propose to go before the people and say "we are opposed to the policy of pensioning the disabled veterans of the war, and the widows and dependent fathers and mothers of the dead," make that issue, if you please, and you will be met with the fact, which I confess as a disgrace to my country, that to-day it is estimated that ten thousand men who wore the blue, who fought beneath that flag, who were in most cases good soldiers and who escaped the death which befell so many of their comrades, are to-day in almshouses or receiving aid as paupers. This is an argument you can not refute, and is a demand for additional legislation that can not be answered. Make this issue if you will, and you will meet if possible a worse defeat than the one that certainly awaits you if you make your next campaign upon the issue of an attack upon the industries of the country.

Let the people only know the truth, that our pension laws are not liberal, and they will say to you, as they say to me and all of us here, "Make those laws both just and liberal." That is what is demanded. I care not whether the money in the Treasury is scarce or plentiful. This country is both able and willing to do right, and the people will always approve that course. Two years ago we heard there was a surplus in the United States Treasury that we could hardly give away; to-day the same gentlemen are confessing that the surplus is

gone, that we are too poor to be honest, and that there is likely to be a deficiency. To save money to pay Southern war claims, to levee the Mississippi River, to pay salaries to officials and for other liberal expenditures, you now propose to attack that subject which is dearest to every loyal heart—the duty which the Government owes to those who as soldiers of the Republic have suffered in its behalf. I can say more to you. The intelligent, educated laborers of this Nation, who have made the policy of protection a success, and who demand that our people shall not be brought in competition with foreign pauper labor, are right at heart on the subject of doing justice to the soldiers. Many of them were good soldiers themselves. They ask that the Government shall deal justly with all, but especially with those who risked their lives in its defense. The party that is in the majority in this House, and that for the time being has the Executive, may proclaim what it pleases as its design and purpose in this matter, but the people well know that if there were now a Republican Congress and Executive we would have no occasion to talk about worthy pension bills being vetoed, and that no proposition to change the rules so as to discriminate unfairly against pension bills would be brought forward in Congress.

[Here the hammer fell.]

Mr. REED, of Maine. I yield five minutes to the gentleman from Pennsylvania [Mr. BRUMM.]

Mr. BRUMM. Mr. Speaker, my colleague from Pennsylvania [Mr. RANDALL], in announcing that whenever we provide pensions for soldiers we must necessarily provide at the same time the means of payment, appears to go upon the theory that heretofore pensions have not been paid when we have passed acts for that purpose. Sir, we have heretofore paid pensions just as they have been provided for by our legislation; there has been no difficulty upon that score, and if the Democrats are honest and do not stop the passage of pension laws by such subterfuge as is contemplated by this resolution, there will be no difficulty in the future. Therefore the soldiers are not in any danger for want of appropriations.

But let me remind my colleague of another fact. This resolution as introduced here means that when any pension bill is under consideration an amendment may be made to provide by taxation the means of payment. Why, Mr. Speaker, the other day, when the Post-Office appropriation bill was up, my colleague from Pennsylvania [Mr. RANDALL] at the eleventh hour came to the rescue of the Democratic party and lashed the Democrats in against the appropriation for carrying the foreign mails in American ships upon the special plea that there was no estimate from any Department, and there being no estimate from any Department, and the matter not having been reported by the Committee of Ways and Means, we should not attempt on the floor of the House to provide for its payment.

Why is it the gentleman is so inconsistent that he must whip in his party under the lash of no estimate against an appropriation when the foreign-mail question was considered for the purpose of defending the Democratic administration for a clear violation of law, but now he is willing that we shall in every pension bill make an estimate ourselves, a double estimate in fact—*i. e.*, we must first estimate the amount necessary to pay the pensions, and then guess at the amount that may be realized from the several levies that we may make here on the floor on the spur of the moment?

But, Mr. Speaker, the fact of the matter is this Democratic party has failed to foist upon this Congress their free-trade bill, and right upon the heel of the defeat the chairman of the Committee on Ways and Means [Mr. MORRISON], in explaining why he does not mean to ask for a vote again, acknowledges that he would again be defeated; yet the gentleman from Illinois [Mr. MORRISON] immediately upon that says to this House, "I have a privileged matter," and thereupon introduces this resolution. What does that mean? A resolution which will practically enable him to gain the very point he lost—*i. e.*, the introduction and consideration of the very measure my colleague from Pennsylvania [Mr. RANDALL] and other Democrats stood up with us to prevent him from gaining. What is that? Why, sir, the consideration of the tariff bill whenever the question of pensions may be raised.

I ask whether you gentlemen think you can go before the public and hoodwink them with this simple way of covering up your tracks? You practically open up the whole tariff question every time you introduce pension bills, and thus give the free-traders the very opportunity they are seeking.

But my colleague says this can not decrease the tariff, as it will only provide for an increase, and yet under our present system you put in our general appropriation bill an amount sufficient to pay all the pensions in bulk, while under this proposed system you itemize it, or you divide it, and the aggregate will be the same. But again, Mr. Speaker, it is claimed that this pension-money is to be raised not by duties on imports, but by internal revenue; yet the reading of the resolution does not mention either, but only speaks of taxes. But, sir, if the money is to be raised by internal revenue so much the worse, for that means the perpetuation of the cursed system at least as long as pensions are payable. It is nothing more than a cowardly effort to do that which you are afraid to do in an open and manly way. [Applause.]

[Here the hammer fell.]

Mr. REED, of Maine. I will reserve whatever time I may have remaining.

Mr. MORRISON took the floor and yielded five minutes to the gentleman from Indiana [Mr. MATSON].

Mr. MATSON. Mr. Speaker, I think it is well that both sides of this House should recognize the gravity of this question, because, in my judgment, it involves the question whether or not certain measures of pension legislation are to be made possible. The estimate that has been made in relation to the payment of arrears of pension varies from $200,000,000 to $300,000,000. The lowest estimate I have ever heard was $200,000,000 and the highest perhaps was $302,000,000. There is in the Treasury an actual surplus of $105,510,000, and can two hundred millions or three hundred millions of dollars be paid with $105,000,000? It is a mathematical proposition which can be demonstrated to a certainty that more money must be raised if arrears of pensions are to be paid.

Mr. DINGLEY. Does the gentleman mean to assert the actual expenditure for pensions under the bills proposed will be over $200,000,000?

Mr. MATSON. I do not, but I mean that the total cost of the arrears will reach that sum.

Mr. DINGLEY. But that stretches over all the future.

Mr. MATSON. I mean the cost of arrears that is now proposed to be paid by the bill which is favorably reported, which is upon the Calendar, and has been for months, and which we will ask the House to consider and pass. This bill will involve an expenditure of from two to three hundred millions of dollars.

Mr. LAIRD. Let me ask the gentleman a question.

Mr. MATSON. No, sir; I decline now to yield until I am through, after which I will be glad to answer any questions.

Now, Mr. Speaker, there are the figures. I want to see the arrears paid; and your party, gentlemen, on that side of the House is pledged in its national platform that these arrears shall be paid. How are they to be paid? They must be paid, if paid at all, by the raising of money through taxing the people. They can not be paid any other way; and to vote against raising the money to pay the arrears is to vote against the arrears themselves. That is all. It is dishonest for gentlemen to say they want to pay the arrears, when they know they are defeating the plan by which they can be paid. That is a plain proposition. Your party has put it into your national platform, and pledged itself in favor of this system of general pension legislation which you claimed you wanted to see accomplished.

Now, let us see the proof of your pledges. I want to accomplish it. I have always advocated it. Gentlemen here know my position upon that subject.

But gentlemen say this is unfriendly to the pensioners of the country. How is it unfriendly to them? Is it unfriendly when the debtor, owing a number of creditors, picks out the most valuable piece of his property and pledges it to the payment of that indebtedness, still leaving the creditor with his interests in the general estate? Is that unfriendly to the creditor?

Can any one see anything unfriendly here in a proposition which simply declares that whenever the arrears of pensions or any other general pension law is passed, there shall be at the same time provided the money with which to pay it; and we do further provide that the money shall be devoted to the payment of that increase of pension. Where is the unfriendliness about it, I call on gentlemen to point out?

It is therefore not only a necessity, so far as the accomplishment of these great measures of pension legislation are concerned, but it is especially friendly to the soldiers of this country, for the reason that it pledges to them and to the payment of their demands a large sum of money, besides leaving them all the interests they now have in the general fund belonging to the Government.

Now, then, does not every gentleman on this side of the House know that there would not be a dollar of pensions paid any year unless the money was appropriated out of the general fund to pay them? Does not everybody know that the money must be appropriated first to pay pensions? How, then, is this not friendly to the pensioners? They still must come in here year after year and get the general pension bill passed just the same as with all other matters of appropriation by the Government. This proposition is simply to establish a fund and dedicate it sacredly to the payment of the soldiers' pensions. Ah, gentlemen, the trouble is that you are afraid of a special tax upon the incomes of the wealthy men of this country to pay the soldiers these just demands. [Applause on the Democratic side.]

But yesterday, being suspension day, when you got knowledge of the fact that the Committee on Invalid Pensions, after its unanimous action in the morning of yesterday, had determined to pass two of these great measures for the benefit of the soldiers and attach to them an amendment providing an income tax making it possible to pay the arrears and carry out these great measures, you gentlemen stood up every one of you without exception in favor of going into Committee of the Whole to consider the appropriation bill because you were afraid to meet that question of the income tax. [Applause on the Democratic side.]

Mr. GUENTHER. The gentleman does not mean to say that every one stood up?

Mr. SYMES. May I ask the gentleman a question now?

Mr. MATSON. Not now; after I get through I will yield.

But gentlemen say that this is unusual legislation; that it is something new and unheard-of—a proposition to devote a certain fund to the payment of a certain debt. Why, in the pension system it is well known that we already have the interest upon the prize-money devoted to the payment of naval pensions, known and denominated as naval pensions.

Why not have a military pension fund as well—a fund raised, too, not upon the labor of the country—for I will be frank with you gentlemen on that side of the House. I am in favor of reducing tariff taxes; I am in favor of taking off the burdens from the laboring people of this country, but at the same time I am in favor of paying the pensions of the soldiers and the honest claims which they are urging here. But I want that expenditure levied upon the wealth of the country, upon the men who got rich while the soldiers were in the front fighting the battles. [Applause on the Democratic side.] While these soldiers were absent these men got rich. They made their great fortunes during that period, because great fortunes were almost unknown before the war.

Now I am willing to yield to my friend from Colorado.

Mr. SYMES. Did the gentleman from Indiana vote to take up the tariff bill for a reduction of revenues the other day?

Mr. MATSON. I think I did, sir.

Mr. SYMES. The gentleman states that he is in favor of the arrears-of-pension bill, I believe?

Mr. MATSON. I am.

Mr. SYMES. Then you say that the pension-arrears bill will call for two hundred millions of revenue?

Mr. MATSON. Yes, sir.

Mr. SYMES. Then will you explain to this House how you expect to pass the pension-arrears bill and meet the additional expense to the Government caused thereby by reducing the revenue? [Applause on the Republican side.]

Mr. MATSON. If the gentleman had listened to me he would have heard me explain that, when I said I was in favor of a graduated income tax, by which we can raise now between fifty and one hundred million dollars.

Mr. JOHNSTON, of Indiana. Will my colleague allow me one question?

Mr. MATSON. Yes, sir.

Mr. JOHNSTON, of Indiana. Would it not be just to the soldier to pass the pension bill first, to get him on the pension-roll, and then pass the tax bill to raise the money?

Mr. MATSON. I think, on the other hand, the Republican Senate, for not carrying out the party pledge and passing the arrears act, has only one excuse, and that is that the House has not raised the money. The prudent and honest thing is always to be able to pay before you promise. [Applause on the Democratic side.]

Mr. MORRISON. I yield ten minutes to the gentleman from New York [Mr. HEWITT].

Mr. HEWITT. I rise mainly for the purpose of clearing up, if I can, some obscurity which gentlemen on the other side have endeavored to throw around the declarations of the Democratic platform adopted at Chicago prior to the last Presidential election. Two great pledges of primary concern were made in that platform. One was that the Democratic party "stands pledged itself to reduce the tariff in the spirit of fairness to all interests." The other was that so long as we continued to levy war taxes under the internal-revenue system we should appropriate the money thereby raised, or so much thereof as might be needed, sacredly to the payment of pensions. Those two pledges were honest, and the Democratic party, coming into power by virtue of these pledges, is bound to fulfill them.

Within a week we have attempted to begin in this House the fulfillment of the first pledge; but by a coalition between members upon the other side and gentlemen upon this side we have been prevented from giving the consideration to that question which is demanded by the honor of the Democratic party and the welfare of the country. [Laughter and applause.] But the pledges survive; and the Democrats upon this side who combined with Republicans upon that side to defeat for the moment the fulfillment of that pledge are bound to see it executed; and I expect to see them, under the guidance of their distinguished leader, bring a measure into this House which will enable all Democrats, however much they may have differed, to take up the question, in a spirit of fairness to all interests, to revise the tariff and to reduce the burden of taxation.

But it does not follow that when you reduce the burden of taxation you are going to reduce the revenue. On the contrary, it is quite possible so to revise the tariff as to reduce the burden of taxation by doing away with the obstructions to business and the conduct of industry, so that industrial enterprise will be everywhere revived, the exchanges will increase, the revenues will grow, and thus provide an ample fund to meet all the obligations of the Government economically administered.

Now, on the other hand, the pledge of the Democratic platform to devote the proceeds of the internal-revenue tax to the payment of pensions is equally binding upon the conscience and action of the party; and this measure brought in to-day here is in fulfillment and not in violation of that pledge, as my colleague from New York [Mr. HISCOCK] seemed to think. The rule as proposed to be amended provides that the money required for the payment of pensions may be provided by special tax or otherwise. The words "or otherwise" are inserted there for the express purpose of enabling us to dedicate the proceeds of the internal-revenue tax to the payment of the pension. And I say they ought to be so dedicated, for when we issued four thousand millions of bonds we made a dedication of the customs revenue to the payment of the principal and the interest of these obligations; and under that pledge the bondholders have received over twelve hundred millions of dollars of principal and over two thousand two hundred millions of interest, all paid in gold, and much of it when gold was at a premium.

The pensioners, on the other hand, have had to trust to annual appropriations, and for a time were paid in depreciated money.

They have trusted to the justice of Congress. We propose to repair the omission of the Republican party to render such justice. They pledged the customs revenues of this Government to the bondholders. We intend to pledge an equivalent portion of the revenues of this Government to the pension-holders. [Applause.] That is the principle underlying this measure, and for one I shall not cease until a fund is definitely appropriated either out of the internal-revenue taxation or by an income tax or some other just method of taxation by which the pension-holders shall be assured that their annual income will come to them with as much certainty as the money is taken out of the Treasury and paid to the bondholders. [Applause.] Justice to the pensioners, honest treatment to the bondholders, is the motto of the Democratic party [renewed applause]; and, with the bondholder and the pensioner hand in hand, we shall go down the pathway of time paying every obligation to every man who contributed a dollar to save this Government and paying every man who gave life or limb or health for the preservation of the Union. [Applause.]

Mr. MORRISON. I yield five minutes to the gentleman from Florida [Mr. DOUGHERTY].

Mr. DOUGHERTY. Mr. Chairman, I am much obliged to the gentleman from Illinois, who has so kindly yielded me five minutes of his time, but I have never yet since I have had the honor of a seat upon this floor consumed five minutes of the time of the House in talk, and I do not know that I shall do so now, for I believe this House is as well prepared to vote upon this question at the present moment as it would be if the discussion lasted three weeks.

As far as I am concerned, in the vote which I shall cast upon this question there is no concealment whatever, nor do I believe that there is any effort at concealment upon the part of the majority of the House which has offered, and which in my judgment will adopt, this change in the rules. It seems to me, sir, that all of the solicitude is upon the other side of the House. While the gentleman from New York [Mr. HISCOCK] was speaking upon this subject I attempted to interrupt him for the purpose of asking a question. He refused to yield, but he asked a question himself and then answered it. He asked what would be the result if this change in the rules were adopted, and he answered the question by stating that the result would be the defeat of all pension legislation.

Mr. Speaker, how could that result come about unless that side of the House vote to defeat all pension legislation? The object of the Democratic party is to provide money with which to pay a pension before they shall vote the pension, and a further object of that party in my opinion—certainly it is my object—is to put an income tax, if necessary, upon this appropriation bill, and make the rich men of the country pay their proportion of the taxes which are required to provide the money to pay the pensions of the deserving soldiers of the Union. That, sir, in my humble judgment, is a proper step for the Democratic party to take. For years it has been made to appear before the country that the Democratic party was opposed to the payment of pensions. The record does not bear out such an assertion, because Democratic Houses of the Congress of the United States have voted as much money for pensions as ever were voted, according to my information, by any Republican House ever assembled in this country.

Another point. The labor troubles in this country have resulted, in my humble judgment, from the great accumulation of wealth in the hands of individuals and corporations. The imposition of an income tax would give greater satisfaction to that discontented element in this country than any other action which this Congress can take. Let us, if necessary, in reporting and passing these bills, put on an income tax for the purpose of raising money to pay the pensions of the soldiers of the Union, and let the other side of the House, fostering monopolies and monopolists as they have done in the past, dare to vote against it and go before the country on that record. [Applause on the Democratic side.]

Mr. HISCOCK. I yield five minutes to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Mr. Speaker, in the course of nearly eight years' experience as a member of the House of Representatives I do not remember to have ever heard a proposition so monstrous as the one we are now called upon to consider. For the first time, I believe, in the history of legislation in this Government it is proposed to embody in

the rules of the House of Representatives a provision making it in order when a certain class of bills is under consideration involving an expenditure of money to offer an amendment to such measure proposing an increase of taxation sufficient to meet the probable requirements of such enactment.

Nearly one hundred years have gone by since the organization of the first House of Representatives, and for the first time in the history of this legislative body it is proposed to make it in order to attach to a general law a proviso raising sufficient revenue to carry that law into execution. I repeat that in the whole history of written or unwritten American parliamentary law this proposition can find no parallel.

But if there was anything needed to increase the iniquity of this proposition it is found in the language of the proposed rule, which restricts its operation to pension bills. Why this invidious distinction? Why select the Union soldier as the object of your attack? It will not pass without notice that the majority of this House propose to apply this rule only to legislation looking to the relief of those who sacrificed everything in the defense of their country. Look at this proposition for one moment.

It is well known to the country that there are certain measures for the relief of soldiers pending in this body to-day that are demanded by the Grand Army of the Republic, and the majority of this House hesitates to adjourn without taking favorable action upon them. How then can the majority seem to favor these measures and yet accomplish their defeat? This rule solves that question. Let me illustrate: Here is Senate bill 1886, demanded by the Grand Army of the Republic, demanded by every sentiment of honor and justice—it has passed the Senate and ought to pass this House—which declares that those soldiers who survived the shock of battle, and returning took up the burdens of life where they laid them down to answer their country's call, but who have been overtaken by misfortunes and deprived of health or limb, are forced in the unequal conflict to labor for the necessities of life or take shelter in an almshouse. Adopt this rule, and when this measure comes up for consideration it will be in order to amend it by a proposition to raise revenue which would at once launch us on a sea of debate upon which the bill itself would surely be wrecked.

Here are fathers and mothers who, though their sons lost their lives in the defense of the country, can not under the law to-day draw pensions, because they are required to prove that they were dependent at the time their sons went into the service. They were not dependent at that time; but misfortunes have since overtaken them, and in their old age they stand with empty hands pleading for charity. Senate bill 1886 proposes to provide for these aged dependent parents, and instead of passing the measure as you ought, you meet this humane measure with a rule that it shall be in order, when that measure comes up, to submit a proposition to increase the tax on whisky or tobacco or impose some new tax, knowing that in the discussion on the tax the bill will fail. Thousands of pension claims are to-day hung up in the Pension Department because the law requires that the applicant shall show that when he went into the Army he was of sound bodily health.

The Senate in its bill 1886 says that requirement is unjust. The fact that the soldier was received into the service after examination made at the time shall be taken as *prima facie* evidence that he was an able-bodied man, and in the absence of fraud the *onus* should be upon the Government to show that such was not the fact. These men to-day, in their old age, are denied their pensions because of this requirement. You now propose to say by a rule that when this measure comes up for consideration it shall be in order to submit an amendment raising revenue, and thereby complicate the matter and insure its defeat. Now, every member of this House knows that the moment you adopt this rule, and allow upon these pension bills such an amendment as is proposed, it means the defeat of every one of these measures; and that, in my humble judgment, is the deliberate purpose of it.

The gentleman from Pennsylvania [Mr. RANDALL], when the arrears of pension bill came in here, succeeded with his party lash, which he wields with such a master-hand, in driving that bill back into committee. The gentleman from Indiana [Mr. MATSON] says it is his intention to have that measure considered. Considered when and how? After you have adopted a rule which in its application you know will insure its defeat. If you in good faith intend to consider and pass these measures, you shall have no such hollow excuse as that they can not be reached. I say to you now that we give you leave to take up any one or all of them to-day, this hour, and put them on their passage. Ask unanimous consent this moment to take up Senate bill 1886 and I pledge my word there will be no objection on this side of the Chamber. I challenge you to make the request now, and then let us see who objects and who will stand by the soldier in the passage of just pension bills.

But why do you not select as the subject of a proposition of this kind something besides these pension bills, this proposed pension legislation? Why do you not take the river and harbor bill, with its $15,000,000 of appropriations? Why do you not take the public buildings bills, and say that on those bills amendments shall be in order to increase taxation to meet the expenditure? Why do you not take the bills reported from the Committee on War Claims—a committee whose room is packed with Southern demands against the Government for compensation for property destroyed or taken during the war? Why do you not say that none of those bills shall pass without embodying in them a proposition to tax the people to meet the expenditure entailed thereby?

But no; you have taken the pension bills; you have taken those alone; and I affirm that it is for the sole purpose of defeating every one of them and preventing the Union soldier from receiving his just dues. Do you say the Treasury is exhausted? Then take means to replenish it. Meet these measures fairly; let them stand on their own merits; and if they pass, if you have not money enough to meet their requirements, introduce your bill to provide means for the purpose, and this side of the House will stand by you in voting all the money necessary to meet the obligations of this country to its defenders and those who suffered by the war.

Upon this proposition, which, as I have said, I regard as the most monstrous ever introduced in the American Congress, I wish to say in conclusion to the minority of the Committee on Rules, the gentleman from Maine [Mr. REED] and the gentleman from New York [Mr. HISCOCK], who were opposed to the proposition in the committee, that they will come short of the demands of this side of the Chamber and of the country if they do not exhaust every means known to parliamentary law to prevent the writing of this infamous provision in the body of our rules. [Applause on the Republican side.] I say we ought to stand solid in declaring to the Democratic party on the other side of the Chamber, "If you ever write this abomination in our code of rules you will do it only when resistance becomes futile, and then only by your own votes." [Renewed applause.]

Mr. HISCOCK. Mr. Chairman, how much time have I remaining?

The SPEAKER. The gentleman occupied fifteen minutes himself and gave ten minutes to the gentleman from Michigan [Mr. BURROWS]. He has thirty-five minutes of his hour remaining.

Mr. HISCOCK. I yield ten minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Speaker, I like a good, brave foe, who will give and take manly blows; I hate a concealed enemy; and I believe there are men of the same mettle on the other side of this Chamber. This proposition is a concealed foe of the soldier, and poorly concealed at that. For several months this monstrous proposition has slumbered on the files of this body. It seems that it waited for the overwhelming disappointment that has settled upon the free-trade leader of this House to bring it to the surface and attempt to pass it through this body.

Mr. Speaker, it seems that under the cover of this debate the other side of the Chamber, including even the gentleman from New York, who struck at helpless widows, co-operated with by the chairman of the Committee on Invalid Pensions, assumes suddenly to become the friends of the soldier. I say to you that while you attempt to present a flower to the lips of the soldier you are plunging a dagger into his heart. No soldier on this side of the House will second your proposition.

The chairman of the Committee on Invalid Pensions says that on yesterday an attempt was made to pass a general legislation bill for soldiers and that this side of the Chamber voted solidly against it. This is false. I ask the gentleman from Indiana [Mr. MATSON] to listen. I say to him that a motion to take up the sundry civil bill came from your own side, and almost to a man your side of the Chamber voted in favor of taking up the sundry civil bill.

Mr. MATSON. Will the gentleman yield to me for a moment?

Mr. HENDERSON, of Iowa. No; I have but ten minutes, and I wish you to listen further. [Applause.] What is the proposition you attempted to put through on yesterday? The Senate sent over a bill, No. 1886, called the "general disability" or "Blair bill," which has been petitioned for by almost every soldier of the Union. Every post nearly of the Grand Army of the Republic has sent its voice to this Capitol praying for its passage. It had three broad, sweeping, benevolent propositions for the soldiers' relief, and, Mr. Speaker, the Committee on Invalid Pensions drew its deadly pen through every line of each one of those three propositions. [Applause.] You cut it off behind the ears [laughter], and brought in its stead a proposition that the soldiers of the country never asked you for.

But that is not all. You seek to couple with it a bill to increase the pensions of those who had their limbs cut off in battle. This is well enough; but that is not all. You propose to handicap these two propositions. Cowardly and weak as the substitute was which you offered for the Blair bill, you tried to load that down with an income-tax law, and now you come and talk about taking the money out of the pockets of the rich! Ah—my gentle friend I will modify it. [Laughter.]

You say "What harm can come from this?" What harm! You have not done a thing hardly for your old comrades in this Congress, although you stand here with 40 majority behind you. I say take up these pension bills, and every man on this side of the Chamber will back you. At any moment you want to you can move to any place on this Calendar, and in point of fact take up any bill you will, and we will back you heartily to put it through. [Applause.]

Mr. RYAN. You mean any pension bill for the soldiers.

Mr. HENDERSON, of Iowa. Yes; any pension bill for the soldiers. That is what we will do. You wish to handicap it with income tax-

ation, which has been rejected years ago by the people of the Union. What harm can come of it! Bring up a general pension bill under this proposed rule and what will follow? One wants to put more tax on whisky, and another more tax on beer, and still another more tax on tobacco, and so on. We will then have what may be termed an interlocutory battle at every step, making the passage of any pension bill impossible. Then, if we ever should, under this damnable proposition, succeed in getting through this Democratic majority any Senate pension bill, you know mighty well there is a power on whose face "veto" is written for pension bills which you would fall back upon to kill it at last. [Applause on the Republican side.]

No, Mr. Speaker, I say for one, and I do not care whether REED or HISCOCK or any other man agrees with me or not, but my vote and voice will antagonize this last concentrated, deadly, and cowardly blow at the rights of the very best blood of America. [Applause on Republican side.]

Mr. HISCOCK. I now yield five minutes to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Speaker, if gentlemen on the other side of the House flatter themselves that they are going to deceive the intelligent people of this country into the belief that their proposed amendment to the rules is not intended as a blow at pension legislation they will find themselves very much mistaken. The people will understand this proposition for just what it is—a deliberate purpose to hamper and hinder and hedge about all attempts to pass any general pension legislation.

If the pension debt of this country is to be regarded as less sacred than any other of the country's obligations by that side of the House, it is time for us to know it. If the general Treasury of the country is too good to be used for the paying of pension to our soldiers, it is time that we should know it. If pension bills are to be hampered with odious tax provisions so as to make such legislation odious, let us know it now.

Now, what is the proposition before us? It is simply this, that hereafter there shall be no pension legislation unless it is coupled with a provision to raise the money with which to pay the pensions by a tax upon subjects of taxation not heretofore so burdened for general revenue purposes.

It is an announcement to the country that those subjects of taxation which we have left out of account in providing revenues with which to discharge the obligations of the nation, because a tax upon them is more odious and more burdensome than any other form of taxation, are to be brought back under our taxation laws, not to raise money for the general Treasury and subject to the payment of all obligations, but to pay pension indebtedness, an indebtedness not good enough, if this proposition prevails, to be paid out of the general funds of the United States.

Do gentlemen suppose that such proceeding would not excite hostility to pension legislation all over the country? And are we to be deceived into the belief that the design of the pending proposition is anything else than to make the payment of pensions more burdensome to the people than are the other debts and expenses of the nation?

We are told that it is the intention to raise pension money by a tax upon incomes. It is not difficult to understand what that means, for we all know that the great portion of all the money so raised would come out of the Northern States, and that in this way the South would be relieved from helping to pay this part of our common obligation.

That is the way you on the other side of the House measure justice; that is your idea of justice to the Southern half of the country, relieving it from its share of these several obligations, and by special exactions of money from the North, specially set apart for the payment of pensions, give us all to understand that this is a sectional and not a national debt. The people will not be deceived, and you will not pass this rule unless you do it over the heads of every friend of honest pension legislation in this country. [Applause.]

[Here the hammer fell.]

Mr. HISCOCK. I now yield five minutes to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Mr. Speaker, in that time I only want to remind this House of two things that have taken place within the last week and this spectacle of the majority facing both ways on this floor on this very morning. Among the records of this House is the report from the Ways and Means Committee on the Morrison tariff bill, made after great deliberation, wherein they said only sixty days ago that the expenditures of this Government so clearly could not be exceeded by anything which we would do that they knew there would be $30,000,000 of surplus revenue in excess of what was needed for all legal obligations, including pensions, which they wanted to wipe out. And now in the very sentence in which the chairman of that committee comes on this floor and tells this House that there is this surplus for next year which can be wiped out he announces that he and those with him have called a halt; that they will not try to strike down the $30,000,000 of surplus revenue, but he will provide for more taxation as if for a deficit. The country and the House know that the annual expenditure for pensions on the regular annual roll does not greatly exceed that $30,000,000 which they said would next year accrue as surplus revenue.

Now the majority here, loudly claiming to be the guardians of the honor of this country, solemnly pledged to the soldiers when they volunteered in the danger of battle and the hour of the nation's peril, say there are $30,000,000 of surplus in the Treasury, but you shall not have it to pay the money we pledged to you for pensions. Sir, if that surplus is there it should first be devoted to the debt of honor due to the soldiers of the country. [Applause.]

But instead of that what do we find? From the public offices the soldiers have held you have been turning them out incontinently but steadily. They are turned out here and there among the rascals whom you declared must go, and now when ten thousand of these veterans are found in the almshouses of the country, the thirty millions of surplus revenue you say you have in the Treasury is to be withheld from them for their pensions, and you say "No, you shall not have it."

If this House should believe that an appropriation is due to the soldiers of the Union, you say to them, "Notwithstanding the surplus we say is in the Treasury, you shall not receive what we believe to be due unless we find some other source of revenue yet untried; unless we can, amid the divisions of opinion here upon tariff and internal revenue, agree upon a special tax which may also please the Senate and President; unless we impose new burdens which may make odious to the country the very claims of our soldiers which by our votes here we profess to believe is their just due." Why should the claims of our soldiers run this gauntlet we impose upon no other creditors of the Government the valor of these soldiers preserved?

On the other hand, how farcical is it for the chairman of the Ways and Means, instructed by his committee to reduce tariff-surplus revenue, to turn about at the very moment the country is expecting him to call for a vote which will reduce revenue $25,000,000, to bring in instead a new system of internal-revenue taxes upon the implied confession that after all there is no surplus but a deficiency, as the country is beginning to learn, and that under Democratic rule if this House should believe that we ought to pension ten thousand disabled and helpless soldiers in the poor-houses yet the Government has not a dollar in the Treasury to pay it, but must raise new revenue by imposing new internal taxes, because we need all the customs duties we now have for revenue only. And yet this is the most charitable defense of this new rule.

One other defense only remains. It is this: this Democratic House is so reckless, so careless, so unfit, that it squanders public money like a spendthrift and can not trust itself, and you will by an iron rule compel it to raise new money before you can intrust it with the expenditure of the surplus left by the Republican administration.

If this be true, why not apply this rule to the millions you have squandered on the river and harbor bill and the public-building bills? Why not apply it to the Hennepin Canal, to the Tehuantepec Ship Canal? Why single out the soldiers, who saved the flag under whose cover you come seeking these doubtful appropriations?

Upon these private pension bills, of which so much is said, the duty of every member is to vote against an unjust increase of an unjust pension; but where the pension is justly due every man in this House owes it to his country to redeem the pledge made a quarter of a century ago to the volunteers for the Union. The private pensions by special acts in all the Congresses since the war do not take annually out of the Treasury of the country, as I am informed by high authority on the Pension Committee, a half million of dollars. These six hundred pension acts which have passed this session, I am told also, will not require $90,000 annually for their payment, a sum yearly diminishing by deaths, an amount which does not exceed the salary of the Executive and his staff at the other end of the Avenue.

But further, when you find only this little sum of money so appropriated for special pension acts this session, we are asked now out of the general revenue to hold this fancied surplus as a preferred fund to pay the interest on the public debt, to pay bondholders, to spend it on rivers and harbors, on claims, on every private enterprise or scheme. All these are to be paid out of the money in the Treasury, but the money which is to pay the pensions of the soldiers is to come by an income tax from the rich men, thereby enabling them to say to the soldiers who were fighting while these men gathered their wealth, "There, you are a pauper on my bounty."

I say, sir, to fasten this stigma upon our soldiers in the rules of this House and to bind this body by such an organic law to pass from Congress to Congress in the fundamental rules of procedure is to go back upon the glorious past, to go back upon the promises we have made to the defenders of our country, upon the men who in time of future national trouble we must always depend, the volunteer soldiery of this land, a better and cheaper defense than a huge standing army. Upon them we must depend for our future as we have safely depended upon them in the past. We can not forget it, and we should not in this way teach posterity to forget it; and I protest against the enactment of such a system, discriminating in favor of our salaries and all other creditors but against the soldiers of our country, and I will vote against it and fight against it until the last hour of the last day of the session. [Applause on the Republican side.]

[During the delivery of the foregoing remarks the hammer fell.

Mr. HISCOCK yielded two minutes additional to Mr. MCCOMAS, who resumed and concluded his remarks as above.]

Mr. HISCOCK. Mr. Speaker, it has been well said by my colleague [Mr. HEWITT] that the Democracy stands pledged to devoting the internal revenue tax to the support of the soldiers. It has been well said by him that the Democracy stands pledged to reducing taxation. It was upon these two planks that they went to the country. There is now in this question before the House one deeper than even the repudiation of the first pledge of this great pretentious party.

I said a little while ago that the object of this amendment to the rule was to enable the Democratic side to avoid a direct vote upon this question; and certainly I have nothing to withdraw in that respect. But more than that, there is, under this proposition, the direct confession that the Democracy can not redeem its pledge to reduce taxation. Upon the floor to-day, if you discussed this question, you will say that you can, and your press is hounding you on to do it, and your press is chastising the faction that refused to unite with you in doing it the other day. But you know it is an impossibility. You know that you can not reduce taxation a single dollar, and you are then driven to the paltry pretense of taking the position that the large sums paid to the soldier is the reason why you can not do it.

We were told here the other day, Thursday, that to-day those men that were in favor of reducing the taxation would put in again their appearance and again move the consideration of a bill to reduce tariff taxes; that they would fight it out on that line; that that was the issue that they would go to the country upon; and that as regards those Democrats that refused to go with them, they would pulverize them, you would stamp them beneath your feet. And your organs in the country, the press that has supported you, that has taken the same position, has urged you on. And yet to-day, instead of moving to go into Committee of the Whole to consider this other pledge of yours, the reduction of tariff taxation, you stand before the country and admit that you can not do it; the revenues will not allow of it; that no more taxes to-day are being collected than it is necessary for the prudent, economical, reform Democratic administration to spend. [Applause.]

Mr. GALLINGER. Hence the charges against the Republican party were untrue.

Mr. HISCOCK. Yes; the charges against the Republican party were untrue. Yes; and they know they were. I say to the gentlemen upon the other side, you know you can not reduce taxation a dollar; and I want this question emphasized before the country. Revenue reformers you say you are. Tell us where you can remove or lighten a burden. Ah! No more motions for the consideration of that bill; no more motions to go into Committee of the Whole to consider that bill; but abjectly these men stand and say, "We admit the charges made upon the floor the other day are true, and next year there is to be a deficit exhibited to the country."

Your President sent his message here commanding you to do it, and his Secretary of the Treasury has lashed himself into a fury commanding you to do it. And upon this day you abandon it all and admit that the taxes can not be reduced, and that for the reason that our expenses are so large, and that for the purpose of holding them within limits you will tack to a soldier's pension bill revenue taxation.

Where is your full Treasury that you promised to the people? Where are your reform measures that you promised to the people? But I must not attempt to discuss them; I have not the time. What I desire to do in these few minutes that I have reserved to myself is to again impress it upon you, impress it upon the country, impress it upon the press of the United States, that this Democratic party that said it had come home to stay in its father's house confesses that it has to exhibit to the country a deficit. Every single pretense they made is false, every single pledge they made is unfulfilled and unredeemed, and you stand here cowering before the country, admitting—and I desire to put it in the strongest language it is possible for me to employ—admitting that it is powerless for you to lift any burden, that you have spent all the money, and that empty Treasury vaults are the fruits of a Democratic victory. [Applause.]

You told us how much money we had that we could apply to the payment of the national debt. Where is the money that you can apply to the national debt in the next year? One gentleman, alluding to me, said he was disposed to filibuster against the amendment of these rules. I say for myself I am willing to emphasize until the country, until your party, and until my party shall take notice that when Congress has been in session up to the present time with a Democratic majority of 40 in this House late in the session nothing has been accomplished, notwithstanding all these promises were made, and that in these last days they, the Democratic majority, have confessed, "We knew nothing about what was before us; we knew nothing about the receipts of the Government; we knew nothing about the workings of the Government; we are incompetent to carry out any of those promises, any of those pledges."

It will be time well spent, my friends, if for a brief while at least we point the attention of the whole country to this question, if we point the attention of the people of all parties to the fact that the Democratic party would turn back upon, repudiate, its pledges because it was obliged to; that its pretenses were indulged in for party effect; that nothing is to be expected from it but large appropriations for public buildings and a gradual depletion of the Treasury for personal and private ends for the benefit of its individual members upon this floor, and that those great promises, those planks in its platform formulated by the chairman of the Committee on Ways and Means have turned out to be empty sound. Yes, I say, brief season can be well devoted to the pointing of the attention of the country to this picture which is presented here to-day.

The bill to reduce taxation, to reduce tariff taxes as they tell us, is practically withdrawn from the House, no vote is to be taken upon it, and an attempt made to amend the rules in such a manner as to render it utterly impossible to pass any pension bill during this Congress however meritorious it may be, and all because of the empty Treasury that confronts us after one year of Democratic administration.

I yield the balance of my time to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, the attitude of our Democratic friends on the question of prospective gratitude to the soldier is very touching. It recalls to my mind what took place upon this floor on the 4th day of May last, when there was under consideration a bill for the relief of certain officers of the volunteer army and for other purposes, which contained a proposition to do simple justice to two classes of men who were overlooked in the hurry of the war; they had been forgotten and not remembered from that time to this, notwithstanding the patriotic anxiety of the great Democratic party. First, that bill proposed to pay to officers of the volunteer army who had been promoted after re-enlistment the bounty which was due them according to law; and, second, to pay to soldiers honorably discharged for other reasons than wounds before the expiration of two years of service, the money (bounty) which was due them according to law.

Do you remember that day, gentlemen, and what you did? And remembering that, can you tell the soldiers of this country that you are their friends? I remember that in the course of that debate on May 4 three things took place. First, you consented to give us as a matter of grace, not justice, what we sought for the veteran officers, if we upon our part would betray and sell out the private soldiers. You were willing to swap and trade, to deal in and dicker out justice to one class if we would surrender the other; that is, you would grant as a matter of grace what was due to the officers, if we, as a matter of barter, would surrender what was due to the private soldiers.

Second. I remember in that debate the peculiar attitude of the gentleman from New York [Mr. HEWITT], who is now the fierce and impetuous advocate of prospective gratuities to the soldier, provided such gratuities are paid for by an income tax. The argument of that gentleman [Mr. HEWITT] and the attitude of your party proclaims that if the veteran sufferers of the war will go down upon their knees and crawl upon the ground and lick the hand of the millionaire, those veterans can have justice. Can we? And what have we done to deserve such "monstrous" gratitude at your hands?

How stands the case now? You have your millions, and the veterans their honor unsullied by beggary; you have earned in peace, while we fought, in part at least, your battles; you have the golden rewards of thrifty peace, we the glorious record won on the battlefields. You can keep your millions, and we will keep our honor. [Applause on the Republican side.]

If pension legislation is to be made odious by the levy of an obnoxious property tax to meet it, if the veterans can not be paid out of the public Treasury, as is the Congressman, the Senator, the clerk, and all the creditors of the nation, then we will wait until that can be done.

The gentleman from New York [Mr. HEWITT], in his speech against the bill offered by myself on the 4th of May, who is now so overcome with a desire to rush to the rescue of the unfortunate soldier and repeal the arrears act and redeem the promises of the Democratic national convention, who is so anxious to do that which is impossible to be done, and to bestow impossible rewards upon the soldier at some future time, I remember stated in that debate that he did not blame the men of the South for voting for steals and robberies in the way of river and harbor bills in order that they might be compensated for the daily petty larceny committed by the North in the giving of pensions to the loyal soldiers. I stand here, said the gentleman from New York, and I I condemn the purpose of the bill (meaning the bill to pay what was legally due the veterans promoted after re-enlistment, and to pay $100 bounty to soldiers discharged for disability before the expiration of two years of service), and denounce it as an effort to unlock the doors of the Treasury and throw the contents into the street for the benefit of men who will not work for an honest living.

I remember that infamous characterization of my comrades, and I promise you I shall never forget it.

And I remember a third thing, and that is that a clear majority of over one hundred in this House had to accept the law from the two gentlemen from the South [Mr. ROGERS and Mr. BRECKINRIDGE, of Arkansas], who, after twelve hours of filibustering, carried on by the Democratic party in this House for the purpose of the defeat of this bill, declared that they would never allow it to pass; and thus was the Congress of the United States, and the wronged and loyal soldiers of the Union army, compelled to accept law at the hands of the men of the South. And still the gentleman from New York [Mr. HEWITT] and his colleagues have the effrontery to pose and posture before this House

and this country as the friends of soldiers. [Applause on the Republican side.]

The soldiers of the late war are not beggars nor mendicants. They demand justice, not alms. They will accept relief, but not insult. If you have been so anxious to pass the arrearage act, how comes it that you have sinned away nine hundred and ninety-nine days of the session, and only now bring a resolution before the House which makes the acceptance of an insult the condition-precedent to possible relief?

Mr. REED, of Maine. I yield two minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Our friends on the other side seem to have about as much difficulty in reconciling their positions in favor of reducing the revenue and at the same time opposing pensions to soldiers on the ground that we have not revenue enough, as the theologians of the last generation had in reconciling predestination and free-will. It is simply one of the things that can not be done, and the greater the effort to do it the more evident becomes the impossibility.

Now, what is proposed here by our friends on the other side? They have tried, as they say, to reduce the duties upon imports. A bill for that purpose was called up for consideration the other day in this House, but it did not succeed in being considered, and now they shift their ground and seek to reduce expenditures at the cost of the soldiers of the country, because gentlemen know very well that if this proposition is to become a part of the rules of this House it will be as impossible to pass any measure here for the relief of the soldiers as it is for a camel to go through the eye of a needle. This proposition is simply a stab in the back. The gentleman from Indiana [Mr. MATSON] professes to be in favor of the repeal of the limitation in the arrears act, but what did he do and what did his friends do when we sought, a little while ago, to put that on as an amendment to the widows' pension bill? Ah, they were wonderfully in favor of repealing the limitation, but at the same time they utterly opposed taking advantage of the opportunity to do it. Now they are wonderfully in favor of pensioning the soldiers, but at the same time, not daring to meet the question squarely and go before the country upon it, they introduce a proposition here to do by indirection what they dare not do directly.

[Here the hammer fell.]

Mr. REED, of Maine. I yield to the gentleman from Illinois [Mr. CANNON] to propose his amendment.

Mr. CANNON. Mr. Speaker, I propose the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by inserting after the word "law," where it first occurs in the proposed rule, the following words: "Or to authorize an expenditure for the construction of any public building, the improvement of any river or harbor, or for the expenditure of money for any other purpose, or to make any charge upon the Government not theretofore authorized by law."

Also amend by adding after the word "pension," at the end of the proposed rule, the words "or other expenditure or charge upon the Government."

Mr. REED, of Maine. I yield five minutes to the gentleman from North Carolina [Mr. O'HARA].

Mr. O'HARA. Mr. Speaker, from the announcement made the other day by the gentleman from Illinois [Mr. MORRISON], the chairman of the Committee on Ways and Means, we were led to expect that he would this morning again undertake to call up his tariff bill. But, much to our surprise, we are met here with a proposition to make the pensions of the soldiers odious in the eyes of the masses of the American people. The gentleman from Indiana [Mr. MATSON], the chairman of the Committee on Invalid Pensions, has told this side of the House that yesterday when by a motion to suspend the rules it was intended to deprive the Committee on Invalid Pensions of its day for the consideration of pension bills we on this side rose as a man to advance that proposition. Sir, every member of the Committee on Invalid Pensions on this side of the House expected to see its chairman stand up and combat that proposition and resist the attempt to have the Committee on Invalid Pensions give way. But, sir, among the first men to yield to the effort to deprive the soldiers of a day in this House was the chairman of the Committee on Invalid Pensions. [Applause on the Republican side.]

Sir, we hear a great deal of talk about the arrears-of-pension bill and of the necessity of putting riders on our pension legislation. Why, sir, the arrears-of-pension bill was reported to this House early in last March. There has been plenty of time to consider it; yet the chairman of the Committee on Invalid Pensions has never tried to bring it up; or if he has tried, we on this side who stood ready and willing to assist him have never been able to discover that effort on his part.

The gentleman tells us that it will take two, or three, or four, or five hundred million dollars to pay these arrears of pensions; and it would appear from the statement that this vast amount of money was to be expended at once. But, sir, the Commissioner of Pensions, General Black, told the Committee on Invalid Pensions in a conference which he had with that committee—and I betray no secrets of the committee—that his office could not expend more than $50,000,000 per annum, that he thought the revenues of the country sufficient, and that the demands of the soldiers required the expenditure.

Why, sir, this question of pensions is not such a bugbear to the people of the country as some gentlemen here seem to suppose. It is not a bugbear to the people of my own State; for to-day North Carolina, although one of the States which gentlemen on the other side are in the habit of saying was robbed and crushed into the dust by the Republican "carpet-baggers" and "scalawags," levies a large tax upon the property-holders of the State—for what? For the purpose of paying pensions to confederate soldiers. And every man, black and white, pays the tax cheerfully; not a murmur has arisen. More than that, in my own county some of these pensioners on the confederate rolls are to-day occupying Federal positions; and nobody complains. The Federal soldier in that State contributes his mite. [Applause.]

[Here the hammer fell.]

Mr. REED, of Maine. I yield five minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, I presume that all gentlemen here have heard of that celebrated game which was carried on between the Oriental Ah Sin and Bill Nye, in which it turned out that Ah Sin had twenty-four packs of cards up his sleeve while playing that game which he did not understand. Now, as to this proposed rule, the Democratic leaders of this House have had twenty-four packs up their sleeve for the last few months, and to-day they are trying to play them upon us.

The first inquiry that suggests itself to my mind is, what has become of the Committee on Ways and Means, and whether they have utterly abdicated their right and prerogative of bringing revenue bills into this House. A few days ago we had a revenue bill presented here by the Committee on Agriculture; it was received, acted on, and passed. And this morning we were notified that the Committee on Invalid Pensions had prepared a revenue bill which they would bring into the House and ask to have considered. But last week the Committee on Ways and Means asked consideration for a revenue bill which it had prepared, and the doors of this House were incontinently closed against it. It seems to me, Mr. Speaker, that the Committee on Ways and Means is about the only committee of this House that is not permitted to bring in a revenue bill and have it considered.

We were invited by the distinguished chairman of the Committee on Ways and Means to be present this morning to vote upon a bill to reduce the revenues of the Government. We were informed by that gentleman on Thursday last that the present revenues of the Government were producing a surplus at the rate of $30,000,000 a year. He wanted to reduce that surplus—to get rid of this $30,000,000 a year in excess of the economical wants of the Government. We came here to meet that proposition to-day, as we notified him we would be here. But instead of a proposition to reduce the revenues of the Government $30,000,000 a year or thereabouts, we are met by a proposition to impose an internal-revenue tax and to increase the revenues of the Government.

Now, I ask the distinguished chairman of the Committee on Ways and Means, did you not know on Thursday last that the Government needed this increased revenue; and if you did not know it on Thursday last, how and when did you find it out? On Thursday last, when you wanted to reduce the revenue, you knew what pension bills were pending; you have known that for weeks past. Yet only on Thursday last the Democratic leader of this House, backed up by a Democratic caucus and its members, came in here and asked us to take up, consider, and pass a bill which would reduce the revenues of the Government. Gentlemen of the Democratic side of the House, this is mere "bluff," and it can not succeed here. If the statement were not unparliamentary, I would be inclined to say that it is cheap demagogy and can deceive nobody.

We went into the last campaign with you in 1884, and the principal issue you tendered us then was a surplus of $400,000,000 in the Treasury. Here we stand in the month of June, 1886, with the declaration on your part tacitly at least, impliedly at least, that there is no surplus, but there is a deficiency staring us in the face, and we must resort to that most odious, that most offensive form of legislation, the internal-revenue tax, to make good this deficiency which stares us in the face.

You want pension legislation, do you? Then give us your pension legislation. We invite you; we challenge you; nay, we dare you, now at this day and hour, to bring forward your arrears-of-pension act and I pledge you this side of the House. Bring forward your bill to give pensions to those who suffered amputation of their limbs from wounds received in the war, and we can pass it in thirty minutes. [Applause.] This is a mere delusion and a snare. You do not mean pension legislation. If you do, bring forward your pension legislation, and we will pass it. [Applause on the Republican side.] Yes, we will pass it and put it into operation; and when it is determined there is need for further revenue we will help you to get further revenue.

Mr. ELDREDGE. How did you vote on the Mexican pension bill? [Laughter.]

Mr. CUTCHEON. I do not hear the gentleman.

[Here the hammer fell.]

Mr. REED, of Maine. I now yield for three minutes to the gentleman from Indiana [Mr. JOHNSTON].

Mr. JOHNSTON, of Indiana. Mr. Speaker, I was somewhat amazed at my colleague from Indiana [Mr. MATSON], chairman of the Committee on Invalid Pensions, at being now so anxious to get at some legislation in the interest of the soldiers. He has had control of the

Invalid Pensions Committee ever since this Congress met. On the first week of this session there was a bill introduced to pension the needy soldiers who are now disabled. There was also an effort made to pass a general pension act. Yet, sir, he has not up to this hour asked Congress to set apart a single day to consider either one of those bills.

When pension legislation comes back now from that committee it is to come back coupled with a condition like this: I say to you, my brave boys who carried the musket and knapsack, I am willing to vote you pensions if you couple with it the condition that I can get the gentleman from Pennsylvania [Mr. RANDALL], a high tariff man, and the gentleman from Illinois [Mr. MORRISON], a free-trade man if I can get them to agree on some measure by which we can raise money enough—I am willing then to give you pensions [laughter]; but until I can get the extremes of the Democratic party to meet and dwell together in peace and harmony I will have to deprive you of any such pension legislation. [Laughter and applause.] That is the proposition he makes here to-day.

Now, sir, I have yet to learn that the men who bared their breasts to the storm of shot and shell to save the Government must stand back while the President, while the Cabinet, while all the civil service of the Government are permitted to draw their money out of the common Treasury; that they are to stand back to see if the extremes of the Democratic party can agree on some plan by which the money is to be raised by additional taxation for the purpose of paying these pensions. If the law is not sufficient for the purpose now, if some amendment is necessary to raise additional money to pay for the pensioning of our soldiers, let me suggest an amendment. Let us amend the present law by providing that the entire civil list, that the President and the Cabinet and the entire Congress, the Senate and the House, shall stand back and not receive their salaries until the pension-list has been paid entirely. If such an amendment be adopted I will pledge you then the gentleman from Pennsylvania and the gentleman from Illinois will agree on some measure to pay their own salaries. [Laughter and applause.]

Mr. REED, of Maine. How much time have I remaining?

The SPEAKER. Nine minutes.

Mr. REED, of Maine. Mr. Speaker, I desire above all things that this question should be considered on its merits. I am opposed to it not only as a proposition in regard to pensions but in regard to any legislation in this House. It is contrary to the principle of sound legislation as practiced in this country for these many years.

It has always been the custom for the House of Representatives to make its appropriations and then to lay its taxes to pay the bills it has incurred. And this course of procedure is founded upon a wise, sound, and salutary principle, and that is, that the majority which votes to expend money may be a majority changeable as to individuals when you come to raise it. It takes a majority to do both, but hence majorities may be composed of different men. The question of expenditure being once settled, the House then turns itself to the question of ways and means. That is sound legislation.

Now, is there any reason why we should deviate from this sound principle upon which all right action is founded? I charge here and now that this is only one of the examples of the indirection which long years of servitude have caused to be a habit in the Democratic party. Having been for long years in the minority they have got a fashion of indirection, and they can not drop it now when they are in the majority and in power. You yourselves know, every one of you, that the majority that would vote for a pension bill might be composed of different persons from those who would vote in favor of a particular tax bill. You therefore single out pension legislation and saddle it with this disadvantage, for which you can give no justification if your purposes and intentions are honest.

The gentleman from Ohio [Mr. MCKINLEY], in that brilliant five minutes which he devoted to your situation, has exposed and laid bare the entire hollowness of it. If you believe that this country needs more revenues, why did the leader of this House demand a reduction of revenue of $26,000,000? If you do not believe it, why did you bring in this rule? Take either position you like, and you stand condemned before intelligent people.

Now, sir, I have one other word of reply to the chairman of the Committee on Invalid Pensions. Unintentionally, no doubt, he has confused this matter by undertaking to represent to this House that this expenditure which pensions may produce has got to be immediate. He has rolled up before you the $250,000,000 which Mr. Commissioner Black, in his last revised estimates, says that arrears of pensions will cost, and presented it to this House as if it was an annual expenditure that must be met at once. And he knows that this same veracious authority, whose virtues have caused this House to ring, declares that if the bill were passed he could only liquidate $50,000,000 per annum. Where, then, is the honesty of such a statement?

It is on a par with the honesty of this proposition. They rush forward with enormous anxiety to pay pensions and saddle them with a tariff discussion! Good heavens! what legislation on earth in the way of appropriations could stand a tariff discussion? Why, this House by a majority of 17, in a Democratic House of 40 majority, has expressed its disgust with the subject to such an extent that although the bill was still-born, nevertheless they absolutely refused the oratorical ceremony of burial. [Laughter and applause on the Republican side.] Yet this thing comes from a Democratic party that met together in Chicago and announced a platform of principles accompanied by a statement of facts as veracious as its principles were sound. [Applause on the Republican side.]

Why, that Democratic assembly, containing all the wisdom there was in what was called "Democracy," announced that we had a surplus of $100,000,000 torn from a suffering people. [Laughter.]

And yet to-day we are told that pensions, which presumably are deserved, because it is presumed the House will pass wise bills even if it has forty Democratic majority—it is a presumption of law if not of fact [laughter]—and yet we are told that not a single one of these shall pass unless an internal-revenue or tariff-taxation bill is allowed to overwhelm the House into that sleep which follows such efforts at oratory as would instantly burst forth.

Ah! But the Democratic party have pledged the internal revenue to pensions. There is another instance of their methods of indirection. Why the internal revenue? Because they do not want it repealed; because they wish to fasten the patriotic sentiment of this country upon the internal-revenue taxes in order that they may run riot in the tariff schedules; and yet after all their careful preparation, after all their indirection, there seems to be not much running riot in the tariff schedules. But if we can not unite the Democratic party upon that platform, let us see if we can unite them upon a proposition to hamper pension legislation and involve it with other subjects with which it has no necessary connection. [Applause.]

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 7364) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late Mrs. Harriet B. Lehman.

Also, that the Senate had passed with amendments, in which concurrence was requested, the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.

Also, that the Senate had agreed to the amendments of the House to the bill (S. 1836) for the relief of Libbie C. Montis.

Also, that the Senate had passed a concurrent resolution requesting the President to bring to the attention of the Government of Nicaragua certain claims of citizens of the United States against that government.

Also, that the Senate had passed bills of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 2292) to provide for the settlement of certain Cherokee claims under the treaty of February 14, 1833; and

A bill (S. 2661) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein.

The message further announced that the Senate disagreed to the amendments of the House to the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased, and asked a conference with the House on the disagreeing votes thereon, and that it had appointed Mr. HOAR, Mr. MITCHELL of Oregon, and Mr. GRAY as conferees on the part of the Senate.

AMENDMENT TO THE RULES.

Mr. MORRISON. I desire to substitute for the original resolution what I send to the desk. I have made some verbal amendments in the resolution.

The SPEAKER. The gentleman from Illinois proposes to offer as a substitute what the Clerk will read.

Mr. MORRISON. I ask unanimous consent to substitute it for the original resolution.

Mr. BURROWS. Let it be read first.

The Clerk read as follows:

Resolved, That it shall be in order, when any general bill to increase the rates or amounts of pensions is under consideration, to amend the same so as to provide by taxation or otherwise for the payment thereof; but no such amendment shall be in order unless the net revenue provided for shall be thereby set apart for the sole purpose of paying such increased pensions.

The SPEAKER. The gentleman asks unanimous consent to substitute what has been read for the original resolution.

Mr. REED, of Maine. I object.

Mr. MORRISON. It is not intended to mean anything different from the original resolution; but some gentlemen would prefer the resolution in that form.

Mr. CANNON. In obedience to a very general expression of those about me who desire to have a straight contest upon this rule, pure and simple, as it is reported from the committee, I will withdraw my amendment.

Mr. MORRISON. Is there still objection to the substitution of what has been read for the original resolution?

Mr. REED, of Maine. There is. We will take a straight vote on the resolution.

Mr. MORRISON. I yield five minutes to the gentleman from Wisconsin [Mr. BRAGG].

Mr. BRAGG. I am exceedingly indebted to the distinguished gentleman from Maine [Mr. REED] for his reference to the failure of this House to consent to the consideration of a revenue bill reported from the Committee on Ways and Means. I am delighted at it, because it shows what sort of contempt the Republicans of this House feel toward those who have been recreant to their faith, to their pledges; that while they are received with open arms and approbation for the acts they have done, they are thoroughly despised for their political recreancy.

Mr. Speaker, when I came into this House a few moments ago the distinguished gentleman from Iowa had the floor, and I stopped for a moment to listen, for I thought that by accident I had strayed into a camp-meeting. But in a few moments I saw it was the old hobby-horse, brought out to be ridden around again and pranced and posed in the presence of the American people for the benefit of the claim-agent newspapers, and to circulate them among that class of men whose votes they think can be bought by their pretending to be the "soldiers' friends." [Cries of "Oh!" "Oh!"] Yes, "Oh!" [Laughter.] I repeat "Oh!" [Many cries of "Oh!" "Oh!"] Who was it when you had two-thirds majority in this House, when the war was still recent, when men were suffering from wounds everywhere—who was it that passed a limitation upon pensions and provided that every claim not presented within five years should only commence to draw a pension from the date of the filing of the act? Who was that? Will you answer me? "Oh!" [Laughter.] It was the Republican party—"Oh!" Who was it that repealed that limitation upon arrears and gave the soldiers whose cases were pending their pension from the date of their disability? It was the Democratic party. "Oh!"

Who was it that in their national convention in 1884 declared in favor of the repeal of the limitation on the arrears, and one of their candidates, now presiding in one of the branches of this Government, within thirty days afterward refused to follow the platform of his party? It was one of the great Republican financial leaders who now occupies the position of President of the Senate.

Now, why is it we hear all this talk? There is nothing in this resolution relating to the refusal of soldiers' pensions. This resolution provides for means of paying soldiers' pensions. It is not to refuse to grant them, but to provide for their payment. And when these men spring to their feet and cry out it is an attack on the soldiers, it is nothing but an attempt, under the guise of friendship to the soldier element of the country, to protect the bondholder, to protect the wealthy man [applause], to protect those men who during the war, favored by a Republican administration, fattened upon the blood of the men in the field, and as contractors filled their purses. [Applause.] They have been protected and pay no tax, because they hold Government bonds that were bought with currency worth 50 cents on the dollar. They have received their interest promptly, some of them semi-annually——

A MEMBER. Quarterly.

Mr. BRAGG. Year after year, without paying anything upon that capital. But when we propose, in order to provide a method for paying soldiers, to reach this fund that has refused to pay what it ought to the support of the Government, and when we say that that fund which was made out of the blood of the soldiers, that property which was protected by the blood of the soldiers, shall contribute to the payment of pensions, then we find these men crying out simply because it is a method to reach their ducats. *Hinc illæ lachrymæ.*

Mr. RANDALL. I believe I have some time left. I did not intend to indulge in any further discussion touching the matter before the House, and would not have risen now except for the language used by the gentleman from Wisconsin [Mr. BRAGG]. I stand here his peer in every respect, with convictions as pure as he can possibly have [applause], and I have the courage to maintain them. [Applause.]

A few years ago we had this controversy, and I cast my vote then as I cast it on Thursday—from conviction. I resisted anything that tended to free trade in the United States and the lowering of the wages of the American laborer. [Loud applause.] I was condemned in some quarters for that vote. I went with the rest of you to a national convention, where I was told I would have no Republicans to help me. What was the result of that convention? Does any man here attempt to say that the measure introduced into this House by the Ways and Means Committee is in harmony with the spirit of that convention or the enunciations of those who took the stump in its behalf? No.

I am to-day just where I stood then. I am in favor of revision of the tariff and a lowering of the rates of duty, and also of the repeal in part of the internal-revenue taxes—the question upon which the Ways and Means Committee of this House has denied us the privilege of voting. [Applause on the Republican side.]

I have only to say to the gentleman from Wisconsin [Mr. BRAGG] that he has from me as much contempt as I can well send forth. [Renewed applause.] I am ready to discuss with him the propriety of my course, whether here or elsewhere, even in my own city where the gentleman from New York [Mr. HEWITT] recently took occasion to go, and I now formally invite that gentleman to come and take part in the joint canvass in my district in November next. [Laughter.]

Mr. HEWITT. Will the gentleman allow me a word. He has asked whether the measure introduced by the Committee of Ways and Means was in accordance with the pledges of the Chicago platform. I say that it was, and that is the question that I will go into his district and talk out with him and with his workingmen. [Applause on the Democratic side.]

Mr. RANDALL. I know well the conduct of the gentleman in the Chicago convention, and I know that neither he nor any other man subsequently went on the stump in his State or elsewhere and made declarations in the direction of the bill of the Ways and Means Committee as I conceive it to be. I not only know that, but I know also that, on the contrary, I was invited into his State, and spoke there in the exact line of the declarations that I have made here and make now. [Applause on the Republican side.] I know more; I know that in the canvass last year which resulted in the election of Governor Hill they took care to invite me again, and they invited also many other men who agreed with me in sentiment as to the construction of the Chicago platform, while they failed to invite any man to speak there who thought as the gentleman from New York [Mr. HEWITT] now declares. [Applause on the Republican side.] And what was the result? The result was that the Democratic majority in the State of New York increased from something over 1,000 in 1884 to 11,000 in 1885, and it was not on any free-trade doctrine. [Laughter and applause.]

I declare that I am ready and willing to vote with anybody who will seek intelligently to reform the inequalities of the tariff. But how have we been met in this particular? We have had to either take the bill of the Ways and Means Committee or nothing. It has been asserted that we can not put upon a customs bill anything that looks to the repeal of internal taxation. I believe that the system of internal taxation is un-American and undemocratic. It was so pronounced by the fathers of our country, and I shall never weary in seeking its repeal in part or altogether. [Applause.]

Mr. MCMILLIN. Did you vote for the oleomargarine bill?

Mr. RANDALL. I did.

Mr. MCMILLIN. That proposes to increase internal taxes.

Mr. RANDALL. I voted for the oleomargarine bill because I believe that the people of the United States should be protected from fraud. ["Good!" "Good!" and applause.]

Mr. MCMILLIN. Then you are for the continuance of internal-revenue tax?

Mr. RANDALL. I am for the repeal in part or in full of the internal-revenue system of taxation.

Mr. MORRISON. Mr. Speaker, I do not intend to be led or driven away from the subject now under consideration.

Mr. RANDALL. I was assaulted.

Mr. MORRISON. I assaulted no one. The gentleman from Pennsylvania [Mr. RANDALL] very well understands that I can not go any length into this question now. Claiming to be assaulted, he tells us that no tariff or tax bill is fair and in the spirit of the Chicago platform that does not present him the opportunity of voting to remove or reduce the internal-revenue taxes, and again and again he makes his same old unkept promises and declarations as to what he will do toward reducing taxes, and we have just heard from the other side by way of reproach that we pledged ourselves at Chicago to keep internal taxes unrepealed and apply them to the payment of pensions. We are so pledged, and these taxes do go to the payment of $75,000,000 annual pensions. We do so devote them to pay the pensions of soldiers. [Applause on the Democratic side.]

Mr. HENLEY. Will the gentleman yield for a question?

Mr. MORRISON. Yes, sir.

Mr. HENLEY. The gentleman is borrowing the representations of the other side for the arraignment of Democrats on this side of the House who do not think with him.

Mr. MORRISON. I am arraigning nobody, and least of all the Representative from California. I am addressing myself to his leader, the man whom he follows and who made such comment upon my work as to invite reply here and now, although I share with the gentleman from Pennsylvania [Mr. RANDALL] in the feeling that this subject did not belong here in this debate. And I will take early occasion to reply more in detail to what he has said if he will cease denying to me the opportunity to be heard. Then I will undertake to prove that there is not a word of realized truth in all his promises. [Applause on the Democratic side.]

I yield now seven minutes to the gentleman from Ohio [Mr. WARNER].

Mr. HISCOCK. Mr. Speaker, this debate has wandered off from the real issue before the House. [Laughter.]

Mr. WARNER, of Ohio. The gentleman from New York need file no demurrer against me. I shall not discuss the tariff question until that question comes before the House.

Mr. Speaker, the cost of the late war, from June 30, 1861, to June 30, 1866—and I give exact figures derived from official sources—was $3,389,622,434.27.

There has been added to that cost since the war $830,272,834.13 paid as pensions—or will have been paid by the close of the present fiscal year, June 30—and $2,274,275,844.21 as interest on the public debt, making the total cost of the war to June 30, 1886, not including claims allowed since 1880, $6,494,171,112.63. Therefore since the war there has been added as a result of the war an amount almost equal to the first cost of the war. Of this only $830,000,000 in round numbers has

been paid for pensions, while $2,274,275,844 has been paid as interest on the public debt.

Again, the interest-bearing debt at the close of the war was $2,381,530,294. Almost as much, therefore, it will be seen, has been paid as interest since the war as the entire interest-bearing debt when at its highest figure in 1865. This interest-bearing debt, moreover, represents, as was stated by the gentleman from Wisconsin, a loan made to the Government in greenbacks worth less than 50 cents on the dollar. That debt was afterward made a coin debt. That is to say, the cost of the war was well-nigh doubled by doubling the value of money, thereby doubling the debt created by the war. There was set apart and pledged for the payment of the interest of that debt the coin collected on customs duties, gold until lately; so that, besides doubling the debt by doubling the value of the money in which it was made payable, the interest has been paid ever since semi-annually or quarterly in gold.

Two classes are now represented here. First, those who during the war risked their lives, fought the battles, gave their blood, sacrificed health in defense of the Government. They have received besides the $13 a month in greenbacks paid them during the war $830,000,000 as pensions, while the others, those who speculated upon the misfortunes of the country in time of war, or who loaning greenbacks have received gold worth twice as much in their stead, have received by increase of the original debt and interest paid since the war over three and one-half billion dollars. Think of it! More than half the entire cost of the war has been interest upon the public debt paid in gold or the increase of the debt as the result of changing from paper to gold. Half the original debt and half the interest paid since has been clear bounty paid to capital for its part in the war. Half the original debt is $1,190,765,147, half the interest paid since is $1,137,137,922, altogether $2,327,902,069. The bounties paid to the soldiers for fighting the battles, not including local bounties in States, was, up to 1880, $140,549,334.97. This has been the grand result of Republican legislation affecting the soldier and the bondholder.

Well may the soldier say with Shakespeare—

> I have kept back their foes,
> While they have told their money, and let out
> Their coin upon large interest.

But let us go a step farther. Since the beginning of the war till a little over a year ago your party has had full control of the executive department of the Government, and most of the time of the legislative, at least down to 1878. Then both Houses were Democratic. Now, how does the account stand? Down to the date of the passage of the arrears act in 1879, or in eighteen years, you had paid the soldiers as pensions—and all wars are included in the figures I give—$375,629,214, while in the same time you paid the bondholders as interest on their doubled debt, $1,764,256,198.45. Since 1879, when the arrears act was passed by a Democratic Congress, or in seven years, there has been appropriated, mostly by Democratic Congresses, $454,643,620.13 for pensions, as against less than $570,000,000 for interest.

These figures tell better than words or buncombe speeches made to catch soldier votes. Now I come to the question at issue. Bills are before us and are being pressed to a passage that call for $250,000,000 to $300,000,000 to be paid, not in annual payments, but immediately, or in a single year, or at most in one or two years. What annual payment would be required thereafter I do not know. I allude particularly to the arrears bill. Now, how shall that large proposed expenditure be met? It can be met in only one of two ways—by increasing the burden of taxation upon the laborer and the producer or levying taxes upon the accumulated wealth of the country, upon the billions accumulated, in part, in the manner I have stated. Less than half a million of men now own $40,000,000,000 out of the $50,000,000,000 of the wealth of this country.

These pension bills—and especially the arrears bill, which involves, as has been shown, probably $250,000,000 in a year—can not pass and the expenditures they require be met unless you levy taxes of one kind or another to meet them. Which shall it be; a temporary income tax upon accumulated wealth and the incomes derived therefrom, or a tax which the laborers of the country—in fact, the soldiers themselves—must largely pay. Which shall it be, I say? I am ready to go to the country on that issue if you are.

[Here the hammer fell.]

Mr. WARNER, of Ohio. I would like four or five minutes more.

Mr. RANDALL. I yield the gentleman five minutes.

Mr. WARNER, of Ohio. Mr. Speaker, there have been appropriated for pensions this year $81,000,000—well-nigh the entire cost of the Revolutionary war. The gentleman from Pennsylvania on the other side of the House [Mr. JACKSON] and the gentleman from Michigan [Mr. BURROWS] and others complain that bills extending pensions have not been passed. Do they forget the bill which passed the House in the Forty-eighth Congress which would have made it possible for every soldier now disabled, if the disability were not the result of his own fault or had not occurred since the war, to go upon the pension-roll and receive a pension proportionate to his disability? Such a bill did pass the House in the last Congress. It went to the Senate, and there it was smothered.

The then Commissioner of Pensions stated that that act would have admitted to the pension-roll more than a hundred thousand soldiers. But it did not become a law for the reason I have stated. Gentlemen on the other side of the House know very well, too, that their party had control of this Government every year and every day from the beginning of the war till a little more than a year ago. If the pension laws needed revision, if they needed to be extended, why was that not done during those twenty-five years? You had, too, the administration of the Pension Office all that time. Every place, from top to bottom, was filled by Republicans. If pensions were not granted as they ought to have been under the laws which you made, who was at fault? Nobody but yourselves, in failing to pass proper legislation or in the administration of the laws which you yourselves made. That is all there is of it. You have only yourselves to blame, nobody else.

Mr. HEPBURN. Will the gentleman tell us what bill he speaks of as having been "smothered" in the Senate?

Mr. WARNER, of Ohio. It was a bill extending the provisions of the pension laws, and affording pensions without requiring proof specific of the incurrence of disability in the service. It made present disability the main test.

Mr. HEPBURN. Did not the Senate pass that bill in connection with a Mexican pension bill, and did not your side of the House filibuster against it for two days?

Mr. WARNER, of Ohio. No, sir. The Senate sent back to the House a bill which they knew would not pass and ought not to pass in the form in which it came here, and which it was never intended should pass. They sent it back here to make capital for the next campaign. You made all the capital you could out of it, but it served you to little purpose; and your opposition now to the proposition to make possible the passage of pension laws and to meet the requirements of such laws will avail you little in the coming canvass.

Mr. HEPBURN. Will the gentleman from Ohio tell us what bill passed this House?

Mr. WARNER, of Ohio. The bill I have referred to. It passed this House and was smothered in the Senate.

Mr. HEPBURN. I say that no such bill passed the House in the Forty-eighth Congress.

Mr. WARNER, of Ohio. I say that such a bill did pass, and it was smothered in the Senate.

The SPEAKER. Does the gentleman yield?

Mr. WARNER, of Ohio. No, sir, I do not, for I have but a minute or two more time. I say the bill I refer to never became a law, but died in the Senate.

Mr. STRUBLE. Oh, tell us what bill it was that you say was smothered in the Senate.

Mr. WARNER, of Ohio. It was a bill reported by the Committee on Pensions, Bounty, and Back Pay, and your party smothered it in the Senate. [Applause on the Democratic side.]

Now, Mr. Speaker, extraordinary expenses always call for extraordinary taxes, and bills calling for two hundred or three hundred millions of dollars in a single year, almost a million dollars a day, may certainly be called extraordinary expenditure. To meet that, I say, an extraordinary tax would have to be levied. How shall it be levied? That is the question. Upon the poor, upon the laborers of the country, upon the necessities of the poor man, on his clothing, his coffee and sugar, or upon the accumulations of the rich and their incomes? Shall it be upon the incomes of the rich or the necessaries of the poor? Sir, that is the question before this House, and that is the only question. [Applause.]

The object of the amendment to the rules is to permit an income or other special tax to meet sudden and extraordinary expenditures, such as some of the pension bills before us call for, especially the arrears bill, which it would be mockery to pass without providing at the same time for revenue to pay the arrears allowed.

It is not intended that this power shall be invoked except for large and extraordinary expenditures, and it would not be. With only revenues enough from ordinary sources to meet the ordinary expenses of the Government, including the regular annual appropriations for pensions and the sinking fund for the extinction of the debt, some such provision, I repeat, must be made, or pension legislation calling for increased appropriations must stop, and that is what you are to decide.

Mr. CUTCHEON. Why do you not put this provision on some other appropriation instead of upon the pension appropriation? Why do you hamper that, and that only, for you are in favor of passing these appropriation bills?

Mr. WARNER, of Ohio. I tell the gentleman from Michigan that I would favor an income tax to meet the expense of even a river and harbor bill if necessary. [Laughter and applause.]

[Here the hammer fell.]

Mr. MORRISON. I yield now for five minutes to the gentleman from Indiana [Mr. MATSON].

Mr. MATSON. Mr. Speaker, I ask the intelligence and attention of the House for five minutes.

Mr. WEAVER, of Iowa. Before this debate closes I desire to be heard.

Mr. MORRISON. If the gentleman is on the other side of the question he will have to ask time from the other side.

Mr. WEAVER, of Iowa. I do not propose to ask either side of the House for the right to be heard on this question. I propose to ask for time in my own behalf.

The SPEAKER. The gentleman from Indiana is entitled to the floor and will proceed.

Mr. MATSON. Mr. Speaker, I wish to say, in the first place, that it is important in the consideration of this matter to remember that the proposition here is not to affect any pension which now exists or which may be obtained under any law now existing. This proposition is to obtain only so far as additional and new legislation is concerned. There is no effort upon this side of the House or those who advocate the amendment of the rules to prevent any single pensioner or any person from procuring a pension under existing law.

Mr. HOLMAN. Or any private pension bill.

Mr. MATSON. Yes, or any private pension bill. The clean, naked proposition is upon general pension bills hereafter; it will be in order to provide means of meeting the expense of those bills.

Mr. BRUMM. The resolution does not say so.

Mr. MATSON. It does as I understand it and as the gentleman will understand it when he has considered it.

Here is a fact you can not escape from. Gentlemen talk about deceiving the House and deceiving the country. It is a practical and plain proposition of figures which you can not escape by talking about the best blood of America, or talking about the general pension legislation, or any other talk outside of the real question. That is not going to lead away the attention of the people of the country from the fact that it is utterly impossible to pay additional pensions without providing additional revenue. [Applause.]

Mr. CUTCHEON. What have you done with the surplus?

Mr. MATSON. There is but $105,000,000 of surplus in the Treasury. The proposition here is that in order to pay four or five hundred millions of dollars in the event of our passing the arrears of pension bill, and the bill we reported, which the gentleman from Iowa criticises, to pay all dependent soldiers a pension, we shall need to meet this increased pension-list many millions more of revenue than we now receive. This money must be raised by additional taxation. That is a proposition from which there is no escape. What is the honest thing to do about it? Is it honest to pretend you can pay these millions of increased pensions when you have not the revenue to do it? The clean, naked proposition we say is that to meet this additional expense we must levy additional taxation, and in levying that additional taxation we say further let the tax be laid upon the incomes of the country. [Applause.] Now, if you want to intensify it by filibustering or in any other way the people of the country are ready to meet it.

You say that this income tax is an obnoxious tax. You say that additional tariff legislation ought to be laid. We say that the income tax is a fairer tax, and are ready to go before the people on that issue.

Mr. MILLIKEN. Let me ask the gentleman to point any feature in this resolution which proposes an income tax.

Mr. MATSON. I must decline to yield to an interruption.

Let us understand now the issue as made up. You upon the one hand say that you are opposed to an income tax and in favor of additional tariff legislation to meet this increased expenditure for pensions and we say the reverse——

Mr. BRUMM. This resolution does not say anything about an income tax whatever.

Mr. MATSON. I have already declined to yield to interruptions.

Mr. BRUMM. But the gentleman intimates that this resolution provides for an income tax.

Mr. MATSON. I have declined to yield again and again, and hope gentlemen will not interrupt me.

The SPEAKER. The gentleman from Indiana declines to yield.

Mr. MATSON. We have said and said distinctly that the purpose and object of the new rule is to enable us to put before the House, so as to provide the means of paying these additional pensions, an income tax upon the wealth of the country. My friends upon the other side on the Committee on Invalid Pensions no longer ago than yesterday, without a dissenting voice, agreed to that proposition, every one of them. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. MORRISON was recognized.

Mr. WEAVER, of Iowa. I would like to have two or three minutes.

The SPEAKER. The gentleman from Illinois is entitled to thirteen minutes of his time remaining.

Mr. WEAVER, of Iowa. I will ask my friend to yield to me, and I will ask unanimous consent of the House to grant the gentleman from Illinois additional time.

Mr. MORRISON. Mr. Speaker, after I have said what I have to say I propose to ask the previous question. I can not yield further after yielding so often and so much of my time.

The gentleman from Pennsylvania [Mr. RANDALL] has some time yet remaining. I therefore return for a moment to the subject of the tariff bill, already brought into this debate. If I do him injustice he has time and opportunity for reply. I have already called attention, and now again recur to this matter out of place because the gentleman invited it in his reply to the gentleman from Wisconsin, which he had the right to do, but he went out of his way and away from the facts, as I believe, to say that the proposition or tariff bill presented by the Ways and Means Committee did not conform to the meaning or spirit of the Chicago platform.

Need I call attention to the fact that in nearly every paragraph of the Chicago platform we pledged ourselves as a party and as individually to the reduction of tariff taxes, and we especially pledged the continuance of internal-revenue taxes, in connection with the payment of pensions first, and then to be paid into the Treasury.

Mr. DANIEL. Will the gentleman allow me to ask him a question?

Mr. MORRISON. Certainly.

Mr. DANIEL. What were the "war taxes" referred to in the Chicago platform that, in the judgment of the Democratic party, ought to be abolished?

Mr. MORRISON. War taxes are both internal and tariff taxes. Nearly one-half of the customs or tariff taxes we are paying to-day are taxes which were added to the Morrill tariff, passed the last day of Buchanan's administration.

Mr. REID, of North Carolina. May I interrupt the gentleman from Illinois for a suggestion?

Mr. MORRISON. I will yield to the gentleman, although my time is very short.

Mr. REID, of North Carolina. I ask the gentleman if the Chicago platform did not state that—

> The system of direct taxation known as internal revenue is a war tax.

And further this language:

> We denounce the Republican party for having failed to relieve the people from crushing war taxes.

[Laughter and applause.]

Mr. MORRISON. Certainly that is true. I have just said in reply to the gentleman from Virginia that war taxes were and still are both internal and tariff taxes.

The internal-revenue taxes, which yielded three-fourths of the entire revenue derived from that source when internal taxes were highest, have been repealed, and the internal-revenue tax which yielded then the one-fourth has been continued. They are not so crushing. The war taxes that were put on the tariff or the custom duties, aside from that upon tea and coffee, substantially remain still crushing to-day, and in nearly every line of the platform we promised reduction, and we are bound to do it by everything that binds honorable men.

Now, the gentleman from Pennsylvania says, notwithstanding we promised reduction and he wants to keep faith and the pledges made in the platform, yet he will not vote to consider a bill unless it gives an opportunity for doing that which he pledged himself not do—repeal internal revenue. He knows further that the platform declares that in the reduction of taxes with our system we can get revenue from a less number of articles. That pledged us to something on the free-list and to get our revenue from fewer articles. And now I will wait to hear from the gentleman from Pennsylvania what it is he is willing to put on the untaxed list that we may have fewer taxed articles.

Mr. RANDALL. May I ask the gentleman a question?

Mr. MORRISON. Without answering mine. Certainly.

Mr. RANDALL. Do you think that Mr. Cleveland would have been elected President if that convention had declared for free raw wool?

Mr. MORRISON. I think that Mr. Cleveland would have gotten more votes than he did with a specific promise of untaxed wool. He did not carry Ohio, nor California, and he did not carry Pennsylvania by 80,000 votes, and he would not have carried either of those States if we had promised to put the tariff mountain-high on wool. And he would have carried the great wool-growing State of Texas and all the States he did carry with a pledge of untaxed wool.

Again I repeat, that if the gentleman from Pennsylvania continues in his refusal to vote on a bill to redeem his pledges of tax reduction until he is given an opportunity to violate his pledges by a reduction of internal taxes he may never vote at all on the subject, which all his actions show he is disinclined to do. Not all the gentlemen who voted to consider the tariff bill favor all its provisions, but this bill brought, or would bring, the whole question of tariff-tax reduction under consideration, and would have afforded every man an opportunity for keeping or trying to keep his pledges and promises. None of us can keep faith or pledges without consideration of the subject in some bill, and the gentlemen who have refused to consider the bill and the subject are chargeable with a faithless disregard of promises with a purpose to continue taxes as they are.

Mr. CANNON. Will the gentleman allow me a question?

Mr. MORRISON. Yes, sir.

Mr. CANNON. If the mere proposition to adopt this rule creates so much confusion on your side, what would be the result if on a pension bill you attempted to pass a tariff bill?

Mr. MORRISON. If you will quit your illicit intercourse with our friends on this side this pension matter as well as the tariff reduction will go through and all our pledges will be kept. But so long as you

insist on coming to our side and getting some of the men elected on our side, and with the same pledges we gave, to help you and prevent the reduction of taxation, there is likely to be some confusion. And then you reproach us—what did some of you say a short time ago about fairness!

Mr. REED, of Maine. We do not reproach you. We think it is the highest compliment we can pay you to say that some of you have deserted the Democratic party.

Mr. MORRISON. That compliment is not mine. How much time have I remaining?

The SPEAKER. Six minutes.

Mr. MORRISON. Something was said by the gentleman from Ohio [Mr. McKINLEY] about a lack of honesty in this proposition, which could only be answered by a word not parliamentary. Some of those on the other side of the Hall, who professedly believe themselves the especial and only friends of the soldier, and who assume to find something unfriendly in a proposition for his especial benefit, have dealt freely in the words indirection, fraud.

All the fraud, indirection, all that is in it, good or bad, is mine. But I decline to exchange epithets with you who assume to discover here anything with which an honest man can find fault. Gentlemen, I have no fears that any honest man in this House or this country will question or suspect my motives on this subject or any other. [Applause.] Go on, gentlemen; you are welcome to make all you can out of such words or epithets when applied to anything I have done or am trying to do.

A word more about this proposition. If the arrears of pensions are to be granted, you know, gentlemen, that we have not the money to pay them, do you not, no matter whether we make the proposed tax reduction or not? The gentleman from Ohio sought to make a point by suggesting that we first offered to reduce taxes, and now we propose to increase them within the next few days. If we do not make the reduction proposed in the tariff bill, still we have not the money to meet the requirements of the arrears bill. This we all do know.

When the arrears bill is passed the Commissioner estimates $75,000,000 as the sum required the first year.

Now, will anybody who has any information on the subject and manhood enough to tell the truth say that we will have the $75,000,000 with which to meet the first year's payment? One at least, and I believe others of you, promise or predict that we will not have money enough to meet the ordinary expenses of government by $14,000,000.

Mr. HISCOCK. Don't you believe it?

Mr. MORRISON. I do not. I reported a joint resolution to take some of the money out of the Treasury, and you signed a paper, a minority report, to keep it there, and you will not let us have that to pay pensions.

Mr. HISCOCK. I signed a paper protesting, in the line of the letter of the Secretary of the Treasury speaking for this Democratic administration, against reducing the amount in the Treasury to so low a point as you propose.

Mr. MORRISON. Yes, but you reported to keep it all the same.

Mr. REED, of Maine. And the gentleman from New York [Mr. HEWITT] also.

Mr. HISCOCK. I have the authority in dissenting from your report of having the same views expressed by the President of the United States and his Secretary of the Treasury.

Mr. MORRISON. No matter whose company you are in, if the money stays in the Treasury it will not pay pensions.

Mr. McKINLEY. And in addition to the recommendation of the Secretary of the Treasury we have the report of the gentleman from New York [Mr. HEWITT].

Mr. MORRISON. Yes, that is all true; you may be in very good Democratic company, and yet money kept in the Treasury will not pay arrears. How can you pay the pensions with the money you are obliged to keep in the Treasury?

Mr. HISCOCK. You should take the administration to task as to that.

Mr. MORRISON. Oh, no; not in this connection, because the administration does not propose to keep money in the Treasury and grant pensions that could only be paid by taking it out, and yet refuse to provide other necessary means of payment.

I want to say in conclusion this resolution makes or enforces no amendment, it lays no tax, but it enables the House of Representatives, if it sees fit, to take this method of raising money to pay any pensions which justice to the soldier requires it to grant whenever the amount is so large that the ordinary revenues are not equal to the payment of pensions granted. This is in the especial interest of the pensioner and in the line of our promises to him at Chicago, because all the ordinary revenues, including that received from internal taxes, may be taken in paying the annual pension-roll of $75,000,000 and the ordinary expenses of administration necessary to good government. This is the only safe and best guarantee the arrears pensioner can have; for if he went unpaid until taxes in the ordinary way were raised by bill from the Ways and Means Committee his professed friends here might refuse to consider it, and his claims be further delayed.

Mr. MORRISON. I move the previous question.

Mr. REED, of Maine. I move to lay the resolution on the table, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 139, not voting 55; as follows:

YEAS—127.

Adams, G. E.	Fleeger,	Markham,	Seney,
Allen, C. H.	Fuller,	McComas,	Sessions,
Anderson, J. A.	Gallinger,	McKenna,	Smalls,
Atkinson,	Gilfillan,	McKinley,	Spooner,
Baker,	Goff,	Millard,	Stahlnecker,
Beach,	Grout,	Milliken,	Steele,
Bingham,	Guenther,	Moffatt,	Stephenson,
Bliss,	Harmer,	Morrill,	Stewart, J. W.
Bound,	Hayden,	Morrow,	Stone, E. F.
Boutelle,	Henderson, D. B.	Negley,	Strait,
Brown, C. E.	Henderson, T. J.	Nelson,	Struble,
Brown, W. W.	Hepburn,	O'Donnell,	Swinburne,
Brumm,	Hiestand,	O'Hara,	Symes,
Buck,	Hires,	O'Neill, Charles	Taylor, E. B.
Burrows,	Hiscock,	Osborne,	Taylor, I. H.
Campbell, Felix	Holmes,	Owen,	Taylor, Zach.
Campbell, J. M.	Hopkins,	Parker,	Thomas, O. B.
Campbell, T. J.	Houk,	Payne,	Thompson,
Cannon,	Jackson,	Payson,	Townshend,
Caswell,	Johnston, J. T.	Perkins,	Van Schaick,
Conger,	Kelley,	Pettibone,	Wadsworth,
Cutcheon,	Ketcham,	Phelps,	Wait,
Davenport,	La Follette,	Pirce,	Warner, William
Davis,	Laird,	Plumb,	Weaver, A. J.
Dingley,	Lehlbach,	Price,	Weaver, J. B.
Dowdney,	Libbey,	Reed, T. B.	Weber,
Dunham,	Lindsley,	Rockwell,	West,
Ely,	Little,	Romeis,	White, Milo
Evans,	Long,	Rowell,	Whiting,
Everhart,	Louttit,	Ryan,	Woodburn,
Farquhar,	Lyman,	Sawyer,	Worthington.
Felton,	Mahoney,	Scranton,	

NAYS—139.

Adams, J. J.	Davidson, R. H. M.	Kleiner,	Rogers,
Allen, J. M.	Dibble,	Laffoon,	Sadler,;
Ballentine,	Dockery,	Lanham,	Sayers,
Barbour,	Dougherty,	Le Fevre,	Seymour,
Barnes,	Dunn,	Lovering,	Singleton,
Barry,	Ellsberry,	Lowry,	Skinner,
Belmont,	Ermentrout,	Martin,	Sowden,
Blanchard,	Fisher,	Matson,	Springer,
Bland,	Foran,	Maybury,	Stewart, Charles
Blount,	Forney,	McAdoo,	St. Martin,
Boyle,	Frederick,	McCreary,	Stone, W. J., Ky.
Bragg,	Gay,	McMillin,	Stone, W. J., Mo.
Breckinridge, C. R.	Geddes,	McRae,	Storm,
Breckinridge, W. C. P.	Gibson, C. H.	Merriman,	Swope,
Burnes,	Glass,	Miller,	Tarsney,
Bynum,	Green, R. S.	Mills,	Taulbee,
Caldwell,	Green, W. J.	Mitchell,	Taylor, J. M.
Campbell, J. E.	Hall,	Morgan,	Tillman,
Candler,	Halsell,	Morrison,	Trigg,
Carleton,	Hammond,	Muller,	Tucker,
Clardy,	Harris,	Neal,	Turner,
Cobb,	Hatch,	Neece,	Van Eaton,
Collins,	Hemphill,	Norwood,	Viele,
Compton,	Henderson, J. S.	Oates,	Wallace,
Comstock,	Henley,	Outhwaite,	Ward, J. H.
Cowles,	Herbert,	Peel,	Ward, T. B.
Cox,	Hewitt,	Perry,	Warner, A. J.
Crain,	Holman,	Pidcock,	Wellborn,
Crisp,	Howard,	Randall,	Wheeler,
Croxton,	Hudd,	Reagan,	Willis,
Culberson,	Hutton,	Reid, J. W.	Wilson,
Curtin,	Irion,	Reese,	Winans,
Daniel,	Johnston, T. D.	Richardson,	Wise,
Dargan,	Jones, J. H.	Riggs,	Wolford,
Davidson, A. C.	King,	Robertson,	

NOT VOTING—57.

Aiken,	Cole,	Heard,	Ranney,
Anderson, C. M.	Cooper,	Hermann,	Rice,
Arnot,	Dawson,	Hill,	Scott,
Barksdale,	Dorsey,	Hitt,	Shaw,
Bayne,	Eden,	James,	Snyder,
Bennett,	Eldredge,	Johnson, F. A.	Spriggs,
Brady,	Findlay,	Jones, J. T.	Thomas, J. R.
Browne, T. M.	Ford,	Landes,	Throckmorton,
Buchanan,	Funston,	Lawler,	Wade,
Bunnell,	Gibson, Eustace	Lore,	Wakefield,
Burleigh,	Glover,	Murphy,	White, A. C.
Butterworth,	Grosvenor,	O'Ferrall,	Wilkins.
Cabell,	Hale,	O'Neill, J. J.	
Catchings,	Hanback,	Peters,	
Clements,	Haynes,	Pindar,	

So the motion to lay on the table was not agreed to.

Mr. LONG. I ask unanimous consent that the reading of the names of the members voting be dispensed with.

Mr. BRUMM and others objected.

The following-named members were announced as paired until further notice:

Mr. HEARD with Mr. WADE.

Mr. EDEN with Mr. PETTIBONE.

Mr. O'FERRALL with Mr. HERMANN.

Mr. ARNOT with Mr. COOPER.

Mr. BENNETT with Mr. FUNSTON.

Mr. WILKINS with Mr. JOHNSON, of New York.

Mr. DAWSON with Mr. BUCHANAN.

Mr. HILL with Mr. RICE.
Mr. O'NEILL, of Missouri, with Mr. BAYNE.
Mr. COLE with Mr. BRADY.
Mr. CLEMENTS with Mr. BUNNELL.
Mr. CABELL with Mr. CAMPBELL, of Pennsylvania.
Mr. LANDES with Mr. HANBACK.
Mr. BURLEIGH with Mr. JONES, of Alabama.
Mr. BURLEIGH would vote "ay;" Mr. JONES "no."
Mr. ELDREDGE with Mr. WHITE, of Pennsylvania.
Mr. GROSVENOR with Mr. GIBSON, of West Virginia.
The following-named members were announced as paired for this day:
Mr. SPRIGGS with Mr. PETERS.
Mr. PINDAR with Mr. DORSEY.
Mr. ANDERSON, of Ohio, with Mr. HAYNES.
Mr. FORNEY with Mr. BUTTERWORTH.
Mr. LAWLER and Mr. BROWNE, of Indiana, were announced as paired on this vote.
The result of the vote was then announced as above recorded.
Mr. REED, of Maine. I move that the House do now adjourn.
Mr. SPRINGER. Let us pass this first. It will take only a minute. [Laughter.]
The question was taken on the motion to adjourn, and the Speaker declared that the noes seemed to have it.
Mr. BRUMM. I ask for a division.
The House divided; and there were—ayes 83, noes 113.
Mr. REED, of Maine. I demand tellers.
Tellers were ordered; and the Speaker appointed Mr. REED, of Maine, and Mr. MORRISON. Before the count was completed, the hour of 5 o'clock p. m. having arrived, the House adjourned. [Applause on the Republican side.]

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARNES: Petition of John S. E. Crawford, of Jefferson County, Georgia, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BINGHAM: Petition of the owners of the schooner James L. Maloy—to the Committee on Claims.

Also, memorial in the claim of the owners of the schooner Mary G. Farr—to the same committee.

By Mr. FORD: Petition of Nicholas Arch and 133 others, of Elkhart County, Indiana, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. HEMPHILL: Papers relating to the claim of George Hill, jr.—to the Committee on War Claims.

By Mr. J. S. HENDERSON: Petition of M. D. Howard, of Yadkin County, and of Lucy D. Douthit, widow of E. J. Douthit, of Davie County, North Carolina, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. T. J. HENDERSON: Petition of Emma Sanger, Josiah Little, and others, citizens of Amboy, Ill., praying that a pension be granted to Louis H. Sanger—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of James Peattie and 105 others, citizens of Matteawan, N. Y., for the passage of an act granting a pension of $8 per month to all surviving soldiers, sailors, and marines of the late war who served sixty days—to the same committee.

By Mr. LITTLE: Petition of citizens of Springfield, Ohio, asking that a pension be granted to Mrs. Sarah Baker—to the same committee.

By Mr. McCOMAS: Petition and claim of Devolt Stottlineger, of Washington County, Maryland, for payment of his war claim—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Petition of physicians, and other prominent citizens of Philadelphia, asking that an appropriation be made for continuing the National Board of Health—to the Committee on Appropriations.

By Mr. PERRY: Papers relating to the claim of Elizabeth Singleton, of Pickens County; and of Ballard D. Dean, of Anderson County, South Carolina—to the Committee on War Claims.

By Mr. PIRCE: Petition of William O. Crandall for original invalid pension—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of E. B. Wade for difference of pay received by him, and that of reading clerk, from May 17, to June 13, 1886, inclusive—to the Committee on Appropriations.

By Mr. SENEY: Petition of F. M. Kelly and 33 others, ex-soldiers and citizens of Seneca County, Ohio, praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. TUCKER: Papers relating to the claim of John R. Buchanan, of Augusta County, Virginia—to the Committee on War Claims.

By Mr. VAN EATON: Papers relating to the claim of Henry Badon, of Pike County; of Jacob Peebles, of Maria P. Crizen, of Lyman D. Aldrich, of Adams County; of William L. Nugent, administrator of Mrs. E. A. Dunn, deceased, of Washington County; and of Martha Crane, of Claiborne County, Mississippi—to the same committee.

SENATE.

WEDNESDAY, *June* 23, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. BUTLER and by unanimous consent, its further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation from the Supervising Architect of the Treasury that an appropriation of $96,000 be made for the ventilation of the Treasury building; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 21st instant, a report from the Commissioner of Indian Affairs explanatory of the delay in answering the resolution of May 10, 1886, relative to licenses of Indian traders, &c.; which was read.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed.

Mr. PLATT. Should not the communication be referred to the select committee on that subject?

The PRESIDENT *pro tempore*. The communication will be referred to the Select Committee on Indian Traders.

Mr. BUTLER. I ask that the papers accompanying the communication be printed.

The PRESIDENT *pro tempore*. It will be so ordered.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents petitions of a large number of judges and lawyers of different States, praying Congress to provide a Federal code of procedure. The petitions will be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore* presented the petition of Joseph Schneider, late a private in Company B, One hundred and fourteenth Ohio Volunteer Infantry, praying that he be allowed arrears of pension; which was referred to the Committee on Pensions.

He also presented a petition of 54 citizens of New Concord, Ohio, praying for the passage of the bill to tax imitation butter; which was referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The Chair also presents a petition of 30 prominent citizens of Ohio, praying for the passage of laws to enforce section 3328 of the Revised Statutes, taxing imitation and spurious wines. The petition will be referred to the Committee on Finance.

Mr. CALL presented a petition of citizens of Key West, Fla., praying for the extension of the land grant to the Florida Railway and Navigation Company; which was referred to the Committee on Public Lands.

He also presented a petition of merchants of Washington city, D. C., praying for the passage of Senate bill for the payment of John Pope Hodnett for services rendered as counsel to the workingmen of the District of Columbia; which was referred to the Committee on Appropriations.

Mr. FRYE presented resolutions adopted by Pomona Grange, Patrons of Husbandry, Kennebec County, Maine, favoring the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented the petition of D. G. McCullough and other citizens of Altoona, Pa., praying for the passage of the bill imposing a tax on imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented the petition of Mrs. S. L. Baldwin, of Chelsea, Mass., praying that she be granted leave to introduce a Chinese domestic; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 2053) for the relief of Rachael J. Floyd, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 2616) for the relief of M. W. Locke, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom the subject was referred, reported a bill (S. 2727) to authorize the Postmaster-General to lease premises for the use of post-offices of the first, second, and third classes; which was read twice by its title.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2551) granting an increase of pension to Thomas B. Shaw; and

A bill (S. 1051) granting a pension to L. A. Clark.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, with the accompanying document.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted a report thereon:

A bill (S. 2660) granting a pension to Annie E. Gardiner; and

A bill (S. 757) granting a pension to Helen Plunkett.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 7513) granting a pension to Katharina Nickert, reported it without amendment, and submitted a report thereon.

INSPECTION OF STEAM-VESSELS.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2719) to amend the laws relating to inspection of steam-vessels, to report it without amendment; and I ask for its present consideration.

Mr. BUTLER. What is the exigency?

Mr. FRYE. It is in answer to a recommendation of the President, and it ought to be passed by both Houses at once.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That on and after July 1, 1886, the fees of United States marshals and witnesses for services under the steamboat-inspection laws, the compensation of clerks to steamboat inspectors, and all other expenses of steamboat inspectors provided for in section 4461 of the Revised Statutes shall be paid for under the direction of the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated, instead of from funds heretofore collected from the inspection of steam-vessels and the licensing of the officers of such vessels.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FRYE. The vessel-owners of the country are under obligations to the President for returning the bill known as the shipping bill with his approval, and with a recommendation for supplementary legislation. Congress ought certainly to provide for that supplementary legislation, and this bill, which has been reported by the Committee on Commerce, does so.

The bill I refer to repeals certain fees. The law which provides for inspection by steamboat inspectors in certain cases of collision and also in certain cases of neglect of inspectors provides for summoning witnesses and for the payment of marshals for that purpose to be paid out of the funds arising from the fees collected. The fees have been repealed. That leaves no fund for the payment, and this bill simply provides that those expenses shall be paid out of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

B. S. JAMES.

Mr. COLQUITT. I am directed by the Committee on Post-Offices and Post-Roads to report favorably, without amendment, the bill (S. 1042) to pay B. S. James for transporting the United States mails.

Mr. BUTLER. I should be very glad if that bill could be considered now. It is a very small matter and has been reported on favorably by the Committee on Post-Offices and Post-Roads two or three times. The man has written to me repeatedly in regard to his bill, and I should be very glad to have it passed and sent to the other House.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent for the consideration of the bill at this time. It will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay B. S. James, out of any moneys in the Treasury not otherwise appropriated, such sum, not exceeding $408.03, as shall, upon reference to the proper accounting officers, be found justly due and payable to him for transportation of the mails over route numbered 5610 in the years 1869 and 1870.

Mr. BUTLER. I ask for its immediate consideration. It is a small matter.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. RIDDLEBERGER introduced a bill (S. 2728) granting a pension to George Fields; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRISON introduced a bill (S. 2729) granting a pension to Sophronia Horton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2730) granting a pension to Elizabeth S. De Kraft; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 2395) to authorize and empower the Union Pacific Railroad to construct branch roads; which was ordered to lie on the table and be printed.

STATUTES HELD TO BE UNCONSTITUTIONAL.

Mr. GEORGE submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be instructed to report a bill repealing all statutes or parts of statutes which have been held unconstitutional by the Supreme Court of the United States.

DIGEST OF STATUTES.

Mr. GEORGE submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Judiciary Committee be instructed to report a bill for a general digest and index of all the statutes of the United States up to and including the statutes passed during the present Congress.

LOUISVILLE AND PORTLAND CANAL.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to inform the Senate, as soon as is practicable, whether any permission was given by any officer of his Department to the Kentucky and Indiana Bridge Company or to any other person or corporation in Louisville to make use of any portion of the lands of the Louisville and Portland Canal; also the name of the officer giving such permission, if it has been given, and his authority for his action.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its disagreement to the first, second, third, fourth, seventh, eighth, ninth, tenth, eleventh, and twelfth amendments of the Senate to the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes, insisted upon by the Senate; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. BELMONT, Mr. COX, and Mr. HITT the conferees on the part of the House.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANDERSON, of Ohio, Mr. HOUK, and Mr. LAIRD the conferees on the part of the Senate.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7650) to remove the political disabilities of J. G. Flournoy, of Mississippi; and

A bill (H. R. 7364) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late Mrs. Harriet B. Lehman.

RAILROAD ATTORNEYS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is in order.

Mr. HAWLEY. Senate bill 2578 was under consideration yesterday when the hour of 2 o'clock arrived. Is not that in order now?

The PRESIDENT *pro tempore*. It is in order.

Mr. BUTLER. Is that the order of business this morning?

The PRESIDENT *pro tempore*. The Calendar is in order, and the Senator from Connecticut [Mr. HAWLEY] is recognized.

Mr. BUTLER. It seems to me that the railroad attorneys' bill has come up and prized out of its place the Cinnabar and Clark's Fork Railroad bill, which has been under consideration one day, and which I submit ought to be concluded one way or the other. I can not consent to the bill referred to by the Senator from Connecticut coming up morning after morning. I therefore object to its consideration.

The PRESIDENT *pro tempore*. The motion of the Senator from Connecticut is in order. It is for the Senate to determine whether they will take up the bill or not. The question is on proceeding to the consideration of the bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. BUTLER. Before the question is put I should like to inquire of the Senator from Kentucky [Mr. BECK] what time he thinks will be occupied in the discussion of the bill.

Mr. BECK. I have only to say that I consented that the motion to reconsider should be made debatable. Then the Committee on Rules

changed the rule so as to make such a motion debatable. I spoke half an hour yesterday, and I had the floor when the hour of 2 o'clock arrived. I am content now, so far as I am concerned, to say no more and to stand upon what I said yesterday rather than to cause any delay. Beyond that I can promise nothing.

Mr. BUTLER. I simply desire to state that the bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company was under consideration day before yesterday, and I can not understand why the right of way should be given to the bill now called up. The Cinnabar and Clark's Fork Railroad bill is a matter of just as much importance, and of a great deal more importance, it seems to me.

Mr. BECK. If the Senator will allow me to say another word, I will state that the bill which it is proposed to take up is a bill that has passed the Senate.

The PRESIDENT *pro tempore*. The Chair must remind the Senator that the motion is not debatable.

Mr. BECK. A motion to reconsider is not technically a privileged motion, but it is in the nature of a privileged motion at least. Such motions are privileged at the other end of the Capitol, and they ought to be so everywhere.

Mr. BUTLER. I do not know that the railroad attorneys' bill has any special privilege over any other bill on the Calendar, and I shall object to its being taken up now as far as I can. I hope the Senate will vote down the motion and take up the Cinnabar and Clark's Fork Railroad bill.

Mr. HAWLEY. I hope the Senate will proceed to the consideration of the matter in hand yesterday and finish it.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Connecticut [Mr. HAWLEY] to proceed to the consideration of Senate bill 2578.

Mr. TELLER. I do not believe that the question is understood. Let the question be fully stated.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate proceed to the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grants of lands or pecuniary aid from the United States. The question is on agreeing to that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the pending question is on the motion of the Senator from Connecticut [Mr. HAWLEY] to reconsider the vote by which the bill was passed.

Mr. BECK. Mr. President, I stated to the Senator from South Carolina that I did not propose to occupy much, if any, more time; because in looking over the RECORD this morning I find that I made on yesterday what I consider a fair statement of the reasons which induced me to introduce the bill which we are now asked to reconsider, and the reasons which I think induced the Senate upon a call of the yeas and nays first to refuse to refer it, and again, on a call of the yeas and nays, to pass it by a vote of 37 to 11. I do not desire to occupy any time at this late day of the session by making further remarks upon it, but I desire now to say what I find by looking over my memoranda I had started to say on yesterday when the hour of 2 o'clock cut me off, so that gentlemen who propose to answer me may have their attention called to all the facts on which I rely, that there are other provisions of the Revised Statutes which bear so directly upon the proposition now pending, and upon the great questions in which land-grant railroad companies are involved, that I think I ought to call attention to them as additional reasons why the bill we passed should not be reconsidered, and why the action of the Senate as heretofore taken should stand, and not be sent to an avowedly hostile committee.

Those railroads are required by their charters and acts and resolutions of Congress construing their charters to transport the munitions of war and troops of the United States free of charge, and yet it has been managed so that the construction has been given to the statutes and the charters that the companies are only required to allow us to use their roads so as to permit us to put on our own locomotives and our own cars upon them and do our own hauling, which is, in my opinion, a clear perversion of the spirit and intent of the law. I think that is a clear perversion of the meaning of the statute. When that question comes to be argued, even if the conclusions of the courts are controverted, as they will and ought to be, for they do not bind us, I do not want any attorney of the roads to argue their cases on this floor, concealing the fact that he is their attorney. I propose to make it impossible that any one who has an interest as an attorney with a retainer or a fee from any of these railroad companies shall be part of the legislative body when these great questions are argued and decided. They involve millions of dollars to the tax-payers of the United States, and I insist that members of Congress shall not be employed to appear in the courts of the United States against the people of the United States when these great questions come to be again adjudicated, as I hope they will be, as they involve all the questions relating to the compensation to land-grant roads for the transportation of munitions of war, troops, and everything needed in war that the United States has to transport over them, and which everybody believed we were to have transported free when their charters, subsidies, and land grants were given.

But I must hurry on. Section 5256 of the Revised Statutes provides in regard to the Union Pacific Railway and other railroads as follows:

SEC. 5256. The books, records, correspondence, and all other documents of the Union Pacific Railroad Company shall at all times be open to inspection by the Secretary of the Treasury, or such persons as he may delegate for that purpose. The laws of the United States providing for proceedings in bankruptcy shall not be held to apply to said corporation. No dividend shall hereafter be made by said company but from the actual net earnings thereof; and no new stock shall be issued or mortgages or pledges made on the property or future earnings of the company without leave of Congress, except for the purpose of funding and securing debt now existing, or the renewals thereof. No director or officer of said road shall hereafter be interested, directly or indirectly, in any contract therewith except for his lawful compensation as such officer. Any director or officer who shall pay or declare, or aid in paying or declaring, any dividend, or creating any mortgage or pledge prohibited by this act, shall be punished by imprisonment not exceeding two years, and by fine not exceeding $5,000.

Section 5259 provides:

SEC. 5259. Whenever, in any grant of land or other subsidies, made or hereafter to be made, to railroads or other corporations, the United States has reserved the right, or shall reserve it, to appoint directors, engineers, commissioners, or other agents to examine the roads, or act in conjunction with other officers of such company or companies, all the costs, charges, and pay of such directors, engineers, commissioners, or agents shall be paid by the respective companies. Such directors, engineers, commissioners, or agents shall be paid for such services the sum of $10 per day, for each and every day actually and necessarily employed, and 10 cents per mile for each and every mile actually and necessarily traveled, in discharging the duties required of them, which per diem and mileage shall be in full compensation for such services. In case any company shall refuse or neglect to make such payments, no more patents for lands or other subsidies shall be issued to such company until these requirements are complied with.

I desire, gentlemen, to consider these provisions in connection with what I said on yesterday in regard to carrying the mails and as to our right to have mails, troops, and munitions of war transported. It will be observed that by these sections we retain the right to provide that they shall not declare dividends to private stockholders from earnings, and shall not issue new stock or make mortgages until the United States is secured. These considerations ought to require every gentelman in both Houses of Congress to be absolutely free from any entanglement or complication with these great roads when such great public questions as these are before Congress for consideration. Common justice requires that public men shall be the representatives of the people when these railroads have millions, and perhaps hundreds of millions, involved in controversies between them and the tax-payers of the United States. Surely, when such great questions and interests are at stake in regard to the subsidies to the Union and Central Pacific roads and in regard to the land grant of the Northern Pacific and other roads, we should provide that members of Congress shall not act as their attorneys, and shall not be employed by them on any pretense so as to make them lean, either in Congress or in the courts, to their side, because these roads are their clients. The relation of attorney and client is as inconsistent, as prejudicial to public morals, as much in contravention of public policy, as it would be for a judge to have the money of one litigant in his pocket as retained counsel when he was deciding a case between him and a penniless opponent.

It has been suggested to me, and I think it was suggested yesterday in the opening argument of the Senator from Connecticut, that there was somebody I was attempting to injure by this measure. I denied it on yesterday and I deny it again. I said, in view of the statutes which have been passed in regard to other and far less important matters, the only object I have in view is to let the country understand and to enable members of both Houses to say that they are not under any pecuniary obligation, as attorneys or otherwise, to any of the land-grant or subsidized railroads whose interests, duties, and obligations are being considered, and to point to the law which makes that relation impossible for any gentleman to occupy.

An amendment was suggested yesterday by the Senator from Oregon [Mr. MITCHELL]. I knew then and I know now that if a reconsideration is had it is the last we will ever hear of this bill. Gentlemen in their zeal to defeat the measure profess to desire to carry their amendments to a point where they know it is impossible to pass any bill and where they believe it would not be right to have legislation affecting members of Congress. I will read the amendment proposed by the Senator from Oregon as illustrating what I mean. It reads as follows:

Or from any bank or other corporation, or officer or agent thereof, which obtained its charter or any pecuniary aid from the United States; or from any corporation or company, its officer or agent, engaged in the business of interstate commerce, by land or water, or in the business of any interstate transportation, or in the transportation of United States mails; or from any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country, any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied—

If that is not taking a lick at creation I do not know the meaning of the phrase—

by any act of Congress; or from any corporation, company, or person, its officer or agent, engaged in the manufacture, production, consumption, or sale of butter, oleomargarine, tobacco, whisky, or wines, or any other product or article whatsoever in any manner now taxable or subject to taxation by any act of Congress; or of any company, firm, corporation, or person, its officer or agent, engaged in raising milch-cows, or beef-cattle, or hogs, or in the manufacture or sale of butter, or of the oleo oil from which is manufactured oleomargarine.

I have often read the old fable of the fox whose tail was cut off advising every other fox to have his tail cut off as a useless appendage be-

cause his was gone. I think that illustrates the meaning of the amendment suggested by the Senator from Oregon. It would be as pertinent a suggestion in the face of a great proposition such as we are considering now in regard to the attorneys for these land-grant roads and the difficult questions we have to deal with in regard to their rights and obligations as the trifling amendment suggested that no member of Congress shall represent anybody in any case in any court who owns a milch-cow, as that might affect the butter question. It would be as reasonable to provide that because we punish a man who kills a human being with malice aforethought as a murderer and hang him by the neck until he is dead, we must punish in the same way a man who willfully destroys the life of any of God's creatures—for example, one who willfully kills a mouse. There are sentimental gentlemen who might take that view; I have read in poetry—Shakespeare himself said it:

> And the poor beetle, that we tread upon,
> In corporal sufferance finds a pang as great
> As when a giant dies.

I suppose the amendment is meant to illustrate the *reductio ad absurdum*. If it is right to say that the attorneys of these great roads, with whom we have these great questions, shall not occupy seats in either House of Congress, although they may have had the right heretofore, let us say so. When any other bill seeking to extend the prohibition comes up, it can receive the consideration to which it is entitled; but because everything can not be done at once there should not be an effort to belittle it and break it down, and to propose that men shall not occupy seats in Congress who are attorneys for a man who owns a milch-cow or a hog. That is trifling with the question.

I do not know that I have anything more to say. As to the suggestion that I am pressing this measure unjustly or improperly, without a fair chance for consideration, I can only repeat that the bill is only ten lines long. It contains a single proposition. It lay printed on the tables of Senators for ten days. It was called up after due notice given four days in advance. The yeas and nays were called upon the question of reference. I announced then that I did not care to argue it, it was so plain upon its face, unless some other gentleman did. Others did not; and when the yeas and nays were again called so as to call attention to it most emphatically, a thing that very seldom happens in regard to any bill, thirty-seven Senators voted for it and eleven against it, with full knowledge of the purpose, meaning, and effect of its provision. Every one of the thirty-seven Senators who voted for the bill insulted the Senate, if any insult was given, as much as I did. They did not vote in the dark. They knew what it meant. There can be no misunderstanding about it; and if they feel aggrieved, they are themselves guilty of perpetrating the wrong on themselves and others.

I presented it, as I had a right to do. I laid it upon the table, and announced when it was laid upon the table that no committee could throw any light upon it, and gave notice four days in advance that I would call it up when I did; therefore the pretense of surprise or undue haste is absurd. Crimination and recrimination had been going on. Suggestion after suggestion was made by other Senators, not by me, that men in Congress were interested as attorneys for these roads, until the country began to believe that some of us were. I thought it was fair to relieve every member of Congress from any imputation of that sort by the passage of a law making the relations of attorney and client impossible in regard to land-grant or subsidized railroads.

I desire to say as to gentlemen who have been the attorneys of those roads and who are the attorneys of those roads now, if there are any such, that I make no reflection upon them. They have a right to be railroad attorneys, as the law now stands, but I think the law ought to be changed, and I think they ought to be willing to consent to it themselves, in order that those great questions may be considered by the representatives of the people of the United States in the two Houses of Congress on the one side, with lawyers in no way connected with the Government on the other, and thus avoid all scandal as to the want of fairness and impartiality in the consideration of questions in which land-grant and subsidized railroads are interested, especially as millions of dollars and millions of acres of public land are involved in the controversy.

Mr. TELLER obtained the floor.

Mr. MITCHELL, of Oregon. May I ask the Senator from Kentucky one question, simply, now, before the Senator from Colorado proceeds?

Mr. BECK. Certainly.

Mr. MITCHELL, of Oregon. The question is this: Is there not the same propriety, I will ask the Senator from Kentucky, in prohibiting a member of Congress from being retained by a corporation or company engaged in the business of interstate commerce in this country that there would be in prohibiting a member of Congress from being employed by a land-grant railroad company to argue a case in one of the courts of the country? If there is not the same propriety I should like to have the Senator from Kentucky point out the difference, inasmuch as in both cases the question of legislation comes before Congress.

Mr. BECK. I do not think there is anything like the same importance in the one case as in the other. Roads are engaged in interstate commerce which are under no obligation to transport our troops or munitions of war. They are under no obligations to carry our mails upon such terms as Congress may indicate. They are under no obligations not to make dividends or issue new stock until their debts to us are paid or secured. All these questions bear upon land-grant roads that do not bear upon the other roads at all.

If it is right to pass any law preventing a great scandal or prohibiting a great evil, why not pass it? If the Senator from Oregon thinks we ought to go further he can introduce a bill for that purpose. I do not know whether he is an attorney of the Northern Pacific road or not; I have been informed that he is or has been. He has a right to be. They seek the best lawyers in the country, and they have a right to them; but I think it is due to him and due to his colleagues, if he is, that he should not be so any longer.

Mr. MITCHELL, of Oregon. The object of the legislation I suppose is to prohibit members of Congress from being employed as attorneys in the courts in matters which may come before Congress for discussion and legislation.

Mr. BECK. My object is to prevent members of Congress from acting as attorneys for these land-grant roads, or to have the money of those roads in their pockets while they are transacting any public business relating to those roads in Congress, because I know that the member who is the attorney of a road is not as free to act against his client as he would be if he had no such clients.

Mr. MITCHELL, of Oregon. Does not the Senator from Kentucky know that the railroad corporations engaged in interstate commerce have been here at this session protesting against the passage of the interstate-commerce bill?

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Colorado yield further?

Mr. TELLER. I yield for a moment longer.

Mr. BECK. I have only this to say in answer to that: If they have, it is the right of the Senator to introduce another bill, which will not be interfered with by me. If he desires in good faith to pass this bill, why does he desire to embarrass it with other and doubtful questions, by providing that a man shall not appear as attorney for anybody who owns a milch-cow? He knows whether he is the attorney of any land-grant road or not. Will he be kind enough to tell us?

Mr. MITCHELL, of Oregon. I do not wish to embarrass the legislation——

The PRESIDENT *pro tempore*. The Chair must remind Senators that the Senator from Colorado [Mr. TELLER] has the floor. Does the Senator from Colorado yield?

Mr. TELLER. I yield.

Mr. BECK. The Senator knows whether he is an attorney for the Northern Pacific Railroad Company.

Mr. MITCHELL, of Oregon. I am attorney for no railroad company.

Mr. BECK. I am very glad to hear that.

Mr. MITCHELL, of Oregon. I desire the Senator from Kentucky to understand that I have never in my life, while I have been in the Senate, been employed by any railroad company to argue any case in court or out of court or to represent them in any manner. Further than that, I am not now nor have I been for over one year the attorney of any corporation or railroad company whatever. I am representing no railroad interest and no corporation interest whatever. I think that this kind of legislation is unadvisable, but I think at the same time if you propose to pass a bill on the implication that every member of Congress who is a lawyer is dishonest and the purpose of which is to make him honest, then your bill should be general, and should cover the whole case. That is what I think.

Mr. BECK. One word more. I only asked the question of the Senator to give him a chance to make the statement he has made, because it had been so said. I did not regard it as a reflection upon him, because, as I stated, the railroad companies have the right to retain the best lawyers they can select and lawyers have a right to accept their fees.

Mr. TELLER. Mr. President, I am one of the eleven Senators who voted against this bill, and I want to say to the Senator from Kentucky, and to every other Senator on this floor, and to everybody, that I owe no apology to anybody for a vote in the Senate. I have never given a vote in the Senate that I was not willing to defend at home and abroad. I have never, myself, pandered to public clamor and been compelled to cast my vote for fear somebody would impugn my motives. I have had the courage to vote as I saw fit, and I do not now make any apology for voting against this bill.

I wish to say for the benefit of the Senator from Kentucky, who seems to be exceedingly disturbed about railroad and other corporate attorneys in this body, that I am not the attorney of any land-grant railroad company nor of any other railroad company. I want to say to the Senator also that I have not been for many years the attorney of any railroad company, and so far as I am concerned I could readily submit to the passage of the bill, including the amendment of the Senator from Oregon, without practically interfering with my legal practice.

The honorable Senator says that there has been crimination and recrimination. I do not know what may have occurred at the time that he mentioned, because I was not at that time a member of this body. I do not remember, though, in the seven years that I have served in this body to have heard any recrimination of this character, save from

the Senator from Kentucky. I came into the Chamber on the day that this bill was passed by the Senate as the vote was being taken on the motion to refer it to a committee of this body. I did not even know that there was such a bill pending. I did not know the character of the bill. I knew it was a decent and orderly proceeding, that I had never seen varied from in the Senate, save it was in the case of a bill coming from the House as I recollect, to send all bills to the appropriate committees. Therefore, when I was told that the pending motion was for the reference of the bill to a committee, I voted for that reference; and when, within three minutes afterward, there came the question whether the bill should pass or not, I had had no opportunity to read it, I had had no opportunity to acquaint myself with the facts in regard to it, and I voted against the bill.

If I had acquainted myself with the facts, if I had had time for deliberation, thought, and study, with a full knowledge that but eleven men were to vote against this bill, I should have voted against it. I should have taken the chances of being placarded by demagogues in this country as anxious to serve railroad corporations before I would vote for a bill disgraceful to the American Senate and an outrage upon the most honorable profession in this country.

This bill may contain germs that are correct and proper. It may contain a correct principle. It contains a principle by which I am governed, not to engage as the attorney of anybody or of any interest that will come to this body for legislation in any shape or manner; and therefore I repeat that I am willing, if we are going into this, to go to the full extent laid down by the amendment of the Senator from Oregon. I am willing that when the tobacco interest comes here nobody shall be interested in putting upon it a tax or taking it off; I am willing when the manufacturing interests are here that nobody shall be interested in putting a tax on or taking it off if we are to go into this question at all.

Is it to be presumed that a lawyer, simply because he may have taken a fee from a corporation some time to attend to some business for it, has sold himself and can not come into the American Senate and under the obligations of his oath discharge his duty as an honorable and upright man? I believe that the legal profession as a rule can do that, and I believe that there are but few men who ever attain to the position of a member of the Senate who have not got the moral stamina to do those things.

Mr. President, this bill does not simply require that we shall refrain from doing business for a land-grant railroad company, but it goes further. It says you shall not take as a lawyer a fee from a railroad officer or railroad agent. It may be in a business entirely distinct and unconnected with legislation, but if he sustains the relation of an agent or an officer to a railroad company a Senator of the United States would have to say, "I am prohibited by law." Can the Senator from Kentucky tell me any reason why he does not extend it to the stockholders of the companies as well as to the officers and agents? Is there any end to where this thing will go if you commence it? Can he give any answer why it should not include the men who manufacture cotton cloth and woolen goods? Can he give me any reason why I should not refrain from taking a fee from the man who raises sheep and sells wool, because the wool question may come before the American Senate?

It is said that the law does not take notice of trifles, and it is beneath the dignity of the American Senate to engage in that kind of legislation. I say that, because if you commence here there is no place to stop, and you must practically declare that every man who sits upon this floor must have no business whatever in the country. I have no doubt that that would be a popular thing in this country with a certain class of men. There is a complaint now everywhere in this country that this body is filled with millionaires, with men who get their seats upon this floor not because they are entitled to them by their intelligence or by their virtue, but because they get here by devious methods. Those who make such charges are the class of men who would like to preclude an American Senator from taking any other business or doing any other business except in connection with his legislative duties.

I think that this bill ought in all order and decency to have gone to a committee, and I think it is an impugnment of the committees of this body to say that the bill would not have been reported either favorably or adversely; and the opportunity would have been given for this Senate to have voted intelligently and not hastily upon the subject. I do not complain so much of the bill as I complain of the method of procedure in connection therewith—the attempt to make it appear that this floor is occupied by the attorneys of corporations, by attorneys in their interest, who are legislating not for the country, but legislating with reference to the interests for which they have been paid.

I said that I knew when I voted just what would be said. I knew when I voted—I am at the foot of the list practically—that the bill had been passed. I knew the criticisms that would be made, and I knew that a bill of this kind invited criticism, if it was not introduced in the Senate for that purpose.

In my legislative career, which is not as long as that of the Senator from Kentucky nor as long as that of some other men here, I believe I can point to as honest votes as anybody else. I repeat that I am under no obligation to and have no connection or interest of any kind with any corporation that appears here except what every American citizen must have. I am neither connected with banks nor with corporations nor with railroads, land grant or otherwise. I have kept myself as far as possible independent and away from all such influences, and I expect to. But because I am thus independent, I am not ready to rush in and say that there are other members of this body who are not able or are not willing to pursue the course that I think every honorable Senator should, and therefore it is necessary to pass a law of this character.

Mr. President, I do not suppose there is an attorney for one of these railroads upon this floor, but if there is he has voted for the bill. If there is a man who would accept from a railroad company money and come here and vote for their interest he is the first man who rallied to the support of the bill upon the theory that the man who steals a pocket-book upon the streets is the first fellow to join in the run and shout "Stop thief!"

I am prepared to vote for any proper restriction upon the legislative department of the Government, that its members may not only be honest but that they may appear honest, that the people may have confidence in the integrity and in the virtue of their Legislature, because I understand myself that that is essential to the preservation of free government, and that it is not only necessary that the men who legislate should be honest, but that the people should believe them to be honest. But I am not ready to join in a cry to do that which is unseemly and hasty, as if there was a pressing necessity to put shackles upon members of this body and thus indorse the demagogical cry that has gone out that this is a body of corporate attorneys, that it is a body of millionaires who have no interest and no sympathy and no connection with the great mass of the American people.

I have voted against the bill. I will so vote again, at least until it has gone to a committee and come to this body in an orderly and decent manner; and then, if it commends itself to my judgment, as it might, I would vote for it.

Mr. CALL. Mr. President, I have no question of the disinterested zeal for the public service which induced the Senator from Kentucky to introduce this bill; but I regard it as a bill very hurtful to the interests of this country and the character of this body. The Constitution of the United States under which this body is organized contains these provisions:

ARTICLE I.

SEC. 3. * * * No person shall be a Senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

* * * * * * *

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own members.

* * * * * * *

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

SEC. 6. * * * They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

If they may not be questioned in any other place for their speech and debate, much more shall they not by the letter and intendment of this provision be questioned in any other place for their votes. To make them thus responsible in other places for their votes would be to subject them to the influence of such other place and deprive them of their independence as Senators and Representatives. How does it agree with the force and effect of these provisions that they shall give their votes under penalty of fine and imprisonment at the will and discretion of "another place," or other persons?

The functions imposed upon the members of this body are perhaps the most important that have ever been filled by any public body or any character of persons in the past history of the world. To the legislative branch of this Government is confided a supervision over the executive and judicial departments of the Government. The President of the United States and all his executive officers, the judges of the Supreme Court, and the entire judiciary of the United States are amenable and responsible to the members of the National Legislature. The safety of republican government and free institutions, and with them the happiness of mankind, is confided to the Senators and the Representatives in the Congress of the United States.

In this scheme of government therefore it was important that the members of this body and the other branch of the national Congress should be protected, except in so far as they were subject as citizens to the great body of the laws, from arrest and punishment in the performance of their duties against the judicial department of the Government. They were exempted by the express provision of the Constitution, and it was not fit nor proper that the body alone to whom was confided the suspension and removal of the Executive of the United States and the judges of the Supreme Court should be amenable for offenses arising in the discharge of their legislative duties, and over which they had themselves control, to arrest and punishment and disgrace by the judges or a single judge—that members of this body to whom he was amenable and responsible should for every trivial offense be held subject to his power.

If there is danger, as doubtless there will be in the history of this Government, as there was supposed to be by those who formed the

Constitution, of some attempt to subvert the liberties of the people, it will come from the judicial and executive departments of the Government and a combination between them. It may come from a system of laws which will subject the members of this body entirely to the power and control of the judicial department of the Government for the manner in which they perform their public official duties here. And the bill of the Senator from Kentucky in effect declares, contrary to the provisions of the Constitution, which say that we shall not be responsible for our legislative action to any one except ourselves and the people, that we shall be responsible for the manner in which we perform our Senatorial and Congressional duties, not to this body, not to each House of Congress, not to the people, but under criminal laws to a single judge of the United States courts, and in that respect it is an entire subversion of our whole scheme of government.

That is the first objection I have to the bill of the Senator from Kentucky. It proposes that Senators shall be indicted, tried, and punished. For what? For a crime? For something that is wrong in itself? A Senator is to be indicted, tried upon evidence the validity of which is decided by one man alone, for accepting a retainer from a railroad company that may have no business before the Senate of the United States, and in respect to a matter which the public functions here exercised can never concern, because he is forbidden from being retained for any purpose or any interest because perchance there may be some subject in which that corporation may be interested here!

The limitation of the offense to the land-grant railroads is of no force or effect, because every other railroad corporation has as much interest in the legislation of Congress as a land-grant railroad. The fact that a railroad has received a land grant, which may have been exhausted and passed to the general assets of the company, does not make it specially amenable to the legislation of Congress.

The fact that the provision cited by the Senator from Kentucky in regard to the transportation of the mails is on the statute-book does not give it more than the interest every other railroad company has in having an adequate compensation for the transportation of the mails. The interest is the same, though the circumstances differ somewhat. Therefore there is no real difference between one railroad corporation and another in the interest which they may have by possibility before the Congress of the United States; but the bill of the Senator from Kentucky assumes that railroads which have received land grants are especially dangerous to the virtue of Senators, and the great remedy which he proposes to restrain corporate power and aggression is to punish a member of Congress under a penal statute for being retained by them as lawyers in matters with which Congress has no concern.

The bill of the Senator from Kentucky declares that this body can not be trusted to prescribe and enforce rules for the members, but that a single judge of the United States courts has more virtue than a majority of the Senate of the United States chosen by States to represent the great interests of the States in this body. The affirmation of the bill is in itself an imputation on the whole Senate, and is not justified either by the history of this body or by reason.

It does not matter that other statutes have been passed conveying the like imputation. I should not have voted for them; I should vote for their repeal to-day, not because I would justify or fail to condemn any Senator who would receive a fee to advocate a proposition before any judicial tribunal upon which he was to vote as a Senator, but because the Constitution of the United States has made that Senator amenable alone to his fellow-Senators and to this body and to his State for the performance of his duties, and that to take that jurisdiction and control away and vest it in a single judge would be, if it were competent for Congress to do so, a subversion of the whole theory and principle of our Government.

If the selection by States of Senators is not a failure, why will not a rule of the Senate and the House forbidding a member of Congress from being retained by any corporation having interests to be legislated upon be equally as efficient in obtaining this result as a criminal trial in "some other place," as "being questioned in some other place," and punished in a penitentiary for it?

But what does the Constitution mean when it says that—

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member?

It refers to the conduct of members of Congress in their respective Houses, to the manner in which they shall discharge their functions, and it is as to the manner in which we shall discharge our functions here. It is with our Senatorial conduct here that the bill of the Senator from Kentucky deals. We shall not be amenable under the bill to the judgment of this House, but we shall be amenable in a criminal prosecution to a judge of the United States courts. That is not the great tribunal appointed by the Constitution. It is not true in theory, it is untrue to say, or this Government is a falsehood, that a single judge appointed by the executive power has more virtue than the majority of this body or two-thirds of this body, and that a Senator may with impunity violate the rules of right and integrity and be the retained attorney of a corporation in disobedience of a rule of the Senate with impunity, while before a United States judge he would be punished for it.

Why, Mr. President, if this question of purchase of Senators is to be conceded, why is it not reasonable to suppose that you could buy a dozen United States judges before you could purchase two-thirds of the Senate of the United States? The security of republican government, the protection of the rights of the people, is vested in this body, with its superintendence, with its power of impeachment over the executive and the judicial departments of the Government, the Supreme Court itself being amenable to this body. We are in the habit of belittling the Senate of the United States and its functions, but the Constitution does not belittle it. We are in the habit of depreciating the character of Senators, but the great public duties and high trusts for the country and for the world which are imposed upon it do not justify this, but properly appreciated confers honor and dignity upon the office and upon those who worthily perform these great duties.

Again, Mr. President, what necessity is there for the passage of this bill? It has been well illustrated by the vote recently taken in this body upon the forfeiture of the land grant of the Northern Pacific Railroad Company. Here was a vote by which an empire was given to a railroad corporation composed of a few individuals. No paid attorney of any railroad company can ever vote for so vast a subsidy or for a greater interest than that which was given by that vote of the Senate or proposed to be given to that railroad corporation. Is there any suspicion that the Senators who voted for that voted under the imputation of interest or for any other reason than an honest conviction that public interests and public right required such a vote? The honorable Senator from Kentucky was among the number of those who voted for this vast subsidy and appropriation of the public domain to enrich a corporation. He did it as other Senators did it, because they conceived that the laws and the public faith and the public policy required that vote to be given.

The great power of corporations and their influence over this body and the other does not depend upon retained attorneys here. It depends upon and is caused by their hold upon the public, the business sentiment of the country—upon the votes of the people. It is caused by avenues of influence which constitute a public opinion; but when that public opinion shall be corrected and turned otherwise it may perhaps be too unfriendly to corporations. The votes in this body are not influenced, nor is there any reason for such a presumption, by the presence of any retained attorneys here.

I will go to whatever extent may be necessary to protect the people against the real evils of corporate power, namely: Land monopoly, grants of public land—with the condition that the people who live and work them shall be compelled to pay to a few persons twice the cost of a railroad which shall belong to those who have not paid for it; issues of fraudulent and watered stock, with the power to tax the people to pay for it; but I will not take part in this kind of legislation which can do no good in this direction, while it violates the Constitution, and, in my opinion, casts an imputation on the two Houses of Congress.

The whole theory is wrong. There are certainly great influences of capital which find their representation and their influence in the two bodies of Congress; but the protection of property is one of the theories of our Government. There are, perhaps, undue influences—not corrupt influences, but undue influences—exerted by virtue of the hold upon public opinion, the influences on the voters of the country which the great consolidated corporate and moneyed interests of the country may obtain or have obtained; but they are not by the individual corruption of members of this body or the other House, and if they were, the tribunal to which the member is amenable is this body, and to no other should it be intrusted. And if we are as a body so corrupt that we are unwilling to punish it by expulsion, then we may be assured that the influences which have been powerful enough to overcome our virtue, responsible as we are to the people, will also overcome a judge who is responsible only to us.

But, Mr. President, there is not only no necessity for this legislation, but it would be entirely ineffective. If there is any member of Congress that can be bought by a railroad corporation—and that is the theory of this bill—if there is any member of Congress who can be induced by a retainer or by a direct payment of money to come into this body and represent the interests of the corporation that retains him, you can not prevent it by saying that this special form of purchase shall be forbidden. There are a thousand ways by which men can be corrupted without retaining them as lawyers, and without the payment of money to them.

The judge who bends to public clamor and permits a man to be improperly imprisoned or executed is as corrupt as the judge who receives the money in his hand to do it. The public servant in the Senate or House who from any motive votes against the interests and will of the people is as corrupt as he who receives the money to do it. You can not, therefore, meet corruption, if that be the object, by intrusting it not to this body to punish it but to a single judge of a United States court.

What is to prevent the great corporations from buying the judge and the jurors? Nothing but their integrity, their personal integrity; and shall we say that, in the Senate of the United States, under a form of government giving to a sovereign State and her people the selection of the citizen in whom they have most confidence, our scheme of government has so utterly failed that a man selected by the President of

the United States and confirmed by the Senate is guaranteed to be a more upright and honorable and incorruptible man than this Senator, than this two-thirds of the Senate chosen by these great States themselves—the guardians of the people and all their rights?

Well, if that be so, and the only security for the due performance of Senatorial and Congressional duties is the judgment of a judge, with the penitentiary in view, our institutions are a failure. I do not accept such a theory. I believe that this scheme of government is the greatest the world has ever seen. I believe the hopes of the human family are dependent upon its success. I believe that in protecting the members of Congress from the judicial power except in the three cases mentioned in the Constitution while in the performance of their duties, in making them amenable to the sentiment of the body to which they belong with the power of expulsion by a two-thirds vote of the body, it was intended to guarantee to the people of the United States and to future generations that this body should be secure from intimidation, from arbitrary arrest, from unjust punishment while acting in the performance of its duty, by any other department of this Government; and I believe it is an essential feature of the Constitution and of our institutions.

Therefore, Mr. President, I insist that in the first place there is no necessity for this legislation. I maintain that if there be corporate influence and interests in this body and in the other House, it does not result from the members of this body being retained as attorneys for corporations. I contend furthermore that if such an evil did exist, to this body alone and to its sentiment of justice and right must be referred the correction of the evil.

And for all these reasons I conceive this bill to be an erroneous one in theory; and conceding to the Senator from Kentucky the utmost zeal for the public service and acknowledging the ability with which he enforces whatever idea he may propose, I shall vote against this bill, because I do not believe that it is one that will advance even the purposes he has in view; and if I were to give a conclusive reason I would say that he has himself cited some of the statutes of the United States—if that line of action was advisable—which already cover every offense that ought to be covered, which punish the corrupt use of power, which render a man indictable if he receives a consideration directly or indirectly for his vote; and why do you wish to say then, when you have already legislation on that subject, that a man who should happen to be retained in regard to some matter which has no connection with his Congressional duties, some interest of a railroad company which can never be affected by his action here, because that railroad may have some interest here, that he shall not accept such a retainer, and if he does, so threatening is the evil that he shall be subjected to indictment upon the information of anybody whose interest may be injured by his vote?

Why, Mr. President, there was in the State which I have the honor in part to represent at one time a great struggle for the control of the Legislature in the reconstruction days. There was a majority of Democrats elected at one time. How do you suppose they avoided the force and effect of that majority? By having a United States judge arrest Democratic members of that body and having them carried before him, and held in confinement until the Legislature was organized. You may say that this can never occur under the Government of the United States. But why? Who shall guarantee it? Does this Constitution affirm that there will never be any danger of usurpation? Are its provisions based on the theory that no one will ever seek to overthrow this Government? Are its provisions worthless?

Is it declared for nothing that members of the Senate and the House shall be exempt from arrest except in the three special cases mentioned—while coming here, or remaining here, or engaged in the performance of their duty? Surely it was not to the end that they should be arrested and imprisoned under this law of the Senator from Kentucky, which does not relate to these excepted cases. It is an evidence that it was not intended to commit to the courts of the country the power to hold Senators and Members of Congress amenable for the manner in which they perform their Senatorial or Representative duties. Upon that subject I affirm the Constitution is explicit and undeniable, and the bill of the Senator from Kentucky relates alone to the manner in which these duties shall be performed here. It says that a Senator or a Member of Congress shall be subject to imprisonment and fine if he accepts a retainer from any railroad company.

Mr. President, if it be proper to do this in this way, it is proper for the Senate to do it by rule.

I have nothing further to say on the subject except that I was never the attorney of a railroad company in my life. I should regard it as a compliment to have been, as they select the best legal talent they can find, and I should probably have been glad to have accepted such retainer. It has so happened that I have been retained against corporations in my own practice. I, therefore, have no interest in this matter, and I express my own candid belief and opinion when I say that this course of legislation is not only hurtful to the reputation of this body before the people, but that it is absolutely destructive of our theory of government and of the independence which by the Constitution is guaranteed to the Senate.

If Senators wish to defend the people against corporate power let them attack their watered stock; their power of taxing the people to pay for it. Let them relieve the hard-worked settlers on the public lands from the necessity of paying twice the cost of a railroad to enrich a few men who have paid nothing, and then being subjected to an arbitrary power of taxation for travel on a railroad built with their own money and labor.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider.

Mr. MITCHELL, of Oregon. Before the vote is taken I desire to say a word.

I was not aware as one member of the Senate until about the time of the commencement of the roll-call on the day the bill was called up that any bill of this character was to come before the Senate. I glanced over the bill, as it contains but eleven lines, and I saw, I thought at a glance, sufficient in it to justify me in voting against it; especially as it had not been referred to a committee, and had never been considered by any committee of this body. I am, therefore, one of the eleven Senators who voted against the bill.

I believe the bill is wholly unconstitutional, to start with. I believe that if it was entirely within the power of Congress, it is a measure that never ought to be passed, and that, as stated by the Senator from Florida [Mr. CALL] who has just taken his seat, there is no necessity for its passage. If any member of the Senate is to be influenced in his representative capacity in any action he may take or vote he may cast here by virtue of any retainer that he might be under from any railroad company to argue a case in court, then my impression is that same man can be bribed outright and direct.

But, Mr. President, I want to read this bill, as it is very short, and see what there is of it. It is as follows:

Be it enacted, &c., That it shall be unlawful for any member of either House of Congress to accept employment as attorney at law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

It will be observed that this bill not only prohibits, under severe penalties, the employment of any member of Congress by any railroad company which has obtained a land grant or received any pecuniary aid from the United States, but it prohibits, under severe penalties, the employment of any member of Congress who happens to be a lawyer, whether Congress is in session or out of session, by any officer or agent of any railroad company which obtained its charter or any grant of lands or pecuniary aid from the United States, and inhibits, under severe penalties, any such member of Congress from receiving any payment from any such officer or agent for any services of any kind rendered as attorney at law.

Now, Mr. President, when Congress adjourns I, for one, return to my home for the purpose of making a few dollars honestly, if I can, in the line of my profession. A conductor of a railroad company—and there are two or three land-grant railroad companies in Oregon—or any other agent or officer of a railroad company which happens to have a land grant, comes into my office and says to me, "Here is a note of $5,000 owing to me from John Doe. I have been trying to collect it for some time; he has been putting me off from time to time, and I have come to the conclusion to sue him, and I want you to bring suit upon this note." If this bill becomes a law, what must be my reply? "Why, my dear sir, I am prohibited by law from taking this retainer. I am prohibited by a severe penal statute from becoming your attorney to collect this note."

Mr. HARRISON. Will the Senator from Oregon allow me? Does he understand this bill to mean, and does the Senator from Kentucky, if I may bring him into the controversy, understand it to mean that a member of Congress can not take a private employment from any person who happens to be an officer of a railroad company?

Mr. BECK. Oh, Mr. President, may I be allowed to say a word? It is plain that the meaning of the proposed statute is that he shall not take employment from the corporation or from an agent of the corporation as such. Being a penal statute, it will be construed strictly, and men might plead that they were not employed by the corporation, but employed by an agent of it.

The case given by the Senator from Oregon of the conductor of a railroad who wished to employ him in his private affairs does not require any answer. That conductor might be suing that railroad company for killing his cow or breaking his leg by reason of its negligence, or he might be suing it in any other capacity. That illustration shows to what desperate straits men are driven when they bring up such cases as the Senator from Colorado gave us a while ago, followed now by the Senator from Oregon. If any suggestion of that sort can by any possibility be conceived, it requires a first-class brain to conjecture it.

Mr. MITCHELL, of Oregon. I do not think the construction placed upon the bill by the Senator from Kentucky is the correct one. I have no kind of idea that it is a correct one. What does it say?

That it shall be unlawful for any member of either House of Congress—

To do what? First—

to accept employment as attorney at law—

That is one thing—

or payment for services of any kind—

Now, from whom?

from any railroad company—

That is one thing—

or any officer or agent thereof.

Mr. BECK. Acting for them.

Mr. MITCHELL, of Oregon. It does not say so; and that very fact shows the impropriety of rushing a bill through here at a hop, skip, and jump speed, without having it considered by a proper committee. It must be evident to every member of the Senate that, to say the very least, there is a question in regard to the proper construction of this bill. I am quite clear in my own mind that the construction a court would give to this bill would be to exclude the Senator or Representative who was an attorney at law from accepting a retainer from any officer or agent of any land-grant railroad company, or from receiving payment from any such officer or agent for services of any kind, just as the bill states.

But suppose that is not the construction. Suppose I go home again to my office when Congress shall have adjourned and it so happens that some scoundrel in the State of Oregon puts a rail on the track and runs a passenger train off and one hundred people are killed and a great tragedy is enacted. The president of the railroad company, a citizen of my town, an honorable, respected man whom I have known perhaps for twenty-five years, comes to my office and says: "Mr. MITCHELL, this is a great outrage. Here is a man who has committed a great crime by which a hundred people have lost their lives. We as a company desire to prosecute this man to the bitter end in the courts. We desire your aid in connection with the prosecuting attorney to prosecute an indictment against this man for murder." What must I say to him if this bill becomes a law? The Senator from Kentucky will not deny, if this bill becomes a law, that my answer would necessarily have to be that I am prohibited by a penal statute from taking the retainer. I can not be employed by that land-grant railroad company to prosecute that man for murder.

Now it may be that I ought not to be permitted to do it. It is possible that the Senator from Kentucky is quite right in prescribing a rule that will prohibit me and every other member of the profession to which I belong from taking a retainer of that kind upon the theory and the implication that if I do my representative action here as a Senator is to be influenced by that retainer. But that is this bill all the same, and the Senator from Kentucky will not deny it.

I might go on and cite instance after instance to show the hardship, the injustice, the impropriety, of this bill when considered in all its various aspects.

Mr. President, I did not hear the Senator from Kentucky in the first instance a while ago, when he was addressing the Senate, when he made some allusion to my being the attorney of some company, nor do I now know just exactly what he did say.

Mr. BECK. I can tell the Senator.

Mr. MITCHELL, of Oregon. I should like to hear.

Mr. BECK. The statement was that it had been said that the Senator from Oregon was the attorney for the Northern Pacific Railroad Company.

Mr. MITCHELL, of Oregon. When?

Mr. BECK. Whether that was true or not I do not know, and it was no reflection upon him if it was true, because the railroad companies generally select the ablest attorneys; but I wish to make it impossible that gentlemen on this floor should be charging each other with having connection with any of these railroad companies as attorneys, and therefore I desired the passage of the bill. That is the substance of the statement.

I made no reflection on the Senator directly or indirectly, nor did I say I knew it to be true. I was glad to hear the Senator from Oregon so far confess the impropriety of being attorney for such a railroad company as to announce that he had dissolved all connection with it as its attorney a year ago, when he became a Senator of the United States. I think he confessed all that my bill asked by resigning his place as their attorney to take his place here.

Mr. MITCHELL, of Oregon. I am not in the confessional. I am not making confessions. It is not necessary that I should, and we may as well get the facts just as they are.

The Senator from Kentucky says it had been said that the Senator from Oregon was the attorney of the Northern Pacific Railroad Company. Now, when did anybody say I was the attorney of the Northern Pacific Railroad Company—that is, when was it I was such attorney, now or heretofore? I want to get at the facts.

Mr. BECK. I neither know nor care. He confesses himself that he was their attorney until a year ago, and feeling the impropriety of being their attorney now he resigned because of the inconsistency of the two positions; and I honor him for doing it.

Mr. MITCHELL, of Oregon. The Senator is yet quite wrong. The Senator from Oregon did not resign the attorneyship of the Northern Pacific Railroad Company when he was elected Senator because of any impropriety or for any other reason. Of course there would have been an impropriety. The Senator from Oregon dissolved his connection with the Northern Pacific Railroad Company eight months before he was elected Senator and was quietly practicing his profession in the State of Oregon for six months before he was elected Senator, and was engaged then and is now in the prosecution of several important cases against railroad companies, against land-grant railroad companies, and has no relations whatever as attorney or counsel with any land-grant railroad company.

Mr. BECK. Then the Senator from Oregon will not be deprived of any practice in the supposed case that he might go back and be asked to prosecute somebody by the railroad company and he could not take their fees. He will get a fee on the other side and will not need theirs.

Mr. MITCHELL, of Oregon. I am not talking about fees. I am pointing out the absurdity and the injustice of this bill; and the injustice and the absurdity of it, when carefully looked into, must be apparent to every Senator, and I think is even apparent now to the Senator from Kentucky notwithstanding all his zeal in reference to this matter.

Now, Mr. President, it has been said; the Senator says that I have been retained by a railroad company; and so a great many other things have been said. I remember the time when it was said in the newspapers throughout this country that certain members of Congress were very zealous in regard to certain whisky matters.

Mr. BECK. That was just simply a lie; that is all.

Mr. MITCHELL, of Oregon. I have no doubt about it; but the Senator from Kentucky, in referring to an amendment that I suggested I would probably introduce in case there was a reconsideration of this bill, suggested that it reminded him of the fox that had lost his tail and therefore desired that every other fox should lose his tail. I might reply by saying that the implication of this bill as presented by the Senator from Kentucky is that while the whisky-ring fox and the manufacturing-ring fox and the oleomargarine and tobacco ring foxes are permitted to wear their tails the Senator from Kentucky would cut off the tail of the land-grant railroad fox alone.

Now, Mr. President, coming back again—because I have been led off by the suggestions of the Senator from Kentucky—I insist, in the first place, that the fair construction of this bill will prevent the retainer by any officer or agent of any land-grant railroad company of any attorney who is a member of Congress for the performance of any service whatever as any attorney at law; and, in the second place, it will prevent members of Congress at their homes, in their county courts, in their probate courts, in their district courts, as well perhaps as in the United States courts, from taking retainers in the ordinary practice of their profession in regard to matters that can have no possible connection whatever with legislation in Congress; and the very fact that this bill implies that such members of Congress would by such retainers be influenced or in any respect biased in legislative action here is simply preposterous, not to say outrageous.

In conclusion, I say that if the purpose of this bill is right, if it is right that there should be legislation prohibiting members of Congress who are lawyers from being retained in any capacity whatever in the courts by land-grant railroads or their officers or agents, then there is just as much reason for prohibiting their retainer by railroad companies engaged in interstate commerce, whether land-grant roads or otherwise; just as much reason for prohibiting their retainer by companies of any character that have received their charters from the Congress of the United States; just as much propriety in depriving them of receiving retainers from importers of foreign merchandise into this country, and from those engaged in manufacturing articles in this country upon the foreign products of which duties are laid. Therefore I say if we are to have legislation at all on this subject make it general and include the whole.

Therefore I insist that this motion to reconsider ought to prevail, and that this bill, with any amendments that any member of the Senate may see proper to submit, should be referred to the Committee on the Judiciary or some other proper committee of the Senate, to be considered as every other bill is considered, and then when it shall come back from the committee after a proper consideration we can discuss it and act upon it intelligently.

Mr. BECK. I only desire to place on the record to-day what took place on Thursday, June 10, 1886, in regard to this bill to show that I did not call it up in any clandestine way, because the remark I made was, "I gave notice on Monday that after the morning business to-day I should ask the Senate to take a vote upon Senate bill 2578. I move to take it up for that purpose." Then a motion was made to refer the bill, and it was voted down. I then made a statement that I did not desire to argue it unless somebody else did; and thereupon the yeas and nays were taken upon it. I will hand it to the Reporter to be inserted as a part of my remarks. That is all I have to say. I present the whole record of the action on this bill that day.

RAILROAD ATTORNEYS.

Mr. BECK. I gave notice on Monday that after the close of the morning business to-day I should ask the Senate to take a vote upon Senate bill 2578. I move to take it up for that purpose.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate proceed to the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MAHONE. I hope it will be the pleasure of the Senate to take up the agricultural appropriation bill at or before 2 o'clock.

Mr. BECK. The bill I have called up will take but a moment, I hope. I have not a word to say about it.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill, as follows:

"*Be it enacted, &c.*, That it shall be unlawful for any member of either House of Congress to accept employment as attorney at law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisonment not more than one year, in the discretion of the court."

Mr. EDMUNDS. Has that bill ever been referred?

The PRESIDENT *pro tempore*. It has not been referred.

Mr. EDMUNDS. I move that it be referred to the Committee on the Judiciary.

Mr. BECK. I think it had better be voted down than go there. I ask for the yeas and nays.

Mr. EDMUNDS. Then I withdraw that motion and move to refer the bill to the Committee on Finance.

Mr. BECK. A reference to any committee amounts to a defeat of the bill.

Mr. EDMUNDS. Then we will take it on the motion to refer to the Committee on the Judiciary.

Mr. BECK called for the yeas and nays, and they were ordered.

The PRESIDENT *pro tempore*. The motion is to refer the bill to the Committee on the Judiciary.

The Secretary proceeded to call the roll.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. KENNA. I am paired with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 21, nays 24; as follows:

YEAS—21.

Allison,	Edmunds,	McMillan,	Sewell,
Blair,	Evarts,	Mahone,	Sherman,
Cameron,	Frye,	Miller,	Teller.
Chace,	Hale,	Mitchell of Oreg.,	
Cullom,	Hawley,	Morrill,	
Dawes,	Hoar,	Sawyer,	

NAYS—24.

Beck,	Coke,	Jones of Arkansas,	Riddleberger,
Berry	Colquitt,	McPherson,	Saulsbury,
Brown,	Eustis,	Maxey,	Vest,
Butler,	George,	Payne,	Whitthorne,
Call,	Harris,	Pugh,	Wilson of Iowa,
Cockrell,	Harrison,	Ransom,	Wilson of Md.

ABSENT—31.

Aldrich,	Gorman,	Logan,	Sabin,
Blackburn,	Gray,	Manderson,	Spooner,
Bowen,	Hampton,	Mitchell of Pa.,	Stanford,
Camden,	Hearst,	Morgan,	Vance,
Conger,	Ingalls,	Palmer,	Van Wyck,
Dolph,	Jones of Florida,	Pike,	Voorhees,
Fair,	Jones of Nevada,	Platt,	Walthall.
Gibson,	Kenna,	Plumb,	

So the motion to refer was not agreed to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. HALE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH's name was called). I wish to announce that my colleague [Mr. ALDRICH] is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. MAXEY (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER] on political questions, but as I presume he would vote for this bill, if here, I vote "yea."

Mr. MILLER (when his name was called). I have just been asked to pair with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BUTLER. I am quite sure my colleague [Mr. HAMPTON], if he were present, would vote "yea" on this question. So if the Senator from New York desires to vote, he can cast his vote.

Mr. MILLER. Then I vote "yea."

Mr. KENNA. I announce again that I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

Mr. BECK. My colleague [Mr. BLACKBURN] is absent paired with the Senator from Nebraska [Mr. MANDERSON], who is also absent, both under the orders of the Senate. My colleague, if present, would vote "yea."

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, I should vote "yea."

Mr. MCMILLAN. My colleague [Mr. SABIN] is absent from the city and is sick. If he were present, my impression is that he would vote "yea."

Mr. KENNA. On that statement I vote "yea."

The result was announced—yeas 37, nays 11; as follows:

YEAS—37.

Allison,	Cullom,	Kenna,	Ransom,
Beck,	Dolph,	McMillan,	Saulsbury,
Berry,	Eustis,	McPherson,	Sherman,
Blair,	Frye,	Mahone,	Vest,
Brown,	George,	Maxey,	Whitthorne,
Butler,	Hale,	Miller,	Wilson of Iowa,
Chace,	Harris,	Morrill,	Wilson of Md.
Cockrell,	Harrison,	Payne,	
Coke,	Hawley,	Plumb,	
Colquitt,	Jones of Arkansas,	Pugh,	

NAYS—11.

Bowen,	Edmunds,	Mitchell of Oreg.,	Sewell,
Cameron,	Evarts,	Riddleberger,	Teller.
Dawes,	Hoar,	Sawyer,	

ABSENT—28.

Aldrich,	Gorman,	Logan,	Sabin,
Blackburn,	Gray,	Manderson,	Spooner,
Call,	Hampton,	Mitchell of Pa.,	Stanford,
Camden,	Hearst,	Morgan,	Vance,
Conger,	Ingalls,	Palmer,	Van Wyck,
Fair,	Jones of Florida,	Pike,	Voorhees,
Gibson,	Jones of Nevada,	Platt,	Walthall.

So the bill was passed.

Mr. PUGH. Mr. President, I simply desire to say that I voted for this bill without examining it. Since the motion to reconsider it has been made I have examined it, and satisfied myself that it is hasty, inconsiderate, and mischievous legislation. I thoroughly indorse all that was so well said by my friend the Senator from Florida [Mr. CALL]. I shall vote to reconsider the vote by which the bill was passed, and if that motion is carried I shall vote against the passage of the bill.

Mr. EVARTS. Mr. President, this Senate comprehends, when it is full, seventy-six members, and, as now constituted, of those seventy-six members sixty-five are lawyers. We are here to give judgment as Senators, and we are to express our mind concerning the profession in which we were reared and to which it may be hoped we have done no dishonor.

No member of the Senate is here except under the single oath of the Constitution, but we lawyers are here under a double oath that we have taken as lawyers to demean ourselves correctly in all our dealings in our profession and to uphold the Constitution of the United States before we come here. Now I find, a newcomer in this body but for a long time a member of the profession of the law, a reproaching at that profession and an aspersion upon the Senate. I had never before needed criminal legislation by reason of my associations with others. I have lived under the law of this land unreproached I believe, but I never have been before in an association that needed new penal sanctions to secure propriety of conduct. I have never heard except in the vilest revilings the reproach of the great profession of the law. I have never heard outside of the Senate so deep a stigma upon this body as is included in this bill; and it may be therefore—whether in the lapse of time I may be used to these distinctions—that it comes upon me with something of a shock when I find I am thus included, under these double oaths of mine, in a special provision for the situation in which I find myself, and for the body around me.

Now, if this is a good law, I shall vote for it; if it is a bad law, I shall vote against it; but, whether it is a good law or a bad law, it is a grave, serious, far-reaching law, and is entitled to deliberate consideration under the ordinary forms of treatment of public measures in this body. When, therefore, the other day I sat by and heard this treated as if it were a light matter, as passing a pension bill or something of that kind, only knowing that it was aimed in this direction, and knowing that it was, as I thought, discreditable to the body, but not having read its terms, I imagined that at once, when the mover of this bill had taken care not to say anything about it, as a matter of routine it was to go to a committee; or as the Senator expressed himself in speaking of one of the best committees no doubt in the esteem of this body both in the gravity and the responsibilities of its duties and in the make-up of its constitution, that you might as well vote the bill down as refer it to the inspection of intelligent, accomplished, experienced legislators, what did that mean? We are all of us lawyers in the Judiciary Committee, and another stigma was aimed at that learned profession, and over again against the Senate too, that a committee of lawyers could not be trusted with the consideration of what concerns the administration of criminal law.

Where are you going to get your committee out of this body when sixty-five are lawyers? To whom are you going to refer such a bill for revision and consideration and deliberate, intelligent treatment? I am sure the honorable Senator from Kentucky has not weighed the force of these suggestions of his, and that the Senate has not comprehended the gravity of this transaction which has condemned the lawyers of the Senate, the Judiciary Committee of the Senate, and the Senate itself. Still, if it is a good law, we will vote for it, but let us find out that it is a good law and why such a measure is needed.

Now, I can not think that the honorable Senator from Kentucky is right in supposing that the extreme interpretation of the reach of this bill in the topics to which it would relate and which would carry its inflictions before the courts is not possible. I think that when he says it is a penal law and that the courts will help it he is outside the mark. If we are passing a penal law about this body and the other House, and the lawyers in both bodies, I think we had better make it right ourselves and not leave it to the interpretation of the courts. What objection can the honorable Senator make to that? Suppose the review by the Judiciary Committee should confine itself to the restriction and the elucidation that belong to the subject without infringing the real provisions and reach of the proposed legislation, let us have it settled. If we are to dangle before the criminal courts of this country, let us know where the statute is and what it means.

But restricting it, as the honorable Senator no doubt thinks it should be restricted, to a relation of employment connected with the corporation and its officers and others in that relation of employment, let us see how wide that is. Undoubtedly it might be thought that it was essen-

tial to a deliberate and impartial Upper House and Commons of England that they should be made up of persons who were possessed of property and of independence and unconnected with any of the servile relations, as this bill would intimate the relations of lawyers were; but in this country such ideas do not prevail in the community at large. Nor do they find any place in the Constitution, nor have they restricted the power of suffrage to select such representatives in either House as the people think best suited to their choice, nor the power of Congress to pass upon this freedom of their suffrage and to make an additional penalty that if they choose a man to Congress he must come here with criminal legislation around his neck!

I have heard read clauses from the statute-book that are supposed to introduce or pave the way to this legislation. What I speak of now is this, that to-day it is not a crime, it is not a fault, as the honorable Senator from Kentucky has said, for the honorable Senator from Oregon, he had a right to be the lawyer of a railroad company; it was an honor to him. But if this bill is passed, then what has happened? It is on the statute-book a penal offense, called a misdemeanor to be sure, but denounced with the penalties that belong to a felony. I notice this evasive form in legislation by which things are called misdemeanors and are punished as felonies. The gravity of a crime is the measure of the interests of society in the punishments that are apportioned to it.

Then this act does not punish crimes that in nature and now are crimes. It makes that a crime which was neither immoral nor criminal before; and now it is made so. Nor is it any answer to this criticism on my part that you can imagine and suggest and without any stretch of imagination relations between lawyers and these railroad companies or other corporations or private persons that would make it inconsistent with a Senator's duty in a matter that was under the discussion and decision of the Senate to recognize and fill these engagements.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business of yesterday.

Mr. HAWLEY. I hope the Senator from New York will be permitted to conclude, and I hope also that the consideration of this bill may be continued. It can not take very long.

The PRESIDENT *pro tempore*. If there be no objection the Senator from New York will proceed.

Mr. PLUMB. I suggest that the bill which is the unfinished business be brought up and then informally laid aside.

Mr. HAWLEY. That is the understanding I asked for.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate and will be informally laid aside if there be no objection so that discussion may be continued on the motion to reconsider. The Senator from New York [Mr. EVARTS] will proceed, no objection being made.

Mr. EVARTS. I was saying that unquestionably the relations between lawyers, members of this body, and these railroad corporations, or other corporations, or private persons having interests here, might be such as would make it unsuitable to them to take part in the decision; and that might be an impropriety which might be visited by censure or whatever mode of punishment the Senate should deem proper. I am only looking at the bill as it reads, and it covers matters that are not criminal and that have no more to do with the questions which are to be determined here under the railroad legislation made or expected, than if there was no relation whatever between the corporations and the lawyers.

You must then if you take this bill, as I shall point out, find it to be a reproach on our profession at large. The proposition is that if a lawyer has sustained employment and business which has brought either the friendship or the compensation that belongs to the profession, thereafter a new situation with no other relation than that you have had that employment as a lawyer affects your right and your duty to act in other matters.

Now, for myself, at this stage at least in my profession and in my years, it can not be a matter of great importance whether I should be curtailed or entirely prohibited in the further exercise of my profession. I shall dismiss, therefore, any personal relation to the matter; and I shall speak for the profession of the law, for those that are in Congress, and for those that expect to come to Congress and that their constituents desire to send to Congress; and I ask if this is a proper provision of law that is to drive into the straits of discrimination between penury and poverty or a retirement from public service. It has not been applied to any employment except my own, that of our profession. No railroad president, no land-grant railroad president or director or other employé in such a company is pointed out by this. None of the other hundred employments of life where persons have an opportunity and universal interest as their hope, are prohibited from being acceptable to the suffrage of their friends and allowed to accept it without relinquishing the employments and hopes of life. I will not run through the scale of employments. The honorable Senator from Oregon has named many of them carefully. There is not a man who can read them with his senses about him but that will see those relations to the topics which are embraced in this description and are to be considered here—tariff, shipping, commerce, everything. Well, if this can be done for the lawyers it can be done for the rest; and under this Constitution this free people that protects itself in its suffrage by being masters of it is by the Houses of Congress to be curtailed in its selection, or its candidates are driven to the alternative of surrendering the ordinary employments and freedom that belong to our common right.

Perhaps the honorable Senator from Kentucky would not think it unsuitable to preserve at least a little impartiality in those that are connected with the employments of railroads, by inserting in the fifth line, after the word "from," the two simple words "or against" so as to prevent members of Congress being attorneys against as well as for any railroad or any of its managers. If bias is to be avoided, let us have freedom from bias on one side and the other. If the honorable Senator from Kentucky is to be swerved in his judgment here by a fee derived from a suit out in Kentucky from a railroad-grant corporation, is he not likely to be swerved if he has been employed against it, and especially if he has been beaten by it? Let our lawyers stand free, impartial, and excluded from all connection with one side and the other with these railroad corporations.

In the city of New York the profession at large have a considerable interest in a question of this kind. I mean in the abstract, in general; for there all these railroad companies have their offices and all their manifold interests between themselves and others that are non-grant railroads and are not within this proscription. The great body of the employment there of the lawyers is in the arrangements of engagements and schemes between the different railroads, giving advice as to the wisdom and the safety of the arrangements upon which invitations are sent out for funds to be furnished, and advice as to those means that are to carry them out. They have nothing whatever to do with the relations of the companies to this Government. Out in the regions that are traversed by these roads, as we all know, the range of professional employment there for the local lawyers takes in great part all the ordinary matters that belong to torts and contracts between the common people themselves and these common carriers, and do not in a large part touch any of the topics that are involved here.

Now, I think the honorable Senator from Kentucky will agree that if he be right in thinking he can plan a restriction by a judicial construction, according to his own estimate that all these wide topics I have referred to are not embraced in and denounced by this bill, what then does it come to? That a lawyer, in having given an opinion to the Central Railroad of Illinois on a contract between it, we will say, and the Central Railroad of New York, would be in a position where he would not be and should not be trusted in the disposition of a matter that touched the land-grant railroad in any form. If the instrument of agreement should be brought to me in New York, or to the honorable Senator in Kentucky, and he was asked whether this formidable instrument upon inspection would conform to all the requirements of law, was lucidly stated, and would then be operative in a manner that would be understood and usefully employed between them, he or I would be obliged to say: "Whom do you come from with this instrument? Do you come from the Central Railroad of Illinois or from the Central Railroad of New York?" The same matter, if brought from the Central Railroad of Illinois, the lawyer could not give judgment on, while if brought to him the next day from the Central Railroad of New York, the same instrument, the same duty can be discharged by him. I am not straining a point when I say that in relations of that kind even of those least likely to favor lawyers, and certainly not by any lawyer, would there be a pretense of an intention that there was a disturbance of absolute impartiality and integrity in the administration of matters that were to be reviewed here.

So with suits. The staple of a lawyer's business depends upon the staple of the business about him; and when railroad litigations and railroad contracts form the principal province of litigation and of consultation, the lawyers living in those regions find them as the ordinary food, the meat and drink of their life. But they are all to be excluded, not only while they are here, but from any aspirations to come here, unless the independence of their circumstances is such that they can part with this employment.

But what happens to the unilateral lawyers, as I would describe these proscribed members of our profession? How much would a man's employment against railroads be encroached upon if it was known that that man could not take a fee against them? You therefore have an encroachment upon what makes the intrepidity and the independence of the bar, of which the first proposition and the first duty is that I am open, under the exercise of my profession before the courts, to defend and to prosecute rights; and here a seam is run through our profession by which these unilateral lawyers are to be dotted all over the land.

This is not trivial. The very fact that anybody could think that such a bill could be introduced here must be on the ground that there is an extensive range of these relations. These being innocent things, and being a part of the common right and the common enjoyment of the lawyers and of the communities in which they live, what right is there on the part of Congress under our Constitution to encroach upon that common liberty? If they wish to restrict their legislation to what bears upon transactions here, that is very well, and they must shape their bill accordingly; but to say that lawyers in their homes and in their requirements of life shall not earn their livelihood in the

ordinary employment of railroad corporations and those connected with them, is an encroachment upon common right.

This is not a general government in the sense of regulating the conduct of all the people of this country. The Constitution has said what it can do in its general legislation, and what it can do under the Constitution in respect of the political relations of the members of either House to those bodies. As the honorable Senator from Florida [Mr. CALL] has well pointed out, we are here in our capacity of Senators, as in the other House the members of that body are under the constitutional and express authority over us, in addition to what governs us in the body of the law, which we are all subject to, with the exception of the protection of our security as members of these bodies.

Mr. President, I have sufficiently pointed out the far-reaching character of this proposed legislation; the unprecedented condition of it in its now attempt; and what does it rest on? Sections 1781 and 1782 of the Revised Statutes, one of which includes members of Congress and with all others having relations to the Government in brokerage in office, and the other prohibits being interested in prosecuting matters in which the United States is concerned before, and not the public tribunals of the country, but certain designated quasi courts. That is all; and it is an immoral thing that is punished.

I do not myself think very highly of that kind of penal sanctions which surround public men. I do not believe much in the notion that a handcuffed pickpocket is an honest man, and I never shall myself go into legislation of that kind. *Quid leges, sine moribus. Vanæ proficiunt.* And if that be a maxim that will stand us in stead as members of this great body of the Senate of the United States, and the great popular body at the other end of the Capitol, and the great profession of the law, I do not think anybody will find in this species of criminal sanctions thrown around what is not immoral any support of the moral tone which should characterize the legislative bodies.

I do not know how lawyers here may feel about it; I do not know how Senators may feel about it; I do not know what shadow there may be over the political atmosphere that environs us all; but for myself, careless of my own relations to the subject, I shall never by my vote strike upon the honor and dignity of the humblest member of my profession or the least friendly Senator or member of the other House.

Mr. BECK. Mr. President, I would be as far from trenching on the honor or dignity of the legal profession as the Senator from New York. I am a member of that profession, and for twenty-odd years before I came to Congress I did nothing else but practice law. I never held any office of any sort until I came here, but I must confess that since I have been here I have found employment enough in attending to public duties to occupy all my time, not being possessed of the transcendent ability that the Senator from New York perhaps has. I can not without neglect of public duties keep up my business as a lawyer.

I understood when I accepted the highly honorable position of a Representative or Senator in the Congress of the United States that I agreed not to hold any place or accept any fee or place myself under obligations to anybody inconsistent with my obligation to maintain and assert the rights of all the people and their interests against all people or corporations who asserted claims against them. I could not to-day with any proper sense of duty and obligation, holding the position I do as a Senator of the United States, accept from the president or any agent of the Union Pacific, the Central Pacific, or the Northern Pacific Railroads fees as retainers or otherwise, no matter how plausibly disguised, that would place me under obligations to them when I knew that they had matters I would have to consider and decide in this body. When a Senator of the United States can not afford to accept that position from his people and act as their representative without going home and under the guise of practicing law take fees from corporations who have important business before Congress in conflict with the people, he had better let somebody else come here who can. That is my opinion.

The Senator from New York talks about unilateral lawyers. I do not know what they are. Perhaps I am one; that is, in his opinion, I suppose we are little, one-sided fellows, not a quadrilateral lawyer, as he thinks he is, because I confess that I think that there is hardly anybody big enough to come here and learn all that is going on and do his duty to the people without thinking about public business and spending all his leisure time in vacation, instead of practicing his profession and seeking for fees from subsidized railroads. The Senator from New York may be a good deal bigger and better than anybody else; perhaps he is.

When a man is elected a judge of any court anywhere he has to give up all the fees he had contracted for as a lawyer. The positions and duties are inconsistent. When General Grant was elected President of the United States he sought to make the biggest merchant in America his Secretary of the Treasury, but the position of a great merchant in the case of Mr. Stewart was found to be inconsistent with the position of Secretary of the Treasury, and he could not and did not obtain the place, and the country was deprived of his services, because of the incompatibility of the position with the business he was engaged in, although he was then the leading merchant of New York. If he had been a lawyer, it would doubtless be contended that his constitutional rights were infringed in some way by such a prohibition as the statute imposed on the merchant.

So there are many positions which are inconsistent with other duties and obligations; the statutes are full of them. No member of either House of Congress can practice before the Court of Claims. No member of either House of Congress can take a fee, no matter how just he may think the claim is, and how much his own immediate constituent may be oppressed, if that claim is or may be against the United States. No member of Congress can be a party to any contract in which the United States is interested. No member of Congress can do anything for compensation to aid any constituent of his in obtaining any position under the United States. No member of Congress can accept an office created while he occupies that position. There are hundreds of limitations which are placed upon a man when he accepts the high trust of a representative in either House of Congress that may be inconsistent with his natural right.

I do not desire to reflect, and I never have reflected, upon the action of any gentleman in this or the other House of Congress in regard to what he has done; but I insist, from the very fact that there are sixty-odd lawyers, as the Senator from New York says, in this body out of the seventy-six, we ought to take care that we shall provide by law—and it is all the more important because we are lawyers—we shall make it impossible for any of us to hold professional relations with any of the great railroads of the country chartered by Congress, when we know that they hold empires of land given to them by Congressional legislation on conditions and under limitations requiring constant and vigilant supervision, having great subsidies given by law, which Congress must guard as best it can, with great questions in regard to our rights to transport our troops and munitions of war, to the carrying of our mails, to the payment back of the money which they agreed they would refund with interest. We have to decide the effect of their failure to complete their roads within the time limited by their charters, in regard to their land titles, and as to their liability for taxes upon their lands for which they have not taken patents, and a thousand other things in regard to their management. There ought to be no two opinions about Congressmen being in their employ or having the money of the corporations in their pockets on any pretense when they are elected to come here to vote upon those great questions. It is against common decency to insist that the position of attorney on one side and representative of the people on the other are consistent.

Suppose it were confessed on this floor that the sixty-odd lawyers in the Senate were all retained by the railroads (if one can be all may be), in matters outside of the immediate subjects coming before us, do you think our constituents would ever send us back? Ought they to do it? Do you think they would believe that the laws that were passed by us while we occupied that relation to the managers of these railroad corporations were honestly passed in the interest of the people? Do you believe they would think that they were getting their mails transported as cheaply as they ought, or that they were getting their troops or munitions of war transported as they ought, or that their great grants of land which are now untaxed were being fairly held by the corporations represented by their well-paid attorneys? Would any Senator say that the people or States ought to keep us here when we were the attorneys for these roads, or that the people would be satisfied that we would fairly consider questions of forfeiture while we had general retainers in our pockets from the roads which were thus interested against the legislation the people think they are interested in? There are, so the Senator from New York says, sixty-odd lawyers. I repeat one has as good a right to be employed by the railroad corporations as another—unilateral as well as quadrilateral lawyers.

Mr. EVARTS. Perhaps my learned friend will allow me to explain?

Mr. BECK. I do not know the meaning of the word.

Mr. EVARTS. The honorable Senator has taken exception to "unilateral," as if it were a reproachful description of a particular kind of lawyers. I only spoke of the predicament lawyers would be put in who could only take a fee on one side. It was not a reproach on lawyers at all.

Mr. BECK. We have always professed to believe, and the country believes, that the $5,000 a year which is paid to us for our services by the tax-payers of the country entitles the people of this country to our whole services. If any of us think we can not live on the salary that is paid us by them they can find others who will accept our places. We have no right to supplement it by taking money from corporations who have interests adverse to our employers. I agree with the people in that. I think that they agree with me. Perhaps that is a better way to state it. I do not mean to reflect on lawyers, and will not be placed in that position.

I think no greater boon could be given to the lawyers who are legitimately pursuing their profession as private gentlemen, the men who are not paid by the United States, who are not in either House of Congress, than to say that in all the important questions which involve the interests of the great land-grant and subsidized roads the corporations shall employ men as their attorneys who are not in the employ of the United States and who are not pretending to represent the people of the United States, and give them the fees that Senators seem now so anxious to get and so fearful that they will lose if the law which the Senate has passed is not reconsidered and rejected, for reconsideration means rejection.

The argument of the Senator from New York has demonstrated one

thing, that I was wise in resisting the reference of the bill to the Committee on the Judiciary, of which he is a member, for he has declared in advance that under no circumstances would he report such a bill as this. I knew he would not. It might as well be killed here and now. I know there are other members of that committee who think the same way. The Senator from Alabama [Mr. PUGH] has just admitted that although he voted for the bill he can not now support it. I suppose after the Judiciary Committee got in their rooms they agreed that it was a reflection upon them that they did not have a chance to kill it. It was submitted to the Senate upon a vote of the yeas and nays. A majority decided that it should not fall into the hands of its enemies. They said we understand this question and we will vote upon it? Thirty-seven to eleven of the members of the Senate, each and all of whom had a perfect right to debate it, decided the question.

It is no more a matter that concerns me personally than it is the personal concern of any other Senator. I have no more personal interest in it than any other man on this floor. I had heard and read in the RECORD all sorts of insinuations about the impropriety of Senators being connected with these land-grant roads. While the Senator from New York was speaking I looked up two or three of them. On the 28th of May the Senator from Vermont [Mr. EDMUNDS] said:

I wish to speak to the pending bill as illustrating the bill that has just passed away from the consideration of the Senate. I wish to call the attention of my brother Senators to the circumstance that a bill considered by a committee and reported by that committee, by a majority (I do not know whether it was unanimous or not, probably not), which proposes to forfeit 200 miles or more of a land grant in the rich valley of the Columbia, in respect to which probably all Senators would agree that it ought to be forfeited, has been by a yea-and-nay vote (if I may use such a phrase now) bedeviled as if we were all employed by a railroad company to bedevil it and do nothing at all by the propositions of amendments and insisting upon considering them, that raise open and difficult and disturbing questions, which our former experience has shown are not likely to be decided in the six weeks that are probably yet left for the action of Congress at this session.

The people of the country understood naturally that the Senator from Vermont thought we were not looking at the question as legislators, but as lawyers who were "bedeviling," to use his expression, in regard to it, as though we were the attorneys of the roads. My friend from Mississippi [Mr. GEORGE], when he was sought to be interrupted by another Senator on the 12th day of June, said:

Mr. GEORGE. I am willing to yield to any reasonable length, but I can not give way to hear all the apologies and all the reasonings, and everything of that sort of a railroad company.

Mr. DOLPH. It is simply a question whether the Senator yields for me to finish my statement.

Mr. GEORGE. I believe I will not. You can reply to me.

The PRESIDENT *pro tempore*. The Senator from Mississippi declines to yield.

Mr. GEORGE. I have no doubt the Senator from Oregon as a lawyer has had a great deal of experience in reference to railroad companies which would interest the people of this country, but as I am just now going on with the people's side of the case I ask him to wait until I get through.

When the Senator from Louisiana [Mr. EUSTIS] the same day was speaking, he said:

Why, Mr. President, it is not for me to speak of the influence of these rich railroad corporations. I know their success in the past in repressing and preventing legislation. I will read an extract from a speech made in this body by the Senator from Massachusetts [Mr. HOAR] which depicts in vigorous and eloquent language the power and the influence of these rich railroad corporations, not only to obtain these favors from Congress, but to preserve them against any assault by Congress. He said, among other things:

"When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud."

The Senator from Louisiana proceeded:

I remember that in the celebrated contest in 1878, in that first and greatest and stormiest struggle on the part of some of the ablest and most distinguished statesmen in this country in this body to assert the rights of the Government of the United States as against the exorbitant pretensions of the Union Pacific Railroad Company, the Senator from Vermont [Mr. EDMUNDS] not once but repeatedly in his speeches denounced in very plain and vigorous terms the influence of the lobby operating upon this body to defeat that wise, just, and salutary legislation.

I remember that he, uniting his great talents and his great zeal with Judge Thurman, representing the interests of the people and of the Government, displaying equal devotion and equal earnestness, after many a discomfiture and many a defeat, united in a common rejoicing because they had succeeded in passing a law in this body requiring that that railroad corporation should be held to a strict accountability in its financial relations to the Government of the United States.

So not only this year but last year and every other year the suggestion has been made over and over again in this body that at every step of legislation the power and the influence of these great corporations were felt here and everywhere else in the halls of legislation. For one I want to be able to say that it is not true; that the statutes of the United States prohibit any man from having any interest in or any bias on such questions because of money paid to him by the corporations or their agents or that he had anything to do in regard to such transactions, and to answer all such insinuations by saying to his accusers, if you think that is not true there is a statute which allows you to prosecute all or any of us in the courts of the United States and convict us and fine and imprison us. That is a full and fair answer to all slanderers or whisperers.

That is what I seek; nothing more, nothing less. I charge no guilt on any one; I charge no misconduct on any one. I make no reflections on the legal profession. God knows whatever I have I owe to somewhat successful exertions in that profession, and I would be the last man to derogate from the dignity, the position, the standing of any member of the great profession to which I belong.

I want to have it distinctly understood and to have a law passed so that the world can understand it, and if they do not believe what we say they can punish us for a violation of the statute, that not one of us in dealing with these great land-grant roads, with the forfeiture of their property, with the bonds, with the issuing of their stock, with the sinking funds we have required them to set apart, or with the great questions now pending before us as to the extensions we may give to the Central Pacific, the Union Pacific, or any other railroad, the transportation of our mails and of our soldiers and munitions of war, has any connection whatever with them as the employed counsel of any of those railroad companies. That is all I seek to do.

Mr. EDMUNDS. Mr. President, I think it is perhaps a suitable time to refer to the last observations of my friend from Kentucky, in which he has done me the honor to bring in my name as illustrating the entire illusoriness of this bill. He has done me the great honor to associate me and my name with that of ex-Senator Thurman, after many defeats and many struggles, in at last accomplishing the passage of a bill which did something toward bringing the greatest of land-grant corporations to terms. It illustrates the fact which has been true in all the time I have been in the Senate, and is probably true everywhere, in every legislative body, that the gentlemen who have, like surgeons, done particular work professionally, work for corporations or other great clients or patients, are the men who when in public station those clients or those patients come to be considered are found to be perhaps quite as skillful in treating them in their political relations to the State or to the United States as they were in treating them in their private affairs.

At the time when Judge Thurman and myself were struggling against a great mass of influence that operated not upon gentlemen who had ever been retained to argue a cause for any of these companies, but who in some other way and under some other influences had been subjected to bias, the very men who had accomplished these things had been perhaps of all others the men who now and then, as the surgeon or the doctor takes a patient, had been the counsel of the gentlemen who controlled these corporations, in the courts of the United States.

I think that is true of the profession of the law everywhere, of which the Senator from Kentucky is an honored and, as he says most truly, a highly successful member. If there is any one profession and calling in this life that leads a man to be able to distinguish between one line of duty and another line of duty, and to know where he stands, and to do each duty upon its own merits and with its own consequences, I am bound to say it is the profession of the law, without any derogation of any other profession, from that of farmer down, wherever it may go, because farming is the best and highest of all professions.

That is the commentary upon this bill as a practical thing. I have been counsel for some of these railway companies now and then, in causes in the courts of the United States and in causes in courts in the States; and so having been counsel, and in those old times probably then being counsel, I did what I could and in my humble and ineffectual, but at last somewhat effectual, way—not as effectual as I wished it had been—to bring my clients, as they had been and as they were in other relations, to their duty to the other and the greater clients whom I represented, the people of the United States.

Now, the fundamental basis of this bill is the idea that gentlemen in the profession of the law having a client are under a bias in favor of that client. That is the fundamental basis of this bill; and that in order to make free and pure legislation it is necessary to exclude that bias. That would be very good, Mr. President, if this world could be made up in such a way that it should be governed by angels who come down from heaven, with no possible concern in the interests and favors of men, and who were to govern it from above—a kind of celestial aristocracy, who should have none of the weaknesses of human nature, none of the passions of human men, and none of the sympathies that belong to a common humanity.

So, applied to the favors of this world, if my friend from Kentucky and myself were to continue to be Senators (as he always will; it is not so clear about myself), I should never vote for any measure that affected the people of the State of Vermont, because of all the bias that can possibly affect what we call a right-minded man, it is the bias of neighborhood and State pride. We all feel it; we all act upon it. Every day and all the time, in spite of all our independence, in spite of all our pride to be just, and upright, and pure, and true, there is always the loving feeling for our neighbors and for our State.

I see my friend from Kentucky continually voting here for what is called free trade, because the people of whom he is one and one of the greatest, feel and think, wrongly as I believe, that what is called free trade is best for them. I vote and struggle for what is called protection, because I feel in spite of myself that the people of whom I am one, and among whom I was born and a part of whom I am, feel that their deepest interests are in that kind of law which shall encourage the building up of home industries, home productions, and all that. I

need not go into it; I only use it to illustrate. The strongest bias that any man in this Chamber or in our co-ordinate branch at the other side of the Capitol can possibly have is the bias that belongs to his State and his own neighborhood and people, of whom he is one.

If we could only have a Senate and House of Representatives that should not represent any State, should not represent any district, should not have any human feeling, should not have any human sympathy, should not have any human knowledge of the interests and desires of their respective constituents, but should come down, as I said before, from heaven, and just sweep the calm hand of omnipotent justice and fair play over everybody, what would become of the tobacco of Kentucky and of the wool of Vermont? I do not know. No, Mr. President, it is impossible in this weary world of ours to undertake to eliminate from any legislative chamber or any other chamber—and I am glad that it is so—something of bias and consideration.

The least possible bias, as the history of this Government has shown in a hundred years, that exists in the mind of any man who has ever been employed as counsel, or who has ever been a stockholder or whatever in respect of any operations of the business affairs in this world, has been the mere fact that he had some connection with somebody who had an interest before Congress. The overwhelming bias, the one that sways us and almost controls us all, is the bias of locality and of State interest. I can see my friend from North Carolina [Mr. VANCE] before me now, earnest, intelligent, vigorous in his belief in the doctrine of universal free trade; and yet when a tariff bill comes up here, the North Carolina resin and the North Carolina peanuts, and the South Carolina rice, his neighboring State, find in him a warm-hearted advocate; and it is right, because it is human.

One bias thus offsets another; and the general outcome is the good of the Republic. Therefore, unless we are to turn ourselves (because that is what this bill amounts to) by a system of exclusion of everybody from this Chamber and from the other who pursues any human calling, or has any human interest or any human sympathy with the people among whom he lives, you must find some other Senate and some other House of Representatives and some other world to live in.

But, Mr. President, this is apart from what I had wished to say, for the strange incongruity of this measure and its most apparent and palpable invasion of private rights may be passed by. I only rose to say that I have just been shown the speech of my honorable friend from Kentucky made yesterday, I believe (I was ill and absent), referring to another department of this Government, the Supreme Court of the United States, which is as we know under the Constitution a separate and independent department, whose judges are to continue during good behavior, whose salaries can not be diminished during their continuance in office, and who were intended to be by the fathers who built this Republic as far apart from the contentions of politics and the various biases of human nature as any tribunal could be. My friend from Kentucky said about that tribunal yesterday, referring to the effect of Senators as well as members of the other House arguing causes before them:

> Men may be employed by these railroad companies—

As they may be by anybody else who has a cause in that court—

> simply because they are members of Congress, simply because of the influence—

"Influence." That is a technical phrase in politics, you know, Mr. President, particularly under this administration—

> simply because of the influence they are supposed by their clients to have over the judges who were perhaps nominated by them—

A judge of the Supreme Court nominated by a member of Congress!—

> or who were confirmed by the votes of such members of Congress as are Senators.

I appeal to my friend from Kentucky to withdraw that observation. If this Republic, prosperous as it has been for a century, with the little tempests and drawbacks of civil war, and so on, but prosperous on the whole, has come to the pass that in this age of its life an independent and co-ordinate branch of the Government is to be supposed to be possibly influenced by the fact that a gentleman who may have been a member of the Senate voted for or against the confirmation of its judges (and I have done both, as my friend from Kentucky I think has also, if I do not disclose any secrets by saying that), if they are to be influenced by the fact that my friend from Kentucky appears on the opposite side of a cause in that court between a citizen of Kentucky and a citizen of Vermont, or a Kentucky railroad, or a land-grant railroad, or any other client, then I must say that the days of this Republic are numbered. If the thing has gone so far as that, I think we might as well throw up, and leave the President of the United States to run the concern in his own way without any reference to Congress at all.

Mr. BECK. If the Senator will allow me——

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from Vermont yield?

Mr. EDMUNDS. With great pleasure.

Mr. BECK. I may have been a little unfortunate in my language. I read over my remarks, but not carefully. I was endeavoring to show that clients and litigants felt that way, and I think they do. That is the extent to which I said influence really extended, and that in railroad land-grant cases I thought it was best that such corporations should not be allowed to seek the employment of members of Congress, because the clients and litigants had that feeling. That is what I was endeavoring to argue. I may have missed it.

Mr. EDMUNDS. Then if merely confined to the matter of the clients, we are engaged in the question of determining what lawyers the citizens of the United States who wish to employ lawyers shall employ. If that is all there is to do, I think my friend from Kentucky would not really wish to press his bill. His bill was designed, as he states it, to accomplish a great public interest, not in respect of the selection by particular persons who have law cases or any other matters to do, but in respect of the effect upon the public interest of that selection. Now, the Senator from Kentucky goes on:

> The clients know that those judges are looking every day to the Senate for favors and think that they grant favors in return.

I beg to say to the Senator from Kentucky that in twenty years here I have never known the Supreme Court of the United States or any of its members to look to the Senate or to the House of Representatives for any favors whatever of any kind. If the Senator from Kentucky will look at their reported decisions he will find that as many, and perhaps more, cases in which some member of the House of Representatives or some Senator has been concerned as counsel with a private citizen on the other side as counsel have been decided against the member of the House of Representatives or the Senator as for him.

What is this favor to which the Senator from Kentucky especially alu des as an illustration? He says:

> I have before me now a bill that passed the Senate the other day, for which, no doubt, the judges of the Supreme Court are very much obliged to the Senate of the United States, and would look very kindly on any suggestion that would come from that direction.

What does that mean, Mr. President? He states what it means. He reads an act that passed this body without any visible dissenting vote, reported from the Committee on the Judiciary, the Senator from Kentucky, who is always in his place, doubtless being present, thus:

> That for the purpose of facilitating the dispatch of business in the Supreme Court of the United States, said court be, and is hereby, authorized to employ a law clerk for the Chief-Justice and one for each of the associate justices thereof, with an annual salary, to be fixed by the court, not to exceed the sum of $2,000, &c.

That is the favor, Mr. President, that the Senate of the United States has extended to the various judges of the Supreme Court of the United States. How many of these seventy-six Senators have been counsel in that court in the last five years? Not a great many in the very nature of things. What is the favor? The Supreme Court of the United States has a jurisdiction that we fix, except its original jurisdiction which is very small and does not comprise ten cases a year, probably much less; all its other jurisdiction the Congress of the United States fixes. For years and years that court has been overrun with the mass of business that has kept its calendar three years behind keeping up with it; so that every suitor who appeals from a lower court to that one for justice and redress is obliged to wait three years before his case can be even heard. It had been suggested, and so far as I now remember (very possibly I may be wrong) without coming from any judge of that court, that it was desirable to give the court the best possible means of facilitating the dispatch of its business; and as we all know here, with a private clerk for every Senator, and with our committee clerks for every chairman of a committee and for the committee, that it is impossible to carry on the public duties we have to perform without the aid of such people as the bill that passed this body without any dissenting vote describes, it was proposed that for the public interest and the dispatch of the administration of justice the court should be authorized to employ that particular kind of technical assistance.

Is that a favor to the members of that court? Is it not a much better and nobler thing to say that it is a wise and beneficent measure to endeavor to promote the public interest by enabling the court to do more with this assistance than it could do without it? So thought the Senate, and so the bill passed this body, as I said before, without any dissent whatever. And that the Senator from Kentucky, in his eagerness and zeal about his bill, has brought forward as an argument to show that any member of Congress, any member of the House of Representatives, or any Senator whose calling in life it may have been before he came here to practice law, if heard before that court would be a special pet and favorite of that great body, who are beyond our reach, once appointed, even in respect of the compensation that they are to have.

I am bound to say, not for that court, for I have no right to speak for it, but I am bound to say of it that its history in this hundred years repudiates any such suggestion as a calumny upon it; and I may say for the members of this body, and for the members of the other House, if I may allude to them, that although not intended as such it is a calumny upon the gentlemen of either House who for their clients in their respective States go before that great tribunal to state the law as they believe it is for the advantage of their clients.

To come to another part of this affair, for I must be very brief, are you, Mr. President, to say that bias is a disqualification for a Senator or a member of the other House? The Constitution has fixed our qualifications in both Houses. It has not said that we shall not be lawyers; it has not said that we shall not be farmers interested in the protection of our products and in the making of laws that will promote our in-

dustries, but it has said that we shall be of a certain age, that we shall be citizens of the United States, and inhabitants of the States from which we come. No law of Congress has created the Senate or the House of Representatives. A law higher than any act of Congress has done that; and that law, the Constitution, has provided as to us and as to the House of Representatives that each State and the people of each State shall within these qualifications select the gentlemen of their respective States who are to represent them according to their will and not according to ours when we have come here. That is where we stand.

Congress may by law create, as it has by law created, Departments, and provide the qualifications of the officers of those Departments. It has said wisely and rightly from the beginning that no person shall be Secretary of the Treasury who is engaged in commerce, &c., that no members of Congress shall be engaged in the prosecution of claims against the United States in whatever form. It has said that no member of Congress shall be engaged in any contract obligation with the United States in any form. That is all easy and simple, because in every such respect the Congress of the United States in creating these Departments and establishing these laws has declared what shall not be done with those Departments and in the execution of those laws. That is easy enough; but if the Congress of the United States were to undertake to say (which this bill does as to one single calling of all the thousand in this Republic of ours), that no member of Congress shall be a stockholder in any railway that has received a land grant from the United States, it is equally entitled to say that no person shall be a member of Congress who is a member of any corporation that has any contract with the United States, that carries its mails, that administers its finance through national banks, that transports its troops or munitions of war; or that no person shall be a member of Congress who is engaged in the importation of merchandise, because if he were he would have a bias for or against a tariff.

There you have gone entirely wide of the solid and substantial principle upon which the laws we have passed rest, and have come to undertake to declare a qualification among the representatives of the people and the States which the Constitution has not imposed, and which no constitution could impose without paralyzing every operation of the Government; for no man can be a Representative or a Senator who is not under some bias of some kind in respect of the operations of the Government as manifested by its laws.

But, Mr. President, the state of my health is such that I can not go on to elaborate the suggestions I have made. I only rose to defend, so far as I might, the Supreme Court of the United States from what appeared to be, undoubtedly the unintentional, imputation that the Senator from Kentucky made upon it.

Mr. VANCE. Mr. President, this bill struck me from the moment I heard it read as presenting a question of morals and of propriety so plain that I did not think it would admit of debate. I was not at all surprised therefore when it was adopted by an overwhelming majority of this body without debate. I am a little surprised now at the unsober second thought which has come upon a portion of this body at least, and the line of argument which is adopted to prove that the bill is bad legislation.

We hear a great deal of reform nowadays, though we see very little. In my opinion the reform which the country really demands is a greater and a more important and a more vital one than that which regulates a $900 clerk. I coincide with the tenets of our religion on this subject. When the Gospel was ordered to be preached those who were charged with that duty were commanded to begin at Jerusalem; and the apostle in another portion of the Scriptures says that judgment should begin at the house of the Lord. If there is any reform attempted in the political methods of this country I submit that it should begin right here, in the Congress of the United States.

Whether or not there be need of reform in the Congress of the United States it would not be becoming in me to say; but we can not shut our eyes to the fact that there is an impression throughout the country which we see manifested in the public prints almost every day that we open the newspapers, and which we hear expressed upon the street corners and on the hustings and everywhere that men discuss politics—there is an impression I say that there is a great deal of jobbery and improperly procured legislation emanating from the Congress of the United States.

Whether that be true or not, it is the part of wise men to avoid as far as possible any occasion for such imputations upon this body and the corresponding one that sits at the other end of this Capitol. If a man finds that he is losing reputation by association in public places with an improper character, the most natural as well as the wisest course is for him immediately to abandon that association, to give the public evidence of the fact that he is desirous to avoid at least the appearance of evil.

Now, sir, a bill has been introduced into this body by the Senator from Kentucky and passed, not alleging that there is improper legislation procured by the attorneys of great corporations in this body, but providing against the possibility of such a thing occurring. That is held to be an imputation and a slander upon members of this body. I do not so regard it. I do not believe that it was so intended. I do not believe that the public will so construe it. But I do believe this, and I prophesy this, that if in the face of these generally unfavorable impressions to which I have alluded in regard to the purity of our legislation we refuse to apply legislation that will prevent its possibility it will be accepted by a great portion of the American people as proof that such imputations were not unfounded, and then the slander upon this body will come from its own action in refusing to protect itself by proper laws.

Amidst all this extraordinary argument to which I have listened, amidst the special pleading and pathetic appeals and the platitudinous philosophy that has been poured out on this subject, it has been said that it is impossible in the constitution of human nature to secure absolute impartiality and freedom from bias. Of course it is. The Senator from Vermont [Mr. EDMUNDS] did me the kindness to twit me about the bias of a local nature which I was suspected to have exhibited for the people of North Carolina in my vote some three years ago on the subject of rice when the tariff was under consideration.

The value of such an argument as that, if it can be called an argument, is at once made apparent when you reflect upon the difference between a Senator or Representative standing up here and voting in the interest of those whose attorney he is, whose agent or representative he is, and the Senator who stands up here, if there be such a one, and votes in the interest of a client whose money he has in his pocket. There is a very wide difference, that will be obvious to any one who will look at it for a moment.

It is our business to represent the interests of our constituents, it is our duty and honor to show bias in their favor, but it is not the business of any representative in the American Congress or in any other legislative body known among the American people to represent private interests when they come in conflict with public interests.

Why, Mr. President, there is not a man in North Carolina where that rice is grown whose sense of honor and propriety is not keen enough to enable him to despise an attorney who is accused of taking a fee on both sides. You must confine yourself to the plaintiff or to the defendant, one or the other. And now when a bill comes before the Congress of the United States asking for a benefit to be granted to a private man or to a corporation of men which is in conflict with the interests of the public, how can a Senator or Representative accept a fee from the private interest and vote as a representative of the public interest without having been open to the accusation of being employed by both sides and without being untrue to one or the other? It seems to me, sir, that it is impossible to reconcile a nice sense of honor with such a proceeding as that, and all that this bill proposes to do is to put it out of the power, if it were in the inclination, of any member of the Congress of the United States to place himself in such a position.

I think it has been successfully shown by the Senator from Kentucky that this is not new legislation, that time and again Congress has undertaken to surround not only all the members of the various departments of the Government but Congressmen themselves from the dangers of appearing in one capacity for a portion of the public and in another capacity for the general public. I do not think that it is new legislation. I do not think that it is hasty legislation. On the contrary I think it is very slow legislation, for this ought to have been the law twenty-five years ago, and we ought to adopt it now and place it upon the statute-book; and no honest man can feel himself aggrieved thereby. No man should feel that there is any imputation cast upon him by the attempt to surround himself with the ordinary safeguards of law in the service of his country.

A great lawyer should pride himself not only on the extent of his learning but on the high character of his profession, and most of all upon that high, keen, and exquisite sense of honor which has made the great lawyer the friend of liberty and of pure government all the world over; and when such a man, enjoying the lucrative practice which his great talents have enabled him to obtain among his own countrymen, sees proper to seek further and other honors at their hands by a seat in the Congress of the United States, his pride should be to say to them, "Sirs, I surrender all the profits of my profession, I surrender all of its emoluments and honors, and I take upon myself these new duties divorced from every other and encumbering duty, and my country, so long as I am in this capacity, shall have my sole and exclusive talents and exertions."

If it comes, in other words, to a choice between his client at home and his country, he should say, "I surrender my client, and I serve my country and nothing else." He should at least be as honorable as Dugald Dalgetty, the soldier of fortune, was, who was ready to fight for any commander who saw proper to hire him, but made it a scrupulous point of honor that he would not render the slightest service to his new master until his contract with the old one was fulfilled. I think we should at least have that much honor. I believe we have it now; but for our own protection and for the protection of those who are to come after us, I believe that this law ought to be upon the statute-book of the country, so that when lawyers come to the United States Senate or to the House of Representatives it should be understood that they have and can have but one client, and that one our common country.

Mr. HAWLEY. Just a word or two before the vote is taken.

When this bill passed without reference or debate, though I was somewhat surprised, I voted for it, because I fancied that there was an object we might justly aim to reach. Upon a little further reflection I decided that the bill was hasty, needed consideration by the proper committee, and I therefore entered a motion to reconsider. I think the event has justified my supposition that the bill was worthy of debate. It has occupied certainly much more time than I expected. My object has been largely gained anyhow, and I now hope that the motion to reconsider will be carried. I shall follow it, if nobody else does, with a motion to refer this bill to the Judiciary Committee. I have no such dread of it as the Senator from Kentucky seems to indulge in. I am told that by the record six members of that Judiciary Committee voted for the bill upon its passage, and yet one of those distinguished gentlemen, a very able lawyer, has said here to-day that he thought it deserved further consideration. But, deducting him, the committee appears to be evenly divided. I am perfectly willing to leave a deliberate consideration and revision of the bill to that committee. I do not vouch for those figures, but I am so told. I call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. HARRISON. Mr. President, I do not rise for the purpose of discussing this bill, but only to say a word or two in the nature of an explanation, and then, perhaps, to add a suggestion.

When the proposition was voted upon in the Senate to refer this bill to the Committee on the Judiciary I voted against it. I believe I was the only Senator on this side of the Chamber who did so. The Senator from Kentucky, perhaps a week before, had introduced the bill; it had been read at the desk, and he had announced his purpose to call it up on a particular day for action and to put it upon its passage. At the time named the bill was called up by him. A vote of the Senate was taken, and the bill was taken up for consideration. Up to that time no motion had been made by any one to give it a reference to a committee. I had never read it; I had heard it read at the desk simply, and in that way gathered the general scope of the bill; I had not given it that careful or critical attention which every Senator should give to such legislation, and especially to a bill which had not had the supervision of any committee of the Senate.

I have thought since that the vote I gave against this reference, especially in view of a remark made by the Senator from Kentucky at the time, was liable to misconstruction and involved perhaps some disrespect to the Committee on the Judiciary. I desire to say now that nothing was further from my thoughts at the time I gave that vote. There is certainly no committee of this body—I go further and say there is no equal number of men that I know anywhere, to whose intelligence, wisdom, and integrity I would sooner commit any measure of public or private interest than to the Judiciary Committee of the Senate.

I thought at the time that we should have the advantage of some discussion upon the bill upon its passage from those whose attention had been called to its terms. It did not turn out that way, but for some reason or other, without a word being said on either side of the Chamber, the bill was put upon its passage, and the affirmative vote was very large. It has been stated by the Senator from Colorado that only 11 votes were recorded in the negative.

I voted for the passage of the bill. In doing so I voted for what seemed to me to be a principle that was right and without reference to the special phraseology of the bill. I take it for granted that every Senator who voted for it did so for the same reason. I am not prepared to say that this legislation is not needed—I am prepared to say that there is a principle in the bill that we should support and that I shall support; and in saying this I desire to add a word. If I were asked by any one in or out of this Chamber whether during my service here I had seen in the case of any Senator on either side of this Chamber any bias or prejudice in dealing with any questions connected with the land-grant railroads of this country growing out of any supposed relation or any actual relation which he had held as attorney toward any of these roads, I should unhesitatingly answer that no such thing had come under my observation, nor had I seen anything that led me to suspect the existence of such a state of affairs.

On the other hand, while I am not as sensitive as some members of the profession have expressed themselves to be here to-day, I do very highly appreciate the honorable record and high personal and official character which the bar of this country has maintained. I believe that the instruction which every member of the bar well taught in his profession has in the principles of equity, in the duties and obligations of trustees, makes him peculiarly sensitive to the duties of any trust, public or private. I should rather expect in the case of a conscientious man that if he had had such a prior relation to any one of these corporations as is indicated in the bill, that instead of a resulting prejudice in favor of the corporation, the bias in his public action would be against it. I know to-day many judges who under the laws of our States are disqualified to sit in any case where a relative is a party before whom I would be more than willing to try a case against such a relative. I would be willing that he should try it because his relation to my opponent, so far from operating in his favor, would be very apt to incline the judge to give the decision against him lest he might be suspected of being influenced in his decision by this relationship. But the law does not proceed upon that basis; it disqualifies, and properly, too.

I for one am in favor of this bill. If there are here or outside of this Chamber honest, well-meaning, even though misinformed, people who believe that such professional relations are likely to influence the mind of the legislator, then we should disabuse that prejudice, and pass some appropriate and well-regulated law against it.

But, Mr. President, we have here to-day, from lawyers who have no superiors in this Chamber if anywhere in this country, heard the question raised as to the constitutionality of the proposed law. We have from another Senator a proposition to enlarge its scope. Under these circumstances I desire to suggest whether the friends of the bill can not by consent reconsider this vote and let the bill go to some proper committee for consideration. I can not myself feel that any Senator here, upon cool reflection, would be willing to assert that due consideration would not be given to this measure in committee or that we should not have at an early and appropriate day an opportunity to pass upon it after it has had the careful and deliberate attention of a committee, and after they have had an opportunity to submit to the Senate in the form of a report their views upon the constitutionality as well as upon the advisability of this legislation.

So that, without at all desiring or intending to withdraw or modify the assent I gave in my previous vote to what I understand to be the simple proposition of the bill, I shall vote for its reconsideration, and I hope we shall have consent that this action may be taken and that the bill may have its due and orderly and appropriate consideration in the proper committee.

Mr. GEORGE. Mr. President, I desire to make one or two observations with reference to the vote which I shall cast on the motion of the Senator from Connecticut.

This is very important legislation; I do not know of a more important bill that has been introduced for the consideration of this body than the one which we are now considering. It is true also that this very important bill was not referred to a committee and that it passed this body without debate.

I desire to say, however, that this bill is a very short one. There is not an ambiguous or a doubtful phrase in it. Its meaning is plain to the comprehension of any lawyer or of any citizen of good common sense. We have heard it debated now on a motion to reconsider. I have listened to that debate with that care and attention which were due to the importance of the subject and to the distinguished character of the speakers who have participated in it. I have heard nothing said which tends to change my first impression in reference to the bill. All that has been said confirms me in, if I may use the expression, my impressions at first blush; and allow me to say on that point right here, that on questions of honor, questions of that delicate character, the first impressions of the mind are nearly always correct.

It appears that upon the mere reading of this bill thirty-seven members of this body against eleven thought it ought to be passed without even a reference to a committee. I think the impressions, that the honorable impressions first coming upon the minds of Senators upon the reading of the bill are the best, and are those which we ought to stand by; and for that reason I see no propriety in a further consideration of the measure by a reference to a committee.

It is true the bill might be enlarged; I think I would vote to enlarge it, but this enlargement can come from a separate and independent bill. The Senate by a very large majority has given its sanction to this bill; the Senate by a majority refused to commit this bill to one of its committees for consideration, and now after we have done that, and after the lapse of a week on this short bill, without a single doubt or ambiguity as to its meaning, if we should turn around and undo what we have done the impression would not be very favorable to the Senate.

For these reasons and for the reasons urged by the Senator from Kentucky and by the Senator from North Carolina I feel bound to vote against the reconsideration of this bill.

Mr. SHERMAN (Mr. CULLOM in the chair). Mr. President, I have but a word to say about this matter.

The universal rule of the Senate is always to refer every measure to which any objection is made to a committee. Committees are organized for the purpose of considering proposed legislation; and it is very rare in the Senate that any proposition, however plain and simple, that is presented here, if any Senator demands it, is not referred as a matter of course. That is the ordinary mode of proceeding, which ought never to be departed from in my judgment where there is a single objection.

When this bill was introduced and the motion was made to refer it I supposed that that course would be adopted; and if Senators had then pointed out any objections to the bill no doubt the motion to refer would have carried as a matter of course, as I think it ought to have been. I voted to refer it simply upon a doubt whether any bill ought to pass except upon a reference to a committee. However, the Senate decided not to refer it, and now a motion to reconsider is made by a Senator who voted for the bill.

Here again is a familiar rule of the Senate. A motion to reconsider is carried almost as a matter of course. I have seen a motion to reconsider carried by a unanimous vote when the Senate was most decidedly against it. If a Senator at any stage of a bill moves to reconsider it, it has been

the established custom of the Senate, with very rare exceptions, to reconsider *pro forma* and take the vote over again if necessary.

This bill meets with my hearty approval. I have listened to most of the debate, and I do not see any objection to the bill itself. It seems to me that when a Senator comes here, having been previously employed by a railroad company whose interests are involved in our consideration, he would naturally ordinarily dissever that connection, so as to be entirely free and unbiased. But there may be times and there may be occasions when that is impossible to be done. A man is elected a Senator of the United States, known to be an attorney for a corporation, or, as I am, a trustee for a corporation, a director. In such cases he is known to have that interest, and it does not prevent his election. Almost every man who has a seat in the Senate has more or less interests that may be directly or indirectly passed upon by the body itself. In such a case if he has a direct interest he should refrain from voting on the question.

Under the circumstances it does seem to me—and I shall vote in accordance with that idea—that as a motion to reconsider has been made it should be allowed, although I would vote for the identical bill if brought back at any stage just as it is. I shall vote for this bill whenever it is brought before the Senate, because I believe the principle of the bill is right; but under the circumstances I think it would be wise for the Senate, if possible by general consent, to refer the bill to a committee, with the certainty that there will be no delay in reporting upon it. If there are any objections to it in details, if there are any doubtful questions of constitution or law involved, they will be reported to us, and then we can deliberately vote upon the measure.

There is no danger that this bill will be smothered. On the contrary, any committee to which it is referred would probably act upon any objections that were made to it and would pass upon them according to their judgment and report the result promptly back to the Senate.

Mr. KENNA. Will the Senator allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. KENNA. Suppose the bill should be referred to a committee a majority of whom were against it, what chance should we have of securing its consideration?

Mr. SHERMAN. They would be bound to report, and no committee would dare fail to report a bill that a majority of the Senate wanted, for it is the easiest thing in the world for any Senator to move to discharge the committee from its further consideration.

Mr. KENNA. If he can get the floor and get consideration of the motion; but does not the Senator know that the committee-rooms of the Senate are loaded down to-day with bills that have lain there the whole of this session, because the majority of the committee do not choose to consider them?

Mr. SHERMAN. If the Senator rises and says that a certain bill which he believes a majority of the Senate are in favor of is not reported by any committee, a motion to discharge the committee is not an unusual motion. I have made it half a dozen times, and whenever that motion is submitted and a majority are in favor of a committee acting upon a measure promptly, they will always vote that way and always recall the bill and then pass it.

Therefore we must not suppose that because a committee is opposed to a bill they will not report it. If we are suspicious of each other so much as that, if we can not trust each other, still the Senate has the power at all times to discharge a committee. It is an ordinary motion which can be made at any time pending any question, for you can move to discharge a committee from the consideration of a bill at any stage. Committees are the mere organs, the mere agents of the body, convenient agencies for the transaction of business. Under the circumstances I shall vote to reconsider the vote on the passage of this bill although I am in favor of the bill, and I think that the criticisms which have been made upon it are rather too fine. I can not myself appreciate their justice or correctness. At the same time I will vote to reconsider on the motion of the Senator from Connecticut and send this bill to any committee of the body that may be chosen, with the expectation that that committee will promptly report it in a reasonable time, and when it is brought back to us we shall vote according to our convictions.

That is the course I shall pursue, although I have seen no reason to doubt the correctness of my vote on the passage of the bill. I shall vote for it again. I shall vote, however, for the motion to reconsider, to give to those who are opposed to the bill an opportunity of presenting their objections to one of the standing committees, with the expectation that that committee will do its duty and return the bill in due time to the Senate for its action.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the bill was passed. The roll will be called.

The Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] was paired with the Senator from Connecticut [Mr. PLATT] and I was paired with the Senator from Minnesota [Mr. SABIN]. In order to enable us to vote I have transferred the respective pairs, so that my colleague is now paired with the Senator from Minnesota [Mr. SABIN].

Mr. CAMERON (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON]. If he were present, I should vote "yea."

Mr. CHACE (when his name was called). I desire to say that my colleague [Mr. ALDRICH] is paired with the Senator from Indiana [Mr. VOORHEES].

Mr. COLQUITT (when his name was called). My colleague [Mr. BROWN] is paired with the Senator from Oregon [Mr. DOLPH].

Mr. HOAR (when the name of Mr. DAWES was called). My colleague [Mr. DAWES] is absent in Massachusetts. I am not informed, but I presume if he were present he would vote "yea." I infer that from his general course.

Mr. DOLPH (when his name was called). I announce that I am paired with the senior Senator from Georgia [Mr. BROWN].

Mr. BUTLER (when Mr. HAMPTON'S name was called). My colleague [Mr. HAMPTON] is paired with the Senator from Colorado [Mr. BOWEN] on this question.

Mr. BOWEN. In connection with the announcement of that pair, I desire to say that I should vote in favor of the reconsideration if at liberty to do so.

Mr. BUTLER, Perhaps I ought to have stated that.

Mr. EDMUNDS (when Mr. MORRILL'S name was called). My colleague [Mr. MORRILL] is absent from illness; I believe he is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. PAYNE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES]. As his colleague has stated he would vote "yea" if he were here, and as I would vote the same way, I cast my vote "yea."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, he would vote "yea" and I should vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from New York [Mr. MILLER], who is absent, but as I am assured that he would vote "yea" if present, I vote "yea."

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is detained at home by sickness. His pair with the Senator from West Virginia [Mr. CAMDEN] has been announced.

Mr. GRAY (when Mr. SAULSBURY'S name was called). My colleague [Mr. SAULSBURY] is paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. MANDERSON (after having voted in the affirmative). Since I cast my vote I have been requested to pair with the Senator from Maryland [Mr. GORMAN], who is unavoidably absent from the Chamber; I therefore withdraw my vote. [After a pause.] I ask whether a pair has been announced for the Senator from Virginia [Mr. MAHONE].

The PRESIDENT *pro tempore*. No pair has been announced for him.

Mr. MANDERSON. If that be so, I will announce a pair between the Senator from Virginia [Mr. MAHONE] and the Senator from Maryland [Mr. GORMAN]. I therefore will record my vote in the affirmative. I am told that the Senator from Virginia was called away by illness.

The result was announced—yeas 31, nays 21; as follows:

YEAS—31.

Allison,	Frye,	Manderson,	Sawyer,
Blair,	Gray,	Mitchell of Oreg.,	Sewell,
Call,	Harrison,	Palmer,	Sherman,
Chace,	Hawley,	Payne,	Spooner,
Conger,	Hoar,	Platt,	Stanford,
Cullom,	Jones of Nevada,	Pugh,	Teller,
Edmunds,	Logan,	Ransom,	Wilson of Iowa.
Evarts,	McMillan,	Riddleberger,	

NAYS—21.

Beck,	Colquitt,	Kenna,	Walthall,
Berry,	Eustis,	McPherson,	Whitthorne,
Blackburn,	George,	Maxey,	Wilson of Md.
Butler,	Harris,	Vance,	
Cockrell,	Hearst,	Van Wyck,	
Coke,	Jones of Arkansas,	Vest,	

ABSENT—24.

Aldrich,	Dolph,	Ingalls,	Morrill,
Bowen,	Fair,	Jones of Florida,	Pike,
Brown,	Gibson,	Mahone,	Plumb,
Camden,	Gorman,	Miller,	Sabin,
Cameron,	Hale,	Mitchell of Pa.,	Saulsbury,
Dawes,	Hampton,	Morgan,	Voorhees.

So the motion to reconsider was agreed to.

Mr. HAWLEY. I move the reference of the bill to the Committee on the Judiciary.

Mr. BECK. I do not think we have got that far back yet. The bill has passed, and the motion to reconsider just acted on was a motion to reconsider the vote whereby the bill was passed.

Mr. HAWLEY. I take it the bill can be referred at any stage of the proceedings.

The PRESIDENT *pro tempore*. The bill can be referred at this stage. It is in order to move to refer it at any stage before its passage.

Mr. BECK. After its third reading?

The PRESIDENT *pro tempore*. The Chair is so advised. The question is on the motion to refer the bill to the Committee on the Judiciary.

Mr. BECK. I call for the yeas and nays on that. It might as well go to the tomb of the Capulets at once.

The yeas and nays were ordered.

Mr. VANCE. Let us have the bill read once more; I should like to take a farewell of it. [Laughter.]

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

Mr. EDMUNDS. I wish to state to the Senator from North Carolina, as I happen to be chairman of the Committee on the Judiciary, that so far as any effort of mine can accomplish it, if this bill should be referred to that committee, the Senator from North Carolina shall have the pleasure of having the bill back again within eight days.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague is paired with the Senator from Indiana [Mr. VOORHEES].

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN]. If my colleague were present, and not paired, he would vote "nay."

Mr. CAMERON (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. DOLPH (when his name was called). I announce my pair with the senior Senator from Georgia [Mr. BROWN].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN].

The roll-call having being concluded, the result was announced—yeas 30, nays 21, as follows:

YEAS—30.

Allison,	Frye,	Manderson,	Sewell,
Blair,	Gray,	Mitchell of Oreg.,	Sherman,
Call,	Harrison,	Palmer,	Spooner,
Chace,	Hawley,	Payne,	Stanford,
Conger,	Hoar,	Platt,	Teller,
Cullom,	Jones of Nevada,	Pugh,	Wilson of Iowa.
Edmunds,	Logan,	Ransom,	
Evarts,	McMillan,	Sawyer,	

NAYS—21.

Beck,	Colquitt,	Kenna,	Vest,
Berry,	Eustis,	McPherson,	Walthall,
Blackburn,	George,	Maxey,	Whitthorne.
Butler,	Harris,	Riddleberger,	
Cockrell,	Hearst,	Vance,	
Coke,	Jones of Arkansas,	Van Wyck,	

ABSENT—25.

Aldrich,	Fair,	Mahone,	Sabin,
Bowen,	Gibson,	Miller,	Saulsbury,
Brown,	Gorman,	Mitchell of Pa.,	Voorhees,
Cameron,	Hale,	Morgan,	Wilson of Md.
Camden,	Hampton,	Morrill,	
Dawes,	Ingalls,	Pike,	
Dolph,	Jones of Florida,	Plumb,	

So the bill was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over Menominee River; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 1016) granting an increase of pension to Abel Comstock;

An act (S. 1382) for the relief of Lydia O. Hutchings;

An act (S. 1466) granting an increase of pension to Stephen R. Smith;

An act (S. 1467) granting a pension to Mrs. Margaret Smith; and

An act (S. 2078) for the relief of Coronna, Taussig & Co., and others.

ALFRED DENNY—VETO MESSAGE.

The PRESIDENT *pro tempore*. Pending the unfinished business which is now before the Senate, the Chair will lay before the Senate messages from the President of the United States.

The Chief Clerk read the following message from the President of the United States:

To the Senate:

I return herewith without approval Senate bill No. 1192 entitled "An act granting a pension to Alfred Denny."

It appears that the claimant entered the United States military service as captain and assistant quartermaster of volunteers on the 12th day of June, 1863. After remaining in such position for less than a year he resigned to accept a civil position.

The short record of his military service discloses no mention of any accident or disability. But twenty years after his resignation and on the 12th day of March, 1884, he reappears as an applicant for a pension, and alleges in his declaration filed in the Pension Bureau that in August, 1863, while in the line of duty he was, by a sudden movement of the horse he was riding, thrown forward upon the horn of his saddle and thereby received a rupture in his right side, which at some time and in a manner wholly unexplained subsequently caused a rupture in his left side also.

The number of instances in which those of our soldiers who rode horses during the war were injured by being thrown forward upon their saddles indicate that those saddles were very dangerous contrivances.

I am satisfied there is not a particle of merit in this claim, and no facts are presented to me which entitle it to charitable consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1886.

The message was ordered to be printed and lie on the table.

WILLIAM H. BECK—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and be printed:

To the Senate:

I hereby return without approval Senate bill No. 1400 entitled "An act granting a pension to William H. Beck."

This claimant enlisted in 1861. He re-enlisted as a veteran volunteer January 1, 1864, and was finally mustered out April 20, 1866. In all this time of service his record shows no medical treatment or claim of disability. Indeed an abstract of his re-enlistment January 1, 1864, shows a medical examination and perfect soundness.

Notwithstanding all this, he filed his declaration on the 4th day of April, 1879, nearly thirteen years after his discharge, alleging that in June, 1863, he incurred epilepsy, to which he has been subejct since, and that his fits have been from one to ten days apart. To connect this in some way with his military service he stated that the doctor at a hospital said his epilepsy was caused "by jar to the head from heavy firing."

Six months after this alleged "jar" and his consequent epilepsy he re-enlisted upon a medical certificate of perfect soundness and served more than two years thereafter.

Every conceded fact in the case negatives the allegations of his declaration, and the rejection of his claim necessarily followed.

If this disease can be caused in the manner here detailed, its manifestations are such as to leave no doubt of its existence, and it seems to me simply impossible under the circumstances detailed that there should be any lack of evidence to support the claim upon which this bill is predicated.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1886.

MARY J. NOTTAGE—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and be printed:

To the Senate:

I hereby return without approval Senate bill No. 2005, entitled "An act granting a pension to Mary J. Nottage."

The beneficiary named in this bill is the widow of Thomas Nottage, who enlisted in August, 1861, and was discharged for disability September 17, 1862. The assistant surgeon of his regiment upon his discharge certified the cause to be "disease of the urinary organs," which had troubled him several years.

He died of consumption January 8, 1879, nearly seventeen years after his discharge, without ever having made any application for a pension.

In 1880 his widow made an application for pension, alleging that he contracted in the service "malarial poisoning, causing remittent fever, piles, general debility, consumption, and death," and that he left two children, both born after his discharge, one in 1866 and the other in 1874.

The only medical testimony which has been brought to my attention touching his condition since his discharge is that of a single physician, to the effect that he attended him from the year 1873 to the time of his death in 1879. He states that the patient had, during that time, "repeated attacks of remittent fever and irritability of bladder with organic deposits;" that "in the spring of 1878 he had sore throat and cough, which resulted in consumption, of which he died.

The claim of the widow was rejected in July, 1885, on the ground that "the soldier's death was not the result of his service."

I am satisfied that this conclusion of the Pension Bureau was correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1886.

MARRILLA PARSONS—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and be printed:

To the Senate:

I return herewith without approval Senate bill No. 342, entitled "An act granting a pension to Marilla Parsons, of Detroit, Mich."

No claim has ever been made for a pension in this case to the Pension Bureau, probably for the reason that there is no pretext that the beneficiary named is entitled to a pension under any general law.

Daniel P. Parsons was her step-son, who enlisted in 1861 and died of consumption on the 13th day of August, 1864.

There are no special circumstances to distinguish this case from many others whose claims might be made by step-parents, and there are no facts stated in support of the conclusion embodied in the committee's report that the soldier was taken sick from exposure incident to the service.

To depart from all rules regulating the granting of pensions by such an enactment as is proposed would establish a precedent which could not fail to cause embarrassment and perplexity.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1886.

HARRIET WELCH—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and be printed:

To the Senate:

I return without approval Senate bill No. 1383, entitled "An act granting a pension to Harriet Welch."

The beneficiary named in this bill asks for a pension as the widow of Syraneous Welch, who was wounded in 1864 while in the service and was pensioned therefor in 1867. In 1876 his rate of pension was increased. In 1877 he appears to have applied to have his pension again increased. It is alleged that upon such application he was directed to appear before an examining board or a surgeon at Green Bay, Wis., for examination, and in returning to his home from that place on the 7th day of September, 1877, he fell from the cars and was killed, his remains having been found on the track the next morning.

No one appears to have seen the accident, but it is claimed that he could not depend upon his wounded leg, and that it "gave way many times and caused

him to fall." From this statement the inference seems to have been indulged that his death was attributable to the wound he had received thirteen years before.

The widow's claim, based upon this state of facts, was rejected by the Pension Bureau, on the ground that the accident resulting in death was not the result of his military service; and on an appeal taken to the Secretary of the Interior from that determination the same was sustained.

Though this widow admits that prior to her marriage with the deceased soldier she had married another man whom she could only say she believed to be dead, I believe her case to be a pitiable one, and wish that I could join in her relief. But, unfortunately, official duty can not always be well done when directed solely by sympathy and charity.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1886.

JAMES BUTLER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and be printed:

To the Senate:

I hereby return without approval Senate bill No. 2025, entitled "An act granting a pension to James Butler."

This claimant was enrolled as a private in a New Hampshire regiment August 23, 1864, but on the organization of his company, on the 12th day of September, 1864, he was discharged on account of a fracture of his leg which happened on the 11th day of September, 1864.

It appears that before the organization of the company to which he was attached, and on the 10th day of September, he obtained permission to leave the place of rendezvous for the purpose of visiting his family, and was to return the next day. At a very early hour in the morning, either while preparing to return or actually on his way, he fell into a new cellar and broke his leg. It is said that the leg fractured is now shorter than the other.

His claim for pension was rejected in December, 1864, by the Pension Bureau, and its action was affirmed in 1871, upon the ground that the injury was received while the claimant was on an individual furlough, and therefore not in the line of duty.

Considering the fact that neither his regiment nor his company had at the time of his accident been organized, and that he was in no sense in the military service of the United States, and that his injury was received while on a visit, and not in the performance of duty, I can see no pretext for allowing a pension in this case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1886.

ROBERT HOLSEY—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and be printed.

To the Senate:

I return without approval Senate bill No. 1288, entitled "An act granting a pension to Robert Holsey."

This claimant enlisted in 1862, and, though he appears to have been sick on two occasions during his term of service, he remained with his company until it was mustered out in 1865.

This soldier was really sick during the time he remained in the Army, and in this respect his claim for a pension has a better origin than many that are presented. But the fact must be recognized, I suppose, that every army ailment does not necessarily result in death or disability.

In 1882, seventeen years after his discharge, this soldier filed his declaration for a pension, alleging that in 1863 he contracted intermittent fever, affecting his lungs, kidneys, and stomach.

A board of surgeons, upon an examination made in 1882, find disease of kidneys, but no indication of lung and stomach trouble; and a medical referee reported in 1885 that there had been no disease of the stomach and lungs since the filing of the claim, and that the difficulty affecting the kidneys had no relation to the sickness for which the claimant had been treated while in the Army.

I am of the opinion that a correct conclusion was reached when the application for pension in this case was denied by the Pension Bureau.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1886.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives insisting on its disagreement to certain amendments of the Senate to the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. HALE, and Mr. BECK.

NATIONAL CEMETERY AT KNOXVILLE.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist on its amendment to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. LOGAN, Mr. HARRISON, and Mr. COCKRELL.

HOUSE BILL REFERRED.

The bill (H. R. 8033) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief Signal Officer of the Army, inviting attention to Senate bill No. 2620, to repeal so much of the act of June 20, 1878, as provides for the appointment of second lieutenants in the Signal Corps, and giving reasons why the same should not become a law; which was referred to the Committee on Military Affairs, and ordered to be printed.

POSTAGE ON FOURTH-CLASS MAIL MATTER.

Mr. CHACE. Last week I gave notice that I should ask the Senate to indulge me in a few remarks to-day on the bill (S. 1079) to regulate the rate of postage on fourth-class matter, but I perceive it is the desire of Senators to get through with the land bill, and I will postpone my remarks until some day early next week.

PETITIONS AND MEMORIALS.

Mr. COCKRELL presented a petition of citizens of Independence, Mo., praying that a pension be granted to Claiborn Webb, a private in Capt. James Chiles's company, in the Florida war; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Lathrop, Mo., and a petition of citizens of Saint Joseph, Mo., respectfully urging the passage of what is known as the "oleomargarine bill," with all the provisions embraced in the same as it recently passed the House of Representatives; which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. GRAY, from the Committee on Claims, to whom was referred the bill (S. 821) for the relief of James M. Wilbur, reported it with an amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 2024) for the relief of Thomas Smith, reported it without amendment, and submitted a report thereon.

VETOES OF PENSION BILLS.

Mr. LOGAN. Have the bills returned by the President been referred to the committee.

The PRESIDENT *pro tempore*. They have not been. They are lying on the table. A motion to refer would be in order.

Mr. LOGAN. Prior to their reference there is one remark I wish to make. One of the grounds stated for a veto in one case at least is that the party was absent on an individual furlough. The furlough of a soldier from the Army is as much an order and is as much in the line of duty as if he was in the presence of the enemy, and I have never known such a construction given before to an order of that character as that a person on such furlough was not in the line of duty. I merely wish to say that much.

Mr. BLAIR. I shall not say anything to lead to any general discussion of this matter of the vetoes of the President in which he so extensively indulges in pension cases. It would seem to be a congenial labor; and certainly if his sense of duty inclines him not only to veto these bills, but to indulge himself in the most extraordinary terms of expression toward the two Houses of Congress, it is a matter of official propriety with reference to which he must judge for himself. But many of the cases which have been passed upon adversely by the President I have since examined with such care and impartiality as I am capable of, and I desire now to say that the President vetoes indiscriminately as meritorious cases as the average of those we have been accustomed to pass by the action of both Houses of Congress after careful investigation and by the approval of the Chief Magistrate for so long a time as I have known anything of the allowance of private pension claims by the action of the Government.

We are endeavoring to get on as well with this business as we can. No bill has been reported, so far as I know, without careful scrutiny and without an earnest desire simply to do justice rather than to do only mercy.

I think that the cases which have been reported to this Congress and acted upon by the Senate at this session have been as carefully considered as they ever were. From such examination as I have made I can say that unless in one or two instances where there have been clerical mistakes, such as occur in the transaction of all business everywhere, no one has been returned to us where there is any evidence or taint of fraud as far as the testimony indicates or in my belief where there was lack of substantial merit in the bill itself. The committee will as soon as possible report these cases, or some of them, back to the Senate.

The whole amount of money that would be called for by all the pension cases that have passed Congress at the present session can not be over two or three hundred thousand dollars annually; and the complaint that there is being any general raid upon the Treasury, or the revenues, and the power of the country to bear taxation on this account is entirely without foundation.

There has been a good deal of criticism of the Pension Office in our time, and so far as I know very just criticism. I believe that the Pension Office is not only now but has for a long time been organized and managed to reject claims when it possibly could be done. I know no such infamous court of chancery in existence in any civilized nation as I believe that Pension Office has come to be in its practical dealings with the cases of the soldiers of this country. Here is one instance that came to my knowledge only very lately. The Senator from Nebraska [Mr. VAN WYCK] investigated the case, and he informed me in the course of the session of the committee yesterday in regard to it, where, in the instance of a soldier admitted to be sick from disability contracted in the service, his wife went to a druggist to have a prescription filled and by accident the druggist filled the prescription with poison instead of the remedy which was meant to be administered in the ordinary course of treatment of this man for a disease contracted in the service, and he died. An application was made for a pension on the ground that the man died of disease contracted in the service, and the Pension Office in the administration of the pension law rejected that claim on the ground that the disease of which the man died was not contracted in the service.

It may be said, by a refinement of technicality, that that was strictly correct. I only speak of it as illustrative of the spirit in which the law has been in many cases administered.

More than once both Houses of Congress have passed an act expressive of the sense of the legislative power that the action of the United States in mustering in after medical examination soldiers to the service of the United States should be conclusive evidence on the question of physical soundness at the date of muster-in. Acting upon that presumption as the general sentiment of Congress and the country, the Committee on Pensions has been less exact than the Pension Office has been in requiring evidence over and over explicit beyond the mere fact of muster-in as to the soundness of the soldier at that date, and we have oftentimes treated in the report of cases the fact of service, especially if it was long service, as conclusive evidence against the Government that the man was fit to render the service which he did render, and have not gone behind that time to ascertain whether there was any headache or possible dizziness or liability to disease before. We may, perhaps, have been too liberal.

But without specifying the kind of hardship we have had occasion to relieve against to any extent, I think the general assertion that the somewhat unusual activity of the committees of both Houses of Congress at the present session—the House of Representatives having passed at least, I think, three times as many original bills as the Senate—is due to the fact that there has been from various reasons during many years, especially on account of the spirit in which the Pension Office has been administered, an accumulation of cases for which remedy should be granted under special acts, and we have tried to do it. But many of the assertions of the President, or at least some of them, in his veto messages are incorrect as matters of fact. We have in the present Congress passed only about six hundred cases, when in a former session of Congress we passed almost four hundred, and the President will see by examining the records that many of his statements are inaccurate as to matters of fact.

These things, or some of them, so far as it is worth while to take the public time, will be developed further on. But what I say now I enter as a protest against any accusation upon Congress from any source whatever, so far as I can judge, of any heedlessness in the consideration of these cases or any disposition to palter with the sacredness of the public treasure.

Mr. HAWLEY. I should like to ask a question of the Senator from New Hampshire connected with his explanation. I think he must be mistaken—at any rate I wish to give him an opportunity to correct himself if he be—in giving the annual value of the pensions granted by this Congress. He said two or three hundred thousand dollars. How much does he think the average is?

Mr. BLAIR. I do not believe the pensions that may have been granted can average $200 apiece.

Mr. HAWLEY. That would make $120,000 a year.

Mr. BLAIR. I reckoned it I thought liberally in my own mind; I thought $200,000 would cover the entire amount we have voted. There is a general pension expenditure of the country which we hear charged over and over as being from sixty to seventy million dollars annually. This is petty, trifling, contemptible work. That is not stigmatizing this performance with any too great severity.

The PRESIDENT *pro tempore*. No motion has yet been made for the reference of the veto messages.

On motion of Mr. BLAIR, it was

Ordered, That the messages received from the President of the United States on the 21st instant vetoing the following bills be printed and referred to the Committee on Pensions:

A bill (S. 2223) granting a pension to Elizabeth S. De Krafft;
A bill (S. 226) granting a pension to Margaret D. Marchand;
A bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers; and
A bill (S. 1584) for the relief of Cornelia R. Schenck.

Ordered, That the messages received from the President of the United States this day vetoing the following bills be referred to the Committee on Pensions:

A bill (S. 1192) granting a pension to Alfred Denny;
A bill (S. 1400) granting a pension to William H. Beck;
A bill (S. 2005) granting a pension to Mary J. Nottage;
A bill (S. 342) granting a pension to Marilla Parsons, of Detroit, Mich.;
A bill (S. 1383) granting a pension to Harriet Welch;
A bill (S. 2025) granting a pension to James Butler; and
A bill (S. 1288) granting a pension to Robert Holsey.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendment to the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEDDES, Mr. RICHARDSON, and Mr. LYMAN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2281) granting to railroads the right of way through the Indian reservation in Northern Montana; and

A bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.

PUBLIC LAND LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes, the pending question being on the amendmeni proposed by Mr. PLUMB, in section 1, line 20, of the amendment of the Committee on Public Lands, before the word "made" to insert the word "heretofore;" so as to read:

That all entries made under the pre-emption laws, on which final proof and payment may have been heretofore made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold, after final entry, to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale.

Mr. PLUMB. Before that is voted upon I desire to change the amendment to a different form, which will accomplish the same purpose, by withdrawing the amendment in line 20 and inserting in line 22, after the word "sold," the words "prior to the passage of this act," so that the amendment will relate to sales made prior to the passage of this act and after final entry. That I think will not only better accomplish the purpose I have in view, but meet the views of many Senators who have spoken to me about it better than the amendment which I before proposed.

The PRESIDENT *pro tempore*. The amendment as modified will be read.

The CHIEF CLERK. In section 1, line 22, after the word "sold," it is proposed to insert "prior to the passage of this act;" so as to read:

That all entries made under the pre-emption laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold prior to the passage of this act after final entry, to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale.

Mr. MITCHELL, of Oregon. The Senator from Kansas will concede, I presume, that the amendment as now modified by him changes the existing law.

Mr. PLUMB. I think myself it does change the existing law, but about that matter there is a dispute.

This bill is to accomplish certain specific things, which I think are in the line of this amendment. It is a bill for peace, for quiet, to prevent people being tripped up unwarily, and to preserve as far as we can the right which by lapse of time might be disturbed by unwise action on the part of the Land Department.

While I believe with the Senator from Oregon that the law is now precisely as we declare it to be in this bill—believe it because it has been so decided by a judge of the Supreme Court as I think; believe it because it is fairly nominated in the section of the Revised Statutes which provides for pre-emptions—at the same time, inasmuch as the Department disputes that point and as Congress can not settle it except in some such way as this, I propose that we shall settle it and limit ourselves to transactions which have heretofore taken place, leaving those who enter land hereafter under any of the statutes of the United States to be governed by their own views of what the law is and take their own chances.

Mr. MITCHELL, of Oregon. The Senator from Kansas admits that this proposition is to make a radical change in the law as it has existed on this subject since the passage of the pre-emption act in 1841. That is what it amounts to. If Congress ought to do that, of course they will do it; but I insist that it is a very important matter. It is a radical change in the existing law. It is a change in the law, as I said, as it has stood on the statute-book since 1841 in reference to the rights of parties who have completed their entries under any of the land laws of the United States and in regard to the rights of purchasers who may purchase lands from parties who have thus completed their entries.

The Senator from Florida [Mr. CALL] yesterday in referring to this matter insisted that I was wrong in the construction given to the statute and to existing law on this subject, and he quoted from a case in the Supreme Court of the United States, a very old case, decided over a quarter of a century ago I presume, as it is reported in 20 Howard—a long time ago—in which something of that kind was asserted. But that has been entirely changed by numerous decisions of the Supreme Court since then, and I have before me any number of decisions of the Supreme Court of the United States which lay down the doctrine that when a party has made his entry and received his certificate he is the owner of the land. The land is then segregated from the public domain, and he is the owner of it just as much as he is the owner of it after he has received his patent, and he has then a right to sell it, a right to mortgage it, and any purchaser acting in good faith has the right to purchase it. Now the proposition is to change that whole business.

I will call attention to one or two of the later decisions of the Supreme Court on that point. I call the attention of the Senator from Florida to the case of Quinby *vs.* Conlon, reported in 104 United States Reports, page 420, in which the Supreme Court of the United States, in discussing this very question, referred to a former decision of that court, reported in 14 Wallace, the case of Myers *vs.* Croft, and in this late case, reported in 104 United States Reports, the Supreme Court said this:

> The act of Congress (section 2263 of the Revised Statutes) forbids the sale of pre-emption rights to the public lands acquired by settlement and improvement. The law declares that all transfers and assignments of rights thus obtained prior to the issuing of patents shall be null and void. This court held, in Myers *vs.* Croft, looking at the purpose of prohibition, that it did not forbid the sale of the land after the entry was effected; that is, after the right to a patent had become vested, but did apply to all prior transfers. When the land has been purchased and paid for and a final certificate issued it is no longer the property of the United States, but of the purchaser.

There have been several decisions of the Supreme Court of the United States since that time indorsing the doctrine laid down in Myers *vs.* Croft and in Quinby *vs.* Conlon. There is a provision of the Revised Statutes that no transfer shall be made, prior to patent issued, of a pre-emption right. The Supreme Court held that that related simply and purely to the transfer of a right of pre-emption and not to the transfer of the land after final entry had been made, the money paid, and a certificate issued, and that rule has been followed ever since by the Supreme Court of the United States.

Now, where does that leave matters? Simply here, that when a man has lived his time under the homestead law or under the pre-emption law or under any other of the land laws, paid his money, made his final proof before the register and receiver, and received his certificate, then he has a right to sell the land.

Now the proposition is to change that and to say that he can not sell the land; or, in other words, that whatever good faith may characterize the transaction in a purchase made at any time before patent issued, yet the purchaser is to be held in terror all the years that the entryman is waiting for his patent. The effect of this change in the law would be to prevent any transfer of lands from the owner, because he is the owner after he has complied with the law and received his certificate, until he has received the evidence of ownership, the patent. This he may not receive, and it is not received as a rule for years and years after he has made his final entry. The proposition is to continue the rule as to all past entries, and to change the law and apply a new rule as to future entries.

I call attention to the decision of the Supreme Court of the United States in the case of Carroll *vs.* Safford, 3 Howard's Reports, where the Supreme Court said, even at that early day:

> When the purchaser of land from the United States has paid for it, and received a final certificate, it is taxable property, although a patent has not yet issued for it.
>
> Taxation upon lands so held is not a violation of the ordinance of 1787, as "an interference with the primary disposition of the sale by Congress," nor is it a tax on the lands of the United States.

And further:

> It was competent for the State to assess and tax such lands at their full value as the absolute property of the holder of the final certificate, and in default of payment to sell them as if he owned them in fee.

Again:

> When the land was purchased and paid for it was no longer the property of the United States, but of the purchaser. He held it for a final certificate, which could no more be canceled by the United States than a patent.
>
> It is true, if the land had been previously sold by the United States or reserved from sale, the certificate or patent might be canceled by the United States as having been issued through mistake. In this respect there is no difference between the certificate holder and the patentee. (Cornelius *vs.* Kessell, 58 Wis., 241.)

These decisions of the Supreme Court have been followed by decisions of all the Western State courts, every one of them, there is not a single exception; and to adopt the provision now proposed in the bill is to change the whole order of things in the Western country, where the public domain has been taken up and will be taken up in the future by settlers, and to the disadvantage, I think, of the settlers. It seems to me that it is imposing a restriction upon settlers that ought not to be imposed on them, by providing that they can not sell their lands or mortgage their lands and raise a few dollars with which to improve them until the patent has actually issued, and that is precisely the effect of this proposition.

In this connection I should like to ask my friend from Kansas what is meant by section 8 of the bill. I desire to know to what the first provision of that section applies. The first part of section 8 provides:

> That in all cases under the pre-emption and homestead laws, and under this act, all contests or protests on the part of the Government, or any individual, concerning the land entered, shall be instituted within ninety days after final entry and issue of the duplicate receiver's receipt, and not afterwards.

What I wish to know is whether that applies only to entries made in the past, or does it apply generally?

Mr. PLUMB. That will apply, I think, to future cases.

Mr. MITCHELL, of Oregon. That is what I supposed.

Mr. DOLPH. I think that has been the practice of the office. They not only allow contests, but send out agents to make reports.

Mr. PLUMB. The idea is to have some time within which the matter can be settled.

Mr. MITCHELL, of Oregon. Another clause farther down in section 8 provides:

> That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor.

Does that apply to the past only or to the future?

Mr. PLUMB. I think that is made to apply to suspensions heretofore made so far as the latter clause is concerned in regard to the bringing of suits. It would be prospective except for the clause commencing in line 23.

Mr. MITCHELL, of Oregon. The clause commencing in line 23 reads as follows:

> This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption and homestead acts.

That limits the operation of the whole section.

Mr. PLUMB. That applies the section to cases which have heretofore occurred.

Mr. MITCHELL, of Oregon. Then the amendment proposed by the Senator from Kansas is not in harmony with the rest of the bill. I think the clause commencing in line 23 simply makes the section retroactive, whereas without that clause it would not be retroactive but prospective.

It seems to me that we ought not to do this simply because the Secretary of the Interior, or some clerk in the Land Office, or somebody else, has made a suggestion to the Committee on Public Lands, to which the committee of course feels disposed to defer, and the effect of which suggestion if we adopt it here is to make this radical change in the law. We ought to hesitate before we adopt it. The Senator from Kansas himself, the chairman of the committee, has indicated by what he has said that he is inclined to believe that I am right about this matter. He admits certainly that I am right in the construction I have given to the existing law, and he expresses somewhat of a doubt as to the propriety of this proposed legislation, and suggests that it is simply out of deference to some suggestion which was made from the Land Department. I insist that it is wrong.

I do not wish to occupy the time of the Senate any further. I thought it my duty in justice to the people whom I in part represent here to call attention to the matter, and I have nothing more to say.

Mr. PLUMB. Mr. President, I am very anxious that the bill should be brought to a vote and I do not care to detain the Senate; but it is proper that I should say something in regard to the provisions which have been commented on by the Senator from Oregon.

I believe myself that the law is now exactly as the Senator from Oregon says he thinks it is; that is to say, that any one who has bought a pre-emption claim, after final entry, innocently and for a valuable consideration, the land having been subject to entry, takes a good title of estoppel against the Government, no matter if the original entry was conceived in fraud. I believe that to be the logic of the decision of the Supreme Court of the United States in the case of Myers *vs.* Croft, from which I quoted the other day, and I shall now quote the last paragraph of that decision for the purpose of showing that the Supreme Court of the United States do not now hold the opinion that they appear to have held at the date of the rendition of the decision quoted by the Senator from Florida [Mr. CALL] yesterday.

Mr. CALL. In what volume is the case found?

Mr. PLUMB. The volume is 13 Wallace, the case of Myers *vs.* Croft, decided in the December term, 1871. This decision is in regard to the effect of a succeeding section of the pre-emption law, which prohibited the sale of the pre-emption right at any time before the issuance of the patent. I shall read the preceding paragraph also. Judge Davis, in delivering the opinion of the court, said:

> The inquiry is, what did the Legislature intend by this prohibition? Did it mean to disqualify the pre-emptor who had entered the land from selling it at all until he had obtained his patent, or did the disability extend only to the assignment of the pre-emption right? Looking at the language employed, as well as the policy of Congress on the subject, it would seem that the interdiction was intended to apply to the right secured by the act, and did not go further. This was the right to pre-empt a quarter-section of land by settling upon and improving it at the minimum price, no matter what its value might be, when the time limited for perfecting the pre-emption expired. This right was valu-

able and, independently of the legislation of Congress, assignable. The object of Congress was attained when the pre-emptor went, with clean hands, to the Land Office and proved up his right and paid the Government for his land. Restriction upon the power of alienation after this would injure the pre-emptor, and could serve no important purpose of public policy.

It is well known that patents do not issue in the usual course of business in the General Land Office until several years after the certificate of entry is given, and equally well known that nearly all the valuable lands in the new States admitted since 1841 have been taken up under the pre-emption laws, and the right to sell them freely exercised after the claim was proved up, the land paid for, and the certificate of entry received. In view of these facts we can not suppose, in the absence of an express declaration to that effect, that Congress intended to tie up these lands in the hands of the original owners until the Government should choose to issue the patent.

If it had been the purpose of Congress to attain the object contended for, it would have declared the lands themselves unalienable until the patent was granted. Instead of this, the legislation was directed against the assignment or transfer of the right secured by the act, which was the right of pre-emption, leaving the pre-emptor free to sell his land after the entry, if at that time he was, in good faith, the owner of the land, and had done nothing inconsistent with the provisions of the law on the subject."

In that case the court say fairly, as an inevitable deduction from the decision upon the preceding section, that if a man so entered land in good faith he was the owner of it, and if he was the owner of it, then the fee could not have been in the United States Government. If he was the owner of the land, of course he had a perfect right, being the owner of the land, to sell it. There can be no question that if the man had entered without fraud he would have been entitled in due time to a patent, and that the Government could not successfully attack his claim to the patent, no matter whether he had sold the land or not. But an estoppel had been set up, provided by statute, and that is to the effect that the land will not be forfeited, although the pre-emptor has sworn falsely, provided in the mean time the land has passed into the hands of an innocent purchaser for a valuable consideration. That is an estoppel which was created by the words of the statute itself. It is not left to implication nor to the application of any of the doctrines that obtain in regard to title by estoppel against private parties.

Mr. MITCHELL, of Oregon. I suggest to the Senator from Kansas that a decision has been made to the effect that even where the title has not passed into the hands of an innocent purchaser the power of the Land Office to cancel the entry is gone.

Mr. PLUMB. I have been trying for two days to get the decision of Judge Deady, of the district court of the United States for Oregon, which I have seen and which was before the committee at the time this bill was under consideration, in which the judge holds that once the certificate has been issued the Land Office is entirely without power either to recall it or to affect it as a muniment of title; that no proceeding which can affect it can be instituted other than a proceeding in court in the name of the United States for the purpose of setting it aside.

It would not be of any value to this discussion for me to say that I believe that to be good law. The point is that here is contention. The Land Office, naturally jealous of its own jurisdiction, and especially so at this particular time, desires to hold all these cases in its grasp, and to have the power continued in it, if it ever existed, to send out special agents—Tom, Dick, and Harry, anybody whom it can hire at a dollar and a half a day, or a greater or less sum, as the case may be—to report facts upon which the Land Office may set aside the entry, no matter whether the lands had passed out of the hands of the original entryman or not.

As I said, that is a domain of contention. The committee desire to keep out as far as possible from all of these contentions and not to decide or to be called on to decide these cases, that is to say, upon the construction of law as it now is, but seek to apply a certain rule in regard to entries heretofore made which shall result in the confirmation of proper entries inevitably, not to establish a rule for the future. We deemed that course to be best, wisest, most conservative, and least calculated to get up an unnecessary debate, and to extend the discussion of the bill in the late hours of the present session of Congress.

Therefore, we have proposed in regard to a class of occurrences which have already taken place, that out of them should grow certain rights, and that the Government should be estopped in a certain way, and the committee I think unanimously believe in a way provided already by existing law. But, as Congress has the power to put that into shape in regard to past transactions, we endeavored to put it into such a shape that hereafter it would not be the subject of cavil, leaving all future entries to be governed by the law as it may hereafter be determined to be. I have no objection as far as I am concerned without speaking at all for the committee, but I think there will not be an objection there to say that it shall not be construed to affect in any way the existing statutes on the subject of pre-emption entries.

Mr. MITCHELL, of Oregon. But your amendment does have that effect.

Mr. PLUMB. Then if you disclaim it it will not have.

Mr. MITCHELL, of Oregon. What is the use of it?

Mr. PLUMB. What is the use of having a tribunal to decide a case where two men differ about it? My friend from Oregon and myself think one way about this, and the Land Office thinks the other way. Somebody has got to resolve the difficulty. The committee think that it is wiser to resolve the difficulty in regard to past entries than it is to enter the domain of future entries. This amendment is for that purpose alone. We simply submit that as to all entries heretofore made, where sales have heretofore been made to innocent purchasers for a valuable consideration, the persons who made the purchases shall have the right to have their titles perfected by the issuance of patents. In regard to the objection which is made by the Commissioner of the General Land Office upon that subject, as found in the letter addressed to the Senator from Missouri [Mr. COCKRELL], printed in the RECORD of this morning, it will be observed that he himself is to be the judge at every single step of the proceeding whereby the rights of these persons are to be settled.

Mr. DOLPH. Will the Senator allow me to interrupt him?

Mr. PLUMB. With pleasure.

Mr. DOLPH. Does the Senator from Kansas understand that the Commissioner of the General Land Office or the Secretary of the Interior has any power under existing law to pass upon the facts except to review the evidence in the case of a homestead or pre-emption claim, new evidence taken before the local register and receiver?

Mr. PLUMB. I do not know. It seems to me that that is the logic of Judge Deady's decision, as I said, because they are concluded by that evidence, of course, according to that decision.

Mr. DOLPH. Does not section 8 enlarge the powers of the Commissioner?

Mr. PLUMB. Section 8 undoubtedly does. It authorizes him to make an independent inquiry, which, according to the decision I have quoted, he can not now do.

Mr. MITCHELL, of Oregon. I ask the Senator as chairman of the committee if he will agree to insert a provision that nothing herein contained shall be construed as changing the existing law as to all future cases?

Mr. PLUMB. I would have no objection to something of that kind.

Mr. DOLPH. Naming the section of the Revised Statutes.

Mr. PLUMB. To make it specific, naming section 2262 of the Revised Statutes.

Mr. MITCHELL, of Oregon. The effect of the amendment, unless something of that kind is inserted, would be to change the law.

Mr. PLUMB. Whatever the law is now I desire it to continue to be. I believe that is the law. I believe that the law as we here declare it to be is the law already, but in order that a great mass of cases may be taken out of a controversy which would not be settled probably for generations, in order that the people all over the Western country may be relieved of the incubus, the destruction of lawsuits endless and costly, the committee said that they would apply the rule to those cases which they believe now exist as a direction to the executive officers of the Government over whom we have power. As the Senator from Wisconsin [Mr. SPOONER] says, it is a bill of peace.

It is not the purpose at all to reflect upon any one anywhere. Claiming myself to act from proper motives, to be governed in my official actions by considerations of public policy and public interest, to know no person and no private interest of any kind whatever in the discharge of public duty, I accord to everybody else precisely what I claim for myself in that regard. Therefore I have not deemed it to be a part of my duty to reflect upon the motives of any one; but I will say that if there be not some change in the management of the General Land Office as now carried on, the litigations which will inevitably ensue will not only outlast the lifetime of any person now in the Senate Chamber who hears me, but will exhaust in the inevitable costs and expenses more than the entire value of all the lands.

The obnoxious part of it is that it will be litigation which will grow, not incidentally but directly, out of private inquiry as opposed to public inquiry, out of malicious, interested, careless, indifferent suggestions on the part of special agents having no responsibility and yet being invested with absolute power. I have a letter in my hand, which I received this morning from the clerk of the district court in Dakota, a gentleman I do not know, but I will read his letter as a sample of the cases of which I personally know—cases in my State, as affecting the actions of special agents and the general action of the Department on the question of entries which have already been made. He writes me from Lakota, Dak. The printed heading, with the date, is as follows:

[W. S. Tallant, clerk of district court, Nelson County.]

LAKOTA, DAK., *June* 18, 1886.

After a little introductory paragraph, which it is not necessary to read, the writer says:

The special agents of the Land Office have been causing almost every settler here trouble and expense, which they can not afford, and not doing the Government any good. Now, I speak from personal knowledge when I say that I do not think that any part of the public domain has ever been proved up with better intent and a better compliance with the laws. Yet we are told that ninety-nine out of every hundred proofs made will be canceled.

I can cite you my own case for one. I made a homestead entry on June 26, 1884, and moved on the land June 27, 1884, and made proof in October, 1885—

Procured evidently in that case under what is called the commutation clause of the homestead law, which provides that a person who has made an entry under the homestead law may change his entry to a pre-emption entry at any time after six months, and instead of getting the land for nothing, as he otherwise would at the expiration of five years, by paying a dollar and a quarter an acre for it getting a final-entry certificate at the time he makes his payment and his proofs—

having when I proved up 40 acres broken and cropped, and a good house thereon.

Since that date I have built a barn that will cost me about $500, and have had the whole claim broken up and gotten ready for crop next year. I also have another claim which joins my homestead on the west, giving me 320 acres, all of which is now broken up and ready for crop, out of which I have in crop on the land this year about 170 acres, and have buildings on the land that altogether cost me nearly $2,000. Every cent that I have made for the last three years has gone on the place and I have refused at least half a dozen offers to sell at good figures.

Now at this late day comes a special agent, and says that he has reported my homestead for cancellation for the reason that I am not now living on the land.

But I am keeping men there to work the place for me, and it is the only land that I own in the world, and I have had to undergo great hardships to get these claims and have acted in every way in good faith and intent.

Yours, &c.,

W. S. TALLANT.

I know a case in my own State which will illustrate a great body of cases now pending in the General Land Office, and where cancellation will be made under the construction the Commissioner of the General Land Office puts upon the law. A person entered a quarter-section of the Osage Indian lands, which were settled only under the pre-emption law. Some five or six months after his entry that person sold to another person by deed. Two or three months later, and more than eight months after the date of the original entry, the purchaser from the entryman sold to a gentleman who came into that country with his family from New York, necessarily entirely ignorant of any fraud, if any fraud had been committed, in regard to that entry. The person who purchased went into possession of the land and he is living there now, making it his home.

Whatever may be said about the original entryman and his intention, or about the improvement that he made upon the land, we find in the case of the second purchaser an exact and literal compliance with the law in the fact that he has settled upon the land, and thus the motive of the law has been abundantly accomplished; and yet that entry is held for cancellation, the Commissioner holding that this new purchaser had no right to come in and set up a claim under an innocent purchaser, and not only must he get off the land, if this decision be enforced, but he is not even permitted to enter it in his own name, notwithstanding he is occupying it, but that right is devolved by the statute upon the person who contests with him, that is to say, upon the person who shows to the Land Office according to its view that the original entry was fraudulent.

I do not speak of this, as I said, for the purpose of making any reflection whatever upon the Commissioner of the General Land Officef I concede that that is his belief of what the law is, but it is a belie. which if carried out in the merciless way in which he seems determined it shall be carried out, I have no doubt according to his sense of public duty will result in dispossessing thousands and tens of thousands of men who purchased in perfect innocence of any wrong having been done to the Government, and who are so far removed from the original entry that it is not in their power ever to make proof to contradict the report of the special agent that the origiual entry was fraudulent.

Senators will remember that in that country population is more or less shifting. For hundreds of causes, as I showed the other day at some length, men leave that country, change their occupation from farmers to dwellers in towns, and so on, and the improvement of to-day gives way to the more ambitious structure of to-morrow, or perhaps disappears altogether under the influence of the elements, fire and the weather. A special agent comes along a year or two later and, not finding anything there or finding something there which he assumes was not there at the date of the original entry, mercilessly sits down and writes to the Department that the entry ought to be canceled, and on that report it is canceled, and the rights of the original entryman and all who succeeded him in interest and possession disappear with him; that is to say, if that be the law. I do not believe that is the law.

I believe the Commissioner is mistaken about it, honestly mistaken I have no doubt, but still a mistake which will bring unnumbered woes to as meritorious people as there are on this continent, the men who have done the pioneering, who have gone to the outposts of civilization, the men who have opened the great wastes to production, who have carried if not their lives in their hands at all events have carried their fortunes and everything that was dear to them along with them and put them at risk in the endeavor to make new homes in that remote region of country.

It was for the purpose of remedying cases of this kind, for the purpose of establishing a rule which should give effect to the good faith of men who had purchased land that had been entered, they having no knowledge of any irregularities or frauds, that this provision has been inserted in the bill.

For myself I believe the law to be as we here declare it to be. At the same time I have not cared to encumber the bill with any provision in regard to the future, leaving those who are to enter hereafter, and who are to deal with the present Commissioner of the General Land Office or with those who do as he does about the matter, to take their own chances and their own risks as to what may be the effect of their action in entering upon those lands or their subsequent action in selling them if they ever become possessed of the certificate of entry.

I have no objection, as I said, to such an amendment as the Senator from Oregon has suggested. I have stated the case, not as fully perhaps as I would wish, but still perhaps as fully as the necessities of the case will call for, and certainly more than I had expected to state at all in the debate upon this bill. This general question was debated at the last Congress, and near the close of the last session the Senate passed a bill very much as this bill is, in all its essential particulars I think about the same, and the committee had not supposed that any very great debate would be necessary. I do not speak of that as asserting the propriety or the necessity or the obligation to defend the bill here and everywhere. Of course if any doubt remains upon any point it ought to be discussed. It is a very important measure of public policy, a very important measure affecting the future of what public lands are left. It restricts in a very material way the acquisition of public lands hereafter, and in my judgment it will not only be, as the Senator from Wisconsin suggested, a bill of peace and of immense importance to the entries already existing of the public domain, but will be the means whereby hereafter what remains of the public domain will be reserved for an occupancy of a more permanent character, and which I think on the whole will be exceedingly useful from a public standpoint.

Mr. MAXEY. I move that the Senate proceed to the consideration of executive business.

Mr. PLUMB. Will the Senator yield for a moment?

Mr. MAXEY. Yes, sir.

Mr. PLUMB. I had hoped that the Senate would sit longer this evening; and while I do not anticipate that the bill can be closed this evening, at the same time I am very desirous, and I know all of the Senate are, that the matter may be disposed of in order that there may be room for other important public measures which are pending. I would therefore ask if there can be unanimous consent that at some time to-morrow and at some early hour there may be a final vote on this bill—at all events a vote without any further debate on the amendment and subsequently on the bill itself.

Mr. MCPHERSON. The Senator from Kansas will understand that the bill known as the Fitz-John Porter bill was made the special order for to-morrow.

Mr. PLUMB. I would suggest to the Senator from New Jersey that I spoke to his colleague [Mr. SEWELL] a moment ago, and he understood, or at least I thought he did, that the Fitz-John Porter bill was to come up after this bill is through. I desire myself that the Fitz-John Porter bill may be entered upon to-morrow, and, of course, concluded to-morrow if possible, so as to be out of the way. It will be settled before we adjourn, I have no doubt; and if we can have an agreement to vote on this bill at 3 o'clock to-morrow we might get through with the Fitz-John Porter bill to-morrow; if not, we can at all events get it to-morrow under consideration, and only a short time of the next day will be necessary for it.

Half past 2 is the hour I suggest, and I will ask unanimous consent that at half past 2 o'clock to-morrow——

Mr. SAWYER. Say three.

Mr. GEORGE. I desire to submit some objections to this bill at some time or other before the vote is taken. I think that there are very important features in this amendment, and it ought not to become the law of the land, especially that part of it which confirms the fraudulent entries which have been made. I desire to present some information to the Senate on that portion of the bill as reported by the Senate committee.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Mississippi as having the floor.

Mr. PLUMB. I ask at all events unanimous consent that at 3 o'clock to-morrow the vote may be had upon the pending amendment and that the debate thereafter may be limited to five minutes on other amendments to the bill and on the bill itself.

Mr. MCPHERSON. And that its consideration begin immediately after the morning business.

Mr. PLUMB. Yes, and that its consideration begin immediately after the conclusion of the routine morning business.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Kansas? The Senator from Kansas asks the unanimous consent of the Senate that at 3 o'clock to-morrow the vote be taken upon the pending amendment and that on all other amendments after that the five-minute rule of debate shall be applied. Is there objection? The Chair hears none. That order is made.

Mr. ALLISON. And the bill is to be entered upon immediately after the conclusion of the morning business. ["Yes."]

INDIAN TRADERSHIPS.

Mr. WILSON, of Maryland. The Chair did me the honor some days ago to appoint me a member of the committee to investigate the subject of Indian traderships. In all probability that committee will hold its first session in the course of a day or so, and there may be a probability also of its sessions after the adjournment of Congress and at a distance from the capital. I desire to say that circumstances beyond my control will prevent me from attending the sessions of that committee under such circumstances, and therefore I desire to be relieved from any service on the committee at all. It will be utterly impossible for me even if I commence service to follow it up.

The PRESIDENT *pro tempore*. The Senator from Maryland asks to

be excused from service upon the select committee in regard to Indian traderships. If there be no objection leave will be granted, and the Chair appoints the Senator from Kentucky [Mr. BLACKBURN] in his place.

EXECUTIVE SESSION.

Mr. MAXEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nineteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned till to-morrow, Thursday, June 24, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 23d day of June, 1886.

CONSUL OF THE UNITED STATES.

David W. Burk, of New York, to be consul of the United States at Puerto Cabello, to fill a vacancy.

REGISTERS OF LAND OFFICES.

J. L. Camp, of Gilmer, Tex., to be register of the land office at Prescott, Ariz., *vice* Thomas Wing, commission expired.

Pierce H. Ryan, to be register of the land office at Eureka, Cal., *vice* Charles F. Roberts, resigned.

Richard McCloud, of Silverton, Colo., to be register of the land office at Durango, Colo., *vice* Daniel L. Sheets, commission expired.

W. E. Copeland, of Gold Hill, Nev., to be register of the land office at Carson City, Nev., *vice* Charles A. Witherell, resigned.

RECEIVER OF PUBLIC MONEYS.

Edmund T. Pittman, to be receiver of public moneys at Durango, Colo., *vice* Willard S. Hickox, commission expired.

INDIAN AGENT.

Samuel L. Gilson, of Erie, Pa., to be agent for the Indians of the Fort Peck agency, in Montana, *vice* Burton Parker, who was suspended during the recess of the Senate.

The nomination of Henry R. West for the above office, delivered to the Senate December 15 last, is this day withdrawn.

JUSTICE OF THE PEACE.

Mathias V. Buckey, of the District of Columbia, to be a justice of the peace in said District, to be assigned to the city of Georgetown. Justice Buckey's commission expired June 20, 1886.

POSTMASTERS.

Frederick A. Edwards, to be postmaster at Webster City, Hamilton County, Iowa, *vice* John D. Hunter, suspended, the nomination of George W. Bell, who was designated and afterward nominated to the Senate, having been rejected.

Thomas H. Perrin, to be postmaster at Alton, Madison County, Illinois, *vice* Charles Holden, jr., commission expired.

James A. Able, to be postmaster at Auburn, Sangamon County, Illinois, *vice* W. W. Lowdermilk, commission expired.

James E. McDonald, to be postmaster at Ligonier, Noble County, Indiana, *vice* Hiram M. Goodspeed, resigned.

Henry D. Linsley, to be postmaster at Branford, New Haven County, Connecticut, *vice* Philo Hall, resigned.

Joseph J. Topliff, to be postmaster at Longmont, Boulder County, Colorado, *vice* Royal M. Hubbard, resigned.

John J. Ankeny, to be postmaster at Minneapolis, Hennepin County, Minnesota, *vice* Orlo M. Laraway, commission expired.

Nicholas J. Macklin, to be postmaster at Stapleton, Richmond County, New York, *vice* Sarah Bale, whose commission expires July 1, 1886.

Lewis C. Holmes, to be postmaster at Cobleskill, Schoharie County, New York, *vice* Lewis Hess, whose commission expires July 6, 1886.

James H. Mudey, to be postmaster at Pottsville, Schuylkill County, Pennsylvania, *vice* Elizabeth H. Sillyman, commission expired.

Fannie D. Porter, to be postmaster at El Paso, El Paso County, Texas, *vice* Mrs. Fannie D. Porter, whose commission expires July 1, 1886.

S. Curtis Symonds, to be postmaster at Hudson, Saint Croix County, Wisconsin, *vice* Frank D. Harding, commission expired.

CONFIRMATIONS.

Executive nomination confirmed by the Senate June 16, 1886.

George M. Helms, of Virginia, to be collector of internal revenue for the fourth district of Virginia.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 310) of George M. Helms, of Virginia, to be collector of internal revenue for the fourth district of Virginia, in place of John B. Raulston, suspended, and, so far as they have been able to obtain the information, they find that Mr. Helms is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Mr. Raulston, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of John B. Raulston, late collector of internal revenue for the fourth district of Virginia, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received *and held as* honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Helms.

Executive nominations confirmed by the Senate, June 18, 1886.

REGISTER OF LAND OFFICE.

C. F. M. Niles, of Garden City, Kans., to be register of the land office at Garden City, Kans.

COLLECTOR OF CUSTOMS.

Richard L. Cropley, of the District of Columbia, to be collector of customs for the district of Georgetown, in the District of Columbia.

CONSUL OF THE UNITED STATES.

E. H. Bryan, of California, to be consul of the United States at Lyons.

POSTMASTERS.

Leslie E. Brooks, to be postmaster at Mobile, Mobile County, Alabama.

John B. Christian, to be postmaster at Uniontown, Perry County, Alabama.

L. R. Davis, to be postmaster at Athens, in the county of Limestone and State of Alabama.

Harrison W. Clark, to be postmaster at Jacksonville, in the county of Duval and State of Florida.

Christian T. Georgia, to be postmaster at Unionville, in the county of Hartford and State of Connecticut.

A. E. Blakeslee, to be postmaster at Thomaston, Litchfield County, Connecticut.

William F. Avera, to be postmaster at Camden, Ouachita County, Arkansas.

Albert A. Sparks, to be postmaster at Mount Vernon, Posey County, Indiana.

Cyrus S. Stoy, to be postmaster at Butler, De Kalb County, Indiana.

Philip E. Brady, to be postmaster at Attleborough, in the county of Bristol and State of Massachusetts.

William W. Slawson, to be postmaster at Greenville, in the county of Montcalm and State of Michigan.

Prior B. Mayo, to be postmaster at North Springfield, Greene County, Missouri.

Lee Beall, to be postmaster at Rich Hill, Bates County, Missouri.

William M. Hunnewell, to be postmaster at Exeter, Rockingham County, New Hampshire.

David Lutz, to be postmaster at Slatington, Lehigh County, Pennsylvania.

B. S. Martin, to be postmaster at Terrell, Kaufman County, Texas.

Frank T. Forbes, to be postmaster at Fredericksburg, Spottsylvania County, Virginia.

L. W. Caldwell, to be postmaster at Warrenton, in the county of Fauquier and State of Virginia.

George B. Head, to be postmaster at Leesburg, in the county of Loudoun and State of Virginia.

Gardner A. Wilder, to be postmaster at Circleville, in the county of Pickaway and State of Ohio.

H. B. Linney, to be postmaster at Gordonsville, in the county of Orange and State of Virginia.

Thomas R. McDearman, to be postmaster at Danville, in the county of Pittsylvania and State of Virginia.

Alexander S. Haller, to be postmaster at Wytheville, in the county of Wythe and State of Virginia.

A. P. Bibb, to be postmaster at University of Virginia, in the county of Albemarle and State of Virginia.

William H. Cullingworth, to be postmaster at Richmond, in the county of Henrico and State of Virginia.

William H. Ritenour, to be postmaster at Harrisonburg, in the county of Rockingham and State of Virginia.

Robert E. Austin, to be postmaster at Tama City, in the county of Tama and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of Robert E. Austin, to be postmaster at Tama City, Tama County, in the State of Iowa, reports that—

The said nomination was made *vice* J. M. Wonser, suspended, but no cause for such suspension has been officially communicated to the committee. Unofficial information, however, discloses that the suspension was made on the ground of "offensive partisanship," and an alleged informality in the accounts of the officer. Undoubtedly the suspended officer was an "offensive partisan" as that term is defined in the celebrated letter of the Postmaster-General; but the committee find from the sworn statements of the suspended officer and other sources of information in support thereof, that the charge relative to the accounts of his office has no substantial foundation upon which to rest. The real support of the case rests on the other charge. Mr. Wonser was a Republican in office. His place was wanted for a Democrat. He was suspended and the Democrat designated to take charge of the office is now in possession thereof, and is nominated to the Senate for its advice and consent to his appointment. The evidence before the committee indicates that he is a man of good standing in the community in which the office is located, and that he is competent to discharge the duties devolved on him. The nomination, therefore, is reported to the Senate with a recommendation that it be confirmed.

COLLECTOR OF INTERNAL REVENUE.

Hambleton Sheppard, of Virginia, to be collector of internal revenue for the sixth district of Virginia.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1311) of Hambleton Sheppard, of Virginia, to be collector of internal revenue for the sixth district of Virginia, in place of William E. Craig, suspended, and, so far as they have been able to obtain the information, they find that Mr. Sheppard is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Mr. Craig, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of William E. Craig, late collector of internal revenue for the sixth district of Virginia, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Sheppard.

Executive nominations confirmed by the Senate June 23, 1886.

UNITED STATES MARSHAL.

John R. Rankin, of Texas, to be marshal of the United States for the western district of Texas.

POSTMASTER.

S. Curtis Symonds, to be postmaster at Hudson, Saint Croix County, Wisconsin.

REJECTION.

Executive nomination rejected by the Senate June 18, 1886.

POSTMASTER.

John Seeman, nominated to be postmaster at Denison, Crawford County, Iowa.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 23, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

VENTILATION OF TREASURY BUILDING.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the Supervising Architect and recommending an appropriation for the ventilation of the Treasury building; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN SERVICE IN CALIFORNIA.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of deficiency in the appropriation for incidental expenses of Indian service in California for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

SIGNAL CORPS OF THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with inclosure, a petition from officers in the Signal Corps of the Army asking that opportunities of promotion be extended to them; which was referred to the Committee on Military Affairs, and ordered to be printed.

ARMY AND NAVY HOSPITAL, HOT SPRINGS, ARK.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Surgeon-General of the Army and recommending an amendment to the sundry civil appropriation bill providing for the maintenance of the Army and Navy hospital at Hot Springs, Ark.; which was referred to the Committee on Appropriations, and ordered to be printed.

RICHARD H. PARHAM.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting copy of order in the case of Richard H. Parham *vs.* The United States; which was referred to the Committee on War Claims.

NATIONAL CEMETERY, NATCHEZ, MISS.

The SPEAKER also laid before the House the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., returned from the Senate with amendments.

Mr. VAN EATON. I ask that the amendments of the Senate be taken up and concurred in.

The amendments were read, as follows:

In line 3, after "macadamized," insert "or gravel."
In line 5, strike out "75" and insert "50."

There being no objection, the amendments of the Senate were considered and concurred in.

Mr. VAN EATON moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGAL REPRESENTATIVES OF JOHN M. ROBESON.

The SPEAKER also laid before the House the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased.

The following message accompanying the bill was read:

IN THE SENATE OF THE UNITED STATES, *June* 21, 1886.

Resolved, That the Senate disagree to the amendment of the House to the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HOAR, Mr. MITCHELL of Oregon, and Mr. GRAY be conferees on the part of Senate.

The SPEAKER. If there be no objection, the House will insist on its amendment and agree to the request of the Senate for a conference.

There being no objection, it was ordered accordingly.

The SPEAKER. The Chair will announce during the day the conferees on the part of the House.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were read twice, and referred as indicated:

The bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1833—to the Committee on Claims.

The bill (S. 2661) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein—to the Committee on Naval Affairs.

NICARAGUAN CLAIMS COMMISSION.

The SPEAKER also laid before the House the following concurrent

resolution of the Senate; which was referred to the Committee on Foreign Affairs:

Whereas the following resolution was passed in the Senate on March 10, 1882, and in the House of Representatives on the 16th March, 1882:

"*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to bring to the attention of the Government of Nicaragua the necessity of arranging by a convention for final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua and claims of citizens of the United States against the Government of Nicaragua;"

And whereas no information has been given to Congress of any practical progress that has been made in the adjustment of the claims of the citizens of the United States against the Republic of Nicaragua:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to bring this subject to the attention of the Government of Nicaragua, with a view to securing the prompt and full satisfaction of the just claims of the citizens of the United States against the Government of Nicaragua.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. IKE H. TAYLOR, for one week, on account of important business.

To Mr. HEMPHILL, for fifteen days from to-day, on account of professional business.

To Mr. SHAW, indefinitely, on account of sickness.

WORLD'S PASTIME EXPOSITION COMPANY.

The SPEAKER laid before the House the following communication; which was read, and, on motion of Mr. SPRINGER, referred to the Committee on Rules:

CHICAGO, ILL., *June* 17, 1886.

DEAR SIR: The World's Pastime Exposition Company, of Chicago, Ill., as represented by the undersigned citizens committee and exposition officials, extends to your honorable body an invitation to attend the exposition at Chicago on the 3d day of July next, or at any time during the one hundred days of its continuance.

Inasmuch as this is the first exposition of national importance that has been created in this country without financial aid from the national Legislature, we trust you will not hesitate to give the enterprise such recognition as the acceptance of this invitation may imply.

Very respectfully, yours,

T. Z. COWLES,
Chairman Citizens' Committee.
THE WORLD'S PASTIME EXPOSITION CO.
MALCOLM MCNEILL, *President.*
J. W. RYCKMAN, *Manager.*
A. F. DEXTER, *Treasurer.*
H. WINSTON WALKER, *Secretary.*

To the SPEAKER *of the House of Representatives of the United States.*

NATIONAL CEMETERY, KNOXVILLE, TENN.

The SPEAKER appointed as managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., Mr. ANDERSON of Ohio, Mr. HOUK, and Mr. LAIRD.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

On motion of Mr. BELMONT, the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 6392) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1887, and agreed to a conference asked for by the Senate thereon.

The SPEAKER announced the appointment of Mr. BELMONT, Mr. HITT, and Mr. COX as managers at the conference on the part of the House.

CHANGE OF REFERENCE.

The SPEAKER. Senate bill No. 2428, to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States, was erroneously referred to the Committee on Commerce. It should have gone to the Committee on the Public Lands; and if there be no objection the change of reference will be made.

There was no objection, and it was ordered accordingly.

BRIDGE OVER MENOMINEE RIVER.

Mr. MOFFATT. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over Menominee River.

The SPEAKER. Is this bill on the Private Calendar?

Mr. MOFFATT. It should be on the Private Calendar, but was erroneously referred to the House Calendar.

Unless there be objection I move to dispense with the reading of the bill. It is a common bridge bill, reported unanimously by the Committee on Commerce.

Mr. BEACH. I shall insist upon the reading of the bill. I do not think we ought to pass these bills without reading.

Mr. SPRINGER. Do I understand this bill is reported from the Committee on Commerce?

Mr. MOFFATT. Yes, sir; unanimously.

The SPEAKER. The bill will be read.

The bill was read at length.

The committee recommend the adoption of the following amendments:

In section 4, line 8, strike out the words "and one mile below" and insert in line 9, after the word "location," the words "and below said location to the shore of Green Bay, at the mouth of said river."

There being no objection, the bill was considered, the amendments agreed to, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MOFFATT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order.

Mr. STONE, of Kentucky. Mr. Speaker, I renew my request, made on Monday last, to discharge the Committee of the Whole House from the further consideration of the bill which I now send to the desk.

The SPEAKER. The Chair understands the regular order to be demanded. Unless that is withdrawn the Chair must recognize the demand.

Mr. SPRINGER. I must insist upon the regular order.

The SPEAKER. That, of course, is in the nature of an objection.

The regular order is the call of the standing and select committees for reports.

THEODORE W. TALLMADGE.

Mr. SPRINGER, from the Committee on Claims, reported back the bill (H. R. 1905), with Senate amendments, erroneously referred to the Committee on Claims, and moved that said committee be discharged from its further consideration, and that the bill for the present lie on the Speaker's table.

The motion was agreed to.

ALEXANDER SWIFT & CO.

Mr. LYMAN, from the Committee on War Claims, reported back with an amendment, in the nature of a substitute, the bill (S. 208) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY MARTIN.

Mr. DORSEY, from the Committee on the Public Lands, reported back favorably Senate amendments to the bill (H. R. 1418) for the relief of Henry Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. DORSEY. Would it be in order to ask concurrence in the Senate amendments at this time?

The SPEAKER. That could not be done under this call.

REPORT ON ALASKA BY L. M. TURNER.

Mr. FARQUHAR, from the Committee on Printing, reported back favorably the Senate concurrent resolution providing for the printing of the report on Alaska, by L. M. Turner; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES D. RYAN.

Mr. TRIGG, from the Committee on Accounts, reported back a resolution for the relief of James D. Ryan; which was referrred to the Committee on Appropriations, and, with the accompanying reports, ordered to be printed.

STENOGRAPHIC WORK FOR COMMITTEES.

Mr. TRIGG, from the Committee on Accounts, also submitted a report upon claims for stenographic work for the standing and select committees of the House; which was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

HARRIET W. SHACKLETT.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with an amendment the bill (H. R. 8965) for the relief of Harriet W. Shacklett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

BRIDGE ACROSS WILLAMETTE RIVER.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT GREENSBOROUGH, N. C.

Mr. JOHNSTON, of North Carolina (by Mr. BROWN, of Pennsylvania), from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 9438) appropriating money for the completion of a public building at Greensborough, N. C.; which was referred to the Committee of the Whole House on the

state of the Union, and, with the accompanying report, ordered to be printed.

ASSISTANT ENGINEERS UNITED STATES NAVY.

Mr. WISE, from the Committee on Naval Affairs, reported, as a substitute for H. Res. 150, a joint resolution (H. Res. 191) for the purpose of temporarily increasing the number of assistant engineers in the United States Navy by restoring certain cadet-engineers named therein to their legal rights and to their proper office and rank in the United States Navy, authorizing and directing the President to appoint such cadet-engineers (graduates) assistant engineers, to commission them as such, and to antedate their commissions; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HAYES NITRO-GLYCERINE SHELL.

Mr. BRAGG, from the Committee on Military Affairs, reported back with an adverse recommendation the House resolution directing an inquiry what arrangements, if any, can be made to secure for the United States absolute control of the Hayes nitro-glycerine shell; which was laid on the table, and the accompanying report ordered to be printed.

LOW BRIDGE AT SAINT LOUIS, MO.

Mr. DUNHAM. I submit the views of the minority of the Committee on Commerce on the bill (H. R. 8745) for low bridge at Saint Louis, Mo.

The views of the minority were ordered to be printed with the report of the majority.

AMENDMENT OF RULES.

Mr. MORRISON. I call up the privileged question which was under consideration at the adjournment on yesterday.

Mr. REED, of Maine. I desire to raise the question of consideration.

The SPEAKER. The question is, Will the House now proceed to the further consideration of the resolution reported from the Committee on Rules?

Mr. REED, of Maine. I should like the House to go on with the consideration of the sundry civil bill.

Mr. SPRINGER. I desire to make a parliamentary inquiry. Can the question of consideration be raised when the demand for the previous question is pending?

The SPEAKER. If the House had ordered the previous question on the adoption of the resolution the Chair thinks the resolution would come up under the practice of the House necessarily. But the previous question was not ordered; it was only demanded.

Mr. SPRINGER. Was not the vote being taken on the demand for the previous question at the time the House adjourned?

The SPEAKER. Not at all; the vote was being taken on the motion to adjourn.

Mr. HISCOCK. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. What course can we take, what motion will be in order now, to enable the House to go into Committee of the Whole to consider the sundry civil bill?

The SPEAKER. This is a privileged matter, and pending it the motion to go into Committee of the Whole is not in order. But if the House sustains the objection to the consideration of the resolution a motion to go into Committee of the Whole would then be in order.

Mr. RANDALL. I will take care of the sundry civil bill.

Mr. REED, of Maine. Thank you.

The SPEAKER. The question is, Will the House now proceed to the consideration of the resolution?

The question being put, the Speaker stated that the "noes" seemed to have it.

Mr. SPRINGER. I call for a division.

The House divided; and there were—ayes 80, noes 91.

Mr. MORRISON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 116, not voting 75; as follows:

YEAS—132.

Allen, J. M.	Compton,	Glass,	Lore,
Ballentine,	Comstock,	Green, R. S.	Lovering,
Barbour,	Cowles,	Green, W. J.	Lowry,
Barksdale,	Cox,	Hall,	Martin,
Barnes,	Crisp,	Halsell,	Matson,
Barry,	Croxton,	Hammond,	Maybury,
Belmont,	Culberson,	Harris,	McCreary,
Bennett,	Curtin,	Hatch,	McMillin,
Blanchard,	Daniel,	Henderson, J. S.	McRae,
Bland,	Dargan,	Herbert,	Miller,
Blount,	Davidson, A. C.	Hewitt,	Mills,
Bragg,	Davidson, R. H. M.	Holman,	Mitchell,
Breckinridge, C. R.	Dibble,	Howard,	Morgan,
Breckinridge, W C P.	Dunn,	Hudd,	Morrison,
Bynum,	Ellsberry,	Hutton,	Neal,
Cabell,	Ermentrout,	Irion,	Norwood,
Caldwell,	Fisher,	Jones, J. H.	Oates,
Campbell, J. E.	Foran,	King,	Outhwaite,
Candler,	Forney,	Kleiner,	Peel,
Carleton,	Frederick,	Laffoon,	Perry,
Clardy,	Gay,	Lanham,	Pidcock,
Cobb,	Geddes,	Lawler,	Pindar,
Collins,	Gibson, C. H.	Le Fevre,	Randall,
Reagan,	Scott,	Storm,	Viele,
Reed, T. B.	Seymour,	Swope,	Ward, J. H.
Reid, J. W.	Singleton,	Tarsney,	Ward, T. B.
Reese,	Skinner,	Taulbee,	Warner, A. J.
Richardson,	Sowden,	Taylor, J. M.	Wellborn,
Riggs,	Springer,	Tillman,	Wheeler,
Robertson,	Stewart, Charles	Trigg,	Wilson,
Rogers,	St. Martin,	Tucker,	Winans,
Sadler,	Stone, W. J., Ky.	Turner,	Wise,
Sayers,	Stone, W. J., Mo.	Van Eaton,	Wolford.

NAYS—116.

Allen, C. H.	Felton,	McKenna,	Seney,
Atkinson,	Fleeger,	McKinley,	Sessions,
Baker,	Fuller,	Merriman,	Smalls,
Beach,	Gallinger,	Millard,	Spooner,
Bingham,	Goff,	Milliken,	Stahlnecker,
Bliss,	Grout,	Moffatt,	Steele,
Bound,	Guenther,	Morrill,	Stephenson,
Boutelle,	Harmer,	Morrow,	Stewart, J. W.
Brown, C. E.	Hayden,	Muller,	Strait,
Brumm,	Henderson, D. B.	Nelson,	Swinburne,
Buck,	Hepburn,	O'Donnell,	Taylor, E. B.
Burrows,	Hiestand,	O'Neill, Charles	Taylor, Zach.
Butterworth,	Hires,	Osborne,	Thomas, J. R.
Campbell, Felix	Hiscock,	Parker,	Thomas, O. B.
Campbell, J. M.	Holmes,	Payne,	Thompson,
Cannon,	Hopkins,	Payson,	Townshend,
Caswell,	Jackson,	Perkins,	Van Schaick,
Conger,	Johnston, J. T.	Peters,	Wade,
Cutcheon,	Kelley,	Pettibone,	Wadsworth,
Davenport,	Ketcham,	Phelps,	Wait,
Davis,	Lehlbach,	Pirce,	Warner, William
Dingley,	Libbey,	Plumb,	Weaver, A. J.
Dorsey,	Lindsley,	Price,	Weaver, J. B.
Dowdney,	Little,	Rockwell,	Weber,
Dunham,	Long,	Romeis,	West,
Ely,	Louttit,	Rowell,	White, Milo
Evans,	Lyman,	Ryan,	Whiting,
Everhart,	Markham,	Sawyer,	Woodburn,
Farquhar,	McComas,	Scranton,	Worthington.

NOT VOTING—75.

Adams, G. E.	Cooper,	Henderson, T. J.	O'Hara,
Adams, J. J.	Crain,	Henley,	O'Neill, J. J.
Aiken,	Dawson,	Hermann,	Owen,
Anderson, C. M.	Dockery,	Hill,	Ranney,
Anderson, J. A.	Dougherty,	Hitt,	Rice,
Arnot,	Eden,	Houk,	Shaw,
Bayne,	Eldredge,	James,	Snyder,
Boyle,	Findlay,	Johnson, F. A.	Spriggs,
Brady,	Ford,	Johnston, T. D.	Stone, E. F.
Browne, T. M.	Funston,	Jones, J. T.	Struble,
Brown, W. W.	Gibson, Eustace	La Follette,	Symes,
Buchanan,	Gilfillan,	Laird,	Taylor, I. H.
Bunnell,	Glover,	Landes,	Throckmorton,
Burleigh,	Grosvenor,	Mahoney,	Wakefield,
Burnes,	Hale,	McAdoo,	Wallace,
Campbell, T. J.	Hanback,	Murphy,	White, A. C.
Catchings,	Haynes,	Neece,	Wilkins,
Clements,	Heard,	Negley,	Willis.
Cole,	Hemphill,	O'Ferrall,	

So the House decided to consider the resolution.

Mr. GIBSON, of West Virginia. Mr. Speaker, I am paired with the gentleman from Ohio [Mr. GROSVENOR]. If I were not paired, I would vote "ay" on this question.

Mr. LANHAM. Mr. Speaker, my colleague [Mr. THROCKMORTON] is absent on account of sickness. If he were present, he would vote "ay."

Mr. COWLES. I desire to announce, Mr. Speaker, that my colleague [Mr. JOHNSTON] is detained from the House by sickness. If he were present, he would vote "ay."

Mr. HAMMOND. I ask unanimous consent to dispense with the reading of the names of members voting.

Several members objected.

Mr. HERMANN. Mr. Speaker, I find myself paired with the gentleman from Virginia, Mr. O'FERRALL, upon all political questions and questions pertaining to the tariff, and if this should be construed to be a question of either character, I am paired; but if not, I do not regard myself as paired.

The SPEAKER. The gentleman must determine that question for himself.

Mr. HERMANN. Then I suppose it may be considered that I am paired with the gentleman from Virginia, Mr. O'FERRALL.

The following-named members were announced as paired until further notice:

Mr. COLE with Mr. BRADY. If Mr. BRADY were present, he would vote "no." Mr. COLE, if present, would vote "ay."

Mr. ANDERSON, of Ohio, with Mr. FUNSTON.

Mr. O'FERRALL with Mr. HERMANN.

Mr. DAWSON with Mr. BUCHANAN.

Mr. HILL with Mr. RICE.

Mr. O'NEILL, of Missouri, with Mr. BAYNE.

Mr. CABELL with Mr. WAKEFIELD.

Mr. CLEMENTS with Mr. BUNNELL.

Mr. HEARD with Mr. ANDERSON, of Kansas.

Mr. LANDES with Mr. HANBACK.

Mr. BURLEIGH with Mr. JONES, of Alabama.

Mr. ARNOT with Mr. COOPER.

Mr. WILKINS with Mr. JOHNSON, of New York.

Mr. ELDREDGE with Mr. WHITE, of Pennsylvania.

Mr. GROSVENOR and Mr. GIBSON, of West Virginia, were announced as paired until June 23, inclusive.

Mr. NEECE and Mr. ADAMS, of Illinois, were announced as paired on the resolution to change the rule. Mr. NEECE, if present, would vote for the resolution; Mr. ADAMS against it.

Mr. THROCKMORTON and Mr. HENDERSON, of Illinois, were announced as paired on all political questions. If present, Mr. THROCKMORTON would vote for the resolution to amend the rules; Mr. HENDERSON against it.

The following-named members were announced as paired for this day:

Mr. BOYLE with Mr. NEGLEY.

Mr. HEMPHILL with Mr. BROWN, of Pennsylvania.

The following-named members were announced as paired on this vote:

Mr. MCADOO with Mr. LA FOLLETTE.

Mr. SNYDER with Mr. STRUBLE.

Mr. REED, of Maine. Mr. Speaker, I desire to change my vote from no to ay.

Mr. PETTIBONE. Mr. Speaker, I am announced as paired, but I have voted on this call because on yesterday I was informed by Mr. PRICE, who has charge of the pairs, that I was not paired.

The SPEAKER. Then the pair will not be announced. The Chair will suggest to gentlemen who have signed pairs "until further notice" that they always give notice to the Clerk of the time when the pairs are to terminate.

The result of the vote was then announced as above recorded.

Mr. REED, of Maine. I move to reconsider the vote by which the House has decided to consider the resolution.

Mr. HISCOCK. I move that the House do now adjourn; and pending that I move that when the House adjourns it adjourn to meet on Friday next.

Mr. MORRISON. I move to reconsider.

The SPEAKER. The gentleman from Maine [Mr. REED] has moved to reconsider.

Mr. MORRISON. I move to lay that motion on the table.

Mr. REED, of Maine. The gentleman from New York has intervened.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] has moved that the House do now adjourn——

Mr. HISCOCK. And pending that I have moved that when the House adjourns it adjourn to meet on Friday next.

Mr. BURROWS. Mr. Speaker, it seems to me that Friday is rather early. [Laughter.] I therefore move to amend by striking out "Friday" and inserting "Saturday;" and on that I call for the yeas and nays.

ENROLLED BILLS SIGNED.

The SPEAKER. Before putting the question the Chair will lay before the House a report from the Committee on Enrolled Bills.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7650) to remove the political disabilities of J. G. Flournoy;

A bill (H. R. 7364) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late Mrs. Harriet B. Lehman; and

A bill (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] has moved to amend the motion of the gentleman from New York [Mr. HISCOCK] by striking out "Friday" and inserting "Saturday;" and upon that he demands the yeas and nays.

Mr. BURROWS. I withdraw that demand.

The question was taken on the amendment of Mr. BURROWS, and the Speaker announced that the noes seemed to have it.

Several MEMBERS. A division!

The House divided; and there were—ayes 65, noes 70.

Mr. REED, of Maine. I demand tellers.

The SPEAKER. Tellers are demanded.

Mr. REED, of Maine. There is no quorum, Mr. Speaker.

The SPEAKER. A sufficient number have risen to order tellers. The Chair will appoint the gentleman from Michigan, Mr. BURROWS, and the gentleman from Illinois, Mr. MORRISON.

The House again divided; and the tellers reported—ayes 47, noes 120.

Mr. BURROWS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yea 1, nays 136, not voting 186; as follows:

YEA—1.

Allen, C. H.

NAYS—136.

Adams, J. J.	Barry,	Bliss,	Campbell, Felix
Allen, J. M.	Beach,	Blount,	Campbell, J. E.
Ballentine,	Belmont,	Breckinridge, C. R.	Candler,
Barbour,	Bennett,	Breckinridge, WCP.	Carleton,
Barksdale,	Blanchard,	Bynum,	Clardy,
Barnes,	Bland,	Caldwell,	Cobb,
Compton,	Halsell,	Miller,	Springer,
Comstock,	Hammond,	Mills,	Stahlnecker,
Cowles,	Harris,	Mitchell,	Stewart, Charles
Cox,	Hatch,	Morgan,	St. Martin,
Crain,	Henderson, J. S.	Morrison,	Stone, W. J., Ky.
Crisp,	Herbert,	Neal,	Stone, W. J., Mo.
Croxton,	Hewitt,	Neece,	Swope,
Culberson,	Holman,	Norwood,	Tarsney,
Curtin,	Howard,	Oates,	Taulbee,
Dargan,	Hudd,	Peel,	Taylor, J. M.
Davidson, A. C.	Hutton,	Perry,	Tillman,
Davidson, R. H. M.	Irion,	Pidcock,	Townshend,
Dibble,	Jones, J. H.	Pindar,	Trigg,
Dowdney,	King,	Randall,	Tucker,
Dunn,	Kleiner,	Reagan,	Turner,
Eldredge,	Laffoon,	Reid, J. W.	Van Eaton,
Ellsberry,	Lanham,	Reese,	Wallace,
Ermentrout,	Lawler,	Richardson,	Ward, J. H.
Fisher,	Le Fevre,	Riggs,	Ward, T. B.
Forney,	Lovering,	Robertson,	Warner, A. J.
Frederick,	Lowry,	Rogers,	Weaver, J. B.
Gay,	Mahoney,	Sadler,	Wellborn,
Geddes,	Martin,	Sayers,	Wheeler,
Gibson, C. H.	Matson,	Scott,	Wilson,
Glass,	Maybury,	Seymour,	Winans,
Green, R. S.	McCreary,	Singleton,	Wise,
Green, W. J.	McRae,	Skinner,	Wolford,
Hall,	Merriman,	Sowden,	Worthington.

NOT VOTING—186.

Adams, G. E.	Ely,	La Follette,	Rockwell,
Aiken,	Evans,	Laird,	Romeis,
Anderson, C. M.	Everhart,	Landes,	Rowell,
Anderson, J. A.	Farquhar,	Lehlbach,	Ryan,
Arnot,	Felton,	Libbey,	Sawyer,
Atkinson,	Findlay,	Lindsley,	Scranton,
Baker,	Fleeger,	Little,	Seney,
Bayne,	Foran,	Long,	Sessions,
Bingham,	Ford,	Lore,	Shaw,
Bound,	Fuller,	Loutitt,	Smalls,
Boutelle,	Funston,	Lyman,	Snyder,
Boyle,	Gallinger,	Markham,	Spooner,
Brady,	Gibson, Eustace	McAdoo,	Spriggs,
Bragg,	Gilfillan,	McComas,	Steele,
Browne, T. M.	Glover,	McKenna,	Stephenson,
Brown, C. E.	Goff,	McKinley,	Stewart, J. W.
Brown, W. W.	Grosvenor,	McMillin,	Stone, E. F.
Brumm,	Grout,	Millard,	Storm,
Buchanan,	Guenther,	Milliken,	Strait,
Buck,	Hale,	Moffat,	Struble,
Bunnell,	Hanback,	Morrill,	Swinburne,
Burleigh,	Harmer,	Morrow,	Symes,
Burnes,	Hayden,	Muller,	Taylor, E. B.
Burrows,	Haynes,	Murphy,	Taylor, I. H.
Butterworth,	Heard,	Negley,	Taylor, Zach.
Cabell,	Hemphill,	Nelson,	Thomas, J. R.
Campbell, J. M.	Henderson, D. B.	O'Donnell,	Thomas, O. B.
Campbell, T. J.	Henderson, T. J.	O'Ferrall,	Thompson,
Cannon,	Henley,	O'Hara,	Throckmorton,
Caswell,	Hepburn,	O'Neill, Charles	Van Schaick,
Catchings,	Hermann,	O'Neill, J. J.	Viele,
Clements,	Hiestand,	Osborne,	Wade,
Cole,	Hill,	Outhwaite,	Wadsworth,
Collins,	Hires,	Owen,	Wait,
Conger,	Hiscock,	Parker,	Wakefield,
Cooper,	Hitt,	Payne,	Warner, William
Cutcheon,	Holmes,	Payson,	Weaver, A. J.
Daniel,	Hopkins,	Perkins,	Weber,
Davenport,	Houk,	Peters,	West,
Davis,	Jackson,	Pettibone,	White, A. C.
Dawson,	James,	Phelps,	White, Milo
Dingley,	Johnson, F. A.	Pirce,	Whiting,
Dockery,	Johnston, J. T.	Plumb,	Wilkins,
Dorsey,	Johnston, T. D.	Price,	Willis,
Dougherty,	Jones, J. T.	Ranney,	Woodburn.
Dunham,	Kelley,	Reed, T. B.	
Eden,	Ketcham,	Rice,	

Mr. GIBSON, of West Virginia (when the roll-call was concluded). Mr. Speaker, I understand that no quorum has voted. My pair authorizes me to vote in such a case. I desire, therefore, to have my name called.

Mr. REED, of Maine. It is too late, Mr. Speaker.

The SPEAKER. The gentleman from West Virginia states that his pair authorized him to vote in case there should be less than a quorum voting. The Chair thinks that the proper course in such cases is for the gentleman to vote when his name is called, and then if it turns out that there is a quorum without his vote to withdraw the vote.

Mr. GIBSON, of West Virginia. I will ask the Chair how I could possibly know whether——

The SPEAKER. The usual course is for the member to vote and then afterward to withdraw his vote if he discovers there is a quorum without it.

Mr. GIBSON, of West Virginia. Under the circumstances I ask leave to vote.

Mr. REED, of Maine. Regular order.

The SPEAKER. The gentleman from Maine objects.

Mr. JACKSON. I ask unanimous consent that the reading of the names be dispensed with.

Several members on the Republican side objected.

The names having been read, the following additional pairs were announced:

Mr. SNYDER with Mr. BROWNE, of Indiana, until further notice.

Mr. FORAN with Mr. IKE H. TAYLOR, for this day.

Mr. OUTHWAITE with Mr. EVERHART, on this vote.

Mr. MCMILLIN. Mr. Speaker, I desire to state that I was absent in

the Senate on business when my name was called. If I had been able to return in time, I would have voted "no."

The SPEAKER. On this question the affirmative vote is 1, the negative 137. No quorum has voted.

Mr. MORRISON. I move a call of the House.

Mr. REED, of Maine. I hope the gentleman will permit us to go on with the sundry civil bill. We are ready to do it, all of us.

Mr. MORRISON. We will take care of the sundry civil bill without any of your help.

Mr. REED, of Maine. I am afraid the sundry civil bill is having too much care.

The question being taken on the motion that there be a call of the House, there were—ayes 77, noes 83. [Applause on the Republican side.]

Mr. MORRISON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. REED, of Maine. I ask unanimous consent that we now go into Committee of the Whole for the consideration of the sundry civil bill. [Cries of "Regular order!"]

Mr. MORRISON. I thought the gentleman from Maine wanted to pay our pensioners.

The SPEAKER. The Clerk will call the roll.

The question was taken; and it was decided in the affirmative—yeas 142, nays 91, not voting 90; as follows:

YEAS—142.

Adams, J. J.	Dockery,	Le Fevre,	Scott,
Allen, J. M.	Dougherty,	Lore,	Seymour,
Ballentine,	Dowdney,	Lovering,	Singleton,
Barbour,	Eldredge,	Lowry,	Skinner,
Barksdale,	Ellsberry,	Mahoney,	Sowden,
Barnes,	Ermentrout,	Martin,	Springer,
Barry,	Fisher,	Matson,	Stahlnecker,
Beach,	Ford,	Maybury,	Stewart, Charles
Belmont,	Forney,	McCreary,	St. Martin,
Bennett,	Frederick,	McMillin,	Stone, W. J., Ky.
Bland,	Gay,	McRae,	Stone, W. J., Mo.
Bliss,	Geddes,	Merriman,	Storm,
Breckinridge, C. R.	Gibson, C. H.	Miller,	Swope,
Breckinridge, WCP.	Glass,	Mills,	Symes,
Bynum,	Glover,	Mitchell,	Taulbee,
Cabell,	Green, R. S.	Morgan,	Taylor, J. M.
Caldwell,	Green, W. J.	Morrison,	Tillman,
Campbell, Felix	Hale,	Muller,	Townshend,
Campbell, J. E.	Hall,	Neal,	Trigg,
Candler,	Halsell,	Neece,	Tucker,
Carleton,	Hammond,	Norwood,	Turner,
Catchings,	Harris,	Oates,	Van Eaton,
Clardy,	Hatch,	Outhwaite,	Wallace,
Cobb,	Henderson, J. S.	Peel,	Ward, J. H.
Collins,	Herbert,	Perry,	Warner, A. J.
Comstock,	Hewitt,	Pidcock,	Weaver, J. B.
Cowles,	Holman,	Pindar,	Wellborn,
Crain,	Howard,	Randall,	Wheeler,
Crisp,	Hudd,	Reagan,	Willis,
Croxton,	Hutton,	Reese,	Wilson,
Culberson,	Irion,	Richardson,	Winans,
Daniel,	Jones, J. H.	Riggs,	Wise,
Dargan,	King,	Robertson,	Wolford,
Davidson, A. C.	Laffoon,	Rogers,	Worthington.
Davidson, R. H. M.	Lanham,	Sadler,	
Dibble,	Lawler,	Sayers,	

NAYS—91.

Allen, C. H.	Goff,	McKinley,	Sessions,
Atkinson,	Grout,	Millard,	Smalls,
Baker,	Guenther,	Moffatt,	Spooner,
Bound,	Harmer,	Morrill,	Stephenson,
Boutelle,	Hayden,	Morrow,	Stewart, J. W.
Brown, C. E.	Hepburn,	O'Donnell,	Stone, E. F.
Brown, W. W.	Hiestand,	O'Neill, Charles	Strait,
Brumm,	Hires,	Osborne,	Struble,
Buck,	Hiscock,	Owen,	Taylor, E. B.
Burrows,	Hopkins,	Parker,	Taylor, Zach.
Butterworth,	Houk,	Payne,	Van Schaick,
Cannon,	Jackson,	Payson,	Wade,
Caswell,	Johnston, J. T.	Perkins,	Wadsworth,
Conger,	Kelley,	Peters,	Wait,
Cutcheon,	Lehlbach,	Pirce,	Warner, William
Dorsey,	Lindsley,	Plumb,	Weaver, A. J.
Dunham,	Little,	Reed, T. B.	Weber,
Ely,	Long,	Rockwell,	West,
Everhart,	Louttit,	Romeis,	White, A. C.
Farquhar,	Lyman,	Rowell,	White, Milo
Fleeger,	Markham,	Ryan,	Whiting,
Fuller,	McComas,	Sawyer,	Woodburn.
Gallinger,	McKenna,	Scranton,	

NOT VOTING—90.

Adams, G. E.	Campbell, J. M.	Foran,	Johnson, F. A.
Aiken,	Campbell, T. J.	Funston,	Johnston, T. D.
Anderson, C. M.	Clements,	Gibson, Eustace	Jones, J. T.
Anderson, J. A.	Cole,	Gilfillan,	Ketcham,
Arnot,	Compton,	Grosvenor,	Kleiner,
Bayne,	Cooper,	Hanback,	La Follette,
Bingham,	Cox,	Haynes,	Laird,
Blanchard,	Curtin,	Heard,	Landes,
Blount,	Davenport,	Hemphill,	Libbey,
Boyle,	Davis,	Henderson, D. B.	McAdoo,
Brady,	Dawson,	Henderson, T. J.	Milliken,
Bragg,	Dingley,	Henley,	Murphy,
Browne, T. M.	Dunn,	Hermann,	Negley,
Buchanan,	Eden,	Hill,	Nelson,
Bunnell,	Evans,	Hitt,	O'Ferrall,
Burleigh,	Felton,	Holmes,	O'Hara,
Burnes,	Findlay,	James,	O'Neill, J. J.
Pettibone,	Seney,	Tarsney,	Viele,
Phelps,	Shaw,	Taylor, I. H.	Wakefield,
Price,	Snyder,	Thomas, J. R.	Ward, T. B.
Ranney,	Spriggs,	Thomas, O. B.	Wilkins.
Reid, J. W.	Steele,	Thompson,	
Rice,	Swinburne,	Throckmorton,	

So the motion was agreed to.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. MURPHY with Mr. HITT, on all political questions, until further notice, not to break a quorum.

Mr. WISE with Mr. LIBBEY, on all political questions, for this day, not to break a quorum.

The vote was then announced as above recorded.

The SPEAKER. A call of the House having been ordered, the Clerk will proceed to call the roll.

The roll was called, and the following members failed to answer to their names:

Adams, G. E.	Davis,	James,	Rice,
Aiken,	Dawson,	Johnson, F. A.	Robertson,
Anderson, C. M.	Eden,	Johnston, T. D.	Shaw,
Anderson, J. A.	Findlay,	Jones, J. T.	Snyder,
Arnot,	Funston,	Ketcham,	Spriggs,
Bayne,	Gilfillan,	Kleiner,	Steele,
Bragg,	Grosvenor,	Landes,	Taylor, I. H.
Browne, T. M.	Hanback,	McAdoo,	Throckmorton,
Buchanan,	Haynes,	Murphy,	Viele,
Bunnell,	Heard,	Negley,	Wakefield,
Clements,	Hemphill,	O'Ferrall,	Wilkins.
Cole,	Hill,	O'Neill, J. J.	
Cooper,	Hitt,	Ranney,	

The SPEAKER. The doors of the House will now be closed.

Mr. MORRISON. I offer the following resolution.

The Clerk read as follows:

Ordered, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are absent without leave of the House.

Mr. REED, of Maine. I move that all further proceedings under the call of the House be dispensed with.

The House divided; and there were—ayes 81, noes 108.

Mr. REED, of Maine, demanded tellers.

Mr. MORRISON demanded the yeas and nays.

The yeas and nays were ordered.

Mr. REED, of Maine. My object is to proceed to the consideration of the sundry civil appropriation bill.

Mr. MORRISON. And I want to provide a way for the payment of the pensions granted by the two Houses of Congress.

The question was taken; and it was decided in the negative—yeas 95, nays 146, not voting 82; as follows:

YEAS—95.

Allen, C. H.	Gallinger,	McKinley,	Smalls,
Baker,	Goff,	Millard,	Spooner,
Bound,	Grout,	Moffat,	Stephenson,
Boutelle,	Guenther,	Nelson,	Stewart, J. W.
Brown, C. E.	Harmer,	O'Donnell,	Stone, E. F.
Brown, W. W.	Henderson, D. B.	O'Hara,	Strait,
Brumm,	Hermann,	O'Neill, Charles	Struble,
Buck,	Hiestand,	Osborne,	Swinburne,
Burrows,	Hires,	Owen,	Symes,
Butterworth,	Holmes,	Parker,	Taylor, E. B.
Campbell, J. M.	Hopkins,	Payne,	Thomas, O. B.
Cannon,	Houk,	Payson,	Thompson,
Caswell,	Jackson,	Peters,	Van Schaick,
Conger,	Johnston, J. T.	Pettibone,	Wade,
Cutcheon,	Kelley,	Phelps,	Wadsworth,
Dingley,	La Follette,	Pirce,	Wait,
Dorsey,	Laird,	Plumb,	Warner, William
Dunham,	Lehlbach,	Price,	Weaver, A. J.
Ely,	Lindsley,	Reed, T. B.	Weber,
Evans,	Little,	Rockwell,	West,
Everhart,	Louttit,	Romeis,	White, A. C.
Farquhar,	Lyman,	Sawyer,	Whiting,
Fleeger,	McComas,	Scranton,	Woodburn.
Fuller,	McKenna,	Sessions,	

NAYS—146.

Adams, J. J.	Catchings,	Geddes,	Lovering,
Allen, J. M.	Clardy,	Gibson, C. H.	Lowry,
Atkinson,	Cobb,	Glass,	Mahoney,
Ballentine,	Collins,	Glover,	Martin,
Barbour,	Compton,	Green, R. S.	Matson,
Barksdale,	Cowles,	Green, W. J.	McCreary,
Barnes,	Cox,	Hall,	McMillin,
Barry,	Crisp,	Halsell,	McRae,
Beach,	Croxton,	Hammond,	Merriman,
Belmont,	Culberson,	Harris,	Miller,
Bennett,	Curtin,	Hatch,	Mills,
Blanchard,	Daniel,	Henderson, J. S.	Mitchell,
Bland,	Dargan,	Henley,	Morgan,
Bliss,	Davidson, A. C.	Herbert,	Morrison,
Blount,	Davidson, R. H. M.	Hewitt,	Muller,
Boyle,	Dibble,	Holman,	Neal,
Breckinridge, C. R.	Dockery,	Howard,	Neece,
Breckinridge, WCP.	Dougherty,	Hudd,	Norwood,
Burnes,	Dowdney,	Hutton,	Oates,
Bynum,	Dunn,	Irion,	Outhwaite,
Cabell,	Eldredge,	Jones, J. H.	Peel,
Caldwell,	Ermentrout,	King,	Perry,
Campbell, Felix	Fisher,	Laffoon,	Pidcock,
Campbell, J. E.	Ford,	Lanham,	Pindar,
Campbell, T. J.	Forney,	Lawler,	Reagan,
Candler,	Frederick,	Le Fevre,	Reid, J. W.
Carleton,	Gay,	Lore,	Reese,

Richardson,	Stahlnecker,	Tillman,	Wellborn,
Riggs,	Stewart, Charles	Townshend,	Wheeler,
Robertson,	St. Martin,	Trigg,	Willis,
Rogers,	Stone, W. J., Ky.	Tucker,	Wilson,
Sadler,	Stone, W. J., Mo.	Turner,	Winans,
Sayers,	Storm,	Van Eaton,	Wise,
Scott,	Swope,	Wallace,	Wolford,
Seymour,	Tarsney,	Ward, J. H.	Worthington.
Skinner,	Taulbee,	Warner, A. J.	
Sowden,	Taylor, J. M.	Weaver, J. B.	

NOT VOTING—82.

Adams, G. E.	Eden,	Johnson, F. A.	Rice,
Aiken,	Ellsberry,	Johnston, T. D.	Rowell,
Anderson, C. M.	Felton,	Jones, J. T.	Ryan,
Anderson, J. A.	Findlay,	Ketcham,	Seney,
Arnot,	Foran,	Kleiner,	Shaw,
Bayne,	Funston,	Landes,	Singleton,
Bingham,	Gibson, Eustace	Libbey,	Snyder,
Brady,	Gilfillan,	Long,	Spriggs,
Bragg,	Grosvenor,	Markham,	Springer,
Browne, T. M.	Hale,	Maybury,	Steele,
Buchanan,	Hanback,	McAdoo,	Taylor, I. H.
Bunnell,	Hayden,	Milliken,	Taylor, Zach.
Burleigh,	Haynes,	Morrill,	Thomas, J. R.
Clements,	Heard,	Morrow,	Throckmorton,
Cole,	Hemphill,	Murphy,	Viele,
Comstock,	Henderson, T. J.	Negley,	Wakefield,
Cooper,	Hepburn,	O'Ferrall,	Ward, T. B.
Crain,	Hill,	O'Neill, J. J.	White, Milo
Davenport,	Hiscock,	Perkins,	Wilkins.
Davis,	Hitt,	Randall,	
Dawson,	James,	Ranney,	

So the House refused to suspend further proceedings under the call during the roll-call.

Mr. WHEELER said: I am engaged to attend a conference committee at 2 o'clock, and I want to know—— [Cries of "Order!"]

The SPEAKER. The House is voting.

The following additional pairs were announced from the Clerk's desk:

Mr. MCADOO with Mr. OWEN, for the rest of the day.

Mr. RANDALL with Mr. HISCOCK, for the remainder of the day.

The vote was then announced as above recorded.

Mr. WHEELER. I ask by unanimous consent leave of absence to attend a conference committee.

There was no objection, and it was so ordered.

Mr. OWEN. I ask leave of absence for the remainder of the day on account of sickness.

There was no objection, and it was so ordered.

Mr. DARGAN. I also ask leave of absence to attend a conference committee.

There was no objection, and it was so ordered.

Mr. LANHAM. I ask leave of absence for my colleague [Mr. THROCKMORTON] on account of sickness.

There was no objection, and it was so ordered.

The vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution of the gentleman from Illinois.

Mr. HISCOCK. Does the roll-call disclose the presence of a quorum?

The SPEAKER. It does.

Mr. HISCOCK. Then I ask the gentleman from Illinois why the necessity for further proceedings under the call? [Cries of "Regular order!"]

Mr. REED, of Maine. We might go on with the appropriation bill.

Mr. MORRISON. Yes; or the pension bill.

The question being taken on the resolution of Mr. MORRISON, the House divided; and there were—ayes 110, noes 61.

Mr. REED, of Maine. Let us have tellers. This is in the interest of economy.

Mr. MORRISON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 100, not voting 80; as follows:

YEAS—143.

Adams, J. J.	Cowles,	Hall,	Merriman,
Allen, J. M.	Cox,	Halsell,	Miller,
Ballentine,	Crain,	Hammond,	Mills,
Barbour,	Crisp,	Harris,	Mitchell,
Barksdale,	Croxton,	Hatch,	Morgan,
Barnes,	Culberson,	Henderson, J. S.	Morrison,
Barry,	Curtin,	Herbert,	Muller,
Beach,	Daniel,	Hewitt,	Neal,
Belmont,	Dargan,	Holman,	Neece,
Bennett,	Davidson, A. C.	Howard,	Norwood,
Bland,	Davidson, R. H. M.	Hudd,	Oates,
Blount,	Dibble,	Hutton,	Outhwaite,
Boyle,	Dockery,	Irion,	Peel,
Breckinridge, C. R.	Dougherty,	Jones, J. H.	Perry,
Burnes,	Dunn,	Laffoon,	Pidcock,
Bynum,	Eldredge,	Lanham,	Pindar,
Cabell,	Ellsberry,	Lawler,	Reagan,
Caldwell,	Ermentrout,	Le Fevre,	Reid, J. W.
Campbell, Felix	Fisher,	Lore,	Reese,
Campbell, J. E.	Ford,	Lovering,	Richardson,
Campbell, T. J.	Forney,	Lowry,	Riggs,
Candler,	Frederick,	Mahoney,	Robertson,
Carleton,	Gay,	Martin,	Rogers,
Catchings,	Geddes,	Matson,	Sadler,
Clardy,	Gibson, C. H.	Maybury,	Sayers,
Cobb,	Glass,	McCreary,	Scott,
Collins,	Green, R. S.	McMillin,	Seney,
Compton,	Green, W. J.	McRae,	Seymour,
Singleton,	Stone, W. J., Mo.	Trigg,	Wellborn,
Skinner,	Storm,	Tucker,	Willis,
Sowden,	Swope,	Turner,	Wilson,
Springer,	Tarsney,	Van Eaton,	Winans,
Stahlnecker,	Taulbee,	Ward, J. H.	Wise,
Stewart, Charles	Taylor, J. M.	Ward, T. B.	Wolford,
St. Martin,	Tillman,	Warner, A. J.	Worthington.
Stone, W. J., Ky.	Townshend,	Weaver, J. B.	

NAYS—100.

Atkinson,	Fuller,	Lyman,	Rowell,
Baker,	Gallinger,	McComas,	Ryan,
Bingham,	Gilfillan,	McKenna,	Sawyer,
Bound,	Goff,	McKinley,	Scranton,
Boutelle,	Grout,	Millard,	Smalls,
Brown, C. E.	Guenther,	Milliken,	Spooner,
Brown, W. W.	Hale,	Moffatt,	Stephenson,
Brumm,	Harmer,	Morrill,	Stone, E. F.
Buck,	Hayden,	Morrow,	Strait,
Burrows,	Henderson, D. B.	Nelson,	Struble,
Butterworth,	Hermann,	O'Donnell,	Symes,
Campbell, J. M.	Hiestand,	O'Hara,	Taylor, E. B.
Cannon,	Hires,	O'Neill, Charles	Thomas, J. R.
Caswell,	Holmes,	Osborne,	Thomas, O. B.
Cutcheon,	Hopkins,	Parker,	Thompson,
Davenport,	Houk,	Payne,	Van Schaick,
Davis,	Jackson,	Payson,	Wade,
Dingley,	Johnston, J. T.	Perkins,	Wait,
Dorsey,	La Follette,	Pettibone,	Warner, William
Dunham,	Laird,	Pirce,	Weaver, A. J.
Ely,	Lehlbach,	Plumb,	Weber,
Evans,	Lindsley,	Price,	West,
Everhart,	Little,	Reed, T. B.	White, A. C.
Farquhar,	Long,	Rockwell,	White, Milo
Fleeger,	Louttit,	Romeis,	Woodburn.

NOT VOTING—80.

Adams, G. E.	Cooper,	Hitt,	Randall,
Aiken,	Dawson,	James,	Ranney,
Allen, C. H.	Dowdney,	Johnson, F. A.	Rice,
Anderson, C. M.	Eden,	Johnston, T. D.	Sessions,
Anderson, J. A.	Felton,	Jones, J. T.	Shaw,
Arnot,	Findlay,	Kelley,	Snyder,
Bayne,	Foran,	Ketcham,	Spriggs,
Blanchard,	Funston,	King,	Steele,
Bliss,	Gibson, Eustace	Kleiner,	Stewart, J. W.
Brady,	Glover,	Landes,	Swinburne,
Bragg,	Grosvenor,	Libbey,	Taylor, I. H.
Breckinridge, WCP.	Hanback,	Markham,	Taylor, Zach.
Browne, T. M.	Haynes,	McAdoo,	Throckmorton,
Buchanan,	Heard,	Murphy,	Viele,
Bunnell,	Hemphill,	Negley,	Wadsworth,
Burleigh,	Henderson, T. J.	O'Ferrall,	Wakefield,
Clements,	Henley,	O'Neill, J. J.	Wallace,
Cole,	Hepburn,	Owen,	Wheeler,
Comstock,	Hill,	Peters,	Whiting,
Conger,	Hiscock,	Phelps,	Wilkins.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will call the names of those not present on the call for excuses. Gentlemen who are present can respond as their names are called.

The Clerk called the names of the absentees for excuses, as follows:

Mr. ADAMS, of Illinois: No excuse offered.

Mr. AIKEN: No excuse offered.

Mr. ANDERSON, of Ohio: No excuse offered.

Mr. ANDERSON, of Kansas: No excuse offered.

Mr. ARNOT.

Mr. FELIX CAMPBELL. Mr. Speaker, I ask that Mr. ARNOT be excused on account of sickness.

The motion was agreed to.

Mr. BAYNE: No excuse offered.

Mr. BRAGG: Absent on conference.

Mr. BROWNE, of Indiana: Absent with leave.

Mr. BUCHANAN.

Mr. PHELPS. My colleague is absent by reason of sickness, and I ask that he be excused.

The motion was agreed to.

Mr. BUNNELL.

Mr. OSBORNE. I ask that my colleague be excused. He is detained at home on important business.

The motion was agreed to.

Mr. CLEMENTS.

Mr. CRISP. My colleague is absent by leave of the House.

The SPEAKER. The record so states.

Mr. COLE, of Maryland.

Mr. ERMENTROUT. The gentleman from Maryland is absent sick.

The SPEAKER. The chair is informed that the gentleman from Maryland is absent with leave.

Mr. COOPER: Absent with leave.

Mr. DAWSON: No excuse offered.

Mr. EDEN: Absent with leave.

Mr. FINDLAY: No excuse offered.

Mr. FUNSTON: No excuse offered.

Mr. GILFILLAN:

Mr. GILFILLAN. I have been ill all night and to-day, but came to the House as soon as I could. I now ask to be excused for the remainder of the day.

The motion was agreed to.

Mr. GROSVENOR: Absent with leave.

Mr. HANBACK: No excuse offered.

Mr. HAYNES: No excuse offered.
Mr. HEARD: No excuse offered.
Mr. HEMPHILL: No excuse offered.
Mr. HILL: No excuse offered.
Mr. HITT: No excuse offered.
Mr. JAMES: Absent with leave.
Mr. JOHNSON, of New York: Absent with leave.
Mr. JOHNSTON, of North Carolina.
Mr. REID, of North Carolina. My colleague is detained from the House by sickness.
The SPEAKER. The Chair is informed that the gentleman is absent with leave.
Mr. JONES, of Alabama: Absent with leave.
Mr. KETCHAM: No excuse offered.
Mr. KLEINER: No excuse offered.
Mr. LANDES.
Mr. TOWNSHEND. I ask that my colleague be excused on account of sickness.
The motion was agreed to.
Mr. MCADOO.
Mr. GREEN, of New Jersey. Mr. Speaker, my colleague, Mr. MCADOO, was called home on account of important business. I move that he be excused.
The motion was agreed to.
Mr. MURPHY.
Mr. HALL. Up to this moment I had supposed my colleague had leave of absence, but am informed that it has expired. I ask that he be excused.
The request was agreed to.
Mr. NEGLEY: No excuse offered.
Mr. O'FERRALL: No excuse offered.
Mr. O'NEILL, of Missouri: Absent on leave.
Mr. RANNEY: No excuse offered.
Mr. RICE: No excuse offered.
Mr. ROBERTSON: No excuse offered.
Mr. SHAW: Absent on leave.
Mr. SNYDER: No excuse offered.
Mr. SPRIGGS: No excuse offered.
Mr. STEELE: Absent on conference.
Mr. IKE H. TAYLOR: No excuse offered.
Mr. THROCKMORTON: Absent on leave.
Mr. VIELE: Absent on conference.
Mr. WAKEFIELD: Absent on leave.
Mr. WILKINS: Absent on leave.
Mr. DAVIS. When my name was reached in the call of the House I was absent acting on a conference committee.
The SPEAKER. The name of the gentleman from Massachusetts has been entered as present.
Mr. GALLINGER. I wish to inquire if my colleague, Mr. HAYNES, has leave of absence?
The SPEAKER. His leave of absence has expired.
Mr. GALLINGER. My colleague is unavoidably detained at his home. I ask that he be excused.
There was no objection.
Mr. BEACH. I ask that my colleague, Mr. SPRIGGS, who is absent, be excused. He went home to attend the marriage of his daughter, which takes place to-day.
There was no objection.
Mr. OSBORNE. I ask that my colleague, General NEGLEY, be excused.
Mr. MORRISON. Why?
Mr. OSBORNE. He is detained attending a commercial convention.
The SPEAKER. Is he absent from the city?
Mr. OSBORNE. I believe he is in the city.
The SPEAKER. The gentleman from Pennsylvania asks that his colleague, Mr. NEGLEY, be excused. Is there objection?
There was no objection.
Mr. HATCH. My colleague, Mr. HEARD, has left the city for Missouri, and I understand has an application on the Speaker's desk for leave of absence. I ask that he be excused.
There was no objection.
Mr. CLARDY. I understand my name was called among the absentees. I was absent attending a conference committee.
The SPEAKER. If there be no objection, the gentleman will be recorded as present.
There was no objection.
Mr. ROCKWELL. I ask that my colleague [Mr. RANNEY], who is absent from the city, be excused.
There was no objection.
Mr. JOHNSTON, of Indiana. I ask leave of absence. I have an important engagement to which I desire to attend this afternoon. I ask to be excused from further attendance to-day.
There was no objection.
Mr. NEECE. I ask that my colleague, Mr. G. E. ADAMS, be excused. He is absent from the city, and is paired.
There being no objection, Mr. ADAMS, of Illinois, was excused.
Mr. WADE. I ask that Mr. ANDERSON, of Kansas, be excused. He is paired with Mr. HEARD, of Missouri.
The SPEAKER. Is he absent from the city?
Mr. WADE. Yes, sir.
There being no objection, Mr. ANDERSON, of Kansas, was excused.
Mr. CUTCHEON. As there seems to be nothing occupying the attention of the House at this time, I ask unanimous consent to take up for present consideration the bill (S. 2056) to increase the pensions of one-armed and one-legged soldiers and that the same be put upon its passage.
The SPEAKER. The House can not transact other business while a call of the House continues.
Mr. CUTCHEON. I ask unanimous consent for the purpose I have indicated.
Mr. MORRISON. I call for the regular order.
Mr. BRUMM. I ask unanimous consent to call up for consideration the bill S. 1886. [Cries of "Regular order!"] I wish to make a statement.
The SPEAKER. The gentleman can not make a statement when the regular order is demanded.
Mr. BRUMM. Mr. Speaker, I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BRUMM. Would it be in order at this time to move to suspend further proceedings under the call of the House, and in that motion to state the reason why I wish to have the proceedings suspended? [Cries of "Regular order!"]
The SPEAKER. It would be in order to move to suspend further proceedings under the call, but debate would not be in order.
Mr. BRUMM. No debate—simply to state to the House the reason—— [Renewed cries of "Regular order!"]

LEAVE OF ABSENCE.

Mr. PAYSON. Mr. Speaker, I ask leave of absence for the remainder of this day on account of important business.
The SPEAKER. The gentleman from Illinois asks leave of absence for the remainder of this day on account of important business.
Mr. REED, of Maine. Which gentleman from Illinois?
The SPEAKER. The gentleman from Illinois, Mr. PAYSON.
Mr. REED, of Maine. If the other gentleman from Illinois [Mr. MORRISON] would consent to take up the sundry civil bill we could go on with the business of the House.
Mr. MORRISON. Let us take up the pension bill with this amendment.
Mr. REED, of Maine. You can take up the pension bill if you want to under the rules of the House.
There was no objection, and the leave of absence was granted.

ORDER OF BUSINESS.

Mr. EZRA B. TAYLOR. Mr. Speaker, I ask unanimous consent to submit some remarks upon the subject of the tariff.
Mr. MORRISON and others. Regular order.
Mr. EZRA B. TAYLOR. I would engage to made the remarks as soothing to the nerves and as soporific as possible.
Mr. MORRISON. When you want to consider the tariff bill vote to take it up.
Mr. EZRA B. TAYLOR. I do not want to take up the tariff bill; I want to submit some remarks.
Mr. GUENTHER. Mr. Speaker, I am in receipt of a petition addressed to the Congress of the United States by citizens of my district, asking that Senate bill No. 1886 be passed without amendment. I ask unanimous consent to have the same read to the House now. [Cries of "Regular order!"] It is very short. It will not take much time. [Renewed cries of "Regular order!"] I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. GUENTHER. Would it be in order now to send this petition from citizens of Adams County, Wisconsin, for the passage of Senate bill 1886 to the petition-box?
The SPEAKER. It is in order, under the rules of the House, to place it in the petition-box. [Laughter.]
Mr. TAULBEE. Mr. Speaker, I ask unanimous consent to call up from the Speaker's table report No. 2993, from the Committee on Invalid Pensions, and rerefer it to that committee, there having been two reports made on the same bill. [Cries of "Regular order!"]
The SPEAKER. The regular order is demanded.
Mr. LONG (at 3.45 p. m.). I move that the House do now adjourn.
The question was taken; and there were—ayes 80, noes 93.
So the House refused to adjourn.
Mr. DUNHAM. Mr. Speaker, I ask unanimous consent to make a conference report. [Cries of "Regular order!"]

LEAVE OF ABSENCE.

Mr. THOMAS, of Illinois, by unanimous consent, was excused from further attendance to-day on account of sickness.
Mr. EZRA B. TAYLOR. Mr. Speaker, as the House is disinclined

to allow me to discuss the tariff, I would be very much obliged if they would excuse me for the remainder of this afternoon.

There was no objection, and it was so ordered.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that Mr. TAYLOR, of Tennessee, be excused for the remainder of the day.

A MEMBER. I object.

Mr. BUTTERWORTH. Mr. Speaker, I would like to be excused for the rest of the day. I can do nothing here, and I have some important business to attend to outside.

There was no objection, and it was so ordered.

On motion of Mr. WORTHINGTON, indefinite leave of absence was granted to Mr. RIGGS.

Mr. WAIT. Mr. Speaker, I ask to be excused for the remainder of the day.

Mr. COBB. I object.

ORDER OF BUSINESS.

Mr. HENLEY. Mr. Speaker, I ask unanimous consent to take up and consider the bill for the forfeiture of the Northern Pacific land grant, involving 27,000,000 acres of the public domain. [Cries of "Regular order!"] I see the objection comes from the Republican side. [Cries of "No!" "No!"]

Mr. STRUBLE. We are willing on this side.

Mr. HENLEY. No, you are not. The objection comes from your side.

Mr. DUNHAM. Bring it up. We consent.

Mr. CANNON. You have got a majority here; why do you not go on with the business of the House?

Mr. CUTCHEON. Mr. Speaker, as forty minutes still remain before 5 o'clock, I renew my request for unanimous consent to take up the one-armed and one-legged soldier bill and pass the same. [Cries of "Regular order!"] It would take only a few minutes to pass it. [Renewed cries of "Regular order!"]

Mr. REED, of Maine. Would it not be in order to choose an efficient Sergeant-at-Arms? [Renewed cries of "Regular order!"]

Mr. MORRISON. Mr. Speaker, I am advised that all the members now in the city are now present in the House, and I therefore move to dispense with further proceedings under the call.

The question was taken; and there were—ayes 92, noes 5.

So the motion was agreed to, and further proceedings under the call were dispensed with.

The SPEAKER. The question now is upon the amendment proposed by the gentleman from Michigan [Mr. BURROWS] to strike out Friday and insert Saturday, and upon that question the yeas and nays have been ordered by the House. Before the roll-call begins the Chair will announce a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (S. 2281) granting to railroads the right of way through the Indian reservation in Northern Montana.

COMMITTEE OF CONFERENCE.

The SPEAKER. The Chair will appoint as managers on the part of the House in the conference of the disagreeing votes of the two Houses on Senate bill 209 the gentleman from Ohio, Mr. GEDDES, the gentleman from Tennessee, Mr. RICHARDSON, and the gentleman from Iowa, Mr. LYMAN.

The question was taken on Mr. BURROWS's motion; and there were—yeas 2, nays 145, not voting 176; as follows:

YEAS—2.

	Brumm,	Hepburn.	

NAYS—145.

Adams, J. J.	Compton,	Glass,	Lowry,
Allen, J. M.	Comstock,	Glover,	Mahoney,
Ballentine,	Cowles,	Green, R. S.	Martin,
Barnes,	Cox,	Green, W. J.	Matson,
Barry,	Crisp,	Hale,	Maybury,
Beach,	Croxton,	Hall,	McCreary,
Belmont,	Culberson,	Halsell,	McMillin,
Blanchard,	Curtin,	Hammond,	McRae,
Bland,	Daniel,	Harris,	Merriman,
Bliss,	Dargan,	Hatch,	Miller,
Blount,	Davidson, R. H. M.	Henderson, J. S.	Mills,
Bragg,	Dibble,	Henley,	Mitchell,
Breckinridge, C. R.	Dockery,	Herbert,	Morgan,
Breckinridge, WCP.	Dougherty,	Hewitt,	Morrison,
Burnes,	Dunn,	Holman,	Muller,
Bynum,	Eldredge,	Howard,	Neal,
Cabell,	Ellsberry,	Hudd,	Neece,
Caldwell,	Ely,	Hutton,	Norwood,
Campbell, Felix	Ermentrout,	Irion,	Oates,
Campbell, J. E.	Fisher,	Jones, J. H.	Peel,
Campbell, T. J.	Foran,	Kleiner,	Pidcock,
Candler,	Ford,	Laffoon,	Pindar,
Carleton,	Forney,	Lanham,	Reagan,
Catchings,	Frederick,	Lawler,	Reid, J. W.
Clardy,	Gay,	Le Fevre,	Richardson,
Cobb,	Geddes,	Lore,	Robertson,
Collins,	Gibson, C. H.	Lovering,	Rogers,
Sadler,	Stewart, Charles	Trigg,	Wellborn,
Sayers,	St. Martin,	Tucker,	Wheeler,
Scott,	Stone, W. J., Mo.	Turner,	Willis,
Seney,	Storm,	Van Eaton,	Wilson,
Seymour,	Swope,	Viele,	Winans,
Singleton,	Tarsney,	Ward, J. H.	Wolford,
Skinner,	Taulbee,	Ward, T. B.	Worthington.
Sowden,	Taylor, J. M.	Warner, A. J.	
Springer,	Tillman,	Weaver, A. J.	
Stahlnecker,	Townshend,	Weaver, J. B.	

NOT VOTING—176.

Adams, G. E.	Evans,	Lehlbach,	Riggs,
Aiken,	Everhart,	Libbey,	Rockwell,
Allen, C. H.	Farquhar,	Lindsley,	Romeis,
Anderson, C. M.	Felton,	Little,	Rowell,
Anderson, J. A.	Findlay,	Long,	Ryan,
Arnot,	Fleeger,	Louttit,	Sawyer,
Atkinson,	Fuller,	Lyman,	Scranton,
Baker,	Funston,	Markham,	Sessions,
Barbour,	Gallinger,	McAdoo,	Shaw,
Barksdale,	Gibson, Eustace	McComas,	Smalls,
Bayne,	Gilfillan,	McKenna,	Snyder,
Bennett,	Goff,	McKinley,	Spooner,
Bingham,	Grosvenor,	Millard,	Spriggs,
Bound,	Grout,	Milliken,	Steele,
Boutelle,	Guenther,	Moffatt,	Stephenson,
Boyle,	Hanback,	Morrill,	Stewart, J. W.
Brady,	Harmer,	Morrow,	Stone, E. F.
Browne, T. M.	Hayden,	Murphy,	Stone, W. J., Ky.
Brown, C. E.	Haynes,	Negley,	Strait,
Brown, W. W.	Heard,	Nelson,	Struble,
Buchanan,	Hemphill,	O'Donnell,	Swinburne,
Buck,	Henderson, D. B.	O'Ferrall,	Symes,
Bunnell,	Henderson, T. J.	O'Hara,	Taylor, E. B.
Burleigh,	Herman,	O'Neill, Charles	Taylor, I. H.
Burrows,	Hiestand,	O'Neill, J. J.	Taylor, Zach.
Butterworth,	Hill,	Osborne,	Thomas, J. R.
Campbell, J. M.	Hires,	Outhwaite,	Thomas, O. B.
Cannon,	Hiscock,	Owen,	Thompson,
Caswell,	Hitt,	Parker,	Throckmorton,
Clements,	Holmes,	Payne,	Van Schaick,
Cole,	Hopkins,	Payson,	Wade,
Conger,	Houk,	Perkins,	Wadsworth,
Cooper,	Jackson,	Perry,	Wait,
Crain,	James,	Peters,	Wakefield,
Cutcheon,	Johnson, F. A.	Pettibone,	Wallace,
Davenport,	Johnston, J. T.	Phelps,	Warner, William
Davidson, A. C.	Johnston, T. D.	Pirce,	Weber,
Davis,	Jones, J. T.	Plumb,	West,
Dawson,	Kelley,	Price,	White, A. C.
Dingley,	Ketcham,	Randall,	White, Milo
Dorsey,	King,	Ranney,	Whiting,
Dowdney,	La Follette,	Reed, T. B.	Wilkins,
Dunham,	Laird,	Reese,	Wise,
Eden,	Landes,	Rice,	Woodburn.

The following additional pairs were announced:

Mr. STONE, of Kentucky, with Mr. JOHNSTON, of Indiana, for the remainder of this day.

Mr. OUTHWAITE with Mr. EVERHART, on this vote.

The SPEAKER. On this question the yeas are 2 and the nays 145. No quorum has voted.

Mr. MORRISON. I move a call of the House.

The SPEAKER (having put the question). The ayes seem to have it.

Mr. REED, of Maine. I call for a division.

Mr. MORRISON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 70, not voting 122; as follows:

YEAS—131.

Adams, J. J.	Curtin,	Irion,	Rogers,
Allen, J. M.	Daniel,	Jones, J. H.	Sadler,
Ballentine,	Dargan,	King,	Sayers,
Barbour,	Davidson, A. C.	Kliner,	Seney,
Barksdale,	Davidson, R. H. M.	Laffoon,	Seymour,
Barnes,	Dibble,	Lanham,	Singleton,
Barry,	Dougherty,	Lawler,	Sowden,
Beach,	Dunn,	Le Fevre,	Stahlnecker,
Belmont,	Eldredge,	Lore,	Stewart, Charles
Bland,	Ellsberry,	Loveering,	St. Martin,
Bliss,	Ermentrout,	Lowry,	Stone, W. J., Mo.
Blount,	Fisher,	Martin,	Storm,
Boyle,	Foran,	Matson,	Swope,
Bragg,	Ford,	McCreary,	Taulbee,
Breckinridge, C. R.	Forney,	McMillin,	Taylor, J. M.
Breckinridge, WCP.	Frederick,	McRae,	Tillman,
Bynum,	Gibson, C. H.	Miller,	Townshend,
Cabell,	Glass,	Mills,	Trigg,
Caldwell,	Green, R. S.	Morgan,	Tucker,
Campbell, J. E.	Green, W. J.	Morrison,	Turner,
Campbell, T. J.	Hall,	Muller,	Van Eaton,
Candler,	Halsell,	Neal,	Viele,
Catchings,	Hammond,	Norwood,	Ward, J. H.
Clardy,	Harris,	Oates,	Warner, A. J.
Cobb,	Hatch,	Outhwaite,	Weaver, J. B.
Collins,	Henderson, J. S.	Peel,	Wellborn,
Compton,	Henley,	Perry,	Wheeler,
Cowles,	Herbert,	Pidcock,	Wilson,
Cox,	Hewitt,	Pindar,	Winans,
Crain,	Holman,	Reagan,	Wise,
Crisp,	Howard,	Reid, J. W.	Wolford,
Croxton,	Hudd,	Richardson,	Worthington.
Culberson,	Hutton,	Robertson,	

NAYS—70.

Allen, C. H.	Brown, W. W.	Dingley,	Farquhar,
Atkinson,	Brumm,	Dunham,	Felton,
Bingham,	Burrows,	Ely,	Fleeger,
Bound,	Conger,	Evans,	Fuller,
Brown, C. E.	Cutcheon,	Everhart,	Gallinger,

Grout,	McKenna,	Pirce,	Swinburne,
Hayden,	McKinley,	Plumb,	Taylor, Zach.
Hepburn,	Millard,	Price,	Thomas, O. B.
Hermann,	Moffatt,	Romeis,	Van Schaick,
Hires,	Morrill,	Rowell,	Wade,
Holmes,	Morrow,	Sawyer,	Warner, William
Hopkins,	O'Donnell,	Sessions,	Weaver, A. J.
Jackson,	O'Hara,	Smalls,	Weber,
La Follette	Osborne,	Spooner,	West,
Libbey,	Parker,	Stephenson,	White, A. C.
Lindsley,	Payne,	Stewart, J. W.	White, Milo.
Little,	Perkins,	Strait,	
Lyman,	Peters,	Struble,	

NOT VOTING—122.

Adams, G. E.	Dorsey,	Kelley,	Riggs,
Aiken,	Dowdney,	Ketcham,	Rockwell,
Anderson, C. M.	Eden,	Laird,	Ryan,
Anderson, J. A.	Findlay,	Landes,	Scott,
Arnot,	Funston,	Lehlbach,	Scranton,
Baker,	Gay,	Long,	Shaw,
Bayne,	Geddes,	Louttit,	Skinner,
Bennett,	Gibson, Eustace	Mahoney,	Snyder,
Blanchard,	Gilfillan,	Markham,	Spriggs,
Boutelle,	Glover,	Maybury,	Springer,
Brady,	Goff,	McAdoo,	Steele,
Browne, T. M.	Grosvenor,	McComas,	Stone, E. F.
Buchanan,	Guenther,	Merriman,	Stone, W. J., Ky.
Buck,	Hale,	Milliken,	Symes,
Bunnell,	Hanback,	Mitchell,	Tarsney,
Burleigh,	Harmer,	Murphy,	Taylor, E. B.
Burnes,	Haynes,	Neece,	Taylor, I. H.
Butterworth,	Heard,	Negley,	Thomas, J. R.
Campbell, Felix	Hemphill,	Nelson,	Thompson,
Campbell, J. M.	Henderson, D. B.	O'Ferrall,	Throckmorton,
Cannon,	Henderson, T. J.	O'Neill, Charles	Wadsworth,
Carleton,	Hiestand,	O'Neill, J. J.	Wait,
Caswell,	Hill,	Owen,	Wakefield,
Clements,	Hiscock,	Payson,	Wallace,
Cole,	Hitt,	Pettibone,	Ward, T. B.
Comstock,	Houk,	Phelps,	Whiting,
Cooper,	James,	Randall,	Wilkins,
Davenport,	Johnson, F. A.	Ranney,	Willis,
Davis,	Johnston, J. T.	Reed, T. B.	Woodburn.
Dawson,	Johnston, T. D.	Reese,	
Dockery,	Jones, J. T.	Rice,	

So the motion of Mr. MORRISON was agreed to.

The SPEAKER. The hour of 5 o'clock having arrived, the House stands adjourned until to-morrow morning at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of heir at law of R. R. Hightower, deceased, late of Williamson County, Tennessee, asking for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. BRUMM: Petition of J. T. Brown and 63 others, asking for the passage of pension bill recommended by the committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. A. C. DAVIDSON: Petition of Mrs. Harriet M. Jones, of Newbern, Ala., asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GIFFORD: Petition of veterans of the late war and members of John B. Wyman Post, No. 165, Grand Army of the Republic, of Dakota, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. GUENTHER: Petition of citizens of Adams County, Wisconsin, praying for the passage of Senate bill 1886 without amendment—to the same committee.

By Mr. IRION: Petition of Estella Chedester, of Baton Rouge, and of John J. Gardiner, of Saint Landry Parish, Louisiana, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. J. T. JOHNSTON: Petition of 2,500 soldiers and citizens of Indiana, asking for the passage of House bill 3320, pensioning all Union soldiers, and for other purposes—to the Committee on Invalid Pensions.

By Mr. KING: Petition of J. Walter Blandford, for compensation for services as clerk to the Committee on Levees and Improvements of the Mississippi River—to the Committee on Accounts.

By Mr. MILLIKEN: Petition of Benjamin T. Atherton and others, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. NEAL: Petition of J. A. P. Guthrie, of James County, Tennessee, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. OSBORNE: Resolutions of citizens of Philadelphia, Pa., praying for the passage of the educational bill—to the Committee on Education.

By Mr. RICHARDSON: Petition of the administrator of Thomas Jarrett, deceased; of administrator of Ann Thompson, deceased, and of administrator of A. T. White, deceased, of Rutherford County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. J. W. STEWART: Petition of William W. Gifford and 57 others, in favor of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. STRAIT: Petition of the Board of Trade of Mankato, Minn., for the improvement of the Minnesota River—to the Committee on Rivers and Harbors.

By Mr. ZACH. TAYLOR: Petition of William Johnson, administrator of Thomas J. Johnson, deceased, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. T. B. WARD: Petition of David Bryan, of Tippecanoe County, Indiana, praying for back pay as an officer of United States volunteers—to the same committee.

By Mr. WHEELER: Petition of Rusell M. Kilburn, of Lauderdale County, and of James J. Holsenbeck, of De Kalb County, Alabama, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. WILSON: Petition of John H. Fout, administrator of George Fout, of Grant County; of William B. Stump, of Hampshire County; and of John W. Vandiver, administrator of William Vandiver, of Mineral County, West Virginia, asking that their war claims be referred to the Court of Claims—to the same committee.

SENATE.

THURSDAY, *June* 24, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in reply to a resolution of the 9th instant, copies of papers and letters in respect to the claim of William J. Martin for balance due on alleged contract to furnish beef-cattle to the Government, made in June, 1849; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HALE presented a petition of 80 dairymen and butter-makers of Maine, praying for the passage of the bill taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLISON presented resolutions adopted by the board of supervisors of Linn County, Iowa, favoring the passage of what is known as the swamp-land indemity bill now pending before the Committee on Claims; which were referred to the Committee on Claims.

He also presented the petition of Korner & Schwabeland and 101 other prominent citizens of New York city, praying Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the building of the Harlem River Canal; which was referred to the Committee on Commerce.

Mr. BROWN. I present a communication addressed to me, which is intended as a memorial to Congress, signed by Bishop L. H. Holsey, of the Colored Methodist Episcopal Church; Bishop W. H. Miles, of the Colored Methodist Episcopal Church; Bishop Isaac Lane, also of the same Church, and a large number of the most influential clergy of that Church, in which they refer, first, to the act organizing the Freedman's Savings and Trust Company, and they claim that the Government was liable to pay to the depositors all the money that was deposited by colored people in that bank; and then they cite a number of amendatory acts of Congress on that subject, showing, as they understand it, that the Government controlled it all the time and was responsible for it. They say they have only received 62 per cent. of the amount deposited, and they pray Congress to make provision for paying to them the remaining 38 per cent. of the deposits, and they claim that it is a right due them and not a favor asked, but that the Government of the United States is liable for it.

As the petition involves probably an important legal question, I move that it be referred to the Committee on the Judiciary, with the request that they report by bill or otherwise.

The PRESIDENT *pro tempore*. If there be no objection, that reference will be made.

Mr. CALL presented a petition of 25 citizens of Madison County, Florida, and a petition of citizens of Marion County, Florida, praying that the time of the Florida Railway and Navigation Company for the completion of their road may be extended; which were referred to the Committee on Public Lands.

Mr. EDMUNDS. I present an additional affidavit, of G. G. Benedict and other gentlemen of Chittenden County, Vermont, in support of the pension claim of Mrs. Emily J. Stannard, widow of General George J. Stannard. The bill has been reported with the papers, I understand, and I ask that this additional piece of proof may be placed on file with the other papers.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. PALMER presented a petition of four societies of the Woman's Christian Temperance Union of Detroit, Mich., praying for legislation for the protection of young girls; which was referred to the Committee on the District of Columbia.

He also presented the petition of Lester H. Salsbury and 84 others, citizens of Lenawee County, Michigan, praying for the relief of the widow of Lieut. Joseph L. Smith, late of the Fourth Regiment Michigan Volunteer Infantry; which was referred to the Committee on Pensions.

He also presented a memorial of citizens and dealers in both butter and butterine, of Menominee County, Michigan, remonstrating against the passage of the bill imposing a tax of 5 cents per pound upon oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented the petition of Wallace Post, No. 55, Grand Army of the Republic, of Centralia, Ill., praying Congress to grant a pension to Mrs. Lavinia B. Wright for services as nurse in the late civil war; which was referred to the Committee on Pensions.

Mr. COLQUITT. I present a petition of sundry colored citizens of the city of Augusta, Ga., praying for the consideration of some measures of relief in consequence of the failure of the Freedman's Savings Bank. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. SPOONER. I present a petition of 50 delegates and members of Indian tribes residing in the Indian Territory and elsewhere, praying for the repeal of the present law in regard to trading with Indians. I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. LOGAN presented the petition of Mrs. Isabella W. Adduddell, widow of John F. Adduddell, late captain of the Third Kansas Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of George E. Armstrong, late private Company G, Ninety-seventh Illinois Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of ex-soldiers of Silver City, Ark., favoring pension legislation, recommended by the national committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented a resolution adopted by the Illinois division of the Travelers' Protective Association, at Chicago, Ill., favoring the passage of the House bill relating to licensing commercial travelers; which was referred to the Committee on Commerce.

He also presented a resolution adopted by the Illinois State Labor Association, protesting against the passage of the bill imposing a tax on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 9106) granting a pension to Rachel Barnes, reported it without amendment, and submitted a report thereon.

Mr. SPOONER. The Committee on Public Buildings and Grounds authorized the Senator from Vermont [Mr. MORRILL] to report an amendment to the sundry civil appropriation bill. He is ill and detained from the Senate, and at his request and on his behalf I report from the committee the amendment, and move that it be printed and referred to the Committee on Appropriations.

The motion was agreed to.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives to print the report of the Commissioner of Education for 1884–'85, to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That of the report of the Commissioner of Education for 1884–'85 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 20,000 for the use of the Commissioner of Education.

STATISTICS OF WAGES.

Mr. MANDERSON. I am also directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 57) to print an addition to a report on wages ordered printed January 17, 1884, to report it favorably without amendment. I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Secretary of the Interior to print, as an addition to the report on the Statistics of Wages in Manufacturing Industries, prepared by Mr. Joseph D. Weeks and ordered printed by the House of Representatives January 17, 1884, a report on the Relative Wages in the United States and Great Britain, compiled by Mr. Weeks.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. H. MANN.

Mr. ALLISON. The Committee on Appropriations instruct me to report back with an amendment the joint resolution (H. Res. 5) authorizing payment of C. H. Mann, messenger to the reporters' gallery. If there is no objection, I ask that the joint resolution be passed. It relates to a House matter.

Mr. PLATT. Let it be read.

The Chief Clerk read the joint resolution, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment reported by the Committee on Appropriations was, in line 7, after the word "eighty," to strike out "five" and insert "six;" so as to make the joint resolution read:

Resolved, &c., That the Clerk of the House of Representatives be, and he hereby is, authorized and directed to pay to C. H. Mann the salary provided for in the act making appropriations for legislative, executive, and judicial expenses for the fiscal year ending June 39, 1886, for the messenger in the reporters' gallery, rom July 1 to December 7, 1885, inclusive.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

CONSULAR REPORTS ON CATTLE-BREEDING AND DAIRY-FARMING.

Mr. HAWLEY. The Committee on Printing instruct me to report favorably the concurrent resolution of the House of Representatives for printing reports of consuls of the United States on cattle-breeding and dairy-farming. I ask for immediate action upon it.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 4,000 copies of the reports of the consuls of the United States on cattle-breeding and dairy-farming; 2,000 copies of which shall be for the use of the House of Representatives, 1,000 copies for the use of the Senate, and 1,000 copies for the use of the State Department.

BARRACKS AT BATON ROUGE, LA., ETC.

Mr. WALTHALL. I rise to submit a report from a committee of conference.

The PRESIDENT *pro tempore*. The Chair will receive it. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

E. C. WALTHALL,
O. D. CONGER,
H. M. TELLER,
Conferees on the part of the Senate.
JOSEPH WHEELER,
G. W. DARGAN,
GEO. W. STEELE,
Conferees on the part of the House.

The report was agreed to.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 2731) granting a pension to Eli McCallister; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STANFORD introduced a bill (S. 2732) to authorize the printing of the eulogies delivered in Congress upon the late John F. Miller; which was read twice by its title, and referred to the Committee on Printing.

Mr. BLACKBURN introduced a bill (S. 2733) for the relief of Dr. John R. Hall; which was read twice by its title, and referred to the Committee on Claims.

Mr. BROWN introduced a bill (S. 2734) to provide for the survey of Jekyl Creek Bar, on the coast of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PALMER introduced a bill (S. 2735) for the relief of Sarah D. Tomlinson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2736) granting a pension to George D. Paul; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2737) granting a pension to Judson Knight; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEORGE introduced a bill (S. 2738) to restrict the jurisdiction of the circuit courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LOGAN introduced a bill (S. 2739) granting a pension to James A. Demastus; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2740) granting an increase of pension to Mrs. H. P. Kiernan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a joint resolution (S. R. 71) authorizing

and directing the Secretary of War to loan tents to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association, for reunion purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BECK submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House receded from its disagreement to the amendment of the Senate to the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa., and making an additional appropriation therefor," agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. T. D. JOHNSTON, and Mr. W. W. BROWN the managers of the conference on the part of the House.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARKSDALE, Mr. REID of North Carolina, and Mr. FARQUHAR the managers of the conference on the part of the House.

JUDGE FOR SOUTHERN ALABAMA—JUDICIAL SALARIES.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are in order. [A pause.] If there be none such the Chair, under the direction made by unanimous consent yesterday, lays before the Senate the unfinished business of yesterday, being the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

The Senator from Mississippi [Mr. GEORGE] is entitled to the floor on the pending bill.

Mr. PUGH. Will the Senator give way to me that I may make a motion?

Mr. GEORGE. Certainly.

Mr. PUGH. I ask the Senate to consider Order of Business 1134, House bill 28.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent of the Senate to proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama.

Mr. EDMUNDS. What is the regular order?

The PRESIDENT *pro tempore*. The regular order is the pre-emption bill, which is now before the Senate. The bill, in the judgment of the Chair, can only be displaced by unanimous consent, as the order was made by unanimous consent yesterday that at the close of the morning business to-day the Senate would proceed to its consideration.

Mr. PUGH. It will take but a few minutes to dispose of the bill to which I refer. It is purely local.

The PRESIDENT *pro tempore*. Is there objection?

Mr. PLUMB. The unfinished business, I understand, has been laid before the Senate.

The PRESIDENT *pro tempore*. It has been.

Mr. PLUMB. The suggestion of the Senator from Alabama is that that be informally laid aside?

Mr. PUGH. Yes; it will not take five minutes.

Mr. PLUMB. Having been admonished heretofore about yielding to matters, I do not care to do so, but still I do not want to disoblige my friend from Alabama if his bill will not take more than a moment or two and will not elicit debate. I shall not object, if nobody else does.

The PRESIDENT *pro tempore*. The Senator from Alabama asks that the pending order be laid aside informally with a view to proceeding to the consideration of the bill named by him. Is there objection? The Chair hears none.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama.

The PRESIDENT *pro tempore*. This bill has been read at length, and the amendments of the Committee on the Judiciary agreed to, and the amendment offered by the Senator from Illinois [Mr. LOGAN] is pending. It will be reported.

The CHIEF CLERK. It is proposed to amend by adding as a new section:

SEC. —. That the salary of all the district judges of the United States shall be $5,000 per annum hereafter.

Mr. LOGAN. Let the word "hereafter" be transposed so as to read:

That hereafter the salary of all the district judges of the United States shall be $5,000 per annum.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as modified.

Mr. HARRISON. I suggest to the Senator from Illinois that he modify the amendment so as to make it conform exactly to the bill passed by the Senate on that subject, which embraces two sections.

Mr. LOGAN. Very well; I will offer in place of the pending amendment the bill reported by the Committee on the Judiciary, and which was passed at this session.

The PRESIDENT *pro tempore*. The amendment will be stated as now offered.

The CHIEF CLERK. It is proposed to add to the bill the following additional sections:

SEC. —. That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of $5,000 per annum.

SEC. —. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which such justice or judge may be a member.

Mr. GEORGE. That is a very important matter. It is general legislation upon a local bill. The Senate is very well aware that I am opposed to any legislation of that sort; I think the yeas and nays ought to be called on agreeing to the amendment, and I call for them.

Mr. LOGAN. I have no objection to the yeas and nays being taken. I will call the attention of the Senate to the fact that this same amendment was reported by the Judiciary Committee in the form of a bill, fully considered by them, and it was passed by the Senate at this session of Congress.

Mr. GEORGE. I understand that, but that was a general bill.

The yeas and nays were ordered.

Mr. KENNA. Is the bill in order at this time except by unanimous consent?

The PRESIDENT *pro tempore*. It is certainly in order.

Mr. PUGH. It has been taken up by unanimous consent.

Mr. KENNA. Has it been reached regularly?

The PRESIDENT *pro tempore*. It was taken up by unanimous consent, on the request of the Senator from Alabama [Mr. PUGH].

Mr. KENNA. The Senator from Alabama is very well aware that I objected to the consideration of the bill the other day on account of the amendment proposed by the Senator from Illinois. I have just come into the Senate Chamber; and if it is not too late to object, I object now to the consideration of the bill.

The PRESIDENT *pro tempore*. It is too late, as the Senate has by unanimous consent proceeded to consider the bill.

Mr. KENNA. If the objection comes too late, then I appeal to the Senator from Alabama whether it was fair to take up the bill in my absence, knowing my avowed objection to it?

Mr. PUGH. If the Senator from West Virginia insists on it I do not desire that he shall lose his right on that account; but I ask him if it would not be as well to allow the Senate to vote on the amendment now.

Mr. KENNA. I am likewise informed that yesterday by unanimous consent it was understood that the public-land bill should be proceeded with to-day without the consideration of any other business.

The PRESIDENT *pro tempore*. That was done by unanimous consent, and the bill of the Senator from Alabama was taken up by unanimous consent.

Mr. KENNA. That being the case, I submit to the Senator from Alabama whether it is good faith to press the bill at this time, and I know if it is not he would be the last one to press it.

Mr. PUGH. I have already stated that I have no desire to take advantage of the absence of the Senator from West Virginia, but I suggest that the Senate vote on this amendment, as it certainly would have a right to do at some time; and if the Senator from West Virginia insists on his objection, I then ask to proceed with the consideration of the bill notwithstanding his objection.

Mr. KENNA. That can not be in order.

Mr. LOGAN. The objection comes too late.

Mr. KENNA. I hope it is understood that I have no objection whatever to the original bill. It has been stated on this floor by a Senator very much interested in this measure that an arrangement exists somewhere, using his own expression, by which the general bill the Senate passed will be considered somewhere other than here. That being the case, I can not see the necessity of tacking the general provision on this local bill; and I know the Senator from Alabama will not insist upon pressing this matter when my objection, which if I had been present he knows I would have made, is interposed.

Mr. PUGH. What is the pleasure of the Senator from West Virginia?

Mr. KENNA. I object to the consideration of the bill if the amendment of the Senator from Illinois is to be pressed.

The PRESIDENT *pro tempore*. The Chair is of opinion that the objection comes too late.

Mr. LOGAN. I will say to the Senator from West Virginia that no matter when the bill comes up, the amendment now pending will be urged.

The PRESIDENT *pro tempore*. If the Senator from Alabama moves to lay the bill on the table or to lay it aside, it would be a very proper motion. Does the Senator from Alabama move to postpone the bill?

Mr. PUGH. No, sir; I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. HARRIS. That motion is not in order.

Mr. HOAR. It does not require any such motion.

Mr. LOGAN. That is not required. The bill is now before the Senate.

The PRESIDENT *pro tempore*. The bill is now before the Senate, and the question is on the adoption of the amendment of the Senator from Illinois, on which the yeas and nays have been ordered.

Mr. COKE. Mr. President, I favor the amendment which prohibits Federal judges from filling the offices of their courts with their relatives. Some portions of the country have suffered sufficiently from this cause, and it ought to stop. The administration of justice in some of the courts has been hampered too long already by this evil, and it should come to an end. The fountains of justice should be pure, and no suspicion allowed to exist that family ties or family influence interferes with judicial administration. This amendment has twice passed this body after debate, and I hope will again be approved by the Senate.

Mr. GEORGE. Mr. President——

Mr. MAXEY. I wish to make a request which I think I have a right to make. The proposed amendment is in two distinct parts. One proposes to increase the salaries of all district judges from $3,500 to $5,000 a year. The other branch of the amendment relates to the question of nepotism, as stated by my colleague. I desire a separate vote on the two propositions.

Mr. GEORGE. That is the purpose for which I rose. It was to ask for a division of the question.

Mr. MAXEY. I want to have a division of the question.

Mr. GEORGE. I am willing to vote for the provision against nepotism.

Mr. LOGAN. The question is not divisible.

Mr. MAXEY. There are two separate sections, two distinct propositions, one to increase the salaries of all district judges to $5,000, which is distinct and has no connection with the other proposition, which is in regard to the appointment of receivers, and so on, who are related to the judge. They are distinct propositions and not connected at all.

Mr. LOGAN. It is evidently one proposition, applying to all judges. Their salaries are to be increased and nepotism is to cease. It is one proposition, and I do not think it is divisible.

The PRESIDENT *pro tempore*. The Chair is of opinion that the question, the amendment containing two separate propositions, is clearly and distinctly divisible. The question will come first upon the first branch of the amendment of the Senator from Illinois.

Mr. KENNA. Mr. President, I have no desire to discuss either the original bill or the proposed amendment. I do desire, however, to make a statement to the Senate with reference to the circumstances under which this bill is under consideration.

Unanimous consent was asked the other day to consider the bill, and being in my seat I objected to its consideration. It then went over. First, I will say that on a former day I withdrew the objection on account of the absence of the Senator from Alabama. It was known to the Senator who offers this amendment that I objected to it. This morning I was absent from the Senate Chamber in a committee of this body sitting with the leave of the body during the sessions of the Senate. Just before my arrival on the floor of the Senate the same unanimous consent was asked, and it was obtained in my absence. The moment my attention was attracted to it I raised the objection. I have not any further commentary to make on the proceeding.

The PRESIDENT *pro tempore*. The question is on the first branch of the amendment of the Senator from Illinois.

Mr. GEORGE. I desire to make one observation in reference to the amendment, that from the beginning of the Government, from its first act on the subject of salaries of United States judges down to the present time, no such principle as that involved in this amendment has ever been recognized by the Congress of the United States. In the very first act and in all subsequent acts a distinction and discrimination were made between judges who live in large cities, where the cost of living is high and where the work is very laborious, and those living in places sparsely populated and where living is cheaper.

It is a new rule now sought to be introduced for the first time on a local bill to put all the United States district judges upon the same footing as to salaries; and I object to it for reasons that I have heretofore stated to the Senate in full.

Mr. LOGAN. I merely wish to say in reply that this proposition has been considered and more than once reported favorably by the Committee on the Judiciary applicable to all the district judges of the United States. A man who is competent to be a district judge of the United States ought certainly to have a salary of $5,000.

In reply to the principle the Senator enunciates, that a man who lives in a city should have a larger salary than one who lives in the country, I do not think he would like it very well if the same rule were made applicable to members of Congress.

Mr. GEORGE. We all live in the same city.

Mr. LOGAN. We do when Congress is in session, and so do the district judges live in town when they are holding court. So the rule stated by the Senator from Mississippi will not apply.

Mr. GEORGE. I desire to say in reply to the Senator from Illinois that the rule which I insist upon has been the universal rule up to the present time. It was adopted in the First Congress and in all subsequent Congresses which have acted upon the subject. As late as the year 1872, I believe, when the last act on that subject was passed, a discrimination was made, and it was deemed proper that there should be some relation between the salaries paid to the United States judges and the salaries paid to the State judges in the States in which they served.

I brought before the Senate two years ago a list of the salaries paid by the various States to their supreme judges, their highest judges; not to inferior judges. I do not mean "inferior" in capacity but inferior in rank, like the district court judges of the United States. If I remember that list correctly I think I am warranted in stating that in more than half the States in this Union the highest judges, the supreme judges of the States, receive less than the sum now proposed to be paid to the district judges of the United States.

I wish to make one other remark and I shall be through, because I know the Senate is in favor of this amendment, having frequently passed a similar measure. I desire to say that I regard this as a very inopportune time to increase the salaries of judges, when confessedly all the great interests of this country, the agricultural interest and all other interests, are at the very lowest ebb, when less money is being realized now from the great pursuits of the country than ever heretofore, when wheat is down to about 70 cents a bushel according to my understanding, and cotton is worth but 7 cents a pound—lower than it has been for a quarter of a century. I say that when all the industries of this country which have to contribute in the way of taxes to the payment of the expenses of the Government are at the very lowest ebb, it is rather an inopportune time to increase the salaries of men who have the most desirable positions in the Government, men who hold their positions for life, men who, after a service of ten years, on arriving at the age of seventy years, can retire from their offices and draw their salaries until the end of their lives.

Mr. CONGER. I do not wish to discuss this branch of the subject, but the remarkable suggestion of the Senator from Mississippi is that after an administration of a year and a half a control of the Government of this country which was to bring good times and restore confidence and restore business has not done it. If a year and a half is not reasonable time in which to realize the beneficent promises which were made prior to the last election, I should like to inquire of the Senator how much longer we must wait for the good time to come?

Mr. GEORGE. That would ordinarily be a sufficient time; but when we look at the previous history of the country and the amount of mismanagement and misgovernment generally which has occurred in this country for twenty-five years, I think we ought to have a little longer time to recover ourselves. We have been very sick and we can not recover in a minute.

Mr. CONGER. About how much longer before we begin to realize some benefit from the change of administration?

Mr. MAXEY. The question is divided, and I want to understand whether we are voting on the first branch.

The PRESIDENT *pro tempore*. The question is on the first clause of the amendment, which will be read.

The Chief Clerk read as follows:

That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of $5,000 per annum.

Mr. BECK. I should like to hear the whole of it read.

The PRESIDENT *pro tempore*. The second clause of the amendment will be read.

The Chief Clerk read as follows:

SEC. —. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which such justice or judge may be a member.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from Indiana [Mr. VOORHEES].

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN].

Mr. PAYNE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES]. Not knowing how he would vote, I withhold my vote.

Mr. HOAR. My colleague [Mr. DAWES] would vote "yea" if present.

Mr. PAYNE. Then I vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. If he were present, I should vote "nay."

Mr. SAWYER (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. PLUMB. I am paired on this question with the Senator from Alabama [Mr. MORGAN].

The result was announced—yeas 31, nays 20; as follows:

YEAS—31.

Allison,	Dolph,	Ingalls,	Platt,
Blair,	Edmunds,	Jones of Arkansas,	Riddleberger,
Bowen,	Evarts,	Logan,	Sherman,
Brown,	Frye,	McMillan,	Spooner,
Cameron,	Hale,	McPherson,	Stanford,
Chace,	Harrison,	Manderson,	Teller,
Conger,	Hawley,	Mitchell of Oreg.,	Wilson of Iowa.
Cullom,	Hoar,	Payne,	

NAYS—20.

Beck,	Coke,	Gray,	Pugh,
Berry,	Colquitt,	Harris,	Vance,
Blackburn,	Eustis,	Hearst,	Walthall,
Call,	George,	Kenna,	Whitthorne,
Cockrell,	Gorman,	Maxey,	Wilson of Md.

ABSENT—25.

Aldrich,	Jones of Florida,	Palmer,	Sewell,
Butler,	Jones of Nevada,	Pike,	Van Wyck,
Camden,	Mahone,	Plumb,	Vest,
Dawes,	Miller,	Ransom,	Voorhees.
Fair,	Mitchell of Pa.,	Sabin,	
Gibson,	Morgan,	Saulsbury,	
Hampton,	Morrill,	Sawyer,	

So the first branch of the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the remaining clause of the amendment, which will be read.

The Chief Clerk read as follows:

SEC. —. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which said justice or judge may be a member.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. HOAR, the title was amended so as to read: "A bill to provide for the appointment and compensation of a district judge for the southern district of Alabama, and to establish the salaries of judges of the district courts of the United States."

Mr. HOAR. I now move that the Senate ask for a conference on the disagreeing votes of the two Houses on this bill.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HOAR, Mr. LOGAN, and Mr. PUGH were appointed.

PUBLIC-LAND LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes, the pending question being on the amendment proposed by Mr. PLUMB to the amendment of the Committee on Public Lands, in section 1, line 22, after the word "sold," to insert "prior to the passage of this act;" so as to read:

That all entries made under the pre-emption laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold prior to the passage of this act after final entry, to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale.

Mr. GEORGE. Mr. President, the bill reported by the Committee on Public Lands relates to a very important subject. I desire to vote right, but there is one feature of the bill which, as it appears to me now, seems to be very improper. I allude to the provision found on page 5, from line 18 to 25, which in substance provides for a confirmation of all the entries in pre-emption cases, however fraudulent and improper and illegal they may have been, if only prior to the passage of this act the land has been sold for a valuable consideration to somebody else *bona fide*.

I do not see the necessity or the justice or the fairness of the Congress of the United States waiving, surrendering the right of the people of the United States to this large body of land which has been illegally and fraudulently entered merely upon the ground that some persons before the passage of this act, without due inquiry, may have made a purchase of it innocently.

I find these facts stated in the report of the Commissioner of the General Land Office for the year 1882, not the present Commissioner, but the one who preceded him:

A material proportion of the pre-emption entries now made are fraudulent in character, being chiefly placed upon valuable timber or mineral lands or water rights, and made in the interest and by the procurement of others, and not for the purpose of residence and improvement by the professed pre-emptor.

That is a statement of the Commissioner of the General Land Office made four years ago, that a great many of these lands have been fraudulently entered, not by persons intending to make a settlement upon them but acting fraudulently and by the procurement of others.

In addition to that, I desire to call the attention of the Senate to this very important fact, that these fraudulent entries have been located upon the most valuable lands, located upon mineral lands, located upon lands which had water upon them and which on account of their location commanded in the market and for use a large quantity of land outside of their boundaries.

The same Commissioner in 1883, in an official report to Congress, said:

Complaints of frauds and appeals for protection by *bona fide* settlers from the exactions and oppressions of those who commit or cause these frauds to be committed are constantly coming up to this office.

And mark this significant language which follows:

A flood-tide of illegal appropriation seems to be sweeping over the new States and Territories, threatening to ingulf the entire public domain.

It is this kind of men, it is this state of facts, that we are asked by the committee, in the amendment which they have reported, to confirm, to ratify, and to place the land forever beyond the reach of the United States. The present Commissioner in his report in 1885 said:

Reports of special agents, registers and receivers, and inspectors of surveyors-general and local land offices, communications from United States attorneys and other officials, and letters from public men and private citizens throughout the country were laid before me, all detailing one common story of widespread, persistent, public-land robbery committed under guise of the various forms of public-land entry.

Are we prepared in view of that to adopt this amendment? I will not rely entirely upon reports of the Commissioner of the General Land Office. I have extracts here from reports made by the Public Land Committee of this body at the last session, and I will read them to the Senate. The Senate committee, reporting in favor of the repeal of the pre-emption and timber-culture law, quote from their report made in the Forty-eighth Congress as follows:

Another reason for the repeal of this law is the alarming increase of fraudulent claims under it in late years owing to the greater demand for and increased value of the lands, the discontinuance of public sales, and the withdrawal of lands from private entry.

It seems that this all-pervading system of fraud which had existed as reported by the Land Commissioner a few years before, instead of diminishing, is actually increasing, absorbing more and more of the public domain in fraud and in violation of the law.

I go on a little further. The Senate committee adopted the following language from the House committee's report:

Whole townships of the public domain have been acquired under this law by capitalists, who do not reside within hundreds of miles of the land, and never did.

That is a part of the process which we are required to confirm in this way, not directly I admit, but I may state here that in practice it will be a confirmation. Every lawyer knows that if you strike out the technical rules of law in reference to real estate which prevent a man from being a *bona fide* purchaser when the legal title is not got, it is almost impossible in practice ever to show that he is a *mala fide* purchaser. He proves the payment of his money, and then the presumption of the law is, he having paid his money, that he had no notice; and how are you to establish notice on him? In practice I may say that in ninety-nine cases in a hundred you will not be able to bring to the party the knowledge of the fraud. Says the report—I am reading now from the report of the House Committee on Public Lands—

They have secured them through paid agents in their employ, who receive so much for their services when they make the proof necessary to entitle them to a patent from the Government and assign their claims to their employers.

All this is to be confirmed, provided the employer can succeed in making a colorable sale of the land to somebody else, and the United States will be unable to prove that this somebody else had no notice of the fraud.

This is done—

Says the report—

This is done of course through perjury and subornation of perjury; for each one of these agents or claimants is required to make settlement on the pre-emption claim under the law, and he must make oath before the register or receiver of the land district in which the lands are situate, on which he claims to have settled for the purpose of pre-empting, and that he has never had the benefit of any right of pre-emption; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use, and that he has not, directly or indirectly, made any agreement or contract in any way or manner with any person whatsoever by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself. And yet it is well known that this oath is daily taken by parties who make it under contracts such as we have indicated above.

That is, a contract to convey the land to their employers after they have made the proof that entitles them to a patent.

They file with the register of the proper land district their declaration, make their proof, affidavit, and payment required by the law, and receive their title, and transfer the same to the parties with whom they made the contract before they attempted to make the pre-emption.

That is the state of affairs which we are required here to validate, to make lawful; in other words, giving all the parties who can claim by

conveyance from any of these fraudulent enterers a good and valid title against the United States. I do not see any necessity for that. If the position of the Senator from Kansas [Mr. PLUMB] is correct that these parties had a good title upon the issuance of the final certificate of entry, then let them stand upon their legal rights. If it be true in fact that they have these rights, then let them stand upon them. I do not propose to take away from any man who has made an entry or purchase under this law any right which he now has; but I do object to withdrawing by statute any claim of the United States to land which has been fraudulently entered, as described in the extract which I have read in the presence of the Senate, merely because some man has a conveyance for this land from the enterer, and because the United States may not be able to show that he had notice of the fraudulent character of the entry.

It seems to me that it is a sweeping measure, not demanded by any policy that I am aware of. It seems to me that if we pass the bill with this provision in we shall go a long way to make honorable land frauds upon the Government of the United States, and that we shall deprive the people of this country of their just rights in the public domain.

Mr. MITCHELL, of Oregon. May I ask the Senator from Mississippi a question?

Mr. GEORGE. Yes, sir.

Mr. MITCHELL, of Oregon. Has the Senator any knowledge about the number of land entries that have been made under the pre-emption and homestead laws within the last five years?

Mr. GEORGE. I only know what is reported. It says the public domain is about being exhausted.

Mr. MITCHELL, of Oregon. I mean the actual entries.

Mr. GEORGE. I have no knowledge as to the arithmetical number.

Mr. MITCHELL, of Oregon. Has the Senator from Mississippi any knowledge as to how many of these land entries there are? The Senator talks about great frauds. Has the Senator from Mississippi any knowledge as to how many of these land entries under the pre-emption and homestead laws have been canceled by the Land Department within the last year or within the last five years?

Mr. GEORGE. All I know on that subject is in the extracts which I have read. In one place it is said that—

> A material proportion of the pre-emption entries now made are fraudulent.

In another place it is said by the Commissioner of the General Land Office:

> A flood-tide of illegal appropriation seems to be sweeping over the new States and Territories, threatening to ingulf the entire public domain.
>
> * * * * * * *
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> Whole townships of the public domain—
>
> Says the committee—
>
> have been acquired under this law by capitalists who do not reside within hundreds of miles of the land, and never did.

I only have these general statements.

Mr. MITCHELL, of Oregon. I understand that. I understand that special agents of the department have made various reports to that effect, but the Land Department hold that they have the power to cancel fraudulent entries and set them aside and clear the public domain of entries that are fraudulent, and that being so, what I want to know is how many of these alleged fraudulent entries have been canceled up to date. I understand that it has been the merest trifle, a few hundred, less than four hundred out of many thousands of entries made within the last year.

It seems to me that we ought to be a little careful in jumping at the conclusion that the frauds are as general and as universal as has been suggested in some of the reports of special agents, because the history of the matter has shown that when the Land Department comes to investigate these charges in view of the testimony taken it is only the smallest possible proportion that are found to be fraudulent in the end, as I understand.

Mr. GEORGE. I desire to say in response to that, that is but an additional argument in favor of the position which I take. The Senator says, notwithstanding these special agents, district attorneys, the public men in that country, the official agents of the Government, paid and selected for the purpose of inquiring into these matters, report this flood-tide of fraud all over this country, yet at last only a few have been detected and set aside. That really shows what I stated when I was first up, that it was the most difficult thing in the world for the Government officers here at Washington to trace up, find out, and prove to the satisfaction of a court all the various schemes of fraud that everybody knows are being perpetrated on the public domain. It is for that very reason I would not throw around these fraudulent entries any additional guards or any additional protection.

Mr. MITCHELL, of Oregon. One other word. I would not either. I am opposed to throwing any additional guards whatever around any fraudulent act; but the Senator from Mississippi will concede that it is a very easy matter in such cases to make a charge. To make a charge of fraudulent entry is one thing and to prove it is another.

Mr. GEORGE. The charges were made by a committee of this body, not by me.

Mr. MITCHELL, of Oregon. But to prove that charge is quite a different thing. I have had some little experience with individual settlers in Oregon and I can refer to two or three cases of individuals where the contest was simply between individual citizens, who had resided a long time in Oregon, some of our best citizens. In the two cases that I have in my mind, one took up a pre-emption claim in Umatilla County, Oregon, and the other took up a homestead claim in Umatilla County, Oregon. They were two of our best citizens, indorsed by everybody as reputable men. They made their proof, lived their time, as they supposed, paid their money, received their certificates, and after living some time on the land subsequent to that, one of them borrowed some money and executed a mortgage, and the other some time after that sold a portion of his land. After all this had happened a special agent of the Department comes along, and he makes a report to the Commissioner of the General Land Office that in his judgment the law had not been fully complied with in either case. He found nobody residing on the land when he went there at a time when the law did not require the parties to reside on the land. He makes a long report that the entries are fraudulent, sends it to the Commissioner of the General Land Office; an investigation is very properly ordered on that report by the Commissioner of the Land Office, and the register and receiver are directed to proceed to take testimony.

They did so in the two cases I have in my mind. A long litigation followed. The special agent was called upon by the department to appear and prosecute the cases and to bring his testimony to sustain his allegations. The result was that the register and receiver reported that the allegations were not sustained, that they were not supported by any testimony. An investigation was had by the Commissioner of the General Land Office here and he concurred; the present Commissioner I think in one case concurred in the report of the register and receiver, and that was affirmed by the Secretary of the Interior, and after this long investigation the entry in that particular case that was charged to be fraudulent was held by the Land Department to be good.

I have no doubt that there are numbers of cases of that kind. That there are fraudulent entries I have no doubt, and perhaps a great many of them. But the Senator from Mississippi asked, are purchasers to be protected who make no inquiry? That was the language of the Senator. I say, certainly not. A man who makes a purchase without making inquiry is not a *bona fide* purchaser in good faith. What inquiry should a man make in view of the law? He should go to the local land office and find what its record shows. If it shows that the entryman had made his final proof and paid his money and received his certificate; in other words, if he finds that there has been an adjudication of the case by the officials appointed by law to adjudicate it, the register and receiver, and if he makes further inquiry and finds that no special agent has made any attack upon the entry, that there is no report on file in the office of the Commissioner of the General Land Office attacking the validity of the entry, if he finds everything secure and right, and then he buys that land, he has become an innocent purchaser, and if he buys it in good faith and pays his money for the land I think he is a purchaser in good faith under the law who ought to be protected. The amendment proposed by the Committee on Public Lands simply does that. I think it ought to go further and re-enact or recognize the law as it exists now in reference to future cases.

Mr. GEORGE. The Senator from Oregon has discovered two cases.

Mr. MITCHELL, of Oregon. I simply referred to two cases to illustrate my general argument.

Mr. GEORGE. Very well. He has brought before the Senate two cases in which the agents of the Land Office have investigated, in all this immense mass of fraud, and found that there were two innocent men. Because two innocent men were wrongfully charged with a violation of the pre-emption laws, wrongfully charged with perjury and subornation of perjury, it is no reason why we should condone what I have read to the Senate from official sources—the immense flood-tide of fraud which has ingulfed, in the language of one report, the public domain in that region of country.

Mr. President, I believe it is stated somewhere in Holy Writ that if ten righteous men could be found in Sodom and Gomorrah those cities of the plain should be saved. If these official reports be correct, sanctioned by a committee of this body, sanctioned by a committee of the House of Representatives, whose duty it was to investigate this matter, the Senator asks that it shall only take two righteous men who have been wrongfully charged in order to save from the just condemnation of the Government all this immense mass of fraud. I can not see the justice of that proceeding.

Mr. President, the people of the United States own this land. They have made laws by which they are willing to part with it. Frauds have been committed on these laws, immense frauds, according to official reports, reports made to this body by its organized and authorized committee, and here we are to disregard all that because the Senator from Oregon has two constituents who were wrongfully charged. I can not see the justice and propriety of that.

Mr. MITCHELL, of Oregon. I do not appreciate the force of the answer the Senator from Mississippi has made; perhaps he does. I simply referred to two cases within my knowledge for the purpose of illustrating my argument and for the purpose of illustrating the position I take. The Senator from Mississippi has made the general charge of fraud here, and yet he has failed to point out a single case.

Mr. GEORGE. I have not made any charge of fraud; I have read the charge made by a committee of this body.

Mr. MITCHELL, of Oregon. The Senator has failed to point out a solitary case where the Land Department have canceled an entry on account of fraud—not one. And when I put the question to him as to the number of land entries that have been canceled by the order of the Land Department, he has been unable to answer. He can not tell whether there have been one hundred or five hundred entries canceled; and I tell him as a matter of fact there have not been four hundred canceled I think within the last few years; I do not merely include this administration but I go back further.

I admit, as the Senator from Mississippi states, that the special agents who are going about over the country have been profuse in their charges of fraud; they have been universal and unrestricted; but, as I have said before, the Land Department, claiming the right to cancel these entries on account of fraud, have been unable after investigation to find that these charges were true except in a very small proportion of cases, so far as investigation has been made. I suppose of course there are many cases where the investigations have not yet been made and cases are now under investigation. What the result of those investigations may be of course we can not tell.

But the Senator from Mississippi insisted that a man who purchased lands without making inquiry should not be protected. Certainly not. Nobody contends for that. All that is contended for, all that is proposed by this amendment of the committee, is simply that if a man enters land after he has a right to purchase it, after the time has passed when the entryman has a right to sell, and it is purchased in good faith and for a valuable consideration that man shall be protected. That is all there is to it and all there is of it.

Mr. President, I do not wish to take up the time of the Senate. I referred to the two cases because I knew of them. I will state to the Senator from Mississippi that I know of eleven cases in one county additional to the two already named, in the county of Walla Walla, in Washington Territory, where charges of immense frauds were alleged by a special agent of the Land Department, where parties had made entries under the timber-culture law of 1878. Those charges were investigated under the direction of the Land Department, and the records of the Land Department will show to-day that in those eleven cases the charges were held to be false and the entries were held to be good.

I can give the Senator the names of individual entrymen if he desires it. Perhaps I may not be able to do so to-day, but the records of the Land Department will show. It is not a mere solitary case. I undertake to say that in the great majority of instances where charges have been made by special agents and where investigations have been ordered the result has shown by the decision of the department that the charges were false.

Mr. PLUMB. I wish to call the attention of the Senate, and of the Senator from Mississippi especially, to what is occurring in the matter of the entry of public lands. I know him as a man who is perfectly candid and fair in regard to matters which come within the purview of his action as a Senator. It seems to me that if he understood the situation as I think I do and as others do better than I, he would not have opposed this amendment.

I call his attention in the first place to the fact that during the fiscal year ending June 30, 1884, there were filed 55,945 entries under the homestead law, embracing an area of nearly 8,000,000 acres of land. In that year there were perfected 21,843 final entries under the homestead law, embracing an area of nearly 3,000,000 acres; that is to say, about 8,000,000 acres were entered according to the technical use of that term; that is practically a segregation from the body of the public domain of the particular tract of land the subject of the entry, use, and occupation of the person who made entry of it, and about 3,000,000 acres were proved up on under the homestead law, that is to say by persons who were able to show that they had lived on the land for five years. There were homestead entries commuted that year, that is to say, changed from homestead to pre-emption entries, 1,741, amounting to 225,444 acres. That year there were also 21,286 entries under the pre-emption law, embracing a total area of about 3,206,000 acres. The entries for the fiscal year ending June 30, 1885, were about the same, a little less.

What I was going to call special attention to was this: During the last three or four years some six hundred thousand people have gone into the Territory of Dakota, in which Territory the larger number of these entries have been made. During the same period of time probably two hundred thousand people have gone into Western Kansas and one hundred and fifty thousand into Western Nebraska. When I say that, I mean that the population of those States and Territories has been increased permanently to about that extent. When the Senator considers the fact that so many people have gone into these comparatively remote sections of the country and the enormous aggregate of these entries, he will see that in the first place there must almost necessarily have been some frauds committed; and when I say "frauds," I embrace in that general term everything which in any sense is an avoidance of the strict terms of the law.

In the next place, in view of the fact that any one may contest the entry of any other person, it will be seen that a great many allegations of fraud will be made by persons seeking to put other people out of the possession of land that they may get it themselves. With this contention the interest of the Government is likely to have been provided for very closely by reason of the fact that the interest of the Government was the interest of some person who was bringing the attention of the Land Office to what he conceived to be fraud in order that he might get the benefit of that discovery by securing the right to enter the land the subject of the contest. And further, conceding all that is really claimed as to the extent of the frauds they comprise but a small percentage of the number of entries made.

I have no doubt there has been fraud, but there is a distinction between frauds. There are frauds that involve moral turpitude, design, evil, and illegal intent, and there are other frauds that do not involve anything of the kind. Under the pre-emption law a man is required to live only six months on the land he seeks to enter. After entry he may abandon possession of the land as soon as he pleases, having filled the requirement of the law. For many years, as I said the other day, the law only required a residence of thirty days on a piece of land to entitle the party so residing to enter under the pre-emption law.

Now the law is that he shall live there six months. Some, perhaps, do not actually live on the land during all that period of time, but live in towns near by, going back and forth. In ninety-nine cases out of one hundred the men who take these lands on the public domain are poor to the last degree. They are not rich men. The Senator from California, who has been a witness of the great growth of the Empire State of the Pacific coast, knows that to be true.

Mr. GEORGE. Will the Senator accept an amendment which will confine the benefit of this confirmation to actual settlers on the land? I am willing to do that.

Mr. PLUMB. Wait till I get through. Perhaps the Senator will not feel like proposing any amendment, as I think he ought not.

As I said, these men are poor men. A man goes out from the East; he is a tinner, a shoemaker, a blacksmith, a wagon-maker, or a tradesman of some kind. He goes West for the purpose of getting a home, and in the mean time he must live. He goes into the nearest town, follows his calling, and takes a quarter-section of land outside, lives upon it between times, so to speak, having his domicile part of the time perhaps in the town and part of the time on his claim, and at the end of six months he proves up on it. Perhaps the intent and the act do not fully combine, and yet the intent is as good as that of any man ever was to make that place his home, and to all intents and purposes it is his home. When he proves up he pays a dollar and a quarter an acre, and gets the final certificate of entry. He may then mortgage the land to get money to improve it with, and he may also feel constrained to stay in town and pursue his business for the present and educate his children. And so he may postpone the final taking up of his permanent residence upon the land. That is not committing a fraud in any true sense of the term. It may be called in law a fraudulent entry, and yet so far as the essential elements of fraud are concerned they are entirely lacking.

But there are frauds for which I do not desire that there shall be any immunity whatever, and this bill does not furnish any. I refer to those people who, possessing ample means, desire and seek to encroach on the public domain by acquiring large tracts for grazing purposes through fraudulent entries made by those who have no intent to ever comply with the law by making homes on the land they enter. There is little temptation to acquire large tracts for the purpose of ordinary farming, for for all practical purposes it can be said that farming upon a large scale requiring the hiring of labor is not profitable in the Far West, and there would be little or no inducement to acquire large bodies of land for such a purpose. I do not know how it may be in the State of New Jersey, where my friend across the way [Mr. MCPHERSON] resides, and where I understand he gives himself up in his leisure moments to the serious pursuits of agriculture.

Mr. MCPHERSON. With hired labor it is profitable.

Mr. PLUMB. The people of New Jersey are to be congratulated on that fact. I have no doubt the Senator from New Jersey himself is a living witness to the success and enormous gains that have resulted from farming by proxy in his State. But the fact is that farming where labor has to be hired in the Western country is not profitable.

Therefore there is little or no temptation to acquire large bodies of land for farming purposes. It is only in remote sections of country where men desire large bodies of land for grazing purposes, where they can raise cattle, and where by reason of their having the good fortune to get somebody to locate land for them along the streams they have been able to get a margin of water which gave them control of an adjoining range, that practical fraud comes in. Such cases have occurred. They are to be condemned and berated and treated with all possible disfavor, and the titles thus acquired should be set aside.

Such men can not set up that they are *bona fide* purchasers for value when they have employed men to enter land for them. Such cases are not within the purview of that part of this bill of which the Senator complains. He says the bill will require the Government to prove that the sales made were not *bona fide* and for a valuable consideration; and yet he surely would not have the entries set aside without proof.

Mr. GEORGE. So far as the act of Congress is concerned, I propose to let them stand precisely as they are.

Mr. PLUMB. But the Senator bases his action on the proposition

that these entries are fraudulent, and yet unless they are proven to be so they will stand. If that proof is forthcoming under this bill the cattle-men can not maintain their entries, because they will be shown to have had knowledge of the fraud committed for their benefit.

Mr. GEORGE. There is something beyond that. Under this bill you must not only prove that there has been an assignment and that the entry was fraudulent, but you must prove that the assignee had notice of the fraud. There is a requirement of additional proof, and that proof which is the most difficult of all to make.

Mr. PLUMB. Not at all. The bill specifically provides that the purchaser must establish to the satisfaction of the Land Department that he is innocent. If, then, the Government can not in turn show that the entries are fraudulent why should they not stand?

Mr. DOLPH. I supposed that when the fact was established that the original claim was fraudulent, the present owner of it would have to establish affirmatively on his part that he was a *bona fide* purchaser.

Mr. PLUMB. Undoubtedly. The bill so specially provides.

Mr. DOLPH. The burden of proof would be on the party who claimed title.

Mr. PLUMB. Let us see how the case of these entrymen stands at the date of entry. They have entered land with or without a strict compliance with the law and have paid the Government price for the same—one dollar and a quarter an acre—and also the fees required by law. The Senator from Mississippi says, in substance, that if they have not strictly complied with all that the law imposes concerning settlement, then the entries ought to be set aside, not only as to the entryman (to which I agree, no matter how hard it may bear on him), but also as to the man who may have purchased of him innocently. Of course he bases that on the ground of public policy. He says here are great bodies of public domain being swallowed up by speculation. That process has been going on ever since the war in the Senator's own State.

Mr. GEORGE. What is that proposition?

Mr. PLUMB. I say this process of absorbing the public domain for speculation has been going on in the State of Missouri without protest and without complaint ever since the war, and in every Southern State where there are public lands.

Mr. GEORGE. Not in violation of law, though, but in pursuance of law.

Mr. PLUMB. The absorption is going on. The public policy in regard to this matter is infringed just as much. Why, is it any less in violation of that public policy that 100,000 acres of land shall be taken in the State of Mississippi by foreigners, by lumbermen, by capitalists, by corporations all in a body than it is that they shall be taken up in the Territory of Dakota?

Mr. GEORGE. I am not called on to defend the Government in reference to the State of Mississippi; but I can state to the Senator that so far as any absorption of the public lands in Mississippi by persons and in large quantities is concerned, that absorption applies only—for I have examined the matter myself and it is well known there no doubt by all—to lands that are unfit for cultivation, partly pine barrens, and the absorption is by the mill-men from the Northwest who come down there to buy for mill purposes. Travel through the country where that land is, as I have done myself, and you can go 10 miles without seeing a single cabin, on account of the unfitness of the land for agriculture.

Mr. PLUMB. I have no doubt that country is much more sparsely settled than the Territory of Dakota, and yet the conditions affecting settlement are as favorable in that region as on the frontier of Dakota and the land more habitable. The settler in Dakota or Western Kansas has not only to contend against the wildness of the soil but against adverse climatic influences and the disadvantages of being remote from settlement and from railroads. He is in a more unfavorable condition in these important respects than though he had settled in Mississippi.

Mr. GEORGE. Has he not good soil?

Mr. PLUMB. After he gets there, after he has earned the land a dozen times over in the peril, exposure, and labor necessary to make that soil yield, it may then be said to be "good."

Mr. GEORGE. And that man, I am willing shall have the benefits of this act.

Mr. PLUMB. But if that man gets discouraged, if something unfortunate happens to him after he has made his entry, if his poverty compels him to mortgage his land and thereby by some misadventure lose it, then the Senator turns his back on him and says he has no rights and the man who succeeds him in interest shall have no rights notwithstanding his good faith can not be impeached.

Mr. GEORGE. I am perfectly willing for any actual settler under an assignment to have his land, whether he got it *mala fide* or *bona fide*.

Mr. PLUMB. If he got it *bona fide*, why attach a condition to him which the law does not attach?

Mr. GEORGE. I do not understand that question.

Mr. PLUMB. If he buys it *bona fide* after the other man has entered, why attach a condition to him which the law does not attach?

Mr. GEORGE. I do not propose to attach any condition.

Mr. PLUMB. You say you will attach a condition.

Mr. GEORGE. But the Senator has made me change positions. I propose to let the law stand as it is; he proposes to change the law. I say leave all these men to the law as it now stands. I do not want to take away any right anybody has got.

Mr. PLUMB. Many persons buy land to settle upon at a future time, in anticipation of going back there in a year or two to make an actual settlement upon it; but of course the settlement theory of the Senator would cut all those people out. A good deal has been said here about mortgaging this land. A mortgage I suppose is a bad thing everywhere, but it is often inevitable; and yet it is within my own knowledge that at least 75 per cent. of all the lands entered under the preemption law in the county in which I live were entered with money borrowed, paid at a minimum rate of interest of 3 per cent. a month. It was a bad thing to do; but it was the only thing the settlers could do, unless they wished to lose their land; and it has never been held to impeach the entries thus made; and if, as is alleged here and as is the foundation of this argument, the Government has a right to come in at any time before a patent has issued, it can still attack two-thirds of the entries in this county, because patents have never issued.

Mr. GEORGE. When the Government comes in it does nothing except to complain of and attack an entry made through perjury and subornation of perjury. If the entry is all right, all proper, all honest, the Government under the law as it now stands and as I want it to stand has no right and does not want any right. It is only in cases where fraud and perjury have intervened, as is shown by the report that I read to the Senate this morning, that I insist that we shall do no act of confirmation, but leave the parties exactly where they are now.

Mr. PLUMB. The practice of the Land Office is just the reverse. The present Commissioner of the General Land Office assumes that all these entries are fraudulent and puts the *onus* of proof on him who seeks to maintain the entry. That is what is going on.

I have here the decision of Judge Deady, of Oregon, which I looked for yesterday but could not find. I want to state the legal fact which has resulted in the determination of the committee to report this amendment. I read the other day section 2262 of the Revised Statutes, in which is contained an express exception in favor of the innocent purchaser for a valuable consideration.

I read the decision of the Supreme Court in the case of Myers *vs.* Croft, in which Judge Davis especially recites that fact and gives it effect by that recital. The decision of Judge Deady goes still further. He says in the case of Wiley C. Smith *vs.* William Ewing and Frank Duprat, in the United States circuit court for the district of Oregon, he being the district judge holding the circuit court in that district:

> This suit is brought by a citizen of Georgia to obtain a decree enjoining the defendants, who are citizens of Oregon, from trespassing on certain lands situate in Umatilla County, Oregon, and that any claim they may have thereto may be declared null and void.

In the course of the decision the judge proceeds to say:

> Section 2373 of the Revised Statutes gives the register and receiver the right to determine "all questions as to the right of pre-emption arising between different settlers," on "the same tract of land," saving the right of appeal to the Commissioner and the Secretary of the Interior.

It seems that subsequently to the entry by Ewing the Commissioner, in an *ex parte* proceeding, set aside the certificate of entry which had before been issued.

> Has the Commissioner any such power? It is not given to him in terms by any act of Congress that I am aware of. His right to pass upon conflicting claims to land under the pre-emption law seems confined to cases that come before him on appeal from the decision of the register and receiver, in case of a contest between two or more settlers under such law. Doubtless the Commissioner may also refuse to give effect to a certificate and issue a patent thereon when it appears from the face thereof, or the proof accompanying it, that it was issued contrary to law. But if the land is open to pre-emption and the proof is formally sufficient, as that it is made by the oaths of the proper and prescribed number of witnesses to the necessary facts, the Commissioner can not disallow the certificate or refuse to issue a patent thereon because the proof is not satisfactory to his mind, or because it is suggested to him that it is false. The law devolves the determination of that question on the register and receiver (Revised Statutes, section 2263), and it can only come before the Commissioner on an appeal from their decision by a party to a contest before them.
>
> When a certificate of purchase has been issued to a pre-emptor in due form, and no appeal has been taken from the decision or action of the register or receiver, the land described in the certificate becomes the property of the pre-emptor. He has the equitable title thereto, and a right to the legal one as soon as the patent can issue in the due course of proceedings. And he can dispose of the same and pass his interest therein as if the purchase had been made from a private person. Carroll *vs.* Safford, 3 Howard, 460; Myers *vs.* Croft, 13 Wall., 291; Camp *vs.* Smith, 2 Minn., 155; Cornelius *vs.* Kissell, 58 Wis., 237; Bull *vs.* Stiles, 35 Ill., 309; Sillyman *vs.* King, 36 Iowa, 207; Moyer *vs.* McCullough, 1 Ind., 339.
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> In Carroll *vs.* Safford, it was ruled that land held under a certificate of purchase from the United States Land Office was subject to State taxation as the property of the purchaser. In delivering the opinion of the court, Mr. Justice McLean said:
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> "When the land was purchased and paid for it was no longer the property of the United States, but of the purchaser. He held it for a final certificate, which could no more be canceled by the United States than a patent.
>
> "It is true, if the land had been previously sold by the United States or reserved from sale, the certificate or patent might be canceled by the United States as having been issued through mistake. In this respect there is no difference between the certificate holder and the patentee."
>
> In Moore *vs.* Robbins, 96 U. S., 530, it was held that a patent issued by the Land Department, acting within the scope of its authority, passes the legal title to the land, and all control of the executive department of the Government over the title thereafter ceases. That if any wrong has been done to the United States the courts of justice are open to it, as in the case of an individual, to have redress by cancellation of the patent or reconveyance of the land.
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> To my mind, the certificate of purchase, subject to the condition mentioned,

is within the reason of the rule laid down in Moore *vs.* Robbins in the case of a patent. The issue of a patent or final conveyance on such a certificate is a mere ministerial act, of which the purchaser, in the case of private parties, might compel the performance.

Several of the State courts have decided that the certificate of purchase, when issued in due form for land subject to entry, is beyond the power of the Commissioner otherwise than on a direct appeal from the register and receiver.

He goes on to comment on section 2262 of the Revised Statutes:

The exception made in section 2262 of the Revised Statutes in favor of a *bona fide* purchase for a valuable consideration from a person holding a certificate of purchase under the pre-emption law is only against the forfeiture of the land denounced by that section on account of the falsity of the oath thereby required of the settler as to his right to enter land under the pre-emption law and his purpose in doing so.

But in this case it was alleged that the pre-emptor never complied with the law as to residence, improvement, and cultivation, and that the certificate of purchase was issued to him upon false or insufficient proofs of these facts. To such a case section 2262 does not appear applicable. But at common law, where a party obtaining a conveyance of real property by a fraud practiced upon the grantor conveys the same to a third person who buys in good faith and for a valuable consideration, the latter will hold the property purged of the fraud. (Fletcher *vs.* Peck, 6 Cranch, 133.)

He goes on to cite other authorities.

Mr. GEORGE. If he has that right now, let him have it under the law. All I am opposed to is the giving of any new right, any new protection, any new guard against the action of the Government to set aside these fraudulent entries.

Mr. PLUMB. The purpose of the committee in providing the amendment is just this: The law has been otherwise construed by the present Land Commissioner. Serious consequences grew out of this construction and the wholesale suspension of entries under it. Bear in mind that what is here proposed is consistent with the practice of the last thirty years. During all that time the right of an entryman to sell and to convey a good title to an innocent purchaser has not been questioned. Sales have never waited on the issue of patents. The certificate of final entry may be recorded and is accepted in court as evidence of title the same as a patent would be. The lands are put on the tax-roll at once and subjected to taxation.

A man coming into a frontier locality from the East finds the lands duly entered, with final certificate outstanding, the lands upon the tax-roll, and being constantly transferred without a suggestion anywhere of anything wrong, and he thereupon purchases and enters into possession in the usual way. Land is the largest property interest in all the frontier country, in many cases almost the only property of value. It is almost the only subject of barter and sale and the sole foundation of credit. Of necessity that must be the case, and so men, governed by their necessities and their interests, sell, mortgage, and otherwise dispose of their lands oftentimes immediately after entry, and usually with less care and conservatism than is exercised in the older communities.

But now, Mr. President, under the ruling of the Land Office those who purchased under these circumstances are not to be protected, but are to be driven out, and thus you bring upon them lawsuits which they are unable to defend except at great sacrifice, and the Government which has caused to be issued the title upon which their purchase was based proposes to put its great power into the scale against these poor people in order to deprive them of that which they innocently bought. The law being as I believe it to be, the holder of the title based upon the first certificate will contend for his right against the person to whom the Government has issued a second certificate.

If the courts uphold the first certificate, as I believe they will, the person to whom the second certificate was issued will come to Congress for relief, for damages caused by his having been misled by the Land Department to his hurt. He will have a good cause, and so in the event the first certificate is set aside the person who claims under it by purchase will have an equally good claim. To issue two certificates to one tract of land unless one of them shall have been set aside by the courts is to bring up a crop of claimants who will have a strong equity for recognition, as having been damaged by depending upon the act of a duly authorized Government officer.

So out of this harsh and illegal action of the Land Department will not only grow a crop of lawsuits against these innocent poor men, who have acted in perfectly good faith, following the universal practice that has been observed on the frontier for half a century; and not only that, but, in addition, there will come up a new crop of claims because of the issuance by the Commissioner of certificates to other persons for the same land for which certificates are already outstanding.

It was to avoid cases of this kind; it was to apply what ought to be the rule if it is not the rule; it is to do that which the Government ought to be perfectly willing to do even if not compelled to, that this amendment is proposed. It is to say that wherever the Government officers have issued a muniment of title for a piece of the public domain within their authority to do, whoever buys upon the faith of that title innocently and for value shall be protected, especially as against some man with whom the Government is not in privity.

The Government has the money in its Treasury; it has the dollar and a quarter an acre. In the State of Mississippi, in the State of Florida, in the State of Louisiana, and in all the Southern States where lands are subject to private entry, where lands are in many cases worth ten times what they are in Dakota, thousands upon thousands of acres have been entered without objection. Here the Government has had the pound of flesh; it has got all the money it stipulated to have; and we know in point of fact that whether it has got on that particular piece of land the man who owns it and who made that his home up to the date of his entry, it will have in the person of his successor a man who will make it his permanent home, and thus the general purpose of the law will be realized.

Mr. President, I do not care to extend this debate, but I want to call attention to one other thing. Some days ago there was issued from the Interior Department an order suspending the execution of the homestead and pre-emption laws of the United States upon the alleged ground that a bill was pending in Congress repealing those laws. I know how those things are done. I know how the heads of Departments of necessity follow the suggestions of subordinates as to matters within their special jurisdiction. I know that this order came in the ordinary course of business from the General Land Office, as all such things do.

Whatever purpose was in it was the purpose of the Land Office and not the purpose of the Secretary of the Interior. At that very time there was pending in the lower House of Congress a bill repealing that provision of the statutes which permits an entry of land by what is known as private entry, that is to say, entry of lands without settlement in any quantity on payment of one dollar and a qaurter per acre, such entries as are peculiar to certain Southern States and such as are constantly taking place in the States of Mississippi, Louisiana, and Florida, whereby every day large bodies of land are being sold to speculators and capitalists—oftentimes to foreigners; whereby every few weeks, and perhaps every few days, lands are being sold to great lumber companies, being sold for every purpose except settlement; and yet it was not within the purview of whatever purpose was in mind in the suspension of the pre-emption and the timber-culture and the desert-land laws to suspend the execution of the law permitting the private entry of lands.

Why should the settler out on the lonely prairies of Dakota or of Western Kansas; why should the man who goes out there single-handed and alone to make him a home on the prairie under the promise of the Government that he shall have the right to acquire land under the terms of the law well known—why should he be singled out to be cut down as by an untimely frost, to be deprived of his just expectation, while there may still go on without let or hinderance, and with the active, sympathetic concurrence of the Land Department of the Government the entry of thousands and tens of thousands and hundreds of thousands of acres of land to be absorbed not secretly but openly and avowedly for speculation in the Southern States?

The beam is in the Northwest and the mote appears to be in the South. The one thing that is the subject of all this contention and of all this denunciation is the progress of settlement in the West and Northwest—the growth of powerful and prosperous communities upon the public lands in those localities. Not a syllable has been uttered of any kind whatever characterizing the holding and the using or purchasing from the Government of lands in the Southern States for speculation. Is it not a little singular that the individual whose duty it is to scan the horizon should be afflicted with such a political, geographical, isothermal strabismus that he has never allowed his eagle eye to cover anything south of Mason and Dixon's line, but has kept it as steady as the needle to the pole on the West and Northwest?

Now, Mr. President, what the committee seek to do is not only within the confessed jurisdiction of Congress, but it is for justice, it is for peace, it is for honor; and if it should happen that in the administration of the land laws by which seven or eight or ten million acres of land are disposed of in a year, by which each year there is settled on the public domain a population as great as that of the State of Mississippi, by which each year there is brought under cultivation an area of land equal in size to that State, it is only illustrative of the growth and prosperity and progress of the American people. And if it should happen that if you should apply to it a No. 22 strainer you might catch some poor unwary fellow who had got a piece of land at a dollar and a quarter an acre in regard to which he had not complied with the precise terms of the statute, I think the public conscience need not gag at that.

I know the Senator from Mississippi too well to think for an instant that he wants to do an infinitesimal act of justice if in the train of it will follow great and overwhelming disaster to a great body of people entitled to consideration. I know that is not his purpose. I am so confident of this from what I have observed of him here, that I am sure, if he knew all the facts as they are known by men who have been witnesses of what is going on on the frontier, he would stand exactly where I stand on this question.

Mr. GEORGE. Mr. President, the Senator from Mississippi does no one injustice in this case, and he does not mean to do any good man a harm by the proposition which he has been defending.

The Senator from Kansas has made this somewhat a sectional question. If he has observed my votes in the Senate, the Senator has never known me on any occasion in this body to give expression to a sectional sentiment or to cast a sectional vote. I have endeavored so far as I am concerned in all my Senatorial action to know no North, no South, to do what I regard as fair and just and right to all sections of this country.

Now, Mr. President, coming to the point in controversy between the

Senator and myself, I have drawn up an amendment which I intend to offer and which I will read now for the purpose of showing exactly how I stand on this question. I propose to amend the first section in line 23, after the word "patented." It now reads:

That all entries made under the pre-emption laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold, after final entry, to *bona fide* purchasers—

Who are actually settlers on the land. It then proceeds—

for a valuable consideration, shall be confirmed and patented—

At that point I propose to insert—

to the extent of 160 acres on which such purchaser resides.

So far as the argument of the Senator from Kansas relates to the pioneer men, the poor men who have gone out for the purpose of settling and developing that country, my amendment is intended to protect them. If it does not protect them, I ask the Senator from Kansas to frame it so that it will protect them.

Mr. PLUMB. What would you do with men who bought two quarter-sections and went out there and settled on one of them?

Mr. GEORGE. I should give them the benefit of the pre-emption law. I do not know but that I would go to two quarter-sections.

Mr. PLUMB. What about four?

Mr. GEORGE. I would not go that far, because that would be in the way of releasing a claim for a fraud. The policy of the pre-emption law was to give only 160 acres to a settler.

Mr. PLUMB. Yet the law never assumed to follow that into the hands of a succeeding purchaser.

Mr. GEORGE. The law never presumed to follow it in the hands of a subsequent purchaser who had acquired a good and valid title, nor did the law ever presume, as I understand it, to allow fraudulent entries, confessedly fraudulent, made on perjury and subornation of perjury, to be sanctified in the hands of another party before the Government had passed a final patent. Of course, after the Government has made final patent, has parted with its absolute dominion over the property, then it may go into anybody's hands who sees proper to buy it. The Government has no interest whatever. But as long as the Government has an interest, as long as the proceedings are in legal language *in fieri*, in process of confirmation, up to the time when the Government has done that final act which is irrevocable, then the law, as I understand it, gives the Government the right to inquire into the frauds upon the law and upon the public domain.

If I am wrong about that, if the law gives to parties who have entered in fraud of the law a valid right to the land, if it gives to their assignees a valid right to the land as it now stands, then I say they are entitled to it. All I object to is that now after the fraud has been consummated, after these parties have purchased with the law against them, we shall come in and surrender our rights in favor of parties of that sort. That is the contention between the Senator from Kansas and myself. Whatever the law gives them, I am willing they shall have.

Mr. PLUMB. The pre-emptor has no control of the issue of the patent. Patents are yet unissued on land entered twenty years ago. They pass through forty different hands; in many cases they have been subjected to taxation which has been more than the entire value of the land. Many of them have been sold for taxes.

Mr. GEORGE. That has nothing in the world to do with the question.

Mr. PLUMB. If the Senator's theory is correct, the Government may come in even at this date and disturb all transfers of title.

Mr. GEORGE. We are not arguing the question about a case where the patent has not been issued in twenty years. We are arguing the question now before the Senate. There is no complaint here that the Government has not been diligent in issuing these patents. I have not heard a word said on that subject, that patents are not issued in the due course of business in the office and in due time. The point I make is simply that and no more, that here where frauds have been committed, where it is conceded by the very provision under consideration that frauds have been committed on the law and on the Government, we shall not condone the fraud in favor of any person who merely claims to be a *bona fide* purchaser unless he is a settler also. If we give it to the settler we have done exactly what was the intention of the law in the first instance—give it to the settler and nobody else.

The Senator from Oregon [Mr. MITCHELL] asked me to produce some evidence here as to the number of cases of fraud and all that sort of thing. I did not have it then, but a friend in the other House has kindly furnished me with some evidence upon that subject which I shall now proceed to read. It is a letter from the Commissioner of the General Land Office, dated June 19, 1886, only a few days ago, addressed to the honorable Mr. PAYSON, of the House of Representatives. The Commissioner says:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 19, 1886.

DEAR SIR: In reply to your letter of the 16th instant I have to state that the records of this office will contradict any assertion that may be made to the effect that alleged frauds on the public domain rest wholly upon the unsupported reports of special agents, and show that such a statement is wholly without foundation.

Special agents are required (see paragraphs 5, 7, and 9 of circular of June 23, 1885, copy inclosed) to obtain and transmit with their reports the affidavits of parties cognizant of the facts, and this is habitually done. It frequently happens that parties cognizant of facts are afraid to volunteer testimony, and in some classes of cases there are no inhabitants on or near the land. But even with these drawbacks, other testimony than that derived from the personal examination of agents is sent up with their reports in fully three-fourths of the whole number of cases examined and reported. Special agents are also instructed to take pains in every instance to see and obtain the statements of claimants if they can be found. (See paragraph 2 of inclosed circular.)

In many cases the agent furnishes the affidavits of the claimants themselves, in which they swear to their own and their associates' illegal and fraudulent acts. One agent alone within the last four or five months has transmitted to this office the affidavits of entrymen in eighty-three cases in which they admit that they never saw the lands and that they were hired by the agents of the speculators to make the entries.

Mr. PLUMB. That is expressly covered by the bill. It destroys the *bona fides* of the party who made the purchase.

Mr. GEORGE. Not at all. When the entries are thus made and a person sells the land to somebody who will swear he had no notice of it, and will probably sell it to the very man who hired him to go upon the land, and the Government is not able to bring to that man a knowledge of the facts of the fraud, then he succeeds; and that is the very class of cases which are protected by the provisions of the bill to which I object.

Mr. MITCHELL, of Oregon. Does not the Senator from Mississippi——

Mr. GEORGE. Let me get through. You can answer me when I get through. The letter proceeds:

In other cases the affidavits of the agents of the speculators are submitted with the reports, and there is hardly a case reported without giving the names of witnesses and a brief statement of what they will swear to in regard to the alleged fraud.

The evidence furnished by the agents or filed by individuals informing this office of frauds is generally the best character and is often substantiated or in a measure supported by the records.

The claimants, however, are not deprived of the lands by this evidence without the privilege of a trial. On the report of an agent showing the fraud the entry is held for cancellation, the party in interest being allowed sixty days after due notice within which to apply for a hearing. In the notice he is fully informed of the substance of the special agent's report and of the allegations against the entry, and given full opportunity to controvert the charges and show the validity of the entry.

The records of this office show that many of these claimants after being advised of the facts alleged against them decline to make a defense.

Now, I come to an inquiry propounded to me by the Senator from Oregon, from which it appears that I was entirely ignorant and that he was mistaken:

Since August 1, 1885, five hundred and thirteen (513) entries have been canceled upon reports of special agents, showing fraud, after claimants were duly notified that they would be given the privilege of defending their entries and had declined to do so.

I understood the Senator from Oregon to say that only four hundred for I do not know how long a time had been set aside. Here are five hundred and thirteen since the 1st day of August last:

These are of the most flagrant and indefensible character of cases, and the default was made simply because the parties did not, in the face of the facts discovered, care to run the risk of being prosecuted for the perjury they would have to commit in order to sustain the entries. The peril of such a course was too great and the prospect of success too doubtful to be undertaken even by the boldest and most desperate violators of the law.

There were 513 cases since the 1st of last August where the parties would not even appear and say that the entries they had made were proper and right, and there was judgment by default against them after due notice. Now I go on:

The number of cases reported by special agents from April 1 to March 31, 1886, is 2,606.

Cases examined in the General Land Office from April 1, 1885, to March 31, 1886, 2,591.

Indorsed no fraud or held for further examination, 368.

Only 368 out of 2,591 cases in which the Department had indorsed that there was no fraud.

Mr. MITCHELL, of Oregon. How many have been canceled for fraud?

Mr. GEORGE. In 513 cases there has been judgment by default. But action was taken on these 2,591 cases. The letter proceeds:

Action taken:

Conclusively (*a*) or *prima facie* (*b*) fraudulent.	
Canceled (*a*)	1,044
Held for cancellation or hearings ordered (*b*), &c	1,179
Total	2,223

Mr. MITCHELL, of Oregon. If the Senator will allow me, I do not want to interrupt him, but those cases were simply held for cancellation.

Mr. GEORGE. One thousand and forty-four were canceled and 1,179 were held for cancellation, for further hearing.

Mr. MITCHELL, of Oregon. That is simply for a hearing. They may not have been examined.

Mr. GEORGE. They have been examined.

Mr. MITCHELL, of Oregon. Examined simply by the special agents, but there was no investigation.

Mr. GEORGE. They have been examined by the department and investigated most fully, but still there was a scintilla of doubt, and they gave the parties an opportunity of making further proof.

Mr. TELLER. I suggest to the Senator from Mississippi that they have not been examined. He is mistaken about that. Where they are held for cancellation it is for the parties to have an opportunity to be heard in the office.

Mr. GEORGE. Here is the way the letter reads——

Mr. TELLER. It does not make any difference how the letter reads; I know what the practice is.

Mr. GEORGE. Under the head of "action taken" the letter proceeds:

It will be seen that out of the 2,591 cases reported and examined, 2,223 have been shown to be fraudulent.

Mr. MITCHELL, of Oregon. Not at all, if the Senator from Mississippi will permit me——

Mr. GEORGE. I am simply reading the letter of the Commissioner of the General Land Office. I am not stating my own language. The Senate must judge what it means.

It will be seen that out of the 2,591 cases reported and examined 2,223 have been shown to be fraudulent. Of the 368 suspended cases, a large proportion have also been shown to be of such character as to require further investigation.

The foregoing does not include many hundreds of cases where entries have been canceled for fraud developed in contest proceedings between private individuals.

It does not include any case of that sort where the fraud was developed by a contest between private parties. These are all cases in which there were no contests between private parties, in which the fraud was discovered by the action of the agents of the Land Office. The letter continues:

Hearings have been ordered in a considerable number of cases reported by the agents as fraudulent, and the results of five hundred and fifteen hearings have been received since July 1, 1885.

Two hundred and seventy-four of these cases have been examined and passed upon, and the testimony taken in two hundred and sixty out of the two hundred and seventy-four confirms the correctness of the reports of the agents, and the entries were held for cancellation on the evidence adduced at the hearings.

A cursory examination of the remaining two hundred and forty-one cases shows that the percentage of cases in which the testimony taken at the trials sustains the agents' reports is fully as great as in the cases acted upon. It will thus be seen that the special agents' reports are generally sustained at a formal hearing in cases in which hearings have been had and acted upon during the period specified, and that these are the only cases in which the parties desired or were willing to attempt a defense of the entries.

In other cases they admit by their action that the reports were true; so that I can safely say the reports alleging fraud in nineteen cases out of twenty are correct beyond question, and it is not to be assumed that the reports in the remaining twentieth are incorrect, but simply that the agents failed, through inability to secure the attendance of witnesses or otherwise to make out the case of the Government.

The parties who actually defend entries reported as fraudulent are quite uniformly purported assignees—frequently persons who procured the entries to be made—and every expedient known to violators of law is resorted to in order to defeat the Government at these hearings. Witnesses are often tampered with or intimidated.

In the Estes Park cases in Colorado, where a large quantity of public land was fraudulently entered by the procurement of agents of the Earl of Dunraven, not a witness could be produced at day of hearing, although the testimony previously obtained by affidavits of numerous citizens was overwhelming in character. In Nebraska witnesses have been warned by "regulators," and in California not long since an important witness for the Government was murdered by employés of parties being proceeded against.

Every impediment is thrown in the way of the Government in attempting to discover and suppress frauds upon public lands, and obviously perjured testimony in favor of claims has constantly to be met with. Parties possessing great wealth and influence are engaged in these frauds, and all the inducements by which special agents are surrounded are adverse to rather than in favor of a vigorous discharge of their duties. Only men of high character and strong integrity can be employed in such service with any safety to the Government. The liability to which agents are subject is that of unduly favoring claimants, not that of improperly reporting against them. An agent may have much to lose by being faithful to the interests of the Government, since if so faithful he is liable to be attacked from very high and influential quarters. If he chooses to be dishonest he may have everything to gain by being unfaithful to the Government in the discharge of his duties, since violators of law are pretty apt to be willing to pay more for immunity than the Government pays for fidelity.

Special agents have no motive for reporting against meritorious cases, and there is absolutely no truth whatever in the contrary statements sometimes made.

Neither are entries held for a cancellation on special agents' reports upon merely trifling grounds or for some technical failure of compliance with law. The cases in which such action is taken are those of flagrant fraud and violation of law, and the evidence is required to be of the most convincing character before action against the entries is proceeded with.

Your attention is called to my report to the Senate of May 6, 1886 (Ex. Doc. No. 134), copy herewith, and also to page 64 *et seq.* of my annual report.

In further compliance with your request, I inclose a copy of memoranda handed Mr. COBB relative to circular of June 2, 1886, temporarily suspending pre-emption, timber-culture, and desert-land entries. My report upon the Senate resolution on this subject has just been submitted to the honorable Secretary of the Interior for transmittal to the Senate. It is suggested that this report will be preferable to the memoranda hastily furnished Mr. COBB.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. L. E. PAYSON,
House of Representatives.

It appears that the frauds in these cases are not mere sporadic instances happening here and there occasionally, but they seem to be all along the line, numerous, many of them confessed, many of them shown to be fraudulent by conclusive proof; and now what are we to do about them? Are we to give them any more than the law already gives them except as I have already expressed my willingness, and not only my willingness but my desire to do, to give to the settler who has invested his money in the land the land which he thought he was buying? The Government wants the land settled, the Government wants the men there to be housed and to have homes, and it makes no difference to the Government whether the original party is in possession of the tract or whether a successor has come in and fulfilled the contract which the law imposed upon the first settler.

I wish to call the attention of the Senate to the fact that I am not relying upon the letter of the Commissioner of the General Land Office alone. I wish to call the attention of the Senate to what its own committee, the committee presided over by the Senator from Kansas himself, says. That report says:

We adopt the following, quoted from report 1544 from the House Committee on the Public Lands at the first session of the present Congress, to accompany the bill under consideration:

"Whole townships of the public domain have been acquired under this law by capitalists who do not reside within hundreds of miles of the land and never did."

Mr. PLUMB. The Senator knows, I suppose, how much land there is in a township?

Mr. GEORGE. Oh, yes, thirty-six sections; that is the way it is in Mississippi, and I suppose the townships are the same size in the Western country.

Mr. PLUMB. About 23,000 acres.

Mr. GEORGE. The operation of such a law as is proposed would be this: If anybody who procured these fraudulent entries shall assign whole townships to anybody else, then under the operation of the bill, unless the United States can show that the third man had knowledge of the fraud, all these whole townships go to the assignee. That is what I wish to prevent.

I ask the Senator from Kansas, if my amendment will not protect the farmers who want to settle on the land and cultivate it, to frame one that will. I am not familiar with the land laws, and I may not have got my amendment technically correct, but he knows what I want. What I am willing to do, what I am anxious to do, is to give to every man who settles on that land, whether he is the enterer or whether he has bought from anybody else and who wants to remain on it, his title to it and his homestead; but I do not want to pass a law by which the class of men described by our own committee, described by the Senator from Kansas himself, who were never within hundreds of miles of the land, and who through fraud, through perjury, through subornation of perjury acquire whole townships of land—I do not want to pass a law by which they can reap the fruits of their fraud and perjury by making a deed to somebody else. It would be very difficult to get the land from them. The patent will be issued to the men who made the entries; they will be considered the owners of the land; and when they assign to the very men who hired them to go there and to swear falsely it will be incumbent on the United States under this amendment to show, not by suspicion, but to show to the reasonable satisfaction of a court, the infamous transaction out of which grew the fraudulent title. If you fail to do that, if your witnesses die, if they are suborned by these parties and escape, if they do not come to court, then the very men who caused these whole townships to be entered by their employés and afterward took a deed from them to themselves will be protected in their rights, or in their wrongs, or whatever it may be called. They will get the land; and that is what I am now resisting.

I say to the Senator from Oregon and to the Senator from Kansas that if my amendment is not drawn properly to protect the settler, the man who wants to make a home upon these lands, then make it right and I shall vote for it; but I shall not vote for a provision which by wholesale confirms, or makes a reasonable opportunity of confirming, this wholesale robbery of the public domain through fraud and perjury.

Mr. MITCHELL, of Oregon. I wish to say just one word now, if the Senator from Mississippi will permit me. The Senator from Mississippi does not believe that there could, in the nature of things, possibly in any case be an innocent purchaser for a valuable consideration in good faith where the original entryman had never been on the land and where it was a fraud and collusion from the first inception between the entryman and the party committing it. Certainly the Senator from Mississippi does not think that. There would be no innocent purchaser there for a valuable consideration.

Mr. GEORGE. Yes, there might be.

Mr. MITCHELL, of Oregon. He is a party to the fraud originally.

Mr. GEORGE. No; he is not.

Mr. MITCHELL, of Oregon. Certainly he is, if he employed these men as the Senator indicated and as the letter of the Commissioner of the General Land Office shows. There are many cases of that kind, where parties have never seen the land, who have gone on the land in pursuance of an arrangement with somebody who made the entry. Then the parties are participant in the fraud, and the amendment of the committee is not intended, of course, to protect men like that. It is only intended to protect a man who in fact was an innocent purchaser in good faith, and there can not in any case be an innocent purchaser *bona fide* for a valuable consideration if he has employed a man to go on and make the entry for his benefit, and if the man has never gone on the land, as is stated in the letter of the Commissioner; there are many such cases, that is a matter which is susceptible of proof, and of easy proof.

Mr. GEORGE. The answer to that is a very short one. It is very

true that if it appears that the assignee of the land claiming to be a *bona fide* purchaser for a valuable consideration hired the enterer to go upon the land and fraudulently enter it he is not a *bona fide* purchaser; but suppose the enterer, as it will happen in every case, goes on and proves up his possession, his residence, gets his final certificate, and then makes the assignment to the man who hired him to do it, if you get after the assignee he will produce the certificate. Here is a final certificate made by the officer of the Government.

Mr. MITCHELL, of Oregon. That is not conclusive.

Mr. GEORGE. It is a certificate showing that every single step required by law to be taken for the perfection of the title under the pre-emption laws has been taken. It may be that he never was within a hundred miles of the land, that he was in New York, Boston, or Chicago, and therefore, so far as he was concerned, there is no presumption of knowledge that he knew anything about it. Then he shows the deed. And what will the United States have to do with that state of affairs which will happen in every single case? The United States will have to prove that the man who was in Boston or Chicago or some other place far distant from the land had notice of the fraud. It will have to prove that he made the contract; and how is it going to prove that? These contracts are always made secretly; there are no witnesses called in. The parties themselves having already sworn that no such contract exists, will never admit that the contract existed, and so the baldest case of fraud and perjury which can be imagined will go through and receive the confirmation provided for by this measure, simply because the Government of the United States can not show the fraud.

In addition to all that, it was said a little while ago by the Senator from Oregon now in the chair [Mr. DOLPH], and he was sustained in the statement I believe by some others, that it is for the purchaser to show he did not have notice. I think the Senator from Oregon now in the chair and the other gentlemen who sustained him in that position forgot a very plain principle of law. You can not compel a man to prove a negative. How can a man show that he did not have notice? He can only swear that he did not have notice, and that is all he can do; and having gone into a conspiracy for the purpose of robbing the Government of course he will swear it, and then the affirmative being upon the Government of the United States they will have to show that he did have notice, and that ends that part of the controversy.

I desire to say once for all that if the amendment which I have prepared is not sufficient to protect the settler, make it sufficient. I am willing to vote for any protection that he wants. If he is on the land claiming it as his home, as his shelter, cultivating it, having braved the horrors of that climate, having cultivated it, having paid his money for it, I am willing that he should have it, and my amendment gives it to him; but I am not willing that the men who never were within hundreds of miles of the land, who induced their employés to go in and enter it and get the final certificate and then make deeds to them—I am not willing by that sort of process that they shall have these whole townships of land. That is my position.

Mr. MITCHELL, of Oregon. The Senator from Mississippi is entirely too fair a Senator to have the impression go out from anything he has said, either over the Senate or over the country, that the case he last described is at all protected by the amendment of the committee.

Mr. GEORGE. I have shown how it was protected.

Mr. MITCHELL, of Oregon. The Senator will not as a lawyer get up in his place and say that the amendment of the committee protects that kind of a case. The Senator has said that it might be difficult to prove whether the case came within the rule or whether it did not come within it. That is simply an argument against any law that would protect any *bona fide* purchaser for value; and that is all it amounts to.

Mr. GEORGE. Let me call the attention of the Senator from Oregon to a very old and a very familiar law maxim in Latin.

Mr. MITCHELL, of Oregon. Do not quote the Latin on me.

Mr. GEORGE. Very well, I will not quote the Latin on the Senator, as it seems to be objectionable to him, but the English of it is this: that what is, and what appears to the court to be, are the same thing. So although this amendment does not include the case stated by the Senator from Oregon as he states it, yet it furnishes the rule by which the men who created the case, by the very same means by which they created it, may create the other case, which will be within the rule laid down by the statute.

Mr. MITCHELL, of Oregon. I simply wish to suggest that the Senator's argument only amounts to this, that because in a particular case it may be difficult to prove to the satisfaction of the court that the party is not within a certain rule, therefore the rule should not exist. That is all the argument amounts to.

Mr. GEORGE. The answer to that is that when the American Congress proposes to enact a rule for the protection of the public domain, knowing beforehand they ought not to enact one which does not already exist, which will certainly result in the wrongs which I have pointed out.

The PRESIDING OFFICER (Mr. CHACE in the chair). The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment reported by the Committee on Public Lands.

Mr. GEORGE. What is the proposition.

Mr. PLUMB. My amendment is, after the word "sold," in line 22 of section 1, to insert the words "prior to the passage of this act."

Mr. GEORGE. I wish to suggest to the Senator from Kansas, for his consideration, whether it would not be better, in order to prevent transactions taking place pending this bill, so as to come within the rule, to say "the 9th day of June, 1886," the day on which the House bill was referred to the Committee on Public Lands.

Mr. PLUMB. That would be retroactive. Why not say to-day, and then there would be notice?

Mr. GEORGE. The reason why that should not be done is, you are giving these men a privilege. I want to cut out the chance which the men who have got fraudulent entries have of selling to other parties, after the notice has been given to them by the introduction of the bill that we propose to pass. Therefore I think it would be well to confine it to the date on which the bill from the House of Representatives was referred to the Committee on Public Lands, which was the 9th day of June, 1886, so as to cut out from the operation of the act all collusive transactions which were initiated and consummated with a view of taking advantge of this provision.

Mr. PLUMB. I have no objection to so modify my amendment, so as to insert after the word "sold," in line 22, the words "prior to the 9th of June, 1886, and;" so as to read:

That all entries made under the pre-emption laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to *bona fide* entry, and which may have been sold prior to the 9th day of June, 1886, and after final entry to *bona fide* purchasers for a valuable consideration, shall be confirmed and patented, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas as modified.

The amendment was agreed to.

Mr. GEORGE. I move to insert——

Mr. PLUMB. I wish to say that there are one or two amendments from the Committee on Public Lands which I wish to offer.

Mr. GEORGE. All right.

Mr. PLUMB. In section 4, line 15, after the word "lands," I move to strike out all down to and including the word "purposes," in line 16, as follows:

Are also appropriated to compensate deficiencies for school purposes.

And to insert:

May be selected in lieu thereof from any unsurveyed public lands within said State or Territory not otherwise appropriated at the time of selection.

So as to read:

And if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quality are appropriated in lieu of such as may be patented to pre-emptors or homestead settlers; and other lands may be selected in lieu thereof from any unsurveyed public lands within said State or Territory not otherwise appropriated at the time of selection.

That simply gives to the States and Territories the right to select lands which they are entitled to take in lieu of those absorbed by pre-emption entries.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. To supplement that I move to insert at the end of section 4:

In accordance with the principles of adjustment now in force in the General Land Office.

The amendment to the amendment was agreed to.

Mr. PLUMB. I wish to offer one other amendment from the committee to meet the objection which was urged against the bill at a former sitting by the Senator from Oregon [Mr. MITCHELL].

Mr. FRYE. Are these committee amendments?

Mr. PLUMB. Yes.

The PRESIDING OFFICER. The amendment now proposed by the Senator from Kansas will be stated.

The CHIEF CLERK. It is proposed to add to section 10 the following proviso:

Provided, That nothing herein shall be construed as depriving the holders of military bounty-land warrants, or other land-warrants, or land-scrip, at any time heretofore issued under or in pursuance of the provisions of any law of the United States, of their right to locate such warrants or scrip on the public lands of the United States in the same manner as if this act had not been passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

Mr. MITCHELL, of Oregon. The amendment does not go to the extent I think it ought, but in view of the fact that we have agreed to close the debate on the bill at this time, and it has been under discussion so long, I shall not detain the Senate by any remarks.

The amendment was agreed to.

Mr. MITCHELL, of Oregon. In section 1, line 18, after the word "pre-emption," I move to insert the words "or homestead;" so as to read:

That all entries made under the pre-emption or homestead laws, on which final proof and payment may have been made and certificates issued, &c.

This is an amendment which I submitted some days ago and it was printed. I then gave notice that I should offer it. I believe there is no objection to the amendment on the part of the Committee on Public Lands. It simply includes entries made under the homestead law as well as under the pre-emption law, and there is no reason in the world that I can see why such entries should not be included.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment to the amendment was agreed to.

Mr. GEORGE. In section 1, line 23, after the word "consideration," I move to insert the words "who are actual settlers on the land;" and after the word "patented," in the same line, to insert the words "to the extent of 320 acres, on which such purchaser resides;" so as to read:

That all entries made under the pre-emption or homestead laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold prior to the 9th day of June, 1886, and after final entry, to *bona fide* purchasers for a valuable consideration, who are actual settlers on the land, shall be confirmed and patented to the extent of 320 acres on which such purchaser resides, upon presentation of satisfactory proof to the Land Department of such sale.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. PLUMB. I wish to say simply, without any debate, that I hope the amendment will not be adopted. The Senators from Oregon and Mississippi have argued the question at great length, and I do not care to add anything to what has been said.

The amendment was rejected.

Mr. PLUMB. I will take the responsibility, although I am not directed by the committee to do it, to move an amendment in section 8, line 4, to extend the limitation provided in that section to six months in place of ninety days.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 8, line 4, it is proposed to strike out "ninety days" and insert "six months;" as as to read:

That in all cases under the pre-emption and homestead laws, and under this act, all contests or protests on the part of the Government, or any individual, concerning the land entered, shall be instituted within six months after final entry and issue of the duplicate receiver's receipt, and not afterward.

Mr. PLUMB. Upon conference with several members of the Committee on Public Lands they have expressed a desire that I should modify the amendment and make the time nine months. I am willing to do that in order to remove any possible objection.

Mr. DOLPH. I hope the Senator will not do that. I think the term of ninety days is too long.

Mr. PLUMB. I think fixing nine months is a little unreasonable, but at the same time I do not think it will seriously affect the matter.

The PRESIDING OFFICER. Does the Senator from Kansas insist upon his amendment?

Mr. PLUMB. I insist on the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. DOLPH. Will not that have the effect to prevent the issuance of a patent for any land for nine months after final entry has been made?

Mr. PLUMB. I think it will substantially, but I do not think that will be a burden, for this reason: I think that is the minimum time within which a patent is issued, unless hastened in some extraordinary way, which is not especially desirable from the public standpoint. Patents are not issued usually within twelve months. I do not think therefore it will make any substantial difference, but it will give this much additional time in which contests and proceedings on behalf of the Government may be instituted to set aside the certificate of entry.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. In section 9, line 3, before the word "years," I move to strike out "five" and insert "seven," so as to leave the time within which the United States may commence suit to annul a patent seven years instead of five.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 9, line 3, before the word "years," it is proposed to strike out "five" and insert "seven;" so as to read:

That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within seven years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within five years after the date of the issuance of such patents.

The amendment was agreed to.

Mr. PLUMB. In order to make harmony in the different parts of the bill, in section 8, line 16, after the word "consideration," I move to insert the words "prior to the 9th day of June, 1886;" so as to read:

That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration prior to the 9th day of June, 1886, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. DOLPH. It seems to me that that is a very unjust amendment. Whatever may be the effect of the amendment fixing that date in the first section, the effect of this amendment here is just this, that wherever the Commissioner of the General Land Office is satisfied that fraud has entered into the original entry of the claim, no matter if he has positive proof that the land has been sold to an innocent purchaser, that the purchaser is in possession, that his all is interested in the land, it is made his duty to turn the matter over for prosecution to the Attorney-General. It positively cuts off all the rights of all *bona fide* purchasers hereafter, whatever the existing law may be.

Mr. MITCHELL, of Oregon. I hope the amendment will not prevail. The effect of it is to adopt a rule just the contrary of what the chairman of the Committee on Public Lands has been contending for here for the last two days.

Mr. PLUMB. I think on the whole the criticism of the Senators from Oregon is correct, and I will withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The question recurs upon the adoption of the amendment reported by the Committee on Public Lands as amended, all the amendments thus far adopted having been to the words proposed to be inserted by the committee in lieu of the House bill.

The amendment as amended was agreed to, as follows: Strike out all after the enacting clause and insert:

That section 2299 and section 2301, and chapter 4 of title 32, excepting sections 2275, 2276, 2283, 2286, and 2288 of the Revised Statutes of the United States, are hereby repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, including the right of such persons as have entered contests to make entry of the land the subject of such contest as provided by existing law, but all *bona fide* claims lawfully initiated upon surveyed or unsurveyed lands before the 1st day of October, 1886, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed; that all entries made under the pre-emption or homestead laws, on which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry, and which may have been sold prior to the 9th day of June, 1886, and after final entry, to *bona fide* purchasers, for a valuable consideration, shall be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale: *And provided further*, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, to perfect title to a tract of land heretofore entered by him under the homestead law, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed; but this provision shall not apply to persons who shall perfect title to lands under the pre-emption or homestead laws under proceedings already initiated: *And provided further*, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash (except for fees and commissions) in the sale and disposal of public lands, at the land offices at which such certificates are now receivable in commutation of homestead and in payment for pre-emption claims: *And provided further*, That all certificates heretofore issued by the Commissioner of the General Land Office to soldiers, or their widows, or their minor children, under section 2306 of the Revised Statutes, may be located by the original beneficiaries, their heirs, legal representatives, or assigns; and upon such location patent shall issue in the name of the locator.

SEC. 2. That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878, and all laws supplementary thereto or amendatory thereof, be, and the same are hereby, repealed: *Provided*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1886, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions and subject to the same limitation, forfeitures, and contests, as if this act had not been passed: *And provided further*, That the following words of the last clause of section 2 of this act, namely, "That not less than 2,700 trees were planted on each acre," are hereby repealed.

SEC. 3. That an act to provide for the sale of desert lands in certain States and Territories, approved March 3, 1877, is hereby amended by adding thereto the following sections:

"SEC. 4. That at the time of filing the declaration hereinbefore required the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands, may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements.

"SEC. 5. That no land shall be patented to any person under this act unless he or his assignors shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, at least $3 per acre of the whole tract reclaimed and patented, in the manner following: Within one year after making entry for such tract of desert land as aforesaid, the party so entering shall expend not less than $1 per acre in the necessary irrigation, reclamation, and cultivation of said tract, in the construction of main or branch ditches to or upon the same; and he shall in like manner expend the sum of $1 per acre during the second and also during the third year thereafter, until the full sum of $3 per acre is expended in the construction of canals and ditches to irrigate, reclaim, and cultivate said tract of desert land. Said party shall file during each year, with the register, proof, by the affidavits of two or more credible witnesses, that the full sum of $1 per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid the lands shall revert to the United States, and the 25 cents advanced payment shall be forfeited to the United States, and the entry shall be canceled. Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of $3 per acre: *Provided*, That proof be further required of the cultivation of one-eighth of the land.

"SEC. 6. That this act shall not affect any valid rights heretofore accrued under said act of March 3, 1877, but all *bona fide* claims heretofore lawfully initiated may be perfected, upon due compliance with the provisions of said act, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed; or said claims; at the option of the claimant, may be perfected and patented under the provisions of said act, as amended by this act, so far as practicable.

"SEC. 7. That at any time after filing the declaration, and within the period of four years thereafter, upon making satisfactory proof to the register and the receiver of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein

provided for, and that he or she is a citizen of the United States, and upon payment to the receiver of the additional sum of $1 per acre for said land, a patent shall issue therefor to the applicant or his assigns: *Provided, however*, That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this or any preceding act shall be subject to contest, as provided by the law relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands and moneys paid therefor shall be forfeited to the United States.

"SEC. 8. That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to the State of Colorado."

SEC. 4. That section 2275 of the Revised Statutes be amended so as to read as follows:

"Where settlement with a view to pre-emption or homestead has heretofore been made, and where settlement with a view to homestead shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections 16 or 36, those sections shall be subject to the claim of such settler under the pre-emption or homestead law; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented to pre-emptors or homestead settlers; and other lands may be selected in lieu thereof from any surveyed public lands within said State or Territory not otherwise appropriated at the time of selection where sections 16 or 36 are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever, in accordance with the principles of adjustment now in force in the General Land Office."

SEC. 5. That section 2289 of the Revised Statutes be amended so as to read as follows:

"SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years if a male, or at the age of eighteen years if a female, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; and every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate 160 acres."

SEC. 6. That section 2288 of the Revised Statutes be amended so as to read as follows:

"SEC. 2288. Any *bona fide* settler under the pre-emption, homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, canals, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim."

SEC. 7. That any person entitled to enter a homestead under section 2289 of chapter 5 of the Revised Statutes shall, by complying with all the provisions of said chapter relating to the entry of homesteads, be entitled to make one entry as a homestead of one-half section or less of unappropriated mountainous land, as defined by this section, and in a compact form. Any 40-acre tract of the surveyed public lands, exclusive of mineral lands, three-fourths of which is so mountainous and rough that it can not be plowed and cultivated, shall be deemed mountainous lands within the meaning of this section, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the proper land office. The determination of what is mountainous land shall be subject to the decision and regulations of the Secretary of the Interior, who may provide for cross-examination of witnesses and for the production of proof on behalf of the United States before the register and the receiver as to the character of the lands at the date of the application or of final entry: *Provided*, That all the provisions of the homestead law relating to final proof, fees, contests, citizenship, relinquishments, residence, death, and transfers of the homestead claim shall apply to entries under this section: *And provided further*, That this section shall only apply to and take effect in the States of California, Oregon, Colorado, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, and New Mexico.

SEC. 8. That in all cases under the pre-emption and homestead laws, and under this act, all contests or protests on the part of the Government, or any individual, concerning the land entered, shall be instituted within nine months after final entry and issue of the duplicate receiver's receipt, and not afterward: *Provided*, That whenever it shall appear upon the face of the papers returned to the Commissioner's office that a clerical error has been committed, such entry may be suspended, upon proper notification to the claimant, through the local land office, until such error has been corrected: *Provided further*, That after final proof of the claimant and the issuing of the duplicate receiver's receipt, if it shall be proved to the satisfaction of the Commissioner that fraud has entered into the title so acquired by the claimant, unless it shall appear that the land has been sold or conveyed to a *bona fide* purchaser for a valuable consideration, the Commissioner shall suspend the issuing of the patent for the same, and file with the United States Attorney-General notice of such suspension of the patent, with his reasons therefor; and it shall be the duty of the Attorney-General to commence proceedings at once in the proper court to set aside such title, if in his judgment such proceedings can be maintained. This section shall apply to all cases of suspended entries heretofore made under the United States pre-emption and homestead acts: *Provided*, That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead or pre-emption laws or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

SEC. 9. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within seven years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within five years after the date of the issuance of such patents.

SEC. 10. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations, isolated and disconnected fractional tracts authorized to be sold by section 2455 of the Revised Statutes, and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry: *Provided*, That nothing herein shall be construed as depriving the holders of military bounty-land warrants or other land-warrants or land-scrip, at any time heretofore issued under or in pursuance of the provisions of any law of the United States, of their right to locate such warrants or scrip on the public lands of the United States in the same manner as if this act had not been passsd.

SEC. 11. That an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, and section 2 of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880, are hereby repealed.

Mr. BOWEN. I desire to offer an amendment, to add a new section to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section to the bill the following:

SEC. —. That section 1 of an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes" be amended so as to read as follows:

"That all citizens of the United States, and other persons, *bona fide* residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time *bona fide* residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, That the provisions of this act shall not extend to railroad corporations: *Provided further*, That nothing in this act shall be construed to prohibit the owners or operators of saw-mills in any of the States or Territories herein named from cutting on such public mineral lands such timber or trees growing thereon as may be suitable for manufacture into lumber, or from selling such lumber for the purposes hereinbefore mentioned within the State or Territory where it is so manufactured."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. BOWEN].

Mr. BOWEN. The only thing that is new in the amendment proposed by me is the second proviso. The other is simply a copy of the law as it now exists. By circular of the Land Department, dated May 7, 1886, this section of the law of the United States has virtually been construed away. The purpose of the amendment is to prevent that construction. I send the circular to the desk, and ask that the fourth clause may be read, in order that the Senate may understand why I propose the amendment.

Mr. DOLPH. I have been instructed by the committee, as I understand the matter, to oppose any amendment—not this particular amendment but all amendments—which would have a tendency to prevent the passage of the bill as reported. I therefore hope the amendment of the Senator from Colorado will not be adopted.

Mr. BOWEN. I can say to the Senator from Oregon that this amendment would not tend to prevent the passage of the bill. I ask that the fourth clause of the circular may be read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

Circular.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 7, 1886.

To registers and receivers United States land offices, and special agents Government Land Office:

GENTLEMEN: By virtue of the power vested in the Secretary of the Interior by the first section of the act of June 3, 1878, entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," the following rules and regulations are hereby prescribed:

* * * * * * *

Fourth. Timber felled or removed shall be strictly limited to building, agricultural, mining, and other domestic purposes.

All cutting of such timber for sale or commerce is forbidden. But for building, agricultural, mining, and other domestic purposes each person authorized by the act may cut or remove for his or her own use, by himself or herself, or by his, her, or their own personal agent or agents only.

Mr. BOWEN. The object of the law as it now exists is to allow the settler to use timber for purposes of building and other domestic purposes. Under the circular the force and effect of the law has been construed away, so that it is of no earthly use. The law is made a dead letter by the circular, and I desire to amend the law by the addition of the second proviso, which is all there is new in the amendment, which allows the owners and operators of saw-mills who saw the lumber to sell it for domestic purposes. That is all I have to say about the amendment.

Mr. TELLER. I wish to say that when this circular came out I called upon the Secretary of the Interior and the Commissioner of the General Land Office in reference thereto, and that the Commissioner and the Secretary have both been considering whether they can not modify the circular so as to make it conform substantially to this bill. Practically the fourth clause of the circular as read would be a great hardship in some sections, and render the whole community liable to go away off at some distance to buy their lumber. There are communities where there are nothing but mineral lands, who must buy their lumber of these saw-mills in the vicinity, which have been in existence since the country was settled. The amendment simply allows them to do what has been done.

Evidently the Commissioner did not understand the situation of affairs when the circular was issued. He showed a disposition, I think, to modify it fairly to meet the exigency of the case, but complained that he thought the law was not specific enough. The amendment makes it specific. I do not know what the Department would think, but I am inclined to believe that they would be satisfied with this provision, because I was told by the Secretary of the Interior that he hoped to arrive at some such construction of the statute practically in a few days.

Mr. PLUMB. The present timber law on the statute-book was passed in 1878 after exhaustive debate. It is a large question, one about which something could be said on all sides. It has not been considered by the Committee on Public Lands in connection with this bill.

I might perhaps on reflection and due consideration be perfectly willing that something of this kind should be put upon the bill at this stage, but I beg to say now to the Senator from Colorado that it would not, I think, be fair to put this amendment on the bill in the limited time which the Senate has allotted for discussion of the measure, and I hope he will introduce a special separate measure to that effect. I promise him that it shall receive prompt consideration at the hands of the Public Lands Committee, and I shall endeavor to do what I think he as a just man desires to have done.

I hope he will not insist on his amendment, and if he does, I hope the Senate will feel like voting it down.

Mr. BOWEN. It is all well enough for the Senator to say that, but there is no possible chance of having a law passed on this subject at the present session unless we amend the bill. The amendment is germane to the bill, it relates to the public lands, and is an amendment to which there can be no objection. I am simply attempting to take it out of the power of the Commissioner of the General Land Office to construe away a statute of the United States. I can not withdraw the amendment, and I shall insist upon its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. BOWEN].

The amendment was rejected.

Mr. STANFORD. I find that in section 3, line 18, the words "or his assignors" were stricken out yesterday. In my judgment the effect of striking out those words will prevent the reclamation of any considerable quantity of desert lands. Unless the poor man who may desire to enter the lands shall have the opportunity to mortgage them, to trade with capitalists, it will be entirely out of the question for him to obtain title when it is necessary to bring the water a long distance in order to reclaim the desert lands. It is almost impossible to find any land now unoccupied that can be reclaimed except by bringing the water a long distance, which puts it out of the possibility of a poor man reclaiming 640 acres of land; nor can the water be brought by the rich man a long distance to reclaim only 640 acres. The consequence is that practically the settlement of the desert lands is made impossible under the bill.

Therefore I move that the words "or his assignors" be restored in line 18 of section 3.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the words "or his assignors" be restored in section 3, line 18.

Mr. PLUMB. I object.

The PRESIDING OFFICER. The Senator from Kansas objects. The Senator from California can move it as an amendment when the bill is reported to the Senate.

Mr. HARRIS. He can ask for a separate vote on that amendment.

The PRESIDING OFFICER. The Senator from California can ask for a separate vote on that amendment in the Senate.

Mr. TELLER. I should like to offer an additional section to the bill if it is in order to do so now.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section to the bill the following:

SEC. —. That nothing in this act shall change, repeal, or modify any agreement or treaties made with any Indian tribes for the disposal of their lands, or of land ceded to the United States to be disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United states; and the disposition of such lands shall continue in accordance with provisions of such treaties or agreements.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. TELLER].

Mr. TELLER. I do not believe myself that it is necessary to add that provision, but the question having been raised, it is deemed best to do it. I have consulted the chairman of the Committee on Indian Affairs [Mr. DAWES], who is away, and who thinks something of that kind would be proper. There is a large area in Colorado that is within the provisions of the law, and some of our citizens are somewhat disturbed. I should like to have the section put on. It can do no harm.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole as a substitute for the House bill.

Mr. STANFORD. I ask for a separate vote on the amendment that I designated in Committee of the Whole; that is, that the words "or his assignors," in line 18 of section 3, be restored.

Mr. PLUMB. The Senator I suppose simply wants a separate vote on striking out those words, and I presume the question on concurring in the other amendments will be taken in gross, that amendment being reserved.

Mr. DOLPH. It should also include the words "or his assigns," in line 67 of section 3. The two ought to go together. If one clause is retained the other should be retained; and if one is stricken out both should be stricken out.

The PRESIDING OFFICER. The Chair would suggest to the Senator from California that if he would move to restore those words it would be in better form.

Mr. HARRIS. Those words were stricken out by an amendment in Committee of the Whole, were they not?

The PRESIDING OFFICER. They were.

Mr. HARRIS. The question is, will the Senate concur in the amendments made in Committee of the Whole, and all the Senator from California needs is to ask for a separate vote on that amendment and to vote against concurring in it to accomplish his object.

Mr. MITCHELL, of Oregon. May I suggest to the Senator from Tennessee that this is an amendment to the amendment, and that the whole bill is an amendment. Striking out the words "or his assignors" in Committee of the Whole was an amendment to the amendment.

Mr. INGALLS. That does not change the parliamentary proposition. The question is on concurring in the Senate to the amendment made as in Committee of the Whole, and the vote is "yea" or "nay" on agreeing to the amendment by which those words were stricken out.

The PRESIDING OFFICER. The Chair thinks that the proper mode would be to take the question separately upon striking out those words.

Mr. FRYE. That is all that is necessary.

Mr. HARRIS. Those are amendments which are to be reserved for a separate vote.

The PRESIDING OFFICER. The amendment on which the Senator from California desires a separate vote will be read, so that the Senate may understand what is before it.

The CHIEF CLERK. In section 3, line 18, the Senate, as in Committee of the Whole, struck out of the amendment of the Committee on Public Lands the words "or his assignors," after the words "unless he;" so as to read:

That no land shall be patented to any person under this act unless he shall have expended in the necessary irrigation, reclamation, &c.

Mr. INGALLS. There is one other amendment on which the Senator from California desires a separate vote.

The PRESIDING OFFICER. The question is upon restoring the words which will be read.

The CHIEF CLERK. In section 3, line 18, after the words "unless he," it is proposed to insert the words "or his assignors;" so as to read:

That no land shall be patented to any person under this act unless he or his assignors shall have expended in the necessary irrigation, &c.

Mr. PLUMB. There is another clause which is the accompaniment of the one which has been read. One provides that the patent shall issue to the claimant or his assigns and the other provides that the assignor of the claimant may proceed to carry out the law with reference to reclamation, and so on. Those clauses were stricken out on the motion of the committee, because on reflection the committee were satisfied that it would produce a condition of things which was not desirable. For instance, if these clauses are restored it is likely, though not absolutely true, that any dozen persons may go upon desert lands, make their filing, pay their 25 cents an acre, and then assign, each of them, all their rights, individually and collectively, to a single person, who may thereafter go on and reclaim the lands and himself acquire title.

While the Senator from California would say that that is something to be desired, or at all events not to be berated, and while I have no doubt if these words were inserted more land would be reclaimed, and perhaps reclaimed in good faith, actually reclaimed in such a way as to come under conditions fitting it for cultivation and production, than would be reclaimed under the suggestion of the committee, at the same time it would produce a speculation in the public domain which it is the purpose of the committee to prevent if possible. While, as I said, it will retard to some extent the acquisition and the reclamation of these lands, yet the committee believe the slower process whereby the lands will go only into the hands of persons who do reclaim them and in quantities not exceeding 640 acres to each settler will be much more beneficial, from the public standpoint, than would be a quicker reclamation and to have the land go in large bodies into the hands of a single owner.

Mr. STANFORD. To one who knows the situation of the land it seems to be a clear proposition that the great object is to have those lands reclaimed, and that any system which will reclaim those lands is a good one for the country. There are desert lands in that region of enormous quantities, and when this generation and ten generations besides shall have passed away there will be an abundance of desert land for any poor man who is willing to take up 640 acres.

I say that under this bill it will be impossible to reclaim those lands; that they must be taken in large bodies in some manner, by combination or otherwise, or else they can not be reclaimed.

There is no such thing at the present time as the reclamation of any considerable quantity of those desert lands except by the expenditure of large amounts of money. In this I think every man who lives in the neighborhood of those lands will agree with me. There is no question, so far as I know, in regard to the matter among representatives from the country contiguous to the desert land. I hope that the Senate will give an opportunity to somebody to reclaim what at the

present time is entirely worthless. Much of it is not worth a penny an acre.

The PRESIDING OFFICER. The question is on the motion of the Senator from California [Mr. STANFORD] to insert the clause which has been read.

The motion was not agreed to.

The amendment made as in Committee of the Whole was concurred in.

Mr. BOWEN. I desire to offer in the Senate the same amendment that I offered in Committee of the Whole.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. —. That section 1 of an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes" be amended so as to read as follows:

"That all the citizens of the United States, and other persons, *bona fide* residents of the States of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which said citizens or persons may be at the time *bona fide* residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, That the provisions of this act shall not extend to railroad corporations: *Provided further*, That nothing in this act shall be construed to prohibit the owners or operators of saw-mills in any of the States or Territories herein named from cutting on such public mineral lands such timber or trees growing thereon as may be suitable for manufacture into lumber, or from selling such lumber for the purposes hereinbefore mentioned within the State or Territory where it is so manufactured."

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Colorado [Mr. BOWEN].

Mr. BOWEN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. SAWYER. I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "nay."

Mr. MCMILLAN. My colleague [Mr. SABIN] is detained at home by sickness and is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. RANSOM. I am paired with the Senator from New York [Mr. MILLER]. I should vote "nay" if he were here.

Mr. CHACE. My colleague [Mr. ALDRICH] is paired with the Senator from Indiana [Mr. VOORHEES].

The result was announced—yeas 15, nays 34; as follows:

YEAS—15.

Blair,	Jones of Nevada,	Mitchell of Oreg.,	Spooner,
Bowen,	Logan,	Palmer,	Teller,
Cameron,	McMillan,	Platt,	Wilson of Iowa.
Frye,	Manderson,	Sewell,	

NAYS—34.

Allison,	Coke,	Hale,	Pugh,
Beck,	Colquitt,	Harris,	Sherman,
Berry,	Conger,	Harrison,	Vance,
Blackburn,	Cullom,	Hawley,	Vest,
Brown,	Dolph,	Jones of Arkansas,	Walthall,
Butler,	Edmunds,	Kenna,	Whitthorne,
Call,	Eustis,	McPherson,	Wilson of Md.
Chace,	George,	Maxey,	
Cockrell,	Gray,	Plumb,	

ABSENT—27.

Aldrich,	Hampton,	Mitchell of Pa.,	Sabin,
Camden,	Hearst,	Morgan,	Saulsbury,
Dawes,	Hoar,	Morrill,	Sawyer,
Evarts,	Ingalls,	Payne,	Stanford,
Fair,	Jones of Florida,	Pike,	Van Wyck,
Gibson,	Mahone,	Ransom,	Voorhees.
Gorman,	Miller,	Riddleberger,	

So the amendment was rejected.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. MITCHELL, of Oregon. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. PLATT. I wish to say that I shall vote for the passage of the bill. I would very much prefer, however, to vote for the bill as it came from the House of Representatives, which I understand proposes to repeal all the land laws except the homestead law. I should very much prefer to vote for that bill than to vote for this bill, believing that any act which was required for timber-culture entries or desert-land entries could have been perfected hereafter.

Mr. BLAIR. I desire to say but a word.

Relying upon the assurance of the Senator from California that this bill, passing as it now is, will absolutely and positively prohibit and prevent the acquisition and reclamation of the desert lands until such time as there be further legislation, I shall vote for the passage of this bill.

The Secretary proceeded to call the roll.

Mr. SAWYER (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN].

Mr. RANSOM. As I stated before, I am paired with the Senator from New York [Mr. MILLER].

Mr. MCMILLAN. I desire to announce that my colleague [Mr. SABIN] is detained from the Senate by sickness.

Mr. PLUMB. The Senator from Virginia [Mr. MAHONE] is absent by reason of serious illness. He requested me to have his pair announced. I have forgotten at the present moment with whom he is paired.

Mr. CHACE. My colleague [Mr. ALDRICH] is paired with the Senator from Indiana [Mr. VOORHEES].

The result was announced—yeas 34, nays 20; as follows:

YEAS—34.

Allison,	Cullom,	McMillan,	Spooner,
Beck,	Dolph,	Maxey,	Teller,
Berry,	Evarts,	Palmer,	Vest,
Blair,	Frye,	Platt,	Walthall,
Butler,	Hale,	Plumb,	Whitthorne,
Chace,	Harris,	Pugh,	Wilson of Iowa,
Cockrell,	Harrison,	Riddleberger,	Wilson of Md.
Coke,	Hawley,	Sewell,	
Conger,	Hoar,	Sherman,	

NAYS—20.

Blackburn,	Colquitt,	Ingalls,	McPherson,
Bowen,	Edmunds,	Jones of Arkansas,	Manderson,
Brown,	Eustis,	Jones of Nevada,	Mitchell of Oreg.,
Call,	George,	Kenna,	Stanford,
Cameron,	Gray,	Logan,	Vance.

ABSENT—22.

Aldrich,	Hampton,	Morgan,	Saulsbury,
Camden,	Hearst,	Morrill,	Sawyer,
Dawes,	Jones of Florida,	Payne,	Van Wyck,
Fair,	Mahone,	Pike,	Voorhees.
Gibson,	Miller,	Ransom,	
Gorman,	Mitchell of Pa.,	Sabin,	

So the bill was passed.

Mr. DOLPH. I move that the title be amended by striking out the words "the laws authorizing the sale of desert lands." That act is amended, not repealed.

The PRESIDENT *pro tempore*. The title will be stated as proposed to be amended.

The CHIEF CLERK. If amended as proposed, the title will read: "A bill to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes."

The amendment was agreed to.

Mr. DOLPH. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DOLPH, Mr. PLUMB, and Mr. COCKRELL were appointed.

FITZ-JOHN PORTER.

The PRESIDENT *pro tempore*. The special order before the Senate, according to the vote of the Senate the other day, is the Fitz-John Porter bill.

The Senate, as in Committee of the Whole, procedeed to consider the bill (H. R. 67) for the relief of Fitz-John Porter.

Mr. SEWELL. Mr. President, this is the same bill that passed both Houses of Congress two years ago, and a similar bill passed the Senate on a previous occasion. There is very little, if anything, new to say upon it, very little that has occurred since it was under discussion before; in fact I may say nothing that would throw any new light on the case. I do not intend to occupy the time of the Senate any longer than to merely state the case as it is, reserving my right to close the debate in case anything new is brought before this body against the bill.

Fitz-John Porter entered the service of his country as a cadet at West Point in 1841, graduated there with high honors in 1845, and immediately was ordered to a regiment, from which he went to the war in Mexico, during which time he was twice brevetted for gallantry and once wounded at one of the gates of the City of Mexico. On returning from there he was assigned as one of the instructors at West Point, and at the breaking out of what was known as the Kansas trouble he was made the adjutant-general of the general commanding the Army in that Territory. At the period of what is known as the Utah expedition he was asked for by and assigned to the commanding general of that expedition as his chief of staff.

At the commencement of the war of the rebellion he was an adjutant-general, and was assigned to the duty of providing for the men composing the garrisons of the different posts that had been surrendered by

General Twiggs to the confederates. Performing that duty satisfactorily to the Department, and bringing those men within the lines of the Union Army and to the points assigned to them at the different fortifications along the coast, he was assigned to duty for the purpose of keeping open the communication between the Northern States and Washington, which was then obstructed, being still an adjutant-general and serving under the immediate orders of General Scott, then commanding-general of the Army.

It was said of Fitz-John Porter by a distinguished Northern governor, one who supported the Government and furnished a large number of troops at that time when they were very much needed, that he was his right arm, and that without him it would have been almost impossible to have gotten the Pennsylvania troops to the defense of Washington. I allude to the distinguished gentleman who was then governor of Pennsylvania, Governor CURTIN.

At that period, the telegraph lines being cut between the West and Washington, Fitz-John Porter received information from General Frank Blair, or intercepted a message to General Scott that unless he could receive a direct order to muster in the Missouri home guard and provide them with arms, the store of arms in Missouri would be captured by the rebels and that Missouri would be lost to the Union. Fitz-John Porter did not hesitate a moment to telegraph from Harrisburg, without the authority that some men would have waited for but with that boldness that was characteristic of the man, that the home guards should be mustered in, and ordering the officer in command of the arsenal at Saint Louis to issue arms to them. General Frank Blair, who was one of the bravest of the brave, one of the gallant souls who came to the surface in the late war, said explicitly that the action of Fitz-John Porter at that time saved Missouri to the Union.

Fitz-John Porter was assigned as adjutant-general to General Patterson, commanding in the valley, for he was the man above all others in this country at that time that every officer having a large command was anxious to have as his principal assistant. From that command he joined the Army of the Potomac, was successively appointed a colonel in the Army, a brevet brigadier-general in the regular Army, a brigadier-general of volunteers, and a major-general of volunteers.

In front of Richmond he commanded the right wing of the army at a time when the army was in a very perilous position astride of the Chickahominy, at a time when the movements of McClellan were based on expected aid coming from the direction of Washington under General McDowell. I say "expected aid;" it was promised aid; it was aid that was absolutely necessary. His army at that time having been reduced to about eighty thousand men, it was absolutely necessary in order to made a successful campaign in front of Richmond that he should get the forty thousand additional men that were supposed to be coming to him under McDowell.

A movement was made under Fitz-John Porter from Gaines's Mill to Hanover Junction for the purpose of meeting and making junction with McDowell. Porter fought for a day, but there was no McDowell. The authorities at Washington, fearing to expose the front of the capital to attack, not satisfied that the corps in the valley of Banks and Sigel were sufficient for its protection, recalled McDowell at a critical period when the whole campaign of the Army of the Potomac was based on that forty thousand additional men to make a junction with Porter. Instead of that, while McDowell was inactive, there was an attack by Jackson, whom McDowell, Banks, and Sigel were supposed to be holding in the valley, and who, escaping their vigilance and marching across their front, as Johnston did in the case of Patterson, came swooping down on Fitz-John Porter at Gaines's Mill and doubled up the right of the Army of the Potomac.

The history of the trials and the successes and the defeats of this great army is yet to be truthfully written. But I can say without contradiction that while it met with many reverses, it never was so demoralized that it did not stand up and fight to the last. The history of the retreat from Gaines's Mill by the right flank, and everywhere through an entirely new country, through what is known as the Chickahominy Swamp, fighting for seven days, speaks in the highest terms of the gallantry of that army.

Fitz-John Porter fought the battle of Gaines's Mill under adverse circumstances, and that at Hanover Junction, and that of Turkey Bridge, and on the fourth and fifth days' fighting of this retreating army, with the confederates in the full flush of victory, with a new commander, one of their greatest, brightest, and shining lights, held the enemy on a field chosen by himself, under the orders of McClellan, commanded by him, the corps posted by him, every battery fixed by him—held the enemy and hurled them back, giving us what I believe was one of the greatest victories of the war if advantage had been taken of it. The Army of the Potomac after the fight at Malvern Hill might have been pushed through the confederate battalions to Richmond, although they outnumbered the Army of the Potomac two to one, so demoralized had they become by the fight at Malvern Hill.

When it was determined to evacuate Harrison's Landing, which occurred a month afterward, Fitz-John Porter was ordered to take command of the rear guard, but finding after a day's march in the direction of Yorktown that he was not attacked, and getting information from the colored people of the country that the troops of General Lee were being marched north of Richmond to attack Pope, Fitz-John Porter asked for by telegraph and obtained leave of the then commanding general of that army that he might push ahead regardless of his assignment to the rear guard, as no trouble was to be anticipated, and join General Pope at the earliest possible moment. He did so, and he who was in the rear reported to Pope on the 26th of July, 1862, four days before some of the troops who were in his front on that march arrived, showing that this soldier was anxious and willing to do his full duty.

On the 26th of August while at Warrenton General Porter received the following order:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send him word to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER, *Warrenton Junction.*

That order from Pope was received at half past 9 o'clock, it having taken three hours for a single aid-de-camp to ride over the 9½ miles of road intervening between Pope's headquarters and Porter's. The night was a dark one. The road was occupied by the wagons of the different corps under the command of General Pope running from Warrenton Junction to Manassas and Centreville. The night was dark; it was almost impossible to see your hand before you; I speak advisedly; I need not even go to the record for that, because I was there; I was in the saddle all that night myself commanding a picket line protecting a corps of the army, and I know just exactly the character of the night, and I know how many times I got lost in endeavoring to reach my line.

The division commanders were present when this order was received in the tent of General Porter. One of the division commanders said, "My troops have marched 12 miles to-day and have just got in camp. We can not possibly make any headway by starting out at 1 o'clock on a night like this, on roads obstructed as these are by thousands of wagons. It will be far better and the order can be better obeyed by marching at daylight than it could possibly be at 1 o'clock, and in the mean time the men can have some rest." General Porter said, "The order is there and ought to be obeyed—must be obeyed."

After his division, and then some of his brigade commanders re-enforcing his division commanders, said they would arrive in much better condition for active service in the morning, and in all probability just as soon by leaving at daylight, Porter acquiesced in the advice of his principal officers, and the command moved at daylight, the head of the column arriving, after having hard work to pass through the different obstructions in the shape of wagons, at 8 o'clock, reporting to General Pope, but there was nothing for them to do, and that command remained there until the next morning, when this order was received:

HEADQUARTERS ARMY OF VIRGINIA,
Near Bull Run, August 29, 1862—3 a. m.

GENERAL: McDowell had intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearny and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville at the first dawn of day, with your whole command, leaving your trains to follow. It is very important that you should be here at a very early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

I am, general, very respectfully, your obedient servant,

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Major-General PORTER.

Under this order General Porter marched promptly with his whole corps to Centreville, but on passing Manassas he was intercepted by an order from Pope, the situation being entirely changed, to countermarch his command toward Gainesville, which was promptly done, halting only for the purpose of filling up with ammunition. The head of the column arrived at what is known as Dawkin's Branch at about 11 or 11.30. Butterfield's brigade was thrown across the branch and immediately encountered the pickets of the enemy, capturing some of the scouts of Longstreet, who was supposed to be on the other side of Thoroughfare Gap. About that time General McDowell came up and showed Porter what is known as the joint order, under which McDowell and Porter were to march on Gainesville. I will read this order; it is as follows:

[General Order No. 5.]

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

GENERALS MCDOWELL AND PORTER: You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own

the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear.

I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts and instruct him to rejoin the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be for the present with Heintzelman's corps or at this place.

JOHN POPE,
Major-General Commanding.

That order placed General McDowell in the command of his corps with that of Fitz-John Porter, he being the senior. McDowell stated in the hearing of several officers, as appears in the board record, to Porter, "This is no place to fight; Porter, you are too far out," and a short time afterward, in order to form a junction with the troops immediately under the command of Pope on the right, McDowell marched out with his corps, taking King's division, which had been marching with Porter, and marched by the right flank to connect with the left of the troops then engaged under General Pope with General Jackson of the confederate army. Previous to going through he showed Porter a dispatch from Buford, who commanded our cavalry, wherein Buford said, "Seventeen regiments and one or more batteries have passed toward Gainesville, and are now in your front."

That was known to Porter from the fact that he had captured men that belonged to Longstreet's corps, and it was apparent to him, as it has been proved since by the testimony of Longstreet and of Lee and of the principal confederate officers before the board that investigated this subject, that before he and McDowell under the order of Pope reached Dawkin's Branch, on their march to Gainesville, Longstreet was planted across their flank with twenty-five thousand men, Porter having at that time but ten thousand men in his corps after McDowell and King had left him, King having joined McDowell's force.

Mr. LOGAN. I do not wish to disturb the Senator, but we want things exactly as they are. The Senator stated that the dispatch of Buford said that these troops were marching down in his front. I understand that to be in Porter's front.

Mr. SEWELL. Toward Gainesville.

Mr. LOGAN. I will read it.

HEADQUARTERS CAVALRY BRIGADE—9.30 a. m.

Seventeen regiments, one battery, five hundred cavalry passed through Gainesville three-quarters of an hour ago on the Centreville road. I think this division should join our forces now engaged at once.

Please forward this—

Very different from the statement. Signed—

JOHN BUFORD, *Brigadier-General.*

General RICKETTS.

They were marching on the Centreville road, not on the road to Porter's corps.

Mr. SEWELL. The facts are as proved by several officers that they were deployed in front of Dawkin's Branch and that the whole force of Longstreet was there at that time. Longstreet himself, in his testimony before the board, says that at 9 o'clock he was in supporting distance of Jackson and at 11 o'clock he was deployed on that line. This is what is known as the 4.30 order, which is the third of the series that General Porter is charged with disobeying, and it was received, as near as can be ascertained, at 6.30 p. m. That is located by the fact that the report sent by Porter to Pope at 6 p. m. does not mention the receipt of the order, but does mention many things which preclude the idea that that order could possibly have been received until after. In fact officers who were present testify that it was received at sundown, immediately before or after. The order reads thus:

HEADQUARTERS IN THE FIELD, *August* 29—4.30 p. m.

MAJOR-GENERAL PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

The only enemy that General Pope supposed was on that field was Jackson in his immediate front. Take that order in connection with the other order which says that the balance of the enemy will arrive to-morrow night or the next day morning, and it shows absolutely and conclusively to the mind of any fair man, as it did to General Grant, that Pope supposed he was fighting Jackson and Jackson alone; and in fact his order says that the balance of the confederate army were expected on the next day or the day after, when the actual fact stands out to-day boldly that the whole right wing of the confederate army was, as Porter said it was and knew it was, then in his immediate front, and as the advisory board says Porter was doing the greatest amount of service with the 10,000 men in holding those 25,000.

But upon receiving this order, positive in its character, hearing an engagement at the right he supposed that it was intended for a diversion and he was going to contribute, and he did, to the success of those engaged on his right, so that he ordered Morell to attack, but by the time the dispositions were made night came on. The officers would have been wrong and would have been liable to court-martial under the circumstances to attack when the firing had entirely ceased on the right, as is known to everybody who was engaged that day.

The next order General Porter received was dated at 8.50, August 29, which was as follows:

HEADQUARTERS ARMY OF VIRGINIA,
IN THE FIELD NEAR BULL RUN,
August 29, 1862—8.50 p. m.

GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field of battle within three hours after its reception, or after daybreak to-morrow morning.

JOHN POPE,
Major-General, Commanding.

Maj. Gen. F. J. PORTER.

[Received August 30—3.30 a. m.]

The previous order issued contemplated an attack on the troops that were fighting General Pope, those of General Jackson securely posted by the railroad, of which I have considerable knowledge, having lost a good many of my own command there. It never contemplated, as I stated, any other, and General Porter was tried on the basis that his command was across the flank of the enemy and that he failed to make the attack, when in reality in order to make that attack as the order said, he would have had to march across twenty-five thousand men and 2½ miles to get to the right of Jackson, and to do it all with ten thousand men! General Porter marched promptly to what was called the field of battle, leaving what was really the important position of the field, taken away from the duty which the advisory board says saved the Army on that day, and pushed up to fight what? Nothing but Jackson.

Porter on arriving on that field deployed his men and went into action. One of the most magnificent sights I ever saw myself, for I was standing doing nothing, having been actively engaged the day before, was to see Fitz-John Porter's men make an attack and coming away down from the field that he left, and where he knew Longstreet was, came the legions of Longstreet, and the batteries and guns in full view that almost annihilated him, he losing more that day than any corps in the army.

Mr. President, had the troops under Pope been concentrated as they should have been, had Fitz-John Porter been left at Dawkin's Branch until the gap had been filled up between his right and Pope's left—had that generalship been displayed that we have seen often since, the second Bull Run would have told a different story.

Fitz-John Porter marched from that field under orders with the rest of the army, and was ordered to the command of the defenses of Washington, a place not likely to be given to a man who was distrusted by his superiors. For the defense of the capital that we had all been fighting for this man was selected, and while the troops marched up the left bank of the Potomac to meet the enemy, Fitz-John Porter was ordered to organize everything that came within the limits of his command, and I believe he did organize two divisions and was given the authority to designate their commanding officers, after which he was ordered to join McClellan, which he did prior to Antietam.

Now that all the charges practically have been cleared up against Fitz-John Porter new ones are from day to day being invented. It has been said that he was a laggard, that he did not show that zeal, courage, and bravery to get into the fight that he ought to have done, and that he had done at Gaines's Mill or at Malvern Hill. Mr. President, Fitz-John Porter was the chosen lieutenant of the then commanding-general of the Army. He had great confidence in his ability as a military commander; he relied on him for a last struggle; and Fitz-John Porter, then commanding eleven thousand men, was placed in the center and in the reserve of the Army that fought at Antietam. Because General Fitz-John Porter's corps does not appear as one of the leading corps making the attack, it is said that Fitz-John Porter did not take any part in that fight.

Any one who knows anything about military matters, the formation of a field, knows that a certain amount of troops must be kept for a last resort, a reserve to be used in case of necessity and to be drawn on as required from right to left. The facts of the case are that of those eleven thousand men, while Fitz-John Porter's corps did not march itself, did not attack under his command, they were reduced by details to Burnside and to the other commanders, as the records of the war show, until the reserves of that army at Antietam were below what prudence would call for. Fitz-John Porter had at one time only three thousand men under his command in that reserve.

Antietam was fought and won, and, as occurred at Gettysburg, there were loud complaints for a battle won but not followed up. Mr. President, we all know who have had any experience that a battle won

often leaves the victor in as bad if not a worse condition as he who was defeated. It was so at Gettysburg; it was so at Antietam. The Army crossed the Potomac following that of General Lee, and in a short time General McClellan was relieved of command and Burnside was put in his place. This man who had for twenty years been the officer sought after by every commanding general in the service to aid him in anything that required bravery and character and knowledge of military science, this man who had done his country such great service, who had fought these battles that I have described, was put in arrest for alleged disobedience of orders occurring two months previous, he having occupied high and increasing commands during the interim, showing conclusively to the country that there was some other cause for it than what was alleged.

Pope was relieved and sent in retirement to the Northwest, from which he promulgated dispatches against Porter and McClellan, and particularly against McClellan, and in which he asked that he should receive some recognition for his services in the Bull Run campaign and that Porter and McClellan should be degraded.

It is only within three days that an officer of the late war bearing a historic name in this country, Alexander Hamilton, who was then a brigadier-general, said to me in this Capitol, "I was a brother-in-law of Halleck, and Halleck told me himself that he knew this was a wrong against Porter, but that he could not stop it."

Fitz-John Porter was placed in arrest and tried—tried on the charge of disobedience of orders, tried because he did not attack Jackson's right flank and walk over twenty-five thousand men under Longstreet, without the evidence that we have to-day, without the evidence from the men on the other side that we have to-day, with nothing in his favor and with everything against him.

Mr. President, the state of the country at that time demanded a sacrifice of some kind. It did not make any difference who was charged, the result would have been the same. I do not know that it was a calamity at that time, because there may have been jealousies among officers and there may have been a necessity for making an example of somebody. It fell on Porter. The necessities, though, were nothing like so great as the necessity that has occurred after twenty years to do justice to that man.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. SEWELL. Certainly.

Mr. LOGAN. The Senator, I suppose, wants to discuss this question fairly and properly. The Senator says there were twenty-five thousand men in front of Fitz-John Porter. I ask him if he will refer to the evidence of that, if he has it?

Mr. SEWELL. It was before the board.

Mr. LOGAN. Longstreet says in his report, General Lee says in his report—which I will read at the proper time—that he moved down Compton's Lane, and there leaving Anderson's division back, that came up the next evening at 4 o'clock, having seven thousand men belonging to his corps, which would reduce the number to eighteen thousand, he took four brigades and one division and put them in the battle of Groveton, and they did not withdraw until 9 and 11 o'clock at night. That is the report of both Longstreet and Lee. So Longstreet could not possibly have had over six or eight thousand troops anywhere near Fitz-John Porter.

Mr. SEWELL. The Senator from Illinois will have a chance to show that. I make my statement based on the report of the board.

Mr. LOGAN. I am talking about the report of their own men under their own names. I am talking about facts, not what people say. I am speaking of facts shown by the report of General Lee. Here is also the report of General Longstreet. Both of them say that all of Longstreet's troops except one division, Jones's, were put in the battle at Grovetown and staid there until 9 and 11 o'clock. One of the generals who commanded one of those divisions was a few years ago Doorkeeper in the House, General Wilcox, and he has stated that to me forty times, just as is stated in these reports, and he was in command of one of the divisions and went into battle at 12 o'clock and staid there until 9 o'clock at night. What is the use of these statements when the official records show that they are not facts?

Mr. SEWELL. The very gentleman that the honorable Senator from Illinois names told me in private that he was withdrawn to the right, went to the left first, and was taken to the right on the advance of Porter across Dawkin's Branch.

Mr. LOGAN. Now I will state it exactly as it is. Here is the report of Mr. Wilcox; I have it here over his own signature. After he went in there a gun was fired on the right and Longstreet withdrew him to the support of Jones, and Longstreet states where the troops were—Fitzhugh Lee had reported that troops had shown themselves on that road on which Porter was. He withdrew Wilcox's division and sent it to the support of Jones. The troops then disappeared, speaking, I suppose, of Fitz-John Porter's. He then withdrew Wilcox's division from Jones's support and put it back in the battle at Groveton and it was withdrawn at 11 o'clock that night. That is exactly the report of Wilcox and Longstreet and Lee.

Mr. SEWELL. It often occurs that the further you are removed from the scene of actual action the more you know about it.

Mr. LOGAN. I am not saying what I know about it, but what they report.

Mr. SEWELL. The Senator from Illinois has said very often what he knows about the case. He does not agree with my view of it. That is all.

Mr. LOGAN. I am stating the facts.

Mr. SEWELL. I did not intend to do anything more than state this case at this time. I will present resolutions that I have received within the last few days showing the change in public sentiment particularly among the Grand Army posts, and I will ask that they be read.

The Secretary read as follows:

At a regular meeting of Oliver Tilden Post, No. 96, Grand Army of the Republic, Department of New York, held at their headquarters, Morrisania, New York city, on June 8, 1886, on motion of Comrade Murphy and seconded by Post Commander Rate, it was

Resolved, That the thanks of this post be tendered to Gen. William J. Sewell, now United States Senator representing New Jersey in the Senate of the United States at Washington, D. C., for his noble, manly, and able efforts to obtain for Maj. Gen. Fitz-John Porter, former commander of the Fifth Army Corps, that justice so long denied and of which he was deprived by sentence of court-martial in 1862. Side by side with our lamented Generals Grant, McClellan, Kilpatrick, and with Generals Sherman, Schofield, Terry, Getty, Sigel, Sewell, Howard, Averill, Jackson, Rosecrans, and Sickles, we earnestly desire to record the fact that, as veterans of the late war, many of us who served under General Porter, and know his brave, patriotic, and chivalrous actions as an abie commander, can bear testimony to his anxiety to meet and engage the enemy on July 29 and 30, 1862. The fact that one-third of the Fifth Army Corps was either killed, wounded, or captured, fully attests the fact.

At the last session of Congress in 1883, both the United States Senate and House of Representatives passed the act relieving General Porter from his unjust sentence, but it was vetoed by President Arthur. The time for such action is passed, and as Congress has again passed the bill by a large majority, we as Union soldiers and sailors, knowing no North, no South, no East, no West, regardless of party ties or political affiliations, most respectfully request the United States Senate to confirm the action of Congress and render justice so many years delayed to a brave, able, and persecuted soldier and efface the disgrace from the records of the Army archives.

J. WESLEY SMITH, *Commander.*

Passed unanimously.

GEORGE W. BROWER,
Adjutant Oliver Tilden Post, No. 96, Grand Army of the Republic, Morrisania, New York City.

JUNE 8, 1886.

NEW YORK, *June 24.*

SIR: I send you the following. Please show Senators EVARTS and MILLER, of New York, yours and theirs by mail.

"HEADQUARTERS WILLIAM D. KENNEDY POST, No. 42,
"DEPARTMENT OF NEW YORK, G. A. R.,
"*New York, June 23*, 1886.

"The following was unanimously passed this evening on motion of Post Commander James S. Mead, seconded by Senior Vice-Commander W. J. Keeth:

"'*Resolved*, That Hon. WILLIAM J. SEWELL, Senator from New Jersey, be thanked for his earnest efforts to reinstate General Fitz-John Porter to the position which past injustice has denied him; and we, as members of William D. Kennedy Post, earnestly request that our Senators, Hon. WILLIAM M. EVARTS and Hon. WARNER MILLER, use their utmost efforts to sustain Hon. WILLIAM J. SEWELL in securing justice to the said General Fitz-John Porter.'

"JOHN J. YOUNG, *Adjutant.*
"JOHN C. LIMBRECK, *Commander.*"

Four other posts passed similar resolutions last evening, all by mail.

Very respectfully,

WILLIAM JAY MURPHY,
Tremont, New York City.

Hon. WILLIAM J. SEWELL.

[Headquarters Judson Kilpatrick Post, No. 143, Department of New York, Grand Army of the Republic. Bunting Hall, corner Third avenue and One Hundred and Twenty-fourth street.]

NEW YORK, *June 16*, 1886.

At a regular encampment of this post held on June 14, 1886, it was unanimously

Resolved, That the thanks of this post are hereby tendered to General WILLIAM J. SEWELL, United States Senator from New Jersey, for his noble and indefatigable efforts to obtain for Maj. Gen. Fitz-John Porter, former commander of the Fifth Army Corps, that justice so long denied and the rights of which he was deprived by sentence of court-martial in 1862. We, many of us, having served under him, stand ready to bear testimony, as did the lamented Grant, McClellan, Hancock, and Kilpatrick, as well as the living Sheridan, Schofield, Terry, Rosecrans, Sickels, Sigel, and others, to his pure patriotism, sterling integrity, valor, and bravery. And as the Fifth Corps on the 29th and 30th of July, 1862, lost about one-third their number in killed, wounded, and missing, give full attestation to the fact that he was anxious to meet and engage the enemy.

We therefore, regardless of affiliations of any kind, respectfully request the United States Senate to confirm the action of the lower House and restore to this persecuted and patriotic soldier that which it is conceded on all sides as rightfully his; restore him to his former rank and wipe the stigma from his manly brow, and expunge from the Army records that disgraceful court-martial sentence which has been there now too long.

SAMUEL H. BAILEY, *Commander.*

GEORGE RORK, *Adjutant.*

[Headquarters Dahlgren Post, No. 113, Department of New York, Grand Army of the Republic, 50-52 Orchard Street.]

New York, June 15, 1886.

At a regular encampment of this post, held at headquarters as above indicated, the following resolutions were presented by Comrade Walsh and adopted:

"Whereas a bill has passed the national House of Representatives and is now pending in the Senate providing for the restoration of Fitz-John Porter, late commander of the Fifth Army Corps, Army of the Potomac, to his proper rank in the service: Therefore,

"*Be it resolved*, That Dahlgren Post, No. 113, Department of New York, Grand Army of the Republic, heartily and earnestly approve and recommend said bill, and urge its immediate passage in the Senate.

"*Resolved*, That the post has reached this conclusion through the evidence and facts established by the Schofield board of inquiry, which completely exonerates and removes from stain or suspicion the past conduct of this skillful soldier and unfortunate patriot.

"*Resolved*, That while we fully appreciate and deplore the terrible injury inflicted, we regret exceedingly the utter impossibility of doing at this late day full justice to this brave and patient man. We appeal, however, to the distinguished Senators from this State, MILLER and EVARTS, and respectfully ask that the above measure have favorable consideration at their hands."

WM. MCENTEE, *Commander.*
J. M. MURRAY, *Adjt.*

Mr. SEWELL. I present a letter from General J. I. Sayles, Department Commander of the Grand Army, and a letter from the Dahlgren Post of New York, which I ask the Secretary to read.

The Chief Clerk read as follows:

[Office of J. I. Sayles, Department Commander, G. A. R.]

ROME, N. Y., *June* 16, 1886.

MY DEAR SIR AND COMRADE: My attention has been called to the resolutions introduced in your post by Comrade Murphy and unanimously passed in reference to our late comrade in arms, General Fitz-John Porter.

I have never had the leisure nor have I taken the time to examine the evidence given upon the trial in this case, but some time since I read the statements made by our old commander, whom all our citizens loved to honor and in whom we all have such great confidence, who now sleeps at Riverside, and I know the often-expressed wish of the brave Hancock, and of many others, officers and privates in the late war, who were in position to know and in whose judgment I have entire confidence.

Speaking for myself in this matter, I am in entire sympathy and fully indorse the sentiments as expressed in the resolutions.

I trust the time has come when justice will be done a brave soldier and when General Porter will be reinstated to the position which I believe is justly his due.

Yours, in F., C. and L.,

J. I. SAYLES, *Department Commander.*

Col. WESLEY SMITH,
Commander Grand Army of the Republic Post No. 96.

Mr. SEWELL. Fitz-John Porter was found guilty on these charges and dismissed the service in the most ignominious manner. He never faltered or hesitated in his desire to have the case opened up, and purely and simply on the honest ground that so far as he was concerned he never did anything that justified such a sentence; that he was a soldier by profession; that he executed every order that had been issued to him, as he understood it, with the reservation, and with the right that a great commander has at all times under the custom of war.

Why, Mr. President, you will find gentlemen not familiar with the subject, not students of the art of war, who have never read the precedents, who have no knowledge about what they talk of—I do not mean any personal allusion here—who suppose that because an officer in command of troops receives an order he is blindly and deliberately to execute it, no matter where it fetches his men; that even he is to cross a stream, if he is ordered to cross it, that would swallow them all; that holding a detached position which he sees is of vital importance to the whole army, because he receives an order to do something which requires him to leave that point or to make an attack, from his commander at a distance, ignorant of the situation, ignorant of the surroundings, that he is to obey it. There is no greater fallacy in war than that.

It is a well-established fact that detached officers, particularly those who command corps, who are little removed from the rank of the commanding officer except by mere assignment, and who are selected for their ability and their character and their knowledge of war—that they have the right and that they would be derelict in their duty if they did not exercise their discretion under similar circumstances that Fitz-John Porter exercised the right at Dawkin's Branch or at Warrenton. He has always maintained that right, and he has been backed by the best officers in the service up to the great successful general who was twice President of the United States.

At last, Mr. President, a seeming show of justice was given him, a board was authorized to investigate the case, and they sat for months at West Point. The board was composed of three of the best officers in the Army, those selected by the then commanding general of the Army, who said the verdict of that court of honor would be accepted by every one.

A full, fair hearing was given to Porter and the Government, and it was established to the mind of everybody who heard that testimony, and to the court itself, that Porter was justified in everything that he had done in that campaign, the single exception being the remarks that he had made about his commanding officer to General Burnside, which were purely personal in their character.

The finding of that board composed of these distinguished officers, two of whom are now the senior major-generals of the Army, and one of them a distinguished old general on the retired-list, has after years—for it has taken years to change the public sentiment of this country—but particularly after the indorsement of General Grant, opened the eyes of the public to the fact, as Terry said, that instead of being a criminal Porter was a martyr.

He comes now before you I trust for the last time to ask for justice; nay, Mr. President, to demand it. The time has gone by to ask that favors may be granted to this man who has been wronged. I in his name, I who know him, a citizen of my State, a man whom I esteem and have been with in the front of many a fight, demand justice of the Senate of the United States for this man who has been grossly wronged.

Mr. TELLER. I wish to offer an amendment to this bill so that it may be printed.

The PRESIDENT *pro tempore.* The amendment will be received and printed.

Mr. LOGAN. Mr. President——

Mr. CULLOM. Will my colleague yield to me for a motion?

Mr. LOGAN. Yes, sir.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 25, 1886, at 12 o'clock m.

CONFIRMATIONS.

Executive nomination confirmed by the Senate June 16, 1886.

CONSUL OF THE UNITED STATES.

Thomas C. Jones, to be consul of the United States at Funchal, Madeira.

Executive nominations confirmed by the Senate June 21, 1886.

REGISTER OF THE LAND OFFICE.

William Neville, of North Platte, Nebr., to be register of the land office at North Platte, Nebr.

The above confirmation was accompanied by the following report from the Committee on Public Lands; which was ordered by the Senate to be printed in the RECORD:

Mr. VAN WYCK, from the Committee on Public Lands, to whom the matter of confirmation of the appointment of William Neville, in place of H. M. Grimes, suspended, as register at the United States land office, North Platte, Nebr., report that there is no charge reflecting upon the personal or official integrity or the proper discharge of his duty as such officer in the office of Department of the Interior, but that the change was made for political reasons and to make vacant a position to be filled by a political friend of the administration, and therefore recommend that Mr. Neville be confirmed.

POSTMASTERS.

George Washington, to be postmaster at Bay City, Bay County, Michigan.

J. B. McKenzie, to be postmaster at Hopkinsville, Christian County, Kentucky.

John C. Logue, to be postmaster at Central City, Merrick County, Nebraska.

William R. Joline, to be postmaster at Long Branch city, Monmouth County, New Jersey.

Margaret A. Shirley, to be postmaster at Logan, Cache County, Territory of Utah.

Wilson D. Lyon, to be postmaster at Elkhorn, Walworth County, Wisconsin.

Henry W. Clendenin, to be postmaster at Springfield, Sangamon County, Illinois.

Executive nomination confirmed by the Senate June 24, 1886.

POSTMASTER.

Fannie D. Porter, to be postmaster at El Paso, El Paso County, Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 24, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. RANDALL. I demand the regular order.

The SPEAKER. The regular order is demanded.

QUESTION OF PRIVILEGE.

Mr. LONG. Mr. Speaker, I desire to make a personal explanation, which involves incidentally a correction of the RECORD published on the 20th instant.

On the 5th day of this month the gentleman from California [Mr. HENLEY] addressed the House with regard to the extension of the indebtedness of the Pacific railroads. In the course of his remarks he made a statement that Mr. Adams, the president of the Union Pacific Railroad, had committed certain gross violations of the law. I asked him then to specify what those violations of the law were, and the only specification he made at that time was that Mr. Adams had himself stated that the matter of free passes given by the Union Pacific Railroad Company had, as I understood Mr. HENLEY to state at the time, cost the Government some $2,000 a day. I denied the statement; and desire to say now frankly in the presence of the House that my denial was too broad. As appears from the published speech of Mr. HENLEY his statement was that it cost the company $2,000 a day, whereas my understanding was that he referred to the cost to the Government.

I find that Mr. Adams in his testimony some time ago before the Interstate Commerce Committee of the Senate had stated that this matter of free passes cost the Union Pacific Company, I think, something like $2,000 a day. But it was not a violation of the law. The statement was volunteered by Mr. Adams himself in the interest of better transportation over the road, and was accompanied with the remark by Mr. Adams that many of these free passes were issued to employés, telegraph

operators, and others in the interest of the transportation of freight furnished to the road.

I make this statement because I think it is due to the gentleman from California for the reason that there was that in the testimony of Mr. Adams which presented some foundation for the statement made by the gentleman. But it involved no violation of law and came from this testimony of Mr. Adams, which was furnished in such a manner by him as to be entirely creditable to that official.

But there is another matter in this connection to which I desire to call attention. In the extension of the remarks of the gentleman from California in the RECORD, under the general leave given him, Mr. HENLEY makes, on page 6247, what purports to be a quotation from Mr. Adams himself, consisting of some fifty-eight lines in the RECORD, containing some severe reflections upon the Union Pacific Railroad Company and upon Mr. Ames and the gentlemen associated with him in the construction of that road.

It purports to have been copied from a book published by Mr. Adams, I think in 1869. I find on an examination of a copy of the book published by Mr. Adams, that the first twenty-four lines of this alleged quotation from Mr. Adams, and constituting the first paragraph of said quotation, are words which are contained in the book or pamphlet to which I have referred written by him in the year 1869, but the remaining thirty-four lines in which occurs the reference to the name of Mr. Ames, are words which Mr. Adams never uttered and never wrote, and which are therefore incorrectly and improperly attributed to him by the gentleman from California. It happens that about eighteen months ago an anonymous pamphlet was published called "The Pacific Railroads," which contained very severe criticisms upon Mr. Adams and the administration of the Union Pacific road. In this pamphlet the first twenty-four lines to which I have referred are quoted and then follow, in a different type, certain disconnected passages which now have been gathered together and put in Mr. Adams's mouth. The getleman from California has put in not only the twenty-four lines to which I have referred, but the additional thirty-six lines which were never written by Mr. Adams.

Mr. REAGAN. Mr. Speaker, what is the question before the House?

Mr. LONG. It is a correction of the RECORD.

The SPEAKER. The gentleman stated that it was a personal explanation involving a correction of the RECORD.

Mr. REAGAN. This does not seem to be a matter of privilege.

Mr. LONG. I am nearly through if the gentleman will permit me to proceed a moment longer. I will state to him that it is for the purpose of securing a correction of the RECORD.

The remaining thirty-six lines to which I have referred are culled from different pages of this anonymous pamphlet; for instance, from pages 11, 17, and 18, disconnected passages, and are appended to Mr. Adams's genuine words, and now published as a part of his production.

Now, I can not for a moment believe the gentleman from California is guilty of intentionally attributing to Mr. Adams or putting in his mouth words that he never uttered.

I could wish that the gentleman from California himself had made the correction. It is possible he proposes to do it. I called his attention to the matter yesterday, and trust he will unite with me in having a correction of the RECORD made so that no words shall be attributed to Mr. Adams which he did not use.

In continuing his remarks the gentleman from California took certain words from these additional thirty-six lines and commented on them in a way very prejudicial to Mr. Adams, accusing him of using words which he had never used, and enlarging with some rhetorical force and vividness on certain phrases as if they were really Mr. Adams's. I trust the gentleman will join me in making the proper correction.

Mr. HENLEY. The gentleman from Massachusetts is right in his statement that I had attributed certain language to Mr. Adams which Mr. Adams never uttered and never wrote. In the preparation of the address which was printed on the 20th June, I remembered that a good many years ago Mr. Charles Francis Adams published in one of the magazines, I forget which, a scathing arraignment of the Union Pacific Railroad Company, its directors, the Credit Mobilier, Oakes Ames, &c.

When I prepared the address to which the gentleman alluded I remembered this denunciation on the part of Mr. Adams, and I had before me a speech delivered by Mr. Adams before the Committee on Pacific Railroads this winter, in which anybody can see who desires to inform himself that he became not only the apologist but the eulogist of the Union Pacific company and the Credit Mobilier, which he had previously so fiercely denounced. I thought it was a legitimate matter of criticism to contrast the previous utterances of that gentleman with his later statements, and I undertook to do that in this speech. Not having the article itself at hand I was obliged to rely upon what purported to be a copy of it in a newspaper. I used that copy, not dreaming there was anything there that could not properly be attributed to Mr. Adams. Now, then, it seems I was wrong; that is to say, I used the first paragraph of thirty or forty lines.

Mr. LONG. Twenty-four lines.

Mr. HENLEY. In the RECORD, there being a great many more in the newspapers which are correctly ascribed to Mr. Adams. Now, mark you, Mr. Speaker, Mr. Adams presents himself here through his representative in the attitude of a man who has sustained a substantial grievance at my hands. I want to call the particular attention of the House to the precise injury which this gentleman fancies he has sustained.

In the quotation that I made, and which he admits to be correct, the sentiment and the denunciation are in precise accord, in entire harmony, with that which he says I have improperly attributed to him. In other words, Mr. Speaker, he denounces the Credit Mobilier and the former Union Pacific management in terms of almost ferocity, in terms of severity such as I scarcely ever saw in print, which Junius himself could hardly surpass. I quoted that and quoted him correctly. Further on there is other language used by somebody else no more severe, no more denunciatory, precisely in a line with that which Mr. Adams himself had used and which I had attributed to him; and he presents himself to this House in the attitude of one who has sustained a grievance by reason of that publication.

Sir, it is precisely as though I had said Mr. Adams upon a certain occasion accused Oakes Ames of being a knave, and he immediately rushes forward, denounces that as being unjust and untrue, saying, "I did not say he was a knave; I said he was a villain or a rogue."

Mr. LONG. The gentleman does not mean to claim that Mr. Adams has referred to Mr. Ames in any such way as that?

Mr. HENLEY. I do not, and I do not think anybody so understood me, except possibly the gentleman. I was simply using that by way of illustration.

Now, that is all there is between myself and Mr. Adams. It is true that sometimes we do fall into mistakes. When I asserted here on the floor of this House that Mr. Adams had stated that the free-list, the dead-head list, cost the Union Pacific company $2,000 a day I was met with a most vehement, persistent, and not altogether respectful denial on the part of my friend from Massachusetts of the truth of any such statement. It turns out now, according to the admission of the gentleman from Massachusetts, that Mr. Adams did testify before a Senate investigating committee that the free-list had cost that company that much money per day.

Mr. GUENTHER. How much?

Mr. HENLEY. Two thousand dollars a day. He goes on to explain that it may be 40 or 50 per cent. less. But according to his own statement it appears that for seven days the free-list was $14,000.

Now, Mr. Speaker, this is all that I care to say in this connection. Mr. Adams appears or affects to consider himself aggrieved by this quotation. I simply quoted, unintentionally, words that had been attributed to him by a newspaper, and which were precisely in the line of what he had himself written. Therefore, I can not conceive that the gentleman has suffered any very serious injury at my hands.

There were other things, Mr. Speaker, in that speech of mine to the contradiction of which the gentleman could very pertinently have addressed himself if they were not true, and the logical result, as I conceive it, of the complaint which he makes here, and the one which he has made in a letter addressed to me personally, is that he has no denial to make of those charges, for he has no complaint to utter upon this floor through his representative, or in any other way, in respect to them.

The gentleman from Massachusetts [Mr. LONG] has said that he asked me to specify the violations of law which Charles Francis Adams had been guilty of, and that I specified only the one relating to free passes. The gentleman is mistaken about that——

Mr. LONG. I said that was all the gentleman specified at the time he was speaking. The gentleman has since put in other specific charges.

Mr. HENLEY. In the same address and on this floor, Mr. Speaker, and not as a matter of print, I did specify other offenses of the most serious nature on the part of Mr. Adams, and as to those things he stands before this House mute.

Mr. LONG. Mr. Speaker, I simply ask the indulgence of the House for one moment. I did not refer to specific charges which the gentleman from California made in his printed speech, a speech which was not delivered upon the floor. With regard to those charges, they are four in number. The first is——

Mr. HENLEY. One moment, Mr. Speaker. I did not refer in what I said just now to what I printed. I referred to what I stated on this floor, and if the gentleman desires me——

Mr. LONG. If the gentleman will give way one moment, I wish to answer these charges. The gentleman says in his printed speech:

First. I charge, and challenge denial, that Charles Francis Adams and his co-directors on the Union Pacific board have criminally violated the law in issuing without the consent of Congress $5,000,000 of 5 per cent. collateral trust bonds in April, 1883.

The answer to this charge, as Mr. Adams gives it, is that that was a transaction which took place before Mr. Adams became a director and two years before he became president of the company. I am informed also that the court sustained the transaction.

The second charge is:

I charge, and challenge denial, that the said Adams and said directors have violated the law in paying the dividends of 1883 and 1884 in the teeth of the existence of a gross floating debt of $13,000,000.

The answer to that is, that it is not a violation of law for a railroad company to pay a dividend when it has a floating debt. It would have been a violation of law to have paid a dividend when anything was due to the Government under the Thurman act, but the Union Pacific company claimed that it owed the Government nothing under the Thurman act. That question was settled by the courts, and as soon as the courts had determined that there was something due to the Government under that act, then, before paying another dividend, that sum was paid to the Government.

The third charge is:

I charge, and I challenge denial, that said Adams and directors have criminally violated the law in placing without the consent of Congress the indorsement of the Union Pacific company on about $15,000,000 of bonds of the Oregon Short Line company, entailing thereby an annual loss of some $600,000 to the Union Pacific company.

The answer to that is, that the Union Pacific company did indorse the bonds of the Oregon Short Line company, and that it was a perfectly legitimate transaction; and the further answer is that, so far as regards Mr. Adams being responsible for that transaction, it occurred three years before he had any connection with the company.

The fourth charge is:

I charge that the said Adams and said directors have deliberately diverted the assets belonging to the Government lien by using them in anticipating, at a premium of 12 per cent., the third-mortgage bonds not due till 1889, while the debt due the Government is annually increasing at the rate of $800,000.

The answer to that is, that there are no third-mortgage bonds of the company at all. So Mr. Adams states. Thus every one of these four charges fails. Mr. Adams——

Mr. HENLEY. Mr. Speaker——

Mr. BLAND. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HENLEY. I desire to say just one word. I say that everything I have alleged here can be proven, every solitary thing.

The SPEAKER. The gentleman from Missouri will state his point of order.

Mr. BLAND. My point is that the time of the House is being taken up with a matter which is not a question of privilege.

The SPEAKER. The Chair thinks that this discussion about the truth or falsity of the charges against Mr. Adams is out of order.

Mr. HENLEY. I simply say that I stand here ready to prove everything I have stated.

Mr. LONG. Mr. Speaker, shall I understand that the RECORD is to be corrected?

The SPEAKER. The Chair understood the gentleman from California [Mr. HENLEY] not to object to the correction of the RECORD in the particular to which the gentleman from Massachusetts [Mr. LONG] has alluded—the incorrect quotation.

Mr. HENLEY. And as to the mistaken denial of the gentleman from Massachusetts in regard to the free-pass matter.

Mr. LONG. That ought to go in, in justice to the gentleman from California. Mr. Speaker, I ask unanimous consent, in extending my remarks, to include in them this quotation, so as to specify what I refer to.

Mr. HENLEY. I ask unanimous consent to extend my remarks.

Mr. LONG. I did not ask consent to extend my remarks.

Mr. HENLEY. You said that in extending your remarks you wished unanimous consent to do so and so.

Mr. LONG. I ask leave, Mr. Speaker, in printing my remarks, to include in them this quotation.

Mr. HENLEY. I ask unanimous consent that the same privilege be extended to me.

The SPEAKER. One at a time. Is there objection to the request of the gentleman from Massachusetts?

Mr. HENLEY. I object, unless unanimous consent is given to me also.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded.

COMMUTATION FOR SIGNAL CORPS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a memorial from enlisted men in the Signal Corps recommending that the provisions on the sundry civil appropriation bill for commutation for rations, quarters, and fuel to enlisted men in the Signal Corps be amended; which was referred to the Committee on Appropriations, and ordered to be printed.

SECOND LIEUTENANTS IN SIGNAL CORPS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief Signal Officer of the Army recommending that House bill No 9373, to repeal the provision of the act of June 20, 1878, for the appointment of second lieutenants in the Signal Corps, be not passed; which was referred to the Committee on Military Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DORSEY, for the remainder of the week, on account of sickness.

To Mr. WISE, for two days, on account of important business.

To Mr. LEHLBACH, until Friday, June 25.

To Mr. HEARD, for ten days.

To Mr. BUNNELL, for the balance of the week, to attend to important business.

To Mr. DINGLEY, for three days, on account of important business.

LEAVE TO PRINT.

Mr. LANDES, by unanimous consent, obtained leave to print in the RECORD remarks on the proposition to amend Rule XXIII.

PUBLIC BUILDING AT WILLIAMSPORT, PA.

Mr. DIBBLE. The bill (H. R. 2148) to amend an act entitled "An act to provide a building for the United States circuit and district courts, the post-office, and other Government offices at Williamsport, Pa., and making an additional appropriation therefor," has been returned from the Senate with amendments and a request for a conference. I am instructed by the Committee on Public Buildings and Grounds to move that the House non-concur in the amendments of the Senate and agree to the conference requested.

Mr. RANDALL. Let the amendments be read.

The amendments were read, as follows:

In line 6, after "hundred," insert "and twenty-five."
In line 7, strike out "and twenty-five."
In line 10, after the word "dollars," insert "including site."
Strike out section 2, as follows:
"SEC. 2. That the sum of $50,000, in addition to the sum heretofore appropriated, be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be expended and used, under the direction of the Secretary of the Treasury, for the purchase of additional grounds and for the prosecution of the work of construction and furnishing materials therefor."

The SPEAKER. Is there objection to the proposition of the gentleman from South Carolina [Mr. DIBBLE]?

Mr. MORRISON. I would like to know what the controversy between the two Houses is.

Mr. DIBBLE. Mr. Speaker, I will state the controversy. The House passed this bill increasing the limit of expenditure for this public building, and in that increase there was estimated the purchase of grounds adjacent to the present site for the purpose of affording proper area for Government uses. The Senate struck out the fifty-thousand-dollar provision under the impression that it was additional. It is not additional, but is a part of what the House had agreed to; it was merely an appropriation of $50,000 of the increase for the purchase of land.

Another ground of disagreement arises from the fact that by a mistake in the printing of the bill in the House the sum of $25,000 was put in the wrong line of the bill.

The object of the House committee in recommending a disagreement is to correct the error, and at the same time to attach to the appropriation of $50,000 specific words, so that by no intendment or construction can the limit determined upon by the House be exceeded. The present proposition is in the interest of economy; it looks to conserving the interests of the Treasury and the Government.

Mr. HOLMAN. You do not propose to increase the cost of the building?

Mr. DIBBLE. We propose to put in additional words, so as more explicitly to exclude any increase of the cost. Our proposition is really in the interest of economy.

The SPEAKER. If there be no objection, the amendments of the Senate will be non-concurred in and the request for a conference agreed to.

There was no objection; and the Speaker announced the appointment of Mr. DIBBLE, Mr. JOHNSTON of North Carolina, and Mr. BROWN of Pennsylvania as the conferees on the part of the House.

LEAVE OF ABSENCE TO EMPLOYÉS IN GOVERNMENT PRINTING OFFICE.

Mr. BARKSDALE. On behalf of the Committee on Printing, I ask that the House now take up the amendments of the Senate to the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office.

The SPEAKER. This bill has been returned from the Senate with amendments and a request for a conference.

Mr. BARKSDALE. The Committee on Printing recommend that the amendments of the Senate be non-concurred in and the request for a conference agreed to.

The amendments were read, as follows:

In line 1, after "office," insert "whether employed by the piece or otherwise."
In line 2, after "one," insert "fiscal."
At the end of line 4 insert "such employés as are engaged on piece-work shall receive the same rate of pay for the said fifteen days' leave as will be paid to day hands: *Provided*, That those regularly employed on the CONGRESSIONAL RECORD shall receive leave with pay at the close of each session pro rata and from the time of such employment."
After line 4 insert the following:
"SEC. 2. That this act shall take effect on and after the 1st day of July, 1886."

There being no objection, the amendments of the Senate were non-concurred in and the request for a conference agreed to.

The SPEAKER announced the appointment of Mr. BARKSDALE, Mr. REID of North Carolina, and Mr. FARQUHAR as conferees on the part of the House.

RIGHT OF TOWING-VESSELS TO CARRY PASSENGERS.

Mr. DUNHAM. I desire to submit a privileged report from a committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

CHARLES F. CRISP,
R. W. DUNHAM,
MARTIN L. CLARDY,
Managers on the part of the House.
WARNER MILLER,
J. W. DOLPH,
A. P. GORMAN,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House state that the amendment of the Senate simply extends the bill of the House No. 3037 so that vessels of 100 tons burden and under may carry passengers or excursionists on the ocean or on the great lakes not exceeding 15 miles from the mouth of a bay or harbor without being required to have three water-tight bulkheads, as required at present by section 4490 of the Revised Statutes of the United States.

This amendment being recommended by the Supervising Inspector-General, and the managers on the part of the House seeing no objection to it, we therefore agree to the same, and recommend that the House concur.

CHARLES F. CRISP.
R. W. DUNHAM.
MARTIN L. CLARDY.

The report was agreed to.

Mr. DUNHAM moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the morning hour for the call of committees for reports be dispensed with. There was an hour on yesterday, and but little came of it from these committees.

Mr. REED, of Maine. I desire to inquire if the sundry civil bill is to be taken up?

Mr. RANDALL. The gentleman will learn in due course.

Mr. REED, of Maine. I ask because it looks as if the other wing of the Democratic party was out in force this morning. [Laughter.]

Mr. RANDALL. Never mind about the other wing; both wings will flap together after a while. [Laughter.]

The motion of Mr. RANDALL was agreed to, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. RANDALL. I have agreed to yield a moment before going into Committee of the Whole to the gentleman from Florida [Mr. DOUGHERTY] who wishes to make a report for an absent member.

Mr. DOUGHERTY. Mr. Speaker, I ask unanimous consent to make two reports on private bills for reference.

Mr. EZRA B. TAYLOR. Regular order.

The SPEAKER. The demand for the regular order cuts off the opportunity to receive the reports the gentleman from Florida wishes to present.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole for the purpose of further considering general appropriation bills.

Mr. REED, of Maine. That is right.

The motion was agreed to. [Applause.]

The House accordingly resolved itself into Committee of the Whole, Mr. REAGAN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. 9478) making appropriations for the sundry civil expenses of the Government.

The Clerk will read the pending amendment proposed by the gentleman from Iowa.

The Clerk read as follows:

In line 279 add the following, after the word "treasurer:"

"*Provided*, That no portion of this sum shall be expended for printing United States notes of large denominations in lieu of notes of small denominations canceled or retired."

Mr. RANDALL. I do not see the gentleman who offered the amendment in his seat, but he is no doubt in the Hall. The House was dividing upon this amendment and found itself without a quorum. The gentleman from Iowa and myself were acting as tellers.

The CHAIRMAN. The tellers will resume their places.

Mr. RANDALL. I think we might as well begin over and state the question anew.

The CHAIRMAN. The Chair will again submit the motion.

Mr. BLAND. If in order I would like to have a few minutes on this amendment.

Mr. EDEN. Let it be again reported.

The amendment was again read.

Mr. WEAVER, of Iowa. If debate is in order I would like to make a few remarks.

Mr. RANDALL. Debate is not in order, but if the gentleman wants a minute I should like a minute in reply.

Mr. BLAND. I want a minute myself.

Mr. DUNN. I object.

Mr. RANDALL. If there is to be any debate I want it limited.

Mr. WEAVER, of Iowa. If the gentleman in charge of the bill has no objection to two minutes' debate, I presume there will be none in the committee.

Mr. BLAND. I hope it will not be limited to two minutes.

Mr. RANDALL. I am willing to give the gentleman from Iowa one minute, one minute to the gentleman from Missouri, and take one minute for myself; and I ask unanimous consent that the debate be limited to three minutes.

Mr. DINGLEY. That is not an equal division of time; let us have three minutes on this side.

Mr. BLOUNT. Regular order.

The CHAIRMAN. The regular order is the vote on the amendment.

Mr. WEAVER, of Iowa. I think there will be no objection to five minutes being allowed for an explanation.

Mr. STORM. I object.

Mr. WEAVER, of Iowa. Then say one minute.

Mr. STORM. I object to that.

Mr. WEAVER, of Iowa. We want the House to know what we are voting on.

The CHAIRMAN. There can not be debate without consent.

Mr. WEAVER, of Iowa. I move to strike out the last word.

The CHAIRMAN. The question had been already submitted to the committee.

Mr. WEAVER, of Iowa. I understood the gentleman in charge of the bill to agree to three minutes' debate.

Mr. RANDALL. I did, but the gentleman from Georgia [Mr. BLOUNT] in calling for the regular order prevented that agreement from being carried out.

Mr. BLOUNT. I insist on the regular order.

The question was again put, and the Chair stated that the noes seemed to have it.

Mr. WEAVER, of Iowa. I call for a division. It is very evident the committee does not know what it is voting on.

The committee divided; and there were—ayes 9, noes 51.

Mr. WEAVER, of Iowa. No quorum. Now, I make this proposition: I ask unanimous consent to withdraw the amendment with a view to renewing it.

Mr. RANDALL. Renewing it—when? I could not agree to that.

Mr. WEAVER, of Iowa. I want the committee to know what it is voting on. I think it does not.

Mr. RANDALL. I object to debate.

Mr. BLAND. The debate can come in in another way.

Mr. RANDALL. I want to go on with the bill.

Mr. WEAVER, of Iowa. I assure the gentleman and the House more time will be taken up if this is not agreed to.

Mr. RANDALL. That is the gentleman's privilege; but I do not yield under a threat of that kind.

Mr. WEAVER, of Iowa. I withdraw it, and insist on the point of no quorum.

The CHAIRMAN. The gentleman from Pennsylvania, Mr. RANDALL, and the gentleman from Iowa, Mr. WEAVER, will take their places as tellers.

Mr. DINGLEY. Many gentlemen do not understand what the amendment is. It is an amendment, I believe, providing for printing the one and two dollar notes.

The committee again divided; and the tellers reported—ayes 99, noes 78.

So the amendment was adopted.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 277 and 278 strike out $300,860 and insert in lieu thereof $327,740.

Mr. CANNON. I will ask the gentleman in charge of the bill if he will accept this amendment?

Mr. RANDALL. I will not.

Mr. CANNON. The committee has just indicated by its vote that the one and two dollar greenbacks should be printed. This is an amendment to furnish the money to print them, and is in exact conformity with the estimate submitted by the Treasury Department for this purpose. While I am referring to this matter I want to say to the gentleman in charge of the bill that the Treasury Department in the regular estimates submitted an item for money to print these notes. I read now from Appendix CC, page 284, of the estimates:

The Treasurer of the United States estimates that there will be required during the fiscal year 1887 6,000,000 sheets of United States notes and certificates, if the printing of one and two dollar notes is resumed. In the absence of any legislation on the subject it is assumed that the issue of those denominations will be resumed, and the estimate is accordingly so made as to provide for the printing of 6,000,000 sheets.

Now, much was said by the gentleman from Pennsylvania, when this

bill was last under consideration, as to the policy of the Treasury Department being to omit the printing of one and two dollar United States notes. Such may be its policy. Yet I apprehend it is as much the policy of the gentleman from Pennsylvania as it is the policy of the Treasury Department; because when you turn to the regular estimates you find the money is estimated for in the letter from which I have just read for the printing of these notes. And if appropriated without the mandatory direction of the amendment of the gentleman from Iowa [Mr. WEAVER] just adopted, I presume it would have been expended by the Treasury Department.

I want to say further that without this increase of appropriation, which brings it up to the estimate of the Treasury Department, the one and two dollar notes can not be printed. If this amendment is adopted I will offer amendments to the two succeeding paragraphs to accomplish the same purpose.

Mr. BLAND. It is a matter of surprise that a gentleman claiming to represent the principle of getting more money into circulation should undertake to amend the bill by enacting a law the effect of which will be to contract the currency thirty or forty millions of dollars. We find a gentleman professing to be a Greenbacker *per se* uniting with the gold advocates to crowd out a portion of what is now the circulating medium. What is the effect of this? It is not to put more greenbacks into circulation. If the effect was to issue seventy-five millions in addition to the three hundred and forty-six millions now outstanding there would be some principle in it in harmony with the views of the gentleman from Iowa, and I might support it. But simply to issue one and two dollar greenback bills does not increase the circulation of the greenbacks one cent—not a cent.

It simply converts the ten-dollar and the twenty-dollar greenback bills into ones and twos, and does not increase the amount that goes into circulation at all. The effect is to issue one and two dollar notes that will take the place of silver dollars now in circulation. We have to-day locked up in the Treasury twenty-eight millions of subsidiary coin that ought to go into circulation, but which will never go there as long as you issue these one and two dollar paper greenback bills. The result will be simply to pile up in the Treasury the subsidiary coin and the silver dollars, and in that way to contract the currency. There are now about one hundred millions of silver in circulation in halves and quarters, which has gone out to supply the place of small change. That will come back into the Treasury as soon as you issue these one and two dollar bills, and the effect of this legislation is to drive back into the Treasury forty or fifty millions now in circulation, while it will not add a single dollar to the circulation.

Now I understand the *modus operandi* of this movement. There is a bill before this House for the purpose of supplying one and two dollar notes, but that is to be an additional circulation, to be issued on money now in the Treasury. That legislation, if carried out, will put seventy-five or eighty million dollars more money into circulation than we have now; but inasmuch as this House, or this committee, sees proper to cause to be issued one and two dollar greenbacks, that will prevent the passage of the silver-certificate bill and prevent our getting the money out of the Treasury which ought to go into circulation. I am astonished that gentlemen who claim to represent the principle and the idea of putting more money into circulation should aid here in enacting a law the effect of which is to defeat the further circulation of silver or silver certificates. I say that this House ought to vote the proposition down on a yea-and-nay vote, and unless they do that I predict that you will never get one and two dollar silver certificates issued on the silver dollars in the Treasury, and the silver already in circulation will go back into the Treasury, because these one and two dollar greenbacks will take its place.

I am in favor of legislating in a practical way, not of running after any mere sentimentality on this subject.

Another observation I desire to make, and it is this: We have the same amount of greenbacks in circulation to-day that we have had ever since the law of 1878, and we must have that amount, and it does not matter whether that circulation is in one and two dollar bills or in fives or tens.

Mr. BRUMM. The same amount, barring those destroyed or lost.

Mr. BLAND. It does not matter whether your greenbacks are uttered in bills of ten dollars and upward or not.

Mr. WEAVER, of Iowa. It does to me.

Mr. BLAND. It does not matter, because the circulation of the greenbacks is fixed by law. We are coining two millions of silver every month, and we ought to get it into circulation; but how are we going to get it into circulation if we issue these one and two dollar greenback bills to take its place?

Mr. CUTCHEON. Does not this bill provide for the free shipment of silver?

Mr. BLAND. But the gentleman understands that the country requires a certain amount of small change, and if it is not supplied by bills it will be supplied by coin. Therefore, when you supply this paper for that purpose, you drive the coin back into the Treasury; and I am not astonished that every man who claims to support the gold side of this question votes with the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Mr. Chairman, the gentleman from Missouri says that he is astonished at my position. I reciprocate the remark by saying that I am equally astonished at his.

What is the effect of this amendment? It is simply to preserve the denominations of the greenback currency now in circulation. That is all. The Secretary says in plain terms in a letter to this House that the Treasury will not issue any more ones and twos. This amendment in effect will compel him to do so. It is to prevent the change of denomination from small bills to large bills.

No more useful money is in circulation in this country than the one and two dollar greenbacks; and the gentleman's position amounts to this—that it is necessary to destroy them in order to get his silver dollar in circulation. I say that is a cowardly position on his part. Why does he not take the position before this House that there is necessity for more money? We have not too much gold, nor too much silver, nor have we too many greenbacks. We have not enough of either by a long shot. If the gentleman has the courage of his convictions, why does he not "beard the lion in his den" and say, "I mean to stand here until the silver dollar is remonetized fully upon an equal footing with gold, and until the people can have the privilege of going to the Treasury and depositing their silver and get one, two, and five dollar silver certificates?" The Treasury is making war on both silver and greenbacks. There is no necessity of crowding out of circulation the one and two dollar greenbacks in order to get his silver dollar into circulation; and I give him notice now that if it should become necessary to retire the greenback circulation or any portion of it, or convert it into larger denominations, in order to get his silver into circulation, I will stand by the greenback; and he will find that the people will do so generally.

There is no excuse for the position which the gentleman takes. I am astonished at his joining with the Treasury Department in its war upon the one and two dollar greenbacks and at his placing himself upon the ground that the retirement of these greenbacks is necessary in order to get the silver certificates into circulation. There is no law to authorize the issue of silver certificates of a lower denomination than $10; and there is no probability that a measure of that kind will pass the Senate. Such a measure will have to run the gauntlet of a hostile Senate. It will have to run the gauntlet of a hostile Treasury Department. There is no assurance whatever that the one and two dollar silver certificates which the gentleman advocates will ever be printed by authority of law or ever get into circulation, though I am very anxious that they may. We have the one and two dollar greenbacks now authorized by law; not so with small silver certificates. Why exchange a sure thing for an uncertainty? I think it a good business proposition to hold on to a certainty.

Does not the gentleman know that this House by a large majority voted down the proposition for the unrestricted coinage of silver? Yet he says that I join with the "goldites" here to secure this victory of preventing further destruction of the greenbacks. If a gold-bug will vote right I am entirely willing he should do so. It does not frighten me to see goldites voting to preserve greenbacks. I am entirely willing that all men shall do so.

Now, let us keep the greenback which we already have. For this purpose I came to Congress—to see that no hostile hand should ever be laid upon another dollar of this greenback money, that it should be forever fixed in the circulating medium of this country. I call the attention of Democrats here who have greenback constituencies to this fact: You know that not one of those greenback voters upon whom many of you depended for your seats in this Congress would indorse the striking down of the one and two dollar greenbacks; and it will never be done with my consent, no matter from what quarter the proposition may come.

[Here the hammer fell.]

Mr. STRUBLE. I yield my time to my colleague [Mr. WEAVER, of Iowa].

Mr. RANDALL. I desire to limit debate.

Mr. BLAND. Before that is done I wish to reply to the gentleman from Iowa [Mr. WEAVER].

Mr. RANDALL. I desire to limit debate.

Mr. STRUBLE. I believe I was recognized by the Chair.

Mr. BRUMM. I rise to a point of order. I understood the Chair recognized the gentleman from Iowa [Mr. STRUBLE] as having the floor. By what right does the gentleman from Pennsylvania [Mr. RANDALL] now claim to have the floor to limit debate?

Mr. STRUBLE. I claim that I was recognized by the Chair.

Mr. RANDALL. I was claiming the floor at the same time as the gentleman.

The CHAIRMAN. When the Chair saw the gentleman from Pennsylvania seeking the floor the Chair recognized him.

Mr. RANDALL. I ask consent to limit debate on the pending paragraph and amendments thereto to twenty minutes.

Mr. BLAND. If I can have an opportunity of replying to the gentleman from Iowa—I do not want to consume time unnecessarily——

Mr. WEAVER, of Iowa. I will reserve my time and let the gentleman from Missouri [Mr. BLAND] occupy the floor now.

Mr. RANDALL. I do not know anything about the gentleman's time.

The CHAIRMAN. Is it agreed that debate on the paragraph and amendments be limited to twenty minutes? The Chair hears no objection.

Mr. WEAVER, of Iowa. Do I understand that I have five minutes more?

The CHAIRMAN. The Chair will recognize the gentleman from Iowa.

Mr. STRUBLE. I yield my time to my colleague [Mr. WEAVER, of Iowa].

Mr. WEAVER, of Iowa. I will reserve my time and let the gentleman from Missouri now take the floor in his own right.

Mr. RANDALL. I can not hear the statement of the Chair. Is the debate limited to twenty minutes?

The CHAIRMAN. The Chair asked if there was objection, and no objection being made, it was announced as being agreed to by unanimous consent.

Mr. BRUMM. But I objected, Mr. Chairman. Give us an hour.

Mr. RANDALL. I move that the committee rise.

Mr. CANNON. I hope the gentleman from Pennsylvania will not object.

Mr. BRUMM. Very well; I will withdraw the objection in deference to gentlemen around me.

Mr. HOLMAN. Regular order.

Mr. RANDALL. I withdraw the motion that the committee rise if twenty minutes is agreed upon, that time to be divided evenly.

Mr. WEAVER, of Iowa. I presume I will have the right to control a part of the time that was yielded to me by my colleague from Iowa.

The CHAIRMAN. The Chair will recognize the gentleman for a part of the time.

Mr. WEAVER, of Iowa. I reserve my five minutes.

Mr. BLAND. Mr. Chairman, I am just as good a friend of the greenback as the gentleman from Iowa, or any other gentleman upon this floor; but I am a friend, too, of putting all the money we can in circulation. I am not in favor, though, of running after an ideal thing and thereby defeating the main object which is within our own grasp of putting the money in circulation.

The gentleman from Maine [Mr. DINGLEY] told me the other day, in answer to an inquiry, that he had agreed to report the bill to issue the one and two dollar silver certificates. But I desire to say that when the gentleman from Maine gets his amendment through, by way of the gentleman from Iowa, to issue the one and two dollar greenbacks, he will not longer have the heart nor will there be any desire to issue silver certificates and you will hear nothing more from him on that subject. Now, then, I claim in the interest of the business of this country that these silver certificates should be issued. The gentleman from Maine and others claim to have an equal interest in the business prosperity of the country, but they are driven here to the proposition of issuing one and two dollar silver certificates to accommodate that demand of the country, and that sentiment will drive the House and the Senate to the issuance of these certificates on the $80,000,000 of amount lying idle in the Treasury, unless, and I wish to emphasize it, you supply that demand by issuing the one and two dollar greenback bills.

Then you defeat every proposition to relieve the interests of the country in the manner in which they should be relieved. That is my position and that is a position that gentlemen can not meet with mere assertions or generalities. You can not meet it by saying that this is for the purpose of preserving the greenback circulation. Nobody is opposed to preserving the greenbacks; there is no proposition to interfere with them. But there is another question which we must meet. If the proposition was to issue seventy-five or one hundred million dollars more of greenbacks, instead of saying a ten-dollar bill shall be issued for ones and twos, and not increasing the currency, there would be more consistency in the position. What are we to do with the silver?

Mr. WEAVER, of Iowa. Pay it out on the debt.

Mr. BLAND. Pay it out on the debt, very true; but how are you going to get a bill here to-day which will accomplish anything that you desire to accomplish unless you take advantage of the prevailing sentiment and issue the one and two dollar silver certificates?

Mr. WEAVER, of Iowa. You have the law now for that.

Mr. BLAND. You allow the gold people to join with you to prevent it; that is the trouble. Now, I say the business of the country will drive the gold and the silver and the greenback party to issue the one and two dollar silver certificates. How can you prevent that unless we supply them the one and two dollar greenbacks? Does anybody want to prevent it?

Mr. Chairman, I am not supporting the policy of the Treasury Department, and no gentleman who knows my course on this floor will accuse me of that. I am satisfied the idea of retiring the one and two dollar greenback bills was to put the heavy silver dollar into circulation and try to make it unpopular among the masses of the people. But instead of that they have only succeeded in putting more silver in circulation, and I hear no complaint of its unpopularity. But there is a demand for one and two dollar bills. Now the question is, how shall we meet it? I say by issuing the silver certificates and thus utilizing the coin in the Treasury. That is what we ought to do, and the country will drive us to it unless we supply the demand of the country by issuing one and two dollar greenbacks, which will not help the greenback circulation in the least. Three hundred and forty-six millions of greenbacks are required to be kept in circulation, no matter whether they be issued in tens, twenties, fifties, or hundred-dollar bills.

Mr. WARNER, of Ohio. Or even if issued in thousand or ten thousand dollar bills?

Mr. BLAND. No, sir.

Mr. WARNER, of Ohio. I think it does not make a very material difference.

Mr. SCOTT. Let me ask the gentleman from Missouri: Suppose you issue the silver certificates on the silver in the Treasury, does that increase the volume of money you put in circulation?

Mr. WARNER, of Ohio. That is it; that is the question.

Mr. BLAND. It does exactly, to the amount of the certificates you issue.

Mr. WARNER, of Ohio. Not at all.

Mr. SCOTT. That is just where I take issue with the gentleman.

Mr. BLAND. You simply utilize the money which is lying idle in the Treasury, and I claim that is an increase of the circulation.

Mr. CUTCHEON. But we have the greenbacks in circulation, the one and two dollar bills. Why not continue their issue? Why do you want silver certificates to replace them if the silver will circulate?

Mr. BLAND. But, Mr. Chairman, the question is to get the money out. The Treasury Department will not pay it out. The gentleman from Pennsylvania and other gentlemen here opposed to silver will not vote to get it out.

A MEMBER. Why does the gentleman not bring in a bill to issue the one and two dollar silver certificates?

Mr. BLAND. There is a bill for that purpose pending which the House can take up and pass; and they will do it if you do not couple it with the proposition of the gentleman from Iowa. I am surprised that the gentleman when he says he wants all the gold and all the silver and all the greenbacks in circulation that he can possibly have will advocate a policy that he knows will just prevent that.

[Here the hammer fell.]

Mr. CUTCHEON. Money is simply a tool of exchange for the convenience of the people. All the people want is the most convenient tools for doing their business.

Mr. WEAVER, of Iowa. I rise to a point of order. I understand this debate is limited to twenty minutes. How is the time to be assigned?

Mr. CUTCHEON. I only desire to take two or three minutes.

Mr. WEAVER, of Iowa. Not to come out of my time.

Mr. CUTCHEON. I say what the people desire is to have the most convenient tools for the transaction of their business. It is not so much with them a question of whether it shall be gold, or silver, or greenbacks, as that it shall be good money and convenient money. I agree with what the gentleman from Iowa has said, that we want all the gold we have and all that the mines will produce, and all the silver that the people want to use, whether coined into dollars or in the form of bullion. We want all the greenbacks the law allows, $346,000,000. We want these three factors of our currency, gold, silver, and greenbacks, in that form which will best subserve the interests and the convenience of the people in the transaction of their business.

Now, it is admitted on every hand that there is a scarcity of small paper circulation. The law provides for a certain amount of greenback circulation—that can not be reduced. A certain proportion of it is now in small notes. We have already decided that these small notes shall not be substituted by larger notes. It seems to me it makes no difference whatsoever to the people or to the Government as to whether these small notes shall be greenbacks or whether they shall be silver certificates. But I see no reason why we should retire greenbacks to make room for silver certificates.

The position of the gentleman from Missouri [Mr. BLAND] amounts simply to a confession—a confession here in open court—that his silver dollars will not circulate unless they are forced out by the withdrawal of the small paper currency.

Mr. BLAND. The gentleman is opposed to the silver dollar, and I am at a loss to know why he makes that statement.

Mr. CUTCHEON. I am not opposed to the silver dollar, but I understand if the gentleman's argument has any force——

Mr. BLAND. I understand that every gentleman opposed to the silver dollar makes that argument.

Mr. CUTCHEON. I am not opposed to the silver dollar, and I am not opposed to the silver certificate. But if your silver dollar is not good enough on its own merits to be absorbed into circulation, when this bill provides for its free shipment to every man in the country that wants it, it is not so good a form of money as greenbacks, and I am in favor of the best and most convenient form of circulating medium.

Mr. BLAND. I want to get more money into circulation.

Mr. CUTCHEON. If that be true, the greenback is the better money.

Mr. BLAND. The gentleman from Michigan does not want the silver dollar in circulation.

Mr. CUTCHEON. I want to have in circulation all the people want and can use for their convenience, whether of gold, silver, greenbacks,

or silver certificates, so long as it is good money, and I believe in retaining the present volume of greenbacks and not reducing the amount of small notes now in circulation.

Mr. WEAVER, of Iowa. How much time remains for debate?

The CHAIRMAN. Ten minutes.

Mr. WEAVER, of Iowa. Now, Mr. Chairman, the speech of the gentleman from Missouri [Mr. BLAND] is "much ado about nothing." He knows as well as he knows his own heart that I am for the Bland dollar of 412½ grains and for the unrestricted coinage of the Bland dollar; and he knows that I sat here in this House during that discussion and upheld him in every vote. But what is his position here to-day? His position is this, that there is no way of getting his silver dollar into circulation except at the expense of the paper currency of this country. That is his position.

Mr. BLAND. I do not allow the gentleman from Iowa to state my position. My position does not drive a single greenback dollar out of circulation.

Mr. WEAVER, of Iowa. I do not yield; but I will let the gentleman state his position himself. I have his speech delivered a day or two ago, on page 5982 of the CONGRESSIONAL RECORD. He said:

We can never force gold or silver into circulation until paper money is withdrawn.

Now there is his own statement, and that is the key to the position of the gentleman.

Mr. BLAND. I want to correct the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. I do not yield.

Mr. BLAND. The gentleman must yield for a correction. I did not speak of paper money, except the small denominations.

Mr. WEAVER, of Iowa. You do not make that exception here.

Mr. BLAND. I did state so, as you will find if you will read it all.

Mr. WEAVER, of Iowa. The gentleman says:

We can never force gold or silver into circulation until paper money is withdrawn. The statistics show that we coin about 80 per cent. of gold into $20 pieces.

Mr. BLAND. Read it all?

Mr. WEAVER, of Iowa. Assume then what the gentleman says, that he means small paper money. Then his position is this: He is in favor of withdrawing the greenbacks of small denominations in order to get his silver or silver certificates in circulation. Well, sir, I am not.

What does the country gain by that? If he had a law here first enacted to authorize the issue of one and two dollar silver certificates, and they would not go into circulation unless the greenbacks were printed in larger denominations, in fives and tens, then the gentleman's proposition might be a sensible one. But his idea is first destroy one and two dollar greenbacks and then make the loss good by silver certificates of small denominations. That is his position.

I say, let these greenbacks alone! They are good money; they are popular money. They are needed in circulation, and so are the gentleman's one and two dollar silver certifiates, and I will stand here with him and fight to have a law passed to authorize the issue of one and two dollar silver certificates, but I will not join him in an attack on the greenbacks; and I will, to the extent of my ability and influence, hold any man or any party responsible that attacks these one and two dollar greenbacks. They shall not be retired, God being my helper, if I can prevent it by an appeal to this House or by an appeal to the country.

Let this greenback money alone! It must be let alone. This House has voted that it shall be. Come on with your silver bill, and I will be your right-hand man to fight for the issue of your silver certificates and your silver dollars, but I protest against the withdrawal of these one and two dollar greenbacks; and the gentleman from Missouri confesses what I do not believe to be true when he says that we can not get silver into circulation if one and two dollar greenbacks are issued.

Mr. RANDALL. Mr. Chairman, the Committee on Appropriations, in making up this bill, recognized the sentiment of the House, as expressed in the early part of this session, in relation to the coinage of the silver dollar. This is not a question of the aggregate amount of greenback circulation at all. It is a question as to what kind of denominations of greenbacks shall be issued, whether the three hundred and forty-six millions in circulation shall be in ones and twos or in higher denominations. The policy of the Treasury Department, as far as I am able to learn it, has been to give the silver dollar the fullest opportunity possible to go into circulation. Therefore, for a year past they have thought it proper to omit the reissue of ones and twos, and the effect of that has been to increase the aggregate amount of Bland dollars in circulation about ten millions. Now, if you issue greenback ones and twos the effect will be to call back into the Treasury that increased amount of Bland dollars at present in circulation. It can not be otherwise. The withdrawal of the Bland dollar may be even greater than the ten millions increase; but I am free to say to this House that if we are to have the issuance of ones and twos at all, they ought to be silver certificates, based upon the silver coinage, rather than any portion of the three hundred and forty-six million greenback circulation. The question of the denominations of the greenbacks which they desire had better be left to the owners of them who send them to be exchanged.

Mr. WARNER, of Ohio. Why not let the people determine that question?

Mr. RANDALL. They do. The people who own the greenbacks and who send them here for exchange do determine it.

Mr. WEAVER, of Iowa. The Treasury owns them.

Mr. RANDALL. The people who own them send them here, and they are given out in such denominations as they desire, except ones and twos, and the reason of that exception I have stated.

Mr. BLAND. Mr. Chairman, we have a law which provides that the gold reserve in the Treasury shall not be brought below one hundred millions, and the Department has always treated greenbacks and gold alike, claiming that the greenbacks are redeemable in gold. Nothing but greenbacks and gold are paid at the subtreasury in New York and the clearing-house. There is an effort on the part of the Treasury Department and of the gold party to uphold gold and greenbacks at the expense of the silver circulation.

Mr. WARNER, of Ohio. What law makes the greenback redeemable in gold?

Mr. BLAND. I do not yield. The gentleman knows that what I say is correct. Now, Mr. Chairman, if we are to have a double standard in this country we must make use of the silver coin either by paying out the coin itself or else by issuing certificates upon it. Silver is coined into small pieces—quarters, halves, and dollars—and the paper issued upon it ought to be in pieces of corresponding denominations, because the country demands only a small portion of the monetary circulation in small pieces, and it must be either in silver or in silver certificates, or else the result will be that your silver will be piled up useless in the Treasury.

Mr. WEAVER, of Iowa. Bring up your silver-certificate bill and I will vote for it.

Mr. BLAND. Yes; but others will not vote for it.

Mr. WEAVER, of Iowa. I do not care who is with me if I am right.

Mr. MCKINLEY. Is this what the gentleman from Pennsylvania calls the Democratic wings flapping together? [Laughter.]

The House divided on the amendment of Mr. CANNON; and there were—ayes 89, noes 58.

Mr. RANDALL. As no quorum voted I shall have to ask for tellers.

The CHAIRMAN. Less than a quorum having voted, the Chair will appoint tellers.

Mr. RANDALL. To save time I will take another occasion to have a test vote on this question.

Mr. CANNON. I offer the amendment which I send to the desk.

Mr. BLAND. I understood we were to have tellers on the question just under consideration.

The CHAIRMAN. The gentleman from Pennsylvania declined to insist on the point that no quorum had voted.

Mr. RANDALL. I did not insist, because I intend to have a vote in the House.

Mr. CANNON. As a substitute for lines 268 to 279 I offer the provision which I send to the desk.

The Clerk read as follows:

Compensation of employés:

One superintendent of engraving, at $3,600; one superintendent, at $2,700; one superintendent, at $2,200; three superintendents, at $1,900 each; three superintendents, at $1,600 each; four assistant superintendents, at $1,500 each; three foremen, at $1,400 each; one captain of watch, at $1,400; two lieutenants, at $1,000 each; twenty watchmen, at $720 each; three clerks, at $1,600 each; five clerks, at $1,400 each; seven clerks, at $1,200 each; six clerks, at $1,000 each; six clerks, at $900 each; seven clerks, at $780 each; ten clerks, at $600 each; one chief engineer, at $1,200; one engineer, at $1,000; three firemen, at $800 each; one experienced machinist, in charge of numbering machines, at $1,800; one experienced machinist, in charge of impression registers, at $1,600; six machinists, at $900 each; one machinist's apprentice, at $600; one plumber, at $1,100; one master-carpenter, at $1,200; one carpenter, at $900; one carpenter's apprentice, at $600; two engravers or transferrers, at $2,700 each; one engraver or transferrer, at $2,500; four engravers or transferrers, at $2,200 each; five engravers or transferrers, at $2,000 each; two engravers or transferrers, at $1,800 each; four engravers or transferrers, at $1,600 each; two engravers or transferrers, at $1,500 each; one engraver's apprentice, at $900; one engraver's apprentice, at $600; one prover, at $1,500; one plate-cleaner, at $1,200; one plate-cleaner, at $1,000; three plate-cleaners, at $900 each; one experienced pressman, at $1,200; three pressmen, at $1,000 each; one pressman's apprentice, at $600; four binders, at $1,000 each; one binder's apprentice, at $800; sixty female operatives, at $600 each; seventy female operatives, at $540 each; thirty-six female operatives, at $480 each; six helpers, at $900 each; ten helpers, at $780 each; ten helpers, at $720 each; twenty helpers, at $600 each; twelve helpers, at $540 each; forty helpers, at $480 each; twenty-eight helpers, at $320 each; nineteen helpers, at $240 each; in all, $327,740.

Mr. RANDALL. I make a point of order on that amendment. My point is that it changes all past laws in connection with this bureau. It takes from those in charge of the bureau the authority they have heretofore had to appoint without restraint.

Mr. CANNON. In reply to the point of order I will say that my amendment is a precise copy of the estimate submitted by the Treasury Department which I hold in my hand, and the aggregate is precisely the same as the paragraph in the bill. The distinction is that if this substitute be held in order and adopted it will specify the exact force that the appropriation now contained in the paragraph is intended to cover. There is now no law that details the force in the Bureau of Engraving and Printing, but there is a law authorizing the establishment of the bureau; and under the law authorizing the establishment of that

bureau and the printing of these notes it is competent for the Treasury Department to submit estimates and for Congress to appropriate for such force as it sees proper. This is the machinery necessary to carry out the law.

Mr. RANDALL. The very estimate submitted by the gentleman proposes a change of law.

Mr. CANNON. Not at all.

Mr. HOLMAN. It will of course be admitted that the estimates are not law in any proper sense. In the next place the Chair is aware of the fact that the appropriations for this bureau have always been in bulk, while this amendment proposes a classification entirely unknown to the statute. I submit that this is legislation.

Mr. CANNON. One word further. The gentleman from Pennsylvania says that this amendment places these employés under the civil-service law. So far as the letter of the amendment is concerned I deny it. It will be in the power of the President to make regulations, if he chooses, which would place them under the law. Further, I will say frankly, as I understand it, the Secretary of the Treasury, if this estimate is given as he asks that it be given, will apply the civil-service rules.

Mr. RANDALL. That very statement shows that this is a change of law.

Mr. CANNON. Not at all. It is a mere expression of his intention.

Mr. HOLMAN. That is undoubtedly the purpose.

Mr. CANNON. He may or he may not do it.

Mr. RANDALL. But he states his purpose to do so; and he has no such power now; a change of law is necessary to give him the power.

Mr. CANNON. Oh, I beg the gentleman's pardon.

Mr. HOLMAN. The classification of a body of officers is certainly legislation; there is no question about that.

Mr. CANNON. Not at all. I know that the civil-service law, which the gentleman voted for along with his party when they had not the control of the administration, hurts; but why not repeal the law instead of coming in here and making your points of order to avoid the law?

Mr. RANDALL. I only desire to say for one that I will not vote to put any additional officials under the civil service who are not now there so long as the age restriction exists.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For wages of not more than one hundred and fifty plate-printers, at piece-rates, to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of not more than one hundred and seventy printers' assistants, at $1.25 a day each when employed, and for royalty for use of steam plate-printing machines, $258,446, to be expended under the direction of the Secretary of the Treasury: *Provided*, That any part of this sum may be used for purchasing and operating new and improved plate-printing presses.

Mr. RANDALL. It is due to the committee to say that the proviso is in the nature of a charge or limitation upon the amount of money to be expended.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the words "one hundred and fifty," in line 280, and insert "two hundred." Strike out the words "one hundred and seventy," in line 283, and insert "two hundred and eighteen;" and strike out the words "two hundred and fifty-eight thousand four hundred and forty-six," in lines 286 and 287, and insert "three hundred and twenty-eight thousand three hundred and eighty."

Mr. CANNON. In explanation of this amendment I desire to say simply that it increases the number of plate-printers appropriated for by fifty, and is in conformity both as to number of employés and the amount of money appropriated with the estimates submitted by the Treasury Department, which estimates were cut down under the lead of the gentleman from Pennsylvania in the committee with a view to omitting the printing of the one and two dollar United States notes.

Now, if they are to be printed, which the committee has clearly indicated, then, under the original estimates of the Treasury Department, the increase must be made in this paragraph and a similar increase in the succeeding paragraph. It is therefore to carry out this purpose that I offer the amendment.

Mr. RANDALL. The estimated amount necessary for printing three million sheets of one and two dollar notes is about $108,000.

Mr. CANNON. Yes; and if this amendment is adopted with the one already adopted and the one I shall offer to the next paragraph it will make exactly $108,000.

Mr. RANDALL. Of course these will go together.

I ask to have printed in the RECORD a letter from the Chief of the Bureau of Engraving and Printing with reference to the proviso which has just been read.

Mr. CANNON. There is no objection to the proviso.

Mr. RANDALL. I know; but I would prefer to have this letter printed in connection with it to show the purpose in view.

The letter is as follows:

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
June 22, 1886.

SIR: I have received from you a statement, dated the 11th instant, signed by the members of the "legislative committee" of District Assembly No. 66 of the Knights of Labor, declaring that there is not in this bureau any improved machinery for printing United States securities that can do the work up to the standard of quality required of the plate-printers, and that all of the machinery that has been introduced is experimental, and asking you to have inserted in the appropriation bills a clause requiring all United States securities to be printed in the highest style of the art on hand-roller plate-printing presses.

The statement is herewith returned with the following information:

There are in operation in this bureau for the printing of revenue-stamps seven steam plate-printing presses, which have been in constant use for from five to eight years. One of these is of the "Homer Lee" pattern, and the other six of the "Milligan" pattern. In the Lee press the entire work of plate-printing is done mechanically; in the Milligan press the final polishing of the steel plate is done by hand in the same manner as on the hand-roller presses. The Lee press is used for some of the lower grades of work, such as the two-ounce tobacco stamps, and although the printing has not the fullness of color or the artistic quality required for the higher grades, it is perfectly satisfactory for the purpose to which it is applied. Being very uniform and having a character of its own, its work is believed to be quite as difficult to counterfeit as the product of the hand-presses.

All of the two-ounce and four-ounce internal-revenue tobacco stamps required, except those printed on the "Lee" press, have for some years past been printed on the "Milligan" presses in a manner entirely satisfactory to the experts in engraving and printing of this bureau and to the officers of the Internal Revenue Bureau. There are numerous other classes of work which could be executed with equal advantage on these presses, and arrangements have accordingly been made for the introduction of six more of them. The final polishing of the plate, which is the chief point where the skill of the printer comes into play in the hand-presses, being done by hand on these presses by an experienced plate-printer, the result is substantially the same as that of the hand-presses, except for the highest grades of work. The work executed by good printers on these presses is fully equal to the average of work of the same classes produced by the hand-presses, and is superior to the work of the poorer hand-printers.

The annual saving in the cost of plate-printing effected by the seven steam-power presses now in use is about $31,000; the saving which will be effected by the six presses about to be introduced is estimated at $21,000; making a total annual saving by the use of steam plate-printing presses of $52,000. The estimate of the cost of plate-printing for the next fiscal year was made on the assumption that these thirteen presses would be used. Should their use be prohibited the appropriation for plate-printing should be increased $52,000, making the amount $310,446, instead of $258,446, as provided in the sundry civil appropriation bill, page 12.

Very respectfully,

E. O. GRAVES, *Chief of Bureau.*

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives, United States.

The question being taken on the amendment of Mr. CANNON, the committee divided; and there were—ayes 64, noes 71.

Mr. CANNON. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will order tellers.

Mr. CANNON and Mr. RANDALL were appointed tellers.

The committee again divided; and the tellers reported—ayes 82, noes 90.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I now move to amend in line 280 by striking out "one hundred and fifty" and inserting "one hundred and ninety-nine." Strike out in line 283 "one hundred and seventy" and insert "two hundred and seventeen;" and in line 286 strike out "two hundred and fifty-eight," after the word "machines," and insert "two hundred and twenty-seven."

The CHAIRMAN. Is not that the same amendment just voted down?

Mr. CANNON. No, sir; not exactly. It is one less employé and a thousand dollars less money, and upon that I desire to be heard.

The amendment I now offer is substantially the same as that just voted down, and I believe under a misapprehension, some gentlemen thinking that there was money enough to do this printing of one and two dollar notes. The Secretary of the Treasury, after reporting great economy in the Bureau of Engraving and Printing, then makes an estimate for the printing of the ones and twos and the other securities of the United States. Now my amendment gives a little less than the estimate so submitted. Now one of two things is certain: either the Committee of the Whole a few moments ago meant nothing when, under the lead of the gentleman from Iowa, they resolved in favor of one and two dollar bills, or they were mistaken in voting down the amendment which gives the amount necessary to do the work; and without the amendment the ones and twos can not and will not be printed.

Mr. WEAVER, of Iowa. Do they not have the same force to print the large as the small bills?

Mr. CANNON. Certainly. But this is already cut down between one and two hundred thousand dollars from the appropriations for the current year. It is down to bed-rock, and the ones and twos can not be printed unless you give this increase.

Mr. BRUMM. In other words, it requires more printing to print the same volume in small than in large denominations, requiring more work?

Mr. CANNON. Well, it takes one hundred and fifty plate-printers to do the printing the gentleman from Pennsylvania [Mr. RANDALL] wants to have done of the large securities. After that force is organized, then fifty more added to them can print the other 3,000,000 sheets of small notes required. This additional force can then do as much printing, after the force is organized, as the one hundred and fifty which the gentleman from Pennsylvania proposes.

Mr. BRUMM. There is no gentleman on the floor of this House who does not know there is a general clamor all over this country for small notes. There is not a gentleman on the floor of this House who does not know that there can be no relief for the people by this Congress in

their demand for these small notes either by issuing silver certificates, gold certificates, paying out silver dollars, or in any other way except by the amendment offered by my friend from Iowa [Mr. WEAVER] and adopted. It can not be done otherwise, because, as stated by my friend, there is a seemingly antagonistic Senate, a positively antagonistic Treasury, a surely antagonistic Executive; and if the sentiment of this House is to be taken on the silver vote, just as positively an antagonistic House. Therefore you can give no relief in any other way except by issuing or authorizing the Treasury to issue the one and two dollar greenbacks.

Now, then, one word to the silver-men. What is all this hubbub about? Why, sir, the outside limit under this amendment, *i. e.*, the maximum, is only $60,000,000, while the probable amount will only be about thirty millions. And I ask the gentleman from Missouri [Mr. BLAND] whether your silver dollar is so weak, whether your silver question is so small, whether your principles are so shallow that you are afraid that the mere matter of $60,000,000 maximum or thirty millions minimum will sink you out of existence? Why, sir, it is a small matter.

Mr. BLAND rose.

Mr. BRUMM. I decline to be interrupted unless I can have my time extended. It is a small matter of only $60,000,000 at most. Yet the father of the silver dollar is frightened at it, and says we Greenbackers are joining with the goldites to sink your silver god.

The gentleman from Missouri says he is as good a Greenbacker as my friend from Iowa [Mr. WEAVER]. I say that he does not understand the greenback question when he says that. I remember distinctly that he said he was in favor of a Treasury note, a national Treasury note, not a legal tender; and that is his idea of a greenback; and he is only a Greenbacker to the extent of favoring a national Treasury note not a legal tender, and then only provided it does not interfere with his one idea of the Bland silver dollar.

Now, is it true that we are joining with the goldites? If it is the goldites that want the one and two dollar greenbacks, why is it that your gold Treasury, your gold Executive does not issue the one and two dollar greenbacks as they have authority to do now under existing laws? Why, sir, they say they will not do it, and they will not do it because they are the goldites *per se* of this country. And you, sir, are standing by the Treasury and by the administration when you say you indorse them in not issuing these one and two dollar greenbacks.

[Here the hammer fell.]

Mr. BLAND. I desire to say just a word.

Mr. RANDALL. I want to make some arrangement as to time. I propose the gentleman from Missouri [Mr. BLAND] shall have five minutes in reply and that then the debate be closed on this amendment.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent after the gentleman from Missouri [Mr. BLAND] shall have occupied five minutes that the debate shall be closed. Is there objection?

Mr. GIBSON, of West Virginia. I desire to offer an amendment to the amendment of the gentleman from Illinois and may desire to say something in support of it.

Mr. RANDALL. This proposition does not interfere with any further amendment.

The CHAIRMAN. The Chair hears no objection to the proposition just submitted.

Mr. BLAND. I understand line 295 has not been reached.

Mr. RANDALL. It has not.

Mr. BLAND. Just a word in reply to the gentleman from Pennsylvania [Mr. BRUMM]. I do not propose to be put in a false position on this subject. I have stated over and over again that I contend for the position I hold here simply because if we do not issue these one and two dollar greenback bills the very demand the gentleman speaks of on the part of the country for one and two dollar bills will compel the issue of one and two dollar silver certificates on the coin in the Treasury which is now lying idle. It is to meet that demand that I ask gentlemen not to run after a mere abstraction and defeat a great public measure.

I understand full well, so far as the Treasury Department is concerned, and they have said so over and over again, that it is not any love for the greenback or the silver dollar either that has been the cause of their refusing to issue one and two dollar greenbacks. Not at all. I think they did this, as I said before, to force the silver dollar into circulation. That has been the result, and we have got thereby more money into circulation than we would otherwise have had. But that is for what purpose? With the idea that the bulk of the silver dollar would make it unpopular and there would be a demand for its suspension and doing away with it altogether. But that has proven a failure. Now let us take advantage of the hostility of the Treasury Department, if you please, to the silver dollar.

If that Department by adopting a certain policy toward silver has created a demand all over the country for one and two dollar bills, it is the duty of gentlemen here who seek to put more money into circulation to utilize the silver in the Treasury, and to take advantage of that occasion for issuing silver certificates. If I thought it would hurt the greenback circulation one dollar I would not advocate it, but gentlemen know that it will not hurt the greenback circulation. One and two dollar greenbacks are just as good in fives or tens or twenties. You do not increase the greenback circulation by putting out these one and two dollar bills; you do not do any good at all to the greenback circulation; but you do obviate a demand which would bring the silver certificates out into circulation if you did not issue these one and two dollar greenbacks to take its place.

Mr. WEAVER, of Iowa. But how can you get your silver certificates out without a law?

Mr. BLAND. The law will be passed unless you supply the demand in this way.

Mr. WEAVER, of Iowa. Oh, no.

Mr. BLAND. The gentleman says "Oh, no." The gentleman knows very well that there is a demand for one and two dollar bills, and a demand from a source hostile to silver circulation.

Mr. CUTCHEON. And this law provides for that demand.

Mr. BLAND. Oh, I understand that very well, and the gentleman from Michigan understands it. He understands that when you issue one and two dollar greenbacks that issue is really hostile to the silver certificates.

Mr. CUTCHEON. We do not propose to issue any more greenbacks than are now in circulation.

Mr. WEAVER, of Iowa. The gentleman from Missouri [Mr. BLAND] knows very well that the Senate will never pass his bill.

Mr. RANDALL. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

Mr. GIBSON, of West Virginia. Mr. Chairman——

Mr. RANDALL. I will ask the gentleman from West Virginia whether his amendment relates to the amendment of the gentleman from Illinois [Mr. CANNON].

Mr. GIBSON, of West Virginia. It relates to the amendment of the gentleman from Illinois [Mr. CANNON].

Mr. RANDALL. Then it ought to be offered now.

The CHAIRMAN. The House is proceeding to vote.

Mr. GIBSON, of West Virginia. When the gentleman from Pennsylvania [Mr. RANDALL] asked for a vote it was under a misapprehension, and I understand that he now withdraws that demand in order that I may offer my amendment.

Mr. RANDALL. Yes.

Mr. EZRA B. TAYLOR. I demand the regular order.

Mr. RANDALL. This is the regular order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. RANDALL. Mr. Chairman——

Mr. EZRA B. TAYLOR. I ask for the regular order.

Mr. RANDALL. I corrected myself as to the amendment of the gentleman from West Virginia.

Mr. GIBSON, of West Virginia. I will say to the gentleman from Pennsylvania that I can bring in my amendment at the end of line 295, and I will ask to be recognized for that purpose when that paragraph is read.

The question was taken on the amendment of Mr. CANNON; and it was rejected—ayes 49, noes 70.

The Clerk read as follows:

For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, $130,240, to be expended under the direction of the Secretary of the Treasury.

Mr. GIBSON, of West Virginia. Mr. Chairman, I offer an amendment, to come in at the end of line 295.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Add, at the end of line 295, the following: *Provided*, That nothing in this section shall be construed as subjecting these appointees to the civil-service rules.

Mr. CANNON. I make the point of order on that proviso.

Mr. RANDALL. I would like to say to the gentleman offering the amendment that there is nothing in the paragraph now that does that.

Mr. GIBSON, of West Virginia. I understand that, but I understand also that the officer in charge of the department claims that these appointments are subjected to the civil-service rules.

Mr. CANNON. I make the point of order that that proviso is not in order upon this bill, for the reason that it changes existing law.

Mr. GIBSON, of West Virginia. I desire to be heard on that point of order. In answer to the point made by the gentleman from Illinois [Mr. CANNON] I desire to state that by no construction of any existing law that I am aware of can this proviso be considered to be in conflict with it. There is no law which places the Bureau of Engraving and Printing under the civil-service rules. Further than that, there is no order in accordance with any existing law that I am aware of that places it under those rules.

The object of this amendment is to secure an expression of Congress guiding and directing an officer who arbitrarily undertakes, and, as we think, by a subterfuge, to run his department for party purposes, and who has been so determined to run it in that way that even when he has been compelled for want of funds or for want of work to dispense with employés who were put there under a former régimé of different politics, he absolutely refused either to dismiss those employés or to

place them on furlough, so that if the time should come when there would be an increase of force these same persons who had been put there under the control of a different political party should be called again to their positions; thus by his own arbitrary action not only assuming to put his department under rules which do not apply to it, but in that way absolutely excluding from appointment any new employés. Now, I ask the gentleman from Illinois [Mr. CANNON] to point me to any provision of law or any regulation adopted under the civil-service law which places this bureau under civil-service rules.

Mr. CANNON. The gentleman from West Virginia [Mr. GIBSON], in discussing the point of order, has seen proper to discuss the merits of this amendment. It is necessary, in order that I should make myself clearly understood, that I should state what I believe to be the facts touching this bureau. I read from the estimates transmitted by the Secretary of the Treasury the following:

From these figures it appears that it is proposed to execute in 1887, at a cost of $815,390, an amount of work which would have cost $940,888.70 at the rates which prevailed in 1885. The reduction or saving is therefore $125,498.70, which sum accurately represents the result of the economies which have recently been instituted in the bureau, and which have caused the reduction in the estimates for 1887.

Now what are the facts touching this bureau and the law which controls it? From the time it was organized under the lead of the gentleman from Pennsylvania [Mr. RANDALL]—because this Printing and Engraving Bureau is his child—up to this time it has been claimed that this bureau, at the beck and nod of either party, has been the dumping-ground, if you please, for persons who could not be gotten into employment anywhere else under this Government.

Mr. RANDALL. I do not know whether you allude to me as having anything to do with this. I had nothing to do with it.

Mr. CANNON. I said, from the time the Printing and Engraving Bureau was authorized and organized originally under your lead, because you are responsible more than anybody else for the creation of that bureau——

Mr. RANDALL. I do not think I am.

Mr. CANNON. I recollect very well the debate at that time; I recollect on what bill the provision for the creation of this bureau went through. But that is merely incidental. I say it is claimed that in years past members of all parties have gone to that bureau and obtained employment for people, not with the view so much for the benefit of the public service as to the placing of people in employment.

Mr. ADAMS, of New York. Is it not a fact that there is a new "reformer" at the head of that bureau?

Mr. CANNON. I have no authority to speak personally concerning the head of that bureau; but it is a fact that the Committee on Appropriations state in the report accompanying this bill that there is a great saving in that bureau—a saving to the amount of $125,000 per annum.

Now, the gentleman from West Virginia complains that somebody in that bureau refuses to make appointments and removals as they are wanted. I judge from the tenor of his remarks—and certainly it is the logical result—that if he can have his way we are to have the old order of things in the Bureau of Engraving and Printing.

Mr. GIBSON, of West Virginia. Oh, no.

Mr. CANNON. If you are to have the old order of things there, so be it. Take the responsibility for it, and have it so. But I am not going to sit silently by here and see you, in this report upon the sundry civil bill and in these appropriations, claim virtue for your administration in these reforms, and at the same time revile public officers for the very thing for which you claim credit, and undertake to break down the very principle by which these economies have been wrought.

For this reason I have made the point of order. The gentleman from West Virginia says his proposition does not change existing law. If it does not, it is at any rate new legislation, and in either event it is subject to the point of order under Rule XXI.

Mr. GIBSON, of West Virginia. Mr. Chairman, I made no attack upon the economic administration of this bureau. The gentleman from Illinois charges me with wanting to restore the old state of affairs. I say to him frankly that I want to break down that old state of affairs, which was the employment of Republicans and the political ostracism of Democrats.

Mr. CANNON. It is claimed that employés are appointed there without reference to party, and only with reference to their ability as plate-printers, engravers, &c.

Mr. GIBSON, of West Virginia. I want to turn the Republicans out and give the Democrats a chance for employment. I express myself openly on this question, and I want to give that expression by legislation here.

Mr. REED, of Maine. Are the two wings of the party united on that? [Laughter.]

Mr. GIBSON, of West Virginia. Mr. Chairman, this is a mere question of public policy for this Congress to consider. I challenge any member of the House to show me any law authorizing the application of civil-service rules to appointments in that bureau. In violation of the law, the officer now in charge of that bureau claims that appointments made there are subject to the civil-service rules. I repeat, so determined is he that the old appointees shall remain and no new employés be appointed that under this claim that the bureau is subject to civil-service rules, he has refused to discharge even those for whom he has neither employment nor pay, but keeps them upon a suspended list, to be returned to employment and pay whenever the opportunity may arise. And if this additional force the gentleman from Illinois seeks to put upon this bill is granted, these same persons who have been there all this time, who he says were put there for base purposes and not for the public good, will be restored to their positions.

Mr. RANDALL. I hope now we will have a decision and proceed with public business.

Mr. CUTCHEON. I desire to speak to the point of order.

Mr. RANDALL. I will yield to the gentleman from Michigan for that purpose.

The CHAIRMAN. The Chair desires to know whether the civil-service rules apply to the Bureau of Engraving and Printing. It is not advised as to that fact.

Mr. GIBSON, of West Virginia. I am not surprised to hear the attack made on the present administration.

Mr. REED, of Maine. But he is not a Democrat.

Mr. GIBSON, of West Virginia. Who?

Mr. REED, of Maine. Why, Mr. Graves, the head of the Bureau of Engraving and Printing.

Mr. GIBSON, of West Virginia. Turn him out then and put another in.

Mr. CUTCHEON. He is a Cleveland Republican.

Mr. REED, of Maine. You put him in, and so long as you retain him you are responsible for him.

Mr. CUTCHEON. Mr. Chairman, President Cleveland, when he came into office, found at the head of the Bureau of Engraving and Printing Mr. Burrill, who was considered to be a Republican, an offensive partisan. Mr. Burrill was removed and Mr. Graves put in, as the gentleman well knows, by Mr. Cleveland, after he had been at the head of a division of the Treasury Department for some months.

Mr. RANDALL. That has nothing to do with the point of order.

Mr. CUTCHEON. I am coming to the point of order, as the gentleman will discover.

Mr. REED, of Maine. This is a matter of inducement.

Mr. CUTCHEON. Yes; as a matter of inducement. It was a matter well known to the President, who placed Mr. Graves at the head of this Bureau of Engraving and Printing because he was not an offensive partisan. I say, therefore, I am suprised at this attack made by the gentleman from West Virginia on the administration.

I am surprised for another reason, and this is a further inducement, I may say, on the point of order, that in 1884 the great Democratic party of New York went to the people on the subject of civil-service reform, and because they claimed to be *par excellence* civil-service reformers they captured the so-called Mugwumps and succeeded in electing Mr. Cleveland to the Presidency. His title to the Presidency to-day rests upon the civil-service-reform vote of the State of New York; for if it had not been for the Mugwump support and the Mugwump votes he would not be where he is to-day.

Mr. ADAMS, of New York. You are entirely misinformed.

Mr. RANDALL. I call for a decision on the point of order.

The CHAIRMAN. The Chair has not yet been advised whether the Bureau of Engraving and Printing is under the rules of the Civil Service Reform Commission.

Mr. RANDALL. Let us have a decision.

The CHAIRMAN. As at present advised the point of order is sustained.

Mr. CUTCHEON. If the Chair sustains the point of order of course further remark on my part is unnecessary.

Mr. RANDALL. You convinced him. [Laughter.]

Mr. CANNON. Is it not true that the Bureau of Engraving and Printing is under civil-service rules to-day.

Mr. ADAMS, of New York. I do not know.

Mr. REED, of Maine. It is organized on that principle to-day.

Mr. GIBSON, of West Virginia. It has been assumed in this debate the civil-service rules have not been extended.

Mr. REED, of Maine. Under this administration of the Government they have been.

Mr. GIBSON, of West Virginia. The rules as laid down by the Civil Service Commission do not apply to this bureau at all.

The CHAIRMAN. The question which the Chair would like to have answered is whether the civil-service rules apply, or whether they have been extended over the Bureau of Engraving and Printing.

Mr. CUTCHEON. The officer in charge claims they do, and he has acted on the theory that the civil-service rules do apply to that bureau.

Mr. GIBSON, of West Virginia. They do not, in fact, apply at all to the Bureau of Engraving and Printing.

Mr. CUTCHEON. He has been acting on that theory, that the civil-service rules do apply to that bureau.

The CHAIRMAN. The Chair has not yet had an answer to his question as to whether the civil-service rules have been extended to this bureau or not.

Mr. GIBSON, of West Virginia. I will state, Mr. Chairman, that the rules as laid down by the commission, in pursuance of law, do not apply legally to the government of that bureau, but the officer in charge

of it claims, and claims publicly, that they do control him in all his appointments. He has publicly stated he would make no appointments except under those rules.

The CHAIRMAN. Do you understand the Civil Service Commission, with the approval of the President, has extended the civil-service rules of that department?

Mr. GIBSON, of West Virginia. I understand on the contrary that they have not been extended.

Mr. CUTCHEON. Has not the President of the United States recognized the civil-service rules as having been extended to that department, and has he not further recognized competitive examinations for appointments under that Bureau of Engraving and Printing?

The CHAIRMAN. He may have recognized competitive examinations, but the extension of the civil-service rules to that Bureau of Engraving and Printing by competent authority is another thing. If these civil-service rules have been extended by proper authority over that bureau at the present time, the Chair will overrule the point of order.

Mr. RANDALL. I ask that the point of order be decided.

The CHAIRMAN. The point of order is overruled.

Mr. RANDALL. Now, in order that the committee may know exactly what it is called to vote upon, I ask for the reading of the amendment of the gentleman from West Virginia.

The amendment of the gentleman from West Virginia [Mr. GIBSON] was read.

Mr. ADAMS, of New York. In order that the committee may know what they are going to vote upon, I wish to state that I am informed that the rules of the civil service do not apply to that bureau, and Mr. Graves says so himself. I think I may say he has informed the committee they had extended the civil-service rules to that bureau.

Mr. GIBSON, of West Virginia. I believe I have the floor. Now I do not desire to do Mr. Graves or anybody else injustice.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MILLS having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, joint resolution of the following title, namely:

A joint resolution (H. Res. 5) authorizing the payment of C. H. Mann, a messenger in the reporters' gallery; and, without amendment,

The joint resolution (H. Res. 57) to print an addition to a report on wages ordered to be printed January 17, 1884.

Also that the Senate had passed bills of the following titles, in which concurrence was requested; namely:

A bill (S. 1042) to pay B. S. James for transporting the United States mails; and

A bill (S. 2719) to amend the laws relating to the inspection of steam-vessels.

The message further announced the passage of House concurrent resolutions as follows:

A resolution to print reports of consuls of the United States on cattle-breeding and dairy-farming; and

A concurrent resolution to print the report of the Commissioner of Education for the year 1884–'85.

The message further announced that the Senate insisted upon its amendments disagreed to by the House of Representatives to the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., and had appointed Mr. LOGAN, Mr. HARRISON, and Mr. COCKRELL managers on the part of the Senate.

Also, that the Senate insisted upon its amendments disagreed to by the House of Representatives to the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and had appointed Mr. ALLISON, Mr. HALE, and Mr. BECK managers on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BLAND. I wish to make a parliamentary inquiry. I was on my feet to offer an amendment to line 295, after the word "Treasury." I think it would be more appropriate to come in there; and then the amendment of the gentleman from West Virginia, as a proviso, could come in afterward. I would therefore ask consent to offer it.

The CHAIRMAN. The section will be still open to amendment after the amendment of the gentleman from West Virginia is disposed of.

Mr. RANDALL. Let us have a vote.

Mr. GIBSON, of West Virginia. Mr. Chairman, I am very frank to state that the object of this amendment is to give a chance to the administration, or party in power, to control to some extent the offices to be run by that party; and I want to proclaim for one that while I repudiate the doctrine that "to the victor belongs the spoils," because it is a vulgar way of putting a correct principle [laughter], I do claim that to the administration or the dominant party belongs the right to run that administration according to its own responsibility.

No sensible people ever sent out their armies to be officered by their enemies; no business man ever undertook to run his business under the control of his rival; and certainly no party can undertake intelligently to administer the affairs of any free government while those who seek to destroy it have power to repeal its laws.

I repeat, and want to say now distinctly in the hearing of the House, that the civil-service rules do not govern properly these appointments; and you will find that the man who is there in charge now, and the man who immediately preceded him, of his own arbitrary will has undertaken to apply these rules to cover appointments there, and has told Senators and Congressmen that the rules did apply and he could do nothing except under them. This is simply a construction of his own. He has himself undertaken to legislate notwithstanding the laws passed by Congress to exclude at least one-half of the respectable and intelligent people of this country from Government employment there.

I complain, Mr. Chairman, that this sort of arbitrary legislation by a majority, or by a party in power, is a literal deprivation of the rights of one portion of the people of this country to which they are entitled under the law making them eligible to office. If these rules do not apply, and this officer has undertaken to apply them, I insist that this Congress should express itself upon the subject in such a way that there can be no mistaking it in the future. If he is honest, and if he has made an error, then it can do no harm, for this casts no reflection upon him; but if he is dishonest and partisan, it curbs him in the execution of his partisan purposes. It is not an assertion that this officer has necessarily done what is wrong, nor that he is corrupt. I do not mean to say that he is corrupt. It may be that he is honest and straightforward as any man in the Government; but he has formed an opinion which in the opinion of Congress is contrary to the law, and has taken it to be his duty to extend the civil-service rules to appointments to be made by him. Now we are providing for this bureau. We create these offices by legislation. We are called to perform a public duty; and I claim it is the duty of Congress to express itself clearly and plainly upon the subject.

[Here the hammer fell.]

Mr. EZRA B. TAYLOR. Mr. Chairman, I had supposed that nothing would induce me to express one single sentiment or occupy a moment's time in this discussion; but I have heard it stated here as a sound principle over and over without apparent contradiction that to the victor belongs the spoils, and I challenge and deny that piratical sentiment.

It was not even the sentiment of the older and better Democracy. It was born of corruption. It begets corruption. It is itself corrupt. No citizen of this Union has a right to demand an appointment to office because he is a Democrat. No citizen of this Union has a right to demand an office because he is a Republican. He only has a right to demand it because he is an American citizen and because he is honest and competent. There is no other test.

As a politician, sir, I wish such unwise men as the gentleman from West Virginia, politically, should have the ascendency of that party. No party now in this country could live with such avowed principles. It may be considered proper on the mountain-tops and in sparsely settled districts, but it is not the popular doctrine, because it is a dangerous one to be held by any great party. There is no strength, but infinite mischief, in it.

Mr. ADAMS, of New York. Did not your party flourish under it for twenty-five years?

Mr. EZRA B. TAYLOR. It did, or in spite of it; but it went out because it continued to hold or practice that doctrine too long.

Mr. WARNER, of Ohio. How long was the Republican governor recently elected in Ohio in office before every Democrat was turned out and a Republican put in his place?

Mr. EZRA B. TAYLOR. It is not so to-day. Nor is it possible for these men to understand——

Mr. WARNER, of Ohio. How many Democrats are left?

Mr. EZRA B. TAYLOR. General Grosvenor is on the way here and will give my colleague the information he desires. [Laughter.]

Mr. WARNER, of Ohio. I prefer that the gentleman now on the floor should explain it himself.

Mr. EZRA B. TAYLOR. I decline to be interrupted, as I have little time.

Mr. MCKINLEY. The Democrats that escaped across the Ohio River were out of the State at the time the governor was making appointments.

Mr. WARNER, of Ohio. They were the elected officers. The others stuck as long as they could.

Mr. EZRA B. TAYLOR. I understand that I hold the floor, although it would seem I have not much to do with it.

The CHAIRMAN. The gentleman from Ohio declines to be interrupted and will proceed.

Mr. EZRA B. TAYLOR. I was about to observe that no political party can grow or exist, whether it be the Republican or Democratic, that avows the political doctrine that "to the victors belong the spoils." Talk about this being a matter of strength. If there had been no patronage to be given and to be quarreled over the Republican party would have been in power to-day. It is a cause of weakness everywhere, and the more of it that you get the more you will be weakened.

Take it all. I hope, speaking as a party man, that you will turn out every office-holder that you can reach, and do it quickly. But at

the same time do not understand that it would be either wisdom for you or safety to the country. When I speak as a patriot I deplore this anxiety that the politicians have to get at the flesh-pots of Egypt. I deplore it as having a tendency to bring home to us more corruption than encircles us now.

[Here the hammer fell.]

Mr. WARNER, of Ohio. It is one thing to preach, another thing to practice. The Republicans preach well. They always have; but their practice has been very different from their preaching. Their practice recently in Ohio has been very different from the preaching of my colleague who has just taken his seat. The new governor had hardly got warm in his seat before a clean sweep was made in that State. So much for Republican consistency in Ohio.

While on the floor I desire to say for myself that I believe in civil-service reform.

The time has gone by, it must be conceded, when a "clean sweep" can take place in this country. What may have been possible or practicable in the time of Jackson, when there were few offices, and what may have been all well enough then, is no longer to be thought of with sixty millions of people and a hundred and twenty thousand office-holders. It is impracticable now to turn things over in that way with every change of party control of the Government; and when we shall have, as we will in a quarter of a century, nearly a hundred millions of people and two hundred thousand office-holders, it will be simply impossible to change all officers. Nor would it be desirable if it were possible. It could not operate otherwise than disastrously to the public service, in which the great mass of the people have a far greater interest than in who shall hold office. The political offices, the heads and chiefs, should change, in order that the policy of the party the people have put in power may be carried out without friction or retardation.

The political friends of the administration should fill all such places. But the merely clerical or ministerial offices are different. This division of the civil service ought to be made non-partisan and kept so. But it has not been so. It is not so now. And, Mr. Chairman, there never will be a state of rest in the civil service until a better state of equilibrium in these offices has been reached—a state in which the offices shall have become shared fairly between the parties. I am in favor—and I wish it could be put so in the law—of giving preference to Democrats in all appointments until they hold a fair share of the offices of the Government. We can reach a state of equilibrium in no other way, and there will be no peace until we do. That state, I maintain, can only be reached by a fair distribution of the offices, and we might as well say so and meet the issue, and the sooner the better. I am in favor, therefore, of Democrats being appointed to fill all offices until they have a fair share. There I am willing to rest, but not short of that.

Mr. RANDALL. I ask for a vote.

Mr. ADAMS, of New York. I ask the gentleman to yield to me for a minute. I desire to read for the benefit of gentlemen on the other side of the Chamber from the writings of a great man on the condition of the civil service in the country in 1876. I read from volume 2 of Tilden's Public Writings and Speeches [laughter on the Republican side], at page 490.

Mr. CUTCHEON. Was it sent as a message to this Congress last December? Is this in cipher?

Mr. ADAMS, of New York. No, it was not; and I know you have not read it, and it will do you a great deal of good to hear it read. You evidently anticipate some unpleasant reading, or your side of the House would not display such deep agitation.

In the canvass of 1876 the Federal Government embarked in the contest with unscrupulous activity. A member of the Cabinet was the head of a partisan committee. Agents stood at the doors of the pay-offices to exact contributions from official subordinates. The whole office-holding class were made to exhaust their power. Even the Army, for the first time, to the disgust of the soldiers and many of the officers, was moved about the country as an electioneering instrument. All this was done under the eye of the beneficiary of it, who was making the air vocal with professions of civil-service reform—to be begun after he had himself exhausted all the immoral advantages of civil-service abuses.

Mr. MILLIKEN. I would like to know if the original of that was in the ordinary letters of the alphabet or in cipher?

Mr. ADAMS, of New York. It is one of the unpublished ciphers that your committee did not publish but suppressed.

Mr. ROGERS. It was tattooed. [Laughter.]

Mr. McCOMAS. Oh, you are "too-too." [Laughter.]

Mr. ADAMS, of New York. Gentlemen, that is very refreshing reading for some of you. I commend it to your party leaders who have since turned civil-service reformers now that you are out. [Cries of "Vote!" "Vote!"]

Mr. CUTCHEON. Mr. Chairman, I wish to give the Chair the desired information as to whether these appointments come under the civil-service rules or not. I find that all those which are above $720 are embraced under the rules.

Mr. RANDALL. Mr. Chairman, I ask that debate now close upon this amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from West Virginia [Mr. GIBSON].

The amendment was rejected.

Mr. BLAND. I desire to offer an amendment, which I send to the desk.

The amendment was read, as follows:

That the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars on all the surplus silver dollars now in the Treasury in payment of the appropriations made in this bill and other expenditures and obligations of the Government.

Mr. RANDALL. I reserve the point of order on that amendment.

Mr. BLAND. I hope the gentleman will not make any point of order, because the contest is to be made upon this bill as to whether we shall issue one and two dollar greenbacks or silver certificates. I understand full well that if this House decides to issue greenbacks that does away with the silver certificates, and we shall never hear any more of them. Therefore I want the contest made here and now.

Mr. RANDALL. I withdraw the point of order.

Mr. STORM. I renew it.

Mr. WEAVER, of Iowa. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. WEAVER, of Iowa. I desire to be heard. There is no point of order pending, as I understand it.

Mr. STORM. I withdraw the point of order, to save time.

Mr. WEAVER, of Iowa. Now, Mr. Chairman, I wish to be heard on the amendment, and I hope no point of order will be made. I have only a word or two to say. I wish to say to the gentleman from Missouri [Mr. BLAND] that no amendment has been adopted for the issue of one and two dollar greenbacks, but simply an amendment to preserve those that are now outstanding. That is all. And now, Mr. Chairman, I join hands with my brother from Missouri [Mr. BLAND], and am in favor of his amendment.

Mr. BLAND. Then let us have a vote.

The question was taken, and the amendment was agreed to. [Applause.]

Mr. CANNON. I move to amend, in line 239, by striking out "$30,240" and inserting "$41,820."

Mr. RANDALL. Let us have a vote.

Mr. CANNON. I believe I am entitled to the floor, Mr. Chairman.

The CHAIRMAN. Does the gentleman desire to be heard on this amendment?

Mr. CANNON. I believe I am entitled to the floor. This is the amount——

Mr. RANDALL. I submit that the other side should be taken.

Mr. CANNON. Mr. Chairman, I can not proceed if I am interrupted.

Mr. RANDALL. The negative vote was not taken.

The CHAIRMAN. It was. The Chair was waiting for the gentleman from Illinois [Mr. CANNON] to ascertain whether he wished to take the floor. The Chair began stating the question, and then the gentleman said that he desired to take the floor.

Mr. CANNON. The amendment of the gentleman from Missouri [Mr. BLAND] was adopted, as I understand.

The CHAIRMAN. Yes.

Mr. RANDALL. And now you want to increase the amount, and that I do not desire done.

Mr. CANNON. Mr. Chairman, the gentleman from Missouri [Mr. BLAND] appears to be always happy when he abounds in words. He may fill this bill with amendments, but they will amount to nothing unless he provides the means of carrying, enforcing them—the money to put the machinery in motion. He has got his amendment adopted authorizing, as I understand it, all the money appropriated by this bill to be paid out in one and two dollar silver certificates, and now he sits down happy. But where is the money to come from to print those certificates?

How are they to be gotten into circulation? I suppose these questions are of no importance to the gentleman from Missouri. He is ready to rest upon his laurels. I call his attention to this point so that he may offer another amendment. As near as I can estimate roughly it will cost to make the plates and provide the paper and do the engraving and employ the workmen to issue these certificates from $150,000 to $200,000, and unless the appropriation is made to do this work the gentleman's amendment will not be enforced.

Being of a somewhat practical turn I thought I would call attention to that matter. My amendment, however, has in view to increase this appropriation so as to provide for the printing of small bills. When I drew it I had in my mind one and two dollar greenbacks.

Speaking of these one and two dollar greenbacks, I wish to say a word upon that question, which I have not had an opportunity to discuss. Do gentlemen know what the policy of the Treasury Department and the gentleman from Pennsylvania is? I will tell you. Greenbacks are not taxable under the law; they are the only money of this country that is not taxable. Gold is taxable, silver is taxable, silver certificates are taxable. Now when you take from the millions of the people their one and two dollar greenbacks and have converted them into large bills, put them in the hands of capitalists at the money centers, they will lie in their coffers non-taxable at least to the amount of their reserve. So that you take from fifty millions of the people

this portion of the money of the country and put it in the hands of a few, who to this extent escape taxation. You have declared in favor of the clause immediately preceding these two clauses of the bill, but when the proposition is before you to appropriate money for printing these one and two dollar notes so as to give the people the money that they want, the money that they plead for, you sit quiet and refuse to vote out of the Treasury the money necessary to print these one and two dollar greenbacks. If you do this I want the responsibility fixed upon the Democratic majority in this House. For this reason I wished, at the risk of straining the patience of the committee, to say what I have said on this question.

Mr. WEAVER, of Iowa. I have voted all the time to appropriate for printing these small notes.

Mr. BLAND. I wish to ask the gentleman from Illinois [Mr. CANNON] whether the appropriation under the head of engraving and printing does not cover this matter to which he has referred.

Mr. CANNON. No; there is no money appropriated to cover it—not a dollar, not a cent. All that we have in the bill to carry out the gentleman's amendment is a mere proclamation—a verbal declaration of intention, but no appropriation of money.

Mr. WARNER, of Ohio. I understood that the appropriation for printing United States notes was adopted. If I was in error in that respect——

Mr. CANNON. The Committee of the Whole adopted the mere words, but refused the money for the printing; and so the proposition amounts to nothing as it now stands.

Mr. WARNER, of Ohio. The amendment adopted on motion of the gentleman from Illinois increased the appropriation, as I understood.

Mr. CANNON. That applied only to one clause. The effective proposition in the second clause to increase the printing force and give the money necessary to carry out the provision was rejected. In other words, a great many men on the other side of the House when that question came up were content to rest on their laurels and did not support the proposition to appropriate the money for the issue of these small notes.

Mr. WARNER, of Ohio. As I understand already we have increased the appropriation in this bill to a sufficient amount to cover the reissue of greenbacks, including one and two dollar notes; and it is only when these notes are mutilated that they are to be renewed.

As to the question between the one and two dollar greenbacks and the silver certificates of less than $10, I am in favor of both classes of currency. If the total volume of money be, for instance, a thousand millions, it does not make the least difference in the world whether fifty millions or one hundred millions be in the form of one and two dollar notes. Let that question be determined by the people themselves, the total volume of the currency remaining the same in either case. The danger is in having too much in very large denominations. Nor does it make the least difference in the world whether the greenbacks be of the smaller denominations and the silver certificates of the larger, or the greenbacks of the larger denominations and the silver certificates of the smaller. The arithmetic of the gentleman from Missouri in this respect I think is at fault. All I care for is to prevent contraction and keep the volume of the currency adequate to the demands of the business of the people, allowing them to determine in what denominations it shall circulate. That can be determined safely in no other way.

Mr. WEAVER, of Iowa. I understood the gentleman from Pennsylvania to say that sufficient money is appropriated in the bill to pay for the reprinting of all mutilated greenbacks that may come in.

Mr. RANDALL. There are about thirty-seven millions of one and two dollar greenbacks——

Mr. WEAVER, of Iowa. They are not all mutilated, however.

Mr. RANDALL. No, they are not all mutilated; and it is impossible for me to conjecture how much it will take to reprint those that are mutilated, or what amount will come in. I can, however, secure from the bureau an estimate on this subject.

Mr. CANNON. My friend from Pennsylvania will allow me to say that the estimate is all here. One hundred and eight thousand dollars is the estimate, if you provide for printing the small bills.

Mr. RANDALL. Well, I do not know whether that estimate embraces only the reprinting of mutilated notes——

Mr. WEAVER, of Iowa. Of course we do not reprint any others. Under the amendment which has been adopted the Department can not call in small notes which are not mutilated.

Mr. RANDALL. That is not exactly what was in contemplation by the bureau officer in making that estimate for $108,000.

Mr. WEAVER, of Iowa. No; it was intended to take them all in. But we have prohibited that. I think, therefore, we have provided enough in the bill; but I am not sure as to that, and I would not like any mistake on that point.

Mr. RANDALL. I will learn what is required in this respect, and so far as I am concerned I will see that in good faith the money is given in some way before the bill becomes a law if this paragraph should remain in it.

Mr. WARNER, of Ohio. That is sufficient.

Mr. WEAVER, of Iowa. I am very glad to hear the gentleman say that.

Mr. CANNON. I read from the Book of Estimates:

The Treasurer of the United States estimates that there will be required during the fiscal year 1887, 6,000,000 sheets of United States notes and certificates, if the printing of one and two dollar notes is resumed. In the absence of any legislation on the subject it is assumed that the issue of those denominations will be resumed, and the estimate is accordingly so made as to provide for the printing of 6,000,000 sheets.

Then follows in the same connection the estimate, which is $108,000 more than we have provided for.

Mr. RANDALL. This reprinting being confined to mutilated notes, whether you require three millions of sheets or whether you require a hundred thousand dollars, I propose to find out exactly whether it will or not. When that fact is ascertained the committee will see the money is given in this bill.

Mr. WARNER, of Ohio. That is entirely satisfactory.

Mr. BRUMM. To print these certificates?

Mr. RANDALL. For both.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. CANNON. Yes; on that statement I withdraw my amendment.

The Clerk read as follows:

Expenses of light-vessels: For seamen's wages, rations, repairs, salaries, supplies, and incidental expenses of thirty light-ships, $200,000.

Mr. FINDLAY. I offer the following amendment, to come in after line 316:

And also the sum of $60,000 for the construction of a light-ship with steam fog-signal to be located off the entrance of Chesapeake Bay.

Mr. WARNER, of Ohio. Is there any law authorizing that appropriation?

Mr. FINDLAY. I am in position to answer that question satisfactorily, and I am obliged to the gentleman from Ohio for asking the question.

Mr. HOLMAN. Let the point of order be reserved.

Mr. FINDLAY. There can be no point of order raised against this amendment.

Mr. RANDALL. I object to going back.

Mr. FINDLAY. It is not going back.

Mr. RANDALL. And it is not germane to this paragraph.

Mr. FINDLAY. I am not going back.

Mr. RANDALL. It is not germane.

Mr. FINDLAY. It is perfectly germane.

Mr. RANDALL. This is for the maintenance of the Light-House Establishment, but if the amendment of the gentleman from Maryland were offered in the proper place and in the proper manner I should not object. The appropriations here are for the Light-House Establishment as in existence at the present time, and therefore this proposition for the construction of a light-ship is not germane.

Mr. FINDLAY. Why, sir, you can not expend anything for the repair, salaries, supplies, and incidental expenses of a light-ship unless you first have the light-ship.

Mr. RANDALL. Yes.

Mr. FINDLAY. The light-ships necessarily precede the expense of keeping up light-ships.

Mr. RANDALL. This is general in its character, and is for the purpose of maintaining the Light-House Establishment already in existence.

Mr. FINDLAY. Let us have this debate in order. Let all the objections you have to the amendment be suggested, and then I will answer them.

Mr. RANDALL. I make the point of order this is not germane to the pending paragraph.

Mr. FINDLAY. I understand the objection of the distinguished chairman of the committee is that it is not germane to the paragraph, and that the foundation for that is this——

Mr. HOLMAN rose.

Mr. FINDLAY. I decline to be interrupted.

Mr. HOLMAN. I raise the point of order.

Mr. FINDLAY. Let the gentleman state it.

Mr. HOLMAN. I raise the point of order that this appropriation is not authorized by any particular law.

Mr. FINDLAY. It is authorized by law, and if you will wait you will hear me read the law.

Mr. HOLMAN. If you will produce the law, very well.

Mr. FINDLAY. You reserve your point of order. I told you there was a law, and I was in the act of reading the law when the distinguished chairman of the committee raised another point of order that it was not germane to the paragraph. I was answering the objection that this was not germane to the paragraph by reason of the fact that the paragraph made appropriation for expenditures relating to light-ships. Now, on the 22d of April last this act was passed:

Be it enacted, &c., That there shall be constructed and established a first-class light-ship, with steam fog-signal, off the entrance of Chesapeake Bay, the cost of which shall not exceed $60,000: *Provided*, The construction of said light-ship shall be let to the lowest responsible bidder after advertisement, and that said light-ship shall be built in an American ship-yard.

That is the law to-day, and why the committee did not make appropriation to carry out this law I am not advised. To-day for the Delaware Bay there is not only one light-ship but two light-ships, and at

the entrance of the Delaware Bay there is a buoy, a bell-buoy as they call it, and a very important range-light; and yet on comparison of the statistics I have had the time to collect in reference to the commerce of Chesapeake Bay the latter is vastly more important than that of the Delaware, not merely in itself, but also by reason of the tributaries that enter the Chesapeake. What have you to the Delaware? You have the single tributary, the Schuylkill. What have you above the entrance of this river into Delaware Bay? The two single ports of Chester and Wilmington. Now, to the Chesapeake Bay there is that great feeder the Potomac River; the other great feeder the Patapsco; farther down the bay you have the York and James Rivers, and on the Eastern Shore you have feeders also; and not only that, but here is the capital of the nation, you may say, at the entrance of the bay. Here is the great city of Baltimore; you have the Naval Academy at Annapolis; the cities of Norfolk, Richmond, Newport News, Hampton; all of these places are directly and vitally connected with the entrance of the bay. Why, we have expended already seven or eight millions of dollars in cleaning out our channels of the different tributaries that enter that bay, and about half a million more is necessary, all of them being dependent upon the entrance of the bay. Now, I need not go and can not go into all of the facts and figures which are before me; but right here I will say that this proposition to construct a light-ship came first in the shape of a recommendation from the Light-House Board.

Then there was a unanimous report of the Committee on Commerce of this House favorable on the bill, which passed the House without objection and passed the other House without objection and has become a law; and if I had an opportunity to state all of the facts connected with it I think gentlemen would agree with me in the proposition that there never was a clearer case made out before the House than this, nor could there be shown a greater necessity for any appropriation than the appropriation proposed here. It is a small amount, only $60,000. As far as the estimate is concerned the House has already passed upon it.

The House has said without objection that there is a vital necessity for such a light-ship and at such a cost, and the question is no longer upon us as far as the House is concerned, but all that we have to deal with is the point presented here, whether we shall or shall not appropriate the money.

I therefore, without going more into the details or into these facts or figures, do hope that there will not be objection made to the introduction of the amendment here; and I would particularly say to my distinguished friend from Pennsylvania that the reason why the amendment was not offered to the bill at what he supposes to be the proper time and place was due to the fact of my absence from the House, under the leave of the House, at the time that portion of the bill was reached. I was absent from the House under leave, as I said before, discharging what I conceived to be an important duty elsewhere; but if I had been present the amendment would have been offered at the proper time and in the place the gentleman from Pennsylvania supposes to be the proper place.

But I do not wish to be understood as admitting that the amendment is not germane at this particular point. It simply provides for the construction of a light-ship, appropriates the money for that specific purpose, the authority for which already exists, and is offered in connection with that paragraph which provides for the maintenance of light-ships.

What is there that is impertinent or irrelevant in such an amendment at this point? The only ground assigned is that there is another part of the bill which refers to the appropriation of money for light-ships. I claim, though, Mr. Chairman, that because there is such another part of the bill it does not make this irrelevant or impertinent here, although the logical symmetry of the bill might have been better preserved if the amendment had been incorporated elsewhere. But in deciding the question I hold it is not one of verbiage, not a mere question of words, but the vital and essential point is whether or not it is in substance germane.

Now inasmuch as the particular paragraph concerning the expenditure of money upon light-ships is under consideration, an amendment which provides for the construction of a light-ship itself can not be irrelevant in substance, and, after all, the objection urged is that in the construction of a bill like the bill now pending, which is built up in paragraphs, there might have been possibly a structural propriety in introducing the amendment at another point; but as far as the substance of the amendment is concerned, the thing itself, it can come in here as well as at any other point. I submit the point of order to the decision of the Chair.

Mr. RANDALL. Mr. Chairman, I desire to say that so far as my recollection serves me there never was an estimate. There certainly never was an estimate as originally given to the committee for this light-ship. I have no opposition to offer to the proper lighting of the Chesapeake Bay; but I maintain that the point of order is well founded in this, that this is not germane to this paragraph of the bill. This paragraph of the bill has connection with the maintenance of the service and not with the construction of the light-ships. That would properly belong under the paragraph which has been passed, headed "light-houses, beacons, and fog-signals," &c. I dislike very much to take advantage of a member's absence, of course; and if the House is going to vote this in, if the point of order be overruled, I must insist that it should go at the end of the paragraph to which it properly belongs and be placed in its proper position in the bill. That can be done by unanimous consent if the House adopts the amendment.

Mr. FINDLAY. Of course if unanimous consent is given I have no objection where it comes in. It is a matter of no moment, and if that consent be given I will be obliged to the committee, and they may put it in where they please.

The CHAIRMAN. It would have been more proper to have been incorporated in some of the provisions on pages 7, 8, and 9; but inasmuch as the section under consideration relates to the Light-House Establishment, and as this is an expenditure involved in that connection, and inasmuch as this ship is provided for by law, and this section relates to the general subject, the Chair overrules the point of order and will submit the amendment to the committee.

The question being taken on Mr. FINDLAY'S amendment, it was agreed to.

Mr. RANDALL. Now I ask that that amendment may go in at the right place.

Mr. FINDLAY. I have not the slightest objection to that.

Mr. RANDALL. It can follow line 193.

There being no objection, the amendment was inserted after line 193.

The Clerk commenced to read the first paragraph under the heading "Coast and Geodetic Survey."

Mr. RANDALL. We have now reached a point in the bill where a condition operates that was agreed upon when the general debate on the bill was allowed to be omitted. I then agreed that the gentleman from Alabama [Mr. HERBERT] should control one hour of general debate, and the gentleman from Kansas [Mr. RYAN] should control one hour—the one touching the scientific bureaus, the other touching the general provisions of the bill. I would like now to limit that debate to the two hours I have indicated.

The CHAIRMAN. The gentleman from Pennsylvania proposes that general debate on this paragraph shall be limited to two hours.

Mr. RANDALL. If the gentleman from Alabama should not want an hour, and will be satisfied with half an hour, or if the gentleman from Kansas should not want more than thirty minutes, then I would propose a shorter time for general debate.

Mr. HERBERT. I would like to have a half hour on the Coast Survey, and then when we reach the provision for the Geological Survey to take thirty minutes upon that.

Mr. RANDALL. Would you not take it all now?

Mr. HERBERT. If agreeable to the gentleman from Pennsylvania and the committee, I would prefer having half an hour on the one subject and half an hour on the other. I understand the gentleman from Kansas [Mr. RYAN] desires to speak now.

Mr. RANDALL. How much time does the gentleman claim?

Mr. RYAN. I do not know how much time I shall occupy, probably less than an hour.

Mr. WARNER, of Ohio. Is it agreed that this debate be limited to the speeches of the two gentlemen who have been named? Is everybody else to be cut out from participating in general debate on these questions?

Mr. RANDALL. The committee will remember I secured an omission of general debate on certain conditions; and this was one of the conditions, that the gentleman from Kansas should have one hour and that the gentleman from Alabama should also have an hour to speak with regard to the scientific bureaus.

Mr. BRECKINRIDGE, of Kentucky. My understanding of the arrangement was that the general debate on the scientific bureaus was not to be limited to one hour.

Mr. RANDALL. Does the gentleman from Kentucky desire to speak?

Mr. BRECKINRIDGE, of Kentucky. I do not know that I do, but I want to hear the gentleman from Alabama on the Geological Survey, and then I may desire to speak. I do not care about the Coast and Geodetic Survey. As to the other, I may want to make some remarks; therefore I do not desire to limit debate on the Geological Survey.

Mr. WARNER, of Ohio. I do not know that I desire to participate in the general debate. But it seems to me there should be room left thoroughly to explain these scientific bureaus and their operations.

Mr. RANDALL. I am willing to allow the debate to extend to 5 o'clock, and will seek to have a vote by paragraphs to-morrow if private business should be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to close general debate at 5 o'clock.

Mr. RANDALL. I yield to the gentleman from Kansas.

Mr. RYAN. I desire to occupy a little time in reviewing some of the provisions of this bill. Perhaps before its consideration under the five-minute rule had been begun I ought to have done so. I shall, however, now endeavor to call the attention of the House to some conspicuous features of the bill. As has already been learned by the members of the House from the report, the bill carries about $5,000,000 less than the current law. This will be accounted for very largely, almost wholly, by the absence of provisions in this bill of matters which were completely provided for by the current law.

It will be observed from the report itself that among the items thus

omitted from this bill but which appear in the current law will be found the provisions for the French and American Claims Commission, the survey of the boundary line between the United States and Mexico, provisions for the Pension building, the Hot Springs improvement, the Fort Brown military reservation, the military depot at Saint Paul, Minn., the Lafayette statue, the Utah penitentiary, the Montana penitentiary, the World's Industrial Exposition at New Orleans, and miscellaneous items amounting in the aggregate to over a million and a half of dollars.

It will also be observed that the current law carries appropriations for seventy-five buildings under the head of "Public Buildings." The current law appropriates for buildings $1,852,677 more than the pending bill. This grows chiefly out of the fact that the current law carries appropriations for seventy-five buildings, whereas the present bill carries appropriations for only thirty-six buildings. Thus you will discover there is $1,852,677 upon this item alone of difference between the current law and the pending bill.

Then allow me to call the attention of the House to the item of public printing. The pending bill carries $250,000 less for public printing than the current law. Now the appropriation for the public printing for the current year was wholly inadequate and a large deficiency occurred. There is little doubt, I think none whatever, that the deficiency under the provisions of this bill upon this item will reach the sum of $250,000 at least.

The current law carried an appropriation of $400,000 for artificial limbs, it being the fifth year, when provision had to be made under the law for that purpose. This bill carries for that object perhaps all that is necessary, but the amount is only $200,000, making a difference of $200,000.

For surveying the public lands the current law makes an appropriation of $300,000; the pending bill gives only $50,000. For collecting the revenues from the sales of public lands the difference between the appropriation in the current law and that in the pending bill is $50,000; that is to say, the pending bill carries $50,000 less than the current law for that expenditure. For quarantine service, what is known as the epidemic fund, this bill carries nothing, whereas the current law carries $300,000. These items go to make up very largely the difference between the volume of money appropriated by the current law and the amount carried by the pending bill.

Now, in regard to the public printing. As I have already stated, it seems to me that a deficiency is unavoidable unless the amount of this bill shall be increased. The total appropriation, including the deficiency already appropriated, for public printing for the current year is $2,481,500—$481,500 more than this bill provides. It is the judgment of the Public Printer, upon the closest estimate he has been able to make, that the cost of printing for the next fiscal year can not be less than $2,250,000.

I beg leave now to call the attention of the House to the appropriation to maintain the Federal courts of the country. In the first place, let me state that the amount appropriated in the pending bill is exactly *the amount* provided for in the current law for this object, but it must be borne in mind that for the last and the current fiscal years there are large deficiencies in this branch of the public service. The deficiency for last year was $330,000; the deficiency for the current year amounts to $355,000.

Now be it understood that expenditures in this branch of the service are simply created by the operation of law. The compensation for the attorneys, the compensation for the marshals, the compensation for the clerks, the compensation for jurors, the compensation for witnesses are all provided for by public law, and, whether we appropriate little or much, unless we stop the courts the expenditure will be the same. It is no economy, in my judgment, indeed it is scarcely patriotic, to make an insufficient appropriation for this item of the public service. It has been demonstrated that the courts can not be operated for less than $340,000 or $350,000 more than this bill carries. By reason of inadequate appropriations the courts of the country were closed during a portion of the last fiscal year. By reason of inadequate appropriations for the current fiscal year the courts all over the country have been greatly embarrassed and in some instances they have been closed.

The people are in favor of an economy that will meet only the just needs of the service, but they are not in favor of an economy that cripples the public service and closes the temples of justice.

For collecting the revenues from the sales of public lands the Commissioner of the General Land Office says that he needs $1,129,000 for the next fiscal year, but this bill gives him only $800,000.

Mr. HOPKINS. What excuse does the chairman of the Committee on Appropriations give for bringing in an appropriation which falls so far short of the amount required to run the courts of this country?

Mr. RYAN. The chairman of the committee can doubtless answer that for himself. I certainly can not state his reasons. The fees of the officers who collect the revenues from the sales of public lands are created by law, and must be provided for either in this bill or by a deficiency bill. The Commissioner of the General Land Office says that he must have to meet the demands of the next fiscal year for this service $329,000 more than is here given.

Already there has been much discussion upon the floor of this House regarding the printing of one and two dollar bills. It has been already determined by the House that ones and twos shall be printed and issued in lieu of mutilated currency of corresponding denominations. It has also been already provided by the House in this bill that one and two dollar silver certificates shall be issued. Now, the provisions of this bill leave out of consideration altogether the expenditure for printing ones and twos in exchange for mutilated currency of corresponding denominations.

It does not take into consideration at all the cost of printing the one dollar and two dollar silver certificates. For the distinctive paper needed for printing in the neighborhood of eighteen millions of ones and twos to replace mutilated notes the Department asks for $22,446. This is not provided for here at all. The cost of labor for printing these notes, which will be a considerable sum, is not provided for in this bill. The cost of printing the one and two dollar silver certificates will largely exceed the cost of printing the one and two dollar notes to be issued in exchange for mutilated currency, and no provision is here made to meet it.

The item in the bill making provision for the repairs of furniture for public buildings carries but $150,000, whereas the Secretary of the Treasury says that he needs $300,000 for that purpose. Lest there might be some misapprehension about it, lest there might not have been sufficient care taken in preparing the estimates for this item, I went personally to see Mr. Smith, the Assistant Secretary of the Treasury, and asked him to make a revised estimate for this expenditure upon the lowest possible basis.

In reply he says that it will cost for the new buildings alone which must be furnished during the next fiscal year $222,000; and he specifies the public buildings, twenty-two in all. Then he says that if the public building at Baltimore shall be completed this year, as probably it will be, it also will have to be furnished during the next fiscal year at a cost of $30,000 additional, making necessary for this service an appropriation of $252,000. So that there will necessarily be a deficiency for this service of at least $100,000.

Mr. CANNON. Do I understand the gentleman to say that the majority of the Committee on Appropriations, now that these public buildings are constructed, propose to let them stand idle rather than vote $100,000 or $150,000 to furnish them?

Mr. RYAN. The appropriation in the bill for furnishing these new buildings and for furnishing the old buildings where furnishing may be necessary, and for making all repairs of furniture, is but $150,000. The Secretary of the Treasury says that at least $100,000 more will be absolutely necessary for this purpose. Here is an itemized list giving the amount required for each building; and although I have not time to read it, an inspection of it will show that the estimates are really very modest.

Mr. HOPKINS. The gentleman will allow me to ask whether that information was furnished to the committee when the bill was being prepared?

Mr. RYAN. They had the estimates before them of $300,000 for this object.

Mr. HOPKINS. Then do the majority of the committee give an excuse for bringing in the bill with such a deficiency?

Mr. RYAN. It is fair to say that the expenditures for the current year will be much less; but that is because there were fewer buildings to furnish—because the occasion for the expenditure did not exist.

Now, I want to call attention to the appropriation for public-land surveys. The Commissioner of the General Land Office tells us that he needs $250,000 for that purpose. I submit that under all the circumstances this is a very modest estimate for the survey of the public lands. Now, this bill carries an appropriation of only $50,000 for that purpose. And here is an illustration of extravagant economy: To hire others to expend that $50,000, not to do the work themselves, but to hire others to do the work involving the expenditure of that $50,000, we provide fourteen surveyors-general, with several clerks for each, and office-rent for all of them at a cost of $130,000 per annum, not to do this work but simply to superintend it, simply to let the contracts, simply to get others to do it.

I undertake to say that there is not a business man in the world who, if he should attempt to pay out $130,000 to compensate agents to hire others to perform $50,000 worth of work, would not be regarded not only as unfit to transact any business under heaven, but as a fit subject to be taken before a commission of lunacy.

Yet I want to say that although we appropriated $300,000 to survey the public lands of the country for the current year, I am informed by the Commissioner of the General Land Office that he has as yet expended but $84,000 of that sum, and all this since the 1st day of January last. Up to that time, with all this expensive machinery existing, he had not expended a dollar of that money for the surveys of the public lands, and I think only about $9,000 of it for the inspection of some surveys that had already been made. Either we should survey the public lands or we should abolish this expensive machinery which is maintained for no other purpose than for the survey of the public lands.

Mr. CANNON. Would not that put out of office a number of people now holding positions under the Commissioner of the General Land Office?

Mr. RYAN. Yes, sir; it would put a goodly number out of office.

Mr. CANNON. How would that suit the majority in this House?

Mr. RYAN. So much for the items in the bill to which I have already referred. I do not myself observe any of those evidences of economy in the public expenditures which we were so vociferously promised by this administration. The total expenditures for 1884, including everything, were $338,141,034.10. The total expenditures for 1885, including everything, were $355,877,205.75. For the current year the expenditures will be $341,468,931.78.

Mr. ADAMS, of New York. Does that include the river and harbor bill?

Mr. RYAN. I was about to come to that. If you will take from the expenditures for 1885 the river and harbor expenditures, because there were none for the present year, we shall have only $450,073.97 expended in the current year less than in the last year; so that practically there is no diminution in the expenditures thus far.

For the next fiscal year the expenditures will not be less than $390,000,000. I do not think they can be one dollar less. And I base my judgment upon the following statement: The amount of the regular annual appropriations made up to June 2, and proposed by the regular appropriation bills as they have been acted on by Congress, not including the regular deficiency or the fortification bills, is $251,124,140.36. Now add the deficiency estimates. I do not know what the amount of the bill will be, but it will approximate I presume to this amount, $6,529,053.82; take the fortification expenditures of the last year as a measure of what they will be this year, and we must add for fortifications $725,000; then add the amount necessary for refunding duties under the Oberteuffer decision, $5,000,000; add also the amount necessary to complete and arm the new cruisers authorized by the act of March 3, 1885, and to give the full amount estimated for the pay of the Navy for 1887, $3,000,000; then add the judgments against the United States in favor of the Central Pacific Railroad Company, $906,314.42, which I suppose will be provided for before we adjourn; and finally add the permanent annual appropriations, including sinking fund and interest, $118,910,955, and we have a total of $386,195,468.60.

It is not unreasonable to suppose that will be increased by the Senate so as to bring the amount up to $390,000,000 in round numbers as the total expenditure for the next fiscal year. It will therefore be observed that the expenditures for the next fiscal year will exceed those of the current year by more than $33,500,000; and will exceed those of last year by over $34,000,000; and will exceed those of the fiscal year 1884 by $52,000,000.

Now, Mr. Chairman, I have taken no account here of the cost of a new navy, so imperatively demanded for national defense.

No account is here taken of the cost of coast defense, without which our great centers of commerce on the Atlantic and Pacific coasts and on the great lakes are an easy prey to the naval forces of other nations.

No account is here taken of the educational bill which has passed the Senate and for which there is an apparent majority in this body.

No account is here taken of the bill to remove the limitation from the arrears-of-pension law.

No account is here taken of the Mexican pension bill, which has already passed this House and will pass the Senate in a few days.

No account is here taken of the several bills which have passed the Senate and are pending in the House providing increased pensions for Union soldiers who lost an arm or leg in the service; pensioning Union soldiers who were prisoners of war; pensioning Union soldiers incapable of labor and without other means of support.

These, Mr. Chairman, are all pressing upon us as imperative obligations.

Whether the revenues will be adequate to meet such expenditures in the next fiscal year can not now be definitely determined. That will largely depend on the degree of prosperity which may prevail. Should general business increase the revenues will correspondingly increase. Should there be general depression the revenues will diminish.

I can not affirm that any increase of taxation will be necessary. It is, however, reasonably certain that we can not reduce taxation unless we resort to the methods of Mr. Buchanan's administration for meeting the ordinary expenses of the Government—borrow the money. Such a policy would be offensive to the American people and hurtful to the credit of the Government.

If there must be increased taxation to meet the Government expenditures the scheme of taxation must be just to all. Any scheme of taxation which selects out from among the whole people a particular class exclusively to bear the burden of war obligations will be unjust. Any such scheme of taxation to pay pensions creates a powerful interest against the whole pension system, tending to destroy it altogether. Any scheme of taxation that in effect shifts the payment of the war obligations of the Government almost exclusively on one section of this country will be as odious as unpatriotic.

But, Mr. Chairman, what assurance are the people receiving from the administration itself that it is making even an honest effort to curtail the expenditures of the Government? Let us see!

The administration asks for $1,456,977.64 more for public buildings than is given in this bill.

It asks for $1,346,252 for light-houses, of which sum only $327,056 is provided in this bill.

It asks for the revenue-cutter service nearly half a million of dollars more than this bill provides. It asks for navy-yards and stations $4,598,337.41, of which this bill gives but $316,595.95.

For the service covered by this bill the administration asks Congress to appropriate $36,054,659. Of that sum this bill only gives $21,300,852.04.

The administration declares it ought to have $15,000,000 more for the service covered by this bill than is deemed necessary by the committee that reported it, and it is not improbable the House will agree mainly in the judgment of the committee. The administration, having presumably patriotically studied the needs of the public service for the last year and a half, asks Congress to grant $339,589,552.34 for expenditures in the second year of its power, and this does not include over $40,000,000 asked for by it in the miscellaneous estimates.

The House responds to that by declaring that more than $30,000,000 of that sum are not necessary for the public service for that year. In other phrase, the administration asks for more than $30,000,000 in excess of the amount the House determines to be necessary for the public service in the next fiscal year; and if we add the miscellaneous demands of the administration, the miscellaneous estimates, this sum will be increased to more than $70,000,000. I leave the administration to dispute with the House whether the one is wantonly wasteful touching the public expenditures or whether the other deliberately and unpatriotically refuses to vote the supplies indispensable to the just demands of the public service. [Applause.]

I will reserve the remainder of my time.

The CHAIRMAN. The gentleman has twenty-one minutes of his time remaining.

The Clerk read as follows:

Coast and Geodetic Survey:

For every expenditure requisite for and incident to the survey of the Atlantic, Gulf, and Pacific coasts of the United States, including the survey of rivers to the head of tide water or ship navigation; deep-sea soundings, temperature and current observations along the coasts and throughout the Gulf Stream and Japan Stream flowing off the said coasts; tidal observations; the necessary resurveys; the preparation of the Coast Pilot; a magnetic map of North America; and including compensation not otherwise appropriated for of persons employed on the field-work, in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury; for special examinations that may be required by the Light-House Board or other proper authority; and including traveling expenses of officers and men of the Navy on duty; for actual subsistence to officers of the field force while on field duty, at not exceeding $2 per day each; outfit, equipment, and care of vessels used in the survey, and also the repairs and maintenance of the complement of vessels, to be expended under the following heads: *Provided*, That no advance of money to chiefs of field parties under this appropriation shall be made unless to a commissioned officer or to a civilian officer who shall give bond in such sum as the Secretary of the Treasury may direct.

Mr. HERBERT rose.

Mr. WARNER, of Ohio. I move to strike out the last word for the purpose of making an inquiry. It is, What is included now in the term "Geodetic Survey?"

The CHAIRMAN. The Chair has recognized the gentleman from Alabama.

Mr. WARNER, of Ohio. I yield to the gentleman, having made the inquiry, which perhaps he will answer in the course of his remarks.

Mr. HERBERT addressed the committee. [See Appendix.]

Mr. BRECKINRIDGE, of Kentucky. I understand the gentleman from Pennsylvania [Mr. RANDALL] proposes that general debate shall close at 5 o'clock.

Mr. RANDALL. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. If that be so I do not care to occupy the time.

Mr. RANDALL. If the gentleman from Kentucky does not want to speak to-night I am willing to accommodate him by yielding to him in the morning.

Mr. BRECKINRIDGE, of Kentucky. There may be some gentleman who desires to occupy the time now with regard to the Coast Survey.

Mr. GLOVER. I desire to occupy five minutes.

Mr. Chairman, I have found it very easy, and I fancy most men do, to make a strong argument if you may assume at pleasure the facts upon which that argument is based. A very strong presentation was made by the gentleman from Alabama [Mr. HERBERT] of the relative cost of the triangulation, the topography, the hydrography, and the miscellaneous expenses. As I understood him, that showing was very much to the disadvantage of those who had been engaged in the detailed attention to the topography. In quoting Professor Hilgard, the gentleman from Alabama neglected to say that the professor expressly stated that the estimate of two-tenths, three-tenths, and four-tenths did not include the cost of publication and indeed, did not include the money drawn in salaries of officers and men in the Navy.

It is necessary, therefore, to reform his figures upon that proposition. He referred only to that portion of the Coast Survey appropriation called "party expenses." If the naval appropriation is added, the total "party expenses" will show a proportion of about one-tenth for triangulation, two-tenths for topography, six-tenths for hydrography, and one-tenth miscellaneous. These figures do not include the cost of supervision or calculation.

Mr. HERBERT. I expressly stated that the calculation made by Mr. Wheeler included the naval expenses, and that eliminating that

item there were twenty millions expended; and upon that basis I made the estimate.

Mr. GLOVER. So much for that, Mr. Chairman. Now, when a map is made which is simply intended to aid the sailor, to enable him to sail from headland to headland, it is, of course, right to omit the details of the topography; but I think I can show that the Hydrographic Bureau as well as the Coast Survey makes two kinds of maps, and, as the gentleman from Alabama [Mr. HERBERT] has compared the maps of the two bureaus with each other to the disadvantage of the Coast Survey on account of the great amount of topography shown in its maps, I desire to refer him to three maps made in part by the Hydrographic Office and in part by the Coast Survey. I have not supposed that the Ozark Mountains, in the State of Missouri, were a marine landmark, but in this map published by the Hydrographic Bureau in 1885—not belonging to a system of maps that had fallen into "innocuous desuetude," but to the latest series—I find a topographic chart showing the course of all the small rivers and showing (in part 2) in the State of Missouri a very pretty sketch of the Ozark Mountains.

This, I say, is the work of the Hydrographic Bureau. Now, it is perfectly apparent that when the Coast Survey came to deal with the harbor of New York, the greatest harbor in this country and possibly in the world, they ought to have gone into a great many more details than they would in dealing with harbors of minor importance; and, therefore, it is hardly fair to put that forward as a specimen of their average work. But I wish now to call attention to this map of the harbor of Corinto. I find there are some gentlemen on this floor who do not know anything about this harbor; one gentleman suggested that it was on the coast of Florida; but I find that it is on the west coast of Central America. Upon this map of that harbor I find a very pretty sketch of some town lots; I find the custom-house located, and the consulate, and the course of a line of railroad. I think, Mr. Chairman, that this minuteness has less justification than that which the gentleman has found in the maps of the Coast Survey.

Mr. HERBERT. And you find me condemning that kind of work wherever it was done.

Mr. GLOVER. I have found the gentleman speaking with commendation of the course of the Hydrographic Office in this respect in comparison with that of the Coast Survey. Now, this is a hydrographic map, published in May, 1885, and I wish to say, in conclusion, that if these maps are so long in reaching the public as the gentleman from Alabama [Mr. HERBERT] states, it is somewhat curious that I have selected, at haphazard, these maps, two of which are dated in 1885 and one in 1886.

As has been well stated, where an object is above the line of the water so as to be within the range of vision from the sea it must necessarily be put upon the map, and no additional expense is incurred by putting in intermediate objects, be they large or small, which must necessarily aid in locating the main object. Now, Mr. Chairman, I have not prepared this subject, and I do not desire to detain the House longer. I have noted a serious discrepancy in the figures of the gentleman from Alabama and a very unfair comparison between these two systems of maps, and that is all I desire to call the attention of the House to at present.

Mr. RANDALL. I now yield three minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Chairman, when I asked the gentleman from Alabama [Mr. HERBERT] as to whether it could possibly be that the Coast Survey had been engaged in resurveying the coast of Long Island, for instance, solely for the purpose of making corrections in the artificial topography of the land there, I stated that I was very much surprised to learn, according to the answer of my friend from Alabama, that Professor Hilgard had based the resurvey, apparently, solely upon that ground. The citation to show that he had done so was this: "The country is building up on the shores of Long Island, for instance, so that you would not recognize the shores from the old landmarks."

That citation is given in the minority report as assigning the reason for the resurvey of the coast of the island. Now, I had supposed that in any given case where a resurvey was made it would be clearly justified by some change in the coast line or in the submarine formation.

Mr. HERBERT. I did not give that citation in the minority report. I stated it on the floor. I cited that from a printed article, not from the report.

Mr. BOUTELLE. Now I find the fact to be that the gentleman from Indiana [Mr. LOWRY] asked this question:

Q. You have spoken of the coast survey on the Atlantic as being completed in four years and of the Pacific in nine years?

A. Yes, sir. I say expressly the work in the field will take at least so many years.

Q. What is the fact as to whether, on the completion of the service, there will not have to be continuous surveys?

A. I consider it will be necessary to have about five hydrographic and five shore parties, or perhaps four hydrographic parties and four shore parties at work continuously, keeping up the coast maps, coast pilots, &c., between the eastern boundary and the Rio Grande on the Gulf coast. That I consider as necessary for the maintenance of aids to navigation, such as light-houses and buoys, and on account of the charts of the coast and sailing directions gradually becoming obsolete, simply by the changes that take place, very largely artificial, in the harbors and most important channels. In our harbors the action of the sea, throwing up sand, and the counter action of land waters, carrying down silt, cause notable changes in the channels, and it is necessary to keep constant watch on important places like New York, Boston, Philadelphia, &c. In New York, indeed, the custom has been to make an examination every year of some part of the harbor. During the summer we have a vessel there, and continually correct the chart of New York entrance. That is a barred harbor, entirely dependent upon the balance of forces between the action of the sea throwing up the sands and the ebb-tide scouring channels through it.

I cite this simply to show that, as I supposed, the Coast Survey base their action in making resurveys upon the necessity of new soundings and of realigning the coast on account of changes which nature is constantly carrying on along our coast.

Mr. HERBERT. Does not the gentleman remember that I condemned them for not making those new soundings and resurveys often enough; that I said they ought to have resurveyed, for instance, Nantucket Shoals; that instead of spending money in this way where it ought to have been spent in resoundings, they were doing this expensive and extravagant topographical work on the shore, where it is of no use? Does not the gentleman recollect that is the exact point I made?

Mr. BOUTELLE. I understood the gentleman to make such an observation in the early part of his remarks, but I got the impression that in reply to my direct question he intimated that the costly resurvey of Long Island was being carried on for the purpose of realigning fences and peach orchards.

Mr. RANDALL. I now ask general consent that the debate on the Coast and Geodetic Survey be closed.

Mr. LOWRY. I hope that will not be done. I understood the gentleman from Kentucky [Mr. BRECKINRIDGE] desired to address the committee.

Mr. RANDALL. I think the gentleman from Kentucky waives any request of that kind.

Mr. BRECKINRIDGE, of Kentucky. As I understood the gentleman from Pennsylvania desired to close this debate this afternoon, I decided not to detain the committee with any remarks on this subject.

Mr. LOWRY. I understood the gentleman from Kentucky expected to address the committee to-morrow morning. I had concluded that I would ask for a few minutes to allude to the attitude of the joint commission upon the subject referred to by the gentleman from Alabama, not for the purpose of entering into any controversy in regard to this appropriation.

Mr. RANDALL. I understood the gentleman to say that he wanted no more than ten minutes; if so, he might go on now, or if he prefers to speak in the morning, I desire to accommodate him.

Mr. LOWRY. I prefer that.

Mr. RANDALL. As the gentleman says he prefers not to speak this evening, I modify my request so as to give the gentleman ten minutes in the morning. I want to be accommodating.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that general debate on the Coast and Geodetic Survey be closed after ten minutes shall have been occupied to-morrow. The Chair hears no objection, and it is so ordered.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 810) granting a pension to Charles J. Esty;

A bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio;

A bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie;

A bill (S. 1217) for the relief of Henry Bellion;

A bill (S. 1390) for the relief of B. Frank Patterson;

A bill (H. R. 1836) for the relief of Libbie C. Montis;

A bill (H. R. 2067) for the increase of pension to Zebulon S. Tompkins;

A bill (H. R. 5546) for the erection of a public building at Asheville, N. C.; and

A joint resolution (H. R. 185) for the printing of certain eulogies delivered in Congress upon the late Joseph Rankin.

PURCHASE OF LAND NEAR SAN ANTONIO, TEX.

Mr. CUTCHEON. I send to the desk the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on

the amendments of the Senate to the bill of the House (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., having met, after a full and free conference have agreed and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

B. M. CUTCHEON,
J. LAIRD,
DANIEL ERMENTROUT,
Managers on the part of the House.
F. M. COCKRELL,
O. D. CONGER,
BENJAMIN HARRISON,
Managers on the part of the Senate.

The following statement accompanying the report was read:

The conferees on the part of the House on the disagreeing votes of the two Houses on House bill 7183 make the following statement of the effect of the action of the conference:

It leaves H. R. 7183 precisely as passed by the House of Representatives, and adds thereto, by way of amendment as additional sections, Senate bill 753, which has been reported unanimously from the Committee on Military Affairs of the House of Representatives, precisely as recommended by the House committee.

B. M. CUTCHEON,
DANIEL ERMENTROUT,
J. LAIRD,
Conferees on the part of the House.

Mr. HOLMAN. I ask that the Senate amendment be read.

The Clerk read as follows:

At the end of the bill add the following:

"SEC. 3. That the Secretary of War is hereby authorized to sell the military reservation known as Fort Brady, in the village of Sault Sainte Marie, in the State of Michigan, except that portion lying north of Water street extended, which shall be reserved for canal and wharf purposes, and except the plot of ground now occupied as a military cemetery, which shall also be reserved. In disposing of said property the Secretary of War shall cause the grounds to be platted in blocks, streets, and alleys, corresponding as near as may be with the plat of the village of Sault Sainte Marie, and in lots not exceeding one quarter of an acre in each, unless with due reference to the requirements of the houses and buildings now located on said grounds. The Secretary of War shall also cause the lots to be appraised and sold at public or private sale, at not less than the appraised value, having first been offered at public sale. The expense of advertising, appraisement, survey, and sale shall be paid out of the proceeds of said sale, and the balance paid into the Treasury of the United States.

"SEC. 4. The Secretary of War is also authorized to purchase grounds in or near the village of Sault Sainte Marie, suitable and sufficient for fortification and for garrison purposes, and construct thereon the necessary buildings, with appurtenances, sufficient for a four-company military post, to be known as Fort Brady, in accordance with estimates to be prepared by the War Department; and a sufficient sum of money, not exceeding $120,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to comply with the provisions of this act: *Provided*, That the title to the lands authorized to be purchased under the second section of this act shall be approved by the Attorney-General.

"SEC. 5. That in platting these grounds the Secretary of War, in his discretion, may reserve all that part of the reservation lying south of Portage street, to be set apart and kept by the municipal authorities of Sault Sainte Marie as a public park for its citizens and the people of the United States.

"SEC. 6. That section 1 of this act shall not be of effect until the purchase of a new site provided for in section 4 shall have been effected."

Mr. HOLMAN. I suppose the purport of this proposition is understood. If liable to objection, I wish to reserve the point of order.

The SPEAKER. It is a conference report.

Mr. HOLMAN. If put on by the conference committee I wish to know by what authority it is put on. Or was the amendment put on by the Senate?

Mr. CUTCHEON. It was put on by the Senate. The original bill passed the House, and the Senate amended it by putting on additional sections. The conference committee has unanimously agreed to it. The bill was reported unanimously by the Committee on Military Affairs. Indeed we may say the bill was draughted by the Secretary of War.

Mr. HOLMAN. The bill in its present shape will pass. All I can do is to say I am satisfied a mistake is made. I am acquainted with the locality. The Government is parting with property which will be sold under moderate safeguards. That the military post is to be kept up in that vicinity is one of the certainties of the future.

Mr. CUTCHEON. The bill provides the present site shall not be sold until the new site has been secured.

Mr. HOLMAN. And, Mr. Speaker, a more unguarded bill was never put before Congress.

The SPEAKER. The hour of 5 o'clock having arrived, the House stands adjourned until to-morrow morning at 11 o'clock a. m.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of James Williams, for a pension—to the Committee on Invalid Pensions.

Also, papers in the case of James Williams—to the same committee.

By Mr. CATCHINGS: Petition of Martha R. Blanton, of Washington County; of Mattie H. Garnagin, of Mary Deen, of Bolivar County; of Samuel Chase, of Rowena Clarke, of William Whitaker, and of Antonet Walsh, of Warren County, Mississippi, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DAVIS: Petition of Alexander McKennon and 53 others, merchants, underwriters, and others, in favor of the erection of a light-house at Peaked Hill Bars, Cape Cod, Massachusetts—to the Committee on Commerce.

By Mr. ERMENTROUT: Memorial of the Constitution Club of New York city, expressing its views of the letter carriers' bills—to the Committee on the Post-Office and Post-Roads.

By Mr. T. J. HENDERSON: Petition of Emma Sanger, Joseph Little, and others, citizens of Amboy, Ill., praying that a pension may be granted to Louis H. Sanger—to the Committee on Pensions.

By Mr. HISCOCK: Petition for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of 70 citizens of Coryell County, Texas, praying that Congress will at an early day increase the duties on wool, worsted and woolen goods, and yarns—to the Committee on Ways and Means.

Also, petition of Juliana Bromley, for a pension—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Map to accompany bill for the improvement of naval-hospital grounds at Portsmouth, Va.—to the Committee on Public Buildings and Grounds.

By Mr. MATSON: Petition of Dr. J. T. Strong and 50 others, citizens of Hendricks County, Indiana, for a pension to Mrs. G. Conatz—to the Committee on Invalid Pensions.

Also, petition of James C. Raye, of Hartford, Kans., relative to pensions—to the same committee.

Also, petition of members of Elvira Post, No. 174, Grand Army of the Republic, Madison, Kans., for pension legislation—to the same committee.

By Mr. MORRISON: Memorial of the Constitution Club, favoring letter-carriers' bill—to the Committee on Labor.

Also, petition of James W. Kingon, Company E, Twenty-second Illinois Volunteers, and Company H, Forty-second Illinois Volunteers, asking to have charge of mutiny removed—to the Committee on Military Affairs.

By Mr. CHARLES O'NEILL: Petition of Mary Beers, widow of Robert B. Beers, Company A, Seventieth Pennsylvania Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Petition of Henderson Lynch, of Green County, Tennessee, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SENEY: Petition of Cyre Field and other officers of Keller Post, No. 128, Grand Army of the Republic, of Bucyrus, Ohio, favoring Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. SNYDER: Petition of J. R. J. Wilson, of Clay County; of Joseph Jarrett and of Samuel Tuckwillen, of Greenbrier County, West Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STEELE: Petition of William Millspaugh and 50 others, of New Cumberland, Ind., for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. STRAIT: Papers relating to the claim of Frederic Iltis for an invalid pension—to the same committee.

By Mr. J. M. TAYLOR: Petition of Isaac M. Hudson, administrator of James Love, asking a reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. TUCKER: Memorial of the supreme judges of Indiana, praying for a Federal code of procedure—to the Committee on the Judiciary.

By Mr. A. C. WHITE: Petition of soldiers and citizens of Saint Petersburg, Clarion County, Pennsylvania, praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Resolutions of Burdick Post, Grand Army of the Republic, of Spring Valley, Minn., in favor of Senate bill 1886—to the same committee.

By Mr. WILLIS: Remonstrance of the Board of Trade of Louisville, Ky., against House bill 8745 for the erection of a low bridge at Saint Louis, Mo.—to the Committee on Commerce.

SENATE.

FRIDAY, *June* 25, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. BUTLER and by unanimous consent, its further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in reply to a resolution of May 24, 1886, a report from the Chief of Engineers and Maj. Peter C. Hains, Corps of Engineers, in regard to the construction of a Government bridge across the Potomac River from Observatory Point to Arlington gate; which was read.

The PRESIDENT *pro tempore*. The communication and accompanying papers will be printed, and referred to the Committee on Public Buildings and Grounds. The map and other exhibits will not be printed unless specially ordered.

Mr. HAWLEY. I was going to suggest that the question of printing had better be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The communication, with the accompanying papers, without the maps, will be referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, transmitting, in reply to a resolution of the 18th instant, certain information as to the amount of additional compensation ascertained to be due to postmasters and late postmasters under the act of March 3, 1883, for the payment of which no provision has been made; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMANDER H. E. MULLAN.

Mr. BUTLER. Mr. President, I beg to present a letter from H. E. Mullan, of Maryland, and I ask to have it read. It is a letter addressed to me.

The PRESIDENT *pro tempore*. If there be no objection the letter will be read. The Chair hears none.

The Chief Clerk read as follows:

913 F STREET NORTHWEST, *Washington, D. C., June* 24, 1886.

DEAR SIR: In the official RECORD of the proceedings of the Senate of the 23d instant you are reported as having made the following statement in connection with Senate bill No. 2661:

"We have had a very serious experience within the last four or five years in the sinking of the Ashuelot by a man who had been court-martialed and dismissed for drunkenness. By importuning he was restored," &c.

This statement does me great injustice and is contrary to any facts to be found of record; and believing that you would not intentionally in your place on the floor of the Senate or elsewhere misrepresent or do me a wrong, I hasten to explain to you the following, which perhaps formed the basis of your remarks as above quoted:

After a service of nineteen years, beginning in 1857, I appeared in the year 1876 before an examining board for promotion to the grade of commander. Said board failed to recommend me for promotion and assigned no reason for their adverse action. From the great injustice and wrong done me by the action of said board I appealed to Congress in a frank, open manner, and asked that the proceedings of said board as appeared to said Congress might be set aside, declared null and void, and that I be permitted to appear before a board to be selected by the Secretary, composed of officers unprejudiced and unbiased and who would be fair and impartial. This was accorded me. I appeared before said board, and at my request my whole naval career, since my original entry to date, was carefully and with scrutiny inquired into, and after such inquiry said board recommended me for promotion and I was accordingly promoted. From that date there was no complaint by the Department till the year 1883, when I was forced before a court, a majority of whose members were my juniors in rank, and every one of whom has been benefited by his vote on said court.

As to the Ashuelot, whose loss no one more deeply regretted than myself, I shall only now say that I was not intoxicated on that sad occasion, nor was the loss of said vessel due to any such cause, nor will the record as it stands today, viewed by any lawyer, prove that such was the fact.

I am now engaged with all the energy becoming an officer and a gentleman in attempting to vindicate myself and show to the world the great injustice and wrong done me in this connection.

Very truly,

H. E. MULLAN, *of Maryland.*

Hon. M. C. BUTLER,
United States Senate.

Mr. BUTLER. Mr. President, I have had that letter read as an act of justice to Commander Mullan, and I feel it due to him and to myself to state that when, after the sinking of the Ashuelot, he applied for restoration to his position in the Navy after he had been court-martialed and dismissed the Navy, it became my duty as a member of the Committee on Naval Affairs to investigate the case, which was referred to me as a subcommittee to report to the full committee upon the bill which had been presented to the Senate.

I gave the matter the fullest and most conscientious attention and investigation, and discovered that he had been charged with drunkenness and had been court-martialed, convicted, and dismissed; and upon that I based the statement to which he refers and which he says did him injustice.

I trust that this gentleman will vindicate himself, as he says he is trying to do. I have not one particle of feeling against him, and it would cause me the deepest possible pain if I supposed that any utterance of mine on this floor had done the humblest man in this country injustice.

We are protected by the Constitution for language uttered here in debate and can not be called to account for it; but I have never availed myself of that privilege, and I trust I shall never so far forget myself as to do so to do, as I said, the humblest citizen of this country injustice.

I have thought it due to Mr. Mullan that this letter of his should go in the RECORD and that he should have all the benefit which it may afford him.

The letter was laid on the table.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a telegraphic memorial of the Board of Trade of Portland, Oreg.; which will be read at length.

The memorial was read, and ordered to lie on the table; as follows:

PORTLAND, OREG., *June* 24, 1886.

To Hon. JOHN SHERMAN,
Senate, Washington, D. C.:

The following was unanimously adopted at a meeting of the Board of Trade held to-day:

Whereas the interests of the Pacific northwest and Portland, its commercial metropolis, demand the completion of a competitive line connecting Portland and the Pacific Ocean with the Columbia River basin and the Atlantic seaboard; and

Whereas there now remains unfinished only 75½ miles of the Northern Pacific Cascade branch, the completion of which would create the competition so much needed, and at the same time open a new and competing route from Portland to the most productive portions of Eastern Oregon and Washington, and make our city the terminus of another and the only unbroken transcontinental line; and

Whereas it is understood that the passage by the House of Representatives of the Dolph forfeiture bill as amended by Senator VAN WYCK would make it impossible for the Northern Pacific Railroad Company to secure the capital for the completion of its Cascade branch and great Cascade tunnel: Therefore,

Be it resolved by the Board of Trade of Portland, Oreg., That we look upon the declaration of forfeiture of the land grant to the Northern Pacific Railroad Company appointing [appertaining] to the uncompleted portion of its Cascade branch as tending to greatly injure the most vital interests of the people of the Pacific northwest.

Resolved, That we must earnestly and urgently protest against such forfeiture, and that we call upon our Representative in Congress to do all in his power to prevent such forfeiture.

Resolved, That we most heartily indorse the course of our Senators, Messrs. DOLPH and MITCHELL, in opposing the adoption of the Van Wyck amendment by the Senate, and that we commend the broad and statesmanlike views which they have expressed in this connection and which have completed their action.

Resolved, That the president of the board of trade be instructed to telegraph these preambles and resolutions to the President of the Senate, the Speaker of the House of Representatives, Senator DOLPH, Senator MITCHELL, and Representative HERMANN.

C. H. DODD,
Vice-President Portland Board of Trade.

The PRESIDENT *pro tempore* presented a petition of 30 citizens of Locust Grove, Ohio, and a petition of 3 citizens of Amenia, N. Y., praying for the passage of the bill taxing imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. WILSON, of Iowa. I present resolutions of Charlton Post, No. 143, of the Grand Army of the Republic, of Richland, Iowa, in the nature of a petition, praying that Congress will pass, notwithstanding the objections of the President as expressed in his veto message, the bill granting a pension to J. D. Haworth. I move that the resolutions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. DOLPH presented a petition of citizens of Shoshone County, Idaho Territory, praying for the annexation of the Pan Handle of Idaho to Washington Territory; which was referred to the Committee on Territories.

Mr. CULLOM. I present resolutions adopted by the directors of the Chicago Board of Trade, remonstrating against any abridgment of the facilities and resources of the United States Signal Corps. As the resolutions are brief, I ask that they be read.*

The resolutions were read, and referred to the Committee on Military Affairs; as follows:

BOARD OF TRADE, SECRETARY'S OFFICE, *Chicago, June* 23, 1886.

Copy of preamble and resolutions passed by the board of directors of the Board of Trade of the City of Chicago at their regular meeting held on the 22d instant:

Whereas this board is advised that it is seriously contemplated by the Congress of the United States to curtail the meteorological service of the Government; and

Whereas such service in its present complete and satisfactory condition is of great advantage to this board and of incalculable benefit to the varied interests of this city and to the large extent of agricultural country which it represents: Therefore,

Resolved, That the Board of Trade of the City of Chicago hereby earnestly deprecates any proposed abridgment of the present facilities and resources of the United States Signal Service department, believing that such abridgment or curtailment would be of very great injury to the business of this city as well as to the region tributary thereto.

Resolved, That a copy of the above preamble and resolution be forwarded to the Representatives and Senators in Congress from the State of Illinois.

Attest:

GEORGE F. STONE, *Secretary.*

Mr. BUTLER. I present a letter of Mr. Samuel V. Niles, a reputable lawyer of this city, and a gentleman of the highest character and distinction, in relation to the bill (S. 1361) for the relief of Robley D. Evans and Richard M. Green. Inasmuch as the bill is on the Calendar, I ask that the letter lie upon the table, to be considered in connection with the bill.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. HARRISON presented the petition of John G. King and 109 other ex-soldiers and citizens of Dearborn County, Indiana, praying for the passage of the bill granting pensions to soldiers and sailors in the Army and Navy of the United States in the war of the rebellion and to their widows and orphans, and for other purposes; which was referred to the Committee on Pensions.

Mr. HALE presented the petition of James A. Smith and other lieutenants of the Signal Corps of the Army, praying that Congress may provide for their promotion, or, in lieu of that, for their transfer, without loss of rank, to the line of the Army as vacancies may occur in the grade of second lieutenants; which was referred to the Committee on Military Affairs.

Mr. VEST presented the petition of the American Wine Company, Collins Brothers' Drug Company, and other citizens of Saint Louis, Mo., praying for a certain amendment of section 3328 of the Revised Statutes in relation to imitation and spurious wines; which was referred to the Committe on Finance.

Mr. PAYNE presented four telegrams from business firms of Cincinnati, Ohio, protesting against the passage of the so-called oleomargarine

bills; which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. CHACE, from the Committee on the District of Columbia, to whom was referred the bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (H. R. 2626) granting a pension to Silas K. Haines, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2584) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called Rock Creek Park, reported it with amendments.

Mr. HAWLEY, from the joint select committee of Congress on the Newburg (N. Y.) monument and centennial celebration of 1883, submitted a report thereon; which was referred to the Committee on Printing.

Mr. DOLPH. The Committee on Coast Defenses, to whom was referred the amendment proposed to be introduced by myself to the bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes, have instructed me to report the same back with an amendment, and to ask that it be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and be printed.

EULOGIES ON THE LATE SENATOR MILLER.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably without amendment the bill (S. 2732) to authorize the printing of the eulogies delivered in Congress upon the late John F. Miller, and I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 810) granting a pension to Charles J. Esty;

A bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio;

A bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie;

A bill (S. 1217) for the relief of Henry Bellion;

A bill (S. 1390) for the relief of B. Frank Patterson;

A bill (S. 1836) for the relief of Libbie C. Montis;

A bill (S. 2067) for the increase of pension to Zebulon S. Tompkins;

A bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews;

A bill (H. R. 5546) for the erection of a public building at Asheville, N. C.;

Joint resolution (H. Res. 57) to print an addition to a report on wages ordered printed January 17, 1884; and

Joint resolution (H. Res. 185) for the printing of certain eulogies delivered in Congress upon the late Joseph Rankin.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 2741) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during the war of the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 2742) authorizing the Secretary of War to have an iron bridge constructed from the Naval Observatory grounds across the Potomac River to the Arlington estate; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2743) to secure an equitable classification and compensation of certain officers of the United States; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. RIDDLEBERGER (by request) introduced a bill (S. 2744) to reduce the rate of postage on letters to 1 cent per ounce and the price of postal cards to one-half of a cent each; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) introduced a bill (S. 2745) directing the Secretary of the Treasury Department to pay all balances in the Treasury of the United States to their just and true owners or heirs; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 2746) to amend the national banking act by adding an additional section; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 2747) to create the department of transportation, and to make the secretary thereof a Cabinet officer; which was read twice by its title, and referred to the Committee on Education and Labor.

He also (by request) introduced a bill (S. 2748) to protect certain mining and agricultural industries in the United States of America; which was read twice by its title, and referred to the Committee on Mines and Mining.

He also (by request) introduced a bill (S. 2749) relating to the manufacture of the money of the United States of America; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 2750) to destroy usury and banking for profit within the jurisdiction of the United States of America by creating certain banking powers and duties of the Treasury Department; which was read twice by its title, and referred to the Committee on Finance.

Mr. RIDDLEBERGER. I desire to have it specifically stated that I have presented all these bills by request.

Mr. HARRIS (by request) introduced a bill (S. 2751) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash; which was read twice by its title, and referred to the Committee on Claims.

Mr. EVARTS introduced a bill (S. 2752) granting a pension to Maria Churchwell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 2753) to remove the charge of desertion from the military record of James Gafney, late private in Company D, Ninth Michigan Cavalry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 2754) to restrict the use and sale of opium in the District of Columbia and the Territories of the United States; which was read twice by its title.

Mr. BLAIR. I shall ask that the bill be referred to the Committee on the Judiciary. It is quite informally drawn, and I introduce it by request. It is accompanied by some other papers throwing light on the subject; and I trust, as of course we know will be the case, the Committee on the Judiciary will give attention to so important a matter, and report a bill in proper terms to reach the evil, which it seems is extending with considerable rapidity not alone in the District of Columbia but in the Territories and States of the country.

Mrs. Charlotte Smith has made some investigations and appeared before the Committee on Education and Labor with facts drawn from her own observation, and also with letters from medical gentlemen in different parts of the country calling attention to this important matter, and it is principally at her instance that I now call the attention of the Senate and of the committee to the matter. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. TELLER (by request) introduced a bill (S. 2755) to improve the paper currency of the United States; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 2756) for the relief of Henry C. De Ahna; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 2757) for the relief of Florida Kennerly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 2758) granting a pension to Arthur M. Thorp; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a joint resolution (S. R. 72) to print 10,000 copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show held in Philadelphia in September, 1880; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WILSON, of Maryland, submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and referred to the Committee on Appropriations with the accompanying papers.

Mr. MAXEY submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MONEY OF THE UNITED STATES.

Mr. RIDDLEBERGER (by request) submitted the following resolutions; which were referred to the Committee on Education and Labor:

Whereas each nation makes its own metallic or paper money a legal tender for all public and private debts;

Whereas the interest-bearing bonded debts of all nations are growing with frightful rapidity;

Whereas there is and of right ought to be some known way for each nation, as a nation, to free itself from the rapacity of usury, at least within its own jurisdiction and upon its own credit;

Whereas the laboring masses in all nations are loudly calling for legislative relief from national usury and debts;

Whereas it has been said that the interest-bearing national debts have been created since 1657, A. D., and now exceed $50,000,000,000, with an annual interest tax of fully $3,000,000,000, which with metallic money alone means eternal national interest-bearing debts;

Whereas some other régime of money is demanded of Congress and is being considered not only in America but Europe likewise: Therefore,

Resolved by the Senate of the United States, That this House should and does hereby boldly agree to investigate this great question as it never has been done since this Government was founded, and for that purpose it does hereby appoint a select committee on the money of the United States, to be composed of one fair-minded member of each standing committee of their body, and he shall be chosen by such standing committees within one week after the adoption of this resolution.

Resolved further, That the aforesaid committee shall investigate that subject very thoroughly, and shall report by bill or otherwise on or before the third Monday in December next.

Resolved still further, That the aforesaid committee shall have the power to sit during the recess of Congress, to send for persons and papers, to employ a clerk, and to have and exercise all other necessary powers.

Resolved yet still further: That the sum of $5,000 be and are hereby appropriated for its legitimate expenses out of any public money not otherwise appropriated.

DEBT AND USURY.

Mr. RIDDLEBERGER (by request) submitted the following resolution; which was referred to the Committee on Finance:

Be it resolved by the Senate of the United States, That the honorable Secretary of the Treasury Department be and is hereby authorized and directed to ascertain and to make public the following information as soon as possible:

1. The present face value of mortgages on record within the United States.
2. The indebtedness of municipalities, parishes, counties, States, and of the United States.
3. The annual interest liability on the above.
4. The capital and net profits of all banks, by whatever name known, within the jurisdiction of the United States, by years, and, if possible, from January 1, 1868, to January 1, 1886, to the intent that all possible and proper information may be obtained, classified, tabulated, aggregated, and diagramatized so that debt and usury in every phase may be seen as it is felt in every hamlet in the land.

Mr. RIDDLEBERGER. I wish to have it specifically noted that I have submitted these two resolutions by request.

PRINTING OF PUBLIC LAND BILL.

Mr. COCKRELL. I should like to inquire if the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes, has been sent to the other House.

The PRESIDENT *pro tempore*. The clerks are not advised at the desk, but it has probably been sent.

Mr. COCKRELL. If it has not been sent, I suggest that it ought to be printed with the amendments as it was passed by the Senate, so as to facilitate the passage of the bill.

The PRESIDENT *pro tempore*. In the ordinary course it will be printed at once when presented to the other House. Does the Senator from Missouri desire an order to print the bill?

Mr. COCKRELL. I think it would be better to have it printed.

The PRESIDENT *pro tempore*. If there be no objection it will be so ordered. The Chair hears no objection.

PAPERS IN VETOED PENSION CASES.

On motion of Mr. BLAIR, it was

Ordered, That the papers in the following list of vetoed private pension bills be taken from the files of the Senate and referred to the Committee on Pensions:

Louis Melcher (S. 2186), petition.
Edward Ayers (S. 363), papers.
Dudley B. Branch (S. 146), papers.
Harriet Welch (S. 1383), papers.
Marilla Parsons (S. 342), papers.
Robert Holsey (S. 1287), papers.
James Butler (S. 2025), papers.
Elizabeth De Krafft (S. 2223), papers.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the following bills:

A bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims; and

A bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. WINANS, and Mr. PRICE the managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following joint resolusions:

Joint resolution (H. Res. 5) authorizing payment of C. H. Mann, messenger to the reporters' gallery; and

Joint resolution (H. Res. 183) providing for printing the first annual report of the Commissioner of Labor.

FITZ-JOHN PORTER.

Mr. SEWELL. If the morning business is through, I move to take up the bill for the relief of Fitz-John Porter.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 67) for the relief of Fitz-John Porter.

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. LOGAN] is entitled to the floor.

Mr. LOGAN. Mr. President, in discussing this question, which has been so frequently before the Senate of the United States, I desire first to have the bill read.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, as follows:

A bill (H. R. 67) for the relief of Fitz-John Porter.

Whereas the board of Army officers convened by the President of the United States by special orders numbered 78, headquarters of the Army, April 12, 1878, to examine into and report upon the case of Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, having by their report of March 19, 1879, stated that, in their opinion, "justice required at his (the President's) hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and to restore him to the positions of which the sentence deprived him, such restoration to take effect from the date of dismissal from the service;" and

Whereas the President, on the 4th day of May, 1882, remitted so much of the sentence of said court-martial remaining unexecuted as "forever disqualified the said Fitz-John Porter from holding any office of trust or profit under the Government of the United States:" Therefore, that justice may be done the said Fitz-John Porter, and to carry into effect the recommendations of said board,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being hereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Fitz-John Porter shall receive no pay, compensation, or allowance whatsoever prior to his appointment under this act.

Passed the House of Representatives February 15, 1886.

Attest:

JNO. B. CLARK, JR., *Clerk*.

Mr. LOGAN. I do not wish to weary Senators in elaborating the points which have been heretofore presented, but I do think that if Senators could divest themselves of a great desire to do a certain act, whether right or wrong, and would return once more to the landmarks of the Constitution and examine this question with reference thereto there would not be such a persistent effort on the part of the friends of Fitz-John Porter to pass a certain kind of a bill with a certain class of words in it.

I have called attention heretofore to the phraseology of the bill which has always been presented to Congress, seeming as though there was a determination to force a bill with a character of phrase and word in it different from that of any other class of bills passed, that is to say, with reference to any class of bills passed where there was a doubt in reference to either the propriety or the constitutionality of the act.

Let me examine this measure for a moment and ask lawyers on either side of this Chamber to calmly consider this question in reference to what they deem a proper construction of the Constitution of the United States.

What is this bill? It proposes, first, that the President may do a certain act; that he may appoint Fitz-John Porter to a colonelcy in the Army of the United States; that is to say, he may nominate him to the Senate and after confirmation appoint him to that office, and then place him on the retired-list with that grade, the retired-list to be opened, if I may use that term; or, in other words, a vacant colonelcy is created on the retired-list, for what purpose? "For this purpose only." That is the language of the bill. "For this purpose only" means what? It means that the President shall fill that office with the name of Fitz-John Porter, and none other; in other words, if he does not appoint that person to that office the office ceases.

Allow me to call the attention of Senators to that which they have read over and over again and studied and understand perhaps better than I do. Let us examine for a moment the power of the President under the Constitution and see whether he is to appoint by direction of Congress or whether he is to appoint by and according to his own judgment and his own volition. Speaking of the power of the President the Constitution says:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

What is the meaning of that? The President "shall have power, by and with the advice and consent of the Senate, to make treaties." That means, as I understand it at least, that the President may make an agreement with any foreign power in reference to regulations that shall operate between the two governments, and it shall be sent to the Senate, and if satisfactory to two-thirds of the Senate then he is authorized to exchange treaties, and the agreement becomes of binding force between the two nations.

Will any Senator here claim that the House of Representatives has

any power whatever to agree to a treaty, to formulate a treaty, to consent to a treaty, except being a part of the Congress of the United States to pass laws in connection with the Senate in furtherance of or for the purpose of carrying out the provisions of a treaty? I presume nobody will contend that the House of Representatives has any other power in the matter; yet we find that in the language in reference to the making of treaties the Senate consents and advises. Then the treaty is put in force by the President by an exchange of treaties.

I only speak of this to show that in connection with the very same provision following the treaty-making power is the power of the President to nominate to the Senate persons for the purpose of holding certain offices:

And he shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

I merely call attention to this provision that the President of the United States shall nominate, and, by and with the advice and consent of the Senate, appoint officers to all the offices except as otherwise provided by law. I ask any Senator here what the Senate or the House of Representatives has to do with the selection of the man whom the President of the United States shall nominate to a colonelcy in the Army of the United States? Where does the House of Representatives get the power to advise the President of the United States whom he shall appoint to office? Where does the Senate derive the power from the Constitution of the United States to dictate to the President what person he shall nominate to any office whatever where it rests in the power of the President to nominate and the Senate to confirm?

It has been said by Senators in response to this proposition when I have called attention to it heretofore that the fact that bills have been passed within the last few years authorizing the President to do certain things and appoint certain persons to offices has become a precedent and thereby becomes the construction of the Constitution. If every bill that is passed through Congress in violation of the Constitution becomes a precedent so that the Constitution is to be construed hereafter according to that precedent, it would not take very long for the Congress of the United States to change the whole structure of the Constitution. I do not believe in that doctrine. I do not believe that a few bills passed through Congress can change the Constitution of the United States.

I will put a case on all fours with the pending bill, and I will ask any lawyer on the other side of the Chamber to answer the proposition. Suppose the Congress of the United States should to-morrow pass a law increasing the number of the judges on the Supreme Bench; suppose we increase the number by four, and you provide in that bill in this language: "That the President of the United States is hereby authorized to nominate, and by and with the advice and consent of the Senate to appoint to the office of supreme judge John Doe, Richard Roe, Stephen Johnson, and Benedict Arnold" to fill the four vacancies created by act of Congress on the Supreme Bench, and then in conclusion the act says: "And for this purpose only are these four offices created." For what purpose? For the purpose of appointing these four men, and for no other purpose. Is there a lawyer in the Senate of the United States who will contend that it is not an abridgment of the President's prerogative, and an infringement upon the Constitution of the United States?

But it is said this is the appointment of a colcnel in the Army. What is the difference? It is an office, and the Constitution of the United States provides in so many words that the President of the United States shall nominate to the Senate and by and with its advice and consent he may appoint. So if you can dictate to the President whom he shall appoint to an office and at the same time declare that if he does not fill the office with that name then the office shall cease, tell me why Congress can not appoint the man to the office without the President of the United States? It can do so upon the very same theory that it is proposed to tell the President an office is created if he will put a certain man in it, and if he does not put that man in it the office ceases.

If that is the only power or authority the President has, the Congress of the United States upon the same parity of reasoning can itself appoint the man to the office without reference to the President, for the President is merely doing what? He is not acting in the capacity of President in the selection of the officer according to his own judgment; the only capacity in which he is acting is as the agent of Congress to transmit the name and that is all, not in his capacity as President exercising his judgment, but merely in the capacity of a clerk registering decrees of Congress by sending the name and for no other purpose, a mere clerk without judgment of his own being exercised in any sense. You deprive him by this act of the exercise of that judgment as President of the United States; and yet grave lawyers, in the Senate for years, have stood up and said that it is no violation of the Constitution. I ask any lawyer in the Senate, and I have asked the same question before, to stand up and give me a reason for the consistency of this position with the Constitution of the United States, and I have never found one to make answer.

If when a bill violates the Constitution, Senators are so determined that it shall be rammed down the throats of those who do not believe in it, merely to have a certain phrase in the bill, they have the responsibility of doing it. But, sir, I have been taught to respect the Constitution I care not which way it cuts, and whenever I see it is to be violated I try at least to prevent it. We ought not to be so eager, we ought not to be so anxious to do a thing to gratify somebody as to be willing to ride rough-shod over the Constitution, the President, and everything else.

For seventy-five years the construction of that portion of the Constitution has been as I have stated it. You can not find anywhere where this has been passed upon whenever it has been raised in the days gone by, that it has not been given the very same construction that I have given it to-day.

It has been violated in some instances within recent years by putting captains or somebody on the retired-list. That was done over my protest in the Senate, but it was a small thing and no one would listen for a moment to the proposition whether it violated the Constitution. I have frequently called the attention of the country to the fact which I have suggested, how easy it is to remedy the proposition; but no, the bill must be passed just in these words and none other, according to its friends' desire.

Now, let me ask another question. The Constitution provides that any person who has incurred disabilities under the Constitution and laws of the United States may have those disabilities removed by a vote of two-thirds of both Houses of Congress. Suppose a bill is introduced in the Congress of the United States for the purpose of relieving disabilities. It is voted on. It is provided in that bill that the person who asks to be relieved of his disabilities shall be relieved of them if the President of the United States will do a certain act which is indicated to him by the Congress of the United States. Would not that be in violation of the Constitution? The Constitution provides that it shall take two-thirds of the votes to relieve the disabilities, but you would make it depend upon an act of the President instead of the way provided in the Constitution, and whenever that is done it is as clearly a violation of the Constitution of the United States as if you squarely ran against the face of it and said the Constitution is all bosh.

So, too, when you deprive the President of his power, the right which he has to nominate to the Senate, from his own selection, you violate the Constitution.

I might be asked what is my view about the power of the President nominating to the Senate and the Senate confirming. I heard the question once asked in the Senate by a lawyer whether the Senate did not have a right to consent to the appointment of a man to a civil office before his name was sent in? I said no, I thought not, because that would be the Senate appointing to the office and asking the President to consent, instead of the President nominating the officer and asking the Senate to consent. I thought that was a reversal of the proposition as it was stated in the Constitution. But I heard that position stated on the floor by a man who is said to be a fine lawyer, and doubtless is, at least he thinks so. It only shows how far we go in certain directions when we are anxious to have a thing done; that we then go to almost any extreme, violate our own judgment and our own conscience in reference to the thing in order to carry a pet object through.

If this thing obtains and becomes the construction of the Constitution, let me put this case: Suppose the Congress of the United States should be largely Republican in both branches, and the President should be a Democrat, or *vice versa*, having a certain number of officers to appoint to carry on the Government. Suppose Congress passes an act declaring that the President is authorized, and by and with the advice and consent of the Senate of the United States, to nominate John Fish to be postmaster at New York, and that the office is made vacant "for this purpose only." What would that law mean? It would mean that the President might appoint that man to be postmaster at New York, and if he did not he could not appoint anybody. In other words, to make it plainer, suppose we created another post-office in New York city, or in Brooklyn, a new office, and say the President may appoint a certain person nominated to the Senate, and if the Senate consent to it then this man shall become postmaster, and the office is created "for this purpose only." For what purpose? For the purpose of this man being appointed to it, and if he is not appointed the office ceases.

Will any one tell me that this would be a fair construction of the Constitution? Will any one tell me that that is not taking the power that is given to the President by the Constitution out of his hands and putting it in the hands of Congress? It is a well-known fact that the legislative departments of governments encroach upon the prerogatives and rights of the other departments when permitted to do so. The reason the President vetoed a similar bill which passed in almost the very same language of this bill to-day was on the ground that Congress had no right to create an office and tell the President whom he should appoint, and he vetoed it, in my judgment, upon purely constitutional grounds.

Mr. President, I have merely called the attention of the Senate to this provision of the Constitution as applicable to the bill as attempted to be passed by the Congress of the United States. As a matter of course, I do not expect it to have any weight, for I have always noticed

when the Senate of the United States has a determination fixed in its mind to do an act it turns a deaf ear to everything, no matter whether it is based upon law or fact, to do the act it desires. That has been the case often, not with the Senate in this Congress alone but with others, and I only made these suggestions thinking that in this day and age of the world grave Senators might at least for one time halt for the purpose of examining this question prior to forcing this measure upon the President of the United States and upon the country.

Mr. MANDERSON. If the Senator from Illinois will allow me to interrupt him before he passes from this branch of his argument, I will call to his attention a change of the bill to meet the case he has suggested, and with his permission I will read it so that he may comment upon another feature which is presented naturally as it seems to me from the considerations he has already urged. Suppose the bill were to read:

An act for the relief of John Doe.

Whereas the board of United States judges convened by the President of the United States to examine into and report upon the case of John Doe, late a district judge of the United States, having by their report stated that, in their opinion, "justice required at his (the President's) hands such action as may be necessary to annul and set aside the findings and sentence of the United States court in the case of John Doe, and to restore him to the positions of which the sentence deprived him, such restoration to take effect from the date of dismissal from the service;" and

Whereas the President remitted so much of the sentence of said United States court remaining unexecuted as "forever disqualified the said John Doe from holding any office of trust or profit under the Government of the United States:" Therefore, that justice may be done the said John Doe, and to carry into effect the recommendations of said board,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint John Doe, late a United States district judge, to the position of United States district judge of the State of New Jersey, being the position he held prior to the sentence of the court which tried him, and, in his discretion, to place him in such position as judge, list of judges being hereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said John Doe shall receive no pay, compensation, or allowance whatsoever prior to his appointment under this act.

I suggest to the Senator that that makes an exact parallel, simply carrying out his idea in the matter.

Mr. LOGAN. That would be a case on all fours with this case, for the Congress of the United States to take a judge who had been impeached, to illustrate, and dismissed from the bench and his place filled, and then by an act of Congress to create another judgeship and provide that if the President puts the man who has been dismissed back in the newly created judgeship he may do it, and if not the office ceases. That is creating an office by act of Congress and telling the President who he is to put in, and if he does not put that man in the office ceases and it shall not be filled. That is the proposition precisely.

I ask any lawyer here, I care not who he is—the Senator from New Jersey, the promoter of this bill, is himself a lawyer—to explain to me why this is not in violation of the Constitution of the United States. I ask any man on either side for an argument in favor of this position according to the construction of that provision of the Constitution which authorizes the President to nominate to the Senate and the Senate to consent to the nomination, so that the person may be appointed to office. I want an answer. If I am wrong on the law and the construction of the Constitution of the United States, I wish to know it.

But some say it is merely permitting the President to do an act, permitting him to do an executive act, a political act. Sir, the President performs his acts of an executive, or political, character according to the laws of the United States, and it is the duty of Congress to pass no other character of laws, only those which are constitutional and which do not abridge the rights of any of the departments of the Government, but to keep within the purview and meaning of the Constitution. We are restricted in the Constitution the same as the other departments. Within those bounds we ought to keep and we ought not to go beyond them.

However, I shall leave that branch of the subject and take up the next branch of the case, which has to a certain extent been commented on by the Senator from New Jersey [Mr. SEWELL]. I have maintained in the Senate and elsewhere that for the violation of an order of a commanding officer, for a refusal to obey it, or for failing to obey it, the law under the articles of war fixes the penalty of death, or any other punishment which the court-martial may deem proper. This man was tried and convicted upon evidence that I have heretofore stated, fairly and truthfully. I have no prejudice against this man, and without prejudice I have tried to place the evidence fairly before the country so that it might be judged of impartially; but it has been spread before the country time and again by the friends of this man in a distorted shape—in fact presented in such a way as to be without truth as its basis. By a misapprehension of the facts many have protested the innocence of Porter. I now state, in the commencement of my examination of the testimony, that there has not been one statement made in reference to the condition of the two armies or the troops at the time, or the troops that confronted this man, that has one solitary fact to stand upon, and I will demonstrate it. I have done it over and over again, and I shall do it now. It is by this deception and misrepresentation that letters have been obtained from great men in this country sympathizing with this man because as stated he had been improperly found guilty.

But I do not consider this to be the trial of Fitz-John Porter. This bill is a mere dodge, for it was determined by the Supreme Court of the United States about the time that this case was first argued in the Senate that the judgment of a court known as the courts-martial of this country when approved by the President was final, and there is no power to reopen and re-examine the case. I maintained it as the law that the judgment of a court-martial was the same thing when approved by the President of the United States as a decision of the Supreme Court of United States, that their decision when approved was final, and that there was no power to reopen and re-examine it.

That being the case, you ignore the court's decision and provide that this man shall be placed back although dismissed, when you have no power to reopen and revise the judgment. But you whip the devil around the stump by putting a man back in the same place from which the court-martial dismissed him. You have no power whatever to revise the judgment of the court, still you do revise it, you do overturn it, you do declare it null and void, and you do put him in the position he occupied at the time he was dismissed. If that is not a reversal of the judgment, if that is not a reopening and rehearing of it, in an indirect mode, then I do not understand it.

But as I have maintained before, this is not the trial of Fitz-John Porter. He has been tried. This is the trial of Abraham Lincoln, who approved the sentence. This is the trial of James A. Garfield, General Hunter, and the brave and honest men who sat upon the court-martial with them, and who tried and pronounced him guilty. We are told that they erred; that new discoveries have proved their mistake. If I do not demonstrate to the Senate, or the country, whether the Senate may hear me or not, that every particle of evidence before that court upon which they found him guilty is substantially confirmed by the reports of confederate officers as well as Union officers, I will agree that Fitz-John Porter was not guilty.

Mr. GRAY. Will the Senator give me the reference of the case in the Supreme Court of which he spoke, if he has it convenient?

Mr. LOGAN (handing a paper). If the Senator will look through this argument he will find it. I referred to it and quoted it in my former argument.

Now, let us see whether I am correct or not. The first proposition I state is that Fitz-John Porter failed to comply with the order of his commanding officer and not because he could not comply with it. I will put the order in my argument. It is the same order read by the Senator from New Jersey [Mr. SEWELL] yesterday, and in the following words:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope:

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER,
Warrenton Junction.

P. S.—If Banks is not at Warrenton Junction leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the junction instruct Colonel Cleary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope:

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

But before proceeding to that I desire to refer for a moment to the statement of the Senator from New Jersey yesterday in reference to the character of Fitz-John Porter prior to this charge. I have never assailed the character of Fitz-John Porter prior to his conduct in the presence of the enemy. I have never said aught against his conduct prior to that time. The Senator said he was a graduate of West Point. That is true. So was Robert E. Lee; so was General Johnston, and so was Jefferson Davis. The Senator said he was a brave soldier in the Mexican war. So was Robert E Lee; so was Jefferson Davis. The Senator said that up to that time he never had been accused of anything. Up to the time that Jefferson Davis and Mr. Lee undertook to break up this Government they never had been accused of treason.

So it is not what the man did before, but it is what he did then. What did he do or what did he fail to do? Fitz-John Porter conspired with other officers to what effect? That no officer should command the armies of the East unless satisfactory to him and his allies. The Senator from New Jersey smiles, but the evidence shows it too plainly to be disbelieved. When McDowell commanded at the first battle of Bull Run and this country, misunderstanding the facts, said he had lost that battle, will the Senator believe me when I tell him that Fitz-John Porter was the cause of the disaster of the first battle of Bull Run? I state that in my judgment it is a fact.

I say that Fitz-John Porter and two or three other men whom it is not necessary to mention were determined that no man should command the Eastern army not satisfactory to them. Your Eastern army was successful under Grant, but when Grant took command of it Fitz-John Porter and his allies were no longer in that army to conspire against their commander. Had these men then been in command of their corps and armies, then Grant never would have succeeded. Thanks to Lincoln and Stanton for having discovered their designs and relieved them from further retarding the success of the Union arms.

Sometimes people forget history. Let me state the facts sworn to. Joseph E. Johnston was in command of nine thousand men on the 16th day of July, 1861, and 9 miles from him to his front was General Patterson with twenty-two thousand men. General Patterson was directed by a positive order from General Scott to attack Johnston, or if he could not attack him to hold him there so that he could not re-enforce Beauregard in front of McDowell at Manassas. That order was sent. General Sanborn had been sent from Washington city to urge him forward to attack. He went to him and was put in command of eight thousand of General Patterson's troops. General Patterson was preparing to attack Johnston, only 9 miles to his front. While he was making that preparation this general was ordered to the advance. He cut a road, and sent a part of his men down very close to Johnston's camp.

General Patterson directed the order to be issued to attack Johnston. This general was notified, and he was to be ready to attack the next morning, but when the order was directed to be issued it was not issued. Why? Fitz-John Porter was the adjutant-general of General Patterson, and Fitz-John Porter protested that Johnston had been re-enforced by twenty thousand men and it was dangerous to attack. Patterson said no, he was determined to attack. He (Porter) then insisted on Patterson sending for some of the other officers to consult, Colonel Abercrombie and Colonel Thomas. Finally he consented. They came to his camp and under the influence of Fitz-John Porter they caused Patterson to change the order, and, sir, instead of attacking the next morning the order was issued for a retreat, and he retreated 20 miles to Charlestown, with these men to bring up the rear, Stuart's cavalry covering Johnston's movement to Manassas. Johnston passed over the river in the night, and on the 19th of that month Joe Johnston landed at Manassas and took command of the confederate army at the battle of Bull Run with every man he had there save a few sick, and Patterson was kept 20 miles away from his camp under the influence of this man Fitz-John Porter.

Yet you talk about his being a great general, a brave man and patriotic. That was his patriotism in 1861. Why did he do this? McDowell and Pope never could win a battle and never did in the East where Porter and his friends were. They were never supported. The majority of the people of this country believe that Beauregard had command at Manassas, and that Joe Johnston got there on the evening of the battle; that he came in there with three or four thousand men on the evening of the battle and attacked McDowell on the flank. That is the general impression, but that is not true. As I said, Johnston was there on the 19th and took command of the army; that his whole force arrived there on the 20th except one brigade, and that brigade arrived on the day of the battle; and his whole force was there in that battle, and it was Johnston's force that McDowell fought the major part of the day instead of Beauregard, and under the influence of this man, Patterson was led away and made to retreat, so that Johnston could be unembarrassed in his march to Manassas or Bull Run.

I ask the Secretary to read what I send to the desk, taken from the sworn testimony on the conduct of the war.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Secretary will read the extract desired.

The Secretary read as follows:

The extraordinary conduct of General Patterson at this critical period, when everything seemed to depend upon his exertions, was afterward the subject of inquiry by the Joint Committee on the Conduct of the War. The testimony taken by that committee makes it clear, to any unprejudiced mind, that while Patterson himself may have been loyal to the Union, he was weak enough to be swayed from the path of duty by some of the faithless and unpatriotic officers with whom he had partly surrounded himself—and especially by Fitz-John Porter, his chief of staff. Let us examine the sworn testimony of two or three witnesses on this point.

General Charles W. Sanford, who was second in command under Patterson, and in command of Patterson's left wing, testified [see pages 54-66, Report on Conduct of the War, volume 3, part 2] that he was at a council of war held at the White House, June 29, when the propriety of an attack on the rebel lines at Manassas was discussed; that he objected to any such movement until Patterson was "in such a position as to prevent the junction between General Johnston's army and the troops at Manassas;" that on the 6th of July he was sent by General Scott, with four picked New York regiments, to Patterson, and (waiving his own seniority of rank) reported to that general at Williamsport; that Patterson gave him command of a division of eight thousand men (and two batteries) out of a total in his army of twenty-two thousand; that he "delivered orders from General Scott to General Patterson, and urged a forward movement as soon as possible;" that there was "some delay at Martinsburg, notwithstanding the urgency of our matter," but they "left there on [Monday] the 15th of July, and went in the direction of Winchester"—down to Bunker Hill—Patterson with two divisions going down the turnpike, and Sanford taking his division a little in advance and more easterly on the side roads so as to be in a position to flank Johnson's right; that on that afternoon (Monday, July 15) General Patterson rode up to where Sanford was locating his camp.

Continuing his testimony, General Sanford said: "I was then within about 9 miles of Johnston's fortified camp at Winchester. Patterson was complimenting me upon the manner in which my regiments were located, and inquiring about my pickets, which I had informed him I had sent down about 3 miles to a stream below. I had driven out the enemy's skirmishers ahead of us. They had some cavalry there. In answer to his compliments about the comfortable location I had made, I said: 'Very comfortable, General; when shall we move on?' He hesitated a moment or two, and then said: 'I do not know yet when we shall move. And if I did I would not tell my own father.' I thought that was rather a queer speech to make to me under the circumstances. But I smiled and said: 'General, I am only anxious that we shall get forward that the enemy shall not escape us.' He replied: 'There is no danger of that. I will have a reconnaissance to-morrow, and we will arrange about moving at a very early period.' He then took his leave."

The next day (Tuesday, July 16) there was a reconnaissance on the Winchester turnpike, about 4 or 5 miles below the General's camp. He sent forward a section of artillery and some cavalry, and they found a post-and-log fence across the Winchester turnpike and some of the enemy's cavalry on the other side of it. They gave them a round of grape. The cavalry scattered off and the reconnaissance returned. That was the only reconnaissance I heard of while we were there. My own pickets went further than that. But it was understood the next afternoon that we were to march forward at daylight. I sent down Colonel Morell with forty men to open a road down to Opequan Creek, within 5 miles of the camp at Winchester, on the side-roads I was upon, which would enable me in the course of three hours to get between Johnston and the Shenandoah River and effectually bar his way to Manassas. I had my ammunition all distributed and ordered my men to have twenty-four hours' rations in their haversacks independent of their breakfast. We were to march at 4 o'clock the next morning. I had this road to the Opequan completed that night. I had then with me in addition to my eight regiments, amounting to about eight thousand men and a few cavalry, Doubleday's heavy United States battery of 20 and 30 pounders and a very good Rhode Island battery. And I was willing to take the risk, whether General Patterson followed me up or not, of placing myself between Johnston and the Shenandoah River, rather than let Johnston escape. And at 4 o'clock (July 17) I should have moved over that road for that purpose, if I had had no further orders. But, a little after 12 o'clock at night (July 16-17), I received a long order of three pages from General Patterson, instructing me to move on to Charlestown, which is nearly at right angles to the road I was going to move on, and 22 miles from Winchester. This was after I had given my orders for the other movement.

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By the CHAIRMAN:

Q. And that left Johnston free?

A. Yes, sir; left him free to make his escape, which he did.

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Q. In what direction would Johnston have had to move to get by you?

A. Right out to the Shenandoah River, which he forded. He found out from his cavalry, who were watching us, that we were actually leaving and he started at 1 o'clock that same day with 8,000 men, forded the Shenandoah where it was so deep that he ordered his men to put their cartridge boxes on their bayonets, got out on the Leesburg road, and went down to Manassas.

Q. (By the CHAIRMAN). Did he [Patterson] assign any reason for that movement?

A. I was, of course, very indignant about it, and so were all my officers and men; so much so that when, subsequently, at Harper's Ferry, Patterson came by my camp, there was a universal groan—against all discipline, of course, and we suppressed it as soon as possible. The excuse given by General Patterson was this: That he had received intelligence that he could rely upon that General Johnston had been re-enforced by twenty thousand men from Manassas, and was going to make an attack upon him; and in the order which I received that night—a long order of three pages—I was ordered to occupy all the communicating roads, turning off a regiment here, and two or three regiments there, and a battery at another place, to occupy all the roads from Winchester to the neighborhood of Charlestown, and all the cross-roads, and hold them all that day, until General Patterson's whole army went by me to Charlestown; and I sat seven hours in the saddle near a place called Smithfield, while Patterson, with his whole army, went by me on their way to Charlestown, he being apprehensive, as he said, of an attack from Johnston's forces.

Q. (By Mr. Odell.) You covered his movement?

A. Yes, sir. Now the statement that he made, which came to me through Colonel Abercrombie, who was Patterson's brother-in-law, and commanded one division in that army, was that Johnston had been re-enforced, and General Fitz-John Porter reported the same thing to my officers. General Porter was the chief of Patterson's staff, and was a very excellent officer and an accomplished soldier. They all had got this story, which was without the slightest shadow of foundation; for there had not a single man arrived at the camp since we had got full information that their force consisted of twenty thousand men, of whom eighteen hundred were sick with the measles. The story was, however, that they had ascertained by reliable information of this re-enforcement. Where they got their information I do not know. None such reached me; and I picked up deserters and other persons to get all the information I could; and we since have learned as a matter of certainty that Johnston's forces never did exceed twenty thousand men there. But the excuse Patterson gave was that Johnston had been re-enforced by twenty thousand men from Manassas, and was going to attack him. That was the reason he gave then for this movement. But in this paper he has lately published he hints at another reason—another excuse—which was that it was by order of General Scott. Now, I know that the peremptory order of General Scott to General Patterson, repeated over and over again—was this—I was present on several occasions when telegraphic communications went from General Scott to General Patterson—General Scott's orders to General Patterson were that, if he were strong enough, he was to attack and beat Johnston. But if not, then he was to place himself in such a position as to keep Johnston employed, and prevent him from making a junction with Beauregard at Manassas. That was the repeated direction of General Scott to General Patterson; and it was because of Patterson's hesitancy, and his hanging back, and keeping so far beyond the reach of Johnston's camp, that I was ordered to go up there and re-enforce him, and assist him in any operations necessary to effect that object. The excuse of General Patterson now is that he had orders from General Scott to move to Charlestown. Now, that is not so. But this state of things existed: Before the movement was made from Martinsburg, General Patterson suggested to General Scott that Charlestown would be a better base of operations than Martinsburg, and suggested that he had better move on Charlestown, and thence make his approaches to Winchester; that it would be better to do that than to move directly to Winchester from Martinsburg; and General Scott wrote back to say that, if he found that movement a better one, he was at liberty to make it. But General Patterson had already commenced his movement on Winchester direct from Martinsburg, and had got as far as Bunker Hill; so that the movement which he had formerly suggested, to Charlestown, was suppressed by his own act. But that is the pretense now given in his published speech for making the movement from Bunker Hill to Charlestown, which was a retreat, instead of the advance which the movement to Charlestown he first proposed to General Scott was intended to be.

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Q. (By the CHAIRMAN.) Was not that change of direction and movement to Charlestown a total abandonment of the object which you were pursuing?

A. Entirely an abandonment of the main principles of the orders he was acting under.

Q. And of course an abandonment of the purpose for which you were there?
A. Yes, sir.
Q. (By Mr. ODELL.) Was it not your understanding in leaving here, and was it not the understanding also of General Scott, that your purpose in going there was to check Johnston with direct reference to the movement here?
A. Undoubtedly. It was in consequence of the suggestion made by me at the council at the President's house. * * * And upon the suggestion of General Scott they wanted me to go up there and assist Patterson in this movement against Johnston, so as to carry out the point which I had suggested of first checkmating Johnston before the movement against Manassas was made here.

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Q. (By the CHAIRMAN.) Would there have been any difficulty in preventing Johnston from going to Manassas?
A. None whatever.

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Q. (By the CHAIRMAN.) I have heard it suggested that he (Patterson) undertook to excuse this movement on the ground that the time of many of his troops had expired, and they refused to accompany him.
A. That to my knowledge is untrue. The time of none of them had expired when this movement was made. All the troops that were there were in the highest condition for the service. These three-months men, it may be well to state to you who are not military men, were superior to any other volunteer troops that we had in point of discipline. They were the disciplined troops of the country. The three-months men were generally the organized troops of the different States—New York, Pennsylvania, &c. We had, for instance, from Patterson's own city, Philadelphia, one of the finest regiments in the service, which was turned over to me, at their own request; and the most of my regiments were disciplined and organized troops. They were all in fine condition, anxious, zealous, and earnest for a fight. They thought they were going to attack Johnston's camp at Winchester. Although I had suggested to General Patterson that there was no necessity for that, the camp being admirably fortified with many of their heavy guns from Norfolk, I proposed to him to place ourselves between Johnston and the Shenandoah, which would have compelled him to fight us there, or to remain in his camp, either of which would have effected General Scott's object. If I had got into a fight, it was very easy, over this road, I had just been opening, for Patterson to have reinforced me and to have come up to the fight in time. The proposition was to place ourselves between Johnston's fortified camp and the Shenandoah, where his fortified camp would have been of no use to him.
Q. Even if you had received a check there, it would have prevented his junction with the forces at Manassas?
A. Yes, sir; I would have risked a battle with my own division rather than Johnston should have escaped. If he had attacked me, I could have taken a position where I could have held it, while Patterson could have fallen upon him and repulsed him.
Q. (By Mr. Odell.) Had you any such understanding with Patterson?
A. I told him I would move down on this side road in advance, leaving General Patterson to sustain me if I got into a fight. So, on the other hand, if he should attack Patterson, I was near enough to fall upon Johnston's flank and to support Patterson. By using this communication of mine to pass Opequan Creek—where, I had informed Patterson, I had already pushed forward my pickets (two hundred men in the day and four hundred more at night), to prevent the enemy from burning the bridge—it would have enabled me to get between Johnston and the Shenandoah River. On the morning (Wednesday, July 17) of our march to Charlestown, Stuart's cavalry, which figured so vigorously at Bull Run, was upon my flank all day. They were apparently about eight hundred strong. I saw them constantly on my flank for a number of miles. I could distinguish them, with my glass, with great ease. Finally, they came within about a mile of the line of march I was pursuing, and I sent a battery around to head them off, and the Twelfth Regiment across the fields in double quick time to take them in the rear. I thought I had got them hemmed in. But they broke down the fences and went across the country to Winchester, and I saw nothing more of them. They were then about 8 miles from Winchester, and must have got there in the course of a couple of hours. That day (Wednesday, the 17th) at 10 o'clock—as was ascertained from those who saw him crossing the Shenandoah—Johnston started from Winchester with eight thousand men, forded the Shenandoah, and got to Manassas on Friday night; and his second in command started the next day with all the rest of the available troops—something like nine thousand men, leaivng only the sick, and a few to guard them, in the camp at Winchester—and they arrived at the battlefield in the midst of the fight, got out of the cars, rushed on the battlefield, and turned the scale. I have no doubt that if we had intercepted Johnston, as we ought to have done, the battle of Bull Run would have been a victory for us instead of a defeat. Johnston was undoubtedly the ablest general they had in their army.
Col. Craig Biddle testified (pp. 194-198, *ibid.*) that he was General Patterson's aid-de-camp at the time. In answer to a question by the chairman he continued:
"I was present, of course, at all the discussions. The discussion at Martinsburg was as to whether or not General Patterson should go on to Winchester. General Patterson was very full of that himself. He was determined to go to Winchester, but the opinions of all the regular officers who were with him were against it. The opinions of all the men in whose judgment I had any confidence were against it. They seemed to have the notion that General Patterson had got his Irish blood up by the fight we had had at Falling Waters, and was bound to go ahead. He decided upon going ahead, against the remonstrances of General [Fitz-John] Porter, who advised against it. He told me he considered he had done his duty, and said no more. The movement was delayed in consequence of General Stone's command not being able to move right away. It was then evident that there was so much opposition to it that the general was induced to call a council of the general officers in his command, at which I was present. They were unanimously opposed to the advance. That was at Martinsburg.

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Q. While at Bunker Hill, the night before you left there, were any orders issued to march in the evening?
A. I think there were such orders.
Q. Did not General Patterson issue orders at Bunker Hill, the night before you marched to Charlestown, for an attack on the enemy?
A. I think such orders were written. I do not think they were issued. I think General Patterson was again persuaded not to make an advance.
Col. R. Butler Price, senior aid to Patterson, testified (pages 185-194, *ibid*) as follows: * * *
"Q. (By Mr. GOOCH.) Was it not the intention to move from Bunker Hill to Winchester?
"A. Yes, sir. At one time General Patterson had given an order to move from Bunker Hill to Winchester. He was very unwilling to leave Johnston even at Winchester without attacking him; and on the afternoon before we left Bunker Hill he decided to attack him, notwithstanding his strong force.
"Q. Behind his intrenchments?
"A. Yes, sir; it went so far that his order was written by his adjutant, General [Fitz-John] Porter. It was very much against the wishes of General [Fitz-John] Porter; and he asked General Patterson if he would send for Colonel Abercrombie and Colonel Thomas and consult them on the movement. General Patterson replied: 'No, sir; for I know they will attempt to dissuade me from it, and I have made up my mind to fight Johnston under all circumstances.' That was the day before we left Bunker Hill. Then Colonel [Fitz-John] Porter asked to have Colonel Abercrombie and Colonel Thomas sent for and consulted as to the best manner to carry out his wishes. He consented, and they came, and after half an hour they dissuaded him from it.
"Q. At that time General Patterson felt it was so important to attack Johnston that he had determined to do it?
"A. Yes, sir; the order was not published, but it was written.
"Q. You understood General Patterson to be influenced to make that attempt because he felt there was a necessity for detaining Johnston?
"A. Yes, sir; to detain him as long as he possibly could.
"Q. That order was not countermanded until late on Tuesday, the 16th, was it?
"A. That order never was published. It was written; but at the earnest solicitation of Colonel [Fitz-John] Porter it was withheld until he could have a consultation with Colonel Abercrombie and Colonel Thomas."

Mr. LOGAN. That statement is taken from the sworn testimony of General Sanford and other officers, and is to the effect that General Patterson was dissuaded by Fitz-John Porter, his adjutant-general—for that is exactly what the evidence says—from issuing the order to attack Johnston after he received the positive order from Scott; that by the persuasion of Fitz-John Porter the order was not issued, and the consultation was held and a retreat agreed on instead of an advance, which gave Johnston that night the chance to leave Winchester and go with his forces to Bull Run or Manassas, where in combination with the troops of Beauregard they outnumbered the troops of McDowell, for which reason the battle resulted as it did.

I say Fitz-John Porter was the cause of the loss of the first battle of Bull Run. Why do I say so? I say so for the reason that the troops of McDowell fought at 4 o'clock in the afternoon three brigades of Johnston's command, and at a time when Rickett's battery was knocked to pieces by a Virginia regiment and started a stampede, and Beauregard's army was off on the left and was not in contact with the army of McDowell at the time. Therefore, if Johnston's nine thousand men had not been on that ground and fought the battle in connection with Beauregard's, McDowell would have been successful, for up to 4 o'clock he was successful, and had driven the enemy during the day, and the stampede was caused by one brigade of Johnston's troops, which came in and struck the flank of McDowell.

Therefore, I am justified in the assertion that by Fitz-John Porter persuading Patterson with 22,000 men to retreat from Winchester where Johnston had but 9,000, instead of attacking him, caused the failure of the first battle of Bull Run. Why did he do this? He did it, in my judgment, because McDowell was in command, as he showed up to the time he was dismissed his enmity to McDowell and Pope by sneers, by criticisms, and, in every way possible that he could show, his vindictiveness and his feeling toward these men.

So I insist that it was a part of the programme that no man should command the army of the East unless of their own choice, and as long as either McDowell or Pope did command they were thwarted by Porter and his friends. I shall show when I come to that point what one of those gentlemen stated in a telegram on the very day of the second battle of Bull Run to President Lincoln in reference to Pope getting out of his own scrape. It will not do for Senators to say that this man is being persecuted, when in every case where either McDowell or Pope were in command he caused their defeat by his own improper conduct.

So I assert that he caused the loss of the first battle of Bull Run as well as the second. The sworn statement that I have read, given by the officers under Patterson, who were present, sworn to by men who wanted to attack Johnston, sworn to by men who had troops prepared for the assault, shows that Patterson was dissuaded from giving the order through the influence of Fitz-John Porter. Therefore I say he caused the disaster of the first Bull Run, as well as the second.

Yesterday we were told that there was a change of sentiment on this subject. There may be, but I have not discovered it. I have not treated this case by sending resolutions up to the desk to be read from from some army post, or the letter of some soldier. I have treated it from the testimony. When Senators speak about a change of sentiment I can show in my room to-day thousands of letters and hundreds of resolutions to their one, from Grand Army posts, if I was so disposed; but I do not argue cases in that way. I argue this case from the facts, and not from outside letters claiming that Porter is being persecuted.

I do not consider that it is persecution to defend the action of men like Lincoln and Garfield and other men who condemned this man; and, as God is my judge, I would stand over the dust of Lincoln and swear to his act being honest and just; and, sir, I will take my chance of being judged by honest men to-day and by my God hereafter by the side of men who will to-day defame the name of Lincoln for the benefit of a man guilty of base treachery, and especially when men will undertake to distort or change the evidence for such a purpose.

Ah, sir, strange times these! The evidence of that is that if a man is a Democrat, and wants relief through Congress, he will always find Republicans enough on this side who will join that side to pass whatever bill is necessary for the purpose. You gentlemen on the opposite side make this a party question; and why? You gentlemen who were down in the confederacy know nothing about this case except what you have read. You did not know anything about the trial when it went on, about the feelings of the people, about the facts as then known, but now distorted. You come now and vote without reference

to facts, out of pure sympathy for this man and out of a feeling against any act of Lincoln's. There are men on this side who are always ready to do apparently the same thing, and yet they claim great admiration for Mr. Lincoln.

It is strange, however, Mr. President, that every person who has been restored to the Army with high rank who was dismissed from the service or resigned because he was in sympathy with the rebellion was a Democrat and has been restored by votes of Republicans, who are ever ready to restore to honorable position Democrats, and at the same time to sneer at and criticise their own friends who made honorable records for themselves in defense of their country.

Why, sir, the highest pensions yet given have been given to Democrats, and your restorations to high places in the Army have been Democrats. It seems that in the minds of some that everything that the Republican party did during the war was wrong, and everything that Democrats did was right. We were told a few years ago that the legislation of the war should be reversed. It is being done every day, and it is being done by the votes of a few Republicans who seem to think that the way to sustain their friends is to declare everything done by them to have been wrong.

To-day we are sitting on the trial of Lincoln, Garfield, Hunter, and all of those men whose acts we once applauded, with Fitz-John Porter, the condemned man, as the prosecutor; and he finds his defenders on this side of the Chamber. He does not need any on that side to speak for him.

But, Mr. President, let us examine the facts for a moment. I do not, however, expect to convince any one by them, no matter how strong they may be, for if men are determined to do a thing they will do it no matter whether it is right or wrong; but let us see what the facts are. What was this man convicted of by a court-martial? Not because he was a Democrat, that was not it; but because he violated the law by disobeying orders that were given to him by General Pope, his commanding officer; because he not only violated the law in disobeying the orders, but because he showed by his letters and his language a contempt for his superior officer and an insubordination that could not be submitted to by any one in command of forces.

The evidence shows that on the 27th day of August, 1862, General Pope sent an order to Fitz-John Porter at Warrenton to start with his command to Bristoe Station at 1 o'clock the next morning. That was the morning of the 28th. That order was received at 9 o'clock and 30 minutes p. m. Some of his generals under him were in his tent at the time. What was his language? Gentlemen who have commanded forces, no matter on which side, will understand this. Instead of saying to his officers, "Gentlemen, here is an order; our forces, our comrades, are in a battle at Bristoe Station"—there General Hooker and General Early had fought a battle that evening; our forces, as he was notified, were engaged, and that he must be there by daylight the next morning in order to re-enforce them—what did he say? What would you gentlemen have said? I ask any of you. His response was, "Gentlemen, there is an order for you to sleep on." That was his language sworn to. The Senator said he was advised otherwise, but those are exactly his words—"there is an order for you to sleep on."

General Butterfield and one or two others who were present said their troops were tired, and they consulted awhile. The Senator said yesterday it was a rainy night and thousands of wagons were in the road. I had at one time occasion to make figures and show how many wagons strung out, with four mules, would fill the road from Bristoe Station to Warrenton, which amazed some of the gentlemen who were talking about thousands of wagons. I will not go into that as it is not necessary.

What did he do? Did he move at 1 o'clock? Did he did get there at daylight? The Senator says there was no necessity for his getting there. How did he know that? How could he determine that there was no necessity? He received the order. He was under orders, and the evidence shows that no orders were issued by him to his troops except to tell them to be ready to move at 3 o'clock. His adjutant-general issued no order except the mere satement to be ready to move at 3 o'clock, except that the adjutant-general of General Morell went around and notified the troops.

Now, what did he do? Did he move at 3 o'clock even, instead of 1 as ordered? The Senator will not say so. Did he move at daylight? The Senator will not say so. He did not mount his horse until after sunrise, which is sworn to by witness after witness, and General Berdan, who was there in charge of the Berdan Sharpshooters, states the fact that he himself passed through the camp of the sleeping men after 3 o'clock with his command, and General Porter never mounted his horse until after sunrise, after he got his breakfast; and then he arrived at the head of the column at what time? At daylight? No, sir. The Senator said yesterday about 8 o'clock. That only shows how inaccurate he is. The sworn testimony is at 10.30. The sworn evidence of the general commanding is that he took out his watch when Porter arrived at the head of the column and it was ten and a half o'clock.

Why is it that men will state things that exist only in their own imagination? We might as well state the facts as they are. Fitz-John Porter was just as much justified in getting there at 10.30 o'clock if he did not move at the hour he was ordered, as at any other time; but that was the hour; he did not move until after sunrise, and the same Senator said yesterday it was a dark night and he could not move. Let us see whether he could or not.

I ask you, gentlemen, in a plain common-sense way to look at this thing. Why could he not move? The evidence shows that the trains were out of the way by 1 o'clock; that there was a dirt road on either side of the railroad that he could have marched over. It is shown by a great many witnesses, commanders of troops and others not commanding—I do not wish to read the names but I will give those of Murray, Hill, and Campbell, and fourteen others who swore positively that they marched that night, and one of the witnesses swears to marching with a brigade square across the country near Bristoe Station within a few miles of it and went into camp.

What else? After Early and Hooker had their fight at Bristoe Station, Early, after 8 o'clock at night, marched with his division, wagons and everything, from there to Centreville, and General Jackson marched that night his command from Centreville to Sudley Springs where he formed his line of battle the next day, and you tell me that Fitz-John Porter could not march 9 miles when a force of thirty thousand men that night on different roads marched the same number of miles and were ready to form a line of battle!

Mr. President, if you want to put this man on the retired-list, in God's name do it just because you have the numbers to do it, but do not do it by stating things that are not true. Do it because you have the power to do it, and not by trying to deceive the country and make the people believe a thing that is not the fact, and which has not been stated in the testimony. I assert that the evidence of Early, of Jackson, and their reports and those of others show that they moved that night, and yet this man could not move because it was dark, and he is a great soldier we are told!

Mr. SEWELL. Will the Senator allow me to interrupt him?

Mr. LOGAN. Certainly.

Mr. SEWELL. The Senator said that the fact was that Early had been in a fight, and he said also he was out. Early says nothing about that.

Mr. LOGAN. The evidence shows that Porter was told that Hooker had but five rounds of ammunition left.

Mr. SEWELL. That occurred the day afterward.

Mr. LOGAN. The evidence is as I stated it. I understand the testimony about as well as anybody; I have read it about as often. But no matter about that; it would not change the night if he had no ammunition. Then, tell me why he did not move when every portion of the army of the enemy around him was moving the whole night and forming their lines, and he could not move to the support of one division commanded by General Hooker? Why, sir, it is perfectly astounding to one's common sense and comprehension to be told that a man could not move 9 miles when whole armies were moving at the same time.

That is not all. The night has never been so dark and the rainfall so heavy that the little Army of the Tennessee on the Mississippi River under the late Ulysses S. Grant could not and did not move. Never. I have seen that army move in the night, and I could name the time when it looked as if the windows of heaven were all opened and pouring down, and when it was so dark that the men had to almost feel their way sometimes to find the road; and yet they were able to fight a battle the next day at 12 o'clock.

Almost the only division confronting Jackson's whole army was in a fight that evening and expected to be attacked next morning at daylight, and he was asked to move 9 miles to be there at daylight to support his comrade who was facing that whole army, and he could not do it on account of the darkness of the night, and said: "Gentlemen, there is something for you to sleep on." That is the great soldier, that is the great patriot, that is the man who has been persecuted, that is the man who has been followed and pursued year after year, but now is going to get his rights, says the Senator. He had his rights years ago, a portion of them.

Let me state a little piece of secret history right here that I have not ventured to state before, but I will state it now. We all know of President Lincoln's kindly heart. When parties were excited all over the country, when it was questionable even in the North, as all here know, whether or not we should not have almost insurrection among our own people, and when everything had to be done to prevent trouble in the rear of our own Army, that poor man who has gone to his long home whispered kindly, "For God's sake do not require me to shoot a Democrat at this time." Not only that, but in Mr. Robert T. Lincoln's testimony before the board he swears that his father told him that the evidence was sufficient to warrant the sentence of death. And yet we are told that this man has been persecuted. There is the sworn testimony, just as I have repeated it.

There is one order then that he disobeyed. Not only that, but he did not try to obey it. There is something in an officer trying to obey an order although he may fail; but he did not try. He did not tell his men to get ready to move to be there by daylight. He did not tell them to move at 1 o'clock, 3 o'clock, or any other hour. He did not try to move. He did not move. When he did move he moved in such a manner as to be there at half past 10 at the head of his column.

The evidence sworn to by the quartermaster, Colonel Myers, who had

tharge of the trains, shows that he parked the trains by the side of the road in the woods, and that if Porter had moved at any time between the hour that he was to start and daylight in the morning the trains would have been out of the road, but he moved so late in the morning that the head of the trains had come out after being parked in the woods and had entered the road and disturbed his passage for a short time. That is the evidence.

He disobeyed that order; and it will not do to offer the excuse that there was no fight the next morning. It is true there was none; but he did not know that it would be so; he did not understand that there was to be no fight. Pope thought he would be attacked next morning. It was perfectly natural for him to think so with thirty thousand men in his front, and he with only one division at Bristoe Station. Of course he supposed he would be attacked. The division there was Hooker's. The other divisions were on toward Thoroughfare Gap, so that he had to call them back next morning. I say Porter disobeyed that order.

Now, let us take the second part of the case, and I am not going to detain the Senate by reading, but I will show the facts in my statements as I cite them from the sworn testimony. Now, the question between the Senator and myself I will state in about this way: I believe the Senator says that if there was not a force in front of Porter at the time when he was ordered to fight sufficient to overcome him he was not justified in refusing to obey the order. I think the Senator will agree to that; but the Senator insists that there were twenty-five thousand men right in his front, and therefore he would have been destroyed if he had advanced to the assault.

If that were the case and you gentlemen were jurors to-day and the question turned upon whether there were twenty-five thousand or eight thousand men in his front, he having many more than eight thousand—if that was the only question in the case how would you determine it? You would determine it by the evidence. If the evidence proved that there were twenty-five thousand men in his immediate front, as the Senator says, you might determine it in his favor perhaps, although it was his duty to attack, no matter if there were twenty-five thousand in his front. It can not be denied that all the reports, both of Union officers and confederate officers at the time of the battle when all understood the facts and reported them, no matter what may have come over the minds of some since out of friendship, that all disagree with the claim of Porter and the statement of the Senator. I make the assertion that you can not find a single report of an Union officer or a confederate officer that will sustain the statement of the Senator from New Jersey; but every report contradicts it. If that is so and you were jurors to decide this case, how would you decide it—on the testimony or against the testimony merely because you desired it that way? Would that be the decision, tell me?

I am not going to discuss all these orders; I am not going to call up the joint order to McDowell and Porter, but the proposition as to what he did at the time, that we may not confuse matters but have the facts in a nutshell. What is it? He moved under orders to Dawkin's Branch. We will all agree to that. Here is the road running to Centreville from Gainesville down here. [Indicating]. Here is Dawkin's Branch; here is the Manassas Gap Railroad running up here to Gainesville. [Indicating.] Here is the road that Porter was on running from Bristoe Station to Gainesville. [Indicating.] Over here is the turnpike, and here is the battlefield of Groveton. [Indicating.] Dawkin's Branch is nearly 3 miles from Groveton. Dawkin's Branch is 5 miles from Gainesville and 2½ miles from Pageland lane. He moved, the Senator says, with eleven thousand men. I will take his statement, but the report of Fitz-John Porter himself says he had fourteen thousand that morning. His morning report shows fourteen thousand men, and yet the Senator says eleven thousand men. I will take the eleven thousand for the sake of the argument. When he arrived at Dawkin's Branch at 11 o'clock there was nothing but a little line of cavalry away up on a hill in his front. He was at Dawkin's Branch with his corps. McDowell with his corps was moving behind him; coming up and finding that it was not convenient for them both to get in there, McDowell went back to Bethel Chapel and took that road with his command and King's division, moved off to the right and joined Pope, so that he went into the line of Pope's army against Jackson and left Fitz-John Porter at Dawkin's Branch. These are the facts, up to this point.

The evidence shows that the firing commenced at daylight and the battle proper opened at 9 o'clock. General Lee says in his report, and so does Longstreet, that having encamped beyond Thoroughfare Gap on the night of the 28th, at daylight the morning of the 29th they heard the firing, and believing a battle was on hand, they hurried to get forward. They came forward with their troops to Pageland Lane. There Longstreet formed a double line on the right of Jackson with quite a space between them, so that when he moved down he would come in exactly on his (Jackson's) right. That was on the road from Thoroughfare Gap or Gainesville to Centreville, called the turnpike road.

Off to the left of Pope, but not facing Longstreet as stated, 2½ or 3 miles away, was Fitz-John Porter at Dawkin's Branch with the head of his column. His troops staid there the whole day while the battle was being fought, which was of a furious character, and the adjutant-general's reports show that the losses on the 29th were more than the losses on the 30th. General Jackson states that his whole command was engaged, some thirty thousand men, and on the Union side the reports show that the whole command was engaged, every regiment, and the regiment that the Senator commanded on that day was so furiously engaged, as he himself says in his own report, which I have here, that he got out of ammunition and had to change his battalions, shift their positions one in place of the other, on that account. Is not that so? Here is his own report showing that fact, and yet the argument has been made all the time that there was no battle on the 29th, that it was a mere skirmish, and that therefore Fitz-John Porter was not required to take part in it; and yet the reports show that the battle lasted from 9 o'clock in the morning until 11 o'clock at night, and the losses on our side were heavy, seven thousand being killed, wounded, and missing. That is the report of the medical department.

That being the case, why is it that this man did not go there to the support of his own friends? He said because he was confronted by twenty-five thousand men and therefore he could not go. Now, let me give the facts as they are sworn to. Fitz-John Porter was not at Dawkin's Branch after he first went up there with his corps. He went back himself to Bethel chapel, 3 miles to the rear, and there he staid under a tree the whole day, and his entire corps was lining that road with arms stacked from 11 o'clock in the morning until after 8 o'clock that night. These are the facts, sworn to by his own officers and men. During the day General Sturgis came up with his brigade, rode over on the old Manassas Gap Railroad and discovered the enemy up that road and told Porter that batteries were being put in line to assault Pope, but no attention was paid to it; and what did Sturgis get for his suggestion? He got ordered back. So it was with others. Other men made suggestions.

The artillery and musketry fire continued all day, and the soldiers heard it and were panting for battle with the enemy for the protection of their own friends; and this man lay there under an oak tree. He says that twenty-five thousand men were in his front and he 3 miles from his own front. How did he know? How did he ascertain? Who told him? It is to be found nowhere in the testimony. In his first statement before the court-martial he claimed that there were fifteen thousand troops in his front, and now he changes it to twenty-five thousand. How did he know that? He not only claimed that these men were in his front, but at the same time that he knew they were in his front, he says the woods were so thick he could not march his men through them to General Pope. If that was the case, how could he tell there was anybody in his front? Yet that is what he states. Was he in communication with the enemy? If not, how did he ascertain what he claims? No one else discovered it then or since, except in imagination.

Now, let us go a little further. The Senator says, or at least intimates, that the old maxim "that you must march to the sound of the enemy's guns" is not a correct principle. "A true soldier will march to the sound of the enemy's guns." The Senator does not believe that, because if he did he would condemn Porter, for Porter did not do it. Porter heard the guns all day. He did not form a line of battle except of one regiment across the branch, and then withdrew them and hid his men in the woods.

Why did he not march to the sound of the enemy's guns? He was ordered to go to Gainesville in the morning in order to strike Longstreet or any other force that might be coming from Thoroughfare Gap, and he stopped at this place, his troops remained there all day, and he went back 3 miles where he remained. He did not go to the front at all until after he received this 4.30 order, which is as follows:

HEADQUARTERS IN THE FIELD, *August* 29—4.30 p. m.

MAJOR-GENERAL PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and if possible on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General, Commanding.

Then he went out to see what was going on and directed Morell to put a line of battle out, ordered out two regiments and commenced forming a line and then they got an order from Porter to go into camp for the night. That was the way he complied with that order, and yet the Senator says he carried out the order as far as he could. It was very strange that he could not move when General Lee and General Longstreet both report that they put Wilcox's division, after being withdrawn from Jones, into the fight after 6 o'clock against McDowell. Porter could not go in, but the commanders on the other side could. Is not that a strange process of reasoning by which to arrive at a correct conclusion about these things when one set of men can do that which the other can not, and why? For want of disposition and nothing else. If Porter had followed the old maxim and moved to the sound of the enemy's guns, he would have moved right on and attacked Longstreet no matter how many men he had.

I made the statement here once before, and if any of you will read General Grant's story of the battle to which I allude you will find it corroborated, that thirty thousand men were in line assaulting two di-

visions of about ten thousand men, one little brigade of not over twenty-five hundred men; and a general officer moved through the woods around in the rear of those thirty thousand men and opened fire on their rear, stampeded the whole army, captured thirteen pieces of cannon and more men than his brigade had. This occurred during the war at Champion's Hill. There was one little brigade of twenty-five hundred men that took the chance of being destroyed, but they did it to save the other two divisions, and stampeded the whole thirty thousand of the enemy. This was the proper feeling and determination.

Porter had eleven thousand or fourteen thousand men. He did not move. If he had he would have been destroyed, he says. This thing of destroying an army is an absurdity, unless you get them inside of a fort, or a place where it is impossible to get out. Men who know anything about war know better. Fitz-John Porter knows better.

Now, let me see whether the Senator is justified in saying that there were twenty-five thousand men in Fitz-John Porter's front. I will take no testimony whatever to condemn the statement except the testimony of confederates. Here is General Longstreet's report made soon after the battle. I ask your attention to his report, for that is what the friends of Porter rely upon, and I will read a letter to you afterward to show you that he did not claim more than twenty-five thousand men in his whole command present and not present.

General Longstreet, in his report, says:

HEADQUARTERS NEAR WINCHESTER, VA., *October* 10, 1862.

* * * * * * *

Early on the 29th (August) the columns were united, and the advance to join General Jackson was resumed. The noise of battle was heard before we reached Gainesville. The march was quickened to the extent of our capacity. The excitement of battle seemed to give new life and strength to our jaded men, and the head of my column soon reached a position in rear of the enemy's left flank and within easy cannon-shot.

On approaching the field some of Brigadier-General Hood's batteries were ordered into position, and his division was deployed on the right and left of the turnpike, at right angles with it, and supported by Brigadier-General Evans's brigade. Before these batteries could open the enemy discovered our movements and withdrew his left. Another battery (Captain Stribling's) was placed upon a commanding position to my right, which played upon the rear of the enemy's left and drove him entirely from that part of the field. He changed his front rapidly, so as to meet the advance of Hood and Evans.

Three brigades, under General Wilcox, were thrown forward to the support of the left, and three others, under General Kemper, to the support of the right of these commands. General D. R. Jones's division was placed upon the Manassas Gap Railroad—

Not on this road [indicating] that Porter was on—

upon the Manassas Gap Railroad, to the right and in echelon with regard to the three last brigades. Colonel Walton placed his batteries in a commanding position between my line and that of General Jackson, and engaged the enemy for several hours in a severe and successful artillery duel. At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox with his three brigades from the left, and placed his command in position to support Jones in case of an attack against my right. After some few shots the enemy withdrew his forces, moving them around toward his front, and about 4 o'clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack. At the same time Wilcox's three brigades made a like advance, as also Hunton's brigade of Kemper's command.

These movements were executed with commendable zeal and ability. Hood, supported by Evans, made a gallant attack, driving the enemy back till 9 o'clock at night.

* * * * * * *

Three brigades, under General Wilcox, were thrown forward to the support of the left, and three others, under General Kemper, to the support of the right of these commands. General D. R. Jones's division—

Speaking of Jackson's command—

was placed upon the Manassas Gap Railroad, to the right and in echelon with regard to the three last brigades.

The Manassas Gap Railroad ran between the turnpike and the road upon which Porter was. He was a mile and a half at least from the Manassas Gap Railroad. There was a high piece of ground there at the Manassas Gap Railroad, and this man Jones went over there and planted a couple of pieces of artillery on this mound or rise in the ground. Longstreet, speaking of the position of his troops, says:

Colonel Walton placed his batteries in a commanding position between my line and that of General Jackson, and engaged the enemy for several hours in a severe and successful artillery duel. At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox with his three brigades from the left, and placed his command in position to support Jones in case of an attack against my right.

That is where Jones was on the Manassas Gap Railroad.

After some few shots the enemy withdrew his forces, moving them around toward his front, and about 4 o'clock in the afternoon began to press forward against General Jackson's position.

To show you that they are mistaken when they speak of moving up against his right, it is stated that this column was moving against Longstreet's right, but Longstreet shows that it was McDowell's force that was moving; McDowell was moving up on that road, and coming in here late in the afternoon and moving on down to the left of Pope, so that they commenced pressing back and threw out his right; Jones being on the extreme right over on the Manassas Gap Railroad. Now follow that a little further.

After some few shots the enemy withdrew his forces, moving them around toward his front, and about 4 o'clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position.

That shows that it was not Porter's forces, because Porter's forces never pressed against Jackson's position or against Jackson's men. They were never within 3 miles of Jackson's men during the whole day; and so it was McDowell's forces, and not Porter's.

Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack.

Wilcox was sent to the right to support D. R. Jones, as I said yesterday and I continue it that way for the sake of the argument, and I believe that is the fact although this would seem to show differently, though I think that is the meaning of it—Wilcox was sent forward to support Jones on the Manassas road, but he said at 4 o'clock the enemy having withdrawn he withdrew Wilcox and put him back in support of Evans. Evans had gone into the fight at Groveton. So he withdrew Wilcox at 4 o'clock, and then at 4 o'clock, according to Longstreet's own report, there was not a soldier anywhere near Fitz-John Porter except the command which was on the Manassas Gap Railroad.

Now let me put these things together and see how many troops that would make. What was Longstreet's force? Longstreet had Hood's division, Kemper's division, Jones's division, and Wilcox's division. There were four divisions under Longstreet on that day, the 29th, in and around Groveton. Longstreet says in his letter that "twenty-five thousand men was my command all told." What does he mean by "all told?" If he means twenty-five thousand on the battlefield that is one thing; if he means to include Anderson's division that is another thing. Anderson's division was assigned to Longstreet, yet Anderson's divison, according to General Lee's report and Anderson's own report, did not arrive until the night of the 29th. It was not on the battlefield that day, so that Logstreet had on that day four divisions, Hood's, Kemper's, Jones's, and Wilcox's. What does he say? He put Kemper and Hood and Wilcox in on the left, and he put Jones on the Manassas Gap Railroad to his right afterward, and withdrew Wilcox to support Jones. Then at 4 o'clock he withdrew Wilcox and sent him to support Evans, and Evans was the commander of one of the brigades of one of those divisions. Then at 4 o'clock in the afternoon, according to Longstreet's report—

Hood's two brigades, supported by Evans, were quickly pressed forward to the attack.

That was at 4 o'clock. Hood's division with Evans's brigade was quickly pressed forward to the attack, and Wilcox's division—not a brigade but a whole division—was sent to the support of Evans. Where were they? As Longstreet said they were engaged on Jackson's right at Groveton, at least 2½ or 3 miles from where this man Porter was; and yet is said there were twenty-five thousand of the enemy in his front. Where do they get the twenty-five thousand from? Where did they come from? From D. R. Jones's division? How many did D. R. Jones have? Will some gentleman tell me? Did he have over five thousand men? Did he have six thousand? If Longstreet had twenty-five thousand men in the four divisions, that would make over six thousand in each division. Three divisions were away, were engaged in the battle at Groveton, and one division in front of Porter, and it could not possibly have been over six or seven thousand strong. There is what General Longstreet says. I do not know whether he understood his own command or not. He was said to be a very efficient general; at least I have always understood so. There is his report made directly after the battle, stating these facts; it has never been contradicted, but is supported by the reports of all his commanders.

In order to sustain what I say about that, let me call your attention to General Longstreet's letter to Fitz-John Porter written long after, in 1875:

My command (twenty-five thousand in round numbers) was within supporting distance of General Jackson—

He does not say anything about Fitz-John Porter—

My command (twenty-five thousand in round numbers)—

He does not say how many, but in round numbers about twenty-five thousand, were in supporting distance of Jackson at the time Porter mentions eleven or twelve or whatever it was. He claims but twenty-five thousand in his whole command.

Make the division to suit yourself and he could not have had over six or seven thousand men in front of Porter at any time, and then not in his front but near enough to be within striking distance of one another. So this story about Fitz-John Porter having twenty-five thousand men right in his front to eat him up is not true, and men who read these facts know that it is not true.

It was insinuated that one of the greatest men of the age had said there were twenty-five thousand men in Porter's front, and therefore he ought not to have attacked. Admit that he said that. He said that based upon what? Based upon the hypothesis that there were twenty-five thousand men there in his front, proven by testimony. If this great general who said that could he have had the facts given to him to show that twenty-five thousand men were not there his opinion would have been very different, but he was led to the belief absolutely by the persistent statements of men such as have been made here that there were twenty-five thousand men in Porter's front. Then he said if

that was the case he was justified in not attacking. Read his letter. It is based on the idea that there were twenty-five thousand men in Porter's front.

In order that we may not be mistaken about this thing, let me read what General Lee says, the report of Robert E. Lee. And I am reading the reports as they were made by these generals at the time, and reading the reports as printed by this board which excused Porter, copied from the confederate records here in the War Department by the friends of Porter, copied to justify him, and let me read you the justification. If you will read the report of this board—and there is where these people all go for their testimony—you will find that it has made this false impression all over this country by stating that Porter had twenty-five thousand men in his immediate front when there is not one scintilla of testimony to be found anywhere that would justify anybody in making such a statement. Let me read carefully what General Lee said:

I now desire to call attention to the report of General Robert E. Lee of the first day, second Bull Run, August 29, 1862. It is as follows:

* * * * * * *

On the morning of the 29th the whole command resumed the march, the sound of cannon at Manassas announcing that Jackson was already engaged. Longstreet entered the turnpike near Gainesville, and moving down toward Groveton the head of his column came upon the field in rear of the enemy's left, which had already opened with artillery upon Jackson's right, as previously described. He immediately placed some of his batteries in position, but before he could complete his dispositions to attack the enemy withdrew, not, however, without loss from our artillery.

Longstreet took possession (position?) on the right of Jackson, Hood's two brigades, supported by Evans, being deployed across the turnpike and at right angles to it. These troops were supported on the left by three brigades under General Wilcox, and by a like force on the right under General Kemper. D. R. Jones's division formed the extreme right of the line, resting on the Manassas Gap Railroad. The cavalry guarded our right and left flanks, that on the right being under General Stuart in person. After the arrival of Longstreet, the enemy changed his position, and began to concentrate opposite Jackson's left, opening a brisk artillery fire, which was responded to with effect by some of General A. P. Hill's batteries.

Colonel Walton placed a part of his artillery upon a commanding position between Generals Jackson and Longstreet, by order of the latter, and engaged the enemy vigorously for several hours. Soon afterward General Stuart reported the approach of a large force from the direction of Bristoe Station threatening Longstreet's right. The brigades under General Wilcox were sent to reenforce General Jones, but no serious attack was made, and after firing a few shots the enemy withdrew. While this demonstration was being made on our right a large force advanced to assail the left of General Jackson's position, occupied by the division of General A. P. Hill. The attack was received by his troops with their accustomed steadiness, and the battle raged with great fury.

On the morning of the 29th the whole command resumed the march—

Mark the language—

the sound of cannon at Manassas announcing that Jackson was already engaged. Longstreet entered the turnpike near Gainesville and moving down toward Groveton—

Not down toward Dawkin's Branch, not toward Bristoe Station, but Groveton where the battle was raging—

the head of his column came upon the field in rear of the enemy's left.

The head of Longstreet's column came upon the field in the rear of the enemy's. That was in the rear of whose left? The left of Pope then engaged with Jackson, not the rear of Porter. The Senator himself will not claim that, but in the rear of the troops engaged with Jackson at Grovetown—

Which had already opened with artillery upon Jackson's right, as previously described. He immediately placed some of his batteries in position, but before he could complete his dispositions to attack, the enemy withdrew—

Now, mark, before Longstreet "could complete his dispositions to attack, the enemy withdrew—

not, however, without loss from our artillery. Longstreet took possession (position?) on the right of Jackson, Hood's two brigades, supported by Evans, being deployed across the turnpike, and at right angles to it—

There is Hood's division with two brigades—

supported by Evans, being deployed across the turnpike, and at right angles to it.

What is the turnpike? The turnpike from Gainesville to Centreville upon which Groveton is located and upon which the battle was fought, not the Manassas Gap Railroad, not the dirt-road from Bristoe to Gainesville, but the turnpike road 3 miles away from where Mr. Porter was at that time.

These troops were supported on the left by three brigades—

Mark the number—

by three brigades under General Wilcox, and by a like force on the right under General Kemper.

There they are. There is Hood, there is Kemper, and there is Wilcox. The three divisions that I have mentioned are there now at Groveton, on the turnpike road, on Jackson's extreme right, facing our battle line. Now, what else? These troops were supported on the left by these three brigades.

D. R. Jones's division formed the extreme right of the line, resting on the Manassas Gap Railroad. The cavalry guarded our right and left flanks, that on the right being under General Stuart in person. After the arrival of Longstreet the enemy changed his position and began to concentrate opposite Jackson's left.

That was away down; Jackson's right rested exactly on the Groveton road at or near Groveton, and his left down at the Gap railroad near Sudley Springs.

After the arrival of Longstreet the enemy changed his position, and began to concentrate opposite Jackson's left, opening a brisk artillery fire, which was responded to with effect by some of General A. P. Hill's batteries. Colonel Walton placed a part of his artillery upon a commanding position between Generals Jackson and Longstreet—

Walton commanded part of Longstreet's troops, one of his brigade commanders under one of those division commanders—

by order of the latter, and engaged the enemy vigorously for several hours. Soon afterward General Stuart reported the approach of a large force from the direction of Bristoe Station, threatening Longstreet's right. The brigades under General Wilcox were sent to re-enforce General Jones, but no serious attack was made, and after firing a few shots the enemy withdrew.

The explanation of that is this: Porter says and his officers say that they discovered an enemy in force, a few shots were fired, and he ordered his forces to hide in the woods, which they did, and that explains the fact that Lee says the enemy withdrew. Then what did he do?

While this demonstration was being made on our right a large force advanced to assail the left of General Jackson's position, occupied by the division of General A. P. Hill. The attack was received by his troops with their accustomed steadiness, and the battle raged with great fury. The enemy was repeatedly repulsed, but again pressed on the attack with fresh troops. Once he succeeded in penetrating an interval between General Gregg's brigade, on the extreme left, and that of General Thomas, but was quickly driven back with great slaughter by the Fourteenth South Carolina Regiment, then in reserve, and the Forty-ninth Georgia, of Thomas's brigade. The contest was close and obstinate; the combatants sometimes delivered their fire at ten paces.

Then, after going into details, he proceeds to say that the three brigades under Wilcox were then withdrawn and put in support of Evans, just as Longstreet said. Now, according to Lee and according to Longstreet you have three of Longstreet's divisions in battle at Groveton, and Jones over on the extreme right, on the Manassas Gap Railroad threatening Porter, as Porter says, in front, but it was not in front, and I will show you how. Porter's line ran up to this branch. Say the branch is there. [Indicating.] The Manassas Gap Railroad ran along between the road he was on, which was a dirt road—the turnpike, at least a mile and a half away from his line. So it was diagonally across. It might be considered his front if he had thrown out his line to the right, but it was diagonally across, and therefore he considered it in his front. But that is the force which was in his front; that is all the force that was in his front except the short time that Wilcox was there with his three brigades up to 4 o'clock, when he was withdrawn and went into battle. Longstreet and Lee both say that they remained there until 9 o'clock at night. I am reading from Longstreet now.

These movements were executed with commendable zeal and ability. Hood, supported by Evans, made a gallant attack, driving the enemy back till 9 o'clock at night.

There is the statement that these troops of Longstreet were at Groveton opposing Pope's command up to 9 o'clock at night, and yet it has been contended here over and over again that these men were in front of Fitz-John Porter all day opposite Dawkin's Branch. I am perfectly astounded, I must confess, at the statements which are made and reiterated day after day in reference to the position of these troops when every report contradicts them. Longstreet, Lee, Wilcox, Hood, and all of them show that they were engaged there until 9, and some of them say until 11 o'clock at night, in front of Groveton, and at the same time insist that these troops were in front of Porter.

Mr. SEWELL. The left of Longstreet's forces were on Jackson's right.

Mr. LOGAN. The left of Longstreet's forces then were engaged on Jackson's right, were they not? If three divisions of Longstreet were engaged with Pope, how many divisions were left to be engaged with Porter? Only one; and yet you say the whole twenty-five thousand were in front of Porter, while at the same time you admit they were on Jackson's right.

Mr. SEWELL. Longstreet's men were deployed on the right of Jackson. In order to carry out the order of Pope to attack the right flank of Jackson Porter must necessarily have encountered the twenty-five thousand men of Longstreet.

Mr. LOGAN. That is the statement. Let me answer that. In order to carry out the order of Pope, says the Senator, to move on Jackson's flank, Porter must necessarily have beaten twenty-five thousand men. Let us see. All of Longstreet's command were engaged with Pope fighting his troops, except one division. Now, if Porter had attacked, Porter's force would have been fighting these men as well as Pope's force, so there would have been two to one of them and he would not have had to whip twenty-five thousand, because all except six thousand were having about as good a time as they could have at Groveton. They were fighting another set of men, another command. Porter would have had to whip six thousand men and no more; and when he had whipped Jones's division he would have got to Longstreet, who was engaged with McDowell, and would have been on his flank and ruined his army, I do not care what any one says to the contrary.

It will not do for a man to undertake to tell me that no one can know anything about military movements except Porter and his friends, from the fact that we do not understand the question as he does. We do know the difference between one and two, and I know that when eighteen thousand of Longstreet's men were fighting an equal number of Pope's men and McDowell's men, if Porter had attacked with the same number of men there would have been two of us fighting one of them. That much I do know, whether you call it military science or not, and it is an absolute absurdity for any one to tell me that Fitz-John Porter

could not attack at 4 o'clock or 6 o'clock or any other time because twenty-five thousand men were in his front. I do not care if all the generals on earth had said it. Because a great general has said that there were twenty-five thousand men in his front, and therefore he was justified in not attacking, the fact is not proved. That general was made to believe that twenty-five thousand men were in his front, but he was deceived, as men are deceived all the time, by false statements. If there were twenty-five thousand men in front of Porter he would have to whip twenty-five thousand men, while in fact there were eighteen thousand of those men then engaged in battle and in a fight with other troops.

Mr. SEWELL. Will the Senator allow me?

Mr. LOGAN. Certainly.

Mr. SEWELL. Does he wish it to go to the country that a statement made by a board composed of Schofield, Terry, and Getty is a deliberate falsehood?

Mr. LOGAN. I will answer the Senator. I say it ought to go to the country that the statement made by Schofield, Terry, and Getty is not true. You may call that what you please. It is not true. I do not accuse those men of intentionally falsifying; but I mean that the facts do not sustain their statement, and you make your statement on theirs, and so did that great general of whom you speak, when their statement is not sustained by the facts. I can read testimony as well as they can. I know as much law as either of them, and can judge of evidence as well, and I say their statement is not justified by the facts. You seem to think that because a man belongs to the Army his statements must be taken as true against the judgment of all mankind. I am not in that frame of mind. The board says there were twenty-five thousand men, and therefore you say it and ask, will you contradict those three great men? I say, yes, I will, for the evidence contradicts them, and the evidence tells them that their statement then made about it is not based on the truth.

General Lee says that all of Longstreet's command were in battle at Groveton until 9 o'clock at night except Jones's division and three brigades of Wilcox's division that were withdrawn to support Jones, and then taken from him and sent back at 4 o'clock and remained in battle until 9 o'clock, and the time between 11 o'clock and 4 o'clock, when he was with Jones, and then up to 9 o'clock at night they were withdrawn from Jones, and no men were in front of Porter except Jones's command, which was not over six thousand men. That is a fact testified to, stated by Lee, by Longstreet, by Wilcox, by Walton, and by each and every one of the confederate officers and stated in their reports, and then you ask me to stultify the record because the board says there were twenty-five thousand men there, when there is not a scintilla of testimony to base that assertion upon.

Boards are very nice things sometimes; but their members are unsworn. Some men can obtain position in this country above others; some men are decorated to such an extent that anything they say is taken against the evidence of anybody else. If a man only rubs against a certain school in this country he never can be questioned, no matter what he says. Some of them failed during the last war, and because some of us have questioned their conduct we are to be denounced and by men who fondle for praise. Bend and bow to them if you wish; where I find wrong I will denounce it, no matter from whence it comes.

Now let us go a little further. I say it was Fitz-John Porter's duty to attack the enemy whether he received the order to do so or not. Will the Senator dispute that? Does he not think so? I say that it was Fitz-John Porter's duty to attack the enemy when a battle was going on and he found an enemy in his front whether he received an order or not. What do you say to that?

It is not necessary, the Senator says, to answer it. Let us see. I will read from the report of Fitz-John Porter made July 7, 1862. This battle was fought August 29, 1862. A little over a month before this battle Fitz-John Porter said this:

> In the mean time Sykes, hard pressed on the right, maintaining his ground with all the obstinacy of the regulars and the spirit of the volunteers, required support, and Bartlett's brigade, of Slocum's division, was sent to his relief. A portion, however, of Newton's brigade had already been pushed in to the assistance of his left.

There was another officer, however.

> Previous to the arrival of Slocum's brigade, Reynolds, having repulsed the enemy in his front, and hearing the tremendous contest on his left, had, acting under a true maxim and with the generous spirit of a soldier, moved to the sound of cannon, and led his men, regiment after regiment, where our hard-pressed forces required most assistance.

That is Fitz-John Porter. Reynolds hearing a terrible contest on his left, imbued with the spirit of a true soldier, without orders moved to the sound of the guns and led one regiment after another into the contest. That is what Porter thought of Reynolds at that time. Now, what do you suppose Reynolds thinks of him? A little more than one month before that time, speaking of a brother officer, where he without orders, following the old maxim, led his soldiers to the rescue of his friends—one regiment after another into the contest. I do not think he could complain when he was accused of disobeying orders. When he was ordered to lead his troops into the contest he refused to even lead them with orders, although the sound of the guns was in his ears the whole day. He failed to lead in accordance with orders, and yet he is to be crowned and ornamented by the vote of the Senate as a great soldier and patriot and honorable man that has been crushed in spirit by the infamous conduct of Abraham Lincoln and Garfield and men like them, as you must say when you relieve this man. You put your foot upon the dead bodies of these men and denounce them for having perpetrated a wrong against a man who admits himself, by his very language here, only a little over a month before, the time that he himself failed, when he eulogizes a man for doing what he did not do and passes an encomium upon him as a great and brave soldier because he marched to the sound of the enemy's guns, and he, neither marching to the sound nor in obedience to orders, is claimed on this floor as an example to be held up to this country.

But a few days ago at the academy where he was educated, one of his classmates leaves the impression on his hearers that the reputation of a man who passes through that institution is always sacred; no matter what he may do he can not be denounced; and this country was told right from the rostrum there that this man was a persecuted man, the martyr of the age.

Who has persecuted him? Is he to pursue men like Pope and Lincoln and Stanton and Garfield and Hunter and all these brave men, and ask that their conduct be denounced in this country and his maintained in the violation of law and orders, and while many of these men are in their graves—it is no matter what may be said in derogation of them, provided you sustain the traitorous conduct of this man to his superior officer? Is that the education this country is to have? Are we to be told at West Point that this man is the martyr of the age? There was no other martyr. Lincoln was not a martyr to freedom of course; the men who suffered on the battlefield were not martyrs to the freedom of this great country, but this man who failed to do his duty is the martyr of the age! Future generations will find more martyrs than one and of a different stamp.

Mr. President, when this course of conduct is sustained in the halls that once rang with the voice of patriotism in opposition to the voice of treason, when this man having proved himself treacherous to his commanding officer and unfaithful to his trust, appeals to the country with a majority in one House of his own political friends and almost an equal number in the other, men who have not, perhaps, in times gone by felt toward this great country as we have done, what are we to expect? It ill becomes you to make a martyr of him who was prosecuted and convicted while Lincoln was President. It ill becomes you thus to reverse the law, to reverse the course of our own people, and to reverse the wheels that rolled along the pathway of civilization and freedom, for the benefit of a man who pandered to the prejudices that were greater and stronger than his honor and his patriotism, that he may be given the record of a patriot like Lincoln, Stanton, Garfield, and such men. And yet we find men in this Chamber who were patriots true, and who now come in as shining lights who are willing to record themselves against these dead patriots and against their conduct to sustain the infamy of a living man that they may keep promises or obtain the influence of a certain class. Strike your friends, dead or alive, that your enemies may applaud, is the motto of some. Sir, it is not mine. Why, sir, in all ages every revolution has had its Arnold, every Cæsar has had his Brutus, and the last war had its Porter.

Now, Mr. President, I desire to call the attention of the Senate to a very peculiar order. General McClellan had been directed by General Halleck to send General Franklin's corps to the support of Pope; that General Franklin started on one day, and on the second day he was 5 miles from where he started, evidently not intending to get to Pope or support him. He never did get there in fact, and he did not try to get there, although he had a full corps.

General McClellan was ordered time and again to press him forward, and yet he gave his orders to Franklin in such a way that Franklin could construe them to go or not to go, and he did not go. During the day of the battle of the 29th of August at 2 o'clock, after McClellan had been ordered time and again to send Franklin to the support of Pope, I desire to read you a telegram that he sent to the President of the United States. I do not suppose very many of you have read this telegram; at any rate it has not been generally known:

HEADQUARTERS ARMY OF THE POTOMAC, *29th August*—2.45 p. m.

That was after the battle had been raging for six hours. Now mark the language:

> The last news I received from the direction of Manassas was from stragglers to the effect that the enemy were evacuating Centreville and retiring toward Thoroughfare Gap.

They had evacuated Centreville on the night of the 27th and gone to Sudley Springs railroad-cut and formed the line of battle, which commenced on the morning of the 29th, and General McClellan, when he was in telegraphic communication with that army as close as that, ought to have known at least the time the confederate forces evacuated Centreville. He says:

> This is by no means reliable. I am clear that one of two courses should be adopted. First, to concentrate all our available forces to open communications with Pope.

He had been ordered time and again to send Franklin to Pope.

> Second, to leave Pope to get out of his scrape and at once use all our means to make the capital perfectly safe. No middle course will now answer. Tell me what you wish me to do and I will do all in my power to accomplish it. I

wish to know what my orders and authority are. I ask for nothing, but will obey whatever orders you give. I only ask a prompt decision that I may at once give the necessary orders. It will not do to delay longer.

GEO. B. McCLELLAN, *Major-General.*

ABRAHAM LINCOLN, *President.*

Was not that a beautiful dispatch for him to send to the President of the United States on the 29th of August, when the battle had been going on for six hours, and he had been ordered for two days to send support to Pope, and he says the first thing to do is to open communication with Pope. There is the manner in which that man Pope was treated, and I am justified in saying that there was a conspiracy against him not to allow him to win a battle, and Fitz-John Porter was a party to it. It was not intended that Pope should win a battle. You may take the letters of Porter, the dispatches of McClellan, the movements of Franklin, and all conspire together to prove the fact that Pope was sacrificed by a conspiracy in which this man Porter was, in my judgment, a chief mover.

There are a good many other things that will come out later, not perhaps in this direction, but in relation to the war, that are not now known, which will convince this country after awhile that there were men in our camps who were not in earnest.

Mr. President, I have but little more to say in reference to this question. This is the fourth time I have discussed it in the Senate. I have always discussed it more fully than I have to-day for the reason that I have heretofore gone through all the orders and read the reports, and the Senate has heard them over and over again. I have omitted everything to-day except to state a few points with reference to two orders and in reference to the disobedience of those orders.

I do not expect to be heard again on this question or to have anything further to say about it, but I want to say in the presence of the Senate that when insinuations are made against men who have tried to do their duty in seeing that this man shall not disgrace the Army by being restored to it, in seeing that our Army shall be kept as pure as possible and as much above reproach as possible, they are made by men with no appreciation of our motives. I have a pride in that little army; I have a pride in the honor of this country and in the glory that is to come to it in the future, I feel as every one ought to feel, that men who failed in the time of trial and of peril in sustaining their country, when they were placed on the side of their Government, should not be loaded with honors now. And if men are so constituted that they can not help allowing their prejudices to override their judgment so as to cause them to unfaithfully perform their duty on account of some particular antipathy toward another individual, they ought not to accept duty on any side.

Our Army should be taught that in this and all other countries armies are made to obey. Armies are made to be subject to the law the same as individuals. Armies are made to be subject to the courts, to be subject to trial, to be subject to punishment, and all that is imposed upon any citizen may be imposed or inflicted upon them.

I say to you now, if this man had been tried by a civil court no one would ever have come before the Congress of the United States and asked that the judgment of the court should be disturbed for one moment in violation of the Constitution, as I believe it is. It is not only that the disgrace is attempted to be wiped out so far as he is concerned that this is to be done, but it is done by the votes of leading men of this country who were opposed to the country during the war, and the reputation of Lincoln and men like him are to be stricken down, so that in future ages that wrong may be written as the right and the right as the wrong.

I say to my friend, who is influenced by friendship for this man—for it is nothing else—and to others, I am willing that in the future my record in this case shall be written by the side of theirs. Men may say what they please to me about persecution. I am doing my duty to my cotunry and the name and fame of better men than Fitz-John Porter ever was or ever will be. Before I would drag the names of Abraham Lincoln and his compeers in the dust for the benefit of this criminal, I would let my tongue become palsied and my right arm drop from its socket. [Applause in the galleries.]

Yet these things are to go on. The men who support this country are to be defamed, the men who controlled it are to be slandered, the men who protected and preserved it are to be vilified; and to-day if a man has the nerve to stand before the Senate and defend the rights of the people who stood by the Government he is denounced as the persecutor of some "saint" like Fitz-John Porter!

It is said to be true that saints sometimes become devils and devils become saints. The Union-loving men are the men now to be slapped, to be kicked, to be cuffed, to be driven from the land. Nobody is to have confidence in them, but if you can find a man who failed in his duty you will find enough Republicans to stand up by the side of the Democrats under the confederate flag against their own which sustained and restored them to honor. Men who want to vote and enlist under the confederate flag in this Chamber have a right to do it. Here was a trial with our Union flag on one side and your confederate flag on the other, and under the Union flag and under its law by trial this man was condemned. The confederate flag that failed now sustains him, and under that flag a few gentlemen on this side enlist for the purpose of sustaining this man who failed at the hour of his country's great need to sustain the commander of his army.

Mr. President, when I find our poor soldiers whom Congress pensions at $8 per month pressing forward every day, the crippled, the halt, the lame, and the blind, when they fail to find evidence by their comrades lost or otherwise to sustain them, and Congress passes a little pitiful pension for them and at the rate of from five to fifteen a day the bills are vetoed by the President of the United States because they are to get $96 a year for sustaining the Union flag, for fighting in bloody battles for their Government, for standing up in time of war, for being willing to die that the Union might live. Their bills are vetoed. Yes, the heavy hand of the Executive falls upon them and there they sleep. At the same time that that is being done under our nose, we find Republicans willing to vote to a man who was a traitor to his commander $3,000 a year for his treachery. In other words, if you want to be paid by the United States liberally for anything be treacherous when you ought to be true; but if you are true when you might have been treacherous, you are to be ignored.

Sir, this is strange, yet it is true. Am I to be told that I am persecuting somebody because I speak of these things? Sir, I will speak of them from the Atlantic to the Pacific Ocean, and I will tell the truth that ought to be told everywhere, that the Democrats and a few Republicans come together to elevate men who have dragged their own names in the dust, while the other side come forward to put their foot upon the claims of the poor and the penniless and the unfortunate, and there is no remedy for them.

If gentlemen think they are making history that will be creditable to themselves by this, let them go on. As for myself I shall appeal while I live to the honor of my country, to the integrity of its people and to the justice of my cause, while I plead the cause of the Union men, the honest men, against those who proved traitors to us at the very time when we trusted them.

The idea, as I said a while ago, is that the only thing to do was to be treacherous when you should be true. Not in this Congress but only a few Congresses ago a man was taken up and put on the retired-list of the Army by a vote of Congress over my protest, who resigned when the war broke out because he would not fight against his State. Sixteen years afterward he was placed on the retired-list of the Army by Republican votes aiding the Democrats. Now, Fitz-John Porter is to be put on the retired-list by the aid of Republican votes in connection with Democrats. It is a Democratic issue everywhere, but the sympathy, the kind-heartedness, the generosity of a few gentleman, who are always more generous to the opposition than they are to their own friends, come to the rescue when the enemy wants anything, but not so often when friends might ask for something.

Republicans fail to come to Congress and ask for this kind of grace. I know three or four Republicans who stand well in the community to-day who were dismissed from the service for conduct unbecoming an officer during the war. None of those have ever asked to be restored. They will not do it because they do not believe it is right. As I said, you can not dismiss a Democrat who ever belonged to the regular Army who will not come back every day and every month and every year and beseech Congress to put him back in the Army and to be fed and clothed the rest of his days, no matter whether he played false or true.

Mr. President, as I said, I am done with this case. I presume it will be settled either one way or the other now, and then it will end so far as I am concerned; but if it stays here for ten years and I stay here that long I want the Senators who are in favor of it to understand that they have got to make the same kind of a fight hereafter, for I believe what I say. I am honest in it. I think this man was a bad man; I think he was treacherous to his commanding officer; I think he entered into a conspiracy against him to ruin him, and did ruin him, and my judgment is he did not get enough; and that was the judgment of as good a President as ever lived on the face of God's earth.

So then I speak against this man and for this country, for its honor; and if a voice could appeal from the tombs of the sainted martyrs who have gone before, who tried this man and condemned him, and who assented to this verdict, there would be but one voice, and that would be that he was honestly and righteously dismissed, and that the men who place him to-day by the side of Grant and Sherman and other men, as has been said in papers read at the desk, are willing to disgrace the names of Grant and Sherman and other honorable men for the purpose of elevating this man, who has disgraced his country and the cloth he wore.

Mr. President, I am done.

The PRESIDENT *pro tempore.* The pending question——

Mr. LOGAN. I forgot to ask to have printed with my remarks an article by General Pope.

The PRESIDENT *pro tempore.* If there be no objection the paper will be printed as a part of the Senator's remarks.

The paper is as follows:

In concluding a previous article for the Century on the second Battle of Bull Run, the following statement was made, namely:

"The transactions at Alexandria and Washington city during these eventful days, as also at Centreville during part of them, are as closely connected with these battles and had nearly as much to do with their results as any part of the operations in the field, but they demand more space than is accorded to a magazine article, and deal with matters beyond the scope of what are understood to be the limits fixed by the publishers of the Century.

"The materials to write a complete account of these matters are at hand, and

it is quite probable that the course of events may yet make their publication necessary."

The character of many of the criticisms on this article seems to me to fulfill the conditions indicated in the above-quoted extract, and to make it both necessary and reasonable that I should execute the purpose therein specified.

It will be remembered that in the article for the Century above referred to, I gave in sufficient detail the organization of all the troops in Northern Virginia into one army known as the Army of Virginia. This Army of Virginia was made by bringing together the troops under McDowell, Fremont, and Banks, which were scattered about from Fredericksburg to the Shenandoah Valley, and which, up to that time, had had no official relation or harmony of action with each other.

The force actually disposable when I first assumed command numbered only twenty-eight thousand men, King's division being kept at Fredericksburg by order of the Government. Several of the corps, and many of the divisions and brigades, were badly organized, and to a considerable degree demoralized and discouraged. During the concentration of this force east of the Blue Ridge, General McClellan was attacked in front of Richmond and driven back on the James River, his base of supplies on the Pamunkey River and lines of communication therewith being threatened, and then occupied by the enemy.

When he had reached Harrison's Landing, and his condition was known, the plans for the operations of the Army of Virginia to relieve him were determined.

It was decided, for reasons quite fully set forth in my former article, to withdraw his army from the Peninsula, and unite it with the army under my command along the line of the Rappahannock.

The purpose to unite these two armies, having a powerful and resolute enemy, under able commanders, interposed between them, ready to strike in either direction as might seem most judicious, involved one of the most hazardous and difficult operations of war. It demanded from the force in front of Washington the greatest energy and activity, and forced upon it such extreme danger and difficulty as an army is very infrequently exposed to. It demanded equally from the army which was to be withdrawn from the James River the same energy and activity, and a zeal also, which is not always found in a commander who does not willingly perform the duty imposed upon him by the orders of his government. Unless these conditions on the part of both armies are faithfully fulfilled the chances are altogether against the success of such an operation. Whether the Government was right or wrong in expecting this fidelity in its commanders, even when its orders were not satisfactory to them, I leave to the decision of the Army itself, and to the public sense of the country.

As the enemy pushed his forces to the north with great energy and speed to crush the troops in front of Washington before they could be re-enforced by General McClellan's army from the Peninsula, the army of Virginia necessarily bore the brunt of all the fighting; while the army of General McClellan, exposed to no danger and not attacked at any point during its withdrawal, had nothing to do except urge forward by all possible means its movement to Alexandria, and unite with the Army of Virginia with the least possible delay. That army was holding back the enemy by continual fighting and marching, and with the constant risk of being overwhelmed by very superior forces.

How the Army of Virginia under my command performed its part in this operation I have tried to recount in a former article, and it now remains to tell how the army under General McClellan fulfilled the part which was assigned to and expected of it.

It does not fall properly within the province of this paper to recount in detail or to discuss General McClellan's tardy movements in the withdrawal of his army from Harrison's Landing to make its junction with the army under my command in front of Washington. It will suffice to say that he received the orders to embark his army by the 4th of August, and that the first corps of that army did not move from its camps until August 14. On the 9th General Halleck telegraphed him that the enemy was massing his forces in front of General Pope and General Burnside to crush them and move forward to the Potomac, and that re-enforcements must at once be sent to Acquia Creek, and added, "considering the amount of transportation at your disposal your delay is not satisfactory. You must move with all possible celerity." To which General McClellan replied that "everything has been and is being pushed as rapidly as possible to carry out your orders."

On the 12th, in reply to the most pressing orders from General Halleck for immediate movement, who urged that Burnside had moved thirteen thousand men to Acquia Creek in less than two days, he replied that if Washington were in danger his army could not arrive in time to save it. On the 14th he reported that the movement had begun, and on the 17th he said that he should not feel entirely secure until he had the whole army across the Chickahominy, but that he would then begin to forward troops by water as fast as transportation would permit.

It would be hard to tell what he was afraid of, for on that date and for several days before Lee was at Gordonsville, 70 miles away, with nearly his whole army, and there was absolutely nothing in Richmond or in front of McClellan to endanger his army except the weak corps of D. H. Hill.

On the 10th General Halleck telegraphed him:

"The enemy is crossing the Rapidan in large force. They are fighting General Pope to-day. There must be no further delay in your movements. That which has already occurred was entirely unexpected and must be satisfactorily explained."

Again, on the 21st he was informed that—

"The forces of Pope and Burnside are hard pushed and require aid as rapidly as you can. By all means see that the troops sent have plenty of ammunition. We have no time here to supply them. Moreover, they may have to fight as soon as they land."

Whatever may be thought of the delays thus complained of by General Halleck, it is quite certain from these telegrams that General McClellan knew perfectly well the emergency in which my army was placed, and that the concentration of his army and mine was not being effected in the time expected, and, also, as a consequence, that I was in a critical position and needed help to save my small army from certain misfortune. All this General McClellan knew when he left the Peninsula. I had asked that Franklin's corps and other troops might be sent out to my right at Gainesville.

The movements of this corps furnish a very fair illustration of the manner in which reinforcements were sent forward to, or rather withheld from, the army fighting in front of Centreville; and they are therefore related, in some detail, according to General McClellan's own reports.

On the 23d Franklin's corps started from Fort Monroe. General McClellan left the next day and reached Alexandria on the evening of the 26th. Heintzelman's corps, which had arrived at Alexandria before General McClellan, had gone at once to the front and joined the army under my command near Warrenton Junction without transportation or officers' horses. Porter was understood to be on the march from Acquia Creek to the same point. Of the troops which arrived at Alexandria after McClellan reached there or which were there on his arrival, not a man reached the field of Bull Run or took any part in any of the battles which were fought there during several successive days.

In his official report, dated August 4, 1863, nearly a year after these transactions, General McClellan says as follows, namely:

"It will be seen from what has preceded that I lost no time that could be avoided in moving the Army of the Potomac from the Peninsula to the support of the Army of Virginia, that I spared no effort to hasten the embarkation of the troops at Fort Monroe, Newport News, and Yorktown, remaining at Fort Monroe myself until the mass of the army had sailed, and that after my arrival at Alexandria I left nothing in my power undone to forward supplies and re-enforcements to General Pope," &c.

Is this statement true? Did General McClellan really in good faith do the things he says he did?

He shall himself answer that question, and I shall simply premise his own account of his doings by the statement that during the four days in question, August 27, 28, 29, and 30, severe and bloody battles were being fought at and near Bull Run, and the heavy boom of the artillery was plainly heard all those days in Alexandria and in the streets of Washington.

On the 27th of August General McClellan, who had arrived at Alexandria on the 26th, was charged by General Halleck with the entire direction of sending forward troops and supplies as rapidly as possible to the army under my command. The subjoined dispatches will show how he did that duty and will sustain or disprove his statement heretofore quoted. On the 26th McClellan was informed that Franklin was to go to the front; and on the 27th, at 10 a. m., General Halleck telegraphed General McClellan to have Franklin's corps march in the direction of Manassas as soon as possible. It is proper here to state that the march referred to in this and the following dispatches was over a broad turnpike, which was well known both to General McClellan and to General Franklin.

To this dispatch of 10 a. m., General McClellan replied:

ALEXANDRIA, *August* 27, 1862—10 a. m.

Telegram this moment received. I have sent orders to Franklin to prepare to march with his corps at once, and to repair here in person to inform me as to his means of transportation. Kearny was yesterday at Rappahannock Station; Porter at Bealton, Kelly's, Barnett's, &c. Sumner will commence reaching Falmouth to-day. William's Massachusetts cavalry will be mostly at Falmouth to-day. I loaned Burnside my personal escort (one squadron Fourth Regulars) to scout down Rappahannock. I have sent for Couch's division to come at once. As fast as I gain any information I will forward it, although you may already have it.

[Signed.] GEORGE B. McCLELLAN,
Major-General.

GENERAL HALLECK,
General-in-Chief.

At meridian General Halleck telegraphed General McClellan the situation of the army under my command:

[Sent 12 m.] WAR DEPARTMENT, *Washington, D. C., August* 27, 1862.

Telegrams from General Porter to General Burnside, just received, say that Banks is at Fayetteville; McDowell, Sigel, and Ricketts near Warrenton; Reno on his right. Porter is marching on Warrenton Junction to re-enforce Pope. Nothing said of Heintzelman. Porter reports a general battle imminent. Franklin's corps should move out by forced marches, carrying three or four days' provisions, and to be supplied as far as possible by railroad. Perhaps you may prefer some other road than to Centreville. Colonel Haupt has just telegraphed about sending out troops. Please see him and give him your directions. There has been some serious neglect to guard the railroad, which should be immediately remedied.

H. W. HALLECK, *General-in-Chief.*

Major-General McCLELLAN, *Alexandria.*

At 1.40 p. m. General Halleck receives General McClellan's reply dated 12.50 p. m.:

ALEXANDRIA, *August* 27, 1862—12.50 p. m.

My aid has just returned from General Franklin's camp; reports that Generals Franklin, Smith, and Slocum are all in Washington. He gave the order to the next in rank to place the corps in readiness to move at once. I learn that heavy firing has been heard at this a. m. at Centreville, and have sent to ascertain the truth. I can find no cavalry to send out on the roads. Are the works finished and ready for defense?

GEO. B. McCLELLAN,
Major-General Commanding.

Major-General HALLECK,
General-in-Chief.

[Received 1.50 p. m.]

ALEXANDRIA, *August* 27, 1862—1.15 p. m.

Franklin's artillery have no horses except for four guns without caissons. I can pick up no cavalry. In view of these facts, will it not be well to push Sumner's corps here by water as rapidly as possible, to make immediate arrangements for placing the works in front of Washington in an efficient condition of defense? I have no means of knowing the enemy's force between Pope and ourselves. Can Franklin, without his artillery or cavalry, effect any useful purpose in front? Should not Burnside at once take steps to evacuate Falmouth and Acquia, at the same time covering the retreat of any of Pope's troops who may fall back in that direction? I do not see that we have force enough in hand to form a connection with Pope, whose exact position we do not know. Are we safe in the direction of the valley?

GEORGE B. McCLELLAN,
Major-General.

Major-General HALLECK, *Washington.*

WAR DEPARTMENT, *Washington, D. C., August* 28, 1862.

On parting with General McClellan, about 2 o'clock this morning, it was understood that you were to move with your corps to-day toward Manassas Junction, to drive the enemy from the railroad. I have just learned that the general has not yet returned to Alexandria. If you have not received his orders, act on this.

W. H. HALLECK, *General-in-Chief.*

Major-General FRANKLIN, *Alexandria, Va.*

To which at 1 p. m. General McClellan (not General Franklin) replied:

[Received 1.05 p. m.]

ALEXANDRIA, VA., *August* 28, 1862—1 p. m.

General H. W. HALLECK, *General-in-Chief:*

Your dispatch to Franklin received. I have been doing all possible to hurry artillery and cavalry. The moment Franklin can be started with a reasonable amount of artillery he shall go. In the mean time see Whipple's dispatch; something must be done in that direction. Please see Barnard and be sure that the works toward the Chain Bridge are perfectly secure. I look upon these works, especially Ethan Allen and Marcy, as of the first importance. I have heard, incidentally, that there is no garrison in Ethan Allen, but presume it is a mistake. I have just conversed with Colonel Holabird, and think the enemy is in such force near Manassas as to make it necessary for us to move in force.

GEORGE B. McCLELLAN,
Major-General Commanding.

General McClellan being thus of opinion that "it is necessary for us to move in force," it becomes a matter of interest to observe what efforts are made to that end.

At 3.30 p. m, General Halleck, in a tone that manifests his estimate of the position, telegraphs General McClellan:

WAR DEPARTMENT,
Washington, D. C., August 28, 1862—3.30 p. m.

Not a moment must be lost in pushing as large a force as possible toward Manassas, so as to communicate with Pope before the enemy is re-enforced. I directed General Barnard to report to you, and do not know where he is. In Barnard's absence Whipple can tell you about the garrisons of the forts. No message from Pope has reached here.

H. W. HALLECK, *General-in-Chief.*

Major-General MCCLELLAN, *Alexandria.*

At 4.40 this dispatch is sent:

[Received 7.30 p. m.]

HEADQUARTERS NEAR ALEXANDRIA,
August 28, 1862—4.40 p. m.

General Franklin is with me here. I will know in a few minutes the condition of artillery and cavalry. We are not yet in condition to move; may be by to-morrow morning. Pope must cut through to-day, or adopt the plan I suggested. I have ordered troops to garrison the works at Upton's Hill. They must be held at any cost. As soon as I can see the way to spare them, I will send a good corps of troops there. It is the key to Washington, which can not be seriously menaced as long as it is held.

GEORGE B. MCCLELLAN, *Major-General.*

Major-General H. W. HALLECK,
General-in-Chief.

And at 4.45 the following reply to General Halleck's dispatch of 8.30 p. m.

[Received 6.15 p. m.]

"CAMP NEAR ALEXANDRIA, *August* 28, 1862—4.45 p. m.

Your dispatch received. Neither Franklin nor Sumner's corps is now in condition to move and fight a battle. It would be a sacrifice to send them out now. I have sent aids to ascertain the condition of the command of Cox and Tyler, but I still think that a premature movement in small force will accomplish nothing but the destruction of the troops sent out. I report that I will lose no time in preparing the troops now here for the field, and that whatever orders you may give after hearing what I have to say will be carried out.

GEORGE B. MCCLELLAN,
Major-General.

Major-General H. W. HALLECK,
General-in-Chief.

Thus appreciated and replied to by General Halleck at 7.40 p. m.:

WAR DEPARTMENT,
Washington, D. C., August 28, 1862—7.40 p. m.

There must be no further delay in moving Franklin's corps toward Manassas. They must go to-morrow morning, ready or not ready. If we delay too long to get ready there will be no necessity to go at all, for Pope will either be defeated or victorious without our aid. If there is a want of wagons the men must carry provisions with them till the wagons can come to their relief.

H. W. HALLECK, *General-in-Chief.*

Major-General MCCLELLAN, *Alexandria.*

To which General McClellan answers:

[Received August 29—12.20 a. m.]

ALEXANDRIA, *August* 28, 1862—10 p. m.

Your dispatch received. Franklin's corps has been ordered to march at 6 o'clock to-morrow morning. Sumner has about fourteen thousand infantry, without cavalry or artillery, here. Cox's brigade of four regiments is here, with two batteries of artillery. Men of two regiments, much fatigued, came to-day. Tyler's brigade of three new regiments, but little drilled, is also here. All these troops will be ordered to hold themselves ready to march to-morrow morning, and all, except Franklin's to await further orders. If you wish any of them to move toward Manassas please inform me. Colonel Waagner, Second New York Volunteer Artillery, has just come in from the front. He reports strong infantry and cavalry force of rebels near Fairfax Court-House. Reports numerous, from various sources, that Lee and Stuart with large forces are at Manassas; that the enemy with one hundred and twenty thousand men, intend advancing on the forts near Arlington and Chain Bridge, with a view to attacking Washington and Baltimore.

General Barnard telegraphs me to-night that the length of line of fortifications on this side of the Potomac requires two thousand additional batterymen, and additional troops to defend intervals, according to circumstances. At all events, he says an old regiment should be added to the force at Chain Bridge, and a few regiments distributed along the line to give confidence to our new troops. I agree with him fully, and think our fortifications along the upper part of our line on this side of the river very unsafe with their present garrisons, and the movements of the enemy seem to indicate an attack upon these works.

GEORGE B. MCCLELLAN,
Major-General.

Maj.-Gen. H. W. HALLECK,
General-in-Chief, United States Army.

And thus Franklin's corps, ordered to move on the morning of the 27th had not stirred a foot on the night on the 28th.

Friday, August 29, 1862, at 10.30 a. m., General McClellan telegraphs General Halleck:

CAMP NEAR ALEXANDRIA, *August* 29—10.30 a. m.

Franklin's corps is in motion; started about 6 a. m. I can give him but two squadrons of cavalry. I propose moving General Cox to Upton's hill, to hold that important point with its works, and to push cavalry scouts to Vienna via Freedom Hill and Hunter's lane. Cox has two squadrons of cavalry. Please answer at once whether this meets your approval. I have directed Woodbury, with the engineer brigade, to hold Fort Lyon. Sumner detached last night two regiments to the vicinity of Forts Ethan Allen and Marcy. Meagher's brigade is still at Acquia. If he moves in support of Franklin it leaves us without any reliable troops in and near Washington. Yet Franklin is too weak alone. What shall be done? No more cavalry arrived. Have but three squadrons. Franklin has but forty rounds of ammunition and no wagons to move more. I do not think Franklin is in condition to accomplish much if he meets strong resistance. I should not have moved him but for your pressing order last night. What have you from Vienna and Drainesville?

GEORGE B. MCCLELLAN,
Major-General.

Maj.-Gen. H. W. HALLECK, *General-in-Chief.*

Throughout the reiterated dispatches of the two previous days General Mc, Clellan advises General Halleck that he is pushing Franklin forward, and now on the morning of the third day, tells him, "I should not have moved him (Franklin) but for your pressing order last night."

General McClellan telegraphs:

[Received 12.08 p. m.]

HEADQUARTERS ARMY OF THE POTOMAC, *August* 29, 1862—12 m.

Your telegram received. Do you wish the movement of Franklin's corps to continue? He is without reserve ammunition, and without transportation.

GEORGE B. MCCLELLAN, *Major-General.*

Major-General W. H. HALLECK, *General-in-Chief.*

And again:

[Received 12.50 p. m.]

HEADQUARTERS ARMY OF POTOMAC,
ALEXANDRIA, VA., *August* 29, 1862—12 m.

Have ordered most of the Twelfth Pennsylvania Cavalry to report to General Barnard, for scouting duty toward Rockville, Poolsville, &c. If you apprehend a raid of cavalry on your side of river I had better send a brigade or two of Sumner's to near Tennallytown, where, with two or three old regiments in Forts Allen and Marcy, they can watch both Chain bridge and Tennallytown. Would it meet your views to post the rest of Sumner's corps between Arlington and Fort Corcoran, where they can either support Cox, Franklin, or Chain bridge, or even Tennallytown? Franklin has only between ten thousand and eleven thousand ready for duty. How far do you wish this force to advance?

G. B. MCCLELLAN,
Major-General, United States Army.

Major-General HALLECK, *General-in-Chief.*

To which General Halleck replies at 3 p. m.:

WAR DEPARTMENT, *Washington, D. C., August* 29, 1862.

Your proposed disposition of Sumner's corps seems to me judicious. Of course I have no time to examine into details. The present danger is a raid upon Washington in the night-time. Dispose of all troops as you deem best. I want Franklin's corps to go far enough to find out something about the enemy. Perhaps he may get such information at Annandale as to prevent his going further. Otherwise he will push on toward Fairfax. Try to get something from direction of Manassas, either by telegram or through Franklin's scouts. Our people must move more actively and find out where the enemy is. I am tired of guesses.

W. H. HALLECK, *General-in-Chief.*

Major-General MCCLELLAN, *Alexandria.*

At 7.50 p. m. General Halleck to General McClellan:

WAR DEPARTMENT,
Washington, D. C., August 29, 1862—7.50 p. m.

You will immediately send construction train and guards to repair railroad to Manassas; let there be no delay in this. I have just been told that Franklin's corps stopped at Annandale, and that he was this evening in Alexandria. This is all contrary to my orders. Investigate and report the facts of this disobedience. That corps must push forward as I directed, to protect the railroad and open our communications with Manassas.

H. W. HALLECK, *General-in-Chief.*

Major-General MCCLELLAN, *Alexandria.*

To which General McClellan replies at 8:

[Time received, 8.50 p. m.]

CAMP NEAR ALEXANDRIA, *August* 29, 1862—8 p. m.

By referring to my telegrams of 10.30 a. m., 12 m., and 1 p. m., together with your reply of 2.48 p. m., you will see why Franklin's corps halted at Annandale. His small cavalry force, all I had to give him, was ordered to push on as far as possible toward Manassas. It was not safe for Franklin to move beyond Annandale, under any circumstances, until we knew what was at Vienna. General Franklin remained here until about 1 p. m., endeavoring to arrange for supplies for his command. I am responsible for both these circumstances, and do not see that either was in disobedience to your orders. Please give distinct orders in reference to Franklin's movements of to-morrow. I have sent to Colonel Haupt to push out construction and supply trains as soon as possible, General Tyler to furnish the necessary guards. I have directed General Banks's supply train to start out to-night at least as far as Annandale, with an escort from General Tyler. In regard to to-morrow's movements I desire definite instructions, as it is not agreeable to me to be accused of disobeying orders when I have simply exercised the discretion committed to me.

GEORGE B. MCCLELLAN,
Major-General.

Major-General HALLECK, *General-in-Chief.*

At 10 that night General Halleck advised General McClellan that he has a dispatch from General Franklin stating that "Pope is very short of provisions and the country will not support him."

[Received 10.50 p. m.]

HEADQUARTERS ARMY OF POTOMAC,
Camp near Alexandria, August 29, 1862—10 p. m.

The following has just been received by an orderly:

ANNANDALE, 7.15 p. m.

GENERAL: The news picked up here from all sources passing along the road is as follows: Jackson left Centreville yesterday afternoon to march through Thoroughfare Gap. He was confronted by Sigel, whom he attacked immediately. Sigel was re-enforced by Heintzelman and Porter to-day. McDowell by noon was 4 miles from the field, and was merely waiting for his ammunition to come up and join him. The field of battle is near Gainesville.

Sigel fought all day yesterday, slept on the enemy's ground, and this morning at 5 o'clock was attacked, and the cannonading was very heavy when a certain sutler, one of the parties who gives the information, left there. From all the evidence the inference is that we have met with no disaster, and that Stonewall is in a tight place unless he leaves to-night by Aldie. Jackson had with him yesterday three divisions—his own, Ewell's, and Hill's—amounting to forty thousand men. Birney held Centreville this morning, and pursued Jackson, picking up many stragglers. The enemy left Centreville last evening. Many of the rebel dead are lying near Centreville. Birney ceased the pursuit on learning the force of the enemy. All of the best witnesses, and all of the citizens who have passed, consider Jackson in a dangerous position. Pope's train is parked this side of Centreville.

Truly yours,

W. B. FRANKLIN,
Major-General, Commanding Sixth Corps.

P. S.—Pope is said to be very short of provisions and the country will not support him.

W. B. F.

GEORGE B. MCCLELLAN,
Major-General.

Major-General H. W. HALLECK,
General-in-Chief.

And thus, on the night of the third day after General Franklin's corps had been peremptorily ordered to join the Army under my command, it had advanced as far as Annandale, 6 miles from Alexandria, Franklin himself being in that city as late as 1 p. m.

AUGUST 29, 1862—8 p. m.

To Commanding Officer at Centreville:

I have been instructed by General McClellan to inform you that he will have all the available wagons at Alexandria loaded with rations for your troops, and all of the cars also, as soon as you send in a cavalry escort to Alexandria as a guard to the train.

Respectfully,

W. B. FRANKLIN,
Major-General, Commanding Sixth Corps.

General McClellan's dispatch of 10 p. m., 29th August, states that he ordered Franklin "to cover the transit of Pope's supplies." General Franklin, who doubtless understood his orders, explained them as above by saying that the supplies would be loaded "as soon as you send a cavalry escort." It was thus General Franklin was to "cover the transit."

At 11 a. m. General McClellan telegraphs General Halleck:

[Received 11.15 a. m.]

HEADQUARTERS ARMY OF POTOMAC.
Camp near Alexandria, August 30, 1862—11 a. m.

Have ordered Sumner to leave one brigade in the vicinity of Chain bridge, and to move the rest via Columbia pike on Annandale and Fairfax Court House. Is this the route you wish them to take? He and Franklin are both instructed to join Pope as promptly as possible. Shall Couch move also when he arrives?

GEORGE B. MCCLELLAN, *Major-General.*

Major-General HALLECK, *General-in-Chief.*

To this inquiry as to proper direction of the troops at the crisis of that day General Halleck's reply is comprehensive and pointed: "Send them where the fighting is."

[Sent 12.20 p. m.]

WAR DEPARTMENT,
Washington, D. C., August 30, 1862—12.20 p. m.

I think Couch should land at Alexandria and be immediately pushed out to Pope. Send the troops where the fighting is. Let me know when Couch arrives, as I may have other information by that time. Use the Connecticut officers and regiment as you propose. Send transports to Acquia to bring up Burnside's command. I have telegraphed to him, and am waiting his answer.

H. W. HALLECK, *General-in-Chief.*

Major-General MCCLELLAN, *Alexandria.*

And adds two hours later:

[Sent 2.15 p. m.]

WAR DEPARTMENT,
Washington, D. C., August 30, 1862—2.10 p. m.

Franklin's and all of Sumner's corps should be pushed forward with all possible dispatch. They must use their legs and make forced marches. Time now is everything. Send some sharp-shooters on the trains to Bull Run. The bridges and property are threatened by bands of Prince William cavalry. Give Colonel Haupt all the assistance you can. The sharpshooters on top of cars can assist in unloading the trains.

H. W. HALLECK, *General-in-Chief.*

Major-General MCCLELLAN, *Alexandria.*

[Received 3 p. m.]

HEADQUARTERS ARMY OF THE POTOMAC.
Alexandria, Va., August 30, 1862—1.10 p. m.

I know nothing of the calibers of Pope's artillery. All I can do is to direct my ordnance officer to load up all the wagons sent to him. I have already sent all my headquarters' wagons. You will have to see that wagons are sent from Washington. I can do nothing more than give the order that every available wagon in Alexandria shall be loaded at once. The order to the brigade of Sumner that I directed to remain at Chain bridge and Tennallytown should go from your headquarters to save time. I understand you to intend it also to move. I have no sharp-shooters except the guard around my camp. I have sent off every man but those, and will now send them with the train, as you direct. I will also send my only remaining squadron of cavalry with General Sumner. I can do no more; you now have every man of the Army of the Potomac who is within my reach.

GEORGE B. MCCLELLAN,
Major-General Commanding.

Major-General HALLECK, *General-in-Chief.*

As these telegrams do not appear to furnish any sort of explanation of Franklin's slow movements and of his halt at Annandale, it seems not improper to furnish a telegram of General McClellan's, which does give in part directly and in part by inference an explanation of these transactions; but before doing so it seems in place to invite attention to the strange fact that while in his telegrams, the first dated August 29, at 8.30 a. m., and the second August 29, at 1 p. m., General McClellan does not consider it safe for Franklin with eleven thousand men to go beyond Annandale, yet he instructs General Franklin to inform the commanding officer at Centreville (not me) that he "will have all the available wagons at Alexandria loaded with rations for your troops and all of the cars also as soon as you send in a cavalry escort to Alexandria as a guard to the trains." In short, while it was not safe, according to General McClellan's opinion, for Franklin to go beyond Annandale with eleven thousand men, he did consider it safe for a cavalry escort to come in from the field of battle through Annandale to Alexandria and take back wagon-trains by the same road. Not fear of harm to Franklin therefore was the motive to halt him at Annandale, but some other motive quite removed from such apprehension.

This motive will probably be found partly set forth in the following telegram, dated at 2.45 p. m., August 29:

HEADQUARTERS ARMY OF POTOMAC,
Camp near Alexandria, Va., August 29, 1862—2.45 p. m.

The last news I received from the direction of Manassas was from stragglers, to the effect that the enemy were evacuating Centreville and retiring toward Thoroughfare Gap. This is by no means reliable. I am clear that one of two courses should be adopted, first, to concentrate all our available forces to open communications with Pope; second, to leave Pope to get out of his scrape and at once use all our means to make the capital perfectly safe. No middle course will now answer. Tell me what you wish me to do and I will do all in my power to accomplish it. I wish to know what my orders and authority are. I ask for nothing, but will obey whatever orders you give. I only ask a prompt decision that I may at once give the necessary orders. It will not do to delay longer.

GEO. B. MCCLELLAN, *Major-General.*

A. LINCOLN, *President.*

A strange dispatch this, in view of the fact that for three successive days McClellan had been almost hourly receiving peremptory orders to send Franklin to the front, and that he had been reporting almost as often that he was doing so. It must be borne in mind also that at the time this telegram was sent, Franklin, with eleven thousand men; Sumner, with fourteen thousand men; and Cox, with seven thousand men, were all in and near Alexandria under McClellan's direct control, and that he had positive orders to send them forward. The sounds of battle were in his ears all the time and should of themselves have furnished him with a reason for hurrying them to the front more imperative than any orders.

As General McClellan had positively stated again and again that Franklin could not move to the front because of want of transportation, it was of course doubly impracticable for the same reason that both Franklin and Sumner should go forward, and the first part of this proposition to the President therefore could not have been made with any purpose of being carried out. The last of the two suggestions, namely, "to leave Pope to get out of his scrape," was therefore the real one. What was the "scrape" that Pope was to be left to get out of? He had been for nearly three weeks marching and fighting almost continuously, for no other purpose than to give time for General McClellan's army to assemble at Alexandria and come forward to the field to his support.

The roar of battle at the front for three or four successive days was sounding in General McClellan's ears, and in answer to it he advises that Pope be left to get out of his "scrape." And was General Pope alone involved in this "scrape" so touchingly alluded to by General McClellan? Were there not also in this "scrape" thousands of loyal and gallant soldiers who had been for weeks fighting and marching with the sole hope that their comrades of the Army of the Potomac would come to their aid, as they had gone forward to aid them? How many thousands of these gallant men lie dead on bloody fields, because they were left to get out of their "scrape?"

It is pitiful to continue this subject further, but perhaps it may be as well to dispose of McClellan's equally insincere excuses concerning want of transportation.

The following telegram of General Halleck very effectually disposes of them:

WAR DEPARTMENT,
Washington, August 30, 1862—9.40 A. M.

I am by no means satisfied with General Franklin's march of yesterday. Considering the circumstances of the case, he was very wrong in stopping at Annandale. Moreover, I learned last night that the Quartermaster's Department could have given him plenty of transportation if he had applied for it any time since his arrival at Alexandria. He knew the importance of opening communication with General Pope's army, and should have acted more promptly.

H. W. HALLECK, *General-in-Chief.*

Major-General MCCLELLAN, *Alexandria.*

But, in addition to this, General McClellan actually knew, when he was assigning want of transportation as an excuse for not moving Franklin, that there was public transportation at his command, and yet he did not use it when the fate of a campaign, if not of an army, depended upon his doing so.

CAMP NEAR ALEXANDRIA, *August* 30, 1862—11.30 a. m.

Major-General HALLECK, *General-in-Chief:*

Your telegram of 9 a. m. received. Ever since General Franklin received notice that he was to march from Alexandria he has been endeavoring to get transportation from the Quartermaster at Alexandria, but he has been uniformly told that there was none disposable. * * * Every effort has been made to carry out your orders promptly. The great difficulty seems to consist in the fact that the greater part of the transportation on hand at Alexandria and Washington has been needed for current supplies of the garrisons. Such is the state of the case as represented to me by the Quartermasters and it appears to be true. I take it for granted that this has not been properly explained to you.

GEORGE B. MCCLELLAN,
Major-General.

It is clear that he thought or affected to think that it was better that the army under my command should be defeated, if not destroyed, than that the garrisons around Alexandria and Washington should be subjected to the slightest inconvenience. In the midst of all the pretended apprehension about Franklin's danger in moving to the front, Banks's wagon train actually passed Franklin as it came in from the field where Franklin was to go. Much of the "news" Franklin sent to McClellan was probably obtained from this train which, it seems, was able to come from the front with safety over a road which McClellan was afraid that Franklin should venture on with eleven thousand men.

I need not proceed further in this sorry recital. All the forces in and about Alexandria were withheld for four days from the support of my army fighting Lee's whole force in front of Centreville by such groundless and trivial excuses as these.

As to the ammunition, General McClellan says in his telegram from Fort Monroe of the 21st, 10.52 p. m.: "I have ample supplies of ammunition for infantry and artillery, and will have it up in time. I can supply any deficiency that may exist in General Pope's army." But when ordered to send it forward he replied from Alexandria: "I know nothing of the caliber of Pope's artillery. All I can do is to direct my ordnance officer to load up all the wagons sent to him." Sent by whom? It need not be said that he could easily have found out from the Ordnance Department what artillery I had.

This narration of what General McClellan did is necessarily much abridged, but it is practically his own story, and if it confirms the statement in his report that "after my arrival at Alexandria I left nothing in my power undone to forward re-enforcements and supplies to General Pope," there is no more to be said, except perhaps that if this were really all he could do, it is very unfortunate, in every view, that some one else had not been charged with this work.

During these three days, 27th 28th, and 29th of August, spent by Franklin in marching from Alexandria to Annandale (6 miles), over a broad turnpike, unobstructed by any obstacle, Lee marched his whole army, except Jackson's corps, from Waterloo bridge, on the Rappahannock, by the circuitous route of Salem and White Plains, forced the passage of Thoroughfare Gap, and came on the field of Groveton (second Bull Run), where on the afternoon of the 29th—the third day—he fought a severe battle with the troops under my command.

The distance thus marched by Lee's army, in the face of a watchful enemy, was nearly 40 miles, and on the third day of this march he fought also a severe battle at Groveton.

The movements of Lee's large army and of Franklin's corps during the same three days of August, 1862, present a contrast so violent as to require no comment whatever.

What success could be expected over an active enemy with any help likely to be given by so tardy and reluctant a friend is not easy to see.

The dispatches of General Porter from the field during the same three days are essential to a sufficient understanding of the feeling which obtained among certain of the highest officers of the Army of the Potomac, and which led to consequences well nigh fatal to the cause of the Government. It is with reluctance that I introduce these telegrams from a man in the unhappy condition of General Porter, but it is hard to see how it could be avoided without injustice to those who during those dreadful days cheerfully and gladly exposed life and limb to the success of the Union Army.

They are a part of General Porter's record and are so closely related to subsequent transactions that it is impossible to avoid presenting them in this paper. It has been asserted that they were private telegrams, not intended to be published or officially used, and it is easy to believe that their author, considering

their contents, should have been very reluctant that they should be brought to light.

As they were communicated at once to the President, by the officer to whom they were sent, their privacy, if there were privacy in such a matter, was violated almost at the moment of their issue.

They are as follows, namely:

FROM WARRENTON JUNCTION, *August* 27, 1862—4 p. m.

General BURNSIDE, *Falmouth, Va.:*

I send you the last order from General Pope, which indicates the future as well as the present. Wagons are rolling along rapidly to the rear as if a mighty power was propelling them. I see no cause of alarm, though this may cause it. McDowell is moving to Gainesville, where Sigel now is. The latter got to Buckland bridge in time to put out the fire and kick the enemy, who is pursuing his route unmolested to the Shenandoah or Loudon County. The forces are Longstreet's, A. P. Hill's, Jackson's, Whiting's, Ewell's, and Anderson's (late Huger's) divisions.

Longstreet is said by a deserter to be very strong. They have much artillery and long wagon-trains. The raid on the railroad was near Cedar Run, and made by a regiment of infantry, two squadrons of cavalry, and a section of artillery. The place was guarded by nearly three regiments of infantry and some cavalry. They routed the guard, captured a train and many men, destroyed the bridge, and retired leisurely down the roads toward Manassas. It can easily be repaired. No troops are coming up, except new troops, that I can hear of. Sturgis is here with two regiments; four were cut off by the raid. The positions of the troops are given in this order. No enemy in our original front. A letter of General Lee's, seized when Stuart's assistant adjutant-general was seized, directs Stuart to leave a squadron only to watch in front of Hanover Junction, &c. Everthing has moved up north.

I found a vast difference between these troops and ours, but I suppose they were new, as to-day they burned their clothes, &c., when there was not the least cause. I hear that they are much demoralized, and needed some good troops to give them heart and, I think, head. We are marching now to get behind Bull Run, and I presume will be there in a few days, if strategy don't use us up. The strategy is magnificent, and tactics in the inverse proportion. I would like some of my ambulances. I would like also to be ordered to return to Fredericksburg, to push toward Hanover, or, with a larger force, to push toward Orange Court House. I wish Sumner was at Washington, and up near the Monocacy, with good batteries. I do not doubt the enemy have a large amount of supplies provided for them, and I believe they have a contempt for the Army of the Virginia. I wish myself away from it, with all our old Army of Potomac, and so do our companions. I was informed to-day by the best authority that, in opposition to General Pope's views, this army was pushed out to save the Army of the Potomac, an army that could take care of itself.

Pope says we long since wanted to go behind the Occoquan. I am in great need of ambulances, and the officers need medicines, which, for want of transportation, were left behind. I hear many of the sick of my corps are in houses on the road—very sick, I think. There is no fear of an enemy crossing the Rappahannock. The cavalry are all in the advance of the rebel army. At Kelly's and Barnett's fords much property was left, in consequence of the wagons going down for grain, &c. If you can push up the grain to-night, please do so, direct to this place. There is no grain here or anywhere, and this army is wretchedly supplied in that line. Pope says he never could get enough. Most of this is private, but if you can get me away, please do so. Make what use of this you chose, so it does good.

Don't let the alarm here disturb you. If you had a good force you could go to Richmond. A force should at once be pushed on to Manassas to open the road. Our provisions are very short.

F. J. PORTER.

WARRENTON, 27*th*—p. m.

To General BURNSIDE:

Morell left his medicine, ammunition, and baggage at Kelly's ford. Can you have it hauled to Fredericksburg and stored? His wagons were all sent to you for grain and ammunition. I have sent back to you every man of the First and Sixth New York Cavalry, except what has been sent to Gainesville. I will get them to you after a while. Everything here is at sixes and sevens, and I find I am to take care of myself in every respect. Our line of communication has taken care of itself in compliance with orders. The army has not three days' provisions. The enemy captured all Pope's and other clothing; and from McDowell the same, including liquor. No guard accompanying the trains, and small ones guard bridges. The wagons are rolling on, and I shall be here to-morrow. Good night!

F. J. PORTER.

FOUR MILES FROM MANASSAS, 28*th*—2 p. m.

Major-General BURNSIDE:

All that talk about bagging Jackson, &c., was bosh. That enormous Gap, Manassas, was left open, and the enemy jumped through; and the story of McDowell having cut off Longstreet had no good foundation. The enemy have destroyed all our bridges, burnt trains, &c., and made this army rush back to look at its line of communication, and find us bare of subsistence. We are far from Alexandria, considering the means of transportation. The supply train of forty wagons is here, but I can't find them. There is a report that Jackson is at Centerville, which you can believe or not. The enemy destroyed an immense amount of property at Manassas—cars and supplies. I expect the next thing will be a raid on our rear by way of Warrenton, by Longstreet, who was cut off.

F. J. PORTER, *Major-General.*

BRISTOE—6 a. m., 29th.

Major-General BURNSIDE:

I shall be off in half an hour. The messenger who brought this says the enemy had been at Centreville, and pickets were found there last night. Sigel had severe fight last night; took many prisoners; Banks is at Warrenton Junction; McDowell near Gainesville; Heintzelman and Reno at Centreville, where they marched yesterday and Pope went to Centreville, with the last two as a body-guard, at the time not knowing where was the enemy, and when Sigel was fighting within 8 miles of him and in sight. Comment is unnecessary. The enormous trains are still rolling on, many animals not being watered for 50 hours. I shall be out of provisions to-morrow night; your train of forty wagons can not be found. I hope Mac's at work and we shall soon be ordered out of this. It would seem, from proper statements of the enemy, that he was wandering around loose, but I expect they know what they are doing, which is more than any one here or anywhere knows."*

I shall only remark that during the days on which these dispatches were sent off Porter was not at the front at all, either personally or with his corps, and that the unamiable stories and flings which these letters and telegrams contained were either suggested by his imagination or were picked up from stragglers and skulkers from the front.

*This dispatch was presented to the original court-martial, which tried General Porter, embodied in one from General Burnside to General Halleck, and was without signature, as shown by the record, but was quoted as being an acknowledged dispatch of General Porter's by the counsel for the petitioner in his opening before the board of army officers in the case of Fitz-John Porter in 1878.

On the west of Porter during all this time was Banks's corps at Warrenton Junction. On the north of him along the Warrenton pike, and south of it at Greenwich, were the corps of McDowell and Sigel and the divisions of Reynolds, of Reno, and of Kearny. While on the east of him, and between him and Manassas Junction, were the division of Hooker and the headquarters of the Army of Virginia. He was moving slowly along the chord of a semi-circle (the road from Warrenton Junction to Manassas Junction).

The arc of this semi-circle was occupied by the rest of the Army, the army of the enemy being on the outside of it altogether. Our whole Army, therefore, until late on the morning of the 29th, was interposed between Porter and any force of the enemy, and he was in as safe a place during all that time as if he had been in the grounds of the War Department at Washington. His condition of mind as evinced in these dispatches promised very little toward the active and zealous work expected of every faithful officer under the circumstances which surrounded us, and little as it promised the performance was still less.

That his corps fought on the 30th is true, and he has made the most of it. But why and how did it do so? On the night of the 29th, after his failure to go into action that whole day, I sent him peremptory orders to march his corps to the field of battle, and report to me in person:

"HEADQUARTERS ARMY OF VIRGINIA,
"*In the Field near Bull Run, August* 29, 1862—8.50 p. m.

"GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day, and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

"JNO. POPE,
"*Major-General Commanding.*

"Maj. Gen. F. J. PORTER.

"A true copy:

"T. C. H. SMITH,
"*Lieutenant-Colonel and Aid-de-Camp.*"

This order brought him to my presence the next morning, and I, myself, ordered him into the action, and watched his movements from a position on the ridge in rear of him.

It would necessarily have been fatal to him personally not to go into battle under such circumstances, and his fighting on the 30th was a matter in which his inclination or disinclination had no part.

Whatever credit is given him for his action on the 30th must be largely qualified by these facts.

The gallant men of his corps who did the fighting on the 30th would have fought equally well the day before if they had been given the chance to do so. That they had not this opportunity the day before is in no sense their fault, and it is quite certain that a large number of them were both surprised and disappointed that they were not permitted to go into the action of the 29th.

Franklin arrived at Centreville, 8 miles in the rear of the battlefield of second Bull Run, late in the afternoon of the 30th (having marched 21 miles toward the field of battle in four days), too late to be of service in that battle, and he, himself, was in a condition of mind which made his presence rather an injury than a benefit to the army which he was to reinforce.

The subject is very distasteful to me, and I would not touch it at all but for the conditions which made this article necessary. As it is I shall only deal with it far enough to throw sufficient light upon it to make clear the point I desire to present.

It is sufficient to explain why I recommended the withdrawal of the army under my command to the entrenchments on the south side of the Potomac in order that it might be re-organized.

The following letter from General A. Cobb, now, and for a long time past, chief-justice of Nebraska, will sufficiently illustrate the conditions which prompted me thus to advise, and will save the necessity of relating the information to the same effect which came to me from various verbal sources. This letter will also serve to supplement and complete the series of reasons given for Franklin's amazing delay to move to the front, and perhaps furnishes the best explanation of all, yet made, why he hung back and appeared so willing to leave his comrades at the front to their fate:

LINCOLN, NEBR., *November* 14, 1874.

MY DEAR GENERAL: On the 1st of September, 1862, I was on duty as colonel of the Fifth Regiment Wisconsin Volunteers at Centreville, Va.

My regiment was attached to the First Brigade, First Division, Sixth Corps. On that day I received an order from Maj. Gen. William B. Franklin, commanding corps, to report at his headquarters for grand guard duty.

I immediately reported at his tent, and found it full of officers. I do not remember who was there, but think that nearly or quite all of the general and most of the staff officers then serving with the corps were there.

They were engaged in drinking and animated conversation. I was met by General Franklin, or his chief of staff, at the tent door, and informed that I was to take command of a grand guard which was then assembling, and which was to be joined by a section of artillery, and proceed to Cub Run; that Col. O. D. Green, "A. A. G.," would accompany me to the ground, advise me as to position, &c., and give me my orders while on the march.

We immediately started, and while riding at the head of the column Colonel Green asked me if I heard the conversation among the officers at headquarters. Upon my answering in the negative he said they were congratulating each other upon "Pope's defeat," and upon my expressing great surprise at such a state of demoralization he seemed to be greatly depressed, and stated that nearly every "officer of the Army" whom he had seen since our corps came up seemed to rejoice at the late reverses.

I can not, of course, give his exact language at this length of time, but the above is correct in substance. I was absent when your favor of the 1st July was received here.

Since my return I have delayed this reply from ti me to time, which I beg you to excuse.

With sincere respect, your obedient servant,

AMASA COBB.

MAJ. GEN. JOHN POPE,
United States Army, Fort Leavenworth, Kansas.

A true copy of the original.

D. M. TAYLOR,
Captain of Ordnance, Aid-de-Camp.

Comment on this letter I leave to the survivors of those bloody battles, and to the friends and relatives of the gallant men who died there.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. TELLER].

Mr. TELLER. Before that amendment is voted on I desire to have read as a matter of information for the Senate the document which I send to the Chair. It is a report made by a committee of the House of Representatives in the Forty-seventh Congress. I suppose it is perfectly proper for me to have it read as a report made to a previous Congress or as part of my remarks.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 5525) authorizing the President to appoint and retire Alfred Pleasonton, a major-general, respectfully reports:

Alfred Pleasonton graduated at the West Point Military Academy in 1844, and was appointed a brevet second lieutenant in the Army, and assigned to Captain Sumner's (afterward General Sumner) company of the First Regiment of United States Dragoons, which was stationed at Fort Atkinson, Iowa Territory. In 1845 he was one of the command under Sumner that marched to Devil's Lake, near the Canada line, to warn the Canadian half-breeds from coming into the United States to hunt buffalo and disturb our Indians. The expedition was successful, and accomplished a march of 3,000 miles in five months.

In the spring of 1846, Pleasonton having been promoted to be second lieutenant of the Second Regiment of Dragoons, joined Captain May's company of that regiment, at Corpus Christi, Tex., as part of the army of occupation under General Taylor. In the battles of Palo Alto and Resaca de la Palma he was distinguished, and was brevetted on the recommendation of General Taylor for his conduct in the charge of May's squadron of dragoons at Resaca de la Palma, which resulted in the capture of General La Vega, many prisoners, and a battery of nine guns. He served with the army of General Taylor to the end of the Mexican war, and then marched with his company from Monterey, Mexico, to Santa Fé, N. Mex., in the fall of 1848. After very active service in that Territory during the winter, he proceeded in the spring of 1849 to join the staff of General Persifor F. Smith, in California, and marched across the country from Santa Fé to San Francisco, with a small detachment of men by the way of Colorado and Utah.

Pleasonton remained in California until 1850, when having been promoted to be first lieutenant, he returned to New Mexico and was placed in command of his company. His service for the next two years brought him in contact with the Apaches, the Navajoes, and the Utah Indians of that country, and in numerous campaigns and engagements against these Indians, he learned the rough art of savage warfare.

In 1852 he was ordered on the recruiting service, where he remained until 1854, when he was appointed the adjutant of his regiment, and repaired to Fort Chadbourne, Texas, where he remained until the winter of 1855, when he was promoted to a captain. He joined the expedition against the Sioux Indians, commanded by General Harney, at Fort Leavenworth, Kans., in the spring of that year, and served with the expedition, in command of his company, until the winter of 1856, when he was appointed the assistant adjutant-general of the expedition, and remained in that capacity until the Indians made peace in that summer.

In the fall of 1856, Pleasonton was selected by General Harney as his adjutant-general on an expedition to remove the Seminole Indians from Florida. The winter was spent in a hard and severe campaign against these Indians in the swamps and everglades, which resulted in their complete defeat, and they were removed to Arkansas in the spring of 1857.

Serious political troubles occurring at this time in Kansas, General Harney was ordered to the command of the troops in that Territory, and Captain Pleasonton accompanied him as adjutant-general. It was in the summer of this year that the Utah expedition was organized by General Harney and his staff, and was afterward placed under the command of General Albert Sidney Johnston.

In the fall of 1858, an Indian war breaking out in Oregon, General Harney was ordered there to take command, and Pleasonton was assigned to him as his chief staff officer. The Indians were brought to terms during the ensuing winter and the country was in a state of profound peace in the summer of 1859 and until 1860, when General Harney was relieved from duty in Oregon, and Pleasonton returned with him to Washington.

In March, 1861, General Scott ordered Pleasonton to join his company, then at Camp Floyd, in Utah. He proceeded as far as Saint Joseph, Mo., and was detained there for want of transportation when the news of the firing on Fort Sumter satisfied him it was his duty to return to the East. On arriving in Philadelphia he found Washington was cut off from the North, and that the Government had placed General Patterson in command of the Department of Washington, extending from Philadelphia to Washington. Pleasanton immediately reported to him, and was sent to Wilmington, Del., to raise a force to protect the railroad to Havre de Grace and also Dupont's powder-mills, which contained at that time the materials belonging to the Government for making powder at the rate of 30,000 pounds a day for a period of eighteen months. He succeeded in less than a week in organizing, arming, and equipping a regiment of 1,000 men; but upon application being made by the regiment to General Scott to permit Pleasonton to accept the command of it, Scott's only reply was an order for Pleasonton to join his company in Utah. Pleasonton obeyed the order. He could have resigned from the Army and accepted the colonelcy of the regiment; but as the Government at that time was in the throes of a civil war, he considered it his highest duty to obey its behests.

Shortly after his arrival in Utah the news of the battle of Bull Run was received, and also orders for the troops to proceed to Washington. Pleasonton reached Washington in command of his regiment, the Second Dragoons, in the fall of 1861, having marched 1,100 miles, from Utah to Saint Joseph, Mo., and then transported the men and horses of the command about the same distance by rail to Washington.

When the Army of the Potomac moved to Yorktown, Pleasonton's regiment of dragoons formed part of it, and served with headquarters and on detached service throughout that campaign, sometimes covering a retreat, sometimes in advance, but rendering such efficient service that upon the arrival of the Army at Harrison's Landing Pleasonton was promoted to be a brigadier-general of volunteers, his rank at that time in the regular Army being that of major. A few days after his assignment to the command of a brigade of cavalry, he distinguished himself in the second battle of Malvern Hill, capturing many prisoners and showing his ability to fight cavalry in large masses. He covered the retreat of the Army from the Chickahominy, and was among the last to embark from Yorktown to Washington. On his arrival at Washington, General McClellan assigned him to the command of all the cavalry and horse artillery of the Army; and it was from this time that the Union cavalry began its career of distinction and glory which it held to the close of the war. Starting in advance of the Army from Washington, with only one brigade of cavalry and two batteries of horse artillery, Pleasonton defeated the enemy at Poolesville, Barnesville, Frederick City, and brought him to bay at South Mountain. He reconnoitered that position, and finding two mountain roads, one to the north and the other to the south of it, he suggested turning the enemy by both flanks, which was afterward successfully accomplished by the Army. Rapidly pursuing, immediately after the battle, with the cavalry, he overtook the enemy's cavalry near Boonsborough, and, after a fierce fight, defeated them with severe loss, forcing his way to the main body on Antietam Creek, at Sharpsburg. While thus actively engaged, Pleasonton found time to organize his scattered cavalry, and had shown such energy and judgment in doing so that he collected four thousand cavalry and formed them into four brigades, and with four batteries of horse artillery he held the center of the Union position throughout the battle of Antietam. He took the advance of the Army into Virginia after the battle, fighting the enemy's cavalry at Martinsburg, Purcellville, Union, Upperville, Barber's Cross Roads, Waterloo, and other places, being invariably successful.

In the campaign of Fredericksburg he commanded the first division of cavalry on duty with the first grand division of the Army, commanded by Major-General Sumner. The battle of Fredericksburg virtually finished that campaign.

In the campaign of Chancellorsville, Pleasonton went into the field with one small brigade of cavalry of three regiments and one horse battery, but it was his good fortune to be at the critical part of the field at the proper time; that is where the Eleventh Corps became panic stricken and ran away when Stonewall Jackson attacked them on the 2d of May, 1863. In reference to this action the Joint Committee of the two Houses of Congress on the Conduct of War report as follows:

"About 6 o'clock in the afternoon a rattling fire of musketry was heard on the right, but nothing indicating a very serious engagement. Almost immediately, however, from some cause not fully evident from the testimony, the extreme right division of the Eleventh Corps was stampeded, and, flying along the line of the Eleventh Corps, threw the whole corps into confusion and swept it from the field. Steps were at once taken to arrest the fugitives and prevent the panic being extended to the whole Army. Berry's division of the Third Corps and a brigade of the Second Corps were directed to cover the rear of the Eleventh Corps, and, if possible, to retake and hold the position they had abandoned. This, however, they were unable to do, the enemy occupying it in great force before our troops could reach it.

"It will be remembered that some hours before General Sickles, with two divisions of his corps, had been ordered to advance for the purpose of operating against the column of the enemy under Jackson. The giving way of the right left General Sickles in a very exposed and critical position; but upon being informed of the condition of affairs, he at once took measures to withdraw his force, which was successfully done, and without much loss. The enemy, under Jackson, continued to advance after the panic-stricken troops until checked by General Pleasonton, who had collected and brought into position some artillery for that purpose. Although a cavalry officer, he handled the artillery with exceeding great judgment and effectiveness. His skill, energy, daring, and promptness upon this occasion contributed greatly to arrest the disaster which for a time threatened the whole army. His conduct upon this and many other occasions marks him as one of the ablest generals in our service, and as deserving of far higher consideration than, from some cause, he appears to have received. It was during this attack the rebel General Jackson was mortally wounded. The enemy were repulsed with great loss, and active operations ceased for the night."

Pleasonton was now placed in command of the cavalry corps of the Army of the Potomac by Major-General Hooker, and the campaign of Gettysburg was opened by his crossing the Rappahannock and attacking the enemy's cavalry, under Stuart, at Beverly Ford and Brandy Station on the 9th of June, 1863. He had 6,000 cavalry, 3,000 infantry, and thirty-six pieces of artillery. Stuart had 18,000 cavalry and upward of forty pieces of artillery. The battle began at 5 o'clock in the morning and lasted until 7 o'clock in the evening. By this action Pleasonton ascertained the design of General Lee of moving into Pennsylvania, having captured official correspondence indicating the movement. The loss of the Union cavalry on that day was 1,000 men, but the loss of the enemy's cavalry was much greater, stated to have been 2,500 men. Moving rapidly from Beverly Ford to Aldie, in the Bull Run Mountains, the enemy were met and again defeated, and pursued to Middleburg and Upperville, and finally driven over the Blue Ridge Mountains. It was after the battle at Upperville that President Lincoln appointed Pleasonton a major-general of volunteers, to date from June 22, 1863.

At Frederick City, Pleasonton, finding the enemy's cavalry so superior in numbers, applied for and obtained another division of cavalry from Washington, to which he promoted his aids-de-camp, Custer and Farnsworth, to be brigadier-generals. Lee was at this time moving his army toward Chambersburg. The Army of the Potomac was put in motion by General Meade in the direction of Columbia and the Susquehanna River. The cavalry was placed to cover its front and flanks. The first division, under General Buford, was ordered by Pleasonton to Gettysburg, to hold that position at all hazards; the second division, under General Gregg, moved on the right of the Army, and the third division, under General Kilpatrick, in front toward Harrisburg.

At Hanover the third division struck Stuart, laden with plunder, which was recaptured and the enemy driven off with great loss.

At Gettysburg General Buford met the enemy on the morning of the 1st of July, 1863, and with the first division fought so hard to hold the position that he urged the necessity for the whole Army to support him, if it was expected we should retain it. Accordingly the different corps of the Army were marched in that direction, and the result was the battle of Gettysburg.

The cavalry throughout that battle protected the flanks of the Army, and sustained very severe losses in so doing, and followed in pursuit of the enemy immediately after the battle.

In the winter of 1864 the committee of the two Houses of Congress on the Conduct of the War called upon the different generals for their views with reference to the prosecution of the war in the next campaign. The members of the committee were so much impressed with the plans submitted by Pleasonton that they recommended to President Lincoln to place him in command of the Army of the Potomac, give him the men and material he required, and hold him responsible to execute that plan. The President was favorably inclined to do so, but other influences prevented its consummation, and the result was that in the spring of 1864 Pleasonton was ordered to the Department of Missouri, at Saint Louis. In the fall of that year the States of Missouri and Kansas were invaded by Gen. Sterling Price with a greatly superior force of cavalry and artillery to that which could be put into the field by the Federal commander, Maj. Gen. William S. Rosecrans. In his official report General Rosecrans describes the results of that campaign as follows:

"With less than 7,000 effective cavalry, have pursued, overtaken, beaten in several engagements, and finally routed an invading cavalry variously estimated at from 15,000 to 20,000 men, re-enforced by 6,000 armed recruits from Missouri, taken from them ten pieces of artillery, two stands of colors, 1,958 prisoners of war, a large number of horses, mules, wagons, and small-arms, compelled them to destroy most of their remaining wagon trains and plunder, blasted all the political schemes of the rebels and traitors who concerted with Price to revolutionize Missouri, destroy Kansas, and turn the State and Presidential elections against the Union cause, and by one triumph in the late elections have given to gallant and suffering Missouri the fairest prospect she has ever yet seen of future freedom, peace, prosperity—all the fruit of a campaign of forty-eight days, in which most of our victorious troops had never before seen a great battle. Rarely, during this or any war, has cavalry displayed more persevering energy in pursuit, more impetuous courage and gallantry in attacking, regardless of superior numbers, or had its efforts crowned with greater fruits of success. Major-General Pleasanton deserves the thanks of the country for the able manner in which he handled and fought the cavalry, and the brilliant and fruitful victories he won over triple his own force. I hope he may receive promotion in the regular Army."

This campaign closed the war in Missouri and west of the Mississippi River.

After the war closed and the regular Army had been reorganized, Pleasonton resigned in 1868, as he found his relative rank and position in the Army, after twenty-four years of the most active service, to be much lower than that which he had held before the war.

General Pleasonton is now well advanced in years. Having given the best years of his life to the military service of his country, he has failed to make that provision for himself which he deserves. Having a military training, and but few, if any, business aptitudes, his application appeals with redoubled force to

the favorable consideration of Congress. The delicacy of manner with which such an appeal ought to be made precludes the statement of details; but your committee is thoroughly satisfied that he needs the kindly aid of Congress.

The committee therefore reports the bill back to the House with the recommendation that it be passed.

Mr. SEWELL. I indorse every word of that report, and of my own personal knowledge I have no hesitation in saying that General Pleasonton was one of the most gallant and distinguished officers of the war, and if the Senator from Colorado will to-day introduce a bill to place him on the retired-list and restore him to the Army I will cheerfully vote for it; but the bill to restore Fitz-John Porter is unique in its character; it is to vindicate a man. I do not want to load it down with any amendment, and I shall ask the friends of the bill to vote against any amendment.

Mr. TELLER. Mr. President, I do not intend to enter into any discussion of the Fitz-John Porter bill. I agree with the Senator from New Jersey that it is unique; that the history of it is unique; and I do not suppose the men who are so much interested in vindicating Mr. Porter will see any great virtues in General Pleasonton. The difference in the career of these two men during the war is so distinct and so marked, that that which commends itself to the mass of those who will vote for Mr. Porter is lacking in the record of General Pleasonton. Therefore I have not expected that very many, at least of those who are anxious to do what the Senator from New Jersey calls the vindication of Mr. Porter, will vote for my amendment.

I think it will be scarcely creditable to the American Senate that a man who served his country in every capacity with zeal, with fidelity, with intelligence and patriotic devotion shall be left in his old age in want and distress, as the report which has been read declares he is, and that the man who, disregarding a high duty imposed upon him, failed at the hour when his country demanded of him service, and who has the paltry excuse of a dark night, shall be put upon the pay-rolls of the Government and live hereafter at the expense of the nation.

I do not intend to go into any discussion either of the merits of my amendment or of the demerits of the bill to which I have attempted to attach it. I will let the vote when it is taken answer whether it is anxiety to vindicate a traduced and dishonored officer who had done his duty, or whether it is an effort that is being made by the great mass of his supporters here and elsewhere to undo the verdict of the country, to set aside a verdict as deliberately rendered as any verdict that was ever rendered in this country in a court of justice, to set aside the deliberate opinion of the men who had better opportunities of knowing than even the Senator from New Jersey with the light which he may have acquired by modern research. In my judgment the moving cause for the putting of Fitz-John Porter upon the records and rolls of the Government is not to vindicate a patriotic soldier, but it is to reward treachery, and there I am willing to leave it.

Mr. MCPHERSON. Mr. President, I do not intend to say a single word as to the merits of the bill under consideration. My votes in the past have been sufficient evidence as to my opinion touching the measure.

I wish to say a single word, however, in regard to the amendment offered by the Senator from Colorado. If he is really sincere in desiring relief for General Pleasonton, why does he not introduce an independent and separate proposition to accomplish that purpose? I think I can assure the Senator that if it has as much merit as the Porter bill the friends of Fitz-John Porter will be very anxious indeed to aid him in placing General Pleasonton upon the retired-list.

But I submit the amendment has no place upon this bill. The bill has already passed the House of Representatives and the Committee on Military Affairs of this body. It has passed Congress before, having I think three times passed the Senate. We are to-day to take a vote upon the proposition, and if it were sent back to the other House loaded with amendments the probabilities are that we should not have final action taken upon the bill during this session.

Fitz-John Porter is an old man, and I submit to the Senate that it is exceedingly unkind, exceedingly unjust, to require him to wait one single day longer for the relief to which he is entitled, and which the bill proposes to give him.

I hope that the amendment offered by the Senator from Colorado will not be placed upon the bill, but that the separate and distinct proposition which was reported to us from the committee will have a vote in the Senate and at once.

Mr. LOGAN. That is to say that no man except a treacherous one shall be restored to the Army.

Mr. TELLER. The objection urged against this amendment by the Senator from New Jersey who last spoke [Mr. MCPHERSON] is an imaginary objection, if there is any such disposition among Fitz-John Porter's friends to do to other soldiers as he professes. If putting on the bill the case of a loyal soldier against whom there has never been a breath of scandal will render it obnoxious to the Democratic majority of the other House, then I am anxious to put it on; and that is the logic of the Senator's argument. The Democrats have a majority in that body, and it goes without saying that wherever you find a Democrat you find an ardent supporter of Fitz-John Porter. I do not now say why; but it is a fact that wherever you find a Democrat you find a supporter of Porter.

Why will it endanger this bill to send it back to where there is a majority so large as there is in the other House? Because the friends of Porter are not vindicating him as they say on account of his loyalty. That is not what commends this bill to the great mass of the men who are voting for it and to the great mass of men in this country who are crying for it. It is not the loyal men; and if they are afraid to vote for it in connection with a loyal man, I want to see the vote taken.

[Mr. PLUMB addressed the Senate. [See Appendix.]

Mr. BLAIR. I desire to ask that the report of the Senate committee, which also embodies the report of the House committee in the case of Mrs. Hunter, be read.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that a report be read.

The Chief Clerk proceeded to read the report, submitted by Mr. BLAIR, from the Committee on Pensions, April 28, 1886.

Mr. SEWELL. I object to the reading of that report as not germane to this subject at all.

The PRESIDENT *pro tempore*. When a paper is asked to be read and objection is made it is the duty of the Chair to submit the question to the Senate.

Mr. INGALLS. What is the report that is asked to be read?

The PRESIDENT *pro tempore*. A report in respect to a pension case. The question of its relevancy or irrelevancy has nothing to do with the matter.

Mr. INGALLS. The Senator from New Hampshire has a right to say anything he pleases as his remarks in this case.

The PRESIDENT *pro tempore*. Certainly; but when the question is raised——

Mr. BLAIR. If it is necessary in order to secure the reading of the report that I shall read it myself I can do so.

Mr. CONGER. Read it loud.

Mr. BLAIR. I will say in regard to the case of Mrs. Hunter, the widow of the officer who was president of the court-martial that adjudged Fitz-John Porter guilty, that no such case has failed to pass Congress when presented to Congress for its consideration, and certainly no such case was ever vetoed by a President. In fact, so far as I know, but one pension bill has ever been vetoed by a President of the United States until the present session. We have at the present session passed a bill giving to the widow of Major-General Hancock a pension of $2,000 a year; and but for the fact that from Democratic sources that bill reached us at so small a sum, the Republican members of the committee, and I doubt not the Republican members of the Senate, would have passed an act giving her $5,000 a year.

The widows of our Presidents, regardless of the amount of property which they may possess, some of them being very wealthy to-day, have received in recent years pensions at the rate which I have mentioned, $5,000 apiece. Every major-general whose widow has come asking a pension has received it without grudging or hesitation, at least in these later years, at the rate of $50 per month; and it has come to be the unwritten law of the land until there is no opposition from any party, but on application they receive it.

As has been stated, many pension bills have been passed at the present session, and so far as I know approved, or, if not approved directly, they have become laws by the failure of the Executive to veto them, excepting this one case.

Mr. SEWELL. Will the Senator from New Hampshire not admit that a bill pensioning the widow of a commodore was vetoed within the last three or four days?

Mr. BLAIR. I spoke of the widows of major-generals. There have been some exceptions from time to time in the case of widows of commodores. That is very true, and no man is more likely to protest against the veto of a bill giving a pension to a commodore's widow than the Senator from New Jersey who reported and maintained it.

Mr. LOGAN. If the Senator will allow me, I will call his attention to the fact that the rank of a commodore is not equivalent to that of a major-general.

Mr. BLAIR. That is certainly so. That I supposed the Senator understood; but that only emphasizes the almost universal practice, and of which the Senator from New Jersey himself is aware, that the widows of officers of still lower rank receive, without objection and with the approval of the present Executive, $50 per month.

There were peculiar circumstances in the case of the widow of Major-General Hunter which are not stated in this report; but there were circumstances connected with her health, her peculiarly nervous condition, which made it almost like the stab of death to refuse to this woman her pension. They could not have been unknown to any one who was sufficiently familiar with the facts in this case to justify a veto; and if there is any motive which can be conceived by any man who knows anything of the circumstances surrounding this and other cases, the private pension cases generally, which should have led to the veto of this particular bill, save the one intimated by the Senator from Kansas, I am unable to divine that motive. It is against the practice of the Government.

The facts upon which the relief is asked are stated in the following report of the House committee (House Report No. 1522), which your committee adopt.

Mr. VOORHEES. The Senator from New Hampshire will allow me

a word. I am informed upon what I conceive to be perfectly reliable authority that the veto complained of was written and sent here because the claim of the pensioner is still pending for settlement before the Pension Bureau. I give that as information which has just reached me. If that is true it ought to be known.

Mr. TELLER. A very poor reason.

Mr. BLAIR. I am very glad if that is the only reason, for it is a reason that is utterly unreasonable.

Mr. VOORHEES. Will the Senator allow me a moment further? I spent a few years on the Pension Committee, and I say here to the Senator from Colorado, who said it was a poor reason, that I never knew Congress to take action upon a claim for a pension and pass a law to give a person a pension until the claim was rejected by the bureau. That has been the uniform practice. I served on that committee a hard siege, and I know whereof I speak, and it would be "confusion worse confounded" more than anything we know of if Congress and the bureau should take jurisdiction at the same time of the same claim, and be engaged in disposing of it at the same time. Instead of its being a poor reason, as suggested by the Senator from Colorado, it is an absolutely good reason.

Mr. BLAIR. The Senator needs no vindication so far as his personal generosity and liberality are concerned in dealing with pension cases; and were he the Executive this case never would have been vetoed for the reason which he has stated, or for any other I doubt not. But the reason given does not apply in this case and never did apply in the practice of the committee. This application was for a pension of $50 per month, the granting of which is entirely above and beyond and outside of the jurisdiction of the Pension Office; and it is the almost uniform practice of those who design to ask for a claimant pension at the rate of $50, which is beyond the jurisdiction of the Pension Office, to come in the first instance to Congress itself, and where they fail in the first instance to ask for $50 as has been the case in some former years, application has been made and the claim passes under the general law at the rate of $30, and years afterward they have come to us and asked for the increase from $30 to $50. The Senator is quite right that where the application is for remedy under the general law, within the scope of the general law, it is the uniform practice (unless there may be exceptional circumstances to take it out of the ordinary reasons), the uniform practice is to apply at the Pension Office, as it ought to be. But in cases like this the uniform practice and the reason of the thing are quite the contrary.

The friends of Mrs. Hunter properly brought her case, the death being recent and Congress in session, to the attention of the Senate and the House of Representatives in the first instance, and it is in accordance with uniform practice to grant such pensions in precisely the same way that this case passed Congress and went to the President. If the President had the excuse of ignorance, I thank God that he has so good a one, and that I might be mistaken in the inference which I drew, which was still worse. I hope he has the same excuse in the many other instances where he has vetoed cases as just and as strong as we have ever passed or as have ever been approved by any Executive.

I have examined more than one-half the cases where he has sent vetoes to the Senate, and I aver upon my honor that there is no single instance where he has made a veto that I do not believe he has made it wrongfully. He gets his facts from the Pension Office, an office which we have overruled by our decisions. They send him reports in self-defense, and he vetoes upon the assumption that those allegations are true. Sir, the Executive ought to know that in addition to all the evidence which is before the Pension Office, in most cases the Senate and House of Representatives are in possession of additional evidence of an important character often, and of a decisive character, and which it may be had it originally been in the possession of the Pension Office and in due form might have resulted in the granting of the pension there. No tribunal reviewing the action of Congress is justified in finding the fact contrary to the facts as they are found by Congress, unless in possession of the evidence upon which Congress have formed their conclusions.

Major-General Hunter had been in service longer than almost any other major-general whose widow we have ever pensioned at all, and he had rendered pre-eminent service; and there were, as I stated before, very special reasons why this woman's case should not have been vetoed in ignorance of the facts and of the law and of the uniform practice. I will now proceed to read the report:

The facts upon which the relief is asked are stated in the following report of the House committee (House Report No. 1522), which your committee adopt, and recommend the passage of the bill with the following amendment. Strike out in the eighth and ninth lines the words "six hundred dollars per annum," and insert in lieu thereof "fifty dollars per month."

Mr. SEWELL. I withdraw my objection to the reading of the report at the desk if the Senator insists upon it.

Mr. BLAIR. Very well; let the Secretary proceed with the reading.

The PRESIDENT *pro tempore*. If there be no objection the report will be read from the desk.

The Chief Clerk read as follows:

The claimant is the widow of the late Maj. Gen. David Hunter, who died on the 2d day of February, 1886. General David Hunter was one of the most distinguished soldiers of the late war, as his military record, herewith attached and made part of this report, shows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., March 20, 1886.

Statement of the military service of David Hunter, late of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy from September 14, 1818, to July 1, 1822, when he was graduated and appointed second lieutenant Fifth Infantry; promoted first lieutenant June 30, 1828; appointed captain First Dragoons, March 4, 1833, resigned July 4, 1836; appointed additional paymaster November 13, 1841; vacated appointment as such March 14, 1842, having been appointed major and paymaster United States Army from that date; appointed colonel Sixth United States Cavalry, May 14, 1861; brigadier-general United States Volunteers, May 17, 1861, and major-general United States Volunteers, August 13, 1861; honorably mustered out of the volunteer service January 15, 1866; retired from active service with the rank of colonel, July 31, 1866.

He was brevetted brigadier-general United States Army March 13, 1865, "for gallant and meritorious services in the battle of Piedmont and during the campaign in the valley of Virginia," and major-general United States Army, March 13, 1865, "for gallant and meritorious services during the war."

He joined his regiment in January, 1823, and served therewith in Minnesota to April, 1825; on leave to November, 1825; with regiment in Minnesota and Wisconsin to October 23, 1827; on leave to April 15, 1828; with regiment in Minnesota to June, 1828; at Jefferson Barracks, Mo., to October, 1828; at Fort Dearborn, Ill., to May, 1831, and at Fort Howard, Wis., to June 28, 1831; on leave to June, 1832; with regiment at Forts Winnebago and Howard, Wis., to April 18, 1833, when, having been appointed captain First Dragoons, he left to join that regiment and served therewith at Jefferson Barracks, Mo., to November 20, 1833, and in the Indian Territory and Kansas to January 20, 1836; on leave to July 4, 1836, when he resigned.

He served in Florida from date of reappointment in the Army as additional paymaster until April, 1842; at Washington, D. C., to June, 1842; in Arkansas to July, 1846; in the war with Mexico to July, 1848; at New Orleans, La., to March, 1849; at Washington, D. C., Detroit, Mich., and New York city to May, 1856; in Kansas and Saint Louis, Mo., to February, 1861, and at Washington, D. C., to date of appointment as colonel Sixth United States Cavalry.

He served as a brigade and division commander in the department of northeastern Virginia (General McDowell's army) from May 28, 1861, to July 21, 1861, when wounded in action at Bull Run, Va.; commanded first division of the Western Department from September 22, 1861, to November 3, 1861, the Western Department to November 19, 1861, the Department of Kansas to March 11, 1862, and the Department of the South from March 15 to August 22, 1862; on leave to September 23, 1862; member of a military commission at Washington, D. C., to January 20, 1863; commanding Department of the South to June 12, 1863; on special duty at Washington, D. C., to March 20, 1864; awaiting orders to May 19, 1864; awaiting orders to January 31, 1865; on special duty and awaiting orders to muster-out of volunteer service January 15, 1866; on leave of absence to July 31, 1866, when he was retired at his own request, being over sixty-two years of age (act July 17, 1862).

He served as a member of the special claims commission from August 9, 1866, and also of a board for the examination of cavalry officers to June 16, 1868, from which date he was unemployed until he died, February 2, 1886.

R. C. DRUM, *Adjutant-General.*

In view of this record, and the present condition of his widow, your committee recommend the passage of the bill.

Mr. VEST. I should like to inquire if that veto message has come to the Senate or the House? Is it a House or a Senate bill?

Mr. BLAIR. It was a House bill.

Mr. VEST. Then I understand that the Senator from New Hampshire has had this report read in order that he may criticise a document which we have never seen, and the existence of which we have only a statement by a Senator that some person unknown to the Senate and whose name he has not given has informed him that such a veto has been sent. I submit, sir, without reference to the political status of the President of the United States that it is neither just, nor right, nor proper.

Mr. BLAIR. If it should turn out that I have made any unjust allegation as a matter of fact I will apologize.

Mr. VEST. That is not sufficient for making the statement to the Senate. What I complain of and what I criticise is the fact that the poorest privilege that is given to the humblest citizen in this land, even in a civil suit involving the smallest amount of money, is denied to the President of the United States in this Chamber. Whatever we may think of the gentleman who holds that position he is certainly entitled to be heard before he is criticised and condemned. What his reasons may be for this veto message are contained in the document, if there be such a document. We have heard again and again from the Senator from New Hampshire what are the facts in different cases where veto messages have been sent to this and to the other branch of Congress. I submit that when the committee of which that Senator is a member has reported and when all the facts are in possession of the Senate that will be the appropriate time for his criticism and for any response. I take it that the allegation that such a document is wandering somewhere around in this Capitol is not sufficient basis for the purpose which the Senator has evinced by his observations here to-day.

LANDS AT SAN ANTONIO—FORT BRADY.

Mr. CONGER. Mr. President, I rise to a privileged motion.

The PRESIDENT *pro tempore*. The Senator will state it.

Mr. CONGER. In the absence of the Senator from Missouri [Mr. COCKRELL] I send up the report of the conference committee on House bill 7183, and ask that it be read.

The PRESIDENT *pro tempore*. The Senator from Michigan submits a report from a committee of conference, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., having met, after

a full and free conference have agreed and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

F. M. COCKRELL,
O. D. CONGER,
BENJAMIN HARRISON,
Managers on the part of the Senate.
B. M. CUTCHEON,
J. LAIRD,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the committee of conference.

Mr. HOAR. I should be glad for the information of the Senate if the Chair would state, as a matter of parliamentary information, what is the privilege of a conference report in the Senate?

The PRESIDENT *pro tempore*. The Chair understands that by common custom rather than by express rule a report of a committee of conference may be made at any time.

Mr. HOAR. I so understand it myself, but some Senator was conversing with me the other day on the question of the rule, and I wanted to have it settled authoritatively.

The PRESIDENT *pro tempore*. The Chair has not referred to the rule, and is not aware of any express rule, but is referring only to the general custom of the Senate.

The report was agreed to.

The PRESIDENT *pro tempore*. In further reply to the Senator from Massachusetts, the Chair is now advised that there is a rule which expressly gives a privilege to reports of committees of conference. The Chair will ask for the reading of the twenty-seventh rule, so that Senators may understand it.

The Secretary read as follows:

RULE XXVII.

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 177) appointing managers for the National Homes for Disabled Soldiers to fill vacancies in the board which occurred by expiration of terms on the 1st day of April, 1886.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., and to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon; and

Joint resolution (H. Res. 5) authorizing payment of C. H. Mann, messenger to the reporters' gallery.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. In the absence of the Senator from Virginia [Mr. MAHONE], who has charge of this bill, I move that the Senate insist on its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MAHONE, Mr. PLUMB, and Mr. CALL were appointed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 177) appointing managers for the National Homes for Disabled Soldiers to fill vacancies in the board which occurred by expiration of terms on the 1st day of April, 1886, was read twice by its title, and referred to the Committee on Military Affairs.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 67) for the relief of Fitz-John Porter.

Mr. BLAIR. In reply to the complaint of the Senator from Missouri [Mr. VEST] that the President has been unfairly dealt with in the suggestions that have been made touching the veto of the bill of Mrs. Hunter, I wish to say that the message, with many others, was read in open session of the House this morning and laid on the table, and is just as much in the possession of the country as it ever will be, and we have all the information in regard to it officially that we and the other branch of the legislative power are likely to possess, as legitimate a subject of discussion and of criticism now as it ever can be in this body.

Now I ask the Senator from Missouri if having perused the messages which have reached the Senate he has observed that the President has taken notice of and criticised what the Senate itself does, and what he does not officially know, that it transacts business without a quorum, and that it passes laws by minorities, and that he feels that when he is vetoing bills he is not running counter to the majority sentiment of Congress by reason of the heedlessness and the violation of their oaths which they practice in the transaction of their public duty?

Mr. SEWELL. I should like to get the Senate back to the consideration of the bill, and I trust we may have a vote now on the amendment.

Mr. TELLER. The question of a pension does not seem to be very pertinent to the pending measure, but the Senator from Indiana made a statement first as to the reason of the veto, which I take it was probably correct. He then stated that the rule of the committee had been not to interfere with a case if it was pending in the Pension Office. When he made the statement that the Executive had vetoed the bill because the case was pending in the Pension Office, I said that was not a good reason. On that he raised an issue with me.

I wish to say that when the committee propose to give the same pension exactly as would be given by the Pension Office if the pension were allowed there, they always wait for the final action of the Pension Office; but in this case it was not proposed by the committee to confine the amount to the pension allowed by the general law. So I said, when the President held that it was not the exercise of a sound judgment and discretion for Congress to give $50 because it was yet an unsettled question in the Pension Office whether the woman would not get considerably less, it was not a good reason; and I repeat now it is not a good reason. Congress has an unquestioned right to make the amount of every pension by special act twice as great as the pension allowed by general law; it is *pro tanto* the repeal of the law; and it is no answer to the action of Congress to say if we would let alone the case the Pension Office would find the woman entitled to $31 a month when Congress proposed to give her $50 a month. So I said, and so I repeat, that it is no good reason.

Mr. VOORHEES. Yes; but Congress could not tell in advance how much the bureau was going to allow her. Consequently the argument of the Senator fails for the want of an understood fact.

Mr. TELLER. If she was granted a pension by the Pension Office it would be at a rate fixed by law. This body knew exactly what she would get there, if she got anything; and we had a right to say that she should get twice as much. We had a right to say with reference to her, as we said with reference to the widow of one of the ex-Presidents, Mrs. Tyler, who was getting $100 a month by a special act, when we declared that she should receive $5,000 a year; and we had a right to say that Mrs. Hunter should have $600 a year instead of about half that amount; and the President is not justified in saying that such a discretion does not lie with Congress.

We sit here to determine whether we will put upon the rolls an officer dismissed from the service twenty-four years ago. We spend our time in that way. The President of the United States, with a multitude of great interests presented to him, spends his time in determining whether a widow should be allowed a pension of $31 a month or whether she should have $50. I do not believe the great mass of the loyal people of the United States will think that either the Senate is engaged in a very laudable purpose to-day, or that the President is engaged in a very laudable purpose when he is finding some reason to deprive the widow of a soldier of $250 or $300 a year extra.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Colorado [Mr. TELLER].

Mr. TELLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VOORHEES. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment of the Senator from Colorado will be read.

The CHIEF CLERK. It is proposed to add as an additional section to the bill:

SEC. — That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Alfred Pleasonton, late a major-general of the United States volunteers and a brevet major-general of the United States Army, to the position of colonel in the Army of the United States, and to place him on the retired-list of the Army as of that grade, the retired-list being hereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from Colorado.

The Secretary proceed to call the roll.

Mr. BLAIR (when his name was called). On this question and all questions relating to the bill I am paired with my colleague [Mr. PIKE], who is absent from the Senate sick. If he were present, I should vote "yea" on the pending amendment.

Mr. MCPHERSON (when Mr. CAMDEN'S name was called). The Senator from West Virginia [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. CHACE (when his name was called). On the bill and all amend-

ments to the bill I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. HOAR (when the name of Mr. DAWES was called). My colleague [Mr. DAWES] is absent in Massachusetts, and is paired with the Senator from Ohio [Mr. PAYNE].

Mr. DOLPH (when his name was called). On the bill and all votes concerning it, I am paired with the junior Senator from California [Mr. HEARST]. If he were here, I should vote "yea" on this amendment and he would vote "nay," I presume.

Mr. LOGAN (when the name of Mr. EDMUNDS was called). I have received a note from the Senator from Vermont [Mr. EDMUNDS] asking me to state that he is paired with the Senator from Tennessee [Mr. HARRIS] on the bill and all questions pertaining to it.

Mr. HARRIS (when his name was called). Upon this question I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I do not know how he would vote; I should vote "nay."

Mr. BUTLER (when Mr. HAMPTON'S name was called). I understand that my colleague [Mr. HAMPTON] is paired with the Senator from Wisconsin [Mr. SAWYER].

Mr. SAWYER. I was just going to state that I have transferred my pair to the Senator from New York [Mr. MILLER] so that I may vote.

Mr. BUTLER. There is no objection to that arrangement.

Mr. SAWYER. Very well; let that be understood.

Mr. PAYNE (when his name was called). On this question I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. RANSOM (when his name was called). I was paired with the Senator from New York [Mr. MILLER], but at the suggestion of the Senator from Wisconsin [Mr. SAWYER] the Senator from New York is paired with the Senator from South Carolina [Mr. HAMPTON], and both the Senator from Wisconsin and myself are at liberty to vote. I vote "nay."

Mr. MCPHERSON (when Mr. SAULSBURY'S name was called). The Senator from Delaware [Mr. SAULSBURY] is paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. PLATT. I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. BOWEN. I am paired with the Senator from Louisiana [Mr. EUSTIS]. I should vote "yea," if he were here.

Mr. MCPHERSON. I have been requested to announce that the Senator from Nevada [Mr. FAIR] is paired with the Senator from Nebraska [Mr. VAN WYCK]; and that the Senator from West Virginia [Mr. KENNA] is paired with the Senator from Rhode Island [Mr. CHACE].

Mr. MANDERSON. I was paired with the Senator from Minnesota [Mr. SABIN], who is detained from the Chamber by sickness, but by an understanding the pair has been transferred to his colleague [Mr. MCMILLAN].

Mr. DOLPH. I agreed yesterday to pair with the Senator from California [Mr. HEARST] on this bill. At that time the expectation was that the vote might be taken yesterday. The Senator from California not being present at the roll-call just taken I withheld my vote, but I am informed that the senior Senator from California [Mr. STANFORD] would vote "yea" on the pending amendment, and as he is usually paired with his colleague, I will take the liberty of transferring my pair to the Senator from California [Mr. STANFORD]. I vote "yea."

Mr. MCMILLAN. I am informed that my colleague [Mr. SABIN] would vote "nay" upon this question. I have no personal knowledge myself, but he voted that way last year. He is detained at home by sickness. Under the circumstances I have consented to make a pair between him and myself. I would vote "yea" on the amendment without committing myself in any way to a vote upon the final passage of the bill in the affirmative if the amendment is adopted.

The result was announced—yeas 19, nays 29; as follows:

YEAS—19.

Aldrich,	Evarts,	Ingalls,	Sherman,
Allison,	Frye,	Logan,	Spooner,
Conger,	Hale,	Manderson,	Teller,
Cullom,	Harrison,	Palmer,	Wilson of Iowa.
Dolph,	Hawley,	Sawyer,	

NAYS—29.

Beck,	Colquitt,	McPherson,	Vest,
Berry,	George,	Maxey,	Voorhees,
Brown,	Gibson,	Mitchell of Oreg.,	Walthall,
Butler,	Gorman,	Pugh,	Whitthorne,
Call,	Gray,	Ransom,	Wilson of Md.
Cameron,	Hoar,	Riddleberger,	
Cockrell,	Jones of Arkansas,	Sewell,	
Coke,	Jones of Nevada,	Vance,	

ABSENT—28.

Blackburn,	Eustis,	McMillan,	Pike,
Blair,	Fair,	Mahone,	Platt,
Bowen,	Hampton,	Miller,	Plumb,
Camden,	Harris,	Mitchell of Pa.,	Sabin,
Chace,	Hearst,	Morgan,	Saulsbury,
Dawes,	Jones of Florida,	Morrill,	Stanford,
Edmunds,	Kenna,	Payne,	Van Wyck.

So the amendment was rejected.

Mr. PLUMB. I move to add as a new section to the bill:

That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Hunter, widow of David Hunter, late colonel of the Sixth Regiment United States Cavalry and major-general of United States volunteers, at the rate of $50 per month.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VOORHEES. Is that amendment in order to the bill pending?

The PRESIDENT *pro tempore*. It is in order; there is no question of relevancy required by the rules. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with my absent colleague [Mr. PIKE], and refrain from voting.

Mr. BOWEN (when his name was called). I am paired on the bill and amendments with the Senator from Louisiana [Mr. EUSTIS]. I shall not announce the pair again. If I were not paired I should vote for the amendment and against the bill.

Mr. CHACE (when his name was called). I am paired with the the Senator from West Virginia [Mr. KENNA].

Mr. HARRIS (when his name was called). Upon this question I am paired with the Senator from Vermont [Mr. EDMUNDS]. I do not know how he would vote. I should vote "nay" if I were not paired.

Mr. MCPHERSON (when the name of Mr. JONES, of Florida, was called). The Senator from Florida [Mr. JONES] is paired with the Senator from Pennsylvania [Mr. MITCHELL].

Mr. LOGAN. With whom is the Senator from Pennsylvania [Mr. MITCHELL] paired?

Mr. CULLOM. He is paired with the Senator from Florida [Mr. JONES] permanently.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were present, I should vote "yea."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. MCMILLAN. I desire to announce my pair upon this question with my colleague [Mr. SABIN]. If he were present, I should vote "yea."

Mr. BUTLER. I announce for the last time that my colleague [Mr. HAMPTON] is paired on this question with the Senator from New York [Mr. MILLER].

The result was announced—yeas 19, nays 29; as follows:

YEAS—19.

Aldrich,	Evarts,	Ingalls,	Sherman,
Allison,	Frye,	Logan,	Spooner,
Conger,	Hale,	Manderson,	Teller,
Cullom,	Harrison,	Palmer,	Wilson of Iowa.
Dolph,	Hawley,	Sawyer,	

NAYS—29.

Beck,	Colquitt,	McPherson,	Vest,
Berry,	George,	Maxey,	Voorhees,
Blackburn,	Gibson,	Mitchell of Oreg.,	Walthall,
Brown,	Gorman,	Pugh,	Whitthorne,
Butler,	Gray,	Ransom,	Wilson of Md.
Call,	Hoar,	Riddleberger,	
Cockrell,	Jones of Arkasas,	Sewell,	
Coke,	Jones of Nevada,	Vance,	

ABSENT—28.

Blair,	Eustis,	McMillan,	Pike,
Bowen,	Fair,	Mahone,	Platt,
Camden,	Hampton,	Miller,	Plumb,
Cameron,	Harris,	Mitchell of Pa.,	Sabin,
Chace,	Hearst,	Morgan,	Saulsbury,
Dawes,	Jones of Florida,	Morrill,	Stanford,
Edmunds,	Kenna,	Payne,	Van Wyck.

So the amendment was rejected.

Mr. LOGAN. I move to add to the bill the following proviso:

Provided, That any officer of the volunteer service who received an *honorable discharge* from the United States service for services rendered the Union during the late rebellion, and who received a wound or wounds producing total disability, or which incapacitated him from pursuing his usual avocation in procuring a livelihood, shall, on application and proof of the above facts, be placed upon the retired-list with the rank held by such officer at the time of receiving the wound or wounds aforesaid: *Provided*, That the President shall see fit to nominate them to the Senate.

Mr. HOAR. I do not want to criticise the Senator's own amendment, but I suppose he means to say in the last sentence "provided the President shall see fit to nominate them and the Senate shall confirm them." By law of course the mere act of nomination by the President is not sufficient.

Mr. LOGAN. I will add the words "and the Senate confirm the same."

Mr. HOAR. It is merely a matter of expression.

Mr. LOGAN. All right. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I announce my pair with my colleague [Mr. PIKE] on all questions connected with this bill.

Mr. CHACE (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

The roll-call was concluded.

Mr. MCPHERSON. I am requested to announce the pair of the Senator from Nevada [Mr. FAIR] with the Senator from Nebraska [Mr. VAN WYCK]; the pair of the Senator from California [Mr. HEARST] with the Senator from California [Mr. STANFORD]; the pair of the Senator from Florida [Mr. JONES] with the Senator from Pennsylvania [Mr. MITCHELL]; and the pair of the Senator from Delaware [Mr. SAULSBURY] with the Senator from Vermont [Mr. MORRILL].

Mr. PLUMB. I am paired on this question with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. MCMILLAN. I announce my pair with my colleague [Mr. SABIN]. If he were here, I should vote "yea."

The result was announced—yeas 18, nays 29; as follows:

YEAS—18.

Allison,	Frye,	Logan,	Spooner,
Conger,	Hale,	Manderson,	Teller,
Cullom,	Harrison,	Palmer,	Wilson of Iowa.
Dolph,	Hawley,	Sawyer,	
Evarts,	Ingalls,	Sherman,	

NAYS—29.

Beck,	Colquitt,	McPherson,	Vest,
Berry,	George,	Maxey,	Voorhees,
Blackburn,	Gibson,	Mitchell of Oreg.,	Walthall,
Brown,	Gorman,	Pugh,	Whitthorne,
Butler,	Gray,	Ransom,	Wilson of Md.
Call,	Hoar,	Riddleberger,	
Cockrell,	Jones of Arkansas,	Sewell,	
Coke,	Jones of Nevada,	Vance,	

ABSENT—29.

Aldrich,	Eustis,	Mahone,	Plumb,
Blair,	Fair,	Miller,	Sabin,
Bowen,	Hampton,	Mitchell of Pa.,	Saulsbury,
Camden,	Harris,	Morgan,	Stanford,
Cameron,	Hearst,	Morrill,	Van Wyck.
Chace,	Jones of Florida,	Payne,	
Dawes,	Kenna,	Pike,	
Edmunds,	McMillan,	Platt,	

So the amendment was rejected.

Mr. BLAIR. I offer the following amendment:

SEC. —. That in all cases of applications for pensions, under the laws of the United States, which shall have been rejected on appeal from the decision of the Commissioner to the Secretary of Interior, the claimant of the pension, or his legal representative to the right of the pension, may file his petition in the district court of the United States in the district wherein he resides, for the pension, setting forth, with other necessary averments, the rejection of his claim by the Secretary of the Interior; and thereupon the court shall hear and try his cause, and such proceedings shall be had as in other cases, including the trial by jury whenever the claimant demands it, and the right of appeal to the higher courts upon questions of law and fact; and upon the hearing the claimant shall have the right to use all evidence, documents, and papers of every description which have been filed in the proceedings before the Commissioner of Pensions and Secretary of the Interior; and all record or other evidence in possession of the Government, or copies thereof shall be furnished, on application by the claimant, for use in such proceedings in the district court.

Mr. BECK. I move to lay the amendment on the table.

Mr. BLAIR. I have the floor, I think.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is entitled to the floor.

Mr. BLAIR. This amendment is a bill which has been considered by the Committee on Pensions and which I have been directed to report to the Senate. It applies to all cases where application has been made to the Commissioner of Pensions, have been prosecuted through that office, and failing there have been carried by appeal to the Secretary of the Interior, and upon adverse decision by the Secretary of the Interior have been rejected finally, so that the applicant has no remedy within reach unless he comes to Congress for legislation. The bill proposed by me as an amendment, if it should become a law, would sweep away probably nineteen-twentieths of all the legislation upon private pension bills, and it would relieve the President of a great deal of onerous work, as well as both Houses of Congress.

Unless such a remedy be applied, these cases will come to Congress at the rate of probably at least a thousand every Congress, and the committees will be obliged to consider them year after year, Congress after Congress, unless some remedy of this kind is devised. Now when the claimant must not only run the gauntlet of exact and careful consideration by both Houses of Congress but also by the Executive, I for my part consider that it is a hopeless task for this class of litigants to hope for any remedy whatever here.

The committee have thought that a measure of this kind has become indispensable. I hope that it will be favorably considered in the public interest without reference to the present bill or any of the peculiar circumstances which surround us at the present time. It simply gives to these men whose claims have been rejected here at Washington the right that every man has in the vindication of any civil claim whatever to appeal to a jury of his countrymen, to carry before that jury in the district court of the country in the district where he may chance to reside precisely the same evidence which is acted upon here at the Department, and in addition to that such other evidence as he may be able to secure, and to abide the judgment of the men in whose vicinity he lives, who know all about him, who have known his case by reputation for the last quarter of a century; and if he can establish his claim and obtain a verdict at the hands of twelve good men and true of all parties, it seems to me that the Government ought not to deny him the right to make the attempt.

That is the object of the amendment, and I hope it will be adopted.

Mr. BECK. Mr. President——

Mr. LOGAN. If the Senator will allow me a moment, I ask the Senator from New Hampshire if he will withdraw his amendment, as I have one other amendment which I wish to offer.

Mr. BECK. I have the floor.

Mr. BLAIR. Certainly; I will withdraw it.

Mr. LOGAN. And let his amendment come in afterward.

Mr. BLAIR. Very well.

The PRESIDENT *pro tempore*. The amendment of the Senator from New Hampshire is withdrawn.

Mr. BECK. My object in rising was to state that no matter how good this may be as a separate proposition, or how good any other amendment may be as a separate proposition, the Fitz-John Porter bill ought either to be passed or defeated on its own merits and not be sent back to the other House encumbered by another proposition that may perhaps take months to consider. We might as well attach the legislative, executive, and judicial appropriation bill, the consular and diplomatic, and the pension appropriation bill, or any other bill, to the Fitz-John Porter. Therefore I move to lay the amendment on the table.

Mr. LOGAN. But the Senator from New Hampshire has withdrawn it.

Mr. BECK. He could not withdraw it while I had the floor.

The PRESIDENT *pro tempore*. The Senator from Kentucky had the floor, but before his motion was made he gave way.

Mr. BECK. If the Senator desires to withdraw the amendment for the present, very well. If it is not withdrawn, I move to lay it on the table.

Mr. LOGAN. Now, I desire to offer an amendment that I think the Senator from Kentucky will not object to for the reason that it will not take months to consider it. It is one giving to the officers who commanded at the second battle of Bull Run and lost a leg, an arm, or an eye the right to be placed on the retired-list by the side of Mr. Porter. I ask that it be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to amend by adding as an additional section:

That all officers who were engaged in the battle of Bull Run, on the 29th and 30th of August, 1862, who were in command of Union troops during said battle on either of the days above mentioned, who received wounds during said engagement causing the loss of arm, leg, or eye, and who were afterward honorably discharged from the service of the United States, shall, on application and proof of the foregoing facts, be placed upon the retired-list with the rank held by them at the time of receiving such wounds, whether in the regular or volunteer service. Vacancies on the retired-list are hereby created for this purpose, if the President shall see fit to nominate them to the Senate and the Senate shall confirm the same.

Mr. BECK. I make the same objection to that as to the other amendment. The question in regard to the fitness of some of those men and what they have done may occupy weeks in the House. *Somebody* may suggest that some man honorably discharged was unfit to go on the retired-list. If the Fitz-John Porter case has merit it ought to pass, and if it has not it ought not to pass; but it ought not to be encumbered, especially by opponents of the bill offering amendments that will embarrass it more or less.

I move to lay the amendment on the table.

Mr. LOGAN. I ask the Senator to withdraw that motion for one minute.

Mr. BECK. Very well, sir.

Mr. LOGAN. I desire to say, in response to the Senator from Kentucky, that this will not in the slightest degree embarrass Fitz-John Porter or his bill if it shall pass, for the reason that it provides that where an officer of the Union Army in the same battle who fought where he did not fight, lost an arm, a leg, or an eye in that contest, and makes that proof to the satisfaction of either the President of the United States or the Secretary of War, and the President shall be satisfied to send the name of that officer to the Senate and the Senate shall confirm him, he shall be placed on the retired-list. I should like to know how that encumbers the bill. It is only placing men who did fight and were wounded and honorably discharged on a level with a man who did not fight and who was dishonorably dismissed.

Mr. BECK. I am not going into the Fitz-John Porter case. I have heard it argued over and over year after year. I know that men like General Terry, General Grant, and General Schofield, and others say that General Fitz-John Porter did fight.

Mr. LOGAN. No; they do not say he fought.

Mr. BECK. I know the Senator from Illinois fought wherever he got a chance. That is one quality he had.

Mr. LOGAN. They do not say he fought.

Mr. BECK. A great many others are held up as great soldiers who did not do so much. The Senator from Illinois is not one of them. If this proposition has merit it can be passed by itself. If the Fitz-John Porter case can not stand alone it ought not to be helped on by this; and if it is a good case it ought not to be embarrassed by this. I move to lay the amendment on the table.

Mr. SEWELL. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. DOLPH. I call for the yeas and nays.

Mr. BECK. I withdraw the motion.

The PRESIDENT *pro tempore*. Then the question is on the amendment of the Senator from Illinois.

Mr. LOGAN. I call for the yeas and nays on the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired, as I have announced before, with my colleague [Mr. PIKE], or I should vote for the amendment.

Mr. CHACE (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. MCMILLAN. I announce my pair with my colleague [Mr. SABIN] on this amendment. If it were not for the pair, I should vote "yea."

The result was announced—yeas 18, nays 29; as follows:

YEAS—18.

Aldrich,	Evarts,	Ingalls,	Spooner,
Allison,	Frye,	Logan,	Teller,
Conger,	Hale,	Manderson,	Wilson of Iowa.
Cullom,	Harrison,	Palmer,	
Dolph,	Hawley,	Sawyer,	

NAYS—29.

Beck,	Colquitt,	McPherson,	Vest,
Berry,	George,	Maxey,	Voorhees,
Blackburn,	Gibson,	Mitchell of Oreg.,	Walthall,
Brown,	Gorman,	Pugh,	Whitthorne,
Butler,	Gray,	Ransom,	Wilson of Md.
Call,	Hoar,	Riddleberger,	
Cockrell,	Jones of Arkansas,	Sewell,	
Coke,	Jones of Nevada,	Vance,	

ABSENT—29.

Blair,	Fair,	Miller,	Sabin,
Bowen,	Hampton,	Mitchell of Pa.,	Saulsbury,
Camden,	Harris,	Morgan,	Sherman,
Cameron,	Hearst,	Morrill,	Stanford,
Chace,	Jones of Florida,	Payne,	Van Wyck.
Dawes,	Kenna,	Pike,	
Edmunds,	McMillan,	Platt,	
Eustis,	Mahone,	Plumb,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. If no further amendment be proposed——

Mr. BLAIR. What became of the amendment which I offered which was deferred until action was had on the amendment of the Senator from Illinois?

The PRESIDENT *pro tempore*. It was withdrawn.

Mr. BLAIR. No, it was not withdrawn. But I rose for the purpose of saying that as it was apparent that it might be defeated, as this is a serious proposition looking directly, and is to my mind the only proposition which can look directly, to relief from the pension legislation on private bills which is swamping Congress and the Executive, and as I am anxious to create no prejudice whatever against it, so that it may come up at some time and be considered fairly on its merits, I withdraw the amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. LOGAN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with my colleague [Mr. PIKE], who is absent from the Senate sick. If present, he would vote for the bill and I should vote against it.

Mr. CHACE (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. HOAR (when the name of Mr. DAWES was called). I announce the pair of my colleague [Mr. DAWES] with the Senator from Ohio [Mr. PAYNE].

Mr. HARRIS (when his name was called). On the passage of the bill I am paired with the Senator from Vermont [Mr. EDMUNDS]. If present, he would vote "nay" and I should vote "yea."

Mr. MCMILLAN (when his name was called). On this question I am paired with my colleague [Mr. SABIN], who is detained at home by sickness. I should vote "nay," if he were present, and he would vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were present, I should vote "nay."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "nay."

Mr. GRAY (when Mr. SAULSBURY'S name was called). My colleague [Mr. SAULSBURY] is paired with the Senator from Vermont [Mr. MORRILL]. If he were present, my colleague would vote "yea."

Mr. MANDERSON (when Mr. VAN WYCK'S name was called). My colleague [Mr. VAN WYCK] is paired on this question with the Senator from Nevada [Mr. FAIR]. If present, my colleague would vote "nay."

The roll-call was concluded.

Mr. CHACE. If the Senator from West Virginia [Mr. KENNA] were present, I should vote "nay."

Mr. MCPHERSON. I am requested to announce the pair of the Senator from Nevada [Mr. FAIR], who would vote "yea," with the Senator from Nebraska [Mr. VAN WYCK], who would vote "nay."

I am also requested by the Senator from California [Mr. HEARST] to announce the fact that he is paired with the Senator from Oregon [Mr. DOLPH]. I am informed that the pair has been changed to the senior Senator from California [Mr. STANFORD]. I do not know by what authority, and therefore I speak of it here.

Mr. CULLOM. Representing to some extent this side of the House on that subject, I am informed that my friend the senior Senator from California [Mr. STANFORD] is generally paired with his colleague [Mr. HEARST] when the latter is absent.

Mr. MCPHERSON. I should like to say, although perhaps not authorized to say, that the Senator from California [Mr. STANFORD] is in favor of the bill. Therefore I make this remark at this time, that the Senator from California [Mr. HEARST] may not understand that I have neglected his pair.

I am also requested to state that the Senator from Florida [Mr. JONES], who would vote "yea," is paired with the Senator from Pennsylvania [Mr. MITCHELL], who would vote "nay."

The Senator from Delaware [Mr. SAULSBURY] also requested me to state that he would vote "yea" on the bill, and is paired with the Senator from Vermont [Mr. MORRILL], who would vote "nay."

Mr. DOLPH. Yesterday I was spoken to to pair with the junior Senator from California [Mr. HEARST] upon this bill. I supposed at the time that it had reference to that day and that it was expected a vote might be reached on that day. To-day when I saw that the junior Senator from California was not present I withheld my vote and announced the fact of the arrangement, and said that I withheld my vote as I supposed it might have been understood that the pair continued until to-day. I was then informed on this side of the Chamber that the junior Senator from California was usually paired with his colleague, and also by some Senators that the latter would vote against the bill. I then went to the Senator from New Jersey and spoke to him about it, and I understood him to say that if the senior Senator from California [Mr. STANFORD] was not present and the junior Senator from California [Mr. HEARST] was paired with him it was all right.

Now, under the circumstances, I desire to withdraw my vote and it will not change the result. Although I have voted on some of the amendments, it would not change the result. I withdraw my vote on the bill, because I will not be subject to the criticism. I went to the Senator from New Jersey and conferred with him, and I understood him to acquiesce in the arrangement and say it was all right.

Mr. MCPHERSON. The junior Senator from California left the matter of his pair with me. He stated to me that he was paired generally with his colleague [Mr. STANFORD], but that his colleague desired to vote for this bill, and therefore he must seek another pair. I went to the Senator from Oregon——

Mr. LOGAN. Did the senior Senator from California so inform you?

Mr. MCPHERSON. I will come to that in a moment. After the Senator from California informed me of that fact I went to the Senator from Oregon [Mr. DOLPH] to request a pair with the Senator from California [Mr. HEARST], and he agreed to pair with him. The Senator from California left here with the understanding that he was paired with the Senator from Oregon upon this bill. I do not wish by any error of mine to have a complication in the affair, so that both the Senators from California shall be left to say that neither of them has voted as he expected to do. If the Senator from Oregon will pair with the junior Senator from California [Mr. HEARST], then so far as I am concerned and so far as any matter that is left in my charge is concerned, it will simplify the case very much.

Mr. DOLPH. I correctly stated the fact that after the first vote was called I went to the Senator from New Jersey to inquire about the

matter, did I not? And I certainly understood the Senator to say that if the Senator from California was absent it was all right.

Mr. MCPHERSON. I said that if it was within the knowledge of the Senator from Oregon that the Senator from California [Mr. STANFORD] was against the bill, I would not ask any change.

Mr. DOLPH. I can not state that; but I am so informed by Senators on this side. I withdraw my vote.

The PRESIDENT *pro tempore*. The debate is not in order. During the call of the roll the rule is express that there shall be no debate and no interruption.

Mr. RANSOM. I desire to state that the Senator from New York [Mr. MILLER] and the Senator from South Carolina [Mr. HAMPTON] are paired on this bill. The Senator from South Carolina would vote "yea," if he were present, and the Senator from New York would vote "nay."

Mr. BERRY. If the Senator from Illinois says the senior Senator from California [Mr. STANFORD] is against the bill, I will pair with him and withdraw my vote.

Mr. LOGAN. I am not going to state how anybody would vote, for I do not know. I only wanted to say, if the President will allow me, in response to the Senator from New Jersey, that after the bill has been carried, I can not see the necessity of a man showing his great anxiety and desire, and it looks like a little vindictiveness, to insist that men are paired and how they would vote without knowing anything about it. I do not know how the Senator from California would vote if present, and I do not care, and I do not think the Senator from New Jersey knows either.

Mr. MCPHERSON. When the junior Senator from California [Mr. HEARST] left here he left with the understanding that he was paired with the Senator from Oregon [Mr. DOLPH]. Senators will bear with me a moment longer. He left here, as I have stated, with the understanding that he was paired with the Senator from Oregon. The Senator from Oregon came to my seat this afternoon and said he desired to have the pair transferred to the Senator from California [Mr. STANFORD], and did not state to me——

Mr. BUTLER. Is this in order?

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BUTLER. I ask for the announcement of the result.

The result was announced—yeas 30, nays 17; as follows:

YEAS—30.

Beck,	Coke,	Jones of Nevada,	Vance,
Berry,	Colquitt,	McPherson,	Vest,
Blackburn,	George,	Maxey,	Voorhees,
Brown,	Gibson,	Mitchell of Oreg.,	Walthall,
Butler,	Gorman,	Pugh,	Whitthorne,
Call,	Gray,	Ransom,	Wilson of Md.
Cameron,	Hoar,	Riddleberger,	
Cockrell,	Jones of Arkansas,	Sewell,	

NAYS—17.

Aldrich,	Frye,	Logan,	Teller,
Allison,	Hale,	Manderson,	Wilson of Iowa,
Conger,	Harrison,	Palmer,	
Cullom,	Hawley,	Sawyer,	
Evarts,	Ingalls,	Spooner,	

ABSENT—29.

Blair,	Fair,	Miller,	Sabin.
Bowen,	Hampton,	Mitchell of Pa.,	Saulsbury,
Camden,	Harris,	Morgan,	Sherman,
Chace,	Hearst,	Morrill,	Stanford,
Dawes,	Jones of Florida,	Payne,	Van Wyck.
Dolph,	Kenna,	Pike,	
Edmunds,	McMillan,	Platt,	
Eustis,	Mahone,	Plumb,	

So the bill was passed.

The PRESIDENT *pro tempore*. The preamble will be considered as agreed to if there be no separate vote called for.

TELEGRAPH AT MANITOU ISLANDS.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to cause inquiry to be made as to the necessity and feasibility of connecting by telegraph the life-saving station on the North Manitou Island, the harbor and proposed life-saving station on the South Manitou Island, Lake Michigan, with the mainland at some point where the Western Union Telegraph Company has an office, in its relations and advantages to navigation and to the Life-Saving Service, and report thereon to the Senate.

AMENDMENTS TO BILLS.

Mr. CALL and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

KANSAS RAILROAD LAND GRANTS.

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 7021, for the adjustment of land grants.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to proceed to the consideration of a bill the title of which will be read.

The CHIEF CLERK. A bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas and for the forfeiture of unearned lands, and for other purposes.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. VEST. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. ALLISON. Pending that I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] moves that when the Senate adjourn to-day it be to meet on Monday next. The Senator from Iowa [Mr. ALLISON] moves that the Senate do now adjourn. The question is on the latter motion, that the Senate do now adjourn.

Mr. HALE. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). If I were not paired with the Senator from Vermont [Mr. EDMUNDS], I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 16, nays 29; as follows:

YEAS—16.

Allison,	Coke,	Harrison,	Sawyer,
Beck,	Frye,	Hoar,	Sewell,
Berry,	Gorman,	McMillan,	Sherman,
Cockrell,	Hale,	Maxey,	Teller.

NAYS—29.

Blackburn,	Cullom,	Logan,	Vance,
Brown,	Evarts,	McPherson,	Vest,
Butler,	George,	Manderson,	Voorhees,
Call,	Gibson,	Mitchell of Oreg.,	Walthall,
Cameron,	Gray,	Palmer,	Whitthorne.
Chace,	Ingalls,	Pugh,	
Colquitt,	Jones of Arkansas,	Ransom,	
Conger,	Jones of Nevada,	Riddleberger,	

ABSENT—31.

Aldrich,	Fair,	Miller,	Sabin,
Blair,	Hampton,	Mitchell of Pa.,	Saulsbury,
Bowen,	Harris,	Morgan,	Spooner,
Camden,	Hawley,	Morrill,	Stanford,
Dawes,	Hearst,	Payne,	Van Wyck,
Dolph,	Jones of Florida,	Pike,	Wilson of Iowa.
Edmunds,	Kenna,	Platt,	Wilson of Md.
Eustis,	Mahone,	Plumb,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Missouri [Mr. VEST].

Mr. LOGAN. I ask the Senate now, inasmuch as it has voted to restore Fitz-John Porter, as it had a right to do, to take up Order of Business 1393, which is Senate bill 1964, that provides for repealing a certain portion of the Revised Statutes preventing the appointment of a general in the Army. I ask the Senate to take that up and consider it now.

Mr. VEST. Let us take a vote on my motion first, that when we adjourn it be to meet on Monday.

Mr. LOGAN. I did not know there was anything before the Senate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri [Mr. VEST].

The motion was agreed to.

OFFICE OF GENERAL.

Mr. LOGAN. Now I ask the Senate to take up Senate bill 1964, to which I have referred. If there is any debate on it I will withdraw it.

Mr. ALLISON. We have plenty of time, I suggest to the Senator from Illinois, as we have agreed to adjourn over until Monday. Why not take up the bill at some future day?

Mr. LOGAN. I ask unanimous consent for its consideration.

The PRESIDENT *pro tempore*. The Senate will come to order.

Mr. LOGAN. I ask that the bill of the Senator from Kansas be laid aside informally.

Mr. PLUMB. I do not think this is the time to take up that bill; it will lead to some discussion. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 14 minutes p. m.) the Senate adjourned until Monday, June 28, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 25, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

VETO OF PENSION BILLS.

The SPEAKER laid before the House the following messages from the President of the United States; which were read, referred to the Committee on Invalid Pensions, and ordered to be printed:

MARY A. VAN ETTEN.

To the House of Representatives:

I herewith return without approval House bill No. 6170, entitled "An act granting a pension to Mary A. Van Etten."

In her declaration for a pension filed July 28, 1885, this claimant alleges that her husband was drowned upon attempting to cross Braddock's Bay, near his residence, in the State of New York, on the 16th day of July, 1875.

It is claimed that in an effort to drive across that bay in a buggy with his young son the buggy was overturned and both were drowned. The application for pension was based upon the theory that during his military service the deceased soldier contracted rheumatism, which so interfered with his ability to save himself by swimming that his death may be fairly traced to a disability incurred in the service.

He does not appear to have been treated while in the Army for rheumatism, though some evidence is presented of his complaining of rheumatic symptoms.

He was mustered out in 1863, and though he lived twelve years thereafter, it does not appear that he ever applied for a pension. And though he was drowned in 1875, his widow apparently did not connect his military service with his death until ten years thereafter.

It seems to me that there is such an entire absence of direct and tangible evidence that the death of this soldier resulted from any incident of his service, that the granting of a pension upon such a theory is not justified.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

MRS. ALICE E. TRAVERS.

To the House of Representatives:

I return herewith without approval House bill No. 6753, entitled "An act granting a pension to Mrs. Alice E. Travers."

The husband of the beneficiary, John T. Travers, enlisted August 25, 1864, and was discharged June 11, 1866.

He died January 6, 1881, from the effects of an overdose of morphine which he administered himself. He was a druggist, and when suffering severely was in the habit of taking opiates for relief and sleep.

The disease from which it is said he suffered was lung difficulty, claimed to have been caused by a severe cold contracted in the service.

It does not appear that he ever applied for a pension, and the widow's claim seems to have been properly rejected by the Pension Bureau on the ground that the soldier's death was not due to his military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

PHILIP ARNER.

To the House of Representatives:

I herewith return without approval House bill No. 6266, entitled "An act granting a pension to Philip Arner."

It is conceded in the application for a pension made by this claimant that he was perfectly well prior to his enlistment, during his service, and for a year thereafter. He was discharged in July, 1864, and the proof is that he was taken seriously ill in the fall of 1865, since which time he has been troubled with lung difficulty.

He filed his application for pension in 1883. This was rejected on the ground that the sickness which produced his disability having occurred more than a year after his discharge from the Army, it can not be accepted as a result of his military service.

There is absolutely no allegation of any incident of his service which it is claimed is at all related to his sickness and disability.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

JAMES D. COTTON.

To the House of Representatives:

I return herewith without approval House bill No. 6117, entitled "An act granting a pension to James D. Cotton."

The claim for a pension in this case is on behalf of the father of Thomas Cotton, who was killed at Pittsburg Landing, April 6, 1862.

The application of this claimant still remains in the Pension Bureau undetermined. The doubt in the case appears to relate to the dependence of the father upon his son at the time of his death.

This is a question which the bureau is so well fitted to investigate and justly determine that it is, in my opinion, best to permit the same to be there fully examined.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

MARY ANN MILLER.

To the House of Representatives:

I return herewith without approval House bill No. 1816, entitled "An act granting a pension to Mary Ann Miller."

Hamilton Miller, the husband of the claimant, enlisted April 22, 1861, and was sent with his regiment to Camp Dennison, in the suburbs of Cincinnati.

While thus in camp, apparently before he had ever been to the front, and on the 3d of June, 1861, he obtained permission to go to the city of Cincinnati, and was there killed by a blow received from some person who appears to be unknown; but undoubtedly the injury occurred in a fight, or as the result of an altercation.

It is very clear to me that the Pension Bureau properly rejected the widow's claim to pension, for the reason that the soldier was not in the line of duty at the date of his death. It is also impossible to connect the death with any incident of the soldier's military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

MARY ANDERSON.

To the House of Representatives:

I return herewith without approval House bill No. 7436, entitled "An act to grant a pension to Mary Anderson."

This claimant is the widow of Richard Anderson, who at the time of his death was receiving a pension on account of chronic diarrhea contracted in the service.

On the 7th day of February, 1882, the deceased pensioner went to Sparta, in the State of Wisconsin, to be examined for an increase of his pension. He called on the surgeon and was examined, and the next morning he was found beheaded on the railroad track under such circumstances as indicated suicide.

The claim of the widow was rejected by the Pension Bureau on the ground that the cause of the death of her husband was in no way connected with his military service.

His wife and family present pitiable objects for sympathy, but I am unable to see how they have any claim to a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

JOSEPH TUTTLE.

To the House of Representatives:

I return without approval House bill No. 7109, entitled an "An act granting a pension to Joseph Tuttle."

This man claims a pension as the dependent father of Charles Tuttle, who enlisted in 1861 and was killed in action May 31, 1862.

The claimant being, as he says, poor, took his son Charles, at the age of nine years, and placed him in charge of an uncle living in Ohio. An arrangement was afterward made by which the boy should live with a stranger named Betts. Upon the death of this gentleman the lad was transferred to one Captain Hill, with whom he remained until his enlistment in 1861.

It is stated that during the time he remained with Mr. Hill he sent his father $5; but the fatherly care and interest of the claimant in his son is exhibited by his statement that, though the son was killed in 1862, his father was not aware of it until the year 1864.

After the exhibition of heartlessness and abandonment on the part of a father, which is a prominent feature in this case, I should be sorry to be a party to a scheme permitting him to profit by the death of his patriotic son. The claimant relinquished the care of his son, and should be held to have relinquished all claim to his assistance and the benefits so indecently claimed as the result of his death.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

DAVID T. ELDERKIN.

To the House of Representatives:

I return herewith without approval House bill No. 5995, entitled "An act granting a pension to David T. Elderkin."

This claimant enlisted August 5, 1862. From his record it appears that he was dishonorably discharged the service, to date from June 11, 1863, with loss of all pay, bounty, and allowances.

He filed a declaration for a pension in 1882, claiming that he was wounded in the head by a shell January 1, 1863, which cut his cheek close to his right ear, causing almost total deafness.

There is conflicting evidence as to the claimant's freedom from deafness prior to enlistment, and on a special examination it was shown that he was slightly hard of hearing before enlistment. Indeed the claimant himself stated to the special examiner and also to the board of surgeons that he had been somewhat deaf from childhood.

In 1882 an examining surgeon reports that he finds no scar or evidence of wound, but his hearing is very much impaired.

The claim was rejected in 1885 on the ground that deafness existed prior to enlistment, and also because of no ratable disability by reason of alleged wound in the cheek.

I think, considering the manner of the soldier's discharge and the facts developed, that the claimant should not be pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

GEORGE W. GUYSE.

To the House of Representatives:

I return herewith without approval House bill No. 3205, entitled "An act granting a pension to George W. Guyse."

The claimant filed his declaration for a pension in 1878, alleging that about the 25th day of December, 1863, he received a gunshot wound in his left knee while engaged in a skirmish.

There has been much testimony taken in this case, and a great deal of it is exceedingly contradictory. Three of the claimant's comrades who originally testified to the receipt of the injury by him afterward denied that he was wounded in the service, and a portion of the evidence taken by the bureau tends to establish the fact that the claimant cut his left knee with a knife shortly after his discharge.

An examining surgeon, in November, 1884, reports that he finds "no indication of a gunshot wound, there being no physical or rational signs to sustain claimant in his application for pension."

He further reports that there "seems to be an imperfect scar near the knee, so imperfect as to render its origin uncertain, but in no respect resembling a gunshot wound."

I think upon all the facts presented the Pension Bureau properly rejected this claim, because there was no record of the injury, and no satisfactory evidence produced showing that it was incurred in service and in line of duty—all sources of information having been exhausted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

SAMUEL MILLER.

To the House of Representatives:

I return without approval House bill No. 7401, entitled "An act granting a pension to Samuel Miller."

This man was discharged from one enlistment June 16, 1864, and enlisted again in August of that year. He was finally discharged July 1, 1865.

In 1880 he filed an application for a pension, alleging that in May, 1862, he contracted, in the service, "kidney disease and weakness of the back."

A board of surgeons in 1881 reported that they failed to "discover any evidence of disease of kidneys."

It will be observed that since the date when it is claimed his disabilities visited him Mr. Miller not only served out his first term of enlistment but re-enlisted, and necessarily must have passed a medical examination.

I am entirely satisfied with the rejection of this claim by the Pension Bureau.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

GILES C. HAWLEY.

To the House of Representatives:

I return herewith without approval House bill No. 424, entitled "An act to pension Giles C. Hawley."

This claimant enlisted August 5, 1861, and was discharged November 14, 1861, upon a surgeon's certificate, in which he stated: "I deem him unfit to stay in the service on account of deafness. He can not hear an ordinary command."

Seventeen years after his discharge from a military service of a little more than three months' duration, and in the year 1878, the claimant filed an application for pension, in which he alleged that "from exposure and excessive duty in the service his hearing was seriously affected."

There is no doubt that his disability existed to quite an extent at least before his enlistment, and there was plenty of opportunity for its increase between the time of discharge and of his application for pension.

I am entirely satisfied that it should not be altogether charged to the three months he spent in the service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

CHARLES SCHULER.

To the House of Representatives:

I hereby return without approval House bill No. 7298, entitled "An act for the relief of Charles Schuler."

It is proposed by this bill to grant a pension to the person above named, who was discharged from the military service in December, 1864. He filed a declaration for a pension in the Pension Bureau in January, 1883. This application is still pending. Without referring to the merits of the case, I am of the opinion

that the matter should be determined by the bureau to which it has properly been presented before special legislation should be invoked.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

MARY S. WOODSON.

To the House of Representatives:

I return herewith without approval House bill No. 7073, entitled "An act granting a pension to Mary S. Woodson."

Henry Woodson, the husband of the beneficiary named, enlisted in September, 1861, and was discharged in October, 1863, on account of valvular disease of the heart.

The application for pension on behalf of his widow was filed August 5, 1881.

She concedes that she is unable to furnish any evidence of the date or the cause of her husband's death.

It appears that he left home in March, 1874, for the purpose of finding work, and neither she nor her friends have ever heard from him since. His death may naturally be presumed, and the condition of his family is such that it would be a positive gratification to aid them in the manner proposed; but the entire and conceded absence of any presumption, however weak, that he died from any cause connected with his military service seems to render it improper to place the widow's name upon the pension-rolls.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

ANDREW J. WILSON.

To the House of Representatives:

I return without approval House bill No. 7108, entited "An act granting a pension to Andrew J. Wilson."

It appears that this man was drafted and entered the service in February, 1865, and was discharged in September of the same year on account of "chronic nephritis and deafness."

In 1882 he filed his application for a pension, alleging that in June, 1865, from exposure, he contracted rheumatism. Afterward he described his trouble as inflammation of the muscles of the back, with pain in the kidneys. In another statement, filed in December, 1884, he alleges that while in the service he contracted diarrhea, and was injured in one of his testicles, producing a rupture.

Whatever else may be said of this claimant's achievements during his short military career, it must be conceded that he accumulated a great deal of disability.

There is no doubt in my mind that whatever ailments he may honestly lay claim to, his title to the same was complete before he entered the Army.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

CALLIE WEST.

To the House of Representatives:

I return herewith without approval House bill No. 7222, entitled "An act granting a pension to Callie West."

I base my action upon the opinion, derived from an examination of the circumstances attending the death of the claimant's husband, that his fatal disease did not have its origin in the military service, and was entirely disconnected therewith.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

JULIA CONNELLY.

To the House of Representatives:

I return without approval House bill No. 6257, entitled "An act for the relief of Julia Connelly."

It is proposed by this bill to grant a pension to the beneficiary named as the widow of Thomas Connelly.

This man was mustered into the service October 26, 1861. He never did a day's service so far as his name appears, and the muster-out roll of his company reports him as having deserted at Camp Cameron, Pennsylvania, November 14, 1861.

He visited his family about the 1st day of December, 1861, and was found, December 30, 1861, drowned in a canal about 6 miles from his home.

Those who prosecute claims for pensions have grown very bold when cases of this description are presented for consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

BRUNO SCHULTZ.

To the House of Representatives:

I herewith return without approval House bill No. 6774, entitled "An act granting a pension to Bruno Schultz."

The application of this claimant for a pension, which was filed a number of years ago, though at one time rejected, has been since opened for re-examination, and is now awaiting additional evidence.

In this condition of this case I think this bill should not be approved.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

LOUISA C. BEEZELEY.

To the House of Representatives:

I hereby return without approval House bill No. 576, entitled "An act for the relief of Louisa C. Beezeley."

By this bill it is proposed to grant a pension to the beneficiary named, as the widow of Nathaniel Beezeley, who was enrolled in an Indiana regiment as a farrier in September, 1861. He was discharged July 17, 1862, after having been in the hospital considerable of the short time he was connected with the Army. The surgeon's certificate on his discharge stated that it was granted by reason of "old age," he then being sixty years old.

He never made any claim for pension, but in 1877 his widow filed her declaration, stating that her husband died in 1875 from disease contracted in the service.

I am convinced that the Pension Bureau acted upon entirely satisfactory evidence when this claim was rejected upon the ground that the cause of death originated subsequent to the soldier's discharge.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

Mr. LONG. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONG. How many of these veto messages are there?

The SPEAKER. The Chair thinks there are thirty altogether.

Mr. LONG. I ask unanimous consent that the further reading be dispensed with, except in so far as simply to read the title of the bill. I make this request in order to save time.

Mr. BURROWS. It is very interesting reading. Let us have them read.

Mr. MILLIKEN. I hope we will have them all read.

MRS. MARIA HUNTER.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I hereby return without approval House bill No. 7167, entitled "An act for the relief of Mrs. Maria Hunter."

The beneficiary named in this bill, to whom it is therein proposed to grant a pension at the rate of $50 a month, on the 23d of March, 1886, filed her application for a pension in the Pension Bureau, where it is still pending, undetermined.

Although the deceased soldier held a high rank, I have no doubt his widow will receive ample justice through the instrumentality organized for the purpose of dispensing the nation's grateful acknowledgment of military service in its defense.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

Mr. HEPBURN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. I desire to know if consent to refer that message to the Committee on Invalid Pensions is not given whether the message will not lie on the Speaker's table as a privileged matter and subject to be taken up at any time?

The SPEAKER. It does not require unanimous consent but a motion and a vote of the House if objection be made to its reference, otherwise it would come up immediately as a matter of privilege. Unless action be taken by the House for its reference or the postponement of its consideration, it comes up immediately as a matter of privilege.

Mr. HEPBURN. Would it necessarily come up immediately, or would it not go to the Speaker's table and be subject to be called up at any time?

The SPEAKER. It can be referred to a committee or postponed; but unless some order be made with reference to it, it comes up immediately for consideration.

Mr. HEPBURN. I move that it be laid upon the table for the present.

The SPEAKER. The Chair does not think the message could be laid upon the table so as to avoid a vote upon it which the Constitution requires to be taken.

Mr. HEPBURN. Then I move that its further consideration be postponed until next Tuesday.

Tre SPEAKER. That motion is in order.

The question was taken; and on a division there were—ayes 75, noes 69.

Mr. MORRISON. I demand the yeas and nays.

Mr. BEACH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEACH. I desire to know whether the motion of the gentleman from Iowa is amendable? If so, I wish to move an amendment by sending the message to the Committee on Invalid Pensions.

Mr. WARNER, of Ohio. To the Committee on Pensions, is it not?

The SPEAKER. If this motion is voted down the motion to refer will be in order.

The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 131, not voting 97; as follows:

YEAS—95.

Anderson, J. A.	Grosvenor,	McComas,	Sessions,
Baker,	Grout,	McKenna,	Smalls,
Bingham,	Guenther,	McKinley,	Spooner,
Bound,	Hayden,	Millard,	Stephenson,
Boutelle,	Henderson, D. B.	Moffatt,	Stewart, J. W.
Brady,	Henderson, T. J.	Morrill,	Stone, E. F.
Brown, C. E.	Hepburn,	Morrow,	Strait,
Brown, W. W.	Hiestand,	O'Donnell,	Struble,
Buck,	Hires,	O'Hara,	Symes,
Burrows,	Hiscock,	Osborne,	Taylor, E. B.
Butterworth,	Hopkins,	Payson,	Taylor, Zachr
Campbell, J. M.	Houk,	Perkins,	Thomas, O. B.
Cannon,	Johnston, J. T.	Peters,	Thompson,
Davis,	Kelley,	Pettibone,	Van Schaick,
Dunham,	La Follette,	Phelps,	Wade,
Ely,	Laird,	Pirce,	Wadsworth,
Everhart,	Lehlbach,	Plumb,	Warner, William
Farquhar,	Libbey,	Ranney,	Weaver, A. J.
Felton,	Lindsley,	Reed, T. B.	Weber,
Fleeger,	Little,	Rockwell,	West,
Fuller,	Long,	Romeis,	White, A. C.
Gallinger,	Loutlit,	Rowell,	White, Milo
Gilfillan,	Lyman,	Ryan,	Woodburn.
Goff,	Markham,	Scranton,	

NAYS—131.

Adams, J. J.	Burnes,	Croxton,	Gibson, Eustace
Allen, J. M.	Bynum,	Culberson,	Green, W. J.
Ballentine,	Cabell,	Dargan,	Hale,
Barbour,	Caldwell,	Davidson, A. C.	Halsell,
Barksdale,	Campbell, Felix	Dibble,	Hammond,
Barnes,	Candler,	Eden,	Harris,
Barry,	Carleton,	Eldredge,	Hatch,
Beach,	Catchings,	Ellsberry,	Henderson, J. S.
Belmont,	Clardy,	Ermentrout,	Herbert,
Bennett,	Cobb,	Findlay,	Hewitt,
Bland,	Compton,	Fisher,	Holman,
Bliss,	Comstock,	Foran,	Howard,
Blount,	Cowles,	Ford,	Hudd,
Bragg,	Cox,	Forney,	Hutton,
Breckinridge, C. R.	Crain,	Frederick,	Irion,
Breckinridge, W. C. P.	Crisp,	Geddes,	Johnston, T. D.

Jones, J. H.	Mitchell,	Richardson,	Throckmorton,
King,	Morgan,	Robertson,	Tillman,
Kleiner,	Morrison,	Rogers,	Townshend,
Lanham,	Neal,	Sayers,	Trigg,
Le Fevre,	Neece,	Seney,	Tucker,
Lore,	Norwood,	Seymour,	Turner,
Lovering,	Oates,	Skinner,	Van Eaton,
Lowry,	O'Ferrall,	Snyder,	Viele,
Mahoney,	Peel,	Springer,	Ward, T. B.
Martin,	Perry,	Stahlnecker,	Warner, A. J.
Matson,	Pidcock,	Stewart, Charles	Weaver, J. B.
Maybury,	Pindar,	Stone, W. J., Ky.	Wellborn,
McCreary,	Price,	Stone, W. J., Mo.	Wheeler,
McRae,	Randall,	Swope,	Wilson,
Merriman,	Reagan,	Tarsney,	Winans,
Miller,	Reid, J. W.	Taulbee,	Worthington.
Mills,	Reese,	Taylor, J. M.	

NOT VOTING—97.

Adams, G. E.	Davenport,	Hitt,	Sadler,
Aiken,	Davidson, R. H. M.	Holmes,	Sawyer,
Allen, C. H.	Dawson,	Jackson,	Scott,
Anderson, C. M.	Dingley,	James,	Shaw,
Arnot,	Dockery,	Johnson, F. A.	Singleton,
Atkinson,	Dorsey,	Jones, J. T.	Sowden,
Bayne,	Dougherty,	Ketcham,	Spriggs,
Blanchard,	Dowdney,	Laffoon,	Steele,
Boyle,	Dunn,	Landes,	St. Martin,
Browne, T. M.	Evans,	Lawler,	Storm,
Brumm,	Funston,	McAdoo,	Swinburne,
Buchanan,	Gay,	McMillin,	Taylor, I. H.
Bunnell,	Gibson, C. H.	Milliken,	Thomas, J. R.
Burleigh,	Glass,	Muller,	Wait,
Campbell, J. E.	Glover,	Murphy,	Wakefield,
Campbell, T. J.	Green, R. S.	Negley,	Wallace,
Caswell,	Hall,	Nelson,	Ward, J. H.
Clements,	Hanback,	O'Neill, Charles	Whiting,
Cole,	Harmer,	O'Neill, J. J.	Wilkins,
Collins,	Haynes,	Outhwaite,	Willis,
Conger,	Heard,	Owen,	Wise,
Cooper,	Hemphill,	Parker,	Wolford.
Curtin,	Henley,	Payne,	
Cutcheon,	Hermann,	Rice,	
Daniel,	Hill,	Riggs,	

So the motion was not agreed to.

On motion of Mr. CALDWELL, by unanimous consent the reading of the names was dispensed with.

The following pairs were announced until further notice:

Mr. DOWDNEY with Mr. HAYNES.

Mr. RIGGS with Mr. WHITING.

Mr. SPRIGGS with Mr. OWEN.

Mr. HEMPHILL with Mr. DORSEY.

Mr. COLE with Mr. BROWNE, of Indiana.

Mr. MURPHY with Mr. HITT.

Mr. ANDERSON, of Ohio, with Mr. FUNSTON.

Mr. BURLEIGH with Mr. JONES, of Alabama.

Mr. LANDES with Mr. HANBACK.

Mr. HEARD with Mr. ADAMS, of Illinois.

Mr. CLEMENTS with Mr. BUNNELL.

Mr. ARNOT with Mr. COOPER.

Mr. WILKINS with Mr. JOHNSON, of New York.

Mr. DINGLEY with Mr. DUNN, for three days.

Mr. O'NEILL, of Missouri, with Mr. BAYNE.

Mr. HILL with Mr. RICE.

Mr. DAWSON with Mr. BUCHANAN.

Mr. GLASS with Mr. SWINBURNE, until July 1.

Mr. SCOTT with Mr. O'NEILL, of Pennsylvania, until Monday next.

Mr. MULLER with Mr. ALLEN, of Massachusetts, until Monday next.

Mr. LAWLER with Mr. WAKEFIELD, for this day.

Mr. DAVIDSON, of Florida, with Mr. HARMER, for this day.

Mr. GREEN, of New Jersey. Mr. Speaker, I desire to have my name recorded upon this roll-call.

The SPEAKER. Was the gentleman present in his seat when his name was called?

Mr. GREEN, of New Jersey. I was not; I was temporarily absent. If I had been present, I should have voted in the negative.

The result of the vote was then announced as above recorded.

Mr. MATSON. I move that the message with the accompanying bill be referred to the Committee on Invalid Pensions, and that it be printed.

The motion was agreed to.

SARAH HARBAUGH.

The SPEAKER also laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I return without approval House bill No. 6895, entitled "An act granting a pension to Sarah Harbaugh."

The husband of this claimant enlisted August 1, 1861, and was discharged September 7, 1864. He received a gunshot wound in the left ankle in May, 1863, and died suddenly from disease of the heart October 4, 1881. He was insane before his death; but in my opinion any connection between his injury and his service in the Army is next to impossible.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

Mr. HEPBURN. I move that the further consideration of the message be postponed until next Tuesday.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. HEPBURN. I call for a division.

The House divided; and there were—ayes 69, noes 87.

So (further count not being called for) the motion was disagreed to.

Mr. MATSON. I move that the message with the accompanying bill be referred to the Committee on Invalid Pensions, and that it be printed.

The motion was agreed to.

VETO MESSAGES REFERRED.

The SPEAKER also laid before the House the following messages from the President of the United States; which were severally read, referred to the Committee on Invalid Pensions, and ordered to be printed:

ANNA A. PROBERT.

To the House of Representatives:

I return herewith without approval House bill No. 7703, entitled "An act granting a pension to Anna A. Probert."

The husband of this beneficiary was pensioned in 1864. He was a druggist and apothecary at Norwalk, in the State of Ohio. Shortly before his death, in 1878, he went to Memphis for the purpose of giving his professional assistance to those suffering from yellow fever at that place. He was himself attacked by that disease, and died on the 28th day of October, 1878.

His widow has never herself applied for a pension, but a power of attorney has been filed authorizing the prosecution of her claim by another.

That she has employed an ingenious attorney or agent is demonstrated by the fact that the bill now before me seems to be based upon the theory that Mr. Probert might have recovered from his attack of yellow fever if he had been free from the ailments for which he had been pensioned fourteen years before.

If such speculations and presumptions as this are to be indulged, we shall find ourselves surrounded and hedged in by the rule that all men entering an army were free from disease or the liability to disease before their enlistment, and every infirmity which is visited upon them thereafter is the consequence of army service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

MARTHA M'ILWAIN.

To the House of Representatives:

I return without approval House bill No. 7162, entitled "An act granting a pension to Martha McIlwain."

R. J. McIlwain, the husband of the claimant, enlisted in 1861, and was discharged in 1862 because of the loss of his right leg by a gunshot wound. He was pensioned for this disability. He died May 15, 1883, from an overdose of morphia. It is claimed by the widow that her husband was in the habit of taking morphia to alleviate the pain he endured from his stump, and that he accidentally took too much.

The case was investigated by a special examiner upon the widow's application for pension, and his report shows that the deceased had been in the habit of taking morphia and knew how to use it; that he had been in the habit of buying six grains at a time, and that his death was caused by his taking one entire purchase of six grains while under the influence of liquor.

In any event it is quite clear that the taking of morphia in any quantity was not the natural result of military service or injury received therein.

I concur in the judgment of the Pension Bureau, which rejected the widow's claim for pension on the ground that "the death of the soldier was not due to his military service."

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

CLARK BOON.

To the House of Representatives:

I hereby return without approval House bill No. 7931, entitled "An act increasing the pension of Clark Boon."

This claimant filed his declaration for pension February 3, 1874, in which he states that he lost his health while a prisoner at Tyler, Tex. On the 19th day of October, 1874, he filed an affidavit, claiming that he contracted diseases of the heart and head while in the service. In a further application, filed January 16, 1878, he abandoned his allegations as to disease, and asks for a pension on account of a gunshot wound in the left ankle. Medical testimony was produced on his behalf tending to show not only a gunshot wound, but a disease of the eyes.

A small pension was at last granted him upon the theory advanced by a board of surgeons in 1880 that it was "possible that applicant was entitled to a small rating for weakness of ankle."

A declaration was filed June 4, 1885, by which this claimant insists upon an increase of pension on account of the wound and also for disease of eyes and rheumatism.

I am entirely satisfied that all has been done in this case that the most liberal treatment demands.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

WILLIAM BISHOP.

To the House of Representatives:

I hereby return without approval House bill No. 6688, entitled "An act for the relief of William Bishop."

This claimant was enrolled as a substitute on the 25th day of March, 1865; he was admitted to a post hospital at Indianapolis on the 3d day of April, 1865, with the measles; was removed to the city general hospital, in Indianapolis, on the 5th day of May, 1865; was returned to duty May 8, 1865, and was mustered out with a detachment of unassigned men on the 11th day of May, 1865.

This is the military record of this soldier, who remained in the Army one month and seventeen days, having entered it as a substitute at a time when high bounties were paid.

Fifteen years after this brilliant service and this terrific encounter with the measles, and on the 28th day of June, 1880, the claimant discovered that his attack of the measles had some relation to his Army enrollment, and that this disease had "settled in his eyes, also affecting his spinal column."

This claim was rejected by the Pension Bureau, and I have no doubt of the correctness of its determination.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 3, 1886.

JAMES H. DARLING.

To the House of Representatives:

I hereby return without approval House bill No. 7257, entitled "An act granting a pension to James H. Darling."

This man enlisted in November, 1861, and was reported as having deserted March 5, 1862. The charge of desertion was, however, removed, and it is stated that he went to his home in Ohio at the date stated, by proper authority, where he remained sick till December, 1862, when he was discharged for disability caused "by a disease of the kidneys known as Bright's disease," from which the physician making the certificate thought "there was no reasonable prospect of his recovery."

The claimant filed his application for pension, alleging that in January, 1862, he contracted rheumatism.

The claim was investigated by a special examiner and rejected, on the ground that the evidence produced failed to show the alleged disability was contracted in the service and in the line of duty.

A medical examination made in 1877 showed that the claimant was "a well-nourished man, sixty-five years old; height, 5 feet 8 inches; weight, 165 pounds." No disability was discovered, "but a general stiffness of joints, especially of legs, which he says is much aggravated in stormy, cold weather."

Another examination in 1882 found this victim of war disability with the "appearance of a hale, hearty old man—no disease that was discoverable by examination (without chemical tests), except some lameness from rheumatism." His weight upon this examination is stated to be 186 pounds.

It is evident to me that this man ought not to be pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

JACKSON STEWARD.

To the House of Representatives;

I return herewith without approval House bill No. 7979, entitled "An act granting a pension to Jackson Steward."

This claimant's application for pension is now pending in the Pension Bureau, and has been sent to a special examiner for the purpose of taking additional proof.

This I deem sufficient reason why the proposed bill should not now become a law.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1886.

CHARLES A. CHASE.

To the House of Representatives:

I return herewith without my approval House bill No. 6372, entitled "An act to pension Charles A. Chase."

This claimant was enrolled September 6, 1864, and mustered out with his detachment June 1, 1865. His brief service contains no record of disability.

But in 1880 he filed a declaration for pension, in which he claims that by reason of exposure suffered in the service about the 20th of October, 1864, he contracted disease of the liver and kidneys.

The application for pension was denied January 9, 1884, because there was no record of the alleged diseases, and no satisfactory proof of their contraction in the Army was produced, and because of the meager and unconvincing evidence of disability found by the surgeon on an actual examination of the claimant.

I adopt these as the reasons for my action in withholding my approval of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

HEZEKIAH TILLMAN.

To the House of Representatives:

I return herewith without my approval House bill No. 7614, entitled "An act granting an increase of pension to Hezekiah Tillman."

This claimant, in his declaration for pension, filed in 1866, alleges that he received a gunshot wound in his right leg November 25, 1862. He was mustered out with his company September 22, 1864.

He was pensioned for the wound which he claimed to have received as his only injury.

In another declaration, filed in 1872, he alleged that in December, 1862, he was struck in his left eye by some hard substance, which destroyed the vision of that organ.

In a subsequent declaration, filed in 1878, he claimed that he received a shell wound in his left knee in November, 1863.

This latter claim has not not been finally acted upon by the Pension Bureau, and I am of the opinion that with the diverse claims for injuries which have been there presented on behalf of the beneficiary named justice will be done in the case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

WILLIAM H. STARR.

To the House of Representatives:

I return without approval House bill No. 6718, entitled "An act granting a pension to William H. Starr."

An application made by this claimant to the Pension Bureau is still pending there, and additional evidence has been called for, which the claim is awaiting before final decision.

I am of the opinion that the investigation there should be fully completed before special legislation is resorted to.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

MARY NORMAN.

To the House of Representatives:

I return herewith without approval House bill No. 6192, entitled "An act granting a pension to Mary Norman."

The husband of this claimant was enrolled May 22, 1863, and was mustered out of the service June 1, 1865.

He was wounded in the head February 20, 1864; was treated for the same, and returned to duty September 3, 1864.

In her declaration for pension, filed in February, 1880, the claimant claims a pension because of his wound and deafness consequent therefrom, and that he died after he left the service.

In a letter, however, dated October 13, 1880, she states that her husband was drowned while trying to cross Roanoke River in December, 1868.

Her claim was rejected in 1881 on the ground that the cause of the soldier's death was accidental drowning, and was not due to his military service.

In an attempt to meet this objection it was claimed as lately as 1885, on behalf of the widow, that her husband's wound caused deafness to such an extent that at the time he was drowned he was unable to hear the ferryman, with whom he was crossing the river, call out that the boat was sinking.

How he could have saved his life if he had heard the warning is not stated.

It seems very clear to me that this is not a proper case for the granting of a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 23, 1886.

C. H. MANN.

The SPEAKER also laid before the House a joint resolution (H. Res. 5) authorizing the payment of C. H. Mann, messenger to the reporters' gallery, with an amendment by the Senate.

The SPEAKER. The amendment here simply corrects an error in the date, making 1886 instead of 1885.

The Clerk read the amendment, as follows:

Page 1, line 6, strike out "1885" and insert "1886."

Mr. SPRINGER. I move that the House concur in the Senate amendment.

The motion was agreed to.

Mr. SPRINGER moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were read twice, and referred as indicated:

The bill (S. 1042) to pay B. S. James for transporting the United States mails—to the Committee on Claims.

The bill (S. 2719) to amend all laws relating to the inspection of steam vessels—to the Committee on Commerce.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. STEWART, of Vermont, for one week, on account of important business.

To Mr. GLASS, for one week, on account of sickness.

To Mr. ALLEN, of Massachusetts, for ten days.

To Mr. ARNOT, indefinitely, on account of sickness.

To Mr. NEGLEY, for one day, on account of important business.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews; and

Joint resolution (H. Res. 57) to print an addition to a report on wages ordered printed January 17, 1884.

Mr. SPRINGER. I demand the regular order.

SECTION 3058 REVISED STATUTES.

Mr. HEWITT. I desire to make a privileged report. I am instructed by the Committee on Ways and Means to report a bill to amend section 3058 of the Revised Statutes.

The bill (H. R. 9653) was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PURCHASE OF LAND NEAR SAN ANTONIO, TEX.

The SPEAKER. A conference report was pending before the House at the time of the adjournment yesterday afternoon. That is the first matter to be disposed of.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.

The SPEAKER. The report was read, and at the request of the gentleman from Indiana [Mr. HOLMAN] the amendment of the Senate agreed to by the committee on conference was also read.

Mr. HOLMAN. I ask that the amendment be again reported.

The amendment was read, as follows:

At the end of the bill add the following:

"SEC. 3. That the Secretary of War is hereby authorized to sell the military reservation known as Fort Brady, in the village of Sault Sainte Marie, in the State of Michigan, except that portion lying north of Water street extended, which shall be reserved for canal and wharf purposes, and except the plot of ground now occupied as a military cemetery, which shall also be reserved. In disposing of said property the Secretary of War shall cause the grounds to be platted in blocks, streets, and alleys, corresponding as near as may be with the plat of the village of Sault Sainte Marie, and in lots not exceeding one-quarter of an acre in each, unless with due reference to the requirements of the houses and buildings now located on said grounds. The Secretary of War shall also cause the lots to be appraised and sold at public or private sale, at not less than the appraised value, having first been offered at public sale. The expense of advertising, appraisement, survey, and sale shall be paid out of the proceeds of said sale, and the balance paid into the Treasury of the United States.

"SEC. 4. The Secretary of War is also authorized to purchase grounds in or near the village of Sault Sainte Marie, suitable and sufficient for fortification and for garrison purposes, and construct thereon the necessary buildings, with appurtenances, sufficient for a four-company military post, to be known as Fort Brady, in accordance with estimates to be prepared by the War Department; and a sufficient sum of money, not exceeding $120,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to comply with the provisions of this act: *Provided*, That the title to the lands authorized to be purchased under the second section of this act shall be approved by the Attorney-General.

"SEC. 5. That in platting these grounds the Secretary of War, in his discretion, may reserve all that part of the reservation lying south of Portage street, to be set apart and kept by the municipal authorities of Sault Sainte Marie as a public park for its citizens and the people of the United States.

"SEC. 6. That section 1 of this act shall not be of effect until the purchase of a new site provided for in section 3 shall have been effected."

Amend the title of the bill so that it will read: "An act to authorize the purchase of a certain tract of land near San Antonio, Tex., and to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon.

Mr. CUTCHEON. I move the adoption of the report, and on that I ask the previous question.

The previous question was ordered.

The question being taken on agreeing to the report of the committee of conference, there were—ayes 96, noes 18.

Mr. HOLMAN. A quorum has not voted. I will not make that point. I am satisfied, however, a mistake is being made in the sale of this property.

So (further count not being called for) the report of the conference committee was adopted.

Mr. CUTCHEON moved to reconsider the vote by which the report of the conference committee was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. I report back from the Committee on Agriculture the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, with amendments by the Senate. I am instructed to ask that the amendments be non-concurred in and that a committee of conference be asked.

The SPEAKER. Is the reading of the amendments demanded?

Mr. KING. I ask for the reading of the amendments.

The amendments were read.

Mr. HATCH. I move the previous question upon the motion to non-concur in the Senate amendments, and ask a committee of conference.

The previous question was ordered, and the motion to non-concur and ask a committee of conference was agreed to.

Mr. HATCH moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Speaker appointed as managers on the part of the House Messrs. HATCH, WINANS, and PRICE.

CLAIMS REFERRED TO COURT OF CLAIMS.

Mr. WARNER, of Missouri. I desire to submit a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 1357, authorizing the Court of Claims to hear and determine certain claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

WILLIAM M. SPRINGER,
WILLIAM WARNER,
Managers on the part of the House.
J. K. JONES,
GEORGE F. HOAR,
J. H. MITCHELL,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

In the matter of conference on Senate amendments to bill (H. R. 1357) "authorizing the Court of Claims to hear and determine certain claims," the conferees on the part of the House report that the effect of the Senate amendments to bill H. R. 1357 is to change the action of the Court of Claims in the claims named in the bill from an adjudication and judgment to a finding of fact and report of same to Congress.

The report was agreed to.

Mr. WARNER, of Missouri, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. Regular order.

REPORT OF THE COMMISSIONER OF LABOR.

Mr. FARQUHAR. Mr. Speaker, I ask the gentleman from Illinois to withdraw that demand, in order that I may ask unanimous consent to make a report from the Committee on Printing on the joint resolution (H. Res. 183) providing for printing the first annual report of the Commissioner of Labor, for the purpose of moving to concur in the amendments of the Senate.

The SPEAKER. The amendments will be read; after which the Chair will ask for objections.

The amendments were read, as follows:

In line 1 strike out "55" and insert "54." In line 4 strike out "9" and insert "13." Strike out all after "section 2," in line 8, down to and including line 11, and insert "that the sum of $18,808.20, or so much thereof as may be necessary, to defray the cost of the publication of said report, and the further sum of $275, or so much thereof as may be necessary to defray the cost of wrapping 15,000 copies for the Department of the Interior, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. FARQUHAR. I would state that the difference between the bill as passed by the House and the Senate amendments consists in the correction of a clerical error by the Senate with respect to the quotas of the Houses respectively, and there has also been added $275 for wrapping which was omitted in the original bill.

The SPEAKER. If there be no objection, the amendments of the Senate will be concurred in.

There was no objection, and it was so ordered.

Mr. FARQUHAR moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I renew the demand for the regular order.

The SPEAKER. The regular order is demanded. The first matters before the House are two bills (H. R. 5194 and H. Res. 72), reported from the Committee on War Claims, and postponed until to-day.

Mr. SPRINGER. Is not the first order the call of committees for reports?

The SPEAKER. These bills have been made a special order and continued from Friday to Friday for several weeks.

Mr. RANDALL. As those bills may involve a roll-call, or more than one, I ask that they be postponed until next Friday, with the same privilege they have now.

The SPEAKER. The gentleman from Pennsylvania moves that the further consideration of these bills be postponed until next Friday, with the right to come up immediately after the reading of the Journal.

The motion was agreed to.

The SPEAKER. The regular order is the call of the standing and select committees for reports of a private nature.

RIGHT OF WAY THROUGH FORT BLISS RESERVATION.

Mr. ERMENTROUT, from the Committee on Military Affairs, reported back favorably the bill (S. 388) to grant the right of way through the Fort Bliss military reservation to the Rio Grande and El Paso Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN M. SIMPSON.

Mr. VAN EATON, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. 61) for the relief of Benjamin M. Simpson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THEODORE DIETZER.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7008) granting a pension to Theodore Dietzer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 3310) granting a pension to Jennie M. Parks; which was laid on the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill H. R. 6311, and it was referred to the Committee on Pensions.

MRS. EMILY M. SWIFT.

Mr. WINANS, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADELISA PERRY.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4535) granting a pension to Adelisa Perry; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES H. YOUNG.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8424) granting a pension to James H. Young; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EMILY LUTHER.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 8632) for the relief Emily Luther; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ALMIRA AMBLER.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendment the bill (S. 2159) granting a pension to Mrs. Almira Ambler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8178) to increase the pension of William Shaftoe;

A bill (H. R. 8349) granting a pension to Mrs. Almira Ambler; and

A bill (H. R. 1102) granting a pension to Elbridge Smith.

FRANZ ROSSRUCKER.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7732) for the relief of Franz Rossrucker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES B. ROYCE.

Mr. HAYNES (by Mr. MORRILL), from the Committee on Invalid Pensions, reported back favorably the bill (S. 2622) granting an increase of pension to James B. Royce; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

J. H. THORNBURG.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2692) to amend and correct the act of June 1, 1886, granting a pension to J. H. Thornburg; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN D. FINCHER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1768) granting a pension to John D. Fincher; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES G. MATHES.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2220) granting a pension to James G. Mathes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7320) for the relief of Margaret Leba;

A bill (H. R. 6652) granting a pension to Edward D. Phelps;

A bill (H. R. 5695) for the relief of Thomas M. Parkinson;

A bill (H. R. 6788) granting a pension to H. G. Bollinger;

A bill (H. R. 3933) granting a pension to John W. Williams;

A bill (H. R. 706) granting a pension to Samuel W. Robinson;

A bill (H. R. 6773) granting a pension to Mrs. Emma Rotty;

A bill (H. R. 7936) for the relief of Philip Knoblock;

A bill (H. R. 7615) for the relief of F. L. Rockwell;

A bill (H. R. 8083) for the relief of W. A. Gross; and

A bill (H. R. 8792) granting a pension to W. H. H. McArthur.

WILLIAM B. BARNES.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9250) for the relief of William B. Barnes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JACOB TEITS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8829) granting a pension to Jacob Teits; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NOAH S. CRAMER.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9243) granting a pension to Noah S. Cramer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. PIDCOCK, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4136) granting a pension to Anna M. Thomas; and the same was referred to the Committee on Claims.

ELIZABETH M. KING.

Mr. ELLSBERRY, from the Committee on Invalid Pension, reported back favorably the bill (H. R. 9443) granting a pension to Elizabeth M. King; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK RICHMOND.

Mr. ELLSBERRY, from the Committee on Invalid Pensions also reported back favorably the bill (H. R. 9444) granting a pension to Frederick Richmond; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTIN V. CURRY.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 9457) granting a pension to Martin V. Curry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET M. DRISCOLL.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 7144) granting a pension to Margaret M. Driscoll; which, on motion of Mr. BROWN, of Ohio, was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN D. MUNNERLYN.

Mr. DOUGHERTY, from the Committee on Claims, reported back favorably the bill (H. R. 252) for the relief of John D. Munnerlyn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. K. BELDING.

Mr. DOUGHERTY, from the Committee on Claims, also reported back favorably the bill (S. 127) for the relief of H. K. Belding; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES R. MARRS.

Mr. SPRINGER, from the Committee on Claims, reported back favorably the bill (H. R. 9183) for the relief of James R. Marrs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (S. 2265) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, and the same was referred to the Committee on War Claims.

JOHN G. ROSE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 3547) for the relief of John G. Rose, and the same was referred to the Committee on Naval Affairs.

THOMAS A. OSBORN.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 9008) for the relief of Thomas A. Osborn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE B. HANSELL.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with amendment the bill (H. R. 2915) for the relief of George B. Hansell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. KLEINER, from the Committee on War Claims, reported back adversely the bill (H. R. 7765) for the relief of Felix Marcinkowski; which was laid on the table, and the accompanying report ordered to be printed.

BRIDGE ACROSS FLINT RIVER, GEORGIA.

Mr. CRISP, from the Committee on Claims, also reported, in the nature of a substitute for H. R. 9517, a bill (H. R. 9654) to authorize the Americus, Preston and Lumpkin Railroad Company to erect and maintain a bridge across Flint River, in the State of Georgia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 9517) was laid on the table.

ADVERSE REPORT.

Mr. STEELE, from the Committee on Military Affairs, reported back adversely the bill (H. R. 7351) to remove the charge of desertion against Elijah Diehl; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. SPRINGER. I call for the regular order of business.

Mr. RANDALL. I hope the gentleman will withdraw that motion so I may move to dispense with the regular order for to-day in order to proceed with the consideration of the sundry civil appropriation bill. But I yield in the first place to the gentleman from Wisconsin.

MANAGERS FOR THE NATIONAL HOMES FOR DISABLED SOLDIERS.

Mr. BRAGG, by unanimous consent, called up from the House Calendar joint resolution (H. Res. 177) appointing Managers for the National Homes for Disabled Soldiers, to fill vacancies in the board which occurred by expiration of terms on the 21st day of April, 1886.

The SPEAKER. The joint resolution will be read, subject to objection.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That General William J. Sewell, of the State of New Jersey; General Martin T. McMahon, of the State of New York; and Captain John L. Mitchell, of the State of Wisconsin, be, and they are hereby, appointed Managers of the National Homes for Disabled Soldiers, to fill vacancies which occurred by reason of the expiration of the terms of members of the board on the 21st day of April, 1886.

There was no objection to the present consideration of the joint resolution.

Mr. BRAGG demanded the previous question.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUNERAL EXPENSES OF CHARLES S. TRENTLEN.

On motion of Mr. BRECKINRIDGE, of Arkansas, by unanimous consent the following resolution was adopted:

Resolved, That the Committee on Appropriations is authorized to report, if they think proper to do so, an appropriation not exceeding $250 to cover the funeral expenses of Charles S. Trentlen, late an employé of the House.

EXPLANATION.

Mr. REED, of Maine. In the RECORD of yesterday morning there is a report of an inquiry which I addressed to the Chair as to whether it would be proper to proceed to the election of a more efficient Sergeant-at-arms. As it stands it looks like a reflection upon the gentleman now occupying that position. I am satisfied that nobody understood me at the time to mean anything of that kind, but it is subject as it stands to a misconstruction. I desire to say simply that I had no such intention.

ORDER OF BUSINESS.

Mr. RANDALL. I renew the motion to dispense with private business for the remainder of the day.

The motion was agreed to.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole for the further consideration of appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. REAGAN in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the sundry civil appropriation bill. By agreement all debate on the paragraph of the bill relating to the Coast and Geodetic Survey is limited to ten minutes.

Mr. BLAND. I ask unanimous consent, Mr. Speaker, to recur to line 295 for the purpose of making a verbal correction in the amendment which was appended at that point in the bill with regard to the issue of silver certificates.

Mr. RANDALL. I have no objection.

The CHAIRMAN. Is there objection to recurring to the line indicated by the gentleman from Missouri?

There was no objection.

Mr. BLAND. I now offer the amendment I send to the desk as an addition to the amendment adopted on yesterday to line 295.

The Clerk read as follows:

That the silver certificates herein authorized shall be receivable and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," and shall be redeemable in standard silver dollars on demand; and when paid into the Treasury shall be reissued, subject to the provisions herein for the redemption of the same.

Mr. BLAND. That simply puts it upon the same footing as the silver certificates.

Mr. BAYNE. I make the point of order upon that proposition.

Mr. BLAND. It is not subject to the point of order. The amendment was incorporated yesterday.

Mr. BAYNE. It would not have been if I had been here if the point of order would have been good. I would have made the point of order against it.

Mr. WARNER, of Ohio. It is only a modification of the amendment of yesterday, and is not subject to the point of order.

Mr. BAYNE. I make the point of order against the amendment now.

The CHAIRMAN. The gentleman will state the ground of his objection.

Mr. BAYNE. I make the point of order that it is new legislation, and that it changes existing law.

The CHAIRMAN. The Chair overrules the point of order. [Cries of "Regular order!"]

Mr. BLAND. This has already been debated, and I shall only ask the House to vote upon it.

Mr. CANNON. I wish to ask the gentleman from Missouri if he will not add to his amendment a clause making the silver certificates a legal tender?

Mr. BLAND. No, I think not. That would simply bring up another discussion, and it is not necessary.

Mr. WARNER, of Ohio. The coin itself on which the certificates are issued is a legal tender, and these stand upon the same footing as the other certificates.

Mr. BAYNE. Mr. Chairman, I would like to inquire if the point of order is overruled on the strength of what has been already attached to the bill when the point of order was not raised, or whether the Chair understands that this amendment does not change the existing law and is not new legislation?

Mr. BROWN, of Pennsylvania. I make the point of order that the gentleman has no right to inquire into the motives of the Chair in ruling upon points of order.

The CHAIRMAN. The Clerk will read the amendment which was adopted on yesterday.

The Clerk read as follows:

That the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars on all the surplus silver dollars now in the Treasury in payment of the appropriations made in this bill and other expenditures and obligations of the Government.

Mr. BAYNE. That is the amendment that went in by unanimous consent on yesterday, and was adopted without the point of order being raised against it.

Mr. STORM. No, sir; it was voted upon and adopted by the committee.

The CHAIRMAN. By a vote of the committee it was incorporated in the bill.

Mr. BAYNE. Now I ask for the reading of the proposition which is to be added to that.

Mr. BLAND. It is simply for the purpose of putting them upon a par with other silver certificates.

Mr. BAYNE. To make them receivable for customs duties.

Mr. BLAND. No, not at all. The silver certificate is a legal tender for certain purposes, and this does not alter the provision of law on which they rest.

Mr. BAYNE. But this is unquestionably a change of existing law.

Mr. BROWN, of Pennsylvania. I rise to a point of order.

Mr. BAYNE. I believe I have the floor.

I ask if this does not change existing law. It is a creation of a new kind of money, money not heretofore authorized by law at all, but an amendment which changes the law to authorize the issue of such money in this bill.

Now you propose to give that money so issued a function——

Mr. BROWN, of Pennsylvania. I rise to a point of order.

The CHAIRMAN. The gentleman from Pennsylvania is on the floor to a point of order.

Mr. BROWN, of Pennsylvania. But I am raising the point of order against the gentleman.

The CHAIRMAN. The Chair will hear one point of order at a time.

Mr. BAYNE. I say you now propose to confer upon this money a function which it has not got, unless the provision of the gentleman from Missouri shall be adopted.

Mr. BLAND. Oh, no; nothing of the kind. This only makes clear what was done before.

Mr. WEAVER, of Iowa. The silver certificates have that function now.

Mr. BLAND. This is the same provision that applies to the silver certificates.

Mr. BAYNE. But I contend it confers upon these certificates a new function, and hence is subject to the point of order.

Mr. WARNER, of Ohio. Whatever may be said of the present question, the point of order can not prevail; for while it might possibly have been good on yesterday, it can not be claimed to be good to-day.

The CHAIRMAN. The point of order is overruled.

Mr. BAYNE. I desire to debate the amendment.

There has been, Mr. Chairman, an honest effort upon the part of the Secretary of the Treasury to put in circulation the silver dollars that have accumulated in the Treasury. That effort has been persistently made by the Secretary of the Treasury, and in order to precipitate the putting in circulation of that vast accumulation of silver coin in the Treasury he has been removing from circulation the one and two dollar bills.

There are two amendments proposed to this bill, which are intended to create silver certificates of one and two and five dollar denominations, and not only to create certificates to these denominations, but, as I saw in the papers this morning, there is a provision put in this bill to reissue one and two dollar bills which had been withdrawn. The Secretary of the Treasury has been charged with the failure to put this silver coin into circulation, and now it is proposed to put into circulation another species of money, and thus to make the Government of the United States to hoard almost every silver dollar it coins. The result will

be that you will not have any silver dollars virtually in circulation. If you enact this sort of legislation the Government will have to provide additional vaults and places to keep this money. You are to put these shinplasters in circulation in lieu of your silver dollars; and the friends of silver coinage who have repeatedly said the people of this country want the silver dollars are forced thus to stultify themselves, and to say when they made that allegation they did not mean it; because if the people need these silver dollars they will go into circulation and remain with the people. But the very men who have boosted this thing and have given the country this silver circulation are compelled to issue one and two dollar certificates or one and two dollar notes.

Mr. WEAVER, of Iowa. The gentleman from Pennsylvania must have been asleep; he should have been here yesterday.

Mr. BAYNE. Yes, sir; I should have been here yesterday, and if I had been this sort of legislation would not have gone into this bill unless the Chair had wrongfully ruled out the point of order I would have made.

Mr. BROWN, of Pennsylvania. You will have an opportunity to go on record by having the yeas and nays on it.

Mr. McMILLIN. I feel justified in saying if the gentleman from Pennsylvania [Mr. BAYNE] had been here yesterday the result would have been the same.

Mr. BAYNE. Perhaps so; but I would have put myself on the record.

Mr. McMILLIN. The gentleman from Pennsylvania speaks of the silver certificates to be issued, as "shinplasters." What sort of "shinplasters" are they? They are certificates with the silver dollar back of them, which may be obtained in lieu of them any moment the holder of so-called "shinplasters" desires to make the exchange—a dollar which was recognized by the Constitution, consisting of the same number of grains that it has contained for years. I am getting sick and tired of hearing gentleman berate the silver dollar. The war upon it has been relentless. It was a coin good enough for Abraham [laughter]—or a currency good enough for that patriarch—because we are told that so far back as the time of this great ancestor of the Jews he paid for the "burial place of his people" with thirty pieces of silver "current with the merchant." It was current then. We are also informed by the commentator that the coin which was taken out of the fish's mouth by the apostle, under the direction of the Son of God, was a silver coin. It was then good enough for the Savior, for he paid tribute with it. The fathers of the Constitution when they gave to us a currency which should be permanent and sufficient fixed upon silver and gold as the basis. It was good enough for Abraham, good enough for Christ, good enough for the fathers of the Constitution. Silver has been good enough for all of them until we come to this wicked and perverse generation. [Applause.] They, like thieves in the night, stole into the halls of legislation, and in 1873 demonetized the old silver dollar. A war has been kept upon it in some quarters ever since. But there was a power in this country strong enough to force back silver into circulation among the people and to remonetize it; and that power is strong enough to keep it among the people. Silver is here and here to stay. Gentlemen had as well understand that once for all and desist from their assaults upon it.

And now, Mr. Chairman, I can see no objection to the issuance of one and two dollar certificates. What if the silver comes to be hoarded, if at the same time certificates to the full amount representing it are in circulation? We save by this process the loss and its abrasion. The saving in these two items will more than pay for the issuance of the certificate that will take its place and for storing and taking care of the coin.

Mr. WEAVER, of Iowa. May I suggest to the gentleman that the difference between Judas and the modern men who oppose silver is that he betrayed Christ for silver and they betray him by refusing to take it?

Mr. McMILLIN. I do not think there is any measure which has been incorporated on any bill that has passed this House which is more important than the one authorizing the issuance of one and two dollar silver certificates. We can easily put in circulation by this means, if we issue all the people want, one hundred millions of silver. It does away with the complaint of inconvenience, because one and two dollar certificates are as convenient as the greenbacks were; and the only trouble the people have ever experienced about either is the difficulty of getting hold of a sufficient quantity of them for their commercial purposes.

Mr. Chairman, if we would provide for the issuance of small denomination silver certificates on all surplus silver coins, pay it upon obligations of the Government, and establish unlimited coinage, we would give an impetus to industry and a thrift to business unknown for years. By this means we can end many of the troubles now resulting in riots, strikes, and stagnation.

There is, Mr. Chairman, another reason why we should treat with more freedom and boldness the silver question. Our bonds, on which the national-bank currency is based, are being rapidly paid off. This is right, entirely right. But while retiring the national-bank money it behooves the patriot and the statesman to determine what is to take its place. In my judgment, there is no safer and sounder currency at present in addition to our gold and gold certificates and greenbacks than silver and silver certificates. Let us give it to the people in its most convenient form. Let us begin to provide it now, that the contraction produced by extinguishment of national banks shall be counteracted and commerce and trade saved from ruin.

Mr. BLAND. I rise for the purpose of asking for a vote. I do not think we should debate this question further. We debated it yesterday. It is a very important matter. I will only remark that we all understand the hostility of the gentleman from Pennsylvania [Mr. BAYNE] to silver; and this provides for putting in circulation or utilizing the silver in the Treasury. There can be no reasonable objection to it. I hope we shall have a vote.

Mr. REED, of Maine. I hope the gentleman from Missouri [Mr. BLAND] will explain these little historical discrepancies which have been agitated by the gentleman from Tennessee [Mr. McMILLIN]. I had the impression that the gentleman from Missouri had largely assisted in the invention of the silver dollar of 412½ grains.

Mr. BLAND. Not in the invention of it.

Mr. McMILLIN. Oh, it existed before the gentleman from Missouri was here.

Mr. REED, of Maine. But I really did not know that Abraham had had a dollar of 412½ grains. [Laughter.]

Mr. McMILLIN. Nor did any one else. Mr. Chairman, the gentleman from Maine——

Mr. REED, of Maine. I do not yield. This is a question of silver, not of brass. [Laughter.]

I simply desire to remark that if the fish actually did find the dollar of 412½ grains in his mouth he must have been refreshed and gratified by finding upon it the legend, "In God we trust." [Laughter.] I hope the gentleman from Missouri will explain the matter.

Mr. McMILLIN. The gentleman can find all there is on the subject in the Bible.

Mr. REED, of Maine. I admit that the silver question may have been discussed as far back as Abraham's time, for as far back toward Abraham as my memory reaches these gentlemen have persisted in discussing it in season and out of season.

Mr. WEAVER, of Iowa. Oh, the gentleman is a descendant of Ishmael. He does not come from Abraham at all. [Laughter and applause on the Democratic side, and cries of "Vote!"]

Mr. CANNON. Mr. Chairman, I rise to a question of order. I desire to offer an amendment.

Mr. REED, of Maine. Mr. Chairman, I really do want to correct this sacred history. I am a little defective in it, and the point did not occur to me at once, but it is clear that if I am a descendant of Ishmael I must, of course, be a descendant of Abraham also. [Laughter.]

Mr. WEAVER, of Iowa. But not in the regular line of descent, only collaterally. [Laughter.]

Mr. CANNON. I ask that the amendment which I have sent to the desk be read.

The amendment was read, as follows:

Add the following:
"And all such certificates shall be lawful money and a legal tender in payment of all debts, public and private, within the United States."

Mr. BAYNE. I raise the point of order against that amendment. My point is that it changes existing law and creates a new currency by imparting the legal-tender function to a currency created by these amendments to this bill.

Mr. CANNON. I desire to say a word on the point of order.

Mr. BAYNE. I believe I have the floor. This so-called money, this representative of a 75-cent dollar, or a 74-cent dollar I believe it is now——

Mr. BROWN, of Pennsylvania. Made so by your war upon it.

Mr. BAYNE. This representative of a 75-cent dollar is proposed to be made not only a currency to be circulated among the people, but, by the proposition of the gentleman from Illinois [Mr. CANNON], it is to have the legal-tender function imparted to it, and to become lawful money for the payment of honest debts and obligations between citizens.

A MEMBER. That is right.

Mr. BAYNE. Of course it is right—right for people who wish to scale their debts, right for people who wish to fasten upon this country a bad currency——

Mr. WARNER, of Ohio. What about those who want to get two dollars for one?

Mr. BAYNE. It is right for those who want to destroy the opportunity which this country has of getting the best currency in the world.

Mr. BRUMM. Does it not do that now?

Mr. BAYNE. No. Such theorists as you have precipitated upon us a currency of which we ought to be ashamed.

Mr. BRUMM. Do you mean to say that the silver dollar is not legal tender now?

Mr. BAYNE. Oh, I understand all about that.

Mr. BLAND. Mr. Chairman, I think this amendment is subject to the point of order. The silver certificates provided for by the amendments offered yesterday come under the law of 1878, and they are made a legal tender only for the payment of customs dues and taxes; they are not a legal tender for private debts. This amendment proposes to

make them a legal tender for private debts, and that does change existing law. Now, I should have no objection if this money could be made a legal tender for all debts, public and private; but, notwitstanding the decision of the Supreme Court, there are differences of opinion as to whether we have authority to do that, and it might be that the bill would be vetoed on that ground. Besides, it is not necessary, and I do not think that we as practical legislators should go further than is necessary to secure the issue of these silver certificates, and if we make them a legal tender for private debts we may defeat the whole thing, and for all I know that may be the object of the gentleman from Illinois [Mr. CANNON]. At all events, as I have said, it is wholly unnecessary. My proposition is made to conform to existing law, but this amendment would change existing law.

Mr. CANNON. I desire to say a word upon the point of order. First, when this amendment was offered by the gentleman from Missouri [Mr. BLAND] yesterday, the gentleman from Pennsylvania [Mr. RANDALL] made the point of order. He withdrew it. Then another gentleman from Pennsylvania [Mr. STORM] raised the point of order, and he withdrew it. The amendment was a change of existing law, and therefore subject to the point of order; but, as it escaped the point, as it ran the gauntlet and got past the post, it is now pending legitimately before the committee (under the decision of the chairman made upon the point of order) for perfection, and my amendment seeks to perfect this legislation proposed by the gentleman from Missouri. I feel confident the Chair will overrule the point of order to my amendment, as that would be in exact harmony with the ruling just made on the amendment of the gentleman from Missouri [Mr. BLAND].

Now the gentleman from Missouri [Mr. BLAND] says that for aught he knows my object in offering this amendment is to defeat his amendment. I know that gentleman can very rarely see good come from anything unless it springs full-armed from his brain, as Minerva sprang from the brain of Jove.

Mr. BLAND. What does your amendment do?

Mr. CANNON. Mr. Chairman, I am tired of being lectured by the gentleman from Missouri, and seeing him rise day after day to impugn the motives of everybody who advocates anything which is not the child of his brain.

Now, I indorse the proposition to issue silver certificates payable in silver dollars, dollar for dollar; and they should be made a legal tender for all debts public and private; it is good legislation, it is good policy to make that silver certificate, which is in effect a silver dollar, a legal tender for all debts public and private. And I want to know whether the gentleman from Missouri, who has constituted himself the guardian of silver, proposes further to obstruct that amendment.

The gentleman from Missouri [Mr. BLAND] seems to fear if the silver certificates were made a legal tender that the bill would meet with a veto at the hands of the President. I do not know what the President's views may be, but I do know from a conversation with the Treasurer of the United States, Mr. Jordan, that he is heartily in favor of legislation making silver certificates a legal tender.

Mr. BLAND rose.

The CHAIRMAN. The Chair is ready to rule upon the question of order. In the opinion of the Chair, this amendment proposes to change the law in that it proposes to make silver certificates legal tender for public as well as private debts. The point of order is sustained.

The question being taken on the adoption of the amendment of Mr. BLAND, it was agreed to.

Mr. RANDALL. Mr. Chairman, the understanding last evening was that the gentleman from Indiana [Mr. LOWRY] should be allowed to occupy ten minutes at this time. I now yield to him.

Mr. LOWRY addressed the committee. [See Appendix.]

Mr. RANDALL. It is proper I should state to the House that the Committee on Appropriations recommend no change in the organization of the Coast Survey. They have endeavored, however, in the appropriation to correct some abuses that have been alleged to exist. It is not my wish to rake up and reproduce any criticisms that have been made touching the manner of the expenditure of money by the Coast Survey. Let that be of the past. We think that the reductions that we have made have been intelligently made; and we think they will in no manner cripple the bureau or interfere with the due execution of the work confided to that organization.

The aggregate amount that is given in this bill, together with the amount which is drawn under the naval appropriation bill, is about $785,000, which the committee deemed quite sufficient for the present at least, pending the condition in which that bureau now is, without a permanent head. I had hoped before this time some one would have been appointed with a scientific order of mind and with business capacity. But it has been found difficult to find such a person; and that I take it is the reason why this place has not been filled. I know of no other reason. And now I ask that the paragraphs may be proceeded with.

Mr. LONG. I want to second the assurance given by the chairman of the Appropriations Committee that there is no intention on the part of that committee to make any attack on the existence of the Coast Survey, and that the committee recognize the importance of that bureau and the excellence of the work it has done, and the usefulness of that work in aid of the commerce and defense of the country.

Without being familiar with the scientific work of the Coast Survey, and admitting the interest we all felt in the remarks which fell from the gentleman from Alabama [Mr. HERBERT] yesterday, there are several suggestions which occur to me with reference to the statements made by him. In the first place, it should be remembered that that gentleman stands almost alone in the commission in the conclusions at which he arrives; and although he states those conclusions with great force and effect, yet if the other members of the commission were to speak they would perhaps present to us exactly different conclusions from those he has arrived at. They are certainly not prepared to go as far as he goes in criticisms of the Coast Survey.

Mr. HERBERT. The gentleman from Massachusetts is mistaken. Senator MORGAN fully concurs with me.

Mr. LONG. I correct myself. This minority position of the gentleman therefore so far modifies the effect his authority would otherwise have.

In the second place, I understood the gentleman to say that the minority of the commission founded their conclusion very much upon the testimony they received from Major Powell, who is the director of the Geological Survey. Now, I am informed—I can not state it of my own knowledge—that Major Powell, since reading his testimony as it has been printed, has volunteered a written statement over his own signature to Senator ALLISON that he feels he did injustice to the Coast Survey and the character and value of the topograpical work it has done by not taking into sufficient consideration the fact that its topographic surveys are largely made with a view to maritime defense. And so far again the impression upon my mind by the statement made by the gentleman from Alabama yesterday is modified.

In the third place, the gentleman from Alabama laid great stress on the value and excellence of the work of the Hydrographic Survey. And yet I think it was shown very clearly by the gentleman from Missouri [Mr. GLOVER] yesterday that some of the hydrographic charts go quite as far in the matter of detailed topography as those of the Coast Survey. So far again the impression made by the statement of the gentleman from Alabama is modified.

I agree very fully with the gentleman from Indiana [Mr. LOWRY] that it was hardly fair to present a chart of New York Harbor, Long Island, and Staten Island as fair samples of the general character of the topographic work of the survey. If you will look at the act of 1843, or about that time, it authorized the President to appoint a commission of experts to form a plan to carry out the coast survey. The plan adopted was to provide for a survey not only for purposes of commerce but for purposes of military defense. In that view minuteness and detail in the topography of a chart of New York, Long Island Sound, and Staten Island are important. It was on Long Island that General Washington fought an important battle. It is at once evident that the topographical work in the chart of that island exhibited yesterday may well be somewhat minute. I am also informed that much of this detailed work is not expensive; that while the Coast Survey is collecting the general prominent and important features of the topography it adds very little to the expense that they should embrace also many of these details which when enumerated under the name of peach orchards and fences are held up to ridicule, but are unjustly so held up.

The Coast Survey is therefore in some degree a military survey. It is for the purpose of military defense. I believe that such men as General VIELE, on this floor, will testify to the great value they derived from these detailed topographical delineations during the recent war.

For all these reasons—reasons which suggest themselves at once—I think there is danger that an elaborate statement like that made by the gentleman from Alabama might create an impression in this House more unfavorable than ought to be created against the Coast Survey. I do not believe that the committee of which I have the honor to be a member, or that the commission of which the gentleman from Alabama is a member, or that the gentleman himself, would be disposed in any way to depreciate the value and excellence of the work of the Coast Survey. It is to-day somewhat under a cloud on account of some special unfortunate details; and undoubtedly there is room for some reduction of expense.

But I am sure I express the sentiment of the committee when I say that the great work of the Coast Survey ought not to be forgotten; that this House ought not to allow itself to be under a misapprehension unfavorable to that work, and that the Coast Survey, which for so many years has done so much for our commerce, for the protection of our merchant marine, for making plainer the course of the sailor among the shoals and the inlets of the coast, should not be depreciated, and that it should be sustained in the work which it has hitherto been carrying on.

Mr. WARNER, of Ohio. Mr. Chairman——

Mr. RANDALL. General debate is closed.

Mr. WARNER, of Ohio. I move to strike out the last word. I did not propose to participate at all in the general debate on this question; but I should not like to have it go out, as I fear it would from the apology, if I may so term it, of the gentleman from Massachusetts [Mr. LONG], that this House agrees that the work of the Coast Survey Bureau has been in all respects what it ought to have been, and that its expenditures have been wisely made. I think the scientific men of this country owe it to themselves, and they certainly owe it to the fair name of science, to see to it when Congress appropriates money for a

scientific purpose that that money is scrupulously and honestly applied to the objects which are intended in the appropriation. That the expenditures which Congress has appropriated for in recent years have been applied in that manner I do not think can be maintained, and the scientific world ought to know that this House does not think that the money it has appropriated for this work has been expended as it ought to have been under scientific direction. I am afraid it must be admitted that the most marked manifestations of scientific genius on the part of this bureau have been in the direction of getting money out of the Treasury rather than in scrupulous honesty and integrity in the use of that money. I do not propose to enter into a criticism of the work done, nor would I vote to cripple in any way the work of this bureau. It is a necessary work, although I agree with the gentleman from Alabama [Mr. HERBERT] in very much, if not in all, that he said yesterday. There is, doubtless, a tendency in all the bureaus and Departments, when money is appropriated, to carry their work to extremes; often, I am afraid, for the purpose of furnishing employment to friends, or to more persons than are necessary for the proper execution of the work.

That, Mr. Chairman, is all that I desire to say; and I now yield to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Chairman, I am surprised at the recantation of Major Powell spoken of by the gentleman from Massachusetts [Mr. LONG], recanting testimony deliberately given and, according to my impression, always carefully revised before it was sent to the Printer.

Mr. LONG. Do you understand that Major Powell has sent such a letter?

Mr. HERBERT. No, sir; I never heard of it before. I read some extracts from the testimony of Major Powell on this subject:

The Coast and Geodetic Survey constructs maps, or, more properly speaking, charts, of the coast. These charts represent in part water areas and in part land areas. On the water areas are represented the soundings and important features of the sea and river bottoms. Other things also are represented, such as buoys, lights, &c. The land areas represented are in part islands and in part mainland. On these land areas are represented the landmarks which are used by mariners in the navigation of the waters. So far they are strictly coast charts, useful in navigation.

In surveying the land areas the Coast Survey does something more, by extending the map work back a short distance into the country, varying from half a mile to five miles. This additional work is of a peculiar character. All streams, large and small, that run in or through this margin of land are plotted upon maps; all coast marshes are plotted; all rocky ledges and points are indicated, and to some extent hills are represented. In addition to this, many artificial features are plotted, such as city, town, and village plats, country roads, farms, fields, houses, and many other artificial or cultural details. The surveys made for these cultural details do not include complete cadastral surveys, but only sufficient cadastral surveying to make it possible to correctly plot such items upon the maps. I am unable to state any useful purpose which this cadastral or artificial element in the coast charts subserves; first, because it is not executed so as to form a complete cadastral map; second, because these artificial topographic features are ephemeral; that is, this culture changes from year to year in such a manner that the charts speedily become misleading.

In illustration of this fact I may state that one of the commissioners of the Massachusetts survey informs me that he has lately examined certain charts made in Massachusetts on this plan, and he discovers that in the areas coming under his eye 50 per cent. of the houses placed upon the chart twenty years ago have disappeared, or been removed to new sites; that in addition to this a large number of new houses have been erected which do not appear on the old charts, and that the confusion arising from these two causes renders the charts almost unintelligible. He also informs me that the same confusion arises from the delineation of fences, but to a greater extent, and that a similar confusion arises through the delineation of minor public or private roads, but not to so great an extent.

Now, then, as to whether or not it was fair of me to take the coast of Long Island Sound and New York Harbor in order to illustrate my argument, I took that not because it was unlike the ordinary work of the Coast Survey, but because there is in this very bill an appropriation for doing over again that expensive topographic work which I pointed out here yesterday.

In the five minutes allowed me, Mr. Chairman, I desire to correct the mistakes of the gentleman from Indiana [Mr. LOWRY], my colleague on the commission. In the act referred to, passed while Thomas Jefferson was President, there was not one word said about defense, and that expression never appeared in law until 1843. Then in the plan adopted by the board under the law so much topography only was necessary either for purposes of commerce or defense. What I contend is that nothing is necessary for purposes of defense except the natural features of the coast and the roads.

Again, as to the time when this prediction was made by Professor Bache. It was made, as I stated, in 1857.

Of course it did not refer to Alaska. So Professor Hilgard's estimate before the commission related to the Atlantic coast and the Pacific, expressly excluding Alaska. As to the statement that my desire to transfer this survey to the Navy is because I am on the naval commission, I am surprised that my colleague on the commission does not remember that I came to my present conclusion, and expressed it to the commission, long before I ever became connected with the Naval Committee. My reasons were these: In every other country in the world the navy does this work. Our naval officers are competent to do it. They are already paid by the Government; the work ought to be done by them for the pay they already receive, and it is useless and extravagant for us to be paying civilian officers to do work that can be as well done by officers already in the pay of the Government. For these reasons I advocated this transfer more than a year ago.

Mr. WARNER, of Ohio. I withdraw my formal amendment.

Mr. BOUTELLE. I renew it. Mr. Chairman, I was unable yesterday to cite the provision of law under which I held that this topographical survey was carried on in connection with the survey of the coast. It will be found that by the act of March 3, 1843, provision was made that the work of the Coast Survey should be reorganized upon a plan to be submitted by a board to be appointed by the President of the United States. That board was appointed, consisting of the chief of the Coast Survey and officers of the Navy and Army. Their report was made and accepted by President Tyler; and under the plan arranged by that board the work of the Coast Survey was carried forward. That plan, after providing for a series of secondary and tertiary triangulations, proceeds to say:

From the points thus furnished by the several triangulations the topography shall be executed, using always the most approved instruments and principles; the topography to be carried as far inland as may be necessary for a proper delineation of the shore and for purposes either of commerce or defense.

Under that regulation the topography has been carried forward by the Coast Survey, and has included such an area along the coast as was found necessary for the proper delineation of the coast, for obtaining the proper basal points of triangulation, and for delineating those important natural and artificial objects and points of demarkation which would prove important for purposes of commerce and for purposes of defense.

Yesterday the gentleman from Alabama called attention three or four times with a great deal of derision to the fact that on one of the Coast Survey charts there was marked and specified the winter quarters of Barnum's museum, and of course that furnished an opportunity for a joke at the expense of the Coast Survey. But, Mr. Chairman, the coast survey of every nation has always taken into consideration every prominent and important landmark that would be seen by the mariner when approaching the coast from the sea. On almost every chart of the English coast and the French coast in existence to-day artificial objects have been delineated in outline for the purpose of identification of the coast—artificial objects which were built some of them hundreds of years ago—windmills, round towers, and even private buildings which are so situated as to become an obvious and conspicuous part of the landscape. The delineation of the winter quarters of Barnum's museum to which so much jocular reference has been made was governed simply by the fact that years ago Mr. Barnum erected an immense edifice which stands to-day towering above the landscape and forms one of the most prominent and conspicuous objects visible to any vessel approaching the coast.

Mr. Chairman, I am not disposed to enter into any discussion as to the extravagance or frugality with which the work of the Coast Survey has been carried on.

Mr. HERBERT. Will the gentleman allow me to read what Major Powell says——

Mr. BOUTELLE. I have only a moment and can not yield.

I am unable to discuss this question from a scientific standpoint. I do not possess the advantages of the gentleman from Ohio, in being able to sit in judgment as an expert upon the scientific work of this bureau. I am not a scientist; but I should be false to my duty and false to myself if I failed here in this discussion to pay the tribute of practical knowledge to the service rendered by the Coast Survey of the United States.

[Here the hammer fell.]

Mr. WARNER, of Ohio. The matter of expenditure is a matter which has been publicly inquired into, and it is that especially to which I alluded.

Mr. BOUTELLE. I would like a moment or two more.

Mr. ANDERSON, of Kansas, obtained the floor, and yielded his time to Mr. BOUTELLE.

Mr. BOUTELLE. Mr. Chairman, according to the old adage, "the proof of the pudding is in the eating," and I can and do bear testimony here to-day that I have taken vessels of the United States into and out of nearly every indentation upon the coast of the United States from New York Harbor to Galveston without a pilot, relying simply upon the accuracy of the survey of the coast by the United States Coast Survey.

Further, it is a fact which will be acknowledged by every military and every naval officer of the United States that the great blockade of nearly 3,000 miles of our coast which was maintained throughout the war—a blockade unparalleled in its extent and efficiency, unprecedented in the marine risks which were encountered, and in the manner in which obstacles previously supposed to be insurmountable were overcome—was rendered possible solely by reason of the accuracy and efficiency with which the work of the United States Coast Survey had been carried on.

In further proof of the practical efficiency with which this work has been conducted it is proper to state here that the fleets and the armies of the United States during the war were indebted to the practical services of the chief officers of the Coast Survey in piloting vessels, in laying buoys, in opening channels, and in leading our fleets in many of the most important operations upon our Southern coast.

There are to-day at the head of the Coast Survey men who have been criticised here as bureau officers, these men whose work has been sneered at as that of gentlemen who sit in cushioned chairs here in Washington

and draw their salaries; there are to-day in the office of the Coast Survey men at the very head of their profession, who have demonstrated their practical ability to the extent of being capable of going on board a Government vessel and acting as pilot of that craft into and out of any port on the coast of the United States.

Mr. HERBERT. Now, will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Maine [Mr. BOUTELLE] has expired.

Mr. HERBERT. For the purpose of asking the gentleman a question I move to strike out the last word.

That these Coast Survey charts are accurate and have everything which is necessary is a fact which is admitted by me and was yesterday. What I say is that those Coast Survey charts contain a great deal that is unnecessary, and therefore useless, and consequently extravagant.

I ask the gentleman from Maine this practical question, and I hope he will favor me with an answer to it: When you were on one of those vessels—guided by the Coast Survey map—coming into a harbor, could you ordinarily from the vessel see back from the shore-line a mile or two miles or three miles of usual level ground? Could you see fences and similar topographical features as they are portrayed upon these Coast Survey maps?

My point, Mr. Chairman, is this: That these things, this expensive topography, the delineation on the charts of objects not visible from the shore, are worthless to the sailor. That is the question I ask the gentleman from Maine, and I hope he will answer it—whether he can see those things ordinarily from the deck of the vessel entering any one of our harbors?

Mr. BOUTELLE. My answer is, in the first place, that this survey is made for two purposes: one for the purpose of delineating the coast and marking the soundings approaching the coast for the purpose of commerce, and the other of delineating the topography of the coast for the purpose of fortification and defense.

Now, the gentleman will admit at once, I think, that in the survey of any given point——

Mr. HERBERT. Answer my question. Can you see them from the vessel as you approach the shore?

Mr. BOUTELLE. I am coming to that. I think the gentleman will admit in surveying any point of the United States coast if there should be within 2 or 3 miles of the coast some high mountain it would properly be an object of survey and delineation.

Mr. HERBERT. I admit that it would be.

Mr. BOUTELLE. To find how far back that mountain is the ground has to be measured; it has to be traversed; and if the surveying officer in traversing that ground should find an important stream it would be a proper object for him to delineate. It would not be a matter of any great expense.

I understand it to be a fact in delineating the great, important natural features of the topography, the filling out of these minor details is a matter of no considerable expense. It is therefore the merest leather and prunella. [Laughter.]

Mr. HERBERT. The difference is this: according to the testimony of Major Powell, this topographical work can be done for from $10 to $15 or $20 a square mile. The Coast Survey does it at a cost to the Government of more than $250 a square mile.

Mr. BOUTELLE. I do not understand Major Powell has so testified.

Mr. HERBERT. He testifies that he does the work at from ten to fifteen or twenty dollars a square mile, and the testimony shows that the topography of this Coast Survey costs from $250 to $275 a square mile. That is the difference; and it is a difference which should be saved to the Treasury for the reasons I have already stated.

Mr. BOUTELLE. I do not understand the expense of putting in these minor details against which your criticism has been directed is so much.

Mr. HERBERT. It is a difference of between $10, $15, or $20 per mile when the work is done according to the method used by Major Powell, and $250 when it is done by the Coast Survey.

Mr. BOUTELLE. Does he think his method is best?

Mr. HERBERT. Yes; he does.

Mr. BOUTELLE. That is natural.

Mr. HERBERT. He says his work is better because it is cheaper. The work can certainly be done more cheaply than the Coast Survey does it.

The CHAIRMAN. Does the gentleman withdraw the *pro forma* amendment.

Mr. BOUTELLE. Yes.

Mr. EVERHART. Mr. Chairman, I move to strike out the last word.

The observations of the gentleman who has just taken his seat seem perhaps to criticise severely the maps of the Coast Survey. They are conceded to be works of unrivaled completeness and precision.

But, like some old Dutch pictures, their very exactness is said to impair their merit. We are told that only natural and conspicuous objects should be portrayed—natural because such are permanent; and conspicuous because they may be noticed from the sea; for, otherwise, it is said, observers would be confused. But, forsooth, we know that all natural objects are not permanent, and that others invisible from the sea on account of minuteness could hardly cause confusion. But every part is but a constituent of the whole, and even the smallest or commonest objects, if unimportant, are not superfluous, and perfect the scene.

Surely the meadows are as lasting as the hills, the streams as the rivers, the hedges as the trees, and the house or town or city as permanent and prominent as the signal or the light-house station. But time varies appearances, and everything undergoes mutation. The towers totter, forests fall, channels shift, rocky coasts recede, and all nature alters. But though the landscape may lose some lesser feature, yet its salient ones are longer noticed, or their ruins identify their site, as the wrecked Colossus showed for centuries where its mirrors gleamed.

But some fast land must be included in the surveys; as points must be fixed and base lines laid down beyond the shores, shoals, and inlets; and the soil and water represented in all their sinuosities and relations. A geodetic survey, unlike the ordinary one, is made with reference to the curvature of the earth, according to sidereal observations, and established by stable monuments. It exhibits all undulations of the surface, indicates the resources upon it and below it, and discloses to government and people the border perils and safeguards of commerce and the country. [Applause.]

I withdraw the *pro forma* amendment.

The Clerk read as follows:

For continuing resurvey of Long Island Sound and finishing same, $15,000.

Mr. HERBERT. Mr. Chairman, I do not wish to proceed further with the discussion of this subject, but shall move to strike out these lines for the resurvey of Long Island Sound.

Mr. HEWITT rose.

Mr. RANDALL. Let us have a vote.

Mr. HERBERT. I will not insist upon the motion, as I will be able to test the question perhaps in another shape, and will withdraw it for the present.

The Clerk read as follows:

For completing resurvey of Delaware Bay, including current observations, $2,000.

Mr. LONG. Mr. Chairman, I move, in line 380, to insert after the words "Delaware Bay" the words "and River," so that it will read "Delaware Bay and River."

Mr. RANDALL. That is right.

The amendment was agreed to.

The Clerk read as follows:

For continuing the researches in physical hydrography relating to harbors and bars, $2,500.

Mr. LONG. Mr. Chairman, I move, in line 401, to strike out "two thousand five hundred" and insert "four thousand."

This is for researches in physical hydrography, a very important work, and one that I think should be continued under a proper appropriation. I do not think this amount is sufficient. I am informed by Professor Mitchell that the amount appropriated last year, which was $4,000, ought to be appropriated for the next fiscal year, and I hope the amendment will be agreed to.

Mr. PETERS. Let the amendment be reported from the desk.

The amendment was again read.

Mr. RANDALL. The committee thought the amount here appropriated was sufficient. In 1885 the amount appropriated to this service was $3,000. In view of the amount taken for other purposes out of this appropriation we thought that $2,500 was a sufficient amount for this item, and I hope the committee will not increase it.

Mr. HERBERT. Let me ask the gentleman from Pennsylvania how much this appropriates for this service less than was appropriated last year?

Mr. RANDALL. One hundred and forty-six thousand dollars.

I ask a vote on the amendment.

The amendment was not agreed to.

The Clerk read as follows:

For continuation of geodetic work on transcontinental line between the Atlantic and Pacific Oceans, $20,000.

Mr. WARNER, of Ohio. I move to strike out the last word, for the purpose of making an inquiry of the chairman of the Committee on Appropriations with reference to this item. It appears that we have now two parties engaged in this transcontinental geodetic survey, the Coast Survey Bureau and the Geological Survey. How is that?

Mr. RANDALL. It is not the same work. This is a transcontinental line from the Atlantic coast to the Pacific, and is partly completed. There was some division, I will state, in the committee touching the propriety of this appropriation, but it was finally thought it would be better to proceed with the work, and hence the appropriation is made.

Mr. WARNER, of Ohio. I do not rise to object to proceeding with the Geodetic Survey by one party or the other, but it seems to me quite unnecessary that two parties should be in the field doing that kind of work.

Mr. RANDALL. I want to add to what I heretofore said that by an examination of the Commissioner's report it will be seen they recommend a continuance of this work.

Mr. WARNER, of Ohio. I withdraw the amendment.

Mr. LOWRY. This was recommended, and there is no duplication of the work.

Mr. WARNER, of Ohio. I suppose there is some difference in kind, but it is substantially the same work.

The Clerk read as follows:

For one clerk at $1,800.

Mr. RANDALL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the paragraph just read and insert in lieu thereof: "For one general office assistant at $2,000."

Mr. RANDALL. I desire to have printed in the RECORD a letter from the Superintendent, asking that the title of this officer be changed in accordance with the amendment I have offered. The original estimate of that officer, Mr. Thorn, placed the salary at $1,800; and the letter gives his reason why it should be raised to $2,000.

There being no objection, the letter was ordered to be printed in the RECORD. It is as follows:

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,
Washington, June 22, 1886.

SIR: The sundry civil appropriation bill for the current year, which for the first time made specific appropriations for salaries for office force of this bureau provided for one "general office assistant." No specific provision for that employé was made either in the estimates or in the bill now pending in the House of Representatives. The duties of the position involve as much responsibility and require as much ability as those of either the auditing clerk or accounting clerk, for which the bill appropriates a salary of $2,000.

I respectfully suggest the propriety of amending the pending bill by striking out the provision in line 490, page 21, "For one clerk at $1,800," and inserting in lieu thereof, "For one general office assistant at $2,000."

Respectfully, &c.,

F. M. THORN.

Hon. S. J. RANDALL, *Chairman, &c.*

Mr. LOWRY. I offer an amendment to the amendment to make the salary $2,200.

The amendment of Mr. LOWRY was disagreed to.

The amendment of Mr. RANDALL was adopted.

The Clerk read the following paragraph:

For three copper-plate printers, at $1,300 each, $3,900.

Mr. SINGLETON. Heretofore there was a foreman of the copper-plate printers in the Geodetic Survey. Now it is proposed in this bill to provide three copper-plate printers at $1,300 each. It must be apparent to every one there should be some head to that department who would control the work, otherwise each man will do as he pleases, and nothing will be done right. I therefore offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the paragraph just read and insert in lieu thereof the following: "For three copper-plate printers, one at $1,600 a year and two at $1,200 each, $4,000."

Mr. SINGLETON. If gentlemen will look at the foot of page 201 of the estimates they will find this amendment comports exactly with the recommendation there, except that there are two copper-plate printers struck off, reducing the appropriation $1,400. The only change from the bill as to amounts to be made by my amendment is to make the appropriation $4,000 instead of $3,900.

I think the gentleman in charge of the bill should accept the amendment. The gentleman who has been at the head of this portion of the Geodetic Survey I know well. He is a most efficient workman. He has managed that division to the satisfaction of all parties concerned. It seems to me impossible where there are three copper-plate printers to have the work properly done unless there is somebody who has a right to direct and say how it is to be done and see that the men are kept employed.

Mr. RANDALL. I do not know any of the individuals provided for in this appropriation. But I did make a very thorough inquiry as to the character of the work performed. I found that all of these copper-plate printers performed about the same duty, and the committee were inclined to think that there was no foreman necessary to direct two other men, but that it would be better to put them all, as they did the same character of work, at the same pay of $1,300. That reduces, it is true, one of these officials, whose name I do not know, from $1,600 to $1,300, but raises the other two from $1,200 to $1,300. These are the reasons which prompted the committee in the course they have taken in recommending this change.

Mr. SINGLETON. The responsibility must rest somewhere for the proper discharge of this work. Somebody must be responsible to the head of the department for the proper management of it and for the proper execution of the work. This man is an expert. He has been there for a great number of years and has given entire satisfaction; and now to reduce his salary and put him down to $1,300 seems to me unjust. In all the bills heretofore reported this difference has never been made, and I can not see any good reason at this time why he should be removed from that position and reduced to a salary of $1,300. The work, it is true, is very much the same. But in all these departments there must be some party who is responsible for the proper execution of the work. I hope the committee will vote the amendment upon the bill.

The amendment was disagreed to.

The Clerk read the following paragraph:

For one copper-plate printer's helper, at $700.

Mr. BAYNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add as an additional paragraph the following:

"For pay of William B. Morgan, late disbursing agent United States Coast and Geodetic Survey, the unexpended balance remaining to the credit of the appropriation made for that office (disbursing agent) for the fiscal year ended June 30, 1886."

Mr. RANDALL. I reserve the point of order.

Mr. BAYNE. I do not think this amendment is subject to the point of order. I base it upon this state of facts: Mr. Morgan was disbursing agent for the Coast and Geodetic Survey for a very considerable length of time. The office sought him, and not he the office.

He was placed there upon recommendations coming from the Treasury Department, and acted in that capacity until the Auditor of the Treasury, Mr. Chenowith, began an investigation. That investigation led to the disclosure of a great many frauds that had been perpetrated upon the Government, and the action of the Auditor in that behalf was to be commended. But among others who suffered was Mr. Morgan, who was dismissed. An examination of his accounts showed that they were perfectly straight and clean and that there was no cause at all for his dismissal. His dismissal, however, would ordinarily have carried with it the deprivation of pay and he could not have complained, but the fact is that ever since he was dismissed he has been assisting to disentangle the difficulties in the accounts of the Coast and Geodetic Survey. He has been rendering service all the while to that bureau from the time of his dismissal down to the present, and he has been rendering that service at the request of the Treasury Department and of the officers of the Coast and Geodetic Survey. For these reasons I think he ought to be paid for his time.

Mr. RANDALL. Mr. Chairman, everything the gentleman from Pennsylvania [Mr. BAYNE] says in commendation of this official may be exactly true. The gentleman will remember, however, that this is an appropriation bill for the next fiscal year, and that if the Government owes this gentleman any money the proper place to provide for its payment would be in the deficiency bill. I will make inquiry in regard to the matter, and when that bill comes up for consideration, if Mr. Chenowith says that this payment ought to be made—I have great confidence in anything that he says—I am quite sure that we will accept his suggestion.

Mr. BAYNE. Then, Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

That no part of the money herein appropriated for the Coast and Geodetic Survey shall be available for allowance to civilian or other officers for subsistence while on duty in the office at Washington, or to officers of the Navy attached to the Survey; nor shall there hereafter be made any allowance for subsistence to officers of the Navy attached to the Coast and Geodetic Survey.

Mr. EVERHART. Mr. Chairman, I desire to insert at the end of line 632 the amendment I send to the desk.

The Clerk read as follows:

Furnishing points for State survey, $14,000.

Mr. RANDALL. I hope that amendment will not be adopted. That question was fully considered by the committee.

Mr. LONG. The chairman ought to state that the committee were not entirely unanimous on the subject.

Mr. RANDALL. I think the gentleman from Massachusetts [Mr. LONG] was the exception.

The amendment was rejected.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, $25,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

Mr. TOWNSHEND. Mr. Chairman, I move to amend, in line 642, by striking out "twenty-five thousand" and inserting "fifty thousand."

The Treasury Department estimated that the sum necessary for the purposes mentioned in this paragraph is $50,000. I have since had a conversation with the Commissioner of Internal Revenue in regard to the matter, and he says that that sum is absolutely necessary. That is the sum that was appropriated last year, and the Commissioner says that it is absolutely necessary for the purpose of ferreting out and preventing frauds upon the internal revenue. I trust, therefore, that the chairman of the Committee on Appropriations will accept the amendment.

Mr. RANDALL. I can not.

Mr. TOWNSHEND. Mr. Chairman, no reason whatever was given, either by the Committee on Appropriations or by any one else, so far as I am able to learn, why the appropriation for this purpose should be reduced. On the other hand, strong and cogent reasons have been offered, presented by the officials of the Internal Revenue Bureau, why the full amount should be appropriated.

Mr. RANDALL. Let me ask the gentleman whether any reason was given why $50,000 should be appropriated?

Mr. CABELL. There was no reason given for it.

Mr. REID, of North Carolina. Mr. Chairman, I desire to amend the amendment by striking out the whole appropriation.

Mr. TOWNSHEND. I will ask the Clerk to read for the information of the House a communication which I have received to-day, and which I have not yet read, but which will give reasons for the amount I have named.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 25, 1886.

SIR: Referring to the proposed reduction in the appropriation "for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws" for the next fiscal year from $50,000 to $25,000, as reported in the sundry civil bill, which was the subject of our conversation of yesterday, I will submit the following:

The expenditure from said appropriation for the fiscal year ended June 30, 1885, was $34,387.29, principally through revenue agents and collectors in the detection of frauds and the suppression of illicit manufacture of and traffic in spirits and tobacco, which resulted in the suppression of a large number of illicit distilleries, and also in the seizure and forfeiture of a large amount of property and the prosecution of a large number of persons guilty of violating the internal-revenue laws. (See pages XV and XVI of the Commissioner's Report for the year ended June 30, 1885.)

The expenditures for the same purposes for the period ended May 31, 1886, of the present fiscal year, amounted to $36,761.32. Under the provisions of section 3463 Revised Statutes the Commissioner of Internal Revenue issued a circular offering a reward not exceeding 10 per cent. of the amount recovered for information leading to the detection of frauds upon the internal revenue and the recovery of internal-revenue taxes unlawfully withheld. There has been received by the Government on compromises during the present fiscal year the sum of $203,868.97, most of which is the result of information elicited by said circular. There has been paid as rewards under said circular within the present year the sum of $4,000, and there are claims for rewards under consideration and to be presented for about $8,000 more. When these claims are adjusted and all the expenditures from said appropriation by revenue agents and collectors for June are paid, there will be very little of the $50,000 appropriated to be covered into the Treasury.

There is reason to believe that the demand upon this fund will be as large next year as it has been this, and I am of the opinion that it would be unwise to cripple this branch of the service by reducing the appropriation below $50,000.

Very respectfully,

JOS. S. MILLER, *Commissioner.*

Hon. R. W. TOWNSHEND,
House of Representatives.

Mr. RANDALL. Mr. Chairman, I want to say in criticism of that officer that if he wanted any change in connection with the appropriation bills his communication should have been addressed to the Committee on Appropriations.

Mr. TOWNSHEND. Mr. Chairman, in reply to the gentleman from Pennsylvania, I will say that when the bill was under consideration by the Committee on Appropriations I called the attention of the chairman of the Committee on Appropriations and of the whole committee to the facts set forth in that letter. The other day when I called upon the Commissioner I asked him to furnish me a memorandum of the facts or write me a letter embodying them, not particularly for public use in the House, but to refresh my memory when the debate upon it should arise. The communication is really a private one, designed for my own private information, and certainly no discourtesy was intended to the gentleman from Pennsylvania.

Mr. RANDALL. I do not take it as a discourtesy to me individually, but I do say that the communication ought to have been addressed to the Committee on Appropriations.

Mr. TOWNSHEND. Well, Mr. Chairman, I had already given the information contained in that letter to the Committee on Appropriations, and I am solely responsible for the communication being written or addressed to me. I have presented it in obedience to a demand made here for this information. The Commissioner of Internal Revenue is in no sense whatever subject to any unfavorable criticism for the communication. It was an act of perfect propriety on his part.

Mr. RANDALL. I hope the committee will not agree to the amendment.

Mr. CABELL. Mr. Chairman, I hope the gentleman from North Carolina [Mr. REID] will be recognized to offer his amendment.

The CHAIRMAN. The gentleman will be recognized.

Mr. REID, of North Carolina. Mr. Chairman, I move to strike out the entire paragraph appropriating $25,000 for information and detection of violations of internal-revenue laws. I send to the Clerk's desk a letter that I desire to have read, which aptly illustrates the method of procedure under the system provided for by this "fraud fund," from which spies and informers are paid for information in regard to violations of the internal-revenue laws:

The Clerk read as follows:

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE,
SIXTH DISTRICT NORTH CAROLINA,
Hendersonville, June 17, 1885.

MY DEAR SIR: I send you some affidavits. Please sign and return to me immediately and greatly oblige me. I have seen some of the witnesses in the cases. There is no doubt about any of them. I will not issue a warrant in any case that I do not know is a good one. Any case I send you to give me a warrant for I will always be sure of conviction. I was at Asheville the other day, but did not get to see you.

I am, as ever, your friend,

W. G. B. MORRIS.

WILLIAM YOUNG,
Deputy Collector, Asheville, N. C.

The following is the form of affidavit:

UNITED STATES OF AMERICA,
Western district of North Carolina:

This day personally appeared before me ——— ———, a United States commissioner, ——— ———, and maketh oath that he is informed and believes that Walker Heatherly did on or about the 1st day of June, 188–, as well before as since this date, engage in the business of illicit distilling, removing, and retailing spirituous liquors without having complied with the law of the United States.

——— ———, *Deponent.*

Sworn to before me this —— day of ———, 188–.

——— ———, *United States Commissioner.*

Mr. REID, of North Carolina. Mr. Chairman, in the five minutes allotted me under the rule I can not present the reasons for the adoption of this amendment which its importance demands. I can state them but briefly and hurriedly. I do not desire to criticise the Commissioner of Internal Revenue. I desire to commend him for having reduced expenditures $200,000 during the past fiscal year and for having increased the collections of revenue three and a half millions. He is one of the most capable and efficient officers in the service of the Government. I am sure he is trying to be just to our people, while he is faithful to the Government. It is the infernal system I would condemn and denounce and have repealed. The section proposed to be stricken out by my amendment provides a fund called the "fraud fund," to pay spies to go out among their neighbors and institute a nefarious system of espionage, compared to which the conduct of Judas Iscariot was righteous and commendable. The instance cited in the letter read by the Clerk is that of a United States commissioner, who writes to a deputy collector, a number of miles away from him, to send him a blank affidavit and sign it in blank. Of course when he receives it the certificate will be attached by the commissioner as if the officer were present, falsely certified, and upon a warrant issued in this manner and upon information furnished, doubtless by spies and informers, citizens will be arrested, arraigned before the courts, subjected to costs and penalties, and all this carried on under the broad system provided for by the proposed appropriation.

We have as yet obtained from this Congress no reduction of internal-revenue taxes, and if their collection is still necessary to meet the pensions, interest on the war debt, and other liabilities incident to the war, I do appeal to this House to aid us at least in securing such modifications of the infernal system as will rid our people of its oppressions and abuses. The amendment I propose is a step in this direction. Abolish this appropriation for spies and informers. Trust our people and treat them fairly, justly, and honestly, as the State does in the levying and collection of her revenue, and violations of the internal-revenue laws will cease altogether. The State has no informers or spies, and she gets every dollar of her taxes.

We have on the Calendar two bills looking to the modification of this system, to the ridding it of its abuses, which I will discuss more fully when they come up for consideration. But let us take this opportunity to get rid of an appropriation of $25,000 to be used for the purpose of buying information upon which criminal prosecutions are to be instituted against the liberties and property of American citizens.

I maintain, sir, that the numerous internal-revenue officers, gaugers, deputy collectors, and special agents sent all over this country are sufficient to bring to account all violators of the internal-revenue laws without offering rewards to informers. Why, sir, heretofore circulars have been sent out by the Department offering rewards for information not to exceed 10 per cent. of the net amount of the fines, penalties, forfeitures, and taxes recovered or paid by reason of such information—an advertisement for bad men in many instances to wreak vengeance on their enemies by perjury sought and paid for by the Government. Can any fair-minded man doubt that such a system should be speedily and absolutely repealed? Is there any wonder that our people should be restive under a system that must exist by such nefarious means? I could cite instances where a citizen's property has been seized and destroyed, himself subjected to arrest and imprisonment, and, when tried by a jury of his peers, vindicated and acquitted, and no reparation made. The conscience and judgment of the country demand a repeal of a system of taxation the enforcement of which can possibly beget such outrages and oppression. I maintain that this appropriation of $25,000 is unnecessary. The duly constituted officers of the Government are more than sufficient to bring to justice all violators of the law, and not one dollar should be appropriated for the purpose contemplated in this paragraph. I therefore move as an amendment to the amendment of the gentleman from Illinois [Mr. TOWNSHEND] to strike out the entire paragraph, and I trust the committee will adopt the amendment.

Mr. GIBSON, of West Virginia. Mr. Chairman, I am well acquainted with the present Commissioner of Internal Revenue. I know him in his private and his official character. I know he would not do anything wrong; but I am not willing to trust him or any other official with money which others may expend in debauching the public service and oppressing the people. I want to add my testimony to that given here by the gentleman from North Carolina [Mr. REID] as to the outrageous system of abuse and oppression which has been carried on under this spy system. I have in my possession a letter from the marshal of my own State, directed to one of his deputies, telling him that if he would go out and work up cases of this kind he would make money enough

for both of them, and all he wanted him to understand was, when he went out never to come back without a man. That system has been carried on all over the State.

Mr. WILSON. Did the incident to which my colleague has just referred happen under the present administration?

Mr. GIBSON, of West Virginia. No, sir; it happened under the former administration.

Mr. Chairman, we have marshals, deputy marshals, collectors, &c., who are paid salaries. They are sufficient to carry on the business of the Government and to make these investigations. The genius of this country despises the spy system. The courts have a contempt for informers. The public feels outraged by their presence. My belief is that this spy system, these outrages inflicted on the community by informers, have created more disregard of law in the land than the desire to make money by carrying on illicit distilleries, &c. This whole clause ought to be struck out. We ought to have no spies, no informers. If the present deputy marshals and other officers in this service are not sufficient in number, let more be created, and let the country know who they are. Let us not have men sneaking like snakes through every community inducing men to commit violations of the law—getting somebody to sell them a twist of tobacco or a gallon of whisky without proper authority.

Let it not be understood that men are going around getting up all sorts of prosecutions and persecutions in order to make money. No country can maintain such a system with credit to itself. Why, sir, our Government, in reference to all other matters, has put its foot down on these spies and informers. This system, which was for a time tolerated in the collection of the customs, has there been wiped out, because it was believed to be contrary to public policy and good morals and not calculated to promote the efficiency of the Government service.

I hope, therefore, the committee will strike out this whole clause. If it is necessary to have additional officers, let them be authorized, and put the badge upon them, so that the public can know them; and they will discharge their duties as any other honest officials do.

Mr. MILLS. Mr. Speaker, the provision contained in this paragraph of the bill represents the most odious feature in our whole fiscal system. The employment of spies and informers ought to have been eliminated from our revenue system long ago; and if we intend to preserve the system of internal taxation we must see to it that this odious feature of that system be speedily abolished. How long could such a system of collecting taxation exist if it depended upon the votes of the people who have to suffer under it? How long could it continue if its continuance depended upon the consent of the people of Virginia or North Carolina or any other State who are the victims of its maladministration? It would be struck down before the setting of the sun. This system of spies, informers, and detectives is looked upon with indignation in every locality where they are a part of the administration of the internal-revenue system. Spies, detectives, and informers have always been odious to the American people. Yet we continue a system which has been and is obnoxious; and it is only continued because the vast majority of those who favor its continuance do not belong to any community that suffers under its abuses and oppressions.

In defense of this system it is urged that without it the Government could not collect its taxes, that it is necessary these spies and informers should persecute and hunt down the little distilleries in the mountains; that otherwise the "moonshiners" who are seeking to avoid taxation could never be brought to justice. Why, sir, there is not a single State or county in this Union where the tax-payer pays tax upon the full value of his property. On an average he does not pay taxes on two-thirds of the actual value of his property. If you will examine the census returns of 1870 or 1880, you will find that the assessed value of the property of this country is far below its true valuation as corrected by the Superintendent of the Census. Yet no one makes any complaint on this point. How long do you suppose the citizens of any of these States would tolerate spies and detectives going through the community and saying to this gentleman or that, "Sir, your land is worth more than the valuation at which it is returned; your cows and your horses are worth more than their assessed value; bonds and stocks which you own have not been fully returned." Do you suppose that a system of taxation which involved odious, inquisitorial features of that character could remain upon the statute-book of a single State of this Union? It would last only until the Legislature could have an opportunity to repeal it.

Yet this alone of all others is kept up by spies, detectives, and informers going through the country hunting down the people and with despotic power seizing their property and destroying it without trial or conviction by their peers. Trial by jury has been denominated the safeguard of a free people, the safeguard of their property as well as the safeguard of their lives. It is an Anglo-Saxon principle that no one shall be deprived of life, liberty, or property until he has been tried by his peers and convicted. But here under the provisions of this system, denominated by Thomas Jefferson as infernal, we keep up these spies, detectives, and informers, and clothe them with the tyrannical power of seizing and destroying property without giving the poor man who claims it the right to be heard in court upon the charges brought against him. This part of the excise system is infernal and ought to be swept off the statutes at once.

Not only is that gross wrong authorized by law, but we provide a booty fund for the purpose of hiring these spies and informers to go into the mountain districts, where the people are poor, and hunt down their victims, who, though poor, are nevertheless entitled to the protection of our Government and laws, and devote their property to destruction. There is no place in our political system for such a monstrosity. The revenue can be collected without any such instrumentalities. I am in favor of collecting the tax on whisky, but I am utterly opposed to turning loose upon any of our people a set of spies and informers to rob them of their property and drive them from their homes. The provision, instead of being made more oppressive, should be stricken from the bill.

[Here the hammer fell.]

Mr. RANDALL. I ask, by unanimous consent, that the debate on this paragraph and the amendments thereto be limited to twenty minutes.

Mr. TOWNSHEND. Oh, I hope not; that is not sufficient time for the discussion of such an important matter as this is. I hope the gentleman will make it at least forty minutes.

Mr. RANDALL. If we do not limit the debate we will be all summer passing this bill.

Mr. TOWNSHEND. I hope debate will not be cut off on this most important question.

Mr. RANDALL. I ask unanimous consent.

Mr. TOWNSHEND. I object.

Mr. RANDALL. I move the committee rise.

The CHAIRMAN. Is there objection to limiting the debate on the pending paragraph and all amendments thereto?

Mr. GROSVENOR. This side of the House has not been able to open their mouths in the committee. I have been struggling for an hour at least to be heard, and have not been recognized.

Mr. TOWNSHEND. I object to any limitation of the debate.

Mr. RANDALL. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and come to no resolution thereon.

Mr. RANDALL. I move the House resolve itself into the Committee of the Whole House on the state of the Union, further to consider the appropriation bills; and pending that motion I move that all debate on the pending paragraph and all amendments thereto shall be closed in twenty minutes.

Mr. TOWNSHEND. It should be forty minutes at least.

Mr. RANDALL. I should like to hear from the other side of the House.

Mr. TOWNSHEND. There is no political side on this question.

Mr. RANDALL. They claim it. The gentleman from Ohio [Mr. GROSVENOR] represents that side.

Mr. GROSVENOR. This side of the House has been steadily refused recognition. I have made half a dozen attempts and have failed.

Mr. RANDALL. I wish to be fair. Those who favor striking out an increase of the appropriation have taken up ten minutes on this side. I move that debate on this paragraph be limited to thirty minutes—twenty minutes to be under control of the gentleman from Ohio [Mr. GROSVENOR] and ten minutes on this side.

Mr. TOWNSHEND. I wish to say the proposition of the gentleman from Pennsylvania is not fair. The proposition is introduced by a Democrat. It has been introduced by one who wanted to make this Democratic administration efficient. I do not want this administration put into the hands of the gentleman from Ohio. I introduced that amendment, and I introduced it—— [Cries of "Order!"] I say there are no party lines on this subject, and there should not be.

Mr. RANDALL. I move to limit debate to thirty minutes, twenty minutes to be given to the other side and ten to this.

Mr. TOWNSHEND. There are no party lines in this question. It is a question whether the revenue shall be collected or stolen. I insist it is wrong to put this proposition in the hands of gentlemen who insist—— [Cries of "Order!"]

Mr. MILLS. I tell the gentleman from Illinois the question here is between the little stills in the mountains and the big stills in Illinois.

Mr. TOWNSHEND. I move to make it forty minutes.

The SPEAKER *pro tempore*. The question will first be taken on the amendment making it forty minutes.

The House divided; and there were—ayes 19, noes 90.

So the amendment was disagreed to.

Mr. RANDALL'S motion was then agreed to.

Mr. RANDALL. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the

sundry civil appropriation bill. The present occupant of the chair desires to state that debate has been limited to thirty minutes, with the understanding——

Mr. TOWNSHEND. There is no understanding.

Mr. RANDALL. I rely on the chairman of the committee to do what is exactly fair and right, and I know he will——

Mr. TOWNSHEND. I am sure of it.

Mr. RANDALL. To divide the time as he sees proper.

The CHAIRMAN. The Chair desires to make a statement in which he was interrupted. The statement is, that the former occupant of the chair handed a list of names, beginning with the gentleman from Virginia, Mr. CABELL, then Mr. ERMENTROUT, Mr. GROSVENOR, Mr. TOWNSHEND, and Mr. PETERS, to the present occupant of the chair.

The Chair supposes that since the limitation has been put upon the debate the list can not be strictly followed.

The gentleman from Ohio will now be recognized for five minutes.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. I wish to know if the custom of recognizing members by a list will be pursued in this debate? My reason for making the inquiry is justified, I think, by the fact that I represent a district as much interested in this particular portion of the bill as any other gentleman on the floor.

The CHAIRMAN. The Chair can only repeat the statement made a moment ago, that the present occupant does not know what course will be pursued. He is only temporarily here, and as long as he undertakes to divide the time he will divide it according to the usual rule.

Mr. GROSVENOR. Mr. Chairman, the proposition here, as I understand it, is to add to the appropriation, for the purpose of bringing to trial and punishment violators of the internal-revenue law, the sum of $25,000; placing it back where it was under former appropriations.

Mr. TOWNSHEND. Under the appropriation of last year.

Mr. GROSVENOR. Yes, sir; the appropriation for last year.

What I was trying to say is that political promises in this country ought to be very religiously adhered to; and if there was any one promise made more frequently than any other promise during the campaign of 1884, which resulted in the placing in power of the Democratic party, it was the promise made to the people of West Virginia, of Tennessee, and of other States South, that the advent of the Democratic party should be succeeded by an abandonment of all prosecutions for illicit distilling.

I was told the other day by an eminent Government official appointed by this administration and confirmed by the Senate, and now discharging with great ability the duties of his high office, that at one term of the court in one of these States more than one hundred men were arraigned for violating the internal-revenue law in the matter of illicit distilling; and he said that almost without exception they told the court—they answered the charge in the indictment—by stating that they understood if the Democratic party got into power there was to be no further prosecution for these crimes. [Laughter.] Now, I submit it is asking too much of the Democratic party to strike out the whole of this appropriation. The enthusiasm of a political campaign sometimes carries the campaign promises away past the high-water mark where execution can be carried out. But in this case——

Mr. HOPKINS. Let me interrupt the gentleman for a question.

Mr. GROSVENOR. Certainly.

Mr. HOPKINS. Do you understand that the motion here to strike out this provision is in pursuance of that tacit understanding of the Democratic party?

Mr. GROSVENOR. I am going to correct myself so as to make clear the statement. My understanding is that, these promises having been made and the reward therefor having been accepted, something must be done by the Democratic party to recognize their obligations to their constituents in the premises. I think it is enough for them to say we will not abolish the whole of this service—hunting out illicit distillers—by striking out all of it this year; but if you happen to get into trouble again because of it, why we will wipe out the other half some other time. Thus the party will have done something this year toward making good its promises; but it will have a stock of possibilities on hand for next year.

The collection of the revenue is the subsidiary thing. The election of the Democratic party is the main thing.

Mr. DUNHAM. Let me ask the gentleman from Ohio if he thinks the Democratic party is in the habit of carrying out its promises?

Mr. GROSVENOR. They seem to be struggling now in that direction.

Mr. ROWELL. That is complimenting them too much. [Laughter.]

Mr. GROSVENOR. This is one of their campaign promises, and they are doing as well as they are in the habit of doing in that respect for the purpose of carrying it out. I do not expect them to paralyze that arm of the Government, to destroy it entirely and wipe it entirely from the statute-books; but it is quite enough for them; and they are willing to strike out that branch of the Government service to the extent of one-half, and inform their moonshine friends in the Southern States that in time they will be wholly relieved from this tax. I know there are people down South who are expecting it. I know, no matter how much misled they were in their interest in the advent of the Democratic party, that they are expecting just this thing to be done, so that they can carry on this business without prosecution.

I yield the balance of my time to the gentleman from Illinois [Mr. TOWNSHEND].

The CHAIRMAN. The gentleman has one minute remaining.

Mr. TOWNSHEND. I reserve that.

Mr. CABELL. I did not suppose this would be regarded as a political measure, and I am sure it will not be so considered by either side of this House.

When this question was considered in committee, the committee thought $25,000 was an ample amount to appropriate for the purpose here stated. Since the matter has come here the gentleman from Illinois [Mr. TOWNSHEND] has moved to double that amount, and the gentleman from North Carolina [Mr. REID] has moved to strike out the whole section.

I am heartily in accord with what the gentleman from North Carolina has proposed. What do we want with that appropriation? I ask gentlemen on both sides of this House has not this system arrived at a degree of perfection that we do not need the assistance of spies and informers to carry it out? Is it an American system to have spies and informers at the elbow of every citizen, shadowing him through the land? Is it not a disgrace that comes home to every American citizen when he feels that the Government of his fathers puts upon his track men who are pursuing him and shadowing him and his fellow-citizens through their several walks of life?

We need nothing of that kind or that character. This sum of money is not used for legitimate purposes. It was not so used in the past; it will not be so used in the future. I ask you, gentlemen, to strike out this, because you do not need this money to give to these men. You have collectors, you have surveyors, you have gaugers, and you have storekeepers, and revenue agents and marshals besides. These officers can certainly attend to all the business that is needed in this department. They can bring to justice every man who violates the law; and it needs not to hire men to seek out offenders or that they must be paid by the Government for that purpose.

I will only mention here that in some portions of the State in which I reside, in my own district, innocent men have been informed upon. These spies and informers have been put upon the people and hundreds of men have been reported to commissioners, and these commissioners have made their fees by thousands of dollars, and have sent men on to be tried by the courts, and the courts have discharged them. In one little county in my district the commissioner's fees have amounted to a little more than $2,000 in a year, and in all that time not twenty men have been convicted.

Mr. GIBSON, of West Virginia. In some counties the fees of the commissioners have amounted to $15,000.

Mr. CABELL. A few days ago a court was to be held in the little city of Danville, and from one hundred and fifty to two hundred men, dwellers in the mountains, were brought there under this spy and informer system. If those men had been brought before your own courts, gentlemen, not ten of them would have been found guilty.

You know nothing of these things. This does not go on among your people; and you can not conceive how people in certain States of the Union are harassed and bedeviled by these creatures. They are in the pay of the revenue agents, in the pay of the commissioners, and they take up helpless men because they are helpless, and carry them to court and have them tried, and no testimony can be found against them, and they are of course discharged.

This money should not be given. In the legislative, executive, and judicial appropriation bill $1,900,000 was appropriated for agents, collectors, store-keepers, &c. What, then, do you want with this sum or money here? It is to be given to the worst class of people on the face of the earth. It is a sum of money to promote crime rather than to repress it. And I ask this House, if you want to save the money of the Government and to do exact justice to the citizen, to strike out this whole paragraph and not appropriate one dollar for this purpose, because the official agencies named are sufficient to repress all crime under this law.

Mr. TOWNSHEND, Mr. ERMENTROUT, and Mr. PETTIBONE rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. TOWNSHEND] desire to take the minute which was yielded to him?

Mr. TOWNSHEND. I desire to take the floor in my own right and to reserve that minute.

The CHAIRMAN. It is the duty of the Chair now to recognize some one on the other side. The gentleman from Tennessee [Mr. PETTIBONE] is recognized.

Mr. PETTIBONE. It is a cardinal idea, running all through our civilization, that the people shall be free from unreasonable and improper searches and seizures. I am positively opposed to this provision becoming law. It provides, among other things, that for payments for information and detection of violations of the law $25,000 shall be appropriated. I think I have had as much experience as any man upon this floor in the enforcement of the internal-revenue law. I know how it works, and I tell the House that these cases, brought to

the circuit courts of the United States by men who are paid outside of the regular force of the Internal Revenue Department and the deputy marshals, are the worst cases that are brought there; and they are the cases out of which grows the opposition of the people to the whole system of internal revenue. I have known cases where these parties for the hope of reward would go to a mountaineer and, under the pretense of being sick, would buy a pint of whisky, and then go to the nearest United States commissioner, swear out a warrant, and have that man dragged away a hundred miles, and others along with him as witnesses; and finally when the grand jury came to examine the case they either threw it out as being trivial at a cost of $150 or $200 to the Government, or, if the grand jury found the bill, the case would be thrown out when it came to be examined in court because it was too trivial to take up the time of the court.

Mr. HOPKINS. What was the mountaineer doing with the whisky?

Mr. PETTIBONE. Oh, he dabbled a little in whisky up there in the mountains. [Laughter.] As a matter of fact, all through that mountain region there are a great many copper stills and a great deal of fruit is distilled. The people there can not take their fruit or their corn out of the mountains, so they distill it into a merchantable shape in order that it can be transported. [Laughter.] Mr. Chairman, the operations of these revenue spies constitute a crying evil. You can not keep them out of the grand-jury room, and if you pay them a price they will give you all kinds of false information, and everybody knows that the man who will be an informer for a price will be very likely, on the other hand, to say to a guilty party, "Give me $10 and I will stay away from court, or I will keep out of the way of the marshal so that he shall not summon me." I know of hundreds of cases of that kind within my own knowledge, and I certify to this House that what the gentleman from Virginia [Mr. CABELL] has said is correct. I know, further, that the officers of the courts have to be continually on their guard in order to avoid being imposed upon by these informers. Now, to pay these men for being informers, when we have the whole machinery of the internal-revenue system for the enforcement of the law, seems to me very unwise and unnecessary. There is the collector, and he has his deputy in every subdivision. There is the United States marshal, who has an interest in getting fees, so that he may take care that the law is properly executed. He, with his deputies, goes into every neighborhood. Now, can any gentleman tell me a reason why we should appropriate $25,000 more to be paid out to these worthless informers?

Mr. ERMENTROUT. Mr. Chairman, I sympathize with the gentleman from North Carolina who has offered this amendment, but I fear that so long as internal-revenue taxation is permitted to exist so long will this abominable system of spies and informers continue and follow as naturally as the fruit follows the flower. All that can be done by legislation, I imagine, for some time to come is in the direction of an amelioration of the hardships of the system. With this thought, and in obedience to the petitions of thousands of persons engaged in the manufacture of cigars, in the early days of this session I introduced a bill for the purpose of reducing the amount of the bond required from the manufacturer of cigars.

Under existing law, the minimum amount of the bond the collector may require of a cigar manufacturer before beginning to manufacture is $500, and a bond of $100 for each additional person employed. Since the time when the statute now on the books was framed the amount of revenue tax collected from tobacco has been diminished one-half, and that is a good reason why the amount of the bond should also be diminished. But in my opinion there should be no bond at all, because the other means of reaching violations of the law are sufficiently stringent. The gentleman from North Carolina [Mr. REID] had read from the desk a while ago a letter showing how readily at the behest of the prosecutor blank warrants were transmitted through the mails. I am of the opinion that no greater frauds would be practiced on the revenue in the absence of a bond, if the officers are vigilant and faithful, than are now practiced. A bond should be unnecessary with the facilities possessed by the Government for the detection and arrest of offenders and the severe penalties in case of conviction. They are sufficient to deter offenders.

However, the Commissioner of Internal Revenue, to whom the bill was referred, did not favor the reduction proposed, but recommended a minimum of $250 and $50 dollars for each additional employé. The Ways and Means Committee accepted the recommendation, and have reported a bill, which is now on the Calendar as H. R. 8966. The passage of some such legislation will be a great boon to thousands of men and women who gain a part of their livelihood by manufacturing cigars at their homes. When work is slack at the factories and shut-downs occur it will enable those thus thrown out of employment more readily to follow their trade in a small way and still make a livelihood. Inability to procure the necessary security of $500 weighs heavily on both these classes, is a bar to honest industry, and works hardship.

The amount of security required in the reported bill is more easily obtained than the larger amount required by the present law. I intend when this bill is called up to endeavor so to amend it as to reduce the amount of surety to the sums of $100 and $10, respectively. I hope that when the bill comes before the House the views I have expressed will be indorsed. The legislation now on our statute-book is a discrimination in favor of monopoly and against the poorer classes. I append the report of the Committee of Ways and Means accompanying the bill:

The Committee on Ways and Means, to whom was referred the bill (H. R. 1985) to reduce the penal sums of bonds of cigar manufacturers, report that the committee have had said bill under consideration, and find that by the act of March 3, 1883, the tax on cigars was reduced one-half and on cigarettes more than one-half.

Since the reduction of the tax on cigars it is not deemed necessary to require that manufacturers of cigars should give bonds in so large penal sums as are now required by section 3387 United States Revised Statutes.

The committee deem it expedient and just, while recommending the continuance of bonds, that the penal sum should be reduced in the same proportion as the tax, and that said sum should be limited, as in the case of tobacco manufacturers, to a maximum of $20,000.

Your committee believe that under the stamp system such a reduction will cover all liabilities that any manufacturer of cigars could incur for taxes due the Government.

Your committee therefore report back House bill 1985, with the recommendation that it lie upon the table, and that the accompanying bill be adopted as a substitute therefor.

Mr. HISCOCK. Mr. Chairman, I desire to call attention in this connection to a report in reference to suits decided adversely to the United States in one fiscal year. The number in the whole country is seven hundred and three; fees collected, $126,368. In the civil suits the principal recovered was $185,515.

Mr. GIBSON, of West Virginia. If the gentleman will allow me, I will say that in my own State at one term of the court the judge, by the advice of the district attorney, dismissed seven hundred and twenty-nine indictments that had been found at one term.

Mr. HISCOCK. Well, I must take the report of the Commissioner of Internal Revenue, an officer whose statements, as he belongs to the present administration, must be reliable. [Laughter.] I look at the returns from West Virginia, and I find that in that State there was not a single prosecution decided adversely to the United States. The Government was successful in every prosecution. [Laughter.] In Virginia—Old Virginia—the Government was unsuccessful in fifty-two cases only in the whole State. In North Carolina it was unsuccesful, I believe, in nineteen, and successful in one hundred and thirty or one hundred and forty.

Mr. REID, of North Carolina. I would like to state, with the gentleman's permission, that at the last term of the Federal court for the western district of North Carolina, held at Greensborough, the Government was successful in hardly a single case out of a large number of trials.

Mr. HISCOCK. Well, I can understand how it is possible there may have been a general jail delivery down there lately. [Laughter.]

Mr. REID, of North Carolina. The trouble is with this espionage or spy system in instituting groundless prosecutions against innocent citizens.

Mr. HISCOCK. I can also understand another thing, as you can, Mr. Chairman, that in a long period of time there may have been a great accumulation of cases which have been practically abandoned and in which finally a nolle prosequi is entered by the Government. Something of that kind may occur, but this record to which I have referred is quite remarkable in the proportion which it exhibits between convictions and acquittals.

Mr. REID, of North Carolina. Many of the cases are never returned to court, but are instituted before commissioners for the fees and costs.

Mr. HISCOCK. This is a very interesting document; and it would seem to indicate, taking into consideration the States in which these convictions have occurred and in which these fees have been collected, that if it is the intention of the other side to enforce the internal-revenue laws and prevent illicit distilling of whisky it would be wise to follow the recommendation of the Committee on Appropriations. Of course it is a mere question of party policy. [Laugher.] If, as was said by the gentleman from Ohio, there was a distinct pledge given that whisky should be manufactured without the payment of tax and that these prosecutions should be abandoned, of course that is a matter for the other side to consider; but as I understand there was no such plank in the platform. [Laughter.]

Mr. REED, of Maine. I am not sure about that. They said they were going to "reform" the internal-revenue laws.

Mr. TOWNSHEND. Mr. Chairman, when a few moments ago I insisted that the gentleman from Pennsylvania had not made a proper suggestion as to the division of time in debate on this amendment, I meant that it should not be divided on party lines, but between those who favor and oppose the proposition. This is in no sense a political question; for, as has been seen, there are some gentlemen on each side who advocate and some who oppose the pending proposition.

Mr. Chairman, the employment of detectives or spies, as some choose to term them, is as obnoxious to me as to any one on this floor; but there are certain kinds of public service where the employment of such instruments is absolutely necessary in order to enforce the law. For instance, in ferreting out counterfeiters it is absolutely essential, in order to protect the soundness of the currency, that the Government should avail itself of the use of a detective force and informers. And, sir, in the enforcement of the internal-revenue laws, in the collection of the taxes on distilled spirits and on manufactured tobacco, the employment

of a detective force by the Government is just as necessary as in the protection of the currency from counterfeiting.

Mr. REID, of North Carolina, rose.

Mr. TOWNSHEND. I can not yield, because I have but a minute or two left.

Mr. REID, of North Carolina. I was about to ask whether there is not already an appropriation in the legislative, executive, and judicial appropriation bill for this purpose?

Mr. TOWNSHEND. No, sir; this is an entirely different service from any provided in that bill.

Mr. Chairman, there is another mistake into which gentlemen have fallen. I have no doubt that the abuses which have been referred to by the gentleman from West Virginia and others have existed; but who have been guilty of these abuses? Was it any of the force intended to be employed under this provision? Were those abuses practiced by any officer of the internal-revenue service? No, sir. It is an entirely different service to which they refer. Those abuses were practiced by the commissioners of the Federal courts and the deputy marshals.

The communication which I have had read indicates the great importance of this service. During the last year there was collected in this branch of the service, as stated by the Commissioner of Internal Revenue, over $200,000, and nearly all of this sum was obtained through the agency of the force which this appropriation is intended to employ. What did this collection cost the Government? Only about $36,000.

Now, Mr. Chairman, I do not consider it economy to cut down an appropriation if it can not be done without crippling the service or impairing the efficient administration of the law. Such action would be false economy. If you strike down this provision of the bill, you to a large extent give license to those who are engaged in illicit distilling and who are practicing fraud in the manufacture of tobacco to plunder the Treasury at their will. Is there any justice in compelling the law-abiding manufacturers of distilled spirits to pay 90 cents a gallon upon every gallon which they manufacture, while others who distill illicitly are permitted to escape taxation altogether?

The object of this fund is to employ a force which may ferret out these frauds and bring the guilty parties to punishment. Instances are frequently occurring where distilleries are suspected of producing more than they account for, and it is necessary in all such cases to employ a force to watch and expose such attempted frauds upon the Treasury. In various other ways is this fund needed to enforce the honest collection of the revenue.

I wish to impress one thing on the House. Some gentlemen discuss this as an increase of this appropriation above that of the present year. This amendment does not increase it one dollar. Last year it was $50,000. I merely wish it restored to the sum provided in the present law. It was the same the year before last and for 1883 it was $65,000. It has been much more during previous years. I am convinced from what I have been informed of this service that if this sum of $50,000 is not appropriated it will be so seriously crippled that it will be useless, and it would be best to strike out any appropriation for it whatever.

Last year about $36,000 was expended for this purpose. The Commissioner insists that less than $50,000 will be insufficient. The object of my amendment is to appropriate an adequate sum to employ a sufficient force to faithfully and honestly execute the internal-revenue law and protect it from fraud. That is all I seek to do.

In conclusion, I reiterate, Mr. Chairman, if this item is not increased $25,000 it will be just as well to strike out the entire item and adopt the motion of the gentleman from North Carolina [Mr. REID].

Mr. BAYNE. How much does the Commissioner want?

Mr. TOWNSHEND. Fifty thousand dollars.

Mr. FELTON. How much did he lose last year?

Mr. TOWNSHEND. He expended $36,000 in the current year. And he says he will need the full $50,000 for the next year.

Mr. WARNER, of Missouri. Will the gentleman yield to me?

Mr. TOWNSHEND. I have only five minutes of time in all.

Mr. WARNER, of Missouri. Does not the gentleman know the fees paid to the United States marshals are sufficient to hunt down these offenders without hiring perjurers.

Mr. TOWNSHEND. I do not yield. Sir, every man who engages in the manufacture of tobacco or distillation of spirits should be compelled to pay the tax provided by law. If Congress fails to provide a sufficient force for this purpose frauds will be inevitable and the injustice to the Treasury and those who honestly pay their taxes will follow.

[Here the hammer fell.]

The CHAIRMAN. There is one minute of the time remaining belonging to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I wish to use that minute, Mr. Chairman, in reply to the gentleman from Ohio [Mr. GROSVENOR] who first spoke, in which he said some persons had pledged themselves after the election of a Democratic President to see that the internal-revenue laws would not be executed. I wish to assure him without regard to his statement that the laws are being executed, and to that end I desire to insert at the close of my remarks a letter addressed to the gentleman from Kentucky [Mr. BRECKINRIDGE], which shows those in control of the internal-revenue system of the country have collected this year up to the end of this month $120,600,000, or more than $5,000,000 in excess of the estimate of the Secretary in his report. That clearly shows the Department is doing its duty in the execution of the law and in the collection of the internal revenue due the Government.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 24, 1886.

SIR: Your letter of the 18th instant, asking for the estimated receipts from fermented liquors and the aggregate receipts from all sources during the next fiscal year, was received this day.

In reply, I have the honor to state that during the first eleven months of the current fiscal year there has been an increase of 8 per cent. in the receipts from fermented liquors over the receipts from this source during the corresponding period of the last fiscal year. Should this rate of increase continue during the next fiscal year, which now does not seem improbable, the receipts from fermented liquors, including the special taxes of brewers and dealers in malt liquors, would amount to $21,250,000.

The estimated receipts from all sources under existing laws for the fiscal year ending June 30, 1887, would then be as follows:

Distilled spirits	$69,200,000
Tobacco	30,000,000
Fermented liquors	21,250,000
Penalties, bank circulation not national, and back taxes under repealed laws, say	150,000
Total	120,600,000

Respectfully,

JOS. S. MILLER, *Commissioner.*

Hon. W. C. P. BRECKINRIDGE,
House of Representatives, Washington, D. C.

The CHAIRMAN. The time to which debate on the pending paragraph and all amendments thereto was limited is now exhausted. The question is first on the amendment of the gentleman from Illinois [Mr. TOWNSHEND] to strike out "$25,000" and in lieu thereof to insert "$50,000."

Mr. TOWNSHEND. I demand a division.

The committee divided; and there were ayes 10.

Mr. RANDALL. Does the gentleman insist on a further count?

Mr. TOWNSHEND. I do. I want to know how many in the House are in favor of reform.

The committee divided; and there were—ayes 10, noes 102.

So the amendment was rejected.

The question next recurred on the motion of Mr. REID, of North Carolina, to strike out the entire paragraph.

Mr. RANDALL demanded a division.

The committee divided; and there were—ayes 76, noes 61.

Mr. HOLMAN. No quorum. [Laughter.]

Mr. RANDALL. I do not make that point, and I hope the gentleman from Indiana will not make it.

Mr. TOWNSHEND. I hope gentlemen will not filibuster.

Mr. HOLMAN. As there will be a vote necessarily on this proposition in the House, I withdraw my point of order of no quorum.

So the motion was agreed to.

Mr. BINGHAM. I move the following additional paragraph:

The Clerk read as follows:

That the Secretary is hereby authorized and directed to sell at public auction in the city of Philadelphia, Pa., to the highest bidder, after thirty days' notice in four of the principal newspapers in the city of Philadelphia, in one or more lots, the land premises known as the old court-house and post-office in said city, lying upon Chestnut street and extending back to Library street and between Fourth and Fifth streets, and adjoining the present custom-house in said city; the time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than ninety days after the passage of this act, and at a price at not less than $300,000, with power to reject any and all bids and readvertise and offer the said property in like manner as often as may be necessary to secure the value thereof, and the cost to be paid from the proceeds of sale. And it shall be the duty of the Secretary of the Treasury to cause inquiry to be made as to the value of this property, and if it shall appear that the price above-named is inadequate, he is authorized and directed to appoint a board of three persons in the employ of the United States to assess the value of said property and report the same to the Secretary of the Treasury, when the sum fixed by this board shall be the minimum price at which the property may be thus sold.

Mr. HOLMAN. I raise the point of order on that proposition, but will reserve it until the gentleman from Pennsylvania can be heard.

Mr. BINGHAM. I would state to the committee that this is word for word similar to the paragraph in the present sundry civil appropriation bill running up to the close of the present fiscal year. Upon correspondence with the Secretary of the Treasury on this subject he telegraphs me as follows:

WASHINGTON, *March* 17, 1886.

SIR: In reply to your telegram of the 16th instant, asking if I consider that I have exhausted all my authority under the act of March 3, 1885 (Statutes at Large, volume 23, page 48), providing for the sale of the old court-house and post-office property in Philadelphia, Pa., I have the honor to state that as the price bid for this property when offered at public auction did not reach the minimum value fixed by the act it was necessarily withdrawn from sale, and while my authority to readvertise the same has not been exhausted, yet in my judgment, after full consideration of all the circumstances, I did not deem it wise to do so until Congress had legislated further in the matter relative to the minimum price at which the property might be sold.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. HENRY H. BINGHAM,
House of Representatives.

It is simply a re-enactment of the existing paragraph in the present sundry civil bill.

The CHAIRMAN. The Chair will hear the gentleman from Indiana on the point of order.

Mr. HOLMAN. It is quite manifest, Mr. Chairman, that if this law is now in force—permanent law—this legislation of course is unimportant. If there is no change whatever, there seems to be no reason for the re-enactment of this provision. As the gentleman from Pennsylvania states that the language is identical with the present law, it can not be said that it is a change of existing law; but it is new legislation to a certain extent.

Mr. RANDALL. I think a brief explanation will show the gentleman that that position is not correct.

Mr. BINGHAM. It is a work already in progress.

Mr. RANDALL. No; not exactly.

Mr. HOLMAN. Is the minimum left as it was?

Mr. BINGHAM. Yes, sir; just the same.

Mr. RANDALL. I will state to the gentleman from Indiana that I think the law is still operative; but the Treasury Department considered that they, having advertised and attempted to sell this property with the proviso that it should bring at least $300,000, and not being able to sell it at that price, have exhausted their power under that act.

Mr. BINGHAM. That is the Secretary's position exactly.

Mr. RANDALL. That is the Secretary's position; but I do not think it is a correct position.

I do not know, however, that the Government wants that building. I was instrumental in putting it into the last act, and do not see why the Government should not realize this $300,000 if it can, for if this property is not sold you will probably have another public building there hereafter. The subtreasurer is already seeking to secure that building, but I do not think he ought to have it, for the reason that we have, a few squares above, in the post-office building, erected at a cost of many millions of dollars all the rooms that are necessary for every United States official in that city, the subtreasurer included.

The CHAIRMAN. The Chair desires to state that upon an inspection of this proposition it seems to the Chair to be permanent law. There is nothing in it requiring that the Secretary shall advertise but one time, but that he shall advertise and sell under certain conditions; and the Chair is at a loss to know why this is not permanent, and why he can not advertise a hundred times if necessary. Certainly it is true that if he has exhausted his power under the original act then this is asking for new legislation.

The Chair thinks therefore that this may properly be considered as nothing but a re-enactment of an old law.

Mr. RANDALL. That is what it is.

Mr. HOLMAN. But that, however, is new legislation.

The CHAIRMAN. It is not new if it is putting in a provision here which is now law.

Mr. HOLMAN. But it is a new legislative act. However, I shall not——

The CHAIRMAN. The language of the rule is "change existing law." If this is identical with the existing law it is not a violation of the rule.

Mr. HOLMAN. I am not raising any objection to the position taken by the Chair.

When this provision was incorporated into the bill of last year I thought that in all likelihood it would be found to be a hasty act. Our experience in the past has always led to the conclusion that in great cities our transactions in real estate have been somewhat unfortunate, as we have uniformly sold at a low price and in a short time thereafter we have found it necessary to purchase at a much enhanced price. I do not complain that the cities desire to get rid of this kind of Government property. It is not subject to taxation, and it is natural that cities like Philadelphia and New York and other large commercial cities should have a desire, as has been exhibited in the last few years, to have all of the property within their limits liable to taxation. But my experience is that after these sales are made it generally becomes necessary within a few years to purchase other property and always at a largely increased price.

Mr. RANDALL. This is wholly an exception, as established by the fact that the price which the committee fixed last year was $50,000 above what the Treasury Department thought it ought to be sold for, $250,000 being the limit. But this is further exemplified by the fact that though it was put up at this limit it had to be withdrawn, there being no bidder at that price, so the Government is not likely to sacrifice any money in this transaction.

Mr. BINGHAM. The further fact may be added that if we get $300,000 for this property it will be a larger sum than the ground and the buildings originally cost.

The question being taken on the amendment of Mr. BINGHAM it was agreed to.

The Clerk read the following paragraph:

Freight on bullion and coin: For freight on bullion and coin between the mints and assay offices, $7,500.

Mr. GIBSON, of West Virginia. I move to strike out the last word for the purpose of saying something in reply to my friend from New York [Mr. HISCOCK]. I advise that gentleman when he undertakes to read anything to put on a good pair of spectacles. Undertaking just now to quote from an official report, he stated that he found in West Virginia there had been no adverse decision against the United States. Now, on page 134 of the very report from which he professed to be reading it appears that the number of suits pending in West Virginia July 1, 1884, was 326; and that the suits commenced during the fiscal year of 1884–'85 were 113. Judgments and costs paid, 22; judgments and costs not paid, 57. There were 22 judgments for the Government. As to the other 57, they appear to be—it is not stated—confessed judgments. On page 136 it appears that the number of suits decided adversely against the United States for the year 1884 was 27. And yet the gentleman stated, with the book in his hand, there was not a single case decided against the United States in West Virginia.

When I further called the attention of the gentleman to the fact that these suits, worthless suits, were not tried, but were generally dismissed, he said the record showed no dismissals. On the same page it appears that the suits dismissed, abandoned, consolidated, &c., numbered 101.

I will state now in the presence of the district attorney, who was there at one term of the court, 990 indictments were found, and the district judge, by the advice of the district attorney, dismissed 770 of them without trial.

As the gentleman has referred to West Virginia, let me call attention to another fact. Going to page 139, where a statement is given of seizures for violation of internal-revenue laws, under the heading of "Distilled spirits, tobacco, and cigars," not one gallon of illegal whisky was found in the State of West Virginia, not one illegal cigar, not one plug of illegal tobacco was found there and seized by the officers. I have stated this to put myself right and to show we were not so bad as we were represented to be.

Mr. HISCOCK. I think I stated that the number of suits in West Virginia decided adversely to the United States was 27. It is true a great many cases were discontinued there. I do not know why they were discontinued. It was possible they were in pursuance of the pledge alluded to by my friend from Ohio.

I now call attention to the result on the other side. The fines in that State amounted in one year to $6,310 and the costs to $5,953.75.

What I was after was to show that the proportion of the whole number of suits to the convictions was very large, and I do not know what the result might have been if the balance of the cases had been tried. It was a little remarkable that they were discontinued.

Mr. GIBSON, of West Virginia. I withdraw the *pro forma* amendment.

Mr. SYMES. I offer the amendment which I send to the desk.

The Clerk commenced to read the amendment sent up by Mr. SYMES.

Mr. BRECKINRIDGE, of Kentucky. Before we pass from the paragraph appropriating for the contingent expenses of the independent treasury I would like to move to strike that out.

Mr. SYMES. I believe I have the floor.

The CHAIRMAN. The gentleman from Colorado had been recognized, and proposes an amendment to the paragraph following that to which the gentleman from Kentucky refers. The next paragraph had been read.

Mr. RANDALL. We will not take any advantage of the gentleman from Kentucky on that account.

Mr. BRECKINRIDGE, of Kentucky. I wish to ascertain what is the use of this independent treasury. As I understand, its use is nearly obsolete. The present Treasurer of the United States positively refuses to permit his accounts to be so altered by the clerks who are somewhat conspicuously designated as the independent treasury as to bring them into harmony with theirs. I believe the present Register of the Treasury does not allow his books to be so altered as to balance with theirs.

Mr. RANDALL. I will state the usage. If the gentleman from Kentucky will examine the Book of Estimates he will find on page 326 a statement of expenditures from the appropriation for contingent expenses of the independent treasury for the fiscal year 1885. That statement shows that about $55,000 of this money went to the Adams Express Company for the transportation and insurance against loss of the public moneys of the United States, bonds, &c. There is a controversy as to the propriety of that expenditure and whether we shall assume the risks of the mails in the transportation of these securities.

Mr. BRECKINRIDGE, of Kentucky. I think I did not make myself understood by the gentleman from Pennsylvania. In examining the Book of Estimates I saw what the money was expended for last year, and I judged from the examination of the report that it was meant to be expended for the same purposes substantially this year.

Now the point I want to make is this: I offer the amendment not so much for the purpose of pressing it as for the purpose of calling attention to the existence, as far as I can ascertain, of a wholly unnecessary department of the Treasury, which is simply a fifth wheel. It formerly had considerable power, which power was exercised for the purpose of altering the books of other bureaus of the Treasury, and that power was resisted, and successfully resisted, by the present officers of the Treasury.

Mr. RANDALL. I think the gentleman is mistaken. This applies to the transportation of securities of the Government between the subtreasuries, coin as well as various securities.

Mr. BRECKINRIDGE, of Kentucky. But under the supervision of that particular department which is called the independent treasury.

Mr. RANDALL. That is, the subtreasuries.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman explain what it is that is technically the independent treasury?

Mr. RANDALL. I take it it is the subtreasuries.

Mr. BRECKINRIDGE, of Kentucky. No, sir.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. BRECKINRIDGE] has expired.

Mr. RANDALL. I take the floor in opposition to the amendment, and yield to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. It is a matter of information I desire. I am ignorant about it. There is an office of Treasurer of the United States, and the subtreasuries are presided over by officers called assistant treasurers of the United States.

Some years ago, I do not know exactly when but some years ago, an independent bureau was established called the independent treasury, which was meant to be a check upon the Register of the Treasury, upon the Treasurer of the United States, and upon other officers. That department called the independent treasury (now represented by some clerks, I do not know how many) undertook to be the balance-sheet maker of the Treasury Department, and did on some occasions, as I understand, require the Register of the Treasury, who is in point of law and ought to be in point of fact the general balancer of the Treasury accounts, to have his accounts altered so as to tally with the accounts of the independent treasury. When the present Treasurer came into office——

Mr. RANDALL. I will read to the gentleman the section of the Revised Statutes that controls this paragraph, and I can give him, if he desires, every detail in connection with it——

Mr. BRECKINRIDGE, of Kentucky. You refer to section 3653.

Mr. RANDALL. Yes.

Mr. BRECKINRIDGE, of Kentucky. With which I am familiar. I do not object to the expenditures. What I want to know is why these expenditures should be put under the head of "independent treasury," and why that bureau should be kept in existence?

Mr. RANDALL. All the subtreasuries are called independent treasuries.

Mr. BRECKINRIDGE, of Kentucky. They report directly to the Treasurer?

Mr. RANDALL. Yes; for instance, the assistant treasurer at Baltimore, at Boston, at Chicago, at Cincinnati, at New York, at Philadelphia, at San Francisco, at Saint Louis, and I might add at Louisville, since we have provided for a subtreasury there.

Mr. BRECKINRIDGE, of Kentucky. I hope you may add at Louisville.

Mr. RANDALL. If the gentleman desires, I will have read the section of the Revised Statutes to which I have referred, or if he desires I will tell him exactly how this money is expended.

The question has arisen whether the Government should be its own insurer in transporting money, or whether it should continue to use Adams Express Company as a means of transportation as well as of insurance against loss. The Government has never lost, I think, more than $117 in course of transportation by the mails; and I, among others, thought that this $70,000, or at least $55,000 of it, might be saved; but the Treasurer of the United States, because he gives a bond for the protection of the Government, and unless we will agree by law to release him from responsibility for loss and from the danger which might arise to his securities, will not consent. If we are willing to take the risk of the mails for the transportation of the gold coin, large quantities of which have been within a recent period shipped from San Francisco to New York—if Congress will insert here a provision releasing the Treasurer from responsibility for loss in transportation, then we can strike out this provision; but the committee had no power to inaugurate that legislation. I wish to have inserted in the RECORD an amendment which the Treasurer of the United States sent to me, with the view of having it put into the bill for the purpose of releasing him from liability in case we determined to use the mails for carrying the Government money. I ask that it be printed for information.

The amendment was read, as follows:

The Secretary of the Treasury is hereby authorized, in his discretion, to direct the use of the registered mails of the United States in the transportation of the funds of the Government to and from the Treasury of the United States, the various subtreasuries, and United States depositories. And the Postmaster-General and the Secretary of the Treasury are directed to make such further regulations as will, in their judgment, tend to add to the protection and safety of such funds in their receipt, transportation, and delivery.

Mr. BRECKINRIDGE, of Kentucky. I confess that I agree with the view of the Treasurer of the United States. I would rather pay the $70,000 for transportation and insurance. I do not object to this expenditure, but it seems to me that this was a good place to call the attention of the House to the question of the use of this bureau called the "independent treasury."

Mr. HOLMAN. Supposing you abolish what is technically called the independent treasury, what expenditure do you strike out?

Mr. BRECKINRIDGE, of Kentucky. I would give this fund to the Treasurer of the United States, to be used by him.

Mr. HOLMAN. That is practically the result now.

Mr. BRECKINRIDGE, of Kentucky. It is the practical result, but it is the untechnical result.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TOWNSHEND. Mr. Chairman, I move to strike out the last three words. I take the floor for the purpose of calling the attention of the House, and of the gentleman from Pennsylvania [Mr. RANDALL] especially, to the fact that in the first paragraph relating to "miscellaneous objects," under the head of the Treasury Department, the committee has abolished the counters of the paper which is used for printing the internal-revenue stamps. Those counters were regarded as a very important means of preventing fraud by counterfeiting. Every sheet of prepared paper upon which the internal-revenue stamps are printed is counted for the purpose of seeing——

Mr. RANDALL. Mr. Chairman, we have passed from that paragraph.

Mr. TOWNSHEND. I know, but I am speaking to my amendment. I say that heretofore the Treasury Department has stationed at the place where this paper is manufactured counters to count and certify to the Department the number of sheets manufactured, so as to prevent counterfeiters from getting hold of the particular paper which is used for this purpose. They were one of the guards necessary for protecting the internal-revenue system.

Mr. RANDALL. I do not wish to interrupt the gentleman, but we have passed from the consideration of that point.

Mr. TOWNSEND. The gentleman will find in a moment that we have not passed the point to which I am addressing myself. On page 28 of this bill the committee has left in two counters, who count the paper on which the currency or the securities of the Government are printed; in that respect they admit the wisdom of having counters: but they are perfectly willing to throw down the barrier which protects the internal-revenue stamp from counterfeiting.

Now, this is in line with the purpose I have seen manifested more clearly to-day than ever before. I had supposed, Mr. Chairman, that the first attack upon the internal-revenue system would come from the Committee on Ways and Means, which is specially charged with the consideration of that subject. But it seems that those who intend to break down or destroy the internal-revenue system have resorted to furtive means, and by indirection through the withholding of appropriations they propose to destroy that system. The gentleman from Texas [Mr. MILLS] a few moments ago declaimed against that system; but he has never brought in either on his own behalf or from his committee a proposition to abolish the system.

Mr. MILLS. I am not in favor of abolishing it.

Mr. TOWNSHEND. It seems that these gentleman have come forward to strike hands with the enemies of the internal-revenue system, to strike down that system by taking away from officers of the Government the means of preventing frauds upon the internal revenue.

Mr. CABELL. A means of perpetrating fraud.

Mr. TOWNSHEND. Those who are engaged in the illicit distillation of spirits and the improper manufacture of tobacco will be left free to plunder the public revenue. What will be the result? The people will say, "If you do not enforce the internal-revenue law, let it be repealed." A voice will come from all over the land demanding that this system be abolished.

I congratulate those gentlemen who are opposed to the internal-revenue law upon the long step which they have taken to-day in the direction of perpetuating high taxes by means of customs duties and the demolition of internal-revenue taxes. This is all I desire to say.

Mr. RANDALL. There need be no misapprehension about this. We did make a reduction approaching $20,000; and I will state why. There was a duplication of the counting. It had been the practice to send fifty employés to the mill where the paper is manufactured. This the Department, or some officials connected with the administration of this matter, told us was unnecessary. Therefore we made provision for having at the mill merely a superintendent with a sufficient number of messengers and watchmen. Heretofore the very same counting done at the mill has been duplicated at the Treasury Department. The final counting as to the number of sheets and the character of the paper is done at the Department. This we have provided for.

Mr. TOWNSHEND. I think the gentleman will see that he is mistaken. The employment of counters at the manufactory is for the purpose of preventing the manufacture of more paper than is used for the printing of revenue-stamps.

Mr. RANDALL. We have provided for a superintendent, messengers, and watchmen to be employed at the mill. The gentleman is striving to get into this bill an appropriation for fifty counters at the mill—an expenditure which the Treasury officials told us was not essential; therefore we propose to avoid that expense.

Mr. TOWNSHEND. Who told you that this force of counters at the mill was unnecessary? The Secretary of the Treasury tells you it is needed.

Mr. RANDALL. If the gentleman will read the report of the committee he will see the sources of our information.

Mr. TOWNSHEND. If the gentleman will read the estimates of the Department he will find that the counters proposed by my amendment are estimated for.

Mr. RANDALL. Oh, yes; and if we had followed in this bill the estimates of the Departments the bill would have aggregated $33,000,000.

Mr. TOWNSHEND. I am satisfied the gentleman is entirely mistaken. If he really understood the necessity for these counters in protecting the Government from frauds he would not take the position that he does.

Mr. RANDALL. There is no paragraph in this bill which has been more thoroughly examined than this one.

Mr. TOWNSHEND. Then I see the gentleman is mistaken after "thorough examination;" for I tell him that the counters at the manufactory are placed there for the purpose of preventing the manufacture of more of this character of paper than the Government uses. This is an important safeguard for the prevention of counterfeiting.

Mr. RANDALL. The counters have nothing to do with the mill. They merely count the paper after it comes to the Department. The superintendent, messengers, and watchmen at the mill are all that are required; and provision is made for them in the bill. They will see that no more paper is manufactured than is lawfully to be used.

Mr. TOWNSHEND. The force of which the gentleman speaks only watch the paper as it comes out from the roll and hand it over to the counters. It is the counters at the mill who count the sheets and destroy all the surplus.

Mr. RANDALL. Well, we have cut off this much expense because it was believed to be unnecessary.

Mr. TOWNSHEND. I will state that the only person I ever knew who asked for the appointment of a counter came from a State other than Illinois.

[Here the hammer fell.]

The CHAIRMAN. In the absence of objection the *pro forma* amendment will be regarded as withdrawn.

Mr. BRECKINRIDGE, of Kentucky. I withdraw my amendment.

Mr. MILLS. I wish to say a word or two in reply to some remarks that fell from the gentleman from Ohio [Mr. GROSVENOR] a few moments ago.

Mr. SYMES. I have the floor.

Mr. SOWDEN. I ask the pending amendment be read.

Mr. SYMES. I offer the following amendment:

Amend lines 656 and 657 by striking out "seventy-five hundred" and inserting "fifteen thousand;" and also by adding at the end of line 657, "*Provided*, That no charge or deduction shall be made for transportation to coinage mints against or collected from any person who deposits bullion in any mint or assay office to be coined or sold under the provisions of sections 3519, 3544, and 3545, Revised Statutes."

Mr. RANDALL. I make the point of order against that amendment, but will reserve it until the gentleman can be heard.

Mr. SYMES. I move to increase this fund for transporting gold bullion from one assay office or mint to another in the United States from $7,500 to $15,000, because it has been $15,000 or over every session since the Forty-fifth Congress. The Forty-eighth Congress appropriated at its first and second sessions the sum of $15,000 for this purpose. The Forty-seventh Congress at its first session appropriated $30,000. The Forty-sixth Congress at its second session appropriated for this purpose the sum of $30,000; showing, sir, at least $15,000 must be necessary, and the estimate for the present year from the Treasury Department is $15,000 for this purpose.

One word as to the proviso and one word as to why it does not change existing law and is not subject to the point of order. The Treasury Department in July, 1885, made an order by which, when a person takes gold bullion to the mint at Denver and there deposits or sells it to the Government for the purpose of coinage, the Director of the Mint not only keeps one-fifth of 1 per cent. as seigniorage or coinage charge, which is proper, not only keeps out certain charges for assaying, refining, and determining how many gold dollars of 28.1 grains there are in the gold bullion, but he is also required, when he pays for bullion to the owner, to keep back $2 a thousand for transporting it to the Philadelphia mint for coinage.

This is in plain violation of the sections of the statutes I will refer to, and it is in violation of this appropriation the Clerk has just read. This appropriation, to which I have moved an increase in amount, provides this special fund for transporting gold bullion from one assay office or mint in the United States to another.

Now, sir, Mr. Folger, Secretary of the Treasury in 1882, examined this rule, and found it was in violation of the statute to make any such charge, and no such charge was made. And after that no such charge was made for two and a half years until July, 1885, the present Director of the Mint, approved by the Secretary of the Treasury, reinstated that charge by an order which he issued.

Now, sir, what is the law? Section 3519 of the Revised Statutes provides——

The CHAIRMAN. The gentleman's time has expired.

Mr. RYAN. I will take the floor, and yield my time to the gentleman from Colorado.

Mr. SYMES. Section 3519 provides that when any owner of gold bullion takes it for the purpose of having it coined the superintendent of the mint is required to receive it and keep out one-fifth of 1 per cent. as seignorage charge for coining and charge for refining, assaying, and determining its value, and then he is required to pay the owner for that gold bullion the number of gold dollars it would make when struck into coins at some coinage mint.

Section 3544 provides that such coin or refined bars shall be delivered to the owner of gold bullion as he may desire.

Section 3145 requires the Secretary of the Treasury to keep on deposit at these different mint and assay offices of the United States a fund for the purpose of enabling the superintendents of the different mints to pay for all gold bullion offered for coinage or sale. These sections simply provide for the free coinage of gold.

Section 3545 expressly provides that after this gold bullion shall be refined, after its value shall be determined, and after it shall be paid for, as I have said, it shall become the property of the United States. Notwithstanding this, that it becomes the property of the United States, the superintendent of the mint at Denver says to the owner of the bullion, after keeping out one-fifth of 1 per cent. as seignorage charge, I will keep back from the value of that bullion $2 a thousand to pay the expense of transporting it to the Philadelphia mint.

Sir, it is a clear violation of the statutes, and the Secretary of the Treasury, the Director of the Mint, and their solicitor have not dared by a written opinion to defend their action when they were communicated with upon the subject. When I asked for the opinion of the Solicitor of the Treasury on the legality of this charge I was answered that it was not in writing. Mr. Secretary Folger found it to be an illegal practice and abolished it. It is for that reason, sir, I offer the proviso, which does nothing more, I desire to say to the chairman of the Committee on Appropriations, than to construe or attempt to construe the law. One Secretary of the Treasury justifies such a charge upon the owners of bullion, but another does not. Which is right? What is the law? There is a discrepancy between them. What is the proper construction?

Now, sir, a word more. I understand we make these appropriations for the purpose of enabling the owners of gold bullion in the mining regions to come to the mints with their bullion and obtain the same price for it as at any coinage mint. That is what the statute states in effect.

I understand that this appropriation is for the purpose of transporting that bullion for coinage after the Government shall have bought it for coinage and appropriated it to the use of the Government.

Then I ask my friend the chairman of the Committee on Appropriations under what rule or construction of the statutes will he make an appropriation for the transfer of this bullion from one mint or assay office in the United States to another, and then at the same time take from the owner of the bullion, if he happens to be at some other point than Philadelphia or San Francisco, $2 per $1,000.

Sir, the Secretary of the Treasury, or his solicitor, will not defend that system to-day, although they still refuse to revoke the order which allows this injustice.

Mr. RANDALL. I desire to make a point of order against the proviso.

The CHAIRMAN. The gentleman will state it.

Mr. RANDALL. The proviso is for the purpose of enforcing a construction of the law different from what the Treasury Department now applies to it, and it is in effect a change of law. When the disposition of the point of order shall have been made I will then touch the other part of the gentleman's amendment where he proposes to increase this appropriation from $7,500 to $15,000.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SYMES. Does the gentleman think as a lawyer——

Mr. RANDALL. I am not a lawyer, and never claimed to be one, although I have great respect for the profession.

Mr. SYMES. Well, I will do the gentleman the credit to say that upon the construction of these sections of the statutes, upon which he has dwelt for so many long years as chairman of the Committee on Appropriations, he would be much more likely to construe them correctly and I would rather have his opinion upon them than I would the opinion of many lawyers. I ask if he is not making an appropriation for the very purpose for which they are making this charge in the Department under the ruling to which I have referred, and if to that extent he does not defend it?

The CHAIRMAN. There is nothing before the committee.

Mr. SYMES. Mr. Secretary Folger abolished it or that construction of it——

The CHAIRMAN. The Chair has sustained the point of order.

Mr. RANDALL. Now I ask a vote upon the amendment.

Mr. SYMES. Has the point of order been sustained?

Mr. RANDALL. As to the proviso it has been.

Now, as to the amendment providing for the increase, I wish to state that the original estimate was $15,000, but Mr. Preston, the deputy director, appeared before the subcommittee and stated that $7,500 was sufficient.

Mr. SYMES. Of course it is sufficient, for you propose to make a man pay, after the statute says the bullion becomes the property of the

United States, for carrying it around where the Government may happen to want it.

Mr. RANDALL. The Government has made a rule that they will refine the silver——

Mr. SYMES. I am not talking about silver now, but gold.

Mr. RANDALL. I should have said gold. We are not discussing different subjects. I say they have made a rule with reference to the delivery of the gold, and they will not pay for it except as it is delivered to the mint where it is coined. That is the whole sum and substance of the matter in a nutshell.

Mr. SYMES. I beg the gentleman's pardon. This has continued all the time with the exceptions to which I have referred. A gentleman goes to the mint at Denver, for instance, and delivers his gold bullion in bars at that mint. He is given a check upon the depository——

The CHAIRMAN. The Chair will state that there is nothing before the committee.

Mr. RANDALL. Let me state to the gentleman from Colorado that when bullion is delivered at the mints in that manner it is to be paid for where it is coined, whether it be Philadelphia or San Francisco.

Mr. SYMES. But mark you, when a man takes such bullion to the New York assay office he does not pay anything for carrying it to Philadelphia.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the next section of the bill.

Mr. SYMES. My amendment has not been voted upon.

Mr. FELTON. I would like to ask a question before the vote is taken.

Mr. SYMES. Has the amendment been ruled out on the point of order?

Mr. RANDALL. The proviso has been, but the first part is not subject to the point of order. I did not make the point of order upon that.

The question being taken upon the amendment of Mr. SYMES, the committee divided; and there were—ayes 24, noes 63.

So the amendment was rejected.

The Clerk read the following paragraph:

Distinctive paper for United States securities: For paper, including transportation, salaries of register, two counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, $12,000.

Mr. CANNON. I call the attention of the gentleman from Pennsylvania [Mr. RANDALL] to the necessity of an increase in this paragraph on account of the provision which has been made for the printing of notes of small denominations.

Mr. RANDALL. I will have an amendment prepared to meet that in every particular. I ask that the paragraph be passed over for the present, and I will have a statement from the Engraving and Printing Bureau on which to base an amendment.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that this paragraph be passed over for the present.

There was no objection.

The Clerk read the following paragraph:

Transportation of minor coin: For the transportation of minor coin, $5,000.

Mr. WARNER, of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:
"*Provided*, That the Secretary of the Treasury shall no longer be required to redeem in other money subsidiary silver coin."

Mr. RANDALL. I make the point of order, yielding for a moment to the gentleman from Ohio.

Mr. WARNER, of Ohio. A considerable part of the cost of transporting the silver coin is in transporting the subsidiary silver. Now, this coin, as all know, makes its way through the channels of trade to the money centers, and then, instead of being sent back through the same channels through which it came as it ought to be, it is there turned over to the Treasury or some assistant treasury, and paper is taken out for it.

Mr. FELTON. And why ought it not?

Mr. WARNER, of Ohio. It should circulate as other money does. It should go back through the same channels of trade by which it comes. This amendment, I admit, is subject to the point of order; but I hope the point of order will not be made, as this is recommended by the Treasury Department and it is important. There is a scarcity of subsidiary silver in the country for the reason I have given.

Mr. FELTON. The instant you passed your proposition you would put the subsidiary coin at 10 to 15 per cent. discount.

Mr. WARNER, of Ohio. No, sir.

Mr. FELTON. We have had eight years' experience of that, and I know that to be a fact.

Mr. WARNER, of Ohio. It is legal tender for $20 now.

The CHAIRMAN. The point of order is sustained.

The Clerk read the following paragraph:

Storage of silver, transportation: For transportation of silver coin between subtreasury offices, $50,000.

Mr. RANDALL. I submit the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of line 692 the following:
"Mint at Philadelphia: For the removal of the steam-power plant to the northwest corner of the mint property, locating the boiler-room outside of the walls of the main building, for underpinning new walls, girders, brick work, new boilers, engine, steam-pipes, and shafting, $54,639.20; and for construction of vault for the storage of silver dollars out of the present boiler-room, $60,000; in all, $114,639.20; to be expended under the immediate supervision of the superintendent of the mint at Philadelphia, on contracts subject to the approval of the Director of the Mint.

Mr. RANDALL. There is a necessity for vault room for the storage of the silver dollars. The original estimate of the Department proposed $106,000 to construct a vault in the area within the Treasury building here at Washington, which it was estimated would hold one hundred millions of silver dollars. At the same time there was an estimate providing for $54,000 for a new placement of the boilers and engine at Philadelphia. An examination showed that this vault could be as well placed at the Philadelphia mint as at Washington. First, because it would save a large sum of money, the difference between $60,000 and $106,000, and it would also save the transportation, at $1 per thousand each year on the coinage at the Philadelphia mint of the Bland dollar, which would be necessarily brought from that mint to the Washington vault. So that with $114,000 we can provide for this change of location which is necessary at the Philadelphia mint as against the proposition to extend that building to the street west, which would involve a very large expenditure of money, the purchase of the lot alone being a half a million I think; and we save what would be a cost to the Government of $21,000 a year for transporting the coinage from Philadelphia. That cost might just as well be saved and the silver dollar go directly into the vaults at that point, where they are coined.

I shall ask that the recommendation of the acting Secretary of the Treasury, transmitting the estimates, be inserted in the RECORD, so that the nature of the proposition may be fully understood.

The following is the communication referred to:

TREASURY DEPARTMENT, *June* 12, 1886.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of the letter of the Director of the Mint of this date, and its inclosures, in relation to an appropriation for the purpose of changing the boiler plant of the United States mint building at Philadelphia, Pa., and submitting an estimate therefor in the sum of $54,639.20.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

The SPEAKER *of the House of Representatives.*

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., June 12, 1886.

SIR: Under the urgent necessity of bringing the inclosed matter before the attention of the Appropriation Committee of the House of Representatives, I have to suggest that the inclosed communication be transmitted to the chairman of that committee, this being a letter from the superintendent of the mint at Philadelphia, recommending changes in the boiler plant of that institution, and, incidental thereto, the provision of vault space for the safe custody and storage of coin.

In my report for the fiscal year 1885, pages 32, 33, I stated the urgent requirement of such provision, and therefore recommend that an estimate corresponding to the amount named by the superintendent as necessary to carry out his specifications be inserted in the appropriation bill now before Congress.

Very respectfully,

JAMES P. KIMBALL,
Director of the Mint.

The SECRETARY OF THE TREASURY.

SUPERINTENDENT'S OFFICE, MINT OF THE UNITED STATES,
Philadelphia, Pa., June 11, 1886.

SIR: In reference to the subject of placing the boilers on the outside of the building, in obedience to your instructions I have had a plan prepared of the rear of this building, and the arrangements suggested for the same, which I herewith forward. I placed the matter in the immediate charge of Mr. Samuel James, foreman of the machinists' department, and after frequent consultations with him and the chief engineer I have come to the conclusion that it is a feasible and judicious arrangement worthy of consideration.

A copy of Mr. James's report in detail under current date addressed to me is herewith inclosed.

I deem it most judicious to have a brief sketch made, as I assume that whatever is to be done must undergo the consideration and supervision of the Supervising Architect, or whoever may be detailed by him to superintend the work, and therefore felt that I was scarcely justified in procuring plans from professional men for which they, in all probability, would make pretty high charges. The plan proposed would involve the procuring of new boilers of modern and improved form. I am assured it would make a vast difference in the quantity of fuel consumed in generating steam, and that greatly to an advantage. Besides this, work could go on without disturbing the present engine and boilers until the new machinery would be ready to go into operation. Thus the current work could continue without interruption.

The present engine has been in operation for many years. It is well worn and deficient in many respects. The boilers are in the heart of the building, and the heat there engendered makes it at times almost insupportable to the employés. This would be materially avoided by placing the heating apparatus on the outside and add greatly to the general convenience.

Again, when the new engine and boilers were in position and ready to start in operation the old engine and boilers would be superseded and removed, and the space hitherto covered thereby would be, of all places, the best for the location of the vaults for the storage of coin. They would be in the center instead of the border line of the mint building, a desideratum worthy of much consideration. It would afford space for vaults of capacity and number such as would furnish storage for many years to come. The idea of having to store silver in places outside the building has always been repugnant to me, but in view of the exigency I could do no better. As the department of the Supervising Architect has detailed plans of the mint building, they will doubtless understand the plan of Mr. James at a glance, aided as it is with the written statement. The disad-

vantages of the present and the advantages of the suggested conditions will be perfectly apparent.

I respectfully submit the plan, statement, and estimate for your consideration.

Very respectfully,

DAN'L M. FOX, *Superintendent.*

Hon. JAMES P. KIMBALL,
Director of the Mint, Washington, D. C.

MINT OF THE UNITED STATES AT PHILADELPHIA,
June 10, 1886.

DEAR SIR: At your request I respectfully submit the accompanying plan, with approximate estimates on the same, for the removal of the steam-power plant to the northwest corner of the property, by locating the boiler-house without the walls of the main building, in a room underlaying the present pavement.

Fig. 1 is a plan of the basement, embracing that portion of the building north of the chimney S, and includes the proposed plan A of an excavation at the extreme northwestern end of the property for the reception of steam-boilers of a capacity of 400 horse-power; the proposed engine-room at B, and the duct leading from the boiler-house A to the chimney S, as shown by the red lines in the plan.

Fig. 2 is a vertical transverse section of A, Fig. 1, showing the walls C C, the Phœnix floor-beams D D, the ends of the box-girders E E, the supporting columns F F, with the necessary foundations for the same, G G, the stairway leading through the doorway H into the engine-room B, Fig. 1, and the windows I I opening from the north wall of the engine-room B above the surface line of the yard.

Fig. 3 is a vertical longitudinal section of A, Fig. 1, showing the walls C C, the box-girders E E, the ends of the Phœnix floor-beams D D, the brick arches J J, with the overlying pavement K, the supporting columns F F, and the side elevation of the stairway leading through the doorway H, Fig. 2, into the engine-room, as shown at B, Fig. 1. The openings L L, above the surface line of the yard, open into the rooms M and N, Fig. 1, now used by the medal department. The columns supporting the roof of the north porch are shown at O, Fig. 3.

The approximate cost for alterations and additions as per the foregoing is as follows:

For excavation	$7,450 00
Underpinning of main walls	12,900 00
New walls	8,050 00
Box girders	756 00
Phœnix floor-beams	1,286 00
Cast-iron columns	270 00
Hard brick and fire-brick	1,000 00
Bricklaying	1,280 00
Iron work	450 00
Skylights	630 00
Concrete pavement	600 00
Boilers, engine, steam-pipe, and shafting	15,000 00
Add 10 per cent. for incidentals	4,967 20
Total	54,639 20

Respectfully,

SAMUEL JAMES,
Foreman Machine Shop.

Hon. DANIEL M. FOX,
Superintendent.

Mr. WILLIS. I ask that the amendment be again read.

The amendment was again read.

Mr. BAYNE. The amendment unquestionably ought to be adopted. The only difficulty is if the provisions which have been inserted in this bill shall become a law it will require a great deal more money to provide storage for the silver dollar than this amendment provides.

Mr. RANDALL. I suppose this amendment will provide sufficient accommodation up to sixty or seventy millions.

Mr. BAYNE. But the amendments in this bill will withdraw from circulation one hundred millions of silver dollars, and you must provide a place for them as well.

Mr. RANDALL. There are only fifty-three millions in circulation.

Mr. BAYNE. Seventy millions.

Mr. RANDALL. The amount in circulation, I am informed, is fifty-three and a half millions.

Mr. BAYNE. My recollection is that it is seventy millions. But whether it be fifty-three or sixty or seventy millions, they will soon be withdrawn from circulation by these provisions becoming a part of the law; and therefore I see the propriety of providing abundant accommodation.

Mr. RANDALL. That has got to be voted on yet in the House.

Mr. CANNON. I want to ask the gentleman from Pennsylvania [Mr. BAYNE] a question. While much that he says is true, yet if he will turn back to lines 665–674 he will find that we appropriate yearly from $75,000 to $100,000 to pay for the transportation of silver dollars out into the country. Now, the moment this bill passes that transportation ceases, and in that way we shall far more than save the cost of the silver notes.

Mr. BAYNE. It is true you stop the cost of that transportation, but you hoard the silver in the vaults of the Treasury.

Mr. SYMES. And it will not cost as much to build vaults to hold all the silver that can be coined in ten years as it does to maintain the Botanic Garden to give roses to members of Congress. [Laughter.]

The question being taken on Mr. RANDALL'S amendment, it was adopted.

The Clerk read as follows:

Recoinage of gold and silver coins: For recoinage of gold and silver coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, $10,000.

Mr. ERMENTROUT. I desire to offer an amendment to that paragraph, which I send to the desk.

The amendment was read, as follows:

After the word "dollars," in line 686, insert:
"*Provided*, That $3,000 thereof shall be expended for the recoinage, dollar for dollar, into standard silver dollars or into subsidiary coin of the United States, of trade-dollars which may be presented by the holders thereof at the various mints of the United States for a period of six months after the passage of this act."

Mr. RANDALL. I am in favor of that proposition, but it does not belong here. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the sundry civil bill (H. R. 9478), and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., and to provide for the sale of old site of Fort Brady, Mich., and for a new site and the construction of suitable buildings thereon.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 5) authorizing payment of C. H. Mann, messenger to the reporters' gallery.

LEAVE TO EXTEND.

Mr. REID, of North Carolina, by unanimous consent, obtained leave to extend in the RECORD his remarks on the proposition to strike out the portion of the appropriation in the sundry civil bill for the collection of the internal revenue.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed the bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama, with amendments, requested a conference on the bill and amendments, and had appointed as conferees on the part of the Senate Mr. HOAR, Mr. LOGAN, and Mr. PUGH.

Also, that the Senate had passed with amendments the bill (H. R. 7887) to repeal all laws providing for the pre-emption of public lands, laws allowing entries for timber-culture, and laws authorizing the sale of desert lands, and for other purposes, requested a conference on the bill and amendments, and had appointed as conferees on the part of the Senate Mr. DOLPH, Mr. PLUMB, and Mr. COCKRELL.

The message further announced that the Senate had passed the bill (S. 2932) to authorize the printing of the eulogies delivered in Congress upon the late John F. Miller; in which the concurrence of the House was requested.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

An act (H. R. 2463) for the relief of H. J. T. Moss;
An act (H. R. 16) granting a pension to Nancy L. Ribble;
An act (H. R. 426) granting a pension to Elizabeth A. Robbins;
An act (H. R. 515) granting a pension to Althea A. Frasner;
An act (H. R. 567) granting a pension to Mary A. Little;
An act (H. R. 1184) granting a pension to Stephen Gardner;
An act (H. R. 1330) granting a pension to Martin Taylor;
An act (H. R. 2800) granting a pension to Mary Manes;
An act (H. R. 3193) granting a pension to Mrs. Edna Roberts;
An act (H. R. 3326) granting a pension to Thomas Simpson;
An act (H. R. 3366) granting a pension to Henry Bollman;
An act (H. R. 3645) granting a pension to Sarah Brooks;
An act (H. R. 3860) granting a pension to John H. Walters;
An act (H. R. 3982) granting a pension to John Pennington;
An act (H. R. 4462) granting a pension to Martha Downs;
An act (H. R. 4490) granting a pension to H. W. McDonald;
An act (H. R. 4631) granting a pension to Mary Merrill;
An act (H. R. 4882) granting a pension to Washington T. Otey;
An act (H. R. 5127) granting a pension to Mary A. Ripley;
An act (H. R. 5174) granting a pension to Mrs. M. A. Lewis;
An act (H. R. 5406) granting a pension to Philip Raigner;
An act (H. R. 5411) granting a pension to John Butler;
An act (H. R. 5645) granting a pension to Rebecca Allen;
An act (H. R. 5931) granting a pension to Erdmuthe Kirchner;
An act (H. R. 6126) granting a pension to Henry G. Ballinger;
An act (H. R. 6135) granting a pension to James W. Sanford;
An act (H. R. 6176) granting a pension to Margaret Mayham;
An act (H. R. 6248) granting a pension to Louis A. Wallenweber;
An act (H. R. 6323) granting a pension to Rebecca Reese McKee;
An act (H. R. 6331) granting a pension to George Anna Leippe;
An act (H. R. 6452) granting a pension to Samantha A. Smith;
An act (H. R. 6453) granting a pension to Martin J. Reynolds;
An act (H. R. 6519) granting a pension to John D. Krehbiel;
An act (H. R. 6193) granting a pension to Charles Foreman;

An act (H. R. 6247) granting a pension to Mayberry Vance;
An act (H. R. 6430) granting a pension to Lucy G. Dutcher;
An act (H. R. 6566) granting a pension to Henry I. Cartin;
An act (H. R. 6639) granting a pension to Catharine Kennedy;
An act (H. R. 6650) granting a pension to Samuel Robbins;
An act (H. R. 6655) granting a pension to Stokeley D. Dagley;
An act (H. R. 6668) granting a pension to Lurena Wages;
An act (H. R. 6670) granting a pension to Susan Malone;
An act (H. R. 6770) granting a pension to Ferdinand Koehler;
An act (H. R. 6776) granting a pension to Catharine Thenn;
An act (H. R. 6780) granting a pension to Henry B. Havens;
An act (H. R. 6801) granting a pension to Elander M. Mooneyhan;
An act (H. R. 6812) granting a pension to Margaret Lucas;
An act (H. R. 6919) granting a pension to Sarah Ann Williams;
An act (H. R. 7074) granting a pension to William P. Carleton;
An act (H. R. 7075) granting a pension to Orson W. Sears;
An act (H. R. 7329) granting a pension to Patrick McKean;
An act (H. R. 7407) granting a pension to Cyrus Dubbs;
An act (H. R. 7509) granting a pension to Cecelia C. McKenna;
An act (H. R. 7511) granting a pension to Margaret Lucy;
An act (H. R. 7617) granting a pension to Solomon J. Grissom;
An act (H. R. 7641) granting a pension to Sophronia Witham;
An act (H. R. 7660) granting a pension to James Stobaugh;
An act (H. R. 7688) granting a pension to Wilhelm Nolte;
An act (H. R. 7843) granting a pension to Edwin R. Parks;
An act (H. R. 8086) granting a pension to Cummins Porter;
An act (H. R. 8111) granting a pension to Rebecca Roberts;
An act (H. R. 1585) for the relief of Mrs. Margaret Colbath;
An act (H. R. 1592) for the relief of Sarah A. Vaughn;
An act (H. R. 1678) for the relief of Henry N. Huggins;
An act (H. R. 3906) for the relief of Catharine Johnson;
An act (H. R. 4976) for the relief of Tobias M. Coon;
An act (H. R. 6003) for the relief of John H. McClelland;
An act (H. R. 6183) for the relief of Bridget M. Cullen;
An act (H. R. 6237) for the relief of Samuel Shuler;
An act (H. R. 6795) for the relief of Mrs. Sarah Casteel;
An act (H. R. 7066) for the relief of Andrew J. Hillberg;
An act (H. R. 7118) for the relief of Bailey Hascall;
An act (H. R. 7253) for the relief of Joseph Guy;
An act (H. R. 7299) for the relief of Green Chambers;
An act (H. R. 7300) for the relief of Randolph Seaman;
An act (H. R. 7365) for the relief of Nancy Franklin;
An act (H. R. 7965) for the relief of Frances Mosher;
An act (H. R. 8078) for the relief of Lydia S. Johnson;
An act (H. R. 1576) granting an increase of pension to Thomas Allcock;
An act (H. R. 5961) granting an increase of pension to Cyrus Vigus;
An act (H. R. 6250) to increase the pension of Thomas A. Rowley;
An act (H. R. 7437) to increase the pension of Levi L. Tongue;
An act (H. R. 7914) to increase the pension of David M. Rennoe;
An act (H. R. 7156) to increase the pension of Maria A. Birney, widow of Maj. Gen. David B. Birney;
An act (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pensions;
An act (H. R. 7249) to pension Spencer W. Tryson;
An act (H. R. 550) to restore to the pension-roll the name of Adam Gaston;
An act (H. R. 6797) to place the name of Samuel W. Bowling on the pension-roll; and
An act (H. R. 6721) granting a pension to John H. Waterhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers.

The following bill was approved June 25, 1886:

An act (H. R. 7809) for the relief of Edwin Stevens.

The message also announced that joint resolution of the following title, having been presented to the President June 12, 1886, and not returned by him to the House in which it originated within the ten days prescribed by the Constitution, had became a law without his approval:

Joint resolution (H. Res. 112) for the relief of the estate of the late James E. Wintersmith, late Doorkeeper of the House of Representatives.

Mr. MATSON. Mr. Speaker, I move that the House now take a recess until 8 o'clock p. m., under the standing order for Friday evening sessions.

The motion was agreed to.

The House accordingly (at 4 o'clock and 58 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., the special order for the evening session being business from the Committees on Invalid Pensions and Pensions, and bills reported from the Committee on the Judiciary to remove political disabilities.

MRS. HANNAH BABB HUTCHINS.

Mr. MATSON. I desire to call up for the action of the House certain bills which have been returned from the Senate with amendments and are now on the Calendar, having been reported from the Committee on Invalid Pensions. I ask first the consideration of the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins.

The amendment of the Senate was read, as follows:

In line 4 strike out "twelve" and insert "twenty-five."

Mr. MATSON. I move, on behalf of the Committee on Invalid Pensions, that the House non-concur in the amendments of the Senate, and ask a conference with that body.

The motion was agreed to.

ADDIE L. MACOMBER.

Mr. MATSON. The next bill on which I ask action by the House is the bill(H. R. 1462) granting a pension to Addie L. Macomber. In this case also I desire to move that the House non-concur and ask a conference.

The amendment of the Senate was read, as follows:

In line 4 strike out "twelve" and insert "twenty-five."

The motion of Mr. MATSON that the House non-concur and request a conference was agreed to.

ANN E. COONEY.

Mr. MATSON. I ask that the amendment of the Senate to the bill (H. R. 4544) granting a pension to Ann E. Cooney be next taken up.

The amendment of the Senate was read, as follows:

In line 5 strike out "twenty" and insert "twenty-five."

Mr. MATSON. By direction of the Committee I move that the House non-concur and request a conference.

The motion was agreed to.

The SPEAKER announced the appointment as conferees on the part of the House upon the three bills just acted on Mr. WINANS, Mr. TAULBEE, and Mr. HAYNES.

MANHATTAN PICKETT.

Mr. MATSON. On behalf of the Committee on Invalid Pensions I desire similar action upon the bill (H. R. 7165) to increase the pension of Manhattan Pickett.

The amendment of the Senate was read, as follows:

In line 4 strike out "thirty-six" and insert "fifty."

Mr. MATSON. I move that this amendment be non-concurrred in, and that a conference with the Senate be requested.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. SWOPE, Mr. LOVERING, and Mr. MORRILL.

DANIEL H. ROSS.

Mr. MATSON. There are several House bills in which, on behalf of the committee, I desire to ask concurrence in the amendments of the Senate. I will call up first the bill (H. R. 525) granting a pension to Daniel H. Ross.

The amendment was read, as follows:

Strike out section 2, in the following words:
"SEC. 2. This act shall take effect from and after its passage."

Mr. BRECKINRIDGE, of Arkansas. I would like the gentleman to give some explanation of this amendment and the reason for asking concurrence.

Mr. MATSON. Mr. Speaker, the general law expressly provides that all pensions shall begin from and after the passage of the act granting them, and hence this section is unnecessary.

Mr. BRECKINRIDGE, of Arkansas. Was the insertion of the section an error on the part of the House?

Mr. MATSON. It was an error, or perhaps an inadvertence, on the part of the House to leave this section in. It does no harm and no good. We recommend concurrence in the amendment of the Senate striking it out.

The amendment of the Senate was concurred in.

AMANDA HOUSELL.

Mr. MATSON. I desire next to call up, in order that the amendment of the Senate may be concurred in, the bill (H. R. 3546) granting a pension to Amanda Housell.

The amendment was read, as follows:

In line 4 strike out "together with her minor children."

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman from Indiana state the point of this amendment?

Mr. MATSON. Perhaps the bill as amended had better be read, so that the House may understand the effect of the amendment.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amanda Housell (together with her minor children), widow of John M. Housell, late a private in Company K, First Regiment Maryland Infantry Volunteers.

The amendment was concurred in.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole for the consideration of business under the special order.

Mr. GALLINGER. Before that is done I desire to make a parliamentary inquiry. When the House adjourned last Friday night a division was being taken on the passage of a bill. I will inquire whether that does not now come up?

The SPEAKER. That is unfinished business in the class to which it belongs; that is, reports from the Committee of the Whole House. It will come up as the first thing in order immediately after the Committee of the Whole House rises this evening.

The motion of Mr. MATSON was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. MCMILLIN in the chair.

WILLIAM J. OWINGS.

The first business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings.

Mr. MATSON. I ask that this bill be informally passed over.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. BAYNE. Mr. Chairman, I ask unanimous consent that bills be called to-night in the order in which they appear upon the Calendar; and unless some member rises to call for the reading of a bill after the title is read, that it be passed over informally not to lose its place upon the Calendar.

There was no objection, and it was so ordered.

AMENDING THE REVISED STATUTES.

The next business on the Private Calendar was the bill (H. R. 4702) amending sections 4556 and 4557 of the Revised Statutes relating to pensions of certain disabled persons who have served in the naval and marine corps.

Mr. MORRILL. That goes over under the rule.

The bill was informally passed over.

EDWARD CORNING.

The next business on the Private Calendar was the bill (S. 1666) granting a pension to Edward Corning.

Mr. SWOPE. I ask that that bill be considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Corning, late a lieutenant in the Eighty-fifth New York Volunteers, and afterward commissioned captain and assistant quartermaster of volunteers, and pay him a pension at the rate of $20 per month.

Mr. WALLACE. Let the report be read.

The report (by Mr. SWOPE) is as follows:

The engrossed Senate bill placed the name of Edward Corning on the pension-roll at the rate of $20 per month. The Senate printed bill, however, amended the engrossed bill by striking out the words "and pay him a pension at the rate of $20 per month," placing him on the rolls subject to the provisions and limitations of the pension laws.

This committee, concurring in the Senate amendment, reported the bill back to the House, recommending its passage; but while under consideration by this committee, through some error, the engrossed Senate bill was changed by striking out the words "and pay him a pension at the rate of $20 per month," and when under consideration in Committee of the Whole House, on account of said change in the original Senate engrossed bill, the bill was recommitted to this committee.

Therefore your committee, upon a reconsideration of the bill, report it back to the House with the following supplemental amendment: Restore to the engrossed Senate bill the words "and pay him a pension at the rate of $20 per month," so the bill will read as originally engrossed, and recommend the passage of the bill.

[House report No. 2314, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1666) granting a pension to Edward Corning, having examined the same, concur in the Senate printed report hereunto attached. They recommend that the bill be amended by striking out "pay him a pension at the rate of $20 per month," and that, as amended, the bill do pass.

"The claimant, Edward Corning, was mustered into the service of the United States as first lieutenant and regimental quartermaster of the Eighty-fifth Regiment of New York Volunteers, December, 1861; he accepted commission as captain and assistant quartermaster of volunteers October 16, 1862, and served until June 12, 1865.

"He applied for a pension, but it was rejected on the ground that 'no disability exists from causes alleged in claimant's declaration for pension.'

"The evidence shows that he was several times sick in the service, and certificates to the following effect are on file:

"'NEW YORK, *July* 1, 1862.

"'Lieut. Edward Corning is still confined to his bed from the effects of the fever which he contracted while on the Peninsula in Virginia, and in my judgment he will not be able to rejoin his regiment before the 1st of September.

"'The above statement I certify to as his attending physician.

"'F. L. HARRIS, *M. D.*'

"'NEW YORK, *August* 1, 1862.

"'I hereby certify that Lieut. Edward Corning is still confined to his room, and is unable most of the time to leave his bed from the weak and debilitated condition of his system.

"'F. L. HARRIS, M. D.'

"The reports of his condition and the evidence as to the incurrence of the disease in the service are very full and complete, and the only reason why the case was not allowed at the Pension Office seems to be that one board of surgeons refused to rate him as now disabled. It does not appear when such examination was made, but in view of the subsequent examinations it was evidently a gross injustice. November 26, 1884, a board of examining surgeons had claimant before them and they rate him at one and one-fourth of total. This, however, did not satisfy the Pension Office, and the applicant was sent before another board November 4, 1885, and they report that he was entitled to pension for 'total' disability.

"Your committee are of opinion that they may safely rely upon the conclusion reached by these two full boards of examining surgeons, and therefore report back the bill with a recommendation that it do pass."

Mr. SWOPE. It will be seen that the first part of that report is a mere explanation of a mistake in a former reference of the bill.

Mr. GILFILLAN. I understand there is an amendment recommended by the committee.

The CHAIRMAN. The Chair will inform the gentleman that there was some doubt at the last meeting of the committee as to whether the amendment which appears on the bill had been intended by the committee. The report seems to indicate that the words stricken out when the bill was under consideration before should be reinserted in the bill; in other words, that it was not the intention of the committee to amend it.

Mr. MATSON. That is a mistake, Mr. Chairman. The proposition of the committee is to amend by striking out the words:

And pay him a pension at the rate of $20 a month.

And I ask a vote on the amendment.

Mr. GILFILLAN. I move that the committee non-concur in the report of the Committee on Invalid Pensions in regard to the amendment recommended by them. That, Mr. Chairman, would leave this bill precisely as it came from the Senate, and it seems to me that a simple reference to the report which has just been read and the concluding portion of it ought to have been enough to satisfy any candid man that this is a proper form in which the bill should finally pass.

It seems to me the Senate intended by the insertion of the words in the bill, as appears by the Senate report, to do this applicant an act of justice which he has not been able to secure at the Pension Office.

Now it seems, and I refer to the report in support of what I say, that he went before an examining board, who gave him no rating whatever. From this decision he appealed, and as the Senate committee properly say, it seems as if that first examination and the action of the examining board thereon must have been a great injustice to him, because upon appearing and securing another examination he was rated a total and a quarter. The Pension Office, not being exactly satisfied with this, ordered another examination, and he is now rated for total disability. Now, the Pension Office has refused steadily to give him his relief. His only resource then is to come to Congress. If you strike out this provision, which it is assumed would give him the relief to which he is entitled, you simply remit him to the Pension Office again where he has been endeavoring for years to secure this pension. You may as well reject the case altogether as to pass it with this amendment. I hope therefore the committee will agree to the bill as it comes from the Senate and not strike out this amendment. I do not think the Committee on Invalid Pensions ought to urge it.

Mr. SAWYER. As I understand the practice of granting pensions heretofore pevailing, both in the Committee on Invalid Pensions and in this House, it has been to place men upon the pension-roll subject to the provisions and limitations of the pension laws. That has been the rule that has prevailed in nine out of ten cases that have passed here. I can see no reason why this should be an exceptional case. Every bill that we pass granting pensions to soldiers assumes that the beneficiary is entitled to be placed upon the pension-roll. We also assume that the rating of the persons may vary from year to year, and we have not assumed heretofore to determine the rating of any pensioner but simply decide that he shall be placed upon the pension-roll and leave the medical examination and determination of the case to the Pension Bureau. I can see little difference in this case from others which have been passed heretofore, nor do I see any material reason for making this distinction.

Mr. MATSON. When a claimant asks the benefit of a special act he must take it with the same conditions given to others. It has been the policy and practice of Congress to grant special acts subject to the provisions and limitations of the pension laws as to the matter of rating; so that when a bill is passed the beneficiary is examined and given that rating to which he is entitled for his disability. It would be very unjust to the claimants perhaps in some instances to fix a rating, because in that event they would be bound by that rating, would have to stop there, and would have no chance for a rerevision under the rules of the office. A special pension places a party upon the pension-roll subject to the provisions and limitations of the pension laws, and he is there, as all other pensioners are, to be rated according to disability. The committee will, I am sure, insist upon the amendment, as it has always been the practice.

Mr. GILFILLAN. I do not dispute that the general rule has been as stated by the chairman of the Committee on Invalid Pensions; and, as suggested, this perhaps ought not to be taken out of the general rule unless there is some reason for it. Now, I submit the very fact this applicant has failed to secure any relief after three examinations, two of which were in his favor, is a reason, a substantial and a sufficient reason, why this should be placed among the exceptional cases, and not under the general rule.

As I said before, it is manifest—and it is so stated by the committee—it is manifest justice has not been done to the claimant, and if you

adopt this amendment you remit him right back to contend with the same difficulty he has had to contend with in the past. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the adoption of the amendment of the committee.

The question being taken, the chairman stated that the "ayes" seemed to have it.

Mr. GILFILLAN. I call for a division.

The committee divided; and there were—ayes 34, noes 20.

So (further count not being called for) the amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

The next business on the Private Calendar was the bill (S. 2095) granting an increase of pension to Mary B. Hook; which was read by its title.

Mr. GIBSON, of West Virginia. I ask for the reading of the report.

The CHAIRMAN. As no one has asked for the consideration of this bill it is passed over, and the Clerk will report the next bill.

Mr. STRUBLE. If this bill is passed over, with what view is that done and for what time?

The CHAIRMAN. At the beginning of this evening session unanimous consent was asked and granted that when a bill was reached on the Calendar it should be reported by its title, and if no one asked for its consideration it should be passed over informally.

The Clerk read the title of the next pension bill on the Private Calendar, as follows:

A bill (H. R. 887) granting a pension to Thomas S. Duvall.

No member calling for the consideration of this bill, it was passed over.

The Clerk read the title of the next pension bill on the Private Calendar, as follows:

A bill (H. R. 4265) granting a pension to Josiah Mahoney.

Mr. BROWN, of Pennsylvania. Is it understood if after a bill is passed over a member interested in it comes in that he can then call it up?

The CHAIRMAN. There has been no agreement to that effect. Unanimous consent would permit it.

Mr. STRUBLE. I would like to understand from the gentleman from West Virginia if he objects to the consideration of the bill S. 2095.

Mr. GIBSON, of West Virginia. I do not object to the consideration of the bill.

Mr. STRUBLE. I desire that bill to be considered.

The CHAIRMAN. The bill having been passed over under the rule made by unanimous consent, can only be recurred to by unanimous consent.

Mr. STRUBLE. I desire it shall be dealt with as other bills are.

The CHAIRMAN. It has been dealt with as other bills passed over have been. All bills the consideration of which have not been called for have been passed over.

The consideration of the bill (H. R. 4265) not being called for, it was passed over.

JACOB S. BIDDLE.

The next business on the Private Calendar was the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

Mr. SWOPE. I call for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob S. Biddle, late a member of Company M, Twenty-second Pennsylvania Cavalry.

Mr. SWOPE. I call for the reading of the report.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4712) granting a pension to Jacob S. Biddle, respectfully report:

Soldier enlisted February 28, 1865, in Company M, Twenty-second Pennsylvania Cavalry, and was discharged October 31, 1865. He alleges that while in service and in line of duty in the State of Virginia, in the spring of 1865, from exposure he contracted a severe cold, which settled in his head, forming an abscess, which resulted in bronchial and nasal catarrh. His claim was rejected because there is no record of the alleged catarrh of head, and claimant's inability to furnish medical testimony showing treatment therefor in or since service:

As to prior soundness, Dr. William Burch testifies:

"That there were no symptoms of any bronchial disturbance or nasal catarrh existing in claimant's system before the spring of 1863."

Daniel Burkheimer, comrade, testifies:

"That claimant was with the regiment when on a raid through West Virginia, in March, 1865. The weather was very inclement, with some snow on the ground. We reached the south branch of the Potomac about midnight; halted there until near morning, and were obliged to lie on rails or anything attainable to keep from lying on the snow. Just before daybreak we crossed the river. It was bank full; the slush ice was floating; the horses were obliged to swim; many were wet to the neck; the clothes froze on them. In this rain and from this extreme exposure claimant contracted a severe cold, and was sick for some time thereafter. He never was in sound health since. I know the above from being with claimant almost every day until discharged."

This witness is marked "good."

Dr. Charles Long testifies:

"I know claimant to be a sufferer from chronic nasal catarrh."

Henry H. Fisher testifies:

"That ever since claimant's discharge he has been afflicted with bronchial and nasal catarrh. I have known him to be afflicted with violent pains in his head, caused by catarrh."

The board of examining surgeons, Bedford, Pa., July 30, 1884, certify:

"Of bronchio-nasal catarrh the physical signs are: The nasal cavities, uvula, and fauces are of an abnormally dark-red color, very much congested, and covered with unhealthy mucus. Over large bronchial tubes there are dry râles. His eyes are slightly redder than normal; otherwise there are no physical signs of disease of eyes. He says that he suffers pain in his head nearly all the time, and that when he gets up in the morning he expectorates a great deal. From the condition and history of the claimant it is our opinion the disability was first incurred in the service, as claimed. We find the disability to entitle him to three-fourths of total rating."

Your committee append the affidavit of N. R. Lynch, subscribed to April 1, 1886. This witness is certified to as being a practicing physician in good professional standing.

"Jacob S. Biddle came to me just after the regiment returned from a raid with a very severe cold. I gave him medical treatment for it for a short time, though he was confined to his tent about two weeks; when able to be out he came to me again. Upon examination I found the membraneous tubes greatly affected, and a case of nasal and bronchial catarrh, for which I gave him treatment. Headquarters of regiment was at New Creek, West Virginia."

This last testimony was not on file in the Pension Department.

Your committee are well convinced that this soldier did contract catarrh from exposure on the march, and that this catarrh has become chronic, and that he is a sufferer from it to this day. The bill will give him such a rating as his disabilities entitle him to receive.

Your committee therefore report it favorably, and recommend its passage.

Mr. GIBSON, of West Virginia. I would like to ask the chairman of this committee at what time this application for pension was made.

Mr. SWOPE. Is not that stated in the report?

Mr. GIBSON, of West Virginia. It is not stated in the report. This report, like many others made by the Committee on Invalid Pensions, is remarkable for the absence of a great many facts.

Mr. SWOPE. If the gentleman were to have all the facts connected with every case reported he would have a good-sized volume to read in each case.

Mr. GIBSON, of West Virginia. I wish to know when the application was first made for this pension?

Mr. SWOPE. The committee do not think it a matter of necessity to specify when every applicant makes application for pension. They state the facts of the case so far as they consider it necessary for the enlightenment of this committee and rest content with that. In this case there is proof of the contraction of the disease in the service. There is proof of its continuance ever since. And the bill simply proposes to put this man on the pension-roll, subject to the provisions and limitations of the pension law. That is, he will be subject to an examination, and if his disability does not entitle him to receive anything he will be in the position in which he now is. The bill does not propose to give him any specific sum or rate his disability. It leaves that for the Pension Bureau.

Mr. GIBSON, of West Virginia. The whole statement of the gentleman from Pennsylvania [Mr. SWOPE] is a mere evasion of the duties of that committee, and it would be a mere evasion of duty on our part if we should accept it. When I asked for facts the gentleman tells me the committee do not think it necessary to report facts, and we must take the report as he makes it.

I want to say to the gentleman that circumstances have not justified this House in taking the reports of this committee for granted as regards everything they report. It was only a short time ago that a report was made in this House from that committee, without instancing a number of others, granting a pension to a soldier from Pennsylvania who in a frolic in the city of Philadelphia went out on a spree and got his throat cut, and that committee reported that case here to this House for a pension; and but for the fact that members of this House want to investigate these matters we would be fast bringing this House into disrepute and almost into disgrace.

Now, that report ought to have shown further facts.

Mr. SWOPE. Will the gentleman permit me a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. SWOPE. Did that case occur in this Congress?

Mr. GIBSON, of West Virginia. In this Congress, sir; and the report was made by your colleague upon my right [Mr. BROWN, of Pennsylvania].

Mr. SWOPE. I think the gentleman is mistaken in that.

Mr. BROWN, of Pennsylvania. I am not on that committee at all.

Mr. GIBSON, of West Virginia. Well, Mr. Chairman, I may be mistaken as to who made the report.

Mr. BROWN, of Pennsylvania. You are mistaken as to the fact also. There is no such case on record.

Mr. SWOPE. Can the gentleman from West Virginia give us the name of the case?

Mr. GIBSON, of West Virginia. Gentlemen state that there is no such case on record.

Mr. NEECE. I state that there has been no such case before the Committee on Invalid Pensions.

Mr. GIBSON, of West Virginia. Mr. Chairman, before this evening's session is over I will introduce the record. Now, I want to say here that this report shows no such state of facts as would justify our acting upon it. We are not satisfied with the report, and I ask the gentleman from Pennsylvania [Mr. SWOPE] for the evidence upon which the report in this case was made, and I am entitled to it. I want to see the evidence that sustains the claim that this man, who was in the serv-

ice two or three months, contracted a cold that resulted in bronchial catarrh to such an extent as to entitle him to be placed on the pension-roll. When did he first discover that he had this bronchial catarrh? When did he first apply for a pension?

Mr. SWOPE. The report states that he discovered it immediately.

Mr. GIBSON, of West Virginia. The surgeon of his regiment does not testify to any such thing. The surgeon testifies that he had a cold at that time.

Mr. SWOPE. What is a cold but a catarrh?

Mr. GIBSON, of West Virginia. But can not the gentleman answer me when I ask him when this man first applied for a pension? Does he not know enough of the case to know when this man first applied?

Mr. SWOPE. Certainly not.

Mr. GIBSON, of West Virginia. Well, then, Mr. Chairman, here is a member of the committee who made this report who states to the House that he does not know enough of the case on which he made the report to be able to tell when the man first applied for a pension.

Mr. CUTCHEON. Will the gentleman permit a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. CUTCHEON. How long do you think it would take a man to contract a catarrh swimming a river full of ice?

Mr. GIBSON, of West Virginia. I answer the gentleman by saying that ever since I was a boy I have been in the habit of doing that sort of thing, and I have never contracted such a catarrh. [Laughter.] Now, Mr. Chairman, I repeat that the gentleman who reported this bill has told us that he does not know enough about this case to state when this man first discovered his affliction and first applied for a pension.

Mr. SWOPE. The gentleman seems to misunderstand the case. This man did not apply for a pension at the time when he first discovered his affliction. He tried to get cured of it for a considerable time before he applied for a pension.

Mr. GIBSON, of West Virginia. When did he first apply for a pension?

Mr. DUNHAM. Will the gentleman from West Virginia allow a suggestion?

Mr. GIBSON, of West Virginia. I do not yield. I ask the gentleman from Pennsylvania again, when did this man first apply for a pension?

Mr. SWOPE. That is a matter that is not at all material to the case.

Mr. GIBSON, of West Virginia. Did he apply for a pension to the Pension Bureau?

Mr. SWOPE. Of course he did.

Mr. GIBSON, of West Virginia. When did he do so?

Mr. SWOPE. I have told the gentleman half a dozen times that I do not know and that it is not material to this case that anybody should know that. If the gentleman has any peculiar curiosity on the subject, I refer him to the Pension Office.

Mr. GIBSON, of West Virginia. I ask the gentleman again, did the Pension Office reject this man or not?

Mr. SWOPE. He would not be here if it had not rejected him. We never act here on cases that have not been rejected by the Pension Bureau.

Mr. GIBSON, of West Virginia. Mr. Chairman, I desire to see the evidence upon which this report was founded.

Mr. PERKINS. Mr. Chairman, I suppose there is no objection to the gentleman from West Virginia getting the evidence if he wants it, but I do not know of any obligation resting upon any member of this committee to procure it for him. If the point is to be made that we can not proceed with this case until the evidence is produced here, we had better go on to another case.

A MEMBER. Let us vote on this case. [Cries of "Vote!" "Vote!"]

Mr. GIBSON, of West Virginia. Gentlemen had better be quiet. [Laughter.]

Mr. ROWELL. We are not under any greater obligation to be quiet than anybody else. [Laughter.]

The CHAIRMAN. The question is on laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. GIBSON, of West Virginia. I have not yielded the floor.

The CHAIRMAN. The gentleman had ceased speaking and the Chair supposed he had yielded the floor.

Mr. GIBSON, of West Virginia. I suppose so, but the Chair allowed me to be constantly interrupted. [Laughter.] Now, Mr. Chairman, I repeat my request for the evidence upon which this report is founded, and, as a member of this House who is to vote upon the case, I claim that I am entitled to it.

The CHAIRMAN. The Chair knows of no rule which requires the evidence to be produced here for the gentleman's satisfaction.

Mr. MATSON. The gentleman knows that his demand can not be answered. Of course the evidence is not here; probably it is in the Pension Office. If the gentleman makes objection to this bill, I do not know that anybody will object to its being informally passed over.

Mr. GIBSON, of West Virginia. I have no objection to that, Mr. Chairman.

Several MEMBERS. No! No!

The CHAIRMAN. Does the gentleman make that motion? If not, the question is on the motion to lay the bill aside to be reported to the House with the recommendation that it do pass.

The question was taken; and there were—ayes 79, noes 6.

Mr. GIBSON, of West Virginia. I make the point that no quorum has voted. I will state again that if it be agreed that this bill be passed over informally I will not insist on the point. [Cries of "Regular order!"]

Tellers were ordered; and Mr. GIBSON, of West Virginia, and Mr. SWOPE were appointed.

The tellers took their places; but before the count was concluded,

Mr. GIBSON, of West Virginia, said: It is agreed, I understand, that this bill be passed over informally, not to lose its place.

The CHAIRMAN. Is there objection to laying the bill aside informally, not to lose its place on the Calendar? The Chair hears none, and it is so ordered.

JOSIAH MAHONEY.

Mr. PETTIBONE. When the bill (H. R. 4265) granting a pension to Josiah Mahoney was reached I did not catch the title. I desire that bill passed, and I ask unanimous consent that we may now go back to it.

There being no objection, the committee proceeded to the consideration of the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Josiah Mahoney, late second lieutenant of Company D, Eighth Tennessee Cavalry.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4265) granting a pension to Josiah Mahoney, submit the following report:

Josiah Mahoney enlisted about September 20, 1863, and was commissioned as second lieutenant Company D, Eighth Tennessee Cavalry, January 1, 1864, and was mustered out September 11, 1865; filed claim for pension April 4, 1870, alleging incurrence of diarrhea, which resulted in hemorrhoids, or piles; rejected February 1, 1875, on the ground that the diarrhea existed prior to the date of enlistment.

The facts, as shown by the records and proof on file in the Pension Office, are as follows:

By reputable and reliable medical evidence he is shown to be sound and free from disease at enlistment, and that while he was in said service he incurred diarrhea, which resulted in hemorrhoids.

The rejection seems to be based on the apparent discrepancy of dates. His captain, in testifying in the case, says:

"That claimant was afflicted at different times and places with hemorrhoids, or piles, which was first complained of to deponent's recollection while at Gallatin, Tenn., in June, July, or August, 1864. He suffered greatly during most of the time of the campaign, and was still affected when mustered out. Was often urged to go to hospital, but refused, he being of a temperament and disposition to never give up, and always anxious to fill his place in the company."

The captain again states (filed January 13, 1872)—

"That claimant volunteered in the company about September 20, 1863, and did duty all the time up to January 1, 1864, when he was commissioned and mustered; do not think the rolls show that he did enlist at that time, yet it is so, and did soldier's duty to date of his commission; if he is shown in his application to have enlisted in 1865 it is a mistake; it should be 1863. He was with us a part of the time and a part of the time on detached duty, by order of deponent and Colonel Patton, from September, 1863, to date of commission and muster, January 1, 1864, and during all that time, as well as the remainder of his service, he was as good soldier as anybody could possibly be. He was a commissioned officer at the time of contracting his disability, January 20, 1864; knows that he was afflicted with piles in the service, but did duty most all the time, when he should have been in hospital."

Dr. C. Wheeler, the examining surgeon for the office, states (filed October 7, 1872)—

"That he is well acquainted with claimant and Captain McPherson, and can state knowingly that neither of them are capable of making any misrepresentations; that any discrepancies that may appear in either of their statements are to be attributed to a failure to remember dates distinctly rather than to any intentional misstatement; is satisfied that the case is meritorious."

Affidavit of hospital steward (E. S. Depnew) filed March 9, 1873, states—

That he acted as hospital steward from about June, 1864, to September, 1865; gave medicine to claimant for piles, from which he was suffering at date of discharge, September, 1865; deponent knows of his own knowledge that he contracted hemorrhoids in the service.

Your committee are of the opinion that while his captain may have been mistaken as to dates, he could not have been mistaken as to the material facts.

They recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS S. DUVALL.

Mr. TAULBEE. When the bill immediately preceding on the Calendar the one last considered was reached, I did not hear the title read. I ask unanimous consent that we may now consider that bill.

There being no objection, the committee proceeded to the consideration of the bill (H. R. 887) granting a pension to Thomas S. Duvall; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas S. Duvall, late captain of Company A, Kentucky Home Guards.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 887) granting a pension to Thomas S. Duvall, submit the following report:

Thomas S. Duvall was captain of Home Guard Company attached to Eighteenth Kentucky Infantry Volunteers, under command of Col. John J. Landrum; that on 17th July, 1862, and during an engagement in the battle of Cynthiana, Ky., he received a gunshot wound in left hand, resulting in amputation.

He filed claim for pension June 16, 1882, which was rejected on the ground that no claim of a State militiaman or non-enlisted person, on account of disability from wounds or injury in battle with rebels or Indians while tempora-

rily rendering service, shall be valid unless prosecuted to a successful issue prior to July 4, 1874.

Your committee has invariably recommended the passage of similar bills. This case is a very meritorious one. We therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE WATERS.

The next business on the Private Calendar was the bill (H. R. 325) granting a pension to Catharine Waters.

Mr. WARNER, of Missouri. I ask for the consideration of this bill.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws of the United States, the name of Catharine Waters, mother of Thomas Waters, deceased, late steward of the steamer Benefit, at the rate of $8 per month.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

At the end of the bill strike out the words "at the rate of $8 per month."

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 325) granting a pension to Catharine Waters, have had the same under consideration, and beg leave to submit the following report:

The claimant is the mother of Thomas Waters, who was killed by the enemy while serving as steward on the steamer Benefit while going up Red River in April, 1864.

Her claim has been rejected by the Pension Office on the ground that the son at time of his death was not in the military or naval service of the United States.

It appears from the evidence on file that Thomas Waters served as officers' steward on the United States steamer Sovereign from December 11, 1862, to February 25, 1863. He then acted in like capacity on the General Lyon, operating on the Mississippi River, and afterward on the steamer Benefit on its trip up Red River, having on board Lieutenant Terry, United States Navy, and about one hundred and fifty marines and sailors for the Red River fleet. The steamer was chartered by the Government as a dispatch boat, as appears from the certificate of Admiral Porter, who also states that Lieutenant Terry (now commander, United States Navy) was ordered to pass a battery, and in doing so his vessel (the Benefit) was much cut up and a number of men were killed. This occurred at Grappe's Bluff, Louisiana. All the men on board of the steamer were engaged in the fight. Claimant's son was struck by a solid shot from the enemy's battery and instantly killed. The claimant was employed as laundress of the boat at the time of her son's death.

Although not a war vessel of the United States the steamer Benefit was by reason of its employment by the Government a part of the Mississippi fleet under the command of Admiral Porter, and exposed to the same damage from confederate attacks as vessels of the Navy.

The claimant was dependent upon the son for years before his death, being left a widow about 1850, without property or other means of support. She is old, and as stated by Hon. Mr. TOWNSHEND, of this House, is compelled to earn her subsistence by washing.

While it is true that the pension laws do not confer any benefit upon this claimant, because her son at time of his death was not directly connected with the naval service of the United States, yet it is equally true that he was killed in an engagement with the enemy while on board of a vessel under the immediate control of the highest officer of the Mississippi River fleet, and we therefore believe that Congress should grant the relief asked for.

Your committee recommend the passage of the accompanying bill, amended, however, by striking out all after the word "Benefit," in line 7.

Mr. GIBSON, of West Virginia. Mr. Chairman, I do not see how any one can claim that this bill comes under any provision of law in relation to soldiers. The report shows that this was a private vessel employed for hire—for remuneration to the owners—and engaged in the transportation of troops, just as any vessel is employed to transport passengers. This vessel had its officers and deck hands; and among the employés on the boat was this steward, who at the time was acting as a laundress. [Laughter.]

Several MEMBERS. Oh, no.

Mr. GIBSON, of West Virginia. I understood the report so stated.

Mr. WARNER, of Missouri. His mother was a laundress.

Mr. GIBSON, of West Virginia. Well, he was a steward on that boat. He was in no sense engaged in the military service.

He was not in the employ of the Government. He could give up his occupation on that boat at any time. He was carrying no gun, was engaged in no offensive or defensive service at all. Now, suppose a deckhand on the boat had been killed, could it be said that his widow or dependent mother should have been placed upon the pension-roll in the same manner as if he had been engaged in the military service and subject to military orders?

Mr. Chairman, gentlemen need not think they can come here now and with this sort of levity rush all these bills through.

Mr. DUNHAM. Is not the gentleman willing to let this bill pass, and allow the President to veto it if he thinks best?

Mr. GIBSON, of West Virginia. I am not willing to shirk my duty in a cowardly way and throw it upon some other shoulders. I honor the President for his courage, his industry, his patriotism in supervising all the acts of this Congress; and when we do wrong I honor him for calling us to account. As a member of Congress, I mean, so far as I can, to uphold his hands in administering the law and standing by the statutes of the country.

I want to know, sir, by what law this man is entitled to a pension?

Mr. GOFF. Will the gentleman permit me to ask him a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. GOFF. Does the gentleman understand from this report the claimant, whose mother he speaks of, was actually killed in battle? When this boat became engaged does he understand this steward, realizing the danger, took a gun into his hand and went into battle against the enemy and went down to death?

Mr. GIBSON, of West Virginia. I understand this man hired himself as a steward on this boat in the position of a civilian for wages.

Mr. GOFF. Does not the gentleman understand that is not the fact?

Mr. GIBSON, of West Virginia. It does not so appear.

Mr. CUTCHEON. He was killed by a cannon-shot while in action. His mother was a laundress on the same boat.

Mr. GOFF. My colleague from West Virginia evidently has misunderstood the report.

Mr. WARNER, of Missouri. I will read one sentence from the report: "Every man on this boat was actually engaged in this fight."

Mr. GIBSON, of West Virginia. Was this man engaged with a gun in his hand in battle? There is a simple statement that all the men on board of the steamer were engaged in the fight, and that is a very different statement from that which we have heard that this man had a gun.

I submit when a man voluntarily outside of the Army, outside of military commanders to command him, goes for pecuniary compensation and takes a hazardous risk in employment as a civilian he is not entitled to a pension. I submit such a one has no claim to be put in the same position as a soldier who suffered in the line of duty. There are a large number of soldiers' claims, and instead of considering a case like this you should go on and consider those claims. I make the motion this be passed over informally and those soldiers' cases be taken up.

The CHAIRMAN. That can only be done by unanimous consent. [Cries of "Object!"]

Mr. BAYNE. I wish to ask the gentleman from West Virginia whether or not he desires to raise the question of no quorum on this case?

Mr. GIBSON, of West Virginia. I will say frankly to the gentleman from Pennsylvania, and I am always frank in reference to these matters, that if he will bring up any case of a man who received an injury in the service of the United States I will raise no factious opposition. But if you undertake to go outside of such cases and vote pensions to civilians, if you undertake to vote pensions to men who were not soldiers but engaged as civilians, I will do anything to defeat those bills.

Mr. BAYNE. I understand the gentleman then in case of no quorum voting will raise the question of no quorum.

Mr. GIBSON, of West Virginia. I will be frank with the gentleman and state that if it is necessary to defeat this bill to-night to raise the question of no quorum, I will do it.

Mr. BAYNE. I had hoped, Mr. Chairman, the session to-night, and all sessions on Friday evenings, would be devoted to the consideration of pension bills reported from the Committee on Invalid Pensions and the Committee on Pensions, and without any controversy which would involve a waste of time to defeat the consideration of these bills. If I were not advised by what the gentleman has said he proposes to raise the question that no quorum is present to-night I would not occupy a moment in discussing this matter. But I know no quorum is present, and I know it lies within the power of the gentleman under the rules to defeat further proceeding, and the issue may be met now as well as at any other time.

I had heard it intimated a gentleman was coming here to insist a quorum should be present for the passage of these bills. I was astounded to hear any member of the House of Representatives would insist on anything of that sort. When gentlemen come here on occasions like this interested in this sort of legislation, whose whole functions consist in giving pensions to individuals whose cases had been presented to Congress by favorable reports from the Committee on Invalid Pensions or the Committee on Pensions, I thought no man in the whole breadth of this Union would have the temerity to come here and say the men who went into the service and rendered military duty to the Government in the hour of its need should be denied a pension when they not only needed it but deserved it.

I am astonished at the vetoes of the President. I think the whole history of this Republic presents no parallel to them. The austere Andrew Jackson, desirous of asserting his power and anxious to make his individuality conspicuous, never monopolized power as the President of the United States has done with reference to these bills.

Why, sir, this man has even had the temerity to sneer at a report of a committee of this House granting a pension to an invalid soldier of the Republic. He has had the temerity to put the seal of his sarcasm upon reports unanimously made by this House granting pensions to widows of men slain in the service of the country.

This man, himself no soldier, himself walking in the paths of peace when these others went out and imperiled their lives to defend the Union, and thus enable him to occupy the position of a President of the country, now comes here and puts his veto upon a unanimous report of a committee and the unanimous vote of the House of Representatives and of the Senate of the United States!

On what ground does he assert these prerogatives? What constitutional authority has he for going to this length? Who invested this man with such power that he may thus assert himself under these circum-

stances and say to the people of the country, "I am larger than you all, and know more about what should become law than the three hundred and twenty-five members of the House of Representatives and the seventy-six members of the United States Senate?"

Ah, Mr. Chairman, it is often a fault of men endowed with brief authority to arrogate to themselves power and knowledge that they do not really possess. He is no better than any of us. He is no better than any American citizen, and is not the equal in patriotism of any man who went out and imperiled his life to save the Union. [Applause on the Republican side.]

What are the functions of a President in vetoing bills? His primary function is to question the constitutionality of the law. Were any of these special bills unconstitutional? Not one of them. He made no suggestion in any one of these messages that they were unconstitutional. Has he the power to intervene and prevent the enactment of rash or immature legislation? That was an old theory that was discussed when our Constitution was framed and when it was believed, having patterned our affairs after the old English Government, that the king could do no wrong; that he exercised a sort of paternal control and supervision over all the affairs of the nation and did nothing that would not commend itself to the public.

But that is an antiquated idea, and especially so in a great country like this, under our form of government, where all the people are educated, and where one man knows just about as much as any other man knows. Could he attribute to Congress in the formation of these pension bills rashness, immaturity, want of consideration, partisan purposes, political prejudices, or anything of that sort? Not at all. There is no partisanship. A large majority of the men who fought against these men now applying for pensions vote for these bills. Democrats and Republicans alike vote for these bills; and there is substantially no opposition to their passage.

But as if to put a quietus forever upon these arrogant vetoes the Senate of the United States reported a bill and passed it unanimously that will cover every individual case that he vetoed, and has sent that bill over to this House, and that bill was referred to the Committee on Invalid Pensions. That committee reported a substitute for the bill, which contains substantially the same provisions as the bill passed by the Senate; substantially the same thing. I venture to say that there was not a single bill vetoed by the President which would not fall within the scope and meaning and spirit and law of the bill reported by the Committee on Invalid Pensions of this House.

Now, sir, could the President say if the House of Representatives should take up the Senate bill and pass it, or if the House should pass the bill reported by the Committee on Invalid Pensions as a substitute for the Senate bill, after the consideration that has been given to it by the Committee on Invalid Pensions, coming as it does unanimously from that committee—could the President say that that was rash, precipitate, immature legislation?

Recall, you of the North—you of the North recall what you said to these men when they entered the service. Recall the encouragement you gave them, what you said to them. Why, they went with the blessings of the country upon them. They went with the encouragement and good cheer of mothers, wives, and sweethearts into the service. They went forth and they did valiant duty for three or four years, while others who remained at home were growing rich on the fruits of the war and the absence of that competition in economic affairs which the war brought. But there was not one of them who went into the service who was not promised for himself, if he became disabled, or his widow, or his children if they became orphans, that they should be taken care of by this Government.

Why, the man who would have dared to have risen in the communities of the North and said that that man's widow or his children should not be cared for would have been strung up to a lamp-post, so earnest, so honest, so patriotic were the people of this country. The struggle involved the life of this great nation. It involved the principles of self-government; and now, twenty years after the war has closed, in come a poor lot of fellows, a poor lot of widows, and a poor lot of orphans, knocking at the doors of the poor-houses, in the almshouses, unable to earn their bread, asking this rich Government to keep its faith; asking simply for a pitiful sum of money in order that they may live out their unhappy lives, and it is proposed by dilatory motions here and by vetoes by the Chief Executive to say that these men who rendered this service, or their widows and children, shall not have that support which was so lavishly promised to them, and which they above all men in God's great world deserve.

But it makes my heart bleed, it takes away from me every idea that men can be grateful, and can remember with gratitude the great service rendered their country. What does it mean? Does it mean the few dollars involved? Who pays these dollars? The people that vote for pensions pay these dollars. These obstructionists pay none of these dollars, or mighty little of them. It is the great rich North that pays this tribute to the Government and fills its coffers every year with money, and it is the great rich North that wants to pension these people and provide for them in their hour of trouble and in their hour of need.

Who are these people that would come and say, "Save this trifling sum from this man, from that man, and another man?" What interest have they in saving this small sum of money, to which they contribute mighty little? No, gentlemen must not forget that the men who went into the service of this Government to preserve the integrity of this Union, who fought for three or four years for that purpose, who came home disabled, or who left widows, being slain in battle, or dying from disease contracted in the service, who left dependent fathers and mothers unable to provide for their own wants, because old age had come upon them, and because their sons who would have naturally been their support had gone into the service of the country—we must not forget that to all these men this Government not only owes an everlasting debt of gratitude, but owes to them preservation, subsistence, and a decent living while they remain in this world.

It is not so big a matter. All these men will pass away in a few years; they will all go to their graves in a few years. In the life of this Republic the time that we will have to provide subsistence for these men is but as a day. In a few years all these pensioners will disappear from the pension-roll. While we have them with us, while they are dependent upon us for support, let us have the courage, the manliness, the generosity, the magnanimity, to vote for them the amounts provided for them in these various bills, that they may at least eke out an existence without being under the necessity of going to the poor-houses of the land to be maintained at the public expense. I reserve the balance of my time.

Mr. MATSON. I regret very much that the subject of the vetoes of the President should have been introduced at this time, and that it is likely to consume time unnecessarily. I only desire to call the attention of the gentleman from Pennsylvania [Mr. BAYNE] to the fact that he has consumed the time of the House on a subject not properly before it and has wasted more time than all the other members put together during this evening.

Mr. BAYNE. Will the gentleman permit me a question?

Mr. MATSON. I decline to yield.

Mr. BAYNE. Then I will say he misrepresents the facts.

Mr. MATSON. I yield to the gentleman.

Mr. BAYNE. Did I not ask the gentleman from West Virginia [Mr. GIBSON] whether he would insist on a quorum, and did he not say he would?

Mr. GIBSON, of West Virginia. The gentleman from West Virginia stated that he was willing the committee should go forward with the consideration of any case of a man who was in the service of the Government, and that on any such case he would not raise the question of a quorum.

Mr. MATSON. If I make any statement in which the gentleman says I am wrong, I want to be corrected.

I insist that this House shall proceed with the regular order of business. I insist that these matters either upon the one side or the other ought not to be dragged in here to impede this legislation. I regret very much that the gentleman from Pennsylvania has seen fit to make this assault upon the President. I think it will not alarm him. I remember very well that the gentleman from Pennsylvania made the very same kind of assault upon the predecessor of Mr. Cleveland.

Mr. BAYNE. And I will do so upon any President that will do wrong.

Mr. MATSON. And his own President survived, and I guess ours will.

Mr. BAYNE. He did not survive very long.

Mr. MATSON. He did, and your party stood by; and I tell you the Democratic party intends to stand by its President, too. [Applause on the Democratic side.]

There may be some things, some little things, in relation to these vetoes as to which I do not agree with the President. As to some of these bills he has vetoed I have taken a different view. But that is a very small matter in relation to great questions that affect the whole people. I think there are some cases that he has vetoed that he ought not to have vetoed perhaps. Perhaps he did not look at them from the same standpoint.

Mr. BOUTELLE. Do you stand by him in the vetoes he ought not to have made?

Mr. MATSON. I do not.

Mr. BOUTELLE. You proclaimed you would stand by him.

Mr. MATSON. I said I would stand by him on the general proposition. But so far as I am concerned, I will not stand by him in cases where I do not approve his veto.

Mr. BAYNE. Do you repudiate the action of your own committee in regard to these cases?

Mr. MATSON. Wherever that committee is wrong I will not stand by it. Wherever I think it is right I propose to stand by it.

Mr. HOLMES. Do you think the committee has reported any case favorably which ought not to have been so reported?

Mr. MATSON. I do. Every one of the bills increasing the pensions of the widows of officers to $50 a month is wrong, and the President ought to have vetoed every one of them.

Mr. HOLMES. But these bills pension private soldiers. Do I understand the chairman of the committee to say that he repudiates the action of his committee?

Mr. MATSON. I do not say that I repudiate the action of the committee in any case. There may be some cases that ought not to have been reported favorably. The fact is that a large number of cases have been reported, some adversely and some favorably, many of them being right upon the line, so that it was hard to say whether they should be reported favorably or adversely. Our committee saw fit to take the view that they should be reported favorably, but there is no use in one getting excited because somebody takes the view that they ought to be reported adversely. A case may be right upon the line so that two men may honestly differ about it; that is all there is in this talk; you can not excite anybody about it, and I think that what my friend from Pennsylvania has said in the way of abuse of the President was totally uncalled-for. The President is an honest man, and the people of this country know it [applause], and he is a courageous man, and I honor him for it.

Mr. LAIRD. What about the courage of the soldiers?

Mr. MATSON. He is President of the United States, and he is called upon, in the discharge of the functions of his high office, to take the responsibility of approving or vetoing bills, and when he does it honestly, no matter if I think he is mistaken, I will not abuse him for it, and the gentleman from Pennsylvania can not make any capital by abusing him, any more than he did by abusing his own President.

Mr. PETERS. We can not honor him for his ignorance of his prerogatives.

Mr. MATSON. The President knows his prerogatives, and knowing them he has the courage to exercise them. Now, Mr. Chairman, I insist that we shall proceed with the proper business of this committee, and if my friend from West Virginia has any substantial objection to this bill—I think he ought not to have, I think it is a good bill, but rather than have this turmoil and trouble I ask unanimous consent that this bill be passed over informally.

Mr. CUTCHEON. Does the gentleman think that this House of Representatives should lie down and let the gentleman from West Virginia walk over it.

Mr. MATSON. You must do as you please about that. You must allow some conscience to others. I assume that the gentleman from West Virginia is conscientious about this matter.

Mr. CUTCHEON. The trouble is he wants to be a conscience for us all.

Mr. MATSON. I do not take the same view of this case that he does, but I am willing to allow that he is conscientious in his view.

Mr. GIBSON, of West Virginia. Mr. Chairman I would be very glad——

Mr. WARNER, of Ohio. Mr. Chairman——

Mr. MATSON. I have not yielded, Mr. Chairman. I have asked unanimous consent that this bill be passed over informally.

Mr. TOWNSHEND. I hope that will not be done.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that this bill be passed over informally. Is there objection?

Mr. HOLMES. I object.

Mr. MATSON. Then I yield to the gentleman from Illinois [Mr. TOWNSHEND], whose bill this is.

Mr. TOWNSHEND. Mr. Chairman, I came in while this debate was in progress and did not know until this moment what case was under discussion. I know this old lady. She is old and extremely poor; she has been compelled to resort to hard labor at the wash-tub in order to maintain herself. Her son was lost in the service of the country. I know the facts and circumstances of the case as they have been told me by her neighbors. I believe this is as meritorious a case as any ever passed upon by Congress, and I trust that my friend from West Virginia will not persist in his opposition. The committee have carefully investigated the case and have made a report which will convince him, if he will read it attentively, that the case is meritorious.

Mr. LINDSLEY. I ask the gentleman if poverty has anything to do with the matter in the eye of the President?

Mr. TOWNSHEND. I do not know whether the President weighs that question or not. I know this old lady well. I know that she is to-day in extreme want and probably dependent upon this pension to keep her from the almshouse. This I know of my own personal knowledge. The case was rejected by the Pension Office upon a merely technical ground, and I trust that it will be favorably considered here.

Mr. ROWELL. I will ask my colleague if it is not true that the men who served upon those boats that were in the service of the Government had to fight whether they wished to or not?

Mr. TOWNSHEND. Yes, they were compelled to fight when there was fighting going on, and they were exposed to great danger.

Mr. PERKINS. I wish to ask the gentleman from Illinois whether there are not several precedents for this bill.

Mr. TOWNSHEND. I know that several such bills have been passed in previous Congresses.

Mr. PERKINS. And in this Congress also.

Mr. TOWNSHEND. I do not know about this Congress, but I do know there have been such bills in previous Congresses.

Mr. WARNER, of Ohio. If the gentleman from Illinois will permit me, I will state that I believe it has been the practice of this Government from the Revolutionary war down, in the matter of pensions, to treat those killed or wounded in battle as entitled to pension the same as if they were regularly mustered into the service. The fact that one was killed or wounded while actually engaged in battle has been considered sufficient to entitle him or those dependent on him to a pension. This, I say, has been the practice from the time of the Revolution down. The reason that this case requires a special act is that it does not come under the general law; and such cases can not well be reached except by special act.

Mr. TAULBEE. Will the gentleman allow me a single observation?

Mr. TOWNSHEND. I can not yield further at this moment. I want to call the attention of my friend from West Virginia especially to the fact, of which I am informed by a member of the Committee on Invalid Pensions, that a case of precisely this character has been favorably passed upon at this session by both Houses of Congress and the bill signed by the President without objection. It may be that the gentleman's attention has not been called to that fact.

Now, in order to end all this controversy, I beg that the House allow the bill to be laid aside with a favorable report.

Mr. GIBSON, of West Virginia. In answer to the chairman of the committee [Mr. MATSON] and the gentleman from Illinois [Mr. TOWNSHEND], I will state very frankly that I intend to answer the gentleman from Pennsylvania [Mr. BAYNE].

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] is entitled to the floor.

Mr. MATSON. I yield to the gentleman from Ohio [Mr. WARNER].

Mr. TOWNSHEND. I yield to the gentleman from Kentucky [Mr. TAULBEE].

The CHAIRMAN. The gentleman from Indiana has just yielded the floor to the gentleman from Ohio.

Mr. TAULBEE. I desire to make a very brief observation about this case.

Mr. TOWNSHEND. Mr. Chairman, how do I get off the floor? [Laughter.]

The CHAIRMAN. The gentleman from Indiana resumed the floor, supposing that the gentleman from Illinois [Mr. TOWNSHEND] had yielded it.

Mr. TOWNSHEND. I have not.

Mr. WARNER, of Ohio. I will wait until the gentleman from Kentucky has spoken.

Mr. TOWNSHEND. I yield to the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. Mr. Chairman, I wish to state to the gentleman from West Virginia, who has made objection to this bill, that we not only have precedent for the bill in the fact of having passed one in a precisely similar case at this session of Congress, which bill met no objection from the President, but in addition to that we have now on the Calendar a general bill reported from our committee, which, if passed, will cover all cases of this character.

The general law which expired by limitation on the 1st of July, 1874, would have covered this case. That was a law granting pensions in the cases of persons belonging to State militia or non-enlisted persons, if during a battle they were under command of a United States officer. Our committee had no hesitation in recommending the passage of the general law now on the Calendar covering cases of this kind. I hope that further time will not be consumed on this case, and that the gentleman from West Virginia will withdraw his objection to favorable action.

Mr. TOWNSHEND. Mr. Chairman, I desire to occupy a few moments only in briefly stating the facts of this case as they are summarized in the report and as they are shown beyond question by the evidence. The evidence is that—

Thomas Waters served as officers' steward on the United States steamer Sovereign from December 11, 1862, to February 25, 1863. He then acted in like capacity on the General Lyon, operating on the Mississippi River, and afterward on the steamer Benefit on its trip up Red River, having on board Lieutenant Terry, United States Navy, and about one hundred and fifty marines and sailors for the Red River fleet.

The steamer was chartered by the Government as a dispatch-boat, as appears from the certificate of Admiral Porter, who also states that Lieutenant Terry (now commander, United States Navy) was ordered to pass a battery, and in doing so his vessel (the Benefit) was much cut up and a number of men were killed. This occurred at Grappe's Bluff, Louisiana. All the men on board of the steamer were engaged in the fight. Claimant's son was struck by a solid shot from the enemy's battery and instantly killed. The claimant was employed as laundress of the boat at the time of her son's death.

I trust that the House will not strike down this poor old woman in her old age, and when she is in danger perhaps of going to the almshouse. After the gentleman from Ohio [Mr. WARNER] has concluded his remarks I will ask that this bill be laid aside with a favorable report.

Mr. WARNER, of Ohio. Mr. Chairman, I would occupy no time on this question if we could proceed with the business for which we have come here; but as it appears that we can not, I wish to say a few words touching the assault which the gentleman from Pennsylvania [Mr. BAYNE] has seen fit to make upon the President.

It is very evident that the gentleman came here loaded and for the purpose of making the assault which he has seen fit to indulge in; and I think it is evident also that it was prearranged and understood by his

friends that he was to make this attack. In addition to his criticism upon the action of the President, he has occupied the time of the House in getting off a speech which we have all heard a thousand times. It has been heard so often that there is scarcely a soldier among those who gather at camp-fires who can not go over it. It is the old, old story.

Now, let us understand just where we are and the ground we occupy. Nobody in this House or in the country wishes to see, or is willing to see, a single soldier who was disabled in any way in the service of his country in the Union Army deprived of a pension commensurate with the disability which he has sustained.

If there is one sentiment which is universal and in which there is entire unanimity throughout the country it is this. Nobody questions that. Nobody would have it otherwise. It is a recognition of the soldier's right. A pension is but deferred pay. It is compensation for disability sustained in the service. It is a right, not a gratuity.

But in order to acquire this right the soldier must have first served in the defense of his country, and in the second place must have suffered disability.

Mr. TOWNSHEND. He did serve his country.

Mr. WARNER, of Ohio. I am not alluding to any particular case. I have spoken in favor of the case the gentleman refers to.

We all know, and the truth might better be told, that every army has its deserters, its cowards, its camp-followers, its good-for-nothings, and so it was with our Army. There were bounty-jumpers by the thousands—yes, by the tens of thousands; and I knew something about this class toward the close of the war. There were deserters, camp-followers, men who performed no military service, who were a clog on the army of true soldiers, but who now, after the war has been over for a quarter of a century, seek to get on the pension-rolls under the cover of the good name of the true soldier. They see the sympathy everywhere manifested for the disabled soldier, and seek to take advantage of it to get themselves placed on the pension-rolls. There are black sheep in every flock, and there are never wanting those who seize upon every opportunity afforded to get themselves carried on the backs of others.

I believe I speak the real sentiment of the true soldiers when I say that not one of those who served his country faithfully and knows what it was to fight battles believes that a deserter or bounty-jumper or mere camp-follower should go on the pension-roll. I know soldiers generally desire that the pension-rolls shall be kept free from such incumbents, that it may be kept a roll of honor, and it is the duty of all true soldiers to guard it from this class of claimants. The President has aimed at nothing more in the veto messages he has sent to the House. I know nothing of the merits of the respective cases except as gathered from hearing the messages read.

Mr. BAYNE. Will the gentleman yield to me?

Mr. WARNER, of Ohio. Not now. He may possibly have vetoed some bills where you or I would think the claimant was entitled to a pension. That is a matter of judgment. But I am sure the purpose of the President has been, acting on the best evidence before him, to keep off the rolls men who ought not to go there; and in that he is right and the country will sustain him. No man will stand up here and say a deserter should have a pension, or that a bounty-jumper or a mere camp-follower should have a pension, or that a man who never performed military service should have a pension. Let me give an instance.

Mr. BOUTELLE. Instances he vetoed?

Mr. WARNER, of Ohio. In a previous Congress I heard a name during the reading of a report which seemd familiar to me. After the bill had passed the House I obtained a copy of the report, and looking it over I found I had not been mistaken. I found that I knew the soldier, or pretended soldier, who was seeking a pension. I knew, too, that he had never performed an honest day's service for the Government; that he had scarcely passed the borders of his own State before he deserted; that he was arrested and brought back, and again deserted; that he was convicted of bounty-jumping, and made his escape from the penitentiary, since which I had not heard of him until he turned up in this House as a claimant for a pension and had his case favorably reported. Suffice it that that bill did not become a law.

All we are concerned about, Mr. Chairman, is to know that the President is exercising his prerogative rightfully, as I believe he is, and not only rightfully but courageously, honestly, and conscientiously.

Mr. BOUTELLE. Does the gentleman say these men whose pensions are vetoed are of that class?

Mr. WARNER, of Ohio. I have not said anything of the sort. I know there were bounty-jumpers, and that there were deserters, and that some of them are trying to get pensions. I know very little of the merits of any particular case, except as gathered from the messages.

But I do say that in the exercise of his rightful prerogative I believe the President is acting conscientiously and honestly, and I trust his judgment in cases he has examined and I have not.

The gentleman from Pennsylvania complains because these bills had received favorable consideration at the hands of a committee. I know something about reports from committees.

Mr. BOUTELLE. Do you know the examination the President has given to these bills?

Mr. WARNER, of Ohio. No; I do not. I have no means of knowing, and have not examined carefully the several messages.

Mr. BOUTELLE. Does the gentleman know the methods employed by the President in the examination of these bills?

Mr. WARNER, of Ohio. I understand that he gives a great deal of care to their examination, as he does to all public matters. But I am not to be drawn into a discussion of the merits of these claims, because no evidence is before me.

Mr. BOUTELLE. Allow me to suggest——

Mr. WARNER, of Ohio. I can not yield now.

Mr. BOUTELLE. Well, I shall have my day in court.

Mr. WARNER, of Ohio. Well, you can have your time, but I do not propose to be drawn into a discussion of the merits of these cases without the evidence upon which they rest before me.

Mr. BOUTELLE. Well, I will discuss them by and by.

Mr. WARNER, of Ohio. I speak only of the manner in which the President has discharged his duty in sending these messages to the House, in which he has exercised but his rightful prerogative. There never was a bill vetoed that had not been reported by a committee and been acted upon by both Houses of Congress; of course not.

And in these matters I think the President, who has examined the cases, is more likely to be right than these Houses which pass bills by titles only, without even reading them. I know they are reported from committees, but we know how many of these reports are got up; that largely, and especially the bad ones, are the work of claim agents, who want to get their $25. I repeat that I know little or nothing myself of the merits of these cases, but I have faith in the ability to judge and the integrity and honesty of purpose of the President in the discharge of his duty as in other public duties to which he gives his attention.

Mr. LAIRD. Have you any faith in the men whose cases are vetoed?

Mr. WARNER, of Ohio. I say I know nothing about them. I have not examined the cases. My own judgment might differ from that of the President on an examination; but the attempt of the gentleman from Pennsylvania and others to make capital out of these vetoes will fail; it will fail because the people understand and soldiers understand that in vetoing undeserving claims the President is only keeping from the pension-roll those who have no right to go there.

Mr. BAYNE. How do you know they have no right?

Mr. WARNER, of Ohio. I am not speaking of these particular cases. I am speaking of a class who are not entitled to pass anywhere as soldiers, like the one I alluded to a little while ago.

Mr. BOUTELLE. What are you talking about? [Laughter.]

Mr. WARNER, of Ohio. I have said repeatedly that I knew nothing about the merits of these particular cases which have been vetoed by the President. But the President has done what I have not.

Mr. LAIRD. How do you know that?

Mr. WARNER, of Ohio. The messages show it, and I shall confide in his judgment till it is shown that he has erred in any case.

I yield the time back to the gentleman from Indiana [Mr. MATSON].

Mr. MATSON. I move that the committee rise now for the purpose of limiting debate.

Mr. GIBSON, of West Virginia. I desire to ask a question. [Cries of "Regular order!"]

The question was taken; and on a division there were—ayes 37, noes 38.

So the committee refused to rise.

Mr. GIBSON, of West Virginia, addressed the Chair.

The CHAIRMAN. For what purpose does the gentleman from West Virginia rise?

Mr. GIBSON, of West Virginia. For the purpose of discussing the proposition before the House. [Cries of "Regular order!"]

The CHAIRMAN. The gentleman from West Virginia can not be heard under the rule until others who have sought recognition have had an opportunity of being heard.

Mr. GIBSON, of West Virginia. I do not want any misunderstanding. I want to know if I will be recognized by the chairman in this debate?

The CHAIRMAN. The Chair will take pleasure in recognizing the gentleman under the rule.

Mr. BAYNE. I have some time remaining and desire now to resume the floor.

The CHAIRMAN. The Chair will state to the gentleman from West Virginia that if the gentleman remembers the rule provides that all shall be recognized who desire recognition before one who has been recognized once is again entitled to the floor.

Mr. GIBSON, of West Virginia. Then having been recognized once by the Chair the Chair suspends recognition for that purpose?

The CHAIRMAN. For that purpose only.

Mr. GIBSON, of West Virginia. Very well.

Mr. WARNER, of Missouri. Mr. Chairman, I do not seek recognition for the purpose of making a speech upon any case that is not now before the committee, nor do I wish to be heard upon the action of the Executive upon any matter connected with these pensions.

This seems to me, sir, and it seems to this committee, I think, to be a meritorious case. I had it called up because I knew something of the facts. The son of this widow was killed in battle under the eye and command of the chief officer of the fleet on the Mississippi and the Red Rivers. We, sir, who were in that service know that the men on these boats had to fight, whether they were enlisted men or not. We know that these men did fight for the country.

In the present instance this man fought and he did go down to death. We know that he left a widowed mother, and that under the pension laws (he not being an enlisted man) the mother can not receive the pension to which she would otherwise have been entitled. It is therefore a case that eminently appeals to Congress for recognition of the claim for pension which the mother of the boy that fell in battle defending the flag of his country should receive. And I do hope, Mr. Chairman, that gentlemen with speeches to make will seek some other case than that of this old widowed lady, a case that has waited for twenty years for the recognition of the Government, standing, you may say, almost at the door of the poor-house appealing to Congress for relief; and I hope that gentlemen will permit this to be laid aside with a favorable recommendation, and reserve the speeches upon other matters for some other time. I move that it be now laid aside with the favorable recommendation of the committee. [Cries of "Question" and "Vote."]

Mr. GIBSON, of West Virginia, and Mr. BLANCHARD addressed the Chair.

Mr. TOWNSHEND. There is a motion pending.

The CHAIRMAN. The motion is made but can not be enforced, unless there is a limitation of debate, while members are seeking recognition. The gentleman from Louisiana [Mr. BLANCHARD] is recognized.

Mr. BLANCHARD. Mr. Chairman, as a Southern man, and representing an ex-confederate constituency upon this floor, I have stood here for the last five or six years, along with numbers of Representatives from the South, and none of us have ever yet raised objection to the passage of these special pension acts at these Friday night sessions.

Speaking for myself, and voicing, as I believe, the sentiment of the Southern people, I assert that there is no captious objection in the South to the granting of pensions to soldiers who fought on the side of the Union, when proper cases are presented to this House.

Sir, the members on both sides of this Chamber will, I have no doubt, bear cheerful witness to the fact that Southern Representatives have, without cavil or ungenerous criticism, given their votes, and given them willingly, for large appropriations to pension the ex-soldiers of the Federal Army who were disabled by wounds or sickness in the line of duty and the widows and heirs of those killed in the war. And, sir, it comes now with very bad grace from the gentleman from Pennsylvania [Mr. BAYNE], in the discussion which has been had on this bill here to-night, to draw the sectional line.

Mr. BAYNE. Will the gentleman yield to me a moment?

Mr. BLANCHARD. Not just now. The gentleman stood in his place and asked, with great vehemence and force of manner, "Who paid these pensions?" And then he proceeded to answer the question himself. "They are paid," said he, "by the great, rich North."

Does not the Southern section of this country, I would ask, pay a portion of the taxes levied to meet these pensions?

Out of their opulence, I grant you, "the great, rich North" pays the most of these taxes; but, sir, out of their poverty the Southern people pay a large part of them.

The revenues of the Government, from all sources, aggregate in round numbers from three hundred and fifty to four hundred million dollars annually. And does the gentleman from Pennsylvania contend that all of the taxes which produce this enormous sum are paid by "the great, rich North?"

In making such a statement, Mr. Chairman, he drew the sectional line; and this I deprecate, whether it be in a debate on a pension case or in the discussion on any other proposition which may come before this House.

Mr. HEPBURN. Will the gentleman permit me?

Mr. BLANCHARD. Not at this time.

This Government of ours can not be reproached by anybody within its own limits or out of them with illiberality as respects voting pensions to its soldiers.

The spectacle is presented to the world of $85,000,000 per annum being voted by the Congress of the United States to pay pensions to the ex-soldiers of the Republic, their widows and heirs. Now, of this sum of eighty-five millions raised yearly for this purpose how much does the South pay, and pay it out of its poverty?

Sir, I make the assertion, and challenge contradiction, that of this $85,000,000 the southern section of this Union pays from twenty-five to thirty millions.

Mr. HEPBURN. Will the gentleman allow me?

Mr. BLANCHARD. I do not.

Mr. HEPBURN. I understood you to challenge contradiction?

Mr. BLANCHARD. In the gentleman's own time he may answer.

Mr. BOUTELLE rose.

Mr. BLANCHARD. The gentleman will excuse me if I ask him not to interrupt me.

Mr. BOUTELLE. I will not. But when you challenge contradiction——

Mr. BLANCHARD. I ask that the gentleman from Maine be called to order. When I am through he may take the floor to respond.

The CHAIRMAN. The gentleman from Louisiana declines to yield. He will proceed.

Mr. BLANCHARD. I had no intention at first of participating in this debate; but, sir, I cannot sit here in silence and hear the gentleman from Pennsylvania declare that these taxes are all paid by "the great, rich North." That declaration of the gentleman has gone on the record and to the country; against it I enter my objection and protest. It is not true.

Mr. BAYNE. I did not say that. I said the great bulk.

Mr. BLANCHARD. I beg the gentleman's pardon. He may correct it in the RECORD if he desires, and I hope he will.

Mr. BAYNE. I will let it go into the RECORD *verbatim et literatim.*

Mr. BLANCHARD. If he lets it go into the RECORD *verbatim et literatim*, it will appear just as I have stated it. Let his words be known of all men. "Who pays these taxes?" he declaims with energy; and in the next breath declares, "They are paid by the great, rich North."

Now, Mr. Chairman, since the gentleman has precipitated that issue, I am at liberty to say, not only does the South pay about twenty-five millions of the eighty-five millions that are voted for pensions yearly, but almost every dollar of the vast sum thus paid by the people of the South finds disbursement in the North to the soldiers who live there. Not one dollar in one hundred of it returns for disbursement in the South. So that when our friends in the North, when the gentlemen on the other side twit us as paying none of these taxes, I answer we do pay our proportion of them, and not one dollar in a hundred of what we pay ever comes back for disbursement in our section of a common country.

Mr. CUTCHEON. I wish to know——

Mr. BLANCHARD. I can not yield. I beg the gentleman's pardon.

There is disbursed in the North not only all the vast sums paid by the South for pension taxes but also all that the Northern people themselves pay for this purpose; so that the North not only gets back all that she pays out for pensions but also all or nearly all that the South is called upon to pay. It is a constant drain, therefore, on one section of the country to the advantage, the building up, and enrichment of the other section. And yet in the face of these facts the gentleman from Pennsylvania has the temerity to throw in the teeth of Southern men on this floor that all of these taxes are paid by "the great rich North."

Mr. Chairman, as for the assault made upon the President of the United States by the gentleman from Pennsylvania, it needs nothing at the hands of myself or any other member in the way of answer.

The President can stand such attacks made upon him by the gentleman from Pennsylvania or by any other gentleman on that side of the House who thinks proper to indulge in that kind of debate. The President is intelligently, firmly, and patriotically discharging his duties as Executive of this nation according to his best understanding of those duties, and his understanding of them, I submit to the gentleman from Pennsylvania, the country is far more disposed to adopt and concur in than that which the gentleman's own judgment might suggest for his approval. Because the President has returned to the Senate and House a number of special pension acts without his approval, the gentleman from Pennsylvania reads him a lecture as to his duties under the Constitution. Mr. Chairman, the President is required by the Constitution to examine and investigate every bill which passes the two Houses of Congress and goes to him for his signature, and it is his duty under the Constitution and under his oath of office when he believes that a bill has been passed which is unwise or without merit to append his veto to it. Is there not cause for close scrutiny on the part of the President? Why, sir, the spectacle has been presented at this session in the other House of Congress of a number of pension bills being passed without any portion of them being read except the titles.

Mr. WARNER, of Missouri. Will the gentleman permit a question?

Mr. BLANCHARD. I do not yield. Mr. Chairman, I believe the country is prepared to applaud the action of the Executive when he points out that mistakes have been made in passing certain pension bills and vetoes them. Not one of the bills he has vetoed should ever have passed Congress. The reasons he has given in his veto messages why they should not become laws are conclusive.

Mr. BAYNE. Will the gentleman permit a question?

Mr. BLANCHARD. Well, ask it.

Mr. BAYNE. I want to say to my friend from Louisiana that if he can not appreciate the condition of the sick or wounded soldiers who are in indigent circumstances, we at the North can. He can not, of course, because he does not have them in the South.

Mr. BLANCHARD. That is not a question, but a statement. We can appreciate their condition; we do appreciate it. Our action on this floor has shown that we appreciate it. For the last seven or eight years these special Friday night pension sessions have been going on, and all this time, even when a majority of the members on this side of the House were and are from the South, no voice has been raised to stop this legislation; and this notwithstanding the fact that at these pension night sessions but a handful of the people's representatives are ever present, and the call for a quorum at any one of them would have broken it up. It is a fact that but few members attend these night sessions,

from twenty-five to forty out of three hundred and twenty-five is the rule. Many of us from the South have long thought it is bad policy, a vicious practice, which permits so few of the accredited representatives of the people to engage in the wholesale passage of bills taking money from the Treasury, adding to the pecuniary obligations of the Government; but out of the delicacy of our position as representatives of ex-confederate constituencies we have refrained from attempts at checking it. We did not wish our motives impugned or our purpose misrepresented.

I plead guilty, Mr. Chairman, to attending but few of these Friday night sessions myself; not as many as I should have attended. We all have much to occupy us, and that is why, I judge, so few attend them. And I may add that the few times I have been here, in looking over the other side of the House, I have generally failed to see the familiar face of the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I have been here.

Mr. PRICE. Mr. Chairman, I regret exceedingly the wide range that the debate has taken this evening, and I now ask the attention of the committee for a few minutes in the hope, probably the vain hope, of inducing it to return to the business for which we are assembled. It may be well, Mr. Chairman, that our friends who year after year have thrown obstacles in the way of this pension legislation should understand some of the causes that have led to the order under which these pension sessions are held and to this character of legislation. I desire to call attention to the report of the Commissioner of Pensions, and especially to page 14, where he declares that the Pension Office "has exhausted human ingenuity in attempts to furnish tests and barriers against claims."

Those two lines in that report furnish the keynote to the whole plan of operations of the Pension Bureau under the present administration, and when gentlemen ask us why we come here with these special pension bills, I answer that it is because we have a pension law that is defective in the extreme, and because that law is administered by a man who states that "human ingenuity has been exhausted" in devising barriers by which applicants for pension may be shut out. We ask you to make a broad, comprehensive, generous pension law, under which any worthy claimant may make his application, and, upon furnishing an amount of proof which would be sufficient to convict a man of any crime known to the calendar, may have his case adjudicated, and whenever we make an effort to secure such a law, those gentlemen to whom this class of legislation is objectionable say to us in substance, "You may have it if you will harness to it, connect with it, make a part of it, some other proposition foreign to it, not relevant to it, not germane to it, but unless you swallow that unpalatable dose you shall not have your pension law."

Does any gentleman deny this? There is the plain fact staring us in the face. Now, what are we to do? We come to these evening sessions, and although we do not get a quorum, we do get a larger number of members who give to the business before us their best thought and their best conscience than we get upon any other class of legislation that comes before this Congress in the daytime. We do have these reports prepared by a committee organized by a Democratic House, a dominant portion of the committee being Democrats. These reports unitedly ask us to pass these bills; and then, in violation of all ordinary procedure in this House, you demand—a few of you, not all of you—demand in every instance the long and tedious process of reading the report, although you do not demand the reading of reports upon bills coming before us which carry ten, twenty, twenty-five, and fifty million dollars.

Look at your inconsistency. Then you came here one week ago and gave us notice that this kind of legislation should cease unless we could have a quorum present. Then you come to us again with eighty-eight bills signed and thirty or more vetoed. I will not venture to comment upon that subject, because it has been already pretty well dealt with. Every man of you knows that it is not the prerogative of the President to be a legislative branch of the Government; that according to the primary, original proposition, it was only measures conflicting with fundamental principles of constitutional law, or measures otherwise hasty, ill-considered, or immature against which the President should interpose his veto. None of these considerations apply in this case. Four hundred and one men in the two branches of this Federal Legislature say that a bill ought to pass, and one man says it ought not to pass, and he so says not on account of any constitutional objection, but simply because he differs in opinion with those who passed the measure. Thus you see how we are hedged in all the way around.

Nor is this all. I want to show you that you have a man executing the pension laws who is unworthy of the trust reposed in him; and I show it by reading the two lines I read a moment ago on the lower end of page 14 of his last report. Further, the same man has said (page 13) that the Pension Office "has been used as a dumping-ground of other offices; much weak and some very bad material has accumulated therein."

On behalf of the clerical force of that office I deny this statement as slanderous. At the date of his report the Commissioner had not dismissed a single man of the drift-wood which, if he told the truth, had been "dumped" upon him.

Many of the former employés had heretofore held office on the implied trust that they would serve the person under whose "influence" they were appointed.

This is another official declaration coming to us from the Commissioner of Pensions, and is to be found on page 14. The absurdity of that statement is only equaled by its falsity, as you all know. Every man here knows that such a fact, if it existed, could only be known from the admission of the party holding the place, and no man with brains enough to draw his salary would make such an admission. From no other source under heaven could such a fact be known.

Mr. TAULBEE. I agree that as a general thing they do not tell it.

Mr. PRICE. I say the Commissioner could not know that such was the case.

A MEMBER. And it is not so.

Mr. PRICE. It is not so. The statement is of a character corresponding with the whole report; and it is indicative of the spirit in which the Commissioner has administered the present deficient and defective pension laws.

Mr. TAULBEE. Will the gentleman allow me a question?

Mr. PRICE. Yes; if you will not make it too long.

Mr. TAULBEE. I will make it short. As to those two lines which you have cited at the bottom of that page, do you understand them to mean that the Commissioner of Pensions who makes that statement had "exhausted human ingenuity," or do you understand him to mean that he, together with his predecessors, in laying restrictions upon the adjudication of claims, had arrived at that result? How do you understand that?

Mr. PRICE. I understand that he did it. I understand he has no right to speak for his predecessors; and I understand that none of his predecessors ever took any such ground as that it was proper to "exhaust human ingenuity in attempts to furnish tests and barriers against"—not bad claims, remember, but "claims." I believe the Commissioner tells the truth in that statement if he does not in another syllable of his entire report.

Mr. TAULBEE. Will the gentleman yield for another question?

Mr. PRICE. Now, you are asking too many questions, but I will yield.

Mr. TAULBEE. Does the gentleman understand that the present Commissioner of Pensions has been more strict in his administration of that office than his predecessors or has allowed a fewer number of pension claims, taking into consideration the time he has been in office, than any of his predecessors?

Mr. PRICE. I mean to say that when he took that office there were a large number of cases which had been followed up and the proofs submitted so that the cases were practically ready for final action, requiring only his finishing touch; and taking these cases into consideration, he has allowed within the same number of months an equal number of cases with any other Commissioner. But I mean to say that restrictions have, in his administration, been placed around the proving of claims, so that from matters coming under my personal observation the truth of the statement to which I have referred is justified.

Mr. TAULBEE. Will the gentleman cite any rule or regulation of the office which justifies his statement?

Mr. PRICE. I mean to say that he has presented letters to me in relation to persons in whose claims I was interested—not financially—in which he has said that such and such causes were operating to prevent the liquidation of the claim, which causes were not so treated by his predecessors.

Mr. TAULBEE. Will the gentleman give the particulars in those cases?

Mr. PRICE. Will you kindly sit down? I know you can make very good music with your mouth, and I know that you are a very genial gentleman, but I do not have so many opportunities of making myself heard here as you do.

Mr. HENDERSON, of Iowa. Will the gentleman allow me to give one specification?

Mr. PRICE. Yes, sir.

Mr. HENDERSON, of Iowa. Since General Black has taken charge of that office he has made a regulation that in order to have a claim made "special" an affidavit must be filed setting forth the indigent condition of the claimant.

Mr. PRICE. Yes; I know that; but I had forgotten it at the moment.

Mr. HENDERSON, of Iowa. In my district, in the county of Delaware, a widow woman applying for a pension——

Mr. PRICE. No use of specifying——

Mr. HENDERSON, of Iowa. A petition, signed by every county officer, by the Democratic postmaster, by the leading business men of that town, and, on my investigation, indorsed by the people of that district, set forth the condition of that woman, and that petition was returned to me by the Commissioner of Pensions with a little printed circular stating that an affidavit had to be signed. So it stands. That is, a petition signed by every Representative of Congress from Iowa, every Senator, every officer of Delaware County, setting forth the condition of that poor woman could not be made special, and yet on the representation of one Democratic Congressman a widow woman of a soldier at Cannelton, Ind., alleging she was an "offensive partisan," had her official head taken off as postmistress of her town.

Mr. TAULBEE. Will the gentleman allow me to make a suggestion to him?

Mr. PRICE. No; I can not allow myself to be interrupted so fre-

quently. While I am anxious to oblige gentlemen, still I shall not be able to present my views on this question if I am constantly interrupted.

Mr. TAULBEE. The gentleman can not afford it.

Mr. PRICE. I know I can not, for I have not the time to yield.

Mr. TAULBEE. You have an hour.

Mr. PRICE. I do not want to take an hour from the business of the House; so I will proceed with my remarks.

Again, he says on the same page, in the same connection:

A widespread practice had grown up by which they really acted as the agents and attorneys by those securing their appointments; and the eradication of this wrong, whereby for personal ends advantages were given to a few at the cost of the many, has compelled the adoption of stringent rules and severe disciplinary measures.

Now, I challenge any apologist of General Black on this floor or elsewhere to show me one single solitary instance where any "severe disciplinary measures" were tried, or where he did anything to destroy "a widespread practice" which he says had grown up.

After diligent inquiry I have been unable to find a single case of the kind described, and believe the statement thus made by Commissioner Black to be without any foundation in fact. I believe that it is not only unfounded, but in absolute contradiction of any facts which can be found at the Pension Office at that time. Yet he said the practice was "widespread," and that "stringent rules" and "severe disciplinary measures" had been adopted. I challenge any gentleman who is willing to stand as his apologist to point out here or hereafter any instances of the enforcement of such severe "disciplinary measures" mentioned by him in his report up to that date, as I believe the statement to have been recklessly incorrect.

Mr. Chairman, I wish to call attention to another fact, and to read one more extract from his report.

In second clause, on page 14, he says:

It is now an offense, prohibited by orders, as well as repugnant to all fairness, for any employé to act as the agent or attorney of any outside party. Yet, within a recent period, one clerk has confessed to the Commissioner that he acted as agent for one man in aiding to prepare from three hundred to four hundred cases. This instance is only solitary in its extent, not its character.

A week or ten days ago I denounced that statement as absolutely, unconditionally, and inexcusably false. I challenged the production of any proof of the charge contained in that extract, and so far I have failed to receive any response to that challenge. It has not been produced, because there is none which can be produced. I again renew the same challenge, and am willing to give them any time in which to make good any such charge. I denounce it as an absolute, unadulterated falsehood, as the insertion of a stump speech in the report, not only calculated to mislead but intended to mislead the country, made by a man who has been appointed to administer our laws relative to granting pensions to those who were disabled in fighting for the country.

Mr. O'HARA. Will the gentleman permit me to ask him a question, and it is this: Is not this same General Black drawing a pension?

Mr. PRICE. Yes; he is to-day drawing the only one-hundred-dollar pension a month in the country. That may be right or wrong, and I do not say anything in that regard. But, sir, I denounce as inexcusably false the charge made in the extract last read from his report.

The clerk referred to is F. H. Allen, formerly clerk of the circuit court, and afterward county judge of Jackson County, in the State of Wisconsin, and now my private secretary; a gentleman who for years stood among the very foremost employés of the Pension Office for promptness, for rapidity, and correctness of work, intimate knowledge of the pension laws, and incorruptible integrity.

I denounce as inexcusably false either that he acted as "agent" for me or any other man on earth, or that he ever prepared or assisted in the preparation of any paper in any case then or now pending, and that the statement made by Commissioner Black was and is false and unworthy a country pettifogger, much less an officer in charge of the important and sacred duty of administering the pension laws.

Now, there are other cases that I would like to call attention to, but it is going to take too long. I have got instances here where he has taken charge of cases which will not bear the light of investigation, and the apologists for him do not dare to order an investigation. You did order one on the 1st of March by your Committee on Expenditures in the Interior Department, and directed an investigation, and now it is the 25th day of June, and yet they have not struck a blow, pointed a gun, or snapped a cap at it, and dare not. I refer to case No. 348883, Christian Borcherdin.

I have a list here of such cases, but I will not stop now to read it; but I do say that the whole administration of that office is a fraud upon justice, a fraud upon common sense, is a fraud upon the soldier, and that everything has been thrown around it that human ingenuity can devise for preventing the admission and consideration of claims. That is the very reason, then, that these cases are here. They are here, and we are here to-night because of that fact. Why your pension law itself would disgrace even a heathen country, and yet we can not cure it. We are simply powerless to remedy it.

Do you know how our pension-list stands? Let me tell you. We have 1,260 pensioners who get at the rate of $1 a month, or 3⅓ cents a day; 26,134 who draw a pension of $2 a month, or 6⅔ cents a day; 2,956 who get $3 a month, or 10 cents a day; 60,268 who get $4 a month, or 13⅓ cents a day; 34,639 who get $6 a month, or 20 cents a day, and 44,775 who get $8 a month, or 26⅔ cents a day; and yet this man who you say the country is going to stand by for his action in vetoing bills will go on and veto these little things and let Mrs. Hancock's two-thousand-dollar bill go kiting through without a murmur. Where is the justice of such a principle?

Mr. Chairman, the whole system is wrong, and yet we who would do it have not the power to remedy the defect. I introduced in the Forty-eighth Congress, and again in the Forty-ninth Congress, a very generous and comprehensive bill, which provided that every deserving, every suffering soldier might receive a pension; and yet your Committee on Invalid Pensions, under the control of my excellent and honorable friend from Indiana [Mr. MATSON], never permitted it to see the light of day except upon an adverse report in the Forty-eighth Congress, and not at all in the Forty-ninth.

Mr. MATSON. But your bill proposes to pension everybody whether they are disabled or otherwise.

Mr. PRICE. I would pension all who are deserving, all who are suffering, and do it by a proper system; because you might just as well pick out the names of the applicants and put them in a hat and let a blind boy take them out one by one and expect to get as good and honest results as under the existing law. I propose a bill that would pension those who were entitled to the benefits of it, but the present system keeps out the great bulk of those who are entitled. It is the only way to reach justice in these matters. Why, to-day, if you take the sums that are paid to claim agents and in the administration of the office in the application of your present law you will have a sum very nearly equal to the pensions you would have to pay out under that system if properly organized. I would do away with this expense and this obstruction.

Mr. MATSON. But your idea is that the man who is not disabled ought to be pensioned as high as the man who is.

Mr. PRICE. No, sir; but I would take him in for the sake of getting a pension for those who are entitled to it. Unfortunately the present system keeps all out. I would give you a better law than this. Your present system keeps an army of pension claimants all over the city who have grown great and rich and wealthy on the pension business, and they absolutely dominate the Pension Office and the pension legislation of the House through its committees.

Mr. PERKINS. Let me ask the gentleman from Wisconsin a question.

Mr. PRICE. Certainly.

Mr. PERKINS. Do you know the average pension that is now allowed to pensioners?

Mr. PRICE. Yes, sir; I have it here, and will tell you in a moment.

Mr. PERKINS. It is about $109.50 a year.

Mr. PRICE. Yes, sir; it is about that.

Mr. PERKINS. Do you know how many special pension acts have been granted at this session of Congress?

Mr. PRICE. No; not exactly.

Mr. PERKINS. Six hundred and four.

Mr. PRICE. I should have said about five hundred and eight.

Mr. PERKINS. Will the gentleman make a computation, after ascertaining the aggregate, as to how much this involves as a charge upon the people which would entitle it to the denomination of wasteful, extravagant expenditures? I will tell the gentleman it is only $65,000 in the aggregate that this Congress has granted to the dependent parents, widows, and disabled soldiers; and yet the President denounces these pensions as an extravagant and wasteful expenditure of the public money. Sixty-five thousand dollars! but very little more than the President's own salary. [Applause on the Republican side.]

Mr. BRECKINRIDGE, of Arkansas. Let me ask the gentleman from Kansas——

Mr. PRICE. I deline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. PRICE. Mr. Chairman, allow me to make this suggestion to the gentleman from Kansas in reference to this $65,000 being a little more than the President's salary. I saw on a single page of the executive and legislative appropriation bill that we appropriated $96,000 for the President and his household, and that does not take it all in. I speak from recollection.

Now, all this has been done to get up a cheap notoriety by cutting off not one-fifth of the $65,000 that we have given our gallant soldiers, while at the same time we are carrying $96,000 for the President and his household on a single page of one appropriation bill. Yet we hear no complaint of that.

Mr. CUTCHEON. Will the gentleman let me call attention to one of these veto messages?

Mr. PRICE. Yes, sir.

Mr. CUTCHEON. On page 6013 of the RECORD is a veto message in the case of John W. Farris. It seems that he did not apply for a pen-

sion until 1881, as the President said, sixteen years after his discharge. I quote the message:

In 1881, sixteen years after his discharge, he filed an application for a pension, alleging that he was afflicted with chronic diarrhea contracted in the army, and in 1885 his claim was allowed, and he was granted a pension for that cause.

It seems he was allowed a pension under the present administration.

In September of the same year, and after this pension was granted, he filed an application for an increase of his rate, alleging that in 1884 his eyes became affected in consequence of his previous ailments and the debility consequent thereupon.

The President then says—and I ask every gentleman present to note his language:

The ingenuity developed in the constant and persistent attacks upon the public Treasury by those claiming pensions, and the increase of those already granted, is exhibited in bold relief by this attempt to include sore eyes among the results of diarrhea.

And I noticed a good many gentlemen smile in the House when that was read.

I am entirely satisfied with the opinion of the medical referee who, after examining this case in October, 1885, reported that "the disease of the eyes can not be admitted to be a result of chronic diarrhea."

On all grounds it seems to me that this claimant should be contented with the pension which has been already allowed him.

That is the message. Now, I was informed yesterday in this Capitol by a gentleman who is a citizen of the State of Missouri that this pension was granted upon the certificate of the most skillful oculist in the city of Saint Louis and State of Missouri; that the disease of the eyes was a direct result and consequence of the long-continued nervous debility resulting from the chronic diarrhea; that that certificate was supported by two other eminent surgeons; and further, that this man is now almost totally blind; and further still, that he is to-day a Democratic senator of the State of Missouri. And yet the President unadvisedly, without investigation of the medical questions involved, without looking carefully through the case, vetoes a bill which this Congress, by the deliberate action of its two Houses, has passed and brands this man with a stigma.

Mr. LAIRD. Will the gentleman allow me a question?

Mr. CUTCHEON. Yes, sir.

Mr. LAIRD. I ask the gentleman was not his information concerning this soldier obtained from the officer who commanded his regiment, and if that officer did not say he was one of the bravest soldiers in that regiment, and served his country gallantly for four years?

Mr. CUTCHEON. Yes, sir. He told me he served under him, that he knew him intimately, and that he was one of the bravest men he had ever known in his entire army experience. And yet the President deliberately—because when the Chief Magistrate sends a grave veto message to the Congress of the United States it must be assumed to be deliberate—deliberately brands this man as one of the class that develops ingenuity in the constant and persistent attacks upon the public Treasury; brands him, in other words, with trumping up an excuse for getting a pension, while the fact is that this man served his country faithfully, lost his eyesight in that service, and to-day is honored by his fellow-citizens with the position of a senator of his State.

Mr. PRICE. I decline to yield further. I desire now to call attention a little to another circumstance which seems remarkable and which I think the country ought to know, and which I think we ought properly to weigh.

You will recollect, every gentleman will remember, that while these men from among our erring Southern brethren tell us they are enthusiastically in favor of and dearly love and desire to do justice to the Northern soldier, still every proposition which has come before this House for delay on these pension evenings until to-night has come from that side of the House. We came here to-night with the threat thrown in our faces that we should not pass those bills unless there was a quorum. Then we have the reading of the reports called for, and the gentleman from Louisiana [Mr. BLANCHARD], who has spoken this evening, I think has been the most persistent of all in calling for these reports night after night. Now he comes in and says, "We deserve very great credit for great generosity, because we, the impoverished South, of this eighty-five millions for pensions pay twenty-five millions."

Let me call the attention of the gentleman to some of the circumstances which may be justly considered as an offset to this consideration. Take, if you please, the Post-Office Department. Where does the gentleman get the money with which to pay his post-office facilities in the Southern States?

Mr. PETTIBONE. I rise to a question of order. We desire to hear what our associate is saying.

The CHAIRMAN. The committee will be in order.

Mr. PRICE. I have done the best I could to give solid facts in the best tone of voice I can command.

Mr. PETTIBONE. What I want is order that we may hear the gentleman.

The CHAIRMAN. The committee will be in order.

Mr. PRICE. The gentleman from Louisiana tells us that about twenty-five millions out of the eighty-five millions paid for pensions are paid by the Southern States. I believe that is true. The best estimate I can make is about such an approximation.

But the gentleman seems to forget that it does not establish a particular claim on our generosity that they have generously, as he says, yielded to the payment of this taxation. He ought to remember that this great North, this rich North of which the gentleman from Pennsylvania [Mr. BAYNE] brags—and it is rich in many things, and not the least it is rich in undying gratitude to the men through whose sacrifices we are permitted to occupy seats on this and on that side of the Chamber—he should remember that we pay enough to maintain our own postal facilities and then leave a large surplus, and when the last dollar of that is exhausted we allow them to draw further for their postal facilities. He ought to remember that thirteen millions of people in the South as compared with the twenty-six millions in the North cost the Government for their postal facilities in the proportion of 10 to 7.

He ought to remember also that in the river and harbor bill those thirteen millions of people get about 62 per cent., while we get 38 per cent. He should remember all these things as something of an offset, if he fails to remember the fact that the whole South is infinitely more benefited by the financial debt, and this debt of gratitude which we have incurred, than even the North. We gave them an opportunity to unshackle themselves from an incubus that had drawn them down for centuries. We gave them an opportunity of starting on the road of progress, along which I am glad to say they have bounded with unprecedented rapidity.

They have been benefited more than we, and yet they begrudge the poor pittance that we undertake to dole out here, $65,000 in a long session of Congress, to throw a ray of light across the pathway of men who are to-day groping in poverty and suffering as a result of devotion to their country.

Mr. PETTIBONE. About six hundred homes.

Mr. PRICE. Six hundred homes! Why, in Iowa alone there are one hundred and forty-three soldiers in the poor-houses, so I was told the other day. Great God, think of it! We sitting here, the representatives of a great nation with an overflowing Treasury, with more liberties and more privileges than any other people beneath the sun, with the right to say what we please and the right to do nearly as we please, and the men who made it possible for us to enjoy all these blessings compelled to take refuge in poor-houses—one hundred and forty-three such cases in a single State—men who are reduced to this condition as a result of their sacrifices in the cause of civil liberty, sacrifices by which the South has benefited far more than we.

Do not let these gentlemen raise that question again. Let me appeal to them to say with me that the whole revenues of this Government, North and South, ought, if necessary, to be devoted to make the homes of these men comfortable in their declining days. I do not want "soldiers' homes;" I want the soldier's own house to be his soldier's home.

It is an everlasting disgrace to us that any of these men should be forced to take refuge in the poor-houses of the land, and it is a still more withering and blasting disgrace that the administration of our Pension Office should be placed in the hands of General John C. Black, who is permitted to twist and curve and wriggle and throw up barriers and obstacles even in the way of the execution of the pension law as it stands. I will now yield to——

Mr. GIBSON, of West Virginia. Mr. Chairman——

Mr. MATSON. Mr. Chairman——

Mr. PRICE. I have not yielded yet [laughter]; but I do now yield to the gentleman from Kansas [Mr. MORRILL].

Mr. MORRILL. And I yield to the gentleman from Indiana [Mr. MATSON].

Mr. MATSON. I move that the committee do now rise.

Mr. GIBSON, of West Virginia. I rise to a question of order.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise. The gentleman from West Virginia [Mr. GIBSON] rises to a question of order. The gentleman will state it.

Mr. GIBSON, of West Virginia. I was recognized by the Chair as being entitled to the floor, but the Chair made the statement that if any other gentleman desired to speak under the rule I should be further heard after he had done so. I then asked the Chair distinctly if the rule took me off the floor in order that some other member should have an opportunity to speak whether I should have a right to be heard later, and the Chair stated that I would be entitled to the floor to be heard. Now, I say that it would be in bad faith, contrary to the rules of the House and contrary to the practice of the House, after the Chair took me off the floor for the purpose of allowing other members to speak, who have assaulted our party, and assaulted our administration, and assaulted me, to deprive me now of the privilege of being heard in reply.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I would like to address the House for an hour and a half, but I refrain from it. [Laughter.]

The CHAIRMAN. The gentleman from West Virginia will remember the rule under which the Chair was forced to hold that the gentleman was not entitled to a second hearing until all other gentlemen who desire to speak upon the pending question had been heard once.

Mr. GIBSON, of West Virginia. But the Chair held that I must

yield the floor for that purpose and for that purpose alone, and that I could be heard later.

The CHAIRMAN. And the gentleman from West Virginia will be heard if the committee adjourn to continue the discussion, but it is in the power of the committee to rise and limit the discussion at any time that a gentleman has the floor for the purpose of making that motion. The gentleman from Wisconsin [Mr. PRICE], having time remaining, yielded to the gentleman from Kansas [Mr. MORRILL], and the gentleman from Kansas yielded to the gentleman from Indiana [Mr. MATSON], and the question is upon the motion of the gentleman from Indiana that the committee do now rise.

Mr. GIBSON, of West Virginia. I simply desire to give notice that I intend to be heard before this bill is disposed of.

Mr. TOWNSHEND. Mr. Chairman, I asked my friend from Indiana [Mr. MATSON] to allow the pending bill to be favorably reported to the House. I ask unanimous consent.

The CHAIRMAN. The gentleman from Indiana has made the motion that the committee do now rise, and until that motion is withdrawn nothing else is in order.

The question was taken on the motion of Mr. MATSON; and the chairman declared that the ayes seemed to have it.

Mr. GIBSON, of West Virginia. I call for a division.

The House divided; and there were—ayes 50, noes 7.

So the motion was agreed to.

The committee accordingly rose; and Mr. NEAL having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the Private Calendar had had under consideration, under the special order of the House, bills upon the Private Calendar, and had instructed him to report to the House sundry bills with various recommendations.

Mr. MATSON. I move that the House adjourn.

Mr. TOWNSHEND. I hope we shall not adjourn till we pass the bill which has last been under consideration. I ask unanimous consent that that bill be put upon its passage.

Mr. GIBSON, of West Virginia. What is the use of making a request of that kind, when I have given notice that none of these bills can pass until I have had an opportunity to be heard?

The motion of Mr. MATSON was agreed to; and accordingly (at 10 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition asking that a pension be granted Mrs. Anna E. Dickens, to accompany House bill—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Petition of Fannie Freeman, sister and heir of Sarah Freeman, and of Robert Green, of Culpeper County; of Willis Long, of Fauquier County; of Robert Waters, of Prince William County; of John W. Jones, of Stafford County, and of C. J. King, of Fauquier County, Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claims of John E. Febry, of Falls Church; of Robert Waters, of John R. Hornbaker, and of Craven J. King, of Prince William County; of Robert Green, of William Francis, of John W. Fletcher, and of Francis F. Curtis, of Fauquier County; of James L. Lowery, of John Lowery, and of John W. Jones, of Stafford County; of Sarah A. Freeman, of Culpeper County; of William Hough, of Loudoun County; of Oliver Bartley, of Orange County; of Benjamin Bowman, of Rockingham County, and of Sarah A. Beckham, of Orange County, and of Willis Long, of Fauquier County, Virginia—to the same committee.

By Mr. BURROWS: Petition of 30 ex-soldiers and members of the Grand Army of the Republic, of Mendon, Saint Joseph County, Michigan, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: Papers relating to the claim of Martha R. Blanton, of Washington County; of Mary Deen and of Mattie H. Jarnigan, of Bolivar County; of William Whittaker, of Rowena Clark, and of Samuel Chase, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. A. C. DAVIDSON: Papers relating to the claim of Harriet M. Jones, executrix of Nelson Jones, of Monroe County, Mississippi—to the same committee.

By Mr. DOCKERY: Petition of members of Cainsville Post, No. 216, Grand Army of the Republic, Department of Missouri, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. R. S. GREEN: Petition of William C. Berry Post, No. 85, Grand Army of the Republic, Department of New Jersey, for the passage of Senate bill 1886—to the same committee.

By Mr. GUENTHER: Petition of A. F. Hilland and others, citizens of Adams County, Wisconsin, praying for the early passage of Senate bill 1886 without amendment—to the same committee.

By Mr. J. S. HENDERSON: Papers relating to the claim of Jacob C. Douthit and of Marmaduke D. Howard, of North Carolina—to the Committee on War Claims.

By Mr. HOLMES: Petition from Charles Payne Post, Grand Army of the Republic, No. 141, of Iowa Falls, Iowa, praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. IRION: Papers relating to the claim of Estelle Chidester and Henry C. Chidester, heirs of N. C. Yoes, deceased, of Baton Rouge, and of John J. Gardiner, of Saint Landry Parish, Louisiana—to the Committee on War Claims.

By Mr. MCCOMAS: Protest of the Civil Service Association of Maryland, against any legislation weakening the sixteenth rule of the Civil Service Commission—to the Committee on Reform in the Civil Service.

By Mr. MORGAN: Papers relating to the claim of William V. Potts, guardian, &c., of Panola County, Mississippi—to the Committee on War Claims.

By Mr. MORRISON: Eighteen petitions of citizens of New York, earnestly requesting the reduction of tariff duties, and the placing on the free-list of wool, lumber, jute, hemp, and salt—to the Committee on Ways and Means.

Also, petition of Mohr, Hannewan & Co. and 75 others, members of the New York Cotton Exchange; of J. S. Kengkid and 156 others, members of the New York Produce Exchange; of W. F. Hewing and 100 others, citizens of New York, and of Ed. Briggs and 47 others, citizens of New York, for the same—to the same committee.

By Mr. NEECE: Petition of 100 citizens of La Harpe, Ill., praying for the passage of a bill for the relief of soldiers—to the Committee on Invalid Pensions.

By Mr. PETERS: Two petitions of citizens of Terry, Finney County, Kansas, favoring the Teller bill granting right of way over public lands for irrigating ditches—to the Committee on the Public Lands.

By Mr. PLUMB: Protest of the Chicago Board of Trade against any curtailment of the meteorological service of the Government—to the Committee on Appropriations.

By Mr. SINGLETON: Petition of C. P. Tharp, of Marshall County; of W. B. Coates, of Madison County; of James B. Box, of Newton County; of F. B. A. Meador, of Ira A. Sprouse, of Wright A. Moore, and of T. M. Patrick, administrator, of Scott County, Mississippi, for payment of their war claims—to the Committee on War Claims.

By Mr. SPRINGER: Petition of the Constitution Club, of New York, in favor of the carriers' bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: Memorial of the William A. Nelson Post, No. 97, Grand Army of the Republic, Department of Wisconsin, favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. SYMES: Papers relating to the claim of Rodman Chapman—to the Committee on Claims.

By Mr. VIELE: Petition of Professor J. S. Newberry, president of the New York Academy of Sciences, and 26 others, in behalf of the National Board of Health—to the Committee on Commerce.

By Mr. MILO WHITE: Petition of citizens of Minnesota and Wisconsin, in favor of placing salt fish on the free-list—to the Committee on Ways and Means.

Also, memorial of the board of immigration of New Mexico, in favor of volunteers for Indian service—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 26, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

JOSEPH PAUL.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate by the Commissioner of Agriculture of a deficiency appropriation to pay Joseph Paul for paving grounds of the Department of Agriculture; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT JUDGE SOUTHERN DISTRICT OF ALABAMA.

The SPEAKER also laid before the House, with the amendments of the Senate, the bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama.

Mr. RANDALL. I do not know that I desire to have this bill or the amendments read; but I think it proper to call the attention of the House to the fact that the bill as it went from the House was a private bill, proposing to authorize a new district judge in the State of Alabama and provide for his pay. In the Senate this bill has been converted by amendment into a public bill, providing for a general increase of the salaries of United States district judges. Now, the original bill may be right, and the proposition which has been attached to it may also be right; but if so, this is a wrong method of reaching a right result—a method, in my judgment, thoroughly indefensible.

Mr. REED, of Maine. The proposition with reference to the pay of United States judges has passed the Senate in other forms.

Mr. RANDALL. As the bill went from the House it was a private bill, providing for a single judge. It has now been made a general bill, affecting the salaries of judges generally.

Mr. REED, of Maine. The question of increasing the salaries of district judges of the United States is one which interests a good many members. Suppose we take up that question and see what the House thinks of it. I submit that would be a good plan, especially if we are in doubt about the proper reference.

Mr. HOLMAN. The bill should be referred to the Committee on the Judiciary.

Mr. REED, of Maine. I ask that the question be now taken up with a view to its consideration.

Mr. OATES. I move non-concurrence in the amendments of the Senate.

The SPEAKER. The bill is not before the House for consideration except by unanimous consent.

Mr. HOLMAN. I object.

Mr. REED, of Maine. I ask that the bill be now taken up.

The SPEAKER. That has been requested, and objection has been made.

Mr. BLAND. I call for the regular order.

Mr. REED, of Maine. Mr. Speaker, suppose the House should vote down the motion to refer the bill to a committee, would it not then come up for action?

The SPEAKER. If the House should vote down all motions to refer the bill, it would be before the House for action, the Chair supposes——

Mr. REED, of Maine. Let us do that.

Mr. HOLMAN. It is subject to a point of order.

The SPEAKER. If a point of order should not be made——

Mr. REED, of Maine. What is the point of order?

The SPEAKER. That the bill involves an appropriation of money and must have its first consideration in Committee of the Whole.

Mr. REED, of Maine. Then would it be in order to move at once to go into Committee of the Whole to consider the question?

The SPEAKER. The Chair thinks not. The bill would go to the Committee of the Whole like any other bill against which a point of order might be made.

Mr. OATES. I desire to occupy one moment in explanation of the position of this bill and the general bill with regard to judges' salaries, a matter which some gentlemen do not seem to understand. I reported this bill from the Judiciary Committee. The bill which the Senate passed to increase the salaries of judges has also been reported favorably by the Judiciary Committee, and is now on the Calendar of the House. That proposition is improper as an amendment to this private bill. Hence I ask unanimous consent to move non-concurrence.

The SPEAKER. Various requests for unanimous consent have been objected to.

Mr. BLAND. I demand the regular order.

The SPEAKER. The gentleman from Missouri demands the regular order, and under the rules of the House the bill goes to the Committee on the Judiciary.

Mr. REED, of Maine. One word. This is not a private bill, but a public bill.

The SPEAKER. The regular order has been demanded, and the Chair has sent the bill to the Committee on the Judiciary.

PRE-EMPTION AND TIMBER-CULTURE LAWS, ETC.

The SPEAKER also laid before the House, with the amendments of the Senate, the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

The SPEAKER. This bill, with the amendments of the Senate, will be referred to the Committee on the Public Lands.

Mr. PAYSON. Mr. Speaker, this is a House bill with Senate amendments——

Mr. MORRISON. I call for the regular order.

The SPEAKER. The regular order is demanded.

Mr. PAYSON. But I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. When the Senate has amended a bill and asked a conference with the House, and has appointed conferees on the part of the Senate, is it not the regular order for the House to appoint conferees?

The SPEAKER. There is not yet any disagreeing vote of the two Houses on this bill. When matters of this kind have been reported back from any committee of the House with a recommendation of non-concurrence the Chair has been in the habit, as a matter of courtesy toward the other branch of the legislative department, of treating the question as one of quasi privilege and submitting it to the House. But the House in this case has not up to the present time disagreed to any action of the Senate, and hence there is nothing to confer about.

Mr. PAYSON. To expedite the matter, would it not be in order at this time to move to non-concur and agree to the conference.

The SPEAKER. It can be done by unanimous consent.

Mr. PAYSON. Then I ask unanimous consent.

Mr. MORRISON and others objected.

The SPEAKER. Objection is made. The bill and amendments will be referred to the Committee on Public Lands, who can report it back with their recommendation.

EULOGIES ON THE LATE SENATOR MILLER.

The SPEAKER also laid before the House the bill (S. 2732) to authorize the printing of eulogies delivered in Congress upon the late John F. Miller; which was read a first and second time.

Mr. MORROW. Mr. Speaker, I ask unanimous consent that this bill be taken up and put upon its passage.

There was no objection.

The bill was considered, ordered to be read a third time, and being read the third time, was passed.

Mr. MORROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WHITING, for ten days, on account of important business.

To Mr. COMSTOCK, for ten days, on account of important business.

To Mr. FREDERICK, indefinitely, on account of sickness.

To Mr. SKINNER, until Monday, the 28th instant.

To Mr. DANIEL, for the remainder of this week, on account of important business.

LEAVE OF ABSENCE, EMPLOYÉS GOVERNMENT PRINTING OFFICE.

Mr. BARKSDALE. I desire to submit a privileged report from a committee of conference.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 544) granting leaves of absence to employés of the Government Printing Office having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

E. BARKSDALE,
JAS. W. REID,
JNO. M. FARQUHAR,
Managers on the part of the House.

CHAS. F. MANDERSON,
JOS. R. HAWLEY,
A. P. GORMAN.
Managers on the part of the Senate.

The SPEAKER. There appears to be no statement accompanying this report. The rules of the House require a statement in writing to accompany each report of a conference, such statement setting forth the effect of the adoption of the amendments in controversy between the two Houses.

Mr. BARKSDALE. I will ask unanimous consent to make the statement orally.

Mr. RANDALL. There is no objection to that if the gentleman will file the report hereafter.

Mr. BARKSDALE. Certainly.

The SPEAKER. Without objection the gentleman will make an oral statement and accompany it hereafter with a written statement.

There was no objection.

Mr. BARKSDALE. I will state, Mr. Speaker, that this bill was originally introduced for the purpose of giving to the employés of the Government Printing Office a certain leave of absence, with pay, placing them measurably upon the same footing as the other Government employés. It is known that under existing laws the departmental employés have thirty days' leave of absence, with full pay, and this proposition as introduced in the House was to give the Government employés of the Printing Office leave of absence for fifteen days, which is simply a holiday for hard-worked laborers.

The first amendment of the Senate is a general one, designed to make the terms of the bill more specific as to the character of employés who are entitled to be embraced within its provisions. The principal amendment of the Senate, however, is in the following words:

Such employés as are engaged on piece-work shall receive the same rate of pay for the said fifteen days' leave as will be paid to day hands: *Provided*, That those regularly employed on the CONGRESSIONAL RECORD shall receive leave, with pay, at the close of each session, pro rata for the time of such employment.

SEC. 2. That this act shall take effect on and after the 1st day of July, 1886.

The object of this amendment is to classify the employés for the purpose of adjusting their allowances and to secure to the employés on the CONGRESSIONAL RECORD the benefits of the act. These amendments were inserted in the bill by the Senate, and agreed to after due consideration by the members of the committee of conference on the part of the House.

The statement subsequently submitted by Mr. BARKSDALE is as follows:

The effect of the conference report on this bill, if adopted, will be as follows:

The bill was designed to embrace all the Printing Office employés. The Senate, to make it explicit on this point, added the words in the fourth line, "whether employed by the piece or otherwise." As it passed the House it pro-

vided that "a leave of absence, with pay, not exceeding fifteen days in any one year, be allowed." The Senate has amended by adding "fiscal;" so that it will read "any one fiscal year." The third amendment, beginning after the word "designate," in the eighth line, is intended to classify the employés and to conform to the views of the proper accounting officer; and is further designed to secure to the employés on the CONGRESSIONAL RECORD the benefits of the bill. The fourth amendment prescribes that the act shall take effect on and after July 1, 1886.

E. BARKSDALE.
J. W. REID.
J. M. FARQUHAR.

Mr. REAGAN. Mr. Speaker, I shall object to passing this bill. I do not know precisely the position in which it stands, but I object to providing by law that men shall be paid for doing nothing. In private life no such thing exists, where the pay of men is much less than it is in the Government service. Why is it that because a man is favored by Governmental employment, where he gets better pay than in private life, that he should be granted by law a leave of absence with pay for the full time that he is doing nothing? If he is employed at home or in private life he does not get any compensation for his absence, and if he leaves he does so at his own expense. What reason then is there, unless we intend to build up a class of officials with special and peculiar privileges, why we should undertake to begin paying men for doing nothing? It is bad enough that we allow this to be done in the Departments. It is a privilege that should not be extended. It is wrong there, and this is wrong; but because this is wrong in the Departments, because it is a practice wholly unwarranted by law, it seems to me that we should not undertake now to extend it by granting this privilege to other men to get paid for doing nothing.

I know, Mr. Speaker, how much men object to any criticisms upon their actions when they seek to plunder the Treasury; I care not what name they come here by, whether officials, officers, clerks, or otherwise. For one I do not propose to extend to any one American citizen any privileges which we do not extend to any other American citizen. When a man has undertaken according to contract to perform a duty he should be made to comply with the contract; and if they propose to take a holiday from their work, for which they get large compensation, let it be taken at their own expense.

Mr. BARKSDALE. The object of this bill is to place the employés of the Government Printing Office on a similar footing of privilege to that enjoyed by employés of the Departments. It occurs to me the gentleman from Texas [Mr. REAGAN] has not commenced with his proposition of reform at the right point. Why does he not propose to take away the privileges enjoyed by the Department employés? Why does he seek to deprive of the same privilege other employés who are as hard-worked as any who are in the service of the Government now? I say it is not in the line of economy at all that this privilege should be denied the employés of the Government Printing Office. Every one knows that a holiday is always needed by those who are employed in constant labor. It is simply a rest which enables the toiler to perform better work, and inures to the benefit of the Government. The gentleman from Texas himself, as a member of Congress, takes such a holiday with pay, and no one asserts that he belongs to a privileged class.

Mr. OATES. May I ask the gentleman a question?

Mr. BARKSDALE. Yes, sir.

Mr. OATES. Will any of these employés abandon their work or resign their positions if this privilege is not granted?

Mr. BARKSDALE. I do not see what relevancy that question has to the bill. No, sir, I assume they would not; but that is no reason why we should take advantage of their necessities and place them on a footing below that occupied by other employés of the Government.

This measure was deliberately considered by the committee. It was discussed for two hours in the House, and by an overwhelming majority this body decided to pass it without a division. At this stage of the session I will not take up the time of the House with further discussion. It does not confer a special privilege, as I have explained. I move the previous question, unless my colleague on the committee of conference, the gentleman from New York [Mr. FARQUHAR], desires to be heard.

Mr. FARQUHAR. I wish to say a word or two.

Mr. REAGAN. I desire, Mr. Speaker——

Mr. FARQUHAR. The gentleman from Texas [Mr. REAGAN] had his time, and I believe I am entitled to the floor. As one of the members of the Printing Committee, I want to say that the matter of disagreement between the House and the Senate was as to this: The original bill was drawn with a provision providing that these regulations should be made by the Public Printer. The matter came before the First Comptroller, and he decided it was necessary to specify distinctly and in detail the various departments of the Printing Office whose employés should receive the benefit of the fifteen days. Amendments were put upon the bill in the Senate in accordance with that decision. The conferees on the part of both Houses have now agreed to the plan adopted by the Comptroller, so that no mistake shall be made in the pay-rolls, and that this shall be legal and not dependent upon any after decision of the Comptroller.

When gentlemen talk of rests and vacations they had better commence with Congress, and when they reform that they may take up the thirty days for clerks of the Departments, because these printers and workers in the Government Printing Office are the hardest-worked branch of the whole national service here. The bill only grants a leave of fifteen days, while all the others get thirty days. I think it is a very small privilege to ask.

Mr. REAGAN. I desire to call the attention of the House to a fact which should be considered in this connection. These employés are not employed by the year or the month, but are engaged on piece-work. I understand they get good pay. When the gentleman tells me I ought to consent to this because the employés in the Departments have this leave it seems to me that is hardly a fair argument. The question is, are they entitled to it? Are they entitled to pay for doing nothing? Do men get it in private life? If not, why give it to men in the public service who are getting better pay than others similarly employed in private life?

I desire to move to amend by striking out the words "with pay."

The SPEAKER. This is a conference report and is not subject to amendment.

Mr. FARQUHAR. I understand the previous question has been moved, but I did not call the gentleman from Texas [Mr. REAGAN] to order, because I thought there should be a full explanation.

Mr. DOCKERY. I desire to ask the gentleman from Mississippi——

Mr. BARKSDALE. I call for the previous question.

Mr. RANDALL. Has the gentleman told us what is the amount involved in this?

Mr. FARQUHAR. About $90,000 annually.

The previous question was ordered.

The question being taken on agreeing to the report, there were—ayes 74, noes 24.

Mr. REAGAN. I call for the yeas and nays.

The yeas and nays were not ordered, only 15 members voting therefor.

So (further count not being called for) the report of the committee of conference was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move to dispense with the morning hour for the call of committees.

The motion was agreed to, two-thirds voting in favor thereof.

PACIFIC RAILROAD.

Mr. CRISP. I desire to submit a privileged report. I send to the desk the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act), after full and free conference have agreed to recommend and do recommend to their respective Houses as follows;

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows: Add as a new section section 4:

"SEC. 4. That section 21 of chapter 216, approved July 2, 1864, is hereby so amended as that the costs of surveying, selecting, and conveying therein required to be paid shall become due and payable at and on the demand therefor made by the Secretary of the Interior as provided in section 2 of this act, and nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said act as in the opinion of Congress justice or the popular welfare may require or to impair or waive any right or remedy on the premises now existing in favor of the United States. This act shall be subject to alteration, amendment, or repeal."

And the Senate agree to the same.

CHARLES F. CRISP,
JAMES D. RICHARDSON,
Conferees on the part of the House of Representatives.
P. B. PLUMB,
E. C. WALTHALL,
Conferees on the part of the Senate.

The statement by the conferees on the part of the House was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill 5874 submit the following in explanation of their report:

The purpose of the bill, as it passed the House, was to enable the States and Territories to impose taxes upon the land granted to the Pacific railroads under the acts of 1862 and 1864, and to collect from the railroads the amount due the United States for the cost of surveying, selecting, and conveying the lands. The Senate amended the bill so as to make it general in its operations, applying to all land-grant railroads. The conferees on the part of the House, believing that such extension of the operation of the proposed act was right and proper, therefore agree to the amendments proposed by the Senate, with an amendment suggested in the conference committee, to wit, that section 21 of the act of 1864 granting to the Pacific railroads land and subsidy bonds be so amended as to declare that the cost of collecting, surveying, and conveying should be immediately due on demand therefor by the Secretary of the Interior.

Your committee do not concede that they are not presently due under existing law, but to remove any doubt upon that question the bill is amended by adding a proviso that they shall be due upon demand by the Secretary of the Interior.

Section 4 further reserves, in its fullest extent, the right to amend the acts of 1864, 1878, or the present act.

The whole purpose of the bill as now reported to the House is to, first, secure the collection of these railroads of the amount due by them to the Government for surveying, selecting, and conveying their land grants; and, secondly, to grant to the States and Territories in which these lands lie the right to tax the same, notwithstanding the Government has not been paid, the bill containing a proviso that the amount due the Government for the costs of surveying, selecting, and conveying shall remain a first lien upon the land, to be paid by purchaser at tax-sale in such manner as the Secretary of the Interior may provide.

CHARLES F. CRISP.
JAMES D. RICHARSON.

Mr. CRISP. Mr. Speaker, unless some gentleman desires further explanation I move that the report be adopted.

Mr. HOLMAN. I desire to ask the gentleman from Georgia a question, to which I think the report does not furnish a complete answer. The original bill applied to the Union Pacific alone. By the terms of the bill as amended it applies to all the land-grant roads. My question is, whether there is anything in the provisions of the bill as amended which, by implication or otherwise, would confirm any land grants.

Mr. CRISP. The committee have been very careful to guard against any danger of that character, but perhaps the most satisfactory answer to the question of the gentleman from Indiana would be the reading of the amendment as proposed by the Senate and as agreed upon by the conferees.

Mr. PAYSON. May I suggest to the gentleman from Georgia, as this is an important matter, that the bill as amended had better be read at length.

The bill as amended was read.

Mr. REAGAN. Mr. Speaker, I desire to call attention to the first part of the proposed new section, and to inquire whether there are any lands surveyed by these companies that have not been earned, because if there are any lands that have been surveyed but to which the companies are not entitled, it seems to me that as the provision stands now there is nothing to prevent the companies from purchasing those lands at tax-sales and thus getting a title that they would not otherwise get.

Mr. CRISP. In response to the question of the gentleman from Texas, I will state that the first section provides that lands to which the companies are entitled and which have been surveyed shall be subject to taxation. If the companies are not entitled to the land—and by this bill we do not propose or pretend to pass upon that question—if they are not entitled to the lands, then under this bill the lands would not be taxable. The sole purpose of the bill, sir, is to enable, in the first place, the proper officers of the Government to collect from all land-grant railways the amount of money paid out by the United States for their benefit in selecting, surveying, and conveying their lands. As an incident to that, apprehending that there might be some delay about the collection of this money, the bill provides that the States and the Territories in which the lands lie—lands to which the railroads are entitled, lands that they have earned—that those States and Territories may subject the lands to taxation, provided that the cost of selecting, surveying, and conveying shall remain a first lien upon the lands, to be paid by the purchaser at the tax-sale in such manner as the Secretary of the Interior may prescribe. In the event that the Government has collected from an individual purchaser at tax-sale the cost of selecting, surveying, and conveying the particular tract which he purchased, then, if the Government afterward by suit collects that cost from the company, the Government is to reimburse the purchaser at tax-sale who had previously paid the cost. This, Mr. Speaker, is a full explanation of this part of the bill. Neither the committee nor the bill undertakes to pass upon any question of the liability of the land to forfeiture, or upon any question of its liability to the United States in any other respect. On the contrary, the bill expressly provides that, as against the railroads and as against the purchaser at tax-sale, all the rights and all the remedies of the United States shall remain, after the passage of this act, as full, complete, and ample as they are now.

Mr. HOLMAN. Will the gentleman allow that third section to be again reported in connection with what he has just said?

Mr. CRISP. If there be no objection, at the request of the gentleman from Indiana, I ask that the section be again read.

The Clerk read as follows:

SEC. 3. That this act shall not affect the right of the Government to declare or enforce forfeiture of any lands so granted, but all the rights of the United States to said lands, or to any interest therein, shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

Mr. CRISP. I presume the gentleman from Indiana wants an explanation of the last clause, referring to the lien mentioned in the first section.

Mr. HOLMAN. Yes; I do not understand that.

Mr. CRISP. Well, Mr. Speaker, we understand the effect of that to be this: Under the law as it is now the security which the Government undertakes to hold, to enforce the collection of the cost of selecting, surveying, and conveying, is the title. Under this act, if it passes, the security that the Government undertakes to hold for the collection of the cost of selecting, surveying, and conveying is a lien upon the land. That is what that provision means. It has no reference to any of the rights of the Government as to the forfeiture of these lands.

Mr. HOLMAN. So that the conferees upon the part of the House as well as on the part of the Senate are satisfied that this provision is broad enough to render it impossible that this act should by possibility, by implication or otherwise, impair the right of the Government to declare the forfeiture of any of these lands.

Mr. CRISP. The conferees have no doubt upon that point. The section that has just been read is not the only section of the bill that bears upon that question. There is a provision in the first section bearing upon the rights of the United States as to mortgages and liens.

Mr. HOLMAN. That applies only to the Union Pacific system, I think.

Mr. CRISP. No, sir; as it now stands in the bill it applies to all the land-grant railroads. I will ask the Clerk to read the section.

Mr. REAGAN. Before that section is read I wish to call attention again to the question I before put: If there are lands which have been surveyed but not earned, may not the railroad companies themselves buy them in and thereby acquire the title? It was suggested that the bill as agreed to in this conference report applied only to lands which had been earned, but looking at the first section that does not seem to be its language.

The Clerk read section 1 of the Senate amendment, as follows:

That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by States, Territories, and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed: *Provided*, That any such lands sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide, and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands: *Provided further*, That this act shall apply only to lands situated opposite to and conterminous with completed portions of said road, and in organized counties: *Provided further*, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

Mr. CRISP. That section, as the gentleman from Indiana and the House will observe, undertakes additionally to preserve not only all mortgages and liens of the United States, but all rights of the United States in respect to those lands.

Mr. HOLMAN. As against the taxing power of the States and Territories.

Mr. CRISP. It reserves all rights that the United States Government now has as to the lands, without respect to the action of States or Territories as to taxation. And the bill expressly provides that every right we now have with respect to these lands shall continue to the same extent and degree as if this act had not been passed.

Mr. HOLMAN. One other question: If the Government exacts from a railroad corporation the cost of survey and location, and it is paid, upon lands now subject to forfeiture, to what extent might the Government be held to be estopped by virtue of this act from asserting the right of forfeiture?

Mr. CRISP, I can only say that if the English language can make it clear, it is the intention and design of this act to leave the railroad companies and the Government of the United States in regard to their respective rights in the very same position after the passage of this act and after the collection of these costs as at present.

Mr. HOLMAN. Then under the provisions of this bill no estoppel can occur by reason of any act the Government may do touching the enforcement of this lien.

Mr. CRISP. I submit that the doctrine of estoppel cannot apply where it is expressly provided that it shall not apply. In the face of such a provision as this bill contains the doctrine of estoppel could not by any construction, however forced, have any application.

Now, Mr. Speaker, one word as to the question asked by my friend from Texas [Mr. REAGAN]. He inquired whether anything in this act would prevent the railroad companies themselves from becoming the purchasers of this land at tax-sales. I submit that it is not in our power to prevent their becoming purchasers if the land be sold at tax-sale. I submit it is no concern of ours whether they become purchasers or whether a stranger is the purchaser. Either party will buy subject to all the rights of the United States.

Mr. RICHARDSON. And would have to pay our lien.

Mr. CRISP. Yes, the lien of the Government must be paid.

Mr. REAGAN. I am not concerned that the companies shall not become purchasers, but that they shall not become purchasers of unearned lands.

Mr. CRISP. Conceding for the sake of argument—and it can only be conceded for that purpose, because such a construction is not sustained by the bill—that unearned lands would be taxable, I ask the gentleman from Texas what any railroad company or any individual that might buy would gain by a purchase of that sort. The purchaser would buy subject in the first place to the lien for the cost of survey, and subject, in the second place, to every right that the United States Government now has.

Mr. REAGAN. I apprehend I have not made myself understood. The question which I submitted was this: If any railroad company has surveyed lands which were not earned——

Mr. CRISP. The railroad company does not make the survey; it is made by the Government.

Mr. REAGAN. It is immaterial who makes the survey? If on

these lines lands have been surveyed which have not been earned and those lands are offered for sale and the railroad company buys them, paying the taxes, may not the company in that way by simply paying the taxes get a title to lands which it has never earned?

Mr. CRISP. Mr. Speaker, they do not get titles, because this act provides that every right which exists now shall continue to exist against any purchaser.

Mr. MILLS. The right of forfeiture among the rest.

Mr. CRISP. Yes; the right of forfeiture among the rest. It is immaterial who is the purchaser. The right to forfeit after the passage of this act if it exists now, and every right if language can preserve it. Every right as to forfeiture we have now we will have then.

Mr. LAIRD. May I ask the gentleman from Georgia a question?

Mr. PAYSON. Will the gentleman yield to me for a moment?

Mr. CRISP. I have promised to yield to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. I notice, Mr. Speaker, that the bill states taxes shall not be collected except where the land is located in organized counties. Now in the West, for instance, as in Nebraska, Kansas, and Colorado, a constitutional device of this kind exists: Where a county is unorganized it is attached to a county that is organized for judicial and revenue purposes. Of course that is an additional charge to the county to which it is attached. And when you lay off Union Pacific and railroad-grant lands to be located in organized counties they can recover taxes on them, but they can not under this bill recover taxes on lands in unorganized counties, although, as I have already stated, the organized county to which unorganized counties may be attached have additional charges to bear in consequence of that connection.

Mr. CRISP. I think the gentleman will find that all provided for in the bill.

Mr. LAIRD. I suggest to the gentleman from Georgia there should be some provision added to this bill to cover this point, making an exception in such cases—except where attached to organized counties for revenue and judicial purposes.

Mr. CRISP. The question presented by the gentleman from Nebraska, Mr. Speaker, was considered by the Committee on Pacific Railroads of this House, and was presented by myself in the House when the original bill was considered and passed by the House.

The objection to the proposition the gentleman suggests is this: There are portions of this territory that are in what are called unorganized counties. This vast territory in unorganized counties is put under the nearest organized county. It is attached to the organized county contiguous to it for the purpose of the administration of the criminal law and for the purpose of the administration of the civil law. But the committee were of the opinion, inasmuch as this taxing power we proposed to concede was only at least temporary in its character, that the provisions of the bill would be sufficient to answer the just complaint which comes up from every Territory.

I say temporary in its character, Mr. Speaker, because, as is well known, it is not in the power of Congress to determine what property shall be taxed in a State. That is the sovereign right of the State, except where the sovereignty of the United States, as the owner of the property, prevents its taxation by the other sovereign. The very moment we collect the cost of surveying and conveying this land the State where the land lies may tax it as it pleases. We have neither the right nor, I trust, the inclination to interfere with such a sovereign right of a State.

Now, we thought it was not exactly the right thing to do to tax the land lying in unorganized counties by organized counties which had temporarily the taxing power. Let me explain. A county in Nebraska might have a territory large enough to make half a dozen counties attached to it for certain purposes, for the purpose of the administration of the criminal and civil law. That county we thought ought not to have the right so long as we are dealing with the rights of States to tax it, ought not to have the right to require the payment on land which lay for instance a distance of 100 or 200 miles from the organized county, ought not to have the right to lay a tax for instance to build a schoolhouse in the organized county to which it was attached, ought not to have the right to collect a tax for the building of a court-house in the organized county, ought not to be taxed to carry on the affairs of that organized county, and therefore we thought in waiving our right to tax we would only waive it as to land in organized counties.

Mr. LAIRD. Just a word, Mr. Speaker. The gentleman from Georgia indulges in no new doctrine. Of course the State of Nebraska could not tax the paramount title of the United States. Nobody pretends that. The argument presented, therefore, is a distinction without a difference. An organized county could not lay a tax upon a territory attached to it for judicial purposes for the raising of revenue to be devoted to its own municipal improvements. It could not build a court-house or a school-house out of a tax raised on property which did not belong to it for purposes of taxation, or which was not included in its organization. All that it can do, therefore, at the utmost is to make the unorganized territory which is attached to it for judicial and revenue purposes pay the burden which springs from the business and expenditures of that unorganized territory. It can not go beyond it. It would, therefore, be unfair for instance in the county of Hitchcock, having 24 square miles of territory, perhaps each alternate section of 10 miles of which is made up of railroad land grants, to which is connected the county of Dundy, having 50 square miles of territory, each alternate section of which is railroad property, that this county of Hitchcock shall have the expenses of Dundy County, unorganized, paid out of the tax upon the property of Hitchcock County, organized, when perhaps it has two or three times as much tax for its necessary local or municipal expenses, which are germane to its territory, as Hitchcock County.

Mr. CRISP. I should be glad to yield to gentlemen for further discussion of this question, but having already occupied much more time than I intended, if no other gentleman desires to ask a question I shall be compelled to ask the previous question.

Mr. OATES. Before that I trust the gentleman will answer my question asked some time ago.

Mr. CRISP. If the gentleman has any question I shall be glad to answer.

Mr. OATES. This bill, as I understand, applies only to the earned lands. Is it not a solecism then upon its face to require them to pay taxes upon lands which are not theirs? How can the Government, in other words, require a tax to be paid upon lands which the Government claims as its own?

Mr. CRISP. Why, we are requiring no railroad company to pay any tax. We have no right to deal with the subject of taxation except that we propose to waive our immunity and let the States tax.

Mr. OATES. That is the effect of the question I asked, as to the extent of the waiver. Now to what extent does this go? You waive the right of forfeiture. Does that mean a temporary waiver? Does it apply to past delinquencies only? Does it mean for the past acts of the company, their failures to perform the duties which they undertook to perform, or those which may transpire some time hereafter?

Mr. CRISP. If I gather the scope of the question of the honorable gentleman from Alabama the answer is plain. For a great number of years many thousands of acres of land that have been earned by the railroad companies under the land grants or charters of the Government giving them land grants have been by these companies and their assignees held in certain States and Territories free from taxation. When the municipality of a State or county seeks to tax such lands, the reply is that the legal title is in the Federal Government and therefore they can not levy a tax. But these railroad companies are indebted to the United States in as far as this bill deals with them only to the amount due for the cost of surveying, selecting, and conveying the land grants thus awarded to them as they earned it; that is all. We propose by this bill, Mr. Speaker, simply to require them to pay to the United States the amount thus due, and, in the mean time, apprehending from the past course of these companies that there may be some delay incident to litigation, inasmuch as we can do so, securely waiving no ultimate rights, we simply waive our immunity.

Mr. OATES. The declaration then practically is this: Here are your lands; you must pay taxes or we will subject them to sale.

Mr. CRISP. The declaration is, Mr. Speaker, if I understand it, that we propose to collect from these companies what they are indebted to the Government for the cost of surveying, selecting, &c.

Mr. WEAVER, of Nebraska. And in the mean time they pay the tax.

Mr. CRISP. In the mean time we waive our immunity. Now let us see if the position of the gentleman from Alabama is logical. The bill says that as to every right that we have got now we shall have the same right after the passage of the act or after the sale for taxes. Every right that we now possess, the right of forfeiture or any other right, still remains with the Government. Well, now, how can this act militate against our right if it expressly says that it shall not? The gentleman from Alabama intimates that the declaration that the States may tax the land is a declaration that the railroads are entitled to the lands. How does that follow? We do not declare what particular property is taxable. We do not undertake to deal with the question of legal title. We do not undertake to say that if the State should tax a piece of property as the property of A that that makes it A's property; and I do not know of any rule or construction by which such a conclusion could be arrived at. But we do expressly say that whatever rights the Government has now we will have then.

If gentlemen do not desire to ask any further questions I demand the previous question upon the adoption of the report.

The SPEAKER. The gentleman from Georgia demands the previous question.

Mr. LAIRD. I trust the gentleman will allow me to offer an amendment.

The SPEAKER. There can not be an amendment to a conference report.

The previous question was ordered, and under the operation thereof the report of the committee of conference was agreed to.

Mr. CRISP moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE AT SAN LUIS OBISPO.

Mr. CLARDY. I present the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 17, after the word "bill," insert the word "provided." In line 18 strike out the word "which" and insert the words "the structure;" and the Senate agree to the same.

MARTIN L. CLARDY,
A. B. IRION,
ROBERT T. DAVIS,
Managers on the part of the House.
S. J. R. MCMILLAN,
J. N. DOLPH,
A. P. GORMAN,
Managers on the part of the Senate.

The statement of the conference on the part of the House was read, as follows:

In the matter of conference on Senate amendments to bill (H. R. 5862) entitled "An act providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal.," the conferees on the part of the House report that the amendment embraces the substance of certain bills establishing light-houses passed by the House at this session of Congress, and in addition an item authorizing the appropriation of $2,000 for the purchase of a right of way from Cape Orford light-station to the town of Cape Orford, Oregon; also, one establishing a light-house at Two Harbors, Minn., at a cost of not more than $10,000; also, one establishing a light-house on Gould Island, Narragansett Bay, Rhode Island, at a cost of not more than $10,000; also one establishing a light-station at North Point, to take the place of the old one near Milwaukee, on Milwaukee Bay, Lake Michigan, Wisconsin, at a cost not to exceed $15,000; also, for the purchase of a site and the construction of a first-order coast light-house at Cape Meares, Tillamook Bay, Oregon, at a sum not to exceed $60,000.

MARTIN L. CLARDY.
A. B. IRION.
ROBERT T. DAVIS.

The report of the committee of conference was agreed to.

Mr. CLARDY moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 1357) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition for examination and report.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. HALL. I ask the gentleman from Pennsylvania to yield for two or three moments that I may call up a bill for present consideration.

Mr. RANDALL. I will move that the committee rise ten minutes before the hour for adjournment so as to give the gentleman the opportunity to call up the bill at that time. Pending the motion I have made I ask unanimous consent to allow the session of to-day to continue till 6 o'clock to avoid having a night session. I have conferred with a number of members, and they seem to agree that that would be the better course.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend the session of the House to-day to 6 o'clock.

Mr. PETERS. I object.

Mr. RANDALL. We have lost an hour already to-day from the consideration of the sundry civil bill.

Mr. RYAN. I hope the objection will not be insisted on.

Mr. PETERS. I withdraw my objection.

Mr. WELLBORN. I ask unanimous consent that the order setting apart to-day for the consideration of reports from the Committee on Indian Affairs may be made a continuous order from day to day.

There was no objection, and it was so ordered.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. REAGAN in the chair), and resumed consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. RANDALL. It will be remembered that amendments in relation to the printing of one and two dollar United States notes and also one and two dollar silver certificates were made to certain paragraphs; but no provision was made at the time for the execution by appropriation of those provisions. I gave the assurance to the House that I would, as soon as I was able to do so correctly, move to insert the necessary sum of money. I ask now to offer the amendments which I send to the desk to cover those matters. There are three amendments. I desire that they shall be taken together to save time.

The Clerk read as follows:

In lines 277 and 273, strike out the sum proposed and insert "$327,740."

The CHAIRMAN. The Chair is informed that that amount has already been placed in the bill on motion of the gentleman from Illinois [Mr. CANNON].

Mr. RANDALL. Let the Clerk read the two other amendments.

The Clerk read as follows:

In line 280, strike out "fifty" and insert "eighty;" in line 283, strike out "one hundred and seventy" and insert "two hundred;" and in lieu of the sum proposed in lines 286 and 287 insert "$307,380."

In lines 292 and 293, strike out the sum proposed and insert "$141,820."

Mr. RANDALL. I ask to have printed in the RECORD a letter from the Superintendent of the Bureau of Engraving and Printing, which I think it is not necessary to read.

The letter is as follows:

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
June 25, 1886.

SIR: It is estimated by the Treasurer of the United States that in the event of the final passage of the amendments to the sundry civil appropriation bill providing for the issue of United States notes and silver certificates of small denominations, which were adopted by the House in Committee of the Whole yesterday, there will be required during the fiscal year 1887 6,000,000 sheets of United States notes and silver certificates. To produce this number of sheets it will be necessary to increase the appropriations for the support of the Bureau of Engraving and Printing as follows:

"For salaries of all necessary clerks and employés, and for labor (by the day, piece, or contract), including labor of workmen skilled in engraving, transferring, and other specialties necessary for carrying on the work of engraving notes, bonds, and other securities or obligations of the United States, and national-bank notes, the pay for such labor to be fixed by the Secretary of the Treasury, at rates not exceeding the rates usually paid for such work, $327,740, to be expended under the direction of the Secretary of the Treasury.

"For wages of not more than one hundred and eighty plate-printers, at piece rates, to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of not more than two hundred printers' assistants at $1.25 cents a day each when employed, and for royalty for use of steam plate-printing machines, $307,380, to be expended under the direction of the Secretary of the Treasury: *Provided*, That any part of this sum may be used for purchasing and operating new and improved plate-printing presses.

"For engravers, printers, and other materials, except distinctive paper, and for miscellaneous expenses, $141,820, to be expended under the direction of the Secretary of the Treasury."

The total of these amounts is	$776,940
The aggregate amount appropriated by the pending bill for these purposes is	689,546
The increase asked for is therefore	87,394

The estimates originally submitted, and printed on pages 197 and 198 of the Book of Estimates, provided for the printing of 6,000,000 sheets of United States notes and certificates. The estimates now submitted for the same quantity of work conform to those originally submitted, except that there is a reduction of $21,000 in the estimate for plate-printing, of twenty in the number of plate-printers, and of eighteen in the number of printers' assistants, in consequence of the contemplated introduction of six additional steam plate-printing presses.

Very respectfully,

E. O. GRAVES, *Chief of Bureau.*

HON. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
U. S. House of Representatives.

Mr. BLAND. Is there provision made in regard to the distinctive paper?

Mr. RANDALL. I will have another amendment as to that. The chief of the bureau states that after conference with the Treasurer he has fixed the amounts in the amendment at what will be necessary.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to submit these amendments at portions of the bill which have been passed over.

There was no objection.

The amendments were adopted.

Mr. RANDALL. I now want to complete this matter of the ones and twos, and offer the amendment which I send to the desk.

The Clerk read as follows:

In line 664, strike out "$12,000" and insert "$30,000."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRISP took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. 67) for the relief of Fitz-John Porter.

The announcement was received with applause and counter-manifestations of disapproval.

Mr. CUTCHEON. May the Lord have mercy on his soul. [Laughter.]

The message further announced that the Senate insisted on its amendments to the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAHONE, Mr. PLUMB, and Mr. CALL as the conferees on the part of the Senate.

The Committee of the Whole resumed its session.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. The amendment I have offered is to the paragraph in relation to distinctive paper for United States securities, the consideration of which was passed over. It provides for an increase of the appropriation from $12,000 to $30,000.

Mr. RYAN. This increase is for the purpose of purchasing distinctive paper for the ones and twos in exchange for the mutilated currency, and the one and two dollar silver certificates. Now the estimate of the Department for the ones and twos in exchange for mutilated currency is $22,000, and that would leave but $8,000 for the one and two dollar silver certificates.

Mr. RANDALL. A word will explain it. The original estimates which the gentleman has given included a number of employés who are not included here. I have a telegram from the Department stating that this is sufficient.

Mr. BLAND. Would it not be better to specify?

Mr. RANDALL. We never specify. I ask that the telegram be read.

The telegram was read, as follows:

TREASURY DEPARTMENT, *June* 26, 1886.

J. C. COURTS, *Esq.:*

Referring to your telegram of this morning, I beg to say that an increase of $18,000 will be needed, making a total of $30,000 for the item "distinctive paper for United States securities."

J. W. WHELPLEY,
Assistant Treasurer United States.

Mr. RANDALL. My inquiry was in reference to the amount of money to be added to the appropriation for paper in view of the amendments to the bill.

Mr. RYAN. The estimate of the Department for paper for ones and twos in exchange for mutilated currency was $22,000.

Mr. RANDALL. Well, they say now that $18,000 is sufficient.

Mr. RYAN. They say now that $18,000 is sufficient for paper for ones and twos in exchange for mutilated currency, and also for the one and two dollar silver certificates.

Mr. RANDALL. Yes; they so state.

Mr. BLAND. The five-dollar silver certificates are included also, I suppose?

Mr. RANDALL. Just the amendments as they are in the bill. Those amendments were referred to in my inquiry to the Department, and this telegram is the answer.

Mr. CANNON. I will ask the gentleman if in his telegram he spoke specifically of the silver certificates, ones, twos, and fives?

Mr. RANDALL. The Weaver and the Bland amendments were referred to distinctly by name in my telegram. I will have the telegram read.

The Clerk read as follows:

To Hon. C. N. JORDAN, *Treasurer:*

Referring to item on page 28 of sundry civil bill, "Distinctive paper for United States securities," Mr. RANDALL desires that you will inform him before 11 a. m. what increase, if any, should be made in this item because of the Weaver and Bland amendments which have been adopted by the House.

J. C. COURTS, *Clerk, &c.*

Mr. CANNON. I think the Department must have misunderstood the inquiry.

Mr. RANDALL. I guess not.

Mr. CANNON. Because it will take a hundred thousand dollars for this paper.

Mr. RANDALL. We have a large quantity of paper on hand now.

Mr. WEAVER, of Iowa. If the gentleman will permit me, I suggest that he repeat his inquiry. I do not suppose there is any doubt about the matter, but it might be well to repeat the inquiry.

Mr. RANDALL. The officers of the Department understand their business, and I understand mine.

Mr. WEAVER, of Iowa. I think so.

Mr. RANDALL. There is a large quantity of paper on hand now; six million sheets, I believe. There is no mistake about the matter; but I will make further inquiry.

The amendment was agreed to.

The CHAIRMAN. The pending question is on the amendment offered yesterday by the gentleman from Pennsylvania [Mr. ERMENTROUT], upon which the point of order was made by his colleague from Pennsylvania [Mr. RANDALL].

The amendment was read, as follows:

Insert after "dollars," in line 686:

"*Provided*, That $3,000 thereof shall be expended for the recoinage, dollar for dollar, into standard silver dollars or into subsidiary coins of the United States, trade-dollars which may be presented by the holders thereof at the various mints of the United States, for a period of six months after the passage of this act."

Mr. ERMENTROUT. Mr. Chairman, in proposing the pending amendment it is not my intention to consume precious time to open a debate on the trade-dollar; but, sir, during the current week we have had very earnest contentions about the currency, the greenback, the silver dollar, and the silver certificate, pensions, internal revenue, and the tariff, and while every cause had its advocates, not a voice was raised in favor of the redemption of the trade-dollar. Yet, if I may judge from the past sentiments of the House on the subject, it is entirely favorable to the passage of such legislation. Both in the Forty-seventh and Forty-eighth Congresses the House sanctioned the measure. Such legislation has been recommended by every Secretary of the Treasury, other officers of that Department, and the President himself. There is a popular demand for it, and the Committee on Coins and Coinage have reported favorably a bill that seeks to accomplish the purpose. Hardly a day passes that some member does not receive a communication in favor of it. In some districts, as in my own, public meetings have been held by the people, by boards of trade, and other bodies—meetings composed of all classes of people, the merchant, the farmer, the banker, and the tradesman, asking for this legislation. I will in this connection cause to be spread upon the RECORD as part of my remarks the proceedings of such a meeting held in Reading. A committee from my district, and probably from others, have taken the pains to come to this city and wait upon your Speaker, the chairman and members of the committee having charge of such legislation, and other members of this House. From one and all they have received assurances of support.

These facts render argument in favor of this amendment unnecessary; but it makes it none the less my duty to call attention to this important matter, and yet one that in my judgment will require little or no time to dispose of. Here is a favorable opportunity to fulfill what appears to be a universal desire. It seems to me it should be agreeable to the members of this House to skip questions upon which they disagree and vote measures agreeable to all. I am aware that the amendment is perhaps obnoxious to a point of order, in that it is ingrafting new legislation upon an appropriation bill. If there be no insuperable objection to such a course, I hope the point of order will not be made. It is a just proposition. The delay or refusal of Congress to grant this legislation is not only a stain upon the public faith, but works a great wrong to a large number of our citizens who have taken these coin in honest trade at their par value. I know that this is a fact. Some gentlemen dread contraction of the currency. Favorable legislation will put into circulation millions of the trade-dollars kept hoarded in the faith that nothing can disturb, that the Government will make good to the holders the coin upon which it has stamped its legend and the motto "In God we trust." Other gentlemen complain of the burdens of taxation and manifest great zeal on the subject. If legislation of the character proposed in this amendment and also covered in H. R. 8330, to which I have above adverted, is enacted, you will lift a great burden from the backs of many meritorious people, and you will restore at once to the people in the neighborhood of $2,000,000 unjustly taken from them. This statement is made upon the basis that there are about ten million trade-dollars out and that they are worth about 80 cents in the market. But the House should act promptly, so that the Senate may have time, if they will, to give the subject consideration. In case it is not deemed expedient that this legislation should be enacted as a part of this bill, I hope that what I have said may pave the way for speedy action on the bill for the redemption of trade-dollars reported by the Committee on Coins and Coinage. I ask leave to print as part of my remarks some documents bearing on the subject:

This is to certify that at a meeting of holders of "trade-dollars," held in the city of Reading, Pa., on Tuesday evening, April 20, 1886, at which the sum of $275,000 in trade-dollars (held by merchants, business men, farmers, mechanics, banking institutions, and others) was represented, the following preamble and resolutions were unanimously adopted:

"Whereas large sums of money in so-called trade-dollars are held by the farmers and business men of this section, hundreds of thousands of dollars of these coins having been put in circulation throughout the Schuylkill Valley; and

"Whereas the trade-dollar when issued and allowed to go into circulation was a legal tender to the amount of $5 and readily passed: Therefore,

"*Be it resolved*, That we call upon the Senators and Representatives in Congress from this State to use their most earnest efforts in behalf of the early redemption of the trade-dollar, and thus sustain the honor and integrity of the nation;

"*Resolved*, That a refusal on the part of the Government to redeem these coins dollar for dollar would amount to a virtual repudiation of its obligations, and such a course can not be too severely condemned."

Certified from the minutes.

ISAAC W. KEIM,
President of the Meeting.

Attest:

CYRUS T. FOX, *Secretary.*

THE TRADE-DOLLAR.

The Committee on Coinage, Weights, and Measures, to whom were referred the bills (H. R. 1497, 1749, 2057, 2069, 2082, and 2138) relating to the retirement, redemption, and recoinage of the trade-dollar, having had the same under consideration, respectfully report them back to the House, and recommend that they do lie upon the table, and that in lieu thereof the bill accompanying this report, entitled "A bill for the retirement and recoinage of the trade-dollar," be substituted and passed.

The bill here reported is substantially the same as that which passed the House April 1, 1884.

The trade-dollar, by the act which authorized it, was made a legal tender in sums of $5. By a subsequent law (see act July 22, 1876) it was deprived of its legal-tender quality. It is said that the coinage of the trade-dollar was for purpose of export to Asiatic countries. Very many of these coins have gone abroad. It is estimated that the amount which would probably be presented for redemption will not be greatly in excess of $10,000,000 out of a total coinage of $35,965,924. It is thought that the amount now in this country is about $7,000,000, and that no very large amount of that which has been exported would be returned to the United States. It is difficult to enact any law upon the subject which might not in some degree operate to the advantage of those who may have purchased these coins for speculation; but it is believed that many of them have found their way into the hands of people who did not receive them for such purpose, and that the passage of the accompanying bill will serve as well as any other measure in the solution of the matter. It will certainly have the desired effect of eliminating an anomaly from our system of silver coinage.

Mr. RANDALL. I insist on the point of order.

Mr. ERMENTROUT. If it is not deemed expedient to put this amendment on this bill——

Mr. RANDALL. It is not a question of expediency, it is a question of order.

Mr. ERMENTROUT. Well, if that point is made of course I must yield to it.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with all public buildings under control of the Treasury Department outside of the District of Columbia, $400,000; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Mr. BYNUM. I move to amend by striking out in line 710 "$400,000" and inserting "$474,000."

In support of this amendment I desire to call attention to the fact that this appropriation goes to that class of Government employés who are peculiarly laboring men—custodians of public buildings, or what might properly be termed janitors. In 1885 there was a deficiency of $19,000 upon the appropriation for this purpose. I do not remember the exact amount of the appropriation. That deficiency is still unpaid, and will no doubt be appropriated for in the deficiency bill. The appropriation for 1886 was $300,000; and upon that there is a deficiency of $60,000 to be made up. Not only that; the present Secretary of the Treasury about a year ago was compelled to make a reduction of about 30 per cent. in this branch of the service. That reduction is still in force; and if this increase which I now propose be not made, the officers will be compelled, as they state, to make another reduction. As these reductions fall upon the class known as laboring men, I trust the House will agree to the amendment.

There is now employed in the post-office at Indianapolis an engineer who took that employment a little more than a year ago. Within thirty days after he took charge of the building he had his salary cut down, and he has ever since been laboring for $10 a month less than he received at the Atlas Engine Works, where he was previously employed.

Mr. EZRA B. TAYLOR. Mr. Chairman, when this paragraph was read I rose to make a point of order on the concluding clause, in lines 710 to 712, but the Chair recognized the gentleman from Indiana [Mr. BYNUM] to offer an amendment. I wish to reserve a point of order on that portion of the paragraph.

Several MEMBERS. Too late!

The CHAIRMAN. In the opinion of the Chair it is too late now to make a point of order.

Mr. RANDALL. The provision is not subject to a point of order at any rate; the very same provision is in the existing law.

Mr. EZRA B. TAYLOR. The words to which I refer provide that "the Secretary of the Treasury shall so apportion this sum as to prevent any deficiency therein." Now, is there any existing law requiring that to be done?

Mr. RANDALL. I submit that the point of order comes too late.

The CHAIRMAN. An amendment having been offered and discussed a point of order comes too late.

Mr. RANDALL. In reply to the gentleman from Indiana [Mr. BYNUM], I wish to state that the amount appropriated for this item for the current year was $300,000. There is, as alleged, a deficiency of $54,000, of which $15,000 is for incidental expenses. The Department is now running this branch of the service upon a basis of $350,000. We have given an increase of $50,000 beyond that, making the amount $400,000, which we believe adequate; and I understood that the Department was content.

Mr. BYNUM. I desire to call attention to a fact, which I before omitted to state, that there are sixteen new buildings requiring janitors.

Mr. RANDALL. We considered that in granting the $50,000 increase.

Mr. CANNON. I move to amend the amendment by striking out the last word. I want to say to the gentleman from Indiana [Mr. BYNUM] that I presume the Department will get along with this appropriation of $400,000. As the gentleman from Pennsylvania [Mr. RANDALL] has said, the appropriation for the current year was only $300,000; and if you will read the law making that appropriation you will find that the gentleman from Pennsylvania, with his usual ingenuity, put in strong words and clauses to prevent the expenditure of any more money than was appropriated for the current year. When the present administration came into the kingdom they did (following, no doubt, so far as possible, the direction of the gentleman from Pennsylvania as expressed in the law) make reductions all along the line. They reduced the force 30 per cent. all round. It is true there was some complaint that public buildings at different points were not properly swept and kept in order; but the administration made the reductions; and the Democratic press throughout the length and breadth of the country took up the cry everywhere and said, "What a good thing reform is!"

But notwithstanding the cast-iron provision, as strong as the English language could make it, to hold this expenditure down to $300,000, we find that in the teeth of this provision this administration has expended all that appropriation and $50,000 or $60,000 additional, which comes in as a deficiency. So that this administration has had the glory of a reduction of 30 per cent., and at the same time, violating a law drawn with the astuteness and ingenuity of the gentleman from Pennsylvania, has piled up this deficiency of nearly $60,000. And we are going to appropriate for it. So that upon the one hand the administration gets the credit for its economy, and on the other hand it gets this money in excess of the appropriation.

Now, it is true, as the gentleman from Indiana says, that a large number of new buildings are to be provided for; it is true, I suspect, that $400,000 will not be sufficient. But that will not be any difficulty. Your administration will go on and spend the $400,000, will drive through any provision of law intended to restrict the expenditure to that amount, will create a deficiency; and no doubt the appropriation for that deficiency will in due time be made.

Mr. RANDALL. When we reach the end of the current year under the new administration this branch of the service will have spent $350,000 or thereabouts, and a large number of new buildings have been included. Yet as compared with the prior year under the gentleman's administration when there was spent $394,000, I think the figures will justify the remark I have made that we have corrected at least some extravagance.

Mr. CANNON. I will say to the gentleman from Pennsylvania that I am not complaining or charging this expenditure is extravagant; but I did say this, that in reference to some of these buildings they have not been properly cared for.

Mr. RANDALL. I differ with the gentleman from Illinois.

Mr. CANNON. I wish to call the attention of the gentleman from Pennsylvania to a proclamation he made along with the gentleman from New York [Mr. HEWITT] and others on that side of the House when we were considering the Navy bill, in which they said they would not consent to the making of any deficiency. Yet the gentleman confesses to a deficiency of from fifty to sixty thousand dollars. I am not complaining of that, but simply wish to call the gentleman's attention to the fact.

Mr. PETERS. Had we not better have an investigation of that? [Laughter.]

The CHAIRMAN. If *pro forma* amendments are withdrawn the Chair will submit the question on the amendment of the gentleman from Indiana [Mr. BYNUM].

Mr. BYNUM. Mr. Chairman, with the permission of the committee I desire to say a word in reply to what has been said by the gentleman from Illinois [Mr. CANNON]. My object in submitting the amendment was not for the purpose of securing any political advantage, but to call attention to the fact that the appropriation for last year was so low the present administration, in order to keep within the law, was compelled to cut down the wages of the laboring men some 30 per cent. I put the question fairly to the House to determine whether the members will allow the amount to remain where it is, which in all probability will compel a further reduction of the wages of these laborers, or consent to increase the amount to the full estimate, so that the wages of these employés may be restored to what they were before the reduction was made.

Mr. RANDALL. These are not laboring men.

Mr. BYNUM. Of course they are salaried men, but they are performing the duties of day laborers. They are janitors, but they are the representative men of the laboring class in the employment of the Government. They are the only class of Government employés taken from the ranks of the laboring classes, and I insist that if there is to be economy practiced by this House it should not be at the expense of this class.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Indiana [Mr. BYNUM].

Mr. CANNON. I withdraw my *pro forma* amendment to strike out the last word and renew it by moving to strike out the last two words, and I do it, Mr. Chairman, for the purpose of saying again to the gentleman from Pennsylvania that while it is true only $400,000 is given, nevertheless that is about $50,000 more than the appropriation for the current year. I say the precedent is such on the part of this administration of having expended $50,000 more than was appropriated that I have no doubt they will do it again.

Mr. RANDALL. I hope they will not, for I believe the amount appropriated is entirely sufficient.

Mr. CANNON. They spent $50,000 more than was appropriated this year, and I believe I am justified in saying they will expend more the next year than has been appropriated.

Mr. RANDALL. Sufficient unto the day is the evil thereof. [Laughter.]

The CHAIRMAN. By unanimous consent the *pro forma* amendments will be considered as withdrawn, and the question recurs on the amendment of the gentleman from Indiana [Mr. BYNUM].

Mr. BYNUM demanded a division.

The committee divided; and there were—ayes 13, noes 52.

So the amendment was rejected.

Mr. EZRA B. TAYLOR. I now raise the question of order on this paragraph.

Mr. RANDALL. The point of order comes too late.

The CHAIRMAN. The point of order is too late.

Mr. EZRA B. TAYLOR. Why?

The CHAIRMAN. Because the paragraph has been under consideration and the committee has taken a vote on an amendment to it.

Mr. EZRA B. TAYLOR. I gave notice at once of my intention to raise the point of order. I stated to the Chair I raised the point of order on this paragraph as soon as it was read. The gentleman from Indiana [Mr. BYNUM] rose at the same time and submitted an amendment and he was recognized by the Chair.

The CHAIRMAN. The gentleman if he had a point of order to submit should have presented it before the consideration of the paragraph had been entered upon. It would have been better at that moment to have interrupted the gentleman from Indiana in submitting his amendment.

Mr. EZRA B. TAYLOR. I am too modest a man to do anything of that kind. [Laughter.] In a general way I said that I would reserve the point of order.

The CHAIRMAN. The Chair did not hear the gentleman from Ohio or he would have recognized the point of order when it was raised.

Mr. EZRA B. TAYLOR. As soon as the paragraph was read, Mr. Chairman, I gave notice that I would raise the point of order and that I would reserve it.

The CHAIRMAN. The point of order must be made before the paragraph has been considered, and of course if the point of order is not made until after the paragraph has been discussed, it necessarily comes too late.

Mr. EZRA B. TAYLOR. I had no point of order to the question he was discussing, nor to that part of the paragraph; but I had to the part not yet reached.

The CHAIRMAN. The rule is that the point of order must be made upon the paragraph before it is discussed. The amendment of the gentleman from Indiana related to a part of the paragraph preceding the part to which the gentleman from Ohio desired to make the point of order, yet still the point must have been made on the paragraph before any of it was discussed.

Mr. EZRA B. TAYLOR. Then I will endeavor hereafter to secure recognition in ample time.

The CHAIRMAN. The Chair will be glad to recognize the gentleman.

Mr. LONG. I move to strike out the last word.

In some of the remarks I submitted on yesterday with regard to the coast and geodetic survey I referred to a letter which had been written by Major Powell, the Director of the Geological Survey, to Senator ALLISON. I will now ask leave to have this letter incorporated as a part of my remarks in the RECORD, but will not detain the committee by having it read at length.

I withdraw the *pro forma* amendment.

The letter referred to by Mr. LONG is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., June 10, 1886.

SIR: For the past two or three days I have been carefully reading the testimony given by myself to the commission of which you are chairman, and find one statement made by me, relating to the charts of the Coast Survey, which is unfair by reason of an important omission. I beg to call your attention to the following extract from the testimony, found on pages 197 and 198:

"The Coast and Geodetic Survey constructs maps, or, more properly speaking, charts, of the coast. These charts represent in part water areas and in part land areas. On the water areas are represented the soundings and important features of the sea and river bottoms. Other things also are represented, such as buoys, lights, &c. The land areas represented are in part islands and in part mainland. On these land areas are represented the landmarks which are used by mariners in the navigation of the waters. So far they are strictly coast charts, useful in navigation.

"In surveying the land areas, the Coast Survey does something more, by extending the map work back a short distance into the country, varying from half a mile to 5 miles. This additional work is of a peculiar character. All streams, large and small, that run in or through this margin of land, are plotted upon maps; all coast marshes are plotted; all rocky ledges and points are indicated, and to some extent hills are represented. In addition to this, many artificial features are plotted, such as city, town, and village plats, country roads, farms, fields, houses, and many other artificial or cultural details. The surveys made for these cultural details do not include complete cadastral surveys, but only sufficient cadastral surveying to make it possible to correctly plot such items upon the maps. I am unable to state any useful purpose which this cadastral or artificial element in the coast charts subserves; first, because it is not executed so as to form a complete cadastral map; second, because these artificial topographic features are ephemeral; that is, this culture changes from year to year in such a manner that the charts speedily become misleading."

In the above it is stated that "I am unable to state any useful purpose which this cadastral or artificial element in the coast charts subserves." At the time when this statement was made I had in view the industrial purposes for which maps are made, and, as my argument throughout will show, I was trying to set forth the fact that such charts as were made of the coast, if made for the interior of the country, would not be useful for general industrial purposes. With this end in view I failed to present an important reason for the construction of coast charts as they are and always have been made by the organization having that work in charge.

In this connection I beg to call your attention to a portion of my testimony on page 388, as follows:

"THE BEST METHOD OF CONSTRUCTING MILITARY MAPS.

"Peculiar conditions arise when topographic maps are to be used for military purposes, which must not be neglected. The military purposes for which topographic maps are used are of two classes: First, they are necessary in planning and conducting the movements of troops from one portion of the country to another; that is, they are useful for strategic purposes. Second, topographic maps may also be useful for the maneuvering of troops on the immediate theater of conflict; to discover how infantry, artillery, and cavalry may best be combined in the battle, and to show how bodies of troops may be grouped, and how outposts and pickets may be distributed when armies stand confronting each other. This may be called the tactical use of topographic maps. The two purposes are so distinct that the same map will not subserve both. The general topographic map is all that is necessary for strategic purposes, but experience has shown that for tactical purposes military maps should be on a scale of about 6 inches to the mile, and that they should represent all of the facts of importance to the stationing of troops on the eve of battle and the maneuvering of troops in the conflict. These facts are only in part found upon proper topographic maps, and only in part found upon cadastral maps.

"If, then, a nation maintains a large standing army, and war impends from year to year, it is found to be advantageous to compile from cadastral maps such facts as they contain which are of value to the military maps, and to add to the same such facts as may be necessary by an actual survey on the ground. To make these maps useful it is necessary that they should be constantly revised and kept in a perfect condition; and, in order that advantage may be reaped from them which can not accrue to the enemy, the maps must be solely in the custody of the War Department, and kept strictly as military secrets."

The Coast Survey charts are constructed upon the scale and by the methods best adapted for military maps, as such maps are described in the above extract.

The history of the organization and progress of the Coast Survey clearly shows that the theory at the basis of its work has always been that military maps should be constructed of the coast of the United States for defensive purposes. In 1828, Mr. Carter, of the House of Representatives, from the Committee on Naval Affairs, presented a report (*vide* Twentieth Congress, first session, Document No. 264, House of Representatives) in which the Hon. Samuel L. Southard, then Secretary of the Navy, in reply to the question "whether, in the opinion of the Department, such survey ought to be made," says: "It is called for by regard to our commercial and naval interests, and to our means of national defense."

In the report of the Superintendent of the Coast Survey for 1834, Mr. Hassler says: "The survey of the coast must evidently, merely as such already, extend inward at any place until to the ridges of hills or mountains that border the valleys emptying their waters into the sea, or the large bays and rivers; it must present the localities of all the passages and gorges that lead to these valleys, &c., because it must contain all that is needed for the proper defense of the coast in case of any attack whatsoever, just as much as the outlines of the coast and the soundings; because like these furnish the guide to the navigation, so the others are the elements upon which the directions for a proper defense of the country in the case of need must be grounded; and all these elements must be so detailed and present such a full and self-explaining picture of the country that, with the map before the eye, the military operations may be properly judged and guided in the Cabinet. It is therefore as habitual to join for each district a statistical statement of its natural means and resources; it is as desirable to have these accounts of the land part as those upon the currents in the naval part of the work."

Again, in 1841, Mr. Hassler says (*vide* Twenty-seventh Congress, second session, Document No. 28, House of Representatives): "The aim of the Coast Survey is, and has always been considered to be, by all the successive administrations since its existence, to furnish, with the fullest accuracy possible, all the geographical, topographical, and hydrographical data that may in any way be needed for the navigation and the defense of the coast."

Again, in 1841, Superintendent Bache, of the Coast Survey, says "(*vide* Twenty-eighth Congress, second session, Document No. 25, House of Representatives): "The results of these operations, when requiring calculation, are reduced by the parties making the observations, and checked by others. They go to form the maps and charts which are the ultimate objects of the work; to give a minute knowledge of our coast, in a high degree important to our commercial and naval marine and in connection with defense."

Quotations from executive documents and from the debates of Congress might be greatly multiplied, all showing, like the above, that the purpose for which the charts of the coast were constructed was for military defense, and for this purpose the engineers of the Army and the officers of the Navy were united in the execution of the work. The Coast Survey has, therefore, from its inception to the present time, been engaged in the preparation of a military map of the coast of the United States, and for that purpose the scale, the method of projection, and the general plan of the charts adopted, have been wise. No better military map has been constructed in any country at any time.

It must be understood that the map of the coast is a hydrographic map for the Navy and a land map for the Army. It should be further noted that in my statement to the commission quoted above I referred to the fact that in the construction of military maps certain facts should not be published. It has been the practice of the Coast Survey to collect a large body of data which it has not put upon its published charts; and while I can not cite any authoritative statement of the reasons for the failure to publish such material, yet I have no doubt that they are the same as those I have indicated.

I am the more anxious to correct my statement to the commission in the above respects from the fact that in carefully reviewing the testimony I have failed to find that any reference has been made by officers of the Coast Survey or by others to this prime factor in the national policy for the survey of the coast of the country.

I am, with great respect, your obedient servant,

J. W. POWELL, *Director.*

Hon. WILLIAM B. ALLISON,
Chairman Joint Commission, United States.

The Clerk read as follows:

Furniture and repairs of furniture: For furniture and repairs of furniture, including carpets, for all public buildings under the control of the Treasury Department, including marine hospitals, and for furniture, carpets, chandeliers, and gas-fixtures for new buildings, $150,000. And all furniture now owned by the United States in other buildings shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not.

Mr. RYAN. I move to strike out, in lines 725 and 726, the words "one hundred and fifty" and insert "two hundred;" so that it will read "two hundred thousand dollars."

I do so because I am entirely satisfied that $150,000 is not a sufficient appropriation for this purpose. The Secretary of the Treasury says in his estimates that he needs $300,000 for this purpose.

Mr. RANDALL. The estimate is $275,000.

Mr. RYAN. I subsequently visited the Department and was assured by the Assistant Secretary that he could not get along with less than $100,000 more. I think it is but just to the Department to raise this at least $50,000 more than what is proposed here; and I suggest the propriety of this to the gentleman from Pennsylvania the honorable chairman of the Committee on Appropriations.

Mr. RANDALL. They had spent since the new administration came in power $65,485 up to the time when we were considering this paragraph of the bill in the subcommittee. They had contracts out for about $30,000 more, showing a total expenditure of some $95,000. A fair estimate for the balance of the year would not, therefore, be a very large addition to that sum on the same basis, and that estimate has also included, as I understand it, a large number of new buildings.

This sum is quite sufficient, and I have never heard a word from there, either from the Assistant Secretary or the chief clerk, to the contrary.

In fact there is a pride exhibited on having reduced the expenditures in this connection enormously over prior years. The truth is that there has been the grossest waste of the public money in connection with the furnishing of these public buildings, and it ought to be stopped. I must confess my surprise that there should be an effort on the part of my most esteemed friend to raise this appropriation, because there is no man who knows better than he does that there has been undue extravagance in the character of the furniture purchased for these public buildings.

Mr. RYAN. Mr. Chairman, in reply to what has been said by the gentleman from Pennsylvania as to whether there has been extravagance or not, it is not so material as to determine whether the expenditure asked by the present administration is necessary. The estimate of the present administration was made in the light of that extravagance and in view of reform in that respect; and yet the committee say that the amount of $150,000 less shall be appropriated. That is to say, they cut the appropriation down from that amount to what it is in the present bill. It is true that there was not as much expended in the current year as is asked for here; but it is simply because there were not the number of public buildings to be furnished that must be inevitably furnished next year, if we utilize the new buildings. I have a list here of these buildings and the reduced estimates of the Department, the lowest which the Department says it can get along with. These buildings amount to twenty-two in number, not including the one for Baltimore, which the Department expects will be ready to be furnished during the next fiscal year at an additional cost of $30,000. I affirm here that unless the Department is incompetent and does not know what is necessary, this expenditure in the next year, unless it is deliberately intended to mislead the House, indicates that there must be a deficiency unless we increase this appropriation.

Mr. RANDALL. The estimate no doubt was made on the basis of prior years; and yet when the administration comes to spend the money they have not spent of that $300,000 more than $125,000. The balance of course will be covered into the Treasury. We want to make an appropriation now for the coming year based upon the expenditure of the last year with the additional view of the new public buildings.

Mr. RYAN. I want to say that I have not made this appeal for any increase because I have a special interest in it.

Mr. RANDALL. I know that.

Mr. RYAN. I only speak in the interest of the general service. There is not a single dollar that will go into my State, so far as I know. There is no building in my State that will receive anything from this appropriation.

Mr. RANDALL. I did not ascribe to the gentleman any other motive than a desire for the public interest.

Mr. WARNER, of Ohio. I wish to say a word. In the first place, there has been a decrease in the last few years in the price of furniture of 30 or 40 per cent. In the second place, there is perhaps more waste in furnishing offices in public buildings than in almost anything else connected with the Government. As a rule the furnishing of offices alone in the Departments of the Government is made to cost more than on an average the homes of the people are worth who are taxed to pay for it. One hundred and fifty thousand dollars will answer the purpose.

Mr. RANDALL. It is quite enough.

Mr. RYAN. If there be no objection I ask to have the list of buildings read, and the amount asked for each.

Mr. RANDALL. I suggest to the gentleman that to save time he can have the list printed.

Mr. RYAN. It will take but a moment.

The Clerk read as follows:

Estimated amount required for new buildings to be completed during the fiscal year ending June 30, 1887.

Building.	Date of completion.	Amount.
Buffalo, N. Y., custom-house extension	August, 1886	$20,000
Baltimore, Md., marine hospital	May, 1886	10,000
Columbus, Ohio, court-house and post-office	December, 1886	15,000
Council Bluffs, Iowa, court-house and post-office	June, 1887	8,000
Concord, N. H., court-house and post-office	June, 1887	15,000
Dallas, Tex., court-house and post-office	December, 1886	8,000
Des Moines, Iowa, court-house and post-office	June, 1887	5,000
Fort Wayne, Ind., court-house and post-office	January, 1887	6,000
Frankfort, Ky., court-house and post-office	September, 1886	8,000
Greensborough, N. C., court-house and post-office	December, 1886	5,000
Harrisonburg, Va., court-house and post-office	July, 1886	5,000
Hannibal, Mo., post-office, &c	June, 1887	8,000
Jackson, Tenn., court-house and post-office	September, 1886	8,000
Jefferson City, Mo., court-house and post-office	March, 1887	15,000
Lynchburg, Va., court-house and post-office	May, 1887	8,000
Oxford, Miss., court-house and post-office	December, 1886	8,000
Pensacola, Fla., court-house and post-office	December, 1886	5,000
Quincy, Ill., post-office	December, 1886	15,000
Shreveport, La., post-office	December, 1886	5,000
Syracuse, N. Y., post-office	December, 1886	15,000
Terre Haute, Ind., post-office	June, 1887	15,000
Toledo, Ohio, custom-house	December, 1886	15,000
Total		222,000

Mr. RANDALL. Does that come from the Supervising Architect?

Mr. RYAN. No, sir; I visited the Assistant Secretary, Mr. Smith, with a view to ascertaining definitely what will be needed for this service. He called in the person in charge and they had a consultation in reference to it, as the result of which this list was sent to me.

Mr. RANDALL. I have the official list sent to the committee and it includes only twelve buildings.

Mr. RYAN. The letter accompanying the list which has just been read referred to that and shows that this is the revised list.

Mr. RANDALL. There are a number of buildings there which are not completed, and will not require to be furnished. I might instance Hannibal and Jefferson City, Mo. I do not know how many more there may be.

Mr. RYAN. The gentleman has probably named all there are.

The amendment was not agreed to.

The Clerk read the following paragraph:

Propagation of food-fishes: For the introduction by the United States Fish Commission into and the increase in the waters of the United States of food-fishes and other useful products of the waters, including lobsters, oysters, and other shell-fish, and for continuing the inquiry into the fisheries of the United States and their subjects, and for such general and miscellaneous expenditures as the Commissioner of Fish and Fisheries may find necessary to the prosecution of his work, including salaries or compensation of all necessary employés, $130,000.

Mr. NELSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding at the end of line 765 of the printed bill the following:

"That the sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction and establishment of a fish-hatchery at Duluth, Minn.: *Provided*, The city of Duluth furnishes a suitable site for such hatchery."

Mr. ROGERS. I make the point of order against that amendment.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. NELSON. I do not understand what point of order is made.

The CHAIRMAN. The point of order is that the amendment is new legislation.

Mr. NELSON. I did not hear the gentleman from Arkansas state that.

The CHAIRMAN. Will the gentleman from Arkansas state what is his point of order?

Mr. ROGERS. That this is new legislation.

The CHAIRMAN. The Chair will have to sustain the point of order.

Mr. NELSON. I would like to be heard on it. As I understand no point of order was stated by the gentleman from Arkansas in the first instance. I understand also that when a gentleman makes a point of order something should be alleged to sustain it.

Mr. HISCOCK. It seems to me there is no doubt that the amendment is in order. It is simply extending, continuing, and enlarging the same works as are provided for in the paragraph in the bill. The Chair has already ruled when an amendment which is subject to a point of order is admitted, the point of order not having been made, then it is itself subject to amendment so that it may be put in correct shape. And if the paragraph in the bill is in order, the amendment also must be. I think the Chairman of the Committee on Appropriations will hardly contend that this amendment is not in order.

Mr. LONG. It is simply an extension of the system for the propagation of food-fishes.

Mr. HISCOCK. It might as well be said that the committee had not the power of increasing an appropriation. The amendment increases the appropriation and provides how that increase shall be expended. I know nothing about the merits of this question, but I believe the amendment is in order.

Mr. NELSON. I wish to say on the point of order in the first place I do not think that any point of order which the Chair could recognize was made; and before any point of order had been made the Chair undertook to sustain it.

The CHAIRMAN. It has been the habit of the House when a point as to new legislation arises that the member objecting simply makes the suggestion that there is a point of order; and the Chair has always recognized that as the practice. If the nature of the point of order is demanded, then it can be stated.

Mr. NELSON. I would like to be heard on the point of order. I desire to say there is no existing law for any of this appropriation; I know of no law except the appropriation bills from year to year which furnishes any warrant for the appropriation of this amount, and I simply seek to do what the bill itself proposes to do, to make an appropriation under and pursuant to the law establishing the United States Fish Commission. There is a general law as I understand establishing the United States Fish Commission, and under this law these appropriations are made. But there is no specific law providing for an appropriation to be made from year to year, and the very point made against this amendment which I have offered might be made against this whole paragraph to which I have proposed the amendment.

The CHAIRMAN. The point as to whether this amendment is in order can be reached in this way: Can this be done without a law? If it can, then it can be done by an application to the Department hav-

ing control. If it can not be done in that way, then the amendment is new legislation and not in order.

Mr. NELSON. There is no law on the subject at all in reference to this matter. It has simply, as I understand, been the habit and custom to make an appropriation from year to year substantially as you find it in this paragraph for the Fish Commission, leaving the Fish Commission to expend it.

But there is nothing in the law, and it has been always in the power of Congress to make the appropriation smaller or greater, or to eliminate it altogether. In other words, Mr. Chairman, there is no law directing that any specific amount shall be appropriated for the benefit of this commission for any purpose whatever, for any year, or from year to year. It is like a good many other matters that you find appropriated for in the appropriation bills, which are simply matters of discretion and are appropriated for upon estimates submitted by the officers of the Departments. Now this amendment does not change existing law; it is no more new legislation than is this entire paragraph.

Mr. ROGERS. Mr. Chairman, I think we ought to have the regular order. I understand that the point has been ruled on.

The CHAIRMAN. The Chair will state to the gentleman from Minnesota that there is a law creating this Fish Commission. The gentleman is mistaken, too, in supposing that there has never been any special legislation on the subject of fish-hatcheries. The Chair remembers that legislation was reported by the Committee on Commerce at different times providing for the establishment of these fish-hatcheries. This appropriation may carry out the work of the Fish Commission where there are hatcheries already established, but it is to be assumed that new hatcheries can not be established without authority of law, any more than the existing hatcheries could have been established without such authority. If there is authority in the existing law for the establishment of a fish-hatchery at the point indicated in the amendment, then it is only necessary to apply to the Department; but if the hatchery can not be established under existing law, then this amendment is clearly new legislation, and, however the case might have been under the former rule, it can not be entertained under the new rule. The point of order is sustained.

Mr. NELSON. I offer another amendment, which I send to the desk.

The amendment was read, as follows:

Amend by adding at the end of line 765 of the printed bill the following:
"Of which sum $13,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the construction and establishment of a fish-hatchery at Duluth, Minn., provided the city of Duluth furnishes a suitable site for such hatchery."

Mr. ROGERS. I make the same point of order against that.

The CHAIRMAN. This seems to be subject to the same point of order as the last amendment.

Mr. NELSON. There is a difference between this and the other amendment, which I desire to explain. The first amendment was distinctly a new appropriation to build a fish-hatchery at the city of Duluth. The amendment I have just offered simply directs that a portion of the sum appropriated in this paragraph shall be devoted to that purpose. That is the distinction. This amendment only directs that a part of the general appropriation hereby made shall be devoted to the purpose of establishing a fish-hatchery at Duluth, and in that respect it differs from the former one, and is not subject to the same point of order.

The CHAIRMAN. The object of this amendment, as of the prior one, is to establish a fish-hatchery at the place indicated. As the Chair stated in ruling upon the other amendment, if this can be done under existing law, it can be done under an order of the Department; but if it can not be done without the enactment of an additional law, then clearly this is new legislation.

Mr. HISCOCK. There is no doubt, Mr. Chairman, that a hatchery can be established under existing law.

The CHAIRMAN. Then it had better be done in that way instead of by a violation of the rules of the House.

Mr. HISCOCK. There is a general authority of law to establish fish-hatcheries. Now, if that be so, it seems to me very clear that in making an appropriation like this we can add a condition that the money shall be expended in this particular way.

The CHAIRMAN. The Chair is not aware of the existence of any general authority for the establishment of fish-hatcheries.

Mr. HISCOCK. The general language of this bill itself might give such authority: "For the introduction by the United States Fish Commission into and the increase in the waters of the United States of food-fishes and other useful products of the water."

The CHAIRMAN. While unable to recollect the precise legislation, the Chair does remember that at different times acts have been passed establishing fish-hatcheries on the Schuylkill, on the Lower Potomac, and at other points. Those hatcheries were established not under a general law, but by specific legislation. But at any rate, if the hatchery proposed in this amendment can be established under the general law, then it is for the Department to do it; but if this legislation is required to authorize it, then clearly this is new legislation, and therefore not in order.

The Clerk read as follows:

To meet such expenses as may be necessary to be incurred in carrying out the provisions of the act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, including the printing of certificates therein required, $5,500.

Mr. MORROW. Mr. Chairman, I offer an amendment, which I send to the desk.

The amendment was read, as follows:

In lines 812 and 813, strike out "five thousand five hundred dollars" and insert "ten thousand dollars: *Provided*, that the Secretary of the Treasury shall cause to be prepared and furnished to collectors of customs at ports where the same may be required suitable books of registration and books of preliminary and return certificates, in such form as shall enable the said collectors to conveniently set forth and certify accurately, distinctly, and fully all the particulars necessary to identify the Chinese persons to whom such certificates shall be issued."

Mr. STORM. I reserve a point of order on that proposition as new legislation.

Mr. MORROW. When the Committee of the Whole was first proceeding to consider this bill the gentleman from Massachusetts [Mr. LONG] reserved certain time, a portion of which he has kindly agreed to surrender to me; and I will, if it be agreeable to the committee, occupy that time now.

Mr. LONG. Being entitled, under the agreement made when this bill was taken up, to certain time for general debate, I yield twenty minutes of that time to the gentleman from California [Mr. MORROW].

Mr. RANDALL. Let us pass this item.

Mr. RYAN. Let us pass it, and wait until we come to the general debate.

Mr MORROW. All I want is my twenty-five minutes—five in my own right and twenty yielded to me by the gentleman from Massachusetts.

The CHAIRMAN. Does the gentleman from California consent to pass this item for the present?

Mr. MORROW. I understand the amendment is to be passed for the present, and discussion will take place when the general debate is reached.

Mr. RYAN. When we reach the clauses in relation to the public lands, which will be soon.

The Clerk read as follows:

For necessary traveling expenses of agents actually incurred in going to and returning from Alaska, not to exceed $600 each per annum, $2,400.

Mr. LONG. I offer the amendment which I send to the desk.

The Clerk read as follows:

For the education of the children of school age in the Territory of Alaska without reference to race, $25,000.

Mr. RANDALL. I make a point of order on this proposition, with the view of giving the gentleman from Massachusetts an opportunity to state any authority of law which there may be for the provision.

Mr. LONG. I desire to be heard on the question of order. I have no doubt that the amendment is entirely in order.

Mr. RANDALL. Under what law?

Mr. LONG. I call the attention of the Chair to the organic act establishing civil government in Alaska, approved May 17, 1884, the thirteenth section of which provides:

That the Secretary of the Interior shall make needful and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race.

There, in the organic act establishing this Territory and providing civil government for it, is a provision, the very language of which is embodied in the amendment I have proposed, that "the Secretary of the Treasury shall make needful and proper provision for the education of the children" in that Territory without distinction of race. Not only is there fundamental law for this provision, but in 1885 we appropriated $25,000 for this purpose, under which law and appropriation teachers since then have been and are now engaged in Alaska. So that the work of education there is a work or object which is in progress. Hence, both on the ground of this being a work in progress, and on the ground that there is a fundamental law providing that the Secretary of the Interior shall make provision for the education of these children, I hold that the amendment is clearly in order. Under these circumstances I hope that the gentleman from Pennsylvania will not insist on the point of order.

Mr. RANDALL. We have provided by appropriation for the law which the gentleman cites.

Mr. LONG. No, sir; that appropriation was for Indians. This law is for education without distinction of race.

Mr. HOLMAN. Oh, there is but one race there.

Mr. LONG. There are several races. I understand, then, the point of order is not insisted on?

Mr. RANDALL. Oh, yes; we insist on it.

The CHAIRMAN. The Chair thinks the point of order is not well taken, and overrules it.

Mr. LONG. Then, if I may be heard upon the merits of this amendment, I desire to say that the Bureau of Education very cordially recommends an appropriation for this purpose, claiming indeed that the sum of $50,000 ought to be appropriated, whereas my amendment is content with $25,000.

Mr. RANDALL. What bureau did the gentleman mention?

Mr. LONG. The Bureau of Education.

Mr. RANDALL. Oh, yes; and they got up all these petitions.

Mr. LONG. Not only is this recommended by the Bureau of Education, but Governor Swineford, the governor of Alaska, has in his annual report and in personal statements before the committee recommended the appropriation for this purpose, saying that the amount ought to be $50,000. I take the liberty of reading from his report:

In this connection I desire to say that in my opinion the sum appropriated for the establishment and maintenance of common schools in Alaska is not nearly sufficient. No argument is needed to establish this fact. A glance at a map showing the location of the schools enumerated as having already been and having yet to be established ought to be sufficiently convincing. Aside from the cost of their original establishment, the supervision and control involves many thousands of miles of expensive travel annually on the part of the general agent and the teachers. The appropriation should be increased to a least $50,000.

I urge this proposition upon intelligent members. I call attention to the fact that the Territory of Alaska, unlike any other Territory, has no Territorial Legislature of its own, no means whereby it can impose a tax upon its people, no representative on this floor. But through those who represent the Territory in other ways—the Secretary of the Interior, the governor of the Territory, the agent of the Bureau of Education—we are urged to continue the appropriation already made for this purpose.

In 1885 we appropriated $25,000 for the general education of these children without distinction of race. The same year we appropriated $15,000 for the Indian schools, that appropriation being with distinction of race. In 1886 we appropriated $15,000 for Indian schools, but nothing for general education. This year we have already appropriated $20,000 for the Indian schools, but thus far we have made no appropriation for general education.

Mr. WILSON. Why should there be an appropriation for general education of white children in Alaska more than in other Territories?

Mr. LONG. Because that Territory has no means of raising money for itself; it is dependent upon the National Government; it has no Territorial Legislature. Even the Russian Government a generation ago, as we are told, educated the children there. The adult generation of to-day have been educated in Russian schools, and are somewhat familiar with Russian common-school education. But the young children are growing up without any education at all. It would be a shame and disgrace to this great country if we should refuse to make some provision for the education of the children there, especially when the people of that Territory have no representative on this floor, no Territorial form of government by means of which they can raise money for schools.

Mr. PETERS. I understand the Government has heretofore appropriated money for that purpose?

Mr. LONG. Yes; the Government appropriated $25,000 for that pupose in 1885, and we ought to make a similar appropriation this year. There are teachers thousands and thousands of miles away from home who will be obliged to abandon their work unless we continue it. The idea of standing here and pleading with the American Congress that the pittance of $25,000 should be appropriated for general education of children there, when a generation ago the Russian Government educated their children, is intolerable.

Mr. EZRA B. TAYLOR. And think, too, of pleading in vain.

Mr. LONG. Oh, no. I shall not plead in vain, for I am pleading to intelligent gentlemen.

Mr. EZRA B. TAYLOR. No; you are not.

Mr. LONG. Yes, I am. I know there are men on that side of the House ready to support this matter.

Now, Mr. Chairman, the population there is increasing. From the report of the Secretary of the Interior I extract the following.

He says, referring to the report submitted to him by Governor Swineford, of Alaska:

He estimates the population of Alaska, exclusive of the eastern portion of the Territory, which has not yet been reported on, at between 33,000 and 34,000 inhabitants, including creoles, Aleuts, whites, and Indians. He states that the native Alaskans are largely educated in the elementary branches of a common-school education, and as a rule are industrious, provident, living in permanent and substantial homes, and all self-sustaining. Many of them are members of the different Christian churches—Greek, Presbyterian, and Catholic.

Or, as my friend from Virginia [Mr. TUCKER] would say, Pres-by-te-rian. [Laughter.]

The Secretary of the Interior then goes on still further:

He says that they belong to an entirely different race from the Indian tribes, and are capable of being educated up to the standard of good and intelligent citizenship, and recommends that just in proportion to their educational progress they should have the rights and privileges conferred and the duties and penalties of full citizenship imposed upon them.

In 1883 the Commissioner of Indian Affairs said:

If the published statements in reference to Alaska be true, we are doing much less for the civilization of these people than was done before we took possession of that country. The Russian Government gave them laws, churches, and schools; the American Government has done nothing in that direction.

Since then we have given it a form of civil government.

The CHAIRMAN. The gentleman's time has expired.

Mr. LONG. If I am correct, Mr. Chairman, I have additional time. I will take it under my general leave.

The CHAIRMAN. Does the gentleman desire to take more time now?

Mr. LONG. Yes; out of my general allowance.

Now, Mr. Chairman, since that time we have done something. We have given them civil government, sent a governor there, and in 1885 we made an appropriation of $25,000 for school purposes. Now, I can not conceive it possible it should enter the mind of any man here that we should abandon that provision until we furnish them with a Territorial government to legislate in reference to all these matters for themselves.

Mr. BROWN, of Pennsylvania. If we do not continue it the $25,000 heretofore appropriated will practically be thrown away.

Mr. LONG. Yes; as the gentleman from Pennsylvania well states unless we make some provision of this character the appropriation already made will practically be thrown away. I appeal to the gentleman from Kentucky [Mr. BRECKINRIDGE] and others on that side of the House to support me.

Mr. BRECKINRIDGE of Kentucky. Let me ask the gentleman from Massachusetts whether he has read section 13 of the organic act?

Mr. LONG. Yes; I have read that in connection with the point of order.

Mr. BRECKINRIDGE of Kentucky. That only applies to one year.

Mr. SYMES. Mr. Chairman, I wish to add one word to what has been said by the distinguished gentleman from Massachusetts [Mr. LONG] in support of this amendment. I have examined the report upon education in Alaska made by Rev. Sheldon Jackson. I addition to that I have been acquainted with that reverend and distinguished gentleman for fifteen years past. I first met him when he was a missionary in Montana. I afterward knew him in Colorado, when engaged in the same calling—missionary work and preaching. I desire to state I do not think we have in the western part of the United States a better or more competent educator than Rev. Sheldon Jackson. He is a man of wonderful intelligence, persistence, industry, and self-denial in all matters pertaining to the education of inferior races, for which this appropriation is now required.

His self-denial in the Territory of Alaska in building up that school system is something that commends itself to the earnest commendation of any man who wishes that country redeemed and made fit for Territorial government. Sir, he has built up there among those half-civilized people called Indians a system of education utilitarian and industrial in its character which is destined to redeem those people from barbarism and make them an industrious people in that part of our territory.

I talked with him for some hours recently on this subject, and subjected him to somewhat of a cross-examination; and I am satisfied, sir, it is not one of those cases where an appropriation is asked for the civilization of Indians which is impracticable and theoretical, as I think some appropriations have been made and wasted in behalf of what is called the civilization of the North American Indians in times past.

These people are of quite a different character and race from what is commonly known as the North American Indians. When the settlers first go there, when the companies first establish their trading posts, these people go and hire themselves out and work as industriously as our people in this country. They are not of a nature to bear arms and commit murder and outrages and treacherously kill the pioneers at night and destroy their property as the tribes inhabiting the Northwestern States and Territories do. They are of an entirely different composition, and I am satisfied in my own mind that this Government could not make a better appropriation than to expend $25,000 to redeem these people from barbarism and educate their children to habits of industry and usefulness.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, I only desire to say a word or two upon this question. I doubt very much whether future generations will credit the proceedings of this House to-day when it is seen that the American Congress is called upon to appropriate the pitiful sum of $25,000 to educate the citizens of this great Territory, and it meets strong opposition even when it is known that under the organic act we are obliged to do this very thing.

Mr. RYAN. And they can not do it themselves.

Mr. WILLIS. They are not, as the gentlemen from Kansas suggests, in a condition to do it themselves. They are under our control and care. We are the trustees for the execution of this duty. I do hope, therefore, that it will require no argument to enforce upon Congress the high duty of granting this little appropriation.

Mr. HOLMAN. We have already made an appropriation for the purpose.

Mr. RANDALL. The Indian appropriation bill carries as it passed the House $15,000 for this purpose. The Senate have increased that amount to $20,000.

Mr. CUTCHEON. But that is for the industrial school system, not for the general education.

Mr. RANDALL. No, sir; for the Indian education. This proposition was considered fully in the Appropriations Committee and failed to meet the approval of a majority of that committee.

The white population of the Territory is not large. This amount goes almost exclusively to the payment of teachers, and I admit that it is a very delightful sentiment this talk of rescuing the people from ignorance and barbarism; but the committee did not think that there need be any greater appropriation than that already embraced in the general bill. I ask a vote.

Mr. ADAMS, of New York. I understood the gentleman from Indiana to state that there has been an appropriation made before for this purpose.

Mr. HOLMAN. Yes, sir; $20,000 in the Indian bill.

Mr. CUTCHEON. Mr. Chairman, I hope the amendment will be adopted. The governor of the Territory of Alaska in his last annual report—and that gentleman, permit me to say, is a distinguished citizen of my own State—Governor Swineford, recommends in that report that $50,000 be appropriated for the purpose of common schools. The chairman of the Committee on Appropriations has stated that the House has already appropriated $15,000 for education in Alaska and that the Senate has increased that sum to $20,000. If that be the fact, I am very glad of the increase. But that is not for the purpose of general education. It is to carry forward the system of industrial schools in that Territory, which are already in an exceedingly good condition. Governor Swineford says in this report to which I have referred, on page 4:

EDUCATION.

The organic act approved May 17, 1884, provided an appropriation of $25,000 "for the education of the children of school age in the Territory of Alaska, without reference to race," and by the act of July 4, 1884, a further appropriation of $15,000 is made "for the support and education of Indian children of both sexes at industrial schools in Alaska." By the terms of the first-mentioned act the honorable the Secretary of the Interior is required to make such proper and needful provision as may be necessary to the proper application of the sum appropriated thereby; but nothing was done in that direction until the 3d of March following, when the work of establishing a common-school system in Alaska was committed to the Bureau of Education. The Hon. L. Q. C. Lamar gave early attention to the matter after taking the portfolio of the Interior Department, and in April Rev. Sheldon Jackson was appointed general agent of education for the Territory. The general agent reports that he has, during the past summer, established and placed competent teachers in charge of schools at Juneau, Sitka, Wrangel, Jackson, Boyd (Hoonah), Haines, and Unalaska. A corps of teachers has also been sent to establish schools on the Kuskokvim River, 150 miles above where it empties into the Behring Sea. The schooner on which these teachers sailed arrived at the mouth of the river on the 19th of June, and presumably by this time have their buildings up and their schools in operation. The population of this last-mentioned section is exclusively Eskimo. In addition to these, schools have been authorized, but not established, at Killsnoo, Klawak, Kadiak, Ounga, Belkovsky, Wood Island, Saint Michael's, and Fort Yukon. I am reliably informed that the Aleuts are especially anxious for the establishment of English schools in their midst, and that they need only to be supplied with educational facilities to complete the civilization in which they are already well advanced.

In this connection I desire to say that in my opinion the sum appropriated for the establishment and maintainance of common schools in Alaska is not nearly sufficient. No argument is needed to establish this fact. A glance at a map showing the location of the schools enumerated as having already been and remaining yet to be established ought to be sufficiently convincing. Aside from the cost of their original establishment, the supervision and control involves many thousands of miles of expensive travel annually on the part of the general agent and the teachers. *The appropriation should be increased to at least* $50,000.

Mr. CUTCHEON. We have made an appropriation for the industrial school but not for common-school purposes.

Governor Swineford further says (page 5) that in his opinion the appropriation for the industrial Indian school should be considerably increased.

About one thousand Indain children are already in these industrial schools, and making good progress. But outside these schools there must be at least four thousand children, partly native and partly white, for whom no educational provision whatever is made.

In the organic act of 1884 we provided $25,000 "for the education of the children of school age in the Territory of Alaska without reference to race," and the same year a further appropriation of $15,000 is made "for the support and education of Indian children of both sexes at industrial schools in Alaska."

These Eskimos, as I have said, are not Indians. They are a different race of people, more allied to the Asiatic races than they are to the American Indians.

Mr. TOWNSHEND. Have we not already provided for the Indian races in the Indian appropriation bill?

Mr. CUTCHEON. For the Indian industrial schools, but not for the common schools for either white or Indian children.

Now, Governor Swineford is on the ground, and this information is from a disinterested source and from an intelligent source; and he has recommended, as will be seen, in addition to the appropriation of $15,000 or $20,000, as the fact may be, for industrial schools, a further appropriation of $50,000 to give a common-school education to all children of school age, without reference to race.

Mr. Chairman, Alaska is a part of the United States, and its people are in a broad sense a part of the American people. It is not an Indian reservation; it is a part of our great domain; and for one I object to leaving any part of our wide territory given over to barbarism without providing for its people common-school education, so that they may in time come out into the light of civilization and be fitted to become citizens of our great Republic.

Governor Swineford has recommended the appropriation of $50,000 for common schools, and I earnestly hope that the amount named in the amendment of the gentleman from Massachusetts [Mr. LONG], which is but one-half that amount, may be appropriated by this House.

Mr. HOLMAN. I trust the real point involved here will not be overlooked. This subject does not belong to this appropriation bill. It belongs properly to the Indian appropriation bill. On that bill we placed $15,000, the amount which has been given heretofore. The Senate, as I understand—I have spoken to the chairman of the committee about it, and he confirms my recollection—raised the amount to $20,000, and the bill passed in that way.

Mr. NELSON. Will the gentleman permit me to state that the appropriation in the Indian appropriation bill was for Indian children exclusively?

Mr. HOLMAN. I am aware of that. There are no other children there of any consequence. We have never appropriated any money for education in that Territory except for the education of Indians.

Mr. CUTCHEON. In the organic act it is expressly provided that the money shall be expended without reference to race.

Mr. HOLMAN. The gentleman from Michigan is aware the organic act is one of the loose things we get up when we legislate on matters we know very little about. And the gentleman who sends the document from which the gentleman has quoted knows little more of Alaska than does either he or I. He has spent only a few months there.

Mr. ADAMS, of New York. I understand $20,000 has been appropriated for this purpose?

Mr. HOLMAN. Yes, sir; that has been appropriated for the education of Indian children. If gentlemen will offer an amendment to appropriate money for the education of white children the absurdity of the proposition would be manifest. A few officials go up there, remain during the summer, and come back early in the fall. There is no permanent white population in that section of the country.

The appeal for money to educate the Indian children is well founded. But this idea of educating without regard to race does not become this Congress. If you propose to appropriate money to educate white children let it be so stated; but do not let us have any misapprehension about the matter. Have you ever educated in that form before in a Territory? You appropriate money every year, large sums, for the education of Indian children on the various reservations and elsewhere; and there is not a single reservation where there are not more or less white children. But who ever cared to appropriate for them separately?

Mr. WILLIS. Does the gentleman not think a white man is as good as an Indian?

Mr. HOLMAN. I have seen many Indian schools, and I do not remember a single instance where there were not more or less white children being educated along with the Indians—the children of the agents and other employés.

The same holds good in Alaska; and I can not agree to the idea that we should appropriate money to educate Indian children and then make an additional appropriation for white children. I would have been willing that the item in the Indian bill had been larger; but the House thought otherwise. It was fixed, I believe, finally at $20,000. The movement in favor of $50,000 began last fall, and like all such enterprises has been moved on with constant and skillful industry. But, as I have said, the proper place for this would have been in the Indian appropriation bill.

Mr. BRECKINRIDGE, of Kentucky. With the view I have of the not very remote future, I think this is a more important matter than merely a question of $25,000. The problems with which America has had to deal up to the present time have been in the main Atlantic Ocean problems. The problems with which our children will have to deal will be largely Pacific Ocean problems. Situated as we are, with Central and South America south of us, with the great nations of the Pacific Ocean opposite us, on the Pacific must come the greatest of our advancements and the most glorious of our future triumphs.

In Alaska we have a Territory enormously large. The question at issue is whether we shall give to that Territory at its inception religion and education, or shall we enter into a policy which shall make that Territory and that slope understand that we are niggardly with them; that while we can give millions to educate the Indian children in the interior, we begrudge $25,000 to lay the corner-stone of popular education in this Territory on the Pacific. For if we refuse this appropriation it will be a decision that will probably control future appropriations, and it will put an end to the present system in that Territory.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. HOLMAN. Is the gentleman not aware that most of the great religious denominations of this country have entered that field and are having their instrumentalities at work there?

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. HOLMAN. And that among others the Mennonites have sought to enter on that field. Now, is not the effect of this effort of ours to enter into a field that belongs to the great religious sentiment of this country—is not the effect of it rather to discourage than to encourage them?

Mr. BRECKINRIDGE, of Kentucky. The gentleman is not asking me a question, but is occupying my time with an argument.

Mr. HOLMAN. I did ask the gentleman a question.

Mr. BRECKINRIDGE, of Kentucky. Then I will meet the ques-

tion and the argument. I am a believer in religious education, but I am also a believer in secular education by the power of the people acting through the organism known as government.

Wherever there is popular education, I am its friend. Now, the Territory of Alaska has no government and we will not give it any. It has no mode of taxing itself. There is no way by which it can legalize taxation for schools except by our act, and we refuse to do that act. Therefore, while I hail all effort made by any religious body out there, I am not willing that they shall occupy the field to the exclusion of the money that we here can appropriate for the purpose of building up those schools, and to the exclusion of governmental supervision and aid. Mr. Chairman, if we do not make this appropriation, we commit a breach of faith against those teachers who have gone out there in good faith, and we surrender those schools in which there are a thousand children to-day, we surrender our influence over those thousand children. But we do more than that. We proclaim that so far as Alaska is concerned, and so far as the Pacific slope and its Territories are concerned, it is a matter about whose future we care very little.

We have already explored Alaska, at considerable expense, under the military arm of the Government. We have already, in the organic act, required that the Secretary of the Interior shall take measures to secure education without regard to race. Why stop? Only yesterday, in one of the Departments, while waiting for a Secretary to be disengaged, I cast my eye over a map, and the thought occurred of the magnificence of territory that we had yielded through ignorance when we gave up the territory between 49° and 54° 40′. Ignorant our ancestors were of the greatness of the Pacific slope and of the power that it would have given us if we had kept that heritage! Eighty-five years ago, or less, similar arguments were used in regard to the acquisition of Louisiana, and the question was asked why should we spend our money to secure control of the Mississippi River and to purchase the territory beyond. Fortunately, we did not let dollars stand in the way of our growth and our glory. Years afterward the same arguments were used when we came to acquire the region that is now California and Oregon and the Territories which are growing up into States. For one, I am an annexationist. I do believe that the spirit of our free institutions, if it is given fair play, has power to turn any territory we can acquire into great and powerful States.

These free institutions are based on intelligence, and must be preserved by means of education. Emigrants are tempted where schools abound, and shun a schoolless country. Great Britain gives law, protection, and schools to her colonists; shall we do less to our citizens resident in a Territory to which we have not given a government? During the past six years we have received nearly three millions and a half of emigrants, and this stream shows no decrease. To the West let us tempt some to go. Let us proclaim that wherever they may go, even if to Alaska, their children shall be given a chance for education. But by the purchase of Alaska we owe duties to all now there as well as to those who may hereafter go. Let us continue the system already founded; let us, day by day, as necessity requires, enlarge it; let us begin with these Alaska children; let us educate them in a knowledge of our institutions; let us remove them from their Russian training; let us see that they are brought up with American ideas, and in due time, by the blessing of Heaven, we shall see in Alaska a manifestation of the power of the common-school system of America which has made New England so potent in our councils. [Applause.]

Mr. CUTCHEON. Mr. Chairman, in addition to what I have already quoted from Governor Swineford's report in regard to common schools in Alaska, I desire to call attention to what he says about the difference between common-school education and industrial education.

Mr. RANDALL. Can the gentleman tell us whether there are a thousand pupils at school there altogether, outside of the Indian population?

Mr. CUTCHEON. No; there are not so many as that.

Mr. RANDALL. The gentleman from Kentucky [Mr. BRECKINRIDGE] stated the number at school as a thousand.

Mr. BRECKINRIDGE, of Kentucky. Nine hundred and ninety-nine.

Mr. RANDALL. That includes the Indians as well as the whites.

Mr. CUTCHEON. In Sheldon Jackson's report on education in Alaska (Executive Document 85, Forty-ninth Congress, first session) I find this statement:

Mr. Ivan Petroff's enumeration of the population of Alaska (page 33 of his special report in the United States census of 1880, volume 8) is as follows:

Divisions.	Total.	White.	Creole.	Eskimo.	Aleut.	Athabaskan.	Thlinget.	Hydah.
Arctic	3,094	.....	.....	3,094	.....	.....	.....	.....
Yukon	6,870	18	19	4,276	.....	2,557	.....	.....
Kuskokwin	8,911	3	111	8,036	255	506	.....	.....
Aleutian	2,451	82	479	.....	1,890	.....	.....	.....
Kodiak	4,352	34	917	2,211	.....	864	326	.....
Southeastern	7,748	293	230	.....	.....	.....	6,437	788
Total	33,426	430	1,756	17,617	2,145	3,927	6,763	788

Mr. LONG. But the population is increasing very rapidly. The governor, who was before us, said that there were four or five thousand.

Mr. CUTCHEON. Undoubtedly. Every new person who goes there is a white person. Now, Governor Swineford, in addition to the appropriation of $50,000 which he recommends for common-school education, speaks as follows of the appropriation for the industrial school:

The industrial school at Sitka, I am pleased to be able to report, is making fair progress and doing excellent work in the education and training of native boys and girls, in the mechanical trades on the one hand, and a knowledge of household work and duties on the other. The appropriations made by Congress for the support of this school could not have been directed to a better purpose, and I respectfully suggest that they should be materially increased, to the end that another and similar institution may be established in the Aleutian Islands in accordance with what I understand to have been the original plan, thus completing for the time being the common-school system of the Territory—the children who manifest more than average aptitude and progress in the common schools to be advanced to the others.

So he not only asks the $50,000 for common-school education, but he asks that the appropriation for industrial education shall at the same time be materially increased. Mr. Chairman, I concur in every word that my eloquent friend from Kentucky [Mr. BRECKINRIDGE] has said in regard to our duty to provide for this great empire that we have acquired from Russia. It has but just entered upon its career. Every man that goes there now is a white man, and the white population is rapidly increasing. There is said to be large mineral wealth there; we know that great commercial interests have sprung up; we know that the field is broadening every day. I appeal to this House not to be niggardly in this matter of providing education for these people, and not to refuse to give them at least the same educational privileges that they had under the Russian Government.

Mr. RANDALL. Will the gentleman tell us how many children there are now outside of the Indian population who go to these schools?

Mr. LONG. Let me answer that. In a letter of the general agent of the Bureau of Education, he says that if Congress fails to make provision for these schools the teachers will be turned adrift and the school furniture and books will go to waste, and he states that in February last there were nine hundred and nineteen children enrolled in the schools. Accompanying this is an extract from the report of the grand jury, who speak of having visited the several schools in Sitka under Government patronage and having been much pleased with their showing. The Indian school is gradually winning its way to the favor of the natives. The white school is largely attended and much interest is manifested by its pupils in their studies. The training-school, under charge of the Presbyterian Mission Board, seems to be well conducted, and all these schools are under zealous management and evidently accomplishing much good. A proper Government building, however, should be provided for the Indian school, as the present (a rented one) is not at all suitable or comfortable. That used for the white children is not conveniently located or sufficiently large. It is desirable that a new building should be erected sufficiently large to accommodate the increase of attendance, and in a locality affording convenient play-ground, which does not exist in the neighborhood of the building now used.

It was said by the gentleman from Indiana a moment ago that we have already appropriated $15,000 or $20,000 for Indian education. That is true, but that is for a specific purpose, not general; that is for an industrial school. That is not enough. That does not cover the children without distinction of race, for whose education we ought to provide until we give the people a Territorial government which will enable them to provide education for themselves.

Mr. Chairman, going back to the organic act passed in 1885, it will be seen that even at that time we recognized that something else was necessary, because in that year we appropriated $15,000 for the Indian industrial school and $25,000 for the education of children without distinction of race, and my appeal is to keep up that appropriation.

Mr. RANDALL. Let me ask the gentleman whether there is any appropriation in the current bill for the pay of these teachers.

Mr. LONG. There was no appropriation for education without distinction of race in the last appropriation bill, and that is an additional reason for making one now.

Mr. RANDALL. Then these teachers have been out there twelve months.

Mr. HOLMAN. Will the gentleman from Massachusetts state whether there are not other denominations occupying that same field?

Mr. LONG. I am inclined to think there are. They are occupying every State and Territory in the Union.

Mr. RANDALL. The gentleman from Kentucky [Mr. BRECKINRIDGE] has stated that there are a thousand of these children to attend school. Now it would appear from the census and from the evidence of Mr. Elliot, who is as well-informed a man in regard to that Territory as any with whom I have conferred, that the white population is not over 1,000.

Mr. LONG. The census was taken six years ago.

Mr. RANDALL. I know it was. But Mr. Elliot, who is well informed on this subject, who married there, and all of whose interests are there, is to be relied on in a matter of this kind. Yet gentlemen stand up here and say that there are one thousand white children there to be educated, when according to our information the whole white population does not number more than 1,000.

Mr. LONG. Mr. Elliot visits the seal islands, two or three thousand miles away. The governor, who is an officer of the United States, tells us there are four or five thousand white inhabitants there.

Mr. RANDALL. I would like some gentleman who advocates this appropriation to tell us how many white children there are there in need of education.

Mr. LONG. Here are a thousand children whom you propose to abandon.

Mr. RANDALL. No, sir; I have not abandoned anything or anybody. This feeling in favor of education is a beautiful sentiment; and of course care has been taken by the Educational Bureau to work it up.

Mr. TILLMAN. I would like to inquire whether the Indian children in the industrial schools are not taught from books half the day and trained in industrial occupations the other half?

Mr. LONG. I do not know.

Mr. TILLMAN. I understand that is the case.

Mr. CUTCHEON. It is usually so in Indian schools.

Mr. TILLMAN. Now, if the Indian children are provided for in the industrial schools so far as books are concerned, why make an additional appropriation——

Mr. LONG. You leave all the other children out.

Mr. TILLMAN. How many other children are there?

Mr. LONG. The agent says there are over a thousand white children, whom gentlemen here propose practically to abandon.

Mr. TILLMAN. I understand there are less than a thousand of all races, and but very few whites; and I contend the parents of white children ought to educate their own progeny as white people in the States have to do.

Mr. RANDALL. Can the gentleman from Massachusetts tell me how many white families there are in Alaska?

Mr. LONG. I can not.

Mr. RANDALL. And nobody else is able to give that information.

Mr. BRECKINRIDGE, of Kentucky. How is it possible for any gentleman to give an accurate answer to a question of that kind, when there has been no census since 1880? We know there are white children there. We think the government of that community important enough to induce us to send there a governor and attorney-general; and you have a grand jury and all that.

Mr. HOLMAN. The officials who go there do not stay.

Mr. BRECKINRIDGE, of Kentucky. Whether they stay or not, we send them there. The question here presented is twofold. In the first place, we give a certain amount for the education of Indian children; and why should we not do likewise with respect to the white children, however many or however few there may be? In the second place, we undertake to give to that community a government of law by providing a governor, attorney-general, and grand juries, &c.; and we spend large sums of money in doing this. Should we not let education go along with the law, so that the children who are to be under the law may grow up law-abiding by reason of being educated?

Mr. RANDALL. There is no one here who is able to tell us how many white families there are there.

Mr. CUTCHEON. We know there are a great many more Indians than you have provided for.

Mr. RANDALL. I assert that the great motive power outside of this House in favor of this appropriation comes from the teachers to be employed; and they ought to be able to tell us how many white children there are to be educated.

Mr. WILLIS. In this bill we have appropriated something like a quarter of a million dollars for the propagation of food-fish; does the gentleman know how many fisheries there are?

Mr. RANDALL. Oh, the gentleman can prove anything by simile.

Mr. CUTCHEON. There is a population of 35,000 in Alaska, and upon the usual basis of calculation there must be five thousand or six thousand children of school age.

Mr. RANDALL. That is all on paper.

Mr. CUTCHEON. The industrial school now provides for one thousand, but is no provision to be made for the other four thousand or five thousand?

Mr. RANDALL. We propose to do for the coming year as we have done for the past.

Mr. BRECKINRIDGE, of Kentucky. Can the gentleman from Pennsylvania state how many Indian children there are in Alaska?

Mr. RANDALL. If I recollect rightly, the Indian population is 20,000.

Mr. BRECKINRIDGE, of Kentucky. Is not that "all on paper?"

Mr. RANDALL. When I speak of the white population being "on paper," I mean we have no statement from any authoritative source, but merely the *ipse dixit* of some interested person.

The question being taken on the amendment of Mr. LONG, there were—ayes 79, noes 65.

Mr. RANDALL. I make the point that no quorum has voted.

Tellers were ordered; and Mr. RANDALL and Mr. LONG were appointed.

The committee again divided; and the tellers reported—ayes 82, noes 82.

The CHAIRMAN. The Chair votes in the negative; and the amendment is rejected.

The Clerk read as follows:

For the protection of sea-otter hunting-grounds and seal-fisheries in Alaska: To enable the Secretary of the Treasury to use revenue-steamers for the protection of the interests of the Government on the seal islands and the sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska, $20,000.

Mr. MORROW. I move to amend by striking out, in line 833, "twenty" and inserting "thirty;" so as to make this appropriation $30,000.

Mr. Chairman, on page 11 of this bill, in the paragraph relating to the revenue-cutter service, the sum of $875,000 is appropriated. The amount estimated for this service by the Secretary of the Treasury was $900,000. The appropriation is a reduction, therefore, on the estimate of the Secretary of the Treasury of $25,000.

In addition to that reduction there is in this particular paragraph under consideration a further reduction of $10,000 from the estimate of the Secretary of the Treasury. His estimate is $30,000 for the protection of the sea-otter hunting-grounds and seal-fisheries of Alaska, while the appropriation in the bill is $20,000, leaving a total reduction of $35,000 in the revenue-marine service for Alaska.

I understand the reason for this amount estimated for by the Secretary of the Treasury, but omitted from the bill, arises out of the fact that there has been transferred from the Navy Department to the Revenue-Marine Service a vessel called the Bear. This vessel has been sent around to the Pacific and is now in the service of the Revenue Marine for the general protection of the Pacific coast and Alaskan interests.

The expense of the Bear is estimated at from forty to fifty thousand dollars per annum. If you adhere to striking out the amount of $25,000 on page 11, and make a reduction of $10,000 in this item, the result will be that the Bear can not go into effective service in protecting the seal-fishery and otter interests in Alaska Territory.

Furthermore, we have just been discussing the educational needs of the Indians of Alaska. I submit a great wrong will be done to these Indians, whom we are in duty bound to protect, if we allow unguarded mercantile traffic in that Territory. There are being shipped into Alaska to-day large quantities of whisky and other kinds of distilled spirits which will serve very soon to destroy and corrupt the Indian children beyond educational redemption, as well as to demoralize the whole population of that country. This will continue to be done unless you provide protection in the way of making the revenue-marine service efficient in those waters. The traffic is contrary to law, and should be stopped.

The Corwin is the only vessel at present in that service. It is said by the Secretary of the Treasury and by others who are well informed that it is impossible to protect Alaska with only that one steamer.

The Corwin has also been engaged in rescuing shipwrecked sailors from the wrecked whaleships in the arctic seas. The vessel has done a splendid service in that direction, and demonstrated the necessity for its continuance and the aid of another vessel in that northern region. So if the Bear, which has been sent to the Pacific coast, is to be retained in the service, if she is to continue there for the protection of our important interests in Alaska, it will be necessary that at least this amount of $10,000 should be retained in this paragraph of the bill, without reduction on the estimates of the Secretary of the Treasury. It would be better if the whole amount could be retained, but certainly the $10,000 should be restored.

The amendment I have offered is in accordance with the recommendation of the Treasury Department, and I hope it will be agreed to.

Mr. RANDALL. Mr. Chairman, the report of the Committee on Appropriations is $25,000 larger than for last year and $5,000 larger than the year before. The committee deemed it to be adequate.

I do not know whether the Bear can be supplied from the appropriation or not. If this is not sufficient to run the Bear, then when exhausted they can go to the Revenue-Marine appropriation. The committee did not feel disposed to increase it beyond what is reported in the bill. As I have already stated, it is higher than it was last year.

Mr. FELTON. I know the importance of having the Bear remain where she now is for the protection of all our interests in Alaskan waters. I understood it cost the Government $20,000 to send that vessel for this purpose to the Pacific coast. She is engaged now in protecting the interests of the Government and the people there. I understand she is specially designed for this service, and therefore adequate appropriation should be made, in my judgment, to secure the efficiency of this service.

The CHAIRMAN. The question recurs on the amendment of the gentleman from California [Mr. MORROW].

Mr. RANDALL. I demand a division.

The committee divided; and there were—ayes 65, noes 65.

The CHAIRMAN (Mr. MCCREARY in the chair). Under the rule, the amendment is lost.

Mr. VIELE. I move to insert after the word "dollars," in line 834, page 35, the following:

The Clerk read as follows:

National Board of Health: For salaries and expenses of National Board of Health, including collection and publication of information concerning the development and spread of epidemic diseases, $10,000.

Mr. VIELE. Mr. Chairman, the object of the amendment is to continue the present status of the National Board of Health. The appropriation is a little more than that made during the last year.

This National Board of Health was organized in the year 1879 under the shadow of a widespread pestilence. In 1878 this country was visited by one of the direst calamities that ever befell it. Memphis was desolated; the valley of the Mississippi was in mourning; one hundred thousand citizens had been stricken with disease; twenty-five thousand lives had been sacrificed. It is estimated that the loss to the industries and the commerce of the valley of the Mississippi by the epidemic of yellow fever of that year was upward of $200,000,000. It was under these circumstances that this board was organized and provided with the means to stay the progress of the epidemic in the ensuing year. Its efforts were received with the acclamations of grateful millions, and were approved by the whole country, and blessings followed their successful stay of this curse.

Now, sir, this Board of Health grew out of as intelligent a body of citizens as ever assembled together in this country. I refer to the American Public Health Association, which for nearly twenty-five years held its annual conventions in different portions of the United States, and was welcomed cordially to all of our large cities. It inaugurated a system of sanitation which is simply in keeping with the civilization of the age. That American Health Association grew out of a sanitary convention held in the city of Boston in the year 1860. The State of Massachusetts, alaways forward in intelligence and generosity, welcomed that convention to its capital city with open arms. Its most distinguished men attended its meetings, the governor of the State, the mayors of the principal cities, Edward Everett, the accomplished orator, graced it with his presence and his eloquence; the poet Oliver Wendell Holmes was present, and added the attractiveness of his intellect to the occasion. From that time to this the progress of sanitation in the United States has been very rapid and secure. Nearly every town or principal city and nearly every State has a board of health as the result of these annual conventions.

Now, sir, a National Board of Health was found to be absolutely essential to co-ordinate the work of these local boards of health, to consult with them, to advise with them, to inaugurate a system of original observations. We must remember, Mr. Chairman, that we live in an age when science has come in to aid us in the protection of human life. The development of microscopical research within the last fifteen years has been amazing. Europe has in all her large centers distinguished men laboring with earnest zeal upon these observations on the germs of disease and the theory of its propagation, and the most wonderful results have been arrived at. Huxley and Tyndall in England, Pasteur in France, Tomassi Crudelli in Italy, and Koch in Germany are devoting themselves to the same line of observations as this National Board of Health; and it would be surprising, sir, if the United States Congress at this period in the civilization of the world should allow itself to take a step backward and destroy the usefulness of this board that has accomplished so much and bids fair to accomplish so much more in the future.

[Here the hammer fell.]

Mr. BEACH was recognized, and yielded his time to Mr. VIELE.

Mr. VIELE. We expend enormous sums of money on our fortifications and for the support of our armies, but, sir, there is a foe always on the alert to destroy more people than all the armies of the world are capable of destroying. We are to-day confronted on three sides of this country with the possibility of the invasion of an epidemic, an epidemic of yellow fever from the South, an epidemic of cholera from the Atlantic coast, and an epidemic of small-pox from the northern frontiers. We all remember what terrible results came from the visitation of Montreal by the small-pox last year.

Now, sir, the whole purpose of this Board of Health is directed toward sanitation, or, in other words, toward cleanliness and toward the instruction of the people in that direction. If we had known in 1832, when the cholera first devastated this country, what were the principles of sanitation, we would have saved tens of thousands of lives. I remember that terrible occasion; and I passed again through a visitation of that dread disease in 1848 in Texas.

I was in New Orleans when it was visited with the dreadful epidemic of yellow fever in 1847, and I was in Vera Cruz when it was visited by the plague of the black vomit. On all occasions I have seen that cleanliness was the surest and only prevention to the spread of disease. This is the basis of sanitation, and to this end and to the adoption of measures of prevention this board, in accord with the local boards everywhere, directs its energies. Surely this is no time to hesitate or retrace our steps. I sincerely trust that the House will recognize the importance of this amendment and decide upon its adoption.

Our people require education on this subject. This board collects all of the data from all parts of the world necessary to give to the people all the information they need as the result of scientific inquiry. This, in fact is as important as any other branch of the service of this Government; and, sir, to leave it without an appropriation is, as I said before, but to go back in the progress of civilization.

I hope the amendment will be adopted.

Mr. BUTTERWORTH. Mr. Chairman, this Board of Health originated, I think, in 1879, when it was supposed the yellow fever was threatening to invade the country. Each recurring season, by a strange coincidence, as the time approaches to consider the sundry civil appropriation bill, the cholera starts in on one side of the Republic, yellow fever in another, and the small-pox on still another, and they march *en echelon* through the country until the sundry civil bill, or rather the item in the bill relating to the Board of Health, is disposed of, and then these several plagues are staid. When the bill is passed the epidemics disappear.

Mr. GALLINGER. The small-pox did not stop last year until this board acted in reference to the matter, and met the disease and stamped it out.

Mr. BUTTERWORTH. I want to say that we have already provided ample facilities and the means for meeting and dealing with these diseases when they approach and attempt to cross our borders. The Board of Health is as powerless to do anything to prevent the entrance of yellow fever, small-pox, or cholera as I am to guide the course of a comet.

Mr. LONG. But you might guide it. [Laughter.]

Mr. BUTTERWORTH. I think I could guide or at least vary the course of some small comets. [Laughter.]

When the small-pox threatened to enter the country in the Northwest a year or two ago it was found necessary to appeal to the Marine-Hospital Service to meet and stop the progress of the disease. They have placed at their disposal when needed the revenue-cutters of the Treasury Department, and have every assistance and appliance necessary to meet and deal with threatened epidemic diseases, co-operating with and aiding the local authorities whenever and wherever such assistance may be needed. I do not see why we should have two separate and distinct organizations to do this work. This thing was very fully considered in the Forty-seventh Congress.

Mr. BEACH. And in the last Congress by the committee of which I had the honor to be chairman.

Mr. BUTTERWORTH. I remember in the Forty-seventh Congress this was very fully and carefully considered. And it was the judgment of Congress then that the Marine-Hospital Service is equal to every emergency. It has stations all along our coast, and has had large experience in dealing with epidemic diseases. As stated a moment ago, they co-operate with the local boards of health in every city in this country. These local boards are authorized to appeal at any time to that service, and the President is authorized by law to use in his discretion whatever money may be necessary to successfully do the work, keeping, of course, within the limit of the appropriation, which I think now exceeds $250,000. My colleague on the committee [Mr. RYAN] says $300,000. The President is authorized to utilize that sum for the express purpose of doing the work mentioned by my honorable friend on the left; and I think, in view of the facts I have just stated, no possible advantage can result from rehabilitating the Board of Health.

My friend from Pennsylvania [Mr. RANDALL] will remember the origin of that board and knows what they have accomplished. It has been described as an association formed for the purpose of writing and considering essays upon the several diseases mentioned. I agree with my honorable friend on the left that we ought to and do encourage the study of art and science in this country; but I insist that the study of the several diseases with which our people may be afflicted should be left to the several medical institutions of the country and of medical men everywhere. The studies of Tyndall and Huxley and others have not been prosecuted by them as pensioners upon the Government. I am unable to see that the advantages which my friend anticipates will result to this country from keeping up the Board of Health. I therefore hope the amendment will not be adopted.

Mr. BEACH. Will the gentleman from Ohio allow me a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. BEACH. I desire to ask the gentleman whether he did not support a bill introduced into this House the other day to send a commission down to South America to discover means of preventing yellow fever by inoculation?

Mr. BUTTERWORTH. I do not remember whether I did or not. If I did it was undoubtedly because I thought it a wise thing to do.

Mr. BEACH. Would it not be far wiser to have a national board of health to attend to the whole subject than to create special commissions by special bills?

Mr. BUTTERWORTH. I do not recognize the necessity of having special commissions. But it happens in this case, as it always does whenever there is a proposition to create a new health bureau or to limit or enlarge the powers of this one, the services of the doctors throughout the country are invoked, and from all quarters they write to their Representatives to advocate the measure.

Mr. RANDALL. That is what they have been doing.

Mr. BUTTERWORTH. There is not a Representative who has not been receiving letters urging him to stand by the Board of Health. The point is, that we have a well regulated and splendidly equipped board of health in the Marine-Hospital Service, and it has proved equal

to meeting every possible requirement. It has been thoroughly tested in dealing with threatened epidemics, as well as in tracing the source and cause of epidemic diseases. There seems to be no need of two organizations to do the work of one; and I am persuaded that our medical friends when they have been advising their Representatives to vote for the board of health were not advised of the fact that we had already provided the best equipped and most efficient health service in the world.

Mr. RANDALL. The Committee on Appropriations left this ont because they did not think there was any necessity for the continuation of this National Board of Health. In the year 1885, if I remember aright, Congress declined to make any appropriation. But, notwithstanding that Congress refused to make appropriations, the gentlemen who control this organization went out without any shadow of law and involved the Government in indebtedness.

In 1886 the House put in a clause abolishing the National Board of Health, but when the bill went to the Senate, the Senate disagreed to that feature of it and put in an appropriation of $5,000. This is an illustration of how these organizations when they get once established hold on. They never let go.

There is no occasion whatever for this organization. The whole thing is being well done through the Marine-Hospital Service. This year the President of the United States has expended from the fund at his command $60,000 up to March 26, 1886.

Mr. SWINBURNE. May I ask the gentleman a question?

Mr. RANDALL. Yes, sir.

Mr. SWINBURNE. What good has the Marine-Hospital Service done?

Mr. RANDALL. The President of the United States operates through the Marine-Hospital Service, and last year, as I am advised, expended that sum of $60,000 in preventing the introduction of epidemics into the United States from Europe.

Mr. SWINBURNE. Does the report so show?

Mr. RANDALL. I have it here.

Mr. SWINBURNE. I have read it carefully and did not find that stated.

Mr. RANDALL. On the 1st of July, 1885, there was an amount available of $336,000 under the control of the President of the United States, and up to March 25, 1886, he had expended $60,000. The mode of its expenditure is thus indicated:

Epidemic of cholera in Europe guarded against; also, in winter of 1885–'86, quarantine inspections on Canadian frontier against small-pox, which was epidemic in Montreal and Province of Quebec.

It appears, therefore, there is no earthly necessity for the continuation of this organization. There is now available $275,000 that can be had in a moment to be expended by the President of the United States through the Marine-Hospital Service. I ask this House to do away with this dual organization for a work which is being well done by the Marine-Hospital Service. There is no earthly occasion, as I have said, for a duplication of bureaus.

Mr. BEACH. Why, then, not abolish the Board of Health?

Mr. RANDALL. We have tried time and again to get into this bill the abolition of that Board of Health. The House did adopt a provision abolishing this bureau, but the Senate disagreed to it. Meanwhile, leech-like, they held on.

Mr. BUTTERWORTH. I wish to say to my friend also (and he will recognize the truth of the statement) that the Marine-Hospital Service have a line of stations all along our border.

Mr. RANDALL. Yes; it is the most complete organization in those respects that any country can boast of.

Mr. CALDWELL. I wish to ask the gentleman from Pennsylvania a question. Under this provision that you have alluded to, has not the President of the United States power, if he wishes, to send a commission to the tropics to investigate in regard to yellow fever?

Mr. RANDALL. He has the widest possible discretion to send anybody anywhere, and, as I understand, the President did send people to Europe to prevent the introduction of cholera last year.

Mr. CALDWELL. And hence there is no need for this additional appropriation?

Mr. RANDALL. None whatever.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RANDALL] has expired.

Mr. SWINBURNE. I wish to ask the gentleman from Pennsylvania a question.

Mr. TOWNSHEND. Mr. Chairman, I claim the floor and yield to the gentleman from New York to ask a question.

Mr. SWINBURNE. I wish to ask the gentleman from Pennsylvania [Mr. RANDALL] whether each State does not take care of its own quarantine against disease coming from Europe?

Mr. RANDALL. Undoubtedly; and it is better taken care of than it would be by Federal interference.

Mr. SWINBURNE. Has not the State of New York spent thousands and thousands of dollars for that purpose?

Mr. RANDALL. Undoubtedly.

Mr. SWINBURNE. And do they ever get cholera there from Europe?

Mr. RANDALL. I do not know about that. Cases may have come in at times.

Mr. SWINBURNE. In 1866 there were several thousand cases of cholera that came to the port of New York, but not one got any farther.

Mr. RANDALL. I maintain, also, that if it is necessary for the Federal Government to interfere at all in the matter of quarantine in co-operation with the States, the President has full power to do it, and he has the money to do it.

Mr. SWINBURNE. Is not our northern border the only place where Federal interference is necessary at all?

Mr. RANDALL. It might be required on the northern frontier, or perhaps upon the Atlantic coast in case of a cholera epidemic.

Mr. SWINBURNE. I want to ask the gentleman another question. Has the Federal Government ever done anything near what it ought to have done to protect the seacoast extending from Boston to New Orleans?

Mr. RANDALL. Oh, I do not think the Federal Government ought to have much to do with the matter of quarantine generally. I think that is better left to the States.

Mr. BUTTERWORTH. I wish to call the attention of the gentleman from Pennsylvania to the fact that the Marine-Hospital Service picketed our whole Texas frontier against the yellow fever.

Mr. RANDALL. The Marine-Hospital organization is the best of its kind of which I have any knowledge.

Mr. TOWNSHEND. Mr. Chairman, the Treasury Department has estimated a certain sum of money for this service. From that I judge that the Department deems it a proper subject for an appropriation, and I agree with the gentleman from New York [Mr. VIELE] that this Board of Health ought to be preserved. It has a wide field apart from that of the Marine-Hospital Service.

Mr. RANDALL. The Department did not recommend the appropriation. It was only put in by request.

Mr. TOWNSHEND. This question, I believe, was not considered by the Committee on Appropriations.

Mr. RANDALL. It was.

Mr. TOWNSHEND. I never heard of it.

Mr. RANDALL. The gentleman may have been absent. But I wish to say to the gentleman again that the Department did not recommend the appropriation. They merely inserted the estimate.

Mr. TOWNSHEND. Did the Appropriations Committee take any action upon this item? I do not think it was before the committee at all. I am in favor of continuing this appropriation. I rather think that the sum provided in the amendment of the gentleman from New York will be sufficient for the purpose, although the Secretary of the Treasury has sent us an estimate recommending, or suggesting, an appropriation of $33,500, while the gentleman from New York asks an appropriation of only $10,000, barely sufficient to keep the board in existence.

Mr. RANDALL. I have the estimate here. The Secretary of the Treasury does not even put this amount into the next column to be added up, showing that the Department does not, in effect, embrace this in the aggregate of the appropriation recommended.

Mr. BLOUNT. Mr. Chairman, I dislike to occupy the time of the committee, but I wish to say a few words on this item. The gentleman from Pennsylvania [Mr. RANDALL] says that the Department recommended nothing on this subject. Whether they did or not, the gentleman from Illinois [Mr. TOWNSHEND] simply rises and says he thinks the amount of these salaries ought to be appropriated, notwithstanding the fact that the gentleman from Pennsylvania has stated what is known to members generally, that this service has been in charge of the Marine Hospital and has been entirely satisfactory; and also in face of the fact that the National Board of Health, in its conduct of this business, was extravagant, and that, by reason of the extravagance and mismanagement of that board, Congress has for years refused to make these appropriations. The transfer to the Marine-Hospital Service has been entirely satisfactory in every direction, so far as I have heard. I can not think this Committee of the Whole would be justified in appropriating these salaries when no public necessity is shown; and I can not believe that anything of the kind will be done.

Mr. RANDALL. The figures of the estimate in this instance are not carried into the second column as would be the case if the Treasury Department really wanted the money; but there is the following note:

The foregoing estimates are submitted at the request of the National Board of Health.

Last year we reached some understanding, as we supposed, with this board. We paid all their debts by an appropriation in the deficiency bill; and we begged them to let us go—to free us from any further demand. They have not done so; they have come back upon us.

The amendment was not agreed to.

The Clerk read as follows:

Prevention of epidemics: The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated therefor by the act approved March 3, 1885, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger.

Mr. HISCOCK. I desire to inquire of the gentleman from Pennsyl-

vania how much the unexpended balance referred to in this paragraph is?

Mr. RANDALL. Up to the 16th of March last the amount was $275,000 or thereabouts.

Mr. HISCOCK. Then I offer an amendment, which I have no doubt the gentleman from Pennsylvania will accept, to strike out the words "the unexpended balance of the sum appropriated March 3, 1885, in aid of State or local boards or otherwise" and insert "$275,000." I am sure the gentleman from Pennsylvania will accept this amendment, because he recognizes, as many others of us do, that the reappropriation of unexpended balances is a vicious practice; that it is always best a bill should carry on its face the precise amount of money to be expended under it; that the amount appropriated should not be left in this way indefinite. I hope the gentleman will accept this amendment.

Mr. RANDALL. I do not.

Mr. HISCOCK. The gentleman surprises me. I have repeatedly heard him inveigh against this vicious practice, as he characterized it, of reappropriating unexpended balances. I certainly can not understand why the gentleman should object to my amendment.

Again, Mr. Chairman, I suggest that the gentleman is too eminently just to think for one moment of carrying through the work for the next fiscal year upon money which has been appropriated by a previous Congress. He certainly would not wish to do anything of this kind for the mere purpose of keeping down for appearance sake the amount of his bill.

Mr. RANDALL. Last year and the year before this language was incorporated in the bill. It is not fair that an appropriation of this kind should be charged in the aggregate amount of appropriations for the current year, because there may not be a dollar of it expended.

Mr. HISCOCK. I have no sort of doubt that the Congress which originally appropriated this money was charged with it. My recollection is it was the Forty-seventh Congress, a Republican Congress; and no doubt it was charged with the expenditure. A great deal was said on the stump about the "extravagant" appropriations of that Congress. Certainly my distinguished friend from Pennsylvania does not care to get any credit for economy by reappropriating in this way money appropriated by a former Congress.

Mr. RANDALL. This is the usual provision.

Mr. HISCOCK. I certainly trust the gentleman will on this point yield.

Mr. BLOUNT. I would like to ask the gentleman from New York whether he, when in charge of appropriation bills, has never favored the reappropriation of unexpended balances?

Mr. HISCOCK. I think on one occasion I did.

Mr. BLOUNT. Does not the gentleman recollect any other occasion?

Mr. HISCOCK. The case to which I refer arose, I believe, in reference to an appropriation for pensions; and I want to explain it right here. It was insisted that we were making insufficient appropriations for pensions, which I denied; but finally I agreed that the unexpended balance coming over from the previous year should be reappropriated. It turned out that the Government did not use even the amount appropriated, and there was no occasion to have recourse to the unexpended balance. The bill of which I then had charge carried a larger appropriation than was necessary.

In that connection I may say that afterward the Democratic party obtained control of this House and took advantage of all that surplus, amounting, I think, to some $40,000,000 in the aggregate, by charging it as a part of the "extravagance" of the Republican party. My friend from Pennsylvania [Mr. RANDALL] alluded the other day to the class of statesmen that his party sends to New York to carry on political campaigns. They always send protectionists and economists there. The men who were sent there on that occasion advertised on the stump up and down the State of New York the "extravagance" of the Republican party, charging upon us money which we had not expended and for which we were not responsible.

Mr. RANDALL. That was not a dangerous "epidemic." [Laughter.]

Mr. BEACH. I move to amend by adding "small-pox or other epidemic disease." I trust the gentleman will accept that amendment.

Mr. HERBERT. I desire to say a word in reply to the colleague of the gentleman from New York, if he will permit me.

Mr. BEACH. Very well; I will withdraw my amendment for the present.

Mr. HERBERT. I wish to state to the gentleman from New York [Mr. HISCOCK], who is now inveighing, as he did the other day, against the practice of reappropriating money as if he never did so when he was occupying the position of chairman of the Committee on Appropriations, that I looked up not only the bills and appropriations which were passed here during the Forty-seventh Congress, but the original bills which were introduced by the Committee on Appropriations while he was chairman of that committee, and I say now in the presence of the House that time after time, in bill after bill, this same practice of reappropriation was indulged in by the gentleman from New York at that time in the Forty-seventh Congress.

Mr. HISCOCK. The gentleman from Georgia called my attention to the only case in which it ever occurred, to my recollection.

Mr. HERBERT. If the gentleman will turn to my speech on the Navy appropriation bill, he will find there were numerous other instances of the same character which are there cited.

Mr. HISCOCK. Mr. Chairman, I did not ever expect to reach that height of preferment where I should be cited so continually by the other side of the House as a precedent for their vicious practices.

Mr. RANDALL. Yes, you are a good precedent for them.

Mr. HISCOCK. Now, if the other side would only pick out precedents of good practice which I set, and follow them, I would be glad of it.

Mr. RANDALL. But there are none. [Laughter.]

Mr. MILLS. You are only a precedent for evil practices. [Laughter, and cries of "Vote!"]

The question recurred on Mr. HISCOCK's amendment.

Mr. HISCOCK. I demand a division.

The committee divided; and there were—ayes 35, noes 60.

So the amendment was rejected.

Mr. BEACH. I move now the amendment suggested by me heretofore, to insert "small-pox or other epidemic disease," and I trust the chairman of the committee will accept that amendment in order to enlarge the scope of this provision, so that the money can be used, if found necessary, to prevent not only the introduction or spread of yellow fever or cholera, but also the introduction and spread of small-pox or other disease. We are liable to an invasion of small-pox, and I believe the scope should be enlarged, so the President can use this money for that purpose as well as for any other.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BEACH].

Mr. BEACH demanded a division.

The committee divided; and there were—ayes 11, noes 48.

So the amendment was rejected.

UNDER THE NAVY DEPARTMENT.

Navy-yard, Mare Island, California: For completion of stone dry-dock, $191,595.

Mr. MCADOO. I move to insert the following after the words just read by the Clerk.

The Clerk read as follows:

Navy-yard, Brooklyn, N. Y.: For repair and preservation of stone dry-dock, $125,000.

Mr. MCADOO. Mr. Chairman, I offer this amendment in the interest of economy, taking into consideration what a private person or firm would do if they owned this particular dock. It is located at Brooklyn, N. Y., the most important naval station in the country, owing to the fact that the largest amount of valuable machinery owned by the Government is located there. This is the only dock they have capable of receiving for repairs the present vessels of the Navy.

Time and the elements have disintegrated the granite work of this dry-dock so that it leaks, and is to-day shored up with timbers to prevent the block from falling.

In this connection let me refer to the estimate of the Bureau of Docks and Yards, and I will read:

For repairs to dry-dock at Brooklyn, N. Y., $125,000.

The bureau also reported it to be advisable, in their judgment, not only to repair the dry-dock, but to lengthen it. That would cost $331,000.

There is a bill pending before the House for building wooden docks at Brooklyn and other navy-yards, but whether built or not this dock should be saved. I think the House will act wisely, and I hope they will agree with me in appropriating sufficient money to prevent this work, which cost $2,000,000 in its construction, from going to ruin. This is simply a question of saving public property. As it is situated to-day a vessel can not safely be put inside that dry-dock, and unless Congress puts it, by proper legislation, into a proper condition of repair the result will be to add eventually to the public expense.

The head of that bureau says in his report about this dock:

A new dry-dock at Brooklyn is essential. The present dock is too short for the largest ships, and the masonry work is in such a shocking condition as to involve the necessity of using timber shores to keep the granite blocks from falling in.

I have also here an engraving from a photograph taken, showing the present condition of that dry-dock. All I have to say, Mr. Chairman, in conclusion is that no private person who had his property in the same condition, and which cost as much as this, and which, in docking its vessels saves to its owner such a sum as this does, would hesitate an instant to appropriate this $125,000 to repair it. And to refrain from doing so is, in my humble judgment, and I say it with all due deference to the Committee on Appropriations, not in the interest of economy.

The matter was brought up in the Committee on Naval Affairs, and I urged as vigorously as I could the approval of it so that it should go into the naval appropriation bill; but it was held, if I may be permitted to say without disclosing the workings of that committee, that it was a matter which belonged to the Appropriations Committee, an estimate which came in under the head of public works, and which was submitted to that committee.

Mr. RANDALL. Why did you put the observatory in your bill then, for they both stand upon the same basis in that respect?

Mr. McADOO. Because it was a new work, I presume. I am judging this item on its own merits.

Mr. RANDALL. The fact is that none of these appropriations belong properly in the sundry civil bill. They all attach to the naval appropriation bill and belong to that branch of the service. Now we put the Mare Island dock in this bill because we had been appropriating for that, and because it was for its completion. But the truth is that all of these appropriations ought to go into the naval appropriation bill.

Mr. HERBERT. Upon what principle does the gentleman make that assertion in view of the preparation of these bills in the past years?

Mr. RANDALL. Because they attach to the Navy exclusively.

Mr. HERBERT. Very well; but heretofore this bill contained all of this.

Mr. RANDALL. Yes, for a few years back; and it was owing to the practice that sprung up in this way that there have been duplications of these appropriations for the Navy, part of them being in the naval bill and part in the sundry civil bill. But lest there should be any controversy between the two committees, we have inserted what we have in this bill.

This, however, is a matter which should go under the head of "repairs," and properly belongs in the naval bill.

Mr. HERBERT. There is no greater reason why that should go into the naval bill at present than there was in past years.

Mr. RANDALL. Oh, yes; all the matters relating to the affairs of the Navy should go there now. The Naval Committee has charge of that bill, and, in fact, I have been trying for a long time to get all matters relating to the Navy to be appropriated for in the naval appropriation bill.

Mr. VIELE. Mr. Chairman, this matter ought not to fall between two stools and be lost altogether. If it is not in the naval bill and you do not put it into this bill, then it will be in neither, and the best interest of the Government with so much at stake will be lost.

I have made a personal examination of this dock, spending nearly a day on the investigation, and I can testify from personal knowledge as to its condition. It is a work of civil engineering, and I know the deplorable condition which it is in to-day. There is a stream of water behind it which in cold weather is constantly tending, through the intervention of frost, to heave it from its foundation, and it is necessary that steps should be taken at once to save it. It is a very elaborate and costly public work, which originally involved an expenditure of $2,000,000. We come here and appropriate for public buildings all over the country. While doing that shall we leave our great public works to go to decay? The Brooklyn yard itself from one end to the other is a disgrace to the country in its present condition of rottenness and decay. It is an example of shiftlessness on the part of the Government which no private owner of property would for a day submit to. No man who had a personal interest in property would leave it in such a condition for a day. I assert that if this dock is allowed to fall in—and it will fall in unless steps are taken to save it, for it is now shored up with timbers to protect it—that it will be a piece of gross negligence on the part of the Government, and we will be at more expense in the docking of our vessels in private yards than the entire cost of these repairs will amount to. If this dock is destroyed, what a humiliating condition it will be for the Government to have to go to private owners and ask leave to dock their vessels! We have been in the habit of tendering the use of our dock to foreign men of war temporarily on this station and in need of repairs; but how mortifying to us it will be when we confess to them we have no dock to offer them! This may fall in at any moment; it can not last until a new one can be built; and I hope the House will vote this appropriation into the bill.

Mr. HISCOCK. I move to strike out the last word for the purpose of making a suggestion to my colleague. As I understand it, there is no intention of building any navy, and what then is the object of maintaining docks or even keeping our navy-yards open? I do not understand that there is anything to be done to the Navy.

Mr. VIELE. The gentleman is mistaken. It is the intention to do something, and very promptly.

Mr. HISCOCK. I appeal to the chairman of the Committee on Naval Affairs if there is any intention to do anything toward building a navy this or next year?

Mr. HERBERT. There certainly is.

Mr. HISCOCK. I ask the gentleman in charge of this bill if there is any such purpose.

Mr. RANDALL. Well, I have enough to do to take charge of my own bills. [Laughter.]

Mr. HISCOCK. There is a great deal more weight in that answer, I assure you, than in the answers other gentlemen have given.

Mr. RANDALL. I hope this amendment will not be adopted. If we are to begin and put in an entering-wedge with the Brooklyn navy-yard, we should with equal propriety deal with other yards in the same way. For the League Island yard there is an estimate here of $900,000. Then there are the Norfolk yard, the Mare Island yard, and so on. And really the Committee on Appropriations thought it was not proper to put into this bill any extraneous matter, or what does not properly belong to it. I hope the amendment will be voted down. If this is to be provided for, let it be in some other way.

Mr. CANNON. In looking at the estimates submitted by the Navy Department I find this heading: "Navy-yards and stations." The estimates under that head in round numbers are about four millions and a half of dollars. For the Government yard at Boston there is an estimate of $145,000; for the navy-yard at Brooklyn, $1,179,000; for the navy-yard at League Island, $932,000; for the navy-yard at Washington, $116,000; Norfolk, $983,000; Mare Island, $396,000; naval station at Port Royal, $4,000; repairs and preservation at navy-yards and stations, $800,000; amounting in the aggregate, as I have said, to four and a half million dollars.

Now, I hardly know what to think of a Department which the first year after a change of administration, in submitting estimates for the consideration of Congress, will throw into the House a lot of undigested estimates of this kind. My own belief is that we ought to have a small effective navy; and my own belief is also that the cheapest, the most economical, and the best way to build it substantially is by contract. That theory was announced so often while our Democratic friends had this House, from the Forty-fourth Congress up to the present time, that it almost made a convert of me; especially since I have given it some investigation, I believe that is the better way to build a navy when we do build it.

It may be true, and I suppose is true, that we ought to have a navy-yard at Mare Island, and probably a navy-yard at Brooklyn. But with those exceptions I believe there is no necessity whatever for navy-yards. I am ready to vote proper appropriations for the navy-yard at Brooklyn so far as its repairs are concerned when the matter has been thoroughly investigated; I mean such repairs as will enable it to repair the vessels there; but there I propose to stop.

Let the Department investigate the matter, digest these estimates, bring in an intelligent estimate, and I am willing to vote for it. But if I am asked to turn a double somersault on an estimate of four and a half million dollars and spend more on these yards than on a navy I am not ready to do it.

Mr. McADOO. This navy-yard and dock are the property of the people of the United States. It is in a shockingly bad condition. The only objection raised to its repair is that one committee should have appropriated for it, instead of leaving it to another to do so. While the doctors differ the patient dies.

Mr. RANDALL. The Committee on Appropriations have not the naval bill before them. They have not had the opportunity of reviewing anything in connection with the naval estimate or the naval appropriations. And it naturally occurs they should not be called upon in this way to judge what is necessary for the Brooklyn navy-yard, or for League Island, or for Norfolk, or for Mare Island, or for Portsmouth, and we have not done so.

Mr. EZRA B. TAYLOR. I can not hear distinctly what is passing on the other side of the House, but I desire to ask the gentleman from Pennsylvania [Mr. RANDALL] whether this $125,000 appropriation for the Brooklyn navy-yard is needed in some appropriation bill?

Mr. RANDALL. We have never inquired into it.

Mr. EZRA B. TAYLOR. What is your belief about it?

Mr. RANDALL. I have not any.

Mr. EZRA B. TAYLOR. I understood about this: That it was said this appropriation should have appeared in another bill which has gone beyond our reach, and that the gentleman from Pennsylvania would not put it in this bill because it was not in that. Is there any business in that way of doing things?

Mr. McADOO. I will endeavor to answer the gentleman's question. The Committee on Appropriations had before them public estimates under the heading "Public works." In those estimates was included the estimate for this dock and this extension. It is the same estimate that comes to the Committee on Naval Affairs.

Mr. RANDALL. And the same estimates contained the observatory.

Mr. McADOO. The estimate of the amount needed was just as accessible to the Committee on Appropriations as to the Naval Committee. The report of the Chief of the Bureau of Yards and Docks was before them, setting forth it would cost $125,000 to save the property and $331,000 to put the dock in proper condition.

The distinguished gentleman from Pennsylvania says if the Committee on Appropriations will put this item in their bill they will have established a precedent which will warrant every other navy-yard in demanding to have its dock repaired. I selected this item because after carefully reading the report of the Chief of the Bureau of Yards and Docks and after investigation of the subject it was clearly seen that this dock stood alone. Its repair was a crying necessity. It was simply a question of abandoning the public property or repairing a dock. There is no other dock in any other navy-yard of the United States Government that is in the same condition as this. Slight repairs are required at Norfolk, a new dock is asked for at Philadelphia, and some repairs to the dock at the Boston navy-yard; but this navy-yard *par excellence*, as I said before, by reason of the fact of the elaborate plant and the good condition of the shop, is the great navy-yard of the country with its only granite dock. And to leave it in this condition is enough almost to make one abandon the idea of having a navy.

Mr. HISCOCK. Do we understand then that the Committee on Naval Affairs think we ought to make this appropriation?

Mr. MCADOO. So far as the question of repairing this dock is concerned I think they do.

Mr. HISCOCK. The chairman of the committee is here and can answer.

Mr. MCADOO. I think the distinguished chairman of the committee will agree with me that this is a meritorious public work, which should have been appropriated for. Now, sir, the people of the United States are looking to the merits of the question. They want their public property preserved, and I venture to assert that the mass of the intelligent voters of this country will not stop to ask which committee should have made the appropriation. They will discuss the case on its merits, and on the merits of the case as shown by the official testimony it is beyond all doubt that an appropriation should be made for this dock.

Mr. RANDALL. If such extreme necessity exists for this appropriation, why in the world did not the gentleman take advantage of his knowledge in the Committee on Naval Affairs, of which he is a member, and have the appropriation inserted in the naval bill?

Mr. MCADOO. I tried all I could to have it done, but the distinguished chairman of the committee did not agree with me.

Mr. HERBERT. Mr. Chairman, I was very much surprised to hear the chairman of the Committee on Appropriations say a moment ago that he had not investigated this matter, and that therefore he was unable to answer the question whether the appropriation was necessary or not. The Committee on Naval Affairs did not investigate this question except in a general way. This estimate was not sent to us; it was sent to the Committee on Appropriations, and that committee alone had jurisdiction of the matter under the rules. The gentleman from Pennsylvania says that the Committee on Naval Affairs had just as much jurisdiction of this as it had of the Naval Observatory. I admit that that is true, and it was stated when the naval appropriation bill was considered on this floor that the point of order would lie against that appropriation if it were made.

Mr. RANDALL. It would lie in either bill.

Mr. HERBERT. No, sir, it would not lie in this bill; because, as I understand, it was ruled the other day, when the point was expressly made, that the jurisdiction of these several committees is to be determined by the practice that existed at the time when the present rules were framed. Under that practice, the Committee on Appropriations had jurisdiction and sole jurisdiction of this matter, and, in accordance with that construction of the rules, the Speaker of the House sent this estimate to the Committee on Appropriations. In what I said at first I had no intention of supporting this appropriation. I expected to follow in this matter, as I have been following all along, the lead of the Committee on Appropriations, because I supposed that all the estimates had been examined, and that the action of that committee in refusing an appropriation in this case was entitled to the weight which it would naturally have in regard to any matter which it had duly considered. For this reason, sir, it was my intention to follow the lead of that committee, but if they have not examined the question, then it is for the House to consider as a new question the propriety of making this appropriation.

Mr. RANDALL. Naturally, when the naval appropriation bill was taken from the Committee on Appropriations, the duty of reviewing these naval matters properly passed from that committee.

Mr. HERBERT. Does the gentleman from Pennsylvania think that the Committee on Naval Affairs and not the Committee on Appropriations had jurisdiction of this matter under the rule?

Mr. RANDALL. I do not think the Committee on Appropriations, under the rules of this House, has anything to do with appropriating for the maintenance of the Navy.

Mr. HERBERT. Or with this particular item?

Mr. RANDALL. Or with this particular item.

Mr. HERBERT. That precise point was decided the other day after argument. You can not ascertain what the rule means which sends to the Committee on Naval Affairs the naval appropriation bill, and to the Committee on Appropriations the sundry civil bill, unless you look at the practice which existed prior to the adoption of that rule, and looking at that practice there is no sort of doubt that the Committee on Appropriations has this jurisdiction; and certainly nobody on this floor has had more to do with shaping these bills in the past than the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. When the Committee on Appropriations had the preparation of both the naval bill and the sundry civil bill, they had before them a view of the matters to be appropriated for in both; but when the transfer was made of the naval appropriation bill, the consideration of all matters relating to the support of the Navy went with it. That seems to me to be a common-sense construction of the rule.

Mr. HERBERT. I do not see how you draw the line.

Mr. RANDALL. I would draw the line by not allowing the Committee on Appropriations to touch any matter relating to the Navy.

Mr. HERBERT. Then that committee would have no jurisdiction of matters pertaining to any of the departments.

Mr. EZRA B. TAYLOR. Mr. Chairman, from what I can gather, the situation is about this: An important public work which has cost $2,000,000 is about to go to waste and ruin for want of appropriation for its repair and preservation. The Secretary of the Navy, knowing of what he speaks, having information of the necessity of this work, urges an appropriation. No member of any Committee on Appropriations has denied that the work is necessary for the best interests of the Government. The only question remaining is, shall the appropriation go into this bill? The contention here is that it might properly have been put into some other bill. Possibly it might have been; I do not know but that it might have been more appropriate on some other bill. But the bill on which it might have been placed has gone from this House and is beyond our control.

Here is something absolutely needed to be done; and we stop and higgle as to whether it shall be done now, though the present is the only time when it can be done with proper regard to the interests of the Government. The propriety of this appropriation being granted, we ought not to be so childish as to stand here and say that it ought to have been made in some other form. Let the appropriation be made now, if it is an appropriation which ought to be made at all.

Mr. SAYERS. Mr. Chairman, for the information of the committee I will state that there was reported nearly two months ago a bill from the Committee on Naval Affairs providing for the construction of three wooden dry-docks at such places as the Secretary of the Navy might determine to be most suitable after having considered the relative advantages of the different yards.

It seems to me that, owing to the accumulation of business and the lateness of the session, it will be scarcely possible for the House to consider and pass that bill.

Mr. HERBERT. My colleague on the committee ought to state that the committee was not unanimously in favor of the bill.

Mr. SAYERS. With pleasure. I was in favor of the bill, and will cheerfully bear my share of whatever responsibility may be attached to the bill and to the report which accompanies it.

Mr. Chairman, the statement made by my colleague on the Naval Committee [Mr. MCADOO] is fully supported by the testimony that was before the committee in reference to the Brooklyn navy-yard. The Government has not a single dock within which the ships just completed and soon to be completed can be conveniently repaired. It occurs to me, therefore, that it would be wise and economical for Congress not only to maintain the dry-dock at Brooklyn in good repair, but also to increase it to the necessary size, so as to accommodate our largest vessels.

At present we are dependent on the private yards of the country for the docking of our largest and heaviest ships, and this of course entails a large and unnecessary expenditure. The Government should be independent of private establishments for such purposes.

If the Brooklyn dry-dock is permitted to go to pieces for the want of the necessary repairs, then the next thing in order will be an appropriation of several millions to construct a new one. A stitch in time very often saves nine, and the amendment should be adopted. It is not economy to refuse repairs when they are so much needed as confessedly here. If there was the slightest doubt as to the correctness of the statement of the gentleman from New Jersey [Mr. MCADOO] in reference to the present condition of this dry-dock, there might be some reason for withholding the appropriation; but there is none.

I hope that in the interest of economy and the navy-yard efficiency the amendment will be adopted.

Mr. BOUTELLE. I move to amend the amendment by striking out the last word. I apprehend that the reason for the failure of the Naval Committee to report upon these estimates for repairs of dry-docks is to be found in the fact that the bill to which reference has been made by the gentleman from Texas [Mr. SAYERS] was reported in the nature of a substitute. There was considerable discussion in the committee as to the needs of the Government in regard to the docking of our vessels; and incontrovertible evidence was furnished to us that at the present time the Government has no dry-dock in which the Chicago or the Tennessee can be taken out of water for repairs. Consequently for the larger class of vessels the Government is obliged to depend entirely upon the dry-docks in private yards.

The propriety and the importance of the Government having dry-dock facilities is appreciated of course by everybody. But the question how those facilities can be best obtained is an open one, on which authorities very widely differ. This proposition which has been presented here for the construction of three wooden dry-docks is one concerning the propriety and expediency of which I have very serious doubts. I am very strongly prejudiced in favor of the construction of stone docks. I have obtained some facts and statistics in reference to that matter which I deem of importance and which I shall present to the House whenever that subject may come up.

Mr. BEACH. The gentleman will permit me to say that this dry-dock at Brooklyn is a granite dock.

Mr. BOUTELLE. I have visited the Brooklyn dry-dock many times, and I know exactly what I am talking about. The gentleman will permit me to say that the application of my remarks is this: I am entirely in favor of constructing or repairing stone dry-docks at some of the navy-yards, so that they will be available for all classes of our ships; but it is a question in my mind whether it is desirable now to spend $125,000 in repairs of an indefinite character upon this dock at Brooklyn, rather than make an appropriation upon some definite and well-

understood basis for the enlargement of the dock there so that it will answer the purposes of our largest vessels. I believe that New York is the proper place for one of the principal dry-docks of this country; that I think can not well be disputed; but if we are to expend a large sum of money at the Brooklyn navy-yard, sound judgment would certainly dictate we should make the expenditure upon some well-digested plan, so that the result may give us the facilities we desire. I do not know exactly upon what information or plan the amendment proposed by my colleague on the Naval Committee is based; but I understand it to be an indefinite appropriation of a given amount simply to repair the existing dry-dock; so that after the expenditure of this sum of $125,000, if it should be deemed expedient to enlarge this stone dry-dock at Brooklyn so as to make it available for our largest ships, we might have to tear down all the work for which this $125,000 would have been expended and do it all over again. I repeat, that any considerable appropriation for a purpose of this kind should be made upon some well-digested, systematic, thoroughly understood plan, which will secure the facilities we desire.

Mr. RANDALL. I ask by unanimous consent that the debate on this matter be closed.

Mr. MCADOO. I hope that will not be done, as I would like to reply to the remarks which have just been made.

Mr. RANDALL. You have spoken twice.

Mr. MCADOO. The gentleman has made some statements I would like to reply to.

The question recurred on Mr. MCADOO's amendment.

The committee divided; and there were—ayes 37, noes 75.

Mr. MCADOO made the point of no quorum, but subsequently withdrew it.

So the amendment was disagreed to.

Mr. SMALLS. I offer the following amendment.

The Clerk read as follows:

In line 850, after the word "dollars," insert the following:
"For the completion of the coal-shed, boat-house, artesian well, and for flagstaff at the coaling dock, Port Royal, S. C., $4,812.20."

Mr. SMALLS. In support of this amendment, Mr. Chairman, I ask the Clerk to read a communication addressed to me by the Secretary of the Navy.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, June 24, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, requesting to be informed if any award of contract has been made for the erection of a store-house at the naval station at Paris Island, South Carolina.

In reply you are informed that the contract for erecting the store-house at Port Royal has not been awarded owing to the want of sufficient funds.

An estimate for $4,000 additional was submitted for the erection of buildings, which amount would complete the store-house and provide for a small building for the commanding officer.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. ROBERT SMALLS,
House of Representatives.

Mr. SMALLS. The contract has been awarded and the dock is now completed. This money asked for in my amendment would complete the entire work. It is strictly in accordance with economy that this amount should be placed in the bill.

Proposals were made and bids opened in the Navy Department in reference to the work at this station, and with a great deal of pleasure I state that a native South Carolinian underbid all others by $2,000. This work could not be done by any one outside of South Carolina for the amount appropriated.

The amount appropriated for this work was $20,000; that is, for the building of this dock. Five thousand dollars was for the purchase of land. Ten acres of land have been purchased and $4,000 devoted to that end.

The money asked for in my amendment is needed, and the Secretary of the Treasury recommends this appropriation. It is to be found in the estimates, and the same cause prevented it being included in the naval appropriation bill, because the Committee of Naval Affairs were informed, and correctly I believe, the whole subject had been referred to the Committee on Appropriations. In order that this work may be completed and in order that the dock may be put to use this amount is needed.

It is to be borne in mind, Mr. Chairman, that ever since the war we have had at Port Royal a line-of-battle ship to supply coal to our cruisers on that coast. The New Hampshire lay there as a storeship until she had to be towed away, and the Pawnee lay there also as a storeship until the ravages of the worms caused her to be towed away. By the establishment of this dock it will supply coal without having storeships constantly changed because of the ravages of worms.

This is one of the greatest harbors along the Southern coast. The chairman of the Committee on Appropriations consented some years ago to an appropriation on the score of economy, because it would relieve these ships from being constantly there to supply our cruisers with coal. Our naval vessels come into that port of Port Royal without difficulty. There is no digging of bars there to make a channel. We have a bar which gives 21 feet of water every time at low water, and 28 feet every time at high water. There is no necessity, as I have said, of digging to make a channel, and no necessity of providing large appropriations in the river and harbor bill for that purpose. We have plenty of water there to get in and get out of the harbor.

If the amount be appropriated it will be all that will be necessary to complete the work at this station, and in my judgment it is economy to grant it.

[Here the hammer fell.]

Mr. RANDALL. In order to act consistently in this matter the amendment should not be agreed to.

Mr. DIBBLE. I move to strike out the last word. Mr. Chairman, our coast line is divided into two sections. North of Hatteras there are Portsmouth navy-yard, Boston navy-yard, Brooklyn navy-yard, League Island navy-yard, and the Washington navy-yard. We have south of Hatteras the naval station at Port Royal. The object of that naval station is to provide a convenient harbor for a relief and coaling station. It was intended to protect the supplies of coal necessary to be stored there for our cruisers on that coast. How you are going to have a naval station without having a coal-shed and store-house as a part of it I can not imagine. It requires this, therefore, to make it complete. It is but a small appropriation, some $4,000. I find on page 161 of the estimates of supplies required for the present year that this appropriation is recommended by the Secretary of the Navy, and I would ask, Mr. Chairman, that the committee adopt this amendment, the amount being so small and it being absolutely necessary to make the station, on which a large sum has already been expended, fully answer the purpose for which it was designed.

Mr. RANDALL. I do not care to add anything more in reply to what the gentleman states about this subject. I maintain that the proposition does not belong here, and hope the committee will not adopt it.

Mr. SMALLS. Let me state further that there is not money enough to hoist the American flag on the naval station there. There is not money enough to erect a flagstaff to hoist the flag on; and I do not think the chairman of the committee should object to having the American flag hoisted on one of our naval stations.

The question was taken; and on a division there were—ayes 61, noes 66.

Mr. SMALLS. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. SMALLS and Mr. RANDALL were appointed tellers.

The committee again divided; but before the result of the vote was announced,

Mr. SMALLS (one of the tellers) said: I withdraw the point of order; evidently gentlemen do not want to hoist the flag on the naval station at Port Royal.

Mr. RANDALL. The gentleman must not say that.

Mr. SMALLS. It is a fact, nevertheless.

So (no further count being demanded) the amendment was not agreed to.

The Clerk read as follows:

No purchases shall be made on contracts executed in pursuance of appropriations made for the Navy Department or hereafter authorized by Congress, nor shall any property belonging to the Government be sold, until after publication of an advertisement calling attention in the briefest practicable form to the facts in each case, and stating where detailed information may be had; such advertisement to be inserted in a daily newspaper published in the city of Washington, D. C., to be designated annually by the President.

Mr. MORROW. We have apparently reached that part of the bill on which the general debate was to be had.

Mr. CANNON. If the gentleman will yield to me, I wish to make a motion.

Mr. MORROW. I will give way to the gentleman if he proposes an an amendment.

Mr. CANNON. I wish to ask the gentleman from Pennsylvania a question. This was subject before I made the amendment, I take it, to the point of order.

Mr. RANDALL. I do not object if the gentleman desires to make it now.

Mr. CANNON. I do not want to make it. It may be a wise amendment, but it escaped my attention when the bill was being considered in the committee.

As I understand it this provides that no purchase shall be made on contracts without advertisement, which I should think was a wise proposition. But it also provides:

Nor shall any property belonging to the Government be sold, until after publication of an advertisement calling attention in the briefest practicable form to the facts in each case, and stating where detailed information may be had.

And then goes on to say that such advertisements shall be published here.

Now, I fear that that will be a better thing for the newspapers than for the Government.

Mr. RANDALL. No; just the reverse.

Mr. CANNON. If you have five, ten, or fifty dollars' worth of property to sell and it is to be sold at auction or otherwise, I apprehend that it will cost as much to sell it under that provision as it is worth.

I would suggest the propriety of amending by adding, "in all cases except where the appraised value is less than $100."

Mr. RANDALL. The gentleman will see that if the property is to be sold here the advertisement should be here. Now this clause is intended to save a large sum of money annually expended in the way of long advertisements. This proposes that such shall be in the briefest form, that is to abridge the advertisement as much as possible. The language of the bill at this point was given to the committee by the Secretary of the Navy himself with the avowed purpose of saving money.

Mr. CANNON. But suppose the property is of less value than $50. It costs as much as it is worth to advertise it. The gentleman knows that there are many small and insignificant sales of furniture and other matters of the kind from time to time which might be sold without this expense.

Mr. RANDALL. I have no apprehension that anything but what is exactly right will be done under this clause, because it is prepared by the Secretary of the Navy himself and given to me; the object being stated at the time, which was to make these advertisements of a moderate length and cost rather than permit the long advertisements which have been heretofore made with excessive expenditures.

Mr. CANNON. Very well; I shall not insist upon the amendment.

Mr. MORROW. I desire to state that we have now reached that point where general debate may properly be participated in; and as the subject-matter of my remarks does not pertain to the public lands, I think it would be proper for me to yield to some gentleman who wishes to address the committee on that subject.

Mr. RANDALL. I do not want to go into the general debate until we come to the public lands section.

Mr. MORROW. We have reached the Interior Department, under which the public land clause will be found.

Mr. RANDALL. I would prefer to wait until we reach that particular part of the bill.

Mr. MORROW. Very well.

The Clerk read the following paragraph:

Pension building: For completing the Pension Office building for occupancy by the Pension Office, the General Land Office, Indian Office, Bureau of Education, Office of the Commissioner of Railroads, Bureau of Labor, the office of the agent for the payment of pensions in the District of Columbia, and office of the Geological Survey, namely: For extending the fourth floor around the whole building, to extend the wrought-iron gallery, and to provide light, heat, and ventilation for the new fourth-story rooms, for record-rooms, and for clerical work, $61,000; renewing roof covering injured during construction of superstructure and painting inside and out, plastering and decorating walls of hall and office rooms, wood flooring in office rooms, tiling and other pavements, vault lights, hall and cellars, skylights, ventilating towers, entrance gate and gateways, supervision, foremen, superintendent, office expenses, and contingencies, $89,000; in all, $150,000. And as soon as completed as herein provided for, the Secretary of the Interior shall, within the fiscal year 1887, cause to be removed to the said building the General Land Office, Indian Office, Bureau of Education, office of Commissioner of Railroads, Bureau of Labor, and the office of the agent for the payment of pensions in the District of Columbia, and office of the Geological Survey, and vacate the buildings rented for and now occupied by said offices and bureaus, or portions thereof; and the said Pension Office building shall be under the control of the Secretary of the Interior and subject to such rules and regulations as he may prescribe.

Mr. SPRINGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "building," in line 890, the following:
"For reconstructing the central portion of the building and improving the architectural appearance thereof."

Mr. DUNHAM. It is impossible to improve the architecture of that monstrosity.

Mr. SPRINGER. I quite agree with my colleague that that would be a very difficult job to perform. I desire, however, to call attention to the fact that this Pension building in its present shape is certainly what my colleague denominates it, an architectural monstrosity. I never pass within the vicinity of that building and look in the direction of it that my eyes are not pained at beholding what is so offensive to the sight and so repugnant to any one who has any regard to the appearance of public buildings.

How it happened that this building ever got into this shape, how the ingenuity of man was ever brought to a condition to contrive such an unsightly architectural structure, is a mystery to me.

A MEMBER. What is his name?

Mr. SPRINGER. I hope that fact will not come out so as to go down in history. I hope that obscurity will envelop his name, and that it will never be known to mankind.

I have been in my time so fortunate, or unfortunate, as to have traveled a little through this country and Europe; but of all the public and private buildings I have beheld that have been reconstructed and patched up from the past ages I have never seen anything to equal this in irregularity and offensiveness to the vision.

Mr. CUTCHEON. Many of us would like to know what is the style of architecture of that building.

Mr. SPRINGER. It must be entirely modern. It is, as my friend from Arkansas [Mr. ROGERS] remarks to me just now, a cross between a horse-car stable and an elevator.

Mr. ROGERS. Or a beer manufactory.

Mr. STONE, of Kentucky. It looks like a tobacco factory.

Mr. SPRINGER. I want something done if possible to correct this matter, and I have introduced an amendment, which does not increase the appropriation at all, but which provides that one purpose of this appropriation shall be to remedy that defect, if it is possible to do it—I do not say it can be done. But I hope the Architect in the Treasury Department or some other architect can do something in the way of remedy.

Mr. McMILLIN. Can it be remedied without razing the foundations?

Mr. SPRINGER. I do not know whether it will be improved if the foundations are raised, or if the top be taken off. I would suggest, to begin with, that the center be knocked out of it; that all the inside ornamentation, or what is called ornamentation, shall be blown up with dynamite, and that it shall be tried again upon a new plan. But my amendment does not contemplate dynamite. It only inserts what I hope may be an effectual appeal to the architect to ascertain if anything can be done for the purpose of remedying this evil. I ask the Clerk to read my amendment again; and I hope every one in the House will vote for it at once, so as to indicate a desire on the part of the House to do all we can to remedy that deformity.

The amendment was again read.

Mr. RANDALL. It is very indefinite.

Mr. SPRINGER. It does not increase the appropriation.

Mr. CANNON. I am somewhat surprised at my esthetic colleague attacking this public building. Now, what are the facts about it? This public building will have cost on its completion, in round numbers, about $800,000. It has 170,000 square feet of office space.

Mr. RANDALL. One hundred and eighty-eight thousand.

Mr. CANNON. One hundred and eighty-eight thousand feet of office space. It is the best ventilated and most commodious public building and most secure fire-proof building in the District of Columbia.

Now, then, let us look at the War, State, and Navy Department for a minute. Take the north wing or the south wing. Let us take the south wing. The south wing, as I now recollect, has 70,000 feet of office space in it, a little over one-third of the amount of office space that this Pension building has. It cost over $4,000,000; nearly five times as much for a little over one-third of the office space of the Pension building, and it is not so well ventilated. I will grant that when my colleague with his esthetic taste rides about the city and lets his eye rest upon the State, War, and Navy Department it is better pleased than when it rests upon the Pension building. But I will submit to my colleague that the Pension building perhaps would do him pretty well out in Springfield, Ill., or me out in Danville.

Mr. DUNHAM. Will my colleague tell me how this splendid building is ventilated?

Mr. CANNON. It is splendid in its room inside; in its capacity to hold the records of the Government; in its capacity to accommodate the clerks and officers therein placed, having three times the room of the magnificent wing of the State, War, and Navy Department, which has cost five times as much. It is a kind of public building I wish we had more of.

Mr. DUNHAM. You said it was splendidly ventilated. How is it ventilated except by dropping a window down or putting it up?

Mr. CANNON. If the gentleman would go and examine it he would see for himself how it is.

Mr. DUNHAM. I ask him to give the information.

Mr. CALDWELL. The gentleman's colleague [Mr. SPRINGER] has just ventilated it.

Mr. CANNON. It is ventilated by bringing the air in from the outside and changing it in the inside, which is the best ventilation I know of. I wish we had a little of that ventilation in this Capitol, that cost fifteen or seventeen millions of dollars.

Now, I want to say one thing about the public buildings. As I understand, there is no government in the world, old or young, that is spending so much on the outside of public buildings and so much uselessly. I do not mean to play the demagogue about this matter. What we want is substantial fire-proof buildings, at a reasonable cost, that will hold the records of the Government and its employés.

Mr. STRUBLE. And we want them without a veto.

Mr. CANNON. So that I am against my colleague's amendment.

Mr. SPRINGER. One word in reply to my colleague. I concede what he says, that this building has been honestly constructed, that there has been no job in it and no extravagance; but I do contend that utility and beauty are not incompatible. I do contend that if this building had been constructed upon another plan it might have been as well ventilated and as useful to the Government as it is now, while at the same time it would not have been, as it is, a standing offense to every eye that rests upon it. Therefore I hope something will be done to improve its appearance. There ought to be added another story, so as to fence in the enormous structure in the center, or in some other way its appearance ought to be improved.

Mr. McMILLIN. Mr. Chairman, I concur in the opinion of the gentleman from Illinois that that building is not in architectural beauty all that it might be. It is also subject to the criticism which the gentleman did not make, that the architect, forgetting that good horsemanship requires the rider to hold the bridle in his left hand, has made his cavalcade with their bridles in their right hands. That is true.

But the question here is as to the method of spending money that is to be appropriated, and I think that before we make any appropriation for the purpose of changing the architectural appearance of this building we ought to have some plan before us, some proposition as to how the money is to be expended. It is true that in this case, as in the case of some other public buildings, it would not be easy to make a change for the worse, but that is no reason for appropriating money without knowing what we are doing. The building is commodious, it probably answers the purpose for which it was constructed, and, to say the least of it, it has been honestly constructed.

Mr. RANDALL. Will the gentleman allow me to say that there is room there for twenty-eight hundred clerks, allowing more than 60 square feet to each clerk. There is no other public building that provides such accommodation.

Mr. McMILLIN. In addition to that, Mr. Chairman, I undertake to say that in no other public building in the United States has there been the same amount of space provided at the same cost. Take the new State or Navy building, with enough beauty on the inside for a hundred palaces and enough ornament on the outside for a hundred cottages; it does not compare, as to convenience and utility, with the Pension building. Now, if the gentleman from Illinois is in earnest about changing that building, let us know what change he proposes. Until he does that, I can not regard his proposition as practical.

Mr. GROSVENOR. Mr. Chairman, I will not detain the House very long, but I want to say that while there are nearly seven thousand men who carried muskets in defense of the Union in the poor-houses of the country and more than fifteen thousand of their orphans in the asylums of the country I will not vote to decorate, improve, or enlarge the Pension Office in Washington.

Mr. RANDALL. But you would vote enough money to finish it, would you not?

Mr. GROSVENOR. Oh, certainly.

Mr. RANDALL. That is all that is proposed.

Mr. GROSVENOR. I think, however, that it is well enough for its purpose. I do not think it is very handsome, but if it will transact the business and get the soldiers out of the poor-houses I will waive the question of beauty, and the gentleman from Illinois [Mr. SPRINGER] can come to the Capitol up Pennsylvania avenue, where his sensitive eyes will not be offended by this "architectural monstrosity."

Mr. MILLIKEN. Mr. Chairman, I should like to be informed, if I can, what further improvement can be put upon this building. I did not suppose there was any architect in this country or any other that would not have exhausted all his ingenuity by the time he had done what has been done upon that building. I agree with my friend from Illinois [Mr. SPRINGER] that if the ornamentation of the building is to be improved it must be done as the Indian was going to have his gun repaired. He said that it needed a new lock, a new barrel, and a new stock, and then it would be a very good gun. I do not believe that the ingenuity of the man who constructed that building can make anything sightly out of it, or anything that ought to be tolerated anywhere within the limits of civilization, until he tears it down to the foundation stones and builds it up in a form suggested by some other person. [Laughter.]

Mr. RANDALL. The building answers its purpose very well, and it was not a bad building for the Democratic inauguration ball. [Laughter.]

Mr. SPRINGER. I withdraw the amendment.

Mr. BYNUM. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Add the following proviso:

"*Provided*, That all the floors in said Pension building which shall or may be constructed of other materials than wood shall be constructed of encaustic tile manufactured in the United States."

Mr. ROGERS. I make the point of order on that amendment.

Mr. BYNUM. I would like to hear what the point of order is.

Mr. ROGERS. The point is that it is new legislation.

Mr. BYNUM. Mr. Chairman, I do not understand that it is new legislation when you are appropriating for the construction or improvement of a building to say what kind of material shall be used.

The CHAIRMAN. The Chair understands that this is not a provision for work contemplated by existing law, but is a change of law.

Mr. BYNUM. There is no change of law proposed. The amendment is simply a direction as to the material which shall be used.

Mr. STEELE. Where is this material manufactured?

Mr. BYNUM. There are three manufactories of it in the United States—one in Ohio, one in New Jersey, and one in Indiana.

Mr. STEELE. The best material of this kind is manufactured in Indianapolis?

Mr. BYNUM. Yes, the best by far.

Mr. CUTCHEON. Why do you not specify that tile of Indiana manufacture shall be used?

Mr. DUNHAM. I suggest that the gentleman add to his amendment a provision that tile manufactured at Indianapolis shall be employed.

Mr. BYNUM. We are satisfied we can get the contract without such a provision.

Mr. STEELE. Competition will give it to us.

The CHAIRMAN. If the existing law permits the construction of these floors from the material mentioned in the amendment, then application for that purpose should be made to the Department. If legislation is needed to secure that result, then of course the amendment is subject to a point of order.

Mr. BYNUM. I do not understand that the existing law gives any specific directions; we propose simply to give those now. [Cries of "Regular order!"]

The CHAIRMAN. The Chair thinks the amendment is subject to the point of order.

Mr. HOLMAN. Mr. Chairman, I wish to have the ear of the chairman of the Committee on Appropriations and of the Committee of the Whole for a moment in reference to the provision in this bill which contemplates the removal of the General Land Office and other offices from the Interior Department building to the Pension building. The effect of this transfer would be to leave in the present Interior building simply the Patent Office and the office of the Secretary of the Interior. It is here proposed that there shall be transferred to the Pension building the General Land Office, the Indian Office, the Bureau of Education, the office of Commissioner of Railroads, and the Bureau of Labor. This transfer seems entirely practicable except as to the General Land Office, in regard to which I ask attention for a moment.

While this subject was being discussed in the committee I saw no reason for doubting that all these different bureaus might be removed into one building; and if it could be done the result seemed desirable. Since this provision was adopted by the Committee on Appropriations the fact has been pointed out upon conference with gentlemen connected with the Land Office that a transfer of that office from the Interior Department building to the Pension building would result in great embarrassment and inconvenience, and probably serious loss to this important bureau of the Government.

The records of that bureau extend back through some three-quarters of a century. There is there an accumulation of public records and documents far exceeding in value those of any other bureau of the Government. The removal of this vast accumulation of records to another building can not fail to be embarrassing in the last degree. These documents have been arranged from time to time in the various rooms during the long series of years since the Interior Department building was erected; have been regularly labeled and placed in proper order. The rooms where they have been placed are adapted to the purpose; and it is insisted by the Commissioner of the General Land Office and other gentlemen connected with the bureau that the proposed transfer can not be made without serious inconvenience and probably loss to the Government.

Mr. McMILLIN. Will the gentleman permit me to suggest, in addition to the reasons he has given, that the Interior Department is a safer building, at least from water, than the new Pension building?

Mr. RANDALL. The Pension building is fire-proof.

Mr. McMILLIN. But it is not water-proof.

Mr. RANDALL. It will be when the roof is completed.

Mr. HOLMAN. Mr. Chairman, the Land Office is by all odds the most important bureau of the Government; its records are more important than those of any other bureau. The Interior Department building is large enough for the accommodation of the Patent Office, the General Land Office, and the office proper of the Secretary of the Interior.

Now, these being the circumstances, I submit this question to my friend the chairman of the Committee on Appropriations: If the Interior Department building is, as asserted, sufficient for the two great bureaus, the General Land Office and the Patent Office (the latter being of far less importance than the former), and the offices of the Secretary of the Interior, why should the Land Office be removed? Why should this great mass of public records be destroyed when there will be ample room in the Interior Department building after the Indian Bureau and these other less important bureaus have been removed to the Pension building?

Mr. RANDALL. Mr. Chairman, the Pension Office accommodates now fourteen hundred and four clerks. There is room enough for fourteen hundred more. That is the first point. The Interior Department building is now occupied by the General Land Office, the Interior Department proper, the Patent Office, and the Commissioner of Indian Affairs, who occupies a few rooms. We propose to provide that the Land Office, with three hundred and seventy-seven clerks, shall be transferred to the Pension building, already under the control of the Secretary of the Interior. It is notorious that the Patent Office is at present so overcrowded as to be injurious to the health of those engaged there.

The bill the gentleman introduced himself and reported to the House adds sixty clerks the coming year in the Patent Office. We take out the Land Office, giving space for the Patent Office properly to conduct its business. And what do we do with the Land Office? Instead of giving 80 feet to each employé, as they now have, we provide for giving nearly 100 feet in the Pension building.

It has been proved by experience and careful investigation that it is in the line of better policy to have all these departments of the Government discharge the duties connected with their offices in their own build-

ings. At present there are outside rents paid, when we have plenty of room in the Government's own property to accommodate all those officials. The amount saved by this provision aggregates in rents paid to outside parties $37,000.

Mr. HOLMAN. Mr. Chairman, as to all those matters there is no disagreement. We all agree space in the Pension building should be granted. It is a building admirably adapted to the purpose for which it was constructed. It seems to me the many merits of that building, and especially when the grounds around it have been properly planted with trees, will become apparent. The distinguished services in the past of the architect of that building have been of great value to the country, and it seems to me they ought to have saved that structure from at least some of the criticisms which have been made upon it. I do not sympathize for one with any criticism of a public edifice that answers the purpose admirably for which it was built. It is not deficient in point of beauty when you consider the vast magnitude of the structure.

Mr. MILLIKEN. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Yes; I will hear the gentleman's question.

Mr. MILLIKEN. I ask him if the building would not have been as convenient for the purpose for which it was constructed if it had been built up handsomely, with a proper roof, so as to look as well as a New England cotton factory, instead of being constructed as it is with Noah's ark swung across the top for a cover? [Laughter.]

Mr. HOLMAN. Not having a cultured taste in architecture I am not able to discover anything wrong in a building which so admirably answers the purpose for which it was erected by the Government. I am anxious to call the attention of the House to this fact. I am afraid gentlemen are not attaching to this subject the importance it is entitled to. I say that any gentleman familiar with the Land Office, a great bureau of the Government, on account of the accumulation of land records there—any one familiar with the subject must necessarily see the great risk the Government would run by the removal of these records. It is a work of great magnitude to perform, involving much care and still greater liability to derange the records of the Government in this most important bureau.

I insist if any bureau should go out of that building, so well adapted to the purpose, it should be the Patent Office. It could be removed without embarrassment or trouble. Then there would be ample space for the Land Office in that building, and there would be no risks run of the destruction or derangement of the records of the Government which have accumulated in the Land Office during all these years. I submit, therefore, for the present, with the Indian Office removed, the building is large enough to accommodate the Patent Office, the Land Office, and the Secretary's office.

[Here the hammer fell.]

Mr. RANDALL. I wish only to say that the Land Office pays rent for an outside building of $1,800 a year. Unless this relief is given to the Interior Department for these sixty clerks of the Patent Office in addition to the six hundred and sixty now there we will have to rent another building. There is Government room plenty without going outside to pay rent for other buildings.

Mr. HOLMAN. Why not remove the Patent Office?

Mr. TOWNSHEND. Why the Patent Office owns the whole building, and paid for it in its own money.

Mr. HOLMAN. If the Patent Office ought not to be removed, then the Land Office ought not to be removed for a much stronger reason.

Mr. RANDALL. I have no partiality for either.

Mr. HOLMAN. I felt it my duty to submit this amendment. However, in view of the opposition that I discover in reference to it, I do not know but that I shall withdraw it. But I know that a mistake is being made.

Mr. RANDALL. I know the Commissioner of Pensions objects to anybody going in there; but I never heard that the Commissioner of the General Land Office objected to anybody going there.

Mr. HOLMAN. I believe, inasmuch as there seems to be a general belief that you could move that great mass of records with perfect safety, that I will withdraw the amendment.

Mr. BUTTERWORTH. Is the amendment withdrawn?

The CHAIRMAN. It has been withdrawn.

The Clerk read as follows:

For the Capitol: For work on the Capitol, and for general repairs thereof, including wages of mechanics, workmen, and fresco-painter, $38,000.

Mr. GROSVENOR. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of line 915:

"And in making designs for the unfinished frescoing of the Rotunda of the Capitol the following events in our national history shall be commemorated, to wit: The emancipation of the slaves, the restoration of the Union at the close of the war, the receipt of the Bartholdi statue, the completion of the transcontinental railroad lines, the dedication of the Washington Monument, and such other national events as may be chosen by the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Chief-Justice of the Supreme Court of the United States, and the general of the Army."

Mr. RANDALL. I raise the question of order against that. There is no law for it.

Mr. GROSVENOR. I desire to say a few words upon the point of order.

Mr. RANDALL. I will reserve it so that the gentleman can be heard.

Mr. GROSVENOR. I know of no just construction of the rules of this House which can operate to limit the power of Congress to appropriate money and say how it shall be expended. The item in the bill just preceding this one has given me an authority by virtue of which it seems to me I may successfully defend my position on this question. The honorable gentleman from Pennsylvania, the chairman of the Committee on Appropriations, has placed in the appropriation bill a provision enacting that certain bureaus of the Government, to wit, the General Land Office, Indian Office, Bureau of Education, office of the Commissioner of Railroads, Bureau of Labor, the office of the agent for the payment of pensions in the District of Columbia, and the office of the Geological Survey, all of which are now located at various points in the city of Washington pursuant to existing law, shall be located hereafter, upon the completion of the Pension building, in that structure. It is a provision to remove these bureaus of the Government from one part of the capital city, or several parts of the capital city, to another part, and to terminate the leases of the various buildings now occupied by these several bureaus.

But, Mr. Chairman, I wanted to say a word upon another subject, and I am sure the gentleman from Pennsylvania will not try to prevent me from so doing, inasmuch as it will take me but two or three minutes. I selected, in drafting this amendment, certain great national events to be commemorated in the beautiful frescoes upon the rotunda of the Capitol because I thought they were events of such importance and significance that they were worthy to be thus commemorated. These events have ceased to be sectional, if they ever were. They can not now fan the smoldering embers of sectional discord, and far be it from me to wish to do so. They are great national non-partisan events. They are special and magnificent events in American history.

The liberation of the slaves. Who can estimate the grandeur of that act? The restoration of the Union at the close of the war, the rehabilitation of the old Union, or the reorganization of a new Union, as you may see fit to call it. It was a Union based upon the Constitution and the laws. Then the other great events which I have named. They do not suggest sectionalism, and there is not anything sectional or partisan in that sense about me; and that brings me, Mr. Chairman, with the acquiescence of the House, to say this: It went far and wide all over the United States through the agency of the Associated Press the other night that I had said in a speech at Charlestown, in West Virginia, that the people of my State of Ohio had some sort of prejudice or bitterness against the people of New England, and other words of denunciation of New England were put into my mouth in that report. When I came back here to my seat in the House my colleagues from Ohio, jocularly, it is true, warned me that my friends from the New England States were feeling something of unpleasantness in regard to what I should have said.

I do not want to spend but a brief moment of the time of the House, but I desire to say that in the speech I made at Charlestown I uttered no language that by any fair interpretation could be tortured to mean that the people of Ohio had any ill-feeling toward the people of New England. I could not have done that, for there is no State in the Union whose early history and later grand development is more interwoven with the men and women and material things of New England than is the State of Ohio. Our land titles, "the Ohio Company's purchase" in the South, the fire lands in the North, and the Western reserve, almost a New England within the borders of the State of Ohio, were all great purchases of land by the pioneers of Ohio who came from New England and landed at the good town of Marietta in the Congressional district which I hope to represent in the next Congress. And there, out of their stores of patriotism, of learning, of religion and morality, upon the confines of the great Northwestern Territory, laid deep and strong the foundation of the beautiful structure upon which to-day rests the grand State from which I have the honor to come.

The ties of kindredship, the ties of common interest, the graves of ancestors, the common purposes of the future, all entwine the States of New England to the great State of Ohio, and he would be a recreant son of the latter who should say aught to sow discord with the former. But I was myself born in New England in the good State of Connecticut. My ancestors from away back in 1670 until 1838 have lived in Connecticut, and many of my relatives and dearest friends live there to-day, and my association with them forbids the possibility that I could have used the language attributed to me.

But, Mr. Chairman, at Charleston, standing upon the banks of the beautiful Great Kanahwa looking at the splendid Government improvement of that beautiful river and reflecting upon the opposition everywhere made in the Eastern portion of the country to the improvement of the Western water ways, I did say that I regretted to state that the opposition to the improvement of the ways of Western water transportation came from the Eastern section of the country, that section, I

said, which clamored for the largest appropriations and yet refused to aid their Western brethren in their necessities. Was I right, Mr. Chairman? I point to the fact that of the twenty-six members of Congress from the New England States on the 6th day of last May, when the river and harbor bill was upon its passage in this House, but one member voted for the bill, and that, too, notwithstanding that the Eastern portion of the country had large and generous appropriations therein. I said the opposition to these improvements had taken a form as intensely sectional as were any of the controversies in this country prior to the war, and the record bears me out.

Again, in speaking upon the subject of the tariff, I did say that there was less danger to the industrial interests of the country from the ignorant men of the West, to which reference had been made by another, than there was from the action of the over-educated provincialists of the East. I need not here stop to elaborate this idea. I had said the same thing in substance without rebuke in the city of Bangor before a great audience, and at other points in the State of Maine. It had been said in substance a hundred times upon the stump in the campaign of 1880, and its reference was to the teachers of free trade in the New England colleges. I said this, and if this be treason to one section of the country, make the most of it.

But, Mr. Chairman, I want to say a few more words upon this question of order made by the gentleman from Pennsylvania [Mr. RANDALL]. The gentleman's ability and versatility is nowhere doubted, and by no one less than myself. He has genius enough here to propose to legislate in this bill nearly a complete reorganization of the locations of the Government offices in this city, and yet he declares by his objection that the attempt to prescribe the form in which the frescoing shall be done for which the appropriation is made is legislation obnoxious to the rule of the House, which forbids legislation upon a general appropriation bill "changing existing law." In this case, Mr. Chairman, what existing law does it change? What law of Congress regulates the form in which the frescoing of the Capitol shall be done? Here, now, is a plain proposition. The subject-matter of the appropriation is the frescoes in the Rotunda. The subject-matter of the amendment is to prescribe what the picture or image shall be.

I hope, Mr. Chairman, that the subjects which I have named, the emancipation of the slaves, &c., will not affect the judgment of the committee upon this question of order. My point in answer to the suggestion of the gentleman from Pennsylvania that there is no law authorizing this, is that this is not a law of a permanent character. It is an appropriation of money, and it is specifically appropriated to be used in a specific way for this purpose and no other, and no lawyer will say, and in my judgment no fair-minded man will say, that the amendment changes existing law. It is an appropriation of money to complete an unfinished building.

The law authorized the building of the Capitol and the right and authority to continue it was an incident of the authority to build, and who will say that all this does not carry with it ample authority in each recurring appropriation to say what form of decoration shall be adopted. The Committee on Appropriations have put it into the bill that the frescoing shall be done. I go but a little farther and prescribe how the frescoing shall be done. Is it possible that the chairman of this committee, himself a lawyer, will draw the line of distinction between these two propositions, the one an appropriation for doing a piece of frescoing, and the other a proposition to describe how the frescoing shall be done.

I hope, Mr. Chairman, that the point of order will be overruled, and that we may have here the authority of Congress to place upon the walls of the Rotunda pictures in fresco that shall forever commemorate to coming generations the glories of the period through which we have passed, forgetting the sectionalism, the hatred, the bloodshed, and the temporary dismemberment of the country, and remember only the great achievements of that day, the purification of the Constitution and the country by the liberation of the slaves, the restoration of the Union our fathers founded, upon a better basis, a broader basis, the basis of human liberty and equal and exact justice to all men. And the improvements which we have lived to witness, I would add to the list which I so hastily prepared the grand developments in science, art, and mechanics, the triumph of education, the glories of the Christian civilization of the day, the progress of the people toward morality and virtue, and the prouder position which America has assumed among the nations of the earth.

The CHAIRMAN. If the text of this clause were subject to the point of order on account of its directing the removal of a bureau from one building to another, to have made that available some one should have made the point of order. According to the practice of the House, as the present occupant of the chair understands it, it is not the duty of the Chair to make points of order. No point of order having been made, the clause can not now be ruled out.

The amendment of the gentleman from Ohio is new legislation, and is undoubtedly subject to the point of order.

The Clerk read the following paragraph:

That the unexpended balance of the appropriation for continuing the construction of the terrace and grand stairways of the Capitol made in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," is hereby reappropriated or rendered available for the continuation of that work during the fiscal year 1887.

Mr. HISCOCK. How much money is reappropriated?

Mr. RANDALL. About $20,000. The work is still going on, and all we ask is to have this amount reappropriated so as to be available for the next fiscal year.

Mr. HISCOCK. Would it not be just as well to appropriate that sum?

Mr. BROWN, of Pennsylvania. And not work on our Capitol?

Mr. RANDALL. It is the old story.

The Clerk read the following paragraph:

HOT SPRINGS IMPROVEMENT:

For continuation of improvement of Hot Springs Creek, $20,000.

Mr. BEACH. I move to amend by striking out the paragraph just read. We have already spent a very considerable sum of money in trying to improve this creek. I think the time has come when we should stop.

There are some members on this floor who will remember that about three years ago very ugly rumors as to the general management of affairs at these Hot Springs were afloat, and this House deemed them of sufficient importance to send a committee down there to investigate them. The committee took considerable evidence, which was reported back at the first session of the last Congress.

From their report it appears the United States fell into possession of this reservation by a decision of the Court of Claims. The quantity of land involved is, I believe, about 2,000 acres and embraces the springs. Prior to the decision of the court much of the land had been occupied by settlers, who had improved their holdings by building up hotels, bath-houses, private residences, and business houses. When the disputed title was settled in favor of the Government the President, under act of Congress passed in 1877, appointed commissioners, who proceeded to the springs and adjudicated the claims of about eight hundred of these occupants. Most of the occupants bought the property that was allotted to them at the prices fixed by the commissioners.

Among the buildings on the reservation was a hotel, which the Government leased for a period of ten years at a rental of $1,000 per annum. The committee to which I have referred took testimony in regard to the value of this rental. It appears from the testimony that the rental was worth $10,000 a year; so that the Government is losing $9,000 a year by reason of the improvident lease it then made.

Mr. CUTCHEON. How long does the lease extend?

Mr. BEACH. I think it has some three years yet to run. Another source of revenue to the Government is found in the bath-tubs, which are leased at $15 each per annum. The committee reported that these bath-tubs were worth $50 apiece instead of $15. Now, in regard to this creek, the estimated cost of walling up its sides and improving it generally was $167,000. At the time the committee visited the springs they found considerable of this work had been done and very improperly done, for the committee say:

From all the evidence the committee was able to obtain on this point they are utterly unable to state with any degree of accuracy how much the Government has been defrauded in the measurement of and payment for this work, but they feel quite certain that more masonry has been paid for than was ever put up.

Now, I have moved to strike out the whole of this appropriation, and I have done so because I do not think we should spend another cent on this Hot Springs reservation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEACH. I desire one moment more.

Mr. STORM was recognized, and yielded one minute of his time to Mr. BEACH.

Mr. BEACH. I do not believe, Mr. Chairman, that this great Government of ours was ever intended to engage in the business of running a hotel or competing with Coney Island in the bath-tub business. We should put a stop to the whole business. And here let me say I shall take early occasion to introduce a bill turning over the whole of this reservation, hotel, bath-tubs, and all, to the State Arkansas. Let that State run them if it will. Let us confine ourselves to our constitutional functions. [Applause.]

Mr. CUTCHEON. We run them for the benefit of the great unwashed.

Mr. STORM. I agree with the gentleman from New York [Mr. BEACH], if the Government had lost the suit in which the title to the Hots Springs lands was litigated it would have been of advantage to the Government. It was a clear case where the winning party was the losing party. Besides the appropriation of about $120,000, all the proceeds of the land sold on that reservation have been consumed in this improvement. Rents derived from the water privileges do not pay the salary of the superintendent and the ordinary expenses of running the concern.

I think so long as things are managed on that reservation as they have been in the past few years the Government will be involved in perpetual expenses, and those expenses will be constantly increasing. In the first session of the Forty-seventh Congress a provision was contained—I believe in an appropriation bill—authorizing the Secretary of the Interior to enter upon the work of covering what was known as the Hot Springs Creek, a small stream of water flowing along the front of

the Hot Springs reservation. And while I think it is clear Congress intended in that act simply to provide for covering about 700 yards of that spring, it is quite clear by some arrangement 1,100 yards of that creek were covered at a great deal of expense. The report of the committee sent there by the Forty-eighth Congress showed such an amount of mismanagement, if not downright dishonesty, as ought to make Congress act with care in its future dealings with this unique enterprise.

Now, as to this provision in the bill which appropriates $20,000 for the continuation of that work, I wish the members of this House to understand that the improvement is to be entirely upon private property. It is not upon the Hot Springs reservation, as provided for in the original act, but is simply intended to improve and make more valuable the property of private individuals who own the lands on both sides of the stream. The Government has covered 400 yards more of the stream than was originally contemplated, and now it is proposed to carry this improvement farther down the stream at the expense of the Government, along the property owned by individuals and far beyond the point originally intended by Congress. I think that ought not to be done.

Mr. CUTCHEON. Does not the gentleman think that the Government might well close out this entire Hot Springs property to private individuals and be rid of it?

Mr. STORM. I think so, and have always thought so, and if it was here as an original proposition I never would assent to embarking in such an enterprise. The Government would be the gainer to-day if it could get the State of Arkansas to accept Hot Springs reservation as a gift.

Mr. TOWNSHEND. Arkansas is too sharp for that.

Mr. PAYNE. Mr. Chairman, the Government came into possession of this Hot Springs property in 1875 at the end of a lawsuit. They found that they owned four sections of land in Arkansas and had owned it since Arkansas was a Territory. They found that there were numerous squatters on that land who claimed to have the title and had erected cheap wooden buildings which had become valuable because of their location. A receiver was appointed as a result of that suit. He was in charge of the property for a year or two, and, as a result of his receivership, he turned into the Treasury a little over $33,000, the rental of the property during that period. Then a commission was appointed with authority to settle with the owners, or those who claimed to be the owners, of the property, and they sold to the parties who had squatted on the land at a nominal figure, some $20 a foot front, property which three or four years afterwards was worth from $300 to $500 a foot front.

From these sales $44,000 more was turned into the Treasury. When the people of Hot Springs and vicinity found that there was $77,000 in the Treasury, the proceeds of those lands, they wanted it expended in Hot Springs. They came here, and Congress was induced to pass an amendment to a law by which the Government was to wall up the banks of the creek which runs through the central avenue, the main street of Hot Springs, there being a mountain on either side of the street, and the street being nothing but a narrow defile or gorge between the mountains, in the bed of which was Hot Springs Creek. Afterward they came and asked another amendment at the hands of Congress. They wanted the Government not only to wall up the banks of the creek, but to spring an arch over it, and then to cover it and make a broad and beautiful street, the main street in Hot Springs. This also was granted by Congress. The $77,000 was expended, and during the first session of the Forty-eighth Congress $75,000 was appropriated to complete the improvement of Hot Springs Creek. Now that improvement, so called, extended from the south line of the permanent Government reservation to a point 3,000 feet northward, and to a point 1,500 feet north of any reservation or any property which the Government owns abutting on that street.

It is true there was a reservation on West Mountain, on the west side of the creek, which extended as far as the improvement extended, but the Government had already parted with its title to all the land abutting on the street for a depth or distance back of 175 feet, the only valuable property on the west side of this Central Avenue Creek. This strip was owned by other parties, and separated the reservation from the street for the entire distance, on the west side, so that the Government was inveigled into the scheme of improving private property north of its own property for a distance of 1,500 feet along the creek. During the last session of the last Congress there was put into the sundry civil bill (a bill which, as gentlemen will remember, went through under a suspension of the rules) an appropriation of $7,500 more for the purpose of extending this improvement south of the Government reservation and across what is called Reserve street, or Reserve avenue, being the southern boundary of the Government reservation. I understand that that sum is ample, and that the improvement is being completed to that point. Now, here is another appropriation of $20,000 proposed in this bill to extend this improvement southerly over the creek, and it is proposed to extend it some 300 feet south of Reservation avenue, through private property, not through a public street, but over private lands in the rear of several buildings for the sole use and benefit of these private property-owners.

I submit, Mr. Chairman, that no man in this House wants to vote away the people's money for the sake of improving this creek where it passes through private premises. I was a member of this investigating committee appointed by the last House, and we were there six days and and took a large volume of interesting testimony.

[Here the hammer fell].

Mr. BAYNE obtained the floor and said: I yield my time to the gentleman from New York [Mr. PAYNE], who is making a very clear exposition of this matter.

Mr. PAYNE. Mr. Chairman, some of the citizens of Hot Springs appeared before that committee. With the utmost composure of countenance they had the assurance to claim that this expensive improvement should be continued not only south of Reserve avenue but, as some of them contended, clear down to Ouachita River, 6 miles below. What do you suppose was the remarkable reason they gave for extending this improvement to that point? Why, they said that the Government had allowed private-property owners to turn the sewerage of the city into this hot-water creek, and that in the summer time it became very detrimental to the health of the citizens of Hot Springs; and therefore they thought this great and good Government ought to extend this archway for the creek clear down to the Ouachita River, in order to counteract any detrimental results to the health of the citizens. And we could not find a single prominent citizen in Hot Springs who did not think it the duty of the Government to extend this improvement at least 2,000 feet south of Reserve avenue across private property down to a point adjacent to the gas-works in order to preserve the public health.

I modestly suggested to some gentlemen who appeared before the committee that it would be well for the citizens of Hot Springs, inasmuch as the Government had done so much for them, to construct sewers for themselves through this street on each side of the improvement; that they would be at liberty to continue those sewers down to the Ouachita River, if they chose, in order to carry off the filth of the city. I was met by a constitutional objection! [Laughter.] They said that the constitution of Arkansas would not permit anything of that kind; that they were limited to a certain amount of taxation, and could not raise any more, whether the citizens of Hot Springs perished because of lack of sewerage or not. [Laughter.] I have been informed by the gentleman from Arkansas [Mr. ROGERS], who represents that district, that when they became satisfied that the Government would not construct these sewers for them they went to work and found a loop-hole somewhere in the constitution; that at any rate they have constructed the sewers alongside of their private property on each side of this improvement, and are now waiting only for the Government to construct the sewer along the front of the reservation and continue it down, I suppose, to the river. It seems to me therefore that good resulted from the investigation. The citizens of Hot Springs found that the Government would not do everything for them, and they have done that much for themselves.

In addition to the creek, the Government found that there were various hot springs on the Hot Spring Mountain that were supposed to be a cure for every disease that human flesh is heir to and some diseases to which it is not heir legitimately. [Laughter.] And it became an idea of the citizens of Hot Springs that the Government should not only preserve these springs for the people who could pay for a bath, but should enable the poor people who might come from anywhere in the United States to get a free bath. So they reserved a hole in the mountain, which was called "mud-hole," and was supposed to have the finest medicinal qualities of any spring on the mountain; and the Government from that day to this has been maintaining a free bath-house in the "mud-hole" for the poor people—a sort of pool of Bethesda. [Laughter.]

A MEMBER. What became of the "mud-hole?"

Mr. PAYNE. Well, that was not considered safe, because people began to rent frontage on Reserve avenue, on the Government reservation, and then to rent privileges for twenty, thirty, or forty bath-tubs at an annual rental of $60 a year per tub for not exceeding five years. This was done under a law passed by Congress. These leases were made mostly in 1877 and 1878. The parties paid rent at that rate for about a year; and the evidence before the committee showed that while paying a rent of $60 per tub they were making about 10 per cent. on their investment. Then a committee came here to Washington and convinced a committee I believe in the other House that this rent was too great; that not more than $15 a tub, instead of $60, ought to be paid.

[Here the hammer fell.]

Mr. PAYNE. I would like to proceed further with these remarks. I do not want more than five minutes more.

Mr. HENDERSON, of Iowa, obtained the floor and said: I yield to the gentleman from New York [Mr. PAYNE].

Mr. ROGERS. I must object unless there is some understanding. I can not be expected to reply to all these misrepresentations in five minutes.

Mr. PAYNE. I hope the gentleman from Arkansas will have ample time.

Mr. ROGERS. If I can have opportunity to respond to all these statements, the gentleman from New York may occupy all the time he wants; but if I am to be restricted to five minutes, that is a different thing.

Mr. HENDERSON, of Iowa. You will be heard fully; we want all the facts.

Mr. ROGERS. If that is the understanding, I withdraw my objection.

Mr. PAYNE. These people went on under these leases and paid $15 a tub. After that a syndicate of the different bath-house owners was formed, all of them clubbing together; and this great paternal Government seemed to be in a sort of race with these bath-house owners to see whether it could not break up the syndicate by regulating the price of baths. I believe that the Secretary of the Interior was empowered to make regulations on that subject; and he did fix the price which these bath-house owners might charge. It was the Government of the United States that engaged in this business. [Laughter.] It was not exactly a peanut business; but it seems to me it would have been just as consistent with the dignity of the Government of the United States if it had gone into the peanut business or the livery business or something of that kind, as it was for it to go into the bath-house business. This syndicate, for some reason or other, did not like the opposition of the "mud hole," which was a free bath.

They went to work to blast with powder or dynamite or something else, and carried on the work in such a manner as to crack the tufa formed on the rock, allowing the water which supplied the spring or mud-hole to find another vent, and so the mud-hole went. [Laughter.] That is, the hole remained, but the hot water which supplied it found another outlet, and when the hot water was gone the poor people were left out again. That is the condition the committee found it in when they went down there a year ago.

Mr. BROWN, of Pennsylvania. So the committee did not get a free bath?

Mr. PAYNE. Oh, yes; the committee had an opportunity to take a bath, and one bath satisfied them.

Then the Government found, when they took possession of this reservation in 1875, a hotel on the reservation called the Arlington. This hotel was formerly an old building owned by Governor Rector, which was used as a hotel. In 1874 Governor Rector rented this property to Messrs. Fordyce, Stitt & Co. at $3,000 a year. They were to have the privilege of going on and making improvements, and at the end of the lease, which ran, I believe, for three years or perhaps for five years, Governor Rector was to have the privilege of buying their improvements at two-thirds of the cost. As Mr. Fordyce testified before the committee, in answer to my inquiries, they went on and made improvements, which, with the furniture they put into the hotel, amounted to $35,000. There was awarded by the commission to Fordyce, Stitt & Co. $22,000, which is about two thirds of $35,000, the total cost of the furniture and other improvements.

Mr. DUNN. Which was never paid by the Government.

Mr. PAYNE. The Government gave them a certificate for $22,000, and they have never made a demand on the Government for the money due on that certificate. And why they have not will appear later on.

Mr. DUNN. It appears not.

Mr. PAYNE. Governor Rector also received a certificate for $8,000 for his interest in the old building. It will thus be seen that these gentlemen received all they were entitled to receive for this property, even according to the strictest equity.

But nevertheless, in 1878, Congress was induced to lease this valuable hotel property to Messrs. Fordyce, Sitt & Co. for a term of ten years at an annual rental of $1,000. They have since put additions upon the property amounting to about the sum of $25,000, and the annual rental is worth, as testified to before the committee, all the way from $5,000 (the sum testified by Mr. Fordyce) to $20,000 per annum, as testified to by other witnesses. Mr. Fordyce claims that the present tenants are entitled to lease the premises again at the expiration of their present lease in 1888 at a low rate. Mr. Fordyce testified that $2,000 was about the right figure per annum for another ten years, and there is no doubt but that another attempt will be made in this or in the Fiftieth Congress for a renewal of this lease at a nominal rental, and the astounding claim is made that these parties have some claim or equity in this property that the Government ought to recognize. And I have no doubt that this certificate for $22,000 is held by Fordyce, Stitt & Co. to create the impression that they have been unfairly dealt with by the Government, in order to give them the appearance of some sort of standing in the consideration of Congress, and this in face of the fact that they have received from the Government a certificate for more money than they would have been entitled to under their agreement with Governor Rector at the expiration of their lease from him, and that they have put on all the improvements since, amounting to $25,000, while they were occupying as tenants under a fixed term, which state of facts renders the improvements the property of the Government. Nor are there any equities in the case that call for any consideration from Congress. When the present lease expires the gentleman will have made out of the Government the difference between $1,000 per annum, the present rental, and $5,000 per annum, the actual annual rental value according to Mr. Fordyce, or $30,000 for ten years.

All these facts, Mr. Chairman, lead to but one conclusion. I was disposed to think two years ago that the Government, having entered upon this policy, had better continue it, correcting the abuses as best they may. But time seems only to increase the abuses. The only remedy is for the Government to relinquish the hotel and bath-house business, make a sale of this valuable property, and turn the proceeds into the Treasury. If the property is worth one or two million of dollars, as many gentlemen of competent judgment believe, that sum would go a long way to make up the deficiency in the next fiscal year that our friends on the other side of the House so much dread.

The CHAIRMAN. The gentleman's time has expired.

Mr. PAYNE. I would like very much to go on for a few minutes longer, so as to complete my statement.

Mr. HENDERSON, of Iowa. I do not think the gentleman's time has expired.

Mr. DUNN. I do not think the other side of the House should have all the time on this question.

The CHAIRMAN. The gentleman's time has expired, and the Chair has recognized the gentleman from Arkansas.

Mr. ROGERS. Mr. Chairman, I shall not be able in the time I shall get to correct the inaccuracies and misrepresentations which have been made, inadvertently no doubt, in reference to the Hot Springs reservation. If it were an original proposition as to what we were to do with the Hot Springs reservation we might well enter into a discussion of the merits of the plan we have heretofore adopted, and which is now criticised. But it is not an original proposition, and it is not up for discussion now.

The simple proposition now is to strike out from this appropriation bill (the sundry civil) a provision for the continuation of the improvement of the Hot Springs Creek. In support of that provision of the bill I will send a letter from the Surgeon-General to the chairman of the Committee on Appropriations, and ask that it be read by the Clerk.

The Clerk read as follows:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., May 12, 1886.

SIR: In reply to your letter of May 11, requesting information as to whether the appropriation of $20,000 (or so much of it as may be needed to continue the main sewer below Reserve avenue in Hot Springs, Ark.), is necessary for sanitary purposes, I have the honor to state that the present sewer terminates just below the site of the Army and Navy hospital, and the emanations from it can not be other than dangerous and deleterious to the health of the inmates of that institution. It is essential and necessary for sanitary reasons touching this hospital, as well as for the welfare of the residents of that part of the town, that this sewer should be continued at least 200 to 250 yards down the stream.

Very respectfully, your obedient servant,

R. MURRAY,
Surgeon-General, United States Army.

To the CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

Mr. ROGERS. I send up now to be read by the Clerk a document prepared by the Secretary of the Interior. The Clerk will only read the last paragraph on the second page, which I have marked.

The Clerk read as follows:

In the act of March 3, 1885, an appropriation was made for the continuation of the improvement of Hot Springs Creek across Reserve avenue at the southern boundary of the reservation. It has been urgently represented to this Department that the improvement should be continued beyond this point. The bed of the creek immediately below Reserve avenue has not sufficient fall to carry off the water emptied from the culvert or sewer which has been constructed, and the completed work is endangered by the backing up of the water from this cause after any unusual rainfall. The Department is also advised that important sanitary reasons are advanced by the officers in charge of the Army and Navy hospital against the emptying of the sewer in such close proximity to the hospital.

The amount estimated for this work is $20,000.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The SECRETARY OF THE TREASURY.

Mr. ROGERS. Congress by two acts, the last in 1880, dedicated the Hot Springs and the land upon which they are situate forever to the Government. To use its own language in the bill, "the Hot Springs, with the reservation and the mountain, are hereby dedicated to the United States, and shall remain forever free from sale or alienation." In 1880 that was repeated in the second act, in which they also provided for free baths for the poor of the United States, as provided in acts of Congress.

In response to my friend from Pennsylvania who thinks the Government should not have originally embarked in this matter, I wish to say that that subject is not now under consideration. If it were, others no doubt would differ with him, and much might be said on both sides.

The Government, in pursuance of this plan heretofore adopted, have constructed at the extreme lower corner of the reservation front what is known as the Army and Navy hospital.

[Here the hammer fell.]

Mr. RANDALL. I hope the time of the gentleman will not be curtailed beyond the time allowed to the other side.

Mr. HENDERSON, of Iowa. I ask that the gentleman be allowed to proceed.

Mr. DUNN. I yield to the gentleman five minutes, if I can be recognized.

Mr. ROGERS. They have constructed on the lower corner of this property, some 70 yards from the mouth of the arch over the creek, this Army and Navy hospital.

It is well known that the offal and filth, the gravel and refuse matter in the upper part of the city, and that part of it lying above the

mouth of the arch (for the city lies largely above the mouth of the arch) is washed down the mountain-side and carried into the creek above the mouth of the arch, and on through the arch until it gets to the lower end of it.

The water while confined between the two smooth walls of the arch sweeps along with great force and carries everything with it; but when it reaches the lower end of the arch, under the very nose of the hospital, as I have said, the water at once spreads out over the creek bottom, and whatever it carries is spread out on the sides of the creek to rot and breed disease. Not only so, but the *débris*, gravel, small rocks, and other matter, forms a sort of bar just below the mouth of the arch, where there is very little fall to the creek, and the Secretary of the Interior tells us dams up the water, endangering the work already done. Some 300 yards below this point the creek has very considerable fall, enough, it is thought, for the natural flow of the water to carry off most of the filth and *débris* that accumulate at the mouth of the arch where the fall is so slight.

Now, if you leave the creek improvement in the shape it is in now, it is in an infinitely worse condition, so far as the health of the hospital is concerned and the city itself, than before the sewer was constructed. So that in pursuance of the policy heretofore inaugurated by the Government, the Surgeon-General of the United States Army has recommended that this sewer be extended further down. This idea is indorsed by the Secretary of the Interior under whose charge the matter will be placed, in fact he has charge of the whole of that reservation with the exception of the Army and Navy hospital.

It is stated that the extension of the arch will be on and for the benefit of private property. That, I think, is a mistake. The extension will run along a public street, as I recollect, the entire distance. It will no doubt improve private property on both sides of it. In that connection let me add that it will be an advantage in another way to the Government to extend this sewer some two or three hundred yards along this street. The Government owns a large amount of property further down the stream on the line of the sewer. There were originally laid off, I believe, some twelve hundred lots. Six hundred of these were sold to persons who had made improvements prior to the settlement of the question of title by the Supreme Court of the United States, when it was determined that the property belonged to the Government.

The residue of these lots remaining unsold still belong to the Government, except such as have been since sold, so that in the construction of this sewer, below the point where it now stops, you not only take away all of the origin of disease from the hospital built by the Government for the benefit of the soldiers and sailors, and from that part of the city lying adjacent to it, but you likewise improve at the same time this property of the Government below that point, and incidentally, it is true, as I have said, also improve private property. I do not think that there could be a valid objection to the construction of the sewer because of the fact that private property will be incidentally improved.

If the improvement is a necessary and desirable one for the Government, we will not stop because some citizen will be benefited by its prosecution.

But in addition, Mr. Chairman, I am sorry that my friend from New York was led inadvertently to mix up his suppositions with my statements. It is, I suppose, true that the people at Hot Springs insisted originally on the necessity of arching the creek, for at that time the street in front of the Government property was almost impassable. The creek at that point was on the Government property. If they could have raised the money they had no right to touch it; but they did not have it and could not raise it to carry on so large an enterprise. This creek, an ugly, rough, almost impassable mountain gulch, runs right in front of the Government reservation, in which the hot water is found and where the bath-houses stood. The arching of the creek has gotten rid of this ugly stream, made a pretty street along the reservation front, made the bath-houses accessible, and enhanced the property of the Government.

I presume it is also true that they thought it wise for the Government to lay its own sewer-main between the base of the mountain and the arch of the creek, so that the waste-water and other filth from the bath-houses could be taken off and not taken into the stream. Indeed the Interior Department thought so, too, for in the original plans for the improvement of this creek the sewer-main was provided for. Experience has proven that the Department and the people were right on that point, and that it was unfortunate for both that the original contract in that regard was changed.

The property-owners, impressed with its importance, have raised the money and have put down the sewer-main on both sides of the street, except along the Government front, where they had no legal right to go; nor was it right, I submit, for them to go on the Government side. I presume they will be compelled to empty the sewer-main into the creek, at the upper reservation line, unless the Government will provide for a sewer-main along its own front, and this will leave the whole filth and offal of that side of the street to be emptied, as heretofore, at the mouth of the creek, under the nose of the hospital, at the back door of the post-office, in close proximity to one of the large hotels, and in the very heart of the business part of the city.

Mr. STORM. May I ask the gentleman a question?

Mr. ROGERS. Certainly.

Mr. STORM. If the lateral sewers are extended on each side down the stream to carry off the sewage of the city, what is the necessity for arching the stream farther down?

Mr. ROGERS. The question of the gentleman from Pennsylvania is, why is it necessary to extend the arch farther down the stream if the sewer main be laid? But my friend singles out one view of the question and forgets the other. One reason is that if the Government does not put down its own sewer-pipe along the reservation front in order to carry off the filth from the bath-houses and reservation, it must be emptied into the creek and carried down to the mouth of the arch, where it will be deposited as I have explained. I have just shown that it is spread out at that point over the creek bottom after it leaves the main sewer and is a source of disease to the hospital.

But suppose this sewer main is provided, and that the sewerage from the Hot Springs Mountain, bath-houses and Army and Navy hospital, &c., is emptied into it, still in the upper part of the town there will be much filth collected from the mountain sides that will never reach the sewer system, but will find its way into the creek, and the result will be the same as before the sewer main was laid as to all such matters. It must not be forgotten that in all that country stock runs at large, people come from all parts of the country and camp on the mountain sides above the arch, and the creek will be the natural sewer main for all filth from these sources. There is no help or remedy for this. It must always pass through this arch. But the Secretary of the Interior has answered the question; for he tells us at the mouth of the sewer the water dams up and endangers the work already done. I have said that a few hundred yards lower down the fall of the creek is greater, and this will be obviated.

It is for the very purpose of getting rid of this bar that it must be done. The Government must connect its sewer with the city sewers above and below and extend the creek arch down the stream so that all this matter will be carried off to the river. So that in either event it becomes absolutely necessary for the protection of the Government work itself that this sewer shall be extended beyond the point where it now is; and I apprehend it will probably be necessary for the city itself, after the Government has preserved its own property, to take steps to open up this creek, and to let this water go directly out into the Wachita River which is 3, 4, or 5 miles farther south. These are the main reasons.

I do not care at this time to respond to what has been stated about the other matters referred to, because they do not relate to the subjects now under consideration; and I have always found it wiser and better when you want to legislate to confine yourself to the subject under discusion.

Mr. CUTCHEON. Does the gentleman maintain that this reservation is inalienable; that it can not be sold?

Mr. ROGERS. Not at all. I have stated that that law simply indicates the purpose and policy of the Government.

Mr. BEACH. What do you say to the proposition to turn it over to your State?

Mr. ROGERS. That question is not under consideration now.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] has the floor.

Mr. RANDALL. While I was for the moment out of the House the gentleman from Arkansas [Mr. ROGERS] has caused to be read a letter from the Surgeon General's Office which gives the reason of the committee for inserting this item of $20,000 in this bill. There has been already appropriated, if my memory serves me, $116,000.

Mr. PAYNE. There has been expended $180,000.

Mr. RANDALL. I think I am right.

Mr. PAYNE. The appropriations are about $116,000; but besides that there has been expended by the Secretary of the Interior $44,000, which was the avails of sales of lands, and which he was authorized by the acts authorizing the sales to appropriate for the improvement of the creek.

Mr. RANDALL. My knowledge is only as to the appropriations. The gentleman may be correct in the statement he has just made, and I do not propose to gainsay it. But there was a direct appropriation in 1883 of $33,700; in 1885, of $75,000; in 1886, of about $8,000 more; in all, $116,000.

In this bill the committee provide for $20,000 more to complete this work which has been commenced and on which this amount of $116,000 has been expended. The appropriation is made to finish the work, and that it may not be offensive or the cause of unhealthfulness to the inmates of the hospital. I want to defend the action of the committee. I think this is a wise expenditure of $20,000 to complete this work. I dismiss all these criticisms and controversies. I do not know that I originally gave my support to this enterprise or this hospital. But here we are with $116,000 expended, or, as the gentleman from New York [Mr. PAYNE] says, $44,000 more than that, and here are 250 yards of this sewer or this creek work to be finished. We have the authority of the Medical Department of the Government for saying that unless we do this disease will be bred in that hospital. I say as a prudent business man it is better for us to give this $20,000, although it may have been of doubtful expediency in the beginning, and finish the

work. That is just what any of you would do in the management of your business.

Mr. STORM. Two expert engineers came before the committee and testified that by removing some loose stone and rocks beyond the end of this covering of the stream to facilitate the flow of water the whole difficulty would be removed. Those engineers live in Hot Springs.

Mr. ROGERS. Theory is one thing, practice is another. It has been found after every rain that falls of any amount it becomes necessary for the city to go down with its force and remove the obstructions at the mouth of the creek to get rid of the *débris* and other matter that is accumulated in the heart of the city at the mouth of the creek improvement.

Mr. PAYNE. If the Chairman of the Committee on Appropriations will give me his attention I think I can convince him that this appropriation is entirely unnecessary. He would have been convinced of this if he had been down there himself and inspected these works personally.

Mr. RANDALL. I never had occasion.

Mr. PAYNE. In the first place there ought not to be any drainage into what gentlemen are pleased to call a sewer but which is in no sense a sewer. It is an archway 11 feet wide on the bottom and 7 or 8 feet high. It is placed there for the purpose of carrying away the waters of Hot Springs, and the waters coming from the mountains make quite a large creek of water. Gentlemen will see no sewer, and no sewerage should empty into this archway or into this creek.

The city of Hot Springs, as has been said, has built a sewer on one bank of this creek. Now, there is nothing in the world to prevent that city from building another on the other bank.

Mr. ROGERS. The gentleman misunderstood me. The city have built theirs on the opposite side of the creek.

Mr. PAYNE. Yes; on one side of the archway on the other side of the creek. The gentleman says they have built a sewer on the other side of the archway coming down to the Government reservation.

Mr. DUNN. No; beyond the street.

Mr. PAYNE. Now, this street, Central Avenue, has been conveyed by the Government to the city of Hot Springs, and there is nothing to prevent the city from building this sewer through the public street, even if it is in front of the Government reservation, thus taking care of the sewage and garbage of their city themselves and carrying it off below the Government reservation. Certainly there is no reason why the Government should extend this improvement, which has been already "completed"—for the appropriation made in 1885 was for the completion of it across Reserve Avenue and four or five rods below the line of the reservation—there is no reason in the world, I say, why the Government should extend that improvement beyond the Government property when every sanitary consideration can be subserved by a simple sewer; and that, as I have said, should be built by the city of Hot Springs. But if it is necessary for the Government to have sewerage from the Army and Navy hospital, they can build a sewer at a very slight expense compared with this appropriation of $20,000.

Mr. ROGERS. Mr. Chairman, it is absolutely necessary in order to take off the filth and water from the bath-houses and the reservation that the sewer main shall be between the archway and the reservation, and that is on Government property.

Mr. PAYNE. Then why do you not offer an amendment giving the city of Hot Springs the right of way across there to build it?

Mr. ROGERS. To build a sewer for the Government?

Mr. PAYNE. The Government have not any sewage there. They rent some buildings, to be sure. They rent the hotel and these bath-houses, but they have not any sewage to be carried off. However, if you insist on the Government building a sewer across the reservation, then put in an appropriation here of a couple of thousand dollars, which will be quite sufficient for that purpose, and do not appropriate $20,000 for an improvement which will be altogether for the benefit of private parties.

Mr. DUNN. The city of Hot Springs does not want the Government to build this sewer for it. If the Government does not need the sewer for its own purposes, it ought not to be buiit. The people of Hot Springs do not care about it, and if the gentleman thinks he would be punishing them by withholding this appropriation, he is mistaken.

Mr. RANDALL, I hope we shall have a vote now.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BEACH] proposing to strike out the paragraph.

The question was taken; and there were—ayes 38, noes 42.

Mr. BEACH. I think we had better have tellers on this question.

Mr. RANDALL. Let us have tellers; but I hope that after we have had a vote by tellers the gentleman will not make the point of order that there is no quorum.

Mr. BEACH. I do not know yet just what I shall do about that.

Tellers were ordered; and the chairman appointed Mr. BEACH and Mr. RANDALL.

The House again divided; and the tellers reported—ayes 42, noes 46.

Mr. BEACH. Mr. Chairman, I do not desire to detain the committee, and if I can have a vote in the House on this proposition I will not make the point that there is no quorum.

Mr. RANDALL. I agree to that.

Mr. ROGERS. Mr. Chairman, I desire to offer an amendment which I send to the desk.

The amendment was as follows:

After line 946 insert: "And for providing a system of reservoirs and pumps, and for other purposes, necessary to the collection and distribution of the hot water in the Hot Springs reservation, Arkansas, $31,000.

Mr. NELSON. I make the point of order that that is new legislation.

Mr. RANDALL. There is no law authorizing those reservoirs.

Mr. ROGERS. Mr. Chairman, I desire to offer an amendment which I send to the desk.

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Mr. NELSON. I make the point of order that that is new legislation.

Mr. RANDALL. There is no law authorizing those reservoirs.

Mr. ROGERS. I desire to be heard on the point of order. The point is that this is new legislation, and the determination of the point involves looking to some extent into the history of legislation upon the Hot Springs reservation. It will be remembered that the Army and Navy hospital and the bath-house for the indigent have been provided for by existing law.

Mr. FELTON. Do the indigent have to pay for their baths in that bath-house?

Mr. ROGERS. No, sir; under a former administration I am advised they did; but that has been discontinued. It was an abuse that has been corrected.

Mr. Chairman, in the appropriation act of June 30, 1882, this provision was contained:

For construction and repair of hospitals, as reported by the Surgeon-General of the Army, $75,000: *Provided*, That $100,000 be, and hereby is, appropriated for the erection of an Army and Navy hospital at Hot Springs, Ark., which shall be erected by and under the direction of the Secretary of War, in accordance with plans and specifications to be prepared and submitted to the Secretary of War by the Surgeons-General of the Army and Navy; which hospital, when in a condition to receive patients, shall be subject to such rules, regulations, and restrictions as shall be provided by the President of the United States: *Provided further*, That such hospital shall be erected on the Government reservation at or near Hot Springs, Ark.

It will be remembered that this Army and Navy hospital, now just about completed, so that it will be ready to be occupied in thirty or at the outside sixty days, is located on this reservation and in immediate proximity to the hot water. All the hot water of the Government is on this reservation, and within about 400 or 500 yards of the Army and Navy hospital.

In addition to the law authorizing the construction of this building, there is in the act of December 16, 1878, this provision:

And the Secretary of the Interior is hereby directed to lease to the present proprietors of the Arlington Hotel or their assigns the grounds, not exceeding 1 acre, now occupied by them, for a period of ten years, unless otherwise provided by law, at an annual rental of $1,000. And he is further directed to lease the bath-houses of a permanent nature now upon the Hot Springs reservation to the owners of the same, and lease to any person or persons upon such terms as may be agreed on, sites for the building of other bath-houses for the term of five years, unless otherwise provided by law, under such rules and regulations as he may prescribe; and the tax imposed shall not exceed $15 per tub per annum, including land rent: *Provided*, That said leases shall in no way prejudice any legal right that any person or persons may have acquired under the act hereby revived and continued, to any improvements on said ground: *And provided further*, That to prevent monopoly, no bath-house or hotel shall be supplied with more than enough water for forty bath-tubs of the usual size, unless there shall be more than enough hot water to supply all other demands for the same, in which case no single establishment shall be allowed more than forty bath-tubs of the usual size: *And provided further*, That the superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent, and the expense thereof shall be defrayed out of the rentals hereinbefore provided for.

Situated in close proximity, therefore, to the Army and Navy hospital on the reservation is what my friend from New York denominates the "Mudhole," which is simply a place excavated out of the rock, to which water is conveyed and to which hundreds of poor people go every day and under the supervision of an agent of the Government enjoy those baths. The law requires that this shall be kept up, and it has likewise provided for the Army and Navy hospital.

Now, Mr. Chairman, the expenditures made have been under the general law allowing the Secretary of the Interior to appropriate the proceeds of the Government lots at Hot Springs to the general improvement of this reservation. Aside from that there have been specific appropriations also for the construction of the arching over the creek which we have just discussed; but with the exception of the legislation with reference to the creek and the Army and Navy hospital, our whole legislation has had reference to the general improvement of this reservation, which was dedicated previously to the United States.

Now, in the first session of the Forty-eighth Congress a committee was appointed to inquire into the condition of things in relation to that reservation. That committee, in their report submitted at the second session of the Forty-eighth Congress, use this language:

Another evil, the existence of which was developed to the committee, should in their judgment be remedied by appropriate measures as quickly as possible.

The daily flow of water from the springs amounts, according to the best information that could be obtained, to a sufficient quantity to furnish baths for twenty-five thousand persons every twelve hours, but nearly two-thirds of this is allowed to run to waste and flow unused into the creek. The only means at present provided by the Government for the collection of the hot water is a single brick tank or reservoir, which in point of size is wholly inadequate to serve the purpose for which it was designed.

The committee would therefore recommend that a larger and better constructed reservoir be at once provided of sufficient capacity to contain all the water that flows from the springs, from which it can be distributed through pipes to the different bath-houses, with some arrangement for measuring the quantity furnished to each one. This they deem a matter of the highest importance, and call attention to the plans for such work which accompany the testimony in this matter, the cost of which will amount, as shown by the estimates furnished, to the sum of about $30,000, though the committee are of opinion that it can be done at far less expense.

* * * * * * *

The committee think that the bathing facilities and accommodations now provided for indigent invalids are wholly inadequate, and they would recommend that suitable houses for this purpose be at once erected at some point on the reservation in the near vicinity of the springs.

There is another provision of the report which I will not read, but will merely state its substance. It is found on page 15, where the committee show that by reason of blasting, which had been imprudently carried on, the spring which formerly fed what is termed the "Mud-hole," or bath-house for the indigent, had been completely destroyed, so that the place was left without water.

Now, the Secretary of the Interior—the present Secretary as well as Mr. Teller—has recommended to this House the construction of this work.

Mr. RANDALL. The recommendation of the Secretary of the Interior is not law.

Mr. ROGERS. I understand that. If the gentleman will listen he will find that I am using this recommendation for the purpose of showing that the amendment offered is not new legislation, but that there is existing law under which a provision of this kind is authorized. Mr. Teller said:

To provide the bath-houses upon the reservation as well as the Army and Navy hospital, with an adequate supply of hot water it is necessary that the water now running to waste should be gathered into reservoirs for distribution.

Mr. Lamar, the present Secretary of the Interior, recommended at the present session the very same thing. On page 68 of this report will be found these words:

The daily flow of water from all the springs upon the reservation has been estimated at 500,000 gallons; of this the greater portion is from springs below the grade line of the bath-houses, and under the present imperfect method of collecting and distributing the water it can not be utilized.

The increasing demand for water to supply the bath-houses provided for the general public and the recently established army and navy hospital render it necessary that some system should be adopted by which all the hot water may be made available.

He then refers to the report of the committee of the Forty-eighth Congress, which I have previously read, in support of the suggestions made. I will not stop to read that again.

Now to get back to the point. I want to make this statement distinctly and unequivocally that the Government has already embarked in the construction of one reservoir. It has embarked already in the construction of a navy and army hospital, the purpose for which it was located there being that the Army and Navy might receive the benefit of the hot water on that reservation. Considering the language of the Secretary of the Interior, the Committee on Appropriations as well as Congress is notified that unless additional means are provided for the preservation of this hot water they can not supply the army and navy hospital and bath houses; that unless we construct these pumps and reservoirs to collect hot water there we can not supply it to our army and navy hospital nor to the public bath-houses leased by the Government to citizens there nor to the baths set apart for the poor. The chairman therefore must hold, I submit, that this is a continuation of work already begun and in progress. We stand in the attitude of having erected a building on a Government reservation to secure the benefit of this hot water for the Army and Navy, and when ready for occupancy the supply necessary for running it is not provided. Why is not the furnishing of water to the hospital as necessary as furnishing bath-tubs for the hot water or furnishing means for the heating of it?

Bath-house and bath-tubs without water for the hospital will be utterly useless. Unless the hot water is collected in this or some other way it can not be had. How can it be said, therefore, that a provision in this bill to provide for the hot water for the hospital is new legislation or that it is not in continuation of the work already begun? But if this appropriation is for the continuation of a work already begun it is not obnoxious to the rule prohibiting "new legislation on an appropriation bill." Therefore, Mr. Chairman, I submit that the point of order should be overruled.

I will not now go further into the discussion of the necessity for this work. But if the point of order is overruled I think I shall be able to show that there is an imperative necessity for it, and that it should be done. As the point of order made against it by the gentleman from Pennsylvania [Mr. RANDALL] is all that is now presented, I think I should not go beyond a discussion of that. I conclude, therefore, by saying that I regard the providing of water for the hospital as the continuation of the work begun, and that the appropriation for reservoirs is only supplying the means for getting the water.

Mr. RANDALL. I have nothing to do with the recommendation of officers or with the argument as it has been made here to-day. I say this is new legislation, and the language of the estimate itself proves that it is. It provides a new system of reservoirs and pumps for the collection of this hot water.

The CHAIRMAN. The Chair is ready to rule on the question. Its attention has not been called to any legislation providing for pumps and reservoirs. Whether they are necessary to carry on what heretofore has been done is matter of argument. The Chair sustains the point of order.

The Clerk read as follows:

Salaries and commissions of registers and receivers: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding $3,000 each, $475,000.

Mr. BLANCHARD. I desire to be heard on that paragraph, and therefore, as it is near the hour of adjournment, I suggest the committee rise.

Mr. RANDALL moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the sundry civil bill (H. R. 9478), and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 67) for the relief of Fitz-John Porter;

A bill (H. R. 183) providing for printing the first annual report of the Commissioner of Labor;

A bill (H. R. 524) granting a pension to Daniel H. Ross; and

A bill (H. R. 3546) granting a pension to Amanda Housell.

J. M. HIATT.

Mr. HALL. I ask, by unanimous consent, to take up for present consideration Senate bill 1942 for the relief of J. M. Hiatt, surviving partner, &c.

Mr. BEACH. I object to doing business with so limited a House.

Mr. MCMILLIN moved that the House adjourn.

The motion was agreed to; and (accordingly at 5 o'clock and 58 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolutions of Post 88, Grand Army of the Republic, Department of Pennsylvania; and of Colonel Clark Post, No. 162, Grand Army of the Republic, Department of Pennsylvania, against the passage of Senate bills 121 and 135—to the Committee on Public Buildings and Grounds.

By Mr. CUTCHEON: Petition of citizens of Charlevoix County, Michigan, in favor of the passage of Senate bill 1886, granting pensions to certain soldiers—to the Committee on Invalid Pensions.

By Mr. DOCKERY: Petition asking that William A. Wheeler be granted a pension—to the same committee.

By Mr. ERMENTROUT: Memorial of Right Rev. Bishop M. A. De Wolfe Howe, asking prompt action on Indian bills now pending—to the Committee on Indian Affairs.

Also, memorial of the Philadelphia Maritime Exchange, for the passage of House bill 4626 and Senate bill 2652—to the Committee on Military Affairs.

Also, petition of Franklin Saul, for the passage of the bill increasing pensions of soldiers who have lost arms or legs—to the Committee on Invalid Pensions.

Also, memorial of the Engineers' Club of Philadelphia, asking that the appropriation of $1,000,000 proposed for improvement of New York harbor be not restricted to any specific plan—to the Committee on Rivers and Harbors.

By Mr. GLOVER: Petition of citizens of Saint Louis, Mo., relative to the enforcement of section 3328 of the Revised Statutes relative to the taxing of imitation or spurious wines—to the Committee on Ways and Means.

By Mr. IRION: Joint resolution of the General Assembly of Louisiana asking an appropriation for graves of Federal soldiers at Camp Moore—to the Committee on Military Affairs.

By Mr. LONG: Memorial of the Massachusetts Women's Christian Temperance Union for legislation and inquiry concerning alleged international traffic in girls for immoral purposes—to the Committee on Foreign Affairs.

By Mr. MCCOMAS: Petition of Jacob Brubaker, of Daniel Poffinberger, of H. B. Rohrback, of David M. Mullendore, of Samuel Shilling, of Eliza Davis, of Christian Easterday, of L. Koons, of Ann Maria Smith, executrix of James Marker, of Jacob Reichard, of Samuel J. Piper, of Susan Hoffman, of Philip Beck, of Victor H. Newcomer, of John H. Lighter, of Ann E. Graves, executrix of Samuel Hutzel, of William Shifler, of Hezekiah Myers, of Charles T. Hamilton, of John

Murdock, and of Alfred Poffinberger, of Washington County; of Edward Howard, of David Best, of George M. Smith, and of Thomas Johnson, of Frederick County; of Elbert Perry, of Rebecca A. Gloyd, and of Samuel S. Gloyd, of Montgomery County, Maryland, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of James A. Rowe and of Elias Eakle, of Washington County, Maryland, for payment of their war claims—to the same committee.

By Mr. CHARLES O'NEILL: Preamble and resolutions of the Engineers' Club, of Philadelphia, favoring competition in furnishing a plan for the improvement of New York Harbor, upon which it is proposed to expend $1,000,000—to the Committee on Rivers and Harbors.

By Mr. PETERS: Petition of ex-soldiers of Sedgwick County, Kansas, favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *June* 28, 1886.

Prayer by Rev. J. G. CRAIGHEAD, D. D., of Howard University, Washington city.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting House Executive Document No. 294, of the present session, as containing the information called for by a resolution of June 17, 1886, directing the certification of claims of volunteer soldiers adjusted since the last deficiency report, and a resolution of June 18, 1866, calling for additional claims not heretofore reported for salaries of postmasters or late postmasters which have been adjusted under the act of March 3, 1883.

The PRESIDENT *pro tempore*. The information called for having already been printed, the letter of transmittal will be printed, and, with the accompanying printed document, referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the city council of Zanesville, Ohio, and resolutions adopted by the Board of Trade of Zanesville, Ohio, favoring the passage of the bill to erect a public building at Zanesville notwithstanding the President's veto; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the American Agricultural and Dairy Association of New York city, praying, in behalf of 5,000,000 dairy farmers, 3,000,000 general farmers, and 25,000,000 consumers of butter, for the immediate passage without amendment of the bill taxing oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 32 citizens of Utica, Licking County, and other places in Ohio, praying for the passage of the bill taxing oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented two petitions of 50 citizens of Shelburne Falls, Mass., and a petition of 23 citizens of Fulton, N. Y., praying for the passage of certain bills in regard to the public lands; which were referred to the Committee on Public Lands.

Mr. CAMERON presented a resolution adopted by the Engineers' Club of Philadelphia, Pa., favoring the proposed appropriation for improving the entrance to New York Harbor upon plans approved by the Chief of Engineers; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Garland, Pa., praying for the passage of the so-called oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Pennsylvania State Board of Agriculture, at Harrisburg, Pa., in favor of the passage of the bill regulating the manufacture and sale of oleomargarine and imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. GEORGE presented petitions of citizens of Brookville and West Point, in the State of Mississippi, praying for the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. WILSON, of Iowa, presented a petition of the board of county supervisors of Iowa County, Iowa, praying for the passage of the swamp-land indemnity bill introduced by Mr. SPOONER; which was referred to the Committee on Claims.

Mr. CULLOM presented the petition of Richwoods Grange, No. 1085, Patrons of Husbandry, of Richwoods Township, Peoria County, Illinois, praying for the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM. I present the memorial of 2068 workingmen of the town of Lake, Cook County, Illinois, remonstrating against the passage of the oleomargarine bill, on the ground that oleomargarine has given to the poor a cheap, clean, and healthy substitute for one of the high-priced necessaries of life, and that men earning $1.50 to $2 per day can not afford to pay 35 to 50 cents per pound for butter. I move that the memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SAWYER presented the petition of Rosanna Eggleston, widow of Lieut. George D. Eggleston, late of Company E, Sixth Regiment Wisconsin Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of Grand Army Post, No. 133, of Appleton, Wis., praying that Rosanna Eggleston, widow of Lieut. George D. Eggleston, late of Company E, Sixth Regiment, Wisconsin Infantry, be allowed a pension; which was referred to the Committe on Pensions.

Mr. HARRISON presented a petition of the Woman's Christian Temperance Union of Indiana, praying Congress to enact such laws as will speedily and effectually abolish the practice of bringing young girls from Canada to the United States for immoral purposes; which was referred to the Committee on the Judiciary.

He also presented a petition of Jacob Hartman and 41 others, citizens of Elkhart County, Indiana, in favor of the passage of House bill No. 8328, defining butter, and imposing a tax upon and regulating the manufacture, sale, &c., of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. CONGER presented a memorial of citizens and dealers of Iron Mountain, Mich., remonstrating against the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLER. I present three petitions, largely signed by citizens of New York, praying for the passage of the bill taxing all imitations of butter, which I move be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. MILLER presented a petition of 122 consumers of butter, of Mexico, N. Y., praying for the passage of the bill taxing all imitations of butter; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Professor J. S. Newberry, president of the New York Academy of Medicine, and 20 other citizens of New York, praying for an appropriation continuing the National Board of Health; which was referred to the Committee on Epidemic Diseases.

Mr. MILLER. I also present a petition signed by a large number of importers of wines and manufacturers and producers of native wines, which sets forth that the law in regard to the taxing of imitation and spurious wines has not been enforced by the Government, and they pray for such additional legislation as will enable the present law to be effectually carried out. The petitioners also ask for the right of the producers of native wines to use pure grape spirits in the fortification or strengthening of native wines. The petition is largely signed by the principal importers of wines in this country, and is also signed by the principal producers of native or American wines. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. DAWES. I present the petition of Edward P. Everett and a large number of other farmers in the county of Franklin, Massachusetts, praying that the manufacturers and venders of oleomargarine and butterine and such substances may be compelled by law to sell all their products for what they really are. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DOLPH presented a petition of 730 dairymen and butter-makers of Oregon, praying for the passage of the so-called oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN. I present the petition of Capt. John Cowdon in relation to the Lake Borgne outlet. I move that the petition be printed and referred to the Committee on the Improvement of the Mississippi River.

The motion was agreed to.

Mr. COLQUITT presented a petition of citizens of Fulton County, Georgia, praying for the passuge of certain bills in regard to the public lands; which was referred to the Committee on Public Lands.

Mr. WHITTHORNE presented the petition of Berry, Demoville & Co., and a large number of others, citizens of Nashville, Tenn., praying for the passage of the so-called oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. VOORHEES presented the petition of M. C. Johns and other citizens of Warrick County, Indiana; the petition of William H. H. Kifer and other citizens of Warrick County, Indiana; the petition of Richard Williams and other citizens of Warrick County, Indiana, and the petition of George Kimber and other citizens of Warrick County, Indiana, praying for the passage of a bill granting a pension to all United States soldiers, and for other purposes; which were referred to the Committee on Pensions.

He also presented the petition of George W. Whitney and others, citi-

zens of Indiana, praying for the passage of a bill for the equalization of bounties, &c.; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 1409) for the relief of R. P. W. Morriss, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. HOAR. I am instructed by the Committee on the Judiciary, to whom was referred the petition of Louis Levy, praying for relief against a judgment rendered by the special court on the Alabama claims, to submit a report, and recommend that the prayer of the petition be denied.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the petition, if there be no objection.

Mr. EDMUNDS. The entry should be that the report of the committee be agreed to and the prayer of the petition denied; and that ends it.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

Mr. ALLISON. I am directed by the Committee on Appropriations to report back with sundry amendments and with a written report the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes. I give notice that to-morrow morning after the morning business is concluded I shall ask the Senate to take up the bill for consideration.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 3379) granting a pension to George G. Early, reported it without amendment, and submitted a report thereon.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report from that committee the following amendment to the sundry civil appropriation bill:

To enable the Secretary of War to prepare suitable plans, drawings, and specifications, and to ascertain and estimate the soundings, site, and foundation for piers and cost of a Lincoln-Grant monumental bridge, with suitable approaches, from Observatory Point, in the city of Washington, across the Potomac River to Arlington gate, $10,000, or so much thereof as may be necessary.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and printed.

Mr. MAHONE. I am instructed by the Committee on Public Buildings and Grounds to report favorably the bill (H. R. 4335) making an appropriation to continue the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof. As the work is progressing now, and the appropriation is needed in order to prevent a stoppage of the work, I ask that the bill may be put upon its passage.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent to proceed to the consideration of the bill reported by him.

Mr. EDMUNDS. Is that a public-building bill?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. Then it ought to take its place on the Calendar; we shall go to all those bills in a short time.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1391) to provide for the erection of a public building in Springfield, Mo., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1162) for the erection of a post-office building at Lynn, Mass., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1880) for the completion of a public building at Nebraska City, Nebr., reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported three amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations and ordered to be printed.

Mr. WHITTHORNE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8336) granting an increase of pension to Duncan Forbes; and

A bill (H. R. 5051) to place the name of Jacob Madison Pruitt on the pension-roll.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the bill (S. 2450) granting a pension to Abner Daily, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2720) to relinquish the interest of the United States in certain lands in Kansas, reported it without amendment.

Mr. CAMERON, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 816) to give the right of trial by jury to claimants of pensions, under the laws of the United States, whose applications have been rejected by the Secretary of the Interior on appeal from the decision of the Commissioner of Pensions, reported it without amendment, and submitted a report thereon.

WILLIAM H. F. LEE.

Mr. EDMUNDS. I report from the Committee on the Judiciary an original bill to remove the political disabilities of William H. F. Lee, for which, as usual, I ask present consideration.

The bill (S. 2759) to remove the political disabilities of William H. F. Lee, was read twice by its title; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

JOHN K. MITCHELL.

Mr. GEORGE. I am instructed by the Committee on the Judiciary to report favorably without amendment the bill (S. 2721) to remove the disabilities of John K. Mitchell, and I ask unanimous consent that it be considered at this time.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

Mr. EDMUNDS. The title ought to be amended by inserting the word "political" before "disabilities."

The PRESIDENT *pro tempore*. Ought not the word "political" to be inserted before "disabilities" in the body of the bill?

Mr. EDMUNDS. We thought as the Constitution only imposes political disabilities that would not be necessary, but only to make the title show. We examined that, and while it is usual it does not seem to be necessary.

The title was amended so as to read: "A bill to remove the political disabilities of John K. Mitchell."

FEDERAL COURTS IN COLORADO.

Mr. WILSON, of Iowa. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 3014) to provide for terms of court in Colorado, to report it favorably without amendment. Inasmuch as it will excite no opposition, I ask that the bill may be considered at the present time.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That terms of the circuit and district courts of the United States for the district of Colorado shall be held at the times and places hereinafter designated, namely: At Denver, on the first Tuesday in May and the first Tuesday in November in each year; at Pueblo, on the first Tuesday in April in each year; at Del Norte, on the first Tuesday in August in each year.

SEC. 2. That acts inconsistent with this act are hereby repealed, but such repeal shall not affect any term of court now in progress. Any court now being held in said district pursuant to an act of Congress may be continued in the same manner and with like effect as if this act had not been passed.

Mr. EDMUNDS. I think on hearing the bill, although it is as much my fault, if there is any fault at all, as it is the fault of my friend from Iowa, that it is open to question whether the law providing for existing terms differing from these is legally inconsistent with this. I think, therefore, the bill had better go on the Calendar, and we had better provide a little amendment, and say that instead of the terms now provided by law these shall be held.

Mr. WILSON, of Iowa. The bill provides that the terms now in course of being held may be continued.

Mr. EDMUNDS. But it would be still open. That would only apply to terms that happen to be sitting at this present time, and the fact that the term is to be held a month before by the existing law and is not now sitting would not seem to be inconsistent with Congress providing in a legal sense for a term to be held a month later, another and independent term; and I think we had better correct that.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. TELLER. I ask that it may be proceeded with now. The judge there, Judge Hallett, drew the bill and sent it down here, and I have no doubt it is well guarded and will take care of the courts. If we are going to pass the bill he ought to know it at once, so that the jury may be assembled for the August term. I hope the Senator from Vermont will withdraw the objection and let the bill pass.

Mr. EDMUNDS. I have not the least possible objection to the bill, but it does not depend merely on the judge; it depends on the law. If there is anything in the suggestion I have made, and the more I think of it the more I think there is—if there is any inconsistency between the present terms of sitting and those provided by this bill, criminals who were bound over to appear at the next term of court and suitors will come to a court not sitting at all, and the judge will not be there,

and they will get off; while a single word or two will correct that and save all possible difficulty.

Mr. WILSON, of Iowa. I hope the Senator from Vermont will suggest an amendment now to that effect.

Mr. EDMUNDS. Very well.

The Senate, by unanimous consent, proceeded to consider the bill as in Committee of the Whole.

Mr. WILSON, of Iowa. The Senator from Vermont has formulated such an amendment as he desires to the bill, and I hope it may now be acted on.

Mr. EDMUNDS. I move to amend by adding at the end of the first section:

Instead of the terms now provided for by law.

And making the period which now stands after the word "year," at the end of the section, a comma.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it with amendments, accompanied by a report, which I ask may be printed.

I give notice that I shall ask the Senate on Wednesday morning, or as soon as the legislative appropriation bill is disposed of, to take up and consider the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the report will be printed under the rule.

PUBLIC PRINTING AND BINDING.

Mr. MANDERSON. I am directed by the Committee on Printing to report the following resolution; and I ask for its present consideration:

Resolved, That the Committee on Printing is hereby authorized and directed to inquire into the public printing and binding and the distribution and sale of public documents, including the reports of debates, showing the manner in which the work has been executed in years past, with the cost thereof; with authority to sit during the coming recess, to employ a stenographer, and to call for information upon those departments of Government which have printing and binding executed at the Government Printing Office, with a view to the reduction of expenses, and to report a codification of the laws on printing and binding, in print, at the commencement of the next session, embodying such reforms as may to them seem desirable and practicable.

Mr. ALLISON. I ask the Senator from Nebraska to enlarge the inquiry so as to include engraving, lithographing, and other illustrations in connection with public printing.

Mr. MANDERSON. I have no objection to that change. I think perhaps the resolution might as well lie over until to-morrow and be printed.

Mr. ALLISON. Then I move to add:

And engraving and lithographing connected with the printing of public documents.

Mr. PLATT. Photolithographing.

Mr. ALLISON. Very well; I will say photolithographing.

Mr. COCKRELL. I ask that the resolution may be printed and lie over. I should like to look at the resolution before it is acted upon.

Mr. MANDERSON. I have made that request.

Mr. HOAR. I should like before the resolution goes over to add to the scope of the resolution an inquiry in regard to the distribution of documents.

Mr. MANDERSON. That is already in it.

Mr. HOAR. I did not think it was quite covered.

Mr. MANDERSON. If the resolution does not cover it, I will see that it does.

Mr. PLATT. Let the resolution be printed.

The PRESIDENT *pro tempore*. The resolution will be printed and lie over.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2760) granting an increase of pension to Henry Slaughter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2761) to incorporate the Windsor Hotel Company of the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 2762) granting a pension to James E. Kabler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2763) granting a pension to Clarinda McLean Holmberg; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER. The other day when the bill for the relief of Fitz-John Porter was before the Senate I offered an amendment to that bill. Some of the members of the Military Committee said the proper course to be pursued was to introduce a separate and independent bill. Without committing myself to the practice of placing officers upon the retired-list, I desire to introduce a bill for the appointment and retirement of General Pleasonton, and I ask to have it referred to the Committee on Military Affairs.

The bill (S. 2764) authorizing the President to appoint and retire Alfred Pleasonton a major-general was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JONES, of Nevada, introduced a bill (S. 2765) to increase the pension of James Mans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMDEN (by request) introduced a bill (S. 2766) for the relief of Elizabeth Mulvehill and William Lavery; which was read twice by its title, and referred to the Committee on Claims.

Mr. WITTHORNE (by request) introduced a bill (S. 2767) to authorize the southwest extension of the Le Roy and Caney Valley Air-Line Railroad to construct and operate a railway through Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VEST (by request) introduced a joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAWES submitted three amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN R. REYNOLDS.

The PRESIDENT *pro tempore*. The occupant of the chair submits for adoption the following resolution:

Resolved, That the claim of John R. Reynolds, now of the city of Dayton, in the State of Ohio, and late of the State of Mississippi, for quartermaster and commissary stores and supplies and other property alleged to have been sold to and taken and used by the United States Army during the late war from the plantation of said Reynolds, in the vicinity of Natchez, Miss., be referred to the Secretary of War, who shall investigate the justice and equity of said claim and the loyalty of said claimant, and report the amount and value of said supplies sold to the said Army, and the amount and value of other said property taken and used by the said Army, and also what amount, if any, has been paid on the same, and that he report all the facts and evidence in the case for the further consideration of the Senate.

Mr. EDMUNDS. That ought to be referred to the Committee on Claims, clearly.

The PRESIDENT *pro tempore*. There is no objection, and the resolution will be referred to the Committee on Claims.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. HOAR. I desire to give notice that on Wednesday next, after the conclusion of the morning business, I shall ask the Senate to take up the resolution for open sessions so that I may submit some remarks, unless the condition of the public business should be such at that time that it would be inconvenient to the Senate. If it is, I shall not ask the favor.

PENSION APPROPRIATION BILL.

Mr. ALLISON. In the absence of the Senator from Illinois [Mr. LOGAN] I submit the conference report on the pension appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

JOHN A. LOGAN,
A. P. GORMAN,
Managers on the part of the Senate.

R. W. TOWNSHEND,
WM. L. WILSON,
JOHN D. LONG,
Managers on the part of the House.

The report was agreed to.

LEAVES OF ABSENCE IN GOVERNMENT PRINTING OFFICE.

Mr. MANDERSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 544) granting leaves of absence to employés of the Government Printing Office, having met, after full and free

conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

CHAS. F. MANDERSON,
JOS. R. HAWLEY,
A. P. GORMAN,
Managers on the part of the Senate.
E. BARKSDALE,
JAS. W. REID,
JNO. M. FARQUHAR,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2732) to authorize the printing of eulogies delivered in Congress upon the late John F. Miller.

The message also announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 544) granting leaves of absence to employés in the Government Printing Office.

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 524) granting a pension to Daniel H. Ross; and

A bill (H. R. 3546) granting a pension to Amanda Housell.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 1462) granting a pension to Addie L. Macomber, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINANS, Mr. TAULBEE, and Mr. HAYNES the managers at the conference on the part of the House.

The message further announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINANS, Mr. TAULBEE, and Mr. HAYNES the managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 4544) granting a pension to Ann E. Cooney, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINANS, Mr. TAULBEE, and Mr. HAYNES the managers at the conference on the part of the House.

The message further announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 7165) to increase the pension of Manhattan Pickett, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SWOPE, Mr. LOVERING, and Mr. MORRILL the managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the resolution of the House to print the report of the International Polar Expedition to Lady Franklin Bay by First Lieut. A. W. Greely, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARKSDALE, Mr. REID, and Mr. FARQUHAR managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1357) referring to the Court of Claims the claim for property seized by General Johnston on the Utah expedition for examination and report;

A bill (H. R. 67) for the relief of Fitz-John Porter;

A bill (H. R. 524) granting a pension to Daniel H. Ross;

A bill (H. R. 3546) granting a pension to Amanda Housell; and

Joint resolution (H. Res. 183) providing for printing the first annual report of the Commissioner of Labor.

EMILY J. STANNARD.

Mr. EDMUNDS. I wish to move, with the permission of and after consultation with my friend from New Hampshire [Mr. BLAIR], that the Senate proceed to the consideration of one pension bill on the Calendar, Senate bill 2609. I ask, in making this motion, unanimous consent to say simply that this lady, Mrs. Stannard, has been for years a totally helpless person, so that she can not lift her hands to her face, and her family are absolutely destitute, too proud to accept charity and too poor to live without the provision that her husband had and which she now wants. I ask therefore that the Senate may take up and consider the bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Emily C. Stannard, widow of the late George J. Stannard, brevet major-general of volunteers, at the rate of $100 per month, from and after June 1, 1886.

Mr. BLAIR. The bill should be amended in the middle initial of the name. "C" should be changed to "J".

Mr. EDMUNDS. Yes; it should be "Emily J. Stannard."

The PRESIDENT *pro tempore.* That amendment will be made, if there be no objection.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Emily J. Stannard."

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of the conference report on the Post-Office appropriation bill.

The PRESIDENT *pro tempore.* The report of the committee of conference on the Post-Office appropriation bill will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5887) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887," having met, after full and free conference have been unable to agree.

P. B. PLUMB,
WM. MAHONE,
JAS. B. BECK,
Managers on the part of the Senate.
JAMES H. BLOUNT,
J. M. RIGGS,
HENRY H. BINGHAM,
Managers on the part of the House.

The PRESIDENT *pro tempore.* What motion does the Senator from Kansas make?

Mr. PLUMB. I move that the Senate still further insist on its amendments to the bill, and ask for a further conference with the House.

The PRESIDENT *pro tempore.* The Senator from Kansas moves that the Senate insist on its amendments and ask for a further conference.

Mr. PLUMB. On that motion the Senator from Alabama [Mr. PUGH] desires to be heard, and I think some other Senators also.

Mr. PUGH. Mr. President, the bill as passed by the Senate made an appropriation of $800,000 for the support of foreign mail service in American-built steamers. That provision attracted a good deal of public attention, and it is the importance attached to the question of making the appropriation which induces me to assign the reasons why I favor it.

In February, 1881, a few months after I took my seat in this body being a member of the Committee on Post-Offices and Post-Roads, of which the Senator from Texas [Mr. MAXEY] was then chairman, I was instructed to report from that committee an amendment to be offerred to the Post-Office appropriation bill. What took place when I presented the amendment will be found in the CONGRESSIONAL RECORD, volume 2, part 2, Forty-sixth Congress, third session, page 1410:

Mr. PUGH. I offer an amendment from the Committee on Post-Offices and Post-Roads, to come in at the end of section 1.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed, at the end of line 197, to add the following:

For additional postal service to foreign countries, $1,000,000, to be expended under the direction of the Postmaster-General, in the establishment of mail steamship lines, equitably distributed among the Atlantic, Mexican, Gulf, and Pacific ports: *Provided*, That the vessels employed for such service shall be owned and manned by American citizens, and that said vessels thus employed shall be iron steamships, accepted by the Secretary of the Navy, after due inspection, as in all respects seaworthy and properly entitled to such service.

Upon that amendment I addressed the Senate as follows:

Mr. PUGH. Mr. President, I should not undertake to consume the valuable time of the Senate in addressing it upon this amendment were I not impressed with the fact that I can not render a more valuable service to the people of Alabama, whom I in part represent, and in fact to the people of the South, than to give in the form that I have them the figures, the reflections, and the views upon this great subject, to which they have paid no attention and about which they are uninformed, and I make that apology for trespassing upon the courtesy of the Senate.

Mr. President, the amendment reported by the Committee on Post-Offices and Post-Roads to the bill (H. R. 6972) making appropriations for the service of the Post-Office Department is intentionally left incomplete in some important provisions, about which each member of the committee is free to act in accordance with his convictions when the amendment is before the Senate. The main purpose of the committee was to introduce to the Senate for its consideration and action a subject of pressing and paramount importance—a great American question affecting the present and future welfare of every class and condition in each of the United States. Congress is confronted by the undisputed facts in the Report of the Bureau of Statistics on the Foreign Commerce of the United States that "the total value of the foreign commerce of the United States, em-

bracing both imports and exports, amounted last year to $1,613,770,633 and was larger than during any previous year in the history of the country;" that "during the five years ending June 30, 1876, 1877, 1878, 1879, and 1880, the value of our exports of domestic merchandise from the United States has greatly exceeded the value of imports of foreign merchandise into the United States, this excess amounting in the five years to the sum of $825,400,513;" that "the value of the exports during the last fiscal year exceeded the value of such exports during the preceding fiscal year $125,199,217, an increase of over 17 per cent.;" that "the value of the imports during the last fiscal year exceeded the value of such imports during the preceding fiscal year $222,176,971, an increase of over 49 per cent.;" that "the rapid increase in the value of the exports from 1860 to 1880 is shown by the fact that the specie value of such exports during the year ended June 30, 1870, amounted to only $376,616,473, whereas during the year ended June 30, 1880, it amounted to $823,946,353, or an increase of 119 per cent."

When we survey the almost boundless extent of American territory, exceeding as it does the whole of Europe, surrounded as it is by two oceans, the gulf, and the lakes, with an ocean front equal to all other nations combined, and 90,000 miles of splendid railways, and capabilities, opportunities, probabilities, and possibilities for agricultural, commercial, mechanical, mineral, and manufacturing production and development, we are bewildered by the grand spectacle, and rejoice that we are Americans. Great Britain, France, and Germany, the lions of Europe, have culminated in their internal food-producing capacity, and found themselves largely dependent upon American surplus for support of their dense populations. The only self-supporting, attractive resource left for their capital, genius, and enterprise is found in manufacturing and mining at home and their commerce with foreign nations. The total foreign commerce of the United States with Great Britain during last year was $664,410,191; with France it was $169,407,456; with Germany, $109,407,456.

The internal food-producing capacity of the United States is out of the reach of computation. Our boundless fields, in full view of American capital, genius, and enterprise, have attracted and absorbed them, and profitable investment and employment therein have wholly diverted all the agencies of improvement and progress from foreign fields and engaged them in home development. And we find ourselves amazed and confounded by our rapid growth and sudden dimensions. And yet we are in our infancy, and just approaching the untouched and inexhaustible realities and advantages of our situation.

Let us call a halt and look around, and see what is going on between us and our foreign neighbors.

In 1860 we imported in American vessels $228,164,855, and exported same year in American vessels $279,082,902. During the same year we imported in foreign vessels $134,001,399, and exported $121,039,394, making in the aggregate of imports and exports during the year 1860, in American vessels, $507,247,757; and in foreign vessels $255,049,793, over 66 per cent. in favor of American vessels.

In 1880 our imports in American vessels amounted to $164,087,606, and in foreign vessels to $579,394,159. The same year our exports in American vessels amounted to $115,917,891, and in foreign vessels to $730,072,437, a falling off from American vessels to about 17 from over 66 per cent. in twenty years.

This startling loss of the ocean carrying trade of the United States with foreign countries works an annual drainage in coin from American income of about one hundred and thirty millions per annum, paid by Americans to foreign ship-owners for freights and passengers. The causes that produced this remarkable result have been the subject of much speculative inquiry. We find that the United States was the master in ship-building and in the foreign carrying trade when vessels were made of wood and moved by wind and sail; but now, when ships are built of iron and propelled by steam, their superiority in every particular has given them the sway, and England, getting the start and devoting her energy and capital to the buiding of iron steamships and employing them in the foreign carrying trade, while we were engaged and absorbed in home production, development, and enterprise, has established her supremacy upon the ocean.

We have not only lost our carrying trade, and are humiliated by the fact that we have not a single iron ship carrying our flag across the ocean, but American sailors, once the pride and boast of the whole country, have disappeared, and to-day we are in the humiliating position of being powerless for naval warfare or the protection of our vitals exposed upon our sea-coast to foreign attack.

Every American is deeply interested, and should feel the paramount importance of providing, as early as practicable, all the means in our power for restoring to American ship-owners our export and import carrying trade with foreign countries. Every State in our Union and every interest and pursuit suffer materially by the annual payment by citizens of the United States to foreign ship-owners of $130,000,000. This amount of gold is exported annually and goes out of American pockets into the pockets of foreigners. How can we continue to submit to such an enormous annual absorption of American income without serious detriment to our prosperity, on account of the loss of our supply of currency and the consequent derangement of our trade and commerce?

How can we accept the condition of perilous dependence upon perpetual peace with our own nation, and between nations that afford the only market for our vast and yearly increasing surplus productions? It becomes the present and pressing duty of Congress to exercise all its power in removing the obstructions and incumbrances and inequalities that are believed to be in the way, and providing all the aids necessary and proper in the great work of restoring our merchant marine, and of saving to Americans the money of Americans, for American carrying trade with foreign countries.

The difficult question is, what is the best and surest and speediest remedy? How far can Senators agree? It can not be denied that we must have ships enough to accommodate the trade. How shall the indispensable necessity for a sufficient number of ships be supplied? To my mind it is self-evident that the only way to supply the necessary number of ships, or any number of ships, is to make it safe and profitable for men to become ship-owners. Without ship-owners you can have no ship-builders. The inducement to become ship-owners must first exist before there can be any hope of having or employing ship-builders. What will induce Americans to invest their capital in iron steamships and running them as carriers of freight and passengers to and from American to foreign ports? Nothing but reasonable certainty that the investment will be free from legislative impositions and exactions, and profitable. How can these two indispensable predicates to ship-owning by citizens of the United States be supplied?

Ship-owning is by companies or corporations and not by individuals. The amount of money required to build an iron steamship of average tonnage is about $300,000 and only associated capital seeks such investment. An American company finds the ocean free to all carriers, with no power in the Government to protect the company against the competition and rivalry of the ships of other nations for the carrying trade. It finds the iron ships of England in possession of nearly 70 per cent. of the foreign carrying trade of this country; that the tonnage of English ships is taxed only 1 per cent. upon the net income of the ship; that to ascertain the tonnage of an English ship only the space occupied by the cargo is measured; that the cost of the English ship is about one-fourth less than an American-built ship, and that some English lines of ships are carrying the mails at an annual compensation of about $3,200,000. This American company, like all Americans, is anxious to spend its capital in our own country, for ships built here by our own mechanics and workingmen, out of American material, and to run them under the American flag. But on examination they find that the cost of building the ship in an American ship-yard, by better-fed and better-paid American mechanics and workingmen and the higher-priced material, makes the cost of the American-built ship one-fourth more than the English ship. It is also found that the annual tax on the tonnage of an American built and owned ship is 30 cents a ton, whether it is running or tied up in the dock, and that the whole ship is measured without any allowance of space for machinery or otherwise.

Besides, the State and city tax levied on American built and owned ships, like other property, is in New York 2½ per cent. on the value of the ship, and more or less in other States.

Is it not manifest that the difference in the original cost, and in English and American taxation, and the other differences mentioned have and will always destroy the inducement to become American ship-owners and the hope of successful competition and profitable running of ships built in America, registered, and carrying the American flag, in our foreign trade, under existing navigation laws? It is unreasonable to hope for any change in our favor until ship-owners who are citizens of the United States are placed upon terms of equality in the cost, ownership, and running of their vessels with those other ship-owners with whom they must compete upon the ocean.

There is a wide difference of opinion as to the ability of American ship-builders to construct iron steamers in American ship-yards at the same cost of such vessels built on the Clyde. Mr. John Roach, the greatest American ship-builder, and a man of acknowledged capacity and skill in that business, stated in an elaborate speech before the national convention of ship-owners and ship-builders at Boston in October last, that the difference in the cost of building iron steamers in American ship-yards and on the Clyde was only 10 per cent. Why then is it true that during the year ending June 30, 1879, but 193,031 tons were built, including all the schooners, sloops, canal-boats, and barges, and that less than one hundred thousand tons were suitable for foreign trade? Why is it that prior to the introduction of iron steamers, when vessels were built of wood, American ship builders and owners excelled the world in supplying ships for the foreign carrying trade? The American supply of material for the construction of iron steamers is as abundant as it is in England, and it must be the absence of a demand for American-built iron ships by those who have the capital to invest in ship-building for the foreign carrying trade, that is the sole cause of the idleness of our ship-builders and the surrender of the foreign carrying trade to English and other foreign vessels. Why is there no demand for American-built iron steamers? Mr. Roach, in the same speech from which I have quoted, furnishes the answer. He says:

"The truth is, that taxation on the ship, high rate of interest, and the difficulty of concentrating capital in this country, are at the root of the evil in this matter. Taxation is what has compelled American merchants to sell their ships and put them under a foreign flag. Steamship business is done by large companies, and when you start a company the taxation is too great to be borne. English capitalists readily invest their money in ship operations under the English laws, but they naturally hesitate about risking it under the practically prohibitory shipping-taxation laws of this country. "Put the difference in annual taxation," which continues during the whole life of the ship, beside the difference of 10 per cent. in the cost of construction of American ships built in this country, and say which is the more likely to prevent our merchants from owning ships. It would seem to be enough that the interest on American capital should be 6 per cent. while in England it is only 3, without adding such a tax. Beside, the ship carrying the English flag is not compelled to carry the mail unless it sees proper to do so, and getting for its service fair compensation, while the American ship is compelled to carry it for merely the letter postage. But this is not all. The American ship is more costly to build, because 90 per cent. of the cost of construction is labor, and American labor is dearer than European labor. But so is the American labor required to run the ship dearer. In fact, the labor required in building is only a drop in the bucket. The number of days' labor required to man a 3,000-ton iron steamship for two years is about equal to the number of days' labor to build her, while the life of such a ship of the first class is twenty-five years; therefore, there are more than twelve times more labor required in the running than in the building of the ship. It is the plan of deceit to put forward the little fact that we can not build, and try to conceal the big fact that we can not run ships when we have them, unless the barriers of taxation, &c., which I have mentioned, are removed, and an American policy adopted equally as favorable to the building up of a commercial marine as the policy adopted by other nations."

Then I proceed:

The question recurs, what is the remedy?

1. Provide by law that "all materials for the construction, equipment, or repair of vessels of the United States may be imported in bond, and withdrawn therefrom under such regulations as may be prescribed by the Secretary of the Treasury; and upon proof that such materials have been used for such purpose, no duties shall be paid thereon. And all vessels owned wholly by citizens of the United States shall be entitled to registry, enrollment, and license, and to all the benefits and privileges of vessels of the United States."

2. "That as property invested in shipping derives its protection from the Government of the United States, and as such property is subject to Federal taxation, it should be exempt from all local and municipal taxation by special act of Congress, leaving the net income only subject to such taxation."

3. Repeal of the law levying a duty upon tonnage.

4. Change of the navigation laws, so as to allow any citizen, company, or corporation of the United States to purchase iron steamships wherever they can be built or purchased the cheapest, with the right to register, enroll, and license, and sail them under the American flag, the same as if they were constructed in an American ship-yard.

5. That iron steamships so purchased and owned, and registered, licensed, and enrolled shall be engaged by contract with the Government to carry the mails of the United States to foreign countries, and allowed for such service reasonable compensation.

All that can be expected from this Congress is an appropriation of $1,000,000 to be expended by the Postmaster-General in increasing and improving the mail facilities of the United States with such foreign countries as he may select, having reference to the increase and improvement of our commerce and carrying trade with such countries. Shall the appropriation be made? It is opposed by some Senators because we can compel the carrying of mails under existing laws for the postage, which, I am informed, amounts annually, for our entire foreign mail carrying, to about $200,000. And it is insisted that all over the present compensation would be naked subsidy.

We might have saved millions paid annually to railroads for overland mail service if such service had been required free of charge as one of the conditions of our land grants and other Government aid to railroads. But no such right was reserved and we are now paying millions to railroad corporations made rich and powerful by the bounty of the Government. We have shown no such liberality to our ship-owners, but after burdening them with taxation, and allowing no freedom in the race with rival foreign nations for the ocean carrying trade of our own country we compel them to carry the mails for a mere trifle when compared with the millions paid railroads for similar service. And it is not unreasonable to estimate that when American ship-owners establish the several lines of free ships between the important ports of this and foreign countries anticipated by the proposed amendment, that the increase of our trade and commerce will so enlarge our mail necessities and facilities that the amount appropriated will not exceed just compensation for the service.

Other Senators oppose the appropriation because it is not to be expended for carrying our foreign mails on American-built ships, owned, manned, registered,

and run according to our navigation laws. In other words, it is insisted that we shall continue an experiment that is already an established failure, of competing upon a free ocean against free ships purchased at far less cost, and running comparatively free from taxation or other incumbrances or restrictions carried by American-built steamers. How has Germany within the last decade increased her tonnage from 166,000 tons to 950,000? How have Norway and Sweden within the last twenty years increased their tonnage from 20,000 to 850,000 tons? How has Austria, with her limited seaboard, grown from no ship to 220,000 tons? The answer is plain and simple and undeniable that each of these countries have permitted their citizens to go into the markets of the world, on the Clyde or elsewhere, and purchase ships where they can make the best bargains, and when so purchased they are unloaded of burdensome taxation and prohibitory restrictions, and entered into a free fight in an open field. If Germans and Swedes and Norwegians and Austrians can succeed in the struggle for the ocean carrying trade, why can not Americans?

When and where was American genius, skill, and enterprise unequal to any demand or emergency when left to an open field and a fair fight? But it is suggested that other countries pay their ship-owners liberal compensation for carrying their mails to foreign ports. Not one in a hundred of English ships have any mail contracts whatever. Neither do the lines having the advantage of mail contracts monopolize transportation on account of their ability to carry freight at cheaper rates. But I am willing to favor liberal compensation for ocean mail service, and place it on terms of equality with our overland mail service by railroads. I doubt very much whether compensation for mail service, however liberal, will produce any largely beneficial results. I have no idea such inconsiderable aid would enable merchants and capitalists who wish to engage in our ocean carrying trade with other countries to compete with the cheaper built and comparatively untaxed and unincumbered ships of England. As John Roach says, we must go to the root of the evil, and, in my poor judgment, the only way to do so is to legislate as I have proposed. But all we can do now is to vote the appropriation to ships owned exclusively by citizens of the United States, wherever purchased, and try the experiment.

Those were my views in 1881, soon after I became a member of this body. They are my views to-day. What indorsement did I have of those views by Democratic Senators? I read from the same RECORD what Mr. Garland said of that subject, on the same page:

Mr. GARLAND. Mr. President, I do not care to enter into a discussion of the merits of this question further than to say that I am in entire sympathy with the proposition contained in the amendment. The only objection I have to it is that it does not include all that it should. The masterly presentation of the case to which we have just listened from the Senator from Alabama [Mr. PUGH] relieves me of the necessity of saying anything at all in favor of the amendment if it was properly before the Senate. I could not add anything to what he has already so ably said; and I am perfectly willing to let the argument of the question rest upon his speech on that side. I simply point to the speech as the man did who had a prayer copied at the head of his bed, so as to save time, simply saying when he went to bed, "Lord, those are my sentiments."

That is one member of the present Cabinet. I will now read from what my colleague [Mr. MORGAN] said upon the subject of the amendment I offered, found in the same RECORD, page 1459:

Upon turning to the Statutes of the United States on this subject I find that every provision contained in the amendment offered by the committee has been substantially made. Every provision of general law in reference to the transportation of mails to foreign countries is found substantially in the existing legislation upon that subject; but of course the special stipulations of this amendment and the special provisions in reference to the use of this $1,000,000 are not found in any law; but the convenient use, the just application of this amount of money which we are now asked to appropriate for the purpose of paying for the transmission of mails across the ocean, is a subject properly within the power of the Senate to regulate upon a general appropriation bill. It is not necessary that we should go before a committee and have a separate bill passed authorizing us to establish foreign mails, because under existing laws the Postmaster-General has the power to establish foreign mails; or to fix rates of postage, because under the laws he has the power to fix rates of postage; or to declare that the mails shall be carried in steamships, for under the existing law he has the power to declare that the mails shall be carried in steamships. Every substantial provision in this amendment except the mere regulation of the method of its execution is found in the existing statutes. I will now call the attention of the Senate to some of these laws.

"SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted."

There is a general law which makes the whole bosom of the ocean a mail-route, and leaves it to the Postmaster-General to select what ports of the United States the mails shall leave, and at what ports abroad they shall arrive. It is left entirely to his own discretionary declaration to designate those mail-routes which are established under this act as being common to all the ports of our country and all the ports of a foreign country, the ocean being the great way upon which the mails are to be transmitted.

I submit that if the Congress of the United States were to engage itself for a month in providing mail-routes across the ocean, it would not after all have made a system as full and as broad and as comprehensive as that which is contained in section 4007, for Congress in specifying the mail-routes would merely limit the number, whereas section 4007 places no limit on the number of routes or the ports to or from which the routes shall be established, but lays every port open to the access of the mails from abroad, and enables the Postmaster-General to send steamships out of any port of the United States to any port abroad.

Certainly, therefore, in the matter of the establishment of post-routes there is no new general legislation in the amendment; but the amendment falls within and is intended to complete and effectuate a provision of law which is now upon the statute-book. It does not undertake to create a new system or to create new mail-routes.

"SEC. 4008. The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster-General may have such transportation performed by sailing vessels when the service can be facilitated thereby."

The amendment provides that the mail shall be transported in iron steamships. Neither do the two sections that I have read nor any other sections confine the Postmaster-General to a specific manner of carrying mails abroad, but the amendment provides an additional means of carrying them abroad, which is that he shall designate the ports from which these lines are to be established, as he has the right now to do, and the mails shall be carried in iron steamships.

"SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea-postage, on the mail so transported."

The amendment provides simply that you may add to that, and appropriates $1,000,000, so that the Postmaster-General, instead of paying in postages under the discriminating rule as between American and foreign ships, may pay in money out of the Treasury of the United States, precisely as we pay a contractor who carries the mail over a railway or on a star route. It is the addition of $1,000,000 to the fund from which is to be drawn the support of our foreign mail intercommunication, and that is all that can be said of it.

On page 1509 of the same RECORD my colleague proceeded with his remarks, as follows:

Some remarks have been made about the doctrine of subsidy contained in this amendment. If you leave it to stand where it is as offered by the committee, Senators claim that it is a subsidy. If you put my amendment upon it, then you say it is not quite so much of a subsidy, but yet some argue that it is a subsidy even after that is put upon it. Let us see what Senators who have been so anxious about subsidies have done on this very bill, and let us see what Democrats in the House and in the Senate, who as yet have a majority of both bodies, have done in reference to the matter of voting subsidies to foreign ships and foreign countries. I will read a proviso in the appropriation bill which follows the appropriation I have just read:

"*Provided*, That the Postmaster-General is authorized to pay to the colonies of New Zealand and New South Wales so much of the cost of the overland transportation of the British closed mails to and from Australia as he may deem just, not to exceed one-half of said cost; and the sum of $40,000 is hereby appropriated for that purpose."

What is that? The two colonies of New Zealand and New South Wales have made by colonial legislation a subsidy of $450,000 per annum to two lines of steamships sailing between those colonies and San Francisco. One of the lines is an American-owned line, and the other is a British line. The American mails are carried upon these steamships, and we pay the sea postage under this very appropriation to those ships for carrying that mail. In addition thereto we subsidize them to the extent of paying one-half of the cost of the transportation of the British mails clear across this continent upon our railroads, in order that we may compensate the British Government for having extended to them such a large amount of subsidy.

Something has been said about John Roach and Brazil. John Roach did receive a subsidy from Brazil, and the Brazilian Government made it a condition of that subsidy that the American Government should pay an equal sum—$100,000 I think it was. We refused to do that upon the ground that we were subsidizing John Roach, an American ship-builder. What have we done in this bill except to subsidize a British line to convey the mails from New Zealand and New South Wales to San Francisco by paying half the expenses of the transportation of the British closed mails across this continent?

Mr. WALLACE. It is not a British, but an American line.

Mr. MORGAN. That makes it only so much the worse. We are subsidizing an American line, then, that carries the British mails.

Mr. WALLACE. We are not subsidizing them; we simply give them the mails to carry.

Mr. MORGAN. We give them the sea postage for the transportation of these mails, and this bill provides for that. In addition to that, we give $45,000 for the transportation of those mails closed across this continent in order to give them that advantage. It can not be that that is a special subsidy. It is nothing but a subsidy, and Senators who put that on the bill and recommend it here rise on this floor and inveigh against an amendment which does contain no feature of a subsidy, but leaves these mail contracts open to competition in bidding just as much as the star-route contracts are left open to all American citizens. We confine what we are doing to American citizens as contractors, but we say they ought to have the right to buy their ships wherever they can buy them for this particular purpose, and after they have been bought for this particular purpose and while they are employed in this particular service they ought to have the liberties, rights, and privileges of American-built ships.

Now I read from what my friend the Senator from South Carolina [Mr. BUTLER] said on that occasion, to be found on page 1510 of the same RECORD:

Mr. BUTLER. I simply desire to say that if the yeas and nays are called on the motion to amend made by the Senator from Alabama I shall vote that the amendment is not in order. I desire, however, to say that I am in entire accord with the principle of that amendment, and if my friend from Alabama will bring it in as a separate proposition I shall vote for it with a great deal of pleasure. But I do not believe it is in order, and therefore shall vote that it is not in order.

I will now read what my friend the Senator from Texas [Mr. MAXEY], then chairman of the Committee on Post-Offices and Post-Roads, said on the subject of the amendment:

The Committee on Post-Offices and Post-Roads endeavors to do its duty, and so I believe every committee of this body endeavors to do its whole duty to the country; and so far as I am concerned, I hold myself responsible, not to the Senator from Kentucky, but to the people of the State which sent me here and to the people of this country for my acts, and they will compare with those, I think, of the Senator from Kentucky.

Sir, the Committee on Post-Offices and Post-Roads believed this measure was a wise one and in the best interest of the country. The Senator from Kentucky thinks otherwise. Am I to charge that because his judgment does not agree with mine, therefore he is endeavoring to build up the interest of some one man as against all others? I am proud that it is not in my heart to believe all men who disagree with me are acting in bad faith. I have learned where men can best learn that fact, that honest men may honestly differ. I give to those who differ with me on this proposition credit for as much sincerity as I have in the position I take. I believe that this measure is in the best interest of the country, and therefore I advocate it; and the Post-Office Committee, of which I have the honor to be chairman, by a large majority took that view of the question and so reported, and we are willing to test the sense of the Senate and go before the country on that. Whether the Senator from Kentucky be right or whether we be right is a question to be settled after the measure is passed.

Mr. President, the difference between the amendment I reported from the Post-Office Committee in 1881 and the amendment now before the Senate is that while my amendment appropriated a million of dollars and allowed Americans to make a purchase anywhere they could get them cheapest of the steamers with which they were to carry the foreign mails, the present amendment appropriates $800,000, and requires the steamers in which the mails are to be carried to be not only owned by Americans, but to be built in American ship-yards. I should prefer that that limitation be not put upon this amendment, but it shall be no reason why I shall not give it my support.

The principle upon which I stand is that the foreign-mail service deserves just compensation as much so as the coastwise mail service, river mail service, or railroad mail service. To illustrate, you make up the

mails of the United States for Alaska, for the Sandwich Islands, for Japan, for China, and for Australia. Those mails are carried from the different parts of the United States by rail to San Francisco, and the railroad companies receive about 55 cents per mile for carrying those mails to San Francisco. When they are delivered at San Francisco the Alaska mail is taken by a coastwise steamer from San Francisco to Alaska and is paid over 67 cents a mile for the same mails that the railroads carry to San Francisco for about 55 cents, and the steamers that leave San Francisco with the United States mails for the Sandwich Islands, for Japan and China and Australia, are paid 5 cents a mile for carrying the mails to those foreign countries.

Again, the United States mail is made up for Cuba. It goes by rail to Tampa. The railroad company receives 55 cents a mile. When it reaches Tampa a steamer takes it from Tampa to Havana for 5 cents a mile. The same steamer brings back the mail from Cuba for the United States to Tampa at 5 cents a mile, and when the railroad takes it to distribute through the United States it gets 55 cents a mile. I say there is no principle or policy upon which that can be justified. It is public service rendered the Government and people of the United States, and the same rule of compensation should be applied to all such contractors.

Now, the consideration that controls me in my vote for this appropriation is that it meets the demand upon this Government for just compensation in the same measure that is paid by the Government of the United States to railroads and coastwise steamers and steamboats on the rivers. The Senator from Kansas [Mr. PLUMB], who has charge of this bill, in a speech he made in support of it, assigned the reasons for this appropriation. If any Senator understands the objects and purposes of this appropriation I concede to him the right of understanding not only the views of the committee from whom he reported this bill but his own reasons that control him in making this appropriation. I read from the RECORD of May 12, 1886 [see Appendix, page 128], containing the speech of the Senator from Kansas, which was delivered May 4, 1886, in support of this appropriation, in which he said:

Mr. President, the theory upon which the committee acted in reporting this amendment, I think I can safely say, was not that it was a subsidy according to any proper use of that term, but it was applying to the transportation of the foreign mails of the United States precisely the same rule of compensation and the same rule of procedure as is now applied as it has been for years to the transportation of the inland mails of the United States. A great deal has been said about the fact that there is to be no competition, and I presume that in many of the cases and perhaps in most of the cases in which we shall transport our foreign mails by means of American steamships there will be no competition; but neither is there competition in the railroad carriage of the inland mails of the United States. Neither is there competition on most of the steamboat lines by which the mails are carried on the inland waters of the United States. The Government in other words in regard to transportation of this kind fixes what is a fair compensation and pays it without requiring competition.

I call the attention of the Senate to section 4002 of the Revised Statutes fixing the rate of pay upon railroads for carrying the mails, furnishing, as I think, a complete illustration of the rule which the committee sought to have applied to the carrying of foreign mails. That section provides the rate of pay as follows:

"That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200, and $25 additional for every additional 2,000 pounds, the average weight to be ascertained, in every case"—

according to the plan named in the succeeding portion of the section. Under the practice of the Post-Office Department the lowest price paid to any railroad now is forty-two dollars and a half a mile per annum, no matter how small an amount of mail is carried, the rates having been reduced somewhat by a succeeding statute. The price that is paid for carrying on the smaller routes has no relation whatever to the postage received on the mail carried. There is no comparison sought to be instituted between the amount paid to the railroad company and the amount received by the Government. In point of fact, on all these routes which carry 200 pounds of mail or less the amount received by the railroad company is in excess of the entire receipts of the Government as postage on the mail thus carried.

When we come to deal with the carriage on railroads like the Pennsylvania and the New York Central, which carry the great mails leaving the city of New York, we pay only one-half for carrying 2,000 pounds what we pay for carrying 200 pounds or less on the smaller roads. In other words, where the carriage is very large, and where a very large carriage at a small rate of pay can be made profitable to the railroad company, the Government reduces the rate; but when it is dealing with the railroads in the interior portion of the country, where the carriage is small, it fixes a price totally different without reference to the weight or value of the mail carried. It is fixed at a rate deemed fair, and it is fixed without competition. The question of competition has never entered into the relations of the United States to the railroads in reference to the carriage of the mails.

The carriage of the mails upon the inland waters of the country, including the coast-line service, as the Senator from Iowa reminds me, is almost wholly without competition. It is a service, too, which carries very little mail and at a very high figure. This service costs nearly $600,000 per annum, and is paid for at the least price attainable. No doubt the form of bidding is gone through with, but in a majority of cases only one person bids, for on most of the rivers not more than one suitable steamer runs. Practically no element of competition enters into this service, and the cost of it is out of all proportion to the revenue it yields. It is far more a subsidized service than the foreign-mail service will be in case this amendment is enacted into law.

Now, we seek to apply precisely this same rule to the carriage of mails between the United States ports and foreign ports. As the Senator from Louisiana [Mr. EUSTIS] well said yesterday, the law itself recognizes a distinction already, and always has made a distinction in favor of American steamships and a discrimination against foreign steamships, because in section 4009 of the Revised Statutes it is provided that—

"For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage, on the mail so transported."

The difference between sea postage and sea and inland postage is about as 2 to 5. In other words, the law now provides as part of the settled policy of the Government that American steamships which carry the United States mails may have more than twice the amount authorized to be paid to foreign steamships for the same service. That has not proven sufficient, and the committee seeks in proposing this amendment to further extend this principle, already applicable generally in our foreign-mail service, to the carrying of our foreign mails with a view to encourage greater frequency, speed, and security.

There is no authority given to the Postmaster-General to pay extravagant prices. No one has risen in his place here to say that $1 a nautical mile for the outward trip is too great a price to be paid. I take it, therefore, that there is no dispute as to the reasonableness of the price proposed to be paid; that if we are to favor American steamships the price named in the amendment is a fair one, or at all events that it is not excessive and will not be burdensome upon the Government.

A great deal has been said about our obligations to the tax-payer, and that in matters of this kind any dollar we take from them which is not absolutely necessary is robbery. Mr. President, I agree to that; but what is necessary must be left to a wise discretion to be exercised by Congress. The same Senators who have spoken so earnestly upon this subject and who have characterized this proposition to pay $800,000 as robbery are here consenting to the proposition that we shall pay to a railroad mail line running from New York to Jacksonville, Fla., $291,000, more in proportion than we pay to any other mail line in the United States, in order that the communities along that line and the communities beyond the terminal point of that line, to wit, at Key West and the foreign community at Havana, may have a more speedy and more frequent delivery and distribution of the mails than they would have if we applied to that line the general rule which we apply to all other railroad lines in the United States. If that is the exercise of a wise discretion, wherein is the payment of $800,000 to produce a similar result in the carriage of our mails between our ports and foreign ports robbery?

The United States receives each year a large sum of money from its foreign mail service beyond the cost of that service. I believe the net results to have been during the last year over a million and a half of dollars, because we appropriated only $375,000 for the service and received $2,078,000 from it. But whatever the sum may be, there is no one who has addressed himself to the question but says there is a profit. Why should we not apply that profit to the extension of this useful and necessary service?

When we come to deal with what is known as the free-delivery service we find that it is established in one hundred and seventy-six of the cities of the United States. The service taken all together yields a profit, but every single one of the cities in which that service is rendered, except seventeen, shows a deficiency. That is to say, only seventeen yield a profit, all the rest of them returning a deficit, yet the whole service results in a net profit to the Government, and the Postmaster-General has proposed in his last report that it shall be further extended—extended to still smaller cities than now, to entail a still greater loss of revenue—and he puts it upon the ground that this can be afforded because the seventeen cities yield profit enough to pay not only the deficiency now existing but also that which will be created by extension to other places. Therefore he proposes to take from New York, Philadelphia, Boston, Cincinnati, Chicago, Louisville, Saint Louis, and so on, the net revenue which they give to the Department for the purpose of extending the service to towns where that service will be carried on at a loss. I do not complain of this; but why is it that we may do all these things with reference to our inland mail service, everything of this kind within our discretion at home, but the very moment we seek to apply any of these rules, conceded to be useful and proper and necessary internally, to our foreign mail service, we are met with this great cry about the robbery that is involved?

Mr. President, it would seem as though upon this statement, which can not be gainsaid—it does not rest upon my authority; it stands upon the law and the universal practice of the Department under it—that there ought to be nothing here to contend about in regard to this appropriation of $800,000 to give greater and better mail facilities between this country and South America and the other countries whose trade we are seeking.

I have wondered why it was that when we come to this particular branch of the question, all at once we divide and get into the most earnest and anxious contention in regard to what is proper to be done. I think it is because for now nearly or quite a generation we have devoted ourselves so exclusively to the internal affairs of this country, to the development of its internal commerce, to the extension of its lines of railway, to the settlement of new communities in the far West, to cultivating home trade for our manufactures, and all the other things which have led to the enormous growth and development of the country, that we have come to exclude ourselves wholly from the consideration of those things which pertain to our relations with foreign peoples and to our trade with them.

Great Britain furnishes an example of exactly the opposite character. In generations her policy has been wholly external. Her statesmen know the byways of international affairs better than they know the highways of home affairs, and she gives foremost attention to what concerns her subjects in foreign lands, including the establishment of the swiftest possible communication with them. This external policy has been so consistently and always pursued as, while developing her trade enormously, to also draw her statesmen from the consideration of domestic affairs to such an extent when she is confronted, as she is now, with a very serious matter of domestic concern, she is as much at sea as to the treatment to be accorded to it as we are when we come to consider questions that relate to the extension of our foreign intercourse and trade. What reason can be suggested why the United States should not have adequate mail communication with South and Central America and with other countries with whom we desire to have better trade relations? And why should we not be willing to give as adequate compensation for our foreign as for our domestic mail service, in order that it may grow better in speed, in frequency, and safety? Are not there essentials in the domestic service as well as elements which make the mails a better instrumentality of trade?

What section of the country will derive the greatest benefit from this appropriation if made? The greatest and most direct benefit will come, if it is to yield any benefit at all, to the Southern States. It is conceded that if we are to have foreign trade of any very great proportions, the most sure field for its development is in South and Central America. The mouths with which we shall speak to those countries are the harbors and the cities upon the Gulf of Mexico—Galveston, New Orleans, Mobile, Pensacola, Tampa—and on the South Atlantic—Savannah, Charleston, and Wilmington—not only because of the less distance between them and the countries to be reached, but because the South is in a particularly favorable natural and industrial condition to meet the wants of the people in South and Central America. It is making to-day cheap cotton goods successfully, the goods with the greatest amount of material for the smallest amount of labor, and which by reason of this fact are the most attractive to the people whose necessities and tastes require them, the class of goods of American manufacture which are to-day sold in Manchester, the seat of England's cotton manufacture, and also in India.

If we can sell in these markets in competition with Manchester's own mills we can do the same if we have proper means of communication in South and Central America. The Southern States not only manufacture each year an increasing quantity of this class of cotton goods, but also an increasing quantity of a better article of cotton goods. The South is to be, if the natural law of development is to work out its perfect work, the seat of the great cotton manu-

facture of the United States. More than all that, it has within its limits, within easy reach of tide water and connected with tide water by streams that are always open, great deposits of coal and iron, with which the commerce of the Gulf of Mexico and the Caribbean Sea and the South Atlantic can and will be supplied, if there shall be established frequent and certain and safe steam communication.

Mr. President, the amount of benefit, the extent of the advantages in the great work now before this country of opening and developing our market with foreign countries to be derived from this appropriation is a matter about which we differ. I am free to confess that I can not satisfy myself that any great benefit is to result in the line of development of our foreign trade on account of this appropriation.

Senators who oppose this appropriation as just compensation for our foreign-mail service say that such legislation has been tried in the past and failed; that liberal subsidies have been paid by the Government of the United States to steamship lines to foreign countries, and that no good whatever resulted therefrom. I can understand how we may have failed in the past, and why the same amount of aid or less aid will bring valuable results at this time.

Heretofore American capital and American energy have been devoted to railroad building, to mining, and to manufacturing; but to-day these sources of investment have all been filled up and they are now overflowing. The competition growing out of the extent of our railroad system, of our manufacturing and mining, has so reduced profit as to cause capitalists to direct their minds to some other field for investment. This competition among American industries has caused the supply of the productions of the country to go far beyond the demand, and to-day, on account of the surplus of our productions and our inability to find a demand for them in the American market, the public mind of this country is absorbed in the consideration of what remedies we shall resort to to open up our trade with foreign countries.

The European markets are all closed against us; they have been preoccupied by England, France, and Germany; and the only field that lies out in full view of this country is that in Central and South America. I am willing in every way possible to give encouragement to all enterprises that are to be directed to the development of this field in these foreign countries for the consumption of our productions. How much this will benefit us in that direction, I am unable to say. I think it ought to be a great deal more. I am willing to extend, even if you were to call it subsidy, for this great purpose that is now of most vital importance to this country, any amount of constitutional aid that promises beneficial results.

I have the honor of representing a State that has a vital interest in the development of our trade with Central and South America and the West India Islands and other countries that are not preoccupied by England and France and Germany. In November last there was a convention held at the city of Tuscaloosa of over two hundred able, intelligent, representative men, who are familiar with the resources of Alabama. I know each one of these delegates personally, and I desire to read to the Senate the memorial to Congress in which they set forth the resources of the State of Alabama and the vast importance of development of our river system, with a view to furnishing cheap transportation to the Gulf, so as to find a market for our products in Central and South America:

This publication contains a memorial to the Congress of the United States and the deliberations of a convention of more than two hundred representative business men of Alabama and adjoining States, met together to consider the important subject of river and harbor improvement, looking to the speedy development of our rich coal and iron fields, which lie so close to the Gulf, and accessible by water ways so susceptible of improvement, and to bring into market the fertile lands watered by these streams, so fitly located to carry their bountiful products to the trade of the seas.

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And the undersigned committee respectfully ask the thoughtful attention of the reader, not only to the map, but also to the memorial and the several communications in these pages (from prominent men of scholarship and scientific knowledge, giving reliable and accurate information upon the subjects treated, and information valuable to business men, and valuable to the representatives in the nation's councils from every locality. Indeed, this section of the country is destined at an early day to play a conspicuous part in shaping and controlling the commerce of this portion of the world), and in furnishing cheap coal and iron to the sea-going service of the United States Government.

I read from the memorial:

It is a matter well known that through the harbor of Mobile the agricultural productions of many States are sent to markets abroad, and the convergence of many railroads to the port of Mobile gives it an importance with regard to direct trade with all the neighboring nations of the Gulf of Mexico and the South Atlantic.

This is a matter in common with many other ports on the Gulf of Mexico. In addition to this, and rapidly becoming far more important to the great interests of the whole United States, is the development that at this point, where almost all of the water ways in the State of Alabama pour their floods into the Gulf, is found the nearest and cheapest port to which the immense mineral treasures of the State can be transported.

The rivers which finally fall into Mobile Bay spread out over the State like a fan, touching Northwestern Georgia on the east, and entering the eastern side of Mississippi. All of these rivers traverse immense coal fields, the full extent and richness of which has not yet been fully determined, although enough is known now to justify the assertion that they are unsurpassed in the known earth.

Besides the coal deposits, beds of iron ore, surrounded by every facility to be worked and used by man, are found contiguous to the coal and near all of said rivers.

These coal and iron deposits are rapidly attracting the attention of capitalists in this country and in Europe, and their development in the last ten years has been such as to create surprise in the minds of men habituated to the study of the mineral resources of the world.

For many years the coal used by vessels in navigating the waters which wash the shores of the West Indies, Mexico, and all the South American states on the eastern side of that continent, has been brought from Europe, except a small fraction furnished at very high rates from Chili.

With water transportation, which the improvements of the rivers in Alabama will give, this entire traffic can all be turned to the port of Mobile, and coal of a superior quality, and at vastly cheaper rates, furnished to those who need it.

* * * * * * *

The many able papers submitted to the convention from its committees, and which are contained in its printed proceedings, demonstrate fully these propositions:

First. The existence of large and inexhaustible deposits of coal and iron and other minerals in the State of Alabama, near and along the line of the water ways which flow into Mobile Bay.

Second. Also, that along these rivers outside of the means of transportation by railroads there is produced large amounts of cotton and grain which should be the subject of export from said port of Mobile.

Third. That the whole country traversed by said rivers is covered with forests, almost in their virgin state, of the finest timber, suitable for commercial purposes and for ship-building.

Fourth. That all of these things apply strongly to the Tennessee River, with the addition that it flows through several States besides Alabama.

Fifth. That the channel leading to the port of Mobile can be made, with a moderate expenditure of money, of sufficient depth to admit vessels capable of carrying all the immense freight which the country will produce and the rivers bring to it.

Sixth. That the improvement of the rivers of Alabama will have the effect to put at the port of Mobile the best and cheapest coal in the world, sufficient in quantity to supply all the neighboring nations and all the vessels that sail from any of those ports, as well as those of the United States, so as to greatly enrich the whole country.

Seventh. That the water ways of Alabama will not only be of immense benefit to the commerce of this country and of the world in time of peace, but will also be of incalculable advantage to the United States in time of war.

I read from a speech made in that convention by Hon. A. O. Lane, mayor of the city of Birmingham:

We must not forget that the productive coal area in Alabama is nearly half as great as that of the whole of Great Britain. The coal measures of Alabama are 2,600 feet in thickness—nearly 500 feet greater than those of any other State in the American Union. It is easily mined by means of drifts and slopes, the mines often draining themselves, and the coal, in rich, thick seams, cropping out on the very banks of the rivers. It ships well, and is admirably adapted to steam, coke, gas, and domestic uses.

And yet, in the face of all these facts, Alabama does not ship a single pound of coal into Mexico and the Central and South American States. She is forced to stand idly by and see this magnificent trade, worth millions of dollars, and which nature ordained should be hers, gobbled up by British bottoms, from coal-fields five times as far away as Alabama's products. Coal is put on board ship in England at $2 50 per ton, while here in Alabama it is put on board cars at, say, $1.25 per ton; and then it costs $2 more per ton to ship it to Mobile, and then, perhaps, it has to be lightered down the bay to deep water. Now, suppose we could transport our coal on barges to the Gulf at a cost of 25 cents per ton, Alabama would soon hold this munificent trade, to which she is so justly entitled by natural advantage and geographical position. Thus not only would Alabama be enriched, but it would be a tardy but glorious triumph for the American merchant marine.

And how is this cheap transportation to be secured? Our rivers must be opened up to navigation. Millions are spent every year in providing cheap transportation from the East to the West. This is reversing nature, and nature is wiser than man. Natural and manufactured products are generally the same on parallels of latitude, and hence there is no very great demand for interchange of products on those parallels, while the natural currents of trade are from North to South for the interchange and barter of all those products, natural and artificial, indigenous, so to speak, to semi-arctic and semi-tropical spheres. Now, nature sends our rivers coursing from North to South, and they must have an outlet to the sea. It is of paramount importance to us to have accessible Southern markets, because the North is already supplied with almost everything we manufacture.

The Mobile Bay receives our noble rivers. Her channel must be deepened so as to float the largest freight steamships of heavy tonnage and great draught. Then her principal feeders—the Warrior, the Coosa, and the Cahawba—must be opened up to navigation into the very heart of the coal belts of Alabama. Mobile should be the focal center, sending out life-blood into all the great arteries of our Commonwealth, and receiving back fresh vitality from every commercial pulsation. By means of jetties at some points, and locks and dams at others, all the principal rivers of Alabama leading to Mobile Bay can be made navigable year in and year out. What a consummation that would be! Then, indeed, would Mobile again become the pride of the Gulf States. We would see her docks crowded with ships from every clime, laden with cotton and fruits and timber and coal and iron. Her pristine grandeur and glory would return with renewed and increased splendor. She would soon whiten the seas with ships of her own build. The reduced cost of coal and iron would enable her to drive out the British products from Mexico and the Central and South American states. She would soon have a national arsenal and heavy ordnance manufactory, impossible for inland cities, because cars can not haul the immense guns, and railroad bridges can not support them. These industries would fill the city with skilled artisans. Foreign and domestic trade would flow in upon her, and she would soon become one of the livest marts, as she is now one of the fairest cities that ever rested on bay or gulf or sea.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Alabama will suspend. It is the duty of the Chair to announce that the hour of 2 o'clock has arrived and to lay before the Senate the unfinished business of Friday last, being the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas and for the forfeiture of unearned lands, and for other purposes.

Mr. HOAR. I suggest that unanimous consent be given to the Senator from Alabama to proceed.

Mr. HALE. Let the unfinished business be laid aside until the present matter is disposed of.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside in order that the Senator from Alabama may conclude his remarks.

Mr. HALE. In order that the present matter may be finished.

The PRESIDING OFFICER. In order that the present subject may

be considered and finished. Is there objection? The Chair hears none, and the Senator from Alabama will proceed, the Post-Office appropriation bill remaining before the Senate.

Mr. PUGH. I continue:

And if there is one thing on this green earth with which I have no patience, it is to have a long homily on the Constitution when my State is crying aloud for the energizing force of Government aid to stimulate her waning industries. But for such monumental folly our State would now be threaded with railroads and traced with navigable streams from Georgia to Mississippi and from Tennessee to the Gulf. I can almost hear the croakers saying now we can not do anything; it is needless to try it.

* * * * * * *

If I were deputed by his satanic majesty, and forced to send a curse upon this State, and given power to choose my own instruments of waste and desolation, I would never select locusts, that sometimes sweep over Europe, darkening the heavens, or grasshoppers that march through the West, leaving desolation in their track, or floods that now and then make portions of Louisiana a vast waste of waters, or cyclones that bring terror to the stoutest hearts, or cholera that sweeps away its thousands, but leaves the living in health and vigor. No; I would choose rather a horde of croakers, whose croakings, and croakings, and croakings are more dismal than the croaking of frogs in marshy ponds; and then, without awaiting results, I would repeat the work, thorough and complete, in killing the hopes, and sapping the energies, and benumbing the industries of the people.

I now read from the report which was made from the committee on mineral resources of Alabama by General Joseph W. Burke, chairman, to that convention:

Mr. McCullough, an English writer of the highest authority, speaking of the value of coal as an element of English prosperity, says: "Our coal mines are the principal source and foundation of our manufacturing and commercial prosperity, and no nation, however favorably situated in other respects, not plentifully supplied with this mineral need hope to rival those that are. Our coal mines have conferred a thousand times more real advantages on us than we have derived from the conquest of the Mogul Empire, or than we should have reaped from the dominions of Mexico and Peru."

* * * * * * *

The coal area of the United States is estimated at 192,000 square miles. Of this large body the Alabama coal fields contain 5,380 square miles; the Warrior 5,000; the Cahawba 230, and the Coosa 150 square miles.

These divisions take their names from the respective rivers—Warrior, Cahawba, and Coosa—which flow through them. From these streams branch out in all directions innumerable creeks, subdividing the coal measures, and affording, especially in the case of the Warrior, many miles of deep water nine months in the year, thus enabling the coal to be mined far up in the interior and floated to the main stream. Human skill could not have devised a more perfect system of internal canals, or auxiliary water courses than nature has provided on the Warrior.

Branching off in all directions, those creeks cut their way through the measures, and in many cases flow over solid beds of coal.

* * * * * * *

Twelve years ago the total coal production amounted to but 10,000 tons. In 1880 the output increased to 600,000 tons; in 1882, to 1,100,000 tons; in 1884, to 1,500,000; and it is believed that the product of 1885 will not be less than 2,000,000 tons.

For the same period the production of pig-iron increased from 60,000 to 600,000 tons. This unparalleled industrial advancement was mainly made possible by the construction of a single line of railway, managed with sagacity and the very personification of enterprise. To the construction of the Louisville and Nashville Railroad is this magnificent coal-field chiefly indebted for its wonderful development, its thriving mining towns, its populous agricultural colonies, and the city of Birmingham. And yet this line but skirts the very verge of the Warrior field on the east. The Alabama Great Southern Railway runs through its Southern border, and the Georgia Pacific Railway, built to its western and eastern boundaries, is located centrally through the basin over a gap of 40 miles. The coal of the Locust Fork, or eastern part of the field, is renowned for its valuable qualities for coking, steam, gas, and forge purposes. The great Pratt seam furnishes the greater body of the coke which is used by the furnaces in Birmingham.

The Warrior seam furnishes the very finest steam coal; the Newcastle, gas coal of an excellent quality. In addition to these mines are the Jefferson and the Black Creek seams. The Locust, or Little Warrior, River and its tributaries penetrate all those seams. On the Mulberry Branch of the Big Warrior the coal changes its character entirely. Here it is hard, compact, lustrous, breaking into cubes, clean, and not affected by the weather. It is in this part of the field that occurs the cannel coal spoken of by Professor Tuomey, State geologist (1865):

"This, of all the coal in the State, will best bear transportation on account of its superior hardness," said this distinguished scholar.

Along the banks of the river, in the counties of Tuscaloosa and Walker, the coal outcrops for miles, and may be loaded in barges at the very mine entrance. Dipping toward the river the seams drain into it, as the coal in many places has an elevation of but 3 degrees, just sufficient for drainage. The seams already discovered, which may be mined with profit and transported by water, are five in number, the smallest seam being 3 feet 2 inches, and the largest 8 feet 4 inches.

In many places three of those seams may be found superimposed on each other, and visible to the eye on the river bank, two above the reach of high water. It is this part of the great Warrior basin that is most accessible by water. In it may be found all classes of bituminous coals, and it is thought to be the only part of the field in which cannel coal has been discovered. Its mineral wonders are almost incredible. "Notwithstanding the definite character and value of the information presented here, no one feels more sensibly than I do how very inadequately it represents this magnificent formation," wrote Professor Tuomey in the Geological Report of Alabama in 1850. Its variety of coals, the ease and cheapness with which they may be mined, their great value for commercial purposes, and the convenience of the mines to the Gulf of Mexico, render it a national reproach that those magnificent deposits should be closed by law to human enterprise, which is actually the case.

THE CAHAWBA FIELD.

The Cahawba coal field has an area of about 230 square miles, and lies in the counties of Bibb, Shelby, and Jefferson. Its general direction is from northeast to southwest. It is drained by the Cahawba River.

The field is now being worked at the following points: At Briarfield and Blockton, in Bibb County; Helena and Aldrich, in Shelby County, and Henry-Ellen, in Jefferson County.

The mines at Briarfield and Aldrich are on the East Tennessee, Virginia and Georgia Railroad; at Blockton, on the Alabama Great Southern; at Helena, on the Louisville and Nashville; at Henry-Ellen, on the Georgia Pacific, or on branches from these roads.

There are now seven or eight seams being worked in the field, varying in thickness from 3 to 7 feet; and there are several more that can be worked advantageously. Almost the entire area of the field is underlaid with workable seams.

The mines in operation find a demand for all that they can mine.

Mr. Richard P. Rothwell, the eminent mining engineer, after a thorough examination of the coals of the Cahawba field, says:

"The Cahawba coals are of a remarkably fine quality, being chiefly distinguished for their dryness, small amount of ash, and large amount of fixed carbon. Some of the coals make an excellent coke, suitable for blast-furnace use, and, as some of them are dry-burning coals that do not coke, they would probably work raw in the furnace.

"The coals are also distinguished for their hardness, freedom from sulphur, and never-slaking quality.

"For steam, gas, and domestic use they rank high in the markets, and are sold largely in Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas."

THE COOSA FIELD.

The Coosa field has an area of 150 miles, and is chiefly situated in Saint Clair, Calhoun, and Etowah Counties.

Until a very recent date this field was entirely undeveloped. The construction of the East and West Alabama and the Georgia Pacific Railroads through it has brought it into more favorable notice; and the Government improvements on the Coosa River, now in progress below Greensport, in Saint Clair County, Alabama, will cause it to take an important position as a very potent factor in the industrial development of Northern Georgia and North Alabama.

The seams of coal in this field are from 3 feet to 5 feet in thickness, and the product is justly regarded as excellent for steam purposes.

Of all the coals in the State that of the Coosa is highest in carbon and lowest in combined volatile matter, and, should it prove successful as a furnace fuel, this part of the State will become a very important iron-producing center, iron ores of rare quality being found in abundance side by side with the best limestone.

There is one remarkable fact connected with the Alabama coal fields which, in relation to their geographical location, gives them enormous advantages over that of any other bodies of coal in America.

England is enabled to supply the world with cheap coal, owing to the fact of the location of her principal mines near tide water.

The Alabama coal fields are the only great body of coal on the Atlantic coast of America so situated as to enable the miner to load his coal-barge on the river banks of the Warrior, Cahawba, and Coosa Rivers, and float them to the tide, the physical obstacles to their progress being of course first removed.

It may be said that the same may be accomplished by the way of Pittsburgh and the Ohio and Mississippi Rivers; but while this is a physical fact, the great distance of Pittsburgh from the Gulf of Mexico, the vicissitudes of climate—frost in the winter and heat in the summer—with low water, make this practically nugatory, as Pittsburgh has never yet been able to export coal out of New Orleans.

The opening of the Warrior, Coosa, and Cahawba Rivers would increase the coal export trade of the United States 3,000,000 tons, and leave all parts of the Gulf independent of Great Britain.

OUR IRON INDUSTRIES.

"Unless all evidence and calculation are at fault, the iron and coal regions of Alabama, within range of cheap production, are practically inexhaustible," says a distinguished writer of this State. The marvelous growth of the iron industry in Alabama is almost equal to that of coal. At first her valuable ores were reduced by charcoal, making iron of quality equal to the best product of Sweden.

After the discovery of coking coal in the vicinity of Birmingham, a remarkable impetus was given this industry, which has made such great progress that it is estimated that the manufactured products of iron in Birmingham alone amount to $20,000 per diem. The cheapness with which iron may be made in Alabama is owing to the fact that the coal, ore, and fluxing material are found in many places within sight of the furnace-stack. The ores are rich in iron, easily mined, and found in the most luxuriant abundance. The Red Mountain, from which Birmingham draws the great supply of her ores, takes its name from its magnificent veins of red fossiliferous ores, and is literally a mountain of iron, extending from Bibb County, Alabama, to the Georgia line, a distance of over 125 miles. On the Louisville and Nashville and Alabama Great Southern Railroads, and the Mineral Railroad of Birmingham, the brown hematite, or limonite, ores exist in great abundance. It is from these great mineral deposits that Birmingham draws her wealth, and her right to the appellation of "The Magic City."

On the East Tennessee, Virginia and Georgia Railroad the iron industry is in a healthful and progressive condition, and on this great line of railroad have sprung up towns and villages from its establishment. The city of Anniston is a notable example of this, increasing in five years from a small village to a large and prosperous town. On this line of railway there are in Alabama ten furnaces renowned for the character of their product, making daily an average of 400 tons of pig-iron of a very excellent quality, and used in the manufacture of car-wheels, bar-iron, and other branches of iron manufacture where "pig" of the best character is desired; and Shelby, Anniston, Briarfield, and Tecumseh high-grade irons are known all over the country.

It is a fact worth noting that during the recent prostration in the iron trade, with its steady and constantly increasing depression since 1880, but one furnace in Alabama suspended operations, and much of our iron found its way into the great markets of the East, being sold there, after having been hauled 800 miles, $1 a ton lower than Pennsylvania iron.

The matter of cheap transportation affects our iron products equally with our coal; and when this problem is solved, Alabama will lead the markets of the world in the cheapness and excellence of both these commodities.

Now, I desire to call the attention of the Senate and of the country to the address of the board of management of the North, Central, and South American Exposition at New Orleans December 9, 1885, on the subject of our foreign trade with the countries I have named:

NEW ORLEANS, *December* 9, 1885.

To the press and public of the Gulf States:

By the board of management of the North, Central, and South American Exposition.

The Gulf of Mexico is the great central sea across which must flow and reflow a large portion of the commercial interchanges which will result from the consummation of this new policy.

The magnitude and importance of the subject can best be appreciated by a glance at a few facts and figures.

TRIBUTARY COUNTRIES.

It is nearly surrounded by the two leading American Republics—Mexico and the United States.

The remainder of the Gulf is bounded by the forty principal West India Isl-

ands, thirty-six of which are owned by European powers, and none by Mexico and the United States.

In a broader sense nearly all of the commercial world is tributary, for this sea is midway between North and South America—the Occident and Orient—and is on an air line from Liverpool to Australia.

TRIBUTARY RIVERS.

The Mississippi and its forty-two principal tributaries, which first border or intersect twenty-one States and Territories, and are navigable to an extent of 15,710 miles, converge, unite, and flow into the Gulf.

In addition to this, there are at least two thousand more miles of tributary navigable rivers in Texas, Louisiana, Alabama, and Mississippi.

TRIBUTARY RAILWAY.

The great trunk lines tributary to the Gulf at New Orleans, Galveston, Mobile, Pensacola, Vera Cruz, and other points, such as the Illinois Central, Southern Pacific, Texas and Pacific, Louisville and Nashville, New Orleans and Northeastern, Louisville, New Orleans and Texas, Houston and Texas Central, Gulf, Colorado and Santa Fé, Mobile and Ohio, Mexican, and other roads, have a total mileage nearly equal to that of the tributary rivers, and intersect a nearly equal area of tributary States and Territories.

TRIBUTARY GRAIN FIELDS.

The grain products of the twenty-one States and Territories intersected by the Mississippi River system contrasted with those of the whole United States were, during the last census year, 1882, as follows: Eighty-nine per cent. of the corn, 76 per cent. of the oats, and 74 per cent of the wheat.

TRIBUTARY COTTON BELT.

The cotton crop of the United States during the present year is estimated at 6,650,265 bales, of which 4,657,918, or 70 per cent., was grown in the following States, either resting directly upon the Gulf, or to a greater or less extent tributary to it:

	Bales.
Texas	1,493,519
Mississippi	954,931
Alabama	853,120
Arkansas	529,872
Louisiana	511,350
Tennessee	260,576
Florida	53,550

To this should be added the tributary cotton-fields of the Gulf States of Mexico, which, although comparatively undeveloped, are capable of producing enormous crops.

TRIBUTARY PINE BELT.

The total amount of merchantable standing pine in the six Gulf States was during the last census year, 1880, as follows:

	Feet, B. M.
Florida	6,615,000,000
Georgia	16,778,000,000
Alabama	21,192,000,000
Mississippi	23,975,000,000
Louisiana	48,213,000,000
Texas	67,508,500,000
Grand total	184,281,500,000

Contrasting the pine supply of these States with that of Michigan, Wisconsin, and Minnesota the result is as follows: Merchantable standing pine of Michigan, but 35,000,000,000 feet, or but a trifle more than half that of Texas; merchantable standing pine of Minnesota, but 6,100,000,000 feet, or less than one-seventh that of Louisiana; merchantable standing pine of Wisconsin, but 41,000,000,000 feet, or less than that of Louisiana, and less than two-thirds that of Texas.

To this should be added the mahogany and other hard-wood tributary forests at and near the Isthmus of Tehuantepec. Also, the india-rubber trees, which grow there in great abundance.

TRIBUTARY COAL FIELDS.

Of the estimated coal areas of the United States, amounting to 195,000 square miles, 157,000 square miles, or 80 per cent., are in the States intersected by the navigable rivers which flow into the Gulf.

To this percentage might be added a portion of the coal areas of Western Pennsylvania and West Virginia, for their products are transported in immense quantities on barges down the Ohio and Mississippi Rivers.

TRIBUTARY IRON DEPOSITS.

The immense iron deposits of Alabama, Tennessee, Kentucky, Missouri, Ohio, and even of Western Pennsylvania, are, to a greater or less extent, tributary to the Gulf, for they are connected by navigable water ways, and form a convenient base for the manufacture of railway iron, mining machinery, farming implements, &c., which Spanish America so greatly needs.

TRIBUTARY SUGAR BELT.

During the last census year, 98 per cent. of the sugar crop of the United States was produced in a single Gulf State—Louisiana.

To this should be added the sugar plantations of Cuba, from which were exported to the United States alone, during the fiscal year ending June 30, 1884, sugar to the enormous amount of over 1,000,000,000 pounds.

Also the rich sugar lands of the other West Indies and of the Gulf States of Mexico.

TRIBUTARY INTEROCEAN ROUTES.

When the Gulf of Mexico is connected with the Pacific by a transit line across the Isthmus of Tehuantepec, the commerce of the world will be tributary. The opening of this route will shorten the voyage (now around Cape Horn) as follows:

	Statute miles.
Between New York and San Francisco	10,768
Between New York and Hong-Kong	8,767
Between New Orleans and San Francisco	12,442
Between New Orleans and Hong-Kong	10,503

The construction of the projected Florida Ship Canal will shorten the distance between New Orleans and New York 571 statute miles each way, or 1,142 miles on the round trip.

TRIBUTARY MANUFACTURES.

The manufacturing industries of the States tributary to the Gulf are comparatively undeveloped, but the rapid strides made during the past few years at Birmingham, Ala., and at other points in the South indicate very clearly that a tidal wave of Northern capital and industrial skill is flowing in this direction.

The unsupplied markets of the non-manufacturing countries of Spanish and Portuguese America are at our very doors, and the South, should hereafter endeavor to supply that demand. Cotton and iron manufactures are the principal commodities needed in those markets, both of which the South can produce to unlimited extent.

TRIBUTARY STEAMSHIP LINES.

While the Gulf has numerous tributary steamship lines engaged in its foreign and coastwise trade, such as the Morgan, Cromwell, West India and Pacific, New Orleans and Central American, North German Loyd, New Orleans and Belize, New Orleans, Honduras and Guatemala, Mexican Transatlantic, and other lines, they are but the forerunners of many others which will soon be needed on the connection of the Gulf with the Pacific at the Isthmus of Tehuantepec, and as a result of the new commercial tidal wave toward Spanish and Portuguese America.

TRIBUTARY COMMERCE.

In estimating the commerce which in the near future will be tributary to the American Mediterranean we should not be governed by precedent, for the new conditions which will arise from the opening of the Isthmus of Tehuantepec, the practical prolongation of the Mississippi River to the Pacific Ocean, the union of the Atlantic and Pacific, and the commercial union of the three Americas, will so revolutionize the commerce of the world that the prestige of the American will soon rival if not eclipse that of the European Mediterranean.

Very respectfully,

ALEX. D. ANDERSON, *Commissioner.*

Approved:

S. B. McCONNICO, *President.*

Important facts and statistics highly instructive on this same subject were also published by the board of management of the North, Central, and South American Expositions, which I will not detain the Senate by reading but have them incorporated in my remarks:

The board of management of the North, Central, and South American Exposition list showing December 8, 1885, the leading object of the exposition, which is new markets for surplus manufactures.

How transcendently important it is can best be appreciated by reference to a few facts and figures:

The foreign commerce of the United States during the first century of its existence was mainly with Europe. As the result of a hundred years of trade, the direction of our present annual exports is as follows:

Exports to Europe and adjacent countries on the east, 81 per cent.

Exports to American countries on the south, 10 per cent.

Exports to British America on the north, 5 per cent.

Exports to Pacific countries on the west, 4 per cent.

This one-sided nature of our commerce may be seen by a glance at the accompanying diagram, illustrating the general course of steamship lines.

Our exports are also unsymmetrical in quality, 74 per cent. being the products of agriculture, and only 15 per cent. the products of manufacture.

Of our total annual manufactures, which during the census year 1880 were $5,369,579,191 in value, but 2 per cent. find foreign markets. This is, indeed, an astonishing state of affairs—a defect in our commercial relations with the outside world which must be cured—a weak spot which must be built up and strengthened.

But we need not look to Europe for adequate outlets for manufactures, for it is well supplied and has a surplus of its own for export. We must rather look to the open, unsupplied, and inviting markets of Spanish and Portuguese America, and the countries surrounding the Pacific Ocean.

THE TWENTY CONTINENTAL COUNTRIES OF SPANISH AND PORTUGUESE AMERICA.

On the continent south of the United States are fifteen Spanish-American Republics, the Portuguese-American Empire of Brazil, and four European colonies.

They have a total population of 40,000,000 consumers and an area of about 8,000,000 square miles, or more than double that of the United States.

In climate, resources, products, supply, and demand they are the reverse and complement of the United States. Commercial exchanges with such countries are, therefore, in accordance with sound laws of trade and political economy.

They are exceedingly deficient in manufactures.

They need our railway iron and supplies, farming implements, cotton and woolen goods, boots and shoes, sewing-machines, telegraph and telephone supplies, clocks, and watches, notions, and a thousand and one products of our invention and skill.

We need their coffee and sugar, tropical fruits, hard wood, fiber plants, and other raw materials.

In brief, these countries represent twenty American Indias, whose unsupplied and inviting trade fields we will find most profitable to occupy with our surplus energy, skill, products, and manufactures. At present, however, our share of that trade is disgracefully small. Their total annual foreign commerce, exports and imports of merchandise combined, is in value about as follows:

The Republic of Mexico	$55,000,000
The five Central American republics	24,428,000
The nine South American republics	348,646,000
The four European colonies	31,950,000
The Empire of Brazil	215,061,00
Total	675,085,000

Of this total trade the United States controls but $126,822,000, or less than one-fifth part, the lion's share being monopolized by Great Britain, France, and other European powers.

Of the total annual imports of these twenty countries, which amount to $303,812,000 in value, we supply but one-seventh part.

THE FORTY PRINCIPAL WEST INDIA ISLANDS.

Facing the southern coast of the United States are the various West India Islands, of which the forty principal ones are owned as follows:

Cuba, Porto Rico, and one other by Spain.

Jamaica, Barbadoes, the Bahamas, and fifteen others, by Great Britain.

Martinique, and four others, by France.

St. Thomas, and two others, by Denmark.

St. Martin, and five others, by the Netherlands.

Tortuga, and two others, by Venezuela.

St. Bartholomew, by Sweden.

Hayti and San Domingo, independent.

These islands have a total area of about 100,000 square miles and a population of about 4,000,000 souls.

Their total annual imports are about $116,000,000 in value, of which but $31,000,000, or less than one-third part, is supplied by the United States.

TEN NEGLECTED PACIFIC MARKETS.

A few weeks before his assassination, in an address to the graduating class at the Naval Academy at Annapolis, President Garfield said:

"The Pacific is yet to be opened, and you, gentlemen, will be the ones to scout it for us. Before long you will sail through the isthmus to open up the Pacific."

The significance of this remark may be appreciated by a glance at the trade statistics of the various foreign countries surrounding the Pacific, and facing the west coast of the United States.

Their annual imports of merchandise, as reported by the State Department, are about as follows in value:

Japan	$29,296,000
China	112,632,000
Hong-Kong	115,834,000
Philippine Islands	18,032,000
Dutch India	55,485,000
Siam	6,500,000
Straits Settlements	73,174,000
Australia, New Zealand, and Tasmania	118,600,000
Total	529,553,000

Of this total demand we supply but $20,497,000 in value, or less than 4 per cent.

This serious defect in our commercial relations with the outside world can be cured by the construction of interocean transit lines across the American isthmus, three being already projected, as may be seen by a glance at the accompanying diagram.

At present, steamships in sailing from New York or New Orleans to the Pacific markets, have to go around distant Cape Horn. The distance between New York and Hong-Kong by way of Cape Horn is 20,359 miles. When the Isthmus of Tehuantepec is open this distance will be reduced to 11,591 miles, making a saving of 8,768 miles each way, or 17,536 on the round trip.

The opening of this isthmian route will also practically extend the Mississippi River, with its 16,000 miles of inland navigation, to the Pacific Ocean; in other words, it will bring the neglected Pacific markets into direct communication with the Mississippi Valley.

When this is accomplished we may expect our due share of the foreign trade of those countries.

This, Mr. President, is all I have to say as stating why I support this appropriation. I suppose it will have very little weight in the great scale that we are now pressing upon the subject of opening up our foreign trade, but whatever it is I am willing that my vote shall contribute it.

The main reason why I support this appropriation I have already stated, because it is nothing but just compensation for public service rendered by American ships, and I am not willing to discriminate between the carriers of our mails on the ocean, on the land, and on our rivers. I am willing to try this experiment and to increase it if I see valuable results in the line of the development of our foreign trade; and whether it does or not I shall always be prepared to vote an amount something like a proper measure of compensation for this mail service.

NEW LIGHT-HOUSES.

Mr. McMILLAN. I desire to submit a conference report.

The PRESIDING OFFICER. There is pending a conference report now, on which the Senator from Kansas [Mr. PLUMB] has submitted a motion.

Mr. McMILLAN. That will lead to discussion, and I ask that it be laid aside informally for the purpose of disposing of this.

The PRESIDING OFFICER. Unanimous consent is asked to lay aside the pending matter informally in order to consider a conference report submitted by the Senator from Minnesota [Mr. McMILLAN]. Is there objection? The Chair hears none.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 17, after the word "Hill," insert the word "provided;" in line 18 strike out the word "which" and insert the words "the structure;" and the Senate agree to the same.

S. J. R. McMILLAN,
J. N. DOLPH,
A. P. GORMAN,
Managers on the part of the Senate.
MARTIN L. CLARDY,
A. B. IRION,
ROBERT T. DAVIS,
Managers on the part of the House.

The report was concurred in.

PUBLIC BUILDING AT WILLIAMSPORT, PA.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: "including the cost of any additional ground for site, which the Secretary of the Treasury is hereby authorized to purchase, if in his judgment necessary;" and the Senate agree to the same.

WILLIAM MAHONE,
J. D. CAMERON,
J. N. CAMDEN,
Managers on the part of the Senate.
SAMUEL DIBBLE,
THOMAS D. JOHNSTON,
W. W. BROWN,
Managers on the part of the House.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

The Senate resumed the consideration of the motion of Mr. PLUMB, that the Senate further insist upon its amendments to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and ask for a further conference with the House of Representatives thereon.

Mr. PLUMB. Several Senators notified me that they intended to speak on this proposition. I do not wish myself to take the responsibility of detaining the Senate now if they are not disposed to speak. I believe I shall ask that the vote be taken.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that the Senate further insist on its amendments and ask for a further conference with the House of Representatives on the disagreeing vote of the two Houses.

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Mr. President, I would not say a word but for the fact that I am one of the Senate conferees on this question. I am not going to be tempted into a debate on free ships and tariffs or the effect of subsidies on commerce, but will content myself with a plain statement of the pending question. When the Post-Office bill was before the Senate and the subsidy to a few American steamship companies was under discussion I made my objections to it known, and not only mine but those of the Department for whose benefit it professed to be urged. I was defeated, and do not propose to ask the Senate to reverse its action; that is not the question before us for consideration now. The House sent us a clean appropriation bill making provisions for the postal service in all its branches for the fiscal year ending June 30, 1887, limited strictly to the estimates of the Post-Office Department. The Committee on Appropriations of the Senate, after full consultation with the Postmaster-General and his assistants, substantially indorsed the action of the House, and the bill would have been a law more than a month ago but for the steamship-subsidy amendment which originated in the Senate as an amendment to the bill, and was passed I may say against the protest of the Postmaster-General, not in the interest of the postal service, but for the purpose, as its friends avowed, of aiding American ship-building and American commerce.

Differing as I do with the friends of the measure as to its wisdom and beneficial effects, I do not propose now to seek to convince them that I was right or that they were wrong. After the President of the Senate decided the proposed amendment to be in order, it was entirely competent for a majority of the Senate to pass it and ask the House to agree with them. If the bill to increase the Army or Navy, the educational bill, the general pension bill, the oleomargarine, or any other bill had been decided to be in order as an amendment to this Post-Office appropriation bill, any or all of them might have been passed by the Senate in that form and sent to the House for its concurrence, and if the House had agreed with the Senate the bill with any or all of these measures incorporated in it would have gone to the President for his approval. But the House in the exercise of its undoubted right has disagreed in the most pronounced and emphatic manner with the Senate in regard to the subsidy this body saw fit to attach to the Post-Office appropriations for 1887.

They appointed conferees, who have met us twice in conference and have assured us in the most positive and unequivocal terms that the House will not agree to the proposition we have made. Indeed, we knew that from the record without any assurance. It must be conceded that if the Senate had passed the steamship subsidy as an independent measure and it had been rejected by the House in the way this amendment has been, no Senator would for a moment contend that there would be either any just ground for complaint or any reasonable hope of inducing the House to reverse its action, and I hardly think any one will assume in the face of the protests of the President and the Postmaster-General against the need of such legislation so far as the mail service is concerned that the failure to pass the subsidy inserted by the Senate will embarrass the postal service for the next fiscal year, however much it may impair the prospective fortunes of a few favored corporations or individuals who happen to own American-built ships, while it will save the tax-payers $800,000. The Senate may therefore as well look at the proposition as it is; it is a simple one: Will we refuse to pass a fair, clean, just bill, which meets the approval of both Houses, and provides for the postal service for the next fiscal year, to the entire satisfaction of all our officials because the House disagreed with the Senate in regard to a subsidy which has nothing to do with the original bill which both Houses approve or with the service we are providing for?

I hardly think a majority of the Senate is prepared to stop the mail service of the country for a year because the House, in the exercise of its undoubted right, disagrees with them on a proposition of that sort. I admit that in times of high party excitement, when passion rather than reason controlled the action of men, attempts have been made by one House to coerce the other. Things have been done by both parties that neither are proud of. No such condition of things exists now, and there is nothing in our past experience with subsidized steamship lines, either in the methods pursued or in the results produced by them to induce Senators to resort to violent coercive measures against the House

of Representatives because it refuses to tax the people in order to enrich them. I could turn to many debates on this floor in which Senators on both sides asserted, in the most emphatic manner, that while one House had the right to submit any proposition to the other as an amendment to any pending bill which was in order under its rules, it was the duty of the House proposing it to recede from it as soon as it was convinced that the other House was opposed to it. That neither House had any more right to attempt to coerce the other into an agreement when the proposition was submitted as an amendment to a pending bill than it would have if it had been sent to it as an independent measure. The excuse for presenting propositions as amendments when the rules permit being to secure consideration by that method, when, if presented as an independent measure, it probably would not or could not be considered at all. This subsidy submitted by the Senate to the House has been elaborately argued there and rejected, as we all know, in such a way as to leave no doubt that the assurances given by their conferees that the rejection is final may as well be accepted at once.

All I desire to say further is to call attention, among other things, to a statemant made on this floor when the Senator from Maine [Mr. HALE] was urging the building of new ships on a naval appropriation bill and the then Senator from Delaware, now the Secretary of State, and others were opposing it. The Senator from Maine said on the 10th day of April, 1884, and I believe it is the true solution:

> Then, setting aside the question of order, is this not a reasonable thing for us to do in the relations of the two Houses? I want to remove, if I can, the feeling the Senator has that the Senate is now doing anything that may look like coercing the House. I agree fully with him that that can not be done by either House, but I do think, and I hope he will support me in this, that it is legitimate and fair and not encroaching upon the other House to put on this appropriation bill this amendment, which our rule allows us to do, simply to bring the matter before the other House.

The then Senator from Delaware, Mr. Bayard, expressed his entire assent to that proposition and so did a number of others, and again after a good deal of debate no one stated it more strongly than the Senator from Maine when he repeated as an assurance to the Senator from Delaware that there was no intention to press the House further than to obtain a hearing, and if a refusal to agree with the Senate followed a withdrawal of the proposition. Mr. HALE said:

> Yes, I certainly do. I agree fully with the Senator from Delaware that there should be the utmost courtesy and regard for courtesies between the two Houses. Nothing should be done by either House knowingly that is in any way a monition, to say nothing of a menace, to the other; but either body under the rules has the right to put on measures in order to call the attention of the other House to them and in order that the two Houses may if possible get together and settle them in a conference or by vote; nothing more.

That is all I care to say. No Senator here will for a moment believe after what has taken place in the House and in conference that there is any chance for the House to agree with us. The Senate is driven, therefore, to the alternative of either refusing to make appropriations for the Post-Office Department for the fiscal year ending June 30, 1887, because the House will not agree to the subsidy, or it has got to endeavor to coerce the House into it after it has expressed itself in the most unequivocal terms that it will always reject it.

The Senate passed it. The Senator from Alabama or any other gentleman is wasting his time in arguing what we ought to have done. I opposed it. I was beaten, and so were those who agreed with me, but neither he nor any majority of the Senate has any power to make the House of Representatives agree with us; and they have, as the RECORD shows, by a majority larger than the vote cast for the subsidy—much larger—declared that they will not agree to that, and we have no power to coerce them; and if the Senate seeks to stop the postal service of the Government and the mails of the country because it can not get the House of Representatives to agree to a subsidy, that is the alternative that many more votes of insisting will lead to.

Mr. PLUMB. Before the Senator from Kentucky takes his seat I wish to ask him if he is not making the statement too broad as to action of the Senate in proposing to amend House bills? Do we not every session amend House bills in the way of increasing appropriations, changing them, and so on, even in matters on which the House has already disagreed, with a view of calling their attention again to matters of this kind which the Senate deems important, with a view to giving them an opportunity to rectify what we believe to be mistakes?

Mr. BECK. We do, and do it properly, and we ought to do it. We nave done that in this case. We have had two conferences, and we have seen their action and know what it is. I simply mean to say that I regard it hopeless to press the matter any further on them. The Senator knows that as a conferee, though differing with him, I have stood by him and expect to stand by him in the conference hereafter to maintain the action of the Senate; but I think we may as well look the facts in the face.

Mr. PLUMB. I thought the Senator was stating the proposition rather broadly that when the House dissented from anything the Senate ought not to still further insist.

Mr. BECK. Oh, no. I beg pardon. I said that when we had pressed a matter to a point where we had positive assurance that they were opposed to us and on a call of the yeas and nays on a measure like this there was 98 majority for the dissent of the House and only 80 votes cast against it, that when their position was so pronounced and when their conferees advised us that there was no chance to agree, then we must determine the other question: shall the bill pass without the amendment, or will we refuse to pass the bill altogether unless they agree to the amendment? I think we are about driven to that.

Mr. HALE. Mr. President, I agree in the proposition of the Senator from Kentucky that where there is a deadlock between the two Houses somebody in the end must give way, and the body that proposes a definite, marked, significant amendment to an appropriation bill or any other bill has upon it the burden of showing its essential strength in order to convince the other House; and it may be that upon this wise proposition which the Senate Committee on Appropriations reported and the Senate voted upon the bill, the other branch of Congress may adhere to its position and the Senate in the end have to give it up for the time being; but it will only be for the time being. This policy of the United States Government interposing, as every other civilized government in the world that has commerce and foreign trade has done, to encourage and stimulate and increase that foreign trade and commerce will prevail. The House of Representatives may throw itself across the pathway of this movement and may be able to divert it, but it will not end with this session of Congress or with this Congress. The people of the United States have become not only an overproducing people, furnishing millions upon millions of the products of the farm and the shop and the mine and the manufactory, which surplus products are desired and needed by our neighbors especially upon the American continent, but the American people have become more than an overproducing people, and the industries of the United States, fostered as they have been, protected as they have been, are to-day able to compete in producing cheap products with foreign nations, so that if a fair opportunity and a fair field is opened for gaining the commerce of these neighbors of ours in the Central and South American states we shall obtain that commerce, and having once got it shall be able to keep it.

Of all the great products of labor in the United States into which the uses of machinery largely enter the United States can furnish untold millions to these people as cheaply as Great Britain or France or Germany. Many of the products from iron and steel, cotton goods of the cheaper kind, manufactures from leather, agricultural implements of all kinds, that the people in Brazil and Chili and Peru and Venezuela and the Colombian States and the Argentine Confederation are stretching out their hands and demanding, we can send to them at prices as cheap as our European competitors; and but one thing is wanted, and that is transportation, regular, continuous, and as swift as possible. The history of every nation that has extended its commerce is the history of enterprise in the very direction that the Senate is now pursuing.

I am not troubled by the point of order or by the consideration in the nature of a point of order that the Senator from Kentucky has advanced, that this ought not to be put upon a Post-Office appropriation bill, that that is a clean service for the postal convenience of the American people, that it ought to be left there, and that this subject ought not to be introduced here. Why, sir, it has been done by other countries always; the increasing of their communication with other nations has been by aid given to commercial lines as a feature of their postal service. And, Mr. President, the whole Post-Office bill that is reported year by year and passed by Congress and approved by the President of the United States is, to use a word which Senators and others object to, a system of subsidies from beginning to end.

For years Congress aids and assists in appropriations which are actual subsidies for routes in different parts of the country which would never exist but for the appropriations given by Congress. Hundreds and thousands of miles under the star-route feature of the appropriation bills are made by the Government and kept up by its appropriations, where the needs of the communities through which those lines run are in no way commensurate with the expense in which the Government involves itself in maintaining them, because the theory of the whole star-route service is that communication shall be increased for the convenience of the population of the United States, and the question as to the weight of the mails or the extent of the wants of the people does not in any degree measure the appropriations that we make. We are aiding them and subsidizing them constantly. But the moment that any question arises with reference to encouraging our commerce with foreign peoples, to open a market for our overproductions, to enrich the American manufacturer, and the American farmer, and the American laborer, and the whole country as a country, that moment the Senator from Kentucky and those of his school of thinking set themselves squarely in the way to thwart, to oppose, and to defeat.

As I said, the whole postal appropriation bill goes on the theory not simply of carrying the mails for the price that the letters carried shall be paid for, but as subsidies to routes. The Postmaster-General in an official letter dated June 16, in response to a Congressional resolution of inquiry respecting the mail service on inland waters, discourses thus, and I should like the Senator from Kentucky, who is so sensitive upon subsidies, to listen to what the Postmaster-General says about this internal system of ours and our appropriations for it——

> These routes—

He says—

of inland water service are each governed by peculiar circumstances, and it is impossible that there can be any uniformity of rule or compensation regarding them. The carriers who render the service would, in many instances, not be found on the route at all but for the Government contract, and would in few instances be found making the regular trips which the Government requires. Wherever there is either passenger or freight traffic sufficient to keep a carrier in existence, independent of the mails, the latter will be found to be generally transported at a moderate price, notwithstanding the exaction by the Government of regular trips at stated hours subject to deduction or fine for any omission or failure. Higher prices are necessary on those routes where the carrier would not exist, or if to be found at all, would make only irregular trips but for his employment in the postal service.

That is, Congress provides money in the appropriation bill, and where there is less postal communication, less mail carried, there the Government pays its largest prices. If that is not a form of subsidy, to which nobody objects, I am unable to penetrate the meaning and the action and operation of our postal system as exemplified and illustrated by this letter of the Postmaster-General. I have been making some examination into the extent to which this trade with South America and the Central American states may be carried, as shown by the commerce which is now opened and being carried on between us and these countries. There is a line running now from New York to Brazilian ports. It has three ships. It takes in its regular trips the products of the American States to Brazil and finds a ready market. It is a profitable venture for the producers of these goods who send their products by this line, and it is interesting to see how broad and extensive already has sprung up this commerce. I have here the manifest of one of the ships of this line, and it furnishes a most interesting document.

Mr. FRYE. The manifest of one voyage?

Mr. HALE. Yes; this is the report and manifest of a cargo laden at the port of New York on board the American steamship Advance, whereof James R. Beard is master, bound for St. Thomas, Barbadoes, Pará, Pernambuco, Bahia, and Rio de Janeiro, Brazil. That single ship carried the products of twenty-six different States. Her cargo amounted to $155,200, and it represented the labor of the farm and the shop and the mine and the factory of twenty-six different States. This extension of commerce is not a thing that is to benefit monopolies, it is not a thing that is to build up already great accumulated fortunes, but it is to furnish the outlet and the market for the labor of the people of the United States.

It is interesting to look over this list from the different States showing what they sent. Here is California sending an invoice of canned pears; Connecticut sends clocks, axes, revolvers, rifles, cartridges, locks, and plated ware; Delaware sends canned fruit. Dakota, far away as she is, not yet admitted to the Union, had its venture in that ship that sailed from New York for Brazil in tin, the product of her mines. Georgia, a Southern State, which my friend before me [Mr. BROWN] so faithfully represents, who realizes the dawning greatness of that great Commonwealth and its interest in this question and in kindred questions—Georgia sends on this single ship blue drills, gray drills, Augusta plaids, colored cotton drills, fancy drills, sheeting, shirtings, tickings. Iowa, far away in the Northwest it would not be suspected that it would be immediately touched and affected by this commerce, but yet to-day stands ready if it is increased and opened to pour the resources of her great fields and products into this stream that shall flow down to our Southern brethren and neighbors—Iowa sends galvanized barbed wire and plows. Illinois sends butter, hams, corned beef, bacon, iron castings, hardware, scales; and Indiana flour from her mills; Kansas corn-meal; Louisiana cotton-seed oil and cotton gins; Maine codfish and lobsters. If they do not destroy these, if we can properly protect them, there is no end to the market for these our products.

Minnesota sends from her mills, which furnish a product that is the wonder of the world, to the South American states, flour. Michigan sends flour, furniture, ores, sugar-mills. Maryland, right on the coast where the line touches, sends lard, cotton-gin, oysters. Massachusetts, from her innumerable shops of her particular labor, sends bleached sheetings, colored cottons, bleached duck, tea, printing-presses, type. New York sends drugs, medicines, maizena, sewing-machines, soap, water-meters, leather belting, cotton clothing, lubricating oil, lard oil, hardware, flour, freezers, and straw paper. New Jersey sends butter, sewing-machines, flour, granite ware, rubber goods, spool silk. New Hampshire sends prints, shirtings, sheetings, colored cottons.

North Carolina—and I remember that one of the Senators from North Carolina asked me when this debate was up before in the Senate whether that State showed in this list and was interested in this question and in this commerce, and on the single ship that I struck into at random I find that North Carolina sends resin and turpentine. Ohio sends household utensils and maizena. Oregon, far off Oregon, sent down an artesian well and driver with all its parts ready for use; Pennsylvania, petroleum, agricultural implements, axes, stoves, glassware, pumps, locomotive car-wheels and brakes, hollow ware, and charcoal iron; Rhode Island, edge-tools, jewelry; Vermont, prize sheep for breeding. Almost everything is found in this one ship. Virginia, waking up, starting anew, entering in upon the field of enterprise and production, sends flour, corn-meal, rye flour. Wisconsin sends flour. I present this manifest to go in the RECORD in the form in which it is prepared.

Segregation of total values of each separate State's manufacture or products, extracted from certified copy of United States custom-house manifest of American steamship Advance, sailed from New York June 5, and from Neport News, Va., on June 8, 1886, for Brazil and West Indies.

State.	Value.	Articles.
California	$72	Canned pears.
Connecticut	5,605	Clocks, axes, revolvers, rifles, cartridges, locks, plated ware.
Delaware	7	Canned peaches.
Dakota	35	Tin.
Georgia	10,839	Blue drills, gray drills, colored cotton drills, fancy drills, sheetings, shirtings, ticking, brown jeans, Augusta plaids.
Iowa	681	Galvanized barbed wire, plows.
Illinois	11,288	Butter, hams, corned beef, bacon, iron castings, hardware, scales.
Indiana	7,175	Flour.
Kansas	172	Corn-meal.
Louisiana	808	Cotton-seed oil, cotton-gins.
Maine	382	Codfish, lobsters.
Minnesota	1,708	Flour.
Michigan	2,127	Flour, furniture, ores, sugar-mill.
Maryland	11,651	Lard, cotton-gin, oysters.
Massachusetts	13,114	Bleached shirtings, colored cottons, bleached duck, tea, printing press, type.
New York	32,446	Cotton clothing, lubricating oil, lard oil, hardware, flour, freezers, straw paper, drugs, medicines, maizena, sewing-machines, soap, water-meters, leather belting.
New Jersey	4,673	Butter, sewing-machines, flour, granite ware, rubber goods, spool silk.
New Hampshire	2,419	Prints, shirtings, sheetings, colored cottons.
North Carolina	712	Rosin, turpentine.
Ohio	3,493	Household utensils, maizena.
Oregon	1,254	Artesian-well driver and parts.
Pennsylvania	15,122	Locomotive car-wheels and brakes, hollow ware, charcoal iron, petroleum, agricultural implements, axes, stoves, glassware, pumps.
Rhode Island	1,712	Edge-tools, mock jewelry.
Vermont	12,600	Prize sheep for breeding.
Virginia	14,857	Flour, corn-meal, rye flour.
Wisconsin	248	Flour.
Twenty-six States	155,200	

Sworn values at United States customs on export entries.

J. M. LACHLAN,
Manager U. S. and B. M. S. S. Co.

Now, there is what a single ship is doing, representing the products of twenty-six States, and the demand is constantly increasing down there for our products.

The Senator from Kentucky will say—perhaps some other Senator will say—if there is this demand, this need for our products, and if this trade has already sprung up without governmental aid, why pay out money from the Treasury in this direction? This is the answer to that: The ship whose manifest I have given, this line of ships running from New York to the Brazilian ports and touching at other ports, is to-day in competition with foreign ships and foreign lines that can afford to transport goods from France, Germany, and Great Britain for a mere nothing in order to drive our lines out of the business, because their governments so generously subsidize them. The Advance, whose manifest I have here, and the other ships of this line, have to carry at such a rate that it is barely living, and other ships and other American lines have not the encouragement to go into the enterprise because of the competition of greatly subsidized lines of other countries.

Mr. President, it is a fact that so cheaply can they afford to carry freight from European countries to the South American ports that to-day flour, bacon, hams, butter, and cheese are sent from here to England and Holland and there transshipped to the South American countries. Why is this? Because the English Government sees with an unerring eye that the money which they pay in generous subsidies is a matter of the smallest account compared with the great commerce that is opened by these cheaply transporting lines to their people, and that every dollar they invest in sustaining and encouraging a well-conducted line of steamships from their ports to South American ports brings back to their people in the increase of commerce and in the marketing of their productions $10 for every one that they invest, and the American Government is the only government representing a great and enterprising people that has failed to realize this.

We started once years ago, in days of Democratic ascendency, when this very scheme was inaugurated, under the lead of a most intelligent Southern statesman, and began to aid American lines in the direction that Europe was then aiding her lines, in order to maintain and increase our commerce. The moment that that was done, and the American Congress embarked upon the experiment of subsidy to the extent of $1,600,000 in one year, Great Britain put her lines up $6,000,000. Great Britain put hers up four times as much as ours, in order to drive out our lines and our ships from the ocean. Then a timidity seized upon Congress, and the experiment was abandoned, and all this rich mine of trade and commerce, that has been growing incalculably

in the Central and South American states, was turned over to Great Britain. Then her neighbors, witnessing her success, France, and more lately Germany, entered upon the same field, under the same terms and through the same policy. Germany has built up with some of these countries, by encouraging and sustaining lines of transportation, a commerce equal to that of Great Britain.

So in the mean time we, busied with other things, subsidizing without stint at home, developing internal commerce, paying postal routes inordinately not for carrying the mails but for the convenience of our own people, paid no attention to this great field until at last, awakened up as by a fire-bell in the night, the American Congress begins to realize that the condition of the country is such that we must find a market for our increasing overproduction of American labor.

Mr. PLATT. One end of Congress.

Mr. HALE. Yes, as the Senator says, one end of Congress; but it will not stop there. This is not a question that is going to be put down either by an administration that is hostile to it or by one branch of Congress that opposes it. If the measure is defeated here, it will rise again.

While I am about it I will put in connection with the other schedule the schedule of the American steamer Finance, of the same line, sailing from New York February 16, 1886, telling the same story that the other did:

Manifest of the American steamer Finance, which sailed from New York February 16, and Newport News, Va., February 20, 1886.

NEW YORK.

Packages.	Quantities.	Value.	To be landed at—	State manufactured in.
Gray sheetings.....bales...	15	$587	Rio de Janeiro.....	Georgia.
Gray drills.....do.....	4	188	.....do.....	Do.
1 case bleached drills.....yards...	651	44	.....do.....	Do.
10 cases unbleached sheetings.....do.....	12,000	891	.....do.....	Do.
10 cases indigo-blue drills.....do.....	8,635	780	.....do.....	Do.
3 cases cotton sheetings, bleached.....do.....	4,320	498	.....do.....	Do.
14 cases cotton sheetings, bleached.....do.....	11,468	1,130	.....do.....	Do.
10 cases domestic sheetings.....do.....	12,000	.....	.....do.....	Do.
10 cases blue drills.....do.....	8,664	793	.....do.....	Do.
5 cases blue drills.....do.....	4,337	399	Pernambuco.....	Do.
27 bales and 50 cases blue drills.....do.....	64,032	5,900	Rio de Janeiro.....	Do.
3 cases blue drills.....do.....	1,688	151	Maranham.....	Do.
2 cases blue drills.....do.....	1,669	149	Imported.....	Do.
10 cases blue drills.....do.....	8,593	768	Pará.....	Do.
4 cases white cotton.....do.....	2,400	170	.....do.....	Do.
10 cases blue drills.....do.....	8,611	770	.....do.....	Do.
1 case blue drills.....do.....	850	85	.....do.....	Do.
10 cases blue drills.....do.....	8,556	870	Maranham.....	Do.
15 cases blue drills.....do.....	13,002	1,320	.....do.....	Do.
5 cases blue drills.....do.....	4,202	425	Bahia.....	Do.
5 cases blue drills.....do.....	4,097	370	Maranham.....	Do.
1 crate iron range.....pounds...	536	50	Pernambuco.....	Maryland.
2 crates iron ranges.....	.....	40	.....do.....	Do.
1 case canned peas.....dozen...	4	4	Bahia.....	Do.
1 case canned tomatoes.....do.....	3	2	.....do.....	Do.
1 case canned oysters.....do.....	3	3	.....do.....	Do.
10 cases canned oysters.....	.....	40	Rio de Janeiro.....	Do.
50 kegs lard.....pounds...	2,060	165	.....do.....	Do.
1 case canned fruit.....dozen...	2	7	Pernambuco.....	Do.
6 cases canned goods (peaches, salmon, oysters).....	.....	30	.....do.....	Maryland and Oregon.
Do.....	.....	26	.....do.....	Do.
2 barrels resin.....pounds...	975	30	Rio de Janeiro.....	North Carolina.
100 barrels resin.....do.....	30,682	183	Pernambuco.....	Do.
50 barrels resin.....do.....	15,174	91	.....do.....	Do.
20 barrels resin.....do.....	5,450	28	.....do.....	Do.
50 barrels resin.....do.....	13,425	65	Imported.....	Do.
Do.....do.....	19,396	120	Pernambuco.....	Do.
1 barrel spirits of turpentine.....gallons...	49	21	Maranham.....	Do.
25 barrels resin.....pounds...	10,845	150	.....do.....	Do.
1 case tobacco-cutters.....	.....	6	Rio de Janeiro.....	Do.
50 half-barrels resin.....pounds...	6,452	37	Para.....	Do.
1 case canned peaches.....dozen...	2	5	Bahia.....	Delaware.
2 cases cotton sheeting (bleached).....yards...	1,440	418	Pará.....	South Carolina.
2 cases bleached domestics.....do.....	2,864	183	Bahia.....	Do.
10 cases shrimps.....	.....	63	Pernambuco.....	Louisiana.
98 spools wire.....pounds...	11,819	525	.....do.....	Missouri.
75 barrels flour.....	.....	379	Pará.....	Do.
150 barrels flour.....	.....	758	.....do.....	Do.

NEWPORT NEWS, VA.

2,600 barrels flour.....	.....	$15,000	Bahia.....	Virginia.
600 barrels of flour.....	.....	3,600	Pará.....	Saint Louis, Mo.
290 barrels of flour.....	.....	1,740	.....do.....	Kentucky.
30 barrels of flour.....	.....	180	Maranham.....	Michigan.

Here is a very curious illustration of the benefit already derived from the enterprise of the gentlemen who have started this Brazilian line and are running it without our aid.

The great product of Brazil, as everybody knows, is coffee. She exports more than half of the entire amount of coffee consumed upon the globe. She sends to the United States more than $40,000,000 worth of coffee every year. With no American lines running from our ports to the Brazilian ports, British and French steamers would do this business and bring to us the coffee that our people demand upon their breakfast tables, that which has become a necessity of life. If there was no competition, and if there were no American lines, the foreign lines would make their own rates, and their freight charge would be added to the cost of the coffee, and the American consumer, the American laborer, would pay for it in the coffee that he drinks in the morning at breakfast.

What is the history of the operation of a line of our own steamers put on here? There are brought from Brazil to the United States every year about 2,000,000 bags of coffee, coming in bags. The old freight that used to be paid to foreign lines bringing coffee to our ports ran from 75 cents to a dollar a bag; and so much was added to the value of every bag of coffee bought by an American importer and consumed by the American people. What was the result of this American line being put on in competition with the foreign lines? The price of freight per bag fell to 60 cents, then to 40 cents, and lately coffee has been brought at an average as low as 10 and 15 and 20 cents a bag. The result of the establishment of that little line of American steamships carrying our products there, bringing Brazil's product to us, has been that in the article of coffee alone about $1,000,000 have been saved to the consumers of the United States. So great was the benefit of this cheapened transportation not only to us but to Brazil, that in their course of governmental business they were ready to give a subsidy, because they received it back ten times over in the increased markets and call that would arise for their more cheaply furnished products. But as much as the benefit was to them it was infinitely greater to us, and direct, and capable of mathematical demonstration.

Here is this line running, and any day the competing lines that have not been able to drive this line out of business may put down their freights, falling back upon their generous governmental subsidies, and drive our ships from the waters. Great Britain has an eye keenly alive to this. I do not believe there was a Senator present who did not listen with interest the other day to the Senator from Oregon [Mr. DOLPH] as he stood in the aisle and told the story of the attempt that Great Britain is now making to seize upon and control the commerce of the Pacific and drive from the waters of that great sea every Amer-

ican line that is engaged in transporting the products of our country to Asia and Asia's products here in connection with their lines of railroad which are being completed across the Dominion to the Pacific ports of British America. Great Britain stands ready with an enormous subsidy to lines of steamships that shall be put on to connect with that railroad system, and cheapened by a low rate of freights, sustained by that subsidy, they can continue that traffic until they drive every American ship from those waters, because Great Britain knows every dollar that she invests from her treasury in the way of subsidy brings back $10 to her people in a market for their products.

Mr. PLATT. And she has already a steamship line at both ends of that railroad.

Mr. HALE. Yes; as the Senator from Connecticut says, the management is already negotiated and completed for lines of steamship to connect with each end of that road, and subsidized without stint almost by the British Government. No British statesman, no British member of the House of Commons, where all this policy is considered and continued and maintained from year to year, ever ventures to rise in his seat and on the plea of economy and of the danger of subsidy dare to interpose a word against this broad and generous course pursued by the British Government.

If the American Congress goes on in the way that it has been doing of late years and fails to appreciate the magnitude of this question and fails to rise to the importance of the occasion, it will be seen, under increased subsidies by European governments, that the few American ships which to-day are engaged in this commerce will be driven from the waters of the globe. They can not stand the competition. It is a question of transportation. The question of production, as I have said, has been settled; the question of a market has been demonstrated; the question of the desire of those people to take our products has been manifested and has been completely disposed of. It is a question of transportation, of the encouragement of American lines of American-built ships, American-sailed ships, carrying American products, under the beneficent encouragement of the American Government.

This policy has great difficulties to contend with. The House of Representatives with its Democratic majority is against it. It refuses, and insists on refusing, and repeats its refusal to embark in this policy, and spends its time on other projects, to which I will not allude. The administration is hostile to it. The Senator from Kentucky in the debate here six weeks ago declared in terms that his opposition, which was fearless and tireless, represented the administration; that the President was opposed to the policy; that the Secretary of the Treasury was opposed to it; that the Attorney-General was opposed to it; that the Postmaster-General, as everybody knows, was opposed to it; and so it has to contend with this perhaps greatest of all difficulties.

Sir, the time will come when the American people will demand that an administration shall be wise enough and broad enough and far-sighted enough to realize and comprehend this great subject. They will demand an administration which will not spend its time upon little details and smaller considerations, but will have that breadth of statesmanship, that knowledge of the resources of the American people, that knowledge of the demands of American labor, and that knowledge of this vast field which lies open and ready for us to occupy that should characterize an intelligent administration of the affairs of the American people.

I wish that the President could be taken away from some of the things to which he is no doubt honestly giving his time. Let him give less time to the examination and consideration of the subject of a pension to some poor old soldier, and study up this question and learn something of this great field that is open to the American people. Let the heads of his Departments examine into it. Let the Postmaster-General, who acknowledges in the letter which I have read that our postal system is a system of subsidies, awaken to the importance of this subject, and let him see and know and realize that the American people will have a Postmaster-General who will not put the clamps upon American enterprise, and who will not, when the people from South and Central America are asking for our products, stand in the way of every movement that tends to extend this trade.

So I say that while this enterprise may go away and may amount to nothing in this Congress because of the hardihood and density of the opposition, the time will come when such will not be the case, when these lines will be encouraged, and when a constant and increasing stream of commerce carrying our products to these neighbors of ours will in return bring back theirs that we need, and the whole country will be benefited.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. PLUMB] that the Senate further insist on its amendments to the Post-Office appropriation bill, and ask for a further conference, on which question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. JONES, of Arkansas. The Senator from Indiana [Mr. VOORHEES] was called away from the Senate Chamber quite unwell, and asked me to pair with him on this question. If he were present, he would vote "yea" and I should vote "nay."

Mr. MCMILLAN. I desire to state that my colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. Both are absent from the Chamber, sick. My colleague would vote "yea," if he were here.

Mr. CAMDEN. I wish to announce the pair of my colleague [Mr. KENNA], who is detained from the Chamber to-day on account of sickness, with the Senator from Minnesota [Mr. SABIN].

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM]. I am told by Senators that he would probably vote "yea," if he were here. I do not know as to that; but as this is not a political question I shall vote. I vote "yea."

Mr. BLAIR (after having voted in the affirmative). I am paired with the Senator from Georgia [Mr. COLQUITT]. I withdraw my vote. If he were present, I should vote "yea."

Mr. PLUMB. The Senator from Alabama [Mr. MORGAN], who has a general pair with me, authorized me to transfer that pair, which I now do, to the Senator from Colorado [Mr. BOWEN]. If the Senator from Alabama were present, I suppose he would vote "nay;" and the Senator from Colorado would vote "yea" if he were present. I vote "yea."

Mr. WILSON, of Maryland (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. HEARST. I am paired with my colleague [Mr. STANFORD].

The result was announced—yeas 33, nays 12; as follows:

YEAS—33.

Allison,	Eustis,	Mahone,	Riddleberger,
Brown,	Evarts,	Manderson,	Sawyer,
Call,	Frye,	Miller,	Sherman,
Cameron,	Gorman,	Mitchell of Oreg.,	Spooner,
Chace,	Hale,	Palmer,	Teller,
Conger,	Harrison,	Payne,	Wilson of Iowa.
Cullom,	Hawley,	Platt,	
Dawes,	Ingalls,	Plumb,	
Edmunds,	McMillan,	Pugh,	

NAYS—12.

Beck,	Cockrell,	Gray,	Maxey,
Berry,	Coke,	Hampton,	Walthall,
Butler,	George,	Harris,	Whitthorne.

ABSENT—31.

Aldrich,	Gibson,	McPherson,	Sewell,
Blackburn,	Hearst,	Mitchell of Pa.,	Stanford,
Blair,	Hoar,	Morgan,	Vance,
Bowen,	Jones of Arkansas,	Morrill,	Van Wyck,
Camden,	Jones of Florida,	Pike,	Vest,
Colquitt,	Jones of Nevada,	Ransom,	Voorhees,
Dolph,	Kenna,	Sabin,	Wilson of Md.
Fair,	Logan,	Saulsbury,	

So the motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. MAHONE, and Mr. BECK were appointed.

SCHOONER OUNALASKA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I herewith inclose a report from the Secretary of State, with its accompanying copies of papers, relative to the case of the American schooner Ounalaska, which was duly condemned by the Government of Salvador for having been employed in aid of an insurrection against that republic, and was subsequently presented to the United States. It seems that an act of Congress accepting the gift on the part of this Government is necessary to complete the transfer, and I recommend that legislation in this sense be adopted. It further appears that one Isidore Gutte, of San Francisco, has sought to obtain possession of the condemned vessel, and I therefore suggest that a second provision to the law accepting her be made giving authority to the Court of Claims to hear and determine the question of title.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June* 28, 1886.

CLAIM OF S. A. BELDEN & CO. AGAINST MEXICO.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication, with accompanying paper, from the Secretary of State in relation to the distribution of the award of the late Mexican Claims Commission in the case of S. A. Belden & Co. against the Republic of Mexico.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June* 28, 1886.

CONFERENCE ON HOUSE PENSION BILLS.

The PRESIDENT *pro tempore* laid before the Senate the action of the

House of Representatives non-concurring in the amendments of the Senate to the following bills and asking a conference with the Senate on the disagreeing votes of the two Houses thereon:

A bill (H. R. 7165) to increase the pension of Manhattan Pickett;

A bill (H. R. 1462) granting a pension to Addie L. Macomber;

A bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins; and

A bill (H. R. 4544) granting a pension to Ann E. Cooney.

By unanimous consent, it was

Resolved, That the Senate insist on its amendments to the said bills disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. BLAIR, Mr. SAWYER, and Mr. WHITTHORNE.

KANSAS RAILROAD GRANTS.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes; which was ordered to be printed.

DES MOINES RIVER LANDS—VETO MESSAGE.

Mr. PLUMB. I move that the Senate proceed to the consideration of the veto by the President of what is known as the Des Moines River lands bill.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the Chair). The Senator from Kansas moves that the Senate proceed to the consideration of the bill (S. 150) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes. The Chair will state to the Senator from Kansas that the regular order is the bill relating to land grants.

Mr. BUTLER. I was going to ask the Senator from Kansas to yield to me with a view of taking up the bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company. If the Senator is not anxious to proceed with the regular order, I should be very glad to have that bill disposed of to-day.

Mr. PLUMB. I think we can get through with the Des Moines River lands bill within an hour or so anyhow. It will lead to very little debate, I think; and the Senator from New York [Mr. EVARTS], who desires to speak on the question, wants to go away; so that it becomes very material to his convenience to have the matter disposed of now. I think we can get through with it in an hour or two.

Mr. BUTLER. I should be very glad to have the Cinnabar and Clark's Fork Railroad bill disposed of. It has been partly proceeded with by the Senate. Of course it is a matter of great annoyance to me to have an unfinished measure on my hands, and I am sure that it can be disposed of in three-quarters of an hour. So far as I am concerned I will agree not to open my mouth about it, but take a vote on it.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. PLUMB. Under the circumstances I must insist on the Des Moines River lands bill. I have no objection to the bill which the Senator from South Carolina has in charge coming up at at any other time, and I should be glad to help him bring it up; but I think there is ample time to dispose of the Des Moines bill this evening.

Mr. BUTLER. I have given way about half a dozen times, and I am very anxious to get the bill through. I want to leave the city myself, and this is the matter of principal interest which is detaining me here. If the Senator will permit me to go on with it, as I said a moment ago, I am quite willing to take a vote on it without any discussion whatever so far as I am concerned.

Mr. HARRISON. The Senator from South Carolina will allow me to suggest that I know that the Senator from Nebraska [Mr. MANDERSON] desires to speak, I think at some length, on the bill he has in charge, and it is a matter not likely to be disposed of without debate.

Mr. MANDERSON. The Senator from Nebraska does not propose to speak at any great length. However, I desire to be heard when the bill is under consideration, and I do not think it can be disposed of between now and the usual hour of ndjournment.

Mr. BUTLER. Then I move that the Senate proceed to the consideration of Senate bill 980.

Mr. ALLISON. I understand that the Senator from Kansas has submitted a motion.

The PRESIDING OFFICER. The pending motion is that submitted by the Senator from Kansas, who declines to yield, the Chair understands.

Mr. PLUMB. That I think is a privileged motion, and in view of all the circumstances I can not consent to yield, on account of the convenience of Senators who desire to speak on the matter.

Mr. BUTLER. Then I move that the matter to which the Senator from Kansas refers be informally laid aside.

The PRESIDING OFFICER. The motion now before the Senate is the motion of the Senator from Kansas to proceed to the consideration of Senate bill 150. The question is on agreeing to that motion.

Mr. BUTLER. Of course I can not ask the Senator further to yield, but if that motion is adopted I shall then ask the Senate to lay the matter aside informally with a view of taking up the Cinnabar and Clark's Fork Railroad bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

Mr. BUTLER. Now I ask that the pending bill be informally laid aside for the purpose of proceeding with the bill to which I have referred.

Mr. ALLISON. I object.

The PRESIDING OFFICER. Objection is made.

Mr. ALLISON. I will assist the Senator some other time to get up his bill.

Mr. BUTLER. I have been having that kind of assurance for the last ten days, and every time I ask for help it is always withdrawn in favor of something else. I should be glad to have the Senator's powerful aid, but he never seems to bring it to the rescue.

Mr. INGALLS. What is the pending question?

The PRESIDING OFFICER. The Senate has agreed to proceed to the consideration of the bill (S. 150) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. INGALLS. No, not the bill.

Mr. PLUMB. The veto message.

The PRESIDING OFFICER. The veto message of the President will be read.

Mr. INGALLS. Has not the message been read once?

The PRESIDING OFFICER. It has been read once heretofore.

Mr. INGALLS. I do not think it necessary to read it again. The pending question is, Shall the bill pass notwithstanding the objections of the President?

Mr. SAULSBURY. I think if we are going to consider the veto message of the President it ought to be read. It may have been read hastily before, but we are now going to deal with the subject.

The PRESIDING OFFICER. Is there objection to the message being read again? The Chair hears none, and the message will be read.

The Chief Clerk read as follows:

To the Senate of the United States:

I return herewith, without approval, and with a statement of my objections thereto, Senate bill No. 150, entitled "An act to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes."

This proposed legislation grows out of a grant of land made to the Territory of Iowa in the year 1846 to aid in the improvement of the navigation of the Des Moines River."

The language of this grant was such that it gave rise to conflicting decisions on the part of the Government Departments as to its extent, and it was not until 1880 that this question was authoritatively and finally settled by the Supreme Court of the United States. Its decision diminished the extent of the grant to a quantity much less than had been insisted on by certain interested parties, and rendered invalid the titles of parties who held, under the Territory or State of Iowa, lands beyond the limit of the grant fixed by the decision of the court.

For the purpose of validating such titles and to settle all disputes so far as the General Government was concerned, the Congress, in the year 1861, by a joint resolution, transferred to the State of Iowa all the title then retained by the United States to the lands within the larger limits which had been claimed, and then held by *bona fide* purchasers from the State; and in 1862 an act of Congress was passed for the same general purpose.

Without detailing the exact language of this resolution and statute, it certainly seems to be such a transfer and relinquishment of all interests in the land mentioned on the part of the United States as to relieve the Government from any further concern therein.

The questions unfortunately growing out of this grant and the legislation relating thereto have been passed upon by the United States Supreme Court in numerous cases; and as late as 1883 that court, referring to its many previous decisions, adjudged:

"That the act of 1862 (C. 161, 12 Stats., 543) transferred the title from the United States and vested it in the State of Iowa, for the use of its grantees under the river grant."

Bills similar to this have been before Congress for a number of years, and have failed of passage; and at least on one occasion the Committee on the Judiciary of the Senate reported adversely upon a measure covering the same ground.

I have carefully examined the legislation upon the subject of this grant, and studied the decisions of the court upon the numerous and complicated questions which have arisen from such legislation, and the positions of the parties claiming an interest in the land covered by said grant; and I can not but think that every possible question that can be raised, or at least that ought to be raised, in any suit relating to these lands, has been determined by the highest judicial authority in the land. And if any substantial point remains yet unsettled, I believe there is no difficulty in presenting it to the proper tribunal.

This bill declares that certain lands which, nearly twenty-four years ago, the United States entirely relinquished are still public lands, and directs the Attorney-General to begin suits to assert and protect the title of the United States in such lands.

If it be true that these are public lands, the declaration that they are so by enactment is entirely unnecessary; and if they are wrongfully withheld from the Government, the duty and authority of the Attorney-General are not aided by the proposed legislation. If they are not public lands because the United States have conveyed them to others, the bill is subject to grave objections as an attempt to destroy vested rights and disturb interests which have long since become fixed.

If a law of Congress could, in the manner contemplated by the bill, change, under the Constitution, the existing rights of any of the parties claiming interests in these lands, it hardly seems that any new questions could be presented to the courts which would do more than raise false hopes and renew useless and bitter strife and litigation.

It seems to me that all controversies which can hereafter arise between those claiming these lands have been fairly remitted to the State of Iowa, and that there they can be properly and safely left; and the Government, through its Attorney-General, should not be called upon to litigate the rights of private parties.

It is not pleasant to contemplate loss threatened to any party acting in good

faith, caused by uncertainty in the language of laws or their conflicting interpretation; and if there are persons occupying these lands who labor under such disabilities as to prevent them from appealing to the courts for a redress of their wrongs, a plain statute, directed simply to a remedy of such disabilities, would not be objectionable.

Should there be meritorious cases of hardship and loss, caused by an invitation on the part of the Government to settle upon lands apparently public, but to which no right or lawful possession can be secured, it would be better, rather than to attempt a disturbance of titles already settled, to ascertain such losses and do equity by compensating the proper parties through an appropriation for that purpose.

A law to accomplish this very object was passed by Congress in the year 1873. Valuable proof is thus furnished, by the only law ever passed upon the subject, of the manner in which it was thought proper by the Congress at that time to meet the difficulties suggested by the bill now under consideration.

Notwithstanding the fact that there may be parties in the occupancy of these lands who suffer hardship by the application of strict legal principles to their claims, safety lies in the non-interference by Congress with matters which should be left to judicial cognizance; and I am unwilling to concur in legislation which, if not an encroachment upon judicial power, trenches so closely thereon as to be of doubtful expediency, and which at the same time increases the elements of litigation that have heretofore existed and endangers vested rights.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 11, 1886.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. EVARTS. Mr. President, by far the greater part of the Senate are not only very familiar with this subject in all its forms, but much more so than I am. My predecessor in the Senate, Mr. Lapham, in attention to the just rights of many of his constituents, gave to this subject a full consideration, and left nothing unheeded in his examinations and nothing omitted in his presentation of their rights.

My attention was for the first time called to this subject about the time that the veto message of the President came in. Before that I had no knowledge on the subject, and when the bill passed this body as it did, and passed the House of Representatives also, I had no knowledge of its pendency.

An examination of the subject has satisfied me that the President is entirely right in his finding the reasons for returning the bill to this body for reconsideration. In examining the debates in which the Senators from Iowa and the Senator from Alabama [Mr. MORGAN], and Mr. Garland, then a Senator from Arkansas, participated, the whole light which could be thrown from one side and the other upon this bill has been reflected from luminous minds and by careful research. The interest of my constituents in the greater part of the lands which are involved in controversy makes it quite my duty to examine their rights and to present them, and without hesitation. I may say that after having made the examination I can see no answer which can be made to the reasons of the President, or to the reasons which have been advanced in previous debates in this body on this subject adverse to the bill.

I find running through the former debates what I shall now concur in fully, a general regret on both sides, by the advocates and the opponents of the bill, a very sincere regret, that competing claimants for the same land, both claiming under titles directly or indirectly from the United States, should thus be in competition. In ordinary relations where a grantor has made inconsistent grants by inadvertence the remedy is complete under the warrantees that the evicted tenant can have his remedy against the landlord. I am not disposed to undervalue in the least the rights of these claimants if they are sincere and honest in their claims. Under the course of legislation and under the course of administration of the lands by the officers of the Government there has been confusion, and are or have been competing claims. I believe that it is the duty of the Government under such circumstances to make a patient and generous examination into the situation, and I do not think that the question of the amount which might be drawn from the Treasury in meeting these competing claims and satisfying the disappointed parties relying upon the action of the Government should be a question for rejecting the proposition.

The title by pre-emption or by the homestead law is as good as any other title. Its origin, its circumstances, and the reasons and the uses of the legislation should give every degree of support to a title thus claimed. The claimants here against the title of those whom I now in this argument represent insist that they, if not in law, yet in equity, in the favor of this Government at least, should be put upon a basis that would enable them to accomplish the purpose on which they have relied in their attempts to gain a title. By whatever means consistent with the rights of property and the observance of law and the Constitution, at whatever cost to the United States, a due consideration should be given to such pretensions. At various stages running through now twenty-five years or more this subject has been treated of in law, in administration, in discussion, and in attempts to pacify if not to satisfy these competing claims.

In the mean while the natural resort and, as I think, not only the natural but the necessary determination of legal rights has been pursued in case after case through the courts of the United States up to the final determination in them of the Supreme Court of the United States. I shall not only find a complete legal determination of the rights of the claimants under the original grant of 1846 for the improvement of the Des Moines River in these statutes and in the proceedings of Congress giving affirmation and renewed affirmation to these statutes, a complete and perfect legal title, but I shall find in the consecutive decisions of the Supreme Court of the United States a decisive, conclusive, and uniform acceptance and insistance upon that legal title.

If that is so, then the question must first present itself, how in the sense of changing or regulating the execution of the law as now existing and its interpretation by the courts of this country should it find access to this Chamber or to this Congress?

I shall not insist upon so full a presentation of the nature of this controversy as I should need to do for my own satisfaction were not the Senate in possession of the topics more completely, as I have already said, than I am myself.

The interest and the dissension arise in this way: Congress as early as 1846 made a grant of lands in Iowa upon the Des Moines River to aid that State in the completion of a system of improved navigation of that river. A grant was made of so many sections upon one side and the other of the river, and the improvement was to be below the forks of the Raccoon River, I think, and the question was whether the grant given was limited to the sections or the lands on the sides of this river below the Raccoon Fork or not. Whatever indeterminateness or carelessness there might have been in the definition of the grant it was in Congress, and these parties now disputing were not responsible for any such obscurity. It was held that the grant did cover the lands above the Raccoon Fork. It was held also by other administrative action that it did not. Then again the first plan was again accepted; and so it went back and forth for a considerable time in the treatment of this topic by the officers of this Government having charge of it.

In 1859, in a suit then pending in the Supreme Court of the United States, it was for the first time, as I understand, determined legally that the grant did not extend north of the Raccoon Fork, and thereupon what had been obscure and had been disputed was as matter of law settled, that the grant had not embraced the lands north of this fork. Then in 1861, after this determination, Congress by a joint resolution of the 2d of March, 1861, conferred this grant according to the interpretation of its including the lands above the fork to the State of Iowa to inure to the benefit of its honest grantee. Prior to this determination by the court in 1859, and prior, of course, to this confirmatory act of Congress, the Des Moines Navigation Company, having completed so far as it had done its duties in the improvement of the river, had settled with the State concerning that work and concerning the stipulated benefit or compensation, and these lands had been vested in the Des Moines Navigation Company by the authentic action of the State of Iowa. Upon the passage, therefore, of this act of 1861 there came to be, as we claim and as the courts have decided as we suppose, a good title in the company under the action of the State of Iowa and under the operation of the resolution of Congress of March 2, 1861.

In 1862 a bill was passed here covering and governing the same subject, but also some other relations to the interests of Iowa in regard to its railroads, and this again was a confirmation of this grant on the construction which embraced these lands in dispute, and thereupon again there came to be an absolute and complete and settled title.

Still later, in 1871, by a new act then passed, brought into existence by reason of some relations to railroad grants for the aid of Iowa and in furtherance of its just right to participate in these lands for improvements, as I understand, a new confirmation was given to this title.

There having been a large discontent and disappointment there to men who had counted upon the plot of land that they occupied as, if not secured, at least to be secured to them under the laws of the land, an effort was made on the part of Congress to ascertain what the extent of persons interested, the number of acres involved, and the value of the property thus in jeopardy in the competing claims, and a commission was appointed which as I understand had for its purpose the informing of Congress what the actual state of these claimants was and how much was involved. These commissioners were appointed under an act of March 3, 1873, by which three accomplished gentlemen, one of Minnesota, one of Iowa, and one of Ohio, were made commissioners to "ascertain the number of acres, and by appraisement or otherwise the value thereof, exclusive of improvements, of all such lands lying north of Raccoon Fork of the Des Moines River, in the State of Iowa, as may now be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States, and on what terms the adverse holders thereof will relinquish the same to the United States."

Here was an honest and a generous effort in its design to accomplish a pacification of the disputes and to throw upon this Government the responsibility that should belong to it as growing out of the obscurity or inattention of its legislation. In the report of this commission is a complete statement of the names of the settlers, the description of their property, of the character of their claim or initiatory step, the dates, &c., of all the proper and necessary methods of accomplishing a good title, and an appraisement of the value per acre and of the adverse owners' terms to the United States per acre. It is found that there was involved in this as the total number of acres 39,510; average appraised value per acre, $10.22; total appraised value, $404,228.49; average owners' price per acre, $14.35; total owners' price, five hundred

and sixty-three thousand and odd dollars. Congress seems to have been dismayed or discouraged by the amount that would be required to pacify these claimants. I will occupy no further attention with this part of the matter than what I understand to have been the disposition of these claimants.

Of these 344 persons, it is stated to me upon what I regard as good authority, I may say undisputed, only 12 filed their claims prior to March 2, 1861; that is, only this small number of the 344 had commenced their steps toward securing a title by homestead or pre-emption before the resolution of March 2, 1861, was passed. Prior to May 1, 1880, I am assured that over 270 persons had bought their claims from the navigation company, leaving but 74 not settled with, and it is believed only 10 or 12 are now unsettled with.

I bring this to the attention of the Senate as showing how the matter stands in regard to these dates, when certainly, as it seems to me, it was clear that the title to this land was confirmed by the United States and was no longer in the public domain.

The course of litigation went on, and I shall not recount either the suits or read the decisions, but I think I am quite justified in saying that, as was stated by Senator Garland in his place and by Senator MORGAN in his place, all the questions that it could be supposed it was possible to raise as to the legal rights of these conflicting claimants had been passed upon and determined.

If any one will point out to me the right or the method of asserting these homestead or pre-emption claims against the title made under the State of Iowa to the Des Moines Navigation Company by the United States in their legislation I shall be happy to consider it; but I do not know that when this was challenged in the last debate in the last Congress in this body then that an attempt was made to do so.

Of course that there should be a body of land in dispute is injurious to all concerned. It is always injurious to the neighborhood, to the development of the State. These lands, I am told, are as fortunate and fertile perhaps as any equal amount of the favored land of that great State of Iowa; and all who are involved in either the discouragement or despair of failing in lands which they thought they could gain are entitled to full and ample consideration; but the question of the method to be adopted and pursued to that end brings us now to what is a very simple and a very intelligible proposition.

If it be true that the United States now has any title in this land, if it now constitutes a part of the public domain, the United States can assert by such methods as the law opens to the United States the maintenance of that title; and when that title has been established and by determination the land has come back into the public domain, then I suppose not a single voice would be raised against entertaining and disposing of just claims that have rested upon this dormant title that is finally established, as it would be in the case I have supposed, in the United States.

But this bill does not proceed upon that proposition. Pending the course of legislation and pending the course of judicial determination, such as it is, for a series of years an attempt has been made to put these claimants or the United States in their behalf upon a footing which the law and the courts did not give them. Several times in past sessions the bill has passed one or the other of the bodies of Congress, but not until now has it passed both Houses and been presented to the President for his sanction to its becoming a law. His examination of it has led him to think that for grave reasons, very tersely and yet very comprehensively stated in this message of the President, this disturbance of the courts and of the law and reconsideration by the United States of legislation which has been determinative of this point should not be allowed.

I ask now attention to the bill itself, and then I shall perhaps have done all that I need to do in this behalf.

The bill begins by reciting what is thought to be the basis of the enactment, which I need not read. I might not think upon my own examination of the case that it was altogether properly recited, but that might be perhaps an error on my part. Certainly the Public Lands Committee have intended to be accurate and faithful. The last whereas is:

Whereas there are many settlers who, believing that the said lands were public lands, entered upon the same in good faith, and with the consent of the Department of the Interior, as pre-emptions and homesteads, and since so doing, and after receiving patents, have been held by the courts as trespassers, or that the lands were reserved from settlement.

Now you have the situation directly stated. The courts have held these people trespassers, and they ask now for aid from the United States in legislation to put them on some better footing:

Therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the lands improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861, for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby delared to be, public lands of the United States.

That is an enactment that these lands above Raccoon Fork that had improperly been treated administratively as included in the grant, and that had been treated also in the legislation of the 2d of March, 1861, and in the subsequent legislation, and that had been dealt with in the courts under the solemn and frequent decisions of the Supreme Court of the United States, are to be taken up by legislation now, and the initial, the fundamental, and absolutely necessary proposition to sustain the rest of the bill is this enactment that these lands thus disposed of, thus held by claimants, thus possessed under title made through the United States and the State of Iowa, are to be now made and considered public lands of the United States. Although the mild phrase "are declared" is used in this clause, if it means anything it means are decreed to be public lands of the United States.

We have no declaratory law under our Constitution that can affect property and rights of property *deinde* as of date from the original grant or action. We have no power in Congress to disturb the titles of land, whether gained under homestead or pre-emption, or under grants, or under the ordinary forms under which transmission of land is made. We have no power to change that title. It can not be done. If it is done for public use, it must be by condemnation and compensation. If it is to deprive those who have rights of their existing rights, it can only be done by due process of law, and it can not be done now under the fourteenth amendment, except under the equal protection of the law to all.

But here is an invasion in the most direct form, by absolutely decreeing that the property as now vested by law, if it be vested as the courts have decided, if it be vested as the owners occupying it claim it and assert it to be, shall be taken from the freeholder and resumed to the United States as its property for public uses. And yet in the discussion before the Senate a year ago in the Congress of that date the assertion of Senator Garland and of Senator MORGAN was that there was no footing whatever upon which to establish a proposition that was to transfer to the public domain what by law and by judgment was not the public domain, and it might as well be attempted in reference to any land that was held by any man under whatever title.

Now let us see the purpose. Does the United States undertake to resume these lands and keep them for public use as its lands? No; it undertakes to throw a title or claim of title under which the United States may assert and litigate these competing titles. Does it do it as it might do, by permitting the officers of this Government in the Law Department to undertake the prosecution of the right according to existing law? No; it not only condemns by transferring the title from the present possessing owners to the United States, but it then proceeds to determine the grounds of determination in the suits that may spring out, either private or public, from this new legislation, the rules and principles upon which the possession of the land is to be determined.

It is restored to the public domain—

Provided, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified and confirmed, and made valid.

That is to say, all these lands that are vested in the citizens of New York and of Ohio and several other of the States of the Union, that are theirs now, that have been decided to be theirs in fee-simple absolute, shall not be disturbed by the United States unless there is a counter-claim. This is legislation about land and about title. It is not a disposition of what belongs to the United States. If that be so, it can now determine by its own litigation without the aid of any legislation what the titles may be. Now we come to the further proviso. After having shown that we shall be ratified in all our claims where there is no counter-claimant, the further proviso is:

Provided, further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880, not exceeding 160 acres, are hereby confirmed and made valid in them, their heirs or their proper assigns, and upon due proof thereof, and payment of the usual price or fees, where the same has not been paid, shall be carried to patent.

This statement of the persons that are thus to derive patents against the claimants whom I represent are not persons that have gained under the pre-emption law or under the homestead law any title that those laws are calculated to give; nor is it limited to those who went on in good faith while there was obscurity and while there was uncertainty in the administration by the land offices. But up to 1880, after the legislation of March 2, 1861, and that of July 12, 1862, and March 3, 1871, and after all these litigations and all these public decisions, if a party can bring himself, not on a footing that the courts will determine, but on a footing that the United States as dominant owner of the fee shall accept as good reason, the bounty and favor of the Government is extended. How does it read?

That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880.

They are to have a better title and deprive us of our title made under the original legislation and the decisions of the courts. Of course this proviso can have no legal footing in the courts, and it can have no lawful support in the legislation of Congress unless the principal fact be that the land is now in the United States without this legislation. None of these contrivances, first of establishing an apparent title in the United States, and, second, of confirming to us those lands that were not disputed, and then confirming to all that did dispute or put themselves in the position of being occupants or claimants at any time previous to 1880 and saying they are to have the better title, can stand the test of

scrutiny. The action must rest upon taking the claimant's property as derived under existing laws and decisions and giving it to others that under existing laws and decisions have no such title.

There is a further proviso:

Provided, further, That the title of all *bona fide* claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon the said lands prior to January, 1880, are confirmed and made valid.

This is circumlocution, for it comes to this, that the act declares that these lands are the property of the United States and have been since 1846, because it was there the vice was, in the grant that was construed wrongfully, we will say for the sake of the argument, ever since 1846, and that you now propose to give them not according to the title of *bona fide* claimants under the statutes and under the laws of Iowa, but to people that have got the footing, or desiring, or planning, or hoping that they might come to a title that would be good.

The President has pointed out that this is, as he words it, so nearly trenching at least upon the established rights of property—I do not quote his words—that Congress should not undertake that method of dealing. I am under no obligation to maintain any such reserve. I, in my view as a lawyer and under an examination of the decisions, can not but treat this bill, however good may be the motives and however desirable certain ends might be gained by proper means, this encroachment upon the rights of property and the right to maintain them according to existing law in the courts of the country, is a subversion of the constitutional provisions as well as of the principles of justice.

Mr. President, I might occupy your attention with reading the clauses of these acts of Congress; I might draw your attention to the decisions of the courts in full, as I believe in previous discussions in this body this detail and this analysis have been carefully spread before the Senate; but I have said enough, in addition to the very competent and careful treatment of the subject in the message of the Executive, to show you that upon views which approve themselves to my judgment and my examination the passage of this bill should be prevented.

Much has been said in previous debates on the part of the learned Senators and others who espoused the cause of the bill and faithfully and carefully and intelligently exposed the mischiefs now existing and the desirability of their being terminated. As I said before, I heartily concur in that view; but I have before me now a single bill, and I can not find in that any of the opportunities to do justice or to encourage hope. I have not the least expectation that if this act should become a law the claims made by the United States or made by these claimants could find hospitable reception in the courts of the United States for their decision, and I can not suppose that it can be now raised as a claim that a declatory law of Congress can prevail with the courts of this Union on any point to change the law as existing at the time the declaratory act is passed in reference to anything that has taken place before.

I find in one of the principal newspapers, the Iowa State Register, of Saturday, April 17, 1886, a statement of a resolution with recitals that passed the senate of that State unanimously, as it is stated, and it is supposed would have passed the other house had there been time for its consideration. I ask that the Secretary will do me the favor to read this.

The Chief Clerk read as follows:

Whereas many of the settlers upon the so-called "Des Moines River lands," located above the Raccoon Fork of that river, entered upon the same in good faith, with the intent to make pre-emption or homestead entries, in accordance with decisions of the Department that the same were public lands and subject to pre-emption and homestead entry as such; and

Whereas by repeated decisions of the Supreme Court of the United States the lands so entered upon by such settlers have been held to have been reserved from such entry as lands embraced in the Des Moines River grant of August 8, 1846, and the title hereto to have passed, by virtue of the joint resolution of March 2, 1861, "to quiet title to lands in the State of Iowa," and an act of Congress of July 12, 1862, entitled "An act confirming a land claim in the State of Iowa, and for other purposes," to the State of Iowa for the benefit of *bona fide* purchasers thereof from said State; and

Whereas a bill for an act entitled "An act to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes," passed by the Senate and House of Representatives of the United States at its present session has failed to become a law by reason of the veto of the President, the reason of such veto being, as maintained by the President, want of power in Congress to enact the same: Therefore,

Be it resolved by the senate of the State of Iowa (the house of representatives concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to secure the prompt enactment of a law whereby full and complete indemnity shall be provided for all persons who in good faith, with intent to obtain title thereto under the pre-emption or homestead laws of the United States, have entered upon any of the lands for which indemnity lands have been selected and received under and by virtue of the adjustment and settlement referred to in the act of Congress of March 3, 1871, entitled "An act confirming the title of certain lands," and which lands so entered upon, under decisions of the Supreme Court of the United States heretofore made, were not subject to such entry for the reason that the same were reserved from entry and sale as belonging to the Des Moines River land grant of August 8, 1846: *Provided*, That such indemnity shall not in any case be for any greater quantity of land than 160 acres.

Mr. EVARTS. Mr. President, as the grounds on which I have put this argument admit of no qualification, if I am correct in the views I have presented, it is hardly worth while to insist very much on the imprudence of this legislation in encouraging hopes, in keeping alive dissensions, and in relieving the parties whose interests are undoubtedly so near and valuable to them, from being longer tossed about in conflicting legislation; and it must be apparent that under such a law as this no parties who understand their rights, or are advised concerning them, would surrender this litigation except by the determination of the courts of the land. How much better then to consider the matter, as it now should be, as determined and finally settled; that it is for Congress to relieve from this mischief, which Congress alone is reponsible for.

The second section of the act is a peculiar one, and furnishes the operative mode of carrying out the propositions of right and of law which are contained in the first section. The second section provides:

That it is hereby made the duty of the Attorney-General, within ninety days after the passage of this act, to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands and remove all clouds from its title thereto—

That is, the title of the United States—

and until such suits shall be determined, and Congress shall so provide, no part of said lands shall be open to settlement or sale except as hereinbefore provided. And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits.

This is anomalous, and, it seems to me, indicates its own incongruity. This statement is that the lands belong to the United States, that the Attorney-General shall commence a suit for the United States to resume these lands and clear up these titles. So much is very well if the United States has a title. Then it proceeds that on this land belonging to the United States, to be asserted and restored to the domain as the property of the United States, individuals may join as coplaintiffs of the United States in asserting title in which they have no right, and the whole of which is in the United States. By these circuities it is attempted to disguise the directness of the proposition that the United States means to take back this land against the grantee and the claimants under the grantee as of the original title of the United States in the year 1846.

Mr. ALLISON. Mr. President, this bill affects a great many interests in the State which I in part represent and a great many people in that State, and therefore it is an important bill, to be considered with care and with the intelligence which the subject requires. But it is important in another aspect. The President of the United States has sent to us a message objecting to the passage of this bill, and by that message has made it necessary that two-thirds of the votes of both Houses shall be secured in order to enable it to become a law.

The Senator from New York [Mr. EVARTS] very properly says that this case is a new one to him, that he had not heard of it until about the time of the Presidential veto. It is also, as appears from this veto message, a new one to the President, and I am satisfied from the statements in the veto message as well as from the statements made by the Senator from New York to-day in support of that veto, that neither one has sufficiently studied this case so as to understand the facts fully or the decisions of the courts fully.

I dislike of course to occupy the time of the Senate in going over the details of this case, but the importance of the subject requires that I should review, and I will do so as briefly as possible, the suggestions made by the Senator from New York, and the reasons given by the President for withholding his approval of the bill.

This grant of lands now the subject of controversy was made to the State of Iowa in 1846, just forty years ago, for the purpose of improving the navigation of the Des Moines River from its mouth to the Raccoon Fork, which river falls into the Des Moines at the point where the city of Des Moines now is. That grant allotted to the State of Iowa five alternate sections on either side of that river from the mouth to the Raccoon Fork. There is not on the language of that law, at least so say the Supreme Court of the United States, the slightest doubt as to the legislative intent in passing it, that there was no purpose in the Congress of the United States in making the original grant to grant one acre of land above the Raccoon Fork. The State of Iowa also so regarded it, and it was so regarded by all the officers of the Government at Washington, including the Secretary of the Treasury then having control of the public lands of the Government for nearly three years after the grant.

Three years after the grant was made some ingenious persons in Iowa—and we have a great many of them there—conceived the idea that the grant could be so construed as not only to extend to the Raccoon Fork but to the source of the Des Moines River, which would have carried this land-grant far away into the State of Minnesota; and a pressure was made upon the then Secretary of the Treasury to induce him before he left his office to write a letter putting a construction upon the grant that it extended to the northern boundary of the State of Iowa.

Mr. DAWES. What Secretary?

Mr. ALLISON. The Secretary at that time was Robert J. Walker. He wrote his letter just before retiring from office. It is perfectly apparent that he gave this subject very little consideration, and that it was a letter to satisfy a pressure made upon him by those then exerting an influence in the political affairs of the State. The honorable Thomas Ewing, of Ohio, came into the Interior Department, which was just then organized, and to which the Land Office was assigned, and reversed

the decision of Robert J. Walker, holding that this grant only extended to the Raccoon Fork. Then there was a decision invoked of the Attorney-General, and the contest continued some two or three years, until Mr. McClelland became Secretary of the Interior, and he conditionally, as all the records show, certified a portion of these lands to the State of Iowa above the Raccoon Fork.

The State of Iowa proceeded, under a board of public works established by authority of law, to make this improvement, and from time to time as it expended money upon the improvement to the extent of $30,000 lands were certified or allotted as the original grant authorized on the basis of $1.25 per acre.

The State of Iowa continued in its own behalf to proceed toward the completion of this improvement until December, 1853. It found then that the grant of lands above the Raccoon Fork was in very great doubt; it found the expenditure larger than it had supposed it would be; and a New York corporation came along and organized itself under the laws of the State of Iowa, we having a general incorporation law, and proposed to the then Legislature of the State of Iowa and the officers having control of this improvement that if they were put in charge and could receive the lands that the State was entitled to under the act of 1846, and could have the absolute and unlimited control of the river from the mouth to the city of Des Moines for sixty years, and authority to levy such tolls and charges for the transportation of traffic over this improvement as they should choose to charge, and also authority to charge rents for the water-powers that had been and were to be created along the river, they would take the land grant from the State of Iowa and they would complete this improvement. The Legislature of the State of Iowa authorized this contract to be made with this New York corporation, excluding liability on the part of the State beyond the grants and concessions made in the contract.

The New York corporation proceeded with this improvement, and it also immediately proceeded to Congress to secure an enlargement and construction of the land grant whereby it could be made to extend not only to the Raccoon Fork of the river, not only to the northern line of the State of Iowa, but along the entire route of the river many miles into Minnesota. They made an effort here through two or three sessions of Congress, and upon one of those bills and questions growing out of its consideration a distinguished member then from the State of New York was reported by a committee of Congress for expulsion, and I believe was not expelled for the reason that he resigned, because of some supposed relation to the effort of this company to secure an extension of this grant from the mouth of the Raccoon Fork 400 miles in a northwestern direction that was regarded as improper. That effort failed; and when the company failed to secure legislation at the hands of Congress extending the grant, they abandoned the improvement in 1856 practically, and refused to expend any more money upon it.

When the State of Iowa made a settlement with them it was disclosed by the reports that they had expended in actual work upon the improvement $185,000 up to the end of the year 1856, and that they had actually received and had patented to them 53,000 acres of land, worth from $8 to $10 per acre, or $530,000, at the time the money was expended or the improvement abandoned.

The State of Iowa before making this contract with the Des Moines River and Navigation Company had already sold to settlers and to *bona fide* purchasers for cash 53,000 acres of the conditionally certified lands north of the Raccoon Fork; so that when the decision of the Supreme Court in 1859 appeared it was at once supposed that that was the end of the Des Moines Navigation Company. It was supposed that the railroads would carry the grant, and that the land not carried by the railroads would go to actual settlers.

When the State of Iowa made the contract in 1853 with this improvement company the conditional certifications that were made by the General Land Office and by the Secretary of the Interior of course were turned over to the company as assets.

As the Senator from New York says, they claimed this grant to extend beyond the Raccoon Fork and there was a large interest. I will not undertake to state now who the corporators were, but there was a large interest then in the State of Iowa and in the State of New York to obtain such a construction of the laws as would secure this enormous grant to a company that expended in construction upon the improvement but $185,000 in money and left the river worse at the end than it was at the beginning when they undertook it, the State of Iowa having expended already nearly $400,000 upon it, and in 1856 they abandoned this improvement.

This land grant extended from the city of Keokuk, or in the neighborhood of that city, in Iowa, being the southeastern corner of the State, in a northwesterly direction diagonally across the State of Iowa.

In 1856 the Congress of the United States granted to the State of Iowa four grants for railroad purposes extending across the State of Iowa in an easterly and westerly direction. It so happened that two of these land-grant railways crossed the Des Moines River above the Raccoon Fork and within the point claimed by the Des Moines Navigation Company. So it became then a question of importance to the railway companies whether the grant of 1856, comprising a belt 10 miles in width and 10 miles in length along their lines, should go to the railroad companies or whether it had already been granted to the State of Iowa under the act of 1846, and inured to the benefit of the Des Moines River and Navigation Company under their contract with the State; and the contest went on between these companies in the courts for some years.

I wish to show the Senate how these settlers in the mean time were ground to powder beneath the upper and nether millstone of this navigation company claim and the claim of these two other incipient corporations who were seeking to build railways across the State of Iowa from east to west and seeking all possible under their grants.

In 1859 the question came before the Supreme Court of the United States as to whether the grant made to the navigation company extended above the Raccoon Fork, and the Supreme Court of the United States, I believe Judge Catron delivering the opinion, decided that there ought not to have been a question with reference to the true construction of the grant, that it only extended to the mouth of the Raccoon Fork, and that by no ingenuity of construction could it go beyond that. This was in 1859.

The representatives from the State of Iowa came here in 1861 and asked of Congress that a joint resolution should be passed, protecting whom? Protecting the *bona fide* purchasers from the State of Iowa, that is those who purchased from the State prior to January, 1854, or December, 1853, not the navigation company; and the navigation company could have made no reasonable pretense of being a *bona fide* purchaser, as I shall show presently in this argument. I have before me that joint resolution. It provided—

That all the title which the United States still retain in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly—

That was the decision of the Supreme Court—

which have been certified to said State improperly by the Department of the Interior as part of the grant by act of Congress approved August 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

That joint resolution was intended to cover, and did cover, only the lands which had been sold in good faith by the State of Iowa to the people who went upon them and settled there. I have not time, of course, to go into the numerous and multifarious documents upon this question, but I have examined them with care. Governor Kirkwood, who is personally well known to many of the gentlemen in this body, having served in it with fidelity and ability, was then the governor of our State. The Commissioner of the General Land Office called upon him as governor.

I may say at this point, because I wish Senators to bear it in mind, the United States have never dealt with this navigation company. The Government of the United States have had no relations with the navigation company. Our entire treatment of this case has been with the State of Iowa.

Governor Kirkwood was called upon to certify the number of purchasers under the resolution of 1861. He certified to 53,000 acres, and no more, as being comprised within the grant of 1861; so that the Senator from New York is greatly in error when he suggests that this navigation company, its successors or assigns, his constituents, have any benefits through the joint resolution of 1861. They were as firmly and as absolutely excluded from the resolution as language could exclude them. If it had been proposed here or anywhere to confirm the title of this corporation, which had proved faithless to its contracts with the State of Iowa, there could not have been a man found in the State of Iowa who would have advocated the joint resolution of 1861.

Mr. DAWES. What does the Senator mean by conditional certifications?

Mr. ALLISON. I mean by conditional certifications that Mr. Secretary McClelland in his letter giving the certifications stated that he would leave the question to the courts as to whether the grant extended beyond the Raccoon Fork, and by this gave notice to everybody that there was doubt about it.

That is the history of this case down to 1861. However, I should state that in 1858, after a great deal of controversy between the Legislature of Iowa and the corporation called the Des Moines Navigation Company, there was a final settlement and adjustment with that corporation, and the State of Iowa made a quit-claim deed to the corporation of all the lands that it owned or claimed under this conditional certification of the Secretary of the Interior; and it was also provided that if the Supeme Court—because this settlement was made in 1858, before the decision of the Supreme Court had been reached with reference to the extent of the grant—if the Supreme Court should decide that the grant extended to the northern boundary of the State the navigation company was to have none of it beyond the amount already certified conditionally as I have stated, but it was to go to a railroad company which at that time had partially built a line of railway along the Des Moines Valley toward the city of Des Moines.

The Senator from New York says that the people of whom he speaks, those claiming the grant under this action of Iowa, were benefited by the legislation had in 1862. I have the act of 1862 before me, and I wish to show to the Senate that instead of its being a benefit the Congress of the United States left the navigation company where it belonged, to treat with and to deal with the State of Iowa, because the United States had no relation to it. The act of 1862 provided—

That the grant of lands to the then Territory of Iowa for the improvement of

the Des Moines River, made by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers) lying within 5 miles of said river, between the Raccoon Fork and the northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa, approved March 22, 1858.

That being the act under which this settlement was made with the Des Moines Navigation Company. I wish to call the attention of Senators to these further significant provisions in this act of 1862.

And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under the joint resolution of March 2, 1861—

I should like to ask the Senator from New York if his constituents got title under the act of March 2, 1861, what possible benefit could the act of 1862 be to them, because if the act of 1861 was to operate upon them it was absolute and conclusive upon everybody thereafter, as respects all the lands claimed by the navigation company—

the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof.

Then comes the proviso which grants to the State of Iowa in trust indemnity for any loss it or its grantees sustained by the decision of the Supreme Court limiting the grant to the Raccoon Fork:

Provided, That if the said State shall have sold and conveyed any portion of the lands lying within the limits of this grant the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act shall inure to, and be held as a trust fund for the benefit of, the person or persons respectively whose titles shall have failed as aforesaid.

I repeat this statute in full:

That the grant of lands to the then Territory of Iowa, for the improvement of the Des Moines River, made by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers), lying within 5 miles of said river, between the Raccoon Fork and the northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa, approved March 22, 1858. And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under joint resolution of March 2, 1861, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof: *Provided*, That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act shall inure to, and be held as a trust fund for the benefit of, the person or persons respectively whose titles shall have failed as aforesaid.

Approved July 12, 1862. (United States Statutes at Large, 1862, page —.)

What was that? It was that if these lands which had been improperly certified to the State of Iowa still belonged to the State and the State was under an existing equitable obligation to treat with these people, then the lands should be given to the State and held as a trust fund for the purpose of making that settlement and adjustment. The Des Moines Navigation Company so understood it, because, following the act of 1862, the Legislature of the State of Iowa in 1864 dealt with the questions and trusts imposed by the act of 1862. The Legislature of Iowa, having familiar knowledge of the conduct of the corporation and knowing how much money it had put into this improvement and what it had received, absolutely refused to set apart one single acre or one single dollar of the proceeds of the land to the corporation as indemnity under this trust created by this act of 1862 for its benefit, if any equitable obligation existed.

I say to the Senator from New York that the Government of the United States, so far as this corporation and its grantees are concerned and so far as the State of Iowa is concerned, has amply and fully complied with every obligation, because the United States granted lands here to be held in trust to secure them for any losses that they might sustain, to be judged by the State of Iowa, as the trustee of the United States; and the State of Iowa, as such trustee, familiar with all the circumstances of the case, not only refused to grant them the indemnity granted here as a trust but ceded the land granted to the Keokuk and Des Moines Railroad Company, as the contract of 1858 with the navigation company provided it might do.

I think I have made it clear that the acts of 1861 and 1862 which the Senator from New York quoted as confirmatory of the title of which he speaks are in so many words an exclusion of the idea that the navigation company, or its assigns, have any status with reference to these lands.

Now, what happened following the decision of the Legislature of Iowa in the disposal of the lands included in the act of 1862? When the Des Moines Navigation Company found that they could get none of these lands from the State of Iowa (because the Government was dealing with the State of Iowa, not with the company), they proceeded to make up a case in the courts of the United States for the purpose of seeing whether they could not secure some decision that would save them with reference to these lands. They went to the courts, not of Iowa, but to the circuit court of the southern district of New York, first beginning a case which was tried before Judge Shipman, the case of Burr *vs.* The Navigation Company, both parties being alike in interest; and both parties having the same interest and the same title substantially, they made up a suit. The first case was Burr *vs.* The Navigation Company, which was tried before Judge Shipman, and Judge Shipman charged the jury that upon these statutes the navigation company had no case. They were not satisfied with that and they made up another case known as the Walcott case.

Mr. GEORGE. Who were the parties in these cases?

Mr. ALLISON. The Des Moines Navigation Company.

Mr. GEORGE. Who was the other party?

Mr. ALLISON. The nominal party was Burr in the first case, and the other was Walcott, being the treasurer, I believe, of the navigation company and being an owner of the land by virtue of having it segregated and set apart to him as a stockholder in the company.

Mr. GEORGE. It was a suit by the company against itself?

Mr. ALLISON. It was a suit by the company against itself. The decision of 1859 having decided that the grant did not extend above the Raccoon Fork, in 1863 the Secretary of the Interior certified a portion of these lands to the railroad companies under the grant of 1856, so that Mr. Walcott came in and sued the Des Moines Navigation Company for the consideration money on the ground that because the Secretary of the Interior had certified these lands to the railway company his title had failed, the tract which he had nominally purchased of the navigation company being within the grant to one of the railroads. So the direct question involved was whether the railway company owned these lands by virtue of the certification of the Secretary of the Interior and the act of 1856.

Mr. GEORGE. But neither the railway company nor the State of Iowa were parties?

Mr. ALLISON. The State of Iowa was not a party. When the case finally got into the Supreme Court I believe the railway company intervened by a sort of argument with reference to it, claiming to have some interest; but it came at a late day, and after the record was fully made up, knowing, as I believe, nothing of the case until it appeared in the Supreme Court.

I wish to call the attention of the Senate to a curious thing in the Walcott case. I have examined the record on file in the office of the clerk of the Supreme Court, and that record was made up practically by the same attorneys, as I have stated, and in the same interest. They set up title, as the Senator from New York sets up title, under the grant of 1862, and in reciting that grant they left out the proviso entirely, so that when the record came to the Supreme Court, and when it appeared before Judge Nelson, who decided the case on the circuit in New York, it appeared to Judge Nelson that this act was cited in the record without the proviso, which declared that if the title to any of these lands had proved invalid then they, the navigation company, should have indemnity, and that these lands were set apart as a trust fund. That question was not before the court. It was neither before Judge Nelson nor before the Supreme Court, and Walcott in his pleadings stated that he was a *bona fide* purchaser and the navigation company admitted that he was a *bona fide* purchaser and that his title was good under the joint resolution of 1861. So that this question of *bona fide* purchaser, the turning point in the case, was admitted in the pleadings and formed the basis of the decision.

Mr. GEORGE. Did the case made pretend to set out the statute under which the parties claimed?

Mr. ALLISON. They set out a portion of it.

Mr. GEORGE. Did they pretend to set out all?

Mr. ALLISON. They set forth the act of 1862, without intimating or indicating to the court that they had only partially set it out.

Mr. GRAY. They were public statutes, were they not?

Mr. ALLISON. The United States statutes usually are; but I am speaking of the record. I suppose that when a lawyer pleads a statute as the foundation of his case the court is very likely to take that statement when both sides agree to it.

Mr. GEORGE. In the case made in the record were the statutes set out *in totidem verbis*, omitting that proviso?

Mr. ALLISON. They were, omitting the proviso. In other words, a part of the statute was set out and not all of it.

I wish to call the attention of the Senator from New York and of the Senate to what that decision is. That decision says nothing about this navigation company. It gives no title to the navigation company. The Senator from Mississippi [Mr. GEORGE], who is giving me attention, will see with reference to these public-land statutes that the statute of 1856 recited that the railroad grant did not carry with it any lands heretofore reserved by the United States. The court simply decided in that case that the statute of 1856 provided that that grant should not touch reserved lands, and these lands were at the time of the passage of that act partially reserved or wholly reserved, at least sufficiently reserved for the purposes of the law from sale because of the grant of 1846, and they were not open at that particular moment of time to pre-emption and settlement; so that they were not included in the grant to the railroad company, and that the railroad company did not have title to the land, and because thereof Walcott's title had not failed; and that was the only question decided in the case. So the case of Walcott, although made up between the same parties, simply decided that the railroad company was not entitled to these lands.

That was the first case, and there have been numerous cases. I will not undertake to state them or even to enumerate them, but there were several cases which were decided afterward hanging wholly upon the Walcott case. There was the case of Crilly. Some Senators may have some knowledge of Mr. Crilly. The case of Crilly went to the court, and Crilly feels aggrieved because of the decision.

What was the decision in Crilly's case? It was that although Mr. Crilly was a pre-emptor and went upon the land in 1855, yet because of this reservation under the authority of the Secretary of the Interior, and because of this withdrawal from sale at that time, Mr. Crilly could not be a lawful pre-emptor under the pre-emption law, and they set aside his patent upon the bare, naked technicality that if the lands had not been reserved from sale by the authority of the Interior Department Crilly would have carried his pre-emption by all proper and just inference with reference to that decision. That was the decision in the Crilly case.

Mr. GEORGE. They only decided that he was not entitled to the land?

Mr. ALLISON. They only decided the single question that he was not entitled to hold that land, because he was not a pre-emptor, the land having been exempt from sale at that time. So, running along through the cases, the next one of importance is the case of Baker *vs.* Williams, with which I have no doubt the Senator from New York is familiar. That was an important case. It was a railroad case; a case wherein the Cedar Rapids and Missouri River Railroad Company came in conflict with the Des Moines River and Navigation Company; and that case decided, as the case of Walcott *vs.* the Navigation Company, simply that these lands were reserved from sale at the time the grant was made in 1856, and therefore the railroad company took no title.

Those are the decisions. I sent a moment ago to the Clerk's office to have brought in, and I have before me here, the original act of 1862 as it passed the Senate, showing, if any Senator will look at it, that it was the intention of the Public Lands Committee at that time in reporting and passing the bill to make it absolutely clear and certain that that act should not apply to the lands which are now claimed by the Des Moines River and Navigation Company.

So I affirm that wherever these cases have appeared in the courts they have appeared only as involving practically two questions, first, a contest between the navigation company and the railroad company where the rights of the settlers, or of the pre-emptors if you please, or the homestead settlers, were kept out of view, were not before the court, and their interests were not decided except in the cases I have named, where they excluded them on the ground that they had no authority under the laws of the United States to make pre-emption at the time they settled upon the land because at the time the lands were reserved from sale.

Now, I come to the statute of 1871, which was the next statute upon this question. I have shown that the act of 1862 was an act intended to grant to the State of Iowa, in order that the State might settle with the navigation company if they had any equities, a right to hold this land in trust until that settlement was made, and to grant the residue to the Keokuk and Fort Des Moines Railroad Company, it being understood clearly, as indicated from the statute of 1862, that the railroad company was the beneficiary of the grant, as was originally provided in the act of settlement of the General Assembly of the State of Iowa in 1858.

I have omitted to state that the Secretary of the Interior in 1863 opened up to settlement the lands which the Supreme Court decided did not belong to the navigation company, and which were not included within the railroad grant, because the railroad did not absorb all the lands that the navigation company claimed. There was an interval between the railway grants and the navigation company grants. If the navigation company grant failed there were about 80,000 acres or less in the Des Moines Valley that would not go to the railroad companies, because the lands were not within the granted limits. Therefore the Secretary of the Interior, then Mr. Caleb B. Smith, I believe, opened up these intervening lands to settlement, and these people went upon the lands.

In 1867 when the Supreme Court of the United States decided that the railroad companies took nothing by these grants because of the fact of the reservation, Mr. O. H. Browning, then Secretary of the Interior, again opened up the whole of these lands to settlement. Senators who were familiar with Secretary Browning know that he was a lawyer of eminence, and that he administered the affairs of the Interior Department with care as respects the public domain. He opened up these lands to settlement; so that twice under the decisions of the Supreme Court the lands were opened up to settlement by the executive authority of the Interior Department. Of course they were valuable lands, and homesteaders and pre-emptors entered upon the lands. In 1872 the case of Baker *vs.* Williams was decided.

However, I want to say one word about the act of 1871. The act of 1871 was nothing more than a confirmatory act of the settlement made between the State of Iowa and the Government of the United States with respect to all these grants. The United States said they would have nothing to do with the Des Moines River grant except to confirm what the State of Iowa had done respecting it, namely, not to allow the navigation company to take an acre of it, and they gave it as they had a right to do, being the trustee, to the railroad company as the settlement provided.

The Senator from New York has read from a report made under the act of 1873. I have the act of 1873 before me; I want to call attention to it that it may be seen what it was proposed by Congress to do under that act. The act of 1873 provided:

> That the President of the United States shall be, and he is hereby, authorized to appoint three commissioners, who shall ascertain the number of acres, and by appraisement or otherwise the value thereof exclusive of improvements, of all such lands lying north of Raccoon Fork of the Des Moines River, in the State of Iowa, as may now be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States, and on what terms the adverse holders thereof will relinquish the same to the United States.

That law was intended to allow, as this Government has allowed from its foundation, the honest settler to remain upon the land, and if an adverse title springs up to give indemnity to the non-resident holder. That was the case in Georgia; it was the case in Mississippi many years ago, I do not remember the time, when the Government of the United States appropriated more than $100,000 to buy out adverse titles which the Supreme Court had decided to be against the settlers upon those lands. I believe that case was decided in 1820; it is alluded to in the report of the chairman of the committee.

It has always been the policy of the Government, where bodies of land come in conflict with regard to conflicting grants, that the settler, the man who tills the soil, shall have the benefit of holding possession as against the man who holds the adverse title if the United States feel bound in honor to make reclamation or settlement; that the indemnity shall go to purchase the adverse title.

I have gone over these statutes and every one of them. My colleague and myself were in Congress during most of this period. I was in Congress when many of these acts were passed, and they were all passed in the interest of the settlers as was supposed at the time, of the people who hold this land, and they seem to have failed in their purpose most signally according to the argument of the Senator from New York.

By the act of 1873 it was intended that the Government of the United States should find out the value of these lands exclusive of improvements, because it was not pretended that the Des Moines Navigation Company had placed any improvements on the lands, and that the Government of the United States should settle with the Des Moines Navigation Company or its assigns for whatever interest they held adverse to the occupants of the land. The answer at once was made by those who represented this company or who were its assignees, holders of these lands, that they had no settlement, and that they did not desire the Government to indemnify them, and therefore these people went on and valued these lands, and Congress afterward undertook to appropriate money to the occupants of the land, but the bill failed to become a law, and afterward the bill now before the Senate was devised as a remedy for these disputes. These lands may be claimed by large classes of people in New York, but the great owners, who held thousands of acres of them, refused to make an adjustment at the time in reference to these matters as I understand. When the commission went out they made an appraisal of the value of the lands as nearly as they could and gave the names of the settlers, and when that report came back to Congress an effort was made in the other House and here to secure an appropriation for that purpose, which failed as I have stated.

That is the history as briefly as I can state it of this whole transaction. Now, then, who is this Des Moines Navigation Company? It is a corporation that without consideration to the State of Iowa, except as I have stated, and which if this bill shall pass will have received from the State, and not from the Government of the United States, nearly 200,000 acres of land that is worth to-day probably $4,000,000.

Mr. GEORGE. As much as that?

Mr. ALLISON. Absolutely. This navigation company, after these decisions and after its settlement with the State of Iowa, and after it abandoned this work after spending $185,000 in actual construction upon it, so far as it could dissolved the corporation and divided up the lands among the individual holders of the stock and of the bonds of the company, and they were all or nearly all the same persons, in proportion to the amount of lands that each stockholder or bondholder was entitled to hold; so that to-day the men who are opposing this bill, or most of them, are the original stockholders of the Des Moines Navigation Company and their successors, and in some cases their grantees, but in the main they are the men who inaugurated in 1853 the project of securing lands on the Des Moines River not only to the northern boundary of the State of Iowa but nearly 200 miles into the State of Minnesota, and they are the same men who, after they failed to secure the extension of the grant by construction or legislation, abandoned this work upon which the State of Iowa had spent nearly $400,000, and upon which they had spent in actual construction only $185,000.

Mr. GEORGE. For which they had received 53,000 acres of land.

Mr. ALLISON. For which they have received 53,000 acres of land, and this bill gives them the residue.

I am not surprised that the Senator from New York should find fault with the phraseology of this bill, inasmuch as the proviso says

that the people holding this adverse title, except where they come in conflict with the homestead settlers and pre-emptors, shall take their title. Although I have no doubt the chairman of the Committee on Public Lands and all his associates on that committee believe that this navigation company is not entitled to an acre of this land, yet this bill is so framed that all the lands that are not occupied by homestead and pre-emption settlers will be by this bill made perfect and complete in this Des Moines Navigation Company, its assignees and grantees.

Mr. GEORGE. How much will that be?

Mr. ALLISON. Two hundred and thirteen thousand acres were originally turned over to this company, according to the statement found in the report. To be deducted from that are whatever number of acres are actually occupied by homestead or pre-emption settlers.

Mr. CHACE. How much is that?

Mr. ALLISON. That is probably sixty or seventy thousand acres. I do not know the exact amount.

Mr. CHACE. That is 60,000 out of 213,000?

Mr. ALLISON. Yes.

Mr. CHACE. That would leave 153,000.

Mr. ALLISON. So that this navigation company, its successors and assigns and its grantees, if this bill shall pass, will gather from the State of Iowa, I repeat, nearly 200,000 acres of land by means of this bill, which to-day is worth, not an acre of it, less than $20 an acre; some of it is worth $200 an acre.

Mr. BROWN. Are these lands above or below Raccoon Fork?

Mr. ALLISON. All above the Raccoon Fork.

Mr. EUSTIS. Why are not the lands forfeited?

Mr. ALLISON. They ought to have been forfeited. This navigation company got their indemnity, as I have shown, by the act of 1862, and Congress turned them over to the State of Iowa to settle with the State of Iowa for their indemnity; but the State of Iowa having knowledge of all the facts and believing then as its people believe now that they have been paid many times for the money they invested in the State, refused to hold that land in trust for them and gave it to another company to build a line of railway, and then came the trial of the Walcott case and the decisions which have followed from that time to this.

Mr. EVARTS. The Senator does not say that the grantees of the navigation company or the navigation company have ever received any land except what was in place according to the original grant made in 1846 as construed and enforced afterward; in other words, no indemnity lands have ever come to the company.

Mr. ALLISON. I so stated distinctly. I stated distinctly that no indemnity lands went to the company. Why? Because the Congress of the United States turned the indemnity land over to the State of Iowa to deal with it as equity required.

Provided, That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant, the title of which has proved invalid—

What lands were those? They were the lands that the Supreme Court of the United States, in 1859, had said by no pretense could go to the Des Moines Navigation Company. The act of 1862 says further:

Any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act shall inure to and be held as a trust fund—

For whom?

for the benefit of the person or persons, respectively, whose titles shall have failed as aforesaid.

Mr. GEORGE. I want to know if the Senator from Iowa desires to be understood as saying that the company got 53,000 acres of land below the Raccoon Fork as I understand, worth, as he says, $530,000 for an expenditure of $185,000, and that if this bill passes they will get 200,000 acres of land more?

Mr. ALLISON. I did not mean to say that. I meant to state, as I understand the facts to be, that the Des Moines Navigation Company received 53,000 acres below the Raccoon Fork.

Mr. GEORGE. I understand, but——

Mr. ALLISON. Which land at the time, as shown in the records and statements, was worth from $8 to $10 an acre, or $530,000.

Mr. EVARTS. In 1854?

Mr. ALLISON. They received this land in 1856. It was worth $10 an acre then. The Senator from New York will appreciate this when I tell him that there is scarcely a mile of this land from 50 or 60 miles below the city of Des Moines to Fort Dodge, the northern terminus of this district, that is not underlaid with coal, which is becoming every year more and more valuable, and in the neighborhood of Fort Dodge there are disputed lands not only underlaid with coal, but some of these lands have beds of gypsum upon them many feet in depth, of incalculable value in the future; these gypsum beds covering many miles of territory. So this contest between the navigation company and these railroad companies was a contest between these corporations for most valuable land.

Now, I repeat, if necessary, to the Senator from Mississippi that if this bill shall pass it quiets title to every acre of the lands above the Raccoon Fork that is not actually held and occupied and claimed to be owned by a pre-emption or homestead settler.

Mr. GEORGE. How much is that land?

Mr. ALLISON. It is variously estimated at from sixty-five to eighty thousand acres. So there is over 100,000 acres, the title to which, as I understand, will be settled in favor of the navigation company, or the grantees of that company, some of whom also occupy the land purchased from the company.

Mr. CALL. The navigation company, I understand, that is entitled to nothing will under this bill get a large quantity of additional land.

Mr. ALLISON. It is entitled to nothing as I believe, I mean in equity, but the Senator from New York insists that it is entitled to the whole of the land, and that these settlers, variously estimated at from 500 to 800, shall without further process be turned out of doors for the benefit of these parties who claim to hold these lands by virtue of assignment from the navigation company.

Mr. WILSON, of Iowa. If my colleague will allow me, I will state that the number of settlers there is from ten to twelve hundred.

Mr. ALLISON. I was not aware there were quite so many. I had forgotten the number.

Mr. CALL. Feeling that the settler ought to be protected, why would it not be better to let the veto stand and pass a bill forfeiting the entire grant and protecting the settler?

Mr. ALLISON. If the Senate desires to do that it can be done in this bill by striking out the proviso which the Senator from New York seemed to think was a little incongruous, and I am entirely willing that the proviso should be stricken out.

Mr. HOAR and others. You can not do that.

Mr. ALLISON. Perhaps not. However I will say to the Senator from Florida that in my judgment, as I believe the Committee on Public Lands intended that this bill should be a bill of peace, this is satisfactory to these people in the State of Iowa. They have lived on these lands from ten to thirty years most of them, their children have grown up there, they have cultivated their farms, built their houses and their barns, and they have been in trepidation and fear for nearly twenty years. They are people who have neither the money nor the opportunity to employ lawyers to try their cases. They wanted this one suit that would enable them to go into the courts of the United States and settle once for all whether they were to be driven from their homes ruthlessly, or whether this Government that to-day has in its Treasury more than $70,000 of their money paid in through pre-emption purchases and homestead fees shall see to it that they are protected and cared for in their interests in this Congress, so far as it is in the power of Congress to protect them.

Mr. GEORGE. I wish to ask the Senator one question. Why is not the title of pre-emption settlers for twenty years good against everybody else in the world under the statute of limitations?

Mr. ALLISON. That is the reason why the first section is inserted in this bill declaring that the United States shall institute the necessary proceedings to give them the title which they have promised and many of them already obtained.

Mr. GEORGE. What is the statute of limitations as to land in your State?

Mr. ALLISON. Ten years. I should add in answer to the Senator from Mississippi that technically these lands were at the time of settlement reserved from sale, and the courts have held that they could not enter upon these lands because they were reserved, and the first section of the bill cures that defect and gives them a status which they do not now have.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. PLUMB. Can we not have a vote to-day?

Mr. HARRIS. I am told that probably there is to be no further debate on the pending proposition; and if so I withdraw the motion I made in order that we may come to a vote.

Mr. ALLISON. I hope we shall have a vote on the bill to-night. Let us finish it. I want to take up an appropriation bill to-morrow.

Mr. WILSON, of Iowa. I am quite content to withhold any remarks and let the vote be taken now.

Mr. EVARTS. If Senators prefer that this matter should be concluded to-night, it will concur with my convenience. I propose to reply——

Mr. GEORGE. I do not think we ought to go on to-night if the Senator from New York desires to speak. It is very late now, and I think it is due to the Senator from New York that he should have full opportunity to be heard.

Mr. PLATT. Can we not have an agreement that a vote be taken at a certain time to-morrow.

Mr. EVARTS. I will accede to the wishes of the Senate.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi [Mr. GEORGE] submit a motion?

Mr. HARRIS. If the Senator from New York, having the floor, will yield to me, I will renew my motion that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. You might as well move to adjourn at once.

Mr. EVARTS. My impression is that the Senate will not wish to sit through the matter to-night. So far as I am concerned it makes very little difference. I will go on to-morow if the desire of the Senate is that they should adjourn now.

Mr. GEORGE. What is your desire? I want to conform my action to your desire.

Mr. EVARTS. I think I would make a shorter speech to-morrow than I should to-night.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 29, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 28th day of June, 1886.

TERRITORIAL JUDGE.

William W. Porter, of California, to be associate justice of the Territory of Arizona, *vice* Daniel H. Pinney, term expired June 19, 1886.

UNITED STATES ATTORNEY.

William G. Ewing, of Chicago, Ill., to be attorney of the United States for the Northern district of Illinois, *vice* Richard S. Tuthill, resigned.

UNITED STATES MARSHAL.

Samuel T. Wilson, of Tennessee, to be marshal of the United States for the middle district of Tennessee, *vice* George N. Tillman, resigned.

COLLECTOR OF CUSTOMS.

Frank M. Porch, of New Jersey, to be collector of customs for the district of Bridgeton, in the State of New Jersey, *vice* Joseph H. Elmer, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 23, 1886.

UNITED STATES MARSHALS.

Arthur H. Keller, of Alabama, to be marshal of the United States for the northern district of Alabama.

William M. Desmond, of Iowa, to be marshal of the United States for the northern district of Iowa.

UNITED STATES ATTORNEYS.

J. Bomar Harris, of Mississippi, to be attorney of the United States for the southern district of Mississippi.

William H. Denson, of Alabama, to be attorney of the United States for the northern and middle districts of Alabama.

CHIEF-JUSTICE OF NEW MEXICO.

Elisha Van Loud, of Indiana, to be chief-justice of the supreme court of the Territory of New Mexico.

POSTMASTERS.

Andrew M. Phlegar, to be postmaster at Bodie, Mono County, California.

William J. Bryan, to be postmaster at San Francisco, San Francisco County, California.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 28, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. FORAN, for four days, from and including Monday, June 28.

To Mr. SAWYER, for to-day, on account of important business.

To Mr. GREEN, of North Carolina, for one week, to attend the funeral of Judge Davis.

To Mr. BUCHANAN, indefinitely, on account of sickness.

To Mr. GOFF, for one week, on account of important business.

To Mr. JOHNSTON, of Indiana, for one week, on account of important business.

To Mr. THROCKMORTON, for to-day.

To Mr. CROXTON, from June 28 to July 2, inclusive, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction and reference of bills and resolutions.

DAILY HOUR OF MEETING.

Mr. WHEELER submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That from and after Monday, June 28, 1886, the sessions of this House commence at half past 10 o'clock in the morning and continue until half past 5 o'clock in the evening.

JOHN C. HAMMOND.

Mr. WHEELER introduced a bill (H. R. 9655) for the relief of John C. Hammond; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARRIET C. HUNTER.

Mr. WHEELER also introduced a bill (H. R. 9656) for the relief of Harriet C. Hunter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID C. WILLIAMS.

Mr. WHEELER also introduced a bill (H. R. 9657) for the relief of David C. Williams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. VARIN.

Mr. WHEELER also introduced a bill (H. R. 9658) for the relief of F. Varin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. JONES.

Mr. WHEELER also introduced a bill (H. R. 9659) for the relief of William H. Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH LOONEY.

Mr. WHEELER also introduced a bill (H. R. 9660) for the relief of Elizabeth Looney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. A. POTTS.

Mr. WHEELER also introduced a bill (H. R. 9661) for the relief of J. A. Potts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POLLIE LESTER.

Mr. WHEELER also introduced a bill (H. R. 9662) for the relief of Pollie Lester; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M. WILLBUR.

Mr. MARTIN (by request) introduced a bill (H. R. 9663) for the relief of James M. Willbur; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LYDIA BURDICK.

Mr. WAIT introduced a bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. BEELAND.

Mr. HAMMOND introduced a bill (H. R. 9665) granting a pension to James M. Beeland, of Henry County, Georgia, a soldier in the Creek war of 1836; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELIZABETH VAN TUYL.

Mr. NEECE introduced a bill (H. R. 9666) granting a pension to Elizabeth Van Tuyl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH F. GARRETT.

Mr. NEECE also introduced a bill (H. R. 9667) granting a pension to Joseph F. Garrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MORRISON.

Mr. MATSON introduced a bill (H. R. 9668) for the relief of James Morrison; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSANNA MALONEY.

Mr. MATSON also introduced a bill (H. R. 9669) for the relief of Susanna Maloney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. TODD.

Mr. MATSON also introduced a bill (H. R. 9670) for the relief of William J. Todd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. MORRIS.

Mr. HOLMES introduced a bill (H. R. 9671) granting a pension to Charles H. Morris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARA M. TANNEHILL.

Mr. CONGER introduced a bill (H. R. 9672) granting a pension to Clara M. Tannehill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VICTORIA MAY.

Mr. MAYBURY introduced a bill (H. R. 9673) granting a pension

to Victoria May, widow of Paul May, late private in Company A, Second Regiment Michigan Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GUNVOLD JOUSRUD.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 9674) to increase the pension of Gunvold Jousrud; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF ROBERT Y. WOOD.

Mr. BARKSDALE also introduced a bill (H. R. 9675) for the relief of the legal representatives of Robert Y. Wood, late a citizen of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. BEACH introduced a bill (H. R. 9676) granting the Hot Springs reservation to the State of Arkansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RAILWAY THROUGH CROW INDIAN RESERVATION.

Mr. MULLER (by Mr. BEACH) introduced a bill (H. R. 9677) to authorize the Billings, Clark's Fork and Cooke City Railroad Company to construct and operate a railway through the Crow Indian reservation, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANK H. JOHNSON.

Mr. MILLARD introduced a bill (H. R. 9678) granting a pension to Frank H. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT ON INTERNATIONAL SHEEP AND WOOL SHOW.

Mr. REID, of North Carolina, introduced a joint resolution (H. Res. 192) to print 2,000 copies of the report of the Commissioner of Agriculture on the international sheep and wool show held in Philadelphia in September, 1880; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WINDSOR HOTEL COMPANY, WASHINGTON, D. C.

Mr. WILKINS (by request) introduced a bill (H. R. 9679) to incorporate the Windsor Hotel Company, of the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

D. W. HILL.

Mr. McKINLEY introduced a bill (H. R. 9680) granting a pension to D. W. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS W. EGAN.

Mr. BINGHAM introduced a bill (H. R. 9681) granting a pension to Thomas W. Egan, late colonel of the Fortieth New York Volunteers, brigadier-general and brevet major-general United States volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCOME TAX ON VOLUNTEER OFFICERS.

Mr. OSBORNE introduced a bill (H. R. 9682) to prohibit the retention of an income tax from pay of volunteer officers between date of commission and date of muster, and directing the Secretary of the Treasury to refund to officers whose claims have been paid any sums retained by the United States on account of such tax; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY J. DECKER.

Mr. BOUND introduced a bill (H. R. 9683) granting a pension to Mary J. Decker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. HOWARD.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 9684) granting a pension to John C. Howard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. WALLACE.

Mr. EVERHART introduced a bill (H. R. 9685) for the relief of John A. Wallace, late postmaster at Chester, Pa.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE A. MERCER.

Mr. EVERHART also introduced a bill (H. R. 9686) for the relief of George A. Mercer, late postmaster at West Chester, Pa.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BUSINESS OF PUBLIC BUILDINGS COMMITTEE.

Mr. DIBBLE introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That on Thursday, July 1, and on Thursday, July 8, the House take a recess from 5 o'clock p. m. to 8 o'clock p. m., and that the evening sessions on the days aforesaid be set apart exclusively for consideration of business reported from the Committee on Public Buildings and Grounds, the sessions not to extend beyond the hour of 11 o'clock p. m.

SECTION 5258 REVISED STATUTES.

Mr. LIBBEY introduced a bill (H. R. 9687) amending section 5258 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OBADIAH P. HILL.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 9688) to increase the pension of Obadiah P. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYLVESTER ABEYTIA.

Mr. JOSEPH introduced a bill (H. R. 9689) for the relief of Sylvester Abeytia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEANDRO BACA.

Mr. JOSEPH also introduced a bill (H. R. 9690) for the relief of Leandro Baca; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROCK CREEK PARK.

Mr. ROWELL introduced a bill (H. R. 9691) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called Rock Creek Park; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STREETS AND AVENUES IN THE DISTRICT.

Mr. ROWELL also introduced a bill (H. R. 9692) to provide for the extension of streets and avenues in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

POLITICAL CONTRIBUTIONS.

Mr. GALLINGER submitted the following resolution; which was read:

Whereas it is a matter of current newspaper rumor that the officers of the Democratic Congressional committee, the chairman and secretary of which organization are members of the Forty-ninth Congress, through a person not an officer or employé of the Government, are engaged in soliciting contributions of money from Democratic Congressmen and others in the employ of the United States Government; and

Whereas such a flagrant disregard of law, if it exists, should not be allowed to go unchallenged; and

Wheras the decision of the United States court in General Curtis's case distinctly and unequivocally covers this alleged violation of law: Therefore,

Be it resolved, That the Committee on Reform in the Civil Service be requested to institute an immediate investigation into this matter with a view of ascertaining whether or not section 11 of the act entitled "An act to regulate and improve the civil service of the United States" has been violated by the officers of the Democratic Congressional committee; said Committee on Reform in the Civil Service having authority to send for persons and papers and to employ a stenographer.

Mr. MILLS. I suggest that the resolution go to the Committee on Mines and Mining.

Mr. BINGHAM. Or to the Committee on Ways and Means.

The resolution was referred to the Select Committee on Reform in the Civil Service.

GEORGE L. KEY.

Mr. HOWARD introduced a bill (H. R. 9693) for the relief of George L. Key; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS CRAWFORD.

Mr. HOWARD also introduced a bill (H. R. 9694) for the relief of Thomas Crawford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN H. MOORE.

Mr. ELY introduced a bill (H. R. 9695) restoring to the pension-roll the name of John H. Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. ELY also introduced a bill (H. R. 9696) granting a pension to John H. Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. POULTER.

Mr. STONE, of Missouri, introduced a bill (H. R. 9697) granting arrearages of pension to John D. Poulter; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH CLARK.

Mr. STONE, of Missouri, also introduced a bill (H. R. 9698) granting an additional pension to Joseph Clark; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MOSES SHEPHERD.

Mr. MORRILL introduced a bill (H. R. 9699) to increase the pension of Moses Shepherd; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES IREDELL MEARES.

Mr. BENNETT introduced a bill (H. R. 9700) for the relief of James Iredell Meares, of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EMILIE L. MAJOR.

Mr. GAY introduced a bill (H. R. 9701) for the relief of Emilie L. Major, formerly of New Orleans, La., but now of Chatawa, Miss.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TARIFF AND INTERNAL REVENUE.

Mr. RANDALL introduced a bill (H. R. 9702) to reduce and equalize duties on imports, to reduce internal-revenue taxes, and to modify the laws in relation to the collection of the revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEVANDER JENKINS.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 9703) for the relief of Levander Jenkins, of Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OPIUM IN THE DISTRICT OF COLUMBIA AND THE TERRITORIES.

Mr. CURTIN (by request) introduced a bill (H. R. 9704) to restrict the use and sale of opium in the District of Columbia and the Territories of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES H. WHITE.

Mr. RYAN introduced a bill (H. R. 9705) granting a pension to James H. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CERTAIN UNITED STATES LANDS IN KANSAS.

Mr. RYAN also introduced a bill (H. R. 9706) to relinquish the interest of the United States in certain lands in Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LOUISA SCOTT.

Mr. LANDES (by request) introduced a bill (H. R. 9707) granting a pension to Louisa Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA A. SPROUSE.

Mr. LANDES (by request) also introduced a bill (H. R. 9708) granting a pension to Maria A. Sprouse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD F. DEWEY.

Mr. LINDSLEY introduced a bill (H. R. 9709) for the relief of Edward F. Dewey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ENDERS, ADMINISTRATOR.

Mr. STONE, of Kentucky, introduced a bill (H. R. 9710) for the benefit of William Enders, administrator of Henry Enders; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES REGAN.

Mr. CAREY introduced a bill (H. R. 9711) for the relief of First Lieut. James Regan, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL M. MAULDING.

Mr. TOWNSHEND introduced a bill (H. R. 9712) granting an increase of pension to Daniel M. Maulding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the morning hour for the call of committees be dispensed with, and pending that I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

REPORT OF INTERNATIONAL POLAR EXPEDITION.

Mr. BARKSDALE. I ask the gentleman from Pennsylvania to withdraw that motion in order that I may submit a report from a committee of conference in regard to the concurrent resolution to print the report of the International Polar Expedition to Lady Franklin Bay.

The SPEAKER. Has the House disagreed to the Senate amendments?

Mr. BARKSDALE. It is a report recommending disagreement to the amendments and agreement to the request for a conference.

The SPEAKER. That requires unanimous consent. The Clerk will read the report, after which the Chair will ask for objections.

The Clerk read as follows:

The Committee on Printing, to whom was referred House concurrent resolution that 4,500 copies, with the necessary illustrations, be printed of the report of the International Polar Expedition to Lady Franklin Bay, by First Lieut. A. W. Greely, with the Senate amendments, respectfully report a disagreement with the Senate amendments and recommend agreement with the request for a conference.

The SPEAKER. The Clerk will read the amendments.

The Clerk read as follows:

Resolved, That the Senate agree to the foregoing resolution of the House of Representatives with the following amendments:

In line 9, strike out the words "and three thousand two hundred and fifty" and insert "two thousand five hundred."

In line 10, after "Representatives," insert "and 750 copies for distribution by the Signal Service Bureau."

The SPEAKER. If there be no objection the Senate amendments will be disagreed to and the request for a conference agreed to.

There was no objection, and it was so ordered.

The SPEAKER appointed Mr. BARKSDALE, Mr. REID of North Carolina, and Mr. FARQUHAR as conferees on the part of the House.

ORDER OF BUSINESS.

The SPEAKER. The question now is on the pending motion of the gentleman from Pennsylvania [Mr. RANDALL] to dispense with the morning hour for the call of committees.

The motion was agreed to—more than two-thirds having voted in the affirmative.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

Mr. HALL. Mr. Speaker, I ask the gentleman from Pennsylvania to withdraw that motion for a moment to permit me to call up for present consideration Senate bill 1942 and to make a brief explanation of it.

Mr. RANDALL. I wish to be exactly fair, and if I withdraw the motion for one gentleman I shall have to do the same for another.

Mr. DUNN. Regular order.

The SPEAKER. The regular order is called for. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House now resolve itself into Committee of the Whole.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. REAGAN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the sundry civil appropriation bill. The Clerk will report the pending paragraph.

Mr. RANDALL. Mr. Chairman, there was an agreement that when we reached the point of the bill where we now are general debate should be allowed upon the land question. I would prefer to have that debate at this time.

Mr. BLANCHARD. When the committee rose on Saturday I had been recognized to offer an amendment. Does the gentleman from Pennsylvania desire to have the debate before the amendment is offered or afterward?

Mr. RANDALL. The gentleman's amendment relates to the subject of receivers and registers of the land offices, and can come in after the general debate just as well as now.

The CHAIRMAN. There was unanimous consent, the Chair understands, that when the time for general debate arrived the committee should go back to the paragraph proposed to be amended by the gentleman from California [Mr. MORROW].

Mr. MORROW and other members. That was the understanding.

Mr. BLANCHARD. Then I understand that I am to be recognized to offer my amendment at the proper time.

Mr. RANDALL. That is understood. Mr. Chairman, I should like to have the committee agree to some limit for this debate.

Mr. DUNHAM. I think fifteen minutes would be sufficient.

Mr. RYAN. The gentleman from Illinois may suggest fifteen minutes for himself, but there are other gentlemen on this side of the House who have been promised the opportunity to speak on this subject.

Mr. RANDALL. I mean to execute every promise.

A MEMBER. Let it be an hour and a half.

Mr. DUNHAM. I would suggest the propriety of this bill being passed before the 30th of June, and for that reason we had better not take any unnecessary time discussing it.

Mr. HOLMAN. I think an hour and a half ought to be sufficient.

Mr. PETERS. I want a half hour.

Mr. RYAN. I do not think that less than two hours will do.

Mr. McCOMAS. Make it two and a half.

Mr. NELSON. I object to so short a time.

Mr. COBB. This is a very important question and ought to be fully discussed.

Mr. RANDALL. I do not suppose the whole scope of our public land system is to be gone over in this discussion. The debate was intended, as I understand, for a particular part of this bill, and if we can not agree upon some time I shall have to move that the committee rise to limit debate.

Mr. HENDERSON, of Iowa. Make it two hours and a half, and I think that will be satisfactory all around.

Mr. PAYSON. We ought to have at least three hours.

Mr. PETERS. I think all the argument will be confined to a motion to strike out and to insert. I know that is the case so far as I am concerned.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills, and pending that I move all debate upon the land question, as embraced in this bill, be closed in two hours.

Mr. PAYSON. I move to amend by making it three hours.

Mr. RANDALL. I demand the previous question upon the motion and amendment.

The previous question was ordered.

Mr. MORROW. I wish to make a parliamentary inquiry, whether or not this motion affects the preceding agreement as to the thirty minutes to which I am entitled on another part of the bill?

The SPEAKER. The Chair thinks not.

Mr. RANDALL. It does not. This motion applies only to the public land question.

The question was taken on the amendment submitted by Mr. PAYSON; and on a division there were—ayes 49, noes 75.

So the amendment was not agreed to.

The motion to limit debate to two hours was agreed to.

Mr. RANDALL moved to reconsider the vote by which the House agreed to limit debate; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD DEVANNEY.

Mr. KELLEY introduced a bill (H. R. 9713) for the relief of Edward Devanney; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL J. LA DUE.

Mr. KELLEY also introduced a bill (H. R. 9714) for the relief of Daniel J. La Due; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGIANA SHOWERS.

Mr. KELLEY also introduced a bill (H. R. 9715) granting a pension to Georgiana Showers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIANA BROMLEY.

Mr. KELLEY also introduced a bill (H. R. 9716) granting a pension to Juliana Bromley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN MUTUAL BENEFIT ASSOCIATION, MEXICAN WAR.

Mr. WILLIS introduced a bill (H. R. 9717) for the benefit of the American Mutual Benefit Association of the Mexican War Veterans; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PANAMA CANAL.

Mr. KING introduced a joint resolution (H. Res. 193) in opposition to the proposed action of the French Government in appropriating a sum of money in aid of the De Lessep's Panama Canal; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

STORMS IN LOUISIANA.

Mr. KING also introduced a joint resolution (H. Res. 194) appropriating $200,000 for the relief of sufferers from recent violent, unprecedented, and desolating storms in certain districts in Northern Louisiana; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DEVICE FOR CANCELING POSTAGE-STAMPS.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 9718) authorizing the Postmaster-General to adopt a device for canceling postage-stamps; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM SHEPPERD.

Mr. HEWITT introduced a bill (H. R. 9719) granting a pension to William Shepperd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HALPIN.

Mr. GLOVER introduced a bill (H. R. 9720) granting a pension to William Halpin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. KING.

Mr. GLOVER also introduced a bill (H. R. 9721) granting an increase of pension to John A. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES JACKSON.

Mr. GLOVER also introduced a bill (H. R. 9722) granting an increase of pension to Charles Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. BARKSDALE introduced a joint resolution (H. Res. 195) to print the annual Report of the Commissioner of Agriculture; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JAMES B. M'NAIR.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 9723) for the relief of the heirs of James B. McNair, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House now resolve itself into Committee of the Whole for the further consideration of appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. REAGAN in the chair).

The CHAIRMAN. By order of the House all debate on the land clause of the bill is limited to two hours.

Mr. RANDALL. Of course the Chair will see that the time is equally divided between the two sides.

The CHAIRMAN. The Chair would suggest, inasmuch as the Chair can not know what side gentlemen are going to espouse in the debate, that the gentleman from Pennsylvania control the time for one hour and some gentleman on the other side control it on that side.

Mr. RANDALL. That would be satisfactory to me, and I would suggest that the gentleman from Nebraska [Mr. LAIRD] control the hour on that side.

The CHAIRMAN. The Chair will recognize the gentleman for that purpose.

Mr. RANDALL. There has been a criticism made to me since the suggestion was made, that perhaps some member of the Committee on Appropriations should control the time on that side. I would suggest, therefore, that the gentleman from Kansas [Mr. RYAN], who is the older member of the Subcommittee on Appropriations, or the gentleman from Maryland [Mr. MCCOMAS] control the hour.

Mr. LAIRD. That will be entirely satisfactory to me if I can get a part of the time. I do not care who controls it.

Mr. RYAN. I will take charge of the time and will divide it as best I can among gentlemen.

Mr. COBB. Who will control the time on this side?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL].

Mr. MORROW. I believe I am now entitled to the floor.

The CHAIRMAN. The gentleman from California is recognized on his amendment in relation to Chinese immigration.

Mr. LAIRD. How is this? I understood the general debate was to be on the land clause.

Mr. FELTON. There was a distinct agreement that when the committee reached this portion of the bill before the land clause was discussed we should return to this proposition in relation to the restriction of Chinese immigration and that my colleague [Mr. MORROW] was to be allowed thirty minutes.

Mr. MORROW. The section to which I propose to address my remarks is found on page 34 of the bill. I ask the Clerk to read my amendment.

The Clerk read as follows:

In lines 812 and 813 strike out "five thousand five hundred dollars" and insert "ten thousand dollars: *Provided*, That the Secretary of the Treasury shall cause to be prepared and furnished to collectors of customs at ports where the same may be required, suitable books of registration and books of preliminary and return certificates, in such form as shall enable the said collectors to conveniently set forth and certify accurately, distinctly, and fully all the particulars necessary to identify the Chinese persons to whom such certificates shall be issued."

Mr. RANDALL. I think the understanding was that we should begin now with the general debate touching the land question. I will

cheerfully meet in a fair spirit the gentleman from California [Mr. MORROW] at a later period in regard to the other matter.

The CHAIRMAN. The committee agreed to pass over the clause relating to Chinese immigration with the understanding that the gentleman from California [Mr. MORROW] should be recognized afterward on his amendment.

Mr. RANDALL. I object to going back.

The CHAIRMAN. The Chair understood the agreement to be that the clause from line 807 to 815 should be passed over, and that when the land clause was reached that clause should be returned to, so that the gentleman from California might submit his remarks.

Mr. RANDALL. There was no agreement so far as I remember except that the gentleman from California should be heard. I think thirty minutes was the time specified.

Mr. FELTON. Thirty minutes were to be given to my colleague, but there was no understanding that the debate should be limited to that period.

Mr. RANDALL. I want the debate on the land clause to proceed.

The CHAIRMAN. Perhaps the Chair may be in error, but he believes the agreement was that when the land clause was reached the gentleman from California should be allowed to address the committee on the other question.

Mr. RANDALL. But not preceding the debate on the land clause.

The CHAIRMAN. That is the impression of the Chair.

Mr. MORROW. I was recognized in the time of the gentleman from Massachusetts [Mr. LONG] when this matter came up. I was then entitled to the floor, and gave way with a distinct understanding that when we reached this part of the bill I should be recognized.

Mr. RANDALL. Let us go to the RECORD. If that shows that the arrangement is as has been stated I will adhere to it.

The CHAIRMAN. The Chair will cause the RECORD to be read.

The Clerk read as follows:

Mr. MORROW. Mr. Chairman, I offer an amendment which I send to the desk.

The amendment was read, as follows:

* * * * * * *

Mr. STORM. I reserve a point of order on that proposition as new legislation.

Mr. MORROW. When the Committee of the Whole was first proceeding to consider this bill the gentleman from Massachusetts [Mr. LONG] reserved certain time, a portion of which he has kindly agreed to surrender to me; and I will, if it be agreeable to the committee, occupy that time now.

Mr. LONG. Being entitled, under the agreement made when this bill was taken up, to certain time for general debate, I yield twenty minutes of that time to the gentleman from California [Mr. MORROW].

Mr. RANDALL. Let us pass this item.

Mr. RYAN. Let us pass it, and wait until we come to the general debate.

Mr. MORROW. All I want is my twenty-five minutes—five in my own right and twenty yielded to me by the gentleman from Massachusetts.

The CHAIRMAN. Does the gentleman from California consent to pass this item for the present?

Mr. MORROW. I understand the amendment is to be passed for the present, and discussion will take place when the general debate is reached.

Mr. RYAN. When we reach the clauses in relation to the public lands, which will be soon.

Mr. RANDALL. It will be observed the gentleman claimed twenty minutes in addition to his five minutes under the five-minute rule, and that was agreed to; but this is the general debate on the land clause.

The CHAIRMAN. It was understood that when the committee reached the land clause the gentleman from California was to have twenty-five minutes on his amendment relating to the restriction of Chinese immigration.

Mr. FELTON. The Chair is correct.

Mr. MORROW. The understanding was that when we reached that clause I was to be recognized.

Mr. RANDALL. Then I desire we shall come to some understanding as to the limit of debate on this paragraph.

Mr. COX. I desire to have five minutes.

Mr. RANDALL. The gentleman from North Carolina [Mr. COX] should have some time, of course. I suggest that the debate be limited to forty minutes.

The CHAIRMAN. Would that include the time of the gentleman from California [Mr. MORROW]?

Mr. RANDALL. My proposition is that the forty minutes shall include everything.

Mr. MORROW. That would not be sufficient, as I am myself entitled to twenty-five minutes. I ask the gentleman from Pennsylvania to agree to an hour.

Mr. RANDALL. Very well; I will agree to an hour.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time for debate on this paragraph be limited to one hour, including the time to which the gentleman from California [Mr. MORROW] is entitled. The Chair hears no objection. The Chair suggests that the gentleman from California [Mr. MORROW] shall control the time on the one side and the gentleman from Texas [Mr. COX] shall control the time on the other.

Mr. MORROW. Mr. Chairman, if I can have the attention of the committee for a short time I will explain as briefly as possible the condition of affairs on the Pacific coast calling for the most effective restrictive legislation that can be devised by Congress for the purpose of excluding Chinese immigration from the country and the necessity for a larger appropriation than is provided for in this bill to carry such legislation into effect. In doing this I shall not weary the committee with any matters not strictly pertinent to the subject-matter under consideration. This bill proposes to appropriate the sum of $5,500 "to meet such expenses as may be necessary to be incurred in carrying out the provisions of the act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, including the printing of certificates therein required."

This sum is wholly insufficient for the purpose intended. In 1884 an appropriation of $5,000 was made to meet the expenses of carrying out the provisions of the restriction act for the year 1885. The insufficiency of this appropriation compelled the Treasury Department to exercise such rigid economy in providing the machinery for executing the provisions of the act that the law has been evaded in a most shameful manner. The return certificates furnished to departing Chinamen have been printed so meanly and with such meager detail that instead of preventing further immigration of Chinese laborers as the law intended, the certificates have been used in aid of illegal immigration. I hold one of these certificates in my hand. An inspection of the document will show its useless character. The Chinese Government under the law is authorized to issue certificates to Chinese merchants coming to this country. Under this authority that government prepared and furnished to departing immigrants a certificate containing a description of the person to whom it was issued with the most elaborate detail. Compared with that document our own certificate designed for our protection is utterly worthless.

For the year 1886 no appropriation was made for the purpose of executing the law, and the result has been that the Chinese have been pouring into California at a rate far in excess of the average annual immigration prior to the passage of the restriction act.

In response to the numerous complaints that have been made to the Secretary of the Treasury concerning the inefficient method of executing the provisions of the present law, that officer has replied that there were no funds at his disposal for carrying the law into effective execution. Within the last month the United States district judge at San Francisco is reported as having declared that for the want of funds certain provisions of the law were practically nugatory. I refer to an article in the San Francisco Morning Call of June 13, 1886, concerning the attempt of two Chinamen to land in San Francisco contrary to law. The cases were brought before the United States district judge, who found that they were not entitled to come into the country, but what to do with them was the serious question. The report says:

Judge Hoffman admitted to the reporter that the situation is embarrassing. Said he:

"Although the law which provided for the remanding of these Chinese to the place from whence they came intimates that it shall be done at the expense of the United States, there is no fund appropriated for that purpose. Consequently the only way in which the marshal can obey the order of the court, where a company refuses to receive a remanded Chinaman without the payment of his fare, is for that official to buy the ticket at his own cost and then take chances of being reimbursed by the Government. That is a matter that rests solely with the marshal, though, and I can not compel him to take such a chance. Neither can I order the two Chinamen to be confined in the county jail indefinitely. My idea is, however, that the steamer which brought them here can be compelled to take them away at its own expense, as in law the men can not be regarded as having landed from that vessel. Consequently I will again remand them to China, and when the City of Peking next arrives in port I shall instruct the marshal to place the two men on board of her."

This condition of affairs certainly ought not to continue. The Government should be provided with the means to execute its own laws in a matter of this grave importance. This weakness, hesitation, and uncertainty, if continued, will drive the people of the Pacific coast to desperation, and the consequences may be deplorable.

The Secretary of the Treasury has asked for an appropriation of $10,000 for this particular service, and I know that the sum is little enough under any circumstances. There is a bill amending the restriction act on the House Calendar, and another which has passed the Senate and has been referred to the Committee on Foreign Affairs. The people of the Pacific coast have been anxiously hoping that one of these bills should become a law. Whether they are to be disappointed or not I can not say, but I can say that there is no more important matter before Congress than the effective restriction or prohibition of Chinese immigration. The effort so far has been a failure, and it remains for you to say whether you will allow conditions to grow worse before you take active measures to settle this great question.

Permit me to call your attention to a few plain facts, from which you can draw your own conclusions.

DEFECTS OF THE PRESENT LAW.

The defects in the present law relate mainly to the privilege accorded to certain classes of Chinamen by the treaty to go and come at pleasure. This privilege is preserved by the statute to the classes named in the treaty, but with safeguards so insufficient that Chinese laborers are continually obtaining admission into the country under the pretense of belonging to one or the other of the privileged classes.

The provision of the treaty referred to is as follows:

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the

rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

RETURN-CERTIFICATES NOT REQUIRED OF CHINAMEN WHO WERE HERE ON THE 17TH DAY OF NOVEMBER, 1880, AND DEPARTED PRIOR TO MAY 6, 1882.

It will be observed that Chinamen in the United States at the date of the treaty, to wit, on the 17th day of November, 1880, are allowed to go and come of their own free will and accord. This privilege has been greatly abused in affording an opportunity to Chinese laborers to come into the country who have never been here before, and the opportunity to evade the law has occurred in this way. No method was provided for the identification of those that were here at the date of the treaty, and it was not until May 6, 1882, that Congress passed an act providing for the return-certificate of identification for those departing from the country. In the mean time several thousands had gone away without such certificates, and upon their return they claimed the right to come into the United States on parol testimony showing that they were here on the 17th day of November, 1880, and had departed prior to the 6th day of May, 1882. The question was brought before the courts of the United States and the claim was sustained.

The result of this decision was that not only those came back who were here at the time named, but Chinamen who had never been in the country were instructed by their better-informed countrymen how to assert and support this claim. Maps of San Francisco and other places on the Pacific coast were furnished to new-comers on board ship, so that they might acquire a certain familiarity with the character and location of places, and thus be able to answer questions in a way to indicate a former residence in the country. There is no doubt that many succeeded in evading the law in this manner. As soon, however, as the officers of the Government began a critical examination of the persons making this claim the Chinamen devised a still better scheme in aid of their immigration. The return certificate provided by the present law, although intended to identify the person to whom it is issued, is really a much more useful document, since it may be used to identify any one of many thousands with equal certainty.

There is a remarkable similarity in the size, complexion, color of eyes and hair, and general appearance of all Chinamen coming to this country. It therefore happens that the present certificate of identification issued to a departing Chinaman will do equally as good service as a certificate of admission into the country for a thousand other Chinamen. And since an American return certificate is worth at least $100 in China, the patient, submissive, and frugal follower of Confucius takes one with him on his departure from this country and sells it to a countryman in China at the market price. He then returns, if he so desires, and is admitted on the claim of having resided here at the date of the treaty. Under the circumstances he comes back to us, as can be well understood, with a "smile that is child-like and bland." By the sale of his certificate he has paid the expense of his journey to the graves of his ancestors, or the greater part of it, and there are two Chinamen in this country where there was only one before.

The amendment I propose is intended to cure some of the defects of the return certificate, in giving authority to the Secretary of the Treasury to prescribe such forms as will secure a better identification of the persons to whom the certificates are issued. The amendment will also provide the necessary means for carrying into effect either the present law or any amendatory act that may be passed by the present Congress.

THE CLAIM OF BEING A MERCHANT.

The privilege accorded to merchants has also been abused by persons not belonging to that class. As negative proof was of course out of the question as to the occupation of immigrants many were able to pass without detection. At one time nearly all the vessels arriving at San Francisco from Hong-Kong came laden with Chinamen supplied with certificates from the Chinese custom-house at Canton showing that the holders of the certificates were merchants. These passports were very elaborate and carefully prepared documents, with the photograph of the alleged merchant securely attached. But two vessels a month, loaded to the guards with Chinese merchants, was too absurd a proceeding to continue long. The certificates were refused by the officers at San Francisco, and the Chinamen that were landed were compelled to produce other evidence of their right to come into the United States under the law.

THE TRANSIT PRIVILEGE.

Another way of avoiding the terms of the restriction act has been the claim of being in transit across the territory of the United States. I do not believe that the privilege of transit was intended to be granted to Chinese laborers either by the act of May 6, 1882, or the amendatory act of July 5, 1884, but under a decision of the Attorney-General of the United States and the regulations of the Secretary of the Treasury the privilege has been conceded under such terms as to permit the coming of Chinese laborers into the United States without sufficient safeguards being provided against their remaining in the country.

That this plea has been a serviceable one is shown by the report of Special Agent Spaulding to the Secretary of the Treasury, dated November 2, 1885, and the records of the custom-house at San Francisco, from which it appears that the arrival of Chinese passengers at San Francisco, claiming to be in transit, from August 5, 1882, to December 31, 1885, was as follows:

From August 5, 1882, to December 31, 1882	76
During the year 1883	3,498
During the year 1884	3,792
During the year 1885	5,159
Total	12,525

What proportion of this large number of arrivals at San Francisco were in actual transit and how many took their departure from the United States are not known. It is certain, however, that the plea of being in transit has not been made in good faith in many cases, and the increase in numbers of those arriving at San Francisco, from 76 in the five months of 1882 to 5,159 in the year 1885, is significant, and shows that there must be some connection between this traffic and the continued increase of the Chinese population in the United States. It is but fair to say that the present Attorney-General holds that the transit privilege is not authorized by law, but he holds that the correction of the evil requires the action of Congress.

Other defects in the law might be pointed out, but enough has been shown to demonstrate the necessity for further effective legislation to restrict this immigration. The determination on the Pacific coast to have this question settled has never been so emphatic as it is now. There has never been such intense feeling upon this subject as there is at present among all classes throughout that entire region. And if you would know the cause you have only to examine the situation of affairs and consider what you would do under like circumstances.

The situation is far more serious in California to-day than at any other time in the history of the State, and calls for immediate and effective action.

The white adult male population of San Francisco does not much exceed 50,000. The number of votes cast at the last Presidential election was 47,535. Now, compare this with the Chinese population, estimated to be from 45,000 to 50,000, or as large a number as in all the seven colonies of Australasia, with their 3,000,000 of population. This Chinese population in San Francisco is nearly all male and over 21 years of age.

The special committee of the board of supervisors, recently appointed to investigate the Chinese quarter of that city could only find 1,385 females and 722 children in the city, classified as follows:

Women	57	Living as families.
Children	59	
Women	761	Herded together with apparent indiscriminate parental relations, and no family classification, so far as could be ascertained.
Children	576	
Prostitutes	567	Professional prostitutes and children living together.
Children	87	

This statement discloses a condition of things that can not be discussed here. In a Chinese population of nearly if not quite 50,000 only fifty-seven families can be found. You must draw your own conclusions as to the condition of the Chinese population in San Francisco and its effect upon the white male population, which it equals if it does not exceed. In no other civilized community on the face of the globe has it reached such proportions and conditions. If Congress knew the whole truth of this Chinese question and its probable consequences upon American civilization the Burlingame treaty would not be in existence an hour.

The time allowed me will not permit the present discussion of other important facts connected with this immigration. If the bill amending the restriction act is brought forward before adjournment I propose, if I have the opportunity, to submit further facts of a character that should attract the attention of Congress and the country to the magnitude of this growing evil.

For the present I must be content with simply presenting the urgent demand of the people of the Pacific coast that Congress shall take some action toward effectually prohibiting Chinese immigration.

A POPULAR REPRESENTATIVE CONVENTION IN CALIFORNIA DEMANDS AN IMMEDIATE AND ABSOLUTE PROHIBITION OF CHINESE IMMIGRATION.

On the 10th of March last two conventions assembled at the capital of the State of California for the purpose of taking into consideration the situation of affairs as involved in the Chinese question. One of the conventions had met at San José a short time before and had adjourned to meet at Sacramento, inviting a full representation from all parts of the State. The other convention was composed of delegates appointed by the boards of supervisors of the several counties. Both of these conventions were non-partisan, and represented every business, trade, and profession in the State. It was composed of adherents of both of the leading political parties, and I have no doubt included men who could be said to voice the moral sentiment of the State. The two conventions united under one organization, adopted a number of resolutions and a memorial to Congress. The latter was recently introduced in the Senete by Senator MITCHELL, of Oregon, and ordered printed (Senate Miscellaneous Document No. 107). The resolutions are as follows, so far as they relate to action on the part of Congress:

THE PLATFORM.

The report of the committee on resolutions was presented by Hon. Horace Davis:

Whereas the people of the State of California are with a unanimity of senti-

ment unparalleled in history opposed to the presence of the Chinese in their midst, and are likewise opposed to the further immigration of that race into the United States; and

Whereas this opposition is not of sudden growth, but is the result of more than thirty years' experience; and

Whereas the history of all countries where the Chinese have been permitted to reside among other races is a precise counterpart of our own; and

Whereas the evils arising from the presence of the Chinese are:

First. Their coming is an invasion, not an immigration.

Second. They have no families or homes among us.

Third. Their domestic relations and modes of living are such as forever preclude their assimilation with our people.

Fourth. By education and customs they are antagonistic to a republican form of government.

Fifth. They maintain in our midst secret tribunals in defiance of our laws.

Sixth. The presence of so many adults owing allegiance to a foreign government is dangerous.

Seventh. They deter laboring men from coming to California.

Eighth. The contract system by which they come to this country is virtually a system of peonage, hostile to American institutions.

Ninth. Their presence deters the growth of a reliable labor element among our boys and girls.

Tenth. After subsisting on the lowest possible portion of their earnings they remit the residue, amounting to many millions annually, to China, while the substitution of American labor would retain this vast sum of money in our country.

For these reasons they are a constant and growing source of irritation and danger to our State, and it is necessary that their immigration be immediately stopped, and every lawful measure adopted to remove those among us.

Resolved, That we demand that the Government of the United States take immediate steps to prohibit absolutely this Chinese invasion.

PETITION FROM THE KNIGHTS OF LABOR.

I might stop here perhaps and ask whether anything more is required on our part to present this question fully to Congress and obtain for it that careful and earnest attention its importance deserves, but I have still a further duty to perform in this matter, which, to me, is one of most impressive significance. The people of California, having determined with remarkable unanimity that the evils of Chinese immigration are past further endurance, have adopted every apparently effective form of expression and declaration to make that determination known to Congress. It has remained, however, for the Knights of Labor to resort to the sacred right of petition in a way that is so formidable and expressive as to indicate the exceeding earnestness of their appeal. They have, with infinite labor, obtained the signatures of fifty thousand citizens of th State to a petition to Congress asking that such action be taken by appropriate legislation or by a change in the present treaty with China as may be necessary to forever prohibit the further immigration of Chinese into the United States.

This petition is the work of an organized army of laborers, loyal to the institutions of the country, devoted to its best interests, and hopeful of the future. They have adopted the method pointed out by the Constitution to ask the Government to protect the laboring classes of the United States, and particularly those of the Pacific coast, against a ruinous and vicious competition. They ask that Congress shall preserve the principles of this free Government for the benefit of those who must support and defend it. They ask that an impending foreign invasion shall be prevented and peace and prosperity assured to all the people. The petition is short and to the point, and I will read it with a few of the names attached thereto.

PETITION.

To the Senate and House of Representatives of the United States:

The undersigned, citizens of the State of California, request your honorable bodies to take such action, either by appropriate legislation or by a change in the present treaty with China, as may be necessary to forever prohibit the further immigration of Chinese to the United States:

(Signed by:) George Stoneman, governor; Thos. L. Thompson, secretary of state; John P. Dunn, State controller; D. J. Oullahan, State treasurer; H. I. Willey, State surveyor; W. T. Welcker, superintendent public instruction; James J. Ayers, superintendent State printing; Talbot H. Wallis, State librarian; E. B. Pond, supervisor, San Francisco; W. B. Farwell, supervisor, San Francisco; J. E. Abbott, supervisor, San Francisco; John E. Kunkler, supervisor, San Francisco; D. L. Farnsworth, supervisor, San Francisco; Jas. Williamson, supervisor, San Francisco; Jas. Gilleran, supervisor, San Francisco; Robert Roy, supervisor, San Francisco; A. Heyer, supervisor, San Francisco; Washington Bartlett, mayor of San Francisco; E. W. Playter, mayor of Oakland; John Q. Brown, mayor of Sacramento; E. F. Spence, mayor of Los Angeles; C. T. Settle, mayor of San José; Peter Hopkins, sheriff, San Francisco; Fleet F. Strother, auditor, San Francisco; L. Wadham, tax collector, San Francisco; J. A. Bauer, treasurer, San Francisco; Jas. J. Flynn, county clerk, San Francisco; D. M. Cashin, recorder, San Francisco; J. L. Meares, M. D., health officer; M. C. Conroy, license collector, San Francisco; Ira G. Hoitt, president board education; L. F. Holtz, assessor, San Francisco; J. V. Coffey, superior judge, San Francisco; R. F. Morrison, chief justice supreme court; John Hunt, superior judge, San Francisco; F. W. Lawler, superior judge, San Francisco; T. H. Rearden, superior judge, San Francisco; J. F. Sullivan, superior judge, San Francisco; D. J. Toohy, superior judge, San Francisco; James G. Maguire, superior judge, San Francisco; William Irwin, ex-governor; F. F. Low, ex-governor; Samuel W. Backus, postmaster, San Francisco; P. Crowley, chief of police, San Francisco; M. C. Blake, ex-mayor, San Francisco; Stuart Taylor, naval officer; D. McMillan, supervisor, San Francisco; Samuel Valleau, supervisor, San Francisco; Justin Gates, supervisor, San Francisco; H. C. Kinne, 120 Fourth street, San Francisco; John Payne, 919 Harrison street, San Francisco; W. W. Stone, 31 Liberty street, San Francisco; Calvin Ewing, 547 Howard street, San Francisco; D. McSweeney, 1220 Polk street, San Francisco; Ed. J. Rose, 239 Kearny street, San Francisco; T. H. Corcran, 1610 Hyde street, San Francisco; J. Livingston, 729 O'Farrell street, San Francisco, and about 50,000 others.

It is evident that no considerable part of the petition can be read, nor can it be printed in the RECORD. It is nearly a half-mile long, and contains the names of the officers of the State, county, and municipal governments of California. It is signed, of course, by the Knights of Labor and wage-workers generally.

Mr. BELMONT. Will the gentleman permit me to ask him whether he does not know that, under the treaty it is not possible to entirely prohibit Chinese immigration.?

Mr. MORROW. I am presenting here the petition of people asking that something shall be done about this matter; and the gentleman from New York, as chairman of the Committee on Foreign Affairs, should come before this House with some measure or some proposition which would assure the Pacific coast that there is in this Congress a desire and a sentiment to do something for the working people of this country.

Mr. BELMONT. The Committee on Foreign Affairs has had under consideration the bill introduced by the gentleman from California [Mr. MORROW], and therefore I thought it proper to ask him the question whether he did not himself know that under the treaty, which he has no doubt read and considered, it is absolutely impossible to prohibit entirely the immigration of Chinese labor?

Mr. MCKINLEY. What has the committee done?

Mr. MORROW. I understand the construction placed upon the treaty by the gentleman from New York and by the committee which he represents, but the question is, What has the committee done? I am here simply asking that the committee shall proceed to act, and proceed at once. If they bring in here the bill I have introduced, I have no doubt about the effect of such a law. It would restrict Chinese immigration and afford the relief that the people of the Pacific coast demand.

Mr. BELMONT. The gentleman has not yet answered my question.

Mr. FELTON. I wish to ask the chairman of the Committee on Foreign Affairs if it is not a fact that his committee have had before them a bill drawn under the treaty, in accordance with the usages of nations, and which obviates entirely the objections suggested in the remarks he has just made; and, if so, I ask him why they have not reported that bill?

Mr. BELMONT. I will answer the gentleman by saying that the bill is already reported to the House.

Mr. FELTON. What bill?

Mr. BELMONT. The bill introduced by the gentleman from California [Mr. MORROW].

Mr. FELTON. I am not talking about that. I am talking about another bill, drawn under the provisions of the treaty and in accordance with the views which the gentleman from New York is expressing here.

Mr. BELMONT. Mr. Chairman, there is a unanimous report by the Committee on Foreign Affairs, and it only remains for the House to carry out its agreement with that committee to give it a day for the consideration of the bill.

Mr. MORROW. We on this side of the House will aid you in bringing that bill before the House with a great deal of pleasure.

Mr. BELMONT. But will the gentleman from California now answer my question, whether he does not know that under the treaty it is absolutely impossible to entirely prohibit this immigration?

Mr. MORROW. No, sir; the Congress of the United States is sovereign; and if it is the desire of Congress to prohibit this immigration it may do so by legislating in any way, even though it be in contravention of the treaty. There can be no doubt about that.

Mr. WILLIS. It has been decided by the Attorney-General over and over again that Congress can repeal a treaty.

Mr. MORROW. Certainly; Congress can repeal a treaty if it so desires.

Mr. BELMONT. Still the gentleman must remember the language of the treaty of 1880 with China. The words of Article I are as follows:

The United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

Mr. MORROW. I must decline to yield, Mr. Chairman. My time is limited. The gentleman has been very courteous heretofore, and I acknowledge it, but I can not yield further at this time.

In many towns, like Pomona for example, every adult male citizen has appended his signature to the petition I now present to this House. It represents the forces from every trade, profession, and calling enlisted in the cause of redeeming the industrial interests of the country from Chinese usurpation and monopoly. This powerful and urgent appeal should arrest the attention of Congress and secure an earnest consideration of the subject it presents. I shall ask that the petition be referred to the Committee on Foreign Affairs.

PROTECTION TO AMERICAN LABOR.

The great political question involved in Chinese immigration relates to the declared policy of this Government to protect the interests of labor and guard well the industries of this country. A protective tariff, or a tariff for revenue, with incidental protection, is but a sham and a delusion, if pauper labor can come here and compete with our own laboring classes. Chinese cheap labor is the very worst form of free trade, for it involves no exchange of commodities. The Chinaman lives on Chinese products at the least expense possible wherever he goes, and gives nothing back to the communities of other nationalities on which he fattens. Money paid to him for his labor or his products ceases to be a circulating medium. He breaks the circuit of exchange and the money disappears. He is a parasite on the body-politic. He attaches himself to the vigorous growth of a more generous civilization and absorbs its

strength and vitality. Like the daughters of the horse-leech he cries, "give, give," and if you are not prepared to shake him off you should abandon the false pretense of being in favor of protecting American labor. We can not afford to trifle with this grave question any longer. This immigration must absolutely cease. American labor demands and will have protection, and either this or some future Congress must provide the machinery for executing the will of the people on this subject.

The people of the Pacific coast, loyal and devoted to the institutions of this country, have waited long and patiently for a settlement of this great question. The two leading parties have declared in national conventions that we shall not wait in vain. As we stand here the danger increases. Between the dignity of American labor and the vice of Asiatic slavery there is an irrepressible conflict as decided and dangerous as the antagonism between the free labor and slave labor of this once distracted country, and which could only be broken over the "perilous ridges of battle." It rests with us to say whether this conflict shall go on, and, gradually extending its lines, involve the whole country in a common ruin, or whether we will arrest its progress and bar the door to further intrusion.

Every consideration having in view the public welfare demands that we should act promptly and effectively in resisting this unwelcome and dangerous invasion. It is a disturbing element we can not control, and, unrestrained, will produce consequences we can not foresee. Let us, therefore, with such wisdom as we possess, seek to draw around the privileges and benefits of the Republic the protection of the law, and thus demonstrate to the world the value and dignity of American citizenship. [Applause.]

Mr. COX was recognized and yielded ten minutes to Mr. RICE.

Mr. RICE. Mr. Chairman, I am glad that the gentleman from California has at last found an opportunity to utter the speech with which he has been so long laboring, and to give to this House the warnings which seem to burden his heart against the danger of additional Chinese immigration. I am sorry, sir, that he should have reflected upon the Committee on Foreign Affairs of this House, which has given more time to the consideration of this question than to any other that has come before it during the present Congress, and which has reported unanimously a bill calculated to relieve as far as possible the difficulties which the gentleman from California has portrayed to this House. Let me say, sir, at the outset, this is not a question of the restriction of the immigration of Chinese laborers into this country. That immigration has been already fully and carefully guarded against by previous legislation. This House has given to the subject its most careful consideration, and twice, by great majorities, it has passed acts which since then have been operative, and efficiently operative, in regard to this matter. The gentleman portrays the dangers of Chinese immigration. Why, sir, during the less than three years in which the last act passed by Congress on this subject has been in operation, the Chinese laboring population on the Pacific coast has been reduced 21,000.

Mr. MORROW. I desire to say to the gentleman that he is very much mistaken about that.

Mr. RICE. I make the statement on the report of the Treasury official who has made careful inquiry into the subject on the spot.

Mr. MORROW. Yes, sir; and the same Treasury report shows that the Chinese immigration last year was 57, when in fact it was 14,208 into the port of San Francisco alone.

Mr. RICE. I object to being interrupted by the gentleman. I know that he contradicts this statement, but I affirm in the presence of this House that this report is the only authentic, reliable information upon the subject which has yet come to our knowledge, and it comes from a careful, faithful, industrious, honest official appointed by the Treasury Department.

During the time that this last act has been in operation the Chinese labor population on the Pacific coast has been reduced 21,000—reduced so much that there is already complaint on the part of the employers of labor in California that their industries are suffering on account of this sudden reduction of their labor force. It is not, then, a question of restricting Chinese immigration. This has always been restricted—restricted to this great extent that there has been a reduction of one-fourth of the Chinese population within the three years during which the act has been in operation. So much for that.

The gentleman says that there have been coming into this country under this act still a few Chinese laborers—a very few. I do not think they "hanker" much to come from their flowery kingdom into the land of the Pacific coast to meet with such treatment as they have received during the last three or four years.

The gentleman says they go there in transit, and that there is opportunity of evading the provisions of the act. His amendment does not cure that. But there is no danger from that source. Every Chinese laborer who touches the Pacific coast for the purpose of passing through this country, as he has a right to do under the treaty, is at once put under guard. He can not become a part of the population of this country. This report to which the gentleman has alluded so states. There is no trouble about that matter. Let a vessel touch the Pacific coast having on board Chinese laborers whose purpose is to pass to some other country, and that vessel is at once covered by the officials of this Government, and no Chinaman is allowed to land unless he gives, as it were, bail for his return. And there has been no violation of the immigrant act on account of this privilege of transit.

Now, Mr. Chairman, this is no longer a question of restricting Chinese immigration; that has already been attended to in the manner we have stated. I doubt not that vague and fictitious statements have been made which have excited many on the Pacific coast as they have my enthusiastic friend who has addressed us just now. But they are baseless. Let those who entertain any fears of that kind read the Treasury report, and let their vain terrors abate.

Just so much as can be done under the treaty provisions of this country has been done; and the Foreign Affairs Committee of this House, instead of being subject to the adverse criticism of the gentleman from California, has devoted itself to the preparation of a bill ulmost identical with that proposed by the gentleman himself, the only modifications being in two or three instances, for the purpose of avoiding infraction of the treaty. That bill has been reported unanimously to this House, and only waits the opportunity to be called up for discussion.

But some say, "Let us avoid the treaty." Says my friend from Kentucky [Mr. WILLIS], "Congress can repeal a treaty." I say, yes; it can. The king does no wrong. The king can set at naught a contract. The king can avoid payment of his just debts to his subjects. Congress can repeal a treaty. But when this great nation has sought to make a treaty, when it has been deriving from that treaty benefits to itself, and when it has derived from it protection to its merchants and its missionaries in China, and when there is no necessity, no crying wrong and evil arising to our own country from the continuance of the treaty, then it does not sound well, coming from the lips of a gentleman who is seeking to educate our people in lessons of morality and Christian intelligence, to say that this Government should repeal that treaty which itself sought and of which it has thus far been the beneficiary.

But when the question of a repeal of the treaty comes up we will consider that question. In the mean time we have done all that we can. We have done it efficiently; we have done it to the very best advantage; and the only authentic report which comes to us says that the law has been operative to an extreme degree—to such a degree that California is suffering to-day from the reduction of this labor element within its borders.

Of course, Mr. Chairman, I can not properly discuss this question in five or ten minutes. But I desired that in addition to the expression from the chairman of our committee [Mr. BELMONT], who has given this subject most attentive and careful consideration, there should be one other voice in defense of the unanimous action of that committee, which I believe to be justified by the circumstances of the case.

Mr. COX. I yield seven minutes to the gentleman from California [Mr. FELTON].

Mr. FELTON. Mr. Chairman, in the very brief time allotted to me, but seven minutes, I shall not attempt to discuss to any extent this vital question of Chinese immigration. But you will permit me to say that if there is any question before this House upon which the people of this nation have expressed their approbation it is this. Both of the great political parties in the last Presidential election embodied in their platforms a principle favoring the restriction of Chinese immigration, and upon those pledges and this principle was elected this Congress and this administration.

The object of this amendment is simply to furnish the means to enforce the present restriction act, and the question is, are we willing to keep our pledges to the people?

Mr. Chairman, with all due respect to the committee who have reported this bill—and I have great respect for the gentlemen composing the same—I say to them in all sincerity I hope they will depart in this instance from the policy of this Government, which seems to me, with my small experience, to be inconsistent.

Sir, it may be that the American people have a higher order of statesmanship than is possessed by the older nations from whom we come. Be this as it may, it is certain that their policies differ widely from ours. They are eminently practical, and, in my opinion, we are dealing in experiments and theories. For example, while they are straining every sinew to its utmost tension to protect and maintain their commerce, appreciating its direct influence on their home industries, we sit quietly and give them ours—yes, and pay them $150,000,000 per annum for the taking. Having virtually given them our deep-sea commerce, we are now endeavoring, by the aid of a free-register or free-ship bill, to pave the way for their taking our coastwise and inland commerce and thus displacing thousands of our laborers for the benefit of aliens.

While they are stretching around, and to the utmost parts of the earth, for territory on which to settle a redundant population, we are inviting and materially assisting them to come and take possession of our public domain, and thus robbing our children of their natural heritage. While there is no Pacific island too small to be beneath their notice and desire, we are endeavoring to abrogate a treaty that practically gives us the Gibraltar of the Pacific, and which under the treaty has to all intents and purposes become an American colony.

While we are passing tariff laws for the avowed purpose of protecting the American laborer and giving him the time and means in and with

which to enable him to become a fit citizen for a republican form of government, we permit the importation of contract labor, the meanest and the cheapest Europe can produce, to compete with. Yes; and with all the pomp and circumstance of diplomatic conventions negotiate and execute a treaty which permits any portion of four hundred and fifty millions of Asiatics to enter this country with all the material rights and privileges of our own citizens and shamefully assent to clauses that deprive the American citizen of corresponding privileges within the flowery kingdom, in which he is not permitted to travel its sacred paths.

And still, consistent in our inconsistencies, while we have a law for the restriction of Chinese immigration, yet we refuse to pass a law to make its operation possible, to appropriate means to execute and carry out its provisions.

In answer to my friend from Massachusetts [Mr. RICE], a gentleman for whom I need not say I have great respect, I will say that he forgets not only the 3,000 miles of territory adjoining British Columbia and Canada but also that we have a thousand miles of territory lying contiguous to Mexico; and it is a fact known to us all beyond the Rocky Mountains, and I wish it were equally well known on this side of those mountains, that the Chinese are coming in at times and places to suit their convenience, and in such numbers as they desire. Then we might hope for your sympathy. It is not the port of San Francisco alone that tells this story of the number coming or that needs to be protected. For that reason the statistics my friend relies on are wrong, in my opinion.

Mr. Chairman, ignoring the fundamental and immutable laws underlying human nature, the creation of He who created us all, ignoring the facts and teachings of all past history, we have evolved the sentimental theory of the brotherhood of nations and man, and under it invite a conflict of races and civilizations, one that ever has been, is, and ever will be irrepressible. With the beastly, dastardly, and cowardly massacre of Rock Springs fresh in our memory, a legitimate result of this immigration, history is simply repeating itself.

We will in this House vote an indemnity of $147,000 for the sufferers with a million of the same kind of claims to be hereafter considered, but we will appropriate but the paltry sum of $5,000 to prevent a recurrence of similar outrages sure to occur if this immigration is permitted.

Are we not in fact crystallizing that science of the distinguished gentleman from Pennsylvania—the dismal, the cheap, and nasty?

And, sir, why all this absurdity, this inconsistency? Is it not our insatiate greed for gold, for cheap labor to coin it, to further fill the overflowing purses of the already too powerful at the expense of their less fortunate brothers? Are we not legislating for to-day, regardless of the future and the evils that may follow? And here let me add this Government and its institutions can only be preserved by the aid of justice and a due regard for the rights of all its citizens. Mark the distinction—"its citizens." [Applause.]

[Here the hammer fell.]

Mr. COX. I will yield now five minutes to the gentleman from Iowa [Mr. WORTHINGTON].

Mr. WORTHINGTON. Mr. Chairman, I do not rise to oppose particularly this amendment or the appropriation of any sum which may be reasonable for the purpose of fairly enforcing the present laws and regulations against Chinese immigration. I think, sir, there is substantial agreement on both sides of the House that this species of immigration is not desirable.

We have tried it and are not satisfied with the result; and now, in the advocacy of any measures that may be opposed to it, we are not inconsistent with our former professions that under our flag the downtrodden and the oppressed of every nation may find a home and a safe refuge. If these people came to our coasts for the purpose of refuge, if they believed that they were oppressed at home, if they came to be relieved from the bonds of servitude, or from slavery, or with a view of making a new home in the New World, I should be one of the last in this House to favor a measure that would in any degree prevent their free immigration. But, Mr. Chairman, it is well known that they do not come for any such reasons. They do not come to seek a home among us because they dislike the institutions of China. They do not come because they believe they are deprived of their rights there; they do not come to acquire citizenship under our flag; but they come simply because they believe they can earn in a little while more money here than at home, and they come with a view of earning that money and with the intention of returning home with their gains so as to be buried in the land of their ancestry.

But, sir, while all of this is true, I can not accord with the suggestions of some gentlemen on this floor that because they are unwelcome immigrants, and because we believe them to be unfair competitors of those who work for wages in our land, that we should feel ourselves at liberty by legislative enactment to violate and disregard all of the sacred obligations of the treaty which we have made. Gentlemen can not forget the fact that China for hundreds of years insisted upon secluding herself and having no intercourse with any of the rest of the world, or any of the so-called civilized nations. They should not forget that it was the civilized nations of the world who knocked at her doors and demanded that the wall of seclusion should be broken down, and that there should be free intercourse, free egress and ingress of the citizens of the civilized world into China. In return for these concessions on the part of China it was agreed that there should be free ingress and egress to citizens of China in our own country. I find by referring to the Burlingame treaty, and all gentlemen present know the origin and purpose of that treaty, Article V provides:

> The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. * * *

And article 6:

> Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation.

Now, sir, I say that as a Government we can not afford to abrogate or willfully disregard the solemn obligations under which we have placed ourselves with China simply because we have the power to do so. We can not afford to set aside a solemn treaty entered into by the United States, which claims to be a Christian and civilized nation, with a government which we are in the habit of referring to as a heathen or uncivilized people. Nor is it necessary.

The Chinese Government, so far as we know, has met cordially every proposition on the part of our Government to restrict emigration from their government in accordance with the conditions of this Burlingame treaty. Notwithstanding the fact that under that treaty they were given free intercourse into this country, at the suggestion of our Government a period of ten years was fixed during which time the Chinese laborer could not be permitted to enter the United States. This period I believe will not expire for six years.

Mr. RICE. Six years remain.

Mr. WORTHINGTON. All that we want now is a rigid observance of the present law existing between this Government and China. It is claimed by gentlemen representing the Pacific coast that the law is violated; that those who have lived in the United States and returned to China, and who are entitled under existing law to return to this country, fraudulently dispose of their permits to other Chinese laborers who have never been here, who are thereby permitted in violation of the law to acquire a residence.

Now, the Committee on Foreign Affairs has reported to the House a bill that I believe will effectually prevent this violation of the spirit of the law by the enactment of this species of fraud in future, and have reported it unanimously. There is no dissent of opinion upon that question.

[Here the hammer fell.]

Mr. COX. Mr. Chairman, from the remarks made by the gentlemen who have preceded me in this discussion it is clear that there is no substantial disagreement as to the propriety of this increased appropriation. The question arises as to whether the Department which is familiar with the difficulties encountered in executing the law is the best judge of the amount required or the Committee on Appropriations. The committee have only allowed half the amount called for, and in my opinion have not appreciated the magnitude of the undertaking. In making this remark I do not intend to depreciate its labors, for from the character of its membership I know they have been careful and painstaking. Yet of all laws upon our statute-books, this one affecting as it does our international relations as well as the peace and good order of the whole Pacific coast should be most rigidly enforced. All parties should rest satisfied that Congress intends to make ample provision for its due enforcement.

The unanimity with which the necessity for Chinese exclusion is now conceded by Congress is a matter for profound congratulation. It is an earnest of a well-defined and accepted American policy in her foreign relations. It is such a policy as during President Grant's incumbency assured the speedy and honorable adjustment of the Alabama claims; and which during the present administration brought order out of chaos in the Panama outrages. It is such a policy as inspires confidence at home and commands respect abroad. There is no international tribunal to which contentions between nations can be appealed, therefore prudence and principle dictate that in the assertion of rights we should respect those solemn treaty obligations which constitute the golden rule of personal and international communion.

> To thine own self be true;
> And it must follow, as the night the day,
> Thou canst not then be false to any man,

is a sentiment no less appropriate to nations than to individuals. No lust of gain, no sickening sentiment, no mock philanthropy should ever persuade us to disregard the reasonable demands for protection from the people of any portion of this great Government, either through the fear of offending or the apprehension of encountering false sentiment. A government which protects its citizens from oppressions, whether at home or abroad, wins their confidence and commands their obedience; a contrary course leads to rivalries, jealousies, and ultimate decay.

The Mokanna of Chinese cooly influx has time and again obtruded itself upon the attention of our national Legislature. Our friends on the Pacific coast at first hailed with delight the advent of the Mongolian among them, but soon discovered that instead of proving a blessing it was an invasion by an alien and obnoxious race, which, if continued, would drive out and displace the wholesome and stable native population, whose genius and labor only can permanently improve and beautify their magnificent country. By State legislation the Californians sought to turn this tide from their doors, but the courts of the United States decided that emigration was not a question for State regulation, and they were thus driven to seek redress from Congress.

A cynic has said there are no misfortunes we bear with such complacency as those of our friends. This doubtless appeared true to the people of the Pacific States when they appealed in vain to Congress.

COOLY LABOR.

Labor first rebelled against the baneful effects of cooly competition, for the American laborer, with the honorable responsibilities which education and morality give him, with the enlightened civil and social refinements of a wife and children to maintain, with the preservation of civil and religious culture, can not successfully compete with this class who have no patriotism or love for the land they encumber, and whose peculiar and inexpensive habits call for almost no outlay to preserve life. Alien in sentiment, in morals, religion, and education, the Chinese stand a constant menace to the prosperity and happiness of our people. Was it unnatural, therefore, that American laborers should feel dissatisfied, and even rebellious, at seeing these people engaged in striking down their wages, taking their children's bread, and otherwise bringing distress and suffering upon those dearest on earth to them? Hence forbearance ceased to be a virtue, great discontent prevailed, public meetings were held, Chinese immigration was denounced, and riot and bloodshed followed. At first these conflicts were believed to be inspired by "sand-lot" oratory, which inflamed violent and disreputable characters to breaches of the peace and the disorganization of society. About this time one Dennis Kearney, a man of strong natural parts and rugged oratory, appeared upon the scene to add fuel to the flame. In the East he was classed as a socialist and incendiary, a dangerous leader of mobs; and this excitement was believed to have arisen from the narrow prejudice of our race toward a harmless and unoffending people, and sympathy went out to the Chinese. Thus condemnation was aroused against agitation, and opinions difficult to combat were lodged in the minds of persons, who, distantly removed from the scenes of conflict, enjoyed immunity through a harmonious population, and discovered no occasion for demonstrations believed to be the natural offspring of political demagogy and race resentments. It was not then known that the sordid, selfish, immoral, and non-assimilating habits of the Chinese caused them to be recognized as a continual threat to the social and political institutions of the state.

As early as the Forty-first Congresss, an unsuccessful effort was made by the people of California to secure restrictive legislation. Not discouraged by failure, but with an indomitable courage and faith in the justice of their countrymen, which has ever characterized the people of the West, they again appeared with numerous petitions, memorials, and addresses, and continued to clamor for relief until in the Forty-fourth Congress their appeals met with a favorable response. A joint resolution was then passed calling upon the President to open negotiations with the Chinese Government, for the purpose of modifying the provisions of the treaty between the two countries, and "restricting the same to commercial purposes." At the next session of the same Congress a second joint resolution was passed, requesting the incorporation of an additional article to the treaty of July 28, 1868, wherein the right to regulate, restrict, or prevent immigration should be reserved to the respective countries.

CHINESE DIPLOMACY.

Singular to say, while the inhabitants of the Celestial Kingdom had been regarded by us as unused to the customs and manners of the outside world, yet in negotiating this treaty their diplomacy clearly manifested their great superiority over the frank and unpracticed diplomats of the Western world. They early secured as their friend and ally to negotiate the treaty a man whom the American Government had imprudently trusted as her chosen minister to the Chinese Empire.

In our zeal to acquire what we supposed to be great commercial advantages we conceded extraordinary privileges to that kingdom, without obtaining corresponding rights for our own. While we had granted them the unrestricted right to emigrate to our country, and the appropriation of blessings enjoyed by our people, no such reciprocal advantages were accorded to us; on the contrary, we secured the bare permission of trading at certain ports, and permission for our missionaries to preach the gospel on the exterior of their country. And the latter privilege was but as the beauty of ashes to a people whose civilization antedated ours by thousands of years and whose population constitute about one-third of the habitable globe. While we have about nine inhabitants to the square mile the Chinese Government has an average of about two hundred and twelve souls to the same area, and many parts of their country are rugged and barren and inhabited chiefly by a degraded and impoverished people. With such surroundings their natural desire to flock to this land in overwhelming numbers should have been reasonably anticipated and provided against.

Those who may suppose all Chinese are such as the cooly immigrant that seeks to improve his condition among us are egregriously mistaken; for the ruling classes among them are cultivated, scholarly, enlightened statesmen and accomplished diplomats. While many regard them as stupid heathens and idolaters, yet possessing as they do a religion and civilization beyond the records of history, they naturally look down on us as "outside barbarians," rude, materialistic, and progressive, we caring more for the present and future; while they with the rich treasures of ages delight to dwell in contemplation over the past. The Chinaman's purpose is to reside among us only so long as is necessary to improve his fortune, then return to the Flowery Kingdom, and there amidst the bones of his ancestors dwell in stolid contemplation and ease. This is not his country, and he does not desire to make it such. Should he die in this land of "the barbarian," his bones are transferred, that they may not rest in unhallowed soil. As their families do not accompany them to the New World, they are cut off from all the endearments and refining influences of domestic life, and their immorality and degradation can be conjectured but not realized. Except by their bare labor, they contribute but little to developing our wealth, for even their food and clothing are in the main imported from their own country.

It is therefore not unnatural that the people of the Pacific coast, of all ranks and conditions of society, who intend to make those States and Territories their permanent abode, should look with jealousy at the sojourning among them of a race the effect of whose presence is to excite continual friction and retard the prosperity of their section, by discouraging the emigration of those who have the same hopes and aspirations with themselves.

It may be inquired whether we can afford to reverse the traditional boast of this country being the land of the free and the home of the oppressed to gratify the wishes of our friends of the Pacific coast?

To which we answer, this is no longer an open question, for by our treaty with China of November 17, 1880, Article I, it is expressly conditioned that—

> Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of this country, or to endanger the good order of the said country, or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

So that the Chinese Government by her voluntary action has placed a ban upon this class of her subjects. The reasons must have been satisfactory for doing so.

To give an idea of the opinion entertained of cooly laborers by the people of California even prior to the adoption of the supplementary treaty, I invite attention to the following extract from the address of the committee appointed by the Legislature of that State, which memorialized Congress on this subject, and which graphically and ably sets forth the objection to Chinese emigration. The committee say:

> In view of these facts thousands of our people are beginning to feel a settled exasperation, a profound sense of dissatisfaction with the situation. Hitherto this feeling has been restrained, and with few exceptions the Chinese have had the full protection of our laws. The people of this State have been more than patient; the condition of affairs as they exist in San Francisco would not be tolerated without a resort to violence in any Eastern city. It is the part of wisdom to anticipate the day when patience may cease, and by wise legislation to avoid its evils. Impending difficulties of this character should not, in this advanced age, be left to the chance arbitrament of force. These are questions which ought to be solved by the statesman and the philanthropist, and not by the soldier.

This address was adopted and published on the 13th of August, 1877. Congress had prior to this time appointed a joint special committee to visit the Pacific coast, to examine and report as to the necessity for a change in the Burlingame treaty. After the examination of numerous witnesses, whose testimony covers over 1200 pages of printed matter, and embraces the views of all classes of the community and every variety of interest, the report closes with these words:

> From all the facts that they have gathered bearing upon the matter, considering fairly the testimony for and against the Chinese, the committee believe that the influx of Chinese is a standing menace to Republican institutions upon the Pacific, and the existence there of Christian civilization. * * * This problem is too important to be treated with indifference. It must be solved, unless our Pacific possessions are to be ultimately given over to a race alien in all its tendencies, which will make of them practically provinces of China rather than States of the Union.

So impressed was this committee of the necessity for relief from this terrible scourge that it recommended restrictive legislation on the part of Congress, whether approved by the Chinese Government or not. But the Executive moved with prudence and secured the amended treaty to which I have referred, and maintained the most cordial and friendly relations between this Government and that of China, which I am happy to say has continued to the present time, and which should not be causelessly impaired. The right of this Government to prevent the influx of elements hostile to its internal peace and security can not be questioned, even where there are no treaty stipulations to authorize it. It is the duty of every government to first maintain the peace and good order of its subjects, who maintain and support it, and they have the correlative right of protection.

CONFLICT OF RACES.

Notwithstanding the repeated acts of restrictive legislation by Congress, it is believed that manifold evasions of the law are still practiced, and this belief has culminated in precipitating the disastrous conflicts and bloodshed which have recently been witnessed in the Territories of the far West. All this time the people of California have sought relief through the channels prescribed by the law, and are entitled to our highest respect and confidence for their forbearance and good faith amid the most exciting temptations. In return for their exemplary conduct it is still insisted by certain doctrinaires and pseudo-philanthropists, whose esthetic sentiments prompt them to reverse the proverb of Solomon, who declares that "better is a neighbor that is near than a brother far off." They can see no virtues in their blue-eyed brothers who are near, provided they can discover a tawny stranger afar off. They declare that these conflicts are merely struggles for political ascendency; that the present restrictions are ample; that there is no influx of cooly labor to our shores; on the contrary, Mr. Spaulding, the special agent of the Government, in his report (Executive Document No. 103, Forty-ninth Congress), shows that these Chinese, taking advantage of the clause which does not restrict passengers in transit, continued to augment annually their numbers from 76 in 1882, when the first restrictive act went into effect, to 11,162 in 1885.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I ask the privilege of extending my remarks.

There was no objection.

Mr. CUTCHEON. Can you not invent some mode of keeping out dynamiters and anarchists?

Mr. COX. I would be pleased to see it done.

To show what is thought by the people of California at the present time in regard to this immigration, I beg to call attention to the following extracts from the memorial to Congress, adopted by the anti-Chinese State convention, held at Sacramento, March 11, 1886. This convention, I will add, was comprised of representative men of all classes from every part of the State. In addition, there is a memorial to Congress now in possession of the Foreign Affairs Committee signed by over five thousand people from one Congressional district of the State, besides memorials from Territorial Legislatures asking for the total abrogation of the Burlingame treaty. The paragraphs to which I invite attention are as follows:

Speaking for the entire people of this State, your memorialists represent that for thirty-six years we have been settled upon the shores of the Pacific, and thus brought face to face with the great Mongolian hive, with its 450,000,000 of hungry and adventurous inhabitants. For thirty-six years we have watched the industrial and social system that has resulted from it, and weighed the advantages and disadvantages as they have developed.

NECESSITY OF RESISTANCE.

Under these circumstances we feel that we can understand better than any others the necessity of resisting the tide of immigration setting out from China, which has already done so much mischief to nations bordering upon that country, and which threatens to do so much more. Our fellow-countrymen east of the mountains have always been too much in the habit of forming their judgment upon the Chinese question from its material aspect, and as a mere question of industrial development and progress and the creation of wealth, wholly overlooking and ignoring its social, moral, and political sides. We do not deny that the people of the Pacific coast are influenced by material considerations and that each one of us is trying by all legitimate means to better his condition.

But we say that, regarded from the standpoint of immediate material results and considered as the coldest question of dollars and cents, and putting aside all considerations of Government, social and moral order, and even patriotism, there is no advantage or profit in the mixed-race system now being forced upon this coast, or in any mixed-race system whatever; that there is more mere money profit in dollars in a homogeneous population than in one of mixed races, while the moral and political objections are unanswerable. For while the Chinaman works industriously enough he consumes very little, either of his own production or ours. That he imports from China much that he eats and much that he wears, while a vast catalogue of articles consumed by our own people, the production and sale of which makes our commerce and our life what it is, the Chinaman does not use at all. Indeed, as far as he is concerned, hundreds of useful occupations essential to our system of civilization might as well, and if they depended upon him would have to, be abandoned altogether. Then he underbids all white labor and ruthlessly takes its place, and will go on doing so till the white laborer comes down to the scanty food and half-civilized habits of the Chinaman, while the net results of his earnings are sent regularly out of the country and lost to the community where created.

And while this depleting process is going on the laboring white man, to whom the nation must in the long run look for the reproduction of the race and the bringing up and educating of citizens to take the place of the current generation as it passes away, and above all to defend the country in time of war, is being injured in his comfort, reduced in his scale and standard of life, necessarily carrying down with it his moral and physical tone and stamina.

But what is even more immediately damaging to the general welfare is the fact that he is kept in a perpetual state of anger, exasperation, and discontent always bordering on sedition, thus jeopardizing the general peace and creating a state of chronic uneasiness, distrust, and apprehension throughout the entire community. That this alarms capital and forces it into concealment or out of the State in search of greater security, checks enterprise, increases the cost of government, especially for police purposes, while decreasing the sources of revenue from which that cost can be obtained.

Eastern political economists may think that they discover patent fallacies in the theories of the people of this coast, and that our supposed grievances are either greatly exaggerated or do not exist at all.

To this we answer that it is they who are the theorists, while we alone are acting upon genuine experience, and that experience is the only sure guide in all political matters.

It is certainly possible, indeed it is probable, that the wages of labor on this coast, instead of increasing when the Chinaman is gone, will decrease, but the belief of the entire producing class of the white race to the contrary is fixed and profound, is a great political factor, breeding discontent and dissaffection and disturbing the body-politic.

And if wages do come down when the Chinaman is gone, our own people will have more steady and sure employment, which is of more importance than high wages; whatever is earned in the country will be kept in it, and if our people are not better off they will at least be better satisfied.

The white workingman we must have with us if the nation is to continue to exist. The Mongolian can be dispensed with, and as he is a disturbing element, for that reason, if for no other, he ought to be dispensed with.

THE EUROPEAN RACE.

We assure our fellow-countrymen East that in this Chinese question is involved no less than the dominance, if not the existence, of the European race in this part of the world.

We call their attention to the act that the Malayan Peninsula, as well as other countries bordering upon China and the China seas, have already been overrun by the Chinese, and that the Malayan, one of the great races or types of the human family, is being rapidly annihilated to make place for them.

* * * * * * *

Among other duties as American citizens, we hold ourselves to be trustees of posterity. We are keeping the soil of this fair land for the thirty million Americans of our own race and kindred who are to come after us. To barter away their places while they are yet unborn is a gross violation of duty. To do so under the pretense of high morality and humanity and national generosity is to add the sin of hypocrisy to that which without it would be a great public crime. Our common ancestors came to the American continent to found a state, and they did it. The greatness of a nation does not lie in its money or in its material prosperity, but in its men and women, and not in their number but in their quality, in their virtue, integrity, honor, truth, and above all things in their courage and manhood. To a nation that is to remain, the capacity to fight is indispensable. It is not enough that it is able to trade and barter, or to work and produce, it must be able to fight for and defend what it has. The nation that can not defend itself against all comers will find that its days are numbered, and this is as true in the nineteenth century as in any other age of the world. The strong nations of the earth are now, as they have always been, the most thoroughly homogeneous nations; that is to say, the most nearly of one race, language, and manners. And when they are of one race it is not so material what race, as that they be a pure race. The purest-blooded man of any race is the strongest man of that race.

No state where the great distinct types of the human species have been mixed together on the same territory has ever held power for considerable time. And no race of mongrels, if such a thing is possible, has ever held empire or even kept its own independence.

* * * * * * *

M. Vattel is a high authority upon public and international law. This is what he says:

"The country which a nation inhabits, whether that nation has emigrated thither in a body or the different families of which it consists were scattered over the country and then uniting formed themselves into a political society, that country I say is the settlement of the nation, and it has a peculiar, an exclusive right to it." (Vattel, book 1, chapter 18, section 203.)

"The sovereign may forbid the entrance to his territory, either to foreigners in general or in particular cases, or to certain persons or for particular purposes, according as he may think it advantageous to his state. Formerly the Chinese, fearing lest the intercourse with strangers should corrupt the manners of the nation and impair the maxims of a wise but singular government, forbid all people entering the empire—a prohibition that was not at all inconsistent with justice. It was salutary to the nation without violating the rights of any individual, or even the duties of humanity, which permits us in case of competition to prefer ourselves to others." (Ibid., book 2, chapter 7, section 94.)

Our country has, without doubt, been benefited by the coming hither of emigrants from Europe of our own race and religion, some speaking our own language and all speaking closely allied languages and with similar manners and customs; people that have become identical with ourselves in a short time. How long this character of immigration will continue to be beneficial to us is problematical. It therefore appears that the immigration even of the same race and general type of the human family of people, possessors of the country, is sometimes beneficial and sometimes mischievous, depending upon circumstances that are liable to change.

A PUBLIC CALAMITY.

But we undertake to say that the immigration, whether voluntary or forced, into a country of non-assimilative races is always an unmixed evil and a public calamity. The same spirit of greed and avarice which is at the bottom of the cooly immigration of this age lay at the bottom and was the impelling motive of the forced immigration of African slaves into the country all through the eighteenth century. No doubt the slave-traders and slave-purchasers of that day tried to make the world believe that they were doing good and that their motives were noble and patriotic. Men are fond of giving themselves credit for lofty motives in all they do. No doubt they talked loudly about developing the resources of the country and about Christianizing the poor African; but at the bottom was the mammon of cheap labor and the money to be got out of it. The world has not changed much. The selfishness of those men has already borne much bitter fruit. Through it the curse of race heterogeneity has taken deep root in the soil of our common country. Out of that evil we have had one bloody war for which the nation has not yet thrown off its mourning. But the war was nothing to what is left behind. It is true that it has settled the slave question; but the negro question, the question of the relations between the white man and the black man and the relations of each to the State, has only ust begun. Twenty generations will not see it ended. And our fellow-countrymen at the South who are compelled to carry on a government under such conditions to preserve order and maintain law and civilized society are entitled to the sympathy of all thoughtful men. They have a task the difficulties of which are not appreciated.

DOMINANT RACES.

We give it as our interpretation of the lessons of history that a genuine republican government, as we Americans understand the term, meaning a government in which all the people governed participate equally, under the conditions existing in the South, namely, one-third of the population consisting of one race and two-thirds of another, is a political impossibility. One race will always dominate the other and no power can prevent it, except by destroying the liberties of both. They can only be equal in a common servitude that overwhelms both. Remember we do not undertake to say which race will rule the other; that will vary with circumstances, depending upon their relative numbers and strength. In the South just now it is the white race that dominates; in San Domingo it is the black race. The wisdom of Shakespeare, though put in the mouth of Dogberry, states the case: "Neighbor Verges, an' two men ride of a horse, one must ride behind." We do not put these race antagonisms and the fruit of them upon the supposed superiority of one race over the other. Nobody has heard or will hear anything from us about "superior and inferior races." These terms the thoughtful man will be very cautious about employing. One race may be the superior for one place and not for another. We only say they can not live well or happily together, and it is unwise to compel them to do it.

The statesmen who look for a change that is to harmonize the South so that both races shall stand equal and be equal have never lived in a mixed community and know nothing about it. They know nothing of the hereditary and instinctive race antagonism always latent in every individual human breast and always springing into active vitality on bringing together two different races

or types of men into the occupancy of the same territorial habitation. Such statesmen overlook an unfailing human quality or instinct, and one too universal not to have a profound purpose in the general economy of nature. We can not help thinking that purpose to be the evolution of higher human types, to be secured not by crossing and hybridizing, but by adhering to purity of stock. But in this we ask no man to agree with us. We are only speaking of facts, and are regarding the question as one of politics and not of abstract ethnology.

The efforts that have been made by nations in the past to rid themselves of the evils of mixed races, and even mixed tribes, tongues, and religions, and to reach homogeneity, and the repose, strength, and security it affords, are well worthy of consideration in examining the Chinese problem in this country.

SHAM SENTIMENTALITY.

The growth and development of the sham sentimentality about the right of free immigration to this country has always had lucre as its chief underlying motive. The money-seeking sentimentalist has easily recognized the very obvious fact that the increase of population has increased the value of property and made business lively and there he has seen his profit.

If it were once demonstrated that the coming hither of any number of the best people in the world, English, Irish, Scotch, or German, reduced the market value of property 10 per cent., or regularly made business dull, that very day the last whisper about the inherent and inalienable right of immigration and about this glorious country of ours being the refuge of the oppressed of all nations, would be hushed forever, and in a week the country would be in arms to keep the intruders out. * * *

RIGHTS OF THE WHITE RACE.

We would only be following the common instincts of human nature in preferring our own race to that of the alien Chinamen, were it even less worthy than his, and for no higher reason than because it is our own. But when we remember that ours was the race which was first to seize upon nature's forces and harness them to the car of progress that has smoothed the earth's surface and made it more fit for man's habitation, we think he has earned the right even if he had it not before, to hold any place he has once secured to the exclusion of all comers, and we will make an effort to hold this place as our home and settlement.

It will be observed that I have employed very extended extracts from the able and philosophical memorial of the anti-Chinese convention of California. Aside from the intrinsic merits of this statesmanlike address, as touching the question before us, it is replete with suggestive thought to the student of history, and displays a most profound study of the teachings of the past, and it comes before us with the rare indorsement of being printed by the Senate of the United States as one of the miscellaneous documents of that body. Instead of apologizing for the extended extracts employed, I rather regret it is not convenient to incorporate the whole address into my remarks. But other phases of this subject demand consideration, and to such I must now invite attention.

While quoting liberally from this memorial I desire it to be distinctly understood that I neither indorse nor adopt those suggestions and conclusions which are merely theoretical and speculative. Such quotations as I have made are worthy of serious thought and further amplification.

It was the dissimilarity of races that recently precipitated the war between pure and half-breeds in Canada; and the demoralization arising from the admixture of races has ever proved the instability of Mexico. The white man and the Indian have lived on this continent in close proximity since the discovery of this country. Still, as the former advances the latter retires, and they are socially no nearer together to-day than they were centuries ago. Despite all of our efforts to civilize, Christianize, and educate him, and the millions of dollars annually appropriated for this purpose, he is, with gratifying exceptions, the same wild and untutored savage he has always been, who

Sees God in
Clouds or hears him in the wind.

Of a wholly different type and organization from ourselves, it seems impossible for him to imbibe the feelings, aspirations, and emotions of the white man. He still delights in the amusements of the chase and in gaining a precarious subsistence through the labors of his women, for regular labor is repulsive and thought unworthy of the natural liberty of the man.

Negro emigration can only measurably be compared to that of the Chinese. When purchased in Africa he was a naked barbarian, and was transported to this country in slave ships. He was wholly untutored, and had everything to learn from the master to whom he was enslaved, and his person and will were subjected to the superior power and control of the white man, from whom he imbibed his ideas of civilization and moral culture. Through long pupilage and attrition his nature has changed, and his intellectual and moral progress surpasses that of his race in any other part of the world. Now, even he would be the last to encourage the natives of Africa to come among us. The contrast between him and the Chinaman is here most striking. The latter comes among us fully educated, free to control his own actions, and instead of associating with the white man, naturally prefers the association of his own countrymen, and retains the manners and prejudices and customs of the region from which he came. He is not a barbarian, but possessed of a civilization compared with which ours is but as of yesterday. He brings with him his language, literature, morals, and religious beliefs, which have been perpetuated for centuries. Instead of looking up to the Caucasian as his mentor he naturally looks upon him as his inferior; for the Chinese is proud of his learning, of his traditions, and of his country. So far as the mechanical arts and manual pursuits are concerned, he acknowledges our superiority, and is prompt to adopt and apply them. His emigration tends to increase the unequal distribution of wealth and the difficulties arising in the application of remedial measures. Corporate wealth aggrandizes and disregards individual efforts, and this element is ever at its command.

As has been shown cooly labor is an element in the political and social life in California, which is capable of and does arouse the most violent passions. No wise parent or head of a family would think of introducing under his roof a family of totally different origin and habits from his own, the only effect of which would be to demoralize instead of elevating them. Then, why should there be introduced into our Republic a race which engenders prejudice and social bitterness, and which deepens the chasm already sufficiently broad between capital and labor? It is the part of statesmanship to foster and cherish the laboring and wage-earning classes of our native population, "man the worker, man the brother." The poor should feel that in the halls of Congress they have friends and protectors, Knights of Labor if you please, instead of those who are neglectful of their interests. True statesmanship points out the duty we owe to this class of our citizens, and bids us throw around them every protection which the law can secure. They should be made to feel that instead of submitting to the restrictions and exactions of protective organizations, whose rules and authority are often such as no free man would voluntarily submit to, unless to escape greater imaginary or real hardships, that through their Representatives they can secure every redress the laws of the land can guarantee them. No one will deny that the laborers in this country are exposed to many grievances. We have escaped the abuses of the Old World merely to have others fastened on the New. We are not Utopian enough to suppose that mere legislation will prove a panacea for all such evils. The thews and sinews of a government are its revenues. Let the grant of supplies be coupled with the securing of prerogatives. Put honest and capable men at the helm, and we may rest at ease. The power of the laborer is in the ballot, and not in the bullet. While the former falls as a snowflake, the strongest must heed it; the latter arouses resentment and bloodshed. At the same time the laboring man should see that the delusive heresies of the mere demagogue are worth nothing. We must have a Government of law, founded on reason and justice; or of the mob, asserted by violence and passion.

In conflict with those in authority, whose blood is shed? Who are the sufferers? Are they the bondholders, the wealthy stock-brokers, and monopolists, or the humble officials appointed to restrain excesses, and the laboring man who, wrought upon by his feelings and misfortunes, rushes madly to his ruin? The inquiry need only be stated to furnish its answer.

RESPECT FOR LAW.

Every American should remember that in this country we have no classes. There are wealthy and poor persons, but the laborer of to-day may be the millionaire of the future. Every man has permission to refuse employment, but should not put himself and friends in the wrong by preventing others from enjoying the liberty he claims. Tyranny, even to the humblest, awakens resentment. The law can not permit such invasions of rights, while co-operative organizations to ameliorate and improve the conditions of the laborers do accomplish good, and are to be encouraged.

The Chinese laborer, as I have already shown, makes more intolerable the burdens of the poor native laborer; and the legislator who sympathizes with the toiling masses should see that their burdens are not increased by the introduction of this class among us. I wish it understood that so far as every one now with us, every American citizen is concerned, from the highest to the lowest, I would not impair one of his rights, but am opposed to the further introduction of alien non-assimilating races. Among the European people from whom our population has been drawn there are differences of race, customs, and religion, but they belong to the same subdivision of the human family. Their religion is but the modifications of a common creed, and their civilization is of essentially the same character. But even here, within the last few years, restrictions have been imposed on certain classes of these races. Our laws no longer permit the criminal and pauper classes of Europe to be precipitated among us. With a population of 55,000,000 of inhabitants, with our public lands rapidly being settled up, with the introduction of labor-saving machines, and the unequal distribution of wealth, the means of subsistence for the poorer classes are continually becoming more and more difficult to secure. Poverty and misfortune bring discontent, and a disregard of restraining social and political influences. Officers of the law are continually multiplied to preserve the peace and good order of society, and that freedom of action and security of person which obtain in a less populous country are gradually surrendered to the demands of society. Our duty, therefore, is to take every precaution to preserve the Government in its purity and simplicity by wise and judicious legislation.

RESTRICTION OF EMIGRATION.

To do this it is necessary to impose restrictions against the emigration of all alien and non-assimilating races which shall seek an asylum on our shores; and more especially when they attempt to enter in such numbers as may imperil the peace and safety of our own people.

Some strictures have been made during this debate at the expense of the Committee on Foreign Affairs for its delay in presenting their bill for a modification of the Burlingame treaty. I do not insist it is alto-

gether excusable. Yet that committee has had a bill on the Calendar for some time which I think should have been acted on, but the difficulty has been in getting a day when it could be considered. I will now explain its provisions and give some reasons for its passage.

This bill is a bill supplementary to and amendatory of "an act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

It has the support of all the Representatives in Congress from the Pacific coast. While some of them would prefer to see the Burlingame treaty entirely abrogated, and have introduced bills to that end, yet I feel authorized to say they will be satisfied with the adoption of this measure. Your Committee on Foreign Affairs, after long and painful deliberation, feel that their recommendations are in the line of conservative legislation, and with that due regard to our treaty obligations which has ever characterized the actions of this Government in its liberal and unselfish policy toward all other peoples and nations.

It will be observed that the treaty of 1884 restricted the emigration of Chinese laborers to this country for a period of ten years from and after the passage of the act, and this bill extends the period for ten years from and after the passage of the amendatory act, the committee being of the opinion that it was reasonable to infer that the whole question would most probably be satisfactorily adjusted within that time, and that this extension would tend to remove the feeling of insecurity and disquiet from among those affected by this emigration.

REMEDIES PROPOSED.

In order that the House may judge whether by the passage of this bill we would be observing in good faith the spirit and the essence of the treaty, I now present for its consideration the four most important sections, which are as follows:

ARTICLE I.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers, who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nations.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardships upon the subjects of China the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

The ten years' limit which is fixed in this bill is such as has been deemed reasonable in all former legislation on this subject. As the object of the treaty was to restrict legislation for a reasonable time, and as the Chinese Government is in full sympathy with this movement, assuredly no one can complain at the length of time.

Section 4 of the bill has for its purpose the adoption of some means of identifying Chinese laborers who were in the United States on the 17th day of November, 1880, or who came into the same prior to the 5th day of August, 1882, and who, under various acts in regard to the subject, have the right to come and go at will. It is not disputed that, owing to the similarity in appearance between these cooly laborers, there is the greatest difficulty in distinguishing one from the other. Hence it was provided that a laborer desiring to visit China and return should procure a certificate or passport, which should contain a full and minute description of his person, and especially of any natural or artificial mark that might tend to distinguish him. These certificates are of high market value in China; and it is charged that a Chinaman leaving this country with such a certificate and not desiring to return would frequently sell it to some Chinaman not entitled to come here, and the difficulty of detecting one from another leads to frequent frauds upon the law. Every Chinaman returning with one of these certificates is subject to a rigid examination, and, as this is not always conclusive, there are appeals to the courts in San Francisco, where these quasi-criminal cases have precedence, and their number blocks the wheels of justice by deferring the trial of civil causes. In order to avoid obscurity this section provides that a Chinaman desiring to go abroad shall provide four photographs of himself; one to be furnished to the collector of the port for preservation as part of the records, and to be used, if necessary, for the future identification of the applicant; one to be pasted in a book of registration, so as to form part of the description of the person registered; one to be pasted to the preliminary certificate, so as to form part of that portion of the certificate describing the person to whom it is issued; and the other to be attached to the return certificate. To those who may insist that this is a violation of the treaty we answer no, for the object of the amended treaty is to exclude the very class of Chinamen who may seek to commit a fraud upon the law. It is a police regulation, and while it is believed to be more effective than the present regulation, of which no complaint has been made, it operates in favor of honesty, as against those who would practice fraud. The honest Chinaman would be benefited, as it gives him facilities for identification, and operates alone against the dishonest person who is not entitled to the favor of the law. Indeed, this means of identification originated in China, as the certificate I now hold in my hand, which is a Chinese certificate, tends to demonstrate. This is not controverted.

The third amendment proposed by the bill prescribes the number of Chinamen who may be permitted to come over on any one ship, to wit, one to every 50 tons, not including of course those who are entitled to come and go at will under the existing treaty. As great abuses have arisen from those who claim to be entitled to come as passengers in transit, this precaution is deemed necessary, and is similar to a like regulation adopted in Canada, Australia, and other countries. It is believed that the whole of these restrictions are in compliance with the provisions of the treaty. We reserve the right to limit, regulate, or suspend the coming of Chinese laborers, but not to absolutely prohibit it. This does not prohibit but merely abridges the right of coming in such numbers at any one time as might prove dangerous to the welfare of society. When taken into consideration that it was the object of the two contracting nations to restrict these laborers from coming among us, and when it is further remembered that the Chinese Government desires to keep her people at home, and we do not wish them among us, and when it is provided that if the restrictions are considered oppressive the Chinese minister at Washington is authorized to call the attention of our Government to what he may deem an infraction or an abridgment of these rights, it is insisted that the treaty should be interpreted with greater liberality than it should be with a nation who had formulated one with the clear and expressed intention of securing the emigration of its subjects to this country.

I have thus, Mr. Chairman, at some length dwelt upon the propriety and explained the necessity for the proposed legislation. I have contrasted cooly labor with our own. I have touched on Chinese demoralization, and I have shown the dangers threatening the peace and prosperity of one of the most beautiful and attractive sections of this Union. And now, in the name of honest labor, in the name of the people of the Pacific States and Territories, and in the name of pure and refined womanhood, and in the name of the whole American people, I appeal to the members of this House to take up this bill at the earliest opportunity and put it upon its passage, as well as to increase the appropriation in the bill now before the House.

Mr. MORROW. In the short time which remains to me I shall not restate the argument in favor of the amendment, nor is it necessary, as I understand there is substantial unanimity here on the part of all the members representing the committee and others in favor of the increased appropriation.

I have only this to say in answer to the gentleman from Massachusetts [Mr. RICE]. I have examined carefully all these reports concerning Chinese immigration. I have not done it as a matter of mere idle curiosity, looking to a footing here or a footing there, but I have gone through all the details of the returns in the custom-house and the reports of special agents. The result is, I find that the immigration of Chinese on the Pacific coast last year was in excess of the average Chinese immigration for the thirty years prior to the restriction act.

Mr. CUTCHEON. Does the gentleman from California think the increase from $5,000 to $10,000 would be of material benefit?

Mr. MORROW. I believe it would; because it has been a subject of complaint on the part of the Treasury Department and of the customs officers in San Francisco that they have not had the funds to carry the act into execution. I know the law should be made more effectual and such provisions should be made as are substantially contained in the bill originally introduced by myself. I think the effective restriction of immigration would be accomplished and the purposes of the treaty carried into effect by that act.

The CHAIRMAN. The time of the gentleman from California has expired.

The question being taken on Mr. MORROW'S amendment, it was adopted.

The CHAIRMAN. The gentleman from Kansas [Mr. RYAN] is recognized to control one hour of the general debate on the land section of the bill.

Mr. RYAN. I yield twenty-five minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. When that portion of the bill under consideration shall

be reached which I now read I shall offer a motion to strike out these lines—line 963 to line 965:

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $90,000.

During the debate on a like proposition contained in the legislative, executive, and judicial bill a controversy arose in the House concerning the administration of the Land Department by the present Commissioner, and the gentlemen on the other side seemed anxious that the opponents of the present policy of the Land Department should produce some evidence of what we have represented to be the condition of feeling on the part of the settlers and citizens of the section adversely affected by that policy. I hold in my hand a selection from a series of letters received from people in that section of the country complaining of the hardships of the present administration of the Department, some of which letters I will now read. I read first from the preamble of a petition sent here by a large number of settlers of the county of Frontier in the district which I have the honor to represent. This petition, speaking of the order suspending patents, says:

Such suspension is working a very great injury to all classes of business in Western Nebraska by reason of the cloud which such arbitrary action throws upon their titles and others similarly situated; that these settlers are in destitute circumstances, but are worthy citizens, and are deprived by these orders of the chance to borrow money on their lands, and that they can not improve their land and make material progress without money, and that the practical effect is to drive many from that part of the State.

This comes to me signed by the county judge and other officials, and by settlers, whose appeals are entitled to consideration.

One homesteader in Northern Nebraska says:

We in this northwestern part of Nebraska can not be too grateful to the Nebraska members for the interest you are taking in our welfare, for Sparks's orders have virtually put a stop to all improvement. Commissioner Sparks should come out to the front and then he would know how it is himself, and not send his spies and informers here to lie away our titles. I came up here in 1880, and if you remember the winter of 1880–'81 you can form some idea of the hardships we all had to undergo during that long and cold winter to obtain a home on Government land, grinding corn in a coffee-mill and scratching in the snow for acorns. I voted for Grover Cleveland, and now he allows Sparks to make war upon the poor homesteaders who subdue the soil to raise their bread and butter.

Another homesteader from the same section, writing in behalf of himself and his neighbors, says:

If the rulings of Sparks are carried out we homesteaders of the wild West are ruined and our hopes forever blasted. These orders have cast a gloom over the entire Northwest, emigration has fallen off, money is scarce, and produce goes a-begging for want of buyers. We all feel as if a cyclone had passed over. We call upon you to fight this infamous administration of the law; fight like a tiger against injustice and wrong. If conquered by the heartless moneyed men of the East, who are injuring their own money interests, you will return and be welcomed by those whose homes are menaced in defiance of law and reason.

Another grantee of a settler, writing from Western Nebraska on behalf of himself and several others, says:

In 1884 father bought some land and obtained warranty deeds, and finds receipts dated 1883. Patents being withheld on the recent rulings, he can neither raise money nor sell. Sparks seems to be making laws rather than executing them. This is only one case among hundreds.

I submit another letter from a constituent:

DEAR SIR: The actions and rulings of Commissioner Sparks in regard to the issuing of patents as affecting deeding and mortgaging land on final receipts will almost depopulate Southwest Nebraska unless it is reversed.

The idea of prohibiting people from obtaining money enough to live on while they are trying to improve this "Great American Desert" appears to me most ridiculous. The effect of the whole matter will be to force the homesteaders to sell their claims for whatever they can get and leave the country and go back to the densely populated East; and of course the lands will fall into the hands of the cattle syndicates.

It would look very much like this was the intention of the Commissioner "to a man up a tree;" but the more charitable view to take of the case is that Commissioner Sparks has never lived, with a wife and half a dozen ragged children, in a sod house for four or five years trying to prove up on a homestead, and knows but little of the effect of his rulings.

Sincerely, yours,

——— ———.

Another constituent, on behalf of his neighbors, says, from his home at Culbertson:

Day after day some poor half-starved homesteader comes to me and asks me as their State representative to intercede with our member of Congress to use his influence to have their patents issue. * * * Draw on your imagination, and then you will fall short of picturing the sufferings caused by Sparks's rulings. Men who came here with only a team took pre-emptions or homesteads, mortgaged their teams for money to live on through the summer, and make final proof in time on their entries, and mortgage their land to redeem their teams and improve their land, but now not a cent can they realize on their final certificate, and the sheriff sells the team. * * * Only yesterday a man came in and wanted to mortgage his farm with $600 worth of improvements on it to redeem his team, wagon, harness, and cow, mortgaged for only $270, but he could not get it, and he finally gave a man a warranty deed to his farm worth at least $1,200 to redeem his personal property. This is by no means an isolated case.

We have had the grasshopper scourge that depopulated Western Nebraska. In 1875–'76 our section was resettled, and in 1878–'79 the extreme drought again depopulated this section. Now the greater scourge has come. The settlers then had their teams to carry them out, but now they must remain objects of charity. There are claims that should be held for cancellation, but why make the innocent suffer with the guilty? The claim of ex-Postmaster Freese, who lived on it five years, is held for cancellation.

In a letter from a prominent and very thoughtful and intelligent citizen of Iowa, acquainted with the situation in Dakota, a man who had seen the progress of Iowa and the rapid development of Dakota, he says, addressing a Democratic Senator and speaking of Sparks's orders and policy:

The picture of the direful consequences to the settlers of these rulings is not at all overdrawn. A few persons—very few as compared to the whole population—may from selfish interests, incompatible with the general good, decry against the otherwise universal complaint, and affirm that no harm can result to the honest settler. I have been familiar with the men and methods whereby Dakota, for example, has within a few years sprung into a condition having all the essential elements of a permanent commonwealth; a position which demands every facility of business deemed indispensable by communities East of slower growth and more years.

With the precedents of the Land Department and the decisions of the courts before them (settlements having generally been made in conformity with law and requirement) settler and citizen find it difficult to assign a worthy reason for these rulings. They are reluctant to believe the insinuation of some that a mere political partisan motive should have prompted so cruel a repression of the vital stimulus to all social progress and development; that is, the permanence of land titles and the right to enjoy vested rights.

They prefer to ascribe it to a vague and ill-considered desire to emphasize a new administration by some radical changes. * * * Whatever the motive or the object proposed, it has proven most disastrous in its operation.

If such ground had been taken by the Land Office ten years ago, neither would the railroads have been built, nor the country settled as now, nor the many millions' worth of the products of the West been annually shipped to the East. There would have been no West as we see it to-day.

A very intelligent, disinterested, and fair witness, who has been over the counties of Dundy, Hitchcock, Hayes, Chase, Red Willow, and Frontier, in Western Nebraska, where most of the entries have been taken within two years, says—

A candid and fair view of the whole situation convinces the writer that there is very little need, if any, at present for the work of the special agent, providing always that the register and receiver are thoroughly strict in taking testimony when final proof is being made.

From the number of contest cases now constantly on hand it certainly appears that the people will take care that no more fraudulent proofs are made. If a man takes a claim and gets through with it he must comply with the requirements of the law. There are a dozen anxious home-seekers watching for all the loosely held claims, and upon the slightest pretext a claim is "jumped" and protested. It did not require the ill-advised suspension of the issuing of patents nor the mousing about of a special agent to stimulate the efforts of the homesteaders in complying with the homestead laws. The natural demand, the unparalleled rush for claims has put every one upon the lookout, and the home-seeker goes upon his claim with the intention of sticking to it.

Lest it should be supposed that these letters have been selected by me from a partisan motive for the purpose of bearing out an assertion made in heat of argument, I will read from an authority which I take it will be acceptable to gentlemen upon the other side, namely, from the Omaha Herald, edited by Dr. George L. Miller, a prominent advocate and supporter of Mr. Cleveland, I believe a member of the convention that nominated him, and a very strongly indorsed candidate for the office of Postmaster-General in his Cabinet at the time of the forming the same. The article is as follows:

Can the Democratic party longer afford to have its standing before the people jeopardized by the continuance of such a man in office as Land Commissioner Sparks? Can the administration retain Sparks in place without prejudice to it? Mr. Sparks's most recent freak certainly furnishes support for an emphatic "No!" to both questions.

The order issued on the 2d instant by Sparks commanding all registers and receivers in the United States to suspend until the 1st of August next filings or applications for entries of public lands was the most remarkable official blunder ever committed by a Federal Department head. The making or unmaking of laws in this country is intrusted by the Constitution exclusively to Congress. The law made declares that registers and receivers shall receive applications for entry. Commissioner Sparks can not unmake that law, and in attempting to set it aside is guilty of a blunder equivalent to a crime.

Such a rash and reckless official should not be allowed to slosh around at will in this manner. True, his order was reversed by level-headed Secretary Lamar in time to prevent serious trouble; but that does not justify the continuance in power of a man who is a menace to the administration and the dominant party. Turn Sparks out!

Mr. PAYSON. Will the gentleman allow me to make one suggestion here? Would it make any difference to the gentleman's argument if the fact should turn out to be that the order of Commissioner Sparks, to which the gentleman now refers, was issued with the full concurrence of Secretary Lamar, and after it had been subjected to the scrutiny of the President of the United States and approved by him? I assert that to be the fact, and now I ask the gentleman from Nebraska whether that fact would make any difference about his argument?

Mr. EZRA B. TAYLOR. That simply extends the wrong further.

Mr. SPRINGER. But suppose there had been a line of similar precedents extending back for fifty years?

Mr. LAIRD. I will answer both the gentlemen at once. If fifty times fifty Presidents, precedents, and Secretaries could be cited as authority for this unwarranted invasion of the laws and the rights of these people, it would make not the slightest difference with my views.

Mr. Chairman, I see by the annual report for 1884 of Commissioner McFarland, of the Land Department, that there were in that year 51,641 pre-emption filings; original homestead entries, 55,045; timber-culture entries, 26,898; making an aggregate of 133,484 entries, involving in all 20,178,532 acres of the public lands.

Out of this the number of cases submitted for investigation by the Land Commissioner in that year under a Republican administration was 3,563. Of these 680 cases were found to be fraudulent, and 953 were found upon investigation to be not fraudulent.

Now, then, if anybody will take the trouble to figure this up, he will find that, making no allowance for the cases that were not investigated to a conclusion, taking out of the 3,563 only the 953 that were found to be good and were passed to patent, the entire number amounts

to only 2 per cent. of the total number of entries made during the year 1884. Or, in other words, all of the entries were good save 2 per cent.

I have referred to the report of 1884 on the subject of fraud, and the investigation thereof made by the Commisssoner under a Republican administration, for the purpose of calling attention to the following statement: A tabular statement was prepared by the fraud division of the Land Office for Mr. Commissioner Sparks's annual report for 1885, a statement showing the number of entries canceled upon special agents' reports without giving the entrymen hearings, the number of entries canceled after investigation by special agents and after public hearings, the number canceled for fraud, and afterward reinstated upon testimony taken at hearings, and the number of alleged fraudulent entries voluntarily relinquished by the claimants. This tabular statement was not published by Commissioner Sparks, but the facts were suppressed, contrary to the uniform practice of his predecessors.

The facts if made known would have shown that in nearly every instance where a claimant accused of fraud has been permitted to answer the charges made against him he has succeeded in showing their falsity.

Mr. Chairman, does any man on this floor doubt for an instant that if this statement concerning fraud had borne out the extravagant statements of Commissioner Sparks that 90 per cent. of the Western entries were fraudulent the statement would have been incorporated in his report and scattered broadcast over the world? But instead of publishing the facts he publishes the "opinions" of his spies. What presumption runs against a man who suppresses evidence? Is it not the rule that every presumption is against him? If not, why did he suppress this report?

Mr. BUTTERWORTH. Does the gentleman mean to say that these receipts are canceled before a hearing?

Mr. LAIRD. Up to a certain time—I think July 31, 1885—that was the order. They were canceled without giving the man whose property was assailed a day in court or a chance to be heard. They were canceled upon the secret report of an agent, which report is not only secret when made but secret in the hands of the Land Commissioner; they were public records affecting the titles of citizens, but were for the private use of the Land Commissioner alone.

The rule up to July 31, 1885, was to cancel all entries on the agent's report without a hearing. During July, 1885, Secretary Lamar modified the practice so as to allow an entryman "a day in court," and this is the way Sparks carries out the order of his superior:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 31, 1885.

Registers and receivers and special agents:

GENTLEMEN: The practice of ordering hearings as a matter of course and without application in cases of entries held for cancellation on special agents' reports is discontinued.

Hereafter when an entry is so held for cancellation the claimant will be allowed sixty days after due notice in which to appeal to the Secretary of the Interior, or to show cause why the entry should be sustained.

Applications for hearings must be accompanied by the sworn statement of the claimant, setting forth specifically the grounds of his defense and what he expects to prove at such hearing. He must also make oath that his application is made in good faith and not for the purpose of delay.

Attorneys appearing for alleged fraudulent entrymen will be required to file the written authority of the claimant for such appearance.

Very respectfully,

W. A. J. SPARKS, *Commissioner.*

Mr. BUTTERWORTH. I will ask the gentleman (I have been advised upon the point, but my information may not be correct) whether in point of fact the very man who complains or charges fraud may not pre-empt the identical land concerning which he makes the charge?

Mr. LAIRD. He may.

Mr. PAYSON. But in every such case he is then the contestant; and there is always a hearing between the contestant and the contestee before the local land office.

Mr. NELSON. Not if the entry is canceled.

Mr. PAYSON. But when a contest is pending, as suggested by the gentleman from Ohio.

Mr. BUTTERWORTH. In a case of which I knew something I was informed that the cancellation was made before the hearing, so that the very man upon whose complaint the cancellation is made might himself deliberately squat upon or take up the land in regard to which he has been instrumental in charging fraud.

Mr. LAIRD. That is undoubtedly true, and under this secret system is often practiced. The man who furnishes "opinions" upon which to found an agent's report gets the land of the settler as his reward.

It appears by the report of Commissioner Sparks for 1885 (pages 6 and 7) that there were 47,944 pre-emption filings, 50,877 homestead filings, and 30,988 timber-culture entries, aggregating 129,811 entries of all kinds. On pages 320 and 321 of Commissioner Sparks's report for the same year it appears that the total number of cases investigated by the special agents was 2,452, which is less than 2 per cent. of the total number of entries for the year 1885.

The total number of entries of all kinds made in the State of Nebraska during the year 1885, as shown on pages 282 to 286, was 37,680. The total number of cases of different kinds referred to the special agents for investigation in the State of Nebraska during that year was 60. That is, one-sixth of 1 per cent. of the entries made in the State of Nebraska were alleged to be fraudulent.

Or, in other words, of a total of 37,680 entries, 60 were referred to agents to investigate, and pending that investigation Commissioner Sparks suspends action on 37,620 cases presumed to be innocent while he hunts for 60 cases supposed to be fraudulent. Under the merciful construction of Sparks 37,620 entrymen, representing 188,100 people, are permitted to starve while Sparks theoretically vindicates the majesty of the law.

While Sparks was suspending 37,680 cases in Nebraska on account of 60 cases of supposed fraud, why did he not suspend the entries in the State of Louisiana, where there were 90 cases of supposed fraud (see page 321, Sparks's report for 1885) at the same time, or in Florida, where there were 64 cases?

[During the delivery of the foregoing remarks, when the hammer fell,

Mr. LAIRD said: I ask leave to print that portion of my remarks which I have not had the opportunity to deliver.

Mr. TOWNSHEND. I shall have no objection if the gentleman does not indulge in any personal remarks further than he has done. I do not object to printing anything which is not of a personal character.

Mr. LAIRD. I shall endeavor to avoid "offensive partisanship." I want to assure the gentleman from Illinois [Mr. TOWNSHEND] that this is not a partisan question in my part of the country. Democrats and Republicans alike join *in common condemnation.*

Mr. TOWNSHEND. With the understanding that there shall be no personal or partisan remarks, I have no objection.

Mr. LAIRD. I will be answerable to the House under the rules for what I may put into the RECORD.]

Mr. TOWNSHEND. I shall object unless with the understanding I have stated, which is always demanded upon your side of the House.

Mr. LAIRD. What is the gentleman's statement?

Mr. TOWNSHEND. I shall object unless the gentleman pledges himself that he will not, in extending his speech, indulge in any personal or partisan remarks.

The CHAIRMAN. The gentleman from Illinois must object or not object; he can not object conditionally.

Mr. TOWNSHEND. With the understanding I have stated I do not object. That is the usual understanding in such cases.

Mr. BUTTERWORTH. I understood the gentleman to say that the contests between the various settlers or those desiring to make settlement would suffice to protect the interests of the settlers and to protect the Government against fraud.

Mr. LAIRD. It will, sir.

Mr. BUTTERWORTH. Is that ground set forth in your speech?

Mr. LAIRD. Yes sir, it is plainly shown.

The CHAIRMAN. The Chair hears no objection to permitting the gentleman from Nebraska [Mr. LAIRD] to print the residue of his remarks.

Mr. LAIRD. Mr. Chairman, in what I shall say in support of the motion to strike out the portions of the bill which appropriate nearly $90,000 to pay the per diem and expenses of the spies of the Land Department I do not desire to be understood as making any personal attack on the honorable Commissioner of the General Land Office, nor as attacking the administration of that office for political effect.

I shall not speak as a partisan at all, but as a citizen, defending, as is my duty, the legal rights of the people I represent and others of the Great West from the hardships of the calamitous rulings and policy of the Land Department as administered by Mr. Sparks. I shall, of course, avoid all offensive partisanship and appeal frankly and fearlessly to the sense of justice of this House, and ask its members to protect the citizens and settlers of the country west of the Missouri River and between that and the Pacific Ocean from what I must believe is the mistake rather than the malice of the Land Commissioner. The questions involved are of the greatest importance to the entire territory named in the order of the Land Commissioner, dated April 3, 1885, and scarcely of less interest to all the rest of the country, whether North, South, or East. That order is as follows:

SUSPENSION OF ENTRIES.

Final action in this office upon all entries of the public lands, except private cash entries, and such scrip locations as are not dependent upon acts of settlement and cultivation, is suspended in the following localities, namely:

All west of the first guide meridian west in Kansas. All west of range 17 west in Nebraska. The whole of Colorado except land in late Ute reservation. All of Dakota, Idaho, Utah, Washington, New Mexico, Montana, Wyoming, and Nevada, and that portion of Minnesota north of the indemnity limits of the Northern Pacific Railroad and east of the indemnity limits of Saint Paul, Minneapolis and Manitoba Railroad.

In addition, final action in this office will be suspended upon all timber entries under the act of June 3, 1878; also upon all cases of desert-land entries.

W. A. J. SPARKS, *Commissioner.*

APRIL 3, 1885.

As appears by the report of the Commissioner of the General Land Office, the number of pre-emption entries made during the year was 47,946, which he says would cover 7,671,360 acres of land. The number of homestead entries made during the year is placed at 50,877, embracing an area of 7,415,885 acres. The number of pre-emption entries unacted upon under the operation of the foregoing order at the close of the fiscal year was 32,374, and the number of home-

stead entries unacted on was 28,811—making a total of settlers' claims unacted on of 61,185, which would represent 9,789,600 acres of land.

The Commissioner states that final proof was made in 22,066 of the 50,877 homestead entries, but does not state that patents issued in any of such cases. It is fair, therefore, to presume that no patents have issued to any of the 22,066 homesteaders who have made final proof. This would give 3,530,560 acres to add to the 9,789,600, making a total of 13,320,160 acres of homestead and pre-emption land suspended.

To any one conversant with the land laws of the United States, it is known that any homesteader or pre-emptor of the public lands, having complied with the laws as to settlement and improvement of the tract taken by him, can make final proof on the same at the expiration of six months, and on the payment of the minimum or double minimum price, as the case may be, receive a final receipt for the land, which final receipt, under the decisions of the Supreme Court of the United States and the decisions of the State supreme courts, has always been treated as absolute title, and would be treated so now but for this order, which operates as an impeachment of title, as well as an impeachment of the good faith of the 84,251 settlers making the settlements and proof thereon.

As the report of the Commissioner relates to the 30th of June, 1885, all of the persons who had made settlement on the public domain by that time would now be entitled to make, and where able no doubt would have made, final proof on their lands and received their final receipts, provided they could show, as probably ninety-nine in every hundred of them can, compliance with the law as to settlement and improvement. This would make the number of homestead and pre-emption settlers on the public domain of the United States now possessed of absolute title (final receipt) and entitled to patent without delay or hinderance, as shown by the Commissioner's report and estimated, 84,251 and over. That is, 84,251 persons, heads of families, representing at a fair estimate a population of 252,753 persons, under the ordinary operations of the law holding absolute title to 13,320,160 acres of land, and now deprived of their right to control that property—robbed of their vested right by the order above cited, and since its revocation by the honorable Secretary of the Interior still deprived of their right to own or control their own property by the failure of the Commissioner to proceed with the public business according to law; robbed of their own by a policy which seeks to subject every one of the 84,251 valid titles to the examination either of a special agent in the field or an unauthorized circumlocution office erected by the Commissioner in the General Land Office, and where some 31,583 cases ready for patent are now filed up waiting the Jove-like nod of the honorable Commissioner by whose discretion we own or do not own, as it suits his brittle humor, 13,320,160 acres of land to which we have acquired title by compliance with the laws, and which title the courts say is good.

The Government has received $1.25 per acre for all the land taken under the pre-emption or commutation of homestead law, and it is not an unfair assumption to say that the Government has by this time received from these settlers for this land the sum of $16,650,200. And still, according to the ruling and policy of Commissioner Sparks, it is not theirs and will not be until he has "got through with them," which will take him one and one-half years, provided we give money enough to hire one hundred spies, or five years if we do not, that is assuming the correctness of Mr. Sparks's report, May 6, 1886, to the Senate. Meantime the settler owns the land according to all the courts, and does not own it according to Commissioner Sparks. The settler owns the land for the purpose of paying taxes on it, but does not own it for the purpose of selling it or raising money on it.

Let this Congress refuse the supplies of money with which the Commissioner proposes to hire a hundred agents to hunt down ninety-nine men in the laudable effort to catch one land thief. Let them refuse this, and pass a resolution directing the Land Commissioner to pass to patent all the final homestead and pre-emption entries made in the district of agricultural lands, say, in Kansas, Nebraska, Eastern Colorado, and Dakota, against which no specific charge of fraud is made and no contest is pending.

Let this be done and the settlers would be able to raise from $200 to $400 each on their claims with which to make life tolerable, to pay their taxes, purchase seed, buy a team, or raise a roof above their heads.

In this connection I call the attention of the House to the effect of the ruling and policy of the Commissioner on investments in the West.

LINCOLN, NEBR., *December* 15, 1885.

DEAR SIR: I have to advise that we shall be obliged to make it a rule not to make loans on pre-emptions or commuted homesteads until the entries have been approved for patent by the Land Department at Washington. Heretofore we have had such a rule, but during the past summer have made some exceptions to it, and we now find that owing to the late rulings of Commissioner Sparks there is going to be a much greater percentage of such entries canceled than under the former administration; and we also find that the attention of Eastern investors has been directed to this matter, owing to the discussion which has been had in the newspapers about it, and Eastern parties frequently write to know if we are making loans on that class of titles. So that I am afraid it will injure our credit in the East if we loan on these two classes of entries.

We therefore can not take any such applications, and if you have such applications on hand, or any loans awaiting completion, do not close them until further advised. If you have any such cases, please write me at once and I will decide and see what we can do.

Yours truly,

LOMBARD INVESTMENT COMPANY.

The policy as to loans in the western part of Nebraska adopted by the Lombard Investment Company is followed by all the other companies doing business in that State, and is also the rule in other States and Territories named in the order of April 3, 1885.

Mr. Chairman, I come now to the revocation of Mr. Commissioner Sparks's maiden effort by the Secretary of the Interior. The two are given together, and if the gentlemen who will arise to defend the administration of Sparks can get any consolation out of the language of the Secretary revoking the April 3 order, they are all welcome to it.

The order is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY,
Washington, D. C., April 6, 1886.

SIR: On the 3d of April, 1885, you issued the following order:

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., April* 3, 1885.

"Final action in this office upon all entries of public lands, except private cash entries and such scrip locations as are not dependent upon acts of settlement and cultivation, is suspended in the following localities, namely:

"All west of the first guide meridian west in Kansas. All west of ranges seventeen west in Nebraska. The whole of Colorado, except land in late Ute reservation. All of Dakota, Idaho, Utah, Washington, New Mexico, Montana, Wyoming, and Nevada, and that portion of Minnesota north of the indemnity limits of the Northern Pacific Railroad, and east of the indemnity limits of Saint Paul, Minneapolis and Manitoba Railroad.

"In addition, final action in this office will be suspended upon all timber entries under the act of June 3, 1878. Also upon all cases of desert-land entries.

"Very respectfully,

"W. A. J. SPARKS, *Commissioner.*"

THE COMMISSIONER GENERAL LAND OFFICE.

Whatever necessity may have existed at the time of its promulgation has ceased to be sufficient to longer continue an order suspending all action, and involving in a common condemnation the innocent and guilty, the honest and the dishonest. While I earnestly urge the exercise of the strictest vigilance to prevent, by all the agencies in your power, the consummation of fraudulent or wrongful land claims, yet, when the vigilance of all the agencies shows no substantial evidence of fraud or wrong, honest claims should not be delayed, or their consideration refused on general reports or rumors.

The above order, as issued by you, is therefore revoked, and you will proceed in the regular, orderly, and lawful consideration and disposal of the claims suspended by it.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

Mr. Chairman, will the gentleman kindly note the language of the Secretary:

Whatever necessity may have existed at the time of its promulgation has ceased to be sufficient to longer continue an order suspending all action, and involving in a common condemnation the innocent and guilty, the honest and dishonest.

When the vigilance of all the agencies shows no substantial evidence of fraud or wrong, honest claims should not be delayed or their consideration refused on general reports or rumors.

This is the language of the Secretary of the Interior; it is likewise the language of a man who evidently believes that the settlers on the Western plains have some rights that even the Commissioner of the General Land Office ought to respect. It is likewise the language of a gentleman who is evidently tired of some things and disgusted with somebody.

Assuming, Mr. Chairman, that Mr. Lamar was talking to a man up a tree we could all guess who that man was, and could all doubtless agree that in the opinion of the Secretary it was about time for that "Zaccheus" to "come down." "When the vigilance of all the agencies shows no substantial evidence of fraud or wrong," as seen by the great head of the Department of the Interior, is it not about time for us to profit by the gracious advice of the amiable gentleman from New York [Mr. HEWITT], and not "empty the contents of the Treasury into the streets for the benefit of those who will not work," but who are perfectly willing to waste millions of Government money in the ineffectual effort to find fraud which haunts Mr. Commissioner Sparks, but is invisible to the official eye of his official superior, the honorable Secretary of the Interior.

Mr. Chairman, I take it that Secretary Lamar is a good witness, even from the standpoint of the gentlemen on the right [Democrats], and also that while he may not "*hanker*" after fraud, as does Mr. Commissioner Sparks, still even Mr. Sparks will admit that Mr. Lamar knows something about fraud; and will further admit that Mr. Secretary is not one of the 90 per cent. frauds, and that his evidence can not be swept away by the insinuation that he is suspected of fraud himself. He is a witness called by Sparks, and can not be impeached. And, sir, when the Secretary of the Interior, the responsible head of this great Department, after one year of observation of the workings of Mr. Sparks's order, after four years of trial of the system of espionage upon the people, makes use of this language—

Yet when the vigilance of all the agencies shows no substantial evidence of fraud or wrong, honest claims should not be delayed or their consideration refused on general reports or rumors—

I take it, sir, that when that officer makes use of that language it has some significance among some men in Congress and out of it, and that we shall do well to heed it, and cease the attempt to silence the cry of fraud by pouring Government gold down the throat of every lunatic or paid spy who yells for the edification of the volcanic gentleman who presides over the General Land Office, or for the emoluments incident to the yelp itself.

Mr. Chairman, what "evidence" is it that the Secretary of the Interior characterizes as "general reports or rumors?" It is the evidence, so called, collected by these secret agents of the Government, bought in open market by the Commissioner of the General Land Office; and in the face of the denunciation by Secretary Lamar as "general report and rumor," we are asked to buy $90,000 more of that misrepresentation which after years of search and investigation Secretary Lamar says has shown "no substantial evidence of fraud," has produced no

better result than that which he stigmatizes as "general report and rumor."

While the order of April 3, 1885, has been revoked, the general policy of the Commissioner has not been changed; the wrongs which honest settlers suffered under its operation have not been remedied. It is to-day violated by Mr. Sparks in spirit, and we are asked to contribute $90,000 more from the public Treasury to aid in the further violation of law and equity.

Commissioner Sparks, in his report to the Senate, dated May 6, 1886, discloses the fact that notwithstanding the Secretary of the Interior ordered him on the 6th of April, 1886, to "proceed to the regular, orderly and lawful consideration of the claims suspended" by the order of April 3, 1885, there still remain thirty-one thousand five hundred and eighty-three final entries not acted on, and he further discloses that unless he is permitted to put one hundred of these special agents in the field it will take five years in which to complete the examination of the cases which he proposes to submit to them! Is this the "regular order" required of the Commissioner by the Secretary?

By the statement of May 6, 1886, of the Commissioner, which, in my judgment, is minnified by one-half, that officer holds the vested rights of 31,583 persons, representing a population of 157,915 people, subject to a secret examination, which he announces will take five years to make unless we yield to his demand! This Government has received from the sale of these 31,583 claims of commuted homesteads or preemptions, representing about 5,063,280 acres, the sum of $6,316,600 paid by settlers, which Commissioner Sparks having coolly pocketed, now bids them whistle for their patents!

Mr. Chairman, upon what warrant of fact is this suspension predicated, this examination ordered? In the light of the extraordinary consequences of evil to the States and Territories affected by this policy of the Commissioner, and of which the proposed appropriation under consideration is the vital part, it becomes important to know upon what basis of fact this wholesale slaughter of titles and rights of the citizens of the West is based. The facts upon which the Commissioner relies are drawn from the reports of some eighteen "special agents." (See report of Commissioner of General Land Office for 1885.)

These "special grants" are relied upon to impeach the sworn testimony of 84,251 final entrymen, backed by the sworn evidence of 166,502 disinterested witnesses, who in turn are supported and certified by competent officers of the Government to be persons entitled to credit; and in addition to all this there is behind every one of these final entries the official and judicial finding of the trusted local land officers of the Government that each entryman has proved to his satisfaction that he has complied with the laws of the United States authorizing the taking of public land.

This so-called "evidence" of eighteen "special agents" is relied upon to overcome the testimony of 250,753 witnesses, and also the presumption of good faith on the part of public officers who have approved the final proof of these entrymen. That is, in the mind of Commissioner Sparks the report, not under oath, not subject to examination by the party secretly accused, or his counsel, of eighteen "special agents," who must in the nature of the case speak from mere hearsay, from "common report and rumor," from the general unguarded say-so of persons whose motives they can not and do not know, and who are not responsible for lies, outweighs the sworn evidence of a quarter of a million of people, 166,502 of whom are disinterested, and who must disclose their qualifications under oath, and who are subject to all the pains and penalties of perjury.

The "evidence," so called, of these eighteen "spotters" of the Land Department is what the honorable Secretary refers to as "general report and rumor." This is the investigation Secretary Lamar refers to when he says:

> When the vigilance of all the agencies shows no substantial evidence of fraud or wrong, honest claims should not be delayed or their consideration refused.

Some of the evidence (reports) of the special agents would seem to commend itself to the ridicule of all reasonable men by statements of this kind:

> I give it as my opinion that in Kansas, Nebraska, and Dakota the proportion is 90 per cent. to 10 per cent. of *bona fide* and possibly successful cultivators.

Here the gentleman is speaking of timber-culture claims, and, on the strength of this opinion of a man hired to hunt down these settlers of the frontier an order issues suspending not only timber-culture patents, but all patents. When before, with the approval of civilized men, was the opinion of an informer taken as ground for the suspension of the due course of law? No one from the West, that region which has suffered most from the aggressions of the landed corporations, but will sympathize with the Commissioner in his effort to protect the public domain from the encroachments of the corporations of all kinds, whether cattle-kings, so called, or railroads.

We do not object to the suspension of timber-culture entries or to the suspension of any entry of whatever kind whenever a specific charge of fraud is made against that entry. We do protest against a cloud being cast upon the honest claims of settlers on the agricultural lands of Nebraska and other States and Territories by the dust raised by eighteen spies whose official heads hang upon the slender thread of the caprice of an administration mad with reform, and a department which believes itself laboring with a mountain of fraud, which seems to breathe an atmosphere of suspicion, and which appears more than willing to see in the sweat-stained face of the Western settler a masked and contemptible scoundrel, intent on robbing the people of their great patrimony, the public land.

Does not this Congress understand that in Nebraska, where every hundred and sixty acres of agricultural land is worth from $500 to $1,000 as soon as patented, and where there are from five to twenty claimants for every claim, where every man has the right to contest any entry, fraud upon the public domain is an impossibility? Does it not occur to the honorable Commissioner that he is doing in these States and Territories, where the land is valuable for agriculture, the very thing that the land-grabbers and thieves want done?

This order makes it impossible for an honest settler to raise a dollar on his final receipt; failing in this, he must abandon the land or stay on it and starve. The result is plain; he is compelled to sell, to sacrifice for almost nothing what has cost him the torture of long toil to get; his claim is "gobbled" by the land shark, the cattle syndicates, and he is sacrificed to a special agent who rides through the region of "suspected lands" in a palace-car and writes lurid reports of crimes and shames that smack of the sensational, that ought no more to be received as evidence of the character of the homesteaders than the illustrations in the Police Gazette ought to be received as evidence of the fireside morality of New York.

Mr. Speaker, these men are poor—good proof they are not rascals. They are not prepared for a siege, much less can they withstand for years the fire of all the official batteries. They have some rights as human beings; they are not wholesale liars. Men do not commit perjury by the hundred thousand.

This order covers half a continent. Men do not sin by the continent—they do not attempt to take an empire by perjury. Men are not punished geographically, or condemned by the million without their day in court. The reasonable doubt which saves the wretch trembling for his life, "the presumption of innocence" which guards us all, speaks for these men and demands that the heel of the Department of the Interior be taken from the neck of these settlers.

Let this "power for evil" which has been too long the property of one officer be taken from him not in the name of fraud but in the name of justice and the orderly administration of the law. Let this Congress, acting upon the sustained judgment of the Secretary of the Interior, refuse to invest the millions of the people in the purchase of "rumors and general reports." Let it vote not these items, which are an insult to the integrity and a menace to the vested rights of a quarter of a million American citizens. Let it refuse to permit a great department of the Government to be prostituted through imposition or credulity into an engine of oppression. Take this power from the head of a bureau who forgets that the presumptions as to honesty of his fellow-men do not change with the change of a political administration.

Mr. Chairman, so much for authority of fact produced by the Commissioner in support of a policy interdicted by his official superior, but still pursued by him in defiance of an order which terminates in the following emphatic manner:

> The above order (April 3, 1885) as issued by you is therefore revoked, and you will proceed in the regular, orderly, and lawful consideration and disposal of the claims suspended by it.

What would be the lawful consideration to which the order of Secretary Lamar limits the investigations of the Commissioner? If limited to legal bounds, the investigations of the Commissioner must be confined to inquiries into frauds committed prior to the issuance of a final receipt. If I rightly comprehend the law as laid down by the courts and authorities he is estopped from all inquiry into the sufficiency of the proof upon which a final receipt is based. He can not in any case go behind the action of the local land officers in awarding a final receipt, unless the question be presented to him on appeal. He has no original jurisdiction in the matter. His orders annulling a final receipt are void. The final receipt is a contract of purchase, and he can not impair that contract which is complete when executed by the local land officers, who are alone clothed with power to execute it.

Mr. Chairman, this theory of the case presents a legal issue of the gravest character, for if the Commissioner of the General Land Office is pursuing a policy which is void, if he has no legal power to set aside a final receipt, if he can not go behind the finding of the register and receiver except on appeal, then there is no warrant or authority on our part to vote an appropriation of money here unless it be asked for the investigation of frauds committed or attempted by claimants prior to issuance of final receipt. The Commissioner clearly discloses that he wants this money to "work up" evidence which shall become the basis for the cancellation of final-entry cases, not on appeal, but by the exercise of an original jurisdiction which he assumes he has. That the power to do this rests alone with the committees, is, in my judgment, established by an unbroken line of authorities. That the Commissioner is a mere ministerial officer, absolutely without power in the premises, except he obtain it by appeal, is, I think, established beyond controversy by the following authorities.

In a recent decision in the circuit court of the United States in

Oregon—Smith *vs.* Ewing *et al.*, the court held—(Copp's Land Owner, volume 12, No. 7, pages 104, 5)—

That a certificate of purchase issued in due form, in favor of a pre-emptor, for land subject to entry under the pre-emption law, can not be canceled or set aside by the Land Department for alleged fraud in obtaining it; and that in such case the Government must seek redress in the courts, where the matter may be heard and determined according to the law applicable to the rights of individuals under like circumstances.

The right of a party holding a certificate of purchase of public land and that of his grantee is a right in and to property of which neither of them can or ought to be deprived without due process of law.

The Land Department had attempted to cancel a final certificate upon rumor and report.

The court said:

Has the Commissioner any such power? It is not given to him in terms by any act of Congress that I am aware of. His right to pass upon conflicting claims to the land under the pre-emption law seems confined to cases that come before him on appeal from the decision of the register and receiver in case of a contest between two or more settlers under such law. Doubtless the Commissioner may also refuse to give effect to a certificate and issue a patent thereon when it appears from the face thereof, or the proof accompanying it, that it was issued contrary to law. But if the land is open to pre-emption and the proof is formally sufficient, as that it is made by the oaths of the proper and prescribed number of witnesses to the necessary facts, the Commissioner can not disallow the certificate or refuse to issue a patent thereon because the proof is not satisfactory to his mind or because it is suggested to him that it is false. The law devolves the determination of that question on the register and receiver (R. S., § 2263), and it can only come before the Commissioner on an appeal from their decision by a party to a contest before them.

When a certificate of purchase has been issued to a pre-emptor in due form and no appeal has been taken from the decision or action of the register and receiver the land described in the certificate becomes the property of the pre-emptor. He has the equitable title thereto and has a right to the legal one as soon as the patent can issue in the due course of proceedings. And he can dispose of the same and pass his interest therein as if the purchase had been made from a private person. Carroll *vs.* Safford, 3 How., 460; Myers *vs.* Croft, 13 Wall., 291; Camp *vs.* Smith, 2 Minn., 155; Cornelius *vs.* Kissel, 58 Wis., 237; Bull *vs.* Stiles, 35 Ill.

In Perry *vs.* O'Hanlon, 11 Mo., 585, the supreme court of Missouri held that a cancellation of a pre-emption certificate by the Commissioner was a nullity. To the same effect is the ruling in Prill *vs.* Stiles, 35 Ill., 309; Cornelius *vs.* Kissel, 58 Wis., 241.

The acts of Congress have given to the register and receiver of the land office the power of deciding upon claims to the right of pre-emptors; that upon these questions they act judicially; that no appeal having been taken from their decision it follows as a consequence that it is conclusive and irreversible. This is true of every tribunal acting judicially while acting in the sphere of their jurisdiction. (Wilcox *vs.* Jackson, 13 Peters, 498.)

In the course of their duty the officers of that department (the Land Department) are constantly called upon to hear the testimony as to matters presented for their consideration, and to pass upon its competency, credibility, and weight. In that respect they exercise a judicial function, and therefore it has been held in various instances by this court that their judgment as to matters of fact properly determined by them is conclusive when brought to notice in a collateral proceeding. Their judgment in such cases is like that of other special tribunals upon matters within their exclusive jurisdiction, unassailable except by direct proceedings for its correction or annulment. (Smelting Company *vs.* Kent, 104 U. S. Reports, 640.)

The appropriate officers of the Land Department have constituted a special tribunal to decide such questions (pre-emption proofs), and their decisions are final to the same extent that those of other judicial or quasi tribunals are. (Vance *vs.* Burbank, 101 United States Reports, 519.)

An actual settler upon the public lands of the United States, who has filed the proof required by the act of Congress of 1830, chapter 208, and has paid the price of the land to the receiver, can not be deprived of his land by the department. (9 How., 314.)

In Myers *vs.* Croft (13 Wall., 291), the Supreme Court held that there was no lawful restriction upon the power of alienation after final proof and payment had been made; and in the recent case of Quinby *vs.* Conlan (104 U. S., 420), the same court said: "This court held (Myers *vs.* Croft), looking at the purpose of prohibition, that it did not forbid the sale of the land after the entry was effected—that is, after the right to a patent had become vested—but did apply to all prior transfers."

When the purchase-money has been paid under the pre-emption laws and the receiver's receipt issued to the purchaser by the local land office, the title is vested in the purchaser, and the land ceases to be under the control of the Government; the purchaser has a vested right that can not be interfered with except by a judicial tribunal. (Frisbie *vs.* Whitney, 9 Wall., 187; 37 Cal., 475.)

The eminent jurist and text writer, Hon. T. M. Cooley, in his opinion, Boyce *vs.* Danz (29 Mich., 146), says:

"The action of the register and receiver of the United States land office in accepting the proofs furnished by a pre-emptor as satisfactory, and receiving his money and issuing to him the usual duplicate receipt, is a judicial determination of his rights which is conclusive in all collateral proceedings."

Judge Cooley further says that he knows of no act of Congress which authorizes the Commissioner of the General Land Office to review and reverse the register and receiver's action in a case where there has been no adverse claim under the pre-emption laws. (See also 13 Pet., 498, and 9 How., 333.)

If the honorable Commissioner of the United States Land Office should commit the error of attempting to cancel a title by arrogating to his office the powers of a court—that is, after the title has parted from the Government and become vested in the individual—his act will be annulled by the courts when a contest arises between parties claiming title to the lands upon his ruling. (Shepley *vs.* Cowen, 91 U. S. R. (1 Otto), 330; 45 Wis., 196, Sheldon *vs.* Kearne.)

After the Government has sold land by certificate it holds the legal title until the patent issues, but only in trust for the purchaser, and can not act judicially and determine that the purchaser is not entitled to the land. (Arnold *vs.* Grimes, 2 Iowa, 1.)

See authorities in harmony:

Cavender *vs.* Smith, 5 Clarke (Iowa), 189; Arnold *vs.* Grimes, 2 Clarke, 1; Carroll *vs.* Safford, 3 How., 460; Morton *vs.* Blankenship, 5 Mo., 346; Carman *vs.* Johnson, 29 Mo., 94; Bagnell *vs.* Broderick, 13 Pet., 450; Forbes *vs.* Hall, 34 Ill., 167; McDowell *vs.* Morgan, 28 Ill., 532.

The patent is not the title, but only additional evidence of the title. (Washburn on Real Property, third edition, section 526, volume 3.)

And this text writer further says:

The granting of a patent is a ministerial act; it does not pass the title, but is merely evidence that it has before passed; the entry and payment of the purchase-money virtually has the effect of creating the title to lands purchased.

The certificate of the register of the land office that a purchase has been made of lands is of as high a nature as a patent itself. (Wash. on Real Property, section 527, volume 3.)

A purchaser from the United States by the act of entry and payment acquires an inchoate legal title which may be alienated, will descend, and may be divested in the same manner as any other legal title. (*Ibid.*, section 528.)

The patent does not invest the purchaser with any additional property in the land; it only gives him better legal evidence of the title which he first acquired by certificate. He could in the mean time sell and convey the land as completely before he obtained the patent as he could after. (*Ibid.*, page 179.)

The idle decision of the Commissioner that he cancels a title is of no force. The Commissioner is not a court to divest citizens of the United States of their property; he, together with the Secretary of the Interior, might be called a quasi-court for the purpose of establishing rules of practice in disposing of the public lands, but having once disposed of them, their power ceases in relation to those lands. That they are disposed of under the pre-emption laws, upon final proof by cash entry and the issuing of the certificate of purchase, is an established principle of law too strong to be questioned. (Wash. on R. E., volume 3, page 180, third edition.)

Secretary Lamar says:

In Thomas *vs.* Saint Joe and Denver City Railroad Company this Department held: Each of the three elements of which this transaction is composed forms an essential part thereof, the application, the affidavit, and the payment of money; and when the application is presented, the affidavit made, and the money paid an entry is made, a right is vested.

He reaffirms this in Gilbert *vs.* Spearing. (See The Reporter, April, 1886, page 904.)

Mr. Chairman, these authorities, running from the text-books through the decisions of the supreme courts of the Western States and culminating in the Supreme Court of the United States, demonstrate by an unbroken line of authorities that the power to set aside a final receipt rests alone with the courts, and not with the Commissioner of the General Land Office, unless he acquires jurisdiction thereof by appeal from the ruling of the court of original jurisdiction, the register and receiver of the local United States land office. From the rule hereby established it follows that the money given to the Commissioner with which to buy fraud would be thrown away. He can buy fraud, but he can not buy jurisdiction over that fraud. Power is fortunately not for sale, and particularly judicial power.

If the country has been wronged in 90 per cent. of the entries, as alleged by Commissioner Sparks on the authority of his agents, let him go to the courts and through them bring an action to set aside the final receipts obtained through fraud. Let him go to law if he wants to; the courts and not Congress have the power he wishes to usurp. And before the courts, thank God, there will be no secret reports, no confidential betrayal of the property rights of the settlers. They will be entitled to their day in court, and it will not be in the power of the Government to deprive them of their rights except by due process of law. They will be entitled to the treatment of civilized beings; be allowed to examine the complaint, to look at the subpœna, and know the names of, and confront, the accusing witnesses. They will have the blessed right to cross-examine the spies who now condemn in secret. They will be tried and not robbed.

In the light of these decisions it appears that the demand of the Commissioner in this bill for $90,000 with which to hunt fraud is a demand on the legislative branch of the Government made by the executive branch for money to be expended in the furtherance of an attempt of an executive and ministerial officer to usurp the powers of the judiciary. Let the honorable Commissioner prove all that he seems to think he can, and let him cancel the final entries (receipts) and withhold the patents and all this for fraud, and he has accomplished nothing. His collateral assault upon the vested rights (final receipts) of settlers is a nullity, a mere legal nothing. He will have accomplished nothing save the squandering of the millions Congress may throw away in the effort to clothe Sparks with the three great powers of the Government, the executive, the legislative, and the judicial personally, and might be willing to see him commit a rape of the judicial power, and, for that matter, of the other powers if they came in "handy."

It would make things lively; we should have the reign of "eternal smash." But for one I shall have to curb my desire to behold the "wrecks of matter and the crush of worlds" in deference to official duty, and the Commissioner will have to "restrain his impetuosity" or resign.

I come now, Mr. Chairman, to the consideration of the veto by the Land Commissioner, not of a proposed law but of an existing statute, or rather of three existing statutes—that allowing citizens of the United States to take land under the pre-emption law, under the timber-culture, and under the desert-land acts. These laws were passed by Congress, approved by the President, and unquestioned by the courts, and yet Mr. Sparks on June 2 suspends their operation. He repeals and vetoes existing law. Here is his order:

[Circular.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 2, 1886.

To registers and receivers United States land offices.

GENTLEMEN: The repeal of the "pre-emption," "timber-culture," and "desert-land" laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time.

WM. A. J. SPARKS, *Commissioner.*

And here is the order of the Secretary of the Interior suspending Sparks and his order:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 4, 1886.

To registers and receivers United States land offices:

GENTLEMEN: Based upon satisfactory evidence that an unusual number of entries under the pre-emption, timber-culture, and desert-land laws are at this time being made anticipating the action of Congress repealing said laws, and following numerous precedents of this office and Department deemed to be in substantial harmony therewith, the following order, approved by the Secretary, was on the 2d instant issued to you:

"The repeal of the 'pre-emption,' 'timber-culture,' and 'desert-land' laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time."

Now, in view of serious question as to the existence of sufficient absolute legal authority therefor, the same is hereby revoked.

WM. A. J. SPARKS, *Commissioner.*

Approved:

L. Q. C. LAMAR, *Secretary.*

Mr. Chairman, what justification is attempted for this invasion of the constitutional powers of the legislative department of the Government?

The justification is this: The repeal of the pre-emption, timber-culture, and desert-land laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended until the 1st day of August, 1886.

Mr. Chairman, how are the "mighty fallen?" I had supposed that what little legislative power there was in this country was by the Constitution of the United States fixed in Congress. It seems not. The Constitution was supposed to be the only limitation on our power. So the fathers taught, but the fathers had not heard of Sparks. And now we hold our powers subject to the limitations of the Constitution and the discretion of Sparks.

Mr. Chairman, where are those gentlemen on that side [Democratic] to whom the Constitution was from "aforetime" given in special charge? Where are the guardians of the "ark of the covenant?" Where are the constitutional pillars of the political temple? Will they not come forward and defend us from this "mad bull" in the constitutional "china shop?"

It occurs to me, Mr. Chairman, that some years ago I heard something about "centralization" and the unwarranted interference of the executive department with the political affairs of the people—I heard, and we all heard it. It was the slogan of all your (Demecratic) political battles. Here is a case of unwarranted interference with the property rights of the citizens of the West and an unwarranted interference with the constitutional powers of Congress, which is unprecedented in the history of constitutional government. And I ask that you come to the rescue; particularly I appeal to the gentleman from Texas, to whom the Constitution is peculiarly dear, who sits eternal on the Democratic constitutional Sinai and sounds the alarm. I call on him to either justify Sparks or defend Congress and the settlers from these indefensible invasions and usurpations of power by a ministerial officer. Is it not time that notice was served on the faithful that one of the fathers of the herd was loose and that it was time to call a halt and have a "round-up?"

Mr. Chairman, suppose we examine the justification of this order of June 2 from another standpoint. The Land Commissioner orders the suspension of pre-emption, timber-culture, and desert-land entries because of the probable passage by Congress of a law repealing these laws. Now, if Mr. Sparks was actuated by honest motives in suspending these laws, if he sincerely desires to protect the public land from aggressions of thieves and monopolists, why does he not make his order broad enough to cover all the mischief?

His annual report for 1885 shows that there were 473,000 acres of public land sold in the United States during the year 1885 at private sale, without settlement, without competition in the bidding, without any restriction as to the quantity that any man could purchase, without requiring the purchaser to be a citizen of the United States. One man, and he an alien, could have bought it all. Nearly all of this 473,000 acres so sold, without settlement and without competition, was located in the South. Had that anything to do with the one-sided nature of the Commissioner's orders and policy?

His reason for suspending the law in the West and denying the right of settlers in that country to take land according to law is that Congress is considering the repeal of certain laws. But Congress at the same time and in the same bill was considering the repeal of the law allowing the purchase at private sale of the valuable Government lands in the South—now withdrawn from settlement and subject to unrestricted sale.

There were over one hundred and fifty cases of fraud from the Southern States even under the lax laws as to purchase, and still Mr. Sparks sees no occasion to interfere with the laws which permit monopolists to "gobble" all the land in the public-land States of the South, but finds himself divinely commissioned in the name of fraud to choke the life out of the settlers of the West.

How stands the fraud account between these States, Mr. Chairman? Commissioner Sparks's 1885 report, page 321, shows that the number of cases referred to his special agents for investigation for alleged fraud and reported on by them was as follows: Nebraska, 60 cases; Florida, 64 cases; Louisiana, 90 cases.

In the 1884 report of Commissioner McFarland the number of cases investigated and reported on as between the West and South was as follows: Nebraska, 170; Alabama, 153; Florida, 71.

I cheerfully admit that there is a much larger number of cases alleged to exist in the West than in the South, that is, when you take into account non-agricultural lands. But I deny that as between the agricultural public lands in the South (say in Alabama and Florida or Louisiana and Florida) and the agricultural public lands in the West (say in Nebraska and Kansas) there is any substantial difference in the fraud charged or found; and if the protection of the public domain demanded the suspension of the law in one case to prevent fraud there it was with equal justice to the public interests demanded in the other; and as not only this but all his orders excepts the South from their operation while striking at the West, I say his orders and his policy together stand impeached on his own showing because of a want of both uniformity and equity.

What is the matter? Do you want to depopulate the West? Are you afraid of the unborn Nebraskas and Nevadas of the West? Is there a political method beneath all this fraud-madness? Does Sparks put his heel upon the West with the consent of his party? Does he fear the new States as your party feared the birth of Kansas and Nebraska? Is this the revival of the old spirit of repression of the West? I will not believe it; the mistakes and crimes that made a tragedy of the admission of Kansas and Nebraska are not to be repeated from the loathsome level of hired falsehood and official usurpation. I will not believe that Congress will lend its sanction to the continuance of this policy, which is little less disastrous to Kansas and Nebraska than the crimes of 1858 and 1860 were to the eastern portions of the new States.

Mr. COBB addressed the committee. [See Appendix.]

Mr. SPRINGER. Mr. Chairman, the gentleman from Nebraska [Mr. LAIRD] will wish to make some reply to the gentleman from Indiana [Mr. COBB], and I suggest that ten minutes further be allowed on each side.

Mr. LAIRD. The gentleman from Indiana can have all the time he wants. I can say all I wish to say in two minutes.

The CHAIRMAN. There are thirty-five minutes remaining.

Mr. SPRINGER. I ask unanimous consent that the time be extended ten minutes on each side.

Mr. LAIRD. Mr. Chairman, now, I take it, is the proper time for me to ask this House to hear me a few minutes, aside from any rule or agreement as to the division of the time.

The CHAIRMAN. The Chair has no power to grant what the gentleman asks.

Mr. LAIRD. I presume it is scarcely possible in this House that a gentleman may not rise in his place and defend himself from a contemptible assault, notwithstanding the rules.

Mr. SPRINGER. I ask again, Mr. Chairman——

Mr. COBB. I do not know whether the gentleman means that my assault was "contemptible" or not.

Mr. LAIRD. You will find out what I mean when I get the floor, among other things. I mean what I say.

Mr. COBB. I am responsible for all that I said. I made no charge against the gentleman, but summarized the "evidence" on file against him; and that I will do against any man.

Mr. LAIRD. You are entitled to all the dignity you may get by scattering the contents of the Commissioner's garbage cart in this House.

Mr. COBB. I will "heap dirt" whenever it comes in the shape that this does.

Mr. PERKINS. I think that by unanimous consent the time may be extended ten minutes on each side. The gentleman from Nebraska [Mr. LAIRD] wants a little more time, and I think there will be no objection to that proposition.

The CHAIRMAN (Mr. MCCREARY). If there be no objection the time will be extended ten minutes on each side, so that there will be one hour and ten minutes debate on each side. The gentleman from Nebraska [Mr. LAIRD] is entitled to the floor.

Mr. SPRINGER. I suggest that the gentleman from Indiana [Mr. COBB] be allowed to complete his statement, so that the gentleman from Nebraska may reply to everything at once.

Mr. LAIRD (to Mr. COBB). If you have anything further to say, go ahead.

Mr. COBB. I will reserve my time.

Mr. SPRINGER. The only object of my suggestion was that the gentleman from Nebraska might understand the whole case of the gentleman from Indiana.

Mr. LAIRD. If he has got anything more to say which is personal to me I hope he will say it now. The rest I do not care about.

Mr. Chairman, the gentleman from Indiana produces here a report which he says is from one Green, a special agent. My answer to that is brief. His statements are false so far as they concern myself from beginning to end. As nearly as I can remember the allegations they are as follows:

That I am a member of a cattle concern known as the firm of Kelly

& Laird. This is not true. There is no concern of the name of Kelly & Laird to my knowledge. I am not interested in the cattle business in Nebraska and never have been. I never owned a hoof nor a horn in the country in question, neither individually nor in partnership.

That I procured certain lands to be entered in the McCook land district. That is not true. I never entered any land in the McCook land district nor procured any to be entered, nor were any entered openly or secretly in my interest or at my solicitation.

Mr. COBB. The gentleman will allow me to say that he is mistaken as to what I said. I only stated what the evidence on file was. I make no assertion myself.

Mr. LAIRD. I understand the gentleman. He makes no assertion; he peddles what he calls "evidence," namely, the report of Special Agent Green. Will the gentleman tell me how this has the dignity of evidence—the unsupported statements, slurs, insinuations, and lies of a hireling? On such "evidence" any man on earth can be convicted of land frauds or any other kind of frauds, of all crimes and shames conceivable. It is on this kind of "evidence" that 90 per cent. of the homesteaders and pre-emptors of Nebraska are denounced as thieves. I perfectly well understood, when I undertook to defend the interests of the people that I represent, to protect the good name of my fellow-citizens and defend the reputation of my State, that I should be subject to the attack of every scoundrel in the employ of the Interior Department who carried a slung-shot for secret use in the protection of the public lands by means of hearsay and opinion.

I was hundreds of miles from those lands when they were taken. I never was present at that land office prior to that time, and I never stepped into it for over a year after these transactions, and yet by the "evidence" to which the gentleman is pleased to appeal I am convicted of defrauding the Government. This is a sample of how 90 per cent. of the people of the State are found guilty upon the secret reports of agents. The gentleman from Indiana can drive on with his garbage-cart. I will defend the good name of my constituents and the fair name of my State from all these false and infamous assaults, slurs, and charges made against them, whatever may be the consequence to myself. I have no personal warfare to make on Commissioner Sparks, but I shall never cease to make war upon what I believe to be his outrageous policy and methods until he takes his heel from off the neck of the settlers of Nebraska.

That through influence of mine with certain land officers certain advantages were permitted to entrymen on the day of the opening of the land office at McCook. That is not true. I was not present at the time the entries by the Hastings men were made, and I did not procure them to be made. I did not influence the land officers to give them any advantage, nor do I believe that the land officers did give them any advantage. I never spoke to the land officers in question on this subject in my life. I do not think I had seen the land officers prior to these entries for over one year, and I have never spoken to them since about them, except I believe to call the attention of Mr. Laws, the receiver, to the statements of Green, and this I think was done by letter.

The answer of Mr. Laws to the statements of Green, asserting that he (Laws) had been guilty of favoritism, is on file in the General Land Office, and if the gentleman from Indiana, who is so industrious in hunting up reports, will find the statement of the land officer, he will see that the allegations of Green are denounced from beginning to end as falsehoods—at least so far as they affect Mr. Laws. Mr. Laws is a one-legged soldier and an honorable man, as is possibly evidenced by the fact that he still occupies the position in the Land Office to which he was appointed on my recommendation. If he has been guilty of conniving at frauds on the public domain for the purpose of aiding me or people interested with me in perpetrating such frauds, how is it that your administration allows him to stay there undisturbed for over a year?

Mr. COBB. They will turn him out when they hear of this.

Mr. LAIRD. No, they will not; or if so, not for this, for they have known it for years.

The gentleman, by his next friend, Agent Green, states that the lands in controversy at McCook were entered by my friends. That may be true. I have some friends in my own country, and as these gentlemen are very respectable people I am not disposed to disown them. He says there was one man of my name interested in them, and that is true. He was my brother, but he was twenty-one years of age and a citizen of the United States, as I believe the rest were, and if they took land, they had a right to. They complied with the law. If that is fraud, let the gentleman from Indiana make the most of it.

As for myself, I never owned an inch of public land except what I took by virtue of my right as a soldier, and that was a homestead which I took fourteen years ago. Outside of this I have not a penny's worth of interest in the public domain from one end of the country to the other, unless I have some interest in this land received by virtue of my brother's entry and his death, which took place in February last.

What is it from which the gentleman has read? He reads what he calls a prepared statement from the report of Special Agent Green—a summary of what he calls "evidence."

What is the matter with the original raw material of the report? Could you not trust that, or was it necessary for you to make some modifications in the general allegations? While you are in the special-agent business why did you not read from the report of Special Agent Coburn, some paragraphs from which I submit in this connection. They are as follows (page 10, Coburn's report):

The parties, citizens of McCook, whose affidavits I inclose are citizens of standing there, but of course neighbors and intimate friends of the local officers. Taking into consideration their statements in connection with the circumstances heretofore related, and the further fact that the register assured the parties that conflicting applications by those present would be considered as simultaneous, I conclude that the charge [of favoritism and discrimination] against the land officers is not substantiated.

It may be well to call attention to the statement of the register and receiver that there was no conflict of applications and that Hurlburt and Moore obtained the land described in their applications. Though this was said to be the result of an erroneous description, the affidavit of Hurlburt shows how it arose, and does not connect the local land officers with the deception alleged to have been practiced. It may have been an error for the officers to have opened the doors and permitted a crowd to enter before the hour of business at a time when a rush was to be expected, but that at least appears to be incidental merely. Summarizing the whole matter of this report, my conclusions are as follows:

1. That while the circumstances surrounding the original entries made by the Hastings party were liable to cause suspicion, the character and standing of most of the men engaged in the matter were such as to raise a presumption in favor of their good faith.

5. The preponderance of evidence goes to acquit the local officers of favoritism and discrimination, or at least [to show] that such a charge is not substantiated, and that they have erred in some minor points of administration of the duties of the office.

But my investigation develops the fact that many claimants in this case are men of means and social standing, and not in the employ of any one. But aside from the close resemblance to known cases of fraud above alluded to, there appears to be little evidence that it was a scheme concocted in the interest of any one party or corporation.

And, if I remember right, Special Agent Green's report is based upon two affidavits, one made by a man named Hurlbut and the other by a man named Moore. It appears that Hurlbut undertook the rôle of accuser of the Hastings entrymen because, as he supposed, they got a piece of land which he desired, but as it afterward turned out that Hurlbut got the very land that he wanted nothing further was heard from him, and I believe nothing further has ever been seen of him in that country so far as my information goes. The affidavit of Moore was dated September 15, 1883, and on October 2 of the same year he made the following affidavit, which pretty clearly discloses the uses to which his affidavit was put by some thrifty person after it had been signed and sworn to by him.

I see by the newspapers and I have heard some talk that they claim that JAMES LAIRD is interested in the land business on the Stinking Water. I know that he has no claim on the Stinking Water, and I do not believe that he is interested in any way. In my affidavit of September 15, 1883, which was written by other parties, I see the following sentence appears in it which was not in it at the time I signed it: "I mean JAMES LAIRD, the member of Congress from Nebraska."

If it did appear, it was overlooked by me. I did not intend to bring JAMES LAIRD into the matter, for I do not think he was interested nor in any way to blame for any wrong done myself or Mr. Hulbut. In my affidavit where the name of Laird & Kelly appears it has no reference to Hon. JAMES LAIRD.

Sworn to and subscribed in my presence this 2d day of October, 1883.

JOHN R. KING,

[SEAL.] *Notary Public, Hitchcock County, Nebraska.*

In this connection I also submit a statement of the gentlemen interested in the entries spoken of by Agent Green, and likewise a letter from Land Commissioner McFarland, which are as follows:

We, the undersigned, being the persons who have taken land by homestead or timber-culture entry on what is known as "Stinking Water Creek," in Chase County, Nebraska, state the facts connected therewith to be as follows:

We took said lands on June 15, 1883, at McCook, Nebr., at our own suggestion and for our own benefit, and not for the benefit of JAMES LAIRD, nor at his suggestion, nor that of any other person for him, nor has JAMES LAIRD any interest in these claims, nor is there any understanding that he is to have in the future.

We were each personally present, made our own affidavits, and signed them, and we were each personally identified and sworn to the same by one of the land officers, and we each paid our own fees, which fees were handed over by our attorneys. JAMES LAIRD was not in McCook on that day. We each took these claims in full compliance with the law and have complied with it in making improvements, and propose to hold them unless defeated by fraudulent affidavits. All charges of fraud made against JAMES LAIRD in connection with these claims are utterly false.

I. POLLARD,	A. YEAZEL,
W. F. SCHULTHEIS,	SIMON KELLY,
AUG. SCHMIDT,	ARTHUR WILLIAMS,
H. M. OLIVER,	HARRY CLARK,
O. H. McNEIL,	JAMES WALLACE,
HARRY RANDALL,	FRANK STINE.
A. W. LAIRD,	

In a letter to me from Washington under date of September 20, 1883, Land Commissioner McFarland says:

There is no report by any agent, nor papers on file in this office, reflecting in any manner upon you, nor connecting you with unlawful entries of public lands.

Mr. COBB addressed the committee. [See Appendix.]

Mr. CAREY addressed the committee. [See Appendix.]

Mr. RYAN obtained the floor and said: I yield ten minutes to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. Chairman, I am not here to defend frauds in any form. I concede that considerable fraud has crept into our land system; that there have been numerous fraudulent land entries; but I deny that this has occurred to any such extent as is claimed in the reports of these special agents. I am not here to make any attack upon the Commissioner of the General Land Office. I regard him as an honest enthusiast, such as we have numerous examples of in the ecclesi-

astical history of the Middle Ages. [Laughter.] I think there is nothing dishonest or corrupt about him, but that he is one of the most misguided of men. For the sake of ferreting out and punishing fraud in connection with our land entries, he and the administration back of him have undertaken to suspend the general laws of this country—a power that has never been claimed, never been attempted to be exercised before in the history of this country, nor for the last two hundred years anywhere within the realms of common law.

Every entryman after he has made his final proof and entry, and paid his fees at the Land Office, is entitled to have his entry passed upon and the patent issued to him in due course of law. This right, granted to every citizen in this country who has made a final entry or attempted in good faith to make a final entry, General Sparks, by his order of April, 1885, suspended. He did not suspend it in respect to fraudulent entries merely; he did not suspend it in respect to certain interdicted persons only, but he suspended the operations of the Land Department and of the land laws as against all persons within certain extensive territorial boundaries. An embargo was put upon all, the good as well as the bad. It was as though certain portions of this country had been put in law quarantine and cut off from the benefit and operation of all law.

But this order of the Commissioner of the General Land Office is not all. A greater and graver usurpation of law has been attempted. During the present month he has gone a step further, and, as the gentleman from Illinois [Mr. PAYSON] informs us, he is sustained in this by the Secretary of the Interior and even by the President—he has gone a step further and entirely suspended the operation of the pre-emption and timber-culture laws in this whole country.

What is the justification for this? Gentlemen undertake to refer us to precedents. I will show you that those precedents are the veriest sophisms, that they have no bearing at all upon the legal question and the right to suspend. The precedents they cite are simply the constructions of the Land Department in reference to certain land grants to railroads. From the time when we had any such land grants to construe it has been held and construed by the Land Department that whenever any land grant company filed the plats of the definite location of its route in the Land Office at that time its grant took effect, not only as to the granted limits but as to the indemnity limits, and that at the time these grants thus took effect it was just and proper under the law to withdraw the land within the indemnity limits as well as that within the granted limits, because without doing this you would render the provision for the indemnity limits entirely nugatory and useless.

This decision of the Land Department has been practiced and adhered to for more than a quarter of a century. It has never been reversed by any court; it has never been reversed by any authority until General Sparks undertook to do so within the present year, and it is, in my mind, a very grave question whether his ruling in that respect is not erroneous. I have no doubt but that the courts will ultimately overrule him on this point. That is the precedent which gentlemen cite in one form or another. They can not cite any precedent where any official connected with the Land Department of the Government has ever before undertaken to withdraw all the lands of this Government from the operation of the pre-emption law, or has ever attempted to say to citizens competent as pre-emptors, "You can not have the benefit of the law:" General Sparks and President Cleveland have suspended the operations of one of the old laws of this country that has existed ever since 1841. Gentlemen, you can find no precedent in the land history of this country, nor any precedent in the history of this country at all, but you can find a precedent, to which I will refer, in the history of the Stuart dynasty in England. The Stuarts attempted, as the Tudors had done before, to suspend the operations of the laws of the realm. This power so asserted and exercised by the Stuarts is known as the dispensing power. I will read what Mr. Macaulay, in his History of England, says on this subject.

The truth is, that the dispensing power was a great anomaly in politics. It was utterly inconsistent in theory with the principles of mixed government, but it had grown up in times when people troubled themselves little about theories. It had not been very grossly abused in practice. It had therefore been tolerated, and had gradually acquired a kind of prescription. At length it was employed, after a long interval, in an enlightened age, and at an important conjuncture, to an extent never before known and for a purpose generally abhorred. It was instantly subjected to a severe scrutiny. Men did not indeed at first venture to pronounce it altogether unconstitutional; but they began to perceive that it was at direct variance with the spirit of the constitution, and would, if left unchecked, turn the English Government from a limited into an absolute monarchy.

Now I will read to the gentleman from Illinois and the gentleman from Indiana a precedent two hundred years old, in the case of King James. I read from the same author:

May was now approaching, and that month had been fixed for the meeting of the houses; but they were again prorogued to November. It was not strange that the king did not then wish to meet them, for he had determined to adopt a policy which he knew to be in the highest degree odious to them. From his predecessors he had inherited two prerogatives, of which the limits had never been defined with strict accuracy, and which, if exerted without any limit, would of themselves have sufficed to overturn the whole polity of the state and of the church. These were the dispensing power and the ecclesiastical supremacy. By means of the dispensing power the king purposed to admit Roman Catholics not merely to civil and military but to spiritual offices. By means of the ecclesiastical supremacy he hoped to make the Anglican clergy his instruments for the destruction of their own religion.

This scheme developed itself by degrees. It was not thought safe to begin by granting to the whole Roman Catholic body a dispensation from all statutes imposing penalties and tests, for nothing was more fully established than that such a dispensation was illegal. The cabal had, in 1672, put forth a general declaration of indulgence. The Commons, as soon as they met, had protested against it. Charles the Second had ordered it to be canceled in his presence, and had, both by his own mouth and by written message, assured the houses that the step which had caused so much complaint should never be drawn into precedent. It would have been difficult to find in all the inns of court a barrister of reputation to argue in defense of a prerogative which the sovereign, seated on his throne in full Parliament, had solemnly renounced a few years before. But it was not quite so clear that the king might not, on special grounds, grant exemptions to individuals by name. The first object of James therefore was to obtain from the courts of common law an acknowledgment that, to this extent at least, he possessed the dispensing power.

Then the historian goes on to tell us how King James laid claim to this dispensing power and under it sought to interfere with and suspend the operation of the civil and criminal laws of the realm; and finally how in his efforts to obtain a judicial construction in his favor he removed all the judges of the highest judicial tribunal, reorganized it, and thus obtained a decision that the sovereign of England held the dispensing power—the power to suspend the operation of the general laws of the realm at pleasure and without limit. But the action of the last of the Stuarts brought on a great crisis in English history. The result was the English people hurled the Stuarts from the throne and called upon William of Orange and Mary to administer the British Government. When they had done so the British Commons in Parliament assembled put the stamp of censure and condemnation upon this right and power claimed by the Stuarts, and now, after a lapse of two hundred years, claimed and asserted by this Democratic administration. I will read again from the historian on this interesting subject:

On these grounds the Commons wisely determined to postpone all reforms till the ancient constitution of the kingdom should have been restored in all its parts, and forthwith to fill the throne without imposing on William and Mary any other obligation than that of governing according to the existing laws of England. In order that the questions which had been in dispute between the Stuarts and the nation might never again be stirred, it was determined that the instrument by which the Prince and Princess of Orange were called to the throne, and by which the order of succession was settled, should set forth, in the most distinct and solemn manner, the fundamental principles of the constitution. This instrument, known by the name of the Declaration of Rights, was prepared by a committee of which Somers was chairman.

The Lords and Commons having deliberated, resolved that they would first, after the example of their ancestors, assert the ancient rights and liberties of England. Therefore it was among other things declared that the dispensing power lately assumed and exercised had no legal existence.

The CHAIRMAN. The gentleman's time has expired.

Mr. NELSON. One word, Mr. Chairman, further. From that day to this, for two hundred years, it has never been claimed before by any executive power in England or America that it had the right to dispense with the operation of the laws of the realm. Here is a precedent which I ask gentlemen to study. It should be a warning rather than something to imitate.

[Here the hammer fell.]

Mr. PAYSON. Mr. Chairman, I have no apology to make when I ask the attention of the House for the time allotted me while I discuss a few of the questions presented by the proposition offered by the gentleman from Nebraska [Mr. LAIRD]. During my term of service here I have never sought to attract the attention of the House unless I thought I had something to submit worthy of its consideration and directly connected with a practical pending proposition. And I would but assert the veriest truism if I said the questions involved in this discussion are of great importance to the people of this nation.

No one connected with public affairs can have failed to notice the amount of public lands remaining for disposal is being in some way rapidly diminished, and it has been a matter of earnest investigation on the part of the best men connected with Congress for the last six years in both Houses, as well as those occupying executive positions, to determine precisely what the evil was, the extent of it, and the remedy for it.

At the outset, Mr. Chairman, I am bound to notice there has been an attempt made to give this debate a partisan character. When the legislative appropriation bill was under discussion under a motion I believe to strike out the last word of the pending paragraph, the gentleman from Nebraska [Mr. LAIRD] and the gentleman from Maine [Mr. REED] and a few other gentlemen vigorously rushed to the front denouncing the present Commissioner of the General Land Office and his official conduct and apparently expecting the gentlemen on the other side of the Chamber to champion him and protect him from the criticisms passed upon him.

It seems to be expected as a matter of course that the vigorous assaults made by gentlemen on this side upon the Land Office shall be replied to and the course of the Commissioner justified, if at all, by those of his political party.

Sir, there is no question of party politics involved here. The question is one of orderly, proper administration of executive duty, and should be discussed with that impartiality, candor, and calm considerateness which alone in a legislative body can produce satisfactory results.

With the general course of procedure in the Interior Department as relates to the public-land system since the present administration came into power I may say without boasting I have been intimately familiar.

When it took charge of affairs it found accumulated evidences of

frauds upon the public lands gathered in by Republican agents appointed by Secretary Teller and Commissioner McFarland, many of which have been so recently read and referred to in the House as to render a rereading unnecessary.

There was found, also, an appalling state of affairs as to the unlawful inclosing of the public lands—millions upon millions of acres of public lands inclosed with barbed-wire fences, many of these erected by foreigners.

Notices had been served upon the parties in possession; Commissioner McFarland had sent out formal circulars against them, but all was ineffectual.

The slow methods of litigation under common-law rules had been invoked, but these were not productive of results.

A statute has been enacted by the Forty-eighth Congress for the summary, efficient cure of the evil, but too late to be enforced by the outgoing Republican administration.

The bill which became a law I had the honor to introduce, and I had been connected with some matters of land reform with other gentlemen on the Committee on the Public Lands, with which I desire to say Mr. Teller and Mr. McFarland were in hearty sympathy.

This was known to Mr. Secretary Lamar, and early in his experience at the head of that Department he did me the honor to ask me to give him the benefit of my experience and observation as to these matters, and I unreservedly did so.

This led to an intimacy between us, which otherwise would probably never have existed, and justifies me in saying what I take especial pleasure in, that from the first the Secretary of the Interior and the Commissioner of the General Land Office have been inspired by the desire to honestly, efficiently, and thoroughly administer the land laws, so that the public domain should be utilized for the benefit of actual settlers. The official reports at their hands showed an actual necessity for some earnest, vigorous action. As against the unlawful inclosures, a proclamation by the President was issued, and orders given at once to the law officers to proceed criminally, if necessary, against offenders unless the new law was obeyed.

As against fraudulent entries of the public lands, various plans were considered. That the evil was enormous was conceded by everybody.

The last administration had hoped that the laws allowing pre-emption, timber-culture, and desert-land entries would be repealed.

It had repeatedly urged upon Congress the necessity of such action, and a modification of the commutation feature of the homestead law. Under these acts as they stood these frauds had been perpetrated, and the last administration earnestly endeavored to secure such Congressional action as should render the further perpetration impossible.

The bill, as recommended, passed the House, and with an amendment, not germane, the Senate; the House, late in the short session, would not concur in the Senate amendment, and so the bill failed.

Congress, and not the last Republican administration, was to blame for this. This was the situation; and after a great deal of consideration, as I know, on the part of those who had made the subject a study and were familiar with the official reports and statements, the order of April 3, 1885, which I will refer to later, was issued.

At the outset I desire to say, Mr. Chairman, and in as plain language as I can express the proposition, once for all, because I do not wish to be misunderstood in reference to it, that, so far as the order of Commissioner Sparks of April 3, 1885, is concerned, as a member of the Committee on Public Lands I was consulted in reference to the propriety of its issuance, and, under the circumstances as I have stated them, I counseled and advised that it should be issued. And I stand by that order to-day, and whatever criticism may be imposed in reference to it I am ready and willing to bear my share of it.

I am ready now and here to defend the policy as well as the legality of it, and I hope to make myself fully understood with reference to it before I am done, and whatever credit may attach to an honest effort to stay the tide of fraud and corruption then and now painfully apparent, I shall in like manner insist on having my share.

The only regret I have is it was not continued in force until to-day for the reasons I shall give a little further on. [Applause.]

Mr. Chairman, the evil sought to be remedied by that order is nothing new.

When the legislative bill was under debate this discussion was begun. To the observer it would appear that it was a Republican attack on Democratic methods, as such.

Why, the gentleman from Maine announced here that when Mr. Sparks first went into that office, and before he had fairly got warmed in his seat, he suddenly discovered that great frauds were being committed upon the public lands system. I wish to state to him that he is mistaken. The performance of his committee work has not familiarized him with reference to the condition of affairs connected with the public-lands system. I say to him what I know of my own personal knowledge when I tell him that in the Forty-eighth Congress—no, earlier than that; in the Forty-seventh Congress—this matter was a subject of serious consideration on the part of Secretary Kirkwood, Secretary Teller, and Commissioner McFarland, and, as a member of the Committee on the Public Lands, I was frequently in consultation with these gentlemen at their request in reference to these very matters. I hold in my hand an interview with Commissioner McFarland, published in 1884, and which is embodied in some remarks I submitted to this House on the 7th June of this year, where, if gentlemen will take the trouble to examine, they will see that the very evils out of which this debate has arisen to-day were conditions which were then subjects of consideration by the Commissioner of the Public Land Office, and that his specials agents were making these reports to the office at that very date. Perhaps I can not do better than to read an extract or two from that interview, premising it by saying simply that I know the words quoted here by the newspaper reporter were a part of Commissioner McFarland's own language. In reply to the question, "How is the system of special agents working?" he said:

"Satisfactorily. The special agents have been in the field about six months, and reports from some of them are received every day. I have examined and acted upon about eight hundred illegal and fraudulent entries reported by them. These entries covered about 128,000 acres, of which the Government would have been deprived except for the new service."

"Have any of the persons who held such entries appealed from the finding of the special agent?"

"Yes; in eighty cases only out of the eight hundred examined under this system have objections been offered to the proposed cancellation of the entries. This fact is significant of the correctness of the agents' reports and of the wholly indefensible character of the impeached entries. The reports are in all cases based upon a personal examination by the agent of each tract of land, and the entry is held for cancellation except upon positive evidence. It is further found that in few, if any, of the eighty cases have the objections come from the persons in whose names the entries were made. They usually appear to be from persons who furnished the money for the entries or bought them afterward."

"What kinds of lands did these fraudulent entries cover?"

"Pine-timber lands in Minnesota, Michigan, Wisconsin, and Missouri, made ostensibly for settlement under the pre-emption and commuted-homestead laws, but actually to obtain the valuable timber for the nominal price at which agricultural lands are sold to settlers. The principal operators are persons largely engaged in the timber business, the 'settler' being a convenient myth. Another class consists of timber lands in California, Oregon, Nevada, and Washington Territory. The reports of special agents, particularly in California and Washington Territory, disclose a combination of large capitalists, English as well as American, to obtain title to immense tracts of timber land by hiring men, women, and children to swear to false affidavits that they make the entries as required by law for their own use and benefit, and not for speculation. The prices regularly paid for a set of false entry papers range, according to the reports, from $50 to $100. The Government gets $2.50 an acre, the land perhaps being worth ten times its cost to the speculators. Agricultural lands in Dakota have also received marked attention.

"The persons concerned, directly or indirectly, embrace English peers, Eastern capitalists, adventurous spirits who emigrate to the booming Territory to grow up with the country, and enterprising land agents and attorneys. Pre-emption, commuted-homestead, and timber-culture entries are the favorite instrumentalities of fraud in this region. No sooner is a township of land surveyed than it is plastered over with entries and filings, more or less bogus, but generally more, and the actual settler who goes to stay, the farmer who is to produce the subsistence of the nation, must buy off these pretended claims at high rates before he can obtain the privilege of making an honest entry of the land. The timber-culture laws have proved especially advantageous to the fraudulent control of public lands. The principal sphere of operations under these laws is at present Minnesota, Dakota, Kansas, and Nebraska.

"The failure of the timber-culture law to produce the results contemplated and its success in promoting fraudulent land entries are paralleled by the desert-land act, the frauds under which are committed mainly in the Pacific States and Territories. But the frauds do not stop there. The Government price for coal lands is from $10 to $20 an acre. Fraudulent entries of coal lands are made under the pre-emption and other agricultural laws. The reports of the special agents cover heavy transactions of this sort in Colorado and other States in which coal abounds, the fraudulent entries proving to be the property of mining companies.

"But by far the most extensive frauds are found in the grazing country, where the cattle-kings have fenced in the country by whole counties, and the investigations by agents show that the land within these inclosures is being covered by bogus entries made by employés of the stockmen, the former supplying the needed affidavits of settlement and the latter paying the land office fees and pocketing the title. Many entries of this class have been canceled or held for cancellation.

"The practice in such old Territories as New Mexico and Arizona is found to be that the cowboys are brought up in squads to the district land office to swear in mellifluous Spanish names to affidavits that they have resided on the land ten, twelve, or twenty years, when in fact they may have not been in the Territory as many months or days; but they swear all the same, and each serves as the regulation witness for the other. The cost of 160 acres to the stock company is by this process about $18, a trifle over 10 cents an acre. In the newer Territories, where long inhabitancy is not so easily proven, the operation is like that of Democrats repeating in New York city elections. A gang of 'pre-emptors' is fitted out, who make all the entries required by their employers by merely adoping a sufficient number of names and repeating the process of swearing as principals and witnesses alternately."

Knowing this condition of affairs, the Secretaries of the Interior under the last and this administration, as well as the Commissioners of the General Land Office for several years have recommended the repeal of these laws.

Mr. MacFarland, in his last annual report, speaking of this law, says:

In my last annual report I renewed the recommendation frequently made by my predecessors that the pre-emption law be repealed. Continued experience demonstrates the advisability and necessity of such repeal. The objection that much good has heretofore resulted from the pre-emption system, and that it should not be discontinued because abused, appears to us without good foundation under the changed conditions created by the homestead laws.

Our committee said to the last Congress, and I emphasize it now and here:

Whole townships of the public domain have been acquired under this law by capitalists who do not reside within hundreds of miles of the land, and never did. They have secured them through paid agents in their employ, who receive so much for their services when they make the proof necessary to entitle them to a patent from the Government, and assign their claims to their employers. This is done, of course, through perjury and subornation of perjury, for each one of these agents or claimants is required to make settlement on the pre-emption claim under the law, and he must make oath before the register or receiver of the land district in which the lands are situate, on which he claims to

have settled for the purpose of pre-empting, and that he has never had the benefit of any right of pre-emption; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use, and that he has not directly or indirectly made any agreement or contract in any way or manner with any person whatsoever by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself. And yet it is well known that this oath is daily taken by parties who make it under contracts such as we have indicated above. They file with the register of the proper land district their declaration, make their proof, affidavit, and payment required by the law, and receive their title and transfer the same to the parties with whom they made the contract before they attempted to make the pre-emption.

Here let me remark that the appropriation now before us is not asked for the continuation of an old service, which has been in existence for years. It was inaugurated on an appropriation bill in the Forty-seventh Congress by Republicans, and has been in operation only about four years.

Mr. LAIRD. Let me ask the gentleman a question.

Mr. PAYSON. Certainly.

Mr. LAIRD. I hold in my hand an annual report of Mr. McFarland, concerning which the gentleman speaks, and I find on page 146:

Entire number of entries investigated	3,563
Entries canceled	680
Entries approved after investigation	953

Now——

Mr. PAYSON. Nobody disputes that. The figures to which you allude run back for years and years. I take no issue with the gentleman on that subject. The office is now over three years behind. A large proportion, if not the largest proportion, of these entries to which he refers were made under prior administrations and before the special agents were set to work to investigate the frauds.

Mr. LAIRD. Let me complete the statement.

Mr. PAYSON. I am not going to be diverted from the general line of remarks which I had designed to make here by any question of veracity as to the personal experience or general observation of any gentleman who may represent land districts and who may have formed his own opinions in reference to these matters. I am willing to concede for the sake of the argument that in the district which the gentleman behind me [Mr. LAIRD] represents the people who have gone upon these lands are all, absolutely all, honest—though I do not believe it, knowing what the records show. [Laughter.] In the district of the gentleman from Kansas who, I understand, is to follow me I will make the same admission. But I want to ask him to give me a reason why it is that in those districts nearly every land agent who has business there advertises as a prominent feature of his business "Relinquishments for sale." I have before me a number of these advertisements, which I hope the gentleman will not overlook when he comes to answer this argument. I want him to tell me what he thinks of that kind of practice and if it was any evidence of a fraudulent transaction in the public lands as a part of the business of those who engaged in sending these advertisements out.

I will insert some of these, omitting the names of the parties, for I do not care to give them the benefit of the advertisement:

Real estate and Government land agents.
All business before the United States Land Office correctly and promptly attended to. Relinquishments for sale. Town lots and city property for sale or rent. Special attention given to collections.
Richfield, Morton County, Kansas.
Contesting claims a specialty.

Land attorneys.
Locate settlers on Government land. Relinquishments always on hand. Contests a specialty. Correspondence solicited.

Come all, and come quick. We have deeded land and relinquishments so cheap it will make you smile. There are also a few pieces of Government land left, but will soon be gone. Come and see us.
Real estate, loan, insurance, and financial agents, Jetmore, Kans. Office on Main street.

Real estate agents, Gandy, Sherman County, Kansas.
School lands, deeded lands, homesteads, and timber entry.
Relinquishments bought and sold.
Refer to any of the banks in the Oberlin land district. Correspondence solicited.

The records at the Land Office show the methods by which these "relinquishments" are made available, and their fraudulent, speculative character.

Mr. Chairman, the method is this: the speculative entryman makes a "filing" on a tract: the books at the local office, of course, note the fact, and the land is technically "taken."

The law provides that when a "filing" on a homestead or pre-emption is "relinquished" at the local land office, the land shall thereupon be restored and become a part of the public domain. The "relinquishment" is executed, put into the hands of these agents (those named being all in the district of the gentleman from Kansas, Mr. PETERS) for sale, and the settler, if he gets the lands, must buy the speculative relinquishment, or enter a contest to defeat it; it is cheaper to buy, and he does so; takes the relinquishment to the local office, files it, thus releases the land, and then makes his as an original entry.

That is the method, and it is susceptible of easy proof at the General Land Office, that this practice, illegal and unlawful as it is, has assumed immense proportions.

Under the law, every entry for homestead or pre-emption must be *bona fide* for settlement by the entryman. These almost exclusively are for speculation, and to fleece the settler who really wants the land for a home.

I know it will be said that there are cases where *bona fide* settlers, because of illness, misfortune, &c., become discontented and desire to or are compelled to sell their settlement rights. True enough; but there are exceptional cases, and no one will pretend to assert that they are of sufficient volume to cause the conspicuous advertisements I present.

But to return. I do not know how it may be in the district directly represented by the gentleman who has spoken, for I know nothing except from the records; but this I do know, that the Commissioner of the General Land Office could not act efficiently or at all except upon reports made to him by the duly accredited agents of the Department. I do not see how he could otherwise act intelligently upon the questions. It is alleged—in fact it has never been denied—it is confessedly admitted that frauds in the public-land system exist everywhere. There is a dispute as to the degree in which these frauds are being carried on, but none as to the fact that they exist. The enthusiastic gentleman from Nebraska admits something of the kind. The gentleman from Minnesota, who has gone back into the matter of ancient history, admits that frauds are numerous under the public-land system; and I have no doubt it will be conceded by the gentleman from Kansas. How then is the Commissioner of the General Land Office to determine except by reports which go to him from duly accredited agents of the Department what he ought to do? These are part of the instructions given them so far as relates to this matter.

Circular of instructions to special agents.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 23, 1885.

SIR: Having been appointed a special agent of this office for the protection of the public lands from fraudulent or illegal entry or appropriation, you are instructed that your general duties will be as follows:

1. You will carefully, accurately, and thoroughly investigate every case of alleged fraudulent or illegal entry or appropriation of public lands referred to you by this office, or in any manner brought to your attention in the discharge of your official duties.

2. You will, in all cases, personally examine the land involved, taking pains in every instance to accurately and positively identify the tract, and to see and take the statements of claimants, if they can be found.

3. In the examination of alleged fraudulent homestead and pre-emption claims you will carefully note the character and condition of the land (when that is essential to your inquiry), and in all cases fully examine and note the nature, character, extent, condition, and value of all improvements, if any, thereon, and all the facts pertaining to settlement on, and inhabitancy of, the tract, or the want thereof.

4. You will make and preserve full and accurate notes in all cases investigated by you upon every point involved in the case, to enable you—

First. To report thereon, conclusively, to this office.

Second. To give your evidence, when necessary, before the register and receiver, or in proceedings in the courts.

Third. To give information or enter complaints in criminal actions.

5. You will also take the affidavits, when practicable, of parties giving you information, and of the witnesses whose evidence may be necessary in the case. When parties are unwilling to make affidavits, you will take their names and addresses and a note of the matters to which they will testify. But the affidavits of witnesses should be obtained in all cases, if possible.

6. When making investigations in an unsettled district, and in other cases when absolutely necessary, you will be authorized to employ a guide, surveyor, or other assistant, or, in extreme cases, assistants to aid you in finding and identifying the land, and in the procurement of testimony, or the service of notices. You will not, however, employ a surveyor without special authority from this office, unless in cases of emergency, when you will at once fully report the necessity for the service and the nature of the emergency.

7. The affidavits of your assistants to the facts found upon the investigation of any cases will be taken by you fully and in detail, and will be transmitted to this office with your report.

8. Where the land is uninhabited and unimproved, and in other well-established cases, your own report, and the affidavits of your assistants, when such are employed, may be sufficient for the purposes of cancellation or other action. But you will be careful to see that all requisite evidence is obtained and preserved, and that yourself and your assistants are fully prepared to give testimony in the case when required to do so.

9. In all cases when there are other witnesses whose testimony can be obtained you should secure their affidavits, as mentioned in paragraph 5.

10. As an officer of this Department, detailed to investigate frauds, you are authorized by section 183, United States Revised Statutes, to administer oaths and take affidavits in any matter pertaining to your official inquiries.

11. You will bear in mind—

First. That where homestead affidavits are made before a clerk of a court, and the party, or some member of his family, is not actually residing on the land at the time, and a *bona fide* improvement has not been made thereon, such entries are *prima facie* fraudulent.

Second. That where the affidavit is made before the local land officers, and residence is not established on the land within six months after date of entry, the entry is subject to forfeiture. Failure to establish residence as required also raises a presumption of fraud in the entry.

Third. That a pre-emption claim can be lawfully initiated only by actual settlement on the land, and that the filing of declaratory statement in the absence of a preceding *bona fide* settlement is illegal.

Fourth. That the filing of a soldier's declaratory statement, when the soldier has no intention to enter the land and actually reside upon it, is fraudulent, and that the procurement of powers of attorney to make such filings with an agreement or promise to sell the land filed upon is a fraud both upon the soldier and the Government. Filings by powers of attorney should be thoroughly inquired into.

Fifth. That commuted homestead entries made without actual residence upon and improvement and cultivation of the land for the prescribed period are fraudulent.

Sixth. That pre-emption and commuted homestead entries made in the interest of speculation or monopoly are an extensive and dangerous class of frauds and need to be closely watched and rigorously investigated.

Seventh. That homestead and pre-emption entries made on timber lands for the purpose of obtaining the timber, and not for the purpose of actual inhabitancy and cultivation, are fraudulent. You should discover the use made of the

timber in such cases, and the amount cut or removed, and trace the connection between the parties obtaining it and the parties to the fraudulent entries.

Eighth. That homestead and pre-emption entries made on known mineral lands are illegal and fraudulent. Fraudulent agricultural entries on coal and iron lands will be particularly investigated.

Ninth. That placer or other mineral entries made on non-mineral lands for the purpose of purchasing agricultural, timber, or other lands that are not subject to private entry, or for the purpose of controlling the water, or for other speculative objects, are fraudulent.

Tenth. That entries of timber lands in California, Nevada, Oregon, and Washington Territory, under the act of June 3, 1878 (30 Stat., 89), are fraudulent if made on land valuable for agriculture, or if made for the benefit of others than the entrymen, or otherwise in violation of the restrictions of the act.

Eleventh. That desert-land entries are fraudulent if made on lands not desert in character, or if made for speculative purposes, or in the interest of others than the entryman, or otherwise in violation of the restrictions of the act.

Twelfth. That timber-culture entries can be made only for the cultivation of trees, and not for speculation or relinquishment, and not for the benefit of any other person than the party making the entry. You will particularly investigate alleged fraudulent timber-culture entries and will direct special inquiry as to whether such entries have been made by the procurement of land agents or others.

Thirteenth. That speculative and collusive entries, and entries made by employés, or in the interest or by the procurement of others than the entryman, under any of the settlement or improvement laws of Congress, are fraudulent.

They are sworn to perform their duty; they go into the field under these instructions. They show nothing whatever with reference to the performance of his duty that should not be exacted from an agent intrusted with the performance of such duties as he is called upon to discharge; nothing that is secret about it; nothing that is nefarious or underhanded, but everything that is open.

These agents report, and have made the reports which were read here in the hearing of the House when the legislative bill was up for discussion showing the degree of the frauds and the manner in which they have been committed. They show the hiring of men by the month to make entries for their employers in fraud of the law; how they go on and build little shanties, 7 by 9, in order to comply with the provision of the law with regard to residence. In some cases they were only 4 by 6 feet. It is shown that they have slept on the land only six nights in six months. Affidavits which I have show with reference to the Tallant case, which has been heralded as a specimen of the harsh treatment which settlers receive, that one house he had was only 7 by 9, put up by a man in his employment; and he got 320 acres of the public land for his employer, who was holding a county office at the county seat.

I may as well notice this Tallant case here. I read in the RECORD the following, used in the Senate, as similar letters have been used here:

I have a letter in my hand, which I received this morning from the clerk of the district court in Dakota, a gentleman I do not know, but I will read his letter as a sample of the cases of which I personally know—cases in my State, as affecting the actions of special agents and the general action of the Department on the question of entries which have already been made. He writes me from Lakota, Dak. The printed heading, with the date, is as follows:

"[W. S. Tallant, clerk of the district court, Nelson County.]

"LAKOTA, DAK., *June* 18, 1886."

After a little introductory paragraph, which it is not necessary to read, the writer says:

"The special agents of the Land Office have been causing almost every settler here trouble and expense, which they can not afford, and not doing the Government any good. Now, I speak from personal knowledge when I say that I do not think that any part of the public domain has ever been proved up with better intent and a better compliance with the laws. Yet we are told that ninety-nine out of every hundred proofs made will be canceled.

"I can cite you my own case for one. I made a homestead entry on June 26, 1884, and moved on the land June 27, 1884, and made proof in October, 1885"—

Procured evidently in that case under what is called the commutation clause of the homestead law, which provides that a person who has made an entry under the homestead law may change his entry to a pre-emption entry at any time after six months, and instead of getting the land for nothing, as he otherwise would at the expiration of five years, by paying a dollar and a quarter an acre for it getting a final-entry certificate at the time he makes his payment and his proofs—

"having when I proved up 40 acres broken and cropped, and a good house thereon. Since that date I have built a barn that will cost me about $500, and have had the whole claim broken up and gotten ready for crop next year. I also have another claim which joins my homestead on the west, giving me 320 acres, all of which is now broken up and ready for crop, out of which I have in crop on the land this year about 170 acres, and have buildings on the land that altogether cost me nearly $2,000. Every cent that I have made for the last three years has gone on the place and I have refused at least half a dozen offers to sell at good figures.

"Now at this late day comes a special agent and says that he has reported my homestead for cancellation for the reason that I am not now living on the land.

"But I am keeping men there to work the place for me, and it is the only land that I own in the world, and I have had to undergo great hardships to get these claims and have acted in every way in good faith and intent.

"Yours, &c.,

"W. S. TALLANT."

As I said, this letter was used in the Senate the other day in perfect good faith, I am sure, as an illustration of the evils of the special-agent service.

I thought I would look up Mr. Tallant's case, and this is a sample of the proofs as to him—only a sample:

TERRITORY OF DAKOTA, *County of Grand Forks, ss:*

I, Joseph Hofer, being duly sworn, depose and say: That I made D. S. entry No. 7995, dated March 25, 1884, for the NW.¼ Sec. 13, Tp. 151, R. 62, Grand Forks series, and commuted the same to C. E. No. 10309, July 18, 1884; that I reside on and work for the Elk Valley Farming Company, 1¼ miles south of Larimore, and that my post-office address is Larimore, Grand Forks County, Dakota Territory.

That I am well acquainted with Walter S. Tallant, of Lakota, Nelson County, Dakota Territory; that on or about the 20th of October, 1882, said Tallant asked me if I would file on a claim and prove it up for him; if I would he would give me two hundred ($200) dollars. That I replied that I could not do it now, as I had not proved up on my homestead.

That I worked for said Tallant from May 24, 1882, to March 17, 1884, continuously at $20 per month; that in last-named month I made settlement with said Tallant for all the work I had done for him; that he paid me in cash in full of all demands.

That about the 2d of November, 1882, said Tallant instructed me to go to Tp. 151, R. 62 with him to assist in building several shanties, which I did. That during a conversation in March, 1884, Walter S. Tallant said to me: "Say, Joe, in this land matter we did not make any arrangement; you can do as you want with the land." That said Tallant told me to board with my brother, John Hofer; that he furnished my said brother with provisions for both of us.

That I mortgaged my said tract for $250, to whom I do not know, but think it was to Walter S. Tallant; that out of said amount I received nothing. That said Tallant is a notary public, and he transacted all the business in connection with my filing on and proving up my said tract, paying fees and for said land.

That I gave a second mortgage for $650, to whom I do not know; that I did not know what this second mortgage was for, and do not understand it now, as I did not owe said Tallant anything.

That I received three hundred ($300) dollars from said Tallant on condition that I would deed my said tract to him (Tallant) at the expiration of one year from making my said final proof.

That I first established my residence on said tract April 10, 1883, and resided continuously thereon until September 15, 1883; from last date to March 18, 1884, I slept in my brother John's house on the NE.¼ Sec. 14, 151—62; that I boarded with my said brother all the time that I resided on my said tract; that since March 18, 1884, I have visited my said tract only four times, to wit: April 17, May 8, June 17, 18, and 19, and July 3 and 4, 1884; a total of seven days.

That in April, 1883, Walter S. Tallant said to me that if my brother (John Hofer) would file on a claim for him (Tallant) he would give him (my said brother) $300; that I soon afterward told my brother what said Tallant had offered; that my brother said if it was all right he would do so; that he did so file on the E.½ NE.¼ NW.¼ of NE.¼ and NE.¼ of SE.¼ Sec. 14, Tp. 151 N., R. 62 W.

JOSEPH HOFER.

Subscribed and sworn to before me this 31st day of January, A. D. 1885.

TRAVIS RHODES,
Special Agent, General Land Office.

Witness:

JOHN HOFER.

TERRITORY OF DAKOTA, *County of Grand Forks, ss:*

I, John Hofer, being duly sworn, depose and say: That I reside on the NW.¼ Sec. 13, Tp. 150, R. 56, and that my post-office address is Larimore, Dak.; that I made D. S. No. 7993, dated March 25, 1884, for the E.½ NE.¼, NW.¼ of NE.¼ and NE.¼ of SE.¼ Sec. 14, Tp. 151, R. 62, and commuted the same to C. E. No. 10442 August 7, 1884.

That I am well acquainted with Walter S. Tallant, of Lakota, Nelson County, Dakota Territory; that I understood, through my brother, Joseph Hofer, as I could not at that time understand English, that I was to file on my said tract, prove it up, and after making said proof that I was to deed the same to Walter S. Tallant.

That said Tallant paid all expenses in connection with my filing on and proving up said tract; he also paid for and kept me supplied with provisions until I made my filing on said tract on the 25th of March, 1884; that I boarded my brother, Joseph Hofer, from the 16th of May, 1883, until March 18, 1884.

That I mortgaged my said tract to some one unknown to me for an amount unknown to me; that Walter S. Tallant, as a notary public, transacted all business in connection with my filing on and proving up my said tract; that after mortgaging said tract I received $300 from said Tallant.

That I first established my residence on said tract May 16, 1883; that I am married, and my family consists of wife and two children; that I resided on said tract from May 16, 1883, to March 18, 1884, continuously; that I have not resided on said tract since last-named date.

That my improvements consist of house, 7 by 14, 7 feet high, built of common lumber, shed roof, tar papered; value, $25; 40 acres breaking and backsetting at $5 per acre, $200; total value of improvements, $225.

That Walter S. Tallant paid for all of said improvements.

That a crop of oats was raised on said tract (40 acres) by said Tallant, who harvested and appropriated to his own use the proceeds thereof.

JOHN HOFER.

Subscribed and sworn to before me this 31st day of January, A. D. 1885,

TRAVIS RHODES,
Special Agent, General Land Office.

Witness:

JOSEPH HOFER.

TERRITORY OF DAKOTA, *County of Ramsey, ss:*

I, George W. Pierce, being duly sworn, depose and say: That I am the identical George W. Pierce who made D. S. entry No. 7992, dated March 25, 1884, for the SE.¼ Sec. 24, Tp. 151, R. 62, and commuted the same to C.E. No. 11239 January 3, 1885; that I reside on said tract, and that my post-office address is Jerusalem, Dak.

That I am well acquainted with Walter S. Tallant, of Lakota, Nelson County, Dakota Territory; that some time in March, 1883, I was in Walter S. Tallant's office, in Larimore, Dak., when he wanted to know of me how much I would charge him to break and backset one hundred acres of land in Tp. 151, R. 62; that I told him I would charge $500; that he then wished to hire me to come out here (151—62) and hold a claim for him (Tallant); he said he would give me $300 to hold one for him for six months; that I informed him that I would not do it, as I wanted my said claim for myself; that on my next trip home to said tract I lost one of my horses by death; that I returned to Larimore and informed Tallant of said loss, when he said that if I would hold said tract for him he would procure me another horse, and also agreed to pay all expenses in connection with holding and proving up my said tract, including provisions; that said Tallant did not carry out his part of said agreement, in that he did not furnish me anything whatever; but, on the contrary, said Tallant is still in my debt; that I paid all expenses in connection with my said tract.

That in July, 1883, I learned that I would be likely to get myself into trouble if I carried out said agreement, and from that time have ever since repudiated, and still repudiate, my contract or agreement to that effect.

That after proving up I mortgaged said tract to the Merchants' Bank, of Grand Forks, Dak., for $250. That I paid cash for my said land.

That in the aggregate my improvements are worth $174. That as yet I have raised no crop on said tract.

That I am married, my family consisting of my wife and self.

GEORGE W. PIERCE.

Subscribed and sworn to before me this 26th day of January, A. D. 1885.

TRAVIS RHODES,
Special Agent General Land Office.

Mr. Chairman, I have here, also, Mr. Tallant's own affidavit, a lengthy

paper, too long to print, as I think, but which I shall be glad to hand any one desiring to see it, in which he makes a showing, over his own signature, of his speculative entries—his employés making claims, he furnishing shanties 7 by 9 feet as residences—"taking parties out to locate" on their promise to sell to him, or mortgage, when they got title, &c., one of the parties being a Scandinavian girl, from the name, a domestic servant then and since, continuously, for whom he found a claim.

This is the party whose case, on this record, is held up as a specimen of the hardship of the order of April 3, 1885, simply because the Commissioner desired to examine the matter!

Now, with these things before him, what is the duty of the Commissioner of the Land Office? But before I come to that I have one remark to make. It is said, Mr. Chairman, that when the Commissioner of the General Land Office made his report here he had selected from the official reports which came to him those which were sent to him by his own satellites—I think the elegant and euphonious term of "sapsuckers" was used by the gentleman from Nebraska in reference to agents of the Government "who were sent out by Mr. Sparks to ride in palace cars and drink whisky at the public expense." These men, he said, had sent in their reports, and the most outrageous and exaggerated ones had been selected by Mr. Sparks to be embodied in his official report.

Now, let me be understood here in what I say. Every report which is embodied or cited in the report of the Commissioner of the General Land Office to this House as illustrative of the evils against the public land system was made by a Republican appointed by Senator Teller when he was Secretary of the Interior—every one of them! Not one of them had known Mr. Sparks officially when he reported. I repeat there is no partisan party question with reference to it. Sir, I hope, earnestly, the time may never come in my political experience—and I profess to be as good a Republican as any one sitting within the sound of my voice—I hope the time may never come in my experience in public life, and it never will, when I will fail to render justice to one of the opposite party when he is striving to do what he believes to be his duty as I believe General Sparks is trying to-day to do. I am in favor of doing justice to any man who is in his position. What is he? The gentleman from Minnesota says he is an honest man. Who ever denied it? Who has ever questioned the personal integrity of William A. J. Sparks? It is said he is an enthusiast. I agree to that; but his enthusiasm with reference to this question is in favor of the poor man of American citizenship who desires to receive from his country a home at the hands of the Government free of cost to himself and his family, as against speculators and land-grabbers. [Applause.]

When the gentleman from Minnesota asks me to go back to the realms of ancient history and examine what took place in the times of the Tudors, I say for myself as a member of the House of Representatives, and in view of what I know relative to the public land system, I prefer to deal with present experience rather than ancient history. What has General Sparks done? What is this order of his about which so much declamation is made here and which it is alleged is going to ruin the nation if it is carried into execution?

How many gentlemen within the sound of my voice have read it? How many of the men who have discussed this order and criticised General Sparks, can state what it is? Not one. I assert that these gentlemen can not repeat that order which they denounce. Now, I hold it in my hand. It is too long to read, but the substance of it is, and is only, that, in certain specified portions of this country, there shall be, for the present, a suspension of final action with reference to land patents. Whom does it harm? No vested right is taken from anybody. The gentleman from Minnesota [Mr. NELSON] used what I think is a very happy expression with reference to it. He said, gentlemen will remember, that Commissioner Sparks had placed this section of country in a kind of quarantine. I thank the gentleman for the word. It is a quarantine. When the small-pox appears in a neighborhood it is quarantined. Why? In order to protect healthy people outside and those who are free from disease within; and that is precisely what was done by Commissioner Sparks—that, and nothing else. It came to the knowledge of the executive officers of the Government that these frauds were being carried on in localities, and carried on to an extent which no man in this House would believe if told to him as a narrative; and he placed these localities in quarantine—that is it exactly—until the moral leprosy could be ascertained.

Who would believe, unless his attention was officially called to it, that corporations, syndicates, some of them foreign, without a dollar of domestic capital invested, had at one time 30,000,000 acres of the public lands fenced with barb-wire fences shutting out American citizens who were seeking homesteads, and that the arm of the nation was substantially paralyzed so far as any remedy was concerned? Who would believe it? And yet that is the fact. I hold in my hand a report from the Committee on Public Lands, which was the basis of the law which I had the honor to introduce, and which was passed and became a law, prohibiting these unlawful inclosures and providing a summary method for their destruction.

The facts are worth reproducing, that the magnitude of the evils these officials were called on to deal with may be appreciated, and we will not wonder that stones were cast at the offenders instead of grass.

This was from Secretary Teller:

The following localities, in addition to the counties above mentioned in the State of Nebraska, are referred to, namely:

Kingman, Pratt, Barbour, Butler, Harper, Comanche, and Lane Counties, Kansas; Billings County, Dakota; Cassia and Oneida Counties, Idaho; Carbon, Laramie, and Sweetwater Counties, Wyoming; Humboldt, Mendocino, and Plumas Counties, California; Madison, Meagher, Gallatin, and Yellowstone Counties, Montana; Sevier County, Utah; Colfax and Mora Counties, New Mexico; and Bent, Las Animas, Pueblo, Fremont, Park, El Paso, Weld, and La Plata Counties, Colorado.

Among the cases specially reported, additional to the Brighton Ranch, in Nebraska, are those of the Arkansas Valley Cattle Company, in Colorado, whose inclosures embrace upward of 1,000,000 acres; the Prairie Cattle Company (Scotch), in Colorado, upward of 1,000,000 acres; H. H. Metcalf, River Bend, Colorado, 200,000 acres; John W. Prowers, Colorado, 200,000 acres; McDaniel & Davis, Colorado, 75,000 acres; Routchler & Lamb, Colorado, 40,000 acres; J. W. Frank, Colorado, 40,000 acres; Garnett & Langford, Colorado, 30,000 acres; E. C. Tane, Colorado, 50,000 acres; Leivesy Brothers, Colorado, 150,000 acres; Vrooman & McFife, Colorado, 50,000 acres; Beatty Brothers, Colorado, 40,000 acres; Chick, Brown & Co., Colorado, 30,000 acres; Reynolds Cattle Company, Colorado, 50,000 acres; several other cases in Colorado embracing from 10,000 acres to 30,000 acres; Coe & Carter, Nebraska, 50 miles of fence; J. W. Wilson, Nebraska, 40 miles of fence; J. W. Bosler, 20 miles; William Humphrey, Nevada, 30 miles; Nelson & Son, Nevada, 22 miles; Kennebeck Ranch, Nebraska, from 20,000 to 50,000 acres. In Kansas entire counties are reported as fenced. In Wyoming 125 large cattle companies are reported having fencing on the public lands. Among the companies and persons reported as having "immense" or "very large" areas inclosed, but specific quantities not mentioned, are the Dubuque, Cimmaron, and Renello Cattle Companies, of New Mexico; the Carlisle Cattle Company (English), in Colorado; the Marquis de Morales, in Dakota; the Wyoming Cattle Company (Scotch), in Wyoming; the Rankin Live Stock Company, in Nebraska. Several companies and persons in Montana and elsewhere are mentioned as having inclosures with no data as to areas. A large number of cases in the several States and Territories west of the one hundredth meridian are reported where the inclosures range from 1,000 to 25,000 acres and upward.

The cases above referred to are to be regarded merely as indicative of the situation.

DEPARTMENT OF THE INTERIOR, *Washington, March* 3, 1884.

DEAR SIR: Referring to our conversation on the subject of foreign companies controlling inclosures of the public lands, I send you the inclosed memorandum, which I think contains the facts you wanted. The land described, with the exception of perhaps a few thousand acres, is all Government land.

Very respectfully yours,

H. M. TELLER, *Secretary.*

Hon. L. E. PAYSON, *House of Representatives.*

The Arkansas Cattle Company have fenced in the following-described public land in the States of Colorado and Kansas, namely:

Beginning on the north bank of the Arkansas River, on the line between Secs. 19 and 20, in T. 23 S., R. 41 W., and running a northerly direction to Sec. 20, in T. 15 S., R. 41 W.; thence a northwesterly direction to Sec. 20, in T. 15 S., R. 44 W.; thence a southwesterly direction to southeast corner of Sec. 35, in T. 15 S., R. 48 W.; thence a southerly direction to the northeast corner of T. 19 S., R. 48 W., and thence a southeasterly direction to the bank of the river in Sec. 26, T. 22 S., R. 46 W. of the sixth principal meridian. Also all that other tract or parcel of land being on the south side of the Arkansas River, in Bent County, Colorado, and bounded as follows, namely: Beginning on the south bank of the Arkansas River on the east line of T. 23 S., R. 42 W., and running south on said township line to the south line of said township; thence west along the south line of said township to the middle of Sec. 33 in said township, and thence north to the Arkansas River on the north line of Sec. 21, in said township.

There appears to be about forty townships, or 921,600 acres embraced in the inclosure.

On March 24, 1884, Secretary Teller sent to the House a supplemental report relative to unlawful fencing of public lands in the State of Nebraska. The report is a special one, made by United States Deputy Surveyor G. W. Fairchild. Mr. Fairchild says:

The whole country embraced in my contract (Northwestern Nebraska) is occupied and run by capitalists engaged in cattle-raising, who have hundreds of miles of wire fence constructed to inclose all desirable land, including watercourses, to form barriers for their cattle and to prevent settlers from occupying the land. They also represent that they have desert and timber claims upon the land they have inclosed. Upon their fences they have posted at intervals notices as follows: "The —— who opens this fence had better look out for his scalp." The fences are built often so as to inclose several sections in one stock ranch, and the ranches are joined together from the mountains clear round to the mountains again. Persons going there intending to settle are also informed that if they settle on the land the ranchmen will freeze them out; that they will not employ a man who settles on or claims land, and that he can not get employment from any cattle-men in the whole country.

Sir, some of the gentlemen who are now opposing the action of the Interior Department are the same gentlemen who upon this floor did everything they could to prevent the consideration of that bill.

Mr. PERKINS. Did the syndicates of which the gentleman speaks claim the land which they had fenced under any existing law?

Mr. PAYSON. They did not. They simply went on and fenced it.

Mr. PERKINS. Then of course their action was unlawful.

Mr. PETERS. And their fences were thrown down and the lands were opened to settlement.

Mr. PAYSON. Yes; but not until after that bill became a law, and they were threatened with indictment by the district attorney of the western district of Kansas.

Mr. LAIRD. I wish the gentleman would name one man on this floor who defended that land-grab.

Mr. PAYSON. I do not say that gentleman defended, but they threw obstructions in the way of the consideration of the bill which was designed to put an end to it. I could name some gentlemen, whose voices will be heard here to-day, who objected time after time when unanimous consent was asked to take up that bill.

Mr. PERKINS. The bill to remove trespassers on the public lands?

Mr. PAYSON. Yes, sir.

Mr. PERKINS. I would be glad to have the gentleman name one of them. I know that the gentleman from Nebraska and the gentle-

men of my delegation did all they could to favor the passage of that bill.

Mr. PAYSON. The members of the gentleman's delegation did not do so.

Mr. BUTTERWORTH. Do I understand the gentleman from Illinois [Mr. PAYSON] to say that there was no practical way of stopping these frauds of which he speaks without issuing the order which the Commissioner did issue?

Mr. PAYSON. No, sir; I did not say that.

Mr. RYAN. Will the gentleman from Illinois name any member who opposed the consideration of the bill of which he has been speaking?

Mr. PAYSON. Well, the gentleman who will follow me to-day is one [Mr. PETERS].

Mr. PERKINS. He can speak for himself.

Mr. RYAN. I only want to say that I was heartily in favor of that bill.

Mr. PERKINS. So was every member of our delegation.

Mr. PAYSON. Not by action.

Now, Mr. Chairman, I have stated the condition of things when Commissioner Sparks came into office. Proclamations had been issued on the subject, but nothing was done. For four years there were reports from the Committee on Public Lands of this House showing that these frauds were being committed, and that whole townships of agricultural lands were being taken up by public speculators. What was to be done. I was consulted with, with other members of the Committee on Public Lands, and it was thought best then to serve notice on the whole thieving crowd that a halt would be called, to say to them "You can go on in this way, making your entries by your hired men, building your houses 7 by 9, and moving them on wheels from one tract of land to another, you can go on with these performances to your heart's content, but those lands will never be patented in this Land Office. [Applause.]

As I have said, I was consulted as to the propriety of issuing the order which was issued by the Commissioner of the General Land Office, and I gave it my hearty concurrence, and all I regret is that, owing to the pressure brought to bear by men who were steeped to the lips in these transactions, the Secretary of the Interior was induced to rescind that order instead of keeping it in force and insisting upon its execution.

Mr. LAIRD. Will the gentleman yield for a question?

Mr. PAYSON. No, sir; I do not care to yield for a question. When I am through I will be glad to answer any question that may be asked me.

Mr. EZRA B. TAYLOR. I would like to ask the gentleman a question.

Mr. PAYSON. I am not willing to have my time consumed with questions which may only anticipate what I am going to say. When I am through I shall be pleased to answer any question that may be asked.

Mr. EZRA B. TAYLOR. Mine is a very simple question. It is this: Even if these great abuses did exist by what right does an executive officer of the Government suspend the laws of the land?

Mr. PAYSON. I will be glad to answer that before I get through. I am coming to that point.

Now, Mr. Chairman, it was stated when the legislative bill was under discussion that all this array of facts and figures had no other basis than the reports of these special agents, that no action had been taken in the Interior Department going to show that these charges were well founded, and one gentleman went so far as to say that if the facts were known the official conclusions of the officers of the Interior Department would show that there was no basis for the charges. I hold in my hand a letter written to me in response to inquiry which I addressed to the Commissioner of the General Land Office at that time, and I shall ask to have it inserted in the RECORD here.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 19, 1886.

DEAR SIR: In reply to your letter of the 16th instant I have to state that the records of this office will contradict any assertion that may be made to the effect that alleged frauds on the public domain rest wholly upon the unsupported reports of special agents, and show that such a statement is wholly without foundation.

Special agents are required (see paragraphs 5, 7, and 9 of circular of June 23, 1885, copy inclosed), to obtain and transmit with their reports the affidavits of parties cognizant of the facts, and this is habitually done. It frequently happens that parties cognizant of facts are afraid to volunteer testimony, and in some classes of cases there are no inhabitants on or near the land. But even with these drawbacks other testimony than that derived from the personal examination of agents is sent up with their reports in fully three-fourths of the whole number of cases examined and reported. Special agents are also instructed to take pains in every instance to see and obtain the statements of claimants if they can be found. (See paragraph 2 of inclosed circular.)

In many cases the agent furnishes the affidavits of the claimants themselves, in which they swear to their own and their associates' illegal and fraudulent acts. One agent alone within the last four or five months has transmitted to this office the affidavits of entrymen in eighty-three cases, in which they admit that they never saw the lands, and that they were hired by the agents of the speculators to make the entries.

In other cases the affidavits of the agents of the speculators are submitted with the reports, and there is hardly a case reported without giving the names of witnesses and a brief statement of what they will swear to in regard to the alleged fraud.

The evidence furnished by the agents or filed by individuals informing this office of frauds is generally of the best character and is often substantiated or in a measure supported by the records.

The claimants, however, are not deprived of the lands by this evidence without the privilege of a trial. On the report of an agent showing the fraud, the entry is held for cancellation, the party in interest being allowed sixty days after due notice within which to apply for a hearing. In the notice he is fully informed of the substance of the special agent's report and of the allegations against the entry and given full opportunity to controvert the charges and show the validity of the entry.

The records of this office show that many of these claimants, after being advised of the facts alleged against them, decline to make a defense.

Since August 1, 1885, five hundred and thirteen entries have been canceled upon reports of special agents showing fraud, after claimants were duly notified that they would be given the privilege of defending their entries and had declined to do so.

These are of the most flagrant and indefensible character of cases, and the default was made simply because the parties did not, in the face of the facts discovered, care to run the risk of being prosecuted for the perjury they would have to commit in order to sustain the entries. The peril of such a course was too great and the prospect of success too doubtful to be undertaken even by the boldest and most desperate violators of the law.

The number of cases reported by special agents from April 1, 1885, to March 31, 1886, is 2,606.

Cases examined in the General Land Office from April 1, 1885, to March 31, 1886, 2,591.

Indorsed no fraud or held for further examination, 368.

Action taken:

Conclusively (*a*) or *prima facia* (*b*) fraudulent.	
Canceled (*a*)	1,044
Held for cancellation or hearings ordered (*b*), &c	1,179
Total	2,223

It will be seen that out of the 2,591 cases reported and examined 2,223 have been shown to be fraudulent. Of the 368 suspended cases a large proportion have also been shown to be of such character as to require further investigation.

The foregoing does not include many hundreds of cases where entries have been canceled for fraud developed in contest proceedings between private individuals.

Hearings have been ordered in a considerable number of cases reported by the agents as fraudulent and the result of five hundred and fifteen of the hearings have been received since July 1, 1885.

Two hundred and seventy-four of these cases have been examined and passed upon, and the testimony taken in two hundred and sixty out of the two hundred and seventy-four confirms the correctness of the reports of the agents, and the entries were held for cancellation on the evidence adduced at the hearings.

A cursory examination of the remaining two hundred and forty-one cases shows that the percentage of cases in which the testimony taken at the trials sustains the agents' reports is fully as great as in the cases acted upon. It will thus be seen that the special agents' reports are generally sustained at a formal hearing in cases in which hearings have been had and acted upon during the period specified, and that these are the only cases in which the parties desired or were willing to attempt a defense of the entries.

In other cases they admit by their action that the reports were true; so that I can safely say that the reports alleging fraud in nineteen cases out of twenty are correct beyond question, and it is not to be assumed that the reports in the remaining twentieth are incorrect, but simply that the agents failed, through inability to secure attendance of witnesses or otherwise, to make out the case of the Government.

The parties who actually defend entries reported as fraudulent are quite uniformly purported assignees—frequently persons who procured the entries to be made—and every expedient known to violators of law is resorted to in order to defeat the Government at these hearings. Witnesses are often tampered with or intimidated. In the Estes Park cases in Colorado, where a large quantity of public land was fraudulently entered by the procurement of agents of the Earl of Dunraven, not a witness could be produced at day of hearing, although the testimony previously obtained by affidavits of numerous citizens was overwhelming in character. In Nebraska witnesses have been warned by "regulators," and in California not long since an important witness for the Government was murdered by employés of parties being proceeded against.

Every impediment is thrown in the way of the Government in attempting to discover and suppress frauds upon public lands, and obviously perjured testimony in favor of claims has constantly to be met with. Parties possessing great wealth and influence are engaged in these frauds, and all the inducements by which special agents are surrounded are adverse to, rather than in favor of, a vigorous discharge of their duties. Only men of high character and strong integrity can be employed in such service with any safety to the Government. The liability to which agents are subject is that of unduly favoring claimants, not that of improperly reporting against them. An agent may have much to lose by being faithful to the interests of the Government, since, if so faithful, he is liable to be attacked from very high and influential quarters. If he chooses to be dishonest he may have everything to gain by being unfaithful to the Government in the discharge of his duties, since violators of law are pretty apt to be willing to pay more for immunity than the Government pays for fidelity.

Special agents have no motive for reporting against meritorious cases, and there is absolutely no truth whatever in the contrary statements sometimes made.

Neither are entries held for cancellation on special agents' reports upon merely trifling grounds or for some technical failure of compliance with law. The cases in which such action is taken are those of flagrant fraud and violation of law, and the evidence is required to be of the most convincing character before action against the entries is proceeded with.

Your attention is called to my report to the Senate of May 6, 1886 (Executive Document No. 134), copy herewith, and also to pages 64 *et seq.* of my annual report.

In further compliance with your request I inclose a copy of memoranda handed Mr. COBB relative to circular of June 2, 1886, temporarily suspending preemption, timber culture, and desert-land entries. My report upon the Senate resolution on this subject has just been submitted to the honorable Secretary of the Interior for transmittal to the Senate. It is suggested that this report will be preferable to the memoranda hastily furnished Mr. COBB.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. L. E. PAYSON, *House of Representatives.*

The clamor is raised, too, that a new set of rulings is being made under this order at the Interior Department. This is best refuted and set at rest by the following letter, appearing on the files of the Land Office, explaining itself.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 26, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of recent date inclosing a letter addressed to you by William Coleman, of McCook, Nebr., asserting that "the action of the Hon. Mr. Sparks in his stopping the issue of patents has caused a wonderful amount of suffering this winter." You also allude to similar letters received by you from others and desire me to favor you with information for intelligent replies to these letters.

I have the honor to state that the case referred to by your correspondent is not affected by any order of suspension, and that this is the fact in respect to similar complaints of which I have heard. In the case mentioned the entry was made in 1885. The work of this office has for many years been at best between one and two years in arrears, and frequently longer. Entries are now being examined in regular course that were made in 1884. The order of suspension complained of affects, therefore, only entries made before that date which would not and could not be patented if there had been no suspension.

Another "hardship" alleged by your correspondent is that my rulings prevent settlers from selling or mortgaging their homestead and pre-emption claims. I beg to say that no rulings of mine prevent them from doing so. Nor have I changed any rulings upon that subject, but am simply following the laws and the decisions of the Supreme Court in the matter. It is not held by me, as alleged, that no deed or mortgage can be given until after patent. Undoubtedly a man can sell or mortgage anything he has, and can give to another just as good a title as he has himself—and no better. This is the ruling of the Supreme Court, and it is my ruling.

In Myers *vs.* Croft (13 Wall., 291) the court said that "the object of Congress was attained when the pre-emptor went with clean hands to the land office and proved up his right and paid the Government for his land," and that the pre-emptor was "free to sell his land after the entry, if at that time he was in good faith the owner of the land, and had done nothing inconsistent with the provisions of the law on the subject."

In this, as in all Federal and State decisions upon the subject, the primary proposition is that the entry shall be a good-faith entry, and the laws shall have been fully complied with. In such cases the transfer is good; not otherwise. Strenuous efforts have repeatedly been made to assert the doctrine that although a claim might be worthless while in the hands of the entryman, on account of his failure to comply with the law, or for other reasons, it may be strengthened and made a matter of absolute right by virtue of a transfer to a third party. Such doctrine is without foundation in legal principle, and has never been admitted by the courts or by this Department. "The purchaser takes no better claim for title than the entryman has to confer; and whatever right is thus acquired is subject to the subsequent action of the Land Department." (R. M. Chrisinger, 4 L. D., 247.)

In Root *vs.* Shields (1 Wool., 364) the court said:

"I think it pretty clear that some at least of these defendants purchased and paid their money without any knowledge in fact of any defect in the title. Yet they are not *bona fide* purchasers, for a valuable consideration, without notice, in the sense in which the terms are employed in courts of equity."

It is the universal rule of law that purchasers of an equity take no better title than their grantor had to give. Persons purchasing before patent take only an equity, and this is settled law of which everybody had notice. If an entryman's claim is not good his transfer does not make it any better. This is the ruling of the courts followed by me.

If in advising the public through these rulings and decisions that entries must be valid in order to be confirmed, and if found invalid they can not be confirmed, and that I mean, as an administrator of the law, to find out whether they are valid or not, reminding purchasers and mortgagees that they must look to the foundation of their titles as in all other cases of land transactions between man and man, then a service and not an injury will be done to people who desire to be reasonably prudent and careful in their investments.

It is not believed that every honest settler who has taken up land for a home is suffering for an opportunity to mortgage it. If a man has taken up land on purpose to sell or mortgage it, he has made a fraudulent entry and has no right to impose his pretended title upon his fellow-citizens nor to prevent other men from getting the land from the Government without paying him a bonus for the privilege.

It is inconceivable that whole communities of farmers are anxious to mortgage their actual farms. Ordinarily where people live upon land as homes they want to keep them from the grasp of money-brokers and usurers as long as they can.

A particular case which your correspondent presents is the case of a man who, after an apparently doubtful "settlement" for six months and the most meager "improvements," wants to sell or mortgage his "asserted" home on the public lands in Nebraska for the most he can get and return to his actual home in some Eastern State. This is a very common case. I do not believe that the population of a State is increased by a settlement that is abandoned as soon as its temporary purpose is accomplished, nor that the wealth of the State is augmented by an influx of money that is immediately carried out of the State in this manner.

Another case is where a man made an entry, sold the land for $800, and the purchaser finds his title not good. The real hardship in this case is that an honest settler who wants to get a home upon the public lands is compelled to remain homeless or buy off a fictitious claim. This kind of hardship I am endeavoring to prevent.

The complaint of your correspondent is that of a loan agent. His letter shows such to be his business. There are very few complaints from entrymen on account of suspension of patents. In fact there are no complaints to this office by *bona fide* entrymen because of delay in the issue of patents. It is the experience of this office that *bona fide* entrymen are in no haste for their patents (thousands remaining in this and the local offices uncalled for). But the clamor for them comes from the procurers of fraudulent entries who want patents issued before falsity of the claims can be ascertained by the Government. Regular homestead entries are not suspended, but are being examined for patent as rapidly as possible. As a matter of fact I am now causing the issue of a greater number of patents per month than have ever before been issued from this office, and in so doing am causing to be issued to lawful claimants as fast as they can be ascertained.

The suspensions that have been made are chiefly pre-emption and commuted homestead cases, of which very few are now found upon investigation to be genuine. My predecessor for three years laid before Congress in his annual and special reports, the alarming prevalency of fraudulent entries of these classes. On assuming charge of this office I found reports from officers appointed under the late administration asserting as the general result of their examinations, experience, and information that a very small per cent. of such entries were valid, and that the public domain was being largely taken under cover of pretended settlement claims made for speculation, or in the interest of corporations and combinations of capitalists, foreign and domestic, who were acquiring title to public lands in vast bodies by fraud, bribery, and perjury. Under these circumstances I caused final action looking to the issue of patents on entries conditional upon settlement, improvement, and cultivation to be suspended in districts of country in which the evidence before this office is that such entries are so largely fraudulent.

In so doing I have exercised an authority which has always been exercised by the Land Department, and which was recognized as lawful and proper by President Jackson and by Attorney-General Butler as far back as 1836. (Laws, Opinions, and Instructions, 92; 3 Opinions Attorney-General, 93.)

These early instructions and opinions were given under laws existing prior to the act of July 4, 1836 (5 Statutes, 107), which act imposed upon the Commissioner of the General Land Office increased powers and duties of supervision and control over the sale and disposal of public lands.

My immediate predecessor suspended for two or three years certifying for the issue of patents on all lands in New Mexico, the greater portion of Colorado, and in certain classes of entries in various other States and Territories. Such suspensions have always been found a necessary act of administration to prevent illegal appropriations of the public domain, and it has never been found that hardship has resulted to *bona fide* claimants from such suspension.

There have been hardships imposed upon settlers under rulings and decisions of this office and Department in years past, especially in connection with Congressional grants for railroads and other causes. When this has occurred settlers have not been slow to make their complaints direct to the office. Any injustice or fancied injustice is at once followed by complaints. But actual settlers on public lands have not complained to this office of my action in suspending the issue of patents, or otherwise in respect to my rulings and decisions.

On the contrary, I have received many letters expressing the gratification of *bona fide* settlers because of my efforts to protect the public lands against fraudulent entries, which are justly regarded by them to be inimical to their interests no less than frauds upon the Government. It is the universal testimony of gentlemen of disinterested observation who have visited me that the body of the people in the land States and Territories approve my course.

It is equally the universal testimony that money-brokers, professional land locators and speculators, attorneys and managers of cattle corporations and timber syndicates, and the whole array of persons engaged in the promotion and procurement of illegal and fraudulent entries, or realizing the benefits thereof, are just as bitterly opposed to this course as *bona fide* settlers are heartily in favor of it. That multitudes of complaints have been poured in upon Senators and Representatives in Congress, purporting to be from settlers or from persons assuming to represent settlers, or pretending to speak in their behalf, I have reason to believe, and also have reason to know the motives by which such communications as a class have been inspired and the objects sought to be attained.

It was formerly a practice in this office to make cases "special" for patent; that is to say, to advance them out of their order at the instance of attorneys, backed frequently by political or official influence. Even suspended cases were thus taken up and patents procured in large numbers of cases. "Suspensions of patents" were not objected to as long as a way existed for getting cases through notwithstanding the suspension. On the contrary, the parties who now complain of "suspensions" were benefited by the former practice, for the ordinary attorney's fee of $25 for getting a patent upon an unsuspended case was immediately increased by a demand for $100 more as soon as a case was found in the suspended-list. Now, no honest settler can afford, nor does he need, to pay $100 or $25 or any other sum to hasten the issue of his patent. It is not surprising, therefore, that these expedited cases turn out to be fraudulent after patents have issued and it is too late to remedy the wrong by administrative action.

I found it necessary, as a matter of justice to all claimants not less than as a measure in the public interest, to refuse to make any case "special." That has been the fundamental grievance against my administration, of attorneys who thus found a profitable vocation cut off.

Again, my early rulings and decisions clearly indicated a purpose to hold land-grant railroad corporations to the line of the law, instead of permitting their agents and attorneys to continue control of the practice and policy of this office. In like manner it was seen that magnified claims under alleged Spanish and Mexican grants were likely to meet with a scrutiny they had never before received, and finally that all claims for public land would be judged by the laws, and compliance with law insisted upon, and that robbery of public lands should be prevented so far as I had power to that end.

As soon as this was made clear an organized movement was started in this city with a view of attempting to break down any reform in the administration of the Land Department and to restore the era of successful frauds, favoritism, and fees. Circulars were issued and sent broadcast to local attorneys and land and money brokers, laying out a plan of campaign and advising them to cause letters to be written to Senators and Representatives in Congress protesting against my action in suspending final action pending the issue of patents, and representing the hardships to settlers resulting from such action.

That the letters with which Senators have been deluged are the products of this inspiration there is no manner of doubt. Individual money-lenders who, in their eagerness to exact a rate of interest that no cultivator of the soil can pay and keep his land, having loaned money without looking to their security, or loan agents who to get their percentages on the investments of their principals have taken risks beyond the bounds of prudence or reason, may of their own motion have added to the volume of systematic complaints, but the general plan of operations, in which all having a similarity of interest could join, was marked out as above stated.

In attempting to stand by the landmarks of the law I was quite as well aware at the outset as now of the interested hostility that such course would evoke. I have not expected that the unlawful clutch of speculation could be loosened from the public lands without a struggle; nor that an aggressive domination, disastrous to present and prohibitive of future actual inhabitancy over half a continent, could be checked or controlled without encountering a determined resistance.

What is complained of, Mr. Senator, to yourself and others is in reality, in my opinion, that, as an officer charged with the administration of the law, I have regarded it my duty to certify for patents to issue to those entrymen only who have made *bona fide* entries and have complied with the conditions prescribed by law as conditions-precedent to entitle them to have patents, and that, to the extent of my official responsibility and the means which Congress provides, I am endeavoring to prevent the consummation of frauds upon the public domain.

The letter of your correspondent is herewith returned.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. CHARLES F. MANDERSON,
United States Senate.

Before the gentleman from Kansas proceeds I wish only to say in reply to my friend from Ohio [Mr. EZRA B. TAYLOR] that from 1834 down to the present day the power of the Commissioner of the General Land Office and the Secretary of the Interior to investigate frauds and refuse patents after final certificate has never been questioned in the Interior Department. I have the authorities here at hand.

I deny the doctrine asserted here that the final certificate is title. I deny that the Commissioner is only a mere clerk to ratify the finding of the register, and I assert that until the patent issues the power resides in the Department to inquire into alleged fraud and when it is proven to deny the patent, and I cite some of the many cases on the question, all, except one by Judge Deady of one of the courts in Oregon, to the same purport.

The practice has been uniform in the Interior Department, as I have said.

Mr. Attorney-General Butler in 1834 gave an opinion (3 Op. A. G., 93), the substance of which is that the local land officers act in a quasi-judicial capacity in determining the questions of fact on which the final certificate issues, but the issuing of patents, however, depends on the Commissioner, who may suspend them where the decisions of the local officers were obtained by fraud or founded on material errors of fact or law.

This has been followed without exception to this date, notable cases being the Charlemagne town case, decided on review by Mr. Secretary Teller February 20, 1884 (Decisions, volume 2, page 780); the Cogswell case (volume 3, Decisions), July 21, 1884, by Secretary Teller, and the Chrisinger case, by Mr. Secretary Lamar, January 25, 1886.

And in the courts the authorities are numerous that not only has the Department the power to investigate after final certificate, but the purchaser from the entryman takes no better title than the entryman has.

I call attention to a collection of cases on the question in a letter of the Commissioner in the RECORD of June 22 instant.

The questions are: First, that the action of the register and receiver is conclusive except in case of fraud; second, that the assignment of an entry before patent estops an inquiry into the validity of the claim even in case of fraud; and third, that an entry of public lands can be set aside for cause only by the judicial courts.

These propositions have been advanced in scores of cases before the Supreme Court of the United States and the supreme courts of the several States, and have as repeatedly been denied.

The propositions that the transfer of a claim adds anything to its efficacy against the United States, or that a certificate of purchase is in the nature of an investiture of title, or that the purchaser of an entry before patent is in any legal sense an innocent purchaser, are refuted by decisions hereinbefore cited. Many others might be referred to.

In Irvine *vs.* Marshall (20 How., 555) it was held that although a certificate may be the subject of bargain and sale, yet the United States can take care that conveyance shall be to him who is in good faith its vendee, and the court said:

> The reception of the certificate of purchase as evidence of title may be regular and convenient as a rule of business, but it has not been anywhere established as conclusive evidence, much less has it been adjudged to forbid or exclude proofs of the real and just rights of claimants.

A mere declaration in writing by a vendor that the vendee has paid the purchase-price of land, and that he intends to give him a deed, is not a document purporting to convey title. (Osterman *vs.* Baldwin, 6 Wall., 116.)

Legal title does not pass by contract of purchase without deed, and one who holds or claims by contract only is not protected as a *bona fide* purchaser for value. (Boone *vs.* Chiles, 10 Pet., 177.)

It will not do for a purchaser to close his eyes to facts which are open to his investigation for the exercise of that diligence which the law imposes. Such purchasers are not protected. (Boush *vs.* Wall, 15 Pet., 111.)

Purchasers by quitclaim deed even are not regarded as *bona fide* purchasers without notice. (Oliver *vs.* Piatt, 3 How., 333; May *vs.* Le Claire, 11 Wall., 217; Dickerson *vs.* Colegrove, 100 U. S., 578.)

Party without title can not acquire it by payment of taxes on land. (Homestead Co. *vs.* Valley R. R., 17 Wall., 153.)

A purchaser of land must look to every part of the title which is essential to its validity. (Brush *vs.* Ware, 15 Pet., 112.)

States have no power to declare certificates of purchase of equal dignity with a patent. (Bagnell *vs.* Broderick, 13 Pet., 436.)

If, before patent issues, the Land Department finds the entry erroneous it may treat the assignment as void, and, notwithstanding it, set the entry aside. (Franklin *vs.* Kelley, 2 Nebr., 78.)

> The act of 1841 provides that the entry shall be made with the register of the Land Office. The acts organizing the Land Department of the Government provide that the action of the register shall be subject to revision and supervision by the Commissioner of the General Land Office; and entry with the register is dependent upon the approval of his superior, so far as the course and order of the business go; and, without the affirmative action of the Commissioner, the patents issue. It would be a great evil if a party claiming a pre-emption right could, as soon as his entry was made, convey the land to a third party, and thereby prevent the Commissioner from re-examining and disapproving the entry if it was erroneously allowed. Such course would expose the Government to serious loss, and pervert a statute conceived in a wise policy and a generous spirit into a means of perpetrating the greatest frauds. This is the mischief aimed at. The object was to protect the Government, and in this view the language—that the right secured by the act should not be assigned—is apt. As between the claimant and the Government, his interest is a right merely until the patent issues. It is subject to reinvestigation and, on inquiry, to be disregarded by the Department. Until the patent issues, it is treated by the Government not as a title but as a right or a claim of right.
>
> I admit that if an entry under the act is made with the register, and the Commissioner finds that it was illegally allowed, as, for instance, if the entry is upon lands not subject to pre-emption, and he sets it aside, a conveyance intermediate the entry and the official act of vacating it would be void. Such a conveyance would be within the mischief. But if a valid entry be made, and a patent issued upon it, a conveyance intermediate those two acts would not be within the mischief. The issue of the patent is a confirmation of the entry; it relates back to it, and takes effect from it. (Astrom *vs.* Hammond, 3 McLean, 107.)

The courts have often ruled that where the right to a patent has once become vested in a purchaser of public lands it is equivalent, so far as the Government is concerned, to a patent issued. (Stark *vs.* Starrs, 6 Wall., 402; Simmons *vs.* Wagner, 101 U. S., 260.) But none of these decisions hold that the certificate and receipt of the register and receiver is conclusive evidence that a right has vested, nor that a patent is not necessary for the conveyance of the legal title. In Myers *vs.* Croft (13 Wall., 291), the court says that the pre-emptor could sell after entry if he came up and made his proof and payment "with clean hands." But he must be in good faith the owner of the land and have "done nothing inconsistent with the provisions of the law on the subject."

The validity of a conveyance depends upon the validity of the entry, and that is always a proper subject of inquiry by the Land Department at any time before patent issues, and by the courts in a proper proceeding afterward.

In the case of Harkness *vs.* Underhill (1 Black., 316), counsel for plaintiff urged that—

> The register and receiver having sold the land to Waters in conformity with the instructions of the Commissioner of the General Land Office had no further power or jurisdiction over it. Neither had the Commissioner of the General Land Office power to set aside the sale even for fraud. This could only be done by judicial authority.

Counsel for defendant in reply cited the language of the supreme court of Missouri (in Green *vs.* Hill, 9 Mo., 322):

> It is the duty of the Commissioner of the General Land Office to revise the proceedings of the register and receiver and vacate entries which may have been illegally made, and thereby arrest the completion of a title originating in fraud, mistake, or violation of law. And to the same effect: Perry *vs.* O'Hanlon, 11 Mo., 585; Huntsucker *vs.* Clark, 12 Mo., 333; Nelson *vs.* Simms, 23 Miss., 383; Glen *vs.* Thistle, 23 Minn., 42; Mitchell *vs.* Cobb, 13 Ala., 137; Dickinson *vs.* Brown, 9 Smeade & Marshall, 130; Gray *vs.* McCance, 4 Ill.

The court (Mr. Justice Catron) said: "The question is again raised whether this entry having been allowed by the register and receiver could be set aside by the Commissioner.

> This question has several times been raised and decided in this court upholding the Commissioner's powers. (Garland *vs.* Winn, 20 How., 8; Lytle *vs.* The State of Arkansas, 22 How.)

In Barnard *vs.* Ashley (18 How., 43), the court said that the power of supervision by the Commissioner of the General Land Office "is exercised by virtue of the act of July 4, 1836, which provides 'that from and after the passage of this act the executive duties now prescribed, or which may hereafter be prescribed by law appertaining to the survey and sale of the public lands of the United States, or in any wise respecting such public lands, and also such as relate to private claims of land and the issuing of patents for all grants of land under the authority of the Government of the United States, shall be subject to the supervision and control of the Commissioner of the General Land Office, under the direction of the President of the United States.'

> The necessity of "supervision and control," vested in the Commissioner acting under the direction of the President, is too manifest to require comment, further than to say that the facts found in this record show that nothing is more easily done than apparently to establish, by *ex parte* affidavits, cultivation and possession of particular quarter-sections of lands, when the fact is untrue. That the act of 1836 modifies the powers of registers and receivers to the extent of the Commissioner's action in the instance before us, we hold to be true. But if the construction of the act of 1836 to this effect were doubtful, the practice under it for nearly twenty years could not be disturbed without manifest impropriety.
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> The case relied on, of Wilcox *vs.* Jackson (13 Pet., 511) was an ejectment suit, commenced in February, 1836; and as to the acts of the register and receiver, in allowing the entry in that case, the Commissioner had no power of supervision, such as was given him by act of July 4, 1836, after the case was in court.
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> In the next case (9 How., 333) all the controverted facts on which both sides relied had transpired and were concluded before the act of July 4, 1836, was passed; and therefore its construction, as regards the Commissioner's powers under the act of 1836, was not involved. Whereas, in the case under consideration, the additional proceedings were had before the register and receiver in 1837, and were subject to the new powers conferred on the Commissioner.
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> In Vaquire *vs.* Tyler (1 Black, 195) the court recognized and affirmed the "plenary powers conferred upon the Commissioner by the act of July 4, 1836," and said that the power of the Secretary of the Interior under the act of March 3, 1849, to revise on appeal is "necessarily coextensive with the powers to adjudge by the Commissioner."

In Shepley *vs.* Cowan (91 U. S., 340), the court say:

> The officers of the Land Department are specially designated by law to receive, consider, and pass upon proofs presented with respect to settlement upon the public lands with a view to secure the rights of pre-emption. If they err in the construction of the law applicable to any case, or if fraud is practiced upon them, or they themselves are chargeable with fraudulent practices, their rulings may be reviewed and annulled by the courts when a controversy arises between private parties founded upon their decisions.

In Marquiz *vs.* Frisbie (101 United States, 475) the court say:

> We have repeatedly held that the courts will not interfere with the officers of the Government while in the discharge of their duties in disposing of the public lands, either by injunction or mandamus. (Litchfield *vs.* Register and Receiver, 9 Wool., 552; Gaines *vs.* Thompson, 7 *Id.*, 347; The Secretary *vs.* McGarrahan, 9 *Id.*, 289.)
>
> After the United States has parted with its title and the individual has become vested with it, the equities subject to which he holds it may be enforced, but not before. (Johnson *vs.* Towsley, 13 *Id.*, 72; Shepley *vs.* Cowan, 91 U. S., 330.)
>
> We did not deny the right of the courts to deal with the possession of the land prior to the issue of the patent or to enforce contracts between the parties concerning the land. But it is impossible thus to transfer a title which is yet in the United States.

In The United States *vs.* Schurz (102 United States, 395) the court say:

> The Constitution of the United States declares that Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States. Under this provision the sale of the public lands was placed by statute under the control of the Secretary of the Interior. To aid him in the performance of this duty a bureau was created, at the head of which is the Commissioner of the General Land

Office with several subordinates. To them, as a special tribunal, Congress confided the executing of the laws which regulate the surveying, the selling, and the general care of these lands.

Congress has also enacted a system of laws by which "rights to these lands may be acquired and the title of the Government conveyed to the citizens. This court has with a strong hand upheld the doctrine that so long as the legal title of these lands remained in the United States, and the proceedings for acquiring it were as yet *infieri*, the courts would not interfere to control the exercise of the power vested in their tribunal. To that doctrine we still adhere.

And again (*Id.*, 411):

The question whether any particular tract belonging to the Government was open to sale, pre-emption, or homestead right is in every instance a question of law as applied to the facts for the determination of those officers.

In Quinby *vs.* Cowlan (104 U. S., 420) the court say:

The laws of the United States prescribe with particularity the manner in which portions of public domain may be acquired by settlers. They require personal settlement upon the lands desired and their inhabitation and improvement, and a declaration of the settler's acts and purposes to be made in the proper office of the district within a limited time after the public surveys have been extended over the lands. By them a land department has been created to supervise all the various steps required for the acquisition of the title of the Government. Its officers are required to receive, consider, and pass upon the proofs furnished as to the alleged settlements upon the lands, and their improvement when pre-emption rights are claimed, and, in case of conflicting claims to the same tract, to hear the contesting parties.

The proofs offered in compliance with the law are to be presented, in the first instance, to the officers of the district where the land is situated, and from their decision an appeal lies to the Commissioner of the General Land Office, and from him to the Secretary of the Interior. For mere errors of judgment as to the weight of evidence on these subjects by any of the subordinate officers the only remedy is by an appeal to his superior of the Department. The courts can not exercise any direct appellate jurisdiction over the rulings of those officers or of their superior in the Department in such matters, nor can they reverse or correct them in a collateral proceeding between private parties.

In this case, the allegation that false and fraudulent representations as to the settlement of the plaintiff were made to the officers of the Land Department is negatived by the finding of the court. It would lead to endless litigation and be fruitful of evil if a supervisory power were vested in the courts over the action of the numerous officers of the Land Department on the mere questions of fact presented for their determination. It is only when those officers have misconstrued the law applicable to the case as established before the Department, and thus have denied to parties rights which, upon a correct construction, would have been conceded to them, or where misrepresentations and fraud have been practiced necessarily affecting their judgment, that the courts can in a proper proceeding interfere and refuse to give effect to their action. On this subject we have repeatedly and with emphasis expressed our opinion, and the matter should be deemed settled. (Johnson *vs.* Towsley, 13 Wall., 72; Shepley *vs.* Cowan, 91 U. S., 330-340; Moore *vs.* Robbins, 96 *Ibid.*, 530.)

The doctrine applicable to the conclusive character of the solemn judgments of courts, with full jurisdiction over the parties, and the subject-matter, made after appearance, pleading, and contest by parties on both sides, can not be properly applied to the proceedings of the land office, where no issue is taken, no adversary proceedings had, no contest made, and the land officers act only on such evidence as claimant presents, with no means of controverting its truth. (United States Minor, 114 United States, 243.)

The quasi-judicial nature of the functions of land officers has reference only to cases in which individuals have, as against each other, contested the right to a patent before them. (*Id.*)

Where a patent has been obtained through mistake or by fraud and perjury, and there are no innocent holders for value, the legal title conveyed by the patent may be set aside in a court of equity. (*Id.*)

The principles settled by the courts are that the action of registers and receivers in admitting an entry of public lands is not conclusive, but is subject to review by the superior officers of the Land Department, by appeal in cases of contest between private parties, and as a matter of executive supervision in cases not of individual contest; that the latter are cases between the Government and the entryman alone; that assignees before patent have no standing as innocent purchasers; that until patent issues on public-land entries the legal title to the land remains in the United States; that the Commissioner of the General Land Office may reject and cancel unpatented entries for illegality and fraud; that this is necessarily an act of executive jurisdiction; that the duties of supervising the disposal of public lands are executive duties and are not the subject of judicial interference; that the question of passing the title of the United States upon an entry of public lands under the public-land law is essentially a question of executive and not of judicial determination; that the point where the jurisdiction of the courts begin is the point at which executive jurisdiction ceases, namely, after patent has been issued, when, in a proper proceeding, the courts may intervene to correct the errors of executive action; and that it is only after the conveyance of legal title by patent that purchasers for value are protected by the courts.

I do not intend to go into an argument as to the legality of the recent order temporarily suspending certain classes of entries pending the proposed legislation repealing the pre-emption laws. My colleague on the committee [Mr. COBB] has announced his intention of printing in the RECORD Senate Ex. Doc. 170, which shows a long line of precedents, running back for over fifty years, of suspending the right of purchase or entry of public lands for a limited time in anticipation of legislation proposed and pending.

Not, as the gentleman from Maine [Mr. NELSON] assumes in his remarks, for railroad purposes, after a map of definite location of the road was filed in the Department. Not at all; most of the cases referred to were in advance of legislation, and all before any map of definite location was filed. The gentleman's argument is based on an entire misapprehension of the facts, for the purpose of giving the corporations to be benefited the fullest advantage of all the public lands.

I read a few extracts from that document:

[Circular.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 2, 1886.

To registers and receivers United States land offices:

GENTLEMEN: The repeal of the pre-emption, timber-culture, and desert-land laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications or entry under said laws during said time.

WM. A. J. SPARKS, *Commissioner.*

Approved.

L. Q. C. LAMAR, *Secretary.*

I have the honor to state that a circular of which the foregoing is a copy was issued from this office with the approval of the Secretary of the Interior on the 2d instant.

The authority to issue such circular was founded upon precedents, deemed to be sufficient, of more than forty years' standing, sanctioned by judicial decisions and by Congressional recognition.

The legislative authority upon which these precedents were established appears to have been drawn from the general powers of supervision and administration conferred upon the executive department (act of April, 1812, 2 Statutes, 716; July 4, 1836, 5 Statutes, 107; 3 March, 1849, 9 Statutes, 395; Revised Statutes, sections 441, 452), and upon the special recognition of the power of the President to create reservations of public lands found in the pre-emption act of 1841 and similar acts.

The following are among the leading decisions of the Supreme Court of the United States in which the authority of the President to reserve public lands from entry has been affirmed, the acts of the officers of the Land Department in this respect recognized as the acts of the President, and the legal effect of such reservations upheld.

In 1827, in the case of Chotard *vs.* Pope (12 Wheat., 586), the court said:

"An authority 'to enter' a certain quantity of land does not authorize a location on lands previously appropriated or withdrawn from the lands offered for sale."

In McConnell *vs.* Trustees (12 Wheat., 582), the court recognized "the reasonableness of reserving a public spring for public uses."

In Kissell *vs.* Saint Louis, an entry was held invalid because the land had been "reserved from sale" by officers of the Land Department. (18 How., 19.)

At the request of the Secretary of War, the Commissioner of the General Land Office in 1824 colored and marked upon a map a section of land as reserved for military purposes and directed it to be reserved from sale for those purposes. In the case of Wilcox *vs.* Jackson (13 Pet., 513), involving this land, the Supreme Court reciting the foregoing said:

"We consider this, too, as having been done by authority of law, for among other provisions in the act of 1830 all lands are exempted from pre-emption which are reserved from sale by order of the President. Now, although the immediate agent in requiring this reservation was the Secretary of War, yet we feel justified in presuming that it was done by the approbation and direction of the President. The President speaks and acts through the heads of the several Departments in relation to subjects which appertain to their respective duties. Both military posts and Indian affairs, including agencies, belong to the War Department. Hence we consider the act of the War Department in requiring this reservation to be made as being in legal contemplation the act of the President; and, consequently, that the reservation thus made was, in legal effect, a reservation made by order of the President, within the terms of the act of Congress."

In the pre-emption act of 1830 it is provided that the right of pre-emption contemplated by the act shall not extend "to any land which is reserved from sale by act of Congress or by order of the President." In the pre-emption act of 1841 (section 2258 Revised Statutes), it is provided that "lands included in any reservation by any treaty, law, or proclamation of the President of the United States" shall not be subject to entry under the act. The act of 1853, extending the pre-emption laws to California, excepted from their operation lands "reserved by competent authority."

In Grisar *vs.* McDowell (6 Wall., 381), the Supreme Court, construing the foregoing acts, say:

"The provisions in the acts of 1830 and 1841 show very clearly that by 'competent authority' is meant the authority of the President and officers acting under his direction."

And the court further said in this case "that it was of no consequence to the plaintiff whether or not the President possessed sufficient authority to make the reservation." It was enough that the title remained in the United States. A legal entry could not be made while the lands were in the reserved condition.

In 1846 Congress made a grant of lands for the improvement of the Des Moines River below the Raccoon Fork. This grant was constructively held by the Commissioner of the General Land Office and the Secretary of the Interior to apply to lands above the Fork, and lands above the Fork, amounting to upward of 270,000 acres, were, on June 1, 1849, withdrawn from sale and entry by this office for the benefit of the river grant. It was afterward held by the Supreme Court that there was no grant above Raccoon Fork But under the excepting provisions of an act making a railroad grant, subsequent to the river grant, which subsequent act declared that lands reserved to the United States in any manner by competent authority, for any purpose whatever, should be reserved from the operation of the act, the courts have steadily held that lands so reserved by the Land Department for river improvement purposes, although under an erroneous construction of the law, did not pass with the railroad grant, and have also held that the withdrawal was an inhibition against settlement and pre-emption rights. (Wolcott *vs.* Des Moines, 5 Wall., 681; Homestead Co. *vs.* Valley R. R., 17 Wall., 153; Wolsey *vs.* Chapman, 101 U. S., 755; Dubuque and Sioux City R. R. Co. *vs.* Des Moines Valley R. R. Co., 109 U. S., 329.)

And in Wolsey *vs.* Chapman it was specifically held that an order of reservation sent out from the appropriate Executive Department in the regular course of business is the legal equivalent of the President's own order to the same effect, and is therefore such a proclamation by the President reserving land from sale as the law contemplates. (P. 770.)

The foregoing decisions recognise the abstract right of the Executive Department to withhold lands from entry and thus to suspend the operation of the public-land laws to the extent of such withdrawals. Necessarily specific cases are treated of in these decisions because specific cases were before the court, but the court affirmed in these cases a general principle which it applied to the particular cases decided. This was the right of the Executive to reserve lands from entry. Given the right of suspension, the only question that remains is that of the necessity or expediency of its exercise—the question of propriety. The extent of suspensions may be considered in connection with the question of expediency or propriety, but does not enter into a discussion of the question of abstract right. Neither does the occasion for suspensions—the reasons why they are made—touch the fundamental question of the right to make suspensions.

If a suspension of public-land entries, wholly or in part, in executive discretion, is lawful for one cause deemed sufficient by the executive authority, it is equally lawful for another cause deemed equally sufficient. It is the judgment of the Executive that determines the sufficiency in either case, and in either case the question whether the occasion is sufficient or not is one affecting the responsibility of executive officers in the exercise of their powers, and not a question of the power itself. Conceding the right to withdraw, or withhold from entry, one section of land, or any subdivision of a section as a matter incident to administrative supervision and control, the right to withhold any larger area is equally admitted. It can not be said that a suspension of entries is authorized for a limited quantity of land, but not authorized for a larger quantity; that it may be made for one locality and not for another; for a part of one State or Ter-

ritory and not for the whole State or Territory; or that it may be made for a portion of the public lands and not for all of them. It is a question of principle, and not a question of the extent to which the principle shall be applied. Indeed, a suspension confined to certain localities and in favor of particular interests is a far more dangerous exercise of the power of suspension than one operating generally. In the former case a latitude of discretion is opened which may be abused for the promotion of favorite interests or the accomplishment of particular purposes not of general or public import. In the other case there is a uniformity through which all interests are affected alike, and such general suspension can be founded only upon public considerations.

Among the precedents relied upon as authority for the circular named the following are cited:

On March 3, 1883, Congress passed an act exempting the public lands in the State of Alabama from the operation of the mineral laws, and providing for the sale of lands previously reported as mineral, and for the disposal under agricultural laws of unsold lands of that character after an offering at public sale.

The operation of this act, so far as relates to sales and entries of lands previously reported as mineral, has been in suspension up to the present date in anticipation, as I am advised, of amendatory legislation. On two occasions (one under the previous and one under the present administration) executive proclamations have been issued carrying the act into effect, and in each instance the President has revoked the same.

As early as September 28, 1828, Commissioner Graham, by direction of the President, instructed the register of the land office at Piqua, Ohio, to reserve from sale the lands along and within 5 miles of what was supposed would be the route of the canal from Dayton to Lake Erie, in aid of the construction of which a grant of land had been made to the State of Ohio by act of Congress approved May 24, 1828. This reservation embraced about 500,000 acres.

On April 11, 1844, the Commissioner of this office (Thomas H. Blake), by direction of the Secretary of the Treasury, instructed the proper district land officers in Wisconsin to withdraw from sale or entry for any purpose whatever all the vacant lands, surveyed and unsurveyed, situated within 2 miles of the Fox and Wisconsin Rivers, in anticipation of a proposed grant by Congress to the State of Wisconsin to aid in the improvement of the navigation of said rivers.

The Congress then in session having failed to make the proposed grant, the withdrawal was revoked by this office under instructions from the Secretary of the Treasury dated July 14, 1845, having been in force for more than a year. This withdrawal covered about 500,000 acres.

During the years 1853 and 1854 a great quantity of land was withdrawn from sale or entry (except for valid pre-emption claims) by the Commissioner of this office, "by order of the President," "issued on the representations and at the solicitations of members of both Houses of Congress," in anticipation of grants being made to aid in the construction of certain proposed railroads. The lands so withdrawn were situated in ten States and thirty-four land districts, and amounted to about 31,000,000 acres, according to Commissioner Wilson's report for 1854, as follows:

"At the instance of many members of Congress and others, about 31,000,000 of acres in several of the land States had been withdrawn from the market in anticipation of grants for railroad and other internal improvements. As such grants were not made, it was deemed expedient to restore these masses of lands to market, especially in view of the passage of the bill graduating the price of the public lands, and this has been done, except where the reservation was for a fixed period, or grants have already been made." (Land Office Report, 1854, page 6.)

Congress having failed to make the proposed grants, the lands were restored to market, by order of the President, during the months of October, November, and December, 1854.

In anticipation of a grant to the State of Iowa to aid in the construction of four railroads in that State, Commissioner Hendricks, on May 10, 1856, issued telegraphic instructions to the registers and receivers for the six land districts in said State, withdrawing from sale or location all lands south of the line between townships 91 and 92, comprising about two-thirds of the entire State. The act making the grant did not receive the signature of the President until May 15, 1856.

During the year 1856, in anticipation of railroad grants to the States of Louisiana, Michigan, Wisconsin, and Mississippi, the Commissioner of the General Land Office issued telegraphic instructions to the local officers of twenty land districts in said States suspending from sale and location large bodies of land, as follows:

State.	Order of suspension.	Date of grant.
Louisiana	May 31, 1856	June 3, 1856
Michigan	May 30, 1856	June 3, 1856
Wisconsin	May 29, 1856	June 3, 1856
Mississippi	Aug. 9, 1856	Aug. 11, 1856

The lands thus withdrawn in anticipation of proposed grants amounted to at least 50,000,000 acres exclusive of lands previously appropriated.

During the same year railroad grants were made to the States of Florida and Alabama, and in 1857 grants for several roads were made to the Territory of Minnesota. Long before any of the roads provided for in said grants had been located, and consequently before any right to any particular lands under the grants had vested in the States, the Commissioner of the General Land Office issued directions to the local officers of nineteen land districts in said States and Territories suspending the sale and location of all lands within what was supposed would be the limits of the several grants, amounting to more than 28,000,000 acres, exclusive of lands previously appropriated, as follows:

State.	Date of grant.	Order of suspension.
Florida	May 17, 1856	May 17, 1856 May 23, 1856 June 9, 1856 July 8, 1856 Sept. 6, 1856
Alabama	May 17, 1856	May 17, 1856
Do	June 3, 1856	June 19, 1856
Minnesota	Mar. 3, 1857	Mar. 7, 1857

Representations having been made that pre-emption claims for speculative purposes were being placed upon the lands within the limits of the withdrawals in the States of Wisconsin, Michigan, Alabama, and Florida, the local officers in said States were, on December 16, 1856, February 2, February 13, and April 29, 1857, respectively, directed by the Commissioner of the General Land Office to refuse to receive any pre-emption claims, based on settlements initiated after the receipt by them of said orders, on large bodies of lands in their districts. These suspensions from pre-emption were prior to the location of the several roads in whose interest they were made, and consequently prior to the attachment of any right under the grant to any particular lands. This inhibition against the right of pre-emption affected more than 40,000,000 acres of public land.

Mr. Chairman, these cases are cited as illustrative of the practice, where railroads were to be benefited, and this practice has been continued down to a very recent date.

Now, the bill repealing these laws by which these frauds were possible is pending in this Congress and has passed both Houses, and only because the Senate has added other provisions not as yet accepted by the House has the bill failed to become a law.

Under these precedents, so numerous and so uniform, and the power to so act never having been questioned, and the Supreme Court having affirmed their validity when the suspending orders were issued, I insist, sir, that the Secretary had the power to issue the circular and that the exigency of the case warranted it.

Mr. Chairman, a single word more and I am done.

The object of all this Department action is one which should commend it to every patriotic heart. It is the attempt to save, so far as is possible, the remainder of the public lands for the actual settler, direct from the Government instead of through the intermediary of the speculator; as a gift from the nation rather than a purchase from a trader; and to this end the Secretary and Commissioner have given their best efforts and most earnest endeavor.

They desire and should receive the hearty support of every honest citizen. Indeed, sir, when and where the facts are known they do receive it.

I deeply regret that gentlemen have thought it necessary to make these personal attacks upon General Sparks. His honesty, his personal integrity, has not been attacked; indeed it has been conceded in this debate.

It goes without saying that he has no motive but the impulse of right-doing in the administration of the affairs of his office and to deserve public approval and popular commendation. His object is to protect and provide for the poor and the homeless, and the war which he has made and is making is upon the lawless and the depredator. Good men commend him and his course. The gentleman from Indiana [Mr. COBB] has read an earnest letter from one of the citizens of my own State of whom the nation feel proud—Hon. E. B. Washburne—which speaks volumes; and knowing that another of our citizens, whose indorsement would be a matter of pride to any man, had written a letter to General Sparks of similar import, I have procured it and will read so much of it as relates to this matter:

BLOOMINGTON, ILL., *April* 16, 1886.

DEAR GENERAL:

* * * * * * * *

The great corporations and other monopolies have for many years been stretching out their strong and unscrupulous arms over the public lands remaining for enterprising and honest settlers. Millions of acres of this domain have been seized and stolen, and I have to say this robbery could not have succeeded without the collusion and co-operation of agents employed to protect the interests of the people.

Astounding frauds have been perpetrated and are now constantly coming to light, proving how vast and how reckless this organized plunder has been.

Thousands of laboring men with their wives and children have been denied the chance to gain a livelihood by the power and greed of heartless and rich corporations. Immense combinations have been formed, including the ties of political and social life, for a common object—to break down all attempts at Washington to crush out a venal system which has flourished by departmental indifference or favor.

Whoever stands in the way of this selfish league must expect to be confronted with relentless hostility and bitter persecution.

He will be assailed with most formidable influences outside and inside the party to which he may be attached.

Corruptionists are not troubled with scruples. They use politics as the tools of a vile traffic, and shift from side to side as interest may be best served by convenient change. By means of wealth and association they can procure what would seem externally to be a good showing to help the worst cause.

Do not be deterred in your good work by malicious opposition or insidious injustice.

Be firm and temperate, and the country will sustain whatever is right.

Throttle land-grabbing corporations; punish fraud, and protect the plain people, as Lincoln loved to call his chief support in time of peril and vexation.

Very truly,

DAVID DAVIS.

General W. A. J. SPARKS,
Washington, D. C.

The harsh criticism, the severe censure, and the denunciation of the Department in the interest, directly or indirectly, of these fraudulent acquisitions of the public lands may well be borne by one who can receive such commendations from men like Washburne and Davis, and he may with serene composure and confidence await the finding and verdict of that greater tribunal to which, as public servants, we are all amenable and in which we must acquiesce, the judgment of the American people.

The CHAIRMAN. That can not be done.

Mr. TOWNSHEND. It was done in one instance a while ago; why can it not be done now?

The CHAIRMAN. The House has fixed a limit upon the debate, and in the opinion of the Chair the Committee of the Whole has no right to vary that limitation.

Mr. TOWNSHEND. An extension of time was made half an hour ago in Committee of the Whole; why can it not be done again?

The CHAIRMAN. The present occupant of the chair, who was not in the chair at that time, is informed that in the case referred to there was an extension of time to both sides alike, which balances that account. The present occupant of the chair declines to submit a proposition to extend the time beyond the limit which the House has fixed.

Mr. MCCREARY. Mr. Chairman, this House did limit debate on this question to one hour on each side. Afterward, by unanimous consent, the Committee of the Whole extended the time by granting ten minutes additional to each side. I think there are ample precedents for such action.

Mr. EZRA B. TAYLOR. There need be no more talk about unanimous consent. It can not be obtained to extend the time of this discussion on either side.

Mr. RYAN. I yield the remainder of my time to my colleague [Mr. PETERS].

Mr. PAYSON. Before the gentleman from Kansas proceeds I wish only to say in reply to my friend from Nebraska [Mr. LAIRD] that from 1834 down to the present day the power of the Commissioner of the General Land Office and the Secretary of the Interior to investigate frauds and refuse patents after final certificate has never been questioned in the Interior Department. I have the authorities here at hand.

Mr. LAIRD. Will the gentleman from Kansas yield to me, that I may ask the gentleman from Illinois [Mr. PAYSON] one question?

Mr. PETERS. I want to ask the gentleman from Illinois a question myself. I desire to ask him whether I understood him to state that I had opposed the passage of a law making it a criminal offense for parties to fence public lands. I did not so understand the gentleman, but I am informed by those around me that he did say I opposed the passage of such a law.

Mr. PAYSON. I said that the gentleman as a member of the Kansas delegation opposed the consideration of the bill on different occasions, and in support of this statement I refer to gentlemen who now hear me.

Mr. PETERS. I have never opposed the passage of any law of that character.

Mr. PAYSON. Let us not be misunderstood. Upon the passage of the bill the gentleman voted in favor of it. But he will remember, if he drives me to make the statement—I do not care to make it unless he desires——

Mr. PETERS. I want to understand you.

Mr. PAYSON. That on three different occasions the Speaker had agreed to recognize me to ask unanimous consent to consider and pass the bill, but on two of those occasions the gentleman said he would object, and did object, and he stated to me the reason why.

Mr. PETERS. I have no recollection of the circumstance whatever.

Now, Mr. Chairman, I want to make a further statement in answer to the gentleman from Illinois. When he says that a large portion of the land of Southwestern Kansas had been fenced by a cattle company, the settlers being thereby kept out, he refers, I presume, to the Comanche Company. The best answer that can be made to that statement and the best argument which can be submitted upon the proposition now pending is a reference to the situation of the seventh Congressional district of my State and the wonderful increase in population, including that very territory which three years ago was fenced in by the cattle companies. I say that the facts and figures as presented in that district alone constitute an irrefutable argument against all these propositions which have been made, so far as they apply to the State of Kansas.

In 1880, according to the United States census, the seventh Congressional district had a population of 147,000. It embraced thirty-one counties, eighteen of which were at that time organized and thirteen unorganized. The census of March 1, 1885, taken under the authority of the State of Kansas, disclosed the fact that the seventh Congressional district had 204,000 people within its limits; and to-day every county of those thirty-one within that Congressional district, with one exception, has either been organized or steps are being taken to organize it. All of those counties have been organized except four; and in three of those four the census-taker has been appointed and the necessary preliminary steps are being taken for organization. Under our State law no county can be organized unless it has a *bona fide* population of 2,500 inhabitants; and before the organization of a county a census-taker appointed by the governor of the State must take the census of the county. If that census discloses 2,500 *bona fide* population the governor declares the county organized and calls an election for county officers.

I state again that to-day, with the exception of one county, every one of those thirty-one counties is organized, or preliminary steps have been taken for organization. According to the census of 1885, the seventh Congressional district had a population of 204,000. Since that time no census has been taken except the township census. But upon a careful estimate from all sources the population of that district to-day is not less than 315,000. There are but few cattle ranches in it. It is one vast agricultural region, taken up by the homesteader, the pre-emptor, the mechanic, the artisan, who, driven out of the overcrowded cities of the East by failure to obtain employment, have taken Horace Greeley's advice, "gone West," and established for themselves homes in Southwestern Kansas, where the best part of the public domain remains. I ask, does this state of affairs indicate that extensive frauds have been committed?

Upon this map of the State of Kansas which I have here members can see the boundaries of the seventh Congressional district. Take Comanche County, to which the gentleman refers, which was organized three years ago. Prior to that time nearly three-fourths of that county was fenced in one field and was under the control of the Comanche County pool. But when it became demonstrated that the rainfall was so equitably distributed that all that country was fit for agricultural purposes there came the tide of emigration rolling from the East, each successive wave going farther West. Thus the wire fences of this Comanche County pool were torn down until every quarter-section of available land in that county was taken up and the county organized, it having now a population of 7,000 or 8,000 people. All this has been done in three years; and this was the end of those cattle-men. They have taken their cattle into the Indian Territory or New Mexico or up into the northern Territories, and now the farmer and home-seeker has taken possession of the land.

I want to call attention of gentlemen to certain counties particularly in reference to the order issued by the Commissioner of the General Land Office. I do not attack his honesty; I only attack his lack of judgment in the interest of the constituency I represent. But take some of the counties which come under the ban of that order itself and let us see what has been their progress.

Take Barber County. In 1880 it had a population of 2,661. In 1885 it had a population of 7,868.

Take Harper County, one in which a large number of entries have been suspended because claimed by the administration to be fraudulent under the influence of the General Land Office. Harper County in 1880 had a population of 4,133, and yet in 1885 it had 14,921, and to-day it has 19,000.

Take Kingman County. In 1880 it had a population of 3,713, and in 1885 it had a population of 9,933. Pratt County in 1880 had a population of 1,840, and in 1885 it had a population of 6,064. Then we come to Reno County. In 1880 it had a population of 12,824, and in 1885 it had a population of 20,294.

These, Mr. Chairman, are illustrations of the wonderful increase in population which has accrued to these counties which come under the ban of the order of the Commissioner of the General Land Office.

Do you say there have been 90 per cent. of fraudulent entries in the settlement of the public lands? Let me show some figures from the Garden City land office. There are three land offices in that district, located at Garden City, Larned, and Wichita. I will refer to Garden City land office, being the one that has charge of the southwestern portion of this district. It has been known as a great cattle region. The buffalo and Texas cattle roamed over it almost intermingled some years ago.

I have some figures here in reference to entries of land in that district. I have only the figures from April 12, 1885, to April 12, 1886, one year. And the entries amounted to 20,754, with an aggregate number of acres of over 3,000,000. Those lands were taken under the homestead, pre-emption, and timber-culture laws. Taken under the pre-emption laws there were 1,074,840 acres. Under the homsteads laws—and mark it, there can not be fraud under the homestead laws, because the man who makes a homestead entry is required to live on them for five years and to cultivate them—under the homestead laws there were 1,265,940 acres.

You will see from this that the amount taken under the homestead predominates. Here is a grand total of 2,340,780 acres taken in one year in one land district under the homestead and pre-emption laws. This accounts in part for the wonderful growth of this Congressional district from 147,000 in 1880 to 315,000 in 1886. The new Kansan is there, at home on his farm in the very heart of what was a few years ago the great American Desert. The cattle and the buffalo have departed, and the wheat field, the corn field, the farmer's dwelling, humble though it may be, the typical Kansas school-house, and the prosperous town and city, evidence the new order of things; and above all, these evidences are permanent. The settler is there to stay. Unfortunately, as I think, orders from the Land Office, honestly issued I doubt not, can not drive him away; can not deprive him of his interest in his adopted State. You may cry fraud, you may punish or oppress him, but never again will he give way to the cattle syndicates. In time there will be "cattle upon a thousand hills," but the settler will own them.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. PETERS. I do not think it is just to me to deduct from my time what was taken in the confusion.

The CHAIRMAN. Five minutes were allowed.

Mr. PETERS. I wish to inquire whether I do not have five minutes remaining?

The CHAIRMAN. The two hours would have expired at five minutes before 3 o'clock. It was extended to twenty minutes in debate that would have reached to fifteen minutes after, but in order to cover the time which was taken up outside twenty minutes were added.

Mr. PERKINS. That charges him with all of the time lost.

Mr. PETERS. How much time did I occupy?

The CHAIRMAN. Between twelve and fifteen minutes.

Mr. HOLMAN. It is understood here the amendment to the Chinese clause of the bill was adopted.

Mr. RANDALL. I do not so understand it.

Mr. HOLMAN. If so, there is evidently some misunderstanding about it.

Mr. RANDALL. It should not have been adopted or voted on.

The CHAIRMAN. The Chair did not understand there was objection taken to the adoption of that amendment before the debate proceeded on the land clause.

Under the arrangement that existed the gentleman from California was to be heard before we reached that point. At the close of his remarks the question was put upon the amendment and carried.

Mr. RANDALL. The understanding was that there was to be general debate upon it.

The CHAIRMAN. That was a separate general debate.

At the close of that general debate of forty minutes, which was extended to one hour by consent, a vote was to be taken.

Mr. RANDALL. That was not my understanding; I was not even present.

The CHAIRMAN. There were two periods for general debate, as the gentleman will remember.

Mr. RANDALL. Two subjects for general debate.

The CHAIRMAN. Yes. This clause had been passed over by unanimous consent until we reached the point where the general debate should close. That general debate was fixed at forty minutes and was subsequently extended to one hour. At the close of that time the general debate on that paragraph closed. The vote was then taken and the amendment adopted.

Mr. RANDALL. I say that there was no understanding to have a vote taken upon the proposition until after the debate on the land clause had been exhausted. The understanding was clear that the general debate on both of these points should be had first.

The CHAIRMAN. Without objection the vote will be taken over again.

Mr. RANDALL. I was in the committee-room, and of course did not know what was going on here, supposing all the time that the order to which I refer would be carried out.

Mr. MORROW. The understanding was that the discussion was to be had, and I do not think there was any understanding as to what time a vote should be taken.

Mr. RANDALL. I shall ask the House to allow by unanimous consent the vote to be taken anew on that proposition. I refer to the proposition included in lines 807 to 813. I do this because, having charge of the bill, I had a right to go back and take it up at the time I selected for a vote upon it.

Mr. MORROW. I shall object unless I know some reason for it.

Mr. RANDALL. I think an objection would be very unreasonable in view of the time that was yielded to the gentleman.

Mr. MORROW. I do not propose to be unreasonable, because the gentleman has acted very fairly toward me; but I do not want to lose any rights which I may have in the matter.

Mr. RANDALL. I never dreamed that a vote was to be taken during the period fixed for general debate, and could not know, of course, that the committee had undertaken to vote upon it in opposition to what I believed to be an agreement.

The CHAIRMAN. The Chair will submit the request for unanimous consent.

Mr. MORROW. I am not disposed to take any advantage of the courtesy shown by the gentleman from Pennsylvania.

Mr. RANDALL. I merely wish to inquire whether the gentleman interposes an objection?

Mr. MORROW. Is there objection to the amendment?

Mr. RANDALL. There is to the vote that has been taken upon it—only to the vote.

Mr. MORROW. If the gentleman from Pennsylvania insists that he did not understand that the vote was to be taken I shall be compelled, of course, to withdraw the objection.

Mr. RANDALL. Why, I meant to make the point of order upon it.

The CHAIRMAN. If there be no objection the vote will be taken over again.

There was no objection.

Mr. RANDALL. Now I prefer to go back to that after we get through with the public land.

The CHAIRMAN. We are now through with the general debate upon this clause, and the Chair thinks the vote should be taken at once.

Mr. RANDALL. But there is an amendment pending to the last paragraph——

The CHAIRMAN. According to the agreement of the House this section was passed over until we reached the general debate upon the public lands. It seems now to the Chair, in view of that understanding and the agreement that another vote may be taken upon the amendment, that we should now conclude this section before going on to another part of the bill.

Mr. RANDALL. Very well.

The committee deemed that the amount specified was sufficient, $5,500. There was $3,470.50 paid to the Bureau of Engraving and Printing for Chinese labor certificates last year, which were printed under the customs division of the Treasury Department. They had but $5,000 in 1885 and 1886. I hope the increase suggested will be voted down. I supposed at first that it was a *pro forma* amendment, to enable the gentleman from California to make his remarks.

Mr. MORROW. I desire to say but a word in reply. In the general discussion I showed that the amount named in the amendment was the amount estimated by the Secretary of the Treasury and is determined by the Department to be absolutely necessary. The law was not enforced last year, as it should have been, and I have called the attention of the House to the statement of Judge Hoffman, that no provision had been made to carry in effect at least one provision of the law.

Mr. RANDALL. There were $5,000 in 1885, and as I am informed that was not expended in that year, but a part of it in 1886. There is no appropriation for 1886. I know the estimate is for $10,000. But we made an examination, and believe that $5,500 is sufficient.

Mr. MORROW. Let me say to the gentleman from Pennsylvania, with all fairness and with no desire to exaggerate or mislead the gentleman or the House, that the law has not been executed even with the appropriation of 1885.

Mr. RANDALL. There was none in 1886.

Mr. STORM. I wish to ask the Chair what became of the point of order which I made on the proviso contained in the amendment of the gentleman from California [Mr. MORROW]?

The CHAIRMAN. The debate has proceeded on the merits of the amendment. The point of order is now too late.

Mr. STORM. But the point of order was reserved before the debate commenced.

The CHAIRMAN. The amendment was debated and voted on. Unanimous consent has been given that the vote be taken again, and since then the proposition has been again debated under the five-minute rule.

Mr. STORM. But the point of order was made at the beginning, and ought to have been disposed of.

The CHAIRMAN. The gentleman should have called attention to it.

Mr. STORM. With my colleague the gentleman from Pennsylvania [Mr. RANDALL], I did not think that under the arrangement for general debate the amendment was to come up to be voted on.

The CHAIRMAN. The Chair holds the point of order is made too late.

The question being again submitted on the amendment of Mr. MORROW, there were—ayes 56, nays 71.

Mr. MORROW. No quorum.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from California [Mr. MORROW].

Mr. REED, of Maine. I hope the gentleman from Pennsylvania will give us a yea-and-nay vote in the House on this amendment.

Mr. RANDALL. I will not.

The committee again divided; and the tellers reported—ayes 73, noes 90.

So the amendment was disagreed to.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. BLOUNT took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

The bill (H. R. 5201) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1887, and for other purposes.

A bill (H. R. 2148) to amend an act entitled "An act to provide a building for the United States circuit and district courts of the United States and post-office and other Government offices at Williamsport, Pa., and making additional appropriations therefor;" and

A bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. 3014) to provide for terms of court in Colorado.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2609) granting a pension to Emily J. Stannard;

A bill (S. 2721) to remove the political disabilities of John K. Mitchell; and

A bill (S. 2759) to remove the political disabilities of William H. F. Lee.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The Clerk will report the amendment sent up by the gentleman from Louisiana [Mr. BLANCHARD].

The Clerk read as follows:

In lines 952 and 953 strike out "$475,000" and insert in lieu thereof "$522,000;" so that it will read:

"Salaries and commissions of registers and receivers: For salaries and commissions of registers of land-offices and receivers of public moneys at district land offices, at not exceeding $3,000 each, $522,000."

Mr. BLANCHARD. I trust the gentleman from Pennsylvania [Mr. RANDALL] representing the Appropriations Committee will not make any opposition to this amendment. In the Book of Estimates the amount recommended for salaries and commissions of receivers and registers is $522,000. In the last sundry civil bill the amount allowed was $525,000. In the bill now under consideration the amount fixed for that purpose is $475,000, being $47,000 less than the estimates and $50,000 less than what was appropriated for this purpose for the present fiscal year. I do not see why the Committee on Appropriations reduced the amount under that suggested in the Book of Estimates for the salaries and commissions of these officials.

This is a question, Mr. Chairman, in which many States of the Union are interested. There are throughout the United States one hundred and eight land offices, distributed as follows: Two in the State of Alabama, two in Arizona, four in Arkansas, ten in California, nine in Colorado, ten in Dakota, one in Florida, five in Idaho, one in Iowa, ten in Kansas, two in Louisiana, four in Michigan, nine in Minnesota, one in Mississippi, three in Missouri, three in Montana, nine in Nebraska, two in Nevada, two in New Mexico, five in Oregon, one in Utah, nine in Washington Territory, six in Wisconsin, and two in Wyoming.

In each of these land districts there is a register of the land office and a receiver of public moneys. So that there are in all two hundred and sixteen registers and receivers throughout the United States.

Now, Mr. Chairman, by law the salary of these registers and receivers is fixed at $500 each; but in addition to this salary of $500 they are allowed commissions. A provision of the law, which I have before me, stipulates, however, that none of these officers shall receive more than $3,000 a year, notwithstanding the fact that many of them may and do earn twice that much. A statement in the Book of Estimates, which I have here, shows that in the last fiscal year many of these receivers and registers earned far more than $3,000. Under the law they are required to pay into the Treasury every dollar that they earn in excess of the $3,000.

[Here the hammer fell.]

Mr. HEWITT was recognized, and yielded his time to Mr. BLANCHARD.

Mr. BLANCHARD. Now, Mr. Chairman, what the Government is called upon to pay in the way of salaries and commissions to these registers and receivers is not a tax upon the country. The commissions that they earn over and above the $3,000, to which they are entitled, and which are required to be paid into the Treasury, amounts yearly to about $180,000. So that instead of these officials being a tax upon the Government their earnings afford a revenue to the Government of that amount. Here is a statement to that effect from the Commissioner of the General Land Office, which I will read. On page 227 of the Book of Estimates, under the estimate of the Land Department for salaries, &c., of registers and receivers, I find the following:

The estimate submitted for compensation of registers and receivers is based upon the salaries earned and fees and commissions collected and covered into the Treasury by them during the fiscal year ending June 30, 1885, with the addition of the office to be opened at Cœur d'Alene, Idaho. For a number of years past it has been necessary to appropriate annually large amounts to cover deficiencies in this service. The amount estimated for herein is based upon the actual amounts paid to registers and receivers during the fiscal year ending June 30, 1885, and therefore is not excessive. The compensation of registers and receivers is limited by law not to exceed $3,000 for any one officer, regardless of the amount in excess of that sum earned by them. During the fiscal year ending June 30, 1885, the fees and commissions earned by registers and receivers amounted to $847,924, while the entire appropriation for their salaries and commissions was $525,000. Of this sum of $887,924 there was collected from the entrymen $705,187, which was turned into the Treasury, and if the entire appropriation of $525,000 is expended there remains as a net revenue to the Government the sum of $180,187.86.

This statement shows, then, that these officials are not a tax upon the Government. Therefore I ask, what is the reason that an amount adequate to meet their salaries and commissions as fixed by law is not provided in this bill?

Mr. HERMAN. Will the gentleman permit me to make a suggestion in the line of his argument, which is that in the event of the Senate passing the bill repealing the pre-emption law fully one-half of the fees which these officers now receive will be cut off.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, it does not always do to depend upon the estimates of a Department. There are one hundred and eight receivers and one hundred and eight registers, making in all two hundred and sixteen of these officials to be provided for, but the President has power to consolidate offices if he sees fit.

Mr. BLANCHARD. Has he done so?

Mr. RANDALL. He has not, that I know of. The amount appropriated in 1885 was $500,000. There was $496,000 expended. The amount appropriated in 1886 was $525,000 on an estimate of $545,000, and for the first six months of the current year there was expended $244,000. This shows that with proper economy of expenditure $475,000 is sufficient; but I am willing to assent to an appropriation of $490,000.

Mr. BLANCHARD. Why not make it the amount that the Commissioner of the General Land Office asks?

Mr. RANDALL. Because that is in excess of the amounts both for 1885 and 1886; and when I concede $490,000, that is in excess of what will be expended this year. All these officials do not receive $3,000. If they did, this appropriation would have to be $650,000. Many of them do not receive any such sum; and a safe limit beyond all peradventure would be $490,000.

Mr. RYAN. I want to say to the gentleman that the appropriation for the current year was $525,000, $50,000 more than this bill carries.

Mr. RANDALL. Yes; and the expenditure during the first six months for the current year was at the rate of only $488,000; so that if we now appropriate $490,000 it will be entirely adequate.

Mr. BLANCHARD. If each of these two hundred and sixteen officials should receive $3,000, which is the sum the law allows to each, provided he earns it, there would have to be appropriated for this purpose $648,000. Now, I find by examination that those receivers and registers who do not earn as much as $3,000 each number only thirty out of the two hundred and sixteen. If for these thirty we make the proper deduction from the $648,000 there would still be required $558,000 to meet these expenses. I have the figures before me.

Mr. RANDALL. The compensation allowed to these officials is $500 and 1 per cent. commission on the sales, provided the aggregate compensation shall not exceed $3,000. That law as to the manner and amount of compensation has not been changed; therefore we can safely take as a basis for the present appropriation the expenditures of 1885 and 1886. For this reason I have assented to the appropriation of $490,000.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. BLANCHARD. I move to further amend by striking out the last word. I wish to call the attention of the chairman of the Committee on Appropriations to the fact that the Commissioner of the General Land Office in making this estimate states that Congress has been called upon for a number of years past to appropriate large amounts to cover deficiencies in this very service. If this be true—and it is the official record—I can see no sound reason why we should not appropriate at the outset a sufficient amount.

It is well known to my friend from Pennsylvania that the present Commissioner of the General Land Office, when he served, as he did for years, on this floor as a member, was second only to the gentleman from Indiana in the advocacy of economical expenditures by the Government. The gentleman from Indiana and the gentleman from Pennsylvania know this. Hence when this official comes before Congress, making the statement that he requires $522,000 for this purpose, why not appropriate it?

The gentleman from Pennsylvania says that it is within the discretion of the President to consolidate these land offices and reduce the number of these officers. But the President has not done so, and it is not likely that he will. I warn this House that if we appropriate any less than the sum named in my amendment we shall be called upon at a future session to supply the deficiency.

Mr. RANDALL. The committee in making this appropriation rely upon the expenditures of 1885 and 1886, not upon the estimates. This is a safe course to pursue. Besides, there has been legislation which will tend to reduce not increase these expenditures. I refer to the repeal of the timber-culture law, the desert-land law, and especially the pre-emption law. Four hundred and ninety thousand dollars is clearly a safe amount to appropriate. I am quite willing, as a member of the committee, to accept that.

The CHAIRMAN. Does the gentleman from Louisiana withdraw his *pro forma* amendment to strike out the last word?

Mr. BLANCHARD. Yes, sir.

Mr. WARNER, of Ohio. I move to amend the amendment so as to make the appropriation $490,000.

Mr. BLANCHARD. I desire to repeat, that according to the report of the Commissioner of the General Land Office the department has been obliged year after year to call for a deficiency appropriation for this service.

The CHAIRMAN. The question is first on the amendment of the gentleman from Ohio [Mr. WARNER] to the amendment of the gentleman from Louisiana [Mr. BLANCHARD]. The amendment of the gentleman from Ohio will be read:

The Clerk read as follows:

Amend the amendment by striking out "$522,000" and inserting "490,000."

The amendment to the amendment was agreed to.

The question being taken on the amendment as amended, it was adopted.

Mr. SPRINGER. I move to amend by inserting at the end of the pending paragraph the following:

All fees collected by receivers or registers from any source whatever which would increase their salaries beyond $3,000 each a year shall be covered into the Treasury.

Mr. RYAN. I raise a point of order on that amendment. It is a change of existing law.

Mr. BLANCHARD. I ask that the amendment be read again.

The Clerk again read the amendment.

Mr. BLANCHARD. I make the point of order that this matter is already fixed by the existing law, a copy of which I hold in my hand.

Mr. RYAN. If this provision were incorporated in the bill and should become law it would allow every one of these officials a salary of $3,000.

Mr. HOLMAN and Mr. SPRINGER. Oh, no.

Mr. RYAN. By implication they will be entitled to that amount.

Mr. SPRINGER. No; they will get nothing over $500 except their fees.

Mr. BLANCHARD. I ask the attention of the committee to section 2240 of the Revised Statutes, which reads as follows:

SEC. 2240. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate $3,000 a year each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro rata allowance of such maximum.

Section 2241 of the Revised Statutes reads as follows:

SEC. 2241. Whenever the amount of compensation received at any land office exceeds the maximum allowed by law to any register or receiver the excess shall be paid into the Treasury, as other public moneys.

Mr. SPRINGER. These sections of the Revised Statutes show what the law is, but they do not show what the construction of the law is.

Mr. BLANCHARD. My point of order is if this is a repetition of the law then it is unnecessary.

Mr. SPRINGER. The gentleman admits it does not change existing law, but there has been a construction which has grown up in nearly all these offices of the officers retaining the fees, which makes the salaries of the officers amount to about $6,000 a year. I get this information from the Land Office. My object is to put a construction upon the Revised Statutes so that the law shall be just what the gentleman has read it. It is for the purpose of informing all those officers that is the law and that it ought to be filled. I hope my amendment will be agreed to.

Mr. CANNON. Does not my friend suppose if this administration will violate that they will violate this?

Mr. SPRINGER. In my opinion this will be the last legislative construction, and I hope my colleague will not object to its going on this bill, especially as we are told by the other side of the House these are our officers.

The CHAIRMAN. As the amendment reads it is clear the registers and receivers of the land office are to return whatever fees are received beyond $3,000. The excess is to be covered into the Treasury. It is difficult to understand whether this would require uniform increase as to the registers and receivers.

Mr. SPRINGER. Increase in salary?

The CHAIRMAN. If the object is to make the amount $3,000——

Mr. SPRINGER. Oh, no; but to limit it to that as it is limited by the statute. This will be a legislative construction of what was intended by the law.

The CHAIRMAN. The question whether this is the same as the law heretofore is a matter for the committee and not for the Chair. The point of order is overruled

The amendment was agreed to.

The Clerk read as follows:

Contingent expenses of land offices: For clerk-hire, rent, and other incidental expenses of the several land offices, $120,000.

Mr. BLANCHARD. I move in line 956 to strike out "20" and insert "55;" so it will read "$155,000" instead of "$120,000."

And I would like to have from the chairman of the committee some explanation why this amount is fixed in the bill $35,000 less than the estimate and $40,000 less than the last sundry civil bill.

Mr. RANDALL. I will answer promptly. We have all been commending the Commissioner of the General Land Office for his high character and habits of economy, and the truth of the encomium is nowhere more exemplified than in this paragraph. The appropriation for 1885 was $140,000; in 1886, $165,000, and his estimates for 1887 were $155,000. But when we come to look at the expenditures they are $170,000 against $140,000. In 1886, the current year, under General Sparks's direction, the first six months show an expenditure of only $54,000.

Mr. RYAN. Then why does he ask for $155,000?

Mr. RANDALL. I do not know. He reduced the estimate, however, from $165,000 to $155,000. But the expenditure during the first six months of this year was only $54,000, and according to that there would be necessary only for this paragraph $108,000, but we have given $120,000.

Mr. SPRINGER. We will try to worry through with that amount.

The question being taken on the amendment of Mr. BLANCHARD, it was not agreed to.

The Clerk read as follows:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $75,000.

Mr. HOLMAN. I move to strike out "$75,000" and insert "$90,000."

That is the amount claimed in the estimates as being the full amount required, and while I do not as a general thing favor the increase of any item of appropriation beyond that fixed by the committee, there has been so much shown as to the importance of preserving our forests from destruction of late years, that it seems to me we can afford on a subject like this to vary a little from what is a good rule under ordinary circumstances and give the whole amount of the estimate which is to be applied to so laudable an object. There is certainly no one subject of public interest, except the public-land system of the country, which is of more importance than the preserving of the forests for many reasons; and it seemed to me that if the Commissioner of the Public Lands believed that $90,000 would be required for this purpose, which I think is not unlikely, as it is probably not more than he actually requires, it ought to be given.

My own observations during the summer of last year in this portion of the country where our forests are mainly found indicated the fact that extraordinary vigilance would be required in the future to prevent these timber depredations or else there would be an entire destruction of our great forests within a very few years.

Mr. RANDALL. In 1885 $75,000 was given and $75,000 was expended. Since Mr. Sparks has been at the head of the Land Office, which I believe is just about one year, the expenditure up to this time has only reached $22,000.

Mr. WEAVER, of Iowa. It takes some time to get hold of all the rascality.

Mr. RANDALL. That is very true; but these appropriations are based upon the expenditures, and they show that only $22,611.27 has been spent up to this time; and we believe that in this year the amount which will be required for this service will not exceed the amount appropriated in the bill.

Mr. HOLMAN. I do not wish to press this if the gentleman thinks the amount is sufficient.

Mr. RANDALL. There has been no purpose on the part of the committee to cut this matter down, believing that the importance of the subject would justify a very ample appropriation, but at the rate of expenditure up to this time would not much exceed $50,000. The committee thought $75,000 for next year would be enough.

Mr. HOLMAN. I had occasion some time ago to call the attention of the Secretary of the Interior to the fact that our forests were being destroyed for the sake of the timber.

Mr. RANDALL. I think the gentleman had better reserve his amendment until we reach another section.

Mr. HOLMAN. In view of the statement ef the gentleman from Pennsylvania, if he thinks enough is given for this purpose I will withdraw the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $90,000.

Mr. LAIRD. I move to strike out the paragraph, lines 963 to 965 inclusive, and yield my time to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, in the debate that has taken place here in connection with these several propositions, I think there has been no disposition to defend any man who is making a fraudulent entry on any part of the public domain. That is not the feeling of gentlemen here representing Western constituents. We desire that that domain shall be preserved and protected for the honest settlers. But while it is protected for them, we desire that the rights of the settlers shall be respected by the Executive Departments of the Government.

And I desire briefly to call the attention of the House to the workings of one branch of the executive department of the Government under existing law; and if I can convict the Commissioner of the General Land Office of slander and of misrepresentation by his own official utterances and publications, I think gentlemen will agree with me that I have a right to do so. He charges in his annual report that 90 per cent. of the public land entries in my State are fraudulent, and in one paragraph he goes to the extreme of saying that 100 per cent. of the pre-emption filings are fraudulent.

In another he says that 100 per cent. of the entries under the commuted homestead law are fraudulent, and I desire to call in this connection the attention of the House to the fact that quite recently this Commissioner made an official report to the Senate of the United States, in answer to a resolution of that body, in which he admits that he has only found it necessary to send special agents to investigate eighteen thousand entries suspended by him.

According to his annual report there were 104,431 entries made under existing law during the last fiscal year besides the miscellaneous ones, and with these and all the accumulated business he admits in his recent report to the Senate that he only finds it necessary to put eighteen thousand cases into the hands of his special agents to be investigated, confessing by his conduct he defamed the settlers upon our public domain when he charged that 90 per cent. of their settlements were fraudulent and corrupt.

To investigate these eighteen thousand entries he says in his recent report that he has thirty-four special agents, and he says they are able

to make nine investigations per month each, and he says that at this rate these thirty-four special agents will in five years be able to investigate the eighteen thousand entries that have been referred to them.

During that time, Mr. Chairman, what is to be the condition of these settlers? Their entries are suspended, their credit is destroyed, their homes are to a certain extent impaired, and their right to enjoy and possess them is very greatly paralyzed, and uncertainty and doubt are created by the action of this executive officer. These eighteen thousand entries that have been sent to the special agents to be investigated are to consume five years, says this officer, and the gentleman from Illinois confesses on this floor he is glad of the fact that he with others prevailed upon that Commissioner within eight days after he was inducted into office to suspend one hundred and twenty-six thousand entries upon the public domain; and he says he only regretted that the Secretary of the Interior suspended that order. If the gentleman from Illinois can take pleasure in the fact that he was instrumental in tying up one hundred and twenty-six thousand entries on the public domain in this country I do not envy him the distinction or the pleasure. At the rate of investigation that the Commissioner is now prosecuting and conducting, how long would it have required to have investigated these one hundred and twenty-six thousand entries?

If eighteen thousand can be investigated in five years, one hundred and twenty-six thousand would have required thirty-five years. And yet the gentleman from Illinois says he is glad that he with others prevailed on this executive officer to suspend one hundred and twenty-six thousand entries upon the public domain, and to do what he could to render uncertain and insecure for thirty-five years the entries, the homes, the earnings, the enterprises of our pioneer settlers, who are struggling against adverse circumstances to secure habitations upon the public domain.

[Here the hammer fell.]

Mr. PERKINS. I move to strike out the last word.

Mr. Chairman, precedent has been sought for this, and this officer quite recently, in vindication of his own conduct and in support of his own order, issued a document which is printed as Senate Executive Document 170, from which extracts have been read to-day, and I desire to state to this House that I find he quotes one hundred and twelve precedents for this action of his. And yet when you read them and examine them you find that not a single precedent that he quotes bears him out or sustains him in his unauthorized and arbitrary order.

Every one of these precedents was the withdrawal of some portion of the public domain from settlement and from entry. But is not the order made by this executive officer of which we complain? We do not complain because he withdrew some public lands from settlement, but we do complain that after men, under existing law, had gone on the public domain, had made settlements and homes, were cultivating their lands, and doing that which entitled them under the law to a title and to occupy and possess them, found themselves and all their proceedings suspended by the arbitrary action of the Commissioner. Of these one hundred and twelve precedents which he cites not one sustains him. No man who ever occupied that office or any other executive office of the Government heretofore arrogated to himself the right to suspend and strike down the statutes of this nation. Yet this man, supposing himself supreme, not content with the ruin, with the wrong and injury he has worked to these men, has even arrogated to himself the right to say to Congress and to the country, "The laws of the United States shall be suspended till it is my pleasure to put them again in execution;" and at the same time he directs the officers of the local land offices to violate their oaths and to deny to settlers the right to make entries and to secure homes on the public lands.

Of these one hundred and twelve orders I find fifty-six were made by the late Democratic Vice-President, Thomas A. Hendricks, when he was Commissioner of the General Land Office; and I find that the fifty-six he made were all in the interest of land-grant railroads, withdrawing some portions of the public domain in their interest and for their benefit. But there is not an order cited that suspends an entry. There is not an order that suspends a statute. There is not an order that says to the local land officers, "You shall violate your oaths and not permit an honest settler on the public domain to file his declaration and take the initiatory steps to secure a home." And yet this officer is so obtuse or so willful that he can not observe the distinction between these orders and his own, and cites them as authority for suspending the statutes of the United States, violating his oath of office, and wrecking and ruining hundreds and thousands of homes occupied by men as honest as can be found in any State or any country.

I do not deny, Mr. Chairman, the right of an executive officer to withdraw temporarily certain portions of the public domain from occupation or settlement. But because this is true does it necessarily follow that when public land has been settled upon under existing law and homes made that those settlements can be destroyed, those homes removed, and all driven to litigation, chaos, and confusion, and the law suspended and statutes stricken down by the arbitrary, willful, and slanderous order of a subordinate officer clothed with some brief authority?

When we contemplate the wrong this man has worked, the injury he is now doing to the settlers of the West, it is a remarkable circumstance to me that any man should stand here and say he derived pleasure from the injury and wrong. Great communities have been well-nigh prostrated by it and hundreds of honest settlers absolutely ruined. As was said by my colleague, no State ever developed so rapidly as the State I have the honor in part to represent; and it has not been under fraudulent entries or by willful evasions of public statutes. But it has been the result of honest *bona fide* settlement upon the public lands; and yet these men now find their interests suspended. They find, as I have suggested, that they are unable to obtain credit, that they are unable to tax their lands, unable to build school-houses, unable to build bridges, unable to secure railroad advantages or the conveniences that are needed by pioneers upon the frontier, because they can not get any title to their homes. These, in part, are the injuries that are worked by this officer.

Mr. Chairman, I regret exceedingly that I have not the time to proceed further in the discussion of this subject. The gentleman from Illinois [Mr. PAYSON] speaks of the enthusiasm of the Commissioner of the General Land Office for the poor settler. Ah, sir, if he had any enthusiasm or any sympathy for the honest settler upon the public domain he would never have made such an order as that which was promulgated by him. That order was made in the interest of the land-grant railroad companies and the cattle companies, or such is its effect.

[Here the hammer fell.]

Mr. WEAVER, of Iowa. Mr. Chairman, it is a strange position that is occupied by those who are assailing the Commissioner of the General Land Office. It must be remembered that the testimony upon which that officer has proceeded is all drawn from Republican sources. His action is based upon the investigations and the testimony of Republican officials who had been for years in the public service and were perfectly familiar with the dishonest raids that were being made upon every part of the public domain. The reports of those officials are on file.

Take, for example, the report of Mr. A. R. Green, late a Republican State senator in Kansas, and at this very time, I believe, a Republican editor, and a man in good standing in his party in the district of the gentleman who has just taken his seat [Mr. PERKINS]. Let me read some things that Mr. Green says about these frauds:

> The hopelessness of the attempt was apparent to every one who was familiar with the soil and climate of the region proposed to be reclaimed at the outset, but the opportunity for getting a quarter-section of land for a trifle induces men to go through the merest form of compliance with the law and make up the rest by perjury. I hesitate to make the statement that in a large proportion of cases no pretense of complying with the law has been made, but I believe such to be the case. I have traveled over hundreds of miles of land in Western Kansas, Nebraska, and Central Dakota, nearly one-fourth of which had been taken under the "timber-culture act," without seeing an artificial grove even in incipiency, and can scarcely recall an instance in any one day's travel where the ground had been more than scratched with the plow for the purpose of planting trees.
>
> I have seen small patches of land (possibly 5 acres) were the prairie sod had been "listed" in furrows 6 or 8 feet apart each way, and occasionally a sickly cottonwood-sprout, 2 or 3 feet in height, of the thickness of a man's thumb, standing thereon. In other cases the land had evidently been honestly plowed at some time, but through neglect had grown up again to grass, and the trees (?) were holding up their tiny cattle-browsed, fire-burnt branches in mute protest against the farcical absurdity of the "timber-culture act."
>
> As to the proportion of land entered under the timber-culture act that is not improved as required by that act, I give it as my opinion that in Kansas, Nebraska, and Dakota the proportion is 90 per cent. to 10 per cent. of *bona fide* and possibly sucessful cultivation.
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> * * * * * * *
>
> A more vicious system of fraudulent entries has been successfully practiced by and in the interest of cattle-men and stock corporations. If the law had been enacted solely for their benefit it could scarcely have been more successful.
>
> I have been told that entrymen engaged in this character of frauds seldom make a pretense of plowing or planting trees or complying in any particular with the law. My own observation confirms this statement, and I believe it to be true. This is largely the case in Colorado, Dakota, Montana, Nebraska, and New Mexico, where immense stock ranches have been established and all the valuable grass land and water have been secured. This system also obtains to no inconsiderable extent in Kansas, I believe.
>
> The method is simple, effective, and infamous.

Thus I might go on for a score of pages in this report, but I will not further trespass upon the time of the House by reading.

Whence does the opposition to the policy of the Land Office emanate?

Mr. PERKINS. Will the gentleman yield for a question?

Mr. WEAVER, of Iowa. No, sir, I can not; I have only five minutes. It emanates chiefly from the cattle syndicates, the land speculators, and the loan agents. I now send to the Clerk's desk an item which I cut from one of the city papers and which I will ask the Clerk to read, leaving the gentleman from Kansas [Mr. PERKINS] to make an explanation of it if he desires.

The Clerk read as follows:

> SIX AND EIGHT PER CENT. INVESTMENTS—PRINCIPAL AND INTEREST GUARANTEED—ABSOLUTE CERTAINTY AND SECURITY.
>
> The Equitable Trust and Investment Company, Wichita, Kans. Capital, $200,000. Hon. B. W. Perkins, M. C., president. Loans from $500 to $5,000, running from three to seven years, secured by mortgage upon some of the best lands in Kansas, at one-third their value at forced sale. Also 8 per cent. bankable commercial paper, running from ninety days to six months. Interest collected without any charge, payable at any bank the investor may direct. No expenses whatever to the investor. Recommended by Hon. JOHN J. INGALLS, Hon. PRESTON B. PLUMB, United States Senators; Hon. John A. Martin, governor of Kansas; Hon. George W. McCrary, ex-Secretary of War; leading bankers and others, whose recommendations are in our office.
>
> STONE & LITTLEFIELD,
> *Washington Agents*, 1226 *F Street Northwest.*

[Here the hammer fell.]

Mr. DOCKERY was recognized, and yielded to Mr. WEAVER, of Iowa.

Mr. PERKINS. If the gentleman is going to charge me anything for this advertisement I do not want to pay it. [Laughter.]

Mr. WEAVER, of Iowa. I charge you nothing, sir. This loan office of which the gentleman from Kansas [Mr. PERKINS] is president (as he has a perfect right to be) is situated in the Wichita land district. Within this district during the past few years, as the gentleman knows or ought to know, fraudulent entries were made of some of the very best lands in Kansas, out of which entries prosecutions arose which resulted in sending some men to the penitentiary.

The gentleman from Kansas [Mr. PERKINS] is not ignorant of the fact and ought not to be unmindful of the fact that large numbers of fraudulent entries have taken place within his own district, and that those transactions are notorious throughout the entire State of Kansas. Now, I have said, and I believe it to be true, that the objections to the policy of the Land Office come, as a rule, from the cattle syndicates, the loan agents, and the land speculators. I protest against a land policy which enables the speculators to get hold of the virgin lands of the West to the exclusion of the poor settler who seeks to secure a home.

Mr. WARNER, of Ohio. Let me ask the gentleman if there is anything in the order of the Commissioner that necessarily throws any cloud or doubt upon the right or title to a patent?

Mr. WEAVER, of Iowa. There is not. It only suspends the granting of a patent until the question can be investigated. The opposite policy is to grant the patent without an investigation, and now it is proposed here to strike out this entire appropriation, which is designed to enable the Commissioner of the General Land Office to continue his investigations for the protection of the public domain—it is proposed to strike out that appropriation and turn over the remaining public lands to the speculators and the land-grabbers.

Mr. PETERS. As the gentleman has spoken of Wichita and of Sedgwick Counties and of fraudulent entries there, I wish to ask him a question. If there is such a large proportion of fraudulent entries as the gentleman states and as the Land Office claims, how does it happen that the population of that country increased from 18,753 in 1880 to 36,022 in 1885? And then I want to ask him this further question: How is it that Sumner County, just below Sedgwick, on the Territory line, where thousands of these "Oklahoma boomers" are waiting to go into the Indian Territory to take up land—how does it happen that the population of that county increased from 8,812 in 1880 to 32,889 in 1885? I say that these figures, upon their face, show that no such wholesale frauds on the public domain as are alleged can possibly have been committed.

Mr. PERKINS. And I ask him further whether he does not know that every quarter-section of land in those counties has an occupant.

Mr. WEAVER, of Iowa. Oh, I will answer the gentleman. I am posted about Wichita.

Mr. PETERS. I want to say that the gentleman knows nothing about Sedgwick County or Sumner County, while I have been over every foot of both, and I know that every quarter-section that is available for farming has a farm upon it and a farm-house.

Mr. WEAVER, of Iowa. Yes, but those lands are not held by the entrymen.

Mr. PETERS. They are held by men who have gone upon them to make homes.

Mr. WEAVER, of Iowa. Does the gentleman deny that men were arrested there for making fraudulent entries and sent to the penitentiary?

Mr. PETERS. No, sir; I do not claim that there were no frauds committed.

Mr. WEAVER, of Iowa. Ah! Then it is a question of how many.

Mr. RYAN. Is that evidence of wholesale frauds?

Mr. WEAVER, of Iowa. It is a question of how many such frauds were committed.

Mr. PETERS. Mr. Chairman, I insist that I shall not be deprived of my time. I do not deny that there have been frauds committed under the pre-emption act, the homestead act, and the timber-culture act, but I do say that any person who makes the assertion that 90 per cent. or 60 per cent. or 50 per cent. or 25 per cent. of the entries in those counties in Kansas have been fraudulent makes the statement either ignorantly or maliciously. It is perfectly evident that the increase in the population of those counties that has taken place could not have taken place if there had been any such wholesale frauds committed on the public domain as have been charged here.

I want to answer another suggestion made by the gentleman from Illinois [Mr. PAYSON] who paraded before this House advertisements of sales of relinquishments. Is there anything strange or suspicious about that? A man goes out there and takes up a claim. He finds that his health fails. He goes to a claim agent and says, "I have put improvements to such an amount on my land; I am not able to stay and comply with the law; I do not want to lose all the work I have put on the place; therefore I wish to sell to some man the improvements I have put upon it, and let him go on and complete the entry." That is all there is of it.

Mr. PERKINS. And such a man is branded by the Commissioner as guilty of fraud.

Mr. PETERS. Yes; that honest homesteader, that honest mechanic, it may be, who has gone out there for the purpose of establishing a home, and has found himself unable to stay there and comply with the provisions of the law, when he wants to obtain a little money for the improvements he has placed upon the land is branded as a fraud and a rogue.

Mr. HOLMAN addressed the committee. [See Appendix.]

Mr. PAYSON. I yield my time to my colleague [Mr. PLUMB].

Mr. PLUMB. Mr. Chairman, the provision of this bill which appropriates $90,000 for protecting public lands from illegal and fraudulent entry is a necessary one and ought not to be stricken out.

That frauds have been committed against the Government under existing laws providing for entries on the public lands has become so notorious as to demand serious attention. It would seem, Mr. Chairman, that for some reason the public lands have come to be regarded as legitimate public plunder. The idea prevails that because the Government has, with great generosity, provided easy conditions upon which the homeless and landless can secure for themselves sufficient land for their actual needs, therefore a strict conformity to the letter and spirit of the laws governing entries of public lands is not required by any code of morals now extant.

Men who would scorn to commit a dishonest act toward an individual have come to listen with eagerness to all kinds of schemes for evading both the letter and spirit of our public-land laws. I do not say, Mr. Chairman, that no pretense has been made by those individuals, syndicates, and companies which have engaged in this nefarious business to observe the requirements of the United States statutes; but, sir, I do maintain that whatever is done in that direction is done with the intent and purpose of getting possession of lands in a manner not intended by the Government, and in fraud of the rights of the landless and homeless with which the country is filled.

Mr. Chairman, I desire to describe some of the methods by which these land-robbers get possession of the public domain. The first thing done is to seek out some fertile spot where there is a large body of land subject to entry. This prospecting is done by some speculator, or a syndicate of speculators who have homes of comfort and an abundance of this world's goods. They know, or ought to know, that these lands are designed for the actual settler, but they are rich lands, and, although now remote from settlements and from railway communication, yet the speculator sees that in a few years these lands will be reached by settlements and railways, and will be increased in value; and he determines to get possession of them, law or no law; and, sir, the process is to hire men to go to these lands under a false pretense that they are actual settlers, either as homesteaders, pre-emptors, or on soldiers' claims. These hirelings are employed in a pretended compliance with the law which provides for actual improvements.

In some cases a small house is built and placed on wheels, so that when it has stood on one of these fraudulent claims long enough for the pretended actual settler to make the oath required by law, it is forthwith removed to another pretended claim, and is thus made to repeat its fraudulent purpose over and over again. Even soldiers, who by law are entitled to homesteads, are in some cases induced to "sell their birthright" for a few dollars, and their declaratory statements suffice to "hold down" the entry made under them until by other means these claims may be secured by the land-grabbers. Then comes the "timber-culture" scheme, under which section after section of these lands pass into the speculators' hands.

Mr. Chairman, the methods I have briefly described have been in use for years, and for years the United States Land Commissioner has called attention to the violations of the law.

The present Commissioner, General Sparks, says:

> At the outset of my administration I was confronted with overwhelming evidence that the public domain was being made the prey of unscrupulous speculation and the worst forms of land monopoly, through systematic frauds carried on and consummated under the public-land laws.

Does any one pretend to doubt the correctness of the statements of the Commissioner?

In view of these disgraceful facts, is it surprising that Commissioner Sparks should say:

> The question of my own duty as the administrative officer immediately charged under the law with seeing that the public lands were disposed of only according to law was at once forced upon me. Should I continue to certify and request the issue of patents by the President indiscriminately upon entries which there was every reasonable ground to believe were fraudulent in the greater part, or should I withhold such final action until examination could be made and the false claims separated from those that are valid? Should I disregard cumulative evidence of the universality of fraudulent appropriation of public lands and become an official instrumentality of their consummation, or should I say, "I mean to know what I am doing before I ask the President of the United States to sign any more land patents?"

Now, Mr. Chairman, I maintain that the Land Commissioner has done right, and, sir, it is to me strange that any one should think otherwise. It has been common for members on this floor to sharply criticise the action of Commissioner Sparks, and it has been here stoutly maintained that his action has been adverse to the interest of the settler and opposed to justice. Sir, I can well understand that in cases where the entries of land have been honestly made either for a homestead or by pre-emption, delay in securing title may work a temporary inconvenience. I can also see that it might interfere with the purpose, common

among actual settlers, to take up larger quantities of land than a single quarter-section, such as adding to a homestead a pre-emption and then a timber-culture entry—a practice of doubtful profit to the settler; and that cases of real hardship like those described by the gentleman from Nebraska [Mr. LAIRD] and the gentleman from Kansas [Mr. PERKINS] exist there can be no doubt; but, sir, I fail to see that such inconvenience or even loss to one actual settler can properly be urged as a justification for such remissness of the Land Commissioner as must result in defrauding other homeless citizens out of their portion of the public domain—an injustice, in fact, to millions of the landless which this country is certain to produce.

It should be remembered that there has grown up in our system of disposing of the public lands an enormous and deep-seated wrong—a system so thoroughly tinctured with fraud as to almost defy correction. Overwhelming evidence of the existence of wide-spread frauds has been furnished by my colleague, Mr. PAYSON, in this debate, and it is unnecessary to repeat them here.

Now, Mr. Chairman, it is in vain to expect that such a condition of things can be changed without the most radical measures. The Commissioner of the General Land Office is confined to the means placed at his command by law. He has no power to go beyond the appropriations made in putting agents into the field to ferret out these frauds. If it were not so, then it would be just to hold him accountable for hardships endured by the honest settler in consequence of any delays in coming at the real facts of each particular case.

The mistake has been made of making the appropriations for this purpose too small, and now, Mr. Chairman, gentlemen on this floor seem anxious to dismiss every one of these agents by striking out of this bill the entire sum appropriated. If the sum named in this bill is to be changed at all, the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] should be adopted; then, Mr. Chairman, the Commissioner could expedite the necessary examinations and more speedily remove every cause of complaint.

Mr. Chairman, it is doubtful whether among the various economic questions with which our Government has to deal there is one of more importance or further reaching in its effect upon the prosperity and happiness of the people than that of land ownership and land occupancy.

It is not surprising that in the infancy of the Republic, when population was sparse, numbering less than some of our States now contain, and the public domain seemed limitless in extent, there should have been no proper comprehension of the importance of this question or of its bearing upon the permanence of our institutions. A century, however, has radically changed the relation between the existing population and the remaining quantity of lands available for homes. With great prodigality and in a variety of ways the public domain has been disposed of until we find ourselves face to face with the fact that but comparatively little land remains Government property that is available for the actual settler, and with the reasonable probability that by the middle of the next century there will be in the United States over two hundred millions of people. We are, moreover, compelled to contemplate these conditions in full view of what is now transpiring in other and older countries in which the soil has been monopolized by the few, and as a consequence of the great wrong thus perpetrated on the people the governments in those countries are this day menaced with internal dissensions bordering on revolution itself.

Mr. Chairman, it is not too much to say that if the people of Ireland had such a tenure to the soil as would secure it to them for tillage, either by small holdings of their own, or by government ownership, there would not be heard a note of discontent anywhere in the Emerald Isle. And, sir, what troubles Ireland is also deeply felt in England, and in my opinion nothing short of a radical change in the land tenure of that country will prevent such a revolution there as will right the terrible wrong. With this condition of things existing on the other side of the Atlantic, under our gaze, should we not avoid the fearful danger which has already arisen in these older countries, and from which we may not escape?

How can this important work be better begun than to earnestly second the work which Commissioner Sparks has inaugurated? The object should be to preserve with care every acre of the public lands for the actual settler. The holding of large areas of the public domain by the supeculator, whether individuals, a syndicate, or corporation, benefits no one but the speculator. The public is in every case directly and seriously damaged. In all instances where the actual settler with limited means is obliged to go further or accept of less valuable lands, not only is the settler a loser but there is left behind the curse of unoccupied territory. The benefits and pleasures of good neighborhoods, social intercourse, schools, and churches are made difficult to secure, and financial burdens are greatly increased.

Mr. Chairman, if there be one injury greater than another that can be inflicted on a new country it is the existence therein of a waste of speculators' land, waiting for a large increase in value which the hard-earned improvements of the settler on his homestead is sure to bring.

The people of this country are giving earnest thought to this land question, and, sir, as it has been in the past so it will be in the future, whenever the masses of our citizens at their places of business, in their workshops, and on their farms discuss public questions for themselves and come to a conclusion as to what ought to be done, their conclusions are correct and may be safely followed.

At the recent session of the National Assembly of the Knights of Labor at Cleveland the land reform that was unanimously demanded was as follows:

1. We demand the creation of a system that shall make future generations more than mere tenants at will so long as there is land idle that is needed by American citizens to live and work upon.
2. We demand the reservation of the public lands for actual settlers only, and that all lands owned by individuals and corporations in excess of 160 acres, not under cultivation, shall be taxed to the full value of cultivated lands of like character.
3. We demand the immediate forfeiture of all lands now under grant to corporations or individuals, the conditions of which have not been complied with.
4. We demand that all lands now held by individuals or corporations upon which patents have not issued, and which are not forfeitable, shall be patented without delay and taxed to the full value of lands of like character under cultivation.
5. We demand the immediate removal of all fences upon the public domain without authority of law, and that equal protection be secured to all citizens of the United States, in the use of public lands for free commonage.
6. We demand that on and after A. D. 1890 the Government shall obtain possession by purchase at an appraised valuation of all lands legally held by non-resident aliens, and from and after A. D. 1886 aliens shall be prohibited from acquiring title to or owning lands within the United States of American, and that all deeds by citizens of the United States to aliens after said last-mentioned date shall be null and void, and land so deeded shall revert to the Government.

These, Mr. Chairman, are the demands not of a political party, but of a large body of earnest, intelligent men whose purpose is to so act upon the National Legislature as to secure this and kindred reforms, and they will be heard; their demands are in the interest of justice and must be met.

It may well be doubted whether among all the economic questions which are demanding discussion and settlement by the people of this country there be any farther reaching or more important than that of man's right to land. With us it has long been settled that all men have "an inalienable right to life, liberty, and the pursuit of happiness," and it must follow that whatever is indispensable to the enjoyment of these rights should be kept sacred for the use of the citizen. It also follows that any law or custom through which a portion of the people get absolute control of land to an extent beyond what is needed for their own use, by which others are deprived of it, is a direct infringement of natural right. All acknowledge that man has a right to the air to breathe, and to deprive him of it is as direct a denial of his natural right as to deprive him of life. If, then, man has a natural right to the free air because it is necessary to life, has he not an equal right to land for the reason that it is indispensable not only to his life but to his liberty and happiness?

But, it will be said, a man can live and enjoy liberty and happiness without land. Is that a fact? Grant that a man does not need to own a farm in order to live, that a house in which to live is all that very many require, does he not still need a spot on earth on which to erect his house? Can he get on without land?

It must be conceded that land is indispensable to man. Now, suppose three human beings inhabit a fertile island, and two of them assume to own every inch of the soil on that island, how can the third man live there except by the sufferance of the other two? What has become of his liberty, and if he love liberty where is his happiness? Is he not almost as subject to his stronger companions as though he were their slave? What essential difference is there between the unfortunate man on the island and thousands in countries claiming a high civilization and boasting of equal rights for all—every country, in fact, where by law those who possess capital are allowed to become owners of more land than they can use?

Mr. Chairman, every man who stands on his own feet, having a head that can think, limbs to clothe, and a stomach to feed, has a natural right to so much land as he can cultivate in order to supply his wants, and whenever the enjoyment of this right is denied him he has just occasion for complaint; and, sir, the homestead laws on our statute-books show that one government at least has made some progress toward recognizing this right.

Mr. Chairman, I do not propose or desire to ruthlessly attack land tenures or to change existing order, but, sir, may we not with propriety from this time endeavor to check the manifest evil of permitting the few to monopolize the soil in this country, and henceforth, as far as government can do, to preserve the public domain in small quantities for the ownership of those and those only who will use it?

Mr. Chairman, we may well congratulate ourselves that public thought is in the direction of radical land reform. The people everywhere demand that railway land grants shall be settled equitably and the land subsidy business closed forever. They demand that foreign ownership of American soil shall cease and be determined, and that every attempted wrongful seizure of the public domain shall be thwarted; and for these ends they will stand by an honest administration of the General Land Office, such as I for one believe that of General Sparks to be.

Mr. Chairman, it has given me unalloyed pleasure to thus bear testimony to the faithful manner in which one Democratic official has discharged his duty, and were it not that some who may have followed my remarks thus far might conclude that I have become a convert to De-

mocracy as illustrated by the administration of President Cleveland, I would not further occupy the time. But, sir, such is not the case. It would indeed be strange, and very disheartening, if a search through the Departments of the Government under this administration, from President Cleveland down to the Commissioner of the General Land Office, there could not be found one spark to commend.

The Democratic party came into power on promises of reform written in its platform and proclaimed everywhere on the stump by the advocates of a change in the administration of the Government. It pledged itself in the Chicago platform "to reduce taxation;" but instead of doing so a Democratic Congress proposes an increase by the levy of an income tax. The same convention solemnly declared that "sufficient revenue to pay all the expenses of the Federal Government economically administered, including pensions, interest, and the principal of the public debt, could be got from our present system of taxes;" and yet before the administration is two years old its leaders on this floor declare that it can not be done without a resort to an entirely different system of taxation.

The same document denominates the internal-revenue tax, which amounts to $112,000,000 for the last fiscal year, "a war tax," and solemnly pledges that amount "to defray the expense of the care and comfort of worthy soldiers disabled in the wars of the Republic, as well as for the payment of such pensions as Congress may from time to time grant to such soldiers;" and notwithstanding the fact that the entire sum required to meet pensions already granted is only about $80,000,000—leaving a balance of over thirty millions of this war fund for pensions—the party in power, in utter disregard of its promises to the soldier, refuses to use this balance for further pensions.

After asserting "the equality of all men before the law, and promising to mete out equal and exact justice to all citizens of whatever nationality, race, or color," this same party fails to even investigate instances of outrage on colored citizens where more than a score of them have been massacred on one well-known occasion—in a manner cold-blooded and cowardly enough to crimson with shame the cheek of every American citizen.

This same party claims to believe in "a free ballot and a fair count," and yet it is believed that not less than thirty of its members on this floor come from Congressional districts where a free ballot and a fair count has not been known for years.

The Democratic platform declares "in favor of an honest civil-service reform," and in his letter of acceptance President Cleveland said "the selection and retention of subordinates in Government employ should depend upon their ascertained fitness and the value of their work." And again in his inaugural address, and in his first message to Congress, these avowals of devotion to the platform of his party were repeated with renewed emphasis; and for all this, the leaders of that same party declare it to be their purpose and wish to withhold the means of continuing this great reform, until the President and the Civil Service Commission will consent to abdicate their legal power and honest purpose to administer the law in an unpartisan manner; and what is more reprehensible still is the fact that the most flagrant and notorious violations of the law are practiced in some of the Departments of the Government which are not only not rebuked by the President, but are boldly defended and justified on this floor.

On the subject of extending our commerce, the Democratic party avow themselves "in favor of more intimate commercial and political relations with the fifteen sister republics of Central and South America," and yet they steadfastly refuse to pay such a price for carrying the ocean mails to these countries as would initiate trade between our manufacturers and merchants and those countries, and thus secure to our artisans profitable employment.

In place of the true American policy of fostering our own ship-yards, both of the Government and of the citizen, so that we may replace our navy and our merchant marine with ships of our own building, from materials of our own production, and by the employment of our own laborers, we are urged to purchase these ships abroad, as if it could possibly be wise for a great nation to allow ship-building to become to it a lost art.

The party represented by a majority on this floor pretend to be the friend of the laboring man, and yet, but for a defection in its own ranks, would so legislate as to reduce the price of labor to a level with European wages, and, what is more, would insure a collapse of all financial, commercial, and agricultural interests by destructive inroads on established protection.

This same Democratic platform declares "in favor of gold and silver coinage," and yet a Democratic Secretary of the Treasury vies with the President in persistent and repeated demands on Congress to cease the coinage of "silver, the money of the Constitution."

Mr. Chairman, I might well pass from this exhibit of the failure of the dominant party here to perform its solemn pledges and turn to its significant failure to make good its charges against the Republican party.

The people were told that there was an immense surplus in the Treasury which was kept there by the unwise management of the Republican administration, and that if the money was actually on hand—of which grave doubts were expressed—it should be promptly used in reducing the public debt or be distributed among the people. Upon the accession of a Democratic Treasurer every cent of the public fund was found in place, and yet after fifteen months of opportunity to make the promised reduction of the public debt behold the result!

Since the inauguration of President Cleveland, up to and including that of June 21, 1886 (a period of sixteen months), there have been calls for redemption of the outstanding bonds of the United States amounting to $58,000,000—a monthly average under Democratic management of $3,625,000.

Now, Mr. Chairman, let us see how this compares with the debt-paying done by Republicans. From February 21, 1881, to March 4, 1885 (a period of forty-eight months), the bonds called for redemption made the sum of $556,969,950, or a monthly average of $11,603,540, showing a difference in favor of Republican management of $8,000,000 a month, or about one hundred millions each year. This showing is made from copies of bond-calls now before me—from the one hundred and first to and including the one hundred and thirty-eighth call made on the 21st instant. The one hundred and third, one hundred and sixteenth, and one hundred and twenty-first calls were for residue of certain issues named in these calls, the amounts of which are not stated, but which should be added to the sums called within the forty-eight months of Republican management.

What a difference between Democratic promises before the election and their fulfillment afterward!

Mr. Chairman, after a quarter of a century, within which the Government has been saved as by fire from the attempt of Democratic leaders to destroy it, and in which the country has enjoyed a prosperity and growth unparalleled in the history of the world, in every step of which the Republican party has been the exponent of the people, this same old Democratic party comes again into power and is now making its second attempt to direct the administration of the Government of this great country.

Seventeen months have not elapsed since its accession to power, and yet, by its complete failure to inaugurate its promised reforms and to redeem its pledges, and more especially by its utter inability to bring forward measures to meet the business requirements of the country, it is becoming apparent to all that Democracy is unequal to the task it has undertaken.

During the forty years of the supremacy of the old Democracy its leadership and control was in the South, and this leadership influenced the party to adopt the heresy that capital should own labor.

This utterly false idea of economics was the corner-stone on which they determined to build the Republic. They looked with contempt upon the laboring man, and while professing Democracy were building up an aristocracy. They sought to extend their infamous labor system into territory sacredly consecrated to freedom, and failing in this, they conspired to destroy the Government itself.

Long years of undisputed power, led by their selfish doctrinaires, had bred in the minds of Southern leaders of the Democracy an imperiousness that could brook no interference; their plan was universal domination; and when at last the manhood of the North was aroused, when Kansas was rescued from the baneful touch of this heresy, and the noble Lincoln was chosen as the first Republican President, frenzy and madness seized the discomfited plotters against labor, and in a condition of utter madness (led by that arch-conspirator whose gaunt form still stalks the earth, and who with sepulchral voice still declares "the cause is not lost") they aimed a shot at their country's flag. But alas for the conspirators against free labor, that shot did not reach the flag but killed their darling institution.

Since that fatal shot the disembodied spirit of the peculiar institution—as the ghost of the suicide is wont to do—still lingers around the spot where its old body met its tragic end. It seems still anxious to vex with its presence the children of men. It manifests its old-time tendencies through the Democratic party in many ways, and especially so in its policy of striking down protection to labor.

Mr. Chairman, I have endeavored to express my approval of the course pursued by the Democratic Commissioner of the General Land Office and my disapproval of the course of the administration under which that officer serves. I have pointed to the propriety and necessity of land reform, and have claimed for it a close relation to the labor question. I have referred to the fact that inasmuch as the leaders of the Democratic party are yet in sympathy with the dead past, they do not and can not administer government for the living present.

Sir, new questions are every year being discussed by the people on which Congress is called to legislate—questions such as are necessarily involved in that expansion of liberty which the new era in our country's history has made possible.

To which political party can the solution of these questions most safely be intrusted?

The Republican party was conceived that this new era might have birth, and it came forth amid the pangs of that fearful struggle which made us one great nation in which there is no slave. But, Mr. Chairman, no political party can live in the presence of the great questions I have referred to if it relies upon its past achievements. It must be abreast of the times if it would have for its supporters those who constitute the strength of the Republic.

Mr. CANNON obtained the floor.

Mr. REED, of Maine. I rise for the purpose of asking the gentleman from Pennsylvania a question.

Mr. RANDALL. I am ready to answer the question of the gentleman from Maine.

The CHAIRMAN. But the gentleman from Illinois is entitled to the floor.

Mr. RANDALL. I hope the gentleman will yield to the gentleman from Maine.

Mr. CANNON. I have no objection to the gentleman from Maine asking a question if it does not come out of my time.

Mr. RANDALL. No; it will not.

The CHAIRMAN. The Chair will then recognize the gentleman from Maine.

Mr. REED, of Maine. I wish to go back to paragraph commencing in line 851 and ending in line 860. I am satisfied the chairman of the Committee on Appropriations would not permit that to pass if the terms of it had been carefully scrutinized.

Mr. RANDALL. Read the language the gentleman refers to.

Mr. REED, of Maine. It is as follows:

No purchases shall be made on contracts executed in pursuance of appropriations made for the Navy Department or hereafter authorized by Congress, nor shall any property belonging to the Government be sold, until after publication of an advertisement calling attention in the briefest practicable form to the facts in each case, and stating where detailed information may be had; such advertisement to be inserted in a daily newspaper published in the city of Washington, D. C., to be designated annually by the President.

Mr. RANDALL. I can not consent to going back, but I can say this: that the paragraph which the gentleman has read comes from the Navy Department, and is designed to save a large sum of money.

Mr. REED, of Maine. I think I can demonstrate that it is a job.

Mr. RANDALL. Prove it is such, and I will go as quickly as the gentleman from Maine or any other to vote it out of the bill.

Mr. REED, of Maine. I think so, and that is why I wish to prove it.

Mr. RANDALL. If there is any job about it, it comes from the Navy Department.

Mr. REED, of Maine. Very possibly; with the Navy Department I have nothing to do. It proposes every article of property sold by the Government shall be advertised in a daily newspaper published in the city of Washington, D. C., no matter what the character of that property may be, no matter where the property is, no matter how absurd it may be. It is evidently a job, and that paper is to be designated by the President of the United States.

Mr. RANDALL. It is no such thing. It is to abridge advertisements in this connection, but not to cut off in any degree what is necessary for public information in reference to these sales.

Mr. REED, of Maine. Let me call the gentleman's attention to the language of the paragraph:

Nor shall any property belonging to the Government be sold, until after publication of an advertisement, * * * such advertisement to be inserted in a daily newspaper published in the city of Washington, D. C., to be designated annually by the President.

Mr. RANDALL. I have your statement to prove that it is a job.

Mr. REED, of Maine. I purpose to do it. I want you to give me time. Here is the language which I have already quoted. [Cries of "Regular order!"] I do not wish this complicated by any misunderstanding. I do not think I have made any statement which reflects on any gentleman in this House or anybody else. I do not mean that. I do not mean to have it complicated by any suspicion.

I say furthermore, the remarks made by the gentleman from Pennsylvania in regard to this proposition indicate he has not fully weighed the language which has been furnished him by some one.

Mr. RANDALL. Nobody furnished me with anything except the Secretary of the Navy.

Mr. REED, of Maine. Precisely, because the debate shows the gentleman regards it as applying to the property which might be sold by the Navy Department; but if he will read the language carefully he will see it not only applies to the property sold by the Navy Department, but to the property belonging to the Government, which may be sold anywhere. [Cries of "Order!"] It reads, "any property belonging to the Government."

The CHAIRMAN. There is no question before the committee.

Mr. REED, of Maine. But the gentleman from Pennsylvania is permitting me to go on.

The CHAIRMAN. The gentleman from Pennsylvania is not entitled to the floor; the gentleman from Illinois is entitled to the floor.

Mr. RANDALL. I will tell you what I will do. [Cries of "Regular order!"] We will let this matter go over until to-morrow morning, when I will discuss it with you.

Mr. REED, of Maine. Precisely; that is all I ask. If it be shown the interpretation given is not correct, then I have nothing more to say.

Mr. RANDALL. I have nothing to conceal.

Mr. REED, of Maine. No one would be further than myself from charging any member of the Appropriations Committee, or even the man who drew this——

Mr. RANDALL. I do not know who drew it.

Mr. REED, of Maine. I am only talking about the effect of it.

Mr. CANNON. Mr. Chairman, I desire to say in the five minutes allotted to me that I have no doubt frauds have been committed in acquiring titles to the public lands. I have no doubt in these same sections grand and petty larcenies, homicides, and all of the crimes known to the calendar, not only along the border but in the older States, have been committed. I have no doubt that frauds in all other business transactions have run riot along the border as well as in the older States. But I never knew before that fraud was to be presumed against a whole population or against all transactions touching any class of business.

In 1870 a young man who read law in my office, after he fought through the late war, went to Wichita when there was no Wichita there, when he had to travel 150 miles over the vacant prairie to get there. I passed through that part of the country last fall in company with the gentleman from Indiana and found at Wichita a city of fifteen thousand people, a higher order of cultivation and civilization than exists in some parts of my own State that have been settled for three-quarters of a century.

Now, I want to say here that it is to the interest of every man who is seeking to find a home for himself on the agricultural public lands of this country to contest every fraudulent entry. He can do it, and when he makes the contest successfully he gets the title.

I want to say that self-interest in the conflict between the settlers, as I understand it, unearths more fraud in a month than the Commissioner of the Land Office, even with his one hundred and fifty special agents if you give him that number, can in a year or two years.

I am surprised that my friend from Indiana [Mr. HOLMAN], with his almost life-long record against the swelling up of appropriations for men to roam up and down the country, will come now, under this Democratic administration, too, and seek to swell this appropriation to $150,000 for an additional number of Democratic employés to be appointed throughout the length and breadth of the country, with large salaries, upon a heavy per diem, to roam up and down at will seeking fraud and professing to have discovered fraud, because they know that the discovery of fraud is an absolute necessity upon which their employment rests.

They are compelled, therefore, to find it whether it exists or not. It does not comport well with the reputation of the gentleman from Indiana and his practices heretofore; and for one I will not stand here and help to swell this appropriation for that purpose. I noticed it not only upon this item of the bill, but upon the other item for the protection of the timber. The gentleman from Indiana wanted to swell up that appropriation; but the gentleman from Pennsylvania in charge of the bill resisted so strenuously that he withdrew his advocacy of swelling the appropriation and allowed the proposed amendment to be withdrawn.

I want to say that I understand something of the trials of poor men in a new country, for I lived in my early life upon the frontier, and I know something of what every man, when he goes into that country as a settler, must undergo, especially when he goes without capital, as most of them do. I know what must be borne, for I have been there, in the way of privation, hunger, and suffering. I recollect to have gone through it in the earlier part of my life, and I have some sympathy with the 90 per cent. of honest people who go to Kansas and Nebraska and Dakota without anything but their hands to make homes. And so far as any order of a Department will make a general rule that sweeps into the same common vortex the man who commits fraud with the honest man, the settler in good faith, I stand against such order and against all appropriations to carry it out and enforce it.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

PUBLIC BUILDING, WILLIAMSPORT, PA.

Mr. BROWN, of Pennsylvania. Mr. Speaker, I desire to submit a privileged report from a committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2148) making an appropriation for a public building at Williamsport, Pa., having met after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: "Including the cost of any additional ground for site, which the Secretary of the Treasury is hereby authorized to purchase, if in his judgment necessary;" and the Senate agree to the same.

SAMUEL DIBBLE,
THOMAS D. JOHNSTON,
W. W. BROWN,
Managers on the part of the House.

WILLIAM MAHONE,
J. D. CAMERON,
J. N. CAMDEN,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa., and making an additional appropriation therefor," respectfully submit the following statement in explanation of the effect of the action of the committee of conference:

1. The Senate amendments 1 and 2, which the House is recommended to concur in, simply correct an error in placing the words "and twenty-five thousand" in the wrong place in the bill. The House passed the bill with a limit, for site and building, of $225,000, instead of the original limit of $100,000, and the Senate amendments 1 and 2 make the bill conform to this action of the House, as expressed elsewhere in the same section of the bill.

2. The Senate struck out section 2 by its amendment numbered 4. This section appropriated $50,000 for purchase of additional ground and continuation of work; and in lieu thereof the Senate added at the end of section 1 of the bill the words "including site," which is the Senate amendment numbered 3. The committee of conference recommend concurrence in the action of the Senate in striking out section 2, and that amendment 3 be agreed to also, being first amended to read as follows: "Including the cost of any additional ground for site, which the Secretary of the Treasury is hereby authorized to purchase, if in his judgment necessary."

Under the action of the conference committee the action of the House in the passage of the bill is sustained without any increase of expense or material change.

All of which is respectfully submitted.

SAMUEL DIBBLE,
THO. D. JOHNSTON,
W. W. BROWN,
Managers on the part of the House.

Mr. HOLMAN. Is there any change in the amount from what was in the bill as it passed the House?

Mr. BROWN, of Pennsylvania. The amount is neither increased nor diminished.

Mr. HOLMAN. Did not the Senate increase or diminish the amount?

Mr. BROWN, of Pennsylvania. Neither. The House bill made a present appropriation. That has been stricken out, and the House conferees agreed to the action of the Senate.

The report of the committee of conference was agreed to.

Mr. BROWN, of Pennsylvania, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILES F. WEST.

Mr. MCMILLIN, by unanimous consent, introduced a bill (H. R. 9724) for the relief of Miles F. West; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE OVER BIGBEE RIVER.

Mr. MARTIN (by Mr. MCMILLIN), by unanimous consent, introduced a bill (H. R. 9725) authorizing the construction of a bridge over the Bigbee River at or near Jackson, Ala., and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 544) granting leave of absence to employés in the Government Printing Office.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

OTOE AND MISSOURIA RESERVATION.

Mr. PERKINS. I ask unanimous consent to report from the Committee on Indian Affairs the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas. The bill has been reported from the Senate with an amendment. By direction of the Committee on Indian Affairs I ask non-concurrence in the Senate amendments and that a committee of conference be requested.

The Clerk read the Senate amendment.

Mr. RANDALL. I call for the regular order.

Mr. WARNER, of Ohio. I think this can not be understood without some explanation.

Mr. PERKINS. I think that there can be no objection to my request.

The SPEAKER. The regular order is demanded.

LEAVE TO PRINT.

Mr. HOLMAN. I ask unanimous consent that gentlemen may be allowed to publish in the RECORD remarks on the land question.

Mr. WARNER, of Ohio. And also on the Geological Survey.

There was no objection, and leave was granted.

And then (the hour of 5 o'clock having arrived) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition of the Board of Trade, of Chicago, relative to the meteorological service of the United States—to the Committee on Commerce.

By Mr. BARBOUR: Papers relating to the claim of Samuel W. George, of Loudoun County, Virginia—to the Committee on War Claims.

By Mr. BAYNE: Resolutions of Post No. 88, Grand Army of the Republic, Department of Pennsylvania; and of Colonel Clark Post, No. 162, Grand Army of the Republic, Department of Pennsylvania, against the passage of Senate bills 121 and 135—to the Committee on the Library.

By Mr. BOUND: Petition of Mary J. Decken for a widow's pension—to the Committee on Invalid Pensions.

Also, memorial of the Philadelphia Board of Trade, praying for the issuing of one and two dollar bills, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. BUNNELL: Petition of soldiers and citizens of South Gibson, Susquehanna County, Pennsylvania, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, memorial of the bureau of immigration of New Mexico, asking protection from predatory bands of Indians—to the Committee on the Territories.

Also, petition of members of Charles W. Deming Post, Grand Army of the Republic, of Williston, Pa., No. 496, recommending that bill granting a pension to James Sturdivant, late of Company C, Twelfth Regiment Pennsylvania Reserves, be passed—to the Committee on Invalid Pensions.

Also, memorial of Philadelphia Board of Trade, recommending the issuing of small bills by the Government to facilitate business—to the Committee on Banking and Currency.

By Mr. CONGER: Petition of L. A. Lake, for a pension to Clara M. Tonnahill—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Papers in the claim of Andrew Lafferty—to the Committee on Claims.

By Mr. DOCKERY: Petition of Union Star Post, No. 198, Grand Army of the Republic, asking the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. FORNEY: Petition of David B. Johnson, of Marshall County, Alabama, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. FUNSTON: Petition of citizens of Armourdale, Kans., for the passage of the pension-service bill—to the Committee on Invalid Pensions.

By Mr. GAY: Papers relating to the claim of Jane M. Anderson; and of Caroline H. Labatt, of Orleans Parish; of Elbert Gantt, of Saint Landry Parish; of Fayette C. Ewing, of Lafourche Parish; of Ernest Pederclaux, of Ascension Parish; of John Webre, of Thibodeaux; of Celestine T. Carlin, of Saint Mary's Parish; of Louisa James, of New Orleans; and of Dennis E. Haynes, of Louisiana—to the Committee on War Claims.

By Mr. GUENTHER: Petition of Willis Phelps and others, citizens of Adams County, Wisconsin, praying for the passage of Senate bill 1886 at the present session of Congress without amendment—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of Perry Johnson, W. C. Horton, and others, citizens of Fulton County, Georgia, for forfeiture and land grants, and the passage of other laws—to the Committee on the Public Lands.

By Mr. HAYNES: Papers in the bill to pension Betsey Cooney—to the Committee on Invalid Pensions.

Also, petition of John W. Howell and others, ex-soldiers, in favor of Senate bill 1886—to the same committee.

By Mr. D. B. HENDERSON: Petition of William H. Hill and 41 others, soldiers of the late war, asking for the passage of Senate bill 1886—to the same committee.

By Mr. HILL: Petition of D. M. Cully and 100 others, citizens of Yankton, Dak., praying for the passage of bill authorizing division of Dakota Territory by vote of the people—to the Committee on the Territories.

By Mr. HOUK: Petition of John W. Hemstead; of Henry Hull, administrator; of James A. Caldwell; of George W. Dice; of Jonathan Larrance; and of James C. Hodges, of Jefferson County Tennessee, asking that their war claims be referred to Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Remonstrance of citizens of Middletown, Conn., protesting against the removal of the custom-house to Hartford, Conn.—to the Committee on Commerce.

By Mr. LAFFOON: Petition of Dave Good Post, No. 37, Grand Army of the Republic, Department of Kentucky, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. LYMAN: Petition of 122 citizens of Fremont County, Iowa, asking the passage of House bill 7474—to the Committee on the Post-Office and Post-Roads.

By Mr. MATSON: Petition of Edward Griffen, late a corporal Com-

pany I, Twelfth Indiana Veteran Reserve Corps, and 102 citizens of Monroe County, Indiana, asking that a pension be granted to said Griffen—to the Committee on Invalid Pensions.

Also, petition of Susanna Maloney, widow of the father of George Maloney, private in Company I, Fifty-ninth Indiana Volunteers, for special act—to the same committee.

Also, soldiers and citizens of Newport, Me., asking for the passage of Senate bill 1886—to the same committee.

By Mr. MERRIMAN: Petition of S. Sprigg Belt, administrator of Ellen U. Belt, of the District of Columbia, for payment of war claim—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of W. B. Eaton and others, and of George A. Foss and others, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of A. J. Browder and A. C. Browder, heirs of D. A. Browder, deceased; and of John F. Bell, of Panola County; of W. P. Clayton, legal representative of Christopher Buntin, deceased, of Tallahatchie County; of Jacob Suratt and of Joseph C. Spight, of Tippah County; of John A. Browning, of Taylor's Depot; of E. G. Leigh, brother and executor of James H. Leigh, of Batesville; of Drury Robertson, of J. R. Nunnery, of James Morrison, of John W. Jones, of Nannie C. Bowles, of William T. Lamb, and of Mary Temple, of La Fayette County; and of J. A. Parker and of Harriet Langston, of Union County, Mississippi, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Petition of 50,000 citizens of California, requesting Congress to take such action as may be necessary either by appropriate legislation or by a change in the present treaty with China to forever prohibit the further immigration of Chinese to the United States—to the Committee on Foreign Affairs.

Also, petition of James M. Barney, E. N. Fish & Co., W. B. Hughes, and William B. Hooper & Co., asking that their claim be referred to the Court of Claims—to the Committee on Claims.

By Mr. MURPHY: Memorial from Iowa County, Iowa, for the passage of the swamp-land indemnity bill—to the Committee on the Public Lands.

By Mr. NEECE: Petition of citizens of Moline, Ill., praying that a pension be granted to Elizabeth Van Tuyl—to the Committee on Invalid Pensions.

Also, petition of 28 citizens of Hancock County, Illinois, praying for the passage of Senate bill in favor of the soldiers—to the same committee.

By Mr. OSBORNE: Memorial of Philadelphia Board of Trade, favoring the issuing of one and two dollar greenbacks, or of one and two dollar certificates based on silver coin in the Treasury, or of one and two dollar national-bank notes, calling in said currency from time to time when worn and dirty and reissuing clean new bills—to the Committee on Banking and Currency.

By Mr. PERRY: Petition of Mrs. Louisa M. Flanigan, widow of Patrick H. Flanigan, deceased, of Fairfield County, South Carolina, requesting that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of James M. Becket, of Washington County; of Pryor F. Yoe, of Greene County; and of Peter Smith, of Hawkins County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. T. B. REED: Petition of Louise Berrer, of Portland, Me., for allowance on account of the sudden death of her husband by accident while on duty for the United States—to the Committee on Appropriations.

By Mr. SINGLETON: Petition of G. W. Volkenning and of Charles Kroner, of Clark County; and of Mrs. Temperance J. Herd, widow of Samuel Herd, deceased, of Newton County, Mississippi, asking that their claims be referred to the Court of Claims—to the Committee on War Claims

By Mr. SKINNER: Petition of A. O. Dey, executor of James M. Ferebee, of Currituck County; of Jasper B. Mann and of Hugh Murdock, of Carteret County; and of Elizabeth Lawrence, executrix of Joseph Lawrence, deceased, of Pasquotank County, North Carolina, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. SWINBURNE: Petition of P. Cushman & Co. and others, merchants of Albany, N. Y., asking that Albany be made a port of immediate transportation—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of George M. Loyd and of Fayette J. Pulliam, of Fayette County; of Mildred C. Goodlet, of Shelby County; and of C. M. Hunt and others, heirs of John W. Hunt, deceased, of Hardeman County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. THOMPSON: Petition of Alfred Bayes, for special act for honorable discharge—to the Committee on Military Affairs.

Also, petition of Thomas Brown Post, No. 475, Department of Ohio, Grand Army of the Republic, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. WAIT: Petition of Mrs. Lydia Burdick, for a pension—to the same committee.

SENATE.

TUESDAY, *June* 29, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. BUTLER and by unanimous consent, its further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting estimate of appropriation of $37,500 for the improvement and enlargement of the Indian industrial school at Carlisle, Pa.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of the governor and other officers of the State of Ohio, praying for legislation to enforce section 3328 of the Revised Statutes taxing imitation and spurious wines; also, to allow producers of native wine to use pure grape spirits for the purpose of fortification; which was referred to the Committee on Finance.

He also presented the petition of James M. Barney, E. N. Fish & Co., W. B. Hugus, and W. B. Hooper & Co., praying that their claims for pay for supplies furnished by them to the Indian service in Arizona between 1870 and 1875 be referred to the Court of Claims; which was referred to the Committee on Indian Affairs.

Mr. EVARTS presented a petition of 37 citizens of Newport, N. Y.; a petition of 49 citizens of Canajoharie, N. Y.; a petition of 93 citizens of Saint Lawrence County, New York; a petition of 25 citizens of Harrisonville, N. Y., and a petition of 100 citizens of Sleepy Eye, Minn., praying for the passage of House bill No. 8328, defining butter and imposing a tax on oleomargarine, &c.; which were referred to the Committee on Agriculture and Forestry.

Mr. HALE presented resolutions adopted at a meeting of Hebron Grange, No. 43, Patrons of Husbandry, in the State of Maine, in favor of the passage of the bill to tax imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. CONGER presented a petition of the Farmers' Association, of Carsonville, Mich., and a petition of the Farmers' Club, of Clinton and Tecumseh, Mich., praying for the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a memorial of Assembly No. 3371, Knights of Labor, of Galesburg, Ill., remonstrating against legislation for the taxation of oleomargarine or the restriction of its manufacture; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a resolution adopted by Pembroke Grange, No. 245, Patrons of Husbandry, of Maine, favoring the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. MCPHERSON presented the petition of Hon. Orestes Cleveland, mayor, and 23 other citizens of Jersey City, N. J., praying that an appropriation be made for the continuance of the National Board of Health; which was referred to the Committee on Epidemic Diseases.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 921) to provide for the muster into service of Martin V. Miller as second lieutenant of Company E, Seventieth New York Volunteers, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2768) granting a pension to Elizabeth Miller; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1951) for the relief of John W. Gummo, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4629) for the relief of Levi Jones, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1185) for the relief of Emma H. Fish, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1719) recognizing Elias J. Beymer as an enrolling officer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred a petition of citizens of Caledonia County, Vermont, praying for the amendment of the law relating to bounties paid to enlisted men during the war of the rebellion, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a petition of citizens of Kansas, praying that the pay of the soldiers and sailors of the late war be equalized with the pay of the holders of the national securities, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2295) to muster Jesse H. Strickland as a colonel of cavalry into the service of the United States, and to pay him for his services from January 30, 1863, to March 31, 1864, inclusive, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Nathaniel A. Hawes, late corporal of Company G, First District of Columbia Cavalry, transferred to Company L, First Maine Cavalry, praying for $1,350 damages, with interest, on the ground that he should have been mustered out with the former regiment instead of being transferred to the latter regiment, in which event he could have availed himself of the opportunity of re-enlisting and securing the large bounty offered at that period of the war, asked to be discharged from its further consideration; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5950) granting a pension to Catherine Reisinger; and

A bill (H. R. 6425) granting a pension to Jonathan S. Lents.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2451) for the relief of Mrs. Julia De Quindre, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry dishonorably discharged under special orders 92, War Department, Adjutant-General's Office, dated March 1, 1866, reported it with an amendment, and submitted a report thereon.

MANAGERS FOR NATIONAL SOLDIERS' HOME.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report favorably without amendment the joint resolution (H. Res. 177) appointing managers for the National Home for Disabled Soldiers to fill vacancies in the board which occurred by expiration of terms on the 21st day of April, 1886, and I ask immediate action thereon.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appoint General WILLIAM J. SEWELL of New Jersey, Martin T. McMahon of New York, and Capt. John L. Mitchell of Wisconsin managers of the National Homes for Disabled Soldiers, to fill vacancies which occurred by reason of the expiration of the terms of members of the board on the 21st day of April, 1886.

Mr. INGALLS. Will the Senator from Connecticut state whose terms have expired?

Mr. HAWLEY. The term of General Martin T. McMahon, the term of General George B. McClellan, and the Senator from Wisconsin can perhaps tell me the other member, one from the West, whose place Capt. John L. Mitchell is to fill.

Mr. MANDERSON. General Fulton, of Wisconsin.

Mr. HAWLEY. This joint resolution is acceptable to the Military Committee of both Houses, and the board desires immediate action, because it has business to do.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 2769) for the relief of the legal representatives of Maj. William Kendall; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Military Affairs.

Mr. GIBSON introduced a bill (S. 2770) for the relief of Mrs. Joseph Kittredge; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2771) for the relief of Georgine Campbell; which was read twice by its title, and referred to the Committee of Claims.

Mr. DOLPH introduced a bill (S. 2772) granting a pension to Lizzie Wright Owen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2773) for the relief of Maj. Nicholas Vedder; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PALMER introduced a bill (S. 2774) to provide a pension for Mrs. Anna Etheridge Hooks; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BECK introduced a bill (S. 2775) to authorize the Postmaster-General to appoint and remove postmasters of the third class; which was read the first time by its title.

Mr. BECK. I ask that the bill be read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That section 3830 of the Revised Statutes of the United States be amended by inserting the word "third," on the first line thereof, before the word "fourth;" so that the section will read:

"Postmasters of the third, fourth, and fifth class shall be appointed, and may be removed, by the Postmaster-General, and all others shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years, unless sooner removed or suspended according to law. All appointments and removals shall be notified to the Sixth Auditor."

Mr. BECK. Mr. President, I desire to have the bill referred to the Committee on Post-Offices and Post-Roads. It seems to me that we are wasting a great deal of the valuable time of the Senate and of the committees by dealing with inferior officers of that sort when there are so many so much more important who are appointed by the heads of Departments.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Post-Offices and Post-Roads.

Mr. MCPHERSON introduced a bill (S. 2776) granting a pension to Cyrenius G. Stryker; which was read by its title, and referred to the Committee on Pensions.

Mr. MILLER introduced a bill (S. 2777) authorizing the retirement of Brevet Major-General William W. Averell, United States Army, with the rank and pay of a brigadier-general; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DOLPH and Mr. MCPHERSON submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Civil Service and Retrenchment.

AGRICULTURAL REPORT FOR 1885.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Agriculture be, and he is hereby, directed to inform the Senate why the Report of the Commissioner of Agriculture for 1885 has not been delivered for distribution.

PUBLIC PRINTING AND BINDING.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the Chair lays before the Senate the resolution submitted yesterday by the Senator from Nebraska [Mr. MANDERSON], which comes over under objection. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Printing is hereby authorized and directed to inquire into the public printing and binding, and the distribution and sale of public documents, including the reports of debates, showing the manner in which the work has been executed in years past, with the cost thereof; with authority to sit during the coming recess, to employ a stenographer, and to call for information upon those Departments of Goverment which have printing and binding executed at the Government Printing Office, with a view to the reduction of expenses, and to report a codification of the laws on printing and binding in print, at the commencement of the next session, embodying such reforms as may to them seem desirable and practicable.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. MANDERSON. There is an amendment submitted yesterday by the Senator from Iowa [Mr. ALLISON].

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed in line 2, after the word "printing," to insert:

Engraving, lithographing, photolithographing, and other illustrations connected with the public printing.

So as to read:

Resolved, That the Committee on Printing is hereby authorized and directed to inquire into the public printing, engraving, lithographing, photolithographing, and other illustrations connected with the public printing and binding, and the distribution and sale of public documents, &c.

The amendment was agreed to.

Mr. MANDERSON. To meet the views of the Senator from Massachusetts [Mr. HOAR], expressed yesterday, I move to add after the word "binding," at the end of line 9, the words "distribution and sale of public documents;" so as to read:

And to report a codification of the laws on printing and binding, distribution and sale of public documents in print at the commencement of the next session.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa." and making an additional appropriation therefor; and

A bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 544) granting leave of absence to employés in the Government Printing Office; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. MANDERSON. I have received this morning from my much-esteemed friend and neighbor the distinguished Senator from Vermont [Mr. MORRILL] a letter, which I will send to the Secretary's desk and ask to have read.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

WASHINGTON, *June* 29, 1886.

DEAR SENATOR: I notice that the resolution in relation to executive sessions with open doors is to be taken up. I have some remarks long since ready on the subject, but shall be unable to be present in the Senate. You will do me a special favor, therefore, if you will ask leave of the Senate to read for me these remarks, which I will place in your hands. They are not long, and I hope that you at least will find them tolerable and to be endured.

Very truly, yours,

JUSTIN S. MORRILL.

CHARLES F. MANDERSON, *United States Senate*.

Mr. HOAR. I gave notice yesterday that to-morrow I should ask the Senate to take up that resolution in order that I might make some remarks upon it, but I will waive any right that that notice gave me with very great pleasure, and will say what I have to say after the remarks of the Senator from Vermont shall have been read. I ask the unanimous consent of the Senate that the remarks may be read by the Senator from Nebraska [Mr. MANDERSON] to-morrow morning.

The PRESIDENT *pro tempore*. If there be no objection that consent will be given. The Chair hears no objection, and leave is granted.

Mr. MANDERSON. I desire to express my sense of obligation and that of the Senator from Vermont to the Senator from Massachusetts, and to give notice, in accordance with the expressed wish of the Senate, that I shall to-morrow morning ask leave to read the remarks of the Senator from Vermont.

Mr. HALE. It is not understood that this gives consent that the resolution shall be taken up for final action, but only for the purpose of the speech being made?

The PRESIDENT *pro tempore*. The Chair understands that that is the only consent which is asked for.

Mr. MANDERSON. I so understood it.

Mr. PLATT. Before the matter passes from the consideration of the Senate, I wish to say that I should be very glad to have the resolution referred to disposed of at this session of the Senate, but I have been advised that several Senators aside from the Senator from Massachusetts and the Senator from Vermont desire to discuss the resolution, and, so far as I am concerned personally and so far as I have any relation to the resolution, I am content to have it go over until December if it can be made a special order for that time. At the proper time I shall make such a motion.

EULOGIES ON REPRESENTATIVE HAHN.

Mr. EUSTIS. I desire to give notice that on next Thursday, at half past 4 o'clock, I shall ask the consent of the Senate to take up the message from the House of Representatives advising the Senate of the death of Hon. MICHAEL HAHN, late a Representative from the State of Louisiana.

PERSONAL EXPLANATION.

Mr. CAMDEN. Mr. President, I rise to a question of privilege. I ask the Secretary to read a short notice in the Cincinnati Commercial of the 27th instant.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks for the reading of a paper. It will be read.

The Chief Clerk read as follows:

"FIVE TO ONE ON PAYNE"—SIX VOTES WANTED AT $50,000 EACH.

Mr. George Fox, of the Friend and Fox Paper Company, of Lockland, has just returned from a visit in West Virginia, where he represented some important interests. While there he heard a piece of news in relation to the Payne investigation that is of public interest. He was thrown into intimate relations with several prominent individuals, some of them Democrats of high political and official connections.

Just before he left West Virginia for Cincinnati he learned that Senator CAMDEN, whose intimate relations to the Standard Oil Company are well known, representing that State in the United States Senate, had telegraphed to a prominent Democrat from Washington that only six more votes were necessary to carry the Senate for Payne, and they were prepared to pay $50,000 each for them. He expressed great confidence that it could be successfully done, and that the Senate would vote against the investigation. On the strength of this message from Washington the parting counsel to Mr. Fox was: "As you are going to Cincinnati, where they possibly don't know as much of the inside as we do, it will pay you to bet five to one in favor of Payne."

Mr. CAMDEN. Mr. President, I am not in the habit of noticing newspaper articles of this kind, and would not do so now, but in this instance, when it relates to a matter pending before the Senate and is evidently intended to have its effect in the consideration of the question referred to, I deem it my duty to the Senate as well as to the Senator referred to, to denounce the article as maliciously false from beginning to end, false in every particular, false in every detail, and without the slightest shadow of foundation in truth.

I know nothing of Mr. George Fox. The article states that I sent such a telegram from Washington. Its absurdity is so apparent that it needs no explanation to this body. But if it were not for dignifying the article, which is beneath decent recognition, I would state that instead of being in Washington, I have been at my home in West Virginia for the past ten days, returning only yesterday.

Mr. President, such publications are an outrage upon the Senate, an outrage upon individuals, and an outrage upon common decency.

DES MOINES RIVER LANDS—VETO MESSAGE.

Mr. PLUMB. I move that the Senate proceed to the consideration of the veto message of the President of the United States of the Des Moines River lands bill.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 150) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? And upon that question the Senator from New York [Mr. EVARTS] has the floor.

Mr. EVARTS. Mr. President, I trust I may bring such observations as seem necessary within reasonable and even close limits.

The Senator from Iowa [Mr. ALLISON] has brought into notice some circumstances, such as the interests represented by citizens of New York and of some other States than the State of Iowa, coming in as a sort of foreigners, or under a foreign corporation, that is, a corporation of the State of New York; and some allusions, too, have been made to some of the efforts and influences which may have attended the procurement of the purposed extension of these grants. I have nothing to say on either of those subjects.

The whole matter before the Senate now is a question upon the veto message, and that has to do with a bill that is wholly occupied with affecting the interests in land of persons claiming or desiring to claim before the courts of the country.

But I think I may very shortly put at rest any imputations upon any of the original transactions with this Government in regard to this grant, or in regard to the interpretation of it as comprehending lands north of the Raccoon Fork, by simply calling attention, in the first place, to the original grant of 1846, which issues no lands unless there has been an expenditure which has justified the issue of the lands:

SEC. 2. *And be it further enacted*, That the lands hereby granted shall not be conveyed or disposed of by said Territory, nor by any State to be formed out of the same, except as said improvements shall progress; that is, the said Territory or State may sell so much of said lands as shall produce the sum of $30,000, and then the sale shall cease, until the governor of said Territory or State shall certify the fact to the President of the United States, that one-half of said sum has been expended upon said improvement, when the said Territory or State may sell and convey a quantity of the residue of said lands, sufficient to replace the amount expended, and thus the sales shall progress as the proceeds thereof shall be expended, and the fact of such expenditure shall be certified as aforesaid.

Giving the regulation of the proceeding.

Much was said about the absolutely baseless claim that these lands extended above the Raccoon Fork. Let me appeal from the judgment of the Senator from Iowa now to the letter addressed by the two Senators of that State and the two Members of Congress of that State to Mr. Walker, then Secretary of the Treasury, upon this subject. Under date of January 8, 1849, these representatives of this new State of Iowa write to the Secretary of the Treasury, that Department then having charge of the land control:

During the last summer we were much surprised to see lands proclaimed for sale by the President of the United States, which had been declared by the General Land Office and considered by the people of Iowa as the property of that State, under the act of 8th August, 1846, "granting certain lands to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River, in said Territory."

I read another clause:

The granting clause in the act of August 8, 1846, is so clear that we are constrained, by a due regard to the interests of the people of the State of Iowa, to ask your consideration of the subject; and we are further encouraged to take this course, as the Commissioner, we are assured, will be pleased to extend to the State the full complement of the grant, if the law, in your opinion, should bear that construction.

Citing the language then of the court:

This language is so plain that the extent of the grant is a self-evident proposition, and requires no argument. But the idea is entertained that the improvement governs the extent of the grant. This construction, we beg leave to state, has never obtained.

Again:

The reason for this extension of the grant to Iowa above the terminus of the improvement is, moreover, manifest; because near the mouth of the river that improvement will be very expensive; and there the grant does not attach, because the lands on the Missouri side of the river, below Sullivan's line, are in Missouri, and those on the Iowa side are the property of individuals; and, further, most of the lands some distance up the Des Moines have been sold by the Government; and, as the grant is only of the unsold and unappropriated lands in the alternate sections, the only equivalent for those which had been sold that could be given are the vacant lands far in the interior from the Mississippi; and hence the terms used in the law.

As the terms of the act, then, are so clear and explicit, and as the reasons for the extension of the grant, as provided by that act, are so obvious, we respectfully request in our own behalf, and in behalf of the State and her citizens, who look with that confidence heretofore so fully justified, that you will not withhold the munificence of Congress, and thus cripple this young and rising State in her first great enterprise, and thus involve her in inextricable debt and difficulty.

That was the situation as it then stood; and now we are told that this was so baseless a pretension that it was hardly to be reconciled with sincerity and integrity in the transaction. I appeal from the subsequent status and the later representatives of the State of Iowa to the condition of things as it existed then, and to the united representation of the Senators and the Congressmen of that State.

Mr. ALLISON. By whom was the letter signed?

Mr. EVARTS. By A. C. Dodge, George W. Jones, Shepherd Leffler, and William Thompson.

Now the Secretary replies:

I have the honor to acknowledge the receipt of your communication of 8th of January last, and accompanying papers, on the construction of the act of Congress "granting lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in said Territory," approved 8th August, 1846. I concur with you in the views contained in your communication, and am of the opinion that the grant in question extends, as therein stated, on both sides of that river, from its source to its mouth, but not to lands on the river in the State of Missouri. I have transmitted your communication and accompanying papers, with a copy of this letter, to the Commissioner of the General Land Office.

That was the establishment, and from that time forward there never came to be a moment when under the land system of the United States a pre-emption or a homestead footing could be gained within this land thus withdrawn.

Mr. GEORGE. From whom did the Senator read just now?

Mr. EVARTS. I read a letter from the Secretary of the Treasury.

Mr. GEORGE. I refer to the last extract. Who was the author of that?

Mr. EVARTS. The last extract was a letter of the Secretary of the Treasury, Mr. Walker, under date of March 2, 1849, in immediate reply to this application.

It is said that in changes to a certain extent, and obtaining for limited periods, there was a revision and reversion and then a restoration of this original proposition of the Secretary of the Treasury, and there has been a pretension, and a pretension lawfully put forth no doubt, and agitated in the courts, that there might have been or was an opportunity for a footing of a settler under the homestead or pre-emption acts during some interval of this change of purpose. The courts, as I understand them, have held the contrary; that without any reference to the question of whether the title was or was not good in the State under the original grant, so far as it reached lands above the fork, and whatever may have been the intervals of administrative views and action that bound the reservation which had never been released, there was no footing in the courts for claimants of that kind. There are cases, one is the case of Riley *vs.* Welles, and another the case of Crilly, referred to by the honorable Senator from Iowa, and these suitors may have thought they had a footing. The courts entertained the propositions, examined them, and decided that whatever formalities, however early and however honest their claims, this land had never been opened to the footing of a settler.

Mr. President, the regular proceedings were had by which the Government could be informed how and in what proportion the issues should be made that would permit the title to these lands. Now let me show the connection of the Des Moines company with the title, whatever it may be, that the State of Iowa had.

The State of Iowa under the impulse of this generous grant had itself undertaken the business by its board of improvements and had spent $475,000 upon it. That plan was relinquished, and this corporation was employed under proper authority from the government of Iowa to complete the work, and the completion was to have included the expenditure of $1,320,000 I think, and to have been compensated by the lands at the rate of a dollar and a quarter an acre. The State of Iowa was master of that situation, and this company was able to make such a contract as it found suitable to itself.

Under this contract this company went on and expended $332,000, or its equivalent, what is so regarded and so stated by the authorities of Iowa, and they came to a conclusion between the State and themselves that the matter should be released and ended and the account closed between them. Whatever may have been the real moving impulses in this new settlement—and there is no reason for suspecting anything—there would seem probable at the bottom a conclusion that the river improvement would have to give way to the advancing system of railroads that were to prevail all over that country. There was a large improvement in Wisconsin, in which very promising adventures, both of profit and of utility to the company, were entered upon on the Fox and Wisconsin Rivers. Nothing, I believe, came of them that was important; and railroads, as we all know, contend even on the Hudson River in the business of transportation of freight and passengers.

Mr. BUTLER. If the Senator will permit me to call his attention to one paragraph of the veto message, I should be very glad to hear at the proper time his remarks in reference to it. I see in the veto message of the President the following language:

For the purpose of validating such titles and to settle all disputes so far as the General Government was concerned, the Congress, in the year 1861, by a joint resolution, transferred to the State of Iowa all the title then retained by the United States to the lands within the larger limits which had been claimed, and then held by *bona fide* purchasers from the State; and in 1862 an act of Congress was passed for the same general purpose.

If that statement is correct—and I have no doubt it is—I should be very glad to be informed what Congress has to do with this question? If the General Government parted with all title to these lands to the State of Iowa, it seems to me the State of Iowa should settle with her citizens.

Mr. EVARTS. The Senator from South Carolina is quite right in his interpretation of the language of the veto message and quite right about the facts that govern the case. He is quite right also in his conclusion, as it seems to me, and that conclusion has been reached by a unanimous report of the Judiciary Committee in a report in 1880, and by an important and weighty minority that up to this time from the Public Lands Committee have expressed in full their views. But I will bring out very distinctly in a few words the relations which the act of 1861 operated upon.

I have got the grant of 1846, forty years ago, construed by all the public men of Iowa, pressed upon this Government, executed by this Government, and on these contracts that were proceeding upon that basis this company were to get these lands above Raccoon Fork. There were none below it at all adequate in amount or in value to cover the transaction of $1,300,000. In 1858, the Senate will notice, quite in advance of the act of 1861, the State and this company came to a settlement, approved by a joint resolution of the Legislature approved on March 22, 1858, authorizing abandonment of the contract with the navigation company and a settlement with said company. This settlement conveyed these lands on the part of Iowa to this company—I mean all that are now in dispute; not what it would have acquired if it had gone on with its further work, but what it was to take in satisfaction of the $332,000 that had been earned, and that was at the rate of a dollar and a quarter an acre, and gives this company about 266,000 acres. This formal contract is before me, but I will not read it.

Now, let us come to a definite statement on the part of the authorities of this State of Iowa in the very matter of its arrangement and its appeal—that is, the State's appeal—to the United States for the issue of lands. You have noticed in the section I have read from the act of 1846 a requirement of a certification which should justify the issue of the land by the United States.

EXECUTIVE CHAMBER, IOWA, *Des Moines, April* 28, 1858—

Following this settlement—

To his excellency JAMES BUCHANAN,
President of the United States:

I, Ralph P. Lowe, governor of the State of Iowa, as required by act of Congress, approved August 8, 1846, "granting certain lands of the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River, in said Territory—

That is, the granting act—

do hereby certify that there has been expended from time to time, prior to the date hereof, on the improvement of said river, as the work has progressed, and the money has been required under certain contracts made by the State of Iowa with the Des Moines Navigation and Railroad Company, the sum of $332,644.04, and in consideration of said expenditures on said improvement, and in pursuance of the provisions of the act of Congress, approved as aforesaid, there will be conveyed to said Des Moines Navigation and Railroad Company 266,107.23 acres of the lands belonging to said grant, and which have been certified and approved to the State of Iowa under said act, for the prosecution of the improvement of said river Des Moines.

In testimony whereof I, Ralph P. Lowe, governor of the State of Iowa, have caused the great seal of the State of Iowa to be hereunto affixed, together with my signature.

[SEAL.] RALPH P. LOWE.

By the governor:

ELIJAH SELLS, *Secretary of State.*

Many deeds were issued by that State to this company, and a general deed, very brief, which I will call attention to—and this is under the date of May 18, 1858—on the part of the State of the first part, and the navigation company on the second part, reciting:

That the said party of the first part, for and in consideration of $1 paid by the parties of the second part, and in pursuance of a joint resolution of the General Assembly of the State of Iowa, approved the 22d day of March, 1858, does hereby sell, grant, bargain, and convey to the Des Moines Navigation and Railroad Company the following described lands, to wit: All lands granted by an act of Congress approved August 8, 1846, to the Territory of Iowa, to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold or conveyed, or agreed to be sold or conveyed by the State of Iowa, by its officers and agents, prior to the 23d day of December, 1853, under said grant, and said company, or its assigns, shall have right to all of said lands so herein granted to them as fully as the State of Iowa could have under or by virtue of of said grant, or in any manner whatever.

I will not go over the proceedings of the Land Office, and we come to the resolution of March 2, 1861. Under the induction of the facts and the train of negotiations we are ready now for this action of Congress in executing at the request of the people of Iowa what was a confirmation of what had been treated as accurate and true, but by a recent decision of the Supreme Court in 1859 had been held as an improper interpretation of the act of 1846.

Resolved, &c., That all the title which the United States still retain in the tracts of lands along the Des Moines River and above the mouth of the Raccoon Fork thereof—

That is the part in which the title had failed, as was supposed—

in the State of Iowa, which have been certified to said State improperly by the Department of the Interior—

That is, the decision of the Supreme Court of the United States had

shown that the true construction of the act did not cover the land above the Raccoon Fork—

as part of the grant by act of Congress approved August 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa—

On the ground that in good faith this State had sold these lands, treating the construction as it was treated by the Government, whatever variations of administrative judgment there may have been until the Supreme Court of the United States had determined it authoritatively to the contrary. There was a debate here, and Mr. Polk, who then represented Missouri, said:

Mr. POLK. I move to insert "and by the State sold to actual settlers."
Mr. GRIMES—

Who then represented in this body, and with great distinction, his State of Iowa, said:

If the Senator will change it so that it will apply to any purchaser or grantee of the State it will be entirely satisfactory. * * * The man who, by virtue of his own action, the action of your own officers, went there and obtained the land, if he be not an actual settler, he is morally and politically and in every way just as much entitled to receive justice at the hands of the Senate as the man who is an actual settler. He is a *bona fide* purchaser. If the Senator will insert the words "any *bona fide* purchaser from the State of Iowa" I shall be satisfied.
Mr. HARLAN—

The other Senator from that State—

A part of this land has been sold by the State to actual settlers. A part of this grant has been sold to gentlemen who were applying their money in putting in locks and dams, * * * and they in turn have sold to other parties. Some of them, perhaps, are not improving the land, but many of them are actual settlers. The purpose of the amendment he proposes (Mr. Polk's) is to cut out all those who may have bought these lands of the Des Moines Navigation and Railroad Company. That would be unjust to the company and unjust to the purchasers of the company. All that we claim is that the General Government shall quitclaim to Iowa the amount of lands conveyed to Iowa by the officers of the General Government, although, as alleged, wrongfully conveyed or without legal authority. We do not claim an acre above the Racoon Fork which has not been certified to the State, &c.
Mr. DOOLITTLE. I move an amendment "by the State or grantee of the State to any actual settler."
Mr. POLK. I will accept that amendment.
Mr. CRITTENDEN. I would suggest, as there is some difficulty about the provision in reference to actual settlement, to say, all *bona fide* purchasers deriving title under the State. It seems to me that would cover everything.
Mr. GRIMES. That will be entirely satisfactory to me. It seems to be just to all parties. I understand it is satisfactory to the Senator from Missouri.
Mr. POLK. I agree to it.

And so the clause reads in that resolution, "and is now held by *bona fide* purchasers under the State of Iowa." There came up questions of law, as this was a relinquishment to the State of Iowa, how it would inure in law, in ejectments, as a pure question of title of land in regard to this property which was not vested in the State of Iowa under the original grant but which had been confirmed to it under these terms. These lands of ours in 1862 were reported by the register of the State land office for the State of Iowa to this Government, enumerating all these classes.

I now come to the question of judicial decisions, and shall be very brief upon it. Something has been said about an important, an initial case, that of Wolcott, as having been in some sense an agreed or stated case, and some suspicion is thrown upon that. But the Senate will have observed that there never was anything in question except pure legal conclusions from pure statutory transactions either on the part of Iowa or on the part of the United States, and the only defect in the sincerity and candor of the record was that only a part of the granting act of 1846 had been contained in the record. Well, there is no opportunity for debate on that subject. I have not examined it to see whether it is so; but it was not a matter of pleading to be brought to the notice of this court or of any court; it was a public statute of the United States.

I have before me the opinion of Mr. Justice Nelson, given in that case, but which I will not read. It shows that the subject then disposed of was accurately before the court, and it was disposed of fully, as a question of law.

More thorough investigations have occurred since, and, as I have said to the Senate and will now repeat, I am not able myself to see any condition of facts or any arguments of law, either in morals, in equity, or in law, that have not been pressed upon the attention of the Supreme Court of the United States in successive arguments, and this statute now proposed to be passed by Congress is a recognition of the fact that under the law as it is applied to the situation of claimants and competitors under the transactions on the statute-book and in the public archives there is not a footing upon which one of these original settlers can put himself as a plaintiff to obtain a recovery.

It must be that the United States somehow or other, notwithstanding the act of 1861, notwithstanding the act of 1862, notwithstanding the act of 1871, has some title in these lands; but I am not able to discover any such title; and as this is made, as it seems to be now made, by the *fiat* of Congress, from the moment the law is passed, and not resting upon any antecedent rights or laws, it is a simple question of whether the situation, not being capable of reagitation in the courts or law, shall now be reagitated in the name and by the power of the United States and under a footing not of somebody else's right, but of the absolute right of the United States to resume this land and then distribute it honorably and generously, if you please. But it comes from the United States by this right and not by the right of any competing litigant that can be brought into a court of justice.

In one of the cases the Supreme Court say:

Although the State possessed no title to the lot in dispute at the time of the conveyance to the Des Moines Navigation and Railroad Company, yet having an after-acquired title by the act of Congress, it would inure to the benefit of the grantees, and so in respect to these conveyances to the plaintiff. This is in accordance with the laws of Iowa.

The plaintiff had derived under that deraignment of title. This is in accordance with the laws of Iowa, I believe; for the rule of law is in Iowa that a subsequently accrued title does inure to the benefit of the purchaser under the idea that there was an existing title.

It has been argued that these lands had not been reserved by competent authority, and hence that the reservation was nugatory.

* * * * * * *

That there was a dispute existing as to the extent of this grant of 1846 in no way affects this question. The serious conflict of opinion among the public authorities on the subject made it the duty of the land officers to withhold the sales and reserve them to the United States till it was ultimately disposed of.

And they were so reserved. A later case than that of Riley *vs.* Welles, which raised this question of whether there could be a pre-emption claimant, and as the Senator from Iowa I believe stated and I suppose accurately, because he meant to state it correctly, this plaintiff might have had a footing under the pre-emption law. Mr. Justice Nelson says, delivering the opinion of the court:

It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land, of which the lot in question was a part, had been withdrawn from sale and entry, on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts we held confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements and to make the entry under the pre-emption laws were acts in violation of law and void, as was also the issuing of the patent—

Because the lands were not open to settlement under the reservation. That is a hardship undoubtedly. Let it be counted up to those who have suffered a hardship of that nature by the principles of equity and justice. It does not lie as an imputation upon the Des Moines Company or the Des Moines Company's grantees. It is the United States' action, the authorities of the Government, by placing an expectant settler in this predicament of disaster.

George Crilly claimed another section. The tract had been sold by the Navigation Company to R. S. Burroughs, late of Albion, N. Y., who filed a bill to set aside Crilly's patent. In deciding the case at December term, 1872, Mr. Justice Davis said:

We have already decided that the Des Moines River lands were reserved from sale, and this reservation continued until Congress, by the joint resolution of 1861, released to the State, for the use of its grantees, the legal title still in the General Government, without any saving clause in behalf of settlers or those who might claim under the pre-emption laws of the United States.

Here is the case of Williams *vs.* Baker; decided in 1875 or 1876. That was an equity suit, where every point of legal attention was presented in evidence and in argument to the court. Baker had a good title under deraignment from the Des Moines company, and he filed a bill in equity to get an injunction against Williams, who claimed a right under another grant to a railroad company under authority from the United States, dating in 1856, I think. All that I refer to *this case for is* that it was not a case where a defendant would succeed as he would in ejectment, from the plaintiff's title failing. Here is a case where Baker comes into a court of equity as a claimant and must make out a good title, a most exhaustive one as against the world in competition. The injunction proceeds upon the ground that there is no foundation whatever, because the title of the plaintiff Baker is perfect.

The Senate will see how impossible it would be to argue all the questions that have thus been disposed of. I only desire to have every member of the Senate understand that if any case was ever examined and exhaustively considered and authoritatively disposed of by the Supreme Court of the United States as matter of legal title it is this case.

In a later case, Mr. Justice Davis, delivering the opinion of the court, said:

This case presents another phase of the Des Moines River land litigation. The main question involved in this case is the question of title to the Des Moines River lands, which was settled several years ago by the decision in the cases of Wolcott & Burr (5 Wallace, 681), and in the subsequent and unreported case of Welles *vs.* Riley, adversely to the title set up by the appellants. At the present term of this court the principles involved in these decisions were reconsidered and reaffirmed. (See Williams *vs.* Baker, and the Cedar Rapids and Missouri River Railroad Company *vs.* Martindale and others.) It is, therefore, no longer an open question that neither the State of Iowa, nor the railroad companies, for whose benefit the grant of 1856 was made, took any title by that act to the lands then claimed to belong to the Des Moines River grant of 1846, and that the joint resolution of 2d of March, 1861, and act of 12th of July, 1862, transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant. If so, the claim of title by the appellants, who are grantees under one of these railroad companies, to the lands certified to the State of Iowa, under the act of August 8, 1846, above the Raccoon Fork of the Des Moines River, has no foundation to rest upon.

But this court has treated the matter more lately, and in a very late decision the court says, the Chief-Justice delivering the opinion—and

I ought to say here that I do not know that any dissent has shown itself in any of these determinations—in introducing the subject:

The following are no longer open questions in this court: (1) That the grant of lands to the Territory of Iowa, for the improvement of the Des Moines River, made by the act of August 8, 1846, chapter 103, 9 Statutes, 77, did not extend above the Raccoon Fork. (Dubuque and Pacific Railroad Company *vs.* Litchfield, 23 Howard, 66.)

In 1859—

(2) That, notwithstanding this, the odd-numbered sections within 5 miles of the river, on each side above the Raccoon Fork and below the east branch, to which the Indian title had been extinguished, were so far reserved "by competent authority" for the purpose of aiding in the improvement of the Des Moines, that they did not pass under the act of May 15, 1856, chapter 28, 11 Statutes, 9, granting lands to the State of Iowa to aid in the construction of certain railroads; and (3) that the act of July 12, 1862, chapter 161, 11 Statutes, 543, "transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant."

The court say this:

The relinquishment under the joint resolution is of all the title which the United States retained in the tracts of land above the Raccoon Fork "which have been certified to said State improperly by the Department of the Interior as part of the grant by the act of Congress, approved August 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa;" and by the act of 1862 the lands are in terms to be held and applied in accordance with the provisions of the original grant. This legislation, being in *pari materia*, is to be construed together, and manifests most unmistakably an intention on the part of Congress to put the State and *bona fide* purchasers from the State just where they would be if the original act had itself granted all that was finally given for the river improvements. The original grant contemplated sales by the State in execution of the trust created, and the *bona fide* purchasers referred to—

That is, "referred to" in the act of 1861—

must have been purchasers at such sales.

It is very obvious, without insisting more fully upon these decisions, that no injustice has been done to Iowa by the United States; and it is very apparent that the transactions between this improvement company and Iowa have been distinct and public and decisive, and it is perfectly clear that as toward Iowa this improvement company owns every dollar that it claims by deeds, which if not attended by warranty yet carried the obligation of estate that if the title failed this improvement company the State of Iowa should make it good. Why should it not? You can not refer to any discussions or agitations of whether the original transactions were or were not of this or that degree of value and service to the State. They made the contract; they closed the contract; they accounted for what was due under the contract. They took a certain conveyance in money and in valuable property in closing up the matter, and they gave these acres at the rate of $1.25 an acre in satisfaction of what was then computed and ascertained. So then, although this Government may well feel that the embarrassment by the construction of administrative officers has led innocent people into misfortune, yet it was not as against Iowa that any imputation could be made. Iowa asked for this interpretation; Iowa took the land; Iowa took the confirmation in 1861, and took it for its obligations already covered by these grants which had been executed in deed; and that is the end of that matter.

Mr. GEORGE. May I ask the Senator from New York a question without disturbing him?

Mr. EVARTS. Certainly.

Mr. GEORGE. I have attended to the debate, and I do not know that I exactly understand the position of the Senator from New York. I understand it this way, and I wish to know if I am correct, that by judicial decision it has been settled by the Supreme Court of the United States that the improvement company and the persons claiming under them have a valid title to these lands. Is that so?

Mr. EVARTS. That is so.

Mr. GEORGE. If that be so, then what harm can the passage of this bill do to that company? The United States can not withdraw any right it may have granted. What harm then can arise from the passage of the bill?

Mr. EVARTS. Well, I suppose that when a freeholder has his land under the laws of the land, he does not like to have a great government set up to persecute him in regard to his title.

Mr. GEORGE. But there are other persons, poor persons I understand, who can not undertake litigation, who assert, contrary to the view of the Senator from New York, that the title has not passed to this company, and they ask that the Government of the United States, the common government both of the improvement company and of these parties, shall merely institute proceedings for the purpose of determining these various litigated questions. In that suit, if I understand it, all the rights of this improvement company and persons claiming under them will be given to them. Congress can not take any right away from them; and all that we do by the bill, as I understand, is for the United States to step in in behalf of a large number of poor persons who have settled upon this land and institute legal proceedings, the end of which shall be that if they are not right they go out, and if they are right they will be quieted in their title. I do not see any objection to a provision of that sort.

Mr. EVARTS. In the first place, if that is all, there is not any law necessary. If the United States has a right to an acre of this land, it can pursue it into the last stage, if it sees fit; and if it does not wish to be a cruel tyrant it may do it on the ground that it wishes to be benevolent after it has succeeded. That I agree to; but this act undertakes to impute to the United States a footing which it now does not possess, in the very distinct proposition that this land is restored to the public domain. How can it restore to the public domain your land or my land or the land of anybody claiming under the United States?

Mr. GEORGE. I agree that it can not do it if the land has actually passed from the United States.

Mr. EVARTS. Then I would not do it if I could not do it. I would stand on my rights and not profess to go into the court-room brandishing before the judges a law which has given me a footing that I did not possess before then.

Mr. GEORGE. I understand the effect of that provision of the statute is to give the United States the right to impose upon the Attorney-General the duty of litigating the question in the courts.

Mr. EVARTS. That is not it, I think.

Mr. GEORGE. Certainly if the United States has parted with its right it can not recapture it.

Mr. EVARTS. That is the very reason we do not want the United States by law to enact a footing for it to go into court. If the Attorney-General of the United States will go into court claiming in ejectment or in equity a possession of one acre of this land, the courts will entertain it. We do not need to empower the courts of the United States to entertain this great suitor, the United States, by its law. The condition of the whole is that there is not a footing for the United States without an enactment taking the land where it now belongs in point of law, and putting it by this enacting clause in the United States.

Mr. GEORGE. But I understand the United States does not want the land, but it merely intervenes—and that is the purpose of this bill—for the purpose of settling the various disputed rights between the parties. That is the whole effect of it.

Mr. EVARTS. That may be a benevolent motive. I am not discussing that question.

Mr. GEORGE. But has not the Government a right to entertain a benevolent motive in favor of these settlers?

Mr. EVARTS. Now, having said that much for the first clause, I pointed out yesterday, and will repeat if it is necessary, that beyond that footing thus given, which does not now obtain and which will not exist after it is given, in my judgment, because, as the Senator from Mississippi says, it can not do this if it can not be done, still, although not being himself or his friends involved in any of these titles, he thinks there is no harm in stirring up a hornet's nest there. There are nineteen hundred claimants under our title.

Mr. GRAY. I should like to ask in the line of the argument of the Senator from New York whether the land under this grant that came to the navigation company has not in the process of time come into the hands of *bona fide* purchasers from that company, and large numbers of them?

Mr. EVARTS. Of course; something like 60,000 out of the 266,000 acres.

Mr. ALLISON. I should like, in connection with the question of the Senator from Mississippi, to ask the Senator from New York if he does not think there is sufficient ground for the intervention of the Government in behalf of this large body of people, including the nineteen hundred people on the one side and the twelve hundred on the other, inasmuch as the Government of the United States in numerous instances has issued patents to one class of people and in numerous other instances has taken from them large sums of money which are now in the Treasury?

Mr. EVARTS. By law or regulation it can be returned.

Mr. GEORGE. Allow me to ask the Senator from Iowa what was his point?

Mr. ALLISON. My point was as to the duty of the Government. Here are a body of men, ten or twelve hundred, who have settled on this land in good faith under the homestead and pre-emption laws, have paid their money into the Treasury of the United States, and many of them have received patents. Now one suit ought certainly to be prosecuted, and the Government having their money as well as having parted with the land, it seems to me a proper case for the Government to settle all these questions as proposed by the bill.

Mr. GEORGE. The Government has received their money and actually conveyed by patent its title?

Mr. ALLISON. In many cases.

Mr. EVARTS. I can not go into that because I do not know about it, but I read you decisions made long ago. I stated in the opening yesterday that when there was an honest effort in 1873 to count up all the people who were involved in dispute, they were three hundred and forty-four up to that time, and now only of them twelve had any footing prior to the act of 1861 when the dispute was ended, and of the three hundred and forty-four, two hundred and seventy-seven were settled with by the Des Moines company, and those antecedent claimants were wiped out. Of the remaining seventy-seven, as left in that computation, now there are not more than ten or twelve that have not been settled with; and the point here is that if there is to be provided a footing under this act or under any tribunal whatever, it is in favor

of people that have undertaken to settle on this land prior to 1880, for this bill generously limits them to that time, gives those who came in between 1861 and 1880, not with proved claims, not with a footing as claims, but that have had an honest intent to get the pre-emption or the homestead right. I do not object to their having good and honest intentions, but an honest intention is not sufficient to change the title of land, and this bill undertakes to do that.

Now I read what you must give them a footing for, when the United States begins this paternal lawsuit that is to shake up this whole neighborhood for another five or ten years with new litigation. But I say to my friend the Senator from Iowa that the party to settle the question of these conflicting claimants in Iowa is the State of Iowa. Then let the State come here for aid if she wants it. The State got this land from the United States, reported that these 266,000 acres by metes and bounds were earned and were to be delivered to the Des Moines company, and that was done. Now, if other people, under mistake, or under misfortune, have got into relations that, disastrous to themselves, may be fairly regretted, and we may fairly sympathize with them in regard thereto, but let Iowa do her justice. This land did not cost Iowa anything. It discharged her obligations, and by her own choice and direction just as distinctly as if that government had asked this Government to execute a deed of protection so and so to A B so and so.

The Senator from Mississippi thinks that it is no harm to give a litigant a footing that he has not got, and that he can not get until it is given to him if he has not got it already. Let us see whether this litigant is brought in to agitate upon existing propositions of law and of right in regard to titles to land:

Are hereby declared to be, public lands of the United States.

You might just as well pass a law, if it has not the title, to vest in A B the title which is now in C D.

Provided, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees—

That covers us, does it not?

which do not come in conflict with pre-emption on homestead claimants, are hereby ratified and confirmed, and made valid.

That is to say, all our land that nobody disputes; and the United States will not dispute itself, notwithstanding it is carried into the public domain.

Provided further—

Having started us in that way—

That the claims of all persons—

Now the people that are to overthrow us—

That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880—

It does not say when they entered or how long they staid. If they entered there on the 31st day of December, 1879, with a *bona fide* desire to acquire that piece of land, they come within the paramount title that is to override us—

not exceeding 160 acres, are hereby confirmed and made valid in them, their heirs, or their proper assigns, and upon due proof thereof, and payment of the usual price or fees, where the same has not been paid, shall be carried to patent.

Then there is a further proviso:

Provided further, That the title of all *bona fide* claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon the said lands prior to January, 1880, are confirmed and made valid.

That is the destruction of titles which are to be introduced by this statute to the consideration of the courts of the United States. Three clauses—one in our favor, that the United States will not take from us anything if nobody else claims it and if anybody else claims it we shall have none of it; and there are two clauses which are intended to secure that result. There is no escaping this matter. If the United States otherwise has rights, let her exercise them. If Iowa has rights and duty in regard to this property, let her go on with the course of law. But for the first time in the knowledge of the administration of law has there been presented a definition first of the plaintiff's title, second of the defendant's defense, and third of the plaintiff's conclusive integrity if anybody chooses to impugn it.

Mr. GEORGE. If the Senator will allow me, I will state right here that I regard all these confirmations contained in these provisos as having this effect and no more, that so far as any right or title now remains in the United States that title and right are released in favor of the parties named here. It does not take a right from anybody, but it assumes that there may be a right in the United States, and so far as that right is concerned it is transferred to these parties.

Mr. EVARTS. Well, I can not add to my views already stated. I think they are clear. I think the necessity of the law indicates why it was desired. I see that the lines drawn about it as results to be reached show the reason why all these clauses were put in, and I do believe that the United States courts will find no footing for these cases under this bill. But it is not a good reason for passing a bill that it will be void and nugatory before the courts of law; indeed it is the duty of the President, as it is the duty of the Senate, to reconsider the topic as it is thus brought to their attention.

Now I will read one sentence from a unanimous report of the Judiciary Committee in 1880. Mr. Garland I think was chairman then of that committee, and it contained as well very eminent men on both sides of the Chamber. That report reviews and considers the authorities as cited; and is not this conclusion to be regarded as a just one on this subject of law? The conclusion is:

The more recent decisions (Wolsey *vs.* Chapman, 101 U. S. R., 755, and Litchfield *vs.* County of Weber, *ibid.*, 773) approve the earlier cases on this subject already cited, and from them all it is clearly to be gathered that this matter has passed beyond the reach of Congress, and whatever rights the settlers seek to show or may wish to establish, they are not within any remedial legislation of Congress; they can not be affected by any act of Congress; in fact, it is a subject over which Congress has no jurisdiction; and the committee ask to be discharged from the further consideration of the bill, and recommend it be indefinitely postponed.

I now read the concluding clauses of the minority report of the Committee on Public Lands last year, signed by Mr. MORGAN, Mr. DOLPH, Mr. GIBSON, and Mr. Walker, who is not now a member of the Senate. The whole case is reviewed by these members, and after reviewing it and introducing this report of the Judiciary Committee they close in this way:

The number of suits that may be brought under the provisions of this bill is only measured by the number of claimants to the lands. A broad field of litigation is thus opened, and the Government, with all power and prestige, would go into court alone, or in company with all the claimants mentioned in this act, and would defray all the expenses of the many suits to assist them in the assertion and protection of the titles conferred upon them by this act.

In any case such a course would necessarily be unfair and unjust toward mere private persons of limited means, but in this case it would array the power of the United States to destroy titles acquired in good faith and paid for in full to the State of Iowa, confirmed by the joint resolution of Congress relinquishing the lands to *bona fide* purchasers and afterward upheld and confirmed in the courts.

Congress had better appropriate any amount of money to compensate the claimants of these lands for the losses they have sustained through the mistaken or improvident procedure of its land officers, than to attempt to avoid such a debt of justice by taking the lands from one *bona fide* purchaser to give it to another *bona fide* pre-emptor or homestead claimant.

This strife will continue as long as Congress shall give it encouragement by efforts to remedy the troubles about these lands by transferring titles from one man to another. Such efforts are misleading because, they must result in disappointment. It is better, in the opinion of the undersigned, that Congress should at once assume the duty and burden of making just compensation for losses that have been sustained by those who bought these lands from the United States under the mistaken belief of the land officers that they were open to settlement and disposal as part of the public domain, and have lost the benefits of their purchases.

In the State of Iowa and its courts these matters in various forms have been considered. This land has been taxed and taxed and taxed and is taxable now, and all this land is taxable while all this litigation goes on as I suppose, unless Iowa suspends its taxing authority in regard to it. Nothing can come from this bill in point of law in my judgment, nothing good can come to the disputants, the claimants who get this footing. Iowa has its duty to its discontented inhabitants, and for the United States to deal out of its own means and rights with such ought not to be thought of.

Mr. ALLISON. Mr. President, I shall ask but a very few minutes to respond to the suggestions made by the Senator from New York; and first as to the joint resolution of 1861 and to what classes it applied.

Any Senator who will look at the history of and the debates on that resolution will discover that the Secretary of the Interior sent down to Congress the form of a bill which in terms was intended to grant whatever title the United States had in these 271,000 acres to the State of Iowa for the benefit of this improvement company. That bill was changed in both Houses of Congress so as to confine its terms to *bona fide* purchasers, and every man knows who will study that case that in the nature of things the navigation company could not be a *bona fide* purchaser. They took this title for whatever it was. The dispute about the title had existed since 1849 as to them. How could the company be a *bona fide* purchaser when they only took from the State of Iowa a disputed title, which was well understood and well known everywhere, not only in the State of Iowa but in the Departments of our Government.

Mr. GEORGE. Had they a title from Iowa?

Mr. ALLISON. A quitclaim from Iowa.

Mr. EVARTS. I read the deed.

Mr. ALLISON. I know the Senator read the deed, but it was a deed granting whatever title the State of Iowa had; and the governor of that State could make no title that was not authorized by the Iowa act of 1858, and when that act was passed it was understood everywhere that this was a dispute which had been settled adversely to the State of Iowa by several Secretaries of the Interior, beginning with Mr. Ewing in 1851. That is all I desire to say upon that point.

The Senator from New York says that the State of Iowa should deal with this question. I am quite willing that the people who claim this title from the State of Iowa should deal with the State of Iowa. The Congress of the United States has never dealt with this navigation company or with its grantees. Congress and the Departments have always dealt with the State of Iowa and with no other party. The Congress of the United States has never known the Des Moines Navigation Company or its grantees. We have dealt with the State of Iowa, and Congress most generously granted to the State of Iowa lands as indemnity for the lands lost by the decision of 1859, and let the men who had those lands set aside to them by an act of Congress as a special trust

fund go and pursue that trust fund in the hands of the State of Iowa and its legitimate authorities.

Now, who are the people who are provided for in this bill? They are the people that the United States have dealt with. The State of Iowa has had no relation to a pre-emptor; the State of Iowa has had no relation to a homestead settler. These men have gone there under the laws of the United States, and the United States has taken from them through its officers their money for this land as pre-emptors and homestead settlers. That money is now in the Treasury of the United States, as I am told, to the extent of more than $70,000. Much of it has been there since 1855; more of it was put there in 1863, when the Secretary of the Interior opened these lands, and more of it again in 1867, when the Secretary of the Interior again opened these lands to settlement.

We have dealt with these people directly, and it is our duty so far as we can honestly and fairly to give this multitude of men in the State of Iowa an opportunity of settling in a single suit whether or not they are to have the lands which they have tilled, the homes in which they now live, or whether this corporation and its grantees shall have the lands. That is all there is of that matter. So whatever relation Iowa may sustain to this question, it sustains that relation to the party with whom it dealt, namely, the navigation company and its grantees, and we are in honor bound to treat with the people with whom we dealt, the homestead and pre-emption settlers. So whatever obligation rests upon Iowa rests upon it with reference to the people with whom it has contracted, and not with these homestead and pre-emption settlers.

Mr. BUTLER. I wish to ask the Senator if the United States Government had not already done its duty by the resolution of 1861 and the act of 1862. It seems to have parted with all its title.

Mr. ALLISON. These lands were not involved in the legislation of 1861 or 1862, except so far as those acts affect *bona fide* purchasers. So far from these lands being involved, the United States granted expressly indemnity lands to cover the loss of these lands, and those indemnity lands were part of the trust fund for the State of Iowa to settle with the Des Moines Navigation Company and its grantees.

Mr. BUTLER. Did not the Government also grant land to the State of Iowa with which it settled with the innocent purchasers the Senator refers to—the pre-emptors and the homesteaders?

Mr. ALLISON. No, sir; the indemnity was especially to indemnify those whose lands had been improperly certified, and if they had said in express terms that we give this indemnity to indemnify the State of Iowa for lands that it certified to the Des Moines Navigation Company, it could not have made it more clear. It said, we certify these lands to the State of Iowa for the benefit of the Des Moines Navigation Company if on examination they have any rights, and made the State of Iowa a trustee for that purpose; and in the execution of that trust the State of Iowa distinctly stated through its Legislature that the Des Moines Navigation Company had already received largely beyond the amount they had expended in behalf of this improvement.

I did not rise to prolong the debate; I only wished to call attention to these two points.

Mr. EVARTS. In regard to this indemnity matter that arises under the act of 1861——

Mr. ALLISON. Under the act of 1862.

Mr. EVARTS. And all that has been considered by the Supreme Court of the United States, and the indemnity matters do not apply to us at all. The Des Moines company never had a right to any indemnity land. We never have asked for it; but Iowa got them all anyway, the lands and the indemnity lands; and what have we to do with them? Indemnity land is as good to us if it is the same value as any other. Iowa has got them all. It has been said that we had no right to indemnity land by the courts.

Mr. ALLISON. Where is that decision?

Mr. EVARTS. The indemnity arises under the act of 1856. That is the basis of it. The act of 1856 has nothing to do with us. The 1853 grant is to Iowa to build a railroad, not connected with us. Then the question was when the settlement came up whether this railroad company had a right to some of our land, and that we were to have indemnity lands, and it was settled that the railroad company under the law of 1856 had not any right to our lands, and we had not any rights in the indemnity lands.

Mr. ALLISON. Now, I ask the Senator from New York to give me his construction of this proviso which I will read from the act of 1862:

Provided, That if the said State—

This is granting lands now to this company—

Provided, That if the said State shall have sold and conveyed any portion of the lands lying within the limits of this grant, the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act, shall inure to, and be held as a trust fund for the benefit of, the person or persons respectively whose titles shall have failed as aforesaid.

If in express terms that proviso had referred to the Des Moines Navigation Company it could not have been more explicit. Therefore these lands that were granted in view of the decision of the Supreme Court in 1859 were to be held by the State of Iowa in trust for the benefit of the company until that trust was satisfied. Now, we are bound to presume, and I know the fact to be, that in the judgment of the trustee, the State of Iowa, this fund was so used as to satisfy that trust, because instead of granting these lands to the navigation company, it granted them to a kindred corporation, the Keokuk and Fort Des Moines Railroad Company. That is all I wish to say.

Mr. EVARTS. The case considering this is that in 17 Wallace, pages 164 to 166.

Mr. BUTLER. May I inquire of the Senator from New York what question was made in that case; what was the point involved?

Mr. EVARTS. About this other company.

Mr. BUTLER. What was the question involved so far as these lands were concerned?

Mr. ALLISON. It was a contest between the railroad company and the navigation company.

Mr. EVARTS. Iowa had all the land. There was a quarrel as to which was to have which and which was to be indemnified. That is all there was about it.

The appellants insist if they are not the holder of any titles which have failed within the meaning of the act of July 12, 1862, they are nevertheless entitled to a portion of the indemnity lands certified to the State under the act, because they were certified upon the assumption that the river lands had been granted by the act of May 15, 1856.

Our grants were all made by the act of 1846. Then this is discussed at length and the determination is:

Although the ratification of the adjustment and the grant to the Valley Railroad would seem to be inconsistent, yet Congress, with full knowledge on the subject, on the 3d of March, 1871, confirmed the title of the State and its grantees. It is true the law by which this is done says it is in accordance with the adjustment and the act of the General Assembly of Iowa, but, as we have seen, this act not only ratified the adjustment—

That is nothing we have to do with—

but also granted the lands to the Valley road.

* * * * * * *

If Congress had withheld its consent to what the State had done, neither the State nor the road would have taken anything by the action of the officers certifying the lands.

It is of the other railroad.

This was also known to Congress, because the decision in Wolcott's case was then before the country.

Congress, therefore, with full information that the State of Iowa was not entitled to these indemnity lands by reason of any previous legislation, thought proper, nevertheless, to give them to the State, knowing at the time that they were to be used in building a railroad along the line of the Des Moines River.

Now, one moment as to the deed. The Senator from Mississippi asked if it was a quitclaim, and my honorable friend the Senator from Iowa concurred in that suggestion. The title was in the United States, the whole of it. The State was to receive it as it was earned, and in 1858 the settlement was made, mutual releases were made, a certain amount of money was paid by the Des Moines company, and this land was turned over to them—this 266,000 acres turned over to them in completion of the contract. Then the State gave the company regular formal deeds, special deeds, covering particular parcels, as I understand, and gave also this general deed, which is a quitclaim.

The party of the first part does hereby sell, grant, bargain, and convey—

All the words that make a fee, and then describes it—

and shall have the right to all of said land so herein granted to them as fully as the State of Iowa could have under or by virtue of said grant.

Very well; and in 1861 it is confirmed to us as the *bona fide* purchaser, so referred to in the debate and so held by court after court, as the very grantee that was to take the title, and it did not need any new title from Iowa to confer it, because the laws of Iowa when they made a grant without a good title and afterward Iowa came to get a good title, it was a good title inuring to the benefit of the grantee. That is the whole of that.

Mr. WILSON, of Iowa. Mr. President, I know how anxious the Senate is to get on with its business, and therefore shall consume but little time in submitting what I have to say concerning this measure.

There are a few points involved which I desire to get clearly before the minds of the members of the Senate because of their practical bearing upon the case; and I may state first that it is admitted that the Government of the United States asked these settlers to go upon these lands where they now reside. It did that in that due form of law found in executive orders and declarations, by which it was asserted that these lands were subject to homestead and pre-emption entry. No one disputes that. The Senator from New York will not dispute that. No officer or member or stockholder of the Des Moines Navigation Company will dispute that. Everybody admits it. In pursuance of that lawful invitation the men who now reside upon these lands and for whose protection this bill was proposed went there in good faith, many of them more than a quarter of a century ago. That they did go there in good faith is evidenced by what they have done since taking possession of those lands. There they have builded their houses and their barns; they have planted their orchards and cultivated their fields; they have reared their families with hope before them every day and hour that at the end of the controversy the homes thus made would belong to them. Every movement of these settlers has been in good faith, induced by the invitation of the Government, and it is now the duty of the Government to protect them as it may.

The Senator from New York will not pretend to claim that when the settlers went upon these lands one acre north of the Raccoon Fork was em-

braced within the grant for the improvement of the Des Moines River. He can not claim it for the reason that the decision of the Supreme Court on which he relies says to him and to all others that there was no grant north of the Raccoon Fork, and that decision, thus relating back to the time when the settlers entered upon the lands to make their homes, only confirms what I have said that they went there in obedience to the invitation of the Government and in pursuance of law.

Time went on and a contract was made with this navigation company for the completion of the improvement contemplated by the act of 1846. What was that contract? Its effect is stated in the report of the committee in these words:

On the 9th day of June, 1854, the State contracted with a corporation, known as the Des Moines Navigation and Railroad Company, to complete the improvement, estimated to cost $1,300,000, and agreed to convey to the company all the land then or thereafter to be certified to Iowa for improvement purposes.

When the Commissioner of the General Land Office and the Secretary of the Interior, on the 10th day of November, 1856, declined to certify any more lands under the grant, the company—

This company that is here to-day resisting protection to these poor settlers—

declined to proceed with the work, and dispute arose between the State and the company which, by joint resolution of the Iowa Legislature, approved March 22, 1858, was settled.

What had this company done up to that time, Mr. President? How much money had it expended toward the completion of that work? The precise amount is stated in the letter of the then governor of the State as being $322,644.04. That is the entire outlay of the Des Moines Navigation Company in the matter of constructing that improvement of the Des Moines River, and up to that time how much had they received? As my colleague stated yesterday, 53,000 acres of land south of the Raccoon Fork, estimated to be worth, as my colleague showed, not less than $10 per acre. So that for the amount of money expended by them, being $332,644.04, they received, without counting anything north of the Raccoon Fork, more than half a million dollars. That of itself was a very respectable speculation.

That settlement was had, and in pursuance of that the Senator from New York says that the governor of Iowa executed a deed. So he did, and what does that deed include? All of the lands which belonged to the State by virtue of the grant of 1846 for the improvement of the Des Moines River; nothing more, nothing less. That is the whole of it. That is the language of the deed in effect. If more should come north of the Raccoon Fork under that grant of 1846, then the company would get it in addition to the 53,000 acres they had received below the Fork; but did it come? The Senator from New York admits that it did not, for he says the court decided, and he quotes the decision, that the grant did not extend north of the Raccoon Fork. If it did not, please tell me how much land the company took by virtue of the deed executed by the governor of Iowa in 1858. The court says in that decision that it took nothing above the Raccoon Fork. Then so far as the effect of that deed is concerned it has no effective place in this case. The Senator from New York smiles.

How does it get effect? Oh, he says, by the joint resolution of 1861; that is, several years after this deed was made; not by any force of words did any interest in those lands go to the State of Iowa under the act of 1846, but a new grant, so to speak, was made in 1861. Can that relate back and deprive these settlers of their rights? If rights they had, of whatever character and to whatever extent, they were vested rights, and with such rights Congress can not interfere by statute. Those rights can only be determined by the judicial power of the Government. No joint resolution of Congress can say, and enforce the declaration, that the settler who went upon the public lands in pursuance of the laws in force at the time can be ousted by a subsequent act of Congress of the right which became vested in him by that act; and yet that is the case the Senator from New York presents here to-day.

Are we to say, having dealt directly through our public-land laws with these settlers, that we will not extend to them even the poor effort of a suit at law by the United States in its own courts to determine whether their rights are not so firmly vested that even judicial power can not interfere with them?

Mr. President, there are from one thousand to twelve hunded families living on these lands who will derive whatever benefit may be involved in the terms of this bill should it become a law, and they will have accorded to them the opportunity of one thing which at no stage of the proceedings in the case thus far has made its appearance there, and that is an assertion of the title of the United States in these lands. That is the material point in this case. In not one case the Senator has quoted, in not one case that has been decided, has the paramount title of the United States to these lands been asserted; nor was there a case in which it could be.

But after the joint resolution of 1861 had been passed it became a matter of consideration with this company whether by some means it could not derive benefits from that legislation of Congress and get an affirmance by the courts of some kind of right to itself in these lands.

What was the course pursued? A case was made up, plaintiff and defendant desiring the same result, a record made calculated to induce that result put in the courts, and of course it came out as both parties desired it should and intended it should. But that can not interfere with the rights of these honest settlers nor divest them of whatsoever interest they have in these lands. No cooked-up case of that kind can stand against the interests of these people if they can but have the opportunity accorded of the United States asserting in their behalf in the courts its paramount title.

Mr. President, there are some other features connected with this case involving the movements of this company. This disputation concerning these lands has clouded the title for a quarter of a century of all the lands embraced within the alleged grant, lying in one of the most beautiful sections of Iowa. Men who have gone upon those lands as settlers in the early days when that region was the advanced frontier post of civilization, having clustering around the lands upon which they settled and the homes which they there created all of those tender sentiments that tie men to home, were not willing, even if it required personal sacrifice, to have those ties all sundered and go out in the world again in search of other homes. So they said to this company, some of them, "In order to have peace we will buy in your title such as you have." So contracts were made with many of them by this company through an agent it had out in the State of Iowa. Rather than resist, rather than be troubled, in order to have some ascertainment of their cases, they entered into the contracts and agreed to pay, and many of them did pay, the contract price to the agent of this company. The agent was unfaithful. He did not account to his principals for the money thus received, and they repudiated his authority to receive the money, asserted that the contract was yet subsisting, sued upon the contract, and in some cases ousted these people from their homes.

This company come here to plead not only law but equity. Will it come here with the clean hands that must go in where equity obtains? It is not found in the record of that company in the State of Iowa, neither in the greed which it has manifested concerning the return for the comparatively small outlay that it made in connection with that improvement, nor in the manner with which it has treated with the people settled upon those lands. I have here, but I shall not take the time to read them, letters from many of these men, men who have been there, as I have said, more than a quarter of a century, who have looked forward to the time when their titles should come to them from the Government, and their homes would be assured to them. While they have waited they have gone on as industrious pioneers are wont to do, reclaiming the wilds and making them habitations for progress and civilization. They have waited. Some of them have conference yet with this company. Others now occupying the lands, but as they say, tenants by suffrance, have had hard lines dealt out to them by this innocent company.

I have one case here where a settler entered upon an 80-acre tract of land as a pre-emptor. In the course of time he purchased from this company 80 acres more. He gave them his contract secured upon the 160 acres, and what was the result? The company sued him for the balance. It was but a small amount comparatively; only $500, but he had consumed what little savings he had in buying in the 80 acres of land and in making the balance. Judgment was rendered; execution was issued. The first 80 acres were sold. The tract did not bring enough to pay the judgment. The second 80 acres were sold, and the home of the man was gone, both that part of the land upon which he entered as a pre-emptor and that which he bought from the company. Has this company been harshly dealt with? It would have been at least humane for it to have allowed this poor man to retain one of the 80-acre tracts, inasmuch as this preposterous claim was the occasion of the small sum realized for the sale of that land. And why? Because a disturbed title is not a marketable article at fair value and because of this disturbed title claimed by this company the man's possessions went from him and to day he is homeless and his family with him.

I might go on with scores of cases like this, but I will not consume the time of the Senate. I insist that the United States shall, by the enactment of this bill notwithstanding the President's objection thereto, make at least an honest endeavor to protect the men it invited upon these lands twenty-five years ago. I insist not only for them that this remedy shall be accorded, but for all, the company itself as well as its grantees. Therefore it is provided in the bill that in all cases where there are not conflicting claims the title shall be confirmed in the holders, whether they be the Des Moines Navigation Company, its grantees, or others, the purpose of the bill and the remedy it provides being to settle now within the reasonable time which may be necessary to devote to the proposed remedy the titles to the lands in that great section of Iowa which have been disturbed so long. This, as I said in the last Congress when discussing the question, resolves itself on that account into a public question, for the disturbance of title is a serious injury to public interests and affairs.

Mr. President, I do not care to consume more of the time of this body in a discussion of this measure, but am content to let Senators by their votes say whether this remedy which will give peace to that region of country, whatever the result of the judicial determination may be, shall not take its place upon the statute-books and let its movements go on to the assurance of that stability of title so much needed not only there but everywhere in order that the best conditions of society may obtain.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the

chair). The pending question is, "Shall the bill pass notwithstanding the objections of the President?" Under the Constitution this question must be determined by a yea-and-nay vote. Is the Senate ready for the question? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. TELLER (when Mr. BOWEN'S name was called). My colleague [Mr. BOWEN] and the Senator from Nevada [Mr. JONES] are paired with the Senator from Tennessee [Mr. HARRIS]. My colleague and the Senator from Nevada would vote "yea," if present, and the Senator from Tennessee would vote "nay."

Mr. CAMDEN (when Mr. MCKENNA'S name was called). My colleague [Mr. MCKENNA] is absent on account of sickness and is paired with the Senator from Minnesota [Mr. SABIN], who is also detained from the Senate by illness.

The roll-call was concluded.

Mr. WHITTHORNE. I wish to state that my colleague [Mr. HARRIS] is paired with the Senator from Nevada [Mr. JONES] and the Senator from Colorado [Mr. BOWEN]. My colleague would vote "nay" on this proposition and those gentlemen would vote "yea."

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "nay."

Mr. FRYE. I am paired with the senior Senator from Maryland [Mr. GORMAN], who is detained at home by sickness.

Mr. CULLOM (after having voted in the affirmative). I am paired with the Senator from Louisiana [Mr. GIBSON]. I think I have a right to vote in this case, but I shall withdraw my vote.

The PRESIDING OFFICER. The vote is withdrawn.

Mr. HEARST. I am paired with the Senator from California [Mr. STANFORD].

The result was announced—yeas 34, nays 15; as follows:

YEAS—34.

Allison,	Coke,	Jones of Arkansas,	Sawyer,
Beck,	Conger,	McMillan,	Sewell,
Berry,	Dawes,	Mahone,	Sherman,
Blackburn,	Eustis,	Manderson,	Spooner,
Blair,	George,	Maxey,	Teller,
Call,	Hale,	Mitchell of Oreg.,	Walthall,
Cameron,	Harrison,	Palmer,	Wilson of Iowa.
Chace,	Hoar,	Plumb,	
Cockrell,	Ingalls,	Riddleberger,	

NAYS—15.

Brown,	Evarts,	McPherson,	Vance,
Butler,	Gray,	Miller,	Vest,
Colquitt,	Hampton,	Platt,	Whitthorne.
Edmunds,	Hawley,	Ransom,	

ABSENT—27.

Aldrich,	Gibson,	Logan,	Sabin,
Bowen,	Gorman,	Mitchell of Pa.,	Saulsbury,
Camden,	Harris,	Morgan,	Stanford,
Cullom,	Hearst,	Morrill,	Van Wyck,
Dolph,	Jones of Florida,	Payne,	Voorhees,
Fair,	Jones of Nevada,	Pike,	Wilson of Md.
Frye,	Kenna,	Pugh,	

The PRESIDENT *pro tempore*. Two-thirds of the Senators present having voted in the affirmative, the bill is passed, notwithstanding the objections of the President of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House still further insisted upon its disagreement to the third, fourth, and sixth amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, insisted upon by the Senate, and still further insisted upon its amendment to the fifth amendment of the Senate to the bill, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, Mr. J. M. TAYLOR, and Mr. BINGHAM managers at the conference on its part.

The message also announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, and agreed to the same.

ARMY APPROPRIATION BILL.

Mr. PLUMB. In the absence of the Senator from Illinois [Mr. LOGAN], as one of the conferees on the part of the Senate, I present the report of the committee of conference on the Army appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6395) "making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 17, 18, 20, 23, 24, 25, 26, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 21, and 22, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out of bill in line 22, page 1, and in line 1, page 2, the words "four million three hundred and three thousand one hundred and eight dollars" and insert in lieu thereof the following: "Four million two hundred and seventy-six thousand five hundred and eighty-eight dollars;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For pay of one hundred and twenty-five men enlisted as general-service clerks at Army, division, department, and district headquarters, at the headquarters of the general recruiting service, at recruiting depots, and at West Point, N. Y., as follows: Ten clerks at $1,200 each; twenty-five clerks at $1,100 each; and ninety clerks at $1,000 each; said sums to be in full for all pay, commutations, and allowances; in all, $129,500.

"For pay of forty-five men enlisted as general-service messengers, at the rate of $60 per month each, in full for all pay, commutations, and allowances, $32,400."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the amended paragraph insert the following:

"For mileage to officers, when authorized by law, not to exceed $130,000: *Provided*, That in disbursing this allowance the maximum sum to be allowed and paid shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of transportation actually paid, exclusive of sleeping or parlor car fare."

Making in all, for pay of the Army, $12,549,857.21.

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of said amendment insert the following:

"For the purchase of subsistence supplies: For issue as rations to troops, civil employés when entitled thereto, contract surgeons, hospital-matrons, military convicts at posts, prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), estimated for the fiscal year on the basis of 9,971,800 rations; for sales to officers and enlisted men of the Army; for authorized extra issue of candles, and salt and vinegar for public animals; for issues to Indians visiting military posts, and to Indians employed with the Army without pay as guides and scouts; for payments for cooked rations for recruiting parties and recruits; for hot coffee, canned beef, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books, and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for bake-ovens at posts and in the field, and repairs thereof; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for the payment of the regulation allowances for commutation in lieu of rations to enlisted men on furlough, to ordnance-sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in department, division, and Army rifle competitions while traveling to and from places of contest; in all $1,745,000, to be expended under the direction of the Secretary of War; and not more than $105,000 thereof shall be applied to the payment of civilian employés of the Subsistence Department."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted the words "sixty-five thousand dollars" and insert in lieu thereof "sixty-thousand dollars;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

JOHN A. LOGAN,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

EDW'D S. BRAGG,
EGBERT L. VIELE,
GEO. W. STEELE,
Managers on the part of the House.

Mr. PLUMB. Before the question is put I desire unanimous consent to insert in the RECORD a brief statement of the differences which were adjusted in the conference committee; and I will state in a word, for the benefit of the Senate, that the bill as it passed the Senate appropriated $138,000 less than the bill as it came from the House of Representatives appropriated, and that in the conference the conferees agreed to an increase in various items amounting to something over $60,000, and diminutions in other items amounting to over $77,000. So the bill as it finally passes and becomes a law appropriates about $150,000 less than the bill as it passed the House originally.

The report was concurred in.

The PRESIDENT *pro tempore*. The statement submitted by the Senator from Kansas will be printed in the RECORD, if there is no objection. The Chair hears none.

The statement is as follows:

Amount of bill as passed House	$23,968,928 46
Amount of bill as passed Senate	23,830,874 80
Reduction by Senate	138,053 66

Conference committee have made the following changes in amounts, namely:

Increase:	
Pay of the Army, net	$49,732 41
Library of the Engineer School of Application, Willets Point, N. Y.	500 00
Construction of building for same	10,000 00
Total increase	60,232 41
Reduction:	
Subsistence Department	55,000 00
Construction and repair of hospitals	25,000 00
Medical Department	20,000 00
General expenses, ordnance service	10,000 00
Infantry, cavalry, and artillery equipments	10,000 00
Signal Service supplies	2,500 00
Contingent expenses, office Lieutentant-General	550 00
Contingent expenses of the Army	15,000 00
Total reduction	138,050 00
Net reduction	77,817 59
Amount of bill as agreed to	23,753,057 21
The bill as agreed to is less than act for 1886	260,995 29
The bill as agreed to is less than estimates	1,603,940 72

TAXATION OF RAILROAD GRANT LANDS.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows. Add section 4:

"SEC. 4. That section 21 of chapter 216, approved July 2, 1864, is hereby so amended as that the costs of surveying, selecting, and conveying therein required to be paid shall become due and payable at and on the demand therefor made by the Secretary of the Interior as provided in section 2 of this act, and nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said act as in the opinion of Congress justice or the popular welfare may require or to impair or waive any right or remedy on the premises now existing in favor of the United States. This act shall be subject to alteration, amendment, or repeal."

And the Senate agree to the same.

P. B. PLUMB,
E. C. WALTHALL,
Conferees on the part of the Senate.
CHARLES F. CRISP,
JAMES D. RICHARDSON,
Conferees on the part of the House of Representatives.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. CONGER, from the Committee on Commerce, to whom were referred the following bills, reported them severally adversely:

A bill (H. R. 3581) making an appropriation for the establishment of a light-house near Croatan, N. C.;

A bill (H. R. 5863) providing for the establishment of a light-house and fog-signal station at Point Sur, California;

A bill (S. 1182) making an appropriation for the erection of a light-house on Castle Hill, Newport, R. I.;

A bill (H. R. 5865) for the establishment of a light-house on Castle Hill, entrance to Newport Harbor, Rhode Island;

A bill (H. R. 6662) to establish a light at Whitehall Narrows, New York;

A bill (H. R. 7205) for the establishment of a light at New Bedford, Mass.;

A bill (S. 1183) making appropriation for the erection of a light-house on Gull Rock, Newport Harbor, Rhode Island;

A bill (H. R. 7472) for the establishment of a light-house and fog-signal on one of the Gull Rocks, Newport Harbor, Rhode Island;

A bill (H. R. 7628) for the establishment of a light-house on Crabtree's Ledge, in Frenchman's Bay, Maine;

A bill (H. R. 7629) authorizing the establishment of a light-house and fog-signal at Deer Island, Boston Harbor, Massachusetts;

A bill (H. R 7630) for the erection of a light-house at Lubec Narrows, Maine;

A bill (S. 1215) making an appropriation for the purchase of a right of way to Cape Orford light station, Oregon;

A bill (S. 1396) making an appropriation for the erection of a light-house at Two Harbors, Minn.;

A bill (S. 1186) making an appropriation for the erection of a light-house on Gould Island, Narragansett Bay, State of Rhode Island;

A bill (S. 1216) making an appropriation for the purchase of a site and the construction of a light-house at Cape Meares, Tillamook Bay, Oregon; and

A bill (S. 2471) making an appropriation for the building of a new light-house at Milwaukee, Wis.

Mr. CONGER. Most of these bills have been embraced in a bill which has passed the Senate and the House on the report of a committee of conference. The Committee on Commerce report these bills adversly, and I move that they be indefinitely postponed.

The motion was agreed to.

Mr. CAMERON, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3318) for the relief of Enols Loyd; and

A bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey.

Mr. MCPHERSON submitted a report to accompany the joint resolution (S. R. 60) for the purpose of temporarily increasing the number of assistant engineers in the United States Navy by restoring certain cadet-engineers named therein to their legal rights and to their proper office and rank in the United States Navy, authorizing and directing the President to appoint such cadet-engineers (graduates) assistant engineers, to commission them as such, and to antedate their commissions, heretofore reported by him.

Mr. PALMER, from the Committee on the District of Columbia, to whom was referred the bill (S. 938) for the relief of Chittenden Brothers, reported it with an amendment, and submitted a report thereon.

AMENDMENTS TO BILLS.

Mr. MAHONE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EUSTIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. VANCE, it was

Ordered, That the papers relative to the pension claim of William Alexander, filed during the Forty-fifth Congress, be withdrawn from the files of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 28th instant, approved and signed the following acts:

An act (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government;

An act (S. 505) for the relief of William J. Gamble;

An act (S. 579) granting a franking privilege to Julia D. Grant;

An act (S. 787) granting a pension to Reuben Farnum;

An act (S. 1618) granting a pension to John G. Nicholas;

An act (S. 1841) granting a pension to Joseph Shull; and

An act (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy.

The message also announced that the President had this day approved and signed the act (S. 1657) to legalize the incorporation of national trades unions.

PUBLIC-LAND LAWS.

Mr. DOLPH. For the purpose of clearing the Calendar I ask that Senate bill 2299, which is down on the list of special orders, may be taken up and indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of a bill with a view to its indefinite postonement. Its title will be stated.

The CHIEF CLERK. "A bill (S. 2299) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes."

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the bill be indefinitely postponed.

The motion was agreed to.

Mr. DOLPH. I also move to postpone indefinitely Order of Business 118, being the bill (S. 1296) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I now move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. Is there some special reason for that?

Mr. HOAR and Mr. ALLISON conferred together.

Mr. ALLISON. I had hoped that the legislative appropriation bill could be passed through the Senate so that it could receive the signature of the President before the beginning of the next fiscal year, as unless this bill passes before the 1st day of July a joint resolution will be necessary covering all the expenditures embraced in the bill. But of course if there is an understanding that we are to have an executive session at this time, agreed to by both sides of the Chamber, I shall not interfere.

Mr. HOAR. I do not think I have a right to say that it has been agreed to. It has been agreed to by one gentleman on the other side and myself.

Mr. ALLISON. I trust the Senator will allow us to go on.

Mr. HOAR. I will say to the Senator that I do not think I should want to discuss any arrangement which might be made as to the order of business. I withdraw the motion.

Mr. ALLISON. Now let us go on with the bill.

Mr. HOAR. I ask the Senator from Iowa to allow me to give a notice. If the Senate should finish the legislative bill this afternoon, as I understand the Senator hopes to be able to do though he is not sure, I shall move to go into executive session to-morrow as early as 2 o'clock.

Mr. EDMUNDS. I hope we shall finish this bill to-night. We ought to do so.

Mr. ALLISON. I ask unanimous consent for the convenience of the Senate that the first reading of the bill be dispensed with and that the amendments of the Committee on Appropriations may be considered as the bill is read and that the committee amendments may be considered before other amendments are in order.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent of the Senate that the formal reading of the bill be dispensed with and that the amendments of the Committee on Appropriations be acted upon as they are reached in the reading. There being no objection, that order is made.

Mr. EDMUNDS. If a committee amendment relates to some one section or paragraph of the bill that needs some other little amendment, the Senate might be willing to finish that paragraph at the same time.

Mr. ALLISON. Of course that is allowed.

The PRESIDENT *pro tempore*. That will be adjusted according to the circumstances, as is the custom.

Mr. EDMUNDS. Very well.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in line 5, after the word "appropriated," to insert "in full compensation;" so as to read:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1887, for the objects hereinafter expressed, namely.

Mr. HAWLEY. The effect of that amendment, if I understand it correctly, is to render it possible to change all salaries fixed by statute in the course of this bill without any notice or knowledge whatever to the Senate in acting upon the bill.

Mr. ALLISON. Does the Senator desire that this particular amendment shall be passed over until we go through the bill? Is that the idea?

Mr. HAWLEY. I think it would be well to do so, and I should also like to have notice wherever salaries are seriously changed. I should like to know whether there is much of it done in the bill.

Mr. ALLISON. I will say that so far as I know there are but two or three changes from the law as it exists under the appropriation bill for the current fiscal year, and the exact language now proposed in this bill is the language of the bill for the fiscal year 1886. I do not think the Senator need be at all disturbed by the insertion of these words although of course in this bill there are some salaries that are below the statutory compensation provided years ago and there are a few salaries that are above the statutory compensation. Of course all salaries that are above the statutory compensation, I understand, will be subject to a point of order.

Mr. EDMUNDS. Are those which are above shown in the bill?

Mr. HAWLEY. How are we to know?

Mr. ALLISON. They are not shown. If any Senator desires, or if it is the desire of the Senate, I will endeavor to call attention to such statutory salaries as they occur.

Mr. EDMUNDS. I wish then for one to ask the chairman of the committee to call attention to every instance where the statutory salary is increased under this bill.

Mr. INGALLS. Or by any amendment to it.

Mr. ALLISON. That is rather a peculiar task in reference to the diminution of salaries, but I will endeavor to do it as near as I can.

Mr. MAXEY. I wish to say in regard to these words, "in full compensation," that the statute has fixed the salaries of the officers of the United States Government; and the effect of the legislative, executive, and judicial appropriation bill has been in many instances that the salary fixed by statute has not been appropriated. The Supreme Court in the case of Langston, minister to Hayti I believe, has decided that an appropriation bill simply appropriating a certain amount of salary without saying "in full compensation" does not change the statute.

Mr. EDMUNDS. We can not hear the Senator from Texas.

The PRESIDENT *pro tempore*. There is too much noise in the Chamber.

Mr. MAXEY. I should like to be heard, for I think I am talking very good law.

I was observing that in the Langston case, recently decided by the Supreme Court, that court held that where the words "in full compensation" were not incorporated in the appropriation bill, but simply an allowance was made for salary different from the statutory rate, it did not change the statute, and that if the allowance were less in the appropriation bill than that fixed by the statute the officer would be entitled to the difference between the amount in the appropriation bill and the amount fixed by statute. But they go on to say—I am speaking from memory but I think I am quoting correctly—that where the words "in full compensation" are inserted in the appropriation bill, that is a repeal *pro tanto* of the statute.

We have a rule as I understand—but on the subject of rules I confess I am not authority—that we have no right to put original legislation on an appropriation bill. Now that clause "in full compensation" does come in and does repeal existing statutes. That is original legislation put on an appropriation bill, and I make that point of order on the proposed amendment.

The PRESIDENT *pro tempore*. The Chair is of opinion that, if the point of order is taken, the proposed amendment does change existing law.

Mr. EDMUNDS. Suppose every salary is not exactly what the bill names?

Mr. INGALLS. It does not appear that that changes existing law. It may be that if the sums named vary from existing statutes, then it would change existing law; but that does not appear yet.

The PRESIDENT *pro tempore*. The Chair takes the statement made by the chairman of the committee as correct, that there are changes made in the existing law which this provision is made to cover.

Mr. ALLISON. I would not desire to have the Chair make his decision on a mere statement of my own, because I think it is subject to very grave debate whether or not this bill does change existing law. The statute of last year appropriating for legislative, executive, and judicial expenses had, in the words we propose to insert, "in full compensation," and at the end of the law it was provided:

That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

And it has been claimed elsewhere, if I may allude to what occurred elsewhere, that the effect of that repealing clause in the law of last year is to make the statutory compensation provided for in that bill the absolute compensation. So this bill has at the end of it the same words, repealing all acts or parts of acts inconsistent with the provisions of this act. It is claimed elsewhere that the effect of that is to provide for the salaries and compensation of all officers embraced in the bill as the bill provides, notwithstanding that in the Revised Statutes or some other statute a different compensation is provided.

The Committee on Appropriations had in view the decision made in the Langston case, which was a case where there was no provision either at the end of the bill or in the beginning that the salary appropriated should be in full compensation. We thought in view of the decision of the court in that case that it was a wise thing to insert here in the beginning of this bill a provision that the salaries which we provide for should be the salaries for the current year, which would make it more certain and definite than the provision which we found in the bill as it came from the House.

That is all I have to say.

Mr. EDMUNDS. Mr. President, I wish to suggest that as this matter will cover a variety of topics as we go on, it be passed by until we have gone through with the various items, and then we shall all understand exactly how it applies, reserving the question of order so that it can be renewed, not being waived at all, and go on with the items in the bill.

Mr. MAXEY. If the Senator from Vermont will yield to me a moment, I wish to state one point. As I remember the statute it fixes the salaries of the Auditors of the Treasury at $4,000 per annum and this bill appropriates for each of the Auditors of the Treasury $3,600. Without the words "in full compensation" the Auditors unquestionably could go into court and recover the $400 difference. This clause is therefore a change of existing law.

Mr. EDMUNDS. It is perfectly clear that the Auditor would have a right to sue the United States and get his judgment and collect his pay on the case as stated; but whether that affects the point of order may be another question which I shall hold in reserve for consideration; and let us go on with the items, saving that until a later period.

The PRESIDENT *pro tempore*. Does the Senator from Texas consent that the point of order be waived for the present?

Mr. EDMUNDS. I ask that the clause itself shall be passed over

without being voted on, and reserved with its point of order until we go through with the items.

Mr. MAXEY. I have no objection with the understanding stated by the Senator from Vermont that this matter is to be settled and decided, because I am clear in my mind that if it is passed by and I should waive the point of order——

Mr. EDMUNDS. I do not wish that, because I think we ought to consider it carefully and dispose of it.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be passed over.

Mr. EDMUNDS. Let it be held in reserve saving the point of order.

Mr. HAWLEY. Does not the ruling of the Chair that it is a change of existing statute stand?

The PRESIDENT *pro tempore*. The Chair does not yet make a ruling, because some question has been raised whether or not there is any change of the existing law.

Mr. EDMUNDS. The Chair merely suggested the impression he then had.

The PRESIDENT *pro tempore*. It is due to frankness to say that on reference to the rule it expressly provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

The Chair is inclined to the opinion, without making a decision that will bind him on further hearing, that this is general legislation which may change the law.

Mr. EDMUNDS. I hope the Chair will hold that in reserve, because at this moment I am inclined to agree with the Chair, but I see that there are difficulties about the matter.

Mr. BECK. I want to make a suggestion and call attention to some matters.

I suppose if these words are stricken out there will be under this bill one hundred cases of difficulty, perhaps more. I hope Senators will watch the bill as it proceeds. There are four or five amendments I desire to offer, and I call attention to them now.

The law for the current year provides that the sums appropriated shall be "in full compensation for the service of the fiscal year ending June 30, 1886, for the objects hereinafter expressed," and then provides in section 3—

That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

As to the Auditors—for those are the men in regard to whom I propose to offer an amendment, for they illustrate it as well as any others—the present bill provides that the First Auditor of the Treasury shall receive $3,600, the Second Auditor $3,600, the Third Auditor $3,600, the Fourth Auditor $3,600, the Fifth Auditor $3,600, and so on, and the Revised Statutes provide—

SEC. 276. There shall be connected with the Department of the Treasury six auditors of accounts, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be known as the first, second, third, fourth, fifth, and sixth auditors, respectively. Each auditor is entitled to a salary of $4,000 a year.

In the bill now presented the law of last year allowing them $3,600 a year each is followed; and the question is whether the Revised Statutes which fix the salary at $4,000 a year are still the law, or whether when the law for the current year said they should receive $3,600 in full compensation for their services, and "that all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed," the Revised Statutes are still the law.

Senators may as well consider about that, as these and perhaps one hundred other cases will come up. I had proposed to amend this bill by making the salary of each Auditor, when the proper time comes, $4,000, but that is only a specimen of the cases.

Mr. EDMUNDS. Mr. President——

Mr. HOAR. I rise to a question of order. Has this matter passed from the Senate or not? If it is to be determined now I have no objection to debate, but if it is not to be determined now——

The PRESIDENT *pro tempore*. The bill is open to debate without any limit. The Chair is not aware that he can trench on debate.

Mr. EDMUNDS. I rise to debate the bill, Mr. President.

Mr. HOAR. I renew the point of order.

The PRESIDENT *pro tempore*. The Chair is of opinion that the Senator from Vermont is in order.

Mr. EDMUNDS. The remarks of the Senator from Kentucky open really a new aspect of this question. The act of March 3, 1885, the last law of Congress upon the subject of legislative appropriations, &c., started in its beginning just as this does:

In full compensation for the service of the fiscal year ending June 30, 1886, &c.

Then the third section, the very last section of the bill, on page 425 of the twenty-third volume of the Statutes, says:

That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

If in this act of 1885 which stated itself to make full compensation for every subject provided for there was a change of existing compensations, making them greater or making them less, then followed the third section, which said that every law existing at that time which made a different provision for compensation is repealed—that is what it says—and it is not repealed for that year, but it is a total repeal; it is gone; and therefore I should say at the present moment as a first impression—I only state it for consideration that it may be thought of when we come back to it—it is open to consideration whether the appropriation bill of March 3, 1885, does not fix by law the salary of every officer named in that bill. If it does, then of course it is the existing law as to those salaries; and the suggestion made by the Chair would have the same force and effect, but we should have to look, not to the Revised Statutes but to the act of 1885, for a guide of what the existing law is.

Mr. HALE. Before the Senator takes his seat, let me call his attention to this condition: The act of appropriation for the current year contains a provision declaring that the sums appropriated shall be in full compensation, and at the end of it is found the further provision that all acts inconsistent with that act are repealed; but that act only attempts to fix salaries for the year. That act only claims or seeks or pretends to fix salaries for the year. It does not claim to go further. It has no force at the end of the year. There is nothing in the appropriation bill that in terms or by inference could be construed as fixing the salary of any public officer beyond that year, no matter how much force you give to it as a repealing act.

Now if, as indicated and suggested as the present impression on the mind of the Senator from Vermont, the old fixed and fundamental statute is repealed, it has ceased then to exist, and there is no law about these salaries; there is no law after the year just expiring which limits and confines the scope of the appropriations, if the old statute is swept away, the statute which by the appropriation bill only exists for the year; and when the 1st day of July, 1886, comes there is no law left for salaries.

Mr. HOAR. Is there not a change of existing law?

Mr. HALE. I am not discussing the point of order. I am discussing the point as to where we should find ourselves if we adopted the conclusions, which I am bound to say at first suggested themselves to my mind as they do to the Senator from Vermont—where we should find ourselves if we held that the old fundamental statute about salaries is repealed. We have then got no law.

That throws light upon the point of order as to the question of new legislation. If there is no legislation, if there is nothing to conflict with it, an appropriation bill may go on and provide appropriations for the year of the sum that the Government will pay for a particular service, and may declare that that shall be in full; but if there is a law in operation that it conflicts with, it is subject to a point of order.

Mr. EDMUNDS. I wish to suggest to my friend from Maine and to the Senate that I did not intend to express any final opinion about it, but only to suggest a question as the matter was reserved for the consideration of Senators and so that they might examine and reflect about it and be ready to act when the matter came up. There is great force in what the Senator from Maine says, and I did not mean to say that I had come to a definite conclusion.

Mr. HALE. I did not so understand the Senator. I am only saying what now falls from my lips in the same way that the Senator uttered his remarks as a subject to be thought about. It is a subject beset with difficulties. It is a pretty difficult thing to tell, if we embark upon this consideration, where we shall come out with reference to the salaries. I make the suggestion about the situation that we may find ourselves in that Senators may let their minds rest upon it before it comes up finally for action.

Mr. MAXEY. Mr. President, at first blush it would seem that there would be much in the point suggested by the Senator from Vermont, but I do not think it will bear analysis.

The act of March 3, 1885, opens out with a declaration that there shall be appropriated the following sums for the fiscal year. That does not pretend to change existing laws, but simply to make an appropriation of a given amount of money for that fiscal year. Very well. Now you come down to the section which was referred to by the Senator from Vermont, and what was that? "All acts inconsistent with this act are hereby repealed." What inconsistency? The act of the 3d of March, 1885, simply makes an appropriation for that year, and any amount which is inconsistent with the amount fixed for that year is repealed. That is all. It does not pretend to repeal the existing laws and leave us, as the Senator from Maine very well observed, without any law on the statute-book whatever, but practically it was only holding in abeyance or suspending during the next fiscal year ensuing March 3, 1885, any act inconsistent with the act making appropriations. That is all there is in that, and there can not be anything other in it than just that.

It is a rule of law as old as the horn-books that repeals by implication are never looked upon with favor. Here is a statute which has been in existence for lo these many years, placed upon the Revised Statutes, a part and parcel of our existing law; and if the construction should be placed upon the third section of the act of March 3, 1885, that it swept out of existence all antecedent laws fixing salaries inconsistent with that particular provision for a particular year, you will leave the country without any law fixing any salary whatever. It is practically a *reductio ad absurdum*. Never is a repeal by implication received with

favor. The bill does not pretend to take up the various acts fixing salaries as specified in the Revised Statutes and repeal them, but it applies simply to acts which are inconsistent with that particular act for a particular time and for one particular year.

Mr. BECK. I have said all I care to say. I have called attention to the difficulties which Senators will see all around them in regard to these salaries in view of those provisions, and they will find when they come to look for the existing law that even the salaries fixed in the Revised Statutes are simply a compilation of what was found to be the amount that was then in the appropriation acts for the year before the statutes were compiled, and they occupy no higher relation upon the statute-book than any other appropriation acts, simply being the amount that happened to be provided for the year previous to the time the revision of the statutes was made. So it has been year after year ever since. Statutes prior to the act of 1885, the one of 1883, contained the same provision, that all acts and parts of acts inconsistent with or in conflict are hereby repealed. You will make it almost impossible for any gentleman to ascertain, in many cases, what is the salary fixed by law, unless he follows previous appropriations.

Mr. ALLISON. These words, "in full compensation," have been in every appropriation bill of this character since 1877. The Revised Statutes gathered together the compensation at that time, but the Treasury Department, for example, was entirely reorganized after the Revised Statutes, and a whole line of salaries was fixed beyond what is now appropriated for in this bill and what has been appropriated for since 1876.

Mr. EDMUNDS. Was that done on an appropriation bill or by a separate bill?

Mr. ALLISON. It was in a separate and distinct bill known as the Kellogg bill, which Senators will remember; a House bill.

Mr. EDMUNDS. That is a standing law then, unless repealed.

Mr. ALLISON. That is a standing law unless affected by the statutes. So I submit to the Senators it would be rather confusing if we are to look among the numerous statutes to find out what the statutory compensation is and if those persons whose salaries have been reduced by the bill shall have an opportunity of going into the courts and recovering the additional amount.

Mr. INGALLS. Under the interpretation which has been placed on these words let me ask a question. The salary of the President of the United States is now fixed by law at $50,000 a year. Suppose that in this bill it was provided that for the salary of the President of the United States there should be but $25,000 appropriated, do I understand the Senator to say that if the words "in full compensation" are retained as provided by the committee in this bill the result would be to repeal the $50,000 statute and fix the salary of the President of the United States at $25,000?

Mr. EDMUNDS. So it would, but it would be unconstitutional.

Mr. BECK. The salary of the President can not be reduced during his term.

Mr. ALLISON. That would not be the effect of it.

Mr. INGALLS. Take a case where the Constitution would not come in.

Mr. ALLISON. I understand the purport of the Senator's question and I will answer it. It is the intention of the bill to make the salaries herein provided, whatever they are or may be when the bill becomes a law, the statutory salaries for the fiscal year ending the 30th of June, 1887, notwithstanding what may have been the salary prior to that time.

Mr. INGALLS. So if there is a reduction of the existing salary of any officer and the words "in full compensation" are retained, that officer will not have the right to go into the Court of Claims and sue the United States for the deficit——

Mr. EDMUNDS. That is it.

Mr. INGALLS. He will not have a right to sue the United States for the difference between the amount in this bill and the amount fixed by law?

Mr. EDMUNDS. That is it.

Mr. INGALLS. But I understood the Senator to say that these same words had been included in every appropriation bill since 1877.

Mr. ALLISON. In every legislative, executive, and judicial appropriation bill.

Mr. INGALLS. My recollection is that there have been repeated instances where the officers whose salaries have been diminished in those bills have gone to the Court of Claims and asked for a judgment for the amount to which they were entitled, as they claimed, being the difference between the statutory salary and that provided for in the appropriation act.

Mr. ALLISON. That is true; and the Court of Claims and the Supreme Court have frequently decided that where the words "in full compensation" were inserted they were controlling and the parties could not recover. Under the consular and diplomatic bill what is known as the Langston case arose. We reduced the statutory compensation from $7,500 to $5,000.

Mr. EDMUNDS. Failed to appropriate the full amount.

Mr. ALLISON. We failed to appropriate what was the statutory salary as fixed in 1871, and the Supreme Court finally decided that, inasmuch as we did not have the words "in full compensation" inserted, Langston was entitled to recover.

Mr. MAXEY. I will ask the chairman of the Committee on Appropriations if the Supreme Court in that same case did not say that the words "in full compensation" were in full compensation for that year; but did they pretend to say that they repealed the antecedent act?

Mr. ALLISON. There is great force in what the Senator from Texas says in regard to the effect of this bill only lasting for the year, but the Supreme Court has not passed upon that question.

Mr. EDMUNDS. The words "in full compensation" are one thing and the repealing section is quite another thing.

Mr. INGALLS. I wish to ask another question, and that is whether the amounts in the bill as it came from the House appropriating for the salaries of these officers are in accordance with existing law. Does the bill provide for the payment of salaries to these different officers in accordance with existing law?

Mr. ALLISON. In some cases so; in many cases not so.

Mr. INGALLS. Does the bill show where there has been a departure?

Mr. ALLISON. No; the bill does not show it.

Mr. INGALLS. The bill ought to show it. Before we are called upon to vote in these words we ought to see whether there is any conformity between this bill and the existing law, or whether it is going to precipitate ten thousand lawsuits on the Government to recover deficiencies in appropriations.

Mr. ALLISON. Of course that depends upon what the existing law is. The Senator from Vermont and the Senator from Kentucky have expressed the opinion, great lawyers both of them, that this repealing clause changes and modifies all prior law.

Mr. EDMUNDS. I have not expressed that opinion. I have merely called it to the attention of the Senate for consideration as a serious question.

Mr. ALLISON. I understand.

Mr. INGALLS. Turning to page 85, lines 2091 and 2092, I should like to ask the chairman of the Committee on Appropriations whether the Commissioner of Pensions under existing law is entitled to $4,000 or to $5,000?

Mr. ALLISON. If the Senator asks me whether the statute organizing the Pension Office, separate and distinct from appropriation bills, allows the Commissioner of Pensions $4,000 or $5,000, I will answer that the statutory compensation aside from these annual appropriation bills allows the Commissioner of Pensions only $4,000, but the appropriation bills for the last four or five years have appropriated $5,000.

Mr. INGALLS. With these same words in?

Mr. ALLISON. With these same words in.

Mr. INGALLS. The words "in full compensation?"

Mr. ALLISON. The words "in full compensation;" and so it is with a number of other officers. In some cases the statutory compensation is larger than is provided for in this bill. That is so in quite a number of cases.

The PRESIDENT *pro tempore*. The Secretary will proceed with the reading of the bill.

The Chief Clerk resumed the reading of the bill at line 9.

The next amendment of the Committee on Appropriations was, in the legislative appropriations, under the head of "Senate," in line 14, to increase the total appropriation "for compensation of the officers, clerks, messengers, and others in the service of the Senate" from $285,141.92 to $297,899.92.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill, and read the following paragraph:

Office of the Vice-President: For secretary to the Vice-President, $2,102.40; for messenger, to be appointed by the Vice-President, $1,440; telegraph operator, $1,200; in all, $4,742.40.

Mr. HOAR. I should like to ask the Senator from Iowa whether there is any existing law now for the condition of things which makes the description of this officer as the Vice-President a proper one, and whether there might not be a serious question as to the official authority of the messenger to be appointed under this proposed statute?

Mr. EDMUNDS. It clearly ought to read "President of the Senate," because that would include both the Vice-President and the President *pro tempore*.

Mr. HOAR. I should like, then, to suggest an amendment at this point, if there is no objection, to substitute the words "President of the Senate" in both places where they occur.

Mr. ALLISON. I have no objection to such an amendment.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be agreed to.

Mr. INGALLS. With all deference to the Senator from Massachusetts, while I have no objection to the amendment, I should say that the President *pro tempore* of the Senate was acting in the office of the Vice-President, and that therefore the language of the bill would be sufficient.

Mr. HOAR. The question suggested itself to me suddenly and I put my suggestion in the form of an interrogatory. But as I at present understand it, the office of Vice-President is created by the Con-

ntitution of the United States, and he is to succeed to the Presidency, or to discharge the functions of the Presidential office, according to different theories of the Constitution, in case of the President's death or resignation or disqualification. One of his functions under the Constitution is that he is to be President of the Senate, and then it is provided that there may be a President of the Senate elected by the Senate, who officiates in the absence of the Vice-President.

That latter officer was very often designated as Vice-President, because under the power conferred upon Congress until recently he, by statute, succeeded to the Presidency, there being no Vice-President; so that he had that possible succession as well as the other qualities of Vice-President. But since the late law the President *pro tempore* of the Senate is never Vice-President and has nothing whatever to do with the Vice-Presidency. The office of President of the Senate when a Vice-President is living is exercised by him and is now exercised by a Senator elected for that purpose. Therefore it seems to me questionable whether a statute which authorized the appointment of an officer (under the power of each House of Congress to provide for its own officers) by the Vice-President would authorize the President *pro tempore* of the Senate to appoint the officer. Certainly the words "President of the Senate" properly describe that officer. There can be no doubt about that.

Mr. ALLISON. Very well. I hope we shall amend it without further debate, so as to read:

Secretary to the President of the Senate, to be appointed by the President of the Senate.

Mr. INGALLS. Change the title of the paragraph also.

Mr. ALLISON. "Office of the President of the Senate."

The PRESIDENT *pro tempore*. The Chair would venture to suggest, as a mere matter of form, to avoid the ambiguity, and make it unnecessary to change the law hereafter, the insertion of the words:

For Secretary to the Vice-President, or in case of the death or inability of the Vice-President, the President of the Senate.

Mr. ALLISON. I accept the modification suggested by the presiding officer.

The PRESIDENT *pro tempore*. The clause will be so modified.

Mr. ALLISON. That will cover any case that may arise. Then on line 20 the second clause should read, "to be appointed by the President of the Senate," because that will include both the former designations.

The PRESIDENT *pro tempore*. That modification will also be made.

The reading of the bill was resumed and continued to line 48.

Mr. PLUMB. I observe in lines 14, 15, and 16 that the appropriation for compensation of officers, &c., of the Senate has been increased from $285,141.92 to $297,899.92. I should be glad to have the chairman of the committee state wherein that increase consists.

Mr. ALLISON. The chief increase, in fact the whole increase, relates to clerks to Senators. The House of Representatives made no provision for clerks of Senators. We have reduced considerably, quite largely indeed, the House appropriations for officers of the Senate. Our changes there reduced the appropriations, but the increase comes from the insertion of the provision allowing clerks to Senators.

Mr. PLUMB. I ask is there any case where any number of employés or their compensation has been decreased?

Mr. ALLISON. I did not say the compensation had been decreased. The numbers have been decreased.

Mr. PLATT. There has been a decrease in compensation on the top of page 5, as I understand.

Mr. ALLISON. Only one decrease of compensation, I think, is provided for. There is to be found in line 124 an item of eight skilled laborers instead of ten; line 125, twelve laborers instead of fourteen; in lines 84, 85, 86, 87, and 88, two messengers instead of three in each case; in line 109, twenty-five messengers instead of twenty-seven; and so on, as the Senator can see by looking at the bill.

Mr. PLUMB. I want to say, not because I think it will have any effect but in the discharge of what I consider a duty, that I think the force of the Senate is much larger than it ought to be, and is much more largely paid than it ought to be. This is a subject which is a somewhat delicate one, and one which we approach with a good deal of diffidence, from the fact that the persons who get this enormous pay are those persons who serve us from day to day in a most satisfactory way and to whom we have been in the habit of tossing fifty or sixty thousand dollars as a present out of the Treasury at the end of every session heretofore. I hope we shall be virtuous enough not to do that at least this session; but considering the fact that the average service rendered by the employés of the Senate does not exceed six months in the year, it is perfectly safe to say that the salaries paid are 50 per cent. higher than in any other department of the Government, and they are at least that much higher than are paid for similar services in private callings, and that the number is largely in excess of any possible necessity for the service.

When I have said that about the Senate, in order to be as impartial as possible I will add that the other House is similarly situated, and I desire to call attention to just two items as illustrating the extravagant character of these provisions.

There are seventy-six Senators, who get their mails of course through the means of distribution provided at the Capitol. It costs over $12,000 a year to do that service under this bill. A country postmaster would do that for about $700 I think, except the distribution so far as the messengers are concerned; of course that is a different thing; but so far as the inside service is concerned a country postmaster would be paid only $700 for all the service rendered.

When we come to the House, I find that that service in the House costs $21,220. It is true the service is rendered for a larger number of persons, but that service does not require a proportionately large number of persons to do the work.

I am not saying this with the slightest expectation that anybody will rise to move or that even myself will move an amendment—I have tried it before with no consequences—to cut down the salary of a single person or to cut off a single employé of either House, but simply to call attention to that which I regard as one of the grossest abuses that exist to-day in the public service, in which the Senate and House are equally guilty of what I regard as a grossly improper expenditure of public money and in a wholly unnecessary way without the shadow of a justification.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed, beginning in line 48.

The next amendment of the Committee on Appropriations was, in the appropriations for the "office of Sergeant-at-Arms and Doorkeeper of the Senate," in line 84, after the word "dollars," to strike out "three messengers acting as assistant doorkeepers, $1,800 each," and insert "one messenger acting as assistant doorkeeper, $1,800; one messenger acting as assistant doorkeeper, $1,600."

The amendment was agreed to.

The next amendment was, in line 97, after the words "document-room," to insert "(Amzi Smith);" so as to read:

Superintendent of the document-room (Amzi Smith), $2,592.

The amendment was agreed to.

The next amendment was, in line 109, before the word "messengers," to strike out "twenty-seven" and insert "twenty-five;" so as to read:

Twenty-five messengers, at $1,440 each.

The amendment was agreed to.

The next amendment was, in line 117, to strike out "one fireman, $1,080."

The amendment was agreed to.

The next amendment was, in line 124, before the words "skilled laborers," to strike out "ten" and insert "eight;" so as to read:

Eight skilled laborers, at $1,000 each.

The amendment was agreed to.

The next amendment was, in line 125, before the word "laborers," to strike out "fourteen" and insert "twelve;" so as to read:

Twelve laborers, at $720 each.

The amendment was agreed to.

The next amendment was, in line 126, after the word "each," to strike out—

Two janitors, at $900 each.

The amendment was agreed to.

The next amendment was to reduce the total amount of the appropriations for "office of Sergeant-at-Arms and Doorkeeper" from $141,910.12 to $130,710.12.

The amendment was agreed to.

The next amendment was, in line 134, before the word "clerks," to strike out "twenty-five" and insert "twenty-six," and after the word "thousand," at the end of line 135, to strike out "one hundred and fifty" and insert "eight hundred and seventy-six;" so as to make the clause read:

For twenty-six clerks to committees, at $6 per day during the session, $18,876.

The amendment was agreed to.

The next amendment was, after line 137, to insert:

For clerks to Senators who are not chairmen of committees, at $6 per day during the session, $23,232.

The amendment was agreed to.

The next amendment was, in the appropriations "for contingent expenses of the Senate," in line 142, after the word "including," to strike out "six" and insert "three;" and in line 144, before the word "thousand," to strike out "fifteen" and insert "twelve;" so as to read:

For stationery and newspapers, including $3,000 for stationery for committees and officers of the Senate, $12,500.

The amendment was agreed to.

The next amendment was, after line 144, to insert:

For postage-stamps for the office of the Secretary of the Senate, $100; for the office of the Sergeant-at-Arms, $100; in all, $200.

The amendment was agreed to.

The next amendment was, in line 157, to reduce the appropriations "for furniture and repairs of furniture" from $10,000 to $5,000.

The amendment was agreed to.

Mr. ALLISON. In line 158, before the word "dollars," I move to strike out "seven" and insert "eight;" so as to read:

For packing-boxes, $870.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 159, to increase the appropriations "for miscellaneous items, exclusive of labor," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, in line 165, before the word "thousand," to strike out "twenty" and insert "ten;" so as to read:

And for expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.50 per printed page, $10,000.

The amendment was agreed to.

The next amendment was, in line 165, to reduce the total amount of the appropriations "for contingent expenses of the Senate" from $47,770 to $37,770.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The attention of the Senator from Iowa is called to the fact that the aggregate must be changed in consequence of the amendments.

Mr. ALLISON. Let the Secretary do it.

The PRESIDENT *pro tempore*. The Secretary would not feel at liberty to do that without an order to that effect.

Mr. ALLISON. I move that the aggregate be changed to correspond to the changes in the text.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "House of Representatives," in the clause making appropriations for "office of the Clerk," in line 206, after the words "journal clerk," to insert "(H. H. Smith)"—

For Chief Clerk, journal clerk, tally clerk, and two reading clerks, at $3,000 each, and for the journal clerk (H. H. Smith) for preparing Digest of the Rules, $1,000 per annum.

The amendment was agreed to.

Mr. ALLISON. After the word "doorkeeper," in line 287, the committee move to insert "George A. Bacon," in parenthesis, "to be employed in the document-room." That is an amendment sent over to us by the House Committee on Appropriations, who ask that it be inserted.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In line 287, after the word "doorkeeper," it is proposed to insert "(George A. Bacon) to be employed in the document-room;" so as to read:

Assistant doorkeeper (George A. Bacon) to be employed in the document-room, $2,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations for "office of Doorkeeper," in line 313, after the word "employé," to insert "(John T. Chancey);" and in line 315, after the word "messenger," to insert "(C. W. Coombs);" so as to read: "For one employé (John T. Chancey), $1,500; one Department messenger (C. W. Coombs), $2,000."

The amendment was agreed to.

The reading of the bill was continued to line 332.

Mr. ALLISON. In line 325, at the beginning of the line, I move to insert in parenthesis "A. H. Pickens and H. T. Lyle;" so as to read:

Two chief pages (A. H. Pickens and H. T. Lyle), at $900 each.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 349, after the words "occur in," to strike out "the foregoing" and insert "this act;" so as to make the clause read:

And wherever the words "during the session" occur in this act they shall be construed to mean four months, or one hundred and twenty-one days.

The amendment was agreed to.

The next amendment was, in the appropriations for "public printing," after the word "thousand," at the end of line 373, to insert "five hundred;" so as to read:

For compensation of Public Printer, $4,500.

Mr. ALLISON. I feel bound, in view of the suggestions made to me, to state that the old statutory compensation of the Public Printer was $4,000, but it has been $4,500 for some years in the appropriation bills.

The PRESIDENT *pro tempore*. The question is on this amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 376, after the word "all," to increase the total appropriation for the public printing from $14,800 to $15,300.

The amendment was agreed to.

The next amendment was, in the appropriations for "Library of Congress," in line 391, to increase the appropriation for compensation of two assistant librarians from $480 to $600 each.

The amendment was agreed to.

The next amendment was, in line 393, to increase the total amount of the appropriations for compensation of the Librarian and his assistants from $38,320 to $38,560.

The amendment was agreed to.

The next amendment was, in line 396, after the word "thousand," to insert "five hundred;" in line 402, before the word "thousand," to strike out "one" and insert "two;" and in line 404, after the word "all," to strike out "nine thousand" and insert "ten thousand five hundred;" so as to make the clause read:

For purchase of books for the Library, $3,000; for purchase of law-books for the Library, $1,500; for the purchase, by the Librarian of Congress, of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased under the direction of the Chief-Justice, $1,500; for expenses of exchanging public documents for the publications of foreign governments, $2,000; for purchase of files of periodicals and newspapers, $2,500; in all, $10,500.

The amendment was agreed to.

Mr. HAWLEY. I desire to call the attention of the chairman of the committee to lines 394 and 395, the extravagance of the sum appropriated to this great national Library for the purchase of new books. It rises to the dignity of $3,000, which is frequently spent in small villages in this country for the increase of a library, and it is $2,000 less than was appropriated last year. If he has no objection I should like to raise that to the sum appropriated last year at least.

The PRESIDENT *pro tempore*. Amendments are not now in order.

Mr. HAWLEY. I beg pardon. The Chair is quite right.

Mr. ALLISON. The Senator can go back to that later. We have agreed that the amendments proposed by the committee shall be first considered.

Mr. HAWLEY. I know.

Mr. HOAR. Let the amendment be moved now to save time.

Mr. ALLISON. If the Committee on the Library are prepared to add $2,000——

Mr. HAWLEY. If no objection is raised, I move to restore that item to $5,000.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves in line 394, before the word "thousand," to strike out "three" and insert "five;" so as to read:

For purchase of books for the Library, $5,000.

Mr. ALLISON. I will say in justification of the Committee on Appropriations that we have been informed that it is quite difficult to find storage places for books, and we thought we would allow the $3,000 suggested by the House to stand for this year until we could build a new library; but the Senator speaks more advisedly on that subject and I do not resist the amendment.

Mr. HAWLEY. I do not speak more advisedly than the committee on the subject; as far as advice is concerned they have had more than I have; but I presume to say that I think I know better than the committee seem to do by their $3,000 for this item. I think $3,000 will not answer for the great national Library, will not begin to answer its desires and needs in purchasing new books. It increases the Library very largely by its copyrights to be sure, but there are a vast number of new books that ought to be added there in order to keep up with the current literature.

Mr. ALLISON. I do not resist the amendment. The Librarian was before the committee, and he stated, although it was rather a scant allowance, he thought he could get along with it. I do not object to the increase.

The amendment was agreed to.

Mr. HARRIS. Then the aggregate in line 404 should be changed.

The PRESIDENT *pro tempore*. It will be changed to correspond with the increase in the item.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the end of line 414, after the word "thousand," to insert "five hundred;" so as to make the clause read:

To enable the Librarian to continue the preparation of the historical manuscripts in the Library known as Force's American Archives, for publication at the Government Printing Office, under direction of the Joint Library Committee, as provided by act of March 3, 1885, $2,500.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the clause, appropriating for the Civil Service Commission, ending in line 457, as follows:

CIVIL SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one clerk of class 4, who shall be a stenographer, $1,800; one clerk of class 2; one clerk of class 1; one messenger, $840; and one laborer; in all, $21,400.

Mr. HAWLEY. I do not seek to open any discussion concerning the Civil Service Commission, an old and well-worn subject, but simply to suggest that so long as the commission exists, if we have any confidence whatever in it, it should have the assistance that seems to be absolutely necessary to its work. I propose to give that commission three additional clerks in that paragraph.

Mr. ALLISON. As that is likely to lead to some debate, I ask the Senator to wait until we get through with the amendments of the Committee on Appropriations. He can recur to this paragraph then.

The PRESDENT *pro tempore*. The reading will proceed.

The next amendment of the Committee on Appropriations was, in the

appropriations for the Civil Service Commission, after the word "expenses," in line 458, to insert "including those of examiners acting under the direction of the commission;" so as to make the clause read:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, $3,500.

The amendment was agreed to.

Mr. HAWLEY. I spoke out of order inadvertently, having in mind that I had something to propose in this paragraph that was in order. I am justified by the estimates submitted by the Treasury Department in moving to strike out "three," in line 460, and inserting "four."

The communications sent by the Civil Service Commission to the Committee on Appropriations, supporting the recommendations of the Treasury Department, say:

TRAVELING EXPENSES.

The current appropriation for *traveling expenses* is $3,500. An increase of $1,000 is desired, the present appropriation not being sufficient to enable the commission to exercise a proper supervision of the local examining boards and to hold examinations in the various States and Territories as often as the law and the needs of the service require.

Necessary traveling expenses, including those of examiners acting under the direction of the commission:

Present	$3,500
Desired	4,500

It seems that the House—if I may say as much about it as that—omitted the expression "including those of examiners acting under the direction of the commission," of which the Commissioners say:

The appropriation for traveling expenses of examiners should be increased $1,000. The House, by confining the appropriation to the three Commissioners and the chief examiner, makes the examinations required by law in all the States and Territories an impossibility. The three Commissioners and the chief examiner have office duties which preclude their attendance at all examinations. No more effective mode of defeating the objects of the commission could be devised. Examinations upon special subjects are frequently required in several States at the same time, and expert examiners are necessary and could not be supplied unless this restriction be removed.

The committee has wisely removed the restriction by the words in italics. The commission declare themselves unable to execute the duties of their office fairly and justly and fully unless the allowance be somewhat increased. In accordance with the estimates—which I take it to be in order—I move to strike out "three" and insert "four."

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to amend by striking out "three" and inserting "four."

Mr. ALLISON. While I concur in the views of the Senator from Connecticut and agree with what he says, I suggest that he make the amount $4,000 instead of $4,500. I think the commission can get on with that, and I think the committee will not object to that.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 460, before the word "thousand," it is proposed to strike out "three" and insert "four;" so as to read:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, $4,500.

Mr. ALLISON. I move to strike out "five hundred."

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendment.

Mr. HAWLEY. It is not worth while to prolong the controversy. I followed the original estimate of the Commissioners. I will make no objection if the Senator desires to split the difference.

Mr. ALLISON. Let it go. I withdraw the amendment to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 463, after the word "ice," to strike out "car-tickets;" so as to make the clause read:

For furniture and repairs of furniture, file-cases and file-boxes, books, typewriters, stationery, printing, advertising, telegraphing, telephone service, typewriting, ice, and other absolutely necessary expenses, including heating, lighting, and altering rooms, and care of same, $3,000.

The amendment was agreed to.

Mr. HAWLEY. I desire to propose a similar amendment to that paragraph, in line 465, by striking out "three" and inserting "four," so as to make the amount $4,000. In this again I follow the formal estimates submitted by the Department. The commission say:

An increase of $1,000 is also desired in the appropriation for contingent expenses.

The present appropriation of $3,000 is barely adequate under existing conditions, and will be insufficient, if the commission is obliged to move and settle in new quarters, as now seems probable.

They have had notice to quit the Agricultural Department. An attempt was made to hire quarters elsewhere, which they shall be obliged to abandon probably, for the House has failed to appropriate the $2,400 asked, and another appropriation bill contemplates the possibility of fitting up rooms in the court-house for $11,000; and in the mean time the commission is quite uncertain as to where it will live, but it will be undoubtedly required to move, at some time during the year and declares that an additional thousand dollars ought to be given for contingent expenses.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut.

Mr. ALLISON. This amendment is not in order, I suggest. I will say in reference to this provision that the committee believe that $3,000, with the sum which is to be appropriated in the sundry civil bill, will provide for these necessary expenses during the current year.

The PRESIDENT *pro tempore*. The point of order is sustained if insisted on.

Mr. ALLISON. I will suggest to the Senator from Connecticut that he withdraw the amendment, for the present at least.

Mr. HAWLEY. Very well, I will do so.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Department of State," in line 476, to increase the number of clerks of class 3, provided for, from "four" to "five."

Mr. EDMUNDS. I should like to have the chairman of the committee state whether this amendment in line 476 provides for an increase of the force in the State Department. I make no commentary upon it; I only wish to have the record show whether the service is being increased or diminished.

Mr. ALLISON. In line 476 we add one clerk of class 4, which is an increase in the force; and it is less than the Secretary of State asked the committee to insert. He desired that we should give him a considerable advance beyond what is provided for in this bill, as will appear from his letter, which will be found in the report of the committee, Report No. 1387.

Mr. INGALLS. And this recommendation of the Secretary of State was communicated to the Appropriations Committee of the House of Representatives?

Mr. ALLISON. I can not say that this particular communication was sent to the House committee or to the House of Representatives, but these items are all inserted in the regular Book of Estimates, which of course must go to the House.

Mr. INGALLS. That is to say, in the annual estimates of appropriations sent up from the Secretary of State's office there was a request for further clerical assistance?

Mr. ALLISON. Yes, sir.

Mr. INGALLS. And that of course went to the Committee on Appropriations of the House of Representatives, which is composed of a majority of the political friends of the Secretary of State, and that body, which was elected on the basis of reform and economy in the administration, saw fit not to heed the application of their political friend the Secretary of State for additional clerk-hire. They passed upon it, having jurisdiction and authority, being primarily responsible as the authors of this bill. If the committee of the House of Representatives which originated the bill had this information in their possession and heard the Secretary of State upon the subject and saw fit to leave the number of clerks as the bill came to us from the House, I do not understand upon what theory of policy or upon what theory of political morality a committee composed of a majority of the political adversaries of that official and representing a body politically constituted different from the House of Representatives should increase the number of clerks that the committee of the House thought was sufficient. And if we are to go to the country on the allegation of reform in the civil service and economy in the administration of Government, I should hope that a Republican Committee on Appropriations of the Senate would pause before they increased the clerical force in these various Departments when the House of Representatives had refused to do it.

I trust that if the House committee, as the Senator from Iowa informs us, had full possession of the demands of the Secretary of State, and saw fit to leave him with four clerks instead of five of this class, after all the battering we have had in the country, after we have been punished with stripes here for years upon the ground of extravagance, we at least shall not put this whip in the hands of our adversaries to say that they left the clerical force of this Department officered by their political friends, and then that the Republican Senate refused to allow them to carry out their professions of economy, refused to allow them to be frugal in the administration of the public service, but put it up, elevated it, increased the clerical force and the expenditures.

If the Secretary of State needs additional clerical force I am willing to give it to him, but I want the committee of the House of Representatives that originates this bill, and that is composed of a majority of the political friends and associates of this officer, to say so, and not after they have passed this bill in its curtailed form to come in here and say that the Republican Senate increased it and refused to co-operate with the Democratic committee of the House in their efforts to give us an economical and frugal administration of this Department.

Mr. ALLISON. Mr. President, the Committee on Appropriations did pause upon this item and consider it with some care. They did not, however, perhaps consider as they should have done that the Committee on Appropriations of the Senate has a majority of Republicans, while the Committee on Appropriations of the House has a majority of Democrats.

In these appropriation bills the committee have endeavored as far as possible to inquire into the actual needs of the public service without re-

spect or regard to what particular persons held the offices or to what particular party they belonged. The Secretary of State came before us in person and made a number of requests, and then retired from the committee-room as we requested him and placed in writing these requests in order that we might lay them before the Senate and his reasons therefor.

Mr. EDMUNDS. That is found on page 10 of the committee's report.

Mr. ALLISON. And that is found on page 10 of the committee's report, and I shall ask that that report be inserted in the RECORD, and I desire to call attention to it.

In the first place the Secretary of State asked us to increase the compensation of a number of the employés now there, and gave us some very good reasons, stating that these were efficient and careful persons and deserved more compensation than they were receiving by the current law.

Mr. EDMUNDS. Were they the same persons who were there under former administrations?

Mr. ALLISON. Most of them the same persons. I believe the Secretary of State stated to us that most of his clerical force now employed there was the clerical force that has been in the employ of the Department for some years.

Mr. EDMUNDS. And he thought they had been underpaid in former times?

Mr. ALLISON. He thought they had been underpaid in former times and that their pay should be increased. He stated to us also that the indexing in the State Department was behind owing to the fact that there had been hitherto an insufficient clerical force. He stated that when he came into the Department of State he found an insufficient clerical force for the current work, and he asked us to give him two index clerks at a compensation of $1,800 a year each, in order that the work might be brought up, because in that way he said he could more economically and efficiently carry on the work of the Department. Now instead of giving him these two clerks that he asked for of class 4 for indexing, we only gave him one, although I think he made out a very good case before the committee for two index clerks.

Mr. EDMUNDS. That is an entirely new thing?

Mr. ALLISON. An entirely new thing.

Mr. EDMUNDS. How about the item on page 11 of the report:

Two clerks to assist in the compilation and publication of the monthly consular reports, at $1,600 each, $3,200.

Mr. ALLISON. The Secretary personally, as he does here in detail, stated that that was a very important matter. I stated that the committee agreed to give him one clerk instead of two.

Mr. EDMUNDS. How did they get on before with the consular reports without these clerks?

Mr. HALE. They got on with less force.

Mr. ALLISON. I do not know precisely. I take it for granted that the clerks have been working extra hours, or perhaps the consular reports are more difficult to arrange and compile and edit now than formerly. I do not know precisely what the reasons were that operated upon the mind of the Secretary of State.

Mr. EDMUNDS. There is no change in the form of the consular reports.

Mr. HALE. Let me ask the chairman did not the substance of what the Secretary said in this and another case amount to this, that he found that he had not enough clerical force to do the work of the Department?

Mr. ALLISON. He stated that distinctly.

Mr. HALE. That was the fundamental ground, not that there was new work, but that he has insufficient force.

Mr. ALLISON. That was the statement. I will read the statement:

The publication of the monthly consular reports was begun, under authority of statute, in 1880. The utility of the undertaking was soon evident. Additional appropriations have from time to time permitted the development of the work, until now, with a greatly increased circulation, the publication reaches a very large circle of interested persons at home and abroad. Besides the regular monthly issues, special numbers are issued from time to time, giving the reports of the consuls on the particular subjects and industries concerning which the Department calls for information in response to the public demand.

Much labor of a peculiarly responsible character is thus entailed on the Bureau of Statistics, which has these publications in charge. Its working force now consists of one chief of bureau, an assistant at $1,800; one clerk at $1,600, and three copyists.

All the labor of compilation, editing, revising, proof correcting, and distribution falls on the chief and his two assistants, who are often obliged to work far beyond the usual departmental hours to accomplish their ordinary task. Thus overburdened, it is quite impossible for the bureau to respond to even the most simple demands upon it for statistical information without neglecting the work to which Congress and the public attach so much importance; and so the supplementary duty of the Bureau of Statistics has superseded the indispensable duty for which it was established.

Two clerks of the third, or $1,600, grade are asked for. It is thought that for this salary men can be obtained possessing the necessary qualifications, which are quickness and accuracy as calculators, knowledge of one or more tongues, editorial ability, facility of composition, expression, and condensation, and the typographical knowledge necessary to accurate proof-reading.

In this way not only can more useful extension be given to the work of collecting and distributing the monthly reports, but the statistical function of the bureau, which is really its most indispensable feature, can be set on a proper footing and receive the attention which it is impossible to give it now, even with greatly increased hours of labor.

Mr. EDMUNDS. The point of that is, clearly and rightfully if he is correct, that the former Republican and extravagant administrations had been overeconomical; that they had not got Congress to give them force enough without overwork to do the business that ought to be done, and the reform of this administration is that we are to have more force and less hours.

Mr. BECK. I should be glad, while this is going on, to inquire how many men have been changed in the State Department since the present Secretary took that place. If there has been any change, I have not heard of it. I think Mr. Hunter, one of the men there, has been a supernumerary for years. He has done so much good service that they do not like to let him go and put another man in.

Mr. EDMUNDS. I think the Secretary of State has fulfilled the wishes of the President, as stated in his proclamations and letters, more fully than the head of any other Department. The point I was calling attention to was not——

Mr. BECK. Does the Senator from Vermont know of a single change or of a single man being removed in that Department?

Mr. EDMUNDS. No, I do not, nor in any other office or Department, because for more than ten years I have had nothing to do with them at all. I am not talking about the *personnel* of this force; I am only trying to understand and find out on what ground it is that this important and responsible branch of the administration asks for so large an increase of public expenditure, whether it is because the work has been neglected and inefficiently done before, or whether because under former administrations, as the Secretary of State very fairly states and implies here, Congress had not given the State Department the force that the public service requires, and that the administration before him had been overworked. That is what I want to get at.

Mr. ALLISON. I think the Senator from Vermont states substantially what is stated in the memorandum and letter sent by the Secretary of State, that the number of clerks in the State Department is insufficient for the performance of the regular duties of the Department.

Mr. INGALLS. Mr. President, the query still remains unanswered why it was that if the information which the Senate Committee on Appropriations has given us was fully in possession of the Committee on Appropriations of the House of Representatives they did not give the Secretary of State the force he wanted; and if they thought that the requirements of the Secretary were unnecessary and unjust, upon what theory should we be called upon to increase his force, and thereby give color to the claim the Democrats in the House of Representatives are making, that they are being thwarted and frustrated in their efforts at economy by a Republican Senate.

The House committee had the same information we have got. They are the political friends of the Secretary of State. They said they would not give the increase he asked; and the chairman of the Committee on Appropriations in the House undoubtedly this fall will make the welkin ring with the declarations of the efforts at economy that were made by the House of Representatives in the various appropriation bills and point out this very item and say, "Look at the State Department; we passed that bill through the House with only a certain number of clerks in it and a certain amount of money to pay them; and it got into that extravagant Senate, and they increased at once the clerks and increased the compensation, whereby we were thwarted in our efforts at economy!"

Mr. President, unless there is some stronger reason than has yet been adduced, something that is more pertinent and pointed and direct, I should hope that the majority of my political associates on this floor would not see fit to concur in this amendment. If the Democratic party want more clerical force let them say so. They have got an organ. They have a legislative body in their possession. They have a committee organized with a majority of their associates. And for them to send a bill in here with a certain number of clerks in these Departments in the possession of their representatives, to throw the responsibility for an increase in the clerical force and in the amount of appropriations upon us, is to me one of the most extraordinary spectacles in the whole range of Democratic reform.

Mr. HALE. Mr. President, the Senator from Kansas [Mr. INGALLS] has sounded a note that he will need to keep up upon every appropriation bill; and perhaps there is no place where the commentary upon the charges of extravagance in the Departments of the Government which were rung broadcast by the Democratic party in its campaigns to secure the control of the Government will be shown so clearly as having no foundation as upon the appropriation bills. The Senate Committee on Appropriations is going through this sort of experience every day of its work.

The House of Representatives, in sympathy with the administration and with the Departments, takes up with deliberation and spends presumably the better part of the session in careful investigation as to the needs of the Departments which are under the control and administration of their friends. Late in the session, after more than six months have been spent by the Committee on Appropriations of the House of Representatives, the appropriation bills are matured, which limit and define the force to be employed in the several Departments, according to their judgment. Ample opportunity is given presumably to the head

of every Department and every bureau and every division to appear before the committee of the House of Representatives that is maturing these bills; and it is the duty of that committee to investigate carefully and take the statements of its friends and representatives in these Departments before reporting their bills. When the judgment of the committee is made up and the bills are reported, after the heads of the Departments and bureaus and divisions have conferred with their political sympathizers in the House of Representatives, the bills are brought forward and passed by that body, and two things at once are seen and two things at once are brought to the attention of the Senate and to its Committee on Appropriations. These two things are, first, that no opportunity or little opportunity is found for reducing anywhere; and next, if any reduction is made the heads of Departments and bureaus and divisions apply at once to the Senate committee for relief and protection, and in some cases for increase, like that which is now before the Senate.

No matter how much the Secretary of State may have joined in the cry of extravagance and that the Republican party was keeping salaried employés here of no use to the country and wasting the public Treasury in that fashion, he suddenly discovered that the Republican administrations for the past years have been running the State Department and doing its business not in an extravagant way, but without force enough, and in the face of the declarations in the campaign and the charges of his fellows upon the stump and in the face of the act of his political sympathizers in the other body he is compelled to appeal to a Republican Senate to give him force enough to do the business of the Department.

This, sir, is only one case in a hundred. The Senator from Kansas, as I have said, will need to raise this note of his upon every appropriation bill. It is the publicly proclaimed confession on the part of gentlemen who have been in the habit of arraigning the Republican party for extravagance that there was no foundation for the charge. There has not been to-day a single instance where any head of a Department has been able to put his knife in and prune away any excrescences that the Republican party have foisted upon the service. Wherever the attempt has been made, and wherever it has been claimed that reductions because of economy are being carried out by the party in power in the administration of the Government, it is found that these reductions result from Republican legislation passed while the Republican party had control of the administration, and that the reductions are in accordance with that.

In the report which accompanied this bill to the other branch of the legislative part of the Government there are claims for reductions by the hundreds, and it was reiterated upon the floor of the other House, if I may refer to it; and yet examination discloses that these reductions came because of legislation in the last Congress where the Republican Senate insisted upon legislation that would in time reduce, and that it has only followed from that legislation. But the Committee on Appropriations awaits the first effort on the part of the head of any Department of this Government to put in the pruning-knife and cut off the extravagance that it has been claimed existed heretofore.

So we are confronted with what is an anomaly, and which I believe ought not to exist, as the Senator from Kansas has said, that where a Democratic House has refused to give the increases over and above any force in the past that the heads of Departments have asked for at the hands of that body, they come here and ask us.

If appropriation bills were made in the Senate pure battle-grounds for party conflict, and if every appropriation bill was a Belgium on which a battle was to be fought, then the Republican majority in the Committee on Appropriations could set its foot down squarely, as the Senator from Kansas advises, and say no to every one of these requests.

Though I am not as old a member of that committee as some others, I find that it has been the fashion heretofore not to deal with appropriations in that committee in a purely party and political sense, and great as is the temptation when a given case occurs, the Senate Committee on Appropriations goes further than the line indicated by the Senator from Kansas, whether it is wise politically or not, and examines the subject and tries to elicit from that examination the real question of the needs of the Government, not whether the charges made heretofore by the Democratic press and Democratic speakers are false and whether we shall hold them to their charges, but whether the need of a particular branch of the Government at this time is for more force.

The only reason which can be given why this additional clerk shall be put in the State Department is that the committee believed on investigation that the Secretary of State was right as a matter of business; that he was in humiliation obliged to go back upon what had been said before, perhaps by him but at any rate said by his associates; that he had found that the Republican party in administering that Department had not kept drones in the service and wasted the public Treasury for that purpose, but had proceeded economically, had worked and overworked its employés, and that he with the responsibility of the head of that Department resting upon his shoulders came before a Republican committee and said:

All this is wrong; I need another clerk here, and the Republican party did the work without the clerk I believe I ought to have. I do not mean to say that he put it in that form. That was not needed; and no member of the Appropriations Committee, I may say, in dealing with the heads of these Departments, finds it at all necessary to put it in that way.

These gentlemen realize the inconsistency of their position. They realize when they come before our committee that it is taking the back track on all their charges; but it will be found not only in this bill, but in every other appropriation bill that comes up here.

Then comes the question whether the Senate shall deal strictly politically with its majority upon the case and hold these Departments to the charges which have been made by their representatives in time past or deal with the question of the need of the Government; and I would as lief the Senate should settle that question here and now as to wait and settle it in the future.

Mr. COCKRELL. Mr. President, I am opposed to this amendment; but I am not opposed to it for the reasons given by the distinguished Senators who have spoken on this question. This is a matter of charity; it is not a matter of justice. This is to enable a Democratic Secretary of State to retain in office an old Republican incumbent who can not do his duty, and who I think ought to be discharged, and discharged instantly, and young blood put in his place that can do his work. That is all there is now of this fuss. There is that old Republican who has been in there it is said for fifty years, or thirty or forty years, I do not know how long, and he is unable to perform the work.

Mr. CHACE. He has been there more than fifty years.

Mr. COCKRELL. And the question is whether he shall be turned out or if the Secretary does not need anybody else.

Mr. HALE. Will the Senator allow me to ask him a question? Is this old official, who is aged and infirm, as the Senator says, and incapable of work, any more incapable of work this year than he has been for years when the Republican administrations got along with him?

Mr. COCKRELL. Yes, sir; I say emphatically so.

Mr. HALE. Is he more so?

Mr. COCKRELL. He is emphatically more so to-day.

Mr. DAWES. I should like to ask the Senator from Missouri if he is any more a Republican than he is a Democrat? He was put there in Democratic times, and he has remained there ever since. I never knew that he had any politics, and if the Senator has discovered them he has been on a search which has been more successful than that of any other member of the Senate.

Mr. COCKRELL. I have not inquired about his politics. He was there under Republican administrations, and I presume——

Mr. DAWES. So he was there under Democratic administrations.

Mr. COCKRELL. That is true; but I presume he would not have been retained in that position under a Republican administration unless he had sworn fealty to that party. I ask the Senator to point to one solitary——

Mr. HALE. He has not served nearly as long under Republican administrations as he has under Democratic administrations from which he received his appointment. He never voted the Republican ticket in his life, and no man ever claimed here or there or anywhere that he was a Republican. I deny that. The Senator has no right to charge that this is keeping an old Republican official in office. He is an official who was appointed and served a generation under Democratic administrations and under administrations which turned out men very speedily who did not sympathize with them. There is no Republicanism in it and no Republican is being protected here.

Mr. COCKRELL. Then why are the Senators trying to make political capital out of the increase of one clerk, when they knew the fact that this additional clerk was to take the place of a decrepit old man who can not do anything?

Mr. HALE. Because the Secretary said he needed the additional clerk and could not get along without him.

Mr. COCKRELL. He needed him because this man who had been in there was unable to discharge his duties. That is all there is about it.

Mr. DAWES. Why can not the Senator say that he is unable to discharge his duties not because he is a Republican and not because he is a Democrat, but because he is an old, faithful servant who has worn himself out in the public service without regard to politics, whom all administrations, Democratic and Republican, have kept in there because of his value to the public service?

Mr. COCKRELL. He was not as superannuated when he was put in there by a Democratic administration, if he was put in there by it. I do not know that he was put in there by a Democratic administration.

Mr. DAWES. The only reason why the Senator does not know is because the Senator has not examined the subject he is talking about.

Mr. COCKRELL. You can not, to save your soul from perdition, tell whether he was put in there by a Democratic administration or not. The Senator is talking wild and flighty. He has seen somebody in the galleries and his mind has gone off in that direction.

Mr. DAWES. I can tell the Senator. He says I can not tell.

Mr. COCKRELL. When was he appointed? Under what administration?

Mr. DAWES. He was here when I came here, before there was ever a Republican administration at all, and no administration but a Democratic one.

Mr. COCKRELL. The Senator is simply talking wildly, just as Senators have been talking on this question of a Democratic Secretary of State asking an increase of one clerk in the clerical force of his Department.

Mr. PLUMB. The Senator should not say that. He should not say that a Democratic Secretary of State asked for only one clerk. Let me read what he did ask. In the first place he asked for an increase of $200 in the salary of his stenographer. Last year, as the Senator well remembers, in view of the fact that there were some green people coming into the public service by reason of the election of Mr. Cleveland, we gave the Secretary of State what no Republican Secretary of State ever had had, and by anticipation put in a provision for a stenographer at $1,800 a year.

Mr. COCKRELL. That was all right.

Mr. PLUMB. We thought that coming in and being new to the public service that Department, where the very best of human labor and intelligence should be had, might fall short and need more help, and so we gave it to him; and this year he came back and asked that we give that man $2,000 in place of $1,800. Then he said he wanted two index clerks, whose duty it shall be to make synoptical and subject indexes of the correspondence of the Department of State, at $1,800 each, or $3,600—no $900 place, or $1,200 place, or anything of that kind, but the highest-priced clerks. Then he wanted two clerks to assist in the compilation and publication of the monthly consular reports at $1,600 each, making $3,200. Then he wanted a telegraph operator. That made $1,200 more. Then he wanted $5,000 for extra clerical labor to enable him to respond to calls of Congress, &c. Then he wanted for contingent expenses $200 more than he had the current year. Then he wanted the Historical Register for the Department of State, to purchase $6,000 worth of manuscripts of different kinds. Then he wanted a printing press and printing office for the Department of State, $5,000.

So the Senator will see a great deal of distinction at once between what the Secretary asked for and the comparative parsimony which the Committee on Appropriations exhibited in response to the demand. Here is a demand for about $17,000 or $18,000 for extra service in that Department, which the Secretary asked for and which the committee did not give him. While I have no doubt the Senator intended to be entirely fair about it, he was making a statement I think for the Secretary in a way not justified by the facts.

Mr. COCKRELL. We were not discussing anything about the estimates that were made by the Department. That was not the burden of the song of the Senator from Kansas [Mr. INGALLS] or the Senator from Maine [Mr. HALE]. It was that a Democratic Secretary of State had asked an increase of one clerk of class 3, and they were pouncing upon him and the Democratic administration for that one increase, when they knew that that increase was made for the purpose of enabling a kind and generous hearted Secretary of State to retain in office Mr. Hunter, who was physically unable to perform the duties of that position. That is all there is of it, the alpha and the omega.

I am opposed to the amendment, because Mr. Hunter has been paid for every particle of service that he has performed the full equivalent. I hold that every civil officer of this Government, from President down to constable, receives in his salary and the honors of his position the full equivalent of all the services that he can perform and risks that he can take; and that when a man in the civil service of the Government becomes incapacitated mentally or physically for discharging the duties of that position, he is not to be pensioned upon the people or continued indefinitely in office drawing a full salary of $2,500.

This is simply a step in the direction of a civil pension to this man who faithfully has served a long time and now is incapacitated for further service. I say it was not exactly just, it was not exactly fair, that the Senator from Kansas [Mr. INGALLS] and the Senator from Maine [Mr. HALE] should make this attack upon the Secretary of State and upon the Committee on Appropriations for yielding, as I think unadvisedly, to the request to give an additional clerk to perform the duties of this official who is incapacitated for the performance of his duties, and whose salary is provided for in the bill under the head of class 4. We were not discussing, I will tell my good friend from Kansas [Mr. PLUMB], the recommendations or estimates of the Secretary of State.

Mr. PLUMB. I was.

Mr. COCKRELL. They are not in issue. I am discussing the issue made by the Senator from Maine, and the Senator from Kansas, the colleague of the Senator. The Senator knows, as he has been here a long time, that all the heads of Departments are in the habit of asking largely, and I doubt whether ever any Appropriations Committee of the House or Senate gave to the head of any Department the full estimate made by him. It never has been done since I have been a member of the Senate. The Republican Secretaries in their estimates estimated more largely than ever the committees gave them.

But, Mr. President, you see how large a controversy can spring up over this little bit of a thing. It is simply one additional clerk of class 3 to the Secretary of State, a Democrat under a Democratic administration, in order to enable him to retain in office an old worn-out clerk who is no longer fit to perform the duty, and the Secretary of State probably did not have the nerve to discharge him in his present condition and employ a new one in his place.

Mr. PLUMB. I am a little bit sorry to see the Senator from Missouri attack the Secretary of State in this violent manner. I have here the literal recommendations of the Secretary of State for these additions to his clerical force, and he goes on at great length to explain the necessity therefor, and never says a word about some one to take the place of this superannuated individual of whom the Senator from Missouri speaks.

I am sorry to believe, but it seems that I am bound to do so under the circumstances, that the Senator is saying that the Secretary of State, whom he speaks of as so likely to need backbone, has been intending to deceive Congress in this matter, and under the pretext of actually wanting these people to render public service in his Department he has been trying to get somebody in order that he might put some other person upon the superannuated roll.

I do not believe so illy of the Secretary of State as that, even although it may come from as high authority as that of the Senator from Missouri. He may be willing to stand here and say that this Democratic Secretary of State had deliberately entered upon a course of deception, that he is intending to deceive and to defraud, that he wants to get out of Congress an increase of clerical force upon a basis of false pretension; but while I am as willing as almost any one is, and for pretty good reason, as I think, to believe that the Democratic party at all events as a party may do that thing, I am not willing to thus characterize the Democratic Secretary of State.

Mr. COCKRELL. Will the Senator allow me one word?

Mr. PLUMB. I will.

Mr. COCKRELL. The Secretary of State had nothing to do with it. The three subcommittee men of the Appropriations Committee who examined Mr. Bayard and who made this recommendation know what it was made for and the full committee knows. There was no deception on the part of Mr. Bayard, and if that man had been able to have done his duty the committee would not have put this additional clerk in the bill. That is all there is about it. There is no fraud and there is no deception on the part of the Secretary of State.

Mr. PLUMB. Does the Senator mean to say that the Secretary of State stated to the subcommittee that that was what he wanted this clerk for?

Mr. COCKRELL. He did not ask for the additional clerk for that purpose at all. The Secretary of State did not want to discharge that man.

Mr. PLUMB. But I am not talking about that.

Mr. COCKRELL. We determined simply to give him this additional clerk because this man was unable to perform the duties. The Secretary made no recommendation or representations, but if this man could do his duty he would not need any additional force or anything of the kind. It was playing an open and shut game when the Appropriations Committee put that in simply because this other clerk was not able to do the duty, and we were willing to give Mr. Bayard the same force that had been there before.

Mr. PLATT. I should like to ask a question. I suppose this discussion refers to Mr. Hunter. He is, as I understand it, the Second Assistant Secretary of State, and was nominated by the President and confirmed by the Senate.

Mr. ALLISON. Certainly.

Mr. PLATT. I so understood.

Mr. EVARTS. Mr. President——

Mr. PLUMB. If the Senator from New York will allow me just a moment, I wish to say that I have in my hand the statement at length of the Secretary of State made to the Committee on Appropriations for the purpose of inducing the particular appropriation that has been named in the bill and other additions to his clerical force besides. The statement is full under every head, and I will ask to have it published in the RECORD, in order that it may go also to show that there is not a single word in it that justifies the denunciation which the Senator from Missouri has put upon this gentleman.

Mr. ALLISON. The Secretary of State?

Mr. PLUMB. Yes, the Secretary of State. Here the Secretary sets out what upon its face is conclusive evidence of the necessity for the clerk-hire which he asks for, not alone that which has been given him, because the committee has given him but a small percentage, less than 20 per cent. of what he asked for, and there is not a syllable which even is due to the fact, if it be a fact, as the Senator from Missouri says, that this additional clerk-hire was asked for, or any portion of it, for the purpose of enabling him to keep on the roll of superannuates the Assistant Secretary of State. On the contrary, he goes on at great length by way of statement of fact and argument to show that every single bit of force which he asks for is needed for the performance of the public service in his Department, and not for the purpose of enabling him to pension somebody whom he may happen to think pensionable.

As I said, while I originally started in this debate rather on the other side, I now confess I am here for the purpose of defending the Secretary of State against these rough and, as I think, unjust charges of the Senator from Missouri; and for the purpose of making the defense complete and showing that the Senator from Missouri has no leg to stand upon in thus characterizing the Democratic Secretary of State, I will ask that the statement of the Secretary of State accompanying

his recommendations for an increase of the clerical force in his Department, including the $5,000 printing office, may be inserted in the RECORD.

Mr. COCKRELL. Let it be read.

Mr. EVARTS. Mr. President——

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from New York has the floor.

Mr. COCKRELL. I want to hear the matter read, if the Senator from New York pleases.

The PRESIDING OFFICER. Does the Senator from Kansas desire to have it read?

Mr. PLUMB. If the Senator from Missouri desires to have it read.

Mr. COCKRELL. Yes, I should like to hear it read.

Mr. PLUMB. And inasmuch as he was not willing to take my statement as to its contents I am very glad now to have it spread at length before the Senate.

The PRESIDING OFFICER. The statement will be read.

The Chief Clerk proceeded to read the statement indicated.

Mr. PLUMB. Unless the Senator desires to have it read through I ask for unanimous consent to have it printed in the RECORD. I do not desire to have a further reading.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection.

Mr. PLUMB. I wish it to appear in connection with this appropriation.

The PRESIDING OFFICER. The Chair understood the Senator from Iowa to ask that the report of the committee be printed in the RECORD. Did the Senator mean the whole report of the committee?

Mr. COCKRELL. Oh, no; down to the heading "Civil Service Commission," on page 12.

The PRESIDING OFFICER. Not at this moment, but some time ago the Senator from Iowa suggested that the report of the Committee on Appropriations should be printed in the RECORD.

Mr. ALLISON. No; I only asked that so much as has been indicated, relating to the State Department, may he inserted.

Mr. COCKRELL. Down to "Civil Service Commission," on page 12.

Mr. ALLISON. Yes; so much as relates to the State Department.

The statement referred to is as follows:

STATE DEPARTMENT.

The Secretary of State appeared before the committee and submitted the following requests for additions to the House bill and changes therein. Of these the committee recommend an addition of one clerk of class 3, and one telegraph operator, at $1,200, and an appropriation of $1,000 for editing and preparing the Statutes at Large of the Forty-ninth Congress.

Statement of Secretary of State showing the additional items of appropriation (legislative, executive, and judicial appropriation bill) asked for on behalf of the Department of State. (*See Estimates*, 1886–'87, *pp.* 15, 17.)

[Page 20, line 460.]

1. Stenographer to the Secretary of State—

Last year	$1,800
Asked	2,000

This increase of compensation is asked for on account of the important and confidential character of the office to which it relates. The first appropriation for a stenographer to the Secretary of State was made in the deficiency act of March 3, 1885, and was at the rate of $2,000 a year; which, it may also be observed, is the rate of compensation allowed the stenographer of the Secretary of the Treasury.

[Page 20, line 472.]

2. Two index clerks, whose duty shall be to make subject and synoptical indexes of the correspondence of the Department of State, at $1,800 each $3,600

It is proposed hereby to add two new clerks, of the fourth class, to the roll of the Department.

The efficiency of the Department demands the promptest and most intelligent response to all demands upon the Bureau of Indexes and Archives. It is not enough to keep a list of correspondence in the order of its reception or dispatch. That, like the accessions catalogue of a library or a merchant's day-book, is the raw material from which the true classification and arrangement of the records is made. Although seven or eight of the clerks of highest intelligence and longest experience are assigned to this bureau, it is impracticable to do more than keep up the entry registers. The work of the Department is rapidly increasing, the amount of correspondence has doubled within the past four or five years. The constant labor of the entry and recording clerks is inadequate to keep up the synoptical and subject indexes, which are now some four years behind. This entails much loss of time, and many pages of entry must be run over to find a paper which could be placed in a moment were the card subject indexes brought down to date.

To accomplish these only the most experienced clerical aid is serviceable. The few men who are competent, through training and linguistic knowledge, to conduct this work can not be taken from the other bureaus of the Department unless their places can be filled by equally competent and intelligent clerks.

Hence the indispensable recommendation that the clerks to be appointed to this special duty should be of the fourth or $1,800 class.

It would be worse than useless to set new, raw men at work on such a task. And if the synoptical and subject indexes are suffered to fall still further behind, the difficulty of promptly and efficiently meeting the daily demands upon the bureau for ordinary information will greatly increase and, in a short time, become practically insurmountable.

[Page 20, line 462.]

3. Two clerks to assist in the compilation and publication of the monthly consular reports, at $1,600 each $3,200

The publication of the monthly consular reports was begun, under authority of statute, in 1880. The utility of the undertaking was soon evident. Additional appropriations have from time to time permitted the development of the work, until now, with a greatly increased circulation, the publication reaches a very large circle of interested persons at home and abroad. Besides the regular monthly issues special numbers are issued from time to time, giving the reports of the consuls on the particular subjects and industries concerning which the Department calls for information in response to the public demand.

Much labor of a peculiarly responsible character is thus entailed on the Bureau of Statistics, which has these publications in charge. Its working force now consists of a chief of bureau, an assistant, at $1,800; one clerk, at $1,600, and three copyists. All the labor of compilation, editing, revising, proof correcting, and distribution falls on the chief and his two assistants, who are often obliged to work far beyond the usual departmental hours to accomplish their ordinary task. Thus overburdened, it is quite impossible for the bureau to respond to even the most simple demands upon it for statistical information, without neglecting the work to which Congress and the public attach so much importance; and so the supplementary duty of the Bureau of Statistics has superseded the indispensable duty for which it was established.

Two clerks of the third or $1,600 grade are asked for. It is thought that for this salary men can be obtained possessing the necessary qualifications, which are quickness and accuracy as calculators, knowledge of one or more tongues, editorial ability, facility of composition, expression, and condensation, and the typographical knowledge necessary to accurate proof-reading.

In this way not only can more useful extension be given to the work of collecting and distributing the monthly reports, but the statistical function of the bureau, which is really its most indispensable feature, can be set on a proper footing and receive the attention which it is impossible to give it now, even with greatly increased hours of labor.

[Page 20, line 463.]

4. One telegraph operator $1,200

The telegraphing of the Department of State is undoubtedly equal to, if not greater than, that of any other Executive Department. Besides a very large domestic correspondence, it embraces correspondence with our ministers and consuls all over the world, which latter, being mostly in cipher, requires great efficiency and care on the part of the operator who conducts it. Various other Departments are provided with telegraph operators, but the Department of State never has been. The Department has had the good fortune to find among its clerks a knowledge of telegraphy, but this knowledge can be utilized only at the expense of the clerical needs of the Department.

[Page 20, line 467.]

5. Extra clerical labor, to enable the Secretary of State to respond to calls of Congress for copies of correspondence and documents, $5,000, or so much thereof as may be necessary, to be expended in the discretion of the Secretary of State $5,000

Section 4 of the legislative, executive, and judicial act of August 5, 1882, makes it impossible to employ any clerical service in the Departments unless in pursuance of specific appropriation therefor at fixed compensation.

The force of the Department of State is, even under ordinary circumstances, inadequate to discharge all the duties devolving upon it. When Congress is in session it frequently happens that urgent demands are made upon the Department for copies of important documents, which it is quite impossible to fill with promptness. Many of the papers called for, being in foreign tongues, require to be translated before they can be transmitted to Congress and printed as public documents. But one translator it authorized by the appropriation acts, and one man can not, of course, respond to the extraordinary demand thus entailed in addition to the onerous labor of his regular duty.

Several important matters referred to in the President's annual message are not yet in a condition for submission to Congress, because it is simply impossible to give the clerical labor to their preparation. The concluding part of the Congo conference of Berlin and the important protocols of the Berne copyright conference of 1885 are among these. If these were called for by Congress it is doubtful whether they could be completed, with their lengthy translations, before the end of the present long session.

In the short sessions of the alternate years the demand is greater. At times the whole force of the Department, including chiefs of bureaus and assistant secretaries, is pressed into the mechanical work of copying and translating long after regular hours.

The $5,000 asked for is intended as an emergency fund. In cases of urgency, a sufficient number of skilled translators, draughtsmen, copyists, and type-writers can be temporarily employed from outside to prepare in a few days what could not now be done in less than as many weeks or months. It is not proposed to employ any regularly compensated labor. The Secretary is to be the sole judge of the sufficiency of the emergency, and only such extraneous help will be employed and for such time as will be found absolutely necessary. The sum asked, $5,000, is merely a maximum, and it is intended to keep the expenditure as far within that limit as possible.

6. Contingent expenses of the Department of State—horses, wagons, clocks, electrical apparatus, &c. Last year, $4,800. This year $5,000 is asked.

The itemized lists of expenses under this head, as found in the printed reports of the Treasury Department, show that the utmost economy is exercised and only for legitimate purposes. The necessity for repairs and expenses of this class increases with the lapse of time; it costs more to keep old things in serviceable condition than new, and this fact alone suffices to explain the small increase asked.

7. Historical Register, Department of State. To enable the purchase of the manuscript prepared by John H. Haswell (the printing and binding of 5,000 copies thereof being authorized) $6,000

The accompanying executive documents (No. 124, H. R., Forty-eighth Congress, first session, and No. 110, H. R., Forty-eighth Congress, second session) sufficiently explain and justify this recommendation.

8. Printing-press and printing, Department of State $5,000

One of the most necessary adjuncts of every well-regulated foreign office is a confidential press, to print copies of correspondence which it may be necessary to send at once to legations and consulates abroad for their information. The Department of State is probably the only one of the more important foreign offices of the world not so provided. Pen copies can only be prepared at great loss of time and labor and heavy expense.

This insures (1) accuracy in copies of important dispatches; (2) confidential secrecy; (3) promptitude; (4) easy multiplication of copies when needed; (5) enables each of our ministers to understand what the others are doing, and promotes co-operation.

This work can not be conveniently performed at the Government Printing Office. Much time is lost, and days are necessary to compose, revise, correct, and print a paper which could be finished on a confidential press in a few hours. The appropriation for the Department's printing is barely sufficient for its ordinary routine work, such as consular circulars, blanks, blank-books, &c. The Department has lately been obliged, through the exhaustion of this appropriation, to countermand a requisition for the printing of a draught-treaty. To preserve secrecy in a great establishment like the Government Printing Office is difficult, and requires extraordinary precautions.

The sum asked will afford a complete outfit, hand-press, fonts of type, and all accessories for the service required.

Mr. PLUMB. I wish simply to call attention to the fact that the committee gave one clerk at $1,600 and a telegraph operator at $1,200 on the basis of the recommendation, and that was all the additional force asked for by the Secretary of State that the Appropriations Committee conceded to him.

Mr. DAWES. I should like to call attention to the fact that he describes what he wants to do with that clerk of class 3, on page 11 of the report, but there is not a word in it about helping the Second Assistant Secretary of State. He refers to the publication of the monthly consular reports and the necessity of aid in getting those out. He wanted two clerks of class 3 for that purpose, and the committee gave him one.

Mr. EVARTS. Mr. President, I have looked at the paper containing the recommendations of the Secretary of State, and also at the bill before the Senate, to discover what there was in them that related to my friend, one of the Assistant Secretaries of State, Mr. Hunter. I do not find his name mentioned in any portion of this matter, and I do not find any relation to him in the subject-matter under debate; but I have heard him spoken of here by the Senator from Missouri in language that I should not use about any gentleman more than eighty years of age who had suffered the afflictions that may attend one of that age and has been a servant of this country for almost sixty years in the State Department. I heard him spoken of as a worn-out old clerk, who was to be replaced by somebody employed to take labor off his hands, an additional burden to keep a man as a clerk in employment who was unable to work, and have an additional workman provided in his place.

I do not know whether the Senator from Missouri knew what Mr. Hunter's career had been, or the degree of esteem in which he had been held through every administration from General Jackson's time down to the present day. Until about twenty-five years ago Mr. Hunter was the sole assistant of the Secretary of State, under the title of chief clerk. At one time Mr. Seward said of his Department, in comparing the routine of a great portion of it, that Mr. Hunter was able to run the State Department in all matters except of express political character and importance.

Now, because he is eighty years old, and because he is not strong enough to come in the regular hours of the office every day to the Department, he, here before the Senate and before the country and in every newspaper, is to be spoken of as a superannuated, worn-out, old clerk, who is to be replaced by the employment of another at $1,200. There is not one word in the suggestion of Mr. Bayard that has the least relation to Mr. Hunter, nor is any portion of this clerical aid to have the least relation at any time to the work that Mr. Hunter would have performed or did perform at any time of his service for the last forty years at least. It seems to me this is rather rash language about a gentleman entitled to as much respect, let me say, as any member of the Senate, and by his age to greater deference and greater tenderness of expression.

I hope, therefore, that as this record here shows neither in the bill nor in the recommendations nor in the amendment the least relation to Mr. Hunter, and, in point of fact, there is no relation whatever, this rash and as I think inconsiderate introduction of his name and his character and his position should be corrected, and firmly corrected, before the public and before the Senate.

Mr. HALE. Mr. President, in what I said I made no attack upon the Secretary of State. I do not charge that he is extravagant, that he is urging upon Congress improper expenditures. He has only been the victim of the circumstances surrounding his condition. He finds a Department that is not fully equipped with clerical force. Whatever that clerical force shall be employed in, if we give it to him, he must decide, and he has told us by word of mouth, by communication in regard to this bill and the other bill pertaining to his Department, the consular and diplomatic bill, that he needs more force, that the work of the Department can not be done without it. In saying that no attack is made upon him. Any other distinguished member of his party who had been selected by the President to preside at the head of that Department would have found the same situation, and I have no doubt would have been as frank as Mr. Bayard has been in disclosing his condition of needing more force; and any other gentleman at the head of that Department would have been submitted to what I must assume was the humiliation that the Secretary of State found himself submitted to in first going to his friends and being rebuffed, and then coming to the body that is in the hands of his political enemies. But he can not help it. I do not blame him. I presume no Senator here blames him. It is a part of the situation. It is not the one clerk or what he shall do, for the committee of the Senate did not content itself with giving him one clerk; it gave him a clerk and a telegraph operator, and a thousand dollars more for clerical service. He asked for four times as much as that, but the amendment which is in the bill and which we have reached brings it all up.

However, the controversy is not over this one clerk or what he shall do or whose place he shall take, but it is the first illustration in the debates in the last days of this session of Congress showing the attitude that the Departments are obliged to take here before the Senate. As I said, it will be repeated over and over again, and the men who come before the Senate and ask for more help, who ask for more clerks to do the business of their Departments, bureaus, and divisions, will not be to blame for it, because they will be confronted with the necessity.

Mr. INGALLS. Mr. President, there is an old Spanish proverb which says, "Heaven protect me from my friends; I will defend myself against my enemies." It is my impression that when the Secretary of State peruses the RECORD to-morrow morning at his breakfast he will perceive a new significance and a more striking illustration of that proverb than it ever before has been his felicity to know when he discerns the attitude in which he has been placed by the champion of this administration. At last, after these many days, after all that we have heard and been through with here in the weary clatter of the last six months, it is gratifying that some one has had the temerity, the hardihood—I might say the effrontery almost—at least the intrepidity to rise in his place and defend this administration. The utterance of the Senator from Missouri during all the debates which have occurred is the first that has proceeded, so far as I am advised or now remember, from any Senator classified as a Democrat in defense of this administration, of which he is such an illustrious member and such a distinguished ornament.

He advises us, in the first place, that the reason why the Secretary wanted this additional clerk was to enable him to keep a superannuated old Republican on his force, as he called it, a man who some time since passed the fiftieth year of his continuous service in that Department, and whose official career therefore, if my chronology is correct, is coeval almost with my existence, and that began during the administration of Andrew Jackson, who I believe was never classified as a Republican. If there was any one in the Republican party at the time when this man was appointed it was in embryo; it was a germ. He was appointed during the reign of Andrew Jackson. The Senator from New York says he was appointed ten years before that in some capacity.

Mr. EVARTS. No, I said he has served nearly sixty years now.

Mr. INGALLS. Yes, nearly sixty years now, and during that time he has been continuously in the service in this city, where there has been for the greater period no political function to be exercised by any party whatever. That is the first ground on which the Senator from Missouri alleges that the Secretary of State presented this claim for additional clerical force before the committee.

Mr. COCKRELL. I never said that he presented it on that ground at all, if the Senator will pardon me. I said the committee gave it.

Mr. INGALLS. The Senator said the committee knew it.

Mr. COCKRELL. Certainly they did.

Mr. INGALLS. And that every member knew it, and that the full committee knew it, and that the subcommittee knew it. With every variety of iteration that his vocabulary could command he said that the Committee on Appropriations knew that the reason why the Secretary of State wanted this clerk was to enable him to keep a superannuated old Republican on his roll. That was the first reason.

In the next place, he alleged that the reason why he wanted this additional clerk was to supply this vacancy which existed by reason of the extinction of this man's functions in the clerical force of the Department. He did not even know apparently that the man whom he thus stigmatized as a superannuated old Republican clerk is an assistant Secretary of State, nominated by the President and confirmed by the Senate, I suppose with his own vote—I assume such at least—a man who for this long period during successive administrations of varying quality has conducted the functions of that office with a vigor and an efficiency and a patriotism without blot, without tarnish, and without stain.

Mr. EDMUNDS. And he commanded the support of every Secretary of State as an indispensable factor.

Mr. INGALLS. And, as the Senator from Vermont well suggests, he was so well advised in all the details of that great Department, in all its relations with foreign powers, that he had become practically indispensable as the coadjutor and associate and assistant of every Secretary of State, no matter what his politics may have been.

But that was not all. The Secretary of State was not yet sufficiently decorated as to ignorance and as to insincerity and want of candor by his friend and champion, the Senator from Missouri, but he says that the reason why he asked for this additional clerk to keep this superannuated old Republican assistant on the rolls was because he had not the nerve to turn him out. I quote the Senator's own language. He said the premier of this administration, the chosen confidant and friend of the President of the United States, was guilty of this collusion, this insincerity, this want of candor, before the committee because he had not the nerve to turn him out.

Mr. EVARTS. He had not the power to turn him out.

Mr. INGALLS. He had not the power to turn him out if he wanted to. But what kind of an aspersion, what kind of an insinuation and imputation upon the prime minister of this administration, coming from the Senator from Missouri, is the declaration that he came and postured and gesticulated and played a theatrical part before the Committee on Appropriations because he had not nerve enough to turn out a superannuated old Republican clerk? Heaven save me from my friends!

Mr. President, I return to a suggestion made by the Senator from Maine with regard to the action of the Appropriations Committee of

this body. He admitted the force of the suggestions which had been made, and said that this presentation of the falsehood of the Democratic position would be presented to us in a hundred forms in every appropriation bill; but he said that the committee of this body, being constituted in its majority of Republicans, had not felt called upon to make these questions political in their consideration of matters of appropriation when they had been before them, but that they, with the heads of these Departments before them, had seen fit to inquire into the actual needs of the service, and if they found that additional clerkhire was necessary, disregarding political considerations they had recommended in favor of it.

Upon that matter I have this to say: The Republican party is not responsible to the country in any manner whatever for this administration. By the grace of God, assisted by some other mysterious influences, Grover Cleveland was chosen President by a majority of 1,149 votes in New York, without my co-operation, against my wish and desire and effort. He stands charged for the remainder of his term with the administration of this Government in all its executive functions. He is the executive head of the United States of America, and he is assisted in the House of Representatives by a majority of his own party. Under the Constitution and the laws and practices of this body and of both Houses that body has the origination of matters of appropriation.

The President of the United States and his associates in the House of Representatives hold the purse and they hold the sword; they are responsible to the people of this country for the administration of this Government, and so far as I am concerned I do not propose with my vote or with my voice to lend anything whatever of sanction to the allegations upon which the Republican party was overthrown in 1884. It was alleged by our adversaries in that conflict that the civil service of this Government under Republican administration for twenty-five years was inefficient and corrupt; it was alleged that the appropriations for a long period had been extravagant and unnecessary; and I propose that the President of the United States and his associates in the House of Representatives shall give proof to the country whether those allegations were true or whether they were false.

The House of Representatives sent us this bill. The Secretary of State went before the committee of that body and told them what he wanted, and the committee reported and the House passed the bill giving the Secretary of State the number of clerks that appear in the text of the bill as first printed. When the chairman of the Committee on Appropriations reports here that the information upon which the Committee on Appropriations of the House acted was not sufficient, when he reports that they did not have the information we have, or that anything supplemental has been handed in before our committee, I shall be ready, perhaps, to act otherwise; but when that committee inform us that the Secretary of State went before the committee of the House of Representatives with the annual Book of Estimates, with the supplemental requests that appear in this document, and that they, a Democratic body, refused to grant what the Democratic Secretary of State asked for, so far as my vote is concerned that Department will stagger along the best way it can under the force that was sufficient under a Republican administration and which a Democratic House has declared is enough.

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. INGALLS. Certainly.

Mr. ALLISON. If the Senator understood me to say that the Secretary of State had appeared before the committee of the House of Representatives and made the statements he made before the Senate committee he misunderstood me. I did not say so.

Mr. INGALLS. I did not so understand the Senator and I did not so state.

Mr. ALLISON. I simply meant to say that the annual Book of Estimates, which asked for every appropriation personally suggested to the Senate committee, was before the committee of the House, and therefore they ought to have had full knowledge of the needs of the office of the Secretary of State. What information they had or whether they even looked at the Book of Estimates I do not know.

Mr. INGALLS. Of course the Senator does not. I dare say they did not. I should judge from the looks of it that they never consulted any of the estimates or any of the previous appropriations.

But there is this to be said about it: As I understand the practice of that body these appropriation bills are distributed very early in the session, if not before the session begins, and I have heard that they sometimes take them in the month of November, among the House Committee on Appropriations, and that they then proceed forthwith to their consideration.

Mr. BUTLER. I should like to inquire if that reference to the House of Representatives is in order? I submit that it is not.

Mr. INGALLS. Let me say to the Senator from South Carolina that the only thing that it is not in order to refer to, so far as the House of Representatives is concerned, is the particular vote by which any act was passed or the specific argument that was advanced upon any measure which was before that body.

Mr. BUTLER. I am very much obliged to the Senator for the information.

Mr. INGALLS. The Senator is entirely welcome. I was proceeding to say that the Committee on Appropriations in the House of Representatives have undoubtedly had this subject under their consideration for not less than six months. They have had every opportunity, of which I dare say they have availed themselves, to ascertain in particular and in detail the specific needs and wants of every department of this Government, and after this long gestation they sent the bill over to us. It was reported here, I believe, yesterday; and now we are to be called upon hot-foot, without any opportunity for deliberation or consultation, to pass upon this bill to increase this force simply because it is reported by a majority ot the Senate Committee on Appropriations, I do not know how constituted, although I have heard some suggestions on that point that I do not care to refer to publicly.

I again submit to the chairman of the committee that there is no just ground or reason upon which, when the executive department and the lower branch of the legislative department have fixed these items as they have in the bill as it came from the House, the Republican party in the Senate should be called upon to give the orators of that organization the opportunity of saying in the approaching Congressional contest this fall, "We did what we could in the House to provide economical and frugal bills of appropriation, but were met in the Senate by a Republican majority there that overloaded them and overbore us and carried out the traditions of previous Republican administrations," thereby justifying, so far as we are able to do, the aspersions, the calumnies, the unjustifiable accusations that were cast upon us by our enemies, and which had, I believe, an injurious effect in the minds of the people at large.

Mr. COCKRELL. Mr. President, the Senator from New York [Mr. EVARTS] certainly misunderstood any remarks that I made in regard to the officer in the State Department as being intended as a reflection upon him. I have as much respect and admiration for that distinguished gentleman——

Mr. EVARTS. I had not the least idea the Senator from Missouri was referring to me; or did I refer to myself? I was talking about Mr. Hunter.

Mr. COCKRELL. I do not see the appropriateness of that remark, for it is not a response to anything I was saying. The Senator from New York certainly did not understand or hear what I was saying or he would not have made such a response.

Mr. EVARTS. I am sorry if I did not understand the Senator.

Mr. COCKRELL. I simply desire to say that I certainly meant no reflection upon him in the world. I have the greatest respect and admiration for him, although I have never had the pleasure or the honor of seeing him.

Mr. PUGH. You are speaking of Mr. Hunter?

Mr. COCKRELL. Yes; I am speaking of Mr. Hunter.

Mr. PUGH. The Senator from New York thinks you are referring to him.

Mr. COCKRELL. I can not help it if he thinks I am referring to him. I am referring to Mr. Hunter. I say that I meant no reflection upon Mr. Hunter, but I have the greatest respect and admiration for him. He has been in service as I understand between fifty-five and sixty years; he has served under different administrations; he has discharged the duties honestly, faithfully, and efficiently so far as I know, and I understand that now in his ripe old age he is not able to perform the duties of his office.

The question then is, shall he continue to hold that office and draw the full salary allowed by law, which is simply nothing more nor less than a civil pension? Upon that proposition I have very distinct ideas, well-fixed principles. I hold that every civil officer of this Government, from the President down to constable, is only an agent and representative and servant of the sovereign people, and that let them do what they may in their official positions they can only do their duty, and can only render an equivalent for the honor of their positions and the salaries they receive.

Mr. EDMUNDS. Does the Senator mean to say that Mr. Hunter is unable to perform any duties now?

Mr. COCKRELL. Well, practically so, I understand.

Mr. EDMUNDS. I do not so understand it.

Mr. COCKRELL. Upon that proposition I shall always stand denying. I do not believe that the representatives of the people have a right to pension themselves upon the people. I do not believe that we have a right indirectly to create a civil pension-list. Service in the civil branches of the Government is very different from military and naval service. A different principle entirely applies.

There has been a tendency in this body for years to create and establish a civil pension-list. A distinguished Senator upon the opposite side of this Chamber years ago introduced a bill providing for pensions to civil employés of the Government. It is cropping out now and then. At that time I placed myself unequivocally in opposition to the theory, policy, or principle of granting any civil pension to any civilian employé of the Government, and I am now equally opposed to it. If Mr. Hunter or Mr. Anybodyelse has served the Government for forty, fifty, sixty, sixty-five, or even seventy years and has received his salary regularly and becomes incapacitated longer to perform his official duties, he has no right to be continued in that office and draw the salary of it.

Mr. EDMUNDS. Then, if I may ask the Senator, why is it not the fair and square thing on that principle for the President of the United

States to ask Mr. Hunter to retire and to give us an Assistant Secretary of State who has the character and capacity which no clerk can have to do the things that Mr. Hunter for so long a time has done for the honor and credit and promotion of the interests of the United States? If that is the state of the case, why do we not come at it fairly and squarely? Nobody can pretend that this clerk of class 3 is going to do any one thing that this most faithful and accomplished Assistant Secretary of State has been doing for half a century.

If my friend is right about his idea of civil pensions (and I express no opinion about that), and Mr. Hunter has really become so ill from old age or otherwise that he can not do the duty, why does not the President ask him to resign, if that is the theory, and not try to cover up under a clerk of class 4 or class 3 the idea that you are going to supply the place of Mr. Hunter, who has been *primus inter pares* there in all the business operations of that Department, by calling him a clerk of class 3 or class 4? That will not do. Let us have it out fair and square, and if we need another Assistant Secretary there by dismissing Mr. Hunter, why does not the President nominate him? If we do not want to dismiss him, as I do not, because he deserves as I believe the small pittance he has been having if he can not do a bit of work any more, but if you need somebody to do the work that he has been doing, then let us provide for an additional Secretary in that office.

Mr. COCKRELL. I was satisfied that the Senator from Vermont would wind up his position by favoring a civil-pension list, and in this case favoring the continuance of Mr. Hunter in office, drawing the salary. I believe it is now $2,500 per year, a pretty fair pension, I say. On that question I have stated my position distinctly and I have stated it emphatically, because I believe it is wrong that a civil-pension list shall be permitted.

Mr. EDMUNDS. What is——

Mr. COCKRELL. Will the Senator just hold himself in patience now for a few moments?

Mr. EDMUNDS. Oh, yes.

Mr. COCKRELL. I believe that it is wrong for a civil-pension list to spring up in this country, directly or indirectly. Why the President does not remove Mr. Hunter and appoint another in his place I do not know, for I have never mentioned the matter to the President and have no means of knowing.

Mr. EDMUNDS. There are no candidates from Missouri!

Mr. COCKRELL. There are no candidates from Missouri for the place. The effort has been made to make the impression that these appropriations are sought to be increased unnecessarily and that the Republican party is entitled to the credit for the reduced expenditures now allowed by law to the various branches of the Government. Ah, our friends have forgotten the beginning of the Forty-fourth Congress, the first Democratic House of Representatives for many years. Ever since the Forty-fourth Congress we have had a Democratic House, except one Congress, and that Democratic House has been year by year paring down the appropriations for every branch of the Government and cutting down the number of officers under the Government to the very lowest figure possible. I think myself in some instances they have probably reduced the number of officers under the Government and reduced the salaries even lower than might have been justifiable.

Mr. PLUMB. I know the Senator wants to do full justice to the Democratic House, and while he is speaking about it he might say in the same line that they even adjourned one year without making any appropriations for the Government, and thus were saving the entire amount of the appropriations.

Mr. COCKRELL. Oh, yes; all that is of record, Mr. President. Now, the Senator from Kansas [Mr. INGALLS] undertakes to make a great parade about some one coming to the defense of the administration and points to me as a leader and defender of the administration.

Thank God, Mr. President, Grover Cleveland and his administration need no defense at the hands of any Democratic Senator. His administration stands before the American people in all its perfection of symmetry and strength and beauty, and enjoys their confidence, their friendship, and their love as no administration for years has ever enjoyed. The people of the United States will live to bend their knees in reverential thanksgiving and adoration to Almighty God that Grover Cleveland became President of the United States. He is an honest man, he is a brave man, he is a true man, and he is doing all that any one mortal being on earth could do to give the good people of the United States an honest, frugal, economical, and constitutional administration.

Mr. President, such taunts fall harmless at the feet of this administration. It needs no defender upon the floor of the Senate. It has its defense, and its stronghold, and its abiding place in the respect, and the confidence, and the admiration, and the love of the American people.

The PRESIDING OFFICER. The question is upon the pending amendment of the Committee on Appropriations, which will be stated.

The CHIEF CLERK. In line 476, before the word "clerks," under the head of "Department of State," the Committee on Appropriations report to strike out "four" and insert "five;" so as to read:

Five clerks of class 3.

The amendment was agreed to, there being on a division—ayes 26, noes 16.

Mr. INGALLS. I assume that it will hardly be possible to get through with the bill to-night. With great diffidence, therefore, if the Senator from Iowa does not object, I will move that the Senate do now adjourn.

Mr. EDMUNDS. Oh, no; I appeal to my friend not to make that motion.

Mr. PLUMB. Before that motion is put I will ask my colleague to yield until I can bring up a conference report on the Post-Office appropriation bill.

Mr. EDMUNDS. I ask the Senator from Kansas to yield that I may state, if he will allow me, that the President of the United States has got to have time to examine all these bills, and this special item that we have just passed in particular. We know how diligent he has been about pension bills and so on, examining about eighty in one day I believe, and vetoing twenty and approving sixty.

Mr. PLUMB. No, he vetoed thirty.

Mr. EDMUNDS. Therefore we have got to give him time. It will probably take him half an hour to go through this bill, according to all accounts, and we have got to give him time to do it, and I hope we shall go on and get through with it as early as we can.

Mr. PLUMB. I ask my colleague to yield until I can bring up the conference report on the Post-Office appropriation bill, in order that the bill, which is now ready to be enrolled, may be enrolled and sent to the President.

Mr. INGALLS. I yield for that purpose; but in response to the suggestion of the Senator from Vermont, I would say that because the President of the United States may desire to inspect this bill or any other bill with any unusual scrutiny I do not propose to sit here, if I can help it, after 6 o'clock in the evening to enable him to do so; and I hope the Senate will be governed not by what the President of the United States may want to do, but by what may seem appropriate to themselves.

I yield for the purpose of enabling the conference report to be made, and then I will renew the motion.

The PRESIDING OFFICER. The Chair will say also that the Senator from Virginia [Mr. MAHONE] desires to present another conference report.

POST-OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 3, 4, 5, and 6 to the bill (H. R. 5887) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, and 6.

That the House recede from its amendment to the amendment of the Senate numbered 5, and agree to the same.

P. B. PLUMB,
WILLIAM MAHONE,
JAMES B. BECK,
Managers on the part of the Senate.

JAMES H. BLOUNT,
JOHN M. TAYLOR,
HENRY H. BINGHAM,
Managers on the part of the House.

Mr. SAULSBURY. I desire to ask the chairman of the conference committee whether the subsidy feature has been receded from by the Senate?

Mr. PLUMB. I will state the entire drift of the report.

There were four items of difference between the two Houses. One item was the addition of $80,000 to the appropriation for the postal-car service. That was inserted in the Senate after the bill was reported, on account of the fact of the Senate having passed a bill which, if it should become a law, would require a larger appropriation for that purpose. On the assurance that the bill could not pass the House of Representatives the Senate conferees yielded that point.

Another item of difference was an appropriation of about $40,000 to continue the special mail facility service from Jacksonville to a point on the Gulf of Mexico in order to make quicker communication with Havana. On that point the House conferees yield.

Mr. EDMUNDS. How does that leave it?

Mr. PLUMB. That leaves it with provision adequate for fast-mail service by rail from New York city either to Cedar Keys or Tampa or Charlotte Harbor, in the discretion of the Postmaster-General.

The third item of difference was in regard to a legislative paragraph similar to the one inserted in the bill last year and which the committee last year put into a shape which they intended to make permanent, authorizing the Postmaster-General in letting contracts for water service, where a part of the service was in the inland waters of the United States and a part in foreign waters, where the distance was not more than 200 miles between the nearest domestic port and the nearest foreign port, to make one continuous contract for the service. The House

conferees declined to yield that, but the Postmaster-General submitted the question on the law of last year to the Attorney-General, who decided that the existing statute was ample for that purpose; that is to say, that it was a continuing provision, exactly as we intended last year to make it.

Mr. EDMUNDS. Just like section 3 of the legislative bill.

Mr. PLUMB. Not exactly that; but a doubt arose in regard to it. The House conferees insisted that the provision was a legislative one, not necessary to be repeated. The Senate conferees sent to the Postmaster-General, and he said at first that perhaps in order to make perfectly sure of it it might be well to re-enact it, but in the mean time, before this matter went into conference, he had obtained the opinion of the Attorney-General, and therefore it became unnecessary to re-enact the provisions of the old law.

The fourth point was the $800,000 for payment to American steamships engaged in the transportation of the foreign mails of the country. The Senate voted yesterday by a large majority, as it had before voted, to insist on that amendment; but it became apparent to everybody that the House would not yield, and it was not deemed advisable to further continue the contest now to the extent of taking another formal vote in the House, because of the near approach of the last day of June when the last year's appropriations will terminate, creating a necessity for a resolution extending the appropriations of last year or some of the other temporary devices with which we are familiar; and for the purpose, therefore, of getting this out of controversy and recognizing what we believed to be inevitable, after exhausting all proper efforts to get a concurrence on the part of the House, if not in all in part of that which the Senate deemed was necessary for the purpose of the proper extension of our mail facilities with foreign countries in American steamships, the Senate conferees agreed to yield.

Mr. EDMUNDS. So that is given up entirely.

The report was concurred in.

AGRICULTURAL APPROPRIATION BILL.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7481) "making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 25, 26, 28, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 11, 12, 13, 17, 19, 20, 21, 24, 30, and 31, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Strike out in line 3 of said amendment the word "five" and insert in lieu thereof "two;" strike out in lines 3 and 4 the words "for one clerk, one thousand dollars;" and strike out the last sum named in said amendment and insert in lieu thereof "$8,200;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of said amendment insert the following:

"Pomological division:

"For compensation of pomologist, $2,000; and for the collection and dissemination of pomological information, $3,000; in all, $5,000."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "Traveling within the United States and other;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "All machinery purchased under the provisions of this act shall be built in the United States, wholly of domestic material, except so much of it not exceeding $10,000 in cost, as is now under contract, express or implied, or such parts thereof as can not be built in the United States within proper time;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,300;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out all of the matter proposed to be inserted by said amendment, and strike out, in line 21, page 3 of the bill, the word "eleven" and insert in lieu thereof the word "ten;" and strike out, in line 5, page 4 of the bill, the word "twenty-four" and insert in lieu thereof the word "twenty-three;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$99,300;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted by said amendment all after the word "pleuro-pneumonia" and insert in lieu of the words thus stricken out the following: "And for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased animals whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another;" and the Senate agree to the same.

W. H. HATCH,
EDWIN B. WINANS,
WM. T. PRICE,
Managers on the part of the House.

WM. MAHONE,
P. B. PLUMB,
WILKINSON CALL,
Managers on the part of the Senate.

Mr. CALL. Before the vote is taken on concurrence in that report I wish to ask permission of the Senate to insert in the RECORD a statement that was sent by Mr. Gibbons on the subject of an amendment which the conference committee has agreed to. I will not ask to detain the Senate by reading it, but simply ask that it be inserted in the RECORD.

The PRESIDING OFFICER. The Senator from Florida asks that a certain statement be printed in the RECORD without reading. Is there objection? The Chair hears none.

The statement is as follows:

HOUSE OF REPRESENTATIVES, *Washington, June 26, 1886.*

MY DEAR SIR: Mr. W. H. Wiley, chemist of the Department of Agriculture, has written a letter under date of June 17, to Hon. WILLIAM H. HATCH, chairman of the Committee on Agriculture, reflecting severely upon Senators, Representatives, and others who have favored the Senate amendment to the agricultural appropriation bill in relation to sugar-making experimental machinery. He charges substantially that I wrote you a letter on the 27th of May containing erroneous and misleading statements, and that you read it in the Senate debate on the 10th instant. I beg leave, therefore, to call your attention to the following extracts from Mr. Wiley's letter and to my reply:

"In further consideration of the debate in the Senate on the adoption of the amendment, I desire to call your attention to the letter of Hon. J. FLOYD KING to Senator CALL, published on page 5509 of the RECORD. It would be interesting to know where Mr. KING obtained the 'facts' of which he speaks. Certainly not from the Department of Agriculture. He (Mr. KING) says: 'I am fully sustained in the position I take in this matter by the Louisiana Sugar-Planters' Association, as is shown by a unanimous vote of thanks tendered me at its regular monthly meeting on the 13th instant, indorsing the stand taken by me on the subject." On this point Mr. KING is entirely mistaken. The sugar-planters thanked him for his letter and the interest he took in diffusion, but not for favoring the restricting amendment."

I have no criticism to make of Mr. King for denouncing me as wholly incompetent in a recent letter to the Louisiana Sugar-Planters' Association, but I desire to correct the misstatement in the following paragraph of his letter to Senator CALL, page 5509 of the RECORD:

"Our sugar planters have had enough of it, but Professor Wiley, now and for years chief chemist of the Department of Agriculture and in sole charge of the Government sugar-making experiments, persists in recommending the importation of more foreign beet-root sugar machinery in spite of the fact that the only success thus far achieved was by the use of a set of American diffusion machinery, built expressly for cane-sugar manufacture, and tried a couple of days last year in Kansas, a full account of which is accurately given in the annexed article from one of the Washington papers."

Nothing could be less in harmony with my conduct than the above statement. Would it not be be better for Mr. King to get a full account of the experiments from the official reports of the department and not from newspapers? All these official reports have been placed in his hands.

Replying to the above, I have to say that the statements made in my letter, which you did me the honor to read in the debate of the 10th instant, in regard to the superiority of American diffusion machinery, and the approval of my course upon the subject manifested by our planters, are based wholly upon Mr. Wiley's reports and letters, and the official reports of the Louisiana Sugar Planters' Association.

Division of chemistry bulletin No. 8, containing eighty-five pages of printed matter and twenty-four illustrations, mainly of German and French beet-root sugar machinery, published at the Government Printing Office, is Mr. Wiley's official report of his tour through England, Germany, France, and Spain, at Government expense, last fall and winter. On page 31 he makes the following statement regarding the degree of extraction obtained from sorghum cane by an American-built diffusion machine at Ottawa, Kans., last October:

"With ten cells at Ottawa, Kans., working with grooved chips, a degree of exhaustion was obtained higher than any other experiments I have been permitted to study."

In another account of the American machine, given in his letter of June 17 to the chairman of the Committee on Agriculture, Mr. Wiley states that the work of the first day "fully demonstrated that the process of diffusion could and did extract all but a mere trace of the sugar in the sorghum cane."

In his letter of October 15, 1885, to Major Fuller, chief of the division of accounts of the Department of Agriculture, Mr. Wiley admits that the working capacity of the Ottawa battery (American) was 3½ tons of cane per hour at the first day's trial, or 84 tons in twenty-four hours.

In his letter dated Paris, France, December 7, 1885, published in Coleman's Rural World, Mr. Wiley states that the French battery of fourteen cells used at Almeria, Spain, worked at the rate of 75 tons of cane in twenty-four hours. His record of the American battery of only ten cells is 84 tons in twenty-four hours at the first trial. He states in the same letter in regard to the cutters used in Spain that "they were almost exactly like those used in Kansas," only not quite so good.

It will be observed that the French battery was nearly one-third larger than the American, and yet its working capacity was at the first trial, according to Mr. Wiley, 9 tons less than the American machine in twenty-four hours.

It should be borne in mind these gratifying results of last year's sorghum-cane experiments, achieved by a sugar engineer employed under Mr. Wiley, and which only fell short of absolute success because the machinery built under Mr. Wiley's direction was not large enough, and in other respects not exactly adapted to economical working, were obtained early in October, at least one month before it was necessary to commence experimenting upon the tougher and more obstinate tropical sugar-cane of the Southern States. Nevertheless Mr. Wiley abandoned the Southern sugar interest, and, without even visiting Louisiana, went to Europe, ostensibly in search of better machinery.

In his speech delivered at St. Louis, on the 5th of February, 1886, immediately after his return from Europe, Mr. Wiley gives the following interesting account of his attempt to instruct a European beet-root machine builder in the art of building cane sugar machinery after American plans:

"From Madgeburg I went to Halle, which is the center of the manufacturing interests of that part of Germany. The Halle Company has one of the largest machine-shops in Germany. Here I also had a long consultation with their engineer. We went over, step by step, every process which was necessary to the production of sugar from the cane. I explained to him also what my ex-

perience had lead me to believe would be necessary in the way of change from the beet-sugar apparatus to the cane-sugar apparatus, and he, very kindly following me in all this, constructed the draughts of a factory which would be necessary to carry out these modifications. These I have here for presentation to the Commissioner in my written report."

It appears by the above that he had to try and teach a European beet-root sugar-machine builder how to make cane-sugar American machinery. At all events, he did not find any cane-sugar diffusion machinery in Europe suited to the use of the department, for on page 76 of his last report, bulletin 8, he recommends the purchase of more beet-sugar machinery with such American improvements as he may suggest, in these words:

"The best forms of machinery for these several operations I believe will be found in the plans which have been given in this report, plans which have been prepared by the best sugar engineers in Europe, after I had laid before them what in my opinion should be the variations from the common forms of machinery used in the manufacture of beet sugar."

While Mr. Wiley may or may not be a competent chemist, about which I do not pretend to judge, he is certainly not an engineer, or competent to decide as to machinery. This has been fully shown in the debates of Congress—notably in the Senate debate on the 10th instant, and by his obstinate adherence to European beet-root sugar machinery that has everywhere failed when applied to sugar-cane. He has, however, manifested an aptitude for failure to make diffusion experiments upon our tropical sugar-cane in Louisiana, and an utter inability to overcome the most trifling mechanical obstacles.

This is a matter of the utmost importance to the South. The sugar products of Louisiana last year amounted to 134,000 tons. To make this sugar, some 200,000 tons had to be cultivated, harvested, and crushed. Sixty-six thousand tons were wasted by the roller process of extraction, and was used as fuel with the bagasse, while the remaining 134,000 tons found its way into the market.

This enormous waste, 66,000 tons, or 132,000,000 pounds of sugar at 4 cents per pound, amounts to $5,280,000 per year. At least $5,000,000 per year can be saved by the application of diffusion to sugar cane in Louisiana alone.

The possibilities of Florida as a cane-sugar producing State are not surpassed, in my opinion, even in Cuba, but the industry can not be developed without the aid of diffusion.

What is now needed is a couple of diffusion and clarifying machines—one for Western sorghum and one for the tropical sugar cane of the South, which is tougher and of a different texture—each capable of working some 200 tons of cane in twenty-four hours, in an economical manner, and extracting the largest percentage of sugar. It is proposed to have now built a couple of machines of this description. I am satisfied that there are several firms in this country who can build them.

The chief chemist, in sole charge of this business, controlling draughtsmen, engineers, machinists, and constructors, has not yet, with the $218,000 at his command, had such machines built.

There will be plenty of time for experimenting in Louisiana after the 15th of November. The sorghum experiments in Kansas must, however, on account of early frost, be commenced by the 15th of August, or about twelve weeks earlier than will be required for the tropical sugar cane of the South.

I hope, therefore, the Senate amendment, which was reported favorably by two Senate committees and adopted, after full debate, by nearly a two-thirds vote in the Senate, will be adhered to, with a modification, if it is shown to be necessary, providing for the purchase, for sorghum experiments, at a cost not exceeding a sum named, certain specified pieces of foreign clarifying machinery now in New York and in possession of the Department of Agriculture, which are only necessary because there is not time enough to make them before the sorghum season commences, some six weeks hence.

I must, however, earnestly protest against the proposition to allow the Department the sum of $10,000, or any amount whatever, to be expended at the discretion of the chief chemist for any purpose. The Forty-eighth Congress gave him unrestricted control of $113,000, and the sugar industry received two days' experiments on sorghum for the money.

Let the clarifying machine imported for sorghum and now stored in New York be sent to Kansas without delay. But not one dollar should be allowed for expenditures at the discretion of the department, as proposed, either at home or abroad. We have had too much of reckless, unrestricted expenditure already.

The opponents of your valuable amendment were defeated in open Senate. They now seek to defeat us by threats and cunningly devised "modifications."

Mr. Wiley has even resorted to threats, as you will see by the annexed letter of the 27th instant from Mr. Gibbons. I hope they will not be permitted, either by threats or cunning, to obtain in conference committee what they failed to secure on the floor of the Senate.

I understand that the imported sorghum-clarifying machine now in New York has already been paid for out of the $113,000 appropriated for the chemist's division and laboratory by the last Congress.

If such is the case, no modification whatever of your amendment should be allowed. The subject demands the closest scrutiny.

With great respect, I am, sir, sincerely your friend,

J. FLOYD KING.

Hon. WILKINSON CALL, *United States Senator, Senate Chamber, Washington.*

Replying to Mr. Wiley's statement that I am not sustained in my course in Louisiana, I submit my correspondence with the president and secretary of the Louisiana Sugar-Planters' Association, and the annexed editorial article from the New Orleans Picayune of the 14th instant, without comment.

To allay the apprehension created in the minds of some of our friends by Mr. Wiley that there is not time to make, or even commence, experiments in Louisiana this year, I submit the annexed letter from Mr. G. Gibbons, of Wilmington, Del., a steel and iron steamship and sugar-machine builder of thirty years' successful experience, and the Picayune editorial already referred to.

NEW ORLEANS, *April* 19, 1886.

DEAR SIR: Your letter of 16th of April, including your correspondence with Mr. Charles C. Johnsen, has been received. I have to thank you for your kind attention in sending it to me. I was not at all prepared for anything of the kind. Your reply is perfectly unanswerable, and if it meets your entire approval, I will have it read to the Sugar-Planters' Association at their next meeting. Several of our members are making constant efforts to find some one who will suit the purpose as an experienced chemist to assume the management of the diffusion apparatus, but so far without success.

Yours, truly,

D. F. KENNER.

Hon. J. FLOYD KING, *Washington.*

[Copy—Telegram.]

HOUSE REPRESENTATIVES, *Washington, April* 22, 1886.

To Hon. DUNCAN F. KENNER,
President Sugar-Planters' Association, New Orleans, La.:

You have my cordial consent. Use letter to Johnsen at your discretion. I only desire to promote sugar interests of Louisiana to best of my ability.

J. FLOYD KING.

The letter was read, as requested, and printed, as is shown by the following from the secretary of the association:

[Louisiana Scientific Agricultural Association, Professor W. C. Stubbs, director sugar-experiment station, Kenner, La.]

OFFICE OF THE SECRETARY, 6 CAMP STREET,
New Orleans, La., May 28, 1885.

DEAR SIR: At the regular monthly meeting of the Louisiana Sugar-Planters' Association the following resolution was unanimously passed:

"*Resolved*, That the very interesting letter of General KING, and his defense of the sugar industry of Louisiana in the matter of diffusion, be published for the benefit of the planters not present to-night."

Yours, respectfully,

J. Y. GILMORE, *Secretary.*

Hon. J. FLOYD KING,
Washington, D. C.

NEW ORLEANS, *June* 22, 1886.

DEAR SIR: Your letter of June 19 has been received and contents duly noted. The Sugar-Planters' Association never in the slightest degree intended to object to the use of American material and American mechanics in the construction of the diffusion apparatus. The only point that we took exception to was the limitation of time in confining the experiment to this season. However, it seems that this matter is so much better understood in Washington city than in Louisiana that the inference is we were mistaken.

Respectfully, yours, &c.,

D. F. KENNER.

Hon. J. FLOYD KING,
Washington, D. C.

WILMINGTON, DEL., *June* 19, 1886.

DEAR SIR: Replying to your inquiry, we have to say that there will be no trouble whatever about completing a diffusion plant for Louisiana, and have it set up ready for operation by November 1, including the vacuum evaporators, filter presses, and carbonation apparatus, provided the order can be given by the 1st of July. If the order is given later the delay and setting of the machinery will be proportionately delayed.

Yours, truly,

THE PUSEY AND JONES COMPANY,
By WILLIAM G. GIBBONS, *President.*

Hon. J. FLOYD KING,
House of Representatives, Washington, D. C.

WILMINGTON, DEL., *June* 27, 1886.

MY DEAR SIR: I write to thank you for your able, clear, and unanswerable argument made on the 25th instant before the Committee on Agriculture. I regret exceedingly that a most urgent matter called me to New York on that day. I might, had I been present, have submitted some minor points, but am sure could not have supplemented what you have done to any great degree.

When the chief chemist threatened that the apparatus for sulphuration and carbonation, which we did not make along with the other parts of the apparatus intended for Kansas because of an arrangement with him that the department would supply it, should not be sent to the Parkenson Sugar Company if the Senate amendment was adhered to, I felt that the success of the adventure in sorghum had received a savage stab from those who should have been the last to assault it. This will explain my anxiety as expressed to you, and my wish to do anything in honor to avoid so great a calamity.

As there seems to be a doubt among some of the friends of the sugar interest that proper apparatus can be had in this country to fully demonstrate the profitableness of the process of diffusion, I particularly desire that you and Mr. Gay should see the plant we have made for the Parkenson Sugar Company, of Kansas, and to that end I invite you to come here any time before Thursday evening next and inspect it. After that date we must ship it, that it may be ready by the beginning of the season for sorghum cane, say August 10 proximo. I shall also then have opportunity to convince both of you of the easy certainty of having the experiment tried in a large way in Louisiana this year, notwithstanding the positive assertion of the chief chemist that it is impossible.

Again thanking you for your able efforts in the interest of diffusion,

I am, very truly, yours,

WILLIAM G. GIBBONS.

Hon. J. FLOYD KING,
House of Representatives, Washington, D. C.

[From the New Orleans Picayune, June 14, 1886.]

THE SENATORIAL AMENDMENT OF THE AGRICULTURAL APPROPRIATION A GREAT IMPROVEMENT.

The decision of the Senate that the experiments in the manufacture of sugar shall be made this year, and with machinery constructed in America, is eminently wise and patriotic. Even if we admitted that in the construction of certain machinery Europeans have the advantage of greater experience and opportunities over us, it would be entirely too late now to order the machinery required for these experiments from Europe, and if it were done, nevertheless the machinery would certainly come too late for this season. This would be a capital fault, for, as one of our Senators very justly observed, "the experiments contemplated in the manufacture of sugar must be made within a short time or would be of no use."

The main fault in former years has not been that these appropriations were made too late, but that after they had passed, in 1884 especially, not a single move was made for the judicious expenditure of the money; indeed, it looked very much as if the Department did not know exactly what to do with it.

Since then such a vast amount of information has been collected from all parts of the world that there can be little wanted to complete our knowledge on this subject. And there could, consequently, nothing more be learned worth knowing in regard to diffusion. With that information and a more perfect understanding of the problem as a basis, we are sure there must be more than one American constructor or engineer entirely competent to manufacture the machinery needed.

As to the supplementary machinery, such as a limekiln, carbonic-acid generators, pumps, and saturators, which heretofore have been but rarely used in the cane-sugar industry, though now intended to form a part of these experiments, its descriptions and drawings in detail can be found in all the standard works on sugar manufacture. This machinery is quite simple, and there can be nothing in it that American manufacturers could not understand. The modern cane-slicing machines are not a foreign invention, and we surely need not go to Europe for them.

Since the final passage of this appropriation, with its valuable amendments, seems to be a certainty, the wisest way of using it to the best practical advantage ought to be considered at once.

Pending the final decision upon the appropriation, the plans for Louisiana ought to be made now, so that at least by the 1st of July actual work can be commenced. While the machinery is being made, which we are assured can be done in about two months, the foundations for the apparatus can be laid and the masonry finished. When this part of the work is prepared the erection of the machinery can be accomplished within eight or nine weeks also.

There are still fully four months before us in which much can be done with concerted action. If everything should be ready on the 1st of November, or by the middle of that month at the latest, we would still have the best part of the next season at our disposal, and six or seven weeks of actual experimenting would certainly be sufficient to demonstrate all that it would be most desirable to show.

We understand that one of our most progressive planters, one who has always shown the greatest aptitude and inclination for improvements, has declared his willingness to meet the views of the department in every respect, and to provide his already very complete sugar-house with whatever might still be required to make these experiments an entire success. All that is needed is promptness of decision and an energetic execution.

The report was concurred in.

ADJOURNMENT.

Mr. BUTLER. I move that the Senate adjourn.

Mr. ALLISON. Before any suggestion is made in reference to adjournment I wish to call the attention of the Senate to the importance of passing the legislative, executive, and judicial appropriation bill at as early a day as practicable.

Mr. BUTLER. I withdraw the motion.

Mr. ALLISON. I shall ask the Senate to-morrow to sit here until the bill is completed. I think if we work assiduously we can finish it to-morrow. So with that understanding I move that the Senate do now adjourn.

Mr. PLUMB. I should like to ask the Senator a question before that motion is made. I ask him to state whether if the bill is passed to-morrow, the last day of this fiscal year, it can then be signed by the President in time to obviate the necessity of the passage of one of these temporary appropriation bills?

Mr. ALLISON. I think not; and I will say respecting that necessity that in the nature of things to-morrow the two Houses will be obliged to pass a joint resolution extending the appropriations of the current year until this bill, the naval bill, the sundry civil bill, and the District of Columbia bill also, shall become laws. I say that on the assumption that the bills which have just been agreed to will become laws to-morrow.

Mr. EDMUNDS. When did the legislative bill reach the Senate?

Mr. ALLISON. I think about ten days ago. I have the exact date——

Mr. EDMUNDS. I should like to know.

Mr. ALLISON. This bill reached the Senate on the 17th day of June.

Mr. EDMUNDS. More than six months after Congress met.

Mr. ALLISON. This bill reached the Senate on the 17th day of June and the Committee on Appropriations took it up the moment the bill was printed.

Mr. EDMUNDS. And within thirteen days of the time when the annual appropriations bills run out.

Mr. ALLISON. And I will say that the most important of these appropriation bills were not sent to the Senate until the month of June. So that it seems to me whatever responsibility may rest upon the two Houses of Congress for the necessity of passing a joint resolution extending the appropriations of the current year can not in any sense rest upon the Senate. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 30, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 29, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

SCHOONER OUNALASKA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I herewith inclose a report from the Secretary of State, with its accompanying copies of papers, relative to the case of the American schooner Ounalaska, which was duly condemned by the Government of Salvador for having been employed in aid of an insurrection against that republic, and was subsequently presented to the United States. It seems that an act of Congress accepting the gift on the part of this Government is necessary to complete the transfer, and I recommend that legislation in this sense be adopted. It further appears that one Isidore Gutte, of San Francisco, has sought to obtain possession of the condemned vessel, and I therefore suggest that a second provision to the law accepting her be made giving authority to the Court of Claims to hear and determine the question of title.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June* 28, 1886.

CLAIM OF S. A. BELDEN & CO. AGAINST MEXICO.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication, with accompanying paper, from the Secretary of State in relation to the distribution of the award of the late Mexican Claims Commission in the case of S. A. Belden & Co. against the Republic of Mexico.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June* 28, 1886.

TRUST FUNDS AND UNEXPENDED BALANCES.

The SPEAKER also laid before the House a letter from the Postmaster-General, in response to a resolution of the House calling for information concerning trust funds and unexpended balances in the custody of the several Departments; which was referred to the Committee on Ways and Means, and ordered to be printed.

JOHN H. HANSON VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in response to a resolution of the House, a report from the Commissioner of the General Land Office concerning a decree of survey in the case of John H. Hanson *vs.* The United States in the United States circuit court, northern district of Florida, with an estimate of the cost of the survey; which was referred to the Committee on Appropriations, and ordered to be printed.

TERMS OF COURT IN COLORADO.

The SPEAKER also laid before the House the bill (H. R. 3014) to provide for the terms of court in Colorado, with Senate amendments; which was referred to the Committee on the Judiciary.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following bills of the Senate; which were read twice, and referred as follows:

The bill (S. 2609) granting a pension to Emily J. Stannard—to the Committee on Invalid Pensions.

The bill (S. 2721) to remove the political disabilities of John K. Mitchell—to the Committee on the Judiciary.

The bill (S. 2759) to remove the political disabilities of William H. F. Lee—to the Committee on the Judiciary.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. GREEN, of North Carolina, for three days, to attend the funeral of Hon. David Davis.

To Mr. BOUND, for two days, on account of important business.

To Mr. WARD, of Illinois, for ten days, on account of important business.

To Mr. HIESTAND, for two days, on account of important business.

PENSION APPROPRIATION BILL.

Mr. TOWNSHEND. Mr. Speaker, I desire to present a report from the committee of conference on the pension appropriation bill. I ask the report be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the Senate amendments to the bill of the House 5201, making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its agreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

R. W. TOWNSHEND,
WM. L. WILSON,
JOHN D. LONG,
Managers on the part of the House.
JOHN A. LOGAN,
A. P. GORMAN,
Managers on the part of the Senate.

The following is the statement accompanying the report:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for the payment of pensions for the fiscal year 1887 submit the following written statement in explanation of the action recommended in the accompanying conference report:

The effect of the action recommended on the Senate amendments is as follows:

On amendment 1: The amount appropriated for fees of examining surgeons will be $821,000, being $321,000 more than was contained in the bill as it passed the House.

On amendment 2: The use of the penalty envelope will be extended to the pension agents for official business by the insertion of the following language: "And hereafter the provisions of section 3 of the act approved July 5, 1884, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes,' are hereby extended and made applicable to all official mail matter of agents for the payment of pensions."

The total amount appropriated by the bill will be $76,075,200.

R. W. TOWNSHEND,
WM. L. WILSON,
JOHN D. LONG,
Managers on the part of the House.

Mr. TOWNSHEND. I move the adoption of the report.

Mr. BURROWS. Will the gentleman inform us how much the appropriation is increased?

Mr. TOWNSHEND. It was increased in the Senate $320,000 for the payment of the fees of the pension examining surgeons for the next fiscal year.

Mr. BURROWS. You became satisfied that that increase ought to be made?

Mr. TOWNSHEND. I became fully satisfied from an interview with

the Commissioner of Pensions, and from other information that the estimate was too low and that this amount was needed.

The report of the committee of conference was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the House Calendar the bill H. R. 8330.

The SPEAKER. Is that a public bill?

Mr. LANHAM. It is the bill for the recoinage of the trade-dollar.

Mr. MORRISON. Regular order!

Mr. GLOVER. Mr. Speaker, I move to discharge the Committee on Expenditures in the Treasury Department from the further consideration of the resolution introduced June 21, 1886 (Miscellaneous Document No. 350), and to put the same on its passage.

The SPEAKER. The motion to put the resolution on its passage can not be entertained. The gentleman has a right to move to discharge the committee.

Mr. GLOVER. Will the Speaker hear me on that point?

The SPEAKER. I will.

Mr. GLOVER. Mr. Speaker, by reference to page 434 of the Digest, I find that a motion to discharge a committee from the further consideration of a resolution of inquiry not reported within one week from the date of its reference is a privileged question—a privileged question, no doubt, as against the committee.

The SPEAKER. But the gentleman included more than that in his motion. He moved to discharge the committee and to put the resolution on its passage. When the committee is discharged then the resolution is before the House, but the question of consideration can be raised against it by one member. The gentleman can move to discharge the committee from the further consideration of the resolution. That will bring the resolution before the House, and then, if the question is made, the House will determine whether it will consider it or not.

Mr. TAULBEE. Mr. Speaker, if the motion to discharge the committee from the further consideration of the resolution of inquiry prevails then is not the resolution itself a privileged matter?

The SPEAKER. It is, and it is then before the House; but still the rule of the House allows any gentleman to raise the question of consideration against it. The authority read by the gentleman from Missouri [Mr. GLOVER] states the parliamentary law correctly. The gentleman may move to discharge the committee from the further consideration of the resolution, but that is the extent of his motion.

Mr. GLOVER. I make that motion.

The SPEAKER. The question is on the motion of the gentleman from Missouri to discharge the Committee on Expenditures in the Treasury Department from the further consideration of the resolution to which he refers.

Mr. LOWRY. I submit, Mr. Speaker, that the gentleman from Missouri is not in a position to trouble the House with any such question.

Mr. BAYNE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAYNE. Is this proceeding by unanimous consent?

The SPEAKER. It is a privileged motion, to discharge the Committee on Expenditures in the Treasury Department from the further consideration of a resolution of inquiry which, under the rule, should have been reported back to the House within one week.

Mr. DUNHAM. Mr. Speaker, can we have the resolution read?

The SPEAKER. The resolution is not before the House; it is still in the committee.

Mr. DUNHAM. We can not well vote upon the resolution unless we know what it is.

Mr. LOWRY. Mr. Speaker, I believe I have the floor. I repeat, sir, that the gentleman from Missouri is not in a position to trouble the House with any such question as that which he has raised; neither is there any occasion for the motion which the gentleman has made. At the time he was about to introduce the resolution in question he consulted with me in reference to the matter and as to the course which he should pursue for the purpose of getting it before the House. At a subsequent time I had a further interview with the gentleman, in his seat here, in regard to the time when the resolution would be acted upon by the Committee on Expenditures in the Treasury Department, and I then explained to him that as a member of the Committee on Elections I was engrossed with the examination and consideration of a pending case of a tedious and prolix character, and that it would not be convenient to call the committee together for the purpose of considering his resolution until we had disposed of that case, which was to be voted upon yesterday. This was fully understood between the gentleman from Missouri and myself. His response was, "All right;" and at a subsequent time, in reply to an inquiry by me as to whether or not it would be satisfactory, he responded in the affirmative. Since then I have had no conversation with the gentleman, the distinct understanding then being that he should be informed of the time when it would be convenient to call the committee together, which would be some day this week, for the purpose of considering his resolution. Now, sir, I submit that it would be highly improper, would be doing gross injustice to the Committee on Expenditures in the Treasury Department and permitting the gentleman from Missouri to act in bad faith toward that committee, to undertake to discharge it from the consideration of the resolution under these circumstances. I reserve the balance of my time.

Mr. GLOVER. I ask that the resolution be read.

The SPEAKER. It can be read in the time of the gentleman as a part of his remarks.

Mr. GLOVER. Very well; I call for the reading.

The Clerk read as follows:

Whereas heretofore the United States recovered a judgment for $25,000 against Richard D. Lancaster in the circuit court for the eastern district of Missouri; and

Whereas the said Lancaster a short time prior to said judgment conveyed all his property to his brother-in-law and his business partner and that partner's brother, and thereupon procured a settlement with the United States for the sum of $500, and thereupon received back his said property from the temporary holders thereof; and

Whereas the said transfers are fraudulent upon their face, and if merely colorable, the affidavit filed by the said Lancaster alleging his total insolvency was false, and the said settlement was procured by fraud, conspiracy, and perjury on the part of said Lancaster; and

Whereas in that case the said fraudalent settlement can and should be set aside, and the entire amount of said debt can and should be recovered to the use of the United States; and

Whereas the United States district attorney of the eastern district of Missouri has been lately investigating, under the order of the Secretary of the Treasury, the said frauds committed by said R. D. Lancaster upon the revenue of the United States; and

Whereas he discovered such evidence of fraud as justified him in demanding power to put the parties implicated under oath, and therefore applied to the Department for the detail of a clerk for that purpose under section 183 of the Revised Statutes, which reads as follows:

"Any officer or clerk of any of the Departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation."

And whereas, for reasons which can only be surmised, this demand was refused:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a statement of what reasons, of a public nature, induced him to refuse, on the demand of the district attorney, the usual and necessary means provided by statute for the investigation of frauds upon the revenue laws, including the detail of a clerk requested by him; and also that the Secretary of the Treasury transmit to the House copies of all papers relating to the investigation in question and the correspondence of the Department with the district attorney at Saint Louis; and

Be it further resolved, That the Secretary of the Treasury be requested to advise this House what reasons, of a public nature, at present exist why the Treasury Department should not make a thorough examination, under oath, of the parties implicated in, and having knowledge of, the subject-matter of said investigation.

Mr. GLOVER. Mr. Speaker, I deem it due to myself as well as to the gentleman from Indiana to state that upon the facts as he gives them no doubt it would not be in order and possibly not in good faith for me to call up this resolution at this time. But, Mr. Speaker, the gentleman is entirely in error as to the facts.

I failed upon an interview with the gentleman who is chairman of the committee to which the resolution was referred to interest him in it in the slightest degree. After that I learned from the gentleman, the chairman here, that engagements of an important kind prevented present consideration by the committee of the resolution; and the gentleman told me, as he states, that an election case of gravity and importance engrossed his time, and that this resolution could not be brought up before the committee until after Monday. I took the statement of the gentleman, not being called upon either to assent or dissent, and had in mind the fact that within one week the resolution could be up before the House. Now, I do not undertake to charge bad faith; I do not think it is polite or parliamentary or kind. I concede he may have been mistaken. Indeed I am willing to concede that he was mistaken as to what occurred. But I say to this House, as between him and me, that I have stated all that did occur.

Now, sir, that resolution states the subject-matter, and I have before me here the affidavit of the judgment debtor, which I will not read before the House. It is sufficient to say (and I will incorporate it in full in my remarks) that it bears out the resolution that upon distinct statements, fortified by affidavits, the Government authorities were given to understand that this party did not own a dollar in the world, and on that basis, and that basis only, a compromise was made.

The United States Government recovered judgment against him for $25,000. When it became evident that he was to be sued by the Government his property began to undergo strange and bewildering transformations; and I desire to send to the Clerk's desk to be read a memorandum of these conveyances, which will speak for themselves. The complete abstract which I have here I will incorporate in my remarks.

The Clerk read as follows:

COMPTON AVENUE RESIDENCE.

When the bond was signed this property was unencumbered. While suit was pending by the Government, and just thirteen days before judgment, the property, which cost the judgment debtor $10,000, was encumbered by a deed of trust for $3,150. At the marshal's sale, by satisfying the Government debt, this property was bought by Pierce D. Keating for $63. (Keating was a brother-in-law of Lancaster.) He conveys the property back to the judgment debtor after the compromise with the Government, and the judgment debtor's obliging partner turns up in possession of the mortgage under a deed of trust, and obligingly releases it. During all this time the judgment debtor lives in the house and is undisturbed in his possession, and lives there now.

PROPERTY IN DEAN'S ADDITION.

At the signing of the bond this property was encumbered by a mortgage. This mortgage was satisfied, but to prevent accidents another substituted for $15,000, at three years' due, therefore in 1879——

Mr. HAMMOND (interrupting the reading). I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. I submit that this is not in order under the motion of the gentleman from Missouri.

The SPEAKER. It is not. There is nothing before the House except the simple motion to discharge the committee. The merits of the resolution pending before the committee are not before the House for discussion. The gentleman states that the resolution was introduced more than a week ago and has not been reported back by the committee. That makes the motion to discharge the committee a matter of privilege; but there is no other question before the House.

Mr. GLOVER. Am I not entitled to discuss the motion?

The SPEAKER. Not on the merits of the resolution.

Mr. BLAND. I understand that the chairman of the committee had an understanding with my colleague to give him a day or a hearing before the committee. Now, I am somewhat astonished that the gentleman has seen proper to come in this morning and submit his motion. I understand this is a matter of investigation by the committee and that the committee was to be called together to determine it.

Mr. GLOVER. That matter has been discussed in the absence of my colleague from Missouri. I now desire to submit to the Chair whether or not I am entitled to the floor?

The SPEAKER. The gentleman is in order to discuss the motion to discharge the committee, but not to discuss the merits of the proposition pending before the committee. That question will come before the House when the committee is discharged and the resolution is taken up for consideration.

Mr. TAULBEE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. In the discussion of the motion of the gentleman to discharge the committee from the further consideration of the resolution, is not the discussion to show the importance of considering that resolution germane to the motion?

Mr. BLAND. Certainly not.

The SPEAKER. The gentleman has a right to show it is important, but not to show that the allegations are true or false, but that this is a proper subject to be investigated. It is competent to show that the committee has not reported back the resolution within the time required by the rule. But the resolution itself is not yet before the House either for discussion or to be voted upon.

Mr. BLAND. It would be very unfair indeed to take up in this one-sided way a subject-matter of this sort that can be answered so as to show there is nothing in it.

The SPEAKER. The Chair thinks that neither side of the question as to the merits of the resolution can be discussed now when a point of order is made.

Mr. HAMMOND. That is the point I made. This is not a question now between those who think the resolution ought to be adopted and those who think it ought not to be adopted. The simple question is, shall the committee be discharged under the rules of the House?

Mr. GLOVER. I rise to a parliamentary inquiry. How long have I to discuss the proposition which the Chair has stated?

The SPEAKER. One hour.

Mr. GLOVER. Mr. Speaker, in my judgment a detail of the facts connected with this case which involve an inquiry into a gross fraud on the revenue of the United States is of importance and has a bearing as a matter of argument upon the question whether the committee shall be discharged and the House proceed to consider the resolution; and if that be an error of judgment, I have never seen a ruling which made any other person than the gentleman upon the floor the judge as to whether his arguments were pertinent or not. That, it seems to me, must be left to the soundness or the infirmity of his understanding.

Now, Mr. Speaker, it is of the utmost importance—and I will not at this moment ask the Clerk to continue the reading of the memoranda which I gave him—it is of the utmost importance that these things should be considered by this House at this time if any good is to come to the Treasury of the United States by this investigation. Therefore I say that these memoranda in regard to three of these transfers show that a very few days before judgment in favor of the United States was recovered the judgment debtor conveyed to members of his family enough property——

Mr. BEACH. I rise to a point of order. The gentleman is now discussing the merits of the proposition.

The SPEAKER. The Chair will state again that in the judgment of the Chair it was entirely competent for the gentleman from Missouri to have the resolution read in his time as part of his remarks to show what it was and to what subject it related. But the Chair can not see how the gentleman can proceed under the rules of the House to discuss the merits of a proposition which is not before the House. While it was proper that the resolution should be read to show its subject and to enable the House to determine whether or not it would discharge the committee from the further consideration of that subject, that does not give any gentleman a right to make an argument at this time upon the resolution itself either in favor of or against its adoption, because it is not now before the House.

Mr. GLOVER. Well, Mr. Speaker, I shall address myself, so far as I understand the ruling of the Chair, to discussing the importance of taking this resolution out of the hands of the Committee on Expenditures in the Treasury Department and putting it before this House. I will state that it involves a charge of fraud upon the United States revenue. It involves a claim against the party implicated for a quarter of a hundred thousand dollars. All delay such as would occur in the Committee on Expenditures in the Treasury Department, and all delay such as may occur and such as in the usual course of events does occur not only before that committee but before any committee of this House pressed with business, would tend to endanger final recovery and require that immediate action be taken lest the judgment debtor who now possesses the property he once conveyed for the purpose of defrauding the United States should convey it again, and the United States Government be thereby deprived of its revenue.

Mr. Speaker, before submitting to this House that inquiry, and before yielding to the suggestion that no arguments are now admissible going to show that this alleged fraud is a fact, I desire to have one letter read which I think will be persuasive to members of the House to call up this matter now and pass upon it.

Mr. BLAND. Now, I insist that is a proper matter of investigation for the committee.

The SPEAKER. The Chair does not know what the letter is.

Mr. REED, of Maine. Does this man now occupy a public office?

Mr. GLOVER. I regret to say he does.

Mr. REED, of Maine. When was he appointed?

Mr. GLOVER. Very recently.

A MEMBER. What is the office?

Mr. GLOVER. It is the most important office in the Mississippi Valley—surveyor of the port.

The Clerk read as follows:

SAINT LOUIS, *April* 19, 1886.

DEAR SIR; Your letter of the 17th just received, and from its purport I judge that you were not in the best of humor when you dictated it to your secretary, as I failed to find one friendly word in it.

You very tersely ask me to explain why I did not send you a copy of the letter which was mislaid, and also complain that I made no reference to said letter (or copy) in my letter of the 14th. In my letter to you, dated either the 30th or 31st of March, I fully explained to you the reason of my not being able to write you sooner; and I, supposing you received that letter, was satisfied that I had done all that was possible in the matter up to that time, and your failure to answer my letter of the above date was the reason I wrote on the 14th; also in not referring to the copy of the mislaid letter. As I explained to you in my letter of the above date, that is March 30 or 31, I tried hard to procure you more substantial evidence than mere hearsay to present the committee with in the shape of a letter from the son of John Busby, showing conclusively that Lancaster was interested with his father and a man named Curran in the illicit distillery seized by the Government of the United States in the fall of 1876.

Mr. HAMMOND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. That letter is a part of the discussion of the merits of the proposition. I have waited until the letter disclosed that fact.

Mr. TAULBEE. On that question of order I desire to state that I have no personal knowledge of the facts of this investigation. If this matter is to be tried before the House for its action on the motion to discharge the committee, I certainly shall be governed in my action by such information as that to be derived from this letter. I consider it germane to the motion.

Mr. BLAND. If he is allowed to proceed the House will necessarily be governed in its action by entirely *ex parte* statements.

The SPEAKER. The Chair does not know whether the gentleman from Missouri [Mr. GLOVER] intends to discuss the merits of the charge against this gentleman or not. But it must be evident to every one that the merits are not yet before the House for discussion. If the House shall discharge the committee the resolution will come before the House and be considered, unless the House by vote refuses to consider it. If the resolution shall come before the House, then all these matters will be in order.

Mr. TAULBEE. If I understand the status of this motion it is to discharge the committee from further consideration of the resolution?

The SPEAKER. That is the motion.

Mr. TAULBEE. The effect of that will be to take the resolution to the Calendar.

The SPEAKER. It will bring it before the House.

Mr. TAULBEE. It appears to me any question touching the importance of this matter is in order in the discussion of this motion.

The SPEAKER. For what reason? The Chair will again state the position of the matter. The resolution was offered in the House more than a week ago, and was referred to the Committee on Expenditures in the Treasury Department. That resolution has not yet been reported, and this fact constitutes the entire foundation of this motion.

Mr. TAULBEE. I understand the Chair to call on me for a reason for my statement. One of my reasons is that if we are called to take action on a question in which is involved no interest of the Government,

nothing which affects the public interest, certainly we would refuse to consider it. But if the nature of the charge and the investigation is shown by these arguments and documents to be such as to make it important in the public interest that we take action, then certainly I would be governed in my vote by that consideration.

The SPEAKER. The Chair is wholly unable to see why the committee should not comply with the rule of the House and report back the resolution within a week, no matter what the merits may be. The rules of the House require the committee to report back the resolution within a week either favorably or unfavorably, without regard to its merits.

Mr. LOWRY. I desire to suggest in connection with what the Chair has just stated that the committee surely will not be discharged if there should exist some sufficient reason why it should not be; as, for example, an understanding or agreement with the mover of the resolution that he should have a day to suit his own convenience on which the question should be considered by the committee.

Mr. GLOVER Which agreement never existed.

The SPEAKER. The Chair expresses no opinion on that question. The Chair has simply referred to the duty of the committee under the rule of the House to report back the resolution within one week.

Mr. REED, of Maine. And that is a rule of the House which can not be suspended by an agreement between any two gentlemen. It can only be suspended by the whole House. What the House is interested in is the purity of the official.

Mr. LOWRY. If entitled to the floor——

The SPEAKER. The gentleman from Missouri [Mr. GLOVER] is entitled to the floor.

Mr. GLOVER. I decline to yield further, and ask the Clerk to proceed with the reading of the letter. That is a letter from the brother-in-law of the party implicated, and shows him not only to have been concerned in this fraud but to have been implicated in the whisky ring itself. This is a question of a fraud on the revenue of the United States; and I do not understand what is the cause of the newly awakened interest of the gentleman from Indiana [Mr. LOWRY], nor why he should object to the examination of a fraud upon the revenue of the United States.

Mr. HAMMOND. I insist on the point of order. The reading of that letter, so far as it has proceeded, has disclosed that it is simply excusing somebody for not having furnished evidence on the merits of the transaction. I know nothing in the world about the facts in this case and do not care anything about them. The committee has failed to report under the rules. Therefore it was a privileged question to call up in order to ascertain whether the committee should have longer time to consider the resolution or whether it should be discharged from its further consideration. I know nothing about the controversy, or as to which of these gentlemen is in the right. There is a certainly a misunderstanding between the gentleman from Missouri [Mr. GLOVER] and the gentleman from Indiana, the chairman of this committee. Which is right I do not know nor do I care.

The whole fact is this, that a committee through some misunderstanding, because, as they allege, a more important matter referred to them by the House prevented consideration of this resolution within the week, has failed to consider and report it under the rule. Having failed to report within the week, they would certainly be compelled by propriety now to report as early as possible. Therefore there should be no argument on the merits of this question. When the resolution is reported it will be then time to discuss the merits.

Mr. GLOVER. I have not yielded the floor.

Mr. HAMMOND. I am discussing the question of order.

Mr. GLOVER. I will not yield to the gentleman unless on the understanding that this is not to be taken out of my time.

The SPEAKER. It will not be taken out of the gentleman's time.

Mr. HAMMOND. The whole idea I desire to present is that in the teeth of three rulings of the Speaker on the question of order the gentleman from Missouri persists in forcing the merits of the question before the House. That is certainly out of order.

The SPEAKER. The reading of the letter has been nearly concluded, and it is somewhat difficult to determine whether it really relates to the merits of the resolution or not. The writer simply states that he has certain information. The Clerk will conclude the reading of the letter, but the Chair adheres to the ruling that the merits of the resolution are not before the House.

The Clerk resumed and concluded the reading, as follows:

The following are the principal points contained in the mislaid letter to you. I was told by P. D. Keating that R. D. Lancaster transferred all his property and, in fact, all valuables possessed by Lancaster, in the fall of 1876 and spring of 1877, to him (Keating) for $1, to be quitclaimed back again to him (Lancaster) such time as the Government ceased to prosecute the members of the whisky ring; I being given to understand that the said transfer was made by Lancaster through fear of his being prosecuted, and his property would be seized by the Government officers for his complicity with the firm of Busby, Curran & Co., whose distillery, on Ninth and Mound street, in this city, was under seizure at that time.

Hoping that my letter of the 14th contained nothing that offended you, and if it is not satisfactory let me know immediately.

Your friend,

MARTIN P. KILLIAN,
4042 *Finney Avenue.*

Hon. JOHN M. GLOVER,
House of Representatives.

Mr. GLOVER. Now, Mr. Speaker, that statement is injected for the purpose of responding to the gentleman from Missouri [Mr. BLAND], who undertakes to tell this House that there is nothing in this matter, when he has not examined it, when no evidence has been laid before him, when the brother-in-law of the party implicated writes a letter to this House charging him, on the authority of another brother-in-law, P. D. Keating, with more than I have charged him with in this resolution; and when a member of that committee rises on this floor to say there is nothing in that charge it clearly shows a bias, from whatever source derived I do not know; it accounts for the simultaneous interest of the gentleman from Missouri [Mr. BLAND] and the gentleman from Indiana [Mr. LOWRY] in a question which I could not get the latter to listen to heretofore, and it affords the best possible reason why this matter should be laid before the House at this time. I wish now to make this parliamentary inquiry: If the motion to discharge the Committee on Expenditures in the Treasury Department is adopted will I then have the privilege of making a motion for the consideration of the resolution?

The SPEAKER. The resolution will come before the House for immediate consideration, unless the question of consideration is raised against it and the House determines not to consider it.

Mr. GLOVER. But it will not require unanimous consent?

The SPEAKER. No.

Mr. GLOVER. Then, Mr. Speaker, I conclude my remarks for the present, reserving the balance of my time.

Mr. LOWRY. Mr. Speaker, I certainly have no desire for an altercation with the gentleman from Missouri [Mr. GLOVER]. There is no reason why I should court any controversy whatever with him. The only intercourse I have had with the gentleman upon this floor has arisen altogether out of this question. The gentleman came to me prior to the introduction of this resolution and informed me of his having such resolution, which he desired to bring before the House, remarking that he understood that I was the chairman of the Committee on Expenditures in the Treasury Department, and that the resolution would properly be sent to that committee. On consultation with him the conclusion was arrived at that the proper course for him to pursue would be to introduce the resolution in the House and ask to have it referred to the committee, and I assured him that it should have full and complete consideration there. At the same time I explained to him how I personally was situated with reference to the business of the Committee on Elections.

The case of Kidd *vs.* Steele had been pending before that committee for some time, a case which involves the consideration of a large number of individual votes, a most tedious, prolix inquiry, and I confided that information to the gentleman from Missouri as a reason why I could not undertake to call a meeting of the Committee on Expenditures in the Treasury Department immediately to consider his resolution, but it was concluded at that time that the committee could be called together in season to suit his purposes. The gentleman proceeded to tell me that the matter related to an officer in Saint Louis whose name I was unable to recall until I inquired of the gentleman on my right [Mr. BURNES]. This officer the gentleman [Mr. GLOVER] said was accused by him of having been a defaulter to the Government of the United States. He said this man had been an applicant for an appointment to office under this administration, that he had raised that objection to him, but that the man had been appointed by the President notwithstanding the objection, and that since the appointment he (the gentleman from Missouri) had asked of the Treasury Department an investigation in regard to the defalcation charged, but that the Department had declined to make an investigation of the matter. The facts as stated by the gentleman challenged my attention; I thought it a most singular condition of affairs, and I gave him the assurance in the utmost good faith that I would call the committee together for the purpose of considering his resolution and giving him an opportunity to make any showing he might desire to make before the committee. Now, Mr. Speaker, the gentleman seems to manifest a disposition to insinuate that there is some feeling of interest on my part in reference to this matter.

I have no knowledge whatever of any fact or circumstance connected with the case other than what I have derived in this general way from the gentleman himself; and why, sir, under these circumstances should I hesitate? What are my methods? Are they not known to this House? Have I not had occasion to act here in cases of the most critical character, cases even in which party feeling might have been expected to influence the actions of a member of this House, and has it not been shown in those cases whether or not I am disposed to act upon the principles of rectitude? Is it necessary that I should defend myself upon this occasion from any insinuation made by the gentleman from the State of Missouri, a gentleman who celebrated his *début* in this House by alluding to his colleague, the generous and gentlemanly member from the city of Saint Louis [Mr. O'NEILL], the chairman of the Committee on Labor, as "a lawyer in the base-ball park, and a base ball player in the law office?" [Laughter.]

Why should I court any controversy with such a gentleman as that? [Laughter.] Now, sir, the simple facts are that not only have I lived up to the letter and spirit of the agreement with this gentleman, but only a few moments before he addressed the Chair for the purpose of calling up this resolution I went to him here in his seat and informed

him that I was now ready to call the committee together, when to my astonishment he informed me that he intended to move to discharge the committee from the further consideration of the resolution.

I will say to my friend—and I may be permitted to call him my friend, because I think I sustain that relation to every member of this House, although I have not the honor of his intimate personal acquaintance—I wish to say to my friend from Maine that there is no possible partisan advantage to be gained by allowing the gentleman from Missouri to go upon the line which he proposes on this occasion in regard to the committee of which I have the honor to be chairman. If there is any partisan advantage to be gained from a full, complete, and exhaustive investigation in reference to the career of this officer, his character or attitude to the Government, there will be the most full and ample opportunity of spreading the facts in reference to it before the country through the instrumentality of the committee of which I have the honor to be chairman; and I stand prepared at this moment to call that committee together at any time which the gentleman from Missouri shall suggest in order to afford him the fullest and freest opportunity of making his investigation.

I do not know anything about the attitude which his colleague [Mr. BLAND] occupies in regard to this matter. I know that he is a member of the committee, and on last evening or the evening before that, at Willard's Hotel, in this city, I had occasion to say to the gentleman that I had this understanding with his colleague in regard to this matter and that the committee would be called together some time this week.

Now, it is evident that there is a question of veracity between the gentleman from Missouri [Mr. GLOVER] and myself. I shall not undertake to exculpate myself from any charge or insinuation on the part of that gentleman, but will take occasion to say that if in future I should have occasion again for any intercourse with him either of an official or personal character——

Mr. GLOVER. I will have a witness.

Mr. LOWRY. I shall take care to have some third person present.

Mr. GLOVER. If there had been a third person present on this occasion the gentleman from Indiana would never have made these statements to the House.

Mr. BLAND. Mr. Speaker, being a member of this committee——

Mr. DUNHAM. I wish to ask the gentleman from Indiana [Mr. LOWRY] a question: How often has the committee of which he is chairman met during this session of Congress?

Mr. LOWRY. I shall follow the example of those occupying the region of country from which the gentleman comes and answer his question by asking another, as to his purpose in propounding that inquiry, and what business it is of his, as he is not a member of the committee.

The SPEAKER. The gentleman from Missouri has the floor.

Mr. DUNHAM. I will state that the object I had was, first, because I wanted to know myself, and secondly, I desired the House might know also.

Mr. LOWRY. I desire to respond to the gentleman from Illinois [Mr. DUNHAM].

The SPEAKER. The gentleman from Missouri [Mr. BLAND] has the floor. [Cries of "Regular order!"] The regular order is insisted upon, and the gentleman from Missouri has been recognized.

Mr. LOWRY. I simply wish to ask the gentleman from Illinois——

The SPEAKER. The gentleman from Missouri has the floor and the regular order is demanded.

Mr. LOWRY. Mr. Speaker, I reserve the residue of my time.

Mr. BLAND. Mr. Speaker, I know that so far as I am concerned—and I think I can speak for every member of the committee—there has been no disposition to shirk the responsibility of an investigation of this matter. I know that the chairman of the committee will bear me out when I say that early last week and for several days I asked him to call his committee together for the purpose of this investigation, and I understood from the gentleman from Indiana that he had an understanding with my colleague not only that the committee would be called together, but should be called to suit the convenience of my colleague in order to give him an opportunity to present to the committee all the facts he might be able to submit. There are several members of the committee on the other side of the House, the gentleman from Pennsylvania [Mr. BUNNELL], the gentleman from Indiana [Mr. JOHNSTON]; and I have never heard of any member of the committee, either Democrat or Republican, making any effort to interfere with or oppose an investigation of this matter, or who has not urged it, subject only to the convenience of the chairman, whose other engagements in election cases, as I understand, have prevented him heretofore from calling the committee together to give this matter a thorough investigation.

Now, I do not think the House in the present position of this case will take the matter from the hands of the committee when that committee is now ready and willing to investigate it.

Mr. GLOVER. May I ask my colleague a question?

Mr. BLAND. Certainly.

Mr. GLOVER. Have you investigated this matter?

Mr. BLAND. I am not going into the merits of it now.

Mr. GLOVER. If not, how did you know when you said there was "nothing in it?"

Mr. BLAND. So far as my opinion is concerned I thought there was nothing in it. I am unwilling without any investigation whatever to bring it before the House. I know nothing about it personally. I wish to investigate before I speak on its merits on the floor.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. GLOVER] to discharge the committee from the further consideration of the resolution.

Mr. GLOVER. I demand a division.

The House divided; and there were—ayes 49, noes 71.

So the motion to discharge the committee was disagreed to.

Mr. GLOVER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GLOVER. Under the present status of affairs when will this committee be required to report?

The SPEAKER. Under the rules the committee is required to report within one week. A motion to discharge it is in order at any time.

Mr. GLOVER. Within five days from what time is the committee to report under the rules?

The SPEAKER. Within one week from the time of its reference to the committee.

Mr. GLOVER. Why that has already passed. I move, then, Mr. Speaker, that the committee be directed to report the resolution on or before Saturday next.

The SPEAKER. That is not a privileged motion. The privileged motion is to discharge the committee. [Cries of "Regular order!"]

Mr. BURNES. I rise to report the general deficiency bill from the Committee on Appropriations.

Mr. ANDERSON, of Kansas. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. The rules of the House require a committee to report back a resolution of inquiry within five days?

The SPEAKER. It does.

Mr. ANDERSON, of Kansas. The attention of the Chair and the House has been called to the fact both by the gentleman from Missouri [Mr. GLOVER] and by the chairman of the committee that this resolution under the rule has been before the committee for the time specified and has not been reported back by the committee.

The SPEAKER. What is the gentleman's point of order?

Mr. ANDERSON, of Kansas. My point of order is that the rules require the committee should report back this resolution before the House within five days and that period has passed, and therefore the resolution is now, under the rules, before the House upon the adoption or rejection of the resolution.

The SPEAKER. The resolution is not before the House.

Mr. ANDERSON, of Kansas. My point of order is that, under the rules, the resolution not having been reported back from the committee within five days is necessarily before the House without any motion whatever.

The SPEAKER. The effect of the rules is to make it a privileged motion at any time to discharge the committee from the further consideration of the resolution, and that is the motion upon which the House has just decided, refusing to discharge the committee.

Mr. ANDERSON, of Kansas. But that motion is in order at any time.

The SPEAKER. The Chair can not bring the resolution before the House. The House has refused to discharge the committee from the further consideration of the resolution.

Mr. ANDERSON, of Kansas. But the resolution has been before the committee for longer than five days.

The SPEAKER. The rule does not discharge the committee, but only makes the motion to discharge a privileged question.

Mr. ANDERSON, of Kansas. Precisely. [Cries of "Order!"]

DEFICIENCY BILL.

Mr. BURNES, from the Committee on Appropriations, reported a bill (H. R. 9726) to supply deficiencies in appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ROGERS. I reserve all points of order on that bill.

ADVERSE REPORTS.

Mr. BURNES, from the Committee on Appropriations, reported back certain bills and documents; which were laid on the table.

UNITED STATES BARRACKS, BATON ROUGE, LA.

Mr. WHEELER. I rise to submit a privileged report from a committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College, at that place,

for educational purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

JOSEPH WHEELER,
G. W. DARGAN,
GEO. W. STEELE,
Managers on the part of the House.
E. C. WALTHALL,
O. D. CONGER,
H. M. TELLER,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The conferees on the part of the House on the disagreeing votes of the two Houses on House bill 985 make the following statement of the action of the conference:

It leaves the bill as passed by the House of Representatives, with the exception of formal amendments to perfect the bill.

And adding a section granting to the city of Marquette, Mich., the use of a light-house reservation for a public park, as provided by H. R. 6094, reports favorably from Committee on the Public Lands.

JOS. WHEELER,
G. W. DARGAN,
GEO. W. STEELE,
Conferees on the part of the House.

The report was agreed to.

Mr. WHEELER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HIRAM JOHNSTON AND OTHERS.

Mr. RICHARDSON, by unanimous consent, submitted the views of the minority of the Committee on War Claims on the bill (H. R. 2306) for the relief of Hiram Johnston and others; which were ordered to be printed to accompany the report of the committee.

STEAM VESSELS.

On motion of Mr. DINGLEY, by unanimous consent the Committee on Commerce was discharged from the further consideration of the bill (S. 2719) amending the laws relating to steam vessels; and the same was referred to the Committee on American Ship-building and Ship-owning Interests.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. EDEN, for the remainder of this week.

To Mr. WARNER, of Ohio, for to-morrow.

To Mr. BUNNELL, for three days, on account of private business.

To Mr. OSBORNE, for three days, on account of private business.

ORDER OF BUSINESS.

Mr. RANDALL. I move to dispense with the morning hour for the call of committees.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. REAGAN in the chair.

The CHAIRMAN. The Clerk will report the pending amendment of the gentleman from Indiana.

The Clerk read as follows:

In line 965 strike out "ninety thousand" and insert "one hundred and fifty thousand."

Mr. REED, of Maine. The question when the committee rose last night was with reference to the paragraph to which I had called attention on the part of the chairman of the committee.

Mr. RANDALL. I only desire to say in reply that I visited the Navy Department this morning, but was unable to see the Secretary of the Navy, and left inquiries there which will develop the whole matter, I suppose, and later in the day I am quite content to resume consideration of it. I do not object now with any view to evade or avoid its consideration.

Mr. REED, of Maine. That is satisfactory.

Mr. SPRINGER. I desire to offer an amendment to the amendment.

The Clerk read as follows:

Strike out in the amendment of Mr. HOLMAN "one hundred and fifty" and insert "two hundred."

Mr. SPRINGER. The estimates of the Department under this item were $300,000, I believe. I understand that the objection to appropriating the amount estimated is that during the first six months of the current year but a small amount has been expended for this purpose. Will the gentleman from Pennsylvania state the amount that has been expended under this clause for protecting the public lands?

Mr. RANDALL. In 1885 the appropriation was $75,000. The expenditure during that year was the same amount.

Mr. LONG. Ninety-one thousand dollars.

Mr. RANDALL. The original appropriation of 1885 was $75,000; but in a statement of the Land Commissioner I find that he puts down the appropriation for that year at $100,000, which of course indicates a subsequent appropriation of $25,000 in the deficiency bill. Of that amount $91,000 have been expended. For 1886 $90,000 was appropriated; and for the first six months of the current year there has been expended about $31,000. This shows that there are about $59,000 unexpended for the last six months. I learn, unofficially however, that the expenditure is likely to be up to the appropriation, including the month of June, completing the full year. But I have not any official information on that subject, though I telegraphed early this morning to secure it. I have as yet received no response, excepting, as I have said, unofficially. I always like to have these matters in black and white, and then I can understandingly proceed with the consideration of the items.

Mr. SPRINGER. I desire to call the attention of the committee to the estimates in the Book of Estimates. In this book, on page 229, I find the following:

For the protection of public lands from illegal and fraudulent entry or appropriation, and to authorize the employment of one hundred agents, to be appointed by the Commissioner of the General Land Office, subject to the approval of the Secretary of the Interior, $300,000.

Mr. RANDALL. Oh, I know; that is the milk in the cocoanut. There are proposed to be one hundred appointments.

Mr. SPRINGER. Then follows this note:

NOTE.—With the present limited appropriation it is impossible to employ a sufficient number of agents to investigate charges of fraud already made, much less expose and prevent many other fraudulent entries from being made. The appropriation of $75,000, with the deficiency of $25,000, making a total of $100,000, only allowed the employment of an average of twenty-eight agents for a period of nine months and sixteen days, or twenty-two agents for the entire fiscal year. In order to prevent fraud there should be a force of at least one hundred agents constantly in the field, which would require an appropriation of the amount estimated for under this head.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HISCOCK. I do not propose to make any assault upon the Land Office, but I propose to claim for this side of the House that the present administration has simply followed the way in this matter which was pointed out by the Forty-seventh Congress. The bill that passed here a few days since repealing the pre-emption laws has practically the same provisions that were incorporated in an appropriation bill—the sundry civil bill—of the Forty-seventh Congress. Then, for the first time, this legislation originated here, and it originated with Republicans; and I do not propose for one to turn my back upon that policy, having done much to initiate it.

Mr. Chairman, it was well said by the gentleman from Illinois that every single fraud that has been pointed out was discovered by a Republican official. This service that is engaged in the investigation of these frauds was also for the first time provided for by a Republican House. The item was for the first time reported upon the sundry civil bill. We appropriated sufficient money for this service and these men were appointed by a Republican Secretary of the Interior. And, sir, I believe for one the service should be continued; and for one I do not propose to strike it down.

Nor do I understand the gentleman from Nebraska [Mr. LAIRD] to object to the policy of the Commissioner of the General Land Office except so far as it applies to agricultural lands. The Western members object to a policy which punishes the innocent with the guilty, and therein the gentleman from Nebraska has my fullest support. The objection of the gentleman from Nebraska is not to the detection and punishment of fraud by Mr. Sparks; it is to the punishment of innocence. Under the Republican administration the Land Commissioner (McFarland) did exactly what, as I understand it, the Western men are willing should be done to-day—that is, let the law take its course. The Republican Land Commissioner did not find it necessary to suspend the issuance of patents in Kansas and Nebraska, thereby striking a blow at the development of those States. The gentleman from Nebraska has shown us that in the region of agricultural land in his State, where lands are in demand and there are many more claimants than claims, and where every one has the right to contest the legality of any claim, that successful fraud is practically impossible, and his statement is confirmed to a remarkable extent by the fact that while there were, as shown by Commissioner Sparks's report for 1885, 37,680 entries of all kinds in Nebraska for that year, there were only 60 cases referred to and investigated by special agents. In view of these facts it is not to be wondered that Western members complain of the wholesale impeachment of the titles and the honor of their constituents. And were it possible to reach the case made out by the gentlemen from Kansas and Nebraska, I should most heartily support them in the effort to relieve the settlers of the West from the hardships of a policy which punishes guilty and innocent alike, and which policy is a departure from the more vigorous and also more sensible and just policy of Mr. Commissioner McFarland.

But I do propose, when this service is taken hold of by gentlemen on the other side for the purpose of creating patronage, nothing more nor less—I propose to resist it. When has there ever been any complaint that there were not enough of these men in the service until it is found that here is a service that does not come within the civil-service rules? And therefore they say, "We will swell it to $250,000 or

$300,000 simply for the purpose of obtaining patronage for the Democratic party."

I do not object to gentlemen on the other side pursuing a policy which we inaugurated. That is all right. The policy was all right. There was a little piece of legislation which we put upon a sundry civil bill which has been of immense benefit to the United States; that which prevented the certificates of deposits of money for surveying being received in payment of land except in those districts in which the land was surveyed.

Mr. NELSON. Will the gentleman allow me a question?

Mr. HISCOCK. Yes, sir.

Mr. NELSON. I should be glad to have the gentleman's opinion about the orders of General Sparks.

Mr. HISCOCK. I am not going to discuss the orders of General Sparks. I am not here for that purpose, and that is not my object now. I am up now simply for the purpose of claiming that which is true, that this service, for which our friends on the other side are taking to themselves so much credit, was initiated, was commenced, was first provided for by a Republican Congress. And having said that much, having claimed and established that much, I then go a little further and say that our Democratic friends have jumped on to it not for the purpose of protecting the public lands—oh, no, that is not their purpose, but solely——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAYNE was recognized and yielded his time to Mr. HISCOCK.

Mr. HISCOCK. They jump on to it with no other object in the world than to grasp patronage; and all this patriotism of my friend from Illinois [Mr. SPRINGER], much as I respect him, I am compelled to attribute in some degree to his desire to give to the Commissioner of the Land Office the power to appoint citizens of Illinois, Democrats in his district and the districts of other gentlemen, to these offices.

I understood the gentleman from Pennsylvania [Mr. RANDALL] to say, "Oh, yes; this pays for so many additional employés; that is the milk in the cocoanut so far as this amendment is concerned." There never has been any claim that there were not enough of these officials in the service until to-day. There never has been any claim but an adequate appropriation has been made for this service; and there is no reason, no propriety in swelling this appropriation to the immense amount which is asked for by gentlemen on the other side.

Mr. Chairman, this legislation and this policy is ours; it belongs to the Republican party, and we have the right to protest against the gentlemen on the other side attempting to seize upon it and to monopolize it for the purpose of obtaining patronage for their personal benefit; and I trust that this side of the House and gentlemen upon the other side of the House that are willing to rise above considerations of patronage will join in voting down all amendments of this kind.

Mr. HERBERT. The gentleman from New York [Mr. HISCOCK] is a little inconsistent with himself. He begins by saying that the Republican party is entitled to the credit of inaugurating this system. Now, if there be any credit whatever attached to it it must be because it subserves some useful purpose. I agree with the gentleman that this system if properly carried out will be useful in detecting and preventing frauds upon the public lands. Not only that, it will be useful in preventing innocent men from being dragged to the courts by marshals and deputy marshals in league with commissioners. I hope that practice in the future will not be as common as it has been in the past. I have had occasion, Mr. Chairman, in the past to examine into this question very carefully. Perhaps no gentleman on this floor has watched the operation of this law with more solicitude than I, because in the district I represent here there have been great wrongs done to citizens by dragging them to courts upon groundless charges connected with depredations upon the public lands. In the State of Alabama in one year, according to my recollection, more than $50,000 were paid out to marshals, mostly for services in connection with these alleged depredations upon the public lands; and I think it will be found, in fact I know it to be true, that in a very large majority of the cases which were brought into court the parties were turned loose without any trial whatever, because the court upon investigating them came to the conclusion that they ought never to have been brought before it. Nevertheless the costs had accumulated all the same, and the Government had the bills to pay. Now the appointment of agents who may go and make an examination of the charges upon the spot before any prosecution is begun has been found to work well, and I believe this amendment ought to be adopted so as to increase the appropriation for the pay of these agents, not only in the interest of economy, but in the interest of justice.

That, Mr. Chairman, is all I have to say upon this subject. As for the charge that this appropriation is proposed for the sake of patronage, that is unworthy to be answered if the facts which I have stated be true, and as to them I challenge contradiction.

Mr. HISCOCK. Will the gentleman from Pennsylvania [Mr. RANDALL] tell me how much money has been expended for this service during the current year?

Mr. RANDALL. There has been appropriated in the deficiency bill and in the sundry civil bill $100,000.

Mr. RYAN. Mr. Speaker, I do not want this to come out of my time. It is true, as has been said by the gentleman from New York [Mr. HISCOCK], that this system of detecting frauds upon the public lands was inaugurated in the Forty-seventh Congress. From that time to this the system has been maintained. Year by year large appropriations have been made for it, and it is a debatable question whether the public interest has not been more seriously damaged by it than benefited. But, however that may be, this force having been maintained for years, there is scarcely an entry of the public lands subject to the least suspicion that has not been gone over by this detective force during these years, so that to-day, so far as public land entries are concerned, they have been raked over, as is suggested by a gentleman on my right, as with a fine-tooth comb. The Department has all the information that can possibly be desired with regard to the entries that have been already made. These agents have been traveling all over the country for several years for the special purpose of detecting frauds or attempted frauds upon the public lands; and now, Mr. Chairman——

Mr. COBB. Will the gentleman allow me——

Mr. RYAN. I can not yield now. I do not wish to be interrupted. As I have said, Mr. Chairman, the Department is now in possession of all the information it can possibly desire in regard to entries already made; yet now, at a time when we have practically repealed every law under which fraud has ever been perpetrated, at a time when the House has passed a bill repealing all those laws except the homestead law, and so amending it that no frauds can be committed under it—for the bill has already passed the Senate, and coming back here only with a slight amendment, it must inevitably become a law before this Congress adjourns—at such a time we are asked to make an additional appropriation for this special detective service. Sir, it is absurd. As was suggested by the gentleman from Pennsylvania [Mr. RANDALL], the milk in the cocoanut is apparent.

Mr. SPRINGER. Mr. Chairman, I withdraw my amendment, and move to amend the amendment of the gentleman from Indiana [Mr. HOLMAN] by making the amount $175,000. I do this for the purpose of making some remarks.

The gentleman from New York [Mr. HISCOCK] stated that the object of making this proposed increase was to obtain additional patronage for the Democratic administration.

Mr. HISCOCK. Yes; that is what I said. I do not want any misunderstanding about it.

Mr. SPRINGER. I always quote the gentleman correctly. I never misrepresent. The gentleman from Kansas [Mr. RYAN] has just stated that there is no necessity for this increased appropriation because we have practically repealed all the laws under which frauds could be committed.

Mr. HISCOCK. That is a good reason why the appropriation should not be increased.

Mr. SPRINGER. Then I have quoted both the gentlemen correctly, so that there is no need for these interruptions, and I hope the gentleman from New York will keep quiet.

Now, Mr. Chairman, as to the first proposition in reference to patronage, so far as I am concerned I never thought of any increased number of agents that this might require. If the matter of patronage were the question, there are several hundred Republicans now in the employ of the Interior Department who might be turned out at any moment and Democrats put in their places.

Mr. REED, of Maine. And who are being turned out right along.

Mr. SPRINGER. And there ought to be a great many more. I hope the gentleman is better informed than I am——

Mr. REED, of Maine. Of course I am.

Mr. SPRINGER. The gentleman is always better informed than I am; I never assume to know anything in his august presence; I am always ready to bow with the utmost deference to him, because in his judgment he knows all things.

Mr. HISCOCK. Will the gentleman allow me a moment?

Mr. SPRINGER. No, sir; I can not yield, because I can not now afford the time.

Mr. HISCOCK. I will yield time to you.

Mr. SPRINGER. I will let you speak when you get the floor. If the purpose were to get patronage we could get it to-day if the Department wanted to act, because there are enough places to satisfy all the Democrats I know of who want places. That is not the purpose.

Nor is the other reason which the gentleman from Kansas urges a good one, because the Land Office is now behind two or three years in the investigation of these titles, and this force will be occupied entirely upon matters connected with frauds which have already transpired. All these investigations relate, and must necessarily relate, to the past, for from the time it was announced that the Democratic party had elected a President there was practically a cessation of frauds upon the public domain; so that now we have to do with those which have already been committed and prevent them from being consummated.

The gentleman from New York claimed for his party the credit of having inaugurated the system, and stated that all these frauds reported had been reported by Republicans. Now, to the extent of those stated in the report of Commissioner Sparks I concede that what the gentleman said was true; and I am only sorry the gentleman from Nebraska [Mr. LAIRD] and other gentlemen upon the Republican side

have not thus far conceded the existence of these frauds, which were unearthed by their own political friends. I presume that if one rose from the dead to testify to these frauds and warn my friend from Kansas about them he would not believe him. I do not hope therefore to reach his judgment.

But there have been frauds committed; and they have been proven by the highest of Republican testimony; that proof is in the record. In addition to that, the appointees of the present administration are also unearthing great numbers of these frauds; and if my time would permit I could produce quite as much evidence obtained since this administration came in to show the truth of the statements made by the agents of the previous administration.

Now, what I desire to do is to uphold the hands of the Land Department of the Government, to second the efforts of Commissioner Sparks and Secretary Lamar in investigating and exposing the frauds which have been perpetrated upon the public domain and in reclaiming thousands and millions of acres from the fraudulent grasp of syndicates. I want this land to be held for actual settlers. Give us therefore the agents through whom these investigations can be made, in order that we may save as much as possible of this domain which has already been squandered so largely.

Mr. RANDALL. Mr. Speaker, I stood here when the appropriations of 1885 were being considered. We found an estimate for $100,000, and I insisted the appropriation should be limited to $75,000, because I believed that amount to be adequate. I remember it was not sufficient. A deficiency appropriation of $25,000 was voted; and $91,000 in all was expended. I am here to-day in the same attitude and with the same purpose in view; that is, not to appropriate unnecessary amounts. No one, I am sure, would be more zealous than myself for a larger appropriation if I believed it necessary for the recovery of some of the public domain. But as we learn from the official figures that but $31,000 was expended for this service during the first six months of the present year, and I am informed no deficiency has been created, I do not see the necessity of appropriating for the coming year any increase beyond the appropriations for the current and prior year. This, so far as I understand, is also the position of the majority of the committee. I hope we shall now have a vote.

Mr. SPRINGER. I withdraw the amendment I have offered, and support the amendment of the gentleman from Indiana.

Mr. COBB. I desire to occupy a moment in order to correct a statement or two made by gentlemen on the other side who have asserted, especially the gentleman from New York [Mr. HISCOCK], that all these frauds were found out during the Republican administration.

Mr. HISCOCK. Oh, I did not say that; I said they had all been found out by Republican officers—by officers appointed by Secretary Teller.

Mr. COBB. Very well, sir; the gentleman is mistaken in that. These frauds are being ferreted out every day. I will read from the letter of the Commissioner to show that the gentleman from New York and others on his side of the House are greatly mistaken when they say that the frauds have all been found out heretofore.

In many cases the agent furnishes the affidavits of the claimants themselves, in which they swear to their own and their associates' illegal and fraudulent acts. One agent alone within the last four or five months has transmitted to this office the affidavits of entrymen in eighty-three cases in which they admit that they never saw the lands and that they were hired by the agents of the speculators to make the entries.

Mr. HISCOCK. When was the agent who discovered that appointed?

Mr. COBB. He was appointed about a year ago, as I am informed.

Mr. HISCOCK. By whom?

Mr. COBB. By the present administration.

Mr. HISCOCK. Oh, no.

Mr. COBB. Well, the gentleman is not so well informed as he thinks he is.

That fraud is going on is shown by the fact there are eighty-three entrymen who make affidavit before this agent they never saw the lands they entered.

Mr. HISCOCK. I do not claim that possibly you could not appoint men who would expose fraud. It is barely possible you could.

Mr. COBB. I did not so understand the gentleman. I do not think ordinarily he would make such a statement, although he is in the habit of making far-stretched statements on this floor when you come to compare them with the record. That is all I have to say.

Mr. RANDALL. I dare say there will be frauds discovered. I hope there will be if they exist, but that does not warrant increase of appropriation to the extent of the amendment.

Mr. PERKINS. I move to strike out the last word. Now, Mr. Chairman, I have no apology to offer for my opposition to some of the sections and provisions of the bill; nor have I any apology to make for my opposition to the tyranny practiced and the despotism organized in the office of the Commissioner of the General Land Office. Nor have I any apology or explanation to make to the gentleman from Iowa [Mr. WEAVER] of my business interests or connections, or for what I had deemed it proper to say here or elsewhere. If the gentleman from Iowa were as well or better informed concerning business propositions than he is concerning questions of finance he would understand the facts I am about to suggest to him. It would be perfectly obvious to him that loan and investment companies do not make loans of money to fraudulent occupants of the public lands. He would understand that their entire security for money advanced or loaned would depend upon the good faith and honesty of the entries and occupancy and settlement of the public lands by those to whom their money is loaned. Hence loan companies are not engaged in encouraging unlawful occupancy of the public domain.

I desire to say, Mr. Chairman, that the Territory of which the gentleman from Iowa made mention yesterday was settled at a time when there was some respect in the executive offices of the nation for the men who settle upon the prairies of the West and there build up homes for themselves and families, and thereby contribute to the thrift and prosperity of the country. That country was settled, sir, at a time when the settlers upon the frontier were regarded as men of some respectability and worth. It was a time when frontiersmen were not only regarded with respect and confidence but with favor and encouragement. It was in that better time when settlements were promoted and not retarded, and when suspicion and disfavor were not shown to the men who were contributing to the growth and prosperity of these Western communities and laboring to reclaim for the general good the waste places of the far West.

So far as the gentleman's information or experience goes it must have been that which he obtained when he went upon his peripatetic pilgrimage in favor of the repudiation of the sacred obligations of this Government, or when he visited the southern boundary of our State for the purpose of organizing a body of deluded men to take lawless and forcible possession of the Indian Territory. With such information gathered under such circumstances the gentleman from Iowa comes here to traduce and defame the honest settlers upon the prairies of Kansas and Nebraska.

Mr. Chairman, I desire to call the attention of the House briefly to an extract of a speech made by Senator INGALLS in the Senate recently, and what is true as to this man's experience is true as to the experience of hundreds of those who have settled on the public lands of Kansas and Nebraska and other places throughout the West.

I read from Senator INGALLS's speech:

Mr. President, my mails come to me burdened with complaints and lamentations of an afflicted people. I had this morning two letters from homestead settlers in one of the northwestern counties in my own State. One of them, a stranger, said to me that he had taken a homestead upon the public lands in the Oberlin land district; that he had made permanent, lasting, and valuable improvements thereon; that his family were living there; that he had broken the sod for planting corn and grain; and being without money to support his family while his crop was growing he went away from the homestead every Monday morning to an adjoining town, and there he worked as an artisan at day wages until Saturday night, when he returned to his family upon his homestead; and that claim has been reported for cancellation for a violation of the public-land laws of the United States upon the report made by these hired agents of the Interior Department sent out to verify the suspicions of the Commissioner of the General Land Office that this settler is attempting to perpetrate a fraud upon the homestead system of the United States because he has not continuously resided thereon for the period required by law.

As I suggested, Mr. Chairman, that is the experience of hundreds, and I do not believe there is a court of respectability, intelligence, or honesty in this country that will sustain the arbitrary and tyrannical orders issued from the General Land Office for the cancellation of the entries and settlements of these pioneers. I have heard the gentleman from Texas [Mr. MILLS] and the gentleman from Virginia [Mr. CABELL] and others eloquently appeal for the moonshiner and denounce the espionage of the internal-revenue systen but I have not heard a word from them in favor of the protection of the settlers of the Far West. Their whole energy seemed to be devoted to the protection merely of those who suffer from spies and informers of the internal-revenue system, but with them there is to be no protection for the honest pioneer from the litigation, vexation, injury, and wrong precipitated upon them by the Commissioner of the General Land Office and his instructed informers and paid retainers.

[Here the hammer fell.]

Mr. RANDALL. I move that the committee rise for the purpose of limiting debate, unless we can get unanimous consent to close it now.

Mr. HOLMAN. I want at least five minutes on this proposition.

Mr. WEAVER, of Iowa. I should like a minute or two myself to respond to remarks which have just been made.

Mr. RYAN. I think we can arrange by consent to close the debate.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union having had under consideration the sundry civil appropriation bill had come to no resolution thereon.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole to further consider general appropriation bills, and pending that that all debate on this paragraph and all amendments thereto be closed in fifteen seconds.

Mr. HOLMAN. I wish a few moments on this question—a very few minutes—and I suggest the time be extended to five or ten minutes.

Mr. RANDALL. There is not a gentleman who has not spoken two or three times already upon this point. The debate has been very protracted.

Mr. HOLMAN. I have not occupied any time. I move to amend by making the time ten minutes.

The question was taken; and on a division there were—ayes 14, noes 60.

Mr. HOLMAN. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HOLMAN and Mr. RANDALL were appointed tellers.

The House again divided; and the tellers reported—ayes 30, noes 134.

So the amendment was not agreed to.

Mr. HOLMAN. I withdraw the pending amendment.

The SPEAKER. That is in the committee.

The motion to limit debate to fifteen seconds was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate further insisted on its amendments to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, disagreed to by the House of Representatives, further insisted on its disagreement to the amendment of the House to the fifth amendment of the Senate to the said bill, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. MAHONE, and Mr. BECK as conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments to bills of the House of the following titles disagreed to by the House of Representatives, agreed to the conferences asked by the House on the disagreeing votes of the two Houses thereon, and had appointed in each case as conferees on the part of the Senate Mr. BLAIR, Mr. SAWYER, and Mr. WHITTHORNE:

A bill (H. R. 1462) granting a pension to Addie L. Macomber;

A bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins;

A bill (H. R. 4544) granting a pension to Ann E. Coon; and

A bill (H. R. 7165) to increase the pension of Manhattan Pickett.

The message further announced that the Senate had passed without amendment joint resolution (H. Res. 177) appointing managers for the National Homes for Disabled Soldiers to fill vacancies in the board which occurred by expiration of terms on the 21st day of April, 1886.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I desire to submit a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, having met, after full and free conference have been unable to agree.

JAS. H. BLOUNT,
J. M. RIGGS,
H. H. BINGHAM,
Managers on the part of the House.

P. B. PLUMB,
WM. MAHONE,
JAS. B. BECK,
Managers on the part of the Senate.

The SPEAKER. If there be no objection the report will be accepted.

There was no objection.

Mr. BLOUNT. That report has been already adopted by the Senate, and a request for a further conference has just come in, and I ask that it be agreed to.

The request for a further conference was agreed to.

The SPEAKER announced the appointment of Mr. BLOUNT, Mr. J. M. TAYLOR, of Tennessee, and Mr. BINGHAM as managers on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

The motion of Mr. RANDALL that the House resolve itself into Committee of the Whole was then agreed to.

The Committee of the Whole resumed its session.

The CHAIRMAN. By order of the House all debate is limited to fifteen seconds. The Clerk will read the pending amendment.

Mr. HOLMAN. I withdraw the amendment I offered.

Mr. PERKINS. There is an amendment pending which was offered by the gentleman from Nebraska [Mr. LAIRD].

Mr. RANDALL. But the debate is closed.

Mr. PERKINS. Yes, but that is a pending amendment.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Strike out the paragraph embraced in lines 963, 964, and 965.

The amendment was not agreed to.

The Clerk read as follows:

Expenses of hearings in land entries: For expenses of hearings held by registers and receivers, under instructions from the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $10,000.

Mr. HOLMAN. I move to strike out the last word. The appropriation of $10,000 for this purpose is not at all important. Indeed, it seems to me that that paragraph might as well be stricken from the bill—for expenses of hearings held by registers and receivers. That whole subject is covered by the preceding paragraph of the bill, and either this ought to be stricken out, or else that sum ought to be added to the preceding amount.

But, sir, I am quite indifferent as to what disposition shall be made of this item. I had moved, contrary to my usual practice in regard to appropriation bills, to increase the amount of a preceding appropriation from $90,000 to $150,000; and I wish to mention a fact of which the committee seem to be entirely unconscious, and that is, that you have never appropriated one-half or any fair approach to one-half of the amount of money that the Commissioner of the Land Office believed to be necessary for the purpose of protecting your land system from fraud. Mr. McFarland, the last Commissioner of the General Land Office, and a very upright and honest man, recommended that the appropriation for the present year should be $400,000 for this purpose.

By the last Republican Commissioner of the Public Lands this recommendation came to us, but Congress appropriated only $90,000, and then the fact came to the knowledge of the House that these frauds which ought to have been arrested years ago were still going on, and that the heritage of the people of this country was passing rapidly into the hands of speculators instead of being retained for the benefit of the people.

I am not surprised that men in your great cities remote from your public-land system, who have not studied the means of retaining the public lands for the benefit of actual settlers, should be indifferent to this subject; but that men from the Western States, those who are interested in seeing to it that the lands are not monopolized in large bodies by speculators, should consent that year after year the responsible officer of the Land Office should call for a fair appropriation to be made which would be adequate for the protection of this property and call in vain, is something I can not comprehend.

And I am especially mortified that an attempt to save the public lands and to sustain the gallant officer at the head of the Land Office should receive so little encouragement on this side of the House; that there seems to be a perfect indifference to the interests of the people in the land question, the greatest by all odds that this House in time of peace has ever encountered.

The last Commissioner asked for $400,000; the present Commissioner asks for $300,000. The frauds have gone on, and during the last year alone a territory equal to the State of Ohio, embracing 26,000,000 acres of land, was absorbed in the countless forms by which the land leaves forever the reach of the American people and goes to jobbers and monopolists. And yet the appeal of the Land Office, sanctioned by the Secretary of the Interior, for a sufficient appropriation for the protection of the public lands against fraud is voted down in a Democratic House of Representatives.

Mr. RANDALL. I do not stand here as the representative of any city or State. I am the representative here of the Committee on Appropriations, and I advocate their voice and their determination. That committee is composed of a membership scattered over the entire Union. They have expressed their views and I obey their order.

I do not arrogate to myself any peculiar knowledge touching the Western lands; but I think I have read a good deal upon that subject and I have listened to as much as I had the opportunity to hear; and that is the reason why I have stood steadily here in behalf of the Committee on Appropriations and against any undue increase of these appropriations.

Mr. WEAVER, of Iowa. I think this is a very proper appropriation, as it tends to enable the Department to determine whether the entries have been made in accordance with law or in violation of law.

While I am on my feet I take occasion to say that I have never asked the gentleman from Kansas [Mr. PERKINS] to apologize for his attitude here nor for the business in which he is engaged. I believe it is a legitimate business, but I want to say also in connection with this that I did once visit the city of Wichita, at the invitation of her citizens, to deliver a lecture. Part of my address was devoted to the frauds upon the public domain. After that address was over a large number of the prominent citizens of that city visited me at my room and informed me of the extent to which the frauds on the public domain had gone in that locality. I was very glad to get the information. It confirmed me in the position which I had just taken before the audience in that locality. That was the only time I was ever in the place.

The gentleman charges me also with advising and assisting in organizing an illegal raid upon Oklahoma. I wish to say to him there is not one word of truth in that. But I will inform him that I am the friend of the Oklahoma boomer, as he is called. I am his friend, because I believe him to be a poor man honestly seeking a home upon the public domain. And does the gentleman wish to be understood here before this House as trying to cast, as he has done, reflections upon those honest men? Have not these honest home-seekers obeyed the President's proclamation? Very different from the action of the cattle syndicates

who have taken possession in violation of law. We do not find the gentleman raising his voice against the syndicates and corporations that have possession of the public domain.

Mr. RYAN. Will the gentleman allow me?

Mr. WEAVER, of Iowa. I have not time; I have only five minutes.

Mr. RYAN. Why does not the administration remove those cattle syndicates?

Mr. WEAVER, of Iowa. Well, you stand near the border, and so does your colleague [Mr. PERKINS], and why are you not here defending the people against the cattle syndicates? But, Mr. Chairman, we never hear a word out of the mouth of this gentleman [Mr. PERKINS] in defense of the people or in condemnation of the cattle syndicates.

Mr. RYAN. Have I not always been the friend of the Oklahoma bill?

Mr. WEAVER, of Iowa. Yes, sir; you always have as I believe——

Mr. RYAN. I have repeatedly called attention to the fact that those cattle syndicates were there in violation of law and have repeatedly suggested the duty of the administration to remove them.

Mr. PERKINS. Will the gentleman yield to me a moment?

Mr. WEAVER, of Iowa. No, sir; I do not yield to you. You rose upon this floor and cast a gross reflection upon those poor people, the Oklahoma boomers, and I hold you to responsibility to your constituents for the assault you have made upon those honest men who are seeking to make homes there.

Mr. PERKINS. I would like to ask the gentleman from Iowa [Mr. WEAVER] if he is not the paid attorney of the Oklahoma boomers, who are organized for the purpose of taking unlawful possession of the Indian Territory?

Mr. WEAVER, of Iowa. I will answer the gentleman.

The CHAIRMAN. There is no question before the House.

Mr. WEAVER, of Iowa. I move to strike out the last two words. The gentleman wants to know if I am not the paid attorney of the Oklahoma boomers.

Mr. RANDALL. Mr. Chairman, I ask unanimous consent that debate close in one minute.

Mr. PERKINS. I hope the gentleman will allow the gentleman from Iowa [Mr. WEAVER] time to answer.

Mr. WEAVER, of Iowa. Yes; I want to answer the question.

I will answer the gentleman. He wants to know if I am not the paid attorney of the Oklahoma boomers here. I answer him, no, sir. On the contrary, without hope, expectation, or desire of any reward whatever, I have contributed, and I will again contribute if necessary, money out of my own pocket to pay the expenses of those defenseless men who were there on that border seeking to obtain homes.

Mr. PERKINS. How long is it since you have been drawing pay as their attorney, representing them in the Departments here in Washington?

Mr. WEAVER, of Iowa. I never did, sir, any time in my life, and I would scorn to do such a thing. And now I ask the gentleman from Kansas [Mr. PERKINS] if he is not the paid attorney of the cattle syndicates, acting for them here to prevent the passage of the Oklahoma bill?

Mr. PERKINS. Instead of being their paid attorney, I have no official, I have no professional, I have no personal connection with any man, and never had, who is interested in a cattle organization. Unlike the gentleman from Iowa [Mr. WEAVER], I am in favor of the lawful occupation of the Oklahoma country, but I have never deluded those poor settlers upon that subject, and I never taxed them for my support while I was loafing about the Departments at Washington making them believe that I was accomplishing something for them. [Laughter on the Republican side.]

Mr. WEAVER, of Iowa. Nor have I to the extent of one cent. I will tell the gentleman what he is: His voice is the voice of Jacob, but his hand is the hand of Esau. [Laughter and applause on the Democratic side.] He is the only man who has risen here to cast reflections upon the Oklahoma boomers.

Mr. PERKINS. I have never cast reflections upon the Oklahoma boomers, but I am trying to expose the hypocrisy of one who has deceived and deluded them.

Mr. RANDALL. I wish the gentlemen would find some other place to adjust their differences than on this bill.

The amendment was agreed to.

The Clerk read as follows:

For salaries and expenses of agents employed in adjusting claims for swamp lands and for indemnity for swam plands, $15,000: *Provided*, That agents and others employed under this and the appropriations for "depredations on public timber" and "protecting public lands," while traveling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $2.50 per day, and for actual necessary expenses for transportation.

Mr. GROSVENOR. Mr. Chairman, I make the point of order on that paragraph that after the word "provided," in line 975, it is new legislation, changing existing law.

Mr. RANDALL. I have only to state that this provides for a reduction of expenditures, reducing the traveling expenses of these agents from $3 per day to $2.50 per day. It is a mere limitation upon the expenditure of the appropriation, and it is inserted at the suggestion of the Commissioner of the Land Office.

Mr. GROSVENOR. I submit that if it is simply a reduction in the price that is provided for then the balance of the proviso is unnecessary.

Mr. HOLMAN. This is recommended by the Commissioner. Heretofore the rate of the allowance has been $3 a day.

Mr. GROSVENOR. I do not care whom it is recommended by. I am making the point that it is new legislation.

Mr. HOLMAN. It limits the expenditure and reduces the allowance from $3 to $2.50 a day.

Mr. GROSVENOR. I am not talking about the $2.50. I am talking about the provision that these men shall be allowed this money in lieu of subsistence and for actual necessary expenses. If that is the law already it was not necessary to insert this provision. If it is not the law then this changes the existing law.

Mr. HOLMAN. It has always been regulated in the appropriation bills.

The CHAIRMAN. If this were an original question with the Chair the point of order would be overruled, but precisely a parallel question was raised on the legislative appropriation bill, and it was decided in favor of the point of order, and the decision was acquiesced in by the House. The Chair therefore feels bound by that action and sustains the point of order.

Mr. RANDALL. Now, I ask unanimous consent to insert the provision.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the clause just stricken out on the point of order be inserted. Is there objection?

Mr. CAREY. I desire to offer an amendment in lieu of the proviso.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to insert the clause just ruled out. Is there objection? The Chair hears none.

Mr. CAREY. I move to amend by striking out the proviso commencing at line 975 and inserting that which I send to the desk.

The Clerk read as follows:

Provided, That agents under this and the appropriation for depredations on public timber and protecting public lands shall be nominated by the President, and, by and with the advice and consent of the Senate, appointed for the term of four years; that the number of such agents shall be limited to one to each State and Territory in which public lands are situated. Such agents shall be paid an annual salary of $2,500, payable quarterly, which salary shall be in lieu of all compensation and allowances now made to such agents.

Mr. RANDALL. I make a point of order on that amendment.

Mr. CAREY. I desire to be heard on the point of order. I believe that if the proviso now in the section is in accordance with the rules of the House the proviso which I now offer is also in order. I will state to the chairman of the Committee on Appropriations my reasons for offering the proviso, and I hope he will not insist on his objection.

Mr. RANDALL. There is no law regulating this matter except the appropriation bills. The Commissioner of the General Land Office expends this money in the appointment and payment of these officers. Now, the gentleman's amendment proposes to require that these officers shall be nominated by the President, subject to the approval of the Senate, which is certainly new law. Therefore I make the point of order.

Mr. CAREY. Will the gentleman listen to me one minute?

Mr. RANDALL. Certainly.

Mr. CAREY. Mr. Chairman, the great objection in my part of the country to the method in which land frauds have been investigated is that the men who are sent there are not large enough. When you send to a country where a good mechanic gets for his labor from $4 to $5 a day, or 50 cents an hour, an officer of the Government who is paid but $2.50 a day, must, unless he is independent of his compensation, either steal or starve.

Mr. RANDALL. I do not want him to do either. [Laughter.]

The CHAIRMAN. The point of order is sustained.

Mr. CAREY addressed the committee. [See Appendix.]

The CHAIRMAN. By unanimous consent the *pro forma* amendments will be withdrawn.

The Clerk read as follows:

For surveying the public lands, $50,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines; and of the sum hereby appropriated not exceeding $25,000 thereof may be expended for the examination of surveys in the field to test the accuracy of the work and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and inspecting mineral deposits, coal fields, swamp lands, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. PETERS. I move to amend by inserting the following additional paragraph.

The Clerk read as follows:

For such resurveys of the public lands as in the discretion of the Secretary of the Interior may be considered necessary, $15,000.

Mr. RYAN. That does not relate to this section.

Mr. PETERS. I want to offer it as an additional paragraph, and it comes in right here.

Mr. RYAN. Some of us do not want to depart from that section.

Mr. PETERS. Very well; then I will withhold it for the present.

Mr. HOLMAN. I suggest to the gentleman from Kansas that he insert his provision as an amendment to what has been read by the Clerk.

Mr. RYAN. I wish to call attention to the fact the bill only carries $50,000 for surveys of the public lands, and $35,000 is devoted to examination of these surveys to see whether they have been correctly made. I submit whether the gentleman from Indiana thinks the amount carried in the bill is a sufficient sum for the service of surveying the public lands.

The CHAIRMAN. There is no question before the House.

Mr. HOLMAN. I move to strike out, in line 992, the words "not exceeding twenty-five thousand dollars thereof" and insert what I send to the desk.

The Clerk read as follows:

Strike out the words "not exceeding twenty-five thousand dollars thereof," in line 992, and insert "as far as may be necessary."

Mr. HOLMAN. I suggest to the gentleman from Kansas to incorporate into this provision after the word "surveyors," in line 995, the words "and for resurveys." This, with the increased amount appropriated, $50,000, will accomplish the purpose he has in view.

The main object, it seems to me, of this proposition is to procure resurveys and the examination of surveys already made. The great body of the public lands have been already surveyed. It is not likely that any surveys of much importance will be made the coming year, the great body having been already surveyed. It is not desirable, I think, to open up these lands at least for settlement until an entire change occurs, and we do not know it will happen this year in our public-land system. The whole system needs reorganization.

Mr. RYAN. Let me ask the gentleman if it would not be well to dispense with all the expensive machinery, which costs $130,000 a year for surveying the lands—fourteen surveyors-general and all their clerks, rent of offices, and contingent expenses?

Mr. HOLMAN. Certainly, I agree with the gentleman that it ought to be done; and in the cases of Nevada, Nebraska, and Minnesota, why of course the machinery should be dispensed with. I admit we are not justifiable in keeping up these offices. They are now little more than custodians of the records.

Mr. RYAN. But they are already provided for in the legislative bill of which my friend from Indiana had charge.

Mr. HOLMAN. But my friend will observe that in the case of Nevada instead of $3,000, as fixed by law, for the compensation of the surveyor-general, his salary is reduced to $1,200, putting him upon the footing of a mere clerk. In Nebraska, that State is attached to the Territory of Dakota.

Mr. RYAN. But these are mere bagatelles in comparison with the total expenditures for this service.

Mr. HOLMAN. I agree with my friend from Kansas that the whole subject needs to be reorganized.

Mr. RYAN. The gentleman from Indiana is so familiar with the subject that I take occasion to ask whether in his opinion this service can not be as well performed directly by the Land Office here as through the interposition of these surveyors?

Mr. HOLMAN. Without a shadow of doubt. I am satisfied that within the next year the entire force of surveyors ought to be, and probably will be, abolished.

Mr. RYAN. How does it happen, then, that my friend did not undertake to abolish the system in the appropriation bill of which he had charge?

Mr. HOLMAN. We had different interviews in regard to that question with the Commissioner of the Land Office; and I think, with the better understanding we have now reached, that during the coming year this appropriation can be cut off entirely, and thereby dispense with this whole service, getting rid of the whole body of surveyors-general and this expensive machinery. The only trouble at present is about the records and what is to be done with them.

Mr. RANDALL. The language of this paragraph is in exact accord, as I understand, with what the Commissioner of the General Land Office desired; still, I may be wrong about it, and if the gentleman has any other information——

Mr. HOLMAN. The Commissioner of the Land Office wishes it in the form I have suggested, or he wishes the amount to be increased $25,000. That is the amount necessary to accomplish the purpose for which the $25,000 is here provided.

Mr. RANDALL. I have no special objection to it if it is in harmony with the wishes of the Commissioner.

As to the amount given, I could only say what is well known to most if not all of the members here that the surveys of the public land far exceed the number of acres for which there is any application at present. The amount expended in 1885 was $222,000 out of an appropriation of $300,000. The amount given for 1886 was $300,000; but during the first six months of the current year there have been but $9,000 out of that total amount expended.

Mr. RYAN. Mr. Chairman, if the gentleman will yield to me a moment. The statement made by my friend from Pennsylvania would hardly be fair to the Land Office. Although it is true that only $9,000 of the $300,000 was expended by the office in the first six months of the present year, yet the Land Office during the entire year up to this time has expended about $150,000 of the entire sum.

Mr. RANDALL. Does the gentleman get that fact from the office?

Mr. RYAN. Yes, sir; I have dispatches here from Mr. Sparks, the Commissioner of the General Land Office.

Mr. RANDALL. Well, then, will the gentleman explain why the Commissioner of the Land Office should expend only $9,000 during the first six months of the year and $140,000 and over during the last six months?

Mr. RYAN. That is one of the eccentricities of the present administration which I do not understand myself.

Mr. RANDALL. Those eccentricities do not run into the Appropriations Committee room.

Mr. PERKINS. I desire to offer an amendment to the amendment. Instead of inserting the words suggested by the gentleman from Indiana [Mr. HOLMAN] I propose to insert $10,000 where $25,000 is found in line 992.

I desire to say that as this bill is framed and reported we find $25,000 appropriated for making surveys, and then we find $25,000 more appropriated for the purpose of investigating them when made, and then we find $130,000 appropriated to surveyors-general and their clerks to hire this $25,000 worth of surveys to be made. That is the peculiarity of this bill.

Now, instead of appropriating $25,000 for making surveys and $25,000 for the investigation of those surveys when made, I limit the amount for investigation to $10,000, leaving $40,000 of the amount appropriated here to be used for making the surveys of the public lands. And I would suggest to the gentleman from Pennsylvania [Mr. RANDALL] that my information is substantially the same as his, that only $9,000 of the $50,000 appropriated last year has been used in the investigation of these surveys. Until last December, or near that time, no officer was appointed to investigate these surveys by the present Commissioner of the Land Office. He then appointed a brother-in-law, of the name of Pickett, to go down into Arizona and into the mountains of California in the winter season, when there was so much snow that no investigation could be made. Since that time some $9,000 of the $50,000 appropriated have been used, and that is all. I would therefore limit this appropriation to $10,000 to be used for that purpose.

Mr. CANNON. I move to strike out the last word. I want to see whether or not I understand the gentleman from Indiana [Mr. HOLMAN] aright. Here is a force of surveyors-general and their clerks appropriated for in a bill which has passed the House to an amount aggregating $150,000 in round numbers; and the money recommended for them to expend on surveys here is $50,000, with a statement, if I understood the gentleman from Indiana aright, that the only survey to be made or necessary to be made is some resurveys.

Therefore we have this Democratic administration under the lead of the gentleman from Indiana recommending appropriations for and appropriating for a small army of office-holders that he says ought to be abolished; and I think he is sincere in that statement as well as the gentleman from Pennsylvania, to judge from the amount of money that is here recommended for them to expend.

I am not here to controvert those statements, but I am here to say that in view of this admission, coupled with the appropriations, the continuation of this force is most extraordinary. And I think I am justified in making the statement that, in view of the well-known notions of economy manifested through long years by both of those gentlemen, these offices would have been abolished at this session of Congress were it not that they are held there merely for the disbursement of money to people who hold the positions.

Mr. RANDALL. Will the gentleman allow me to interrupt him?

Mr. CANNON. Yes, sir.

Mr. RANDALL. It was not possible to get any change of law on the legislative bill, you will remember, under the rule of the House.

Mr. CANNON. Ah! that is true; but there are various other ways to arrive at it; and I want to say to the gentleman, while the rules of the House prohibit legislation, yet in the interest of economy there are many clauses of legislation on this sundry civil bill——

Mr. RANDALL. Only limitations.

Mr. CANNON. Well, limitations and legislation—in the teeth of the rule, frequently by unanimous consent, and I believe upon this side of the House there would be unanimous consent—for one I would consent—if the gentleman will arise in his place and propose now to do one of two things, either appropriate money to survey the public domain, which they decline to do, or if he will arise in his place and propose by legislation here and now to abolish all these offices of surveyors-general and muster them and their clerks out of office and bring the records here to the Land Office where they ought to be; if he shall do that, I think there will be no opposition on this side of the House.

Mr. HOLMAN. I wish to suggest to the gentleman from Illinois that as to Nebraska we adopted the policy of consolidating it with Dakota. There are some surveys to be made in Washington and elsewhere. The Senate has stricken out the provision consolidating those two surveyors-general districts. I agree with the gentleman that the surveyors-general can be abolished and ought to be.

Mr. RYAN. I want to state more clearly than perhaps I have done that the law for the current year provides $300,000 for surveying the public lands and devotes $50,000 of that sum to the examination of surveys. In order to ascertain how much of that money had been ex-

pended during the current year, a few days ago I addressed a communication to the Commissioner of the General Land Office asking how much had been expended for surveys and how much had been expended for examining surveys. Here is his reply to the question how much has been expended for surveying the public lands in this communication addressed to me dated 21st of June:

Total liability of contracts approved and pending to date $84,000, which amount may be considerably increased by additional awards of surveyors-general prior to the 30th instant, appropriation being available to that date.

So that it may largely exceed $100,000.

In reply to the other question, as to how much of the sum of $50,000 appropriated for the examination of the surveys has been expended, he addressed me the following:

DEPARTMENT OF THE INTERIOR, *June* 26, 1886.

Hon. THOMAS RYAN:

The amount expended for examination of surveys during the current fiscal year is $35,208. All accounts for June and some other liabilities outstanding will about or very nearly exhaust the appropriation of $50,000 which was allowed to be used.

Both these communications are signed "W. A. J. Sparks, Commissioner."

Mr. HOLMAN. In view of the statement made by the gentleman from Kansas [Mr. RYAN] it is quite manifest that the limitation now imposed upon the expenditure of money for the re-examination would not be proper, because the larger portion of this money will of course be expended in the re-examination of these surveys.

Mr. RYAN. I withdraw the formal amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. PERKINS] to the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. RANDALL. I would like to hear it read.

The Clerk read as follows:

It is proposed, in lieu of the amendment of Mr. HOLMAN striking out the words "not exceeding twenty-five thousand dollars thereof" and inserting "as far as may be necessary," to strike out "twenty-five thousand dollars" and insert "ten thousand dollars."

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Indiana [Mr. HOLMAN] striking out in line 992 the words "not exceeding twenty-five thousand dollars thereof" and inserting "as far as may be necessary."

The question was taken; and there were—ayes 28, noes 6.

Mr. PERKINS. I think I must ask tellers on this amendment. It seems to me that the effect of this amendment is to absorb every dollar appropriated for surveying.

Mr. HOLMAN. If necessary. It leaves it in the discretion of the Commissioner.

Tellers were ordered; and Mr. HOLMAN and Mr. PERKINS were appointed.

The House again divided; and the tellers reported—ayes 63, noes 52.

So the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. MILLS took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5874) to alter and amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act.

The Committee of the Whole resumed its session.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RYAN. I desire to offer an amendment, which I send to the desk.

The Clerk read as follows:

Add the following proviso: "*Provided*, That no money appropriated herein, nor any money appropriated elsewhere for the next fiscal year, shall be used to pay the salaries of surveyors-general nor clerks for the same, nor for rents of offices for said surveyors-general, nor for any contingent expenses for them."

Mr. RYAN. Mr. Chairman, I offer this amendment in good faith.

Mr. HOLMAN. I reserve the point of order.

Mr. RYAN. No point of order can lie against it, in my opinion, because it is simply a refusal to devote any portion of the money appropriated here or elsewhere to this particular purpose. It having been determined by the Committee of the Whole House to abandon the policy of further surveying the public lands, it seems to me to be highly proper that we refuse further appropriations to pay surveyors-general, their clerks, their offices, or their contingent expenses, inasmuch as they exist for the sole purpose of surveying the public domain. I submit that we would be subjecting ourselves to very severe criticism if we should take from the Treasury of the United States $130,000 to be paid to officials from whom we can receive no service whatever, because we deny the appropriations that would permit or enable them to perform the service which they are authorized by law to perform. I therefore submit to my friend from Indiana [Mr. HOLMAN] who always takes a lively interest in economy, and also to my friend the honorable chairman of our committee [Mr. RANDALL], that it is better for us to withhold the appropriation for this vast machinery which we can not utilize for any purpose under heaven.

Mr. HOLMAN. Mr. Chairman, I ask that the amendment be again reported. I do not think it was distinctly understood.

The amendment was again read.

Mr. HOLMAN. That amendment is subject to a point of order on the ground that it undertakes to go beyond the appropriations made in this bill. I concede that so far as it applies to this bill it would be proper as a limitation. But it affects appropriations made by other bills; for instance, the appropriations made in the legislative, executive, and judicial appropriation bill, inasmuch as there are appropriations in that bill for the surveyors-general and the clerks under them. I do not think that we can meet the case in this way. I insist on the point of order.

Mr. RYAN. I agree that this amendment operates as a limitation upon the appropriations for this service contained in the legislative appropriation bill; but still it does not operate in any way to change existing law.

Mr. HOLMAN. But it applies to other bills, and is not germane.

Mr. CANNON. As the gentleman from Indiana admits that there is no use for these office-holders, and also admits that this limitation would be in order as applicable to the $50,000 appropriated in this bill, I want to appeal to him not to press the point of order against this amendment, which is directed against the salaries of these suryeyors-general, for whom there is no use. Although those salaries are carried in the legislative bill, I submit that it should make no difference to the gentleman.

Mr. HOLMAN. In order to avoid misapprehension I will say that the gentleman does not state the case quite correctly. There must be legislation in some form or other before you can dispense with these surveyors-general. Although it is the fact that all the lands which ought to be surveyed have been surveyed, so that we have reduced the surveyors-general to the grade of mere clerks, with salaries of $1,200, these officers are still custodians of a body of records. The question is what we should do with those records. I think we should provide by law that they be turned over to the States or Territories in which the surveys have been made; that this great mass of records ought not to be brought here.

Mr. RYAN. That matter, I will say to my friend, is provided for by general law; and the money appropriated here is only for examination of surveys and resurveys, a work which has never been done by the surveyors-general, but always under the immediate supervision of the General Land Office, and very properly, because the object is to correct any abuse or corruption that may have affected the surveys.

Mr. HOLMAN. I think that with a better understanding of this matter we can abolish the whole system the coming year.

The CHAIRMAN. The point of order is sustained.

Mr. PETERS. Mr. Chairman, I believe my amendment now comes up for consideration.

The Clerk read as follows:

Insert as a new paragraph the following:

"For such resurveys of the public lands as in the discretion of the Secretary of the Interior may be considered necessary, $15,000."

Mr. PETERS. A provision similar in terms to this was inserted in the law of 1885 and also in the law for the current year.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. RANDALL] waive the point of order on this?

Mr. PETERS. No point of order can lie against it. As I stated, a similar provision has been inserted in the law for two successive years.

Mr. RANDALL. If I recollect aright the Commissioner told us he did not want this money.

Mr. PETERS. I do not believe in leaving all these things to the Commissioner; and I wish to show the reason why the action of the Commissioner in relation to this matter should not be approved by Congress.

As is well known to all persons who have any experience in relation to the public domain, the surveys made in the early history of certain portions of our country were very defective, and even where they were properly made the monuments marking the various sections and quarter-sections have (by reason of lack of occupation, except for stock purposes and by cowboys) been obliterated or removed. So when this portion of the country came to be taken up under the homestead and pre-emption laws, it was found that in many cases these monuments could not be discovered; they had been removed; there was no evidence at all to indicate the corners of the sections and quarter-sections. Now the object of this provision in the law of 1885 was to place a certain sum under the control of the Commissioner of the General Land Office, so that, upon petition by a number of citizens of a township and upon

evidence presented to him showing that these monuments had been removed, a resurvey could be made, thereby enabling the parties interested to determine just where the lines of the quarter-sections upon which they had located were, thus preventing litigation between neighbors.

The present Commissioner at the time he took possession of his office had several of these very questions pending before him. One of them came from my district, having been presented to Commissioner McFarland as late as December, 1884; but because of the rush of business in the Land Office, and of the change of administration soon to be brought about, he did not feel authorized, or did not have time, to go on and approve a certain survey which had been ordered by that administration. When the present Commissioner of the General Land Office came in his attention was called to the matter, and he was asked to approve or disapprove of a survey which had been ordered by the Government. Now mark you what he says in relation to this matter in his letter to me:

Under my predecessor resurveys to a considerable extent were executed and approved without engendering any bad feeling among settlers. Such result may have been due to the fact that the surveyors practically resurveyed the land; that is, re-marked old and obliterated lines, and re-established old and missing corners.

Then he goes on to say that in view of certain facts which he alleges he is—

Of opinion that the General Government should not intervene in questions as to metes and bounds of lands which were originally surveyed under proper authority and titles to which have long passed into the custody of private parties.

He gives that as a reason for not ordering a new survey in the case of an application which I made to him and as a reason also for not approving a survey before made during the administration of his predecessor.

[Here the hammer fell.]

Mr. PETERS. I would like just a minute more.

Mr. RANDALL. I will yield the gentleman a minute.

The CHAIRMAN. The question of order is pending.

Mr. PETERS. If that is pending, I want to address myself to it.

Mr. RANDALL. I withdraw the question of order.

Mr. PETERS. Now I wish to finish my statement. I understood the gentleman from Pennsylvania to yield to me.

Mr. RANDALL. Yes, sir; I want to give the gentleman another minute; that is all.

Mr. PETERS. In the newly settled portion of my district the monuments of the survey made in 1871 are obliterated. None of these corner-stones can be found. The settlers can not find their lines. They expect the Government to designate the corner-stones so that the metes and bounds of the quarter-sections may be known. And that is all my amendment provides for, that the Government shall make this resurvey so the settlers may know where their lines are.

Unless this appropriation is made the Commissioner of the General Land Office can not and will not do it. I therefore would like to have this provision put in so that when an appeal is made to the Commissioner of the General Land Office in behalf of the settlers on the public lands who have recently gone upon the public lands where the monuments have been removed shall have them restored by a resurvey.

[Here the hammer fell.]

Mr. RANDALL. We appropriated in 1885 $10,000, and of that amount $6,700 was expended. We appropriated for this year $15,000, and none of that money has been expended in the first six months. The Commissioner of the General Land Office has informed the committee that he did not want this money.

The statement of the gentleman from Kansas [Mr. PETERS] goes to show that the expenditure of this money is for the purpose of settling controversies between private individuals.

Mr. PETERS. I concede the decision of the Commissioner of the General Land Office was made on a case in which there were controversies between individuals.

I wish to say, however, there are cases in which there are no disputes between individuals. This whole township asks for a resurvey because there are no monuments left by which the metes and bounds of their lands can be determined. They agree to abide by whatever the resurvey may determine.

Mr. RANDALL. There is no estimate, and the Commissioner tells us he does not want the money. I think, therefore, it is safe not to appropriate it.

Mr. PETERS. I demand a division on the amendment.

The committee divided; and there were—ayes 36, noes 54.

Mr. PETERS. I demand tellers.

Mr. RANDALL. I hope the gentleman will not insist upon that demand.

Mr. PETERS. I will withdraw the demand.

So the amendment was disagreed to.

The Clerk read as follows:

For survey of confirmed private land claims in New Mexico, at rates prescribed by law, $3,000.

For survey of confirmed private land claims in California, at the rates prescribed by law, including office expenses, $2,000.

For survey of confirmed private land claims in Louisiana, at the rates prescribed by law, $4,000.

Mr. HENDERSON, of Iowa. I invite the attention of the committee to the paragraph which I propose to insert after line 1007.

The Clerk read as follows:

Add, after line 1007, the following paragraph:

"For completing the survey of the grant known as the Hanson grant, in the State of Florida, made by the King of Spain and confirmed to the grantees under the treaty of 1819 between Spain and the United States, $400."

Mr. SPRINGER. I make the point of order on that amendment.

Mr. HENDERSON, of Iowa. This matter has been recommended by the Secretary of the Interior. I will have his letter read, if the chairman of the committee desires it.

Mr. RANDALL. It should be published.

Mr. REED, of Maine. I think we had better know it.

Mr. RANDALL. Let it be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 25, 1886.

SIR: I have the honor to acknowledge the receipt, by reference from the Department for report, of House resolution, Forty-ninth Congress, first session, dated June 21, 1886, requesting to be furnished, at the earliest date possible, certain papers therein described relative to the decree of United States court in the matter of survey of the John M. Hanson grant in Florida, with an estimate of the cost of such survey and such other information as may be necessary to the fulfillment of the said order of the court.

In reply, I have the honor to transmit herewith inclosed copies of the papers desired, namely: First, copy of decree of the United States district court for the northern district of Florida, dated April 14, 1885, to the United States surveyor-general, directing him to make a survey and file a plat of the same in the cause of "John M. Hanson *vs.* The United States;" second, copy of letter of Commissioner of General Land Office to said surveyor-general, dated July 14, 1885, deciding that the survey of said grant would have to be deferred until Congress should make appropriation for the same.

In compliance with request for an estimate of the cost of survey in accordance with said decree of court, I would state that the sum of $400, the amount named in Senate bill No. 2638, Forty-ninth Congress, first session, as introduced by Senator CALL, is considered by this office ample to cover all expenses of survey.

As the only obstacle to carrying out said decree of court is the lack of requisite funds to pay for the survey, the papers herewith appear to contain all the information necessary in the premises.

House resolution herewith returned.

Very respectfully, your obedient servant,
WILLIAM A. J. SPARKS, *Commissioner.*

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

Mr. HENDERSON, of Iowa. The Government loses 2,121.22 acres by an error in the survey formerly made. The United States Supreme Court ordered a resurvey. While they were making preparation for a resurvey, in pursuance of the mandate of the court above, the Land Office found there was no money provided for the purpose. In order to save these 2,121.22 acres appeal is made to Congress to make the appropriation provided for by my amendment.

Mr. SPRINGER. This is not one of the ordinary expenses of the Government. It seems to be an appropriation for the survey of private lands. If these gentlemen desire this resurvey let them pay the money required therefor. This seems to be a private matter, and it is the duty of these individuals to pay for it. It is a change of existing law by requiring the Government to pay for a survey of private property.

Mr. HENDERSON, of Iowa. I have been unable to see where it is a change of existing law. It merely provides for paying the expenses of a resurvey, whereby the Government will save 2,121.22 acres. The system of advancing money has been abolished, and whatever is done can only be done by appropriation, as suggested in the letter of the Secretary of the Interior.

Mr. SPRINGER. I must make the point of order against the amendment.

Mr. HENDERSON, of Iowa. The point of order is clearly not well taken.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For necessary expenses of survey, appraisal, sale, and pay of custodians of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, $10,000.

Mr. CAREY. I offer an amendment to this paragraph, to strike out $10,000 and insert $20,000.

The CHAIRMAN. The gentleman will send his amendment to the desk.

Mr. CAREY. There is in my Territory alone about 100,000 acres of the public lands in the Fort Fetterman and Fort Landers reservations. These lands have been settled upon and the rights of the settlers can not be adjusted until the lands have been surveyed. They have not yet been surveyed, for the reason, I understand, that the Commissioner of the General Land Office has not had adequate appropriations for the purpose. I find upon an examination that the estimates call for an appropriation for the survey of abandoned military reservations of $20,000, and it will require that amount of money to survey the reservations that should be surveyed during the next fiscal year. If the lands are sold under the act of 1884, as proposed in this bill, they will realize to the Treasury of the United States a large sum of money. It is a great wrong to the people who have settled upon the lands not to give a sufficient sum of money for surveys so that their rights may be recognized and their claims settled. I hope the committee will permit the amendment.

Mr. RANDALL. I would like to have the amendment read.

The Clerk read as follows:

Strike out in line 1012 "ten thousand" and insert "twenty thousand."

Mr. RANDALL. All I can say is, that we gave the amount this year that was given to us by the Department; that is to say, all they asked as necessary.

Mr. HOLMAN. And that is ample.

Mr. CAREY. I will state to the chairman of the committee that I have frequently received letters, during the last six months, asking for the survey of these lands belonging to the abandoned military reservations.

The settlers can not have their claims adjusted until the lands are surveyed. The General Land Office has made an estimate that it will require $20,000 to make the surveys. I hope the chairman of the committee will not object.

Mr. RANDALL. There was in the first six months of this year, during which an appropriation of $20,000 was available for this purpose, not a cent expended.

The question being taken on the amendment of Mr. CAREY, there were on a division—ayes 32, noes 48.

So the amendment was rejected.

The Clerk read as follows:

United States Geological Survey:

For the United States Geological Survey: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employés in the field and office, and all other necessary expenses, to be expended under the direction of the Secretary of the Interior, $400,000.

Mr. RANDALL. I wish to inquire of the gentleman from Alabama what he understands the agreement to be in reference to the debate upon this portion of the bill?

Mr. HERBERT. I understood that I was to have forty-five minutes to discuss this question.

Mr. RANDALL. I think I wanted to make it thirty minutes.

Mr. HERBERT. Yes; but I will not be able to get through in that time.

Mr. RANDALL. I want to come to some understanding about an evening session also. In view of the fact that we have to give time just here for debate I would like to ask unanimous consent that at 5 o'clock we take a recess until 8 o'clock to go on with the bill. We have made such slow progress that I feel it is not asking too much of the House to do this.

Mr. RYAN. I think that is right.

Mr. CUTCHEON. We always get our bills vetoed when they are not passed in a full House; and you can not expect to get many members at these night sessions.

Mr. HENDERSON, of Iowa. I shall object, Mr. Chairman.

The CHAIRMAN. It would have to be done in the House anyhow.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

Mr. SYMES. Before the committee rises may I inquire of the chairman of the committee if any arrangement has been made in reference to the time for debate on the Geological Survey?

The CHAIRMAN. Not yet.

Mr. RANDALL. That is one of the purposes I have in view.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

Mr. RANDALL. Mr. Speaker, there are two matters now that I wish the House to determine. First, the length of debate allowed on this Geological Survey provision; and then I want to ask consent of the House that at 5 o'clock we take a recess until 8, to sit not later than 11, on the body of the bill. I make the latter request first.

Mr. CANNON. Why not pass this item for the Geological Survey, and have the general debate on that to-night?

Mr. RANDALL. That the gentleman from Alabama does not desire; and it is not altogether fair that so important a question should be discussed; for if it be understood that there is only discussion to take place to-night very few members would probably attend.

Mr. CUTCHEON. I would suggest to the gentleman if it would not be quite as germane to have a discussion on an important question with a thin House as to pass any part of an important public measure with a thin House?

Mr. RANDALL. Members will come if they understand the evening session is to be for action on the paragraphs of this bill. But if you announce that it is to be for debate only, you will not have thirty men here.

Mr. CANNON. How much debate do you propose to have on the portion of the bill relating to the Geological Survey?

The SPEAKER. The first request made by the gentleman from Pennsylvania is in relation to a recess. He asks unanimous consent that the House take a recess at 5 o'clock this afternoon until 8 o'clock, and not sit later than 11 o'clock, for the consideration of the sundry civil bill.

Mr. HENDERSON, of Iowa. I object.

Mr. RANDALL. I now wish to come to some arrangement with the gentleman from Alabama and whoever wants to speak on the Geological Survey. I understand the gentleman from Alabama [Mr. HERBERT] wants forty-five minutes.

Mr. CANNON. Why could this matter not be debated under the five-minute rule? That is the effective debate.

Mr. HERBERT. I think the House will bear me witness that I am not in the habit of trespassing on its patience, and that I seldom ask to be heard except from a committee on subjects which I have considered in committee. Two years ago I was appointed upon a commission to consider the operations of the Geological Survey and certain other scientific bureaus; and I deem it a duty I owe to myself to speak to the House on this question and to give the views I entertain, and which are the result of much study on this question. I would not be able to do that in the five-minute debate.

Mr. RYAN. It would not be fair to expect the gentleman to do so, and there has been an understanding that general debate should be allowed on this portion of the bill.

Mr. HERBERT. I think I can get through in forty-five minutes if gentlemen will not interrogate me too much, and I will promise not to ask for an extension of time.

Mr. RANDALL. I suggest that one hour be allowed for the general debate on this subject.

Mr. SYMES. I wish to say that we want as much time to support the Geological Survey as the gentleman from Alabama, who has studied the subject thoroughly, proposes to occupy in attacking it.

Mr. BAYNE. I suggest that there be thirty minutes for each side.

Mr. SYMES. I would be satisfied with thirty minutes myself, but there are other gentlemen who desire to speak.

Mr. HERBERT. I will get through if I can in thirty minutes; but I am afraid I can not present the various points involved in this question to the House in that time.

Mr. SYMES. Suppose there be an hour and a half equally divided?

Mr. RANDALL. I would like to test the sense of the House betweeen one hour and one hour and a half.

Mr. RYAN. I will say to the gentleman from Pennsylvania it is certainly fair to divide the time equally. I agree with him an hour would be sufficient, but whatever time is given let it be divided equally.

Mr. HERBERT. I hope the House will agree to give me an hour and a half.

Mr. SPRINGER. It does not follow, although the gentleman from Alabama proposes to speak for forty-five minutes, that that time will be occupied in making opposition to appropriation for this survey. The gentleman has been engaged for two years in investigating the workings of this bureau, and is now more competent than any other member to enlighten us in regard to it; and I believe the gentleman from Colorado [Mr. SYMES] will be as much enlightened and edified by the remarks of the gentleman from Alabama on this subject as any other member.

The SPEAKER. This is a request for unanimous censent and is not debatable.

Mr. SYMES. I desire to suggest that the distinguished gentleman from Kentucky [Mr. BRECKINRIDGE] desires to speak on this subject.

Mr. SPRINGER. He is not here.

Mr. SYMES. I think he will be here before we get through.

Mr. RANDALL. I move to limit debate on this part of the bill to one hour.

Mr. HERBERT. And I move to amend that motion so that the debate may run for an hour and a half.

The amendment was not agreed to.

The motion to limit debate to one hour was agreed to.

Mr. RANDALL. I again ask unanimous consent to have an evening session to-night, from 8 o'clock to 11 o'clock.

Mr. HENDERSON, of Iowa. I shall object to any request made by the chairman of the Committee on Appropriations for unanimous consent as I now feel.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. REAGAN in the chair), and resumed the consideration of the sundry civil appropriation bill.

The CHAIRMAN. By order of the House debate on the paragraphs of the bill relating to the United States Geological Survey is limited to one hour. The gentleman from Alabama [Mr. HERBERT] is recognized.

Mr. HERBERT. I did not seek this task which has been imposed upon me. Two years ago, when the joint commission on the scientific surveys was formed, I was placed upon it without even knowing before my appointment that such a commission had been provided for. But I did not shirk the duty, and upon that commission I have labored diligently to inform myself, and I deem it now my duty to state to this House and to the country the conclusions I have reached.

These scientific institutions of ours have become great and powerful. They have patronage and know well how to distribute it. This Geological Survey has the Academy of Sciences behind it. This academy has become one of the active political forces of the country. Besides, the Geological Survey has placed the many offices at its command where it is supposed they will be most effective. But, Mr. Chairman, in my opinion the survey has transcended its powers, and I deem it my duty, although I foresee it will be of no avail, to criticise it. I do not propose by the amendment which I shall offer to cripple the survey. I only desire to keep its operations within the limits of the law.

I send to the Clerk's desk and ask to have read the amendment I shall propose to the section under consideration. That section, it will be seen upon reading it, appropriates in bulk, without requiring any specification whatever, $400,000. All other surveys provided for in this bill are required to specify the purposes for which the money appropriated is to be expended. The Geological Survey is given in this bill $400,000, and it alone is not required to specify. I ask now that the amendment be read.

The Clerk read as follows:

Amend lines 1027 and 1028 by striking out "$400,000" and inserting "$375,000," and by adding thereto the following: "*Provided*, That no portion of said sum shall be expended for the discussion of the general principles of geology or paleontology, or for any work of any kind not essential to the preparation of a geological map of the United States, or necessary for the classification of the public lands or the examination of the geological structure, mineral resources, and products of the public domain."

Mr. HERBERT. It will be seen that this amendment only proposes to reduce the annual expenditure by the sum of $25,000. My purpose is to see whether this House proposes to limit the Geological Survey, or whether it is to be permitted to go on as heretofore. The director of the survey came before the committee and told us that it was impossible directly to restrict or control by law the operations of scientific institutions like his. He repeated this thought in several forms, and at last he said, "A scientific man spurns authority." Do we dare to do it in face of this defiance? The conduct of this bureau, it seems to me, furnishes an apt illustration of the sentiment avowed by its director. The joint commission of the two Houses of Congress appointed by law was authorized to examine the working of these scientific organizations with a view to economy. That was one of the duties we were charged with.

In order to decide whether the survey was conducted economically or not we called upon the director to give us a statement of the expenses of similar surveys in other countries. From the answers made by him and from other Government evidence the minority of the commission tabulated the expenses for geological surveys of seventeen countries, including the United States. The table as given in the report is as follows:

Summary table showing annual appropriations for geological works of certain foreign countries and the United States, taken from House Executive Document 270, *Forty-eighth Congress, second session, and Powell's testimony before survey commission, pages* 420–451.

	Name of country.	Area in square miles.	Total population.	Population per square mile.	Year.	Annual appropriation.	Year.	Remarks.
1	Great Britain and Ireland (United Kingdom).	123,185	35,246,562	286	1881	(P) $97,916 22	1885	Taken from estimates; page 424 of estimates.
2	Austria-Hungary	241,553	37,869,954	157	1880	(P) 17,255 29	1871	Page 433 of testimony.
3	France	205,976	37,672,048	183	1881	16,000 00	1882	Page 303, H. Ex. Doc. 270.
4	Switzerland	15,978	2,846,102	178	1880	(P) 2,895 00	1884	Page 447 of testimony.
5	Italy	111,405	28,459,451	255	1881	16,000 00	1881	Page 34, H. Ex. Doc. 270.
6	Sweden	173,967	4,603,595	36	1883	(P) 22,250 00	1878	Page 442 of testimony.
7	Russia, including Poland	2,129,201	83,909,945	39	1882	(P) 19,350 00	1884	Page 445 of testimony.
8	Belgium	11,375	5,655,197	497	1882	13,400 00	1882	Page 399, H. Ex. Doc. 270.
9	Norway	125,645	1,806,900	14	1875	(P) 2,688 00	1883	Page 443 of testimony.
10	India	1,457,244	252,541,210	173	1881	100,000 00	1882	Page 447, H. Ex. Doc. 270.
11	Bavaria	29,283	5,271,516	176	1880	4,400 00	1869	Page 430 of testimony.
12	Wurtemberg	7,528	1,970,132	261	1880	1,650 00	'76-'77	Page 250, H. Ex. Doc. 270; for maps only.
13	Canada	3,205,343	4,324,810	135	1881	60,000 00	1883	Page 450 of testimony.
14	Victoria	87,884	906,225	103	1882	8,031 35	.....	Page 193, H. Ex. Doc. 270. Average.
15	Finland	144,305	2,111,240	146	1882	3,000 00	.....	Page 384, H. Ex. Doc. 270. Average.
16	Japan	147,233	36,357,368	246	1881	50,000 00	.....	Page 456, H. Ex. Doc. 270. Since reduced, &c.
17	United States	3,025,600	50,155,983	17	1880	503,240 00	.....	Stat., vol. 23, 48th Cong., 2d sess., pages 420, 500; $200,000 for publication in addition.
	Total	11,242,806	591,708,238	.....	.....	938,075 86	.....	

This table refers to page and document as authority for every figure. Wherever the Director had given an estimate his estimate was taken. The other figures are taken from the report of Captain Wheeler, delegate to the geographical congress at Venice (House Executive Document No. 270).

The table should be corrected by adding the amount expended in the United States, so as to make it $526,240 for the current year, the latest estimate. It will thus be seen that the United States is expending annually $91,000 more than all those other sixteen countries. The countries tabulated, it will be seen, are Great Britain and Ireland, Austria-Hungary, France, Switzerland, Italy, Sweden, Russia, Belgium, Norway, India, Bavaria, Wurtemburg, Canada, Victoria, Finland, and Japan.

Director Powell made a reply to this report. His answer has been incorporated in a supplemental report; and I, as author of the report arraigning the survey for its extravagance, have attempted to answer the director, and both documents will be found printed side by side in the supplemental report. What is his answer? It is that much of this money is expended for topography and that in other countries the topography has been already done. That is true, but in those countries the topography was done either by cadastral surveys—surveys conducted to mark out property for taxation or surveys for military purposes.

We have had no military survey, no military map made of this country, and the Geological Survey is not authorized to make one. We have had no cadastral survey of this country made, and we need none, and the Geological Survey is not authorized to make one. The only survey that bureau is authorized to make is incidental to and for the purpose of constructing a geological map. Therefore it is but fair to say that this expenditure is all properly chargeable to geology and to geology alone.

When we look at it in this way, that survey, exclusive of the cost of printing, is expending, as I have said, $91,000 more than all these other countries put together. Now, Mr. Chairman, that fact alone is not conclusive against the survey. These figures, startling as they are, do not of themselves show that the work is conducted in an extravagant manner. But the printing is to be added. I have here some specimens which I wish gentlemen who are skeptical on this question to examine. Here is a book on paleontology, "Odontornithes" is the title, meaning birds with teeth.

This book [showing it] was compiled under direction of Clarence King, and was published by the Interior Department in 1880 at a cost of $8,000. Then in 1882 the same book substantially [showing another] was republished by the director of the Geological Survey in another form. It will be seen that many of the very same illustrations are included in both books, with this difference, that in the latter the engravings have been made smaller in size. This necessitated of course re-engraving. If any gentleman will compare these two volumes he will find that there is a different arrangement and possibly a little new matter in the latter, but the works are substantially the same from beginning to end. If he will turn to and read the last paragraph of both books he will see that the real difference between the two is that in the first the concluding paragraph speaks of having found three birds with teeth, while the concluding paragraph of the second book speaks of having found four birds with teeth.

If there be any other substantial difference between the two it is difficult to discover. Such difference as there is could certainly have been noted in a short chapter. Any private individual would certainly have taken that course. But the Government pays the printer. Again, the plates upon which the map of the United States is to be printed, according to the cost of those which have already been completed, will cost $1,690,000. That is the estimate from figures furnished by the Printing Office, showing the cost of the hundred plates that have been contracted for. Estimating upon the statement of Professor Powell that twenty-six hundred of such plates will be required, the cost will be $1,690,000, even if the present plan is not changed. But that this

estimate of the number of plates to be used, made while an investigation is progressing, will be enlarged in the future, admits of no manner of doubt.

The minority report estimated the printing at $200,000 a year. The director in his reply I have spoken of said it would not cost more than a hundred thousand dollars. I may have been mistaken, but here is my authority. Professor Powell himself, in an article on the United States Geological Survey, published in the American Journal of Science in 1885, states that the appropriations made for the Geological Survey for the fiscal year ending June 30, 1885, aggregate the sum of $504,040; and he says:

> This sum does not include the amount appropriated for ethnological researches, $40,000; nor are the expenses for engraving and printing paid for from the above appropriation, but from appropriations made for the work under the direction of the Public Printer. It is estimated that the amount needed for engraving and printing for the next fiscal year will exceed $200,000.

Can this committee have any doubt as to which estimate is more apt to gauge the future annual expense of printing for this bureau—that given when the bureau was under criticism or that given to the Journal of Science? Now the amount proposed for the present year is not only the $400,000 included in this paragraph, but when appropriations elsewhere in this and other bills are taken into consideration, it will be $526,000. Add to this the $100,000 which Professor Powell estimates for, and it will be $626,000. If we take the amount he estimated for 1885 in the Journal of Science, the whole will be $726,000. The director stated to the commission that his estimates did not include the cost of uncompleted work; that the map was still, and would be for twenty-four years, uncompleted.

If we take that and other uncompleted works into consideration, then three quarters of a million dollars will not suffice to cover the annual expenditures for this bureau—a bureau which began with an expenditure of $106,000 in 1879; which had run up in 1883 to an expenditure of $258,000; in 1884, $341,000; in 1885, $504,000; in 1886, $526,000; and the estimates for 1887 are $653,000. We must thank the Committee on Appropriations that they did not give him this year his estimate of $653,000, an increase of 30 or 40 per cent., which he has been getting every year for the last five years.

But, Mr. Chairman, passing from that question of expense, let us look at the authority of this bureau. Its authority is to classify the public lands and examine the geological structure and mineral resources and products of the United States; and in 1882 there was inserted in an appropriation bill a paragraph authorizing it to continue the preparation of a geological map of the United States. Now, let us look at some of the topics which, under this authority, it has undertaken to treat. One of the works published is on "living oysters." Will any gentleman here tell me what "living oysters" have to do with a geological map of the United States? Again, the survey has published a work on "the technical condition of the steel industry." It might as well have treated of the steam-engine.

Another work is on copper-smelting, and still another on volcanoes in the Sandwich Islands. No law can confine its operations; no pent-up continent can set bounds to its ambition.

Now, as to limitations, the purpose of the amendment is to prevent the survey from going into a general discussion of geology and paleontology. We found on examination that more than two thousand pages, five or six different books, full of engravings and maps, had been published on the Comstock lode alone. One of these books was by King, another by Church, another by Zerkel, another by Becker, another by Elliot Lord. These books were not written under the auspices of the present director, but by those who preceded him. Mr. Lord wrote his book under Clarence King, but it was reported to Major Powell after he became director of the survey in 1882, and approved and published by him. There it is [exhibiting a volume]. I ask any gentleman here who is curious on the subject to look into that book and see what it is. It is nothing but the history of the great mining adventure, with which all the world is familiar. The preface begins by saying that the story is more wonderful than that of Aladdin's lamp.

The book then proceeds to tell how from an accidental circumstance attention was directed to this lode, how its mineral wealth was developed, how the town grew up. Then it proceeds very much like Mark Twain's "Roughing It." The only difference between this and Twain's book is that Twain wrote his book to be bought and read by the people; and the people did buy and read it. The people paid for Lord's book and did not read it. There is nothing in it about geology or the preparation of a geological map. I ask any gentleman to look at the book and say whether he believes that any bureau which publishes a book like that ought to be limited by law. Will you permit the director of that bureau to say that a scientific man spurns our authority, that you can not limit him by law? Will you sanction by appropriating money in bulk that he may go on without let or hinderance?

You may do it if you wish, but I will not vote for any such appropriation.

When I discovered these things, Mr. Chairman, I determined to ask for the opinion of some eminent man of science, so I addressed a letter to Professor Agassiz, one of the most distinguished scientists in this whole country. Here is the correspondence, and I ask the attention of the committee while I read it:

WASHINGTON, D. C., *November* 27, 1885.

DEAR SIR: Permit me to thank you for your and Professor Newcomb's letters, both of which I shall consider very carefully. Availing myself of your kind offer to answer other questions, I beg to inquire whether in your opinion the work of the Geological Bureau could profitably be brought within proper bounds. To me it is very clear that Major Powell is transcending the rule you lay down, that Government ought not to do scientific work which can properly be accomplished by individual effort. For instance, I find that in 1867 Clarence King made an exhaustive examination of and published a large work about the Comstock lode; that in 1877 he was followed by J. A. Church, under Wheeler, with a similar book; that G. W. Becker, under Powell, wrote another exhaustive treatise on the same subject, complimenting Church by saying of him, "His memoir contains a number of hypotheses which would possess great scientific importance if sufficient evidence in their favor could be adduced." To me it seems that private individuals might do all this kind of work.

In like manner, as I understand, Zerkel, in 1875, published a book on the collections of the explorations of the fortieth parallel. Major Powell seems to have considered that the Government had not published works enough about the Comstock lode, so in 1883 he had Elliot Lord to publish another book (451 pages), in which the same lode is treated from the standpoint of the historiographer—Government thus giving an interesting narrative of what had been accomplished by private enterprise, the wonderful results of an accidental discovery, &c. I would be obliged if you would let me know how and where to draw a line that would lop off some of this kind of work.

Again, is it necessary that a geological survey of the United States should go at all into paleontology? You will find on pages 26 and 27 of the testimony taken before the commission Major Powell's letter. Please examine it, and let me know whether in your opinion everything he reports himself doing is essential. For myself, I am free to confess that if no part of all this can possibly be dispensed with, and if the people must be taxed for the maintenance of all that machinery to complete the geological survey now being prosecuted, the time has come when Congress ought to consider seriously whether it ought not to abolish the whole survey. An answer at your earliest convenience will greatly oblige,

Yours, very respectfully,

HILARY A. HERBERT.

Professor A. AGASSIZ.

MUSEUM OF COMPARATIVE ZOOLOGY,
Cambridge, Mass., December 2, 1885.

MY DEAR SIR: In reply to yours of the 27th November, the points you make in regard to the economic work done by King and Powell on the Comstock lode are well taken, and I should in my former letter have referred to this subject. Private individuals have learned nothing from the works you refer to, and the scope of the investigation on mining industries of Comstock, Eureka, and Leadville are all such as seem to me to fall within the limits of individual investigation. It will always be possible for specialists to write such memoirs, and if they are properly qualified they will find no difficulty in having access to all the information obtained by Government officials of the Geological Survey. There is no more reason why the Government should publish a history of the mining enterprises of the country than that they should publish a history of manufacturing processes. All that is the province of private historians.

In fact, I do not see why men of science should ask more than other branches of knowledge, literature, fine arts, &c., beyond the limitations I had suggested of Government assistance. There is no end to that kind of interesting documents which the heads of bureaus could get printed at Government expense, and which very few individuals or societies would print, even had they the means at their command. The methods of publication adopted by the various bureaus, the mode of distribution, the size of the editions, are wasteful and extravagant. Editions running into the thousands and tens of thousands are often published, and there are not five hundred people or institutions whom they will do any good, or to whom such pure scientific publications can be of any service.

As regards the paleontology: That is just one of the things which private individuals and learned societies can do just as well as Government. They will do it cheaper. There are always in the different universities plenty of people who will be too thankful to do such work for the sake of doing it, and who will manage to get the gist of their results published by scientific societies to which they belong.

* * * * * * *

The material collected by the Blake and United States Coast Survey vessels at various times since 1867 to date has all been published by this museum at no expense to the Government. There have appeared thus far what represents 14 vols. 4°, with many plates, and 3 vols. 8°; and there still remain 1 vol. 8° and 2 4° to publish, the expense for which will not have been much less when completed than about $30,000. I am sure these publications would have cost the Government, if done in usual bureau style, at least five or six times that amount. I inclose a marked list of the publications referring to Coast Survey material.

I have a written proposition from a former superintendent of the Coast Survey offering to publish all this as appendices of the Coast Survey reports at Government expense, all of which I respectfully declined to accept.

* * * * * * *

Yours, truly,

A. AGASSIZ.

Hon. H. A. HERBERT, M. C., *Washington.*

Professor Powell is doing precisely the same thing at Leadville that Clarence King did at the Comstock lode. Now mark the sentences:

> There is no more reason why the Government should publish a history of the mining enterprises of the country than that they should publish a history of manufacturing processes. All that is the province of private historians.

The purpose of the amendment I have sent up is to prevent the Government from doing these things which Professor Agassiz says ought to be left to private individuals.

Now, Mr. Chairman, acting upon the ideas of Professor Agassiz, the whole commission framed a bill which it authorized me to report and which I did report to the House. The report accompanying the bill was signed by only two of its members, but the bill itself was the work of the whole commission. As it was reported here it inhibited the Geological Survey from the general discussion of geological theories and from paleontological work. There was a great commotion. Office-holders and scientists were all agog.

You must know, Mr. Chairman and gentlemen, there are attached to the survey, besides its four or five hundred employés, quite a number of

persons scattered over the Union, professors of colleges, editors of scientific journals, mining engineers, and other gentlemen of great social and political influence. Newspapers were filled with articles about the audacious attack on our great Geological Survey. Major Powell demanded a rehearing. He obtained it; and lo and behold! when the majority report came out it repudiated the bill that had been unanimously reported. Only two of us stood by that bill. The other four contented themselves with recommending a bill affixing a limitation on printing. We bade Professor Powell stand, but he would not. If he had been content to stand it had been well; but he was not. So it was like—

DOGBERRY. This is your charge: You shall comprehend all vagrom men; you are to bid any man stand in the prince's name.
WATCH. How, if a' will not stand.
DOGBERRY. Why, then, take no note of him, but let him go; and presently call the rest of the watch together, and thank God you are rid of a knave.
VERGES. If he will not stand when he is bidden, he is none of the prince's subjects.
DOGBERRY. True, and they are to meddle with none but the prince's subjects. You shall also make no noise in the streets; for, for the watch to babble and talk is most tolerable, and not to be endured.
WATCH. We will rather sleep than talk; we know what belongs to a watch.
DOGBERRY. Why, you speak like an ancient and most quiet watchman, for I can not see how sleeping should offend.

The majority of the commission are, it seems to me, with all due respect, "most ancient and quiet watchmen." It is most unbecoming to babble in the streets and make a noise about this matter. If he will not stand why let him go, and thank God we are rid of him.

The difficulty seems to lie right here: Professor Powell deems this to be a strictly scientific institution, "organized for," as he says, "and necessarily comprehending original research," the searching for new principles to enlarge the field of science. That seems to him to be one of the prime objects of the institution and the law of its being, as he understands it. Is there anything in the law which I have read, and I have given substantially the words of the law, which authorizes him to go into the boundless field of science? Is there anything that authorizes him to treat of all of these topics he has dealt with? If the survey can treat of all these things where is the limit of its authority?

Is it not true that Congress when it established this survey intended it to be a bureau of applied science; that is to say, when a geological map was authorized to be made, did not Congress expect that it should be constructed according to the known principles of geology, applying them, and incidentally of course, but only incidentally, developing the science of geology?

Did Congress intend to commit to this bureau work which could be as well done, and which, as Professor Agassiz says, would be done more cheaply by private individuals? I think not, and to inhibit it from such work is the purpose of my amendment. It does not seek to cripple this survey; it does not seek to prevent geological maps from being made; it seeks to expedite that work. It seeks in the interest of economy to prevent this survey from traveling out into forbidden fields.

[Here the hammer fell.]

The CHAIRMAN. Does the Chair understand correctly that the gentleman's time was limited to half an hour?

Mr. HERBERT. The understanding was that I was to have half an hour; has that time expired?

The CHAIRMAN. It has.

Mr. HERBERT. I thank the committee for its attention and will not ask any further extension. I think I have stated the main purpose of the amendment, and I hope the committee understands its effect.

Mr. SYMES. Mr. Chairman, I had supposed the gentleman from Alabama was going to attack with some force the Geological Survey of the United States. He stated that he had been upon a commission for a year or two past and that he had investigated this subject thoroughly; in fact, that he knew all about it, and therefore he was going to enlighten this committee upon it and show this House why that survey should—if it should not be done away with altogether, as his report intimates—be limited in its operations very materially.

Mr. Chairman, instead of that we have heard from the gentleman today for about half the time occupied by him a dissertation on two books issued by the Geological Survey which are confined to a treatise upon birds with teeth. Now, sir, I am not here to make a complaint of this investigation, or undertake to argue upon the merits or demerits of these valuable scientific works that have been introduced by that branch of the Geological Survey, when it has entered into the realms of paleontology and ethnology, &c., which forms, sir, so important a branch of the work of that survey. And I apprehend that it is not necessary to dwell upon it here.

I will only say, in passing, that I think this great nation of ours can afford a few thousand dollars a year in connection with the Geological Survey in order that we may keep pace with the advance of science upon subjects that are considered important by the scientists. I am not willing, sir, that the nations of Europe, and the whole world, should monopolize all the results of science on these subjects; and while we have these investigations and works going on which have been organized for the purpose of utilitarian and practical research, I am willing that a portion of the money appropriated by this great Government should be used in aid of those branches of geological research which have for their object very properly and especially the advancement of science.

But, sir, knowing as I do the great practical value and utility of the work of that survey in developing the great mining and mineral resources and industries of this country, I am not willing to stand here and by my silence allow the work of these geologists to be sneered at by citing as an evidence of their work simply a volume or two which pertain to that branch of research to which I have referred and which pertain strictly to ethnology, paleontology, and birds with teeth, as the gentleman from Alabama expresses it.

Mr. Chairman, there is a branch of that labor, and it is the important branch; it is a branch upon which I think about three-fourths of the labor of the Geological Bureau has been expended, and which, I propose to show in a few minutes to the members of the House, has produced more practical results, and has resulted in bringing to the surface of the earth, utilizing for the benefit of man and adding to the wealth of the nation more than any other money that has ever been expended since the organization of this Government.

Perhaps, sir, the best way I can give the members of this House an idea of the value of the works, to the practical industries of this country, that have emanated from that bureau will be by referring to and exhibiting some of them.

Here, sir, is a work issued in 1876 or 1877, known as Hayden's Geological and Geographical Atlas of Colorado. Sir, there is no book in the United States, no publication that has been so much sought after for its practical value by mining geologists, by practical economic geologists, by practical mining superintendents, and by intelligent prospectors as that volume.

There has never been presented to this country or any other, confined within the same limits which cost no more money, a work which has proved of so much practical value as that atlas. It contains geological charts of an important portion of the mineral belt of the Rocky Mountains. An ordinary intelligent prospector, a mining superintendent, and those who are seeking to develope and explore the mineral resources of this country, will take this map, and have taken it, and they study it, they learn from its charts the geological formations of the different mineral belts practically, not theoretically. They will learn where that great belt of magnesian limestone is found or where it comes so near the surface of the earth that the industry and enterprise of man may reach it by exploitation.

I know that upon the strength of that atlas and the charts and the books which explain it prospecting parties have gone forth into the wilderness of the Rocky Mountains and discovered, developed, utilized, and added to the wealth of this country millions of dollars' worth of silver, lead, and gold. But I must pass on, having said so much for that atlas as a sample.

An atlas of a similar character has been produced by the Geological Survey covering the Comstock lode and what is called the Washoe district, near Virginia City, Nev. Other geological atlases and charts of much practical value have been published.

One word as to the works that have been published describing the great Comstock lode and the great mine that was developed on that vein and lode. The gentleman from Alabama [Mr. HERBERT] says there have been published about two thousand pages describing the workings of that Comstock lode and mine, and the formations in which it occurs, and he seems to be astonished that we should waste as much as two thousand pages in describing, aside from the Potosi lode and mine in South America, the greatest silver and gold producing lode and mine that was ever developed on the surface of the earth—a mine that has produced and utilized for the benefit of the country something like two hundred and fifty millions of gold and silver, about half gold and half silver, approximately speaking. Why, sir, the great progress that is being made in the deep mining of this country to-day owes its development, and will owe its success in the future, in a great measure to the practical workings of the Comstock lode and to the surveys and investigations of those underground workings and the geological formations described in the works of the Geological Survey.

This labor and the publication of the description of the workings and developments on this great mine, which has reached a depth of over 2,500 feet, has caused the sinking of many deep shafts and the exploration of many large ore bodies by this system of deep mining.

Why, sir, until the owners of the Comstock lode showed their faith in deep mining in this country, and followed the barren contact of that great fissure for over 500 feet from what was known as the upper bonanzas, that astonished the world from 1864 to 1870, the nations of Europe and their mining engineers were scoffing at us in this country and saying we had not the wit or the ability to succeed in pursuing deep mining, and therefore we would remain a poor mining country. But, sir, the enterprise and the nerve of that company sunk shafts through barren contact in that great fissure, where its two walls come together so close that you can scarcely put a knife-blade between them for 500 feet, at the cost of hundreds of thousands of dollars, until they opened to the view of the practical miner, as well as the mining engineer, the greatest bonanzas of gold and silver ore the world has ever looked upon.

Sir, the economic branch of mining that was proved to be successful——

Mr. HERBERT. Let me ask the gentleman a question.

Mr. SYMES. In a moment—and which has been examined and written up by those geologists, Clarence King, Professor Church, and others, will, I have no doubt, result and is resulting in a system of practical mining, engineering, and enforcement of practical mining systems and exploitation in this country that will add hundreds of millions to our mineral wealth in the next quarter or half a century.

Mr. HERBERT. Does the gentleman not understand it was private enterprise that discovered and private enterprise that developed the mine he is speaking of, and that these books were written about it afterward?

Mr. SYMES. I thank the gentleman for the question he has asked me, because it serves to illustrate exactly what I was going to say, that this company, like others in the mining districts, have expended hundreds of thousands, yea, millions, in demonstrating the practicability of the deep mining in this country which was instituted by this private enterprise. Now, the gentleman is not willing even that our able practical mining engineers and geologists shall walk into those mines to observe and to write up—what? Not theoretical geology, not paleontology, not works upon the teeth of birds, not works that undertake to find out what particular race of man the Indians of New Mexico and Arizona belong to, but the practical manner in which mining can be carried on at a profit in this country at a depth of over 2,000 feet.

Mr. HERBERT. Now, what is the reason that private enterprise could not write those books, just as private enterprise has developed the mines? It ought to be left to private enterprise.

Mr. SYMES. My friend says this ought to be left to private enterprise. That is his opinion, and I do not believe it is worth much, because he has had no practical experience in the matter.

Mr. HERBERT. That is the opinion of Professor Agassiz.

Mr. SYMES. That is the opinion of the gentleman from Alabama, backed up by the greatest theoretical dreamer as to practical science and practical mining geology of this age and time, Professor Agassiz. Professor Agassiz does not care anything about utilitarian mining geology progressing in this country. The gentleman from Alabama has fallen into the trap of Professor Agassiz. I know whereof I speak. Professor Agassiz would like to see every man that owns a mine hire scientists like him to go out upon the public domain and be paid $1,000 or $5,000 for a theoretical guess before sinking a shaft.

Sir, I have seen the works on practical mining geology produced by the mining geologists of this bureau availing themselves of the geological facts—not theory, not history, but the geological facts which are exhibited to them without extra cost when they go into the mines that have been developed by private enterprise. There they can observe the rocks in which the ore is usually precipitated and deposited, and then, going into other fields in the vicinity and finding the places where those zones or strata of rock come close to the surface, and describing and delineating them in such atlases as these, they produce works which are of the greatest value to the practical miners, prospectors, and explorers. I do not think that mining geology in this age and time should be confined to the Eastern colleges. If we will carry on this geological survey as it has been commenced, and encourage and sustain it, we shall in time have a system of practical geological works in this country far removed from theory, far removed from geological generalization, consisting of plain, exemplified geological facts as they are developed in the leading mining districts of this country, and of the greatest practical value.

Sir, I know something of what I am talking about. I have examined as an attorney a good many of the best mines in Colorado. I have spent my evenings in the cabins of practical mining superintendents who never had more than a common-school education, but who had gone out at the head of exploitation parties placing their faith in the delineations of these atlases, and being guided by them in the different geological districts where certain phenomena appeared. Capital backed up these practical men, and they sunk shafts and ran inclines. They did not become discouraged because the porphyry above and the lime contact below came close upon each other; but they pursued their course, following the guide which led them on with as unerring certainty as the north star guides the mariner, until they developed "bonanzas" that paid dividends of 500 per cent. to the gentlemen who had backed up their practical knowledge in these mining operations.

Sir, all through the mineral belt of the Rocky Mountains, a great portion of which is already surveyed and described in the Geological Survey atlases and memoirs, is found here and there approaching near the surface a great belt of dolomite, or magnesian limestone. By means of the geological survey of the mineral belt as embraced in the books to which I have referred the prospectors could go to a mining district and see where this limestone came near to the surface of the earth in the last great upheavals that lifted those rocks and mountains to their present position. It was not necessary to pay Professor Agassiz or any other theorist of an Eastern college for the information as to where the miners should go to expend their money. The knowledge had been published and distributed by this Government, and by means of this information such mines as are found to-day in Garfield County, Pitkin County, and others that I have not time to mention, have thus been prospected and brought to the knowledge of man.

I want to impress upon gentlemen of the House the fact that the practical mining geologists employed by this geological bureau to make the examinations and get up these atlases and reports to which I have referred are as different in their education, in the construction of their minds, in the objects they have in view, and their works, from the old school of geologists, headed by Professor Agassiz and other scientists, as are followers of the Baconian philosophy from the disciples of the old Platonic school.

I ask gentlemen to examine these volumes of reports, memoirs of the Leadville district and other publications, written by Professor Emmons, by Professor John A. Church, Dr. Raymond, and by others with whom I am acquainted; and let any gentleman tell me, when he gets through, whether he finds in these works anything wasted in theory—whether he finds anything of that theoretical geology which consists in expending the force of a man's intellect, not in trying to find out how nature in her processes of chemical reactions deposited in the bowels of the earth the ore which is there found by prospecting.

There is nothing of that kind there. They have passed from that school of geology. When they come to a mining district like the Comstock, the Leadville, the Eureka, and others they simply survey these mines and examine them geologically and otherwise. They write up no theory; they write up the facts. They show that in certain geological formations in the Rocky Mountains they find these veins, they find certain characters of lead and silver ore, they find certain characters of true fissure veins carrying gold ore. The result is practical, not theoretical. They show that similar mines and similar bodies of ore may probably be discovered upon the sides of the mountains where you find the same character of rocks coming near enough to the surface of the earth by the last upheaval to be explored. This is practical mining geology.

Again, here are the volumes called the Mineral Resources of the United States, by Williams. They are made up of the same kind of information gathered at the same time from different mining districts in this country by men who are sent out in the summer to survey and examine the mines where the work is going on. And let me say that probably 50 per cent., yes 75 per cent., of the work contained in these volumes was furnished free, costing the Government nothing, because it was furnished by mining engineers in charge of important mines to the agents and employés of the United States going to these mines. Intelligent mining superintendents who get good salaries from their companies study these works all the time. They keep up their office maps with a description of the different drifts and levels, the character and richness of the ores, sometimes the chemical and geological character and formation of the small rocks. This information they put upon their maps and note-books night after night. They give this information to the United States geologists, and they write up the same in these volumes, and it does not cost the Government one-quarter of what it is worth. Yet to the practical miners of this country as distinguished from the theorists whom gentlemen have talked about this information is worth millions of dollars.

Two volumes of that work have been issued and a third is in press. It contains nothing upon gold and silver mines. These reports upon the mineral resources of the United States are confined to what may be called the base-metal mines alone. They contain well prepared articles and a great deal of valuable statistical information on anthracite coal, coal-mining and coal-fields, the manufacture of coke, natural gas, the manufacture of iron and steel in the United States, the iron ores of the United States, the copper and lead industry of the United States, the manufacture of fertilizers and many other reports and papers containing a very great amount of valuable information to those engaged in the mining industries of this country. These volumes are greatly sought after, and another edition of them ought to be printed for general distribution.

There are also published annually what are called the reports of the Director of the Geological Survey, the fifth volume of which has just been issued. These volumes contain a report of the operations of the bureau during the year; and also special reports and papers upon the more important mining developments in different parts of the country, papers upon the progress of mining and smelting, and other matters specially important to the mining industry.

The monographs and memoirs of the most important mining districts, such as that upon the district of Leadville by Professor S. F. Emmons, that upon the Eureka district in Nevada by Professor Hague, the works on the "Comstock" by King, Church, Becker, and Elliot Lord are exceedingly valuable. The mining statistics of the Rocky Mountains, prepared by Dr. R. W. Raymond, did a great deal toward attracting the attention of capitalists and to bring about the exploration and development of many mining districts. The bureau has published from time to time what are called bulletins, which appear in advance of the annual reports and monographs.

These bulletins contain papers upon some important, practical subjects relating to the economy of mining, smelting, &c., and other subjects pertaining to general geology. They are very valuable, because they bring to the attention of those interested in such subjects the progress that is continually being made in mining, in the reduction of ores, and in mining industries generally, within a short time after the information is gathered by the bureau and long before the larger re-

ports and other works can be published. I do not know but that too large an amount of labor and cost of the bureau is expended upon subjects of general geology, paleontology, ethnology, ornithology, &c.; but, as I have before stated, I think this Government can well afford to expend some money in the pursuit and development of those branches of science which may not be of any particular economic value, but which is of very great value from a scientific standpoint.

I do not think the cost of geological surveys in other countries forms a proper criterion from which to judge of the amount of money we should expend in such work. Our country is so much larger than those cited by the gentleman, the area of its mineral land and its mineral wealth so much greater, and the time so short since the mineral belts were even explored or known to exist it will require a much greater amount of work for some years to come to make the necessary progress in this field of industry.

The salaries paid to the leading geologists of the Geological Survey are less than they can command from colleges, scientific institutions, and mining companies. It is a fact that several of the most valuable men in the employ of the bureau have and are about to resign to accept an advance of from $1,000 to $2,000 in salary.

The papers, bulletins, and reports upon the smelting industry of the United States have been of great practical value. The progress made in smelting and the reduction of ores during the last few years in this country has been wonderful. Millions upon millions of tons of low-grade lead, silver, and copper ores that a few years ago were considered of no more economic value than the stone quarries of the Rocky Mountains are now being smelted and utilized, and are producing millions of metal and bullion. We are indebted to the Geological Survey for much of the progress made in this important art in our mining industries.

Mr. Chairman, I hope the appropriation for the Geological Survey will be increased instead of diminished.

The CHAIRMAN. The time allowed for the general debate has expired.

Mr. RANDALL. I now ask that we go on with the consideration of the bill by paragraphs under the five-minute rule.

Mr. WAIT. I move to amend by striking out the last word of this clause.

Sir, I had the honor at the opening of the present session of Congress to be selected as a member of this commission to consider the present organizations of the Signal Service, the Geological and other surveys, and the Hydrographic Office of the Navy Department, in place of a distinguished scholar, a former member from Massachusetts, who (unfortunately perhaps for this purpose) was not re-elected to the House. By reason of the lateness of my appointment I had not time to give to the matters pending before that commission the same attention as other gentlemen who were appointed to this duty in the last Congress. But the examination I have given to the general subject and to the testimony of witnesses called before the commission since I have been a member leads me to differ entirely from the gentleman from Alabama [Mr. HERBERT] in his proposition to cut down the amount which the Committee on Appropriations propose to give for the prosecution of what I consider one of the most important scientific works ever undertaken in this or any other country.

The amount reported by the committee is $400,000; and that amount was determined after the most careful scrutiny of the facts developed in the testimony and examination of the requirements that a full, fair, and honest prosecution of this important work demanded at the hands of Congress. I have reason to believe that every dollar which could by possibility be saved was saved in this appropriation, and this sum, as I understand it, was named as the very lowest amount for which this survey could be successfully carried on.

I think it would be most unfortunate for the prosecution of these great geological surveys if the amendment of the gentleman from Alabama [Mr. HERBERT] should prevail, cutting down the amount to be appropriated for these surveys $25,000. I have but a few moments allotted to me, Mr. Chairman, and therefore I must hurry on without elaborating to the extent I would like the discussion upon all these points which are presented in the argument of the distinguished gentleman from Alabama.

I have given personal attention to the consideration of the various publications made by the Geological Survey under Professor Powell and his scientific associates. What are they? They are scientific works of the highest character. They are such works as are called for by institutions of learning all over this broad land. Men of science who entertain intelligent views of the importance of these publications demand their continuance. Our young men (whom Horace Greeley told to go West and there locate) who wish to be acquainted with the geological structure, the mineral resources, and the products of the public domain clamor for these books. They wish to acquaint themselves from the best sources with the character of the public lands which are opened up to their settlement. They wish to learn of the location of the mineral wealth of the country. Not to publish them would be to retard very seriously the settlement of our public domain and to a great extent, I may say to a deplorable extent, deter the settlement of the Far West and the building up of the splendid towns and cities which in half a century will grow up to enrich and brighten and beautify that whole country. [Applause.]

There has been no criticism, as I look upon the matter, made by the gentleman from Alabama to the publication of these scientific works by the Geological Survey which can be sustained by any evidence that was presented to the commission. I know from declarations which my friend from Alabama has heretofore frequently made that he relies upon the opinion of Professor Agassiz for the statements which he has now made. He pins his faith upon the opinion of that one gentleman, while I pin my faith and base my assertions upon the evidence of the many scientific gentlemen who came before our commission and testified fully, freely, intelligently in regard to the unrestrained prosecution of this great national work.

The CHAIRMAN. The gentleman's time has expired.

Mr. MCKINLEY. I will take the floor and yield my time to the gentleman from Connecticut [Mr. WAIT].

Mr. WAIT. I thank the gentleman from Ohio for his courtesy.

Mr. Chairman, when gentlemen of this House believe honestly that the best interests of the country require this expenditure to the full amount of $400,000 it should be granted without regard to the proposed amendment of the distinguished gentleman from Alabama [Mr. HERBERT]. I believe and declare, after having heard the testimony before the commission, and carefully and impartially considering the same, that every dollar of the four hundred thousand will be required, and that the expenditure of this money will be made judiciously by Major Powell and his able associates in the work.

Out of abundant caution the bill provides that it is to be expended under the direction of the Secretary of the Interior. So every safeguard is thrown around it. Mr. Powell can not go on *ad libitum* and disburse this money just as he pleases, but he is to expend it under the superintendence and by the authority of the Secretary of the Interior. I have all confidence in Major Powell's integrity and sound judgment, but if he should undertake to spend the money upon objects not legitimately within the purview of his duty he will at once be restrained by the authority of the Secretary of the Interior. Mr. Powell can enter into no unwarranted expenditure of this public money, but he will be kept within the letter and the spirit of the appropriation.

The interests of science, in my judgment, demand that this great and important work should go forward. It is absolutely necessary for the proper and rapid development of the mineral wealth of our public domain. These scientific works, which my friend from Alabama would disparage, should be published and spread broadcast throughout the land. They should be put in the hands of our people in every section until they become familiar with all the requirements of the public welfare. They should be instructed fully as to the geological structure, the mineral resources, and the various products of our great national domain, and so be able to judge and act intelligently in advancing not only their personal but also the public interest.

I look upon the Geological Survey, Mr. Chairman, as one of the most important works undertaken by the Government, and I believe that in the past it has aided, and in the future will continue to aid, to make the people of this great Republic what they are destined to be—the richest, the most powerful, and the most intelligent people on the face of the earth. They will be rich in every resource; possessed of abundant and fertile lands, scientifically cultivated, of mines pouring out limitless mineral wealth, with beautiful towns and cities springing up from sea to sea, the places of their abode, and in short, possessing all that is necessary to constitute them of all nations the most prosperous, powerful, and independent.

The CHAIRMAN. The question is on agreeing to the *pro forma* amendment.

The *pro forma* amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama.

Mr. HERBERT. I ask to have the amendment again reported.

The amendment was again read.

The amendment of Mr. HERBERT was not agreed to.

The Clerk read as follows:

For salary of three topographers, at $2,000 each; in all, $67,700.

Mr. SPRINGER. After line 1052 I move to insert the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 1052, insert:
"*Provided*, That no part of the money herein appropriated for the Geological Survey shall be paid to any persons engaged in private occupations or pursuits."

Mr. SPRINGER. Mr. Chairman, the report of the commission, to which the gentleman from Alabama has called attention to-day, contains a list of persons who are engaged in other and private pursuits, but who are paid out of the fund appropriated for the continuance of the Geological Survey. That list embraces in all sixty-nine names, and they reside in eighteen States and two of the Territories of this Union. Some of these gentlemen who are carried on the roll at $4,000 a year are professors in the large colleges of the country. Others are engaged, some in newspaper work, while others are in various private pursuits, all specified here in the report.

The list which I hold in my hand states that seven of these are State geologists; twenty-four are professors of geology and allied sciences in colleges and universities over the county; four are editors of scientific

newspapers; three are mining engineers; and so on throughout the list of sixty-nine names, all being carried on the rolls of the Government and draw monthly their salaries out of the fund appropriated to carry on the work of the Geological Survey.

I notice among these the name of Professor Marsh, one of the professors of Yale College, and in the books to which the gentleman from Alabama has called attention, published in 1880, the work of Professor Marsh on birds with teeth appears. It was printed in one of the volumes of Clarence King's reports published that year. The same work produced by him is also printed in 1882 in one of Powell's reports, covering many pages, and embellished with many elaborate plates, costing evidently a large sum of money.

Mr. ERMENTROUT. The same report?

Mr. SPRINGER. The identical work, only that in the last volume there is an addition, showing the discovery of four classes of birds with teeth instead of three, as in the former report.

Mr. ERMENTROUT. It was published then as a new discovery, no doubt.

Mr. SPRINGER. Yes, sir; I presume so.

Now, what I desire is to require that all persons who draw pay from the Government of the United States shall give to the Government their services. There are certainly persons in the United States who are willing to serve the Government in these capacities for the prices quoted in this bill, and who will give all of their valuable time for the compensation proposed.

It is said that these gentlemen who contribute these essays on scientific subjects can as well prepare them in the colleges and at the same time perform their duties there and draw the compensation which is allowed by those institutions. But I deny *in toto* the principle that the Government should go into a partnership with the colleges in employing the persons to be engaged in any particular Government pursuit. If they are willing to serve the Government and accept the salary it gives, then they should give the Government all of their time, for then we know what we are getting; we know the service which is being performed and the time which we can control of these employés. But as it is now, when gentlemen are carried upon the rolls as professors in universities or editors of newspapers and at the same time are drawing their salaries as Government officials out of the Treasury, they are to a certain extent placed beyond our control; and it is a principle which should not be tolerated. I ask gentlemen upon the other side of the House, then, and on this side to put the seal of their condemnation upon any system which looks to large salaries and little returns.

Mr. CANNON. Mr. Chairman, I think perhaps——

Mr. HERBERT. Will the gentleman permit me to make a correction?

Mr. CANNON. I think I shall need all of the five minutes at my disposal.

I think my colleague from Illinois, eminent as a legislator and I suspect eminent as a scientist, is very competent to discuss this question in the manner he has discussed it if he desires to do so. And yet I suspect that he knows about as much about scientific subjects as I do; and what I do not know on this subject would make a pretty large library. [Laughter.]

Mr. SPRINGER. Very large, indeed.

Mr. CANNON. Yes, very large upon this subject, certainly; and yet I presume that I am almost as wise as my colleague.

Mr. SPRINGER. Much more so.

Mr. CANNON. Very well, as the gentleman concedes that to apply as between himself and me, I do not know that we are the most competent people in the world to undertake to arbitrarily direct that this money shall not be expended in a certain way.

Now, if we are to have valuable scientific work we want the best skill and scientific knowledge in this country to carry it on. If the men at the head of this bureau can best utilize somebody not permanently connected with them to carry on the investigations they desire to make let us allow them to be the judge of that. I do not want to pay gentlemen for service not performed. If it be true that they are borne upon the rolls and paid for no service at all, I will go with my colleague to prevent such expenditures.

Now, while I do not know much about scientific subjects, yet I recollect very well when this bureau was first organized of sitting for an hour and hearing the gentleman from New York [Mr. HEWITT] advocate its organization as he so ably did; and I took what he said upon faith and voted for the organization of this bureau. I have not regretted my vote since that time. In fact I have lived long enough to have found I know so little about scientific subjects that I am willing to take many things upon the faith of men of character and of knowledge.

There have been two men in this country, one certainly the greatest the country has ever produced, Franklin, and another among the greatest, who died here a few years ago, Henry, men who will be known five hundred or one thousand years from this time as the great men of their centuries. They contributed to the advancement of science, especially the latter, in an exceedingly unselfish way, perhaps not in a more unselfish way than the former, but not with so much notoriety as Franklin. They made discoveries without selfishness. They quietly proceeded on and allowed somebody else to utilize those discoveries.

I do not know that we have now any Henry or any Franklin connected with this scientific bureau, but I think I know this present head as a prudent man and I believe this money will be wisely expended, and for one I am not willing to place the limitation on this expenditure that my colleague desires.

Mr. RANDALL. As a general rule the amendment of the gentleman from Illinois [Mr. SPRINGER] might operate to advantage—I mean outside of such bureaus as those which regulate the scientific examination by the Government. But I think the scientific bureaus are an exception to what I should consider the proper regulations. It might be that this Geological Survey desired to employ a professor in a college who was a specialist in a particular branch of science. I fear that this amendment might debar the country from getting the knowledge possessed by that individual.

Mr. SPRINGER. If the gentleman will pardon me for interrupting him, I will say that I have made a verbal change in the amendment, which makes it applicable only to those receiving annual salaries in connection with the survey.

Mr. RANDALL. I did not so understand the amendment originally.

Mr. SPRINGER. I does not prohibit payment for particular essays on particular subjects.

Mr. RANDALL. Large amounts under this appropriation are given to professors in colleges, but they are given for what I call special work, and they are only paid for that work, and we might not be able to secure the services on an annual salary of a man who would do justice to that particular branch of science.

Now I want to say that the Committee on Appropriations have had more difficulty in securing what may be thought to be the reform necessary in relation to these scientific bureaus than they have had in reference to other branches of their duties. In the first place we find the commission divided in sentiment as to what should be done. We have not the power of legislating on this bill, if they agreed unanimously, differently from the existing laws, and the only possible way we have been able to reach a remedy of what seems to be some extravagance and some abuses has been by cutting the appropriation; and as to this bureau, we have conformed, I think, as far as we could by way of limitation to the views of the gentleman from Alabama. In this condition of things some of us on the Committee on Appropriations were quite ready to reduce those expenditures below $400,000. They asked for $550,000, an excess over the present appropriation of $150,000. Finally the judgment of the committee settled upon $400,000, the amount of last year, to be given again this year in the absence of any positive recommendation from the commission.

I am ready and willing as one member of this committee to co-operate with any member in attaching proper amendments to this bill that will remedy any existing abuses.

Mr. SYMES. I hope this amendment will not prevail. If this amendment prevails a large portion of the most valuable information contained in the publications I have referred to will cost about ten times what it does now. To illustrate: In a mining district where practical mining is going on and large mines are being developed, there are several young, ambitious, able mining engineers in charge of these mines. Now, sir, they keep notes, they keep a sort of journal, they keep up their maps describing the character of the ore and the character of the geological formations through which the shafts incline or which they penetrate. The manager of the Geological Bureau can employ these men simply to turn over to him this information for a pittance. It is practical, it is valuable, it is what these men absorb in their calling every day. But if he was to employ mining geologists and send them to those districts and let them make the necessary investigations and spend the necessary time to obtain the same information, it would cost ten times as much. I do not think my friend from Illinois [Mr. SPRINGER] understands this subject or he would not offer this amendment.

Mr. SPRINGER. I ask the gentleman from Colorado does he think a man who is a professor of geology in Yale College staying there the year round should receive $4,000 from the Government of the United States in connection with this survey?

Mr. SYMES. Upon this branch of the subject I am not so well posted, but I understand that those employments arise in this way: The bureau desires a paper upon some important subject and a professor in some college spends his vacation in investigating the subject, and they pay him for writing a paper upon that particular subject; but I do not understand that any of those gentlemen draw annual salaries.

Mr. HERBERT. Mr. Chairman, I desire to correct a misapprehension that may arise from the statement of the gentleman from Illinois [Mr. SPRINGER] based upon the minority report. The gentleman from Colorado [Mr. SYMES] is in part right, but he is partly mistaken. There are several professors in colleges who draw regular salaries, some of them as much as $4,000 a year. Professor Marsh, of Yale College, is the chief of the section of paleontology, and he is paid $4,000 a year, and others draw salaries nearly or quite as large. It is true, however, that the majority of the sixty-nine persons mentioned in the report are paid, as the gentleman from Pennsylvania [Mr. RANDALL] says, for special work.

Mr. RANDALL. I really have not any objection to this amendment if it does not prevent the employment upon particular work of such men as Professor Marsh and others who are at the head of their respective branches.

Mr. HERBERT. I will state to the gentleman that the amendment of the gentleman from Illinois [Mr. SPRINGER], as it now stands, would not prevent the employment of Professor Marsh or Professor Emmons, or any other gentleman from doing special work.

Mr. FARQUHAR. Then what is the use of the amendment?

Mr. HERBERT. It simply applies to those persons who are professors in colleges, and who at the same time draw an annual salary from the Government.

Mr. RANDALL. So that you would not allow them to have salaries from the Government, but you would let the Government pay them for special work. I do not know whether that would be economy or not.

Mr. REED, of Maine. As I understand it, the only objection is to the method of paying these gentlemen.

Mr. SPRINGER. You may say that it is an objection to the method. I am opposed to putting anybody on the pay-roll of the United States at an annual salary and paying him monthly, when everybody knows that during that very time he is engaged in teaching in a college or university, or otherwise employed. If these gentlemen owe their services to the Government and the Government has to pay them let us pay for what we get; in other words, let us call it piece-work and pay them for what they actually do, so long as they have other engagements with private institutions or corporations which occupy the greater portion of their time.

Mr. REED, of Maine. What difference does it make how we pay them if we get the equivalent for our money?

Mr. SPRINGER. It makes a great difference if we do not get an equivalent for our money, which I assume to be the fact here.

Mr. REED, of Maine. Precisely. The gentleman from Illinois assumes that to be the fact, but I wish he would give us some evidence of it.

Mr. SPRINGER. I make that assumption, because I assume that if anybody does his duty as a professor in any college in this country he can not at the same time serve the United States so as to be entitled to a salary of $4,000.

Mr. REED, of Maine. But that is entirely an assumption.

Mr. FARQUHAR. And it is a gratuitous assumption. Mr. Chairman, I say on behalf of the scientific men of America that that statement made upon this floor is unfair and unjust. Without wishing to take part in this debate, I say here that I know there is no college in this country that pays any of these eminent scientific men a salary commensurate with his services; but, between work done for private individuals and scientific works issued by publishing-houses and the demands of the Government for their services, certain of these men—Professor Marsh and others—do make reasonable incomes. The Government can not afford to pay a whole year's salary in these cases, but they can afford to pay for service done at odd times at the convenience of these scientific men. That has been the custom; is the custom with the Government; it is the custom with private individuals; it is the custom with State governments, especially in regard to geological work.

Mr. SPRINGER. Mr. Chairman, I simply want to place the Government service upon the same basis that every private individual would desire to place his business upon. Is there a college or any other institution in the United States that will pay a member of Congress an annual salary of $4,000 from year to year and allow him to come here and serve the Government for eight or nine months in the year? It may have been done for one term in the case of Professor Seelye—I do not know whether he was paid by the college during his Congressional term or not—but I do not believe there is a mercantile house, or a banking house, or a corporation, or an educational institution in this country that will pay a man a salary from year to year, as we are doing in these cases, and allow him to spend most of his time in some other pursuit or employment.

Mr. REED, of Maine. And yet the very facts in this case, as cited by the gentleman from Illinois himself, show that what he does not believe would be done is in fact done. Here is Professor Marsh receiving a yearly salary from the United States and at the same time receiving a yearly salary from his college. Why, the very facts the gentleman produces work just as well one way as they do the other.

Mr. SPRINGER. Yes; but Professor Marsh serves the college for nine months in the year, and gives us only his odds and ends.

Mr. REED, of Maine. Well, the odds and ends are worth what we pay.

Mr. SPRINGER. I doubt that.

Mr. REED, of Maine. Show it to be otherwise, if you doubt it.

Mr. SPRINGER. I show it by the fact that right here on this desk is Professor Marsh's essay on birds with teeth, and that same essay was reproduced by him at another time nearly verbatim in another volume. Now, why should he be paid twice for such work as that?

Mr. REED, of Maine. If that strikes the gentleman from Illinois as an argument, or as conclusive, I must leave it to the House.

Mr. SPRINGER. It does strike me as conclusive so far as showing that we have been paying one of these professors twice over for doing the same work. Furthermore, birds with four teeth are not very important in the scientific researches of this country, and I think we might be able to get along without these essays on that subject.

The question was taken on the amendment of Mr. SPRINGER, and it was rejected.

The Clerk read as follows:

For care, repair, and refurnishing the Executive Mansion, $16,000, to be expended under the direction of the officer in charge of public buildings and grounds, by contract or otherwise, as may be most economical and advantageous to the Government.

Mr. HEPBURN. Mr. Chairman, I move to strike out this paragraph, and shall move to strike out the three succeeding paragraphs of the bill. I make this motion, not because of any desire to criticise specially these items or to carp at these appropriations; but I do it in the interest of gentlemen who I know will be very seriously embarrassed if these provisions are not stricken from the bill. It would be a very embarrassing condition of affairs if this most important appropriation bill should receive the veto of the President. Yet there is almost a certainty that gentlemen who may insist upon retaining these paragraphs in the bill will force upon him the necessity of a veto. One of these paragraphs provides for an expenditure of $16,000 for refurnishing the White House, a building that was furnished less than eighteen months ago at a cost of many thousands of dollars, and was then put in complete repair. This appropriation is proposed too in face of the fact that $12,500 was expended in this same way last year by the administration that came into office so soon after the complete refurnishing and repair to which I have referred. The other items are:

For fuel for the Executive Mansion and greenhouses, $3,000.
For care and necessary repair of greenhouses, $4,000.
For repair of conservatory of Executive Mansion, $6,000.

These three items, together with the one under consideration, make a total of $29,000 of comparatively unnecessary and useles expenditure. What reason in the world, Mr. Chairman, can the head of the present administration, wedded as it is to "Jeffersonian simplicity," intent as it is upon the strictest possible economy, have for expending $29,000 on furniture and flowers? Why, sir, we know that the President will not tolerate useless, extravagant, wasteful expenditure of the public money in this way.

Mr. HENDERSON, of Iowa. I hope it will not interrupt my colleague for me to remind him that the expenditure here proposed is three times what the President will save on the seventy-five pension bills he has already vetoed.

Mr. HEPBURN. I was about to say that the President has given us earnest of his purpose to guard carefully and sedulously the public Treasury. He is known to be a man of kind heart, a man of great personal generosity, a man whose emotions go out in almost irresistible streams toward all those worthy objects of charity that are everywhere to be seen about him. And we know that when he nerved himself to the unthankful duty of vetoing the pension bills for sixty destitute old soldiers and widows there must have been an extraordinary necessity for it; that he must have been constrained by his official oath, that his sense of duty and his admiration for "Jeffersonian simplicity" must have compelled him to veto those bills. Yet they appropriated in the aggregate less than $7,000, one-fourth of the sum which this committee—recklessly it seems to me—is now trying to force him to expend in new furniture and flowers! [Laughter.] Why, Mr. Chairman, he will not do it. Gentlemen, he will veto this bill if you do not strike out these provisions; and what a position you will then be in! [Laughter.]

[Here the hammer fell.]

Mr. HENDERSON, of Iowa, obtained the floor, and said: I yield my time to my colleague [Mr. HEPBURN].

Mr. HEPBURN. Should this bill be vetoed, what will become of the Government? We must have money in order that the wheels may go around. Mr. Chairman, there are so many hungry Democrats waiting for the passage of this bill that it will not do to have it vetoed, and hence it will not do to permit these obnoxious items to remain in it, compelling the President to exercise his veto.

I therefore urge gentlemen on the other side of the House not to allow these unnecessary, extravagant, wasteful items of expense. What would a man wedded to "Jeffersonian simplicity" do with $16,000 worth of new furniture? What can he possibly do with $13,000 worth of flowers? [Laughter.] Just think of it, gentlemen—you who rode into power upon the idea of restoring "Jeffersonian simplicity" to the administration of public affairs! How many times during the campaign of a couple of years ago were we referred to the old prototype of simplicity? How many times did the Democratic orators draw the picture of Mr. Jefferson riding alone, on a mud-besprinkled horse, along Pennsylvania avenue to the Capitol, dismounting without any attendant near him, hitching his horse to a Virginia rail-fence, and going into the Senate Chamber to take the oath of office? This is the picture of "Jeffersonian simplicity" which enabled you gentlemen to elect your President. And now you are trying to force him to a directly

opposite position. You are seeking to compel him to waste $16,000 of the public money on magnificent new furniture and $13,000 a year on flowers and bouquets. Do not do it. Such appropriations will be abhorrent and repulsive to every idea of "Democratic simplicity" in the mind of that excellent gentleman.

Mr. RANDALL. If the gentleman from Iowa [Mr. HEPBURN] will give me his attention, I would like to ask him whether he was a member of the Forty-seventh Congress.

Mr. HEPBURN. Oh, yes, sir; but I was not wedded to "Jeffersonian simplicity."

Mr. RANDALL. I will show you that we are on that road. The Forty-seventh Congress appropriated for this purpose at its first session $20,000, and at the second session $25,000. That was under your President. Under ours we have reduced it to $16,000. [Applause.] That truly was in the line of Jeffersonian simplicity. Perhaps next year we will do better. We now have a most able housekeeper there. [Applause.]

Mr. HEPBURN rose. [Cries of "Vote!" "Regular order!" and great confusion.]

Mr. RANDALL. That is all I have to say. The gentleman has struck outside of the facts when he essayed to attack this provision.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. RANDALL. Certainly.

Mr. CANNON. The gentleman recollects in the Forty-seventh Congress the Executive Mansion was newly furnished under Mr. Arthur's administration. Does he recollect what the appropriation was for this purpose when Mr. Hayes was President?

Mr. SOWDEN. He never was President. [Great laughter and applause.]

Mr. RANDALL. I make the comparison between two bachelor Presidents. Our President at present and in the future is fortunately blessed with a partner for life. [Applause.]

Mr. CANNON. I wish to refresh the recollection of my friend from Pennsylvania that when Hayes was President—— [Cries of "He never was President!" and laughter.] That is pretty cheap. [Laughter and applause on the Republican side.] I wish to call my friend's attention to the fact that during the Forty-fourth and Forty-fifth Congresses the expenditures were much smaller than are recommended by the committee in this bill. At that time the furniture and carpets had grown to be absolutely shabby. Indeed the furniture was so shabby it would soil any one who would put a finger upon it.

Mr. RANDALL. In 1880, which was the year alluded to, the appropriation was cut down in a paragraph like this to $25,000. In this appropriation we have gone $9,000 below that. [Applause.]

Mr. CANNON. It was newly furnished when Garfield was President.

Mr. RANDALL. I may say there is no one in the United States, no matter who occupies the Executive Mansion, who does not wish to see it kept up in a proper manner. [Applause.]

Mr. CANNON. That is true. I am delighted the gentleman from Pennsylvania takes that position, but I do say that during the Forty-fifth Congress, when the gentleman was either Speaker or chairman of the Committee on Appropriations, the appropriations for the Executive Mansion were absolutely shabby, so that every American citizen was ashamed to go inside of it.

The question recurred on Mr. HEPBURN'S amendment, and it was disagreed to.

Mr. RANDALL. Mr. Chairman, I will now move that the committee rise, but before I do so I desire to state to the gentleman from Maine [Mr. REED] that I have received a letter from the Navy Department touching the paragraph to which he called attention on yesterday. My object is to go into the House now for the purpose of passing upon certain conference reports on appropriation bills, and after these are concluded I will ask to go back into Committee of the Whole and have read the letter to which I refer.

Mr. REED, of Maine. Why not take it up to-morrow?

Mr. RANDALL. That will suit me.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. Mr. Speaker, the House and Senate conferees have agreed upon a report upon the Post-Office appropriation bill, which I send to the desk, accompanied by a statement on the part of the House conferees as to its effect.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 3, 4, 5, and 6 to the bill of the House No. 5887, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, and 6.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same.

JAMES H. BLOUNT,
JOHN M. TAYLOR,
HENRY H. BINGHAM,
Managers on the part of the House.

P. B. PLUMB,
WILLIAM MAHONE,
JAMES B. BECK,
Managers on the part of the Senate.

The statement is as follows:

The conferees on the part of the House make the following statement in connection with the conference report on bill H. R. 5887, making appropriations for the service of the Post-Office Department, as provided by the rules of the House of Representatives in Rule XXIX.

The Senate amendment numbered 3 provided as follows:

"(3) The Postmaster-General is authorized, after due advertisement, to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than 200 miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service; said contracts to be made with and performed by American built and registered steamships."

The Senate recedes from it.

This leaves the Postmaster-General to make contracts for the carriage of the mails from the west coast of Florida via Key West to Havana under a provision of law in the Post-Office appropriation bill for the fiscal year ending June 30, 1886, which is in the following language:

"The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than 200 miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service."

This, in the opinion of the Postmaster-General and of the Attorney-General, gives the Postmaster-General the same power to contract for said service as he would have under the Senate amendment.

The effect of the receding on the part of the Senate from the fourth amendment is to reduce the sum for railway postal car service $80,000, leaving the amount for the service as it was when it originally passed the House.

The sixth amendment provided a rate of compensation not exceeding 50 cents a nautical mile each way traveled, for the transportation of foreign mails by American built and registered ships plying between the United States and Brazil, the Republics of Mexico, Central and South America, the Sandwich, West India, and Windward Islands, New Caledonia, China, and Japan, amounting to $800,000.

The receding from this amendment reduces the amount of foreign mail service in the sum just named.

The House concurred with the Senate amendment numbered 5, with an amendment in the following language: "To be expended in the discretion of the Postmaster-General." The receding of the House from its amendment leaves the matter in the discretion of the Postmaster-General under the law, and the House amendment if agreed to would have been mere surplusage.

JAMES H. BLOUNT,
JOHN M. TAYLOR,
HENRY H. BINGHAM,
House Conferees.

Mr. BLOUNT. I move the adoption of the report.

The motion was agreed to. [Applause on the Democratic side.]

Mr. BLOUNT moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. BRAGG. I am directed to report back from the conference committee the Army appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 17, 18, 20, 23, 24, 25, 26, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 21, and 22, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out of the bill, in line 22, page 1, and in line 1, page 2, the sum of "$4,303,108" and insert "$4,276,588;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For pay of one hundred and twenty-five men enlisted as general-service clerks at Army, division, department, and district headquarters, at the headquarters of the general recruiting service, at recruiting depots, and at West Point, N. Y., as follows: Ten clerks at $1,200 each; twenty-five clerks at $1,100 each; and ninety clerks at $1,000 each, said sums to be in full for all pay, commutations, and allowances; in all, $129,500.

"For pay of forty-five men enlisted as general-service messengers, at the rate of $60 per month each, in full for all pay, commutations, and allowances, $32,400."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For mileage to officers, when authorized by law, not to exceed $130,000: *Provided*, That in disbursing this allowance the maximum sum to be allowed and paid shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and in addition thereto the cost of transportation actually paid, exclusive of sleeping or parlor car fare; making in all for pay of the Army, $12,549,857.21."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of said amendment insert the following:

"For the purchase of subsistence supplies: For issue as rations to troops, civil employés when entitled thereto, contract surgeons, hospital-matrons, military convicts at posts, prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), estimated for the fiscal year on the basis of 9,971,800 rations; for sales to officers and en-

listed men of the Army; for authorized extra issue of candles, and salt and vinegar for public animals; for issues to Indians visiting military posts, and to Indians employed with the Army without pay as guides and scouts; for payments for cooked rations for recruiting parties and recruits; for hot coffee, canned beef, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for bake-ovens at posts and in the field, and repairs thereof; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for the payment of the regulation allowances for commutation in lieu of rations to enlisted men on furlough, to ordnance-sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty where it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in department, division, and Army rifle competitions while traveling to and from places of contest; in all, $1,745,000, to be expended under the direction of the Secretary of War; and not more than $105,000 thereof shall be applied to the payment of civilian employés of the Subsistence Department."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted the words "sixty-five thousand dollars" and insert in lieu thereof "sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

EDWD. S. BRAGG,
EGBERT L. VIELÉ.
GEO. W. STEELE,
Managers on the part of the House.

JOHN A. LOGAN,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. BRAGG. I ask unanimous consent that the sitting of the House may be extended beyond 5 o'clock for the consideration of this and another conference report, which I understand is ready to be presented.

The SPEAKER. Unanimous consent is asked to extend the time for adjournment sufficiently beyond 5 o'clock to allow the consideration of this report, and also of the conference report on the agricultural appropriation bill.

There was no objection.

The statement of the House conferees on the Army appropriation bill was read, as follows:

The House conferees on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6395) "making appropriations for the support of the Army," submit the following report and explanation of the changes made in the original bill by the conference committee, and of the effect thereof:

The first amendment reduces the amount appropriated for the pay of enlisted men in the Army from $4,303,108 to $4,276,588.

The second and third amendments provide a substitute for the provisions in the original bill, and Senate amendment for the pay of enlisted men serving as general-service clerks and general-service messengers. The effect of this amendment adds twenty-two men to the general-service-clerk service, making the number appropriated for one hundred and twenty-five instead of one hundred and three, and increases the amount appropriated $33,678.75.

The fourth amendment restores the House bill relating to mileage to be paid officers, but limits the expenditure to $130,000, and strikes out the words "but in no case shall the whole amount paid exceed 8 cents a mile."

The fifth amendment adds the words "and for that purpose shall constitute one fund" at the end of the appropriations for the Pay Department, the effect of which is to prevent any misconstruction by the accounting officers in their dealings with the Paymaster-General.

Sixth amendment is but an incorporation of a substitute for the original bill and the Senate amendment, which it was deemed advisable to make, as a clearer and more definite statement of the purposes to which the appropriation for the Subsistence Department might be applied, and reducing the amount appropriated in the original bill from $2,046,030 to $1,745,000; and also striking out the reduction of clerks from the fifth to the fourth class, and reducing the amount of the appropriation that may be used in payment of civilian employés from $120,000 to $105,000.

Amendments numbered 7, 8, 9, 11 and 12 are mere changes of phraseology, and do not alter the House bill in substance.

Amendment numbered 10 strikes out limitation on civilian employés in Quartermaster's Department, but does not affect the bill in matter of substance, as the same limitation is now existing law.

Amendment numbered 13 fixes the maximum limit of clerk's pay at $150 per month, unless the same be specially fixed by law.

Amendment numbered 15, of the Senate, which was agreed to: Strike out the appropriation of the House of $20,000 for the erection of quarters for commissary sergeants, &c.

Amendment numbered 16, which was agreed to: Strike out $10,000 appropriated in House bill for chapels, school-houses, &c.

Amendment numbered 19, which was adopted: Add the word "disinfectants" in enumerating the purposes for which the appropriation to the Medical Department could be expended in providing.

Amendment numbered 21, which was adopted: Limits the amount which may be paid civilian employés in the Medical Department to $36,000.

Amendment numbered 27, which was adopted: Makes the appropriation for manufacture of small-arms at national armories at $400,000 instead of $300,000, as provided in the House bill, and also removes the limitation of salary upon clerks as fixed in the House bill, but limits the amount of expenditure for the Ordnance Department in all its branches, for civilian clerks, to the sum of $60,000.

Amendment numbered 28, which was adopted with an amendment: Appropriates $3,000 for expenses of the Signal Service of the Army.

There was no provision in the House bill relating to the Signal Service.

Amendment numbered 30, proposed by the Senate, was agreed to with an amendment making the contingent fund of the Secretary of War $15,000 instead of $10,000, as provided in the original bill.

The bill, as amended by the conference report, appropriates $23,621,107.21, which is $391,945.31 less than the appropriation for the support of the Army for the fiscal year ending June 30, 1886.

Mr. BRAGG. I move that the House concur in the report.

The report of the committee of conference was agreed to.

Mr. BRAGG moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HATCH. Mr. Speaker, I beg leave to make a report from the committee of conference on the agricultural appropriation bill, and I move its adoption.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House, 7481, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 25, 26, 28, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 11, 12, 13, 17, 19, 20, 21, 24, 30, and 31, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out in line 3 of said amendment the word "five" and insert in lieu thereof the word "two." Strike out, in lines 3 and 4, the words "for one clerk one thousand dollars," and strike out the last sum named in said amendment and insert in lieu thereof "$8,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of said amendment insert the following:

"Pomological division: For compensation of pomologist, $2,000; and for the collection and dissemination of pomological information, $3,000; in all, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "Traveling within the United States and other;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "All machinery purchased under the provisions of this act shall be built in the United States wholly of domestic material except so much of it not exceeding $10,000 in cost as is now under contract, express or implied, or any such parts thereof as can not be built in the United States within proper time;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out all of the matter proposed to be inserted by said amendment, and strike out in line 21, page 3 of the bill, the word "eleven" and insert in lieu thereof the word "ten." Strike out, in line 5, page 4 of the bill, the words "twenty-four" and insert in lieu thereof the words "twenty-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$99,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out from the matter proposed to be inserted by said amendment all after the word "pleuro-pneumonia" and insert in lieu of the word thus stricken out the following: "and for this purpose, to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased animals whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another;" and the Senate agree to the same.

W. H. HATCH,
EDWIN B. WINANS,
WM. T. PRICE,
Managers on the part of the House.

WILLIAM MAHONE,
P. B. PLUMB,
WILKINSON CALL,
Managers on the part of the Senate.

The following statement was submitted by the conferees on the part of the House:

The conferees on the part of the House on H. R. 7481, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, make the following statement of the effect of the conference report, namely:

The Senate having receded from its amendments numbered 8, 9, 10, 25, 26, 28, and 29, leave those amendments out of the bill.

The House conferees having receded from their disagreements to the amendments 1, 2, 5, 11, 12, 13, 17, 19, 20, 21, 24, 30, and 31, and agreed to the same, they remain a part of the bill.

The new matter added by way of agreements are fully set forth in the conference report, and do not materially change existing law.

W. H. HATCH,
E. B. WINANS,
W. T. PRICE,
Conferees on the part of the House.

The report was adopted.

Mr. HATCH moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY CONRAD BENDING.

Mr. DUNHAM, by unanimous consent, introduced a bill (H. R.

9727) to remove the charge of desertion against Henry Conrad Bending; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The House then (at 5 o'clock and 8 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Memorial of the Philadelphia Board of Trade, voicing the public wish for a sufficient supply of clean, well-secured paper currency of the denomination of one and two dollars—to the Committee on Banking and Currency.

By Mr. R. H. M. DAVIDSON: Memorial of citizens of Gadsden County, Florida, asking that an appropriation may be made for the improvement of the Ocklocknee River—to the Committee on Rivers and Harbors.

By Mr. DOCKERY: Petition of William Stanly Post, No. 208, Grand Army of the Republic, asking the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. DUNN: Papers relating to the claims of William N. Robertson, of Philips County; of William W. Glenn, of Batesville; of Abraham Fleener, and of William J. Vineyard, of Arkansas—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of the Board of Trade of Philadelphia, asking for a supply of paper currency of small denominations for circulation—to the Committee on Banking and Currency.

By Mr. FUNSTON: Petition of Solomon Williams, for a pension—to the Committee on Invalid Pensions.

Also, petition for the passage of House bill No. 7695, for a pension for James McLaughlin—to the same committee.

By Mr. GROSVENOR: Evidence to support House bill No. 1887, for the relief of Mrs. E. H. Wildes—to the same committee.

Also, petition of John Denback and many others, of Pomeroy, Ohio, relating to the public lands and other matters of public interest demanded by the Knights of Labor—to the Committee on Labor.

By Mr. T. J. HENDERSON: Communication of Charles Barry, of West Cornwall, Henry County, Illinois—to the Committee on Invalid Pensions.

By Mr. LINDSLEY: Petition for organizing the Territory of Oklahoma, and other purposes—to the Committee on the Territories.

Also, petition in regard to land forfeiture, and other purposes—to the Committee on the Public Lands.

Also, petition of Edward F. Dewey, for relief—to the Committee on War Claims.

By Mr. MATSON: Petition of A. E. Gentry and 125 others, citizens of Monroe County, Indiana, asking that the arrears act be repealed—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Resolutions of instructions of the Union Republican Club of the fourteenth ward of Philadelphia, condemning the Morrison-Hewitt tariff bill, and asserting the advantage to the workingmen of the country of a high protective tariff—to the Committee on Ways and Means.

By Mr. TAULBEE: Petition for the restoration of Mrs. Catharine Sonne to the pension-roll—to the Committee on Invalid Pensions.

By Mr. TUCKER: Petition of W. D. Hemp, of John Engelman, of Michael Carroll, of Jacob B. Carroll, of J. B. Fanver, of William T. Fanver, and of Peter Elinger, of Augusta County, Virginia; and of Mrs. M. L. Poll, widow of Miguel Poll, deceased, of Jackson County, Mississippi, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. VAN EATON: Papers relating to the claim of John A. Crook and of Joseph C. Spright, of Tippah County; of Daniel McDougal, of Richard E. Holt, and of Terry Dalton, of Alcorn County; of Joseph Boutura, of Adams County, and of Lawrence L. Brown, of Prentiss County, Mississippi—to the same committee.

By Mr. VOORHEES: Resolutions of the Board of Trade of Port Townsend, Wash., against the reduction of the tariff on coal, lumber, and wool—to the Committee on Ways and Means.

By Mr. WILLIS: Papers in the claim of Charles Janot, for a pension—to the Committee on Pensions.

SENATE.

WEDNESDAY, *June* 30, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, its further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter of the Secretary of the Navy asking an appropriation of $186,998 to complete the three steel cruisers—the Chicago, Boston, and Atlanta—and to pay the amount due on the dispatch-boat Dolphin; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also presented a communication from the Secretary of the Treasury, transmitting a letter from the assistant treasurer at Cincinnati, Ohio, asking to be allowed an extra watchman for his office; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the Board of Trade of Portland, Oreg., declaring that the resolutions adopted at a special meeting of the board June 24, 1886, protesting against the forfeiture of the land grant on the Cascade branch of the Northern Pacific Railroad were inconsiderate and illegal, and directing that they be expunged from the records of the meeting.

Mr. MITCHELL, of Oregon. Mr. President, I wish to say in reference to the resolutions which have just been laid before the Senate by the President of the Senate that the Board of Trade of the city of Portland, State of Oregon, is composed of several hundred, I believe—I do not know exactly how many—of the most respectable and influential business and professional men of the city of Portland, and their views with reference to matters pertaining exclusively to the commercial interests of that city should be and with me are very potential. Those of us, however, who are so fortunate, or unfortunate, as the case may be, as to hold positions in the Senate and House of Representatives are necessarily compelled to take a somewhat broader view of legislative matters here than it is expected will be taken by a board representing almost exclusively the commercial interests of a particular city.

Therefore I, as one of the representatives of that State in the Senate, in connection with my colleague, have believed it to be for the material and commercial interests of Eastern Oregon in particular and Washington Territory, and of the whole nation, that there should be a speedy completion of the line of the Northern Pacific Railroad across the Cascade Mountains to Portland via Puget Sound, thus making a through connection to the Pacific seaboard, for the benefit not only of the farmers and producers of Eastern Oregon and Eastern Washington Territory, Idaho, and Montana, but for the people generally of the East and of the whole nation East and West. In this connection permit me to attract attention to the fact that the farmers and producers generally of Eastern Oregon and of Eastern Washington Territory are now subjected to burdens in the matter of freight charges along the Columbia River that are unparalleled in the history of transportation in this or in fact in any other country. Wheat producers are compelled to pay now $6 a ton for transporting their wheat from Wallula, Wash., to Portland, Oreg., a distance of 214 miles, whether they transport it on the cars of the Oregon Railway and Navigation Company on their railroad along the banks of the Columbia River, or whether they transport it on the river boats to Portland and controlled by the same company. It is at the rate of nearly 19 cents per bushel for 214 miles, or at the rate of nearly 3 cents per ton per mile.

Therefore we have thought and we still think, notwithstanding the Portland Board of Trade has changed its opinion upon the subject from that expressed a few days since in a memorial presented here, that we would be false to our duty if we were to sit idly by in the Senate and not lift up our voices and give our votes in favor of the encouragement of a competing line to the seaboard for the benefit of the producers of Eastern Oregon and Eastern Washington Territory, and especially when in our judgment the commercial importance of our metropolitan city of Portland is to be promoted by such action.

We have no fight, at least I have none personally, upon the Oregon Railway and Navigation Company or its managers. The men who control that company are highly respectable and enterprising business men. Nor are we interested in advancing the individual interests of any other company or corporation. We have, however, an interest in the welfare of the producers and shippers of that country and of the consumers as well. We believe we ought to do all we can to aid in the completion of competing lines by rail and water, to the end that freight charges along the Columbia basin and down the great Columbia Valley to the seaboard may be reduced to some reasonable and proper limit.

The PRESIDENT *pro tempore*. The resolutions of the Board of Trade of Portland will be laid upon the table.

The PRESIDENT *pro tempore* presented a petition of 24 citizens of Potsdam, N. Y., praying for the passage of the bill to tax oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented the memorial of 32 Knights of Labor of Englewood, Ill., remonstrating against the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Dr. J. N. McCord and 31 other citizens of Fayette County, Illinois, praying for the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. HAWLEY. I present sixteen petitions, signed in the aggregate by 1,605 citizens of Connecticut, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

I move that the petitions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. HOAR presented a petition of the Massachusetts Fish and Game Protective Association, signed by Edward A. Samuels, its president, and Henry J. Thayer, its secretary, praying that Congress enact laws for the protection of mackerel by prohibiting their sale during the spawning season; which was referred to the Committee on Fisheries.

Mr. MILLER. I present a large number of petitions from various parts of the State of New York, praying for the passage of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

I move the reference of the petitions to the Committee on Public Lands.

The motion was agreed to.

Mr. MILLER. I also present a petition of several hundred citizens of Cooperstown, N. Y., praying for the passage of what is known as the oleomargarine bill; and a petition of citizens of Esperance, N. Y., to the same effect. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. MANDERSON. I present the petition of a large number of citizens of Pawnee County, Nebraska, praying for the passage of the oleomargarine bill. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. RIDDLEBERGER. I present the petition of William McManus and 68 other citizens of the second Congressional district of Virginia, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

I also present on the same subject the petition of P. Austin and 185 others, citizens of the third Congressional district of Virginia; the petition of R. M. Leftwick and 41 others, citizens of the sixth Congressional district of Virginia; the petition of William H. Stewart and 55 others, citizens of the sixth Congressional district of Virginia; the petition of Amos Kelso and 55 others, citizens of the sixth Congressional district of Virginia; the petition of William H. White and 151 others, citizens of the sixth Congressional district of Virginia; the petition of J. W. Harris and 152 others, citizens of the third Congressional district of Virginia; the petition of James R. Lee and 61 others, citizens of the third Congressional district of Virginia; the petition of Charles H. Jones and 37 others, citizens of the third Congressional district of Virginia; the petition of William P. Ballard and 46 others, citizens of the second Congressional district of Virginia; and the petition of C. A. Archer and 50 others, citizens of the second Congressional district of Virginia.

I move the reference of the petitions to the Committee on Public Lands.

The motion was agreed to.

Mr. PAYNE. I present the petition of Hon. Allen G. Thurman and 65 other leading citizens of Ohio, praying that a pension be granted to Mrs. Elizabeth A. Ward, widow of General Durbin Ward.

I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

Mr. MITCHELL, of Oregon, presented resolutions adopted by the Board of Trade of Port Townsend, Wash., remonstrating against the reduction of the present tariff on coal, lumber, and wool; which were referred to the Committee on Finance.

He also presented the petition of Jacob W. Hosler, of Polk County, Oregon, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. PUGH. I present a petition, signed by many good and true men of Forkland, Greene County, Alabama, praying for the passage of the oleomargarine bill. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM. I ask leave on behalf of my colleague [Mr. LOGAN], who is absent, to present a petition of ex-Union soldiers of Elm Hall, Mich., praying for the passage of Senate bill 1886, for the relief of soldiers of the late war. I move that the petition lie on the table.

The motion was agreed to.

Mr. COCKRELL presented six petitions of citizens of Cass and other counties in Missouri, praying the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 917) for the relief of James H. Smith, late postmaster at Memphis, Tenn., reported it with an amendment, and submitted a report thereon.

Mr. GRAY, from the Committee on Claims, to whom was referred the bill (S. 933) for the relief of M. C. Mordecai, reported it without amendment, and submitted a report thereon.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (S. 1342) for the relief of H. W. Shipley, reported it with amendments, and submitted a report theron.

Mr. HARRIS, from the Committee on Epidemic Diseases, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 2725) to construct a road to the national cemetery at Corinth, Miss., reported it with amendments, and submitted a report thereon.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 1242) granting the right of way to the Annapolis and Baltimore Short-Line Railroad Company across the Government farm connected with the Naval Academy at Annapolis, Md., reported it without amendment.

Mr. RIDDLEBERGER, from the Committee on Naval Affairs, reported an amendment for the relief of Benjamin Atwood, intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (H. R. 2918) for the relief of William Huntington, reported it without amendment, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on Claims, to whom was referred the bill (S. 2048) for the relief of the heirs of John W. West, to ask to be discharged from its further consideration, and to move that it be referred to the Committee on Indian Affairs. It is a claim growing out of Indian depredations, and the representatives of the tribe desire to be heard in opposition to the bill.

The report was agreed to.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 909) for the relief of Henry H. Sibley, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 2400) for the relief of Paymaster James E. Tolfree, United States Navy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2399) for the relief of Pay Clerk Charles Blake, United States Navy, reported it with amendments, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5552) for the relief of James Cain; and

A bill (H. R. 1511) for the relief of Sidney R. Smith.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va., reported it without amendment.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (H. R. 914) for the relief of Mrs. Fanny S. Conway, reported it without amendment, and submitted a report thereon.

MARY J. NOTTAGE—VETO MESSAGE.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the message of the President of the United States returning to the Senate with his objections the bill (S. 2005) granting a pension to Mary J. Nottage, to report the bill back with the papers, and ask that the report now submitted be printed and placed on the Calendar.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). That order will be made in the absence of objection.

SUSPENSION OF PUBLIC LAND LAWS.

Mr. MANDERSON. There was referred by the Senate to the Committee on Printing a letter of the Secretary of the Interior, transmitting a letter from the Commissioner of the Land Office relative to a certain circular of that office. The Senate ordered the letters printed, and referred the maps and accompanying papers to the Committee on Printing to report as to the advisability of printing those exhibits. On investigation the committee found that to print the papers and maps would cost $3,960 for the usual number. The committee, therefore, called upon the Commissioner of the General Land Office to see whether the exhibits and maps could by any process be reduced. He has very materially reduced them, so that we find the cost will be but $32.50 for the document in its present form. The committee, therefore, recommend the printing of the usual number of the accompanying papers.

The report was agreed to.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 2778) to authorize the Billings, Clark's Fork and Cooke City Railroad Company to construct and operate a railway through the Crow Indian reservation, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. INGALLS introduced a bill (S. 2779) granting a pension to B. F. Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM (for Mr. LOGAN) introduced a bill (S. 2780) granting a pension to Miss Anna Platt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. LOGAN) introduced a bill (S. 2781) granting a pension to Rebecca Lemmon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILLER introduced a bill (S. 2782) for the relief of Ellie McRoberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EDMUNDS introduced a bill (S. 2783) to vest in the President of the United States the appointment of sundry inferior officers thereof, to regulate their tenure of office, and to provide for their removal when the public interests shall require it; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. INGALLS introduced a bill (S. 2784) to provide for gilding the statue of Freedom on the Dome of the Capitol; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 2785) authorizing the Postmaster-General to adopt a device for canceling postage-stamps; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SAWYER introduced a joint resolution (S. R. 74) for the relief of Sallie Hardmond; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENT TO BILL.

Mr. HARRIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EMMA H. FISH.

Mr. CONGER. Yesterday the bill (H. R. 1185) for the relief of Emma H. Fish was reported from the Committee on Military Affairs, and I do not find it on the Calendar. I suppose that it was indefinitely postponed.

Mr. CAMERON. The bill was reported adversely, and indefinitely postponed.

Mr. CONGER. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection the vote by which the bill was indefinitely postponed will be reconsidered, and the bill will be placed on the Calendar with the adverse report of the committee.

Mr. CONGER. In this connection I think it proper to say that very often bills are reported and indefinitely postponed without any notice to anybody, and in the absence of Senators who supposed that the bills would not be reported adversely. There should be some way in which there will be some record made of that action except the general reports of committees.

I have asked that the bill be placed on the Calendar, for from my own knowledge of the case Congress has on many occasions reported favorably and has passed just such bills. I should like to have the bill on the Calendar so that I can find out if possible on what grounds the adverse report was made.

Mr. CAMERON. I will say in reply to the Senator that he will have no difficulty in finding out on what ground the bill was reported adversely. There was a written report made in the case.

Mr. CONGER. It is the opportunity to find that I desire.

The PRESIDENT *pro tempore*. The bill has been ordered to be placed on the Calendar.

WITHDRAWAL OF PAPERS.

On motion of Mr. GRAY, it was

Ordered, That M. C. Mordecai have leave to withdraw the papers in his case from the files of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. TOWLES, its Chief Clerk, announced that the Speaker of the House had appointed Mr. RICE a conferee on the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes, in the place of Mr. HITT, excused.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes;

A bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887;

A bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, and granting to the city of Marquette, Mich., certain lands for park purposes;

A bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor; and

Joint resolution (H. Res. 177) appointing managers for the National Homes for Disabled Soldiers to fill vacancies in the board which occurred by expiration of terms April 21, 1886.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no "concurrent and other resolutions" the Calendar is now in order.

Mr. HOAR. I move that the Senate proceed to the consideration of the resolution in regard to open sessions. Indeed unanimous consent was given yesterday that the speech of the Senator from Vermont [Mr. MORRILL] should be read at this time.

Mr. EVARTS. The Senator from Massachusetts will allow me to make a suggestion, which is not intended to interfere with the order of proceeding.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. HOAR. Yes, sir.

Mr. EVARTS. I wish to call attention to Order of Business 1124, being the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis, which was reached on the Calendar during my necessary absence from the city, and upon the suggestion of the Senator from New Jersey [Mr. MCPHERSON] it was then passed over because of this absence.

I learn now that the Senator from New Jersey, who wishes also to take part in this matter, though it will occupy very little time, will be obliged to leave the city before long; and I now, with the indulgence of the Senate, will say that to-morrow morning, immediately after the morning business, I shall ask an opportunity to make some observations upon this subject, and, as I hope, as the matter involves very little except the attention of the Senate for a short time, to have a decision of it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] moves that the Senate proceed to the consideration of Order of Business 163, being the resolution submitted by the Senator from Connecticut [Mr. PLATT] declaring that executive nominations shall hereafter be considered in open session.

Mr. ALLISON. I do not wish to interfere this morning with the arrangement which I understand has been made in reference to taking up the resolution, but I give notice that after the Senator from Massachusetts shall have concluded I wish to go on with the legislative, executive, and judicial appropriation bill without further interruption.

Mr. HOAR. If the Senator will pardon me, for I propose to accept the Senator's determination upon that subject, because he is in charge of the appropriation bill, and I wish to do what is necessary for the public business, I desire to ask him whether he proposes to object to going into executive session at an early hour to-day? If so, it will be convenient for the Senate to know that fact.

Mr. ALLISON. I certainly will object to that. I think we ought to finish the legislative appropriation bill before we take up any other matter.

Mr. INGALLS. If the Senator will pardon me a single suggestion, it is obvious that the appropriation bill can not be passed to become effectual during this fiscal year. The necessary joint resolution to continue existing appropriations for a period of ten or fifteen days must be passed to-day. Therefore there is no reason, so far as I can understand, why there should be any particular haste or precipitation about the passage of the appropriation bill to-day. We should gain nothing by it.

Mr. ALLISON. I shall not debate the question, but will submit it to the Senate when the time comes.

Mr. INGALLS. We ought to have an executive session to-day.

Mr. HOAR. I do not make any contest on the point.

Mr. ALLISON. I understand the Senator.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. MANDERSON. Acting for the Senator from Vermont [Mr. MORRILL], who is detained from the Chamber and from his duty by severe illness, I ask that the resolution which is now before the Senate be read.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. PLATT January 29, 1886, as follows:

Resolved, That executive nominations shall hereafter be considered and acted upon in open session, except when otherwise ordered by vote of the Senate, and so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate as conflicts with or is inconsistent with the above is to the extent of such inconsistency rescinded.

Mr. MANDERSON. I pass to the Secretary's desk the proposed amendment submitted by the Senator from Vermont [Mr. MORRILL]. I ask that it be read.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. Amendment intended to be proposed by Mr. MORRILL:

Strike out the words "executive nominations" and insert in lieu thereof the words "reciprocity treaties, so called."

Mr. MORRILL.* Mr. President, it is temerity, I am well aware, for me to appear in opposition to any measure of the distinguished Senator from Connecticut [Mr. PLATT], and let me add that it is very rarely that any one here finds occasion to differ from that Senator, but I have noticed that those who are seldom wrong, when they are wrong, are apt to be conspicuously wrong, and I have a sincere conviction that for once my learned friend is immensely wrong. No other Senator has yet opposed his resolution for open executive sessions, and, therefore, I feel it the more an imperative duty to present, for whatever they may be worth, such reasons as occur to me why the resolution should be rejected or radically amended. On this question there can be no division on party lines. All parties are equally interested. Nor is it a question of to-day only, but a question for all time, and to be decided, as it was a hundred years ago, by such statesmanship as the country finds in its service.

In listening to the arguments of distinguished Senators in favor of changing the rules of the Senate so as to hold executive sessions with open doors, there would seem to have been a sudden resurrection of ancient erudition concerning legislative sessions with closed doors, as if legislative sessions had some analogy or correlation to executive sessions, when the high purpose and business of the sessions are fundamentally distinct and independent. Arguments pertinent to one are destitute of all relevancy to the other. Open doors for legislative sessions, unknown in Europe at the date of the Declaration of our Independence, was wholly an American victory; but open doors for executive sessions would be an American defeat, a failure on the part of the Senate, handicapped as it would be by new and hostile conditions, to maintain intact its constitutional and confidential executive functions.

Before I proceed further, let me for a moment refer to a point made rather triumphantly by the Senator from Connecticut, which also to me seems irrelevant. He has stated that he had seen "men, strong in other respects, relegated to private life simply on account of their use of patronage of the Government." Suppose that to be true, would it not then be difficult to show what relation it has with executive sessions of the Senate? The Executive Mansion under all circumstances offers the only gateways to patronage. But I deny the validity of the charge. "Strong men" seldom rely upon patronage for their support. They find it an embarrassment. It was not the prop of Webster, nor of Benton, nor of Douglas, nor of Thurman, nor of any of the "strong men" I now see about me. The distinguished Senator further added these words:

I have found it the general, if not the universal, custom of Senators to solicit nominations at the hands of the President, and then come here and act upon those nominations in secret session. If there be a more monstrous impropriety than that I do not know what it is.

Let me say, if the nomination was fit to be solicited and fit to be made, where is the "impropriety" in coming here and acting upon it? If Senators are ever guilty of seeking the nominations of their personal adherents from the President simply because they are their personal adherents, with no reference to other merits or to the public welfare, no wonder they are relegated to private life; but when a vacancy has occurred in any public office in Connecticut I presume the worthy Senator has never refused to convey to the President the wishes of his people and to urge the nomination of a proper person to fill the vacancy. Having done this, where is the "monstrous impropriety" of acting upon the nomination, so fairly obtained, in secret session and of urging its confirmation? After a nomination thus sought by a Senator, if he were to come here and oppose its confirmation I concede that might be "monstrous impropriety." Does not my esteemed friend see that it is the first step that costs, and if there is any impropriety it all hangs on soliciting the nomination? The marvel is, how open-door executive sessions are to cure this newly discovered but rather shadowy impropriety.

After all, no Senator can look on with complacency and see his State utterly neglected by any administration in its distribution of official public trusts, and, if he is not consulted, he must from State pride and party loyalty sometimes and in some way volunteer his expostulations; and that, as I conceive, without any "monstrous impropriety," or crucifixion even of the highest-toned civil-service reform.

The claim that public sentiment is clamorous for open executive sessions of the Senate, as it appears to me, should not be accepted even with a grain of salt; and at present the state of public sentiment at the most must be classed among the things unknowable. There has been no serious public discussion of the subject insomuch as one-quarter part of the several States, and though Senators may hereafter have, as trusted exponents of the subject, a potential and, as I must hope, salutary influence in their respective States in enlightening and guiding the public judgment, I very much question whether a majority of the people in a single State have yet formed any fixed opinion on the subject. In due time, should the subject reach the dignity of a public question, they may be willing to hear and weigh all arguments, pro or con, but they will not decide upon the merits of the whole question before they have heard anything about it.

We are all easily persuaded to think public sentiment is in accord with and supports our own ideas and conclusions. The least whisperings in that direction are melodious and carefully treasured up; but there is seldom any ear for discordant voices, and no census of the silent multitude is ever reported.

Executive sessions of the Senate with closed doors were ordained and established by the founders of the Republic, by such worthies as Washington, Adams, Jefferson, and Madison. Before we charge these early American statesmen, all republican to the very core, with a gross political blunder, anti-republican in character, had we not better inquire whether or not any blunder has been committed? The proposition now made is to conduct the business of executive sessions—so far as nominations to office are concerned—with open doors, and will consequently offer on all such occasions a tempting invitation to the public to fill the galleries with an eager crowd to witness with uproarious delight a free spectacular entertainment. The simple statement of the proposition prompts negative answers, and would seem almost to make other refutation unnecessary. Have closed doors brought wrong upon any citizen? Will a Senator, who was a straight republican upon his entrance into an executive session with closed doors be in any danger of coming out an aristocrat? I can only answer for myself that I have never seen or felt any temptations in that direction, and I feel very certain, if any Senator should have aristocratic tendencies, they would all vanish or be smoked out of him by the inevitable fumigation which awaits him at every session as soon as the doors here are closed. The suggestion that these sessions are unrepublican because they are retired from the public gaze does not seem to be well-grounded, and the discovery that the Senate, because of these sessions, resembles the House of Lords, which, by the bye, holds no such sessions, is hardly eclipsed by the everpreposterous Mrs. Malaprop, who, instead of an alligator seems to have discovered once a "headstrong allegory on the banks of the Nile."

I am disposed to think that some opposition to executive sessions with closed doors has arisen from the unauthorized and unrecognizable reports of what has been said or done here by Senators. But open doors will not cause such reports to fall into "innocuous desuetude." Newspaper correspondents are properly ambitious to show their industry and their wit, perhaps rather too ambitious to show that caricature is a fine art; and if they are penned up throughout a dull day in the reporters' gallery without catching anything with which "to point a moral or adorn a tale," they will fall back upon their own original resources, and try to furnish some compensation for what they may hold to have been the shortcomings of Senators—whether with the doors opened or closed. It may not be a very profound grief to them to be told the next day that they were all wrong—they are not desperately wicked, but hopefully wait to be set right—and guileless Senators, unconscious of any trap or joke, sometimes, perhaps, attempt to set them right, which is all the "deft and debonair" reporters ever wanted. All will remember how the inimitable Grace Greenwood once gave a fancy sketch

*By leave of the Senate, Senator MANDERSON read these remarks for Mr. MORRILL, who, in consequence of illness, was unable to be present.

of an executive session where Charles Sumner and another dignified Senator were said to have played leap-frog, while other sedate members were having a sly game of poker behind their desks, and among many other unique performances I think she portrayed a wrestling match—go-and-catch-as-catch-can—between the two Morrills. All this hurt nobody, and the farce had its day.

These apocryphal reports, however, good-natured or otherwise, made in defiance of the commandment against bearing false witness, at once win a special reputation that carries a sufficient antidote for any intended or unintended poison. As an auxiliary force or argument in support of open executive sessions they are likely to prove no better than boomerangs, which often fly back to plague the inventors.

In spite of this, or even worse than this, I should hope that we may still pursue the even tenor of our way, and not feel too ambitious to have all we may say and do here daily reported in the CONGRESSIONAL RECORD. A "flash of silence" now and then will do the Senate no harm, and, otherwise, it is manifest that the annual procession of these ponderous Congressional volumes will become so extended and bulky that future generations will not attempt, what now requires a stretch of time and courage, to read even the index.

In executive sessions we have to consider and advise about treaties with foraign nations, which often involve matters of delicate and confidential international relations. Their publicity might frequently be productive of some harm. I do not know that any Senator proposes that ordinary treaties shall be discussed in open sessions, although it would greatly cheapen their surreptitious publication. Let me say, however, so long as I may remain a member of the Senate, if any executive administration—blind to all our own sad experience, as well as blind to the Constitution—shall negotiate what is romantically called a reciprocity treaty, regulating our own and some particular foreign tariff or any treaty which requires the supplemental action of the House of Representatives, I shall feel it to be my duty most certainly to urge its consideration and rejection in open session. There is no more propriety in considering a treaty tariff in secret, or a tariff about which only some foreigners have been consulted—utterly without any knowledge on the part of our own people, avoiding protest and comment from all those most interested—than there would be in concealing our action upon a legislative tariff law, or in suffering foreigners to be diplomatic dictators of its terms; and may I not be pardoned for once more humbly reiterating that there is no constitutional propriety in considering a so-called reciprocity treaty either in secret or open session; none whatever.

The radical invasion of the constitutional powers of the House of Representatives by the Senate in advising and consenting to reciprocity treaties, not one of which has ever practically turned out even decently satisfactory to the country, subjects the Senate to the damaging imputation of arrogating and disastrously using extraordinary powers and prerogatives to which it is clearly not entitled. The Committee of Ways and Means on the part of the House of Representatives have just reported a joint resolution requesting the President to give the required notice to terminate the Hawaiian treaty, and have also reported adversely upon the Mexican treaty. This is perhaps the death-knell of reciprocity bad bargains; and while we ought at once and forever to renounce the omnipotent and anti-republican power to make such treaties, my amendment now only proposes, should any of these tariff monstrosities hereafter appear, that they shall appear visible to all the world with open doors.

In executive sessions, also, the Senate has to advise and consent to a very wide range of executive nominations to fill all of the most important offices of the country. These may have partisan aspects, but they are mainly of personal importance, and require careful examination as to the character, fitness, and qualifications of the nominee for the office it is proposed to fill. It is mainly these personal details which we are to impartially and conscientiously weigh and scrutinize, and then give or withhold our advice and consent according to our best judgment. The general public takes very little interest in these personal matters—most often of merely local account—except that the Senate shall so faithfully and intelligently discharge its official duties that no harm shall befall the Republic. What do the people of Iowa care who is postmaster at Louisville, Ky., if he or she is a competent and faithful officer, and not likely to become a defaulter? What do the people of New England care about who is collector of internal revenue in North Carolina, if he is a competent and worthy man, not afraid of "moonshiners," and will honestly collect and deposit the revenue to the credit of the United States Treasury? Of course Senators, not wholly free from "offensive partisanship," greatly prefer nominees when selected from their own political party; but that is a condition irrevocably settled by the preference of the President himself, and it is rare that the Commander-in-Chief ever risks having a "bone to pick" with his own party by the gift of the smallest bone to his opponents.

It has sometimes happened after a nomination has been made that facts are communicated to the Senate which deserved to be made known to the President; and, when so made known, have induced the withdrawal of the nomination, and saved the extreme measure of rejection.

Considering the brief time the Senate can have to make sufficient and proper inquiries as to personal qualifications or disqualifications, there must be in our deliberations the utmost freedom and frankness, and that confidential relation which is willing to listen to the whole truth. It may very well happen that Senators may feel some embarrassment about discussing an old friend or neighbor whose intelligence and integrity they are, however, quite ready to indorse, and yet not quite ready to make an open and public declaration that their friend is wholly lacking in the efficiency and administrative ability required for the office under consideration. Many responsible public positions demand special learning or special training, and though the nominee may enjoy the reputation of having creditably filled other official positions, at length he may be named for a post where, as some of his best friends know, he would prove to be discreditably incompetent, or, as President Lincoln was in the habit of saying, would prove to be "a round peg in a square hole." Who would then be eager to step forth here and—

> Damn with faint praise, assent with civil leer,
> And, without sneering, teach the rest to sneer?

As soon as any executive nomination has been transmitted to the Senate abundant communications are often received by Senators from their correspondents favoring or condemning the nomination. If these are anonymous little or no weight is attached to them; but if serious charges are made over known and responsible signatures they must be investigated and the accused party notified and invited to answer. Often local party strife begets more or less personal bitterness. If there should seem to be any dirty linen adhering to the outgoing or to the incoming officer it has to be washed in executive sessions. It may all prove to be immaculate, but open sessions might furnish malignant correspondents with a tempting opportunity to traduce their political opponents. Even the complete public refutation of mere gossip often leaves behind an ineradicable stain from the fact that any refutation has ever been necessary.

Strange as it may appear, there is occasionally a nomination that reaches us which perhaps ought not to have been made, but which, from special reasons, the Executive can not apparently afford to withdraw, and which the Senate is almost unanimously agreed should neither be rejected nor confirmed. Under these circumstances the nomination, to use the language of Burke, by "a wise and salutary neglect," quietly drops out of sight with the end of the session.

Many well-deserving, modest men of high sensibilities would rather decline any nomination than to run the gauntlet of sharp tongues in an open session of the Senate, where not only virtues but deficiencies and vanities, if any can be found, may be paraded and forever recorded.

But worse than that, some nominee of distinguished genius, of much natural ability, who might have passed the ordeal without a scratch, only that recent habits have not been wholly concealed, and seem known to a few Senators to be such as must involve great risk as to whether the person named will at all times confine himself to

> The cups
> That cheer but not inebriate.

Yet such unwelcome cases sometimes turn up, and we know how reluctantly volunteer accusers come to the front.

It might possibly happen that even some Senator, goaded by the remembrance of unjust personal or political provocations, would exercise the privilege of free speech in an open session of the Senate to retaliate by becloudingthe character of some nominee with unwholesome criticisms or unanswerable innuendoes; but, instead of this, I more fear that we should have a surfeit of sweets from the Senators locally most interested in the form of an elaborate and eulogistic biography of each and every nominee to any office. The nominees would expect it. Their friends would hanker after it. Such eulogies, impregnated with poetry, might be very attractive to the inhabitants of Buncombe, who no doubt would be made to gaze at the sudden eminence of their cock-eyed fellow citizen and wonder "That one small head could carry all he knew." The literature might be excellent, but, unlike "The Old Farmers' Almanac," would hardly "answer for Boston and the surrounding country."

My observation here leads me to the conclusion that in executive sessions the testimony received is sifted with judicial fairness and that substantial truth is nearly always reached in the shortest possible space of time. I do not now remember an instance where any man's character has been wrongly and successfully assailed. In arrriving at an impartial and upright decision in an executive session of the Senate a popular audience would be no more helpful than it would be in aiding a verdict within a jury-room. The influence certainly would not be specially healthy. Beyond all this I have no doubt that open executive sessions would very greatly prolong the duration of every session of Congress. Much more time would be consumed, with less satisfactory results, and subject the Senate to criticism, unlike any now existing, which might have some just foundation.

But it is said that even if the doors of the Senate continue to be kept nominally closed the doings in executive sessions will somehow leak out and be sure to be disclosed. If that is inevitable, then open-door advocates are already sure of the full measure of their demands without further action; but it has been more than hinted by those who favor open sessions that disclosures much better than mere guess-work are made, and made by some incontinent member of the Senate. I have no opinion on that matter; but if the fact were to be admitted, it is a melancholy remedy which is now proposed, namely, to open the doors

and galleries to all the world to prevent the leaky complaint from spreading and contaminating the whole Senate.

I am not willing to sacrifice the useful and wholesome methods of the founders of our republican institutions, even were the suspicion well founded, as I trust it is not, that seventy-six gentlemen are too many to be entrusted with confidential communications, or that there has been any offending member here; but, on sufficient proof of the violation of the penalty rule, as long as that remains the law of the case the offending member should be cut off. At the same time I should be glad to modify the rule and to let the obligation upon members, now hedged around with penalties, rest solely upon their individual sense of decency and propriety. If any member has obtained license and absolution for disobedience to the rule he may still feel the obligations of good breeding.

If it has been attempted by a tilt of so-called reformers in any quarter to bring executive sessions with closed doors into disrepute, if some libels by parties assuming the character of eaves-droppers or necromancers have appeared, or if, to our surprise, some open and eloquent assailants have appeared, let them all be squarely met by proclaiming our faith in the past, faith in the future that knows no fear, and steadfastly adhere to the American rule of honorably discharging the duties of executive sessions with closed doors, as was so clearly originally intended.

For myself I shall not, by favoring the change proposed, plead guilty to any charge or inference that the United States Senate with its doors closed is any less entitled to the confidence and respect of our fellow-countrymen than with its doors open.

It is very plain that members of the Senate with that knowledge only to be derived from actual experience must know the propriety and value of closed doors in executive sessions far better than any outsiders. I venture to think it may be well to have some confidence in ourselves, some courage to do our duty without apprehending that our own people are afraid to trust us out of sight. We shall all be judged at last according to our works. The Senate, even with the doors closed, fails not to make its record, and its conclusions in due season never fail to "leap to light." We need no other vindication.

The proposition to hold executive sessions of the Senate with open doors can not be maintained with any greater propriety or with more cogent reasons than a like proposition could be maintained to compel the President to admit spectators and reporters to the meetings of his Cabinet, and then to have all the facts, suggestions, and discussions, relevant and irrelevant, which may there appear in regard to nominations unloaded and dumped into the breezy columns of the evening and morning newspapers.

Under our standing rules, when the President of the United States shall meet the Senate in the Senate Chamber for the consideration of executive business, he is to have a seat on the right of the presiding officer. What a "field day" in an open session we should have with the President, "the manliest of men," at the right of the presiding officer, especially if, in addition to other visitors and to the Corps Diplomatique, the wife of the President, the first lady of the Republic, "glittering like the morning star, full of life and splendor," should happen to be in the reserved galleries.

Whether the President shall be present or not, the Senate, for the purposes indicated, is a fixed portion of the executive branch of the Government. One of the prominent constitutional features of the Senate is its participation in certain executive duties by which the otherwise absolute power of the President over the appointment and removal of United States officials is held in some check and made subject to the Senate's revision and co-operation. It is, as it was intended to be, a conspicuous republican limitation of executive power—a brake on the royal locomotive. The duties imposed are responsible but irksome, and no service in executive sessions on the part of Senators, however valuable, are likely to have any public recognition or to catch any beams of glory.

The executive functions of the Senate, so far as operative upon nominations, are exercised in the most obscure manner possible. If a good officer has been nominated and confirmed, the President has the sole credit of the selection, and the Senate, after its action, is no more thought of than a petit jury when discharged by the court after the rendition of its verdict. But if a bad officer is confirmed, the Senate does not escape its full share of criticism and responsibility. Its executive duties, to give advice when asked, are in no sense privileges, and the labor is not coveted; but it is labor performed without ostentation, and without the slightest reward. To style these duties of the Senate as an aristocratic prerogative would be no more appropriate than it would be to assert that the poor man's duty to pay his debts is an aristocratic prerogative, or to assert that the brakemen who sometimes check the speed of railroad trains with closed doors, exercise an autocratic power which should no longer be tolerated.

These humble and secondary duties of the Senate, of democratic origin, and of much governmental significance, would technically remain exactly the same, whether exercised in open or in secret sessions; but it is quite possible that—with a strong-willed nominating power, supported by an acquiescent majority of the Senate—executive sessions with open doors and with a claque in the galleries in behalf of nominees, if they should not sink to a farce, would soon leave the Senate, in its executive capacity, with a diminished independence that ultimately would only tamely register the edicts of the Executive Mansion. Disagreeable discussions over disagreeable nominations would be shunned and finally abandoned. The inevitable would be accepted.

The executive functions of the Senate are far less broad, as the Madison papers abundantly show, than many of the stern republicans in the constitutional convention of 1787 advocated, for they—ever distrustful of the prerogatives of a single ruler—attempted to endow the Senate with the sole power to appoint judges and other superior officers. The final adjustment, by which these appointments were all made dependent upon the approval of the Senate, was consented to as the minimum of control to be reserved to the Senate; and the time has not come for the Senate to abdicate any share of its executive functions, nor has the time come to confess its degeneracy by a pusillanimous abandonment of the only proper mode through which such functions have been or ever can be efficiently maintained.

All of the ordinary business of committees here, as well as in the House of Representatives, is conducted not open to the public, but with closed doors. According to Jefferson's Manual "the proceedings of a committee are not to be published, as they are of no force till confirmed by the House." By the Journals of the House of Representatives it will also be further seen that "it is not in order to allude on the floor to anything that has taken place in committee, unless by a written report sanctioned by a majority of the committee."

Even after the report no member of the committee is permitted to refer to anything or to divulge anything done in the committee "save what is to be found in the written report of the committee." This rule is daily enforced by the Speaker of the House, and was enforced conspicuously by Speaker CARLISLE a few days since in the notable case of FORAN and O'NEILL.

There are one hundred and two committees of Congress—forty-seven of the Senate and fifty-five of the House—constantly holding their sessions with closed doors; but does any brand-new reformer venture to stigmatize such sessions as belonging to the age of a "star-chamber" oligarchy, or that the hard-working members of these unseen committees are all aristocrats though wearing the livery of democrats?

The preliminary work of committees is the most important work done in Congress. The committees are the index-fingers which point and guide the ultimate action of both Houses. Is there any public clamor that these committees shall do their work with open doors? The work of the Senate in executive session, not being the consideration of legislative measures, much more requires that the public should be excluded until the ripe reports have been made of its final action.

The excuse of the Senate for holding its legislative sessions with closed doors at the outset might very well have been the paucity of its numbers. On the 4th of March, 1789, only eight members were present, and not until the 6th of April was there a quorum of twelve. All of the States were not fully represented until July 25, when twenty-two Senators appeared. On the first day of the next session, January 4, 1790, only ten members were present, and up to May 18 only twenty-one had appeared, though all were present June 26. At the opening of the third session, December 6, 1790, only fifteen members were present, and all did not appear till February 15, 1791. At the first session of the Second Congress only seventeen were present at the opening, and the full Senate does not seem to have been present at any time during the session. During the second session of the Second Congress, Vermont and Kentucky having been admitted, out of thirty members twenty-eight appeared during the session. At the opening of the third session of the Third Congress, November 3, 1794, only eleven Senators were present, and a quorum of sixteen members was not secured until November 18.

For the first five years the whole number of the Senate at any time present was hardly more than the present number of members on the larger committees of the House or Senate, and the absentees were often so many as to be embarrassing from the lack of the quorum required for the transaction of business. It was not strange, therefore, that such a limited body should temporarily meet together and act more like a committee with its doors closed than like an open legislative assembly. The Congressional daily RECORD and phonographic reporters seem to have been later inventions.

When the Senate, after some increase of its members, first opened its doors to legislative business the change was at once recognized as legitimate and what was expected, without which its dignity and usefulness would have been pitifully circumscribed. The development of its character as a co-ordinate legislative branch of the Government made it necessary that its debates, as well as its bills and amendments to bills, should be fully known, not only by the public but especially by the House of Representatives. But with executive sessions of the Senate the House of Representatives, so far as nominations to office are concerned, has no greater interest than that of the general public, and neither has any interest beyond that of just and proper conclusions. To such conclusions neither the public nor the House would bring through open doors any valuable contributions, nothing but premature curiosity and unsolicited advice.

The division of executive power, by which the advice and consent of

the Senate must be confidentially obtained to many of the official acts of the President, is wholly an American institution; and the closed doors of executive sessions are absolutely essential to its vital force and healthy preservation.

After an experience of nearly a century, an experience maintained by the approval of the wisest statesmen of all parties, the innovation now proposed that executive sessions to consider nominations shall be held with open doors to the public, dismissing all confidential relations, would seem to me such a freak of levity as would not comport with the character of the American Senate. For any existing evils open doors can not offer a panacea, but, instead, would offer a new brood of evils more numerous than those of Pandora's box.

Having no chronic aversion to any measure of real reform, giving to many such measures the right hand of fellowship, I am yet not ready to renounce all reverence to the institutions ordained and practically tested and established by the framers of our Constitution; and it appears to me unadvisable to hail open-door executive sessions as a measure of reform. On the contrary, it would tend ultimately to cripple, if it should not destroy, that great American measure of reform in the civil polity of nations by which absolute executive power can be in some degree limited and divided. As ages roll round there are many improvements beneficial to the human race in which the New World moves and often takes the lead, but these onward movements will not be promoted by obliterating the deepest traces of the customs of our most illustrious predecessors, and surely will not be promoted by taking a step backward in the march of popular governments.

Mr. HOAR. I am very sorry, Mr. President, to set an example of the practice of discussing questions until they are before the Senate for practical decision, but several Senators have addressed the Senate upon this resolution and have complained that their arguments have found no reply, and it seems due to the gravity of the question, to the Senate, and to the American people that there should be stated without further delay some of the arguments upon which the existing practice rests.

The resolution before the Senate involves two very simple questions.

In deciding whether it will be for the advantage of this nation to make a bargain with a foreign power is it for the public interest that Senators should talk over the matter among themselves without admitting that power to hear what they say?

In determining whether the Senate will advise and consent to the appointment of seven thousand three hundred public officers is it for the public interest that Senators should talk over together in confidence the character, the quality, the habits, the ability of the men proposed?

These two functions, from the beginning of the Government until this hour, with rare and extraordinary exceptions, have been performed as they are performed now. The authority of the Senate itself, of the men charged by the States of this Union with these important duties, with their experience of a hundred years, is in favor of the existing practice, and, as the Senator from Connecticut has well shown, of an increasing strictness in its observance.

The Constitution declares that "each House may determine the rules of its proceeding," and that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy." The framers of the Constitution rightly referred this whole question to the discretion of the Senate. No experience can by any possibility be as valuable as the experience of the Senate itself; no judgment can be like its judgment; no authority like your authority in determining the convenient rule and method of your proceeding.

This is answer enough to those gentlemen who tell us that public opinion requires us to alter our rule. The framers of the Constitution were men of large experience in public bodies where legislative and executive functions were blended. They knew that it was indispensable to the due and orderly conduct of the public business in the public interest that some part of it should be conducted in secret. They knew that no unbending rule could be laid down in advance and that nobody else could establish the proper limit between publicity and secrecy so well as the two Houses themselves.

But I utterly deny that there is any public sentiment which favors a change of our rule in this particular. I know that it would be extremely convenient for the newspapers to have our sessions open. I agree that the convenience of so large and influential a body of men as the conductors of the press deserves the greatest consideration. It is never likely to be neglected in a free country. Its wants will be made known with all due emphasis. No legislator is likely to err on the side of disregarding them. But, with one exception, I have never yet seen or heard from a single person in this country not connected with a newspaper who felt much interest in the subject or who thought the change desirable.

Mr. President, the press has become in this country one of the most important, honored, and influential of the liberal professions. There is none which at this moment offers to the youth of America a field more attractive to an honorable ambition. Like other professions it has its unworthy members. But, as a rule, the conductors of the press of America are men of honor and character. They are patriotic citizens who desire the public welfare. They must as good citizens expect the Government of the country to be administered by the hands that the Constitution has placed it in. They ought not to desire, and I am sure that on reflection they will not desire, that the proper conduct of the foreign affairs of this country or the character of the appointments to its domestic offices shall be sacrificed to any one interest, even if it be one so important and influential as their own.

The public sentiment of this country demands that the Senate shall do what on full deliberation and discussion it thinks just and right. It makes no other demand upon us whatever.

An absolutely decisive proof that there is no public desire for a change in this respect is this: There are nineteen States where the advice and consent either of the senate or an executive council is required for the appointment of certain officers. In only one is it the practice to deliberate with open doors. Nowhere is there any popular demand for a change. In the other States public officers are appointed by the governor or by popular elections.

The function of selecting men for important executive employment is a common one. The great university, the college, the school board, the directors of corporations great and small, private firms, the President and Cabinet are constantly performing it. The suggestion that either should discuss these things in the presence of the public would everywhere be received with derision. No man, so far as I know, ever dreamed that Cabinet discussions of such things should be open. There is no possible resemblance between the claim of the Senate to have access to the facts which appear in the public archives of the Government and a demand for removing the veil of confidence from such discussions whether in the Senate or the Cabinet.

Mr. President, the advocates of this new rule can not point to a spot on the face of the earth, with one possible exception, where either of these two functions, assenting to treaties or selecting officers for appointment, is performed by a deliberative assembly whose discussions are public. That is the universal experience of mankind. Nor can they find anywhere any disposition to make them public outside of the artificial pressure that it is now attempted to put upon the Senate.

But it is said the Senate is unpopular, that we do not see ourselves as others see us, that we are losing the confidence of the people. Even my wise and sober friend from Connecticut seems to think that this silly stuff about the American house of lords has some claim to our serious consideration. I believe, on the contrary, that the Senate of the United States never performed more perfectly its constitutional function and never stood higher in the estimation of the people from the inauguration of the Constitution until this hour. I think my friend from Connecticut misunderstands the sentiment of the American people when he thinks they undervalue the Senate. His modest nature does not know the strength of his own place in the public regard. Whatever cloud of detraction may arise, the clear sense of the American people pierces its thin and pestilent mist.

I hold myself the humblest of the members here. But I should be unworthy the confidence which the people of the venerable Commonwealth I represent have reposed in me if I were to admit that when they called me to this trust they supposed they were summoning me to a degrading office or to a degrading companionship. I agree with the Senator from Connecticut that the Senator is the servant of the people. But his service can be neither useful to them nor with honor to himself unless his conscience and his understanding be left free. He holds his high office on no other or meaner condition. To do whatever the lord will hath ever been held by the common law to be a tenure of a base nature, and it is a tenure which never can be ennobled, whether the lordship be in one or a million men.

This independent personal responsibility in the Senator never has been and never is likely to be incompatible with a profound study of public opinion and a profound respect for the people's wish. There is no danger that the people will think so. They know too well their own history. They know too well the history of the Senate. Is not the Senate alive and alert to all new questions; to the demand of public interest or the expression of the people's will? Is it not so in this day and this generation as never before? It was, it is true, intended by the framers of the Constitution as a certain conservative and restraining force. Every part of our legislative and administrative system is meant to give voice to the will of the people. Here you have its deliberate will, its sober second thought. But I am willing to take the history of the Senate from 1860 to this hour, and challenge anybody to show that it has not been the leader in accomplishing and in trying to accomplish all the great reforms demanded by a people the law of whose life is progress. Was the Senate behindhand in the great and original policies which subdued the rebellion and saved the Union? How was it with the great amendments to the Constitution? The thirteenth amendment first passed the Senate. The fourteenth amendment first passed the Senate. The fifteenth passed the House first, but passed the Senate the very next day. The law which restored specie payment was matured and first passed in the Senate. The national banking act, the refunding act, and a hundred others have had their conception and their original passage here. The great modern homestead law was introduced in the Senate and in the House, and, although it first passed there, the Senate contributed its full share to its final perfection. Who matured and passed the civil-service-reform act? Where was the Presidential succession bill fashioned? Where does the country look to-day for great measures of prac-

tical legislation? What legislative body in this country more entirely reflects the best and most advanced public sentiment, at this moment, than the Senate?

I am not now instituting a comparison between political parties. I speak of those matters where there is no party division in this Chamber. If any man or body of men desire the redress of a grievance or protection against a danger or the adoption of a new policy, they come here. We have matured and once sent down the bankruptcy bill, the bill to provide against the return of the peril of a disputed Presidential succession, the interstate-commerce bill, the new pension bills, and many others. How often is the appeal made to Senators to pass important measures of legislation because to pass them here is the only way to get attention for them in the House. This, too, although the House, by the Constitution, has the sole power to originate revenue bills, and, under the established practice, the sole power to originate general appropriation bills. This talk about this body as an American house of lords, a body of men removed from the people, spending its time in selfish and inglorious ease, thinking of its own dignity and self-importance, is the merest and the idlest chatter. The office of Senator is a constant burden of labor and responsibility. I do not believe that it is equaled in these respects on the whole by any other under the Government, with, perhaps, a single exception.

The notion, too, that there is a claim of Senatorial prerogative or privilege or courtesy—a demand that the public offices shall be treated as the patronage of members of this body is, so far as relates to the present day, a myth. It belongs to a time which has passed, never to return. Whatever life it had grew up in the administration of Mr. Johnson when the two-thirds majority felt justified in going to the extreme of all constitutional resources to save what had been gained by the war from being surrendered by the President. This claim did not long survive the administration of Mr. Johnson's successor.

Equally trifling and fanciful is the charge that the Senate adopts or preserves this policy because of any notion that its dignity is increased by an appearance of mystery. I can appeal to the consciousness of every individual Senator that no such notion ever occurred to them.

These two functions—the making bargains with foreign powers and the approving or rejecting persons nominated for public office—are performed in confidence, because their nature is such that it is for the interest of the public service they should be so performed. That is the whole of it.

I suppose the slightest reflection will satisfy every man that openness or secrecy of the vote and the debate must go together. The right to state to the public the reasons for the vote must exist if the vote be made public.

Treaties, of course, are submitted to the Senate before they are ratified and while it is in the power of the other party to withdraw. Many of them we shall always approve as a matter of course without discussion or division. The formal proceeding by which we assent to them will have no interest outside the Chamber. It will be only those that involve large international interests, which deal with and compose grave disputes, about which there will be public curiosity. There are treaties which put an end to great wars; treaties which prevent great wars by composing great and heated strifes; treaties where in dealing with one nation we secure great advantages over another; treaties where we give and take great and imperial equivalents and exchange commercial benefits. In negotiating these treaties we insist on the value of what we give to the other contracting power. In discussing them in the Senate we insist on the value of what we receive. Open debate will be as much in the hearing of our commercial rivals as in that of our own people. Such discussions often require the expression of judgments as to the character and designs and weaknesses of foreign nations which would tend to destroy friendly relations. The very recent experience of the Senate will furnish to every Senator a sufficient example of what I mean.

The reasons are still stronger against such a change of our rules as shall put it in the power of a single man to provoke a public debate upon the personal character of any one of nearly seventy-five hundred officers. I do not speak of the Senator's interest or comfort or convenience. I speak only of the interest of the public. It is as important to the public that the Senator should be free from the bias occasioned by the desire to make friends or the fear to make enemies when he votes upon nominations as that he should be free from the corrupting influence of personal gain. The Senator who votes to reject an unworthy aspirant who has power and influence enough, in spite of his worthlessness, to get a nomination from the President is pretty sure to have to account to somebody. Public discussion here must involve public discussion elsewhere with every disappointed man. It is, I repeat, Mr. President, wholly a matter of the public interest and not of yours or mine. But it is as much for the public interest to protect the independence of the Senator in this way as it is to protect the independence of the judge by the life tenure. Everybody agrees that the confidence of communication to the Executive on the part of private citizens should be respected and secured; although some persons who discuss this subject marvelously misunderstand and misstate the attitude of the Senate upon that matter. Is it not quite as important that the confidence of Senators in communicating with one another should likewise be respected and secured?

Second. To open the doors to those debates on executive questions must, as everybody will see, have a vast tendency to prolong them. The Senate is the only deliberative body under the Constitution where debate and amendment are unfettered. There is no previous question here. It is said that a great historian traced the decline of the liberties of Rome to the limit placed upon the freedom of speech in public discussion. On a memorable occasion in our own history the Democratic leaders threatened forcible resistance to an attempt by a majority to establish an hour rule for debate and to introduce the previous question into our practice. How long the increasing number of the States and of the vast concerns demanding legislation will permit us to maintain this freedom of discussion we can not tell. But open discussion on appointments to office will, in my judgment, soon bring it to an end.

Third. There are many considerations not involving moral turpitude which frequently must be brought to the attention of the Senate in performing this constitutional duty. There are cases of insanity, of mental idiosyncrasies, of advancing age where it would be cruel to have the discussion public. I can recall several cases during my own service here where, without the slightest party difference, we have had to decide whether it would be true kindness to a young man who had at some time been intemperate to expose him to the temptations of official life. I can not understand how any body can insist that such things shall be talked of in open Senate.

Fourth. It is said that secrecy is always bad and unrepublican. The walls and partitions of our houses should be of glass that all mankind may look in. This notion is as unnatural as it is impractical. Its advocates will abandon it when you come to apply it to a hundred other departments of the public service. Who says this of the jury or the grand jury? Who says so of the deliberations of the Cabinet, of the conduct of any other executive business, public or private, of the discussions of committees? Who says so of any other appointing power anywhere on earth?

Fifth. But it is said the Senate now discusses the personal character of men with open doors when we are debating bills to relieve officers from the sentence of courts-martial and like cases. There are a few such cases in which we speak only of what the public records show. Such debates differ very widely from such general considerations of the traits of personal character as enter into an original selection.

Sixth. It is said, too, that in popular elections the qualities and capacity of candidates are discussed before the whole people. But the argument seems to me to have no application here. The candidate for elective office is presumed to be known to the constituency to whose suffrages his name is submitted. If the office be small, the constituency is small. The electors are the neighbors or townsmen of the candidate. If the office be of a higher class, as the executive of the State or the nation, the persons voted for are ordinarily expected to be men as widely known to their countrymen. But even in such cases we abstain commonly from personalities. Those persons who have thought it their duty to make attacks on the personal character of Presidential candidates, except in cases of very gross personal unworthiness, do it at a great cost to themselves in the loss of the respect of their fellow-citizens. But the names submitted to our approval are almost always unknown to the majority of Senators. We must depend on the Senators from the State where the officer dwells, or on special inquiry by committees. We must preserve the right to receive and the right to make confidential communications, or the public service will suffer. Senators certainly will not feel at liberty to withhold such information as they may have or such opinions as they may entertain about men in their own States. Is every member of this body henceforth to be exposed to a public catechism as to the personal quality of every person nominated from his State?

Seventh. But it is said the confidence of executive session is violated now. That may be, for the purpose of the argument, admitted to be true to some extent. But there is much exaggeration in the common belief. With the present numbers of the Senate executive secrets are known to eighty-eight persons. On important occasions, where special effort has been made to discover them, experience may have shown that the proceedings of executive sessions have been betrayed. The reports of such proceedings which reach the public are always attended by the suspicion which belongs to assertions which must rest for their original title to belief solely on the credit which belongs to the veracity of a scoundrel. But the great body of our executive proceedings, especially those which involve discussion of individual character, will in my judgment almost always remain undisclosed. I do not think that the framers of the Constitution would have deposited this share of executive power in the Senate if they had anticipated its great increase in numbers. When it becomes impracticable to exercise it in the confidence of private sessions it will be time to remove it altogether.

Eighth. But the Senator from Connecticut asks "how is public sentiment reflected in this country but from the press?" It is reflected in a thousand ways. In matters of government it is reflected in the constitutional way by petitions, and by the voice of the people in elections. The people expect to hold their legislators to their constitutional functions and sworn constitutional duty of doing what they shall themselves believe is best for the public interest. There is but one method by which the Senator or the Representative is to ascertain the sentiment

of the people; and that is by finding out what is right. The mistakes and the misfortunes of the public men of this country have arisen, not from a disregard of public sentiment, but from a disregard of their own sense of right in the endeavor to please a temporary popular demand, and a loss of public confidence in so doing. The man who loses the habit of seeking for what is right loses with it the capacity to form a correct judgment of the true opinion of the American people.

Ninth. If we change our rule these two functions will imperfectly and unavowedly and under many disadvantages and inconveniences be exercised in practice and substance as they are now. The advantages we are to get in treaties will be discussed in private and not disclosed to the other party or to our rivals until the treaty is made. Senators who do not know them or the men who recommend them will be largely influenced in their votes in confirming or rejecting persons nominated for office by the opinion of the men who do know them or the men who recommend them. This opinion will be communicated in private, as now. You will retain most of the evils and lose most of the advantage of the present system if you undertake to change it.

An attempt is made in some quarters to connect this question with the difference of opinion which has lately arisen between the President and the Senate. It is said, "You demand that the President shall disclose to you the reasons on which he acts in making removals from office and the documents which exhibit those reasons; but you refuse to disclose to the people whose servants you are the reasons on which you act and the documents which exhibit those reasons when you confirm or reject nominations.

I do not mean to reopen that debate. The Senate has never demanded to know the President's reasons for anything. It has never questioned his right to receive communications, written or verbal, in absolute confidence and to maintain that confidence inviolate. A large majority of the Senate, as I think, believe further that the spirit of the Constitution requires that the Executive should be clothed with the sole power and responsibility of the removal of executive officers—a power and responsibility which it was not intended the Senate should share. What we do claim is, that either House of Congress is entitled, as of right, to have access to all the documents in the public archives which show how the executive offices of the Government are or have been administered; and this, whether the information be sought for that instruction in the general political history and condition of the country essential to intelligent legislation, or for special legislative purposes, or to enable the Senate to obey the tenure-of-office act, under which officers whom the President has suspended, not removed, may be restored to their functions if the Senate refuse to confirm their successors. Of the proper occasion to exercise this right we believe such legislative body to be the sole judge.

There has been, in some quarters, a disposition to charge the Senate with a purpose to embarrass the administration of President Cleveland. There never was a greater mistake. This Republican Senate has shown a greater deference to this Democratic President than was ever shown by a Republican Senate to any of his Republican predecessors. Among its earliest acts was the bill which diverted the succession to the Presidency from its own chosen officer who is under its own control to an official appointed by him, a bill which the Democratic House refused to entertain when Republicans were in power. An amendment to the Constitution, favorably reported from a Republican committee, has unanimously passed the Senate which will prolong his term of office two months. We have promptly created a new officer to enable the Secretary of the Treasury to remain in office during the illness we all so much regret. There are 7,318 officers, civil, military, and naval, who require confirmation by the Senate. Of these, 3,725 belong to the military, naval, and revenue service, leaving 3,593 of the civil service proper. The terms of nearly all these would expire by their own limitation during the present administration. The President has already, in fifteen months, nominated successors to 2,087 of these civil officers. There are left 1,306 upon whom time or the ax of the Presidential headsman are hereafter to do their work. I presume that by the end of his term there will not be twenty Republicans left in office in the United States whom he can get at, where he has the power under the law to give the places to Democrats. Yet the Senate of the entire number has already confirmed 1,749 and rejected but 16.

General Grant came into power on a triumphant tide of popular favor and affection. The Senate, as well as the other branch, was made up of his supporters by a majority of more than three to one. Yet in his first Congress 25 of his nominations were rejected, 142 fell with the adjournment without action, and 92 were withdrawn. In the second Congress of his first term 7 were rejected, 95 fell with adjournment, and 119 were withdrawn.

In Grant's second term—I give for brevity the two Congresses together—there were rejected in Grant's second term 52, fell with the session 269, withdrawn 184, returned to the President 1.

In Hayes's term there were rejected 103, withdrawn 103, fell with the sessions 298, and returned to the President 56.

In the term of Garfield and Arthur there were rejected 29, fell with sessions 107, withdrawn 89, returned to the President 22.

See how much more liberally in this respect we have dealt with the Democratic administration than with our own.

It is true there has been some delay in dealing with these nominations; but manifestly I think not so much as usual. This has been partly owing to the pressure of legislative business in a session in which, as both sides of the Chamber will agree, the Senate has labored with an unprecedented industry. But it has been largely due to the President himself. He avowed before his inauguration that removals of officers disconnected with the policy of an administration should not be made on partisan grounds. He has declared in a recent message that he hoped "the holders of public office might find protection against unjust suspensions in the justice of the Executive. Now, when he proposes to remove these thousands of civil officers, having nothing to do with the policy of his administration, against whose personal and official integrity their Democratic neighbors would disdain to bring an accusation, and refuses, as is his clear and unquestioned right, to confess his reasons, it becomes the duty of the Senate, so long as the law makes its consent a part of the process, so to express that consent as to protect if it can the reputation of these officials. But this is neither an impediment to the Executive nor an injury to the new official. These appointees in the place of suspended officers are all in office from the time of their first appointment. But their lawful term of four years begins with their new commission after the consent of the Senate has been given. So that every day's delay of the Senate simply postpones the time for the ending of the lawful term of office of every Democrat who takes the place of a suspended officer.

Mr. President, no President of the United States, not even Washington, has been treated by his countrymen with an indulgence like that which has been extended to Mr. Cleveland. This, too, while his competitor for the great office of the Presidency, with his brilliant record of a public service of twenty years, idolized by such large numbers of his countrymen, who believe that had the people's will had its lawful and constitutional expression he would now be in the seat which is of right his, has been pursued even to his retirement with a malignity unsurpassed in political warfare.

The President of the United States is responsible for the executive service of the country. He is sworn to take care that the laws be faithfully executed. The conduct, the misconduct of every executive official, when it is based upon a wrong principle and the official is retained in office after the President knows it, belongs to him by a direct personal responsibility. It is upon this ground alone that the argument rests which denies to the Senate any share in the constitutional process of removal. I think that argument is sound. The President can act only by subordinate instruments. He can not "take care that the laws be faithfully executed," the "executive office" is not really "vested in him," if he be compelled to retain instruments in whom he has not confidence. I hope to see what is left of the tenure-of-office law repealed for that reason. But his supporters can not claim for him the benefit of this principle and escape the responsibility.

All intelligent men, of whatever party, would have justly blamed the Senate if we had refused to permit the President to appoint the present Secretary of the Treasury or Postmaster-General, or Commissioner of Pensions, or the collectors of the ports or the postmasters of the chief cities, being men of good personal character, because we do not approve their political principles. The title to the office of President carries with it under our Constitution, by the will of the people, the right to select these instruments for the faithful execution of the laws. The President may, of course, make mistakes, for which he will not be blamed, if when they are discovered he promptly set them right. But for every error of principle, persisted in after it is discovered, the President is as responsible for the conduct of these subordinates as for his own.

In judging, therefore, of the President's fidelity to the cause of a reform in the civil service we must look not only to his own conduct and policy but to the conduct and policy of those officials whom he has selected, whom he has clothed with power, whom he can at any time instantly remove, with many of whom he is in daily intercourse and whose execution of the law it is his sworn official duty to supervise and control.

Judging by this test, I do not find that the Executive has kept or has attempted to keep the pledges which preceded and followed his election. The power of appointment to office seems to me to have been used by the present administration with as absolute and single a purpose of promoting partisan interests as it was under Van Buren or Pierce. It is said that with some notable and very significant exceptions the law passed in President Arthur's time has been obeyed. There has been in my judgment a remarkable contrast between the manner of observance of this law under the present administration and its predecessor. But we had a right to expect much more than compliance with this Republican law. That law is not his achievement. That he has obeyed it is not his merit. We had a right to expect a firm forward step. Instead of that, he has failed to make a single one of his subordinates understand that he means business. We find in a very few localities, where the Democratic party needs the votes of civil-service reformers for any hope of success, some slight concession is made to this sentiment, while the doctrine "to the victors belong the spoils" is in force for the rest of the country. The appointing power is bestowed upon the President by the Constitution. Where is the constitutional war-

rant for its exercise on one principle in Boston and another in Baltimore? What doctrine of reform is that which is good for the post-office in New York and not good for the registry of deeds in Washington; or which is sound where it will not hurt the Democratic party and unsound where it will hurt the Democratic party? What new oath of office is that which binds a Chief Magistrate to reform where, and only where, the Democratic party will not deem itself injured?

There are two doctrines concerning this matter of the civil service, each of which has found its defenders. One is that the offices of the country, great and small, are the legitimate rewards of party service and the fair prize of political victory. The other is that the officers of the country are to serve the people and not to bribe them; that those officers whose conduct is not to be affected by their opinion shall be chosen without thought of their party as you select the officers of a church or the officers of a bank. To the latter President Cleveland is thoroughly pledged. He has acted upon the former as faithfully as any President in our history. There was never a worse example of the desertion of a good cause than the desertion of civil-service reform by the men who abandoned the Republican party to vote for Mr. Cleveland, and who are now seeking to cover their mistake by proclaiming that "the President is doing very well," and that he is true to the professions on which he was elected. If there be no truth in these gentlemen's professions, the President is doing very well. If there be truth in them, he is doing very badly.

There are 3,593 civil officers whom the President personally appoints with the consent of the Senate. Of these about eighty are judges with a life tenure; collectors of internal revenue, the Director of the Mint, and perhaps a few others hold office by an indefinite tenure. All these latter he has already removed and filled their places with Democrats. Of the rest he has already nominated successors for upward of two thousand. The terms of all these would expire by their legal limitation during his term. Yet his ax is constantly falling upon the necks of worthy and faithful officers for no other reason but that they are Republicans, and he wants their places for Democrats. To his credit be it said that the poor pretense of offensive partisanship seems wholly abandoned. The invitation to Democratic members of Congress to make secret charges against honorable Republican office-holders has, I am glad to believe, in most instances been contemptuously spurned. This invitation given by a member of the Cabinet, but of which the President could not be ignorant, and of which the full resposibility rests upon him, is especially odious. It deprives American citizens of honorable public station, without notice or trial, on a charge of offensiveness. It removes responsibility from the Executive to the member of Congress, contrary to the spirit of the Constitution, thereby keeping alive the worst feature of the old system. It degrades the member of Congress into a secret informer. The occupation of the rag-picker of the Parisian gutter is respectable compared to that which this policy assigns to the successor of the august and stately Washington and of brave and honest old John Adams.

It is not necessary to invoke the responsibility for his subordinates which the Constitution imputes to the President to ascertain his principles and intentions in regard to the use of patronage for party advantage. Judges in the Territories have a term of office established by law of four years. No power is expressly given to the President to remove them. The constitutional principle which applies to executive officers does not affect them. Many eminent authorities deny the right under the law to remove them at all. But however that may be, the removal of a judge within his term to find place to reward partisan service is not the act of a man to be trusted anywhere as a leader in the cause of civil-service reform. The root of the matter is not and never will be in him. The men who applaud him in so doing, if they profess to be civil-service reformers, make of this cause a pretext, a cloak, a veil, and can not be depended upon for either earnestness or constancy in its support. The judge who represents in those plastic and forming communities the majesty of the law should be removed if any man on earth should be removed from the hopes, the fears, and the excitements of the partisan. He is the last man to be bidding and bowing for executive favors. Of the twenty-nine Territorial judges, the President in fifteen months has already put sixteen Democrats in office. Nine Republicans have been removed solely on account of their political opinions that he might appoint Democrats in their places. Of some, I believe all, of the otber seven he has demanded the resignation. This he has done himself. It is his own act. The responsibility is upon the shoulders of no subordinate. This is the worst and extremest case possible under our laws of the use of patronage in the service of party.

The President of the United States proclaimed that political office shall not be the reward of party service, and that officers whose duties have no relation to political opinion shall remain undisturbed. That was the text. He then demanded the resignation of Frederick Douglass from the office of recorder of deeds that he might have a place with which he could reward a zealous, active, Democratic politician for political service. That was the application. This is the President's own direct act. No evil counselor deceived him. No party clamor overpowered him, no scape-goat bears the blame. The President who did that will in my judgment never rescue the civil service from the evil spirit of party.

That is no sound constitutional doctrine which is not good for the whole country. We must distrust the professions of those who practice one thing in one State and another in another, which gives the spoil to the victor, or pays respect to the desire to divorce the civil service from politics according to the local exigencies of the Democratic party. In Massachusetts, the civil-service reformers are to be, I will not say decoyed, but attracted, persuaded, enticed from the ranks of the Republican party, or there is no hope for Democracy. You find in that State, therefore, a certain respect for that sentiment, and a certain slowness in making changes. Even there, however, I have never seen an exhibition of a blind party spirit which surpassed that which has been shown by some of those gentlemen who left the Republican party to vote for President Cleveland and who now seek to cover their mistake by claiming him as a civil-service reformer. What a difference between their captious criticism of Republicans and their blind adoration of Democrats. What a straining at Republican gnats, what a swallowing of Democratic camels!

In Massachusetts, the problem is to gain Republican recruits. In Maryland, the problem is to hold fast a trained and drilled Democratic army. The policy of the administration for Maryland has been described by an eminent Democrat of the highest authority, Mr. FINDLAY, whose earnestness in the cause of pure government is not likely to be disputed. He has lately declared, and the authentic report of his declaration is on our tables, that "the spoils Democracy have corrupted and debauched the franchise of Maryland, and have made, *through the agency of the President*, appointments which cause the name of civil-service reform to be offensive." The editor of the Civil-Service Reformer, published in the chief city in that State, charges that the Democratic postmaster had made three hundred appointments—in the month of April over one hundred, at the rate of over four a day, and had been able to select almost invariably from the ranks of his own party; and that he had reduced the operation of the law to a sham.

Mr. President, the Commissioner of Pensions testified the other day, March 25, 1886, before a committee of the Senate:

> I have removed as many Republicans as I could with due regard to the expedition of public business. I can state approximately that 90 per cent. of those originally appointed have been Democrats. Out of seventy-seven appointed under civil-service rules, seventy-two have been Democrats, and five politics unknown.

The President who has found leisure to reprove Congress as to its method of discharging its legislative duties will not plead ignorance of the existing method of the execution of the laws which it is his sworn constitutional duty to superintend. The officer who made that utterance three months ago is in office to-day. That declaration has become by the law of constitutional responsibility the President's own. There is but one constitutional origin and one constitutional responsibility for the application in grossest form of the doctrine "to the victors belong the spoils" to the judges in the Territories, and the clerks in the Pension Office.

The two persons from whose character the theory and practice of any administration in the matter of true civil service can be best judged are, I suppose, the chairman of the Civil Service Commission and the appointment clerk in the Treasury. The latter is Mr. Higgins, of Maryland. The former, Mr. Oberly, of Illinois, was one of those two most efficient Democratic machine politicians who, as chairman and secretary of the Democratic State executive committee of Illinois, furnished the country an example of the *Democratic ideal of divorcing* office-holding and politics. President Cleveland might as well make Dennis Kearney his Secretary of the Treasury and thereafter avow a belief in public credit or honest money as expect to be further counted as a civil-service reformer with Mr. Higgins as his appointment clerk. There is no executive officer whose duty is so absolutely non-political as the fourth-class postmaster. There is none who can be made so efficient a party servant. The crucial test of the President's belief in the reform doctrine is the dealing by his administration with the fourth-class postmaster. He is not ignorant either of the profession or the practice of the Postmaster-General; the response of that officer to the inquiry of the Senate has long since met his eye. He knows that under the law the term of every postmaster in the country would expire during his administration. He knows too that the officer selected and kept in office by him to perform that very duty under his own constitutional supervision in his first twelve months removed 8,635 of these officers in order to reward partisan service in the past, and that there may be ready for the future this vast force drilled and disciplined for the needs of the Democratic party.

There has been, Mr. President, it is true, some little moderation in relieving the hunger of the starving Democracy, as the wise physician puts the rescued arctic sailor on slender allowance despite his indignation and eagerness. So he saves his life twice from lingering death by starvation and sudden death by repletion. The doctor at the White House understands the constitution of the patient. If he miscalculates anything it is the intelligence of the country. The determination of the American people to have a non-partisan civil service, which has compelled the reluctant promises of both political parties, is not to be put off by this transparent attempt to serve God and the Democratic party at the same time. The President who declared within two years that he was chosen "to represent the plans, purposes, and policy of the Democratic

party" now says at the beginning of his reign, like the young King Henry:

> Presume not, that I am the thing I was,
> For Heaven doth know, so shall the world perceive,
> That I have turned away my former self;
> So will I those that kept me company.

The people listen with an amused smile. Meantime the old Democratic sachems stand by like the shrewd Westmoreland. Each says to himself as he looks on approving:

> I like this fair proceeding of the king's;
> He hath intent, his wonted followers
> Shall all be very well provided for;
> But all are banished till their conversation
> Appear more wise and modest to the world.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a joint resolution (H. Res. 196) to provide temporarily for the expenditures of the Government; in which it requested the concurrence of the Senate.

NEWCOMB PARKER—VETO MESSAGE.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair) laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I hereby return without approval Senate bill No. 1077, entitled "An act granting a pension to Newcomb Parker."

This claimant filed an application for a pension in the year 1880.

Before the passage of the bill herewith returned the Commissioner of Pensions, in ignorance of the action of Congress, allowed his claim under the general law.

As this decision of the Pension Bureau entitles the beneficiary named to draw a pension from the date of filing his application, which under the provisions of the special bill in his favor would only accrue from the time of its passage, I am unwilling that one found worthy to be placed upon the pension-rolls by the bureau to which he properly applied should be an actual loser by reason of a special interposition of Congress in his behalf.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 29, 1886.

JOHN S. KIRKPATRICK—VETO MESSAGE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I hereby return Senate bill No. 1977, entitled "An act granting a pension to John S. Kirkpatrick."

This claimant appears to have enlisted December 10, 1861, and to have been discharged December 20, 1864. He is borne upon the rolls of his company as present up to June, 1862, in July and August, 1862, as on detached service as hospital attendant, and so reported February 28, 1863. In March and April, 1863, he is reported as present, and in May and June, 1863, as on detached service. There is nowhere in his service any record of disability.

He filed his application for a pension in 1880, in which he alleged that from hardship and exposure on a long march in New Mexico in the month of December, 1862, he contracted varicose veins in his legs.

As I understand the record given above, this claimant was on detached service from July, 1862, to February, 1863.

It will be observed that his claim is that he contracted his disability within that time and in December, 1862. He appears also to have served for two years after the date of his alleged injury, and that he did not file his application for pension till about sixteen years afterward.

His claim is still pending undetermined in the Pension Bureau, and if there is merit in it there is no doubt that he will be able to make it apparent.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 29, 1886.

Mr. BLAIR. The first of those messages is written under a misapprehension of the law and of the fact. It seems that while the application was pending in the Pension Office, worn out with delay the applicant came to Congress in the hope of getting something here since he was failing in the Pension Office.

That has been a very common practice hitherto, and always was until the present Commissioner made a ruling which I believe to be unconstitutional and entirely without precedent and cruel in its nature, that where a special act is granted the applicant shall under no circumstances be permitted to prosecute his arrears in the Pension Office under his former application. Until that was the case it was not unusual for bills for special relief to be passed by Congress, and subsequently the Pension Office would continue its tardy investigation for the arrears to be granted under the general law.

The President has written this message to us and vetoed this bill under the apprehension that this ruling, which is alleged to be the ruling at least of the Commissioner of Pensions, is founded either in sense or in law or in justice. If that ruling is to stand the message is a humane message, but the ruling itself ought to be overruled.

In regard to the other case——

Mr. COCKRELL. Before the Senator leaves that case, let me ask when was the ruling first established?

Mr. BLAIR. I understand by the present Commissioner. It certainly was not in existence until the present session. I never heard of it before.

Mr. COCKRELL. I did not understand exactly what the Senator stated the ruling to be.

Mr. BLAIR. I understand that the Commissioner has ruled (and the message seems to indicate that the President understands that to be the rule now) that where an application is pending before him under the general law, and the applicant for any reason applies to Congress for relief and receives relief by a special act, which commences, of course, with the passage of the act, the fact that Congress has taken jurisdiction he holds to have ousted his claim and to deprive the applicant of the privilege of prosecuting further his application in the Pension Office for the arrears, even though he might be able to establish the origin of disability back in the service; and the veto of the President is based on that idea.

Mr. COCKRELL. I understand that the Pension Committee had for many years past adopted a rule that they would not consider individual pension cases which had not been acted upon in the department where the department had jurisdiction of the class to which they belonged.

Mr. BLAIR. However that may be, and it is not so——

Mr. COCKRELL. Has not that been the rule?

Mr. BLAIR. However that may be, it has nothing to do with legal rights of the applicant under the general law in his application pending before the Commissioner, and never until the present Commissioner came into power has any such rule been set up against the applicant.

The general rule of the Committee on Pensions has been that until there had been an honest and a reasonable effort to obtain a decision by the Commissioner of Pensions it would not entertain an application for special relief, and if there has been no unreasonable delay the applicant should be held to prosecute his claim there.

Under the ruling to which I have referred, if the only remedy received is by special act, the applicant, however just his claim, will be deprived of his arrears, because by a rule of Congress all special acts take effect upon their passage, and we have got in a way that we will not as a rule grant arrears, no matter how justly they may be due. So this veto of the President is based upon a pernicious, an unjust, and a false practice, recently introduced by the ruling of the Commissioner of Pensions.

I have that to say in regard to the veto, and further on the point, that I have designed to prepare a bill compelling the Commissioner of Pensions to entertain these pending applications, although Congress may have felt it necessary to step in and to relieve the immediate emergencies and the future of the applicant by special legislation. It seems unnatural that it should be necessary to do this, and no previous practice of the Government has made it necessary.

In regard to the other veto, I was unable to catch the sense of it by reason of the confusion in the Chamber. I move that both messages be printed and referred to the Committee on Pensions.

The PRESIDING OFFICER. Without objection such will be the order.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6392) "making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 9, 10, 11, and 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment; and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

PERRY BELMONT,
WM. R. COX,
W. W. RICE,
Managers on the part of the House.

Mr. EDMUNDS. I should like to ask the chairman of the Committee on Appropriations to explain one or two items about restoring some matter.

Mr. ALLISON. Amendment No. 7 relates to the special fund to be expended under the authority of the President. When acting as in Committee of the Whole we struck that out. It was actually restored in the Senate, but in making up the bill in some way it was sent to the House as stricken out; and to save the record we simply restore it now in the conference report.

Mr. EDMUNDS. It was sent to the House as an amendment of the Senate striking out the clause?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. Then why did you not provide simply that the Senate recede from that amendment instead of saying that you restore the matter stricken out?

Mr. ALLISON. We provide that the House recede from its disagreement to our amendment. We added an additional appropriation. The House recedes from its amendment and agrees to our amendment with an amendment, restoring the original House text with the Senate amendment.

Mr. EDMUNDS. So that the result is that how much money is appropriated?

Mr. ALLISON. The result is that there are $15,000 appropriated under the provision as it came from the House and we added $50,000.

Mr. EDMUNDS. That is agreed to?

Mr. ALLISON. That is all agreed to.

The PRESIDING OFFICER. The question is on concurring in the conference report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (H. R. 8970) for the relief of the trustees of the Judson Female College; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2732) authorizing the printing of the eulogies delivered in Congress upon the late John F. Miller;

A bill (H. R. 5862) providing for the establishment of certain light-houses and fog-signals, and for other purposes;

A bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes; and

A bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887.

TEMPORARY APPROPRIATIONS.

Mr. ALLISON. I ask the Chair to lay before the Senate the joint resolution which came from the House of Representatives a few moments ago extending the appropriations.

The PRESIDING OFFICER. The joint resolution will be laid before the Senate and read at length.

The joint resolution (H. Res. 196) to provide temporarily for the expenditures of the Government was read the first time at length, as follows:

Resolved by the Senate and House of Representatives, &c., That all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1886, be, and they are hereby, continued and made available for a period of ten days from and after that date, unless the regular appropriations therefor provided for in bills now pending in Congress, shall have been previously made for the service of the fiscal year ending June 30, 1887; and in case the appropriations, or any of them, hereby continued, are or is insufficient to carry on the said necessary operations, a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended therefor than will be in the same proportion to the appropriations of the fiscal year 1886, as ten days' time bears to the whole of said fiscal year: *Provided further*, That authority is also granted for continuing during the same period the necessary work required for public printing and binding, and for all other miscellaneous objects embodied in the sundry civil and naval appropriation acts, in advance of appropriations to be hereafter made for said objects: *And provided further*, All sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1887.

Mr. EDMUNDS. I object to the second reading of the joint resolution for reasons which I will state to-morrow when it comes up on its second reading.

The PRESIDING OFFICER. Objection is made to the second reading of the joint resolution.

Mr. ALLISON. Then I presume it can not be read?

The PRESIDING OFFICER. It can not be read the second time to-day under the rule.

Mr. EDMUNDS. To-morrow morning we shall have a little consideration of that subject.

THE STATE OF THE CONGO.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate:

In response to the resolution of the Senate of the 28th of April last I transmit herewith a report of the Secretary of State in relation to the affairs of the Independent State of the Congo.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June 30, 1886.*

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. ALLISON. Before proceeding with the bill I should be glad to have some understanding with the Senate respecting the adjournment to-day. It seems to me that if it is agreeable to the Senate we had better take a recess, say at 6 o'clock until 8, and endeavor to go on with the bill to-night.

Mr. INGALLS. If we sit in the evening we had better take the recess at 5 instead of 6 o'clock.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). For what length of time does the Senator from Iowa suggest a recess?

Mr. ALLISON. I suggest a recess from 6 o'clock until 8 in the evening.

Mr. HARRISON. Say from half past 5.

Mr. PLATT. Make it half past 5.

Mr. ALLISON. Very well; from half past 5 to 8 o'clock.

The PRESIDING OFFICER. The Senator from Iowa asks that the Senate consent to take a recess from half past 5 to 8 o'clock this evening, in order to proceed with the consideration of the appropriation bill.

Mr. INGALLS. If the bill should be passed before that time I suppose an evening session would not be necessary.

Mr. ALLISON. I mean if the bill is not completed. If we find that we can complete the bill by half past 6 it would be better, of course, to go on with it.

Mr. INGALLS. I suggest that the bill had better be proceeded with, leaving the matter of the recess to be considered later in the day.

Mr. ALLISON. I understand the effect of that suggestion. I shall not press my request, however, at this moment.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Department of State," after the word "each," at the end of line 478, to insert:

One telegraph operator, at $1,200.

The amendment was agreed to.

The next amendment was, in line 482, to increase the total amount of the appropriation for compensation of the Secretary of State, the Assistant Secretary of State, and clerks and employés in the office of the Secretary, from $114,150 to $116,950.

The amendment was agreed to.

The next amendment was, in the appropriations for "contingent expenses" of the Department of State, in line 497, after the word "same," to strike out "one thousand" and insert "six hundred;" and in line 499, after the word "thousand," to insert "four hundred;" so as to make the clause read:

For contingent expenses, namely: For care and subsistence of horses and repairs of wagons, carriage, and harness, $1,200; for rent of stable and wagon-shed, $600; for care of clock, telegraphic and electric apparatus, and repairs to the same, $600; and for miscellaneous items not included in the foregoing, $2,400; in all, $4,800.

The amendment was agreed to.

The next amendment was, after line 503, to insert:

For editing and distributing the Statutes at Large of the Forty-ninth Congress, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in the appropriations for office of chief clerk and superintendent, in line 520, after the word "dollars," to strike out:

An inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, $1,900.

The amendment was agreed to.

The next amendment was, in line 527, before the word "assistant," to strike out "three" and insert "two;" so as to read:

Two assistant messengers.

The amendment was agreed to.

The next amendment was, in line 536, after the word "dollars," to strike out:

One gardener, $840.

The amendment was agreed to.

The next amendment was, in line 545, before the word "charwomen," to strike out "eighty" and insert "seventy-five;" so as to read:

Seventy-five charwomen, at $240 each.

The amendment was agreed to.

The next amendment was in line 552 to reduce the total amount of the appropriation for office of chief clerk and superintendent of the Treasury building from $154,706.50 to $150,046.50.

The amendment was agreed to.

The next amendment was in the appropriations for "division of captured property, claims, and lands" in the Treasury Department, in line 633, after the words "class four" to insert "one clerk of class three;" and after the word "all," at the end of line 635, to strike out "nine thousand two" and insert "ten thousand eight;" so as to make the clause read:

Division of captured property, claims, and lands: For chief of division, $2,500; one clerk of class 4; one clerk of class 3; one clerk of class 2; two clerks at $1,000 each; one clerk, at $900; and one laborer; in all, $10,860.

The amendment was agreed to.

The next amendment was in the appropriation for the "offices of disbursing clerks" of the Treasury Department, in line 645, after the words "class three," to insert "one clerk of class one," and in line 646, after the word "all," to strike out "nine thousand four" and insert "ten thousand six;" so as to make the clause read:

Offices of disbursing clerks: For two disbursing clerks, at $2,500 each; one clerk of class 4; one clerk of class 3; one clerk of class 1; and one clerk, $1,000; in all, $10,600.

The amendment was agreed to.

The next amendment was in the appropriations for office of "First Comptroller of the Treasury," in line 679, after the words "class four," to strike out "eleven" and insert "thirteen;" and after the word "all," at the end of line 683, to strike out "eighty-four thousand two" and insert "eighty-seven thousand four;" so as to make the clause read:

First Comptroller of the Treasury: For First Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; four chiefs of division, at $2,100 each; five clerks of class 4; thirteen clerks of class 3; eleven clerks of class 2; eight clerks of class 1; three clerks, at $1,000 each, and eleven clerks at $900 each; one skilled laborer, at $840; one messenger; and three laborers; in all, $87,460.

Mr. EDMUNDS. Before we pass on that I should like the chairman of the committee to explain how it happens under this economical and diminishing and reform administration that it is necessary to increase the clerks of class 3 from eleven to thirteen in the First Comptroller's office.

Mr. ALLISON. The First Comptroller and the Secretary of the Treasury sent to the committee a communication on that subject, stating that it was absolutely necessary in order to carry on the current business of this office that an increase of clerks should be had.

Mr. INGALLS. Let us have that paper read.

Mr. EDMUNDS. How had they got on before?

Mr. ALLISON. I do not know. I suppose they must have worked extra hours. I will send to the desk a copy of the letter addressed by the First Comptroller of the Treasury, and in another place the Secretary of the Treasury makes a similar request. The letter of the First Comptroller will, however, explain the matter fully.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., June 17, 1886.

DEAR SIR: I see by the morning paper that the legislative, executive, and judicial appropriation bill has passed the House.

The provisions of the bill, as respects my bureau, do not give me the force that is requisite to carry on efficiently the duties of this office.

When I took charge of the office the business was very considerably behind. Judge Lawrence, in his last report, had stated that the land division was more than a year behind, and attributed it to want of clerical force. I found that there were six details of clerks from other bureaus at the time. I soon saw that two, who were on work that was not much needed, could be spared, and so recommended, when they were transferred to other bureaus, leaving me with four details.

I have watched the workings of the office very closely, and have to say that while we have gained in some directions, yet the work has increased, and in the absence of these details could not be properly performed. I ask the House committee to give me these four details, and that some of them be of a higher grade, because this office is the final accounting office and needs clerks of superior qualifications. By the bill, as it has passed the House, I am only given one additional clerk at $1,400, and one copyist at $840.

Now, I beg to state that at the commencement of the next fiscal year if the details are taken away, as it is understood it is the intention of the Secretary, it will be impossible to keep up with the current work. Besides, there are nearly one hundred cases that ought to be prepared for suit, out of which I think a considerable amount could be realized, which can not be done with the present force. We have occasionally stopped other business and brought suit upon some of these old bonds, some of them running back for fifteen years, and have collected several thousand dollars. How much can be collected on the other old bonds I do not know, but I believe very much more than would pay for five times the labor that is required.

You and the Senate committee are apprised that I have endeavored to discharge my whole duty, and the clerks have worked well and are still working well. I would not, as you know, ask for these additional clerks if I did not need them, and I respectfully ask for two more clerks, in addition to what the House has given me, of class 3, for the reason, as I have said above, that I need higher grade clerks. Three or four of the best clerks I had have been taken from me, because they could obtain greater pay in other bureaus, by which my office has been much crippled in its operations. You may say that I ought not to have permitted them to go, but it seemed hard not to permit the men to go where they could obtain more pay. Others have been put in their places, but it really seems necessary, in order that I may retain my clerks, that these additional clerks of class 3 be given me.

There are some other things that I would be glad to state before the committee in person, if permitted to do so, and if the subcommittee having this bill in charge would hear me for five or ten minutes, to explain more minutely this matter, I should be very glad to have the opportunity of so doing. I write this because I do not know who may be on that subcommittee, and if it is proper you can hand it to Mr. ALLISON, who is the chairman of the general committee. I ask that you will in justice to me and to the public service have this matter laid before the committee; but I repeat again that I would not ask for this if I did not regard it as absolutely necessary in order to carry on the business of this bureau promptly and efficiently. I should see you in person about this matter, but will be out of the city for two or three days; and then, I suppose, you would rather have it stated fully in writing.

Yours,

M. J. DURHAM, *Comptroller.*

Hon. JAMES B. BECK,
United States Senate.

Mr. EDMUNDS. This presents a rather extraordinary state of things, Mr. President—no, not extraordinary in this present Congress. We find the First Comptroller of the Treasury appealing to a Republican Senate (which I suppose is about as good a Senate as can be had at present) to help him out of the difficulties that he has experienced, as all his predecessors did, in the House of Representatives of another character. His predecessors were forced by law to get on with the public business with the force that Congress chose to give them, and they did it. I am bound to say that in one part of the public service they did it much more readily and better than the present administration does, for in former administrations when some of the committees of the Senate desired to know what was the state of the accounts of marshals of the United States to whom great sums of public money are sent in various places as they must be, when those marshals were to be reappointed, or having been appointed in vacation were to be confirmed if the Senate thought them proper persons—that could always be done from the First Comptroller's office within a day or two, and with a detailed statement of just how their accounts stood, what had been allowed and what had been disallowed; so that we could inform the Senate in reporting upon such a case precisely how that particular gentleman had been administering his office.

I am not violating any secrecy, because all that I am speaking of is public information that anybody could get (unless the President thinks it is a private affair) by going to the public offices at the Treasury in trying to ascertain how the accounts of the present designated marshals of the United States in twenty or thirty districts, whatever the number may be, who have been in office, some of them more than a year, and all of them more than a great many months; but we have been so far unable to ascertain at all what has become of the public money that has been put into the hands of these officers; and in one or two instances that I remember we have been informed by the First Comptroller—and I am not blaming him, I am not saying anything about him at all in any critical sense, but I say there is something wrong—that vouchers have been sent in covering the period of more than a year which have not yet been examined.

That is a very strange state of things, and it affects the Treasury as well as the good administration of the laws; and so I do not wonder that the First Comptroller says that he wants more force, although under his predecessors' administrations the Senate of the United States was able to know within forty-eight hours after it had asked for the information through a committee precisely how all these gentlemen stood with respect to their disbursements of the public money. A good many of my friends on the other side know how we have struggled and labored to find out, without any very great success, until at last in some instances we have been able to work it and run it down.

Now, I think that it is rather a strange commentary upon the way things go in this world that the first thing these new charmers who keep serpents that charm never so wisely come to us and say we are not able to get on with the force that our predecessors had and did get on with much more readily and rapidly. It is true, and it is due to Mr. Durham, for whom I have the greatest personal respect as an upright, painstaking, and energetic man, to state that he says here are a lot of old bonds that are behind, &c. But I have the impression—I do not speak by the book—that the Solicitor's office of the Treasury is the one, the accounts being settled and declared and showing that some office-holder, some man intrusted with the public money, is behindhand, that is to direct suits to be brought by the district attorneys upon the bonds. And therefore the difficulty should be in the Solicitor's office and not in the office of the Comptroller, unless you come back to the mere question of accounts; and on the question of accounts we have found hitherto that the accounts of the disbursing officers that came to one committee of the Senate—of course only a small part of them—were always in such a condition that we could know any day just how they stood.

It may be that this increase of force is necessary. It is necessary if old and faithful officers have been discharged who knew what they were about, and new men have been brought in who do not understand the business; and you must have more men to do imperfectly the work that fewer men did perfectly before, and I suspect that is the real difficulty about it.

Mr. INGALLS. Mr. President, in this communication from the First Comptroller, upon which the Committee on Appropriations appear to have acted, there are some statements which seem to me to require further explanation.

Judge Durham does not state that he can not get along with the force in his office unless the details that are now there are retained. He says that he understands that it is the purpose of the Secretary at the beginning of the next fiscal year to take away certain details from him; that when he entered upon the discharge of the duties of his office he found there were these details of clerks from other bureaus at the time. It appears that they have been continued in the service of the office of the First Comptroller up to this time, four of them have been retained, and that the only reason why he requires this additional clerical force is because he apprehends at the beginning of the next fiscal year the Secretary of the Treasury proposes to transfer those details to some other bureau. He adds:

Three or four of the best clerks I had have been taken from me because they could obtain greater pay in other bureaus, by which my office has been much crippled in its operations. You may say that I ought not to have permitted them to go, but it seemed hard not to permit the men to go where they could obtain more pay.

This seems to be a very mysterious and inexplicable statement of the condition of business in that office. They have been conducting the business, as he states, with an inefficient clerical force from the fact that there has been a detail from some other bureau, where there must have been a superfluous force, of six men, subsequently reduced to four, so that he has been enabled by that clerical force to keep up the business of his office; and he now anticipates that those men, that mysterious contingent that appears to be a mobilized force in the Secretary's office which can be transferred hither and thither like the force under

the centurion in the Scriptures to one of whom he said "Go," and he goeth, and to another "Come," and he cometh, and "do this," and he doeth it, will be withdrawn. I do not understand that. I never knew before that there was a mobilized force in the Secretary's office that could be detached from one place and attached to another, with a fluctuating salary paid now on one roll and now on another; and I hope, the House of Representatives having examined this matter fully, before we are required to listen to the voice of this charmer, charm he never so wisely, that we shall be advised how it is that Mr. Durham permitted four of his best clerks to be taken from him because they could obtain greater pay in other bureaus, without the concurrence of Congress, without so far as we know the authority or sanction of the law.

Why did not Mr. Durham keep his clerks if he had them? He says he permitted them to be taken from him because they could obtain better pay in other bureaus, by reason of which his office has been much crippled in its operations, and he adds what seems a very natural comment:

You may say that I ought not to have permitted them to go—

Very true. "Thou reasonest well." That seems natural.

You may say that I ought not to have permitted them to go, but it seemed hard not to permit the men to go where they could obtain more pay.

Mr. BUTLER. Perhaps I may be able to throw a little light on that subject, because there is a case in point that came under my own knowledge. There was a young man in the bureau of the First Comptroller from my State.

Mr. EDMUNDS. Only one?

Mr. BUTLER. I do not know. There may be forty such for aught I know, but for the purpose I am going to state there was one, a very competent and as I understand a very accomplished man, having certain duties to perform. The head of another bureau or the chief of a division, I am not certain which, having a vacancy, applied for this young man. He was receiving in the First Comptroller's Office $1,200 a year, and by this transfer to the other division he would receive $1,600 a year.

Mr. EDMUNDS. How could that be?

Mr. BUTLER. I do not know how.

Mr. INGALLS. Permit me to ask one question right there. If this South Carolina gentleman was transferred from the First Comptroller's Office, was there not a vacancy to be filled under the civil-service rules?

Mr. BUTLER. I was just going to state, if the Senator would give me a little time, that this young man really was not transferred, but as I say the chief of a division applied for him, and by the transfer he would receive $1,600. In Mr. Durham's office he was receiving $1,200. Of course, I take it that when that transfer took place there would be a vacancy in the First Comptroller's Office. The Comptroller objected to the other division getting this man because he had trained him and he was a very efficient clerk, and the Comptroller did not want him to go.

I went in person, I have no hesitation in saying, and remonstrated about it, and said that I thought inasmuch as this young man had proved himself worthy and had an opportunity of getting increased pay, the Comptroller ought to consent to his going to the other division. I take it, of course, there was a vacancy in the twelve-hundred-dollar place by this change. Of course the man who would fill the vacancy would not have the experience and capacity of the man who was transferred to the other division, and I take it that is what the Comptroller refers to.

Mr. INGALLS. I can hardly conceive that. Of course the statement of the Senator from South Carolina is instructive as showing the processes by which business is transacted there; but under his statement I should assume that the transfer or promotion of this gentleman from South Carolina who was employed there would leave a vacancy in the office of the First Comptroller.

Mr. BUTLER. I take it for granted.

Mr. INGALLS. That would necessarily have to be filled by selection under the civil-service regulations, and it would not be such a diminution of his force as would require him to come to Congress and say that he needed another clerk.

Mr. BUTLER. I take it not numerically, but in efficiency it might be a very great diminution of his force, because there is one trained man who has been in the office for some time and gives up the place and an untrained clerk comes in, as I understand it.

Mr. TELLER. If I understand the matter there was a detail from some other bureau of the Treasury Department to this bureau, which is perfectly proper and legitimate. Subsequently there was probably a vacancy in the higher grades either in the bureau from which the clerks were detailed or in some other bureau, and it was the desire of the Department to promote the clerks then in office to the higher grade, which I think is the sentiment that actuates nearly every executive officer, and very properly too. So these men were transferred from one grade, $1,200 we will say, the first class, to the second or third class clerkships. That is all there is of it.

Mr. INGALLS. They could not be transferred unless there were vacancies.

Mr. TELLER. There were vacancies, of course, or they could not have been transferred. That left just as many clerks in the office and there might have been a detail from some other place after that special detail was withdrawn.

Mr. INGALLS. As the Senator has had experience, allow me to ask him one question there. How can there be a detail from one bureau to another unless there is a superfluity of force in the bureau from which they are detailed or unless you leave that force crippled?

Mr. TELLER. I will just say a word.

Mr. BUTLER. Before the Senator from Colorado proceeds I should like to ask him a question for information, because I know no more about it than the Senator from Kansas; but is it not entirely competent for the head of an Executive Department to transfer clerks from one bureau to another in cases of emergency? I understand that to be what was done in this case. It was abundantly competent for the Secretary of the Treasury or the Secretary of the Interior to transfer twenty clerks from one bureau to another where they can be spared in one to meet an emergency in another? Is not that true?

Mr. TELLER. That is true.

Mr. ALLISON. If the Senator from Colorado will excuse me a moment, I think the difficulty in this particular matter of the Treasury lies in the fact that the Secretary of the Treasury called upon the several heads of bureaus to ascertain how many clerks they could dispense with, if any, and the heads of bureaus having clerks detailed to other bureaus of course reported that fact to the Secretary of the Treasury, as had been done often, which was a disclosure that these clerks were not needed in the particular bureaus on whose rolls they were borne. Now, I suppose the fact to be in the case of the First Comptroller that these detailed clerks were attached to some bureau where the head of it stated to the Secretary that he did not need the clerks, and they have been reduced accordingly.

Mr. EDMUNDS. That is to say, they have been dismissed, and you are to make a new appointment for the place to which they were detailed.

Mr. ALLISON. That is a mild and clearer way of stating it. So they have dispensed with these clerks, and now it is necessary that the other bureaus where the work is essential to be done must have the force that was formerly assigned to other duties.

Mr. EDMUNDS. And where they were before, only new men are put in.

Mr. TELLER. It does not follow because there is a detail from one bureau to another that the bureau from which the detail is taken is overcrowded.

Mr. BUTLER. Not at all.

Mr. TELLER. If there is an emergency in one office, the head of the Department will transfer for the time being from one bureau to a crowded bureau for special work. That is done always, and always has been I suppose. For instance take the Land Office. If Congress should ask, as they do during the winter, for a great number of copies of some documents from that office, there might not be copyists enough in the Land Office; it is a common thing then to detail force from the Patent Office or the Pension Office for the time being, if it is necessary, to meet that emergency; otherwise the work will be delayed. When the work is accomplished it is usual to return the detail to its proper office, and frequently the bureau from which the detail is made suffers while the detail is absent.

So there can be no conclusion drawn because there is a detail from one bureau to another that it is an overcrowded bureau by any means. They may be entirely short of men, and their work may stand still while what appears to the head of the Department to be a more important office is proceeding for the time being.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the following clause, from line 695 to line 698:

For the additional force in the Second Comptroller's Office rendered necessary by increase of work relating to pensions, namely: Three clerks of class 4 and one clerk of class 1; in all, $6,600.

Mr. EDMUNDS. I should like to have it explained what this Second Comptroller's Office has to do with pensions, and how this additional force provided for in lines 695 to 698 becomes necessary.

Mr. ALLISON. This is not an additional force.

Mr. EDMUNDS. The bill says so.

Mr. ALLISON. So it has said for a good many years. When the arrears-of-pension act was passed this additional force was placed in the Second Comptroller's Office, that office having the final adjustment of the accounts of the soldiers respecting their terms of enlistment, &c.

Mr. EDMUNDS. Do you mean about back pay or about pensions?

Mr. ALLISON. The pension work, which is finally revised in the Second Comptroller's Office.

Mr. EDMUNDS. That is, it is the revision of the pension disbursements?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. Go ahead.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office

of "Second Comptroller of the Treasury," to strike out the following clause, from line 699 to line 704, inclusive:

For continuing the adjustment of the accounts of the Soldiers' Home, under section 4818 of the Revised Statutes, in the office of the Second Comptroller: For five clerks, at $660 each, to be employed on the Soldiers' Home roll, $3,300.

Mr. SEWELL. I should like an explanation from the Senator from Iowa, the chairman of the committee, in relation to that amendment, and also in relation to a similar clause in the appropriations for the Second Auditor's Office.

A few years ago when the affairs of this institution, the Soldiers' Home, were investigated by a committee of the Senate it was found that that home, supported primarily by a tax of so much a month on the soldiers of the regular Army, enforced by the proceeds of the sales of unclaimed effects of deceased soldiers and deserters, a large part of the latter class having accrued during the war, was entitled to a million or a million and a half of dollars, which had not yet been adjusted by reason of the lack of clerical force in the Treasury Department. I would like to know what has taken place making it necessary that this provision should be stricken out, as the home wants at an early day to get the money due it on this account.

Mr. ALLISON. The committee made as thorough an examination of this Soldiers' Home matter as they could in the brief time allotted to them. Their attention was especially called to it by a request from the Second Auditor asking an increase of clerks from seven to twelve, the House having only provided seven clerks in the Second Auditor's Office for the examination and adjustment of these rolls.

Mr. EDMUNDS. How many were there before under existing law?

Mr. ALLISON. Until this year the Soldiers' Home force in the Second Auditor's Office was provided for by a lump appropriation, and under it I believe eleven clerks have been employed. This year, instead of appropriating a lump sum to the Second Auditor's Office and the Second Comptroller's Office for this purpose, the bill appropriates specifically for these clerks, giving them a salary of $660 a year, which is a very small salary for clerks compared with the salaries received by clerks generally in the offices.

Mr. EDMUNDS. Why is such a distinction made? Is it because you are going to get inferior people, or because superior people are to be paid less?

Mr. ALLISON. I do not know precisely why. I suppose the clerks at $660 do not come under the civil-service rules, and can be appointed without reference to civil-service examinations; but I do not know whether that is the reason or not.

Mr. EDMUNDS. That accounts for it.

Mr. ALLISON. I only know that the House of Representatives put in these clerks at these extremely low rates. The Second Auditor convinced the Committee on Appropriations that if this force was retained in the Second Comptroller's Office he ought to have a force of twenty-two clerks, because these clerks in the Second Comptroller's Office merely revise the work in the Second Auditor's Office, and it requires at least, as they say, two or three clerks in the Second Auditor's Office for one in the Second Comptroller's Office.

So we inquired further as to the character of these examinations, and we found that under the appropriations which have been made hitherto at the suggestion of the Senator from New Jersey [Mr. SEWELL], the Second Auditor's force and the Second Comptroller's force were employed in the examination of accounts beginning with the war of 1812 and running down through all the period since to the present time.

Mr. EDMUNDS. You do not mean the Soldiers' Home accounts.

Mr. ALLISON. Yes. These clerks have been employed upon accounts prior to the establishment of the home itself, and I understand one branch of the examination has now reached the year 1845, but that is only one branch of the accounts; and under that they have found due to the Soldiers' Home $211,000. The committee made some examination of the law of 1851, and under it became convinced that as to one branch at least they had the right to go back of the year 1851.

Mr. EDMUNDS. What for?

Mr. ALLISON. The law of 1851 provides that all forfeitures on account of desertion and all moneys belonging to the estates of deceased soldiers which are or may be unclaimed for the period of three years subsequent to the death of such soldier shall go to the home.

Mr. EDMUNDS. They are simply hunting then for the money to go into the funds of the home.

Mr. ALLISON. To go into the Soldiers' Home fund. So far as desertions are concerned, I believe they have brought down the accounts to 1845. They have not yet examined from 1812 to 1845 the accounts of deceased soldiers who left unclaimed effects.

The Second Auditor in his report states that this force of clerks on this work will be required indefinitely; in other words, he led the committee to believe and means Congress to understand that these examinations will be required for many years to come.

Mr. EDMUNDS. It is money in the Treasury of the United States which is to be turned over to another public object; and so we are merely hunting around to find out how we can transfer it from one part of the public pocket to another institution.

Mr. ALLISON. That is true, but that is the law. The law of 1851 carried into the Revised Statutes, quoted in this communication, being section 4818, is the foundation of the home and constitutes its fund. So the committee believe that whatever this fund may be, at least so far as relates to the accounts prior to 1851, it might very well in some way be estimated or aggregated without the examination of the accounts. Under the appropriations which are asked for by these officers for the examination of these accounts it will require an expenditure of $14,000 per annum.

Mr. HARRISON. May I ask the Senator about what per cent. that would be on the total amount of claims settled during the year, for that expenditure is practically the interest the Government pays on that account.

Mr. ALLISON. I am not able to state that in exact words, although the Auditor stated to us that these accounts had now reached the year 1845, and that during the last year $211,000 had been paid into the home, and they had a fund of $10,000.

Mr. EDMUNDS. Not collected from any private person, but merely taken out of the Treasury as lapsed funds, and we spent a great many thousand dollars in order to turn it over from one set of books in the Treasury to another set of books in the Treasury.

Mr. ALLISON. Two hundred and eleven thousand dollars has been settled during the last year by these two forces.

Mr. HARRISON. And the salary of the clerks working upon it was $9,000 or $10,000.

Mr. ALLISON. The appropriation was made in the lump, $10,000, so that this appropriation of $10,000 for the last year may be stated to have yielded $211,000 to the Soldiers' Home.

Mr. EDMUNDS. Out of the Treasury.

Mr. ALLISON. Out of the Treasury.

Mr. EDMUNDS. We paid $10,000 then for transferring $211,000 from one set of books of the Treasury to another. That is very good.

Mr. ALLISON. Under the law as it stands undoubtedly this home is entitled to these forfeitures and fines and penalties and so on; but it seemed to the committee that it was an unwise expenditure to expend this $14,000 per annum in making an examination of these accounts, and that it would be better in some way for some committee of Congress to take up the question and ascertain by some general system of averages about what these accounts would amount to and if need be set apart the fund for the benefit of the home.

Under the law now, the funds belonging to the Home are deposited in the Treasury and draw 3 per cent. interest per annum. So it seemed to the committee that it would be wiser and better for Congress in some way to segregate a sum and place it to the credit of this fund to the extent that we are required to do by the law, rather than to go into a detailed examination of these individual accounts running back fifty or sixty years.

Mr. SEWELL. The chairman of the Committee on Appropriations has probably thought of the mode of doing it, but I should like to suggest how the emergency arises and the amount of money that is now due under the law without going into the accounts. At the same time I would suggest also that the accounts are now being audited yearly and have been since the war. The accounts are now kept up yearly. The committee had a report from General Hunt, now commanding the Soldier's Home, stating that—

We are living beyond our means; that is, beyond our adjusted credits, and the excess is eating into capital.

Each soldier of the regular Army is paying 12½ cents a month, amounting to thirty or forty thousand dollars a year. In explanation of the remark of the Senator from Vermont, I might say that this home is not entirely the property of the Government. It is the home of the soldier. He has paid for it during all his term of service, and in that sense the veterans are entitled to great consideration. The property is theirs, and it is used very largely by the citizens of the District of Columbia as a pleasure park at the expense to a great extent of the private soldier from his monthly pay.

This is the language of the commandant:

If required, the home can well afford to pay for such clerical force as may be needful to present such a result; at any rate, for so much more force as is needful beyond what Congress is willing to give.

I should be perfectly satisfied if we could arrive at a gross sum that might be credited to the home, upon which under the present law it would get an interest of 3 per cent., so as to avoid this expense. The committee want to avoid having a large annual outlay for the mere transfer of accounts from one book to another. I simply desire to ask the chairman of the committee if the committee has thought how that might be arrived at?

I should then be glad, in connection with my former service as chairman of the subcommittee that investigated the home—a matter that I take great interest in—to have such legislation as would carry out that view.

Mr. ALLISON. I will say to the Senator that on inquiry of the governor of the home we found that the amount of current fines, penalties, and forfeitures paid into the home—because these penalties and forfeitures still run on and they are turned into the home—vary greatly with different years. For instance, one year they have amounted to as high as $65,000, and another year $35,000, with practically the same number of men.

It seems to me—though of course I have not given attention to it, nor has the Committee on Appropriations—that an average could be reached by taking, say, ten years of time and the number of soldiers in the service, and finding what the income for ten years would be, then average it according to the number of soldiers.

The Committee on Appropriations had no intention of crippling in the slightest degree the income of this home, nor had they any intention of depriving the home of whatever sums may be due from the examination of these accounts as required by law; but it did seem to the committee that the law itself did not require that we should go back of the establishment of the home in the year 1851.

Now, the home is not impecunious, although I believe the governor does say that they will be obliged to draw somewhat upon the capital of the funds of the home. They have to-day, as I remember—I may not state the sums exactly—$780,000 invested in 4 per cent. bonds of the Government of the United States, which is certainly a very good investment. Those bonds if sold now would yield to the home a very large sum of money; and if I was one of the directors of the home I should propose to sell those bonds and place the money, as the law authorizes, in the Treasury of the United States so as to draw 3 per cent. interest.

Mr. INGALLS. That in addition to all their real estate?

Mr. ALLISON. In addition to all their real estate.

Mr. INGALLS. And no incumbrance on the real estate?

Mr. ALLISON. No incumbrance on the real estate. They have these 4 per cent. bonds, which, in my judgment, ought to be turned into the Treasury, where by law they will be entitled to draw 3 per cent. In addition to that, they have $480,000 in the Treasury of the United States drawing 3 per cent., and about $100,000 in other invested funds, I believe chiefly in Missouri State bonds. They have one dollar and a half per annum from each soldier paid regularly into the treasury of the home.

Mr. INGALLS. Each soldier in the entire Army?

Mr. ALLISON. Each soldier in the entire Army.

Mr. CHACE. Does that include officers?

Mr. ALLISON. That does not include officers; it includes private soldiers. They have in addition to that the current fines and forfeitures and all unclaimed funds that have been unclaimed for three years. Of course if the funds owing to deceased soldiers are again sought to be reclaimed by the heirs of the decedent, the home must return them.

So, I do not think in the brief space between now and next December there will be any hardship to the home; and the desire of the committee was simply to save this amount of money during the year, which it seemed to us was unnecessary in order to examine these old accounts, and in order to compromise and adjust the matter upon some basis that would easily be devised by people familiar with the accounts.

Mr. HAWLEY. I think it would not be difficult, after an examination of the collections hitherto made, to give a fair annual average of the sum that might be found due, and if even 60 or 75 per cent. of that sum were assumed as a fair payment to be made, that would probably satisfy all the wants of the home, and give the $500,000 now (I judge roughly from these figures), and this form of collecting and examining these old musty accounts from year to year might as well be dispensed with.

Mr. DAWES. Endow it.

Mr. HAWLEY. Endow the home virtually by making a fair estimate of 75 per cent. of what they are entitled to upon an examination of the accounts with existing funds in real estate.

We have had a little experience in another line in this matter in the modern soldiers' homes for volunteer soldiers, such as there are at Togus, Dayton, Hampton, and other places, which are supported in the first place from sums realized in a similar way from the great volunteer army. A force of, I think, not less than thirty, it may have been sixty, certainly forty or fifty, clerks at least for a while were employed here hunting over the accounts of the great volunteer army of two and a quarter million soldiers to see what pensions or forfeited pay of deserters they could find. It was costing $40,000 or $50,000 a year. Subsequently Congress discovered that this money was not found in the pockets of outside parties but in the Treasury all the while, and it discovered also that it was under obligation to support those soldiers anyhow, and therefore the forty or fifty clerks were dismissed at a saving of $40,000 or $50,000 a year.

Mr. DAWES. How were they paid?

Mr. HAWLEY. They were paid by drawing right straight out of the Treasury what was necessary.

Mr. DAWES. By annual appropriations?

Mr. HAWLEY. By annual appropriations taken out of the Treasury.

Mr. SEWELL. I did not desire to oppose this amendment; I simply desired the information I have received. I shall take occasion hereafter to introduce a resolution instructing the proper committee to investigate this matter with a view to the future legislation of Congress.

The PRESIDENT *pro tempore*. The amendment will be agreed to if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of "Second Auditor," after the word "messengers," at the end of line 729, to strike out "eighteen copyists, at $840 each;" and in line 731, after the words "two hundred and," to strike out "sixty-two thousand four hundred and fifty" and insert "forty-seven thousand three hundred and thirty;" so as to make the clause read:

Second Auditor: For Second Auditor, $3,600; deputy auditor, $2,250; six chiefs of division, at $2,000 each; eight clerks of class 4; forty clerks of class 3; additional to one clerk of class 3 as disbursing clerk, $200; fifty-five clerks of class 2; forty-eight clerks of class 1; eight clerks, at $1,000 each; one messenger; three assistant messengers; and eight laborers; in all, $247,330.

The amendment was agreed to.

The next amendment was, after line 733, to insert:

For the purpose of restoring and repairing the worn-out and defaced rolls in the Second Auditor's Office, $21,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 737 to line 742, inclusive, as follows:

For additional force for continuing the adjustment of the accounts of the Soldiers' Home in the office of the Second Auditor, under section 4818, Revised Statutes: Seven clerks at $840 each, and one at $720 per annum, $6,600.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of "Fourth Auditor," in line 746, before the words "clerks of class three" to strike out "twelve" and insert "fourteen;" after the word "each," at the end of line 766, to strike out "four clerks, at $800 each;" so as to make the clause read:

Fourth Auditor: For the Fourth Auditor, $3,600; deputy auditor, $2,250; three chiefs of division, at $2,000 each; two clerks of class 4; fourteen clerks of class 3; eight clerks of class 2; nine clerks of class 1; three clerks, at $1,000 each; five clerks at $900 each; one assistant messenger; and two laborers; in all, $69,390.

Mr. ALLISON. I wish to explain the amendment. The Senate will notice that on line 764 the number of third-class clerks was reduced from fourteen to twelve, and in line 767 there were added four clerks at $800 each, it being the purpose to substitute four clerks at $800 each for two clerks at $1,600 each. The committee thought that rather a singular amendment and restored the clerks of class 3 in order that the House might have an opportunity to explain why it was that this change was made.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. SAULSBURY. I observe that in the Second Auditor's Office there has been quite a change made, striking out eighteen copyists at $840 each and then reducing the sum appropriated in the aggregate from $62,450 to $47,330, and subsequently adding a paragraph for the purpose of restoring and repairing the worn-out and defaced rolls in the office of the Second Auditor, $21,000, so that the appropriation on the whole is increased rather than diminished.

The two Houses seem not to have had the same information in reference to the necessities of these appropriations. One House deems that eighteen copyists are the proper force. Another deems that that is too much and strikes it out, and then adds a subsequent paragraph appropriating $21,000.

It seems to me that this whole matter is in confusion in the minds of the Committees on Appropriations, as well as everybody else. I confess that I do not know the necessity for these clerks. There may be a necessity, but we must depend upon some committees to ascertain. However, here are two committees, one at the other end of the Capitol and one in this body, differing as to what is proper to be done.

I think there ought to be some definite information given to us on this subject. I believe the very best thing that could be done would be to have a committee appointed by the Senate and House to investigate and inquire into the necessities of the Executive Departments of the Government to ascertain what is the force they need. All the information we have now on this subject comes by estimates. The estimates are furnished by the Secretaries. The Secretaries derive their information from heads of bureaus, and the heads of bureaus from the chiefs of divisions, and finally all the information we have obtained has come from some subordinate branch of the Government, and we have no proper information in reference to what is the proper force to give to any of these bureaus or Departments.

I believe the best thing that could be done by Congress at the present session would be to appoint a joint committee to examine in detail every bureau in every Executive Department of the Government, and ascertain definitely the amount of force which is necessary for each of those Departments and to make their report to Congress, and let us act upon that. But we are acting blindly here to-day. The committees of the two Houses having charge of these appropriations differ entirely in regard to the amount of force necessary and in the character of force, so that we have no definite information, but we are voting the appropriations without knowing the absolute necessity of them from any knowledge we have obtained, taking the estimates furnished as the basis for the appropriations. They may be correct, but I do not know that they are correct.

When we come to find that the two committees of Congress charged

with making appropriations differ so widely I am ready to conclude that we are acting blindly and do not know what we are about in making these appropriations.

Mr. ALLISON. If the Senator from Delaware desires to raise a committee of investigation upon the heads of Departments with reference to the conduct of their business of course I shall not object, but it is very easy to ascertain all the facts about the matter to which he has called our attention.

The Secretary of the Treasury, who is responsible for the particular Department we are now considering, estimated for twenty-five copyists in the Second Auditor's Office for the purpose of restoring and repairing worn-out and defaced rolls in the Second Auditor's Office. These rolls constitute the rolls of the Army of the Union during the war chiefly, in fact wholly; and they are the vouchers or the receipts that the Government holds for the payment of money, whether it be pay proper or bounty or whatever.

These rolls by frequent and constant handling for a great many years have become worn and defaced so that some of them must be entirely copied in order to be of use and service to the Government. They are being used now constantly in the settlements of old claims for bounty and back-pay and various amounts which are due to the soldiers under the laws which we have passed, and they must be examined and re-examined day by day. Some of them are in such a condition that they must be replaced by copying and others replaced by repairing.

We called before us the Second Auditor. I am merely making this statement now for the information of the Senator from Delaware to show that we examined this subject. We called before us the Second Auditor and requested him to bring to us a sample or a number of samples of these worn-out and defaced rolls, which he did bring; and he stated that instead of having twenty-five copyists, the number estimated for by the Secretary of the Treasury, if he had room for them he would require one hundred copyists, and that that number even would not be sufficient to restore these rolls as rapidly as should be done.

Mr. TELLER. Why not give him more?

Mr. ALLISON. He has no room for them in which to work upon these rolls.

These rolls constitute the vouchers of the Government. They ought to be preserved, and they must be preserved. By what system of arithmetic the House of Representatives found that only eighteen copyists were necessary instead of twenty-five I do not know. It may have been upon that general calculation which we hear whispered around in the wind here and there, that they expected the Senate of the United States would increase the amount according to the estimates of the head of the Department, and then they would have an opportunity of going to the country and saying, "Look at the extravagant Senate; it insists upon increasing all the appropriation bills that come over from an economical House of Representatives."

We have endeavored in making the suggestions with reference to appropriations to carry out what we believe to be the essential needs of the Government, and we were convinced upon an examination that the whole of the sum appropriated here would be required for the purpose indicated. We suggested a lump sum for the reason that it was stated to us by those in charge of these rolls that if they had it in that way they believed they could repair more of the rolls than they could by having twenty-five men or women at a fixed sum. That is the reason why the sum was appropriated in a lump.

Mr. BECK. If the chairman will allow me, my recollection is that it was stated further that if we placed people upon the rolls they would claim to be there permanently, and complaint would be made about their discharge when the work was finished, whereas if a lump sum was given they would not be in a position to make any such complaint when there was no further need for their services.

Mr. ALLISON. Yes, that was stated.

Mr. SAULSBURY. I am not finding fault with the Committee on Appropriations of the Senate in the point I made. I have no doubt they acted according to the best information they had, and that they did what in their judgment it was right and proper to do. What I was talking about was the apparent disagreement in the committees of the two Houses, that one or the other or both have not sufficient data upon which to make recommendations here for the votes that we give; and then I suggested that we ought to have an inquiry by Congress itself to ascertain definitely what are the necessities of the various bureaus connected with the Executive Departments of this Government.

We are now acting, as I said, solely upon the estimates of the heads of Departments. The heads of Departments can not personally know exactly what is needed. It is utterly impossible for them to enter into the details of the various bureaus under their supervision. They are compelled, therefore, to rely upon heads of bureaus, and the heads of bureaus consult the chiefs of divisions, and they go down to the lowest grade of officials having charge of these matters to ascertain what are the necessities of the bureau.

Mr. ALLISON. Does not the Senator see that the head of a bureau, to wit, the Second Auditor in this particular case, could, by expending five minutes or ten minutes of his time, ascertain whether this appropriation was necessary or not?

Mr. SAULSBURY. I have no question that the heads of Departments are acting in good faith.

Mr. DAWES. I wish to ask the Senator——

Mr. SAULSBURY. I wish to get through with my sentence. I have no doubt that the heads of Departments make no estimates but what they believe are necessary; but everybody knows that the head of every bureau wants ample force. He wants as little trouble in the management of his bureau as possible, and he wants ample force to do the work. All of us who ever pass through these Departments know that there are a great many men there on the pay-rolls who have no work to do one-half of their time. A great deal of the time they are in the corridors, or frequently reading papers, with their feet on the desks. I have no question that there are bureaus connected with the Executive Departments of the Government in which there is not more than half the force required that is at present given. I have no doubt about that, and I have no doubt that some of the bureaus are deficient in help.

What I suggested was that the Senate and the House upon their own responsibility, for their own information, in order that they may make the proper appropriations from the public Treasury to carry on the Executive Departments of the Government, should institute their own inquiry and ascertain for themselves by a joint committee of the two Houses what are the necessities of the various Departments and the various bureaus connected with the Government, so that when the Appropriations Committee come in here and recommend an appropriation for a certain number of clerks for the Second Auditor's Office, for instance, we may know authoritatively from a responsible committee of our own body that that is the absolute number of clerks required and that the compensation proposed to be paid to them is the proper compensation to be given.

But everybody knows that to-day, acting upon the estimates of the heads of Departments who are informed by the heads of bureaus and chiefs of divisions, we are voting blindly, and do not know whether we are voting proper amounts of money or the proper number of clerks or not. Everybody sees it.

Mr. BECK and Mr. DAWES addressed the Chair.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Senator from Kentucky.

Mr. DAWES. I have been on all sorts of committees of this kind—commmittees to adjust the work of the bureaus——

Mr. BECK. I do not understand that the Senator from Massachusetts has the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. DAWES. I beg pardon.

Mr. BECK. "The Senator from Kentucky" was called by the Chair, but the Senator from Massachusetts kept on speaking.

Mr. DAWES. I beg the Senator's pardon, I asked the Senator from Delaware to yield to me, and he said he would as soon as he got through with his sentence, and he seems to have gotten through.

Mr. BECK. I only wanted to know. Go on.

Mr. DAWES. I beg pardon.

The PRESIDING OFFICER. The Chair did not hear the colloquy between the Senators.

Mr. DAWES. I would not interrupt the Senator from Kentucky for the world, but I was saying when I found myself interrupting the Senator from Kentucky that I had been on all sorts of committees, on the Committee on Appropriations for a good many years in both branches of Congress and on committees that have undertaken to do for the Committee on Appropriations its work. I never could understand, and I wanted to ask the Senator from Delaware for his views on it, to whom such a committee could go for the information as to the need and necessities of the Government but to the heads of its bureaus who have the work to discharge. They can get no other information unless they sit down in the place of the head of the bureau and go through for a year or more the duties of that head of bureau before they can tell what are the needs of the bureau itself.

A committee appointed independent of the Committee on Appropriations can go nowhere else for its information except to the bureau itself, and examine the work to be done, and the character of the officers who are to do the work, and adapt the one to the other; and they can do that in no other way but by ascertaining from experience what is necessary for the bureau.

I take it that the Senator from Delaware has just as much confidence in the present heads of the bureaus and in the present management of each bureau down to the minutest detail of each bureau as anybody could have had in the heads of its bureaus in the past. I am not drawing any distinction.

If the Senator should be put at the head of such a committee he could not draw upon his own experience and could not draw from books what is necessary to-day in the bureaus. He would go directly to the head of each bureau, and the head of the bureau now under the system presents his estimate of the necessities of his bureau to the Secretary of the Treasury, and the Secretary of the Treasury only transmits that estimate.

When the time shall come that each head of a bureau shall be individually held responsible by the law for what is done in his bureau, both in the character of the work and the cost of the work, then, and not until then, will the civil service of this country be reformed. Give to each head of a bureau the power to employ such service as he needs, and hold him responsible for two things and two things only, the character of his work and the cost of it, and you will have accomplished all that the civil service of the country can be reformed by statute.

But I am curious to know how an independent joint committee of the two Houses of Congress can throw any light upon this subject other than the light which would come from the committees of the Senate and the House, whose duty it is now to examine the estimates and judge for themselves through every source of information, which is as freely open to them as it would be to any select committee specially charged with the examination.

The committee of the other branch have had six months to do that thing in, and so has the committee of this branch, as to that matter, anticipating the work that should come up here. What more time is there for a select committee to go about reorganizing?

The Senator from Kentucky and the Senator from Iowa have some recollection of an ambitious committee of this kind that some ten years ago reorganized the Treasury Department under an idea that they could themselves establish, without experience and without knowledge of the work, a better system. They will agree with me that it entailed upon the Government very many thousands of dollars in excess of the old system and in excess of the present system, so far as from time to time the two Houses of Congress have found it in their power to undo the work of that joint committee.

I trust that the Senator from Delaware, if he desires to have economy in this and future administrations, will never set a select committee at work for these two committees to prepare for them a new and broader and more ambitious plan of service than the present one.

Mr. BECK. Mr. President, I do not rise for the purpose of discussing this particular item. The Senator from Iowa has explained it so thoroughly that there can be no dispute about its propriety and necessity.

In the Second Auditor's Office at least $21,000 are needed for the purpose of restoring and repairing the worn out and defaced rolls. If that is not done and done very soon many very poor and deserving people who have just claims will not be able to obtain payment at all by reason of the destruction of the needed proofs.

It was believed by the committee that the proper way to do this work was to give the Auditor $21,000 to apply to that purpose and let him get the best service he could for the least money, so that when the work was done he could let the employés go, as they would understand that they were employed for that special purpose and for that purpose only. We deemed that preferable to placing new people upon the regular pay-roll who when once there either at $900, $1,000, $1,200, or $1,400 a year would of course complain that they were improperly discharged or dismissed, and claim that they have a hold on the Government and ought to be kept in the Department. It is better to appropriate a fixed amount of money and get the service as it can best be obtained, and then the persons who do the work will understand that when it is done they will not be needed and that they are not employés of the Government in any sense except for that special purpose. That the money is needed and that much more is needed for this purpose I think no one will dispute.

What I rose to say to the Senator from Delaware, who is usually very careful, and whose ideas upon these subjects are always in the line not only of economy but of good government and fair dealing, is that he will find that the Committee on Appropriations, especially in the Senate, can only deal with substantial accuracy in regard to matters coming under its jurisdiction to which attention is called, but I regret to say we have absolutely no power or jurisdiction over many questions in which the largest and most important leaks occur in the management of the fiscal affairs of the Government. For example, section 3687 of the Revised Statutes of the United States provides, under the head of "permanent annual appropriations:"

There is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,750,000, for the expenses of collecting the revenue from customs for each half year, in addition to such sums as may be received from fines, penalties, and forfeitures connected with the customs, and from fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services.

There are $5,500,000 in money and an indefinite sum arising from all sorts of outside things given in a lump for the collection of customs. While this conversation was going on I turned to the Blue Book, and counting as well as I could I find in volume 1 of the last Official Register or Blue Book, as it is called, that at the port of New York alone there are over sixteen hundred people employed in the custom-house with salaries ranging from the collector at $12,000, auditor and cashiers at $5,000 to $3,000, $3,000, $2,500, $2,000 and down, all of them paid out of the general permanent fund under the provision I have read and paid just as the Secretary of the Treasury and the collector may please without coming to Congress and saying "By your leave, gentlemen." The wages of employés are increased or diminished, put up or down, without asking our advice and only accounted for in an Auditor's report at the end of the year. We are not even asked in regard to the character or qualifications of the persons employed, while we are investigating in executive session for weeks the standing of every little postmaster whose salary exceeds $1,000.

Mr. President, we are sitting here day by day nibbling away about some clerk, some charwomen, some trifle, even down to a piece of soap, as though we were seriously watching to see that every dollar taken from taxes collected is accounted for to us; yet, as I have shown, there are five and a half million dollars thrown in bulk into the hands of the Secretary and his customs officers under permanent appropriations, allowing them to collect all they can from drayage, storage, cartage, fines, penalties and forfeitures, in addition to the $5,500,000 we give them, and distribute it as they please, and all of it is spent without saying a word to Congress or without any of us knowing anything about it or having any supervision over it. I only give that as a specimen. I have tried for years without success to bring them under the jurisdiction of Congress, so that some sort of restriction might be imposed. The idea of a Committee on Appropriations being able to do more than keep a general check upon such things as are committed to our supervision is absolutely absurd. We do the best we can; we hold expenditures in check whenever we can and are allowed to do, and yet leaks are going on all round. The stream is flowing through the bung-hole too frequently while we are stopping the spigot to see that not a drop gets away among the little things that come under our jurisdiction.

I thought of saying some other things, but I believe I will not. As far as this bill is concerned it has received all the care that the gentlemen on the Appropriations Committee who have had long service could give it. I agree, and I am sorry to have to agree to much of the criticism of Republican Senators, that there are very many items inserted by the Senate committee in the bill that ought to have been inserted in the House of Representatives. After holding the bill back for six months and sending it to the Senate the last days of the fiscal year, so that we can hardly consider it and inform ourselves so as to answer questions intelligently, we have a resolution sent here to-day to extend the appropriations of the expiring fiscal year into the next year, whether they are in accordance with the needs of the service for the next year or not, in order to prevent the wheels of government from being stopped by reason of the delay that has occurred in the passage in proper time of those appropriation bills.

A Republican Senate, it is alleged, with much show of justice, is compelled to make many additions to carry on the Government decently, because gentlemen at the other end of the Capitol are withholding what is absolutely needed, as stated in their official communications and personal interviews by the Democratic officers of the Government, as necessary to carry on the Government properly. I sit in that committee with a certain sense of mortification at the delay, which I think needless, and I confess I feel humiliated when I hear Republican gentlemen say, what I have heard stated on this floor more than once in the last day or two, that very likely many of the appropriations are diminished so that gentlemen at the other end of the Capitol can go before the country and tell how economical they were and how extravagant this end of the Capitol was, when this and many other items have to be inserted as amendments for the very purpose of enabling the Government to be carried on at all. I can make no excuse for the delay. We know that for the fiscal year 1888, when this Congress expires by its own limitation on the 4th day of March, 1887, every one of these appropriation bills has to be passed before that time, and when the Committee on Appropriations of the House of Representatives had their labor lightened this year by placing in the hands of other committees the consular and diplomatic bill, the Indian bill, the Post-Office and other important bills which formerly encumbered them, and now on the last day of the fiscal year the sundry civil bill is not even here. The legislative, executive, and judicial bill passed the House almost in the closing week of the fiscal year, and is in the condition in which we have it before us. The naval bill is not even considered, the deficiency bill is not looked at, while the fortification bill has not been touched. I am not proud of the record. I do not propose to defend it.

Mr. PLUMB. Mr. President, I was a little bit disturbed by the position which my friend from Massachusetts [Mr. DAWES] took upon the question of civil-service reform, as I understood him. I agree with him in regard to that which is necessary for good administration, but if I understand what civil-service reform is he is about as far away from it as I am, and I never was close enough to get into any danger from the contact.

If we are to have an administration of the various Departments of the Government in which the head shall be responsible for what is done, for the *personnel*, those persons in the office which he administers, and if he is to be made responsible for the result, it logically and necessarily follows that he must select the instrumentalities with which he will do the work. He can not do that if we are to have a totally irresponsible body outside to certify to him the number of persons whom they think will come in and fill the bill, and who he may think will not fill it at all.

So, as I have had occasion to say heretofore, and I only say it again in order to keep my hand in, so to speak, we are getting away all the time from any kind of responsibility for executive administration. Every man in the service now, except a few chiefs of bureaus, is not there on account of any merit that he has, not on account of anybody's desire that he shall be in the service at all, but made to order by a machine after the fashion of the procrustean bed, which cut off a man if he was too long and stretched him out if he was too short. In other words, all these men are substantially alike, with no inducement and no incentive to any extra effort, to the exhibition of any great intelligence or zeal in behalf of the Government, but simply the ability to get through six hours and a half out of the twenty-four, and with a regularity which was commended in George Washington by John Phœnix, his biographer, as being that of his greatest merit. That is what we are coming to.

So we commence at the beginning by paying men salaries as the heads of bureaus and as the heads of Departments, and then in order to make that apparently logical and proper we shave the responsibility down through assistants and chief clerks, and fourth-class clerks, and third-class clerks, and second-class clerks, and first-class clerks, and on down to the charwomen, a regular descending scale like a series of steps going down from an upper story, each one having a responsibility according to the amount of his salary, a responsibility to his chief, not a responsibility to the public, and of course the responsibility of the chief being at the minimum. If anything goes wrong he says one of these people who was put under me here, and to whom you gave a salary in proportion to what you assumed to be his responsibility, is responsible and not I; and then to cap it all there has been set up a totally irresponsible body, in no wise interested in the faithful administration of public affairs, that is to name all the persons who are to perform all these various services and draw the respective salaries.

I am glad to see that the Senator from Massachusetts draws back from that system himself and that he is fundamentally opposed to it and believes it to be subversive of that proper system of responsibility which we ought to have. I do not mean to say by that, that I think there ought to be a restoration of any system which was heretofore in existence; but what I do mean to say is that any system which comes between the individual and the proper performance of his duties, of the responsibilities which ought to attach to him for that performance, is a wrong to the public.

In place of dividing this responsibility among all these different persons, I think we ought to employ gentlemen of sufficient ability to fill these high offices and then give them help in order that the work may be done, holding them responsible for the manner in which the business is done and giving them the proper agency for the transaction of that business.

I was glad to see the Senator from Kentucky [Mr. BECK] put the responsibility in regard to the lack of consideration that this bill has had upon the House of Representatives. Substantially all the people who are employed in the United States Government, omitting those who are in the customs service, are provided for in this bill.

The House of Representatives, as the Senator from Kentucky well said, had this bill under consideration for nearly seven months, and yet a member of that House on the floor of this Chamber a few days ago was complaining that the Senate was delaying the adjournment of Congress because we had not passed this bill already. It will not do to say, if we are to maintain the equal authority of the Senate in regard to matters of public concern, that if the House passes a bill the Senate is to hold it or take it without suggestion and without consideration. That is not a proper exercise of the functions which are delegated to us here. If it takes three months for the House to formulate and to pass this bill, the Senate ought to have an equal time because the responsibility is upon us as much as it is upon them.

Mr. EDMUNDS. Six months.

Mr. PLUMB. I say it took them six months; but we ought to have as much time as they, although I am willing to say that the Senate committee, I have no doubt, and the Senate could get along with this bill very well if we had even a clean month to consider it and give it all the consideration it deserves. It is one thing to consider it in a month and another thing to consider it altogether in fifteen days, with other bills at the same time to consider and other important duties pressing not only upon the committee but upon members of the Senate.

So it comes finally under the system which is in vogue and which is compulsory upon the Senate practically that the House takes all the time it needs, lands its provisions crude or perfect as they may be upon the Senate, giving the Senate no time to consider them, upon the peril of keeping Congress in session in the dog days or beyond the proper time. We ought to have the opportunity for a proper consideration of this bill. It has had the consideration which the similar bill has had for the last few years since I have known anything about the matter in the committee, and still there was a lack of a great deal of the consideration it ought to have had, and we are taking many things blindly.

The necessities of the public service have not been thoroughly ascertained by the Senate committee and are not known by the Senate, because there has not been the opportunity in the way of time to give the necessary investigation. And yet we are tied not by the Constitution I think, but by the construction of the Constitution which the House has put upon that instrument, so as to prevent us from introducing appropriation bills, and we sit here to take simply what the House finally gives us.

Mr. President, I think it would be a good idea for the House and Senate to sit here until September, or October, or November until every single item of these bills could be scrutinized in such a way that every Senator could say that he understood exactly what the appropriations were for, the necessities as they actually are, or are claimed to be in each given case, and that if they did not meet his wishes he at least had had the opportunity to express his dissent and to have the vote of the Senate thereupon. It is not a proper regard for the public interests which we observe in taking these measures thus from the House, and are then crowded by their importunity to make up for their own delay heretofore.

The PRESIDING OFFICER. The Chair understands that there is no question before the Senate. The reading of the bill will be proceeded with.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I ask unanimous consent to submit the report of the conference committee on the District of Columbia appropriation bill.

Mr. EDMUNDS. You have a right without unanimous consent.

Mr. PLUMB. I submit the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6397) "making appropriations to provide for the expenses of the government for the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 14, 22, 23, 24, 42, 43, 44, 45, 52, 57, 58, 68, 74, 76, 88, 90, 91, 95, 99, 100, 110, 111, 113, 115, 117, 119, 125, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 8, 9, 12, 17, 18, 19, 20, 21, 34, 36, 37, 38, 39, 40, 41, 46, 48, 49, 50, 51, 55, 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 71, 73, 75, 78, 86, 93, 96, 97, 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 118, 120, 123, 128, and 129, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out of said amendment the following: "One stenographer, $1,200;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,441;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum named insert "$1,100;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum named insert "$200;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named insert "$8,700;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum named insert "$65,000;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum named insert "$60,000;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$266,000;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$440,000;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,382;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$30,000;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$181,000;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$344,780;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amend-

ment as follows: In lieu of the sum proposed insert "$840;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$116,420;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,840;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$572,750;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: Strike out from said amendment the following: "Temporary clerk-hire, $400;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,280;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows: Insert after the word "and" where it occurs in said amendment the following: "One-half of the same less any amounts heretofore credited shall be;" and the Senate agree to the same.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

WM. L. WILSON,
JNO. J. ADAMS,
D. B. HENDERSON,
Managers on the part of the House.

Mr. EDMUNDS. Of course it is perfectly impossible to understand this report as read in regard to these various items, but I noticed, standing at the desk, on amendment No. 32, I think it was, that a recommendation was made which appeared, as I heard it read, to go beyond what either the House or the Senate had provided, and I should like to have the report of the conference on amendment 32 again read.

The Chief Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$266,000."

Mr. EDMUNDS. I should like to have read the House provision to which amendment 32 applies, and the Senate amendment thereto.

The CHIEF CLERK. In the House bill the words are "$256,000." In the Senate amendment it is proposed to strike out "fifty-six" and insert "seventy-six;" so as to read "$276,000." In the report of the committee of conference in lieu of the sum proposed "$366,000" is inserted.

Mr. EDMUNDS. That is all right then.

Mr. PLUMB. I will state for the information of the Senate, and in view of the suggestion of the Senator from Vermont, that in no case was the amount which was raised by the Senate increased by the committee of conference. It was either left as the Senate put it or it was diminished.

Mr. EDMUNDS. If there were time I should be glad, not in respect of this particular bill but as to all these things to have the conference report go over for a day and be printed so that every Senator might have a chance to understand it; but I do not ask that now, because I have entire confidence in my friend from Kansas.

Mr. PLUMB. I can state in five minutes just what changes were made.

Mr. EDMUNDS. I should be glad to have that done.

Mr. PLUMB. The first amendment involving any sum of money or anything else except a mere formality was amendment numbered 2, in which the Senate gave to the District commissioners an additional clerk at $1,200 and a stenographer at $1,200. A compromise was reached whereby the House acceded to so much of the Senate amendment as gave the clerk, and the Senate receded from that part which gave the stenographer.

Mr. CHACE. Is not the result of that that they lose both?

Mr. PLUMB. No, the result of that is that they get the clerk but do not get the stenographer.

The next amendment was one giving an additional clerk to the assessor's office. From that the Senate has receded, leaving the force as the bill came from the House.

Mr. CHACE. Will the Senator from Kansas state whether it is a Senate or House amendment when he reads it?

Mr. PLUMB. Of course the House did not amend the bill because we got the bill from the House complete without any amendment.

The next amendment was one in which the Senate gave to the collector's office $2,000 for the purpose of preparing an exhibit of outstanding arrears of taxes, in place of $800. To that the House conferees have acceded. So the amount is as fixed by the Senate.

Mr. EDMUNDS. I am glad of it, and I hope he will do it.

Mr. PLUMB. The next was an amendment in which the Senate had increased the compensation for the special assistant attorney of the District, the gentleman who tries the cases in the magistrates' courts, from $960 to $1,200. The amount is fixed by the conferees at $1,100.

The next amendment was fixing the compensation of the law clerk at $1,000 in place of $960 and the House has receded from its disagreement to that, leaving the compensation at $1,000.

The next was an amendment fixing the pay of a messenger in that office at $240 instead of $192. The House contending against that, the amount is finally fixed at $200, precisely what was estimated for.

The next amendment was one giving to that office $500 in place of $300 for stationery, printing, &c. The Senate has receded in that case, leaving the amount at $300.

The next amendment was giving the coroner $700 for contingent expenses, including jurors' fees, stationery, books, blanks, removal of bodies of deceased persons, making autopsies, and holding inquests, in place of $500 given by the House. The House has receded. The amount which the Senate inserted in that case was the amount provided for in the appropriation bill of last year.

The next two items were increasing the number of rodmen and axmen from three to four.

Mr. EDMUNDS. What are they?

Mr. PLUMB. They are for the use of the engineers of the District in laying out streets, and so on. The Senate recedes from this amendment.

The next item was for the repairs of concrete pavements. I beg the Senate to understand that I have left out some amendments in which the House concurred, which are mere matters of phraseology, and am taking up those which involve the appropriation of sums of money.

In regard to the concrete pavements, the bill as it came from the House gave $55,000 for repairs, being $5,000 more than the appropriation of last year. The Senate, on what it conceived to be a proper consideration of the case, made the sum $75,000. It is compromised so as to leave it $65,000.

The next item was an increase of the appropriation for materials for permit work from $50,000 to $70,000.

Mr. EDMUNDS. What is permit work?

Mr. PLUMB. Permit work is a class of improvement like the paving of streets and walks where the party who desires the work to be done, it not being within the power of the District government to do it because of the lack of appropriations, pays one-half of the expense; that is to say he pays for all the labor while the commissioners furnish the material. So, if the Senator from Vermont or anybody else desires a walk in front of his house, which the commissioners do not feel themselves warranted in putting down out of the general fund, on a proper application the commissioners will give him the material, he furnishing the labor, the whole being done under the direction of the commissioners, they spending the money of the applicant and accounting to him for the same. It is estimated in that way that the District saves one-half the cost of improvements made in this manner. That amount was increased by the Senate from $50,000 to $70,000, and in conference it has been reduced to $60,000, an even division of the amount in controversy.

The next item was the one about which the Senator from Vermont has just spoken, in which the Senate increased the amount for street improvements from $256,000 to $276,000. The conferees have agreed upon $266,000.

The next amendments are all together. They put the control of Benning's and Anacostia Bridges under the District commissioners and added a sum of $5,000 for the purpose of repairing Anacostia Bridge, which, according to the testimony, is in an unsafe condition.

Mr. EDMUNDS. Under what control are they now?

Mr. PLUMB. Anacostia and Benning's Bridges are under the control of the Secretary of War. They alone of all the bridges in the District are under the control of the War Department.

Mr. CHACE. Have those bridges always been under the control of the War Department?

Mr. PLUMB. These two bridges, since I have known of them, have been under the control of the War Department, making a divided control over the highways of the District of Columbia, and the committee adopted the language in such a way as to give control to the District commissioners and gave $5,000 for the purpose of repairing the two bridges, it being estimated that about that amount will be necessary to repair Anacostia Bridge alone. The House agree to that.

There are some other items. We increased the number of watchmen at the Washington Asylum by one and finally recede from it, the House declining to yield.

Mr. EDMUNDS. What is the Washington Asylum?

Mr. PLUMB. That is the poor-house of the District.

We increased the pay of a female keeper at the work-house from $180 to $240. We have given that up on the demand of the House.

We diminished the pay of a teacher from $300 to $240, and have given that up on the demand of the House.

We increased the sum appropriated for the purpose of the purchase of supplies, &c., for that establishment from $39,000 to $40,000, and have given that up on the demand of the House.

We inserted an item for the purchase of a dummy engine for a tramway at $2,000; which the House has finally agreed to, and that is incorporated in the report.

Mr. EDMUNDS. What is that tramway?

Mr. PLUMB. It is a tramway which has been built by the commissioners for the purpose of carrying earth, the result of excavation, to a causeway designed to make an approach to the East Branch, where it is expected that ultimately a new means of crossing will be provided.

Mr. EDMUNDS. You mean street excavation?

Mr. PLUMB. Street excavation, and excavations are made in the city by the inmates of the work-house. The earth is to be taken to that place where the causeway is to be constructed just above the navy-yard.

Mr. INGALLS. At the foot of Pennsylvania avenue.

Mr. PLUMB. It was simply designed to furnish additional means of enabling the District commissioners to make use of this force and in a work which does not displace at any time the labor which otherwise they would employ, but anticipating the public convenience in the future.

We increased the item for the engineer at the Reform School from $336 to $396, which the House has agreed to.

Mr. EDMUNDS. That is on account of the reform administration, I suppose.

Mr. PLUMB. We increased the item for certain contingent expenses of the Reform School from $600 to $900, and the House has agreed to that.

The Senate inserted a provision "for the erection of a new building for the Industrial Home School, $3,500." The House has agreed to that.

The Senate also inserted an amendment providing for steam-heating apparatus, $1,000, for that building, and the Senate recedes from that.

Mr. EDMUNDS. Where is that school located?

Mr. PLUMB. Beyond Georgetown. We recede from so much of the amendment as provided for steam-heating apparatus for the building.

Mr. CONGER. I suppose that the Senate committee receded from it without knowing that twenty-five or thirty children in that school slept there through the nights of last winter when the thermometer was almost at zero, in a room that had no fire and no possible means of building a fire.

Mr. PLUMB. We did not sin without knowledge; we did it with our eyes open, and we had that statement before us. I confess it did not impress me, and it did not impress other persons, as being a very strong case, having myself slept during all my adolescent days in a room that was not warmed artificially. I did not see the necessity for that. However, I wanted to say that we contended for the amendment; it was in conference twice, and was taken before the committee in the House by the House conferees, we declining to yield anything of it, and they came back with a demand that we should yield it all, and after a contention that lasted for a long time, longer than on any other item in the bill, and after it became certain that unless we conceded in part we should finally lose all this as far as the present conference was concerned, we concluded to save the larger item and lose the smaller one. We had accepted the statement of the Senator from Michigan on that subject as conclusive.

I want to say further that it was stated by the chairman of the House conferees that Mr. Foster, the president of the institution, had stated to him in substance that no necessity existed for the building, or at all events if the necessity did exist it was chiefly because of the fact that the Library building was to be built here east of the Capitol, necessitating the destruction of a large number of brick houses, and enabling them to buy brick cheaper at this time than otherwise. In view of that statement coming from a source that we could not dispute, we thought we should do best by acting as we have done.

Mr. EDMUNDS. That is the best reason I have heard for putting the Library over that way.

Mr. PLUMB. The only one I ever heard.

Mr. CONGER. The children to whom I have alluded are from four to seven and eight years of age. I do not know but that the Senator may think it convenient for little children, boys and girls, to sleep in a garret of a building without any fire or any means of heating it at all during the winter. It is shocking to all my ideas of humanity and fairness that children should be brought up in that way.

Mr. PLUMB. I can not of course put myself quite in the position of the Senator from Michigan, but I am sure that no one could have been more impressed with the statement than the members of the committee were, and no one could have done more I think, not even the Senator himself, for the purpose of saving this item exactly as he put it in. We certainly did not lack in the sympathetic direction, although, as I said in the committee, and as I say now, the fact that children had to sleep in a room where the thermometer went down to zero and below, somehow or other did not seem to me to be a very strong argument. In addition to that, the Senator will bear in mind that this institution has been pretty liberally provided for heretofore.

Mr. CONGER. I can not agree with the Senator.

Mr. PLUMB. When I say pretty well provided for, I speak comparatively.

Mr. CONGER. I say there are institutions around this city not half as humane and not half as useful in protecting the little waifs from a life of crime that have been furnished large amounts of money, more than was necessary, for reasons which I do not wish to explain.

Mr. PLUMB. The Senator need not withhold any statement of reasons on my account.

Mr. CONGER. Not at all on your account; but this institution, which I believe to be one of the means of preventing hundreds of children from falling into the paths of crime and vice and following the drunkenness and debauchery of their parents, one of the most benevolent and desirable in the District, has been, in my judgment, very niggardly treated in the matter of appropriations. I have urged for years appropriations for this institution, and they have been given somewhat slowly. This has gone so far that the children more advanced in years, from twelve to sixteen, the limit of time they remained there, have earned by making tree-boxes for the city of Washington between $900 and $1,100 a year for the last two or three years, and by the law the money which those children earned, which that institution has earned in its attempt at a little industry for little children, is by law turned into the Treasury. They are not even allowed the credit and the use of the proceeds of their own labor. If any other institution has been treated so niggardly as that, I have been unable to find it.

Mr. PLUMB. As I am not the Government, of course I do not take that to myself; but I beg the Senator's attention to this fact: We commenced in 1883 with an appropriation of $5,000 for current expenses; that has been doubled since that time. In addition to that we gave them $13,000 to pay their debts. In the next place we gave them $12,000 last year to build a stable and a laundry, and inasmuch as——

Mr. CONGER. Not a laundry.

Mr. PLUMB. It is so stated in the appropriation.

Mr. CONGER. A laundry ten by seven; a dirty room in which washing would not be done if they had any other place to do it.

Mr. PLUMB. The fact that we gave the appropriation for that purpose rather discredited to some extent the statement which we found among the papers in the case; but the fact that the laundry is in the condition the Senator from Michigan has now described it does not change the case. If we gave them $12,000 for a stable and a laundry they ought not to have built a laundry for $20 and spent $11,980 on a stable. I do not now question the management of the institution or its value to the young people of this District who otherwise would go into the streets. I do not, however, yield to the criticism of the Senator from Michigan when he speaks of a mean Government which takes $1,100 out of an institution of that kind which the inmates have earned, and gives them $10,000 back for their support.

So I think on the whole it has been tolerably fairly treated. I do not say that as a final judgment, but the Senator knows very well that the contention that grows up about these things frequently necessitates a compromise; and there is this other thing to be borne in mind, that this institution, while a recognized one for a long time, did not send down a formal estimate for this purpose, and the committee acted upon an unsigned paper presented by the Senator from Michigan. So the institution itself was not there asking for anything, the District authorities did not ask for anything in this regard, and the national authorities did not ask for anything. While I do not speak of that as qualifying in any respect what the Senator has said, it lacks that formal presentation which usually accompanies appropriations of this kind.

Mr. CONGER. The Senator will remember that the committee discounted $500 out of the $5,000 which is in this estimate, which at the request of the committee I procured from the trustees and the officers of the institution, who thought $5,000 was desirable to begin with, making it $4,500 instead of $5,000, which was the lowest estimate. I do not find any fault with the committee. I have no interest in the institution more than any other gentleman, but I wish the committee in the gilding of the statue of Liberty on top of the Capitol, with the helmet and so on, had struck off $2,000 from that, and could have left off some of the ornamental things that are so pleasant to the eye and given a little to these poor children.

Mr. PLUMB. I am as much of a Gradgrind as the Senator is. I am not in favor of gilding any monuments or anything of that kind; and, as far as I know it, I mean that the money which I assist in appropriating shall go to some practical purpose. So that has no approach to me. There has been no appropriation yet made for gilding a monument so far as I know. I am not in favor of building monuments to dead people until we have got a pretty fair sort of homes for living ones. So, if that gets through it will not be with my vote, unless I change my mind.

The Senate amended the provision in regard to the support of indigent insane in the District of Columbia, reducing the amount which the District was to pay from $75,000 to $70,000. The House insisted

that they had put in the proper proportion, and the Senate yielded, leaving the amount at $75,132.

In the item of the National Association for Destitute Colored Women and Children, the House inserted $2,000 for furniture and heating apparatus for the building; the Senate added $500 for the purpose of improvement of grounds, grading, &c., and the House has agreed to that.

The Senate inserted an item of $3,500 to enable the trustees of the Washington Hospital for Foundlings to complete the building being erected for the use of the institution; $5,000 to aid in the erection of additional accommodations for the use of the Saint Rose Industrial School; $5,000 to aid in the erection of additional accommodations for the use of the House of the Good Shepherd; $5,000 to enable the board of managers of the Association for Works of Mercy to discharge that much of the indebtedness of the association; for the repair and completion of the building for the National Homeopathic Hospital Association of Washington, D. C., $5,000; and all these items the House has agreed to.

The Senate increased the item for current work on county roads and suburban streets from $40,000 to $50,000, and in conference the increase has been yielded, leaving the amount $40,000 as provided by the House bill.

The Senate inserted a new item for opening and extending suburban streets $40,000, and it has yielded $10,000 of that, leaving the amount $30,000 as finally agreed upon.

The Senate diminished the amount appropriated for the purpose of illuminating the city from $107,000 to $100,000, and reduced the price to be paid by the Government from $22 a lamp to $20 a lamp. The House had inserted an item of $5,000 for the use of electric lighting in the city, to be taken out of the sum of $107,000 appropriated for illuminating purposes generally. The Senate increased that to $10,000, and the House has agreed to it.

Mr. CHACE. Ten thousand is deducted?

Mr. PLUMB. The $10,000 is to be deducted from the $100,000.

The Senate increased the number of privates on the police force of class 1 from one hundred and five to one hundred and ten. The House objecting, the Senate has receded.

The Senate added to the pay of the drivers of patrol-wagons $60 a year, to which the House has agreed.

The Senate added $1,000 to the $10,000 provided by the House for the miscellaneous expenses in regard to the prevention and detection of crime, and the House has agreed to that.

One pumping-engine inserted by the Senate in the item under the fire department was disagreed to by the House, and the Senate conferees have yielded that.

The Senate added an item of $7,500 for the purpose of laying under ground the wires of the telegraph and telephone service. The House objecting, the Senate has receded from that. I was very sorry myself to recede, but it seemed to be necessary in order to save the bill.

The Senate added $500 to the item for the teachers of night schools. The House has agreed to that.

The Senate added $5,000 to the item for repairs and improvements of school buildings and grounds. The House refused to consent, and the Senate has receded. The Senate added $25,000 to the item for buildings for schools, and it was finally compromised at $50,000, upon the ground that a bill which is pending in the House, and will pass it is stated next week, will provide for the sale of about $90,000 worth of the property of the District, the proceeds of which are to be applied in the construction of school-houses.

Mr. EDMUNDS. What is that property?

Mr. PLUMB. It is property located in various parts of the city, for which the District has no use and which is of no value except in a commercial way.

Mr. EDMUNDS. Is there authority to the District commissioners to sell this property?

Mr. PLUMB. The District commissioners have no such authority; but a bill is pending in the House which is expected to pass next week and has already passed the Senate.

Mr. EDMUNDS. I only call attention to it because I have observed in the course of some years back that the United States and the District have frequently been disposing of a great deal of property, and then turning around and buying at great rates other property to be devoted to public uses, and therefore the disposition of any property the District now has ought to be very carefully guarded in respect of the selling anything that can be used for the purpose, because it is a loss every time.

Mr. PLUMB. That is a matter which will come before the Committee on the District of Columbia, which I have no doubt is well advised as to everything that is material.

The Senate added $15,000 to the item of $65,000 for laying the new water-mains, &c. The amount is agreed upon in conference at $75,000.

That, Mr. President, embraces all the items covering an appropriation of money that are of any account contained in this bill.

The PRESIDING OFFICER (Mr. PALMER in the chair). The question is, Will the Senate agree to the report of the committee on the bill making appropriations for the District of Columbia.

The report was concurred in.

ANNA E. COONEY.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4544) granting a pension to Anna E. Cooney, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment.

H. W. BLAIR,
PHILETUS SAWYER,
W. C. WHITTHORNE,
Managers on the part of the Senate.

EDWIN B. WINANS,
W. P. TAULBEE,
MARTIN M. HAYNES,
Managers on the part of the House.

The report was concurred in.

MRS. HANNAH BABB HUTCHINS.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment.

H. W. BLAIR,
PHILETUS SAWYER,
W. C. WHITTHORNE,
Managers on the part of the Senate.

EDWIN B. WINANS,
W. P. TAULBEE,
MARTIN M. HAYNES,
Managers on the part of the House.

The report was concurred in.

ADDIE L. MACOMBER.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1462) granting a pension to Addie L. Macomber, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment.

H. W. BLAIR,
PHILETUS SAWYER,
W. C. WHITTHORNE,
Managers on the part of the Senate.

EDWIN B. WINANS,
W. P. TAULBEE,
MARTIN M. HAYNES,
Managers on the part of the House.

The report was concurred in.

AMENDMENT TO SUNDRY CIVIL BILL.

Mr. McMILLAN (in behalf of Mr. SABIN) submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

RECESS.

Mr. ALLISON. I move that at 6 o'clock the Senate take a recess until 8.

Mr. PLUMB. I hope the Senator will withdraw that motion for the present.

Mr. ALLISON. I will say to the Senator that I shall not ask the Senate to complete the legislative appropriation bill to-night. I hope that by a night session we can get through the bill in Committee of the Whole so as to report it to the Senate, and then proceed with it to-morrow in the Senate.

Mr. BUTLER. Before that motion is acted on, I should be very glad to have a brief executive session for the purpose of the reference of some nominations which have been received to-day.

Mr. ALLISON. We can have an executive session ten minutes before the recess. I shall not object to it at ten minutes before 6.

The PRESIDING OFFICER. Will the Senator from Iowa state his motion again?

Mr. ALLISON. I move that at 6 o'clock the Senate take a recess until 8 p. m.

The question being put, a division was called for.

Mr. HALE. We have been two days on this bill and have only got through thirty pages of the bill. Nobody can tell how long it will take.

Mr. ALLISON. I think we can go through the bill in Committee of the Whole by having a night session.

The motion was agreed to; there being on a division—ayes 31, noes 8.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8974) making appropropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for the office of "Treasurer," in line 818, before the word "clerks," to strike out "five," and insert "ten;" so as to read:

Ten clerks, at $1,000 each.

Mr. EDMUNDS. I should like to inquire of the chairman of the committee whether these one-thousand-dollar clerks, which do not fall within the four regular classes of clerks, are to be appointed according to

the provisions of existing law under the civil-service statute, or whether they fall outside of it.

Mr. ALLISON. These ten clerks and the fifty-five at $900 in the next line fall within the civil-service rules.

Mr. EDMUNDS. There is no mistake about that?

Mr. ALLISON. No mistake about it. I will say to the Senator that these ten clerks are now employed there and so are the fifty-five clerks. The Treasurer of the United States desires that they shall continue to be employed. It is not in accord with the scheme suggested by the House.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 819, before the word "clerks," to strike out "sixty" and insert "fifty-five;" so as to read:

Fifty-five clerks, at $900 each.

The amendment was agreed to.

The next amendment was in line 821, after the word "each," to insert:

One mail-messenger, $1,000.

Mr. EDMUNDS. Is that a new officer?

Mr. ALLISON. No; it is simply to designate one messenger in the Treasurer's office as a confidential mail-messenger for money packages.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 822, before the word "messengers," to strike out "seven" and insert "six;" so as to read:

Six messengers.

The amendment was agreed to.

The next amendment was in line 825, after the word "each," to insert:

One compositor and pressman, at $3.20 per day.

Mr. EDMUNDS. What are these pressmen? Have they a printing office in the Treasurer's office?

Mr. ALLISON. They have a small press there. When bonds come in to be redeemed, for example, they print upon them the fact of their redemption or the fact of their transfer, and it is done by a printing press. Then under the old rule the greenbacks were entirely finished in the Bureau of Engraving and Printing, but the new Treasurer has established a rule that the seal shall be put on in the Treasurer's office, which I think is a good check.

Mr. EDMUNDS. That was recommended by a committee of investigation many years ago.

Mr. ALLISON. But it was never adopted until the present Treasurer came in, I believe. The last print of the United States notes is made in the Treasurer's Office.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 829, to increase the total amount of the appropriations for compensation of the Treasurer of the United States, assistant treasurer, cashiers, and clerks and employés in the Treasurer's Office from $271,200 to $272,861.60.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Statistics," in line 897, after the word "each," to insert "two copyists at $900 each."

Mr. EDMUNDS. Is that an increase of force, or a restoration of what has been heretofore the number?

Mr. ALLISON. The amendment in lines 897 and 898 to insert "two copyists at $900 each" was put in on the urgent request of the head of the Bureau of Statistics and of the Secretary of the Treasury, and it is exactly the existing force.

Mr. EDMUNDS. That is to say the House bill has undertaken to reach a measure of economy which the administration can not stand.

Mr. ALLISON. So they inform us in the letters which will be found on pages 22 and 23 of the report of the committee.

Mr. EDMUNDS. That is what I wanted to get at.

Mr. ALLISON. I ask that the letter of the Chief of the Bureau of Statistics and the letter of the Secretary of the Treasury be inserted in the RECORD.

The PRESIDING OFFICER. In the absence of objection the letters will be so inserted.

The letters are as follows:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., June 19, 1886.

To the Senate Subcommittee on Appropriations:

Learning you would hold a session to-day at 11 o'clock, and also that you did not desire your deliberations interrupted by personal calls from anybody, I write to say that at your earliest convenience I desire to be heard for a few moments in regard to the section of the House appropriation bill which relates to this bureau.

It is quite important, I think, that I have the opportunity to suggest two or three amendments which by inadvertence, perhaps, were not adopted by the House committee.

Respectfully,

WM. F. SWITZLER,
Chief of Bureau.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 19, 1886.

SIR: I have the honor to ask that your committee will make the following amendments in the appropriation for the Bureau of Statistics of this Department in House bill 8974, which has just passed the House of Representatives, making appropriations for the legislative, executive, and judicial expenses of the Government, &c., for the next fiscal year, to wit:

Strike out all after the word "each," in line 866, to the end of line 870 and insert the following:

"Two copyists, at $900 each; three copyists, at $840 each; one messenger; one assistant messenger; one laborer; one female laborer, at $480; in all $46,420."

This will leave the appropriation substantially as for the current fiscal year. The Chief of the Bureau of Statistics informs me that he has found that the present force is required to properly perform the work devolving upon the bureau.

Very respectfully,

C. S. FAIRCHILD,
Acting Secretary.

Hon. WILLIAM B. ALLISON,
Chairman Senate Committee on Appropriations.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "messenger," at the end of line 899, to strike out "two laborers" and insert "one assistant messenger; one laborer."

The amendment was agreed to.

Mr. PLATT. Going back a little way, without reference to an amendment, I should like an explanation of why it is that additional employés in the office of the Light-House Board are required to the amount of $19,700, and whether those are really additional employés, or whether it is some different way of paying the employés that have been in the light-house service?

Mr. ALLISON. Until two or three years ago the entire expense of the service of the Light-House Board was paid from the appropriations made for light-houses; but in 1882, for the first time I believe, all these appropriations were drawn in and made specific. It was found, however, that the enactment of laws providing for new light-houses made it absolutely impossible to have a fixed force, so that we were obliged to provide an additional force to cover the new light-houses that might be erected from time to time; and that is the intention of this provision.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "all," at the end of line 901, to strike out "forty-four thousand two hundred" and insert "forty-six thousand;" so as to make the clause read:

Bureau of Statistics: For the officer in charge of the Bureau of Statistics, $3,000; chief clerk, $2,000; four clerks of class 4; four clerks of class 3; five clerks of class 2; nine clerks of class 1; three clerks, at $1,000 each; two copyists, at $900 each; three copyists, at $720 each; one messenger; one assistant messenger; one laborer; one female laborer, at $480; in all, $46,060.

The amendment was agreed to.

The next amendment was, in the appropriations for "office of construction of standard weights and measures," in line 974, after the word "adjuster," to strike out "and mechanician;" in line 975, after the word "day," to insert "one mechanician, at $4 per day;" in line 976, after the word "one," to strike out "laborer" and insert "watchman;" and in the same line, after the word "all," to strike out "two thousand two hundred and twenty-five" and insert "three thousand five hundred and thirty-seven;" so as to make the clause read:

Office of construction of standard weights and measures: For construction and verification of standard weights and measures, including metric standards, for the custom-houses, other offices of the United States, and for the several States, and mural standards of length in Washington, D. C., the following, while actually employed, namely: One adjuster, at $5 per day; one mechanician, at $4 per day; and one watchman; in all $3,537.

The amendment was agreed to.

The next amendment was, in line 985, before the word "six," to strike out "the sum of;" and in line 986, after the word "necessary," to strike out:

Appropriated by the act of March 3, 1885, for this object for the fiscal year 1886, is hereby reappropriated and made available for like purpose for the fiscal year ending June 30, 1887.

So as to make the clause read:

For expenses of the attendance of the American member of the international committee on weights and measures at the general conference provided for in the convention signed May 20, 1875, $600, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations "for contingent expenses of the Treasury Department," in line 1052, after the word "telegrams," to insert "and;" and in line 1053, after the word "service," to strike out "and car tickets;" so as to read:

For freight, expressage, telegrams, and telephone service, $3,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "collecting internal revenue," in line 1097, after the word "increased," to strike out "in the aggregate;" and in line 1098, after the word "year," to strike out the following proviso:

Provided further, That no part of the money herein appropriated shall be paid to collectors of internal revenue except the allowances provided for in section 12 of the act of February 8, 1875, as amended by section 2 of the act of March 1, 1879.

So as to make the clause read:

For salaries and expenses of collectors and deputy collectors, $1,800,000: *Provided*, That the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employés be increased beyond the salaries paid during the last fiscal year.

The amendment was agreed to.

The next amendment was, in line 1107, to strike out "one million nine hundred" and insert "two million and fifty;" so as to make the clause read:

For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, $2,050,000.

Mr. VANCE. I should like to ask the chairman of the committee the reasons for increasing this item over and above that which the House provided.

Mr. ALLISON. I will say to the Senator that the reasons will be found stated in detail in the report of the committee, being embodied in a letter addressed to the committee by the Commissioner of Internal Revenue in which he states that this sum is necessary in order to enable him to collect the revenue from whisky, tobacco, &c. If the Senator will turn to page 24 of the report he will see the statement of the Commissioner of Internal Revenue.

Mr. VANCE. I have not the report before me, but I have a letter from the Commissioner of Internal Revenue in which he makes the figures entirely different, and that letter as I am informed was not before the committee of the House. It was written and addressed to the chairman of that committee after the bill had been reported by that committee and was in the House. I gather fram the official reports that the amount appropriated for this item of expenditure for the fiscal year ending June 30, 1885, was the same that is now asked for, to wit, $2,100,000, and that the amount expended under that appropriation of $2,100,000 during that fiscal year was $1,963,000 and a fraction, leaving a clear unexpended balance of $136,472; and the Commissioner reports that in the overhauling of this Department he has managed to dispense with the services of nine hundred and twenty-six officials, which would make the expenditure necessarily still less, and the excess of the appropriation still greater over the expenditure.

For the year ending the 30th June, 1886, which is to-day, the expenditures for the first three quarters that have been computed in the Commissioner's department amounted to $1,359,000, and the estimate made but a few days ago for the remaining quarter, which ends to-day, is $490,000, making the total expenditure $1,849,000—$201,000 less than the appropriation for this fiscal year, and $251,000 less than the appropriation for the last fiscal year, which was not spent by $136,000 and a fraction.

Now, sir, what is the use of increasing in this body an appropriation to the extent of two hundred and odd thousand dollars more than the Commissioner of Internal Revenue will in all probability want?

Mr. ALLISON. Now, will the Senator allow me to have the Commissioner himself answer that query? I read now from his letter to the Senate Committee on Appropriations:

The amount appropriated for the said year ending the 30th instant was $2,100,000. While the amount thus expended during the present fiscal year has by economy been kept down to the sum of $1,849,098 above stated, and while I propose to use my best endeavor to further economize during the coming year as far as the true interests of the service will permit, yet it is desirable that the enforcement of the law should not be obstructed by a want of funds for that purpose; and as the moral effect upon those inclined to violate the law of a belief on their part that the office has been crippled by a failure to appropriate sufficient moneys to carry out its provisions is bad, I respectfully beg you to urge upon the Senate Committee on Appropriations the restoration in the above item of the sum of $150,000 at least, this making it the same sum reported by the House committee.

Mr. VANCE. What is the date of that letter?

Mr. ALLISON. This is of very recent date, "Washington, June 21, 1886." It is a later date, I will say to the Senator, than the letter from which he read.

Mr. VANCE. Yes, sir; this is dated the 14th; but I respectfully submit that the reason assigned by the Commissioner and adopted by the committee is not a good one. The idea that the Bureau of Internal Revenue is going to be crippled by failing to give it $250,000 more than it ever had spent heretofore is something that I can not conceive of as entering into the mind of any person inclined to violate the law, for heretofore it has failed, as these figures show, by $136,000 to spend all that was then appropriated, and I suppose in the mean time that no efforts to repress frauds upon the revenue were spared for want of funds. I can not see the propriety of the policy of putting this great amount of money into the hands of any officer of the Government to spend in his discretion.

Mr. ALLISON. Let me ask the Senator, does he not find that the present Commissioner of Internal Revenue has wisely exercised this discretion during the present fiscal year?

Mr. VANCE. With reasonable wisdom, yes, sir.

Mr. ALLISON. Now is the Senator unwilling to intrust him and the Secretary of the Treasury for another year?

Mr. VANCE. I am willing to trust him for another year by giving him the amount of money that experience has demonstrated is necessary. I am not willing to give him or any other man control of more money than he needs and more money than his legitimate purposes require. It is for the Senate to say whether they will voluntarily come forward and give an officer of the Government $250,000 more than he would require if his bureau were run upon the same scale of expenditures as heretofore; and for a still stronger reason I am unwilling to do it in the face of the declaration that he has diminished nine hundred and twenty-six of his officials, and therefore lowered the expenses of his Department.

I do not wish to see intrusted into the hands of any man this vast amount of money which he can spend at his discretion unrestrained by law, for the purpose of paying spies and informers and that kind of cattle to worry the people of this country; and that is the real object of this whole business.

The PRESIDING OFFICER. The amendment will be considered as agreed to unless there is objection.

Mr. VANCE. There is objection.

Mr. COCKRELL. I hope the amendment will be agreed to notwithstanding the objection. There is an absolute necessity for the honest administration of the Office of Internal Revenue that this appropriation shall be made. The Commissioner of Internal Revenue is conducting, in my judgment, his bureau with energy and success and honestly and economically, and I think will make it very successful; and it will not do to deprive him of the legitimate, necessary, and proper means for administering his office.

Mr. VANCE. I should like to ask the Senator if it is not possible for the Commissioner of Internal Revenue to execute his office faithfully and honestly and successfully without giving him more money than is called for and without giving him more money than he can spend according to what experience has shown in the past.

Mr. COCKRELL. That is an evasion of the question. The Senator from Iowa has read to the Senator from North Carolina a plain and unequivocal statement of the Commissioner that this increase is necessary.

Mr. VANCE. He has not read any such statement. He said the moral effect of it would be very good, but he did not say that it was necessary to enable him to run the Internal Revenue Bureau.

Mr. COCKRELL. I should suppose the Senator would want the moral effect.

Mr. VANCE. I want the simple moral effect produced by an officer performing his duty within the limits and at the expense prescribed by law, and nothing else, and I suppose, however good the present Commissioner of Internal Revenue is, he can as successfully operate his bureau within the limits prescribed and defined by law as any other officer of the Government who is limited.

Mr. DAWES. Suppose that another whisky rebellion should unexpectedly spring up in Massachusetts and the Commissioner of Internal Revenue has no money in the world beyond his current expenses to undertake to enforce the law in Massachusetts, what would be the condition of things?

Mr. VANCE. I do not understand that the Commissioner of Internal Revenue is the chief of the Army and Navy of the United States, who would have command of the force to suppress a rebellion in Massachusetts. Perhaps he would; but I do not so understand the Constitution of the United States. I supposed it to be the President's business to put down rebellion; and it would give me great pleasure to volunteer to go there and return the compliments that have been paid to my section of the country, if the necessity should ever arise. I think in the eloquent language of the Senator from Missouri that that is an evasion of the question. The question is simply whether this officer shall have more money than he shows that he needs, that he shall have a surplus at all times lying at his disposal to be used at his discretion, or whether he shall run his office like all other officers of the Government, run theirs upon the amount given to him by law.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent to have the letter of the Commissioner of Internal Revenue inserted in the RECORD in full.

The PRESIDING OFFICER. The Reporter will see to that.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, June 21, 1886.

SIR: With regard to that portion of the legislative, &c., appropriation relating to internal revenue, to which you referred this morning, the bill as passed by the House and referred to the Senate committee (see page 44) provides "for salaries and expenses of agents, &c., $1,900,000."

This is a reduction made on the floor of the House of $150,000 from the amount as reported by the House Appropriations Committee, which was $2,050,000. The amounnt which was recommended by the Secretary of the Treasury for this item was $2,100,000.

The reduction from the amount reported by the committee was based chiefly upon a statement from this office, showing that the expenditures in that behalf for the year ending June 30, instant, were—

For the first three quarters of the same	$1,359,098
And for the last quarter (estimated)	490,000
Total	1,849,098

The amount appropriated for the said year ending the 30th instant was $2,100,000. While the amount thus expended during the present fiscal year has by economy been kept down to the sum of $1,849,098 above stated, and while I propose to use my best endeavor to further economize during the coming year, as far as the true interests of the service will permit, yet it is desirable that the en-

forcement of the law should not be obstructed by a want of funds for that purpose; and as the moral effect upon those inclined to violate the law of a belief on their part that the office has been crippled by a failure to appropriate sufficient moneys to carry out its provisions is bad, I respectfully beg you to urge upon the Senate Committee on Appropriations the restoration in the above item of the sum of $150,000 at least, this making it the same sum reported by the House committee.

I desire to say further that the estimate of the Secretary of the Treasury was based upon the expenditure for the year ending June 30, 1885, which was $1,963,527.41. You will see by this that the sum as appropriated by the House would fall short over $63,000 should the expenses of the coming year be as great as for the fiscal year 1885.

The law compels the appointment and assignment of officers of the class of gaugers and storekeepers sufficient in number to enable the distillers to carry on their business in accordance with the provisions of law. The number of distillers, especially of fruit brandies, and their production fluctuate considerably, and under the requirements of the law a deficiency would occur in case the coming year should bring a large increase of distillation, which is highly probable.

The encouragement of lawful distillation and the suppression of frauds against the internal-revenue are sufficient reasons in my mind why the sum allowed in the above-mentioned item should not be limited to the amount appropriated by the bill as it passed the House.

Let me add that if the bill taxing oleomargarine should pass, it would add an expense that would greatly enhance the necessity for a larger margin in this item.

Very respectfully,

JOS. S. MILLER,
Commissioner.

CHAIRMAN COMMITTEE ON APPROPRIATIONS.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Independent Treasury," in line 1111, after the word "thousand," to insert "five hundred;" so as to read:

Office of assistant treasurer at Baltimore: For assistant treasurer, $4,500.

Mr. PLATT. I wish to ask the chairman of the committee to explain the increase in this item; and while he is about that I might as well call his attention to other items of increase in the case of assistant treasurers.

Mr. HARRISON. I was just going to make a suggestion. This is only one of several cases where the House has fixed salaries in the bill and the Appropriations Committee have reported an increase. These provisions will give rise to perhaps quite extended debate, and I was going to ask unanimous consent that this and the others of like kind be passed over for the present to be considered when the Senate is fuller.

Mr. PLUMB. Until to-morrow morning?

Mr. HALE. Until to-morrow morning.

Mr. PLATT. I should like to say before that is done that I notice what I do not understand, that the House leaves the salary of the assistant treasurer at Philadelphia at $4,500, the same as the Senate committee proposes to have the assistant treasurers at Baltimore and Boston and Saint Louis and San Francisco. They do not seem to have put that at $4,000 as they did the others.

Mr. HALE. The committee left it just as it was before.

Mr. ALLISON. I will say to the Senate that all these salaries as here provided for, I believe, are below the salaries authorized by law.

Mr. INGALLS. Let us understand that. Does the Senator mean below the amount fixed in the statute defining their salaries or below the amount that has been fixed in the appropriation bills enacted since the adoption of that statute?

Mr. ALLISON. I mean to say that the statutory compensation outside the appropriation bills is more than is provided in this bill as amended by the Senate committee; but the amendments with reference to these assistant treasurers cover the salary provided for in the appropriation bill for the current fiscal year, and the House provisions are below the salaries of the current year. The salary at Philadelphia to which the Senator from Connecticut calls attention is precisely in this bill as it came from the House as provided for the current year.

Mr. HALE. That is one of the cases that the House did not cut down.

Mr. ALLISON. The House did not cut down the Philadelphia assistant treasurer for some reason, I do not know what. I suppose the Philadelphia assistant treasurer is a pretty important officer, and was regarded by the committee of the House as more important than the assistant treasurer at Boston.

Mr. PLATT. I have no objection to its being passed over.

Mr. ALLISON. I agreed with the Senator from South Carolina that at ten minutes before 6 I would move an executive session, in order that there might be some references made. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask that the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. HALE. Let the cases of salaries of assistant treasurers be passed over. That was the understanding.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that will be done.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1118, to increase the total appropriation for "office of assistant treasurer at Baltimore" from $21,100 to $21,600.

Mr. HALE. That is the same thing. It goes over.

The PRESIDENT *pro tempore*. Is that to be passed over?

Mr. ALLISON. It was decided that all these amendments relating to subtreasuries should be passed over.

The next amendment of the Committee on Appropriations was, in lines 1121 and 1122, to increase the salary of the assistant treasurer at Boston from $4,500 to $5,000.

Mr. HALE. That is to be passed over the same as the preceding amendments.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 1130, to correct the spelling of the word "coupon."

The amendment was agreed to.

The next amendment was to increase the total appropriation for the "office of the assistant treasurer at Boston" from $35,560 to $36,060.

The PRESIDENT *pro tempore*. The amendment will be passed over.

Mr. ALLISON. That is the total, and it had better be passed over.

Mr. HARRIS. The total will go with the items necessarily.

Mr. ALLISON. We shall come back to these amendments.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriation for "office of assistant treasurer at New York," in line 1175, after the word "dollars," to insert:

Assistant cashier and vault-clerk, $3,200.

The amendment was agreed to.

The next amendment was, in line 1205, to increase the total amount of the appropriations for "office of the assistant treasurer at New York" from $165,290 to $168,490.

The amendment was agreed to.

The next amendment was, in line 1227, to increase the appropriation for the salary of the assistant treasurer at Saint Louis from $4,000 to $4,500.

Mr. HALE. Let that go over.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1234, to increase the total appropriations for "office of assistant treasurer at Saint Louis" from $15,360 to $15,860.

Mr. ALLISON. That will go over, being a total.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in line 1237 to increase the appropriation for salary of the assistant treasurer at San Francisco from $4,500 to $5,000.

Mr. ALLISON. That is to be passed over.

The PRESIDENT *pro tempore*. The amendment goes over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1246, to increase the total appropriation for the "office of assistant treasurer at San Francisco" from $27,120 to $27,620.

The PRESIDENT *pro tempore*. This amendment, being a total, goes over with the others.

The Chief Clerk resumed the reading of the bill, and read lines 1272 and 1273, under the appropriations for the mint at Philadelphia, as follows:

For wages of workmen and adjusters, $293,000.

Mr. EDMUNDS. The Secretary has just read on page 52, lines 1272 and 1273, "for wages of workmen and adjusters, $293,000," at the mint in Philadelphia, and there is an additional item for incidental expenses, &c. I should like to have that explained a little. What does that mean? What is the money appropriated for, what do these people do, how many are there, and so on?

Mr. ALLISON. I can not give in a moment the number of persons employed.

Mr. HALE. The number is 231. I have a memorandum on my copy of the bill.

Mr. ALLISON. There are 231 persons employed in all. These are the people who are engaged in the coinage of gold and silver. The amount appropriated here is what was appropriated last year for the present fiscal year. The Secretary of the Treasury, however, recommended in the estimates $360,000, as he recommended additional sums at the various mints.

Mr. EDMUNDS. Can the chairman refer us to the page of the estimates?

Mr. ALLISON. Page 33.

Mr. EDMUNDS. I wish the chairman would restate how much increase of salary is proposed.

Mr. ALLISON. The amount appropriated during the present year is $293,000. The Secretary of the Treasury estimates for the next fiscal year $360,000, as I remember.

Mr. TELLER. You mean for the fiscal year 1887?

Mr. ALLISON. For the fiscal year 1887 he recommends an increase of this appropriation. The reason for that seems to be that the cost of coinage at Philadelphia is in excess of the amount appropriated for the current year. But the House Committee on Appropriations and the House of Representatives, if I may be permitted to speak of the House in this matter, knowing that the silver-coinage fund known as the seigniorage fund under the law of 1878 could be brought in to supplement whatever deficiency there might be, fixed the appropriation in this particular item at the amount appropriated last year. So I will say to my friend the Senator from Vermont that the amount expended for wages of the workmen will far exceed the amount appropriated in this bill, as is perfectly well known to us all, and the Secretary of the Treasury estimated I have no doubt very nearly the actual amount needed at the Philadelphia mint.

Mr. EDMUNDS. But I see in the estimates submitted by the executive authority of the United States according to law that the coin hitherto devoted to those objects, which would appear to have been very thoroughly carried out, by piling up in the basement of the Treasury here and elsewhere an immense ballast of silver, which will, I hope, keep the Treasury from tumbling over——

Mr. ALLISON. I hope so, and think it will.

Mr. EDMUNDS. I should think so. It never will go anywhere else, for nobody wants it.

Mr. TELLER. It will not injure the Government, whatever the amount.

Mr. EDMUNDS. It will not injure it! It is a good thing, and will not rust; a most excellent ballast.

Mr. TELLER. And we always know where it is.

Mr. EDMUNDS. We always know where it is; we are absolutely sure of that. Two hundred and ninety-three thousand dollars was given under the previous administration. Now, this economic and reform administration, and so on, submits a provision to give them on this thirty-third page of their estimates $67,000 more, which is an increase of about 25 per cent. over the previous appropriations and expenditures.

So, as the chairman has said, the appropriation is to be increased from $293,000, heretofore appropriated and expended, to $360,000; and the explanation of the chairman, so lucid and clear, as it always is, seems to show simply that the Secretary of the Treasury wants the means of employing more workmen and more adjusters at the same old prices that were paid to them, which are supposed to be fair, in order to do what? And that "what" I have not been able to understand from the explanation of the chairman or from these estimates. Is it to put more coin into the basements of the buildings, or what is it for?

Mr. ALLISON. No, sir; it is to coin the gold and silver coins of the United States authorized by law, which have been coined and which will of course continue to be coined, the gold coin as it is presented at the mint, and the silver in accordance with the law of 1878.

Mr. EDMUNDS. Has there been any failure hitherto in respect of that coinage?

Mr. ALLISON. There has been no failure hitherto, although the appropriation of last year and of previous years has fallen short of the actual amount expended in the coinage of gold and silver; but wherever there has been a deficiency it has been drawn from the silver fund, so called, under the act of 1878.

Mr. EDMUNDS. That is, the seigniorage?

Mr. ALLISON. The seigniorage, being the difference between the price of silver bullion and the silver coin.

Mr. EDMUNDS. What is to become of the seigniorage now? That will be used in the same way, of course.

Mr. ALLISON. It will be used in the same way, undoubtedly.

Mr. EDMUNDS. So that this makes a real increase of the appropriation for these objects that have been hitherto carried on well.

Mr. ALLISON. I would not say that it makes an increase of appropriation. The Secretary of the Treasury recommended $360,000——

Mr. EDMUNDS. And that is what you give him.

Mr. ALLISON. We give him $293,000 and the balance, of course, he will take from the permanent appropriation, and he receives what he estimates for except that it will not appear as a part of the expenditures of the year in the statements that will be made here and there about the cost of the Government.

Mr. EDMUNDS. So that when we get to the end of it it will appear that this $360,000 that he wants will have been expended out of one fund or another.

Mr. ALLISON. I have no doubt of it.

Mr. TELLER. I should like to ask the chairman of the committee whether the Treasury authorities are at liberty to take any amount they choose out of the seigniorage fund? If so, what is the object of making any appropriation at all?

Mr. ALLISON. They are not at liberty to take any amount they choose. Of course the law requires, as I understand it, that $24,000,000 shall be coined each year, that $2,000,000 worth of silver shall be coined each month. We make annual appropriations for the payment of adjusters and workmen. If that appropriation falls short in any way in sustaining the coinage of gold and silver together, whatever shortage there is is taken from year to year out of the seigniorage, or the difference between the price of silver bullion and the value of coin.

Mr. EDMUNDS. Is that done according to law or without law?

Mr. TELLER. By virtue of law.

Mr. ALLISON. That I think is in accordance with law, as I construe it.

Mr. EDMUNDS. Ah, yes.

Mr. ALLISON. I think the law of 1878 makes a permanent appropriation.

Mr. TELLER. Of the total seigniorage?

Mr. ALLISON. No, sir; of whatever is necessary. The law of 1878 makes a permanent appropriation of whatever is necessary to coin twenty-four million dollars' worth of bullion per annum, and if there was not a dollar appropriated for the expense of the silver coinage that expense could be taken out of the difference between the cost of the bullion and the value of the silver dollars.

Mr. EDMUNDS. You say that is the act of 1878?

Mr. ALLISON. That is the act of 1878. I have no doubt of that. I understand that in some directions it has been claimed that unless we made a specific and special appropriation for this coinage it could not be made from year to year. I do not so understand the law.

Mr. TELLER. The claim was that we should make a specific appropriation to buy the silver. That is the claim as I understand it which was made last year.

Mr. ALLISON. This was several years ago.

Mr. TELLER. It seems to me that that is an extremely loose way of doing business. If the Treasury Department may take whatever they may see fit, if they may supplement what is appropriated by any amount they may choose, provided they make it out of the seigniorage, Congress has no control whatever over the expenditures of that Department. If that is the law of course I have nothing to say about it; but it seems to me unless it is a very plain provision of the statute that it ought not to be allowed.

I find in this little statement by the committee that the estimate of the requirements of the mint at Philadelphia was $531,550, and that the appropriation is $434,550, being nearly $100,000 short, and of course they may take the whole of that $100,000 if they see fit to do so from the seigniorage of silver.

Mr. ALLISON. They may if they coin silver dollars.

Mr. TELLER. They do coin them.

Mr. ALLISON. They have got to coin them somewhere, and I think it is perfectly clear that under the act of 1878 whatever sum of money is necessary to coin $24,000,000 worth of silver per annum is appropriated by that act.

Mr. EDMUNDS. The language of the act of 28th February, 1878, to be found in the twentieth volume of the statutes, page 25, is this on this topic:

> And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than $2,000,000 worth per month, nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars; and a sum sufficient to carry out the foregoing provision of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Now that relates solely to the silver dollar; it has nothing to do with the gold coinage nor anything else, and how therefore my friend from Iowa can maintain that the profit got from the seigniorage, which appears in a later paragraph in the act, as follows:

> And any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage—

Can be used to supply any deficiency in the steady appropriation bills of sums like the one in the paragraph we have now under consideration I can not understand. The seigniorage is by this act expressly required to be paid into the Treasury. Being paid into the Treasury, it can not be paid out under the Constitution without an appropriation made by law.

So I do not see exactly how the people who administer this law are taking from the seigniorage fund a sum of money to make up a deficiency in what Congress has failed to appropriate to carry out the first part of the provision about the silver coinage, which has nothing at all to do with gold.

Mr. INGALLS. I should like to inquire of the chairman of the committee whether as a matter of fact hitherto any deficiencies in this appropriation have been supplemented by draft upon the seigniorage fund in the Treasury of the United States, and if so, to what extent.

Mr. ALLISON. I will answer the Senator from Kansas by saying that the committee considered this question of appropriating for the Mint. They sent to the Director of the Mint for a statement and I have it before me.

Mr. INGALLS. Have it read.

Mr. ALLISON. I will send it to the desk and have it read, as I omitted to insert it in the report of the committee.

The PRESIDING OFFICER (Mr. PALMER in the chair). The paper will be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., June 15, 1886.

SIR: In compliance with the request contained in your letter of the 14th instant I inclose herewith a statement exhibiting by fiscal years the expenditures made from the appropriation for the coinage of standard silver dollars, contained in the act of February 28, 1878.

Very respectfully,

JAMES P. KIMBALL,
Director of the Mint.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations,
United States Senate.

Statement showing, by fiscal years, the expenditures on account of the coinage of standard silver dollars, made from the appropriation contained in the act of February 28, 1878.

Fiscal year 1880	$92,033 46
Fiscal year 1881	97,311 60
Fiscal year 1882	137,559 61
Fiscal year 1883	161,507 21
Fiscal year 1884	136,054 78
Fiscal year 1885	156,942 22
Fiscal year 1886 (to May 31, 1886)	68,341 44
Total	849,750 32

Mr. INGALLS. That is the entire amount of drafts on this seigniorage fund to supplement deficiencies in the appropriations. Now, can the Senator state what the entire amount of profit accruing to the United States at the present time in the Treasury is from the purchase and coinage of silver?

Mr. EDMUNDS. That is just what I want to know.

Mr. BECK. Here is the report of the Director of the Mint, where it will be found in a very few words.

Mr. TELLER. Read it.

Mr. EDMUNDS. Condense it.

Mr. BECK. If the Senator will turn to pages 9 and 10 of the report of the Director of the Mint he will see it stated.

Mr. ALLISON. I find by the report of the Director of the Mint that "the seigniorage since that date up to June 30, 1885, on the coinage of silver has amounted to $25,338,389.97."

Mr. EDMUNDS. For how long a time?

Mr. ALLISON. Since July 1, 1878, when the act went into effect.

Mr. EDMUNDS. Do you mean to say that from 1878 to 1885 the seigniorage amounted to over $25,000,000?

Mr. ALLISON. Certainly; that was one year ago.

Mr. BECK. Read the whole of it.

Mr. ALLISON. The report of the Director of the Mint proceeds:

Adding the sum of $9,237.54, refunded by Adams Express Company for overcharges, and $4,560.30, surplus bullion and adjustment of silver values carried to the credit of the "silver-profit fund," makes a total of silver profits to be accounted for of $25,776,913.28.

Mr. CALL. Do I understand that to be the profits of seigniorage?

Mr. ALLISON. That is the profit of seigniorage up to June 30, 1885, from July 1, 1878. Of course we have not the statement for the present fiscal year, because that expires to-day. We shall know to-morrow, I suppose. On page 11 of his report the Director says:

APPROPRIATIONS, EARNINGS, AND EXPENDITURES.

The amount specially appropriated for the support of the mints and assay offices of the United States for the service of the year 1885 was $1,194,610, of which $1,104,659.07 was expended. In addition there was expended from the general appropriation for the coinage of the standard silver dollar $157,860.22, as follows, namely: At the mints, $156,942.22, and at the Department for daily quotations by telegraph of the price of silver at London, the sum of $918.

I will say that I do not quite understand how the expenditure of $918 to show the daily quotations of the price of silver at London is important.

Mr. SHERMAN (Mr. PALMER in the chair). Mr. President, I wish simply to say that there is no doubt about the law. The Senator from Vermont, I believe, has read the law. There is no doubt in regard to the appropriations, and without that provision in the law two or three times in history since the act of 1878 the coinage of the silver dollar would have been stopped for the want of appropriations, and it could not have been done but that the law itself provided for the means of carrying it on.

The actual amount of seigniorage according to my recollection at the date here given instead of $25,338,389.97 was I think $28,000,000, but the real amount of silver profit, which is stated somewhere in the report of the Director of the Mint, has been impaired by the necessity of paying expenses. The cost of coining the silver dollar has been a trifle over 1½ cents each; 1.57 I think is the exact cost.

Mr. EDMUNDS. Will the Senator from Ohio tell us plainly, so that our constituents may know how this seigniorage profit arises and the common understanding of men may know what it means.

Mr. SHERMAN. We buy bullion at so much an ounce. We coin it at a dollar for 412½ grains. We pay a dollar for 480 grains. The seigniorage is the difference.

Mr. EDMUNDS. That is to say, we make a dollar out of that proportion of silver that we buy?

Mr. SHERMAN. We pay in round terms now $1 for 480 grains of standard silver. We pay out as $1 412½ grains, and the difference is the seigniorage.

Mr. EDMUNDS. We stamp it, and we charge the cost of putting it into the form of a silver dollar and put it out at 412½ grains.

Mr. SHERMAN. It costs us a little over 1½ cents on each coin.

Mr. EDMUNDS. So that we make on each dollar about how much?

Mr. SHERMAN. It varies with the price of silver. We make now about 20 cents.

Mr. EDMUNDS. Do you call that an honest dollar?

Mr. SHERMAN. I am not debating that question.

Mr. EDMUNDS. That is what I was trying to find out.

Mr. ALLISON. I am glad the Senator from Vermont understands the question now.

Mr. SHERMAN. So far as any difficulty about the disbursement of this money is concerned, there is no question but that the money is all properly disbursed. If there is any Department of this Government that is run without a possibility of fraud or wrong it is the mint and assay offices of the United States. There may be extravagance in the way of salaries, but there can not be any fraud in the management of the mints. It is probably as exact a science as can be established anywhere in any branch of the Government. The accounts are the most exact, probably, in that branch of the Government.

If the Senator from Vermont is looking for any peculation or wrong or fraud on the part of this reform administration that he speaks of, it certainly will not be found in the management of the mints, because they are scientific institutions, conducted with the utmost care and with the closest economy, and, so far as I know, without any criticism at any time from the beginning. There have been some defalcations, but there have never been any losses in the management of the mints. Even what is called wastage is so trifling as to be almost imperceptible to enter into the account. It is swept up and saved, so that nothing is lost.

But still the anomaly is presented of our buying silver bullion at a dollar for an ounce and coining it at $1.20 an ounce; but that has been debated and understood by all, and it is not the fault of those who manage the mints.

Mr. TELLER. The Senator from Vermont does not seem to understand the method by which the Government gets hold of this silver and pays it out. In the first place, the Treasury Department telegraphs over to London to find out what the price is in London. Great Britain does not produce a dollar of silver. You can not buy to-day in London a million dollars of silver probably if you should try, and yet London is the lowest place for silver in the eastern world. The Department telegraphs there for the price. It is lower at London than it is at Hamburg and other places; and then they find the price in London and if it is $1.03 an ounce they then deduct the price of transportation from the American producer of silver, whatever that may be, and offer him a little less than the market price for his silver.

In other words, the Government becomes the depreciator of silver, first by telegraphing to a market where there is not any silver and which is not a silver market; secondly, by adding the cost of transportation to that market which is not an actual market for silver, and then compelling the American producer to sell his silver a little below that. When he has sold it at a dollar an ounce, we will say, the Government coins it and then puts it out to its citizens for $1.29 cents or thereabouts.

I do not think it is an honest transaction myself and I never did, but the dishonesty consists in the fact that the Government denies to the producer and owner of silver the right to go to the Mint and coin it as the Constitution intended that every man should who had it.

It is disgraceful, and it is a dishonest dollar, made so by the Government of the United States by its financial course. The dollar when it is coined is an honest dollar. The filching comes from the man who owns the silver and not from the man who takes it, because it buys everywhere just as much as a gold dollar. It buys 13 per cent. more to-day than it did ten years ago in every market in the world of everything that can be required; and then you say it is a dishonest dollar. It is the robbery of the men who produce it and who own it and not the robbery of the men who take it, who get value received and get a dollar that enables them to buy everywhere on God's green earth as well as they could with a gold dollar, and 13 per cent. more than they could with a gold dollar ten years ago.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed at line 1278 and continued to line 1378, when the following paragraph was read:

Assay office at Charlotte, N. C.: For assayer and melter, $1,500; and assistant assayer, $1,250; in all, $2,750.

For incidental and contingent expenses, including labor, $2,000.

Mr. EDMUNDS. I should like the chairman to explain that; how much gold or silver is coined there, and how much is the cost of that establishment from year to year, and what is the outcome of the operations of the Government at that place.

Mr. ALLISON. The report of the Director of the Mint will show. I do not see the Senator from North Carolina in his seat. The appropriation for this office is the same as last year.

Mr. EDMUNDS. And the year before?

Mr. TELLER. It is the same as the estimates?

Mr. ALLISON. It is the same as the estimates. I do not remember the details.

Mr. EDMUNDS. Can the chairman tell us if there is really any amount of gold or silver coined in North Carolina?

Mr. ALLISON. There is a considerable amount of gold coined there, brought from the mines of North Carolina and Georgia and that neighborhood.

Mr. EDMUNDS. But how much is coined or assayed alone in that place?

Mr. RANSOM. I was about to make a statement, but I see that the Senator from Iowa is finding the statement in reference to the amount of gold that is minted, if I may use that expression, in Charlotte.

Mr. ALLISON. In 1885 the amount of gold coined at the Charlotte assay office was $187,876.83; in 1884 it was $133,544.27, and a very small amount of silver. It is chiefly gold.

Mr. CHACE. It costs 4 per cent. then to assay it.

Mr. ALLISON. I suppose the assay office at Charlotte is like a number of assay offices provided for in this bill and other bills, a convenience to the producers of gold and silver who are in the neighborhood.

Mr. EDMUNDS. Does the Senator mean to say that the $190,000, or whatever the sum, $200,000 in round numbers, that is assayed there is all the product of the mines of that neighborhood, or has it been sent around from other parts of the country to be turned into coin there?

Mr. ALLISON. I would not state that that is the total amount of gold produced in Georgia and North Carolina. The Senator from North Carolina can state more definitely than I can.

Mr. EDMUNDS. But is all the assaying that is done there—the $190,000—done from the metal that is got out of the earth, or is it sent from somewhere else?

Mr. ALLISON. I think most of it is from the earth in the neighborhood, in Georgia and North Carolina.

Mr. EDMUNDS. So we expend 4 per cent. instead of sending it to Philadelphia or wherever, and assaying it there.

Mr. ALLISON. That is the case.

Mr. EDMUNDS. If that is not protection of American industries I do not understand what can be.

Mr. ALLISON. In view of the appropriation for this assay office having continued from year to year, and inasmuch as it is provided for by law, the committee did not feel that they could strike out this provision.

Mr. EDMUNDS. May I ask the Senator if it is provided for by any other law than an appropriation act?

Mr. ALLISON. It is.

Mr. TELLER. It was established many years ago.

Mr. EDMUNDS. Then, if so, of course we can not reach it here.

Mr. ALLISON. It is provided for by a specific statute.

Mr. EDMUNDS. I am content, if not satisfied.

The PRESIDING OFFICER (Mr. PALMER in the chair). The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "government in the Territories," after the word "governor," at the end of line 1387, to strike out "two thousand six hundred" and insert "three thousand;" in line 1389, after the word "judge," to strike out "two thousand five hundred" and insert "three thousand;" and in line 1393, after the word "all," to strike out "ninteen thousand six" and insert "twenty thousand five;" so as to make the clause read:

Territory of Alaska: For salary of governor, $3,000; judge, $3,000; attorney, marshal, and clerk, $2,500 each; four commissioners, $1,000 each; four deputy marshals, $750 each; in all, $20,500.

Mr. EDMUNDS. Is that an increase of the salary of the governor of the Territory?

Mr. ALLISON. The act organizing the Territory of Alaska is one of the recent acts of Congress. The Committee on Territories provided a salary there of $3,000 per annum.

Mr. HARRISON. If the Senator from Iowa will allow me, the Committee on Territories reported a bill with a lower salary and it was increased in the Senate and put at $3,000.

Mr. ALLISON. I thank the Senator for correcting me, and regret that I did the Committee on Territories the injustice of suggesting that they reported this salary. The judge was provided for also at $3,000. I understand that recently there has been a very acceptable person appointed to the position of governor in the Territory of Alaska, and also an exceptionally good lawyer appointed to the position of judge in that Territory, and in view of its remoteness and the expense of getting to the Territory from the States it was thought wise to suggest at least to the Senate that the salary provided for in the law should be appropriated.

Mr. EDMUNDS. That is just what I wish to get at. I wish to know whether the existing law establishing these offices fixes the salary at $2,600 or $3,000.

Mr. ALLISON. It fixes the salary of the governor at $3,000 and the salary of the judge at $3,000.

Mr. EDMUNDS. So that the committee amendment appropriates the money that the law entitles these people to have?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. Very well; if that is so I have nothing to say.

The PRESIDING OFFICER. If there be no further objection the amendment will be considered agreed to. It is agreed to.

The reading of the bill was resumed, and the following clause was read from line 1398 to line 1403:

Territory of Arizona: For salary of governor, $2,600; chief-justice and two associate judges, at $3,000 each; secretary, $1,800; interpreter and translator in the executive office, $500; in all, $13,900.

Mr. TELLER. If the committee because of a statute fixing the salary of the governor of Alaska at $3,000 felt compelled to change the House bill on that item from $2,600 to $3,000, I should like to inquire of the chairman of the committee why they did not make the same change as to other Territories? I find that the Revised Statutes provide in section 1845:

From and after the 1st day of July, 1873, the annual salaries of the governors of the several Territories shall be $3,500, and the salaries of the secretaries shall be $2,500 each.

I understand that to be the law now, and that all the governors of the Territories except the Territory of Alaska are entitled by statute to $3,500, and I find that in the bill as it came from the House the governor of Arizona is given $2,600. It strikes me that if they interfered in one case the committee ought to have interfered in all cases. The honorable chairman says that he understands there has been a very capable and proper man appointed governor of Alaska.

Mr. ALLISON. I was informed so by some gentleman on the Democratic side.

Mr. TELLER. I understand the same is true of several other Territories. For instance, recently we confirmed what was said to be a very able and deserving man for Utah, the most important Territory in the United States considered with reference to its relations to the General Government. We sent a man out there at $2,600 a year quite as capable probably as the man who has gone to Alaska, quite as deserving, and with much greater obligations and duties upon him than the governor of Alaska can have.

Mr. EDMUNDS. I have been referred by the chairman of the committee to the Alaska act of the 17th of May, 1884, creating this office, and I do not see in the section that provides for the establishment of the office any salary. My friend from Connecticut [Mr. PLATT] calls my attention to the ninth section, which says, "they shall severally receive the fees of office established by law," &c., and the governor $3,000, the attorney $2,500, the marshal $2,500, and the judge $3,000. Now, let us see if the bill conforms to that.

Mr. CHACE. It does conform exactly as amended.

Mr. EDMUNDS. My friend from Rhode Island says it does conform exactly. In that case I think the committee has done right, because here is a standing law which provides for that thing, and if we reduce it on this appropriation bill it would only involve the United States in expense.

Mr. TELLER. What do you say of Arizona?

Mr. EDMUNDS. I say the same thing.

Mr. ALLISON. In response to the suggestion made by the Senator from Colorado, I will state that since 1877 the salary of the governors of all the Territories has been $2,600 instead of the statutory salary provided for in the Revised Statutes and read by the Senator from Vermont. It may be that we ought at this distance of time and after a change of all the governors increase the compensation to the sum proposed and suggested by the Senator from Colorado; but I submit that if these governors have been able to conduct the operations of the Territories during all of the intervening years from 1877 to 1886, the new governors recently appointed can afford to serve the country at the salary provided for by existing appropriation acts.

Mr. TELLER. I did not suggest that the salaries of these governors should be raised. The inquiry I made was whether it was not necessary to raise the salary if the statute provided that he should have it, and I wanted to call the attention of the committee to the fact that the statute provided that every Territorial governor, except of Alaska, should have $3,500, and they had left those alone. I did not suggest that we should increase it, although I would be entirely in favor myself of increasing this salary to what the statute provides.

I think it is out of character to send a man who is fit to manage affairs in a Territory like Utah and ask him to live upon a salary of $2,600. I will venture to say that we have in the Treasury Department more than twenty men living here at Washington with no such obligations and duties to discharge as these men have in the Territories who are getting their $2,500 a year and even getting $3,500 a year, living here in Washington, who do not begin to assume the obligations that these men do, and do not have the responsibilities that they have in the Territories.

Mr. CULLOM. Or the labor to perform.

Mr. TELLER. I am not going to make any motion to increase the salaries of these Democratic governors; but if any Democrat here has

the courage to do it he will always find me voting for it, because I believe in giving to a man who goes out into the Territories to represent the Government of the United States a respectable sum. I submit that $2,600 is such a contemptible sum that nobody ought to be asked to go out and serve as governor for $2,600, and I wonder that any man can be got to do it who is fit to go.

Mr. EDMUNDS. Will the Senator kindly show us the law?

Mr. DAWES. I think if the Senator from Colorado will examine some of the appropriation acts since 1877 he will find in the beginning of the first section where the phrase is inserted, "and the salary shall be hereafter as fixed in this act."

Mr. TELLER. I think not.

Mr. DAWES. I think he will find it so. I do not know that it has any reference to these particular salaries, but I know that that phrase was put into some of the appropriation acts, and has been since 1877. I suggest that possibly that might affect some of these salaries.

I do not differ from the Senator in the propriety of cutting down these salaries, and I would vote with him to put any salary up to a reasonable point, whether it be under this administration or any other. But the Senator will find in some of the appropriation acts that device by which salaries were cut down in an appropriation act not only for the year that the appropriation was made but for all time.

Mr. HARRIS. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. There is no question before the Senate.

Mr. HARRIS. Then why do we not proceed with the reading of the bill?

The PRESIDING OFFICER. It is a discursive discussion on the merits of the salaries of Territorial governors. The Chief Clerk will proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the proviso to the clause appropriating $22,000 for "legislative expenses of Territory of Montana," in line 1473, after the word "clerk," to insert "hereinbefore provided for;" so as to read:

Provided, That the sum of $900 of said amount is hereby specifically appropriated for salary of clerk hereinbefore provided for in secretary's office.

Mr. EDMUNDS. I should like the chairman to explain that. Is that a new office?

Mr. ALLISON. We found in the bill as it came to us "the sum of $900 of said amount," that is the legislative expenses, "is hereby specifically appropriated for salary of clerk." Included in the legislative expenses is a clerk. The bill as it came from the House stated "for salary of clerk in secretary's office." We concluded that if this sum of $900 was to be taken for a clerk from the legislative expenses it should be provided that the clerk appropriated for should have this fund.

Mr. EDMUNDS. What is this clerk?

Mr. ALLISON. I am not able to state precisely. I suppose he is the usual clerk that they have in a Territorial Legislative Assembly, having the duties and performing the services that are usually performed by a clerk in a Legislative Assembly.

Mr. EDMUNDS. But I do not see in regard to the other Territories that precise provision. I merely ask for information. The amendment is undoubtedly correct, but I do not see it in other places.

Mr. ALLISON. I do not myself see it in regard to Idaho. I have no doubt that a clerk is necessary to every Legislative Assembly, and I have no doubt he would be appointed and paid out of these appropriations whether specifically mentioned or not.

Mr. EDMUNDS. Only this bill might give an additional one.

Mr. ALLISON. We especially provided against it by the insertion of the words which we proposed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations, inserting the words "hereinbefore provided for."

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1492, when the following paragraph was read:

Territory of Utah: For salary of governor, $2,600; chief-justice and two associate judges, at $3,000 each; and secretary, at $1,800, $13,400.

Mr. CULLOM. I should like to inquire of the chairman of the committee whether the salary allowed the chief-justice of Utah is the salary prescribed by the statute as it stands now. I make that inquiry for the reason that I personally know that the gentleman occupying the position of chief-justice there is a man who ought to have more than a three-thousand-dollar salary. He is a poor man, and the position of chief-justice of that Territory is one of the most laborious positions there is anywhere in the country. I think that the salary ought to be increased if the law will allow it.

Mr. ALLISON. I will say to the Senator from Illinois that the amount here provided is the statutory salary.

Mr. CULLOM. Is it in order for me to move to increase the amount?

Mr. ALLISON. I should hardly think so.

Mr. CULLOM. I understand that I should call upon the Chair to decide the question; I would like exceedingly if that officer could be given more salary than is allowed by the bill.

Mr. COCKRELL. What officer is it?

Mr. CULLOM. Chief-justice of the Territory of Utah; and I think the governor also ought to have more salary.

Mr. BUTLER. Of course he ought.

The PRESIDING OFFICER. If the Senator from Illinois moves such an amendment the Chair will be happy to entertain it.

Mr. CULLOM. I should like to have the consent of the Senate that the governor have the statutory salary given him instead of twenty-six hundred dollars.

Mr. EDMUNDS. You have a right to move that if the statute authorizes it.

Mr. CULLOM. But I want to include in that a motion to increase the salary of the chief-justice $500 as well.

Mr. ALLISON. For the present I hope the Senator will not suggest that amendment, as we have agreed, I believe, that the committee amendments should be first considered, and then it will be in order to go back.

Mr. CULLOM. If it is understood that I can have that opportunity in the future, I shall not press the matter now.

The PRESIDING OFFICER. Does the Senator from Illinois submit an amendment?

Mr. CULLOM. I will not make the motion to amend now, but wait until the committee amendments are concluded.

The PRESIDING OFFICER. The reading of the bill will proceed.

The reading of the bill was resumed and continued to line 1528, when the following paragraph was read:

Territory of Wyoming: For salary of governor, $2,600; chief justice and two associate judges, at $3,000 each; and secretary, at $1,800, $13,400.

Mr. EDMUNDS. That is $400 for the judges above what has been stated.

Mr. HARRISON. It is the same as the others.

Mr. ALLISON. All the judges of the Territories are entitled by law to $3,000 and all are appropriated for at that rate.

The reading of the bill was resumed. The next amendment was, under the head of "War Department," in the appropriations for the Signal Office, in line 1595, after the words "military telegraph lines," to strike out "forty" and insert "thirty;" so as to make the clause read:

For the services of scientific experts, clerks, draughtsmen, copyists, messengers, mechanics, laborers, and such other services as the Secretary of War may deem necessary, in the office of the Chief Signal Officer, to carry into effect the appropriations for observation and report of storms, and for the construction, maintenance, and repairs of military telegraph lines, $30,000.

Mr. CHACE. I ask the chairman why the committee reduced that item of $40,000 to $30,000?

Mr. HAWLEY. What is the reason for the reduction? I suppose the Senator from Rhode Island [Mr. CHACE] made that inquiry, but I could not hear him.

Mr. ALLISON. This reduction of $10,000 is supposed to leave matters in such form as to allow a sufficient sum to the Chief Signal Officer to discharge the duties which are required to be performed by the men provided for in this clause.

Mr. CHACE. What was the appropriation for that purpose last year?

Mr. ALLISON. The appropriation last year was $40,000.

Mr. CHACE. Was there anything left to be covered into the Treasury?

Mr. ALLISON. I should think not. I have no recollection of anything being covered into the Treasury from the Signal Office on account of any appropriation.

Mr. CHACE. Is there any evidence that this money was injudiciously expended?

Mr. BECK. I ask the chairman of the committee to pass the amendment over until to-morrow morning.

Mr. ALLISON. I have no objection to passing it over, but I should be glad to call attention to the Book of Estimates, page 267, which shows how this money is to be expended. I will not take the time of the Senate to do so this evening if the item is to be passed over.

Mr. CONGER. I should like to know how the money is expended.

Mr. ALLISON. The method by which it is expended is by employing a civilian assistant at $4,500, one professor of electrical science at $3,500, and so on.

Mr. EDMUNDS. That is in the discretion of the Chief Signal Officer?

Mr. ALLISON. Yes, sir; it is a lump appropriation of so many dollars.

Mr. CHACE. I am satisfied; I do not want to hear any more.

Mr. SEWELL. I want to know of the chairman of the committee what proportion of that appropriation is for military telegraph lines?

Mr. ALLISON. Not a dollar.

Mr. SEWELL. After providing for the services of experts, clerks, &c., the clause making the appropriation reads, "and for the construction, maintenance, and repairs of military telegraph lines," before the statement of the amount.

Mr. ALLISON. I say not a dollar. I do not think one dollar of this appropriation is expended for military telegraph lines.

Mr. SEWELL. We have military telegraph lines and signal stations along the coast—I speak particularly of New Jersey—at the exposed beaches some miles out at sea, by which they have been enabled to report to the mainland vessels going ashore, and boats have lain at the beach forty-eight hours in consequence of the cable being out of order. When I called the attention of the Chief Signal Officer to it he stated that if he could get appropriation enough he would keep the cable in order.

Mr. ALLISON. I will say to the Senator from New Jersey that I did not exactly comprehend the scope of his inquiry at first. This is simply a lump appropriation to cover the expenditures made for the Signal Service, and the phraseology used here is to designate the general character of the office in reference to its meteorological observations.

Mr. SEWELL. Here is a decrease in the appropriation of $10,000. What I want to get at is how much of that decrease applies to the repairs of those lines?

Mr. ALLISON. Not a dollar, as I stated before.

Mr. SEWELL. How much is appropriated to those military telegraph lines?

Mr. ALLISON. Nothing of this gross sum. This is a general appropriation for the purposes of the Signal Office which is described here as being an office "to carry into effect the appropriations for observation and report of storms, and for the construction, maintenance, and repairs of military telegraph lines."

In the sundry civil bill we make a large appropriation for these purposes, and this is a little appropriation drawn into this bill in a quiet way to enable the Chief Signal Officer to employ certain clerks and professors and scientific experts to carry on the various duties of the office of the Chief Signal Officer. I have here and was proceeding to read the exact method of expending this $40,000 which was appropriated last year and which is reappropriated by the House provision in this bill.

Mr. EDMUNDS. But why should this "military telegraph" be in here at all if there is another bill covering a large sum for that?

Mr. ALLISON. This presumably is to cover what is called the office force as distinguished from that great range and multitude of men who are employed upon the various stations of the Signal Service.

Mr. EDMUNDS. But this clause says "and for the construction, maintenance, and repairs of military telegraph lines." If in another bill there is a general provision for this sort of thing, why is that very elastic clause put in here at all? If the object is for scientific experts, &c., why do you not strike out this about telegraph lines entirely, in order to leave it in its proper place on the other bill?

Mr. ALLISON. The appropriations in the sundry civil bill for the maintenance of this meteorological bureau are appropriations of a specific character for men, so many sergeants, so many corporals, so many privates of the first class and privates of the second class, &c. The Chief Signal Officer seems to require, and I have no doubt does require, a certain civilian force in his office outside of and independent of the military or quasi military force which is appropriated for in the sundry civil bill now, and which until the last year or two has been appropriated for in the Army appropriation bill.

Mr. EDMUNDS. Yes, but this clause is for things and not for men.

Mr. ALLISON. The Senater will see that it is not only for things, but for men also.

Mr. EDMUNDS. No; the part of the clause in lines 1594 and 1595, that I called attention to, applies to the military telegraph lines.

Mr. ALLISON. But those words are merely descriptive. They are merely descriptive of the character of the office.

Mr. EDMUNDS. Descriptive of the character of the work for which the money is appropriated.

Mr. ALLISON. That is to say:

> For the services of scientific experts, clerks, draughtsmen, copyists, messengers, mechanics, laborers, and such other services as the Secretary of War may deem necessary, in the office of the Chief Signal Officer.

It might stop there, but it goes on to designate what these people are doing, namely, the Chief Signal Officer has to "carry into effect the appropriation for observation and report of storms, and for the construction, maintenance, and repairs of military telegraph lines."

Mr. CHACE. That sentence is a description of what this is for.

Mr. ALLISON. It is a mere description. I, of course, yield to the superior judgment of the Senator from Vermont; but this language has stood the test of criticism for the last five years, because it is the exact language that has been incorporated in these bills for certainly that long, and I think for seven or eight years. It has stood the test of expenditure, which is very certain, because there is residuum. Any Senator who desires to know how this money is expended annually can turn to page 276 of the Book of Estimates and see the method of expenditure. I will not stop to read it.

Mr. CONGER. The last clause, about which the complaint and comment has been made, has been in the appropriation bills ever since the appropriations were made for this Signal Service, and necessarily so. The great value of the Signal Service is in its stations for observation. It is the extension of these stations over large regions of country. Now, in order to get reports of coming storms from as far off as possible, it has been necessary from the beginning to build telegraph lines by this department, and they have been built to remote places where there are no existing telegraphs and where there are no means of communication, as there must be if the observations are to be of any value.

Mr. ALLISON. My friend from Michigan does not suppose that any portion of this money is used for building or repairing military telegraph lines. If he does he is entirely mistaken. Not a cent of it is ever used for that purpose.

Mr. CONGER. The Senator is entirely mistaken.

Mr. ALLISON. I may be, but I happen to know about it.

Mr. CONGER. I am sorry the Senator does not understand what this means. There is a telegraph line at Fort Myer across the river which conneets with the Signal Office here in the city. There is a military telegraph line for this little distance of 2 or 3 miles that is put up by this office and kept in repair by it. Wherever there is a station away from a regular telegraph line, by virtue of this appropriation the Signal Office has connected it with some one station by telegraph. There are cautionary stations, there are places where there are signal stations on the coast of the lakes and on the ocean far removed from towns and from places where there are telegraph lines, where cautionary signals are kept up for the benefit of navigation to give warning of the approach of storms. It has been found necessary at many places to connect with telegraph lines 3 miles, 10 miles, or 100 miles off, it may be, to make valuable for the navigation of the country, the storm signals at remote points where sailors may see them passing by. That is the object of this appropriation, and that is the use to which it has been put.

Mr. ALLISON. I do not desire to occupy the Senator's time, but I want to assure him that if he will turn to page 267 of the Book of Estimates, which must lie upon his desk, he will see that not one cent of this money ever has been or is proposed to be expended for the purpose which he states. There has never been a remote suggestion of the kind. Nobody would think of it and nobody would talk about it.

This is an appropriation that has been in the legislative, executive, and judicial appropriation bill for many years, and relates entirely to the office force which is sitting here in the city of Washington recording and registering the arrangements and books and accounts of the Signal Service Bureau; and the idea that any dollar of this is expended in enlarging or expanding or promoting the diffusion of this system of the Signal Service is, to my mind, a thing which ought not to be suggested in this Chamber in the face of the absolute fact that must rest within the knowledge of every Senator.

Mr. CONGER. I ask the Senator if there is not in that an estimate for this very purpose in the language used here?

Mr. ALLISON. Not an estimate for this purpose at all in this connection.

Mr. CONGER. Then how did it get into this bill at all?

Mr. ALLISON. I endeavored once to explain that, to show that these words here are merely descriptive of the office force that is used for the purpose of gathering together the accounts of the Signal Service Bureau, the work of which is appropriated for in another bill, formerly in the Army bill, and now in the sundry civil bill, which has been under debate for a week in the House and which will probably reach us in the course of four or five days.

Mr. CONGER. Now, I will make a remark on that before I forget it. I have been in the Signal Office to which the gentleman alludes when he says all this appropriation is for what is to be done in the Signal Office in the city of Washington. I have seen while there vast clouds, tumuli, as the Senator has, and I do not know all the queer names of the clouds—nimbus is one, I believe—and I have seen all kinds of machinery there. But I submit to the Senator from Iowa—and I wish he would give me his attention for a moment.

Mr. ALLISON. I am so doing.

Mr. CONGER. I want it given more intensely than he is giving it now. [Laughter.]

Mr. ALLISON. I will endeavor to give my eye and ear to the Senator.

Mr. CONGER. I ask the Senator how many miles of telegraph line he has seen in that little office in the city of Washington to be repaired or maintained or kept up?

Mr. ALLISON. As I go to the Signal Office during the daytime, I do not think I have ever seen a mile of it. I do not claim that this is used for repairing wires in the Signal Office. It is a clerical force, an expert force. I should be glad to read, if it would not take too much time, the exact mode of expenditure, showing how it was done this last year. Would the Senator like to hear it?

Mr. CONGER. Yes, in a moment. What I have to say will be more interesting just now. The Senator has made a great mistake in his statement, and I certainly am not going on to make a personal allusion of this kind unless I have his attention. Neither the Senator from Tennessee nor any other Senator shall attract his attention so that I shall not have access to him on this occasion.

The Senator, I say, must have made a great error in his statement or he must rise in his place and confess that he was very wrong in his con-

clusion. The Senator did say that this whole appropriation related to things that were going on inside. Now, the Senator from Rhode Island is taking the attention of the Senator from Iowa. I do not attribute this interruption to any unkindness to me personally, but I suppose through sympathy the Senator from Rhode Island wants to take the part of the weaker Senator from Iowa. [Laughter.]

Mr. CHACE. I was just suggesting that it was getting to be rather cloudy on account of the tumuli.

Mr. CONGER. I do not care which way the Senator from Iowa talks about it. He is generally accurate, but he is mistaken in my opinion and rather confused on this question. The Senator did say that all the appropriation in this whole paragraph was for office-work inside a single office here.

Mr. ALLISON. So I stated.

Mr. CONGER. Now, I ask the Senator how many miles of military telegraph line, for the construction, maintenance, and repairs of which this appropriation is made, he supposes could, without incommoding the other duties and management of the office, be constructed in the little building where the Signal Office is? Any explanation of that kind will be perfectly satisfactory to me, and I will withdraw from this contest if it can be made handsomely and satisfactorily.

Mr. ALLISON. I think the suggestions of the Senator from Michigan are rather in the nature of hypercriticism. If he will add on line 1594 a few words, so as to read, "and to carry into effect the appropriations for the construction, maintenance, and repairs of military telegraph lines," he will then see to what this appropriation applies. It has been supposed hitherto for a good many years that it was not necessary to repeat those words, but the Senator from Michigan has waked up after five or six years of slumber on this appropriation and suddenly discovered that it applied to the repairs of military telegraph lines. All I have to say respecting that is that if the Senator will again look at page 267 of the Book of Estimates he will see how this money is expended. As to the phraseology employed I should be glad to be aided by the Senator from Michigan, and I would be glad to insert any language which he will suggest looking to perfecting the phraseology of this provision.

Mr. CONGER. Will the Senator give me the page?

Mr. ALLISON. Page 267 of the Book of Estimates, Appendix K. He will there not only see the amount, but he will see the character of the expenditure.

Mr. HAWLEY. I see on page 267 the list of employés, and I should like to know which quarter of them is to be discharged if the appropriation is reduced from $40,000 to $30,000. Who is to be discharged on that list—the civilian assistant, the professor of electrical science, or this other professor? You will save about $10,000 and will probably take out of the bureau five or six of these gentlemen, and leave the office altogether useless. If you are to take out $10,000 worth of laborers and messengers and clerks, I do not see how the professors can work. Where is the $10,000 to be taken out?

Mr. ALLISON. The Committee on Appropriations believe that by a careful and prudent and economical administration of the civilian portion of this bureau it can be conducted with an annual expenditure of $30,000; and whether it dispenses with a translator and bibliographer, or a professor, or what not, or a writer upon storms or cyclones, or a particular expert with reference to any special matter relating to meteorology, the Committee on Appropriations would not undertake to direct. They have absolute faith, at least I have, in the intelligence and fidelity and zeal of the Chief Signal Officer, and have a belief that if we give him $30,000 per annum he will so expend it as to make his office efficient and at the same time discharge whatever surplus of employés he may have there above such amount.

Mr. PLUMB. I want to call the attention of the Senator from Connecticut and the Senate to the appropriation found in the last sundry civil bill. The first item is:

SIGNAL SERVICE.

To be expended by the Secretary of War:

For the observation and report of storms: For expenses of the meteorological observation and report of storms by telegraph and signal, or otherwise announcing the probable approach and force of storms, for the benefit of the commerce and agriculture throughout the United States as follows:

Then comes the enumeration:

For the manufacture, purchase, and repair of instruments, $10,000.

For telegraphic reports, $138,000.

For expenses of storm, cautionary, off-shore, and other signals on the sea and lake coasts of the United States, announcing the probable approach and force of storms, including the pay of observers, services of operators (where not otherwise provided for), lanterns, and flags, $11,000.

For continuing the connections of signal stations at life-saving stations and light-houses, including services of operators, repairmen, materials (such as cable, wire, poles, and insulators), and general service connected therewith, —— thousand five hundred dollars: *Provided*, That such connections, in the opinion of the Superintendent of the Life-Saving Service and the Light-House Board, shall be deemed necessary.

For manufacture, purchase, and repair of instrument shelters. $2,000.

For rent, hire of civilian employés, furniture, light, heating supplies, stationery, ice, repairs, and other expenses of offices maintained for public use in cities and ports receiving reports, outside of Washington, D. C., $41,500.

For river and flood reports, and expenses incidental thereto, $10,000.

For maps and bulletins to be displayed in chambers of commerce and boards of trade rooms, and for distribution, $25,000.

For cotton-belt reports, $7,000: *Provided*, That hereafter the work of no other Department, bureau, or commission authorized by law shall be duplicated by this bureau.

For maintenance and repair of military-telegraph lines, $24,000.

Amounting in all, I think, to about $600,000. I call the attention of the Senator from New Jersey to the fact that a specific sum was appropriated in this act for the repair and maintenance of military-telegraph lines. Now follows a statement of the military force connected with the office:

Pay: For pay of one brigadier-general and sixteen second lieutenants, $29,500; for longevity pay to officers of the Signal Corps, to be paid with current monthly pay, $4,250; for pay of one hundred and fifty sergeants, thirty corporals, and three hundred and twenty privates, including payment due on discharge, $200,-151.51; for mileage to officers when traveling on duty under orders, $5,000; for pay of contract surgeon, $1,200; for commutation of quarters to commissioned officers at places where there are no public quarters, $7,200; in all, $247,301.51.

Then follow the subsistence and the regular supplies, fuel, and all that sort of thing, altogether amounting to a very large sum of money and covering very largely a class of expenditures that are provided for by name, and not the class of expenditures which are made according to the Book of Estimates under the provisions now under consideration in the legislative, executive, and judicial appropriation bill.

Mr. EDMUNDS. Why are they not all brought together.

Mr. PLUMB. I was about thinking of that and suggesting that they ought to be so brought together; but in point of fact that has not been done heretofore. In the beginning this was a military establishment. It was provided for then in the Army appropriation bill. Finally this civil duty was ingrafted upon this quasi-military establishment, and the *personnel* of the force was provided for in the legislative, executive, and judicial bill, as the *personnel* of the force in substantially all the other Departments of the Government is provided for. Then it grew a little further and got into the sundry civil bill, where it floated away from all bounds and became an enormous establishment. There ought to be a combination; all these appropriations ought to be combined in one.

We are duplicating by description at least the appropriations for various objects, civilian employés, repair of military telegraph lines, and so on, and consequently almost inevitably the appropriations are more extravagant than they would be if they were brought together in such a way that the entire scope of the transactions of this important and expensive establishment of the Government could be considered at one time and in one place and in one connection.

Mr. EDMUNDS. That is also true as to some other appropriations.

Mr. PLUMB. It is very true, I have no doubt, in regard to some other appropriations; but this has grown up from time to time, perhaps on the whole wisely, but at all events it has been enlarged. There has been no disposition in any way to diminish the value of the service to the country, whatever that might be, but certainly there ought not to be this duplication of important objects in different bills. There is an appropriation of about $5,000 in the Army appropriation bill besides for aanunciators and various things, as I had occasion to find, and there are a mass of articles purchased there that I had no idea had any existence. That is provided for in the Army bill. Then the legislative bill further provides for certain other classes of expenses; and then comes the sundry civil bill with wide grasp covering the whole situation both as in the Army bill and in the legislative bill.

It seems to me it would be the part of economy and of proper administration to take this provision entirely out of the legislative appropriation bill and put the whole thing in the sundry civil bill, where it can be brought under a scrutiny which will be comprehensive enough to embrace all the features of the administration and all the expense attending on this important bureau.

Mr. EDMUNDS. Why did not the committee so report?

Mr. PLUMB. That I can not say. One thing, of course, the Senate will understand about this matter. These bills go to different subcommittees. The chairman knows more about that than I do. I can say for myself that I have not had my attention specially called to this matter, though I have thought about it.

Besides, the theory has been that the *personnel* of the office should be provided for under the legislative bill; but, as the Senator from Iowa has well said, this provision, while embracing by description the construction and maintenance and repair of military telegraph lines, has been used exclusively for the pay of the civil force. That language was put in originally, and probably some of the money was so applied until they succeeded in getting an appropriation in the sundry civil bill which covered everything, and then it was used for the other purpose. I can not say definitely as to that, but that is probably a fair construction from the known facts. But certainly, inasmuch as we have a provision for the military employés in and for the repair of military telegraphs in the sundry civil bill and pretty much all the other items of this great establishment, they certainly all ought to be combined together.

Mr. HAWLEY. I did not ask these questions because I desired to make any unnecessary criticism, but because I am impressed with the very great value of the Signal Service. I doubt not that there might be reforms in the arrangement, the formation, the management of it. That is quite possible. It has been a matter of a great deal of controversy within a few years past. It was brought up in the Committee on Military Affairs and discussed again and again, and a subcommittee of that committee undertook to reorganize the service in some shape.

Now, I will assent to almost anything in the way of a proper and economical arrangement of this matter that does not interfere with the essential usefulness of the Signal Service. It has won its place among the scientific men and among the practical men of the country as an institution of very great value. It is acknowledged by scientists abroad to be a great credit to the country. It keeps up its constant correspondence with the scientific societies of other countries and constant comparison of observations, and is extending the area of science in this respect very largely and very honorably and creditably.

I am not sure but that we shall have to come by and by to make an entirely civil institution of it. That is quite possible; and yet when I have heard the argument in favor of having these civil-service men under military discipline and subject to the laws governing military enlistment I am impressed by that view. I only want to be assured as we are passing over this bill and reducing this $40,000 to $30,000 that we are not impairing the essential scientific usefulness of the bureau. I could understand the discharging of a dozen of these lieutenants or their transfer from the Signal Service to the line of the Army; but I think there are about four officers in the list on page 267 of the estimates that are essential to the very existence of the bureau. There are scientific students, observers, two or three professors there, who get the essence of all this multitude of returns from all parts of the country and from all parts of the world, and I do not want them discharged. I do not care what you do with the rest of the *personnel*, except what is necessary to the working of the bureau.

Mr. CULLOM. I desire to ask the chairman of the committee whether, in his own judgment, this paragraph ought not to go out of the bill and be inserted, if it is needed at all, in the bill where this subject is legislated for, so as to bring it all together. In other words, I am impressed with the remarks of the Senator from Kansas that it is not good legislation to scatter items of appropriation through different bills upon one subject, so that when a man comes to look at the law to ascertain what is appropriated he has got to go through a number of different bills in order to ascertain the facts. It seems to me it would be very much better, if the money appropriated in this section is needed at all, that it should go out of this bill and take its place in connection with the appropriation that is made for that service. If the Senator has no good reason to offer why it should not be done, I propose to make a motion to strike it out of this bill entirely.

Mr. ALLISON. This is a matter that has been carefully considered by the Committee on Appropriations, and it is only a part of the general system of this bill.

Now, what is this legislative, executive, and judicial bill? It is, first, an appropriation for the House and Senate and all their employés, and then for all the Departments of the Government situated in Washington. That is the theory of it. It covers all the clerical force, and there are carried in this bill probably nine thousand employés in all. The theory of the bill is that it shall carry the clerical force in this city as distinguished from that multitude of people who are employed in various ways elsewhere. Of course this bill also carries certain employés of the Secretary of the Treasury in the great cities.

Mr. CULLOM. I believe I heard the Senator from South Carolina make the same suggestion, that this bill is appropriating money for governors and secretaries and judges all over the country.

Mr. ALLISON. It is to cover the civil employés of the Government having a fixed separate salary or having fixed and definite duties. Prior to 1882 this whole Signal Service was swallowed up and embodied in the Army appropriation bill, and no Senator could tell, no man could tell, not even the Secretary of War, without the most minute examination and figuring of various accounts, what the cost of the Signal Service was.

Mr. EDMUNDS. Can he now?

Mr. ALLISON. He can now for the reason that the late Secretary of War, Mr. Lincoln, expressly insisted that the expenses of this meteorological service should be segregated from the expenses of the War Department proper, and for the first time in 1882 there was a segregation of these expenses, and then it was that this lump appropriation of $40,000 was first inserted in the legislative bill and it was required because it was supposed that you could not tell exactly how many people would be required in the Signal Office. They publish bulletins every day, a specimen of which is to be seen in our rear hall here. These are sent all over the country. A certain amount of printing must be done in this office; a certain amount of employés of that character must be employed in the office. So it was not practicable to draw into the classified service the people who were thus employed, and therefore in 1882 there was a lump sum of $40,000 appropriated.

The Chief Signal Officer has used up that sum in assigning to his office certain definite employés which are stated year by year in the Book of Estimates.

The Committee on Appropriations believe that he has too many employés, that he can cut down at the rate at least of $10,000, and some of them believe that he could cut down to $20,000; but we were not prepared to bring in a schedule of definite and distinct salaries and numbers that could be so employed, and we said to him in this bill, "You must regulate your civilian force under this rule so as to expend only $30,000 instead of $40,000."

In response to the suggestion made by the Senator from Vermont and the Senator from Kansas, I have a word to say. This bureau is in some sense in a transition state, as the Senators know, in reference to some other matters connected with it, for it has been my fortune for the last year and a half to expend a great deal of my time in the investigation of the details of the Signal Service Office; and I will state to the Senate that to my knowedge there are to-day one hundred and forty-three men employed in civilian employment in the Signal Office in this city that are registered and recorded as men in the military service of our Government under the appropriations in the sundry civil bill. These men are performing here mere clerical duty. They comprise part of the five hundred enlisted men who are provided for annually in the sundry civil bill.

It is the object of the Committee on Appropriations not to cripple or impair or in any wise affect injuriously the Signal Service with reference to its usefulness to the country, but we believe that there can be economies introduced there which have not yet been introduced; and I will say to the Senator from Kansas who mentioned that these expenses had increased that since the time we have segregated these expenses from the ordinary expenditures of the War Department, according to the best estimates, these expenditures have been reduced rather than increased, so that the expenditures of the last fiscal year and the present fiscal year are considerably below the expenses of 1882, 1883, and 1884.

I believe they can be reduced still further, and we propose here to reduce them $10,000 in reference to these employés. The chief of them are scientific experts who are employed in various ways in the office of the Chief Signal Officer; and I do not care, for one, to dispense with a single one of the men who are thus employed; but there is a vast number of smaller employés here who we think are unnecessary, and therefore we propose to cut down $10,000 in this bill in order to see if we can not introduce at least that small economy with reference to the office force.

That is all I have to say about it, and I do not care what the Senate determine in regard to it.

Mr. EDMUNDS. Mr. President, the point is not as to the propriety of doing all that can be done to support the Signal Service as it is properly understood; but the point seems to be whether we can not in an appropriation bill that is to pay for that service know that all that is to be paid for that service is brought into that bill, so that we and the executive officers of the Government and the people of the United States in turning to a statute may know how much this Signal Service, as it is called, costs the Government. That is it.

It is not now a Signal Service at all except as to training some people for a time of war, but it is simply a service for observing the weather and reporting it. First we have an army organization, and the pay of the Army is applied to sundry people in this service, certainly the Chief Signal Officer and probably a good many others.

Mr. ALLISON. Three others only.

Mr. EDMUNDS. That is three times as many as one. There the Army bill comes in. Then you come to the legislative bill, and here we have got I do not know how many thousand dollars and how many officers. But that is not my point; I want to find the way of trying to bring them together. Then we are told that when the sundry civil bill comes on we shall have another group of expenditures provided for relative to this same service, and lapping over not only in this instance but I am afraid in a great many others, and duplicating and exaggerating the total amount of expenditures far above what they would be if in the common sense way, as you in your business house or I in mine, if I had any other than being attorney of a railroad corporation—and I am sorry I have not a client of that kind just now—would do in carrying on private business. The whole thing is spread out so that nobody can tell anything about it.

Now, why will not the committee agree that whatever has been done, aside from the strict Army pay of these four Army gentlemen, and all there is about the Signal Service, shall be put into one bill so that we and our constituents can see in one place what the whole thing means and so that the Department in executing it will have one single guide and one single law for what they are to do, how they are to do it, and what they are to pay?

Mr. ALLISON. The suggestion made by the Senator from Vermont would require us to take out of this bill all appropriations for surveyors-general, because the surveyors-general execute the appropriations for the survey of the public lands, and yet we do not appropriate in the same bill the money to pay the surveyors-general and the money to survey the public lands. In other words, the appropriations for this Government of ours for the convenience of those who administer the Government have been divided up into what are known as thirteen great appropriation bills, and that has proved to be by long experience of the executive offices and of Congress to be the most careful and expedient way of dividing up the moneys appropriated from year to year.

The argument made by the Senator from Vermont with reference to the collection of all these expenditures into one appropriation bill would apply to the office of the Adjutant-General and almost every other office of the Government. We have here large appropriations for the Adjutant-General's Office. Why not put them in the Army bill? Why should we not know exactly what the Army costs in a

single bill, and not have two appropriations for the Adjutant-General's Office?

Mr. EDMUNDS. Why?

Mr. ALLISON. So the Senator says, and I agree that his argument goes to the absolute destruction of this bill that we call the legislative, executive, and judicial bill.

Mr. EDMUNDS. Give us an opinion whether the argument is good or bad.

Mr. ALLISON. I have great modesty in expressing my opinion in the presence of the Senator, but I do not think it ought to be so; and I hope the Senator will not ask, although I think it is a very immaterial matter, that this appropriation be struck out.

The PRESIDING OFFICER. Is there objection to the amendment? The Chair hears none, and it is agreed to. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "office of the Quartermaster-General," in line 1602, before the words "clerks of class three," to strike out "twelve" and insert "eleven;" in line 1603, before the words "clerks of class one," to strike out "thirty-nine" and insert "forty;" in line 1614, after the word "dollars," to strike out "and one assistant draughtsman, $1,600;" and in line 1615, after the words "one hundred and," to strike out "fifty-nine thousand six" and insert "fifty-six thousand eight;" so as to make the clause read:

In the office of the Quartermaster-General: One chief clerk, at $2,000; nine clerks of class 4; eleven clerks of class 3; twenty-three clerks of class 2; forty clerks of class 1; ten clerks at $1,000 each; fifteen copyists at $900 each; one female messenger at $480; four messengers; six assistant messengers; superintendent of building, $250; two laborers at $480 each; one laborer, $225; two charwomen at $240 each; one engineer at $1,200; one fireman; five watchmen; one draughtsman at $1,800; in all, $156,895.

The amendment was agreed to.

The next amendment was, in line 1622, before the word "clerks of class one," to strike out "ten" and insert "eight;" in line 1623, after the words "class one," to insert "one clerk at one thousand dollars; one copyist;" and in line 1626, after the word "thousand," to strike out "five hundred;" so as to make the clause read:

For the following clerks and others to be employed by the Quartermaster-General in the investigation of claims for settlement by the Treasury Department under the act of July 4, 1864: One clerk of class 4; one clerk of class 3; eight clerks of class 1; one clerk at $1,000; one copyist; three assistant messengers; and ten agents, at $1,400 each; in all, $31,060.

The amendment was agreed to.

The next amendment was, in the appropriations for "office of the Surgeon-General," in line 1642, before the words "clerks of class four," to strike out "twenty-four" and insert "twenty-two."

Mr. HAWLEY. I wish to say a few words about the series of amendments in this paragraph relating to the office of the Surgeon-General. In the estimates the Surgeon-General's Office said it could dispense with twenty of the clerks who were employed in the distinctive pension branch; that is to say, three hundred clerks are there employed whose business it is to expedite the examination of pension claims. The Surgeon-General's Office said it could dispense with twenty of the present force of clerks, reducing the number devoted to pension business exclusively from three hundred to two hundred and eighty. That reduction is made by the Senate Committee on Appropriations.

Mr. ALLISON. The Senator from Connecticut will excuse me. I think the action of the committee in reference to these high-class clerks perhaps was taken without that thorough examination which ought to have been made. They acted upon the papers that were before them and the action of the House, and they misapprehended to some extent what the Surgeon-General himself had stated to us in writing. So the Senator will pardon me, as I was consulting with my associates of the committee in reference to really what ought to be done in this office. Of course we all desire that this office should be conducted in the most efficient way, and from the evidence before the committee in writing we thought these clerks could be dispensed with; but afterward—as far as I am concerned, at least, and I think it is so with other members of the committee—we believe it is perhaps necessary that the clerks the number of which we propose to reduce in line 1641, &c., should be restored.

Mr. HAWLEY. It needs simply to reject the amendments. The chairman assents to rejecting the amendments on page 67.

The amendment was rejected.

Mr. HAWLEY. Then there is an alteration of figures required in lines 1653 and 1654.

Mr. ALLISON. I have no authority in any way from the committee to suggest any changes here. I only express my own view.

Mr. HAWLEY. That is a mere arithmetical calculation. If the clerks are left in the sum appropriated must be changed.

The PRESIDING OFFICER. Does the Senator make a motion to disagree to all the amendments in that clause?

Mr. HAWLEY. I have no motion to make. The question is on the amendment in line 1642.

Mr. ALLISON. There are only four amendments in that clause on page 67.

The PRESIDING OFFICER. Are the four amendments on page 67 agreed to?

Several SENATORS. No, no.

Mr. HAWLEY. The chairman of the committee gives a half-way willing assent that the Senate may reject these amendments.

Mr. HALE. I hope the Senate will with great dispatch disagree to these amendments reported by the Committee on Appropriations, and I hope the chairman of the committee will take warning from this, and so far as he is concerned will not in the committee hereafter seek in any way to reduce the force in any of these Departments. It can not be done.

Here is the Surgeon-General's Office, the principal service of which ought to be and is attending to the pension part of its duties, keeping up the great mass of pension cases by furnishing information from the records on file in that Department. All the other work in the Surgeon-General's Office is comparatively small and unimportant to the public. It is a good and useful office and it need not be an expensive office. The real work in that office that touches the public needs is the work upon the pension business, furnishing information that aids in the passing of deserving and meritorious pension cases. But there is an old force there that has been for years intrenched and consolidated that does not mean to be disturbed and never will be disturbed.

When this subject came up before the House and before the Committee on Appropriations it was thought that there could be a reduction of this great force. The House thought so; the committee thought so; but the gentleman in charge of the office when he was referred to for information as to what he could cut off said that if twenty clerks were to be reduced he did not want the old force engaged in the general duties applying to the office touched, but that he could get along with the pension force reduced twenty, although there is constant complaint. There is not a Senator here that every week does not have letters saying that cases are delayed and detained because they can not get information from the Surgeon-General's Office. But the Surgeon-General says, or it is said from his office, that if there is to be a reduction the force can be reduced, but the old intrenched force shall not be touched. Give him what he wants then, and let the pension affairs go; let the pensioners be delayed.

The Committee on Appropriations, under the charge of the chairman, in that rash and unguarded manner which characterizes their proceedings, concluded that on the whole if he could get along, as he said, with a reduced force of twenty in the pension work, he might get along with a reduced force of ten. It was a rash proceeding. My friend from Iowa is too impetuous in these things. He did not consider that if he or the committee undertakes to touch one of these departments somebody or other comes in and appeals to some Senator in its favor, and gets him interested, that there shall not be a thing done, there shall not be any reduction.

I hope the Senator from Iowa hereafter will not be engaged in leading the committee on in such a frantic crusade as this. Let us leave these departments alone; let us not molest them, but leave the clerks that they have got to-day, and when they want more give them more, but do not take such a course as will result in their coming in and besieging and beleaguring every Senator in order to prevent these reductions. It is a waste of time, and I hope the Senate will proceed at once to disagree with these amendments. The sooner the better. Then we can go on with the bill.

The PRESIDING OFFICER. Unless some motion is made including all these amendments the Chair will feel it his duty to take up each individual amendment separately.

Mr. HAWLEY. That is the proper order I suppose. I have had the misfortune to talk with two very capable scientific gentlemen at the head of this bureau. They say that they could better spare, if they are obliged to spare clerks, some of lower grade who have not been so long trained and are not so useful to them, but the committee takes two out of the highest class, two out of the next class, and two out of the next, making six, and four out of the lower grade. Those men who have been there many years have come to have a special value by reason of their experience and their judgment. They are trained men, of sense and character. The Surgeon-General thought that twenty out of the three hundred who are engaged in the examination of pension records could be spared. The committee have taken him at his word.

He has some work, however, besides that and the mere routine business of the Army, but even that is no inconsiderable amount when you consider all that is done by the Surgeon-General, from the inspection of the raw recruit up to the care of the various hospitals. It is a misfortune to the Army that though it is small it has a vast number of posts to take care of and has to distribute a large force of surgeons all over the country, and distribute its supplies to all these different posts and small detachments of the Army.

It has also a very valuable Army and Medical Museum, for which we have given a building costing $200,000. It is necessary to take care of that, to add to its supplies, and to care for those already there. It has the best medical library in the world. If it be best to discontinue that museum and library they could both be sold for a very large sum of money. But they require an intelligent supervision and require the care of numerous attendants and scientific officers.

I have only to say that if it be thought necessary to make any radical

changes in the management of that office it would be far better to send for those two or three leading officers whose word may be taken as that of gentlemen as well as physicians and surgeons, who can be carefully examined upon all the details of the office, and an inspection will show whether their clerks work or not.

Mr. ALLISON. I accept the kindly reproof of my associate on the Committee on Appropriations in the spirit in which it was given, and in the future I shall endeavor to check my impetuosity, which, of course, is in the direction of economy in this service.

I confess that when I found a reduction of twenty clerks in the Surgeon-General's Office provided for in this bill, and no change with reference to the number that should be employed on pension work, it occurred to me that this reduction of twenty was in the number of clerks outside of those engaged in the pension work. So when I received that letter from the Surgeon-General saying that if there was to be a reduction of twenty there ought to be also a limitation of two hundred and eighty in the bill instead of the number three hundred describing those who work on pension cases, the committee taking for granted, as the Senator from Maine says, that the House had fully investigated this matter and knew that a reduction of twenty could be had in the regular force, we reduced the number on pension cases to two hundred and eighty, and thought we would venture on a reduction of ten in the regular force, only one-half what had been reduced by the House; and that was done very properly I think, on the letters and papers that were before us and the estimates of the Surgeon-General.

I confess that I am obliged for one in my dealing with these appropriation bills to consult the persons who are naturally supposed to know about these things. The Surgeon-General came before the committee or such of them as he could gather together. I asked my friend the Senator from Maine to give ear to him, but he was occupied otherwise at the moment.

Mr. HALE. I have no sensitiveness on the subject because I was not invited.

Mr. ALLISON. The Senator knows that he was invited. When we came to have a communication verbally with the Surgeon-General he said to us, "Why, I can not reduce any of the clerks in my office."

Mr. HALE. Let me ask the Senator does he think that sitting up late and getting up early he could find a single branch of the Government anywhere where if a reduction was attempted the head of the Department or the bureau or division would not come in and declare that he could not get along?

Mr. ALLISON. I do not believe I could.

Mr. HALE. I do not believe you could either.

Mr. ALLISON. Certainly not in any of the Departments I have observed in Washington. The Surgeon-General said: "I said to the House committee that I could reduce twenty." "Why?" "Because for a year and a half twenty of my clerks have been employed in the Adjutant-General's Office, and not in my office at all;" "and," he said, "every single clerk I could spare has been drawn for by the Adjutant-General in order to bring up the pension cases in the Adjutant-General's Office, because the Surgeon-General was ahead of the Adjutant-General." He said, "I have spared to the Adjutant-General every clerk I could, and therefore I have said to the committee of the House of Representatives that I could spare twenty clerks, but they are clerks I have already spared." He said, "It is impossible for me to get on and keep up the current business of the Surgeon-General's Office in reference to pensions and other things unless I have this number of clerks." I confess after that statement of a bureau officer, who is a general in the Army and who is supposed to be above and beyond the ordinary motives and impulses that govern what are called the political bureaus of the Government, I did not feel myself like insisting upon this amendment; and so I frankly said in the presence of the Senate that I thought possibly this amendment had been suggested rather improvidently.

I wish to say one thing at this point, because I may not have another opportunity, and that is that in my judgment if the Second Auditor of the Treasury and the Commissioner of Pensions and the Adjutant-General and the Surgeon-General were to tell the truth and the whole truth about these cases, there are not in any single one of those offices as many men as ought to be employed for the purpose of facilitating the just and honest claims of the soldiers of the Republic and those who are entitled to pensions at its hands.

I hold in my hand a letter from a constituent of mine, in which he says that four or five months ago he wrote the Second Auditor a letter with reference to a claim that he has pending in the Treasury Department for back-pay which he is entitled to under a law passed by Congress some three or four years ago, and he inclosed to me the indorsement of the Second Auditor upon this paper, and he asks me in this letter—I may not take time now to read it—but he asks me in the letter which he addressed to me to call personally upon the Surgeon-General of the United States Army, the Third Auditor of the Treasury, the Adjutant-General of the United States Army, and the Paymaster-General of the United States Army with regard to this claim. It seems that each one of these officers is required to be consulted, and the books and accounts of these officers are required to be examined before this poor soldier in my State can have his claim allowed; and after sitting silently for four months without receiving any answer from any of these officers, from either the Second Auditor, the Surgeon-General, the Adjutant-General, or any one of them, he writes to me, one of the Senators from his State, to call personally upon these men to see why it is that his claim, which has thus been resting so long, is not adjusted.

So when these officers come to me and say that for the current work of the department they need the clerical force they have now, I am inclined to believe them, when by repeated letters from my State I am requested to go with personal importunities and ask them to hurry up the claims of these poor soldiers who served their country more than twenty years ago and are entitled to have their claims paid.

Sir, but for the politics there is in this legislative bill there is not a Department in this Government connected with the administration of the affairs of the soldiers of the Republic but what would ask for an increase of an efficient clerical force.

The Second Auditor, in his personal interview with the Committee on Appropriations, stated to us as plainly as a man could state that the business of the office of the Second Auditor was behind more than one year, and yet when we asked him to put that in writing he did not put it in the exact form. I might state, what every member of the committee knows, that he did not put it in the exact form in which he put it personally before the Committee on Appropriations.

Mr. EDMUNDS. What was the difference?

Mr. ALLISON. The difference was that he stated the number of claims that were undisposed of and the number of claims that were coming in month by month. The evident inference from that is that the business of the office is at least one year behind time; yet he did not say in writing to the Committee on Appropriations that such was the fact, although he did say it personally to us.

I am in favor of giving to every Department and bureau of this Government whose business it is to adjust and liquidate claims of the soldiers of the Republic, every clerk that they ask, and then I want to demand of them as one of the representatives of the people interested in these claims and one of the representatives of the Government that they shall with vigilance, with industry, with integrity, and with zeal adjust the claims which have now been pending here in many forms for more than twenty years.

Mr. COCKRELL. Will the Senator from Iowa permit me just to read a little extract from the committee's report right in that line?

Mr. ALLISON. I will, sir.

Mr. COCKRELL. I read from the Auditor's memoranda sent to the Committee on Appropriations:

> It will be seen by the statistics presented in this report that the number of accounts and claims of all kinds remaining unsettled at the close of the fiscal year 1885 was 44,395, and that the number disposed of during the same period was 29,088, or 2,424 per month. At this rate it would take the present force eighteen months to clear off accumulated work, even if the presentation of accounts and claims were to cease entirely. But the number presented is actually increasing, as the following figures show: In 1881, 18,917 accounts and claims were filed; in 1882, 24,000; in 1883, 27,592; in 1884, 25,741; and in 1885, 30,802.

Mr. HALE. Nothing could better sustain the position which I think I am fortunate enough to have taken on this matter than the eloquent remarks of the Senator from Iowa.

One of the things that ought to be seen to first and foremost is that sufficient force is given in all the Departments of the Government to attend promptly, with dispatch and with discrimination, to the great mass of business that comes from the soldiers and the representatives of the armies of the Union. Nobody on this floor will be found seeking to curtail expenditure in that direction; and precisely that is just what now is sought to be done so far as I can see by anybody.

The result of the deliberations of the Committee on Appropriations and of the debate here, if I may judge, notwithstanding the Senator from Iowa has a letter from his constituent and many such letters probably as all of us have, to the effect that their cases are delayed in the Surgeon-General's Office as well as in other offices, is not going to be that that force is either increased or kept up, but the force is to be reduced in the Surgeon-General's Office that attends to the pension business. The Surgeon-General himself says that he can get along with two hundred and eighty men instead of three hundred; that that force can be reduced, but that the other old intrenched force shall not be reduced. I beg leave under the light of all the information that I have got to disagree with the Surgeon-General. It is an act of temerity on the part of a Senator to do that, but I beg to disagree with him.

I do not believe that is the condition of his office. When men are writing such letters as the Senator from Iowa has referred to here, and when men are getting letters as I am every day that their cases are delayed in the Surgeon-General's Office, I do not believe if his force is to be reduced twenty clerks that the place to take them off is the pension-clerk-roll of that bureau. I disagree wholly with him. I believe that if his force is to be reduced it ought to be reduced in the other direction.

But the force that is employed upon the pension work in that office undoubtedly is not as old a force; it is not so thoroughly intrenched, it has not been there so long, it is not so near perhaps to the head of the bureau, to the Surgeon-General. I do not charge him with anything purposely wrong. I have no prejudice whatever against the Surgeon-General; I know nothing whatever against him except that I

believe he is wrong here, that he is following the traditions of these bureaus and these Departments too much, and is overruled by men about him who do not want to be disturbed. I think he is wrong.

I think if you are to reduce the Surgeon-General's Office twenty clerks, not one of them ought to be taken off from the work that attends a pension application; and I would be glad now in the light of all the information we have either for the Senate to determine that there shall not be any reduction, or if there is to be a reduction of ten or fifteen or twenty clerks, that they shall be taken off from the force that is not engaged upon the plain, it may be dull and uninteresting but most useful, work that is performed by that office in working up the arrears-of-pension cases, so that the men who are waiting and importuning and stretching out supplicating hands to the Government may have their needs attended to. I do not agree with the Surgeon-General.

Mr. PLATT. I do not know very much about the Surgeon-General's Office from any communication with the Surgeon-General or any of the officers there, but it has not been my experience of late to find that the business of answering calls from the Pension Office is delayed to any great extent in the Surgeon-General's Office.

A few years ago it is true that the Surgeon-General's Office was very much behind in answering these calls and there was very great complaint, and it was brought to Congress and the force was increased very much; but as I have understood (and from anything that I receive in the way of letters I have no reason to suppose otherwise), that increase of force enabled the Surgeon-General to bring up the work practically as far as it can be brought up under the conditions of the business. So I understand now from this discussion that for some time past he has been loaning clerks to the Adjutant-General's Office. I think the Senator from Maine must be mistaken in supposing that the Surgeon-General's Office is badly behind, to say the least, in answering the calls of the Pension Office at the present time.

Mr. HALE. I do not know what the experience of the Senator from Connecticut is, but not a week of my life passes that I do not get letters from soldiers calling my attention to communications which they have received from the Pension Office in which it is said they are waiting for information from the Surgeon-General's Office. If we are alone, the Senator from Iowa and I, in that position, then our experience is not of much value to the Senate, but I venture to say that other Senators, aside from the Senator from Connecticut, are in the same boat.

Mr. EDMUNDS. If I may interrupt my friend from Maine——

Mr. HALE. Certainly.

Mr. EDMUNDS. I will suggest to him that in such replies as I get, as we all do, if he will look at the dates he will find that in nine cases in ten in the letters from the Commissioner of Pensions they say they are awaiting information that was called for from the Surgeon-General's Office, this day being the 30th of June, we will say on the 20th instant, and so on, and the fault has been chiefly in the Pension Office in just shelving and pigeon-holing these matters until some Senator or somebody stirred them, when year after year the thing would be waiting in the Pension Office. When you stir them up they say, "Oh, yes, we have sent for the information to the Surgeon-General's Office and as soon as we can get it we will send it;" but if you will look at the dates in nine cases in ten you will see that it has been a very recent call.

Mr. HALE. That may be in some cases but it is not my experience.

Mr. HAWLEY. I understood the complaint referred to by the Senator from Iowa was about delays in the Second Auditor's Office.

Mr. HALE. No, the Surgeon-General's Office.

Mr. HAWLEY. It was the Second Auditor's Office, I am quite sure.

Mr. HALE. He referred to the Surgeon-General's Office.

Mr. ALLISON. I referred to the Surgeon-General's Office.

Mr. HALE. I was not speaking without having listened to the letter referred to by the Senator from Iowa.

Mr. HAWLEY. My experience concurs with that of the Senator from Vermont. I do not think the pension department of the Surgeon-General's Office is behindhand.

Mr. TELLER. The Senator from Maine assumes that there is some reason why the force of the several Departments of the Government should be reduced, and he brings it as a sort of accusation against the Senate that there is a disposition not to reduce it. I venture to say that the Senator from Maine can not put his hand upon a single bureau in any Department of the Government and intelligently show where there can be a single reduction.

Why should there be any reduction? I will venture here to-night to say that in every Department of the Government everywhere there is an increase of business over five years ago. Why should you decrease the force? Do you expect to conduct this Government, with its increasing millions every year, with a less number of employés than you had last year? It can not be done. Claims are increasing, pensions are increasing, public-land work is increasing fourfold to-day over what it was five years ago. There is four times as much work to-day in the Land Office as there was five years ago by the record. Why, then, should you decrease?

Mr. HALE. How much does the Senator think, then, it will increase when the public domain is entirely exhausted?

Mr. TELLER. It does not make any difference. Within five years 75,000,000 acres of the public domain have passed from the category of public lands to segregated lands at least. I state the fact when I say that to-day there is five times the work in the office that there was five years ago, as the record will show. It is no guess of mine.

Mr. HALE. I suppose, then, that the Land Office will attain its zenith of usefulness and its extent of force when the last acre of public land disappears; that when the Indians are blotted out from existence the country will first realize the necessity of a large Indian Bureau, and that when we have run away forty or fifty years from the war, then it will be seen that we need to increase the pension force. Still that is a line of reasoning that I have not been pursuing myself.

Mr. TELLER. That is a line of reasoning that nobody has pursued except the Senator from Maine. Nobody has suggested that. The fact he does not deny that claims are being put now in greater numbers than last year, greater last year than the year before, greater then than the year preceding. I am not speaking now of the Land Office, but claims that go into the Treasury Department, and pension cases that are coming in. But take the Land Office; there are more pre-emption entries, more homestead filings, more contests, more controversies of every kind going on there; and it is no answer to say a time will come when there will not be any of them. That is no answer at all.

The Senator assumes that now the time has been reached, when I repeat he has not a single fact to justify him, his committee, or the Senate in reducing a single employé of the Government to-day.

The executive officers of the Government are as apt to look after the welfare of the Government as the members of this body. The men who preside over the Treasury Department, over the War Department, over the Navy and the Interior Departments have the same claims to confidence that the Senator from Maine has or anybody else. Some of them have sat in this body, and are presumed to be as earnest in desiring to save the public funds and in getting from the persons who are employed under them full compensation for the money they receive as Senators are; and if they find they have unemployed men it is their duty, and one they will recognize, to dismiss them from the service. They are not compelled by law to keep them. They can turn them out whenever they find that they have not work for them, unless, as it happens in the case of the Surgeon-General, another bureau of that Department is demanding additional force, and then they may transfer them to that bureau.

I have had some little experience; not much. I have seen the officers of the Government coming to this committee and demanding increased force and demonstrating to the committee that they had the work to do, that the necessity existed, and they have had doled out to them a few extra officers as if it was a favor they were extending to the executive branch of the Government.

If the Senator can come here and show that in any bureau there are more clerks than can be employed, it is a proper charge against the officer who has such men on his rolls if he does not dismiss them. But when a Department officer comes before the committee with his reports, with his estimates, as the Surgeon-General did here, saying, "I think I can dispense with twenty clerks of a certain class;" then when the committee say in addition to that he shall dispense with ten more, they have not a single fact to base it on.

Ninety-nine per cent. of all attempted reductions since I have been acquainted with the executive branch of the Government have been made just as these were made, in utter and entire ignorance of the necessities of the service, but from an inordinate desire to appear to be economizing, to appear to be saving money to the people.

The people of the United States demand that their service shall be performed. They are not asking that it shall be performed by an undue number of persons. They are demanding first celerity in the public service, and that they can not have unless the executive officers can be trusted to make their estimates and unless the legislative department of the Government will carry out their requests.

We have heard a good deal about economy in the last few years. There has been a cry made all over the country for a reduction of public expenses. There are many places where there can be a reduction in the expenditure of public money. There has been no demand from the people that the Surgeon-General's Office shall be deprived of a single employé. There has been no demand that the Pension Office shall not have every man that the head of that office says he needs to execute the law. The same may be said of every other Department of the Government; and I do not think it can be brought as a charge against the Senate when they are willing to take the report of the executive officers sent here under oath, presumed to be as honest and a great deal more intelligent upon that subject than the Senator from Maine can be, no matter how zealous or how industrious he may be, because he has not the opportunity, with the other duties that are thrust upon him, to determine whether the Surgeon-General can or can not dispense with these clerks.

That is a matter of opinion of his, and it is of no earthly value when he has not had the opportunity to know whether the Surgeon-General is correct or whether he is not. A man's opinion depends first upon his

knowledge, and second upon his ability to apply the knowledge that he has got. Without the information nobody is prepared to say here that the officers who have put these estimates in the Book of Estimates have not put them in correctly. My experience and my observation are that an executive officer puts himself to the utmost limit; he asks as little as possible.

That is the case here, and you can see that it would be the case. Here is a new administration coming into power, with every incentive to cut down the force even at the expense of the public service; and when they come in and say they want more men it ought to be conclusive upon the legislative body that they need those men or they would not ask for them, when as I say every inducement on their part is offered to say they can transact the business to-day with less money than their predecessors did. So when they say here frankly and honestly that they can not do it, I think the Senate is derelict in its duty if it does not stand up and give them every man that they say they are entitled to have. I am prepared to do it, and I am prepared to defend that everywhere in the United States if defense is necessary; but I can assure the Senate that I do not believe there is any considerable portion of the country where anybody needs to defend appropriations made fully up to the estimate that is made by the executive officers of the Government.

Mr. CULLOM. Mr. President, I wish to say only a few words in reference to this provision.

So far as the higher class of clerks is concerned I do not know anything about whether they ought to be retained or not; but from my investigation of the question of the necessity of clerical force pertaining to the history of soldiers in the Surgeon-General's Office and in the Adjutant-General's Office I am very certain, from the information I have been able to obtain as the chairman of the Committee on Expenditures of Public Money, that there should not be a single clerk dispensed with in either of those bureaus. The investigation I have made has led me to the conclusion that the Adjutant-General's Office proper ought to be very largely increased in the clerical force engaged in ferreting out and working out the history of the soldiers who are calling for bounties and pensions.

I have received a letter which I am sorry to say I have not in my possession to-night from the Adjutant-General upon this subject, and it is very evident to my mind, from my investigation in the office as well as from conversations with the Adjutant-General and from his letter, that the Congress of the United States will be compelled to give to that office a very largely increased force within a year or two in order to preserve the records.

The fact is that the records in the Adjutant-General's Office to-day are in such a condition that it is almost impossible to ascertain the true history of a volunteer soldier through the different bureaus where it has to be followed so as to get at correct information. I am informed by persons who know all about the facts that there have been examinations made in that office four and five times before they have been able to get a correct history of the soldier so as to give him what he is entitled to either in the way of bounty or to enable him to procure his pension through the Pension Office. I hope the last thing that will be done by the Congress of the United States in the way of economy will be to cut down the force which is charged with that particular branch of the public service.

The Senator from Connecticut [Mr. PLATT] a while ago indicated that the Surgeon-General's Office is so well up with its work that there is no particular stress upon it. I think myself that the Surgeon-General's Office is better equipped for furnishing the information than other bureaus in the War Department that have charge of the history of the soldiers; but we all know that in that Department we wait for weeks and months to get replies so that we may be able to follow up the application of a claimant for a pension in the Pension Bureau.

So far as I am concerned, without taking the time to discuss the amendment any further, whatever may be done with the higher class of clerks in the Surgeon-General's Office and in the Adjutant-General's Office proper, I hope that Congress will not reduce the force a single man in that portion of the service which has reference to the work upon the history of soldiers, so that the slow progress which is now being made will not be made slower by the reduction of the force in that Department.

I think, as I said a while ago, we shall be forced to the necessity of giving to the Secretary of War a sufficient force within another year to enable that Department to copy nearly all the records containing the history of soldiers in the Department, or else almost the whole record will be destroyed, so that we shall never be able to find out the true history of anybody who was in the late war.

Mr. BECK. Mr. President, I was a good deal impressed with the statement made by the Senator from Colorado [Mr. TELLER] as to the growth of the country and the increase in the growth of business. While he was speaking I turned to the report of the Sixth Auditor of the Treasury in regard to the Post-Office Department. I suppose nothing illustrates the steady growth of the country and its constantly increasing wants more than the development shown in that Department.

In 1865—I see in the table before me, on page 37 of the report, that the revenue from the Post-Office Department in 1865 was $14,000,000, and its expenditures were about $13,000,000. In 1875 its revenue was $26,000,000 and its expenditures $33,000,000. In 1883 its expenditures were $43,000,000 and its receipts were $45,000,000. The reduction of postage to 2 cents of course brought down the figures somewhat. Last year its revenue was forty-two and a half million dollars and its expenditures $50,000,000. The entire table is as follows:

Comparative statement of the receipts and expenditures of the Post-Office Department from July 1, 1836, to June 30, 1885.

Year.	Receipts.			Expenditures.
	Revenue.	Treasury grants.	Total.	
1837	$4,945,668 21		$4,945,668 21	$3,288,319 03
1838	4,238,733 46		4,238,733 46	4,430,662 21
1839	4,484,656 70		4,484,656 70	4,636,536 31
1840	4,543,521 92		4,543,521 92	4,718,235 64
1841	4,407,726 27	$482,657 00	4,890,383 27	4,499,527 61
1842	4,546,849 65		4,546,849 65	5,674,651 80
1843	4,296,225 43		4,296,225 43	4,374,753 71
1844	4,237,287 83		4,237,287 83	4,296,512 70
1845	4,289,841 80		4,289,841 80	4,320,731 99
1846	3,487,199 35	750,000 00	4,237,199 35	4,076,036 91
1847	3,880,309 23	12,500 00	3,892,809 23	3,979,542 10
1848	4,555,211 10	125,000 00	4,680,211 10	4,326,850 27
1849	4,705,176 28		4,705,176 28	4,479,049 13
1850	5,499,984 86		5,499,984 86	5,212,953 43
1851	6,410,604 33		6,410,604 33	6,278,401 68
1852	5,184,526 84	1,741,444 44	6,925,971 28	7,108,450 04
1853	5,240,724 70	2,225,000 00	7,495,724 70	7,982,756 59
1854	6,255,586 22	2,736,748 96	8,992,335 18	8,577,424 12
1855	6,642,136 13	3,114,542 26	9,756,678 39	9,968,342 29
1856	6,920,821 66	3,748,881 56	10,669,703 22	10,405,286 36
1857	7,353,951 76	4,528,004 67	11,881,956 43	11,508,057 93
1858	7,486,792 86	4,679,270 71	12,166,063 57	12,722,470 01
1859	7,968,484 07	3,915,946 49	11,884,430 56	11,458,083 63
1860	8,518,067 40	11,154,167 54	19,672,234 94	19,170,609 89
1861	8,349,296 40	4,639,806 53	12,989,102 93	13,606,759 11
1862	8,299,820 90	2,598,953 71	10,898,774 61	11,125,364 13
1863	11,163,789 59	1,007,848 72	12,171,638 31	11,314,207 84
1864	12,438,253 78	749,980 00	13,188,233 78	12,644,786 20
1865	14,556,158 70	3,968 46	14,560,127 16	13,694,728 28
1866	14,436,986 21		14,436,986 21	15,352,079 30
1867	15,297,026 87	3,991,666 67	19,288,693 54	19,235,488 46
1868	16,292,600 80	5,696,525 00	21,989,125 80	22,730,592 65
1869	18,344,510 72	5,707,115 30	24,051,626 02	23,698,131 50
1870	19,772,220 65	4,022,140 85	23,794,361 50	23,998,837 63
1871	20,037,045 42	4,126,200 00	24,163,245 42	24,390,104 08
1872	21,915,426 37	4,933,750 00	26,909,176 37	26,658,192 31
1873	22,996,741 57	5,690,475 00	28,987,216 57	29,084,945 67
1874	26,471,071 82	5,922,433 55	32,393,505 37	32,126,414 58
1875	26,791,360 59	6,704,646 96	33,496,007 55	33,611,309 45
1876	28,634,197 50	5,088,583 03	33,722,780 53	33,263,487 58
1877	27,531,585 26	7,013,300 00	34,544,885 26	33,486,322 44
1878	29,277,516 95	5,307,652 82	34,585,169 77	34,165,084 49
1879	30,041,982 86	3,297,965 25	33,339,948 11	33,449,890 45
1880	33,315,479 34	3,597,717 20	36,913,196 54	36,542,803 68
1881	36,785,397 97	3,297,921 46	40,083,319 43	39,592,566 22
1882	41,876,410 15	6,595 12	41,883,005 27	40,482,021 23
1883	45,508,692 61	21,416 85	45,530,109 46	43,282,944 43
1884	43,335,958 81	140,690 79	43,466,649 60	47,224,560 27
1885	42,560,843 83	6,066,473 00	48,627,316 83	50,046,235 21

That table, I think, illustrates as much as anything else how rapidly we are developing, because that is a better test perhaps of the general development and growth than anything else, and so I have inserted it as a part of this debate.

Mr. BUTLER. It is very obvious we can not get through with the bill to-night, and I will move that the Senate take a recess until to-morrow at 10 o'clock, so as to cut off a little of the debate.

Mr. ALLISON. We shall get through in a little time.

Mr. EDMUNDS. We shall get out of committee in a little while now.

Mr. BUTLER. A little while! We have been getting out in a little while ever since we came here, and have been getting in deeper, it seems to me.

Mr. BROWN, There has been more and more discussion.

Mr. BUTLER. There has been more and more discussion all the time.

The PRESIDING OFFICER. Does the Senator from South Carolina make a motion?

Mr. BUTLER. Yes, sir. ["No!" "No!"]

Mr. BECK. Give us fifteen minutes longer.

Mr. BUTLER. If we can get along with the bill I have no objection to going on; but it seems to me that we had an agreement to come here to-night to transact business, and there has been more talking done than has been done in three weeks.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his motion?

Mr. BUTLER. Yes, sir; for the present. I shall renew it very quickly if we do not make progress with the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment, which will be stated.

The CHIEF CLERK. In line 1641, in the appropriations for the office of the Surgeon-General, the Committee on Appropriations report to strike out "twenty-four" and insert "twenty-two;" so as to read:

Twenty-two clerks of class 4.

The amendment was rejected.

The next amendment was, in line 1642, to strike out "thirty-two" and insert "thirty;" so as to read:

Thirty clerks of class 3.

The amendment was rejected.

The next amendment was, in line 1643, to strike out "sixty-two" and insert "sixty;" so as to read:

Sixty clerks of class 2.

The amendment was rejected.

The next amendment was, in line 1644, to strike out "seventy-two" and insert "sixty-eight;" so as to read:

Sixty-eight clerks of class 1.

The amendment was rejected.

The reading of the bill was resumed, as follows:

Eighty-nine clerks, at $1,000 each; one anatomist, at $1,600.

Mr. EDMUNDS. Is this anatomist necessary for the investigation of pension cases that we have been disagreeing from the committee on in the items preceding?

Mr. HAWLEY. It is not an amendment, it is in the text of the bill. There is no amendment pertaining to the anatomist.

Mr. EDMUNDS. But, as we have disagreed with the committee in respect of reducing clerks before, I suppose this anatomist must be one of the people whom the Surgeon-General thought it necessary to have to get on with the pension cases.

Mr. HAWLEY. I suggest to the Senator from Vermont that if he will go down to the Army Medical Museum, which is the most magnificent work of the kind in the world, and the first time that medical science has been systematically devoted to preserving the valuable records of a great war, he will there see whether he thinks in that wonderful collection one anatomist is of no use.

Mr. EDMUNDS. I think he is of use, but we have been disagreeing with the committee on the ground that these officers were all necessary for the pension cases, and so I inquired with great humility to know whether this was one of the pension expenses.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 1652, to reduce the total amount of the appropriations for the Office of the Surgeon-General from $512,080 to $497,680.

Mr. BECK. That must be disagreed to now. It is the total of the appropriations there.

The amendment was rejected.

The next amendment was, after the word "than," at the end of line 1654, to strike out "three hundred" and insert "two hundred and eighty;" so as to read:

And not less than two hundred and eighty of the clerks in the Surgeon-General's Office shall be exclusively engaged in preparing and making reports to expedite the settlement of pension applications called for by the Commissioner of Pensions.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. [Putting the question.] The noes appear to have it. The noes have it.

Mr. ALLISON. I do not stand upon this, but I think the amendment ought to be adopted.

Mr. HALE. Take the vote over again.

Mr. ALLISON. The Surgeon-General says that two hundred and eighty in that particular department are enough.

Mr. CULLOM. May I ask whether this surplus that he has, if he has any, has not been loaned to the Adjutant-General for other work pertaining to pensions, and whether if these were dropped the Adjutant-General would get an increased force?

Mr. ALLISON. The twenty clerks are already dropped out. In line 1645 there is an appropriation for eighty-nine clerks at $1,000 each. At present there is a force of one hundred and nine clerks, so that the Surgeon-General says that the words "three hundred" should be stricken out and "two hundred and eighty" inserted, as twenty clerks who are dropped out are now on that roll.

Mr. CULLOM. In the Adjutant-General's Office?

Mr. ALLISON. They have been detailed in the Adjutant-General's Office.

Mr. EDMUNDS. These are exclusively employed on a particular branch of business.

Mr. CULLOM. I wish to know whether by this amendment the pension force is not going to be diminished in the aggregate in the different bureaus?

Mr. ALLISON. It would diminish it twenty, as I understand.

Mr. CULLOM. That is the point, and I think it ought not to be diminished.

Mr. EDMUNDS. But it does not apply in this case; it is merely what they shall do.

Mr. CULLOM. But I want all the force they have there, and more too.

The PRESIDING OFFICER. The Chair understands that there is no question before the Senate.

Mr. ALLISON. What has become of the amendment?

The PRESIDING OFFICER. It was disagreed to.

Mr. GRAY. I ask for a division on agreeing to the amendment.

Mr. ALLISON. I do not ask for a division. Does the Senator from Delaware wish a division?

Mr. HARRIS. Let the question be put again without a division.

The PRESIDING OFFICER. The Secretary will state again the question.

The CHIEF CLERK. In line 1655 the committee report to strike out "three hundred" and insert "two hundred and eighty;" so as to read:

And not less than two hundred and eighty of the clerks in the Surgeon-General's Office shall be exclusively engaged in preparing and making reports, &c.

Mr. EDMUNDS. That does not throw out any clerks.

Mr. CULLOM. That is true.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to add to the clause making appropriations for the office of the Surgeon-General the following proviso:

Provided, That hereafter no printing shall be done in the Surgeon-General's Office, and all printing for said office shall be done by the Public Printer.

Mr. EDMUNDS. As a mere matter of providing for public expenditure, after the word "Printer" I move to strike out the period and insert a comma, and insert the words:

And charged to the appropriations made by law applicable to such service.

So as to have some fund out of which that is to be paid.

Mr. ALLISON. That will be the case, I will state to the Senator, without an amendment.

Mr. EDMUNDS. I hope it will; but it is not very clear.

Mr. ALLISON. There is no doubt about it. The Senator will allow me to suggest that after the word "hereafter" the words "no printing shall be done in the Surgeon-General's Office" be stricken out. I think the object will be accomplished without those words. The language would then be, "that hereafter all printing for said office shall be done by the Public Printer." It seems to me that it is doubly stated now.

Mr. CULLOM. If you do not say where it shall be paid from it may not be provided for.

Mr. ALLISON. It is paid for out of the appropriation for public printing.

Mr. EDMUNDS. That depends. If, as my friend says, what I propose does not change it, I wish for safety to add the words I have proposed, and I will read them again:

And charged to the appropriations made by law applicable to such service.

I dare say it may mean without it what the Senator says, but it will be certainly clear in case these words are added.

Mr. ALLISON. The appropriations for public printing are made for the several Departments, and in the appropriations for the War Department an item would be assigned to this bureau.

Mr. EDMUNDS. I think so myself, but I wish to make it so clear that there can not be any difficulty about it.

Mr. MANDERSON. I certainly have no objection to the amendment proposed by the Senator from Vermont, although it seems to me that could be well reached in the sundry civil bill.

But I should like the chairman of the Committee on Appropriations to state the necessity for this proviso. As I understand it there are printing presses and printers employed in the Surgeon-General's Office and a certain class of printing is done there. If it is advisable to adopt this proviso as to that office it seems to me that it is equally desirable that it should apply to the Adjutant-General's Office. A certain class of printing could be done at the Public Printing Office for both the office of the Surgeon-General and the Adjutant-General. There may be reasons for this that I know nothing about, and I would ask some explanation from the chairman of the committee.

Mr. ALLISON. The only reason that the committee had for making this amendment is that it has been the policy, so far as we can, to do all the public printing for the Departments at the Government Printing Office, and to endeavor as far as possible to gather in the Public Printing Office all the public printing.

As far as I know the printing being done at the Surgeon-General's Office is not printing that is authorized by law. I do not see exactly how they do this printing unless they do it out of their contingent fund. There is no authorized printing office in any Department of the Government, so far as I know, at this time. There is a branch printing office in the Treasury Department, but that is under the Public Printer.

Mr. MANDERSON. I presume the chairman is aware of the fact that there is printing done in the office of the Adjutant-General.

Mr. ALLISON. So I have been informed.

Mr. HAWLEY. And in several other places.

Mr. MANDERSON. There may be other bureaus that do so. I do not know that I object to the proviso, but it seems to me that it should go further and apply to all the bureaus.

Mr. TELLER. I should like to call attention to this provision in the Revised Statutes:

SEC. 3786. All printing, binding, and blank books for the Senate or House of Representatives and the executive and judicial departments shall be done at the Government Printing Office, except in cases otherwise provided by law.

That is the statute. They have no business to print anything.

Mr. MANDERSON. But they do print, and they print in other bureaus. My idea is that we should reach the evil wherever it exists.

Mr. TELLER. That is a fact, and in some of the Departments they have printed in violation of this statute, and they have usually paid it out of the contingent fund. That ought not to be allowed. Neither the Surgeon-General nor the Adjutant-General has a right to apply a dollar of their money for that purpose.

Mr. MANDERSON. I agree to that.

Mr. TELLER. Their accounts ought not to be settled if they do that, unless they can show a specific statute authorizing them to print. The practice has been discontinued in some of the Departments within the last three years, I know.

Mr. HAWLEY. I do not know whether there may or may not have been any statute passed since the statutes were revised that relieves these officers, but of course the letter of the statute does forbid any such printing. However, as a matter of fact, there are little printing-presses of small cost and consequence in four or five or six Departments of the Government.

I am willing to disagree to the amendment for this reason: The Surgeon-General's Office has a large variety of very small printing to be done for all its communications from all the medical posts in the Army, for the work in the Pension Department where slips are constantly prepared. In short, here is a specimen. [Exhibiting.] This book is a regular book, in which is filed a copy of each document that has been printed for them on their own little presses. They are of very small consequence apparently, little blanks necessary for various reports of different kinds, little blanks necessary to be used by the two hundred and eighty or three hundred clerks who are in the pension department of the Surgeon-General's Office.

Mr. EDMUNDS. Why can they not be printed at the Public Printing Office?

Mr. HAWLEY. I was going on to state. Twenty years ago, I suppose before the statute probably, two presses were bought in the Surgeon-General's Office, together costing about $600. They are now worth as old iron about $25, perhaps, because the modern presses have superseded presses of that kind.

Mr. TELLER. The statute I have read was passed in 1860.

Mr. HAWLEY. Then it was before they began this practice. If they send one of these little orders up there of two hundred, two hundred and fifty, or five hundred little forms and blanks of various kinds, it takes its place at the tail of perhaps two hundred or five hundred orders for aught I know from all the executive branches of the Government, and it may come around in two or three weeks if they have good luck, it may be there in four weeks, it may be there in six weeks.

Now they go into a back room in the old Surgeon-General's Office, which used to be a kitchen, and with a cheap hand-press they strike off in an hour or two hours these blanks. That is the extent of the printing they can do. Senators can see if any desire to do so these little blanks and cards and slips.

I think it is a matter of economy and dispatch of business, as they have some clerks who are likewise printers, and when they are not required at this work they go on with their regular clerical work, and the type that they have there some of it is type they had in the beginning, and with the light use they give it it does not wear out very fast. I do not believe that the whole plant they have got there is worth $1,500.

Mr. COCKRELL. I think this amendment should be sanctioned. I think a very vicious practice has sprung up in the Surgeon-General's Office. I think that little printing is exceedingly expensive. They have, as the record shows, in charge of the printing in the Surgeon-General's Office, Mr. Joseph R. Rose, a clerk of class 4, at $1,800, his brother at $1,400, another clerk at $1,600, another clerk at $1,400, one at $1,200, and another one at $1,200. The brother, Henry L. Rose, is a partner in the firm of Joseph Bart & Co., and they have had printing out of the appropriation for supplying limbs and trusses to the soldiers done at this private printing office where the brother is a partner and paid for out of that fund. I submit that when that thing has grown up in this Department it is time to stop it.

Mr. EDMUNDS. That is true; you are right about it.

Mr. COCKRELL. I knew the facts before, but this occurred in the presence of the Senator from Connecticut and the Surgeon-General and his assistant out of the mouth of the chief of the division. I knew the facts before, and it was in consequence of my knowledge of these facts that this amendment was put in the bill. I do not say there has been any swindling or anything of that kind—I am not making those charges; but when that kind of a practice has grown up the thing ought to be stopped and you can only stop it in this way.

Mr. HAWLEY. I knew the Senator would bring forward that case. It is right he should. It is an abuse that did grow up in one bureau of the Surgeon-General's Department, and which the Surgeon-General and his assistant declare should be corrected. It grew up in this way: The officer in charge of the trusses and artificial arms and legs has a little appropriation for printing circulars, &c., for his particular bureau. He got much of that printing done, nevertheless, in the little printing-room of the Surgeon-General's Office, but some of it they could not do there; their presses and their forms are not adapted to the work.

Then, wholly without authority of law, he went and contracted with some persons in the city for doing it, and a partner is in one of those firms. The work is done in several firms, but the partner in one of them is a clerk in the office. It was done through no collusion or corruption so far as any officer of the department is concerned, but it was a violation of the law. The Surgeon-General was very sorry to hear of it, and for the first time in the interview stated by the Senator from Missouri appeared to understand what had been done there, and said it should be corrected.

Mr. HALE. Does not the Senator from Connecticut think from the showing that the safe thing for the Senate to do would be to enforce the law, and let the printing for the Surgeon-General's Office be done as it is done in other bureaus and other Departments generally, at the Government Printing Office? We have built up at an enormous expense and equipped it with a great force and have appropriated money without stint for the Government Printing Office. There is hardly any bureau but that if you will let it have its way will not run a little printing-press of its own.

That it is not needed is proved by the fact that the Pension Office, which deals more in these small circulars and in forms such as those shown by the Senator from Connecticut than any other Department or bureau of the Government, has no printing office, but looks out beforehand for its wants, and when it thinks it will need a set of blanks looks out long enough beforehand to get them and sends a requisition to the Public Printer and he furnishes them. We shall have the whole subject in our grasp then.

So long as we enforce that statute and have the printing done at the Public Printing Office no such abuse as we disclose here in the Surgeon-General's Office will grow up. If that law is not to be enforced let us repeal it, and let the old way go on of printing around broadcast here and at large. There are a few left, I think, as the Senator from Connecticut says, but wherever we find them I think we ought to uproot them.

Mr. HAWLEY. If this is to be enforced in all the Departments, and I am not about to say that it is not wise to do it, I would make no further objection, but I think this particular matter is a matter of economy and great convenience in that department.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the committee. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to add to the amendment:

And charged to the appropriations made by law applicable to such service.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Chief Clerk suggests that the Chair shall ask if the Senator from Iowa would like to have the words stricken out that he suggested.

Mr. ALLISON. I will let it go.

Mr. COCKRELL. Let it go the way it is.

Mr. ALLISON. I offer no amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the clause from line 1696 to 1707, inclusive, as follows:

Office of Publication of Records of the Rebellion: For one agent, $2,000; three clerks of class 4, one of whom shall be employed on the general index; two clerks of class 3; one clerk of class 2; three clerks of class 1; three copyists, at $900 each; one foreman of printing, at $1,600; one compositor and pressman, $1,200; one compositor, $1,000; two copy-holders, at $900 each; two assistant messengers; two watchmen; and one laborer, at $600; in all, $27,380.

Mr. ALLISON. I ask that this amendment be passed over for the present.

The PRESIDING OFFICER. The amendment will be passed over if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1708, after the word "for," to strike out "the superintendent of;" in line 1709, after the word "streets," to strike out "$250;" in line 1710, after the word "dollars," to insert "one fireman;" in line 1712, after the word "watchmen," to strike out "two laborers" and insert "three laborers, one of whom, when necessary, shall assist and relieve the conductor of the elevator;" in line 1714, before the words "one laborer," to strike out "and;" in line 1715, after the word "dollars," to insert "and four charwomen, at $240 each;" and in line 1716, after the word "all," to strike out "six thousand six hundred and fifty," and insert "eight thousand seven hundred and forty;" so as to make the clause read:

For the building at the corner of F and Seventeenth streets, one engineer, $1,000; one fireman; conductor of elevator, $720; four watchmen, three laborers, one of whom, when necessary, shall assist and relieve the conductor of the elevator; one laborer, at $480; and four charwomen, at $240 each; in all, $3,740.

Mr. EDMUNDS. Is all that force for that one building at Seventeenth and F streets?

Mr. ALLISON. Yes, sir.

The amendment was agreed to.

The next amendment was, in line 1732, after the words "necessary expenses," to strike out "fifty-eight" and insert "sixty;" so as to make the clause read:

For contingent expenses of the office of the Secretary of War and the bureaus, buildings (except the War Department building), and offices of the War Department; purchase of professional and scientific books, card catalogues, blank-books, pamphlets, newspapers, maps, furniture, carpets, matting, oil-cloth, file-cases, towels, ice, brooms, soap, sponges, fuel, gas, and heating apparatus; telegraphing; freight and express charges; repairs to buildings and furniture; and for other absolutely necessary expenses, $60,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "public buildings and grounds," in line 1775, before the words "for Armory Square," to strike out "two" and insert "one;" after the words "Executive Mansion," at the end of line 1778, to strike out "eleven" and insert "ten;" and in line 1780, after the word "each," to strike out "seven thousand two hundred and sixty" and insert "six thousand six hundred;" so as to make the clause read:

For one watchman for Iowa Circle; one watchman for Thomas Circle and neighboring reservations; one for Rawlins Square and Washington Circle; one for Dupont Circle and neighboring reservations; one for McPherson and Farragut Squares; one for Stanton Place and neighboring reservations; one for Armory Square and reservations east to Botanic Garden; one for Mount Vernon Square and adjacent reservations; one for greenhouse at the nursery; one for grounds south of Executive Mansion, ten in all, at $660 each, $6,600.

The amendment was agreed to.

Mr. BROWN. It is now after 11 o'clock, and I move that the Senate adjourn.

The question being put, a division was called for; and the ayes were—12.

Mr. COKE. I ask for the yeas and nays.

Mr. ALLISON. I appeal to Senators to let us get through with the appropriations for the Navy Department, and then I will myself move to adjourn.

Mr. EDMUNDS. Let us go to sea and get on shore again.

Mr. BROWN. We have been going on to-day for many hours; and I think we have sat long enough.

Mr. COKE. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate adjourn.

The question being put, there were on a division—ayes 15, noes 4.

So the motion was agreed to; and (at 11 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 1, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received this 30th day of June, 1886.

ASSISTANT SECRETARY OF THE TREASURY.

Hugh Smith Thompson, of South Carolina, to be Assistant Secretary of the Treasury, to succeed William E. Smith, who has resigned.

LAND SURVEYOR.

Samuel Kendrick, of Chillicothe, Ohio, to be surveyor of the Virginia military district, in the State of Ohio, *vice* Eleazer P. Kendrick deceased.

POSTMASTERS.

Henry J. Winn, to be postmaster at Birmingham, Jefferson County, Alabama, *vice* Thomas W. Greene, suspended; Samuel S. Thompson, who was designated and also nominated to the Senate, having deceased his nomination is this day withdrawn.

Charles S. Avery, to be postmaster at Norwich, New London County, Connecticut, *vice* Enoch G. Bidwell, commission expired.

Wilbur B. Foster, to be postmaster at Rockville, Tolland County, Connecticut, whose commission expires July 1, 1886.

David S. Beardsley, to be postmaster at Grinnell, Poweshiek County, Iowa, *vice* William S. Leisure, commission expired.

Stiles Kennedy, to be postmaster at Saint Louis, Gratiot County, Michigan, *vice* John M. Church, suspended. Charles R. Holliday, heretofore nominated to the said office, is this day withdrawn.

Paul Barthel, to be postmaster at Jamaica, Queens County, New York, *vice* George W. Callow, commission expired.

Orville S. Manderson, to be postmaster at Whitehall, Washington County, New York, *vice* John F. Clark, removed. This is a renewal of the original nomination, heretofore received by the Senate, of Mr. Manderson, that of the 14th June this day being withdrawn, it having been ascertained that the term of Mr. Clark does not expire until February 12, 1887.

Albert H. Jones, to be postmaster at Granville, Licking County, Ohio, *vice* Edgar Wright, resigned.

Jonas M. Shallenberger, to be postmaster at Lancaster, Fairfield County, Ohio, *vice* Charles H. Williams, commission expired.

TO BE SECOND LIEUTENANTS IN THE ARMY.

Corps of Engineers.

Cadet rank.

1. Cadet Henry C. Newcomer, *vice* Waterman, promoted.

First Regiment of Cavalry.

31. Cadet Peter E. Traub, *vice* O. J. Brown, promoted.

Second Regiment of Cavalry.

20. Cadet John T. Nance, *vice* O'Brien, nominated to the Senate for promotion.
28. Cadet William H. Bean, *vice* Brett, nominated to the Senate for promotion.

Third Regiment of Cavalry.

7. Cadet Arthur Thayer, *vice* Morgan, nominated to the Senate for promotion.
15. Cadet Cecil Stewart, *vice* Boughton, entitled to promotion from January 27, 1885.
37. Cadet Jesse McI. Carter, *vice* Johnson, entitled to promotion from January 31, 1885.
42. Cadet Malvern H. Barnum, *vice* Dickman, entitled to promotion from January 18, 1886.
46. Cadet William H. Hay, *vice* Davis, resigned.

Fourth Regiment of Cavalry.

17. Cadet Samuel Reber, *vice* Jenkins, promoted.
18. Cadet Floyd W. Harris, *vice* Lockett, promoted.
38. Cadet Frank B. Fowler, *vice* Erwin, nominated to the Senate for promotion.
43. Cadet Letcher Hardeman, *vice* McGrath, nominated to the Senate for promotion.
47. Cadet James E. Nolan, *vice* Cook, resigned.

Fifth Regiment of Cavalry.

5. Cadet Charles L. Potter, *vice* Goldman, promoted.
13. Cadet John T. Haines, *vice* Paddock, nominated to the Senate for promotion.

Sixth Regiment of Cavalry.

30. Cadet John J. Pershing, *vice* Wilcox, nominated to the Senate for promotion.

Eighth Regiment of Cavalry.

27. Cadet Charles C. Walcutt, jr., *vice* Shunk, promoted.
36. Cadet Joseph C. Byron, *vice* Johnston, promoted.
40. Cadet Edward C. Brooks, *vice* Gaston, promoted.

Ninth Regiment of Cavalry.

39. Cadet Harry G. Trout, *vice* Budlong, promoted.
44. Cadet Edmund S. Wright, *vice* Powell promoted.

First Regiment of Artillery.

6. Cadet John A. Towers, *vice* Price, promoted.
16. Cadet Charles T. Menoher, *vice* Stuart, appointed to be First Lieutenant in the Ordnance Department.

Fourth Regiment of Artillery.

9. Cadet Lucien G. Berry, *vice* French, promoted.
11. Cadet John E. McMahon, *vice* Schroeder, resigned.
12. Cadet Walter N. P. Darrow, *vice* Totten, promoted.

Fifth Regiment of Artillery.

14. Cadet Avery D. Andrews, *vice* Galbraith, promoted.
22. Cadet Robert G. Procter, *vice* Massey, promoted.

First Regiment of Infantry.

62. Cadet Frank L. Winn, *vice* Strother, promoted.
74. Cadet Dwight E. Holley, *vice* Mason, promoted.

Third Regiment of Infantry.

21. Cadet Harry Freeland, *vice* Avery, promoted.
26. Cadet Frank G. Kalk, *vice* French, promoted.
48. Cadet James H. McRae, *vice* Fremont, promoted.
64. Cadet Erneste V. Smith, *vice* Bell, promoted.

Fifth Regiment of Infantry.

59. Cadet Frederick C. Kimball, *vice* Partello, promoted.
60. Cadet Charles G. Lyman, *vice* Defrees, promoted.
71. Cadet Richard C. Croxton, *vice* Churchill, nominated to the Senate for promotion.

Sixth Regiment of Infantry.

50. Cadet Amos B. Shattuck, *vice* Torrey, nominated to the Senate for promotion.

Seventh Regiment of Infantry.

41. Cadet Chauncey B. Baker, *vice* Frederick, promoted.
54. Cadet Armand I. Lasseigne, *vice* Tompkins, transferred to the Seventh Cavalry.

Eighth Regiment of Infantry.

24. Cadet Colville M. Pettit, *vice* Wilson, promoted.
72. Cadet Edward N. Jones, jr., *vice* Ames, nominated to the Senate for promotion.

Ninth Regiment of Infantry.

65. Cadet George B. Duncan, *vice* Stoll, resigned.
75. Cadet William G. Elliot, *vice* McCarty, wholly retired from the service.

Eleventh Regiment of Infantry.

8. Cadet Robert L. Hirst, *vice* Macklin, promoted.
45. Cadet Bertram T. Clayton, *vice* Philbrick, promoted.
70. Cadet Edward M. Lewis, *vice* Heistand, nominated to the Senate for promotion.

Twelfth Regiment of Infantry.

29. Cadet David J. Baker, jr., *vice* Waltz, promoted.
33. Cadet Benjamin A. Poore, *vice* Clark, nominated to the Senate for promotion.
52. Cadet Walter H. Gordon, *vice* Osgood, deceased.
56. Cadet George J. Godfrey, *vice* Darr, nominated to the Senate for promotion.

Thirteenth Regiment of Infantry.

69. Cadet Julius A. Penn, jr., *vice* Stolbrand, resigned.

Fifteenth Regiment of Infantry.

66. Cadet Robert C. Williams, *vice* Paxton, promoted.
76. Cadet Marcus Maxwell, *vice* Maney, promoted.

Sixteenth Regiment of Infantry.

63. Cadet Charles C. Ballou, *vice* Dunning, promoted.

Seventeenth Regiment of Infantry.

19. Cadet William H. Camp, *vice* Howe, promoted.
53. Cadet James L. Druien, *vice* English, dismissed.
55. Cadet James H. Frier, *vice* Dowdy, promoted.
67. Cadet Lucius L. Durfee, *vice* Sage, dropped as a deserter.

Nineteenth Regiment of Infantry.

10. Cadet Frank McIntyre, *vice* Ogle, resigned.

Twentieth Regiment of Infantry.

25. Cadet Albert D. Niskern, *vice* Sharp, promoted.

Twenty-first Regiment of Infantry.

34. Cadet Edward W. McCaskey, *vice* Sparrow, promoted.
68. Cadet Charles G. Dwyer, *vice* Truitt, promoted.

Twenty-second Regiment of Infantry.

51. Cadet William M. Swaine, *vice* Rice, nominated to the Senate for transfer to the Seventh Cavalry.

Twenty-third Regiment of Infantry.

23. Cadet George D. De Shon, *vice* Nichols, promoted.
58. Cadet George B. Davis, *vice* O'Connor, promoted.

Twenty-fourth Regiment of Infantry.

57. Cadet Henry C. Keene, jr., *vice* Black, promoted.
77. Cadet David W. Fulton, *vice* Palmer, promoted.

TO BE ADDITIONAL SECOND LIEUTENANTS.

Attached to the Corps of Engineers.

2. Cadet Mason M. Patrick.
3. Cadet Charles S. Riché.
4. Cadet Thomas H. Rees.

Attached to the cavalry arm.

49. Cadet Stephen H. Elliott, to the Fourth Cavalry.
73. Cadet Seward Mott, to the Sixth Cavalry.

Attached to the artillery arm.

32. Cadet Thomas B. Mott, to the First Artillery.
35. Cadet Gustave W. S. Stevens, to the Fourth Artillery.

CONFIRMATIONS.

Executive nominations confirmed by the Senate the 24th day of June, 1886.

UNITED STATES MARSHAL.

John Robinson, of Vermont, to be marshal of the United States for the district of Vermont.

POSTMASTER.

Jerome W. Pierce, to be postmaster at Springfield, Windsor County, Vermont.

Executive nomination confirmed by the Senate the 30th day of June, 1886.

TO BE A JUSTICE OF THE PEACE FOR THE DISTRICT OF COLUMBIA, TO BE ASSIGNED TO THE CITY OF WASHINGTON.

William Helmick.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 30, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ALFRED HEDBERG.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting correspondence relative to the proposed restoration of Alfred Hedberg as a captain of infantry; which was referred to the Committee on Military Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HARRIS, for ten days, on account of important business.

To Mr. SWOPE, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. VAN SCHAICK, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of T. & A. Heiss relative to the Portage Lake Harbor, there having been no adverse report.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The SPEAKER. The Chair appoints as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the consular and diplomatic appropriation bill the gentleman from Massachusetts, Mr. RICE, in the place of the gentleman from Illinois, Mr. HITT, who is absent.

UNION PACIFIC RAILROAD.

The SPEAKER. A resolution introduced on the 21st instant by the gentleman from California [Mr. HENLEY], directing the Attorney-General to institute certain legal proceedings against officers of the Union Pacific Railroad Company was improperly referred to the Committee on Pacific Railroads; it should have gone to the Committee on the Judiciary. If there be no objection the change of reference will be made.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor;

A bill (H. R. 5201) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes; and

Joint resolution (H. Res. 177) appointing managers for the National Home for Disabled Soldiers to fill vacancies in the board which occurred by expiration of terms on the 21st day of April, 1886.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 985) authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, and granting to the city of Marquette, Mich., certain lands for park purposes.

JUDSON FEMALE COLLEGE.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 8970) for the relief of the trustees of the Judson Female College, and that the bill be now taken up and passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to the trustees of Judson Female College, of Hendersonville, N. C., the sum of $1,132.29, out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I should like to hear some explanation.

Mr. JOHNSTON, of North Carolina. The bill proposes to pay the trustees of this institution for the use and occupation of the college building by troops who were quartered there.

Mr. HOLMAN. Since the war?

Mr. JOHNSTON, of North Carolina. Yes, sir; in May, June, and July, 1865.

Mr. HOLMAN. Has the bill been favorably acted upon by a committee?

Mr. JOHNSTON, of North Carolina. Yes, sir; it has been unanimously reported by the Committee on War Claims.

There being no objection, the Committee of the Whole House on the

Private Calendar was discharged from the further consideration of the bill, which was thereupon ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROMOTION IN MEDICAL DEPARTMENT OF THE ARMY.

Mr. STEELE. I ask unanimous consent to take up for present consideration the bill H. R. 7818. It proposes merely to fix the status of officers in the Medical Department of the Army. There is no objection to it anywhere.

The SPEAKER. Is this a private bill?

Mr. STEELE. Yes, sir.

The SPEAKER. The gentleman asks unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of a bill the title of which will be read and that the House proceed to consider the same.

The Clerk read as follows:

A bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army.

Mr. BEACH. Is this a public or a private bill?

The SPEAKER. The gentleman from Indiana states that it is a private bill. The Chair has not examined it. If it relates to a class of persons it is a public bill; if it applies to certain individuals by name it is private.

Mr. BEACH. I shall call for the regular order.

Mr. STEELE. I hope the gentleman will allow me to make a statement. The bill merely fixes the status of certain officers without increasing their pay. Nominations are now hung up in the Senate because of the need of legislation of this kind, which does not increase the pay of any officer—does not involve the cost of one cent. I hope the gentleman will not object.

The SPEAKER. The gentleman from New York has demanded the regular order, which is the call of committees for reports.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes.

Also that the Senate had agreed to the report of the committee of conference on the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and for other purposes.

The message further announced that the Senate had passed the bill (S. 150) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, vetoed by the President (two-thirds of the Senate agreeing to the same); in which action concurrence of the House of Representatives was requested.

ORDER OF BUSINESS.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Under the Constitution is not the veto message of the President, which has been acted upon by the Senate and just received by the House, to be read for consideration?

The SPEAKER. Not at this time. Under the rules of the House, which the Constitution authorizes the House to adopt, the Chair does not lay before the House any message of this character until the morning of the next day after it is received. This message will therefore be laid before the House to-morrow morning, and will be then a subject for consideration, unless the House shall by a vote otherwise dispose of it by reference to a committee or by postponement.

Mr. PAYSON. Would a motion with reference to it be out of order now?

The SPEAKER. It would, except by unanimous consent?

BRIDGE ACROSS SAINTE MARIE RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 6104) to authorize the construction of a railroad bridge across the Sainte Marie River; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS OHIO RIVER AT CAIRO.

Mr. CRISP, from the Committee on Commerce, also reported, as a substitute for H. R. 6047, a bill (H. R. 9728) to authorize the Chicago, Saint Louis and New Orleans Railroad Company and the Illinois Central Railroad Company, or either of them, to construct a bridge over the Ohio River at or near Cairo, Ill.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to beprinted.

House bill No. 6047 was ordered to be laid on the table.

MILITARY QUARTERS AND BARRACKS, WYOMING AND NEBRASKA.

Mr. CAREY, from the Committee on Military Affairs, reported back favorably the bill (S. 1935) authorizing and directing the Secretary of War to enlarge, repair, and complete certain military quarters and barracks in Wyoming Territory and in the State of Nebraska; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDNANCE ACCOUNT, KANSAS.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back favorably the bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WILLIAM J. MULVEY.

Mr. STEELE, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7996) for the relief of William J. Mulvey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC CRAWFORD.

Mr. STEELE, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 7176) for the relief of Isaac Crawford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. STEELE. I ask consent, Mr. Speaker, that the gentleman from Alabama [Mr. WHEELER] be allowed to submit a report during the day from the Committee on Military Affairs, which is not yet completed.

There was no objection.

Mr. PERKINS. Mr. Speaker, I desire on behalf of the Committee on Indian Affairs to report back the bill H. R. 7087, and am instructed by the committee to ask the House to non-concur in the Senate amendments and ask for a committee of conference.

The SPEAKER. That would not be in order at this time.

Mr. PERKINS, I would like to ask, as a parliamentary inquiry, when this motion will be in order.

The SPEAKER. The Chair will state that such reports are not privileged under any rule of the House; but the Chair has been in the habit, as a matter of courtesy to the other branch of the legislative department, of receiving these reports when a committee recommends non-concurrence and agreement to the request for a conference. The gentleman can make the request some other time during the day.

TITLE TO LANDS, SAGINAW BAY.

Mr. VAN EATON, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 1571) to quiet and confirm the title to certain lands in Saginaw Bay, in the State of Michigan; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INDIAN DEPREDATIONS, ETC.

Mr. HAILEY, from the Committee on Indian Affairs, reported, as a substitute for H. R. 7849, a bill (H. R. 9729) to establish a board of commissioners to examine, adjust, and report on all claims arising out of Indian treaties and depredations committed by Indians, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 7849 was laid on the table.

ARTESIAN WELLS IN MONTANA.

Mr. HILL, from the Committee on Territories, reported back with a favorable recommendation the bill (H. R. 8545) to provide for the boring of artesian wells in the Territory of Montana; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT OWENSBOROUGH, KY.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 4507, a bill (H. R. 9730) for the purchase of suitable ground in the city of Owensborough, in the State of Kentucky, and the erection of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States offices in said city, and appropriating money for said purpose; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 4507 was laid on the table.

LOUISE ARMBRECHT.

Mr. BRADY, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 1201) granting a pension to Louise Armbrecht; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OCTAVE PAVY.

Mr. ELDREDGE, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 5136) granting a pension to Octave Pavy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY JANE RICHARDS.

Mr. ELDREDGE, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 9542) granting a pension to Mrs. Mary Jane Richards; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. ELDREDGE, the Committee on Pensions was discharged from the further consideration of the bill (S. 2254) granting an increase of pension to Mary Von Kusserow; and the same was referred to the Committee on Invalid Pensions.

MRS. MARIA WALKER.

Mr. ELDREDGE, from the Committee on Pensions, also reported back the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker, with Senate amendments, recommending concurrence in the Senate amendments; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SOUTH CAROLINA STATE TROOPS.

Mr. LANHAM, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of the South Carolinia State Troops; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIEUT. J. M'A. WEBSTER.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 1773) for the relief of Lieut. J. McA. Webster, of the Twenty-second Infantry, United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COL. JAMES C. DUANE.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1576) for the relief of Col. James C. Duane; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LABAN HEATH & CO.

Mr. GALLINGER, from the Committee on Claims, reported back with amendments the bill (H. R. 6501) for the relief of Laban Heath & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

FIRST NATIONAL BANK, NEWTON, MASS.

Mr. GALLINGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 1125) for the relief of the First National Bank of Newton, Mass., with amendments; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

GEORGE T. NEWMAN.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 1513) for the relief of George T. Newman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WRECK OF UNITED STATES STEAMER ASHUELOT.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANN WOLFE AND OTHERS.

Mr. PERRY, from the Committee on War Claims, reported back with amendments the bill (H. R. 7970) for the relief of Mrs. Ann Wolfe and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

HEIRS OF MARTIN KENOFSKY.

Mr. RICHARDSON, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 1219) for the relief of the heirs of Martin Kenofsky; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH E. E. PERINE.

Mr. RICHARDSON, from the Committee on War Claims, also reported back with an amendment, in the nature of a substitute, the bill (S. 2265) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DR. SAMUEL DAVIS.

Mr. LYMAN, from the Committee on War Claims, reported back favorably the bill (H. R. 3312) for the relief of Dr. Samuel Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS OF MISSOURI.

Mr. LYMAN, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 1377) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE W, SAULPAW.

Mr. LYMAN, from the Committee on War Claims, also reported back with an amendment the bill (H. R. 3115) for the relief of George W. Saulpaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BAPTIST FEMALE COLLEGE, LEXINGTON, MO.

Mr. LYMAN, from the Committee on War Claims, also reported back with an amendment the bill (H. R. 7321) for the relief of the Baptist Female College, of Lexington, Mo.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF LUCIEN GOYAUX.

Mr. LYMAN, from the Committee on War Claims, also reported back with a favorable recommendation the bill (S. 567) for the relief of the estate of Lucien Goyaux; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH H. MADDOX AND OTHERS.

Mr. JOHNSTON, of Indiana (by Mr. LYMAN), from the Committee on War Claims, reported the bill (H. R. 9731) for the relief of Joseph H. Maddox and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LYMAN, from the Committee on War Claims, reported back adversely the bill (H. R. 5701) for the relief of Dr. O. S. Belden; which was laid on the table, and the accompanying report ordered to be printed.

Mr. ELDREDGE, from the Committee on Private Land Claims, reported back adversely the bill (H. R. 747) authorizing the Commissioner of the General Land Office to issue a land-warrant for 120 acres of land to the holder of warrant No. 51456 with certain provisions and upon certain conditions; which was laid on the table, and the accompanying report ordered to be printed.

WHARTON'S DIGEST OF INTERNATIONAL LAW.

Mr. FARQUHAR, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (S. R. 62) authorizing the publication of an edition of a Digest of International Law edited by Francis Wharton; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INSPECTION OF STEAM VESSELS.

Mr. DINGLEY, from the Select Committee on Ship-building and Ship-owning Interests, reported back favorably a bill (S. 2719) to amend the laws relating to inspection of steam vessels; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PAN-ELECTRIC TELEPHONE INVESTIGATION.

Mr. BOYLE. Mr. Speaker, I present a report from the select committee on Pan-electric telephone stock. I desire to state that the views expressed in this report are those of four members of the committee, Mr. OATES, Mr. HALL, Mr. EDEN, and myself. I also report a resolution, which is concurred in by a majority of the committee.

Mr. REED, of Maine. Mr. Speaker, I suppose that on the question of the propriety of that resolution a point of order can be reserved.

The SPEAKER. The gentleman from Pennsylvania [Mr. BOYLE] states that the resolution is concurred in by the majority of the committee, but that the report accompanying it is signed by only four members. All points of order can be reserved.

Mr. REED, of Maine. I desire to reserve all points of order.

Mr. SPRINGER. Can we have the resolution read?

The SPEAKER. The resolution goes to the Calendar; but, if desired, it can be read.

The resolution was read, as follows:

Resolved, That a full, fair, and exhaustive investigation has failed to adduce any evidence which tends to show that Attorney-General Garland, Solicitor-General Goode, Secretary Lamar, Indian Commissioner Atkins, Railroad Commissioner Johnston, or Senator Harris—they being the officers named in the "Pan-electric" publications in the newspapers which gave rise to this investigation—did any act, officially or otherwise, connected with the matters investigated which was dishonest, dishonorable, or censurable.

The SPEAKER. The resolution goes to the House Calendar.

Mr. HALE. I desire to present a separate report.

The SPEAKER. The gentleman from Missouri asks leave, as the Chair understands, to present his individual views, to be printed with the report submitted by the gentleman from Pennsylvania. It will be so ordered, if there be no objection.

Mr. RANNEY. That resolution which has been read has never been submitted or acted upon in committee. I wish to reserve that point of order.

The SPEAKER. All points of order are reserved.

Mr. RANNEY. I submit the views of four members of the committee.

The SPEAKER. The gentleman from Massachusetts [Mr. RANNEY] asks leave to present the views of certain members of the committee, to be printed with the report. If there be no objection that order will be made.

Mr. BOYLE. In view of what has been stated by the gentleman from Massachusetts in regard to the submission of this resolution to the committee, I desire to say that if any question is to be made about that I will withdraw the report with the accompanying resolution. It has been presented at the request and with the consent of the gentleman from Massachusetts, expressly waiving a meeting of the committee for the purpose of considering any resolution. But if the gentleman makes that point, I will withdraw the report and call a meeting of the committee.

Mr. RANNEY. So far as the report is concerned, the gentleman's statement is correct; but the resolution I have never seen or heard of before.

Mr. BOYLE. I will withdraw it then.

The SPEAKER. If there be no objection, then all the papers will be withdrawn.

Mr. HALE. I object.

Mr. BOYLE. The gentleman did consent that the resolution might be reported without having been submitted to the committee.

The SPEAKER. The gentleman from Missouri objects to the withdrawal.

Mr. HAMMOND. Does it require unanimous consent?

The SPEAKER. The Chair thinks it does. The report has been made and referred to the Calendar.

Mr. HAMMOND. But if the fact is disclosed that it is not the report of the committee, made by its authority, it comes in by virtue of an error.

The SPEAKER. The gentleman from Pennsylvania has made the report, and the Chair has referred it to the House Calendar. The gentleman has stated as a fact that the resolution embodies the views of a majority of the committee. Does the gentleman from Missouri object to the withdrawal of the report?

Mr. HALE. I object to the withdrawal of the report and resolution.

Mr. BOYLE. The gentleman from Missouri has signed the resolution.

Mr. DUNHAM. I wish to inquire whether the resolution of the committee was read.

The SPEAKER. It was.

Mr. DUNHAM. Then if the minority reports are accompanied by resolutions, ought not those resolutions to be read?

The SPEAKER. If anybody desires it, it can be done by unanimous consent.

Mr. DUNHAM. I ask for the reading.

The SPEAKER. There is no such thing as a "minority report." What is so spoken of is merely a paper expressing the views of individual members of the committee.

Mr. RANNEY. There is no resolution attached to the minority report. I do not think that under the order of the House any resolution was allowable.

The SPEAKER continued and concluded the call of committees.

Several members addressed the Chair.

The SPEAKER. If there be no objection the Chair will recognize, for the presentation of reports, gentlemen who were not in their seats when their committees were called.

There was no objection.

LAND FOR MILITARY PURPOSES, SAINT AUGUSTINE, FLA.

Mr. ERMENTROUT, from the Committee on Military Affairs, reported back favorably the bill (S. 872) authorizing the Secretary of War to purchase a lot in the city of Saint Augustine, Fla., for military purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MRS. ELLEN M. BOGGS.

Mr. HUTTON, from the Committee on Pensions, reported back favorably the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ARMY AND NAVY OFFICERS AS ATTACHÉS OF LEGATIONS.

Mr. McCREARY, from the Committee on Foreign Affairs, reported, as a substitute for H. R. 3970, a bill (H. R. 9732) to assign officers of the Army and Navy as attachés of foreign legations; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3970 was, by unanimous consent, laid on the table.

C. C. WHITE.

Mr. TAULBEE. I ask unanimous consent that the bill (H. R. 1654) granting a pension to C. C. White, which was inadvertently reported from the Committee on Invalid Pensions and laid on the table, be recommitted.

There being no objection, it was ordered accordingly.

ADVERSE REPORT.

Mr. WISE, from the Committee on Naval Affairs, reported back adversely the bill (H. R. 339) authorizing the voluntary retirement of certain officers of the United States Navy who have rendered conspicuous services in battle or who have served thirty years in the Navy; which was laid on the table.

VICE-ADMIRAL S. C. ROWEN AND REAR-ADMIRAL J. L. WORDEN.

Mr. WISE, from the Committee on Naval Affairs, also reported back favorably the bill (S. 830) for the retirement of certain officers of the Navy of the United States; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF GRADUATES, MILITARY ACADEMY.

Mr. BRAGG, from the Committee on Military Affairs, reported back with amendment the bill (S. 1424) for the relief of graduates of the United States Military Academy; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FORT BROWN RESERVATION.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably House resolution concerning the appropriation passed March, 1885, for $160,000, to enable the Secretary of War to settle the claims for rent and acquire title to the site of Fort Brown, Texas, &c.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, also reported back adversely the following cases; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3067) for the relief of George M. Sanders;

A bill (H. R. 5458) for the relief of Isaac Rains;

Joint resolution (H. Res. 29) asking for the return by the Federal Government of all papers, books, or records relating to the military history of the State of Louisiana during her existence as a French colony, a Spanish colony, and an American Territory; also all papers and records relating to the war of 1812, the Florida war, the war with Mexico, and the war between the States; all or most of these papers, the property of the State of Louisiana, having been removed to Washington by the Federal authorities when the capitol at Baton Rouge, La., was burned by the Federal forces, December 28, 1862;

A bill (H. R. 5907) for the relief of William M. Middleton; and

A bill (H. R. 5962) for the relief of Alonzo H. Griggs.

VINEGAR MADE FROM GRAIN.

Mr. BRECKINRIDGE, of Kentucky, from the Committee on Ways and Means, reported, as a substitute for the bill H. R. 3973, a bill (H. R. 9733) to regulate the manufacture of vinegar made from grain; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 3973 was laid on the table.

ARCHBELL DONNELLY.

Mr. STRUBLE, from the Committee on Pensions, reported, as a substitute for the bill H. R. 6843, a bill H. R. 9734, for the relief of Archbell Donnelly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 6843 was laid on the table.

OTOE AND MISSOURIA RESERVATION.

Mr. PERKINS. I ask by unanimous consent to report from the Committee on Indian Affairs amendments of the Senate to the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and to move non-concurrence in those amendments and request a committee of conference.

The SPEAKER. Has the Senate requested a conference?

Mr. PERKINS. It has not.

Mr. MORRISON. I demand the regular order of business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. REAGAN in the chair.

Mr. RANDALL. I desire to go back to the paragraph touching the advertisement of sales of public property, commencing in line 851.

The Clerk read as follows:

No purchases shall be made on contracts executed in pursuance of appropriations made for the Navy Department or hereafter authorized by Congress, nor shall any property belonging to the Government be sold, until after publication of an advertisement calling attention in the briefest practicable form to the facts in each case and stating where detailed information may be had; such advertisement to be inserted in a daily newspaper published in the city of Washington, D. C., to be designated annually by the President.

Mr. REED, of Maine. Will the gentleman permit me to make a point of order on that paragraph?

Mr. RANDALL. Wait until I get through; I am not going to take any advantage.

Mr. REED, of Maine. I reserve the point of order.

Mr. RANDALL. I ask to have read a letter from the Secretary of the Navy touching this matter.

The Clerk read as follows:

NAVY DEPARTMENT, WASHINGTON, D. C., *June* 29, 1886.

DEAR SIR: The suggestion which I made to you some time ago, the substance of which is included in lines 851 to 860 of the sundry civil appropriation bill, was that there should be some one place where short notices should be required by law to be put, calling attention to any contracts for which bids were being asked or to any sales about to be made by the Navy Department. Following the present law relating to this matter there is no way in which a dealer can make certain that he will see an advertisement of the Department; and soon after my accession to this office there were some cases in which, after bids had been opened, large dealers in the articles bid for complained of not having seen the advertisement or known of the letting, and offered considerably lower bids for the articles. I directed that circulars should be sent to leading houses in addition to advertising in each case. But this is a purely voluntary arrangement, and under the present system it is quite possible that if a bureau officer or Secretary should desire to favor any bidder by selecting obscure newspapers for the advertisement he could readily act in collusion with one or more bidders.

I called your attention to the system established in 1873 in New York city, under which not the full advertisement, but short notices calling attention to any contract about to be let, are required to be inserted in certain daily newspapers annually designated by the mayor and comptroller. The expense of the advertising of short notices in that way is very small, but the results from it are that any dealer, for instance in coal, who should desire to be a competitor for the Department contracts would know where he could look and be certain of knowing every coal contract that was advertised for by the Navy Department. On being notified by the advertisement he applies to the Department for the specifications and makes his bid.

Prior to the adoption of this system by New York city (it was one of the things introduced by the reform charter of 1873 after the break-up of the ring) the frauds that were practiced from collusive advertising and the expense in which the city was involved by the publication of the full advertisements were among the things which gave rise to the greatest scandals.

As to the language of this proviso, if it is not limited to the Navy Department, it can readily be so. I do not remember whether I wrote the language at the time we were talking about it or not. I had no idea of extending it beyond the Navy Department, because I have no information with regard to the applicability of it in other places.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. SAMUEL J. RANDALL,
House of Representatives.

The total expense of these notices would not in my judgment be a thousand dollars a year for the Navy Department.

W. C. W.

Mr. RANDALL. That is the only change, which was a restrictive amendment to the original proposition. The gentleman from Maine now characterizes this as a job. I am not clear—because I want to hear further from the gentleman from Maine in that connection—exactly in what manner it may have that effect; but I do not want for myself or any member of the committee for a single instant to take advantage of what has been passed, if there be a scintilla of truth in the gentleman's statement. No member of the committee for a moment would want or wish, nor would they permit, to go into this bill anything which was susceptible of a doubtful or double construction, and least of all anything which would take from the Treasury money by indirect language. I therefore readily assent to the suggestion of the gentleman from Maine that we shall go back and fully consider the paragraph in question, and am willing that he shall exercise every parliamentary procedure touching this provision that his judgment may command.

Mr. REED, of Maine. Mr. Chairman, I think I made it very clear the other day that the charge I made that there was a job in the bill did not implicate or intend to implicate any individual. My assertion meant that from the very nature of the language used in this provision there would be an expenditure of public money for an obviously inadequate purpose; that the language did cover an abuse which ought not to be sanctioned by law.

Of course what I say depends upon the language of the proposed amendment to the statute. If the language imports that, then it is the duty of this House not to pass the paragraph in that form. Now, what is the proposition before us?

This is a provision requiring that in some Washington newspaper, to be designated by the President of the United States, there shall be published all of the advertisements of the Government—not only relating to this bill but whatever bill may pass, the law remaining unchanged—in reference to any Government property that is to be sold, no matter where or in what quantities.

It requires that there shall be an advertisement in this paper to be so designated by the President, and without exception. Now, I ask any sensible man who listens to me what the inevitable effect of that provision will be? I say that it will be to cause a large number of advertisements to be put into some Washington paper, to be designated by the President, and it will result in the payment to that paper of large sums of money. Whether large sums will come the first year or the second year I do not pretend to know or assert; but I do say that the invariable experience of mankind upon this subject, and of this nation in particular, has been that abuses can creep in and do creep in from a much smaller opening of the door than that.

The gentleman from Pennsylvania with his long experience in public affairs knows how that will be on his attention being called to the terms of the provision. In the hurry and rush of public business here not only the House passes things which perhaps are not carefully scrutinized, but every individual, having before him merely the purpose which is presented by the measure under consideration, is likely to be misled by the language in the preparation of such legislation as this. Now, the debate itself on Saturday shows that the chairman of the Committee on Appropriations did not fully appreciate the purport of the language used in this connection.

But I have called his attention to it, and my duty is done.

Mr. RANDALL. What does the gentleman desire?

Mr. REED, of Maine. I think it should be stricken from the bill.

Mr. RANDALL. Does the gentleman make the point of order against it?

Mr. REED, of Maine. Yes; I make the point of order against it.

Mr. RANDALL. Let the Chair decide.

The CHAIRMAN. The Chair understands the proposition is to change the mode of advertising.

Mr. RANDALL. I suppose a change in existing law is made in that respect.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

Army and Navy hospital:

Army and Navy hospital, Hot Springs, Ark.: For labor and material for grading, constructing retaining-wall, inclosing with iron fence, and improving grounds of hospital, $27,000.

Mr. RANDALL. I have an amendment to offer in this connection, which is rendered necessary because the service therein required is not provided for in the Army appropriation bill. I desire to say that while I offer it with the concurrence of the subcommittee who had this matter in charge, it never was before the general committee; but I have no reason to believe that any member of the committee would dissent.

The Clerk read as follows:

After line 1317 insert as a new paragraph:

"Service Army and Navy hospital: For one clerk, at $1,200; one chief steward, at $720; one assistant steward, at $480; two cooks, at $480 each; ten nurses, at $360 each; two ward-masters, at $420 each; one matron, at $480; five laundresses, at $180 each; one engineer, at $720; one superintendent of buildings, at $580; two laborers and watchmen, at $480 each; six bath-house attendants, at $300 each; six dining-room waiters, at $240 each; in all, $14,620. Said sum to be disbursed under the direction of the Secretary of War as a part of the appropriation for the Medical Department of the Army; and the estimates for this service shall hereafter be submitted as a part of the military establishment."

The amendment was agreed to.

The Clerk read the following paragraph:

Military posts:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, $178,856; $15,000 of which sum may be used for the purchase of additional land near Atlanta, Ga., for the ten-company post being erected there.

Mr. FARQUHAR. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1325, after the word "there," insert the following:

"For the construction of two sets of barracks, administration building for offices, library, reading and school rooms, bakery, and guard-house, all of brick; and four double sets of officers' quarters, two double sets of non-commissioned staff officers' quarters, quartermaster and commissary store-houses, and stable and wagon shed, of frame, at Fort Porter, Buffalo, N. Y., $90,975."

Mr. BRAGG. I make the point of order on that amendment. The point of order I make is that the amendment changes existing law;

that it is new law. It imposes a duty upon the Secretary of War by directing him to build a specific kind of quarters at a certain specific place, and makes an appropriation therefor. There is an appropriation in the bill of so much money for military posts, and that is the condition in which that class of appropriations stands in the appropriation bill. But when you make a further appropriation and direct its expenditure, that is imposing a duty upon the Secretary of War which it is necessary for him to perform and which is not now required of him by existing law. The amendment is therefore subject to the point of order.

Mr. HOLMAN. And it is not germane.

Mr. FARQUHAR. I will state to the chairman of the Committee on Military Affairs that this appropriation did not come into the regular estimates which are met by the appropriation in the preceding paragraph for this reason, that originally General Sheridan had a six-company post planned at Fort Porter; and when a consultation was had with the Quartermaster-General and others it was found the expense was too great, and that possibly there was no particular need of a six-company post there. At the request of myself and other citizens of Buffalo a resurvey and new estimates were made to make this a two-company post. That survey and estimate came in too late to reach the Book of Estimates this year. Therefore this could not be provided for by the committee. That is the reason of the delay in the matter. If there is any mere technicality as to whether the amendment comes within the rule or not, I hope the chairman of the Committee on Military Affairs will waive the matter. This has been reported for four years. General Sheridan two years ago made an elaborate report on this matter. The amendment meets a public necessity. The condition of Fort Porter at Buffalo to-day is certainly one of the most disgraceful in the United States of America in respect to the barracks and public buildings.

Mr. BRAGG. I must insist on the point of order.

Mr. FARQUHAR. I think the chairman of the Committee on Military Affairs and the chairman of the Committee on Appropriations will allow me a few moments more to complete my statement.

Mr. RANDALL. I would like to have the point of order decided before the merits are entered upon.

The CHAIRMAN. The point of order is sustained.

Mr. FARQUHAR. Do I understand the Chair rules out the amendment?

The CHAIRMAN. This is one of those things which if they could be done under any existing law would require no legislation. As this requires a change of existing law, the Chair must sustain the point of order.

Mr. WHEELER addressed the committee. [See Appendix.]

Mr. RANDALL. I must insist upon the point of order. We have no estimate in relation to this matter. Then, too, there is no law authorizing us to go upon the territory of even a friendly nation for the purpose of establishing these stations, and the matter would involve international procedure which ought to be had in some other way before we put a provision of this kind into an appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHEELER. I move to strike out the last word.

Mr. RANDALL. I insist on the point of order.

Mr. WHEELER. Then, Mr. Chairman, I offer another amendment, which I send to the desk.

The Clerk read as follows:

Insert after "dollars," in line 1344, the following: "and $4,000 for signal stations in the West India Islands."

Mr. RANDALL. That is subject to the same point of order.

Mr. WHEELER. The point of order which the gentleman makes does not apply to this amendment. The law already provides for the Signal Corps. It does not say where the signal officers shall put their stations, and this simply makes an appropriation of $4,000 and designates the West Indies as the place where certain stations may be located. The gentleman makes the point also that we have no right to go upon the territory of a foreign country and put up signal stations. Suppose a Spaniard should come here, rent a building, and go upon the roof and put up a flag, would anybody stop him? And if we go to the West Indies and rent a building and put up a signal flag and establish a telegraph office, will anybody stop us? Never.

Does any gentleman suppose that any of the governments which control the West India Islands would interpose any objection to our establishing upon their territory these stations designed to diffuse information for the protection of the commerce of all the world?

COURTESY OF NATIONS.

No nation has ever objected to the presence of military attachés to legations; all countries permit military visitors to their forts and fortifications, and invite the criticisms of military men upon their army drill, maneuvers, and administration, and no civilized Government objects to the presence of military parties prosecuting scientific investigations—to which latter class the officers in charge of the stations would distinctively belong.

But if there were objection to the presence of any officers or men of our military force, the difficulty might still be obviated, for the stations could be placed in charge of civilians.

During the investigation of the Signal Service Bureau by one of the committees to which I have the honor to belong, I became very much impressed with the value and importance of the service, not only to our shipping, but also to our farming interests. And in the further prosecution of my investigations I was convinced of the necessity of having such stations in the West India Islands, as it is to the east of these islands that the cyclones originate which are most destructive to our shipping.

ORIGIN OF CYCLONES.

Within the tropics there is a belt of calms which extends from the West India Islands eastward, nearly to the African coast. The width of this belt varies from 60 to 200 miles, and its confines vary according to the season, in midwinter being only about 100 miles north of the equator, and in midsummer 650 to 700 miles farther north. This brings the belt of calms to that part of the Atlantic Ocean which lies between the group of islands, Trinidad, Martinique, and Gaudaloupe, on the west, and the African coast on the east. This belt of calms is due to the heat of the sun near the equator, which expands the atmosphere near the surface of the earth and causes it to rise. As it rises this heated atmosphere cools, the moisture it contains is condensed, and forms clouds from which formation there results a rain belt somewhat wider than the belt of calms.

The trade winds blowing in at each side of this calm belt supply air and moisture sufficient to cause this process to be constantly repeated. The calm belt is always north of the equator because the general circulation of the atmosphere is stronger in the southern than in the northern hemisphere; there being a smaller land service in the former, and consequently less resistance from friction than in the latter.

The ascension of the atmosphere in the calm belt and the consequent condensation of its moisture into clouds and rain, continued as it is with ceaseless activity, present nearly all the necessary conditions for the formation of a cyclone or hurricane. All that remains is for something to give an initial gyratory movement to any portion of the warm moist ascending column of atmosphere to start a hurricane that may develop into an atmospheric disturbance so violent as to endanger life and property in its path; while on the other hand the causes which combine to produce this gyratory movement may be overcome by, or swallowed up in, the general equilibrium of the atmosphere and no storm result.

These hurricanes have for years been observed and studied and a very large number have been traced to a starting point in this belt of calms, and meteorologists all agree that these storms that sweep in a parabolic course over the West Indies, Southern United States, or along its Atlantic coast, have their origin in this belt of calms. They are, when forming, seldom less than 100 miles in diameter and rapidly increase to three and four hundred miles and rarely exceed 500 miles in diameter while moving westward, and, in fact, until they reach the coast of the United States; but in crossing the United States, or following the Gulf Stream, they often exceed 500 miles, and many times reach a width of 1,000 miles. From a comparison of records of these storms, extending back at least two centuries, it has been found that by far the greater number of them occurred during the summer and autumn, 75 per cent. of them occurring in August, September, and October.

COURSE OF THE CYCLONES.

These hurricanes commence moving westward, or rather northwestward, sometimes over the Carribean Sea and Gulf of Mexico, but sometimes they are developed sufficiently far north to sweep northwesterly along the northern edge of the Bahama Islands and the eastern coast of the United States. Their movement at first is not rapid, seldom exceeding 12 to 17 miles an hour.

Many of the cyclones are generated and developed at some point east of the Island of Trinidad, and as the distance from Trinidad to New Orleans is 2,200 miles it will be readily seen that although the velocity may be somewhat increased the cyclone must be four or five days in reaching New Orleans. If the cyclone should move northwesterly at least three days would elapse before it could reach the eastern coast of the United States.

It is therefore apparent to any one that with these signal stations in the West Indies we should in all cases receive warning of the approach of these cyclones from three to five days before they burst upon us.

The cyclones which move over the Caribbean Sea and the Gulf of Mexico, after striking our Southern coast, are frequently deflected to the north, and finally to the east and northeast, and traverse the States of Mississippi, Alabama, Georgia, the Carolinas, &c., leaving devastation, death, and despair in their path ere they finally pass beyond our boundaries.

BENEFITS OF THE STATIONS.

These stations could give the people of these States fully five days' notice of the approach of these destructive visitors.

While these cyclones are passing over the country their gyratory motion throws off smaller cyclones which acquire great velocity and are very destructive to both property and life. If these warnings could be given our people, much could be done to avert or mitigate the danger

and loss occasioned by these storms. I was so impressed with the importance of securing this service that I introduced a separate bill designed to accomplish this object. The report which I made on the bill is in these words:

Meteorological reports from stations located in the West Indies are of especial value to the Signal Service, as they frequently contain information upon which warnings are issued to the ports of the United States informing the shipping interests of the approach of dangerous storms. The study of West India hurricanes during the past century has shown that these islands are located in the path of the violent storms which, after leaving the West Indies, pass along the coast of the United States, attended by the most dangerous and destructive gales to which our shipping is exposed. Weather reports from these islands are therefore necessary for the protection of our shipping during the hurricane season, and they are as necessary for the successful management of the Signal Service as an outpost or picket-guard is to the active operations of an army in the field.

In some instances these cyclones have penetrated inland far to the West, circling over a considerable extent of territory, carrying devastation and destruction in their path, and it is hoped that with warning of their approach much can be done to save life and property.

In many cases these storms have passed from the West Indies northward along the Gulf Stream, beyond the limits of the stations in the United States, but sufficiently near the coast to endanger all shipping leaving ports on the Atlantic coast. In such cases reports from the West Indies would furnish the Signal Office with the necessary information, which would be communicated to all ports of the United States, and vessels would thus be detained in port, thereby avoiding the dangerous storms. These storms are also likely to occur south of the Island of Cuba, then passing northward over the Gulf of Mexico, endangering the shipping in the Gulf, after which they turn to the north or northeast and move over the Gulf States, or move along the Atlantic coast. In such cases reports from the Island of Cuba would enable this service to give from one to two days warning before the occurrence of the storm on the Atlantic coast.

As to the value of these storm-warnings to the shipping interests of the country, the following letter from the secretary of the Maritime Exchange, New York city, is cited:

[The Maritime Association of the port of New York, Produce Exchange Building, Beaver street.]

NEW YORK, *November* 10, 1885.

DEAR SIR: Highly appreciating as we do the invaluable service you are rendering the commerce of the country by advanced reports of approaching storms, we may venture, now that the stormy season is upon us, to suggest that these reports be telegraphed to us at the earliest possible moment.

Thanking you for the promptitude with which they have hitherto been sent us, we merely suggest that any improvement in that direction, if any be possible, will further add to their usefulness.

Instantly upon their receipt, if in time, we conspicuously bulletin the message at the Maritime Exchange, and notify the steamers about leaving port. As an illustration of their usefulness I would say that Captain Garvin, of the steamer Orinoco, which cleared for Bermuda on the 29th ultimo, on receiving from us the advanced reports you kindly sent us on that day, came to anchor in the harbor, together with a number of other outward-bound vessels. He is enthusiastic in praise of the service rendered, and to-day informed me that the report referred to probably saved a large amount, especially in the cost of cattle being shipped abroad, which would probably have suffered heavy loss had the vessels encountered the storm of which you gave warning.

Very respectfully, yours,

F. W. HOUGHTON, *Superintendent.*

General W. B. HAZEN, U. S. A.,
Chief Signal Officer, Washington, D. C.

From the above letter it will be seen that vessels bound south from New York or any Northern port may be enabled to avoid the destructive storms, through warnings received from the Signal Service, based upon West India reports.

An examination of the chart exhibiting the course pursued by these West India hurricanes will show that while these storms do not occur at regular intervals, they are likely to occur every year. Two such storms swept over the Gulf and Atlantic coasts during the fall of 1882, one in September and one in October. Warnings of the approach of these storms were fortunately received from the West Indies, so that this service was enabled to give at least two days' notice to every port on the Atlantic coast; the result was an immense saving of valuable property. Immediately after the occurrence of these severe storms reports were received showing the names of vessels and their value, and the value of their cargoes, which remained in port in obedience to the storm warnings issued by this office, and these reports show that over $12,000,000 worth of property remained in harbor which but for the warnings would have been exposed to the dangers of the storms.

The small sum asked for, if granted, might not only result in the saving of life, but also supply reports which would enable the Signal Service to save from destruction a fleet of vessels the value of which would support the Signal Service for ten years.

These storms do not occur every year, but they are likely to occur in any hurricane season, and the service and the country should be prepared for them.

Your committee therefore report back H. R. bill No. 7656, and recommend that it do pass with the following amendments:

After the word "War," in line 3, insert the words "by and with the consent of the proper authorities;" and after the word "establish," in line 4, insert the words "and maintain;" and after the word "their," in line 7, insert the words "character and."

The committee therefore recommend the passage of the bill as amended, which will read as follows:

A bill to authorize and direct the Secretary of War to establish signal stations on the West India Islands.

Whereas investigations have developed the fact that nearly all the destructive cyclones which have occurred during the past hundred years, which have passed along the eastern coast of the United States, have originated in the vicinity of the West India Islands, or at points east and South of said islands; and

Whereas early tidings of the same can always be received from these islands by cablegrams in time to give full warning of the approach of the same before they reach the coast of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War, by and with the consent of the proper authorities, is hereby authorized and directed to establish not to exceed six signal stations at such points upon the West India Islands as he may think advisable, for the purpose of observing such cyclones and storms of like character, and telegraphing warning of their character and approach; and the sum of $4,000 is hereby appropriated for said purpose from any money in the Treasury not otherwise appropriated.

The report shows fully the necessity for these stations. As we can not possibly pass the separate bill this session I hope this amendment will be adopted by the committee, as it will attain the desired object without delay.

Mr. RANDALL. I am not discussing the merits of the proposition; I am discussing the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. WHEELER. I move to strike out the last word.

Mr. RANDALL. The point of order is sustained. There is no last word to strike out.

Mr. WHEELER. Then I must appeal from the decision of the Chair. I regard this as one of the most important matters that has been introduced in this Congress.

Mr. RANDALL. It is not a question of importance; it is a question of order.

Mr. WHEELER. I do not think the point of order is well taken.

Mr. RANDALL. Well, the gentleman appeals. Let us have the matter decided.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee? [After a pause.] The ayes seem to have it.

Mr. WHEELER. I ask for a division. [Before the division was completed.] I do not ask for a further count.

The Clerk read as follows:

For continuing the connections of signal stations with live-saving stations or light-houses, including services of operators, repairmen, materials, and general service, being for the maintenance and repair of the military-telegraph line along the Atlantic coast of the United States, and including $18,350 for a new submarine cable at Block Island Bay, Rhode Island, $26,350: *Provided*, That such connections, in the opinion of the Superintendent of the Life-Saving Service and the Light-House Board, shall be deemed necessary.

Mr. ROGERS. Mr. Chairman, I desire to raise the point of order against the provision in lines 1349, 1350, 1351, and 1352, providing for a new cable at Block Island Bay in Rhode Island.

It is new legislation.

Mr. SPOONER. Mr. Chairman, this appropriation is in accordance with existing law and is for public works and objects now in progress. The cable referred to is a part of the military telegraph line provided for by existing law. The law will be found in the Revised Statutes, sections 221, 222, and 223. This appropriation is simply to provide for the carrying out of the provisions of that law. And certainly, in the light of this existing legislation, it can not be held subject to the point of order.

Section 221 of the Revised Statutes provides that—

The Secretary of War shall provide for taking meteorological observations at the military stations in the interior of the continent, and at other points in the States and Territories, and for giving notice on the northern lakes and seacoast, by magnetic telegraph and marine signals, of the approach and force of storms.

Section 222 provides that—

The Secretary of War shall provide, in the system of observations and reports in charge of the Chief Signal Officer of the Army, for such stations, reports, and signals as may be found necessary for the benefit of agriculture and commercial interests.

Section 223, which is more particularly in point with reference to his question of order, provides:

The Secretary of War is authorized to establish signal stations at light-houses and at such of the life-saving stations on the lake or seacoast as may be suitably located for that purpose, and to connect the same with such points as may be necessary for the proper discharge of the Signal Service by means of a suitable telegraph line in cases where no lines are in operation, to be constructed, maintained, and worked under the direction of the Chief Signal Officer of the Army, or the Secretary of War and the Secretary of the Treasury; and the use of the life-saving stations as signal stations shall be subject to such regulations as may be agreed upon by said officials.

This is a part of the general signal service provided for by the general law to which I have referred. This particular cable is a part of the military telegraph line for the connection of which provision is made in section 223 of the Revised Statutes which I have just read. Not only that, but the Block Island submarine cable was itself provided for in the Forty-sixth Congress by a law which will be found in chapter 5, volume 21 of the Statutes at Large.

The provision upon which the gentleman raises this point of order is no more new legislation than any other part of the paragraph. It applies to existing projects and existing public works as much as any other part of the paragraph in which it is included. If any portion of that telegraph line is out of order, requiring repair or replacement with new telegraph wire, no one can doubt that a provision for that purpose is in order under the general language of this section providing for the purchase of requisite "materials" for that purpose and for that service.

The submarine cable here provided for is that part of the military telegraph line running under the waters of Block Island Bay, connected at its shore end on the mainland with the shore telegraph provided by the Government for the same purpose running to Narragansett Pier, a telegraph station some miles away, which connects with the general telegraph line along the Atlantic coast. It connects at the Block Island end with the shore line of the military telegraph system running 4, 5, or 6 miles on Block Island until it reaches the signal station with which its connection is made.

I will not at this stage of the discussion, a point of order being pending, refer to the great commercial importance of this cable connection with the signal station on Block Island. I think the importance of

this provision is well understood by the chairman and other members of the Committee on Appropriations with whom I have conferred concerning it, the committee being satisfied, I believe, on this subject, have embraced this particular matter by designation in this paragraph, simply specifying for this purpose a particular part of the military telegraph line, that it may receive the attention which its importance and necessity demand.

I do not see that any point of order can properly be urged as against this proposition in the bill. If it were subject to such point of order I should earnestly urge any gentleman on this floor, looking to the interest of American commerce passing in that neighborhood, looking to the general good which it is intended to subserve, to withdraw the point. But certainly, Mr. Chairman, this provision is not and can not be subject to any such point of order. It provides for a part of this telegraph line already established by law.

The CHAIRMAN. Will the gentleman read the authority to which he last referred in the twenty-first volume of the Statutes at Large?

Mr. SPOONER. The law to which I referred is entitled "An act to authorize the laying of a telegraph cable from the mainland in Rhode Island to Block Island," and is chapter 5, volume 21 of the Statutes at Large. The act provides—

That the sum of $15,000 be, and is hereby, appropriated for the purpose of laying a telegraph cable, under the direction of the Chief Signal Officer of the Army, from the mainland of Rhode Island to Block Island, R. I.

This was in continuance of the general law, in the extension of the signal service by telegraphic communication.

Mr. ROGERS. Mr. Chairman, the urgency deficiency bill of the present session contained an appropriation of $5,000 for the repair of this cable, which, of course, was not liable to the point of order. It now turns out that the cable can not be repaired; so there comes to us on this bill an appropriation for a "new submarine cable."

It may be said by my friend on the other side that the whole of this section is obnoxious to the rule. I do not know that to be so; but I have made the point against that part of the paragraph that I do know to be in violation of the rule. There was originally laid a submarine cable at the point designated, which has become unserviceable; and now it is proposed to make in this bill an appropriation for laying a new submarine cable. The provision which the gentleman has read from the Statutes at Large has no sort of application to laying a submarine cable specified in this bill. The provision here is for a new cable. It is new legislation, falling clearly and distinctly within the rulings already made by the Chair with reference to light-houses upon the coast and also in regard to the construction of reservoirs at Hot Springs, Ark.

Mr. SPOONER rose.

Mr. RANDALL. I hope the gentleman will let us have a decision on the point of order.

Mr. SPOONER. I desire to say a word concerning a matter which the gentleman from Arkansas [Mr. ROGERS] has brought into this discussion. He refers to the appropriation made in the "urgency deficiency bill." An estimate was made by the Secretary of War for this cable, being the amount included in the provision now under consideration; and the recommendation was made that provision for the new cable should be included in the "urgency deficiency bill."

I brought that recommendation to the attention of the Appropriations Committee; and believing at that time, as they did, that the repair of the cable would be possible and therefore economical, they recommended, instead of providing at that time for a new cable, that $5,000 should be provided in the urgent deficiency bill for the repair of that cable. That provision became law in the urgent deficiency bill, passed at this session, but as shown by Executive Document 197 of the present session it appears that when an examination was made of this then broken cable it was found in such condition that repair was absolutely impossible. It was examined by experts under the direction of the War Department, and the information was brought by this executive communication to the House that the expenditure of $5,000 would be of no service; that no repair of that cable could be made; and that a new cable was required to complete the connection in the telegraph line, which had been broken across Block Island Bay.

Mr. RANDALL. I must insist on this debate being brought to a close.

Mr. SPOONER. I beg the gentleman's pardon; I will conclude in a moment. Therefore, a recommendation was made by the Secretary of War for the appropriation under consideration; and the Committee on Appropriations have reported this clause, to provide the required appropriation.

The military telegraph line, of which this cable is a part, exists by law; the clause in question is to provide the appropriation for the material and labor required to replace this broken connection across Block Island Bay.

Mr. RANDALL. Let us have a decision.

The CHAIRMAN. The paragraph to which the point of order is raised is as follows:

For continuing the connections of signal stations with life-saving stations or light-houses, including services of operators, repairmen, materials, and general service, being for the maintenance and repair of the military-telegraph line along the Atlantic coast of the United States, and including $18,350 for a new submarine cable at Block Island Bay, Rhode Island, $26,350: *Provided*, That such connections, in the opinion of the Superintendent of the Life-Saving Service and the Light-House Board, shall be deemed necessary.

If the existing law authorizes the making of a new line, then the words of this amendment directing the making of a new line would not be necessary. If it can not be made without the insertion of these words, then it is new legislation and it is not in order in this bill. If the law authorizes the work and the appropriation is not sufficient to make the new cable, to increase the amount to what is sufficient for that purpose would not require any direction for the application of it. In other words, if this work were authorized by law it would be competent to increase the amount of the appropriation and not to provide a mode for spending it without authority of law.

Mr. REED, of Maine. This expenditure is authorized by law.

The CHAIRMAN. If it is, then the words directing the manner of its expenditure are not necessary to the statute. But if it is necessary to put these words in, then this is new legislation and not in order.

Mr. REED, of Maine. Whether it be necessary or not is not the question under the point of order. That is addressed to the discretion of the House as to whether——

The CHAIRMAN. I did not mean whether the appropriation is necessary; I meant if it were necessary to insert those words to give power to do this thing, then it is new legislation. If the power does not exist, then the words showing how the expenditure is to be made is new legislation.

Mr. REED, of Maine. Does the Chair sustain the point of order?

The CHAIRMAN. Yes; the Chair sustains the point of order.

Mr. REED, of Maine. Will the Chair permit me?

The CHAIRMAN. The Chair has decided the question.

Mr. REED, of Maine. This is an important matter beyond this particular question and I think the attention of the Chair being called to it he will see we do not assume that position. The law says that the Secretary of War is authorized to continue the same with such rights as may be necessary to the proper discharge of the signal service by lines of suitable telegraph in cases where no line is in operation. That is this case. There is express provision in the bill that $26,000 shall be used for that purpose. That is strictly in accordance with the law.

The CHAIRMAN. If the additional amount provided for in this paragraph were simply added to the other amount without giving the direction of the new mode of expenditure it would not be out of order.

Mr. REED, of Maine. It must be perfectly competent for Congress in making a general appropriation in accordance with the law to specify how a portion of the money shall be spent, and that is all this does.

The CHAIRMAN. The Chair has thought that it is a good test as to whether or not a provision was new legislation to inquire whether or not the appropriation or the expenditure could be made without the words of direction——

Mr. RANDALL. I insist that the point of order has been decided.

The CHAIRMAN. The Chair desired simply to satisfy the mind of the gentleman from Maine.

Mr. SPOONER. I feel that I must appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Rhode Island appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division there were—ayes 69, noes 77.

Mr. HOLMAN. Tellers.

Mr. RANDALL. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. SPOONER and Mr. RANDALL were appointed tellers.

The committee again divided; and the tellers reported—ayes 98, noes 76.

So the decision of the Chair was sustained.

The CHAIRMAN. The committee will rise informally to receive a report from the committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

The committee informally rose, and the Speaker resumed the chair.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (H. R. 5887) making appropriation for the service of the Post-Office Department of the Government for the fiscal year ending June 30, 1887, and for other purposes.

TEMPORARY APPROPRIATIONS.

Mr. RANDALL. Since we are now in the House, I desire to submit a joint resolution on the part of the Committee on Appropriations, extending for ten days the present appropriations, and ask that it be read.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection to its present consideration.

The Clerk read as follows:

Joint resolution to provide temporarily for the expenditures of the Government.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all appropriations for the necessary operations

of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1886, be, and they are hereby, continued and made available for a period of ten days from and after that date, unless the regular appropriations therefor provided for in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1887; and in case the appropriations, or any of them, hereby continued are, or is, insufficient to carry on the said necessary operations, a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same.

Provided, That no greater amount shall be expended therefor than would be in the same proportion to the appropriations for the fiscal year 1886 as ten days' time bears to the whole of said fiscal year.

And provided further, That authority is also granted for continuing during the same period the necessary work required for public printing and binding, and for all other miscellaneous items embodied in the sundry civil and naval appropriation acts in advance of appropriations to be hereafter made for said objects.

And provided further, That all sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1887.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. RANDALL. I demand the previous question upon the adoption of the resolution.

The previous question was ordered.

The joint resolution (H. Res. 196) was read a first and second time, ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I ask that a letter from the acting Secretary of the Treasury be printed in this connection.

The letter is as follows:

TREASURY DEPARTMENT, *June* 28, 1886.

SIR: Should the regular appropriation acts providing for the necessary operations of the Government for the service of the next fiscal year fail of enactment before the close of the present fiscal year, as from present indications would seem to be probable, I would respectfully suggest that provision be made for such operations for a period of ten days after the 30th instant, or until such time as the regular appropriation bills now pending in Congress shall be enacted. I inclose herewith draught of a joint resolution to provide for such expenditures.

Respectfully, yours,

C. S. FAIRCHILD,
Acting Secretary.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. REAGAN in the chair.

Mr. ROGERS. I offer the following amendment, to conform the last section to the matter which has been ruled out.

The Clerk read as follows:

Strike out "twenty-six thousand three hundred and fifty," in line 1352, and insert "eight thousand" in lieu thereof.

Mr. RANDALL. There is no objection to that; it follows of necessity.

Mr. SPOONER. Not by any means.

Mr. REED, of Maine. There is a decided objection to it. Notwithstanding the decision of the Chair, which has received the approval of the House, as the matter stands now the money is appropriated; and if the proper authorities deem that such a telegraph-cable ought to be laid it can be laid; and the same reasons which actuated the committee in recommending the provision which has been stricken out ought also to cause them to sustain the present sum as now appropriated. Now, if they have any reason to give why their action was originally wrong in making the recommendation they have made, I hope they will present it. If they have not, then I hope the House will reject the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas [Mr. ROGERS].

Mr. REED, of Maine. I want to see if in this matter the Committee on Appropriations will go back on itself.

The question being taken, there were—ayes 79, noes 15.

Mr. SPOONER. No quorum.

Mr. RANDALL. Is it possible the other side of the House mean to break a quorum?

Mr. REED, of Maine. Is it possible the other side of the House mean to delude us by making reports of appropriations which they will not stand by?

Mr. RANDALL. The action of the House makes it necessary that change should be made.

Mr. REED, of Maine. There has been no action of the House.

Mr. RANDALL. There has been action by the committee.

Mr. SPOONER. I do not see why this should be treated differently from other matters. If such treatment is given it I shall endeavor to maintain such rights as I possess.

The CHAIRMAN. A quorum not having voted, the Chair will appoint as tellers the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Rhode Island [Mr. SPOONER].

The committee again divided; and the tellers reported—ayes 85, noes 25.

The CHAIRMAN. A quorum not having voted, the Clerk, under the rule, will call the roll.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams, J. J.	Dawson,	Jackson,	Romeis,
Aiken,	Dougherty,	Johnston, J. T.	Sadler,
Allen, C. H.	Dunn,	Kelley,	Scott,
Anderson, C. M.	Eden,	King,	Scranton,
Arnot,	Evans,	Landes,	Seney,
Barbour,	Findlay,	Le Fevre,	Shaw,
Bound,	Foran,	Lore,	Smalls,
Boyle,	Gibson, C. H.	Louttit,	Spriggs,
Breckinridge, C. R.	Gibson, Eustace	Lovering,	Springer,
Brown, W. W.	Glass,	Lyman,	Stewart, J. W.
Brumm,	Goff,	Matson,	St. Martin,
Buchanan,	Green, W. J.	Muller,	Storm,
Bunnell,	Guenther,	Murphy,	Swope,
Burleigh,	Hale,	Negley,	Taylor, I. H.
Campbell, T. J.	Hall,	Norwood,	Viele,
Caswell,	Hanback,	O'Ferrall,	Wakefield,
Clardy,	Harris,	O'Neill, Charles	Wallace,
Clements,	Heard,	O'Neill, J. J.	Ward, J. H.
Cobb,	Hemphill,	Osborne,	Ward, T. B.
Cole,	Henderson, D. B.	Parker,	Warner, A. J.
Collins,	Henderson, T. J.	Payson,	White, A. C.
Comstock,	Henley,	Phelps,	Whiting,
Croxton,	Hiestand,	Pirce,	Willis,
Curtin,	Hitt,	Plumb,	Woodburn.
Davenport,	Houk,	Riggs,	
Davis,	Irion,	Robertson,	

The committee rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had found itself without a quorum, and he had directed the roll to be called and reported the names of the absentees to the House.

The SPEAKER. The names of the absentees will be entered on the Journal. It appears that one hundred and five members are absent. There is a quorum present, and under the rule the committee will resume its sitting.

Mr. DUNHAM addressed the Chair.

The SPEAKER. The Chair can not entertain anything at this time. The rule provides that, a quorum being present, the committee must immediately without a motion resume its sitting.

The Committee of the Whole House on the state of the Union resumed its sitting.

The CHAIRMAN. The gentleman from Rhode Island [Mr. SPOONER] and the gentleman from Pennsylvania [Mr. RANDALL] will resume their position as tellers. The vote will be taken over again.

The committee again divided; and the tellers reported—ayes 99, noes 57.

Mr. SPOONER. I withdraw the point as to a quorum.

So (further count not being called for) the amendment was adopted.

The Clerk read the following paragraph:

For rent, hire of civilian employés, furniture, light, stationery, ice, repairs, rent of telephones, text-books, lumber, and other expenses of offices maintained as stations of observation in cities or places outside of Washington, District of Columbia, $35,000.

Mr. WHEELER. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1363 strike out "$35,000" and insert "$39,000."

Mr. WHEELER. By adopting this amendment I think we can succeed in establishing the signal stations to which I referred a short time ago. This paragraph refers to stations situated outside the city of Washington. If this appropriation is made I think we can get the authority to establish these stations in the West Indies. I send to the desk, to be read as part of my remarks, a brief article from the New York Tribune.

Mr. RANDALL. I hope the amendment will be voted down.

The Clerk read as follows:

If the Signal Service is going to resume weather observations in the West Indies and along the Mexican coast this year it is time it began. Two recent storms which have visited the United States from the south indicate that the season of tropical disturbances which usually opens in August is already at hand. The West India hurricane and Gulf cyclone when fully developed are the worst storms that visit this country; and the opportunity for discovering their approach has not been fully utilized thus far.

Mr. WHEELER. I would not press this matter on the House were it not one of such importance that I feel it my duty to do so. As I stated in my former remarks, there is nothing so important involving the same expense as the establishment of these signal stations. By this amendment providing this amount of money I believe the object can be attained.

As I stated before, these storms occur in August and September, and unless we establish those signal stations now the shipping of the fall

trade will be subjected to the dangers which these signal stations will avert. There can be no pretense that a point of order could prevail against this amendment. The gentleman who has charge of the bill says, however, he hopes it will be voted down. I appeal to the House to sustain the amendment. If they do not do it, and cyclones come, as they well may, the disaster and destruction connected with their advent will rest upon us.

Mr. RANDALL. There is no necessity for this increase. The object the gentleman has in view can be provided for under existing laws.

The amendment was not agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1363 insert as a new paragraph the following:

"For repairs of signal station at Mount Washington, in the State of New Hampshire, $5,000."

Mr. GALLINGER. I desire to have read in my time the letter which I send to the desk.

The Clerk read as follows:

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, June 9, 1886.

MY DEAR SIR: I am in receipt of your favor dated the 7th inst., notifying me of your failure to get the item for a new signal station on Mount Washington inserted in the sundry civil bill, and requesting further information on the subject.

In reply I beg to say that, both for the sake of humanity, as regards the health and safety of the observers, and for the interests of practical meteorology, it is very much to be desired that an appropriation of $10,000 be obtained for a new observatory on Mount Washington. The present building is unsafe and unsuitable for its purposes, and can not be kept as warm during winter as is required for mere health, without considerations of comfort. It can hardly be improved to the desired extent by the making of repairs.

I would therefore request that you do everything possible and proper to obtain the full amount for a new building through an amendment to the sundry civil bill; and should this be ruled out on a point of order, that you then offer another amendment appropriating $5,000 for such repairs to and alterations in the old building as can be made with a view to comparative safety and fitness.

I am, very respectfully, your obedient servant.

W. B. HAZEN,
Chief Signal Officer, Brig. and Bvt. Maj. Gen., U. S. A.

Hon. J. H. GALLINGER,
House of Representatives, Washington, D. C.

Mr. GALLINGER. In connection with this letter I desire to say that some time ago I received a letter from General Hazen, chief officer of the Signal Service, saying it was very desirable an appropriation of $10,000 should be given for a new signal station at Mount Washington. I failed to get that inserted in the bill. His answer to a letter from myself so stating has just been read. He insists we should have a new signal station on Mount Washington. But knowing very well an amendment of that kind would be ruled out of order, I have submitted an amendment asking $5,000 to repair the building which is now on that mountain.

Now, Mr. Chairman, I desire only to say that the top of Mount Washington is more than 6,000 feet above the level of the sea; it is in the region of perpetual snow; at times the wind blows there at the rate of more than a hundred miles an hour, and these observers, according to my own personal knowledge and according to the statement made by the Chief Signal Officer, are unable to keep themselves comfortable during the winter months. It seems to me, sir, that there ought not to be a dissenting voice in regard to this amendment, and that the chairman of the Committee on Appropriations, as well as every other gentleman present, ought to give it his hearty support. This is one of the most important signal stations in the whole country, and in view of the fact that General Hazen says that the interests of humanity, as well as the interests of science, demand that this station shall be, if not rebuilt, at least repaired, I submit that that alone ought to be sufficient to induce every member of the House to vote for this amendment. I trust that the chairman of the Committee on Appropriations, who is interested in humanity and science alike, will not interpose an objection to this, but will allow it to be adopted by unanimous consent.

Mr. RANDALL. I will not do any such thing. [Laughter.]

Mr. GALLINGER. I did not expect you would.

Mr. RANDALL. Then why did you say you did?

Mr. REED, of Maine. That was merely a polite compliment which he did not mean. [Laughter.]

Mr. RANDALL. Mr. Chairman, I rise merely to direct the attention of the committee to the extraordinary language contained in the letter of General Hazen counseling a member of this House as to the manner in which he shall evade the rules which the House has established to guide its legislation. We have given the Signal Service an adequate appropriation. I have never heard of any complaint on that subject from the chief of the service until this extraordinary letter of his was read here; and if that officer would attend properly to the Signal Corps, instead of sending letters to members of Congress, he would do a great deal better for the Government and get more credit for his administration.

Mr. LONG. Mr. Chairman, whatever may be said of the good taste of the chief of the Signal Service in writing this letter, the House should not forget that this matter has some merits of its own entirely independent of the character of the letters which the signal officer writes. As has been stated by the gentleman from New Hampshire [Mr. GALLINGER], the station on Mount Washington is one of the most exposed in the whole country; it is 6,000 feet above the sea; most of us have been there and are familiar with the locality. I have no question at all that these repairs are necessary, not only as a matter of science, but as a matter of humanity, and I do not believe the House will refuse to grant the money required for the repairs that are necessary to make that station what it should be for the proper accommodation of the officers and men employed there.

Mr. REED, of Maine. And, Mr. Chairman, I trust also that we shall not be deterred from doing a just and proper thing by an attack upon the Chief of the Signal Service for the crime which is contained in the words following, to wit:

I would therefore request that you do everything possible and proper to obtain the full amount for a new building through an amendment to the sundry civil bill, and, should that be ruled out on a point of order, that you then offer another amendment appropriating $5,000 for such repairs to and alterations of the old building as can be made with a view to comparative safety and convenience.

For that expression the gentleman from Pennsylvania [Mr. RANDALL] arraigns General Hazen.

Mr. RANDALL. I do.

Mr. REED, of Maine. It is a very serious crime to suggest to a Representative in whose district a building is to be erected, or ought to be erected, the method of getting at it under our rules—for that is what the gentleman from Pennsylvania characterizes as teaching a member how to "evade" the rules.

Mr. GALLINGER. If the gentleman from Maine will allow me, I will state that the suggestion in this letter came in response to a letter from myself, saying to General Hazen that in my judgment an amendment providing for a new building would be ruled out on a point of order.

Mr. REED, of Maine. It seems to me that an attempt to disguise the real merits of this question by such an unfounded attack as that which has been made here ought not to be sustained by the House, but I presume it will be.

Mr. RANDALL. We shall see about that. I have no language to change in reference to General Hazen.

Mr. GROSVENOR. Mr. Chairman, I know nothing about the feeling of the gentleman from Pennsylvania toward General Hazen.

Mr. RANDALL. Sir?

Mr. GROSVENOR. I know nothing about the motive that may have actuated this attack upon General Hazen, but I am glad to see the probability arise that these gentlemen are to be reminded occasionally that they had better attend to the business of their own departments, and keep their letters away from members of Congress. I am glad that the distinguished gentleman from Pennsylvania [Mr. RANDALL] has now reached that conclusion. He has, however, reached it rather late in the session. The letters of General Black and the records of the Pension Department which were produced here did not seem to make the profound impression upon the gentleman that this letter of General Hazen's seems to have made—a letter drawn out by a personal request from a member of Congress. [Laughter.]

Mr. RANDALL. Well, I think General Black was roughly handled in the House on account of that.

Mr. GALLINGER. And General Hazen is roughly handled now. [Cries of "Vote!" "Vote!"]

The question was taken on the amendment; and the chairman declared that the noes seemed to have it.

Mr. GALLINGER. I ask for a division.

The House divided; and there were—ayes 74, noes 76.

Mr. GALLINGER. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint the gentleman from New Hampshire, Mr. GALLINGER, and the gentleman from Pennsylvania, Mr. RANDALL, to act as tellers.

The tellers took their places; but before the count was concluded,

Mr. GALLINGER said: Mr. Chairman, it is evident that gentlemen here do not want to repair this signal station, and I withdraw the point.

The CHAIRMAN. The question of a quorum being withdrawn, the noes have it, and the amendment is rejected.

The Clerk read as follows:

Pay:

For pay of one brigadier-general and sixteen second lieutenants, $29,500; for longevity pay to officers of the Signal Corps, to be paid with current monthly pay, $4,680; for pay of not exceeding one hundred and fifty sergeants, thirty corporals, and two hundred and ninety privates, including payment due on discharge, $180,000; for mileage to officers when traveling on duty under orders, $4,000; for commutation of quarters to commissioned officers at places where there are no public quarters, $5,500; in all, $223,680. And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed four commissioned officers, exclusive of the second lieutenants of the Signal Corps authorized by law; and the whole number of second lieutenants appointed and to be appointed from the sergeants of the Signal Corps under the provisions of the sundry civil appropriation act approved June 20, 1878, shall not exceed sixteen, and the whole number of enlisted men in the Signal Corps shall not exceed four hundred and seventy: *Provided*, That the appropriations herein made for the pay, commutations, and allowances of the commissioned officers and enlisted men of the Signal Corps shall be in full of all pay, commutations, and allowances to which said commissioned officers and enlisted men of the Signal Corps shall be entitled during the fiscal year ending June 30, 1887.

During the reading of the paragraph,

Mr. WHEELER said: I desire to raise a point of order.

Mr. RANDALL. On the part of the Committee on Appropriations I wish to submit the following amendment——

Mr. ADAMS, of Illinois. I desire to make a point of order.

The CHAIRMAN. The reading of the paragraph is not concluded.

Mr. ADAMS, of Illinois. I thought it was, as an amendment was sent up.

The Clerk concluded the reading of the paragraph.

Mr. COMPTON. I raise a point of order against the provision of this paragraph included between lines 1400 and 1406. This provision for the appointment of a limited number of second lieutenants is in conflict with the statute, which provides that two lieutenants may be appointed from the corps of sergeants.

Mr. RANDALL. To save time, I concede that this is in conflict with the statutes, and if the point of order be insisted upon——

Mr. EZRA B. TAYLOR. Mr. Chairman, the other day I was deprived of the right to make a point of order because I did not interrupt. At this time I wish to interrupt early enough and often enough to have my position recognized by the Chair. I have this point of order to make——

The CHAIRMAN. The Chair will recognize the gentleman from Ohio as soon as the gentleman from Pennsylvania is off the floor.

Mr. HEPBURN. I desire to be recognized for the purpose of making a point of order against all of the paragraph after the word "law," in line 1400.

Mr. RANDALL. There is no contest on the point of order.

Mr. RYAN. It is all subject to a point of order; there is no controversy about it.

Mr. RANDALL. I know it is subject to a point of order. Now I ask to amend——

Mr. EZRA B. TAYLOR. I make a point of order, and I do not want to be taken off the floor.

Mr. RANDALL. The point of order has been decided, as I understand.

Mr. EZRA B. TAYLOR. I have not heard any decision. My point of order is upon the clause commencing with the word "provided," in line 1407.

The CHAIRMAN. The gentleman from Maryland [Mr. COMPTON] has made that point.

Mr. COMPTON. I desire my point of order to cover the whole section.

Mr. EZRA B. TAYLOR. I understand that the point of order is conceded by the chairman of the Committee on Appropriations, but it has not been decided, as I understand, by the chairman.

Mr. RYAN. The clause has been ruled out. What more do you want?

Mr. EZRA B. TAYLOR. I did not hear any ruling. I want to know whether there has been a ruling.

Mr. BOUTELLE. I submit that no one has heard any such ruling from the Chair.

Mr. RYAN. I got the impression that the Chair had ruled on the point.

Mr. BOUTELLE. It is all very well to go on assuming that the Chair has taken certain action; but once in a while we would like to know what the ruling really is.

The CHAIRMAN. The gentleman from Ohio is on the floor.

Mr. EZRA B. TAYLOR. I had intended to make the same point of order which I understand has been made by the gentleman from Maryland [Mr. COMPTON]. I would like to be informed whether that has been passed upon.

The CHAIRMAN. It has not.

Mr. EZRA B. TAYLOR. Then in regard to this point, which I make specifically for myself, I will say in the first place that it is one which has recently been discussed fully in the Committee of the Whole and decided by the chairman. The provision here is—

That the appropriations herein made for the pay, commutations, and allowances of the commissioned officers and enlisted men of the Signal Corps shall be in full of all pay, commutations, and allowances to which said commissioned officers and enlisted men of the Signal Corps shall be entitled during the fiscal year ending June 30, 1887.

Now, if you will look at the law by which this pay and these commutations are allowed, you will ascertain that this provision of the pending paragraph differs from that law. This provision appropriates less than is fixed by law; and it is further provided that these officers and men shall take the amount here appropriated as full payment under the law. If that is not legislation, I am unable to conceive that there can be any such thing as legislation.

In regard to the other point in which I am interested, I will now say what I have to say. The law as it now exists authorizes the employment of five hundred men in this corps; the provision of this bill is for four hundred and seventy—a reduction of thirty. I will read the provision:

And the whole number of second lieutenants appointed and to be appointed from the sergeants of the Signal Corps under the provisions of the sundry civil appropriation act approved June 20, 1878, shall not exceed sixteen, and the whole number of enlisted men in the Signal Corps shall not exceed four hundred and seventy.

This bill then makes a limitation of the number of men allowed by existing law for this service. Is the answer made, as it seems to be made in every case, that this is only a limitation in regard to the manner of the expenditure of the public funds? Look for a single moment. There are now by law, not proposed as law, but by virtue of law and regulations under the law, five hundred men regularly employed. This bill and no other law limits that number to four hundred and seventy. It is a provision of law. Now, it is said in such case it is a limitation of the application of the money. Suppose the Appropriations Committee had said four hundred and fifty instead of four hundred and seventy; nay, suppose it had said one hundred instead of five hundred men, would there have been any change? There would have been no difference in policy. It is simply and solely an absolute change of existing law, and nothing else.

You might illustrate by supposing they dismissed them altogether, the whole four hundred, and left only the officers; it would be no more a change of law, although it would be a greater change so far as it affected individuals. It would be no more, certainly, a change of existing law if you provided no one should be employed out of the five hundred than if you provided only four hundred and seventy should be employed.

Mr. RANDALL. Mr. Chairman, from the very moment the point or order was made against these two paragraphs I conceded the point of order was well taken as to both of them, so that we need not have proceeded further in the debate.

But I wish to say in answer to the gentleman from Ohio that the reduction to four hundred and seventy comes from the abolition of Fort Myer, which has been provided for. I think the commission unanimously recommended that reduction of the Signal Service.

Mr. EZRA B. TAYLOR. I will say to the gentleman from Pennsylvania there will be a point of order raised against that provision. If that point of order when made shall be decided not to be good I will then have no objection to this provision.

Mr. RANDALL. What is the point?

Mr. EZRA B. TAYLOR. That it is new legislation.

Mr. RANDALL. I will discuss it when it comes up. I ask for a decision on the pending point of order.

The CHAIRMAN. The Chair sustains the point of order as to the following language of the paragraph, after the word "law," in line 1400:

And the whole number of second lieutenants appointed and to be appointed from the sergeants of the Signal Corps under the provisions of the sundry civil appropriation act approved June 20, 1878, shall not exceed sixteen, and the whole number of enlisted men in the Signal Corps shall not exceed four hundred and seventy: *Provided*, That the appropriations herein made for the pay, commutations, and allowances of the commissioned officers and enlisted men of the Signal Corps shall be in full of all pay, commutations, and allowances to which said commissioned officers and enlisted men of the Signal Corps shall be entitled during the fiscal year ending June 30, 1887.

Mr. RANDALL. The Chair sustains the point of order as to the language which has been read.

The CHAIRMAN. Yes; all after the word "law," in line 1400.

Mr. RANDALL. I move, after the word "law," in line 1400, to insert the following.

The Clerk read as follows:

In line 1400, after the word "law," add the words "who shall receive their pay and allowances from the appropriation for the support of the Army."

Mr. EZRA B. TAYLOR. I make the point of order to that amendment.

Mr. RANDALL. That is existing law.

Mr. EZRA B. TAYLOR. It is a change of this law, because they are provided for here.

Mr. RYAN. I wish to say to the gentleman from Pennsylvania that proviso would be wholly inconsistent with the preceding paragraph which makes provision for the payment of these officers and men. They are not provided for at all in the Army appropriation bill, but they are provided for in the paragraph to which you propose to attach this proviso.

Mr. CUTCHEON. Does not that relate to the detail from the regular Army?

Mr. RANDALL. I do not know anything of that fact. It comes from the Signal Service Bureau.

Mr. RYAN. If this relates to those who are detailed from the Army, then it is pertinent. They are paid, without such provision, out of the Army appropriation bill, and therefore this is wholly unnecessary.

Mr. RANDALL. It came from the Signal Service Bureau.

Mr. RYAN. The men are detailed from the Army and paid from the Army appropriation, and therefore it is not necessary.

Mr. RANDALL. I am only doing as requested by the bureau.

The CHAIRMAN. The point of order is sustained.

Mr. RANDALL. I move to insert after the word "law," in line 1400, the following:

The Clerk read as follows:

And no money herein appropriated shall be used for pay and allowances of second lieutenants appointed or to be appointed from the sergeants of the Signal Corps under the provisions of the act approved June 20, 1878, in excess of the

number of sixteen, or for the pay and allowances of not exceeding four hundred and seventy enlisted men of the Signal Corps.

Mr. COMPTON. I raise the point of order against that amendment.

Mr. RANDALL. It is not liable to the point of order.

Mr. HOLMAN. It merely applies a limitation to the appropriation made in this bill.

Mr. COMPTON. I beg pardon. I do not so understand it. Let the amendment be again read.

The amendment was again read.

Mr. COMPTON. I make the same point of order against this amendment.

The CHAIRMAN. The Chair overrules the point of order.

Mr. RANDALL'S amendment was agreed to.

The Clerk read as follows.

Subsistence:

For commutation of rations of not exceeding four hundred and seventy Signal Service enlisted men, at 85 cents per day each, $145,000.

Mr. WHEELER. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by inserting after the word "dollars," in line 1418, the words "for sale of subsistence stores to officers and enlisted men, $9,000."

Mr. RANDALL. I make the point of order against that.

Mr. WHEELER. That is not subject to the point of order, because the statutes of the United States now authorize sales of subsistence stores to all officers and enlisted men of the Army.

Mr. RANDALL. Where is the provision for it?

Mr. WHEELER. The law now provides that they can have the privilege of buying such stores at cost.

Section 1124 provides:

The officers of the Subsistence Department shall procure and keep for sale to officers and enlisted men at cost prices, for cash or on credit, such articles as may from time to time be designated by the Inspector-General of the Army. An account of all sales on credit shall be kept, and the amounts due for the same shall be reported monthly to the Paymaster-General.

This is a privilege which has always been extended to officers and enlisted men of the Army, and has heretofore been granted to officers and enlisted men of the Signal Corps. This omission, as I understand it, was an accidental one. It is important to place them upon the same footing as other officers.

It does not cost the Government one dollar, because it simply appropriates $9,000 to keep the stores on hand, all of which will be turned back into the Treasury when the stores are sold. Circumstances will often arise when it is important that officers and enlisted men of the Signal Corps should have this privilege, and I hope the House will vote for this amendment.

Mr. RANDALL. This will make a new provision of law. The point here is to this paragraph. We provide for the commutation allowed by law. In some cases heretofore it has been $1, and in some cases 75 cents; but under the recommendation of the Signal Service Bureau I think it has been made uniformly at 85 cents.

Mr. WHEELER. I move to strike out the last word.

The CHAIRMAN. The question upon the point of order has not yet been acted on. The Chair understands the gentleman from Pennsylvania to insist upon it?

Mr. RANDALL. I withdraw it.

Mr. COMPTON. I offer a substitute for the whole section.

The CHAIRMAN. The first vote will be on the amendment perfecting the text of the section before the other vote is taken.

Mr. BAYNE. I will ask to have the proposition of the gentleman from Alabama again reported.

The amendment was again read.

The question was taken; and on a division there were—ayes 7, noes 40.

So the amendment of Mr. WHEELER was rejected.

Mr. COMPTON. I now offer the amendment I send to the desk.

The Clerk read as follows:

Strike out lines 1415, 1416, 1417, and 1418 and insert:
"For commutation of rations for two hundred and twenty men at $1 per day, $80,300; and for two hundred and forty men at 85 cents a day, $74,460."

Mr. RYAN. I make the point of order against that amendment. The gentleman can just as well accomplish his purpose in another way. That is subject to the same point of order that the paragraph itself is subject to.

Mr. RANDALL. That would make law, when this is merely a matter of regulation now.

Mr. RYAN. Mr. Chairman, the regulations clothe the Secretary of War with authority to determine what the amount of commutation shall be. This undertakes to change that regulation and fix by law the rate itself. Now, I suppose what the gentleman from Maryland really wants is to leave the law as it is.

Mr. RANDALL. The regulations.

Mr. RYAN. Yes, to leave the regulations as they are, so as to leave the amount of allowances precisely as they are now. If that is what he wishes I suggest that he can make the point of order upon the language of the paragraph on the words "at 85 cents per day each." When that is stricken out then this commutation will remain precisely as it is now, and I therefore suggest to the gentleman that he make his point of order against that.

Mr. HOLMAN. It is rather late, is it not, for that?

Mr. COMPTON. Mr. Chairman, the gentleman from Pennsylvania will fight on that point of order.

Now, in respect to the amendment, who are these men who are affected by this provision of the bill as reported from the committee? They are a set of young men, sir, who are selected after a very rigid examination, much more rigid than any civil-service examination. They are enlisted in the service of the United States for five years; and under the provisions of law, as at present existing, they are not paid an equivalent to that of an inferior clerk in any one of the civil departments of the Government. Now, I maintain that it is a contract between these parties and the Government. Every young man seeking to enter the service is furnished with this pamphlet before his application for admission is entertained, a pamphlet signed by W. B. Hazen, brigadier and brevet major-general, Chief of the Signal Service, United States Army, and this is the act of the Government itself. What does it say? It says to every young man who seeks to enter the service that he shall come up to certain requirements, and, among other things, that he shall receive certain fixed pay. He undergoes the examination and enters the service, and the condition is understood in advance that he is to render certain service in good faith to the Government and is to receive a certain compensation for it. He knows that he can not leave the service unless he deserts; and yet the Government can come here and through a committee of this House reduce the pay which he supposed he should receive when he entered the service. Is that a fair proposition? I maintain that it is bad faith on the part of the Government, and that the Government is bound in honor to keep its faith with these men.

My friend from Kansas suggests that I can reach this by raising the point of order on the words he has specified. I could, no doubt, although I am not clear myself on that subject. The general proposition giving the Secretary of War power to regulate these things is as general as any language can make it.

Mr. RYAN. If that is so, then your proposition changes existing law.

Mr. COMPTON. Now, sir, the Secretary of War himself recognizes the justice of this claim. In presenting to this House an appeal from these men in the Signal Service he uses this language:

Attention is invited to the remarks of the Chief Signal Officer in his indorsement of the 21st instant on the accompanying papers, from which it will be seen that the services performed by these enlisted men are of an important character; that much greater compensation is allowed by the Government for exactly similar services in other bureaus and Departments; that the changes proposed in the sundry civil bill in the commutations and allowances to these men will annul the existing law, which allows the Secretary of War to regulate these commutations according to the interests of the service, and that it will impair the efficiency of the service.

Out of abundant caution I offer this amendment, fearing this general provision will not save to these men the rights to which they are so justly entitled.

Mr. CUTCHEON. From what document did the gentleman read?

Mr. COMPTON. I read a portion of a letter from the Secretary of War transmitting the memorial of enlisted men in the Signal Corps.

Mr. RANDALL. The gentleman from Kansas [Mr. RYAN] is more familiar with this part of the bill than I am, and I shall ask him to give it his attention. But I want to advert to one or two matters in this connection.

In the first place, these enlisted men after thirty years' service are retired, or, rather, are entitled to retirement. Next, this regulation provides that part of these men shall receive a dollar a day and part shall receive 75 cents. Now, it came to our knowledge from the Signal Service Bureau that that had produced a great deal of friction in the service, and they recommended there should be a uniform rate fixed. The committee fixed 85 cents. That is the history so far as I recollect it; but if there be anything else connected with this matter I am quite sure the gentleman from Kansas will be able to state it.

The CHAIRMAN. The Chair overrules the point of order, and the amendment of the gentleman from Maryland will be submitted to the committee.

Mr. RYAN. If I understand the amendment it provides a certain number of these enlisted men shall have $1 a day as commutation of subsistence and a certain other number of them shall have 75 cents a day. Under the existing law the Secretary of War is empowered to fix the rate of commutation for stations outside of Washington. He has fixed it at 75 cents a day almost everywhere in the United States. Here in Washington he has fixed it at $1 per day, and I believe the same for the few that are stationed in New York.

The number receiving to-day a commutation of $1 per day is only about one-third of the aggregate number of enlisted men, as I am informed by the Department. The rest are receiving but 75 cents per day.

Now, the way we came to provide 85 cents a day was this: It was stated to us by the Department that there ought really to be no distinction and that all ought to have the same rate. So the committee undertook to average it.

In doing so, however, it reduces those who were stationed here in the city eleven and a half dollars a month and raises those stationed everywhere else in the United States $8 a month. That would be the effect of the provision of 85 cents a day.

Now, I submit that if we are to go back at all, if we are not to adopt the provision incorporated into the bill, we had better let this matter rest exactly where the existing law places it and vote down this amendment, and then vote out the provision of 85 cents a day. That will leave it exactly where it stands now, and that, perhaps, would be the safer and better course.

Mr. COMPTON. I will modify my amendment and make the amount $1 for the one class and 75 cents for the other.

Mr. RYAN. But by so doing you fix the rate, which is at present left, very properly perhaps, with the Secretary of War. He fixes it at 75 cents as a rule, and at certain places where the cost of living is greater he fixes it at a dollar.

Mr. COMPTON. That is right.

Mr. RYAN. I am content to leave it so, where the law leaves it.

Mr. COMPTON. If you make that arrangement I am content.

Mr. DIBBLE. The Signal Service is necessary not only in time of war but in time of peace, and it is essential that its efficiency should be preserved for the benefit of the agricultural interests of this country. I find that this appropriation bill makes a substantial reduction. Last year the appropriation was based on an estimate of a dollar a day for commutation of rations at some of the stations and 75 cents at others. The Book of Estimates submitted has this remark:

> One dollar per man seems to be the minimum price at which board can be obtained, and the Chief Signal Officer desires to urge this, as he considers the allowance of $1 per day per man to be absolutely necessary.

The amount that is asked in the estimate is $167,000. The amount appropriated in the bill is $145,000. The amount in this amendment is $155,000, and as I am informed, and I would like to be corrected by the gentleman if I am in error, the amendment proposed by the gentleman from Maryland is exactly based upon the rate and number of men who are now receiving commutation in the Signal Service; two hundred and twenty are receiving commutation at $1 a day and two hundred and forty are receiving it at 75 cents per day. It is exactly maintaining the present status. Now, Mr. Chairman, I want to say a word more in relation to this matter. This is skilled service. I have here the circular which is sent out to every applicant. Every man who enters the service is required to contract with the Government as an enlisted man for five years, and it is desertion if he abandons that contract. He is told that he will be required to stand an examination fully as strict as the civil-service examination for positions in the departmental service. In addition to that, he has to be instructed in technical and scientific information; he has to become a scientific expert. At the time of entering the service a man is told that he will receive certain rates of pay during this period of five years. The law authorizes this commutation of rations and of quarters to be fixed by the Department, and they have fixed it and have told the man what he is to receive.

Mr. BRAGG. Where is the law?

Mr. DIBBLE. Why, it has been stated here that the commutation of quarters is fixed in accordance with law.

Mr. BRAGG. Where is the law?

Mr. RYAN. And as the gentleman has gone so far, I would like him to show me any law that authorizes the Secretary of War to fix any commutation of any kind whatever.

Mr. DIBBLE. I will read from the last appropriation bill.

Mr. RYAN. I should like to see the law for commutation for fuel, for barracks, or for quarters. I do not know but there may be one, but the Chief of the Signal Service has been entirely unable to point us to any law on the subject.

Mr. DIBBLE. I was taking the statement of the gentleman himself, corroborated by the appropriation bills passed from time to time.

Mr. CUTCHEON. It is contained in the Army Regulations, which have the force of statute law.

Mr. RYAN. But the question is whether they do have the force of law.

Mr. DIBBLE. I have no objection to this interruption, Mr. Chairman, if it does not come out of my time. On the contrary, I am very glad to listen to it at this time.

Mr. RYAN. The regulations have the force of law so far as the Secretary of War has the right under the law to make them, and no further.

[Here the hammer fell.]

Mr. DIBBLE. Mr. Chairman, I was interrupted a good deal, and I hope some gentleman will yield me additional time.

Mr. RYAN and Mr. BAYNE rose.

Mr. RYAN. Mr. Chairman, if the Chair will recognize me I will yield to the gentlemen from South Carolina [Mr. DIBBLE] with pleasure.

Mr. BAYNE. I have no objection if I can be heard later.

Mr. DIBBLE. If there be a question as to an express statute on the subject, I contend that this is the law by implication. It has appeared in appropriation bill after appropriation bill.

Mr. RYAN. And the power has been exercised ever since we have had an army.

Mr. DIBBLE. It has been exercised and it has been approved by Congress. Appropriations have been made for its exercise, and it remains as the actual practice of the Department to-day and of the Signal Service, and the amendment of the gentleman from Maryland is based on exactly what is being lawfully done to-day under the sanction of the appropriation act passed by the last Congress. All we desire is that that shall be maintained. As I was remarking when interrupted, these men have been employed under a five years' contract, and have been receiving rates of pay amounting to $900 a year and upward. The work that is done by the first privates in the Signal Service at a compensation of $900 per annum is the class of work which is done in the Departments here at a compensation of $1,400 to $1,600.

They prepare the weather charts; they do scientific expert duty. They have enlisted in good faith, with the promise of compensation at $900 per annum. This provision of the bill as it is reported taken with the other provision for commutation has the effect of cutting down their pay $11 per month, giving them $792 instead of $924 a year, making a reduction of $132 per annum in their present pay.

The work which they do is very much harder than the work that is done in the Departments here in Washington. I read from a circular on the subject:

> Questions have been asked as to the hours of labor. No general answer can cover this question. The service is varied. The order of tri-daily simultaneous observations and the amount and hours of labor are sufficient to require a man's entire attention, making on the whole a full working day. The time for improving study must come from the hours of recreation, and must not in any way interfere with prompt and constant attention to duty.

Now, Mr. Chairman, here are men who are experts, who receive only $900 a year, who have to work a full working day, and who are told that in addition they must go through a course of study, the time for which must be taken out of their hours of recreation. It seems to me that every consideration of fairness requires the adoption of this amendment.

Mr. BRAGG. Can the gentleman tell us out of whose time the preparation of such circulars as that comes?

[Here the hammer fell.]

Mr. BAYNE. Mr. Chairman, I hope the proposition submitted by the gentleman from Maryland [Mr. COMPTON] will be adopted. I think it would be a breach of faith on the part of the Government not to adopt that proposition. These men were enlisted under certain rules that were prescribed by the Secretary of War under a law enacted for that purpose, and they had a right to believe that the pledges made to them by the Secretary of War would be carried out and that the obligations entered into with them would be fulfilled in good faith.

As I understand the proposition of the committee, it will cut down those who have rendered long and faithful service, those who have been promoted for merit, those whose pay has been advanced by reason of continued, faithful, and efficient service. That should not take place. These men are not getting now any more than they should get for the high order of service they are rendering. This is a branch of science which can be carried on only by the Government. Private individuals can not do it. There is no way of accomplishing the results sought by the Signal Service except through the aid of the Government; and we can not afford to abandon the results already achieved and which will yet develop, as I believe, into a most accurate science, operating greatly to the benefit of the people all over the country in studying and availing themselves of the information afforded by this service.

I do not think a point of order lies; but I do think the question of the obligation of a contract enters into this matter. These men were enlisted under regulations promulgated by the Secretary of War. The law gave him power to make these regulations; and by their stipulations these men were to get a certain sum of money for services which they were to render. Now will any lawyer say that when men have enlisted under these conditions, and an obligation has been thus incurred by the Government, we can afford to go back on that agreement made with these men by the Secretary of War? Would not such a thing be a breach of the contract between them and the Government? It may not be such in a technical sense, these men being in the military service and the Government having omnipotent power in the control of all matters in regard to military exigencies. But these men, although enlisted in the military service, are not strictly employed upon military work. The services they render are of a high scientific character and almost wholly of a civil nature, not at all military, although the results of their labors may at times bear upon the military aspects of some question which may be before the country. The Secretary of War having been authorized by Congress to make these contracts and to regulate the amount of pay, and these men having rendered that service, I do not see how any gentleman of the Committee on Appropriations can explain away the obligation of this Government to pay the amount which it was agreed should be paid.

[Here the hammer fell.]

Mr. RANDALL. Now, I want to fix ten minutes as the limit for this debate.

Mr. RYAN. I want to reply to the gentleman from Pennsylvania [Mr. BAYNE]. I will not take more than five minutes. The assumption that the commutation for quarters, for fuel, and for subsistence

is a part of the contract is simply absurd. When these men entered the service they did so under regulations (whether duly authorized by law or not) which empower the Secretary of War to commute their rations at any sum he may choose or to give them rations in kind if he shall wish—to give higher rates to some and lower rates to others. Those now in Washington who are receiving the higher rates may at any time be transferred to some other stations and receive the lower rates; and those who are now receiving the lower rates can at any time be transferred to Washington and receive the higher rates; hence there is no force in the suggestion made by the gentleman.

Then, again, the force here in Washington constitutes, I think, about one-third or a little less of all the enlisted men. They are present here to assert their rights. I do not care myself to cut them down at all; but the provision in this bill was intended to equalize the pay of all these employés, as that was deemed best by the department. The effect of the provision in the bill is absolutely to increase by $8 a month the pay of all those at stations outside of Washington. So that the proposition offered by my friend from Maryland and so vigorously pressed by my friend from Pennsylvania would operate to strike from the pay of men who can not appeal to Congress, who are scattered all over the country, who are deprived of all the social benefits and privileges enjoyed by those here in Washington, $8 a month. Why do not the sympathies of the gentleman from Pennsylvania go out toward these men as well as toward those stationed in Washington?

I repeat that I am willing this matter shall be left where the regulations leave it. If we vote down the proposition of the gentleman from Maryland and strike out the 85 cents a day provided for in the bill, this matter will rest upon the regulations under which these men enlisted. I would prefer, however, that the men who are scattered all over the United States and can not appeal directly to Congress should have the increase of $8 a month.

Mr. RANDALL. I now ask to limit the debate.

Mr. ADAMS, of Illinois. I would like to occupy four minutes.

Mr. RANDALL. We can not afford to allow this bill to be discussed indefinitely day after day. I ask that this debate be limited by consent to four minutes.

Mr. ADAMS, of Illinois. I want four minutes.

Mr. RANDALL. Very well.

The CHAIRMAN (Mr. ROGERS). The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that the debate on this provision be limited to four minutes, two on each side.

Mr. ADAMS, of Illinois. No, I said I wanted four minutes; and I understood the chairman of the Committee on Appropriations to assent to that. I do not know that I can use all that time, but I am so unaccustomed to speaking in this House that I never know how long a time four minutes is until I get through. [Laughter.]

The CHAIRMAN. Is there objection to the proposition of the gentleman from Pennsylvania?

Mr. EZRA B. TAYLOR. I do not understand the proposition.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the debate be limited to four minutes.

Mr. EZRA B. TAYLOR. The debate on the paragraph or the amendment to the paragraph?

Mr. RANDALL. The paragraph and all amendments.

The CHAIRMAN. If there be no objection it will be so ordered.

There was no objection.

Mr. ADAMS, of Illinois. Mr. Chairman, the existing regulations of the department give $1 a day to some employés in this Signal Service and 75 cents a day to others. The gentleman from Maryland has in the amendment given 85 cents a day outside on the frontier.

Mr. RYAN. No; $1 to those on the frontier.

Mr. ADAMS, of Illinois. The pending bill makes it 85 cents everywhere.

Mr. RYAN. That is all.

Mr. ADAMS, of Illinois. The gentleman from Maryland proposes a certain number shall receive $1 and a certain number 85 cents.

Mr. RYAN. No; 75 cents.

Mr. ADAMS, of Illinois. No; his proposition is 85 cents.

Mr. BAYNE. No.

Mr. COMPTON. My proposition is for two hundred and twenty men at $1 per day and for two hundred and forty men at 85 cents per day.

Mr. ADAMS, of Illinois. I am more interested in behalf of those enlisted men who are up on the frontier than on behalf of the enlisted men in the city of Washington. It may be $1 is not enough for those men, but certainly 75 cents is too little for those who are upon the frontier amid frost and snow and wind and ice making observations which, however erroneous the inferences may be we draw from them, are substantially correct.

The gentleman from Kansas proposes the amendment of the gentleman from Maryland shall be voted down, and then that the words "eighty-five cents" shall be stricken out of the present provision. That would leave a limit to the amount appropriated for this purpose. The result would be the department could not give this man on the frontier, in whose behalf the gentleman has spoken, more than 75 cents a day.

Mr. RYAN. An amount which would be ample.

Mr. ADAMS, of Illinois. If the amount would be ample, and I will take the gentleman's statement for that, then I will not detain the committee further.

Mr. RANDALL. Commutation pay to enlisted men detailed as clerks has been abolished by the Army bill passed at this session. I think we should not adopt the amendment. It provides two hundred and twenty men at $1 per day and two hundred and forty at 85 cents per day as commutation of rations. It will produce irritation among the enlisted men in the corps. I hope, therefore, it will be voted down. If we do anything, perhaps it would be better to strike out "eighty-five cents."

Mr. ADAMS, of Illinois. I misunderstood the gentleman from Kansas, and I find the amount will not be enough.

Mr. RYAN. The gentleman asked me whether it would be sufficient if under the regulations the Secretary of War should increase the amount. I stated I thought not.

The question recurred on Mr. COMPTON'S amendment.

The committee divided; and there were—ayes 18, noes 63.

So the amendment was disagreed to.

ENROLLED BILLS SIGNED.

The committee informally rose; and the Speaker having resumed the chair, Mr. PERKINS reported that the Committee on Enrolled Bills had examined and found truly enrolled a bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes; when the Speaker signed the same.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session, Mr. ROGERS in the chair.

The CHAIRMAN. The question recurs on the amendment moved by the gentleman from Ohio [Mr. OUTHWAITE].

The Clerk read as follows:

In line 1417, after the word "each," insert:
"Except when traveling it shall be at $1.50 per day each."

Mr. RANDALL. I make the point of order on that that it changes existing law.

Mr. OUTHWAITE. It is not a new direction in any manner except so far that when enlisted men are required to travel they shall receive a greater amount. It does not change any existing regulation. It is not in any sense of the term new legislation.

Mr. RANDALL. There is no law providing for a dollar and a half or any other sum during the period of transportation of enlisted men.

The CHAIRMAN. Unless there is some law cited the Chair is inclined to sustain the point of order. The point of order is sustained.

Mr. RYAN. I move to strike out in lines 1416 and 1417 the words "eighty-five cents a day each," thus leaving it where the regulations place it.

Mr. RANDALL demanded a division.

The committee divided; and there were—ayes 50, noes 55.

So the amendment was disagreed to.

Mr. EZRA B. TAYLOR. I move in lines 1415 and 1416 to strike out the words "not exceeding four hundred and seventy Signal Service."

Mr. Chairman, there was an attempt——

Mr. RANDALL. Debate has been closed, but I am willing to concede a few minutes to the gentleman.

Mr. EZRA B. TAYLOR. I shall occupy but a few moments.

Mr. RANDALL. I know that.

Mr. EZRA B. TAYLOR. Mr. Chairman, there was an attempt made in the preceding paragraph of the bill to reduce the number of enlisted men below four hundred and seventy, and that was ruled out on the point of order, and now we preserve in the bill that which is out of it in its effective clause. It should be left just as it was left by the Chair sustaining the question of order on the preceding paragraph. There should be no legislation inferentially on this part of the bill limiting the number of enlisted men. It should be left as before; and for the purpose of making it so and making the action of the chairman of some effect in ruling that the committee could not provide as it did provide I propose to leave it in this indefinite way by striking these words out.

Mr. RANDALL. I will state to the gentleman from Ohio why this number is fixed at four hundred and seventy. We had provided in a prior paragraph for the pay of but four hundred and seventy men; and then it grows out of the recommendation of the commission for the abolition of Fort Myer. There is no occasion, really, for over four hundred and seventy, and I hope the amendment will be voted down.

Mr. EZRA B. TAYLOR. That is the effective point, I know, the abolition of Fort Meyer, and that is what I protest against.

Mr. RANDALL. The commission unanimously recommended the abolition, I think, of Fort Myer.

The question was taken; and on a division there were—ayes 37, noes 52.

So the amendment was rejected.

Mr. DIBBLE. Mr. Chairman, I offer a substitute for the paragraph.

The Clerk read as follows:

For the subsistence of Signal Service enlisted men and for commutation of rations of Signal Service enlisted men, including $9,090.90 for subsistence stores, authorized articles for sale to officers and enlisted men and company messes, as allowed by paragraph 2199, Army Regulations, 1881, $155,000.

Mr. RANDALL. Debate, I believe, is not in order.

Mr. BRAGG. I make the point of order upon this amendment.

Mr. DIBBLE. I suppose the gentleman from Pennsylvania will allow me to say that this is exactly the provision of the present law.

Mr. RANDALL. The point of order is made by the gentleman from Wisconsin.

Mr. DIBBLE. This is the provision of law, and is embodied in the words of the last act.

The CHAIRMAN. What point of order does the gentleman from Wisconsin make?

Mr. BRAGG. That it changes existing law and makes new law, wherein it provides an appropriation for the purchase of subsistence stores for sale.

Mr. DIBBLE. I would refer the gentleman to the language of the resolution, which only provides for the purchase of articles for sale so far as authorized by the regulations of the Army. It is copied word for word from the same clause of the last appropriation act under which supplies have been purchased for the current year. This is authorized by the regulations of the Army.

Mr. BRAGG. The last appropriation bill made no law on the subject, and there never has been any law authorizing the sale of subsistence stores to the persons named. Therefore if we pass this act we are enacting for the first time a law to provide for selling to them.

Mr. DIBBLE. I have not the Army Regulations at hand; but I have read the regulation, and paragraph 2199 of the Army Regulations authorizes sales of this character for which this appropriation was made at the last session.

The CHAIRMAN. The Chair is not advised about the status of the law; but the Chair does not understand that the Army Regulations are law or the equivalent of law.

Mr. DIBBLE. They are made law by statute in reference to matters of this kind.

The CHAIRMAN. The Chair does not so understand, and believes the point of order to be well taken.

Mr. DIBBLE. Then I offer as a substitute that part of it which is not subject to the point of order, leaving out the part against which the point is made.

Mr. RANDALL. Let us have a vote.

The CHAIRMAN. The gentleman from South Carolina will perfect his amendment.

Mr. DIBBLE. I propose after the words "enlisted men" to strike out from the word "including" down to the words "eighteen eighty-one" inclusive, so that it will read:

For the subsistence of Signal Service enlisted men and for commutation of rations of Signal Service enlisted men, $155,000.

Mr. RANDALL. I hope the committee will vote it down.

The question was taken; and on a division there were—ayes 18, noes 63.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCADOO having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

Regular supplies:
Fuel: For various offices on the United States military telegraph lines, and at stations of observation outside of Washington, D. C. (for fires the year round when needed), $6,000.

Mr. ANDERSON, of Ohio. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by inserting in line 1420, immediately after the word "fuel," the words:
"Furnished to officers as authorized by section 8 of the act of Congress approved June 18, 1878."

Mr. RYAN. If the gentleman wants to strike out and insert that——

Mr. ANDERSON, of Ohio. The motion is simply to insert.

Mr. RYAN. Because the language you are striking out is not "providing for officers," while the amendment you insert is for offices. One is for offices, the other for officers, as I understand it. I understand what the gentleman desires to get at; but it ought to be added to the section if you want to secure the object you have in view.

Mr. RANDALL. If I understand correctly the proposition of the gentleman from Ohio, it relates to four officers who belong to the office and draw fuel from the Army.

Mr. RYAN. If that is all, I want to say to the gentleman from Pennsylvania it simply places these officers on the same footing as all other officers of the Army.

Mr. RANDALL. If that is the case I have no objection; but if it applies to the four officers it does not belong here.

ENROLLED BILLS SIGNED.

The committee informally rose and the Speaker resumed the chair.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887;

A bill (H. R. 5862) providing for the establishment of certain lighthouses and fog-signals, and for other purposes; and

A bill (S. 2732) to authorize the printing of the eulogies delivered in Congress upon the late John F. Miller.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. ANDERSON, of Ohio. I have modified my amendment and ask the Clerk to read it as modified.

The Clerk read as follows:

Amend by inserting in line 1420, immediately after the word "fuel," the words "furnished to officers detailed from regular Army as authorized by section 8, act of Congress approved June 18, 1878."

Mr. RYAN. Let me call the attention of the gentleman from Ohio to the fact that these officers get this from the appropriation for the Army.

Mr. RANDALL. If this is to be inserted, there should be a proviso that they shall not get it in both bills.

Mr. RYAN. They are already provided for in the Army appropriation bill.

Mr. RANDALL. I think the four officers do get this under the Army bill.

The amendment was disagreed to.

The Clerk read the following paragraph:

Commutation of fuel: For commutation of fuel for not exceeding four hundred and seventy men of the Signal Corps on duty at the office of the Chief Signal Officer and at signal stations throughout the United States, at $8 per man per month, $45,000.

Mr. DIBBLE. I make the point of order on the words "at eight dollars per man per month."

This matter at present is entirely regulated by the department and the amount is $8 or $9, according to the expense.

Mr. RANDALL. The gentleman states correctly the regulation; but the regulation is not the law. The committee were advised to make a uniform rate. There is no reason why one of these enlisted men should get $8 for commutation of fuel and another $9. Can any one tell me any reason for the difference?

Mr. DIBBLE. The department recommended they should all get $9, but the committee put it that all shall get $8. There is no law at present in existence prescribing a rate at which they should commute. This does provide a rate at which they should commute, and therefore changes existing law.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. COMPTON. Has the Chair decided on the point of order?

The CHAIRMAN. The Chair thinks from the remarks which have been made on the point of order that it is well taken.

Mr. RANDALL. I do not know of any law which this changes.

Mr. CUTCHEON. This question seems to constantly recur in the course of this bill as to whether Army regulations have the force of statutes or not. I supposed it had been decided by the Supreme Court of the United States that Army regulations, when promulgated by the Secretary of War, had the force of statutes. I believe that has been decided by the Supreme Court more than once.

The CHAIRMAN. There is no question before the committee.

Mr. CUTCHEON. I thought the point of order was still pending.

The Clerk read the following paragraph:

Barracks and quarters:
For commutation of quarters to not exceeding four hundred and seventy enlisted men of the Signal Corps on duty at office of the Chief Signal Officer and at signal stations throughout the United States, at $15 per man per month, $84,000.

Mr. DIBBLE. I make the point of order against the words "at $15 per man per month" for the same reason as before. There is no law fixing the rate, and this changes existing law by prescribing that as the rate.

Mr. RANDALL. We have a right surely to say how the money should be expended and to put a limitation on it. Heretofore there has been paid for commutation of quarters to those persons who are assigned to service at the Chief Signal Office in this city $21 a month, to officers on the Pacific coast $20 a month, and to those everywhere else only $10 a month.

This discrimination is without justification, in my judgment, and we fix it all at $15 per month, making it equitable. It makes really a difference of only $108 in the amount appropriated; but it makes a provision which is just to these officers. Nobody can say that there ought to be $21 given in this city for commutation of quarters and that in the city of Baltimore only $10 should be given. The discrimination is altogether unjust.

Mr. DIBBLE. The commutation is at $21 per month at this place and certain other designated stations; at $20 per month on the Pacific coast and at $10 per month elsewhere, being regulated by the rates at which quarters can be procured. It is manifestly unjust to allow no more commutation at a place where lodgings are expensive than at some small town in the interior where lodgings are cheap. The commutation is regulated in that way and it is equitable to do so.

A man can get his quarters at one place for $10, and here in Washington it might cost him twenty-five or thirty dollars.

Mr. RANDALL. I can live cheaper here than in Philadelphia.

Mr. DIBBLE. That may be; but there is a difference in the expense of lodgings at different places, and it is equity to preserve this distinction. I made the point of order because there is no law regulating it, except the provision that it is to be regulated by the Army authorities. A point of order was raised against me by the distinguished gentleman from Wisconsin [Mr. BRAGG] a short time ago, and in doing so he said there was no provision for the purchase and sale of subsistence stores. I simply refer him to the Revised Statutes, section 1144.

Now, as to this, the point is plain and clear. This prescribes that the commutation of quarters shall be $15 per month. There is not only no such law, but there is no instance in the practice of the Department where commutation of quarters in this service is $15 a month. I say this with the rates and the estimates before me. So that this obviously takes a matter which is now a matter of discretion and makes it a matter of positive law, fixing a rate which is not at present the practice anywhere. I therefore contend for the point of order.

Mr. BRAGG. Mr. Chairman, I think the point of order is well taken, but not upon the ground contended for by the gentleman from South Carolina [Mr. DIBBLE]. The trouble about making this appropriation for commutation of fuel and quarters to enlisted men is that the whole of it is without any support or authority in law. The Army Regulations, which confer the power upon the head of the bureau, are regulations made by the officers of the Army and not by Congress. They have made rules binding on themselves under which they act, and then they claim that the rules which they have thus made have the force of existing law, because they are in conformity wiih the regulations. Now, there is no statute and no authority anywhere in the law for making commutations for quarters for enlisted men.

Only a short time ago the Committee on Military Affairs had occasion to go over this whole subject. We found one hundred and seventy clerks and sixty-six messengers provided for under these orders, $1 a day commutation, $1.20, and under certain circumstances $1.75 a day being allowed. They told us there was law for it. We showed them the rule of the House which provides that there shall be no appropriations made except in pursuance of existing law, and said to them "show us the law." They put their law clerks and investigators at work, and there came back to us the answer: "We can not find any law, but it is a practice that has grown up;" and therefore they thought it ought to keep on growing. We said "No; we shall not appropriate any money for commutation of rations;" and we struck it out of the bill, as it ought to be stricken out of this bill. Now, if there is no law at all upon the subject, and Congress is determined to fix a rate of commutation, of course you will make a law, but if you make a law upon an appropriation bill you will do it in violation of the rule.

Mr. CUTCHEON. Mr. Chairman, it seems a remarkable thing to any person at first thought that our Army has been running for a great many years upon a certain basis of commutation for rations, fuel, and quarters in an entirely illegal and unauthorized manner—in other words, that there has been no law for it. That there has been the authority of the regulations for it is unquestionable. There has always been that authority for it, but the gentleman from Wisconsin tells us that the Department officers have been unable to find any law for it. I think the reason of that is simply that the regulation itself is a law; that under the Constitution of the United States the President, the Executive, the Commander-in-Chief of the Army and Navy, is intrusted with the power of creating regulations for the Army which have the force of statute law.

I read what the Supreme Court says upon that question. It will be found cited in the RECORD, page 4294. The Supreme Court of the United States, in the case of The United States *vs.* Eliason, 16 Peters, 291, says that—

> The power of the Executive to establish rules and regulations for the government of the Army is undoubted. The power to establish implies the power to modify or repeal, or to create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the military establishment of the nation, and the rules and orders published and promulgated through him must be received as the act of the Executive, and, as such, be binding upon all within the sphere of his legal and constitutional authority. Such regulations can not be questioned or defied because they may be thought unwise or mistaken.

Again, the Supreme Court in the case of Gratiot *vs.* The United States, 4 Howard, page 80, says:

> The Army regulations made pursuant to the authority conferred by Congress have the force of law.

Again, in section 2 of the act of July 23, 1878, it is provided that—

> The Secretary of War is authorized and directed to cause all the regulations of the Army and general orders now in force to be codified and published to the Army, and to defray the expense thereof out of the contingent fund of the Army.

Now, let us put all this together. First, the President, under the Constitution, as Commander-in-Chief of the Army, through the Secretary of War, has power to make regulations which shall have the force of law. The Supreme Court has declared more than once that these regulations have the force of law. The act of 1878 authorized the Secretary of War to codify and publish to the Army the Army Regulations. The Secretary of War, under that authority, did codify and did publish the Army Regulations, and those Army Regulations have received the approval of the President, the Commander-in-Chief.

Now, if those regulations thus codified, thus promulgated, under the express sanction, authority, and direction of law, and approved by the Commander-in-Chief, have not, under this decision of the Supreme Court, the force of law, then it is not possible that there should be any such thing as Army regulations having the force of law. Under those regulations, thus codified and published, the rates of commutation have been established, as stated by the gentleman from South Carolina [Mr. DIBBLE]. Now this provision attempts to change the rates so established by regulation, and thereby it assumes to change the provisions of existing law; that is, existing Army regulations which have the force of law. I am unable to see where there is any break in the continuity of this argument.

Mr. BRAGG. These regulations are not published by authority of the President, nor approved by him.

Mr. CUTCHEON. They are published under his direction, are they not, through the Secretary of War?

Mr. BRAGG. No, sir; let me read:

> WAR DEPARTMENT, *Washington, D. C., February* 17, 1881.
>
> The following codification of the "Regulations of the Army and General Orders" is approved and published for the instruction and government of the Army.
>
> ALEX. RAMSEY,
> *Secretary of War.*

Mr. CUTCHEON. But, Mr. Chairman, these regulations have been codified and published under the direct sanction and authority of the law of Congress of 1878.

Mr. EZRA B. TAYLOR. Will the gentleman allow me to ask him a question? The gentleman from Wisconsin maintains that the provision is out of order for one reason and the gentleman from Michigan holds that it is out of order for another reason. Now, if the two gentlemen agree in their conclusions, what matter as to the arguments on which the conclusions rest?

The CHAIRMAN (Mr. ROGERS). If these Army regulations have the force of law further than for the regulation of the Army, then the Chair does not see why the Secretary of War or the President might not by such a regulation repeal an act of Congress. In the opinion of the Chair these regulations are law for the regulation of the Army, but not for the regulation of Congress; they are not law within the meaning of the rule. The Chair thinks the point of order well taken, because a limitation is as much a new provision of law as if it were in any other form.

Mr. RYAN. I desire to offer an amendment to come in at the end of line 1480. It was offered a few minutes ago by the gentleman from Pennsylvania [Mr. RANDALL], but under a misapprehension I suggested that he withdraw it. I move to amend by inserting after the word "dollars," in line 1480, the following:

> That the regular Army officers herein authorized to be detailed for the Signal Service shall receive their pay and allowances from the appropriation for the support of the Army.

The amendment was agreed to.

The Clerk read as follows:

> That no part of the appropriations made for the Signal Service by this act shall be used for the maintenance or support of a school of instruction nor of the military post at Fort Myer, Va.

Mr. EZRA B. TAYLOR. Mr. Chairman, I make a point of order on the paragraph just read. There is now established by law, or in accordance with law, a school of instruction at Fort Myer.

Mr. RANDALL. Will the gentleman show me the law which authorizes it?

Mr. EZRA B. TAYLOR. I say it is not in violation of law; it is in accordance with law; and for the moment I will simply refer the gentleman to the last clause in the letter of the Secretary of War on this subject:

> But under the laws now in force, to abandon it [Fort Myer] as a military post, now devoted to this special use, would, in my judgment, be unwise.

Fort Myer has been used, not in violation of law, but in accordance with law, as a school; and now this paragraph proposes to abolish that school. When I say the proposition is to abolish it, I know of what I speak. I admit that the provision is very cunningly drawn, and the words which would have been ordinarily used for the purpose are not used in this paragraph. But the committee will remember that as the various provisions in this bill relating to the Signal Service have been read and as objections have been made on the ground that they were new legislation, the chairman of the Committee on Appropriations has remarked from time to time that this or that provision had been inserted "because we intend to abolish in a future paragraph the school of instruction at Fort Myer." So that the legislation appearing here on every page relating to the Signal Service—objected to and the ob-

jections in some cases sustained—was simply smoothing the way for what the gentleman himself has spoken of as the abolition of Fort Myer and the school there.

I know it may be said that this provision does not include a direct proposition to abolish or do away with this institution; it is only provided that there shall be no sustenance given to it, no appropriation made for it. In this particular a distinction may be sought to be drawn. But I wish to suggest that in this high court, the Congress of the United States, we should at some time in the construction of our rules and in our other action rise to such dignity at least as would be demanded in the court of a justice of the peace in the Western States having a question under discussion by two pettifoggers. I do not ask you to go beyond that, but I do ask that this House shall now rise at least to the dignity of that position. The rule which we have adopted here was a good one—that the Appropriations Committee should not include in any regular appropriation bill new legislation. Why? Because when matters of legislation are introduced in this way there is no proper opportunity for consideration and discussion. Take the present instance. No such proposition as that embraced in this paragraph has ever been submitted to any committee; no committee has considered it; no man here is fully acquainted with the far-reaching purpose of this new legislation. I say that legislation on appropriation bills is hateful; it is despotic; it ought not to be tolerated under any circumstances; and in view of the violations of the rule which have been attempted I think there will be no repeal of this new rule.

But to come to the question. It is this: It intends, and is offered for that purpose, to do away with an institution which now exists. I say upon its face it has that purpose. I say more: By looking at the text of the preceding language, and I so understand from the gentleman from Pennsylvania, it will be seen it can have no other meaning. It has no other purpose, sir, than to do away with the school of instruction which is now carried on at Fort Myer. He has avowed it. The preceding paragraph admits of no other construction.

Shall we say here we will do by indirection what we can not do directly? If we said Fort Myer as a school of instruction shall be abandoned, there would be no question as to what it meant. I say this legislation means something and is enunciated for some purpose. It is avowed by its mover to be offered for the purpose of abandoning Fort Myer as a school of instruction. I stand here to protest in this House you can not allow that to be done by indirection which can not be directly done under the law. In any court of law in which you, Mr. Chairman, have ever practiced, presided over by men learned in the law, that would be the decision of this case.

Mr. RANDALL. There is no purpose of concealment in this paragraph. The committee adopted only the expression necessary to avoid appropriating for the continuance of the school of instruction at Fort Myer. Two years and more ago Congress created a commission, and that commission as far as I know without dissent, three members of the Senate and three of the House, recommended the abolition of this school of instruction.

There has been no pettifogging about it. I am not a lawyer. I do not belong to that profession where pettifogging prevails. The gentleman from Ohio has had more experience than I have had in that particular. I belong to a different class.

I say here, Mr. Chairman, that we have only said in another part of the bill that we would not appropriate for more than four hundred and seventy enlisted men. We only say here that none of this money shall be spent for the continuanee of this school at Fort Myer. A former occupant of the chair decided we had the right to say none of this money should be expended for an excess of four hundred and seventy enlisted men. I ask for a decision.

Mr. CUTCHEON. The distinguished chairman concedes the point of order is well taken.

Mr. RANDALL. No, I do not.

Mr. CUTCHEON. He seems to concede it, because he said the commission have recommended Fort Myer shall be abolished.

Mr. RANDALL. The gentleman can not be so dull as not to see what is meant.

Mr. CUTCHEON. The only inference which can be drawn from his language is that the commission intended to abolish it. And if it is intended to abolish it as it exists now under the law, this then must be a change of the existing law.

Mr. RANDALL. It is intended to give no money for this.

Mr. CUTCHEON. I never at any time undertake to talk but the gentleman and his friends on that side break in on me.

Mr. RANDALL. We are in the habit of thinking you are that man.

Mr. CUTCHEON. If the gentleman exercised more courtesy on the floor it would be better.

Mr. RANDALL. I will give you courtesy whenever it is required.

Mr. CUTCHEON. Then do not break in on me.

The gentleman from Pennsylvania says this provision is put in here because the commission has unanimously recommended that Fort Myer shall be abolished. Now, the only inference from that is this was put in here to abolish the school of instruction at Fort Myer. If that be the case, then it is a change of existing law, and of course it is contrary to the rules of the House to put it in this appropriation bill. It is an attempt to do by indirection what the gentleman knows and what every other gentleman knows can not be done directly.

He says in effect, "We will not murder you, but you shall not have anything to eat, and we will starve you to death."

That is the effect of it.

Mr. RANDALL. Let us have a decision.

Mr. GROSVENOR. Mr. Chairman, this is a question which in my judgment is important enough to justify a fair and calm consideration. I do belong to the legal profession, and this is a question of law, and I am glad, Mr. Chairman, of having an opportunity to address myself to a lawyer in support of my views upon the subject of the legal construction herein involved.

There is no higher or better settled principle of law than that a body like this can not do by indirection what it may not do directly.

Now, it is admitted, sir, that if there was a provision incorporated in this bill to abolish Fort Myer it would be obnoxious to the point of order of my colleague from Ohio. Is it not, then, a little singular that the gentleman from Pennsylvania, while frankly and substantially admitting that he can not do that thing by direct enactment, comes here and professes an intention to get through with this bill an act of Congress, a provision that by indirection will accomplish that purpose? I do not wonder that the gentleman boasts that he is not a lawyer. I am glad that he has relieved the legal profession of that responsibility which might possibly attach by such a suggestion as he has made.

Now, my own opinion is, and I give it only for what it is worth and submit it to you, Mr. Chairman, that Fort Myer is established by law just as specifically as Fortress Monroe or any other fort or arsenal that belongs to this Government. How do we establish these places? We do not enact a statute that there shall be a fort upon a given point; but we make a provision, and I call the attention of the Chair to the statutes in force in regard to Fort Myer, and will send it up for the benefit of the honorable chairman of the committee, and I cite you to the several statutes which one by one have made appropriations for the buildings, for the roadways out there, for the grading, for the approaches, and for the expenditures in all of the various directions that Congress may enact to build up a fort or fortification.

I do not believe there has been any more decided and specific legislation adopted by Congress for the erection of any other fort than that. It is there by act of Congress. It is there because Congress directed its building, directed its dedication, directed that it should be devoted to the education of these young men; and I do not believe that West Point or the Naval Academy at Annapolis was ever builded in any other way than by that sort of legislation which made appropriations for specific purposes that ultimately worked out the result of the Naval Academy or the school at West Point. So that now, if it is found by the Chair that the result of this failure of appropriations, this effort to abolish the school at Fort Myer, thereby vacates one of the forts belonging to the Government, one of the places of our Government, one of the points where the flag of the Government floats over a reservation of the Government, then I submit that this appropriation bill seeks by indirection to change existing law.

Mr. RYAN. Mr. Chairman, the difficulty about the argument of the gentleman from Ohio is that there is nothing in this bill that affects the status of Fort Myer as a Government fortification at all. We do not deny any appropriation for Fort Myer as such. Fort Myer belongs to the War Department of the United States; it is controlled by the Secretary of War precisely like all the other forts of the United States, though it has been used of late years by this branch of the Army for a school of instruction. Still all that this bill does is to say that the money herein appropriated shall no longer be used for a school of instruction at Fort Myer. Then if that should be the judgment of Congress the Secretary of War will devote it to any other purpose that he can or any other fort in the United Sates.

The CHAIRMAN. The Chair is not familiar with precedents on this point; but is of opinion that the point of order ought to be overruled, on the ground that this is a mere direction on the part of the committee that they will not give any more money for the support of this institution. The Chair overrules the point of order.

Mr. EZRA B. TAYLOR. Mr. Chairman, I move to strike out the paragraph.

This provision of the bill declares:

That no part of the appropriations made for the Signal Service by this act shall be used for the maintenance or support of a school of instruction nor of the military post at Fort Myer, Virginia.

Now, sir, and gentlemen of the committee, if there is anything of importance connected with our military service that has been valuable in the past and that will be valuable in the future it is the instruction as to military signaling, and this post, this school, this fort, is the only one where this system of instruction is established.

By some strange misapprehension I concede the commission appointed to investigate these questions did report in favor of its abolition; but, sir, when I say to the chairman of this committee and to this committee that the destruction of this school accomplishes no good purpose whatever, I say what every well-informed man must know. When I say that it is destructive of the best purposes for which we can use our money in the direction of military affairs, I state what all must recog-

nize to be an obvious truth. And further—I was going to make a stronger remark, but I will not do it.

This school is needed; and when they do what I have said, they do one thing more. It costs the country to-day with the appropriations which have been made $40,000; and the abolition of this school of Fort Myer would cost the country $40,000 more than it will cost if the committee had made no innovation with regard to this school at all. I am reminded that the other day when my friend from Massachusetts [Mr. LONG] was appealing for a continuance of schools that I advised him it was not worth while. I think perhaps he would now give me the same advice and tell me it is not worth while to press this matter. But I will say this is the effect of it. At an expense of more than $40,000 this committee proposes by new legislation, of a kind which they dare not express, to do an irreparable injury to the best interests of the country. It is useless, it is said to me, to appeal to the House, because as the chairman of the Committee on Appropriations demands the members shall vote so they will vote. Still I am unwilling to rest here in silence when this injury is illegally done and at such a cost, is being done for no purpose whatever.

Mr. RANDALL. I ask for a vote.

Mr. HERBERT. I simply desire to say this in reply to the gentleman from Ohio [Mr. EZRA B. TAYLOR]. The joint commission on the Surveys and Signal Service disagreed on many things, but were unanimous on this. Here is a paragraph from the report made by Mr. ALLISON, Mr. HALE, and Mr. LOWRY, and it was assented to by the other three gentlemen of the commission, who went further in that direction than this report went:

The testimony shows that an intelligent young man of good education can, in the period of six weeks or less, acquire the use of instruments necessary to be used at the stations, take observations, and make the reports required. The remainder of the six months is spent in military drill and in studies that are not necessary to the practical work of an observer.

Mr. EZRA B. TAYLOR. Is not that remark made with reference to scientific instruction?

Mr. HERBERT. It is made in reference to Fort Myer.

Mr. EZRA B. TAYLOR. It is made in reference to scientific signaling.

Mr. HERBERT. If the gentleman will allow me to read the paragraph through he will understand it.

Military drill is not necessary to qualify observers, and they are not likely in any case or at any time to put in practice the military knowledge thus acquired, as in case of war it is not supposed that this meteorological work will be dispensed with. So that the commission agree that Fort Myer should be abolished as a school of instruction.

Mr. BOUTELLE. Is that signed by a military man?

Mr. OUTHWAITE. If this change is adopted, what provision is made or is proposed to be made for such a school of instruction? It seems to me conceded upon all hands that it is necessary there should exist such a school of instruction for the young men who are to enter the Signal Service. That being so, what objection is there to the continuance of Fort Myer as such a school? It may be true, as has just been read by the gentleman from Alabama, that military training is not necessary. It is not absolutely necessary for the success of those young men in the duties they are called upon to perform in the Signal Service, but it is certainly very valuable, and is calculated to make them capable of enduring the fatigue, the hardships, and the privations that they are sometimes called upon to endure in the service.

I wish to read a paragraph from a letter of the Secretary of War upon this subject:

If the Signal Service is to be continued under existing laws, I can not recommend the abandonment of Fort Myer as a military post.

I think such a statement coming from the Secretary of War, under whose immediate care and control this bureau exists, ought to be considered by this House before voting upon this subject. The letter goes on to say:

The work there conducted is an essential part of the present system of instruction in that corps.

If the work there conducted is an essential part of the present system of instruction, until there has been some legislative provision for another point at which such work may be as well conducted why will this House lay violent hands upon that fort? He says:

The work there conducted is an essential part of the present system of instruction in that corps, which would have to be carried on elsewhere and at increased expense.

I know that the chairman of the Committee on Appropriations is always seeking an opportunity to economize, to do things for this Government at a less expense; and yet this provision in this bill which he sustains is, as stated by the Secretary of War, one that must result in increased expense.

Mr. RYAN. I suppose a man who knows about as much of the needs of the Army as anybody is General Sheridan. He says that this school of instruction for Army purposes is wholly unnecessary. General Drum, the Adjutant-General of the Army, says the same thing. There is an order issued by the general of the Army which requires a school of instruction for the purpose of Army telegraphy and signal service in nearly all the forts of the United States, and in some of the forts it is very extensively taught; so that General Sheridan says he has made already ample provision for instruction in Army signal service within the Army proper itself.

Mr. RANDALL. I think I would take General Sheridan's opinion as soon as I would take the opinion of the Secretary of War upon such a subject as this.

Mr. REED, of Maine. That is, you would take the opinion of either when it agrees with your own. [Laughter.]

Mr. RYAN. Mr. Chairman, I ask to have read an extract from a general order showing that there is instruction given at these stations.

The Clerk read as follows:

[Extract from General Orders No. 12, current series, Headquarters of the Army, Adjutant-General's Office, amending paragraph 2575, Army Regulations.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, February 25, 1886.

General Orders No. 12.]

* * * * * * *

2575. In times of peace a detail of not less than one officer and three enlisted men will be kept constantly under instructions and practice in military signaling at each post in the United States until the officers and all enlisted men who have sufficient intelligence are proficient in the use of the English Morse code, with flag, torch, and heliograph. The post commander will detail an acting signal officer at each post to give the necessary instructions and supervise field practice. The monthly reports of instruction and practice will be rendered to the Chief Signal Officer through department commanders.

* * * * * * *

By command of Lieutenant-General Sheridan:

R. C. DRUM, *Adjutant-General.*

The question was taken on the pending amendment; and there were—ayes 26, noes 70.

Mr. EZRA B. TAYLOR. No quorum.

Mr. RANDALL. I move that the committee rise.

Mr. REED, of Maine. Mr. Chairman, the point is made that there is no quorum.

Mr. RANDALL. It is too late.

Mr. REED, of Maine. The gentleman from Ohio made the point immediately. Is there to be no attention paid to what goes on on this side of the House?

Mr. EZRA B. TAYLOR. I made the point instantly and loudly, but I was unable to be heard.

Mr. RANDALL. Well, I do not wish to cut the gentleman off, but I desire that the committee rise now so that the House may act upon the report of the committee of conference on the consular and diplomatic bill.

The motion of Mr. RANDALL was agreed to.

The House accordingly rose, and the Speaker resumed the chair.

Mr. BELMONT. Mr. Speaker, I desire to present the report of the committee of conference on the disagreeing votes of the two Houses upon the consular and diplomatic bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6392) "making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 9, 10, 11, and 12; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment; and the Senate agree to the same.

PERRY BELMONT,
WM. R. COX,
W. W. RICE,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Mnagers on the part of the Senate.

The following statement was submitted by the conferees on the part of the House:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. R. 6392, entitled "An act making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes," submit the following in explanation of the action of the conference committee in the report herewith submitted:

Amendment number 1 provides the sums severally appropriated in the bill shall be in full compensation for the fiscal year ending June 30, 1887.

Amendment number 2 appropriates $20,000 instead of $15,000, as provided by the House bill, for chargés d'affaires *ad interim* and diplomatic officers abroad.

Amendment number 3 restores the appropriation of $500 as passed by the House, instead of $800 as provided by Senate amendment, for an interpreter to the legation and consulate-general in Bangkok, Siam.

Amendment 4 restores the Arabic clerk at the consulate at Tangiers provided for by the House.

Amendment 7 restores the appropriation of $15,000 to meet the necessary expenses attendant upon the execution of the neutrality laws as provided for by the House. It also agrees to the appropriation of $50,000 recommended by the Senate to enable the President to meet unforeseen emergencies arising in the diplomatic and consular service and to extend the commercial and other interests of the United States.

Amendment 8 makes the salary of the consul-general at Halifax $3,500 instead of $3,000, as provided by the House.

Amendment number 9 specifies the total sum provided for salaries of consuls, vice-consuls, and commercial agents.

Amendment 10 restores the classification of consuls to the law for the present year with the exception of the consulship at Apia, which is increased $500.

Amendment 11 provides that in the estimates for the fiscal year ending June 30, 1888, there shall be estimated for specifically, under classified consulates, all

consulates and commercial agencies where the fees collected or compensation allowed for the fiscal year ending June 30, 1886, exceeds $1,000.

Amendment 12 specifies the total sum appropriated for clerks at consulates, and provides that the sum to be allowed at each consulate shall not exceed the rate specified in the bill.

PERRY BELMONT,
WM. R. COX,
W. W. RICE,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent to print some remarks upon the conference report.

There was no objection, and it was so ordered.

The report of the committee of conference was then agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. REAGAN in the chair), and resumed the consideration of the sundry civil appropriation bill.

The CHAIRMAN. When the committee rose, the point had been made by the gentleman from Ohio [Mr. EZRA B. TAYLOR] that no quorum had voted. The Chair will appoint as tellers the gentleman from Ohio, Mr. EZRA B. TAYLOR, and the gentleman from Pennsylvania, Mr. RANDALL.

The tellers took their places; but before the count was concluded,

Mr. EZRA B. TAYLOR said: I withdraw the point.

The CHAIRMAN. The point as to a quorum being withdrawn, the noes have it, and the amendment is rejected.

The Clerk read as follows:

National cemeteries:

For national cemeteries: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers, purchase of tools and materials, and head-stones for deceased soldiers of the regular Army, $100,000.

Mr. RANDALL. I move to amend by inserting after the word "laborers," in line 1491, the words "and other employés." This amendment is offered at the request of General Holabird, the head of the Quartermaster's Department.

The amendment was agreed to.

The Clerk read as follows:

Head-stones for graves of soldiers: For continuing the work of furnishing head-stones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, and village cemeteries, and other burial places, under the acts of March 3, 1873, and February 3, 1879, and for supplying head-stones for unmarked graves of soldiers, sailors, and marines of the Revolution, war of 1812, Mexican, and other wars, not heretofore provided for, $45,000.

Mr. MCADOO. I offer the amendment which I send to the desk.

The Clerk read as follows:

After "marines," in line 1499, insert "including all who have died in the regular naval service at any time."

After the word "cemeteries," in line 1500, insert "naval cemeteries at navy-yards and stations of the United States."

Mr. RANDALL. If the gentleman from New Jersey [Mr. MCADOO] will let us have a vote at once on the amendment I will vote with him.

Mr. RYAN. If this proposition prevails, the amount of money appropriated by the paragraph will not be sufficient.

Mr. RANDALL. These persons who have died in the naval service ought to have head-stones.

Mr. RYAN. Then we ought to increase the amount of the appropriation

Mr. RANDALL. I think not.

The amendment of Mr. MCADOO was adopted.

The Clerk read as follows:

For payment of the fees and expenses of United States marshals and deputies, $675,000.

Mr. REED, of Maine. I wish to inquire how far short of the estimate the amount here proposed to be appropriated is.

Mr. RANDALL. It is fully up to the estimate.

Mr. REED, of Maine. What was the appropriation last year for marshals and deputies?

Mr. RANDALL. We have given fully up to the estimate. Last year there was an appropriation and a deficiency.

Mr. REED, of Maine. You have not here covered the amount of the deficiency of last year?

Mr. RANDALL. We have not.

Mr. REED, of Maine. I understand that these figures are $100,000 less than the actual expenditure of 1885.

Mr. RANDALL. I do not know how much less they are; but I know the estimate has been given in full. [Cries of "Read!" "Read!"]

Mr. REED, of Maine. I thank gentlemen for calling for me so loudly. [Laughter.] In response to what seems to be the general desire, I will say that I hope the chairman of the Committee on Appropriations has some explanation to make for proposing a smaller appropriation than the actual expenditure of last year. As I understand, these expenditures are all made in pursuance of law. If that is the case, it becomes the duty of the House sitting in Committee of the Whole on an appropriation bill to make the appropriations necessary to carry out the law; and I am unable to see any reason why the full amount should not be put in this bill; for I take it for granted that after the frequent exposures we have had here in the House of this business of appropriating, for ulterior purposes, less than the actual expenses of the Government, it will not be attempted very much oftener.

Mr. RANDALL. I have only to say that we make appropriations in a large degree upon information derived from the Departments, and in this case we have given the full amount estimated by the Department as necessary for the next fiscal year.

Mr. REED, of Maine. Mr. Chairman, it is notorious to every man who knows anything about the legal business of this country that the courts of the United States have been embarrassed in every possible way for the last few years by a failure of appropriations. Courts have had to stop, important suits have had to be postponed, prisoners have had to lie in jail because juries could not be impaneled, public buildings in which the courts have been held have been neglected, and all because the legislative power has failed to make the necessary appropriations to carry out existing laws. We have had in these matters a series of deficiency bills. It seems to me we ought to come to an end of this system.

The course of procedure which is adopted always in the interest of "economy" is to pay no attention to the estimates of the Departments if they are not satisfactory, and if they are satisfactory to cling to them and present them to the House as arguments. But after all, the criterion in determining the amount of such an appropriation as this ought to be what the existing law of the land requires. We ought to be as obedient to the law as we ask other people to be. Yet here is a deficiency bill in 1885 of $100,000 for marshals, $40,000 for pay of district attorneys, $20,000 for clerks, $20,000 for commissioners, $50,000 for jurors, and $100,000 for witnesses—$330,000 in all. And the amounts for the succeeding year, of which I could give details, are very nearly the same. Now, is this sort of thing creditable?

Mr. CANNON. The gentleman from Maine will allow me to say that he understates the deficiency. For witnesses in the United States courts, the amount appropriated for 1886 was $550,000 in the first instance, $135,000 in the urgent deficiency bill, and $50,000 recommended in the deficiency bill proper, making $735,000 in all. Yet this bill proposes to appropriate for the coming year $550,000, which is $185,000 less than has been spent for the current year.

Mr. REED, of Maine. Now, here is a deficiency that stares us right in the face. We propose deliberately to make provision for a deficiency bill. The courts are hampered from one end of the country to the other by reason of legislation according to methods which certainly can not be called "economy." It is "economy" on an appropriation bill, but not economy for the Treasury. After all, if we really mean business, the place where economy makes itself felt is in the disbursements of the Treasury, not in these empty figures of an appropriation bill.

Mr. RANDALL. It has been perfectly well understood, Mr. Chairman, and admitted, that there has been great extravagance in connection with the administration of justice. I do not know myself how in the world we could do differently than we have in giving the full amount estimated for this purpose by those in charge of the matter. The estimate of the Attorney-General's Department compared with past expenditure would indicate that those in charge of the Department of Justice expect to run that Department on much less money next year. I yield to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I move to strike out the last word. I think I can explain to the gentleman from Maine why it is possible for the Department to estimate a less amount for the ensuing year than has been required for the current year or for the preceding year. It is well known to gentlemen who have investigated the subject that court expenses are subject to great expansion and might be subject to great reduction by careful and proper administration of the law.

I will give the gentleman an instance. In the matter of preliminary examinations before United States commissioners the custom has prevailed for many years until the incoming of the present administration of bringing prisoners to the seat of government, or the place where the court is held, or having one place only in the district where preliminary examinations are made. It has given rise to great expense in the bringing of these prisoners sometimes 200 or 300 miles and keeping them for several days, and for marshals' fees going and returning. All these expenses have tended largely to increase, and unnecessarily, the cost of the administration of justice.

Mr. ADAMS, of New York. Will the gentleman answer me a question right here?

Mr. SPRINGER. Certainly, if I can.

Mr. ADAMS, of New York. For the fiscal year ending June 30, 1886, there has been given to the marshal of the great district of New York city the paltry sum of $1,500 to carry on the three or four courts there. The marshal was here on Saturday last asking for a deficiency to pay jurors' fees now due to the extent of $1,300. There is that

amount of money due for the payment of jurors who have actually served in that city, not one dollar of which has been appropriated for by the Appropriations Committee, of which I am a member.

Mr. SPRINGER. That will be included in the deficiency bill for this year.

Mr. ADAMS, of New York. No; it has not been included in the deficiency bill for this year, and that is what I refer to.

Mr. REED, of Maine. I hope the gentleman from New York will allow the gentleman from Illinois to finish his explanation, because it is full of interesting detail.

Mr. SPRINGER. On the incoming of the present administration, Mr. Chairman, the Attorney-General made an order requiring persons arrested to have their preliminary examinations taken at the nearest commissioner, and this order has already very largely reduced, and will still further reduce, the expenses of marshals.

I will give the gentleman an instance which came under my own observation in the Territory of Dakota. That is a very large Territory. It so happened when the court was sitting at Bismarck the preliminary examinations were held at Yankton, and when the court was held at Yankton they took the prisoners to Bismarck, and in this way they were carried to the farthest distance for preliminary examinations, vastly increasing the expense to the Government. The administration desires to reduce expenses in this particular by reforming this among many other abuses. [Cries of "Vote!" "Vote!"] I will withdraw my *pro forma* amendment.

Mr. REED, of Maine. I wish to speak against your formal amendment.

Mr. SPRINGER. Then I will withdraw it!

Mr. REED, of Maine. Thank you. Mr. Chairman, I think the gentleman from Illinois has presented the argument to give full weight to views on that side. I am glad to hear it, because it shows the importance of the matter to which I have called the attention of the House. And I call the attention of the House to it in no partisan spirit. It is a matter of as little consequence to any one on this side as it is to any one on that side.

The answer the gentleman from Illinois makes is that we are going to economize because accused persons are going to be brought to different places to commissioners instead of to one place.

Now, if the administration purposes to rely upon that for economy they are going to find themselves terribly mistaken. They are not going to economize a dollar, but will succeed only in interfering with the administration of justice most seriously in many places. But, after all, the whole item to which the gentleman alludes is only $20,000——

Mr. SPRINGER. No; this relates to fees of marshals as well.

Mr. REED, of Maine. There is not a living soul here who does not know that the courts of the United States have been hampered in their work, and there is not a man who does not know under this proposition they will be hampered still further. Now, do you want to carry out this same system for the purpose of showing false figures on this appropriation bill? You will have to come up to it on a deficiency bill, and in addition to that you will clog the legal business of the country for an entire year.

Gentlemen speak about expenditures. Why the expenditures of the Department of Justice are regulated by law, and the money has got to be paid; the only effect of this is to hamper the courts, to compel the discharge of jurors, to keep accused persons in prison, and there is no sense in it.

I move, therefore, that the word "six" be stricken out of this paragraph and the word "seven" be inserted in line 1763 of the bill.

Mr. SPRINGER. I withdraw the *pro forma* amendment, so as to oppose the amendment of the gentleman from Maine.

I desire to state further, Mr. Chairman, in the same line of argument I was pursuing a while ago, that the system of arrests for trivial offenses has grown to such an enormous extent that it has vastly increased the expenditures of the courts of the country, and I will give an instance. At one time in the State of Texas it occurred that all of the voters in one county were subpœnaed to appear as witnesses in one case, and were brought to attend court in another county 40 miles distant, when the judge who tried the case said that twenty witnesses were ample to prove all of the facts in the case. This was done, of course, to make fees for the officials. It occurred also in one of the counties of Alabama on another occasion, where it appeared that during one or two years' time every man in the county had been arrested for some offense and taken long distances to be formally examined before some United States commissioner.

Mr. REED, of Maine? When was that?

Mr. SPRINGER. It was about three years ago.

Mr. REED, of Maine. That was before this deficiency occurred.

Mr. SPRINGER. Yes; but I am showing the system that has caused these deficiencies; and these arrests were made for the sole purpose of making fees for the marshals not for the purpose of enforcing the law.

Now, there has been under the last administration, and I will give the gentleman in charge of the Department at that time credit for his purpose, under Mr. Brewster, a determined effort, in fact he directed his energies to breaking up these practices.

Mr. REED, of Maine. Still there was a deficiency of $100,000.

Mr. ADAMS, of New York (to Mr. SPRINGER). Have you not a bill to pay marshals' salaries?

Mr. SPRINGER. I have a bill pending in this House, but it takes a long time to reform all of these abuses. They have been reformed to some extent under former administrations, and are still being reformed; and I maintain that this amount will be largely in excess of the necessities of an honest and economical administration of the service.

Mr. RANDALL. I have only to say again to this House that the bill, except in a single item, gives every dollar that has been asked. I hope the amendment will be voted down.

Mr. REED, of Maine. I must say, Mr. Chairman, that in so plain a matter as that I do not think we ought to be guided by the head of a Department. The gentleman from Pennsylvania expressed his preference for other authorities than the head of a Department only a few moments ago, and I hope a number of us present will rise superior to the Department of Justice.

The question being taken on the amendment of Mr. REED, of Maine, the committee divided; and there were—ayes 55, noes 79.

Mr. REED, of Maine. I demand tellers.

The CHAIRMAN. There being no quorum, the Chair will order tellers.

Mr. REED, of Maine, and Mr. RANDALL were appointed tellers.

Mr. REED. I withdraw the demand.

So (no further count being demanded) the amendment was rejected.

The Clerk read as follows:

For fees of clerks, $175,000.

Mr. RYAN. I move to strike out in line 1767 the words "seventy-five" and insert "ninety-five." The deficiency for the current year is $20,000, and I propose to increase this amount so as to cover that deficiency.

The amendment was rejected.

Mr. GROSVENOR. I offer an amendment to come in after line 1768.

The Clerk read as follows:

Add after line 1768:

"But no part of this appropriation shall be used to pay fees of United States marshal, clerk, or district attorney upon any writ or bench warrant for the arrest of any person or persons who may be indicted by any United States grand jury where such person or persons is under recognizance taken by or before any United States commissioner or other officer requiring the appearance of such person or persons before the court in which such indictment is found, to answer the charge upon which such indictment is found, and when such recognizance has not been forfeited."

Mr. RANDALL. I reserve the point of order until an explanation is given of the amendment.

Mr. ROGERS. I ask that the amendment be reported again, and that we may have order while it is read.

The amendment was again read.

Mr. GROSVENOR. My purpose in offering this amendment is to get rid of an abuse which has come to my personal knowledge in the matter of the administration of justice in the United States courts. Persons are bound over by United States commissioners to appear before the grand jury on the first day of the term of court, and to abide the order of the court, and not to leave. But the practice has grown up all over the country that the moment the grand jury returns the indictment a præcipe is filed by the district attorney, a warrant is issued by the clerk, and the marshal goes out and arrests the party somewhere—perhaps in the adjoining room, perhaps at his home waiting notice that his presence is required.

Now, I do not think the law at this time justifies that sort of taxation of costs. It is a system by which large sums of money are made every year by these officers—I have no doubt a very significant and important sum of money. It is clearly in my judgment a violation of the principle of existing law, and I offer this amendment so that hereafter there will be no question about it.

Mr. BLAND. Suppose a party is held for one offense and indicted for another?

Mr. GROSVENOR. That case is saved by the terms of the amendment. It says when he is under recognizance for the same offense for which he is indicted.

Mr. WARNER, of Missouri. Would not the United States district attorney have to go into court and take a forfeiture of the recognizance under which the defendant was held? That is the law.

Mr. GROSVENOR. That may be the law. But within ten days I saw five bench warrants issued from a United States court and a large sum of money made in the form of costs; and the judge of our district court, Judge Sage, called my attention to it, and to the fact that it was an abuse. He said he had no power over it except when it came under his immediate observation; and he warned the clerk in my presence not to do it any more. The purpose of this amendment is to make that plain, so that hereafter unnecessary costs shall not be made. This is a matter of no consequence to me personally; but it is an abuse which ought to be remedied.

Mr. OATES. I ask that the amendment be again read.

Mr. RANDALL. I do not know whether I can accomplish the result I desire in the committee or not. What I wish is that we shall

extend the sitting of the House till 6 o'clock or such time as a vote may be reached.

The CHAIRMAN. That will require the action of the House.

Mr. RANDALL. I am under obligation to gentlemen who have facilitated the passage of this bill to-day to move at five minutes to 5 the committee rise. I make that motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil bill, had come to no resolution thereon.

Mr. RANDALL. I ask unanimous consent that the hour for adjournment be extended to-day till 6 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HEPBURN. I object.

Mr. RANDALL. I ask that the hour be extended till a conference report can be presented.

Mr. HEPBURN. I withdraw my objection.

Mr. BURROWS. I suppose the gentleman from Pennsylvania merely wants to extend the time long enough to finish the bill.

Mr. RANDALL. Yes, sir; and we can vote to-morrow.

There being no further objection, the order extending the sitting of the House till 6 o'clock was agreed to.

DISTRICT APPROPRIATION BILL.

Mr. WILSON, of West Virginia. I present the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6397) making appropriations to provide for the expenses of the government for the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 14, 22, 23, 24, 42, 43, 44, 45, 52, 57, 58, 68, 74, 76, 88, 90, 91, 95, 99, 100, 110, 111, 113, 115, 117, 119, 125, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 8, 9, 12, 17, 18, 19, 20, 21, 34, 36, 37, 38, 39, 40, 41, 46, 48, 49, 50, 51, 55, 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 71, 73, 75, 78, 86, 93, 96, 97, 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 118, 120, 123, 128, 129, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out of said amendment the following: One stenographer, $1,200; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with an amendment as follows: In lieu of the sum proposed insert $22,444; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum named insert $1,100; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum named insert $200; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named insert "$8,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum named insert: "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum named insert "$60,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$266,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$440,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,382;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$181,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$344,780;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840;" and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$116,420;" and the Senate agree to the same.

That the House recede from its disagreement of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,840;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$572,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: Strike out from said amendment the following: "Temporary clerk-hire, $400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,280;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Insert after the word "and," where it occurs in said amendment, the following: "one-half of the same less any amounts heretofore credited shall be;" and the Senate agree to the same.

WM. L. WILSON,
JNO. J. ADAMS,
D. B. HENDERSON,
Managers on the part of the House.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. WILSON. Mr. Speaker, the amendments to this bill are so numerous——

Mr. STRUBLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. STRUBLE. I rise to ask unanimous consent to take up a bill——

The SPEAKER. There is a report before the House.

Mr. WILSON. The amendments to this bill were so numerous that the committee, having just concluded their conference, have not had time to prepare the statement which is required by the rule. I therefore ask unanimous consent to present that statement hereafter, merely remarking now in comprehensive terms that we have just about "split the difference" between the House and the Senate on the Senate amendments to the bill.

There being no objection, the request of Mr. WILSON was agreed to.

The report of the committee of conference was then adopted.

Mr. WILSON moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Subsequently Mr. WILSON filed the following report:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6397) making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year 1887 submit the following written statement in explanation of the action recommended on each of the amendments by the conference committee in their report, acted upon by the House June 30, 1886, namely:

On amendments 1, 2, and 4, provides for a clerk at $1,500, instead of a clerk and assistant secretary at $1,500; strikes out one stenographer at $1,200, and corrects the total of the paragraph.

On amendments 5 and 6, strikes out proposed increase of one clerk at $1,000 in the assessor's office.

On amendments 8 and 9, provides $2,000 for services necessary for preparing an exhibit of all outstanding indebtedness.

On amendments 11, 12, 13, 14, and 15, relating to the attorney's office, fixes the salary of the special assistant attorney at $1,100 and that of the messenger at $200 and the amount for contingent expenses at $300.

On amendments 17 and 18, fixes the amount for miscellaneous items in the sinking-fund office at $300.

On amendments 19 and 20, fixes the amount for contingent expenses of the coroner's office at $700.

On amendment 21, agrees to words inserted by Senate, namely: "*Provided*, That the fees collected by said harbor master shall be paid to the collector, for payment into the Treasury, to the credit of the United States and the District of Columbia in equal parts."

On amendments 22, 23, and 24, leaves the paragraph touching the engineer's office just as it was passed by the House.

On amendments 26, 27, 32, 33, and 34, relating to improvements and repairs, fixes the amount as follows: For repairs to concrete pavements, $65,000; for materials for permit work, $60,000; and for work on the sundry avenues and streets, $266,000.

On amendments 36, 37, 38, 39, 40, and 41, relating to the repair and maintenance of bridges, places the bridges under the control and supervision of the District commissioners, and appropriates $10,000 for their repair and maintenance.

On amendments 42, 43, 44, 45, 46, and 47, leaves the paragraph touching the Washington Asylum just as it was passed by the House, except that $2,000 is added for the purchase of a dummy engine.

On amendments 48, 49, 50, 51, and 52, relating to the Reform School, fixes the pay of the engineer at $396, limits the amount that may be expended for additional labor to $900, and places the expenditure of the fund for support of the school in the discretion of the commissioners.

On amendments 55, 56, and 57, relating to the Industrial Home School, places the expenditure of the fund for maintenance of inmates under the discretion of the District commissioners, appropriates $3,500 for the erection of a new building, and strikes out proposed sum of $1,000 for heating apparatus.

On amendment 58, makes the sum for support of indigent insane of the District $75,132, as passed by the House.

On amendments 59, 60, 61, 62, 63, 64, 65, 66, and 67, leaves the provisions touching charities just as proposed and passed by the Senate.

On amendments 68, 69, and 70, touching streets, fixes the amount for current work on county roads and suburban streets at $40,000, as originally passed by the House; and gives $30,000 for opening and extending suburban streets, with the provision that the appropriation shall not be construed to authorize the widening of any streets now laid out and opened.

On amendments 71 and 73, fixes the amount for street-lamps at $100,000, and provides that $10,000 thereof may be used for providing electric lights.

On amendments 74, 75, 76, 78, 79, and 80, touching the Metropolitan police, fixes

the number of privates of class 1 at 105, as passed by the House; fixes the pay of the patrol-wagon drivers at $360 each; gives $10,000 for miscellaneous and contingent expenses, and $5,500 for the additional work at the sixth and seventh precinct stations.

On amendments 83, 34, 85, 86, 87, 88, and 89, touching the fire department, fixes the pay of firemen, tillermen, and hostlers at $840 each, being an increase of $40 each over the current law, fixes the pay of the veterinary surgeon at $400, gives $3,000 for repairs of engine-houses instead of $2,500 as passed by the House, and strikes out the provision of $1,200 for a pumping engine.

On amendments 90, 91, 93, 94, and 95, touching the telegraph and telephone service, provides for two repair men at $720 and two laborers at $300 each, as was proposed by the House, gives $7,000 for general supplies instead of $6,500, &c., and strikes out the sum of $7,500 for laying underground the telegraph and telephone wires.

On amendments 96 and 97, touching the courts, provides $1,400 for United States marshal's fees.

On amendments 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, and 116, touching the public schools, makes the total appropriation for public schools $572,750, being $11,100 more than was passed by the House, limits the number of teachers to six hundred and twenty, gives $2,500 instead of $2,000 for night schools, makes certain changes as to the assignment of janitors to the various school buildings, involving an increase of the sum given therefor by the House of $600; leaves the amount for repairs and improvements of school buildings at $20,000 as passed by the House, and gives $50,000 for new school buildings, being $10,000 more than was passed by the House, thus making the said $7,100.

On amendments 117, 118, and 119, touching miscellaneous expenses, fixes the amount of rent for district offices at $3,600, being the same as was passed by the House, and makes some verbal additions to the text of the paragraph.

On amendments 120, 121, 122, 123, and 124, touching the health department, provides for two clerks at $1,200 each, one clerk at $1,000, and strikes out proposed amount of $400 for temporary clerk-hire; gives $3,500 instead of $2,500 for contingent expenses, and $15,000 for removal of garbage, as passed by House, omitting $5,000 for ashes.

On amendments 125, 126, and 127, touching the water department, provides for one inspector at $3 per day, as was passed by the House, and gives $75,000 for engineers and firemen, &c., being $10,000 more than was passed by the House.

On amendments 128, 129, and 130, makes section 2 of the bill read as follows: "That said commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during the fiscal year 1887 than they make on the appropriations arising from the revenues, including drawback certificates, of said District. And all the drawback certificates heretofore or hereafter received for general taxes under the acts of June 27, 1879, and July 5, 1884, and paid or deposited in the Treasury, shall be considered and treated as money in the keeping and settlement of accounts between the United States and the District of Columbia under this or any other act, and one-half of the same, less any amounts heretofore credited, shall be credited to said District as such, together with all other revenues, as received, upon the books of the Treasury."

The amendments of the Senate not enumerated herein were concurred in by the House, and were therefore not considered in the conference.

The total amount of the bill as agreed upon is $3,721,047.99, being $102,180 less than was passed by the Senate, $109,385 more than was passed by the House, $118,821 less than the estimate submitted, and $98,364.79 more than was appropriated for 1886.

WM. L. WILSON,
JNO. J. ADAMS,
D. B. HENDERSON,
Managers on the part of the House.

ORDER OF BUSINESS.

Mr. STRUBLE. I ask unanimous consent to take up Senate bill No. 149, and to put the same upon its passage.

Mr. MORRISON. Regular order.

Mr. STRUBLE. I desire to say, if the gentleman will permit me——

Mr. WEAVER, of Iowa. This is the forfeiture bill.

Mr. STRUBLE. It is a bill upon which gentlemen who differed the other day have agreed on an amendment.

Mr. THOMAS, of Wisconsin. There is no disagreement about it now; all parties are agreed; and I hope the gentleman from Illinois will withdraw his objection.

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. MORRISON. I call for the regular order.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House again resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. REAGAN in the chair), and resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GROSVENOR].

Mr. HOLMAN. Let it be read.

The Clerk read as follows:

After line 1768 insert the following:

"But no part of this appropriation shall be used to pay the fees of United States marshals, clerks, or district attorneys upon any writ or bench warrant for the arrest of any person or persons who may be indicted by any United States grand jury where such person or persons are under recognizance taken by or before any United States commissioner or other officer authorized by law, requiring the presence of such person or persons before any court in which such indictment is found, to answer the charge upon which such indictment is found, and where such recognizance has not been forfeited or said defendant is not in default: *Provided*, That the court in which such indictment is pending orders a warrant to issue."

Mr. HOLMAN. I move to amend the amendment by adding to it the following:

Or in payment of a per diem to any such officer for attendance in court except for days when business is actually transacted in the court.

Mr. Chairman, under a practice which has grown up in some courts—I hope it is not universal—the court will sometimes remain in session somewhat indefinitely, being formally open, but without the transaction of business; and upon such days the marshal and clerks receive per diem. It seems to me this was not the intention of the law. The purpose was that the per diem should be paid only when the court is actually and necessarily open for the transaction of business and when business is transacted.

Mr. ROGERS. Mr. Chairman, the practice that the amendment of the gentleman from Ohio [Mr. GROSVENOR] seeks to cure is a clear, positive abuse; there is no question about that. Where a party has been apprehended and is under recognizance to attend courts upon any given charge there never should be a bench warrant for his arrest until there has been a forfeiture of that recognizance. The practice, so far as I know, both in the State and Federal courts, is that when the indictment is returned the judge of the court simply makes the inquiry whether the party is under recognizance, and if informed that he is, he calls for the bond to see whether the charge in the indictment is the same as that for which he has been held or is for an offense of any less grade, but covered by the same charge. If either of these things be true, then the indictment is simply docketed and the defendant called. If he does not respond, a forfeiture is taken; and then a bench warrant ought to issue. But when a bench warrant issues prior to this stage of the case it is simply an abuse. The court ought to control this matter without any express provision of law; but if the abuse does exist, as my friend from Ohio says that it does in his State, then the amendment, in my judgment, is proper and will operate to correct the abuse. I shall therefore support the amendment, if a point of order is not made against it.

Mr. GROSVENOR. I desire to modify my amendment by striking out the words "provided that" and inserting the word "unless," so as to read "unless the court in which such indictment is pending orders a warrant to issue."

Mr. ROGERS. There was one other observation I wanted to make. If the defendant is indicted for some other offense than that for which he has given recognizance to appear, then the court ought of course to have the right to issue a bench warrant and bring him before the court; and this right, as I understand, is reserved by the last clause of the amendment.

The question being taken on agreeing to Mr. HOLMAN'S amendment to the amendment of Mr. GROSVENOR, it was agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Ohio as amended.

Mr. ROGERS. Before the vote is taken I think this amendment ought to be again read, as it has been considerably modified and amended.

The Clerk read the amendment of Mr. GROSVENOR as amended.

Mr. ROGERS. Before we vote on this matter, the amendment of the gentleman from Ohio as amended should be reported to the committee.

The CHAIRMAN. The Clerk will read the amendment as it has been amended.

Mr. HOLMAN. I suggest the words "used in payment of any per diem" should be inserted.

The CHAIRMAN. The Chair hears no objection, and the amendment will be modified in that respect.

Mr. HOLMAN. I would also suggest the provision is not broad enough. It should apply to all appropriations applicable for this purpose.

Mr. HERBERT. It does apply to the marshals and clerks.

Mr. HOLMAN. It should apply to all appropriations applicable for this purpose. The pending appropriation relates only to the clerks.

The CHAIRMAN. The Chair hears no objection, and that modification is also made.

Mr. HERBERT. Let me suggest to the gentleman from Ohio [Mr. GROSVENOR] that he should put in "informations" also. Informations are governed precisely by the same rules. A large number of indictments are found by these informations.

Mr. GROSVENOR. That is true; and I agree to that modification.

Mr. HERBERT. I suggest those words be put in.

Mr. GROSVENOR. I agree to that.

Mr. HERBERT. Now read the amendment as it has been modified.

The CHAIRMAN. The amendment as modified will now be read.

The Clerk read as follows:

But no part of the appropriation under this act shall be used to pay the fees of United States marshals or clerks upon any writ or bench warrant for the arrest of any person or persons who may be indicted by any United States grand jury, or against whom an information may be filed, where such person or persons is or are under a recognizance taken by or before any United States commissioner or other officer authorized by law to take such recognizance requiring the appearance of such person or persons before the court in which such indictment is found or information is filed, and when such recognizance has not been forfeited or said defendant is not in default, unless the court in which such indictment or information is pending orders a warrant to issue; nor used in payment of per diem to any officer for attendance in court, except for days when business is actually transacted in the court.

Mr. GROSVENOR'S amendment as amended was adopted.

The Clerk read as follows:

For fees of jurors, $450,000.

Mr. REED, of Maine. I move to strike out "$450,000" and insert "$525,000." [Cries of "Vote!"]

Mr. Chairman, it is a notorious fact that the jurors of the courts of the United States have been kept out of their pay. It is a fact stated to me by a gentleman on the floor just now the jurors in his district have been serving for six weeks without pay. This is the appropriation as presented here, for which the only defense given is the estimate of the Department of Justice, when there is proof positive, from the actual expenditures taking place in court in accordance with law, those estimates are insufficient by the sum of $75,000. This is not a question of peculation or overcharge of fees by officers. This is a question of the payment of men who are obliged to serve as jurors in court, and there is but one of two things to do: either to dismiss the jurors, or keep them and not pay them. The judges in some cases have discharged the jurors, and in other cases the jurors have gone on without pay. Is this a sensible thing to do?

Mr. RANDALL. I do not anticipate anything of the sort during the next year. I have no right to anticipate it. The Department of Justice thought $450,000 was sufficient. I do not want to increase the aggregate of the bill by increasing the appropriation here in reference to a matter which the gentleman knows no more about than I do.

Mr. REED, of Maine. There is only one way of judging of the future, and that is by the past, which has become quite a common-school declaration, and imports absolute verity.

Now, last year, or two years ago, $75,000 was the amount of the deficiency, and last year there was a deficiency of $50,000; and yet the gentleman says that we have no right to presume that there will be a deficiency this year. Yet it is a notorious fact, and if the gentleman from Pennsylvania does not know it then I do know more than he does about it, that to-day there is a deficiency being created in this item, which, I repeat, is in payment not of officials performing service for the Government but in the payment of a class of citizens who are serving their country under somewhat of a restraint.

Mr. HOLMAN. Mr. Chairman, a single word upon this amendment.

This subject of jurors is largely under the control of the courts. Gentlemen who have been in the habit of practicing before the Federal courts have observed the fact that but little attention is usually bestowed by the judge upon the length of time the jurors are detained, or the time when they are summoned for service. That is generally left to the subordinate officers, to the clerk and marshals; and in many instances weeks and months elapse in our Federal courts with juries at hand where no case is to be tried. A comparison of the practice of Federal courts with the State courts in this particular, and gentlemen here have generally had an opportunity of doing so, will show that the difference in cost as between the two is simply enormous.

The appropriation of money which the gentleman from Maine suggests should be very carefully made for this purpose, because abuses are very likely to occur and most unsatisfactory results flow from it. I would be willing and prefer rather that the appropriation for this purpose should be a little under than over the amount actually required. I think the result would be better.

Mr. REED, of Maine. The practical results of the economic arrangement the gentleman from Indiana suggests have been to show a deficiency for the last two years of $75,000 and $50,000 respectively. It takes a good while to teach the lesson.

The question is simply about appropriating the money now or appropriating it on a deficiency bill hereafter, and with the disadvantage of causing great trouble to the courts——

Mr. HOLMAN. If we have to appropriate it hereafter we can very well do it on a deficiency bill.

Mr. REED, of Maine. And at the same time and in the same category doing great injustice to the jurors themselves.

Mr. SPRINGER. I desire to say a word on the amendment. I believe I have never known an instance where the appropriation by Congress exceeded the estimates upon a matter of ordinary expenditure of the Government. It is the duty of the Department of Justice, through the machinery at its control, to estimate for the expenses of the succeeding year. That Department has put its machinery in operation for the purpose of doing so, and has estimated the amount that will be necessary for this purpose, and the Committee on Appropriations have granted that amount.

It seems to me that that ought to be conclusive on the House of Representatives. The gentleman from Maine, however, says that he knows of no way of judging of the future except by the past.

Mr. REED, of Maine. That was a quotation, you know. [Laughter.]

Mr. SPRINGER. That was a quotation, I know—from Patrick Henry, I believe.

Mr. REED, of Maine. Very likely.

Mr. PETTIBONE. It is common newspaper literature.

Mr. SPRINGER. It is a quotation, at all events, from some distinguished gentleman, that is true in ordinary cases, I have no doubt. But the error into which the gentleman has fallen is this: that he is judging the future of an economical Democratic administration by the past record of an extravagant Republican administration.

Mr. REED, of Maine. Yes; we have had one year, a very interesting year, of that administration.

Mr. SPRINGER. We are getting gradually——

Mr. REED, of Maine. Especially in the Department of Justice.

Mr. SPRINGER. We are getting gradually down to business, and it takes some time, as the gentleman must know, to get these matters in hand. They are being well taken in hand now, and the gentleman from Maine will find that there is to be no deficiency. The Department has estimated liberally for the next year, and there will be no necessity for a deficiency.

Mr. SYMES was recognized.

Mr. MCCOMAS. Let me ask my friend from Illinois, as he speaks of the present administration as a part of the future to show what we may expect, are we to take the expenditure of $735,000 for witness' fees for the past year as a proof of the future?

Mr. SPRINGER. I will state to the gentleman from Maryland that the present administration found all of this machinery in operation, and, as I said before, it takes some time to get it in shape.

Mr. SYMES. Mr. Chairman, I desire to say a word in reply to the suggestion of the gentleman from Indiana [Mr. HOLMAN]. I wish to say that so far as his criticism is concerned regarding the management of the Federal judges in summoning jurors, and their sitting around the court-room not called upon for jury duty, is not true so far as the district of Colorado is concerned.

Mr. HOLMAN. That is an exception, then.

Mr. SYMES. I know that Judge Hallet, of that district, has gone on under the appropriations made for that court and economized in every way that he can. I want to state that he does not call a petit jury until the third week in the term; so that in the mean time he will have all of the demurrers and everything of that nature disposed of, and after the petit jury comes he will not occupy the usual morning hour for the purpose of hearing motions and demurrers; but he calls the jury at 9 o'clock in the morning during the term, allowing them one hour for dinner, and sitting until 6 o'clock in the evening, and sometimes holds evening sessions.

He has done that from term to term, and then had to discharge the jury and adjourn the court because the appropriation gave out. That has been going on to the detriment of the administration of justice in that district for several years. And this charge of the gentleman from Indiana that the affairs of the Federal courts are not administered with economy as regards jurors is simply a piece of that character of talk that we have heard until we are tired of it. It is simply an attempted excuse of cheese-paring and false economy. I believe the Federal judges of America are as economical as the State judges, and they are not half as apt to sit around the court-room and electioneer with jurors and witnesses, because they do not require a re-election.

I hope the amendment will be adopted increasing the amount for jurors' fees so that the courts will not be hampered in the administration of justice.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6397) making appropriations to provide for the expenses of the government for the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its sitting.

Mr. HISCOCK. I desire the attention of the chairman of the Committee on Appropriations. I would like to inquire of him what has been the amount expended or appropriated for this service for the fiscal year which expires to-day.

Mr. REED, of Maine. Including deficiencies?

Mr. HISCOCK. Yes, sir.

Mr. RANDALL. The amount appropriated was $450,000; and there is already in one of the deficiency bills $50,000; making in all $500,000.

Mr. HISCOCK. The total amount I believe is $725,000. The gentleman from Maine [Mr. REED] has not made his amendment half high enough. How much does the law carry for the present year?

Mr. RANDALL. I think $500,000, including the appropriation and the deficiency.

Mr. HISCOCK. Is not the law for the current year $550,000 for witness fees?

Mr. RANDALL. We have not reached that yet. But I will answer the question. We have appropriated $550,000 for the current year, and a deficiency of $135,000; making in all $685,000.

Mr. HISCOCK. And how much does the general deficiency bill which has just been reported carry for witnesses' fees?

Mr. RANDALL. Fifty thousand dollars.

Mr. HISCOCK. Well, that makes $735,000.

Mr. REED, of Maine. The gentleman from Illinois [Mr. SPRINGER] indulges us in the hope which now springs in his mind that the present administration will be much more economical than the past. Now

judging, as he has beautifully said, the future by the past, you will find there was $50,000 deficiency in 1885, and that that deficiency had increased to $75,000 in 1886. It is not so hopeful on the side of economy as the gentleman has led us to believe.

So the question really comes back to the House, will you vote the money which under the law has been properly spent or will you refuse it? Gentlemen here know in what condition the courts are in their districts.

Mr. RANDALL. I have never known any political party in control here on either side which has given for these objects in excess of what the Department having control said was sufficient.

Mr. REED, of Maine. But if the ignorance of a Department is made manifest by such unimpeachable figures as these, Congress should take notice of it.

Mr. RANDALL. I do not know that the Department is ignorant.

Mr. REED, of Maine. There is the fact that the gentleman from Pennsylvania has brought in bills and a Democratic House has passed them for $525,000 for fees of jurors; and everybody knows such expenses can not decrease in a growing country like this.

Mr. RANDALL. We have given the Department the amount they ask.

The CHAIRMAN. The question is on the amendment of the gentleman from Maine [Mr. REED].

The question being taken, there were—ayes 31, noes 52.

So (further count not being called for) the amendment was disagreed to.

Mr. CABELL. I desire to offer an amendment to come in after line 1771.

Mr. RANDALL. We have passed that.

The CHAIRMAN. The committee has now reached the paragraph commencing with line 1774.

The Clerk read the following paragraph:

For fees of witnesses, $550,000.

Mr. REED, of Maine. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1774 strike out "$550,000" and insert "$735,000."

Mr. REED, of Maine. Now I desire to say this: We know what has been the expenditure of the current year when we have an economical administration in the first blush and bloom of its innocence and goodness. [Laughter.] Of course we can not expect anything better in the future. Life never again will offer us anything like this year.

Mr. HAMMOND. Vote! vote! I beg pardon of the gentleman from Maine. I thought he was through.

Mr. REED, of Maine. I see the gentleman from Georgia is impatient, because he is a lawyer and knows what I say is true. But the Democratic party having gone into commission, he is waiting to vote. I appreciate the impatience he naturally feels.

Here is what was in the last bill, $550,000; one of the deficiency bills has given $135,000; another has given $50,000, which is $185,000 in addition to the $550,000 for paying fees of witnesses.

Now it is perfectly well understood these are not grasping office-holders, but they are people brought before the court in pursuance of the sworn duties of officers. They are private citizens. They are men who earn certainly the small amount that is given them. And yet you deliberately propose to dock them of $185,000 of what an economical, high-minded, intelligent administration has actually paid out in money during this year, and which a high-minded and intelligent Congress with 40 Democratic majority has sanctioned by its vote. I think I have made the matter apparent.

Mr. HAMMOND. Mr. Chairman, I am impatient at an effort to raise this appropriation above the estimate of the Department of Justice. There may be waste in witness fees as in everything else. To illustrate this I may relate a little incident that occurred some years ago in Georgia, when a number of our upper Georgia counties were going wrong politically, as I thought. I saw a leading politician of that section and complained to him about it. He said, "Well, give me some point on which I can get them away from the Independents and bring them back to the Democratic party." "Well," said I, "if you have nothing else to say, denounce the United States courts for arresting people and dragging them away from their homes and sending some of them to prison and some back to their homes." I may remark parenthetically that in Georgia we generally have some three hundred or four hundred men sentenced at every court and sent back home; it is a merely formal matter. He replied, "You do not know what you are talking about, Mr. HAMMOND." I said, "Why not?" "Why," said he, "that court is the best thing we have. It is worth more to us than the corn crop." "How is that?" I inquired. "Well," said he, "some poor devil puts up a still and he is arrested and carried off to jail, and all the balance of us are summoned as witnesses and brought to Atlanta at 10 cents a mile going and 10 cents a mile coming and $2 a day while we stay in town. I tell you it is better than the corn crop." [Laughter.]

The amendment was rejected.

The Clerk read as follows:

For pay of bailiffs and criers; of expenses of district judges who may be sent out of their districts to hold court; of meals for jurors when ordered by court; of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court; and for such other miscellaneous expenses as may be authorized by the Attorney-General, including the employment of janitors and watchmen in rooms or buildings rented for the use of courts, interpreters, experts, and stenographers; of furnishing and collecting evidence where the United States is a party in interest, and other miscellaneous expenses, $300,000.

Mr. RANDALL. Mr. Chairman, I have here an amendment which was not agreed to in the committee, some of the members thinking it was new legislation and others that it ought to be incorporated in this bill. I therefore wish to state, in offering the amendment, that I offer it in my own representative capacity.

The amendment was read, as follows:

In line 1790, after the word "stenographers," insert "including stenographers or law clerks for the use of the Chief-Justice and the associate justices, each, of the Supreme Court of the United States;" and at the end of the sentence strike out "$300,000" and insert "$320,000."

Mr. HOLMAN. I make the point of order upon that proposition that it is not authorized by law.

Mr. RANDALL. I concede that it is subject to the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. VOORHEES. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1792 insert the following:

"For carrying into effect the orders of any justice, judge, or commissioner of any court of the United States for the removal of Chinese persons found to be not lawfully entitled to be or remain in the United States, issued under section 12 of 'An act to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882," approved July 5, 1884,' the sum of $100,000, or so much thereof as may be necessary."

Mr. RANDALL. I reserve the point of order until I hear an explanation of the amendment.

Mr. VOORHEES. Mr. Chairman, I had hoped that such an amendment as this would be unnecessary. I had hoped that Congress, before its adjournment at this session, would have realized the crying necessity of taking some decisive action upon this very important question. In view of its failure to realize this necessity this amendment should be adopted in order to secure some effective legislation whereby the law as it now exists may be carried into effective operation.

Section 12 of the act referred to (which will be found on pages 117 and 118 of the statutes of the first session of the Forty-eighth Congress) provides as follows:

No Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons certified to land from a vessel, and any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States, and found to be not lawfully entitled to be or remain in the United States. * * *

This law was approved on the 5th of July, 1884, and at the date of its approval it was thought it would be as effective in preventing the incoming of Chinese cooly labor as this character of legislation can be. Subsequently the Canadian parliament passed an act from which I read an extract, as follows:

4. Subject to the provisions of section 13 of this act every person of Chinese origin shall pay into the consolidated revenue fund of Canada, on entering Canada, at the port or other place of entry, the sum of $50, except the following persons, who shall be exempt from such payment, that is to say, first, the members of the diplomatic corps or other government representatives and their suite and their servants, consuls, and consular agents; and second, tourists, merchants, men of science, and students, who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or other similar documents issued by the Chinese Government or other government whose subjects they are; and every such certificate or other document shall be in the English or French language, and shall be examined and indorsed (*visé*) by a British consul or chargé d'affaires or other accredited representative of her majesty at the place where the same is granted, or at the port or place of departure; but nothing in this act shall be construed as embracing within the meaning of the word "merchant" any huckster, peddler, or person engaged in taking or drying or otherwise preserving shell or other fish for home consumption or exportation.

Mr. Chairman, Washington Territory is bounded on the north by British Columbia, and we have something like three or four hundred miles of boundary line. The practice of the Chinese, landing at British Columbia ports, is to come into Washington Territory, crossing the boundary line by both land and water, and when they are apprehended and taken before the United States courts and ascertained to be unlawfully in the United States, and an order is issued for their return to the country from whence they came under section 12 of the act which I have cited, it has been found that there is no fund out of which to pay the extraordinary expense contemplated in the Canadian law referred to.

Last September, when I was in Washington Territory, I had an extended conversation relating to the Chinese question with the United States marshal, in the course of which he informed me that he had in the United States penitentiary at that time eighteen Chinamen. It had been ascertained that they were unlawfully in the United States, and that they had come in from British Columbia. They had been turned over to the marshal by the court with instructions to carry out

the provisions of section 12 of the Chinese restriction act by returning them to the country from whence they came. Not having $900 of Government funds with which to pay the duty referred to, and having failed to obtain any relief upon application to the Department of Justice, he had taken the only course left open to him, namely, that of putting them in the penitentiary for safe-keeping until some means could be devised for permanently ridding the Territory of them in accordance with existing laws.

[Here the hammer fell.]

Mr. BYNUM was recognized, and yielded to Mr. VOORHEES.

Mr. VOORHEES. I thank my friend from Indiana.

Mr. Chairman, I desire to give very briefly some reasons why it is of the most vital importance that this question shall at an early date receive the intelligent consideration of the American Congress.

Race antagonisms have furnished the most serious problems of history. Wherever two races totally lacking in homogeneity have been thrown in contact the centers of society have been disturbed. In proportion as this inharmonious condition has been controlled by the Government the general welfare of society has been promoted. When, on the other hand, these discordant elements have been permitted to establish a footing in the midst of unwilling and hostile populations every condition of peaceful and prosperous government has been sorely menaced.

With the ratification of the Burlingame treaty with China on July 28, 1868, there was presented to the American people a condition of things which, from that hour to the present, has resulted in economic as well as social disorder. The incoming of Chinese cooly labor under treaty stipulations has invariably been met by an anxious and determined protest on the part of white labor and a firm but respectful presentation of the situation to Congress for such action as its gravity demands.

Thus far Congress has played the laggard, and in some instances despairing of that relief which Congress should have afforded, the people have overstepped the barriers of the law, and have sought by force to rid themselves of this pestiferous and uncongenial element. The inaction of Congress has to excited and oppressed labor seemed to furnish a reasonable justification for its assaults upon social law and order. The supine indifference of the law-making power to the crushing effect of the continuance of this abuse of white labor is the direct cause of all the disturbances raised in this connection. While we all deprecate and deplore the demonstrations of lawlessness which have directly grown out of the presence of this alien element, it is useless to attempt to close our eyes to the fact that such demonstrations are the unavoidable outgrowth of the continued failure of Congress to meet the issue in an adequate manner. I do not stand here as an apologist of lawlessness and violence. It seems to me but fair, however, that Congress should bear its share of the responsibility which flows from a failure to properly deal with this emergency. The history of civil government proves that whenever the law-making power has looked with indifference upon the repeated and continued demands of the people for a redress of grievances, deep-seated and long-standing, a determined and aggressive effort, regardless of existing laws, has always been made by the people themselves to accomplish that result of which, by the indifference of the law-making power, they have been deprived.

For a number of years past the people of the Pacific coast have, at stated intervals, humbly and earnestly petitioned Congress for the redress of grievances so rank and gross that every condition of life has been distinctively affected by them. The unchecked importation of a vicious heathen element into the civilization of the Pacific coast has at length grown into a grievance too burdensome to be borne. Every peaceable method has been exhausted for the correction of the evil, and still the grievance exists in all its forbidding proportions. It has always been in the power of Congress to pour oil upon the troubled waters. At no time in the history of Chinese agitation on the Pacific coast has it been impossible to appease the turbulent public sentiment by appropriate legislation. Only the legislation has been lacking.

I have sometimes heard surprise expressed that the presence of Chinese on the Pacific coast should call forth such an intense and universal protest. A practical knowledge of the habits, manners, and customs of this people will convince the most skeptical that there is nothing remarkable in the universality of the opposition to their residence among us. This problem can not be solved by the theorist and the doctrinaire. A thorough and a practical knowledge of the situation alone will solve it.

An adequate appreciation of the situation must establish the conviction that stolid and unyielding heathenism and idolatry can not in the very nature of things remain long in contact with Christianity and enlightenment without engendering a condition of antagonism which must, sooner or later, shake the very foundations of society. The most casual idea of the situation must inevitably lead to the conclusion that the presence of the Mongolian in this country can be productive of no good result. He comes instinct with no purpose of assisting in the permanent growth and prosperity of our country.

The pecuniary fruits of his labor, instead of becoming a factor in the wealth statistics of this country, are wholly removed from the arteries of trade and commerce to enhance the commercial importance of China. Much that he consumes he imports from the home country. His consumption of the products of this country may be put at the minimum. His half-civilized habits of life, his meager and unenviable style of living, enable him to underbid white labor to such an extent as to occasion absolute suffering, in addition to stigmatizing labor and reducing it in physical tone and stamina. His vices are of the most loathsome and repulsive character, while his virtues are few and unmarked. His only redeeming quality is his industry; but even that fails to compensate for his presence, since it is simply a means of depleting the country of its circulating medium.

Mr. Speaker, the time has come for meeting this issue face to face. For Congress to hesitate in the face of the widespread and overwhelming sentiment all over the Pacific coast against the further infliction of this Mongolian curse upon free white labor will be a crime against the peace and good order of society.

The adoption of the proposed amendment will by no means solve the problem. It will only serve to render somewhat more effective a wholly inadequate law. There is but one solution of this great economic problem, and that is to strike directly at the root of the evil.

I am confident that the future will justify my assertion that the only adequate method of dealing with this great question is to so legislate as to absolutely prohibit Chinese immigration into this country and to abrogate all treaty stipulations in relation thereto. Until this shall have been done no surprise need be expressed at the oft-recurring demonstrations of the violent and ineradicable opposition to the presence of Chinese slave labor in competition with free white labor.

I speak for the maintenance of law and order; for the integrity and protection of free white labor; for the elevation of the civilization of the Pacific coast; for the expulsion of a debasing and totally uncongenial race when I insist upon such legislation as will fully recognize the dignity and importance of white labor, and, by such recognition, entirely rid the Pacific coast of the elements which are endangering the security of the entire social fabric.

Among the generous people of the Pacific Northwest I have cast my fortunes. My home shall be with them always, and upon this, as upon every other occasion, my voice shall be raised in their behalf for free labor, free soil, and free homes. [Applause.]

The question being taken on the amendment of Mr. VOORHEES, it was rejected.

The Clerk read, as follows:

For printing and binding for Congress, including the proceedings and debates, $910,000; and printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing, shall be so recommended in a report containing an estimate of the cost thereof, together with a statement from the Public Printer of the amount and cost of work previously ordered by Congress within the fiscal year for which this appropriation is made and the heads of the Executive Departments, before transmitting their annual reports to Congress the printing of which is chargeable to this appropriation, shall cause the same to be carefully examined, and shall exclude therefrom all matter including engravings, maps, drawings, and illustrations except such as they shall certify in their letters transmitting such reports to be necessary and to relate entirely to the transaction of public business; for the State Department, $15,000; for the Treasury Department, $275,000; for the War Department, $150,000 (of which sum $12,000 shall be for the catalogue of the library of the Surgeon-General's Office); for the Navy Department, $60,000; for the Interior Department, $350,000 (of which sum $10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, $7,000; for the Post-Office Department, $180,000; for the Agricultural Department, $18,000; for the Supreme Court of the United States, $5,000; for the supreme court of the District of Columbia, $1,000; for the Court of Claims, $14,000; for the Library of Congress, $12,000; and for the Executive Office, $3,000. And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended.

Before the reading of the paragraph was concluded,

Mr. FARQUHAR said: I desire to raise a point of order——

Mr. RANDALL. The gentleman from North Carolina [Mr. REID] has some amendments which he proposes to offer to perfect the section.

The CHAIRMAN. The reading of the paragraph must be finished.

The Clerk concluded the reading of the paragraph.

Mr. BARKSDALE obtained the floor.

Mr. FARQUHAR. I make a point of order against this section that it embraces new legislation.

Mr. RANDALL. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

NORTHERN JUDICIAL DISTRICT OF MISSISSIPPI.

Mr. SINGLETON. I ask unanimous consent to have taken from the House Calendar and passed at this time Senate bill No. 2152. This bill proposes only to transfer a single county in my State from the western to the eastern division of the northern judicial district. A railroad having been completed, the eastern division is more convenient to the county in question than the western.

Mr. REED, of Maine. Does the delegation from the gentleman's State consent to the bill?

Mr. SINGLETON. It has the approval of the whole delegation.

The bill was read, as follows:

A bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882.

Be it enacted &c., That the county of Attala, in the northern judicial district of the State of Mississippi, is hereby transferred from the western to the eastern division of said district. All crimes and offenses heretofore committed within said western division shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETIREMENT OF NAVAL OFFICERS.

Mr. BOUTELLE. I ask unanimous consent that the House at this time consider and pass Senate bill No. 830 for the retirement of certain officers of the Navy of the United States. This bill, which has been passed in the Senate and favorably reported in this House by the Naval Committee, proposes to permit the retirement of Vice-Admiral Rowan and Rear-Admiral Worden at their own volition, upon the full pay of their respective grades. These are the only two officers of the Navy now living who have received the thanks of Congress; and it is eminently proper to grant them the privilege which the bill contemplates. I will add that the office of Vice-Admiral becomes vacant upon the retirement of the present incumbent.

The SPEAKER. The Chair will state that the bill to which the gentleman refers was only reported in the House to-day, and it has gone to the Government Printing Office.

J. M. HIATT.

Mr. HALL. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of Senate bill No. 1942, and put the same on its passage now.

The bill was read, as follows:

A bill (S. 1942) for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. M. Hiatt, only surviving partner of Hiatt & Co., late traders for the Osage tribe of Indians, out of any money in the Treasury accruing to the Osage tribe of Indians by act of Congress approved June 16, 1880, the sum of $16,759.99, or so much thereof as may be found actually due the claimant after an investigation of the facts by the Secretary of the Interior, which sum shall be in full satisfaction of the claim of the said Hiatt & Co. against the Osage tribe of Indians for goods sold them on an extended credit.

Mr. HALL. I desire merely to explain——

The SPEAKER. If the gentleman occupies time by explaining the arrival of the hour of adjournment will prevent the consideration of the bill.

Mr. HALL. Then I waive any explanation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Committee of the Whole Honse on the Private Calendar was discharged from the further consideration of the bill, which was thereupon ordered to a third reading, read the third time, and passed.

Mr. HALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The hour of 6 o'clock having arrived, the House stands adjourned until to-morrow morning at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRADY: Petition and resolutions from District Assembly No. 84, Knights of Labor, of Richmond, Va., requesting action on the eight-hour law for letter-carriers—to the Committee on Labor.

By Mr. BLANCHARD: Petition of certain citizens of Rapides Parish, Louisiana, asking Federal aid to relieve destitution caused by floods—to the Committee on Appropriations.

By Mr. COX: Petition of Joseph C. Hogan, and of Mrs. Minerva Tilley, of Orange County, and of Nelson F. Thompson, of Wake County, North Carolina, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DARGAN: Petition of T. C. Smith, administrator of Herbert Smith; of Lucy Breeden; of Joel L. Easterling; of Mrs. Julia C. Watson; of Mrs. Susan Brigman, widow of Thomas Brigman; of Thoroughgood P. Stubbs; of John C. Townsend, executor of Jabeth N. Townsend; of J. L. Grant, administrator of John S. Grant; and of Mrs. Sarah A. Odan, heir of Mrs. Mary Welsh, deceased, of Marlborough County; of Richard Jordan and of R. P. Harmer and others, executors of R. C. Harmer, of Marion County; and of W. T. Goldfinch, son and heir of Daniel Goldfinch, deceased, of Georgetown County, South Carolina, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. ERMENTROUT: Memorial of Charles A. Ashburner, requesting provision be made in sundry civil bill for triangulation points for State surveys—to the Committee on Appropriations.

By Mr. FORD: Petition of citizens of Elkhart County, Indiana, asking for allowance to third and fourth class postmasters for rent, lighting, and heating post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Petition of William Fitzgerald, to enact a law to place him under the provisions of section 4756 of the Revised Statutes—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: Resolutions of the soldiers and sailors of Dakota, favoring the passage of Senate bill 1886, and the admission of Dakota as a State—to the same committee.

By Mr. HEPBURN: Petition of W. H. Waller and 48 others, citizens of Wirt, Iowa, and of soldiers and sailors of Mitchell, Dak., praying for the passage of Senate bill 1886—to the same committee.

By Mr. LANHAM: Paper relating to the claim of Benjamin Martin—to the Committee on War Claims.

By Mr. McCOMAS: Petition of Jacob Keller, of Frederick County, Maryland, for payment of war claim—to the same committee.

By Mr. MATSON: Petition of members of Harrison Post, No. 125, Department of Missouri, Grand Army of the Republic; of Mansfield Post, No. 53, Grand Army of the Republic, Department of Connecticut; of Hazlett Post, No. 81, Grand Army of the Republic, Department of Ohio; of F. M. Roberts and others, of Newport, Me.; and of C. S. Gilbert and others, of Owasso, Mich., favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. PRICE: Petition of C. Chafry and 60 others, of Melrose, Wis., for the passage of Senate bill 1886—to the same committee.

By Mr. T. B. REED: Petition of Abba E. Jackson, for a pension—to the same committee.

By Mr. VAN EATON: Petition of Mrs. M. L. Poll, widow of Miguel Poll, deceased, of Jackson County, Mississippi, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIS: Petition of wholesale liquor dealers of the District of Columbia against the passage of the high-license bill (Senate bill 1380)—to the Committee on the District of Columbia.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. J. J. ADAMS: Petition of John A. Martin and 13 others, of John P. Shafer and 14 others, of Meyer J. Davidson and 27 others, of Samuel Swartzman and 19 others, of Edward Riley and 113 others, of Lewis Berhrand and 475 others, of William Kamuler and 45 others, and of Felix Herr and 65 others, of New York.

By Mr. BRADY: Petition of James Allen, John Brewer, P. B. Ramsey, George Fayerman, S. P. Lee, Philip Robertson and others, citizens of Petersburg, Va.

By Mr. BUCK: Petition of John H. Chapman and 237 others, of Charles Harris and 171 others, of Frank C. Allen and 37 others, of W. A. Flynn and 37 others, of Thomas Deneky and 859 others, and of James F. Duffy and 27 others, citizens of the first Congressional district of Connecticut.

By Mr. BURLEIGH: Petition of Michael Watts and 82 others, of John J. Tierney and 172 others, of Patrick McGuire and 101 others, of Charles A. Sprout and 282 others, and of Frank S. Kraft and 33 others, citizens of the eighteenth Congressional district of New York.

By Mr. COMPTON: Petition of Andrew Main and 28 others, of John Knox and 211 others, of Lewis Young and 101 others, of Frederick Wolf and 24 others, of J. H. Haslan and 48 others, and of Samuel Wright and 53 others, citizens of the fifth Congressional district of Maryland.

By Mr. FELIX CAMPBELL: Petition of Clement Smith and 171 others, of Daniel J. Mahoney and 101 others, of Robert O. Sullivan and 87 others, of John G. Turner and 109 others, of James O'Brien and 119 others, of James A. Nelson and 225 others, of C. R. White and 158 others, of R. H. Gray and 74 others, of Michael R. Laney and 79 others, of Alexander Morris and 47 others, of J. A. Nelson and 225 others, and of James J. McElroy and 29 others, citizens of the third Congressional district of New York.

By Mr. DANIEL: Petition of Dennis Kenney and 82 others, of R. M. Leftwich and 41 others, of William H. White and 151 others, of William H. Stewart and 55 others, and of Amos Kelso and 55 others, citizens of Virginia.

By Mr. LINDSLEY: Petition of Michael Hyde and 147 others, of Thomas J. Fallon and 140 others, and of George Pirman and 49 others, citizens of New York.

By Mr. MAHONEY: Petition of John B. Firth and 80 others, of Patrick Dunn and 60 others, and of Charles Doherty and 221 others, citizens of New York.

By Mr. MILLARD: Petition of John Ryan and 205 others, of A. Fisher and 169 others, of George D. Johnson and 65 others, and of William H. Dodge and 23 others, citizens of the twenty-sixth Congressional district of New York.

By Mr. SEYMOUR: Petition of Joseph Connell and 75 others, of Fred A. Ayers and 116 others, and of James B. Stevens and 127 others, citizens of the fourth Congressional district of Connecticut.

By Mr. SWINBURNE: Petition of Michael Dillon and 83 others, citizens of the nineteenth Congressional district of New York.

By Mr. WAIT: Petition of Joseph Murphy and 320 others, of Frank Benoit and 96 others, of John Madden and 20 others, of George D. Bradley and 84 others, of Nathan W. Shaffer and 128 others, and of James Fitzpatrick and 351 others, citizens of the third Congressional district of Connecticut.

SENATE.

THURSDAY, *July* 1, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of the United States Fish Commissioner for $7,500 for fitting out the Albatross, with a view of investigating the fisheries of the Pacific coast; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of June 23, 1886, a report of the Chief of Engineers in relation to the use by the Kentucky and Indiana Bridge Company of a portion of the lands of the Louisville and Portland Canal; which was read.

Mr. FRYE. I desire to say just one word in reference to the communication from the Secretary of War, which is in answer to a resolution which I introduced.

I understand from good authority that this bridge company was building a railroad south from the Ohio River; that the railroad was built down to a private individual's land, and then up to his land on the lower side, a distance of about 100 feet; that he demanded for his land more than the company thought it ought to pay; that thereupon the company brought action for the condemnation of the land, and pending that action obtained leave from somebody to divert the road exactly the width of 50 feet and run it the length of a hundred feet on the land of the Portland and Louisville Canal, which is United States property. To do that the road must at a right angle almost step out to the west, pursue its line on the United States land for fifty feet or a hundred feet, and then go back again to its original position and pursue its way.

It seemed to me that it only was done for the purpose of compelling this citizen to sell his land for a price less than he believed it to be worth; in fact, that it was almost a black-mailing operation upon him, and was entirely without excuse. Hence the resolution which I introduced, and I fail to see now any excuse on the part of the authorities of the United States for giving any such permission.

The PRESIDENT *pro tempore*. The communication and accompanying papers will be referred to the Committee on Commerce and printed, if there be no objection.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented petitions of citizens of Ohio and Pennsylvania, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays and punishing bribery;
8. Bill directing disbursement of at least $200,000,000, Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands, as follows:

A petition of T. Opermoon and 31 others, citizens of the twenty-first Congressional district of Ohio;

A petition of John Werner and 105 others, citizens of the twelfth Congressional district of Ohio;

A petition of E. H. Kroger and 80 others, citizens of the sixteenth Congressional district of Pennsylvania;

A petition of R. H. Thompson and 34 others, of the thirteenth Congressional district of Ohio;

A petition of John J. Burkert and 123 others, citizens of the fifteenth Congressional district of Ohio;

A petition of Henry Gavey and 41 others, citizens of the fourteenth Congressional district of Ohio;

A petition of John G. Riley and 73 others, citizens of the fourteenth Congressional district of Ohio;

A petition of Bernard Fishter and 48 others, citizens of the fourteenth Congressional district of Ohio;

A petition of Benjamin Vintree and 124 others, citizens of the fourth Congressional district of Ohio;

A petition of John Barr and 183 others, citizens of the Third Congressional district of Ohio;

A petition of Elmer Allen and 200 others, citizens of the second Congressional district of Ohio;

A petition of Michael Kerwick and 73 others, citizens of the second Congressional district of Ohio;

A petition of F. Wyrick and 99 others, citizens of the second Congressional district of Ohio;

A petition of George Roeder and 142 others, citizens of the first Congressional district of Ohio;

A petition of James E. Shoenberger and 169 others, citizens of the first Congressional district of Ohio; and

A petition of John Williams and others, citizens of the eighteenth Congressional district of Ohio.

The PRESIDENT *pro tempore* presented a petition of 110 citizens of Ohio, praying for the passage of the bill to tax oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. WILSON, of Iowa, presented the petition of T. J. Denison, of Clarion, Iowa, praying for the enactment of legislation for the protection of the dairy interests of the country; which was referred to the Committee on Agriculture and Forestry.

Mr. EVARTS. I present a petition of 23 citizens of Brooklyn, N. Y., praying for the continuance of the National Board of Health. The petitioners are eminent physicians of that city and State. I move the reference of the petition to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. EVARTS presented a petition of 12 citizens of Potter Hill, New York, praying for the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a memorial of the Ford River Lumber Company and 20 other business firms of Chicago, Ill.; a memorial of 422 citizens of Chicago, Ill.; a memorial of William G. Wilson and 216 other citizens of Cook County, Illinois; and a memorial of J. H. Christoph, banker, and 228 other citizens of Chicago, Ill., remonstrating against the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. MCMILLAN. I present a petition of farmers of Windom, Cottonwood County, Minnesota, praying for the passage of the oleomargarine bill, and a resolution adopted by the Farmers' Alliance, of Windom, Cottonwood County, Minnesota, on the same subject to the same effect. These papers are addressed informally to myself, but were intended for the consideration of the Senate. I ask that they be received and move their reference to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SAWYER presented resolutions adopted by Pomona Grange, No. 9, Patrons of Husbandry, Fond du Lac, Wis., in favor of the passage of the House bill taxing oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

Mr. BLAIR. I present a resolution adopted at a mass meeting of farmers of New Hampshire, advocating the passage of the oleomargarine bill now before the Senate, and urging its support by the Senators and Representatives from that State. I move the reference of the resolution to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CALL. I present a memorial of the Board of Trade of Fernandina, Fla., stating that it has come to the attention of that board that the Senate Committee on Commerce has recommended a reduction in the appropriation for the improvement of Cumberland Sound from $150,000 to $100,000, and they protest against any such reduction, and respectfully draw the attention of the committee to the argument of a committee of the Fernandina Board of Trade, made before the Committee on Commerce of the House of Representatives, and attached to this communication, as fully showing the urgent necessity for larger appropriations in order to complete the important jetty-work at the entrance

of that harbor. They also invite attention to the supplementary report of General Q. A. Gillmore, especially the map of Cumberland Harbor, prepared under his direction in November, 1885, as showing the very favorable condition of the work; also to the twenty-third clause, page 19 of the late report (January 16, 1886) of the board of fortifications appointed under the act of Congress of March 3, 1885, as also to other documents referring to that bar and harbor, now on file with the House committee. General Gillmore's report, they say, shows that the success of the system of jetties designed by him is assured, and that the small amount of money heretofore appropriated and expended for this special purpose has materially increased the depth of water on the bar and narrowed the extent of the shoal to a small area, which shoal will doubtless entirely disappear with the completion of the system, giving an unobstructed depth of water of at least 24 feet. They further state that the importance of this harbor to the commerce of the United States and the Atlantic coast is not to be overrated. I move that the memorial be referred to the Committee on Commerce.

Mr. HARRIS. It had better lie on the table, as the bill has been reported.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. SAULSBURY. I present the petition of Charles D. Maxwell and Mirim K. Maxwell, of this city, who are the owners of certain property in square 80, fronting on F street northwest, which they claim has been greatly damaged in the grading rendered necessary to adjust it to the grade of the State, War, and Navy Department building, for which they were compelled to pay the sum of $1,376.08 for special-improvement taxes, the certificates of which were held in the city of New York, and consequently they got no benefit from the legislation of Congress appertaining to the subject of special assessments for improvements. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MILLER. I am instructed by the Committee on Agriculture and Forestry to report back to the Senate favorably without amendment the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

I ask that the bill be placed on the Calendar, and I desire to give notice to the Senate that at an early day, as soon as the river and harbor bill is disposed of, which the chairman of the Committee on Commerce has given notice he will move to take up after the present appropriation bill is concluded, I shall ask the Senate to take up this bill and consider it until it is finished.

Mr. HARRIS. Is the bill reported without amendment?

Mr. MILLER. Without amendment.

Mr. JONES, of Arkansas. On behalf of the minority of the Committee on Agriculture and Forestry, I think it fair to state that the Senator from Mississippi [Mr. GEORGE], the Senator from Louisiana [Mr. GIBSON], the Senator from Nevada [Mr. FAIR], and myself, dissent from the report of the majority of the committee on the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2686) granting a pension to Morris T. Mantor, reported it without amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas, reported it with an amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2047) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Mississippi, to construct a bridge over the Mississippi River at or near Natchez, Mississippi, reported it with amendments.

NEWBURG CENTENNIAL CELEBRATION REPORT.

Mr. HAWLEY. The Committee on Printing, to whom was referred the report of the Joint Select Committee of Congress on the Newburg monument and centennial celebration of 1883, instruct me to report a concurrent resolution, and I ask immediate action thereon.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the joint select committee of Congress on the Newburg (N. Y.) monument and centennial celebration of 1883, submitted on the 26th of June, 1886, be printed, and that 6,000 additional copies be printed and bound in cloth; of which 1,500 shall be for the use of the Senate, 3,000 for the use of the House, and 1,500 for the use of the joint select committee.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MILLER. Let that go over.

The PRESIDENT *pro tempore*. The resolution will go to the Calendar under objection.

MANHATTAN PICKETT.

Mr. BLAIR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7165) to increase the pension of Manhattan Pickett having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments providing for an increase from $36 per month to $50 per month, leaving the bill as it passed the House.

H. W. BLAIR,
PHILETUS SAWYER,
W. C. WHITTHORNE,
Conferees on the part of the Senate.
JNO. A. SWOPE,
H. B. LOVERING.
E. N. MORRILL,
Conferees on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1942) for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co.; and

A bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882.

The message also announced that the House had agreed to the reports of the committees of conferenee on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes; and

A bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2786) for the relief of William Enders, administrator of Henry Enders; which was read twice by its title, and referred to the Committee on Claims.

Mr. WALTHALL introduced a bill (S. 2787) to require the New Orleans, Mobile and Texas Railroad Company to construct and maintain a suitable draw in said company's bridge across the West Pascagoula River, in the State of Mississippi; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. RIDDLEBERGER. I desire to introduce a bill, and I ask the unanimous consent of the Senate, inasmuch as it is very short, to have it read at length, and also to allow me not exceeding two minutes to explain now, out of order as I know it is, the purpose of introducing the bill at this time.

Mr. EDMUNDS. On the question of reference the Senator has a right to explain his bill.

The bill (S. 2788) to fix the salaries of Cabinet officers, Senators, and Members of Congress of the United States was read the first time by its title and the second time at length, as follows:

Whereas it is asserted and attempted to be maintained that the revenues of the Government of the United States are so inadequate that it becomes necessary to economize in public expenditures; and

Whereas it is also asserted and attempted to be maintained that it is the duty of Congress to further reduce the revenues by "reform" and "reduction" of the duties on imports, better known as tariff duties; and

Whereas in the opinion of that branch of the Congress of the United States in which appropriation bills can alone originate practical economy should begin with curtailing the salaries of the poorest-paid clerks, employés, and laborers in the service of the Government, by withholding pensions from widows of deceased soldiers, by insulting the living and reflecting upon the memory of the dead by paying the pittance of $2 a month in the name of pension; and

Whereas the financial policy adopted and pursued by the Government for the past year has been to destroy the one and two dollar currency notes without issuing others of the same denomination in their stead as the law requires, and at the same time discouraging the issue and circulation of silver in lieu thereof, thereby diminishing the circulating medium to the great advantage of capitalists and corresponding diminution in value of the products of labor for which money is exchangable: Therefore,

Be it enacted, &c., That the salaries of Cabinet officers, of the Senators, and Members of the House of Representatives respectively be reduced 25 per cent., beginning from March 4, 1887.

Mr. RIDDLEBERGER. The preamble to the bill sets forth sufficiently the reasons upon which it is based. Therefore I do not propose to enter into any detailed statement in respect to it.

I desire to state, however, that the object in fixing the time when this proposed reduction of salaries shall begin on the 4th of March, 1887, is because that will be the termination of this Congress, and at that time the salaries of Senators and Members in the next Congress begins.

I offer the bill with no purpose of discussing it at this session. I have no idea that that can be done. The time when this reduction shall begin being the 4th of March next, and we having a continuing salary, the next session will be ample time to discuss all that is set forth in the preamble as well as what I consider to be the right and justice of the bill itself.

The debates which have ensued here upon $1,200 clerkships, upon the application of heads of Departments for additional clerks to pro-

mote the efficiency of the service, are almost sufficient within themselves to justify the hope that the bill will at the next session of Congress become a law.

If we must reduce salaries in order to bring our expenditures within the revenues of the Government, and if we have commenced at the $1,200 clerks and concluded with the per diem laborers, it does seem to me that we should go back now and begin at the head.

The only reason why I do not include the President of the United States is because by the Constitution it is provided that his salary shall neither be increased nor diminished during his term of service.

I have this to say, sir, in conclusion, that I hope the committee to which the President of the Senate shall deem it appropriate to send the bill will report it back if possible at this session, either favorably or adversely, I care not which, so that it may be upon the Calendar when Congress shall reconvene in December.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance.

AMENDMENTS TO BILLS.

Mr. FRYE and Mr. MAXEY submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits; which was referred to the Committee on Finance, and ordered to be printed.

VENTILATION OF SENATE CHAMBER.

Mr. HALE. I offer the following resolution and ask for its adoption:

Resolved, That the Committee on Rules be, and is hereby, directed to examine into the ventilation of the Senate Chamber, and see if some method can be devised for improving the unusually impure air of the room.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HALE. Upon the resolution I wish to say that I seek no reopening of the old general question of the ventilation of this Chamber. That has been essayed in times past, and is a pretty hopeless task.

But I with other Senators have observed and felt that the air here is unusually bad and vitiated this year. Some Senators have felt it in unusual prostration and in illness which has followed their prostration, and there seemed to be nobody who could tell how it is that this had come about.

The other day in a committee hearing before the Committee on Fisheries, in a little dark room on the western side of the Capitol, the sessions of the committee and the testimony of parties giving evidence there were very much interrupted and disturbed by loud noise outside. On inquiry I was told that whereas formerly the air which we breathe here was pumped in from the outer space, under the open heavens upon the western side of the Capitol, where all the winds that blow conspire to change it and make it pure and sweet, since the work has begun on the grounds beyond all that has been interrupted, and that the air which we are breathing here day and night is pumped in from the dark, close recess just beyond the room of the Committee on Fisheries, where there is no wind that blows, where there is no change, where it is beat upon by the afternoon sun, and where it becomes heated and vitiated long before it is introduced into this Chamber. If that is so, it is a wicked and cruel performance on the part of somebody, and will result in a great deal worse and more numerous cases of illness than what we have already experienced.

I hope that the Committee on Rules will look into this subject forthwith, and if what has been stated to me is true, that some way will be devised for bringing in to us, under the processes that we have, at least the best air that can be found upon this hill. Under all the processes it will be bad enough any way, and we suffer enough in these late days of the long session; but the nuisance to which we are submitted now, if it is a fact that we are so submitted, ought to be abated.

Mr. FRYE. I doubt if the Committee on Rules can provide much of a remedy for that. There is a necessary closing of the air ducts while the repairs are going on.

Mr. HALE. Then open them rather than imperil our life and health here.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

JOSEPH FRANCIS.

Mr. EVARTS. Mr. President, I beg to ask the attention of the Senate, in pursuance of the notice I gave yesterday, to the subject of the recognition by this Government of the services of Joseph Francis.

House joint resolution No. 125, which stands as No. 1134 on the Calendar, was reached during the time of my necessary absence from the city when the Calendar was taken up, and by the request of my friend the Senator from New Jersey [Mr. MCPHERSON] it was laid over on account of my absence. I regret extremely that at this stage of the occupations of the Senate it shall be necessary for me to consume any time, and I shall confine my own observations to very narrow limits.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

Mr. ALLISON. I hope it will be understood that this is not to occupy any considerable time. If it is, I shall have to ask that it be laid aside.

Mr. EVARTS. I do not expect to occupy time myself at any length.

The PRESIDENT *pro tempore*. If there be no objection the joint resolution is before the Senate.

Mr. INGALLS. I ask that it be read at length, so that we may know what it contains.

Mr. COCKRELL. It is called up by the Senator from New York, as I understand, simply for the purpose of submitting some remarks.

Mr. EVARTS. I should be glad to have a vote taken on it, as it would have been taken when the resolution was reached on the Calendar, but it was passed over because of my absence.

Mr. COCKRELL. I have no objection to the Senator's submitting remarks, but I do not want to have the joint resolution taken up by unanimous consent for action. I shall have to object to its consideration with that view this morning. I do not object to its being taken up for the purpose of submitting remarks.

Mr. HARRIS. Let the joint resolution be read, so that we may know what it is.

The PRESIDENT *pro tempore*. The joint resolution will be read at length.

The Chief Clerk read as follows:

A joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

Resolved, That in view of the life-long services to humanity and to his country of the now venerable Joseph Francis, in the construction and perfection of life-saving appliances, by which many thousands of lives have been saved, the thanks of Congress be, and are hereby, tendered to Joseph Francis; and that the President of the United States is hereby authorized to cause to be prepared a gold medal, with a suitable inscription, to be presented to Mr. Francis, in recognition of his eminent services.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New York to proceed to the consideration of the joint resolution.

Mr. PLATT. I should like to inquire whether it is to be taken up for discussion and for final action; because it will take some time, perhaps, to dispose of it.

Mr. ALLISON. I shall object to the consideration of the joint resolution, and ask for the yeas and nays upon the motion to proceed to its consideration if the effect of its being taken up is to occupy time. I understood this morning and yesterday when the Senator from New York gave the notice that this is a measure which will take no time for consideration, and if it will take no time——

Mr. EVARTS. That certainly is my hope and expectation.

Mr. FRYE. There is a regular fight over it.

Mr. PLATT. I have no objection to its being taken up in order that the Senator from New York may address the Senate. I do not know anything particularly about the joint resolution; but another gentleman whom I know nothing about, Captain Ottinger, called to see me, and claims to be the inventor of the device for which it is now proposed to thank Mr. Francis. I know nothing about it. I know there is a claim of that kind, and I think we ought to have time to investigate into the matter.

Mr. VEST. I wish to say to the Senator from New York——

The PRESIDENT *pro tempore*. The Chair must remind Senators that debate is out of order.

Mr. VEST. I only wish to make a single observation. I have nothing but the kindest feeling toward Mr. Francis, and I voted for the resolution in committee. It came from the Commerce Committee. Since the committee acted upon it a gentleman called upon me with papers containing substantially the assertion that Mr. Francis was not entitled to any recognition on the part of Congress, and that, to use plain language, he had robbed this Captain Ottinger of his patent, and was now asking credit for services in the interest of humanity which he had never rendered.

He submitted to me papers which go to prove these assertions I do not pretend to say whether they are true or false; but although I voted for the measure in committee, with my present impression after reading these papers I would certainly be unwilling to cast my vote here as a Senator in the same direction. There must be some debate, and considerable debate, upon the proposition before the Senate can be prepared, in view of these statements, to act upon it. That is all I want to say.

Mr. MCPHERSON. I ask unanimous consent that I may be heard one moment.

Mr. Francis is a resident of my State, an old man now, eighty-five years of age. Mr. Douglas Ottinger has sent a communication to each of the Senators, charging Mr. Francis with trying to deprive him of his rights and his inventions. Instead of that, the fact can be made apparent to every Senator, and in a very short time, that Mr. Douglas Ottinger is the fraud. He has undertaken to deprive, and has by a vote of Congress deprived, Joseph Francis of the rights that belong to

him. He received $10,000 from the Government on a fraudulent representation, as can be made to appear by the papers here in my possession to the satisfaction of every Senator.

Mr. Francis is now an old man, with more than one foot in the grave, and unless this Congress shall take action to give him back the rights which Mr. Ottinger has stolen from him with the consent of Congress on a former occasion, it will do Mr. Francis a great injustice.

I do not think the consideration of the joint resolution will take one hour. Certainly I believe that with the evidence I have in my possession, documents from the Departments, I shall be able to show every Senator in less than half an hour that it is the duty of the Senate to pass the joint resolution, it having come here from the other House.

Mr. ALLISON. I shall be constrained to ask for the yeas and nays on the question of the consideration of this resolution. I am now satisfied it will take considerable time.

Mr. COCKRELL. All day.

Mr. ALLISON. If the Senator from New York wishes to submit a few remarks on it, that is another question.

Mr. EVARTS. I believe that I may have an opportunity to express my views on this case now.

Mr. ALLISON. Certainly.

Mr. EVARTS. Objection is made, or at least a desire is expressed to take a division of the House on taking up and passing the resolution. Now, I would beg to ask when I may have an opportunity to have this measure disposed of, however members of the Senate may wish to vote upon it? If I can not have it done either now or in some way that will enable me to occupy to a certain extent the time of the Senate I do not wish to insist upon indulgence; but I was desirous that I might be put on the footing that I would have been if I had been present when the Calendar was under consideration and when this resolution was reached, and when my necessary absence led to its being laid over until an opportunity of hearing could be had. I waited for various opportunities, and now it is quite necessary that one way or the other, it seems to me, this matter should be disposed of. If there is any other hour of the day's consideration that shall be better, it is not for me to interfere with that arrangement.

Mr. ALLISON. I suggest to the Senator from New York that I think it is understood on both sides of the Chamber that after these appropriation bills which are pressing shall be out of the way a day shall be set apart for the Calendar, and some of these matters that are on the Calendar can be disposed of. I think that has been understood, and at that time I suppose it will be proper to take this up.

Mr. EVARTS. But I may be permitted to repeat to-day what I said yesterday, that the Senator from New Jersey [Mr. MCPHERSON] may be under obligations, and in fact is under obligations of necessity to leave and be absent for a considerable time, for reasons which Senators are aware of.

Now, if I can take this matter up and have it disposed of when the appropriation bill reaches some other stage, it will suit my convenience and my duty as well; but I should feel very unpleasantly in regard to my obligations to my constituents, who are greatly interested in this matter and have been petitioners here and who presented the matter to my attention, to find that any serious mischief in the consideration of the case had occurred from the casual absence on my part concurring with the two days that were already fixed upon as the particular days on which the Calendar was to be taken up.

Mr. ALLISON. I am sure an opportunity will be given.

Mr. BECK. The 1st of July is here, and every Department is closed to-day by law, because it can make no contracts, pay no money, do nothing; and I think this gentleman can wait a few days for his gold medal, as he has waited so long, rather than allow the Government to stop. I shall object to anything being taken up except the appropriation bills.

The PRESIDENT *pro tempore*. Objection is made.

Mr. ALLISON. I ask the Chair now to lay before the Senate the oint resolution of the House which was received yesterday.

Mr. EVARTS. Well, Mr. President, I waive the question of taking up the resolution to which I referred and passing it now, and will myself retire from expressing any views disconnected with the consideration of the bill.

TEMPORARY APPROPRIATIONS.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that House joint resolution No. 196 be laid before the Senate. Its title will be stated.

The CHIEF CLERK. A joint resolution (H. Res. 196) to provide temporarily for the expenditures of the Government.

Mr. ALLISON. I ask that the joint resolution be now considered.

Mr. EDMUNDS. The question is on reading it a second time.

The PRESIDENT *pro tempore*. The first question is whether the Senate will proceed to the consideration of it.

Mr. EDMUNDS. I rather thought the Chair had a right to lay it before the Senate.

The PRESIDENT *pro tempore*. The Chair has laid it before the Senate, and the question is on ordering the resolution to a second reading.

The joint resolution was ordered to a second reading, and was read the second time by its title.

Mr. EDMUNDS. Now read it at length.

The PRESIDENT *pro tempore*. It will be read at length.

The Chief Clerk read the joint resolution.

The PRESIDENT *pro tempore*. The joint resolution is now before the Senate as in Committee of the Whole.

Mr. EDMUNDS. Mr. President, I want to call the attention of the Senate to this way of doing business and this state of affairs.

It has been generally supposed until quite a recent date that the two Houses of Congress really had some independent and practical functions in regard to appropriating money out of the Treasury, and I suppose that is the constitutional law yet; but practically for some years off and on the appropriation bills which, as a practice, have originated in the House of Representatives although they need not do so, have come to this body so late that it has been impracticable for the committees and especially for Senators after the committees have reported to understand their contents and vote intelligently in respect of the appropriation of very large sums of money, because we do not have the time left us to consider them as they ought to be considered; and when they have been finally passed and sent to the President of the United States (who still by the Constitution I suppose has a practical and independent and important function to perform in respect of signing or refusing to sign, approving or refusing to approve, these appropriation bills) he has been left in a condition where he must take them blindly or must veto them blindly, one way or the other, because it is impossible for him to have the time to consider them at all.

I have had prepared, to show how this thing has been going on and with a view of inquiring when we are going to have a reform about this business, a little statement covering several past sessions, and my friend from Iowa will state how it is at this session about these bills.

In the first session of the Forty-sixth Congress, which was a called session in the spring of 1879, the legislative, &c., appropriation bill was received on the 10th of June, and it passed both Houses and was signed by the two presiding officers on the 20th of June, in order to get it around, I suppose, by the 1st of July—only ten days from the time it appeared in this body until the time it was sent to the President—appropriating in round numbers twenty or twenty-one million dollars. I suppose we should find on turning to the statutes that that bill was approved by the President of the United States within forty-eight hours after and perhaps on the same day that it was sent to him, the 20th of June. The Army bill—I have not the others, for I think they passed at the regular session—the Army bill was received on the 12th of June and passed both Houses on the 21st, in nine days.

At the second session of that Congress, being the long session like this, commencing in December, 1879, the legislative bill was not received until the 17th of May, 1880. That was doing very well indeed, comparatively. It was signed by the presiding officers of both Houses on the 15th of June, and we had nearly a month at that time to give to that particular bill. The sundry civil bill was received on the 1st of June and passed both Houses on the 16th. The other bills were received somewhat earlier. That was a remarkably good instance of doing things.

At the third session of that Congress, which was the short session, commencing in December, 1880, the legislative bill was not received until the 10th day of February, 1881, less than three weeks before the end of the session, and it did not get through both Houses out of conference and so on until the 2d day of March, the last day but one of the session.

The consular and diplomatic bill was received on the 20th of December, 1880, from the House, and passed both Houses completely on the 19th of February, 1881.

The Army bill was received on the 6th of January, 1881, and passed both Houses finally on the 22d of February.

The Navy bill was received on the 21st of January, and passed both Houses on the 19th of February.

The sundry civil bill, one of the most important and difficult of all the bills, requiring the greatest care in the examination, was not received in this House until the 28th day of February, four days before that Congress terminated by law, so that there could be no extension of the session and no further time for deliberation, and of course it passed and was signed on the 3d of March, 1881.

At the first session of the Forty-seventh Congress, being the long session again, the legislative bill was not received in the Senate until the 15th of June, 1882, more than six months after the Congress had met, and it was passed through both Houses on the 4th of August.

The consular and diplomatic bill was received on the 6th of March, and finished in both Houses on the 28th of June.

The Army bill was received on the 6th of April, and passed both Houses finally on the 26th of June.

The Navy bill was not received until the 6th day of July, six days after the appropriations for the previous year had run out, and it was completed on the 5th of August.

The sundry civil bill was not received until the middle of July, two weeks after the previous fiscal year had expired, and more than seven months after the Houses of Congress had met for the administration of public business and the performance of their public duties, among the chief and most important of which is the careful and economical protec-

tion of the people's money in the Treasury and the wise and scrutinized appropriation of it for necessary public objects. Something else occupied the time of the two Houses—and that is all I have a right to refer to—from the first Monday of December until the 14th of July before both of them, each in its turn, could have an opportunity to get hold of this enormous branch of the public service embraced in the sundry civil bill.

At the second session of the Forty-seventh Congress, ending March 4, 1883, the legislative bill again was not received until the 16th of February, only two weeks before the expiration of the Congress, and did not finally get through until the 2d of March. The consular and diplomatic bill was received on the 11th of December—that was very prompt—and it was concluded in February. The Army bill was received on the 5th of January and was concluded on the 3d of March. The Navy bill was received on the 26th of January and was concluded on the 2d of March. The sundry civil bill, again this most important one, did not come to this body until the 24th of February, just about a week before the end of the session, and it was not disposed of until the 3d day of March, 1883.

At the last Congress, the first session of the Forty-eighth, the legislative bill did not come to this body until the 3d of June, 1884, and it was passed through both Houses finally on the 5th of July, 1884.

The consular and diplomatic bill was received on the 19th of May, and was passed very soon afterward, I believe; I have not the exact date.

The sundry civil bill again was not received until the 24th of June, just six days before the termination of that fiscal year, and it was not until the 5th of July that by the utmost exertion the bill could be got into shape to be sent to the President to be signed.

The Army bill was received on the 20th of May, and on account of difficulties, between the two Houses I suppose as to the amendments, it was not completed until the 2d of July, two days after the termination of the fiscal year.

Then at the session ending on the 3d of March, 1885, you may remember, Mr. President, that some of the heaviest of these bills did not get completed in conferences between the two Houses until after daylight of the morning of the 4th day of March, and that the then presiding officer sat here as it might be said solitary and alone with the faithful clerks and Reporter to receive solitary and alone a messenger from the House of Representatives stating that it had agreed to conference reports, shutting our eyes to the fact that nobody was here but the presiding officer. The bills were sent to the President, of course leaving him not a single moment of time to examine several of those that passed in that way.

Now, Mr. President, I am bound to say that it appears to me that this is not a credit to the Congress of the United States, and that a Congress of the United States that can not administer the public business in the most important of its aspects is not deserving of the confidence of the people of the United States. I think therefore that, as far as this branch of Congress is concerned, the Senate ought to take some step in some lawful and constitutional and respectful way to see if we can not get on with this important public business in a reasonable, a respectable, and a satisfactory manner not only so far as our own duties are concerned, but so as to give the President of the United States an ample and reasonable opportunity to perform his important function in reference to it; and for one, if we can not in some way bring ourselves into better fashions about this business, I should rather let the wheels of government stop, as far as they would stop by refusing to pass a resolution of this kind at all, until the two Houses can be got to such a state of accord and diligence as will enable us to pass proper appropriation bills in the proper way and at a proper time.

The confusion, supposing it were a good practice otherwise, of this lapping of the appropriation acts of one year over into another which are different, some objects being dropped and new ones being taken up, and then saying that they shall be charged over to the new items of appropriation many of which do not attach themselves or relate themselves at all to the old ones, is a very confusing and mischievous practice.

Mr. President, I have said with great respect to the members of this body, and with all possible respect to our co-ordinate branch of the legislative power, what I have felt it to be a duty to say in putting in my protest against this sort of business.

I should like to have my friend from Iowa tell us about the state of these bills now and whether an extension for ten days is going to do any good.

Mr. BECK. I should like so much of the resolution read again as indicates the length of time for which the extension is to be.

Mr. EDMUNDS. Only ten days, which will do no good at all.

Mr. BECK. That is absurd. You might as well not do it at all. The RECORD of this morning shows that the sundry civil bill has been reported by the Committee of the Whole to the House with the statement that the committee had come to "no resolution thereon." When that bill is even coming to the Senate no one can tell, and this is the 1st day of July. That bill can not be read over and examined with any care at all in ten days. The Senator from Iowa [Mr. ALLISON], the Senator from Maine [Mr. HALE], and myself generally take charge of that as a subcommittee; and both those Senators know that it is absolutely impossible for us to answer any question about it intelligently in ten days. Therefore if we are going to extend the appropriations at all we might as well make the time twenty days, because that bill alone will take nearly three weeks to have it completed. I am very glad that attention is called sharply to this practice. It is not confined to the last few years. It has been going on more or less ever since I have been a member of either House, and that is now nearly twenty years. To-day there is a law which provides that—

> No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

That provision would to-day close every Department of this Government, and it is well to call attention to it sharply.

I think the rules of the Senate ought to be amended so that if appropriation bills do not come over from the House at the long session before the 1st of May the Committee on Appropriations of the Senate should be ordered to introduce their own bills and have them passed, and at the short session if they are not over by the 1st day of February the same order ought to be had; because it is a physical impossibility for any Senator to do the work necessary to give those bills intelligent consideration in the way we are doing now; and I do not know that it would do any harm—if throwing gravel will not do any good then begin to throw stones—to let the Government Departments close for a week.

The Government is rich enough, nobody doubts our credit. There are but $135,000,000 of our debt that we can pay before 1892, and we have $205,000,000 now lying idle in the Treasury. So $70,000,000 will be left after paying it all off to-day. That would withdraw $123,000,000 of the bonds now used as security for the circulation of the national banks. We have so much money that we are breaking ourselves down. So there is no danger of the credit of the country suffering. I move to amend the joint resolution in line 7 by striking out the word "ten" and inserting "twenty."

Mr. SAULSBURY. Mr. President, I understand that the practice of delaying the appropriation bills has existed for a great many years. My remembrance is that Mr. Buchanan during his administration positively refused, and so announced, to sign any bill involving large amounts of money that did not reach him ten days before the expiration of Congress. It had therefore been the practice prior to the administration of President Buchanan, because as I have been informed, and that is my remembrance, he refused to attach his name to bills appropriating large amounts of money unless he had ample time to examine them.

Mr. DAWES. I suggest to the Senator that the first of these resolutions was in 1876. The Senator from Kentucky [Mr. BECK], the Senator from Iowa [Mr. ALLISON], and myself served upon the Committee on Appropriations in the House of Representatives, and there never were any of these resolutions then. The first of them was in 1876.

Mr. SAULSBURY. I do not wish to detain the Senate, but I wish to say that I should be very glad if the two Houses could act together; but I do not believe we can by mere criticism of the other House effect anything. We ought to have some arrangement with the House.

Mr. ALLISON. Mr. President, I do not for one admit, and I think the Senate never has admitted, that to the House of Representatives belongs exclusively the right to originate appropriation bills; and I believe that four or five years ago the Judiciary Committee of the House made an elaborate report on that subject, in which that committee took the ground that either House, under the Constitution, could originate appropriation bills; but it has been the habit or custom, I believe, since the foundation of the Government, or nearly so, for these general appropriation bills to be originated in the House of Representatives.

Mr. INGALLS. It is the unwritten law.

Mr. ALLISON. It is, as the Senator from Kansas says, the unwritten law. Now the difficulty is that if we originate and pass these bills and send them over to the House they will simply be thrown aside, and the House will originate its own bills and send them to us. This is an evil that I think should be cured, but it is not within the power or the control of the Senate to cure it as these two Houses are organized.

Take these bills at this session of the Senate. We are now considering the legislative bill, which passed the House on the 16th day of June. It came here late on that day. It was immediately sent to the Printer, and it was not printed until the next day, so as to be in the possession of the Committee on Appropriations, which was the 17th day of June. The committee took up this bill with as much dispatch as was possible, who considered it section by section and item by item and reported it here some days ago. I think the Senate has with due diligence, so far as this particular bill is concerned, endeavored to pass it through the Senate.

The sundry civil bill, as truly stated by the Senator from Vermont, is the most important appropriation bill that comes before the two bodies of Congress. It is the bill that gathers in all the miscellaneous items of the Government. It covers a vast range of subjects and topics. That bill has not yet reached us. It probably will not reach us before to-morrow, or possibly very late to-day. I notify the Senate that it

will take the Committee on Appropriations and the Senate at least ten days to intelligently consider that bill. We ought to have two weeks to consider it, and especially as I have seen from the papers the course that it has passed through in the other House. I think the bill will require very careful consideration.

Mr. BECK. It is not perhaps out of order to say that we have every reason to believe that the sundry civil bill will come over to us with propositions remodeling and changing the whole system of the currency of the country.

Mr. ALLISON. That I suppose will occur.

So these bills do not come to us in time for us to consider them before the expiration of the fiscal year.

I have a statement of these bills as they have reached the Senate. The first appropriation bill passed by the House of Representatives at this session passed on the 4th day of March—no appropriation bill passed the other branch of Congress until March 4, and that was the pension bill, a small bill requiring but little time for its consideration. The next bill was the Post-Office bill, which passed the House April 6 and which has now passed through both Houses and I presume has been signed by the President. The Agricultural bill passed the House on the 14th of April; the District of Columbia bill on the 12th of April. The Indian bill passed the House on March 24, and was reported to the Senate some time ago and has been a law for a few weeks. The consular and diplomatic bill passed the House on the 13th of May; the Army bill on the 12th of May; the naval bill on the 21st of June, only a few days ago; and the legislative bill, as I have already stated, on the 16th day of June.

The deficiency bill has not yet been taken up in the House. The fortification bill, an important bill although not involving very large amounts, has not yet been reported from the Committee on Appropriations in the House. The condition of the river and harbor bill is well known.

Mr. BUTLER. May I ask the Senator for information how many of these bills that are so far behind have been reported by the regular Appropriations Committee of the House?

Mr. ALLISON. The legislative bill, the sundry civil bill, the deficiency bill, and the fortification bill, four of the six bills that are reported by the Committee on Appropriations of the House, are not yet disposed of there.

Mr. BUTLER. Most of the other bills I understand that have been referred to appropriate committees, Indian Affairs for instance, have been reported and agreed to promptly.

Mr. ALLISON. I see the point the Senator makes. I have been unable to discover any great reform through the practice to which he calls attention. The Navy bill, which was passed on the 21st of June, came from the House Committee on Naval Affairs.

Mr. BUTLER. That is the only bill which has not been acted on by the House Appropriations Committee that has been delayed, as I understand.

Mr. ALLISON. The Army bill did not reach us until the 12th of May. However, I do not wish to go into that question.

Now, whatever may be the condition, it is necessary that this resolution should pass or the operations of this Government must stop, including every Department of it and all the service connected with it.

Mr. INGALLS. Not every Department, because some of the bills have become laws; and yet, as I understand the terms of this joint resolution, it extends to all appropriations. It is irrespective of the fact that some of the bills have already become laws.

Mr. ALLISON. No; the resolution is carefully guarded, and it is a resolution that has passed Congress three times. I wish to call the attention of the Senator from Delaware to the fact that in 1876 the first resolution of this character was passed. Before that time, in the history of the Government so far as I know, no such resolution was required.

Mr. BECK. Now, will the Senator allow me to say a word on the subject, showing the reasons for that?

Mr. ALLISON. It is perfectly fair that I should state that until 1870 the law which now requires that these appropriations shall be made for the fiscal year and for that only was not in existence. Prior to 1870 there was no prohibition on the part of the Departments, so that if the appropriation bills were not passed by the end of the fiscal year the employés of the Government and those having charge of the affairs of the Government could go on and the appropriations would relate back to the beginning of the fiscal year.

Mr. BUTLER. Now, in point of fact have not a good many of these appropriation bills been delayed to a later period than this in past Congresses?

Mr. ALLISON. In the olden time?

Mr. BUTLER. Yes.

Mr. ALLISON. I have no doubt of it.

Mr. BUTLER. I certainly have so understood. Very many of the sessions have been extended into August in order to get through the appropriation bills. So this is not singular, as I understand the history of the appropriation bills. I do not mean to apologize for this delay, however.

Mr. ALLISON. I think the only cure for this delay is to have the appropriation bills in the Senate at a reasonable time, and I believe there is a rule of the other House, certainly there was a rule of the House when I was a member of it, that all general appropriation bills should be reported within thirty days of the beginning of the session. I do not know whether or not that is the existing rule of the House.

Mr. BUTLER. Then the Senator will allow me to suggest, after we get the bills into the Senate, that we agree among ourselves to do less talking on them than we do on most subjects.

Mr. ALLISON. I quite concur with the Senator in reference to the talking. We might perhaps do less of it, and perhaps it might be useful sometimes to do more of it. These bills ought to be considered and discussed by the Senate unless we are to allow the bills to be considered by one branch of Congress instead of two.

Mr. MAXEY. Will the Senator from Iowa indulge me for a moment?

Mr. ALLISON. Yes, sir.

Mr. MAXEY. The criticism has been made and very strongly expressed by the Senator from Iowa and others that prior to 1876 there had never been a necessity for a joint resolution extending over the appropriations of a previous year. The answer of the Senator from Iowa conclusively shows that that is not a well-considered criticism, because prior to 1870 the old laws went over and carried with them the right of the Government to continue until the necessary appropriation bills were passed, and then they related back to the beginning of the fiscal year. Therefore the whole time back of 1870 is cut out and has no application. In point of fact I apprehend that the appropriation bills prior to 1870 and up to 1872 reached the Senate as late as they have reached it since that time. Now, the honor of the Government makes it much more important to consider the pending resolution than to indulge in criticism upon the action of the other House.

Mr. ALLISON. I endeavored to state that prior to the act of 1870 the appropriations if made after the 1st of July related back to the 1st of July. Of course I do not state it with the clearness and distinctness of the Senator from Texas.

Mr. EDMUNDS. I should like to ask the Senator from Iowa, with his permission, to explain to the Senate why on page 2, in lines 22 and 23, where the resolution provides for carrying on the work of public printing "and for all other miscellaneous objects embodied in the sundry civil and naval appropriation acts in advance of appropriations," it is confined to the naval and sundry civil bills. Is that the way it ought to be?

Mr. ALLISON. That is the way it ought to be, and I will give the reason for that. The agricultural bill has become a law, and so have the Army bill, the consular and diplomatic bill, the District of Columbia bill, the Indian bill, the Military Academy bill, the pension bill, and the Post-Office bill, so that this resolution in its terms will only apply to appropriations embraced within the sundry civil bill, the naval bill, and the legislative bill which we are now considering.

Mr. EDMUNDS. You have not got that in; that is the trouble.

Mr. ALLISON. There are no miscellaneous objects in this bill; and the naval bill and the sundry civil bill are the only bills in which there are miscellaneous objects. The deficiency bill of course relates to expenditures already made, and the fortification bill is not likely to be miscellaneous in its character, and the river and harbor appropriations are continuous appropriations. They do not come within the scope of the law of 1870; they do not lapse into the Treasury by expiration of time.

Mr. EDMUNDS. I understand the Senator to mean then that as it respects the subjects named of the legislative bill that we have now in hand it is not necessary to have in that proviso which applies in terms to the naval and sundry civil bill, because all the objects provided for in this bill may go on under the first clause while they could not go on under the first clause as to the naval and sundry civil bill.

Mr. ALLISON. That is true.

Mr. EDMUNDS. That is very queer.

Mr. ALLISON. It is so. This joint resolution then will apply to the expenditures that are provided for in the legislative bill and in the naval bill and the sundry civil bill. So I submit to the Senate that it is important that this resolution should pass to-day.

The Senator from Vermont alludes to the question of public printing. The Public Printer can not continue the public printing without absolute violation of law unless this resolution shall pass to-day.

Mr. EDMUNDS. Why, if the work is ordered?

Mr. ALLISON. I suppose he might volunteer to go on, but I think the Public Printer would be in great danger of violating the law if he executed the work of public printing on the Sabbath day, if this may be so called.

Mr. BECK. The case being as stated by the Senator from Iowa, I will not ask to extend the time. If the resolution passes for ten days it can be extended if necessity arises; but I want it distinctly understood, and the House may as well understand it, that ten days' extension now does not mean by any possibility that we can get away then.

Mr. ALLISON. I desire to extend the time. I move to insert fifteen days instead of ten.

Mr. BECK. We may as well pass it for ten now and go back to the House and then it can be extended again.

Mr. ALLISON. We shall be obliged to extend it again. I think we had better amend it and make the time fifteen days.

Mr. BECK. Very well.

Mr. ALLISON. Then it can go back to the House in time to be passed to-day.

Mr. INGALLS. There seems to be a difference of opinion between members of the committee about this language. I give notice I shall object to the third reading of the resolution to-day.

Mr. ALLISON. There is no difference of opinion that I know of.

Mr. BECK. Not a particle.

Mr. ALLISON. I move to insert "fifteen" instead of "ten."

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the joint resolution. The amendment will be read.

The SECRETARY. It is proposed to amend in line 7, before the word "days," by striking out "ten" and inserting "fifteen;" and in line 18, after the word "as," to strike out "ten" and insert "fifteen;" so as to read:

That all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1886, be, and they are hereby, continued and made available for a period of fifteen days from and after that date, unless the regular appropriations therefor provided for in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1887; and in case the appropriations, or any of them, hereby continued, are or is insufficient to carry on the said necessary operations, a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended therefor than will be in the same proportion to the appropriations of the fiscal year 1886 as fifteen days' time bears to the whole of said fiscal year.

Mr. BECK. I agree to the amendment, but it would be well to explain what I have said by reading section 3690 of the Revised Statutes, which was substantially stated by the Senator from Iowa. Before 1870 the Government could run on beyond the fiscal year without the passage of the appropriation bills, but this section enacted in 1870 provides that all balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations. (See section 3685.)

So that we are at the end of our rope unless this resolution is passed. It only emphasizes the importance of either changing the rules of the Senate so as to originate the appropriation bills ourselves at the proper time; or, as we have no power over the House, we should use every means we can to have the bills sent here in proper time, so that this condition of things may not again occur.

Mr. CALL. I wish to say that I do not concur in the arraignment that has been made of the House of Representatives here. They have a perfect right to take their own time for the consideration of appropriation bills as much as the Senate has, and they may reply to us very well that the whole year is here for the consideration of these great appropriation bills, and the Government can just as well be carried on by a joint resolution. If there be any public necessity demanding that Congress shall have time for the consideration of these appropriations let us take the time rather than insist that our convenience will be subserved by adjourning and going home.

Admit the fact that the Senate should have ample time, it does not follow that the House is to blame for not sending the bills here at some particular time. The proper remedy is by an agreement at the beginning of the session; but six months have passed away without such an agreement or attempt at such an agreement on the part of this body with the other House.

I wish to say that for one I recognize the full right of the House to consider, deliberate, and determine in its own time the great appropriations which are to be made for the Government; and if the Senate desires time, it has a right to take it from now until the commencement of the next Congress.

Mr. ALLISON. But the Senator will bear in mind that the law provides that these appropriations must be passed before the beginning of the fiscal year in order to enable the Government to go on.

Mr. CALL. You can do that by a joint resolution. Such a law as the Senator referred to is a very improper one, that the Government must stop because the fiscal year runs out. The old law was a much better one, and I see no great impropriety in the appropriation bills relating back to the beginning of the year, and I do not believe that a reason can be given why they should not.

Mr. BECK. The Congress itself expires on the 4th of March, and the appropriation bills must all be in by that time. Is not that a reason for hurrying up?

Mr. CALL. It is some time before the 4th of March.

Mr. BECK. At the next short session we must appropriate for the fiscal year 1888, and do it all in ninety days.

Mr. CALL. There are more than ninety days between now and the 4th of March.

Mr. BECK. But then there will be another year to provide for before then.

The PRESIDENT *pro tempore*. The question is on the amendments proposed by the Senator from Iowa.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 8970) for the relief of the trustees of the Judson Female College, was read twice by its title, and referred to the Committee on Claims.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move to proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of Government for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed, beginning at line 1803. The next amendment of the Committee on Appropriation was, under the head of "Navy Department," in the clause making appropriations for compensation of the Secretary of the Navy, and the clerks and employés in his office, after the word "dollars," in line 1814, to insert:

One carpenter, $1,000.

The amendment was agreed to.

The next amendment was, in line 1821, to increase the total amount of the appropriation for compensation of the Secretary of the Navy, and the clerks and employés in his office, from $58,630 to $59,630.

The amendment was agreed to.

The next amendment was, in the appropriations for "Nautical Almanac Office," in line 1850, after the word "each," to insert "one copyist and type-writer, $900;" in line 1851, after the word "messenger," to strike out "and one copyist at $720;" and in line 1853, after the word "thousand," to strike out "three hundred" and insert "four hundred and eighty;" so as to make the clause read:

Nautical Almanac Office: For the following assistants, namely: Three at $1,600 each; two at $1,400 each; three at $1,200 each; two at $1,000 each; one copyist and type-writer, $900; one assistant messenger; one laborer; in all, $15,480.

The amendment was agreed to.

The reading of the bill was continued to line 1862.

Mr. CALL. I will move, if there be no objection on the part of the chairman of the committee, to increase——

Mr. ALLISON. I ask the Senator from Florida to allow the Secretary to read through the committee amendments, and then we can go back to the item which he has in view.

Mr. CALL. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Hydrographic Office," in line 1888, after the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

For rent of building for printing-presses, draughtsmen and engravers, storage of copper-plates and materials used in the construction and printing of charts, and for repairs and heating of the same, and for gas, water, and telephone rates, $1,300.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Construction and Repair," in line 1927, after the word "dollars," to insert "one assistant draughtsman, $1,600;" and in line 1932, after the word "all," to strike out "twelve thousand three" and insert "thirteen thousand nine;" so as to make the clause read:

Bureau of Construction and Repair: For chief clerk, $1,800; draughtsman, $1,800; one assistant draughtsman, $1,600; one assistant draughtsman, $1,400; one clerk of class 4; one clerk of class 3; one clerk of class 2; one clerk of class 1; one assistant messenger; and one laborer; in all, $13,980.

The amendment was agreed to.

The next amendment was, in the appropriation for the "Bureau of Steam-Engineering," in line 1936, after the word "dollars," to insert "one assistant draughtsman, at $1,800;" and in line 1941, after the word "all," to strike out "twelve thousand four" and insert "fourteen thousand two;" so as to make the clause read:

Bureau of Steam-Engineering: For chief clerk, $1,800; one chief draughtsman, at $2,250; one assistant draughtsman, at $1,800; one assistant draughtsman, at $1,400; two clerks of class 2; one clerk of class 1; one assistant draughtsman, at $1,000; one assistant messenger; and two laborers; in all, $14,290.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Department of the Interior," in line 1978, after the word "each," to insert:

Six additional persons to be appointed by the Secretary of the Interior to aid him in determining appeals from the Commissioner of Pensions, and from whom he may constitute two additional boards of pension appeals, whose term of service shall expire at the close of the fiscal year 1887, at $2,000 each; two special inspectors connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, at $2,500 each.

The amendment was agreed to.

The next amendment was, in line 1990, after the words "disbursing

clerk," to strike out "for one stenographer" and insert "one private secretary to the Secretary of the Interior," so as to read;

One private secretary to the Secretary of the Interior, $1,800.

The amendment was agreed to.

The next amendment was, in line 1993, after the words "class four," to insert:

One census clerk, $1,800.

The amendment was agreed to.

The next amendment was, in line 2005, before the word "assistant," to strike out "seven" and insert "nine;" so as to read:

Nine assistant messengers.

The amendment was agreed to.

The next amendment was, in line 2019, to increase the total amount of the appropriation for compensation of the Secretary of the Interior, the assistant secretaries, and the clerks and employés in the office of the Secretary from "$158,190" to "$178,430."

The amendment was agreed to.

The next amendment was, after line 2020, to insert:

For per diem, in lieu of subsistence, of two special inspectors connected with the administration of the public-land service, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation, $5,000, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in the appropriations for the General Land Office, after the word "thousand," in lines 2044 and 2045, to strike out "two hundred and fifty;" so as to read:

One assistant commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of hat officer or in case of a vacancy in the office of Commissioner, $3,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 2047, before the word "inspectors," to strike out "three" and insert "two;" so as to read:

Two inspectors of surveyors-general and district land offices, to be appointed by the Secretary of the Interior, at $2,000 each.

The amendment was agreed to.

The next amendment was, in line 2050, before the word "principal," to strike out "ten" and insert "three;" and in the same line, after the word "at," to strike out "two thousand" and insert "one thousand eight hundred;" so as to read:

Three principal clerks, at $1,800 each.

The amendment was agreed to.

The next amendment was, in line 2051, after the word "each," to strike out:

Two law-examiners, at $2,000 each.

The amendment was agreed to.

The next amendment was, before the word "clerks," at the beginning of line 2053, to strike out "thirty-two" and insert "forty;" so as to read:

Forty clerks of class 4.

The amendment was agreed to.

The next amendment was, in line 2058, to reduce the total amount of the appropriation for the compensation of the Commissioner of the General Land Office, assistant commissioner, and the clerks and employés in the office, from $489,300 to $484,850.

The amendment was agreed to.

The next amendment was, in line 2066, before the word "thousand," to strike out "ten" and insert "nine;" so as to make the clause read:

For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $2.50 per day, and for actual necessary expenses of transportation, $9,000, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the appropriations for the "Indian Office," in line 2076, after the word "thousand," to insert "five hundred;" so as to read:

Assistant commissioner, who shall also perform the duties of chief clerk, $2,500.

Mr. HARRIS. I move to amend, in line 2076, by striking out "two" and inserting "three;" and then I shall ask the Senate to disagree to the amendment reported by the committee adding the $500; so as to make the salary of the assistant commissioner of Indian affairs $3,000.

I only desire to say that there is not in the service of this Government an assistant commissioner who receives less than $3,000 salary, even where the assistant commissioner performs no duties other than those of such assistant, while by the provisions of this bill this assistant commissioner, if the office shall be created, will not only perform the duties of assistant commissioner, but the duties of chief clerk also.

There are two assistant commissioners of pensions receiving $3,600. There is an assistant commissioner of public lands receiving $3,000, an assistant commissioner of pensions receiving $3,000; and in respect to each of those bureaus there are chief clerks receiving $2,250, whereas all of these duties will have to be performed by this officer if he is created.

Mr. ALLISON. This is a new office, and the Committee on Appropriations did not feel under the circumstances that it could strike out the entire provision. It makes the chief clerk of the Indian Office an assistant commissioner in addition to his present duties; and the committee were of opinion that if we added $500 to his salary it would be a fair compensation. I leave it to the Senate, however.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Tennessee [Mr. HARRIS].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2077, before the word "division," to strike out "land;" so as to read:

Chief of division, at $2,000.

The amendment was agreed to.

The next amendment was, in line 2078, after the word "dollars," to strike out:

Chief of accounts division, $2,000.

The amendment was agreed to.

The next amendment was, in line 2080, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class 4.

Mr. ALLISON. The Senate will see that we simply transpose the chief of the accounts division to a clerk of class 4, which he is now.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 2080, after the word "four," to insert "one of whom shall have charge of the educational division;" so as to read:

Five clerks of class 4, one of whom shall have charge of the educational division.

The amendment was agreed to.

The next amendment was, in line 2089, to increase the total amount of the appropriation for compensation of the Commissioner of Indian Affairs, assistant commissioner, and the clerks and employés in the office from $92,580 to $92,880.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Iowa to the necessity of changing the aggregate in consequence of this adoption of the amendment of the Senator from Tennessee.

Mr. ALLISON. Then that should be amended.

Mr. HARRIS. By adding $500.

The PRESIDENT *pro tempore*. That amount will be added by the Secretary unless there be objection.

Mr. BECK. Ninety-three thousand three hundred and eighty dollars is the proper amount.

The next amendment of the Committee on Appropriations was, in the appropriations for the "Pension Office," in line 2092, before the word "thousand," to strike out "four" and insert "five;" so as to read:

For compensation of the Commissioner of Pensions, $5,000.

Mr. ALLISON. I ask that that be passed over, to come up with the other amendments of like character which were passed over last night.

The PRESIDENT *pro tempore*. This amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2096, to increase the appropriation for compensation of "chief clerk" of the Pension Office from $2,000 to $2,250.

The amendment was agreed to.

The next amendment was, in line 2121, to increase the total amount of the appropriation for the compensation of the Commissioner of Pensions, deputy commissioners, and clerks and employés in the office from $1,807,500 to $1,808,750.

Mr. BECK. That will have to be passed over in consequence of passing over the item about the Commissioner's salary.

The PRESIDENT *pro tempore*. That will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "United States Patent Office," in line 2145, to increase the appropriation "for compensation of the Commissioner of the Patent Office" from $4,500 to $5,000.

The PRESIDENT *pro tempore*. This will be passed over, the Chair supposes, under the arrangement already made.

Mr. ALLISON. Yes, sir; that is to be passed over.

The PRESIDENT *pro tempore*. It will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2181, to increase the total amount of the appropriation for compensation of the Commissioner of the Patent Office, assistant commissioner, and the clerks and employés in the office from $649,070 to $649,570.

Mr. ALLISON. That item is to be passed over also.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2182, to insert:

For purchase of books for the scientific library of the Patent Office, $1,500.

The amendment was agreed to.

The next amendment was, in line 2185, before the word "expenses," to strike out "purchase of books and;" and in line 2187, after the word "governments," to strike out "four thousand" and insert "one thousand five hundred;" so as to make the clause read:

For expenses of transporting publications of patents issued by the Patent Office to foreign governments, $1,500.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Labor," in line 2239, after the word "four," to insert "both to be statistical experts;" so as to read:

Two clerks of class 4, both to be statistical experts.

The amendment was agreed to.

The next amendment was, in line 2240, after the word "three," to insert "one of whom may be a stenographer;" so as to read:

Two clerks of class 3, one of whom may be a stenographer.

The amendment was agreed to.

The next amendment was, in line 2242, before the words "of whom," to strike out "two" and insert "one;" in line 2343, after the word "be," to strike out "stenographers" and insert "a stenographer;" so as to read:

Four clerks of class 1, one of whom may be a translator and one of whom may be a stenographer.

The amendment was agreed to.

The next amendment was, in line 2248, after the word "dollars," to strike out "one charwomen, $300; one charwoman, $240," and insert "two charwomen, at $240 each."

The amendment was agreed to.

The next amendment was, in line 2251, after the word "least," to strike out "three" and insert "two;" so as to read:

Eighteen special agents, at least two of whom shall be females, at $1,400 each.

The amendment was agreed to.

The next amendment was, in line 2253, to reduce the total amount of the appropriation for compensation of the Commissioner of Labor and the clerks and employés in his office from $53,020 to $52,960.

The amendment was agreed to.

The next amendment was to strike out the clause from line 2255 to line 2260 inclusive, as follows:

For per diem of special agents when away from home on duty, in lieu of expenses for subsistence, the rate to be fixed by the Secretary of the Interior and not to exceed $3 per day, and for transportation and for traveling expenses of officers, $39,850.

And in lieu thereof to insert:

For per diem of special agents when away from home on duty, in lieu of expenses for subsistence, the rate to be fixed by the Secretary of the Interior and not to exceed $3 per day, and for transportation and assistance, and for traveling expenses of officers, and for employment of experts, and for other necessary expenses, including the purchase of books and periodicals, $39,850.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of Commissioner of Railroads," in line 2273, after the word "book-keeper," to strike out "two thousand" and insert "one thousand eight hundred;" and in line 2275, before the word "hundred," to strike out "six" and insert "four;" so as to make the clause read:

Office of Commissioner of Railroads: For Commissioner, $4,500; book-keeper, $2,400; railroad engineer, $2,500; one assistant book-keeper, $1,800; one clerk of class 3; one copyist; and one assistant messenger; in all, $14,420.

The amendment was agreed to.

The next amendment was, in line 2278, after the word "subsidized," to strike out "and land-grant;" so as to make the clause read:

For examination of books and accounts of certain subsidized railroad companies, and inspecting roads, shops, machinery, and equipments of same, $3,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of the Director of the Geological Survey," in line 2296, to reduce the appropriation for compensation of "Director" from $6,000 to $5,000.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. This will be passed over.

Mr. PLATT. I should like to know whether the salary of the Director of the Geological Survey is fixed by any general statute, and whether the $6,000 recommended by the House is the usual salary or not.

Mr. ALLISON. I will read the statute. The salary of the Director of the Geological Survey was fixed when that survey was authorized in 1879, March 3:

For the salary of the Director of the Geological Survey, which office is hereby established, under the Interior Department, who shall be appointed by the President by and with the advice and consent of the Senate, $6,000.

Then describing his duties——

Mr. PLATT. What has been the appropriation since the statute?

Mr. ALLISON. Six thousand dollars.

Mr. PLATT. This does not differ, then, in its character from a recommendation in the appropriation bill that the salary of a judge of the Supreme Court of the United States should be less than that provided by statute, does it?

Mr. ALLISON. In the one case there is a constitutional provision and in the other case Congress may use its judgment with the approval of the President. A judge of the Supreme Court can not have his salary reduced during his term of office.

Mr. HALE. Suppose that this item go over with the other questions of salaries.

Mr. PLATT. Questions of the same description have gone over.

Mr. ALLISON. Let that and the next item go over.

The PRESIDENT *pro tempore*. They will both go over.

Mr. ALLISON. And also the footings in line 2311.

The PRESIDENT *pro tempore*. Those amendments will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for rent of buildings for the Interior Department," in line 2339, to reduce the appropriation for rent of building "for the Bureau of Education" from $6,000 to $4,000.

The amendment was agreed to.

The next amendment was, in line 2340, to reduce the appropriation for rent of building for the "Geological Survey" from $20,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 2342, to increase the appropriation for rent of building for "Bureau of Labor" from $1,776 to $2,400.

The amendment was agreed to.

The next amendment was, in line 2346, to reduce the total amount of the appropriation "for rent of buildings for the Interior Department" from $35,436 to $24,060.

The amendment was agreed to.

The next amendment was, in the appropriations for "surveyors-general and their clerks," after the word "Dakota," at the end of line 2373, to strike out "and State of Nebraska;" in line 2374, after the word "thousand," to insert "five hundred;" and in line 2376, after the word "thousand," to insert "five hundred;" so as to make the clause read:

For surveyor-general of the Territory of Dakota, $2,500; and for the clerks in his office, $9,000; in all, $11,500.

The amendment was agreed to.

The next amendment was, in line 2416, after the words "for the," to strike out "clerk" and insert "clerks;" in line 2417, before the word "thousand," to strike out "one" and insert "two;" and in the same line, after the word "all," to strike out "two" and insert "three;" so as to read:

For surveyor-general of Nevada, $1,800; and for the clerks in his office, $2,000; in all, $3,800.

The amendment was agreed to.

The next amendment was, in line 2433, after the word "Oregon," to strike out "one thousand eight hundred" and insert "two thousand;" so as to read:

For surveyor-general of Oregon, $2,000.

Mr. DOLPH. I move to amend the amendment of the committee by adding after the words "two thousand" the words "five hundred," so as to restore the salary to the amount heretofore paid.

The PRESIDING OFFICER (Mr. PLATT in the chair). The amendment will be stated.

The CHIEF CLERK. In line 2434 it is proposed to add to the amendment of the committee "five hundred;" so as to read:

For surveyor-general of Oregon, $2,500.

Mr. DOLPH. The salary of that officer has heretofore been $2,500. I know of no reason why it should be decreased, and from the examination I have been able to give this bill I think that the reduction which was made in the salary of the surveyor-general of Oregon is not in keeping with salaries paid to other surveyors-general. I presented an amendment to meet the case and had it printed and referred to the Committee on Appropriations. I observe that they increase the amount in the bill as it came from the House from $1,800 to $2,000, and I now move to amend the amendment of the committee to make it as it stood heretofore.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2436, to increase the total amount of the appropriation for "surveyor-general of Oregon and for the clerks in his office" from $4,300 to $4,500.

Mr. ALLISON. The amount will have to be changed.

The PRESIDING OFFICER. If there be no objection, the Secretary will be directed to change the total in this paragraph to correspond with the amendment already made. The Chair hears no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Post-Office Department," in line 2462, after the words "chief clerk," to

strike out "to the Postmaster-General" and insert "of the Post-Office Department;" so as to read:

Chief clerk of the Post-Office Department, $2,500.

The amendment was agreed to.

The next amendment was, in the appropriations for the "dead letter office," after the word "for," to strike out "chief of division of dead letters" and insert "superintendent of dead-letter office;" so as to read:

For superintendent of dead-letter office, $2,250.

The amendment was agreed to.

The next amendment was, in the appropriations for "office of topographer" of Post-Office Department, in line 2562, after the word "dollars," to insert

One assistant map-mounter, at $720.

The amendment was agreed to.

The next amendment was to increase the total amount of the appropriation for the compensation of topographer of the Post-Office Department and the draughtsmen, clerks, and employés in his office, from $30,060 to $30,780.

The amendment was agreed to.

The next amendment was, in the appropriations "for contingent expenses of the Department of Justice," in line 2651, after the word "repairs," to insert "including portraits of Attorneys-General;" and in line 2652, after the word "thousand," to insert "seven hundred;" so as to read:

For contingent expenses of the Department, namely: For furniture and repairs, including portraits of Attorneys-General, $1,700.

The amendment was agreed to.

The next amendment was, in line 2654, to increase the appropriation "for law and miscellaneous books for library of the Department" from $1,500 to $2,000.

The amendment was agreed to.

The next amendment was, in line 2656, after the word "telegraphing," to strike out "postage;" so as to read:

For miscellaneous expenditures, such as telegraphing, fuel, lights, labor, and other necessaries, including ordinary repairs of building and care of grounds, $7,160.

The amendment was agreed to.

The next amendment was, in line 2659, to increase the total amount of the appropriation for contingent expenses of the Department of Justice from $11,160 to $12,360.

The amendment was agreed to.

The next amendment was after line 2660 to insert:

For postage required to prepay matter addressed to postal union countries, $100.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill and the following clause from line 2665 to 2669 was read:

For the following force, necessary for the care and protection of the courthouse in the District of Columbia, who shall be under the direction of the United States marshal of the District of Columbia.

Mr. HALE. In line 2666 the word "who" should be "which."

The PRESIDING OFFICER. That correction will be made if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Office of the Solicitor of the Treasury," in line 2675, to increase the appropriation "for compensation of the Solicitor of the Treasury" from $4,000 to $4,500.

Mr. HALE. Let that go with the others of the same nature.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2679, to increase the total amount of the appropriation for compensation of the Solicitor of the Treasury, assistant solicitor, and clerks and employés in the office from $27,580 to $28,080.

The PRESIDING OFFICER. The amendment in line 2679 will also go over.

Mr. HALE. Certainly.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out from line 2701 to line 2717, inclusive, as follows:

For salaries of the district judges of the United States for California, the northern district of Illinois, the eastern district of Louisiana, Massachusetts, Maryland, New York, New Jersey, the southern district of Ohio, and for Pennsylvania, twelve in all, at $4,000 each, $48,000.

For salaries of the district judges of the United States for Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Indiana, the southern district of Illinois, Iowa, Kentucky, Kansas, the western district of Louisiana, Maine, Missouri, Mississippi, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, North Carolina, the northern district of Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, forty-four in all, at $3,500 each, $154,000.

And in lieu thereof to insert:

For salaries of the fifty-six district judges of the United States, $203,500.

Mr. ALLISON. The provision as it came from the House provided for a reduction of the salaries of the judges of the district court of California and one of the districts in Louisiana, the eastern district I believe. The Committee on Appropriations of the Senate recommend a restoration of those two salaries to the statutory compensation, not understanding how under the Constitution we can reduce the salaries of these officers. Therefore we have appropriated in a lump sum as has hitherto been appropriated the statutory amount for the fifty-six district judges.

The amendment was agreed to.

Mr. GIBSON. I should like to know what the amendment is.

Mr. ALLISON. We restore the salaries of the judges to the amount fixed by statute.

Mr. GIBSON. Now I understand.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Court of Claims," in line 2732, after the word "dollars," to insert "one copyist, $900;" and in line 2733, after the word "all," to strike out "twenty-nine thousand eight" and insert "thirty thousand seven;" so as to make the clause read:

Court of Claims: For salaries of five judges of the Court of Claims, at $4,500 each; chief clerk, $3,000; one assistant clerk, $2,000; baliff, $1,500; one copyist, $900; and one messenger; in all, $30,740.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. MANDERSON. Before proceeding with the amendments that may be proposed by the committee aside from those already acted on, and before any amendments are proposed by any other member of the Senate, I ask leave to return to page 97 of the bill, line 2374.

Mr. DAWES. Will the Senator wait a moment as to a matter in which the committee would like to correct itself?

Mr. MANDERSON. I think this will take but a moment. It is rather in the nature of an inquiry on page 97, line 2374.

The bill as reported to the House for the action of that body provided, as has been provided in appropriation bills for many years past, for the maintenance of the office of the surveyor-general of the State of Nebraska, appropriating a sufficient sum to pay his salary and his office force. I notice that in the House the bill was amended by consolidating the two surveyors-generals' offices of the Territory of Dakota and the State of Nebraska, and that the Committee on Appropriations of the Senate now propose to strike out entirely from the bill any reference to the State of Nebraska.

I understand that this action is based on the report of the Interior Department that, there being no public lands for survey in that State, the office is no longer needed; but I submit to the Senator from Iowa having charge of this bill that the office still exists, with its office force, with the books and papers incident to a surveyor-general's office, and I should like some explanation from him as to the necessity of striking out the words "and State of Nebraska," in line 2374.

Mr. ALLISON. The committee concurred with the House and the Land Office in the general view that a surveyor-general was no longer needed for Nebraska; but the effect of the provision in the bill as it came from the House would be to transfer all the records and documents and files from the present location of the office in Nebraska to some place in Dakota. The law heretofore has been that when a surveyor-general's office is no longer required the records of the office shall be cared for and preserved by the State authorities or the General Land Office. So we struck out the provision in reference to the State of Nebraska so that these records could be preserved under the control of the General Land Office.

Mr. MANDERSON. I ask the Senator whether under the general law, in order to abolish this office that is said to be unnecessary at this time, action by the Interior Department is not needed. Must not the office he abolished by an executive order of that Department?

Mr. ALLISON. I think very likely that is necessary. I do not think it will take a great while to abolish the office after we have withdrawn the salary. I think the Secretary of the Interior will be very likely to take the necessary steps to close the office.

Mr. HALE. There were two States joined together, Iowa and Nebraska.

Mr. ALLISON. Iowa has lost her interest in respect to public lands.

Mr. MANDERSON. It has not been really part of the district of Nebraska for years.

Mr. HALE. The appropriation last year was for Nebraska and Iowa.

Mr. ALLISON. All the archives in Iowa I believe have been deposited in the State capitol.

Mr. MANDERSON. Of course I wish to do nothing that is not needed. I think from the explanation offered by the Senator from Iowa having charge of the bill that the reason of this change will fully appear to my colleagues in another body.

Mr. ALLISON. I think it is better not to have all these records transferred to Dakota.

Mr. MANDERSON. I think so myself.

Mr. PLUMB. I call the attention of the Senator from Nebraska to section 2218 of the Revised Statutes.

Mr. MANDERSON. That is the provision for abolishing the office and transferring the books. I suppose it does not need legislative action.

Mr. PLUMB. That section provides that—

The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying districts for which suveyors-general have been, or may be, appointed, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed, the surveyor-general thereof shall be required to deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field-notes, maps, records, and other papers appertaining to land titles within the same; and the office of surveyor-general in every such district shall thereafter cease and be discontinued.

Mr. MANDERSON. That requires legislative action by the State itself.

Mr. PLUMB. That would only be necessary in case the secretary of state should decline to receive them. He becomes the custodian of the papers, and they may or not be public records. The construction of that is that the Secretary of the Interior shall direct the surveyor-general to turn them over to the State as fast as he completes the surveys and records in order that the State may have copies.

The PRESIDENT *pro tempore*. If there be no objection, the amendments passed over will now be reported in their order.

Mr. PLUMB. I have not concluded my remarks.

The PRESIDENT *pro tempore*. The Chair thought the Senator had concluded.

Mr. PLUMB. Section 2219 of the Revised Statutes provides that—

In all cases where, as provided in the preceding section, the field-notes, maps, records, and other papers appertaining to land titles in any State are turned over to the authorities of such State, the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor-general, whose district included such State, shall be vested in, and devolved upon, the Commissioner of the General Land Office.

By striking out the words "and State of Nebraska" we accomplish two things. In the first place the records will be turned over to the secretary of state of the State of Nebraska according to the laws of that State for all the purposes they have in connection with the surveys. In the next place the Commissioner of the General Land Office would become thereby *ex officio* the surveyor-general of the State of Nebraska to look after all matters that might require attention; but in the event of a transfer to Dakota that would not occur. Neither the central authority here would have authority, nor could the records be deposited with the State of Nebraska.

Mr. MAXEY. Mr. President——

Mr. DAWES. Before we proceed to the amendments heretofore passed over, there is a little matter that we ought to settle.

Mr. MAXEY. I can get through with what I wish to say in a few moments. The bill having been gone through with fully, I think now is the proper time to dispose of the point of order which I made upon the words "in full compensation," in line 5, section 1, page 1, as being general legislation on an appropriation bill, and therefore in contravention of the rules of the Senate. I have already said all I care to say in support of my point of order, and I submit the question to the Chair.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts desire to say anything respecting the point of order?

Mr. DAWES. There is a single matter to be acted on first, that the chairman of the committee will state.

Mr. ALLISON. In line 2230 I desire to strike out "twenty-five hundred" and insert "three thousand."

Mr. MAXEY. That has no reference to the point of order I have made.

The PRESIDENT *pro tempore*. No; it has not. What is the suggestion of the Senator from Iowa?

Mr. ALLISON. In line 2230 I move to strike out "twenty-five hundred" and insert "three thousand," before the word "dollars."

Mr. EDMUNDS. That is in the appropriations for the Bureau of Education.

Mr. ALLISON. It is for the Bureau of Education.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 2230 strike out "twenty-five hundred" and insert "three thousand;" so as to read:

For collecting statistics for special reports and circulars of information, $3,000.

The amendment was agreed to.

Mr. ALLISON. In line 2163 I move to strike out "two" and insert "three," before the word "clerks;" so as to read:

Three clerks of class 4, one of whom shall act as application clerk.

Mr. EDMUNDS. What is that for?

Mr. ALLISON. The Secretary of the Interior made a recommendation for this additional clerk in the Patent Office.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. Now I think we had better return to the items which have been passed over. I do not know but that it would be better to take them in reverse order, running back to the beginning of the bill.

The PRESIDENT *pro tempore*. The Senator from Texas [Mr. MAXEY] raises a question of order.

Mr. MAXEY. I have made a point of order, and I beg to state that as it is now in order I desire to have it disposed of. It is in line 5 of section 1, page 1, and my point is against the words "in full compensation" as being general legislation on an appropriation bill. I submit it to the Chair without further argument.

The PRESIDENT *pro tempore*. The Chair would be glad to hear any observations of Senators having charge of the bill in respect to the amendment and the point of order raised by the Senator from Texas.

Mr. EDMUNDS. I was impressed with what the Senator from Texas said and the Chair suggested the other day, and was inclined to the opinion at first view that my friend from Texas was correct under our rules. But on further reflection, and on looking at the history of this kind of legislation, I have come to the conclusion that this provision of full compensation is only a limitation upon the expenditure of the money for this particular year, just as we might direct any other use of the money and the terms and conditions upon which the party to whom the money is to be paid shall receive it.

In that sense I came to the conclusion (being at first of the impression which the Senator from Texas and the Chair seemed to have, that it apparently changed existing law), that while it prevents an existing law from operating for this year it does not change that law, but only forces the man who holds the office, if he chooses to hold it, to take less than the original contract price as the condition on which he is to get anything at all. However hard or unjust that may be depends upon the merits of each particular case; but in respect of its being a violation of the rule which says that we shall not put general legislation on an appropriation bill, I am bound to say that I think now it is not a violation of that rule, but it is a condition upon which Congress says this money shall be paid out, and that is all. So I think that the amendment is in order.

Mr. HAWLEY. Then, if that be the fact, from year to year the statute is not enforced, and yet never has been changed. It strikes me that is a distinction without a difference. You never pay a man in the world the salary allowed him by the statute, and you avoid it simply by saying, year after year, that he shall take less.

Mr. HALE. Such cases have occurred repeatedly, where Congress has from year to year appropriated a sum of money smaller than that fixed by the fundamental statute. It is occurring constantly.

Mr. HAWLEY. I am perfectly well aware of it.

Mr. HALE. The statute falls into disuse, into desuetude.

Mr. HAWLEY. I am perfectly well aware of it; but if Congress fails to put in the words "in full compensation," so that the officer is obliged to take the sum appropriated and take it in full, he can recover the balance in the Court of Claims. I do not think it is a good way of legislating, to say the very least.

Mr. MAXEY. Mr. President, I had no intention of saying a word in addition to what I have already said on this question. The other afternoon when the question arose I did not have before me the decision of the Supreme Court in the case of The United States *vs.* John M. Langston, on appeal from the Court of Claims. I explained the nature and character of that case the other day, and it is upon the record, and I do not care to go through it. I have since examined the case and find that my recollection was correct.

It will be found by an examination of that case that the point as to the force and effect of the phrase "in full compensation" came before the court, and the court concluded that the words "in full compensation" suspended the general statute for the year to which the appropriation act applied containing those words and no longer; that it ought not to operate as a repeal but as a suspension *pro tanto* of the general law. This decision to which I have called the attention of the Chair was in the October term, 1885, after the various bills had been passed which have been spoken of. The court summed up the argument on both sides and discussed fully the expression "in full compensation." I read from the opinion of the court in that case:

From September 28, 1877, until July 24, 1885, the claimant, John M. Langston, held the office of minister resident and consul-general of the United States at the Republic of Hayti. At the time he entered upon the discharge of his duties it was provided by statute as follows: "There shall be a diplomatic representative of the United States to each of the Republics of Hayti and Liberia, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be accredited as minister resident and consul-general. The representative at Hayti shall be entitled to a salary of $7,500 a year, and the representative at Liberia to a salary not exceeding $4,000 a year." (Revised Statutes, section 1683.) The sum of $7,500 has been annually appropriated for the salary of the minister to Hayti, from the creation of the office until the year 1883.

Citing the various statutes—

In the act making appropriations for the consular and diplomatic service for the fiscal year ending June 30, 1879, it is provided: "That the following sums be, and the same are hereby, appropriated for the service of the fiscal year ending June 30, 1879, out of any money in the Treasury not otherwise appropriated for the objects hereinafter expressed, namely: For minister resident and consul-general to Hayti, $7,500. * * * And the salaries provided in this act for the officers within named, respectively, shall be in full for the annual salaries thereof from and after July 1, 1878; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed." (20 Stat., 91, 92, 98.) Similar provisions were in the diplomatic and consular appropriation act for the fiscal year ending June 30, 1880. (*Id.*, 267, 274.) A like sum was appropriated for the fiscal years ending June 30, 1881, and June 30, 1882, but the appropriation acts for those years did not repeat the declaration contained in the acts for the fiscal years of 1879 and 1880, to the effect that "the salaries provided in this act for the officers within named, respectively, shall be in full for the annual salaries thereof," &c. (21 Stat., 133, 134, 339.)

In the diplomatic and consular appropriation act of July 1, 1882, certain sums

were appropriated "for the service of the fiscal year ending June 30, 1883, out of any money in the Treasury, not otherwise appropriated, for the objects therein expressed," one of them being "for ministers resident and consuls-general to Liberia, Hayti, Switzerland, Denmark, and Portugal, at $5,000 each, $25,000."

* * * * * * *

In the consular and diplomatic appropriation bill of 1884, the Committee on Appropriations in the House of Representatives reported the following paragraph as part of the bill:

"And the foregoing appropriations for envoys extraordinary and ministers plenipotentiary, ministers-resident and chargés d'affaires, ministers resident and consuls-general, secretaries of legation, and interpreters, shall, after June 30, 1884, be the salary of each officer respectively, and all acts or parts of acts inconsistent or in conflict therewith, or which allow a larger salary to any officer or employé herein named shall be, and are hereby, repealed."—*Congressional Record*, Forty-eighth Congress, first session, part 4, page 4194.

This paragraph was omitted from the act as passed.

The claimant was paid at the rate of $7,500 a year up to and including June 30, 1882, and for the balance of his term at the rate only of $5,000 a year. He brought this suit to recover the difference between those amounts for the period from June 30, 1882, to July 24, 1885. His claim was sustained in the court below, and judgment was rendered in his behalf for $7,666.66.

In conclusion the court say:

The case before us does not come within the principle that controlled the determination of the other cases. The salary of the minister to Hayti was originally fixed at the sum of $7,500. Neither of the acts appropriating $5,000 for his benefit, during the fiscal years in question, contains any language to the effect that such sum shall be "in full compensation" for those years; nor was there in either of them an appropriation of money "for additional pay," from which it might be inferred that Congress intended to repeal the act fixing his annual salary at $7,500. Repeals by implication are not favored. It can not be said that there is a positive repugnancy between the old and the new statutes in question. If by any reasonable construction they can be made to stand together our duty is to give effect to the provisions of each. (Chew Heong *vs.* United States, 112 U. S., 549; State *vs.* Stoll, 17 Wall., 425, 430; *Ex parte* Yerger, 8 *id.*, 85 105; *Ex parte* Crow Dog, 109 U. S., 556, 570.) The suggestion of most weight in support of the view that Congress intended to reduce the salary of the diplomatic representative at Hayti is the improbability that that body would neglect in any year to appropriate the full sum to which that officer was entitled under the law as it then existed.

On the other hand, it is not probable that Congress, knowing, as we presume it did, that that officer had, in virtue of a statute—whose object was to fix his salary—received annually a salary of $7,500 from the date of the creation of his office, and after expressly declaring in the act of 1878 (20 Statutes, 91, 98) that he should receive that salary from and after July 1, 1878, and again, in 1879, that he should receive the same amount from and after July 1 1879, should, at a subsequent date, make a permanent reduction of his salary without indicating its purpose to do so, either by express words of repeal or by such provisions as would compel the courts to say that harmony between the old and the new statute was impossible. While the case is not free from difficulty, the court is of opinion that, according to the settled rules of interpretation, a statute fixing the annual salary of a public officer at a named sum, without limitation as to time, should not be deemed abrogated or suspended by subsequent enactments which merely appropriated a less amount for the services of that officer for particular fiscal years, and which contained no words that expressly or by clear implication modified or repealed the previous law.

I call the attention of the Chair to that opinion. It is unmistakable that the law fixing the salary remains in full force and effect unless the bill which attempts to suspend that contains, as the decision says, words that expressly or by clear implication modify or repeal the previous law. They do say that the words "in full compensation" do modify and repeal. If they do modify and repeal, not entirely but *pro tanto* for that year, it is general legislation on an appropriation bill, and no mortal man can make anything else of it, because it changes the existing law; and that is the point I make.

There is a doctrine of the law as clear as the noonday sun that every lawyer understands perfectly. As I stated the other afternoon, the law never favors repeals by implication, and where there are two statutes which may be seemingly in conflict and there is no repeal of the former by the later act, the courts will always carefully look at both statutes, and if they can be made to stand together and conform it is done. The repeal must be clearly and manifestly exhibited on the face of the subsequent statute before the previous statute is repealed by implication.

Now, can both statutes here stand together? The Supreme Court say yea in this very identical case, because this decision applies to the salary of Mr. Langston from September 28, 1877, to July 24, 1885, a period embracing the various acts which had the words "in full compensation" in them. If those words produce a change of existing law, whether for all time or for a limited period, their insertion is general legislation on an appropriation bill, and why? The general statute fixes the salary of the officer, as in the case of the Auditor which I called up the other afternoon as an example, at $4,000 per annum. When this bill appropriates the sum of $3,600 per annum and then declares that that shall be in full compensation, can any one say that that is not a change of existing law, that it is not general legislation on an appropriation bill?

To try it by another principle and rule of law, if the words "in full compensation" are not in the statute, then is there anything but the $3,600 as appropriated by this bill to prevent the officer from going before the Court of Claims and instituting his suit and getting his other $400? Every one admits that to be true. It has been tried. It is a case *res adjudicata*. Therefore, when he is inhibited by the insertion of the words "in full compensation" from doing that which he would have a lawful right to do without these words, unquestionably their insertion is general legislation on an appropriation bill.

To apply the doctrine of law *ex uno disce omnes*, if you can change the salary of an officer in one case on an appropriation bill you can change the salary of every officer of this Government on an appropriation bill, and what is the result?

One of the great principles of law is its permanency; that all men may know what they are doing. When a man accepts an office and looks to the statute-book and sees what the salary is, he feels an assurance that his country has promised to him, if he accepts the office, that he is to have that amount of money. He goes into the office with that understanding. He arranges his business and feels that he can afford to take the office; but here annually upon an appropriation bill, if this principle be true, you can change the salary of every officer of the Government, from the President of the United States down to a charwoman.

Is that the intention of this Government? Does that manifest stability? That is the result, inevitably. If you can say that the President of the United States on this same bill shall receive $25,000 in full compensation for his salary, unquestionably, while it does not repeal the general law which gives to him $50,000 annually, it does for the current fiscal year beginning to-day stop him from getting more than $25,000, and he could not go into the Court of Claims and get the other $25,000. Why? Because of those words "in full compensation." Therefore I say that if those words accomplished the result of changing existing legislation, manifestly and materially changing it, they are general legislation on an appropriation bill. Your salary, Mr. President, is fixed at a given amount to-day. Suppose we should say that you shall receive $4,000 in full compensation. There is a change, and so it runs all the way through.

I beg to add a word more. It is thought that the words in section 3, "that all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed," have some great bearing on this question. That very clause is contained in the various acts that were treated of by the court, and they were simply regarded as applying to the annual law making appropriation, leaving the general law to stand in full force, and that the two acts could be made to conform.

Mr. EDMUNDS. Will the Senator allow me to ask him a question?

Mr. MAXEY. Yes. I wanted to finish the idea I have just advanced, but of course I will listen to the Senator.

Mr. EDMUNDS. I merely wish to ask my friend, with great deference, so as to test this, whether he would think it a violation of our rules if, in the case of the Secretary of State for instance, whose salary is fixed by regular law at $8,000 a year, the committee reported "for compensation of the Secretary of State, $10,000," would that be out of order?

Mr. MAXEY. I should say so in the same way. I carry it either up or down. It is a change of existing law, and the principle is exactly the same.

Mr. EDMUNDS. Congress could not appropriate out of the Treasury for an object that the law had before limited.

Mr. MAXEY. The principle is exactly the same, and I would argue it the same way.

Mr. EDMUNDS. The two cases are exactly alike. There is no doubt about the principle.

Mr. MAXEY. It is said that section 3 has something to do with this case and controls it, which reads:

That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

If the construction is placed upon section 3 that has been sought to be given to it during the course of the argument to-day, there is not a salary of any officer in the United States in regard to which every act does not stand repealed which is in conflict with this bill, and we are without any law fixing any salary whatever, because this is a repealing act having no effect but for the present year.

But let us see if that is a correct way to do it. It is often a very good way of illustration in the examination of a case to strike out the referring words and insert that which is referred to. The third section reads:

That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Suppose you say:

That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, and all acts inconsistent with this act for services for the fiscal year ending June 30, 1887, are hereby repealed.

That gives the idea. You repeal that which is inconsistent with this act, and you repeal nothing else. The Supreme Court in the case I have referred to, instead of speaking of it as a repeal *pro tanto* speaks of it as a suspension, a suspension during that year, and that is the only force and effect of it.

I admit that if the words "in full compensation" are left in the bill the salary of every officer affected by the bill is stricken down for the current year from the amount allowed in the statute, and it is because the clause does that that I insist it is general legislation and therefore is subject to the point of order.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The debate is really out of order, but the Chair will be very glad to hear Senators.

Mr. MAXEY. I beg pardon of the Chair; I supposed the Chair desired to hear the matter debated.

The PRESIDENT *pro tempore*. The Chair stated that he desired to have the opinion of Senators.

Mr. BECK. Mr. President, I can not agree with the Senator from Texas in the belief that this is general legislation. What are we trying to do? What is the object of the Committee on Appropriations? It is to make appropriations to carry out existing law and to furnish means to pay the salaries of men who are employed by law in the service of the United States. We begin by saying, as every executive, legislative, and judicial appropriation providing for salaries has done from 1877 to the present time, "the following sums are appropriated out of any money in the Treasury not otherwise appropriated in full compensation for the service of the fiscal year." That is what we are directed to do. That is what we are appointed for. Section 3660 of the Revised Statutes provides that—

The heads of Departments, in communicating estimates of expenditures and appropriations to Congress, or to any of the committees thereof, shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers.

Section 3662 provides that—

All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution.

That is assumed to be the duty of the executive officer, and the duty of the Committee on Appropriations is to carry out that law. We say that we have presented a bill which it is desired shall become a law, appropriating money out of the Treasury in full compensation for the services of these officers during the year for which the bill provides. Whether we have done it or not is another question. That is our duty; that is what we are appointed to do; that is what we profess to do. Suppose that I could turn to the law in the Revised Statutes and show that every salary appropriated for was laid down in the Revised Statutes and never had been changed and was exactly in accordance with this proposed law, would there be any legislation in this bill in the words saying it is done in full compensation when the language of the law fixing the salary is complied with in every regard? Nobody will say there would be.

If we have not given to the Auditors and others the amount of money to which they are by law entitled, then the Senator from Texas can point that out and show that they ought to have more and appeal to the Senate to give it to them because the law allows it; but that there can be any legislation——

Mr. MAXEY. I will state to the Senator from Kentucky that the bill gives $3,600 to the Auditor referred to, and the law gives $4,000.

Mr. BECK. When you come to the $3,600 item, then comes the argument of the Senator from Texas that the law fixes the salary at $4,000 and that we have departed from it, and that this is a change of legislation, and therefore we have not done our duty in failing to give $4,000.

Mr. MAXEY. The Senator takes that position because putting those words in there does cut that man out of the $400 to which he is honestly entitled.

Mr. BECK. Then if the Senator is right the Senate of the United States and the House of Representatives have failed to do their duty. That is all the argument there is in that.

Mr. MAXEY. That simply amounts to an *argumentum ad hominem*. It has no strength in it as an argument.

Mr. BECK. Of course I do not claim to be as good a lawyer as the Senator from Texas is, and I beg his pardon if he thinks I am assuming any such prerogative; but when a bill is presented by the Committee on Appropriations it either complies with the law or it does not. It is either in full compensation or it is not. There are men who may think that when the act approved March 3, 1885, fixing the salaries made the salaries of the Auditors $3,600, and then said, "All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed," that meant what it said.

It is for the Senate to determine when they come to a provision authorizing a payment of $3,600, which is the amount under this bill where $4,000 was allowed by the Revised Statutes, which were simply a compilation, for they changed no law and corrected none, but took what was the salary then, it being $4,000, that is a question for argument, and if the Senate and the House do not agree with the Senator from Texas, then will be the time when the question of the violation of law arises. I agree with the Senator that the Auditors ought to have $4,000. The question of a violation of law does not arise in the preliminary words, which are the same that have been in every appropriation bill from 1878 down to the present time, "that the following sums of money in the Treasury, not otherwise appropriated, are appropriated in full compensation" for the services of the various officers provided for.

Now, when we come to the particular man, if we have not given him what the law allows him, the question can be readily made; and every one of those cases was passed over by consent of the Senate to see what is the law in that regard; and we are willing to comply with it.

Mr. FRYE. May I interrupt the Senator?

Mr. BECK. Certainly.

Mr. FRYE. I call the Senator's attention to the fact that twice since I have been in the Senate the presiding officer has ruled very distinctly that legislation of this kind is not general legislation, and twice the Senate has sustained the ruling. When I offered about two years ago an amendment to the Post-Office appropriation bill, the Senator from Vermont [Mr. EDMUNDS] being the presiding officer, that very question was raised, and one of the points made by the presiding officer was that legislation which died with the bill itself was not general legislation. The Senator from Kentucky appealed from the decision at that time, and the Senate sustained the Chair.

The PRESIDENT *pro tempore*. The Chair will be very much pleased to have a reference to the case referred to.

Mr. FRYE. I will furnish it to the Chair.

Mr. BECK. I hope the Senator from Maine will look it up.

But what I meant to say was that in the Langston case the bill itself contained no provision repealing all inconsistent laws. The Senator from Texas intimated that it did, or I understood him so in the statement he made. It contained no such provision, and the consular and diplomatic bill for many years did not. In the bill which was passed by both Houses and agreed to yesterday in conference committee the words "in full compensation" were inserted and are now to become part of the law; and no man objected.

Mr. HARRIS. May I inquire of the Senator from Kentucky if I understand that the first appropriation bill which appropriated less than the amount fixed by the Revised Statutes contained a provision repealing all laws inconsistent with that provision?

Mr. BECK. I am not sure whether the first one did or not, but the Revised Statutes took effect in 1873 or 1874, and from 1878 to the present time, as I have looked at most of the bills, and the chairman of the committee announced yesterday that he had examined them all, and each one of them contained that provision.

Mr. HARRIS. Repealing all laws inconsistent with the act?

Mr. BECK. Repealing all laws inconsistent with the act.

Mr. HARRIS. Then it seems to me the question is narrowed down to this: A statute once repealed, can it ever be revived, except by being re-enacted?

Mr. BECK. I suppose no one will contend that it can; but there is language in the Langston decision that, where the law did neither contain a repealing clause nor a provision in regard to full compensation that would indicate (and that far I think the Senator from Texas is right) the question is left open.

But what I mean is that this point of order does not arise upon these words. We ought to appropriate in full compensation. It would be madness, it would be most unwise legislation to make appropriations for the officers of this Government, running to the amount of several hundreds, perhaps several thousands, in accordance with law, and to say, "We know we are not giving you what the law allows you; go to the courts and sue the United States."

We ought not to pass any law encouraging, winking at, or countenancing suits between citizens of the United States and the United States in regard to the compensation that they ought to have, and therefore we ought to close the door against it and say this is full compensation; and then when Senators or Representatives are able to show on the floor of either House that the amount given by the committee is not the compensation allowed by law, the presumption is that members of the House and Senate will conform to the law, and will give to the officer the salary that the law allows him. But, as is now proposed by the Senator from Texas, if you strike out the words "in full compensation" and invite them all to sue, and make no question here as to what their salaries are or ought to be, but take what they get now and then sue the United States for the balance, *that is disreputable legislation* for us to indulge in.

If we have not in this bill given these gentlemen what they are entitled to, let them and their friends, or those who think they are aggrieved, make the question before Congress; but if these words are stricken out there are perhaps many cases where we may not have complied with the law either through ignorance or because there is some law that was not called to our attention. The officer may not desire and his friends may not desire to call the attention of Congress to it for fear that the law might be repealed, and the salary runs on for three, four, five, or six years, and then he brings his suit in the Court of Claims and recovers the money. Congress ought to legislate fairly and squarely and say "this is in full compensation." If it is not, let the attention of Congress be called to the fact that it is not and have it rectified now, but do not leave it for the purpose it may be of a suit hereafter to bring scandal on the United States in its dealings with the men who are doing its work.

Mr. MAXEY. Mr. President, I have no wish to say anything further, because I think the argument I made has not been answered, and that section 3, properly construed as it will be by the Chair in connection with the words that I refer to, is simply an additional argument in favor of the force of the point which I make.

To what the Senator from Kentucky saw proper to say of me personally I have no reply to make. What the opinion of the Senator from Kentucky may be on this question is a matter which concerns himself more than it does me. Whether he is a better lawyer or I a better lawyer is a matter of very small concern to the Senate of the United States, and is certainly not a question which should be raised in a great debate on a point that I regard as one of very great importance.

Mr. ALLISON. Mr. President, one word before the Chair decides

the question. Can we not properly under our rules hold that this is not general legislation? I do not see how it can be held to be general legislation. It is special legislation regarding and affecting the matters in this bill.

I only desire to say that if this provision is not inserted the salaries of perhaps four or five hundred, certainly three hundred, officials provided for in the bill will be rendered doubtful, and the effect may be—I do not say it will be—to cause to be instituted as many lawsuits for the recovery of the difference between the amounts appropriated here and the amounts that will be claimed under the statutory salary.

That is one remedy that these people would have. Another remedy would be that at the next session we might in the deficiency bill be asked to appropriate for the salaries as the Revised Statutes provide, and in the mean time we have provided enough in this bill to enable these employés to receive the salary for six months that the law gives them.

Of course I do not wish to argue the question of law or the effect of the last section of the bill as the repealing section, and the effect of the repealing sections that have existed in every appropriation bill for legislative, executive, and judicial expenses since 1877. I have said all I desire to say.

Mr. HALE. Mr. President, I have never been able to see why the discussions in the Senate on points of order like this, which are constantly being raised, run into the question whether the amendment proposed may change the operation of existing law. That is not the rule of the Senate. There is nothing whatever in the rule that touches the question of an amendment changing the operation of existing law. The rule of the Senate says that no amendment which proposes general legislation shall be received to an appropriation bill. How it can be claimed that a provision in an appropriation bill running with the year for which the appropriations are made, expiring with the expiration of that year, and declaring that the sum appropriated shall be received by the person drawing the salary in full compensation only for that year, is general legislation, I fail to perceive.

I have never been able to understand how it is that such an amendment can be claimed to be general legislation, because if it is not special legislation, if it is not simply limiting legislation, if it is not legislation applicable to the one subject-matter and only for the year, then you can not make legislation that shall be special legislation and applicable to a particular subject and for the year; and everything proposed that would change the operation of law for a year or for six months or for one day to a single person would be general legislation.

Clearly nothing of that kind is intended here. It is simply as much as saying that for the year a given officer shall receive so much money in the exercise of the judgment of the two Houses, provided that he gives a receipt in full for it. It does not change the law; it does not obliterate it; it does not remove it from the statute-book, but simply declares that for the year Congress will pay no more than such a sum to such a person.

There is no law obliging Congress to appropriate. You may pass all the statutes in the world fixing salaries and there is no law that obliges Congress to appropriate; but it can say, as a matter not of general legislation but of limitation, that for the year coming the officer shall receive only so much and nothing more.

Mr. MAXEY. If the Senator will pardon me, notwithstanding the general law says he shall receive more, yet we say he shall not receive more.

Mr. HALE. The general law does not say that Congress shall appropriate. It simply fixes the general salary provided; it is in no way limited. I do not deny that Congress can limit it. It can; and it is not general legislation to limit it for a year by an act which limits the appropriations made in it for a year.

There must be some legislation beside general legislation. The framers of the rule in selecting the phrase "general legislation" must have realized that there was other legislation besides general legislation. There is legislation which is not general legislation.

Mr. MAXEY. If limiting to one year is not general legislation, for the same reason would it be for five years or ten years or twenty years? You thus destroy the whole force and effect of legislation by admitting that principle.

Mr. HALE. No, because the law declares that the appropriation shall be annual, from year to year. There is no power to make appropriations for more than one year, because the law is distinct upon that point, and with that goes the discretion that Congress has of limiting and controlling what shall be paid to the public servants for that year.

Mr. CALL. Mr. President, I am in favor of increasing the amount affected by the clause under consideration. I so voted in committee, and I think it ought to be done. These officers ought to have a reasonable compensation.

Upon the point now presented to the Senate it seems to me very clear that the first question is, is it competent to repeal a statute by a provision in a general appropriation bill? In regard to that there is no doubt. An appropriation bill is quite as much a law as any other.

If that be so, the only other question is as to the force and effect of the language used in the former acts. Is it clear that they were repealing statutes? Were they repugnant or inconsistent with the provisions of the previous statute cited by the Senator from Texas? The mere fact of inconsistency, the mere fact that a full compensation was provided for an existing office without any repealing clause, would be repugnancy that would do away with any previous statute. There is no question in regard to that.

The law cited from the Revised Statutes by the Senator from Texas made the salary of the Auditors $4,000. The subsequent laws for ten years each year made it $3,600, and provided that it should be in full compensation, and that all former statutes inconsistent with these several laws should be repealed. Is the payment of $3,600 in full compensation for the salaries of the Auditors inconsistent with their having a right to $4,000? If so, the former law is repealed, for such is the express language of the later laws.

The Supreme Court have only decided that where an appropriation was made for the payment of a salary to an officer the language used in that case did not import a repeal of the existing law; that there was not such a repugnancy or inconsistency between the particular language in that particular act and the former law.

The whole question depends upon whether the language in the acts to which we have referred is the same as in that statute. Certainly the words "in full compensation," and the terms "inconsistent with the statute," and providing for the repeal of previous laws inconsistent with it, as clearly as any language can, import a repeal of any existing law. Now the law repealed was the statute fixing the salary at $4,000, and the repeal was made by the first of the statutes subsequent to it which contained the language "full compensation," and the repealing words I have quoted. The repeal will not be made by this act, if it should become a law. Hence there is no existing law, and a provision in an appropriation bill providing for the salaries of officers can not be said to be general legislation in the sense of the rule, because it designates the salary at a different amount from the preceding appropriation bills.

In regard to the point of order, I do not know anything that is strictly germane to a bill that would be prohibited by the rule. There is no rule of this body which will require that an amendment making an appropriation required by the existing laws to be made annually shall be held to be out of order; and so a former law which has no existence because it has been repealed can not have any effect on the rule.

If this be true, there would be nothing out of order under the rule of the Senate in a provision of the appropriation bill reducing a salary. I do not see that there could be any point taken properly in that respect even if the former law had not been repealed. I think it is very clear that the language of the former acts, "in full compensation" and repealing all existing statutes, was clearly a repeal of any previous act upon the subject; and therefore even in the argument of the Senator from Texas there is no existing law for this bill to repeal. But I am in favor of the amendment of the Senator from Texas, because I think the public interest requires that officers to whom great pecuniary trusts are confided should not be placed on starvation wages. The people's safety depends on the people's servants being paid a reasonable compensation.

The PRESIDENT *pro tempore*. The Chair has given the subject all the attention possible in the time allowed, and will state his conclusion. The third clause of the sixteenth rule reads as follows:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

The Senator from Texas raises the point of order that the words "in full compensation" are in the nature of general legislation to this appropriation bill. In the judgment of the Chair, and in accordance also with the judgment of the Supreme Court, the words "in full compensation" do change the legal meaning and effect of the appropriation. The bill as it comes to us from the House of Representatives is simply an appropriation of money out of the Treasury for certain defined purposes, but the words inserted extend the purpose, and declare that whether the appropriations are sufficient to pay the amount required by law, yet if the money appropriated is taken by the person it must be in full compensation. In this respect it certainly does change the existing law.

The only doubt the Chair has had about it is whether it is general legislation in the sense in which the term "general legislation" is used in the rule. The mere fact that an amendment to an appropriation bill does propose to change a law even radically does not seem to be objected to by the rule.

What is general legislation? The Senator from Maine [Mr. FRYE] refers the Chair to a decision made by a former presiding officer, that an additional item of appropriation for building ships, regulating the mode and manner of the appropriation, providing limits, &c., was not general legislation. It is clear to the mind of the Chair that it is not.

If the clause related only to a single item of appropriation, it might be held then to be special legislation relating to a particular item; but this provision relates to every item in the bill, and, according to the debate, as shown by many Senators, it does change in repeated cases, in dozens of cases perhaps, the salaries provided by law, in some cases appropriating a less sum of money than is provided by law and in other cases appropriating a greater sum of money than is authorized by law.

It seems to the Chair, therefore, that what is fairly to be called gen-

eral legislation affecting every item in the bill would fall within the purview of the language of the rule; but as there has been some contrariety of position on this subject and as the Senate have several times passed bills with this phraseology in them, not treating it as general legislation, the Chair will, under the privilege granted by the rules, submit the matter to the Senate, so that it may be decided according to the judgment of the Senate without respect to the opinion of the Chair, although the Chair is clearly of the opinion, for the reason stated, that the clause is technically subject to the point made by the Senator from Texas that it is general legislation on an appropriation bill.

Mr. MAXEY. I ask that the question be taken by yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Will the Chair state the question exactly before the vote is taken?

The PRESIDENT *pro tempore*. The Chair submits the question under the rule. The Secretary will read the second clause of the twentieth rule.

The CHIEF CLERK. Rule XX, second clause:

The presiding officer may submit any question of order for the decision of the Senate.

The PRESIDENT *pro tempore*. The Chair will submit the question whether the words proposed to be inserted by the Committee on Appropriations as the first amendment to the bill are within the language and prohibition of the rules.

Mr. EDMUNDS. That is, are they in order?

The PRESIDENT *pro tempore*. Are they in order?

Mr. HALE. Senators who believe that the amendment is in order will vote "yea?"

The PRESIDENT *pro tempore*. That will be the proper vote for those who believe the amendment is in order.

Mr. EDMUNDS. That is the question; is it in order?

The PRESIDENT *pro tempore*. The question is, Is the amendment in order?

Mr. MAXEY. Let us understand it fully. Those who wish the clause to remain in the bill vote "yea?"

The PRESIDENT *pro tempore*. Those who believe that the clause is in order should vote "yea," and those who believe it is not in order should vote "nay."

Mr. EDMUNDS. The question is, is it in order? Those who think it is will say yes, of course.

Mr. MAXEY. The nays will sustain the point of order, as I understand it?

The PRESIDENT *pro tempore*. The nays will sustain the point of order. The amendment will be stated.

The CHIEF CLERK. In line 5, after the word "appropriated," the committee report to insert the words "in full compensation."

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "yea" if he were here.

The roll-call was concluded.

Mr. MCPHERSON. Upon this question I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay." I do not know how he would vote, and therefore I withhold my vote.

Mr. FRYE. I am paired with the senior Senator from Maryland [Mr. GORMAN], who is detained by sickness. I am paired on all political questions, but I have voted on this question.

Mr. COCKRELL (after having voted in the affirmative). I am paired with the Senator from Massachusetts [Mr. HOAR]. I do not know how he would vote on this question; but I shall let my vote remain, as I do not suppose there will be any difference of opinion between us in regard to it.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH], but I learn from the Senator from New Jersey [Mr. MCPHERSON] that he has announced a pair with him, and I shall vote. I vote "yea."

Mr. CULLOM. My colleague [Mr. LOGAN] is paired with the Senator from North Carolina [Mr. RANSOM]. I do not know how my colleague would vote.

Mr. RANSOM. As stated by his colleague, I am paired with the Senator from Illinois [Mr. LOGAN]. I voted "yea," presuming that he would vote that way.

Mr. CULLOM. I am informed by a member of the Committee on Appropriations, of which my colleague is a member, that he would vote "yea."

Mr. RANSOM. It was with that understanding that I voted.

The result was announced—yeas 31, nays 20; as follows:

YEAS—31.

Allison,	Dawes,	Hampton,	Ransom,
Beck,	Edmunds,	Harrison,	Sewell,
Berry,	Eustis,	McMillan,	Teller,
Blackburn,	Evarts,	Mitchell of Oreg.,	Vance,
Call,	Frye,	Payne,	Vest,
Camden,	George,	Platt,	Voorhees,
Cockrell,	Gibson,	Plumb,	Walthall.
Colquitt,	Hale,	Pugh,	

NAYS—20.

Blair,	Cullom,	Ingalls,	Palmer,
Brown,	Dolph,	Jones of Arkansas,	Sherman,
Chace,	Gray,	Manderson,	Spooner,
Coke,	Harris,	Maxey,	Whitthorne.
Conger,	Hawley,	Miller,	Wilson of Iowa.

ABSENT—25.

Aldrich,	Hoar,	Mitchell of Pa.,	Sawyer,
Bowen,	Jones of Florida,	Morgan,	Stanford,
Butler,	Jones of Nevada,	Morrill,	Van Wyck,
Cameron,	Kenna,	Pike,	Wilson of Md.
Fair,	Logan,	Riddleberger,	
Gorman,	McPherson,	Sabin,	
Hearst,	Mahone,	Saulsbury,	

The PRESIDENT *pro tempore*. The amendment is decided to be in order.

Mr. COKE. Are amendments to the bill now in order?

The PRESIDENT *pro tempore*. There are some amendments which have been passed over, and which will be taken up in their order.

Mr. ALLISON. The amendment in line 5 has not yet been agreed to.

The PRESIDENT *pro tempore*. It has not. The question is on the first amendment of the Committee on Appropriations, which was passed over. It will be again read.

The CHIEF CLERK. In line 5, after the word "appropriated," the committee report to insert "in full compensation;" so as to read:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1887, for the objects hereinafter expressed.

The amendment was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President of the United States had on the 30th ultimo approved and signed the following acts and joint resolution:

An act (S. 24) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased;

An act (S. 2222) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations;

An act (S. 2073) for the relief of the officers and crew of the light-house tender Lilly and the inspector of the fourteenth United States light-house district; and

Joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res. 196) to provide temporarily for the expenditures of the Government.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*.

A bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes; and

Joint resolution (H. Res. 196) to provide temporarily for the expenditures of the Government.

PUBLIC-LAND SURVEYS.

Mr. PLUMB submitted the following resolution, which was read:

Resolved, That the Secretary of the Interior be directed to inform the Senate as early as practicable the amount of money expended during the fiscal year 1886 for surveying public lands, and in what States and Territories expended, with the amount in each, and also how much of the sum of not exceeding $50,000 appropriated for occasional examinations of public surveys, &c., for the same period, has been expended.

Mr. PLUMB. That is information which the Committee on Appropriations ought to have before coming to the consideration of the sundry civil appropriation bill.

The resolution was considered by unanimous consent and agreed to.

AMENDMENT TO A BILL.

Mr. DAWES submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8474) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations which have been passed over will be stated in their order.

The CHIEF CLERK. In line 1111, after the word "thousand," the committee report to insert "five hundred;" so as to read:

Office of assistant treasurer at Baltimore: For assistant treasurer, $4,500.

Mr. EDMUNDS. Is that an increase?

Mr. PLUMB. It is an increase over last year.

Mr. EDMUNDS. What is the legal salary there?

Mr. ALLISON. The legal salary; that is, the salary as fixed by the statute some years ago by the Revised Statutes, is $5,000.

Mr. EDMUNDS. Why do you give him $4,500?

Mr. ALLISON. We gave him that last year.

The amendment was agreed to.

The next amendment passed over was, in line 1121, to strike out the words "four thousand five hundred" and insert "five thousand;" so as to read:

Office of the assistant treasurer at Boston: For assistant treasurer, $5,000.

Mr. EDMUNDS. Is that an increase?

Mr. ALLISON. That is the exact salary.

Mr. EDMUNDS. That is the salary provided for by law?

Mr. ALLISON. It is.

The amendment was agreed to.

The next amendment passed over was, in line 1227, after the word "thousand," to insert the words "five hundred;" so as to read:

Office of assistant treasurer at Saint Louis: For assistant treasurer, $4,500.

Mr. HALE. That is the legal salary.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The footings will also be considered as agreed to where the changes have been made in the items. The next amendment passed over will be read.

The amendment was, in line 1237, to strike out "four thousand five hundred" and insert "five thousand;" so as to read:

Office of assistant treasurer at San Francisco: For assistant treasurer, $5,000.

Mr. ALLISON. The salary there by law is $6,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment passed over will be read.

The amendment was to strike out, from line 1696 to 1707, as follows:

Office of Publication of Records of the Rebellion: For one agent, $2,000; three clerks of class 4, one of whom shall be employed on the general index; two clerks of class 3; one clerk of class 2; three clerks of class 1; three copyists, at $900 each; one foreman of printing, at $1,600; one compositor and pressman, $1,200; one compositor, $1,000; two copy-holders, at $900 each; two assistant messengers; two watchmen; and one laborer, at $600; in all, $27,380.

Mr. BECK. I do not think any of the committee wanted to strike out that paragraph altogether, but it was thought to need some explanation.

Mr. SEWELL. Mr. President, this amendment stops the publication of the most valuable book that has ever been published by the authority of Congress, and one that is the most sought after of all the publications since the foundation of the Government. It is the record of the war, in which are interested all the survivors of both armies, and all their children, and all their friends, and the public generally.

The Committee on Appropriations I think have not acted advisedly in this matter. In looking over their report I find that they merely say:

The committee recommend that all the force provided for under the head of "Office of Publication of Records of the Rebellion" be struck out. The committee believe some further and better regulation should be made for the preparation of these records before further appropriations are made for this force.

I have not heard of any other reason that the committee had for its action. The public press have charged that complaint was made to the committee that other than the official records of the war were published in this book. I have been an attentive reader of almost all the volumes as they have come out; I eagerly look for them when they are published; and I have yet to find in any of the volumes so far as published any other than official and proper papers to be inserted therein, and on no occasion, in my opinion, has the editor of the work injected in any sense any of his own ideas.

It has been said in the public press that the proceedings of the advisory board instituted by President Hayes in the case of Fitz-John Porter should not have obtained a place in this work.*

I do not wish to take the time of the Senate by going over the whole case, but I have correspondence here from Colonel Scott, who edits the work and from ex-Secretary Lincoln in relation to what should go into it. Secretary Lincoln determined that all official papers, but none which might be construed as unofficial, should be admitted. That determination arose from a controversy brought about by General Gordon as to some reports made in relation to the report of the first division of the Second Army Corps, and also in relation to the reports of General Grant criticising the action of General Lew. Wallace at Shiloh. General Wallace asked to have inserted in the record his explanation with his subsequent reports to correct what General Grant had said about him. The matter was settled by throwing out everything of that kind, and by the refusal to publish anything that was unofficial in its character or controversial in its nature for the setting of anything right that had been in the official reports. In the submission of a memorandum to the Secretary of War by Colonel Scott I find he says:

The Porter papers are in type, but can readily be excluded from the publication.

I asked Colonel Scott the direct question if Mr. Lincoln had agreed to the publication of those papers, and he said distinctly "yes," and that the papers are on file showing it at the present time. I ask to have a letter in this connection from Colonel Scott read.

The PRESIDING OFFICER (Mr. PALMER in the chair). The letter will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT,
PUBLICATION OFFICE WAR RECORDS 1861-'65,
Washington, June 29, 1886.

DEAR SIR: In reply to telephonic message, I said Secretary Lincoln did agree to the publication of Schofield board findings. See pages 9 and 10 of pamphlet herewith. The draught of letter on page 10 was read to me, or I read it in Mr. Lincoln's room; it then did not have the word "unofficial" in next to last paragraph. After sending in my memorandum (page 9) the letter was next modified as suggested, and the letter-press copy was sent to me from War Department with the memorandum and all the other papers in the case. They are now in my possession.

Yours, truly,

ROBERT N. SCOTT.

Mr. SEWELL. I do not desire to say anything further on this question. I submit the letter. It is certainly good evidence that there were not papers of an improper character put in the book, and that those complained of were put there by competent authority under the order that nothing but official papers should be inserted. This was the official record of the board constituted by the President of the United States, and practically a part of the Army record. I trust the committee will not press their amendment.

Mr. ALLISON. The Committee on Appropriations had their attention called to this general question of the Rebellion Record. Every Senator, I am sure, appreciates with the Senator from New Jersey the importance of the publication of this record. No member of the Committee on Appropriations had the slightest idea or suggestion in his mind that its publication should be stopped, but only that it should be detained for a few months until further investigation could be had with reference to the method of the publication.

In 1874 we find the first authority for this publication, and I believe the only authority except that contained in the appropriation acts, which were merely appropriations for the purpose of carrying on the work. We find in the eighteenth volume of the United States Statutes at Large, page 222, the provision which I shall read.

Mr. COCKRELL. In what act was that?

Mr. ALLISON. This was on the sundry civil appropriation act. The provision reads as follows:

To enable the Secretary of War to begin the publication of the official records of the war of the rebellion, both of the Union and of the confederate armies, the sum of $15,000. And the Secretary of War is hereby directed to have copied for the Public Printer all reports, letters, telegrams, and general orders not heretofore copied or printed, and properly arranged in chronological order.

The object of the statute was that the records of the war of the rebellion, both of the Union and of the confederate armies, should be published. So far as the latter clause of the appropriation is concerned, it is clearly indicated that this publication should consist of these records prepared in chronological order.

The attention of the committee was called to the particular instance stated by the Senator from New Jersey. While what he says may be true, and doubtless is true, as to the facts he states, yet there remains the singular fact in connection with the record to which he alludes, namely, that four or five pages of the twelfth volume of this record, which relates to the operations of the Army in 1862, show first the request of Fitz-John Porter, next the order organizing the court, next the charges and specifications, and then simply the approval of the sentence by President Abraham Lincoln.

Mr. INGALLS. Will the Senator allow me just a moment? Does the Senator mean to have it understood that the publication contains only a partial report of the original proceedings of the first court-martial?

Mr. ALLISON. I mean to say that it contains not even a synopsis of the proceedings of the court-martial.

Mr. INGALLS. That is all omitted?

Mr. ALLISON. The charges and finding of the court and the approval of the sentence by President Lincoln are given.

Mr. INGALLS. They are followed by what?

Mr. ALLISON. They are followed by a letter of Fitz-John Porter asking for a review, which letter is dated March 9, 1878, which is followed again by the order of President Hayes detailing a board under the authority of the Adjutant-General, and then follow twenty-five pages of the report of the reviewing board giving in detail their findings; and then comes the message of President Hayes, which is brief, transmitting the testimony and the findings of the board to Congress, and then follows the pardon, so called, of President Arthur, which is dated on the 4th day of May, 1882.

The committee believe that this statute is violated in this regard in a double sense. In the first place so much of this record as relates to the subsequent proceedings is not in any sense a publication of the records of the war of the rebellion. Surely occurrences that took place between 1878 and 1882 ought not to find a place in what under the authority of law are authorized to be regarded as the transactions of the Union and rebellion armies for that period.

Mr. EDMUNDS. There are other instances, like Canby's report after 1866.

Mr. ALLISON. The Senator from Vermont calls my attention to the fact that this is not the only case. I believe this is not the only case. There are some other cases where matters that occurred after the close of the war are inserted in other volumes of this record.

But what struck the committee with reference to this record when they examined it was that here were three or four or five pages devoted to actual occurrences during the war, which were followed by twenty-five or more pages of occurrences between 1878 and 1882, tending to show, if they did not show, that all the occurrences from the finding of the court-martial down to the approval of President Abraham Lincoln were wrong and unjust to Fitz-John Porter.

Mr. SEWELL. Will the Senator allow me to correct him right there?

Mr. ALLISON. Certainly.

Mr. SEWELL. If the Senator had sat on courts-martial as often as I have, and had studied the law in relation to courts-martial, he would know that the practice is not to publish anything in relation to courts-martial, except the charges, the findings, and the sentence. That is the whole of a court-martial record which is made public.

Mr. ALLISON. That is probably the rule of courts-martial; but the Senator will not deny that all the proceedings are open to the public relating to the Fitz-John Porter court-martial and have been for many years.

Mr. HALE. Let me ask the Senator from New Jersey, if he takes the position here that in the original court nothing was published but the charges and results, how does he account for the fact that on page 766 in the same volume in a comparatively unimportant matter of the trial of General Julius White with reference to transactions at Martinsburg and other parts of Virginia, the compiler or person in charge of this matter has put in forty-eight pages of questions and answers, about the minutest details, of the witnesses before the court-martial? How does that agree with this proposition?

Mr. SEWELL. I have not seen that matter and am not prepared to answer just now why that should have been put in.

Mr. EDMUNDS. Was that a court-martial or a court of inquiry?

Mr. ALLISON. Merely a court of inquiry, I think.

But I was about to call attention to the matter alluded to by the Senator from Maine. In a further examination of this volume we find that a comparatively inconsequential matter occupies the attention of the twelfth volume to the extent of forty-eight pages.

My attention being called to this subject by the Fitz-John Porter case, I took occasion to examine other volumes of this Rebellion Record, and I found many things given with the most minute detail with reference to other general officers and with reference to other transactions of the Army, and perhaps some of them correctly given.

Now take the last volume for illustration. I do not remember the number of the volume, but it is the last volume wherein the record of the court of inquiry respecting the conduct of General Buell in Kentucky is given; and there are over six hundred pages of that volume devoted to the inquiry respecting the conduct of Don Carlos Buell in the State of Kentucky while he was managing the affairs of the army in that State.

So the committee, after looking at this Fitz-John Porter case, and looking at the Julius White case, which was referred to by the Senator from Maine, came to the conclusion that the Rebellion Record was not edited, if the word editing can be used in connection with it, in the way the statute says it ought to be.

I venture the statement that every single fact connected with the trial of Julius White by a proper compiler or editor could be included within ten pages of the volume, and I venture the statement that if you take up these volumes one by one you can comprehend within two or three volumes what is now contained in six or seven volumes. So the committee believed that in a matter of so much importance, affecting so many people living both in the North and South and those who are to come after them, this great work, which is to comprise more than one hundred volumes, ought to be edited with such care and intelligence and scrutiny as will leave no one in the Army or in any way related to it to find fault with the conduct of the work when it is completed.

Now, I leave it to any impartial Senator to say whether this is fair to those who lived in 1862 and who, whether wisely or unwisely, believed that the charges against Fitz-John Porter were true? When the statute required that the records of that period should be faithfully set forth in these volumes, were they not entitled, quite as much as Fitz-John Porter is, to have that record made up as of that time? That is the criticism. It is that this voluminous record containing the findings of the board of review which sat between 1878 and 1880 should be incorporated in a volume of 1862 when none of the transactions which occurred at that time, except the barest allusion to the transaction itself, can be found in that volume.

Mr. EDMUNDS. There was no authority of law for putting in transactions that occurred substantially after the war. I do not refer to matters that were a part of the war.

Mr. ALLISON. Not part of the regular transactions of the war, which would probably limit it to 1866, or about that period. In moving this amendment it was only the purpose of the committee to withhold appropriations for the further execution of this work until some proper committee of Congress could overhaul this question and see what should be and what should not be put in that history, and also to inquire whether it is not wise in a matter of such great moment and importance to appropriate a sufficient sum of money, say four or five or ten or even fifteen thousand dollars per annum to three or four or two or three gentlemen who will take up these records and put them in chronological order, as they should be in these volumes, so that when this publication is made and completed it will contain everything that occurred during the war of the rebellion with reference to the armies on both sides of the conflict, and that public opinion will rest in the belief, not only in this generation but in generations to come, that these records are authentic.

The method of conducting this business is simply this: Under the statute this matter is in the charge of the Secretary of War. Every person here knows, and the Senator from New Jersey knows, perfectly well that it is impossible with the multifarious duties of the Secretary of War that he shall be able to examine minutely these volumes, that he can look over them and see whether this thing is put in or that thing is omitted, whether there is an abbreviation here which works to the benefit of one general and the injury of another general. No Secretary of War can do that. The whole matter, therefore, I believe has been devolved by the Secretary of War upon a single Army officer. I have nothing to say against that officer. I have no doubt he is an intelligent officer, and so far, perhaps, as he has been able to do he has with fidelity discharged this duty. But I submit that an examination of these volumes will show that, so far as they have been published, they do not record with fidelity what has occurred during the years of the publication of the volumes which have already appeared; and that was all the committee had in view. They do not wish, of course, to hinder or delay this publication beyond such necessary time as would enable Congress to establish such rules and laws as would provide that a faithful and complete publication, as was originally intended by the statute of 1874, should be made.

That is all I have to say on the subject.

Mr. HAWLEY. Mr. President, if I am not mistaken this paragraph which the committee propose to strike out does not provide for printing; it is only for the work of compilation. The work of printing and publishing is to be provided for in the sundry civil bill I believe.

Mr. EDMUNDS. That is where it is done ordinarily.

Mr. HAWLEY. So that striking out this paragraph suspends all the work of collation of past manuscripts, the preparation of the work, and the matter that the committee is after, or appears to be after, could be quite as well reached by ceasing in the sundry civil bill to appropriate money for the publication. Suspend the printing and publication if you will, but why in the world discharge a body of clerks who have had many years' experience in the collation of manuscripts? If, after leaving this paragraph in, between this action and the consideration of the sundry civil bill, the committee should be of opinion on further inquiry that it would be well to stop printing, let them do so, and suggest to Congress some method by which there can be a more satisfactory revision and collation of the manuscripts.

The Senator says that the work has not been done with fidelity. He might make that general assertion with perfect safety if there should be even one error of a line committed in the whole work. It is utterly impossible that any human being or any board should be able after seven or eight or ten years' work on this matter to defy contradiction and say that there was not an error of judgment or an omission anywhere. So I can not traverse that declaration that the thing has not been done with fidelity, but I think it has been done as near it as human nature ordinarily allows.

Mr. ALLISON. When I spoke of fidelity I meant that it has not been done as the statute originally indicated, namely, the insertion of these transactions in chronological order as they occurred.

Mr. HAWLEY. On that one point of chronological order, whether there was an error in the Fitz-John Porter case or not, that is not a sole instance of it by any means. I hold in my hand an extract from one of the volumes furnished to me by Colonel Scott as an illustration of what he has been authorized to do and what he thought it was perfectly fair to do.

[General Orders, No. 115.]

WAR DEPARTMENT, OFFICE OF THE ADJUTANT-GENERAL,
Washington, August 22, 1862.

Col.—

I will not read his name, because that is of no sort of consequence. The stain on the officer's honor was afterward removed—

Col. ——— ———, ——— Regiment ———, is, by order of the President of the United States, cashiered for repeated acts of cowardice in the face of the enemy.

By order of Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

Under advice, Colonel Scott thought it quite right and fair to insert immediately after that:

[Special Orders, No. 130.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 22, 1866.

* * * * * * *

III. By direction of the President—

Four years after, observe, and after the close of the war—

By direction of the President General Orders, No. 115, August 22, 1862, from

this office, relating to Col. ——— ———, ———, is hereby revoked, and he is mustered out of the service of the United States to date August 22, 1862.

* * * * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

From what I have read of the case I do not think this officer should have been cashiered for cowardice; but if the records were made up severely according to the theory of the Senator from Iowa this officer would have appeared in the solemn records of the rebellion as cashiered for cowardice, and no correction whatever, no removal of the stain, no act of justice to him would have appeared anywhere in these one hundred volumes. Colonel Scott thought it a matter of justice, as well as fidelity to history, to insert in the place directly after the order cashiering him the order by which the order of cashiering him was revoked, and I think he was right. There is quite a correspondence following concerning it, that is to say official correspondence, several pages of it, the communications and the official answers and orders in 1866. I think that was right.

He published also a long inquiry into the McDowell matter. I believe it was a court of inquiry or commission of inquiry; I have forgotten what precise title they gave to it. Under the direction of an act of Congress passed in 1872 Colonel Scott caused to be written out from the notes of Benn Pitman, phonographer, the full report of the trial of General Buell, and that was put into the Rebellion Record. It seems to me quite proper. There was no such thing in existence at the time he compiled it, or until long after the war. To be sure it was the revival from the notes of a phonographer, the renewal of an old record that had been made during the war; but it illustrates this point only, that the strict absolute rule of chronological order may, with justice and fidelity to history, be departed from occasionally.

Now, as regards the Fitz-John Porter matter, I am one of those who voted against the Fitz-John Porter bill each time that it has been before the Senate. I thought it was right to so vote. I do not know what the politics of Colonel Scott are, or whether he be an adherent of Fitz-John Porter, but he has literally executed what I think to be his duty. The result of it is what is an injustice to those men who are opposed to Porter. There is the demand for a court-martial or a court of inquiry. There follows the order constituting the court. Then follow the charges and specifications at full length. Then the finding of the court-martial. Then the formal publication of the approval of the President cashiering Porter. That is not a very long record, of course.

The charges and specifications make the most of it. Nothing of the evidence is given. It would have made two octavo volumes, I suppose, and it was omitted. I should, very likely, if I had been compiling the work have omitted it without much thought, supposing it was not intended that all the tedious details of that inquiry should be printed. It would have made, if I recollect aright—for I have them—about a couple of octavo volumes. The Senator from New Jersey can tell me how much there was of it.

Mr. SEWELL. Fully that.

Mr. HAWLEY. Then came afterward this, in my judgment, unofficial and informal and advisory Schofield board. If Colonel Scott had been able to take the concluding portions of that board's report, if it had been a document drawn up with legal precision as the findings of a court-martial are, closing with distinct findings and recommendations on the part of the board, I think his better way would have been to take that and put it in. It would have been holding the beam impartially at any rate between the two sides, if that had been in his mind at all; but he published the whole of the Schofield and Terry statement or argument, or whatever you choose to call it, report.

Mr. SEWELL. The summing up of the board.

Mr. HAWLEY. It was the final report of the board; and he did not in that case, any more than in the Fitz-John Porter court-martial case, publish the evidence that was before the board. The Schofield board took quite a considerable quantity of evidence.

Mr. TELLER. Did he publish any of the evidence?

Mr. HAWLEY. None of that at all; he published the finding, which was, it is true, rather a long and argumentative finding, and did not have a distinct summary at the end as a lawyer perhaps would have put in.

Mr. ALLISON. Would not a good discriminating judgment have inserted the review of Judge-Advocate Holt under which Mr. Lincoln signed and approved the sentence?

Mr. HAWLEY. I think perhaps he would have put that in also.

Mr. BLAIR. There was no formal opinion rendered by the court-martial, and thus it happens that there is really no presentation anywhere in the evidence or of the opinion of anybody against Fitz-John Porter, while the long and elaborate argumentative finding of the board of review is published in the volume.

Mr. HAWLEY. There was as much of a report of the court-martial, if that expression is to be used, as much of a judgment in the case of the Porter court-martial as in any records of a court-martial. When a court-martial gets through with the evidence it does not go on as the judges of our civil courts do with a long argument upon it. The court simply states the conclusion to which it has come. So far as that is concerned Colonel Scott has done well enough. I have no objection, nor has Colonel Scott, nor has anybody, of course, to a careful inquiry into this matter and to the laying down of some more definite rule, which certainly would have been a very great relief to him in the beginning. There can be no objection to an inquiry. I hope it will not continue longer than the passage of the sundry civil bill.

Then in the sundry civil bill, if we choose, let us suspend the printing and publication for a still further inquiry if such may be needed; but I do entreat the committee not to subject this work for which the whole country is hungering to delay. The history of the war can never be written satisfactorily until diligent students shall have at their command all the official reports of the rebellion that can be obtained from both sides. Let us have the whole of it. Everybody desires it, North and South. The widows of confederate officers are lending the manuscripts, the correspondence of their deceased husbands, to the War Department. I do not know but that there has been a purchase or two, but, with one solitary exception, everybody on that side of the controversy has either upon solicitation or voluntarily placed his papers at the disposal of the Government.

Now, I beg that this work may go on. No one doubts the honorable character of Colonel Scott. I do not know what his politics or personal preferences are. If we can define the rules of proceeding a little more closely and sharply it will be for his benefit and for the benefit of all of us to let the work go on.

Mr. PLUMB. Mr. President, the Senator from Connecticut has stated a fact in stating that the country is hungering for these documents, only he forgot to state that they are hungering for them because they want the truth in regard to all the important transactions of the war, and they do not want that qualified, I think, by something that took place ten or fifteen or twenty years later, and they do not want any partial account of any transaction that took place, but want it all.

The complaint, in the first place, is that that was published which was not within the proper terms of the law nor within the object which was in the mind of Congress in passing the law. The Senator from Iowa read the provision of the law originally providing for the publication of these records. I repeat it from a subsequent statute, showing that the purpose never changed:

> For continuing the preparation and publication of the official records of the rebellion, both of the Union and confederate armies.

That indicated, of course, that it was to be a contemporaneous publication; that is to say, as long as there were Union and confederate armies opposed to each other during the war of the rebellion the records of transactions in which they respectively took part should be placed in that permanent form for preservation for history, in fact as a record of the history itself. For some reason which has not yet been satisfactorily explained to me that idea has been departed from. I do not speak of this for the purpose of arraigning anybody or especially locating the responsibility, but to say that not only have we gone far wide of the original intention of the statute, but it has resulted in putting into these volumes a large mass of stuff which it was never contemplated should be published, increasing their volume and increasing the inability to properly get together the pertinent and material facts of the war. I think myself we ought to have, before it goes any further, a halt called, and see if we can not exscide something that has been already done, or at all events apply this rule to the future; and inasmuch as the officers in charge or somebody who has the responsibility in this matter will not observe the law, to try to get somebody who will, or else to put the law in a more mandatory shape.

Mr. President, I do not assume to speak from my own examination, for I have read very little of these volumes, only here and there, as I have had time, but not in a consecutive way; but I have been told on authority which will be recognized as good in the Senate, at least as good as testimony of any one man could be on this subject, that there has been a practical suppression of a large portion of the records of the Union Army—that is to say, as compared with the records of the confederate army. The records as published of the confederate army go into details, embracing the reports of colonels and captains and subordinate officers to an extent far exceeding that which is applied to the records of the Union Army. I do not say that is so, but I was told so within a few days by a gentleman who has read the whole of the work and says he knows that is the fact. It is not material which side it was on for the purpose of characterizing a thing of that kind. It only shows that the history has not been made up in such a way as to tell an impartial tale.

I think myself some portion of this can be accounted for by the fact that Fitz-John Porter was a regular Army officer. It will be found by observing the history of our Army that if there is any class of men who stick together, swear by each other, and are willing to certify that military science is confined to the men who are with them and that there is no merit anywhere else, it is the regular Army officer. And so I am prepared for a certain glorification and elevation and favorable report upon, as against facts and against public judgment, all the operations of a person who happened to be an officer of the regular Army, and especially a graduate of West Point, during the war or at any other time. That is a vice which I do not speak of to especially complain

of; but it will be found running through other portions of our history as well, and in other records of the war as well.

I have no doubt that may be accounted for by the excessive desire which has been manifested to vindicate Fitz-John Porter. So the subsequent proceedings of late date go into the record along with the record of his condemnation; and it will be observed as part of the practical unfairness of this joint publication that while the testimony is not published in either case, the report of the Schofield board argues the case for Fitz-John Porter at great length and does set out some of the testimony upon which that board acted. So that the case, so far as it is put into cold type, is much more favorable to Porter than I think the testimony would be. But at all events the public, anxious to make up a judgment on this subject as well as all other subjects, has not the material furnished in these volumes to do it. In the one case there is the naked conviction without any of the testimony by which it was supported. In the other case there is an argument at great length setting out what the board claim to be the substance of the testimony before them on the material points which make the case as stated stronger for Fitz-John Porter than, in my judgment, the testimony itself would do.

But that is apart from the real issue here, which is that the law in its fair intent, according to that theory which existed in Congress certainly and which resulted in the enactment of these various statutes, has been violated by the character of the publication which has been carried into these volumes. I do not in speaking of that say anything by way of complaint about any individual who may have had to do with it, whether it was the Secretary of War, or whether it was Colonel Scott, who had charge of the work. I know Colonel Scott, have always esteemed him very highly as a man, but there have been circumstances over which he probably has no control, at all events to which he has yielded, which have induced the departing by him or by whoever else has had this matter specially in charge from the intent and from the plain, unmistakable language of the statute, and which makes this publication not a publication of the records of the rebellion, but an entirely different work.

Mr. COCKRELL. Mr. President, I concurred with the Committee on Appropriations in the amendment proposing to strike out this provision, and I acted according to what I believed to be right with the facts we then had before us. I have since investigated the matter to my entire satisfaction, and I think have all the facts in the case, and I now shall vote to disagree to the amendment of the Committee on Appropriations, and I will give my reasons briefly for it.

In the sundry civil appropriation act of June 23, 1874, we find the clause which the Senator from Iowa has read:

> To enable the Secretary of War to begin the publication of the Official Records of the War of the Rebellion, both of the Union and confederate armies, and directed him to have copied for the Public Printer all reports, letters, telegrams, and general orders not heretofore copied or printed, and properly arranged in chronological order.

That shows that this work was already in existence, it had already been commenced in the War Department, just as the work of the Naval Record has long since been commenced in the Navy Department but only recently any appropriation made for the regular publication of it. Under that law the Secretary of War organized the force which began this work. The Secretary of War was then the Hon. J. D. Cameron, of Pennsylvania, or he was soon afterward Secretary, and he issued the orders for this publication. I read now from the preface which contains the order in which the publications were to be made:

> The publication will present the records in the following order of arrangement:
> The first series will embrace the formal reports, both Union and confederate, of the first seizures of United States property in the Southern States, and of all military operations in the field, with the correspondence, orders, and returns relating specially thereto, and, as proposed, is to be accompanied by an atlas.
> In this series the reports will be arranged according to the campaigns and several theaters of operations (in the chronological order of the events), and the Union reports of any event will, as a rule, be immediately followed by the confederate accounts. The correspondence, &c., not embraced in the "reports" proper will follow (first Union and next confederate) in chronological order.
> The second series will contain the correspondence, orders, reports, and returns, Union and confederate, relating to prisoners of war, and (so far as the military authorities were concerned) to State or political prisoners.
> The third series will contain the correspondence, orders, reports, and returns of the Union authorities (embracing their correspondence with the confederate officials) not relating specially to the subjects of the first and second series. It will set forth the annual and special reports of the Secretary of War, of the general-in-chief, and of the chiefs of the several staff corps and departments; the calls for troops, and the correspondence between the national and the several State authorities.
> The fourth series will exhibit the correspondence, orders, reports, and returns of the confederate authorities, similar to that indicated for the Union officials, as of the third series, but excluding the correspondence between the Union and confederate authorities given in that series.

This was published and approved by Hon. Alexander Ramsey, Secretary of War, on the 23d of August, 1880. Before that time this question had been up while Mr. Cameron was Secretary of War. Now I will read from the reports to show what character of publications which were not in existence during the war have been admitted to these volumes. That is the question, what particular character of publications which were not in existence during the war of the rebellion have since been permitted to be published? I find here that General George H. Gordon applied to Hon. J. D. Cameron, Secretary of War, on the 6th of October, 1876, to have published in the Record of the War of the Rebellion certain reports then made by him and presented for the first time and which were not in existence during the war and not made soon afterward, but which he had written long afterward, and he desired them to be placed in the record. I have Secretary of War Cameron's reply:

DECEMBER 6, 1876.

DEAR SIR: Search instituted by my orders, based upon the contents of your letter of the 18th ultimo, fails to show that any reports additional to those made within a reasonable time subsequent to the occurrences which they narrate have been incorporated or filed with any such report, nor does it appear that there is any report on the files of this Department reflecting upon the operations of your brigade in 1862, either made during that year or filed subsequently. It may be possible, however, that there is such a report, and that the meager information in the possession of the searcher has caused it to be overlooked, and for that reason I should be pleased to have information of the date, name of writer, &c., of the paper you speak of furnished.

The Department does not conceive itself to be at liberty to go outside of what it interprets the act of Congress to mean, and while it appreciates the kindness which prompted you to furnish whatever related to the movements of your command now in your possession, had no other course than to return what was not strictly official matter.

If anything that is not so has been appended to the record of the Department I do not know it.

Yours, truly, &c.

J. D. CAMERON, *Secretary of War.*

General GEORGE H. GORDON,
Boston, Mass.

"Official" was what determined the course there. In 1883 General Lew. Wallace applied to have certain other documents placed in this publication. I have his letter before me making the application, and I also have before me the letter of the Secretary of War, Hon. Robert T. Lincoln, in response to General Wallace's application. In order that the Senate may exactly understand this, I will give this explanation: On the 16th of November, 1883, Colonel Scott made a report to the Secretary of War concerning General Wallace's application, from which I read:

> In October, 1876, General Gordon submitted certain documents for file as a part of the official records aforesaid. Under date of November 16, 1876, Secretary Cameron rejected the printed narrative thus submitted on the ground that under the act of Congress June 23, 1874, only official documents or authenticated copies thereof could be embraced in the publication. To this General Gordon replied that from information received by him he had supposed that "reports of military operations in the late war, but compiled long since the war, had been filed as official documents for publication," &c. To this Secretary Cameron replied that search based upon General Gordon's statement "fails to show that any reports additional to those made within a reasonable time subsequent to the occurrences which they narrate have been incorporated or filed with any such report." Copy of this correspondence is appended as Inclosure D. If the Adjutant-General's letter of April 19, 1878, is to be construed as an acceptance for publication it is in contravention of the Secretary's ruling and of the indorsement hereinbefore mentioned.
> Under the construction of the law announced by Secretary Cameron, and uniformly adhered to, I would have rejected the Wallace correspondence even had I known of its existence when Volume X was compiled. Why it was not submitted to me with the Shiloh report is not positively known. It may have been because of the rule established by Secretary Cameron or because of the indorsement referred to.
> My five years' experience in immediate charge of the publication of the military records most thoroughly justifies the established rule. Incidents of that experience were set forth in my report of November 29 last on a bill proposing to authorize the publication of supplementary reports, and other instances of like nature have since occurred. A copy of the Adjutant-General's indorsement on that bill and extract from my report are transmitted as inclosures E and F.
> The Whittlesey documents are clearly inadmissible, and should the Secretary determine to accept the correspondence of 1868, General Wallace should, in my judgment, be required to submit the original documents or duly authenticated copies.
> Very respectfully, your obedient servant,
>
> ROBT. N. SCOTT,
> *Brevet Lieutenant-Colonel, U. S. Army.*

The letter of Mr. Robert T. Lincoln, Secretary of War, is dated War Department, Washington, D. C., December 21, 1883.

On the 20th of November, 1883, Colonel Scott, compiling these records, examined the brief or outline of the letter prepared in the War Department in answer to General Wallace's letter and returned to Secretary Lincoln his memorandum, so that the Secretary could or could not adopt his suggestions in completing his letter to General Wallace. The Senate will understand that Mr. Lincoln prepared a brief of a letter, the outline of a letter, which he proposed to send to General Wallace, and that was submitted to Colonel Scott, and Colonel Scott made a memorandum and returned it to the War Department with Mr. Lincoln's letter, and then Mr. Lincoln's letter was corrected and sent to General Wallace. I will read this memorandum of Colonel Scott. It is dated November 20, 1883.

MEMORANDUM.

NOVEMBER 20, 1883.

Thinking over the Secretary's letter to General Wallace it occurs to me that the phrase "papers prepared after the war was over"—

That was a phrase that was in the draught of the letter—

is more restrictive than Mr. Cameron's "reports additional to those made within a reasonable time subsequent to the occurrences which they narrate."

Mr. Secretary Cameron had defined what should go on as the "reports additional to those made within a reasonable time subsequent to the occurrences which they narrate," and Mr. Lincoln had used in this prepared letter to General Wallace the phrase "papers prepared after the war was over." Colonel Scott then says:

> The final reports on the rebellion of the Secretary of War, the general-in-chief, departmental commanders, and chiefs of bureaus were necessarily made after the war was over, but they are essential to the completion of the record.
> There are cases in which officers who have been dismissed for cowardice or other misconduct in the field have been reinstated or otherwise relieved from

such stigma. In these cases it has seemed proper to publish the order of reinstatement, &c., irrespective of its date, whenever it has seemed necessary to publish the original order.

In my present arrangement for publication of the Second Bull Run documents the order pardoning General F. J. Porter accompanies the order publishing the findings and sentence of the court cashiering that officer, and as complementary to the pardon I have included the order convoking the "board of officers," the report of that board, and the action of President Hayes.

This seemed to me at the time a strictly impartial disposal of an extraordinary case within Mr. Cameron's rule; but although said report is strictly official, and, being made when called for by the President, is presumably seasonable, it and the order calling for it are "papers prepared after the war was over."

You will see Colonel Scott expressly calls Mr. Lincoln's attention to the fact that these publications do not come within the terms of his order as papers prepared after the war was over. Colonel Scott goes on further and says:

Suggested that the insertion in letter to General Wallace of the word "unofficial" before "papers prepared" would permit the publication of such strictly official and complementary documents as may be approved by the Secretary.

The Porter papers are in type, but can readily be excluded from the publication.

Respectfully submitted.

ROBT. N. SCOTT,
Brevet Lieutenant-Colonel, U. S. Army.

When that memorandum was presented to Secretary Lincoln with the letter the draught of which had been sent to Colonel Scott, Mr. Lincoln changed his letter and made it correspond with the suggestions of Colonel Scott. In this he says he declines to have published the matter furnished by General Wallace. This is the letter:

WAR DEPARTMENT, *Washington City, November* 21, 1883.

MY DEAR GENERAL: I have the honor to acknowledge the receipt of your letter dated at Florence, October 28 last. I also received in due time your cable dispatch from Venice, asking me to have the publication of the reports of the battle of Shiloh deferred until the receipt of a letter from you. As it was not impossible that your purpose was to indicate some error as about to occur in the publication of the Official Records of the Rebellion relating to the battle of Shiloh, although the particular volume in which the reports relating to that battle are included, being Volume X, Series I, was then stereotyped and indexed, just waiting for the order to be printed for distribution, I withheld that order until I could hear from you.

I now see from your letter that you wish to have included in that publication material prepared after the end of the war, some of it after the publication of the first volume of Badeau's Life of General Grant.

I inclose to you a copy of a letter from Colonel Scott, the officer in charge of the publication of the Records of the Rebellion, from which you will see what, in the opinion of the Department, is authorized by law to be included in the publication and what should be excluded. I also inclose copies of papers which are referred to as being marked "E" and "F" in Colonel Scott's letter.

There would seem to be no doubt that the papers mentioned in your letter can not, within the law and the rule, be included in the publication.

I wish to assure you that I would be glad to oblige you personally, and I have no doubt that in many cases history would be more truthfully shown if undisputed facts more lately ascertained could be put into the publication; but such a course would, in my opinion, not only be contrary to the uniform action upon similar applications and unauthorized by law, but would change the work from a mere compilation of official records made at a particular time, as it is, into a publication of controversial papers almost without end.

In your own case the book gives the papers existing at the time when in the due course of the affairs to which they relate they should exist.

It does not in your own or in any case give unofficial papers prepared after the war was over.

So he has inserted "papers prepared after the war was over," but inserted before them "unofficial," so as to establish the rule which Colonel Scott had suggested of "official papers."

For these the historian must go elsewhere.

I regret very much the disappointment which will be caused you by the course which my duty in this matter compels me to take.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

General LEWIS WALLACE,
United States Minister to Turkey, Rome, Italy.

Mr. President, we see that Colonel Scott has been from the beginning acting directly under the orders of the Secretaries of War, Secretary Cameron, now Senator from Pennsylvania, Secretary Ramsey, and Secretary Lincoln; and when the official proceedings of a regular military board called and convened by the chief executive officer of the United States and the Commander-in-Chief of the armies of the United States were to be published the matter was submitted to the Secretary, Mr. Lincoln; and certainly no man can say that the Hon. Robert T. Lincoln, late Secretary of War, was prejudiced in favor of General Porter.

Mr. President, the distinction is that they publish in these records of the rebellion only official documents. For example, an officer was cashiered for cowardice by order of the President. The President subsequently, after the war closed, revoked that order. That is an official document relating to the same subject-matter, and is put in just as the Senator from Connecticut read a few moments ago. There are numbers of instances of that kind; and, as I understand, Colonel Scott, with the sanction of the respective Secretaries of War, has put in only official papers, papers emanating from the Secretary of War or the President of the United States, and relating to what occurred during the war and were a part and parcel of it.

Complaint is made that only a few pages in regard to the Fitz-John Porter trial were inserted in this record. Colonel Scott could not increase the number of pages that contained the proceedings of that trial. He put it all in except the evidence. There is no complaint on that account. Colonel Scott had nothing to do with the calling of the board of reviewing officers in regard to Fitz-John Porter's case and their report. That was done by the President, and the report was approved, and he simply inserted it without the evidence.

Mr. PLUMB. Before the Senator gets too far away from his definition of what constitutes an official paper in reference to the war, will he permit me to ask him if he thinks a paper by the present President of the United States would be an official paper within the designation laid down by Colonel Scott and indorsed by him?

Mr. COCKRELL. I think it would.

Mr. PLUMB. Then why can not Colonel Scott publish the veto messages recently delivered to us?

Mr. COCKRELL. Such things do not affect the war record; they are matters affecting legislation; they were not in response to any action of the War Department, and are not official papers of that kind.

Mr. PLUMB. The War Department is merely the reflex legally of the Commander-in-Chief of the Army, who is President of the United States. President Arthur vetoed the bill to restore Fitz-John Porter to the Army. According to the theory, of course that veto message ought to be published.

Mr. COCKRELL. Not at all. I will make this distinction——

Mr. PLUMB. I have no doubt we shall get further definitions on this question as we go along.

Mr. COCKRELL. President Arthur's veto of that bill was not as Commander-in-Chief of the Army of the United States, but as the chief executive officer of the United States, and it was not a part or parcel of the records of the War Department. It was not historical, either. It was in regard to legislation entirely.

Mr. HALE. Will the Senator from Missouri allow me to make a suggestion?

Mr. COCKRELL. As a matter of course.

Mr. HALE. The volume in question, while it does not publish of course the veto message of President Arthur, does publish President Authur's message remitting the penalty.

Mr. COCKRELL. That is true, because it related directly to that act. But I am not here for the purpose of defending President Arthur or Secretary of War Cameron or Secretary of War Ramsey or Secretary of War Lincoln; I am here simply to present the facts which I have ascertained and which have changed my opinion in regard to this matter. That is all.

Mr. President, if I had had the publication of these records and the control of them I do not know that I would have permitted anything to have gone in them after the close of the war as decided by the Supreme Court of the United States; but there has been a system and order in the War Department presided over by Secretary Cameron, now a Senator from Pennsylvania, and Secretary Ramsey and Mr. Lincoln, and they have confined the publication of documents since the war only to those that are official and relate directly to what is published in the record, as I understand; and this case of General Porter was submitted to Mr. Lincoln; it was all stated long before it was published, and it was stated to be in type, and Mr. Lincoln could have changed it if he had not thought it was proper and legitimate to go in there.

Under these circumstances I shall vote to disagree to the amendment proposed by the Committee on Appropriations, and if the Senate desires that there shall be restrictions or better oversight over the publication, I have no objection. The question is a simple one. Here are the records of the war of the rebellion that are being published. On one side there can be no revision, no amendment, no change. The government and the authorities they represented have ceased to exist, and are numbered among the things that were. On the other side the parties are living actors in the drama now going on in the country, and if a President or a Secretary of War as a matter of justice or of right or of equity to any of these living persons whose Government stands today has permitted an official paper to go in explaining something that appears there during the war of the rebellion, I shall certainly not object to it.

Mr. ALLISON. Yesterday the Senator from Louisiana [Mr. EUSTIS] gave notice that at this hour he would call up resolutions of respect to the memory of his late colleague in the House. As I am anxious to finish this bill to-night, I ask him if it will not suit his convenience to let that matter be postponed until to-morrow.

Mr. EUSTIS. I yield to the suggestion made by the chairman of the Committee on Appropriations, and give notice that to-morrow at half-past four o'clock I will call up the resolutions relative to the memory of Mr. HAHN.

Mr. HALE. Mr. President, the act of June 23, 1874, which laid the foundation of this work of preserving the records of the two contending sides in the great war of the rebellion was a wise and beneficent act, and it meant one thing, and but one thing, and it was based upon the belief and assumption that it was possible, in the War Department where this work was lodged, not for impartial history to be written, for that is not the object of the work, but to gather together the materials and documents that shall lie open to the future historian. The assumption and belief was that there would be an impartial record; the act could not have been passed but for that. Neither side in either House would have voted that the enterprise should be started upon except that in the belief that it would be conducted impartially, and there should be put into one body this most invaluable testimony, the records of the war of the rebellion. How it should be done, and what should

be contained in those records, and what should be published from time to time in the volumes, is expressed in no doubtful fashion.

To enable the Secretary of War to begin the publication of the official records of the war of the rebellion, both of the Union and the confederate armies, the sum of $15,000.

That was the initiatory appropriation. Then the direction follows as to what shall be embraced in these compilations—

And the Secretary of War is hereby directed to have copied for the Public Printer—

That he might print the volumes—

all reports, letters, telegrams, and general orders not heretofore copied or printed, and properly arranged in chronological order.

Nobody then anticipated the magnitude of the work. But little at that time was known of the vast stores of valuable information that would be afforded, especially from the confederate side, in making up these historical memorials and records of the war. But no man at the time of the passage of that act, if he had been asked whether any compiler or editor or authority could intrude into these records (which were really intended to be contemporaneous) subject-matter occurring years afterward, would have ventured for a moment to intimate a belief that such a thing could be done; no man would have asserted for a moment that such a thing could be done.

Now, Mr. President, one of the important events in making up these memorials for history was what is known to military men and what the volume before me has properly designated as the campaign in Northern Virginia. One of the objects of the law which I have read was that among other things there should be presented a clearly portrayed picture of the events of the campaign in Northern Virginia, not only as shown by the telegrams, the letters, the general orders, and reports of the commanders and subordinate officers upon the Union side, but upon the rebel side; and it was not intended that it should be an incomplete record. It was of as much importance that the campaign in Northern Virginia should be all there as the campaign in and about Stone River or about Lookout Mountain or Chattanooga or the first battle of Bull Run.

And, Mr. President, there was not in the intention of Congress at that time, or of any man who took an interest in this matter, any thought or purpose that any individual was either to be defamed or vindicated by these reports. Personal considerations were to be sunk out of sight. These volumes are not paid for out of the Treasury and furnished to the American people either to cut down any personal reputation or to build up any personal reputation, either to accuse and destroy or to defend and vindicate; but they are to be a plain, simple narration as shown by contemporaneous papers of the events that went to make up the Titanic conflict which then engaged the American people. And whenever any authority—I care not whether it be the man in charge of this little bureau, or the man who is in charge of the War Department, or the President of the United States—dares to lay any hand upon that work which Congress marked out in 1874, and intrude upon it any matter not connected with it and not transpiring at the time, so as to come within the arrangement in chronological order, violates the act of Congress, he violates its intention, and he undertakes to embark in a work that Congress never intended that any official should embark in, and that is the making of history by interpolating subsequent events.

If that has not been done in a plain and clear and significant and wanton way in the volume that lies under my hand, then I am unable to form any judgment about it. Let Senators impartially take the pages and look at them. Here undoubtedly in one of the great transactions of the war, whether or not Fitz-John Porter should be vindicated or should not be vindicated is not the essential thing that the historian ought to be looking at hereafter in treating of the campaign in Northern Virginia.

The whole history of that great epoch in the war does not revolve around the question of Fitz-John Porter's vindication; but it is the question whether there shall be a true transcript of the records as showing the events attending those great transactions. Here, however, whoever is responsible for this—I care not who he is, for he has shown clearly that the method of making it up was not done in a corner; it was done by no inadvertence; it was not done under any misapprehension—somebody or other who had a single and distinct purpose in reference to this, and that purpose not to show the movements of the armies and the results there, but to bear upon this general officer's record and his vindication, made up that record.

Upon the one side everything is pared and cut out down and sliced into so that it stands in the baldest and barest proportions simply; and to begin with it does not commence with the order for the court-martial or the first commission which afterward resolved itself into a court-martial, but the foundation is the letter of Fitz-John Porter himself asking an investigation, so that in this transaction he appears as the central figure. Following that is the order for the commission; following that is the subversion or change of the commission into the court-martial. Following that is the date of its assemblage.

Then follows nothing but the bare specifications, then follows nothing but the bare result, then follows nothing but the bare sentence, and then the papers, voluminous as they must be, went from the court before the judge-advocate's office in order that they might be there passed upon, and in order that there might be made an official compilation of the results of the court-martial, in order that the President, Abraham Lincoln, might see briefly and clearly what were the grounds upon which that court-martial put its blow, almost a death-blow, upon Fitz-John Porter; and following the sentence, brief as it is, comes the order of the President sustaining it. The compiler of this volume who is able to put in nearly thirty pages of what a board of officers found fifteen years later has not found time and space to put in what is the essential and fundamental and cardinal document in that whole transaction of the court-martial. That is, the summing up of Judge-Advocate Holt, upon which Abraham Lincoln, merciful as he was and inclined to favor and not to severity, based his judgment and passed the sentence on Fitz-John Porter.

Why is it that in this volume other things are put in *in extenso* and scores of pages are taken up with the lumbering reports of the testimony of witnesses in little details upon military commissions, and room has not been found for that document which convinced the great understanding, and for a time perhaps hardened the heart, of Abraham Lincoln? Why did not the War Department find space for Judge-Advocate Holt's paper, which every man who has looked into this matter knows is luminous with intelligence and with logical force that no man may dispute? Because it was not upon the right side, sir, and because it did not make in the right direction!

Mr. SAULSBURY. Will the Senator allow me?

Mr. HALE. I have only a little time, and I can not be interrupted now.

The next thing that follows is the sentence of Abraham Lincoln, of January 21, 1863, and then the dissolution of the court under the order of L. Thomas, Adjutant-General.

So far from coming under the scope of the language of the statute upon which this work was done, that whole transaction affecting Fitz-John Porter passed from sight, passed from recognition of this bureau that is making up these records. It is a thing that had been completed. All the processes in the war of courts and courts-martial had been exhausted. The contemporaneous events of that trial and its surroundings and its results had been completed; and how it is that any official, how it is that the Secretary of War—I care not who he is—could have come to any other conclusion, is to me a mystery.

I must assume that the Secretary of War who gave some recognition to this plan for interpolating and intruding this subsequent report, must not have examined it; he could not have gone into the subject; he must have taken some suggestion of somebody or other about him, because he could not examine into everything.

How stands the volume here before us that the Committee on Appropriations is assailed because it wants to hold the hand of Congress for a time to keep out this sort of work? Does the record close here? By no means; but most remarkable, most strange, following next are, "Extracts from proceedings of the board of officers convened at West Point pursuant to the following order."

Thirteen years had passed away since the last note of war had been sounded upon either side; sixteen years had passed away since the great occurrences that formed the basis of this report and of this record. Where is the man who will claim that under the language of the provision of law authorizing this work a board which, as the result of an incessant, continuing importunity that never ceased, was at last convened and went over this subject sixteen years away from the transactions, whatever its result might be, should be incorporated in a volume that is intended, if it intends anything, to be a contemporaneous record upon both sides of the war of the rebellion.

There is no man here who can make a decent case upon this; and when the subject-matter was presented in the Committee on Appropriations, so clear and so plain was it without any discussion that something should be done to change the nature of this work that no dissent arose upon either side. Whether the same processes have been resorted to and men have changed their minds, that have attended this case all the way through, I do not know and do not care; but I say here that no man has made a decent case or can why that should be put into this volume.

There is no end if you allow this to be done. Hereafter no man in the years to come who sits down in his closet and seeks to prepare a thoughtful history of the war, dealing with the things of the past, may expect to find impartial history afforded in its materials if this thing is allowed. This is a thing which goes beyond to-day. There ought to be a sacredness about those volumes that no rude hand should ever touch or interfere with.

They were intended to be a faithful transcript of both sides, and so it was from the beginning supposed that they would be. I do not know whether this has been so or not. I have not examined into many of the volumes. But this most remarkable proceeding, this most intrusive report that has been put into this volume, leads me to believe that investigation would find that this work has not been conducted as it should be, and until this can be examined I, for one, if I vote alone, will not vote another dollar to be appropriated from the public Treasury for this work that is being perverted in its purposes—not one dollar.

As I have said, I do not know what these volumes contain. I mean

to know more about them before I vote any money. I heard what the Senator from Kansas said—the statement that has been made by some gentleman to him that the impartiality which the other side as well as this should insist upon in the preparation of these volumes had been violated by not giving the proper relations and importance of the two sides. I never heard of it before. I had assumed that in this Department, which ought to be impartial, which is not a political Department, which is over and beyond and outside of the passions of the war that have smoldered, lingered, and died, was capable of giving us an impartial record; and I had had no question raised in my mind; but while the Senator from Kansas was declaring here that his friends had told him that in making up the record in the different volumes it would be found that due importance according to the record of history had not been given to the one side in this war, I turned in this very volume to the first important matter which is chronicled here, and that is the battle of Cedar Mountain and that campaign.

I was not in it. I only know about it from reading. I have the recollection of men who were grown and interested in events then; and reading greedily everything that came in the public press, I do not think it is a campaign upon which the Northern heart can be electrified, but it is entitled to a fair record. I do not know whether it has got it or not; but I looked over it in this volume and I found that the operation in these States, revolving around the Cedar Mountain campaign in Virginia, as it is called, occupy in this volume the space between pages 131 and 239—one hundred and eight pages in all. Of that I find that forty-five pages are given to the reports and dispatches and orders and letters of the Union side, and sixty-three pages, eighteen pages more, are given to the reports, the letters, the dispatches, the orders, and the telegrams of the confederate side.

I make no comment upon this. I do not know but that it is right. I do not know but that the literature of the war, or of that campaign, or that part of the campaign in Virginia, in that year, which centered around the battle of Cedar Mountain, requires that there shall be sixty-three pages of testimony on the one side and forty-five pages upon the other. It may be that this is only a coincidence. I only mention it because it was suggested by what the Senator from Kansas has said, and it was the only part of this great work that I could examine.

If that is so, whether to-day the Senate of the United States refuses to put its hand of approval upon this work or not, some day if this is continued and such are found to be features of this work it will be stopped. There was no such intention in the beginning that history should be so twisted and perverted and subverted, and that intention will not be allowed to be carried out, whether now or hereafter. Whether or not, I see evidences that, whatever may have been the original feeling in the Committee on Appropriations, the other side upon this matter has been consolidated, that there is no expectation in my mind of anything being received in the way of aid in putting a stop to this work until investigation can be made. Whether or not this side of the Chamber is prepared now to put its approving hand and say the work is all right and that it shall go on and that we will give our usual appropriations, nothing but the yea-and-nay vote is going to settle.

Mr. SEWELL. Mr. President, when I first felt it my duty to bring this matter to the attention of the Senate I doubted very much whether the charge in relation to the Fitz-John Porter case was the whole cause of complaint. I am sorry to perceive from the debate that that seems to be the animus of the committee in striking at the proposition.

I do not intend to indulge in any debate so far as I am concerned, but I do wish to correct the impression which may have been created upon the minds of the Senate by the statement made by the Senator from Kansas that somebody has told him, and that somebody is nameless, that the records are made in favor of the confederate troops, and that their reports are put in to the exclusion of those of the Union Army.

Mr. President, it surely can not be necessary to deny such an accusation as that. Every official report on both sides, the report of every separate command—and by the word "command" I take the battalion and the battery as the unit—every one of them on both sides is inserted and none is excluded.

As to the affair at Cedar Mountain, what is there in the circumstance that the reports of the operations at Cedar Mountain occupy sixty-three pages on the confederate side and forty-five pages on the Union side? There was very much more than that proportion of confederate troops and much more than that proportion of confederate commands there. It was an advance of the whole confederate army swooping down on General Banks, a large part of whose army was captured at Cedar Mountain. That accounts for such statements.

I am sorry to see a desire to retry the Porter case before the Senate. To-day is an anniversary in his history. Twenty-four years ago to-day, when Porter was attacked by troops that ought to have been stopped before they reached his lines, he held the whole confederate army at Gaines's Mill; and, thank God, to-day the President of the United States, recognizing the services of that man, has approved the bill that has been passed by Congress to do him justice.

Mr. HARRISON. Mr. President, I do not understand that the question of the skill or faithfulness of the editor of the Records of the Rebellion authorized to be published by an act of Congress is the determining question in this debate. I shall not vote upon this proposition at all with the understanding that if I vote to non-concur in this amendment proposed by the committee I approve of all the editor has done.

The greater question presented here is, shall we stop the publication of this work? That is what the committee propose. They do not propose to regulate it; they do not propose to put any limitation about it; they do not propose to declare more explicitly, if that is necessary, that matter occurring after the war even of an official character shall not be inserted, that nothing shall be placed there that was not actually written while war was still flagrant. If they mean that, I am willing to support their proposition; but what is complained of here has been done; the books have already been printed; and so far as these complaints have taken shape I see nothing in them that is specific or tangible except the complaint that the proceedings of the Fitz-John Porter board have been inserted here.

I am free to say that those proceedings do not seem to me to have been within the scope of the law; it does not seem to me that in compiling these records events taking place thirteen years after the close of the war, though they may have relation to events that took place during the war, ought to be inserted in these volumes. I think that report should not be found there; but because it has been placed there, as has been made clear here this afternoon, by the approval if not by the direction of the Secretary of War, who is not charged with having any feeling of favoritism toward Fitz-John Porter—because that has been done are we to stop the publication of this work? Are we to destroy this bureau that has it in charge and send these copyists and this indexer and these other men and women who are working there adrift, those who have become familiar with the papers and with the work, and to take the chances at some future time of legislation if Congress shall revive this enterprise, and then call together green men to take it up—I speak now of the subordinates in this bureau—or shall we go on with it, and if there are just complaints against its editor or against the management of it in any way, let us throw additional limitations of law about it?

I do not care to correct what seems to have been a mistake, and I say but one has been pointed out. I do not care to correct a single mistake by destroying the institution.

It has been vaguely hinted here—nobody seems to know—that some one has said in some report somewhere about some battle or about somebody's performance in some battle in some campaign that fairness has not been shown in the compilation of this material.

Mr. President, that is too vague a charge to be made, or if made, to influence any one. It is unjust to those who have had charge of this work. Such charges should be specific and not so general.

Now the Senator from Maine catches at that suggestion of the Senator from Kansas, takes up one of these volumes and he looks at the report of a particular campaign, and he finds that some fifteen or eighteen more pages have been given to the confederate records of that campaign or of that battle than to the reports from the Union commanders. If the Senator had reflected for one moment he would have seen that he was too hasty in presenting that as any evidence of unfairness in the compilation of this book. Until he can show me that the report of some Union officer connected with that campaign has been omitted, he makes out no case at all.

If our confederate friends were more prolix in their reports and the reports of both sides are published in full, where is the complaint or criticism or the ground for it? Was it intended? Does the Senator think that the impartiality of which he has spoken so eloquently should consist in assigning exactly the same number of pages to the Union side as to the confederate side in the account of each separate campaign? Of course he does not mean that. He has caught at this suggestion and produced here that which has no possible weight in supporting the suggestion of unfairness in the compilation of this book.

I am not able myself, from the fact of not having read these volumes and I probably would be unable if I had read them all, to pronounce a just criticism on the work of the editor in compiling this material. I should want to know whether he had omitted anything, and that I could not ascertain from reading the book, in all probability.

The principal appropriation for this work comes in the sundry civil bill in the appropriation for printing the volumes.

While I agree with the Senator from Maine in disapproving the publication of the reports of the Fitz-John Porter board of inquiry, a transaction so long after the war, as not being a document having an appropriate place in this book, yet I am not willing with him to destroy this bureau and scatter these people who have been employed there simply because of a fault which has been shown by the Senator from Missouri at least to have had sanction of the Secretaries of War, one if not more of them; but I will cordially support any proposition or any resolution that looks to confining this work exclusively to transactions that were contemporaneous with the war, to documents that were written during the war, official in their character.

I sympathized thoroughly with the appeal of General Lew. Wallace, of Indiana, to correct what I believe was a gross injustice to that gallant officer touching his conduct at Corinth; and yet I must approve the decision of Secretary Lincoln in that case, that the papers proposed by him to be inserted in the volume originating after the war could have no appropriate place there. They have their place elsewhere, and his name and reputation have been abundantly protected.

I would support a resolution confining it strictly to documents written during the war if the committee will propose it.

Mr. HALE. The Senator will permit me to ask a question?

Mr. HARRISON. Certainly.

Mr. HALE. Does not the Senator think that this is the place, upon this bill, to cure any evil that has grown up? Let the Senator bear in mind that this bill contains the provision where the real essential work is being done. It has been said that you can cure it on the sundry civil bill where we provide for the printing, but the Printing Office has got no such intelligence, no such special knowledge, nobody there that it can invoke who is able to decide what shall be published. We deal there with the printing, but we deal here with the compilation, with the editing of this work, and that is the most important thing I think to decide on this question that has sprung up. One of the great needs in this bureau is an editing faculty. The military officer does not have that faculty. He may have a higher faculty, but he has not got the trained literary faculty that will give him the proper literary perspective of events. All of that has got to be dealt with in this bill, and I have an amendment prepared which in due time I propose to offer covering what kind of work shall be allowed.

Mr. HARRISON. I can not say without hearing it whether I shall give my consent to the amendment to be proposed by the Senator from Maine. I have already indicated what I am willing to do.

Mr. BECK. Will the Senator from Indiana allow the Senator from Maine to read the amendment, because several of us have been looking in that direction?

Mr. HARRISON. I have no objection.

Mr. HALE. I have not one covering the editing part, but this is an amendment I propose to offer at the proper time, either before or after the vote on striking out:

And hereafter the records prepared for publication under this appropriation shall contain only papers covering contemporaneous events arranged chronologically, according to the provisions of the act of June 23, 1874, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1875.

And if some one else does not elaborate and prepare an amendment covering the lack which I think exists here of an editing force, I will prepare one.

Mr. HARRISON. I suggest to the Senator from Maine that he should modify the language of his amendment. I read it:

And hereafter the records prepared for publication under this appropriation shall contain only papers covering contemporaneous events.

It seems to me that that does not sufficiently describe the character of papers we mean—papers covering contemporaneous events arranged chronologically.

Mr. HALE. I refer to the original statute, and that contains in terms what the object is, the records of the war of the rebellion and the armies on both sides. The armies disappeared; they sank away at a given time, and you can find when it occurred as well as you can an eclipse of the moon in the years past. It is a distinctive event. The whole subject-matter for the completion of these volumes can be told by any man historically, and therefore I do not need to go on and put in language saying here what time these contemporaneous events shall have occurred. I will risk it that this amendment of mine would have kept out the paper which has given rise to this discussion and every such paper.

Mr. HARRISON. There is one difficulty to be noted here. I find in the letter of Secretary Cameron read by the Senator from Missouri that he makes an exception so as to admit papers prepared after the war within a reasonable time by officers who are charged with the duty or upon whom the duty devolved of making certain reports. I think it will be found that both the General and Lieutenant-General of the Army submitted their full reports after the war, perhaps added supplementary reports made some time after the close of the war. Of course those papers find an appropriate place in this record, and it is just there that the discrimination comes in. If you limit it absolutely to papers which were written while war was flagrant, then you probably have excluded from these volumes much appropriate matter.

Mr. HALE. It is intended to confine it to papers that were written when the impressions were flagrant; it is intended to be a faithful picture of men's doings and sayings and passions and theories at the time. When the war ceased the armies melted, went away to their homes, and the work should then cease. Not one scrap of paper should be put into that record that goes beyond that limitation. As the Senator has said, there is valuable literature outside of that, but it belongs elsewhere.

Mr. HARRISON. But the Senator is mistaken in that. In many cases I think there were officers who did not finish their reports of actual campaign transactions until the war ended; they had not time to do it.

Mr. ALLISON. I ask if the suggestion made by the Senator from Maine can not be agreed to by inserting instead of the word "papers" the words "records of the rebellion arranged chronologically?" That certainly would cover it. That is what was intended.

Mr. HALE. I think that is a good suggestion.

Mr. HARRISON. I have no doubt the purpose of the committee will be fully answered by this debate. I know favorably and well the gentleman who has been in charge of this work, and I do not believe that any just reflection can be made upon his honest purpose in the administration of his duties. He may have made mistakes. If he made one in reference to this Fitz-John Porter business, as I think he has, it was not without at first securing the approval of his chief, the Secretary of War. But if this results in securing some such amendment which will limit this work and allow its publication to go on, the object I had in making these remarks will be accomplished.

Mr. MAXEY. The Senator from Indiana has so very clearly and forcibly presented the case as I understand it, that I have but a few words to add.

Undoubtedly the original purpose of the Congress that passed this act to preserve the records on both sides of that memorable war was that there should be sent down to future generations a fair, impartial, and absolutely truthful account of what took place on both sides, and all those interested on both sides of the question were represented in the Congress which passed that law.

This work has been undertaken; and whether the original policy was wise or otherwise is not now the question. Both sides have been sending here to the War Department of the Government evidences, records of immense value to the future historian, and they have been compiled at great expense to the Government. The question now is—and that is the only question—shall we by the adoption of the amendment proposed by the Committee on Appropriations absolutely cut off and shut down this compilation, or shall we disagree with the action of the Appropriations Committee and let it go on? That is the only question.

We have come to that point where in my judgment it is wise to continue until we get all the testimony on both sides. That a great deal of cockle appears in this tremendous record no one will dispute, but that there are a vast number of grains of sound wheat that will be separated by the future historian and will be invaluable to the true history of this country is equally true. There is no doubt about that. If matter has been admitted into this compilation which was not entitled to go there, the policy is not to destroy the compilation, but to put the necessary checks and guards upon the compilation so as to force the compilers to carry out the intent and purpose of the law, which is to give a faithful, fair, and impartial account of what transpired during the war on both sides as evidenced by the records then made.

I have not had an opportunity of reading this record. I have had too much else to do. I have no doubt that there is much in that great compilation which might well be left out; but I am also perfectly satisfied that there is a vast amount of most useful, most valuable information, not in a condition now to be of service to the people of the United States, because there are but very few men in our country who have the time to read this compilation as it now is, but it will be valuable to the future historian.

I happened to belong to the side which has no control whatever over this publication; but we are perfectly willing to submit to the honor and integrity of the American Government in giving to the confederate side a fair, honest, just, impartial statement of what we did, good, bad, and indifferent. We are willing that every official act, every record on the Confederate side shall be brought up and perpetuated in the archives of this Government and handed down to the future historian, and by that record we are willing to be judged.

Mr. HALE. I move to add to the matter proposed to be stricken out the following:

And hereafter the records prepared for publication under this appropriation shall contain only the records of the war of the rebellion covering contemporaneous events arranged chronologically according to the provisions of the act of June 23, 1874, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875.

Mr. SEWELL. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. HALE. Now I offer the following amendment to come in after the amendment just adopted:

And the evidence taken by the court-martial on the trial of Fitz-John Porter, together with the reports thereof by Judge Holt to President Lincoln, shall be printed in connection with the matter already printed concerning the proceedings of said court-martial.

The amendment was agreed to.

Mr. HAWLEY. We might direct that this should be published as part of volume 12. There are already three books in volume 12.

Mr. HALE. I take it that would naturally come. The series of volume 12 are not yet completed, and this will be put in the next one under this direction as part of volume 12 undoubtedly, I take it.

The PRESIDENT *pro tempore*. The question now is on the amendment as amended.

Mr. EDMUNDS. To strike out?

Mr. HARRIS. The amendments just made did not perfect the text.

The PRESIDENT *pro tempore*. The question now is on the amendment of the committee to strike out the clause from line 1696 to 1707 inclusive.

Mr. SEWELL. What are we voting on now?

Mr. EDMUNDS. On striking out as the committee proposed.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out the clause printed in the bill.

The amendment was rejected.

Mr. HALE. As it now stands the House provision as amended by the Senate is in the bill.

Mr. EDMUNDS. And others. That is it.

Mr. ALLISON. Now, let us go on with the amendments that were passed over.

The CHIEF CLERK. On page 85, in line 2092, the Committee on Appropriations reported an amendment to strike out "four" before the word "thousand" and insert "five;" so as to read:

For compensation of the Commissioner of Pensions, $5,000.

Mr. EDMUNDS. What is the present law?

Mr. ALLISON. It is $4,000.

Mr. EDMUNDS. This increases the salary. Why is that? I should like to have it explained.

Mr. ALLISON. The committee appropriate in this bill just what the Commissioner of Pensions has been receiving since 1882.

Mr. EDMUNDS. How much is he receiving as a pension—$1,200 a year? That will give him, with his pension, $6,200 a year.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment?

The amendment was agreed to.

The next amendment passed over was, in line 2121, in the total of the appropriations for the compensation of the Commissioner of Pensions, deputy commissioners, and the clerks and employés in the Pension Office, to strike out "seven thousand five hundred" and insert "eight thousand seven hundred and fifty;" so as to make the amount $1,808,750.

The amendment was agreed to.

The next amendment was, in line 2145, to strike out "four thousand five hundred" and insert "five thousand;" so as to read:

For compensation of the Commissioner of the Patent Office, $5,000.

Mr. EDMUNDS. What is the present law?

Mr. ALLISON. Four thousand five hundred dollars.

Mr. EDMUNDS. This increases the salary by $500, then, above what the regular law provides for.

Mr. ALLISON. Last year we provided for the first time for an increase of salary for the Commissioner of Patents to $5,000. The regular law is $4,500.

Mr. EDMUNDS. Is that what you call reform?

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was agreed to.

The next amendment passed over was, in line 2181, after the word "thousand," to insert "five hundred;" so as to read:

In all $649,570.

Mr. ALLISON. Eighteen hundred dollars should be added to that according to the amendment made in line 2163.

The PRESIDENT *pro tempore*. By general order made this afternoon the Secretary was requested to make up the footings correctly.

Mr. ALLISON. Yes; I only want to call attention to it.

The PRESIDENT *pro tempore*. The aggregate amount will now be stated.

The CHIEF CLERK:

In all, $651,370.

Mr. HALE. In the confusion and noise of the Chamber many Senators did not know that the amendment at the bottom of page 85, increasing the salary of the Commissioner of Pensions from $4,000 to $5,000, had been acted on. I do not know that it has been acted on.

The PRESIDENT *pro tempore*. It has been agreed to distinctly, but the Senator can have a vote on it in the Senate if he desires.

Mr. HALE. I want to reserve every point of order and every vote in the Senate.

The PRESIDENT *pro tempore*. The Senator can reserve his point of order and have a vote in the Senate. The next amendment passed over will be read.

The next amendment was, in line 2296, before the word "thousand," to strike out "six" and insert "five;" so as to read:

Office of the Director of the Geological Survey: For Director, $5,000.

Mr. EDMUNDS. The legal salary is $6,000, I am told.

Mr. CALL. I ask the Senator from Iowa in charge of this bill if he proposes to conclude the bill to-night?

Mr. ALLISON. Undoubtedly. It will take but a short time now to complete it, I think.

Mr. CALL. I object to this amendment, and I should like very much to occupy the time of the Senate for a few minutes in reference to it.

This is a most important bureau of the Government, the only one devoted to original research. There is a feeling throughout the world now of the importance of the character of research and investigation to which this bureau is devoted. Of the practical results which have attended it in the present century there can be no kind of doubt.

I find in an article in the Forum, a magazine published in the city of New York, in the March number, an investigation of the importance of geological researches and the connection of this kind of scientific research with the civilization of this day, and the practical advantages which accrue to a people from it. The subject is a very important one, and although it is a late hour of the evening and I would prefer very much if the bill were to go over so that the subject could be brought before the attention of the Senate much more extensively than I propose to do it, I wish to read briefly from the article to which I refer. It states:

It is proposed to enunciate a few fundamental propositions touching the relations between public prosperity and the progress of scientific ideas.

The article goes on to state:

The Coast Survey is for the benefit of harbors, commerce, and national defense. The National Observatory is for the benefit of navigation. The Geological Survey is for the advantage of the mining and land interests. The Weather Bureau is for agriculture and inland navigation. Our deep-sea studies are in the interest of the fisheries. Even our "transit of Venus" and polar expeditions are justified to the popular and the legislative mind by characterizing them as undertaken in the interests of navigation, industry, and humanity. Expenditures on the scientific work of the Smithsonian Institution are in fulfillment of obligations incurred in the acceptance of the Smithson trust.

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In the first place, the prosperity of the State and the happiness of individuals are conditioned on the grade and character of our civilization. Lower our plane of civilization, and national and individual prosperity must be diminished. This proposition is sustained by the comparison of our own prosperity with that of other nations admittedly on a lower plane of civilization. I beg the reader to make the comparisons and reflect on their teaching. It is sustained, also, by an analysis of the meaning of prosperity and of the forces of civilization. What do we understand by prosperity? Comprehensively, the possession of enlarging opportunities to secure the gratification of our material, intellectual, social, and spiritual wants. We are happy in proportion to the fullness and range of our gratifications. I think this position will not be questioned by any reader. * * *

Now let us consider by what instrumentalities of civilization these gratifications are secured. Among material gratifications are those provided through rapid transit. In a few hours the passenger finds himself in a remote city. The irksomeness of travel without steam is avoided; much time is saved for other occupation; the individual's efforts become more productive; life is lengthened. All these ends are desirable. Further, rapid transit renders possible a great range of delicacies for the palate. All the foods of the tropics are accessible to the dweller in another zone; all the foods of the temperate zone may find their way to the tropics. Rapid transit has created an enormous mail service between distant points. Men who can not meet may yet hold intercourse and transact important business. Rapid and cheap transit has rendered available in one region or country any of the products of other and distant regions. The cattle reared in the grassy valleys of Texas, Colorado, or Montana are marketed in New York and London. The corn-fed pork of Illinois is sold in New York or Hamburg. The wheat-fields of Dakota feed the hungry in Paris. Thus the food of distant communities is cheapened, and more means are left for other gratifications. These are commonplace suggestions; but there is a neglected inference to be drawn from them.

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The steam-press has made books cheap and numerous; every reader's mind impinges upon the broad current of thoughts sped through the world through the agency of types and presses. All that learning is and accomplishes; all that ready information concerning world-wide contemporary history is doing to quicken mental activity—to expedite conclusions, to make the experience of each nation profitable to all nations, to supplement the unfinished thought of one by the happy suggestion of another, to make the rich soil of European ideas bear the golden fruit of American invention—becomes not only the intellectual gratification of a few, but a stimulus and a pleasure to the universal intelligence. I hope the reader will pause over this suggestion, and enter into a fuller realization of the sources of the happiness which he derives from the quickened intelligence awakened by the agencies of our high civilization.

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It is impossible to contemplate the array of inventions and mechanical adaptations which constitute the recognized agencies of civilization, without noting at once that they are the products of mind. Every one who reflects at all will observe this. But at this point many persons fall under a misapprehension. The last exercise of intelligence is invention, and unless we analyze the sources and grounds of invention we are inclined to ascribe the sole credit for it to the inventor.

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It would be easy to specify cases; but a little reflection will direct every reader's thought to the underlying principle of any specific invention; and space at present command does not suffice for adequate presentation of particulars. But I offer a few condensed statements. The whole industry in colors and dyeing has been revolutionized by the isolation of alizarin, in 1868, by Graebe and Liebermann, who found it derivable from anthracene. Gun-cotton which, in collodion, so long played an essential part in wet-plate photography, was a result of the laboratory studies of Schönbein in 1845. Nitro-glycerine resulted from the researches prosecuted by Sobrero in 1846 on the interactions of nitric acid and glycerine.

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Electricity in our times plays a part which has given civilization a marked impulse. Annihilate the electric telegraph, the telephone, the processes of electroplating, the electrotype, and electric lighting, and we should feel ourselves set back for ages. But note the progressive evolution of the scientific principles on which these inventions are based. Frictional electricity had been known for centuries, when Galvani in 1790, and Volta in 1800, showed that electricity could be excited by chemical action upon certain metals disposed in a particular way. It has since been shown that galvanic electricity is identical with frictional electricity. But its chemical effects far transcend those of ordinary electricity. Water, earths, and alkalis were decomposed as early as 1807. Later, the "battery" has been so improved by Wollaston, Hare, Sturgeon, Smee, Grove, Daniell, Bunsen, Léclanché, and others that prolonged and efficient currents could be produced. Thus the art of electroplating sprang up, the first patents for which were taken out in 1840 by Elkington in England and Ruolz in France. Thus also the very important art of electrotype, invented by Jacobi in 1839, and now extensively employed in the production of copies of wood-engravings.

In 1820, the mutual relations of electricity and magnetism were discovered by Oersted, and the physicists of Europe occupied themselves in investigating the phenomena. Arago first observed the power of a current of electricity to induce magnetism in a bar of soft iron, and the loss of the magnetism on the breaking of the current, though the process might be repeated indefinitely. Thus arose the "temporary magnet," which was turned to account so happily in the electric telegraph, the culmination of a succession of contributions of accessory principles, by Weber and Gauss, Steinheil, who discovered the earth current,

Wheatstone, and others. Morse, at length, in 1835, after devising his ingenious alphabet, and contributing the "relay" for the re-enforcement of the current, succeeded in the invention of the working electric telegraph, and in 1844 brought it into practical operation. To this time the scientific principles worked out by a long series of distinguished names remained comparatively unfruitful; and the sons of science labored without the encouragement of pecuniary reward, or even of popular appreciation. Yet the contributions of this long line of devotees of pure science were the essential prerequisites of the invention of Morse. To whom then belongs the world's homage for the bestowment of this inestimable agency of intelligence, society, business, and civilization?

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In 1824 Arago discovered the magnetism of rotation, or influence of a rotating copper plate on the direction of a magnetic needle suspended over it, a mere isolated phenomenon of no practical value, but when thought out and evolved by skillful experimentation, a principle which led to results of the greatest importance. In 1831 Faraday discovered the principle of induction of electric currents, something which can not be here explained, but a truth which constituted an essential link in the series of conceptions which led to the construction of magneto-electric machines for the development of great supplies of electricity. The first was invented in 1833 by Pixii. Successive improvements have been suggested by Siemens, Wilde, Wheatstone, Paccinotti, who invented the circular magnet, and Gramme. The principle of the convertibility of electricity into heat and light led to the application of these prolonged currents to the lighting of buildings and streets.

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It would require a volume to furnish any adequate exposition of the indebtedness of the great modern inventions to pure science. Without a broad survey the reader will not be in a position to appreciate the full force of the consideration here presented. I trust, however, that the few specifications made may throw sufficient light on the genesis of inventions to enable the intelligent reader to understand that an unbroken continuity of dependence reaches from the prosperity and happiness of our daily experience back to inventions which have multiplied a thousand-fold the productiveness of human effort and the sources of human enjoyment, and back still through lines of unostentatious and generally uncompensated investigators who, through terms of years, have contributed to the body of scientific principles which have found their final applications in these splendid and beneficent results.

I desire also to read a few extracts from the testimony of John W. Powell, Director of the United States Geological Survey, before the joint commission of the Senate and House of Representatives to "consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, with the view to secure greater efficiency and economy of administration:"

Q. There are large deposits of borax in the country, are there not?
A. Yes, sir.
Q. Who discovered the process of the formation of borax?
A. It was a joint discovery; hardly the discovery of any one man; but the earlier discoveries in this country were made by members of the organization of the Geological Survey of California, and they have continued to the present time.
Q. Have you not investigated the actual process of the crystallization?
A. Yes, sir. The general study of borax began with the study of the old lakes of the Far West which I previously mentioned.
Q. You came upon the fact that borax is in process of deposition in the United States?
A. Yes, sir.
Q. So that practically the supply of borax is inexhaustible?
A. Yes, sir.
Q. Is it not also true that the United States is one of the largest producers of borax in the world?
A. Yes, sir.
Q. Will not these discoveries greatly reduce the price of borax?
A. I think so.
Q. Have you not discovered in the Geological Survey that the soda found in the Western country is in a state of preparation by act of nature, which takes from its cost of production in a commercial way something like one-third?
A. That I believe is true.
Q. In other words, you have found soda in the United States deposited by a natural process, and in such form that you have it at one-third the cost of soda found in Germany and other parts of the world?
A. That is what I think we can say.
Q. Are these areas large or small?
A. Very large. The whole area has not yet been traced out.
Q. How much has been traced out?
A. Many thousand square miles.
Q. And is it capable of extraction under the conditions I have named?
A. Yes, sir; in many localities.
Q. Now as to the discoveries in petroleum. Has your survey led to information anywhere in regard to new petroleum fields?
A. To some extent new fields have been discovered, especially in Colorado. May I explain a little further?
Mr. MORGAN. Yes, go on.
A. The quantities of petroleum in the United States are enormous, with no possibility of exhaustion within any reasonable length of time; but the difficulty is that a very small per cent. of the petroleum can be used.
Q. The geologic investigations being made, whether made by your survey or otherwise, I suppose will naturally lead to the discovery of those localities where petroleum can be made available through wells or in some way?
A. Yes, sir. Large quantities of crude petroleum are known to exist at and near the surface in the Far West.
Q. What I want to get at is whether geologic research is useful in developing the use of petroleum.
A. Geologic research directly leads to the discovery of the petroleum fields, and the study of this petroleum in the laboratory of the Geological Survey leads to the discovery of methods by which crude petroleum may be refined.
Q. Have you discovered any fertilizing substances?
A. To some extent.
Q. What are they?
A. Phosphates; more in the Southern States than elsewhere. We have discovered pretty large deposits in Georgia, Florida, Alabama, and Mississippi.
Q. Have you discovered any nitrates in the West?
A. Yes, sir; in some limited quantities.
Q. Where have you discovered these nitrates?
A. Chiefly in the Green River country, the Snake River country, and in some of the mountains of Utah.
Q. In the mountains or plains?
A. In the mountains and bad lands.
Q. Suppose there was a great supply of nitrates in the plains of the West, would you consider that was a valuable acquisition and source of wealth to the country?
A. I would.
Q. So you have felt encouraged in your geologic researches in the development which you have made in soda, borax, petroleum, and nitrates?
A. Yes, sir; in all of this except perhaps the nitrates. The discoveries in that direction have been meager.
Q. How about deposits of sulphur?
A. Very large deposits of sulphur have been discovered. Some of them by myself personally.
Q. I notice the attention of the Senate has been recently called to some sharp necessity for preserving the forests at the headwaters of the Missouri, and it is thought one of the reasons why that proposition has been brought forward (in fact, a bill has been brought forward by Senator EDMUNDS) is that the preservation of the forests is necessary to prevent the great inflow of water from the melting snows of the different ranges of mountains there. Do you think it would be important, in connection with the proposition of preventing the rapid flow of the waters into these streams, to extend the topography of that country so as to know how far the forests affect this question?
A. As the topography extends over the country it maps that timber.
Q. One other suggestion I wish to call your attention to, because I saw an allusion to it in a former paper of yours. You speak of the possibility of relieving the Lower Mississippi of its surplus water by diverting the water after the snowfall from the Upper Missouri and other tributaries of that country. Do you think there is likely to be a practical outcome of that idea?
A. Senator, you touch me on a question in which I am very deeply interested. My judgment is that the only practical way of relieving the valley of the Mississippi, from Cairo to its mouth, of its floods is to take out the waters of the upper streams and use them in irrigation.
Q. Now, have you inquired into the topography of the upper country, the waters of the Missouri, for instance; have you a sufficient acquaintance with the general lay of the country to influence you to believe that such a scheme is practicable as an engineering project?
A. I have no doubt of it. I can now show in a general way where all of this water can be taken and utilized in irrigatton, and to a large extent I can show to what particular lands they must be taken; and if we extend the topographic survey over that region as it has begun, we shall be able to show exactly where the water is to be taken out of the channels of the streams and spread over the ground in irrigation.
Q. Instead of the water flowing out of the gulf, your view is that it can be, by some practical engineering process, diverted and made to make crops?
A. For every acre redeemed from the overflow in the South two acres on the great plains can be made fertile.
Q. If this proposition is a correct one, then it occurs to me, and I will ask you if you concur in it, that taking the topography of that part of the United States by very exact methods would be a work of great public benefit not merely to those Territories in the way of increasing the value of the lands, but also of the lower part of the Mississippi River to prevent overflows?
A. I most fully concur.

By the CHAIRMAN:

Q. Have you made any estimate of the probable cost of such diversion of the waters of the Upper Missouri?
A. The waters of each of the small tributaries must be diverted in detail. Each little stream must be taken out, because to take out a great river implies great hydraulic works. The sources must be reached. The small streams must be taken out and the cost will be reduced thereby very greatly. In relation to the cost, it must be said that it can not be very definitely fixed without first preparing a plan necessary for the works therefor. But there is another method for obtaining an approximate cost. There has been much experience in this country in irrigation, and irrigation works of great magnitude have been constructed in California, Utah, and Colorado. The cost of such irrigation works is pretty well known, and their cost is usually reckoned in relation to the amount of country irrigated; that is, it is said that it costs so much, whatever that amount may be, for the irrigation of land per acre.

Now, in Utah, experience has shown that in the irrigation of 375,000 acres the cost of the hydraulic works therefor has averaged about $6 per acre, but varying from $1.50 to about $11 per acre. In California, where irrigating works have been established on a still greater scale, the cost per acre is somewhat less.

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The work of geodesy now is to discover the minor deformations of the earth. The general form and size of the earth are known with a fair approximation to accuracy; but geodesists are searching for a little greater accuracy in this respect. They are also searching for local inequalities or deformations. The earth is not a symmetric figure; the object is to discover the deformations by which it is rendered asymmetric. In order to do that other instruments and methods are employed in addition to those mentioned by Mr. Colonna; gravimetric determinations are made with a pendulum; and most refined astronomic work now is also used; and very refined leveling is necessary.

But further: This subject of geodesy, by which the form of the earth is learned, has come to be closely related to geology, which has to do with the constitution of the earth, or, at least, with the constitution of its crust, so that to some extent, at least, and doubtless in the future to a greater extent, pendulum determinations have interest to the geologist as well as to the geodesist. The surface of the earth, or rather the crust of the earth, seems to be in an isogravic condition. Suppose a circle were described on the surface of the earth, say 100 or 200 miles in diameter, which would represent the base of a cone the apex of which should be at the center of the earth; and suppose that the base of this cone should be situated in some mountain region. Then let another similar cone be considered the base of which is in some valley or at the surface of the sea. Now, it seems probable that these cones would equal each other in weight, although the cone in the mountain region would be the higher. They would balance each other.

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I also read a few extracts from a letter of Professor Powell to the Senator from Iowa [Mr. ALLISON]:

A hundred years ago the present system of land surveys for the parceling of unoccupied tracts was organized. The plan adopted was not the result of accident, but was very carefully considered for a series years by able statesmen and engineers, inspired and guided by Thomas Jefferson, and it was proposed that a most thorough survey should be made of the public lands. For this reason the plan included not only an accurate parceling of the lands, but also such a survey as would constitute a proper basis for all cadastral maps. It was also designed to be a proper topographic survey which should subserve all industrial and military purposes; and later in the history of the country, under the leadership of Lewis Cass, a geologic survey was ingrafted upon the system, and a series of eminent geologists were employed to do the work.

The plan, so comprehensive and wise, was adopted after careful investigation and deliberation, and had it been executed according to the original intent, the country would now have completed by far the greatest and most important geographic survey on the face of the globe. Unfortunately, one vicious principle was early incorporated in the plan, namely, that the work should be given out under contract, not to the lowest bidder, but to preferred bidders, a method which resulted in great extravagance on the one hand and deterioration of the work upon the other that it finally subserved but the single purpose of parceling the lands. Since the organization of these surveys up to the present time $35,000,000 have been expended therefor.

These articles demonstrate most conclusively that our inventions of rapid transit, of communication by telegraphy, of the telephone, our great inventions in gunnery, in the construction of ships—all these are the result of scientific researches, of original research carried on largely by the instrumentality of the Government. The connection of the Geological Survey with the practical industries of the country is traced up in a most convincing and conclusive manner. The connection with the overflows of the Mississippi River, the future protection against the vast destruction of property that occurs from those overflows, is clearly demonstrated to be within the reach of geological investigation and geological science or original research which can be conducted alone by the Government.

These important facts point to the conclusion reached long ago by that great man Francis Bacon, of the necessity of a system of "original research" to establish the "commerce between mind and things," in a great invitation of original research founded and maintained by the Government and continuing its labors from one generation to another.

Therefore, as this is the only branch of our Government devoted to original research, to purely scientific attainments, and conducted by a man who, whatever may be said of him, has obtained a world-wide reputation among scientists as a man not only of great theoretical knowledge and of great industry but of great scientific attainments, I am of the opinion that the salary should be preserved at a compensation which is worthy of the character of the man and the importance of the service in practical results and to the world in scientific results.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. GEORGE. That is a reduction of Major Powell's salary $1,000, I understand.

Mr. CALL. It is.

Mr. DAWES. I was not in the committee when the amendment was agreed to. I regret exceedingly that the committee adopted the amendment.

The amendment was rejected, there being on a division—ayes 5, noes 34.

The PRESIDENT *pro tempore*. The next amendment passed over will be stated.

The CHIEF CLERK. In line 2297, in the appropriations for the office of the Director of the Geological Survey, the Committee on Appropriations proposed to strike out "three thousand" and insert "two thousand five hundred;" so as to read:

Executive officer, $2,500.

Mr. EDMUNDS. Was the preceding amendment agreed to or disagreed to?

The PRESIDENT *pro tempore*. It was disagreed to.

Mr. EDMUNDS. Then this ought to be disagreed to, because the gentleman who is the executive officer is one of the best workers in the world.

Mr. PLUMB. Yes; his service is worth more to the Government a great deal than that of the chief. It is an outrage to put the chief at $6,000 and reduce this officer to $2,500.

Mr. DAWES. I trust the amendment will not be agreed to.

The amendment was rejected.

The PRESIDENT *pro tempore*. The next amendment passed over will be stated.

The CHIEF CLERK. In line 2310 it is proposed to reduce the total appropriations for the office of the Director of the Geological Survey from $35,540 to $34,040.

Mr. ALLISON. That amendment ought to be disagreed to.

The amendment was rejected.

The PRESIDENT *pro tempore*. The next amendment passed over will be stated.

The CHIEF CLERK. In line 2675, in the appropriations for the office of the Solicitor of the Treasury, after the word "thousand," the committee report to insert "five hundred;" so as to read:

For compensation of the Solicitor of the Treasury, $4,500.

Mr. EDMUNDS. I wish to ask the chairman what is now the lawful compensation of the Solicitor of the Treasury?

Mr. ALLISON. I answer as I have in many other instances that the Revised Statutes provide for a salary of $4,000, but since 1874 the actual salary of this officer has been $4,500.

Mr. EDMUNDS. That is the annual appropriation?

Mr. ALLISON. The annual appropriation.

Mr. EDMUNDS. I wish to say in one word that what I am in favor of is to have this bill provide for precisely what the already existing law says these salaries shall be, great or small, and change the salaries in a regular bill for that purpose. Therefore it is not out of any want of confidence in the Solicitor of the Treasury or with any reference as to how much the man ought to have that I vote against this amendment and not to raise his salary, it being what is the regular lawful statutory compensation.

Mr. GEORGE. Does the amendment raise the salary?

The PRESIDENT *pro tempore*. It raises the salary $500. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment passed over was, in line 2679, in the total of the appropriations for the office of the Solicitor of the Treasury, to increase the amount from $27,580 to $28,080.

Mr. EDMUNDS. That will have to be corrected a little.

Mr. ALLISON. It must be disagreed to, as the amendment just passed upon was rejected.

The amendment was rejected.

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations are now disposed of.

Mr. ALLISON. I ask the Chair to return to line 1159, in the appropriations for the office of the assistant treasurer at Cincinnati. After the word "dollars" in that line, and before the word "night," I propose to insert "two," and to change "watchman" to "watchmen;" in line 1160, after the word "dollars" where it first occurs, to insert the word "each;" and, in the same line, after the word "dollars" where it occurs the second time, to strike out "two" and insert "one," and to change "watchmen" to "watchman;" and after the word "dollars," in line 1161, to strike out the word "each;" so as to read:

Two night watchmen, $720 each; messenger, $600; one watchman, at $120.

I will state that I move this amendment on a letter from the Secretary of the Treasury with reference to the assistant treasurer's office at Cincinnati, where they are in a new building requiring an additional watchman.

The amendment was agreed to.

Mr. ALLISON. In line 1162 the total should be changed by adding $600 to the amount. The amendment just agreed to makes $600 more.

The PRESIDENT *pro tempore*. The total will be changed to correspond.

Mr. EDMUNDS. In line 2252, after the word "each" and after the semicolon, I move to insert:

To enable the Commissioner of Labor to collect and to report to Congress the statistics of and relating to marriage and divorce in the several States and Territories, and in the District of Columbia, $10,000.

Mr. ALLISON. Why not insert it as a new paragraph after line 2254?

Mr. EDMUNDS. I want to get the totals altogether. That is the only reason.

Mr. ALLISON. Very well.

Mr. EDMUNDS. I will state that I offer this amendment from the Committee on the Judiciary, to which was referred a bill providing for securing statistics of marriage and divorce in the United States, as involving social information in regard to the social conditions of our people like a great deal of other information we get of great value and importance.

The committee on investigation found that it was clearly within the present authority of the Bureau of Labor under an express statute broad enough to cover the obtaining of such statistics. Therefore the committee instead of reporting the bill favorably, as we otherwise would, reported an amendment to be applied to this bill, appropriating a small sum to enable the Commissioner of Labor to do that part of his duty, with which he is now charged by law.

Mr. PLUMB. That seems to be a pretty large sum. It will all be done by correspondence.

Mr. EDMUNDS. I will state that the committee thought that same way too, but the Commissioner of Labor came up here, a gentleman whom I had never met before, but knew very well of course by reputation as a man of uprightness and intelligence, and he urged the chairman of the Committee on Appropriations to put it up to $25,000, and for this reason: In order to make these statistics of value it will be desirable to go back for a few years and to go to every judicial record office and executive record office of marriages and divorces in each one of the States, and by correspondence and otherwise gather together, say for the last ten or fifteen years, all these statistics, instead of beginning now, as the committee had in mind, and going forward from now. To do that would require the expenditure, as the Commissioner stated, and showed to my satisfaction, of a very considerable appropriation; he thought $25,000. While I should be quite willing to vote for that, I do not feel authorized to offer it, for the reason that the committee reported this only at $10,000, and I should not be in order in moving to increase it. With the $10,000 he can start, and from this time forth gather together year by year the annual statistics of that question which enters so largely into the foundation of society; so that this sum I am sure is not at all too large.

Mr. PLUMB. I have no doubt that all the information could be obtained during the fiscal year for $2,000.

Mr. EDMUNDS. Then this appropriation will enable the Commissioner to go back.

Mr. PLUMB. Of course if he sends out agents to do the work and to visit the various courts throughout the United States to gather information, which the clerks of those courts would cheerfully furnish for a mere pittance if not for nothing, we may multiply the sum so that $100,000 would be totally insufficient. My belief is that if the Commissioner were to do that business as any private individual would do his business the sum of $5,000 would be ample, even to go back for ten years.

Mr. EDMUNDS. He does not think so, and I think he is an honest man.

Mr. PLUMB. I understand that the trail of the serpent is over them all. Notwithstanding the commendation of the former Secretary of the Interior, the Senator from Colorado [Mr. TELLER] yesterday of the various Government employés who do not want to spend public money, they will spend $25,000; and if the Senator has his doubt about it he can make it $50,000 and they will spend that, and double that and they will still spend it. He need not be alarmed about the non-expenditure of public money that is appropriated.

But what I mean to say is that the amount is unnecessarily large to enable the bureau to do all that the Senator from Vermont has in contemplation to be done. It will be done by circulars sent out to each clerk of a court that grants divorces, and a mere trifle, a small sum of money, a few dollars, five or ten dollars probably, or for nothing in the majority of cases, would suffice to compensate the clerks of the courts for referring to their records and returning an answer to the inquiries made.

Mr. EDMUNDS. I must think that would be the true way to do it; and I have no doubt that this gentleman, who is not of my way of thinking about politics or much else except to do honest work, as I believe he wishes to do, will do it that way.

Now let us look at it in that way, beginning with marriages. There are thirty-eight States in this Union and there are nine Territories and there is the District of Columbia, making forty-eight distinct municipal organizations. The number of counties in the United States must be more than a thousand. This is a mere rough estimate, you understand, but I say the number must be more than a thousand. Every county probably now in the United States has a court with divorce jurisdiction. Formerly in Vermont, for instance, it was only the supreme court that had jurisdiction in matters of divorce, although that sat in every county and you would have to go to every county then; but now in Vermont and in most States the inferior courts have the power to hear divorce cases, so that every county would have to be resorted to for the statistics of divorce.

When you come to the statistics of marriage, take the New England old-fashioned Puritan system of towns, as we call them. In every town in New England, I presume in every State—it is certainly so with those I have in my mind—every town clerk's office is to contain the record of the certificates of marriages. In the little State of Vermont alone there are two hundred and forty-six or two hundred and fifty towns, certainly more than two hundred and forty, that would have to be resorted to to get in that little State the statistics of marriages, because the town is the initial autonomy of our social system, where the records of all the social affairs of the inhabitants that their law has to do with are kept.

So in the way stated by my friend from Kansas it is clear to my mind that this sum will not be at all extravagant to begin merely now at the beginning.

Mr. PLUMB. I move to amend the amendment by reducing the sum proposed to be appropriated from $10,000 to $5,000.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. A change should be made in the footing at the close of the paragraph to correspond with the amendment just agreed to.

Mr. EDMUNDS. The amount in line 2253 should be increased $10,000, making it $62,960.

The PRESIDING OFFICER. If there is no objection the footing will be changed to correspond.

Mr. SHERMAN. There is a simple matter of justice which I desire to have done. In line 19, I move to strike out "one hundred and two dollars and forty" and to insert in lieu thereof "two hundred and twenty dollars;" so as to put the salary of the officer there provided for on the same footing as the clerk of a committee. The gentleman who occupies the position has been for a long time an employé of a Senate committee, and has had a salary of $2,220, and by being made secretary of the Vice-President his salary is reduced to twenty-one hundred and some odd dollars.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It line 19 it is proposed to strike out "one hundred and two dollars and forty" and to insert "two hundred and twenty dollars" after the word "thousand;" so as to read:

For secretary to the Vice President, or in case of the death or inability of the Vice President, of the President of the Senate, $2,220.

The amendment was agreed to.

The PRESIDING OFFICER. The total footing in the paragraph will be changed. If there is no objection the Clerk will make the change.

Mr. ALLISON. The Secretary has that authority.

Mr. MAHONE. In line 69, after the words "clerk to the Committee to Audit and Control the Contingent Expenses of the Senate," I move to insert "clerk to the Committee on Public Buildings and Grounds."

The object of the amendment is to place the clerk of the Committee on Public Buildings and Grounds on the same footing with the clerk of the like committee in the House of Representatives, and if I may be permitted to say on a footing with the growing importance of this committee in the Senate, looking to the importance and magnitude of the work committed to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was agreed to.

Mr. PLUMB. In line 2362, before the word "thousand," I move to strike out "fifteen" and insert "five;" so as to reduce the appropriation for the clerks in the office of the surveyor-general of California from $15,000 to $5,000.

It will be observed that an appropriation of $5,000 is made for the office of the surveyor-general of the State of Colorado for the same purpose. The report of the Commissioner of the General Land Office shows that nearly twice as much money was allotted to the State of Colorado for surveys as was allotted to the State of California. That implies, of course, the performance of a great deal more labor in that office, and I think the sum ought to be cut down.

I wish to say still further that the sundry civil appropriation bill as passed by the House of Representatives makes no provision whatever for continuing public surveys, so that if the Senate should concur in the action of the House of Representatives no public lands will be surveyed during the fiscal year, and yet we shall have an official staff in the shape of surveyors-general and chief clerks and clerks and so on at a cost of $130,000.

For the purpose of getting this subject into conference and putting the Senate in a condition to avail themselves of the proposition of the House that there shall be no surveys of public lands during the fiscal year, I move to strike out $15,000 and insert $5,000; and for the reason I before stated I shall move also to amend the other several paragraphs relating to this subject, so that the conference committee may have it in its power to take jurisdiction of the matter according to the light which may be furnished by the subsequent action of the Senate on the question of public surveys.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. I shall move an amendment in regard to each one of the paragraphs about surveyors-general, so as to leave this matter as far as possible within the control of the conference committee. In line 2355, before the word "thousand," I move to strike out "two" and insert one;" so as to read:

And for clerks in his office, $1,500.

That is in regard to the clerk-hire in the office of the surveyor-general of the Territory of Arizona. I shall move to reduce each one of these items, so that this question may be considered by the committee of conference in connection with such legislation as the two Houses may determine upon in regard to the public surveys.

Mr. TELLER. Whatever may be the fact about the surveys in Arizona, and in Montana, Idaho, and Colorado, the surveyor-general must keep up his office and he must devote his whole time to that service.

Mr. PLUMB. I am not cutting down his salary.

Mr. TELLER. Oh, I thought it was his salary which was proposed to be reduced.

Mr. PLUMB. No, I do not propose to reduce any salaries. I propose simply to reduce the clerk-hire and put it in a shape that the conference committee when they come to consider the question whether there shall be surveys or not may consider in connection with that how much clerk-hire is necessary in view of whatever emergency may be presented. If there are to be no surveys of our lands during the fiscal year, then of course the clerk-hire in the office of the surveyors-general ought to be diminished.

Mr. TELLER. If the amendment is for that purpose, I do not make any objection.

Mr. CALL. What office did the Senator from Kansas specify?

Mr. PLUMB. I shall move the same amendment in regard to all of them, simply to leave the matter so that it may be adjusted hereafter by the committees of both Houses with reference to whatever legislation may be taken in the sundry civil bill in regard to continuing the public surveys. If they are continued, then of course we want all this clerk-hire, but if they are not continued, then manifestly some of it can be eliminated.

Mr. CALL. I can speak for the surveyor-general of the State of Florida, that there is a large area of country there which requires to be surveyed.

Mr. PLUMB. But the Senator did not hear my statement. The sundry civil appropriation bill as it passed the House makes no appropriation whatever for surveys for the fiscal year. If the Senate should agree to that, then no surveys can take place during the fiscal year; and if that is the case, of course we do not need this clerk-hire in the various offices of the surveyors-general.

Mr. CALL. Do you propose not to make any surveys?

Mr. PLUMB. I am only speaking about what has already been done. I want to leave it in such a way that if the Senate shall concur in the action of the House we may have the expenses of the offices of the surveyors-general limited in proportion.

Mr. CALL. It is very sudden to start a question of that kind now. I do not think the amendment ought to be agreed to. The bill has been prepared very carefully. We can not tell what will be done on the sundry civil appropriation bill.

Mr. ALLISON. The estimates for clerk-hire in the offices of the surveyors-general are based upon the fact that surveys are being made.

Mr. PLUMB. Yes.

Mr. ALLISON. If there are to be no surveys, I think the Senator from Kansas is right in the suggestion that we ought not to keep up this large amount for clerk-hire.

Mr. CALL. But who knows? There is no information that this body can act upon. This question is started all at once here.

Mr. ALLISON. We know perfectly well that the estimate for clerks to surveyors-general has been made from year to year and appropriated for from year to year on the basis of an appropriation of $350,000 annually for public surveys. If there are no surveys to be made, it is manifest that we do not need any clerks in the offices of the surveyors-general.

Mr. CALL. That is very true, but it is equally manifest that the officer who submitted the estimate to this body of three hundred and odd thousand dollars for surveys is impeached very gravely by the Senator from Kansas and the Senator from Iowa when they say that there will possibly be no necessity for the appropriation, a fact in regard to which we know nothing. I do know that there is a necessity for surveys in Florida.

Mr. ALLISON. Would that be true, I ask the Senator from Florida, if there were no surveys to be made in the State?

Mr. CALL. Then they would not want the clerks.

Mr. ALLISON. So I say.

Mr. CALL. But you assume that the clerks will not be needed because there may not be a provision or some other bill for surveys to be made.

Mr. PLUMB. I have been informed by members of the other House that the sundry civil appropriation bill as passed by the House makes no provision for continuing the surveys of public land, and I want to put this thing in such shape that it may be under control and that we shall not be placed in the attitude of keeping up an apparently useless force of clerks, conceding as I do that if it shall finally be enacted and we shall have the surveys continued of course this clerk-hire will then be restored in conference.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. In line 2368, before the word "thousand," I move to strike out "five" and insert "three;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Colorado from $5,000 to $3,000.

The amendment was agreed to.

Mr. PLUMB. In line 2375, before the word "thousand," I move to strike out "nine" and insert "three;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Dakota from $9,000 to $3,000.

The amendment was agreed to.

Mr. PLUMB. In line 2381, before the word "thousand," I move to strike out "three" and insert "two;" so as to reduce the appropriation for the clerks in the office of the surveyor-general of Minnesota from $3,000 to $2,000.

The amendment was agreed to.

Mr. PLUMB. In line 2386, before the word "thousand," I move to strike out "two" and insert "one;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Florida from $2,000 to $1,000.

The amendment was agreed to.

Mr. PLUMB. In line 2394, before the word "thousand," I move to strike out "two" and insert "one;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Idaho from $2,500 to $1,500.

The amendment was agreed to.

Mr. PLUMB. In line 2401, before the word "thousand," I move to strike out "ten" and insert "three;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Louisiana from $10,000 to $3,000.

The amendment was agreed to.

Mr. PLUMB. In line 2410, before the word "thousand," I move to strike out "eight" and insert "three;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Montana from $8,000 to $3,000.

The amendment was agreed to.

Mr. PLUMB. In line 2417, in regard to the office of the surveyor-general of Nevada, an amendment has already been agreed to. I do not like to go into that.

Mr. ALLISON. That is all right.

Mr. PLUMB. In line 2424, before the word "thousand," I move to strike out "seven" and insert "three;" so as to reduce the appropriation for the clerks in the office of the surveyor-general of New Mexico from $7,000 to $3,000.

The amendment was agreed to.

Mr. PLUMB. In line 2435, before the word "thousand," I move to strike out "two" and insert "one;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Oregon from $2,500 to $1,500.

The amendment was agreed to.

Mr. PLUMB. In line 2441, before the word "thousand," I move to strike out "three" and insert "one;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Utah from $3,000 to $1,000.

The amendment was agreed to.

Mr. PLUMB. In line 2448, before the word "thousand," I move to strike out "six" and insert "three;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Washington Territory from $6,000 to $3,000.

The amendment was agreed to.

Mr. PLUMB. In line 2455, before the word "thousand," I move to strike out "three" and insert "one;" so as to reduce the appropriation for clerks in the office of the surveyor-general of Wyoming Territory from $3,500 to $1,500.

The amendment was agreed to.

Mr. PLUMB. That completes the list, and gets things in such a shape that the conference committee can govern the matter.

Mr. HAWLEY. I am instructed by the Committee on Civil Service and Retrenchment to offer an amendment on page 19, the first one, to insert, after the word "dollars," in line 454, the words:

One clerk of class 3.

I will say in regard to this amendment, if it is necessary to say anything, that the chairman of the Civil Service Commission urgently requires it as—I am quoting his words—as "absolutely necessary for a proper discharge of the routine business of the commission and keeping of its records."

The clerical force of the commission now consists, besides the secretary and stenographer, of one clerk of class 2 and one clerk of class 1. The appropriation bill just passed by the House provides for the same force for the coming year. It is utterly inadequate, being barely sufficient (with the help of the messenger, an expert type-writer, and the laborer, who is constantly employed on clerical work) for the dispatch of the absolutely current work, leaving important records and tabulations which should be kept up to date untouched.

There appear to be a secretary, a stenographer, and two clerks.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Connecticut will be stated.

The CHIEF CLERK. At the end of line 450, after the word "dollars," it is proposed to insert:

One clerk of class 3.

The amendment was agreed to.

Mr. HAWLEY. In line 455, after the third word "one," I move to insert:

Two clerks at $900 each.

The commission desired the clerks at $1,000 each. The recommendation of the Appropriations Committee to me was that it should be made $900.

The PRESIDENT *pro tempore*. The amendment will be agreed to if there be no objection.

Mr. VANCE. I object to it.

The PRESIDENT *pro tempore*. The Senator from North Carolina objects. The Chair will submit the question on agreeing to the amendment.

The amendment was agreed to.

Mr. HAWLEY. I have one more amendment to offer in accordance with a regular estimate submitted by the Secretary of the Treasury. In line 465, before the word "thousand," I move to strike out "three" and insert "four," to the end that this year the contingent expenses, &c., of the Civil Service Commission may be $4,000 instead of $3,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

Mr. HAWLEY. Let me say that there is in another bill a provision for removing the Civil Service Commission—it must move anyhow—to the City Hall, on Judiciary Square, and there is an appropriation of $11,000 provided for fitting up rooms there. Their removal is inevitable, and so an increase of $1,000 is desired in the appropriation for contingent expenses with regard to that. The present appropriation of $3,000 is barely adequate under the present conditions.

Mr. ALLISON. I trust the Senator will not press that amendment. There is a provision in the sundry civil appropriation bill which I think will take care of that matter.

Mr. HAWLEY. Does it provide for fitting up new rooms?

Mr. ALLISON. I understand that it does, and if it does not that can be provided for.

Mr. HAWLEY. Then I have nothing to say with that understanding.

Mr. COKE. Mr. President——

Mr. VANCE. What has become of the last amendment offered by the Senator from Connecticut?

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. COKE. I find that section 276 of the Revised Statutes reads thus:

There shall be connected with the Department of the Treasury six auditors of accounts, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be known as the First, Second, Third, Fourth, Fifth, and Sixth Auditors, respectively. Each auditor is entitled to a salary of $4,000 a year.

These Auditors are respectively given $3,600, commencing on page 30 with the First Auditor. I rise to move an amendment in each one of these cases increasing the salary from $3,600 to $4,000, the amount prescribed by the statute.

These salaries are fixed by law. If they are too large the law ought to be repealed. As long as the law stands unrepealed upon the statute-book it is too small a thing for a great Government like this to disobey its own laws and cut down the salaries of its officers. The law prescribes $4,000 as the salary of these several officers. They are granted but $3,600 in this bill. I move that $3,600 be stricken out as to each one of them and $4,000 inserted.

Mr. ALLISON. Is an amendment in order to increase the appropriation?

Mr. EDMUNDS. It is if it is to carry out existing law. The Senator from Texas says it is the existing law.

Mr. ALLISON. Of course, then, I can not make the point of order. The Senator from Texas may be right as to the statutory compensation. I think he read from the Revised Statutes.

Mr. COKE. Yes, sir; section 276.

Mr. ALLISON. The law increasing the compensation of these Auditors I think was passed in 1873.

Mr. HARRIS. Diminishing, you mean.

Mr. ALLISON. No, increasing. Prior to that time the salary of the Auditors was $3,000 each per annum. In 1873 we passed an act, as all remember, which increased the compensation of Senators and Representatives and all the bureau officers, &c. My impressson is that when that law was repealed it carried these Auditors' salaries with it, but I am not certain as to that.

However, I submit to the Senator from Texas that, inasmuch as the four Auditors of the Treasury named by him served since 1875 at a salary of $3,600, the new Auditors who have just come in, fresh to their duties, ought to be willing to go on at least for one year at the same rate. I submit that to the judgment of the Senator.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment proposed by the Senator from Texas. It will be stated.

The CHIEF CLERK. In line 714, it is moved to strike out "three thousand and six hundred" and insert "four thousand;" so as to read:

For the First Auditor of the Treasury, $4,000.

Mr. MAXEY. The amendment proposed by my colleague simply gives the salary that the law provides for, and the appropriation bill as it stands gives a salary beneath what the law gives. The only object and design is to give the salary fixed by law. If that should not be the law it ought to be repealed, but as long as it is the law let us obey it.

Mr. HARRISON. May I ask the Senator from Texas if he would be willing to apply that throughout the whole bill?

Mr. MAXEY. Yes, I would.

Mr. HARRISON. Then we should have to reduce some of the salaries from the amounts appropriated in the bill.

Mr. COKE. In reply to the Senator from Iowa [Mr. ALLISON] I have to say that there is no law on the statute-book modifying section 276 which I have just read. That is the law of the land, and I do think that Congress should either observe it or repeal it. Officers are appointed under this law with the guarantee by the law of a salary of $4,000. It is a law passed by Congress, and if the bill passes in its present shape without the adoption of the amendment there is a distinct repudiation by Congress to the extent of $400 of its own obligation to its own officers.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Texas [Mr. COKE].

Mr. ALLISON. I desire to raise a point of order upon the amendment. Notwithstanding it was stated distinctly by the Senator from Texas that $4,000 is the statutory salary of the Auditors, I think the statutory salary was fixed by the act of 1873, which is known as the "salary grab" act (I dislike to use that phraseology in reference to it), and therefore was carried into the Revised Statutes; but on the 20th day of January, 1874, after the Revised Statutes were adopted, that law was repealed, which carried the repeal of these officers' salaries. I have not had time to examine it carefully.

Mr. COKE. Has the Senator got the law before him?

Mr. ALLISON. I have the repealing law before me, and I also have the law relating to these officers. The act of March 3, 1873, provides that from and after the 1st day of July, 1873, the salary of the Supervising Architect, &c., running along down through these officers, shall be such an amount, and fixes their salaries.

Mr. COKE. Was that an appropriation act?

Mr. ALLISON. It was an appropriation act.

Mr. COKE. Then it only applied to that year, just as this one would.

Mr. EDMUNDS. Yes, it does; for it repeals all acts inconsistent therewith.

Mr. ALLISON. So I think it is not clear that the statutory salary is the salary named by the Senator from Texas. However, I am willing that the vote may be taken directly upon the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas.

Mr. COKE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I wish to ask the chairman of the committee, in order that we may vote understandingly, to see what this reform means, how long the salary of these officers has been as a fact under the action of Congress at the sum mentioned in the bill as distinguished from the sum mentioned in the Revised Statutes?

Mr. ALLISON. Ten years.

Mr. GEORGE. How is that? I should like to hear that.

Mr. ALLISON. The salary of the First Auditor for ten years has been $3,600 a year.

Mr. GEORGE. For the ten years last past?

Mr. ALLISON. For the ten years last past. I will also state that I think I was mistaken with reference to the statutory repeal. I think the Senator from Texas is right about it, because I see in 1875–'76 that the salary was appropriated for at $4,000; but for ten years the salary has been $3,600.

Mr. HALE. I wish to ask the chairman of the committee if during these ten years he has ever heard any appeal for raising that salary until this year?

Mr. ALLISON. I do not know that I have, but I am quite sure that if such an appeal had been made it would have been made in vain.

Mr. HALE. The Senator from Texas has appealed.

Mr. COKE. But has there been such a law-abiding administration in power during that time as the present one?

Mr. GEORGE. If the salary of these officers has been $3,600 for the past ten years, I should like to hear some good reason for putting it at $4,000 now.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from Texas [Mr. COKE].

Mr. RIDDLEBERGER. Before the vote is taken I desire to call attention again to the fact that we are increasing the salaries of all officers, it seems to me, who get the largest salaries, and every attempt at economy is made by cutting down the salaries of per diem employés and those who are at the bottom of the ladder. All the $4,500 salaries have been increased to-day to $5,000. Here is a $3,600 salary to be increased to $4,000. How many under clerks, how many per diem laborers have we reduced the pay of in this bill?

Mr. ALLISON. Not one.

Mr. RIDDLEBERGER. How many messengers have been stricken from the roll of the Senate whose services are necessary? How many firemen have been stricken from the Senate roll whose services the Sergeant-at-Arms says are necessary?

We are economizing in that direction and increasing the salaries of those who have a sufficiency upon which to subsist in the District of Columbia, a sufficiency as they understood it when they came here and took these offices.

Moreover, they are inexperienced men, they are new men, and you propose here now to increase their salaries beyond the amounts that were given to old and experienced officers who had conducted the affairs of the Government here for years.

I was looking to this when I introduced my bill this morning. I have voted against every increase of salary for men who are at the top of the ladder, who are at the head of Departments and bureaus, and I have voted against curtailing the force of the Capitol employés.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from Texas [Mr. COKE].

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON] who is not present in the Chamber.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. DAWES (when his name was called). I am paired with the Senator from Ohio [Mr. PAYNE.] I do not see him in his seat, and I withhold my vote.

Mr. HARRISON (when his name was called). I stated to the Senator from Arkansas [Mr. JONES] that if he were out of the Chamber when a vote was taken I would pair with him. I see that he is absent. I notice that his colleague has voted "nay." I should vote "nay" if he were here.

Mr. BERRY. I do not know how my colleague would vote.

Mr. HARRISON. I withhold my vote, announcing that I would vote "nay" if I were not paired.

Mr. HEARST (when his name was called). I am paired with my colleague [Mr. STANFORD].

Mr. PLATT (when his name was called). The Senator from Louisi-

ana [Mr. GIBSON], being indisposed, left the Chamber and asked me to pair with him. I do not know how he would vote. If he were present, I should vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were present, I should vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON], who is temporarily absent.

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. I also wish to announce the pair of my colleague [Mr. KENNA], who is detained from the Senate Chamber by sickness, with the Senator from Minnesota [Mr. SABIN].

Mr. MCMILLAN. My colleague [Mr. SABIN] is also detained from the Chamber by sickness, and has been ill for several days.

The PRESIDENT *pro tempore*. No quorum has voted, although much more than a quorum is present.

Mr. ALLISON. I hope the Senator will vote to make a quorum.

The PRESIDENT *pro tempore*. A number of Senators who are present are paired with absentees.

Mr. HARRISON. It was understood between the Senator from Arkansas [Mr. JONES] and myself that I should vote to make a quorum; I therefore vote "nay."

Mr. COCKRELL. I am paired with the Senator from Massachusetts [Mr. HOAR], but I vote "nay." I presume he would vote "nay" if he were here.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote.

Mr. ALLISON. He would vote "nay."

Mr. SAULSBURY. I am told that the Senator from Vermont would vote "nay," and I vote "nay."

Mr. RANSOM. The Senator from Illinois [Mr. CULLOM], with whose colleague I am paired, has just told me that I could vote to make a quorum. I vote "yea."

Mr. SEWELL. To make a quorum, I vote "nay."

Mr. CAMDEN. I am paired on all political questions with the Senator from Rhode Island [Mr. ALDRICH], but as this is not a political question I will vote "yea," to make a quorum.

Mr. GEORGE. If the Senate is without a quorum, as we Democrats came into power on the idea that we were going to——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. GEORGE. I was just going to say to Senators on the other side—— ["Order!"]

Mr. GEORGE. That I want to vote "nay." My vote is "nay."

Mr. SAWYER. I was paired with the Senator from Maryland [Mr. WILSON], but he said I might vote to make a quorum on any question that was not political. I vote "nay."

The result was announced—yeas 12, nays 29; as follows:

YEAS—12.

Beck,	Coke,	Hampton,	Pugh,
Call,	Evarts,	Maxey,	Ransom,
Camden,	Gray,	Miller,	Voorhees.

NAYS—29.

Allison,	Cullom,	Ingalls,	Spooner,
Berry,	Edmunds,	McMillan,	Teller,
Blair,	Eustis,	Palmer,	Vance,
Brown,	George,	Riddleberger,	Walthall,
Chace,	Hale,	Saulsbury,	Whitthorne.
Cockrell,	Harris,	Sawyer,	
Colquitt,	Harrison,	Sewell,	
Conger,	Hawley,	Sherman,	

ABSENT—35.

Aldrich,	Gibson,	McPherson,	Platt,
Blackburn,	Gorman,	Mahone,	Plumb,
Bowen,	Hearst,	Manderson,	Sabin,
Butler,	Hoar,	Mitchell of Oreg.,	Stanford,
Cameron,	Jones of Arkansas,	Mitchell of Pa.,	Van Wyck,
Dawes,	Jones of Florida,	Morgan,	Vest,
Dolph,	Jones of Nevada,	Morrill,	Wilson of Iowa,
Fair,	Kenna,	Payne,	Wilson of Md.
Frye,	Logan,	Pike,	

So the amendment was rejected.

Mr. BLAIR. In line 69, after the words "Public Buildings and Grounds" as the paragraph now stands amended, I move to insert:

Clerk to the Committee on Education and Labor.

I offer this amendment by direction of the Committee on Education and Labor and I hope that it may be adopted.

Mr. ALLISON. I make the point of order against the amendment.

Mr. BLAIR. The Committee on Education and Labor now has a clerk only for the session, and for the last two Congresses we have been obliged to obtain by action of the Senate a clerk during the vacation. The work of the committee is constantly increasing. It is impossible to get on without the assistance of a clerk. Correspondence during vacation requires some one at the Capitol most of the time. I trust that the amendment may be adopted.

Mr. HARRIS. I move to amend the amendment——

The PRESIDENT *pro tempore*. A point of order having been raised upon the amendment an amendment to it can not be entertained.

Mr. HARRIS. The amendment I was going to move to the amendment is that the clerk of every standing committee be an annual clerk and I would vote for the amendment to the amendment and then vote against the amendment as amended.

The PRESIDENT *pro tempore*. The Senator from Iowa raises a point of order. The point of order is well taken, unless the Senator from New Hampshire introduced the amendment and referred it to the Committee on Appropriations.

Mr. BLAIR. The amendment is offered by direction of the Committee on Education and Labor.

Mr. EDMUNDS. It ought to have been referred to the Committee on Appropriations.

Mr. BLAIR. The amendment which this would follow, giving an annual clerk to the Committee on Public Buildings and Grounds, was subject to the same objection.

Mr. ALLISON. My attention was diverted for the moment when that amendment was offered.

Mr. BLAIR. The point of order was not raised against that amendment, and I trust when the Committee on Public Buildings and Grounds, the Committee on the Census, and other committees have annual clerks, the Senate in being generous to them will be at least just to a committee which has, I think, a great deal more work to do. It is impossible for us to get on without a clerk during the vacation.

The PRESIDENT *pro tempore*. The point of order being made against the amendment it is not debatable.

Mr. BLAIR. I ask the Senator from Iowa to withdraw his point of order.

Mr. ALLISON. I should be very glad to oblige the Senator, but I do not see how I can. We are obliged to get on with the bill. I will accommodate him in some other way at another time.

The PRESIDENT *pro tempore*. The amendment is not in order.

Mr. MILLER. In line 1896, before the word "thousand," I move to strike out "five" and insert "six."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 1896, before the word "thousand," it is proposed to strike out "five" and insert "six;" so as to read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, New Orleans, and San Francisco, including furniture, fuel, lights, rent and care of offices, car-fare and ferriage in visiting merchant vessels, freight, express, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, $6,000.

Mr. EDMUNDS. Is that amendment in order?

The PRESIDENT *pro tempore*. Is it reported by any committee?

Mr. MILLER. I ask that a letter may be read from the secretary of the Maritime Association.

Mr. ALLISON. It is estimated for in the regular Book of Estimates.

Mr. EDMUNDS. I should like to hear the letter read.

Mr. ALLISON. I do not object to it myself.

Mr. EDMUNDS. But let the letter be read.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

[The Maritime Association of the Port of New York, Produce Exchange Building, Beaver street. P. O. Station P.]

NEW YORK, *June* 29, 1886.

DEAR SIR: May we bespeak your good offices in the interest of our ocean commerce on behalf of the Hydrographic Office of the Navy Department. For the benefit of merchant shipping, branch offices have been established at New York, Boston, Philadelphia, Baltimore, New Orleans, and San Francisco, and naval officers have been stationed there to impart to masters of vessels the latest information collected by the Government as to foreign waters, lights, dangers to navigation, &c. They inspect vessels' nuatical instruments, correct their charts, &c., and in return collect from them valuable meteorological data. Through these operations the shipping interest has been materially benefited, no doubt to the extent of saving life and valuable property.

The House, in its legislative and judicial bill, appropriated only $5,000 for the branch offices in place of the $7,000 asked. Even the larger sum will necessitate close economy. The $5,000 we believe will be entirely inadequate, particularly because the operations of the offices are extending as they become better known.

I have the honor to remain, very faithfully, yours,

F. W. HOUGHTON, *Superintendent*.

Hon. WARNER MILLER.

Mr. GEORGE. Is the point of order sustained?

The PRESIDENT *pro tempore*. The Chair understands not. This is part of the regular estimates of the Department.

Mr. ALLISON. The committee considered it. We tried to keep the bill down as low as we could. We thought they ought to get along with $5,000.

Mr. MILLER. The letter asks for an appropriation of $7,000; but there are only six of these offices, and after consultation with the chairman of the committee we thought it best to make it $6,000; which is a thousand dollars for each office.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. VANCE. Is there a right to call for a vote on any particular amendment?

The PRESIDENT *pro tempore*. The Senator will give notice of any amendment he desires a separate vote upon.

Mr. VANCE. I desire a separate vote on the amendment on page 19 giving additional clerks to the Civil Service Commission.

The PRESIDENT *pro tempore*. That will be reserved.

Mr. HARRIS. I want to reserve for a separate vote five amendments, the first of which is in line 109 and the last of which is in line 127. These amendments effect a reduction in the force of the Sergeant-at-Arms of the Senate, and after the other amendments have been disposed of I will consume about half a minute in stating the reasons why I do not think those amendments ought to be concurred in.

The PRESIDENT *pro tempore*. The amendments will be reserved.

Mr. HALE. I reserve all the amendments that increase the salaries of the different heads of bureaus, and I give notice that I will call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator will please designate them. If there be no further reservations the question will be taken on concurring in the amendments not reserved.

Mr. CALL. I ask for a separate vote in the Senate on the amendment in line 2048.

The PRESIDENT *pro tempore*. The question will be on concurring in the amendments not reserved.

The amendments not reserved were concurred in.

The PRESIDENT *pro tempore*. The reserved amendments will now be stated.

The CHIEF CLERK. In line 109, in the appropriations for "Office of Sergeant-at-Arms and Doorkeeper," the Senate, as in Committee of the Whole, struck out "twenty-nine" and inserted "twenty-five;" so as to read:

Twenty-five messengers, at $1,440 each.

Mr. HARRIS. I desire to say, and all I desire to say in respect to this matter is this: This amendment and the other four reserved by me make a slight reduction in the office of the Sergeant-at-Arms of this body. Seeing these amendments after the Committee of the Whole had acted on them, I sought that officer and asked him to what extent he could afford, if at all, to dispense with the services of this number of persons, and I learned from him that to reduce the present force as indicated by these five amendments will make it somewhat inconvenient, and he will be less able to perform the duties of his office with the same convenience to Senators and with the same facility he can at present. He thinks it would cripple him to some extent. While he is disposed to endeavor to perform his duties with whatever force the Senate chooses to give him, he will be to some extent crippled in the performance of those duties. I am disposed to give him the full measure of force that he desires or needs.

Mr. ALLISON. After saying one word I desire to make a proposition to the Senate in relation to the matter suggested by the Senator from Tennessee.

The committee with reference to the force of the Senate reported exactly what we understood to be the present force outside of the increase made last year on account of the Butler building, and, therefore, I think the Senate can get on with the force provided for in this bill.

Now, having said that much, I ask unanimous consent that to-morrow morning after the morning business is disposed of we shall vote upon these reserved amendments without debate.

Mr. CONGER. Let us vote on them now.

Mr. ALLISON. We shall have a fuller Senate then, and I understand the yeas and nays are to be called upon several of these amendments. I suggest to the Senate that we adjourn now, and to-morrow morning without debate we vote upon these reserved amendments, and in the mean time the clerks will have an opportunity of preparing the bill, and it will not delay us at all.

Mr. EDMUNDS. Let us vote now.

Mr. RIDDLEBERGER. I desire to ask the Senator a question before that is done. Have we not about ten more committee-rooms than we had three years ago when the Sergeant-at-Arms was inducted into office, and is it not cutting him down two messengers with ten additional committee-rooms?

Mr. CONGER. If the proposition is to vote without debate I desire to say that without the messengers and some of the officers that are cut off here some of the committees of the Senate would have been compelled to ask for an additional clerk. The officers who have performed the duties of clerk for some committees have been overridden with duties, worked night and day, and committees would have been required, except for the assistance of messengers as clerks, to ask for a clerk in two or three cases within my knowledge. I say that without hesitation in regard to the Committee on Post-Offices and Post-Roads. There are some two thousand nominations to be acted upon, aside from other business, and it would have been utterly impossible to get along, but for the messengers, without an additional clerk.

Mr. ALLISON. I will modify my suggestion that debate shall be limited to five minutes on these several amendments.

Mr. EDMUNDS. And upon all other amendments that may be offered so as to get your bill through in the course of a month or so.

Mr. ALLISON. Very well. I will adhere to my original proposition.

Mr. VOORHEES. I do not think there can be serious objection to voting on the question of the Sergeant-at-Arms' force at this time and then reserve the other questions.

I do not believe there is anybody in this Chamber or connected with the Senate who desires to reduce the force below what the competent and efficient Sergeant-at-Arms desires. I do not know how much this reduction is. The chairman of the Committee on Appropriations says it relates simply to the increase connected with the Butler building. I do not understand it that way; but whether it is that or not, I think the safest thing for the Senate to do is to leave the force as it is now. It has worked acceptably and well, and I know of no reason for this innovation or this reduction. I hope the vote will be taken now and leave matters that will divide the Senate much more than this will, under the five minutes' rule, or any other rule to-morrow.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] asks unanimous consent that to-morrow without debate the vote shall be taken on the pending amendments.

Mr. EDMUNDS. I can not consent.

Mr. RIDDLEBERGER. I thought the proposition was to limit the debate to five minutes on the amendments.

The PRESIDENT *pro tempore*. The Senator from Iowa withdrew that proposition.

Mr. RIDDLEBERGER. Then I object to this.

Mr. EDMUNDS. I make this proposition, Mr. President. I am extremely sorry that this bill apparently for some reason can not be finished to-night; but I do not think it safe for the Senators to tie themselves up by an understanding that we shall vote without any debate on these amendments or any others which may be subject to be offered; and therefore I make this proposition, regretting that apparently we can not get on to-night—I do not know why—and it is that to-morrow morning, immediately after the strict morning business, we vote upon the amendments to this bill and upon its final disposition without any debate except what has always been understood to be the ordinary five minutes or so of explaining amendments and an answer thereto within the same time.

Mr. RIDDLEBERGER. I understand the Senator to say that debate shall be limited to five minutes on any amendments that are to be proposed?

Mr. INGALLS. Five minutes by each person.

Mr. RIDDLEBERGER. Then I understand that amendments which have been debated in committee are not to be debated in the Senate?

Mr. EDMUNDS. Yes, all amendments.

Mr. RIDDLEBERGER. Five minutes applies to all?

Mr. ALLISON. All reserved amendments.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent of the Senate that to-morrow after the strict morning business we proceed under the eighth rule to consider any amendment pending or which shall be offered to this bill. Is there objection?

Mr. CONGER. I think we might as well go along as far as we can to-night.

Mr. ALLISON. Very well.

Mr. CONGER. These little amendments we are prepared to vote upon to-night.

The PRESIDENT *pro tempore*. Objection being made——

Several SENATORS. Suppose there is no quorum on the vote?

The PRESIDENT *pro tempore*. The Secretary will report the next amendment.

Mr. CALL. I do not think we can get on with the bill to-night.

Mr. VOORHEES. Mr. President, subject to the permission of the Senator from Iowa, who has charge of this bill—I will not do it unless it meets his approbration—I move that the Senate do now adjourn.

Mr. ALLISON. I hope not until we have some understanding respecting this bill. I appeal to the Senator from Michigan to allow us to go on to-morrow morning, as suggested by the Senator from Vermont, under the five-minute rule.

Mr. CONGER. Well, in view of the numbers present, I will withdraw my objection to the proposition.

The PRESIDENT *pro tempore*. The Chair will again repeat that the Senator from Vermont asks that adjournment be now had until to-morrow morning, and that to-morrow after the morning business this bill and such amendments as may be proposed be taken up and discussed under the five-minute rule. Is there objection to the proposition? The Chair hears none. It is unanimously agreed to.

Mr. VOORHEES. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 2, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 1, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

VETO—DES MOINES RIVER LANDS BILL.

The SPEAKER. The Chair lays before the House a message from the Senate of the United States communicating the veto by the Presi-

dent of the United States of the bill (S. 150) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, with the action of the Senate thereon.

The Clerk will read the veto message.

The Clerk read as follows:

To the Senate of the United States:

I return herewith, without approval, and with a statement of my objections thereto, Senate bill No. 150, entitled "An act to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes."

This proposed legislation grows out of a grant of land made to the Territory of Iowa in the year 1846 to aid in the improvement of the navigation of the Des Moines River.

The language of this grant was such that it gave rise to conflicting decisions on the part of the Government Departments as to its extent, and it was not until 1860 that this question was authoritatively and finally settled by the Supreme Court of the United States. Its decision diminished the extent of the grant to a quantity much less than had been insisted on by certain interested parties, and rendered invalid the titles of parties who held, under the Territory or State of Iowa, lands beyond the limit of the grant fixed by the decision of the court.

For the purpose of validating such titles and to settle all disputes so far as the General Government was concerned, the Congress, in the year 1861, by a joint resolution, transferred to the State of Iowa all the title then retained by the United States to the lands within the larger limits which had been claimed and then held by *bona fide* purchasers from the State; and in 1862 an act of Congress was passed for the same general purpose.

Without detailing the exact language of this resolution and statute, it certainly seems to be such a transfer and relinquishment of all interests in the land mentioned on the part of the United States as to relieve the Government from any further concern therein.

The questions unfortunately growing out of this grant and the legislation relating thereto have been passed upon by the United States Supreme Court in numerous cases; and as late as 1883 that court, referring to its many previous decisions, adjudged:

"That the act of 1862 (C. 161, 12 Stats., 543) transferred the title from the United States and vested it in the State of Iowa, for the use of its grantees under the river grants."

Bills similar to this have been before Congress for a number of years, and have failed of passage; and at least on one occasion the Committee on the Judiciary of the Senate reported adversely upon a measure covering the same ground.

I have carefully examined the legislation upon the subject of this grant, and studied the decisions of the court upon the numerous and complicated questions which have arisen from such legislation, and the positions of the parties claiming an interest in the land covered by said grant; and I can not but think that every possible question that can be raised, or at least that ought to be raised, in any suit relating to these lands, has been determined by the highest judicial authority in the land. And if any substantial point remains yet unsettled, I believe there is no difficulty in presenting it to the proper tribunal.

This bill declares that certain lands which, nearly twenty-four years ago, the United States entirely relinquished are still public lands, and directs the Attorney-General to begin suits to assert and protect the title of the United States in such lands.

If it be true that these are public lands, the declaration that they are so by enactment is entirely unnecessary; and if they are wrongfully withheld from the Government, the duty and authority of the Attorney-General are not aided by the proposed legislation. If they are not public lands because the United States have conveyed them to others, the bill is subject to grave objections as an attempt to destroy vested rights and disturb interests which have long since become fixed.

If a law of Congress could, in the manner contemplated by the bill, change, under the Constitution, the existing rights of any of the parties claiming interests in these lands, it hardly seems that any new questions could be presented to the courts which would do more than raise false hopes and renew useless and bitter strife and litigation.

It seems to me that all controversies which can hereafter arise between those claiming these lands have been fairly remitted to the State of Iowa, and that there they can be properly and safely left; and the Government, through its Attorney-General, should not be called upon to litigate the rights of private parties.

It is not pleasant to contemplate loss threatened to any party acting in good faith, caused by uncertainty in the language of laws or their conflicting interpretation; and if there are persons occupying these lands who labor under such disabilities as prevent them from appealing to the courts for a redress of their wrongs, a plain statute, directed simply to a remedy for such disabilities, would not be objectionable.

Should there be meritorious cases of hardship and loss caused by an invitation on the part of the Government to settle upon lands apparently public, but to which no right or lawful possession can be secured, it would be better, rather than to attempt a disturbance of titles already settled, to ascertain such losses and do equity by compensating the proper parties through an appropriation for that purpose.

A law to accomplish this very object was passed by Congress in the year 1873.

Valuable proof is thus furnished, by the only law ever passed upon the subject, of the manner in which it was thought proper by the Congress at that time to meet the difficulties suggested by the bill now under consideration.

Notwithstanding the fact that there may be parties in the occupancy of these lands who suffer hardship by the application of strict legal principles to their claims, safety lies in the non-interference by Congress with matters which should be left to judicial cognizance; and I am unwilling to concur in legislation which, if not an encroachment upon judicial power, trenches so closely thereon as to be of doubtful expediency, and which at the same time increases the elements of litigation that have heretofore existed and endangers vested rights.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 11, 1886.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill?

Mr. PAYSON. Mr. Speaker, this matter is open for debate, I take it?

The SPEAKER. It is.

Mr. PAYSON. Having reported the bill, I desire to be recognized for discussion.

Mr. OATES. I desire to make a motion for a reference of this matter.

The SPEAKER. Does the gentleman from Illinois yield for that purpose?

Mr. PAYSON. No, sir.

Mr. OATES. I trust I will be permitted to make that motion.

The SPEAKER. The gentleman can do so when he obtains the floor in his own right.

Mr. PAYSON. Mr. Speaker, I do not care to occupy the attention of the House to any great length with reference to the bill, nor the veto message of the President accompanying it. I take it from the discussion which occupied the attention of the House for some time when this bill was passed, that gentlemen who hear me are as familiar perhaps with its details as they would be if the arguments then fully presented were to-day repeated. From the fact that this bill comes before the House now accompanied by a veto message from the President it may be assumed possibly that there are grave questions connected with it which justified or authorized the interposition of the President of the United States in this manner. But this is not so; the veto simply expresses the individual judgment of one man on a question of propriety as to a few poor settlers in Iowa. No question of politics, party policy, or governmental concern is involved—only whether a few poor people may have a standing in court, where under existing law they now do not have.

This question, Mr. Speaker, has been before Congress in different forms, commencing with the Forty-third Congress, and has been from that time until now presented to every Congress. There have been, since it was first presented to the attention of Congress, favorable reports upon bills substantially like this in each Congress, and, with only one exception, there have never been other than favorable reports. Favorable reports were made in the Forty-third Congress by both Houses, and at that session the bill passed the lower House. In the Forty-fourth Congress favorable reports were made upon it, but no action was had. In the Forty-fifth Congress it was reported favorably in both Houses. In the Forty-sixth Congress it was reported favorably in the House of Representatives and adversely in the Senate; and in the same Congress, the Forty-sixth, at the same session, it was reported in the House by Mr. Converse favorably from the Committee on the Public Lands.

In the Forty-seventh Congress the Committee on the Public Lands reported it favorably through the gentleman from Iowa [Mr. HEPBURN], and in that Congress the bill passed the House. In the Forty-eighth Congress the bill was reported favorably in the Senate by Mr. PLUMB, and passed the Senate. In the House it was favorably reported from the Committee on the Public Lands, but was not reached on the Calendar. In the present Congress it was reported favorably and unanimously from the Committee on the Public Lands in the House and the Senate, and passed both bodies with practical unanimity. If I recollect aright there were less than ten votes in opposition to it when it passed the House of Representatives, and in that form it went to the President.

On an examination of this bill and of the long array of facts in connection with it by the President of the United States for a single day, and, as I shall be able to show in a very few minutes' time, upon a total misapprehension not only of the facts but of the thing sought to be accomplished by the bill, it was vetoed by him, and the veto communicated to the Senate, through which body it now reaches us. A single sentence from the veto message of the President, which has been read, will demonstrate with a single explanatory statement the inaccurate position which the President occupies with regard to the bill. He says:

It is not pleasant to contemplate loss threatened to any party acting in good faith, caused by uncertainty in the language of laws or their conflicting interpretation; and if there are persons occupying these lands who labor under such disabilities as prevent them from appealing to the courts for redress of their wrongs, a plain statute, directed simply to a remedy for such disabilities, would not be objectionable.

That is the language of a section of this veto message, and precisely that thing is sought to be done by this bill, and for the relief of the persons who are named in the message of the President.

Let that be understood; that is all this bill seeks to do, and for the persons contemplated in that quotation from the veto message.

Digested, what are the facts upon which the bill is based? Something like eight hundred settlers are living upon a lot of land in Iowa, lands originally embraced, as was thought, within the limits of a grant made in aid of the improvement of the Des Moines River in that State——

Mr. HENDERSON, of Iowa. Between a thousand and twelve hundred families.

Mr. PAYSON. I am corrected as to the number by my friend on the left from Iowa. He says that there are between a thousand and twelve hundred families. The grant of land was made in aid of the improvement of the Des Moines River, but there was some ambiguity as to the extent of the grant. It was for the improvement of the Des Moines River, and it was asserted at the time the bill was passed that the grant only extended to so much of the length of the river as reached to what was known as the Raccoon Fork. It was made with that understanding, and it was so interpreted by the Governor of Iowa who made the selection under it. These selections were confirmed, in the manner prescribed by the law, through the Interior Department. Three

or four years afterward a genius in the Interior Department made the suggestion that the State of Iowa was entitled to more land than this grant conveyed; that the grant instead of stopping at the Raccoon Fork of the river could by a proper construction of the act be made to extend to the northern line of the State of Iowa, thus increasing the extent of the grant by something like 300,000 acres.

The Secretary of the Interior then in office, Mr. Secretary Stuart, examined the matter; but without coming to a conclusion absolutely and asserting it involved a judicial question which had better be considered by the courts, he made what he called a conditional certification to the State of Iowa of the lands above the fork and of this increased grant, giving notice when the certification was made, as there were serious doubts as to the proper construction of the grant, he would make to the State of Iowa a conditional certification of these 300,000 acres of land.

Shortly after that the question got into the courts as to the amount of land which was involved in the grant and the proper construction of it, and the case known as the Litchfield case was decided by the Supreme Court of the United States restricting the grant to the mouth of the Fork, holding that the State of Iowa took no lands above the mouth of the Fork but was restricted to the lands below it. That was the sole question made in the case, and the only question that was decided and decided for all time. The decision was acquiesced in by the State authorities of Iowa, and acquiesced in by the Des Moines Railroad and Navigation Company, which had become the successor to this grant by contract with the Legislature of Iowa.

Immediately upon that these lands upon the fork were thrown open by the Interior Department to sale and settlement, but without any formal order revoking the reservation of the land which had been made by Mr. Secretary Stuart at the time the conditional certification was made.

Here is the point to this whole case, and I repeat it, so that I may be distinctly understood by gentlemen who are not familiar with the administration of public-land law. Whenever a withdrawal of public lands is made for any purpose the land is placed by the Interior Department in what is known technically as a state of reservation. It is absolutely a segregation of that land from the public domain for the purpose for which the withdrawal is made; and after that, whether the withdrawal was properly or improperly made, no valid settlement can ever be made on that land unless this state of reservation is removed by formal order of the Interior Department.

So, then, although the local land offices were afterward open at Des Moines and Fort Dodge, settlers went in upon this land in large numbers. Mr. Secretary Browning, who succeeded afterward as Secretary of the Interior, promulgated a long circular with reference to this land that it was public land and people were entitled to settle upon it. The settlers went in there twenty-five, twenty-eight, thirty years ago under the pre-emption and homestead laws.

Under the pre-emption laws they paid their money. The records show that upward of $100,000 in cash have been paid by portions of these people who live on the land there as entry-money at one dollar and a quarter per acre, paid into the Treasury, and they received their patents, received their land, and they remained in possession from that time until now.

Mr. HENDERSON, of Iowa. Will the gentleman permit me to make a suggestion? I think Secretary of the Interior Smith opened the land to settlement.

Mr. PAYSON. I believe I said so. Secretary Browning was not the first Secretary who opened it. The first Secretary who decided that the limits of the grant were at the fork was Mr. Ewing. And then the next Secretary was Secretary Smith. He was followed by Secretary Browning; and every Secretary of the Interior from that time down to now has regarded these lands as public lands and open to settlement.

Mr. VIELE. Will the gentleman yield to me for a question?

Mr. PAYSON. Yes, sir.

Mr. VIELE. I want to ask the gentleman if he asserts to this House that the persons to whom he refers as having gone in and paid that money are the sole persons to be benefited by this bill?

Mr. PAYSON. I do. I assert no other person is benefited by this bill; and the bill in terms expressly provides that no person shall be benefited except those who have gone beyond the land above the mouth of the fork and made *bona fide* settlements there under the pre-emption and homestead laws of the United States.

Nobody else is benefited, except—I wish to be understood as to this—that the bill goes further, and validates the title of every person who has any claim to that land under the Des Moines Railroad and Navigation Company or remotely as grantee under the State of Iowa in any form whose titles do not conflict with actual settlers under general laws except the class I have named who have settled under the general land law.

Mr. VIELE. Are not, in fact, a large majority of the people who represent the league formed to prosecute this business squatters on the land, and have they not refused to pay for the land or to pay taxes?

Mr. PAYSON. That is not the case. I may as well make a statement as to that now as at any other time.

I know that parties who represent the Des Moines Railroad and Navigation Company, which now sets up a claim of title to all those lands above the mouth of the Raccoon Fork, are asserting that every settler who went upon those lands was there as a trespasser and squatter.

Mr. VIELE. That is not the assertion. Only those who went there after a certain period.

Mr. PAYSON. I want to be understood, and if the gentleman will not anticipate me he will find that I will state the case with absolute fairness, as I understand it.

I have stated how these people went upon that land. What proportion of the thousand or twelve hundred families now living there entered as pre-emptors and paid their money to the Government I do not know, but they all either went there as pre-emptors and paid the Government of the United States a dollar and a quarter an acre, or they went there as homestead settlers under the general land laws of the United States expecting to make their title by living five years upon the land and making *bona fide* improvements.

Mr. HENDERSON, of Iowa. And paying the proper fees under the law.

Mr. PAYSON. And paying the proper fees under the law. Now, Mr. Speaker, this condition of things existing, it stood so for some little time. The Des Moines Railroad and Navigation Company in June, 1854, made a contract with the State of Iowa that they, this corporation, would construct certain improvements in the river for a certain amount of land. They commenced in good faith to work upon those improvements. What volume of land they expected to get I do not know, but the land was to be turned over to them at the rate of $1.25 or possibly $2.50 an acre; at all events at a stipulated price. They commenced the prosecution of the work; but on the 10th of November, 1856, a dispute arose between the navigation company and the State of Iowa as to the further progress of the work. About that time, a little prior to it, the Secretary of the Interior held that the title to the lands in the grant did not extend above the fork, and refused to certify any more, and thereupon the navigation company threw up its hands and abandoned the contract.

The next thing done was to settle with them. A meeting of the Legislature of Iowa was had, and in the spring of 1858, on the 22d of March, a bill passed which authorized the compromise of all differences between the State and the navigation company. The navigation company was to pay a certain sum of money into the State treasury, to liquidate certain indebtedness due to citizens of the State, and in consideration of this agreement and for the work that they had done the State was to execute a quitclaim deeed to the company of such lands as were granted by Congress to the State of Iowa by the act of August 6, 1846.

Mr. VIELE. And those are the lands, are they not?

Mr. PAYSON. I beg the gentleman not to anticipate me. I will satisfy the gentleman as to my statement of the facts, whether I satisfy him as to the correctness of my conclusions or not.

Mr. VIELE. I want to direct the attention of the House to the facts.

Mr. PAYSON. On the 18th of May, 1858, this deed from the State was executed. I hold a copy of it in my hand. I do not take time to read it except the descriptive clause. The deed is dated on the 18th day of May, 1858, and is between the State of Iowa as grantor and this navigation company as grantee. It conveys to the company "all lands granted by an act of Congress approved August 8, 1846." It does not attempt to describe the lands by sections, but simply makes, in this general way, a conveyance to the navigation company of "*all* lands granted by an act of Congress approved August 8, 1846." Now, what lands were so granted? The Supreme Court had decided in the Litchfield case, prior to the time this deed was executed, that all the lands that were granted by Congress were the lands lying south of the mouth of the fork of the Raccoon, and it was understood in Iowa——

Mr. VIELE. Did not the subsequent decision extend that?

Mr. PAYSON. I am coming to that. If the gentleman will not anticipate I will state the case as he understands it, if he understands it as the record shows. Now, bear in mind what this deed purports to convey, namely, "all lands granted by an act of Congress approved August 8, 1846," to the Territory of Iowa, and that when this grant was made and selections were made under it it was restricted to lands lying south of the fork. Everybody so understood with reference to it at that time. But under the conditional certification which Mr. Secretary Stuart had made the State of Iowa had opened a land office, and, assuming that it would get the lands, had sold a large amount of them to citizens of that State. Fifty-five thousand nine hundred and ninety acres of land were thus sold by the State of Iowa, the State assuming under Mr. Secretary Stuart's conditional certification that it was entitled to the land.

Mr. PETTIBONE. That is, above the fork?

Mr. PAYSON. Above the mouth of the fork. The settlers were thus left without title. It does not need any argument to show why. The State of Iowa had assumed to sell the lands as a part of this grant above the fork. Fifty-five thousand nine hundred-odd acres were in possession of settlers as purchasers from the State of Iowa. What could be done? This was after the decision of the Supreme Court in the Litchfield case restricting the grant below the fork, and so these purchasers

from Iowa were without title. Something had to be done. Of course the first thing, and the proper and only thing, was to come to Congress for a validating act, and so subsequent legislation was had. In March, 1861, an act of Congress was passed to validate these titles; and at this point I will say to the gentleman from New York [Mr. VIELE], if he represents the other side, the point of divergence begins.

Mr. VIELE. I represent the just side, whatever that is.

Mr. PAYSON. I have no doubt you represent what you believe to be the just side. About that there may be a difference of opinion, as appears from your statement just now. I know that I represent the just side. [Applause.]

In 1861 application was made to Congress to help out in some way these men who had bought from the State of Iowa, and the joint resolution was passed, approved March 2, 1861, which I ask the Clerk to read.

The Clerk read as follows:

Joint resolution to quiet title to lands in the State of Iowa.

Be it resolved, &c., That all title which the United States still retain in tracts of land along the Des Moines River and above the mouth of Raccoon Fork thereof in the State of Iowa, which have been certified to said State improperly by the Department of the Interior as part of the grant by act of Congress approved August 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

Now I ask that special attention be given to the language of this joint resolution of 1861, because it is in connection with this resolution that the adverse claim arises which is set up by the Des Moines River Railroad and Navigation Company. That claim arises out of language contained in this act. Bearing in mind the fact that the exciting cause for this resolution was the fact that this land had been sold to these purchasers under the State of Iowa, the language of the resolution is:

That all the title which the United States still retain in the tract of land, &c., and which is now held by *bona fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

Now at that time there never was anybody who claimed to be a purchaser from the State of Iowa except natural persons who had actually purchased. A little later on—five or six years later—for I desire to be perfectly fair with everybody in this matter, so that my argument may be understood as it progresses, this Des Moines River Railroad and Navigation Company set up the claim that because of the passage of this resolution, and because the company had a deed which on its face was general in its terms and which some lawyers said was broad enough to include in its scope this land above the fork as well as below it, the Railroad and Navigation Company was a *bona fide* purchaser under the State of Iowa and was entitled to this land.

Mr. LONG. Was the deed from the State to the railroad and navigation company dated prior to this act?

Mr. PAYSON. It was. The deed to the company, as I have already stated, was dated May 18, 1858; and the act in question was approved March 2, 1861. But the gentleman from Massachusetts, who I am glad to know is following my argument, will bear in mind that before the resolution of 1861 was passed the Supreme Court had judicially construed the grant, restricting it to the land which was below the fork; this was in 1860. There has never been a claim on the part of anybody since the Litchfield case was decided in 1860 that the State of Iowa, under the act of 1846, took title to an inch of land above the mouth of the fork.

Mr. BAYNE. As I understand, this is a contest between one thousand or twelve hundred settlers on these lands and the Des Moines River Railroad and Navigation Company.

Mr. PAYSON. That is precisely what it is. I am coming to that point a little later on.

Mr. SKINNER. The gentleman says, as I understand, that fifty thousand and odd acres were conveyed by the State of Iowa to settlers. Were those conveyances prior to the decision in the Litchfield case?

Mr. PAYSON. They were, very largely.

Mr. WADSWORTH. At the date of the deed from the State of Iowa to the navigation company, May 18, 1858, did the State set up any claim of title to these lands above Raccoon Fork?

Mr. PAYSON. It had a claim of the title to them under the conditional certification I have spoken of down to the decision in the Litchfield case.

Mr. WADSWORTH. But at the time of the conveyance from the State?

Mr. PAYSON. Well, nothing was said in reference to that. Gentlemen who live in that portion of the country may perhaps be better prepared to answer on that point than I am. But the records show nothing with reference to that matter either one way or the other.

Mr. HOLMES rose.

Mr. PAYSON. I yield a moment to the gentleman from Iowa.

Mr. HOLMES. No claim was made by the State of Iowa to these lands above the Raccoon Fork till nearly two years after the act was passed. The lands were certified. The register of the State presented a list of the lands to be certified; and that list included these lands below the Raccoon Fork. They were so accepted by the United States and everybody concerned for two years.

Mr. PAYSON. Now, as showing beyond any question who were to be the beneficiaries of the legislation of March 2, 1861, I have incorporated in the report which I have submitted on this bill the debates in the House with reference to it.

The bill was introduced by a member from Iowa, and without stopping to read it, because it takes up a whole page in fine print, it is enough to say it shows on the face of it the only parties in contemplation at the time this joint resolution of 1861 was passed were citizens—natural persons—who were the grantees of the State of Iowa as purchasers. I do not stop to read it. It will be set forth in my remarks.

Mr. LONG. That is, the purchasers of 55,000 acres are?

Mr. PAYSON. Yes, the purchasers of 55,000 acres. Further on, after this grant was made to Iowa, there was a grant made to two railway companies for the construction of lines of road across the State, which conflicted with this grant made to the State of Iowa for river improvement. Down to that time it was understood when these grants were made because of the original certification they were not included in these railroad grants, and conflicts arose between the State of Iowa and the General Government as to the acreage the State was entitled to under all these grants. The result was that a statement was made by the State of Iowa, represented by a gentleman by the name of Harvey, known in the whole of these proceedings as the "Harvey settlement," the State of Iowa on one side and the Secretary of the Interior on the other. That settlement was made in 1866. An examination of the figures in connection with that settlement, long details of which appear in the committee's report on this bill, shows no claim was made down to that time by the act of the Des Moines Railroad and Navigation Company for any of these lands. That was as late as 1866. The claim of this company to any lands above the fork was never made until subsequent to that time. It was true what they had they had received, and they were entitled to hold the lands below the fork. It went on.

Finally the company set up a claim to this land. Then, when the claim was set up suit was brought. Collusive suits were brought, the first known as the Wolcott cases, a memorandum of which I think I have here about me.

Mr. VIELE. "Collusive" is a very strong word.

Mr. PAYSON. Yes, and when I use it I use it with a full appreciation of what it means.

Mr. VIELE. How is he to know that?

Mr. PAYSON. I know it by looking at the cases, and finding Wolcott, a member of the Des Moines Railroad and Navigation Company, one of the parties who got interest in the land by parceling it out to him as one of the body—by his assuming to be plaintiff in the case against the Des Moines Railroad and Navigation Company, and by the agreement on his part that these lands had been properly certified to the State of Iowa, and that they had been properly sold by the State of Iowa to the Des Moines Railroad and Navigation Company; and by his agreeing still further that the Des Moines Railroad and Navigation Company—to the fact the Des Moines Railroad and Navigation Company was the *bona fide* purchaser from the State of Iowa. I do not need to tell the lawyers of this House whether it is collusive on the face of it when the plaintiff gives away every shadow of any case he has.

Mr. PERKINS. And when he admits what is not true.

Mr. PAYSON. Yes; and when he admits what is not true, and when there is not a shadow in the statute to prove his statement to be true.

Of course the Supreme Court expressly said, because it is admitted these lands were properly certified to the State of Iowa and because it is admitted the State of Iowa sold all these lands they are taxable by the State of Iowa under the act of 1861, the company is entitled to the land. Nothing else could follow.

On the strength of that kind of adjudication trouble began in the State of Iowa. I agree in the emphatic statement made by the gentlemen representing the other side that the troubles have been serious and persistent and long continued.

It does not require, Mr. Speaker, large imagination on the part of any gentleman to appreciate where there are a thousand families in possession of the public lands of the country, invited to go there by the legally constituted authorities under a circular sent out by the Secretary of the Interior, who paid into the Treasury of the United States $1.25 an acre for their land, and who had put for safe-keeping in a bureau drawer the patent of the United States bearing the great seal of the General Government and attested by the President of the United States—I say it is not difficult to appreciate a thousand men, when approached by an agent of this corporation with a claim for that land through the ingenious device of some attorney, should exhibit some degree of excitement in reference to it.

These people were threatened with litigation, which resulted in many of them being turned out of their homes. How? By bills filed in the State courts of the State of Iowa by parties in possession to quiet their titles; and lawyers present will understand why it was necessary for these parties, being in possession, to become plaintiffs in the suits in order to settle the question as to whether the Des Moines Railroad Company, under which they held, had a title to the land which could be conveyed to them.

The court decided that because this land was in a state of technical reservation at the time of entry that no such entry could be validly

made so that the Interior Department could recognize it as a proper entry, and hence that the title was void. That is all of the decision. A half a dozen cases—no, three cases, that I recall—went up to the Supreme Court of the United States, and the decision of that court, which applied to all of the remaining cases which had not been appealed, turned upon that very question; and I read from one of the cases, that of Hannah Reilly against William B. Welles:

It will appear from the case of Wolcott against the Des Moines company that the tract of land of which the lot in question was a part had been withdrawn from sale and entry on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River. * * * As the husband of the plaintiff entered upon the lot in 1855 without right—

Because it was withdrawn from sale and settlement, and therefore original entry was without right—

and the possession was continued without right, the permission of the register to prove up the possession and improvements and to make entry under the pre-emption laws were acts in violation of law and void, as was also the issuing of the patent.

Mr. BAKER. Let me ask the gentleman a question.

Mr. PAYSON. Certainly.

Mr. BAKER. Did they know that these lands had been withdrawn when they made the entry?

Mr. PAYSON. Well, whether they did or not it may be answered yes or no. They knew the authorities had opened land offices and were offering the lands for sale and they purchased; that is certain and the controlling circumstance.

I repeat, after the Supreme Court had decided the Litchfield case the land offices of Iowa were opened for these parties to come in and settle. They did come in and settle when the land offices were opened to them and Secretary Browning invited them to come and make the settlement. They had no reason to suppose that there was any cloud upon the title. They were invited to come, the register received their proofs, the Government received the money, and the patents were issued.

Mr. LONG. Secretary Browning invited them to do what technically they could not do.

Mr. PAYSON. Certainly; he invited them to do what, according to the decisions of the Supreme Court, they had no right technically to do.

At the time that Mr. Browning was Secretary of the Interior and these invitations were issued no case had been then decided that there was an illegal withdrawal and reservation; hence that the entries might be made and the citizens could secure a title. It was a subsequent decision of the Supreme Court that unsettled the whole question, and that doubtless was a question of law with which Mr. Browning was not familiar at the time he issued these invitations. It was a bowlder of law hewn out of the great ledge afterward. This decision in the Reilly case was the same:

The reasons for this withdrawal of the public lands from public sale or private entry are stated at large in the opinion in the case of Wolcott against the Des Moines company, and need not be repeated. The point of reservation was very material in that case, and we have seen nothing in the present one, either in the facts or in the argument, to distinguish it.

The Crilly case was another of the same kind. He was in possession of the land under a patent. He had held it for fifteen years under what he believed to be, and what he had a right to believe was, a good title. He was foolish enough to go into court for the purpose of quieting the title, and the Supreme Court made this decision which unsettled it. He then had no redress whatever. That is another illustration of the unfortunate side of this question. This man Crilly to-day, after having a patent to his lands, after holding possession all that time, after going into that litigation and having his rights denied him, is of unsettled mind because of it, and no doubt members of this House may have received, for I have within the last few months, a number of rambling, disconnected postal cards upon this very question of his title.

Mr. MILLS. I have received them; also other members the same.

Mr. PAYSON. No doubt other gentlemen also have received them. That is the man, George Crilly, who has lost his reason by this subject. He was the plaintiff in that court, resting his title under a patent of the General Government. Having paid his money into the Treasury, some $200, which is still in the Treasury to-day, and he is a maniac by reason of the claim set up by this corporation.

Mr. PETTIBONE. May I ask the gentleman a question?

Mr. PAYSON. Well, if the gentleman does not anticipate my argument.

Mr. PETTIBONE. I merely wish to ask whether or not there is any partisan politics in this thing?

Mr. PAYSON. Oh, bless you, no; it is a question of justice and decency on the part of Congress. I will come to that.

Mr. PETTIBONE. Another question. Does this seek more than to do this——

Mr. PAYSON. Let me tell you, friend PETTIBONE, I will make my argument as clear as possible.

Mr. PETTIBONE. Will the gentleman say what the bill proposes?

Mr. PAYSON. There are three classes of persons interested in these lands, amounting to some 271,000 acres, that will be affected by this bill. There are, first, the men who claim under the navigation company, who are in possession and that nobody has claimed adversely to; there is a second set of people in possession under the general land law; and, third, a set of men claiming under the State of Iowa as remote grantees from the Des Moines Navigation Company. Now, what does the bill propose? It settles the titles of the first and last named classes in possession, and provides that the title of everybody in the Des Moines Navigation Company and its grantees, not in possession, that their title shall be validated.

It provides, secondly, that those who are in possession claiming as grantees of the Des Moines Railroad and Navigation Company or as grantees from the State of Iowa shall have their title validated. And as to the other class, those who are claiming in good faith under the general land laws of the United States, it is provided that they shall be permitted to assert their rights in court. This bill does not seek to interfere with the title of any man whatever which does not clash with that of a settler. It does not presume that the title of the railroad and navigation company is invalid. It leaves all that question for judicial determination where it interferes with a settler's title. But the officers of the Interior Department have failed hitherto, and still fail, to remove this state of reservation. An act of Congress which was passed in 1853 provides in substance that wherever an entry is made on public lands in good faith and the land is then in a state of reservation and when that state of reservation shall afterward be removed the rights of these people shall be respected.

It is provided that under that statute these men may be allowed and permitted to go into court and set up their homestead and pre-emption rights as against the railroad and navigation company. This is all the bill purports to do, and the only other thing that can result from the passage of this bill is the inconvenience of a lawsuit to the Des Moines Railroad and Navigation Company. In one side of the balance are the interests of twelve hundred American citizens who rely upon the promise which was made to them by those on whom they had a right to rely, the officers of the Interior Department. Relying upon that promise, they went out upon the frontier at an early day and braved the dangers and endured the hardships and privations of a frontier life. They paid their money into the Treasury for the land on which they are living. That is one side of the balance. On the other side there is the inconvenience of a lawsuit to a corporation which has set up a claim to 270,000 acres of land to which, in my judgment, it has no more right legally or equitably than I have to the desk under my hand.

That is the case in a nutshell. Nobody pretends to gainsay it. I know what will be the argument on the other side, and the President of the United States intimates it in his message. The doors of the courts are open if these people have any legal rights, and he asks why they did not come in and assert them. In this he studiously avoids the proposition that under existing law the doors of the courts are shut to the people because of the state of reservation in which these lands have been for all these years.

Mr. MCKENNA. May I ask the gentleman a question?

Mr. PAYSON. Yes, sir.

Mr. MCKENNA. This bill supposes some interest still left in the Government. What answer do you make to the President's objection that the title of the Government has already been conveyed by prior action?

Mr. PAYSON. The answer I make, and which I have already made, is that the legislation to which I have called attention, the act of July, 1861, only purported to convey the title to *bona fide* purchasers from the State of Iowa. The President assumes that the Des Moines River Navigation Company is a *bona fide* purchaser from the State of Iowa and therefore it was in contemplation in this act of 1861, and every question in connection with this grant has been passed upon in some form or other in the courts. That, Mr. Speaker, I deny, and I challenge now and here any gentleman who represents, not improperly, I do not use the expression in any offensive way, who represents the interests of this company as to these lands—I challenge him to point me to a single case ever presented to the Federal courts where either the right of the United States, the right of the State of Iowa, or the right of settlers under the public-land laws to an acre of these lands freed from this restraint of reservation has ever been considered.

Mr. LONG. And you go further, do you not, and say that the deed from the State of Iowa to the Des Moines River Railroad and Navigation Company did not profess to cover the land above the fork but simply such lands as were granted by Congress to the State, leaving open the question what those specific lands were?

Mr. SESSIONS. The decision of the Supreme Court of the United States in the Litchfield case was conclusive on the rights of all parties concerned, and that condition could not be changed even by legislation of Congress. Any legislation attempting to change that would be unconstitutional.

Mr. PAYSON. In answer to the gentleman from Massachusetts [Mr. LONG] I will say that is my construction of it. In the Litchfield case it was expressly decided the limits of the grant were the mouth of the fork.

Mr. HERBERT. May I ask the gentleman a question?

Mr. PAYSON. Yes, sir.

Mr. HERBERT. I understood you to say this bill did not undertake to settle anything; that it gave certain parties the right to go into court.

If my understanding of what the gentleman has said is correct, what is the meaning of this proviso:

Provided, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified and confirmed, and made valid.

It seems to me those words are intended to settle some controversy.

Mr. PAYSON. I want the vote of the gentleman from Alabama [Mr. HERBERT] and will repeat what I said three minutes ago. I said there were three classes of people affected by this bill. I answered the gentleman's question then, but he does not seem to have appreciated what I said or I failed to make myself understood. I will read the proviso:

Provided, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified and confirmed, and made valid.

We settle all those titles and say that there shall never be any dispute on the part of the United States as to them. That is one class.

Mr. VIELE. The uncontested class.

Mr. PAYSON. We simply draw over them the mantle of our approval and say to them: "The Congress of the United States declares that, as far as the Government is concerned, your titles are ratified and shall never hereafter be questioned."

Mr. HERBERT. But is not that one of the points in dispute?

Mr. PAYSON. Not at all.

Mr. HERBERT. And does not this bill undertake to settle that point by law?

Mr. PAYSON. Why, sir, it is for the interest of the navigation company and for the interest of the people who are claiming under the State of Iowa that these titles are hereby confirmed.

Mr. PERKINS. And it is not because of that point that the bill is vetoed?

Mr. PAYSON. Not at all. The next proviso is—and here is the only affirmative legislation that affects any one—the next proviso is:

That the claims of all persons who, with intent in good faith to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said lands prior to January, 1880, not exceeding 160 acres, are hereby confirmed and made valid in them.

These are the actual settlers of whom I have spoken. The next proviso is—

That the title of all *bona fide* claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with persons who, with intent in good faith to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon the said lands prior to January, 1880, are confirmed and made valid.

Everything is validated, settled, and cleared up except the claims of these homesteaders and pre-emptors, thus surrounded by difficulties, and as to them, they are simply given the poor boon of being allowed to go into court to prove up their rights. I reserve the balance of my time.

Mr. MORROW. How much land is involved in the claims of that last-named class?

Mr. PAYSON. Probably 200,000 acres.

Of course, Mr. Speaker, I do not assume to predict the result of this vote. This I know, the appeal which I earnestly make for these poor people for the mere right to be heard in court and that a final settlement of all these questions may be made, ought to be successful, and no feeling of party pride in standing by the veto as a party matter ought to control the vote of a member.

Justice and right demand the passage of this bill, and I trust it will receive the necessary two-thirds, as I know it will a majority vote.

Mr. OATES. Mr. Speaker, I do not propose to take issue with the gentleman from Illinois [Mr. PAYSON] or to enter into the discussion of the merits of this question. I have some knowledge of the facts of the case, and from my first acquaintance with them the Des Moines settlers have had my sympathy. I have always desired to see relief extended to them if it were possible, and when this bill was on its passage, from my general knowledge and without special or particular investigation, I voted for it. But, sir, the President has only exercised his constitutional power and right in the veto of this bill. He places his veto entirely upon alleged legal grounds, stating that there are legal complications in the measure which make it objectionable. Now, my sympathies are none the less with those settlers, but at the same time I desire to see the President treated fairly and respectfully.

Therefore I think it is but right that this bill should go to a committee for the purpose of investigating the grounds upon which the veto rests. Inasmuch as the bill originated with the Committee on Public Lands, I would move its reference to that committee but for the fact that the veto deals entirely in legal questions.

Mr. PAYSON. Or rather it fails to deal with any legal questions.

Mr. OATES. Well, that is the gentleman's view of it. I may agree with the gentleman hereafter, but not at present. For these reasons, Mr. Speaker, without entering at all into the merits of the matter, I now move that the bill and the veto be referred to the Committee on the Judiciary. That will delay the consideration of the matter at most but a few days, and I am quite sure that that committee will give it a fair investigation, and when they make their report to the House, if the grounds of the President's veto are found not to be well taken, no one more cheerfully than myself will vote to pass this bill over the veto; but until the question is investigated and the President treated, as I conceive, fairly in the matter, I am not willing to so vote. Give us an opportunity to fairly investigate, and let the question come back before the House for action. The delay will be very brief, and gentlemen will then have an opportunity to be heard upon the bill.

Mr. PAYSON. Will the gentleman yield to me for one question?

Mr. OATES. Yes, for one question.

Mr. PAYSON. As there is nothing involved in this bill or in the veto, as is apparent from the report and the message, except simply a technical question of public-land law, does the gentleman from Alabama [Mr. OATES] assume by his motion that the reference of the matter to the Committee on the Judiciary is any more proper than would be its reference to the Committee on Public Lands?

Mr. HAMMOND. The Committee on Public Lands has already passed upon the bill.

Mr. PAYSON. I think every member of the Committee on Public Lands but one is a lawyer.

Mr. OATES. The law involved may relate only to the public-land laws, but, inasmuch as the Committee on Public Lands has already expressed an opinion upon the subject, and the President has dissented from that opinion, I think it is but fair and right to refer the question to the Committee on the Judiciary, which has not had anything to do with the bill heretofore, and which can be relied upon to make a thorough and fair investigation and report. I now demand the previous question on the reference of the bill and the veto message.

Mr. REAGAN. Will the gentleman permit me to move an amendment?

Mr. OATES. I can not yield.

Mr. REAGAN. I hope the motion will be voted down.

The SPEAKER. The question is on the motion to refer the bill with the accompanying message to the Committee on the Judiciary; which motion is not debatable.

Mr. PAYSON. I move to lay that motion on the table.

Mr. SPRINGER. I make the point of order that the motion to lay on the table, which is a subsidiary motion, is not in order as applied to the motion to refer, which is also a subsidiary motion.

Mr. PAYSON. I rise to a parliamentary inquiry. If this motion to lay on the table should be adopted, will it have any effect upon the question previously pending?

The SPEAKER. If the motion to lay on the table (supposing it to be in order) should be adopted, it would not affect the main proposition. The Chair thinks, however, that under the circumstances the motion to lay on the table is not in order when a point of order is made against it.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. Is it in order to move to refer the bill and message to the Committee on Public Lands?

Mr. PAYSON (to Mr. TOWNSHEND). Oh, don't do that.

The SPEAKER. The motion would be in order.

Mr. TOWNSHEND. I make that motion.

Mr. PAYSON. I hope no friend of the bill will support that motion. It may result in keeping the bill on the Calendar indefinitely.

Mr. TOWNSHEND. I propose to add to my motion a provision that the committee have leave to report the bill back at any time.

The SPEAKER. It is a privileged matter and could be reported at any time.

Mr. PAYSON. Before the question is put I trust I may be allowed to say to my colleague [Mr. TOWNSHEND] that this bill was unanimously reported from the Committee on Public Lands in this Congress, as it has been for the last three Congresses, and nothing is to be gained by the recommitment.

Mr. TOWNSHEND. But the Committee on Public Lands have not yet considered the President's veto.

Mr. MCKENNA. I rise to a parliamentary inquiry. Can the committee under this reference retain the bill as long as they choose?

The SPEAKER. It is a matter within the control of the committee.

Mr. TOWNSHEND. But the committee can report at any time.

Mr. MCKENNA. I have not yet finished my parliamentary inquiry.

The SPEAKER. The gentleman made his parliamentary inquiry, and the Chair answered it.

Mr. MCKENNA. Then I will put another parliamentary inquiry. When the bill is reported back, where does it go?

The SPEAKER. It is a privileged matter, and comes up immediately for consideration, unless otherwise disposed of by the House.

The question being taken on the motion of Mr. TOWNSHEND to refer to the Committee on the Public Lands, it was not agreed to.

The question then recurred on the motion of Mr. OATES, that the message with the accompanying bill be referred to the Committee on the Judiciary.

Mr. ADAMS, of Illinois, Mr. BAYNE, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 102, nays 146, not voting 75; as follows:

YEAS—102.

Adams, J. J.	Dunn,	McAdoo,	Sawyer,
Anderson, C. M.	Ermentrout,	McCreary,	Seney,
Barksdale,	Felton,	McKenna,	Seymour,
Barnes,	Findlay,	McMillin,	Singleton,
Beach,	Ford,	McRae,	Skinner,
Belmont,	Forney,	Merriman,	Snyder,
Bennett,	Gibson, C. H.	Millard,	Sowden,
Blanchard,	Halsell,	Miller,	Spriggs,
Blount,	Hammond,	Mitchell,	Springer,
Boyle,	Henderson, J. S.	Morgan,	Stahlnecker,
Bragg,	Henley,	Morrison,	Stone, E. F.
Breckinridge, C. R.	Herbert,	Muller,	Stone, W. J., of Ky.
Breckinridge, W. C. P.	Hewitt,	Norwood,	Storm,
Cabell,	Hill,	Oates,	Taylor, J. M.
Caldwell,	Howard,	O'Ferrall,	Throckmorton,
Candler,	Hudd,	Outhwaite,	Trigg,
Cowles,	Irion,	Peel,	Turner,
Cox,	Johnson, F. A.	Perry,	Viele,
Crisp,	Johnston, T. D.	Pidcock,	Wallace,
Curtin,	Jones, J. T.	Pindar,	Ward, T. B.
Dargan,	Ketcham,	Randall,	Wheeler,
Davenport,	Le Fevre,	Reid, J. W.	Willis,
Davidson, A. C.	Lore,	Richardson,	Wilson,
Davidson, R. H. M.	Lowry,	Robertson,	Wise.
Dibble,	Martin,	Rogers,	
Dowdney,	Matson,	Sadler,	

NAYS—146.

Adams, G. E.	Farquhar,	Little,	Sessions,
Allen, J. M.	Fisher,	Long,	Spooner,
Anderson, J. A.	Fleeger,	Louttit,	Steele,
Atkinson,	Frederick,	Lovering,	Stephenson,
Baker,	Fuller,	Lyman,	Stewart, Charles
Barry,	Funston,	Markham,	Stone, W. J., of Mo.
Bayne,	Gallinger,	Maybury,	Strait,
Bingham,	Geddes,	McComas,	Struble,
Bland,	Gilfillan,	McKinley,	Swinburne,
Bound,	Grosvenor,	Mills,	Tarsney,
Boutelle,	Grout,	Moffatt,	Taulbee,
Browne, T. M.	Guenther,	Morrill,	Taylor, E. B.
Brown, C. E.	Harmer,	Morrow,	Taylor, I. H.
Brumm,	Hayden,	Murphy,	Taylor, Zach.
Buck,	Henderson, D. B.	Neal,	Thomas, O. B.
Burnes,	Henderson, T. J.	Neece,	Tillman,
Burrows,	Hepburn,	Negley,	Townsend,
Butterworth,	Hermann,	Nelson,	Van Eaton,
Bynum,	Hiestand,	O'Donnell,	Van Schaick,
Campbell, J. M.	Hires,	O'Hara,	Wadsworth,
Campbell, J. E.	Holman,	O'Neill, Charles	Wait,
Carleton,	Holmes,	Payne,	Wakefield,
Caswell,	Hopkins,	Payson,	Warner, A. J.
Cobb,	Hutton,	Perkins,	Warner, William
Conger,	Jackson,	Peters,	Weaver, J. B.
Crain,	James,	Pettibone,	Weber,
Culberson,	Jones, J. H.	Pirce,	Wellborn,
Cutcheon,	Kelley,	Price,	West,
Daniel,	Kleiner,	Ranney,	White, A. C.
Davis,	Laffoon,	Reagan,	White, Milo
Dingley,	La Follette,	Reed, T. B.	Wilkins,
Dockery,	Laird,	Rice,	Winans,
Dorsey,	Lanham,	Rockwell,	Wolford,
Dunham,	Lawler,	Romeis,	Woodburn,
Eldredge,	Lehlbach,	Rowell,	Worthington.
Ely,	Libbey,	Ryan,	
Everhart,	Lindsley,	Sayers,	

NOT VOTING—74.

Aiken,	Compton,	Hanback,	Plumb,
Allen, C. H.	Comstock,	Harris,	Reese,
Arnot,	Cooper,	Hatch,	Riggs,
Ballentine,	Croxton,	Haynes,	Scott,
Barbour,	Dawson,	Heard,	Scranton,
Bliss,	Dougherty,	Hemphill,	Shaw,
Brady,	Eden,	Hiscock,	Smalls,
Brown, W. W.	Ellsberry,	Hitt,	Stewart, J. W.
Buchanan,	Evans,	Houk,	St. Martin,
Bunnell,	Foran,	Johnston, J. T.	Swope,
Burleigh,	Gay,	King,	Symes,
Campbell, Felix	Gibson, Eustace	Landes,	Thomas, J. R.
Campbell, T. J.	Glass,	Mahoney,	Thompson,
Cannon,	Glover,	Milliken,	Tucker,
Catchings,	Goff,	O'Neill, J. J.	Wade,
Clardy,	Green, R. S.	Osborne,	Ward, J. H.
Clements,	Green, W. J.	Owen,	Weaver, A. J.
Cole,	Hale,	Parker,	Whiting.
Collins,	Hall,	Phelps,	

So the motion of Mr. OATES to refer the bill and message to the Committee on the Judiciary was rejected.

The following members were announced as paired until further notice:

Mr. WARD, of Illinois, with Mr. HOUK.
Mr. EDEN with Mr. PHELPS.
Mr. SCOTT with Mr. SCRANTON.
Mr. HARRIS with Mr. BROWN, of Pennsylvania.
Mr. GREEN, of North Carolina, with Mr. HITT.
Mr. BALLENTINE with Mr. GOFF.
Mr. COLLINS with Mr. DAVIS.
Mr. RIGGS with Mr. WHITING.
Mr. SPRIGGS with Mr. OWEN.
Mr. HEMPHILL with Mr. DORSEY.
Mr. COLE, of Maryland, with Mr. BRADY.
Mr. ANDERSON, of Ohio, with Mr. FUNSTON.
Mr. LANDES with Mr. HANBACK.
Mr. HEARD with Mr. ADAMS, of Illinois.
Mr. CLEMENTS with Mr. BUNNELL.
Mr. ARNOT with Mr. COOPER.

The following pairs were also announced:

Mr. CROXTON with Mr. OSBORNE, till July 2.
Mr. TUCKER with Mr. STEWART, of Vermont, till July 2.
Mr. STONE, of Kentucky, with Mr. JOHNSTON, of Indiana, till July 5.
Mr. GLASS with Mr. SWINBURNE, till July 2.

The following members were announced as paired for this day:

Mr. REESE with Mr. THOMPSON.
Mr. FORAN with Mr. PARKER.
Mr. SHAW with Mr. EVANS, of Pennsylvania.
Mr. GREEN, of New Jersey, with Mr. BURLEIGH.
Mr. SWOPE with Mr. WEAVER, of Nebraska.

The SPEAKER. Before announcing the result of this vote the Chair will lay before the House the requests of several gentlemen for leave of absence.

By unanimous consent leave of absence was granted as follows:

To Mr. HOUK, indefinitely, on account of sickness.
To Mr. THOMAS, of Illinois, indefinitely, on account of sickness.
To Mr. BALLENTINE, indefinitely, on account of a death in his family.
To Mr. SAYERS, indefinitely, on account of sickness in his family.
To Mr. REESE, for ten days.
To Mr. HALL, for to-day, on account of sickness. If present, he would vote "no" on the question of reference.
To Mr. WARD, of Illinois, until Tuesday next.
To Mr. SMALLS, indefinitely, on account of sickness.

Mr. DAVIS. I am paired on all political questions with my colleague, Mr. COLLINS, but not regarding this question as political, I have voted.

The result of the vote was announced as above stated.

Mr. PAYSON. If there be no desire for further debate I will demand the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill? And on that question the Constitution requires the yeas and nays to be taken.

The question was taken; and it was decided in the negative—yeas 162, nays 93, not voting 68; as follows:

YEAS—162.

Adams, G. E.	Farquhar,	Louttit,	Spooner,
Allen, J. M.	Felton,	Lowry,	Steele,
Anderson, J. A.	Fisher,	Lyman,	Stephenson,
Atkinson,	Fleeger,	Markham,	Stewart, Charles
Baker,	Frederick,	Matson,	Stone, E. F.
Barksdale,	Fuller,	Maybury,	Stone, W. J., Mo.
Barry,	Funston,	McComas,	Strait,
Bayne,	Gallinger,	McKenna,	Struble,
Bingham,	Geddes,	McKinley,	Swinburne,
Bland,	Gilfillan,	Milliken,	Symes,
Bound,	Grosvenor,	Mills,	Tarsney,
Boutelle,	Grout,	Moffatt,	Taulbee,
Brady,	Guenther,	Morgan,	Taylor, E. B.
Browne, T. M.	Harmer,	Morrill,	Taylor, I. H.
Brown, C. E.	Hatch,	Morrow,	Taylor, J. M.
Brumm,	Hayden,	Murphy,	Taylor, Zach.
Buck,	Henderson, D. B.	Neal,	Thomas, O. B.
Burnes,	Henderson, T. J.	Neece,	Tillman,
Burrows,	Henley,	Negley,	Townshend,
Butterworth,	Hepburn,	Nelson,	Van Eaton,
Bynum,	Hermann,	O'Donnell,	Van Schaick,
Caldwell,	Hiestand,	O'Hara,	Wade,
Campbell, J. M.	Hires,	O'Neill, Charles	Wadsworth,
Campbell, J. E.	Holman,	Owen,	Wait,
Cannon,	Holmes,	Payne,	Wakefield,
Carleton,	Hopkins,	Payson,	Warner, A. J.
Caswell,	Jackson,	Perkins,	Warner, William
Cobb,	James,	Peters,	Weaver, J. B.
Conger,	Jones, J. H.	Pettibone,	Weber,
Crain,	Kelley,	Pirce,	Wellborn,
Culberson,	Kleiner,	Price,	West,
Cutcheon,	Laffoon,	Reagan,	White, A. C.
Daniel,	La Follette,	Reed, T. B.	White, Milo
Davis,	Laird,	Rice,	Wilkins,
Dingley,	Lanham,	Rockwell,	Winans,
Dockery,	Lawler,	Romeis,	Wise,
Dorsey,	Lehlbach,	Rowell,	Wolford,
Dunham,	Libbey,	Ryan,	Woodburn,
Eldredge,	Lindsley,	Sayers,	Worthington.
Ely,	Little,	Sessions,	
Everhart,	Long,	Skinner,	

NAYS—93.

Adams, J. J.	Crisp,	Halsell,	McCreary,
Anderson, C. M.	Curtin,	Hammond,	McMillin,
Barnes,	Dargan,	Henderson, J. S.	McRae,
Beach,	Davenport,	Herbert,	Merriman,
Belmont,	Davidson, A. C.	Hewitt,	Millard,
Bennett,	Davidson, R. H. M.	Hill,	Miller,
Blanchard,	Dibble,	Howard,	Mitchell,
Blount,	Dougherty,	Hudd,	Morrison,
Boyle,	Dowdney,	Hutton,	Muller,
Bragg,	Dunn,	Irion,	Norwood,
Breckinridge, C. R.	Ermentrout,	Johnson, F. A.	Oates,
Breckinridge, W. C. P.	Findlay,	Johnston, T. D.	O'Ferrall,
Cabell,	Ford,	Ketcham,	Outhwaite,
Candler,	Forney,	Lore,	Peel,
Cowles,	Gibson, C. H.	Martin,	Perry,
Cox,	Hale,	McAdoo,	Pidcock,

Pindar,	Sawyer,	Stahlnecker,	Wallace,
Randall,	Seney,	St. Martin,	Ward, T. B.
Ranney,	Seymour,	Stone, W. J., Ky.	Wheeler,
Reid, J. W.	Singleton,	Storm,	Willis,
Richardson,	Snyder,	Throckmorton,	Wilson.
Robertson,	Sowden,	Trigg,	
Rogers,	Spriggs,	Turner,	
Sadler,	Springer,	Viele,	

NOT VOTING—68.

Aiken,	Compton,	Hanback,	Parker,
Allen, C. H.	Comstock,	Harris,	Phelps,
Arnot,	Cooper,	Haynes,	Plumb,
Ballentine,	Croxton,	Heard,	Reese,
Barbour,	Dawson,	Hemphill,	Riggs,
Bliss,	Eden,	Hiscock,	Scott,
Brown, W. W.	Ellsberry,	Hitt,	Scranton,
Buchanan,	Evans,	Houk,	Shaw,
Bunnell,	Foran,	Johnston, J. T.	Smalls,
Burleigh,	Gay,	Jones, J. T.	Stewart, J. W.
Campbell, Felix	Gibson, Eustace	King,	Swope,
Campbell, T. J.	Glass,	Landes,	Thomas, J. R.
Catchings,	Glover,	Le Fevre,	Thompson,
Clardy,	Goff,	Lovering,	Tucker,
Clements,	Green, R. S.	Mahoney,	Ward, J. H.
Cole,	Green, W. J.	O'Neill, J. J.	Weaver, A. J.
Collins,	Hall,	Osborne,	Whiting.

So (two-thirds not having voted in the affirmative) the House refused to pass the bill over the veto.

During the roll-call,

Mr. HEPBURN said: I ask to change my vote from "ay" to "no." I would inquire whether the motion to reconsider is in order?

The SPEAKER. Not under the rulings heretofore made.

Mr. HEPBURN. Let my vote stand in the affirmative.

It was announced that Mr. LOVERING was paired with Mr. HAYNES until further notice.

The vote was then announced as above recorded.

Mr. SPRINGER and Mr. HOLMES, by unanimous consent, were granted leave to print in the RECORD remarks on the question just decided.

FRANCIS GILBEAU.

Mr. RANDALL. It was my intention to call for the regular order of business, but as the gentleman from Texas [Mr. SAYERS] will be compelled to leave for home to-night on account of the illness of his father, I will yield to him.

Mr. SAYERS. I ask, by unanimous consent, to call up the bill (S. 718) for the relief of Francis Gilbeau, and ask for its present consideration and passage.

The bill was read.

Mr. BRAGG. I object.

CALL OF COMMITTEES.

The SPEAKER. The regular order is the call of committees for reports.

JOHN K. MITCHELL.

Mr. TUCKER, from the Committee on the Judiciary, reported back favorably the bill (S. 2721) removing the political disabilities of John K. Mitchell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. F. LEE.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably the bill (S. 2759) to remove the political disabilities of William H. F. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ROGERS, from the Committee on the Judiciary, reported back adversely bills of the following titles; which were laid on the table:

A bill (H. R. 9292) to amend section 847 of the Revised Statutes; and

A bill (H. R. 8693) to amend certain portions of chapter 16 of title 13 (the Judiciary) of the Revised Statutes of the United States.

SALARIES OF CIRCUIT AND DISTRICT CLERKS.

Mr. ROGERS, from the Committee on the Judiciary, also reported a bill (H. R. 9735) to amend section 839 and section 837 of the Revised Statutes of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the reports of committees of conference on the following bills:

A bill (H. R. 7165) to increase the pension of Manhattan Pickett;

A bill (H. R. 3463) granting a pension to Hannah Babb Hutchins;

A bill (H. R. 1462) granting a pension to Addie L. Macomber; and

A bill (H. R. 4544) granting a pension to Ann E. Cooney.

BRIDGE ACROSS WILLAMETTE RIVER.

Mr. BYNUM, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 2115) granting to the Oregonian Railway and Bridge Company, of Oregon, the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, in the State of Oregon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOAN OF TENTS FOR REUNION PURPOSES.

Mr. WHEELER, from the Committee on Military Affairs, reported back with amendments the joint resolution (H. Res. 181) authorizing and directing the Secretary of War to loan tents to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association for reunion purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD BYRNE.

Mr. STEELE, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 1207) for the relief of Edward Byrne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. STEELE also reported back the bill (H. R. 1444) of the same title; which was laid on the table.

STEPHEN O'CONNOR.

Mr. STEELE, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 798) for the relief of Stephen O'Connor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDMUND G. FECHÉT.

Mr. STEELE, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 1173) to correct the record of Capt. Edmund G. Fechét; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT H. MONTGOMERY.

Mr. STEELE, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 6010) for the relief of Robert H. Montgomery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. LEWIS.

Mr. STEELE, from the Committee on Military Affairs, also reported back with an adverse recommendation the bill (H. R. 791) to restore John F. Lewis to the rank of first lieutenant Twenty-first United States Infantry, and place him on the retired-list.

Mr. PETERS. I ask unanimous consent that the bill, with the adverse recommendation, be placed upon the Calendar.

There being no objection, the bill was referred to the Committee of the Whole House on the Private Calendar, and, with the adverse recommendation, ordered to be printed.

ADVERSE REPORTS.

Mr. STEELE, from the Committee on Military Affairs, also reported back with an adverse recommendation a petition and bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

The petition of Orville Burke;

A bill (H. R. 362) for the relief of Capt. T. J. Spencer;

A bill (H. R. 65) to place the name of Capt. Allen L. Anderson on the retired-list of the Army;

A bill (H. R. 4357) for the relief of Robert Carrick;

A bill (H. R. 3470) for the relief of William C. Spencer;

A bill (H. R. 1958) to provide for the retirement of Brig. Gen. Rufus Ingalls, retired, as a major-general of the United States Army;

A bill (H. R. 1167) for the relief of James A. Bates;

A bill (H. R. 1392) to restore S. S. Robinson, late of the Sixteenth United States Infantry, to the Army and place him on the retired-list;

A bill (H. R. 4302) to authorize the restoration of Thomas Little to the rank of captain;

A bill (H. R. 2111) for the relief of Henry C. Parry;

A bill (H. R. 1379) for the relief of Eugene Wells;

A bill (H. R. 1640) to place Col. George W. Getty, retired, on the retired-list of the Army with the rank and pay of brigadier-general;

A bill (H. R. 562) for the relief of Second Lieut. James E. Macklin;

A bill (H. R. 3391) for the relief of A. H. Von Leuttwitz;

A bill (H. R. 287) to correct and complete the record of Col. B. H. Grierson, of the United States Army;

A bill (H. R. 4954) touching the appointment of a lieutenant-colonel of cavalry;

A bill (H. R. 913) for the relief of D. Q. Rousseau;

A bill (H. R. 289) to restore Charles H. Campbell to the rank of captain in the Army;

A bill (H. R. 5948) to authorize the appointment of John W. Chickering to the rank of first lieutenant;

A bill (H. R. 2992) for the relief of William W. Webb;

A bill (H. R. 1981) to correct the record and fix the rank and pay of George W. Gile, a lieutenant-colonel in the United States Army;

A bill (H. R. 3867) for the relief of Thomas F. Riley;
A bill (H. R. 5165) for the relief of Thomas F. Riley;
A bill (H. R. 223) for the relief of Capt. Henry H. Humphreys;
A bill (H. R. 1428) to confirm the title of Benjamin F. Pope to his office of assistant surgeon in the Army of the United States; and
A bill (H. R. 2834) authorizing the Secretary of War to restore the name of Thomas H. Carpenter, late a captain in the United States Infantry, to the roll of the Army.

WHARF AT FORTRESS MONROE.

Mr. FINDLAY, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 1148) providing for the construction of a new wharf at Fortress Monroe; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH GILA INDIAN RESERVATION.

Mr. VAN EATON, from the Committee on the Public Lands, reported, as a substitute for H. R. 8543, a bill (H. R. 9736) to grant to the Maricopa and Phœnix Railroad Company of Arizona the right of way through the Gila River Indian reservation; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES BAINTER.

Mr. STORM, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 1417) for the relief of James Bainter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE M. COMSTOCK.

Mr. STORM, from the Committee on Indian Affairs, also reported beck with an amendment the bill (H. R. 1416) for the relief of George M. Comstock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

A. BROOKS FLETCHER.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with an amendment the bill (H. R. 1644) to pay A. Brooks Fletcher for letter-boxes furnished the post-office at Jamestown, N. Y.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JEFFERSON DAVIS.

Mr. HOWARD, from the Committee on Claims, reported back with an amendment the bill (H. R. 4482) for the relief of Jefferson Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

WASHINGTON POST-OFFICE, ETC.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back with an amendment in the nature of a substitute the bill (S. 1404) to authorize the acquisition of certain parcels of real estate embraced in square 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, hereafter to be filed, ordered to be printed.

Mr. SNYDER. I ask leave to present the views of the minority to be printed with the report of the majority.

There was no objection.

SUBMARINE CABLES.

Mr. DANIEL, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 9324) to carry into effect the international convention of 14th March, 1884, for the protection of submarine cables; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LAND DISTRICT IN WYOMING.

Mr. LAFFOON, from the Committee on the Public Lands, reported back with an amendment the bill (S. 1566) to establish a new land district in the Territory of Wyoming.

Mr. PAYSON. I move that that bill be referred to the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The bill was accordingly referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER AT SAINT JOSEPH.

Mr. CRISP. I desire to make a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House numbered 41, to authorize the construction of a bridge across the Missouri River at or near Saint Joseph, in the State of Missouri, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, and 7, and agree to the same.

CHARLES F. CRISP,
W. D. BYNUM,
A. J. WEAVER,
Managers on the part of the House.
S. J. R. McMILLAN,
O. D. CONGER,
G. G. VEST,
Managers on the part of the Senate.

Mr. CRISP. Mr. Speaker, the report is not accompanied by a written explanation, which I ask to be excused from presenting. I will state that the only purpose and object of the amendments are to make some provision in regard to the character of the abutments of the bridge and to change in one or two places the form of construction. This is satisfactory both to the gentleman who introduced the bill in the House and to the conferees.

The report of the committee of conference was agreed to.

Mr. CRISP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the able.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House now resolve itself into Committee of the Whole for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. REAGAN in the chair, and resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The CHAIRMAN. When the committee rose yesterday there was pending a point of order made by the gentleman from New York [Mr. FARQUHAR] upon the paragraph in the bill relating to public printing and binding.

Mr. FARQUHAR. Mr. Chairman, I make the point of order upon the provision in the bill commencing at the word "and," in line 1817, and extending to and including the word "business," in line 1831. In the first place, the lines from 1817 to 1820 contain simply a reproduction of the present rule in respect to printing. In lines 1821 to 1823 I find injected the provision that with every report containing an estimate of the cost of any piece of printing there shall go a statement from the Public Printer of "the amount and cost of work previously ordered by Congress within the fiscal year for which this provision is made." I claim that that is entirely new legislation. There is only one provision of law now for such a report, and that report has been made annually to both Houses of Congress by the Public Printer. I make the point also that practically it is utterly impossible that every one of these joint resolutions, concurrent resolutions, and bills can be accompanied by such a statement as is called for here, unless Congress will create a clerkship or more than one clerkship in the Government Printing Office to carry out the provision. At all events, I make the point that this is purely new legislation.

Mr. RANDALL. As the gentleman has entered upon the merits of the question, I want to say that this provision has been submitted to the Public Printer and his assistants, and they say it is practicable to comply with it.

Mr. FARQUHAR. I wish to state to the chairman of the Committee on Appropriations that I am speaking now for the Public Printer and the Committee on Printing.

Mr. RANDALL. Well, Mr. Chairman, I am speaking of what the Public Printer stated to the Committee on Appropriations.

Mr. FARQUHAR. This has been a matter of consultation between the Public Printer and members of the committee. I want to state to the chairman of the Committee on Appropriations that in making this point of order I have no desire to throw down any safeguards in respect to the public printing.

I have simply to refer to the action of the House Committee on Printing for this session to show that it has been more economical than any Printing Committee that ever preceded it.

Mr. RANDALL. I do not doubt that.

Mr. FARQUHAR. And I wish to say further, that in that Committee there are now held bills which would amount to $459,000, which have not been reported to the House. It is hardly necessary for me to say, therefore, that the committee have no desire to throw any obstacle in the way of any safeguards that may be provided against extravagant printing, but I do not regard this as a practical provision. Here you direct the heads of the Executive Departments, before transmitting their annual reports to Congress, "to cause the same to be carefully examined, and to exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports to be necessary and to relate to the transaction of public business."

That regulation is practically now in the hands of the Joint Committee on Printing, and has been for years, and therefore the provision

is entirely new legislation. It is new legislation even to require the heads of Departments to supplement the existing sources of intelligence with letters of transmittal either to the House or to the Committee on Printing. Mr. Chairman, three distinct points here are new legislation. It is made mandatory upon these public officers to do certain things, and, as was ruled yesterday by the Chair in the case of the amendment which I offered in relation to Fort Porter, such provisions are out of order, because they command specific work to be performed by these public officers, which is entirely new either to the rules of the House in respect to printing or to the general laws upon that subject. I, of course, expect the chairman of the Committee on Appropriations to follow me in discussing this question, and therefore I wish to say that, while I see that he and the other members of that committee favor this legislation as a means of providing additional safeguards against extravagance, in my opinion if it should become a law it would not serve that purpose, because, if the same rule which prevails in the Senate prevailed in the House, when a letter of transmittal from an Executive Department came into the House merely the letter would be printed, and the question of printing the accompanying documents would be referred to the Committee on Printing.

Under such a rule as that prevailing in the Senate the public interests have a safeguard. But in this House the letter of transmittal and all the accompanying documents are printed at once by the action of the House, without any reference of the question to the Committee on Printing. In this way a large expense for additional printing has been incurred without the committee ever being consulted or the House ever knowing whether it was worth while that the documents should be printed or not. I insist on the point of order that this is new legislation.

Mr. RANDALL. The gentleman from New York [Mr. FARQUHAR] expresses a great desire to throw safeguards around the public printing; but if he were successful in his point of order, which does not lie at all against the paragraph, he would in effect do away with valuable safeguards.

I now yield to the gentleman from North Carolina [Mr. REID], a member of the Committee on Printing.

Mr. REID, of North Carolina. Mr. Chairman, I maintain that the point of order is not tenable; that the provision reported in this bill by the Committee on Appropriations, both as to the appropriations to be recommended by the Committee on Printing and also as to the limitation upon the Executive Departments with regard to the publication of expensive maps and charts, is merely carrying out what is already provided by existing law. The first part of the clause reads as follows:

Printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing, shall be so recommended in a report containing an estimate of the cost thereof.

I submit that this is now the rule. I know it is the practice of the Committee on Printing; for every report which we make to the House is accompanied with an estimate of the cost furnished by the Public Printer. This provision, then, can not be in conflict with existing law; nor is it new legislation. The remaining portion of the clause is in these words:

Together with a statement from the Public Printer of the amount and cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.

Now, there is no legislation on the statute-book, so far as I can find, that conflicts with this provision, which merely requires that the Committee on Printing, in recommending any appropriation for printing, shall accompany the recommendation with an estimate of the cost, and that there shall be furnished at the same time a statement from the Public Printer showing the amount and cost of work previously ordered by Congress within the fiscal year for which this appropriation is made. The provision merely proposes a limitation or condition upon the appropriation.

No money is to be spent under this appropriation until the Committee on Printing has recommended it in a report containing an estimate of the cost and also a statement of the Public Printer as to the amount and cost of the work previously ordered by Congress. This is in conflict with no statute; it provides no new restrictions, but simply reiterates and emphasizes existing law and couples with the appropriation the statutory limitation or condition as to the manner in which the money shall be spent.

Now let us consider the provision with reference to the Executive Departments. The clause is:

And the heads of the Executive Departments, before transmitting their annual reports to Congress the printing of which is chargeable to this appropriation, shall cause the same to be carefully examined, and shall exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports to be necessary and to relate entirely to the transaction of public business.

Section 193 of the Revised Statutes provides that—

The head of each Department shall make an annual report to Congress, giving a detailed statement of the manner in which the contingent fund for his Department, and for the bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any service rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And he shall require of the disbursing officers, acting under his direction and authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total annually to Congress.

The sections immediately succeeding, sections 194, 195, and 196, embrace legislation in the same direction, requiring the report of the names of clerks and other persons employed, their compensation, &c., and specifying the time when these annual reports shall be submitted to Congress and the time when they shall be furnished to the Public Printer.

What do we find accompanying these reports? Examine them, and you will find that they are filled with expensive engravings, notwithstanding that in the act of June 23, 1874, we have provided that "no expensive maps or illustrations shall be printed without special order of Congress." I hold in my hand the report of the Secretary of the Navy, filled with expensive maps and illustrations; so with the report of the Secretary of War, and others of these reports.

I maintain that the Committee on Appropriations, seeing this abuse, have very properly inserted this limitation, and that it is in accordance with law. The first clause of the provision now in question provides a safeguard of the same nature as that already existing under our rules; the second seeks to enforce a law which appears to have been violated in regard to printing maps and illustrations with these reports. I maintain that the point of order is not tenable; that the provision against which it is raised merely provides safeguards which ought to be thrown around this appropriation and aid in keeping down the expense of our public printing. If allowed to stand as inserted by the committee, there will be an annual saving of nearly $150,000 to the Government.

Mr. RANDALL. Now I ask for a decision on the point of order.

The CHAIRMAN. The point of order is not sustained.

Mr. HISCOCK. I move to amend by striking out, in line 1812, the words "two million dollars" and inserting "two million two hundred and fifty thousand dollars."

Mr. RANDALL. It is too late; that paragraph has been passed.

Mr. HISCOCK. Then I will move to amend by striking out the last word. I have something to say to the gentleman from Pennsylvania and to this committee, and I desire an opportunity to say it.

Mr. Chairman, I hold in my hand one of the annual proclamations issued by the Committee on Appropriations, generally used as a campaign document. I desire to call attention to this document. All the appropriation bills that were enacted into law at the last session of Congress making appropriations for the fiscal year that expired June 30, amounted in the aggregate to a little more than $211,000,000 as they passed the House. In the Senate they were increased to $221,177,254; and thereupon, Mr. Chairman, there went up an immense shout from the Committee on Appropriations and the other side of the House over the extravagance of a Republican Senate. The gentlemen who had charge of these appropriations told the people with what iron nerve they would hold down the appropriations and make the Senate recede from its extravagance! The gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] and other members of that committee were profuse in patriotic professions, and their friends throughout the United States howled to the echo against the extravagance of a Republican Senate and in praises of the economy of a Democratic House.

And, sir, they did reduce those bills to two hundred and fifteen millions and a half. Thereupon our friends on the other side were commended for their economy and as friends of the poor people—it is always the poor people or the dear people—and this little proclamation I hold in my hand went to the whole country as a campaign document.

I hope the gentleman from Pennsylvania will give attention to what I am saying, as his special friends everywhere commended his economy. He had saved to the Treasury so much money, they said, that a profligate Senate would have squandered.

What is the result of all this? The House has either passed or has the bill pending in Committee of the Whole reported by the Committee on Appropriations providing for deficiencies of thirteen and a half millions of dollars. I want to be exact on this point—$13,162,000. I hope the committee will take note of it.

Look a little further. Seven and a half millions in excess of the bills as they passed the Senate—the extravagant Senate, as they styled it!

Mr. RANDALL. Let me interpose a word there.

Mr. HISCOCK. Yes.

Mr. RANDALL. Six and a half millions of that is for pensions.

Mr. HISCOCK. I do not care whether it is for pensions or what it is for. I admit it is honest enough, but it is part of the annual appropriations, and was left out of the annual bills in the last session to deceive, to dodge some difficulty about amounts. If you look back to the appropriation bills you find you reappropriated unexpended balances of previous years to deceive the people still further as to the amount of your bills.

So, then, this Congress for the first year of a Democratic administration has exceeded, this House of Representatives with its forty Democratic majority, in this the first year of this administration, has ex-

ceeded the appropriation bills as they passed the Senate seven and a half millions of dollars. Why, Mr. Chairman——

The CHAIRMAN. The gentleman's time has expired.

Mr. McCOMAS. If I am recognized I will take the floor and yield my time to the gentleman from New York.

Mr. HISCOCK. Mr. Chairman, you must remember these facts. It was Democratic thunder in the last canvass all over the United States. Thereupon every Democratic newspaper in double-leaded lines talked about the profligacy and extravagance of a Republican Senate. I ask the gentleman from Pennsylvania—I appeal to the gentleman from Indiana; these two men are the self-constituted representatives of the economical spirit. I ask what is the object of playing this farce over again? Here is an item under consideration which appropriates half a million of dollars less than you have appropriated for the last year, than has been expended in the last year for the same special service.

Tell us the object of the decrease. Half a million of dollars less than has been expended in the last current year! Is there longer profit in indulging in this cheap demagogism? You have the administration. Here are appropriation bills you have forced through the House that in the fiscal year commencing July 1 you will not be compelled to increase from twelve or fifteen millions of dollars, and you know it.

Of course this fall you are to have a canvass. This fall another House is to be elected. Still the figures must confront you that I have given. Having the administration and being responsible for the Government, being responsible for the appropriation at least of the money to be expended, I appeal to gentlemen on the other side why not rise—not to the full altitude of statesmanship, but up as high as the knees—and abandon this deceitful policy indulged in for the last twenty years.

Mark it. Thirteen million one hundred and sixty-two thousand dollars of deficiencies this year and asking for appropriations to the amount of seven and a half millions of dollars more than the bills carried as they passed the Senate, and after your criticisms of the Senate, and you have not provided for all the deficiencies yet. Creditors of the Government are to be turned away now and not paid the claims against the Government which have been audited and which are just, and you know that also you have neglected to provide for.

I ask the gentleman in charge of this bill, looking to this special service provided for here, why not admit that so much is needed for the purpose—a half-million more than you provide? Why attempt to throw into this provision some legislation which you assert it may have the effect to keep down the appropriations a little when you know it will not, to base your pretense claim of economy upon?

You know it can not have effect to reduce the expenditure. You know that this great Printing Bureau of the Government must be supported. You know that there is no institution or Department of the Government that is more popular to-day with the people than the Printing Bureau. The people want the documents, they contain information, are in the nature of education, and at the first session of the next Congress the gentleman from Pennsylvania or some other gentleman upon the Appropriations Committee will come in and report a deficiency bill for the Printing Bureau. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, the gentleman from New York has indulged in his usual tirade against the efforts of this side of the House to enforce economy in public expenditures. [Derisive laughter on the Republican side.] He claims now——

Mr. HISCOCK. The gentleman must have said something funny; I could not hear what it was.

Mr. RANDALL. I said something that was true.

Mr. HISCOCK. I noticed that it raised a laugh in the House.

Mr. RANDALL. I hope you feel comfortable, because from the tone of your observations I suspect that you are not happy. [Applause on the Democratic side.]

Let us examine the statement of the gentleman from New York in detail. He speaks of $13,000,000 of deficiencies for the current year, and yet he fails to tell the House how these deficiencies are occasioned; six and a half millions are connected with pensions, an amount not anticipated, for we gave in the last Congress every dollar that was estimated for by the Commissioner of Pensions.

This deficiency grew in a measure out of new legislation, or else from a more rapid adjustment of the pension claims.

Mr. TOWNSHEND. That is the principal cause.

Mr. RANDALL. Who is there within the sound of my voice who does not want to appropriate and pay the full amount that has been adjusted and found due to these pensioners of the country?

The next item amounts to two and a half millions of dollars for soldiers' claims for bounty and back pay, &c., which each year takes its place in the deficiency bill; and $700,000 is for judgments of the courts against the Government.

So that deducting these we are actually left with a deficiency of only $3,300,000 on the appropriations of last year.

These deficiencies apply to the amounts allowed, and not to expenditures, for this administration has largely diminished the outgo under the amounts appropriated.

The gentleman talks of the effort of this side with "iron will" to resist appropriations. Yes, sir; I admit that this side of the House with iron will has resisted subsidy appropriations so often insisted upon by that side of the House and by the Senate of the United States. [Applause.]

Mr. BAYNE. Not all of this side.

Mr. RANDALL. I hope the gentleman will not interrupt me.

I want further to say that the bill under consideration, as reported, reduces the appropriations to an extent of five millions of money under what was given last year. I say further that the legislative bill, as passed by the House, reduces the expenditures below last year about $800,000.

Every bill except the pension, Post-Office, and consular and diplomatic bills show reductions as compared with last year, the amount of which last bill was increased in the Senate. Of course the pension bill necessarily is an exception. I do not object to that nor do I take it into the controversy, because we have to give and are willing to give and give cheerfully every dollar of the amount that is required to pay pensions. The Post-Office bill shows an increase. The receipts aggregate about forty-seven millions of dollars as estimated, while the estimated expenditures reach fifty-five millions.

[Here the hammer fell.]

Mr. WILSON was recognized, and yielded his time to Mr. RANDALL.

Mr. RANDALL. The gentleman from New York may reckon that that same "iron will" will continue to regulate the efforts of this side of the House against the chronic attempts of that side of the House to raise appropriations. [Applause on the Democratic side.]

The history of the bill under consideration tells us of the truth of what I have indicated. A week has been consumed in the discussion of its provisions, and the incessant efforts from the other side to increase the aggregate have been uniform.

In this purpose we will continue unmoved by the sneers of the gentleman or by his taunting. [Applause on the Democratic side.] We mean to stand firmly and solidly here in that direction and rely on it as one of the principles of Democratic faith. [Applause on the Democratic side.] We believe that the reason why we are here is because this policy has not prevailed in the past history of Republican administrations. [Applause on the Democratic side.]

Mr. HISCOCK and Mr. BAYNE rose.

Mr. BAYNE. I have no objection to yielding to the gentleman from New York if I can be recognized afterward.

The CHAIRMAN. The gentleman will have to take his chances for that.

Mr. BAYNE. Then I do not desire to yield just now.

MESSAGE FROM THE SENATE.

Here the committee informally rose, and Mr. DUNN took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed with an amendment, in which the concurrence of the House was requested, the joint resolution (H. Res. 196) to provide temporarily for the expenditures of the Government.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BAYNE. My colleague from Pennsylvania [Mr. RANDALL] has said that this side of the House was chargeable with having voted large subsidies, and with having encouraged extravagance; and that that side of the House was not at all responsible for that course of conduct. There were on this side of the House a very large number of Republicans who voted against subsidies, and who were unwilling to imperil any moneys of the Government in any such visionary schemes as were contemplated in the bill referred to.

My colleague the chairman of the Committee on Appropriations has contended that that side of the House has presented an unusual example of economy. I call his attention to a statement that was made at the other end of the Capitol only yesterday, where a reputable and representative Democratic Senator said——

Mr. McMILLIN. I rise to a point of order.

Mr. BAYNE. Well, I will say a prominent man in another position, if that will be more satisfactory to the gentleman from Tennessee.

Mr. McMILLIN. I rise to the point of order that the gentleman must not use what is said in the Senate to influence action here.

Mr. BAYNE. Then I will say a prominent citizen of the United States.

Mr. RANDALL. I hope the gentleman from Tennessee will let it be read.

Mr. McMILLIN. At the request of friends around me I withdraw the objection.

Mr. BAYNE. I will read what is said by the prominent citizen to whom I have referred:

I sit in that committee with a certain sense of mortification——

Mr. HAMMOND. I rise to a question of order.

Mr. BAYNE. I hope this will not come out of my time. I do not care much how it is done, but I want to get the facts in.

Mr. HAMMOND. The point of order I make is that the gentleman from Pennsylvania has no right to read in debate here the proceedings

in the other branch of Congress. He may if he sees proper, in violation of the spirit of the rule, pretendedly in a different way get this in; but I trust when the point of order is made he will have a higher regard for the rules of the House than to violate them.

Mr. REED, of Maine. On the point of order I wish to say it is perfectly well settled in the body from which we derive this precedent that an allusion to what has occurred in another place is parliamentary and suitable. The gentleman from Pennsylvania is entirely in order in proceeding as he does.

Mr. BAYNE. If I am violating any rule its primary violation was at the other end of the Capitol. The criticism was made by a representative Democrat upon the members of this House and the other side of this House.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BAYNE. I do not want to lose my time with this.

Mr. HAMMOND. I desire the gentleman to understand that the Chair sustains the point of order.

Mr. BAYNE. I will read now what a prominent Democrat has said, a representative man in that party, and whose integrity on all questions has never been disputed, however much we may differ. He said:

I sit in that committee with a certain sense of mortification——

Mr. HAMMOND rose.

Mr. REED, of Maine. Oh, how sick it makes them.

Mr. HAMMOND. Under the decision of the Chair the gentleman should not be allowed to read the proceedings in the Senate.

Mr. BAYNE. How do you know what I am reading?

Mr. HAMMOND. I see what you are reading. The House sees it. It is patent to the world. You are violating the rules of the House and you will not deny it.

Mr. BAYNE. I do not want my time taken up in this way.

The CHAIRMAN. The Chair sustained the point of order when a direct reference was made to the Senate. He can not sustain the point of order against a reading in which it is not professed that there is a reference to the proceedings of the Senate.

Mr. REED, of Maine. That is right.

Mr. BAYNE. This is what I desire to read:

I sit in that committee with a certain sense of mortification at the delay, which I think needless, and I confess I feel humiliated when I hear Republican gentlemen say, what I have heard stated on this floor more than once in the last day or two, that very likely many of the appropriations are diminished so that gentlemen at the other end of the Capitol can go before the country and tell how economical they were and how extravagant this end of the Capitol was, when this and many other items have to be inserted as amendments for the very purpose of enabling the Government to be carried on at all. I can make no excuse for the delay.

The CHAIRMAN. It appears evident that the gentleman is now reading from the proceedings of the Senate.

Mr. BAYNE. Then it must be susceptible of identification in some way apart from any words I have uttered. The facts are sufficiently familiar, it seems, on both sides of the House to be thoroughly appreciated, and I am glad to know it.

I quote from another gentleman, from whom I may quote without violating any parliamentary law; that is, the distinguished gentleman from Indiana, a member of the Committee on Appropriations.

[Here the hammer fell.]

Mr. ADAMS, of Illinois, was recognized, and yielded to Mr. BAYNE.

Mr. BAYNE. I refer now to the gentleman from Indiana [Mr. HOLMAN], a member of the Committee on Appropriations, a gentleman whose reputation has been established all over the country for economy and reform and retrenchment, a member now of the committee. What does he say? In an interview which I see published in a newspaper that gentleman is reported as having said:

Its extravagance—

That is, the extravagance of the House—

Its extravagance in voting appropriations is an outrage upon the people and a violation of every pledge made by the party. Every appropriation bill but one has been largely increased beyond the expenditures for the current year and the aggregate increase is about $23,000,000.

Mr. DUNN. And still you want to make them bigger.

Mr. PETERS. We are not in control of this House.

Mr. BAYNE. The editor says:

In that state of things Mr. HOLMAN does not know what we shall have left with which to go before the people at the coming elections.

[Laughter.]

And thereon there seems to be a wide difference between the chairman of the Committee on Appropriations and I believe its second representative. And as suggested by my friend from Maine [Mr. REED], there has been considerable difference between them lately. But my colleague from Pennsylvania [Mr. RANDALL] came to the rescue, and assumed the position that the statements made by his colleague on the committee the gentleman from Indiana [Mr. HOLMAN] were not true, although those statements were published in the newspapers of the country and sent out, as I understand, by the Associated Press, and have not been denied to this day excepting the denial made by my colleague from Pennsylvania [Mr. RANDALL] in reply to the gentleman from New York [Mr. HISCOCK]. I am not familiar enough with the details of the different bills and the aggregate amount to speak of them, but I think it has been shown beyond all controversy that the aggregate appropriations made by this Congress for the support of the Government will be larger than any that have ever been made before, if we eliminate from former appropriations the amounts that were required for the payment of interest on our large public debt and the amounts that were necessary for extraordinary expenditures.

I make the statement, Mr. Chairman, that the appropriations made at this session of Congress for the ordinary and current expenditures of the Government will be larger than the appropriations ever made by any previous Congress for ordinary and current expenditures, and in the same connection I make another statement, namely, that if the Democratic party came into power with a view to retrenchment and reform the door is wide open for that movement, because they can eliminate from nearly every public office in the city of Washington a number of unnecessary clerks, and thus curtail the unnecessary expenditures provided for in this and the other appropriation bills.

Mr. HOLMAN. Mr. Chairman, I wish to say a few words, but in truth it has always seemed to me that the time consumed in this kind of discussion is the least profitably employed of any time spent in debate here. Discussions of this character annually occur and they very seldom throw any light upon current events.

Mr. REED, of Maine. Oh, yes, they do.

Mr. HOLMAN. But my friend from Pennsylvania [Mr. BAYNE] has almost compelled to me say a word. He calls attention to an "interview" with me, said to have been sent out from this city and published in the papers. I have not examined the paper to which he has called attention, although I must have seen it at the time it was published some months ago. If the statements there made are as the gentleman has cited them, it is to be remembered that they were necessarily speculative, because the appropriation bills generally had not then been framed.

Still I owe it to candor to say that I anticipated some months ago a large increase of the appropriations. I was apprehensive of it; the outlook to me then was not satisfactory. I was very willing to sound a note of alarm if I could; and I am very fortunate in being able to say now, when we are approaching the end of the session, when the appropriation bills have been substantially made up, that this session of Congress will make a very good showing, and that the appropriation bills as they pass the House will be more than usually satisfactory.

There are but two bills upon which there will be an increase—the pension bill, as all gentlemen here know, and the Post-Office appropriation bill. I do not speak of the river and harbor bill.

Mr. LONG. How about the deficiencies?

Mr. HOLMAN. Oh, the deficiencies are easily explained. They will not exceed, I think, three and a half millions of actual deficiencies—I mean the deficiencies proper.

The increase in the pension appropriations and Post-Office appropriations do not admit of that classification.

The six millions growing out of pension legislation all gentlemen approve——

Mr. HISCOCK. Pension legislation when?

Mr. HOLMAN. The pension legislation of the current session of Congress.

Mr. HISCOCK. I beg the gentleman's pardon. There is only one million growing out of that. I do not want any mistake on that point. I say there is only one million deficiency growing out of the pension legislation of this session.

Mr. HOLMAN. We were speaking of deficiencies. As far as pensions are concerned in the aggregate we ran up on the regular annual pension appropriation bill, after it passed the House, from $75,000,000 to $81,000,000, and gentlemen will find that in the deficiency bill proper the items which are to be passed as real deficiencies aggregate materially below the average little more, if anything, than three and one-half millions. That these two bills, the Post-Office appropriation bill and the pension bill, had to be increased is a fact known to all gentlemen, and the reason is known to all.

But my friend from Pennsylvania fails to notice the fact that the legislative, executive, and judicial appropriation bill, even as it will come from the Senate, judging from its present condition, will still show a reduction of nearly $700,000 from the appropriations of last year, and gentlemen on the other side of the House very well know, from their own experience when in power, that that is the bill which it is most difficult of all to reduce. The party administering the Government will always find more difficulty in making reductions in the legislative, judicial, and executive appropriation bill than in any other. Indeed, the tendency of this bill is to an everlasting increase; yet I feel justified in saying that, except in the first and second sessions of the Forty-fourth Congress, no reductions have been made upon that bill for many years so great as those made and that will be made during the present session of Congress.

One word more, sir; and I mention this point for the purpose of showing the members of the House and the country that the committees having charge of the appropriation bills have been anxious to cover all proper matters of appropriation to an extent quite beyond our past experience here. For instance, the gentleman from New York [Mr. HISCOCK] will remember that the items for back pay and bounty and for loss of horses by volunteer officers and soldiers of the Union Army have or-

dinarily come into the appropriation bills only to the extent they were settled up to December of the preceding year.

In other words, we have usually, in making up the appropriations for those items, taken into account only the reports of settlements made by the accounting officers of the Treasury at the meeting of the session making the appropriation. But I wish to call attention to the fact—and I think it is greatly creditable to the gentlemen having charge of the preparation of the appropriation bills—that they have called upon the accounting officers of the Treasury to report to the House every dollar allowed for back pay, bounty, and for losses on horses by volunteer soldiers and officers in the late war, and other audited claims of a similar character, down to the 18th day of June, 1886, and every such item is included in the proper appropriation bill of the present session.

Does this look like an attempt merely to reduce the aggregate of the appropriation?

Mr. MCMILLIN. Mr. Chairman, I regret that the gentleman from Pennsylvania [Mr. BAYNE] should have sought to make himself the conduit through which the evil-speakings of anybody should be poured out upon the House of which he is a member.

Mr. BAYNE. I am glad the gentleman characterizes them in that way.

Mr. MCMILLIN. The gentleman says the appropriations of this Congress when it shall have ended will be larger than those of any other Congress that ever assembled here. Yet there does not sit in this Hall a single man who has ever seen the gentleman from Pennsylvania vote during this Congress against a single increase of appropriation.

Mr. BAYNE. Why, I voted with the Democrats against the Pacific mail subsidy.

Mr. MCMILLIN. I was not aware of that fact. The gentleman, then, admits that his party was wrong in attempting to force the subsidy upon the House.

Mr. BAYNE. I was against the subsidy.

Mr. MCMILLIN. Now, the very abuse that the gentleman speaks of as coming from outside arises from the fact that this House has set its face against excessive appropriations. However unpopular economy may be in this Hall, the gentleman does not sit on this side nor on the other who maligns economy when he gets into his canvass. But I regret to say that the difference between the utterances of gentlemen before coming here and after coming here are too often as great as the difference between "before taking" and "after taking," as exhibited in the picture in the almanac. This House has sat here and refused to increase appropriations; and I am glad to say that in spite of an effort of the Senate to increase the Post-Office appropriation bill $800,000 for mail subsidy we have at last conquered. If it is opprobrious to have done so, we take whatever of responsibility attaches to it.

Nobody is frightened at the diurnal complaints of the gentleman from New York [Mr. HISCOCK]. They come as regularly as the rising and setting of the sun; but we have the consolation of knowing that, as is sometimes said by the poor patient in regard to quack remedies—I do not mean anything offensive to the gentleman—"If they do no good, they do no harm."

Now, Mr. Chairman, the showing of this Congress when it shall have ended will not be as predicted by the gentleman from Pennsylvania. We shall show a general reduction of expenditures. It is true that the pension-list will show an increase; but gentlemen will remember that there has been an increase of certain grades of pension. There was the increase of the widows' pension from $8 to $12 a month, the increase of the pension of dependent relatives from $8 to $12 a month. Is there any man on the other side who is rash enough to get up and say that those were illegitimate appropriations? I think not. Then let us have in these discussions a clear statement of the facts. Let it be said, as is true, that, with the exception of one other appropriation besides that for pensions, there is a decrease in this year's appropriations.

Mr. HISCOCK. Mr. Chairman, gentlemen on the other side entirely mistake the point I have been striving to make. They seem to think I have attacked these appropriations because they have been improperly made. Oh, no; that has not been the purport of my remarks. You seem to think that I am charging you with voting appropriations for unworthy and improper objects. Oh, no; I am not attacking you for any such reason whatever.

In my opinion (if it is worth anything after the flippant criticisms which have been made upon me by my friends on the other side) I believe that in the main all the general appropriation bills which pass this House are, as to the objects of appropriation, honest and economical.

I do not believe a general appropriation bill has passed this House within my knowledge or recollection that carried improper or extravagant appropriations; and I say to the gentleman from Pennsylvania [Mr. RANDALL] I concede that all the objects for which he proposes to appropriate in this bill and in the deficiency bill are worthy. But what I am trying to point the House and the country to is the fact that you come in here with bills which fail to appropriate sufficient for the year's service, fail to appropriate a sufficient amount. You bring them in knowing that there must be a deficiency; you bring them in for the purpose of making a contrast between yourselves and the Senate—to prove in a canvass that you are more economical than the Senate, although you know that at the very next session you will be compelled to appropriate an amount in excess of the recommendations of the Senate. That is what I charge upon you—that you indulge in this cheap, contemptible pettifogging. It is not demagogism even; it is not shrewd enough for demagogism, and it is beneath the contempt of the great party you profess to lead.

The idea of a Committee on Appropriations sending out to the country this statement to which I have called the attention of the House showing how much they had reduced the appropriations below the estimates, how much they had stricken off of Senate amendments, and then before the ink with which the statement was printed is dry, to come in here reporting to this House $13,000,000 of deficiencies—an amount $7,500,000 in excess of the appropriations which the Senate recommended. And then we have the spectacle of the chairman of the committee standing here and talking about the "economy" of his side of the House, making a tirade against this side, and his party friends clapping their hands!

Mr. HOLMAN. I understood the gentleman stated while I was absent from the House that the pension deficiencies were only about $1,500,000. I have here the law——

Mr. HISCOCK. What I have said is that the bill passed this session would require for its execution $1,000,000; and your $13,000,000 of deficiencies are only to that extent made up by pension appropriations that should not have been in the regular annual bills, leaving $12,500,000 that should have been. The gentleman from Pennsylvania points to clamors again about pension appropriations. Take out all there is in the deficiency bill for pensions, and then you are above the amount at which the bill passed the Senate in the last session. I find no fault with the payment of these amounts; they ought to be paid. What I desire is to forever put an end to this transparent demagogism, this species of trickery, which evokes applause from the other side of the House—trickery of the people it is. I desire to prevent the people from being deceived in future by these misleading documents which go to the public as the basis of appeals by members here to be returned by their constituents. What I hope for, and will procure for you if I can, is a just estimation of you by your constituents and the country and at your proper value. [Applause.]

Mr. HOLMAN. Mr. Chairman, the question at issue arises out of what the gentleman from New York states as to the amount and cause of the deficiencies. I stated the deficiencies embraced six millions for pensions. The gentleman's answer seemed to imply that my statement was not correct; that the amount of pension deficiency was only about one and a half millions of dollars. I wish to place that statement as to the pension deficiency upon the basis of absolute truth. I hold in my hand the act making appropriations to supply deficiencies in appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886; it contains a provision for Army and Navy pensions as follows:

For pensions: For invalid widows, minor children, and dependent relatives, and survivors and widows of soldiers of the war of 1812, $6,000,000.

Mr. HISCOCK. Do not misunderstand me. I do not find fault with that.

Mr. HOLMAN. Then you admit it?

Mr. HISCOCK. Why did you not appropriate for it a year ago without having a deficiency bill brought in to meet it?

Mr. HOLMAN. The fairness of the gentleman's statement is seen in this: From thirteen and a half million dollars he deducted one million and a half for pensions, and said the residue was twelve millions. [Applause on the Democratic side.]

Mr. HISCOCK rose.

Mr. HOLMAN. Do not interrupt me.

Mr. HISCOCK. You interrupted me, and I will take the privilege of interrupting you. What I complain of is this, you did not appropriate for it last year; you left it out of your bill last year for the purpose of perpetrating a cheap trick that you have been economical. [Derisive laughter on the Democratic side.]

Mr. HOLMAN. Now, see how unfair all this is; see how discreditable it is. We voted every dollar last year that was asked by the Commissioner of Pensions. Yes, sir, we appropriated every dollar that was estimated for by the Commissioner of Pensions.

Mr. SPRINGER. Who made that estimate?

Mr. HOLMAN. I repeat it. Every dollar estimated by the Commissioner of Pensions as necessary for the present fiscal year was voted by the Committee on Appropriations and appropriated by the House and Senate.

Mr. SPRINGER. Who was the Commissioner—Dudley?

Mr. HOLMAN. A Republican Commissioner of Pensions was holding that office and made the estimate and every dollar he asked for was appropriated. Could we do any more? Did the gentleman who gets up this tirade ask for any more? It seems to me his tirade might be creditable to him in some less organized body than ours. [Laughter and applause.]

Did that gentleman propose any larger sum? Yet he has the temerity in the presence of respectable gentlemen to undertake to leave the impression that only one million and a half of dollars of the amount mentioned as deficiencies was for pensions, whereas the law I have

shown fixes the sum at six millions of dollars, or nearly one-half of all the deficiencies is for pensions, although every dollar called for had been appropriated for in the regular current bill for the present year.

I do not think the gentleman from New York can pride himself on this little speech of his when he comes to read it. It is not creditable to the House or the occasion. It is not creditable to a representative of the people. It is the cheapest kind of debate.

A MEMBER. Buncombe.

Mr. HOLMAN. Yes; the cheapest kind.

Mr. HISCOCK. Let me ask the gentleman a question.

Mr. HOLMAN. You can not afford to indulge in oratory quite as lean and cheap as that. [Great laughter and applause on the Democratic side.]

Mr. REID, of North Carolina. I move the following amendment:

The Clerk read as follows:

At the end of line 1823 add the following:

"The reserve work shall be bound in sheep; and no part of the appropriation provided in this section shall be available to carry out provisions of the sundry civil act approved March 3, 1883, providing that there may be bound for each Senator, Representative, or Delegate in Congress one copy of each book or document issued or ordered by authority of Congress during the term of service of such Senator, Representative, or Delegate."

Mr. CANNON. I make the point of order against that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. That it changes existing law, and is therefore not in order. It is new legislation upon an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman from North Carolina on the point of order.

Mr. REID, of North Carolina. Mr. Chairman, the point of order which is raised by the gentleman from Illinois can not be sustained. A consideration of the practice which has obtained in the Printing Office in reference to the binding for members of the two Houses will show this.

There is bound in calf, for the use of the two Houses, 578 copies of each public document in what is called the reserve work or number. I have searched diligently and have been unable to find any law authorizing such a style of binding. I am informed by persons familiar with the history of the Government Printing Office that this custom sprang up when the printing for the two Houses of Congress was let out by contract.

In order to make what was called by the printers a "fat" job there were bound a number of copies in calf. This custom has been kept up ever since without authority of law and at great and unnecessary expense to the Government.

I hold in my hand a letter from the Public Printer, from which I read the following extract bearing directly on this question:

In answer to your request, I beg to make one further suggestion in the direction of economy, and send herewith two specimens—one bound in sheep and the other in law calf.

The law calfskins cost $29 per dozen. We cut four to the skin, which makes the cost of each book about 58 cents.

The sheepskins cost about $9 per dozen, or about 18¾ cents per book (cuts the same number).

One binding is about as good as the other for all practical purposes.

You can not distinguish the difference between the two as a rule without a careful and minute examination and yet the calf binding costs the Government $25,000 a year more than the sheep.

Mr. MILLS. What does it cost to bind these books in library style?

Mr. REID, of North Carolina. I say the difference between the cost of binding in sheep and binding in calf is $25,000 a year to the Government. I do not know what the cost of binding would be in the ordinary library style, but there is no authority of law for this expensive style of binding at all. And therefore this amendment does not change any existing law. It is making no new legislation, but simply directing the Public Printer that this money shall not be used hereafter to bind the reserve work in calf, but in some other binding less expensive, to wit, sheep or cloth.

Just as well might you say that there is authority of law for binding in any other style, for instance, the most expensive morocco, as in calf, for you have the same authority by law to bind the one as the other. There is no authority for it; but, as I have shown, it has grown into a custom that sprang up in the Department some years ago. To save $25,000 a year is the object of the first part of the amendment.

Now the second clause of the amendment is in the following language:

That no part of the appropriations provided in this section shall be available to carry out the provisions of the sundry civil act approved March 3, 1883, providing that there may be bound for each Senator, Representative, or Delegate in Congress one copy of each book or document issued or ordered by authority of Congress during the term of service of such Senator, Representative, or Delegate.

Under Rule III, clause 3, it is provided that the Clerk of the House shall have preserved for each member of the House an extra copy, in good binding, of all documents printed by order of either House. Under this rule every member gets one copy of every document printed by order of the House, neatly bound for his library. In addition to that, this amendment which I propose allows every Member, Senator, and Delegate to have bound one copy of every publication made by order of the Congress to which he belongs.

Now let us see what has been the result. In the Forty-seventh Congress, 936 volumes were bound at an average cost of $1.30 a volume, amounting to $1,216.80. In the Forty-eighth Congress this had grown to 11,677 volumes at a cost of $1.30 a volume, amounting to $15,180.10, and for the Forty-ninth Congress up to date 7,783 volumes have been bound at a total cost of $10,078.90, and only about one-half of the term has expired. The total cost of this binding up to the close of the fiscal year just completed is $15,000.

To give an idea of the kind of binding done under the law referred to, I have recently seen an order directing the binding of the estimates made by the Treasury Department for the Appropriations Committee, to be bound in morocco, to be placed in a library. Now, I maintain that one copy for each member of every document provided under this rule is sufficient; and it is no new legislation to limit the appropriations under this bill to the simple requirements of the law providing for binding for the use of the two Houses.

In other words, none of the appropriations provided in this rule shall be applied for the purposes of carrying out the act of March 3, 1883. That will save to the Government about $30,000; and the amendment altogether, that is, requiring this binding to be done in cheaper style instead of in calf, will save $25,000. The other provision of the amendment will save $30,000, making a total of $55,000 saved annually to the Government, and it will be a saving of an expenditure which has heretofore done nobody any good, because it prevents that much useless binding and does not affect any existing legislation.

Mr. HOLMAN. Is the act of 1883 referred to in the amendment the act under which this additional binding comes?

Mr. REID, of North Carolina. It is.

The CHAIRMAN. The Chair overrules the point of order.

Mr. RANDALL. In my former remarks in reply to the gentleman from New York [Mr. HISCOCK], touching the appropriations for deficiencies for the current year, I was not able on the spur of the moment to give the accurate figures and specifications of all of the purposes for which the deficiencies are recommended. I can now show that the conduct of the Committee on Appropriations and the other committee having charge of appropriations under the existing rules has been both commendable and just. No fair criticism in this respect can be made in reference to any of the appropriation committees in this House.

For pensions there is a deficiency provided for of $6,000,000; for artificial limbs for soldiers, $175,000; for surgeons' fees, $500,000; for customs service, $277,000.

It is well known that the customs service is supplied by a permanent and indefinite appropriation of five and a half millions, together with the amount received from "fines, forfeitures, and penalties." The amount was not sufficient during the current year to pay the entire expense of collecting the customs duties. But this administration has adopted a different course from any of its predecessors. It has not permitted the appropriation in that connection for one year to be taken out of the appropriations for another year. So that we have been compelled to make an appropriation for that purpose. A wise conclusion is reached, that as to the matter of appropriations each year's expenditures shall stand separate and distinct from any other year.

Then there is a deficiency for soldiers' and other certified claims for 1883 and prior years growing out of the war of $2,442,938. There is $555,000 in the deficiency bill for water supplied to the District of Columbia, one-half of which the District will ultimately pay, but which the Federal Government advances. This deficiency grows out of the imperfect legislation of the Forty-seventh Congress. There is for Court of Claims judgments $682,000; in all, $10,631,938. The balance, about $2,370,000, is what may be called the usual deficiencies growing out of the necessary expenses which it was impossible to anticipate with accuracy.

When I come to compare this with the deficiency which the House at the first session of the Forty-eighth Congress had to appropriate for as a result of the legislation under the control of the Republican party, with the gentleman from New York as chairman of the Committee on Appropriations, I find that the deficiencies necessary were $7,057,509 in regular deficiency bill and an urgent deficiency of $1,671,579, showing an aggregate of deficiency arising out of the management of the appropriations of the prior year of $8,729,000. [Applause on the Democratic side.] I do not find in this amount of nearly $9,000,000 a dollar for pensions.

Before I close I want to say a word to the gentleman from Pennsylvania [Mr. BAYNE], who has seen fit to repeat language used in another Chamber. I say in answer to such statement that there is not a scintilla of warrant, justification, or truth in the criticism elsewhere made, whether it is applied to the Appropriations Committee or any committee having charge of appropriation bills, or whether it is applied to the body of the House on this side. [Applause.] I think that is a clean-cut reply and there is no occasion to say another word in reply. [Applause.]

Mr. REED, of Maine. I desire to say that I differ with the gentleman from Indiana in regarding discussions of this kind as unnecessary. It is never unnecessary to expose false pretenses. The gentleman from Pennsylvania [Mr. RANDALL] stands up in the presence of this House and says there never have been appropriation bills that have not cov-

ered the needs of the Government that have gone out from his hand. And yet year after year I have witnessed his acceptance of amendments on the part of the Senate which were in furtherance of existing law. If he wants proof of it, take the Post-Office appropriation bill of the last Congress, where he had to admit amendments to carry out existing law.

Now, the gentleman from Pennsylvania knows and every man here knows that there has been a pretense of language and of sounding phrases about the economy on that side of the House; and he knows perfectly well that that has consisted in making lower appropriations than the public service needed and demanding of the Senate that they should stand up in defense of the real necessary expenses of the Government of the United States. And here to-day there are before the Senate honest Democratic officials like Mr. Durham, the First Comptroller, who is demanding of the Senate that they shall give him more assistance and shall spend more than this economical House says ought to be spent.

I am glad to see that this thing has been discussed sufficiently in this House so that gentlemen of opposite political persuasions, prominent Democrats in this country, are beginning to realize the falseness of the pretense which has been practiced upon this country. The gentleman from Pennsylvania says that his iron will is going to continue to control the Democratic party.

Mr. RANDALL. I did not say that. I said the iron will of this side of the House.

Mr. REED, of Maine. But everybody knows yours is the only iron will there [laughter and applause], and gentlemen on the other side are smarting under it too much not to know that such is the fact. They realize it. We all realize it. And why should we not? What other iron will could have foisted upon this House year after year without explanation, without a single argument, such arrangements as we have had that have been called appropriation bills? And yet the gentleman gets up here and is followed by other gentlemen pretending that we are not opposed to the items.

What we say is, appropriate what the Government requires. Do not undertake to run this Government as railroad "wreckers" do a railroad, by cutting down the needed appropriations in hopes that some Congress may come that will meet deficiencies. Gentlemen are proud of this kind of thing that they call economy. What is economy? It is the expenditure of Government money for honest purposes in sums that are needed. What is the economy that is practiced here? It is reducing the amount appropriated below what is needed for the use of the Government.

[Here the hammer fell.]

Mr. RANDALL was recognized and yielded to Mr. REED.

Mr. REED, of Maine. This is not a fair method of appropriation. It shows economy in the appropriation bills but not in the Treasury, and the question is a question of money, not of figures on white paper. It is a question of actual Government expenditure. Why, yesterday the gentleman from Pennsylvania [Mr. RANDALL] stood up against the payment of witnesses and of jurors in the United States courts, and he did that notwithstanding the fact that he himself has sanctioned expenditures in the one instance of $75,000 more than the amount he appropriates and in the other instance $185,000. What is the use of pretending that this is a matter of economy? It is a matter of stump-speaking. That is all. It is a matter that furnishes him material when he goes to New York to help out a free-trade Democratic brother. [Laughter.] It is material which makes him in demand upon the stump; but I think that after the exposition made of his methods both here and elsewhere it may not be henceforth as satisfactory to the people as it seems to have been in the past. [Applause on the Republican side.]

Mr. SPRINGER. Mr. Chairman, I desire to say to the gentleman from Maine [Mr. REED] and to his colleagues upon the other side of the House, that this side will take care of the appropriations necessary to support the Government. The people of the country have intrusted the administration of affairs to the Democratic party. They have elected a Democratic President. They have elected a Democratic majority in this House. We take all the responsibility that that implies, and, among other things, that responsibility requires this side of the House, through its Committee on Appropriations and the other committees having authority to report appropriation bills, to furnish the money necessary to run the Government. That responsibility is assumed; it is taken; and we propose to discharge it in our own way. The gentleman from Maine [Mr. REED] need not distress his soul upon this subject. We will take care of this Government. We will take care that it is correctly, honestly, and economically administered; and that is just what disturbs the gentleman from Maine and his friends upon the other side of the House.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the committe now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union had had under consideration the sundry civil appropriation bill, and had come to no resolution thereon.

Mr. RANDALL. Mr. Speaker, I move to take up House joint resolution, with the Senate amendments, in regard to the extension of the appropriations.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read as follows:

Joint resolution (H. Res. 196) to provide temporarily for the expenditures of the Government.

Mr. RANDALL. I move to concur in the amendments of the Senate, and I demand the previous question upon that motion.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 4, strike out "ten" and insert "fifteen."
Page 1, line 15, strike out "ten" and insert "fifteen."

The previous question was ordered; and the amendments were concurred in.

Mr. RANDALL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills, and pending that I move that all debate upon the paragraph in relation to the public printing be closed in one minute.

Mr. ADAMS, of Illinois, and Mr. CANNON. I hope not.

Mr. RANDALL. How much time do you want?

Mr. ADAMS, of Illinois. I want this practical, sensible amendment of the gentleman from North Carolina [Mr. REID] to be discussed somewhat.

Mr. RANDALL. How much time do you want?

Mr. ADAMS, of Illinois. Say five minutes.

Mr. RANDALL. Everybody is for the amendment.

Mr. CANNON. Everybody is not for it.

Mr. SPRINGER. I thought they were.

Mr. CANNON. I can not tell how many guesses the gentleman from Pennsylvania is to swap with this side of the House about the appropriations. If the debate is to be confined to the merits of the amendment, we would like ten or fifteen minutes on this side.

Mr. RANDALL. Very well; say fifteen minutes on that side and five on this.

The SPEAKER. Is there objection to that arrangement?

Mr. TOWNSHEND. I insist on an equal division of the time. I object to the five-minute limitation on this side.

The SPEAKER. The gentleman from Illinois objects.

Mr. FARQUHAR. I rise to a parliamentary inquiry: If this motion be agreed to, will it cut off amendments?

The SPEAKER. It will not cut off amendments, whether offered heretofore or hereafter, but will stop debate after the expiration of the time fixed by the House.

Mr. RANDALL. I move now that the debate be limited to twenty minutes, to be equally divided.

The SPEAKER. The gentleman from Pennsylvania moves that debate on the clause of the bill under consideration in relation to public printing and binding be limited to twenty minutes, with the understanding that the time is to be equally divided between the two sides. Is there objection? The Chair hears none, and it is so ordered.

Mr. RANDALL. I move that the order to close debate be reconsidered, and that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is now on the motion of the gentleman from Pennsylvania, that the House again resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the sundry civil appropriation bill.

Mr. REED, of Maine. How far does the limitation of debate apply?

The SPEAKER. It applies to that part of the bill which relates to public printing and binding.

Mr. REED, of Maine. Then it does not refer to the rest of the bill? To what line does it go? I think there may have been some misunderstanding.

The SPEAKER (after examining the bill). The entire paragraph seems to relate either to public printing or public binding, or both.

Mr. REED, of Maine. That was not understood.

Mr. REID, of North Carolina. The last amendment offered related to line 1823.

The SPEAKER. But the order made by the House was that debate be limited to twenty minutes upon so much of the bill as relates to

public printing and binding. The Chair finds upon examination that the entire paragraph to the end of the bill relates to that subject.

Mr. RANDALL. In making my motion I said "clauses relating to public printing and binding;" that is, to the end of the bill.

Mr. REED, of Maine. It is not possible to limit debate on what has not been read.

The SPEAKER. The Chair is advised that the whole bill has now been read.

Mr. REED, of Maine. Then there was a misunderstanding.

Mr. RANDALL. I think the bill was read to the end; that is my recollection.

Mr. REED, of Maine. Then there has been a misunderstanding, because I desired to present a matter of which I have spoken to the gentleman from Pennsylvania.

Mr. RANDALL. That will come in as new matter.

Mr. REED, of Maine. But I want to debate it.

Mr. RANDALL. This does not abridge debate on that. This applies only to public printing.

Mr. REED, of Maine. If it does not abridge the presentation of that matter——

Mr. RANDALL. It does not cut off amendments, it only cuts off debate as to public printing.

Mr. REED, of Maine. But the gentleman from Pennsylvania knows——

Mr. RANDALL. I will take no advantage of the gentleman; he may rely on that.

Mr. REED, of Maine. The gentleman knows that I want to present that matter.

Mr. RANDALL. I am aware of it.

The question being taken on the motion of Mr. RANDALL that the House again resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. REAGAN in the chair), and resumed the consideration of the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The CHAIRMAN. By order of the House debate has been limited to twenty minutes on that part of the bill relating to public printing and binding. The Chair will recognize the gentleman from Illinois to control the ten minutes on one side and the gentleman from Pennsylvania [Mr. RANDALL] to control the ten minutes on the other.

Mr. ADAMS, of Illinois. Did the Chair indicate my colleague [Mr. CANNON] or myself as entitled to control the time on this side? I happen to be in favor of the motion made by the gentleman from North Carolina [Mr. REID].

Mr. CANNON. Then the gentleman is not entitled to any part of the ten minutes on this side.

Mr. ADAMS, of Illinois. I want five minutes.

Mr. CANNON. Then the gentleman must get it from the other side.

The CHAIRMAN. The Chair has recognized the gentleman from Illinois [Mr. CANNON] to control the time on that side of the question.

Mr. CANNON. Mr. Chairman, all I want is the attention of the House, so it may understand just exactly what this amendment means. I move to amend the amendment by striking out the proviso.

The CHAIRMAN. The Clerk will read the words to be stricken out.

The Clerk read as follows:

Provided, There may be bound for each Senator, Representative, and Delegate in Congress one copy of each book or document issued or ordered by authority of Congress during the term of service of such Senator, Representative, or Delegate.

Mr. CANNON. Gentlemen understand the calf-bound set of books each member gets some time after the close of each session of Congress, if the gentleman's amendment prevails, is to be bound in sheep. I have no objection to that.

He withholds, however, by the latter clause of his amendment all money under which a member of Congress can have any document issued during his service bound during the session. I want to call the attention of the House to the fact that this legislation was put on advisedly in the sundry civil appropriation bill in 1883. The Senate from their contingent fund bound anything they chose in any kind of binding they wanted. That was the habit of the Senate going back indefinitely, away back before their service commenced. The House never followed that precedent. We proposed the matter should be regulated by law. So the provision was inserted in the sundry civil bill of March 3, 1883. I believe that regulation is right. Gentlemen understand from time to time when they want a document bound it is sent down to the Government Printing Office through the Clerk's document-room to be bound, and when bound it is returned. It is more serviceable than the set of books members get after Congress has expired. I am opposed to limiting this appropriation so as to prevent our doing that. That is all I desire to say at this time. I will reserve my remaining time.

Mr. RANDALL. No one seems to want any further time, and I therefore call for a vote.

Mr. REID, of North Carolina. I desire to say a word in reply to the gentleman from Illinois [Mr. CANNON]. Under Rule III, clause 3, each member of the House gets one copy of every document, part bound in calf and the rest bound in sheep or cloth. The sheep is as good as calf binding for all practical purposes. It does not affect the number bound, but only the quality of the binding.

Then we come to the next item in the amendment, and that is under the provisions of the act of March 3, 1883, of the sundry civil appropriation bill allowing each Senator, Representative, and Delegate to have bound one copy of any document printed by Congress.

Mr. CANNON. I wish to ask the gentleman from North Carolina a question to see whether I correctly understand the effect of his proposition. Does it prohibit the appropriation of money to carry that out?

Mr. REID, of North Carolina. Yes; it does.

Mr. CANNON. So I supposed.

Mr. REID, of North Carolina. I wish to call the attention of the House to an abuse which has crept in. In the prosecution of its work by the Committee on Printing we have been trying to save all we possibly could. Now, at the first session after that provision became a law, allowing each Senator, Representative, and Delegate to have bound one copy of any document printed by order of Congress, there were 937 books bound, at $1.30 per volume, amounting to about $1,200 in all. At the next session it went up to 11,671. Members do not always have them bound for themselves, but any one wanting a document bound comes and asks some Senator, Representative, or Delegate to have it done for him. I found in one instance the estimates of appropriation for the past year ordered to be bound, when it was almost worthless now but to the Committee on Appropriations, and to them only at a preceding session.

In the Forty-eighth Congress the number went up to 11,677, costing some $9,000. For the fiscal year ending yesterday the cost ran up to $15,000. At this rate it will not be long before it reaches $50,000 and $100,000. If my amendment be adopted it does not cut off from any Senator, Representative, or Delegate a single copy of the set of books now provided to be bound by the law.

I say, gentlemen, if your Appropriations Committee is going to commence a system of economic administration by cutting off officers, by cutting off clerks, and cutting down their pay, I know of no better way to begin a saving than by commencing right here in the House and cutting off unnecessary expenses.

Let us commence by paring close to ourselves. What if the Senate does this? The Senate does many things that the House does not and will not do. Let us stop this abuse before it doubles and trebles in succeeding Congresses the expenditure that is now required.. I have shown you how it has been growing from year to year.

I maintain that one copy bound in sheep or cloth is enough for each member to put in his private library, and it is a useless extravagance to permit these orders to be made at any time for binding; because they are often given to messengers or pages, and documents useless to members in connection with their legislative duties are thus bound at the expense of the Government. It is an abuse that ought to be stopped, and the annual saving of $55,000 effected.

Mr. CANNON. A single word. Gentlemen around me here say they do not understand this proposition. I will state again that the amendment the gentleman proposes would prevent the binding of documents here during the session on the requisition of members. Now if members are in favor of that, well and good. I can stand it as well as they can.

Mr. BOUTELLE. Would they not get these books bound anyhow afterward?

Mr. CANNON. Oh, yes; they get one volume after the Congress adjourns; but I would far rather do without that and have the current work bound as we need it.

Mr. ADAMS, of Illinois. Mr. Chairman, I said that I was in favor of the amendment of the gentleman from North Carolina, but I wanted it extended further than he extends it. I want to see a provision to cheapen the cost of binding; but what I want to see particularly is that provision of law abolished altogether by which a complete list of documents is furnished to each member after he leaves Congress, whether he wants them or whether they are valuable or not. I have been here since the beginning of the Forty-eighth Congress, and am informed that a set of documents is being prepared for me. I have not even seen them; I do not want them, and have no use for them. Many of them are utterly valueless. I have no shelf-room or garret-room in which to store them away; and I can do nothing with them but either to throw or give them away.

What I want is to select out the valuable documents that will pay for their binding; and that was my understanding of the object of the resolution of the gentleman from North Carolina. I think this provision, that a complete set of public documents, valuable or valueless, shall be supplied to us at a considerable period after we have lost our interest in them and after they have become useless to us in our capacity here as legislators is one that ought to be abolished. It is a provision that ought to be repealed; but the provision for current binding may be and is a matter of considerable convenience and value to members in many respects.

Mr. CANNON. I now propose to modify the amendment, and ask the Clerk to read it as modified.

The Clerk read as follows:

Strike out of the amendment of Mr. REID, of North Carolina, the words "and no part of the appropriation provided in this section shall be available to carry out the provisions of the sundry civil act approved March 3, 1883, providing that there may be bound for each Senator, Representative, or Delegate in Congress one copy of each book or document issued or ordered by authority of Congress during the time of service of such Senator, Representative, or Delegate."

Mr. CANNON. That modifies his amendment to provide that all reserve work can be bound in sheep. That will merely change the law from what it is so that the set of documents which come to members after their term of service has expired will be bound in sheep instead of calf.

Mr. REID, of North Carolina. But you will not get an extra number of any document unless you order it, and you have to state in the order the style of the binding. By striking out that provision of the amendment you will have an expenditure of $30,000 that would otherwise be saved.

Mr. CANNON. I do not want to save any expenditures that we need or to which we are entitled in the performance of our duty here which will enable us to do it properly.

Mr. HAMMOND. Mr. Chairman, it seems to me that this discussion shows the amendment of the gentleman from North Carolina to be rather too broad. That the members ought not to have two copies of a document is true; but if I prefer to have a copy bound now for present use in Congress, rather than wait six months to get it when it will be useless to me, I ought to be able to do that under the act of 1883; and the real remedy ought to be not the annulment of that law, by refusing to pay for binding under it, but a change in this regard: that when a copy is so ordered that copy shall be charged to the member, and the other copy he shall not get. Then if he gives it away it is his own business. Further, they may limit the expenditure on that copy, if you please, so that it shall be in cloth or sheep or anything else cheaper; but the amendment of the gentleman from North Carolina as now proposed, and as I understand it, will deprive members, for the whole of the session of Congress when such documents have important uses to them, from having any document bound for their convenience. We keep up a library for our use here, and that furnishes all the printed matter that is needed, as a general thing; not as a favor to us, but on the assumption that it will enable us as public servants to better perform our public duty; and we should not prevent ourselves from being in a position to have all the tools with which the work can be best and most properly done.

Mr. ADAMS, of Illinois. Will the gentleman answer me a question for information?

Mr. HAMMOND. I will if I can.

Mr. ADAMS, of Illinois. Under that law is it true, whether you want documents or not or order them or not, a complete set of all documents, valuable and valueless, has gradually accumulated for each member and he gets them all after a while?

Mr. HAMMOND. There is a law giving all documents to each member.

Mr. ADAMS, of Illinois. I was not aware of that for some time after I was a member of this body. I was informed two and a half years after I first sat in Congress that a large collection of books in boxes will go to my library in Chicago which I do not want.

Mr. HAMMOND. This amendment does not affect that at all. It simply cuts off from us the right to have a book bound which we desire to use here during the session of Congress.

Mr. REID, of North Carolina. I would ask the gentleman from Georgia, suppose he gives an order for binding, say to-day, how many months would it be before his order would be executed?

Mr. HAMMOND. I have given only one such order during the eight years I have been in Congress, and in that case I got the book back within four weeks.

Mr. REID, of North Carolina. I know of members who have given orders and have not received the bound volume till they got home.

Mr. WILSON. The complete set of public documents which we get under the standing rule that the gentleman from North Carolina would continue comes to us so long after a session of Congress that we have almost forgotten that we have been members of Congress. They are useless—not helps to us in the transaction of the public business. We have not yet received all the documents of the Forty-eighth Congress, and I understand the members of the Forty-seventh Congress have not received their full quota of the documents of that Congress.

If gentlemen want to make reforms in the way of diminution of expenditures they should strike at the general rule, and not at this privilege of members of getting unbound copies from the document-room and having them bound for their use during the session.

This enables us to discriminate between works of permanent value, which we should wish to preserve, and this miscellaneous mass of two grains of wheat in two bushels of chaff reaching us at a time when we can not select from them the portion we desire to preserve for our personal use.

Mr. MILLS. I want to contribute something to this debate in connection with economy. I think on the matter of printing we may well have some economical thoughts. I regret I have not time to go so extensively into the subject as the case merits. But there is an ample field for a display of economical force in connection with the abuse of the printing privilege both of the House and of the Senate. Not only have we this item to provide for, but we are going ahead printing to an immense extent and scattering broadcast over the country what is worthless to members of Congress or to their constituents.

Mr. WILSON. You do not refer to speeches made in the House?

Mr. MILLS. I do not. I think that is the most valuable literature that we disseminate. [Laughter.]

Mr. FARQUHAR. Will the gentleman permit me for a moment?

Mr. MILLS. Yes, sir.

Mr. FARQUHAR. It is impossible for the Printing Committee to practice any economy so long as the House and Senate pass on all this amount of printing. Nor is it possible for the Public Printer to do so. The bills for printing are discussed and passed here and in the Senate, and the Public Printer is under the control of the Senate and the House of Representatives.

Mr. MILLS. I am much obliged to the gentleman for his interruption. But the Committee on Printing in this House or the Joint Committee on Printing can address itself to the question of a reform in that direction and investigate the subject and go to the bottom of it, and report the result of that investigation to this House. It can do that, and call the attention of the House to the amount of worthless printing that we are scattering over the country.

Mr. FARQUHAR. That is a very good suggestion.

The CHAIRMAN. The time limited for this debate has expired. The question is on the amendment of the gentleman from Illinois [Mr. CANNON] to the amendment of the gentleman from North Carolina [Mr. REID].

The amendment offered by Mr. CANNON to the amendment was adopted, and the amendment as amended was adopted.

Mr. FARQUHAR. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1856, after the word "expended," insert as follows:
"For payment of sixty-five printers, regularly employed on the CONGRESSIONAL RECORD, $90 each for time unemployed during the present session, $5,850."

Mr. RANDALL. I make the point of order. The reason I do so is that this is new legislation, because we have under the action of the two Houses of Congress already given to these printers on the CONGRESSIONAL RECORD what they have never had before; that is, pay during fifteen days' absence. This was given heretofore I think only once—last year, in lieu of any absence-pay.

Mr. FARQUHAR. I see very well that as a matter of economy because we have given fifteen days' leave of absence with pay that is measurably something in this line. But I wish to call the attention of the chairman to a broader view of this matter.

This is simply the same amendment which was made last year. Under the scale of prices adopted by Congress for the payment of hands in the Government Printing Office 50 cents per thousand ems are paid for composition. We give that for night-work and pay the same for day work.

These men on the CONGRESSIONAL RECORD do harder work, and are also subject to a furlough. When there is enough matter for composition they are put on at night, and when there is not they are furloughed and sent adrift.

So that really this House and the Senate of the United States, having in care the men who do the composition on this CONGRESSIONAL RECORD, give them now comparatively less pay than is received by any other employés in the Government Printing Office. This amendment was made originally to cover this deficiency in the pay.

I grant to the chairman of the Committee on Appropriations that the proper way to deal with the matter would be to so amend the law that the men on the CONGRESSIONAL RECORD should receive, as printers do all over the United States, 5 cents per thousand ems above the rate for day-work; but as that has not been done, an equalization of pay was sought in the amendment offered a year ago, and the same thing is sought in the amendment I offer now. I do not say to the House that the men demand this, but I do say that fair play to these servants of the Government requires it, and that in order to put the Government Printing Office in a line with all the printing establishments of the country and with all the rules and regulations that govern the printing business everywhere this amendment ought to be adopted.

Mr. RANDALL. I do not remember that they made any such request of me.

Mr. FARQUHAR. I believe the request was made of the subcommittee, as it was last year. In justice to these hard-working, these expert men, who are doing book-work at plain news-composition rates, I desire to say that they should be paid a fair wage instead of losing time and earning only from $65 to $75 or $80 a month, when clerks who work only six or seven hours a day are receiving $100 a month. Such discrimination is entirely unjust.

Mr. REID, of North Carolina. Will the gentleman permit me to interrupt him to state that these printers have actually lost at this session of Congress, up to the present time, thirty-one days?

Mr. FARQUHAR. Yes, they have lost thirty-three days on an av-

erage. This is only paying them for loss of time. There is not an employing printer in the country who does not pay for that, and it is small in the American Congress not to be as fair and just as a private individual.

The CHAIRMAN. The Chair must sustain the point of order.

Mr. RANDALL. Mr. Chairman, I have an amendment which I submit by the instruction of the Committee on Appropriations.

The amendment was read, as follows:

STATUE OF LIBERTY ENLIGHTENING THE WORLD.

To pay to H. F. Spaulding, treasurer of American committee, for expenses incurred in landing the statue, housing and protecting it on Bedloe's Island; for wages of two watchmen for four years for protecting Government property on the island, and for balance due on contract for heavy steel girders and fastenings for the statue, in all, $15,000; for construction of platforms for ceremonies of inauguration, decorations, music, and police, $3,520; unforeseen expenses of inauguration day, $480; entertainment of official French guests, $9,000; clearing grounds of island, grading, and removing unsightly structures, $3,000; repairing wharf, $2,500; electric-light plant and elevator in interior of pedestal, $13,500; in all, $47,000.

On motion of Mr. RANDALL, the committee rose informally, and the Speaker resumed the chair.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 196) to provide temporarily for the expenditures of the Government.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session, Mr. REAGAN in the chair.

Mr. RANDALL. As I have said, I offer the amendment just read by instruction of the committee. I now yield to the gentleman from New York [Mr. HEWITT], who desires to amend the amendment. I do this so as to permit the two propositions to be discussed together.

Mr. HEWITT. Mr. Chairman, I offer a substitute for the amendment, which I send to the desk.

The amendment of Mr. HEWITT was read, as follows:

Estimates for the installation of the statue of "Liberty Enlightening the World," on Bedloe's Island, in the harbor of New York, in accordance with the provisions of the joint resolution approved March 3, 1877, to be expended under the direction of the President for the objects specified in the annexed estimate submitted by the engineer of the American committee in charge of the work so far as the President shall deem the said expenditures or any portions of them to be necessary and proper, $106,000.

Estimate for installation of statue of Liberty.

For amount of memorandum by H. F. Spaulding, treasurer of American committee	$15,000
For construction of platforms for ceremonies of inauguration, decorations, music, police	3,520
For refreshments, for, say, five hundred invited guests	2,500
For unforeseen expenses of inauguration day	480
For entertainment of official French guests	9,000
For clearing grounds of island, grading, and removing unsightly structures	5,000
For building a new wharf of stone and concrete	16,000
For electric-light plant	15,000
For elevator in interior walls of fort	7,200
For connecting-arches between walls of fort and foundation mass of pedestal	26,400
Total	106,100

CHAS. P. STONE,
Engineer-in-Chief.

Mr. BLAND. Mr. Chairman, I reserve all points of order on both these amendments. I believe there is no law authorizing such an appropriation.

Mr. HEWITT. Then, Mr. Chairman, I will first discuss the point of order. This inauguration was specifically authorized in the joint resolution of Congress approved March 3, 1877. That resolution came before the House as the result of a communication of the President of the United States informing the House that citizens of France had organized to present to the United States a statue of Liberty Enlightening the World, to be erected in the harbor of New York, as a memorial of the ancient friendship between the French Nation and the American Colonies when in time of trouble they were struggling for the establishment of a free government.

The resolution on this subject was prepared by the Committee on Foreign Affairs, reported to this House, approved unanimously by both Houses, and signed by the President. It is as follows.

Joint resolution authorizing the President to designate and set apart a site for the colossal statue of "Liberty Enlightening the World," and to provide for the permanent maintenance and preservation thereof.

Whereas the President has communicated to Congress the information that citizens of the French Republic propose to commemorate the one hundredth anniversary of our independence by erecting, at their own cost, a colossal bronze statue of "Liberty Enlightening the World," upon a pedestal of suitable proportions, to be built by private subscription upon one of the islands belonging to the United States in the harbor of New York; and

Whereas it is proper to provide for the care and preservation of this grand monument of art, and of the abiding friendship of our ancient ally: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and directed to accept the colossal statue of "Liberty Enlightening the World," when presented by citizens of the French Republic, and to designate and set apart for the erection therefor a suitable site upon either Governor's or Bedloe's Island, in the harbor of New York; and upon the completion thereof shall cause the same to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister republic; and he is hereby authorized to cause suitable regulations to be made for its future maintenance as a beacon, and for the permanent care and preservation thereof as a monument of art and of the continued good-will of the great nation which aided us in our struggle for freedom.

That resolution imposed a duty upon the President of the United States which he is now called upon to execute; for the statue has been finished, was presented to the United States Government on the 4th day of July, 1884, was accepted by the American minister in Paris on behalf of the United States, was transmitted to this country in a French vessel, the Isère, was received in the harbor of New York, where suitable entertainment was given at the expense of the citizens of New York to the distinguished gentlemen who were in charge of the statue; and Bedloe's Island having, in accordance with the terms of the resolution, been designated as the proper site for the erection of the statue, citizens of New York have, at their own cost, by a popular subscription amounting to $323,000, completed the pedestal, without asking one dollar of Government money.

The amount raised in France by popular subscription was about $250,000; that raised in New York and vicinity, with contributions, I believe, from some other cities, amounted to $323,000. The statue is now in process of erection upon the pedestal; and the time has come when this unparalleled evidence of the sympathy and good-will of a sister republic is at last, in accordance with the terms of the act, to be inaugurated by the President of the United States, in the presence of the donors and in the view of the civilized world, which will look upon this monument not only as one of the grandest achievements of art, but as a proof that free peoples cherish for each other a feeling of regard and sympathy which is higher than all the temporary and mercenary considerations of trade and commerce or of mere political treaty. It was a tribute from the heart of the French people to the heart of the American people.

The only question, then, is as to the scale of expenditure upon which the inauguration shall be made; and if the point of order be withdrawn I will now proceed to consider the question of the substitute which I offer for the proposition of the committee.

Mr. CUTCHEON. I desire to inquire of the gentleman from New York whether the title of Bedloe's Island is in the United States?

Mr. HEWITT. The title of Bedloe's Island is in the United States; the title of the statue is in the United States. Everything has been paid for by private individuals as a patriotic contribution. Let me say that the original proposition was to donate this statue to the people of the United States, and by an amendment offered by me to the resolution which I have just read the provision was inserted that the pedestal should be paid for by private subscription, otherwise the United States would have been in the attitude of having to receive this statue and provide for its erection. But I felt that, as the statue was to be placed in the harbor of New York, not by the request of the people of New York but of the French Nation, the people of New York should in some proper way testify their appreciation of this magnificent act of generosity. Therefore, although when the subscriptions lagged bills were introduced here proposing that the Government should contribute $100,000, I have at all times resisted all applications of that kind, saying to my constituents, "No, we are rich enough in New York to pay all the expenses attendant upon the reception of this statue until it rears its head to the skies; after that let the Government take it and do with it what it will."

BILLS AND JOINT RESOLUTIONS APPROVED.

The committee rose informally; when a message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills and joint resolutions of the following titles:

Joint resolution (H. Res. 76) fixing the time when the pay of certain clerks to committees of House of Representatives shall begin;

An act (H. R. 7650) to remove the political disabilities of J. G. Flournoy, of Mississippi;

Joint resolution (H. Res. 5) authorizing payment of C. H. Mann, messenger to the reporters' gallery;

An act (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5;

An act (H. R. 4415) to make the allowances for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes.

An act (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887;

An act (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887;

An act (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes;

An act (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes;

An act (H. R. 544) granting leave of absence to employés in the Government Printing Office;

An act (H. R. 5547) for the erection of a public building at Savannah, Ga.;

An act (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury, and to make the same fireproof;

An act (H. R. 279) for the relief of T. H. Triplett;

An act (H. R. 2428) for the relief of V. F. Gorrissen;

An act (H. R. 3475) for the relief of William Talbert;

An act (H. R. 4115) for the relief of John Taggart;

An act (H. R. 5553) for the relief of E. J. Phillips;

An act (H. R. 7470) for the relief of William Fisher;

An act (H. R. 8676) for the relief of Lafayette Fowler;

An act (H. R. 4009) for the relief of Ann B. Hubbard, administratrix;

An act (H. R. 2953) for the relief of John P. Bush and James Grigsby;

An act (H. R. 5509) for the relief of St. Patrick's church, in the City of Washington, D. C.;

An act (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish;

An act (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers;

An act (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes;

An act (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida;

An act (H. R. 5251) making an appropriation for the repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit therefor;

An act (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882;

An act (H. R. 6665) for the erection of a public building at El Paso, Tex.;

An act (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased;

An act (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.; and

An act (H. R. 67) for the relief of Fitz-John Porter.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 5874) to provide for taxation of railroad-grant lands, and for other purposes; when the Speaker signed the same.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session, Mr. REAGAN in the chair.

Mr. BLAND. I will read the joint resolution:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and directed to accept the colossal statue of "Liberty Enlightening the World," when presented by citizens of the French Republic, and to designate and set apart for the erection therefor a suitable site upon either Governor's or Bedloe's Island, in the harbor of New York; and upon the completion thereof shall cause the same to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister republic.

Up to that point, Mr. Chairman, it will not be pretended there is any authority for appropriation by Congress.

The subsequent portion of the resolution is as follows:

And he is hereby authorized to cause suitable regulations to be made for its future maintenance as a beacon, and for the permanent care and preservation thereof as a monument of art and of the continued good-will of the great nation which aided us in our struggle for freedom.

It is for its future maintenance as a beacon and not for a celebration. It is not to provide $100,000 for the purpose of having a good time, but simply to preserve this monument as a beacon and that only.

If it is for the preservation of this statue as a monument of art, then this appropriation is not in order under the joint resolution. The Government is to do nothing more than preserve it as a beacon. We have no authority to waste the public funds to provide for an inauguration and good time for the citizens of New York. If they have been so liberal as to contribute the amount of money necessary for the erection of that monument for the benefit of their citizens, they certainly, if it is necessary to have an inauguration, ought to pay their own expenses.

Mr. HEWITT. Not one dollar of this goes to the city of New York in the way of entertainment.

Mr. BELMONT. Mr. Chairman, I hope the amendment offered by my colleague [Mr. HEWITT] will be adopted. It is in accordance with the report made by the Committee on Foreign Affairs, who, without recommending any specific amount, reported that the honor of the United States Government was involved in making a suitable appropriation for this purpose. By the statement of the gentleman from Missouri [Mr. BLAND] I judge there are those who take this to be a matter of a somewhat local character simply because the statue is to be erected in the harbor of New York. It is not a local matter, Mr. Chairman; it is of a national character, and even of an international character. It is so described in the message of the President in these words:

The international character which has been impressed upon this work by the joint resolution of 1877 makes it incumbent upon Congress to provide means to carry their resolution into effect.

The Committee on Foreign Affairs, at its own request, was discharged from the further consideration of the matter, and it was referred to the Committee on Appropriations, to whose province it seemed to belong, to recommend a suitable appropriation. This action on the part of the Foreign Affairs Committee, it appears to me, should be considered in connection with the point of order raised. The chairman of the Committee on Appropriations has presented a resolution which indicates that that committee is in accord with the Committee on Foreign Affairs in believing the joint resolution of 1877 does make the appropriation in order on this bill.

Every dollar called for in the amendment proposed by my colleague [Mr. HEWITT] is covered by the joint resolution of 1877. The resolution commits Congress not only to provide for the expense of inauguration, but that it should also make provision for the permanent care of the statue as a beacon.

That it will eventually come under the control and direction of the Light-House Board if an appropriation be now made by Congress is made clear in a letter addressed to me by the Treasury Department, which I will ask the Clerk to read.

The Clerk read as follows:

[Inclosure 5.]

TREASURY DEPARTMENT, *June 26, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, requesting the views of this Department as to whether, under the joint resolution of Congress of February 22, 1877, the Bartholdi statue of Liberty, in New York Harbor, would be considered as coming under the jurisdiction of the Light-House Board, without further legislation on the part of Congress, so that its permanent maintenance as a beacon may be considered as assured, after the first expense of establishing it as such has been met, &c.

In reply, I have respectfully to transmit herewith a letter of the Light-House Board of this date, from which it appears that while the matter has never been formally considered by the board in session, it has been assumed that eventually this statue, when inaugurated, would be placed under the control of the light-house establishment for the exhibition of an electric light thereon, and it has been estimated that an appropriation of from $25,000 to $30,000 would be required to cover the cost of the electric-light plant, boilers, engines, dynamos, lamps and accessories, and for the erection of a suitable building for the keepers.

The board states that as it can not establish a new light without express authority from Congress, it is doubtful whether the joint resolution referred to would place the statue under the jurisdiction of the board without further legislation, but should Congress make an appropriation for the establishment and maintenance of a light thereon, the statue would then be placed permanently under such jurisdiction for light-house purposes, subject to such regulations as the President may see fit to make.

Respectfully, yours,

C. S. FAIRCHILD,
Acting Secretary.

Hon. PERRY BELMONT, M. C.,
House of Representatives.

Mr. BELMONT. It should be remembered that the statue is not to be erected on territory belonging to the State of New York, but on an island which is the property of the United States.

[Here the hammer fell.]

Mr. HAMMOND. Mr. Chairman, this monument when built is not only to be, in the language of the resolution, "an evidence of the good-will of the great nation which aided us in our struggle for freedom," but a material advantage to the United States as a beacon-light on its own property and in its most important harbor. Therefore everything in that resolution that looks to that object is certainly in order.

In reply to the gentleman from Missouri [Mr. BLAND], who speaks of this as a mere local thing, I will remark that this is not more local than any light along the coast of the country anywhere. They have to be located, and they have to be located by the Government and for the public good; but whether they are local or not they are for the use of the commerce of the country, and this resolution binds us to accept this beacon, and accept it how?

Why, if a gentleman was presented with a little memento of friendship, a cane, for instance, by a friend who thought it of sufficient importance to give some ceremony to the presentation, it would be accepted under decent circumstances. Here is one of the great nations of the world accepting from another great nation a magnificent work of art to be utilized for the good of commerce in the grandest port in the Union, and the language of the law is:

The President shall cause it to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister republic.

Shall we go there in a niggardly manner and take off our hats and say, "We are much obliged?" Or shall we in a dignified manner make forever memorable the day on which the inauguration of this great work occurs? Every gentleman will agree with me that it is our duty to do the latter, and all know that it can not be done without money and that the money should be appropriated.

Mr. RANDALL. I hope we will have a decision on the point of order.

Mr. SPRINGER. A word in regard to the point of order.

This resolution, which is now a part of the law of the land, provides for the acceptance of a monument which has been erected upon the soil of the United States, and is therefore a part of the property of the Government.

The law under which it was accepted requires the President of the United States to cause the formal acceptance of this statue to be accompanied with suitable ceremonies. That acceptance, in the form required by the law, will necessitate the expenditure of money. It will be the duty of the President to invite at least some representative persons of the Government of France, a government whose people donated this great work to this country, and they will be expected while here—those who accept the invitation—to be our guests. It will be necessary to furnish suitable facilities for their entertainment, as well as for the incidental expenditures connected with this celebration.

Will gentleman say that there is no authority for it under the law? The President is required to do it. The law is clear, and here is the appropriation to enable him to carry it out in a respectable and decent manner.

It is a piece of Government property just as any public building in the United States; and these other provisions of the amendment are items relating to its repair and permanent preservation. Would any gentleman say it would be out of order to put upon the bill an appropriation of an amount of money for expenditure upon a public building in the United States that needed repair or for keeping it in repair? That is all there is here. The point of order is certainly not well taken, because this is simply appropriating for carrying out a law already passed. It is the duty of Congress to make suitable provision to carry it out and to have the property taken care of after it is erected. That is what is being done.

Mr. RANDALL. I ask a decision on the question of order.

The CHAIRMAN. The Chair finds that the joint resolution designates the duties of the President with regard to the reception of this monument, and uses this language:

> And upon the completion thereof shall cause the same to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister republic.

This resolution, therefore, has made provision for the duty to be performed by the President in connection with the reception and inauguration of this monument. The appropriation in the original amendment and in the amendment to the same is for the purpose of carrying out the objects of that joint resolution. The Chair holds that the point of order is not good, and it is overruled.

Mr. BRUMM. Mr. Chairman, the point of order being overruled, I wish to say a word in favor of this proposition. I think that under all the circumstances this Government ought to make the reception a success; and inasmuch as the city of New York is so small and so poor that it can not do it, this Government of ours ought to run no risk as to its being a failure, and ought to put its shoulder to the wheel and say we are going to treat our French friends in a becoming and respectable manner and make a sufficient appropriation to do the thing in a handsome way.

Now, let us see. The proposition was made to present us with a statue of liberty enlightening the world. New York it was supposed and decided was the proper place to put it. Yet New York city had no ground to give for its erection, and the Government came handsomely in to the aid of the poor city and gave the child a place to rest upon. But after the site is selected there is something else necessary. It would not do to set the statue down in the mud, so that there had to be a fund provided for the erection of a foundation and the necessary pedestal on which to stand it. New York was too poor to build that pedestal.

Mr. BELMONT. Will the gentleman allow me?

Mr. BRUMM. Yes, sir; for a question.

Mr. BELMONT. I suppose the gentleman knows the citizens of New York formed a committee which raised $323,000 for the purpose of erecting the pedestal?

Mr. BRUMM. I am aware of it; but how did the committee raise it? Why, every one of us contributed toward the $323,000. The patriotic poor, even to the washer-women of our country and the sewing-girls, contributed their dollars and bought your miniature statues as mementoes of your greed. They had more patriotism in them than your millionaires of New York.

You were too mean to contribute the necessary funds to raise your pedestal, and went begging and preyed upon the patriotic sentiment of the country to furnish the means of erecting a pedestal on which to set your statue of Liberty. You have been begging throughout the length and breadth of the land for that pedestal. And now you are not satisfied with that, but you want to have a grand spree, and you want the people to go to your city to make it a success. But you think you can not do it yourselves, and you come to the Government again and go down on your marrow-bones begging for a miserable $100,000 to have this spree.

I am willing you should have it. If it is to be done at all it should be done right. I will say, God knows if there is any place in the world that requires enlightenment it is New York city [laughter], and if we are to have a statue of Liberty to enlighten the world, let its brightest rays fall on our own Egypt, right in the harbor of New York city.

I hope there will be patriotism enough in this House to run no risks upon this proposition; for New York city will not do it half right; therefore, to avoid disgrace, we must do it for her. At all events do not let us disappoint our honored French friends and guests in this undertaking. I shall vote for the proposition.

Mr. RANDALL. There is a matter of a difference between $106,000 in the substitute of the gentleman from New York and $47,000 as recommended by the committee.

Mr. HEWITT. I think it may be as well that the House should have some explanation of it.

Mr. BEACH. Let us take a vote.

Mr. HEWITT. I do not wish to take up the time of the House if the House wants to vote. But as there is a difference between the amount recommended by the committee and the amount in my amendment I am ready to give an explanation if the House desires it.

Mr. RYAN. I think the House does not understand it.

Mr. HEWITT. It being conceded that this statue ought to be inaugurated in a decent and becoming manner, an estimate has been made by the engineer as to the amount that will be required not merely for the purpose of the inauguration but for the fulfillment of the latter part of the resolution, which is the maintenance of this as a monument of art and as a permanent beacon.

Now the commmittee have conceded the propriety of the items recommended by the engineer to the extent of $47,000. On the following points only is there a difference:

The engineer estimated there would be five hundred invited guests, and that it would be necessary to spend $2,500 in taking care of these invited guests. I beg to say if the committee wish to reduce the amount by that $2,500 I will cordially assent, for the simple reason that that sum can be raised in a few moments by passing around the hat.

Mr. HOLMAN. The gentleman should mention that an appropriation is made of $9,000 for guests from France.

Mr. HEWITT. The amount of $2,500 is for taking care of the five hundred invited guests in this country.

The inauguration is to take place on the 3d of September, the anniversary of signing the treaty of Paris, by which the independence of the United States was acknowledged by Great Britain. It is supposed that anniversary, which has never been celebrated hitherto, would attract a great number of gentlemen of distinction, and that it would be proper for the President, who is the host on this occasion—he is not the guest but will be surrounded by these guests—to have the control of some moderate sum of money to give them a decent entertainment. But there need be no apprehension that that amount will not be supplied if the House does not want to make it a part of the appropriation.

There are $9,000 appropriated for the expenses of the invited guests from France. They are estimated at thirty and their expenses at $10 a day each, which would be $9,000 for thirty days. That the committee recommends. There is no difference as to that.

Next, for clearing the grounds of the island, grading, and removing unsightly structures the engineer recommends $5,000. The committee say $3,000. Anybody who has ever been abroad and seen the manner in which these great public ceremonials are conducted and the elaboration and grace and taste of our French friends in the preparation of the surrounding grounds will naturally desire that this little island, when our visitors come to see it, with the statue rearing its lofty head, shall be seen to the same advantage as when a gentleman inviting his friends gets his gardens and lawn in proper order, as far as it is possible. There is a provision that the expenditure of this money shall be in the discretion of the President, and if he thinks it should not be expended, it will not.

Then there is an estimate to build a new wharf of stone and concrete. The present wharf is of wood and is decayed and rotten. It is estimated that it can be built again of wood for $10,000, but stone and concrete will cost $16,000. The committee recommend the repair of the old wharf with an appropriation of $2,500. If the House prefers to repair the old wharf at that cost the result will be that there will be a request coming every year to renew it. It will be false economy. Let us make a good job while about it and give the $16,000.

Now for the electric-light plant. I want to say a word about that. I was told by the chairman of the Committee on Appropriations that the Post-Office Department had been recently lighted in this way for $5,000 or about that.

Mr. RANDALL. I did not say that.

Mr. HEWITT. I so understood the gentleman.

Mr. RANDALL. Not for $5,000; for $15,000, I think.

Mr. HEWITT. Fifteen thousand dollars. Well, let me say that this estimate is the result of an examination made by the engineers who have had in charge the beacon at Hell Gate where the plant and the light have been the result of very careful experiment, and in the report

made to General Newton is mentioned the fact that Generals Duane and Abbot, with the assistance of Lieutenant Mills, have examined and approved this estimate. The gentleman will bear in mind that it is not designed merely to light up the monument. This beacon, which consists of a gigantic hand, is to be made so luminous that the entire harbor of New York, from the Narrows to the wharves, will be as if lighted by a great heavenly body introduced by the hand of man. Fifteen thousand dollars is the amount estimated for that work, and I do not think it can be done for less. Let me say, in conclusion, that all these items are the estimates of competent engineers.

Mr. RANDALL. I wish the gentleman from New York would modify his amendment so as to strike out that $2,500 item.

Mr. HEWITT. Then, Mr. Chairman, I will modify the amendment so as to deduct from the sum total the $2,500 to which the gentleman refers. But, as to the other items, I repeat that they are not for the entertainment of the people of New York; they are for the preservation of this public property in a shape that will be decent and creditable to all the people of the United States.

The question was taken on the amendment of Mr. HEWITT to the amendment offered by Mr. RANDALL; and there were—ayes 102, noes 50.

Mr. BENNETT. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from North Carolina, Mr. BENNETT, and the gentleman from New York, Mr. HEWITT.

Mr. BENNETT. Mr. Chairman, I do not want to obstruct the business of the committee, and if there can be an understanding that we shall have a vote in the House upon this proposition I will not insist upon the point of no quorum.

Mr. RANDALL. The gentleman can have a vote in the House if he can get enough members to call for the yeas and nays.

Mr. BENNETT. If it can be understood that we shall have a yea-and-nay vote on this in the House, I will not insist upon the point.

Mr. RANDALL. I can not undertake to make any such agreement.

The CHAIRMAN. The Committee of the Whole can not make any arrangement about the action of the House, but the amendment is subject to a vote in the House.

Mr. BENNETT. I insist upon the point of order.

The House again divided; and the tellers reported—ayes 116, noes 49.

So the amendment was adopted.

The amendment of Mr. RANDALL as amended was then agreed to.

Mr. RANDALL. I promised the gentleman from Maine [Mr. REED] an opportunity to present a matter to the committee.

Mr. REED, of Maine. Mr. Chairman, I have received a communication which I wish to have read.

The Clerk read as follows:

OFFICE OF GENERAL SUPERINTENDENT OF REPAIRS,
UNITED STATES CUSTOM-HOUSES, &C.,
Charlestown, W. Va., June 30, 1886.

SIR: Your special attention is called to the fact that the office of Supervising Architect has approved my recommendations for repairs to the public building in Portland, Me., and they were also approved by the Secretary of the Treasury, and transmitted to the Committee on Public Buildings and Grounds, but have not been reported in sundry civil bill. It is therefore important that you should give this matter your personal attention, as it will be impossible to use any part of the general appropriation for the year 1886-'87 on this building.

Yours, respectfully,

JULIUS C. HOLMES,
General Superintendent of Repairs.

Hon. THOS. B. REED.

Mr. REED, of Maine. I received that communication this morning, after we had passed the matter, and as I do not wish to have any responsibility resting on me by virtue of this communication, I ask the attention of the chairman of the Committee on Appropriations to it. I have examined all the recommendations presented to the Committee on Appropriations, and I do not find that the gentleman who sends me this communication has ever made any such recommendation to that committee. I do find a general recommendation in Executive Document No. 113, a letter from the Supervising Architect to the Secretary of the Treasury, in which he says:

Many of the older buildings require extensive repairs by reason of past neglect, also extensive alterations that will give the additional floor space and rearrangement of rooms required for the proper transaction of increased business. Heretofore this office has been obliged, by reason of the limited appropriation, to determine which of the numerous urgent demands for repairs would suffer least by postponement. I do not think that this state of affairs should longer exist. It is, I claim, both economy and good judgment for the Government to properly care for its property, and to this end I have the honor to state that certain buildings have been carefully examined and reports submitted with estimates, showing that extensive alterations and repairs thereto are urgently needed, the cost of which will exceed by far the general appropriation hereinbefore mentioned, thus rendering it imperative, if said alterations and repairs are to be executed, that special appropriations in each case be made by Congress.

Mr. RANDALL. In reply to the gentleman from Maine, I will say that after this bill had been reported we received from the Supervising Architect, Mr. E. M. Bell, a communication, dated July 26, directing attention to certain estimates which had been previously made. The body of this communication speaks of "work of repair of old buildings and for the heating, &c., of new buildings in the amounts as specified below."

In a subsequent part of the communication he states that "the sum of $775,826.74 is estimated to repair and preserve the buildings scheduled above." He further says that this amount is "for work which seems absolutely essential to the preservation of the buildings." Now, in this list of items deemed "absolutely essential" I find the following:

Assessments for paving done by cities and sought to be charged to the Government, $11,451.74.

New York post-office, for additions to and extension, requiring authority of law, $96,728.

New York subtreasury, for alterations and extension of vault, $45,000.

New Orleans marine-hospital, additional wards, surgeon's house, &c., $50,000.

Saint Louis custom-house, to fit building for bonded warehouse, $10,000.

Boise City assay office, for coal and wood house and fence, $9,000.

Philadelphia mint building, for extension and alteration, $85,000.

These are all new projects, and not at all connected with any repairs; and their aggregate amount approaches $300,000.

Now I suppose that many members here have read communications such as that I hold in my hand from a subordinate of the Treasury Department, a gentleman from the State represented in part by my friend who sits before me, the gentleman from West Virginia [Mr. WILSON]. This is a most remarkable letter——

Mr. MCADOO. Will the gentleman allow me to read a letter which I have received from the gentleman in question, Mr. Holmes, general superintendent of repairs?

Mr. RANDALL. I have not time to yield. I wish to say that this is a most unusual mode, it seems to me, of addressing members of the Committee on Appropriations and of the House in regard to their public duties. I do not believe that this letter has the approval of the Secretary of the Treasury, nor do I consider this mode of communication defensible in any degree. I think the Secretary of the Treasury, when he has this communication brought to his attention, will be more likely to reprimand this officer than to commend him for his energy and zeal. He is a new officer, and is therefore perhaps to be forgiven in some measure for his zeal in this direction.

I wish to say that in this bill we have appropriated $200,000 for the repairs of all the public buildings in the United States, averaging about $1,000 to each building; and this amount is $37,500 in excess of what was given last year for the same purpose and $50,000 more than was appropriated for the same purpose the year before. It will be seen that as these buildings increase in number we have to make a reasonable increase in these appropriations. But I wish to say that in one instance which has been brought to our attention—the public building at Hartford, where this officer claims there ought to be an appropriation made for repairs, or paving, or something of that sort—the building is a new one, and, so far as we are advised, is in perfect order. I think there is no occasion to pay any particular attention to the communication of this gentleman from West Virginia.

Mr. WILSON. I move to strike out the last word. I wish to make a remark or two in reference to the letter of this gentleman to say a word in his behalf of what has fallen from the lips of the chairman of the Committee on Appropriations.

Mr. Chairman, I am personally acquinted with this official. I wish simply to say he is one of the best mechanics in the country. He is an admirable carpenter and has contracted for a large number of important buildings. He is a man who has worked his way up from a carpenter to his present position. It may be that being a new official and zealous in his desire to perform well the duties of his office he has assumed to himself to remind members of their interests in their districts.

Soon after his appointment he made a tour of inspection of the public buildings of the country by direction of the Treasury Department. Being a thoroughly trained mechanic, having a thorough experience in the erection of public buildings, he discovered a great many defects in public buildings, even in some like those alluded to by the gentleman from Pennsylvania, which had just been erected. He was particularly quick to discover defects in plumbing, and he found such defects in many of the buildings just erected. He found they were not built in accordance with modern sanitary science. I wish to say in his defense there could be no more zealous, energetic, or competent superintendent of repairs.

Mr. RANDALL. I move that the committee rise and report the bill to the House.

Mr. HOLMAN. There has been a little mistake made in an amendment adopted which I ask to be corrected. I send to the Clerk's desk to be read a substitute for what is included in line 768.

The Clerk read as follows:

Nor shall any part of the money appropriated by this act be used in the payment of per diem compensation to any clerk or marshal for attendance in court except for days when business is transacted in court, which fact shall be certified in approval of their accounts.

The CHAIRMAN. The Chair hears no objection, and the amendment just read will be substituted for the one heretofore adopted.

There was no objection, and it was ordered accordingly.

Mr. RANDALL. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. RANDALL. I demand the previous question on the bill and amendments.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. During the progress of this bill through the Committee of the Whole there was an understanding, I think, that there should be a separate vote on the silver-certificate clause, page 13. I have this memorandum of separate votes from the Clerk's desk, and I think it is correct: Page 37, informers' revenue clause; page 39, Hot Springs appropriation, on the suggestion of the gentleman from New York [Mr. BEACH]. Also on the statue clause, at the request of the gentleman from North Carolina [Mr. BENNETT]. I do not remember there are other amendments upon which a separate vote is desired. If there are any I hope gentlemen will indicate them now. If not I shall ask the remaining amendments be voted on in gross.

Mr. STORM. I understood a separate vote was asked on the printing of the one and two dollar notes.

Mr. WARNER, of Ohio. There was no understanding, but I suppose there will be no objection to taking a separate vote.

The SPEAKER. Any gentleman has a right to demand a separate vote.

Mr. RANDALL. A little order just now would be a great benefit.

Mr. WEAVER, of Iowa. I do not want a separate vote on the one and two dollar note clause.

Mr. RANDALL. I do.

The SPEAKER. Several gentlemen demand separate votes.

Mr. SPOONER. I ask a separate vote on the amendment striking out in line 1352 the amount originally incorporated in the bill and inserting a smaller amount.

Mr. RANDALL. That is the Block Island cable. That went out on the point of order.

Mr. SPOONER. But the amount is changed, and I ask a separate vote on that.

Mr. DUNHAM. Is a separate vote asked on the New York appropriation for the statue?

Mr. RANDALL. That has been reserved.

The SPEAKER. Is any other separate vote demanded?

Mr. BAYNE. As I understand my colleague a separate vote is demanded upon the issuing of silver certificates.

Mr. RANDALL. Yes, sir.

Mr. BAYNE. And for printing the one and two dollar notes?

Mr. RANDALL. The gentleman from Pennsylvania [Mr. STORM] now asks a separate vote; but I did not so understand in the committee.

The SPEAKER. If there be no further separate vote demanded the question will be upon agreeing to the remainder of the amendments in gross.

The amendments were agreed to.

Mr. RANDALL moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MCADOO. I would like to ask if a vote may not be taken upon the amendment I proposed in reference to the New York dry-dock?

Mr. RANDALL. That is not in the bill.

Mr. MCADOO. I know; but may I not ask unanimous consent to offer the amendment in the House and have a vote upon it in that way? [Cries of "Regular order!"]

Mr. RANDALL. The first separate vote is on page 12 of the bill.

The SPEAKER. The Clerk will read the first amendment on which a separate vote is to be taken.

The Clerk read as follows:

In line 279 insert:

"*Provided*, That no portion of this sum shall be expended for printing United States notes of large denominations in lieu of notes of small denominations canceled or retired."

Mr. RANDALL. Before the vote is taken upon this I ask unanimous consent that the time for adjournment be extended until 6 o'clock.

Mr. BEACH. Say until the bill is finished.

Mr. RANDALL. Very well; until the bill is completed.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

Mr. WEAVER, of Iowa. Has any member a right to call for a separate vote without being seconded by a larger number?

The SPEAKER. Any member has a right to demand a separate vote on an amendment—each amendment being a distinct proposition.

The question is upon agreeing to the amendment just read reported from the Committee of the Whole.

The amendment was agreed to.

The next amendment on which a separate vote was demanded was read, as follows:

After the word "Treasury," in line 295, insert:

"That the Secretary of the Treasury is hereby authorized and required to issue silver certificates in denominations of one, two, and five dollars on all the surplus silver dollars now in the Treasury in payment of appropriations made in this bill and other expenditures or obligations of the Government. That the silver certificates herein authorized shall be receivable and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," and shall be redeemable in standard silver dollars on demand; and when paid into the Treasury, shall be reissued subject to the provisions herein for the redemption of the same."

Mr. BAYNE. On that I demand the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to. [Applause.]

The next amendment on which a separate vote was demanded was on the following provision, stricken from the bill:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, $25,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

The amendment was agreed to.

The next amendment on which a separate vote was demanded was on striking out, on page 39, the provision as follows:

Hot Springs improvement:

For continuation of improvement of Hot Springs Creek, $20,000.

The SPEAKER. The Chair understands the situation to be this: A motion was made to strike out the provision, which was not agreed to, and it was understood that a vote on the motion to strike out would be taken in the House.

Mr. RANDALL. Yes, sir.

Mr. BAYNE. I demand the yeas and nays on that.

The yeas and nays were not ordered.

The question being taken on the motion to strike out, there were on a division—ayes 63, noes 83.

Mr. BEACH. No quorum has voted.

The SPEAKER. The point of order being made that a quorum has not voted, the Chair will appoint tellers.

Mr. BEACH and Mr. ROGERS were appointed tellers.

The House again divided; and the tellers reported—ayes 56, noes 110.

So the motion to strike out was rejected.

The next amendment on which a separate vote was demanded was on page 56, line 1352, as follows:

Strike out $26,350 and insert $8,000.

The SPEAKER. This is the amendment on which the gentleman from Rhode Island demanded a separate vote.

The question was taken, and on a division there were ayes 13, noes not counted.

Mr. HOPKINS. There seems to be a misapprehension in reference to this question. A vote in the affirmative means what?

The SPEAKER. It means to concur in the action of the Committee of the Whole reducing the amount. A vote in the negative means to non-concur, and leave the amount as originally reported. The Chair thought there was some misapprehension in reference to it.

Mr. RANDALL. I ask that the vote be taken over again. [Cries of "Regular order!"]

The question was again taken; and on a division there were—ayes 91, noes 62.

So the amendment was concurred in.

The Clerk read the next amendment on which a separate vote was demanded, as follows:

At the end of the bill add the following:

"Statue of Liberty Enlightening the World: For the installation of the statue of Liberty Enlightening the World on Bedloe's Island, in the harbor of New York, in accordance with the provisions of the joint resolution approved March 3, 1877, to be expended under the direction of the President for the objects specified in the annexed estimate submitted by the engineer of the American committee in charge of the work, so far as the President shall deem the said expenditures, or any portion of them, to be necessary and proper, $103,600, as follows:

For amount of memorandum by H. F. Spaulding, treasurer of American committee	$15,000
For construction of platforms for ceremonies of inauguration, decorations, music, and police	3,520
For unforeseen expenses of inauguration day	480
For entertainment of official French guests	9,000
For clearing grounds of island, grading, and removing unsightly structures	5,000
For building a new wharf of stone and concrete	16,000
For electric-light plant	15,000
For elevator in interior of pedestal	6,000
For strengthening interior walls of fort	7,200
For connecting-arches between walls of fort and foundation-mass of pedestal	26,400

The House divided; and there were—ayes 90, noes 77.

Mr. MILLS. I call for the yeas and nays.

The affirmative vote being taken on ordering the yeas and nays, there were ayes 43—more than one-fifth of the last vote.

Mr. LONG. Count the other side.

The negative vote being taken, there were noes 119.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 107, not voting 113; as follows:

YEAS—103.

Adams, G. E.	Dargan,	Lindsley,	Romeis,
Adams, J. J.	Davidson, R. H. M.	Long,	Rowell,
Baker,	Dingley,	Mahoney,	Sawyer,
Barnes,	Dowdney,	McAdoo,	Seymour,
Bayne,	Dunn,	McComas,	Snyder,
Beach,	Ermentrout,	McRae,	Spooner,
Belmont,	Evans,	Merriman,	Spriggs,
Bingham,	Everhart,	Millard,	Springer,
Blanchard,	Farquhar,	Milliken,	Stahlnecker,
Bliss,	Ford,	Moffatt,	Stephenson,
Blount,	Gallinger,	Morrison,	Stone, E. F.
Boyle,	Gilfillan,	Morrow,	Symes,
Breckinridge, C. R.	Hammond,	Muller,	Tillman,
Breckinridge, WCP.	Hayden,	Negley,	Tucker,
Brumm,	Henderson, T. J.	O'Hara,	Turner,
Buck,	Henley,	O'Neill, J. J.	Van Eaton,
Caldwell,	Hewitt,	Outhwaite,	Viele,
Campbell, Felix	Hiestand,	Payne,	Ward, T. B.
Campbell, T. J.	Hiscock,	Pettibone,	Warner, A. J.
Candler,	Hudd,	Pindar,	Warner, William
Cannon,	Jackson,	Randall,	Weber,
Caswell,	James,	Reagan,	Wilson,
Crain,	Johnson, F. A.	Reed, T. B.	Wise,
Crisp,	Jones, J. T.	Rice,	Wolford,
Cutcheon,	Ketcham,	Rockwell,	Worthington.
Daniel,	Libbey,	Rogers,	

NAYS—107.

Allen, J. M.	Forney,	McCreary,	Stewart, Charles
Anderson, C. M.	Frederick,	McKinley,	St. Martin,
Atkinson,	Fuller,	McMillin,	Stone, W. J., Ky.
Barksdale,	Funston,	Miller,	Stone, W. J., Mo.
Barry,	Geddes,	Mills,	Storm,
Bennett,	Guenther,	Morgan	Strait,
Bland,	Halsell,	Morrill,	Struble,
Bragg,	Hatch,	Murphy,	Tarsney,
Browne, T. M.	Henderson, J. S.	Neal,	Taulbee,
Burnes,	Hermann,	Neece,	Taylor, J. M.
Bynum,	Hill,	O'Donnell,	Taylor, Zach.
Cabell,	Holman,	O'Ferrall,	Thomas, O. B.
Campbell, J. E.	Holmes,	Payson,	Townshend,
Carleton,	Hopkins,	Peel,	Trigg,
Catchings,	Howard,	Perkins,	Van Schaick,
Conger,	Irion,	Perry,	Wadsworth,
Cooper,	Johnston, T. D.	Peters,	Wakefield,
Cowles,	Jones, J. H.	Pidcock,	Weaver, A. J.
Culberson,	Kleiner,	Price,	Weaver, J. B.
Curtin,	La Follette,	Reid, J. W.	Wellborn,
Dorsey,	Lanham,	Richardson,	Wheeler,
Dougherty,	Lore,	Ryan,	White, A. C.
Dunham,	Lowry,	Sadler,	White, Milo
Eldredge,	Lyman,	Seney,	Wilkins,
Ellsberry,	Martin,	Singleton,	Willis,
Fisher,	Matson,	Skinner,	Winans.
Fleeger,	Maybury,	Sowden,	

NOT VOTING—113.

Aiken,	Dawson,	Hires,	Ranney,
Allen, C. H.	Dibble,	Hitt,	Reese,
Anderson, J. A.	Dockery,	Houk,	Riggs,
Arnot,	Eden,	Hutton,	Robertson,
Ballentine,	Ely,	Johnston, J. T.	Sayers,
Barbour,	Felton,	Kelley,	Scott,
Bound,	Findlay,	King,	Scranton,
Boutelle,	Foran,	Laffoon,	Sessions,
Brady,	Gay,	Laird,	Shaw,
Brown, C. E.	Gibson, C. H.	Landes,	Smalls,
Brown, W. W.	Gibson, Eustace	Lawler,	Steele,
Buchanan,	Glass,	Le Fevre,	Stewart, J. W.
Bunnell,	Glover,	Lehlbach,	Swinburne,
Burleigh,	Goff,	Little,	Swope,
Burrows,	Green, R. S.	Louttit,	Taylor, E. B.
Butterworth,	Green, W. J.	Lovering,	Taylor, I. H.
Campbell, J. M.	Grosvenor,	Markham,	Thomas, J. R.
Clardy,	Grout,	McKenna,	Thompson,
Clements,	Hale,	Mitchell,	Throckmorton,
Cobb,	Hall,	Nelson,	Wade,
Cole,	Hanback,	Norwood,	Wait,
Collins,	Harmer,	Oates,	Wallace,
Compton,	Harris,	O'Neill, Charles	Ward, J. H.
Comstock,	Haynes,	Osborne,	West,
Cox,	Heard,	Owen,	Whiting.
Croxton,	Hemphill,	Parker,	Woodburn.
Davenport,	Henderson, D. B.	Phelps,	
Davidson, A. C.	Hepburn,	Pirce,	
Davis,	Herbert,	Plumb,	

So the amendment was not agreed to.

Mr. JACKSON. I ask unanimous consent to dispense with the reading of the names.

Objection was made.

Mr. TUCKER. I am paired with Mr. STEWART, of Vermont, but I have been assured he would have voted in favor of this amendment, and therefore I have voted "ay."

Mr. BOUTELLE. I voted inadvertently. I am paired with Mr. SAYERS, of Texas. Not knowing how Mr. SAYERS would vote, I withdraw my vote.

The following additional pairs were announced:

Until further notice:

Mr. SAYERS with Mr. BOUTELLE.

Mr. LE FEVRE with Mr. BUTTERWORTH.

For the rest of the day:

Mr. LAWLER with Mr. GROSVENOR.

Mr. DIBBLE with Mr. IKE H. TAYLOR.

Mr. RANNEY with Mr. HERBERT.

Mr. HUTTON with Mr. LAIRD.

Mr. OATES with Mr. KELLEY.

Mr. CLARDY with Mr. WAIT.

Mr. LAFFOON with Mr. HARMER.

Mr. ROBERTSON with Mr. E. B. TAYLOR.

Mr. THROCKMORTON with Mr. DAVENPORT.

Mr. DAVIDSON, of Florida, with Mr. ANDERSON, of Kansas.

The result of the vote was then announced as above stated.

Mr. MILLS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

Mr. SPRINGER. On the latter motion I ask for a division.

The House divided; and there were—ayes 70, noes 68.

Mr. HEWITT. No quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint as tellers the gentleman from New York [Mr. HEWITT] and the gentleman from Texas [Mr. MILLS].

The House again divided; and the tellers reported—ayes 90, noes 67.

Mr. HEWITT. No quorum.

Mr. SPRINGER. I move that the House do now adjourn.

The question being put, the Speaker stated that the "noes" seemed to have it.

Mr. SPRINGER. I call for a division.

The House again divided; and there were—ayes 42, noes 85.

So the House refused to adjourn.

Mr. HEWITT. I withdraw the point of no quorum.

So (further count not being called for) the motion to reconsider was laid on the table.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. RANDALL. I demand the previous question on the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, under its previous order, the House (at 5 o'clock and 40 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARRY: Papers relating to the claim of John Young, of Robert Tarver, of R. R. Roydston, and of Samuel H. Miller, of Yalobusha County; of William Talliaferro and of Joseph A. Weatherby, of La Fayette County; and of Phil. Davis and of John White, of Chickasaw County, Mississippi—to the Committee on War Claims.

By Mr. BENNETT: Papers relating to the claim of David Banks, of Elizabeth Covington, and of Archibald S. McNeill, of Richmond County; of William Grisson, of Brunswick County; and of Arthur J. Hill, of Wilmington, N. C.—to the same committee.

By Mr. BYNUM: Petition of 40 soldiers of Howard Post, Grand Army of the Republic, No. 311, Department of Indiana, for the passage of the Blair pension bill—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Papers relating to the claim of estate of John J. Wherry, by his widow, Jane E. Wherry, of James W. Gee, of Sarah Wright, and of Horace H. Hanmer, of Davidson County; of W. B. Lillard, executor of Alfred Blackman, and of Eli A. Seay, of Rutherford County; of John A. Curtis, of Franklin County; of Thos. L. Porter, administrator of Nimrod Porter, deceased, of Maury County; of Alice A. Trice, of Montgomery County; of Madison Porter, of Winchester; of Thomas J. Johnson, of Haywood County; and of W. A. Davis, administrator of R. R. Hightower, deceased, of Williamson County, Tennessee—to the Committee on War Claims.

By Mr. HEWITT: Petition of William Shepard, for a pension—to the Committee on Invalid Pensions.

By Mr. JAMES: Petition of Andrew C. Roesche and 57 others, citizens of Brooklyn, N. Y., asking for liberal appropriations to enable the National Board of Health to prosecute its work, &c.—to the Committee on Commerce.

By Mr. LANDES: Petition of E. A. Jackson, and others, members of York Post, Grand Army of the Republic, of Clark County, Illinois, praying for the passage of the Lovering pension bill—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Petition of Mary Walton, for payment of war claim—to the Committee on War Claims.

By Mr. McMILLIN: Petition of E. P. McGalenck, for pay for horses used in the Mexican war—to the Committee on Claims.

By Mr. NORWOOD: Petition of W. R. Phillips and others, of T. J. Fuller and others, and of James Thompson and others, citizens of Georgia, asking national aid for common schools—to the Committee on Education.

By Mr. OUTHWAITE: Petition of A. J. Donley and 22 others, of Samuel Weller and 19 others, of R. D. McMonigal and 12 others, and of Hon. Seth Weldy and 42 others, of Logan, Ohio, in favor of the passage of House bill 1096, granting pensions for service in the Army and Navy of the United States during the late war—to the Committee on Invalid Pensions.

Also, petition of George T. Newton, of South Perry, Ohio, and 41 others, in favor of the passage of Senate bill 1886, known as the Blair pension bill—to the same committee.

By Mr. PERKINS: Petition of the Western Miami Indians, praying for relief—to the Committee on Indian Affairs.

By Mr. SENEY: Petition of T. W. Prentiss and 60 others, citizens of Putnam County, Ohio, favoring pending pension legislation—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Petition of Charles F. Mills, secretary of the Illinois State board of agriculture, for the passage of Senate bill 2004—to the Committee on Military Affairs.

By Mr. STAHLNECKER: Petition of the Engineers' Club, of Philadelphia, asking that the appropriation for the improvement of New York Harbor be not restricted to any special plan, but open to all competitors—to the Committee on Rivers and Harbors.

By Mr. WHEELER: Petition of Israel P. Russell, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claims of Eliz. Wallace, of Minerva Coats, and of Maria Barriere, of Stevenson County; of Israel P. Russell, of W. H. Christian, of John Sullivan, of William Russell, and of William Hayes, of Jackson County; and of Jesse Lilly, of Larkinsville, Ala.—to the same committee.

By Mr. WILLIS: Petition of the Liquor Dealers' Association of the District of Columbia, against the passage of the high-license bill (S. 1380)—to the Committee on the District of Columbia.

By Mr. WILSON: Petition of George Koonce, of J. H. Smith, of Joseph J. Whittington, and of Alfred O'Bannon, of Jefferson County, and of B. S. Kilmer, of Berkeley County, West Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. C. M. ANDERSON: Petition of Benjamin Vintree and 124 others, and of Edward Plance and 62 others, citizens of the fourth district of Ohio.

By Mr. BARNES: Petition of Z. P. Rogers and 50 others, and of S. W. Neese and 361 others, citizens of the tenth district of Georgia.

By Mr. BELMONT: Petition of Carl Christman and 53 others, and of Richard Luthers and 76 others, citizens of New York.

By Mr. BOUND: Petition of J. K. Maurer and 186 others, of William H. Siles and 34 others, citizens of the fourteenth district of Pennsylvania.

By Mr. BOYLE: Petition of R. M. Apple and 54 others, of Samuel Ruple and 141 others, and of John Rae and 55 others, of the twenty-first district of Pennsylvania.

By Mr. BRADY: Petition of Robert A. Harris and 57 others, of C. Booker and 30 others, of J. F. F. Young and 25 others, of J. G. Dolan and 27 others, and of John H. Allen and 104 others, citizens of the fourth district of Virginia.

By Mr. C. E. BROWN: Petition of William Martin and 50 others, of Elmer Allee and 200 others, of F. Wyrick and 99 others, and of Michael Kenrick and 73 others, citizens of the second district of Ohio.

By Mr. BUTTERWORTH: Petition of J. W. Caldwell and 130 others, of John Herbone and 57 others, of James E. Schoenberger and 169 others, of Michael Fox and 26 others, of George Roeder and 142 others, and of Frank F. Pflum and 72 others, citizens of the first district of Ohio.

By Mr. J. M. CAMPBELL: Petition of W. C. Reem and 86 others, citizens of the seventeenth district of Pennsylvania.

By Mr. DANIEL: Petition of N. Jackson and 131 others, and of A. L. Keely and 65 others, citizens of the sixth district of Virginia.

By Mr. ELY: Petition of Jeremiah Lyons and 142 others, of Martin Bolan and 18 others, of Thomas O. Nelson and 37 others, and of S. Pilling and 72 others, citizens of the ninth district of Massachusetts.

By Mr. FINDLAY: Petition of Charles M. Metz and 176 others, of C. B. Townsend and 88 others, of Robert H. Allen and 43 others, of J. H. Ruhl and 40 others, of Thomas Overcash and 384 others, of George Sinclair and 119 others, of Fred. F. Meyers and 16 others, of James H. Crouch and 152 others, of Charles G. Rose and 85 others, of Samuel B. Hasson and 75 others, of J. C. Wilson and 41 others, of Henry Michael and 250 others, of E. H. Poole and 68 others, of Joseph E. Cummings and 156 others, of Theodore Michael and others, of James Rody and 50 others, of Francis Cawley and 27 others, of William N. Hill and 42 others, of Thomas Henry and 52 others, of Lonha Frederick and 80 others, of Jacob E. Robertson and 36 others, of Henry Randels and 170 others, of James Hoey and 153 others, of Henry G. Harrison and 88 others, of O. H. Weinere and 23 others, of Daniel C. Walsh and 136 others, of H. L. Baucher and 44 others, of John Blosk and 30 others, of Berry Leddon and 85 others, of William T. Sagle and 15 others, of Lewis Parker and 50 others, of John E. McConley and 50 others, of J. T. Colman and 178 others, of H. L. Baescher and 44 others, of Daniel C. Walsh and 136 others, of George W. King and 45 others, of O. H. Weiner and 23 others, of H. G. Harrison and 88 others, of Francis Cawley and 48 others, of James Hoey and 157 others, of Henry Randels and 170 others, of Jacob Robertson and 56 others, of E. J. Smead and 29 others, of L. Frederick and 80 others, of W. N. Hill and 42 others, of Thomas Henz and 52 others, of J. H. Hodge and 28 others, of James Beckwith and 33 others, of R. Ompetede and 50 others, of Robert Keating and 49 others, of L. G. Weikarts and 181 others, of Martin Connor and 15 others, of Adam Graf and 165 others, of M. A. Morgan and 23 others, of N. H. Grank and 146 others, of Jacob Grant and 65 others, of W. J. Ward and 92 others, of Adam Reiser and 520 others, and of Philip T. Ulher and 430 others, citizens of Maryland.

By Mr. GROSVENOR: Petition of Henry Gavre and 41 others, of John G. Riley and 73 others, and of Bernard Fishter and 48 others, citizens of the fourteenth district of Ohio.

By Mr. HIRES: Petition of Charles Hensel and 17 others, and of James Lutts and 99 others, citizens of the first district of New Jersey.

By Mr. JAMES: Petition of Thomas Dolan and 82 others, of William C. Taft and 46 others, of William R. White and 156 others, and of Samuel P. Babcock and 156 others, citizens of the third district of New York.

By Mr. KETCHAM: Petition of Benjamin Dykeman and 10 others, of William Barker and 26 others, of Francis Kikman and 182 others, and of G. J. Harman and 205 others, citizens of the sixteenth Congressional district of New York.

By Mr. LEHLBACH: Petition of Gottleib Hebb and 42 others, of August Kremp and 28 others, of Robert Spiers and 45 others, of August Kremp and 28 others, of C. L. S. Walkin and 76 others, and of W. P. Cully and 24 others, citizens of the sixth district of New Jersey.

By Mr. LIBBEY: Petition M. A. Moore and 42 others, of B. A. Richardson and 23 others, of A. Holt and 47 others, of Fred. Brewer and 52 others, of Joel C. White and 159 others, of B. A. Richardson and 23 others, of William B. Ballard and 46 others, of C. A. Archer and 50 others, of William McManus and 68 others, of C. Cooper and 262 others, and of F. J. Sansom and 401 others, citizens of the second district of Virginia.

By Mr. LONG: Petition of James Tracy and 47 others, of Mary Hallihan and 104 others, of Robert E. Loyd and 143 others, and of George F. Phillips and 24 others, citizens of the second district of Massachusetts.

By Mr. MAHONEY: Petition of D. Corbet and 27 others, of John F. White and 71 others, and of Walter E. Lincoln and 128 others, citizens of the fourth district of New York.

By Mr. MERRIMAN: Petition of Thomas Smith and 136 others and of William Walsh and 211 others, citizens of the eleventh district of New York.

By Mr. MITCHELL: Petition of Henry Langdon and 66 others, of James F. Butler and 45 others, of George Worten and 47 others, of Dennis Horan and 74 others, of W. D. Wedge and 23 others, of Charles B. Parish and 41 others, of James F. Donahue and 52 others, and of Henry Palmer and 21 others, citizens of the second district of Connecticut.

By Mr. MULLER: Petition of William H. Baker and 238 others, G. D. McVey and 180 others, of William Scanlon and 123 others, of H. J. Dowdall and 209 others, and of Joseph Lapham and 37 others, citizens of New York.

By Mr. PAYNE: Petition of W. J. Fitzgerald and 60 others, of James O'Connell and 69 others, of John Sullivan and 179 others, and of Joseph L. Darling and 94 others, citizens of the twenty-seventh district of New York.

By Mr. PINDAR: Petition of Sims A. Harpell and 26 others and of C. W. Lambert and 23 others, citizens of the twenty-fourth district of New York.

By Mr. RICE: Petition of Benjamin Webster and 108 others, of C. S. Jones and 54 others, of Hammond Page and 53 others, and of Nelson Weeks and 101 others, citizens of the tenth district of Massachusetts.

By Mr. STAHLNECKER: Petition of Frank J. McGuire and 36 others, of J. A. Burke and 28 others, of J. A. Dunne and 150 others, and

of John Murphy and 22 others, citizens of the fourteenth district of New York.

By Mr. STORM: Petition of John Duffy and 36 others, of Condy Brennan and 31 others, and of James Broderick and 96 others, citizens of the eleventh district of Pennsylvania.

By Mr. SWINBURNE: Petition of Joseph Kline and 65 others, of Charles Fallon and 145 others, of John O. Willey and 44 others, of Henry Sam and 21 others, of John G. Gebhardt and 79 others, of Charles R. Wager and 24 others, and of Patrick Adams and 46 others, citizens of the nineteenth district of New York.

By Mr. A. J. WARNER: Petition of S. M. Cole and 144 others and of Francis Moore and 36 others, citizens of the seventeenth district of Ohio.

By Mr. WEST: Petition of James Gater and 102 others, of William S. Taylor and 161 others, of John J. Helan and 31 others, of John Dingley and 41 others, citizens of the twentieth district of New York.

By Mr. WILKINS: Petition of John Adams and 25 others, of John Krebs and 22 others, and of John J. Burkert and 123 others, citizens of the fifteenth district of Ohio.

SENATE.

FRIDAY, *July* 2, 1886.

Prayer by Rev. S. B. BARNITZ, of Des Moines, Iowa.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL REPORT FOR 1885.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Commissioner of Agriculture; which was read, and ordered to lie on the table and to be printed:

UNITED STATES DEPARTMENT OF AGRICULTURE,
COMMISSIONER'S OFFICE,
Washington, D. C., July 1, 1886.

SIR: In response to a resolution of the Senate of the 29th ultimo, directing me to inform the Senate "why the report of the Commissioner of Agriculture for 1885 has not been delivered for distribution," I have the honor to state that the responsibility for the non-delivery of the reports of this Department does not rest with me. On June 24 the Public Printer began delivering the quota assigned to this Department. I may add that I am informed that these reports are now being delivered to the Senate.

Very respectfully, your obedient servant,

NORMAN J. COLMAN,
Commissioner of Agriculture.

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of 104 citizens of Cleveland, Ohio; a petition of 100 citizens of Cleveland, Ohio, and a petition of 78 citizens of Boston, Mass., praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

The PRESIDENT *pro tempore* presented the petition of Dr. Harrison Wagner, of Cardington, Ohio, praying that he be allowed a pension for disability incurred as hospital nurse in General Hospital No. 1, at Frederick, Md.; which was referred to the Committee on Pensions.

Mr. DAWES presented the petition of A. B. Taylor and 48 others, citizens of fifth Congressional district, Massachusetts; the petition of E. S. Scribner and 148 others, citizens of the fifth Congressional district, Massachusetts; the petition of Calvin D. Weeks, mayor of Haverhill, Mass., and 281 others, citizens of the fifth Congressional district, Massachusetts; the petition of W. H. McFadden and 63 others, citizens of the eighth Congressional district, Massachusetts; the petition of W. P. Clark and 73 others, citizens of the ninth Congressional district, Massachusetts; the petition of Patrick Murphy and 92 others, citizens of the tenth Congressional district, Massachusetts; the petition of L. P. Dustin and 24 others, citizens of the eleventh Congressional district, Massachusetts; and the petition of Alonzo Pennington and 112 others, citizens of the eleventh Congressional district, Massachusetts, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. MITCHELL, of Oregon, presented a petition of citizen-soldiers of the State of Oregon, praying for the passage of what is known as the Weaver bill; which was referred to the Committee on Military Affairs.

Mr. CAMERON presented a petition of citizens of Elkland, Tioga County, Pennsylvania, praying for the passage of the bill to tax oleomargarine; which was ordered to lie on the table.

Mr. MILLER presented the petition of Stephen P. Ellsworth and 294 other citizens of the third Congressional district of New York; the petition of William A. Walther and 38 other citizens of the fourth Congressional district of New York; the petition of Charles Gateson and 39 other citizens of the fourth Congressional district of New York; the petition of Miles McGavan and 104 other citizens of the fourth Congressional district of New York; the petition of J. R. Nichols and 55 other citizens of the fifth Congressional district of New York; the petition of George Welley and 39 other citizens of the fifth Congressional district of New York; the petition of Richard L. Raleigh and 69 other citizens of the seventh Congressional district of New York; the petition of F. W. Clarke and 57 other citizens of the ninth Congressional district of New York; and the petition of George W. Wylie and 110 other citizens of the eleventh Congressional district of New York, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000, Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. MILLER. I present a petition of the Daniel F. Schenck Post, Grand Army of the Republic, located at Fulton, N. Y., which reads as follows:

We, comrades of the late Capt. D. F. Schenck, and members of Post D. F. Schenck, Fulton, N. Y., Grand Army of the Republic, notice with sorrow the action of the President of the United States in vetoing the bill granting a small pension of $20 per month to the widow of the late Captain Schenck, and we do most earnestly petition your honorable bodies (the Senate and Congress) to reverse this action by passing this bill over the veto, if necessary.

This petition is signed by A. H. Gilbert, commander, and a large number of members of the post.

In addition to that I have here a letter numerously signed by members of this post, which I will also read in connection with this matter:

FULTON, N. Y., *June* 29, 1886.

DEAR SIR: We inclose petition from Post D. F. Schenck, Grand Army of the Republic, Fulton, N. Y., and we wish to say something in reference to this case.

Knowing Captain Schenck as we did, a brave and faithful officer who served his country well during the war, contracting disease that never left him till his death, and for a number of years previous to his death suffering day by day, unwilling to make known his special complaints and difficulties to any except his nearest of kin, we could see that he was gradually failing, and finally had to succumb to the powers of disease. His widow, one of the noblest and best of women (supposing herself well provided for), refused to ask for a pension, although entreated to do so by her friends at the time of his death, and not until unexpectedly brought into circumstances of actual need, and away from her many friends, has she sought for the evidence that would enable her to obtain what so justly belongs to her, but so far has failed to satisfy the requirements of the Commissioner. She has at last asked your special help, which has been so generously given, and now she is nearly crushed by the action of the President, and we do hope you will in some way provide for her case. We understand that the bill has been in the President's hands beyond the limit of the Constitution. If that be so does it not become a law? We entreat you to give it your most hearty and earnest effort.

Will you please put this petition in the hands of Senator PALMER, of Detroit, and as many others as you think best, with this letter if you choose.

Yours, most respectfully.

Hon. WARNER MILLER,
Washington, D. C.

This letter is signed by A. R. Chase, A. J. Osborne, and a large number of other members of the post.

It will be seen from these papers that Captain Schenck was so honorable and true a soldier that one of the posts of the Grand Army of the Republic has been named in his honor.

I submit these papers and ask their reference to the Committee on Pensions; and I shall ask that committee to take up this matter at an early day and see what can be done.

The PRESIDENT *pro tempore*. The petition and accompanying papers will be referred to the Committee on Pensions.

Mr. PLATT presented the petition of Peter Jennings and 64 others, citizens of the first Congressional district of Connecticut; the petition of S. Sieler and 19 others, citizens of the fourth Congressional district of Connecticut; the petition of Thomas Fair and 88 others, citizens of the first Congressional district of Connecticut; the petition of John Purdy and 54 others, citizens of the fourth Congressional district of Connecticut; the petition of F. Richards and 66 others, citizens of the fourth Congressional district of Connecticut; the petition of F. A. Robbins and 33 others, citizens of the fourth Congressional district of Connecticut; the petition of C. R. Townsend and 36 others, citizens of the fourth Congressional district of Connecticut; the petition of Harry Corwin and 8 others, citizens of the second Congressional district of Connecticut; the petition of Daniel H. Ford and 78 others, citizens of the second Congressional district of Connecticut; the petition of John C. Nelson and 50 others, citizens of the first Congressional district of Connecticut; the petition of Thomas F. O'Conner and 150 others, citizens of the first Congressional district of Connecticut; and the petition of Joseph McGill and 100 others, citizens of the second Congressional district of Connecticut; praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad and land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. CULLOM presented a petition of 34 members of the Bunker Hill Milk Producers' Association and other dealers in dairy products at Bunker Hill, Ill., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

He also presented a memorial of Concordia Assembly of the Knights of Labor, of Chicago, Ill., composed of German-American citizens, and having 683 members, remonstrating against the passage of the oleomargarine bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HARRISON, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which, with the accompanying report and papers, was referred to the Committee on Appropriations.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 2508) to authorize the Shoshone and Bannock Indians to sell to the Utah and Northern and Oregon Short-Line Railway Companies certain lands situated upon the reservation of said Indians, in Idaho, necessary to said railway companies for railway purposes, and for the relief of said railway companies, reported a bill (S. 2789) to authorize the Secretary of the Interior to negotiate with the Shoshone and Bannock tribes of Indians for the relinquishment of their title to so much of the lands of the Fort Hall reservation, in Idaho Territory, as is required for the uses and purposes of the Utah and Northern Railway Company and the Oregon Short-Line Railway Company, either separately or conjointly; which was read twice by its title.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 1336) to authorize the construction of a bridge over Bayou Bernard, in the State of Mississippi, reported it with amendments.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 190) for the relief of certain employés and others of the twelfth United States light-house district; and

A bill (H. R. 5872) for the relief of R. D. Beckley and Leon Howard.

Mr. VOORHEES, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. INGALLS. Some days ago the Senate passed the bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands, under the act of March 3, 1883; which was reported favorably from the Committee on Indian Affairs. Subsequently I moved to reconsider the vote by which the Senate passed the bill, and that motion is now pending. Since that time I have been directed by the Committee on Indian Affairs to report a substitute for the bill when it shall be reconsidered. I report the substitute and ask that it may be placed on the Calendar to be ready to be called up when that action shall be taken.

The PRESIDENT *pro tempore*. The proposed substitute will be printed and laid on the table. Does the Senator desire it to be read the first and second times and treated as a new bill, or simply as an amendment?

Mr. INGALLS. The action of the committee is that it shall be offered as a substitute for the bill I have named when it shall be reached.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 2790) granting a pension to Catherine M. Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2791) to provide for an American register for the steamer Nuevo Montezuma, of Philadelphia; which was read twice by its title, and, with the accompanying documents, referred to the Committee on Commerce.

Mr. WILSON, of Iowa, introduced a bill (S. 2792) granting a pension to Mrs. Melvina Van Ness; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2793) for the relief of Mary J. Watts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 2794) to amend an act entitled "An act for the erection and construction of a public building at Oxford, Miss.," approved July 12, 1882; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS (by request) introduced a bill (S. 2795) granting a pension to Francis W. Strickland; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2796) to establish a land office at Lamar, Colo.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DOLPH introduced a bill (S. 2797) granting a pension to Lizzie Wright Owen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 2798) to amend section 839 and section 847 of the Revised Statutes of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. CAMERON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT. I submit an amendment intended to be proposed to the general deficiency appropriation bill, which I ask to have referred to the Committee on Appropriations together with a certified copy of the decision of the Court of Claims relating to the matter.

The PRESIDENT *pro tempore*. The amendment will be printed, and referred, with the accompanying papers, to the Committee on Appropriations.

Mr. HALE. At the request of the Senator from New Jersey [Mr. SEWELL] I submit an amendment to the sundry civil appropriation bill, which I desire shall be first referred to the Committee on Commerce, in order that that committee may pass upon it and then refer it to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Commerce, and printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. GIBSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DUTIES ON REIMPORTED GOODS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate a copy of a letter addressed to the Attorney-General of the United States, of date 19th of March, 1886, asking an opinion as to whether imported goods, wares, and merchandise, the product or manufacture of the United States, which under section 2500, Revised Statutes, are liable to a duty equal to the tax imposed by the internal-revenue laws, are entitled to the privilege of the bonded-warehouse system prescribed by sections 2962, &c., of the Revised Statutes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House of Representatives having proceeded in pursuance of the Constitution of the United States to reconsider the bill (S. 150) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, returned to the Senate, in which it originated, by the President of the United States with his objections, and sent by the Senate to the House of Representatives with the message of the President returning the bill, it was

Resolved, That the said bill do not pass, two-thirds of the House not agreeing to pass the same.

The message also announced that the House had passed the bill (S. 503) relating to the supreme court of Montana Territory and providing for the establishment of judicial districts in said Territory.

The message further announced that the House had appointed Mr. J. E. CAMPBELL a manager at the conference on the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats, in the District of Columbia, in place of Mr. BARBOUR, excused.

The message also announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there no be further "concurrent or other resolutions" the Calendar is in order.

Mr. ALLISON. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The PRESDIENT *pro tempore*. The next reserved amendment will be stated.

The CHIEF CLERK. In the appropriations for office of "Sergeant-at-Arms and Doorkeeper" of the Senate, in line 109, the Senate, as in Committee of the Whole, struck out "twenty-seven" and inserted "twenty-five" before the word "messengers;" so as to read:

Twenty-five messengers at $1,440 each.

The amendment was concurred in.

The next reserved amendment was, after the word "each" at the end of line 117, to strike out "one fireman at $1,080."

Mr. RIDDLEBERGER. I object to that amendment. I wish to say in this connection that I have taken the pains to make a great deal of inquiry about the proposed reductions in the force of the Senate, and I think I have gone to the proper officers to ascertain what is proper to be done in this matter.

If we take the bill from one end to the other we find that the force in the Senate is proposed to be reduced, while as a rule in the House there are no changes with two exceptions other than to increase the force.

If we go to the folding-room of the Senate we find that the work there has increased one-third within the last few years. If we go to the post-office we are informed by the Postmaster that the labor of that office has almost doubled within five years. If we go down into the engine-room we are told there that the labor required of the men employed is almost double what it was three years ago, made so by the increase of committee-rooms and by the increased labor in all the several offices pertaining to the Senate.

I notice furthermore that it is not proposed to reduce any expenses here except such as may be accomplished by striking from the rolls of the Senate the laboring men. If there is no use for these laboring men in the Senate, what has been the use for them hitherto when one-third less work was required of them? Ask the officers of the Senate who know most about this matter, and they will all tell you that they have more need for the services of these men to-day than they have had hitherto in the last ten years.

I therefore hope it will be the pleasure of the Senate to leave the force employed here as it has been hitherto, and as we know now in the near future which will have to be increased rather than diminished.

Mr. HARRIS. Has the question been put upon the first amendment reserved by me yesterday evening?

The PRESIDENT *pro tempore*. The question has been put and the amendment has been concurred in.

Mr. HARRIS. I am satisfied that not one in ten, if indeed any Senator on the floor understood it. I did not, and I beg that the question be put again.

The PRESIDENT *pro tempore*. The Chair will again put the question on concurring in the amendment, if there be no objection.

Mr. HARRIS. Let the question be stated.

The PRESIDENT *pro tempore*. The amendment will be again reported.

The CHIEF CLERK. In line 107, before the word "messengers," the Senate, as in Committee of the Whole, struck out "twenty-seven" and inserted "twenty-five;" so as to read:

Twenty-five messengers at $1,440 each.

The question being put, it was declared that the noes appeared to prevail.

Mr. ALLISON. I ask for the yeas and nays.

Mr. VOORHEES. I wish the matter might be explained so that we may know what it is.

Mr. ALLISON. I will explain it.

The PRESIDENT *pro tempore*. The yeas and nays are demanded on concurring in the amendment.

The yeas and nays were ordered.

Mr. ALLISON. A resolution was passed by the Senate on the 3d day of February, 1885, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to employ three messengers at $1,440 each; two skilled laborers at $1,000 each; two laborers at $720 each; two firemen at $1,080 each; two janitors at $900 each. And the Secretary of the Senate is hereby authorized and directed to pay the above employés out of the miscellaneous items of the contingent fund of the Senate.

This resolution was adopted because of the renting of what is known as the Butler house, and it was stated on the floor of the Senate that these additional employés were required because of the renting of the Butler house. Just before the adjournment of the last Congress all resolutions relating to the Butler house were rescinded, and it was understood by the Senate that those employés who were engaged at the Butler house should be dispensed with.

The Senate Committee on Appropriations, instead of providing for the three messengers authorized by the resolution, only provided for two, and instead of authorizing two firemen at $1,080 each, only provided for one. So this resolution was only partially executed by the appropriation act for the fiscal year which has just closed.

In the present bill as reported these employés, each and every one of them, were dispensed with, and the Committee on Appropriations, in making these changes in the force of the Senate, simply placed it back where it was before the Butler house was rented. In the judgment of the Committee on Appropriations the force which they have provided for in this bill is sufficient to carry on the operations of the Senate with efficiency and to the convenience of all Senators and all the committees of this body.

I trust that each and all of these amendments as presented by the Committee on Appropriations will be concurred in by the Senate.

Mr. RIDDLEBERGER. That is a very fair explanation of this matter, so far as it goes. The only two men who were really assigned to the Butler building under that resolution, and who came back here and can be dispensed with, as I understand, are the two janitors.

We know that since we gave up the Butler building we have ten additional committee-rooms in this building. We are occupying more additional committee-rooms in this building now than were occupied when we had the Butler building, by reason of the changes wrought here within the last two years, some of them last year. There is a room over yonder made across one end of the hall in the old portion of the Capitol. There is a room down-stairs for the Committee on Fish and Fisheries made since that time. There is a room over here for the Committee on the District made within the last three years, one of the most important in the Senate. There is another new room down-stairs occupied by the Committee on Civil Service and Retrenchment. Senators know how these changes have been wrought. We have ten more committee-rooms in this building now than we had when we took hold of the Butler building.

How, then, can we dispense with these two messengers without inconveniencing some committees? Whose messengers do you propose to dispense with? Submit that to the chairmen of committees here and say we are going to ask the Sergeant-at-Arms to discharge your messenger, and how quick you will find them kicking against it; and yet it is proposed to make the Sergeant-at-Arms discharge two messengers, after giving him ten more committee-rooms to manage and to supply with assistants when the committees are in session. I say that it is unjust to the Sergeant-at-Arms, it is unjust to the committees themselves, to take one man from the messenger rolls of the Senate. The economy will amount to nothing.

Not a single man is stricken from the roll of the House of Representatives, and here, with an increase of committees, with an increase of committee-rooms, we propose to strike off two messengers and leave two committees without messengers. That is the statement of the case as it ought to be presented to the Senate, and it is a fact which every Senator can ascertain for himself, and as I believe every Senator who has gone around the Capitol knows for himself now.

Mr. TELLER. It is not a question what the Senate may have done heretofore about this force; it is simply a question what can the Senate afford to do with reference to the dispatch of the business of the Senate. If there are any more employés about the Senate than are necessary for the orderly and proper dispatch of business, we ought to dispense with them. I understand from the officers who have this force in charge

that this is not the fact. I am sure that my own observation has not led me to suppose that there are about the Senate any number of men who are not engaged; and I believe that will be the observation of every Senator on this floor.

I am as much in favor of economy as anybody, but I am not in favor of any picayune business. I think I speak the sentiment of the people of the United States when I say they do not ask that their representatives in this Hall or in the other shall come here and be without the proper appliances, the proper medium by which they may transact their business.

When this body voted that every member who was not at the head of a committee should have a clerk or stenographer it was said that that would not meet with the approval of the people of the United States. There never has been, that I am aware of, a dissent from that action anywhere. The people of the United States do not expect that the Senate of the United States will proceed upon the same system that a farmer who is laboring to pay for his farm proceeds upon in the management of his business. It is expected that the Senate will have all the necessary facilities for the dispatch of its business. As I said the other night on another subject, what the people demand is dispatch of business, celerity, and attention to public affairs in such way as to promote the general public good.

The PRESIDING OFFICER (Mr. CULLOM in the chair). Senators must bear in mind that debate to-day is under the five-minute rule.

Mr. TELLER. I have not spoken five minutes yet. I do not know that I have anything further to add, but will simply say that I do not believe the experience and observation of any considerable portion of the Senate will sustain the suggestion that we have more employés here than are necessary for the orderly and proper dispatch of the public service; and therefore I am not disposed for the sake of saving $2,800 or thereabouts that we should all be inconvenienced.

There are so few employés about the Senate who were put upon the force at my suggestion or recommendation that nobody who knows the facts would suspect that I am interested in any person or in keeping any particular individual in the service.

Mr. BECK. Mr. President, before the vote is taken I desire to add one word to what has been said by the chairman of the committee.

The Committee on Appropriations did not feel at liberty to cut down any of the employés of the Senate or to inconvenience any gentleman or any committee, but when a resolution was introduced by the Senator from Massachusetts [Mr. DAWES] two years ago to rent additional rooms, and when that was referred to the Committee on Contingent Expenses and reported back by the Senator from Nevada [Mr. JONES] approving the renting of what is known as the Butler house, a resolution was agreed to, which was read by the chairman of the committee, to employ a certain number of messengers, firemen, skilled laborers, laborers, and janitors. The Committee on Appropriations did not feel that they ought to give all that was asked, but they did substantially. We gave them two messengers, one fireman, two skilled laborers, two laborers, and two janitors, making a total of $10,280.

Afterward that resolution was rescinded; the Butler house was given up; there was no longer any need for those employés, and therefore in this bill we have just stricken out two messengers at $1,440 each, one fireman at $1,080, two skilled laborers at $1,000 each, two laborers at $720 each, and two janitors at $900, making $10,280, because the purpose for which they were employed no longer exists.

That is all there is of it, and that shows, in my judgment, the wisdom of the provision made by the committee, which was discussed here fully the other day, when we gave, for the purpose of restoring and repairing worn-out and defaced rolls in the Second Auditor's Office, $21,000. Instead of employing so many messengers, so many firemen, so many skilled laborers, so many janitors, so many clerks, and putting them on the pay-roll and making them a part of the regular force, we gave $21,000 in gross to have the work done, so that when that work has been done the men will not be on the pay-rolls and will not have any claim upon them. Instead of saying "two messengers at $1,440 each, one fireman at $1,080, two skilled laborers at $1,000 each, two laborers at $720 each, and two janitors at $900 each, in all, $10,280," as we did, if we had just said, in compliance with that resolution, "the sum of $10,280 is hereby appropriated for the purpose of employing the necessary number of persons to take care of the Butler building while used," when that was given up they would all have been disposed of. But we have them on our rolls, and they being on our rolls, although there is no longer any use for them, although the object for which they were employed is gone, are still here protesting that being upon the rolls it is improper to discharge them, and that we can not get along without them. They have got fastened upon us, and here they are. There is no use for them; there is no pretense that that building is used any more; there is no pretense that we have cut down anything else except what was increased for that purpose, and now when that building is given up, when that purpose is ended, here they all are as though they were injured as individuals because they can not be kept any longer.

Mr. HARRIS. I beg to suggest to the Senator from Kentucky and his committee that these employés were not given to the Butler building. They were given to certain committees of this body that happened to be located there, and though that building has been given up the committees to which these employés were given still exist and still need the services of the officers who were then employed. The committees, whether located in the Butler building or elsewhere, require the same services they did when located in the Butler building.

I think the Senate has been fortunate in having a very efficient Sergeant-at-Arms with a very efficient corps of employés. The Senate has been faithfully and well served. I think the officer at the head of that service knows the necessities of it quite as well as, and I am tempted to say even better than the Committee on Appropriations. That he may struggle along in the performance of the duties without these employés whom it is proposed by the bill to drop I grant, but that he can do so with the same convenience and the same facilities to the Senate and to Senators is what no Senator can claim.

If there be a supernumerary here in the office of the Sergeant-at-Arms—it has not been my fortune ever to find him, but if there be one here who has not been and is not required to perform the full measure of duty that an employé should perform, I should be glad to have the Senator from Kentucky or some other Senator point him out to me. I have not found him, I have not heard of him, and I do not think the Senator has.

These employés are necessary to the comfort and to the convenience as well as to the facilities with which the business of the Senate is to be conducted. The Sergeant-at-Arms tells me that they are necessary, and being necessary, so far as my vote can go he shall retain them.

Mr. BECK. I have no complaint to make of the Sergeant-at-Arms with regard to his efficiency or anything else. I have never looked around this building to see who are needed and who are not needed. I do not know the name of one out of ten of those employed here. There is nobody here on my appointment and I have no interest in the matter at all except so far as the public service is concerned. Therefore I am not looking around to see how men are working or whether they are working or not. Until we rented the Butler house we had a sufficient force for all our needs without these men. On the 5th of July, 1884, the Senate passed this resolution:

Resolved, That the Sergeant-at-Arms and the Architect of the Capitol be, and they are hereby, authorized and directed to rent and prepare suitable rooms outside of the Capitol for the use at the next session of Congress of such Senate committees as have no rooms, and that all expenses hereunder be paid out of the fund for the contingent expenses of the Senate, subject to the approval of the Committee to Audit and Control the Contingent Expenses of the Senate.

That was adopted, and in obedience to that the Sergeant-at-Arms proceeded to rent the Butler building, and rented it very cheaply, for $5,000 a year. We are paying $20,000 a year for a house this side of Willard's Hotel, occupied by the survey under Major Powell, no more commodious than the Butler building. I have no complaint to make of the rent; it was cheap; that house was as well worth $10,000 as that building, and yet we rented it for $5,000. The Senate provided on the 3d of February, 1885, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to employ three messengers at $1,440 each; two skilled laborers at $1,000 each; two laborers at $720 each; two firemen at $1,080 each; two janitors at $900 each. And the Secretary of the Senate is hereby authorized and directed to pay the above employés out of the miscellaneous items of the contingent fund of the Senate.

The committee did not allow quite all that were so provided for, but those who were employed were paid. The Senate rescinded the original resolution and gave up the Butler house and it is no longer used. Those who were employed for the purpose named in the resolution, because of the rooms rented outside, as janitors and firemen to take care of that house, have no longer any house to take care of. That is all there is of it.

I am not complaining of anybody's work; I am not complaining of anybody's action, but after having directed a house outside to be rented, and after providing what service should be employed for it, now having given up that building and having no longer any work for these people, I do not see why they should be employed any longer; and that was the view of the committee.

Mr. CONGER. Mr. President, the Senator from Kentucky has stated the proceedings in regard to the Butler house and the appointment or men there correctly as far as I recollect; but the Senator knows, I presume, as I know, that it was a matter of discussion and conversation in the Senate whether it was necessary to keep the Butler house and whether by making changes in the Capitol not only the committees which were sent to the Butler house might have rooms but that there might be in this building even more additional committee-rooms than there were in the Butler house. That was a matter of public and private discussion among Senators. This was especially talked about among members of the committees who had to go in inclement weather and at nights to the Butler house and did not wish to go there any longer, whether there could not be some arrangement made by which there could be additional rooms fitted up in the Capitol for the committees. A committee of inquiry finding that that could be done, the Architect of the Capitol under proper authority was instructed by a committee, of which I think the Senator from Kentucky was one, to take a room that had been used for one purpose and make a committee-room of it, and that other rooms—rooms that were used for storage and rooms that

were used for other purposes—should be changed. So in dark rooms and other places the storage and the officer who had charge of the folding-room were placed. Many officers are now in dark rooms that have to be illuminated with gas, with no access of sunlight to them, giving the outer rooms to committees.

There were ten committee-rooms prepared in this way, and the committees came back, and were glad to come back to the Capitol and have rooms here where they could go and do their business without going out across the country to the Butler house; but they had to have their messengers, they had to have the same service performed. In these ten additional committee-rooms in the Capitol, as the Senator from Virginia said, the committees found places to do their labor here without going out of doors to another building; but that is no reason why the committees should not have their messengers, their laborers, and their firemen to take care of their fires.

There is no reason for any diminution in the fact that the location of the committees is changed; and that the Senator from Kentucky did not state; perhaps the importance of it did not impress him. I believe that all the facilities which can be given to forward the business of the Senate by committee-rooms and by messengers and by those who shall perform their proper duties should be afforded so as to relieve the time of Senators which ought to be devoted to the consideration of the serious and grave matters which are committed to them personally to attend to as members of this body.

I agree with the Senators who have spoken. I have tried to find whether there are any superfluous men, men not needed for attention to the committees and the committee-rooms and the duties about the Senate, and I have been unable to find any idle or unoccupied person among our roll of employés. If that is so, the Senate ought to have its force.

I do not care about this specially and I have no special interest in this; but I want sufficient force to attend properly to the duties.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. COKE (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. I would vote "yea" if he were here.

Mr. DAWES (when his name was called). I am paired with the Senator from Ohio [Mr. PAYNE].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. DAWES. I desire to say that my colleague [Mr. HOAR], who is necessarily absent, is paired generally with the Senator from Missouri [Mr. COCKRELL].

Mr. FRYE, I am paired with the senior member from Maryland [Mr. GORMAN], who is detained at his house by sickness.

Mr. CAMDEN. I wish to announce the pair of my colleague [Mr. KENNA], who is detained from the Senate by illness, with the Senator from Minnesota [Mr. SABIN].

Mr. STANFORD. I am paired with my colleague [Mr. HEARST] generally. I do not know that the pair extends to this case, but on reflection I think I shall not vote on this question.

The result was announced—yeas 21, nays 25; as follows:

YEAS—21.

Allison,	Edmunds,	Ingalls,	Vance,
Beck,	Eustis,	McPherson,	Walthall,
Berry,	George,	Platt,	Wilson of Iowa.
Brown,	Hampton,	Plumb,	
Call,	Harrison,	Pugh,	
Colquitt,	Hawley,	Sherman,	

NAYS—25.

Blackburn,	Gibson,	Mitchell of Oreg.,	Vest,
Blair,	Gray,	Palmer,	Voorhees,
Butler,	Harris,	Ransom,	Whitthorne.
Cameron,	Jones of Arkansas,	Riddleberger,	Wilson of Md.
Conger,	Mahone,	Sawyer,	
Cullom,	Maxey,	Spooner,	
Evarts,	Miller,	Teller,	

ABSENT—30.

Aldrich,	Fair,	Kenna,	Pike,
Bowen,	Frye,	Logan,	Sabin,
Camden,	Gorman,	McMillan,	Saulsbury,
Chace,	Hale,	Manderson,	Sewell,
Cockrell,	Hearst,	Mitchell of Pa.,	Stanford,
Coke,	Hoar,	Morgan,	Van Wyck.
Dawes,	Jones of Florida,	Morrill,	
Dolph,	Jones of Nevada,	Payne,	

So the amendment was non-concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

MISSOURI RIVER BRIDGE AT SAINT JOSEPH.

Mr. MCMILLAN. I desire to submit a conference report.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. MCMILLAN. The bill came from the House this morning. The House recedes from its disagreement to all our amendments.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, and 7, and agree to the same.

S. J. R. MCMILLAN,
O. D. CONGER,
G. G. VEST,
Managers on the part of the Senate.
CHARLES F. CRISP,
W. D. BYNUM,
A. J. WEAVER,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Will the Senate agree to the report?

Mr. EDMUNDS. That does not need any agreement. The House has receded entirely, the Chair will see.

The PRESIDENT *pro tempore*. The Senator is correct. The bill is passed without any further action of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes; agreed to the conference asked by the Senate on the said bill and amendments; and had appointed Mr. COBB, Mr. STONE of Missouri, and Mr. PAYSON managers at the conference on its part.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5874) to provide for taxation of railroad-grant lands, and for other purposes; and it was thereupon signed by the President *pro tempore*.

AMENDMENTS TO BILLS.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. RANSOM, from the Committee on Private Land Claims, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The CHIEF CLERK. In the clause making appropriations for office of Sergeant-at-Arms and Doorkeeper of the Senate, the Senate, as in Committee of the Whole, in line 118, struck out:

One fireman, $1,080.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The question being put, there were on a division—ayes 25, noes 10; no quorum voting.

Mr. BECK. There seems to be no quorum voting, and I call for the yeas and nays. This fireman was employed for the Butler house, which we have given up.

Mr. RIDDLEBERGER. Do I understand the Senator to say that this fireman is for the Butler house?

Mr. BECK. Yes.

Mr. RIDDLEBERGER. Has he not been employed here on account of the increase of the accommodation for committees in this building?

Mr. BECK. Does that require more firemen?

Mr. RIDDLEBERGER. Did the Committee on Appropriations ask any officer in the building whether the employment of this man was necessary, or did the committee simply go on the theory of economy proceeding here? I do not propose to rely on the judgment of the committee in respect to this force. I know it is sacrilege to say anything in opposition to what is reported from the Committee on Appropriations; but if I turn over a few leaves of this bill I find that the very Senators who are proposing to economize by striking down one man in this building are the members of committees that cost the Senate more than all the rest put together.

I take the Committee on Appropriations; I take the Committee on Public Lands; I take all the committees that are considered the most important committees and look at the service that they get. I can see every one of them voting here to sustain their own reports, to economize by striking off from the pay-rolls the laborer who is employed in this building and has been employed in it for the last few months since the Butler building was abandoned. We have had three firemen here; and the officers in charge, of whom you complain the very moment they do not give you every convenience and I might almost say every luxury that you demand, say that the continued services of these men are necessary.

I repeat again, sir, that the only endeavor to economize in this building by the Committee on Appropriations of the Senate is in regard to a few laboring men on the Senate side of the Capitol, while in the other House I find that every appropriation in the total that is added at the end of the paragraphs for its force is increased by the Committee on Appropriations of the Senate. I challenge denial of that statement from any member of the committee. There is an increase of appropriation there while there is no increase in numbers and no demand for any additional force there.

Here we have had additional work to be done; here we have had additional committees; here we require additional service, and here we have an Appropriations Committee that comes in and says, "Strike off eight men from the labor rolls of the Senate," commencing with two of the messengers, then two skilled laborers, one of whom is the tonsorial artist that splits the hair to cover the bald places on Senatorial heads and to wax the Senatorial dude moustaches. He is called "a skilled laborer." Strike him out, and then you will complain that you can not get shaved or your moustache waxed when you come to the Capitol.

That is the economy in this bill that proceeds from this Committee on Appropriations. I am opposed to it all unless there can be some other reason than that the Committee on Appropriations can not see any other way to economize.

The PRESIDENT *pro tempore*. The yeas and nays are demanded on concurring in this amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE. (when his name was called.) I am paired with the Senator from Colorado [Mr. BOWEN.] If he were here, I should vote "yea."

Mr. DAWES (when his name was called). I make the same announcement I did on the last vote, that I am paired with the Senator from Ohio [Mr. PAYNE]. I do not know how he would vote on this question and therefore I withhold my vote. If at liberty, I should vote with the committee, "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. SAULSBURY. I am assured that the Senator from Vermont [Mr. MORRILL] would vote "yea" if he were here.

Mr. EDMUNDS. He certainly would.

Mr. SAULSBURY. Under these circumstances I vote "yea."

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "yea." I do not know how he would vote, and therefore I withhold my vote. I announce also the pair of my colleague [Mr. KENNA] with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 24, nays 23; as follows:

YEAS—24.

Allison,	Edmunds,	Hawley,	Saulsbury,
Beck,	Eustis,	Ingalls,	Sherman,
Berry,	George,	Maxey,	Vance,
Brown,	Gibson,	Platt,	Vest,
Call,	Hampton,	Plumb,	Walthall,
Colquitt,	Harrison,	Pugh,	Wilson of Iowa.

NAYS—23.

Blackburn,	Evarts,	Miller,	Spooner,
Blair,	Gray,	Mitchell of Oreg.,	Teller,
Butler,	Harris,	Palmer,	Voorhees,
Cameron,	Jones of Arkansas,	Ransom,	Whitthorne,
Conger,	McMillan,	Riddleberger,	Wilson of Md.
Cullom,	Mahone,	Sawyer,	

ABSENT—29.

Aldrich,	Fair,	Kenna,	Pike,
Bowen,	Frye,	Logan,	Sabin,
Camden,	Gorman,	McPherson,	Sewell,
Chace,	Hale,	Manderson,	Stanford,
Cockrell,	Hearst,	Mitchell of Pa.,	Van Wyck,
Coke,	Hoar,	Morgan,	
Dawes,	Jones of Florida,	Morrill,	
Dolph,	Jones of Nevada,	Payne,	

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The CHIEF CLERK. In line 124, before the word "skilled," the Senate, as in Committee of the Whole, struck out "ten" and inserted "eight;" so as to read:

Eight skilled laborers, at $1,000 each.

Mr. RIDDLEBERGER. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. I should vote "yea" if he were here.

Mr. DAWES (when his name was called). I am paired with the Senator from Ohio [Mr. PAYNE].

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. HARRISON (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY], who is called from the Chamber for a few moments.

The roll-call was concluded.

Mr. MCMILLAN. My colleague [Mr. SABIN] is detained from the Chamber by sickness. He is paired with the Senator from West Virginia [Mr. KENNA], who is also absent on account of sickness. I do not know how my colleague would vote on this amendment.

The result was announced—yeas 24, nays 19; as follows:

YEAS—24.

Allison,	Colquitt,	Hampton,	Pugh,
Beck,	Cullom,	Hawley,	Sherman,
Berry,	Edmunds,	Ingalls,	Vance,
Blackburn,	Eustis,	McPherson,	Vest,
Brown,	George,	Platt,	Walthall,
Call,	Gibson,	Plumb,	Whitthorne.

NAYS—19.

Blair,	Harris,	Mitchell of Oreg.,	Spooner,
Butler,	Jones of Arkansas,	Palmer,	Teller,
Cameron,	McMillan,	Ransom,	Voorhees,
Conger,	Mahone,	Riddleberger,	Wilson of Iowa.
Evarts,	Miller,	Sawyer,	

ABSENT—33.

Aldrich,	Frye,	Kenna,	Sabin,
Bowen,	Gorman,	Logan,	Saulsbury,
Camden,	Gray,	Manderson,	Sewell,
Chace,	Hale,	Maxey,	Stanford,
Cockrell,	Harrison,	Mitchell of Pa.,	Van Wyck,
Coke,	Hearst,	Morgan,	Wilson of Md.
Dawes,	Hoar,	Morrill,	
Dolph,	Jones of Florida,	Payne,	
Fair,	Jones of Nevada,	Pike,	

So the amendment was concurred in.

The next reserved amendment was, in line 125, before the word "laborers," to strike out "fourteen" and insert "twelve;" so as to read:

Twelve laborers, at $720 each.

The amendment was concurred in.

The next reserved amendment was, in line 126, after the word "each," to strike out the following words:

Two janitors, at $900 each.

Mr. CONGER. I understood the chairman of the committee to say that those men are employed here and that there is no objection to their remaining if they are necessary. If that be so, I hope they will be retained.

Mr. ALLISON. The Senator from Michigan said these two janitors were actually employed here. I do not know that that is true.

Mr. CONGER. They are doorkeepers in the galleries of the Senate now.

Mr. ALLISON. I do not think they are necessary.

The PRESIDENT *pro tempore*. The question is on concurring in this amendment.

Mr. BECK. I ask for the yeas and nays. There are two janitors at every door.

The yeas and nays were ordered.

Mr. RIDDLEBERGER. Instead of having two janitors at every door, I know the fact that at the principal doors of this Senate Chamber now they take a doorkeeper away for service in a committee-room. I know that one of the doorkeepers at yonder door is nearly always to be found in the room of the Committee on Fisheries, and nearly all the doorkeepers have to go to various committee-rooms and perform service there, to the neglect of the doors. That is noticeable to those who go in these doors, and certainly to Senators who act on the committees.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were here, I should vote "yea."

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. HARRISON (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 20, nays 24; as follows:

YEAS—20.

Allison,	Colquitt,	Hampton,	Plumb,
Beck,	Edmunds,	Hawley,	Pugh,
Berry,	Eustis,	Ingalls,	Vance,
Brown,	George,	McPherson,	Vest,
Call,	Gibson,	Platt,	Walthall.

NAYS—24.

Blair,	Evarts,	Mitchell of Oreg.,	Stanford,
Butler,	Harris,	Palmer,	Teller,
Cameron,	Jones of Arkansas,	Ransom,	Voorhees,
Chace,	McMillan,	Riddleberger,	Whitthorne.
Conger,	Mahone,	Sawyer,	Wilson of Iowa.
Cullom,	Miller,	Sherman,	Wilson of Md.

ABSENT—32.

Aldrich,	Fair,	Jones of Florida,	Morrill,
Blackburn,	Frye,	Jones of Nevada,	Payne,
Bowen,	Gorman,	Kenna,	Pike,
Camden,	Gray,	Logan,	Sabin,
Cockrell,	Hale,	Manderson,	Saulsbury,
Coke,	Harrison,	Maxey,	Sewell,
Dawes,	Hearst,	Mitchell of Pa.,	Spooner,
Dolph,	Hoar,	Morgan,	Van Wyck.

Mr. BECK. The footing will have to be changed at the end of the clause to correspond with the amendments which have been made.

The PRESIDENT *pro tempore*. The Secretary is already authorized to insert the proper amounts in the various footings.

The next reserved amendment was, in line 454, in the appropriations for the Civil Service Commission, to insert:

One clerk of class 3.

Mr. VANCE. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. HAWLEY. I wish simply to call the attention of the Senate to what the amendment is. It was adopted before, apparently without objection.

The Civil Service Commission, through its chairman, most urgently represents that this is necessary, absolutely necessary. They have really but four persons who are devoted to clerical duty, and they declare that they need three more clerks. I have the sanction of the chairman of the Committee on Appropriations.

I will say for the benefit of the Senator from North Carolina [Mr. VANCE] that the majority of the Civil Service Commission is Democratic and earnestly endeavoring to enforce this law.

Mr. FRYE. I doubt that.

Mr. HAWLEY. I paused for a moment to see whether there would be a contradiction of my statement. I will say, for the purpose of my argument then, that they are earnestly endeavoring to enforce this law; and I have no doubt, whatever their sincerity in this matter, that they are badly cramped from the lack of clerical assistance. It is necessary for the examiner to travel from one part of the country to another. Besides the examiner there is a secretary, a stenographer, and two clerks. They also have a messenger who is a skilled type-writer, and a laborer who serves chiefly as a clerk.

With the sanction of the chairman of the Committee on Appropriations I had amendments providing for three clerks referred to the Committee on Civil Service and Retrenchment, and all of that committee who were in town, making a quorum, sanctioned the amendments and instructed me to offer them. I consider the additional force indispensable to the work of the commission—that is all. If they are to be crippled, and the system is to be destroyed, it would be far better to do it directly in the manly way proposed by the Senator from North Carolina; that is, to repeal the law.

Mr. VANCE. This is a bureau that has an examiner. It has already imported a force of new officers classified in this way: One clerk of class 4, one clerk of class 2, one clerk of class 1, one messenger, and one laborer—five additional persons since the creation of this commission. If it shall continue to grow in this way, as I have no doubt it will every year, it will after a while have a force of forty or fifty clerks doing Heaven knows what. I think it ought to be stopped now before it goes further. Twenty-eight thousand dollars a year is sufficient for an experiment, the establishment of a bureau that is to determine who is fit to serve the Government.

Mr. HAWLEY. I will not undertake to recite the law, but it requires an examination to be made in a large number of the principal cities of this country, and it provides a very large list of persons from whom appointments are to be made. It regulates the appointment, and promotion, and continuance in service of more than fifteen thousand employés of the Government. It is utterly impossible for these gentlemen to conduct their correspondence, prepare the papers, and give the notices, &c., with the force they have at present.

Mr. GEORGE. I desire to ask the Senator from Connecticut a question. How many employés have the Civil Service Commission now independent of this new increase?

Mr. HAWLEY. I read all that yesterday, and I do not find the report of the Committee on Appropriations at this moment. I laid it aside supposing the matter was settled.

Mr. ALLISON. The Civil Service Commission have three clerks and a messenger and a laborer.

Mr. HAWLEY. A messenger and a laborer who are capable of working as clerks and do so act besides doing their work as messenger and laborer.

Mr. VANCE. They have six employés now including the Secretary, five of whom have been added since the creation of the bureau, and I understand they have a supply of elegant blanks, &c., that are on hand now, enough to last during the remainder of this administration. If, then, without this increase, they are unable to do any more business, so much the better.

Mr. HAWLEY. That is frank. I desire that the vote be taken on the proposition. If they are unable to do anything more so much the better, says the Senator from North Carolina. I ask no better argument for my amendment.

Mr. PLUMB. I do not understand that to be the proposition. I do not propose to vote on that proposition myself in acting on this amendment.

There is one proposition which I wish to submit to the Senate in regard to the work of the commission. The Senator from Connecticut says the commission is doing its duty, and I am not disposed to dispute it; but if the commission is doing its duty, the law is utterly failing in doing its duty and is entirely different from what it was supposed to be when enacted. The Commissioner of Pensions was before a committee of the Senate some weeks ago and had something to say about the operations of the law. In his bureau he said he had got seventy-six or seventy-seven clerks through the medium of the Civil Service Commission, and of those seventy-one or seventy-two were Democrats that he knew of and he was not positive as to the politics of the other five. Either he was a very good guesser or the commission made a very good guess, or perhaps they both guessed well in regard to the politics of these men, or the law is somewhere at fault.

Just as the matter stands now, not knowing exactly what the rule is, I think on the whole the Civil-Service Commissioners could get long with the force they have got. Besides, if we were to introduce a new clerk into that force he might not be able to steer the commission into the Democratic camp quite as fast as it is going. There might be some interruption in that process which seems to be going on at present.

Mr. SAULSBURY. I am willing to give every facility needed to carry on the Government, but I look on this Civil Service Commission as a useless piece of machinery in carrying on this Government. If I had my way I would abolish it. If I can not do that I will vote for the smallest appropriations for it. I am opposed to the whole concern; and if these Commissioners depended on my vote for their salaries they would get none at this session of Congress.

Mr. VOORHEES. In response to the statement made by the Senator from Kansas, I desire to say that the first seventy-two special examiners appointed by General Black after he came into office were every one of them Republicans. They had been in the service, and he chose, when it was optional with him, to continue them by reappointment rather than to attempt to fill their places with new men.

Mr. ALLISON. That is, he retained one-half of the force of one hundred and fifty Republicans.

Mr. VOORHEES. They were not retained; they were reappointed. Their terms were out, and he had the choice of selecting new men, and I am not certain but that he ought to have done it.

Mr. PLUMB. I was not talking about that instance at all. I was simply talking about the manner in which the Civil Service Commission furnished him men.

Mr. VOORHEES. There are over fourteen hundred clerks in that bureau and he has not changed one hundred and fifty of them. I wish he would change more. But it is not proper to arraign a man improperly.

Mr. PLUMB. I was not arraigning *him at all. I* was only commending the Civil Service Commission for the manner in which it succeeds in designating Democrats for all the vacancies that occurred.

Mr. VOORHEES. I have never been for the law, sleeping or waking, in my dreams or in any other way that I know of; but it is the law and is now in the course of experiment; and while it is the law I shall treat it fairly and give it a fair chance. If there is good in it, I hope it will come out; if there is not, it will be made manifest in due time and the people will pass in judgment upon it.

Mr. INGALLS. As this is a matter of some interest, I have had attention called to the speech made by the Senator from Massachusetts [Mr. HOAR] on the 30th ultimo, in which he purports to quote from the testimony given by the Commissioner of Pensions on the 25th of March, 1886, before a committee of the Senate, and I assume that that is authentic.

Mr. HARRISON. If the Senator from Kansas will allow me I will put in his hands the original testimony.

Mr. INGALLS. Inasmuch as the Senator from Indiana [Mr. VOORHEES] has seen fit to place the Commissioner of Pensions before this body and the country as a non-partisan in his administration of that office, I will read what he said.

Mr. VOORHEES. I did not say he was non-partisan.

Mr. INGALLS. Well, the Senator said there were fourteen hundred employés in the Pension Office and that the Commissioner of Pensions had not removed one hundred and fifty of them. The reason is because he can not remove them. That stands in the first place as the answer to the allegation intended to be in favor of the Commissioner of Pensions as a non-partisan.

The Commissioner testified:

I have removed as many Republicans as I could with due regard to the expedition of public business.

So that he has not been governed by any considerations of a non-par-

tisan character in retaining the present force of the Pension Office. He says that he has removed as many Republicans as he could, and he goes on:

I can state approximately that 90 per cent. of those originally appointed have been Democrats. Out of seventy-seven appointed under civil-service rules, seventy-two have been Democrats and five politics unknown.

If that does not ring the bell on the enforcement of the civil-service law by this administration, then I certainly miss my understanding. The Senator from Indiana states that he wants to give this law a fair trial; and if this is a result of a fair trial of the civil-service law as administered by the Democratic party, I do not profess to be in favor of it. If out of seventy-seven men appointed under civil-service rules seventy-two have been Democrats and five unknown as to their politics, I would say that its administration ought to be tolerably satisfactory to the Democratic party.

I do not wonder that the Senator from Indiana with his usual liberality proposes to furnish this commission with additional clerical force to carry out these ideas. I have no doubt that if the clerical force had been sufficient the politics of the five other men would have been known and that they would have been Democratic, and that the only reason why these five were of unknown politics out of the seventy-seven was because the commission did not have clerical force enough to inspect around about the history and antecedents of those who had been certified up in order to enable them to make the selection so that they would be in accordance with the political sentiments of the party in power.

If the Senator from Connecticut, whom I believe to be sincere in his support of the law, will state again after reading this that he thinks notwithstanding the fact that the majority of this commission are Democrats it is carrying out in its spirit the purposes for which the law was enacted, I certainly shall be very much surprised. If he desires to vote for additional clerical help to a commission that so manages to steer this business that out of over seventy-seven men appointed in the Pension Office seventy-two are of the Democratic party and five non-partisans or unknown or not classified in politics, then he certainly is more easily satisfied than I should suppose he would be.

Mr. VOORHEES. Mr. President, I hardly know the operation of a man's mind who complains of the changes that have been made, to use a common phrase, in the civil service of this Government. I have here a statement made by a distinguished gentleman from Illinois on the floor of the House some time ago to this effect: When General Black went into office March 17, 1885, he found one hundred and forty-eight holding positions by express appointment as special examiners; there was not one single Democrat among that number.

Mr. TELLER. I beg the Senator from Indiana to qualify that statement. The great mass of them of course were Republicans.

Mr. VOORHEES. I am not making the statement myself, but I am making it on very high authority.

Mr. TELLER. I do not care what the authority is; there were some Democrats in that number.

Mr. VOORHEES. I would not make any antagonism on a question of veracity with the Senator from Colorado; but I repeat my belief that if there was one Democrat there it was a mistake on the part of those who were responsible for his being there. He was an accidental Democrat if he was there. Those who administered that office at that time did not seem to want Democrats in those places. There were seventeen hundred in round numbers of a clerical force in that bureau when General Black took charge of it. I venture to say—and I do not wish to be extravagant or inaccurate—that there were not twenty known Democrats, whose politics were known, in that entire force of seventeen hundred; and yet we hear complaints—I will not say whinings and grumblings, I will not use unkind or harsh expressions—but it does seem to me the smallest business that men's minds can engage in to complain that a few of those men have been turned out.

It is a fact—and I have never made any outcry about it—that for the last quarter of a century the Republican party, dominant and powerful and compact and solid and moving from one victory to another, did administer this Government in all its parts, high and low, by having their people in small places as well as large places, in the corridor and in the closets and everywhere else. I never complained of that. I thought it was your right. I think so now. And I can not comprehend the spirit of men who come here and complain that a few of these offices have changed hands. I say frankly in the Senate and before the American people as far as my poor voice may extend that I believe we ought to have more of them. I believe the Democratic party has in it the elements to administer this Government purely, wisely, and well, and if I did not believe so I would not belong to that party.

So far as the Civil Service Commission is concerned, it is composed of gentlemen of integrity, and has been from the first. I had confidence in the integrity of the men who composed that commission before the recent change; and whether I like the system or not I intend that the men who are charged under the law with executing the system shall have a fair opportunity to do it. So far as I am concerned, I will no more cut down their force or deny them the means of giving their system a fair trial than I would vote to cut off supplies from an army in the field even if I did not approve the policy of the war. These men are there charged with a duty, and they have taken their oaths, and I am for upholding their hands in a liberal and proper spirit.

Mr. HARRISON. Mr. President, my colleague [Mr. VOORHEES] mistakes the issue. The issue is not whether it is an appropriate thing that there should be Democrats in office or not. It is not whether in the absence of law it would be a just subject of criticism if the Secretary of the Interior or any other head of a Department here appointed Democrats, or Democrats exclusively if you please. The question here is one of the administration of the law, and a law that had a distinguished Democratic origin, though I am sorry to say it has never had much Democratic support, and the fact of originating it has been very creditable to its originator.

The question here raised is as to the faithfulness of the administration of the law; and upon the facts I have before me I do not intend to say that on the part of the commissioners who are here appealing to Congress for some additional clerical force there has been a maladministration or a corrupt administration of it. The investigation to which reference has been made is not yet concluded, and I am not one of those who rush into the discussion of a case until the evidence is closed. It does appear, however, according to the facts as stated by the Senator from Kansas [Mr. INGALLS], that somehow or other under the operations of this civil-service law and the rules which have been made for its enforcement, which have in most cases required that only the three or four leading persons, the three or four highest upon the list, should be certified, by some process or other this has been accomplished in the Pension Office, namely, that seventy-two out of seventy-seven men who have been selected under the law from lists furnished by the Civil Service Commission have been Democrats, and that the other five are found without any politics at all.

That is true. That may be consistent with an impartial, non-partisan administration of the Civil-Service Bureau. It may be so. We shall know more about it when we get through with the investigation which has been inaugurated on that subject. It is true, undoubtedly true, that prior to the passage of the civil-service law, both on the part of the Republicans and the Democrats when they were in power, the great bulk of the appointments were made of the political faith of the person having the appointing power.

Mr. BUTLER. May I ask the Senator how that happened while there was a majority of Republicans on that commission if the law was enforced?

Mr. HARRISON. That I do not know. The conundrum which the Senator from South Carolina has proposed to me is one that I intend to solve, if I can, before we get through with the investigation.

Mr. BUTLER. The Senator, I understand, is complaining that the present board of Civil-Service Commissioners are putting a majority of Democrats in office. What I desire to get from the Senator is how the board was administered when there was a majority of Republicans on that board, whether any Democrat got in then.

Mr. HARRISON. That I know nothing about.

Mr. BUTLER. I think it a very important inquiry in that connection.

Mr. HARRISON. I know nothing about that. I did not rise to enter any complaint, and should not have said anything on such a subject except for references that have been made by other Senators.

If the Civil Service Commission need these clerks, as the chairman of the committee having that subject in charge assures us, I am willing to give them to them; and if it shall be found that the office is in some way administered so as to give a partisan turn, so that while things are put promiscuously and fairly into the mill nothing but Democratic results come out—when we have ascertained that fact, then it will be time enough, so far as I am concerned, to arraign the commission and to hold them to that just responsibility to which the country will hold them if it is found to be the result of any maladministration or fraudulent administration of the law.

Mr. HAWLEY. I have turned to the report of the Committee on Appropriations, and I ask the Secretary to read the passages which I have marked on pages 13 and 15 concerning the necessity for this appropriation.

The Chief Clerk read as follows:

[Extract from letter of Civil Service Commission, dated June 21, 1886.]

The three additional clerks asked for are absolutely necessary for a proper discharge of the routine business of the commission and keeping of its records.

* * * * * * *

The clerical force of the commission now consists, besides the secretary and stenographer, of one clerk of class 2 and one clerk of class 1. The appropriation bill just passed by the House provides for the same force for the coming year. It is utterly inadequate, being barely sufficient (with the help of the messenger, an expert type-writer, and the laborer, who is constantly employed on clerical work) for the dispatch of the absolutely current work, leaving important records and tabulations which should be kept up to date untouched.

[Extract from present appropriation.]

One stenographer, at	$1,800
One clerk, class 2, at	1,400
One clerk, class 1, at	1,200

[Extract from letter of Civil Service Commission, dated March 29, 1886.]

In the performance of all these various and exacting duties the chief examiner has the assistance of two clerks, whose office hours are from 9 a. m. till 5.30 p. m., instead of 9 a. m. till 4 p. m., as in the Departments, and the chief examiner finds it necessary to prolong his hours of labor until midnight four nights in each week, and with that is not able to keep up with the work.

Heretofore the chief examiner has been compelled to be much away from Washington in the discharge of his duties, traveling in the last three years over

200,000 miles, often holding examinations at different points on successive days, going from point to point at night.

The burden is now too heavy to be borne by one man with the clerical assistance now provided, and for its adequate and satisfactory performance an additional clerk and an assistant chief examiner are required.

An additional clerk is also needed in the part of the work more immediately under the direction of the secretary of the commission. Both the messenger and laborer of the commission, in addition to doing the proper work of their respective grades, are compelled to perform clerical work constantly, the former being an expert type-writer.

A. P. EDGERTON,
President Civil Service Commission.

Mr. HAWLEY. The Senate will remember very well how earnestly General Grant tried to introduce a system of civil-service reform practically, without statutory direction as to detail but with statutory authorization, some years ago. He was as earnest in that as in everything else. No one can doubt his sincerity. His attempts were insidiously baffled or directly baffled and ended by the refusal of the House of Representatives, and I suppose the Senate also. I remember the struggle in the House to give him any further appropriations. Public sentiment did not rest with that. I think the better public sentiment of the whole country, of all parties, demands a resolute and persistent attempt to purify the civil service. Not that I join in the common defamation of that service. I believe it is the best that any government in the world has; that it was one year ago, and two years ago, and three years ago; but it was susceptible of great improvement, and the civil-service law is a sincere attempt to reach that improvement.

That bill was drawn as the result of innumerable consultations and attempts at devising a system that should be fairly satisfactory to the country, that should not attempt too much, but should attempt that which was practical and that which if successful would demonstrate the possibility of still greater reforms. The bill came to Congress directly from the New York Civil Service Reform Association, and a Democrat was found with courage enough to present the bill and to champion it. It is upon the statute-book; it has been executed more or less perfectly or imperfectly (I do not discuss the degrees in that regard) for some three years. It is stronger, in my opinion, in the public respect than it was when it was adopted.

It is to be expected that such a law will be imperfectly executed for a time. The whole movement is tentative and experimental, after a fashion. I could find similar imperfections in the execution of almost any new system, and especially one that had resolute opposition from a portion of the people.

But I submit to the Senate that whatever errors may have been committed by the previous or the existing commission, whatever the politics of the commissioners, it is not statesmanlike now to attempt to kill it by a withholding of the necessary appropriations for simple clerical work. If the law has proved itself to be an unfit and unwise law, let us repeal it like men; let us make the movement directly, as the Senator from North Carolina has done. But if it contains in it the substantial germ of an honest purpose and a wise improvement in the administration of the Government, let us stand by it. I stand by it. I know the majority of these commissioners are Democratic. The law provides that they may be so. But I am willing to credit them with a sincere desire to execute the law. Moreover, we propose to hold them to that resolutely; and I will join as earnestly as any man in any investigation of what may appear to be movements in another direction on their part.

Mr. VANCE. Does the Senator from Connecticut think that so far the civil-service law has materially improved the class and character of appointees?

Mr. HAWLEY. I have not examined the fifteen thousand persons who come under its rules, but I believe it has been a benefit to the service. A change of administration has very largely relieved Republican Senators from importunities for office, it is true, and the Democratic Senators having just come into this blessed privilege do not know what they might have suffered if it had not been for the civil-service law. Unquestionably they would have been to a far greater extent crowded, not to say overborne, by the pressure for office. I think the Democratic party is doing very well in clearing Republicans out, according to the statistics given by the Senator from Massachusetts [Mr. HOAR] in his most admirable speech. I do not think it has any reason for complaining of not getting at the patronage sufficiently. I do not think it ought to grudge the reform sentiment of the country the little foothold it has gained in an attempt to improve the service.

I said I would hold the commission rigidly to a proper execution of the law. Now there have been, it is said, in one branch of the Government a large number of appointments made almost wholly from the Democratic party. An investigation is going on, we are told, which will throw some light upon it. I hope so. I can see how in other cities at least, whether it was so in this particular class of appointments or not, those figures could have been perfectly true without anybody's fault, for it is the fact that in many places where examinations are conducted scarcely a single Republican makes an application for an examination.

You may say that is because the Republicans know they would not stand a fair chance for appointment if they were examined. I do not know what the prevailing reason may be, but with regard to many of them it is an unwillingness to hold office of any description under a Democratic administration. They do not care to ask for it. They would not accept it if it were offered to them. In many cases there have been entirely voluntary, not to say enthusiastic, resignations of their places by men who were not asked to resign, because they did not desire to continue in the public service under the Democracy. They would feel uncertain of the tenure, and they chose to start directly for some better land the moment the Democratic party came into power.

So then, I say, you will find, if you will investigate, that at several of the places where examinations have been conducted very nearly every applicant was a Democrat.

But I return to the simple proposition upon which I base my motion and on which I defend it: This law is entitled to and will have under the demands of the best sentiment of this country a fair and a continued trial. If it is to be destroyed let it be destroyed in an open, square, fair, and manly way by a repeal of the statute, and not by an indirect attack which hampers the men who are charged with its execution.

Mr. TELLER. Mr. President, I questioned a statement made by the Senator from Indiana [Mr. VOORHEES], of course not desiring to question his veracity. I have seen the statement made several times in the public press. I have seen it made and I think perhaps I have heard it made here in the Senate, that prior to the incoming of the present administration all of the officers, all of the clerks in the Interior Department were of one political party. The special examiners of which the Senator speaks were provided for in the appropriation bill of the year 1884. They were appointed by the Secretary of the Interior.

In the first place the Department had out two hundred and fifty clerks detailed as special examiners in the field. From the clerks in the office who were entitled to become special examiners under this bill without an examination by the Civil Service Commission, about fifty or sixty were taken. The remainder were selected from lists furnished by the Civil Service Commission after examination, and I say to the Senator now that I court the most thorough and searching examination, and it can not be shown by anybody that the question of the politics of any single man of the one hundred and fifty was ever discussed by the Secretary or anybody in connection with him. First, those who wanted to go into that force were selected to the extent of fifty or thereabouts from the clerks in the office; nobody was required to go in, because it was a temporary service and such of the clerks as were supposed to be available and capable were told "if you desire to go in, you may go in." The remainder were taken from the certifications made by the Civil Service Commission to the Secretary of the Interior; and the Senator can not say and nobody else can say to-day, unless every man has been interviewed personally, what the political faith of these appointees was.

I will say that from the time the civil-service law went into effect I never heard a suggestion by any head of a bureau or by anybody connected with the Interior Department as to the politics of any man who was certified by that commission; and I do not think there was an officer of the Interior Department who knew what his politics were unless he happened to see on the list the name of some person with whom he might be personally acquainted. So much for that. I do not myself know how it could be determined what a man's politics is unless the head of the Department were to go out and make inquiry after the man was certified to him, which is not a presumable case at all. I presume it is likely that when the Republicans were in power the majority of the men who applied for appointments were Republicans. I have no doubt to-day the majority of the men who are applying are Democrats.

One other thing as to Democrats being put in office. There are a good many Senators and Members who ought to know that the statement made by the Senator from Indiana can not be true. I know that in the three years I was at the head of the Interior Department I appointed a great many Democrats—more than there are members of the Senate all told, both Democrats and Republicans. I appointed a great many Democrats at the request of Democratic Senators and Democratic Members, but never unless I believed they were capable and competent men, and then I appointed them as I would appoint Republicans. I will say for the Democrats as a general rule that they did not ask to have these appointments made, and did not expect that they would be made, but they were made in many cases, and I can now from recollection point to a great number of men who are to-day in the public service, and some that have left, who were not simply Democrats but pronounced Democrats all the time they were in the service, and they suffered nothing at the hands of the late Secretary of the Interior because they were Democrats if they were faithful and efficient officers. Ladies were appointed at the request of Democrats, and the only question when such applications were made was as to their fitness for position.

I believe this debate is under the five-minutes order, but I want to say that I shall vote for this amendment, and I am going to vote for it as I vote for all these amendments. The Democratic party is in power. I intend to hold it to a strict accountability, as the people will, for the administration, and when the members of its administration say to us officially that it is necessary that they shall have anybody to discharge the duties of the offices that they have taken upon themselves, you will find me voting promptly to give them the aid. They shall never be able to say, "We did not succeed as well as we would because a Republican Senate withheld from us the means and opportunities, the tools, the agencies." I propose to vote for any increase that is asked for by

any head of Department unless there shall be good reasons given—and I doubt whether they can be—to show that it is not honestly needed in the service.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. Before the Senator from Massachusetts proceeds, the Chair will state that he has not strictly enforced the eighth rule, but hereafter the Chair will feel bound, the hour of 2 o'clock having arrived, to enforce strictly the rule of the Senate limiting debate.

Mr. DAWES. The civil-service law is by no means a perfect law. When it was introduced into the Senate and when it was under discussion, many defects and shortcomings in the provisions of that law were pointed out. Some of them were remedied. Some of them it was impossible to carry the bill through and take out of the law. Defects in the bill were left there to help it through. Some of the sincerest and warmest advocates of the measure pointed out those defects; but still for various reasons they were left there. I think the vitality of the bill was taken out of it largely when Congress refused to enact that the appointments should come from the three highest upon the list certified by the commission.

When it was left to the administrative power to say whether the appointment should come from the highest or from all certified, it was left solely to the fidelity and sincerity of those who administered the law whether the spirit of it should be carried out at all or not; and we have seen demonstrated just what was predicted upon the floor of the Senate during its pendency here.

But that is not the question before us now. Whatever imperfections the law has, it is upon the statute-book and a great advance from the condition of things when it was adopted. It deserves the ardent and sincere support of every one who believes it possible to improve the civil service. Amendments will ultimately come to make more stringent and more perfect the administration of that law. In order to do it, the Civil Service Commission must have force sufficient. The commission appeared before the Committee on Appropriations and not only made it appear to them but they did in advance before the Committee on Civil Service itself and it is apparent that if they carry out the law with any efficiency, certainly with any sincerity, they must have a sufficient force, and I am here to give them all the force they can reasonably ask for, and then as the Senator from Connecticut [Mr. HAWLEY] has said hold them responsible for an efficient and honest administration of the law, and then its beneficence will be made to appear.

Mr. CALL. Mr. President, I do not propose to discuss the civil-service law more than to say that in my judgment it is one of a series of attacks upon the sovereignty of the people in the form of this Government, and in the direction of privileged classes and aristocratic influences and a clear denial of the responsibility of the President and the heads of Departments to the people. I shall take occasion at some time before the Senate adjourns to endeavor to present my own opinions on that subject.

I wish to say as to the policy of this law that in the State of Florida there have been various applications for clerkships in the Departments. Many applicants have passed the examination provided by the Civil Service Commission, and I addressed to every head of Department a request containing the official certification of their having passed the examination; but the year has passed away and not a single one of those applicants for position has been enabled to obtain a place in any Department of the Government. It illustrates the fact that under this law, with the Departments filled as they have been, there is but little or no opportunity for those who pass the civil-service examination to obtain places. In my own State it has failed utterly to provide any means by which a citizen of Florida, of whatever party, can obtain a position in any of the Departments. We did quite as well under the Republican as we have done under the Democratic administration; and, so far as we are concerned, we have nothing to claim of advantage from the change in the respect of obtaining places in the Departments. Therefore, I have no care whether you give the Civil Service Commissioners additional force or not. So far as my people are concerned, there is no benefit or advantage to them from the commission.

Mr. VOORHEES. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Indiana having addressed the Senate once is not entitled to speak again.

Mr. VOORHEES. I wish to bear testimony to the uniform fairness and liberality of the Senator from Colorado [Mr. TELLER] when he was Secretary of the Interior, and disclaim any purpose of accusing him of consulting party in the making of his appointments beyond what any man in his position should.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). As I have already stated, I am paired with the Senator from Ohio [Mr. PAYNE]. If he were here, I should vote for this amendment.

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN]. If he were present, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN], but his colleague permits me to vote, and I vote "yea."

The roll-call was concluded.

Mr. CULLOM. My colleague [Mr. LOGAN], if he were present, would vote "yea."

Mr. BLACKBURN. I am paired generally with the Senator from Nebraska [Mr. MANDERSON]. I am informed by his friends that if present he would probably vote "yea," so that I withhold my vote. If he were here, I should vote "nay."

The result was announced—yeas 36, nays 11; as follows:

YEAS—36.

Allison,	Evarts,	McMillan,	Sawyer,
Blair,	George,	McPherson,	Sherman,
Butler,	Gibson,	Miller,	Spooner,
Cameron,	Gray,	Mitchell of Oreg.,	Stanford,
Chace,	Hale,	Palmer,	Teller,
Conger,	Hampton,	Platt,	Vest,
Cullom,	Harrison,	Plumb,	Voorhees,
Dolph,	Hawley,	Pugh,	Walthall,
Edmunds,	Ingalls,	Ransom,	Wilson of Iowa.

NAYS—11.

Beck,	Coke,	Harris,	Vance,
Berry,	Colquitt,	Maxey,	Whitthorne.
Brown,	Eustis,	Riddleberger,	

ABSENT—29.

Aldrich,	Frye,	Logan,	Sabin.
Blackburn,	Gorman,	Mahone,	Saulsbury,
Bowen,	Hearst,	Manderson,	Sewell,
Call,	Hoar,	Mitchell of Pa.,	Van Wyck,
Camden,	Jones of Arkansas,	Morgan,	Wilson of Md.
Cockrell,	Jones of Florida,	Morrill,	
Dawes,	Jones of Nevada,	Payne,	
Fair,	Kenna,	Pike.	

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The CHIEF CLERK. The Senate, as in Committee of the Whole, in the appropriations for the Civil-Service Commission, in line 455, inserted after the words "one clerk of class one" the following:

Two clerks, at $900 each.

The amendment was concurred in.

The next reserved amendment was, in line 460, to strike out "three," before the word "thousand," and insert "four;" so as to read:

For necessary traveling expenses, including those of examiners acting under direction of the commission, $4,500.

The amendment was concurred in.

The next reserved amendment was, in line 1111, in the clause making appropriations for "office of assistant treasurer at Baltimore," after the word "thousand" to insert "five hundred;" so as to read:

For assistant treasurer, $4,500.

Mr. EDMUNDS. I should like to have the chairman of the committee state again whether that is to bring the salary in conformity with the Revised Statutes or any later general law, or whether it is to increase the existing salary, or how it stands.

Mr. ALLISON. This is still $500 below the statutory compensation of the assistant treasurer at Baltimore.

Mr. EDMUNDS. As fixed in the Revised Statutes?

Mr. ALLISON. In the Revised Statutes; and I will say that yesterday in the hurry of the debate in regard to the First Auditor I omitted to remember at the moment that although we repealed the law of 1873, yet as to the Treasury in 1875, by what is known as the Kellogg act, we increased the salaries of the Auditors of the Treasury.

Mr. EDMUNDS. Does the bill give them the sum provided in the act of 1875?

Mr. ALLISON. The bill gives them $3,600. The act of 1875 gives them $4,000. The law now in reference to the assistant treasurer at Baltimore is $5,000.

Mr. EDMUNDS. Unless these repealing clauses have affected it.

Mr. ALLISON. Unless the repealing clauses in the annual appropriation bills have changed it.

Mr. BECK. I understand $4,500 is the salary this officer has received for a number of years back and what he is receiving now.

Mr. EDMUNDS. Does the Senator from Kentucky understand that this is an accident in the arrangement of the House bill which we are to correct, or that it is a policy which is contained in the bill all around to economize and reduce? If the latter, I should be inclined to accept the situation.

Mr. BECK. I do not know what the policy of the bill may be. My policy is when you place a man in a highly responsible place such as the subtreasury at Baltimore to pay him fair wages; and when we have men employed, whether as firemen, or janitors, or anything else, and there is no use for them, and they become supernumeraries, cut them off. That is my idea. Believing that the assistant treasurer at Baltimore with all his responsibility ought to have $4,500 salary, I desire to vote for the amendment.

Mr. CALL. This matter was considered in committee because the office is a very important one in a leading city, and certainly $4,500 is no more than a moderate compensation for a person competent to dis-

charge such responsible trusts. We have fixed the salaries of various officers occupying somewhat similar positions and given as much as this, and I see no reason why it should not be allowed in this case.

Mr. HALE. The amendments as to salaries touching the independent treasury and certain others which will be found later in the bill were reserved at my request. I am opposed to increasing the salaries of these higher officers in the different Departments beyond the limit fixed by the House of Representatives. I do not believe that any harm will come to the service from taking the bill as it comes from the House. I do not think the service will be crippled. I do not expect that any official will resign because the House of Representatives has fixed his salary on the basis indicated by the provisions to which these amendments apply. The assistant treasurer at Baltimore is not going to abandon his place because the House of Representatives has declared that $4,000 shall be his salary for the next fiscal year, if the Senate agrees to that and under that provision the bill becomes a law. So with the other assistant treasurers; I shall vote against the amendments that increase the salaries fixed by the House.

I do not desire to detain the Senate or to impede the passage of the bill by any further comment, giving notice that in all cases wherever the question arises upon these reserved amendments where the additional sum put on by the Senate committee exceeds the salary fixed by the fundamental law as found in the Revised Statutes, I shall insist that the yeas and nays be called and that the Senate put itself upon record on the proposition of increasing salaries.

Mr. BECK. I wish to present the case fairly and properly. In answer to the Senator from Vermont I said I did not know of any general principle except to be decent and fair in the employment of men for responsible positions. The Revised Statutes, section 3596, provide—I may as well read it as to all these officers, for they all follow in succession:

SEC. 3596. The assistant treasurers shall be entitled to the following salaries, to be paid quarter-yearly at the Treasury of the United States, to wit:
First. The assistant treasurer at Boston, to $5,000 a year.
Second. The assistant treasurer at New York, to $8,000 a year.
Third. The assistant treasurer at Philadelphia, to $5,000 a year.
Fourth. The assistant treasurer at Baltimore, to $5,000 a year.
Fifth. The assistant treasurer at Charleston, to $4,000 a year.
Sixth. The assistant treasurer at New Orleans, to $4,500 a year.
Seventh. The assistant treasurer at Saint Louis, to $5,000 a year.
Eighth. The assistant treasurer at San Francisco, to $6,000 a year.
Ninth. The assistant treasurer at Cincinnati, to $5,000 a year.
Tenth. The assistant treasurer at Chicago, to $5,000 a year.

In the bill as sent to us from the House the assistant treasurer at Baltimore is cut down from $5,000 to $4,000; at Boston from $5,000 to $4,500; at Chicago to $4,500, and so on in a number of other cases; and at San Francisco to $4,500, although his salary is fixed by the Revised Statutes at $6,000. Confining myself to the case at Baltimore, the Revised Statutes allow the assistant treasurer $5,000. The law of last year and previous years have given him $4,500. The House has now cut it down to $4,000, and the Senate committee restored it to $4,500, which is what he got last year, and I believe for years before, and that is $500 less than the Revised Statutes authorized him to have. Therefore I hope at least this amendment will be adopted making a fair basis for a responsible officer.

Mr. EDMUNDS. May I ask the Senator from Kentucky a question? I agree with the general proposition he has laid down, but I should be glad to have his opinion in respect of the effect of these last sections in these late appropriation bills repealing all inconsistent laws, &c., and in which bills provision is made for a different salary than that which the general statute creating the office and regulating it provided. What I want to find out—and it is not an easy question with me at the present moment—is, what is the effect of that clause? If the effect of giving a man less pay this year than he had before, when the bill says it shall be in full compensation and repeals all inconsistent laws, is to repeal that section of the Revised Statutes, then, of course, all that is left is simply what Congress chooses to give each year; we may give $20,000 or $1,000 a year. I would like the opinion of my friend from Kentucky on that subject. What is the effect and legitimate consequence on the old Revised Statutes of these repealing clauses where the appropriation for the year is different from what the regular statutes had provided as the compensation?

Mr. BECK. When this bill was first considered I stated the difficulty, and the Senator from Vermont fully appreciated it, because he said that he saw the difficulty in the construction of these various acts. I had hoped that the chairman of the Judiciary Committee before this time would have been able to make up his mind, because I expected to be advised by him, and not he to ask me for advice. I see the difficulties—"all laws and parts of laws inconsistent with the act are hereby repealed," and it is in "full compensation."

Mr. EDMUNDS. I wanted to get the opinion of my friend from Kentucky.

Mr. BECK. There may be serious difficulty in their construction, and since that is the fact I have supported the proposition of giving to this man a fair salary, the same as we gave him last year, and not do him the gross injustice of cutting him down $1,000 below what the Revised Statutes give him, if that is the law, and $500 below what we gave him last year. If that is the law I am willing to stand on what he got last year.

Mr. ALLISON. This is one of the items of so-called reductions in the legislative appropriation bill as it came to us from the House of Representatives. I saw in my casual reading this morning that it has been stated in another place that this bill as it passed the House of Representatives reduced the expenditures of the current year $800,000; and it has been stated as one of the great evidences of the economical disposition which prevails elsewhere that they have been able, in a bill involving over $20,000,000, to make a reduction of over $800,000. I wish to call attention to the items of that $800,000 for a moment in order to illustrate a little more fully the particular provision here.

Of that $800,000 reduction $100,000 comes from the reduction in expenses in the two Houses of Congress, made because of the next session being three months instead of seven; in other words, every off-year the expenses of the two Houses are $100,000 less, in round numbers, than they are for the year when we have a long session.

Mr. HALE. This appropriation bill provides for the short session.

Mr. ALLISON. I thank the Senator for calling my attention to that. This appropriation bill provides for the short session of Congress.

Another item of reduction which it is claimed is a reduction of $217,150 is in the Pension Office. That reduction was specifically made by the law passed March 3, 1885, and this Congress, in neither branch of it, is entitled to any credit for that reduction. It was made by the last Congress in the appropriation act for the year 1886.

Two hundred thousand dollars of the reduction of which we hear is made in the expenses connected with the Internal Revenue Department; and yet the Commissioner of Internal Revenue, and the Secretary of the Treasury if I understood him correctly, both say that the $200,000 additional which the Senate has already put on the bill is absolutely essential to collect the revenue of the Government and protect its business and the people against moonshiners and illicit distillers.

Seventy-seven thousand dollars of this reduction of which we hear comes from a single omission to appropriate $77,000 for the mint at San Francisco, when, as I explained the other day, that $77,000 which has failed to be appropriated in this bill will be taken out of the permanent appropriations under the silver act of 1878.

Fifty-seven thousand nine hundred dollars of this reduction comes from another act which we passed in 1885, reducing by a positive rule and statute the expenses in the Quartermaster-General's department with reference to claims under the act of 1864.

So of the reduction which is claimed elsewhere to have been made by the House of Representatives I have included items aggregating $652,050, and the remainder of the items of reduction are the small items such as are now being discussed in the bill, cutting down and scaling here and there the salary of an officer below the salary paid during the fiscal year just ended, and here and there knocking off a clerk or two in the Dpartments. But the whole reduction of clerks in this bill as compared with the law passed March 3, 1885, in numbers, as the bill came to the Senate, is only fourteen. It is true they are able to show nominally the number of one hundred and seventy-one in the Executive Departments, because of the one hundred and fifty-nine which had already been cut off by the law which we passed on the 3d day of March, 1885. So when we come to the question of economies I desire that these questions shall be tested by the law and not by the statements of men made elsewhere.

When this bill came to us from the House of Representatives it only reduced fourteen clerks as compared with the law which we passed on the 3d of March, 1885, and as it was reported by the Senate Committee on Appropriations to this body it reduced only one clerk. In other words, the Senate Committee on Appropriations did not increase the number of employés, but differed from the House as to thirteen.

Of course I can not state as to the condition of the bill under the amendments which have been already agreed to in the Senate, but taking all the amendments together we have increased the bill very little in the Senate. That is all I wish to say.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. ALLISON. The Senator from Vermont [Mr. EDMUNDS] asks me if the increases or changes made in the Senate were made by a party division. I do not so understand. They have been made here upon the independent judgment of Senators on both sides of the Chamber acting with reference to their responsibility to the country and to the Senate itself.

Mr. EDMUNDS. Then the radical Republican majority here has not forced upon a reluctant and suffering Democracy something that they did not want.

Mr. ALLISON. So it appears.

Mr. BECK. Allow me to say as one of the minority of the Committee on Appropriations that I am not able to recall for the last five years any political question in the committee. I voted for some of the increases, as some gentlemen on the other side did; and we have endeavored as far as I know to keep all our bills out of politics. There was a time when we had reconstruction and soldiers and marshals at the polls, when we had to deal politically; but in the last four or five years I am not able to recall a single instance where we have had any political division in regard to service of this kind. I desire to have that distinctly understood.

Mr. EDMUNDS. I am glad to hear the Senator from Kentucky say

that, as I was sure he would, because we all know it is true; and he will therefore in public and everywhere where the question is alluded to declare that the Senate, although it happens to be Republican in point of majority, is not in his judgment extravagant in its appropriations and trying to force upon the House of Representatives and the Democratic administration an unjust expenditure of the public money.

Mr. BECK. So far as I am advised, in no appropriation bill that has come from the House to the Senate have I seen the slightest disposition to do that on the part of any member of the committee on either side.

Mr. EDMUNDS. I am glad to hear it.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HALE. This is not a case where the amendment is an increase of the statute salary, and I do not call for the yeas and nays.

The amendment was concurred in.

The next reserved amendment was, in line 1121, in the appropriations for the office of assistant treasurer at Boston, to increase the appropriation for salary of the assistant treasurer from $4,500 to $5,000.

Mr. EDMUNDS. How does that stand? I wish to know how it has been in former appropriation acts?

Mr. BECK. The amendment corresponds with the law in the Revised Statutes. Five thousand dollars is the amount in the Revised Statutes.

Mr. EDMUNDS. How does it correspond with the appropriation of last year and so on?

Mr. BECK. We make it correspond with the appropriation of last year, that being $5,000.

Mr. EDMUNDS. So this is not an increase above the former appropriation?

Mr. BECK. It is not.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was concurred in.

The next reserved amendment was, in line 1227, in the appropriations for the office of assistant treasurer at Saint Louis, to increase the appropriation for salary of the assistant treasurer from $4,000 to $4,500.

Mr. HALE. That is not an increase beyond the statute really.

Mr. BECK. It is not. It lacks $500 of what the statute provides for the fiscal year just ended.

The amendment was concurred in.

The next reserved amendment was, in line 1237, in the appropriations for the office of assistant treasurer at San Francisco, to increase the appropriation for salary of the assistant treasurer from $4,500 to $5,000.

Mr. BECK. That is what we gave for the fiscal year just ended, and it is $1,000 below the law in the Revised Statutes.

The amendment was concurred in.

The next reserved amendment was, in line 2092, in the appropriations for the Pension Office, to increase the item for compensation of the Commissioner of Pensions from $4,000 to $5,000.

Mr. BECK. We gave him $5,000 for the fiscal year which has just closed.

Mr. HALE. The Revised Statutes, chapter 5, section 470, make this provision:

> There shall be in the Department of the Interior a Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive a salary of $4,000.

In some of the years of late appropriations have been made of $4,500 and in a few cases $5,000, but the law has never been changed.

The Senate has already declared that the clause "in full compensation" is not general legislation and does not change the general law. The statute remains as I have read it.

The House of Representatives in making up this appropriation bill followed the statute and fixed the appropriation for this officer's salary at $4,000.

I am opposed under these conditions to any change from the House bill, and upon the question of concurring in this amendment I call for the yeas and nays. I do not want to take any more time.

The PRESIDING OFFICER. The yeas and nays are demanded upon concurring in the amendment.

The yeas and nays were ordered.

Mr. BECK. All I have got to say is that we pay the Commissioner of Pensions $5,000 now, and his duties have doubled since the date of the Revised Statutes.

Mr. PLATT. I think perhaps it ought to be said that the appropriation in the act of March 3, 1883, was placed at $5,000, and in that act there is at the end a clause repealing all acts inconsistent. I do not find that that repealing clause has been inserted since March 3, 1883.

Mr. BECK. In the act of 1885 the same language, "in full compensation," was used, and that act gives the Commissioner of Pensions $5,000; and its third section repeals all acts and parts of acts inconsistent therewith. It was done in 1883 and again in 1885.

Mr. HALE. The Senate has already decided that that clause is not inconsistent with the prior law and that it is not general legislation. I supposed that question fell with the discussion and the vote of the Senate yesterday. I have no idea that the law has been changed.

Mr. CAMDEN. How long has the Commissioner of Pensions been paid a salary of $5,000?

Mr. BECK. For a number of years, how many I can not tell, at least three or four, perhaps eight or ten.

Mr. PLATT. He was paid $5,000 in 1883.

Mr. BECK. He was paid $5,000 in 1883 and in 1884, and so in 1885; and the business of the Pension Office has doubled, as everybody knows. He has the final decision of more important questions than any other officer in this Government. When he once grants a pension everything is gone. The present Commissioner may leave the office to-morrow, but the office ought to have a man at its head receiving $5,000.

Mr. TELLER. I was about to say that this is one of the most important offices under the Government. It deals with very important interests and very tender interests, that everybody in the country is appealing for and dealing with, and the sum that we pay is certainly not excessive if we pay him $5,000.

We have shown that we have the ability to disregard the statute, because a few moments since we fixed the appropriation for one officer at a thousand dollars less than the statute allowed him. If we have that power we can readily fix it a thousand dollars higher, if we think the officer ought to have it. The head of the Pension Office ought to have it. Any man who is fit to be Commissioner of Pensions ought to have $5,000 a year.

Mr. GEORGE. I have voted all along steadily in favor of the reductions of salaries. I believe they are too high, and I shall vote in the same way in regard to this salary. The yeas and nays have not been called all the time, but I have voted steadily in that direction. I think the salaries are too high, and if we are ever to commence reducing them we ought to commence now.

The PRESIDING OFFICER. The Secretary will call the roll on concurring in the amendment made as in Committee of the Whole.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired on all political questions with the Senator from Rhode Island [Mr. ALDRICH]. As this is not a question of that kind I will take the liberty of voting. I vote "yea."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. DAWES (when his name was called). I have stated my pair with the Senator from Ohio [Mr. PAYNE], but with the consent of the Senator from New Jersey [Mr. MCPHERSON], who has the matter in charge, it has been transferred to the senior Senator from Wisconsin [Mr. SAWYER], and I vote "nay."

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. DOLPH. Upon the statement, which goes unchallenged, that for five years the Commissioner of Pensions has drawn a salary of $5,000——

Mr. HALE. Debate is not allowed.

Mr. DOLPH. I vote "yea."

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], but upon advising with some of his friends I will undertake to record my vote, and vote "yea."

Mr. HALE. Does the Senator believe that the Senator from Nebraska would vote "yea?"

Mr. BLACKBURN. I will state that I conferred with the Senator who has charge of the pairs on that side of the Chamber, and it was upon that conference and his assurance, the result not being changed, that I voted. I speak of the present occupant of the chair.

Mr. HALE. Who is that Senator?

Mr. BLACKBURN. The present occupant of the chair [Mr. CULLOM]. My vote does not change the result, and it was after conference with that Senator that I voted.

Mr. HALE. Is there a Senator present who knows how the Senator from Nebraska would vote?

Mr. BLACKBURN. I do not know how the Senator from Nebraska would vote if he were here, and I should not cast my vote if it changed the result. I wish to say before the result is announced that if the recording of my vote changes the result, I shall ask to withdraw it.

The PRESIDING OFFICER. It does not change the result.

Mr. HALE. I have no objection to the Senator voting on the statement that he conferred with the Senator from Illinois [Mr. CULLOM], the present occupant of the chair.

The PRESIDING OFFICER. The Chair does not feel at liberty to make any statement from the chair.

The result was announced—yeas 24, nays 25; as follows:

YEAS—24.

Beck,	Eustis,	Jones of Arkansas,	Vance,
Blackburn,	Gibson,	McPherson,	Vest,
Butler,	Gray,	Mitchell of Oreg.,	Voorhees,
Call,	Hampton,	Pugh,	Walthall,
Camden,	Harris,	Ransom,	Whitthorne,
Dolph,	Hearst,	Teller,	Wilson of Md.

NAYS—25.

Allison,	Blair,	Chace,	Conger,
Berry,	Cameron,	Coke,	Cullom,

Dawes,	Harrison,	Miller,	Stanford,
Edmunds,	Hawley,	Palmer,	Wilson of Iowa.
Evarts,	Ingalls,	Riddleberger,	
George,	McMillan,	Sherman,	
Hale,	Maxey,	Spooner,	

ABSENT—27.

Aldrich,	Gorman,	Manderson,	Plumb,
Bowen,	Hoar,	Mitchell of Pa.,	Sabin,
Brown,	Jones of Florida,	Morgan,	Saulsbury,
Cockrell,	Jones of Nevada,	Morrill,	Sawyer,
Colquitt,	Kenna,	Payne,	Sewell,
Fair,	Logan,	Pike,	Van Wyck.
Frye,	Mahone,	Platt	

So the amendment was non-concurred in.

The next reserved amendment was, in line 2145, in the appropriations for the office of the Commissioner of Patents, to increase the appropriation for compensation of the Commissioner of Patents from $4,500 to $5,000.

Mr. HALE. The Revised Statutes, chapter 6, section 477, provide that—

The salaries of the officers mentioned in the preceding section—

That is, relating to the Patent Office—

shall be as follows:

The Commissioner of Patents, $4,500 a year.

At that salary the House fixed the appropriation in the bill. That is the law. As in the other case, which has already been passed upon by this body, there have been at different times other appropriations made; but the law, as in the case of the Commissioner of Pensions, remains as in the Revised Statutes the fundamental law fixing the compensation.

I am opposed to the increase proposed by the amendment, and upon this, as in the other case, for one ought to go with the other, I call for the yeas and nays, and I hope the Senate will do as it did in the other case.

Mr. PLATT. With relation to this amendment I should like to say a single word.

I propose to vote for the amendment, and I do so for the reason that I believe the salary of the Commissioner of Patents was intended to be raised last year by the appropriation act from $4,500 to $5,000, with a full knowledge of the fact that the salary as it stood before by the general statute was only $4,500. I believe that was done on the merits of the case. It may be remembered that I made a speech in which I spoke of the inadequacy of the salary of the Commissioner of Patents. I believe it is an office which ought to have a salary of $5,000.

I have scarcely an acquaintance with the present Commissioner of Patents, and I have nothing to say about his capacity, but the office ought to have that salary, and I think that in the appropriation act last year which repealed all acts inconsistent with that act it was made $5,000 with the understanding that it was to so remain. I shall therefore vote for the amendment.

Mr. BECK. The present law, which the Senator from Connecticut very properly says contains the provision "that all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed," fixes the compensation of the Commissioner of Patents at $5,000. We are giving simply what he now has.

That is one of the offices not only temporarily important, because the work of the Pension Office may perhaps be diminished as time goes on, but it is growing in magnitude and importance every day. The funds necessary to supply the office and to obtain the ablest men in the country at the head of it are all furnished by inventors themselves. Not only enough is furnished to run the office, but a surplus is paid into the Treasury after all the expenses of the office are paid. Several hundred thousand dollars—the exact amount I do not know—are paid into the Treasury over and above the expenses of the office. The inventors of this country, the people of this country, are entitled to have in that office the services of one of the very best men who can be found in the country.

I take pleasure in saying, knowing the present Commissioner of Patents, that a more energetic, able, earnest, honest man can not be found than he; and having such a man we ought not to lose him, the inventors of the country ought not to lose him, and the people of the country ought not to lose him by cutting down his salary to what it may have been twenty years ago, when the office was not of half the importance that it is now. If I were in his place I would resign to-day, with the ability that I know he has, before I would work for a salary that was cut down below what it was, when the service he is rendering is worth a great deal more than that.

Mr. HALE. Before the Senator sits down I want to ask him whether he believes that this office, important as it is, requires more service and more labor and is more important in its duties or to the country than the Commissioner of Pensions whose salary the Senate have just agreed with the House in fixing at $4,000. As the House put it, the salary is $500 beyond that of the Commissioner of Pensions; and I certainly hope the Senate will not go back on its last vote.

Mr. BECK. I think the Senate did not do itself any credit in the vote which it just gave, if I am asked the question, in cutting down the salary of the Commissioner of Pensions to $4,000. That is the only answer I can give to that. That is my opinion, without reflecting on anybody. I was asked the question.

Mr. HALE. We did not cut it down. It is the law.

Mr. BECK. If we are stickling as to the law, we made the salary of the assistant treasurer at San Francisco at $5,000 when the law says he shall have $6,000. If we are to stick to the law, why not give the assistant treasurer there the $6,000 that the law gives him? On the contrary, whenever it suits gentlemen to cut down the salaries of officers below the law, that is all right. Whenever it does not suit gentlemen to give men a salary such as they ought to have with the work they are doing, then they go back to the Revised Statutes, which are entitled to no consideration unless it be a technical, legal consideration, because those laws in the Revised Statutes are simply compilations of former existing laws, nine-tenths or perhaps all of them being merely the amounts that happened to be then fixed in the appropriation acts. Although the Revised Statutes in some instances, especially in regard to the silver coinage of the country, did make a change, it was professed at least that they did not change a syllable of existing law, that they were simply a compilation of the laws which then existed, and the salaries which were found in the appropriation acts of that day were inserted because they were there. There was no such thing in regard to the Revised Statutes as a law passed making them the statutes of the country by a revision. There was nothing of that sort.

Mr. HALE. The Senator knows that that compilation is accepted as the standard law of the country; and why does he now talk about the Senate cutting down this service? All that is asked here is that the Senate shall fix this salary at what the House fixed it. The body that initiates these appropriations, the body that is in sympathy with this officer, the body that considers these subjects first and foremost, has left this salary at where the law fixes it, and the Senator should not talk about the Senate cutting down salaries in an unreasonable way when it is only proposed to follow the House and to follow the law.

Mr. BECK. I supposed that this body without referring to what the House has done exercised its own independent judgment as to what was right. The Senate did not think it right to give the subtreasurer at San Francisco $6,000, although that is the law. If the Senator from Maine is going to stickle for the law as found in the Revised Statutes, why not comply with it throughout? We thought $5,000 enough for that officer. The House thought $4,500 was enough. We voted $5,000 because that was fair in comparison with all the other salaries paid.

In regard to this officer, no man will deny that one of the very best lawyers in the country ought to be at the head of the Patent Office; and $5,000 for the services of a man who is fit to be Commissioner of Patents is not too much; it is hardly enough.

Mr. DOLPH. Will the Senator from Kentucky allow me to ask him a question?

The PRESIDENT *pro tempore*. The time of the Senator from Kentucky has expired.

Mr. DOLPH. Was the increase made in the last appropriation act the first increase of the salary of this officer?

Mr. BECK. I am not sure as to that. I am advised by the Senator from Missouri [Mr. COCKRELL] that the increase made in the last appropriation act was not the first.

Mr. DOLPH. I make the inquiry because I voted "yea" on the amendment in the case of the Commissioner of Pensions——

Mr. BECK. I am told by the Senator from Missouri who has looked into it that it was not the first time that it was made $5,000.

The PRESIDENT *pro tempore*. The Senator from Kentucky is reminded that his time has expired.

Mr. BECK. I beg pardon; I did not know it.

Mr. TELLER. Mr. President——

Mr. DOLPH. I hope the Senator from Colorado will allow me a moment. I was saying that I asked the question because I desired to know if this case stood on any different ground from the one on which the vote was just taken. I voted for the amendment in the case of the Commissioner of Pensions because I understood that for several years the compensation had been fixed at $5,000, and I desired to know whether the increase was for the first time in the last appropriation act for the Commissioner of Patents.

Mr. BECK. I am assured that it was not.

Mr. TELLER. Whether we have acted wisely or not with the Commissioner of Pensions in declining to appropriate for his salary as it has been for many years, is not a question now upon this proposition. Here is an officer charged with the discharge of very onerous duties. He leaves his law practice and accepts this office with the salary fixed and with every reason to suppose it was to be the salary for years to come. He becomes charged with a very important bureau, a bureau that does not run the Government in debt but pays a net sum into the Treasury of the United States taken from the inventors, a self-sustaining bureau; and is it proposed to say now that the Government, for the purpose of putting into its coffers the money that it has taken out of these men who have put their applications for patents into that office, for the sake of putting in $500, will decrease over last year the appropriation for this officer?

The Patent Office, as was said by the Senator from Kentucky, is a continuing office. It grows every day. If I had thought that this ques-

tion would have been presented and that any opposition would have been made to the amendment, I should have taken pains to present a little statement which has been presented by the Commissioner of Patents in his report every year showing the increase in the business of the Patent Office year by year. As the number of people has increased so the buisness of the office has increased all the time. The inventors paying in their money demand of the Government the highest talent which the Government can secure for a proper discharge of the duties of the office, so that they may get their patents in time.

It does seem to me that in a matter of this kind it is unreasonable to say that because the House said there was some old statute which gave only $4,500, we shall give but $4,500. The argument of the Senator from Maine would simply leave the Senate without any discretion or judgment at all in the matter. Why did not the Senator from Maine and his committee adopt the bill as it came from the House if the Senate is to exercise no judgment on it at all?

Mr. HALE. We did try.

Mr. TELLER. You did not do it by a good deal. If that is to be the rule and if we are to surrender to the House the right to make the appropriations, all right; but when they have exercised their right to change some of them and change this, I do not see why we should not stand by the committee in that particular, and I do not see why this officer should not have as much as he is receiving this year and as much as his predecessors had.

Mr. CALL. Mr. President, I find it very difficult to understand the proposition when Senators here assert that a statute of the United States can continue to exist in the face of one, two, three, five, ten, or twenty years of new enactments providing a different compensation for officers, in full payment, which is manifestly entirely subversive and antagonistic to the law that provided at a former time a different compensation. How long shall this continue? A hundred or a thousand years? There is no decision and no agreement that a law once repealed can be revived again by implication. That has been exploded a hundred years ago, and no such proposition can be maintained.

Now, to depreciate and belittle the public service, to deprive the people of the services of men of character, is a contempt thrown upon them and upon republican government. To say that this officer, required to be of the highest ability as he is, of the greatest integrity and capable of commanding $10,000 and $20,000, shall be belittled and the public service belittled by a compensation that will drive him or any other respectable man from the position, is, in my opinion, a wrong to the people and a contempt of their interests.

To say the House has done this or that is not proper here. We are not allowed to be controlled by the judgment of the House. By our constitutional organization we are required to say what is our independent and distinct judgment in regard to every proposition, and we are not permitted in our duties to be governed by the action of the House.

Mr. MAXEY. Mr. President, ever since I have been a member of the Senate I have consistently opposed legislation on an appropriation bill. I remember very well when in 1876 that question came up, and the present occupant of the chair made what I regarded at the time as a very able speech against this system of legislating on an appropriation bill, and to the best of my ability I have followed on the same line. I have always believed that it was the most vicious and dangerous character of legislation, and that if vicious and improper legislation could succeed in getting through Congress it was upon an appropriation bill.

Having that view of the case, I made the point of order on the expression "in full compensation" as applied to salaries, &c., in the bill we are now considering. That point of order was by a vote of the Senate overruled.

I was asked a question during the discussion yesterday by the Senator from Vermont whether I would apply the same principle to an increase of salary above the amount fixed by the statute that I would to a decrease. I replied to him that undoubtedly I would; and I did do it in the vote for the increase of the salary of the Commissioner of Pensions, as I shall do in regard to the proposed increase of the salary of the Commissioner of Patents.

The statute fixed his compensation in 1870, and as far as I know it has not been changed. Section 477 of the Revised Statutes fixes the salary of the Commissioner of Patents at $4,500. This is not the other House fixing the salary, as was said by the Senator from Florida, but it is the law which fixes the salary, and the salary which comes to us in the House bill is the salary which the law has fixed. The Senate Appropriations Committee, assuming to change the law, increased the salary from $4,500 to $5,000. I say that if the salary is wrongly fixed in the statute, then the question should be submitted coolly and deliberately to the proper committee for investigation, and let them report an amendment of the existing law. Wherever the whole subject of salaries is submitted to the Appropriations Committee, no mortal man can tell how they are adjusted. It is like Selden's description of the court of chancery, which he said was dependent upon the conscience of the chancellor, and like his foot it might be a long foot or a short foot or an indifferent foot. So it depends entirely upon the character of the Appropriations Committee and their views yearly, and they are changing yearly as to what the salaries shall be; and thus the foundation and the principle of the law is blown up as if by dynamite. Permanency is one of the great principles of the law.

The other House is not departing from the law in regard to this salary. It sends to us a bill containing a salary for this officer precisely as the law fixes it, and it is not the House which changes it; it is not the law which changes it, but it is the Appropriations Committee of the Senate which sees proper to change it upon the face of the appropriation bill.

Believing, as I say, this character of legislation to be vicious, and having always so believed, acting consistently on that principle ever since I have been a member of the Senate and expecting to continue so to act as long as I am a member of the body, I shall vote against concurring in this amendment.

Mr. BECK. I wish to state to the Senator from Oregon [Mr. DOLPH] that I have examined the statutes, and I find that for the last two years $5,000 has been the salary of the Commissioner of Patents.

Mr. RIDDLEBERGER. Mr. President, I regret to interfere or appear to interfere with the work of the Committee on Appropriations on so elaborate a bill as this. I announced in the very beginning of its consideration that I was going to vote to keep salaries where they are and to keep the service just where it is, unless the heads of Departments shall state that they require additional force, in which case I shall always be ready to grant it as far as my vote will aid in doing it.

The Senator from Kentcky, the Senator from Texas, and the Senator from Florida, who have spoken in favor of this increase of salary, all three voted to economize in this bill to the enormous amount of $3,080, turning out from the Capitol two skilled laborers and one fireman whose aggregated salaries amount to $3,080. That is the whole economy of it so far as the bill stands up to page 88. Having done that, we are asked on page 88 to go beyond the statute and vote $500 on one salary. We were just asked to vote $1,000 on another salary.

The Senator from Kentucky says that the Senate does itself no credit by voting to refuse this increase because the Commissioner of Patents is such an efficient officer, a man of such high character, with such important duties to perform as that he is entitled to $5,000. I ask the Senator if the chief clerk of that office is not an efficient officer, if he is not a man of high character, if he is not a man qualified to perform the functions of his office, and if without the chief clerk there the Commissioner of Patents could possibly perform the functions of his office as efficiently as he is represented here to do? Yet you strike down from that chief clerk $500 of his salary and you undertake to give him back here in your italicized amendment $250 of it.

I will ask the Senator if the clerk of the commissioners of the District of Columbia, from whom you strike one hundred of his $1,200 salary and who sometimes has to work sixteen hours a day, is not as efficient an officer and a man of as high character? I ask him whether the skilled laborers are not men as efficient in their line of service as any man who stands at the head of a bureau? I ask him whether the fireman down yonder who heats this building or runs the engine to pump air into it on hot days is not as efficient in his line? Yet you strike down the men in some instances and the salaries in others, saving in the aggregate $3,080, and ask us to give it all back to the heads of bureaus who receive $4,000 and $4,500.

I think it does reflect credit on this body to say that these men shall have the salaries prescribed by law. Certainly it reflects credit on us when we find in this Capitol one party contending that we have too much revenue and that the money ought to be cast to the four winds of heaven, and another party claiming we have not enough revenue and that, therefore, we ought to economize in the expenditures of the Government.

Sir, it is the part of discretion to accept the latter theory, that we have not enough; but if the political friends of the Senator from Kentucky are right that we have not enough and it should happen that his friends also should claim that to have too much would be wrong, then we should make a great mistake in increasing any salary. We should wait until we ascertain whether we have enough before we undertake to expend one dollar that is not necessary and is not provided for by the law as it exists to-day.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HALE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CALL. I simply ask the consent of the Senate to read a few lines from a decision of the Supreme Court.

The PRESIDENT *pro tempore*. The Senator from Florida, having spoken once, is not entitled to the floor again except by unanimous consent.

Mr. CALL. I merely ask to read a few lines from a decision of the Supreme Court.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Florida will proceed.

Mr. CALL. The Supreme Court in the October term of 1885, in the case of the United States *vs.* Langston, used this language:

While the case is not free from difficulty, the court is of opinion that, according to the settled rules of interpretation, a statute fixing the annual salary of a public officer at a named sum, without limitation as to time, should not be

deemed abrogated or suspended by subsequent enactments which merely appropriated a less amount for the services of that officer for particular fiscal years, and which contained no words that expressly or by clear implication modified or repealed the previous law.

These words are words of that character which do expressly modify and repeal the previous law, and have been held to have that effect in former cases decided by that court.

The PRESIDENT *pro tempore*. The Secretary will call the roll on concurring in the amendment made as in Committee of the Whole.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired generally with the Senator from Rhode Island [Mr. ALDRICH], but I am informed by his colleague that the pair need not apply to this vote. I vote "yea."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN].

The roll-call was concluded.

Mr. SAULSBURY. I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were here, I should vote "yea."

Mr. GRAY. I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "yea."

The result was announced—yeas 24, nays 19; as follows:

YEAS—24.

Beck,	Eustis,	Jones of Arkansas,	Teller,
Butler,	Gibson,	Mitchell of Oreg.,	Voorhees,
Call,	Hampton,	Palmer,	Walthall,
Camden,	Harris,	Platt,	Whitthorne,
Colquitt,	Hawley,	Pugh,	Wilson of Iowa,
Conger,	Hearst,	Ransom,	Wilson of Md.

NAYS—19.

Allison,	Coke,	Hale,	Miller,
Berry,	Cullom,	Harrison,	Riddleberger,
Blair,	Edmunds,	Ingalls,	Sherman,
Brown,	Evarts,	McMillan,	Spooner.
Cameron,	George,	Maxey,	

ABSENT—33.

Aldrich,	Gorman,	Manderson,	Sawyer,
Blackburn,	Gray,	Mitchell of Pa.,	Sewell,
Bowen,	Hoar,	Morgan,	Stanford,
Chace,	Jones of Florida,	Morrill,	Vance,
Cockrell,	Jones of Nevada,	Payne,	Van Wyck,
Dawes,	Kenna,	Pike,	Vest.
Dolph,	Logan,	Plumb,	
Fair,	McPherson,	Sabin,	
Frye,	Mahone,	Saulsbury,	

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The CHIEF CLERK. In line 2047, before the word "inspectors," the Senate, as in Committee of the Whole, struck out "three" and inserted "two;" so as to read.

Two inspectors of surveyors-general and district land offices, to be appointed by the Secretary of the Interior, at $2,000 each.

The amendment was concurred in.

The next reserved amendment was announced to be, in line 2296, in the appropriations for the office of the Director of the Geological Survey, before the word "thousand," to strike out "six" and insert "five;" so as to read:

For Director, $5,000.

Mr. EDMUNDS. I ask the chairman what the law now provides?

Mr. ALLISON. Six thousand dollars.

Mr. EDMUNDS. What has the Government paid the last few years?

Mr. ALLISON. Always $6,000,

Mr. EDMUNDS. Then to be consistent we shall have to leave this at $6,000.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

The next reserved amendment was, in line 2297, to reduce the appropriation for compensation of the executive officer of the Geological Survey from $3,000 to $2,500.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

Mr. EDMUNDS. I wish to call attention to the fact that the last two amendments acted on were disagreed to as in Committee of the Whole, and the result was to leave the bill to stand as it came from the House. Nothing could be reserved upon those points. However, the matter is settled as it was before; and so it may as well stand.

The PRESIDENT *pro tempore*. Both amendments were laid before the Chair as reserved amendments. However, the vote in the Senate is the same as in Committee of the Whole.

The next reserved amendment was, in line 2675, in the appropriations for the office of the Solicitor of the Treasury, to increase the appropriation for compensation of the Solicitor of the Treasury from $4,000 to $4,500.

Mr. EDMUNDS. What is provided by the present law?

Mr. HALE. I have the statute here, which I propose to read. I read from title 8 of the Revised Statutes, section 349:

There shall be in the Department of Justice a Solicitor of the Treasury, an assistant solicitor of the Treasury—

And other officers, naming them—

who shall be entitled to the following salaries: The Solicitor of the Treasury, to $4,000 a year.

That is the way the House has left it.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. There are no other reserved amendments.

Mr. BECK. I move to reconsider the vote by which the Senate agreed to two amendments on page 14, lines 313, 314, and 315, inserting the names of John T. Chancey and C. W. Coombs in positions relative to the office of the Doorkeeper of the House of Representatives.

Mr. EDMUNDS. Were those amendments agreed to or disagreed to?

Mr. BECK. They were agreed to, I understand, at first, and the reason why I make the motion to reconsider now is that quite a number of members of the other House have come to me, and I suppose to other members of the committee, individually, and complained that we are interfering by these amendments with their action, and I do not want to be censured in that way.

Mr. EDMUNDS. I agree with you entirely.

Mr. BECK. Therefore I move to strike out those names.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate reconsider its action in agreeing to the amendments named by him.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments which have been mentioned.

The amendments were rejected.

Mr. EDMUNDS. As a mere matter of phraseology, as this is followed along in all the bills, in section 2, line 4, I move to insert, after the word "watchmen," the words "at the rate of." This section seems now to give them an annual salary, while it is merely an employment at that rate. That would probably be the construction; but I want to have it so that it will go into future bills in that way.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 2, line 4, after the word "watchmen," it is proposed to insert the words "at the rate of;" so as to read:

For assistant messengers, firemen, and watchmen, at the rate of $720 per annum each.

The amendment was agreed to.

Mr. EDMUNDS. I move the same amendment after the word "laborers," in line 5 of the same section; so as to read:

For laborers at the rate of $660 per annum each.

Mr. ALLISON. One amendment I omitted. In line 2004, before the word "dollars," I move to insert the words "two hundred;" so as to read:

One clerk at one thousand two hundred dollars.

Mr. EDMUNDS. What clerk is that?

Mr. ALLISON. A clerk in the office of the Secretary of the Interior.

Mr. EDMUNDS. I understand it is the clerk of land patents.

Mr. ALLISON. It is in the Department of the Interior.

Mr. TELLER. That is the salary of the clerk now. It should be $1,200.

Mr. EDMUNDS. Is he one of the classified $1,200 clerks?

Mr. ALLISON. He is one of the classified clerks.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment moved by the Senator from Iowa.

The amendment was agreed to.

Mr. EDMUNDS. Now you want to change the total on page 83 to correspond.

The PRESIDENT *pro tempore*. The Secretary is already authorized to do that. The question is on ordering the amendments to be engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. SPOONER. I wish to move to reconsider the vote by which the Senate non-concurred in the amendment reported by the Committee on Appropriations relative to the salary of the Commissioner of Pensions.

Mr. HALE. Is that in order after the bill has had its third reading?

The PRESIDENT *pro tempore*. The Chair is of the opinion that it is not in order. The rule forbids any amendment after the third reading of a bill.

Mr. HARRIS. Then I move to reconsider the vote by which the bill was ordered to a third reading.

The PRESIDENT *pro tempore*. That is in order. The Senator from Tennessee moves to reconsider the vote by which the bill was ordered to a third reading.

Mr. EDMUNDS. We might as well have the yeas and nays on that and settle the question.

Mr. HARRIS. I am perfectly satisfied with that.

The PRESIDENT *pro tempore*. The yeas and nays are demanded on the motion to reconsider the vote by which the bill was ordered to a third reading.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were here, I should vote "yea."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. GRAY (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. DAWES. I wish to state that on this question I am paired with the Senator from Ohio [Mr. PAYNE]. I do not know how he would vote, and I withhold my vote.

Mr. CAMDEN. I announce my pair with the Senator from Rhode Island [Mr. ALDRICH].

The result was announced—yeas 32, nays 12; as follows:

YEAS—32.

Beck,	Conger,	Jones of Arkansas,	Teller,
Berry,	Cullom,	Mitchell of Oreg.,	Vance,
Blair,	Dolph,	Palmer,	Vest,
Brown,	Eustis,	Pugh,	Voorhees,
Butler,	Gibson,	Ransom,	Walthall,
Call,	Hampton,	Sawyer,	Whitthorne,
Coke,	Harris,	Spooner,	Wilson of Md.,
Colquitt,	Hawley,	Stanford,	Wilson of Iowa.

NAYS—12.

Allison,	Evarts,	Ingalls,	Miller,
Cameron,	George,	McMillan,	Riddleberger,
Edmunds,	Hale,	Maxey,	Sherman.

ABSENT—32.

Aldrich,	Frye,	Kenna,	Payne,
Blackburn,	Gorman,	Logan,	Pike,
Bowen,	Gray,	McPherson,	Platt,
Camden,	Harrison,	Mahone,	Plumb,
Chace,	Hearst,	Manderson,	Sabin,
Cockrell,	Hoar,	Mitchell of Pa.,	Saulsbury,
Dawes,	Jones of Florida,	Morgan,	Sewell,
Fair,	Jones of Nevada,	Morrill,	Van Wyck.

So the motion to reconsider the vote by which the bill was ordered to a third reading was agreed to.

Mr. SPOONER. I now move to reconsider the vote by which the Senate non-concurred in the amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 2092, before the word "thousand," strike out "four" and insert "five;" so as to read:

For compensation of the Commissioner of Pensions, $5,000.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote by which the Senate non-concurred in this amendment.

Mr. HALE. Let us have the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "yea," and I should like to do it.

The roll-call was concluded.

Mr. BLACKBURN. I am paired generally with the Senator from Nebraska [Mr. MANDERSON], but upon conference with the representative of pairs on the other side I have been advised by him that I may vote, provided it does not change the result. I record my vote and vote "yea," with the privilege of withdrawing my vote if I find that it determines the result.

Mr. CAMDEN. I have a general pair with the Senator from Rhode Island [Mr. ALDRICH]. I understand that I may vote upon this question, but for fear of a misunderstanding I shall not vote. His colleague [Mr. CHACE] is not in the Chamber, and in his absence I do not like to take the responsibility.

The result was announced—yeas 34, nays 11; as follows:

YEAS—34.

Allison,	Conger,	McMillan,	Vance,
Beck,	Cullom,	Mitchell of Oreg.,	Vest,
Berry,	Dolph,	Palmer,	Voorhees,
Blackburn,	Eustis,	Plumb,	Walthall,
Blair,	Gibson,	Pugh,	Whitthorne,
Brown,	Hampton,	Ransom,	Wilson of Iowa,
Butler,	Harris,	Sawyer,	Wilson of Md.
Call,	Hawley,	Spooner,	
Colquitt,	Jones of Arkansas,	Teller,	

NAYS—11.

Cameron,	Evarts,	Ingalls,	Riddleberger,
Coke,	George,	Maxey,	Sherman.
Edmunds,	Hale,	Miller,	

ABSENT—31.

Aldrich,	Gorman,	Logan,	Pike,
Bowen,	Gray,	McPherson,	Platt,
Camden,	Harrison,	Mahone,	Sabin,
Chace,	Hearst,	Manderson,	Saulsbury,
Cockrell,	Hoar,	Mitchell of Pa.,	Sewell,
Dawes,	Jones of Florida,	Morgan,	Stanford,
Fair,	Jones of Nevada,	Morrill,	Van Wyck.
Frye,	Kenna,	Payne,	

So the motion to reconsider the vote by which the amendment was non-concurred in was agreed to.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. RIDDLEBERGER. I understand, as the rules of this body obtain, that I voted on the wrong side to make a motion to reconsider, but I will ask the unanimous consent of the Senate—I believe anything can be done here by unanimous consent—to allow me to make a motion to reconsider the vote by which the amendment of the committee was concurred in, in line 124, reducing the number of skilled laborers in the Senate force from ten to eight.

The PRESIDENT *pro tempore*. The Senator from Virginia asks the unanimous consent of the Senate at this stage of the bill to move to reconsider the vote by which the amendment mentioned by him was concurred in. Is there objection?

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection being made, the motion is not in order unless the Senator voted with the prevailing side.

Mr. RIDDLEBERGER. I did not.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate numbered 1, 2, 3, 4, 9, and 10 to the bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States; had disagreed to the amendments of the Senate numbered 5, 6, 7, and 8 to the said bill; and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPRINGER, Mr. HILL, and Mr. SYMES managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 9479) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 1st instant, approved and signed the following acts:

An act (S. 686) granting a pension to Charles N. Sebastian;

An act (S. 1304) granting a pension to William Reynolds; and

An act (S. 1486) to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil bill be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a bill from the House of Representatives the title of which will be stated.

The CHIEF CLERK. "A bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes."

The bill was read twice by its title, and referred to the Committee on Appropriations.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of House bill 7480, being the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BUTLER. Mr. President——

Mr. MCMILLAN. If the Senator from South Carolina will permit me a moment, I ask unanimous consent that the Senate proceed to the consideration of this bill by paragraphs and that the amendments of the Committee on Commerce be disposed of before other amendments are received.

Mr. INGALLS. I object.

Mr. BUTLER. I believe I have the floor.

The PRESIDENT *pro tempore*. The Senator from South Carolina.

Mr. BUTLER. I simply rose to ask the Senator from Minnesota if he would consent to lay aside this bill informally in order that we may proceed to consider Senate bill 980.

Mr. EDMUNDS. I insist on the regular order, Mr. President. I do not know what the bill of the Senator from South Carolina is, but I am going to stick to this bill.

Mr. MCMILLAN. I ask unanimous consent of the Senate to proceed to the consideration of the pending bill by paragraphs, disposing of the amendments of the Committee on Commerce as they are reached in the reading.

Mr. HARRIS. Dispensing with the first formal reading.

Mr. EDMUNDS. That I must object to.

Mr. INGALLS. And I object.

The PRESIDENT *pro tempore*. Objections being made, it can not be done. The bill will be read at length.

The Chief Clerk proceeded to read the bill and read to the end of the clause in lines 225 and 226, appropriating $30,000 "for improving harbor at Brunswick, Georgia: continuing improvement."

Mr. BROWN. I am not certain that I understand the rule under which we are proceeding. I see no vote is being taken on the amendments proposed by the committee.

The PRESIDENT *pro tempore*. The bill is being read through.

Mr. MCMILLAN. The Senator from Georgia will understand that there was an objection interposed to the request to waive the formal reading of the bill.

Mr. BROWN. I was out at the moment.

The PRESIDENT *pro tempore*. The reading will proceed.

The Chief Clerk resumed the reading of the bill.

DEATH OF REPRESENTATIVE HAHN.

Mr. EUSTIS. Mr. President, pursuant to notice heretofore given, I ask that the message of the House of Representatives in relation to the death of Mr. HAHN be laid before the Senate.

The PRESIDING OFFICER (Mr. PLATT in the chair). If there be no objection the reading of the pending bill will be suspended, and it will be laid aside informally, and the resolutions referred to will be laid before the Senate.

Mr. MCMILLAN. Of course I can make no objection to that request, owing to the nature of the resolutions of the House.

The PRESIDING OFFICER. The river and harbor bill will be laid aside informally.

Mr. MCMILLAN. That is what I proposed to ask.

The Secretary read the following resolutions of the House of Representatives:

Resolved, That the House have heard with profound sorrow of the death of Hon. MICHAEL HAHN, late a Representative from the State of Louisiana.

Resolved, That in the demise of our late colleague the country has suffered the loss of a wise legislator, a valuable citizen, and an able and faithful public servant.

Resolved, That as an additional mark of respect to the memory of the deceased the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. EUSTIS. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The resolutions will be read.

The Secretary read as follows:

Resolved, That the Senate receives with deep sensibility the announcement of the death of Hon. MICHAEL HAHN, late a member of the House of Representatives from the State of Louisiana, and tenders to the family and relations of the deceased the assurance of its sympathy in their bereavement.

Resolved, That the Secretary be directed to transmit to the family of Mr. HAHN a copy of the foregoing resolution.

Mr. EUSTIS. Mr. President, on the 14th of March, 1886, Hon. MICHAEL HAHN, a Representative from Louisiana, died in this city. Several of his former associates in the House of Representatives have in eulogies presented in detail the important incidents of his public career. It is not necessary for me to repeat what has been so well said by those who were brought into more intimate relations with him, and I will only briefly refer to his prominent identification with some of the important events in the recent history of Louisiana to illustrate the character of the deceased and to delineate his connection with measures of national importance. When he died the Democratic press in New Orleans united in paying a just tribute to his memory, which attested that Mr. HAHN enjoyed the respect and esteem of his political opponents. The bar and the court over which he presided as judge when he became a candidate for Congress passed resolutions expressing their profound respect for his judicial attainments and unimpeachable integrity, and as a last token of sorrow the governor, prominent State officers, and a large concourse of people and distinguished citizens irrespective of party attended the mournful cortege that bore his remains to the family tomb.

Mr. HAHN was a Bavarian by birth, but came to this country at an age so youthful that his opinions and convictions upon public questions were due exclusively to the associations he formed and to the education he received in the country of his adoption. Before the war he was an ardent Douglas Democrat, and after the disruption of the Charleston convention he addressed a large Union mass-meeting held in New Orleans on May 8, 1860, at which he made a strong Union speech and offered the resolutions which were adopted by the meeting. This outspoken declaration of his convictions foreshadowed his attitude of firm adherence to the cause of the Union. As a public official, after the State had seceded, he refused to take the required oath to support the constitution and laws of the Confederate States.

When the possibility of the emancipation of the slaves first dawned amid the rude shock of armed conflict, as early as November, 1863, Mr. HAHN, in a speech delivered in New Orleans, declared himself as the champion of their freedom, and advocated the abolition of slavery throughout the State of Louisiana. Hence, from an early period he gained the unreserved confidence of the colored people, not by any shallow pretense of undue solicitude for their welfare, but by reason of his sincere convictions upon the question of slavery. Their confidence he retained to the day of his death, for they knew that his labors for their educational, social, and material improvement were disinterested, and that no selfish consideration of personal advantage or political advancement induced him to profess to be their friend and benefactor.

Although recognized as a Republican leader, rather than appeal to race prejudices or engender race animosities he preferred to live in political retirement, asking for no rewards unless voluntarily tendered to him in grateful recognition of his ability and willingness to faithfully serve a trusting constituency. He could always rely upon the united and hearty support of the colored people, for to them he had been a friend, having never deceived them by flattering their prejudices or having never misled them to indulge false and exaggerated expectations. He honestly inculcated the teachings of good-will and good feeling between the races as most conducive to the prosperity and good order of society and the well-being of both races.

Mr. HAHN was a conspicuous figure in a memorable movement which had serious international significance during the war, but which has been obscured by the overshadowing prominence of the stirring episodes of that eventful period. Louis Napoleon was restrained from recognizing the Southern confederacy only by the obstinate refusal of the British ministry to co-operate with him in that direction, the British ministry itself being controlled by the force of public opinion in England. The oft-repeated assurances of Mr. Seward, that the war would be of short duration had lost their efficacy and had emboldened Louis Napoleon, who pointed to the fluctuating fortunes of the contending armies as indicating an uncertainty in the result, if not an indefinite prolongation of the struggle between the Federal and confederate armies.

Mr. Lincoln determined to offset this argument in favor of recognition, so urgently pressed by Napoleon upon the other courts, by making it appear that as Federal armies conquer territory civil government was being re-established with a view to the early reunion of the States. Louisiana, once a province of France, was selected as the field for this civil manifestation of restored Federal authority. This scheme of rehabilitating a seceded State amid the clash of arms was mainly designed to counteract the intrigues of Louis Napoleon. New Orleans and a few riparian parishes were the only territory in Louisiana actually and exclusively occupied by the Federal Army. A convention representing an insignificant fragment of the State was called. A constitution was formed and civil officers were elected, and Mr. HAHN was duly installed as governor-elect of the State of Louisiana.

So incompatible was this deformed civil government with the exigency of military occupation and military domination that Mr. Lincoln at once invested Governor HAHN with the powers of a military governor. To the European courts was to be presented the unexpected spectacle of a civil government being established by the sanction of Federal authority in a State that had seceded from the Union and of which Mr. HAHN was the chief executive. But this diplomatic effort to inaugurate a system of reconstruction, intended for the patriotic purpose of influencing foreign governments, was never sanctioned by Congress, and this anomalous and undefined civil authority of a military governor, so far as domestic government was concerned, had to yield to the undiminished supremacy of military rule. From different motives and for different reasons President Lincoln and Mr. HAHN equally rejoiced in this triumph of civil government.

The one because he successfully arrested the predetermined purpose of Louis Napoleon to recognize the Southern confederacy, which it was feared would form an alliance with the Latin Empire which Napoleon was establishing in Mexico, to be protected by France; and the other because by the aid and assistance of the President of the United States he was to wear civic honors of a high grade, representing, as he believed, the majesty of a seceded State restored to the Union.

Mr. HAHN treasured as a valued legacy the following letter written to him by Mr. Lincoln in connection with the events I have mentioned:

EXECUTIVE MANSION, *Washington, March* 13, 1864.

MY DEAR SIR: I congratulate you on having fixed your name in history as the first free-State governor of Louisiana. Now that you are about to have a convention which, among other things, will probably define the elective franchise, I barely suggest for your private consideration whether some of the colored people may not be let in, as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help in some trying time to come to keep the jewel of liberty in the family of freedom. But this is only a suggestion, not to the public but to you alone.

A. LINCOLN.

When the Federal troops occupied New Orleans Mr. HAHN, by reason of his having been a Union man, was in a position to give good or bad advice to the military commanders, as regards the treatment of the people of that city. But he was a man entirely free from any resentful or vindictive feelings, and instead of persecuting any one he aided and befriended those whom it was in his power to assist. He always respected the convictions of his opponents, and never allowed any difference of opinion, even upon questions which he considered of vital moment, to prejudice him in his dealings and his intercourse with his fellow-men. In that respect he was truly remarkable for the kindly disposition of his nature.

To the poor and the lowly he always showed a feeling of deep sympathy, for he himself had risen from a very humble condition in life, unaided except by his own efforts and the opportunities afforded in this country to every one to gratify his ambition for advancement. I use no mere formal or conventional expression when I state that during his life he was a man respected and esteemed, and that his death was as sincerely regretted by his political opponents as by those with whom he had been politically associated.

Called upon to discharge the duties of many public offices, State and Federal, at the time that he surrendered these various functions no enemy, if he had any, could point to a stain upon his character. At the time of his sudden death he had re-entered upon a career of promising political activity and usefulness. Full of buoyant and hopeful expectations he was stimulated by a renewed ambition to devote his talents and his energies to the service of his State and country as a representative in Congress. Those who knew him best shared his confidence in his ability to attain signal distinction among his distinguished associates. Providence decreed otherwise; and it is to be hoped that he has reaped that rich reward in eternity for which his exemplary life on earth undoubtedly prepared him.

Mr. President, I move the adoption of the resolutions.

Mr. GIBSON. Mr. President, I rise to second the resolutions commemorative of the public life and services of Hon. MICHAEL HAHN, recently a Representative from the second Congressional district of Louisiana, who died in this city suddenly on the 15th of March last. I was absent on the day of his death and had not the opportunity to participate in the funeral obsequies or in the action of the Senate.

My acquaintance with Mr. HAHN dates from the Presidential contest resulting in the election of Abraham Lincoln as President of the United States. He was a supporter of Stephen A. Douglas. I remember distinctly the large and enthusiastic meeting held in the town of Thibodeaux during that campaign, and the strong and earnest speech delivered by Hon. MICHAEL HAHN. Thibodeaux is the capital town of La Fourche Parish, the center of a wealthy, intelligent, and cultivated population.

I have never known in my life in any land a community that was more distinguished for its polished manners, its sturdy character, its genuine hospitality, and charitable benefactions, and in which the poor and rich alike enjoyed in a larger measure contentment and happiness. It could boast of such citizens as Bishop Leonidas Polk, than whom no more striking character ever shone forth in the annals of the Christian Church in this country; George S. Guion, the model planter, the public-spirited citizen, the devout Christian, the knightly gentleman; Dr. James Scudday, an ornament to his profession, and beloved as widely as he was known; Braxton Bragg, whose name is forever associated with the history of the war of secession and of General Richard Taylor, as its senator in the State Legislature, renowned abroad as well as at home as one of the most, if not the most, accomplished gentleman and brilliant conversationists of the age, and second only to the foremost in military genius. The day Mr. HAHN came before the audience that had assembled on the occasion referred to he was quite unknown, but when he had closed his address there was not a person in it who had not become convinced that he was a sincere, upright, patriotic man, and an earnest and persuasive speaker.

The career of Mr. HAHN illustrates the beneficence of our institutions as well as how much may be accomplished under them by self-denial, hard work, inherent virtue, and earnestness of purpose. Young men may take courage from his example. Born in Bavaria November 24, 1830, he was brought to the city of New Orleans when ten years of age, one of five children under the care of a widowed mother, whose early death left him to the guardianship of friends and to his own unaided resources. He was fortunate, however, in living in a community quick to recognize merit and in falling under the kindly guidance and instruction of Hon. Christian Roselius, in whose office he was chiefly prepared for the practice of the law. Christian Roselius was for many years a leading lawyer at the New Orleans bar and educated more young men for the practice of the profession than any other lawyer of his generation, not only as the veteran professor of law in the University of Louisiana but he possessed great benevolence and never omitted an opportunity to aid any young man of merit who was struggling for admission to the bar or in the early years of his practice.

The active interest which Mr. Roselius manifested in all worthy young men I think was owing not only to his own experience in early life, for he himself had reached the head of his profession in the State of Louisiana by triumphing over all the difficulties that early poverty imposes, his only weapons being an invincible will and the highest order of intellect, but because the great lawyer had seen his own fondest hopes crushed in the death of his only son, attractive beyond all his compeers, a type of rarest manly beauty, and possessing every intellectual accomplishment, cut off at the very threshold of his manhood. There still dwells upon my memory the image of Conrad Roselius as he appeared when we first met at school, the fairest, brightest, and most gifted of the companions of my youth.

I will not recapitulate the successive steps by which MICHAEL HAHN won his way to the confidence and support of a large body of the people of Louisiana and to the respect of all. He was successively director in the public schools, editor of a newspaper, Presidential elector, governor of the State, superintendent of the mint, judge, representative in Congress, and founder of a village that bears his name. And, though I differed from him widely in political opinions, I never heard, even in seasons of political excitements, any aspersion upon the integrity of his character or the uprightness of his purposes. I believe he met every duty in life in a firm, conscientious, generous spirit. I remember reading some few years ago an address delivered by Mr. HAHN in the village of Gretna, in which he quoted the following passage from Festus, and I doubt not that the noble sentiments therein expressed found lodgment in his memory because his heart beat responsive to them and they inspired the aspirations of his life.

Let each man think himself an act of God—his mind a thought, his life a breath of God; and let each try by great thoughts and good deeds to show the most of heaven he has in him:

> Life is more than breath and the quick round of blood;
> It is a great spirit and a busy heart.
> The coward and the small in soul scarce do live.
> One generous feeling—one great thought—one deed
> Of good, ere night, would make life longer seem
> Than if each year might number a thousand days
> Spent as this is by nations of mankind.
> We live in deeds, not years; in thoughts, not breaths;
> In feelings, not in figures on the dial.
> We should count time by heart-throbs. He most lives
> Who thinks most, feels the noblest, acts the best.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were adopted unanimously.

Mr. EUSTIS. Mr. President, as a further mark of respect to the memory of the deceased I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, July 3, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 2, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DANIEL, indefinitely, on account of sickness in his family.

To Mr. GREEN, of North Carolina, for one day, on account of important business.

To Mr. STEELE, indefinitely, on account of important business.

To Mr. LE FEVRE, indefinitely.

To Mr. THOMAS, of Illinois, on account of illness.

To Mr. DAVENPORT, indefinitely, from July 3, on account of important business.

To Mr. FLEEGER, for six days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. JACKSON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the matter of a petition for a pension to minor children of Robert H. Ramsey, presented in the Forty-seventh and Forty-eighth Congresses.

Mr. MATSON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving a copy, the discharge paper of William H. Stolz, filed in connection with the bill granting a pension to Ella Stolz.

FILLING A VACANCY.

The SPEAKER. The gentleman from Virginia [Mr. BARBOUR], having obtained indefinite leave of absence and left the city, the Chair will appoint in his place, as one of the managers on the part of the House in the conference upon the disagreeing votes of the two Houses upon the bill of the Senate (S. 335) to provide for protecting the interests of the United States in the Potomac River flats, the gentleman from Ohio [Mr. CAMPBELL].

THE SUPREME COURT OF MONTANA.

Mr. TOOLE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill 503, now on the Private Calendar, and that the bill be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That hereafter the supreme court of the Territory of Montana shall consist of a chief-justice and three associate justices, three of whom shall constitute a quorum; they shall hold their offices for four years, and until their successors are appointed and qualified; they shall hold a term annually at the seat of government of said Territory: *Provided, however*, That no justice shall act as a member of the supreme court of said Territory of Montana in any action or proceeding brought to such court by writ of error, bill of exceptions, or appeal from a decision, judgment, or decree rendered by him as judge of a district court.

SEC. 2. That said Territory shall be divided into four judicial districts, and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law.

SEC. 3. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BENNETT. Mr. Speaker, I do not wish to make objection to the consideration of the bill at this time, but I want to call the attention of the House to the fact that they are about to create another office, to be paid for out of the public Treasury of the United States, an office which, in my opinion, is not absolutely necessary for the proper accommodation of the people of that Territory. The majority of the Committee on the Judiciary, however, have taken a different view, and I simply desire to make my protest against the passage of this bill.

The SPEAKER. There being no objection, the question is on ordering the bill to a third reading.

Mr. HOLMAN. Mr. Speaker, I wish to call attention to the fact that the bill does not define the salary of the additional justice. I do not know whether there is a general law fixing the salaries of the justices of the Territorial courts. If there is not, I think the salary ought to be defined.

Mr. TOOLE. There is a general law.

Mr. HOLMAN. I wish to inquire of the chairman of the Judiciary Committee whether there is a general law fixing the salaries of the judges of the courts in the Territories. My impression is that the salaries of the judges in each Territory are fixed specifically, and not by any general provision of law.

Mr. TUCKER. I think, Mr. Speaker, that there is a general law which fixes these salaries; but I am not quite certain, because I did not have this bill in charge and did not give the matter any special attention.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TOOLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. H. WARD.

Mr. JACKSON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of Senate bill 2158, and if I can have permission I wish to make a very brief statement in regard to it. The bill has been favorably reported unanimously by the House Committee on Patents. This is an application for the relief of Mr. Ward, which has been before Congress in some shape for several Congresses, ever since the Forty-third Congress, I believe. It has always been, I believe, unanimously reported by the different committees to which it has at different times been referred that he is entitled to this relief, and the officers of the Government who have investigated the matter have made a like report. This is not a bill giving him anything at all except permission to apply to the Court of Claims. In the Forty-seventh Congress a bill was passed giving that court jurisdiction, as was then supposed, and the court entered upon an investigation of the case, but it was found that the bill, through inadvertence, had been defectively drawn and was not broad enough to permit the court to fully examine the questions involved, and action thereon has been suspended to enable claimant to apply to Congress for an amendment of the original act. Bills were introduced in the Senate and in the House at the present session to amend the act under which the court was proceeding. The bill in the Senate was reported favorably and passed. The bill in the House was referred to a committee, and by it to a subcommittee, which agreed on a favorable report; but as the work of that committee is very large, and consideration of its report can not probably be reached by the House so near the close of the session, and as this bill has passed the Senate and is here, I now ask that the committee be discharged from the further consideration of the House bill, and that the Senate bill be taken up and passed. It has the unanimous approval of the committee to which this Senate bill was referred. It is simply a bill to amend the act under which the court has been proceeding. I will add that under the bill the court is simply to report the facts to Congress, not to render a final judgment.

The SPEAKER. The bill will be read, after which there will be opportunity for objection.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MORRISON. Regular order.

Mr. JACKSON. I hope the gentleman will withdraw the call for the regular order and allow the bill to be considered. It does not propose to settle any claim, but simply enables the Court of Claims to examine the matter and report to Congress what is justly due the claimant.

The SPEAKER. The regular order has been demanded.

INVESTIGATION OF ALLEGED FRAUDS ON THE REVENUE.

Mr. GLOVER. I rise to a privileged motion. I move to discharge the Committee on Expenditures in the Treasury Department from the further consideration of a resolution of inquiry introduced June 21, 1886, addressed to the Secretary of the Treasury.

The SPEAKER. The gentleman from Missouri as a privileged matter moves to discharge the Committee on Expenditures in the Treasury Department from the further consideration of a resolution of inquiry referred to that committee more than a week ago.

Mr. GLOVER. I desire to be heard on that motion.

The SPEAKER. The gentleman will proceed.

Mr. GLOVER. Mr. Speaker, since that matter was submitted to the Committee on Expenditures in the Treasury Department nothing whatever has been done toward the consideration of it.

Mr. DUNHAM. Mr. Speaker, is this the same old story?

The SPEAKER. The gentleman from Missouri has the floor. Business will be suspended until conversation ceases. [A pause.]

Mr. GLOVER. Mr. Speaker, under the direction of the chairman of that committee I have attended upon two occasions; and on each occasion no action was taken to investigate this matter, and on neither occasion was a quorum of the committee present. Ten days have elapsed since the resolution was introduced. The difficulties which seem to attend the meetings of that committee are not likely by the progress of time to be less. I understand that there is very little likelihood that in the near future the committee will obtain a quorum; and under these circumstances I move that the committee be discharged.

The SPEAKER. The question is on the motion made by the gentleman from Missouri to discharge the committee.

Mr. GLOVER. I reserve the residue of my time.

Mr. LOWRY. Mr. Speaker, this is a case of "Monsieur Tonson come again." [Laughter.] On the morning of the day before yesterday the Committee on Expenditures in the Treasury Department held a meeting for the express purpose of giving the gentleman from Missouri an opportunity of airing his grievances to the fullest extent, the committee having been immediately notified, in pursuance of the private notification I gave the gentleman upon the morning on which he before made this same motion. Immediately after the matter was brought to the attention of the House the notices were issued in pursuance of the previous purpose which I entertained in regard to calling the committee, and of which I gave the gentleman notice privately.

It so happened, Mr. Speaker, that one of the members of that committee had deceased; I refer to Governor Hahn, of Louisiana; and at this particular juncture three members of the committee are absent from the city on leave. On this being ascertained, however, I took steps on yesterday to have the vacancy occasioned by the decease of Governor Hahn supplied, by requesting the Chair to make an appointment to fill that vacancy, in order that we might have a quorum of gentlemen in the city who could attend upon the meetings of the committee. The Chair kindly and promptly filled that vacancy by the appointment of the gentleman from Tennessee [Mr. ZACH. TAYLOR], who was immediately notified.

Mr. GLOVER. Allow me——

Mr. LOWRY. Not at all.

Mr. GLOVER. I merely wish to say that I was not aware the appointment had been made. If it has been, I withdraw my motion.

Mr. LOWRY. I decline to be interrupted.

The SPEAKER. The gentleman from Missouri states that he withdraws his motion.

Mr. GLOVER. I read the RECORD yesterday to see whether the gentleman had carried out the proposition to secure another committeeman, and I did not find any record of the appointment.

The SPEAKER. The Chair will state that his attention was called to the fact of a vacancy on the committee, and the Chair immediately appointed the gentleman from Tennessee [Mr. ZACH. TAYLOR] to fill the vacancy. The motion is withdrawn.

CORRECTION.

Mr. BRAGG. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. I desire to have a correction made in the print of

a report made by myself from the Committee on Military Affairs, numbered 2915, in regard to the bill (H. R. 3032) for the relief of Captain Ten Eyck. As printed the report states that the limit of the retired-list of the Army is eleven hundred, and is full. That, of course, is an error. The report, as written, stated that it was four hundred.

The SPEAKER. This is a correction of a report, not of the RECORD.

Mr. BRAGG. I rose to a privileged question on my own account as having been falsely reported in that publication.

The SPEAKER. But this is a correction, as the Chair understands, of a report.

Mr. BRAGG. The report as written is correct, but as printed it is wrong in the matter stated.

FORFEITURE OF CERTAIN RAILROAD LANDS.

Mr. PAYSON. Mr. Speaker, I rise to submit a privileged report from the Committee on the Public Lands on the amendments of the Senate to House bill No. 392, declaring forfeited certain grants of land made to certain States to aid in the construction of railroads.

The SPEAKER. What is the gentleman's motion?

Mr. PAYSON. I desire the immediate consideration of the report. The committee recommend concurrence in the Senate amendments, and I ask that they be read.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend, on page 1, line 10, after the word "act," by inserting:

"Also, except so much of said act as relates to a grant of land in aid of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad."

Also, on page 2, strike out after the word "domain" the following words: "and subject to entry and settlement, under the provisions of the homestead laws, by actual settlers only."

Mr. PAYSON. The report of the committee is brief, and I ask that it be read.

The Clerk read as follows:

The Committee on the Public Lands respectfully report that they recommend that the Senate amendments be concurred in.

Mr. PAYSON. I move concurrence in the amendments of the Senate.

Mr. HOLMAN. I hope there will be a word of explanation in reference to this matter.

Mr. PAYSON. Mr. Speaker, the House will remember that this bill was under consideration and passed the House on the 27th day of January last. The bill proposes to repeal so much of the acts of Congress of August 11, 1856, and June 3,1856, and the act of March 3, 1857, as made grants of the public lands to aid in the construction of different railroads in the Southern States: The Tuscaloosa and Mobile Railroad, the Mobile and New Orleans, the Jackson and State Line Railroad, the Elyton and Beards Bluff Railroad, the Memphis and Charleston, the Savannah and Albany Railroad, the New Orleans and State Line, and the Gulf and Ship Island Railroad. These grants were made, as shown, in 1856 and 1857, and provided that these roads, in aid of which the grants were made, should be completed within ten years after the passage of the acts severally. No work whatever had been done with reference to any one of them since that time except the Gulf and Ship Island road. As to that road the work was begun about a year or two ago and is yet progressing. That grant in aid of that road was declared forfeited under the act as it passed the House. The Senate has stricken out of the House bill by the first amendment so much of the bill as forfeits the grant to this road. I may say, Mr. Speaker, in as far as it is proper to refer to proceedings in the other end of the Capitol, that the Senate is determined that this grant shall not be forfeited and the question is presented now as it was presented in January when the bill was under consideration, whether we shall avail ourselves of the right we have of declaring a forfeiture as to these seven roads, which will restore to the public domain about 7,000,000 acres of the public lands, leaving this other road, the Gulf and Ship Island road, to be the subject of a separate independent proposition which is pending before the committee.

As to that road the House will soon be called upon to act; and for myself, as I have repeatedly said, I am earnestly in favor of forfeiting all of these grants; but because, as the matter now stands, we can not get a forfeiture of the whole of them by reason of the Senate opposition to the forfeiture of the Gulf and Ship Island, I favor the amendment of the Senate which allows a forfeiture of all the remainder of them, leaving this question to be determined as an independent proposition hereafter.

Mr. FELTON. How long has it been in the conference?

Mr. PAYSON. With one exception all the members of the committee agree to the report. No conference has been had with the Senate.

Mr. ADAMS, of Illinois. May I ask my colleague a question?

Mr. PAYSON. With pleasure.

Mr. ADAMS, of Illinois. Was any claim made on behalf of the Senate that the grant of this land is not forfeitable at all?

Mr. PAYSON. Not at all. That ground was not taken. But simply as a matter of policy they did not care to and will not interfere with the Gulf and Ship Island road as long as the construction of the road is going on in good faith.

Mr. HOLMAN. But would it not be better to have a conference with the Senate, so that an understanding can be reached, if possible; and if not, why then action can be taken by the House?

Mr. PAYSON. I think not, because this bill passed the Senate without a dissenting vote, passed unanimously as far as the RECORD shows, and was unanimously reported from the Committee on the Public Lands with but one dissenting vote in that committee, as I am informed.

Mr. HOLMAN. But will not the result of the passage of this bill be a confirmation of the lands to the Gulf and Ship Island road?

Mr. PAYSON. No, sir; unquestionably no. We have now pending before the Committee on the Public Lands a bill declaring the forfeiture of the lands granted to that road as an independent proposition, which will be presented to this body for action in due time.

Mr. WILLIS. And there is nothing in this that affects that?

Mr. PAYSON. Nothing whatever. It is simply a forfeiture of the grants to seven roads, naming them. If this bill passes with the Senate amendment the grant to the Gulf and Ship Island road does not appear one way or the other.

Mr. HOLMAN. I think it would be better to have a conference.

Mr. PAYSON. If we have a conference the delay may result in not getting the forfeiture of any of these grants; and as the opportunity is presented of getting back 7,000,000 acres of the public domain by simply turning our hands over and not endangering or affecting in the least the status of the other grant, I think we should concur. It is the old proposition of taking seven-eighths of a loaf rather than not getting a mouthful.

Mr. WEAVER, of Iowa. I understand the gentleman to say there is a bill pending to forfeit that grant?

Mr. PAYSON. There is, and it will be reported from the Public Lands Committee.

Mr. WEAVER, of Iowa. Soon?

Mr. PAYSON. Yes, sir.

Mr. ANDERSON, of Kansas, addressed the Chair.

Mr. PAYSON. If the gentleman from Kansas desires to be heard I will reserve the balance of my time. And I may say I am willing to answer any questions on any point on which I have not given a sufficient explanation.

Mr. GILFILLAN. I would like to ask the gentleman a question. It is whether any of these lands proposed to be forfeited by this bill have been earned by any of the companies?

Mr. PAYSON. As I said before, there never has been any attempt at compliance with the conditions of the grants by any of these corporations affected by the bill as it stands with the Senate amendments. There has not been a spadeful of dirt turned, nor a map of definite location filed with reference to one of them.

Mr. RYAN. Has work been begun on the Gulf and Ship Island road?

Mr. PAYSON. It was commenced two years ago, as I am told by the gentleman from Mississippi [Mr. VAN EATON].

Mr. REED, of Maine. Are these the lands which the Judiciary Committee of the Forty-seventh Congress proposed to forfeit?

Mr. PAYSON. They are the same as were proposed to be forfeited in the bill which the gentleman from Maine [Mr. REED] reported from that committee

Mr. ANDERSON, of Kansas. As I do not concur in the report of the Committee on the Public Lands on this proposition, I desire to state very briefly the reasons why. The presentation of the case as made by the gentleman from Illinois [Mr. PAYSON] is certainly strong. It is this, that here is an opportunity of recovering and restoring to the public domain 7,000,000 acres which had been granted to these Southern roads.

This bill as introduced in the House embraced also the forfeiture of the grant to the Gulf and Ship Island road. It was reported by the Public Lands Committee with an amendment that the Gulf and Ship Island grant be excepted; and it will be remembered that the House refused to except that road.

Mr. HOLMAN. On a yea-and-nay vote, I believe?

Mr. ANDERSON, of Kansas. And after discussion the House passed the original bill by a strong vote and sent it to the Senate.

Now, the Senate substantially says this: Here are 7,000,000 acres which we are willing that you should restore to the public domain; but here also is the grant to this Gulf and Ship Island road which you shall not restore to the public domain.

Mr. HOLMAN. Standing on the same footing?

Mr. ANDERSON, of Kansas. On precisely the same footing. The facts as to the Gulf and Ship Island grant are that away back in 1856, I think, or somewhere thereabout, a corporation of that title was created, and a grant made which by its terms expired, I believe, in ten years. Not a stroke of work was done. And more than that, that Gulf and Ship Island Railroad Company died. After the war the lands were restored to settlement; and then a few years ago, in 1880 I believe, an entirely and absolutely new and different company was formed called the Gulf and Ship Island Railroad Company, and it laid claim to this grant, which by its terms had died years before this new company was formed.

And the Secretary of the Interior, Mr. Teller, made a withdrawal of

those lands in favor of this new company, which was really making a new grant. That is all there is in it.

Now the Senate says to us simply this: Either you shall not have the 7,000,000 acres at all or else you shall not forfeit that Gulf and Ship Island grant.

Mr. RYAN. May I ask my colleague a question?

Mr. ANDERSON, of Kansas. Yes, sir.

Mr. RYAN. I ask my colleague whether when this bill passed the House during the present session it was admitted by its friends on the floor of the House that up to that time ground had not been broken at all.

Mr. ANDERSON, of Kansas. Certainly. There had not been a particle of dirt turned.

Mr. PAYSON. The gentleman from Kansas, of course, intends to be accurate.

Mr. ANDERSON, of Kansas. Most undoubtedly.

Mr. PAYSON. Construction began in 1882 on the Gulf and Ship Island road, such as it was. For myself, I believe it was only colorable; but there was a survey and a map of definite location, and work was begun in the way of grading, &c., as long ago as 1882.

Mr. ANDERSON, of Kansas. Now, there are two reasons why I could not in committee give my assent to concurring in the Senate amendments. The first was that to my mind this Gulf and Ship Island grant ought to be forfeited. It is one of the most glaring cases that I know of. The second reason was that I wished the country to distinctly understand the position in which the Senate oftentimes, if not generally, places us on these forfeiture bills.

Mr. LONG. Will they not understand it now?

Mr. ANDERSON, of Kansas. I am, for one, not ready to have a thumbscrew put upon me by the Senate or by any conceivable form of railroad power saying, "Either you shall take what we will give you or you shall have nothing." Gentlemen say that half a loaf is better than no bread. That depends precisely on whether you are hungry or not.

Mr. PAYSON. We are pretty hungry.

Mr. ANDERSON, of Kansas. If you have had a full dinner a half loaf in not better than no bread.

But there is a much broader issue at stake in these procedures. It is whether this House, acting upon its own judgment and its own ascertainment of facts, coming to its own conclusions, voting to restore to the public domain lands which ought to be forfeited, shall keep, maintain, and defend that position, or on the other hand shall give place to the railroad power in the Senate. That is the point. Now, Mr. Speaker, presenting this as my friend from Illinois [Mr. PAYSON] presents it, that probably the Senate will not pass the bill unless we agree to this amendment, and therefore that probably we shall not get the 7,000,000 acres, that presentation as a practical proposition will appeal strongly to the judgment of many gentlemen here, but for myself, having stated these facts to the House, I will not vote to concur in the Senate amendment. I would much rather that this bill should go to a committee of conference for the purpose of contesting the question whether this House is to be backed down from action which it took after discussion and in a very strong manner simply because railroad attorneys and the railroad power in the Senate say that if we refuse to do this we shall not have anything. Rather than to submit to that I would consent to see those gentlemen either where it is very warm, or else seated on the top of the north pole, naked, in January. [Laughter.]

Mr. GILFILLAN. Will the gentleman state what recommendation he would make as a solution of the difficulty?

Mr. ANDERSON, of Kansas. Simply to pass the bill again as the House passed it before, to say that we will not except the Gulf and Ship Island grant, but that we will vote to forfeit that grant, and go to a conference.

Mr. GILFILLAN. And if we can not get that, not take anything?

Mr. ANDERSON, of Kansas. Yes; if we can not get that, not take anything. The sooner it is emphasized to the people of the Southern States, where these 7,000,000 acres are, the sooner it is italicized and printed in great black "caps" that the railroad power will not permit the forfeiture and restoration of lands, which all men concede should be restored to the public domain, the sooner the country, in all its area, sections, and counties, shall understand the force, the malignity, the ingenuity, the hellishness of that power, the sooner will begin and the sooner will be brought to a conclusion the struggle that must come between the rights of the many and the demands of justice on the one hand and the malice, the ingenuity, the "boodle" of corporations on the other. [Applause.] For that reason I would like to see this bill repassed as the House passed it before. I would like it to go into a conference committee, and if I were on that committee (which I do not want to be and will not be) I would see the other gentlemen very happy before I, for one, would surrender this point.

Mr. WEAVER, of Iowa. Mr. Speaker, I think that under the circumstances this bill had better go to a committee of conference. This is the point of contest in the bill that passed the House. There is no contest over anything else. There is no dispute about the facts in the case. There is simply a determination that a land grant which has been forfeited shall not be declared forfeited by the Congress of the United States; and right here is a good place for us to make a stand. This House will never get a better one. Therefore, I am in favor of sending this bill to a conference committee, and I indorse most emphatically the remarks made by the gentleman from Kansas [Mr. ANDERSON].

Mr. ADAMS, of Illinois. Mr. Speaker, I concur in the conclusion to which the gentleman from Kansas [Mr. ANDERSON] has come, although I certainly do not take any part in the strong, and it seems to me the violent, statements which he has made. I know nothing about "boodle." I know nothing about railroad "ingenuity." I simply know that the representatives of the part of the South where these lands lie are interested in having this railroad go on, and in having this grant made in order that it may go on. But this House ought to understand that there is no distinction in principle between the cases of the six railroads which the committee wants to visit with forfeiture and the case of the seventh railroad which the Senate wants to except from the forfeiture. The House ought to understand, it seems to me, that this after all is a question of making a new grant. This railroad may be a valuable and desirable one, but I think the bill ought to go to a conference before we commit ourselves to the principle that we will now, in any case, make a new grant for the construction of a railroad, however meritorious the enterprise may be. True it is, the committee have under consideration a bill forfeiting this particular land grant, but who knows when that bill will come before the House? Although the committee may have the right of way, it is near the end of the session, and I doubt much whether that proposition will be able to get consideration in the House unless as a part of this bill.

Again, if that separate bill comes before the House and goes to the Senate precisely the same question will have to be settled between the Senate and the House as is to be settled now.

Mr. PAYSON. But if my colleague will permit me, in the case he now assumes, if the Gulf and Ship Island forfeiture bill shall pass the House as an independent proposition and go to the Senate, we will meet the same difficulty as to that particular case that we now meet as to it, but in the mean time if the recommendations of the committee as to this bill are concurred in, we shall have restored to the public domain 7,000,000 acres of land that is now tied up in the contest over the Gulf and Ship Island forfeiture case. I submit, therefore, that simply as a matter of practical legislation one course has a great advantage over the other.

Mr. ADAMS, of Illinois. I admit the practical force of what my colleague says, but I see the consequence of the principle involved. Here are seven railroads and seven land grants, all in precisely the same position.

Mr. PAYSON. Except that one road is being constructed, and as to the others there has been no attempt at construction.

Mr. ADAMS, of Illinois. The colorable construction to which my colleague refers as having taken place in the one case was long after the time when the land grant became forfeitable.

Mr. PAYSON. Precisely.

Mr. ANDERSON, of Kansas. And when it had expired.

Mr. ADAMS, of Illinois. Yes; after it had expired. Therefore, in reference to forfeitability or non-forfeitability these seven land grants are in precisely the same position. The question then is whether, when we forfeit the land grants of seven railroads at one time, we shall permit the other branch of Congress, whatever their motives may be (and I say nothing as to that, for certainly I do not share in the language or reasoning of the gentleman from Kansas), to make an exception in one case when there is no exception to be made in point of law or principle.

Mr. PAYSON. Does my colleague think that by concurring in this amendment this House, or either body, commits itself to any right of the Gulf and Ship Island road? Not at all. The grouping of these eight railroads in this bill was simply a matter of convenience. I may say to my colleague, for his information, that the bill in its present shape was reported as long ago as the first session of the Forty-seventh Congress; and for five years, Mr. Speaker, we have been playing battledoor and shuttlecock with this case—first in one House and then in the other—to get it to this point. For the last five or six years we have been in just this predicament. That is all I care to say.

Mr. ADAMS, of Illinois. The question is whether we shall jump a bridge before we come to it. We have not come to the bridge at all. The question simply is whether the House, in the first instance, shall concur, or shall send the matter to a conference committee. I yield the floor.

Mr. ROWELL. I understood my colleague [Mr. PAYSON] to say there had been no maps of definite location on these six roads.

Mr. PAYSON. None whatever.

Mr. ROWELL. Has the land been withdrawn from the market?

Mr. PAYSON. As to one of them there was a withdrawal and a restoration some years ago. As to the others the lands stand withdrawn to-day for the reason that Congressional action is pending. The Secretary of the Interior for the last six years has refrained from interfering with reference to the status of any of these grants, because through all these six years some bills have been pending in the same condition with this one now.

Mr. WEAVER, of Iowa. I understood the gentleman from Illinois [Mr. PAYSON] to say in his first remarks that the Senate seemed determined that this land grant should not be forfeited.

Mr. PAYSON. I have no doubt about that, and I stated so to the House.

Mr. WEAVER, of Iowa. Now, concurrence by the House will be a confirmation on our part of that purpose on the part of the Senate; will be so understood by the country and so regarded in the future to the extent——

Mr. PAYSON. Not at all. It is merely a recognition of an existing fact. It does not bind anybody nor interfere with the validity or invalidity of the grant one way or the other.

Mr. WEAVER, of Iowa. But it is a practical confirmation of the grant.

Mr. PAYSON. Not at all.

Mr. HOLMAN. I wish to call the attention of my friend from Illinois [Mr. PAYSON] to the fact that there are two amendments, one striking out the Gulf and Ship Island road, and the other striking out the provision inserted by a large vote of this House declaring that the lands shall be disposed of to actual settlers only——

Mr. PAYSON. Under the homestead law.

Mr. HOLMAN. Under the homestead law. By one of these amendments that provision is struck out. Now, I submit that as to this amendment at any rate there should be non-concurrence.

Mr. PAYSON. Let me say to the gentleman that the reason the committee recommend concurrence in that amendment is that a bill has already passed the House repealing the pre-emption and timber-culture acts, under which two acts alone any lands affected by these grants could be taken. The Senate has also passed the bill embodying those propositions, and it has come back to this body, has been referred to the Committee on Public Lands, and this morning that committee has taken action which will result in a conference between the Senate and House, so that the bill will become a law——

Mr. HOLMAN. It may not.

Mr. PAYSON. It will, as we hope.

Mr. HOLMAN. Does not my friend remember how signally that measure failed last session? I think we should take no chances in that matter. Here are several million acres of land which can be disposed of under the homestead law by the provision of an act of Congress. That much is saved anyhow; and in view of the experience of last session it does seem to me that if this were the only point of difference between the two Houses a conference ought to be had.

Mr. RYAN. Will the gentleman from Illinois yield to me a moment?

Mr. PAYSON. Certainly.

Mr. RYAN. The gentleman from Illinois [Mr. PAYSON], in response to a question, stated that work had been commenced some four years ago on this road.

Mr. PAYSON. That is as I recollect.

Mr. RYAN. I want to call the gentleman's attention to the debate which was had on that particular point when this bill was under discussion:

Mr. WEAVER, of Iowa. With the permission of the gentleman from Illinois [Mr. ADAMS] who now holds the floor, I wish to ask the gentleman from Mississippi [Mr. VAN EATON] why that matter can not just as well be settled on the pending amendment as on the original bill. I desire also to inquire how many miles of this road have been actually constructed.

Mr. STRUBLE. And when it was commenced.

Mr. WEAVER, of Iowa. Yes; the gentleman can state also when it was commenced.

Mr. ADAMS, of Illinois. I have yielded to the gentleman from Iowa to ask his question, and I yield also to the gentleman from Mississippi [M. VAN EATON] to answer if he chooses.

Mr. VAN EATON. Will the gentleman from Iowa restate his question?

Mr. WEAVER, of Iowa. I wish to ask the gentleman why the rights of that company can not be just as well determined by a vote on the amendment now pending as by a vote on the other bill. Secondly, I ask him how much work has been completed on that line of road, when it was commenced, and when did the work cease?

Mr. VAN EATON. I will answer the gentleman's question. The reason the bill can not be considered upon its merits now is that the committee are considering it and have not yet reported upon it. The only report they have made with reference to it is the amendment they recommend to this bill, that this forfeiture be stricken out of this bill. They are now considering the other bill and will report; and the friends of the measure are only discussing the merits of the proposition to drop this road out of the present bill, in order that we may present the matter more fully and more fairly before the House when the report of the committee comes in.

Mr. WEAVER, of Iowa. There is one part of my question which the gentleman has not answered. How many miles have been completed?

Mr. VAN EATON. I am perfectly frank to say—none. I have never contended there were. I did say, however, that work has commenced and that hands are at work on the line of the survey.

So it seems to have been admitted by the friends of the Ship Island road in that discussion that ground never was broken for the commencement of the work on that line at all.

Mr. PAYSON. The grading had commenced and some little trestle-work had been put in, as I stated in answer to interrogatories of the gentleman from Kansas at the time, getting the information which I gave from the gentleman from Mississippi himself, through whose district a part of this line extends.

But of course, Mr. Speaker, these are questions only germane for consideration when the question of the forfeiture of the Gulf and Ship Island road is presented. I was in favor of that, and am still in favor of it; but as to that there is a difference of opinion. All the committee now asks is to eliminate that question from this bill, and declare the forfeiture of this immense body of land, as to which there is no possible question, leaving the other to be determined hereafter.

Mr. HOPKINS. Let me ask my colleague a question. Was that work commenced before any bills were introduced in Congress looking to the forfeiture?

Mr. PAYSON. No, sir; the work was commenced subsequently.

Mr. BARKSDALE. Mr. Speaker, in response to the gentleman from Kansas [Mr. ANDERSON] as to the time the work was commenced on the Gulf and Ship Island road, I wish to say that that is entirely immaterial in the consideration of the proposition here presented; but I will make a statement to the House in that connection, and it is that the work is now actively and efficiently progressing, and probably as many as 50 miles are in progress of construction. It matters not when the work commenced. The question for the House to consider and the fact which it ought to know is that the work is now progressing with a large force on the road and with every prospect of early completion.

Now, it occurs to me, if the House is in earnest in respect to its proclamation of declaring a forfeiture of unearned railroad lands, that its true policy will be to accept the Senate amendments, leaving out for the present the consideration of the question as to the Gulf and Ship Island Railroad, for otherwise the action which has already been taken by the House looking to the forfeiture of some 7,000,000 acres of the public lands heretofore granted to railroads will avail nothing. The measure that has already passed declaring the forfeiture of this immense body of land will be lost if a disagreement between the two Houses is permitted to occur.

A bill for the extension of the time of the grant for the construction of the Gulf and Ship Island Railroad is now pending before the Committee on Public Lands. That bill will be reported. The friends of the road, and those who are in favor of extending the grant, propose to meet the question of forfeiture on its merits, as a practical question when it comes up, and there can be no objection to an arrangement of this sort; for I insist that if the House intends to expedite the policy it has already declared, of making a forfeiture of unearned lands, its true course is to accept the amendments of the Senate forfeiting all of the lands which are covered by the bill, and take up the other proposition, for extending the grant of the Gulf and Ship Island road, upon its merits as a distinct proposition.

I have nothing to say in vindication of the course of those Senators who have insisted upon making an exception in favor of the Gulf and Ship Island Railroad lands. They need no vindication. I wish to say further that the action of the Senate was unanimous, and the charge of the gentleman [Mr. ANDERSON] that Senators were dominated by railroad corporations is without justification——

Mr. ANDERSON, of Kansas. Will the gentleman permit me to interrupt him?

Mr. BARKSDALE. Certainly.

Mr. ANDERSON, of Kansas. I did not refer to any particular Senator.

Mr. BARKSDALE. But the declaration was wholesale, and the charge was unjust.

Mr. ANDERSON, of Kansas. Then permit me to correct him if the gentleman has an impression of that kind. I intended to specify no Senator and had no one in my mind. The Senators from Mississippi or the Southern States were not in my mind at all in making the statement, and I had reference only to the extent of the railroad power that exists in the Senate.

Mr. BARKSDALE. I understood the gentleman, of course; but what I meant to say is that his charge was too sweeping, and entirely unwarranted. The Senators acted upon their own unbiased judgment, and I simply meant to protest against the indiscriminte censure indulged in by the gentleman from Kansas.

Mr. COBB. We have generally experienced this difficulty in passing these land-grant bills. I am not going to make any reflection upon any one; but here is the practical question which is presented to the House: whether or not we will accept the Senate amendment to forfeit 7,000,000 acres of land, or whether we will reject the Senate amendment, which would forfeit all but about a half million of acres, and thereby lose the 7,000,000 acres which would otherwise be restored to the public domain by this bill. The Senate passed, as has been said, this amendment by a unanimous vote. Every particle of information that the Committee on the Public Lands has upon the subject is that the Senate will not agree to the forfeiture of that grant now. This bill, with the Senate amendment, leaves that forfeiture out. It proposes to forfeit the other 7,000,000 of acres, as I have said, and leaves the half million to be the subject of an independent proposition; and the Committee on the Public Lands have agreed to the Senate amendment, which leaves the question practically this: Shall we accept the 7,000,000 forfeiture and let the other remain to be determined hereafter, or will we, by rejecting the Senate amendment, lose the whole? Now it seems to me that is the practical question presented. I am satisfied from the information I have been able to gather that there is no possible chance of getting through the Senate a bill for the forfeiture of the

Gulf and Ship Island road at this time. Let us then take the practical question presented, pass this bill, and hereafter take up and consider, and, if proper, pass the independent bill for the forfeiture of the Gulf and Ship Island lands. I believe that grant ought to be forfeited. They have not earned it in any legal or equitable sense; but the Senate appears not to agree with us upon that point.

I think, Mr. Speaker, the House fully understands the question, and as this has already occupied considerable time I will yield to the gentleman from Illinois [Mr. PAYSON] to move the previous question.

Mr. WEAVER, of Iowa. I hope I will have a few minutes on this.

Mr. MORGAN. I want to ask a question——

Mr. PAYSON. I demand the previous question on the report.

Mr. MORGAN. Before that is done I would like to ask the gentleman from Indiana a question——

Mr. WEAVER, of Iowa. Certainly there will be no objection I hope to allowing me two or three minutes on this.

The SPEAKER. But the gentleman from Illinois has demanded the previous question.

Mr. SINGLETON. I hope the gentleman will withdraw the demand for the previous question.

Mr. WEAVER, of Iowa. Let us vote it down.

The previous question was ordered.

The SPEAKER. The question is, Will the House concur in the Senate amendments?

Mr. HOLMAN. I believe the question is divisible. There are two amendments.

The SPEAKER. The question is divisible. Separate votes can be had.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry. The motion is to concur in the Senate amendment. If that is voted down, we non-concur?

The SPEAKER. A refusal to concur is equivalent to non-concurrence.

Mr. ANDERSON, of Kansas. Would a committee of conference then be appointed?

The SPEAKER. Not unless asked for and ordered by the House.

The Clerk read the first amendment of the Senate, as follows:

Page 1, line 10, after the word "act," insert "also except so much of said act as relates to a grant of land in aid of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad."

The question being taken on concurring in the Senate amendment, the Speaker stated that the "ayes" seemed to have it.

Mr. WEAVER, of Iowa. I call for a division.

The House divided: and there were—ayes 102, noes 25.

Mr. WEAVER, of Iowa. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Illinois [Mr. PAYSON] and the gentleman from Iowa [Mr. WEAVER].

Mr. PAYSON. I demand the yeas and nays. That is the shortest way to decide it.

Mr. WEAVER, of Iowa. All right; let us have the yeas and nays.

Mr. PAYSON. I withdraw the call for the yeas and nays.

The House again divided; and the tellers reported—ayes 154, noes 27.

So the first amendment of the Senate was concurred in.

The Clerk read the second amendment of the Senate, as follows:

Page 2, strike out all after "domain," in line 11, down to and including "only," in line 13.

Mr. HOLMAN. Let the portion proposed to be stricken out be read.

The Clerk read as follows:

And subject to entry and settlement under the provisions of the homestead laws by actual settlers only.

The SPEAKER. It is proposed by the amendment to strike these words out. The question is on concurring in the Senate amendment.

The House divided; and there were—ayes 90, noes 29.

Mr. HOLMAN. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Illinois, Mr. PAYSON.

Mr. WEAVER, of Iowa. I would like to have the amendment again reported.

The SPEAKER. The gentleman from Iowa asks that the amendment be again reported. Is there objection?

Mr. JACKSON. I object.

Mr. WEAVER, of Iowa. I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, the affirmative vote was 22.

Mr. HOLMAN. Count the other side.

The negative vote was counted, and there were noes 150.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered.

The SPEAKER. The tellers will proceed with the count.

The House again divided; and there were—ayes 130, noes 33.

So the amendment was concurred in.

Mr. HOLMAN. I move to reconsider the vote just taken.

Mr. PAYSON. And I move to lay the motion to reconsider on the table.

Mr. HOLMAN. I believe I had the floor, and I desire to be heard on the motion to reconsider.

The SPEAKER. The vote was taken under the operation of the previous question, and under those circumstances a motion to reconsider is not debatable. If the motion to reconsider is carried, then the original question under the practice of the House is divested of the operation of the previous question and is debatable.

Mr. HOLMAN. Is not the previous question exhausted by the vote?

The SPEAKER. It is not. The gentleman from Indiana moves to reconsider the vote by which the House concurred in the second Senate amendment. The gentleman from Illinois [Mr. PAYSON] moves to lay the motion to reconsider on the table. The question is on the latter motion.

The question being taken, the Speaker stated the "ayes" seemed to have it.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 114, noes 29.

Mr. WEAVER, of Iowa. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Iowa, Mr. WEAVER, and the gentleman from Illinois, Mr. PAYSON.

The House again divided; and the tellers reported—ayes 146, noes 19.

So the motion to reconsider was laid on the table.

PUBLIC-LAND LAWS.

Mr. COBB. I desire to make a privileged report. I am instructed by the Committee on Public Lands to report back the bill (H. R. 7887) with Senate amendments, and to move that the House non-concur in the Senate amendments and agree to the request of the Senate for a conference.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

Mr. PETERS. I make the point of order that that is not a privileged report. If it is a privileged report it comes in under the order which was adopted on the 14th April, which reads as follows:

Resolved, That the Committee on the Public Lands shall have leave at any time during the present session, after the morning hour and the hour for the consideration of bills reported by committees, to consider, in the order in which they stand on the Calendar, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculations in the public lands, and bills for the reservation of the public lands for the benefit of actual *bona fide* settlers; the same not to interfere with prior orders, revenue or general appropriation bills.

Substantially the same provision is contained in the rules of the House. Now I claim that a bill which repeals the pre-emption and timber-culture laws does not come within the provisions of this order; that this bill is not a bill for the purpose of preventing speculation in the public-land laws, and that it is not a bill for the preservation of the public lands for the benefit of actual *bona fide* settlers, and that if it does not come under one of these heads then it is not a privileged question and the report is not a privileged report.

Now, I submit the proposition that although some of the incidental benefits arising from this bill may tend to prevent speculation in the public lands or may tend to preserve public lands for the benefit of *bona fide* settlers, yet if that is not the main object of the bill it does not come within the provisions of the order. Certainly a bill which repeals the pre-emption law and the timber-culture law does not prevent speculation in the public lands. While, as I have said, incidentally, under those laws there may have been speculation in public lands, yet to prevent that is not the object of the bill. The object of the bill is to repeal the pre-emption law and the timber-culture law. Now, any law that would tend to punish any party who would speculate in the public lands would undoubtedly come within the provisions of this order.

But that law has been enacted and as incidental to that law and in violation of its provisions speculation in public lands has been carried on. I say that does not come within the provisions of the law.

Then, in relation to the second provision, bills for the reservation of public lands for the benefit of actual *bona fide* settlers, it is a question of which the Speaker of course will take judicial notice. Under the pre-emption law public domain can only be acquired by *bona fide* residence upon the land. In other words, if the party is not a *bona fide* settler upon the public land he can not acquire title to the public domain under the pre-emption law.

But aside from this, Mr. Speaker, while I admit under the timber-culture act no actual residence on the land is necessary, and while I also admit if this bill is to repeal the timber-culture law standing alone it would come within the provisions of the order and would be a privileged report, yet as I understand parliamentary law and especially the rule governing this House the entire report must be privileged. If only a portion of it is privileged it does not come within the rule. Therefore it is, while the repeal of the timber-culture law, a law which does not require a *bona fide* residence, might be privileged in its character and nature if the bill alone provides for the repeal of that law, yet, having coupled with it a provision repealing the pre-emption law, the entire subject-matter of the bill not being privileged, it cannot come within the rule. I desire also to call the attention of the Speaker to Rule XX.

The SPEAKER. What rule did the gentleman indicate?

Mr. PETERS. To Rule XX. I simply call the attention of the Speaker to that rule at present. I think perhaps that rule might apply

more pertinently to the point of order made when the question of considering the report comes up. As I am on the floor I will simply call the attention to it at this time. It is as follow:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Mr. PAYSON. Mr. Speaker, as a matter of parliamentary practice, irrespective of the argument the gentleman from Kansas makes, it has been the invariable rule when Senate amendments are made to a House bill and that bill is referred with those Senate amendments to a committee of this House and they are reported back with the recommendation a conference be agreed to it has always been held to be privileged.

Mr. DINGLEY. And when the Senate asks for the conference.

Mr. PAYSON. And especially in a case like this, where the Senate asks for a conference and names its conferees and that proposition with the Senate amendments is referred to the House committee, it is a matter of parliamentary courtesy to the other Chamber which has always been extended and has been frequently so held in this Congress as a matter of privilege when the committee shall report it back to the House.

But, sir, irrespective of that, and on the general merits of the question, if any bill can possibly be imagined which shall come within the provisions of section 49, Rule XII, this is that bill. I take it this will go without saying.

The Speaker of the House, like the judge of a court, is bound to take judicial notice of the statutes of the United States, and, going a step further, of the official reports also of the executive officers of the Government, and while it would be a question as to whether or not the statute law back of the pre-emption, the timber-culture, and the desert-land acts, as they now stand, would facilitate speculation in public lands, it is enough to say it has been the uniform judgment of the executive officials of this Government for the last four years those laws not only would, but in their practical operation would result in doing so. So far as this has gone the Secretary of the Interior recommended to the House the repeal of these laws on account of the fact they result in speculation in the public lands.

For that very reason this section of the rule was adopted providing that, on account of these alleged irregularities conceded to exist, the Committee on Public Lands should be privileged to report bills which should have the effect of preventing speculation in the public lands and bills for the reservation of the public lands for the benefit of actual *bona fide* settlers. An examination of this bill will show that, if its provisions shall become law, the only general laws remaining on the statute-book by which the public lands can be acquired will be the homestead law and the modified desert-land act. Of course everybody knows that under the homestead law actual acceptance for a given length of time is necessary in order to acquire any right or title. Under the timber-culture law no residence is required. Any person is allowed to take 150 acres of the public domain by simply plowing a given amount of it and setting out some trees, without any occupancy at all. So with the desert-land act as it stands now.

By looking at the seventh section of this bill it will be seen that it contains a provision for the appropriation by actual settlers of mountainous and arid land (a large proportion of the public lands being of that character now), which is not in the existing law. That is to say, this bill, as it comes to us from the Senate, provides for the subjection to homestead settlement of arid and mountainous land which is now taken only under the provisions of the desert-land act. For these reasons, so apparent on the face of the bill, it seems to me that the very statement of the proposition itself is its strongest argument, and I think the point taken by the gentleman from Kansas should be overruled.

Mr. HOLMAN. Gentlemen have discussed this as legislation which will affect a given section of the Union only. I ask the committee to look at it for a moment as it applies to the five land States of the South. The public lands in those States are subject to disposal by sale at $1.25 an acre and, subsequent to being once offered, they are subject to be entered at $1.25 an acre. This applies, for instance, to the lands covered by the bill declaring a forfeiture of a land grant in the South, acted upon to-day. It is not the timber-culture law nor the homestead law nor the pre-emption law that is to be considered; it is the general law, the whole system, as applicable to all the States, by which lands are subject to be disposed of at the minimum price of $1.25 an acre after being once offered. So it will be seen that even if the gentleman from Kansas [Mr. PETERS] is right as to the public lands in one section of the Union he is entirely wrong as to the lands in other sections, because the whole of these lands in the South are subject to be disposed of under the old system.

Mr. PETERS. Mr. Speaker, in reply to the first point made by the gentleman from Illinois [Mr. PAYSON], that the Senate has asked for a committee of conference, I desire to say that this is not a conference report. The Senate amended the bill sent to it by the House, and before the House had disagreed to the Senate amendments the Senate in advance asked for a committee of conference. The bill came to this House and was referred to the Committee on Public Lands. That committee considered the amendment made by the Senate and agreed to a certain report in relation thereto, and they now offer to report the bill back to the House, claiming that it is a privileged report. I say that this proceeding has not yet got far enough to come under the usual rule that applications for a committee of conference are privileged and entitled to the right of way at any time.

Mr. HOLMAN. I wish to ask the gentleman a question. Under the present law is not the entire land in the five land States of the South open to sale and to speculation? Is there any law devoting that land to homestead or pre-emption?

Mr. PETERS. For the purposes of the argument I am willing to concede that point, but it does not obviate the point of order I have made, that the entire bill must be a privileged subject or else no portion of it can be considered privileged. I concede that so far as the desert-land act and the timber-culture act and perhaps other provisions of the bill are concerned, if the question depended upon those alone, it might be a privileged report; but it also includes an attempt to repeal the pre-emption law.

Mr. PAYSON. Will the gentleman yield for a question at that point?

Mr. PETERS. Yes, sir.

Mr. PAYSON. Would it not be a sufficient answer to the gentleman's objection if the substance of the bill had that object in view, even though, incidentally, other matters of legislation were connected with it?

Mr. PETERS. But the gentleman from Illinois will concede at once that the material substance of this bill is the repeal of the pre-emption law. That is one of its three main provisions.

Mr. PAYSON. Under which law it is alleged these frauds that are complained of exist. I do not say whether the allegations are true or not, but they are made.

Mr. PETERS. That, Mr. Speaker, is an inference. The main purpose and object of the bill is not the prevention of those alleged frauds. The main purpose and object of it is to repeal the pre-emption law. Now, perhaps there might be some force in the argument of the gentleman if this was a bill to prevent or punish frauds committed under color of the pre-emption law. In that case I concede the position of the gentleman would probably be correct. But this is not a bill to prevent the commission of frauds under the provisions of the pre-emption law. It is a bill to repeal the provisions of that law; and the Speaker will bear in mind that under the laws in relation to pre-emption there is required a *bona fide* settlement and residence of six months.

I desire further to call the attention of the Speaker to the last paragraph on page 417 of the Digest:

A privileged question or motion can not be amended by adding thereto matter not privileged or germane to the original question.

I think now, Mr. Speaker, I have made all my points as clearly as I am able, and I submit the question.

The SPEAKER. The resolution which the gentleman from Kansas has read and which was adopted during the present session was intended to apply, and by its terms does apply, to those bills which have been reported from the Committee on Public Lands and gone upon the Calendar, requiring such bills to be taken up in the order in which they stand upon the Calendar. It therefore has no application to the question of order now made.

The forty-ninth clause of Rule XI provides that—

The following-named committees shall have leave to report at any time on the matters herein stated, namely.

And the Chair will state that, according to the uniform practice of the House, when a committee having the right to report at any time submits a report the report comes up for consideration at the time it is made, unless, upon the question of consideration being made, the House decides not then to consider it.

The clause of the rule just referred to then proceeds to enumerate the several committees having the right to report at any time:

The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors; the Committee on Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and *bona fide* settlers.

The gentleman from Kansas makes the point that this is not a bill to prevent speculation in the public lands or a bill to forfeit land grants to railroads or other corporations or a bill to reserve the public lands for actual *bona fide* settlers. Of course, if the bill in its main purpose comes within either of these descriptions it is privileged by the express terms of the rule. The Chair has examined the bill (somewhat hastily, of course) while this argument on the point of order has been progressing, and from the provisions of the bill it appears that if it be passed and become a law there will be no statute in existence under which the public lands of the United States can be acquired except under the homestead law by actual settlers. This being the actual and only effect of the bill—to reserve all the public lands of the United States for actual settlers under the homestead law—the Chair thinks that it comes within the terms of the rule and that the report is privileged.

The committee recommends that the amendments of the Senate be non-concurred in, and that the House agree to the request of the Senate for a conference.

The question being taken on agreeing to the recommendation of the committee, it was agreed to.

Mr. COBB moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. COBB, Mr. STONE of Missouri, and Mr. PAYSON as the conferees on the part of the House.

LOCAL OR SPECIAL TERRITORIAL LAWS.

Mr. SPRINGER. The Committee on Territories, to whom was referred, with the amendments of the Senate, the bill (H. R. 5179) to prohibit the passage of local or special Territorial laws in the Territories of the United States, have directed me to submit the report which I send to the desk.

The Clerk read as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States, and the Senate amendments thereto, having had said Senate amendments under consideration, recommend that the House concur in said amendments numbered respectively 1, 2, 3, 4, 5, 9, and 10, and that the House non-concur in amendments numbered respectively 6, 7, and 8, and recommend that the request of the Senate for a conference on the said amendments be granted.

Mr. SPRINGER. This is a unanimous report of the Committee on Territories.

The report was agreed to.

Mr. SPRINGER moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. SPRINGER, Mr. HILL, and Mr. SYMES as the conferees on the part of the House.

ANN E. COONEY.

Mr. WINANS submitted the following report; which was agreed to:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4544) granting a pension to Ann E. Cooney, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

EDWIN B. WINANS,
W. P. TAULBEE,
MARTIN M. HAYNES,
Managers on the part of the House.
H. W. BLAIR,
PHILETUS SAWYER,
W. C. WHITTHORNE,
Managers on the part of the Senate.

MR. HANNAH BABB HUTCHINS.

Mr. WINANS also submitted the following report; which was agreed to:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

EDWIN B. WINANS,
W. P. TAULBEE,
MARTIN M. HAYNES,
Managers on the part of the House.
H. W. BLAIR,
PHILETUS SAWYER,
W. C. WHITTHORNE,
Managers on the part of the Senate.

ADDIE L. MACOMBER.

Mr. WINANS also submitted the following report; which was agreed to:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1462) granting a pension to Addie L. Macomber, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

EDWIN B. WINANS,
W. P. TAULBEE,
MARTIN M. HAYNES,
Managers on the part of the House.
H. W. BLAIR,
PHILETUS SAWYER,
W. C. WHITTHORNE,
Managers on the part of the Senate.

MANHATTAN PICKETT.

Mr. MORRILL. Mr. Speaker, in behalf of the gentleman from Pennsylvania [Mr. SWOPE], my colleague on the committee, I submit the following privileged report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House 7165, to increase the pension of Manhattan Pickett, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment providing for increase from $36 to $50 a month, leaving the bill as it passed the House.

JOHN A. SWOPE,
H. B. LOVERING,
E. N. MORRILL,
Managers on the part of the House.
H. W. BLAIR,
PHILETUS SAWYER,
W. C. WHITTHORNE,
Managers on the part of the Senate.

The conference report was adopted.

CARTER W. TILLER.

Mr. TAULBEE. Mr. Speaker, I ask to submit a privileged report from the Committee on Invalid Pensions, to be printed in the RECORD and to go over, to be called up some time in the future.

There was no objection, and it was ordered accordingly.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 4002) granting a pension to Carter W. Tiller, having considered the same, submit the following report, and submit herewith said bill and House report thereon, No. 682, and said message.

There are but two points of objection to the bill raised by the veto message of the President, to wit: First, that of capture and subsequent death of soldier being due to and resulting from his military service in line of duty; and, second, that of dependence of the claimant, Carter W. Tiller, on the soldier for support. The first objection is based on the charge of desertion in the military history of the soldier. The second objection is based on the ability of claimant to provide a competent support, and contributions of soldier to support of his father prior to enlistment or during his military service.

On the first ground of objection the committee find the following state of facts:

On the muster-rolls of Company A, Twenty-eighth Regiment Kentucky Volunteers, for the months of September and October, 1863, dated October 31, 1863, and signed by William E. Benson as captain of said company, the following entry, namely, "Deserted September 20, 1863."

The report of Adjutant-General shows company and regiment stationed at Stevenson, Ala., during September, October, and November, 1863.

Report of Adjutant-General United States Army, copy of which is hereto attached, shows that soldier died at Andersonville, Ga., while a prisoner of war, on 21st day of July, 1864.

Affidavits of William E. Benson, late captain of Company A, Twenty-eighth Regiment Kentucky Volunteers; J. A. Weatherford, late second lieutenant of same company and regiment; John Martin, late captain Company D, Twenty-eighth Regiment Kentucky Volunteers, and B. H. Bottger, late civil employé of same regiment, copies of which are hereto attached, show the fact and circumstances of capture of soldier.

While the date of the capture is not given, the detail and fact are clearly set forth in such a manner as to leave in the mind of the committee no shadow of doubt that the soldier was captured while in line of duty on the 20th day of September, 1863, or soon thereafter, and that he was held as a prisoner of war until July 21, 1864, when he was committed to the hospital at Andersonville, Ga., where he died, as shown by the records of the prison hospital.

The charge of desertion was doubtless entered on the muster-roll of the company because the captain at the time of making the roll had no official information as to the capture of the said soldier. He subsequently testifies that he had "not a personal knowledge of the capture, but was so informed at the time by reliable persons, and has no doubt of the capture and death of said soldier," and "that said Tiller was sent out on some duty when he was captured, but he does not now know what duty."

The Commissioner of Pensions seems to have arrived at this conclusion, as the application of the claimant for pension was rejected solely on the ground that claimant was not dependent on the soldier for support. The decision is here given, and is as follows:

"Rejected on the ground that claimant was not dependent upon the soldier, as he has supported himself by the income from his occupation since prior to the soldier's death."

On the question of dependence of claimant upon soldier, attention is called to affidavits of Capt. William E. Benson, Lieut. J. A. Weatherford, Capt. John Martin, affidavits of claimant, Dr. J. C. Metcalfe, the official certificate of J. A. Krack, city assessor of Louisville, Ky., and the written statement of Hon. A. S. WILLIS, a member of the Forty-ninth Congress from Kentucky, copies of which are hereto attached.

Your committee also submit herewith letters from acting Adjutant-General, United States Army, dated June 28, 1886, and July 1, 1886, respectively. Latter is addressed to Hon. W. P. TAULBEE, a member of the committee.

Your committee recommend the passage of the bill, the President's veto to the contrary notwithstanding.

[House of Representatives, Forty-ninth Congress, first session Ex. Doc. No. 288.]

Message from the President of the United States, returning without his approval House bill No. 4002, entitled "An act to grant a pension to Carter W. Tiller."

June 22, 1886, referred to the Committee on Invalid Pensions and ordered to be printed.

To the House of Representatives:

I return without my approval House bill No. 4002, entitled "An act granting a pension to Carter W. Tiller."

The records of the War Department show that George W. Tiller, the son of the claimant, enlisted in a Kentucky regiment on the 8th day of October, 1861, and that he deserted on the 20th day of September, 1863; that he was captured by the confederates afterward, but the time and circumstances are not given. On the 21st day of July, 1864, he was admitted to the Andersonville hospital, and died the same day of scorbutis.

The father filed his claim for a pension in 1877, alleging his dependence upon the deceased soldier. It is probably true that the son while in the Army sent money to the claimant, though he appears to have been employed as a policeman in the city of Louisville ever since his son's death, at a fair salary.

The claim thus made was rejected by the Pension Bureau on the ground that the claimant was not dependent upon his son.

I am entirely satisfied of the correctness of this determination, and if the records presented to me are reliable, I think the fact which appears therefrom, that the death of the soldier occurred ten months after desertion, and had no apparent relation to any service in the Union Army, is conclusive against the claim now made.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

[House of Representatives, Forty-ninth Congress, first session, Report No. 682.]

February 24, 1886, committed to the Committee of the Whole House and ordered to printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following report (to accompany bill H. R. 4002):

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4002) granting a pension to Carter W. Tiller, having carefully considered same, submit the following report:

George W. Tiller enlisted as private in Company A, Twenty-eighth Kentucky Volunteer Infantry, October 8, 1861; was captured while in line of duty near Bridgeport, Ala.; was confined at Andersonville, Ga., where he died July 21, 1864. He was sound at enlistment and capture, and is shown by records of War Department to have died of diarrhea. He never was married. His mother died in February, 1864. The claimant and beneficiary of this bill is his father, who filed claim for pension as dependent father December 31, 1877, which was re-

jected August 19, 1879, "on the ground that claimant was not dependent on the soldier, as he has supported himself by the income from his occupation since prior to the soldier's death."

Claimant is shown by the record to have been a very poor man ever since prior to the enlistment of his son, and never at any time since his son's enlistment to have owned more than $250 in property or other thing; that he was dependent on his son for support at enlistment, and that his said son did contribute to his father's support prior to enlistment and during his service in the Army. The father is also shown to have been a cripple and unable to perform manual labor since 1864, and is now more than sixty-five years old and in very destitute circumstances, and would doubtless have been driven to seeking aid from charity but for the fact that on account of his high character as a man, and the esteem in which he was held by the city authorities of Louisville, Ky., he was given a position on the police force of that city, by which he has been able to make for himself a bare support. He is now old and badly afflicted, and your committee think it is the duty of Congress to place his name on the pension-roll.

Your committee therefore recommend the passage of the bill.

H. R. 4002.

In the House of Representatives, January 18, 1886, Mr. WILLIS introduced the following bill:

A bill granting a pension to Carter W. Tiller.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Carter W. Tiller, dependent father of G. W. Tiller, late a private in Company A, Twenty-eighth Kentucky Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

ADJUTANT-GENERAL'S OFFICE, *Washington, D. C., January* 31, 1878.

SIR: I have the honor to acknowledge the receipt from your office of application for pension No. 234784, and to return it herewith with such information as is furnished by the files of this office.

It appears from the rolls on file in this office that George W. Tiller was enrolled on the 8th day of October, 1861, at Louisville, Ky., in Company A, Twenty-eighth Regiment of Kentucky Volunteers, to serve three years or during the war, and mustered into service as a private on the 10th day of October, 1861, at Louisville, Ky., in Company A, Twenty-eighth Regiment Kentucky Volunteers, to serve three years or during the war. On the muster-roll of Company A of that regiment, to August 31, 1863, he is reported present, September and October, 1863; private; deserted September 20, 1863; name not borne on subsequent rolls to April 30, 1865, May and June, 1865; dropped as a deserter on muster and pay rolls of October, 1863; received official notice of his dying in prison at Andersonville, Ga., July 21, 1864. Muster-out roll of company makes similar report.

Prisoner-of-war records show George W. Tillar, or Tiller, said company and regiment, admitted to hospital at Andersonville, Ga., July 21, 1864, and died same day of "diarrhea A;" capture not given.

This report is accepted as referring to George W. Tiller, Company A, Twenty-eighth Kentucky Volunteers.

I am, sir, very respectfully, your obedient servant,

S. M. BENJAMIN,
Assistant Adjutant-General.

The COMMISSIONER OF PENSIONS,
Washington, D. C.

ADJUTANT-GENERAL'S OFFICE, *Washington, D. C., March* 23, 1878.

SIR: I have the honor to acknowledge the receipt from your office of application for pension No. 234784, and to return it herewith, with such information as is furnished by the files of this office.

It appears from the rolls on file in this office that George W. Tiller was private in Company A, Twenty-eighth Regiment of Kentucky Volunteers. On the muster-roll of Company A of that regiment for the months of September and October, 1863, he is reported: Private; deserted September 20, 1863; regimental return for September, 1863, same report at Stevenson, Ala. (the station of the company). No evidence of company or regiment being in action on or about September 20, 1863, nor of command in which regiment served during that month. "This man was captured near Bridgeport, Ala.; date and circumstances under which captured not stated; was admitted to rebel hospital at Andersonville, Ga., July 21, 1864, and died same day, of scorbutis."

I am, sir, very respectfully, your obedient servant,

S. W. BENJAMIN,
Assistant Adjutant-General.

The COMMISSIONER OF PENSIONS,
Washington, D. C.

STATE OF KENTUCKY, *County of Jefferson, ss:*

William E. Benson, a resident of the county and State aforesaid, being duly sworn according to law, upon his oath declares: That he is the identical W. E. Benson who was a captain of Company A, Twenty-eighth Regiment Kentucky Infantry Volunteers, and that George W. Tiller was a private of the aforesaid organization, and that on or about the 1st day of December, 1863, the said George W. Tiller, while in the line and discharge of duty, was captured by Wheeler's rebel cavalry at Whiteside Station, Tenn., and died in prison at Andersonville, Ga. Affiant has not a personal knowledge of the capture, but was so informed at the time by reliable persons and has no doubt of the fact of the capture and death of said soldier. There is no commissioned officer who can testify from personal knowledge of the capture of said George W. Tiller, as no commissioned officer was with him at the time. Affiant was sent with his company to guard a wagon-train from Stevenson, Ala., to Point Rock, near Huntsville, Ala., and it was during his absence that George W. Tiller was captured. Said Tiller was left in camp and did not accompany him to Point Rock. He was legally excused from going, but he can not now remember the cause of his remaining behind. Affiant has a knowledge that George W. Tiller sent money to his father twice by Lieut. John A. Weatherford, of said Company A, Twenty-eighth Regiment Kentucky Volunteers, and he was a dutiful son to his father and a good soldier. Affiant learned when he came back from Point Rock that said Tiller was sent out on some duty when he was captured, but he does not now know what duty.

Affiant has no interest in the matter.

(Officer's signature:) WILLAM E. BENSON.

Subscribed and sworn to before me this 26th day of June, 1879; and I certify that the party whose name appears signed to the foregoing affidavit is the person he represents himself to be, and a good and credible witness, and that the contents of the foregoing affidavit were duly read and fully made known to affiant before making oath to the same, and that I have no interest in this matter.

(Official signature:) WM. E. LORAN,
Clerk Jefferson County Court.

STATE OF KENTUCKY, *County of Jefferson, ss:*

On this 27th day of December, 1877, before me, Ch. M. Thruston, clerk of the county court, within and for the county and State aforesaid, personally came and appeared John A. Weatherford, aged forty-eight years, a resident of the city of Louisville, in the State of Kentucky, who, being by me duly sworn according to law, on oath declares that he was formerly second lieutenant of Company A, Twenty-eighth Regiment Kentucky Volunteer Infantry; that he was well and intimately acquainted with Carter W. Tiller, father of George W. Tiller, deceased, late private Company A, Twenty-eighth Regiment Kentucky Volunteer Infantry. Said George W. Tiller was captured near Stevenson, Ala., and died while a prisoner of war at Andersonville prison, Ga., on or about July 21, 1864. That said George W. Tiller was in the habit of sending the most of his pay home to his father, Carter W. Tiller, while he was in service; he sent twice by this affiant $50 each time, and probably oftener; but he sent home to his father by this affiant as much as $100. Said George W. Tiller was a very dutiful son, and did all he could toward the support of his father, Carter W. Tiller. The mother of said George W. Tiller, deceased, namely, Mrs. Sophronia Tiller, is dead; she died in February, 1864, in Louisville, Ky., and this affiant was one of the pall-bearers at her funeral. That said Carter W. Tiller is a very poor man, did not own any real estate or other property on which he could derive an income at the date of his son's death or at any time since up to the present time. Said Carter W. Tiller is now about sixty years old. This affiant has no interest in the claim of said Carter W. Tiller for pension.

J. A. WEATHERFORD,
Late Second Lieutenant Company A,
Twenty-eighth Regiment Volunteers.

Sworn to and subscribed before me this 27th day of December, in the year 1877; and I hereby certify that the affiant is a respectable and credible person, and resides as stated; that I have no interest in this matter.

I further certify that the foregoing affidavit was read over, fully explained to, and understood by the affiant before the signing and execution thereof; and also that the affiant is the identical party represented as making the affidavit.

CH. M. THRUSTON,
Clerk Jefferson County Court.

CITY OF LOUISVILLE, ASSESSOR'S OFFICE,
Louisville, Ky., December 27, 1877.

This is to certify that Mr. C. W. Tiller is listed on the books of this office for the following property for the various years, to wit:

1863—Improvement S. Wal. Flo. and Prest.; value, $200.
1864—Improvement S. Wal. Flo. and Prest.; value, $150.
1865—Improvement S. Wal. Flo. and Prest.; value, $200.
1866—Improvement S. Wal. Flo. and Prest.; value, $250.
1867—Improvement S. Wal. Flo. and Prest.; value, $250.

For the years 1868 to 1877 inclusive, I find no assessment against the said C. W. Tiller.

J. A. KRACK, *City Assessor.*

STATE OF KENTUCKY, *County of Jefferson, ss:*

On this 14th day of March, 1878, before me, Ch. H. Thurston, a county court clerk within and for the county and State aforesaid, personally came and appeared B. H. Bottger, aged thirty-five years, a resident of the city of Louisville, in the State of Kentucky, who being by me duly sworn according to law, on oath declares that he was with the post baker at Stevenson, Ala., with wagon-train and sutler's wagon; he was in company with George W. Tiller (now deceased), private Company A, Twenty-eighth Regiment Kentucky Volunteer Infantry, and when they arrived at Whiteside's Station, Tenn., on the Chattanooga Railroad, they were both captured by Wheeler's rebel cavalry. Ten barrels of flour were left at Whiteside's Station, and he (affiant) and said George W. Tiller were left at Whiteside's Station, Tenn., to guard said flour until the wagons came back to take it (said flour). The wagons were overloaded and the flour was left for the reason that the wagons had to lighten up. Wheeler's cavalry captured both this affiant and George W. Tiller. Affiant and Tiller were taken first to General Longstreet's headquarters, and from there, via Atlanta, Ga., on to Richmond. Said George W. Tiller was taken to Libby prison, Richmond, Va., and this affiant to Castle Thunder, Richmond, Va. Affiant has no interest in the claim of Carter W. Tiller, father of said George W. Tiller, deceased, for pension.

B. H. BOTTGER.

Sworn to, &c., and certificate of credibility of witness, by

CH. M. THURSTON,
Clerk Jefferson County Court.

STATE OF KENTUCKY, *County of Jefferson, ss:*

On this 28th day of June, 1879, before me, Wm. E. Loran, clerk county court within and for the county and State aforesaid, personally came and appeared Dr. J. C. Metcalfe, aged 54 years, a resident of the city of Louisville, in the State of Ky., who being by me duly sworn according to law, on oath declares that his post-office address is S. E. cor. Preston and Market, Louisville, Ky., county of Jefferson, and he has no interest in this claim; that he was the family physician of Carter W. Tiller, father of George W. Tiller, deceased, late private Co. A, 28th Regt. Ky. Vols., for twenty years commencing about the year 1851, and ending about 1871; that said Carter W. Tiller was shot through the left arm near the shoulder, and said shot passed entirely through his body; said shot was received by him in 1864, or 15 years ago; said wound has always (since he received it) been a source of great disability to him, said Teller. He is also generally debilitated. He has been disqualified from doing manual labor by reason of said wound from 1864 to the present time; said Carter W. Tiller was a plasterer by occupation, and he has been a member of the police force of the city of Louisville, Ky., for the past twenty years; his average wages or earnings have been from 1863 to the present time as much as sixty dollars per month.

The present wages of a policeman in this city is one and $\frac{5}{10}$ dollars per day. Affiant knows that Sophronia Tiller, mother of the deceased soldier, is dead. She died in Louisville, Ky., as much as fifteen years ago, but this affiant can not fix the exact date, although he was family physician at the time she died. Affiant knows that George W. Tiller, the deceased soldier, was never married. He knew George W. Tiller from his infancy, and knew he was the child of Carter W. Tiller and Sophronia Tiller. That said Carter W. Tiller has had no means of support other than pay for services as a policeman from 1863 to the present time. He has no property or anything from which he can derive an income. He lives in a rented house, for which he pays a rent of ten dollars per month.

J. C. METCALFE, *M. D.*

Sworn to and subscribed before me this 28th day of June, 1879; and I hereby certify that affiant is a respectable and credible person and worthy of full faith and credit.

WM. E. LORAN,
Clerk Jefferson County Court.

[Single affidavit.]

STATE OF KENTUCKY, *County of Jefferson, ss:*

On this 27th day of December, A. D. 1877, before me, Ch. M. Thurston, clerk of the county court within and for the county and State aforesaid, personally came and appeared Carter W. Tiller, aged sixty years, a resident of the city of Louisville, in the State of Kentucky, who being duly sworn according to law, on oath declares that he is the father of George W. Tiller, deceased, late private Company A, Twenty-eighth Regiment Kentucky Volunteer Infantry, and is the claimant for pension by reason of his said son's services and death while in service from starvation while in Andersonville (Ga.) prison. He (affiant) was to a great extent dependent on his said son, who was a very smart, intelligent boy. That while his said son was in the Army he sent him all his pay, with the exception of a little for personal use. The property mentioned in the certificate of Assessor Krack was a small, old frame three-room house, built on leased ground, and he sold said house in 1867 for one hundred and fifty dollars ($150); said house is all the property he had at the time of his son's death. He never had any income in his life from any source. His occupation has been that of a policeman in the city of Louisville, Ky.

CARTER W. TILLER.

Sworn to and subscribed before me this 27th day of December, in the year 1877; and I hereby certify that the affiant is a respectable and creditable person, and resides as stated; that I believe his statements are correct and worthy of full faith and credit; that I have no interest in this matter. I further certify that the foregoing affidavit was read over, fully explained to, and understood by the affiant before the signing and execution thereof; and also that the affiant is the identical party represented as making the affidavit.

C. M. THURSTON,
Clerk Jefferson County Court.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 28, 1886.

DEAR SIR: Responding to your inquiry of this day in regard to Carter W. Tiller, whose bill for pension has recently passed the House, I desire to say that I have been personally acquainted with Mr. Tiller for twenty years. He is recognized by our citizens generally as a man of probity, good demeanor, industrious, and worthy in every respect. He was for many years on the police force of Louisville, Ky., acting as a detective, and, although quite aged, was retained there because of his valuable services in the past. As far as I know, and I think I am competent to answer advisedly of the fact, his reputation is beyond reproach both as a man and an officer. The municipal administration at Louisville was changed on January 1, 1885, and immediately thereafter Mr. Tiller's services were dispensed with. Since that time my information (which I deem perfectly reliable) is that he has had no occupation whatever, but has been supported by benevolent organizations of the city.

Very truly, yours,

ALBERT S. WILLIS.

Hon. WILLIAM P. TAULBEE,
House of Representatives.

ADJUTANT-GENERAL'S OFFICE, WAR DEPARTMENT,
June 28, 1886.

In the case of George W. Tiller, a private in Company A, Twenty-eighth Kentucky Volunteers, pension claim No. 234784, records of prisoners of war furnish no additional information other than that shown in report to honorable Commissioner of Pensions, dated March 23, 1878.

In the case of B. H. Bottger, citizen, affiant in said case, prisoner of war records show B. Botcher, citizen of Prussia, B. H. Botcher, baker, field hospital, Reserve Corps, or in Major-General Granger's corps; captured at Whiteside Station, Tenn., September 25, 1863; committed to Castle Thunder, Richmond, Va., October 10, 1863, by Captain Alexander; discharged by General Winder, order No. 61; delivered to Major Turner March 11, 1864, to be treated as a prisoner of war; confined in Confederate States military prison, Richmond, Va., March 11, 1864; again committed to Castle Thunder, date not given, and discharged September 5, 1864, to be treated as a prisoner of war; confined in Confederate States prison same day, and paroled at Vienna, Va., September 24, 1864.

Said records also show the following members of the Twenty-eighth Kentucky Volunteers captured at or near Stevenson, Ala., on or about September 20, 1863, namely:

Frederick Bayer, Company E, Twenty-eighth Kentucky Volunteers; captured at Stevenson, Ala., October 10, 1863; confined at Richmond, Va., November 7, 1863; paroled at City Point, Va., March 7, 1864.

Also show Michael Mahan, Company H, Twenty-eighth Kentucky Volunteers; captured at Cowan's Station, Tenn., October 9, 1863; confined at Richmond, Va., November 7, 1863; paroled at City Point, Va., March 15, 1864.

John W. B. Shirley, Company E, Twenty-eighth Kentucky Infantry; captured at Stevenson, Ala., October 10, 1863; confined at Richmond, Va., November 7, 1863; sent to Andersonville, Ga., March 23, 1864, where he was admitted to hospital May 10, 1864, and died June 14, 1864.

Patrick Gallager, Company H, Twenty-eighth Kentucky Volunteers; was captured at Cowan's Station, Tenn., October 9, 1863; confined at Richmond, Va., November 7, 1863; admitted to hospital No. 21, Richmond, Va., November 25, 1863, and died there December 29, 1863.

The company roll for September and October, 1863, reports George W. Tiller, Company A, Twenty-eighth Kentucky Volunteers, deserted September 20, 1863.

J. C. KELTON,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 1, 1886.

SIR: In reply to your verbal inquiry, I have the honor to inform you that the records of this office show that Frederick Boyer, private, Company E, Twenty-eighth Kentucky Infantry, is reported on company muster-roll dated Victoria, Tex., December 14, 1865, with remark: * * * "Deserted January 23, 1863; Clarksville, Tenn., returned September 28, 1863; restored to duty, date of order unknown; deserted October 9, 1863; returned April 7, 1864; restored to duty by S. O. No. 199, headq'rs 2nd Div., 4th A. C.; deserted December 9, 1864, at Nashville, Tenn.; returned January 7, 1865; tried by G. C. M., sentenced to be dishonorably discharged from service with loss of all pay and allowances and confined in military prison during war; discharged by G. O. No. 8, M. D. Tenn.; stoppages due U. S. for one Spencer rifle and accouterments complete, $35.50."

John W. B. Shirley, private same company, is reported on company muster-out roll dated Huntsville, Ala., January 26, 1865: "Deserted October 6, 1863; not apprehended." "Was captured at Stephenson, Ala., October 10, 1863; confined in rebel prison at Richmond, Va., November 7, 1863; sent to Andersonville, Ga., March 7, 1864; admitted to prison hospital at Andersonville, Ga., May 10, 1864, where he died June 14, 1864, of diarrhea."

Patrick Gallagher, Company H, Twenty-eighth Kentucky Infantry, is reported on roll for September and October, 1863, dated at Stevenson, Ala., October 31, 1863: "Captured by the enemy at Tunnel Hill, near Cowan Station, Tenn., October 9." Record of events on said roll shows "company in action at Tunnel Hill October 9, 1863, and compelled to retreat to Cowan Station." Company muster-out roll, dated Nashville, Tenn., May 4, 1865, reports him, "Died at Richmond, Va., December 24, 1863."

I am, very respectfully, your obedient servant,

THOMAS WARD,
Assistant Adjutant-General.

Hon. W. P. TAULBEE,
House of Representatives, Washington, D. C.

ANDREW J. WILSON.

Mr. SAWYER. I ask, also, to submit from the Committee on Invalid Pensions a report on the veto message accompanying House bill 7108, granting a pension to Andrew J. Wilson, which I ask to be printed in the RECORD and go over to some other day.

There was no objection, and it was ordered accordingly.

The report is as follows:

[House of Representatives, Forty-ninth Congress, first session. Ex. Doc. No. 299.]

Message from the President of the United States, returning House bill No. 7108 with his objections thereto.

June 25, 1886.—Referred to the Committee on Invalid Pensions and ordered to be printed.

To the House of Representatives:

I return without approval House bill number 7108, entitled "An act granting a pension to Andrew J. Wilson."

It appears that this man was drafted and entered the service in February, 1865, and was discharged in September of the same year on account of "chronic nephritis and deafness."

In 1882 he filed his application for a pension, alleging that in June, 1865, from exposure, he contracted rheumatism. Afterward he described his trouble as inflammation of the muscles of his back, with pain in the kidneys. In another statement, filed in December, 1884, he alleges that while in the service he contracted diarrhea, and was injured in one of his testicles, producing a rupture.

Whatever else may be said of this claimant's achievements during his short military career, it must be conceded that he accumulated a great deal of disability.

There is no doubt in my mind that whatever ailments he may honestly lay claim to, his title to the same was complete before he entered the Army.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

The President in his message returning this bill to the House with his objections thereto, after speaking of the claimant's discharge from the Army and the cause thereof and the statements of the claimant as to his disabilities, states as follows:

"Whatever else may be said of this claimant's achievements during his short military career, it must be conceded that he accumulated a great deal of disability.

"There is no doubt in my mind that whatever ailments he may honestly lay claim to, his title to the same was complete before he entered the Army."

The fair construction of the above is that the President places his veto upon the ground that the claimant's disabilities, whatever they may be, existed prior to his entering the service of the United States.

Believing that the President has unintentionally, through a misapprehension of the facts, done injustice to a worthy man, your committee desire to make a further report of the facts in the case as they appear from the papers now on file in the Pension Office in this case.

The claimant entered the service of the United States as a drafted man in February, 1865, to serve for one year, and was assigned to Company F, Ninety-sixth Regiment New York Volunteers. (See certificate of discharge.)

So that it can not be claimed that the soldier was endeavoring by the concealment of any disability he might have to be received into the service of the United States and thereby securing to himself any large bounty.

Further it appears by the affidavits of George W. Bedell and S. S. Spencer that the soldier when drafted claimed that he was exempted from the draft and made an effort to avail himself of such exemption.

Mr. Bedell in his affidavit of the date of February 17, 1886, states:

"At the time said Wilson was drafted into the military service I was serving as deputy provost marshal and was in attendance at the office of Dr. Backus in Rochester, N. Y., the examining surgeon who examined said Andrew J. Wilson on his claim to be exempt from service on account of deafness and defective sight. He made no claim on account of rheumatism or disease of his back or kidneys. I had known said Wilson for several years, resided near him, and saw him often, and I interested myself in his case. Dr. Backus gave Wilson an apparently thorough personal examination and then said: 'Wilson's eyesight and his hearing would not be sufficient to exempt him from draft; he is sound as a nut; he will make a good soldier.'"

Mr. Spencer in his affidavit of the date of February 22, 1886, states:

"I am well acquainted with Andrew J. Wilson, of the town of Barre, in said county of Orleans, late a private in Company F, Ninety-sixth Regiment New York Infantry, in the war of the rebellion, and who is a claimant for a pension. That at the time said Wilson was drafted into the military service of the United States at the provost-marshal's office in Rochester, N. Y., I was one of the war committee of Orleans County, appointed by the board of supervisors of Orleans County, to see to procuring volunteers and filling the quota of said county, and was also the duly appointed agent of the said town of Barre to fill its quota. That said Wilson was drafted into the military service of the United States in February or March, 1865; that I was present when said Wilson was examined by Doctor Backus, the examining physician at said provost-marshal's office on said draft; that I prepared for said Wilson papers claiming exemption from military service on the ground of deafness and defective eyesight, which papers were presented to said Backus on such examination. Said Backus examined said Wilson and stated in substance that he would make a good soldier and accepted him.

Henry Brink, in his affidavit of February 20, 1886, states: "I know he [Wilson] was hard of hearing, and had a twitching or spasmodic motion of his eyes, which I supposed was natural to him."

So that it appears that the soldier did not only not voluntarily enter the service of the United States, but did, on the ground of his disabilities, deafness, and defective eyes, claim his exemption; and that the Government, by its officers, disregarding his objections, pronounced him sound after medical examination, and compelled him to enter its service and assigned him a position in its armies; and, the idea of fraud being excluded, the committee think that the Government ought to be estopped from now claiming existing disability at the time of the draft.

But the committee think that there is no evidence of the existence of any other disability at the time of the draft than the deafness and defective eyes.

Dr. H. W. Lewis, a physician of over thirty years' practice, and whose character is fully indorsed at the Pension Office, in his affidavit of date of May 9, 1883, states "that he has been acquainted with the said Andrew J. Wilson for twenty-five years; that before his enlistment "he was sound and healthy."

In his affidavit of March 9, 1882, he states: "I knew Andrew J. Wilson for sev-

eral years before he went into the Army in 1865. I was his family physician from 1864 to 1874. He was sound and healthy before he went into the service, in my judgment."

In his affidavit of November 27, 1885, he states: "I am quite sure he was sound and well before he went into the Army, except his eyesight and hearing, which were defective."

G. W. Bedell, heretofore quoted in the same affidavit, further states: "I am well acquainted with Andrew J. Wilson. I know Wilson had been a hard-working man at his trade of mason and plasterer, and I never knew or heard he had rheumatism or kidney disease or any disease or lameness before he went into the Army, except the difficulty with his eyes or ears. I never heard Wilson say he had a lame back or rheumatism before he was drafted, and from my knowledge of him he was sound except his eyes and ears."

S. S. Spencer, in his affidavit heretofore quoted, says: "I was well acquainted with said Wilson at the time of such examination and had been for several years previous, and supposed he was sound and well with the exception of his hearing. I never heard that he then claimed to be troubled with rheumatism or any difficulty with his back or kidneys, and at the time he entered the military service of the United States I believed he was sound and healthy with the exception of his hearing and eye-sight."

Henry Brink, in his affidavit above quoted, says: "I have known Andrew J. Wilson intimately for more than thirty years. I am by trade a mason and plasterer. Before said Wilson was so drafted he and myself had for several years frequently worked together as masons and plasterers (he being a mason and plasterer by trade) and I know he followed the business of laying stone walls and plastering. When we were so laboring together said Wilson was accustomed to do any kind of work pertaining to his trade, such as handling heavy stone, plastering ceilings and walls, and sometimes lifting heavy hods of mortar, and I never, before he was so drafted, heard him complain of lame back, disease of kidneys, or rheumatism, or speak of his having any disease or ailment except of his eyes and ears. Otherwise from an intimate acquaintance with him, seeing him work, I think and believe when he was so drafted and always before that time he was an able-bodied and healthy man, never troubled with rheumatism or kidney disease and never had such diseases."

George B. Smith, in his affidavit of February 22, 1886, states: "I have been well acquainted with Andrew J. Wilson for thirty-two years, and during most of that time I have lived near him and seen him often. Before he was drafted into the military service of the United States he frequently labored for me as a stone mason and as a laborer on a farm. When he was so at work for me he was a strong and healthy man apparently, prompt and ready at any work in which he was employed. I remember his working for me at various times for a number of years, and at no time did I hear him complain of having rheumatism, lame back, kidney disease, or any other ailment, except defective sight and being hard of hearing."

The claimant states in the most unequivocal terms that he never had, or claimed to have, the rheumatism or disease of the kidneys before he was drafted.

The only evidence there is showing or tending to show that the soldier had any such difficulties before or at the time he was drafted is found in the certificate of discharge bearing date September 21, 1865, which states, over the signature of the first lieutenant commanding, "During the last two months said soldier has been unfit for duty sixty days by reason of chronic disease of the kidneys, partial deafness, and a disease in the eyes;" and over the signature of R. W. Brady, surgeon of the regiment, further states: "I find him incapable of performing the duties of a soldier because of chronic nephritis and deafness. The soldier was drafted for one year, and was afflicted with these difficulties before his entry into service. He has great difficulty in making water, together with pain in the back, in the region of the kidneys. His general health is so much affected that, together with the difficulty of hearing, he is totally unfit for the duties of a soldier."

There is no evidence in the case, not the slightest, that this surgeon ever saw or knew the soldier before he was drafted, nor does he intimate in any way upon what he predicates his opinion that the soldier had these disabilities before he was drafted. It should be borne in mind that the claimant makes no claim for pension by reason of deafness or defective eyesight.

It seems clear to the committee from the evidence that aside from the deafness and defective eyesight, for which he makes no claim, whatever disability, such as rheumatism, disease of the kidneys, or nephritis, he may have had at the time of his discharge he must have incurred in the service. The affidavit of the soldier shows how he contracted his disabilities, by sleeping on the ground when it was raining, unprotected by tent or rubber blanket, and that he was treated therefor in hospital and by regimental surgeon. It further appears that the soldier was assigned to a company of strangers, many of them Germans, and that he was unable to speak their language; that his captain was sick and away from his command most of the time.

Two of his comrades, one of whom was his bunk-mate and the other attending him in his sickness, in their affidavits state the fact of his sickness and of his treatment in the hospital.

The injury to his testicle and to his side resulting in hernia is shown to have been by an accident from the breaking down of a flight of stairs upon which he, with his comrades, was ascending. The fact that the soldier when he reached home immediately after his discharge was suffering from "rheumatic disease involving the muscles of the back," which "has extended to the kidneys," is fully described by Dr. Lewis, who attended him till 1875, in his affidavits. The continuation of these difficulties is fully shown by the affidavit of Dr. R. W. Smith, whose character is fully indorsed at the Pension Office and who has treated him and been his family physician for about eight years. The existence of these disabilities at his return from the Army and their continuance is also shown by the said Brink and Smith whose affidavits have been heretofore quoted.

The records of the Adjutant-General's Office show the claimant absent from his company sick for July and August, 1865, and that the company records for August and September show him absent sick since August 24. Nature of sickness not stated, and that the regimental hospital records are not on file.

Dr. H. C. Tompkins, by whom the claimant was examined by order of the Pension Office, in his certificate dated March 8, 1882, describes his disabilities and rates him total.

The Buffalo examining board, before whom he appeared by order of the Pension Office, in their certificate of July, 1884, fully describe his disability and rate him total.

The Rochester examining board, before whom he appeared by a like order, in their certificate, dated January 31, 1883, give him no rating.

I. H. Hobbs, acting chief board review, in his statement of October 17, 1885, states:

"The point is, as stated by Mr. Murphy, whether what was called nephritis at discharge and described is the same as the disability for which it is now proposed to allow pension as rheumatism. In my opinion the evidence will not warrant any other conclusion than the nephritis of record and the rheumatism claimed for are either identical or so intimately associated as to make it impracticable to admit the one and reject the other. You may therefore reject claim for rheumatism on the ground that the record shows disability claimed for to have existed before claimant entered the service."

And Dr. Campbell, at the head of the medical division of the Pension Office, states:

"I am of the opinion that lumbago or rheumatism of the muscles of the back existed, if not fully described, when the soldier was discharged."

Mr. Van Mater, chief of the board of review, under the date of September 19, 1885, states:

"I do not see anything in the opinion of the medical referee to justify rejection."

Thus the existence of rheumatism at discharge is fully admitted, but the fact of its existence before entering the service is opposed to the opinion and action of the examining surgeon who pronounced him sound when drafted; is opposed to the rule fully recognized at the Pension Office, that every man is presumed to be sound when received into the service, and is opposed to the evidence of the physician who had treated him before he entered the service, and the testimony of his intimate associates for years, and is based solely upon the statement of a surgeon who does not apper to have known the claimant or his physical condition at the time he so entered the service of the United States.

The application for pension was made in February, 1882, and finally rejected in March, 1886.

This bill merely places the soldier upon the pension-roll, but does not fix the rate of pension, but leaves that to be determined subsequently by the examining surgeon of the Pension Office.

The member of the committee to whom that bill was referred, and who has known the claimant for nearly forty years, states that said claimant has always resided in the town of Barre, in the county of Orleans, New York, and that for forty years no such person as Dr. R. W. Brady, the surgeon of the Ninety-sixth Regiment New York Volunteers, has resided or practiced medicine anywhere in the vicinity where said claimant has resided.

Your committee, believing that the soldier from the evidence is clearly entitled to this relief, recommend that the bill do pass, notwithstanding the President's objections thereto.

ORDER OF BUSINESS.

The SPEAKER. The regular order of business is the call of committees for reports for reference.

Mr. BURNES. I move to dispense with the morning hour for to-day.

The motion was agreed to, two-thirds voting in favor thereof.

The SPEAKER. For the moment the Chair forgot this is Friday, and the regular order is the consideration of two bills coming over by order of the House to be disposed of immediately after the reading of the Journal this morning.

Mr. BURNES. I move to postpone those two bills until next Friday.

The SPEAKER. They have to be disposed of one at a time.

Mr. BURNES. Then I move to postpone the first bill.

Mr. RICHARDSON. I will not interpose objection if that bill will come up next Friday in the same position it has to-day.

The SPEAKER. That is the McMinnville bill.

Mr. BURNES. I move to postpone it until next Friday with the same privileges it has to-day.

There was no objection, and it was so ordered.

Mr. BURNES. I now move to postpone the further consideration of House joint resolution 72, to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

Mr. OATES. I am opposed to the postponement of that bill. It has been postponed about a dozen times. It was postponed about two weeks ago on the express understanding there should be a vote on it to-day. That bill has been reported by the Committee of the Whole and the previous question ordered on it. There is nothing to do but to take the vote.

The SPEAKER. The previous question has been ordered on the engrossment and third reading but not on the passage of the bill; nor have the yeas and nays been ordered. On the McMinnville they have been.

Mr. SPRINGER. As it is intended to have the yeas and nays, we had better get through the appropriation bills this week and let it go over until next week.

The House divided; and there were—ayes 98, noes 34.

So (two-thirds having voted in the affirmative) the motion was agreed to and the bill went over.

Mr. BURNES. I move to dispense with private business to-day.

Mr. WARNER, of Missouri. I ask if this motion be adopted by the House that Monday and Tuesday evenings be set apart, from 8 o'clock until 11, for the consideration of private bills. We have a large amount of private business to dispose of, and we should say to those who have claims against the Government either we will consider them or that we do not intend to pay any of them. I ask that there shall be sessions Monday and Tuesday evenings, beginning at 8 o'clock and ending at 11, for the consideration of private bills to which there shall be no objection.

Mr. BRAGG. I object.

Mr. WARNER, of Missouri. Would it be in order to move this as an amendment to the motion of the gentleman?

The SPEAKER. It would not. The House can only order a recess in advance by unanimous consent or by a suspension of the rules.

The question being taken on the motion to dispense with private business, it was agreed to; there being on a division—ayes 102, noes, 22.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair).

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering general appropriation bills.

The Clerk will report the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes.

Mr. BURNES. I ask unanimous consent to dispense with the first formal reading of the bill.

There was no objection.

Mr. BURNES. Mr. Chairman, this is a bill of ten or twelve thousand items, and I am unable to see any ground for a general debate upon it. I ask unanimous consent, therefore, that we proceed to the consideration of the bill by sections under the five-minute rule.

Mr. McCOMAS. With a single understanding I readily agree with the purpose of not having general debate; but there are here and there in the bill special subjects wherein there should be very brief discussion, and with the understanding that my colleague in charge of the bill will permit upon these several items when reached a short debate, if desired, I shall assent to his request.

Mr. BURNES. The request of my colleague from Maryland is eminently fair, and in that spirit of fairness that characterizes him I feel sure that he will make no unreasonable demands.

Mr. REAGAN. Is it to be understood as agreed upon that there shall be this privilege of general debate at any time in the bill without specifying the items?

Mr. BURNES. It relates to items that are not in the bill rather than to items we recommend in it. All debate of course will be under the five-minute rule.

Mr. BLOUNT. That had better be clearly understood in advance.

Mr. BRAGG. Before unanimous consent is given I desire to state to the House——

Mr. BURNES. I understand the gentleman from Maryland desires debate under the five-minute rule.

Mr. BRAGG. There are certain amendments, all of which will be covered by one discussion, which my colleague upon the other side of the House from Wisconsin and myself desire to make to this bill; and I am unwilling to consent that there shall be no general debate on the bill, unless it be understood that we have debate if we desire, not to exceed thirty minutes, upon that branch of the bill.

Mr. CANNON. That is right. It relates, as I understand it, to the Fox River improvement.

Mr. BURNES. I think it but fair to say to the committee that the gentleman from Wisconsin ought to be allowed thirty minutes upon the item of amendment which he proposes to offer to the bill; and I have no objection, if the committee will assent, that he shall have thirty minutes if he desires it upon that point. That debate may be had at any time to suit his convenience, after we get through with the bill or before.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri as stated? The Chair hears none. The Clerk will read the bill by sections.

The Clerk proceeded to read the bill and reached the provisions under the head of "Department of State."

Mr. CANNON. I understand that these items of deficiency for the State Department will be passed over with an agreement to return and insert amendments in the proper places. I have no objection to that if the gentleman desires it, otherwise I shall desire to offer an amendment to follow line 28 of the bill.

Mr. BURNES. I will answer my colleague by saying that in the latter part of the bill there are some items of appropriations for the State Department, and that his amendments can as well come in there as here. I have no objection that he shall introduce them at that place.

Mr. CANNON. I do not know of any place but the first part of the bill where these items would be apt. This is the proper place to present them, and I prefer it here.

Mr. BURNES. I would suggest to my colleague on page 111 of the bill for instance.

Mr. CANNON. I would prefer that we pass these items over for the present. The amendments to which I refer more legitimately belong here, and when my friend from Ohio [Mr. BUTTERWORTH], to whom I understand the courtesy of passing this over is to be extended, returns, then the amendments may be offered.

Mr. BURNES. I will consent to pass over these items for the State Department, to return to them hereafter.

Mr. CANNON. To return to them when Mr. BUTTERWORTH returns from the committee of conference?

Mr. BURNES. Yes, sir.

The CHAIRMAN. The Chair hears no objection to this arrangement.

Mr. GILFILLAN. To what extent does this apply?

The CHAIRMAN. That portion of the bill from line 9 to line 154, inclusive, will not be read now, but passed over to be returned to hereafter. Is there objection?

There was no objection.

Mr. GILFILLAN. I desire to offer an amendment to line 122, if I can have the privilege of doing so hereafter.

The CHAIRMAN. Of course when we return to this part of the bill that would be in order.

The Clerk read as follows:

To pay the accounts of A. P. Loud, assistant agent at the seal fisheries in Alaska, for traveling expenses, being a deficiency for the fiscal year 1885, $282.66.

Mr. McCOMAS. There is an item to which I desire to call the attention of my colleague on the committee in charge of this bill for the payment of George Wardman. It is an item which was before the committee, but I think in making up this bill it was inadvertently omitted. It relates to the same subject of the seal fisheries, and I therefore move the amendment which I send to the desk.

The Clerk read as follows:

After line 298 insert as a new paragraph:

"To pay George Wardman, late an assistant agent at the seal fisheries in Alaska the salary from the date of his removal to the date of his arrival home and traveling expenses incurred by him in proceeding to his home, $696.25."

Mr. McMILLIN. I make the point of order on that amendment.

Mr. BURNES. Did I understand my colleague on the committee [Mr. McCOMAS] to say that that item was before the committee?

Mr. McCOMAS. Yes, sir. The item as I understand was adopted and was inadvertently omitted.

Mr. BURNES. The word of the gentleman on that point is sufficient.

The CHAIRMAN. What is the point of order?

Mr. McMILLIN. The point of order is that this amendment changes existing law.

The CHAIRMAN. What law?

Mr. McMILLIN. There is no law authorizing the payment of this amount.

Mr. BURROWS. What provision is there in this bill that does not change existing law?

Mr. McMILLIN. The deficiencies are to meet the legal obligations of the Government.

Mr. BURROWS. And they change existing law.

Mr. McMILLIN. The gentleman can make his point of order on any clause of the bill if he chooses.

Mr. BURROWS. I was merely suggesting to the gentleman that all these deficiencies change existing law.

Mr. McMILLIN. I do not think that is the fact. If any do the gentleman has the right to point them out. A month's extra salary is not provided for after the man's term of office ceases, nor is there provision for traveling expenses on his return. This is not a current obligation of the Government, but is a gratuity proposed to be given.

Mr. BAYNE. If the Chair has any doubt as to the point of order I would say this is in pursuance of existing law and to fulfill an obligation of the Government, and is in accordance with decisions by the Solicitor of the Treasury, the Comptroller, and all the officers who have given decisions on these points. This case is precisely analogous to the other two appropriations in the bill, and is to supply a deficiency for services rendered.

The CHAIRMAN. The Chair is not informed as to the condition of the law—whether or not there is any law providing for this payment.

Mr. McMILLIN. There is no law.

Mr. BURNES. There is an annual appropriation of $2,400 for the purpose of paying the traveling expenses of these gentlemen who go out there to Alaska. In consequence of a change the money appropriated was consumed, and this party failed to get his share under the law. The provision is as follows:

For necessary traveling expenses of agents actually engaged in going to and returning from Alaska, not to exceed $600 per annum, $2,400.

This is the appropriation of last year. Now this deficiency happens by reason of the change to which allusion has been made.

Mr. McMILLIN. But the gentleman from Missouri overlooks the fact, I think, that this pays a salary after the official had been removed.

Mr. BAYNE. There is where the mistake of the gentleman from Tennessee comes in. The point is just this. This assistant agent and the other two were engaged in their occupations as assistant agents at the seal fisheries of Alaska. They were superseded, and they have not yet received the pay which they were entitled to receive from the time of the appointment of their successors up to the time they were advised that they were superseded; and this covers that period of time with reference to all these cases.

It has been held by the Solicitor of the Treasury, by the Secretary of the Treasury, by the Supreme Court, by all the legal authorities, that in cases of that kind, where an officer is appointed to supersede another, the salary of the one superseded runs on until he is apprised of the fact, till he is superseded; and the new officer who is appointed to fill his place is not entitled to a salary till he goes to the place and actually takes charge of the office and does the work.

The CHAIRMAN. The Chair has some difficulty about this matter because of the wording of the amendment. It is that the salary of this agent dates from the date of his removal till the date of his arrival at

home. But the Chair will assume that the decisions as given would cover this, and holds the amendment is in order.

The question being taken on the amendment, it was agreed to.

The Clerk read the following paragraph, under the head of "Bureau of Equipment and Recruiting:"

To pay amounts found due by the accounting officers on account of freight, being for the service of the fiscal year 1884, $2,605.54.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 633 insert the following:

"For payment of bills as follows: Being a deficiency for the fiscal year 1885, June 10, 1885, Old Colony Steamboat Company, for transportation of enlisted men from New York to Newport, $127; May 27, 1885, Old Colony Steamboat Company, for transportation of enlisted men from New York to Newport, $162; June 1, 1885, Pacific Mail Steamship Company, transportation of enlisted men from New York to San Francisco, $493.50; June 24, 1885, Pacific Mail Steamship Company, transportation of enlisted men from San Francisco to New York, $4,935; April 7, 1885, Pacific Mail Steamship Company, transportation of enlisted men from New York to Aspinwall (Panama expedition), $1,600; May 20, 1885, Pacific Mail Steamship Company, transportation of enlisted men from Aspinwall to New York (Panama expedition), $1,170. Total, $8,487.50.

Mr. CANNON. These items are submitted through the Secretary of the Treasury by the Secretary of the Navy for a deficiency. The expenditure was authorized under section 3732 of the Revised Statutes, which provides, in substance, that the Secretary of the Navy or the Secretary of War, where there is no appropriation for the service, may in certain classes of cases incur liability. Transportation is one of those matters. Clothing and subsistence are other items for which the proper official may make expenditures or may make contracts without reference to prior appropriation.

This is no doubt a very wise provision of the law, because in the ordinary expenditures of the Government Congress can not well foresee all the demands that may be made upon the Executive during vacation. One of these items is for transportation of men from New York to Panama. Gentlemen will recollect the trouble we had in enforcing the rights of the United States, under the treaty of 1846, under the present administration.

Others of these items are for transportation of seamen discharged at San Francisco and who, under the law, had to be transported back to the place of enlistment at New York. So all these items are authorized by this section of the Revised Statutes. The service has been performed over a year ago, at the request of the present Executive. The money is due, and I see no reason why it should not be paid. I know of no reason why these items were not inserted in the bill or should not now be inserted by the Committee of the Whole, unless it be upon the ground that private parties who performed services for the Government of the United States at the request of President Cleveland more than twelve months ago are to be denied payment because we have the power to withhold the money and shall thereby be so much ahead.

Mr. BURNES. Mr. Chairman, I have but a word to say in reply. The property of the Pacific Mail Steamship Company was greatly imperiled, and at the earnest and urgent solicitation of the company the President of the United States, in order to protect their property, sent a force down to the isthmus. The complaining company transported the troops who were sent down there for the purpose of protecting its property. They were sent down to serve the company, and they discharged that duty. We thought, under the circumstances, that the Government should not pay the expense thus incurred. That is all I have to say.

Mr. LONG. That does not apply to the Old Colony Railroad Company.

Mr. CANNON. One word more, Mr. Chairman, and I will yield the floor. There are some items that come later in the bill upon which the criticism of the gentleman from Missouri, if it be a just one, can be made. There is one item only of those contained in the present amendment for transportation of troops to Panama, and that is $1,600. The other items are for transportation of our seamen, who were discharged at San Francisco and other points, to the place of enlistment, under the general provision of law.

Mr. ADAMS, of New York. What is the total amount of the item?

Mr. CANNON. The total amount is $8,487.50. As to the point made by the gentleman from Missouri, I understand the fact to be that the United States in 1846, long before the Pacific Mail Steamship Company existed, made a treaty with New Granada and other South American countries, under which treaty it assumed certain responsibilities and made certain guarantees for the protection of the railway across the isthmus, looking toward the assertion of the sovereign power of the United States in protecting our citizens, and going further and looking toward protecting the general interests of the Government from the time of making the treaty down to the present, and in future, upon that isthmus.

The gentleman says that the Pacific Mail Steamship Company had some property down at the Isthmus of Panama, that in consequence of a revolution that property was endangered, and that, because it was endangered, the Pacific Mail Steamship Company should not be allowed any compensation for the transportation of troops to that point.

Mr. HAYDEN. There were American merchants there, too.

Mr. CANNON. Of course there were American merchants there, and there was the railway that crosses the isthmus, and I am sorry to hear one of the principal leaders in this Democratic House, under this Democratic administration, say here, in reply to a proposition to make an appropriation of $1,600 to pay for the transportation of troops, to pay for service rendered at the request of President Cleveland, that that service is the price which private citizens of the United States have to pay for the protection of their rights guaranteed under solemn treaty. If that is to be the doctrine, let us understand it.

I am glad the gentleman has frankly avowed it. I want to see whether or not citizens of the United States down there, or citizens of the United States in any part of the world, when their rights under the laws and the treaties that extend to every man, woman, and child of the sixty millions of our people are invaded, whether they must first put their hands in their pockets and furnish the money with which to enforce their rights before they can be protected. I trust the gentleman from Missouri [Mr. BURNES] will withdraw that statement from the RECORD, for it does no credit to him and no credit to the House.

[Here the hammer fell.]

Mr. LONG. I desire to ask the gentleman from Illinois whether there was not a contract made with these transportation companies by which the price was fixed.

Mr. CANNON. Oh, yes.

Mr. LONG. A contract was made by the Government, which was aware of the purpose for which the troops were sent to Panama, and the price agreed upon.

Mr. CANNON. Certainly; $10 for privates and $20 for officers is the price agreed upon.

Mr. LONG. Then I understand, Mr. Chairman, that this is a deficiency appropriation to pay expenses incurred by the Government under a contract which the Government made, knowing the purpose for which the troops were to be transported, and which was made by authority of the statute to which the gentleman from Illinois [Mr. CANNON] has referred. Now, it seems to me that there is no reason why this indebtedness which the Government has incurred by a contract made under authority of law should not be paid.

Mr. BURNES. I will say to my friend from Massachusetts that if any contract was made for the transportation of these troops I have not been able to find it, and I would be glad if the gentleman who asserts that there was such a contract would furnish some evidence of it.

Mr. LONG. The gentleman from Illinois assures me that it is the fact.

Mr. CANNON. I will remind the gentleman from Missouri [Mr. BURNES] that an officer of the Navy Department was before us, and stated that the contract price as fixed and agreed upon was $10 for each private and $20 for every officer, being the same as in a case which appears elsewhere in the bill where a memorandum of a similar contract in the case of the Marine Corps is set out.

Mr. BURNES. I have but a few words to say in opposition to the amendment proposed by my colleague on the committee, the gentleman from Illinois. In the first place, I might well claim that this is not a deficiency either under the law or under any former appropriation. If entitled to consideration at all, it is only so entitled as a private claim.

But I will say further to my friend from Illinois that I am greatly surprised at his proposition to pay this claim of the Panama Steamship Company. If I were invited to the gentleman's hospitable and elegant home—and being not half so ferocious in social intercourse as he seems to be in his public utterances, he would make a visit exceedingly pleasant; and if the gentleman were to meet me at the depot and tender me a ride to his house (which he would be sure to do if he knew I was coming), and should then turn around and charge me fare, I would not be more surprised than I am at his present proposition.

While thousands of meritorious claims are pending upon our Calendars, it is proposed that we rush in frantic haste and pay a steamship company a claim for the transportation of men who, upon the eager demand of the company to the Government, were sent down to protect their property.

It may be that this is a meritorious claim; but I submit to my friend from Illinois that the representative of the Navy Department did not say there was a contract made for the transportation of these men. He said that the prices charged were the ordinary prices charged to private parties for transportation—$10 in the steerage and $20 for cabin passage.

I have no feeling in this matter, no wish except to do justice to all parties. This looks to me like an unconscionable and indecent claim on the part of this steamship company. Therefore I oppose its payment, at any rate on this appropriation bill, whatever may be its merits when it comes to be considered by the House as a claim.

Mr. HAYDEN. I wish to call the attention of the gentleman from Missouri [Mr. BURNES] to the fact that at the time referred to there were American merchants on the isthmus demanding to be protected by the United States Government. The United States Navy had not protected them; they had lost their property, and they demanded that the United States should send down troops there for the protection of their property. The fact was that by the neglect or the want of ability of the commanding officer of the United States steamship Galena, which was down there, a great amount of property was destroyed. In consequence of this the demand was made that United States troops should

be sent down there to afford protection; and the Navy Department had to send down a distinguished naval officer, Commander McCalla, with a naval force, for the purpose of protecting the property not only of the Panama Railroad Company but of the merchants who were properly there and who were entitled to protection.

Mr. BURNES. I will ask the gentleman this question: Did he ever know merchants at any place to object to the sending of troops or masses of men of any sort to that place; and is it not likely that these merchants made about as much by the troops going there as they would have lost if the troops had not gone?

Mr. HAYDEN. I will say in reply that I know of merchants who lost hundreds of thousands of dollars of property there, who only asked to be protected, and who are now urging the State Department to investigate the matter and bring to some conclusion the claims which they have against the Colombian Government. Under these circumstances, it seems to me that for the protection of these merchants (leaving out of consideration the railroad company) this was a necessary expense.

Mr. HOLMAN. This subject was considered by the Committee on Appropriations, and this item was not thought to be a proper one, at least for this appropriation bill. If there was a contract in the regular way for the transportation of these troops, it is clear that it would be covered by the ample appropriations made for the current year; and there is no necessity for coming to Congress about the matter. On the other hand, if such was not the case, if the transaction was an irregular one, the claim for compensation stands upon the same footing as any other claim. While it is our rule to refer to the Committee on Claims all claims of private parties, I see no reason why we should make an exception with reference to a quasi-public organization such as the Pacific Mail Steamship Company. I think Congress should not make a discrimination in favor of the more powerful as against the less powerful.

Mr. BUTTERWORTH. I understand that this deficiency arose by reason of the Department not having funds to pay the expenses incident to transporting troops to the isthmus. Is not that true?

Mr. HOLMAN. There is no definite statement of that kind.

Mr. BUTTERWORTH. It is true, however.

Mr. HOLMAN. I am not aware of that definite fact.

Mr. BUTTERWORTH. Does not my friend know that these bills should be paid?

Mr. HOLMAN. If the expense was actually incurred by the Government in a legitimate way it ought to be paid. If the troops were sent down by the Government upon its own volition, very good. If sent down there at the instance and in the interest of the Pacific Mail Steamship Company, upon the ground of the duty of the Government to protect the right of transit across the isthmus, then a very interesting question would arise, how far the Government should pay for the transportation of troops shipped at the instance of the corporation whose rights were to be protected?

Mr. BUTTERWORTH. It is an obligation resting on this Government to protect the rights of our citizens wherever our flag floats.

Mr. HOLMAN. There are important interests on both shores. Troops went there. Their expense seems to be reasonably established. At any event, coming to the other point, is not this a private claim against the Government, which under our rules should go to the Committee on Claims?

Mr. BUTTERWORTH. Not at all. The gentleman will not say the President usurped authority in dispatching this force of the United States to protect the rights of American citizens? If a single man had been unlawfully and against his right taken from the deck of an American steamer the President of the United States would, if necessary, have summoned the whole power of the Government to demand redress. The President was bound to protect the rights of our citizens who were upon the isthmus. In this case he was especially charged with that duty by virtue of treaty stipulations.

In the discharge of his duty the Executive dispatched a force to the point of danger, and in executing that order of the President of the United States the Pacific Mail Company carried troops to the isthmus and now presents its bill to the Government for payment, and strangely enough we gravely refuse to pay that bill.

If it had been a British line that carried the troops no objection would have been raised. Not a particle, sir. If it had been a Mexican line there would have been no objection raised. If it had been a Brazilian line, or a French line, or any other line but an American line of steamers there would have been no objection raised on this floor. But because American citizens, our own countrymen, have transported American troops for the protection of the rights of American citizens in recognition of and response to a demand made under obligation devolved upon us by treaty stipulations, we refuse to pay the bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. BUTTERWORTH. I want to add only a word. We place ourselves in a humiliating position before the world by refusing to pay this just demand upon us.

Mr. SPRINGER. The only question presented here is whether this matter belongs to this appropriation bill or not. It certainly, in my judgment, ought to be ruled out on the point of order.

Mr. HOLMAN. We did not reserve the point of order.

Mr. LONG. The question is on the merits of the measure.

Mr. SPRINGER. I thought it was upon the point of order.

Mr. CANNON. I will send up to be read by the Clerk section 3732 of the Revised Statutes.

Mr. ADAMS, of New York. I wish the gentleman from Illinois would state whether these bills have been properly audited and passed upon?

Mr. BURNES. I will answer that they have not.

Mr. CANNON. I will answer the gentleman's question as soon as the section of the statute has been read.

The Clerk read as follows:

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

Mr. CANNON. Now, in reply to the question of the gentleman from New York [Mr. ADAMS] I will say, as he knows, so far as the auditing of accounts in the Treasury is concerned, they can not be audited until two years after the money has been covered into the Treasury, or two years after the claim has accrued. It is not necessary these accounts should be audited by the Treasury Department. Here is a contract to do certain work authorized by that section of the statute just read, entered into by the Executive of the United States. After the work has been done in pursuance of contract made under that law the Secretary of the Navy forwards a statement to that effect through the Secretary of the Treasury and asks for an appropriation to pay the bill we have incurred. That is the whole case.

I wish to add only a word. If the money is not to be paid, then you should turn around and instead of making an implied censure of the Executive there should be a censure of the President in express terms. This was his expenditure, made under the law for the protection of American citizens, and now after the expense has been incurred under the order of the Executive you propose to try to cheat, and I measure my words, the men who furnished this transportation to the Government in its time of need. I do not hold myself as bound to defend the Executive, but I do say this expenditure was made in pursuance of law, and in my opinion it is not honest to refuse to pay the bill. Why is it that gentlemen will insist on a course of action touching public matters that they would scorn to adopt as unconscionable between man and man? Is this reform?

[Here the hammer fell.]

The committee divided; and there were—ayes 76, noes 42.

Mr. BURNES. I do not make the point of no quorum, but give notice I will demand the yeas and nays on this amendment in the House.

So the amendment was agreed to.

The Clerk read as follows:

For payment to W. H. Dice for boxing and packing instruments for the Nautical Almanac Office, $14.56.

Mr. DOCKERY. I move to strike out the last word.

Mr. Chairman, a few days since while the House was engaged in a discussion of a proposition to repair the dry-dock at Brooklyn the gentleman from New York [Mr. HISCOCK] manifested seeming solicitude in behalf of our Navy, and desired to know from the chairman of the Committee on Naval Affairs "if there was any intention to do anything toward building a navy this or next year."

Mr. Chairman, it is not my purpose to reply to this question, and I have only referred to it in this connection because it suggested the fact that the present deplorable condition of our Navy is due to the indifference and mismanagement of the Republican party. During the long period in which that party dominated our national politics liberal appropriations were made for the support of this great Department of the Government. From 1866 to 1885 inclusive the Government expended for the maintenance of the naval establishment $419,512,058.17; and that the House and country may know that I have not misstated the amount I will give the annual appropriations for the period in question.

Year.	Amount.	Year.	Amount.
1866	$43,285,662 00	1877	$14,958,035 61
1867	31,074,965 90	1878	17,664,958 25
1868	26,270,426 39	1879	14,827,854 14
1869	19,862,613 29	1880	13,536,521 28
1870	22,206,591 64	1881	15,686,671 66
1871	19,867,529 36	1882	15,024,316 33
1872	21,729,924 53	1883	15,291,169 33
1873	23,730,815 89	1884	17,293,167 47
1874	30,859,347 46	1885	16,021,461 52
1875	21,400,655 43		
1876	18,919,970 69	Total	419,512,058 17

In other words, the Government has appropriated for the support and maintenance of the Navy an annual average of $20,975,602.95. Not only this, Mr. Chairman, but of the above enormous total of $419,512,058.17 it is estimated by the Secretary of the Navy that $90,000,000 can and must properly be charged to the construction, repair, and equipment of vessels, being an annual average of $4,500,000.

At a recent discussion in another body the declaration was made that not one-twentieth of the entire cost of our naval establishment had been expended in the construction, repair, and equipment of vessels. The official figures that I here present are from the books of the Naval Department, and clearly demonstrate the incorrectness of the statement, and show that instead of one-twentieth, about one-fifth of the total amount has been expended for the construction, repair, and equipment of vessels.

Now, Mr. Chairman, in view of these facts—and I challenge their successful contradiction—it is proper that the House and the country know the present condition of our Navy as contrasted with its condition in 1866. Permit me, in this connection, to read the following letter from the Secretary of the Navy:

NAVY DEPARTMENT, *Washington, May 25, 1886.*

SIR: Replying to your telegram of this date I have to say that there were three hundred and twenty vessels of all classes on the Navy list in January, 1866, including those being built, laid up at the several stations, and those in commission for service. During the previous year (1865) three hundred and forty-nine vessels were disposed of by sale, and twenty-six lost or transferred from the Navy to owners or to other branches of the Government.

There are at present on the list eighty-seven vessels of all classes, including those being built, laid up, and those in commission for service, and of these only thirty-seven are considered serviceable.

Very respectfully,

W. C. WHITNEY, *Secretary of the Navy.*

Hon. A. M. DOCKERY,
House of Representatives.

To recapitulate, Mr. Chairman, in 1866 the Navy consisted of three-hundred and twenty vessels. In 1885, notwithstanding a total expenditure of $419,512,058.17 in its behalf, $90,000,000 of which was expended for the construction, repair, and equipment of vessels, the navy-list only shows eighty-seven vessels, thirty-seven of which are considered serviceable.

I withdraw the *pro forma* amendment.

The Clerk read as follows:

Naval Academy:

For deficiency in appropriation for expenses of the Board of Visitors to the United States Naval Academy in June, 1885, $363.61.

Mr. BURNES. I desire to call the attention of my friend from Illinois to the paragraph which has just been read.

Mr. CANNON. Well I do not know, Mr. Chairman, that I can shed any more light on that clause than the gentleman from Missouri himself. I think that there are some documents, perhaps some papers, that the gentleman from Missouri has by his side which may furnish the necessary light, and he can use them, if he desires, better than I.

I believe that a criticism upon, or rather an explanation of that item, for the particular item is all right, would come more aptly from him than from myself, because if I were to make it it might perhaps be held that I was guilty of partisanship; and as the expenditure was made which led up to this deficiency under the present administration, and being an expenditure which I think he and I both agree was largely uncalled for, I will leave to the gentleman from Missouri the explanation of the same.

Mr. BURNES. I wanted to call the attention of my colleague to the paragraph for the reason that it seems to me he is much more delighted with speech or a chance of speech than myself. I felt that it was the duty of one or both of us to call the attention of the committee to this item, and I shall not hesitate to do so.

The committee is aware that we annually, I believe, send a Board of Visitors to the Naval Academy at Annapolis. Three of that board for this year were members of this House. No blame can be properly attached to these gentlemen, nor can any charge against either one of the Representatives be made. They knew nothing about the matter to which I now desire to call attention; nothing whatever. It did not come under their observation. They were entitled to mileage for going to Annapolis and returning. Fifteen hundred dollars were appropriated to pay the expenses of the Board of Visitors, including mileage to and from Annapolis. The mileage amounted to some $360.

That $1,500 so appropriated was spent in riot and debauchery or worse; not riot and debauchery on the part of the members of the House and Senate who attended the exercises at Annapolis, but on the part of the disbursing officer, who expended the $1,500 without paying one cent of the mileage due to the members of Congress who attended; and now he comes and asks that this deficiency be approved. The $1,500 is gone and $360 additional is required, which latter amount was justly due to the members of the House and Senate who attended to and discharged faithfully the duties for which they were selected. I repeat, they knew nothing of the expenditure, and I now ask the Clerk to read a list of the items of expenditures submitted by this disbursing officer.

The Clerk read as follows:

Itemized statement of expenditures of the appropriation for mileage and expenses of the Board of Visitors, Naval Academy, fiscal year of 1885.

Subvoucher	1. J. S. Hopkins	$23 70	
	2. Cushings & Bailey	6 59	
	3. R. Courtney & Bro	11 44	
	4. Shirley & Son	59 02	
	5. Hamilton Easter & Sons	4 39	
	6. Adolph Robeck	44 50	
	7. E. G. Webster & Bro	72 25	
	8. G. Chipman & Co	4 00	
	9. J. H. Vansant	$39 75	
	10. Joseph Beardmore	30 51	
	11. A. & E. R. R. R. Co	5 55	
	12. J. S. M. Basil	15 89	
	13. Naval storekeeper	2 95	
	14. Jacob Lerian	66 80	
	15. W. H. Keister & Co	66 05	
	16. S. R. Scoggins & Sons	28 65	
	17. Commissary department, Naval Academy	158 18	
	18. R. Courtney & Bro	277 41	
	19. Servants	122 00	
	20. Naval Academy Club	27 50	
			$1,067 13

MILEAGE.

Voucher No.	212. William G. Sumner	47 36	
	213. O. M. Poe	105 44	
	214. J. N. A. Griswold	35 52	
	215. J. S. Grinnell	63 04	
	216. A. M. Craig	152 64	
	217. William Reed	5 44	
			409 44
			1,476 57
Balance deposited to credit of appropriation "Board of Visitors, Naval Academy, 1885"			23 43
			1,500 00

No. 1.—*Bought of J. S. Hopkins, Baltimore.*

1885.		
May 28.	1 ice-crusher	$6 00
	1 fish kettle	2 50
	1 butter kettle	3 00
	1 milk kettle, 50 cents, $1	1 50
May 29.	1 saucepan, 75 cents, 85 cents, $1, $1.10	3 70
	2 saucepans, $1.25	2 50
May 30.	1 meat saw	2 50
	1 cleaver	2 00
		23 70

No. 2.—*Bought of Cushings & Bailey, Baltimore.*

May 26.	Paper and envelopes	$3 95
June 9.	Assorted lot gum bands	1 64
	2 boxes thumb tacks	1 00
		6 59

No. 3.—*Bought of R. Courtney & Co., Baltimore.*

May 29.	2 dozen beer, $1.30; 2 dozen Bass ale, $3.80	$5 10
	2 dozen ginger ale, $2.50; 1 bottle St. Croix rum, $1.25	3 75
June 1.	4 bottles Congress water	60
	1 bottle of Angostura	75
June 2.	2 dozen beer	1 30
June 3.	1 quart Cognac brandy	1 30
	1 quart of cooking wine	40
	2 dozen appolinaris water	3 60
June 5.	2 dozen ginger ale	2 50
		19 30
June 8.	By ½ dozen beer returned	$0 98
	By 1 1/12 dozen appolinaris water	2 55
	By 1 dozen Bass ale	1 90
	By 1 1/12 dozen ginger ale	1 98
	By 3 bottles Congress water	45
		7 86
		11 44

No. 4.—*Bought of Shirley & Son, Baltimore.*

May 30.	½ dozen ewers and basins, at $10.50	$5 25
	½ dozen slop jars, at $10.50	5 25
	½ dozen pitchers, at $2.25	1 12
	½ dozen chambers, at $8	4 00
	½ dozen water carries, at $7.50	3 75
	4 dozen plates, at $2.11	8 44
	4 dozen plates, at $1.85	7 40
	4 dozen plates, deep, at $1.67	6 68
	6 dozen plates, deep, at $1.35	8 10
	3 dozen plates, at $1.50, $2.25, $2.11	5 86
	½ dozen waiters, 2 at $5.50 per dozen, 4 at $6.75 per dozen	3 17
		59 02

No. 5.—*Bought of Hamilton Easter & Sons, Baltimore.*

May 23.	Piece 10-4 New York Mills, 33¾ yards, at 13 cents	$4 39

No. 6.—*Bought of Adolph Robeck, Annapolis.*

June 1.	2 gallons cream	$4 00
	4 pounds cake	2 00
	1 gallon cream	2 00
June 2.	4 gallons Blambier, $3; 3 pounds cake, $1.50	4 50
	1½ gallons cream, $3; 1 gallon cream, $2	5 00
June 3.	1 gallon Blambier, $3; 3 pounds cake, $1.50	4 50
June 4.	1½ gallon Sherbet, $3; 1½ gallon Roman punch, $4.50	7 50
	1 gallon vanilla, $2; 4 pounds cake, $2	4 00
June 5.	2 gallons vanilla cream, $4; 1 gallon chocolate, $2	6 00
	2 pounds cake	1 00
	1 gallon Blambier, $3; 2 pounds cake, $1	4 00
		44 50

No. 7.—*Bought of E. G. Webster & Bro., New York.*

May 26.	3 dozen S. H. med. knives, square handle, $3	$9 00
	3 dozen S. H. dess. knives, square handle, $2.75	8 25
	3 dozen French med. forks, $7.25	21 75
	3 dozen French dess. forks, $6.25	18 75
	4 dozen French teaspoons, $3.62½	14 50
		72 25

No. 8.—*Bought of George Chipman & Co., Baltimore.*

May 28.	1 clothes-basket	$2 75
	1 market-basket	1 25
		4 00

No. 9.—*J. H. Vansant, Annapolis.*

June 8.	To carriage hire and hauling from May 25 to June 6	$39 75

No. 10.—*Bought of Joseph Beardmore, Annapolis.*

May 29.	1 quart cream	$0 25
May 30.	1 gallon cream, $1; ½ gallon milk, 37 cents	1 37
	1 dozen eggs	2 20
May 31.	½ gallon cream, 50 cents; 1 gallon milk, 25 cents	0 75
June 1.	3 quarts cream, 75 cents; 1½ gallons milk, 37 cents	1 12
June 2.	1½ gallons cream, $1.50; 2 gallons milk, 50 cents	2 00
	1 dozen chickens, $6; 11 dozen eggs, $2.20	8 20
June 3.	2 gallons milk, 50 cents; 1½ gallons cream, $1.50	2 00
June 4.	2 gallons milk, 50 cents; 1½ gallons cream, $1.50	2 00
	10 dozen eggs, $2; 2 gallons milk, 50 cents	2 50
June 5.	1½ gallons cream, $1.50; ½ gallon cream, 50 cents	2 00
June 6.	½ gallon milk, 12 cents; 1 dozen chickens, $6	6 12
		30 51

No. 11.—*To Annapolis and Elk Ridge Railroad Company.*

May 27.	2 boxes, 1 can, crackers	$0 25
May 28.	1 box, 1 cask	25
	4 packages meat, 1 case chickens	30
May 29.	1 can turtle, 20 boxes, 4 barrels 2 crates, 1 bag, 1 box	3 75
	9 boxes	1 00
		5 55

No. 12.—*Bought of J. M. Basil, Annapolis.*

May 26.	½ ton coal, No. 3	$2 75
	¼ cord kindling wood	3 50
	Ice from May 28 to June 5, 6,425 pounds	9 64
		15 89

No. 13.—*Bought of naval storekeeper's department, Naval Academy.*

May 25.	Soap, $1.50; lt. papers, 78; blacking, 15 cents; matches, 52 cents.	$2 95

No. 14.—*Bought of Jacob Lerian, Baltimore.*

June 2.	145 pounds beef, at 20 cents	$29 00
	73 pounds lamb, at 20 cents	14 60
	16 ducks	9 60
	24 spring chickens	10 00
	6 old chickens	3 60
		66 80

No. 15.—*J. P. Loomis, board-house, bought of William H. Keister & Co., Baltimore.*

May 29.	2 boxes tomatoes	$6 50
	1 box onions	2 25
	2 boxes oranges	4 00
	1 lemons	4 50
	2 bunches bananas	4 00
	2 bushels new potatoes	7 00
	2 crates strawberries, 64 boxes, at 20 cents	12 80
	1 barrel apples	4 00
	1 box peas	2 15
	4 boxes beets, at $1.25	5 00
	1 box beans	1 75
	1 box egg-plant	2 00
	1 box squash	1 00
	8 bunches asparagus	1 10
	2 dozen cakes	75
	20 heads lettuce	50
	1 barrel turnips	2 00
	25 pine-apples	3 00
	½ box raisins	1 75
		66 05

Received payment,

WM. H. KEISTER & CO.

JUNE 13, 1885.

No. 16.—*J. P. Loomis, board-house, bought of S. R. Scroggins & Sons, Baltimore.*

May 29.	17 pounds boiling-rock, at 20 cents	$3 40
	11 pounds sheepshead, at 15 cents	1 65
	12 pounds roe shad, at 10 cents	1 20
	25 pounds white perch, at 15 cents	3 75
	5 dozen frogs, at $1.50	7 50
	6 dozen hard crabs, at 25 cents	1 50
	10 dozen large soft crabs, at 50 cents	5 00
	31 pounds green turtle, at 16 cents	4 65
		28 65

Paid June 13, 1885, to J. C. Scroggins, one of the firm of S. R. Scroggins & Sons.

No. 17.—*Board of Visitors, Naval Academy, 1885, to commissary department, Naval Academy, dr.*

May 30.	48 yards toweling, $8.70; 6 bottles olive oil, $4.50	$13 20
	20 pounds cut sugar, $1.80; 20 pounds powdered sugar, $1.80	3 60
	20 pounds granulated sugar, $1.80; 20 pounds brown sugar, $1.40	3 20
	18 cans sardines, $3; 2 pounds mustard, 60 cents	3 60
	2 dozen cans tomatoes, $2.50; 2 pounds black pepper, 60 cents	3 10
	1 gallon maple sirup, $1.75; 1 bottle cayenne pepper, 60 cents	2 35
	35 pounds lard, $3.50; 2 gallons vinegar, 60 cents	4 10
	50 pounds salt, 50 cents; 30 pounds butter, $15	15 50
	25 pounds corn-meal, 50 cents; 20 pounds soap, $2	2 50
	20 pounds bacon, $2 40; 3 cans yeast powder, $1.50	3 90
	10 pounds oat-meal, 60 cents; 4 packs toothpicks, $2	2 60
	10 pounds hominy, 60 cents; 10 pounds wheat grits, 60 cents	1 20
	22 dozen eggs, $6.10; 98 loaves bread, $5.88	11 98
	29 dozen rolls, $2.90; 65 quarts strawberries, $13	15 90
	2 bushels potatoes, $4; 110 pounds flour, $4.40	8 40
	4 gallons milk, $1.20; 20 pounds beef, $5	6 20
	10 pounds rice, $1; 107 pounds fresh fish, $10.70	11 70
	25 dozen soft crabs, $10; 40 dozen hard crabs, $6	16 00
	6 bushels peas, $6.75; 40 pounds veal, $4.40	11 15
	10 bunches asparagus, $1.50; 15 bunches lettuce, $1.50	3 00
	Laundry work	15 00
	Total	158 18

Received payment.

J. PORTER LOOMIS,
Paymaster U. S. Navy, and Commissary, N. A.

No. 18.—*Paymaster J. P. Loomis, board-house, purchased from R. Courtney & Brother, Baltimore.*

May 27.	300 Pedro Murias londres, at $13, $39; 350 Golden Eagle conchas, at $11, $28.50		$77 50
	3 cases XXX C. H. whisky, at $18, $54; 3 cases Chillingsworth sherry, at $30, $90		144 00
	3 3-pound plum puddings, at 75 cents, $2.25; 6 2-pound cans plum pudding, at 50 cents, $3		5 25
	6 bottles old Hennessey, at $2.50, $15; 6 cases R., C. & B. claret, at $6, $36		51 00
	1 case Appolinaris, $7.50; 30 pounds print butter, at 45 cents, $13.50		21 00
	1 pound E. breakfast tea, $1; 1 pound Imperial tea, $1		2 00
	15 pounds roasted Java and Mocha, at 30 cents, $4.50; 1 tin Albert buscuit, $1.76		6 26
	1 tin cream crackers, $1.24; 1 pineapple cheese, $1.10		2 34
	1 Edam cheese, $1.25; 2 bottles Parmacan cheese, at 60 cents, $1.20		2.45
	5 pounds P. S. almonds, at 35 cents, $1.75; 5 pounds pecans, at 25 cents, 75 cents		2.50
	6 glasses currant jelly, at 30 cents, $1.80; 2 bottles French mustard, at 25 cents, 50 cents		2.30
	2 bottles Worcestershire sauce (pints), at 50 cents, $1; 2 bottles anchovy, at 90 cents, $1.80		2.80
	2 bottles walnut catsup, at 60 cents, $1.20; 6 bottles capers, at 75 cents, $4.50		5.70
	2 bottles tomato catsup, at 15 cents, 30 cents; 6 bottles Queen olives, at 60 cents, $3.60		3.90
	3 jars English pickles, at 60 cents, $1.80; 12 cans mushrooms, $3.50		5 30
	2 pounds chocolate, at 45 cents, 90 cents; 2 whisk brooms, at 50 cents, $1		1 90
	2 blacking brushes, at 40 cents, 80 cents; 1 jar French blacking, 50 cents		1 30
	6 beef tongues, at 85 cents, $5.10; 26½ pounds ham, at 20 cents, $5.25		10 35
	1 case Appolinaris, $7.50; 100 Golden Eagle conchas, $11		18 50
	50 Carolina conchas, $6; 1 case Pommery sec, $30		36 00
			402 35
	By 5 bottles Hennessey, $12.50; 8 cans mushrooms, $2.34	$14 84	
	5 bottles sherry, $12.50; 1 case XXX C. H. whisky, $18	30 50	
	3 bottles olives, $1.80; 1 case Appolinaris, $7.50	9 30	
	2 bottles Parmesan cheese	1 20	
	2 cases R., C. & B. claret	12 00	
	1 case sherry, $30; 2 bottles anchovy, $1.80	31 80	
	2 bottles walnut catsup, $1.20; 5 bottles claret, $2.50	3 70	
	3 jars pickles, $1.80; 2 3-pound cans plum pudding, $1.50	3 30	
	4 2-pound cans plum pudding, $2; 6 bottles capers, $4.50	6 50	
	6 glasses currant jelly, $1.80; 4 bottles Pommery sec, $10	11 80	
			124 94
			277 41

Received payment,

R. COURTNEY & BRO.

JUNE 10, 1865.

No. 19.—*Pay-roll of board-house servants.*

No. 1.	Charles Davage, steward	$20 00
2.	P. Galatzo, cook	25 00
3.	H. Davage, assistant cook	15 00
4.	Delia Johnson, dish washer	9 00
5.	Harriet Gross, chambermaid	14 00
6.	M. A. Johnson, chambermaid	13 00
7.	Charles Parker, waiter	7 00
8.	James Chew, waiter	5 00
9.	Samuel Davage, waiter	5 00
10.	I. Simpkins, waiter	5 00
11.	E. Coventry, hall boy	4 00
		122 00

No. 20.—*To Naval Academy Club.*

1885.

June 4.	11-12 dozen champagne, at $30	$27 50

No. 212.—*Professor William G. Sumner.*

June 20.	Mileage from New Haven, Conn., to Annapolis and return, 592 miles, at 8 cents	$47 36

No. 213.—*Lieut. Col. O. M. Poe, United States Army.*

June 20.	Mileage from Detroit, Mich., to Annapolis, Md., and return, 1,318 miles, at 8 cents	$105 44

No. 214.—*J. N. A. Griswold.*

June 20.	Mileage from New York, N. Y., to Annapolis, Md., and return, 444 miles, at 8 cents	$35 52

No. 215.—*James S. Grinnell.*

June 20.	Mileage from Greenfield, Mass., to Annapolis and return, 785 miles, at 8 cents	$63 04

No. 216.—*A. M. Craig.*

June 20.	Mileage from Galesburg, Ill., to Annapolis, Md., and return, 1,908 miles, at 8 cents	$152 64

No. 217.—*William Reed.*

June 20.	Mileage from Baltimore, Md., to Annapolis and return, 68 miles, at 8 cents	$5 44

[During the reading of the foregoing remarks the hammer fell.

Mr. SPRINGER took the floor and yielded his time to have it read.

Before the reading was concluded the hammer again fell.

Mr. SPRINGER. I would like to have the remainder of that printed in the RECORD.

Mr. GROSVENOR. I wish some one would explain the purchase of Appolinaris water on that expedition. The rest of it I think we can understand.

Mr. FELTON. I would like to ascertain the number of gentlemen

who were on this trip, because it would give some sort of illustration of their absorptive power.

Mr. CANNON. I move to strike out the last word.

I ask, to save time, unanimous consent that the whole of that document be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? The Chair hears none.

Mr. ZACH. TAYLOR. I object. [Cries of "Too late!"]

The CHAIRMAN. The gentleman from Tennessee objects.

Some time subsequently,

Mr. ZACH. TAYLOR said: As a corrective of such expenditures in future I withdraw my objection, so that the public may know of such things.

The document is printed above in full.]

Mr. CANNON. I desire to say a single word in addition to what the gentleman from Missouri has said. This was an appropriation of $1,500 for the purpose of defraying the expenses of the Board of Visitors at the Naval Academy——

Mr. DINGLEY. How many were there?

Mr. FELTON. That is what I wanted to get at.

Mr. CANNON. Six or nine; I do not know exactly the number.

Mr. DINGLEY. How long were they engaged?

Mr. CANNON. Some three or four days, I think.

Mr. ADAMS, of New York. What difference does that make?

Mr. FELTON. It shows their capacity for absorption, at least.

Mr. CANNON. I wish to say, in justice to the three gentlemen who were appointed by the Speaker of the House to attend the commencement exercises at the Naval Academy, that they went there in pursuance of law; that they did not expend one cent of this money; it was expended by the authorities there; they had no power to expend a cent of it or to control its expenditure. The $1,500 was taken up by this kind of expenditures; and the pay, or the mileage rather, of these members of the House which the law allows them was not paid. Hence this deficiency was asked.

Mr. BUTTERWORTH. I understand that the members of the House who were appointed on the committee are in no wise subject to criticism for this expenditure?

Mr. CANNON. Not in the slightest degree in the world; they had nothing to do with it.

Mr. ADAMS, of New York. It is only to carry out the new doctrine that a public office is a public trust.

Mr. CANNON. The gentleman from Missouri has already stated, and I repeat in simple justice, that not one iota of blame attaches to any one of these gentlemen who were appointed on the part of Congress to attend at this academy. They had nothing to do with the expenditure of the money. The person to whom the blame attaches is first the officer at the Naval Academy who expended the money, and secondly it rests with the accounting officers of the Treasury who audited the account and the Department officer who submits this account here.

Mr. BURNES. Let me interrupt my colleague to say that it does not appear that this account has been audited by the accounting officers of the Treasury. It is a fact that it has not been. This deficiency is submitted because it is a matter that is due to these parties for mileage; but the accounting officers of the Treasury have not settled with this officer at Annapolis and probably will not. I hope they will not.

Mr. CANNON. Anyhow it is a deficiency. I was under the impression it had been audited by the accounting officers of the Treasury; and I think if the gentleman will inquire he will so find. But whether that be true or not, this is a deficiency submitted because the money has been used up.

Mr. DINGLEY. I desire to offer an amendment.

Mr. BOUTELLE. I desire to ask the gentleman from Illinois [Mr. CANNON] a question. I find there is a great deal of misunderstanding about this matter. I would like to know to what purpose it is alleged in this document or voucher that these materials were applied? What use does it appear was made of these provisions?

Mr. ADAMS, of New York. They were used in the entertainment of the Board of Visitors.

Mr. BOUTELLE. Where were these materials used?

A MEMBER. They were absorbed, most of them.

Mr. BOUTELLE. Let us deal with this matter in a serious way. I want to understand it.

The CHAIRMAN. The time of the gentlman from Illinois has expired.

Mr. BOUTELLE. I move to strike out the last word. I am free to say I do not understand this matter and want to do so, and I presume other members do. It appears a voucher has been rendered by the disbursing officer at the Annapolis Naval Academy which contains various items, such as "sardines," "dishes," "spoons," and various articles of food which he has charged to the account of the fund provided by Congress for the entertainment of the Board of Visitors to the Naval Academy.

Mr. CUTCHEON. It is not charged that the Visitors brought the spoons away with them, is it?

Mr. BOUTELLE. If the gentleman will permit me, I desire to present my own ideas as to this matter in a connected way. As I understand, the law provides for a Board of Visitors at West Point and for a Board of Visitors at Annapolis Academy, to go there annually and inspect the graduating exercises, and for other purposes. I have never been a member of the Board of Visitors at Annapolis; I have been a member of the Board of Visitors at West Point. When I was there I was informed, and I believe, that there has been very different provision made for the entertainment of the Boards of Visitors at these two Government schools. At West Point the provision of law, if I recollect, is that each member of the board shall be entitled to mileage and to his expenses, not exceeding $5 per day. And the members of the board provide themselves with entertainment at the hotel and pay their own bills. I was informed at the time, and I believe, although I have not examined the statutes carefully, that a different custom, I suppose based upon law, exists at Annapolis; that at Annapolis there has been a building erected for the express purpose of the entertainment of the Board of Visitors—a building which I believe is used during the rest of the year for other purposes, but one of the primary uses of which has been for the accommodation and entertainment of the Board of Visitors.

Therefore at Annapolis, if I am correct, the board are not quartered at a hotel, they are not provided for at a hotel, and instead of paying their own bills out of the allowance of mileage and the $5 per day, the fund appropriated by Congress is used to provide entertainment in this building for the Board of Visitors. In other words, the Government of the United States, or the authorities at Annapolis, conduct a hotel temporarily for the benefit of the Board of Visitors. Is that correct?

Mr. BINGHAM. Oh, no. There is a building owned by the Government and assigned for that purpose.

Mr. BOUTELLE. And the Board of Visitors are lodged and have quarters in that building. Where do they get their food?

Mr. BINGHAM. The food is furnished.

Mr. BOUTELLE. By whom?

Mr. BINGHAM. I do not know.

Mr. BOUTELLE. By the Government, I suppose. If I am correct in this assumption, every item in that voucher which is a legitimate item of entertainment of the guests is beyond criticism. If there are items which ought not to be provided for the sustenance of members of the board, then those items are subject to criticism and reproach. But the mere fact that there was so much saleratus and so much potatoes and all this iteration of a provision list, which might as pertinently be produced from any hotel bill of fare to bring ridicule on a member for having consumed so much beef-steak or potatoes or strawberries and cream, as the case might be, seems to me entirely aside from any question legitimately before the House.

I may be wrong in my supposition, but if I am correct in my view that the system prevails under the law and by force of law at the Naval Academy of providing for accommodations and food of the Board of Visitors under the direction of the Government officers and out of funds appropriated by Congress for that purpose, then a great deal of this criticism would fall to the ground as without any substantial basis.

Mr. HERBERT. The gentleman from Maine [Mr. BOUTELLE] is correct in his statement that in regard to the entertainment of the Boards of Visitors there is a difference between Annapolis and West Point. At West Point the Visitors like the Visitors to Annapolis get no salary. The theory is, their expenses only are paid.

I desire to state this matter in my own way. It is a very simple matter. Neither the Visitors to West Point nor the Visitors to Annapolis get any salary whatever. A Visitor to West Point gets $5 a day and 8 cents mileage. The Visitors to Annapolis (of whom ten are appointed, five citizens, three members of the House, and two Senators) do not get $5 a day in lieu of expenses, but they are accommodated in a building belonging to the Government.

Mr. CUTCHEON. How long are they there?

Mr. HERBERT. They are usually there for at least a week. They are entertained in a building belonging to the Government, so that nearly all the items in this list are proper. There may be some things in it that perhaps ought not to have been supplied, but I ought to say, in justice to the officer in charge there and acting the part of host, that it would be a somewhat indelicate matter for him to deny his guests whatever they might desire. That is the system that has heretofore prevailed as to the Visitors to Annapolis. The Committee on Naval Affairs, having before them a portion of these accounts, and seeing that scandals like this might arise, concluded it would be better to change the system and make provision for the Visitors to Annapolis like that made for the Visitors to West Point. So the naval appropriation bill, which you all voted for not two weeks ago changes the existing system, and makes it exactly the same as that in reference to Visitors at West Point. Fifteen hundred dollars is appropriated to pay the expenses of the Visitors, limited to $5 a day each and mileage. That is the whole matter.

Mr. EZRA B. TAYLOR. I had not a very important question to ask the gentleman, but it seemed to me that, for some reason or other, this matter was exploited here, and, as the country is sufficiently eager for scandals against Congress, I was afraid that perhaps the explanations of the gentleman from Maine [Mr. BOUTELLE] and the gentleman from Alabama [Mr. HERBERT] might spoil a scandal.

Mr. HERBERT. I hope the gentleman's fears are relieved.

Mr. CUTCHEON. I would like to ask the gentleman from Alabama whether a good many of the articles enumerated in that bill are not of permanent value?

Mr. HERBERT. I do not undertake to justify the purchase of all the articles in this list. In order to reform the system, we have made in the naval appropriation bill the change I have stated.

Mr. BURNES. Mr. Chairman, I think we have debated this matter long enough.

Mr. DINGLEY. Mr. Chairman, I have offered a substantial amendment to which I ask the attention of the Chair.

The CHAIRMAN. If there be no objection, the Chair will regard the formal amendment as withdrawn, and the Clerk will read the amendment of the gentleman from Maine [Mr. DINGLEY].

The Clerk read as follows:

Provided, That no part of this sum, or of any other appropriation by Congress for the expenses of the Board of Visitors, shall be used to pay for intoxicating liquors.

Mr. TOWNSHEND. Who will pay for the liquors that are drunk if that amendment is adopted? [Laughter.]

Mr. HERBERT. One word more, Mr. Chairman, in order that this matter may be properly understood. Since the naval appropriation bill passed here I have learned that it is quite possible we may have to go back to the old system, for the reason that there is no sufficiently good hotel at Annapolis to accommodate the Visitors. I do not know whether that is the fact or not, but if it is, we shall probably have to return to the old system. However, any limitations that the House may see proper to put upon an appropriation of this kind is of course proper.

Mr. ADAMS, of New York (to Mr. DINGLEY). You do not seriously press that amendment, do you?

Mr. DINGLEY. I do press it very seriously.

Mr. ADAMS, of New York. I am surprised.

Mr. DINGLEY. Are you opposed to the amendment?

Mr. ADAMS, of New York. Oh, certainly. I shall vote against it. [Laughter.]

Mr. LORE. I desire to say, Mr. Chairman, in reference to what has been stated by the chairman of the Committee on Naval Affairs that the effect of the provision in the naval appropriation bill will be that no man will accept an appointment on the Board of Visitors to go to Annapolis. As it has been in the past there has been an appropriation of $1,500, so much money in hand, and with that money proper accommodations have been provided for Visitors; but the provision now in the naval bill will compel them to go out and find board at a hotel or elsewhere as best they may in the city of Annapolis, which is greatly crowded at that time, and where there is very inadequate hotel accommodation.

Mr. BROWN, of Pennsylvania. Better move the academy up to Newport.

Mr. LORE. Move it where you please, I do not believe that any gentleman will accept an appointment to go as Visitor to Annapolis and go round seeking to find accommodation upon such a sum of money as is allowed here. I think a great Government like ours when it sends a Board of Visitors to either of these national academies ought to provide decent accommodation for them while they are there.

Mr. SPRINGER. Such as we have in the bill just read here.

Mr. LORE. I beg the gentleman's pardon; there is a mistake about that; the Naval Committee did not have information before them to ascertain what was correct.

Mr. COMPTON. I wish to correct my friend from Delaware [Mr. LORE], who is certainly not familiar with the condition of things in the city of Annapolis. I undertake to say he will find there as good a hotel as he will find almost anywhere in this country.

A MEMBER. And a good bar?

Mr. COMPTON. A first-class bar, since local option was defeated. [Laughter.]

Mr. LORE. A first-class bar, and that is all.

Mr. COMPTON. Besides the hotel accommodations there are good boarding houses.

Mr. BURNES. I desire to read the paragraph in the last appropriation bill by which $1,500 was appropriated. It is—

For expenses of Board of Visitors to Naval Academy, $1,500.

Now I will call attention to the law authorizing the appointment of this Board of Visitors. It is a provision in the act of February 14, 1879:

That from and after the passage of this act there shall be appointed every year, in the following manner, a Board of Visitors, to attend the annual examination of the academy: Seven persons shall be appointed by the President, and two Senators and three members of the House of Representatives shall be designated as Visitors by the Vice-President or President *pro tempore* of the Senate and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination. Each member of said board shall receive not exceeding 8 cents per mile traveled by the most direct route from his residence to Annapolis, and 8 cents per mile for each mile from said place to his residence on returning.

Now, Mr. Chairman, as it has been suggested that the accounting officers of the Treasury Department have passed upon the bill the items of which have been read, I desire to have placed upon record a letter from the acting Secretary of the Treasury to the chairman of our committee.

The Clerk read as follows:

TREASURY DEPARTMENT, *June* 5, 1886.

SIR: I have the honor to forward herewith an itemized statement of the expenditures made from the appropriation for expenses of Board of Visitors, Naval Academy, for the last fiscal year, prepared by the Fourth Auditor in response to your telegram of the 4th instant.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives, United States.

Mr. BURNES. I hope that now the debate on this paragraph will close.

Mr. SPRINGER. I hope the gentleman from Missouri [Mr. BURNES] will state who audited the bill which has been read.

Mr. BURNES. It has not been audited by anybody.

Mr. SPRINGER. Then who incurred those expenses?

Mr. BURNES. That report of expenditures comes, I understand, from the quartermaster of the United States Navy at Annapolis.

Mr. SPRINGER. Can you give me his name?

Mr. BURNES. I can not.

Mr. SPRINGER. I would like to put it "on my list."

Mr. BEACH. He "would not be missed." [Laughter.]

Mr. FINDLAY. Mr. Chairman, I would like to say a single word about this matter. However extravagant or however moderate the items in this bill may appear to be, there can be no doubt that the men who furnished these provisions or these liquors upon *bona fide* orders from an officer of the Government ought to be paid. That is one question. When they have been paid, then there may arise another question—how far the officer who gave these orders was justified in such an extravagent expenditure. But surely nobody will question that charges fairly made for these things by the persons who furnished them upon the order of an officer of the Government ought to be paid, let the consequences be what they may so far as concerns the officer who assumed to give the order. If the bill itself is a fair and moderate one, we have no right to refuse payment simply because the officer who ordered the expenditure may have traveled outside of the rules of propriety.

Mr. DINGLEY. I will ask the gentleman whether any officer of the Government is warranted in purchasing liquors to be paid for by the tax-payers.

Mr. FINDLAY. I can only answer that question by saying that I suppose there has been a uniform custom to order such things; and whether the custom be good or bad, the men who furnished the articles upon the order of an officer of the Government have a perfect right to do so and are entitled to payment.

Mr. DINGLEY. The custom had better be broken up now.

Mr. FINDLAY. Then break it up in some other way. The proper way to break it up is not by repudiating an honest bill. Break it up, if you please, by constitutional amendment in favor of prohibition, or break it up by any other appropriate method.

Mr. DINGLEY. The officer may be personally responsible; but this is not an indebtedness which should be borne by the tax-payers.

Mr. BEACH. I have understood that members of the Board of Visitors are in the habit of taking their families and their friends with them to the academy, and that a large portion of the expense arises in this way. Is that so?

Mr. FINDLAY. I do not know a single thing about it.

Mr. BEACH. As you come from that part of the country, I supposed you might know.

Mr. FINDLAY. I do not know and I do not care anything about it. That is not the question I am raising. I was not one of the Board of Visitors; and I am not interested in any of the things furnished.

Mr. BEACH. I understand it has always been the practice of the Boards of Visitors to take their families and their friends with them.

Mr. FINDLAY. I can not say how that is; I never was on one of those boards at all. [Cries of "Vote!" "Vote!"]

Mr. BRAGG. We seem to be adopting the usual rule to avoid observations of our acts by making an attack upon an officer at the Naval Academy. Those gentlemen whom we sent there from the House and from the other branch and citizens to act as the members of the Board of Visitors have been, ever since that board has been appointed, treated as invited guests by the officers of the academy. I do not think any officer at the academy has ever paid for things they did not want, and if there is any attack to be made by the House in reference to the supply of Appolinaris water, beer, or brandy to the Board of Visitors the attack should be upon the board that ordered those articles and not on the officer who supplied them in obedience to their order.

This $1,500 pays the expenses of the board. That means the expenses not only at Annapolis but the expense of their travel from their respective places of residence to Annapolis and from Annapolis back to their homes.

Mr. BEACH. The gentleman is in error, as the Board of Visitors receive mileage.

Mr. BRAGG. That covers all the expense, mileage and all. For the Military Academy at West Point the appropriation is $3,000. During the present year of the Board of Visitors one came from New Orleans, one from San Francisco, one from Georgia, one from South Carolina, and one from New England. They were entitled to draw mile-

age at 8 cents a mile coming and going. This is the way this $1,500 is disbursed, the difference between West Point and Annapolis being that the Government owns its own building at Annapolis and they have provided for the expense in that Government building. If they are to supply them with what they are to eat they must of course buy plates to eat it off.

Then, sir, while the criticism is pleasant and quite amusing there is nothing in it except overhauling grocers' accounts, butchers' accounts, laundresses' accounts, and all the other accounts which go to make up the accounts of this Board of Visitors.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, the mode of paying and entertaining the Board of Visitors at Annapolis and West Point up to five or six years ago was the same, to wit: There was a gross sum of money out of which was paid the mileage fixed by law, and the balance was used in entertaining the Board of Visitors. At West Point complaint was made there was extravagance in the provision for the Board of Visitors, and the fund for their entertainment was superseded by a per diem provision. The Government has no building at West Point, as has been already stated, for their accomodation.

When this gross sum was allowed wine was provided, but not in excess. I never heard of any indecorum there. It was usual at West Point, but I never heard of any excess. I never heard of anything of the kind.

At Annapolis the Government has a building provided with rooms and bedding for the entertainment of the Board of Visitors and members of the families who come along with them. Their entertainment is paid out of that fund.

That is the situation. I do not understand this particular bill could have anything to do with the expense. These gentlemen are entitled by law to payment of mileage. We have nothing to do with their entertainment.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Maine, which will be again read.

The amendment was again read.

Mr. FINDLAY. Let me ask, Mr. Chairman, if that applies to the present appropriation bill?

The CHAIRMAN. Gentlemen must determine for themselves as to the scope of the amendment.

The question was taken; and on a division there were—ayes 58, noes 32.

Mr. HILL. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. DINGLEY and Mr. BURNES were appointed tellers.

The committee again divided; and the tellers reported—ayes 79, noes 47.

So (no further count being demanded) the amendment was agreed to.

Mr. BLOUNT. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Missouri a question as to the character of the amendment which has just been adopted. As I understand from him, the item of expense that is herein provided for is simply for the mileage of the Board of Visitors to Annapolis which has not been paid, amounting to some $360?

Mr. BURNES. That is its object.

Mr. BLOUNT. The amendment of the gentleman from Maine provides that no part of the money herein approved for expenses of the Board of Visitors shall be used in payment for intoxicating liquors. Is not that simply a declaration which goes to the effect that that money, the $360, shall not be used to buy any wines or liquors with?

Mr. BURNES. In answer to the gentleman from Georgia I will state that this item is expressly provided here to pay three members of the House their mileage for visiting the academy at Annapolis; and this amendment has no place here whatever. Of course it is just thrown in for the purpose of giving gentlemen a chance to express their feelings and opinions on the whisky question.

Mr. BLOUNT. The only effect of it, if it be operative at all, then would be upon the gentlemen who get this money in their pocket, that they shall not use it to pay for wine or liquor?

Mr. BURNES. Of course that is all it does.

Mr. REAGAN. But how does it happen, let me ask the gentleman, that they have a liquor bill there to be settled?

Mr. BLOUNT. That is not my question at all. The language of the amendment is that no part of the money herein appropriated shall be used for paying for wines or liquors for any Board of Visitors.

Mr. BURNES. It can not operate.

Mr. BLOUNT. Of course it has no operative effect whatever.

Mr. MCMILLIN. Then let us make it so that it will be operative.

Mr. WARNER, of Ohio. If they want whisky let them pay for it themselves.

Mr. ALLEN, of Mississippi. I wish to ask a question of the gentleman from Missouri.

The CHAIRMAN. There is nothing pending before the committee.

Mr. LONG. I call for the regular order.

Mr. ALLEN, of Mississippi. I move to strike out the last word.

I desire to ask the gentleman from Missouri if the amount originally appropriated has been used by the officers in charge of this appropriation——

Mr. BURNES. I understand the gentleman's inquiry to be——

Mr. ALLEN, of Mississippi. I have not completed it. The question I desire to ask is: Has the amount that was originally appropriated for the expenses of the Visitors to Annapolis been expended; and, if so, was it expended, or any portion of it, in purchasing intoxicating liquors for the Visitors; and, if so, is there any way to make the persons who did it responsible for expending it in that way instead of expending it in the payment of mileage?

Mr. BURNES. I would suggest, in answer to my friend from Mississippi, that the report goes to show that $1,863.61 were expended by this quartermaster for the expenses of this visiting board, and that $363.61 of that sum remain unpaid for the mileage of three members of this House who made that visit. Now, according to the quartermaster, he has not only expended the $1,500 but needs $364 more to complete the performance.

Mr. MCMILLIN. Has the committee the items of the account for that $1,800?

Mr. BURNES. The items have been read from the desk.

Mr. REAGAN. Has the liquor been paid for?

Mr. BURNES. It has not been paid for and will not be paid for until the account of this officer has passed through the regular channels and been approved and gone to the accounting officers of the Treasury and been allowed there.

Mr. BYNUM. I call for the regular order.

The CHAIRMAN. The regular order is being proceeded with. The gentleman from Mississippi has offered an amendment, to strike out the last word.

Mr. BYNUM. Can that amendment be offered after the section has been passed?

The CHAIRMAN. The section is still open for amendment.

Mr. BYNUM. But can the section, after it has been amended and passed, be reopened for amendment, except in the House, on a motion to reconsider?

The CHAIRMAN. Only certain words of the section have been agreed to. The section itself is still open for amendment.

Mr. ALLEN, of Mississippi. Mr. Chairman, the point to which I wish to emphasize my dissent here is this: That when an appropriation is made of a specific amount to be legitimately expended to pay the expenses of the Board of Visitors or anybody else, if a part of that amount be squandered by the officer to whom that appropriation is committed in the purchase of intoxicating liquors, or any other misappropriation of that fund, that he shall be permitted to come here, and instead of making it good himself ask Congress to appropriate the money again to such purpose; when if he had appropriated it originally to a legitimate purpose there would have been enough to defray all of the expenses.

Mr. ADAMS, of New York. You cheat the grocer if you do not pay him.

Mr. ALLEN, of Mississippi. I would let that be a question between the quartermaster and the grocer. If the quartermaster undertakes to incur grocers' bills for which this Government is in no way responsible, let that be a matter between him and the quartermaster.

Mr. ADAMS, of New York. How is he to know?

Mr. ALLEN, of Mississippi. Every grocer in this country ought to know that intoxicating liquors are not necessary expenses of a board of visitors.

Mr. BRAGG. Does the gentleman think the members of Congress should sue the quartermaster for their mileage?

Mr. ALLEN, of Mississippi. No, sir. But if we give the quartermaster money sufficient to pay the legitimate objects of the appropriation I think the thing should stop there.

Mr. ADAMS, of New York. I understand this appropriation was made in the last Congress. The only question here is the appropriation of three hundred and odd dollars to pay the mileage of the Board of Visitors who visited Annapolis Academy.

Mr. ALLEN, of Mississippi. I wish to ask whether as a matter of fact this mileage has not been paid, and whether this is not an attempt on the part of the quartermaster to get in his liquor bills under the guise of a legitimate appropriation?

Mr. MCADOO. In reply to the gentleman's question I will say that the gentleman from Tennessee [Mr. BALLENTINE], a member of the Board of Visitors, told me he had not been paid his mileage.

Mr. ADAMS, of New York. And that is so as to all of them.

Mr. ALLEN, of Mississippi. I think some process should be instituted by which this quartermaster should be made responsible to the Government for his deficiency.

Mr. BURNES. The remedy is with the President of the United States, and he undoubtedly will apply it.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

The *pro forma* amendment was withdrawn.

The Clerk read the following paragraph, under the heading "Marine Corps."

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 741 insert the following:

"Transportation and recruiting, Marine Corps: For payment to the Pacific Mail Steamship Company for transportation from New York to Aspinwall and return to New York of the naval force under command of Commander B. W. McCalla, United States Navy, sent to the Isthmus of Panama to enforce the rights of the United States secured by the treaty of 1846 with New Granada, United States of Colombia, as follows: From New York to Aspinwall: Twelve officers, Marine Corps, per City of Pará, April 3, 1885, at $20 each, $240; two hundred and two men, Marine Corps, per City of Pará, April 3, 1885, at $10 each, $2,020; fourteen officers, Marine Corps, per Acapulco, April 7, 1885, at $20 each, $280; two hundred and fifty-nine men, Marine Corps, per Acapulco, April 7, 1885, at $10 each, $2,590. From Aspinwall to New York: Fifteen officers, Marine Corps, per Colon, arrived May 16, 1885, at $20 each, $300; two hundred and forty-nine men, Marine Corps, per Colon, arrived May 16, 1885, at $10 each, $2,490; thirteen officers, Marine Corps, per Acapulco, arrived June 3, 1885, at $20 each, $260; one hundred and forty-five men, Marine Corps, per Acapulco, arrived June 3, 1885, at $10 each, $1,450. In all, $9,630."

Mr. BURNES. I make the point of order on the amendment. I submit, first, this is an expenditure in excess of any appropriation of which I have any knowledge. Secondly, it is a claim which is unascertained by any authority under this Government. It is true it is reported to us by the authorities of the Navy Department; it is not true there has been any such accounting or settlement or disbursement as leaves this amount a proper thing to be appropriated for. In other words, it is a claimand ought to go before the Committee on Claims.

Mr. HOLMAN. And, Mr. Chairman, it is not germane to this bill.

Mr. CANNON. In reply to the point of order made by the gentleman from Missouri I desire to call to the attention of the Chair, and have read, section 3732 of the Revised Statutes.

The Clerk read as follows:

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

Mr. CANNON. Now, Mr. Chairman, I desire to say, in addition to that, that the chairman of the Committee of the Whole must take notice of such public acts of the Executive as are required by law. The Chair, if he will examine the amendment, will see that it provides for these expenditures as—

Secured by the treaty of 1846 with New Granada, United States of Colombia, as follows.

The estimate is regularly submitted by the Secretary of the Navy through the Secretary of the Treasury as the ascertained deficiency for the service therein referred to.

It is like a half dozen other items in this part of the bill and stands on precisely the same ground, so that it is an expenditure authorized under the section of the law which has just been read—section 3732. It is to pay this money which is due under the contract made. There is the act.

The CHAIRMAN. The gentleman will please send to the Chair the Revised Statutes. Does the gentleman desire to be heard further on the point of order?

Mr. CANNON. I do not.

The CHAIRMAN. The section cited by the gentleman from Illinois simply allows the War and Navy Departments to contract for certain things without a previous authorization by law. Among those things named is "transportation." But this amendment covers much more than that. It is an amendment to appropriate for "transportation and recruiting Marine Corps," and covers many other things.

Mr. CANNON. That expression is merely descriptive of the estimate. I will strike out the words "and recruiting." This is for transportation pure and simple, as the Chair will see if he will examine the amendment.

The CHAIRMAN. Very well; that comment of the Chair may not have been a just one. But the mere fact that the Department is authorized to make a contract for transportation without a previous appropriation would not necessarily make this in order in a deficiency bill, because, as the Chair understands, a deficiency bill is to supply deficiencies in the former authorized expenditures of the Government, and it does not appear that this expenditure was authorized under any statute of the United States.

Mr. CANNON. If the Chair will indulge me a moment——

The CHAIRMAN. The Chair will.

Mr. CANNON. If the Chair will indulge me a moment, I would suggest that that is a matter for the House to determine.

The CHAIRMAN. The Chair, after argument, is inclined to think that the amendment is in order, but will hear the gentleman from Missouri if he desires to be heard further on the point.

Mr. BURNES. I do not.

The CHAIRMAN. Then the amendment will be considered in order.

Mr. CANNON. Now, Mr. Chairman, I desire to say a word upon the merits. This indebtedness was incurred by the Secretary of the Navy for the transportation of certain officers and men of the Marine Corps from New York to the Isthmus of Panama in 1885, and their transportation home again after they were no longer required there. This transportation was done at an exceedingly low rate, as gentlemen can see, $20 for officers from New York to Aspinwall, and $10 for privates, and the same for the return trip. A naval officer who was before the committee stated that the rate was exceedingly low. The money has been already due for a year. It draws no interest, and it is right and proper that the bill should be paid, like other items touching the Marine Corps on the same expedition that have been allowed without objection.

The question was taken on the amendment, and the chairman declared that the noes seemed to have it.

Mr. CANNON. I ask for a division.

The House divided; and there were—ayes 49, noes 57.

Mr. CANNON. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Illinois, Mr. CANNON, and the gentleman from Missouri, Mr. BURNES.

The House again divided; and the tellers reported—ayes 84, noes 80.

So the amendment was agreed to.

For pay of employés of the Round Valley Indian agency, California, being for services rendered during the fiscal years 1885 and 1886, namely: To G. W. Cummins, $532.18; C. M. Brown, $486.04; J. W. Hannah, $131.65; P. G. Tuttle, $609.73; A. Odell, $280.80; S. B. Larimer, $473.89; N. C. Salisbury, $336.30; D. W. Reardon, $123.41; in all, $2,974.10.

Mr. BYNUM. Mr. Chairman, I offer an amendment, to come in after line 921.

The amendment was read, as follows:

After line 921 insert:

"Flora Skinner, widow of Dr. Gilbert A. Skinner, deceased, $400, being the amount of salary due said Dr. Gilbert A. Skinner as Government physician at said agency at the time of his death; in all, $400."

Mr. BURNES. I make the point of order that that is not an expenditure provided for by law.

Mr. BYNUM. Mr. Chairman, in answer to the point of order, I wish to say that Dr. Skinner was the Government physician at this agency, and this amendment provides to pay his widow the amount of the salary due him for the months of January, February, March, and April, 1879. It is the regular salary prescribed by law and no doubt would have been inserted by the committee had I called attention to that fact. I introduced a separate bill for this payment, not fully comprehending that it ought to be provided for in this bill. The committee has examined the bill and reported favorably upon it, but I am satisfied that this is the proper place for the allowance instead of by a separate bill, and I hope there will be no objection to it. Dr. Skinner was the physician at the agency and was accidentally shot through the head by an Indian, with a Winchester rifle, while the Indian was engaged in slaughtering cattle. Dr. Skinner first resigned, but was unable to leave the agency, and was restored to the rolls as agent, and remained there until his successor was appointed about four months later. The Indian Bureau allowed the salary during that time, but for some reason the Treasury Department failed to pay it, and this is simply to provide for paying the amount due to the widow of the decedent. There is no question at all about its being due.

The CHAIRMAN. Was the salary due before the man's resignation?

Mr. BYNUM. He first resigned, but was unable to be taken away from the place, and he was then restored to the rolls by order of the Department and retained there four months until his successor was appointed.

The CHAIRMAN. And this salary is for the time while he was there officially?

Mr. BYNUM. This salary is for the time while he was there officially.

Mr. BURNES. Mr. Chairman, I have no doubt of the justice of the claim, but it is a claim and nothing more. If it were a valid claim under the law the accounting officers of the Treasury Department would have sent it down to us in the nature of a deficiency. It has not been passed upon by the accounting officers of the Treasury, but has been brought into the House of Representatives as a claim. That is all I desire to say about it.

The CHAIRMAN. The Chair thinks that the fact that the claim has not been properly brought before the committee may be a reason for voting down the amendment, but it is no reason why the amendment is not in order if this is a deficiency on a current salary. The Chair overrules the point of order.

The amendment was agreed to.

The Clerk read as follows:

Ship, steamboat, and way letters: For amount expended by postmasters in excess of appropriation, being a deficiency for the fiscal year 1885, $301.11.

Mr. HISCOCK. I wish to inquire of the gentleman from Missouri whether there were deficiencies in this same service for the fiscal year just closed.

Mr. BURNES. There was no deficiency submitted at all.

Mr. HISCOCK. Do I understand that there have been no deficiency estimates submitted for compensation of postmasters for the fiscal year just closed? Is the gentleman quite sure he is right? Is there no estimate for a deficiency in compensation of postmasters for the fiscal year which closed June 30, 1886?

Mr. BURNES. None, so far as I know. There has been no deficiency of that kind reported to us for the year just closed.

The Clerk read as follows:

The foregoing sums for the postal service shall be payable from the postal revenues of the respective years to which they are properly chargeable.

Mr. ROBERTSON. I move to amend by inserting as an additional clause, what I send to the desk.

The Clerk read as follows:

To pay the Mississippi Central Railroad Company the balance due upon drafts given them in settlement of accounts, which drafts remain unpaid, $1,636.01.

Mr. HOLMAN. I reserve a point of order on this amendment.

Mr. BURNES. I beg to say that I promised my associates on the committee, or a portion of them at least, that I would object to the reservation of any point of order. When such a point is made, let it be considered at once, so as to facilitate the progress of business.

Mr. HOLMAN. I hope the gentleman from Kentucky [Mr. ROBERTSON] may be permitted to be heard.

Mr. BURNES. I presume he does not wish to be heard on the merits before the point of order is decided.

The CHAIRMAN. The gentleman from Missouri will state his point of order.

Mr. CANNON. I suggest to the gentleman from Kentucky that this amendment will more properly come in when we take up a later portion of the bill—that relating to audited claims.

Mr. ROBERTSON. The same point of order would be raised then.

Mr. CANNON. That is true; but the part of the bill to which I refer would be a more appropriate place for the amendment, and I suggest to the gentleman that he had better defer it.

Mr. ROBERTSON. I will do so.

Mr. BINGHAM. I move to amend by inserting after the paragraph just read the following:

To pay the amounts set forth in House Executive Document No. 245, first session, Forty-ninth Congress, to postmasters for stationery used during the fiscal year 1883, $1,476.31.

Mr. Chairman, by a reference of the Speaker, Executive Document No. 245 was sent to the Committee on the Post-Office and Post-Roads, by which committee I have been directed to ask that this amendment to the present bill may be accepted by the Committee on Appropriations. The Postmaster-General, in his letter to the House, states:

In order to settle their accounts, which have since remained unclosed, it will be necessary to make an appropriation of the amount due to them, or they must be required to pay the money which they have properly expended in the public service. The appropriation will require no money to be disbursed, but its effect will be simply to authorize credit to be given to the postmasters for the several amounts their due in settlement of their accounts by the Auditor.

Inasmuch as these claims appear to be entirely just, I recommend their allowance.

The amount which the amendment proposes to appropriate covers some sixty-two offices. I trust the gentleman from Missouri will accept it.

Mr. BURNES. If a mistake had not been made in the reference of the Executive Document to which the gentleman from Pennsylvania has referred this item would no doubt have been incorporated in the bill, as I think it ought to have been. While I am not authorized by the committee to admit it, I will say that it ought to be voted in.

The amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

To pay amount found due by the accounting officers of the Treasury on account of investigating the history of insects injurious to agriculture, being for the service of the fiscal year 1884, $2.82.

Mr. BURNES. I move to amend by inserting after the paragraph just read the following:

For payment of employés for labor performed in the month of June, 1886, for the improvement of grounds, $969.10.

I will simply state that certain men were employed in the service during the month of June last. At the close of the month there was found to be a deficiency of the amount named in the amendment; and they are at present without their pay.

Mr. CANNON. Under what law was that expenditure authorized?

Mr. BURNES. The expenditure was made under an appropriation in the last appropriation bill under the head "employés: improvement of grounds."

Mr. CANNON. But when the appropriation was exhausted did not the work cease?

Mr. BURNES. The appropriation did not reach to the end of the month, but the work went on during the whole of the month. There was probably an inadvertence on the part of the Commissioner in not knowing the money would run short before the month expired.

Mr. CANNON. Does the gentleman think this is a wise way to appropriate?

Mr. BURNES. I do not; but here are twelve poor men who have worked for the month, and who I think ought to be paid. Certainly they ought to be paid, if we recognize the rights of laboring men at all.

Mr. CANNON. I agree that the laborers should be paid, but does not the gentleman think there ought to be a vote of the House censuring the Commissioner of Agriculture for making this expenditure in the teeth of the law?

Mr. BURNES. I will answer the gentleman. I do not think the Commissioner of Agriculture should be censured. The failure to appropriate $969 more for this purpose in the last appropriation bill is the cause of these men being unpaid. Probably the Commissioner by extraordinary vigilance might have discovered that the appropriation would not pay all the men for the month of June; but the amount was so nearly sufficient that he estimated there would be enough, and when he reached the end of the month he found there was a deficiency of $969. It was an oversight.

Mr. CANNON. So I understand. I want to get that admission. Here is an appropriation for doing such work by the Commissioner of Agriculture in the city of Washington when he has a disbursing officer and other officers all on one square of ground, who, in the teeth of law and without any warrant of appropriation, goes on and hires people to the extent nearly of $1,000, and yet the committee come in and recommend it and we vote for it. And having said that much I will leave the subject.

Mr. BURNES. I beg leave to say, Mr. Chairman, that the Committee on Agriculture overlooked or miscalculated about the extent of the funds on hand. If we could reach him by not appropriating this money I would be against appropriating it, but in view of the fact these men who did this work are to suffer, I do not propose they, having acted innocently in the matter, shall be refused payment they are entitled to for the work they have done.

The amendment was agreed to.

Mr. CANNON. I will say to the gentleman from Missouri [Mr. BURNES] that a number of members on this side of the House have to be away to-morrow, and they would like to have some understanding in reference to the items in the first part of this bill.

Several MEMBERS. Who are they?

Mr. CANNON. The gentleman from Ohio [Mr. BUTTERWORTH] is one, and the gentleman from Indiana [Mr. BROWNE] is another. The desire is that the gentleman from Missouri should consent to turn back and dispose of those items in the first part of the bill at this time.

Mr. BURNES. I should like to accommodate my colleague on the committee, and also the gentleman from Ohio [Mr. BUTTERWORTH] and the gentleman from Indiana [Mr. BROWNE], but it is not convenient just now to turn back in this bill.

Mr. BROWNE, of Indiana. Since I conferred with the gentleman from Illinois, I wish to say so far as I am concerned an arrangement has been made which is satisfactory to me.

Mr. CANNON. I wish also to say the chairman of the Committee on Foreign Affairs [Mr. BELMONT] has to be away, and it was to accommodate him as well as the other gentleman to whom I have referred I made the appeal to the gentleman from Missouri [Mr. BURNES].

Mr. BUTTERWORTH. I ask the gentleman from Illinois to permit me to interrupt him to say it was not to suit my private convenience the suggestion was made, but I was called away to attend the subcommittee on appropriations considering the fortification bill for the purpose of hearing testimony relative to our coast defenses.

Mr. CANNON. The gentleman from New York [Mr. BELMONT] is going away and is anxious these items in the former part of the bill should be disposed of while he is here.

Mr. BURNES. My friend from Ohio knows I would accommodate him at any time, but it is impossible for me to do so now.

The Clerk read as follows:

Fees of commissioners: For fees of commissioners, and justices of the peace acting as commissioners, $50,000. And hereafter the whole of the compensation and fees paid a commissioner, and to which he may be entitled, for services in the examination of criminal charges, shall not exceed $800 per annum, or exceed that rate for any time less than a year: *Provided*, That for issuing any warrant or writ, or for any other necessary service, commissioners may be paid the same compensation as is allowed to clerks for like services, but they shall not be entitled to any docket fees.

Mr. BRAGG. The point of order I desire to make on that paragraph is that it makes a new enactment of law, which we prohibited on appropriation bills and especially deficiency appropriation bills.

Mr. BURNES. If the gentleman from Wisconsin will yield to me, I will say to him the committee is perfectly conscious this limitation is subject to the point of order. But in making that statement I am authorized and instructed by the committee to say if this point of order be made and sustained, as undoubtedly it will be if made, then the committee will propose to strike out the appropriation, because without this limitation in this bill the Treasury of the United States would be depleted to the amount of hundreds of thousands of dollars beyond any necessary expense. I believe I am authorized to say the committee on this proposition is absolutely unanimous.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and a message was received from the President of the United States, by Mr. PRUDEN, one of his secretaries. It further announced that he had approved and signed bills and joint resolution of the following titles:

Joint resolution (H. Res. 196) to provide temporarily for the expenditures of the Government;

An act (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes;

An act (H. R. 4836) for the relief of James McBride;

An act (H. R. 308) granting a pension to Mary Sullivan;
An act (H. R. 421) granting a pension to Jesse B. Scudder; and
An act (H. R. 464) granting a pension to Robert McAlexander.
The Committee of the Whole resumed its session.

DEFICIENCY APPROPRIATION BILL.

Mr. BRAGG. I made the point of order simply for the purpose of reminding the committee of what the rules of the House are, to prevent their getting into the very bad habit which they are likely to lapse into, and which formerly prevailed in that committee; but as they recognize the fact and file a cognovit and a plea in avoidance, I will withdraw the point of order. [Laughter.]

Mr. HOLMAN. I trust the gentleman from Wisconsin——

Mr. BRAGG. Oh, if you insist upon it I will make the point of order.

Mr. HOLMAN. No, it is withdrawn and that ends it; but I wish to call my friend's attention to the importance of such a provision in these bills.

The Clerk read as follows:

For fees of commissioners, and justices of the peace acting as commissioners, being a deficiency for the fiscal year 1885, $24,856.22.
Fees of witnesses: For fees of witnesses, United States courts, $50,000.

Mr. McCOMAS. I move to strike out the last word.

I do this only for the purpose of calling the attention of the committee, in passing, to the appropriations heretofore made on that subject; and I think a comparison of the amounts heretofore appropriated is important enough to be given in this connection.

I now find that we are required here to make an additional appropriation of $50,000 for witness fees under the head of the Department of Justice. Heretofore the appropriation for this purpose was $550,000 in the annual appropriation bills. In the early part of this session of Congress, at the instance of the Attorney-General, there was a further appropriation of $135,000, and that item at that time was placed upon the urgent deficiency bill, and was made with the expectation, I have no doubt sincerely, on the part of the Department of Justice that it would be ample. Everybody supposed it would be enough. Now, we are required by the pressure and needs of that Department to add $50,000 more.

It is proper, I will say briefly in passing, to bring the mind of the committee to the fact that for years it has been the choice point of declamation and invective on the part of Democratic orators on this floor against Republican administrations that for the summoning of witnesses and for the bringing of jurors into the courts there had been excessive extravagance; that jurors were summoned as a matter of favor, and that witnesses were brought in order that their traveling expenses might be paid to and from the towns where the courts sat. The most striking and conspicuous example of extravagance and political confusion was found in this very item.

Now, it is due to that administration, it is due to the cause of truth and history, that under the five-minute rule the attention of the House should be drawn to four or five facts which make plain how utterly wrong and unjust such charges were. I find that the fees of jurors in 1881 amounted to $440,000; in 1882 to $470,000; in 1883 to $450,000; in 1884, $510,000; in 1885 to $450,000; and, for 1886, $525,000, under the present administration, have been provided.

Turning now to the fees of witnesses in 1881, I find that the appropriations were $580,000; in 1882, 670,000; in 1883, $601,000; in 1884, $660,000; in 1885, $604,000; and now, in 1886, we have a total of $735,000.

My friend from Illinois [Mr. SPRINGER] on yesterday said that this administration was just beginning. This administration, Mr. Chairman, to-morrow morning will have spent one-third of its whole course, and here we are compelled to appropriate far more money than was ever before appropriated under these items in the series of years to which I have referred of Republican rule. Such is retrenchment, such their reform.

Now, sir, the explanations that have been sought to be made of this difference have not explained. We have elsewhere in this bill the item of allowance for the unpaid witnesses' fees. If we do not now make the appropriation, as the committee has rightly done, the witnesses who are compelled to go to these courts may perchance here and there find the courts closed, as they have been recently closed, for want of appropriations.

[Here the hammer fell.]

Mr. HISCOCK and Mr. BURNES rose.

Mr. HISCOCK. I yield to the gentleman from Maryland.

Mr. BURNES. If I can be recognized I will yield to my colleague on the committee.

Mr. McCOMAS. I thank both the gentleman from New York and my colleague on the committee.

The Committee on Appropriations were in this dilemma: If we did not make the appropriations then there would be the danger that under the section of the Revised Statutes preventing the assignment of claims against the Government a witness forced from home a long distance might go to the office, and finding no money there be compelled to sell his claim in order to get funds to return home; but under the ruling of the Department he would not be permitted to do that. He could not sell it, because it is not assignable. So in the interests of public justice and for the proper order of procedure in the courts of the country the committee were constrained in their action.

But under the present head of the Department of Justice, himself not long ago a member of that body yonder at the other end of the Capitol, this enormous increase of appropriations for witnesses, jurors, and the like ought not to pass unnoticed, especially when we have found one-third of the tenure of "retrenchment and reform" has fled, and the increase of appropriations, the opposite of retrenchment, goes on, but reform may possibly come after a while. [Applause.]

I yield back to my colleague on the committee the remainder of the time, if he desires it.

Mr. BURNES. I desire to confirm what my colleague has said, and call attention in doing so to the similarity between the expenditures and deficiencies between the fees of marshals and the fees of witnesses, because they run together, the marshals disbursing the funds for both.

In 1881 the appropriation was $650,000; and there was a deficiency of $172,600, making a total for the year of $822,600.

From that time on we began to decrease, because the year 1881 was an expensive year. In the year 1882, the succeeding year, the appropriation with the deficiency was $650,000 as against $822,000. In 1883 the appropriation was $600,000 without any deficiency. In 1884 it was $600,000 with a deficiency of $90,753; a total of $690,753. In 1885 there was an appropriation of $600,000 with a deficiency of $124,447; making a grand total of $724,447. For the past year, closing on Wednesday last, the appropriation was $675,000, and this bill provides for a deficiency of $20,000, which will make a total of $695,000 as against a total of $724,000 the preceding year.

The *pro forma* amendment was withdrawn.

Mr. CANNON. I renew the *pro forma* amendment for the purpose of saying that notwithstanding the extraordinary increase, considering the profession on the other side of the House, especially for witnesses, this appropriation bill does not recommend enough money either to pay the witnesses, or the marshals, or the jurors for the last fiscal year of 1886. And I might add to that the miscellaneous expenses. There is to come in for these different items a further deficiency all the way from $150,000 to $250,000 in the aggregate to be appropriated for next year.

It may be asked why the appropriations are not more liberal in this bill.

Mr. BRAGG. If the gentleman from Illinois will allow me I will call his attention to the fact that the speech he is now making is on another bill. This is a deficiency for last year, not an appropriation bill for this year.

Mr. CANNON. I am speaking of this deficiency bill for the year 1886, which closed on the 30th day of June last; and I might in that same connection speak of the sundry civil bill which we passed only yesterday, in which the aggregate amount is less for these expenditures by hundreds of thousands of dollars than was provided for in the year 1886 in the regular bill and in these deficiency bills. And there is more to come for the service of 1886.

While I am speaking about this matter I may refer to the hardship of not in the first instance appropriating money enough to carry on the courts. So far as the year 1886 is concerned that is passed and gone. We are in part paying the people to whom we owed money in 1886 by this bill.

On yesterday, if I had had an opportunity, I would have spoken of the insufficient provision made by the sundry civil bill for these items. What is the effect of it? The effect will be for this year of 1887 as it has been for 1886 and 1885, that before the fiscal year closes the courts will be closed because there is no appropriation to pay the fees of witnesses and to pay the fees of jurors. Very well; who is hurt by that? The people who are demanding trial of their causes are hurt. The people who are accused of crime and are presumed to be innocent until they are proved to be guilty are hurt, because they are compelled to lie in jail at a great expense.

[Here the hammer fell.]

Mr. BURNES. I do not rise to controvert what the gentleman from Illinois has said, so much as to call attention to a great abuse in the management of the Department. It is not the fault of the present head of the Department, but of the system which has been in existence in this Government for many years.

This money appropriated for witnesses goes out to the different marshals, sixty-five in number, I believe, and goes out necessarily on a blind division on requisitions made by each marshal, and each marshal is trying to get as much as possible for witnesses. Now, if you appropriate too much money the accounting officers or the Comptroller making the division will naturally divide it all up, and it goes out to the sixty-five marshals; it is in the hands of the marshals, and one marshal has too much, while another perhaps has not enough.

But when these remittances are reported back by the marshal it is found on the marshaling of assets there is enough. While one has got too much another has received not quite enough, and those who have the excess in returning the money will make good the deficiency in the accounts of many other marshals. It is that system which necessarily makes mistakes and errors and deficiencies too. If you give a marshal

$2,000 when he ought to have but $1,000 he will spend it all if he has any reasonable chance of doing it.

Therefore, as this money has to go out blindly, in this one Department it is far better to have deficiencies than to have excessive appropriations; because it is parted with by the Government blindly without knowing how much will be needed to pay the witnesses by a particular marshal. This system ought to be changed. Perhaps it will require a law to change it; but it ought to be changed, and if the head of the Department of Justice has the power to do it he ought to do it at once. If he has not, we ought by law to regulate the manner of furnishing the marshals money to pay fees of witnesses and jurors.

Mr. CANNON. I move to strike out the last two words. I do it for the purpose of saying that the gentleman from Missouri does not understand this matter or I do not. It is true that the marshals do make requisitions upon this fund, and in answer to those requisitions, so far as the Attorney-General sees proper to answer them, the funds are given to them and they disburse them in the payment of witnesses and of jurors. But I do not understand there is a surplus in the hands of any marshal in the United States. On the contrary, the gentleman from New York [Mr. ADAMS] called my attention when this bill was being considered the other day to the fact that in the district of New York in which he resides there is a large amount, many thousand dollars, due to witnesses and to jurors for services in 1886, and no money to pay them, and after this appropriation which we provide in the deficiency bill is exhausted they will still go to a large extent unpaid. And so it is throughout the length and breadth of the country.

Mr. BURNES. I would ask my colleague if he does not know that of course New York does not get enough and that it will always be wanting a little more. [Laughter.]

Mr. ADAMS, of New York. She got $1,500 last year.

Mr. CANNON. Mr. Chairman, in reply I have this to say. I am for enforcing the law as we have it. The proper way, the honest way, is to walk up and provide adequately for the public service. When you fail to provide for the service, who suffers? Take it in this matter of witness fees alone. You subpœna a man and take him hundreds of miles from his home to appear in court as a witness. Being subpœnaed in a criminal case he must go, without reference to whether he gets his fees or not. After having left his business, after having spent his time, after having spent his money for his subsistence, he is informed at the end of his service as a witness that there is no money to pay him. He goes back to his home without his money, and if, perchance, under the spur of necessity, he sells that claim against the Government for less than its face or for any other sum, there comes in your statute which prohibits such a sale, and the assignee can not get a cent.

There are claims here to-day in this estimate which have been refused to be provided for by the Committee on Appropriations because they have been assigned. Now, I say that is not an honest enforcement of the law, and I say that when we go out of our way to make some cheap claptrap reputation about making small appropriations and oppress the hundreds of poor men in this country who are dragged from their homes to testify in cases in United States courts, by refusing them the poor pittance which is their due, the money being in the Treasury to pay them—when we do that, it is an outrage and a fraud upon a class of our own citizens who are poorly able to bear it. I did not feel, Mr. Chairman, that my mind would be freed unless I bore this testimony, and now I have borne it and you can go on in this bill and other bills to follow the precedents that you have set heretofore, if you choose.

Mr. ROGERS. Mr. Chairman, I hardly know how we can do otherwise than accept and follow a committee which has based its action on the estimates of the heads of the Department, but I confess that I sympathize largely with the expressions just submitted by the gentleman from Illinois [Mr. CANNON]. They are absolutely true. They are not true of the present administration alone, but they are true of past administrations. Lying before me right now is a lettter from the First Comptroller of the Treasury inviting the attention of this House to the fact that nearly $100,000 in assigned claims outstanding prior to 1883 have passed into the hands of persons who have bought them under the circumstances indicated by the gentleman from Illinois [Mr. CANNON]. Let me illustrate this matter by a simple case which has recently fallen under my own observation.

A blind man in my own district was so unfortunate as to have passed upon him counterfeit money. He applied to the Federal authorities and had the man arrested, and the witnesses were summoned to support the charge. They were taken to the Federal court. The blind man, like his witnesses, was poor, but he was better off than the witnesses, and when the case had been disposed of, the marshal having no money to pay them, the witnesses were left 65 miles from home without a dollar to pay their expenses or their way back to their homes. They sold their certificates to the blind man in order to get home, and now when he asks the Comptroller to pay him he is met by this provision of the statute which says that the assignment is void and he can not get his money. This system has been going on, by virtue of this statute and the failure of Congress to appropriate sufficient money to administer the law, for the last six or eight years.

Now, the explanation given by the gentleman from Missouri [Mr. BURNES] is not creditable to any administration. When we intrust the distribution of this money to the officers of the Government the supposition is that they have information enough from the past records of the different districts to enable them to make a proper distribution; and when we are told that some marshals will have a surplus while others will fall behind, I had rather have some official statement for that, because I have yet to learn of any marshal ever turning any money back into the Treasury. I know one thing, the deficit occurs; it occurs every year. I know another thing; I know that this system is neither economical nor honest. In my own State the Federal court, sitting in my own town, exercising Federal jurisdiction over the whole Indian country, was compelled to adjourn, with a large number of prisoners in jail, who were left there to be taken care of at the expense of the Government.

[Here the hammer fell.]

Mr. REED, of Maine, was recognized, and yielded to Mr. ROGERS.

Mr. ROGERS. I say, Mr. Chairman, that this system is neither economical nor honest. The cheapest way to dispose of a prison full of prisoners under these circumstances is to run the courts until they are either convicted or discharged. Let me say another thing. It is not only not economical nor honest on the grounds I have stated, but, in my judgment, it is oppressive and cruel for the Government to pass a statute which stands in the way of a witness selling one of these claims when it has been regularly issued and approved by the court and turned over to a witness by authority of law, unless the Government makes arrangement to pay it itself then and there.

The witness does not become the creditor of the Government by choice. He obeys the process of the court on penalty of contempt, and then he is to be turned out, away from home, penniless, to starve or walk back. You forbid his selling the certificate you give him, and you neglect to provide for its payment. The whole business is wrong, and, I submit, utterly indefensible upon any theory. The Government has a surplus, and it ought to be honest and pay its debts. If we will not pay out the surplus on the public debt and stop the interest on the bonded debt, we can at least pay our current expenses, especially when in doing so we return it to the people from whom it should not have been taken. One of two things ought to be done: we ought either to appropriate money in sufficient sums to administer the law, or we ought to repeal this statute. The Departments are not to blame. They administer the laws we make. The blame is with us, and we ought not to shift it to the Departments.

Mr. ADAMS, of New York. I do not believe the statute refers to any case which you have presented here.

Mr. ROGERS. It makes no difference whether it does or not. That is the construction of the Comptroller of the Treasury, and it binds these men just as much as if it were the law.

Mr. REED, of Maine. Is not that a recent construction?

Mr. ROGERS. No, sir; it is not.

Mr. REED, of Maine. I have heard that the statute was so construed by the present Comptroller.

Mr. ROGERS. It is by him, but it was also by his predecessor. As shown by this official statement, there are outstanding claims of this character arising prior to 1883 to the amount of over $100,000; and I have no doubt that a large amount of such claims existed prior to that time, and will continue to exist as long as we fail to make adequate appropriations and permit this statute to stand.

Mr. REED, of Maine. So that under the present system of appropriations the Government will neither pay the bills nor let the parties get the money by mortgaging them.

Mr. ROGERS. That is the sum and substance of it. The Government will not pay the man the money, nor will it allow him to dispose of the certificate which it issues to him.

Mr. BRECKINRIDGE, of Kentucky. But is it not true that the provision of law forbidding the sale of these certificates was adopted for the purpose of preventing an old fraud, the purchase of the certificates by persons representing the officers and hangers-on around the court?

Mr. ROGERS. Assume that to be true; still we are left in the attitude of not paying our debts—of compelling parties by process of law to leave their homes to attend court, and yet making no provision for their compensation. I repeat, it is neither economical nor honest for the Government to pursue the policy it has pursued in this regard.

Mr. WARNER, of Missouri. If I understood the statement of the gentleman in charge of the bill, it was that some of the marshals returned a surplus on hand. Now I will ask the gentleman from Arkansas whether it is not the rule and practice of the Department of Justice that the marshal of the court must make his requisition upon the Department of Justice, setting out the amount of funds that will be required for witnesses, for jurors, and for the ordinary running of the court; and this for each term, and before the commencement of the term?

Mr. ROGERS. I am not sufficiently familiar with the routine work of the Department to answer that question.

Mr. WARNER, of Missouri. That is the rule.

Mr. HISCOCK. Mr. Chairman, I have listened to the gentleman from Maryland [Mr. MCCOMAS] and the gentleman from Illinois [Mr. CANNON] and the gentleman from Missouri [Mr. BURNES], trusting

to hear from those gentlemen or some other member of the committee some explanation of this immense increase of $131,000 for witness fees in the year 1886 as compared with the preceding fiscal year, and an increase of $75,000 for pay of jurors. It looks as if there were "something rotten in the state of Denmark." I trust that the Committee on Appropriations have seen fit in their wisdom to investigate this increase, and are able to tell us the cause of it—whether there has been an increase of court business, an increase of litigation, or an increase of terms. The fact presented is something strange; and in view of the business habits of the gentleman who has charge of this bill I doubt not he will be able to furnish some explanation of it. An increase of $75,000 for pay of jurors, and $131,000 in witness fees in one year, as compared with the preceding year, is something startling. I know we all hear about these abuses which gentlemen have spoken of; but they do not account for this remarkable increase.

What testimony has been taken upon this subject? What members of the Department have been called before the Committee on Appropriations to explain this matter, to give a schedule of the judicial districts in which this increase has transpired, showing an increase of business in those courts which justified this vast increase of expenditure?

I trust that before this matter is disposed of the distinguished gentleman who has charge of this measure will give some little information to the committee. Two hundred and six thousand dollars is a large sum for court expenses in two branches of the service. It looks as if jobs had been "put up," as if witnesses had been subpoenaed for purposes of speculation, and men summoned as jurors without proper necessity. There are other members of the Committee on Appropriations present. I appeal to the gentleman from Indiana [Mr. HOLMAN] whether this wonderful increase does not startle him and whether he or some one ought not to be able to furnish some sort of explanation of it.

Mr. BRAGG. Will you permit me to ask a question which may perhaps furnish the explanation?

Mr. HISCOCK. You may ask me any question you please.

Mr. BRAGG. Are not the principal part of these officers—all the subordinates and a great many of the chiefs—still Republicans——

Mr. HISCOCK. That question is unworthy of the distinguished gentleman from Wisconsin. I care not whether they are Democratic officials or Republican officials; that has nothing to do with the question. Here is this marked increase to which the gentleman from Maryland has called attention—an increase of $131,000 for witness fees in one year as compared with the preceding year. We know, sir, that there has been no such growth of legal business during the year just closed as to justify this increase. Here are these startling figures. I say to the gentleman from Missouri this is not a question of politics, it is a question of business; and gentlemen of the committee themselves must have been startled by this exhibit.

Mr. BURNES. I desire to say to my friend from New York [Mr. HISCOCK] that now and then there are extraordinary and surprising expenditures. It would probably be as difficult for me to account for the extraordinary increase in the appropriation for payment of witnesses as it would be impossible for the gentleman from New York to account for the extraordinary expenses of marshals in 1881, reported in a deficiency bill from the Committee on Appropriations of which he was at that time chairman.

Here was a deficiency of $172,600 over the bill which preceded it and everything that has followed it. I presume there was something wrong in that deficiency. I might presume so if I wanted to be ugly or wanted to be partisan or unfair. But, sir, I do not intend to be either.

The fact is the deficiency over the appropriation of $172,600 was larger than in reference to any other appropriation which has followed it, with but one exception—indeed it was three times more than any deficiency which has occurred in the last five years.

Mr. HISCOCK. I wish to say to the gentleman——

Mr. BURNES. Allow me to proceed without interruption.

Mr. HISCOCK. Allow me to interrupt you.

Mr. BURNES. Allow me to proceed.

Mr. HISCOCK. I am not talking about deficiency, but——

Mr. BURNES. I can not yield at this moment. I say, Mr. Chairman, this is an extraordinary expenditure for 1881. I suppose it is fair. I am not here to say there was anything unfair about it. I am not here to charge there was any improper expenditure in that year by the marshals of the country.

I am here, however, to admit these extraordinary expenses have occurred in the last year, I suppose because there has been an extraordinary number of witnesses, because there has been a great increase of business in the courts. I suppose so. I do not suppose any gentleman on the floor would charge there has been any improper practices in this expenditure by the Attorney-General at the head of the Department of Justice or by any of his subordinates. We have appropriated extraordinary amounts for the fees of witnesses. We have appropriated for the past year $550,000; and we have appropriated by the urgent deficiency bill and by this bill for the same year a deficiency of $185,000, making in all for last year $735,000. For the preceding year the amount appropriated was $604,406; for 1884, $660,000; for 1883, $601,000; 1882, $670,000; and for 1881, $580,000.

I grant $735,000 is an extraordinary appropriation for the fees of witnesses. Who is to blame? I believe it is the system, and, notwithstanding the suggestion of the gentleman from Arkansas, I have satisfactory information, so far as I am concerned, from gentlemen connected with this Department, when this expense is canvassed in some places it will be found to be too large and in some places not large enough, and that what now seems to be a great deficiency will be found to be less when the facts are all known.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURNES. I now move the committee rise for the purpose of extending the session for half an hour.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, and had come to no resolution thereon.

Mr. BURNES. I now move that the House adjourn.

Mr. HEPBURN. This is the evening for pensions——

Mr. BURNES. Then I move that the House take a recess until 8 o'clock this evening, in accordance with the special order.

Mr. ADAMS, of New York. What is that for; pension business?

Mr. BURNES. Yes, sir.

The motion of Mr. BURNES was agreed to; and accordingly (at 4 o'clock and 54 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by the Chief Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *July* 2, 1886.

I hereby designate Hon. COURTLAND C. MATSON to preside at the session of the House this evening as Speaker *pro tempore*.

JNO. G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

Mr. MATSON accordingly took the chair as Speaker *pro tempore*.

J. H. THORNBURG.

Mr. MORRILL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 2692) to amend and correct the act approved June 1, 1886, granting a pension to J. H. Thornburg.

This bill was approved by the President on the 1st day of June, but by an error on the part of the printers the final letter of the name was printed "y," so as to read "Thornbury."

The SPEAKER *pro tempore*. The bill will be read.

The bill is as follows:

Be it enacted, &c., That the act approved June 1, 1886, granting a pension to J. H. Thornbury, is hereby amended and corrected so as to read: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. H. Thornburg, late of Company D, Eighth Regiment of Iowa Cavalry Volunteers."

SEC. 2. That the pension shall commence from the date of the approval of the original act.

Mr. MORRILL. I ask to take up the bill, which is to simply correct that error, and put it upon its passage.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, which was read the third time, and passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. MARIA WALKER.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the Senate amendment to the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker, for the purpose of moving concurrence in the Senate amendments. This does not add a dollar to the bill; it only changes the phraseology.

The amendments of the Senate were read.

Mr. BYNUM. I would like to hear some explanation of this bill.

Mr. MILLS. The bill has passed the House, and the Senate amendment only changes the phraseology but does not affect the amount covered by it.

Mr. BYNUM. It has not been the policy to grant these arrears.

Mr. MORRILL. We discussed this very fully, and this bill met the concurrence of the committee.

There being no objection, the Senate amendments were concurred in.

Mr. MILLS moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TAULBEE. I move that the House resolve itself into Committee of the Whole for the consideration of the special order.

The amendment was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills upon the Private Calendar, under the order of the House, and the Clerk will report the unfinished business coming over from last Friday evening's session.

The Clerk read as follows:

A bill (S. 2192) granting a pension to Abby L. Burbank.

Mr. MATSON. I ask unanimous consent that this bill be laid aside for the present.

Mr. STRUBLE. Before giving consent I would like to know the number of the bill, as there is one of them that I wish to have recommitted to the committee.

The CHAIRMAN. This is the Senate bill numbered 2192.

The being no objection, the bill was informally passed over.

Mr. MATSON. I ask consent that the members present be allowed to call up such bills as they see proper out of their regular order, and I will ask as far as they possibly can they will only call up such bills as will not provoke discussion, clear bills, of which there are many on the Calendar.

Mr. CANNON. That is right.

There being no objection, the request of Mr. MATSON was agreed to.

IRENE GOOGINS.

Mr. WHITE, of Minnesota, called up the bill (H. R. 8635) granting a pension to Irene Googins; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Irene Googins, late a private in Company B, Seventh Regiment of Minnesota Volunteers.

Mr. MCMILLIN. Let us have the report read.

The report (by Mr. O'HARA) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8635) granting a pension to Irene Googins, have considered the same, and submit the following report:

The claimant, Irene Googins, is the widow of Oscar L. Googins, late a private in Company B, Seventh Regiment Minnesota Volunteers, who enlisted August 19, 1862; discharged November 21, 1864; died of pneumonia and meningitis May 18, 1882. Claim for a pension for chronic diarrhea was, on soldier's application, allowed by the Pension Office November 12, 1883, after soldier's death, and the amount due paid to claimant as the widow of soldier; widow's claim rejected on the ground that soldier's fatal diseases were not the result of disease for which he was pensioned, nor of his military service.

Franklin Staples, M. D., testifies as follows:

"I attended the late Oscar L. Googins, private, of Company B, Seventh Minnesota Volunteers, in his last illness. He died of pneumonia and meningitis. I had known the said soldier for several years previous to the time of his death, and had prescribed for him many times. I can not state as to what years or months. He suffered all the time during my acquaintance with him after his discharge from the Army until the time of his death from chronic diarrhea and its effects. In my opinion, his last sickness was largely the result of the chronic diarrhea, his system being reduced, and that the pneumonia was merely the termination of his chronic disease."

Drs. J. R. McGaughey, W. S. Morrison, and J. Q. A. Vale all testify as to soldier's sufferings and reduced condition from the effects of the disease for which he was pensioned. There can be no hesitancy in arriving at the conclusion that the disease for which claimant's husband was pensioned was the primary cause of the fatal diseases that ended his life, if the medical testimony in this case be believed, and as the character and professional standing of each physician who testified in this case are admitted to be good by the Pension Office, your committee are of the opinion that this soldier's widow is entitled to the pension asked, and therefore recommend the passage of the bill.

The CHAIRMAN. Without objection the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. WALLACE (from his seat). I object.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. TOWNSHEND. Mr. Chairman, I desire to know why it is that the bill which was pending in the last evening session is not under consideration.

Mr. CHAIRMAN. On the request of the gentleman from Indiana, by unanimous consent of the House, the Chair will recognize members present to call up such bills on the Calendar as they desire out of their order.

Mr. TOWNSHEND. That is not in order. There was a bill on which a discussion, unfortunately of a political nature, sprang up, granting a pension to this old lady whose son was shot down in battle.

The CHAIRMAN. The Chair will state that the gentleman from Illinois will be recognized hereafter to call up that bill.

MARTIN V. CURRY.

Mr. CABELL called up the bill (H. R. 9457) granting a pension to Martin V. Curry; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin V. Curry, late a private in Company G, First Regiment United States Volunteers, and pay him a pension at the rate of $12 per month.

Mr. MCMILLIN. Let us have the report read:

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9457) granting a pension to Martin V. Curry, have had the same under consideration, and beg leave to submit the following report:

Curry enlisted in Company G, First United States Volunteer Infantry, a regiment composed of confederate prisoners, June 18, 1864, and was discharged May 21, 1866, because the services of these troops were no longer required.

His claim for pension, on account of injury to shoulder and left hip and rheumatism, was rejected by the Pension Office on the ground of insufficiency of evidence to establish origin in service and line of duty.

Officers and others of the Forty-fifth Regiment of North Carolina Volunteers, confederate, in which claimant served from April 1, 1862, until May 30, 1864, testify to his soundness at capture by the Union troops.

Comrades William Spencer, John McHone, and Jacob Metcham testify from personal knowledge that in the winter of 1865 claimant, while stationed with his company at Fort Ripley, Minn., accidentally fell on the ice and dislocated his left shoulder and injured his left hip. Affiants assisted in carrying claimant to hospital, where he was confined for some time. He subsequently contracted a severe cold which resulted in rheumatism in the injured parts, from which he has suffered ever since.

James Holt, A. S. Holt, and others testify that upon his return home from the Union service claimant walked lame and complained of rheumatism in leg and injury to arm received while in the service.

There is also medical evidence of treatment for rheumatism since discharge, but not covering the whole period. One physician testifies to treatment for rheumatism of left leg and shoulder in June, 1866.

The witnesses are shown to be men of good reputation. Medical examination shows the following:

Partial loss of power in left side, left arm almost useless for manual labor, flexor muscles of left hand flexed, and finger flexed on palmer surface of hand; left leg about 1 inch shorter than right; muscles of toes contracted; the great toe can not be made to touch the floor when standing; can scarcely walk upstairs; disability, total.

The records of the regimental hospital are not on file in the War Department. The officers of the company can not be found.

The officers of Henry County, Virginia, where claimant has resided since his discharge, certify that from their knowledge of him they are certain that his claim is made in good faith, and believe him honestly entitled to a pension.

Considering all the evidence in the case, your committee are of opinion that the claim is meritorious, and therefore report favorably on the bill, amended, however, by striking out all after the word "volunteers" in line 7, and ask that it do pass as amended.

The CHAIRMAN. The question is on the amendment submitted by the committee.

Mr. BRECKINRIDGE, of Arkansas. Before the question is put from the Chair I desire to ask a question of the gentleman from Virginia [Mr. CABELL] who has called up this application for a pension. It appears to come from a questionable source. A man who has served on both sides leaves us in doubt as to where he got hurt. Is the gentleman from Virginia personally acquainted with the facts of this case?

Mr. CABELL. I have seen this man. He passes for a very respectable citizen. I did not myself know the facts of the case until I saw them stated in the report. I introduced the bill and turned the papers over to the Committee on Invalid Pensions, who reported the bill favorably.

For the first time, to-day I saw the report, and until then I knew nothing of the facts. But I received from the county of Henry, in Virginia, where this man resides, a certificate from the judge of the circuit court, the judge of the county court, the clerks of the two courts there, and several worthy citizens, saying that the claimant is a worthy man. They certify also that they are of opinion that he incurred his disability in the service of the United States, and that he ought to be pensioned. That is all I know about the case.

Mr. MCMILLIN. His service appears to have been principally on the confederate side.

Mr. BRECKINRIDGE, of Arkansas. Did this applicant make any sympathetic impression on the mind of the gentleman from Virginia when he saw him?

Mr. CABELL. I saw the man. He is, I think, a cripple. He does not live in my county. But from the certificate which I filed with the Committee on Invalid Pensions it appears to me the man is entitled to a pension, and that his disability came to him while in the service of the Government. If the Government accepted his services and he was disabled in its service, then the man is as much entitled to a pension as another.

Mr. BRECKINRIDGE, of Arkansas. I have no desire to deprive a man whose record is such as is presented here of any lawful right he may have. And although I think a case of that kind is one that merits particular scrutiny, I have no further question to ask.

Mr. MCMILLIN. I wish to know, as it seems the principal service of this soldier was in the confederate army, if it is certain as to which army his disability was incurred in?

Mr. CABELL. It is stated in the report that his disability was incurred in the service of the United States Government. A part of the service was after the war and a part during the war.

The CHAIRMAN. The question is on the amendment submitted by the committee.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] on the left is recognized.

Mr. TOWNSHEND. I rise to a question of order. When the committee rose last Friday evening there was a bill pending——

The CHAIRMAN. The Chair has already stated that he will recognize the gentleman from Illinois [Mr. TOWNSHEND] in his turn. The

Chair will recognize gentlemen alternately on the right and on the left. The gentleman from Illinois [Mr. CANNON] on the left is recognized.

LEWIS A. CRONKHITE.

Mr. CANNON. I call up for consideration the bill (H. R. 8352) for the relief of Lewis A. Cronkhite.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Lewis A. Cronkhite, late a private in Company E, Eighty-sixth Regiment Indiana Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendment:

In line 4, strike out "Lewis" and insert "Levi."
Also amend the title so as to conform to the bill.

Mr. BLANCHARD. Let the report be read.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8352) for the relief of Lewis A. Cronkhite, have had the same under consideration, and beg leave to submit the following report:

Cronkhite served as private of Company E, Eighty-sixth Indiana Volunteers, from August 15, 1862, to June 6, 1865. He applied for pension July 29, 1871, alleging that he contracted measles in November, 1862, in consequence of which he is suffering from disease of eyes. The record of the War Department shows that he was absent, sick, from October, 1862, to February, 1863, but the Surgeon-General reports the absence of the medical records which cover the period of aforesaid treatment.

Two comrades testify to claimant's sickness after enlistment, but can not now recall the nature of the disease.

Dr. Asa Bigelow testifies that he treated claimant for measles on November 21 and 24, 1862, also on December 4 and 11, 1862, as shown by his books. Claimant was then at home on furlough.

Assistant-Surgeon Van Vorhis, of claimant's regiment, testifies that, at New Hope church, May 27, 1864, claimant received an injury to eyes by explosion of shell; was taken to the rear and affiant examined him. Found that dirt and gravel had been thrown with great violence in his face, injuring his eyes very much; remained under treatment for about three weeks, but returned to duty and suffered with impaired eyesight during remainder of his service. Claimant is now (August, 1882) almost blind in right eye, with vision of left eye much impaired. Affiant does believe that this condition is due to the injury above mentioned.

Joseph Jones, late surgeon of the regiment, testifies that claimant had an attack of measles after his enlistment; that he took cold while convalescent, which greatly impaired his eyesight, but continued to do duty until he was stunned and blinded by the explosion of a shell in May, 1864, while in battle, after which he became so disabled in his sight that he was transferred to the Pioneer Corps.

Medical examination in August, 1881, showed asthenopia, which the examining surgeon states was undoubtedly caused from the effects of measles.

Doubts as to claimant's soundness before enlistment were thrown in the case by information furnished the office tending to show that claimant, prior to his enlistment, was slightly near-sighted, and the case was specially examined. The examination was concluded in December last, the case being returned to the Pension Office, with the special examiner's recommendation for admission. In April last claimant was again examined by an oculist, who pronounced the defective vision the result of hypermetropic astigmatism, which is probably congenital. Upon this finding the claim was rejected by the medical referee.

There may have been some defect in claimant's sight prior to his service, but he was not disqualified in any way to perform military duty until after he suffered from an attack of measles, and still later, when he received a more serious injury to his eyes, as is shown by the unimpeached testimony of both the surgeon and assistant surgeon of the regiment.

He is now in a deplorable condition, and in the opinion of this committee should receive the benefit of whatever doubt may exist in the case.

The Commissioner of Pensions, in a recent letter to this committee, says:

"The action of rejection was based on the opinion of the medical referee of this bureau, who was unable, on the testimony on file, to accept that the disease of eyes alleged by claimant was caused by, or due to, his army service. In my opinion, it is an equitable case, worthy the consideration and action of your committee."

Concurring in this view of the case, we recommend the passage of the bill, amended, however, by striking out the word "Lewis" in the title of the bill, and also in line 4, and inserting therein the word "Levi."

The amendment reported by the Committee on Invalid Pensions was adopted.

Mr. BRECKINRIDGE, of Arkansas, addressed the Chair.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BRECKINRIDGE, of Arkansas. To call up a bill.

The CHAIRMAN. The pending bill has not been disposed of. If there be no objection, the bill as amended will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WALLACE. I object.

The CHAIRMAN. The question is, Shall the bill as amended be laid aside and reported to the House with the recommendation that it do pass?

The question being taken, the Chairman stated that the "ayes" seemed to have it.

Mr. WALLACE. I call for a division.

The committee divided; and there were—ayes 65, no, 1.

So (further count not being called for) the question was decided in the affirmative; and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

CATHARINE WATERS.

Mr. TOWNSHEND. I now call up the bill (H. R. 325) granting a pension to Catharine Waters. The bill was read at the last sitting of the committee, and the report also was read.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws of the United States, the name of Catharine Waters, mother of Thomas Waters, deceased, late steward of the steamer Benefit, at the rate of $8 per month.

The Committee on Invalid Pensions recommended the following amendment:

In lines 7 and 8 strike out the words "at the rate of eight dollars per month."

Mr. MCMILLIN. Let the report be read.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 325) granting a pension to Catharine Waters, have had the same under consideration, and beg leave to submit the following report:

The claimant is the mother of Thomas Waters, who was killed by the enemy while serving as steward on the steamer Benefit while going up Red River in April, 1864.

Her claim has been rejected by the Pension Office on the ground that the son at time of his death was not in the military or naval service of the United States.

It appears from the evidence on file that Thomas Waters served as officers' steward on the United States steamer Sovereign from December 11, 1862, to February 25, 1863. He then acted in like capacity on the General Lyon, operating on the Mississippi River, and afterward on the steamer Benefit on its trip up Red River, having on board Lieutenant Terry, United States Navy, and about one hundred and fifty marines and sailors for the Red River fleet. The steamer was chartered by the Government as a dispatch boat, as appears from the certificate of Admiral Porter, who also states that Lieutenant Terry (now commander, United States Navy), was ordered to pass a battery, and in doing so his vessel (the Benefit) was much cut up and a number of men were killed. This occurred at Grappe's Bluff, Louisiana. All the men on board of the steamer were engaged in the fight. Claimant's son was struck by a solid shot from the enemy's battery and instantly killed. The claimant was employed as laundress of the boat at the time of her son's death.

Although not a war vessel of the United States the steamer Benefit was by reason of its employment by the Government a part of the Mississippi fleet under the command of Admiral Porter, and exposed to the same damage from confederate attacks as vessels of the Navy.

The claimant was dependent upon the son for years before his death, being left a widow about 1850, without property or other means of support. She is old, and as stated by Hon. Mr. TOWNSHEND, of this House, is compelled to earn her subsistence by washing.

While it is true that the pension laws do not confer any benefit upon this claimant, because her son at time of his death was not directly connected with the naval service of the United States, yet it is equally true that he was killed in an engagement with the enemy while on board of a vessel under the immediate control of the highest officer of the Mississippi River fleet, and we therefore believe that Congress should grant the relief asked for.

Your committee recommend the passage of the accompanying bill, amended, however, by striking out all after the word "Benefit," in line 7.

Mr. NEECE. Mr. Chairman, as I made the report in this case, I rise to suggest that there is an error in the bill which ought to be corrected. This man was not a soldier, although he was killed while serving in the capacity of a soldier, but as he was not actually in the service the bill ought to fix the rate of pension, or else this old lady will get nothing. I therefore move to amend the bill so as to fix the rate at $12 a month.

Mr. BLANCHARD. Mr. Chairman, I desire to inquire of the gentleman from Illinois if this party was ever enlisted in the military or naval service of the United States?

Mr. TOWNSHEND. He was not.

Mr. BLANCHARD. Then, if he was not, I shall object to this bill and call a quorum on it.

Mr. TOWNSHEND. On last Friday evening the gentleman from Louisiana was in his seat and heard this bill discussed. The facts are that this man was steward of a dispatch boat of the United States which was on the way up Red River loaded with soldiers. While the boat was on its way up the river it was attacked by the confederate forces, and this man, in battle with a gun in his hand, was shot down and lost his life. It is true that he was not a soldier and was merely the steward of the boat, but he was in the service of the Government of the United States, and was acting as a soldier when he was killed. These facts were known to the gentleman from Louisiana [Mr. BLANCHARD] last Friday night, and although he made a very eloquent speech here, he made no objection to the bill on this ground, and I think it is rather late for him now to come in with an objection.

Mr. BLANCHARD. Mr. Chairman, this bill was not put to a vote on last Friday night. Here is a proposition to grant a pension to a party who was not in either the military or the naval service of the United States. Now, sir, I think it is stretching our pension prerogatives too far to place upon the pension-rolls of the country a man who was not in either the naval or the military service, but was merely a civil employé of the Government, and I serve notice now that I intend to call a quorum upon this bill and all similar bills.

Mr. ROWELL. If the gentleman will permit a question, I will ask him whether it is not true that civil employés who serve with the Army on the frontier are pensioned although they are not enlisted men, and is there any difference in principle between serving with the army out among the Indians and serving on a Government boat on the Red River?

Mr. BLANCHARD. I will answer that question by saying that the Pension Bureau of the United States Government has rejected this claim upon the ground that the man was not enrolled in either the military or the naval service of the United States. That is the ground of the rejection.

This man was in the civil service of the Government. The case is not pensionable under any law, and, while I have not called a quorum upon cases where the parties were in the civil or the military service of

the Government, I will never consent, as long as I am a member of this House, to the passage of a bill like this.

Mr. MORRILL. Can not the gentleman let this case go over and have a vote taken upon it in the House?

Mr. BLANCHARD. I have no objection to that, but certainly no bill of this sort shall ever pass unless there be a quorum present.

Mr. TOWNSHEND. The facts in this case are briefly these: Her son was on this steamboat as a steward, and she was on the same boat as a laundress. The boat was in the employ of the Government, chartered by the Government, and was on its way up the Red River, loaded with soldiers. An engagement occurred between the soldiers on the boat, some one hundred and fifty in number, and a land force of the enemy. When the hour of battle came this man took his gun and stood in the front rank, and was shot down while fighting for his country.

Since then this old woman has had no means of support except her own labor, and she has been maintaining herself by taking in washing and doing other drudgery. She has no friend on earth that is of any value to me. So far as I am concerned, she is merely an object of charity, and now in her old age, if this bill fails, she will have to go into the poor-house. And why? Because she gave her son to her country, and in doing so gave up the only means upon which she could rely for support in her old age. In order to save that mother from the poor-house I have introduced this bill, and after a careful investigation by the Committee on Pensions they have brought in this report.

Mr. BURROWS. How old is she?

Mr. TOWNSHEND. I do not know exactly, but, judging from her appearance when she called upon me at a hotel where I was stopping and begged me to aid her in procuring a pension, I should say that she must be nearly eighty years of age. She can not live long to enjoy a pension; indeed she ought to have arrears, because she has been asking for a pension ever since the close of the war but has never until now had an opportunity to obtain it. And I tell you now, gentlemen, I know if this bill is not passed and she is not pensioned she will be compelled to seek shelter and food and raiment in the paupers' house of Marion County, Illinois.

Mr. Chairman, a few moments ago a bill was under consideration here having application to a case where a man had fought on both sides during the war. I did not raise my voice against that bill; and I think it does not come now with good grace from the gentleman from Louisiana to raise objection to pensioning this old mother who gave her son to the country. She is just as meritoriously entitled to a pension as any person who ever received one; and I should fail of my duty if I did not insist and demand that there be action upon this bill before any other bill is disposed of to-night. If the gentleman from Louisiana intends to insist here that a quorum shall vote upon this bill, then, before I consent that this woman shall be driven into the poor-house, I will stay here all night insisting that a quorum shall come and that her case be disposed of. [Applause.]

Mr. GOFF. Mr. Chairman, I will detain the committee but a moment. It seems to me this is a meritorious case. The very reason that the gentleman from Louisiana cites as the basis of the action of the Pension Department in rejecting the claim—the fact that there is no existing law by which this old woman can receive a pension—is the very reason why Congress should act in her case. It was perfectly proper that the Commissioner of Pensions should reject this application. Why? Because under existing law unless the party on account of whose service the pension is asked was mustered into the Army or Navy of the United States the application can not be granted.

Mr. TOWNSHEND. The gentleman will allow me to state in connection with what he has just said that at this session a bill has been passed, I understand, pensioning a woman under circumstances similar to those presented here, and that bill having passed both Houses has been signed by the President.

Mr. GOFF. Further than that, I want to call the attention of the gentleman from Louisiana to the fact that this is not the first time we have had a case of this kind. He intimates that this is something wonderful, something unheard-of before in our pension legislation. He is mistaken. For years past men who without being mustered into the service had partaken of the perils of that service, and incurred disability by reason of wounds or exposure, have received pensions. I know of men in my own State who were scouts in the armies of the United States who were never mustered into the military service, but who to-day draw pensions. They were exposed to all the dangers of battle, all the hardships of the service; and every point which the gentleman from Louisiana urges here to-night was urged when their cases were considered by this House a dozen years ago. Why should they not have pensions? It is just as essential that there should be scouts, telegraph operators, teamsters, and wagon-masters as that there should be soldiers in the field with guns in their hands.

Unless we have all these other essentials the soldier can not prosecute properly the campaign on which he is sent nor can the armies of the country succeed in their undertakings. When men have suffered in this manner, have incurred wounds in this manner, have gone down to death in this manner, the applications for pensions in such cases are as much entitled to the favorable action of this House as the cases of men who wore the blue and carried muskets in their hands.

One word in conclusion. It is a shame, a crying shame, that a member of this Congess should rise on this floor as the gentleman from Illinois has done to-night and say that one of these old gray-haired mothers of men who rendered military service on behalf of the Union is without a pension; and I hope this House will not hesitate to pass this bill.

Mr. BLANCHARD. Mr. Chairman, the Congress of the United States has never yet embarked upon the policy of granting pensions to the civil employés of the Government.

Mr. PERKINS. Will the gentleman allow me to ask a question?

Mr. BLANCHARD. It is rather early for a question, but I will yield.

Mr. PERKINS. I do not wish to interrupt the gentleman, but I would like to ask whether he is aware that under a law which was in force until 1874 if this man had been wounded as he was wounded and had not died, he could have obtained a pension in consequence of that injury?

A MEMBER. Under a general law.

Mr. PERKINS. Under a general statute of the United States which was in force until 1874.

Mr. BLANCHARD. Then, Mr. Chairman, while that law which is cited by my friend from Kansas was in existence this party who is to-night a claimant for a pension should have filed her application.

Mr. CUTCHEON. It did not cover her case.

Mr. BLANCHARD. Mr. Chairman, two weeks ago to-night the gentleman from Rhode Island [Mr. SPOONER] presented a case almost exactly similar to this. In that case a civil employé of the Government had lost his life during the war and an application was made to Congress for a pension.

Mr. GOFF. You are mistaken there.

Mr. BLANCHARD. And this House voted down that application, notwithstanding the fact there were but forty members present. But here to-night is the case of another civil employé of the Government on account of whose death a pension is asked at the hands of Congress. Now, where parties have been in the military or naval service of the United States as soldiers or seamen and their cases have been rejected at the Pension Office, I am in favor of granting pensions in proper cases by special act of Congress. But if we are going to embark upon a policy of granting pensions to civil employés of the Government, let it be known right here and now.

Mr. Chairman, most of us have stood on this floor for years asking that the veterans of the Mexican war, whose service in a foreign land shed glory and honor upon the American flag, and whose valor added a principality to the American Union, should be pensioned, and while the lower House of the American Congress has passed such a bill, it has failed in the other House. When Congress has refused tardy justice to the veterans of the Mexican war why should we be called to vote pensions to the civil employés of the Government?

When they appeal to us for charity it is another matter. We would all like to relieve suffering and distress wherever we find them, but if we open the doors of that kind of legislation, in God's name where is it going to stop?

I have no objection in any proper case where a party was in the military or naval service of the United States, and has been wounded or contracted disease in the service, that party or his widow or dependent relative should have the pension which the law allows. But I shall object in every single case where a party applying for a pension is a civilian. I therefore enter my solemn protest against the passage of the pending bill, and give notice if it shall be insisted on and pushed to a vote to-night I shall demand a quorum of the Representatives of the people to vote upon it.

Mr. WARNER, of Ohio. I ask the gentleman to yield to me for a question.

Mr. BLANCHARD. I yield to the gentleman for that purpose.

Mr. WARNER, of Ohio. Was not this man in the military service? Was he in the civil service at the time? What did he lack of being in the military service? As I understand, although a civilian, he lacked only the formality of muster in. He was killed in actual battle.

Mr. BLANCHARD. The report says this party never entered the military service, but was employed as a steward in the civil service.

Mr. WARNER, of Ohio. He was never mustered in, to be sure, but he was nevertheless killed in battle.

Mr. BLANCHARD. He served as a steward on this vessel which was not then a vessel of war.

Mr. TOWNSHEND. It was a vessel of war; it was a Government dispatch-boat.

Mr. BLANCHARD. If we are to set a precedent here to-night by the passage of this bill in favor of pensioning civil employés I wish it to be distinctly understood I intend to call for a quorum. Unquestionably I will do it. I have never yet done so, and while I would not do it in any proper case calling for a pension, as this is the case of pensioning a civil employé I am compelled by sense of duty to demand the presence of the people's Representatives to pass such a bill.

Mr. BURROWS. The gentleman then proposes to stand alone.

Mr. BLANCHARD. Yes, I am willing to assume that responsibility, and if necessary I shall stand alone in resisting the establishment of such an uncalled-for precedent as the pensioning of a civil employé.

Mr. BURROWS. He was killed in the defense of the flag.

Mr. MATSON. In order to expedite the business of the House I ask the gentleman from Louisiana whether he will not consent to have this bill reported to the House.

Mr. TOWNSHEND. Favorably.

Mr. MATSON. With the understanding it shall be voted on next Friday by a full House.

Mr. BLANCHARD. I am opposed to that unless the report shall be read and the bill shall be properly debated in the House and voted on with a quorum of the people's Representatives present.

Mr. BINGHAM. Let it go to the House.

Mr. MATSON. Very well; let the agreement also include fifteen minutes of debate on either side.

Mr. BURROWS. And let the report be read.

Mr. BLANCHARD. If we can have the report read and fifteen minutes' debate on either side and the bill voted on with a quorum present, I am content.

The CHAIRMAN. The gentleman from Indiana asks the pending bill be laid aside to be reported to the House with the recommendation that it be voted on next Friday after the report has been read and there has been fifteen minutes' debate on either side. Is there objection?

Mr. TOWNSHEND. Why postpone it until next Friday? Why not vote on it to-morrow?

Mr. MATSON. To-morrow is not private bill day, and next Friday is.

Mr. McMILLIN. I suggest to the gentleman from Louisiana and the gentleman from Illinois also that an agreement entered into in committee can not bind the House.

Mr. MATSON. I suppose an agreement entered into between gentlemen will bind gentlemen.

Mr. McMILLIN. But all the gentlemen are not here, and others may come in and make objection to such an arrangement.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that unanimous consent is asked that this bill be laid aside to be reported to the House with the recommendation suggested. That recommendation, if adopted by the House, will bind the House.

Mr. McMILLIN. I was only stating that the committee could not bind the House.

The CHAIRMAN. Is there objection?

Mr. MORRISON. I object to the thirty minutes' time. We know all we will know after thirty minutes' debate on this bill, and I do not think at this stage of the session that the House can spare the time.

Mr. WARNER, of Missouri. Mr. Chairman, I know nothing of this claimant save by the facts as we gather them from the report made by the committee to this House. I do know, sir, and wish to state for the benefit of the gentleman from Louisiana, and the fact may have escaped his attention, that a party—a civilian—may be pensioned, and that his dependent parents in case of his being killed in battle may be entitled to a pension, although the civilian never was mustered into the service of the United States or the militia of any State.

Now, sir, I desire to call the attention of the committee to this fact, that had this young man been upon a gunboat or war vessel in the Mississippi fleet and killed, as he was, in battle, although not an enlisted man, that the dependent mother would be to-day entitled to a pension. By a mere technicality she is unable to obtain that pension in the Pension Office, and why? Let us look at the facts.

Mr. CURTIN. Will the gentleman permit me to interrupt him?

Mr. WARNER, of Missouri. Certainly.

Mr. CURTIN. His mother was there with him at the time he was killed.

Mr. WARNER, of Missouri. Yes, sir; she was there with her boy.

But I wish to appeal to the sense of fairness of the gentleman when I state that this young man, though not upon a gunboat or war vessel, was upon a boat which was impressed into the service by the Admiral of the Mississippi fleet, the highest officer of the naval service. The boat was a part of the Mississippi fleet. It was under the command of the Admiral as much as though it had been technically called a gunboat. It was, in fact, actually a part of the fleet.

I desire to call the attention of the committee to the language of section 4693 of the Revised Statutes, in which, after providing that the persons entitled to pensions under the statutes are as follows, &c., the second provision is as follows:

> Any master serving on a gunboat, or any pilot, engineer, sailor, or any other person not regularly serving upon any gunboat or war vessel of the United States, disabled by any wound or injury received or otherwise incapacitated while in the line of duty from procuring his subsistence by manual labor.

That is to say, that any such person is entitled to the benefits of the pension laws. The vessel on which this widow's boy was serving was, as I have said, a part of the fleet; he was killed in battle, but he was not an enlisted man. That is the case in a nutshell.

I would ask the gentleman from Louisiana was not this vessel in which this young man was acting in the capacity of steward in fact a war vessel? Did it not at the time bear the commander of the fleet upon the Mississippi? Was he not there in person directing the movements of that vessel? Did not the young man who was shot in the presence of that commander lose his life in the defense of his country? It is the barest, sheerest technicality by which he is deprived of his pension.

Now, sir, I think we should approach this question outside of any mere technicality. It is a just case where the old mother—then dependent upon her son, now old and in poverty—appeals to the Congress of that country her son gave his life to save for a pension that her last days shall not be spent in the poor-house.

Mr. CUTCHEON. Does that act provide among the beneficiaries dependent relatives?

Mr. WARNER, of Missouri. I read from sections 4692 and 4693, the first of which sections provides that every person specified in the several classes which are enumerated in section 4693, who has been disabled under the conditions stated, shall upon proof of the fact be entitled to be placed on the list of pensioners. But if you turn to section 4707 you will find that in addition to the persons embraced in the sections I have first named that it goes on and makes provision for dependent relatives. The section provides in express terms for dependent relatives. If the vessel on which the claimant's son was killed had been technically a gunboat or a war vessel, then she would have received her pension long since through the Department.

I think, sir, the purpose of these evening sessions should be to consider, among others, just such cases as this. Here is a case in which, under the technical rules of law which bind the office, the Commissioner of Pensions can not grant the pension. But by every right and justice, by every sense of duty to the dependent mothers of those who fell in defense of their country, this woman is entitled to the pension sought. It is just such a case as appeals for Congressional action; just such a case as certainly we should act upon, and act promptly.

I am not here, sir, specially depicting the poverty of this mother or her suffering; but I am here as one of those who believe that it is an everlasting shame, a blot upon the honor of this nation, that any man who risked his life in the defense of his country, or, as in this case, the poor mother of a boy who fell in battle, should be permitted to look out at the prosperity of this nation through the dingy bars or windows of the almshouses of the country. I do not envy the reputation that any man may make, live where he may in this Union, by calling a quorum or obstructing legislation when a just case such as this is presented.

I believe, sir, the sense of justice, the sense of right, the sense of gratitude of the American people from the East, the West, the North, and the South will say amen to this Congress in passing this bill, and will condemn obstruction, come from whom it may.

I yield as much of my time as he may require to the gentleman from Illinois [Mr. ROWELL].

Mr. CURTIN. Will the gentleman from Illinois [Mr. ROWELL] allow me to suggest to him, in view of the demand of the gentleman from Louisiana [Mr. BLANCHARD] for a quorum, what is the use of wasting time in making speeches?

Mr. ROWELL. I should not for a single moment detain the House with discussion but for the fact that the gentleman from Louisiana has given notice that he intends to make the point of no quorum upon this bill. When the gentleman makes that point it stops all legislation here to-night, because we know there is no quorum. That being the fact, I know of no more profitable way of passing the evening than in discussing these questions.

The gentleman from Louisiana tells us to-night that he has no objection to a meritorious case that might have been passed by the Commissioner of Pensions, and has not been passed through erroneous judgment, going through this House.

It is not many weeks, Mr. Chairman, since we had another view presented by the gentleman from Louisiana. Then it was that no case ought to be passed here if it was a proper case to be considered by the Commissioner of Pensions and had been by him rejected; that the only proper cases to be presented here for Congress to act upon were cases not within the purview of any pension law. The gentleman from Louisiana and the gentleman from Arkansas both presented those propositions but a few weeks ago.

Now, then, we have a case of that kind, one that does not come within the technical law; and we are told that it is not a case which can be passed in Congress; that the only cases that we should consider are such as may be presented under existing law and where we decided that the Commissioner of Pensions has judged erroneously.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman permit me a question?

Mr. ROWELL. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. What position is it you are attributing to some gentleman from Arkansas?

Mr. ROWELL. I am attributing to you, that you took the ground only a few weeks ago that the cases which should be passed on under existing law in the Pension Department ought not to come here, but only such cases as did not fall within existing law.

Mr. BRECKINRIDGE, of Arkansas. That is right.

Mr. ROWELL. And now to-night the gentleman from Louisiana

says that cases which do not fall within existing law can not pass this House, and only cases such as we decide upon appeal that the Commissioner has wrongfully decided.

Mr. BRECKINRIDGE, of Arkansas. The gentleman has stated my position correctly.

Mr. ROWELL. The position of the gentleman from Arkansas [Mr. BRECKINRIDGE] is that the only kind of cases that ought to be allowed here are such cases as the one presented to-night. The gentleman from Louisiana took the same position a few nights ago. Now he changes ground and says that only cases which come here before a high court of appeal to reverse the judgment of the Commissioner of Pensions in a case within the pension law can go through this House without a quorum.

Now, it is well known to everybody that for many years on these Friday nights members of Congress, under the leave of the House, have assembled here to act upon these bills, and it is to be presumed that those who do not come consent to the action of those who do. It is a well known fact, further, that in every case where the body of men who assemble on Friday night have not been able to pass a case through, when it has been submitted to the whole House, the whole House, by an overwhelming majority on roll-call, have passed it. So that we do know that cases which those who assemble here are not willing to take the responsibility of passing, the House when full, upon a yea-and-nay call, has been in the habit of passing.

I undertake to say that a man not enlisted, but in the presence of enlisted men, and in the presence of an enemy and compelled to do service by the officers in command, and losing his life while in such service, stands precisely, in morals and in equity, in the same position as a man who had enlisted. I have before me now a case where the dependent relative of a man not an enlisted man, wounded in battle in the war of 1812, was pensioned by an act of Congress. During the present session the bill was introduced by the gentleman from Kentucky [Mr. BRECKINRIDGE], passed by both Houses, and approved by the President of the United States. The case is the case of Ellen P. Jacobs, and the report is Report 1607. It is just exactly such a case as this, and had the indorsement of the House, the indorsement of the Senate, and the indorsement of the President of the United States, and the approval, by his introducing the bill, of the gentleman from Kentucky [Mr. BRECKINRIDGE].

This is only one of those cases. That was a soldier of 1812. This is a soldier of 1861–'65, serving upon a boat. As has been well said by the gentleman from Missouri [Mr. WARNER], had he served aboard a gunboat, not being enlisted, or on a war vessel, not being enlisted, he would be entitled to a pension if wounded and his mother would be entitled to a pension if he was killed.

Now, this did not happen to be a gunboat or a war vessel owned by the United States, but it was a vessel taken into the service, taken into battle, with soldiers upon it, and with sailors upon it, commanded by a naval officer, and this man was killed at his post defending the flag and the honor of his country. Yet we are now told that because there are not quite enough members of Congress here this evening to make a quorum this bill can not pass, and, therefore, that no other bill can pass to-night, because, forsooth, this boat did not happen to be named a war vessel, although it was a vessel used in war!

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman permit a question?

Mr. ROWELL. Certainly.

Mr. BRECKINRIDGE, of Arkansas. I would like to ask the gentleman if it is not best, if we propose to transact any business to-night, to quit talking and move a call of the House. If the gentleman will permit me I will move a call of the House.

Mr. ROWELL. I said a little while ago, Mr. Chairman, that when the gentleman from Louisiana [Mr. BLANCHARD] gave notice of his intention to call a quorum upon this bill it was equivalent to giving notice that no business could be transacted here to-night, because the gentleman in charge of this bill had said that if this bill did not pass he proposed to stand by it until it did.

Mr. BRECKINRIDGE, of Arkansas. Well, let us have a call of the House.

Mr. ROWELL. A call of the House never got a quorum in the middle of the night.

Mr. BRECKINRIDGE, of Arkansas. I will stay here until we do get a quorum, if the gentleman from Illinois is willing to stay as long.

Mr. ROWELL. So will I; but my experience is, and it is the experience of everybody, that when we start to get a quorum at this hour of the night we never succeed. If we try to get a quorum now we shall not get one before 11 o'clock to-morrow.

Mr. BRECKINRIDGE, of Arkansas. Well, I am willing to stay here until we do get a quorum; and if you do not start to get a quorum you will never get one.

Mr. ROWELL. That is true, but you will not get one if you do try.

Mr. BRECKINRIDGE, of Arkansas. I have often seen a quorum brought in.

Mr. ROWELL. I never saw a quorum obtained at night. I think we shall succeed in convincing the whole House, including the gentleman from Louisiana [Mr. BLANCHARD], that this bill ought to pass.

Mr. MATSON. Are you willing to try to get a quorum?

Mr. ROWELL. I am, in a moment.

Mr. BRECKINRIDGE, of Arkansas. Let us try now.

Mr. ROWELL. The dropping of the rain finally wears away the hardest stone, and I am in hopes that every man in this House, including the gentleman from Louisiana [Mr. BLANCHARD], will yet find it consistent with his duty to vote to lay this bill aside with the recommendation that it do pass.

Mr. DOCKERY. Mr. Chairman——

Mr. WARNER, of Missouri. How much time does the gentleman from Missouri [Mr. DOCKERY] want?

Mr. DOCKERY. Two minutes.

Mr. WARNER, of Missouri. I will yield two minutes to the gentleman.

Mr. CANNON. Will the gentleman allow me to make a suggestion before he yields?

Mr. WARNER, of Missouri. Certainly.

Mr. CANNON. I doubt whether we can get a quorum by staying here all night, but we can certainly do this; we can take a recess until to-morrow at 10.30, and thus continue this session over. I think we can have unanimous consent to take a recess until 10 o'clock or half past 10 to-morrow.

A MEMBER. We shall have no quorum then.

Mr. CANNON. But we can run right along to-morrow until we dispose of these bills. We can extend this legislative day into to-morrow.

Mr. WARNER, of Missouri. I now yield two minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, I have no disposition to discuss at length the merits of this bill. I am not just in the frame of mind for a calm discussion of it. I understand that the gentleman from Louisiana [Mr. BLANCHARD] places his objection to this bill on the ground that this applicant was not, technically, enlisted in either the military or the naval service of the United States, and yet, Mr. Chairman, the report which has been read at the desk reveals the fact that this applicant was shot in his tracks, with a gun in his hand, fighting in defense of the Government of the United States.

Mr. BOUTELLE. And in the waters of Louisiana.

Mr. WARNER, of Missouri. Killed in battle.

Mr. MCMILLIN. The gentleman will find that it is not so stated in the report.

Mr. DOCKERY. It has been stated in this debate.

Mr. TOWNSHEND. And it is an absolutely unquestioned fact. Although that exact statement may not be made in the report, it is stated in the report that this man was shot down in battle.

Mr. BOUTELLE. Will the gentleman permit me to read the report?

Mr. DOCKERY. At any rate, I understand it to be the fact——

Mr. BOUTELLE. I will send the gentleman the report.

Mr. DOCKERY. I do not know whether it would be said that under such circumstances the man was technically in the military service; I do not care how that may be. This man lost his life in defense of the Government; and I believe this bill to pension his dependent mother is a just and meritorious measure, and, for one, I am willing to stay here until we get a quorum and pass it. [Applause.] This House as I understand has passed a measure of like character.

Mr. TOWNSHEND and others. Several.

Mr. DOCKERY. Some gentlemen may apprehend that the President would veto such a bill as this.

Mr. TOWNSHEND. He has signed a bill similar to it.

Mr. DOCKERY. I do not expect such a result as the veto of a bill like this. Until the fact is demonstrated I shall never believe that the President of the United States or a quorum of either House will interpose an objection to a proper pension in the case of any man who lost his life in the defense of the Government, no matter whether he was technically enlisted in the service or not.

Mr. WARNER, of Missouri. I now yield five minutes to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. BURROWS and others. Let us have a vote.

Mr. TOWNSHEND. If the House is ready to vote, I will not discuss the question further. [Cries of "Vote!" "Vote!"]

Mr. BLANCHARD. I would like to say a word before the vote is taken.

Mr. TOWNSHEND. I will yield the gentleman two minutes.

Mr. BLANCHARD. Mr. Chairman, I have reread the report of the committee, and I do not see in it any statement that this soldier was killed while fighting on behalf of the Union.

Mr. TOWNSHEND. Let the Clerk read the report. I raise issue with the gentleman on the statement he has just made.

Mr. BLANCHARD. I will read the report myself:

The claimant is the mother of Thomas Waters, who was killed by the enemy while serving as steward on the steamer Benefit while going up Red River in April, 1864.

Her claim has been rejected by the Pension Office on the ground that the son at time of his death was not in the military or naval service of the United States.

It appears from the evidence on file that Thomas Waters served as officers' steward on the United States steamer Sovereign from December 11, 1862, to February 25, 1863. He then acted in like capacity on the General Lyon, operating on the Mississippi River, and afterward on the steamer Benefit on its trip up

Red River, having on board Lieutenant Terry, United States Navy, and about one hundred and fifty marines and sailors for the Red River fleet. The steamer was chartered by the Government as a dispatch boat, as appears from the certificate of Admiral Porter, who also states that Lieutenant Terry (now commander, United States Navy) was ordered to pass a battery, and in doing so his vessel (the Benefit) was much cut up and a number of men were killed. This occurred at Grappe's Bluff, Louisiana. All the men on board the steamer were engaged in the fight.

Mr. TOWNSHEND. "All the men on board of the steamer;" that included this man.

Mr. BLANCHARD. There is a general statement that "all the men on board of the steamer were engaged in the fight."

Mr. TOWNSHEND. And this was one of "the men on board of the steamer."

Mr. BLANCHARD. But the statement has been made here that this man was killed while fighting with a musket in his hand.

Mr. TOWNSHEND. And I repeat it.

Mr. BLANCHARD. But there is no such statement—only the general statement that "all the men on board of the steamer were engaged in the fight."

Mr. BROWN, of Pennsylvania. If the statement were made that this particular man was engaged in the fight, would it be any stronger than it is now?

Mr. BLANCHARD. Unquestionably it would be stronger. There is no evidence that this man was killed "with a musket in his hand," as stated by gentlemen here.

Mr. FELTON. If all the men on board were in the fight, how could this man be out of it?

[Here the hammer fell.]

Mr. TOWNSHEND. I now yield two minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Chairman, what is the difference between a soldier having "a gun in his hand" in battle and an officer on the field with a sword by his side? Both are in the line of duty. I say the main question to be determined here is whether this man was in the line of his duty—not whether he had "a gun in his hand." Is not the pilot who directs the movement of the vessel in action to be considered as a part of the military force in the engagement?

Mr. LOUTTIT. Many a general never had a musket in his hands.

Mr. MILLS. When the captain stands on the quarter-deck of a vessel directing the engagement, though he has not "a gun in his hands" or a sword by his side, is he not in the discharge of his duty? The surgeon who is ready on deck to attend to the wounded as they fall in action, is he not in the discharge of his duty? Why is it demanded that a man shall have "a gun in his hands" to entitle him to the gratitude of his country for the discharge of duty?

Here was a man whose humble occupation was that of a steward. The duties of a steward on a vessel must be performed as well as those of the commander of the fleet, as well as those of the gunner who draws the lanyard and fires the fatal shot, or the lieutenant who stands at the breach of the gun and directs the engagement of his battery.

Mr. Chairman, what does it matter in the case of this poor fellow who fell in the discharge of his loving duty to his country in that engagement whether his lips had taken the oath to serve his country faithfully or not? [Applause.] Was his service less acceptable to his country, was the offering of his life for his country less meritorious because he had not taken the oath of allegiance? The farmers who fell at Lexington, Mass., in the first engagement of the Revolution, which sounded the knell of British tyranny and oppression from one end of this land to the other—had they taken the oath of allegiance to any country? Had those whose heroism is commemorated by the monument at Bunker Hill sworn allegiance to any government? No, sir; their offering was that of patriotic devotion to the land which they loved. That was what this poor boy gave, because he loved his country. He did not ask whether he ought to be sworn or not. He went where the flag of his country was to be defended; he fell like a brave and noble man; and his poor mother is entitled to the gratitude of the country. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. MILLS. Give me a little more time. [Cries of "Yes!"]

Mr. WARNER, of Missouri. I will give the gentleman a portion of my time.

Mr. MILLS. Now, Mr. Chairman, it is said this is a civil pension. I am afraid we do not draw the proper distinction between a military and civil pension. The military pension is granted for military service and civil pension for civil service. England grants civil pensions to its judges and other civilians. We have been opposed to the granting of civil pensions and I hope we will always continue so. It is true, however, that in a sort of a way we have begun to pension our judges by allowing them to resign and be retired when they have reached a certain age. That is a practice we ought never to have allowed to grow up.

We have some civil pensions in this country which gentlemen seem to forget. There are a number of people who say they would starve; that they could not carry on their industries; that they would be ruined unless they were permitted to impose taxes on all other people to support them. [Derisive laughter and applause.] They come here and plead *in forma pauperis*. My friend who sits on my right brought in a bill to reduce the burdens of taxation upon the people, and yet four Representatives from Louisiana came up here to the counter and took sugar in theirs. [Great laughter and applause.] These are civil pensioners. Louisiana, by her four votes, said on this floor their sugar-planters could not be sustained unless the Government supported them.

If we can do that, Mr. Chairman, can not we afford to take care of this old woman whose son died in battle; can not we take care of her for the remaining years of her life by putting her upon the pension-roll? [Applause, and cries of "Vote!"]

Mr. TOWNSHEND. One minute. It has been said this man was not engaged in battle. What does the report of the committee say: "All of the men on board the steamer were engaged in the fight. Claimant's son was struck by a solid shot from the enemy's battery and was instantly killed." In the conclusion of the report it is further stated, "Yet it is equally true that he was killed in an engagement with the enemy while on board of a vessel under the immediate control of the highest officer of the Mississippi River fleet." That is all I want to say. [Cries of "Vote!"]

Mr. TUCKER. I have nothing to say about this bill except it seems to me it is a bill we ought to vote for. I have only this further to say, it seems to me if we are to have a call of this House let us have it now. [Applause, and cries of "Vote!"]

Mr. WARNER, of Missouri. I will yield to the gentleman to make that motion. [Cries of "Vote!"]

The CHAIRMAN. The question recurs on the amendment.

The amendment was adopted.

The CHAIRMAN. The question next recurs on reporting the bill to the House with the recommendation it do pass.

Mr. BLANCHARD demanded a division.

The committee divided; and there were—ayes 75, noes 1.

Mr. BLANCHARD. No quorum has voted.

Mr. TOWNSHEND. I move there be a call of the House.

The CHAIRMAN. We are in committee, and that motion can not be recognized.

Mr. MORRISON. Mr. Chairman, we are threatened with a call of the House, and I never knew such a proceeding to result in anything practical except once, long ago, when I was fined two dollars and a half for being late. [Laughter and applause.] I came to the House to-night to see if I could not have a pension granted to a very meritorious claimant, and unless some one relents—backs down—I do not see how I am going to get it done. [Laughter.]

I think the claim under consideration is a good one and should be allowed. The gentleman from Louisiana [Mr. BLANCHARD] does not think so. He believes that the man who was a steward on the boat and not enlisted in the Army or Navy is not to be put on the same footing with the soldier, or that the man who wielded the frying-pan is not to be put on the same plane as to pensions with him who wielded the sword or the musket. [Laughter.] The gentleman from Louisiana has a right to his opinion. He is the equal of any of us here and has his duty to perform, and performs it, I doubt not, as conscientiously as the rest of us. If I am not mistaken, I have witnessed here an inclination to much talk of great sacrifices in the war, and by some who sacrificed little themselves much clapping of hands, which takes the place or answers for a failure or neglect to grant pensions.

I objected some time ago to this matter going into the House, that time should there again be given for debate upon it. It has already been very fully considered and discussed in the committee; and at this late day of the session we have not the time for further unprofitable discussion. Time has been liberally granted to the consideration of special pensions, and they have been liberally granted. We have given the chairman of the Committee on Invalid Pensions, who was himself a most gallant soldier, all the time he has ever asked for special pension cases. Still I would rather give up the half-hour for further talk. I want some compromise, and will back down myself if no one else will. Can we not go into the House with this bill and take a direct vote upon it without the waste of more time in discussion?

Mr. TOWNSHEND. I am perfectly willing to compromise on that basis.

Mr. MORRISON. How much time does the gentleman from Louisiana desire?

Mr. BLANCHARD. Mr. Chairman, I certainly do not wish to be placed in the position of an obstructionist to pension legislation. I never rise with any such purpose.

Mr. MORRISON. And I have not so placed the gentleman.

Mr. BLANCHARD. I grant you that you have not. I am willing to accept any reasonable compromise. I simply ask that time be allowed in a full House, so that this report shall be read and ten minutes' debate on each side be given, and that will be entirely satisfactory to me.

Mr. MORRISON. I have no objection.

Mr. TUCKER. Mr. Chairman, in order that this arrangement may be made in the House, where it must be made in order to be binding, I move that the committee rise so that it may be perfected.

Mr. McMILLIN. I will suggest to my friend from Virginia that the bill is in the committee, and some provision will have to be made to get it before the House.

Mr. TOWNSHEND. I want it to be laid aside with a favorable report.

Mr. TUCKER. That is the object I have in view—to get the action of the committee ratified by the House.

Mr. TOWNSHEND. Let it be done when the committee rises after disposing of other bills to-night.

Mr. TUCKER. Very well; I will withdraw the motion.

Mr. MATSON. I think there will be no objection if the gentleman from Louisiana will agree to that understanding, so that we may go on now with other matters, and when we rise to go into the House this agreement can be carried out.

Mr. TOWNSHEND. It being understood that a favorable report is made from the committee.

Mr. BLANCHARD. Not a favorable report. Let it go to the House with the understanding that when we have a full House present then the report shall be read and ten minutes' discussion had, after which a vote will be taken on the bill.

Mr. TOWNSHEND. It is to go into the House with a favorable report.

Mr. BLANCHARD. Let it go without recommendation.

The CHAIRMAN. The Chair will state the proposition of the gentleman from Indiana as the Chair understands it. The gentleman from Indiana asks unanimous consent that this bill be laid aside and reported to the House with the recommendation that it be taken up on Friday next immediately after the reading of the Journal, and a vote had in a full House with ten minutes' debate on each side.

Mr. ROWELL. Under the previous question.

The CHAIRMAN. That, the Chair thinks, would be the understanding, that the previous question should be ordered.

Mr. BLANCHARD. And, in addition to the ten minutes' debate, let the report be read.

The CHAIRMAN. Yes; the report read and ten minutes' debate on each side. Is there objection?

There was no objection, and it was ordered accordingly.

JESSE CAMPBELL.

Mr. MORRILL called up the bill (H. R. 8150) granting a pension to Jesse Campbell; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Jesse Campbell, late of Company C, Eighteenth Regiment of Ohio Volunteers.

The report (by Mr. MORRILL) was read, as follows:

Claimant was a private in Company C, Eighteenth Regiment Ohio Volunteers, and on November 5, 1878, filed his application for pension, alleging that on "January 1, 1863, at Stone River, Tennessee, from exposure in battle was taken with pneumonia, resulting in bronchial consumption." His claim was rejected November 25, 1881, because—

"This man's hospital history of thirteen months' duration, with no diagnosis of disease of the respiratory organs, completely negatives the lay testimony as to the character of the disease with which he suffered before going to hospital. Claimant states his inability to furnish any medical testimony as to condition prior to 1874."

Claimant was in several hospitals continuously from June 27, 1863, to September, 1864, when he was discharged, under treatment for diarrhea, hemorrhoids, rheumatism, and debility.

It is shown by the evidence that at the time of his enlistment claimant was a strong, hearty, vigorous man, a blacksmith by trade.

Capt. Johnson M. Welch testifies that—

"Claimant was disabled in the line of duty by severe exposure, overwork, and exhaustion during and for two days preliminary to the battle of Stone River, and contracted a violent cold, hoarseness and coughing, resulting in fever and inability for duty. That said ailment grew worse, coughing increased, flesh greatly reduced, great weakness, and followed with chronic bronchial consumption. * * * Said soldier left camp on 26th December, 1862, with his regiment for Murfreesborough, Tenn. Heavy rains set in, no tents for ten days after. The battle of Stone River followed, and four days' fighting and exposure. During this exposure and overwork said soldier took a violent cold, which settled in his lungs. He was an unusually dutiful and conscientious soldier, and never saved himself when duty called by shirking or half duty."

Col. C. H. Grosvenor, now a member of this House, testified in 1881 as follows:

"That at the time of his enlistment said Jesse Campbell was an able-bodied man in all respects. I was not at Stone River fight. I can state that soon after the Stone River fight I know said Campbell was sick; had cold, sore throat, lungs, and chest, and so continued as long as I knew him."

There is abundant evidence of the continuance of the disability from discharge to present time. Thomas Comby testifies—

"That he knew claimant intimately at enlistment; that he was a strong, robust man; that he saw him when he was discharged, and that he was a wreck of his former self; that the first year after he came out he could perform no manual labor."

Dr. John W. Walters testifies to treating claimant in 1864 and 1865; that he had a severe cough and was very much debilitated. Albert and Robert McKinley testify that they have known claimant since discharge; that he was very much debilitated and was suffering with a severe cough, and that he has never recovered.

Dr. John Y. Simpson testifies to treatment from 1873 to 1883 for bronchial consumption.

The only cause for rejection of this claim that your committee can discover is that the hospital records do not name the disease for which claimant asks pension. It appears that claimant served faithfully for nearly two years before he went to hospital at all. In June, 1863 (the hospital records show), he was admitted for diarrhea, hemorrhoids, and debility. It seems that he remained in the hospital ten months, and was then transferred to another. The only record seems to be the simple statement of his admission for the diseases above named.

It is assumed by the Department that this record "completely negatives" the lay evidence of bronchial disease. This seems to your committee illogical and unreasonable. For nearly ten months no record was made in the hospital of the treatment the soldier received, and this absence of a record, we are told, is positive proof that the disability did not exist, though there is strong lay and medical testimony to prove that it did. The case was rejected in 1881.

Hon. C. H. GROSVENOR, of this House, submitted the following statement:

HOUSE OF REPRESENTATIVES, *Washington, D. C., May 27, 1886.*

SIR: I have the honor to state that I knew Jesse Campbell for many years prior to the war. He was then a man of notable and unusual physical strength, was in all respects able-bodied.

I knew him upon my return in 1865, and since up to a few years ago. He has been a broken-down man ever since the war. He is a worthy man in every way.

Yours, truly,

C. H. GROSVENOR.

Hon. C. C. MATSON,
Chairman Committee on Invalid Pensions.

Your committee, after a careful examination of the papers in the case, conclude that claimant has fairly established his claim and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY THREADGILL.

Mr. JOHN M. TAYLOR called up the bill (H. R. 7418) granting a pension to Emily Threadgill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Threadgill, widow of Nathaniel Threadgill, who was a private in Company B, Third Tennessee Cavalry.

The report (by Mr. TAULBEE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7418) granting a pension to Emily Threadgill, widow of Nathaniel Threadgill, late of Company B, Third Tennessee Cavalry, having examined the same, submit the following report:

Claimant alleges soldier died of small-pox at Danville, Va., January, 1864.

Soldier's name is not borne on the rolls of Company B, Third Tennessee Cavalry, and for that reason was rejected.

M. V. Wilson and W. H. Cariness, comrades of soldier, testify that soldier was enlisted about October 1, 1863, and before he was mustered in was captured at Como, Tenn., October 7, 1863, and taken to the prison at Danville, Va., where he died of small-pox April 26, 1864. That they were enlisted, captured, and in prison with soldier when he died. Said company was never organized after the capture, but the members thereof attached themselves to other military organizations.

In the opinion of your committee the claim is meritorious, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MICHAEL FITZPATRICK.

Mr. PAYNE called up the bill (H. R. 8963) granting a pension to Michael Fitzpatrick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Fitzpatrick, late a private in Company A, One hundred and fiftieth New York Volunteers.

The report (by Mr. PINDAR) was read, as follows:

The soldier enlisted September 3, 1862, and was discharged June 8, 1865. His declaration for pension was filed December 4, 1880, on account of injury to head and back by the fall of a tree while building breastworks at or near Pine Knob, Ga., 1864, resulting in deafness of left ear and rheumatism.

The claim was rejected upon the ground that he has not been disabled for manual labor by the alleged rheumatism, injury to head and back, or deafness since the date of filing his claim.

The records of the Adjutant-General's Office furnish no evidence of alleged injuries and disabilities; "regimental hospital records not on file."

Claimant testifies that before enlistment he was a farmer; that since his discharge he has resided at Millbrook, Dutchess County, New York, and that he claims pension for injury to head and back, rheumatism, and deafness of left ear, from injuries received at Pine Knob, Ga., about June 19, 1864; and that he was treated from time to time to the present by Dr. C. N. Campbell, of Poughkeepsie, N. Y., and at no time since his discharge has he been able to perform hard manual labor, and half time since has been totally disqualified for any manual labor.

William H. Bartlett, lieutenant and captain, testifies that he was well acquainted with claimant; that he was a sound man at the time of enlistment, and free from rheumatism, deafness, or any injury to back; that while building breastworks, June 19, 1864, at Pine Knob, Ga., soldier was struck by a stick of timber and injured thereby about the head and back, which produced deafness, and that about the same time he contracted rheumatism; has seen soldier frequently since his discharge, and knows that his disabilities still exist; knows the facts from being sergeant of the company, and present and on duty with the company at the time and afterward; that he remembers his being laid up at the time, and that his injury was cause of sickness.

Dr. C. N. Campbell testifies that he is a regular practicing physician of thirty years' standing, and that since the soldier's discharge he has treated him more or less every year for deafness and rheumatism. He can not give dates, as soldier being poor he made no charge; that soldier is incapacitated thereby for performing many kinds of labor. He also testified that he examined soldier at time of his enlistment, and that he was then a sound man, free from any deafness and any symptoms of rheumatism, and remained so until he was injured in 1864, while in line of duty, by being struck by a falling tree near Pine Knob, Ga., which cut and bruised his head severely; that he treated him at the time, and kept with his regiment; that shortly after this soldier began to be hard of hearing and dizzy, and also at times rheumatic and lame.

James L. Places (comrade) testifies that he and claimant were carrying a log to throw up breastworks near Pine Knob, Ga., when a shell from the rebel battery killed private Stone and wounded others, and same time severing a limb from a tree, striking claimant on the head and injuring him, rendering him unconscious; that it affected his hearing and rendered him deaf in left ear, which continued while in service; that soldier complained immediately after of his head and back, and did not recover therefrom; that he thereafter also had rheu-

matism, and has been permanently disabled three-fourths for manual labor; that affiant was present and an eye-witness to the accident.

N. H. Whaley (comrade) testifies substantially to same facts as stated by Comrade Places, as above.

Dr. C. H. Tripp testifies to claimant's being treated several years, at different times, for rheumatism by Dr. J. L. Thrim (affiant's preceptor).

George P. Tompkins and Thomas Raddington testify that deafness increases, and that he (soldier) is unable to hear ordinary conversation, one ear being entirely deaf; that rheumatism also increases disabling him more or less since his leaving the army from active labor a large share of the time.

D. H. Cand and Oliver D. Odell testify that they have known the claimant for past twenty-five years; that before enlistment he was perfectly sound and healthy; and since his discharge he has been troubled with deafness and rheumatism, which unfits him for manual labor, prevents him hiring out by the month, &c.

Felix Simmons and Nelson A. Pond, neighbors, testify to soldier's soundness prior to enlistment and since his discharge to his affliction, corroborating other witnesses before named. Mr. Pond adds that he has noticed closely chaimant's physical condition and ability to labor, and that he is disabled three-fourths, and that he can not be mistaken as to his disability.

John Kraver, neighbor, testifies substantially same as Simmons and Pond.

F. T. Carpenter and Stephen McKeough testify to claimant's sickness and inability to labor.

"That claimant is totally deaf in left ear; can hear very loud talking with right; says he suffers greatly with his head, frequently becoming so dizzy that he is compelled to hold on to something to prevent his falling. His actions indicated at times during his examination an unsound mind. He claims that the trouble of his head and deafness were produced by a tree falling on his head and shoulder. This incapacitated him total. There is enlargement of heart, with feeble action, and intermitting about long sixth beat. I examined his urine; found its specific gravity 10°; reaction slightly acid; no albumen; no sugar; color light. This incapacitates him one-half. I find disability as above described to entitle him to two-thirds third grade."

Subsequent examination by R. Lougham, W. D. Hasbrouck, and George C. Smith, board of examiners:

"We find no deposits, deformity, stiffness, contractions, pain, swelling, or redness in any joint, tendon, or muscle. Heart sounds regular and distinct. No evidence of vesicular lesions. No scar or other evidence can be found of any injury to head or back. He seems to be totally deaf in left ear. We find the ear filled with hardened wax, but other than this can discover no abnormal conditions. We think deafness due to wax, and not of twenty years' standing, and therefore think him not entitled to rating."

Hon. J. H. KETCHAM makes the following statement:

HOUSE OF REPRESENTATIVES, *Washington, D. C., June* 10, 1884.

MY DEAR SIR: Referring to H. R. 8963, about which we have conferred, I have to say that I knew Michael Fitzpatrick before he enlisted in 1862; saw him frequently during the war, he having been a member of my old regiment (One hundred and fiftieth New York Volunteers), and have seen him often since, as he resides near me. He was to all appearances sound when he enlisted. I know he was a good soldier, and that he returned home with his health and capacity for earning a livelihood greatly impaired. He is now and has been for years almost incapacitated for manual labor by reason of deafness, rheumatism, &c., and is entitled to a pension. I earnestly hope that you can report the bill for his relief favorably.

Yours, very truly,

J. H. KETCHAM.

Hon. JOHN S. PINDAR.

The evidence of incurrence of injury while in line of duty is complete; also that he was a sound and healthy man at the time of enlistment; that since his discharge he has suffered from rheumatism and deafness, and still so suffers, there can be no doubt, as the evidence of treatment by doctors and that of comrades and neighbors all prove, as is also shown by the statement of Hon. John H. Ketcham, who is personally acquainted with claimant before and during the war, and that soldier served in his regiment (One hundred and fiftieth New York Volunteers), and that he has known him ever since the war, and resides near him.

Your committee believe from the facts that soldier was sound at enlistment; that he was injured in the service in line of duty, resulting in deafness and rheumatism, disabling him from a full performance of manual labor; and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS SORRELL.

Mr. BRECKINRIDGE, of Arkansas. I call up for consideration the bill (H. R. 8950) to remove the political disabilities of Francis Sorrell, of Roanoke County, Virginia.

The bill was read, as follows:

Be it enacted, &c., That Francis Sorrell, of Roanoke County, Virginia, be, and he is hereby, relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment of the Constitution of the United States, and the same are hereby removed.

Mr. BRECKINRIDGE, of Arkansas. This bill is recommended by the Judiciary Committee, and I suppose there will be no objection to it.

Mr. TUCKER. It is unanimously reported by the Committee on the Judiciary.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THEODORE DUNMIRE.

Mr. LOUTTIT. I call up for consideration the bill (H. R. 8057) for the relief of Theodore Dunmire.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Theodore Dunmire, late of Company E, First Regiment United States Veteran Engineers (claim No. 413718), subject to the provisions and limitations of the pension laws.

Mr. LOUTTIT. To save the time that would be occupied in reading the report permit me to say that this bill simply places the applicant on the roll, and he is then required to appear before the examining board and receive such rating as the board may think proper.

Mr. MCMILLIN. Let us have the report read.

The report (by Mr. LOUTTIT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 8057, submit the following report:

The soldier in this case enlisted in Company D, Fifteenth Missouri Volunteers, served continously from September 29, 1862, until July, 1864, when he was transferred to the First United States Veteran Volunteers, and was discharged from Company E, of that organization June 24, 1865. He presented his claim to the Pension Office December 22, 1880, claiming a pension for injury to back received June 20, 1865. The examinations in this case, three in number, by United States examining surgeons, disclose the present disability from the cause alleged.

The records in this case go to show that the soldier was a good, active, brave, and gallant soldier; his position was at the front, and his duties as civil engineer called him away from the body of his command. Before the battle of Stone River, or Murfreesborough, as it was known by the rebel and Union forces respectively, he had charge of, directed, and superintended the erection of the breastworks that later proved so valuable to the Union forces in that hotly-contested battle. That after the completion of his work there and before its use for the purposes designed he was ordered forward to prepare and guard the way beyond. While on this duty, and during the time he was in charge, he incurred a disability which to-day renders him unable to pursue the ordinary avocations of life.

Like many others, he has listened to the whisperings of pride and patriotism, and has sought to live through this narrow span of life without appealing to the justice, charity, or magnanimity of that Government for whose very existence and perpetuation he fought and endangered his life; but with the growing ills that cast their gloom over all as the shadows lengthen toward the east, necessities have compelled him to ask for national aid. His skill as an engineer, his reputation as a soldier, and his word as a citizen, have never been doubted or called in question. He has advertised in the public press for the whereabouts of the comrades who were with him at the immediate time of the incurrence of the disability and whose presence at that time are attested to by the records of the War Department, seeking to obtain their testimony in corroboration of his own statement and of those in civil life, having knowledge of all the facts save that of actual and immediate origin, but has been unable to find them.

Like many others, the applicant in this case realizes that over the dark river comes no echo from whose voice facts and data can be obtained to substantiate his title.

He is shown to have been at the time of his enlistment, in physique, a typical American, strong, stalwart, lithe, and active, the perfect picture of health, and a thorough representative of American manhood; his habits have ever been good. The examination, had under the supervision of the United States examining surgeons, shows him to be a physical wreck—nothing left of him but the same indomitable will and energy that inspired him, in the hour of trial and danger, to face the crisis and show his patriotism.

His present condition is further vouched for by the Representative of his State, Hon. GEORGE G. SYMES, and members of the Senate. The evidence of John Burt, a credible witness, who, after an acquaintance of thirty years, covering a period prior and subsequent to the war, is so plain, straightforward, direct, complete, and reasonable that, in the judgment of your committee, it supplies the want of more direct and certain testimony as to origin of a disability which is shown to have had no existence at the time of enlistment, but has been shown to exist from the hour of soldier's discharge to the present date.

A soldier with record showing so much of bravery, discretion, martial gallantry, and useful labor and service rendered ought not to be required to prove by any set number of witnesses and beyond the peradventure of doubt that his disability was contracted during service, and with exact certainty the spot and moment of incurrence, when previous soundness, disability at discharge, and every presumption to be drawn from evidence shown would warrant this assumption, and reasonably lead to such conclusion. The humane policy of the criminal law yields to the accused the presumption of innocence, and resolves all reasonable doubts in his favor. The gallant soldier should not be treated more harshly.

Your committee therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAPT. JOHN F. MORRIS.

Mr. RANDALL. I call up for consideration the bill (H. R. 9052) granting an increase of pension to Capt. John F. Morris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John F. Morris, late captain of Company B, Eighty-third Regiment Pennsylvania Volunteers, $100 per month.

The Committee on Invalid Pensions reported the following amendment:

In line 6, strike out $100 and insert $72.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9052) granting an increase of pension to Capt. John F. Morris, respectfully report:

Capt. John F. Morris enlisted August 25, 1861, in Company B of the Eighty-third Regiment Pennsylvania Volunteers, and was discharged September 15, 1862. In the battle of Gaines's Mill, June 27, 1862, he received three wounds, one in the hip, one in the side, and a shell wound in the lower portion of his spine.

Soldier was granted a pension of $20 per month from September 15, 1862, upon the report of the examining surgeon, John T. Ray, dated April 29, 1863, which is as follows:

"Captain Morris was wounded in the back by a musket-ball which has never been extracted, also in the side and lower portion of the spine by a fragment of shell. This wound has produced paralysis of left leg, rendering him unable to walk without the assistance of crutches, and then only for a short distance, accompanied by pain and a shrunken condition of the muscles of the thigh and leg."

His pension was increased as his disability became greater, as follows: May 12, 1882, to $24 per month; by act of March 3, 1883, to $30 per month; and to $50 per month March 6, 1885, upon the report of the examining surgeon, dated June 14, 1882, which states:

"I find shell wound over the lower part of sacrum, also over the right nates; scar of minie ball in front of trochanter major on right side, also on about opposite the lower dorsal vertebra and to the right of spine 1 inch; shell wound over sacrum very tender and painful; it also extends to foot of left side, especially along the course of sciatic nerve; left limb is atrophied, is 2 inches less in circumference than right around thigh, and 1½ inches less above knee; the temperature is 2 degress less than right.

"First and second toes were amputated at the metatarso-phalangeal articulation last August on account of gangrene. Foot is œdematous; general health

very poor, and he is now obliged to take four grains of morphine per day to keep down the pain, and he requires an attendant most of the time. He came very near dying this spring; is a little better now. Since last sickness he has a feeling of suffocation at times, or dyspnœa; the increased disability has not been caused by any vicious or imprudent habits. Disability is much greater than if whole limb had been amputated and was without pain. I find his disability to entitle him to total first-grade degree of disability."

At a special examination held March 8, 1883, at Meadville, Pa., the board of examining surgeons reported:

"We find wounds by shell and ball, the ball passing through or rather between the eleventh and twelfth ribs. This ball has never been extracted. As it passed very near the spine it evidently has affected spinal and sciatic nerves on left side. We find atrophy of left hip, thigh, and leg, with paralysis of same. The degree of vitality has been so low that great and second toes have had to be amputated by reason of gangrene. Captain Morris is and has long been known to each member of this board. We can certify to his intense suffering day and night for years past, his pains only relieved by large subcutaneous injections of morphia, with all supplemental means that could be devised by his physicians. Captain Morris is entirely unable without constant attendance to care for himself, and requires at all times watchful care, from paralysis of the lower portion of the bowels. They are never moved except by use of injections. We would therefore recommend in this case an increase to $50 a month."

Your committee here append the petition of soldier asking the increase by Congress, together with the affidavits of his attending physicians; also a petition from his comrades:

To the honorable Members of the House of Representatives:

Your petitioner, Capt. John F. Morris, of Company B, Eighty-third Pennsylvania Volunteers, would state that he enlisted in the service of the United States August 25, A. D. 1861. He served with the Army of the Potomac during all its campaigns up to the battle of Gaines's Mill, June 27, 1862. In that conflict he received three wounds—one in the hip, one in the side, and a shell wound in the lower portion of his spine; the latter caused paralysis of the lower limbs, whilst the ball from the gunshot still remains lodged under the spine, producing pains to such an extent that it impaired his eyesight to such a degree that it is impossible for him to read or write or perform any duties whatever. He has been bed-ridden for months, and now gropes his way along on crutches.

His sufferings are intense, relieved only by hypodermics of morphine injected in his limbs, and with no hope for any relief, as he is growing worse, and at times even morphia does not relieve him. He is in need, as he can not support his family, has exhausted means in medical attendance that he had accumulated in his younger days. He made application for an increase some years ago; it was made from $20 to $24; then from that to $30, and as his disabilities increased to $50 a month. This does not cover the medical attendance and incidentals consequent upon his constant illness and suffering.

JOHN F. MORRIS.

STATE OF PENNSYLVANIA, *County of Crawford, ss:*

Personally came before me, clerk of the court in and for the county aforesaid, John F. Morris, late captain Company B, Eighty-third Pennsylvania Volunteers, who, being duly sworn, says that the above and foregoing statement is just and true to the best of his knowledge and belief. And I hereby certify that I have no interest direct or indirect in the prosecution of this claim.

Witness my hand and official seal this 20th May, A. D. 1886.

[SEAL.]

A. B. EDSON,
Proth'y and Clerk of Court of Common Pleas.

MEADVILLE, PA., *May* 20, 1886.

I have known intimately John F. Morris, formerly captain Company B, Eighty-third Regiment Pennsylvania Volunteers, for nearly thirty years, and have been his physician for nearly twenty years. Have attended him professionally for gunshot wound received in the service of United States. The injury was to his spine and left leg. Left sciatic nerves diseased, consequently circulation very feeble, so much so that two toes had to be removed for gangrene. The pain resulting from this condition has been the most intense I have ever known. After these long years of suffering his general health has given way, and now he is a physical wreck, unable to care for himself in many ways, and in my opinion requires and should have a constant attendant.

I have been in active practice of medicine and surgery for twenty-four years. Have no personal interest in claim for his pension.

T. B. LASHELE, *M. D.*

Sworn to before me this 20th day of May, 1886.

[SEAL.]

JAMES GRAHAM, *Clk.*

Affidavit of physician or surgeon.

STATE OF PENNSYLVANIA, *County of Philadelphia, ss:*

In the pension claim of Capt. John F. Morris, late of Eighty-third Regiment Pennsylvania Volunteers, personally came before me, a deputy prothonotary, clerk, in and for the aforesaid county and State, Alf. W. Green, a citizen of Meadville, in the county of Crawford and State of Pennsylvania, whom I believe to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about thirteen years, and that for that length of time have known the aforesaid Capt. John F. Morris intimately; although not his regular physician, have seen him frequently professionally; he has been to my certain knowledge one of the greatest sufferers I have ever met with, the result of wounds received at Gaines's Mill. He is unable to dress himself and can only limp around with the aid of a crutch and cane; he is totally unable to perform manual or other labor.

He further declares that he has been a practitioner of medicine for forty years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

ALF. W. GREEN,
Late Surgeon P. R.

Sworn to and subscribed before me this 20th day of May, A. D. 1886, and I hereby certify that the affiant is a practicing physician in good professional standing; that the contents of the above declaration, &c., were fully made known unto him before swearing, including the words erased and the words added; and that I have no interest, direct or indirect, in the prosecution of this claim.

F. H. SMITH,
Deputy Prothonotary.

We, the undersigned, members of the Grand Army of the Republic, would respectfully petition the honorable members of the House of Representatives to a special act for the increase of pension for Capt. John F. Morris, of Company B, Eighty-third Regiment of Pennsylvania Volunteers.

We feel that it would be no more than justice to a suffering comrade to grant him the pension he is now applying for.

We subscribe ourselves, respectfully,

Chas. C. Johnson, Thos. A. Stebbins, Chas. W. Lane, S. F. Nelson, C. Van Horne, F. N. Clark, B. F. Smith, J. H. Dickson, R. B. Burns, Sam'l B. Dick, J. D. Gill, E. H. Bernhoft, O. H. Hollister, I. E. Myers, H. H. Davis, S. C. Beach, T. L. Flood, J. W. Cainer, Almond Delamater, H. P. Marley, F. E. Underwood, Wm. Roberts, E. G. Taylor, Lloyd E. Ridle, Benjamin Emerson, John Porter, Frank Shippen, W. P. Porter, A. B. Edson, J. G. Lindeman, John J. Henderson, S. C. McDowell, , Sturges T. Dicks, Geo. F. Davenport, H. J. Humes, Geo. A. West, H. E. Wilson, R. Michael, John F. Bruner, M. R. Jenks, F. H. Davis, Robt. Andrews, John Hull.

The evidence as to the condition of this claimant for increase of pension as detailed above has been further supplemented by inquiries made of gentlemen of character whom your committee have consulted concerning this case.

They are therefore fully satisfied that the soldier is suffering as is claimed; that he is practically totally disabled; that he requires the almost constant ministration of others; and that cost of medicines and medical treatment are a heavy tax upon the pension which he now receives.

They therefore report this bill favorably, with an amendment, striking out the words "one hundred," in line 6, and inserting the word "seventy-two," and as thus amended recommend that it do pass.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MATSON. I wish to say, Mr. Chairman, I think this bill ought not to pass. This man is now receiving a pension of $50 a month. He is receiving as much as any other person who is so disabled as to require the regular aid and assistance of any person. He has reached that condition since June, 1878. He did not reach that condition until quite recently. There are several hundred persons that are in the same position he is in; and I do not think it is right to select him out and raise his pension to $72 while the others in the same condition are receiving only $50 a month.

Mr. RANDALL. But how are you to reach the others?

Mr. MATSON. By general law.

Mr. RANDALL. There is no general law.

Mr. MATSON. There is not anything in this case that justifies its being selected out from the others.

Mr. ADAMS, of Illinois. I will state that I have introduced a bill which if passed will provide such a general law.

Mr. MATSON. The point I make is that it is wrong to select a case of this kind when there is nothing that shows it is a strongly exceptional case. There are many now receiving $50 a month who are in worse condition than this man is.

Mr. RANDALL. Then bring forward the cases of those who are in worse condition, but do not strike this man down because others do not get what they ought to have. The report states that he requires constant attendance.

Mr. BLANCHARD. I ask the gentleman from Pennsylvania is this man receiving $50 a month?

Mr. RANDALL. Yes, sir.

Mr. BLANCHARD. And you propose to increase it how much?

Mr. RANDALL. To $72.

Mr. BLANCHARD. How many are now getting $72 a month?

Mr. RANDALL. I am not able to answer that question.

Mr. BINGHAM. Only those who have been protected by special legislation.

Mr. MCMILLIN. Is not this the second time a special act has been invoked in behalf of this applicant?

Mr. RANDALL. The report states the facts.

Mr. MCMILLIN. I think I gathered that from hearing the report read. It seems to me the gentleman from Indiana [Mr. MATSON] is right in the position he takes that those who have similar disabilities should receive the same rate of pension.

Mr. RANDALL. And so I think. I do not say anything to the contrary of that. Bring in your bills, but do not strike down this man because some one else has not yet got what he claims.

Mr. CURTIN. He is getting worse all the time.

Mr. MCMILLIN. He is receiving now exactly the pension given to others in a similar condition.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was adopted.

Mr. ADAMS, of Illinois. I thought I heard the gentleman from Pennsylvania [Mr. BINGHAM] say that nobody got $72 except by special act. The way I understand it is this: The law was passed in 1878 raising from $50 to $72 all those who were then under a certain degree of disability.

Mr. MATSON. And in addition to that there is a law that those who have lost both eyes, both hands, or both feet shall receive $72.

Mr. ADAMS, of Illinois. A discrimination thus exists between certain pensioners who were on the roll for certain disabilities at a certain date and those who were under precisely the same disabilities but who were not fortunate enough to have got their cases through at that date. I think we should pass this and every other bill like it, and also pass the general law when we reach it.

Mr. RANDALL. I have no objection to a general law, but I do not want my soldier stricken down because there is not a general law.

Mr. MORRISON. Nobody proposes to strike him down, but you are trying to strike him up.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to say a word by way of protest against the principle announced by the chair-

man of the Committee on Invalid Pensions [Mr. MATSON], that unless a general law is passed, individual cases ought not to receive advantages by special legislation.

Mr. MATSON. Unless they have special merit.

Mr. BRECKINRIDGE, of Kentucky. Now we agree, when the gentleman adds, "unless they have special merit." I should vote with a good deal of reluctance for a general pension bill increasing the rate for prescribed disabilities, under which bill persons who are rich or poor, persons who are meritorious or unmeritorious, persons who have the disability in a very bad form, or persons who have it barely enough to be able, by the aid of a skillful pension agent and still more skillful witnesses, to swear inside of the class, would all be benefited alike.

I should feel a good deal of reluctance in voting for that sort of a bill; but I do not hesitate to say that it is the duty of Congress in any special case, not as a matter of charity, not upon any argument about the poor-house, or with any idea commingled with what we do that there is any charity about it, but purely as an act of justice growing out of a contract, to vote that measure of relief which the case seems to demand at our hands. It is upon that principle that I have voted to put certain elderly ladies, the widows of soldiers or sailors who have performed meritorious service and left their widows in indigence, upon an increased allowance, and have refused to vote like pensions in other cases because it did not seem to me that their merits were such as to demand special relief.

So, upon all these cases I reserve the privilege, as a Representative, to do what seems to me to be in each given case the justice demanded by the facts of that case, and I do not think we ought to hesitate to do justice in any given case because there does not happen to be a general law to cover it. I do not know whether the case now under consideration would come under the rule or not. Listening to the report as well as I could, it seemed to me that possibly we might vote this claimant in by a scratch, but that it would be just by a scratch.

Mr. RANDALL. I have called this bill up for my colleague [Mr. FLEEGER], who is absent. He knows all about the case, and he has described it to me as a most meritorious one. This soldier resides at Meadville, in the western part of Pennsylvania, and he is well known in that community as a man of high character, who would not make any representations that were not strictly correct.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PHŒBE H. MEECH.

Mr. FARQUHAR. Mr. Chairman, I desire to call up Senate bill 1112, granting a pension to Phœbe H. Meech.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Phœbe H. Meech, widow of Horace J. Meech, late a second lieutenant in the Second Regiment New York Volunteers, in the Mexican war, and to pay to her, from and after the passage of this act, a pension at the rate of $15 per month, in lieu of the pension she is now receiving.

Mr. MCMILLIN. Let the report be read.

The CHAIRMAN. It is a Mexican war pension.

Mr. FARQUHAR. Mr. Chairman, I desire to say to the gentleman from Tennessee [Mr. MCMILLIN] that this bill has already passed the House and also the Senate, and that in passing it now we shall act merely in confirmation of the action of the Senate.

The bill was laid aside to be reported to the House with the recommendation that be indefinitely postponed.

EMMA J. HALLOWAY.

Mr. BYNUM. Mr. Chairman, I desire to call up the bill, No. 578, for the relief of Emma J. Halloway.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emma J. Halloway, widow of Henry C. Halloway, late a captain and commissary of subsistence in the United States Army.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 578, having had the same under consideration, beg leave to report as follows:

Emma J. Holloway is the widow of Henry C. Holloway, who served throughout the civil war. He was for some months a member of the Nineteenth Regiment Indiana Volunteers, and served as such in the Army of the Potomac and participated in all the skirmishes and battles in which his command was engaged during the time he was connected with said regiment. He was then appointed by President Lincoln an assistant commissary of subsistence with the rank of captain, and as such he served the remainder of the war.

Col. W. W. Dudley, late Commissioner of Pensions, testifies that he knew the said Holloway from his boyhood, and that he served with him in the Nineteenth Indiana Volunteers, and that afterward the said Holloway was serving in the same army and part of the time in the same division with him; that his acquaintance was intimate and that he remembers well that at the battle of Gettysburg the said Holloway was seriously injured by being thrown from his horse, which was shot under him and fell upon him; that he was not an eyewitness to the accident, but that it was a matter of common report in the command in which he was then serving and where Holloway had many warm friends, and that this was known to him very soon after it happened, and that said Holloway was seriously injured in the chest by said accident. He says that Holloway was a stout, robust man when he entered the service, and that he so continued until the time of said accident; that he then complained of said injury and that his health failed him, and that he continued to grow worse until his death, as said Dudley believes, was the result of said accident. A number of persons testify to the physical soundness of said Holloway prior and up to the time of his entering the Army.

Dr. J. K. Bigelow, a member of the board of pension-examining surgeons of Indianapolis, testifies that he began to treat said Holloway in 1866 for lung trouble, and continued his treatment for ten years for that disease, and also for chronic diarrhea.

This officer appears, from the testimony of those who served with him, to have been conspicuous for his gallantry, and although serving on the staff of general officers, in a capacity where he was not required to go into a general engagement, he never lost an opportunity to act as aide-de-camp, and could always be seen in the thickest of the fight.

He never applied for a pension, because he said he did not need one. He has, however, left his widow without property, and she having applied at the Pension Office, has met with a rejection of her claim upon the ground that the origin of his fatal disease in the service was not sufficiently proven.

This committee, after a careful review of the above case, feel justified in reversing the decision of the Pension Office, and without hesitation say that they believe that this officer died of an injury and disease contracted in the military service and in the line of his duty, and that his widow should be pensioned; and therefore report the bill to the House with a favorable recommendation, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SARAH YOUNG.

Mr. CONGER. I desire to call up the bill (S. 2113) granting a pension to Mrs. Sarah Young.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to place on the pension-roll, at the rate of $25 per month, the name of Mrs. Sarah Young, of Des Moines, Iowa, for and on account of services rendered as a nurse during the war of the rebellion.

Mr. WALLACE. I call for the reading of the report.

The report (by Mr. CONGER) was read, as follows:

Mrs. Sarah Young joined the Union Army as a volunteer nurse June 9, 1862, and was at once assigned to duty with the One hundred and ninth New York Volunteers, then stationed at Belleville, Md.; went with this regiment to Falls Church, Va., and was soon thereafter assigned to duty with the general hospital of the Ninth Army Corps, serving constantly in the field and at the front at Mason Island, Alexandria, Fredericksburg, the Wilderness, Spottsylvania Court-House, North Anna, Cold Harbor, Petersburg, and City Point, remaining at her post until the last gun was fired, the last hospital tent struck, and her services no longer needed. She served her country and administered to its wounded sick and dying heroes for three full years, being off duty in all this time but eight days. She received in all for her labor and devotion but $216, an average of but $6 per month.

Early in her service she was given the name of "Aunt Becky," and by this name became loved and honored by the thousands of inmates of her hospitals, a name which still clings to her, and by which her praises are still sung in thousands of soldiers' homes throughout the country. Her services were of special merit and of unusual worth, because she had the special executive ability and untiring energy to make them so. With the tenderness of a child and courage like a god she moved about in efforts to soothe pain and relieve suffering, unflinching on the field of battle, and unappalled by carnage and death.

The testimony as to her valued service is overwhelming. We quote a few from the numerous testimonies.

G. W. Dunn, late major One hundred and ninth New York Volunteers, says:

"I see by the papers that Mrs. Sarah Young is asking Congress to stand between her and starvation for services performed as a nurse during the late unpleasantness. I know all about those services, and know that no money consideration will compensate her for the good work she has done. Many now living owe to her motherly, untiring care their lives and health, and many poor fellows passed to the grave have been comforted and cheered by that good old soul who left a good home to follow the fortunes of her boys. Give her all you can; you can not give her too much."

William Austin, of same regiment, says:

"She worked for three of the best years of her life in caring for those who were aiding in crushing the rebellion, performing labor clear beyond her strength and sex. Submit her case to our old regiment, and she would carry it by storm; submit it to any soldier who knew her in the service, and she would be voted a pension without a dissenting voice."

W. A. King, late quartermaster One hundred and ninth New York, says:

"For three years I served in the One hundred and ninth New York Volunteers, and know personally the great services rendered by this good old lady. She was pure gold, and nothing can ever repay her for the many hardships she endured, being always at her post of duty."

A. S. Patton, of same regiment, says:

"We, the members of the One hundred and ninth New York, can not say too much in favor of one whom we loved as a mother, who was with us during the war, never surrendering while one of her boys was in need of her help. I might fill a dozen pages with her noble deeds."

C. C. Van Kirk, a member of the Ninth Corps, and now of Ithaca, N. Y., writes:

"I beg leave to add my testimony to the untiring faithfulness of Mrs. Sarah Young as a hospital nurse in the Ninth Army Corps during the last years of the war. Too much can not be said in her praise. She never tired of efficient work for the suffering boys in blue, frequently exposing herself under fire. I can truthfully say that she saved my life and scores of others, to my own personal knowledge. If the tale of her services could be truthfully told, she would rank among the foremost of that band of heroic names who braved death and all the attending trials of that terrible campaign of 1862-'63 against the Army of Northern Virginia. God bless 'Aunt Becky,' is the earnest prayer of every Ninth Corps soldier."

Mrs. Young is of a military family. Her father was a soldier of the war of 1812. She had three brothers, one brother-in-law, three cousins, and one aunt in the late civil war, five of whom laid down their lives in the service.

She has had a hard struggle with life during all the years since her three years of sacrifice. Is now old, in broken health. She now lives in Iowa, a State in which there are seventy-seven thousand old soldiers, every one of whom knows "Aunt Becky," in person or by name, and by whom she is worshiped as one whose sacrifices and services for them, and their country, are above and beyond any earthly compensation. They have unitedly, by their Grand Army posts, petitioned Congress for a just recognition of her services. And the General Assembly of the State of Iowa have, by concurrent resolution, memorialized this Congress "to relieve her in her old age, and in part compensate her for the sacrifice she made for her country."

Mrs. Young writes that she was a strong, healthy woman when she entered the service, but that she has been in failing health ever since.

Dr. S. P. Sackett, of Ithaca, N. Y., where Mrs. Young lived for several years after she returned from the Army, says:

"After her return from the South as nurse in the Army I remember that she had a prolonged period of ill health, and that I prescribed for her during the years 1866 and 1867. I think that I also prescribed for her in 1865, but I have not now my written notes of her case, and can not state positively as to her condition, or the time that I commenced treating her. I remember that there was a bad state of her system generally, and I think malarial trouble."

Dr. James T. Priestly, of Des Moines, Iowa, testifies—

"That he has known Mrs. Young for ten years, and that she has chronic malarial poisoning, and has had all of the ten years of my acquaintance. She has progressively lost vigor and flesh and is now completely unfit for manual labor."

A member of this committee, and the writer of this report, has been personally acquainted with this remarkable woman for many years, and would believe any statement that she would make. He hereby certifies to her pure Christian character, to her extraordinary executive ability, to her devotion to the old soldiers, to her broken health, during all his acquaintance, and to her present disabled and helpless condition.

She is no ordinary woman. Had there been such rank among nurses she would have been a general officer of the highest grade, and she merits a place on the roll of honor side by side with grand old Mother Bickerdyke.

Your committee, in view of her long and distinguished services at the front and in the field, her meager pay, and her advanced age, broken health, and present need, are of opinion that Congress should hasten to make this public recognition of services, the value of which can never be measured nor compensated, and therefore earnestly recommend the passage of the bill.

Mr. MCMILLIN. I desire to ask the chairman of the Committee on Invalid Pensions on what ground the committee justify giving $25 a month to persons who merely acted as nurses during the war, while widows who lost their husbands in the war receive only $12 a month and until recently received only $8?

Mr. CONGER. The pension of $25 a month is proposed in this case simply because this lady earned it by reason of her valuable service and her disabilities incurred in the service.

Mr. MATSON. The general rule of our committee is to allow a pension of $12 a month in the cases of such nurses as we think ought to receive pensions. This case, it was insisted by the gentleman from Iowa [Mr. CONGER], who had some personal knowledge of the matter, was exceptional. So far as I was concerned I was not disposed to agree to that proposition, but the committee thought differently. Our general rule, as I have said, is to give $12 a month in these cases.

Mr. MCMILLIN. I move to amend the bill by striking out "$25" and inserting "$12." In support of this motion, I will state that I am wholly unable to see that one who serves in the Army as a nurse, however efficient and patriotic the service is, as I admit it to have been in this case, is on a higher ground in regard to a pension than the woman who, with dependent children, lost her husband and the children's father in the country's service. For one I do not propose by my vote or by my sanction to justify in any way a discrimination which is wholly incxcusable on any basis on which pensions are granted.

Mr. CONGER. In some cases nurses to whom pensions have been granted at the rate of $12 a month had received the same rate of pay during their service, and were not disabled in the service. This faithful nurse received as pay on an average not over $6 a month for her whole service; and she disabled herself in that service.

Mr. MCMILLIN. I suggest that if this woman is entitled to claim anything beyond an ordinary pension by reason of special services rendered, we should recognize such special service by voting a specific amount in money. In that form we would know just what we were doing, and would not be establishing an improper precedent.

Mr. CONGER. The gentleman must know that this is the only possible way in which we can vote this woman what she is entitled to.

The question being taken on the amendment of Mr. MCMILLIN, there were—ayes 15, noes 40.

Mr. MCMILLIN. I will ask tellers on this question unless the gentleman in charge of the bill is willing to consent to the reduction I have proposed. I submit it is entirely right to give this lady the same that other nurses have received.

Mr. PERKINS. I will say to the gentleman from Tennessee that we have passed this session several bills giving nurses pensions at the rate of $25 a month.

Mr. MCMILLIN. But the rule has been $12; and if we have violated that rule in some cases it is time to stop. I make the point that no quorum voted.

Tellers were ordered; and Mr. MCMILLIN and Mr. CONGER were appointed.

Mr. CONGER. Rather than delay legislation upon other meritorious cases I will assent to the amendment.

Mr. MCMILLIN. I do not wish to delay, and had no disposition to stand in the way of other meritorious cases.

The CHAIRMAN. The Chair will again submit the amendment proposed by the gentleman from Tennessee.

The question being again taken, the amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. F. LEE.

Mr. TRIGG. I ask to call up the bill (S. 2759) to remove the political disabilities of William H. F. Lee.

The bill was read, as follows:

Be it enacted, &c. (two-thirds of both Houses concurring), That all political disabilities imposed by the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed from William H. F. Lee, of Virginia.

The bill was laid aside to be reported favorably to the House.

JACOB S. BIDDLE.

Mr. CAMPBELL, of Pennsylvania. I call up the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob S. Biddle, late a member of Company M, Twenty-second Pennsylvania Cavalry.

Mr. MCMILLIN. I call for the reading of the report.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4712) granting a pension to Jacob S. Biddle, respectfully report:

Soldier enlisted February 28, 1865, in Company M, Twenty-second Pennsylvania Cavalry, and was discharged October 31, 1865. He alleges that while in service and in line of duty in the State of Virginia, in the spring of 1865, from exposure he contracted a severe cold, which settled in his head, forming an abscess which resulted in bronchial and nasal catarrh. His claim was rejected because there is no record of the alleged catarrh of head, and claimant's inability to furnish medical testimony showing treatment therefor in or since service.

As to prior soundness, Dr. William Burch testifies:

"That there were no symptoms of any bronchial disturbance or nasal catarrh existing in claimant's system before the spring of 1865."

Daniel Burkheimer, comrade, testifies—

"That claimant was with the regiment when on a raid through West Virginia, in March, 1865. The weather was very inclement, with some snow on the ground. We reached the south branch of the Potomac about midnight; halted there until near morning, and were obliged to lie on rails or anything attainable to keep from lying on the snow. Just before daybreak we crossed the river. It was bank full; the slush-ice was floating; the horses were obliged to swim; many were wet to the neck; the clothes froze on them. In this rain and from this extreme exposure claimant contracted a severe cold, and was sick for some time thereafter. He never was in sound health since. I know the above from being with claimant almost every day until discharged."

This witness is marked "good."

Dr. Charles Long testifies:

"I know claimant to be a sufferer from chronic nasal catarrh."

Henry H. Fisher testifies—

"That ever since claimant's discharge he has been afflicted with bronchial and nasal catarrh. I have known him to be afflicted with violent pains in his head, caused by catarrh."

The board of examining surgeons, Bedford, Pa., July 30, 1884, certify:

"Of bronchio-nasal catarrh the physical signs are: The nasal cavities, uvula, and fauces are of an abnormally dark-red color, very much congested, and covered with unhealthy mucus. Over large bronchial tubes there are dry rales. His eyes are slightly redder than normal; otherwise there are no physical signs of diseases of eyes. He says that he suffers pain in his head nearly all the time, and that when he gets up in the morning he expectorates a great deal. From the condition and history of the claimant it is our opinion the disability was first incurred in the service, as claimed. We find the disability to entitle him to three-fourths of total rating."

Your committee append the affidavit of N. R. Lynch, subscribed to April 1, 1886. This witness is certified to as being a practicing physician in good professional standing.

"Jacob S. Biddle came to me, just after the regiment returned from a raid, with a very severe cold. I gave him medical treatment for it for a short time, though he was confined to his tent about two weeks; when able to be out he came to me again. Upon examination I found the membraneous tubes greatly affected, and a case of nasal and bronchial catarrh, for which I gave him treatment. Headquarters of regiment was at New Creek, West Virginia."

This last testimony was not on file in the Pension Department.

Your committee are well convinced that this soldier did contract catarrh from exposure on the march, and that this catarrh has become chronic, and that he is a sufferer from it to this day. The bill will give him such a rating as his disabilities entitle him to receive.

Your committee therefore report it favorably and recommend its passage.

The question being taken on laying the bill aside to be reported favorably to the House, there were—ayes 38, no 1.

Mr. WALLACE. I make the point that no quorum has voted.

Mr. MATSON. I move that the committee rise. It is apparent we can not proceed further. This bill was here last Friday night. The gentleman from Louisiana is not making objection to the bill for the purpose of securing an adjournment. He formed his opinion of it last Friday night. We will only be kept here without accomplishing anything.

Mr. CUTCHEON. Can we not have an understanding to pass this bill over for the present?

The CHAIRMAN. The question is on the motion that the committee rise.

The committee divided; and there were—ayes 20, noes 33.

So the committee refused to rise.

The CHAIRMAN. The point of no quorum having been made, the Chair will appoint as tellers Mr. WALLACE, and Mr. CAMPBELL, of Pennsylvania. The question recurs on the motion that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WALLACE. I give notice to gentlemen here that this case can not pass the House with my consent. We heard all the facts in reference to it on last Friday evening. It is one of the most absurd cases ever brought before this House, and that is saying a great deal. Pension cases of this character are a disgrace, and with my consent they can not pass. [Cries of "Order!"]

Mr. GOFF. Let a quorum be brought in then if a quorum is necessary.

The CHAIRMAN. The question is on reporting the bill to the House with the recommendation that it do pass; and the tellers will take their places.

The committee divided; and the tellers reported—ayes 35, noes 7.

Mr. WALLACE. No quorum.

Mr. MATSON. I renew my motion that the committee rise.

Mr. PETTIBONE. Let us rise.

The CHAIRMAN. The vote is 35 in the affirmative and 7 in the negative. Does the gentleman from Louisiana insist on his point of no quorum?

Mr. WALLACE. I certainly do.

Mr. MATSON. I insist on my motion that the committee rise.

The CHAIRMAN. The motion to rise is not in order when the House is dividing. The point of no quorum is insisted on.

Mr. ADAMS, of New York. I ask the gentleman to withdraw his demand so the House may proceed to business.

Mr. WALLACE. I shall certainly insist on my demand.

The CHAIRMAN. No quorum appearing on the last division by tellers, the Clerk will proceed to call the roll.

The roll was called; and the following members failed to answer to their names:

Aiken,	Eden,	Landes,	Rowell,
Allen, C. H.	Eldredge,	Lanham,	Ryan,
Anderson, C. M.	Ely,	Le Fevre,	Sadler,
Arnot,	Ermentrout,	Libbey,	Sayers,
Atkinson,	Evans,	Lindsley,	Scott,
Baker,	Everhart,	Little,	Scranton,
Ballentine,	Farquhar,	Long,	Seney,
Barbour,	Findlay,	Lore,	Sessions,
Barksdale,	Fisher,	Louttit,	Seymour,
Barnes,	Fleeger,	Lovering,	Shaw,
Barry,	Foran,	Lowry,	Singleton,
Belmont,	Ford,	Mahoney,	Skinner,
Bennett,	Forney,	Markham,	Smalls,
Bland,	Frederick,	Martin,	Snyder,
Bliss,	Fuller,	Maybury,	Sowden,
Blount,	Gay,	McAdoo,	Spriggs,
Bound,	Geddes,	McComas,	Springer,
Boyle,	Gibson, C. H.	McCreary,	Steele,
Bragg,	Gibson, Eustace	McKenna,	Stephenson,
Browne, T. M.	Gilfillan,	McKinley,	Stewart, Charles
Brown, C. E.	Glass,	McRae,	Stewart, J. W.
Brown, W. W.	Glover,	Merriman,	St. Martin,
Brumm,	Green, R. S.	Millard,	Stone, E. F.
Buchanan,	Green, W. J.	Miller,	Stone, W. J., Ky.
Buck,	Grosvenor,	Milliken,	Stone, W. J., Mo.
Bunnell,	Hale,	Mills,	Storm,
Burleigh,	Hall,	Mitchell,	Strait,
Burnes,	Hammond,	Moffatt,	Struble,
Butterworth,	Hanback,	Morgan,	Swinburne,
Caldwell,	Harmer,	Morrow,	Swope,
Campbell, Felix	Harris,	Muller,	Tarsney,
Campbell, J. E.	Hayden,	Murphy,	Taylor, E. B.
Candler,	Haynes,	Negley,	Taylor, I. H.
Cannon,	Heard,	Nelson,	Thomas, J. R.
Carleton,	Hemphill,	Norwood,	Thomas, O. B.
Caswell,	Henderson, D. B.	Oates,	Thompson,
Catchings,	Henderson, J. S.	O'Donnell,	Throckmorton,
Clardy,	Henderson, T. J.	O'Ferrall,	Tillman,
Clements,	Henley,	O'Hara,	Turner,
Cobb,	Herbert,	O'Neill, Charles	Van Eaton,
Cole,	Hermann,	O'Neill, J. J.	Van Schaick,
Collins,	Hewitt,	Osborne,	Viele,
Compton,	Heistand,	Outhwaite,	Wade,
Comstock,	Hill,	Owen,	Wadsworth,
Cooper,	Hiscock,	Parker,	Wait,
Cox,	Hitt,	Payson,	Wakefield,
Crain,	Holman,	Peel,	Ward, J. H.
Crisp,	Hopkins,	Perry,	Ward, T. B.
Croxton,	Houk,	Phelps,	Warner, A. J.
Culberson,	Howard,	Pidcock,	Weaver, A. J.
Daniel,	Hudd,	Pindar,	Weaver, J. B.
Dargan,	Hutton,	Pirce,	Wellborn,
Davenport,	Irion,	Plumb,	West,
Davidson, A. C.	James,	Ranney,	White, A. C.
Davidson, R. H. M.	Johnson, F. A.	Reagan,	White, Milo
Davis,	Johnston, J. T.	Reed, T. B.	Whiting,
Dawson,	Johnston, T. D.	Reid, J. W.	Wilkins,
Dibble,	Jones, J. H.	Reese,	Willis,
Dingley,	Jones, J. T.	Rice,	Wilson,
Dockery,	Kelley,	Richardson,	Winans,
Dougherty,	Ketcham,	Riggs,	Wise,
Dowdney,	King,	Robertson,	Wolford,
Dunham,	Kleiner,	Rogers,	Woodburn,
Dunn,	Laird,	Romeis,	Worthington.

The committee then rose; and Mr. MATSON having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar under special order of the House, had directed him to report sundry bills with various recommendations; and that having reached the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll, the committee, finding itself without a quorum, had caused the roll to be called, and directed him to report the names of the absentees to the House for the purpose of being spread upon the Journal.

Mr. TIMOTHY J. CAMPBELL. I move the House now adjourn.

The House divided; and there were—ayes 20, noes 22.

So the House refused to adjourn.

Mr. TIMOTHY J. CAMPBELL. I ask, for information, whether without a quorum we can consider any of the bills on the table?

The SPEAKER *pro tempore*. It is impossible to do so. Only two motions are now in order—either to adjourn or that there be a call of the House.

Mr. CAMPBELL, of Pennsylvania. I move to dispense with further proceedings under the call.

The SPEAKER *pro tempore*. There has been no call of the House ordered.

Mr. TIMOTHY J. CAMPBELL. I move that the House do now adjourn.

Several MEMBERS. The motion is not in order now.

Mr. MCMILLIN. I suggest to the gentleman from Pennsylvania that inasmuch as nothing is in order now but a call of the House or a motion to adjourn, and the motion to adjourn having been rejected and impossible of renewal without the intervention of other business, that he make, and the House vote upon, the motion for a call of the House, so that the motion to adjourn will be in order. It is evident that we can do nothing to-night, and it is now after 11 o'clock. The bills already reported from the Committee of the Whole can soon be acted upon hereafter.

Mr. TOWNSHEND. But the gentleman from New York has made a motion to adjourn.

Mr. MCMILLIN. The motion is not in order.

Mr. GOFF. I move that there be a call of the House.

Mr. HATCH. Pending that, by unanimous consent I ask the House to indulge me for a moment, as there is evidently a misapprehension in reference to the present condition of affairs.

There are but two motions in order when the House finds itself without a quorum, one to adjourn and the other for a call of the House. As long as the Journal shows the fact that a quorum is not present we can not transact any business.

A MEMBER. Not even by unanimous consent?

Mr. HATCH. Not even by unanimous consent or in any other way, because the Journal discloses the fact that there is no quorum present. If there is a call of the House and a quorum appears, then the Committee of the Whole must resume its sitting.

The SPEAKER *pro tempore*. The Chair will cause former decisions to be read from the Digest which cover this point.

The Clerk read as follows:

Where the roll-call discloses the absence of a quorum, the Chair can not go outside of the record in deciding as to the presence of a quorum.

When a vote taken by yeas and nays shows that no quorum has voted, it is the duty of the Chair, under the Constitution, to take notice of that fact.

The House thereby becomes constitutionally disqualified to do further business except that business which the Constitution authorizes the House to do when a quorum is not present, *i. e.*, to adjourn or order a call of the House.

Mr. TIMOTHY J. CAMPBELL. I move that the House adjourn.

The SPEAKER *pro tempore*. That motion can not now be entertained.

Mr. MCMILLIN. I wish by unanimous consent to make a statement. If the motion for a call of the House is voted down it will then be in order to move to adjourn. That motion is not now in order except by unanimous consent.

The SPEAKER *pro tempore*. The motion for a call of the House is now pending.

Mr. TIMOTHY J. CAMPBELL. And pending that I move that the House do now adjourn.

Mr. GOFF. Let us have a vote on the motion for a call of the House.

Mr. TIMOTHY J. CAMPBELL. I insist on the motion that the House do now adjourn.

Mr. BOUTELLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOUTELLE. I desire to inquire whether if the motion for a call of the House is made and carried and the House thereupon proceeds to execute that order—whether while it is in process of execution, and before it is completed, it would not be in order at any time to move to dispense with further proceedings under the call; and if that motion was carried would it not then be in order for the House to proceed to the transaction of business?

Mr. HATCH. But there is no call of the House ordered.

Mr. BOUTELLE. I would like to have a ruling on that point.

The SPEAKER *pro tempore*. The present occupant of the chair holds that until a quorum is ascertained to be present no business could be transacted.

Mr. PAYNE. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The question before the House is on the motion of the gentleman from West Virginia for a call of the House.

The question was taken; and on a division there were—ayes 13, noes 34.

So a call of the House was refused.

Mr. BOUTELLE. Has the Chair ruled upon my parliamentary question?

The SPEAKER *pro tempore*. The Chair has stated that in his opinion no business could be transacted without a quorum, the record having disclosed the fact that no quorum is present. Until a quorum appears the Chair thinks no business is in order except that prescribed by the Constitution.

Mr. MCMILLIN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 12 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Mrs. Anna Hunt, of Jefferson County, and of Edward Jack, of Rankin County, Mississippi, asking that their war claims be referred to the Court on Claims—to the Committee on War Claims.

By Mr. BLOUNT: Petition of Tilmon Nibbett, of Jasper County, Georgia, requesting that his war claim be referred to the Court of Claims—to the same committee.

By Mr. F. A. JOHNSON: Petition of William J. Reed and 50 others, members of Leonard Bennett Post, No. 498, Grand Army of the Republic, of North Creek, and of S. W. Grant, C. R. Doty, M. N. Dawson, of William D. Brennon Post, No. 284, Grand Army of the Republic, of Malone, N. Y., for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. LORE: Petition of John Williams, of Lewes, Del., for bill to remove the charge of desertion—to the Committee on Military Affairs.

By Mr. MAYBURY: Petition of Jane Blades, dependent mother of John Blades, for relief—to the Committee on Pensions.

Also, petition of the Detroit Board of Trade to make Duluth, Minn., a port of entry—to the Committee on Commerce.

By Mr. ZACH. TAYLOR: Resolutions of the Cotton Exchange and Merchants' Exchange, of Memphis, Tenn., asking that no low bridges be built over the Ohio or Mississippi Rivers—to the Committee on Commerce.

By Mr. WHEELER: Petition of F. D. Hunt, son and executor of William F. Hunt, deceased, of Jackson County; and of A. L. Wilkinson, for heirs of Laura E. Wilkinson, deceased, of Madison County, Alabama, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WORTHINGTON: Petitions and resolutions of Timber Post, No. 432, Grand Army of the Republic, Department of Illinois, for general pension law—to the Committee on Invalid Pensions:

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. C. H. ALLEN: Petition of W. H. Fadden and 63 others and of William H. Sleath and 61 others, of the eighth district of Massachusetts.

By Mr. ARNOT: Petition of Charles C. Case and 225 others, of C. C. Post and 107 others, of Edward Saxton and 112 others, of J. McRae and 105 others, of Edward O'Donnell and 73 others, and of E. Buckley and 42 others, citizens of the twenty-eighth district of New York.

Also, petition of J. A. Dempsey and 43 others and of Daniel Cronin and 142 others, citizens of the twenty-eighth district of New York.

By Mr. BINGHAM: Petition of William Hamilton and 85 others and of B. F. Whitecar and 91 others, citizens of first district of Pennsylvania.

By Mr. BLISS: Petition of W. E. Numerick and 102 others, of John Lewellyn and 41 others, of Fred. Blomingburg, of John P. Kenna and 130 others, of J. R. Nichols and 55 others, and of G. Kesselmark and 45 others, citizens of the fifth district of New York.

By Mr. BRADY: Petition of J. Hurt and 136 others, of John Warren and 118 others, and of Alfred Freeman and 96 others, citizens of the fourth district of Virginia.

By Mr. BRUMM: Petition of T. Fletcher and 602 others, of J. J. Keating and 87 others, of John F. Mehan and 299 others, of D. O. Pritchard and 150 others, and of Matthew Currigan and 235 others, citizens of the thirteenth district of Pennsylvania.

By Mr. CABELL: Petition of J. A. Brewer and 73 others, of James M. Clark and 150 others, of Harriet Bennet and 125 others, and of William Claberne and 100 others, citizens of the fifth district of Virginia.

By Mr. J. M. CAMPBELL: Petition of W. E. Mason and 65 others, of the seventeenth district of Pennsylvania.

By Mr. T. J. CAMPBELL: Petition of Albert Caner and 288 others, of James Gibbin and 80 others, of Oliver C. Ayers and 366 others, of C. Walker and 139 others, citizens of the eighth district of New York.

By Mr. CURTIN: Petition of L. R. Paup and 122 others, and of George W. Winner and 119 others, citizens of twentieth district of Pennsylvania.

By Mr. DINGLEY: Petition of Chester L. Burke and 23 others, of William Peterton and 71 others, and of John W. Blenn and 23 others, citizens of the second Congressional district of Maine.

By Mr. ELY: Petition of W. P. Clark and 73 others, of G. F. Fuller and 20 others, and of Daniel Keating and 26 others, citizens of the fourth district of Massachusetts.

By Mr. ERMENTROUT: Petition of S. H. Smith and 332 others, of A. S. Beck and 371 others, of C. B. Wells and 90 others, of J. D. Haslett and 405 others, and of Charles S. Bellam and 35 others, citizens of the eighth district of Pennsylvania.

By Mr. FINDLAY: Petition of J. F. Sellers and 32 others, of Phillip S. Beach and 66 others, of William F. Harvy and 139 others, of R. C. Burkhart and 89 others, of George W. Soner and 78 others, of S. C. Leonard and 77 others, of John H. Hawkins and 16 others, of Charles Erek and 93 others, of M. E. Brown and 97 others, and of H. G. Weddingfield and others, citizens of the third district of Maryland.

By Mr. GROSVENOR: Petition of P. W. Tampell and 200 others, of James Nagle and 63 others, and of A. J. Hubbard and 140 others, citizens of the fourteenth district of Ohio.

By Mr. HARMER: Petition of Frank Kane and 275 others, of H. Nelinger, of W. Walmsley and 270 others, of F. D. Vandergraft and 139 others, of E. C. Gadsby and 70 others, of James Skinner and 97 others, and of E. P. Worthington and 87 others, citizens of the fifth district of Pennsylvania.

By Mr. HEMPHILL: Petition of James Hand and 224 others, of Goodwin Levine and 52 others, of S. T. Fuller and 30 others, and of F. McGrath, and of E. H. Kirby and 27 others, citizens of the eighth district of New York.

By Mr. HILL: Petition of W. J. Stewart and 200 others, and of George G. Rexroth and 190 others, citizens of the sixth district of Ohio.

By Mr. JACKSON: Petition of Emil Perbst and 92 others, of P. Murphy and 84 others, of Michael Boyle and 54 others, of William Calligan and 25 others, and of William Johnson and 64 others, citizens of the twenty-fourth district of Pennsylvania.

By Mr. KELLEY: Petition of C. B. Boyle and 84 others, of David Bailey and 98 others, and of Blair B. Brooks and 254 others, citizens of the fourth district of Pennsylvania.

By Mr. LIBBEY: Petition of R. Hawkins and 85 others, of W. A. Brown and 26 others, of R. L. Lilliston and 160 others, of C. Cooper and 262 others, of Thomas L. Darwin and 79 others, and of Joseph Lane and 462 others, citizens of second district of Virginia.

By Mr. LORE: Petition of James H. Shannon and 26 others, and of John T. Wilkins and 26 others, citizens of Delaware.

By Mr. McCOMAS: Petition of A. K. Syester and 189 others and of William Grimes and 24 others, citizens of the sixth district of Maryland.

By Mr. McKINLEY: Petition of William McNeal and 84 others, of Samuel Smith and 96 others, and of J. W. Grow and 135 others, citizens of the twentieth district of Ohio.

By Mr. MAHONEY: Petition of J. G. Woods and 117 others, of Miles McGowen and 104 others, of William A. Walters and 38 others, and of Charles Gatevan and 39 others, citizens of New York.

By Mr. MERRIMAN: Petition of John Doyle and 29 others, of Patrick Donahoe and 135 others, of James Murray and 558 others, of George W. Wylie and 110 others, of M. J. Flynn and 183 others, of Charles Regan and 38 others, and of James Dempsey and 16 others, citizens of the eleventh Congressional district of New York.

By Mr. NEGLEY: Petition of James P. Haney and 66 others, of Samuel F. Patterson and 86 others, and of Daniel Dirch and 30 others, citizens of twenty-second district of Pennsylvania.

By Mr. CHARLES O'NEILL: Petition of Edward Burke and 105 others, of Samuel F. Greene and 425 others, of Robert Phiel and 79 others, of John Beadly and 62 others, of W. H. Parker and 25 others, of James Smidt and 28 others, and of Hugh McCrudden and 21 others, citizens of the second district of Pennsylvania.

By Mr. J. J. O'NEILL: Petition of Thomas Benet, sr., and others, citizens of New Lisbon, Ohio.

By Mr. OUTHWAITE: Petition of R. H. Thompson and 34 others, and of E. C. Caylor and 127 others, citizens of the thirteenth district of Ohio.

By Mr. RANDALL: Petition of Joseph Shen and 401 others, of A. Candelet and 93 others, of F. Carter and 46 others, of Jacob Faulte and 112 others, of Edward Geiss and 31 others, and of Charles Murphy and 77 others, citizens of the third district of Pennsylvania.

By Mr. RANNEY: Petition of Daniel J. Sweeny and 118 others and of James F. Reynolds and 250 others, citizens of the third district of Massachusetts.

By Mr. SEYMOUR: Petition of J. H. Riley and 86 others, of F. A. Robbins and 33 others, of F. Richards and 66 others, of George Nelson and 86 others, of C. R. Townshend and 36 others, and of John Purdy and 54 others, citizens of the fourth district of Connecticut.

By Mr. STAHLNECKER: Petition of Lafayette Henry and 51 others and of H. E. Bunting and 57 others, citizens of fourteenth district of New York.

By Mr. STORM: Petition of J. J. Graf and 198 others, of E. Conaghan and 85 others, of Joseph F. Jones and 203 others, of P. Hayes and 238 others, of J. H. Steel and 170 others, of H. Hollinger and 135 others, and of James Ginty and 27 others, citizens of Pennsylvania.

By Mr. SWINBURNE: Petition of T. W. Collins and 27 others, of

John Cordon and 25 others, and of William Oliver and 25 others, citizens of nineteenth district of New York.

By Mr. J. H. TAYLOR: Petition of R. Doran and 90 others, of R. McCready and 152 others, of Walter Grim and 90 others, and of G. H. McWilliams and 86 others, citizens of the eighteenth district of Ohio.

By Mr. A. J. WARNER: Petition of E. H. Kroger and 80 others and of O. L. Sayre and 37 others, citizens of seventeenth district of Ohio.

By Mr. WEBER: Petition of George Cady and 131 others and of Charles W. Filler and 45 others, citizens of the thirty-third district of New York.

By Mr. WISE: Petition of C. H. Page and 369 others, of E. E. Jefferson and 126 others, of P. Austin and 185 others, of J. R. Lee and 61 others, of J. W. Harris and 150 others, of Joseph Brand and 24 others, of Richard Moore and 49 others, of W. Scott and 49 others, and of C. H. Jones and 37 others, citizens of third district of Virginia.

SENATE.

SATURDAY, *July* 3, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates for additional clerical force in that Department required on account of the French spoliation act; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Board of Trade of Sante Fé, N. Mex., praying for the passage of the bill "to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado;" which was ordered to lie on the table.

He also presented a petition of John Cowden, praying for the passage of a bill to stop all payments of public money to James B. Eads, his associates or assigns, for past, present, or future work at the South Pass of the Mississippi River, until otherwise ordered by Congress; which was referred to the Committee on the Judiciary.

He also presented the petition of Richard Dondan and 216 other citizens of the first Congressional district of Ohio, the petition of W. Triplett and 138 other citizens of the twentieth Congressional district of Ohio, the petition of W. H. Lynn and 45 other citizens of the twentieth Congressional district of Ohio, the petition of E. H. Knight and 54 other citizens of the twentieth Congressional district of Ohio, the petition of Charles Williams and 108 other citizens of the eighteenth Congressional district of Ohio, the petition of William McGill and 125 other citizens of the eighteenth Congressional district of Ohio, the petition of Joseph Hagerman and 92 other citizens of the seventeenth Congressional district of Ohio, the petition of Frank Brown and 189 other citizens of the seventeenth Congressional district of Ohio, the petition of Griffith Lewis and 36 other citizens of the sixteenth Congressional district of Ohio, the petition of A. S. Campbell and 77 other citizens of the thirteenth Congressional district of Ohio, the petition of Isaac Skerck and 126 other citizens of the tenth Congressional district of Ohio, the petition of D. E. Davis and 135 other citizens of the fifteenth Congressional district of Ohio, the petition of Lewis Heid and 295 other citizens of the eleventh Congressional district of Ohio, the petition of A. S. Matthews and 42 other citizens of the seventh Congressional district of Ohio, the petition of Horton J. Dugal and 128 other citizens of the sixth Congressional district of Ohio, the petition of H. B. Wood and 39 other citizens of the sixth Congressional district of Ohio, the petition of K. P. Cleveland and 221 other citizens of the fifth Congressional district of Ohio, the petition of John C. Holldorhs and 120 other citizens of the first Congressional district of Ohio, the petition of K. F. Tuma and 520 other citizens of the twenty-first Congressional district of Ohio, and a petition of 460 citizens of Mount Carmel, Pa., praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. SEWELL presented the petition of Harry F. Adams and 39 others, citizens of the first Congressional district of New Jersey; the petition of M. Fitzpatrick and 157 others, citizens of the second Congressional district of New Jersey; the petition of Joseph Anderson and 65 others, citizens of the third Congressional district of New Jersey; the petition of William O'Riley and 90 others, citizens of the third Congressional district of New Jersey; the petition of Jacob Gardner and 286 others, citizens of the third Congressional district of New Jersey; the petition of W. D. Davis and 270 others, citizens of the fourth Congressional district of New Jersey; the petition of George W. Harwood and 59 others, citizens of the fourth Congressional district of New Jersey; the petition of George Holzschect and 90 others, citizens of the fifth Congressional district of New Jersey; the petition of W. Dunn and 47 others, citizens of the fifth Congressional district of New Jersey; the petition of P. H. Risder and 46 others, citizens of the fifth Congressional district of New Jersey; the petition of George A. Cosgrove and 120 others, citizens of the sixth Congressional district of New Jersey; and the petition of Lorenzo Castles and 56 others, citizens of the seventh Congressional district of New Jersey, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. HARRISON presented the petition of S. Schulter and 120 other citizens of Indiana, praying for the passage of House bill No. 8328, known as the oleomargarine bill; which was ordered to lie on the table.

Mr. MANDERSON. I present a petition of the Santa Fé (N. Mex.) Board of Trade, certified by the signatures of the president and secretary, with the seal of that body, praying for the passage of the House bill to provide for settling private land claims in that Territory and in Arizona and Colorado, and urging it as most important to the interests of the Southwestern country. As the bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. MANDERSON presented a memorial of citizens of South Omaha, Nebr., remonstrating against the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. EVARTS. I present petitions signed by 77 citizens of the first, 42 citizens of the twentieth, 27 citizens of the twenty-fourth, and 86 citizens of the thirty-fourth Congressional districts of New York; also from citizens of many cities and towns in the same State, as follows: 2,460 citizens of New York city, 413 citizens of Brooklyn, 27 citizens of Albany, 29 citizens of Harlem, 11 citizens of Brewster, 389 citizens of Hoosick Falls, 78 citizens of Nyack, 151 citizens of Wilbur, 54 citizens of Sag Harbor, 180 citizens of Oswego, 244 citizens of Elmira, 33 citizens of Jamestown, 88 citizens of Buffalo, 46 citizens of Lancaster, 113 citizens of Rochester, 226 citizens of Horseheads, 74 citizens of Waterloo, 16 citizens of Marcellus, 24 citizens of Dolgeville, 39 citizens of Chadwicks, 56 citizens of North Greece, 66 citizens of Carthage, 103 citizens of Ballston, 162 citizens of Mechanicsville, 28 citizens of Cohoes, 41 citizens of Troy, 57 citizens of Broadalbin, 99 citizens of Corning, 44 citizens of Bolivar, 132 citizens of Newstead, and 44 citizens of Richburg, amounting to more than 5,000 in number, all praying for the passage at the present session of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

I move the referrence of the petitions to the Committee on Public Lands.

The motion was agreed to.

Mr. WILSON, of Iowa. I present a memorial from property-holders

in squares 729, 730, and 731, in the city of Washington, remonstrating against the condemnation of their property under a law for laying out highways in the District of Columbia.

I also, in their behalf, request that the memorial itself, without the names, may be printed in the RECORD.

The memorial was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Memorial.

To the honorable the Senate and House of Representatives:

The undersigned, your memorialists, respectfully represent that they are owners and interested in the houses and lots in square 729, 730, and 731, fronting the eastern park of the Capitol; that by reason of various acts of Congress they have suffered great inconvenience and are now liable to be dispossessed of their property without adequate compensation, under a form of law in violation, as they believe, of their constitutional rights.

In 1873, First street east, between B street north and B street south, and the connecting streets eastward, were cut down and the grade changed under an act of Congress, from 4 to 9 feet, leaving a large portion of the property on high embankments, without proper sewerage or proper conveniences for reaching the dwellings from the sidewalk.

In 1874, the eastern Capitol park was also reduced to conform to the streets, which left all approaches to the Capitol on the east for nearly two years in an unsettled and a portion of the time in an impassable condition, entailing great loss in rents and profits and in business upon the occupants of squares facing the eastern Capitol park.

In 1877, notwithstanding the injury sustained by the property-holders, heavy special assessments were levied by the District government against the property in the squares referred to, many of which remain as unjust liens against the property.

Subsequently to this arbitrary change of grade to accommodate the reduction of the eastern park bills were introduced in both Houses of Congress proposing an extension of the park to Second street east, with the view of securing accommodations for the Congressional Library.

The continued agitation of the proposed extension in Congress, coupled with the fear of an arbitrary condemnation of their property, has prevented the improvement of these eligible sites with fine and costly residences which would have been erected upon them after the eastern park was improved and beautified, thus working further serious injury to the property-owners in the squares fronting the eastern park.

An act was passed by Congress and approved by the President April 15, 1886, authorizing commissioners to negotiate with the property-holders for either of the three squares north of East Capitol street or the three squares south of East Capitol street between First and Second streets east, upon a basis of $550,000, a sum which had been fixed and placed in a bill several years previous, since which time valuable improvements had been made in these squares, and by reason of the largely increased population east of the Capitol, all property adjacent to the Capitol Park and the eastern section of the city had increased from 25 per cent. to 100 per cent., rendering the sum named totally inadequate to reimburse the property-holders for their property and the losses which would be sustained by them in surrendering their property for public uses.

This act further provided that if the commissioners were unable to purchase the property designated upon the basis prescribed, they should make application to the Supreme Court of the District of Columbia for a jury of condemnation in the manner provided for taking land for highways in the District of Columbia. Under this unusual proceeding, which was designed for securing the right of way or an easement, a jury of seven citizens, all of whom except one resided more than seven squares west of the property to be appraised and whose business had been such that they could have had but a slight personal knowledge of the value and advance in prices of the property which they would be called upon to appraise and condemn, were selected by a United States officer, to appraise and condemn the property in the squares named for the use of the United States.

The jury were instructed that they might receive evidence as to the value of the property from the owners, but no instructions were given the jury that gave the property-holders any right to submit evidence showing the damages that would be sustained by them by reason of taking the fee-simple of their property without their consent or as to its cash value to them.

Several of the largest property-owners and their attorneys appeared before the jury thus selected after they had been qualified and entered their objections to the form of law under which it was proposed to deprive them of their property, and the property-holders generally entered objections to the summary manner in which the jury excluded the record and evidence showing the awards to the property-holders for land and improvements previously condemned for the extension of the Capitol Park, the values which disinterested referees had placed upon portions of the property, and the testimony of persons thoroughly familiar with the market value of the valuable lots and improvements in immediate proximity to the finest capitol building and park in the world.

The award of the jury selected as before stated, and filed with the court on the 30th of June, 1886, has been forced within the $550,000 proposed for the purchase of the property in these squares when the lots and improvements were much less valuable than at the present time, although it is only fair to say that the courts instructed the jury that they were not to consider the said sum of $550,000 as conclusive of the value of the property. This sum is wholly inadequate to cover the damages sustained by the property-holders, and in many instances falls below the actual cost of the improvements, and if sanctioned by the courts and Congress will amount to an absolute confiscation in some instances of the land taken.

Three-fourths of the awards made by this jury under this form of law for laying out highways in the District of Columbia are from 25 to 50 per cent. less in proportion to the property taken than the awards made by the commissions appointed by the court to appraise and condemn the property for the extension of the east Capitol park north and south in 1872, or the commission appointed to condemn land opposite the west Capitol park in 18—, notwithstanding property has increased around the Capitol park and in every part of the city from 25 to 100 per cent. since the condemnation proceedings referred to were instituted by Congress.

In view of these facts and the great loss and injury which the undersigned are liable to suffer by the denial of their constitutional right to have the value of the property to be taken from them determined by a jury drawn in the usual way and subject to objection by either party, and before whom their right to submit proper evidence can only be denied by the presiding judge, whose decision is open to review, your memorialists respectfully and urgently request your honorable bodies to pass a joint or concurrent resolution authorizing the Secretary of the Interior to appoint a disinterested referee and allowing the property-owners, your memorialists, to select one other disinterested referee, who, with the referee appointed by the Secretary of the Interior, shall be authorized to appoint a third disinterested referee, and authorize the three referees thus appointed to examine into and report to Congress what just claims your memorialists have against the United States on account of damages sustained by them by change of the grades of streets and unjust special assessments levied on account of said change of grade; also what sums of money, if any, they are entitled to receive as damages beyond the amount awarded by the jury or viewers authorized by the act of Congress providing for the construction of a building for the national Library.

This proposition for arbitration is submitted with the view of securing a complete and fair adjustment of all claims against the Government, and if accepted and acted upon the undersigned are willing that the resolution authorizing arbitration shall contain a proviso that no claims shall be considered until the claimant shall execute and deliver to the proper officer of the United States a full and complete release of his or her right or title to all land and improvements in squares 729, 730, and 731; also to all damages by reason of the change of grade, special assessments, loss of rents, or other injury, except such as the proposed arbitrators may award and report as due them over and above the award of the jury before named.

Your memorialists do not desire to hinder or delay the proposed public improvement, but the appraisal recently made, as before stated, is so manifestly unequal, unjust, and cruel in many instances that even a despotic government could not afford to despoil its subjects of their property in such an arbitrary manner.

We therefore urge immediate relief, and for which, as in duty bound, we will ever pray.

Mr. WILSON, of Iowa, presented the petition of Robert Shields and 126 others, citizens of the ninth Congressional district of Iowa; the petition of Harvey Mann and 189 others, citizens of the ninth Congressional district of Iowa; and the petition of C. Follett and 81 others, citizens of the ninth Congressional district of Iowa, praying for the passage of the followlng measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;

5. Senate bill opening a portion of the great Sioux reservation to settlement;

6. Bill prohibiting aliens from holding land in the United States;

7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;

8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. RIDDLEBERGER. I present the petition of Joel C. White and 159 other citizens of the second Congressional district of Virginia, the petition of E. Baker and 30 other citizens of the fourth Congressional district of Virginia, the petition of James A. Brewer and 73 other citizens of the fifth Congressional district of Virginia, the petition of J. F. T. Young and 25 other citizens of the fourth Congressional district of Virginia, the petition of Washington Scott and 49 other citizens of the third Congressional district of Virginia, the petition of John H. Allen and 104 citizens of the fourth Congressional district of Virginia, the petition of J. T. Dolan and 27 other citizens of the fourth Congressional district of Virginia, the petition of Robert A. Harris and 57 other citizens of the fourth Congressional district of Virginia, the petition of James M. Clark and 150 other citizens of the fifth Congressional district of Virginia, the petition of A. L. Keely and 65 other citizens of the sixth district of Virginia; and the petition of N. Jackson and 131 other citizens of the sixth Congressional district of Virginia, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;

2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;

5. Senate bill opening a portion of the great Sioux reservation to settlement;

6. Bill prohibiting aliens from holding lands in the United States;

7. Bill making Presidential and Congressional election days holidays, and punishing bribery;

8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

These petitions all proceed from the order of the Knights of Labor. I move their reference to the Committee on Public Lands.

The motion was agreed to.

Mr. RIDDLEBERGER. I present a petition of citizens of Nansemond County, Virginia, and a very extensive petition of citizens of Iowa, praying for the passage of the oleomargarine bill. I move that the petitions lie on the table.

The motion was agreed to.

Mr. WILSON, of Maryland, presented the petition of William Wilson and 56 others, citizens of the second Congressional district of Maryland; the petition of Patrick Martin and 102 others, citizens of the second Congressional district of Maryland; the petition of F. R. Bradbury and 23 others, citizens of the second Congressional district of Maryland; the petition of Lewis Parker and 50 others, citizens of the third Congressional district of Maryland; the petition of John E. McConley and 50 others, citizens of the third Congressional district of Maryland; the peti-

tion of N. H. Frank and 146 others, citizens of the third Congressional district of Maryland; the petition of James Rodey and 50 others, citizens of the fourth Congressional district of Maryland; the petition of J. H. Haslam and 48 others, citizens of the fifth Congressional district of Maryland; the petition of Andrew Main and 27 others, citizens of the fifth Congressional district of Maryland; the petition of J. T. Coleman and 178 others, citizens of the fifth Congressional district of Maryland; the petition of Samuel Wright and 53 others, citizens of the fifth Congressional district of Maryland; and the petition of Lewis Young and 101 others, citizens of the fifth Congressional district of Maryland, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. DAWES presented the petition of George S. Gregory and 24 other citizens of the eighth Congressional district of Massachusetts, the petition of A. A. Belcher and 73 other citizens of the second Congressional district of Massachusetts, the petition of Albert F. Barker and 33 other citizens of the second Congressional district of Massachusetts, the petition of J. Coe and 21 other citizens of the second Congressional district of Massachusetts, the petition of Robert Burns and 23 other citizens of the tenth Congressional district of Massachusetts, the petition of John Crosby and 246 other citizens of the twelfth Congressional district of Massachusetts, the petition of Frank D. Ladd and 158 other citizens of the tenth Congressional district of Massachusetts, the petition of Richard Finn and 27 other citizens of the sixth Congressional district of Massachusetts, the petition of Hugo E. Dick and 140 other citizens of the sixth Congressional district of Massachusetts, and the petition of G. M. Joll and 23 other citizens of the fifth Congressional district of Massachusetts, praying for the passage of the following measures at the present session:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. PLUMB presented the petition of Edward Harris and 209 other citizens of the third Congressional disirict of Kansas, the petition of L. E. Vaughn and 166 other citizens of the fifth Congressional district of Kansas, the petition of E. Davis and 23 other citizens of the third Congressional district of Kansas, the petition of William Newton and 117 other citizens of the first Congressional district of Kansas, and the petition of J. W. Bogan and 31 other citizens of the first Congressional district of Kansas, praying for the passage of the following bills at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. PALMER presented a memorial of 500 employés of the Detroit Bridge and Iron-Work Manufacturing Company and Hammond, Standish & Co., remonstrating against the passage of the bill taxing and regulating the manufacture and sale of oleomargarine; which was ordered to lie on the table.

Mr. MILLER presented the petition of A. M. Miles, and 82 others, citizens of the ninth Congressional district of New York; the petition of John C. Gibbons and 56 others, citizens of the ninth Congressional district of New York; the petition of Paul Mauer and 143 others, citizens of the sixth Congressional district of New York; the petition of P. J. Murphy and 28 others, citizens of the third Congressional district of New York; the petition of George Brewster and 125 others, citizens of the third Congressional district of New York; the petition of G. W. Powell and 385 other citizens of the second Congressional district of New York; the petition of A. M. Hall and 93 other citizens of the twenty-eighth Congressional district of New York; and the petition of Otto F. Feisc and 96 other citizens of the twentieth Congressional dis- of New York, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holdays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000, Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. INGALLS presented three petitions of citizens of Hepler, Kans., praying for the passage of the oleomargarine bill, which were ordered to lie on the table.

Mr. COCKRELL presented a petition of citizens of Bates County, Missouri, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

Mr. COCKRELL. I also present a petition in the nature of a letter addressed to me from leading citizens of Clinton, Henry County, Missouri, praying for the passage of the oleomargarine bill. I move that the paper lie on the table.

The motion was agreed to.

Mr. WHITTHORNE presented the petition of James Woodruff, of Weakley County, Tennessee, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of H. H. Jones and 18 other citizens of Farmington, Mich., praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE. By direction of the Committee on Appropriations I report with sundry amendments the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

I hope to get the consent of the Senate to take up this bill perhaps on Tuesday next. That will depend upon the condition of business at that time. I shall call it up as early as possible.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4811) to change the eastern and northern judicial districts of Texas, and for other purposes, reported it without recommendation.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 8374) granting a pension to Mrs. Mary M. Gillham, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Territories, to whom was referred the bill (S. 2615) to authorize the payment of certain expenses of the Territory of Utah, and to secure the payment of the indebtedness of said Territory to the United States, reported it with amendments.

Mr. VEST, from the Committee on the Judiciary, to whom was referred the bill (S. 102) to establish a United States court in the Indian Territory, and for other purposes, reported it with amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2692) to amend and correct the act approved June 1, 1886, granting a pension to J. H. Thornburg.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 1462) granting a pension to Addie L. Macomber;

A bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins;

A bill (H. R. 4544) granting a pension to Ann E. Cooney; and

A bill (H. R. 7165) to increase the pension of Manhattan Pickett.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads;

A bill (S. 1942) for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co.; and

A bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-second Congress, approved June 15, 1882.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2799) granting arrears of pension to Frank B. Dorothy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BECK introduced a bill (S. 2800) to authorize the construction of bridges across the Tennessee and Cumberland Rivers by the Ohio Valley Railway Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2801) for the relief of William B. Campbell, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. EUSTIS introduced a bill (S. 2802) to so further amend section 3362 of the Revised Statutes, as amended, and section 3363, as makes a distinction in the mode of packing and selling cut tobacco; which was read twice by its title, and referred to the Committee on Finance.

Mr. BLAIR introduced a bill (S. 2803) granting a pension to Michael Fitzpatrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2804) for the relief of William Bagley, late Indian agent at the Siletz agency, Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 2805) to provide for the relief of claimants of pension under the general laws for time prior to the passage of special acts in their favor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2806) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress; which was read twice by its title, and referred to the Committee on Military Affairs.

ADJOURNMENT FOR INDEPENDENCE DAY.

On motion of Mr. HAWLEY, it was

Ordered, That when the Senate adjourn to-day it be to meet on Tuesday next.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. BERRY, Mr. MITCHELL of Oregon, and Mr. DAWES submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMDEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RIVER AND HARBOR BILL.

Mr. McMILLAN. I move that the Senate resume the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

The Chief Clerk resumed and continued the reading of the bill to section 12.

Mr. BUTLER. I desire to give notice that at the proper time I shall move to strike out from section 2 down to and including section 12, upon the ground that it is general legislation on an appropriation bill. I reserve the right to make that point of order at the proper time.

The PRESIDENT *pro tempore*. The bill will be open to amendment after it is read through.

The Chief Clerk resumed and concluded the reading of the bill.

The PRESIDENT *pro tempore*. The reading of the bill having been concluded, the amendments of the Committee on Commerce will now be stated in their order.

The first amendment reported by the Committee on Commerce was, in section 1, after line 15, to insert:

Improving the channel in Back Cove, Portland Me.: Continuing improvement, $35,000.

The amendment was agreed to.

The next amendment was, in section 1, line 18, to increase the appropriation for "improving harbor at York, Me.," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, in section 1, line 21, to increase the appropriation for "improving harbor at Portsmouth, N. H.: Continuing improvement," from $8,000 to $15,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 21, to insert:

Improving the harbor of refuge at Little Harbor, N. H.: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 25, to increase the appropriation for "improving harbor at Burlington, Vt.: Continuing improvement," from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, in section 1, line 39, to increase the appropriation for "improving harbor at Wareham, Mass.: Continuing improvement," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 48, to insert:

For the national harbor of refuge of the first class at Sandy Bay: Continuing improvement, $100,000.

The amendment was agreed to.

The next amendment was, in section 1, line 58, after the word "improving," to strike out "breakwater" and insert harbor;" and in line 59, after the word "continuing," to strike out "work on breakwater, $8,000" and insert "improvement, $20,000; of which $8,000 shall be expended on the breakwater and $12,000 on the inner harbor;" so as to make the clause read:

Improving harbor at Block Island, R. I.: Continuing improvement, $20,000; of which $8,000 shall be expended on the breakwater and $12,000 on the inner harbor.

The amendment was agreed to.

The next amendment was, in section 1, line 64, to increase the appropriation for "improving harbor at Newport, R. I.: Continuing improvement," from $12,500 to $15,000.

The amendment was agreed to.

The next amendment was, in section 1, line 89, to increase the appropriation for "improving harbor at Dunkirk, N. Y.: Continuing improvement," from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was, in section 1, line 91, to increase the appropriation for "improving harbor at Canarsie Bay, New York: Continuing improvement," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 92, after the words "New York," to strike out "continuing improvement, ten," and insert "for repairs, thirty-five;" so as to read:

Improving harbor at Charlotte, N. Y.: For repairs, $35,000.

Mr. MILLER. There is a mistake in the print there. The words "continuing improvement" should not be stricken out, but left in; and after that the word "and" should be inserted; so as to read:

Improving harbor at Charlotte, N. Y.: Continuing improvement and for repairs, $35,000.

The PRESIDENT *pro tempore*. If there be no objection the amendment to the amendment will be agreed to. The question is on agreeing to the amendment as amended.

Mr. BECK. This may be all right. The bill I believe is away up to about $17,000,000, and here are $100,000 added for Sandy Bay. I do not even know where it is. The House have allowed $10,000 for Charlotte Harbor and $25,000 are now added, and so it goes on until we have added $3,000,000. I should like to hear something about it. It may be all right.

Mr. MILLER. In regard to Charlotte Harbor I will say that Charlotte Harbor is the harbor of the city of Rochester.

Mr. BECK. Where is Sandy Bay?

Mr. MILLER. Sandy Bay is on the Massachusetts coast, and is a harbor of refuge which is being constructed.

Mr. FRYE. It is the most important one there is on the whole coast of the United States. It will cost three or four million dollars before we are through with it.

Mr. BECK. All right.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the Committee on Commerce will be stated.

The next amendment of the Committee on Commerce was, in section 1, line 99, to increase the appropriation for "improving harbor at Great

Sodus Bay, New York: Continuing improvement," from $15,000 to $22,500.

The amendment was agreed to.

The next amendment was, in section 1, line 106, to increase the appropriation for "improving harbor at Oak Orchard, N. Y.: Continuing improvement by repairs," from $2,500 to $12,500.

The amendment was agreed to.

The next amendment was, in section 1, after line 107, to insert:

Improving harbor at Olcott, N. Y.: Continuing improvement and repairs, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 110, to insert:

Improving harbor at Wilson, N. Y.: Continuing improvement, $10,000,

The amendment was agreed to.

The next amendment was, in section 1, line 124, to increase the appropriation for "improving harbor at Saugerties, N. Y.: Continuing improvement," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the following clause from line 127 to line 133:

Improving harbor of New York at Gedney's Channel, New York: Continuing improvement, $150,000; of which sum $50,000, or so much thereof as may be necessary, shall be used by the Chief of Engineers and the Coast and Geodetic Survey to ascertain the best outlet to the ocean: *Provided*, That in the judgment of the War Department such survey is necessary.

And in lieu thereof to insert:

Improving New York Harbor, New York: Continuing improvement to secure a 30-foot channel at mean low water at the Sandy Hook entrance of the harbor, upon such plan as the Secretary of War may approve, $1,000,000.

Mr. BECK. I wish to get at some explanation of that amendment, as to why the House of Representatives in dealing with and sending here a bill appropriating fifteen and a half million dollars, did not see fit to consider an item that requires a million dollars, and here is the Committee on Commerce now inserting that. Let us have some report about it, as to why $1,000,000 is added in one item to a fifteen and a half million bill, when every place in New York, so far as I can see, is added to. I should like to hear some report about it or have some reason given.

Mr. MILLER. Of course I can not undertake to state why the House did not put in this provision, and I shall not undertake to do so. The amendment, I judge, will commend itself to the Senate on the mere statement of the facts.

For a number of years past many of the large steamships coming to New York have been unable to enter or leave the port with a full cargo. The largest ships now can not leave the harbor of New York carrying much more than three-quarters of a cargo, and they are compelled always to wait for high tide to get out even with their light load.

There has been much discussion in regard to the matter, and a generally expressed opinion by all the commercial bodies of the city of New York, the Chamber of Commerce, the Maritime Association, together with the leading shipping merchants of New York, that the work should be undertaken in such a way as to secure a depth of 30 feet at low water over Sandy Hook bar.

The Secretary of War two years ago appointed a board of Army engineers to investigate this matter and to make a report. They have done so. They have reported that it is entirely feasible to erect permanent works at this point, and that the result will be a depth of 30 feet at low water, which will admit the largest steamers now engaged in the transatlantic trade to enter and leave the port of New York, and that at all times of the day without regard to the stage of water or the condition of the tides.

Wherever we have undertaken to deepen the principal harbors of the country of late on the Atlantic coast the committee have provided that an attempt should be made to secure at least 30 feet of water at low tide. This has been secured at the mouth of the Mississippi River, and the works which were projected at Galveston Harbor have been projected upon a plan to secure 30 feet of water at the entrance of that harbor; and so with other principal harbors of the country. New York Harbor has waited long and patiently for this improvement, and the board of Army engineers have finally developed a plan which General Newton, in his appearance before the committee, assured the committee could be carried out, and carried out effectually.

The provision as drawn here, however, has not confined the Secretary of War to the plan which has already been devised. It was thought wise to leave the Secretary of War larger discretion; and hence the language of the amendment leaves the plan to be approved by the Secretary of War in the progress of this work, or before its initiation, by the board of Army engineers if they shall in any way change the plan which they have already made and reported to Congress.

A very full report has been made upon the subject, and if the Senator from Kentucky will give it the time to examine it carefully I have no doubt he will be convinced as to the feasibility of the plan which has been devised; but whether the Secretary of War shall finally go upon that plan or upon any other which he may approve, the bill leaves him entirely at liberty.

General Newton stated to the committee that if he were furnished with money sufficient to carry on this work promptly and continuously, in three years' time he could produce a channel over Sandy Hook bar with 30 feet at low water.

The estimated cost of this work is between five and six million dollars. This is much less than it is costing to produce the same results at Galveston. The work at Galveston has been undertaken and is being pushed forward. Certainly if this work at New York is to be done, it should be done promptly, and money sufficient should be given to carry it on during the entire season of the year.

The amount appropriated here for the first year is $1,000,000. As the bill can not go into effect of course until it is passed, and as that will be beyond the beginning of the fiscal year, General Newton thought that $1,000,000 would be all that he would require for the first year, but if Congress should give him a larger sum he could expend it, and if it should give him a larger sum hereafter he would produce the desired result within three years of time.

I do not propose to go into any long debate. I do not desire to have the report read. It is not necessary that I should stand here in the Senate and talk upon the importance of the commerce of the city of New York, not only to New York itself but to the whole country, for it is through that port that nearly three-quarters of all the produce of this country which is shipped abroad goes; and it stands to reason that if the great steamships running out of there could go out fully loaded instead of going out with only three-quarter loads it would materially reduce the rate of freights upon the produce, grain, and other materials shipped from this country to Europe. I have no doubt that when this work is completed the saving in freight to the farmers of this country will very nearly if not quite equal the entire cost of the work. General Newton undertakes to say upon his standing as an engineer officer that this work can be done, and can be done successfully, if the money shall be furnished.

I do not think it is necessary that I should go into any lengthy statement. I do not desire to take up the time of the Senate in making a speech upon this question; but after full consideration by the committee, and after listening to General Newton in regard to the whole matter, the committee unanimously adopted this amendment, and I hope that the Senate will approve of it.

Mr. BECK. I only desired an explanation of this appropriation, because I thought it was wonderful that the House of Representatives in making up the bill should not insert, if there was any plan matured whereby the money would be carefully and properly expended, an item reaching New York Harbor when there are thousands of places to my mind of very little importance provided for. I wanted to understand why a bill made up as this was carefully in the House should have left out a million dollars for New York Harbor, which is one of the few things that clearly have merit, if plans were matured to show that the money could be properly expended. I supposed from the very fact it was left out that there must have been doubt somewhere as to the feasibility of the plan or as to its being matured in proper shape, or that there was some reason for the omission.

That is what I desired to learn from the Senator, and he has explained that the Chief of Engineers now believes it can be done. Of course it ought to be done. This is the harbor of all others that we ought to make as good as we can, and aid our commerce in every possible way by deepening this great harbor and making it safe. No one disputes that.

That is all I desire to say. I am entirely content with the explanation made.

Mr. PLUMB. I wish to ask a question of the Senator from New York. It is stated, I suppose, on what is considered good authority, that there are letters from the city of New York stating that the city, by dumping the refuse of that city, garbage and things of that kind, the results of the sweepings of the streets, is actually filling up this channel faster than the Engineer Corps are cleaning it out.

Mr. MILLER. There has been a great deal said about dropping cinders and refuse into the harbor of New York. The State of New York has passed several acts forbidding it and inflicting very severe penalties both by fine and imprisonment. It has had, however, a great deal of difficulty in enforcing these laws, arising from the fact that these waters are under the control of the United States, and that the State of New Jersey also borders upon these waters, and that the line between the State of New York and the State of New Jersey is not upon the land, but is in the water. The State of New York has done what it could, however, to prevent the dumping of refuse into the harbor of New York, and to some extent it has succeeded.

I have introduced, and have now reported and upon the Calendar, a bill creating a commission for the harbor of New York of United States officers, and giving them full power to use patrol boats to police the harbor and to arrest and punish every person who may be found dumping anything into the harbor of New York. I hope I shall be able to secure the passage of that bill before the end of this session.

So far as Sandy Hook bar is concerned, the investigation made by the United States Engineers shows that in their soundings and borings at that point there is no evidence of cinders or refuse at all, and the surveys made last summer showed that the water over Sandy Hook bar does not vary 6 inches, if it does vary a particle, from the survey of

1854. In fact General Newton and the officers state that there is no appreciable difference in the depth of water on Sandy Hook bar to-day and at any other period since we have known it and have had accurate surveys.

This dumping, however, is doing great harm to the city. It is causing shoals in the harbor, but not upon the bar. It is undoubtedly creating bars within the harbor, which will eventually have to be dredged out by the United States Government. All this ought to be prevented; and we have put into this river and harbor bill a very stringent provision, a whole section, forbidding the dumping of anything into any harbors over which the United States Government has control and for which it makes provisions, and which requires the Secretary of War to prosecute and punish all offenders. That provision is very stringent, and if the Secretary of War is furnished with sufficient money to carry it out, I have no doubt he can prevent all this damage being done in New York Harbor, as well as in the other harbors of the country. But the statement that the water has shoaled upon Sandy Hook bar by this process is shown to be unqualifiedly false by General Newton's reports. The damage is not being done there, but is being done inside the bar and in the harbor itself.

Mr. PLUMB. It seems to me somewhat extraordinary that the people of the United States have to pay for the protection of the harbor of New York against the citizens of New York and the city of New York. If they are dumping refuse into the harbor and thereby shoaling it in such a way as the Senator from New York says, so as to require hereafter great appropriations for the purpose of cleaning it out, it seems to me before we appropriate any more money we had better have some understanding with the city of New York to buy them off or warn them off, or do something to prevent their doing this damage. They seem to have less concern about the harbor than the farmers of the West are expected to have. Every time an appropriation of this kind is wanted we are informed that the Western farmers want it, while the people who carry on business in these localities seem to have no interest except to get a little more money and make necessity for it by filling up the harbor.

Mr. MILLER. Of course the Senator knows, and we all know, that any steamship running into New York will take advantage of the present moment and will drop ashes into the harbor, if not prevented by a police force. The State of New York has expended a great deal of money, and is expending it now, in attempting to prevent this; but it has not succeeded fully. It has done very much to abate the nuisance, and in this appropriation bill we have given the Secretary of War absolute power to prevent it if he sees fit to carry out the law. Of course the United States Government must protect its own property against all its own citizens, whether they are in New York or in Maryland or in California or elsewhere. We know that vicious and selfish people will attempt to carry out their own ends, to make their own profits in business, even at the cost of the whole people of the United States; and it is for that reason that we have put into the bill the very stringent provision to which I have referred, which, if carried out, will do very much to abate this nuisance, if it does not entirely remove it. Certainly the Government must undertake to protect its own property against its own citizens, if necessary.

The amendment was agreed to.

The next amendment was, in section 1, line 143, to increase the appropriation for "improving harbor at Raritan Bay, New Jersey: Continuing improvement, from $30,000 to $50,000."

The amendment was agreed to.

The next amendment was, in section 1, after line 143, to insert:

Improving harbor at Plattsburg, N. Y.: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 145, to insert:

For a more thorough and definite survey and examination of the harbor at Atlantic City, N. J., with a view to making a harbor of refuge at that point, $5,000; said examination and survey to be made by a board consisting of three United States engineers.

The amendment was agreed to.

The next amendment was, in section 1, line 170, after the word "ice-harbor," to strike out "if in his opinion said piers be useless to the Government and their present condition be dangerous to navigation;" so as to make the clause read:

The Secretary of War is authorized to cede to the city of Chester, Pa., the upper and lower piers located in said city and extending into the Delaware River, and formerly used as an ice-harbor.

The amendment was agreed to.

The next amendment was, in section 1, line 180, to increase the appropriation for "improving harbor at Baltimore, Md.: Continuing improvement," from $100,000 to $200,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 182, to insert:

For continuing the improvement of the Potomac River in the vicinity of Washington, with reference to the improvement in navigation, the establishment of harbor-lines, and the raising of the flats under the direction of the Secretary of War and in accordance with existing plans, $500,000: *Provided*, That no part of the sum hereby appropriated shall be expended upon or with reference to any place in respect of which the title of the United States is in doubt, or in respect to which any claim adverse to the United States has been made.

Mr. INGALLS. I am not an enthusiastic advocate of this bill and do not intend to vote for it, but I have to say concerning the amendment which is now pending that if the appropriation is to be of any benefit or advantage the proviso should be omitted. It is in these words:

Provided, That no part of the sum hereby appropriated shall be expended upon or with reference to any place in respect of which the title of the United States is in doubt, or in respect to which any claim adverse to the United States has been made.

Senators, I presume, are aware that there is an adverse claim upon a part of the 700 acres proposed to be reclaimed by the operations now going on in the harbor here, under what is known as the Kidwell patent, which covers a territory in round numbers aggregating 47 acres, which has already been raised, by the operations of the engineer, above what is known as the flood-level.

There are also certain asserted rights of the Chesapeake and Ohio Canal Company, what may be called riparian rights, that are brought into controversy by the proceedings that have been hitherto had and which would be excluded in case this proviso should be adopted.

So far as the Kidwell claim is concerned, having examined it as a member of the Committee on the Judiciary, and also as a member of the Committee on the District of Columbia, which has concurrent jurisdiction in these matters, I feel compelled to state that a more shadowy and insubstantial claim never was presented than that which is urged by the claimants under what is known as the Kidwell patent. There never was any public land of the United States within the District of Columbia upon which any pre-emption or homestead or other claim under the public-land laws could be enforced.

With regard to the claim of the Chesapeake and Ohio Canal Company the situation is somewhat different. They have attorneys who are urging their rights against the United States, and I should regret very much indeed to see this amendment adopted with the proviso for two or three reasons. In the first place it will stop and retard the progress of the work, which everybody admits ought to be conducted as rapidly as possible to a conclusion; and, in the second place, which is more important, if the continuance of the work is prevented much that has already been accomplished will be rendered valueless; that is, the accumulations already piled on the flats are liable to be washed away by floods and a great deal of expense will be incurred by the removal of the plant and there will be expense to contractors.

The Committee on the Judiciary have already reported a bill which has been passed by the Senate and also by the House, providing that the Attorney-General shall institute proceedings at once to ascertain what adverse rights exist, and if any are found to exist under these different claims, to proceed to secure the same by condemnation or otherwise. It has not reached an agreement, as the Senator from Vermont [Mr. EDMUNDS] suggests, because the bill as it went to the House was amended and has come back for concurrence in the amendments, which are now before a committee of conference. The reason of the delay is this: The claimants under the Kidwell patent have submitted a proposition to the Senate conferees to this effect, that they will relinquish by deed to the United States all right, title, and interest if the United States will agree that they may go into the Court of Claims, in the first place, to establish the validity of their claim, if they have any, and, in the next place, to ascertain, in case that shall be decided in favor of the claimants, what the value of the property was at the time when the United States took possession of it to make their improvements thereon.

It seems to me as one of the committee that it would be wiser to accept that proposition inasmuch as it would involve no implication of the rights of the claimants or the validity of their title, rather than to wait the slow and dilatory proceedings in the courts here, and thus allow the work to proceed.

The committee of conference of the two Houses have had one meeting already, and in consequence of the departure of the chairman of the House committee, Mr. BARBOUR, of Virginia, their further meetings have been delayed until the beginning of next week, a conferee having been appointed in his place.

For this reason, it seems to me that if this amendment is to be adopted the proviso should be omitted, and the work should be allowed to go on subject to the rights of these parties as they may be established in the proceedings that may be had hereafter and in view of the proposition which has been made by the claimants under what is known as the Kidwell patent.

Mr. EDMUNDS. Mr. President, I think as to this proviso in the amendment, that it ought to stay in. I am decidedly opposed to spending any public money on any property the title of which is in question, except in some extreme emergency; and Congress has been of that disposition since this matter of title came up hitherto and we thought we had provided for having that title speedily settled and disposed of in some way, so that everything would be clear; but by some, as it seems to me inexcusable delay, the matter stands so far as clearing up that cloud on the title, because these people have got a patent under the seal of the United States in regular form——

Mr. CONGER. The Senator will recollect that it was canceled by the Land Department.

Mr. EDMUNDS. They hold the patent. It was issued by the Sec-

retary of the Interior in all the forms. I am of opinion myself, and I believe every member of the Committee on the Judiciary was when he examined it last year, that that title is absolutely void, that there was no authority of law to issue that patent, that neither the Secretary of the Interior nor the Commissioner of the General Land Office nor the President of the United States had any more authority to grant a patent and allow these people to establish an apparent claim to this land than they would have to grant a patent to the land on which this Capitol stands. That was our opinion. But still the eminent legal gentlemen who have, it is said, bought up this Kidwell flats claim as one of the kiting operations of this District, maintain otherwise; and what a court of the United States will say when lawyers disagree, remains to be seen. I think it clear that the court will hold they have not got any title at all, but I can not demonstrate that until we get the final judgment of the court.

Beyond what I have now already said on the general question of the danger of spending money on property to which the title is in dispute, my recollection is that among the papers of the Committee on the Judiciary that I presume my friend from Kansas has in a bundle somewhere, obtained this year, is one wherein the engineer in charge has informed us that this work, so far as it is necessary for really going on with the general purpose and keeping up the plant and doing good to the river and to the land that is not in dispute, may go on without difficulty under this appropriation as it stands with the proviso, and we only stop dumping dirt on to this low land that is claimed by these people, and that the work can also go on this year without improving the other part of the property to which a pretension of claim is set up by the old canal company, the technical name of which I have forgotten—another trouble at the other end.

Mr. INGALLS. The Chesapeake and Ohio.

Mr. EDMUNDS. The Chesapeake and Ohio Canal. I am not speaking by the book, but I think it appeared somewhere in the papers we had before the committee in a letter from Major Hains in charge that the work could go on without spending any money upon these disputed places, and therefore the proviso will do no harm, but will only keep the money devoted to the objects that the United States clearly and indisputably has a right to devote it to, a property that will be the property of the United States when it is completed, and merely stops doing work on this particular section of the improvement until the thing can be determined.

For these considerations it appears to me, with great respect to my friend from Kansas, that it would be better to leave the proviso in.

Mr. RANSOM. Mr. President, it is proper to state the reasons why the proviso is inserted in the amendment. The Committee on the Potomac Flats and the Committee on Commerce both adopted the proviso for this reason: The Senate at this session has passed a bill looking to the settlement of the questions of title to the Potomac Flats in which this very proviso is contained declaring that no money should be expended upon any part of the flats to which the title of the United States was disputed. In deference to that act already passed by the Senate, both of the committees thought that it was proper that this amendment should contain the proviso. I have just sent for the bill and as soon as I receive it I will read it to the Senate if that be desired. I introduced the bill at the beginning of the session and had it referred to the Judiciary Committee.

The Senator from Kansas will remember that the bill when first introduced and referred to the Judiciary Committee provided broadly that no money should be expended upon these flats until after the settlement of the legal questions. At the suggestion of my friend from Missouri [Mr. VEST], after conference with the Senator from Vermont [Mr. EDMUNDS], the chairman of the Judiciary Committee, and the Senator from Kansas [Mr. INGALLS], who reported the bill, we had the bill amended as this proviso now reads, and this proviso is in strict accordance with the provisions of that bill, that no money should be expended upon the disputed part of the flats. As the Senator from Kansas has so clearly said, that bill is now pending between the two Houses in conference. I do not know, of course, what will be done with it.

Mr. VEST. I do not think that any lawyer, unless interested in litigation concerning it, would spend his money on any real estate when a colorable claim had been set up to the property. Having had occasion to examine the Kidwell claim and the claim of the Chesapeake and Ohio Canal Company, which is now in the hands of Mr. Dodge, of this city, I agree with the Senator from Kansas in the opinion that the claims are simply colorable, and I do not think that any judicial tribunal will ever decide against the Government as to these titles. Still, if I were advising the Government of the United States or an individual in such a case, I would certainly state to my client that it would be entirely unadvisable to expend a single dollar on this property where these claims were pending. Very eminent counsel have been engaged both for the Kidwell heirs and by Mr. Dodge. The other day Benjamin F. Butler called on me as the attorney of Mr. Dodge, and expressed the fullest confidence in the title of his client.

Mr. INGALLS. What is the name?

Mr. VEST. General Butler, of Massachusetts.

Mr. INGALLS. Who is the other man?

Mr. VEST. Mr. Dodge. I believe he is a broker in this city. I do not know his first name. He is the assignee of the Chesapeake and Ohio Canal Company.

Mr. GEORGE. Is it William C. Dodge?

Mr. VEST. They are claims of riparian rights, rights to construct the canal over this property.

Mr. EDMUNDS. Under an old grant made long ago.

Mr. VEST. A Maryland grant. They assigned that interest to Mr. Dodge.

Mr. GEORGE. William C. Dodge?

Mr. VEST. I believe so. Very eminent counsel are also employed in behalf of the Kidwell heirs. While I believe that the ultimate result of the litigation will be in favor of the Government, yet I can not agree to the proposition that it would be safe or wise for us now to expend millions of dollars to be finally put in the hands of these parties if they should succeed. If they finally succeed in defeating the Government every dollar which we put on that property will go into the hands of these claimants.

Mr. BUTLER. May I ask the Senator from Missouri to state the extent to which the asserted claim goes? How much of the property is involved in the claim of the Kidwell heirs?

Mr. INGALLS. Forty-seven acres.

Mr. BUTLER. Is that all that is in dispute?

Mr. INGALLS. If the Senator is curious to know, I have here a map which shows the proposed outline of the land to be reclaimed in blue lines, and also in red the area of what is known as the Kidwell claim, which extends from Easby's Point, a little below the foot of New Hampshire avenue, along the shore toward the Long Bridge. The area in red indicates the territory covered by the Kidwell patent.

Mr. VEST. The Chesapeake and Ohio claim is that of the old canal, not used now, that has been given up for some years; but the company has surrendered its right to use that canal to Mr. Dodge.

Mr. EDMUNDS. What is the date of that assignment? It is only a year or two ago that the corporation officials presented to me as chairman of the Committee on the Judiciary a formal claim to that property as then belonging to the company. They must have sold out since then.

Mr. VEST. I can not state the date for I did not examine the papers. All I know is that General Butler called on me the other day and I had an interview with him in the committee-room of the Committee on the District of Columbia, in which he claimed that his client had the interest in this matter.

There was one observation of the Senator from Kansas which is very pertinent and important to this question, if it be the fact, and that is that if this appropriation is not made absolutely without the proviso, in other words, if the improvement is not continued on the 47 acres claimed by the Kidwell heirs, the work already done will be lost. I took occasion some weeks since to examine that improvement, and the conference committee of the Judiciary Committee have the question now before them. I understand from the engineer that that work will not be lost, and it is a singular fact, but still a fact, that the large amount of the appropriation heretofore made by Congress has been expended upon this disputed land. The act making the appropriation requested or directed the Attorney-General to institute suit to determine the question of title. I was a member of the Committee on the Improvement of the Potomac Flats which reported that provision, but nothing was done. The matter was sent to an assistant attorney; he brought no suit; and the subject is in the same condition to-day that it was then. These $500,000 can be expended without putting another dollar on this disputed territory and the work can go on; but I am utterly opposed to taking out this proviso because the work can go on this year without using any more money on the disputed territory. I have no question about that; and if that be so, the safe course and the wise course is to keep the proviso in; and when the question has been determined and the title put at rest, we can go on without any loss.

Mr. INGALLS. Mr. President, I should not admit that the measure of damages, even in case the Kidwell patent should be decided by the courts to be valid, would be the value of the property with the improvements placed upon it by the United States Government. I do not know whether there is in the District of Columbia what is commonly known as the betterment law, but in any event I should suppose that if the Kidwell patent should be held to be valid and the claimants under it entitled to recover, the measure of damages would be the value of the property at the time when the United States entered into the possession of it. I speak, however, with hesitation and not by authority, because, not having examined the laws of the District, I am not aware what the decisions have been or what the existing statutes are.

Mr. RANSOM. If it does not interrupt the Senator I will state to him that the bill which has passed the Senate and is now pending between the Senate and the House provides that that shall be the rule of damages.

Mr. INGALLS. The Senator from Vermont in the observations that he made spoke about the inexcusable delay that had in some mysterious manner been interposed in executing the will of Congress in ascertaining what the rights of these respective parties are. I assume that

the Senator did not intend by his observations to reflect in any manner upon the conferees who have had charge of the bill to which I have alluded.

Mr. EDMUNDS. No; I was speaking of the old law.

Mr. INGALLS. I assume that the Senator referred to the act of August 2, 1882, which made an appropriation for "improving the Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War," in which act authority is given the Attorney-General "to cause a suit or suits in law or in equity to be instituted, in the name of the United States, in the supreme court of the District of Columbia, against any and all claimants of title under any patent which in his opinion was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvement."

It was the intention of Congress in 1882, when the preliminary legislation was passed looking to the reclamation of this area of 700 acres lying in front of the city, that these titles should be ascertained and a decree entered as to the relative rights of the parties; and Mr. Brewster, then Attorney-General, addressed, on the 28th of January, 1885—nearly three years after the act of Congress—a letter to A. S. Worthington, esq., United States attorney for the District of Columbia, directing him "to bring a suit in equity, in the name of the United States, in the supreme court of the District of Columbia, against the said John L. Kidwell and any and all other persons claiming title under the patent issued as above, to have the said patent set aside or annulled."

But for some reason or other, either the press of business in the attorney's office or his disinclination, or want of vigor on the part of the Attorney-General, the action was not instituted, and the title remains to this day undetermined; and the delay, as I stated before, in the committee of conference between the two Houses has arisen from the fact that the Kidwell claimants proposed to release to the United States Government by deed, to be satisfactory to the Attorney-General, all their right, title, and interest, upon the simple consideration that they shall have the right to institute a suit in the Court of Claims against the Government to ascertain in the first place whether they have any claim at all, and in the second place what the value of it was when the United States Government took possession.

I have contended, and I still believe, that it would be a great deal wiser for the Government to accept that proposition than it would be to wait the law's delay, especially after our previous experience, and the halting progress of a suit in equity through the courts in the District to a final determination.

With regard to the claim of the Chesapeake and Ohio Canal Company, they insist that they have riparian rights from Easby's Point, which is at the foot of the Naval Observatory hill, where there was formerly a ship-yard, down to Seventeenth street; and so far as that claim is concerned the proviso might remain, because the work can go on without any interruption if no further improvement is made on the land claimed by the Chesapeake and Ohio Canal Company. But my information from the engineer in charge is that it is very important for the economical and efficient continuation of this work that they shall be enabled to begin at the upper end and work down; and inasmuch as the Kidwell claim, which is a long, narrow, irregular strip, tending, as I said, from Easby's Point, near the foot of New Hampshire avenue, in a southeasterly direction and ending at about the foot of West Twentieth street, is directly at the upper apex of the proposed work, it seems to me that it would be wise to allow the expenditure to proceed irrespective of the inhibition contained in this proviso.

Mr. BUTLER. May I ask the Senator for information if he can form any idea of what amount of money has already been expended on that particular territory?

Mr. INGALLS. I can not state the amount in dollars and cents.

Mr. BUTLER. There has been a good deal of work done on it.

Mr. INGALLS. There has been a great deal of work done upon it which will be greatly impaired and imperiled hereafter if we continue to make the improvements below instead of above, thereby subjecting the territory covered by the Kidwell patent to the danger of floods coming from above and the erosion of the current.

Mr. BUTLER. May I ask the Senator again—for my attention was withdrawn at the moment—what is the proposition made by the Kidwell heirs of what they are willing to do?

Mr. INGALLS. The Kidwell claimants are now represented by Mr. M. F. Morris, an attorney of this city, who holds the legal title to the Kidwell patent—the entire 47 acres. He represents all the claimants, and he proposes to relinquish by deed to the United States Government——

Mr. BUTLER. As matters now stand, without regard to the improvement put upon the land?

Mr. INGALLS. As matters now stand, with this arrangement, that the United States shall permit him or them to go into the Court of Claims to establish, in the first place, their claim under the patent if they have any, and, in the next place, if the court shall hold that they have any rights under that patent, to ascertain the value of the property at the time when the United States Government took possession of it.

Mr. BUTLER. That would seem to be fair.

Mr. INGALLS. So as to make that the measure of damages in case they are entitled to recover, excluding what the United States Government have put upon it, and also enabling the Government to continue this work without the risk of losing what has already been put there, by floods, by erosion, and by neglect.

Mr. BUTLER. I am very much inclined to concur with the Senator from Kansas that that seems to be a very fair proposition. I do not see what the objection to it is.

Mr. EDMUNDS. The objection to it, if there be any, is this: Supposing we content ourselves with that provision and pass a law that way, and then there is a difficulty about the title, they can not make a good one. If the patent is good there may be minor heirs, people out of the country, and so on. If there was any failure in the opinion of the Attorney-General in getting whatever there is of the Kidwell interest, assuming the patent to be valid, then we should find ourselves next year exactly where we were before.

Mr. BUTLER. But I was going upon the assumption that they expect to convey a perfect title to the Government by the arrangement to which the Senator from Kansas refers.

Mr. EDMUNDS. That is the very difficulty. That is to be left to the Attorney-General. If he finds not, the whole thing is up again unless, as I believe has been suggested, it might be put in the alternative that if within a certain time that was not accomplished, then the proceedings might go on. That would leave still outstanding the dispute with the so-call assignees of the Chesapeake and Ohio Canal Company about the land further up in respect to which we should be obliged to proceed.

Mr. INGALLS. I said in regard to that, that the reservation so far as it affects the claim of the Chesapeake and Ohio Canal Company can exist without interfering with the work. It is not essential that any more money should be expended on that portion of the flats that is covered by the proposed claim of the Chesapeake and Ohio Canal Company.

Mr. BUTLER. The main difficulty, as I understand from the Senator from Kansas, exists in the claim made by the Kidwell heirs. That is the trouble. If we can settle that the other might be very easily gotten rid of.

Mr. INGALLS. The proviso might remain as to the claim of the Chesapeake and Ohio Canal because it is immaterial whether any more money is expended there or not; but the work that has been done on the Kidwell claim, if there is to be no more money expended there, is liable to be washed away, and it imperils all that is done below simply because this line is at the point where the current first impinges. It is essential that that should be raised to the proposed height of the territory covered by the Kidwell patent, in order to protect that proportion of the territory that lies below. If you leave it at its present elevation and proceed to fill up with dredging and the accumulations all the territory below that, you simply dump the water that comes in from above over the Kidwell claim and subject the territory below to the dangers of destruction, as I have before indicated.

Mr. VEST. Mr. President, recurring to the question which is pending before the Senate, as to whether it is expedient for the Government of the United States to continue the expenditure of this large amount of money on this piece of land, I wish to make one observation. Suppose that we continue this expenditure to the amount of a million of dollars, and then this title is decided in favor of the Kidwell heirs, or their assignee, Mr. Morris; then the Government loses every dollar that it has put upon this property belonging to private individuals. The clause in the bill that comes from the House simply provides for the amount of damages that these parties shall recover in the event that they succeed in the suit.

After we have put thousands and thousands of yards of dirt, at enormous expense, upon this property, if the title should be decided against the Government, how is the Government to get back its million dollars?

Mr. BUTLER. But I understand the Kidwell heirs propose to convey to the Government all their title, and have if they succeed only the value of the property at the time the improvement commenced.

Mr. INGALLS. That is the proposition they make; and if their claim shall be held by the courts to be valid, then the measure of damages in case of recovery will be the value of the property before the Government put any cent of money upon it.

Mr. EDMUNDS. Is that their proposition?

Mr. INGALLS. That is their proposition.

Mr. EDMUNDS. That is not the way I have understood.

Mr. VEST. That is not the provision in the bill referred to.

Mr. RANSOM. The Senator did not hear the first statement made by the Senator from Kansas which was that the Kidwell people propose to make title at once, undisputed transfer of their title at once, to the United States, with the condition that the suit shall afterwards be tried and if decided in their favor then the Government shall pay for the land the damages to be assessed at the time of entry by the United States without reference to the improvement. So, according to the proposition suggested by the Senator from Kansas, the Government gets the title anyway, and only pays the value of the land at the time the improvement commenced.

Mr. VEST. That proposition is pending now, and whether the Congress of the United States will accept it or not is a question to be determined in the future. Until there is some such final determination of the question I contend that it is not safe for us to expend another dollar upon that land. Until there is some determination, some agreement with these people in regard to the final settlement of their claim, this proviso ought to be kept in the bill.

Mr. CALL. I wish to ask the Senator from Kansas a question. I ask why is not that proposition accepted by the Government? Is there any legislation needed?

Mr. INGALLS. Legislation is necessary. A bill was reported from the Judiciary Committee directing the Attorney-General to institute proceedings to test the validity of all adverse claims upon this outlying territory in front of the city, which went to the House of Representatives, having passed the Senate. The House of Representatives amended it by inserting a proviso that no money should be expended in the proposed reclamation of these flats until the final determination of these suits. The Senate declined to agree to that amendment, and asked for a conference, which was agreed to by the House and the bill is now in conference. It has remained in conference to permit the Kidwell claimants to perfect the papers necessary to enable them to submit their proposition to the conferees on the part of the House and Senate in an authoritative and definite form, because of course we did not wish to report an amendment to the respective Houses which was not substantiated by the papers which we should be able to present. That is the occasion of the delay, and the papers have now been completed. We have an abstract of title showing the recorded interests of all the claimants to the Kidwell patent, and we have also a deed from the party who holds all those interests under the Kidwell patent, and we have prepared an amendment——

Mr. GIBSON. Will the Senator allow me to ask whether I am to understand him to say that all parties in interest, that is, all parties asserting a claim under the Kidwell patent, are properly represented in this offer?

Mr. INGALLS. Every one that appears of record. Thay have all united in a deed to Mr. M. F. Morris, which was thought better in order to simplify the matter and let these claims all flow into one single repository, so that that individual might make this deed to the Government of the United States. I will read the proposed amendment——

Mr. BUTLER. Is Mr. Morris willing to give a warranty title to the Government?

Mr. INGALLS. I do not find the paper I desired to submit; it probably has remained in my desk; but in any event it is exactly what I have suggested, that the relinquishment shall be complete to the satisfaction of the Attorney-General; and that all that shall be required on the part of the Government of the United States shall be permission to these parties to go into the Court of Claims, which they can not do otherwise, and enable them to establish the validity of their claim if it has any validity at all, there being no implication whatever by reason of that permission as to the value of the title or the validity of the claim, and an express proviso that the measure of damages in case of recovery shall be the value of the property before the United States had placed any improvement upon it at all.

I submit respectfully that, considering the uncertainties of the law and the inevitable delays that attend the prosecution of suits in equity, the proposition is one which from a common-sense standpoint ought to be accepted. It is the wisest thing the United States Government can do, because it gives them the most favorable terms they could possibly anticipate even under a favorable decision of the court.

Mr. CONGER. I wish to add a word or two to what has been said in regard to this matter. The committee have included both these claims in the proviso; and the discussion here, I think, from my own knowledge of the locality, induces me to believe that in regard to the Kidwell flats the proviso had better not be insisted on. The work done there is at the upper end of the entire lands to be reclaimed, and where the river beats directly upon the land. The current impinges directly on the proposed line of the land claimed under the Kidwell patent. It was found necessary, in order to protect grounds which might be overflowed, to put in along the river, along the new channel bank, the filling there, to revet the work with stone to protect it from the current of the river. It should, if I understand it aright, be raised some 4 or 5 feet more with revetment walls to protect it against freshets. A great deal of the covering on these flats, the upper part, is already done, and it would seem to me a dangerous proceeding to fill up below with earth and leave freshets to overflow and wash out the filling that might be done below.

Therefore I would now, as a member of the committee, think it desirable to remove the exception in regard to the Kidwell flats, and let it remain in regard to the other property which is farther down and nearer the shore, and which would not be affected by currents, or by overflows, and which may be filled in hereafter.

Mr. CALL. It seems to me that this work ought to be pursued unhampered by any restriction of this kind. The proposition of the Kidwell heirs, as stated by the Senator from Kansas, certainly is fair and answers every possible purpose to be attained by any litigation. It subjects the Government barely to the responsibility of paying whatever the property might have been worth in case they have a title, when these improvements commenced, and that could be the only result of any litigation favorable to them. Now, what is the objection to inserting in this proviso that the money shall not be expended until that proposition is made and accepted, which I understand is about to be done.

But I wish to say further that it appears to be a very singular idea that the use of property for the public, required for public uses, may be prevented by some one getting up a fraudulent, fictitious, and colorable claim against it. It will never do to admit a proposition of that kind, and that the Government must be delayed until litigation in the long and tedious course of the law can be had in order to acquire the ownership of property I do not conceive is a proper principle of public policy. But if this ground is needed for the Government, no matter to whom it may belong, steps should be taken for its immediate acquisition by summary process in order that the interest of the whole people may not be delayed because of any claim of right or any actual positive right in any individual.

But the suggestion of the Senator from Kansas clearly establishes that this proviso should not remain in this bill, but that if anything is needed for the complete and perfect protection of the Government against this Kidwell claim it is merely the acceptance of a proposition already made and which may be accepted without a moment's delay.

Mr. EDMUNDS. I wish to state in reply to the observations of the Senator from Florida that he seems to leave out of view the circumstance that it may turn out that these people, after a law is passed such as is proposed, are still the masters of the situation, as to whether they will keep their engagement and make such a deed or not. Second, there is the open question as to whether the Attorney-General will be satisfied that whatever title went from the United States in the Kidwell patent has come back again by the proposed conveyance, on account of questions of infancy, coverture, and all the things that enter into the capacity of getting land disposed of in this District. Thirdly, the money which is to be expended on this land if this proviso is stricken out is as large in amount as that which has been spent before; and if, when it comes to a controversy and an assessment of damages for taking this property, as the Senator says it ought to be taken for the public use, how much is to be paid? Is the rule to be the value of the property when the United States, without authority of law as against the private owner, proceeded to improve it, merely going on to his land and he not bringing any ejectment against the officer; he is glad to have his land filled up. Is it to be that, or is it to be the value of the land at the time there is a constitutional condemnation of it? That is the question. I think that Congress has the power to provide for paying the damages as of the time when the United States took possession; but gentlemen who know much more about law than I do are of a different opinion; and therefore, if their opinion and not mine should prevail in the end, we should be paying the Kidwell heirs, or the syndicate that holds the claim, dollar for dollar over again the money that the United States has spent from its Treasury in making the land valuable, which would be a shame and disgrace to the Senate and to the House of Representatives and to the President to put themselves in such an attitude of exposure.

Now, if the bill should pass that was reported from the Committee on the Judiciary, with a provision that failing a perfect title within three months, or whatever time it might be—one month would be just as well, because all the title they can give is within reach—legal proceedings should be immediately instituted before we spend any more money, then I think it would be very clear probably that the money spent after the institution of legal proceedings for condemnation, if it should turn out that there was a title for condemnation, would not enhance the damages to be paid by making the property more valuable; they would not be taken in. But as it now stands we are in all the peril that we ever have been in improving a private person's private property which hereafter is to be condemned for the public use at what it is worth at some time. If it is to be condemned at what it is worth after we have spent on these 49 acres three-quarters of a million dollars, then we shall have paid that three-quarters of a million dollars already to make it valuable and then take it at its enhanced value at three-quarters of a million, and thus just pay double.

I say we have no excuse for that kind of legislation, and I say also that if you leave this proviso in and the scheme goes on and as it is proposed by the syndicate that owns the Kidwell claim, then the proviso does no harm because the title will have been got into the United States and the proviso will not apply to it at all. But in case they stand out as they have, and the money is still continued to be piled into that 49 acres, we are exposing ourselves to the peril of by and by paying just double for the whole thing, paying out again the same sums we have already expended on that land for the value of it thus improved. We ought not to do it.

I wish to say further what I said before, so that there shall not be any mistake about it, that there was laid before the Committee on the Judiciary at this session—I can not lay my hand upon it at the mo-

ment, as I have not had an opportunity to go down and look at the papers—a written statement from the engineer in charge that this appropriation which is contained in the bill, this sum of money, can be expended for the promotion of the general object and suitably and safely without touching this land, and the same as to the land claimed by the canal company; and therefore this proviso does not operate to the injury of the practical attainment of the object that we have in view, but it only operates to prevent what has somehow or other been done before that we intended should not be done—the spending of any more money to improve this so-called private property until we get in an attitude where we are spending it for the United States, and not for private owners.

I ask for the yeas and nays on the motion to strike out the proviso.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Chair understand the Senator from Kansas to offer an amendment or merely to make a suggestion?

Mr. EDMUNDS. I do not know that he made a motion. I was not in at the moment.

Mr. INGALLS. I did not understand the inquiry of the Chair.

The PRESIDING OFFICER. The President of the Senate did not know whether the Senator intended his suggestion as offering an amendment to strike out the proviso. Hence the present occupant of the chair asked the question.

Mr. INGALLS. I did not. I made no motion.

Mr. EDMUNDS. Very well.

The PRESIDING OFFICER. Then the question is on agreeing to the amendment reported by the Committee on Commerce.

Mr. TELLER. I do not think there is any question, but a question of law, what the damage would be against the United States. As I understand the law to be pretty generally and pretty uniformly settled—there are some exceptions, it is true, and some cases might be cited the other way I admit—the general rule has been in the United States that the damage is to be computed at the time of the taking. That question has been recently very extensively litigated in one of the Western States, and my attention has been called to it, and I know that was the rule there laid down.

Mr. EDMUNDS. Yes, but the question is, What is the time of the taking? Ordinarily, as the Constitution requires, it must be paid for at the time it is taken. But the point is whether the taking, in the sense of the decisions to which the Senator refers, is not the lawful statutory taking by the methods provided for ascertaining and paying the damages. To that I referred when I said that when the proceedings were once instituted we might be pretty safe as to money paid out after.

Mr. TELLER. That was the very question in the case that I mentioned, the proceedings commenced fourteen or fifteen years after the manual taking. So I do not think there is any doubt that the damages to the United States will be the value of the land at the time the Government began to improve it, and not the value of the land after the Government had improved it.

But leaving that aside, we are dignifying this title in a manner that I think is uncalled for. I have not given any attention to this particular title, but it became my duty two or three years ago to look at a perfectly analagous question, entirely so in every respect, and I do not think there is any more title to that land in the Kidwell heirs or any body connected with that claim than if the Commissioner of the General Land Office had made a patent to this Capitol, not a particle, and I would not give, if I was an individual dealing with it, a dollar for the whole title.

I think the Government of the United States ought not to suspend a great work because of some vague, shadowy, fraudulent title, admitted to be not only a fraud, as I understand, but illegal in every respect. I am for striking the proviso out, if that is the motion, and letting the work go on.

Mr. RANSOM. Mr. President, if I could have my way about it, if I were only to consult my own feelings, I would have this proviso stricken out, though in conjunction with other gentlemen I may say I am the author of it. But if I can have the attention of the Senator from Colorado for one second, I think he will see that in this case, for the reason suggested by the Senator from Vermont and the Senator from Missouri, it is proper. It protects with perfect security the rights of the Government. But suppose that the view taken by the Senator from Kansas or the Senator from Florida is correct, and that the proposition which the Senator from Kansas has alluded to be adopted which is an excellent one, which I trust the committee of conference will approve because it can do no harm—it has not yet been adopted, but suppose it is adopted—then immediately all this cloud that is talked about on the title of the United States vanishes and the work can go on. Suppose it is not adopted, and we are still at sea, then what the Senator from Vermont says is strictly true.

I do not know what were the communications which were sent to the Judiciary Committee, but I know the conversation which the Senator from Kansas, the chairman of the Judiciary Committee, and myself had with the engineer, and it was to this effect: that he could expend every dollar of this appropriation upon parts of the land not affected by any dispute in the world as to the title, and expend it as advantageously as he could upon the other parts. Then no harm in the world is done by this proviso. It is suggested by the act of the Senate passed only three months ago saying that the money should not be expended in that way, and still further by the act of the House recently, if I may allude to it, going further on that ground than the Senate did. I do not think it would be well for us here when a committee of conference is acting upon a matter to anticipate what they may do and withdraw this protection from the Government. It can do no harm; it may do a great deal of good.

I have just declared that I did not see how there could be a better proposition for the Government to accept than the one suggested by the Senator from Kansas; and I want to say one word in response to a remark thrown out by my friend from Missouri, who asked why the money was expended upon the upper part of this work first? The Senator from Kansas has well stated that it was the key to the whole position. But I will recall to the recollection of Senators that in 1882 when this proposition was first passed there was a clause in the law providing that the Attorney-General should see to all the rights of the United States before the then Secretary of War should expend one dollar of the money appropriated. He addressed a letter to the Attorney-General asking him to look into the question of title and to report if there was any doubt upon it. The Attorney-General wrote back to him that there could be no question about the title, and advised him to go on with the work.

Mr. TELLER. That is just what I said. It has been held by the Attorney-General, and I do not believe that there is a lawyer in this body who will take twenty minutes to look at this case who will not be thoroughly convinced that there is not any claim there at all. I had occasion to look into an analogous case and study it carefully, involving a good deal of money, in behalf of the Government while I was Secretary of the Interior, and that brought in incidentally this whole question, and I examined it.

I say there can be nothing gained by this proviso; and if I was dealing with the subject I would not pass any law in regard to this alleged title. I would not allow the holders of it to go into the Court of Claims or anywhere else. I would ignore their title absolutely. The proceedings by which it is supposed to have been acquired were not begun in good faith or honesty or decency, and there is not any title, legal or equitable, that they ought to have any standing anywhere in asserting. I would leave them to their remedy as it is, whatever it may be.

Mr. EDMUNDS. The trouble about that is that they have got what on the face of the paper is a valid patent under the seal of the United States and the signature of the President. Now every year that goes on (which may account for this dilly-dallying) the proof of the fraud in the business of the fraudulent contrivance by which that patent was worked through the office of the Commissioner of the General Land Office——

Mr. TELLER. Leave that all out and take it on the question of law.

Mr. EDMUNDS. The evidence on which that could have been established and perhaps could to-day be established was the evidence of living witnesses with personal knowledge as to the nature and condition of the property at that time, and secondly evidence of personal knowledge of the corrupt contrivances by which the thing was worked through the office of the Commissioner of the General Land Office. Men die. The patent with its broad seal continues to live, until by and by, when this thing is all done and you have a park on that 49 acres that held by a private party would be worth a million dollars, he has the advantage of you in any lawsuit for the reason that he has his patent and you have got to attack it by affirmative evidence on the other side.

That is a danger to which I do not wish to expose the United States; and I wish therefore to have this matter go on by spending our money where we can expend it not for the benefit of anybody but the United States in any event, and secondly to frame the bill now in conference, as it can be done, in such a way that if this title is not surrendered, then immediately judicial proceedings for the vacation of it shall be taken and prosecuted as that bill requires, with rapidity. That is what I want done.

Mr. TELLER. I should like to say to the Senator and the Senate that there is no patent for this land. There is a paper that the Senator calls a patent, but it is not a patent, and there is not a court anywhere in the country that would ever let it get into court. Suppose the Commissioner of the General Land Office should issue a patent for this Capitol, suppose he should issue it for the public buildings in the city of New York, or in Connecticut, or in New Jersey, or anywhere else. The patent must be attached to a law, and if it is not the court will take judicial notice that there was no patentable land in this District, that there is none in New York or New Jersey. There is no patent in the sense that we use the term "patent" with regard to lands the title to which is conveyed by the Government. There is not the slightest danger in my judgment of any trouble whatever in this case.

Mr. CALL. I will ask the Senator from Colorado a question before he sits down. Do not the public records of the country at the Land Office show that the United States Government never had any claim or right to this tract of land?

Mr. TELLER. Not only that, butthe Supreme Court of the United

States has said over and over again that it would take judicial notice where the Government had public lands and where it did not have public lands. This case has been practically settled over and over again for the last fifty years by an unbroken line of Supreme Court decisions that there can be no title whatever in these parties.

Mr. EDMUNDS. I am compelled to ask the indulgence of the Senate once more. As this goes by hundreds of thousands we may be justified in taking some fair time to understand exactly how it is. Of course when we come to buying a few canals and public works of other people, they are very small affairs and we can go forward with them with great rapidity.

The error into which I think my distinguished friend from Colorado has fallen is likening this to the ordinary case of a Commissioner of the General Land Office putting through a pre-emption or other title. A court would know that we have no public pre-emption lands in the city of Washington, and of course would take judicial notice of it. But this title does not refer itself to the public land laws of the United States, and does not pretend to do so. It refers itself to the old laws of the State of Maryland before she ceded to the United States that part of the 10 miles square on the left bank of the Potomac that she gave which makes the District of Columbia. Her laws in force at the time of that cession provided for citizens taking up vacant agricultural lands in a certain way and getting a title from the State evidenced by the proper authentic instrument going through the regular steps, the final paper of which we call a patent.

Having transferred all her right and title to her property in this District, within these boundaries, to the United States, of course those laws of Maryland would not have followed had it not been that in the act accepting the cession and setting up a government here we took up the great body of the laws of Maryland, and then in 1839 Congress passed a special law to cover the cases of lands that the old Maryland statute had authorized citizens to take up as agricultural lands; and that provided that the Maryland law should be in force as to these lands and that it should be administered by the Secretary of the Treasury through the General Land Office under certain regulations that were provided as it regards land in the county of Washington and without the limits of the city of Washington.

So, then, after the year 1839, if there were within the District and outside of the city of Washington, upon that part of the District that Maryland had ceded to the United States, any lands which fell within the description of the old Maryland act about her settlers and settlements, there was a law of Congress in force which had adopted all that Maryland arrangement and had provided the General Land Office as the means of carrying it out. So far, so good. Then the question was—and on that pretense Kidwell went into this operation—whether there was any agricultural land in the county of Washington and not within the city of Washington. Kidwell took up an idea that the southwestern limit of the city of Washington was the high-water mark down on the shore opposite these flats, and that all between that high-water mark and the thread of the river between the Maryland and Virginia shore was agricultural land, or certainly all that part of it over which the water did not flow with rapidity.

At the time when Kidwell made his survey and started the operation of getting the title to these lands the greatest part of them were overflowed at every tide, as we think could be proved now if we were to take the evidence of witnesses who are not yet dead. He made the proper application to obtain the proper survey under the regulations that Congress in 1839 had provided, on the theory that they were outside the city of Washington, and a proper officer was designated to go and make the survey. That officer at first reported that there was not any agricultural land or any other land in the honest sense of the term there at all, that it was all boatable water. They had to go over it in a skiff to find out the location that he spoke of, and reeds and flags grew up and every tide covered it three or four feet and so on.

That return was not satisfactory. That Commissioner, I believe, went out of office and another Commissioner came in, and a new survey was applied for on what they alleged was new evidence. At that time they went down in the winter. I may not state the case with literal accuracy, but I give you a general idea. At that time they went down in the winter, went onto the ice and snow there, when you could not tell with certainty whether you had running water under you or what it was; at any rate they did not try very hard, I suspect. At that time they got a report, and affidavits were submitted that this was land and that it was outside the city of Washington and that it fell within the Maryland law, which Congress had adopted. Thereupon the thing was worked through to what, if the case would have warranted it, under the Maryland law was a complete title, and there it stood. All that part of it rests in the testimony of witnesses, is not of record. Such was the condition of the thing at that time; and every day and every year that goes by makes it more and more difficult, and by and by it will be impossible to prove what the truth was at that time.

So I say my friend from Colorado is, I think, stating it too strongly when he says that a court would take judicial notice of the fact that there was not any public land in the District of Columbia. In the sense of the public-land laws, he is quite right. In the sense of this Maryland statute adopted by Congress, I submit with great respect and deference that he is quite wrong.

Now, let us look a little further——

Mr. GEORGE. May I ask the Senator one question?

Mr. EDMUNDS. Certainly.

Mr. GEORGE. I understand the Senator to say that the invalidity of this patent depends upon proof of the facts to be made by parol evidence of witnesses, and when they are dead the opportunity to invalidate this record title is gone.

Mr. EDMUNDS. Yes, on that point. I do not wish by any means to have it understood that that is the only reason why the patent is void. I am going on to show——

Mr. TELLER. I would like to suggest to the Senator from Vermont that if that is the fact, the patent must be first supported when it is offered by the necessary proof. Until the holders of it have established, first, that the land is outside of the city of Washington; secondly, that it is agricultural land, they can not get their patent in. The burden of proof is on the party who holds the patent. That has been repeatedly held under similar circumstances in the United States courts.

Mr. EDMUNDS. Again, Mr. President, I feel obliged to differ on this warm Saturday afternoon, on a mere question of evidence, with my friend from Colorado. If the law provides for the issuing of a patent, which can only issue under certain circumstances——

Mr. TELLER. That is what this case is.

Mr. EDMUNDS. That is true; but if that patent recites the existence of those circumstances, I submit again with great deference to him that the patent is admissible on its face, its authenticity as a paper being conclusively proved by the great seal and the official signature; and then the objecting party is required to overcome it by rebutting the implications and recitals in the patent. I think that is the law; but never mind that. I now wish to state the other thing, and then I shall have done.

The next question was whether this piece of the surface of the earth, whether land or water, is within or without the limits of the city of Washington, and that would depend upon the ancient records and the ancient plat of the city and the establishment of it under the proclamation of George Washington, the first President of the United States.

Now, it is a curious circumstance that the original proclamation which established and defined the boundaries of this city, which he was authorized to lay out, can not be found, and there is not any record of it, in the direct and proper sense of a record, and the only way that we could find what those boundaries were in the industrious examination that we made—whether skillful and brilliant or not is another question; it certainly was industrious—was to take an old act of the State of Maryland, which, dealing with another branch of the subject, recited what had been the limits of the city as laid out by George Washington. Taking that to be true—and I think that would be enough in a court of justice—that will not be lost. We have quoted in the report we made the recital of that old Maryland act. Taking that to be true the committee were of opinion that the southwestern limits of the river front of the city of Washington extended to the navigable water of the river, and that it took in within the city limits the whole of this disputed territory.

The third point against this patent which was, as it appeared to us, of value and importance, is that in the acts and proceedings in reference to this river front Congress long before this contrivance was resorted to to get the mud out of the bottom, had devoted that property to public use, and it did not then remain in the category of the Maryland law even if it was outside of the city of Washington.

That states all the points which have been made so far as I can imagine against that patent. I think they are all good ones. One of them, the fraudulent part, depends upon oral testimony which of course every day becomes less and less. The others depend upon considerations that probably will not be lost.

Now I am done by repeating that however all this may be, how shadowy this thing may be, the engineer in charge has stated to us at this very session that this proviso—I do not mean as applied to this particular bill, because he did not know that it would go in—but this provision against spending money on this disputed property either the canal claim or the Kidwell claim, could go in without any detriment whatever to the public interests.

Mr. TELLER. I should ordinarily dislike to differ with the Senator from Vermont upon a question of law; but upon the question of the effect of a patent and how it may be got to a jury, I suppose it will be no egotism if I say that probably I have had a great deal more experience than the Senator. I have dealt with the question for thirty years, and I know the line of decisions, every one of them, and there never has been a decision made on the subject that I have not carefully examined. The honorable Senator has fallen into the mistake of saying that a patent proves certain things when it does not. The patent is presumptive evidence of the prior performance of every act that is necessary to secure the patent, but not of the statements made in the patent. There is where the Senator is wrong. The statements made are not conclusive because in the patent and not presumptive because in the patent.

Mr. EVARTS. Mr. President, without entering into the controversy as to a possible claim, I must say that the proviso under debate seems to me to be an unnecessary caution on the part of the United States as to this improvement. I assume that the Senate is agreed that it is not only desirable but it is of the greatest importance that this improvement should be complete and rapid. If there are objections to title that so manifest themselves as to be substantial, so as to create a measured cast of doubt, or even a substantial doubt, proceedings ought to be taken for ascertainment and condemnation. But the mere existence of counter-claims or counter interests should never be a reason for retarding the occupation and improvement of property that the United States does not entertain a doubt about. If I were ready to admit that there was doubt to be ascertained and that that doubt should retard the improvement, I should desire that doubt to be entertained by the United States, and not entertained by a private person or a counter-claimant. If this improvement is to be retarded so long as there is a doubt in an interested claimant against it, then we are at the mercy of that claimant. The United States, like every other owner, where it has a great interest in dealing with a property must deal with it upon its own judgment and proceed accordingly, and not be controlled by a vague terror that there may be a subsequent claim ascertained and presented.

Now, if there is to be any cautionary clause, I would suggest that the least that should be thus expressed should be corrected by striking out the latter alternative after the word "doubt," and that the restriction as to expenditure should be also restricted, so that if with these suggestions the clause should be amended it would read as follows:

Provided, That no part of the sum hereby appropriated shall be expended upon or with reference to any place in respect of which the title of the United States is in doubt.

I do not know that I should support the clause with that amendment, but it seems to me at least it should be reduced to an action by this Government upon a doubt entertained by its own law authorities.

Mr. GEORGE. I should like to ask the Senator from Vermont a question. I have understood that there was a law passed in 1882 requiring the Department of Justice to institute proceedings for the purpose of determining this title and of condemning the property. He made some allusion to that fact. I should like to know what has been done under that law, and if nothing, why nothing has been done.

Mr. EDMUNDS. The act of 1882, as I remember it, was only imperative in a certain way. It required that the money should not be spent until an inquiry had been made. It first appropriated for the improvement, and then it directed the Attorney-General to bring any proceedings that were necessary to clear off all colorable pretensions to the property. As has been stated by the Senator from Kansas, for some reason or other—I do not remember what, if I ever knew, I certainly did not at the time—nothing was done about it in the Attorney-General's Office in respect of giving any direction to institute proceedings until 1885. Then he wrote a letter, as the Senator from Kansas has stated, to the district attorney of this District to commence proceedings. Then the district attorney had to proceed to make an investigation, the same one that the Committee on the Judiciary has since made with a good deal of labor and time, as I said before; and in the press of affairs the thing ran along and ran along apparently, I certainly have no means of stating how, and I certainly do not know why, but as a practical fact when the matter was brought to the attention of the Committee on the Judiciary a year or two ago we ascertained that no suit had been begun. Then we stirred up about it, and went to investigating it ourselves; and during this present session when these people were again sent for to know if they had brought any suit, &c., they said they had not. It seems to have been upon the theory that as we had passed a bill at the last session of this same kind to provide for winding this out and clearing it up, and as they thought a more positive and complete bill than the other one was about to be passed providing in case there should turn out to be any title we provided for condemning it and making an end of the whole matter by a proceeding *in rem*, they thought it was wise and prudent not to institute the proceedings the other law had provided for, which were only proceedings that would try the validity of the patent alone, and if it was upheld would leave it established in the private owner without taking the property.

Mr. GEORGE. Has that bill become a law?

Mr. EDMUNDS. It went to the other House and in some way or other, I have forgotten how, did not become a law. There is, therefore, that excuse or apology for the last year—I do not know whether it is a good one or not—and the Senator can readily understand that the authorities might suppose as Congress was going to act more completely on the subject it was not worth while to bring suit.

Mr. EVARTS. I move to amend the amendment so that it shall read as I have stated, by omitting the words "or with reference to" in lines 189 and 190, and the words "or in respect to which any claim adverse to the United States has been made," in lines 191 and 192.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York to the amendment of the committee will be stated.

The CHIEF CLERK. In line 189, after the word "upon," it is proposed to strike out the words "or with reference to;" and in line 191, after the word "doubt," to strike out the words "or in respect to which any claim adverse to the United States has been made;" so as to make the proviso read:

Provided, That no part of the sum hereby appropriated shall be expended upon any place in respect of which the title of the United States is in doubt.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. In connection with this matter, which is really one of very great interest both to the Government and to the people of this District, I will read the language of the act of 1882, to which reference has been made, it being chapter 375 of the Laws of the First Session of the Forty-seventh Congress, the act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, for that year, in which the original appropriation was made for the improvement of the Potomac River. It occurs on page 198 of volume 22 of the Statutes, and is as follows:

Improving the Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War, and in accordance with the plan and report made in compliance with the river and harbor act approved March 3, 1881, and the reports of the board of engineers made in compliance with the resolution of the Senate of December 13, 1881, $400,000.

And it is hereby made the duty of the Attorney-General to examine all claims of the title to the premises to be improved under this appropriation, and see that the rights of the Government in all respects are secured and protected; and if he deems it necessary he is authorized to cause a suit or suits in law or in equity to be instituted, in the name of the United States, in the supreme court of the District of Columbia, against any and all claimants of title under any patent which in his opinion was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvement.

It will appear by the language of this provision that it was not made mandatory that the Attorney-General should immediately bring suit. He was required to examine into the condition of the title and then cause suit to be brought, if he deemed it to be necessary. Of course the delay from 1882 until the 28th day of May, 1885, when the order for the institution of the suit was finally made, is inexplicable; but I assume that from the language of the letter of the Attorney-General he had come to the conclusion that the demand was so frivolous and so insubstantial that really the rights of the United States were not imperiled at all.

In justice to that officer I think that I shall ask that his letter may be printed in connection with my remarks; and I am not sure that the whole of this report, which contains the history of the land titles in this District, of the conveyance from Maryland to the Government of the United States, and the records of the General Land Office showing the proceedings by which title to the Kidwell meadows was alleged to have been obtained, may be also printed in the RECORD that it may be preserved in permanent form, in order that those who have occasion to consider this subject hereafter may have it in more accessible form than it is now in as a document of the Senate. If there is no objection I will ask that this report may be printed in the RECORD, as it consists almost entirely of official documents and communications bearing upon this subject which can not, I believe, be found elsewhere.

The PRESIDING OFFICER. If there be no objection the document will be ordered to be printed in the RECORD. The Chair hears none.

The report referred to is as follows:

[Senate, Forty-eighth Congress, second session. Report No. 1391.]

February 23, 1885.—Ordered to be printed.

Mr. INGALLS, from the Committee on the Judiciary, submitted the following report (to accompany bill S. 2655):

The Committee on the Judiciary, to whom was referred on the 4th instant a pending resolution in the following words:

"*Resolved*, That the Committee on the District of Columbia is hereby instructed to inquire and report to the Senate whether any proceedings of a legal nature have been taken to annul a certain United States land patent claimed to have been granted to a portion of the Potomac River bottom opposite the city of Washington and which the Government has been improving since 1882, whether the interests of the United States are likely to suffer by raising that portion above tide-level before said patent shall have been annulled, and what legislation, if any, is necessary for the protection of the interests of the United States in this matter; and for this purpose said committee is authorized to send for persons and papers and to administer oaths and take such testimony as may be necessary"—

respectfully report:

The resolution above recited not having been adopted by the Senate, and only referred to this committee, it is not perfectly clear what action thereon by this committee is appropriate, further than to report that in its opinion an inquiry into the subject mentioned in the resolution is extremely desirable.

The committee, however, think it not improper to state briefly the situation of the subject-matter of the resolution, so far as it has been able to obtain information thereon.

By the act of Congress of the 19th of July, 1790 (First Congress, second session, chapter 28), the United States accepted the territory now comprising the District of Columbia, with that on the south side of the Potomac ceded by Virginia, as the seat of the Government under the Constitution, and provided (so far as it respects the present District of Columbia) that the laws of Maryland should continue to be in force until Congress should otherwise by law provide. It provided that the President should appoint commissioners, who, under his direction, should survey and, by proper metes and bounds, define the District, and made further provisions in respect of details. Afterward, and on the ——— ———, the President, by an order or proclamation, seems to have defined the boundaries of the city (afterward called Washington) to be established within the limits of said District.

Afterward, on the 19th December, 1791, the Legislature of Maryland passed its act of definitive cession of so much of the District as was within its jurisdiction, and in the preamble of said act recited—

"That the President of the United States directed a city to be laid out, com-

prehending all the lands beginning on the east side of Rock Creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburg; thence along the middle of said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of 61° and 20′ with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern Branch ferry; then south to a stone 80 poles north of the east and west line already drawn from the mouth of Goose Creek to the Eastern Branch; then east, parallel to the said east and west line, to the Eastern Branch; then with the waters of the Eastern branch, Potomack River, and Rock Creek to the beginning; which hath since been called the city of Washington." (Chap. 45.)

A city was accordingly laid out by these commissioners pursuant to said order, and a map of the same prepared. The committee are of the opinion that the above-mentioned boundaries of this city did, under the circumstances, extend down the center of the Eastern Branch to the main channel of the Potomac River, and up the main channel of the Potomac River to the mouth of Rock Creek, and up the center of Rock Creek to the starting point of the survey of the city; so that the Potomac Flats, so called, as they are understood by the committee to exist, would fall within the limits of the city of Washington.

In the year 1839 Congress passed a law (Stats., volume 5, page 365) providing that the acts of the State of Maryland for securing titles to vacant land should be considered in force and executed, "as regards lands in the county of Washington and without the limits of the city of Washington, by the Secretary of the Treasury, through the General Land Office," and provided for regulations, &c., by the Secretary of the Treasury, and provided further—

"That any land which may have been ceded to or acquired by the United States for public purposes should not be affected by such acts."

The laws of Maryland supposed to have been put in force by the last-mentioned and previous acts of Congress were those of November, 1781 (chapter 20), the fourth section of which provided—

"That either of the treasurers may grant orders or titlings to the register of the land office of their respective Shore for common warrants to take up vacant uncultivated land, or for special warrants to take up cultivated or improved vacant land, on the payment of 3 shillings and 6 pence current money per acre."

The history of the private claim called the Kidwell claim to a part of these Potomac Flats appears in the papers herewith returned, marked A.

It will be seen that the act of Congress excluded land in the city, and the proviso hereinbefore mentioned excluded from its operation any land which had been ceded to or acquired by the United States for public purposes. It appears from the foregoing that three questions will arise:

First. Whether the Potomac Flats are within the city of Washington. If they are, there will be an end to the Kidwell patent. If they are not—

Second. Whether the river front was not ceded to and acquired by the United States for public purposes. If this question be answered in the affirmative, the Kidwell patent is invalid; and if not—

Third. Whether the Kidwell patent applied to property within the true intent and meaning of the land acts of Maryland and of the regulations of the Secretary of the Treasury on the subject. This will depend upon whether the Kidwell patent was located upon what may in general terms be styled agricultural land. This of course is a question of fact. All the information the committee now have tends to show that the area embraced in the Kidwell patent was not the kind of land covered by the Maryland act. If this turn out to be so, the patent will be invalid for this reason.

Besides the claim under the Kidwell patent, the Chesapeake and Ohio Canal Company, through its counsel, has informed the committee that it claims riparian and perhaps other rights within the territory referred to in the resolution. How far such claim is well founded the committee have not had time to consider.

It appears from a report of the Secretary of War that there has been already expended up to the 1st of February, 1885, in the improvement of these flats and the river the sum of $440,669.70, and that there still remains appropriated for these purposes the sum of $453,330.22.

It appears that the only steps so far taken under the provisions of the act of the 2d of August, 1882 (Forty-seventh Congress, first session, chap. 375), requiring the Attorney-General to examine all claims of title to the premises and to see that the rights of the Government in all respects are secured and protected, and if necessary to bring suits against claimants to set aside any illegal or improper patents, have been that on the 20th of January, 1885, the Attorney-General directed the district attorney for this District to bring a suit to set aside the Kidwell patent, under which direction no steps have so far been taken.

In this state of things the committee recommend the passage of the bill herewith reported.

Sundry papers and correspondence relating to the subject are herewith returned.

All of which is respectfully submitted.

A. Letter of Secretary of Interior to the chairman of the Judiciary Committee of the Senate, 18th February, 1885, transmitting report and papers of Commissioner of the General Land Office touching the subject.

B. Letter of C. I. M. Gwinn, counsel of Chesapeake and Ohio Canal Company, to chairman of the Committee on the Judiciary of the Senate, of 17th February, 1885.

C. Telegram of Secretary of War to chairman of Committee on the Judiciary of the Senate, of 18th February, 1885.

D. Letter of the Attorney-General of the United States to the chairman of the Committee on the Judiciary of the Senate, 18th February, 1885, transmitting copy of his letter of instructions of 28th January, 1885, to the United States district attorney for the District of Columbia.

A.

DEPARTMENT OF THE INTERIOR, *Washington, February* 18, 1885.

SIR: Your letter of the 12th instant, calling for information concerning a patent for lands (issued to Kidwell or others) situate in the District of Columbia commonly called the Potomac Flats, was received and referred to the Commissioner of the General Land Office. I have the honor to transmit herewith copy of his report on the subject of this date, together with the accompanying papers.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. GEORGE F. EDMUNDS,
Chairman Senate Committee on the Judiciary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 18, 1885.

SIR: I am in receipt, by your reference of the 13th instant, of a letter from Hon. GEORGE F. EDMUNDS, chairman Committee on the Judiciary, United States Senate, dated 12th instant, requesting to be furnished with all information in the possession of this Department "concerning a patent or other title papers issued to one Kidwell, or any other person, covering any part of the land within the District of Columbia commonly called the Potomac Flats, with copies of all papers relating thereto, and references to the laws under which any such patents or titles have been issued, if any such there be."

I have the honor to state that the only patent or other title papers shown by the records of this office to have been issued for any portion of the Potomac Flats, so called, is the patent issued December 6, 1859, to John L. Kidwell for 47.71 acres in the Potomac River adjacent to the United States Observatory.

The records show that several applications for the survey and sale of alleged flats or islands in the Potomac River were made at different periods, among them an application by Mr. Kidwell for the survey of the bar north of the Long Bridge, and called by Mr. Kidwell "Kidwell's Land." These applications were all rejected, for the reason that there was no surveyable land in the localities mentioned subject to disposal by the United States under the laws of Maryland operative in the District of Columbia.

The application by Mr. Kidwell for the survey of the tract lying adjacent to the United States Observatory, and called by him "Kidwell's meadows," was rejected under the administration of Mr. Commissioner Joseph S. Wilson, for reasons above stated, upon a report made by Mr. S. J. Dallas, principal clerk of surveys of this office, February 28, 1868.

In October, 1859, a re-examination was made by Mr. Dallas, at the request of Mr. John Wilson, formerly Commissioner of the General Land Office, then acting as attorney for Mr. Kidwell, and the survey was approved and patent issued as above stated.

On April 18, 1882, I made a full report of facts shown upon record, which was transmitted to Hon. M. W. RANSOM, United States Senate, and appears in the CONGRESSIONAL RECORD, Forty-seventh Congress, first session, volume 13, pages 49, 50 (copy herewith). I also furnished Senator RANSOM with a memorandum suggesting certain points as bearing upon the subject-matter, which also appears in the CONGRESSIONAL RECORD of the same date, page 52. Copies of said report and memorandum were transmitted to you, for the information of the honorable Attorney-General, under date of July 29, 1884.

The patent to Mr. Kidwell purports to have been issued under the provisions of the joint resolution of Congress of February 6, 1839 (5 Stat., 365), in pursuance of certain laws of the State of Maryland (acts November, 1781, chapter 20, and November, 1788, chapter 44), and act of Congress of February 27, 1801 (2 Stat., 103).

The following copies of papers are transmitted herewith:

1. Application for survey, John L. Kidwell.
2. Regulations of Treasury Department.
3. Report of special examiner rejecting survey.
4. Application for re-examinations, with affidavits of T. Angerman, John M. Beckett, John Wilson, and Henry Wells.
5. Report of special examiner approving survey.
6. Patent record.
7. Letter of Commissioner McFarland to Hon. M. W. RANSOM.
8. Memorandum.

Very respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. H. M. TELLER,
Secretary of the Interior.

1.

WASHINGTON CITY, *Sept. 2d*, 1867.

SIR: Under the provisions of the joint resolution of Congress of the 16th Febr'y, 1839, directing the manner in which certain laws of the District of Columbia shall be executed, I hereby apply to appropriate and enter a vacant or unclaimed tract of land situate in Washington County, District of Columbia, to wit: An island situated in the Potomac River, containing fifty acres, more or less, lying between the Washington city channel and the swash channel, commencing nearly opposite to Fifteenth street west and extending up to a point opposite to where D street north strikes the canal or river, and as much farther upstream as firm unclaimed land is found. Said land has not been surveyed or appropriated, to the knowledge of the undersigned, and I do hereby apply for a warrant of survey in my favor for the same.

Very respectfully, your obed't serv't,

JNO. L. KIDWELL.

To the TREASURER OF THE UNITED STATES.

DISTRICT OF COLUMBIA,
County of Washington, to wit:

I hereby certify that on this 2d day of September, 1867, before the subscriber, a justice of the peace in and for said county, appeared John L. Kidwell, who, being sworn on the Holy Evangels of Almighty God, made oath that having, under the provisions of the resolution of Congress of the 16th of Febr'y, 1839, directing the manner in which certain laws of the District of Columbia shall be executed, under application to enter a vacant tract of land in Washington County, District of Columbia, to wit: An island situated in the Potomac River, containing fifty (50) acres, more or less, lying between the Washington City Channel and the Swash Channel, commencing nearly opposite to Fifteenth street west and extending up to a point opposite to where D street north strikes the canal or river, and as much farther up stream as firm unclaimed land is found, and that such land has not been surveyed or appropriated, to his knowledge. There is, according to his information and belief, such land as he desires to appropriate, that his intentions are *bona fide* to secure it, and that his application is not made with a view or desire or intent to harass or vex any person whomsoever.

Sworn to before me and subscribed in my presence, this second day of September, A. D. 1867.

O. E. P. HAZARD, *J. P.*

2.

Regulations for carrying into effect a joint resolution of Congress approved February 16, 1839, "*directing the manner in which certain laws of the District of Columbia shall be executed.*"

TREASURY DEPARTMENT, *August* 10, 1839.

1. The Treasurer of the United States is, in reference to lands in the county of Washington, charged with the duties of treasurer of the western shore of Maryland, and will execute the same agreeably to the laws of Maryland in force the 27th day of February, 1801.

2. With the modifications hereinafter contained, the Commissioner of the General Land Office in like manner will discharge the duties of register.

3. The county surveyor of the county of Washington is required by the resolution to execute warrants to him directed.

4. William Tell Steiger, principal clerk of surveys, is appointed examiner-general, and will discharge the duties appertaining to said office.

5. Matthew Birchard, solicitor of the General Land Office, is appointed judge of the land office, for the purpose of carrying into effect said resolution.

6. The officers hereby appointed will each take an oath, before a person competent to administer the same, faithfully and impartially to execute the duties appertaining to their respective offices, which oath shall be filed in the Treasury Department previous to their entrance upon duty.

7. The forms of titlings, warrants, and other proceedings, with such modifications as the change of jurisdiction has made necessary, shall be the same as were in use in the State of Maryland at the date of the cession of Washington, and no other substantial variation shall be allowed.

8. The rules respecting the practical operations and mode of proceeding in the Western Shore land office will be gathered from the Land-Holder's Assistant; and, until otherwise directed, the same will be followed as the general guide in executing the aforesaid resolution.

9. Any person wishing to appropriate land by an original warrant will, in the first place, go to the Treasurer of the United States, file his application and his affidavit setting forth that there is, according to his information and belief, such land as he desires to appropriate, that his intention is *bona fide* to secure it, and that his application is not made with the intent or desire to harass or vex any person whatsoever; and thereupon, on payment of the money required by law, the Treasurer will issue the titling or order, directed to the Commissioner of the General Land Office, requiring him to issue to and in the name of the person therein mentioned a warrant, common or special, as the case may be, for the number of acres paid for as aforesaid; and if a special warrant, the Commissioner shall insert the location or description given in writing by the applicant.

10. Applications for warrants of resurvey will be made in the first instance to the Commissioner of the Land Office, who will require an affidavit which, in addition to the facts required to be stated in the affidavit to be filed with the Treasurer, must state the applicant's belief that he has perfect title to the tract sought to be resurveyed and adjoining the vacancy which is designated to be secured and also must produce his title papers.

11. The Commissioner will consider no application unless it be made in writing and within the business days of the week and during office hours.

To prevent contests about priority he will indorse the precise hour of filing each and every application and he will file them in order of presentation and keep a record of the same in a book to be kept for that purpose.

12. The surveyor of Washington County will execute warrants according to law, and such instructions as he may from time to time receive from the judge of the land office, and, when executed, will make his return to the commissioner who, having registered the return, will forthwith deliver it to the examiner-general, and if reported correct, and no caveat shall have been filed within the time prescribed by law, on proof of complete payment a patent shall be issued.

13. Should a caveat have been duly filed, and the truth thereof sustained by affidavit of the party, the same, together with all the papers connected with the application, shall be transmitted to the judge of the land office, to be heard and determined according to law.

14. Should it be found necessary to issue instructions concerning proclamation or escheat warrants, or further instructions touching any of the above subjects, the same will be duly attended to.

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3.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
February 28, 1868.

SIR; In the matter of the application of John L. Kidwell, dated June 10, 1867, filed in this office the 25th of June last, to appropriate a vacant tract of land in Washington County, District of Columbia, described by him as a certain flat or bar in the Potomac River between the Virginia and Maryland channels, and adjoining the Long Bridge on the upper side thereof, containing about twenty acres, more or less," and of his application, dated September 2, 1867, filed here the 10th of the same month, to appropriate a vacant tract of land described by him as "an island situated in the Potomac River, containing fifty acres, more or less, lying between the Washington city channel and the swash channel, commencing nearly opposite to Seventeenth street west and extending up to a point opposite to where K street north strikes the canal or river, and as much farther up stream as firm unclaimed land is found," under the provisions of the joint resolution of Congress "directing the manner in which certain laws of the District of Columbia shall be executed," approved February 16, 1839 (U. S. Statutes, vol. 5, page 365), I have the honor to report to you as follows:

Pursuant to the United States Treasurer's titlings to the Commissioner of the General Land Office, dated June 10, 1867, and September 3, 1867, warrants of survey of the aforesaid alleged tracts of vacant land were issued by the latter June 26 and September 12, 1867, directing the surveyor for the county of Washington to survey the same, provided it was firm land and not subject to tidal overflow.

In pursuance of the instructions aforesaid, dated June 10, 1867, for the survey of the vacant land adjoining Long Bridge, and on the upper side thereof, B. C. Carpenter, esq., the county surveyor as aforesaid, made a survey of the same August 28, 1867, and returned his certificate thereof by the designation of "Kidwell's Island," "containing 15.25 acres of land, without any improvements;" and in pursuance of instructions of September 12, 1867, the said county made a survey of the alleged island between the Washington city channel and the swash channel on the 10th and 12th October last, and returned his certificate thereof by the designation of "Kidwell's Meadows," containing 47.71 acres of land, more or less, without improvements."

The surveyor's certificate under the law is required to lie in this office six months after it is filed, subject to such objections as may be made thereto, before it can be admitted to patent.

In order to pass upon the survey as examiner-general understandingly, and to see whether the surveys were executed in accordance with the terms of the warrants of survey, it was found necessary to examine the premises, which I did in person on the 13th instant, reaching the localities on the ice, in company with an employé in the surveying division of this office. We found the premises in both instances to be under the ice in the Potomac River, presenting no appearance of land which the applicant, Mr. Kidwell, desired to appropriate under the aforesaid joint resolution of Congress.

Finding the premises to be in both instances submerged and subject to tidal overflow, and of course such land not fit for "vacant cultivation," as required by the third section of the act of November session, 1781, chap. 20 (*vide* Kilty's Land-Holder's Assistant, page 309), it becomes my duty to reject the surveys, and indorse them in each case "disallowed," and stating my reasons therefor.

In consideration of the foregoing circumstances connected with the applications of Mr. Kidwell, and the surveys returned in total disregard of the law and instructions embodied in the warrants of survey, I have the honor to deliver the plats of the survey to you, with the request that you cause the applicant, Mr. Kidwell, to be notified of the rejection of the surveys made, and also the surveyor of the county, so that the latter may cancel such surveys on his record, for the reasons hereinbefore stated.

I have the honor to be, very respectfully, your obedient servant,
STEPHEN J. DALLAS,
Principal Clerk of Surveys and ex officio Examiner-General.

Hon. JOSEPH S. WILSON,
Commissioner General Land Office,
ex officio Register of the Land Office
for the Sale of Vacant Lands in the District of Columbia.

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WASHINGTON, D. C., *September* 11, 1869.

SIR: On the 26th of June and 12th of September, 1867, warrants were issued from your office to the surveyor of Washington County, District of Columbia, for the survey of two several tracts of land for John L. Kidwell, esq., known and designated as "Kidwell's meadow" and "Kidwell's land," and lying between the Washington, Georgetown, and Swash Channels of the Potomac River.

This land is within the limits of "that part of the District of Columbia which was ceded to the United States" by the State of Maryland, and therefore clearly embraced by the joint resolution of the 16th of February, 1839 (volume 5, page 365).

It is outside the limits of the city of Washington. By an act of the Legislature of Maryland passed 19th of December, 1791, in view of the proviso therein contained, the boundaries of the city of Washington were fixed as follows, to wit:

"Beginning on the east side of Rock Creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburg; thence along the middle of said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of 61° 20′ with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern Branch ferry; thence south to a stone 80 poles north of the east and west line already drawn from the mouth of Goose Creek to the Eastern Branch; then east parallel to the said east and west line to the Eastern Branch; then with the waters of the Eastern Branch, Potomac River, and Rock Creek to the beginning; which has since been called the city of Washington."

By act of Congress of 3d of March, 1839 (volume 5, page 364), "the bounds of the county of Washington and the corporation of the city of Washington are extended so far as to comprehend the causeway and bridge lately constructed from the said city across the river Potomac to the opposite shore, and the said corporation are hereby empowered to adopt and enforce such rules and regulations as they may deem necessary for the safety and security of property and persons passing the said causeway and bridge."

This land surveyed for Kidwell is outside these boundaries, as will be seen by the accompanying affidavits of T. Augerman, temporarily in command of the steamer Enterprise (Doc. A), which sailed through the Swash Channel that separates Kidwell's land from the main shore, which is the boundary of the city; also the affidavit of Henry Wells, who sailed through said Swash Channel in said steamer Enterprise on the 22d February, 1869, when she made the trip above mentioned (Doc. B), and the affidavit of John Beckett, a respectable colored man, who has known the waters of the Potomac and its tributaries intimately for twenty years, and who testifies (24th August, 1869) to the existence of said Swash Channel for and during all that period and at the present time (Doc. C).

As Kidwell's land is thus within the county of Washington and outside the city of Washington, there can be no doubt that it is subject to the joint resolution of 16th February, 1839, above mentioned, if it be land within the meaning of the laws of Maryland and that joint resolution.

That it is such land is shown by the affidavits of Henry Wells and John Wilson, of the 10th of September, 1869 (Doc. D).

When your examiner examined the land the whole country was covered with sleet, snow, and ice, as will be seen by the affidavit of John Wilson of 10th of September, 1869 (Doc. E), and hence the mistake into which he was led and which he reported to your office.

It is respectfully requested that you cause your examiner to make a new examination, and a carriage will be placed at his disposal for that purpose at any time you may designate, and Dr. Kidwell and the surveyor will go with him to point out the land.

And if the examination shall prove satisfactory, we respectfully request that the patents be issued for these lands as provided by law.

Very respectfully,
JOHN WILSON, *Attorney for Kidwell.*

Hon. JOSEPH S. WILSON,
Commissioner General Land Office.

COUNTY OF WASHINGTON,
District of Columbia, ss:

Before me, Jos. T. K. Plant, a justice of the peace for the District and county aforesaid, this twenty-third day of February, A. D. 1869, personally appeared Theodore Augerman, of Washington city, temporarily in command of the steamer Enterprise (a regularly registered vessel plying upon the waters of the Potomac, as will be seen by the copy of register attached), who, having been duly sworn, deposes and says that on Monday the twenty-second day of February, 1869, I proceeded in charge of said steamer from the wharf at the foot of 11th street, through the north draw of the Long and Railroad Bridges; thence following the "Swash Channel" past and close to the works at the end of the 17th street wharf; thence past and close to "Braddock's Rock," on main shore (at old gas-house); thence out into main channel at Easby's Wharf; thence to Georgetown, without any difficulty of navigation.

T. ANGERMAN.

Subscribed and sworn to before me the day and date above written.
JOS. T. K. PLANT, *J. P.* [SEAL.]

FREIGHT STEAMER.

By authority of the United States of America.

Inspector's certificate.

(Steamer Enterprise. Certificate expires September 17th, 1869.)

STATE OF MARYLAND, *District of Baltimore:*

Application having been made in writing to the subscribers, inspectors for the District, to inspect the steamer Enterprise, of Washington, in the Dist. of Columbia, whereof John Angerman owner and H. F. Duty is master, and having performed that service, now, on this 22nd day of September, A. D. 1868, do certify that she was built at Alexandria, in the State of Virginia, in the year 1865; is of 50.28 tons burthen, and is in all respects stanch, seaworthy, and in good condition for navigation. That she is provided with one high-pressure boiler 8 feet long and 3⅞ feet diameter, of the vertical tubular type, constructed of charcoal iron of ¼ of an inch in thickness, and made by Wm. S. Moore, of Alexandria, in 1865, and is in all respects conformable to law. The said boiler has been subjected to a hydrostatic pressure of 120 pounds to the square inch, and the maximum working power allowed was 80 pounds to the square inch. That there is one safety-valve with 7 square inches area, and the lead prescribed is such as to allow but 80 pounds pressure per square inch, and left in charge of the engineer; and one locked safety-valve of 2 inches in diameter, loaded to 82 pounds pressure per square inch. Has supply pipe of ½ inches diameter, and has sufficient means to keep the water at all times and under all circumstances up to 4 inches over the flues. Has one steam-pipe of 3 inches diameter. Has two pressure engines of 7 inches in diameter of cylinder and 24 inches stroke. Has one feed-pump of 3 inches diameter and 7 inches stroke. Has three gauge-cocks, one water-gauge, and one steam-gauge. Has alloyed metal on the flues, which fuses at — pounds on the outside boilers and at — pounds on the inside boilers. Has fire-pump of — inches stroke and — inches in diameter, and has — feet of hose, three buckets, and two axes. Has one boat in good order. Has life-preservers. We further certify that the equipment of the vessel throughout, including pipes, pumps, and other means to keep the water up to the point aforesaid, hose, boats, life-preservers, anchors, signal-lights, and other things, are conformity with the provisions of the law, and that we declare it to be our deliberate conviction, founded upon the inspection we have made, that the vessel may be employed as a freight steamer upon the waters herein specified, without peril to life from imperfection of form, materials, workmanship, or arrangement of the several parts or form, age, or use. And we further certify that the said vessel is run only within the following limits, to-wit:

From Georgetown, D. C., to Point Lookout, Md.

J. L. BROWN,
Inspector of Hulls.
JOSEPH CRAGG,
Inspector of Boilers.

STATE OF VIRGINIA:

Personally appeared before me, the undersigned, J. L. Brown and Joseph

Cragg, duly appointed inspectors of steam-vessels for the district of Baltimore, and made solemn oath that the annexed certificate of inspection is just and true.

Sworn and subscribed before me on this 18 day of September, A. D. 1868.

I hereby certify that the above is a true copy of the original on file in this office.

R. BELL, JR., *D. C.*

CUSTOM-HOUSE, ALEXANDRIA, *the* 18 *day of September*, 1868.

DISTRICT OF COLUMBIA,
County of Washington:

Before me, the subscriber, a notary public within and for the District and county aforesaid, duly commissioned and qualified, personally appeared John M. Beckett, colored, who having been duly sworn deposes and says that he has known the waters of the Potomac River and its tributaries for the last twenty-one years and upward, having sailed in various crafts for that period in every different capacity except as captain, and being now engineer of the steamer Enterprise. He further states that he was engineer of the said steamer Enterprise on the 22d day of February, 1869, when that steamer passed along the Swash channel from the foot of Eleventh street, past and close to the works at the end of Seventeenth street wharf, past and close to Braddock's Rock, near the old glass-house, and into the main channel at Easby's wharf, and to Georgetown; that when said steamer passed along said channel it was mean and falling tide, said channel having been staked out by deponent a few days before said steamer passed through the same; that at that time the island south and west of said channel was clearly marked and defined, and the said channel, though materially changed from its ancient condition, and especially within the last three years, still exists, and is fully competent for the navigation of vessels of the draught of the said steamer Enterprise. This channel is clearly and distinctly marked, the mainland and tow-path of the canal being on the right hand going up to Georgetown, and Kidwell's Island being on the left hand. Deponent has no interest of any kind in this matter; and further deponent saith not.

JOHN M. BECKETT.

Sworn to and subscribed before me this 24th day of August, 1869.

JOHN D. CLARK, *Notary Public.*

DISTRICT OF COLUMBIA, *County of Washington:*

Before me, the subscriber, a notary public within and for the District and county aforesaid, duly commissioned and qualified, personally appeared John Wilson, of Chicago, Ill., and Henry Wells, of Tallahassee, Fla., both now in the said city of Washington, and known to me to be reliable and competent witnesses, and having been duly sworn, deposes and say that on the 3d day of November, 1868, they, in company with others, went in a boat to ascertain the depth of water around the land surveyed by the county surveyor of Washington County for John L. Kidwell, esq., of Washington, under warrants issued out of the General Land Office of the United States, and dated on the 26th June and 12th of September, 1867. They left Easby's wharf about 2 o'clock p. m. and proceeded to the northwestern end of the land skirted along the western side of it, nearly down to the Long Bridge. We found Kidwell's Meadow high and dry standing out of the water from 2 to 4 feet, covered with a dense growth of weeds, wild rice, and other shrubs. The land was firm, solid, and substantial; the water very shoal all around it, but gradually deepening as we receded from it, in every direction with a solid smooth bottom of firm sand. We did not go around it, or attempt to do so, as the distance was too great and the time too short, but we saw a clear and well-defined channel on all the other sides of it.

Deponents further say that they have no interest whatever in said Kidwell's claims to these lands a meadow.

H. WELLS.
JOHN WILSON.

Subscribed and sworn to before me this 10th day of September, 1869.

N. CALLAN, *Notary Public.*

DISTRICT OF COLUMBIA, *County of Washington:*

Before me, the subscriber, a notary public within and for the District and county aforesaid, duly commissioned and qualified, personally appeared Henry Wells, of Tallahasse, Fla., now in Washington, a competent and reliable witness, who, having been duly sworn, deposes and says, that on the 22d of February, 1869, he steamed in the steamer Enterprise (a regularly registered boat plying on the waters of the Potomac) for the purpose of testing the existence of and availability for transportation for purposes of my own of the old "Swash" channel, so-called, from the wharf at the foot of Eleventh street west, on the Potomac, through the north draws of Long and railroad bridges to the works at the end of the Seventeenth-street wharf; thence westerly in nearly a direct line to a point close to the canal bank at the foot of Twentieth street; thence following the channel between the mainland and the land on the left, known as Kidwell's Meadows, along the shore out into the main or Georgetown channel as Easby's wharf; thence to Georgetown.

He further deposes and says that the steamer passed without any difficulty or hindrance whatever through the entire channel, and that he considers it a perfectly practicable channel for the class and model of vessel with which it was tested, a 50-ton craft, United States measurement, on ordinary tides.

H. WELLS.

Sworn and subscribed before me this 24th day of August, 1869.

JOHN D. CLARK, *Notary Public.*

DISTRICT OF COLUMBIA, *County of Washington:*

Before me, the subscriber, a notary public within and for the District and county aforesaid, personally appeared John Wilson, of Chicago, Illinois, now in said city of Washington, personally well known to me as a competent and reliable witness, who, having been duly sworn, deposes and says, that on or about the thirteenth day of February, one thousand eight hundred and sixty-eight, he personally examined the tract of land surveyed for the John L. Kidwell, esq., by the county surveyor of said county of Washington, under warrants issued out of the General Land Office of the United States, and bearing dates of June 26th and September 12th, 1867, and found, as stated in letter of said General Land Office to said Kidwell of Feb'y 29th, 1868, that there was "no land visible above the surface of the ice," and that the whole city and country in the neighborhood at that time was in the same situation. The fact is that there had been a heavy fall of snow, sleet, and rain, and a pretty severe spell of cold had frozen the same so that the whole surface of the surrounding country was completely covered by the ice, and no land visible above it, except where the ice had been broken by travel, or the land had been protected from the storm. Deponent further states that he has frequently examined the lands so surveyed for Kidwell at other and divers times, and knows that a strong growth of weeds was upon it, and, in his opinion, corn and trees could have been grown upon it by ordinary cultivation. Deponent further states, from personal examination and inquiry, that said land is *not* subject to tidal overflow, though at times of unusual flood, as in spring and fall rise and by heavy rains, combined with the melting of the snow, said land may be flooded occasionally for a short period, as all other low or meadow lands are in the neighborhood, but such overflow would not, as a general rule, affect the crops at the planting, growing, or harvesting season. And further deponent says that he has no interest whatever in the matter, but is the att'y of Dr. Kidwell in prosecuting his right to these lands.

JOHN WILSON.

Subscribed and sworn to before me this tenth day of September. A. D. 1869.

N. CALLAN, *Notary Public.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
November 10, 1869.

SIR: On the 11th of September last John Wilson, esq., attorney for Dr. John L. Kidwell, of Washington city, made application to you for patents for the lands which had been surveyed for said Kidwell in 1867 by the county surveyor under warrants issued by the Commissioner of the General Land Office, the said surveys being designated by the surveyor as "Kidwell's Island" and "Kidwell's Meadows," situated in the Potomac River and county of Washington, D. C. Prior to reporting to you the foregoing surveys for patenting I deemed proper to inspect the same, and having found the premises under the ice I rejected the surveys on the ground that they were under water and constituting no land in the purview of the joint resolution of Congress allowing vacant lands in Washington County to be appropriated.

The aforesaid application, accompanied by several affidavits proving the existence of the lands above the water, alleges that the time when my examination on the ice took place was not calculated to render strict justice to the merits of the case, the frost having congealed the service of the water at high tide, which, together with snow-drifts and sleet covering the lands, led the examiner into an error of judgment, to correct which the aforesaid attorney of Dr. Kidwell asked you to direct the examiner to proceed to the localities surveyed with view of re-examining them and satsify himself of the real condition of the lands, and if he finds that his former inspection and report thereon was erroneous that he remove the obstacle thrown in the way of issuing the patents.

Accordingly, in pursuance of your directions I have re-examined the rejected surveys of "Kidwell's Island" and "Kidwell's Meadows," the former adjoining the Long Bridge on the north, and the latter situated between the Washington city channel and Swash channel of the Potomac River on the one side and the Georgetown channel on the other. My re-examinations took place on the 17th and 24th ultimo on foot and in a boat, both at high and low tides of water, which flow and ebb ordinarily to the depth of about 2½ feet, and the result of which is as follows, to wit:

The "Kidwell's Meadows" were found to be from 3½ to 4 feet above the low water, and from a foot to a foot and a half above ordinary high water, as near as I could judge, the density and vigorous growth of wild rice measuring from ¼ to ½ of an inch in diameter, together with other weeds, impeding the clear view of all parts of the meadows. The Swash channel, separating the meadows on the north from the accretion to the tow-path of the Georgetown and Washington Canal, is from 12 to 45 feet wide and about 4 feet deep, at mean tide affording boat navigation. The meadows are on a level with neighboring low lands north of the Georgetown and Washington Canal, and within the corporate limits of this city, as well as those on the opposite side of the Potomac, used and cultivated as pasture lands and meadows.

The "Kidwell's Meadows" consist of decomposed vegetable matter, the growth of every succeeding year adding to the deposits of former years. These being mixed up with sediments of clay and sand, together with logs of wood, large trees, and animal bodies in a state of putrefaction, contribute to the rapid formation of the land, rank vegetation on the premises, and great unhealthfulness of the immediate neighborhood.

It will be perceived that the present condition of the "Kidwell's Meadows" as viewed in connection with the surrounding water and land instead of, as on former occasion, in connection with the ice and land, is quite different. My inspection of the premises twenty months ago surveyed from the surface of the ice covering the same was at a variance with the present one. The then ice may have been formed at a very high tide, the accumulation of snow on it and superincumbent sleet may have rested on the land, instead of water as I then inferred, and led me to express my opinion as to the real status of the premises, as from my present knowledge of the land I believe that analogous circumstances might produce similar effects in the rigorous winter season; but whatever was the actual condition of the "Kidwell's Meadows" on the 13th day of February, 1868, the day I did in the first instance examine them, my disallowance and rejection of the survey, reporting it to you adversely and cancellation thereof on the records of the county surveyor, I am now, in consideration of the foregoing facts, satisfied that no such disallowance of the survey can be made. And although the "Kidwell's Meadows" are hardly yet fit to produce successful crops of corn or garden vegetables, the land nevertheless is susceptible of producing fodder and affording pasture for the cattle, and as such requires at my hands the rescinding of the former rejection of the survey of the "Kidwell's Meadows," which I do hereby rescind and submit herewith the plat of that survey now approved by me for your direction as to the issuing of the patent for the premises to Dr. Kidwell, the applicant as aforesaid.

As to the "Kidwell's Island," the first above mentioned lying next to the Long Bridge and containing, according to the survey by the county surveyor, 15.25 acres, the premises possessing no characteristics similar to the "Kidwell's Meadows" as yet, I am of opinion still that my rejection of its survey twenty months ago is sustained by the facts elicited in the re-examination of the premises, which were found subject to every day's overflow by the tide, and consequently not yet fit for agricultural purposes, though they may be at no distant time in case the causeway of the Long Bridge is suffered to remain.

I have the honor to be, very respectfully, your obedient servant,

STEPHEN J. DALLAS,
Principal Clerk of Surveys, ex-officio Examiner-General.

Hon. JOSEPH S. WILSON,
Commissioner of the General Land Office, Washington, D. C.

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6.

(Washington County, District of Columbia, Special Certificate No. 50.)

TREASURY OF THE UNITED STATES, *September* 3, 1867.

I certify that John L. Kidwell has this day deposited to the credit of the United States twenty dollars on account of vacant land in the Potomac River, above the Long Bridge, for which I have signed duplicate receipts.

L. R. TUTTLE,
Asst. Treasurer U. S.

TREASURY OF THE UNITED STATES, *December* 3, 1867.

I certify that John L. Kidwell has this day deposited to the credit of the United States three dollars and eighty-six cents on account of vacant lands in the Potomac River, above the Long Bridge, for which I have signed duplicate receipts.

L. R. TUTTLE,
Asst. Treasurer U. S.

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE:

I certify that I have surveyed a plat or parcel of land near to and adjoining the Washington shore of the Potomac River, separated from the mainland by a boat channel, from three to five feet deep, and from ten to fifty feet wide, extending from Twenty-five St. west to Easby's ship-yard, for John L. Kidwell, according to an order of the Commissioner of the General Land Office, to me directed, dated June 26th, A. D. 1867. Said land I have called "Kidwell's Meadows," beginning at a cedar post firmly planted, at low water, on which is inscribed the letters "J. L. K.," at a point bearing N. 84° W. from the centre of the dome of the Capitol, and S. 43° 30′ W. from the centre of the dome of the Observatory, and distant about one-fourth of a mile from thence by compass bearings: (1) N. 66° 30′ W., 5 perches; (2) N. 32° 00′ W., 15 perches; (3) S. 81° 00′ E., 10 perches; (4) N. 49° 30′ W., 20 perches; (5) N. 22° 45′ W., 20 perches; (6) N. 13° 15′ W., 15 perches; (7) N. 73° 30′ E., 2.40 perches; (8) S. 28° 45′ E., 2 perches; (9) S. 59° 00′ E., 2 perches; (10) S. 73° 00′ E., 8 perches; (11) S. 84° 45′ E., 7.60 perches; (12) S. 66°

30′ E., 18 perches; (13) S. 60° 45′ E., 20 perches; (14) S. 49° 00′ E., 20 perches; (15) S. 40° 00′ E., 10 perches; (16) S. 46° 00′ E., 12 perches; (17) S. 71° 30′ E., 74 perches; (18) S. 28° 30′ E., 54 perches; (19) S. 24° 30′ W., 18 perches; (20) N. 47° 00′ W., 24 perches; (21) N. 72° 00′ W., 48 perches; (22) N. 63° 30′ W., 32 perches; (23) N. 60° 00′ W., 14 perches. Thence in a straight line to the beginning, containing forty-seven acres and seventy-one hundredths of an acre of land, more or less, without improvements. Laid down by a scale of 80 pr. to the inch. Surveyed Oct. 10th and 12th, 1867.

B. D. CARPENTER,
Surveyor of Washington County, D. C.

N. B.—The distances given are from actual measurement by walking around on the lines.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
November 10, 1869.

The foregoing survey of "Kidwell's Meadows," on re-examination of the premises on the 17th and 24th October, 1869, were found to be above the tide at low as well as high tides. The said survey being of the land subject to the operation of the joint resolution of Congress of 16th February, 1839, v. 5, p. 365, the same is hereby approved.

STEPHEN J. DALLAS,
Prl. Clk. of Surveys and Ex-officio Examiner Gen'l.

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, greeting:

Whereas, John L. Kidwell, of the county of Washington, in the District of Columbia, hath deposited in the General Land Office of the United States evidence bearing date the 3d September, 1867, and the 3d December, 1869, whereby it appears that full payment has been made to the Treasurer of the United States, by the said John L. Kidwell, for a tract of vacant land, containing forty-seven acres and seventy-one hundredths of an acre, called "Kidwell's Meadows," and lying in the Potomac River, above the Long Bridge, according to the official certificate and plat of survey thereof, bearing date the 10th and 12th of October, 1867, made and returned by the surveyor of Washington County, in the District aforesaid, pursuant to a special warrant of survey unto the said surveyor, directed on the 26th day of June, A. D. 1867, by the Commissioner of the General Land Office aforesaid, in virtue of the authority of Congress under a resolution "directing the manner in which certain laws of the District of Columbia shall be executed," approved on the 16th day of February, 1839, and which tract of land is shown by the aforesaid certificate and plat of survey to be bounded and described as follows, to wit:

Beginning at a cedar post firmly planted at low water, on which is inscribed the letters "J. L. K.," at a point bearing north eighty-four degrees west from the center of the dome of the Capitol, and south forty-three degress thirty minutes west from the center of the dome of the Observatory, and distant about one-fourth of a mile from thence by compass bearings; north sixty-six degrees thirty minutes west, five perches; thence north thirty-two degrees west, fifteen perches; thence south eighty-one degrees east, ten perches; thence north forty-nine degrees thirty minutes west, twenty perches; thence north twenty-two degrees forty-five minutes west, twenty perches; thence north thirteen degrees fifteen minutes west, fifteen perches; thence north seventy-three degrees thirty minutes east, two and four-tenths perches; thence south twenty-eight degrees forty-five minutes east, two perches; thence south fifty-nine degrees east, two perches; thence south seventy-three degrees east, eight perches; thence south eighty-four degrees forty-five minutes east, seven and six-tenths perches; thence south fifty-six degrees thirty minutes east, eighteen perches; thence south sixty degrees forty-five minutes east, twenty perches; thence south forty-nine degrees east, twenty perches; thence south forty degrees east, ten perches; thence south forty-six degrees east, twelve perches; thence south seventy-one degrees thirty minutes east, seventy-four perches; thence south twenty-eight degrees thirty minutes east, fifty-four perches; thence south twenty-four degrees thirty minutes west, eighteen perches; thence north forty-seven degrees west, twenty-four perches; thence north seventy-two degrees west, forty-eight perches; thence north sixty-three degrees thirty minutes west, thirty-two perches; thence north sixty degrees west, fourteen perches; thence in a straight line to place of beginning, containing forty-seven acres and seventy-one hundredths of an acre of land, more or less, without improvements.

Now know ye, that the United States of America, in consideration of the premises, and in conformity with the resolution of Congress, aforesaid, and the laws in such cases made and provided, have given and granted, and by these presents do give and grant unto the said John L. Kidwell, and to his heirs, the said tract of land above described; to have and to hold the same, together with all the rights, immunities, privileges, and appurtenances of whatsoever nature, thereunto belonging, unto this said John L. Kidwell, and to his heirs and assigns forever.

In testimony whereof, I, Ulysses S. Grant, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

[L. S.]

Given under my hand, at the city of Washington, the sixth day of December, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States the ninety-fourth.

By the President:

U. S. GRANT,
By I. N. BURRITT,
Secretary.

J. N. GRANGER,
Recorder of the General Land Office.

(Rec. vol. 4, page 304 to 308, incl.)

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 18, 1882.

SIR: The patent to John L. Kidwell for the Kidwell Meadows, so called, containing 47.91 acres, lying south of the National Observatory and extending from opposite Twentieth to Twenty-sixth street west, appears from the records of this office to have been issued under the provisions of the joint resolution of Congress of February 16, 1839 (5 Stat., 365). The proceedings relative to this application and payment for and the survey and patenting of this tract were under regulations prescribed by the Secretary of the Treasury in August, 1839, for carrying said joint resolution into effect.

The joint resolution related to certain acts of the Legislature in Maryland respecting titles to vacant lands, which were in force in the District of Columbia by virtue of the provisions of the act of Congress of February 27, 1801 (2 Stat., 103), continuing in force the laws of the State of Maryland within that portion of the District ceded by said State to the United States.

The laws of Maryland prescribing the method of securing title to vacant land and which were operative in the District of Columbia, as above recited, were, among others, the acts of November, 1781, chap. 20, and November, 1788, chap. 44. The act of 1781, "to appropriate certain lands to the use of the officers and soldiers of this State, and for the sale of vacant lands," was construed to mean that all lands within the State in Washington County, westward of Fort Cumberland, were appropriated to discharge the obligations of the State to officers and soldiers, and the residue, after completing that engagement, to the use of the public. (Kilty's Land Holder's Assistant, p. 308.) The thirteenth section of the act of 1788 removed the limitations of the former act, and made all vacant land in the State, as well westward of Fort Cumberland as elsewhere, not affected by outstanding warrants, subject to be taken up in the usual manner by warrant at the price of three shillings and ninepence per acre. (*Ibid.*, 315.)

The warrants referred to were orders of survey to be issued on the order or "titling" of the Treasurer and were restricted by the third section of the act of 1781 to vacant cultivable lands, the technical phrase being "Warrants of vacant cultivation." (*Ibid.*, 309.)

The joint resolution of Congress of 1839 authorized certain officers thereln named to perform the duties which had been required of State officers under Maryland laws, and empowered the Secretary of the Treasury to make the necessary regulations to carry the Maryland acts into effect. It was provided in the joint resolution that "any land which may have been ceded to or acquired by the United States for public purposes shall not be affected by said acts."

The Treasury regulations defined the proceedings necessary in obtaining titles to land under said joint resolution.

Assuming that these laws and regulations authorized and provided the means of securing individual titles to islands, flats, and marshes in the Potomac River, within or adjacent to the city of Washington, several applications for orders of survey were made from time to time, which were granted, but under which no surveys were executed. These orders provided that the land to be surveyed must be firm land not subject to tidal overflow. In some instances surveys were returned, but were rejected by the Commissioner of the General Land Office on the ground that the land was submerged by tidal flow, and was therefore not subject to survey and disposal under the Maryland acts and joint resolution of Congress.

The application of Mr. Kidwell for a patent for the so-called "Kidwell's land," being the bar on the upper side of the Long Bridge, was rejected for this reason:

On September 10, 1867, Mr. Kidwell applied for a warrant of survey for the tract known as "Kidwell's Meadows," and which was described in the application as an island in the Potomac River between Washington city channel and the swash channel, commencing nearly opposite Fifteenth street west and extending to a point where D street north strikes the canal or river. The order of survey was issued September 12, 1867, and its execution was made subject to the usual provision that the land to be surveyed should be "firm land and not subject to tidal overflow." The survey was returned by the county surveyor October 19, 1867. An examination of this survey was deemed necessary, and Mr. S. J. Dallas, principal clerk of surveys in the General Land Office, was designated as examiner-general for this purpose. Mr. Dallas made the examination, and on February 28, 1868, reported to the Commissioner of the General Land Office that he found the premises to be under the ice in the Potomac River, presenting no appearance of land, but submerged and subject to tidal overflow, and "of course not fit for 'vacant cultivation,' as required by the third section of the act of 1781."

He also found that the survey had been returned in total disregard of the law and of the instructions embodied in the warrant of survey. The survey was accordingly rejected. On October 17 and 24, 1869, a re-examination was made at the request of Mr. John Wilson, attorney for Kidwell, and upon this re-examination the examiner-general rescinded his former opinion and approved the plat of survey. In this re-examination, made under more favorable conditions than the examination in the original instance, he found the "Kidwell meadows" to be from 3½ to 4 feet above low water and from a foot to a foot and a half above ordinary high water, as near as he could judge, owing to the density and vigorous growth of wild rice and other weeds, which impede a clear view of all parts of the meadows. He did not think the land fit to produce successful crops of corn, but thought it susceptible of producing fodder and affording pasture for cattle.

Upon this re-examination, and the approval of the plat of survey by the examiner-general, patent was issued to Mr. Kidwell December 6, 1869. The amount paid for this tract was $23.86, or 50 cents per acre.

In reference to this patent and to similar applications, Mr. Commissioner Drummond, in a letter to Mr. A. R. Shepherd, dated January 22, 1873, said:

"All applications made since I assumed charge of the Land Office, in February, 1871, have been refused for the following reasons:

"1. Because the land was subject to every day's overflow by tide water, and therefore not in a condition to be surveyed.

"2. Because I thought that the disposition of the land was not clearly authorized by law.

"Because I did not deem it proper to dispose of lands situated in the immediate vicinity of Washington at a nominal sum to private parties who could hold and use them so as to impede and obstruct harbor improvements, unless the law clearly and imperatively made it my duty to do so."

The foregoing statement comprises the fact of record in this office relative to the patent issued to John L. Kidwell for the "Kidwell meadows," so called.

The brief time I have for the consideration of the subject does not permit me to express an opinion upon the legal points involved in the case.

Very respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. M. W. RANSOM,
United States Senate.

8.

MEMORANDUM.

The title of the United States to the bed of the Potomac River through the District of Columbia was derived from the cession of jurisdiction by the State of Maryland.

The United States has such title to the soil under the navigable waters of the Potomac River within the District and to the islands, flats, bars, and marshes in said river, as the State of Maryland had.

The alienation of the sovereign title to the shores of navigable waters and the soil under them, or the disposal of the flats, bars, and marshes within such waters was not authorized by the general land acts of the State of Maryland.

The laws of Maryland providing for the disposal of vacant lands, and which were adopted by Congress for the District of Columbia, authorized the disposal only of lands of a certain defined character.

The United States could dispose only of such lands within the District under those laws as the State of Maryland could have disposed of prior to the cession under those laws.

If the tract now in question could not have been disposed of by the State of Maryland under the act of 1781 it could not legally have been disposed of by the United States under the joint resolution of Congress of 1839.

The land that could have been disposed of under the general land acts of Maryland was land suitable for occupation and cultivation. It was not land that by the accumulations and hardening of future years might become suitable for cultivation, but land actually cultivable. The term "vacant cultivation," as authoritatively construed, implied unappropriated land that could be cultivated.

If the "Kidwell meadow" was in 1869 a strip of marsh in the Potomac River, subject to overflow by tide water, it was not cultivable land authorized to be disposed of by the Maryland acts and the joint resolution of 1839.

If the land was not of the character authorized to be surveyed by said laws, and the instructions issued thereunder, that is to say, if it was not "firm land

and not subject to tidal overflow," its survey in 1867 was illegal and the approval of said survey in 1869 was without authority.

The public land laws of the United States are not operative in the District of Columbia, and the disposal of land, the property of the United States therein, can only be made by special authority of Congress. Patents for lands in said District can not issue without express provisions of law.

If the patent to Kidwell was not for land authorized to be disposed of by the Maryland acts and the joint resolution of 1839, its issue was without authority.

The land must also have been vacant unappropriated land. The Maryland acts contemplated only the disposal of lands of such character. It was further provided in the joint resolution that "any land which may have been ceded to, or acquired by, the United States for public purposes shall not be affected by said acts."

The Potomac River in its course through the District is appropriated to the public uses of navigation. The alienation of the title of the United States to the flats, bars, and marshes therein would impair those uses by impeding harbor improvements and interfering with the removal of obstructions.

The United States is the proprietor of the land adjoining the Kidwell Meadows, so called, having acquired the same for the uses of the Naval Observatory and other public purposes.

The land in question is of alluvial formation. If in 1869 it had been raised above low-water mark by gradual accretion, it had become attached to the adjoining property through riparian rights, and would for that reason have been taken out of the class of lands subject to the operation of the Maryland acts and the joint resolution, first, because the title to the adjoining property had passed from the State of Maryland to private proprietors prior to the cession, and second, because of the public uses to which the adjoining property had been dedicated by the United States.

The segregation of such land and the disposal at private sale would have required special authority of Congress, without which an attempted sale by the executive officers of the United States would be void.

The patent to Kidwell can be sustained only on the following propositions:

First. That the land was firm, cultivable land in 1869.

Second. That it was above high-water mark at that date and not subject to tide overflow.

Third. That it was unappropriated to any public purpose.

Fourth. That it was separated from the mainland by a navigable channel, and was an island in fact, and not an accretion to the mainland.

Fifth. That it was without the municipal jurisdiction of the city of Washington.

Sixth. That the acts of Maryland and the joint resolution of 1839 contemplated the disposal to private persons of the islands, flats, bars, and marshes in the harbor of Washington.

Unless each and all of the foregoing conditions are met the patent to Kidwell was issued without proper authority.

But whether said patent was issued without authority, or whether it is voidable by reason of fraud or mistake, or whether it conveys a valid title to the land, are questions that can of course only be determined by the courts.

B.

BALTIMORE, MD., *Feby.* 17, 1885.

Hon. GEORGE F. EDMUNDS,
U. S. Senate:

DEAR SIR: Your letter of Feb. 12th, addressed to Hon. A. P. GORMAN, in reference to the claims of the Chesapeake and Ohio Canal Company to any part of the so-called Potomac Flats, in the District of Columbia, has been referred to me.

The Chesapeake and Ohio Canal Company claims riparian rights from Easby's Point, formerly Easby's ship-yard, to Seventeenth street.

I have directed search to be made in order to exhibit, when necessary, the original location of the canal in B street, between the points named, together with an abstract of the grants and condemnations upon which that part of the canal was originally constructed.

I have a topographical map, which shows the whole case clearly enough. I suppose it to be a Coast Survey map, as it gives the channel depth of the Potomac River, but I am not able at the moment to fix its date. I would exhibit it to you at any time with pleasure.

The acts of Congress relating to the canal are the acts of March 3, 1825, 4 U. S. Stat., 101; May 3, 1828, 4 U. S. Stat., 292, 293, and some other acts not material to your present inquiry which you will find referred to in the synoptical index to the laws of the U. S., pages 176, 177, 188.

I note that many of the State laws, in whole or in part adopted by Congress, relating to the Chesapeake and Ohio Canal, may be found in 4 U. S. Stat. at Large, appendix 1, page 793.

It is, as you may readily imagine, very difficult to state a claim of this nature within the brief compass of a letter, especially when it depends upon the terms of grants and condemnations which are not before me.

I can only express the hope that your committee in dealing this session with matters in its charge will so legislate as to afford the Chesapeake and Ohio Canal Company full opportunity for claiming and obtaining any rights or damages to which it may be able to show itself rightfully entitled.

Very respectfully yours,

CHAS. I. M. GWINN,
Counsel Ches. and Ohio Canal Co.

C.

[Blank No. 1.—Government Telegraph Lines, connecting the Senate with all the Executive Departments.

UNITED STATES SENATE, *February* 18, 188–.

(From War Dep't.)

To Hon. GEO. F. EDMUNDS, *Senate:*

In reply to your telegram the Chief of Engineers reports that the whole amount, four hundred thousand dollars, appropriated by the act of August 2d, 1882, for improving Potomac River has been expended, and of the five hundred thousand dollars appropriated for the same object by the act of July 5th, 1884, there has up to Feb'y 1, 1885, been expended the sum of forty thousand six hundred and sixty-nine dollars and seventy cents.

ROBT. T. LINCOLN.

D.

DEPARTMENT OF JUSTICE, *Washington, February* 18, 1885.

SIR: In compliance with your request of to-day, I have the honor to transmit herewith a copy of my letter of instructions to the United States attorney for the District of Columbia in relation to the matter of the claim to the Potomac Flats.

I am, sir, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. GEO. F. EDMUNDS,
Chairman of the Committee on the Judiciary of the Senate.

DEPARTMENT OF JUSTICE, WASHINGTON, *January* 28, 1885.

SIR: By the act of August 2, 1882, chapter 375, which made an appropriation for "improving the Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War," &c., authority is given the Attorney-General "to cause a suit or suits in law or in equity to be instituted, in the name of the United States, in the supreme court of the District of Columbia, against any and all claimants of title under any patent which in his opinion was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvement.

I transmit herewith sundry papers, some time since received from the Secretary of War, by which it appears that in the year 1869 a patent was issued to John L. Kidwell, granting a part of the marshes or flats within the limits of the improvement aforesaid; and being of the opinion that such patent was by mistake and improperly and illegally issued, I deem it necessary, as a measure for the protection of the rights of the United States in the premises, that a judicial proceeding be instituted as soon as practicable, having for its object the annulment of such patent.

You are accordingly hereby instructed to bring a suit in equity, in the name of the United States, in the supreme court of the District of Columbia, against the said John L. Kidwell and any and all other persons claiming title under the patent issued as above, to have the said patent set aside or anulled.

In this connection I refer you, for further information regarding the premises, to the following maps covering the Potomac River front at Washington, compiled from the field surveys made in the years 1862 and 1867, which may be found in the office of the United States Coast and Geodetic Survey; No. 764 (Hunter's Point to the Long Bridge), 1862; No. 765 (Long Bridge to the Aqueduct), 1862; No. 1082 (Analostan Island to Long Bridge), 1867.

I am, sir, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

A. S. WORTHINGTON, Esq.,
United States Attorney, District of Columbia.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment proposed by the Senator from New York to the amendment of the committee?

Mr. EDMUNDS. The effect of the amendment proposed by my friend from New York would be really, from his point of view, and almost from mine, the same as striking out the whole proviso, because in my mind, if I were the judge and were to settle it at once and for all to-day, and could do it without hearing the other side, but upon my own investigation, I should say I have no doubt that this is not a good title under the Kidwell patent. I am not so certain about the canal business, to be sure.

Therefore, I have asked for the yeas and nays to take the judgment of the Senate upon this process of really destroying the essential and effective force of the proviso reported by the committee.

Mr. EVARTS. The essential point is this, obviously, upon the statement made by my friend from Vermont: I am willing, for the purpose of affecting this clause, to have a cautionary reservation in regard to a doubt existing on the part of the owner and administrator of this land, which is the United States, but I am quite unwilling to put the retarding of the full ownership and dominion to it upon the mere fact that a claim not only is, but has been, made; that is, give the dominion over the land in the sense of retarding and overthrowing the exercise of dominion usefully upon the mere pretension on the other side which calls in question the title.

We certainly go to the extreme when we are willing to retard this whole improvement or throw any doubt or embarrassment upon it by saying the title is in doubt. My friend from Vermont seems to think that if it is put upon that he would have to decide that there was no doubt. Now, either the United States must decide that, or we must wait until the claimant surrenders his pretension.

Mr. MCMILLAN. I desire to say that the Committee on Commerce regarded this amendment making an appropriation for the Potomac flats as one of great importance and one demanded by all the public interests.

The reason why we inserted this large addition to the amount appropriated by the House arose from the importance which the committee attached to this improvement.

As this appropriation has nothing to do with settling or qualifying or determining the title, we thought it better to put a proviso here which would remove all doubt as to the improvement of the Potomac flats being upon property of the United States. As has been stated by the Senator from Vermont, we were fully advised that this amount could be expended by improving land which was entirely free from doubt as to the title, and that the Government could have the benefit of the whole appropriation.

I hope, whatever may be done, that the matter will be in such a shape that this improvement will go forward.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I am assured that he would vote "nay," if here, and I vote "nay" myself.

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON]. If he were present, I would vote "nay."

Mr. RANSOM. The Senator's colleague would vote "nay."

Mr. SEWELL. Then I vote "nay."

The roll-call was concluded.

Mr. KENNA. I am paired generally with the Senator from Minnesota [Mr. SABIN], who is absent from the Chamber ill, but upon questions on the pending bill I shall record my vote. I vote "nay."

Mr. DAWES. I am paired with the Senator from Ohio [Mr. PAYNE]. I do not know that he would expect me to be paired on such a question as this, and I vote "nay."

The result was announced—yeas 9, nays 41; as follows:

YEAS—9.

Blackburn,	Ingalls,	Sherman,	Teller,
Evarts,	Sawyer,	Spooner,	Whitthorne.
Gray,			

NAYS—41.

Allison,	Dolph,	Jones of Arkansas,	Saulsbury,
Berry,	Edmunds,	Kenna,	Sewell,
Brown,	Eustis,	McMillan,	Stanford,
Butler,	Frye,	Manderson,	Vance,
Call,	George,	Maxey,	Vest,
Cameron,	Gibson,	Miller,	Walthall,
Cockrell,	Hampton,	Mitchell of Oreg.,	Wilson of Iowa,
Coke,	Harris,	Palmer,	Wilson of Md.
Conger,	Harrison,	Platt,	
Cullom,	Hawley,	Pugh,	
Dawes,	Hearst,	Ransom,	

ABSENT—26.

Aldrich,	Fair,	McPherson,	Plumb,
Beck,	Gorman,	Mahone,	Riddleberger,
Blair,	Hale,	Mitchell of Pa.,	Sabin,
Bowen,	Hoar,	Morgan,	Van Wyck,
Camden,	Jones of Florida,	Morrill,	Voorhees.
Chace,	Jones of Nevada,	Payne,	
Colquitt,	Logan,	Pike,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. MCMILLAN. From line 193 to line 211, including the portion stricken out and the new matter inserted, is one amendment, and I ask that it be so considered.

The PRESIDING OFFICER. The amendment will be stated.

The next amendment of the Committee on Commerce was in section 1, to strike out from line 193 to line 199, inclusive, as follows:

Improving harbor at Norfolk, Va.: Continuing improvement, $100,000.

Improving approach to Norfolk Harbor and the United States navy-yard at Norfolk, Va: Continuing improvement by widening the channel of Elizabeth River to the port warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, $50,000.

And in lieu thereof to insert:

Improving harbor at Norfolk, Va., and improving approach to Norfolk Harbor and the United States navy-yard at Norfolk: Continuing improvment by widening the channel of Elizabeth River to the port warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, $250,000; of which $100,000 shall be expended in improving the harbor, and $150,000 in widening the channel of Elizabeth River to the port warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, beginning at Lambert's Point Light, including the construction of the proposed dike.

The amendment was agreed to.

The next amendment was, in section 1, after line 220, to insert:

Improving Winyaw Bay, South Carolina: Continuing improvement, $25,000.

The amendment was agreed to.

The next amendment was, in section 1, line 228, to reduce the appropriation for "improving Cumberland Sound, Georgia and Florida: Continuing improvement" from $150,000 to $100,000.

Mr. CALL. I hope that amendment will not be agreed to. The report of the engineer made in 1886 and submitted to this Congress states that the amount required for the completion of the existing project is $1,806,023, and the amount that can be profitably expended in the fiscal year ending June 30, 1887, is $600,000.

The harbor of Fernandina, which is Cumberland Sound and Amelia Island, part in Georgia and part in Florida, is stated by the report to be capable of being made a harbor with 30 feet of water, and the engineer recommends it as necessary as a harbor of refuge for the commerce that passes along the Atlantic coast.

In view of the great importance of this channel, and this harbor being one of the best upon the entire coast, having the deepest water and the most easy of access south of Norfolk except Brunswick, and capable of being a harbor for the largest ships that are engaged in the commerce which passes along the Atlantic coast, the committee of the House gave this port the average 25 per cent. which they had determined to allow generally upon the estimates made by the engineer of the amount which could be profitably expended during the present year. When the bill came to the Senate committee I had not expected that committee to show any great degree of favor to the State of Florida, but I thought that they would have dealt with some degree of fairness, and that this small amount of 25 per cent. which was made upon the average applied to the estimates of the engineers as to the amount that could be expended this year would have been maintained by the committee. But it seems that they have proceeded without any regard to any average as to the works which had been commenced and which had been recommended by the engineers, but by some rule of favoritism in regard to this or the other State have made changes and increases, taking from States which the bill had allowed upon the average applied by the House to the estimates of the engineers.

The 25 per cent. which was the rule established gave to this port of Cumberland Sound, half in Georgia and half in Florida, $150,000 in place of the $600,000 which was recommended by the engineers as necessary. The appropriations heretofore made, amounting to over a million dollars, are reported by the Chief of Engineers to have had a most favorable effect; that the harbor is rapidly becoming all that it could be desired to be; that there is a large commerce growing up there, and that it is a place of refuge and entrance, and the only one as far South as that, for vessels of the largest size that may be required to put in.

Every consideration of propriety, of public policy, and of fairness requires that the amount which the House put in on a general average of 25 per cent. should be reinstated.

Mr. MCMILLAN. The committee in making this amendment looked to certain other improvements going forward in Florida of great public importance; and we determined as to the relative importance of those improvements as they appeared to the committee and from the reports of the Chief of Engineers.

There is appropriated in the bill for the Saint John's River $200,000. That improvement has been going forward for several years and is coming we think to completion. We thought it better, in view of the relation of that river to the commerce of Florida and to the ocean, that that improvement should not be impaired in any degree. While the amount appropriated for the Saint John's River was large we did not feel called upon to make any change in it.

This improvement of the Cumberland Sound is, of course, one which will be of great importance, but the necessity for its completion is not so great as that of the Saint John's River and other harbors in Florida, both on the Gulf and on the Atlantic coast. Therefore we thought the amount should be reduced.

The amount proposed to be appropriated by the committee can be expended profitably. There will be no danger of any loss to the Government, and the improvement will be carried forward to that extent; but there is no necessity for appropriating so large an amount as is contained in the bill as it passed the House.

This Cumberland Sound improvement is a very old one. It has been going forward for a long time. It was originated many years ago, not perhaps so particularly in a commercial point of view as in some other points of view, as of national defense. While it will become no doubt a very important improvement, we thought $100,000 for this year, in view of the large amount of the bill, would be sufficient for it, because the bill as it came to the Senate contained a very large amount, and we thought it proper to make that change in this improvement, no other reductions having been made in the appropriations for that State.

Mr. BROWN. Mr. President, the people of my State as well as the people of Florida are very much interested in this question.

I simply rise to indorse what the Senator from Florida has so well said in reference to this harbor and this appropriation. It is a very important work, and there is a great future for it I have no doubt. As a harbor of refuge for that dangerous Florida coast navigation, it will be invaluable when it is completed, and a very large growing commerce will spring up there. It is already quite growing.

I trust that the annual appropriation which has been heretofore allowed, which I believe was $150,000, will not be cut down this year.

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to the amendment of the committee?

Mr. CALL. Before the vote is taken I wish the Senate to understand that this is not an increase of appropriation but that it is taken off from the appropriation made by the House, and it is taken in violation of a rule that an average of about 25 per cent. shall be made according to the report of the engineer.

The work has been undertaken by the Government and there have been expended upon it $255,000 since the year 1882. The estimate is an aggregate sum of $1,806,023 yet remaining. The Chief of Engineers reports:

Remarks have been made by me in former annual reports of the advantages peculiar to the harbor of Fernandina in regard to its large capacity and its deep and well-sheltered anchorage.

Without detaining the Senate I may say that the reports are full of the necessity of this channel being deepened to a depth of 30 feet because of the large number of vessels that are compelled in times of storm to take refuge in this port, to which an easy approach is to be found from the sea. I suppose that there is no appropriation in the bill more important to the whole of the vast commerce that passes along the Atlantic coast of the United States than this appropriation for Fernandina.

The fact that there is work going on at Jacksonville has nothing to do with the question. The work has been undertaken by the Government in respect to the commerce of the country, foreign and coastwise; it has progressed, and there has been expended a large sum of money upon it. The policy of it has been established, and now, without any rule but simply in order that appropriations may be increased in other States, it is proposed to cut down this appropriation without any special reason for it. In the increases which have been put upon the bill there are large numbers of them that can be dispensed with far better than

this appropriation can be taken from that which was allowed by the House.

I hope the amendment will not be agreed to.

Mr. INGALLS. Mr. President, it is said that the absent are always wronged; and I imagine that the reason why this appropriation was reduced from $150,000 to $100,000 was possibly because the member of the committee from Florida was not acting at the time when the matter was under consideration. It may be that the list of committees which I hold in my hand is not accurate, but I observe in the list that was revised on the 28th of April, 1886, the name of one Senator from Florida appears as a member of the Committee on Commerce. I am advised by those who are near me that the Senator from Louisiana [Mr. GIBSON] has been substituted for the Senator from Florida.

Mr. MCMILLAN. Temporarily.

Mr. INGALLS. Temporarily; and that accounts, I imagine, for the temporary reduction of this appropriation. I will ask the chairman of the committee if the statement which appears on 58 of the report which was made with the bill contains the statistics that relate to this appropriation?

Mr. MCMILLAN. Yes, sir.

Mr. INGALLS. I am not familiar enough with the details to be able to state off-hand, but I supposed that was so. If the statement on pages 58 and 59 contains the true statistics of the arrivals and clearances of vessels, the amount of commerce at the ports that are to be affected by this appropriation, and a true history and narration of the amount hitherto expended, the character of work done, the amount estimated for the completion of the project, and the amount that can be profitably expended in the fiscal year ending June 30, 1887, I should say that there was no good reason for the reduction of this appropriation except that which would be found in the absence of the Senator from Florida, who was at one time a member of the committee.

From the statistics contained here it would appear that this is one of the most important works on the Southern coast. There is a detailed statement of the value of the imports and exports for a series of years from 1877 to 1884, which shows that the duties collected are very considerable, and that the arrivals and clearances have been numerous.

Mr. EDMUNDS. Do you understand that the vessels go in through these entrances where there are now only 11 or 14 feet of water?

Mr. INGALLS. That I judge to be the case. The report states that—

> Heretofore the depth on the bar has not usually exceeded 13 to 13½ feet at mean low water, and at times has been as low as 11½ feet.

These works—

> Are calculated to maintain a low-water depth across the bar of not less than 20 to 21 feet, or a higher depth of 26 to 27 feet.

Then follows a statement of the work done at the present time.

Mr. EDMUNDS. But if I may interrupt the Senator from Kansas, I think he has been reading the entrances and clearances from the port of Fernandina, Fla., has he not?

Mr. INGALLS. I see the statement is that "this work is located in two collection districts."

Mr. MILLER. I will state for the benefit of the geography of the Senator that Fernandina, Fla., is the name of the port, and it is in Cumberland Bay.

Mr. INGALLS. Does the Senator refer to the geography of the Senator from Vermont or the geography of the Senator from Kansas?

Mr. CALL. If the Senator from Kansas will allow me——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. INGALLS. Yes, sir.

Mr. CALL. Fernandina is on Cumberland Sound; Cumberland Sound is the entrance to Fernandina, and the statistics the Senator is reading are right.

Mr. INGALLS. So, notwithstanding the corrections of the geography of either the Senator from Vermont or my own, which are offered by the Senator from New York, the statements as to the statistics of the commerce here are correct.

Mr. MILLER. The Senator will permit me to say that I had not undertaken to correct his geography.

Mr. INGALLS. I thought there was a rather jeering and flouting observation about geography. I do not know to whom it referred.

Mr. MILLER. The Senator from Vermont questioned the correctness of the figures which the Senator from Kansas was giving because the report states that it was Fernandina, Fla. All I have stated is that Fernandina, Fla., and Cumberland Bay are one and the same thing.

Mr. INGALLS. There is no Cumberland Bay at all; it is Cumberland Sound.

Mr. MILLER. I mean Cumberland Sound.

Mr. EDMUNDS. If my friend from Kansas will yield to me again, I wish to assure the Senator from New York that he misunderstood me. I did not question the correctness of the figures or anything else; I only wished to have the fact understood as to what relation Cumberland Sound had to the port of Fernandina, Fla., where these entrances and clearances are; and if my friend from New York, being strong on geography, will look at the map he will see that he has perhaps stated the case a little too strongly.

Mr. INGALLS. This report states:

> The appropriations now aggregate $255,000. The total expenditures to June 30, 1885, were $251,301.69.

The amount required for the completion of the existing project is $1,800,000, in round numbers, and the amount that can be profitably expended in the fiscal year ending June 30, 1887, which I suppose is the period covered by this bill, is declared by the engineer to be $600,000, of which one-fourth part was appropriated in the bill as it came from the House, and the committee, the Senator from Florida who is a member of it being absent, reduced the amount from $150,000 to $100,000.

The advantage of the presence of a member of the committee from a State during its deliberation will be apparent to those who will examine pages 28 and 29 of the bill. I do not name any State, but the fact that there have been very remarkable additions on pages 28 and 29, when contrasted with the diminution of this confessedly important appropriation, is a fair illustration of the system upon which these appropriations are made.

Mr. MILLER. It is well known that Cumberland Sound is a very important body of water. In the early plans which were made for the coast defenses of this country Cumberland Sound was selected as a place for defense. An important fortification was built, and still remains there. But in the changes of commerce in the last fifty years commerce has been going away from Cumberland Sound and seeking other lines and other outlets to the sea. In the great State of Florida the business has to a large extent centered upon the Saint John's River. The bar at the mouth of the Saint John's River is a very serious obstruction to the commerce of that river.

In my judgment, and in my votes heretofore, and in the words which I have spoken upon this question in the Senate, I have urged the Senators from Florida to abandon the improvement at Cumberland Sound for the time being, until the improvement at the mouth of the Saint John's River could be entirely completed; to take the appropriation from one river and to put it upon the other, and to increase the appropriation for the improvement of the mouth of the Saint John's River. It is well known that the mouth of the Saint John's River and Cumberland Sound are but a few miles apart, and the great business of that portion of the country centers upon the Saint John's River and not upon Cumberland Sound.

There are no great transcontinental lines of railroad terminating upon Cumberland Sound. Its business is not increasing. Its business is not as important as the Senator from Kansas states that it is. Let me refer to the figures. In 1877 the value of the exports from this bay were $315,446, its imports $19,639, the duties collected $2,376. Its business has been almost steadily decreasing until in 1884 the value of the exports was $171,340, the value of the imports $6,859, and the duties collected $1,331.

In accordance with laws heretofore passed the War Department prepared and developed a plan for the improvement of the entrance to Cumberland Sound, and it is in furtherance of that plan that the appropriations have been made from year to year. The Senators from Florida and Georgia would not willingly consent to the abandonment for the time being of this project of the improvement of the entrance to Cumberland Sound, and it has been undoubtedly in deference to their wishes and to their views that it has been continued.

I do not undertake to say, and I do not mean to be understood now as saying, that this improvement at Cumberland Sound is not worthy of the money which has been expended upon it now, nor that it is unworthy of the money which must be expended upon it to complete it; but what I mean to say is that the improvement of the entrance to Saint John's River is of a thousand-fold greater value to the citizens of Florida to-day than this work is.

As we can not appropriate in one river and harbor bill all the money that is necessary to complete these important works, it would certainly conduce to and advance the interest of commerce in this country if Senators would consent to making larger appropriations for the important and great harbors of the country and smaller appropriations for the less important places.

Cumberland Sound, of course, is important to the people who live about it; it is important to the country which it drains; it is important to the commerce of that particular port; but for more than a hundred years the commerce which has come to that sound has been done without inconvenience. Lines of steamers stop there now. Of course they are not the great ocean steamers which carry three, five, or eight thousand tons burden, but they are the regular lines of steamers running from New York and elsewhere to the West India Islands. They call at this port and they find no great trouble in getting into it.

When the work is finally completed and a depth of 21 or 23 feet is obtained, of course larger ships can go in; but the lines of steamers now running from there to the West India Islands and to other points are able to perform and do perform the commerce of that port. I have myself sailed out of it in a fair going ocean steamer and I know something about it.

The only question is how much money we can afford to appropriate at one time. It was the judgment of the committee that as the Saint John's River was very important and there was an appropriation of $200,000 in the bill for it, that the improvement in the Cumberland

Sound could afford to be carried on with a less sum than had been appropriated for it by the House. If we compare the importance of the two improvements, the Saint John's River and Cumberland Sound, it will be found that the Saint John's River is of vastly more importance than the Cumberland Sound to the citizens of Florida and all that country.

Mr. INGALLS. Is the appropriation for Saint John's River increased by the committee?

Mr. MILLER. The appropriation for the Saint John's River is not increased over what the House fixed, but it is $200,000, and the committee judged that that was sufficient; but at $200,000 for the Saint John's River, and $150,000, as the House had it, for Cumberland Sound, there is no proper proportion as to the importance of the two places.

Mr. FRYE. The Saint John's improvement is given at least one-third of the estimate.

Mr. MILLER. As the Senator from Maine says, the Saint John's River is given at least one-third of the estimate.

Mr. INGALLS. Cumberland Sound was given one-fourth by the House.

Mr. MILLER. The estimate made by the engineers as to the amount of money which can be properly expended has no reference whatever to the importance of the work, but it is simply an estimate as to the amount of money which the engineers can satisfactorily and profitably expend during the year. That is all there is of that. It has no reference whatever to the value of the work as a work for the benefit of commerce.

This work is estimated to cost yet $1,800,000 and the engineers say if you give them $600,000 this year, it will be expended, the whole of it, during the year. Congress is to judge whether the work shall be completed in three years or five years or ten years and what the rate of expenditure shall be.

As to the proportion spoken of by the Senator from Florida and the Senator from Kansas, that the appropriation made by the House was one-quarter or $150,000, it will be found by going over the bill that the committee has varied from that rule and from all other rules. It has attempted to make the appropriations bear some relation to the commercial importance of the work. In some cases it has given 10 per cent. of the estimate; in some cases 25 per cent.; in perhaps a majority of the cases, 33⅓ per cent. In some cases where the work was of great importance it has given 50 per cent. of the estimate for the year. In some cases where the amount was large and where it was necessary that the work should be completed at once in order that there might be no waste, the committee has recommended and put in the bill the entire estimate. There is no such thing as a rigid rule in the making up of the bill as giving 25 per cent. of the estimate of the engineers, or 33⅓ per cent., or any other percentage.

We have attempted so far as we could to make the estimate bear a just proportion to the importance of the work. We have sometimes perhaps varied from this because we may have been overpersuaded by Senators or by Members who have impressed upon the committee the importance of the work, and have been able to make the committee see the importance of it better than had been shown by the report of the engineers; but I think the Senators from Florida themselves will admit that the work at the mouth of the river Saint John is of vastly more importance to that State than this work is; that the one ought to be pushed to completion at the earliest possible day, and that the other ought to wait and take such appropriation as the country can make for works which may seem important. That is all there is to this question. I have nothing in the world to say against Cumberland Sound. As I said at the beginning of my remarks, it is one of the most desirable bodies of water for ships to lie in, but it so happens in the changes of commerce that very few of our ships go there.

Mr. FRYE. I wish to call the attention of the Senator from Florida to one thing here. He asserted that the House committee, or the House itself, had rather determined upon 25 per cent. of the estimates and complained that Cumberland Sound had not received at the hands of the Senate committee the 25 per cent. If the Senator will turn to pages 26 and 27 of the old bill (I do not know what it is here) he will find that one river, the Caloosahatchee, received 50 per cent.; the next river received 30 per cent.; the next river received the whole amount of the estimate, $15,000; another river received $12,000, with an estimate of $15,000, over 85 per cent.; the next river received nearly 50 per cent.; the next river received only about 20 per cent.; the next river received over 50 per cent.; the Saint John's River received 33⅓ per cent.; the next river received about 20 per cent.; the next river received the whole amount, and the next river received 25 per cent. of the estimate.

Mr. EDMUNDS. Are all those Florida rivers?

Mr. FRYE. Those are all Florida rivers, and they will average 50 per cent. right through.

Mr. CALL. The rivers to which the Senator refers have been given very small, insignificant appropriations. They could not well have been given anything without giving them more than 24 per cent. of the estimates. The small amounts that were given were from $2,000 to $3,000. Any smaller sum than that of course would have amounted to nothing.

Mr. ALLISON. I should like to ask the Senator from Florida, if it does not disturb him——

Mr. CALL. Certainly not.

Mr. ALLISON. How long it will take to complete this improvement with the appropriation suggested by the House or as amended by the Senate committee?

Mr. CALL. I will read from the report.

Mr. EDMUNDS. The engineer says forty years, and it has shoaled now 7 feet since they began; so that at one point there are 7 feet less water than there was before.

Mr. CALL. I read from the report submitted with the bill:

> The engineer officer in charge calls attention to the fact that the appropriations thus far made for this work aggregate less than one-eighth of the estimated cost, and that at such a rate of providing the requisite funds the progress of the work will be exceedingly slow and unsatisfactory, and that, besides, from this cause the ultimate cost of the project will be greatly increased.

That is the most definite answer I can give.

Mr. ALLISON. I notice by this statement that the total cost of this work is over $2,000,000; so that at the rate of $100,000 a year it would take twenty years to complete it.

Mr. CALL. Yes. I propose to submit to the Senate briefly some evidence of the statement I made, that this is a port in which the whole commerce of the country is largely interested; that it is not local; that it is a port in which large ships come in times of storm and in which they take refuge in case of distress; and that there is constantly a large number of those vessels entering into the port, which has the advantages of being very far south and of having a greater depth of water than is to be found in almost any other harbor on the Atlantic with the exception of Brunswick and Savannah, both of which have difficulties of entrance, Savannah particularly.

Statement of the number of vessels and tonnage at the port of Fernandina, Fla., for the year ended December 31, 1885.

ARRIVALS.

	Foreign vessels.	American vessels, sail.	American vessels, steam.	Coastwise steamers.	Total.
January:					
Number	4	8	16	41	69
Tons	1,561	3,182	14,115	9,434	28,292
February:					
Number	4	11	16	38	69
Tons	2,129	3,305	14,115	7,358	26,907
March:					
Number	1	9	17	38	65
Tons	113	3,434	14,692	7,539	25,778
April:					
Number		9	21	38	68
Tons		3,627	18,027	7,587	29,241
May:					
Number	1	11	21	32	65
Tons	1,174	3,579	17,365	6,844	28,962
June:					
Number	2	12	22	25	61
Tons	474	4,328	19,466	3,750	28,018
July:					
Number	2	2	22	25	51
Tons	780	828	18,380	3,750	23,738
August:					
Number		9	22		31
Tons		2,901	18,006		20,907
September:					
Number	2	4	21		27
Tons	867	1,200	16,033		18,100
October:					
Number	1	10	23		34
Tons	541	3,437	18,798		22,776
November:					
Number	2	13	25	25	65
Tons	890	4,638	24,360	3,750	33,638
December:					
Number	6	14	27	36	83
Tons	2,209	4,569	25,587	7,930	40,295

RECAPITULATION.

	No.	Tons.
Total foreign vessels entered	25	10,738
Total American vessels (sail) entered	112	39,028
Total American vessels (steam) entered	253	218,944
Total coastwise steamers arrived	318	57,942
Total	708	326,652

DEPARTURES.

	Foreign vessels.	American vessels, foreign.	American vessels, sail, coastwise.	American vessels, steam, coastwise.	American coasting steamers.	Total.
January:						
Number	2	3	9	16	41	71
Tons	666	976	2,889	14,115	9,434	28,080
February:						
Number	3	5	6	16	38	68
Tons	1,003	1,405	2,044	14,115	7,358	25,925
March:						
Number	4	3	7	17	38	69
Tons	2,229	835	2,203	14,692	7,539	27,498
April:						
Number	1	1	9	21	38	70
Tons	397	199	2,872	18,027	7,587	29,082
May:						
Number		2	9	21	32	64
Tons		547	3,447	17,365	6,844	28,203
June:						
Number	1	3	6	22	25	57
Tons	1,174	1,073	1,907	19,466	3,750	27,370
July:						
Number	2	4	6	22	25	59
Tons	695	1,295	2,254	18,380	3,750	26,374
August:						
Number	1		6	22		29
Tons	222		1,965	18,006		20,193
September:						
Number	2	3	6	21		32
Tons	962	1,055	1,581	16,033		19,631
October:						
Number	1	3	7	23		34
Tons	541	1,011	2,312	18,798		22,662
November:						
Number	1	2	8	25	25	61
Tons	463	557	2,999	24,360	3,750	32,129
December:						
Number	5	4	10	27	36	82
Tons	1,962	1,330	3,025	25,587	7,930	39,834

RECAPITULATION.

	No.	Tons.
Total foreign vessels cleared	23	10,314
Total American vessels cleared, foreign	33	10,283
Total American vessels (sail) cleared, coastwise	89	29,498
Total American vessels (steam) cleared, coastwise	253	218,944
Total American coasting steamers departed	318	57,942
	716	326,981

I certify that the above is a correct statement taken from records of this office.

W. A. MAHONEY, *Collector.*

JANUARY 26, 1886.

This is the character of commerce found there. There is a large shipment there of lumber to foreign countries and in the coastwise trade; but the harbor is of great importance to the carrying commerce of the country because of its position and the facilities for entrance and the depth of water.

The engineer in his supplementary report states very emphatically, different from the statement of the Senator from Vermont, that the work has improved the harbor and the depth of water, and if carried on with any degree of persistency and liberality the very early attainment of a depth of 30 feet of water can be had over the bar at Fernandina, where the entrance is immediately on the sea. I think it is either 3 or 5 miles only from the sea, a broad, open channel, where any ship can enter at any time of storm, day or night, with this improvement, and the importance of it can not be overestimated. The facts are stated in full and reiterated.

I hold in my hand a supplemental report of the Chief of Engineers made to the House committee, upon which this appropriation was allowed. That report is as follows:

UNITED STATES ENGINEER OFFICE, *New York, November* 28, 1885.

GENERAL: I have the honor to transmit to-day, in a separate package, a chart of a survey of the entrance to Cumberland Sound, Georgia and Florida, made under my direction July and August, 1885, and to submit some remarks on the results of the survey.

Material changes are found to have occurred in the hydrographic condition of the locality since the last survey, made in April, 1883, a chart of which accompanied my annual report for that year. Upon the chart now sent the present low-water curves, and, at the most important points, those determined at the previous survey, are shown for the purpose of comparison.

Over large portions of the bar where the new permanent ship-channel is proposed to be located, the depths of water have increased. No 12 foot low-water curve now intersects the sailing range, while two years ago it was crossed both inside and outside of the bar by such curves, about 2,000 feet apart from each other.

The inner 18-foot low-water curve, which forms a pocket in continuation of the marginal 18-foot curves of Amelia Basin, has worked seaward about 3,000 feet since 1883, reaching a point nearly half a mile in advance of the present end of the foundation course of the south jetty. The pocket is located and directed almost precisely in conformity with the line of channel designed to be established. This favorable result may justly be ascribed, in a large measure, to the recent seaward extension of the foundation of the jetty which has amounted to over 3,500 linear feet since December, 1884.

Since 1883 the 18-foot curve of the outer slope of the bar has receded inward to some extent. In the spring of that year the shortest distance between the inner and outer 18-foot curves exceeded 1 mile; in August, 1885, it was about 2,500 feet.

The groups of shoals known as Pelican Shoals, north of Amelia Basin, have more or less shifted their positions, and their areas bare at low water are now of less extent. Further north of these shoals, and to the eastward of the present end of the bottom course of the north jetty over the large area covered by breakers, depths have also generally increased.

The local deepening of Cumberland Channel where it is crossed by the north jetty has continued, especially on the south side of the work. The pool of more than 20 feet depth formed here is most probably due to the water combing over the low jetty during flood tide.

The 12-foot and 18-foot curves forming the margins of the deep anchoring ground known as Amelia Basin have not materially changed their positions of late years; but on the northerly side—to the eastward of the present end of the north jetty—the 12-foot curve now extends about 1,200 feet northward, and further north on this range the deepest water in this vicinity is formed, indicating that a channel is here in process of formation which if not prevented would eventually take the place of Cumberland Channel, now partially obstructed.

The average depth of Amelia Basin seems to have increased during the last few years. This may be due to a better concentration of the ebb currents in the upper portion of the basin since over 7,000 linear feet of the foundation of the north jetty were laid.

Surface-current observations were taken at a station marked A⊙, in mid-channel way of Amelia Basin. At this point the ebb currents predominated over the flood currents, both as to velocity and duration. The ebb currents averaged 2.23 miles per hour with a maximum of 3.78 miles; the flood currrents averaged 1.61 miles with a maximum of 2.52 miles.

In connection with the survey, an examination of Saint Mary's River, Georgia, which enters Cumberland Sound at its southern end, was made with a view to ascertaining the best water that can be carried up to a point where the water of the river is always fresh. The town of Saint Mary's is situated 4 miles above the mouth of the river. On this reach three shoals exist with minimum low-water depths in the channel of from 14 to 14½ feet. Two miles above the town, two shoals were found near to each other, with 16 feet and 12½ feet of water respectively. Between the several shoals the depths vary from 18 to 40 feet. At present it appears that 20 feet of water can be carried to Saint Mary's at high tide, and about 18 feet over the upper shoals.

The results of the recent survey, considering the small sum that has been expended on this improvement (only $253,000 or 12½ per cent. of the estimated cost), are regarded as very satisfactory.

Very respectfully, your obedient servant,

Q. A. GILLMORE,
Colonel of Engineers.

Brig. Gen. JOHN NEWTON,
Chief of Engineers, U. S. A.

I submit also a memorial of the Board of Trade of Fernandina:

CUMBERLAND SOUND.

Necessity for the continued improvement of its entrance. Remarkable results of the present jetty system.

The present importance, from a commercial point of view, of Cumberland Sound is shown by the fact that during the year ending December 31, 1885, there entered at the Custom-House of the port of Fernandina, seven hundred and sixteen vessels, with an aggregate tonnage of 326,981 tons. (See certificate of collector of customs, marked Exhibit A.) This does not include the entrances at the custom-house of Saint Mary's, Ga., the latter port being also on Cumberland Sound.

It is a recognized fact that all States on the Pacific and Atlantic seaboards are entitled to at least one deep-water port, providing the evidence is conclusive that it can be obtained and that the commercial development of the State deserves and warrants the expense.

The present depth of water at the entrance to Cumberland Sound is entirely inadequate to the large business now offering, thereby seriously retarding the growth and development of the State.

We ask your attention to only two extracts from the many letters we have confirming this statement:

Mr. Lawtrey, a British merchant established at Fernandina, who is a large shipper, writes to Senator JONES:

"It is not true that there is ample water on the bar for the commerce of the port. I have spent my life in the shipping business (the last ten years at this port) and I write advisedly and from actual experience. In the matter of chartering vessels I am compelled to select from those of small tonnage and light draught, which are always more expensive than larger ones (in proportion). Even with the utmost care, I am constantly meeting with serious losses by the detention of my vessels when they are loaded; all caused by the want of water on the bar. These delays are both expensive and vexatious; and the natural result is that I am forced into the market to compete with merchants at more available ports, and these drawbacks are naturally against me.

"Again, with ample water on this bar, I could run successfully a line of fine steamers to England during the entire year with profit to all concerned.

"These vessels could bring back emigrants for the State, besides heavy articles of freight. In a word, I could compete successfully with the more favored ports on the Atlantic."

Col. J. C. Read, who was an officer in the Union Army from Pennsylvania, says, in a letter at a former session to Senator CALL:

"The commerce of this port is rapidly increasing, requiring a larger class of vessels than formerly, as it is a great advantage to shippers to charter the larger class, the freights being proportionately less.

"The larger orders for lumber from far distant markets could be filled here if we could accommodate heavier tonnage. I was offered a large order—some 12,000,000 feet for Java, East Indies, but the parties had no vessels of less draught than 22 feet, so I did not secure the order, although the purchasers were anxious to place it with me. Our vessels that we now use, 16 to 17½ feet draught, have frequently to lay to until the following spring tides, and sometimes do not succeed in getting to sea even with the first of those. It places the business of this port and Saint Mary's at a great disadvantage in comparison with Brunswick, Darien, or Savannah."

Florida is the only Atlantic State that has no deep-water harbor. Its products can find transportation in the larger class of vessels only though a port of another State. The port of Savannah, through national appropriations has had its depth of water increased from 8 feet, in 1855, to 22 feet, in 1885. It is thus enabled to bring to its wharves the larger vessels, which can profitably transport freight much more cheaply than the smaller ones, and thus draw from Florida the business which rightfully belongs to that State and which, by the

improvement of the entrance to Cumberland Sound, could be done through a Florida port. Fernandina is naturally the commercial outlet for Florida.

It is the terminus of a railway system of over 600 miles, extending into every part of the State, has inland water communication with the Saint John's River, and yet because of the greater depth of water and the consequent increased facilities of Savannah the products of Florida are diverted from their natural outlet and carried several hundred miles further by rail to reach a deep-water harbor, thus increasing the expense of transportation to the producer.

Cumberland Sound is the eastern terminus of the proposed canal across Florida, connecting the Gulf of Mexico with the Atlantic Ocean, and offering cheap transportation for the grain products of the West and Northwest to the seaboard.

The proposed American and Mexican Pacific Railroad has its Atlantic terminus at Fernandina; this will give a shorter rail route between the Pacific and Atlantic than any existing or projected line; it will also be available at all seasons of the year, and not subject to detentions from ice and snow.

It is to the interest of producers that as many deep-water Atlantic harbors be made as possible, with the shortest water and rail connections.

Fernandina's air-line distances to the interior Western centers of commerce are as favorable as any other Atlantic port, as will be seen by the following table, computed by Mr. G. Woolworth Colton, the well-known map-maker:

Table of air-line distances in statute miles.

	Fernandina.	Savannah.	Charleston.	New York.
Atlanta	267	242	274	.....
Selma	341	366	421	.....
Cincinnati	604	.....	.....	558
Indianapolis	678	.....	.....	663
Saint Louis	738	.....	.....	894
Houston	833	901	942	1,436
San Francisco	2,372	2,376	2,401	2,588
San Diego	2,093	2,113	3,159	2,448
El Paso	1,482	1,511	1,562	1,920

It is also shown by an extract from an official letter, filed herewith, and marked Exhibit B, that four round voyages can be made between Fernandina and Liverpool in the same time consumed in making three voyages between Gulf ports and Liverpool, a ship being enabled to make four voyages from Fernandina in the same time consumed in making three from the Gulf; can carry freight in the first instance at a proportionately less rate, and the cost of transportation would thus be greatly lessened, and the dangers and increased cost of insurance of a voyage around the peninsula of Florida avoided.

As showing the adaptability of Cumberland Sound for a naval rendezvous and port of refuge, we ask your attention to the accompanying publication, marked exhibit C.

The work thus far done on the bar has been found to be permanent and effective. No part of the jetties has been washed away or disturbed. None of the appropriation will be wasted in repairing the work already done, but the whole amount will be available for continuing the improvement.

The success of this system at this port is already assured; the results already manifest are remarkable, and show that by a small expenditure of money the depth of water has been materially increased, and the extent of shoal water narrowed down to a comparatively small area.

We invite your careful attention to the recent supplemental report of General Q. A. Gillmore, made in November, 1885, touching the present favorable condition of the work at Cumberland Sound, which is now before your committee.

Very respectfully,

SAMUEL A. SWANN,
J. H. PRESCOTT,
FRED W. HOYT,
For the Board of Trade of Fernandina, Fla.

Hon. A. S. WILLIS,
Chairman Committee of Rivers and Harbors,
House of Representatives.

In regard to the question whether these appropriations should be concentrated in every State, the Senator from New York is doubtless quite right that it would be much better if fewer works were undertaken and larger amounts were appropriated for the completion of those in progress; but how can the Senate control that question? The Senators from Florida have had no control over it. These bills have come to us from the House. Every Congressional district has a member of Congress, and he will not consent that important works which have quite as much right to consideration as any others shall be neglected. Because there are a comparatively smaller number of people in that particular section interested in the foreign commerce of this country is no reason why their rights should not be respected and their interests promoted as well as the great interests of the country. They are engaged in the foreign and coastwise commerce of the country, and they require these appropriations.

The Senators from Florida and no other Senators can control that question so as to apply the whole or a chief amount of the appropriations to works which are of greater importance than others without the concurrence of the members of the House of Representatives, and it is not probable that their concurrence can be obtained as long as they have immediate interest in the ports in their own Congressional districts and the rivers there.

I merely wish to call attention to the fact that there has been no increase of appropriations in this bill for Florida, and that this proposed decrease is not justified by the reports on file or by the facts of the case.

It does not matter what comparative importance may be attached to the Saint John's River and to the city of Jacksonville. That would have been a proper consideration in the initiation of these works, but they have been undertaken, this money has been expended, and it is certified here to have been profitably expended.

The port of Fernandina is certified by the facts, by the actual vessels that enter and depart from that port every year, by its position on the coast, by its great depth of water, by its perfect security for vessels to enter in time of storm, to be one of national importance, and the appropriation made by the House was entirely justified by these facts, while there are hundreds of other improvements provided for in the bill which do not bear the same relative importance, and the appropriations for many of which have been increased by the Senate committee.

Mr. President, I am not one of those who object to the appropriation of money for interior rivers and channels. Every stream which bears any part of the production of this country to the great ports to enter into foreign commerce to be converted back into money has a right to the fostering care of the General Government and in promoting its grandeur, and I am always willing to vote it; but there is no justification for the decrease of the amount as proposed in the amendment.

Mr. EDMUNDS. I find in the report of the Chief of Engineers, part 2, Forty-ninth Congress, first session, page 1230, in respect of the profitable progress of this work, as the Senator from Florida calls it, under the head of "condition and effects of the work" as far as they have gone with the $255,000 that have already been appropriated and expended, this:

The ebb and flood currents, which at the beginning of last season's work crossed the south jetty obliquely, have lately been observed to have changed their direction, and now run about parallel to it. A remarkable shoaling—

That is not the object of the appropriation, I suppose, to produce shoaling—

has taken place on the last length of about 1,300 feet laid in May and June, 1885. A profile along the axis of the jetty was made about May 1, 1885. The greatest depths, nearly 25 at low water, then existed on the extreme outer 100-foot lengths. Back of this, to a point about 6,400 feet from the shore end, the depths varied from 20 to 21 feet. On this reach it was found that, as the work of sinking the new mattresses proceeded, a shoaling of about 2 feet had taken place in advance. In the deep pocket near the outer end the shoaling amounted to about 7 feet. Practically the irregular sea-bottom on the entire length mentioned had been leveled off and raised to a reduced and rather uniform low-water depth of about 18 feet.

So if this engineer is correct in his statements, the effect of these jetties so far has been to make water that before was 20 to 21 feet deep, now 18. I am very much afraid that at the end of the forty years required for this improvement and the expenditure of the two million dollars, where they can now get over with 11 feet at low water they will not have more than 4 or 5 feet. I am very much afraid that this work being done in this way, instead of working an improvement to the entrance of that sound, will work its destruction. As far as the report now goes, with the $255,000 spent, at the outer parts of that jetty where there were 21 feet of water before, there are only 18 feet now, as the engineer tells us here.

That is all I know about it; and I should agree with the Senator from New York that instead of increasing the appropriation for a place of this kind we should have a pretty thorough scrutiny before we spend any more money upon it, to be sure that we are not doing more harm to the place as it is by these artificial operations than we are doing good.

Mr. MILLER. I scarcely think the criticism of the Senator from Vermont is correct. The depth of water over the bar is from 13 to 13½ feet. The engineers have commenced running two jetties, of course beginning in the sound inside the bar and running out toward the sea until they strike the 25 or 30 foot curve, where the water is of that depth. Just how long the jetties are to be I do not know. It is a perfectly natural thing that as these jetties are started and before they are completed this irregular bottom should fill up with the sand which is washed out from the bar; but when the jetties are fully completed, undoubtedly the operations there and the results there will be just what they have been at all other harbors where jetties are completed, and they will produce an even depth of water of from 20 to 21 feet, which is all that is expected to be obtained.

The fact that at the outer end of these jetties there has been some filling in of sand to a depth of 18 feet has in no way injured the entrance to this harbor, for the depth of water over the bar is still a little more than when the work was commenced. The work has not yet gone far enough to produce any substantial result, and when completed I have no doubt the plan laid out by the engineers will produce just what they expected, a depth of water of from 20 to 24 feet.

But I still adhere to my opinion that we can not afford to expend upon this work more than the committee has given it. I have heretofore in the passage of these bills expressed my opinion that this work ought to cease entirely until the other great work on the Saint Johns River, which is so near it, is completed and put in perfect order; and then if the Government shall feel able to go on and improve the entrance to Cumberland Sound it ought to do it.

As I have said before, it is a great body of water; it is one of the greatest ports upon our Atlantic coast, and was intended originally by the Navy Department as a place of rendezvous for the Navy of the United States, and forts were built at the entrance for the purpose of protecting it. Of course they are of no use now, because at the present day ships drawing over 13 feet can not get in the bar, and therefore the only commerce that comes there now must come in vessels drawing less than 13 feet of water; but vessels drawing that depth of water have been able to do all the commerce that came to Cumber-

land Sound, and will continue to do it for a long term of years to come, unless some great railroad terminus should be made there. If that should occur and a vast amount of commerce should be brought there, then there would be a necessity for pushing the work faster; but as it is I still adhere to my opinion that the appropriation proposed by the committee is very liberal considering the amount of commerce, and that it would be much wiser if we could stop the work entirely for the present.

Mr. CALL. I will say to the Senator from Vermont that the low-water depth of the harbor of Fernandina or Cumberland Sound has varied heretofore, according to the reports of the engineers, from 11 to 13 feet with a mean rise and fall of tide of about 6 feet. By the jetties reaching across the water they expect to maintain a low-water channel not less than 21 feet deep. The mean depth of feet of that water is from 11 to 13 feet, with 6 feet added at high water, at a time when vessels usually enter, and vessels of a large draught do now enter at Fernandina; but it is confined to the time of high tide. For that reason and in order to attain the 30 feet of water these improvements have been undertaken.

I will not detain the Senate by reading, but I will simply state that I have in my hand here the supplemental report made by General Gillmore, which shows that these jetties have been doing a successful work in deepening the channel and that the shoaling as to which the Senator from Vermont read—and if he had been as good an engineer as he is a lawyer, as the Senator from New York has shown, he would have understood the report as showing that it is always the result that there is shoaling in advance of the work until they get out into deep water.

Mr. EDMUNDS. Yet, if I may interrupt the Senator a moment, he will see on looking at the diagrams that they appear to have begun these jetties out at the twenty-one and twenty-two feet curve, where they wanted to cut it clear in at that depth, and, therefore, clearly it is not a case of beginning on the shoal part and working off, when possibly it might happen for the time being; they have begun in the deep water, and in the very deep water where they began they have 3 feet less than they started with.

Mr. CALL. There is where the shoaling always occurs, if I am correctly informed. There is nothing in any of the reports that shows the work to have been a failure, or the result to be discouraging; on the contrary, they are all considered favorable.

Mr. MILLER. That would inevitably result if they began their jetties in the deep water. The sand coming out from the bay would stop there undoubtedly until the jetty was completed, and then it would be carried clear out to sea.

Mr. CALL. Unquestionably.

Mr. MILLER. I agree with the proposition of the Senator from Florida, that if the Senator from Vermont was as good an engineer as he is a lawyer, he would understand it without any explanation.

Mr. CALL. The engineer says as follows:

The groups of shoals known as Pelican Shoals, north of Amelia Basin, have more or less shifted their positions, and their areas bare at low water are now of less extent. Further north of these shoals, and to the eastward of the present end of the bottom course of the north jetty over the large area covered by breakers, depths have also generally increased.

That we find the dangerous part where the breakers are, and the report of the engineer states that wherever these breakers and shallow bars are found the depth has increased; elsewhere that there is a depth of 30 or 40 feet; and it is in the channel through these bars where the breakers are that this work is expected to attain the permanent depth of 30 feet, and this report states emphatically and distinctly the fact that in all those points where it was expected to be efficacious the work has been successfully done.

I will not detain the Senate further except simply to read a statement from the Bureau of Navigation. It is as follows:

BUREAU OF NAVIGATION, NAVY DEPARTMENT,
Washington, January 16, 1886.

SIR: In reply to your inquiry of the 9th instant, I take pleasure in stating herewith the approximate length of voyages from Galveston, New Orleans, and Fernandina to Liverpool and Mediterranean ports, and return voyages, by steamers and sailing vessels, namely:

The Senate will bear in mind that Fernandina is already the terminus of an extensive system of railroads reaching throughout this country, running southward to New Orleans, extending into Texas, California, and Mexico, and westward and northward covering the whole area of railroad transportation. The statement continues:

Average passage of sailing vessels:

	Days.
From New Orleans to Liverpool	45
From Galveston to Liverpool	47
From Fernandina to Liverpool	30
From New Orleans to Gibraltar	42
From Galveston to Gibraltar	44
From Fernandina to Gibraltar	29
From Liverpool to New Orleans	47
From Liverpool to Galveston	49
From Liverpool to Fernandina	41
From Gibraltar to New Orleans	41
From Gibraltar to Galveston	43
From Gibraltar to Fernandina	36

Steamers should make the passage as follows:

	Days.
From New Orleans to Liverpool, at a speed of 8 knots	23.8
From Galveston to Liverpool, at a speed of 8 knots	25.0
From Fernandina to Liverpool, at a speed of 8 knots	18.7

Very respectfully,

J. E. WALKER, *Chief of Bureau.*

NOTE.—It follows from the foregoing that a sailing vessel in making three round voyages would occupy—

	Days.
Between New Orleans and Liverpool	276
Between Galveston and Liverpool	283
Between Fernandina and Liverpool	213

And in making four round voyages would occupy—

	Days.
Between New Orleans and Liverpool	368
Between Galveston and Liverpool	384
Between Fernandina and Liverpool	284

And in a steamer averaging 8 knots (the average time of freighters), three round voyages, would occupy—

	Days.
Between New Orleans and Liverpool	142.8
Between Galveston and Liverpool	150.0
Between Fernandina and Liverpool	112.2

And four round voyages would occupy—

	Days
Between New Orleans and Liverpool	190.4
Between Galveston and Liverpool	200.0
Between Fernandina and Liverpool	149.6

So practically both as to sailing vessels and steamers, four round voyages would be made between Fernandina and Liverpool in the same time required for three round voyages from New Orleans or Galveston. The same results will apply to voyages to Gibraltar.

As a result from the foregoing, a sailing ship carrying 6,000 bales of cotton would transport—

	Bales.
In 276 hours between New Orleans and Liverpool	18,000
In 288 hours between Galveston and Liverpool	18,000
In 284 hours between Fernandina and Liverpool	24,000

And a steamer carrying 10,000 bales would transport—

	Bales.
In 142.8 hours between New Orleans and Liverpool	30,000
In 150 hours between Galveston and Liverpool	30,000
In 149.6 hours between Fernandina and Liverpool	40,000

The port there is one of the finest in the United States and capable of having a very large and valuable commerce. As a harbor of refuge to-day in every storm that occurs, the mariner upon the South Atlantic coast looks to Fernandina as a place of refuge.

The PRESIDENT *pro tempore.* The question is on the amendment of the Committee on Commerce.

The question being put, there were on a division—ayes 12, noes 12.

Mr. EDMUNDS. An even divide, and no quorum, I am sorry to say. We shall have to have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BROWN (when the name of Mr. COLQUITT was called). My colleague [Mr. COLQUITT] is not present. He is paired with the Senator from Iowa [Mr. ALLISON].

Mr. DAWES (when his name was called). I am paired with the Senator from Ohio [Mr. PAYNE].

Mr. SPOONER (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote on this amendment, and therefore I withhold my vote.

The roll-call was concluded.

Mr. ALLISON (after having voted in the affirmative). I voted, forgetting for the moment that I am paired with the Senator from Georgia [Mr. COLQUITT] who is absent. I withdraw my vote.

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON]. As he is absent and I do not know how he would vote, I withhold my vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present I should vote "yea," but I abstain from voting, being paired.

Mr. CULLOM. My colleague [Mr. LOGAN] is paired with the Senator from North California [Mr RANSOM].

Mr. COCKRELL. I am paired with the Senator from Massachusetts [Mr. HOAR]. Not knowing how he would vote, I withhold my vote.

The result was announced—yeas 22, nays 17; as follows:

YEAS—22.

Blair,	Edmunds,	Maxey,	Sherman,
Cameron,	Evarts,	Miller,	Stanford,
Coke,	Frye,	Mitchell of Oreg.	Vest,
Conger,	Hale,	Palmer,	Wilson of Iowa.
Cullom,	Hawley,	Platt,	
Dolph,	McMillan,	Sawyer,	

NAYS—17.

Beck,	George,	Ingalls,	Whitthorne,
Berry,	Gibson,	Pugh,	Wilson of Md.
Brown,	Gray,	Teller,	
Butler,	Harris,	Vance,	
Call,	Hearst,	Walthall,	

ABSENT—37.

Aldrich,	Fair,	McPherson,	Riddleberger,
Allison,	Gorman,	Mahone,	Sabin,
Blackburn,	Hampton,	Manderson,	Saulsbury,
Bowen,	Harrison,	Mitchell of Pa.,	Sewell,
Camden,	Hoar,	Morgan,	Spooner,
Chace,	Jones of Arkansas,	Morrill,	Van Wyck,
Cockrell,	Jones of Florida,	Payne,	Voorhees.
Colquitt,	Jones of Nevada,	Pike,	
Dawes,	Kenna,	Plumb,	
Eustis,	Logan,	Ransom,	

So the amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 231, to increase the appropriation for "improving harbor at Savannah, Ga.: Continuing improvement," from $125,000 to $175,000.

Mr. BROWN. I propose to amend the amendment of the committee. I move to strike out the word "one," in line 231, and insert the word "two;" and also in the same line to strike out "and seventy-five;" so as to make the appropriation for continuing the improvement of the harbor at Savannah, Ga., $200,000.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 231, after the word "improvement," strike out the word "one" and insert "two," and after the word "hundred" strike out "and seventy-five;" so as to read:

Improving harbor at Savannah, Georgia: Continuing improvement, $200,000.

Mr. EDMUNDS. I make the point of order on that, that it increases the appropriation.

Mr. BROWN. I will state that I introduced two weeks ago and more the amendment and had it referred to the Committee on Commerce, and it is estimated for by the head of the Department.

Mr. EDMUNDS. If it is estimated for, it is in order.

Mr. BROWN. The committee propose to give us $175,000, and the engineers estimate for $330,000.

Mr. EDMUNDS. Let the point of order be reserved. If the Senator is right about the estimate, I will withdraw the point of order after the Senator has made his remarks.

Mr. BROWN. Savannah, Ga., is a port of entry where there is a very large commerce, and I will state in this connection that the commerce of Savannah, as shown by the report made by the Committee on Commerce to accompany this bill, for the last year amounted to a little over $51,000,000. Savannah has in the last three river and harbor bills had $200,000 appropriated for this improvement; or rather two appropriation bills have passed and become laws making that appropriation, and the same amount was continued in the appropriation bill that failed at the last session. So since 1881 we have never received less than $200,000 in any river and harbor appropriation bill. There are nearly 20 miles of river between the city and the bar. Outside the bar there is very deep water; and for the needed improvement the estimate on the present plan, which proposes to increase the depth to 20 feet, is $730,000. Four hundred thousand dollars of that has been expended, and there is $330,000 still remaining not yet appropriated. All of it is very greatly needed now.

I have a letter from the president of the steamship company that has a splendid line of steamers running between Savannah and New York informing me on account of there being no appropriation last year the work that has been done has been greatly damaged, and it will not be long unless something is done till he will be unable to get his steamer up the channel from the bar to Savannah.

I think there ought to be a little fair dealing about matters of this sort. I turn to the other Southern cities and I see that for Norfolk the appropriation proposed in the bill as reported by our committee is $250,000; Wilmington, $225,000; Charleston, $250,000; Mobile, $120,000; Jacksonville, $200,000; and Savannah, $175,000. As to commerce, I do not want to enter into a comparison between these ports.

I only say that Savannah beats any of them a long way in the amount of commerce which is done at the port, amounting, as I have already stated, to over $51,000,000 last year. There are exported from the port of Savannah over 800,000 bales of cotton a year. It is the largest exporting port for naval stores in the world. A vast amount of lumber goes out there, and nearly all the rice of the coast is shipped out from Savannah. Then there is a great deal of promiscuous commerce outside of the large items I have mentioned. Therefore it is a port of very decided importance; and not only does the commerce of Georgia go out of it but of the neighboring States. The central railroad system that converges to Savannah carries an immense amount of productions even from Kentucky and Indiana and Illinois that go out through the port of Savannah. And still we propase now to cut it down $25,000 below what it has had heretofore; and really $200,000 is less than it very imperatively needs.

I can not think the Senate will do this. I appeal to the justice of the Senate in a matter of this sort to treat all with some show of equality. When we come to consider the commerce of the different places the rule of comparative importance has not been exactly observed. If it is a sound rule to appropriate the most money (as we did to-day, a million to New York), where there is the most commerce being done and where there is the most commerce to be built up, then I bring a claim here that no other one of the Southern cities has brought.

I do not suppose in this connection I am at liberty to speak of the action of the House of Representatives; but at some other point the appropriations have been cut down far below what they ought to have been and very far below what they have been heretofore.

What I am seeking now is to get the appropriation for the Savannah River up to the amount that has been given us heretofore, and where there is an imperative necessity for it. The line of steamers that runs between Savannah and New York is a line of splendid vessels and they can barely get up the harbor as it is now. They do a very large business; and if we have any regard at all for the commerce which is growing up and being done at the port, it seems to me that the Senate ought not to hesitate in this matter.

I do not purpose to attack the committee. I have conversed with a majority of the members of the committee present, and those members I believe have no objection to our having this little increase. A portion of the committee probably might not feel at liberty to say that there should be any change, as there has been no meeting held on the subject; but I appeal to the chairman of the committee on this case and think I can tell him that he will not find in all his appropriations a case where there is so meager an appropriation given to a port that is doing so large a business with the same disadvantages that it labors under and the same necessity for an appropriation.

I trust I am understood, and I hope there will be no trouble about allowing this little amendment.

Mr. EDMUNDS. Mr. President, I agree with the Senator from Georgia that the port of Savannah and Tybee Roads at the mouth of Savannah River embrace works of national importance; so that just as liberal an appropriation as may be desired justly to keep that harbor, the entrance to that great city and that great system of railroads with its great commerce, in good order I am for. That is one of the things I believe in, and one of the objects for which we can justly spend the public money. Now exactly how much it is wise to spend this year I am not advised, and I express no opinion on that.

But I make this point of order on this first occasion when it has arisen, not because if it were sustained, as I think it clearly must be when I refer to the Book of Estimates, I should not be strongly tempted to waive it, for I make it not for the purpose of interfering with the action on this item, but in order, before we go on to the infinite things that are in this bill and the infinite amendments that will be moved, that we can establish in a leading and test case whether we are within the rules or not, so that I hope the Senator from Georgia will not misunderstand me in making the point of order on his amendment.

His reply to my point of order was that this amount is estimated for. I have the Book of Estimates here, and I think the Senator is mistaken, unintentionally of course. The estimate required by our rules is a definite and distinct one. On page 178 of the Book of Estimates, under the head of "Improving rivers and harbors," this is said:

Construction, completion, repair, preservation, and survey of harbors and rivers, to be expended upon such works as may be directed by Congress, submitted—

I admit that that may be considered as a submitted estimate—

$10,000,000.

And then under the same general head for "Examination, surveys, and contingencies of rivers and harbors, $150,000," in two or three items that I need not take time on.

Total harbors and rivers, $10,176,920.

Then, "Total public works under the War Department, $16,572,630.18." That is an estimate submitted to Congress as such. Now comes a note, and then comes the whole list of improvements, and constructions, &c., that are reported by the Chief of Engineers, under the head of "Amount that can be profitably expended in the next fiscal year, as reported by the Chief of Engineers," and then it begins as the bills generally do, geographically in a certain way at Maine, and runs down through Massachusetts, and Vermont, and New York, and Rhode Island, and all the States, southerly, until we reach Georgia.

Improving harbor at Savannah, Ga.: Completing improvement, $330,000.

Now, preceding that, which is the estimate on which my friend stands or claims, is this note:

NOTE.—The following statement—

Which includes the Savannah item and Burlington, Vermont, and all the other places—

The following statement is not furished as a part of the "annual estimates for the public service" required by the act of March 3, 1875 (18 Stat., p. 370), to be furnished by the Secretary of War to the Secretary of the Treasury, but is inserted as a convenient and customary summary of items taken from the annual report of the Chief of Engineers for the fiscal year 1885, showing—

I skip some unnecessary words referring to the old statute—

"the amount that can be profitably expended in the next fiscal year" on each of the uncompleted works mentioned.

That amount going all through being $42,332,100. So I submit with great respect that the point of order is well taken. The item of $330,000 for Savannah is not the estimate of the head of the Department, and he says it is not in terms. But I beg my friend to understand that I am not making the point on the merit of his proposition.

Mr. BROWN. On page 184 of the report of the Chief of Engineers I find this language in speaking of the port of Savannah:

Amount (estimated) required for completion of existing project.....	$330,000
Amount that can be profitably expended in fiscal year ending June 30, 1887.....	330,000

Submitted in compliance with requirements of section 2 of river and harbor acts of 1866 and 1867.

Mr. EDMUNDS. But that is the Chief of Engineers, not the Secretary of War. Now, the Secretary of War says he does not adopt that as an estimate. He makes his estimate preceding the $10,000,000 as a whole.

Mr. McMILLAN. The statement made in the Book of Estimates is not the only estimate made by the Secretary of War. The Chief of Engineers has made a formal and official report to the head of his Department, the Secretary of War. In regard to every item of improvement he has stated the estimated amount required to complete the project and he has also stated the estimate of the amount that can be profitably expended during the current year. That is reported officially to the Secretary of War. The Secretary of War officially communicates that report to Congress and commends to the consideration of Congress the estimates therein. His official communication supplements this report to Congress, and I submit that the estimate made by the Chief of Engineers in regard to each project is an estimate within the meaning of any rule which has been adopted if we have a rule requiring such an estimate in reference to rivers and harbors.

Mr. EDMUNDS. The Chief of Engineers is not the head of a Department.

Mr. McMILLAN. The Secretary of War is the head of the Department.

Mr. EDMUNDS. He says he does not submit them as "annual estimates for the public service."

Mr. McMILLAN. That is in the Book of Estimates, but that is a statement that affects only that Book of Estimates. It does not affect the official report of the Chief of Engineers, which is made to the Secretary of War as the head of the Department, and transmitted as an official document by the Secretary of War to Congress, as is suggested by the Senator from New York, under a law of Congress requiring that report to be submitted. This is as accurate an estimate as can be made considering the nature of the report. It is an official report. These estimates are stated distinctly in detail, and each of them is as much an estimate for the current year as if contained in a separate document.

Now, I do not undertake to say that this rule would apply to the river and harbor bill, because in construing the rules we must look to the custom of the authorities and of Congress in treating of this subject, and this has always been the mode of making estimates for the current year for appropriations in the river and harbor bill. It is not as it is in regard to other appropriation bills. The legislative, executive, and judicial appropriation bill makes appropriations to carry out the provisions of existing law definitely, and there would be then a precise estimate submitted by the Secretary of the Treasury in transmitting the items to Congress; but it has always been the practice and it is in accordance with the law upon this subject that this character of estimate be made, and it is the only precise and definite estimate that is made on the subject.

So far as the point of order is concerned, I think——

Mr. BECK. I should like to ask the Senator from Minnesota, the chairman of the committee, whether the Secretary of War has made any other estimate for the improvement of rivers and harbors except the one submitted on page 178 of the Book of Estimates, which reads:

Construction, completion, repair, preservation, and survey of harbors and rivers, to be expended upon such works as may be directed by Congress, $10,000,000?

Has he gone into any more details than that, except so far as the report of the Chief of Engineers is concerned?

Mr. McMILLAN. No, except in submitting the report of the Chief of Engineers.

Mr. BECK. Then I do not see why two, or three, or five hundred thousand dollars, if Congress sees fit to give it for Savannah Harbor, can be subject to a point of order. We have a right to consider it ourselves.

The PRESIDENT *pro tempore*. The document sent to the Chair by the Senator from Vermont purports to be a letter of the Secretary of the Treasury, transmitting estimates of appropriations. It is not the usual document of estimates from different heads of Departments. It is the document of estimates as submitted by the Secretary of the Treasury; and the table to which the Senator from Vermont refers providing for expending $10,000,000 is the table prepared in the Treasury Department. But if the Senator from Minnesota can show an estimate from the head of the War Department, or if this table attached to the Secretary of the Treasury's estimate may be regarded as the statement of the Secretary of War——

Mr. EDMUNDS. That note is the note of the Secretary of War.

The PRESIDENT *pro tempore*. Then the Chair would be of opinion that any amendment within the limits of this estimate, $330,000, would be within the estimate of the head of the War Department.

Mr. EDMUNDS. But if I may submit to the Chair, that particular head of Department in his note preceding that list says that he does not submit it as an estimate in terms. That is what I called the attention of the Chair to.

Mr. CONGER. That is from the Secretary of the Treasury.

Mr. EDMUNDS. No; the Secretary of War says that.

The PRESIDENT *pro tempore*. The Chair understands that it is part of the Secretary of the Treasury's report. It appears to be there. If the Chair is mistaken about that he will change his ruling.

Mr. MILLER. I do not see that that has anything to do with this.

Mr. FRYE. If the Chair sustains the point of order raised by the Senator from Vermont, how is any determination to be arrived at? Ten million dollars, according to this statement, is the estimate, and the bill contains $18,000,000. What was to prevent the committee from reporting an amendment to the bill to strike out all except the appropriation for New York and make that $19,000,000? What is to prevent making the appropriation for Savannah, Ga., $330,000, the amount which is estimated by the War Department; and how can the Chair be able to say that then you are exceeding the estimate when the estimate is a lump sum? Practically I do not see how the point of order could be enforced if it was sustained.

The PRESIDENT *pro tempore*. The Chair is disposed to regard the tabular statement, annexed evidently by the Secretary of War, as the estimate called for by the rules. If so, the amendment is within the limit of an estimate proposed by the head of a department.

Mr. MILLER If that matter is settled——

The PRESIDENT *pro tempore*. The Chair holds the amendment to be in order.

Mr. EDMUNDS. I understand the Chair to overrule the point of order.

The PRESIDENT *pro tempore*. The amendment is within the rule.

Mr. EDMUNDS. I hope that decision will stand till we finish this bill, so that we shall all have fair play.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia [Mr. BROWN] to the amendment of the Committee on Commerce.

Mr. BECK. I desire to say a word in regard to Savannah Harbor. I will vote with the Senator from Georgia to increase the appropriation to $200,000. I think if it were proposed to be made $250,000 I should vote for it, unless there was some good reason given why it should not be so much. On one occasion when I had charge of the sundry civil bill it was proved before the committee that there was a great deal of trouble about the navigation of the Savannah River, much of it growing out of obstructions placed in different parts of the channel during the last years of the war. I was in the city of Savannah a few years ago, and I was shown how the commerce of the city had grown and what might be accomplished by removing obstructions to navigation. I have watched the progress of the city ever since. Year by year it has grown and its commercial interests have developed, until I am satisfied there is no port on the Atlantic, certainly none south of Norfolk, that is developing more rapidly than the city of Savannah. It has fine lines of steamers; its commercial importance is magnifying every day; therefore whatever is needed to aid its prosperity ought to be given. Our water ways are the great competitors with railways and other transportation lines in cheapening freights, and all the money we spend inures to the benefit of all the people of the country.

I do not blame the Committee on Commerce of either House for cutting down this and other appropriations as low as they can because of the immense pressure that must have been brought to bear upon them from every quarter and because of the large sum of money that the bill necessarily appropriates. I have not examined the details of the bill; not being on the committee, I have had no opportunity to study its provisions. But while I believe in reasonably economical appropriations I am not troubled about the amount of money now proposed to be expended in improving our rivers and harbors. My trouble is that we have too much idle public money. The country will, in my judgment, very soon suffer more, indeed is now suffering more by reason of the amount of money that the Government of the United States has lying useless in the Treasury and is needlessly collecting every year by taxation, than it would if the Government did not have money enough or had barely money enough to carry on its ordinary operations.

While this debate has been going on I have been looking over the monthly debt statement handed to me in the last half hour, coming from the Secretary of the Treasury. It makes a full exhibit of the condition of our finances. We have paid off $96,000,000 of the principal of the national debt in the last year. We have only $144,000,000 that we can by any possibility pay off before September, 1891, unless we go into the market and buy our not yet matured outstanding bonds at 127, 140, or 150 per cent. premium, which I suppose no wise legislator would think it a proper or prudent thing to do, or to be placed in a position to require it to be done in order to avoid greater evils.

Mr. TELLER. I do not think we have paid off $96,000,000.

Mr. BECK. If the Senator will look at the decrease of the debt during the year ending June 30, 1886, he will see that it amounts to $96,097,796.25——

Mr. TELLER. I call the attention of the Senator to the fact that the debt is not paid. The money is simply piled up in the Treasury.

Mr. BECK. I am coming to that, and that is just what I fear danger from. There is only $144,000,000 of the debt that we can by possibility pay off before 1891, unless we buy the outstanding bonds before they mature. We have so arranged the bonded debt that we can only pay $250,000,000 after September, 1891, and the remaining $737,000,000 is not due till 1907. Of course the people who hold these bonds can no more be required to take our money, no matter how anxious we may be to pay it out, than I can be required to take even double price for my horse if I do not want to sell him, or think that I can get more for him as the need of the bidder for the horse becomes greater.

The fact must not be overlooked that we can not compel them to take the money. Do not forget that. Having, as I said, only $144,000,000 of debt that we can pay off before 1891, the official report shows that we have first about $19,000,000 in cash on hand to meet called bonds. Then we have $75,000,000, which is a net balance after accounting for everything. Then we have $100,000,000, which we hold under the silly pretense that it is necessary to keep that much idle gold to guard greenbacks which need no guard. Our credit is too good to make that pretense necessary any longer. Then we have $29,900,000, or, in round numbers, $30,000,000 of fractional silver coin. In other words, while $144,000,000 is all that we can pay until September, 1891, we have of absolutely idle cash lying in the Treasury $224,000,000. Therefore we could to-day pay off every dollar of the $144,000,000 of 3 per cent. bonds and have $80,000,000 idle money left. Yet we are collecting by the most onerous and expensive form of taxation beyond what we can decently or honestly spend $96,000,000 a year. Perhaps the worst of it is of those $144,000,000 nearly $130,000,000 are held to-day by the national banks as security for their circulation, every dollar of which circulation is needed to carry on the business of this country. The moment we pay those bonds there is a contraction of at least $100,000,000 more of bank circulation, because the premium on the 4 and 4½ per cent. bonds is, or soon will be, so high that no national bank can afford to buy them in order to base its circulation upon them. Indeed, the chances are they will sell what they now hold and still further contract the currency.

Therefore I again repeat we are worse off by having a plethora of money than if we had collected from the people barely enough to pay ordinary annual expenses. I do not care if this bill does appropriate fifteen or twenty millions if it is spent properly in improving our important water ways. They are the only competitors with the great railway corporations. Anything is better than locking up the money in the Treasury. Better spend $20,000,000 on rivers and harbors than to pay it as premiums on bonds, which we will soon have to do if we continue to tax the people as we have been doing; and it does not seem as if we were going to give any relief by reduction of taxes. We have profitable work on which we can spend a great deal of money and benefit the country, such as the river and harbor of Savannah or the harbor of New York or of Galveston or of Norfolk or of Wilmington or any other important river or harbor. I do not seek to encourage extravagant appropriations, but I see in the near future greater evils growing out of the surplus revenues we are collecting than even large appropriations for public works; the money collected must be again put in circulation. Do not lock it up in the Treasury, for if that is done it will bankrupt the country. There is more real danger and injury done by having the people's money lying there than in spending it for any laudable public work. Therefore I am not troubled at this time about the money or about the size of the bill. I do object either to locking up the revenue or to buying bonds at exorbitant premiums to get rid of it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia to the amendment of the Committee on Commerce.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. MITCHELL, of Oregon. Will the Senator allow me to present a conference report.

The PRESIDENT *pro tempore*. The Chair will receive it if there be no objection. The Chair hears no objection.

LEGAL REPRESENTATIVES OF JOHN M. ROBESON.

Mr. MITCHELL, of Oregon, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the bill of the Senate.

JOHN H. MITCHELL,
GEO. GRAY,
Managers on the part of the Senate.
JAMES D. RICHARDSON,
J. LYMAN,
Managers on the part of the House.

The report was concurred in.

AMENDMENTS TO BILLS.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HEARST submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-one minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Tuesday, July 6, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 3d day of July, 1886.

TERRITORIAL CHIEF-JUSTICE.

John C. Shields, of Michigan, to be chief-justice of the supreme court of the Territory of Arizona, *vice* Sumner Howard, resigned.

UNITED STATES ATTORNEY.

G. Chase Godwin, of Grand Rapids, Mich., to be attorney of the United States for the western district of Michigan, in the place of John W. Stone, commission expired.

JUSTICES OF THE PEACE FOR THE DISTRICT OF COLUMBIA.

John A. Moss, whose commission expires July 1, 1886, to be assigned to Anacosta.

Alfred G. Osborn, whose commission expired June 20, 1886, to be assigned to Brightwood.

POSTMASTERS.

Augustus C. Golding, to be postmaster at Norwalk, Fairfield County, Connecticut, *vice* Charles Olmstead, commission expired.

H. M. Saff, to be postmaster at Thomasville, Thomas County, Georgia, *vice* Lebbens Dekle, whose commission expires July 6, 1886.

William H. Wilcox, to be postmaster at Elgin, Kane County, Illinois, *vice* William T. Hunter, removed.

Charles L. Knight, to be postmaster at Council Grove, Morris County, Kansas, *vice* Frank A. Moriarty, resigned.

Dennis G. Clary, to be postmaster at Sleepy Eye, Brown County, Minnesota, *vice* Hans Mo, resigned.

Ferris W. Latimer, to be postmaster at Addison, Steuben County, New York, *vice* C. W. Giller, commission expired.

Darieus A. Ogden, jr., to be postmaster at Penn Yan, Yates County, New York, *vice* Daniel Lanning, whose commission expires July 27, 1886.

John C. Streeter, to be postmaster at Watertown, Jefferson County, New York, *vice* E. M. Gates, commission expired.

William C. Allen, to be postmaster at Akron, Summit County, Ohio, *vice* James H. Morrison, commission expired.

Louis Doumaux, to be postmaster at Wellsborough, Tioga County, Pennsylvania, *vice* Susan R. Hart, commission expired.

S. Mortimer Ward, to be postmaster at Georgetown, Georgetown County, South Carolina, *vice* W. J. Moultrie, removed.

The following nominations are withdrawn, the offices having been relegated to the fourth class July 1, 1886:

F. S. Trousdale, to be postmaster at Metropolis City, Ill.

Thomas Hall, to be postmaster at Preston, Minn.

H. H. Dolen, to be postmaster at Brownsville, Nebr.

CONSUL.

Edward Young, of the District of Columbia, to be consul of the United State at Windsor, Nova Scotia, *vice* Daniel K. Hobart, recalled.

COLLECTOR OF CUSTOMS.

David S. Presson, of Massachusetts, to be collector of customs for the district of Gloucester, Mass., *vice* Fitz J. Bobson, commission expired.

FOR PROMOTION IN THE REVENUE-MARINE SERVICE.

Third Lieut. George H. Doty, to be a second lieutenant, *vice* Cook, deceased.

Third Lieut. Howard Emery, to be a second lieutenant, to fill a vacancy.

Third Lieut. Francis M. Dunwoody, to be a second lieutenant, *vice* Baldwin, promoted.

Third Lieut. John E. Lutz, to be a second lieutenant, to fill a vacancy.

FOR APPOINTMENT IN THE REVENUE-MARINE SERVICE.

Daniel J. Ainsworth, of Virginia, to be a third lieutenant, to fill a vacancy.

J. Charles Harris, of New York, to be a third lieutenant, *vice* Failing, promoted.

WITHDRAWALS OF ARMY NOMINATIONS.

The following-named officers (now acting under letters of promotion issued during the recess), nominated December 14, 1885, for promotion in the Army, are this day withdrawn.

Third Regiment of Cavalry.

First Lieut. Edgar Z. Steever, to be captain, March 4, 1885, *vice* Simpson, whose promotion expired by constitutional limitation.

Second Lieut. George H. Morgan, to be first lieutenant, November 26, 1884, *vice* Simpson promoted.

FOR PROMOTION IN THE ARMY.

Third Regiment of Cavalry.

First Lieut. James F. Simpson, to be captain, November 26, 1884, *vice* Monahan, retired from active service.

First Lieut. Edgar Z. Steever, to be captain, January 18, 1886, *vice* Crawford, deceased.

Second Lieut. George H. Morgan, to be first lieutenant, November 26, 1884, *vice* Simpson, promoted.

Second Lieut. Joseph T. Dickman, to be first lieutenant, January 18, 1886, *vice* Stever, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 3, 1886.

CONSUL.

James W. Romeyn, of Detroit, Mich., to be consul of the United States at Valparaiso.

FOR PROMOTION IN THE ARMY.

First Regiment of Cavalry.

Maj. Abraham K. Arnold, of the Sixth Cavalry, to be lieutenant-colonel, June 11, 1886.

Eleventh Regiment of Infantry.

Second Lieut. Henry O. S. Heistand, to be first lieutenant, June 1, 1886.

Sixth Regiment of Infantry.

First Lieut. Frederick W. Thibaut, to be captain, June 6, 1886.

Second Lieut. Zerah W. Torrey, to be first lieutenant, June 6, 1886.

Fifth Regiment of Cavalry.

First Lieut. Adolphus W. Greely, to be captain, June 11, 1886.

Second Lieut. James V. S. Paddock, to be first lieutenant, June 11, 1886.

Sixth Regiment of Cavalry.

Capt. Emil Adam, of the Fifth Cavalry, to be major, June 11, 1886.

Seventh Regiment of Cavalry.

Lieut. Col. James W. Forsyth, of the First Cavalry, to be colonel, June 11, 1886.

For appointment by transfer in the Army.

Second Lieut. Sedgwick Rice, of the Twenty-second Infantry, to be second lieutenant in the Seventh Cavalry, June 10, 1886, with rank in the cavalry arm from August 29, 1885.

FOR PROMOTION IN THE ARMY IN ACCORDANCE WITH SECTION 1207, REVISED STATUTES.

Ordnance Department.

First Lieut. Rogers Birnie, jr., to be captain, June 14, 1886.

First Lieut. Ira MacNutt, to be captain, June 14, 1886.

First Lieut. Charles C. Morrison, to be captain, June 14, 1886.

First Lieut. Frank Baker, to be captain, June 14, 1886.

REGISTER OF LAND OFFICE.

J. L. Camp, of Gilmer, Tex., to be register of the land office at Prescott, Ariz.

POSTMASTER.

Joseph J. Topliff, to be postmaster at Longmont, Boulder County, Colorado.

TO BE JUSTICE OF THE PEACE FOR THE DISTRICT OF COLUMBIA, TO BE ASSIGNED TO THE CITY OF WASHINGTON.

James A. Tait.

TO BE SECOND LIEUTENANTS IN THE ARMY.

Corps of Engineers.

Cadet rank.

1. Cadet Henry C. Newcomer.

First Regiment of Cavalry.

31. Peter E. Traub.

Second Regiment of Cavalry.

20. Cadet John T. Nance.
28. Cadet William H. Bean.

Third Regiment of Cavalry.

7. Cadet Arthur Thayer.
15. Cadet Cecil Stewart.
37. Cadet Jesse McI. Carter.
42. Cadet Malvern H. Barnum.
46. Cadet William H. Hay.

Fourth Regiment of Cavalry.

17. Cadet Samuel Reber.
18. Cadet Floyd W. Harris.
38. Cadet Frank B. Fowler.
43. Cadet Letcher Hardeman.
47. Cadet James E. Nolan.

Fifth Regiment of Cavalry.

5. Cadet Charles L. Potter.
13. Cadet John T. Haines.

Sixth Regiment of Cavalry.

30. Cadet John J. Pershing.

Eighth Regiment of Cavalry.

27. Cadet Charles C. Walcutt.
36. Cadet Joseph C. Byron.
40. Cadet Edward C. Brooks.

Ninth Regiment of Cavalry.

39. Cadet Harry G. Trout.
44. Cadet Edmund S. Wright.

First Regiment of Artillery.

6. Cadet John A. Towers.
16. Cadet Charles T. Menoher.

Fourth Regiment of Artillery.

9. Cadet Lucien G. Berry.
11. Cadet John E. McMahon.
12. Cadet Walter N. P. Darrow.

Fifth Regiment of Artillery.

14. Cadet Avery D. Andrews.
22. Cadet Robert G. Proctor.

First Regiment of Infantry.

62. Cadet Frank L. Winn.
74. Cadet Dwight E. Holley.

Third Regiment of Infantry.

21. Cadet Harry Freeland.
26. Cadet Frank G. Kalk.
48. Cadet James H. McRae.
64. Cadet Erneste V. Smith.

Fifth Regiment of Infantry.

59. Cadet Frederick C. Kimball.
60. Cadet Charles G. Lyman.
71. Cadet Richard C. Croxton.

Sixth Regiment of Infantry.

50. Cadet Amos B. Shattuck.

Seventh Regiment of Infantry.

41. Cadet Chauncey B. Baker.
54. Cadet Armand I. Lasseigne.

Eighth Regiment of Infantry.

24. Cadet Colville M. Pettit.
72. Cadet Edward N. Jones, jr.

Ninth Regiment of Infantry.

65. Cadet George B. Duncan.
75. Cadet William G. Elliot.

Eleventh Regiment of Infantry.

8. Cadet Robert L. Hirst.
45. Cadet Bertram T. Clayton.
70. Cadet Edward M. Lewis.

Twelfth Regiment of Infantry.

29. Cadet David J. Baker, jr.
33. Cadet Benjamin A. Poore.
52. Cadet Walter H. Gordon.
56. Cadet George J. Godfrey.

Thirteenth Regiment of Infantry.

69. Cadet Julius A. Penn.

Fifteenth Regiment of Infantry.

66. Cadet Robert C. Williams.
76. Cadet Marcus Maxwell.

Sixteenth Regiment of Infantry.

63. Cadet Charles C. Ballou.

Seventeenth Regiment of Infantry.

19. Cadet William H. Camp.
53. Cadet James L. Druien.
55. Cadet James H. Frier.
67. Cadet Lucius L. Durfee.

Nineteenth Regiment of Infantry.

10. Cadet Frank McIntyre.

Twentieth Regiment of Infantry.

25. Cadet Albert D. Niskern.

Twenty-first Regiment of Infantry.

34. Cadet Edward W. McCaskey.
68. Cadet Charles G. Dwyer.

Twenty-second Regiment of Infantry.

51. Cadet William M. Swaine.

Twenty-third Regiment of Infantry.

23. Cadet George D. De Shon.
58. Cadet George B. Davis.

Twenty-fourth Regiment of Infantry.

57. Cadet Henry C. Keene, jr.
77. Cadet David W. Fulton.

TO BE ADDITIONAL SECOND LIEUTENANTS.

Attached to the Corps of Engineers.

2. Cadet Mason M. Patrick.
3. Cadet Charles S. Riché.
4. Cadet Thomas H. Rees.

Attached to the cavalry arm.

49. Cadet Stephen H. Elliott, to the Fourth Cavalry.
73. Cadet Seward Mott, to the Sixth Cavalry.

Attached to the artillery arm.

32. Cadet Thomas B. Mott, to the First Artillery.
35. Cadet Gustave W. S. Stevens, to the Fourth Artillery.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 3, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. STONE, of Kentucky, addressed the Chair.

Mr. BURNES. I am compelled to demand the regular order.

WILLIAM BOONE.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

WILLIAM BOONE.

To the House of Representatives:

I return without approval House bill No. 473, entitled "An act granting a pension to William Boone."

There is not the slightest room for doubt as to the facts involved in this case.

No application for pension was ever made to the Pension Bureau by the beneficiary named in this bill. He enlisted in August, 1862; was in action November, 1862, and taken prisoner and at once paroled. During his parole, and at Aurora, in the State of Illinois, he took part in the celebration of the 4th day of July, 1863, and while so engaged was terribly injured by the discharge of a cannon. He is poor, and has a wife and a number of children.

These facts are derived from the report of the committee in Congress to whom the bill was referred, and from a letter written by the soldier since favorable action was had upon said bill by both Houses of Congress, which letter is now before me. In this letter he says: "I never thought of trying getting a pension until my old comrades urged me to do so."

This declaration does not in the least, I think, militate against the present application for pension, but it tends to show the ideas that have become quite prevalent concerning the facts necessary to be established in order to procure a pension by special act of Congress.

Let it be conceded that during the three months which elapsed between the soldier's enlistment and his capture and parole he was constantly in the field and bravely did his duty. The case presented is that of a brave soldier, not injured in any engagement with the enemy, but honorably captured, and by his parole placed in a condition which prevented, for the time being, his further active military service. He proceeded to his home, or to his friends, and took his place among non-combatants. Eight months afterwards he joined the citizens of the place of his sojourn, and the citizens of every town and hamlet in loyal States, in the usual and creditable celebration of our national holiday. Among the casualties which unfortunately always result from such celebration there occurred a premature discharge of a cannon, which the present claimant for pension was assisting other citizens to discharge and manage.

Whether any of those thus engaged with him were injured is not disclosed; but it is certain that the paroled soldier was very badly hurt.

I am utterly unable to discover any relation between this accident and the military service, or any reason why, if a pension is granted as proposed by this bill, there should not also be a pension granted to any of the companions of the claimant who chanced to be injured at the same time.

A disabled man and a wife and family in need are objects which appeal to the sympathy and charitable feelings of any decent man; but it seems to me that it by no means follows that those intrusted with the people's business and the expenditure of the people's money are justified in so executing the pension laws as that they shall furnish a means of relief in every case of distress or hardship.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 2, 1886.

On motion of Mr. MATSON, the message and accompanying bill were referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DAVIDSON, of Alabama, until Monday, on account of sickness.

To Mr. GROSVENOR, until Wednesday next, on account of important business.

To Mr. MILLARD, for three days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882; and

A bill (S. 1942) for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 4342) for the relief of Nimrod McKee was improperly referred to the Committee on Claims. It directs the Postmaster-General to annul a contract, and should go to the Committee on the Post-Office and Post-Roads. If there be no objection that order will be made.

There was no objection.

POSTAL COMPENSATION OF RAILROAD COMPANIES.

Mr. BLOUNT, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (S. 2438) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. TRIGG. I desire to make a report from the Committee on Accounts to be referred to the Committee on Appropriations.

Several members called for the regular order.

Mr. BURNES. I think if we shall begin now we shall be able to finish the deficiency bill to-day. I therefore move that the morning hour for the call of committees for reports be dispensed with.

The motion was agreed to.

Mr. BURNES. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the general deficiency appropriation bill. The formal amendment pending will be considered as withdrawn, if there be no objection, and the Clerk will continue the reading.

Mr. BELMONT. I understand yesterday there was an agreement that the paragraphs concerning the State Department should be taken up this morning. I believe it was understood we would go back to them this morning.

Mr. BURNES. I do not understand any such agreement as having been made.

The CHAIRMAN. The gentleman in charge of the bill simply stated that he could not go back on yesterday.

Mr. BURNES. I will go back when we get through the bill.

Mr. BELMONT. I asked the gentleman when we would come to those paragraphs, and he said this morning. I thought it was in the nature of an agreement, although it was not made on the floor.

The CHAIRMAN. No such understanding can control the committee.

Mr. BELMONT. Then I understand the gentleman refuses to go back.

The Clerk read as follows:

JUDGMENTS COURT OF CLAIMS.

For payment of the judgments of the Court of Claims, as follows:

Mr. BURNES. From line 1069 to line 1579 inclusive I see no necessity for reading. These are judgments of the Court of Claims. There is a mere list of the names of the judgment creditors and the amounts of judgment as certified by the clerk of the court. The reading will consume half an hour or more, and I ask unanimous consent to dispense with the reading of that list and let it be printed in the RECORD.

There was no objection, and it was so ordered.

The paragraph the reading of which was dispensed with is as follows:

To Edward L. Jordan, $1,145; the New York Consolidated Card Company,

$4,221.50; James H. McLean, $1,030; Joseph Burnett & Co., $183.60; the World's Dispensary Medical Association, $513.40; Ray V. Pierce, $348; Augustus Vogeler & Co., $1,672.80; Andrew Dougherty, $3,842; Herman Tappan, $440; Wells, Richardson & Co., $240; Andrew S. Lowe, $112.20; Weeks & Potter, $725; Johnston Holloway & Co., $168; E. W. Hoyt & Co., $730; Vogeler, Meyer & Co., $382.50; Charles N. Crittenton, $375; Russell, Morgan & Co., $210; George G. Green, $1,092.24; Joseph H. Schenck & Son, $420; Henry Tetlow & Brother, $180; Hiscox & Co., $90; D. Ransom, Son & Co., $353.60; the Merchants' Gargling Oil Company, $316.21; James E. Schwartz & Co., $200; the Anglo-American Drug Company, $220; Mette & Kanne, $30; Calvin E. Hull & Co., $40.08; Thomas J. Husband, $191.20; Dr. D. Jayne & Son, $1,764.31; Kennedy & Co., $205.36; Daniel F. Hutchinson, $30; William Cromey, executor of John Bull, deceased, $342; William Bond & Co., $160; Curtis & Brown Manufacturing Company, $46.50; Jeremiah Curtis & Sons, $440; B. Barnwell Sams, administrator, $181.63; J. Julius Sams, $181.63; George A. Brandreth, executor, $2,060; William Henry Comstock, $152; J. S. Johnson & Co., $192; the Rumford Chemical Works, $110; Edward E. Bradbury, $1,950; Morgan & Maddux, $650; John Conley, $500; Francis M. Tanner, survivor of Tanner & Hayes, $750; Dewitt C. Redgrave, $26.85; the Pacific Railroad, $44,800.74; the Atlantic and Pacific Railroad Company, $51,-351.91; William H. Taylor, $152; John H. Wallace, $1,032; William R. Merriam, $2,877.19; Benjamin U. Keyser, receiver, $805.17; David H. Cuthbert, receiver, $181.75; Foster L. Balch, receiver, $753.49; Lester S. Willson, receiver, $142.63; Otis R. Glover, receiver, $1,065.25; C. F. Fleming, $5.71: James Adger, $45.64; Susan D. Adger, $47.92; Jane Adger, $31.95; J. E. Adger, $22.08; J. B. J. and J. E. Adger, $29.67; M. A. Parker, $27.39; Robert Adger, $69.30; Robert Adger, trustee, $296.66; Robert Adger, trustee, $41.08; Robert Adger, trustee, $31.95; George K. Otis, $16,445.36; Huntington W. Jackson, receiver, $6,362.89; James M. Rhett, $183.33; Lyman B. Perkins, $100; Solomon Max and Abraham Hoffheimer, $288; Michael J. Grealish, $600; Bowers and Dunham, $285; Frederick Brown, $119.33; the Centaur Company, $301.50; Seabury and Johnson, $165; the Holman Pad Company, $92.86; David M. Richardson, $4,250; Schmitt & Schmittdiel, $1,058.95; Barclay & Co., $94.25; George H. Palmer, $2,265.75; Ryder, Crounse & Welch, $50; William B. Gates, executor, $1,837.14; John A. Jones, $220; Samuel G. Lawton, $352.66; Cato Ashe Seabrooke, administrator, $203.19; Van Schaick & Co., $6,433.49; Annie B. Graham, administratrix, $2,445; Thomas D. Griffin, $321.41; Daniel Donovan, $930; William J. Landram, $4,724.78; John F. Henry, Cunan & Co., $204.71; Jacob C. Harper, $145; Henry Kettler, $1,000; Joseph Loehr, $1,095; Charles Bursch, $269.50; the J. C. Ayer Company, $918: R. P. Hall & Co., $160; the Sioux City and Pacific Railroad Company, $82,765.80; the Connecticut Mutual Life Insurance Company, $11,450; John Scherling, administrator, $10,901.50; William L. Bryan, $806; Edward A. Blount, administrator, $965.43; John H. Kimmons, $35; Vileor Vallot, $537.20; Samuel Patterson, $156; Anson C. Merrick, $435; J. W. Payne, $422; James T. Spann, $200; A. J. Pardue, $1,524; James G. Harrison, $46; John S. Fowler, $112; J. W. Burton, $332; A. T. Summey, $362; John S. Bradford, $1,294; W. D. McKinstry, $168; Frank Hardin, $211; Samuel B. Crail, $1,211; William Paterson, $132; J. H. Finks, $136; Robert Barber, $3,191; W. C. Robards, $53; James Brizzolara, $3,575; James O. Ladd, $489; Bushrod W. Bell, $600; William G. Bogle, $300; George M. Bond, $367; Isaac N. Cardoza, $930; L. Congleton, $203; William W. Gilbert, $2,476; Henry D. Fitzgerald, $450; Chester B. Hinsdill, $109; Philip A. Hoyne, $1,756; Henry L. Jeffers, $797; John D. Jordan, $195; Orville D. Laird, $140; Eugene O. Locke, $54; E. E. Marvin, $193; Stephen C. McCandless, $207; Matthew F. Pleasants, $128; M. T. Roberts, $225; William E. Singleton, $78; Samuel Thompson, $676; Stephen Wheeler, $3,971; A. Winslow, $175; Elias S. Falkenburg, $156; Joseph M. Stafford. $530; Lafayette Green, $76; Benjamin L. Benedict, $274; Gustave Anderson, $118; Jos. C. Finnell, $111; H. A. Forney, $381; A. M. Gudger, $117; Barnett Wilson, $701; Samuel Levy, $136; J. Bentley, $147; Ashley, Wetherbee & Watson, $281.17; C. Ashworth, $1,136.28; G. Buckingham, jr., $38.83; George and Samuel Brown, $119.96; Geo. and Saml. Brown & Co., $1,011.90: Theo. Berdell, $551.01; A. Frank & Brother, $286.56; Dater & Timpson, $604.96; Groynne & Day, $678.64; Evans, Wharton & Co., $355.70; L. G. Florance, $102.23; W. S. Hale & Co., $150.57; Johnson & Day, $404.86; Kellogg & Parker, $89.68; Lange, Boell & Arming, $354.60; R. L. Livingston, $323.38; Moran & Gould, $187.43; Henry Meigs, jr., $163.42; H. Meigs, jr., & Smith, $11.98; Mason, Cox & Smith, $327.09; Manning & De Forest, $425.40; Putnam & Earle, $255.68; N. D. Putnam, $119.63; William Parker, $29.76; J. J. Pardee & Co., $358.82; J. D. Prince, $543.34; Stokes & Saltonstal, $134.35; Charles Stokes, $115.20; Speyer & Moran, $824.11; Scranton & Scoville, $941.17; Smith, Seaver & Bowen, $243.31; Francis Ringeling, trustee, $1,794.16; Alexander Taylor & Son, $220.41; Underhill, Haven & Co., $565.94; Stewart & Mattison, $137.33; Vandeventer & Co., $131.86; Wittemore & Mott, $120.10; Barney, Raymond & Co., $785.48: John S. Barry & Co., $1,327.60; Day & Morse, $491.45; William M. Earle, $22.98; Eames & Moore, $199.95; Fowler, Osgood & Co., $418.62; Gray, Prince & Co., $2,687.13; D. C. Hays & Co., $321.08; Durant & Earle, $392.45; DeRose & Tilghman, $265.77; C. F. Davenport, $109.76; Derkheim, Cox & Kemeys, $84.16; Hoyt & Gardner, $847.91; H. C. Hardy & Son, $544.09; Kemeys & Cox, $1,381.23; Jacob Little & Co., $2,311.68; Adam, Kimball & Moore, $452.08; J. C. Atterbury, $63.80; Alley & Lawrence, $1,237.23; Robert S. Anderson, $62.71; T. M. Burton & Co., $195.49; Beers & Edwards, $584.54; Bolles & Co., $280.84; John Bonner & Co., $3,004.77; Britton, Van Vechton & Markham, $276.94; Boyd, Falls & Vincent, $193.95; Baldwin & Weeks, $4,205.50; Barnard L. Smyth, $246.59; Boyd, Vincent & Co., $1,093.98; Coleman Benedict, $1,350.24; Condict, Jennings & Co., $169.55; Chase, McClure & Co., $274.36; Corne & James, $421.27; Davis & Son, $334,79; Delafield & Fitch, $194.63; Dean, McGinnis & Co., $8,753.38; Decoppet & Tiers, $193.82; Dornett & Nichols, $1,049.89; T. F. Durant, $771.05; Fanshawe & Milliken, $380; A. Morton Ferris & Brother, $2,006.93; Fitch & Co., $792.27; Utley & Dougherty, $168.85; J. F. Underhill & Co., $883.52; Van Vechten & Moore, $86.97; Henry T. Verhaven & Co., $871.02; Francis T. Walker, $418.73; Weston & De Billier, $305.93; Wheeler & Peters, $2,144.49; W. G. Wiley & Co., $942.61; Wm. H. Whittingham, $995.45; W. G. Wiley, $144.38; C. E. Wood, $480.85; Wollberg & Co., $381.88; Wood & Davis, $372.93; A. Wolf, jr., & Co., $1,993.30; W. E. Young, $121.65; T. N. Cooper, $2,686.32; J. P. Jones, administrator, $81,250; H. R. Philbrick, $214.88; L. M. Erwin, $402; Marion Erwin, $233; E. C. Wade, $179; Rich'd D. Locke, $149; Maner L. Wade, $79; S. M. Griffin, $40; J. M. Allred, $345; Jas. D. Brady, $255.83; J. E. Blaine, $2,283.43; Culver Barcalow, $3,577.68; Ellery M. Brayton, $1,003.74; Jas. C. Brown, $236.83; Beverly B. Botts, $3,020.73; Geo. W. Brown, $534.82; Webster Bruce, $1,055.59; Ann Bruce, administratrix, $308.16; William W. Bruner, administrator, $1,236.07; Alonzo B. Carroll, $229.29; Andrew Clark, $1,442.30; John C. Carpenter, $579.27; Edward H. Chase, $271.49; John A. J. Creswell, administrator, $408.75; Henry M. Cooper, $558.08; Lucien B. Crooker, $351.11; Charles C. Dame, $917.10: Philip Doppler, $900.35; George P. Dunham, $1,472.03; Isaac H. Duval, $1,282.61; Sewall S. Farwell, $651.15; Amos L. Frost, $2,185 57; J. W. Green, $1,132.90; David F. Hollister, $759.33; S. M. Jackson, $295.89; Walter H. Johnson, $3,086.85; John N. Knapp, $496 21; Robert P. Kennedy, $2,979.22; John F. Kumler, $873.98; James M. Melton, $1,363.48; John J. Mott, $2,658.74; Charles W. Pavey, $1,147.24; Jewett Palmer, $244.39; Francis H. Pierpont, $1,545.38; James Pursell, $2,783.41; Worthy S. Streator, $561.98; Lampson P. Sherman, $753.15; David A. Stewart, $61.52; Edward G. Selden, administrator, $2,623.64; Moses D. Stivers, $857.82; Edward Scull, $1,555.85; James Stuart, administrator, $1,500; John M. Sullivan, $1,750; William P. Tatem, $2,133 38; Edward R. Tinker, $2,367.52; William Umbdenstock, $71.21; J. T. Valentine, $1,253.50; James C. Veatch, $1,556.27; Edward C. Wade, $82.43; Charles C. Walcutt, $2,491.95: Edward Wheeler, $487.38; William H. Wheeler, $986.86; Jonathan C. Willis, $688.20; Elihu A. White, $362.46; William M. Woodcock, $1,021.10; Andrew H. Young, $529.94; Bettie N. Young, administratrix, $449.84; Alfred Hobbs, $1,372; J. W. Beck, $646; William Wright, $361; A. E. Buck, $132; Wm. C. Wells, $348; James H. Bone, $1,382; F. W. Girard, $139; Thomas S. Atkins, $109; George Patterson, $21; A. J. Perdue, $693; John L. Thornley, $550; E. M. Seabrook, $152; S. Rodmond Smith, $101; Aaron Collins, $1,168; James A. Bledsoe, $172; John M. Langston, $7,666.66; Henrietta M. Paynter, $274.51; John C. Cooper, $391.45; John T. Patterson, $864; Scarborough A. Norris, $130; Alfred T. Dullard, $107; John W. Calder, $119; Mervin B. Converse, $40; Joseph M. Stafford, $1,050; Charles Brietz, $187; Charles H. Bill, $265; Paul Ravesies, $128; Robert Barber, $563.90; John R. Carey, $124; John T. Green, $106; Hugh C. Hamilton, $92; John C. Moore, $727; A. W. McCullough, $532; J. C. Wilson, $170; John H. Wallace, $803; John G. White, administrator, $736; Lamar C. Quintero, administrator, $1,689; William G. Lane, $2,418; William H. Hunter, $872; John G. Allen, $6,962; Edward M. Rand, $645; Sarah E. Ramsay and Anna E. Wagner, $1,700; Bernard Zwart, $49; Joseph Ricketts, $440; Henry L. Carroll, $647; Washington P. Parker, $223; Chancellor Hartson, $844.45; R. D. Frayser, administrator, $366.44; John S. Toof, administrator, $413.07; John M. Landon, $1,327; James O. Ladd, $120; James A. Murray, $898; William A. Rose, $90; James C. Saunders, $1,627; Henry E. Young, administrator, $263.60; Charles E. Coffin, administrator, $263.60; Robert W. Shand, administrator, $262.31; Robert W. Shand, trustee, $1.29; William W. Brown, $309; Thomas F. Bowman, $551; Hostetter & Smith, $1,971; Samuel Henry, $516; John M. Allred, $156; John L. Conley, $905; W. C. Smith, $887; L. G. Pirkle, $615; John Graves, $428; James G. Hawthorne, $1,424; Will Haight, $504; A. W. Caldwell, $297; Orlando McClendon, $831; Cadwallader J. Pride, $225; Matthew R. Cullen, $310; Joseph Clark, $52; Isaac Beckett, $190; Michael A. McGowan, $4,444.38; Paul Ravesies, $1,070; Charles L. Adams, $737; Isaac N. Cardozo, $1,865; Charles M. Dennison, $205; William W. Gilbert, $365; Charles B. Faris, $1,459; E. B. Harrison, $966; Abner Hazeltine, $377; James A. Murray, $725; Mark McDonough, $504; A. Q. Moore, $53; C. W. Nottingham, $93; John E. Pound, $633; Stephen Roberts, $347; G. A. Scroggs, $282; J. A. Thorn, $509; Joseph Ricketts, $255; George L. Douglass, $328.35; in all, $682,216.26; together with a further sum sufficient to pay the interest on the judgments in favor of the said Edward L. Jordan, John H. Wallace, William J. Landram, and John M. Langston, respectively, under section 1090 of the Revised Statutes, from the date of presentation for payment until paid, at 5 per cent. per annum: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. BURNES. I ask unanimous consent to make a correction of some errors in the printing of the paragraph relating to these judgments of the Court of Claims. In line 1191 the letter "r" in the name Bursch should be stricken out.

The CHAIRMAN. Without objection that correction will be considered as made.

There was no objection.

Mr. CABELL. It might as well be understood by the committee that if any error is found hereafter in these names the proper names should be substituted.

The CHAIRMAN. It is well for the Chair to state that the enrolling clerk will be obliged to be governed by the bill as passed by the House.

Mr. HOLMAN. The request, I understand, only applies to corrections to be made pending the consideration of the bill.

The CHAIRMAN. Unanimous consent is asked that pending the consideration of the bill in the committee if any other errors of misspelling are found in the portion just passed over they be corrected. Is there objection? The Chair hears none.

Mr. CABELL. That is what I desire.

Mr. BURNES. I desire to correct an error which occurred in printing the same paragraph. I send up an amendment to come in after the word "cents," in line 1360.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Fitch & Bowen, $3,756.65; Earle & Saltonstall, $38.76; Gibson, Beadleston & Co., $1,849.60; Gibson, Caranova & Co., $2,515.16; David Groesbeck & Co., $3,348.82; Edward Haight & Co., $848.59; B. Hall & Young, $55.92; G. L. & L. Haight, $152.62; A. G. Hemingway & Co., $113.78; H. L. Horton & Co., $630.31; Hone & Nicholas, $679; Hutchinson & Dimmick, $142.86; Hutchinson & Broas, $575.19; Jacqueline & Decoppet, $716.75; Kissam & Co., $3,107 49; Latham, Alexander & Co., $221.69; August Limbert, $410.76; August Limbert & Co., $921.64; Lockwood & Davenport, $1,959.24; Maxwell & Graves, $1,452.65; Meserole & Trumbull, $623.96; Mills, Robeson & Smith, $250.71; Miller & Walsh, $300.75; William B. Mott & Co., $684.38; W. D. Moore & Co., $233.06; David M. Morrison, $562.18; B. Murray, jr., $481.65; Osgood Brothers, $6,069.35; Osborn & Chapin, $1,398.17; F. P. & H. L. Olcott, $955.34; Paulding & Slosson, $279.07; Pearl & Co., $188.54; Pulesston, Raymond & Co., $2,490.83; E. D. Randolph & Co., $10,657.02; Rasmus & Lesignola, $271.10; Rollins & Co., $305.60; Randall & Weiram, $300.60; Schafer Brothers, $1,812.53; Smith, Randolph & Co., $1,290.98; M. F. Smith & Decoppet, $160.36; D. Henry Smith, $542.59; William Alexander Smith & Co., $190.46; C. S. Sloane & Co., 02, 711.23; Suydam & Vincent, $89.33; Robert Stuyvesant, $81.66; Stuyvesant & De Wolfe, $2,052.09; Stuyvesant & Goadby, $115.36; Stoker, Taylor & Co., $2,340.73; William and Joseph Taylor, $1,868.52; Tanner & Co., $3,146.28; Taintor & Dyett, $268.87; Towar & Learned, $852.92.

Mr. BURNES. By an error these names, which are in the list as certified by the Court of Claims, were omitted from the bill.

The amendment was agreed to.

Mr. BRAGG. Mr. Chairman, I desire to offer an amendment to come in as a new paragraph after line 1590.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

For payment of judgments and awards recovered against the United States reported by the Attorney-General under the provisions of chapter 359 of the laws of 1885, approved March 3, 1885, Executive Document, first session Forty-ninth Congress, No. 207, as follows: To pay Augustus G. Ruggles amount of judgment recovered by him against the United States for damages and costs, $22,287.06; to pay James K. Pumpelly, Edwin C. Gray, and Frank A. Lyons, as administrators of the estate of George J. Pumpelly, deceased, amount of judgment recovered by him against the United States December 18, 1876, $10,164 57; to pay John S. McDonald amount awarded to him against the United States November 13, 1875, for flowage of land by reason of Government dams at Menasha, Wis., $17,588.17; to pay Peter Armond amount awarded him against the United States November 13, 1875, for flowage of lands by reason of Government dams at Menasha, Wis., $268.80; to pay Fisher Jewson amount awarded him against the United States

November 13, 1875, for flowage of land by reason of Government dams at Menasha, Wis., $384; to pay Richard Jewson and Richard Jewson, jr., amount awarded them against the United States November 13, 1875, for flowage of land by reason of Government dams at Menasha, Wis., $614; to pay J. T. Bud amount awarded him against the United States October 14, 1875, for flowage of land by reason of Government dams at Menasha, Wis., $450; and a sufficient sum in addition thereto as may be necessary to pay the interest on the judgments and awards as above provided is hereby appropriated.

Mr. GUENTHER. I move to amend the amendment by inserting before the last paragraph what I send to the desk.

The Clerk read as follows:

For payment of unappealed awards and judgments rendered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, as follows:

William H. Jenkyns, $960; Charles Miller, $400; George H. Mansur, $772.50; Edley Payne, $1,100; Peter Grattan, $705; John N. Kid, $900; Kate Jenkyns, $200; William Clements, $310; Frank Walker, $455.50; L. H. Eaton, $687.50; Tilley Walker, $500; Tertullius Spalding, $910; E. P. and William Sill, $430; William Sill, $760; Amos D. Page, $760; Patrick Hussey, $30; Joseph Strobe, $960; R. J. Radick, $135; Samuel Neff, $455; Patrick Morrissey, executor of the last will and testament of Patrick Hayes, deceased, $265; J. A. Sanford, $250; George Allanson, $125; Michael Clarey, $230; Helen B. Chapman, $940; Andrew Frederichson, $905; J. H. Porter, $1,185; Gustave Ehrlich, $135; Dennis Cushing, $370; John Cushing, $500; James Durick, $100; William Cushing, $290; William Geary, $280; Oliver Dempsey, $200; Catherine Cavanaugh, $300; James Durick, $420; John F. Seymour, $200; W. M. Sinclair, $100; Costs on appeal to superior court, $114.65; M. Aukland, $80; Aaron Walker, $200; Jane J. Thomas, administratrix of the estate of Thomas J. Thomas, $200; August Frohne, $150; W. R. and J. M. Edwards, $100; Henry Floyd, $140; Martha Hanson, $80; Robert Edwards, $200; F. Chamberlain, $15; Cornelius Spoor, $30.12; Wesley Horton, $28.10; Frederick Bandt, $145; William Page, $150; August Zulk, $100; Anton Rumpler and August Zelmer, $37.50; Martin Matz, $300; John Karon, $130; Martin Tinde, $75; Julius Liebig, $160; Louis Kranz, $75; Herman Esmer, $50; August Swanke, $200; John Hursley, Fred Radtkin, and Martin Radkie, $100; William Spooner, $100; Franz Zuilki, $100; Juliana Countryman, $200; Joseph Guderski, $20; Frederick Boick, $180; William Fuchs, $75; John O. Borst, $175; S. A. Hake, $25; Ephraim Mueller, $250; August Behm, $125; G. H. Behm, $65; Caroline Fuller, $65; Ernest Lambrecht, $100; John Larson, $225; Christian Temple, $233; S. Y. Judd, $500; Elizabeth Owens, $300; Henry Talbe and Ferdinand Retz, appealed, $250; John Jones, $350; John Michaels, $124; D. S. Kissam, $450; Julia Hopp, $100; Adam McKittrick, $400; James Lynch, $300; Ernest Liebenhaur, $300; John B. Wyso, $100; William McClelland, $50; William Zanto, $200; Michael Glynn, $75; Hollis Stedman, $50; J. J. Keen, $100; Datis E. Lewis, $125; Alonzo D. Payne, $200; Francis L. Smith, Erastus H. Payne, and Horace D. Smith, $260; Amos C. Brown and Lucy Brown, $175; William Stewart, $120; Joseph M. Hodgkins and Samuel C. Hall, $20; John McClelland, $50; Henry Falbe, or Phelps, $50; Tracy W. Lewis, $70; C. A. Peck, $200; E. H. Payne and Sarah E. Rigley, $80; W. J. Middleton, $150; Vincent S. Sawinski, $50; John Rude, $80; Hugh Lynch, $50; William Gordon, $200; Thomas J. Dewey, $150; Amanda A. Bugh, $150; Henry Basing, $100; Ferdinand Marion, $150; N. M. Dodson, $150.90; George Fitch and D. W. G. Palmeter, $75; Mrs. T. W. Marsh, $75; Gustave Raasch, $60; W. J. Frank, $125; Edward Teske and Gustave Teske, $175; De Los Maxon, $100; Joseph Melodzek, $205; Lea Kennan, $912; Charles H. Kempley, $595.25; Anna Eliza Page and Margaret Jane Page, $600; John Roger, $338.50; Edward McCaffery and Asiel Waldo, $263.20; Abraham Seaman, $643.54; Samuel Phoenix, 314.50; Harriet B. Cramer, $53.04; Isaac Pickering, $118.66; Jane Pickering, $107.27; F. B. Hawes, $430.35; Lyman R. Slade, $126.99; A. W. Whitson and T. Whitson, $290.70; Charles Metcalf, $406.13; Elizabeth Morris, $65.00; Margaret Bohrner, Theodore Bohrner, and Frank Bohrner, $392.30; Spencer A. Pease, $375; Henry W. Rockafellow, $148.60; John and Richard Mee and F. A. Kendall, $241.60; C. C. Mathers, $332.25; Eli McNutt, Hiram McNutt, and Engelina Waldo, $902.62; J. H. Merritt, $434.25; William Hartwig, $50; John McNab, 334.35; Mary A. Leach, $150.40; Robert Weir, $626.70; Mathew Span, $50; Wilhelmina Retz, $43.14; Andrew Kewitz, $15.80; G. Liebenhaur, $15.80; David Evans, $15.80; Frederick Hault, $16,

Mr. HOLMAN. I wish to raise a point of order on that proposition.

The CHAIRMAN. Does the gentleman raise the point of order as applying to the amendment of the gentleman from Wisconsin, Mr. BRAGG, as well as the amendment to the amendment offered by the gentleman from Wisconsin, Mr. GUENTHER?

Mr. HOLMAN. I do not know whether the gentleman from Wisconsin [Mr. BRAGG] desires to have the question of order decided at once, or prefers first to make his statement.

Mr. BRAGG. I prefer it should be decided at once.

The CHAIRMAN. The gentleman from Indiana did not understand the Chair. The inquiry of the Chair was, whether the point of order was raised as applicable to the proposition of the gentleman from Wisconsin on the right [Mr. BRAGG] or that of the gentleman from Wisconsin on the left [Mr. GUENTHER].

Mr. HOLMAN. The proposition just read.

Mr. BRAGG. There was no point of order taken to the proposition I made which was read to the House.

The CHAIRMAN. So the Chair understood.

Mr. BRAGG. It has passed beyond the reach of a point of order.

The CHAIRMAN. That was the understanding of the Chair.

Mr. HOLMAN. I had not observed the reading of the other proposition. If this, however, was read immediately afterward, I submit that perhaps it is not too late still to make the point of order.

Mr. BRAGG. I will state to the gentleman from Indiana that after the proposition which I submitted had been read, my colleague on the right [Mr. GUENTHER] moved an amendment. There was no point of order taken on my proposition.

Mr. HOLMAN. At that moment I was otherwise employed, so that I did not notice it.

Mr. MCMILLIN. The point would be in time, notwithstanding the reading of the other amendment, there having been no debate on the first proposition.

Mr. HOLMAN. If there was no intermediate business, I submit the point of order could still be made; that is to say, if one gentleman offers a proposition and another gentleman immediately moves to amend it, I submit that a point of order lies to the whole, there having been no intervening debate.

Mr. BRAGG. I am willing to submit that question to the Chair.

The CHAIRMAN. In the opinion of the Chair the point of order applies only to the proposed amendment to the amendment, no point of order having been made upon the original proposition. Does the gentleman from Indiana desire to insist upon the point of order as applicable to the amendment of the gentleman from Wisconsin [Mr. GUENTHER]?

Mr. HOLMAN. I do.

The CHAIRMAN. The Chair will hear the point of order.

Mr. HOLMAN. So far as I am aware there is no law under which the Government of the United States is liable for the payment of these claims; that is the first point. Secondly, this amendment is not for a deficiency of an appropriation, because there never was an appropriation for this purpose, and therefore there could not be a deficit.

Mr. BRAGG. The gentleman is mistaken on that point.

Mr. HOLMAN. As to these judgments?

Mr. BRAGG. As to there having been an appropriation heretofore made.

Mr. HOLMAN. For the payment of these judgments?

Mr. BRAGG. No, sir; but for this purpose.

Mr. HOLMAN. I mean there has been no appropriation made for the payment of these claims.

Mr. BRAGG. Yes, sir; there has been.

Mr. HOLMAN. I think not.

Mr. BRAGG. I state what I know to be the fact.

Mr. HOLMAN. I make the point of order that there is no law for this; and, in any event, these are not deficits, but at best simply equitable claims against the United States.

The CHAIRMAN. The Chair will call the attention of the gentleman from Indiana to what this amendment proposes. It is—

For the payment of unappealed awards and judgments rendered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, as follows—

Now, suppose these are valid claims against the United States——

Mr. HOLMAN. Yes, sir; if the fact is shown that they are valid judgments against the United States——

The CHAIRMAN. The Chair is obliged to judge of the matter as it is presented to the committee.

Mr. HOLMAN. I wish to be heard a moment on that point. This is a bill providing for certain deficiencies in appropriations heretofore made. Assume that under an act passed some years ago, after the Government had obtained possession of this property, the Fox and Wisconsin River improvement, there was authority to assert these claims in the district court, and they were asserted and allowed to the extent named, does that make them deficits so as to entitle them to a place on this appropriation bill, or do they become simply claims against the United States like any other claims? I am objecting not only on account of the absence of law authorizing these judgments against the United States, but also on the ground that they are not germane to this bill, but belong to other committees of the House.

The CHAIRMAN. The Chair is ready to rule. This bill contains a large number of appropriations for judgments rendered by the Court of Claims. We have this morning skipped a number of pages of that kind of matter by general consent. The Chair is at a loss to know why a judgment rendered by any other authorized tribunal is not a proper subject for appropriation under this bill.

Mr. HOLMAN. But I ask the Chair, is this a deficiency in an appropriation? This bill covers simply deficiencies—not in the administration of the Government, because that would cover everything but appropriations, the object of the bill being to make up deficiencies in appropriations heretofore made.

The CHAIRMAN. Have there not been in former appropriation bills appropriations to pay judgments against the United States?

Mr. BRAGG. Always.

Mr. HOLMAN. I did not hear the remark of the Chair.

The CHAIRMAN. The Chair supposes that former appropriation bills appropriated money to pay judgments against the United States; and it appears that there are other judgments for which appropriations have not been made. It seems to the Chair that those judgments may properly be appropriated for in this bill. The point of order is overruled.

Mr. HOLMAN. I should like to see some law authorizing the judgments.

The CHAIRMAN. The Chair overrules the point of order, assuming that there is such law.

Mr. HOLMAN. The Chair, therefore, assumes that there was a law authorizing these appropriations for the payment of these judgments against the United States.

The CHAIRMAN. The gentleman from Indiana misapprehends the Chair. This is to pay judgments. If there is no law authorizing the payment of judgments the Committee of the Whole will refuse to adopt the amendment.

Mr. BURNES. If the Chair will permit me, I wish to call attention to the fact that in the amendment are certain claims for mere awards of damages that have not gone into judgment.

The CHAIRMAN. Are they not judgments unless appealed from?
Mr. BRAGG. Yes, sir.
The CHAIRMAN. The Chair overrules the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

The Committee of the Whole resumed its sitting.

DEFICIENCY APPROPRIATION BILL.

Mr. BRAGG. Mr. Chairman, I desire the attention of the committee, and particularly the attention of gentlemen on this side of the Chamber, while I present as briefly as I may the facts applicable to the case covered by the amendment offered to this bill. I know how difficult it is for members of Congress to think and act for themselves. How much easier it is to follow like sheep running over the bridge after the leader than to determine to go first; and therefore, although I may not be able to prick the iron-clad consciences of the Appropriations Committee, I hope to arouse the individual consciences of members of Congress sufficiently to have them act upon their own judgment instead of blindly following and taking without question the medicine that is administered to them by the Appropriations Committee.

Mr. Chairman, it is difficult for me to say whether I offer this amendment with feelings more of regret or astonishment because of the action of the Appropriations Committee, which forces upon me the necessity of offering it—astonishment that a committee representing the Democratic party, that great champion of honesty, economy, and reform, should place themselves in an attitude of repudiating the just obligations of this Government, that have been litigated in the courts, and that, too, after the property of private citizens has been taken and condemned by a law passed by this body, and regret that I should be obliged to make that statement with reference to such a committee.

Let us see what the facts of the matter are. In years gone by the Government of the United States, for the purpose, as was alleged and supposed, of improving its water ways, made appropriations, and they have been making them ever since, for improving the Fox and Wisconsin Rivers in order to make a complete line of water communication between the Mississippi River and the Gulf of St. Lawrence and the Atlantic Ocean by the Erie Canal. In order to do that we have made year after year appropriations for the construction and maintenance of dams.

As a member representing a portion of the country affected by these dams, years ago I entered my protest against such appropriation, but this House and the Congress have continued to make them; and in order to satisfy the demands of the citizens affected by these appropriations Congress passed an act providing for the condemnation of all lands affected by the flowage resulting from these dams and for the adjustment of the claims. Under that law commissioners were appointed, the United States being present by its attorney and representing them in the appointment of commissioners. These commissioners long and patiently took the proofs on the side of the Government and on the side of the people whose land was flowed under that act.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BURNES. Under the arrangement made on yesterday the gentleman from Wisconsin was entitled to half an hour.

The CHAIRMAN. The Chair was not aware of that arrangement.

Mr. BRAGG. Many of these claims and all of those which are not specified as judgments in the amendment are awards which under the law have the force and effect of a judgment, no appeal having been taken within thirty days. The United States never appealed from these awards, and they stand and have the force and effect of judgments. In the case of James Pumpelly in 1876, ten years ago nearly, for it was in December, 1876, he recovered a judgment upon an award, on a trial had by a jury, for $10,000 and costs.

The Government of the United States appealed from that judgment, and the supreme court of the State of Wisconsin affirmed that judgment. The Government then made a question whether the United States through Congress could be compelled by law to submit to the decision of a tribunal other than the Federal courts. That judgment came to the Supreme Court of the United States and was there decided and affirmed—a decision rendered affirming the judgment. So that we have an award, a trial, and retrial in the supreme court of the State, and a trial in the Supreme Court of the United States; and still my distinguished friend from Indiana says there is no liability. I am absolutely astonished that these men attempt to repudiate such a judgment. They have plenty of money to appropriate to condemn and destroy the lands of the farmers along the river and lake affected by this improvement, but they have no money to pay for it when it is done; and when we come here, years having passed, and enter complaint, they pass a law providing for the adjustment of this claim; but when we come again they repudiate the claim.

I do not state this with reference to all of the members of the Committee on Appropriations, for if I am correctly informed the subcommittee adhered to the doctrine of economy and reform, which I understand means honesty on the part of the Government and in the discharge of all the functions of the Government. In the last session of Congress they came here again and repudiated it. The Committee on Appropriations repudiated it again because it was not sufficiently clear what amount ought to be paid; and, as before, when they asked for bread these gentlemen gave them what they supposed was going to be a stone, and if you allow them to do what they choose it will be a stone. They passed an act which you will find as chapter 359 of the laws of 1885, I think in the sundry civil bill.

The Attorney-General of the United States is required—

To investigate the judgments and awards against the United States arising under an act of Congress entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin," approved March 3, 1875, and to report to Congress at its next session whether the liability of the United States therefor is established and what amount is justly due thereon.

When that came here last year after ten years' solicitation, instead of paying the judgments of the Supreme Court of the United States and other judgments, Congress passed a law asking the opinion of the Attorney-General whether the Government was liable to pay them or not. The Attorney-General has filed his opinion. He has made his report under the law; it is Executive Document No. 207. That document was before the Committee on Appropriations, and in it he certifies that these are just and final adjudications against the United States, and there is no reason why they should not be paid. But still, sir, they come in here and throw them out of the bill. Where will they go next for an excuse? Last year they wanted an opinion of the Attorney-General. This year they have got the opinion of the Attorney-General. But they stand still in the old rut, repudiate the opinion of the Attorney-General upon the law of the case, and make a new point of order that there is no law authorizing it, although the chief law officer of the United States has certified to them as final adjudications.

All this is done under the plea of economy. If there is to be any application of the principle of economy as it seems to be understood by my distinguished friend from Indiana [Mr. HOLMAN], let it be in failing to appropriate money for new objects. Let it be in stopping from launching out anew and let economy be construed in its democratic sense to mean what it ought to mean and what it means everywhere except behind the curtains of the Appropriations Committee—honesty. Honesty means the payment of the debts which you have already made while you have the money to pay them instead of going on making new debts and making no provision for them. I submit, Mr. Chairman, that this House ought to be reminded that the provision of the Constitution of the United States which provides that no property shall be taken for public use without just compensation therefor is law enough to answer all the objections of the gentleman from Indiana. We stand here in the attitude of supplicants. Why? Because the law they apply to us is the law of the highwayman who has his foot on his victim and his pistol at his head, and says, "Hand over to me voluntarily the money you have got," and the man is obliged to do so. That is the law they apply to us. And why? We can not take proceedings by mandamus to compel the United States to pay those debts. There is no responsibility resting on these men. If there were judgments against them in a private capacity they would be promptly paid. But they can shirk the responsibility by dodging behind the committee and come and ask the House of Representatives to indorse their action of dishonesty in repudiating the adjudicated claims against the United States under the flimsy plea of economy.

I now yield to my colleague, Mr. GUENTHER.

Mr. GUENTHER. Mr. Chairman, my colleague, General BRAGG, has explained the history of these claims and situation so completely that little remains for me to say.

I wish to call the attention of the committee to the fact that these awards, made in pursuance of the act of Congress of March 3, 1875, chapter 166, were not only not excessive, but so low that frequently when the Government took an appeal to the courts the result was that the valuation was increased.

The gentleman who for years was the assistant attorney, appointed by the Attorney-General to represent the interests of the United States, is now a member of this House.

He knows, I think, almost every case, and has personally inspected most of the lands, or rather what used to be land. I hope that he will give his views to the House after I have finished.

Now, Mr. Chairman, put yourself in the place of these people. There are nearly two hundred of them in the district which I have the honor to represent. They bought their land either from the United States or from the State or private parties. They cultivated and improved it in the sweat of their brows. After a while, through the erection of dams for the improvement of the Fox and Wisconsin Rivers, their property was destroyed by being permanently overflowed, either wholly or partly. Through no fault of theirs, without their consent, their property was virtually wholly or partly confiscated for public use.

Now, what kind of Government would this be which after their own Attorney-General says that nothing remains to be done except to make payment refuses to do so?

I read from the letter of the Attorney-General, transmitted to the House of Representatives April 29, 1886:

The amount of the unappealed awards and the amount of the judgments rendered, as above set forth, make together the sum of $88,963.16. As to these cases the proceedings are at an end, and nothing remains to be done except to make payment. From the information obtained by me I am satisfied that the liability of the United States for such awards and judgments, respectively, is established agreeably to law, and hence that the amount of each is justly due thereon.

Upon what grounds could we justify a refusal to pay these judgments? Certainly not on the plea of economy. Then it would be economy to refuse what one owes. On this ground we might save many millions a year, but I hardly believe that a majority of this House is willing to gain a reputation for that kind of economy, which would be nothing less than dishonest repudiation.

Mr. CANNON. Will the gentleman permit a question?

Mr. GUENTHER. Yes, sir.

Mr. CANNON. What I wish to inquire is whether the amendment offered by the gentleman's colleague [Mr. BRAGG] and the amendment offered by the gentleman himself [Mr. GUENTHER] covers the claims mentioned in the paragraph read from the letter of the Attorney-General aggregating $88,963.16, and no others?

Mr. GUENTHER. None but those.

Now, Mr. Chairman, I do not think we are a nation of repudiators. Can we afford in justice, in equity, in honor to ignore the just demands of these people because we have the power to do it? They are mostly poor, hard-working farmers.

I personally know of some who have been brought to a condition of actual suffering by losing, through no fault of their own, their land, their means upon which they relied to gain a living.

It would be a crying shame, it would be in violation of every principle of justice to withhold from these citizens that which they are justly entitled to.

They rely upon you for justice. For God's sake, give it to them. They have waited for it long enough. Many of these awards were made ten and eleven years ago.

I appeal to gentlemen on both sides of this Chamber to vote for my amendment as well as that of my colleague [Mr. BRAGG].

Should there be any doubt in your minds about this appropriation, give it, I beg you, to these two hundred poor, hard-working, honest farmers of my State. Do not allow it to be said that this great Government, with an overflowing Treasury, refuses to pay judgments against itself recovered by its own citizens in pursuance of law enacted by the Congress of the United States.

I appeal to your sense of justice and fairness as well as to your sympathies with these poor and honest Western farmers. Make this just appropriation, and you will have the satisfaction that you not only did right, but also sent joy to the humble firesides of hundreds of worthy people. Do it, and the sins that you committed in not doing it long ago will be forgiven.

I yield to my colleague [Mr. THOMAS].

Mr. THOMAS, of Wisconsin. Mr. Chairman, I personally know in relation to these awards and their justice. I was the attorney of the United States in the trial before the commissioners and the courts of all, or nearly all, these cases. I have personally examined the lands. The commissioners were not selected from the vicinage, they were impartial men, and whenever the claimants appealed from the judgment of the commissioners the awards were doubled, tripled, and in some instances quadrupled. The awards have been made strictly under the statute of the United States, and the legality and constitutionality of that act and of the act of the State under which the awards were made in pursuance of the act of Congress have been affirmed by the Supreme Court of the United States. These are awards for lands taken by the Government of the United States in the improvement of the Fox River, lands belonging to the farmers along the banks of the river which were overflowed and destroyed or injured by these improvements, and, as I have said, they were made in pursuance of the act of Congress; they are reasonable and just, and, if tried by a jury of the vicinage, the awards would be three or four times as large as they are now.

Mr. BRAGG. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has eight minutes.

Mr. BRAGG. I reserve that.

Mr. BURNES. I now yield ten minutes to my colleague on the committee [Mr. HOLMAN].

Mr. HOLMAN. Mr. Chairman, I do not think I shall consume anywhere near that time unless it be in reading a paper. The history of this transaction is not a very pleasant one. We made a grant of land years ago to aid in constructing an improvement in the State of Wisconsin. That improvement was in part made. Afterward, perhaps about the year 1875 or 1876, the Government concluded to become the owner of the property, and, by legislative action, entered into an engagement by which it undertook to pay the amount of the assessed value of the property and took charge of the work. That measure was carried out, and, if I remember correctly, some $200,000 or $300,000 was appropriated for the purpose. About the same time, perhaps at the same time, an act seems to have been passed to authorize the circuit court to appoint commissioners to assess damages to persons whose property would be affected by the construction of the works in contemplation for the improvement of the navigation of the Fox and Wisconsin Rivers, a series of locks and dams and other constructions. The result of all this work has been, in the main, a complete failure, as I think the gentleman from Wisconsin is well aware.

Mr. BRAGG. Have you not appropriated this year $80,000 or $90,000 more to go on with that work and rob these people of more of their lands?

Mr. HOLMAN. It is true that the river and harbor bill does contain just such a provision, but the gentleman from Wisconsin, I think, will not say that that is an expenditure which ought to be made. That the Government has expended a vast sum of money upon these works under ingenious plans there is no doubt whatever; but the question is whether or not these judgments should be paid. Now, the gentleman from Wisconsin is quite mistaken in supposing that this is entirely a one-sided case. I admit that the present Attorney-General of the United States has written to the House in relation to these claims as follows:

The amount of the unappealed awards and the amount of the judgments rendered, as above set forth, make together the sum of $88,963.16. As to these cases the proceedings are at an end, and nothing remains to be done except to make payment.

Now, right here I wish to inquire of the gentleman from Wisconsin whether these two lists together, or either of them (for I see one is an amendment to the other, not a substitute), embrace the whole of the $88,963.16, or go beyond it?

Mr. BRAGG. No, sir; they embrace just that amount. The amendment which I offer embraces the two judgments, one of $10,000 and costs, and the other for $19,000 and costs.

Mr. BRECKINRIDGE, of Kentucky. Judgments of the Court of Claims?

Mr. BRAGG. No, sir; the large judgment was by the Supreme Court of the United States, which settled the law controlling all the others.

Mr. HOLMAN. How does it happen that you two gentlemen submit two propositions?

Mr. BRAGG. I can explain that. I present a proposition representing the interests of my constituents——

Mr. GUENTHER. And the residue of these claims are from my district; so I introduced the other amendment.

Mr. HOLMAN. Now, these two large judgments, as I understand from the gentleman from Wisconsin, have been affirmed by the Supreme Court, and as a matter of course they will have to be paid.

Mr. CUTCHEON. And why should they not be paid on this bill?

Mr. HOLMAN. But these, as I understand, are claims against the old company for damages which accrued during the time of its existence, not for damages created by the United States, if my memory is correct.

Mr. BRAGG. Let me answer that point, as the gentleman is seeking legal information. If the claims existed against anybody other than the United States, how did the parties happen to recover judgment against the United States with the United States defending and interposing all their pleas?

Mr. HOLMAN. That would seem to be a very pertinent question.

Mr. BRAGG. Very pertinent, for nobody ever discovered the point which the gentleman makes except the Committee on Appopriations.

Mr. HOLMAN. The Committee on Appropriations in the last Congress submitted the whole facts, and the House thought it not proper at that time to make appropriation without further information. The House was not then able to ascertain, and the Committee on Appropriations has not up to this time been able to ascertain, how it happened under the legislation which occurred that the Government of the United States was responsible for damages perpetrated by the corporation from which they received this property.

Mr. BRAGG. Was not the proposition ruled out last year on a point of order?

Mr. HOLMAN. It was up, anyhow.

Mr. BRAGG. Then the House did not act on it at all.

Mr. HOLMAN. The last information we have on this subject comes from the assistant attorney at Berlin, Wis., who had charge of these cases; and I ask that a portion of his report be read in my time, as I would be glad to have the committee in possession of all the facts.

Mr. BRAGG. Before the gentleman sends that up—I know he does not intend anything unfair——

Mr. HOLMAN. No, sir.

Mr. BRAGG. Will the gentleman state that the document to which he refers is an appendix to the opinion of the Attorney-General, and that the opinion of the Attorney-General is based upon it.

Mr. HOLMAN. Yes, sir. I ask that the communication from Mr. Waring, assistant attorney, dated Berlin, Wis., March 29, 1886, be read, as it explains this matter much more fully than any statement I could make.

The Clerk read as follows:

BERLIN, WIS., *March* 29, 1886.

SIR: In pursuance of instructions contained in your letter of the 15th instant, I have the honor to transmit herewith a full and complete statement of the judgments and awards for flowage damages which have already been rendered against the United States in proceedings instituted under the laws of Wisconsin, and agreeably to the provisions of the act of Congress of March 3, 1875, chapter 166, giving the names of the claimants respectively, the date and amount of each

judgment or award. In addition to these cases in which an award has been made, petitions have been filed in quite a number of cases in which no other proceedings have been had. It will be observed that there are pending on appeal to the circuit court in Fond du Lac County thirty-two cases, in Winnebago County ten cases, in Marquette County eight cases, and in Green Lake County one case——

Mr. HOLMAN (interrupting the Clerk). The gentleman from Missouri [Mr. BURNES] thinks the reading of that whole letter will take too much time. I ask that it may go entire into the RECORD.

Mr. BRAGG. I object to that going in unless the opinion of the Attorney-General goes along with it.

Mr. HOLMAN. Then I ask the Clerk to continue the reading.

Mr. BRAGG. I make the point that it is not in order to have part of a document read; I insist that the whole must be read.

The CHAIRMAN. The gentleman from Indiana can have read in his own time anything he pleases.

Mr. HOLMAN. I am having the whole document read.

The Clerk (resuming the reading) read as follows:

The most of these appeals were taken by the United States. In a few both parties appealed. Nearly all the cases in which damages were awarded to the claimant tried prior to 1877 were appealed. This is noticeably apparent in cases originating in Fond du Lac County. The damages claimed and awarded to lands in that county were much greater, as will appear from the statement sent, than in any other county; in fact, greater than the damages claimed and awarded in all the other five counties together.

Mr. BRAGG. My understanding with the gentleman in charge of the bill is that if this document goes into the RECORD the whole document goes in.

Mr. HOLMAN. The whole of this document.

Mr. BURNES. The gentleman from Wisconsin shall have our consent to put into the RECORD any part of this executive document that he desires.

Mr. BRAGG. I wish it all in.

Mr. BURNES. The gentleman can ask consent to have it printed in the RECORD.

Mr. HOLMAN. I am only asking to have put in the RECORD the report of the attorney having charge of these cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. The gentleman from Missouri [Mr. BURNES] yields me a moment more.

This attorney of the Government says:

As the officers in charge of the improvement have determined to maintain the water at its present height by the erection of a new dam (now in process of construction), and the Goverment having by act of Congress of March 3, 1875 (chap. 166), voluntarily assumed (according to the construction of that act by the courts) the payment of these damages, is there any other way than to pay the same when fairly and legally ascertained?

Whether it would be policy for Congress to make an appropriation in payment of any of these claims until the beginning of the end of these applications can be seen may be doubtful, and I would suggest that the cases pending on appeal should be in some manner disposed of before an appropriation is made for the payment of any of the claims.

The question arises in this form: The Government makes an embankment that throws the water back, and the engineers decided it to be a failure and ultimately determined to abandon it. The question is whether the Government in equity should pay the whole of the damages notwithstanding the fact that the property is returned entirely to the respective owners. It is one of the most unfortunate pieces of work the Government ever went into. They received no benefit from it. It has already expended hundreds of thousands of dollars and it originally constructed the work by grants of the public land. It is one of the instances where by shrewd management large sums have been drawn from the public Treasury and other sums are required as the result, and yet there is no good to the country.

Mr. BURNES. I yield ten minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. I was not in the House when the committee took up this subject, and had not therefore the benefit of hearing the suggestions which have been made in the course of the discussion. This is a subject which can not be discussed with satisfaction in a few minutes.

The House ought to know there have been first and last nearly $2,000,000 appropriated for the construction of slack-water navigation on the route called the Fox and Wisconsin route, connecting the Mississippi River with Green Bay. Those appropriations have gone sometimes as high as $500,000 a year. When those appropriations were being made I had occasion to consult with the Chief of Engineers in regard to the practicability of the construction of this route and had this opinion, that while it might be practicable to construct slack-water navigation up the Fox, it was not the belief of the engineers that it was practicable to construct slack-water navigation down the Wisconsin.

Upon that information Congress refused to appropriate on the authority of the Chief of Engineers. The Senate put in an appropriation, notwithstanding this view of the Engineer Department.

I merely make this statement preliminary to another. I am not prepared to make a full statement, however, but it is important this House should understand before it appropriates the sum of money exactly what it is doing.

The construction of that very extensive work on Fox River may serve to some extent for the purpose of navigation, but it has resulted under a construction of the action of the State of Wisconsin and the action of the Congress of the United States in extensive works being used for the purpose of private parties. Many manufacturing mills are established there, and the water-power is furnished to them at the expense of the Federal Government.

I understand, then, the claims here (an imperfect understanding, however) are claims for damages done to property by overflow produced by the construction of these works. They come here and ask extravagant appropriations for public works. They divert them to private uses. Damages accrue on account of the construction of these works used by them to propel machinery, and then they come here to Congress and levy additional tribute on the country in payment of damages these works produce mainly or largely for their benefit.

This subject ought to be understood by the House. It can not be understood now. I can not undertake to make a statement of the legislation and facts from which the statement I have made has been developed. It has been my duty to investigate this subject to ascertain the facts. I asked the House once for the passage, which I secured, of a resolution calling for information as to the number of private establishments which were being run by the water-power from the public works on the Fox and Wisconsin Rivers. There came a report which evaded the whole question. Subsequently I was not on the committee having charge of the subject.

But the whole work deserves to be overhauled. Congress has the right to know why the Government should be held responsible for the construction of works at public expense for private benefit, from some cause I do not understand, because I have not read the whole of this debate—because there has been damage from overflow of public works.

Mr. BRAGG. If a judgment is recovered against the United States and it has become final, is there any place for retrial of that judgment? Would the gentleman from Texas, as a lawyer, say there was?

Mr. REAGAN. I have been accustomed to see proceedings inaugurated and carried through against the United States that would hardly command the approval of any good lawyer, moralist, or legislator. I would not appropriate for this purpose until these facts are known and until it was seen whether the Government had been properly treated in obtaining these judgments. Although the Government may be technically liable, still if these judgments are based on false pretenses, and that can be made to appear, I believe it is the right of Congress to refuse to appropriate money to satisfy them.

Mr. HOLMAN. That is the reason why I was anxious to have read the letter of the attorney having charge of these works.

[Here the hammer fell.]

Mr. BURNES. How much time have I left?

The CHAIRMAN. Twelve minutes.

Mr. BURNES. I will reserve that time until I can hear from my friend from Wisconsin.

Mr. BRAGG. Mr. Chairman, the remarks made by the gentleman from Texas, who always gives us sound information, and generally sound advice, exhibited this remarkable fact, that it is not generally valuable to take part in debate unless you know what is being debated. The gentleman from Texas says Congress has the right to know by what authority these judgments were rendered. If he had read the report of the Attorney-General he would have found several acts, and acts every one of which I think was voted for by him, under which the jurisdiction was vested and authority was taken.

The Attorney-General has specifically given every single act of Congress in which these proceedings were had and by which the authority was conferred. Now, the gentleman says in addition that he has a right to know, even if authority was conferred, that the Government had been honestly and fairly treated and had not been swindled in making these awards. If the gentleman had been in his seat and had listened to the statements of the United States attorney who tried the cases, and who sits here upon my right, wherein he stated that he had attended on behalf of the Government and himself, made personal inspection of all the lands covered by water, and examined all of the witnesses, and that the prices fixed by the commission, by men selected from other counties, were low instead of high, and before the awards were made that all of the information on which they could be based was in the possession of the commission, I think perhaps he would not have made that assertion——

Mr. REAGAN. Let me interrupt the gentleman. I can not undertake to say——

Mr. BRAGG. I can not yield to the gentleman for a speech.

Mr. REAGAN. Permit me to say only this, that from the very beginning of the time that I went on the Committee on Commerce, as long as that subject was before it, I made an effort to expose the frauds of that Fox and Wisconsin work both in the committee and in the House.

Mr. BRAGG. Now, sir, we are told again that large sums, enormous sums, have been used for this purpose, and that they have been appropriated for these improvements but have been diverted from their legitimate purposes by us. Who does he mean by "us" when he says we have diverted them? The money that has been appropriated thus far has been expended under the direction of the War Department, if he

means us. If there has been any diversion of the money to an improper use it has been under the sanction of one of the Departments of this Government; and is he prepared to stand up in his place as a legislator and say when he gives money for an appropriation and the authorized agents of the United States proceed to disburse it, whether it be hundreds or thousands or millions, that he shall shirk the responsibility of making the payments for the wrong done in carrying out Federal legislation through Federal agencies?

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. BRAGG. Certainly; with the greatest pleasure.

Mr. HOLMAN. The judgment in favor of Augustus G. Ruggles for $19,949.47, or rather the award, is dated on the 4th day of last January. The time has not yet elapsed in which an appeal can be taken, I believe.

Mr. BRAGG. Yes, sir; it has.

Mr. HOLMAN. If it has expired, is the gentleman aware of the fact as to whether such an appeal has or has not been taken?

Mr. BRAGG. I know that it has not been taken, and the Attorney-General certifies that it has not.

Mr. HOLMAN. When and where does he certify to that fact?

Mr. BRAGG. There, sir, in that very document he certifies a list of the awards from which appeals had been taken. The whole list is set out.

Mr. HOLMAN. That document is certified to on the 29th day of April.

Mr. BRAGG. Yes, sir.

Mr. HOLMAN. And some time has elapsed since then within which the appeal might have been filed.

Mr. BRAGG. I can not stop, Mr. Chairman, to open a law school to teach the gentleman from Indiana when the appeal must be taken or when the limit of appeal expires.

Mr. HOLMAN. I think an appeal would yet lie in that case.

Mr. BRAGG. And I know it would not; and I will take that very case as an illustration, for I tried it.

Mr. HOLMAN. On the part of the Government or the claimant?

Mr. BRAGG. No, sir; not on the part of the Government; I tried it against the Government. In 1876 Augustus G. Ruggles took that appeal on an award, and that has lain there ever since 1876 and not entered into judgment, because the case of Pumpelly was sent through to the Supreme Court of the United States, as the United States officers stated that it was necessary to have a case decided in the Supreme Court to settle the liability under the law. Hence, that case of Ruggles was left standing for ten years under the award, in order that the United States Supreme Court might establish the law, the assurance being given that when the law would be established there would be no further carping on the subject. That is the reason it stood so long. The court took the Pumpelly case and established the law, and the Ruggles case was moved for trial and judgment entered upon the award. In Wisconsin, in order to take an appeal which affects anything but the record, a bill of exceptions must be settled within sixty days after the rendition of the judgment. I do not know that I shall be able to post my friend from Indiana as to the practice in that State.

Mr. HOLMAN. Oh, I said nothing about a bill of exceptions.

Mr. BRAGG. But that is all there is of the appeal. The Supreme Court decided the question upon the record in the Pumpelly case; no appeal was taken, no bill of exceptions filed, and the Attorney-General certifies that judgment as final.

Now, Mr. Chairman and gentlemen of the committee, I think you who have paid attention are fully posted as to the merits of this case. There are judgments, some of ten years' standing, that are repudiated by the committee and payment refused.

[Here the hammer fell.]

Mr. BURNES. I yield five minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I do not pretend to discuss here the legal points involved in this case or whether the Congress of the United States did right or wrong in delegating to a State court the adjustment of a claim against the Federal Government. But I do say that the whole proceeding from the beginning to the end of this matter induced, and I may properly say compelled, the Committee on Appropriations to resist this payment in every way possible; and I do not believe but what the gentleman from Wisconsin [Mr. BRAGG] if he had himself been a member of that committee would have done the same thing.

Originally, the United States Government made a grant of land to the State of Wisconsin. The State of Wisconsin donated this land to this corporation. After a while the corporation got tired of the enterprise; and then it was that there was an application to the Government to take possession at a certain price. The award of damages against the Government, whereby the Government assumed the ownership, if I remember aright—and I hope the gentleman will correct me if I do not state the figures correctly—the award was about a million of dollars, but there was deducted from that the value of the land which the Government originally gave to the State of Wisconsin, and which left the Government of the United States actually indebted to this corporation to the extent of $300,000, or thereabouts.

Mr. BRAGG. I think it was less. I believe it was $124,000.

Mr. BURNES. Originally $325,000, and it was subsequently reduced to what the gentleman from Wisconsin states.

Mr. RANDALL. When we came to complete this work, if my memory serves me right, the Government to this $300,000 or thereabout has added appropriations aggregating $1,100,000. It is stated by some as being a little larger.

Mr. REAGAN. The appropriations have amounted to $1,940,000, nearly two millions.

Mr. RANDALL. I understood the amount was about $1,100,000.

Mr. BRAGG. It is more than that. Will the gentleman from Pennsylvania permit me to make a suggestion?

Mr. RANDALL. Yes, sir.

Mr. BRAGG. In the Forty-sixth or Forty-seventh Congress on this floor I offered an amendment to the river and harbor bill appointing a commission of civil engineers, not connected with the Government works, for the purpose of reporting whether we should make any appropriation.

Mr. RANDALL. I give the gentleman the credit of that.

Mr. BRAGG. And the gentleman from Pennsylvania resisted my amendment and it was beaten.

Mr. RANDALL. I have resisted everything in connection with this enterprise from the beginning. In addition to the arrangement made originally we had to expend $1,100,000, or, as the gentleman from Texas states it, $1,900,000. And then how was the Government treated? There was a reservation that these people should have the rentals, so that we built this improvement; but the corporation reserves all the income from our money.

Now, I think that justified the Committee on Appropriations in resisting to the fullest extent, and continuously, this appropriation of money. That is all I have got to say. This is the history, and I wanted to state the history of it to the House so that the committee might be aware what prompted the Committee on Appropriations in its continual resistance to this measure.

Mr. BURNES. I yield half of the time which remains to me to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. In the original legislation under which these liabilities of the Government accrued I had no lot or part. It may have been an unwise grant. For the sake of the argument let us say it was. Nevertheless the legislation was had. In addition to that, the United States has provided a forum in which its citizens have litigated their rights under the act of Congress, and those damages have been reduced to judgments. They are awards from which there is no appeal.

The responsibility of the United States as reported by the Attorney-General is fixed. As to $88,000 of these judgments and awards, wise or unwise, right or wrong, the liability of the Government is fixed, and nothing remains to be done, in the language of the Attorney-General, but to pay; and until we do pay they draw interest at 6 per cent. There is the whole thing in a nutshell.

Mr. REED, of Maine. In other words, if the gentleman will permit me, the Committee on Appropriations are fighting an execution.

Mr. CANNON. Precisely so. And they go on talking about the interest of somebody in Wisconsin in the water-power, talking about the wisdom or unwisdom of the original legislation—in other words, going to a last year's bird's nest.

Mr. BLAND. Are these the same parties who are interested in the water-power?

Mr. CANNON. I do not know. I am told by the gentleman from Wisconsin that some of these men are poor men whose lands were overflowed and who have recovered damages in the tribunal provided by the Government, and now that we are at an end of the whole question there is nothing left to us but to appropriate and make the best of a bad bargain; get out of that bad bargain if we can, and in the future make no more bad bargains.

Mr. FINDLAY and Mr. GUENTHER desired to address questions to Mr. CANNON.

The CHAIRMAN. The time of the gentleman has expired, the gentleman from Missouri [Mr. BURNES] having reserved to himself one-half of the time that remained to him when the gentleman from Illinois rose.

Mr. BURNES. I have but a word to say. So long as my friend from Wisconsin [Mr. BRAGG] confined his proposition to the naked legal question, so long as he merely claimed he had a legal right to the payment of his judgment, then so long I sympathized with his statement and approved of his argument. The gentleman has appealed to the forum of conscience; he has alluded to the iron-clad conscience of the Appropriations Committee, and contrasted it with the conscience of the gentlemen in Wisconsin who are pressing this matter on us. I simply accept the issue and say to this House—and I ask my colleague on the committee [Mr. CANNON] to correct me if I do not state it correctly—in that forum there can be no question as to the dishonesty of these claims and of these judgments. These claims and judgments ought not to be paid by the representatives of the people of this country who are acting here as the sovereign legislative power of the Republic. True, there is a technical judgment of the courts of the State of Wisconsin. It has been stated that there were judgments of the Supreme Court. The opinion of the Supreme Court upon a made-up case has

been given, but when you go to the issues that were tried in Wisconsin, they were tried by a Wisconsin jury, tried in Wisconsin courts, appealed to the supreme court of Wisconsin——

Mr. GUENTHER. There are just as honest men in Wisconsin as anywhere else.

Mr. BURNES. I have no doubt of it, and there are just at honest Representatives on this floor from Wisconsin as from Missouri or any other State, and chief among them are my two friends who are urging these amendments.

Mr. BRAGG. Will the gentleman permit me to correct him in one statement?

Mr. BURNES. Yes, sir.

Mr. BRAGG. This question was not submitted to the Supreme Court on "a made-up case." The United States appealed a case to the Supreme Court and appeared and argued it by Solicitor-General Phillips.

Mr. BURNES. I admit that.

Mr. BLAND. I wish to ask the gentleman from Wisconsin whether any of these parties to whom these payments are proposed to be made are the parties interested in this water-power?

Mr. GUENTHER. Not one.

Mr. BURNES. In answer to my colleague [Mr. BLAND] I will say that there is a company of gentlemen there who have sold the Wisconsin River and reserved the water. [Laughter.]

Mr. GUENTHER. But they are not the parties who have sustained these damages.

Mr. BURNES. No matter. They were the owners of these lands which we gave them in our bounty. We gave them $1,048,000 in money for their improvements, we gave them $700,000 worth of land at a minimum price, and we now have against us claims of $200,000 or $300,000 for damages done by the water which belongs to the manufacturing industries established there. Their water has done this damage, not ours, and every dollar that is appropriated for continuing the work simply raises that water higher and higher and overflows the land which belonged to this company, and has been disposed of by them to people in that vicinity at probably from $5 to $10 an acre, they accounting to us at $1.25. I ask this House not to consider this proposition until the next session of Congress.

Mr. BRAGG. That is what you ask continually.

Mr. BURNES. Leave it out of this bill, and let each member of the House look into it for himself and say at our next session whether the Congress of the United States will pay a dishonest and unmeritorious claim simply because there is a technical legal obligation established against us.

Mr. BRAGG. Did you not provide in the last Congress for getting information? Did you not adopt a resolution calling upon the law officer of the Government for a report upon this subject?

Mr. HOLMAN. But we did not commit ourselves.

Mr. BURNES. I grant, Mr. Chairman, that the opinion of the Attorney-General has been given in favor of the regularity of these proceedings in Wisconsin, but the Attorney-General acted entirely through subordinates of whose weight and caliber I have no knowledge.

Mr. GUENTHER. But he signs it "A. H. Garland, Attorney-General." [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Before the question is put, the Chair thinks it proper to state that at the time of making the ruling the Chair was unaware that there had been any ruling to the contrary or any prior ruling on the subject; but the Chair is thoroughly satisfied as to the correctness of its ruling.

Mr. REED, of Maine. Will not the gentlemen from Missouri [Mr. BURNES] give us the language used by the Attorney-General in approving the payment of these awards? It is in the last paragraph, at the end of the second page of the letter.

Mr. BURNES. Yes, sir. The Attorney-General says:

> The amount of the unappealed awards and the amount of the judgments rendered, as above set forth, make together the sum of $88,963.16. As to these cases the proceedings are at an end, and nothing remains to be done except to make payment. From the information obtained by me, I am satisfied that the liability of the United States for such awards and judgments respectively is established agreeably to law, and hence that the amount of each is jusily due thereon.

Mr. REED, of Maine. "Justly due," the Attorney-General says.

Mr. BLOUNT. Mr. Chairman, is further debate in order?

The CHAIRMAN. Debate on the pending proposition is exhausted, but debate is still in order under the five-minute rule.

Mr. BLOUNT. I move to strike out the last word. For one, Mr. Chairman, I do not care to review the judgments of courts to which the Government of the United States has submitted disputes between itself and any of its citizens. These are judgments of a court to which the United States has expressly submitted the questions here in dispute. In many of these cases the Government has not seen fit even to take an appeal, and the Attorney-General of the United States, in a communication addressed to this House in reply to a resolution of inquiry of a former Congress, has given his opinion as follows:

> The amount of the unappealed awards and the amount of the judgments rendered, as above set forth, make together the sum of $88,963.16. As to these cases the proceedings are at an end, and nothing remains to be done except to make payment. From the information obtained by me I am satisfied that the liability of the United States for such awards and judgments, respectively, is established agreeably to law, and hence that the amount of each is justly due thereon.

The Attorney-General of the United States could say no less, and this House, in my opinion, can say no less than that the Government will respond to the judgments of the courts in cases of this kind. It has been the practice of this House not to go behind judgments; it has been the practice of the Committee on Appropriations to accept it as a part of their duty to provide for the payment of judgments as well as for the other expenditures of the Government. I know of one instance in which the Committee on Appropriations did refuse to pay a judgment. They withheld payment for one Congress. It was alleged that the judgment was an outrage, as it is alleged in this case. The very next Congress paid the judgment, and it afterward turned out that the Committee on Appropriations had been imposed upon, that an attorney had succeeded, by certain representations, in preventing the payment, and, by reason of the delay had brought his clients to pay him instead of $10,000, which they claimed was the proper amount, the sum of about $40,000. It does not become the Government of the United States now to enter into an inquiry whether the appropriations for these works were proper. They were made. Congress provided for the settlement of the issues. They have been settled; and for one, in any case where there is a judgment of the United States court re-enforced by an opinion of the Attorney-General of the United States, I will not take issue with that judicial judgment upon the mere statement that the information before the Committee on Appropriations was such that if the House could have it the House would coincide with the Committee on Appropriations in excluding this appropriation. I have every confidence in the gentlemen composing that committee and in their high purposes; but, in view of the multitude of questions which they have to consider with reference to matters of expenditure, and the impossibility of their taking up measures of this kind and examining them as they can be examined by a court, I am not willing to take the opinion of that committee against the opinion of the court.

Mr. REAGAN. Mr. Chairman, it has very rarely been my duty to express a different opinion from that of the gentleman from Georgia [Mr. BLOUNT], and I do not now differ with his technical opinion; but it seems to me he looks alone at the judgments in this case and at the interest of those to be benefited by those judgments, and forgets in his argument the rights and interests of the American people.

I wish to repeat that nearly $2,000,000 have been appropriated by the Government for making the improvements on that river. These Government works furnish water-power for manufacturing establishments and mills all along the river. These works have been made by the Government at the expense of the people for the benefit of the private owners of those mills and manufacturing establishments, and the very works which the Government has built at its own expense, which inure to the profit of private individuals, are made the basis of judgments against it by the people who received the benefit of this public work; and the very bounty of the Government is made a basis for involving it in additional and possibly endless expenditure.

I attach as much sanctity to the judgments of courts as any one where they are based upon reason and justice; but where it is manifest that the judgment of the court is but the culmination of a system of the grossest fraud, no vote of mine shall ever expend the money of the American people for the benefit of the robbers.

Mr. BUTTERWORTH. But was not the "bounty" of which the gentleman speaks designed for the whole people; and in order to confer this bounty upon the whole people has not the Government destroyed the property of individuals, for which compensation is asked?

Mr. REAGAN. I know it has been said that this appropriation is for the benefit of "poor farmers;" but the size of the judgments does not look much as if that were the fact.

Mr. GUENTHER. The judgments with one or two exceptions range from $20 up to about $500, with only two exceptions, and there are over two hundred of them.

Mr. FINDLAY. I wish to ask the gentleman from Texas [Mr. REAGAN] whether he considers that we have any right in our legislative capacity as Representatives of the people to revise a judgment of the courts?

Mr. REAGAN. I have no hesitation in saying that I regard this House in a proper case as a high court of equity, and would hold that fraud vitiates everything. In defending the rights of the American people against robbers I would hold that fraud vitiates all action—to this extent, at least, that I would not appropriate money from the public Treasury to carry out the culmination of frauds like these.

Mr. FINDLAY. By the operation of what principle do we become a high court of equity?

Mr. REAGAN. I am not discussing technical questions with my friend from Maryland or any one else. I am talking of the justice, the righteousness, of taking the people's money to give it to men who have already had $2,000,000 of the public money.

Mr. CUTCHEON. Can the gentleman give any evidence that the parties who are to receive payment of these awards are the persons who received the money heretofore expended by the Government?

[Here the hammer fell.]

Mr. BRAGG. I ask for a vote.

The CHAIRMAN. The Chair, if there be no objection, will regard *pro forma* amendments as withdrawn.

Mr. BLAND. Mr. Chairman, I move to strike out the proposed section. There is one thing which, so far as my vote is concerned, I want to have understood, and I think that a number of gentlemen are in the same condition. It has been asserted on the one hand, and denied on the other, that the same parties who are the beneficiaries of these judgments are the parties interested in this water-power——

Mr. GUENTHER. There is not a word of truth in it.

Mr. BLAND. If they are in fact so interested, I am opposed to this proposition.

Mr. GUENTHER. I repeat, there is not a word of truth in it.

Mr. BLAND. I want the statement to be made upon the responsibility of gentlemen on this floor that the beneficiaries of these judgments have no interest in the water-power.

Mr. GUENTHER. I move to strike out the last word. In response to the inquiry of my friend from Missouri [Mr. BLAND], I wish to state that the number of these judgments is over two hundred; and with the exception of two large judgments their average amount is less than $300. They range from $20 up to about $500; and from my personal knowledge I know that most of these men are poor, hard-working farmers, and not a solitary one is interested, directly or indirectly, in the improvement of the Fox and Wisconsin Rivers, except as other citizens of Wisconsin are.

If they had their way they would say we do not want the improvement on the Fox and Wisconsin Rivers, because by doing so you have confiscated our property and taken away from us the means of earning a living.

Mr. BRAGG. Yes; that is so.

A MEMBER. Why?

Mr. GEUNTHER. Because the Government of the United States began the work by an act of Congress and said it was forever to be responsible for the damages heretofore or hereafter acruing by reason of the construction of these works.

Mr. HENDERSON, of Iowa. Let me ask the gentleman from Wisconsin this question.

Mr. GEUNTHER. Certainly.

Mr. HENDERSON, of Iowa. Are any judgment creditors interested in these improvements?

Mr. GEUNTHER. Not a single solitary one of them, as I stated already.

Mr. HENDERSON, of Iowa. You know that?

Mr. GUENTHER. I know it, and state it on my honor and responsibility as a Representative.

The CHAIRMAN. The Chair wants to know what the amendment was of the gentleman from Missouri.

Mr. BLAND. I withdraw it.

Mr. WARNER, of Ohio. I offer the following amendment.

The Clerk read as follows:

And to prevent damages to lands in future the dams shall be lowered so as to draw off the water and prevent further overflow.

The CHAIRMAN. Two amendments are already pending.

Mr. WARNER, of Ohio. I offer it then as a substitute. [Cries of "Regular order!"] Now, Mr. Chairman, it is said the farmers are injured by these overflows. It also appears these overflows are caused by dams built by mill-owners interested in the water-power, and these dams have been built by the Government at the expense of the whole people for the benefit of a few; that for the purpose of navigation they are of no value. It seems to me, then, the correct remedy would be to lower the dams, draw off the water, and prevent further overflow. In that case there would be no damage to farmers who own land, and the Government would be put to no further expense.

Mr. GUENTHER. I make the point of order against the gentleman's amendment. It is new legislation.

The CHAIRMAN. The point of order comes too late.

Mr. SPRINGER. What is the amendment?

The CHAIRMAN. It is a substitute offered by the gentleman from Ohio to the amendment of the gentleman from Wisconsin [Mr. GEUNTHER].

Mr. GEUNTHER. It is not in order, because it is new legislation.

Mr. WARNER, of Ohio. I will withhold it and offer it again.

The CHAIRMAN. Then the question is upon the amendment of the gentleman from Wisconsin.

Mr. WARNER, of Ohio. On reconsideration, Mr. Chairman, I will leave it pending as a substitute, for then the point of order will not lie against it.

Mr. BRAGG. I only desire to call the attention of the House to the fact that, if this substitute is agreed to, it will wipe out the appropriation for the payment of these damages.

Mr. WARNER, of Ohio. Of course.

Mr. BRAGG. You have done it before; it is nothing but a subterfuge.

Mr. WARNER, of Ohio. It is a substitute, and it prevents future damages.

Mr. GUENTHER. The gentleman offered it as a substitute and then withdrew it. He now offers it again, and I raise the point of order against it, as I said before.

The CHAIRMAN. The gentleman is mistaken. The gentleman from Ohio offered his substitute, and after it had been debated the point of order was raised when it came too late.

Mr. GUENTHER. I hope the substitute will be voted down.

The CHAIRMAN. The first question is on the amendment of Mr. GUENTHER to the amendment of Mr. BRAGG.

The committee divided; and there were—ayes 97, noes 26.

Mr. HOLMAN. No quorum has voted, but we will take a vote in the House.

Mr. BRAGG. It might as well be fought out now as another time.

The CHAIRMAN. The Chair does not understand whether the gentleman insists upon the point of order of no quorum or not.

Mr. BURNES. He does not.

Mr. HOLMAN. I do not if we can have a vote in the House.

So the amendment to the amendment was agreed to.

The question recurred on Mr. BRAGG'S amendment as amended.

Mr. BURNES. Will it be in order to offer another amendment?

The CHAIRMAN. Certainly.

Mr. BURNES. Then I offer the following amendment, and I think I have the support of the gentleman from Wisconsin [Mr. BRAGG].

The Clerk read as follows:

Said sum to be paid out of any money now appropriated or hereafter to be appropriated for the improvement of the Fox and Wisconsin Rivers in Wisconsin.

Mr. BRAGG. I have no objection to that.

Mr. REED, of Maine. That is right.

Mr. GUENTHER. No; it is not. In this case we would probably not receive one cent. No appropriation for the improvement of the Fox and Wisconsin Rivers is made, and if made it is questionable whether it will become law. The river and harbor bill has not passed the Senate yet.

The question was taken on the amendment of Mr. BURNES; and on a division there were—ayes 63, noes 83.

Mr. BURNES. No quorum.

Mr. BRAGG. I desire to say to the committee that although I gave temporarily my assent to this proposition of the gentleman from Missouri, when the vote came upon it I withdrew it, for the reason that I thought the appropriations had been provided for the Fox and Wisconsin improvement, but none has been so far made, and none may be made.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BURNES and Mr. BRAGG were appointed tellers.

The House again divided; and the tellers reported—ayes 54, noes 94.

So the amendment was rejected.

Mr. WARNER, of Ohio. I now ask a vote upon my amendment, if in order, which I offered in the first instance as a substitute but now as an amendment to the amendment of the gentleman from Wisconsin.

Mr. GUENTHER. I raise the question of order upon it.

The CHAIRMAN. The Chair will examine the amendment.

The Chair finds that this is an amendment which proposes that the dams shall be lowered so as to draw off the water and prevent further overflow. The Chair thinks it is out of order, as new legislation.

The question recurred on the amendment of Mr. BRAGG as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

SENATE.

To pay to Mrs. Eliza C. Hendricks, widow of Hon. Thomas A. Hendricks, late Vice-President of the United States, $8,750, being a sum equal to one year's salary for the unexpired term of his service and the allowances of a member of Congress for mileage and stationery.

Mr. RANDALL. I wish to offer an amendment, to come in after line 1597.

The Clerk read as follows:

To pay E. B. Wade the difference between the pay received by him and the salary of reading clerk from May 27 to June 14, $105.

Mr. RANDALL. This officer holds a position in the House, and during the sickness of one of the reading clerks performed the duties of that clerk. I provide that while he performed such duty he shall receive the difference between the pay he gets and the pay allowed to a reading clerk, which amounts to $105. It does not involve any increase of pay.

The amendment was agreed to.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For allowance to the following contestants and contestees in full of expenses incurred by them in contested-election cases: To H. A. Herbert, $501.75; A. C. Davidson, $200; J. B. Weaver, $2,000; Frank T. Campbell, $2,000; Frank H. Hurd, $3,000; Jacob Romeis, $3,000; and to James E. Campbell and Henry L. Morey, for allowance in addition to the $2,000 already paid to each of them for expenses incurred in a contested-election case in the Forty-eighth Congress, $1,500 each; in all $13,701.75.

Mr. ROBERTSON. Mr. Chairman, I desire to raise the question of order on this paragraph of the bill. I make the point of order on lines 1604 and 1605 where the word "three" is inserted in each line, allow-

ing to Frank H. Hurd $3,000 and to Jacob Romeis $3,000 for expenses of contesting an election. This is in excess of the amount fixed by the statute.

Also, on the provision allowing $1,500 to James E. Campbell and Henry L. Morey for additional allowance for contested-election case in the Forty-eighth Congress.

I made the same point of order in the Forty-eighth Congress, and desire the Clerk to read from the RECORD the remarks which I submitted at that time on that point.

The Clerk read as follows:

Mr. ROBERTSON. I make the point of order on that, and will submit it to the Chair.

* * * * * * *

Mr. Chairman, I do not suppose it will be denied by the gentleman from Pennsylvania that there is now a statute fixing the amount to be paid and limiting all of the expenses of a contestant before this House to $2,000 and of a contestee to $2,000 in these election cases. He will not contend that there is not a law which says they shall not, under any state of circumstances, exceed that amount.

Now, sir, I desire to read but one section—section 3 of Rule XXI, which says:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

Then, as a matter of course, this exceeds the present law. It is in excess of what the law provides for this purpose. It is in violation of the present law, and therefore the point of order that I make upon it is good and it ought to be sustained by the Chair. Then, that it changes existing law would hardly be questioned, because I have just cited the law, and I do not suppose the gentleman from Pennsylvania, the chairman of the Committee on Appropriations himself, who is a skilled parliamentarian, would deny or overrule the point of order that I make were he occupying the position that you now hold.

Mr. RANDALL. Nor if I were occupying any other position when I was called upon to rule upon such a question.

Mr. ROBERTSON. Do you see anything wrong with the point of order?

Mr. RANDALL. I have never said that there was.

Mr. ROBERTSON. But I go further than that, Mr. Chairman. I hold that a contestant who comes here and seeks a seat upon this floor and fails to secure it should not be allowed one cent for his expenses; while, on the contrary, the contestee should be allowed his actual and legitimate expenses, not however to exceed the amount provided by the law, namely, $2,000.

Mr. BURNES. I submit in the interest of progress with this bill that it is unnecessary to consume further time with reading the speech of my eloquent and esteemed friend. I will submit, sir, that the point of order can not be resisted if insisted upon. In the sundry civil bill of 1880——

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. BURNES. Very well.

The CHAIRMAN. The Chair desires to state that the point of order as to the last portion, in reference to the appropriation for additional payment to Messrs. Campbell and Morey, applies in toto; but the Chair understands the gentleman from Kentucky only desires it to apply in lines 1604 and 1605, to the excess over $2,000?

Mr. ROBERTSON. That is it exactly.

The CHAIRMAN. As so understood, the Chair sustains the point of order.

Mr. MCMILLIN. I wish to inquire of the gentleman from Kentucky whether his point of order does not extend to all amounts embraced in that section which exceed $2,000?

Mr. ROBERTSON. Yes, sir.

Mr. MCMILLIN. Then I move to amend by striking out "$13,701.75," in lines 1610 and 1611, and insert "$8,701.75."

The CHAIRMAN. The Chair will state that in lines 1604 and 1605 an amendment is rendered necessary to make the section conform to what the gentleman from Kentucky desires.

Mr. MCMILLIN. That is what I am proposing to do.

The CHAIRMAN. The Chair understands the gentleman to suggest an amendment to lines 1610 and 1611, requiring them to conform to something that has not yet been done in the body of the paragraph.

Mr. ROBERTSON. If the Chair understands my point of order, it is that but $2,000 shall be allowed to Mr. Hurd and $2,000 to Mr. Romeis, in accordance with the statute, for their election contest; but I suppose the whole amount will have to be stricken out to reach that; and also strike out $1,500 for Campbell and Morey absolutely. Then, of course, $2,000 ought to be inserted in place of the $3,000 stricken out for Mr. Hurd and Mr. Romeis.

Mr. BUTTERWORTH. I first desire to propound a parliamentary inquiry. Do I understand the ruling of the Chair to apply to each item where the aggregate sum exceeds $2,000?

The CHAIRMAN. It applies to every line from 1604 down to 1610, inclusive. But the $3,000 ought not to be entirely ruled out on the point of order.

Mr. MCMILLIN. I understand the gentleman from Kentucky to move to insert $2,000 in place of the $3,000.

Mr. BUTTERWORTH. I desire to say a word about the point of order. If the Chair has ruled I suppose I am too late.

Mr. HISCOCK. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HISCOCK. Did I understand the Chair to include line 1604 in his ruling?

The CHAIRMAN. So far as it applied to Mr. Hurd, the Chair did.

Mr. BUTTERWORTH. If the Chair will indulge me——

The CHAIRMAN. On the point of order?

Mr. BUTTERWORTH. Yes, sir.

The CHAIRMAN. That is disposed of.

Mr. BUTTERWORTH. I rose to address myself to that.

The CHAIRMAN. The Chair was unaware of it. With the consent of the committee the Chair will hear the gentleman from Ohio.

Mr. BUTTERWORTH. I will appeal from the decision of the Chair only for the purpose of saying a single word. It is this: The House is made, by the Constitution, the judge of the qualification and election of its own members. I insist that, as a part of the proceeding in case of a contest, the taking of testimony is absolutely indispensable to a right determination of the question upon which we are bound to pass. I deny that this Congress may limit the power of another Congress in the matter of the expense which may be authorized to reach that result.

The CHAIRMAN. The question is, can it be made in a general appropriation bill, under the rules, over $2,000?

Mr. BUTTERWORTH. If the law is void in itself, if this Congress may not say what the Fiftieth Congress shall expend in determining the qualification and election of its own members, then that law is a dead letter upon the statute-book. The point I make is that it is an attempt to hamper an investigation which the House, under the Constitution, is compelled to make.

The investigation in case of a contest is a proceeding growing out of the obligation imposed upon the House by the terms of the Constitution itself, and no law of one Congress can limit or abridge the exercise of that power by a succeeding House. The law cited palpably tends to do that thing. For if the Forty-ninth Congress may say, touching an investigation into the election and qualification of members of the Fiftieth Congress, that there shall not be expended in making the investigation which is indispensable to a proper discharge of the duty of the House under the Constitution a sum exceeding $2,000, you thereby limit and restrict the exercise of the highest prerogative that belongs to the House of Representatives under the Constitution. And so I hold the law itself is one that it is not competent for Congress to enact. It is an invasion of a domain over which we have no jurisdiction. It is an attempt to determine for a future House a question which that House must determine for itself. And if that law may not be enacted which will limit an appropriation or limit an expenditure in the behalf I have mentioned the law is void, and the rule cited must be construed as if no such law in fact existed.

Now, Mr. Chairman, you are aware, as we all are, of the importance of a thorough and complete investigation touching the election by which a member holds his seat upon this floor, if his right is called in question. That that investigation should be full, free, and fair, in order that the House may be fully advised, no one doubts. And yet the statute which I refer to would limit absolutely the amount which may be expended in prosecuting that inquiry; an inquiry, mark you, indispensable to the proper discharge of the duty devolved upon the House by the Constitution.

The investigation is not made, it will be observed, merely in the interest of the contestant or the contestee, but in behalf of the people of the United States, because each member here represents not only his own district, but represents the people of the whole country, since he legislates for the people of the whole country. Hence a contestant in furnishing the House with evidence touching the election in question is in the discharge of a public duty, a duty devolving upon him under law, which it is competent for Congress to enact, to present to the House under its order, or with its permission, such facts as will enable it rightly to determine whether he is entititled to a seat on this floor.

And in my judgment, although I have not given the question full thought, and have in fact only considered it since the matter has been called up—in my judgment a law which hampers Congress in making that needful inquiry is not constitutional.

Mr. ROBERTSON. We are not really bound to give them anything. Then how can the law be unconstitutional?

Mr. BLAND. I ask the gentleman from Ohio whether or not the Constitution gives power to Congress to enact laws necessary to carry into execution any of its provisions, and therefore whether Congress has not the power to legislate on election cases?

Mr. BUTTERWORTH. One Congress may not limit the scope of inquiry or the amount to be expended by another Congress in determining the qualification and election of its members. The point is not whether we may not pay a cent or not, but whether this Congress may limit or restrict the expenditures of a succeeding Congress in making an inquiry and in determining a question which that Congress is called upon to decide and of which it has sole and exclusive jurisdiction.

Mr. BLAND. The power to judge of the qualification of its members is a constitutional power of the House. Why is it not right to make a law to carry into effect that part of the Constitution?

Mr. BUTTERWORTH. It is true that the House has that power, but it can not restrict any succeeding Congress in the exercise of that power.

Mr. BLAND. It can not make a law, then, to regulate the mode of determining elections.

Mr. BUTTERWORTH. I withdraw the appeal.

The CHAIRMAN. The question is upon the proposed amendment in line 1604, to strike out "$3,000" and insert "$2,000."

Mr. TURNER. The gentleman from Ohio [Mr. BUTTERWORTH] in the appeal which he proposes from the decision of the Chair seems to be endeavoring to obtain from the Chair a decision declaring null and void an act of Congress and pronouncing it unconstitutional. I agree with him as to the breadth and scope of the power of the House of Representatives in the trial of election cases, because that is a constitutional grant of authority to the House. But when he undertakes to go further, and say that this House in the execution of a constitutional prerogative may not lay down convenient rules of practice for the government of our successors until they see fit to change them, that is another and a different question, on which I differ with him.

The Congress of the United States, Mr. Chairman, has made a statute which governs the procedure in these contested-election cases, which lays down the rules of practice that are to govern in their consideration, rules which are found to be indispensable to their orderly conduct and decision. That view, as a matter of practice, has been acquiesced in by our predecessors for a very long time past. In the old days, when the House proceeded upon the view which the gentleman from Ohio [Mr. BUTTERWORTH] presents here with so much ability, these cases came up in the House simply on memorials from citizens of the districts interested—generally in that form—but those contests became so muddled and mixed, so uncertain in every respect, that it was found indispensable that rules should be laid down; and hence this statute which governs contested-election cases was enacted. The expenses growing out of these contests are mere incidents of the contests, on which I think this House has a right to bind those who are to come after us to this extent: That if our successors do not see fit to change the statute it will bind them. That is to say, it binds them if they acquiesce in it.

The CHAIRMAN. The Chair will remark that there is nothing pending before the committee, the appeal having been withdrawn.

Mr. TURNER. Then, Mr. Chairman, I am speaking out of order and I ask pardon of the Chair.

Mr. CANNON. Mr. Chairman, arbitrarily, on a point of order made by the gentleman from Kentucky [Mr. ROBERTSON], the power is taken from the majority of this committee to determine whether Mr. Campbell and Mr. Morey shall have an allowance of $1,500 each in addition to the $2,000 already given them, and whether Mr. Hurd and Mr. Romeis shall be allowed $3,000 each, as recommended by the Committee on Elections, who are familiar with the contest, or shall be restricted to $2,000 each; and after he has exercised that arbitrary power under his point of order the gentleman from Kentucky asks the committee to cut down the aggregate of this appropriation. Now, I think we had better not do that. Let this appropriation stand as it would if the point of order had not been made, and when the bill goes to the Senate I hope that, notwithstanding this unjust law which has been cited here, and which in my opinion is void, there may be such amendments made and such a report by a conference committee that a majority of this House can have an opportunity to do justice to the gentlemen concerned in these contests. Mr. Chairman, we can not arbitrarily say that every case shall have an allowance of $2,000 and no more. I recollect that since the enactment of this law there was a case, the Curtin and Yocum case, in which each contestant received an allowance of $8,000 or $10,000.

Mr. WEAVER, of Iowa. Eight thousand dollars apiece.

Mr. CANNON. Yes, sir; and the allowance to various other contestants has been over $2,000 each. Now, what are the facts about the Campbell and Morey case? That was a contest that was demanded by both parties in the State of Ohio; it involved the taking of nearly two thousand depositions. The contest arose largely out of the student vote in that district. Depositions were taken in almost every State in the Union; and I am informed that those two gentlemen were almost broken up by that contest. Now, sir, we are all interested in having proper contests in these election cases. It is a matter of public policy that the will of the people shall be given force and effect, and here is the place to give it effect on this particular case. I hope the amendment of the gentleman from Kentucky [Mr. ROBERTSON] will not prevail, because if it does not, and if we leave this larger amount in the bill even though the items may not justify it, it will be some indication to the Senate of the real view of the House, and they may perhaps strike out this whole provision and throw the matter into conference, so as to enable the majority of the House, irrespective of a point of order and without regard to the objections of one man, to say whether these gentlemen shall have the allowance to which they are entitled.

Mr. BURNES. Mr. Chairman, I make the point that there is no question before the committee.

The CHAIRMAN. The proposition is to strike out "three," in line 1604, and insert "two."

Mr. BURNES. I ask unanimous consent to limit debate to half a minute.

The CHAIRMAN. The question is on the amendment, which will be read.

The Clerk read as follows:

In line 1604, after the name "Frank H. Hurd," strike out "three" and insert "two."

In line 1605, after the name "Jacob H. Romeis," strike out "three" and insert "two."

Mr. MCMILLIN. Mr. Chairman, let me suggest that it is not a motion to strike out and insert. The "three" has been already ruled out on the point of order, and the motion now is to insert "two."

The amendment was agreed to.

Mr. MCMILLIN. Now, Mr. Chairman, I move to strike out in line 1610 the word "thirteen" and insert the word "eight." I offer this amendment to make the aggregate amount correspond to the change made in the items.

Mr. LOWRY. Mr. Chairman, I wish to offer an amendment to the amendment of the gentleman from Tennessee. There is a case the expenses of which were not audited at the time these items were reported to the Committee on Appropriations.

Mr. MCMILLIN. The gentleman can offer his amendment later.

Mr. LOWRY. But it will affect the aggregate. The case, Mr. Chairman, is an Indiana case, in which the entire work has been performed and the accounts audited, and the Committee on Elections have recommended an allowance of $3,000, but I desire to make the amendment to conform to what I understand to be the ruling of the Chair, and therefore I wish to ask whether I am correctly informed that the Chair has sustained the point of order.

The CHAIRMAN. The Chair rules that the House may in general appropriate what it pleases; but on a general appropriation bill it can not appropriate for this purpose beyond the limit of the act of 1879.

Mr. LOWRY. In view of that ruling, I modify the amendment recommended by the Committee on Elections so as to allow to each of these parties the sum of $2,000.

Mr. MCMILLIN. Making the aggregate $10,000.

Mr. LOWRY. I wish to say that the gentleman from North Carolina [Mr. HENDERSON] was instructed by the committee to report this amendment; but I do not observe him in his seat, and I deem it important that the proposition should be offered at this time in order to protect the interests of the parties.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

After the word "dollars," at the end of line 1605, insert "Meredith H. Kidd, $2,000; George W. Steele, $2,000."

Mr. PAYNE. Mr. Chairman, I think that no law on the statute-book operates more unjustly upon contestants and contestees in election cases than this very law limiting the amount to be paid in such cases. Some years ago this provision was put on a general appropriation bill; and every Congress since has disregarded that enactment by increasing the amount of these allowances in various cases.

Now look at the items in this bill which are cut down by this point of order. Take the case of Mr. Romeis. He presented vouchers before the committee showing an expenditure of some $5,200. By no economy which the committee could devise, looking at the items of account after they had been incurred, could they see how this expenditure could possibly have been reduced below $4,500. But knowing the disposition of the House to economize, even to the extent of refusing to vote just bills and reimburse men for expenses which they had honestly incurred, the subcommittee of the Committee on Elections, of which I had the honor to be a member, recommended the allowance of $3,000 to Mr. Romeis and the same amount to Mr. Hurd.

Now take this case of Kidd *vs.* Steele. Mr. Kidd presented a bill, with vouchers, showing the payment of some $4,900, and Mr. STEELE, a similarly authenticated bill amounting to $4,500. In that case more than twelve hundred witnesses were examined. The testimony extended over a number of counties, local attorneys being employed in those different counties; and their bills seemed to be reasonable. There did not appear to be any reason in the world why this House should not reimburse to Mr. STEELE every dollar of the $4,500 he had expended. His expenditures were economical; they should have been allowed by the House. Still by reason of this statute which the House, Congress after Congress, does not regard, this bill is cut down to $2,000.

Mr. BURNES. The gentleman is laboring under a mistake. The House has never violated that law since it has been enacted except when the Senate has put on an increase, and this House has been compelled to acquiesce.

Mr. REED, of Maine. The gentleman is mistaken when he says that.

Mr. PAYNE. The House is a free moral agent; the statutes making these appropriations in excess of the amount named in that law are here; and they would not be in existence if they had not been passed by a majority of the House. I repeat the assertion that the House has constantly violated that law.

And this is not the only particular in which we have departed from the statute. Every gentleman on this floor will remember that only a few weeks ago in the Rhode Island case the House violated this statute in regard to the time allowed to the contestant and contestee to take evidence. The House repeatedly violates this statute.

Mr. BURNES. The House may do it with impunity, but the Committee on Appropriations can not.

Mr. ROBERTSON. I suggest to the gentleman from New York [Mr. PAYNE] that his only course now is to appeal from the decision of the Chair.

Mr. PAYNE. I am speaking to the amendment, and I think my remarks are in order. In the Forty-sixth Congress we allowed $8,000 on each side in the case of Curtin *vs.* Yocum; in the last Congress $3,500 on each side in the case of Massey *vs.* Wise.

Mr. SPRINGER. As the gentleman has referred to the Curtin and Yocum case, I wish to say that the expenses in that case were incurred before the law referred to was passed.

Mr. PAYNE. Notwithstanding that, however, this same point of order was raised, and the proposition was ruled out.

The chairman of the subcommittee is correct in saying that every one of these contestants and contestees has had to go to the Senate in order to get justice; but in each case when the matter has come back to the House the House has concurred in the Senate amendment. Why not do justice in the first instance? Why not do away with this unjust statute? Why not say to every man, whether he be rich or poor, that he may have a fair investigation of his case, may bring it before the House, and may have his honest expenses paid? [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. LOWRY, it was adopted.

The CHAIRMAN. The question is now on the amendment of the gentleman from Tennessee, to change the amount in the aggregate.

Mr. MORROW. Before that is fixed I want to offer the following amendment:

After the word "each," in line 1610, add: And to Barclay Henley, J. A. Louttit, Joseph McKenna, William W. Morrow, C. N. Felton, H. H. Markham, $2,000.

Mr. LOWRY. I reserve a point of order on that amendment.

Mr. MORROW. Mr. Chairman, the seats of each and all of the members from the State of California were contested. The entire contest was embraced in four separate cases. A bill has been presented to the Committee on Elections for the sum of $3,700; but, as we learned this morning, that bill has not been fully considered; the committee has not passed upon it. Of course it is important that the pending portion of the bill should not be passed without including in the bill provision for the expenses incurred by members of the California delegation in connection with the contest of their seats.

Under the ruling of the Chair the amount in each case is limited to $2,000. The delegation is willing the amount of the charges in all four cases shall be reduced to $2,000 if it can be passed in the form of an amendment. That is a remission of something over $1,700.

Mr. LOWRY. Mr. Chairman, the question in reference to an allowance to the contestants and the contestees in the California case has been before the Committee on Elections. The question has been fully considered. I regret to say the Committee on Elections was not able to agree any sum whatever should be allowed to the contestants in that case.

But so far as the sum now in the amendment is concerned it is entirely beyond any sum which entered into the mind of the Committee as being proper to be allowed to the contestees. If there was action of the committee, it was to postpone the question of making an allowance until we could have more deliberate consideration of the question.

So far as I am individually concerned, Mr. Chairman, I desire to state to the Committee of the Whole House this was a contest, in the opinion of the committee, which should never have been inaugurated. The main question involved was as to the legality of a statute passed by the California Legislature redistricting the State, and the question had been substantially settled by the supreme court of the State of California for itself. The contestants were gentlemen influenced by the ambition to occupy seats in the Hall of this House and became candidates under what circumstances I am not prepared to say. Some received as high as 57 votes, and the most energetic and enthusiastic of the contestants received 7 votes as candidates for seats in the House of Representatives.

It was a simple case where the tailors of Tooley street seemed again to have met and once more resolved the people of the State of California will send an entirely different delegation from that which was elected by the people in their respective districts.

In a word, the contest itself was without merit, and the committee had no difficulty in agreeing to making a report in the case. So far as the contestees were concerned it was not a matter of volition with them.

Mr. MORROW. That is what I wished to bring out.

Mr. LOWRY. They were elected, and it was incumbent on them to maintain their rights. The extent of their labor was in the preparation of their brief. That brief it was not necessary should be prepared at all. I understand it was not even presented to the committee, when in session, for consideration. As for myself, I have not, up to this time, given that brief any examination. I had the honor to make the report in the case. The question was so simple and plain as not to require any brief, but the contestees had to incur the expense of a lawyer employed in the preparation of their brief. It was not incumbent upon them to assume the case was free from all question. Hence the employment of an attorney and the preparation of a brief. I think the sum of $500 would be an abundant allowance to be made to the contestants, and, in my judgment, the contestees jointly.

Gentlemen think the contestants have no such standing before the House as would entitle them to any consideration.

[Here the hammer fell.]

Mr. TURNER. I ask the pending amendment be read.

The amendment was read by the Clerk.

Mr. TURNER. I move to strike out "$2,000" and insert "$650."

Mr. MCMILLIN. To each of them?

Mr. TURNER. No, sir; to all.

Mr. MORROW. One word in response to that amendment.

The CHAIRMAN. Does the gentleman from Georgia desire to be heard?

Mr. TURNER. I desire my amendment shall be explicitly understood.

I understand in the amendment the sum of $2,000 is named to be paid to them jointly. My amendment is to strike out "$2,000" and insert "$650," to be paid to them jointly.

From my knowledge of the circumstances of the case I desire to state to the House my deliberate conclusion is that sum is ample to compensate the attorney for preparing the brief of contestees. I reserve the balance of my time.

Mr. MORROW. Mr. Chairman, I desire simply to say a word in response to the suggestion of the gentleman from Indiana [Mr. LOWRY] who has just taken his seat. So far as the merits of the case are concerned we both agree that it had none; but the gentleman from Indiana knows, and every lawyer here on the floor must know, that the question as to whether a case has merits or not has nothing whatever to do with the amount of labor involved in the case, either in its prosecution or defense. We were the contestees in this case and had to meet the contestant and his case wherever presented; and during the course of nearly a whole year we had to meet it constantly in some form or another. We had to respond to his notices to take testimony at the capital and at other places, testimony which of course we thought and knew was irrelevant, but yet that made no difference. We were compelled to respond to this evidence taken by the contestant, and, necessarily, we had to employ an attorney all the time, and the expense involved was consequently quite considerable. We also had to go to the expense of making an appearance in response to these notices, which we believed to be unnecessary; but of course we could not anticipate that.

We knew that the Committee on Elections understood the questions of law; but these gentlemen forming the committee know that the duty of the contestee is to respond to every argument presented by the contestant, no matter how absurd. We performed that duty for ourselves and for our constituents. It is true that there were only about 57 votes for the contestants, while the contestees received perhaps 16,000 or 18,000 each; still it was our duty to our constituents to respond to the case wherever it was, and we had to pay our own expenses. In view of the necessary disbursements on that account we do not believe that $2,000 is at all unreasonable.

Mr. PAYNE. I offer an amendment to the amendment of the gentleman from Georgia, to strike out "six" and insert "eleven;" so that it will read "$1,150."

This claim, Mr. Chairman, was referred to a subcommittee, composed of the gentleman from North Carolina, Mr. HENDERSON, Mr. CROXTON, of Virginia, and myself, and we examined this bill of expenses as carefully as we were able to do. These proceedings commenced in the court in California, and were continued through the court in various forms and finally came to Congress. The point was that the apportionment law of California, under which these gentlemen were elected to their seats, was not constitutionally passed by the Legislature. There were other points, but that was the principal point in the case.

There was a large amount of documentary evidence taken at the different stages of the proceedings, and the case finally came before the Committee on Elections on a printed report, containing all of this documentary evidence. A brief was filed on behalf of the gentlemen holding the seat, counsel were employed, and the bills were presented to the subcommittee. We found after an investigation of the bills that $150 had been necessarily expended for the contest before the House. There are other expenses, but they seem to be expenses incurred in the courts. Then we tried to separate, as nearly as we could, the amount to be paid for counsel before the Committee on Elections and the amount of expense incurred in the supreme court of California, and we thought that $1,000 would be a fair compensation for the attorneys before the committee in making the brief and preparing the case. This made the total amount $1,150, which the subcommittee thought was a fair amount.

Mr. TURNER. Will the gentleman allow me a moment?

Mr. PAYNE. Yes, sir.

Mr. TURNER. Is that intended for service rendered here before the Committee on Elections, or does it include the litigation in the California courts?

Mr. PAYNE. As I tried to state, the bill of expenses contained both compensation in the supreme court of California and also for an investigation and making the brief here. It appears that one of the counsel spent a number of days here.

Mr. FELTON. He came here for that purpose.

Mr. PAYNE. And it appears that the counsel who came from California to New York city submitted his charges for expenses, which were simply from New York city to Washington and return and the number of days he spent in Washington. The attorney himself resides in

San Francisco, as I am informed. The committee made the best examination they could, and the bills and vouchers were presented and unanimously reported to the committee from the subcommittee for $1,150. The Committee on Elections did not finally decide on any amount. Several amounts were voted on, smaller——

Mr. TURNER. I submit to my colleague that it is not proper to state what transpired in the committee.

Mr. PAYNE. Well, I will withdraw that. The Committee on Elections presented the report to the House, although the sub-committee, and I think I may state that, have reported to the Committee on Elections the amount I have suggested.

I hope my amendment, therefore, will receive the sanction of the committee.

Mr. TURNER. I desire to make a parliamentary inquiry.

The CHAIRMAN (Mr. HATCH). The gentleman will state it.

Mr. TURNER. I would like to know whether the amendment proposed by the gentleman from New York [Mr. PAYNE] is in order at this time. There has been an amendment proposed by the gentleman from California [Mr. MORROW], to which I offered an amendment. I submit that the amendment now proposed by the gentleman from New York is in the third degree, and is not in order.

Mr. PAYNE. I offered it as a substitute for the original proposition.

The CHAIRMAN. The amendment of the gentleman from New York, offered as a substitute, is in order. The Chair understands there is an amendment offered by the gentleman from Indiana [Mr. LOWRY], to which an amendment was offered by the gentleman from Georgia [Mr. TURNER].

Mr. TURNER. It is not a substitute for an amendment; it is an amendment.

The CHAIRMAN. The amendment offered by the gentleman from New York is offered, the Chair understands, as a substitute for all the amendments.

Mr. TURNER. I submit it is only an amendment.

The CHAIRMAN. The Chair thinks the substitute offered by the gentleman from New York is in order.

Mr. FELTON. What may be the legal status of this matter I do not know. I am not conversant with that. But I desire to say, if we take the expenditures in money of the parties to this election contest and of this attorney they will amount, I think, to quite as much as the gentleman's amendment would allow, if not more. Whether they have been legal expenditures or not I do not know. But more money has been paid out by the gentlemen contesting here and their attorney in contesting this matter than the amendment allows.

Mr. ALLEN, of Mississippi. It does seem to me that a contest of this sort that seems to have been perfectly frivolous, where one of the contestants, the leading active contestant, as I am informed, received the enormous minority of 7 votes in the whole State of California, any great outlay of money ought not to have been necessary on the part of the contestees. The gentleman from New York who has just addressed the committee says that the committee, or the subcommittee who took this question into consideration, considered some fees of attorneys incurred in the State courts of California. In my humble judgment those are not legtimate fees to be charged here.

Mr. PAYNE. Will the gentleman allow me?

Mr. ALLEN, of Mississippi. Yes, sir.

Mr. PAYNE. I tried to make myself understood that we excluded those fees in the State court when we made our report, and intended only to cover the expenses before the committee in the contest here.

Mr. ALLEN, of Mississippi. I misunderstood the gentleman on that point.

Now, Mr. Chairman, it does seem to me that if every man who aspires to a seat in Congress without any sort of backing at home can involve this House in the payment of any amount of useless expenses he may see proper to incur in the shape of attorney's fees, some remedy ought to be applied for such a state of things. This House should say what are reasonable and what are unreasonable attorneys' fees.

Sir, any lawyer on this floor—and I believe there are a good many of us here—can make a great deal more money conducting such cases as the gentleman from California has presented here at $50 apiece than we can make as members of Congress.

Mr. ADAMS, of New York. And then might starve before the end of the year.

Mr. ALLEN, of Mississippi. Those might starve who have extravagant ideas of what constitutes a living. But down where I come from we have to work, and lawyers would not starve with such cases at $50 apiece.

Mr. ADAMS, of New York. Will the gentleman say how many election cases are pending?

Mr. ALLEN, of Mississippi. This policy has the effect of encouraging men to have cases of this sort on mere pretenses, where they have no real rights, and to get this House to vote fees to lawyers where men come here to contest on a vote of seven out of an entire vote of twenty-five or thirty thousand.

Mr. PAYNE. Does the gentleman understand that this is a proposition to pay the contestants?

Mr. ALLEN, of Mississippi. I do not understand that. But I say the gentlemen from California who were elected to this House should trust something to the good sense of the Committee on Elections and this House and not go outside to employ lawyers to contest their frivolous cases. If the money of this Congress is to be given away in contesting every conceivable case that can be brought here, why then, I say, any man, no matter what are the merits, can come before this House and involve us in expenses and costs of thousands of dollars in frivolous election cases.

Mr. BURNES. I trust now the Committee on Elections will not trespass further on the time of this committee by continuing this discussion. I ask unanimous consent that it shall now close.

The CHAIRMAN. The Chair desires to state that on an examination of the record he ascertains the first amendment was offered by the gentleman from California [Mr. MORROW] to insert $2,000, which the gentleman from Indiana on the right [Mr. LOWRY] moved to amend by striking out "$2,000" and inserting "$500." The gentleman from Georgia [Mr. TURNER] then offered an amendment in the nature of a substitute, to strike out "$2,000" and insert "$650," to which the gentleman from New York on the left [Mr. PAYNE] offered an amendment in the nature of a substitute, to strike out "$2,000" and insert "$1,150." The question is on the amendment offered by the gentleman from Indiana [Mr. LOWRY] to the amendment offered by the gentleman from California. The gentleman from Missouri [Mr. BURNES] now asks unanimous consent that debate on the pending paragraph be closed. Is there objection?

Mr. HEPBURN. I have an amendment which I desire to offer to the paragraph and which I may want briefly to discuss. I object. Is the proposition to close the debate on the whole paragraph?

Mr. BURNES. The gentleman may have two minutes.

Mr. MORROW. I desire to make a parliamentary inquiry. Can I withdraw the amendment I have proposed and yield to the gentleman from New York [Mr. PAYNE] to offer his amendment?

The CHAIRMAN. The gentleman can withdraw his amendment if he desires, or he can modify his amendment by accepting that of the gentleman from New York.

Mr. MORROW. Then I will modify my amendment and make the amount $1,150.

Mr. HOLMAN. What is the question? I do not think it is understood.

The CHAIRMAN. The gentleman from California [Mr. MORROW], by his amendment as modified, moves to make the amount $1,150, and the gentleman from Indiana [Mr. LOWRY] moves to strike out "eleven hundred and fifty" and insert "five hundred." The question is on the amendment of the gentleman from Indiana to the amendment of the gentleman from California.

The amendment to the amendment was rejected—ayes 22, noes 71.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Georgia [Mr. TURNER], to strike out "eleven hundred and fifty" and insert "six hundred and fifty."

The House divided; and there were—ayes 68, noes 73.

Mr. MCMILLIN. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Tennessee [Mr. MCMILLIN] and the gentleman from Georgia [Mr. TURNER].

The House again divided; and the tellers reported—ayes 77, noes 72.

Mr. PAYNE. No quorum.

Mr. BURNES. Mr. Chairman, so far as I am concerned, I will agree to do all I can to give these gentlemen a yea-and-nay vote in the House on the proposition to increase the amount provided in the amendment of the gentleman from Georgia [Mr. TURNER].

Mr. MORROW. To increase it to $1,150?

Mr. BURNES. To whatever amount you please.

Mr. PAYNE. With that understanding, I withdraw the point of no quorum.

The CHAIRMAN. The Chair desires to understand clearly the proposition of the gentleman from Missouri [Mr. BURNES]. Is the point of no quorum withdrawn?

Mr. PAYNE. The point of no quorum is withdrawn, with the understanding that an amendment may be offered to this paragraph in the House increasing the amount to $1,150 and that a yea-and-nay vote shall be taken upon it.

There was no objection, and it was so ordered.

The amendment of Mr. MORROW as amended was then agreed to.

Mr. HEPBURN. I offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "dollars," in line 1604, insert: "And to the widow of J. C. Holmes, a contestant for the seat from the eighth district of Iowa in the Forty-sixth Congress, $1,000."

Mr. BURNES. Mr. Chairman, I am constrained to make the point of order on that amendment.

Mr. HEPBURN. What is the point of order, Mr. Chairman?

Mr. BURNES. The point, Mr. Chairman, is that there has been no action whatever taken in that case by the Committee on Elections, and that there is no law authorizing this appropriation so far as I know.

Mr. HEPBURN. I do not understand that the negligence of the Committee on Elections in regard to the matter can be made the basis of a point of order. [Laughter.]

The CHAIRMAN. Does the gentleman from Missouri [Mr. BURNES] desire to be heard further on the point of order?

Mr. SPRINGER. Mr. Chairman, I desire to make a statement in reference to this case.

The CHAIRMAN. Does the gentleman from Illinois desire to address the Chair on the point of order?

Mr. SPRINGER. Yes. The contested-election case out of which this claim arises occurred in the Forty-sixth Congress when I had the honor to be chairman of the Committee on Elections. It was prosecuted in good faith on the part of the contestant. There were two cases, but this amendment embraces only one of them. The question involved was as to the proper day upon which to hold elections in the State of Iowa for members of Congress, there being a very nice legal point as to whether the entire delegation had not been elected on a day not authorized by law. The parties came before the committee with their attorneys and filed their briefs. There was no testimony, the question being wholly a question of law. They argued the case at length, and the committee made a report upon it. After the case was decided against the contestant, the parties came before the committee again and the committee recommended a certain allowance to each of them, I have forgotten how much.

Mr. HEPBURN. Fourteen hundred dollars.

Mr. SPRINGER. I have forgotten the amount, but no doubt that was it. The committee recommended that there should be an allowance made to each claimant. The matter came before the House on an amendment to the sundry civil bill in the closing session of that Congress, and, after debate and consideration by the Committee of the Whole House, it was voted down, and they got nothing. After that the matter became a claim, as the parties were advised, and a bill is now pending before the Committee on Claims for an allowance to these two claimants—not the amount covered by this amendment, but the amount they claimed before, which, I think, was larger than the sum named in this amendment. That bill has not yet been reported by the Committee on Claims. That, Mr. Chairman, is the status of this case.

Mr. HEPBURN. Mr. Chairman, I believe this is a just claim, and that this widow ought to have this money. It was an important question that was determined by that contest. There had been a dispute in the State of Iowa for a long time as to the day when elections for members of Congress should be held—as to whether they should be held in October or in November.

There was an election held—not by a great many persons, but by a few hundred—and the question was in that way brought here. It was regarded as a question of so much importance, and there was so much doubt in regard to it, that the people of Iowa changed their constitution in accordance with the view taken by the contestants as to the time for the holding of the election.

Mr. WEAVER, of Iowa. And I will say to my colleague that Mr. Colerick, of Indiana, a member of the Committee on Elections, made a minority report against the right of the delegation to their seats, and in favor of the contestants.

Mr. HEPBURN. I do hope that the Committee of the Whole will vote affirmatively upon this proposition. I do not want to occupy time in further explanation of it. I know that there are a number of gentlemen here who thoroughly understand this question, having been members of the House at that time. I remember that my colleague from the first district of Iowa [Mr. HALL] gave, upon the request of the governor of our State, an opinion on the question, which sustained the claim of the contestants.

Mr. BURNES. I simply call attention to this provision of the law

Before any sum whatever shall be paid to a contestant or a contestee for expenses of election contests, he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by the vouchers and the receipt for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said account unless made in strict conformity to section 128, Revised Statutes of the United States.

Mr. HEPBURN. It is my understanding that that provision of the law has been complied with in this case.

Mr. BURNES. If so, then I submit to my friend from Iowa the case has been adjudicated by the House to which the contest related, and the claim has been repudiated.

Mr. HEPBURN. As I understand from the then chairman of the Committee on Elections, that committee reported in favor of the allowance of the claim for a larger amount than this; but the House took adverse action. The Committee on Claims of the Forty-seventh Congress refused to consider the matter, because they regarded it as not within their province; and the same view, I think, was taken by the committee of the Forty-eighth Congress. I know the matter was discussed in that committee, and I think that was the view taken of it—that it should go to another committee. But the action which the gentleman insists upon as required by the law was taken in this case, as I am informed. I know I have seen some of these vouchers.

Mr. WEAVER, of Iowa. Oh, the bills were certainly filed.

The CHAIRMAN (Mr. HATCH). The Chair is unable to see why the amendment offered by the gentleman from Iowa is not as much in order as amendments which the Committee of the Whole has been discussing and voting on for the last hour or more. The Chair overrules the point of order.

The amendment of Mr. HEPBURN was agreed to; there being—ayes 71, noes 64.

Mr. HISCOCK. I offer the following amendment:

After line 1611, insert the following:

"To pay H. H. Smith for additional services rendered as Journal Clerk under a resolution of the House of December 12, 1885, and for services as clerk to the Committee on Rules during the present session, $500."

Mr. BURNES. I interpose a point of order upon that proposition.

Mr. HISCOCK. It is not liable to any point of order.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] will state his point of order.

Mr. BURNES. The point is that the appropriation proposed is not provided for or authorized by any law.

Mr. HISCOCK. This is for pay of an employé of the House for services rendered under a resolution of the House. No point of order lies against it.

A MEMBER. Read the resolution.

Mr. HISCOCK. It is a resolution adopted by the House December 12, 1885, in which the Clerk is directed to make a compilation of the revisions of the rules in the Thirty-sixth and Forty-sixth Congresses, and have it printed under the direction of the Journal Clerk. Certainly no point of order lies against it. There is no law fixing the salary of the Journal Clerk. He is an employé of the House; and here is a resolution directing him to perform certain services. The amendment I offer proposes to pay him for those services.

The CHAIRMAN. The gentleman from New York will send up the resolution to which he has referred, in order that the Chair may see it.

Mr. HISCOCK. I send up a reference to it.

Mr. HOLMAN. I submit that a resolution of the House is not a "law" within the meaning of the rule.

The CHAIRMAN. The Chair will cause to be read clause 3 of Rule XXI.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. HISCOCK. Now, I claim that in view of the resolution of the House directing these services to be performed by an officer of the House this appropriation is in order.

Mr. BAYNE. In addition to that there is no change of existing law.

Mr. HISCOCK. The amendment provides simply for paying one of our own employés.

The CHAIRMAN. The Chair will state that in his opinion the amendment offered by the gentleman from New York does not undertake to change existing law in the sense contemplated by clause 3 of Rule XXI. The statement made by the gentleman from New York, and not controverted, the Chair accepts to be true—that this work was performed under the resolution referred to. The Chair is in doubt whether the amendment is in order or not, and will submit the point of order to the committee.

The question having been taken,

The CHAIRMAN said: On this question the ayes are 82, the noes 46; and the amendment is declared by the Committee of the Whole to be in order. The question is now on agreeing to the amendment.

Mr. MORRISON. I trust this amendment for additional pay to the Journal Clerk will not be adopted. He now receives as Journal Clerk $3,000, and for other service in preparing the Digest of Rules and Procedure an additional thousand dollars; in all, $4,000. It is true he performs some little service for the Committee on Rules, in the nature of *ex officio* service, a labor of love, which is useful to him in preparing the Digest. The new or additional rules make part of the material for the Digest. In acting as clerk he comes to learn the rules, their import, to understand their purpose, and what led to them. He is amply and well paid, indeed better than any one about the Clerk's desk, for all the service he renders. To give him additional pay is a mere gratuity and he ought not to have it.

Mr. HISCOCK. I hold in my hand a compilation of the revision of the rules which shows the work performed by the Journal Clerk for which this $500 is given.

I should add in connection with this compilation, as stated by the gentleman from Illinois, he acts as clerk to the Committee on Rules. It seems to me the amount we propose to give is not too much, and it ought to be allowed. I am sorry to differ with my distinguished friend and colleague on the committee.

Mr. TOWNSHEND. Has that amount been recommended by the Speaker as chairman of the Committee on Rules?

Mr. HISCOCK. I am not so informed. The Speaker is here and you can ask him.

Mr. MCADOO. As gentlemen know, I am in favor of economy of appropriation. The labors of the Journal Clerk are entirely distinct from those of any other in the House. Here is a work of two hundred

and sixty-eight pages reciting not only what the rules are but what they have been, collected and collated with all the precedents in the past by this gentleman.

Mr. HOLMAN. Of not a particle of value, and never should have been published.

Mr. McADOO. The committee had it printed. If it is a labor of love and of no value, why does the Committee on Rules have it printed?

Mr. MORRISON. I do not think the committee did that.

Mr. McADOO. How did it get printed, then?

Mr. HOLMAN. Smith, perhaps, had it printed.

Mr. McADOO. It argues an irregularity in the proceedings of the House when a subordinate can go to the Printing Office and have such a document printed.

Mr. MORRISON. All I have to say is that $4,000 a year is ample for all the services he renders this House or can render it.

Mr. HISCOCK. This is the usual sum paid in past Congresses.

Mr. TOWNSHEND. Has the Committee on Rules taken action on this?

Mr. HISCOCK. As a Committee on Rules they have not taken action on it.

The committee divided; and there were—ayes 72, noes 55.

Mr. MORRISON. No quorum. [Cries of "Oh, no!"] It will require a quorum—163 votes—to pass the $500 amendment.

Mr. HISCOCK. You can get a vote in the House.

Mr. MORRISON. It will take 163 votes everywhere to get this $500.

The CHAIRMAN appointed as tellers Mr. MORRISON and Mr. HISCOCK.

The committee again divided; and there were—ayes 91, noes 64.

Mr. HOLMAN. I insist under the rules on a call of the roll, as there is no quorum voting.

The roll was called; and the following members failed to answer to their names:

Aiken,	Eden,	Lehlbach,	Robertson,
Anderson, C. M.	Ermentrout,	Libbey,	Sayers,
Anderson, J. A.	Evans,	Lore,	Scott,
Arnot,	Fleeger,	Lovering,	Scranton,
Atkinson,	Foran,	Mahoney,	Sessions,
Ballentine,	Gay,	Maybury,	Shaw,
Barbour,	Geddes,	McComas,	Singleton,
Barksdale,	Gilfillan,	Merriman,	Skinner,
Barry,	Glover,	Millard,	Smalls,
Belmont,	Goff,	Miller,	Snyder,
Bennett,	Green, R. S.	Mitchell,	Spriggs,
Bliss,	Green, W. J.	Murphy,	Steele,
Boyle,	Grosvenor,	Negley,	Stewart, J. W.
Brumm,	Guenther,	Nelson,	Stone, E. F.
Buchanan,	Hale,	Oates,	Stone, W. J., Ky.
Burrows,	Halsell,	O'Hara,	Storm,
Campbell, Felix	Hanback,	O'Neill, Charles	Struble,
Carleton,	Harris,	O'Neill, J. J.	Swinburne,
Clardy,	Haynes,	Osborne,	Swope,
Clements,	Heard,	Owen,	Taylor, I. H.
Cole,	Hemphill,	Parker,	Taylor, J. M.
Compton,	Henley,	Payson,	Thomas, J. R.
Comstock,	Hewitt,	Perkins,	Throckmorton,
Conger,	Hitt,	Pettibone,	Tucker,
Curtin,	Holmes,	Phelps,	Viele,
Daniel,	Houk,	Pidcock,	Wade,
Davenport,	Johnston, J. T.	Pirce,	Wait,
Davidson, A. C.	Ketcham,	Price,	Ward, J. H.
Davis,	King,	Reese,	Weaver, A. J.
Dawson,	Laird,	Richardson,	Whiting.
Dowdney,	Le Fevre,	Riggs,	

[During the roll-call,

Mr. HISCOCK said: If I can have consent, I will withdraw the amendment for the purpose of expediting the business. [Cries of "Regular order!"]

The CHAIRMAN. It can only be done by unanimous consent.

Mr. DUNN. I object, if it interrupts the roll-call.

The roll-call was resumed and concluded.]

The committee then rose; and the Speaker having resumed the Chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the general deficiency bill, had found itself without a quorum, whereupon he had directed the Clerk to call the roll, and now reported the names of the absentees to the House.

The SPEAKER. The names of the absentees will be entered upon the Journal. From the report it appears that 123 members are absent and 196 present. There is a quorum, and under the rules the committee will resume its session.

Mr. HOLMAN. While the House is in session, for the purpose of getting the legislative, executive, and judicial bill in condition for consideration, inasmuch as the amendments of the Senate will have to be printed, I ask that the amendments of the Senate be non-concurred in.

Mr. HISCOCK. What is the regular order?

The SPEAKER. The regular order is for the Committee of the Whole to resume its session.

Mr. HISCOCK. I call for the regular order.

The Committee of the Whole accordingly resumed its session.

The CHAIRMAN. The tellers will resume their places.

Mr. BLOUNT. I ask that the amendment be reported.

The amendmend was again read.

Mr. LONG. I wish to make a parliamentary inquiry. I understand that the gentleman from New York is willing to withdraw the amendment. I ask if he has not the right to do so.

Mr. HISCOCK. I do not withdraw it; I call for the regular order.

The CHAIRMAN. The gentleman from New York asked, pending the roll-call in committee, to withdraw it, and objection was made.

The tellers having resumed their places, the committee again divided; and the tellers reported—ayes 84, noes 72.

The CHAIRMAN. There being no quorum, the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, J. J.	Eden,	Lehlbach,	Reed, T. B.
Aiken,	Ermentrout,	Libbey,	Reese,
Anderson, C. M.	Evans,	Lore,	Riggs,
Anderson, J. A.	Felton,	Louttit,	Sayers,
Arnot,	Fleeger,	Lovering,	Scott,
Ballentine,	Foran,	Mahoney,	Scranton,
Barbour,	Gay,	Maybury,	Sessions,
Barksdale,	Geddes,	McComas,	Shaw,
Barry,	Gilfillan,	Merriman,	Skinner,
Bennett,	Glover,	Millard,	Smalls,
Bliss,	Goff,	Milliken,	Snyder,
Boyle,	Green, R. S.	Mitchell,	Spriggs,
Browne, T. M.	Green, W. J.	Muller,	Stahlnecker,
Brumm,	Grosvenor,	Murphy,	Steele,
Buchanan,	Guenther,	Negley,	Stewart, J. W
Burleigh,	Hale,	Nelson,	Stone, E. F.
Burrows,	Halsell,	Norwood,	Storm,
Campbell, Felix	Hanback,	Oates,	Struble,
Campbell, T. J.	Harris,	O'Hara,	Swinburne,
Carleton,	Haynes,	O'Neill, Charles	Swope,
Clardy,	Heard,	O'Neill, J. J.	Taylor, I. H.
Clements,	Hemphill,	Osborne,	Thomas, J. R.
Cole,	Henley,	Owen,	Throckmorton,
Comstock,	Hewitt,	Parker,	Tucker,
Curtin,	Hitt,	Payson,	Viele,
Daniel,	Holmes,	Perkins,	Wade,
Davenport,	Houk,	Perry,	Wait,
Davidson, A. C.	Johnston, J. T.	Pettibone,	Ward, J. H.
Davis,	Ketcham,	Phelps,	Weaver, A. J.
Dawson,	King,	Pidcock,	Whiting.
Dibble,	Laird,	Pirce,	
Dowdney,	Le Fevre,	Plumb,	

The committee then rose; and Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the general deficiency bill, found itself without a quorum, whereupon he had directed the roll to be called, and now reported the absentees to the House.

The SPEAKER. The names of the absentees will be entered upon the Journal. From the report it appears that there are absent 123 members and present 196, being more than a quorum. The committee will resume its sitting.

Mr. HOLMAN. I now again ask unanimous consent——

Mr. HISCOCK. Regular order.

Mr. DUNHAM. I move that the House adjourn.

The Committee of the Whole resumed its session.

The CHAIRMAN. The tellers will resume their places.

Mr. HISCOCK. Mr. Chairman, it is true in point of fact that the amendment I offered had never been submitted to the Committee on Rules, although individual members of the committee had been consulted. In view of that fact I withdraw the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay Maurice Ruddleston the difference between the pay of a laborer, at $720 per annum, and that of a messenger, at the rate of $3.60 per day, from January 1 to June 30, 1886, $291.70.

Mr. BURNES. I desire to offer an amendment simply to correct the name of this party. It is "Kuddlesden" instead of "Ruddleston."

The amendment was agreed to.

Mr. LONG. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1627 insert:

"To pay Frank B. Gorman the difference between his pay as laborer and that of page, from January 13, 1886, to June 30, 1886, inclusive, $97.50."

Mr. LONG. This is the young man on this side of the Hall who has been doing the duty of page during the session and receiving the pay of a laborer. Having performed the duty of page, it seems he should be entitled to the compensation of a page.

The amendment was agreed to.

The Clerk read the following paragraph:

To pay George Winters and L. B. Cook $200 each, being the difference between their pay as conductors of the elevator and $1,200 per annum, from July 1, 1884, to July 1, 1886, $400.

Mr. WARD, of Indiana. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 1637 the following:

"To pay Noah W. Halley $712.50, being the difference between his pay as a folder at $900 per annum and that of a messenger at $1,200, from December 16, 1883, to May 1, 1886."

Mr. WARD, of Indiana. Mr. Halley has been performing the duty of messenger since 16th December, 1883, but has been receiving the

pay of a folder, the pay of a folder being $900 and that of a messenger $1,200. He asks to be allowed the difference between $900 and $1,200 during the period named.

Mr. SPRINGER. For how long?

Mr. WARD, of Indiana. From the 16th of December, 1883, to the 1st of May, 1886. This is a case similar in all respects to others which have preceded it in the bill.

Mr. SPRINGER. But this case goes back too far; it goes to a previous Congress.

Mr. WARD, of Indiana. He has performed faithful service and is one of the best employés of the House.

The question being taken, the chairman stated that the "noes" seemed to have it.

Mr. WARD, of Indiana. I call for a division.

The committee divided; and there were—ayes 14, noes 53.

Mr. WARD, of Indiana. No quorum.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Indiana, Mr. WARD, and the gentleman from Missouri, Mr. BURNES.

Mr. WARD, of Indiana. I withdraw the point as to a quorum, and shall modify the amendment which I have offered by making it apply to the period only of the present Congress.

Mr. DUNHAM. Would a motion for the committee to rise now be in order?

The CHAIRMAN. It would.

Mr. DUNHAN. For the purpose of moving that the House adjourn over Monday I move that the committee rise.

Mr. MORRISON. But we are not going to adjourn over Monday.

The motion that the committee rise was disagreed to—ayes 35, noes 79.

Mr. WARD, of Indiana. I now offer my amendment as modified.

Mr. GIBSON, of West Virginia. There are two other employés of the House in exactly the same situation as this man is.

Mr. WARD, of Indiana. Let us dispose of one case at a time.

Mr. GIBSON, of West Virginia. The same amount of justice ought to be done to all of them.

Mr. BURNES. Gentlemen seem to misunderstand this matter. These things come to the Committee on Appropriations by reason of a resolution introduced into the House, referred to some other committee, favorably reported, and then some morning in the morning hour this report is referred to the Appropriations Committee. The preliminary steps were taken in this case, but as the claim seemed to refer to service prior to this Congress we did not incorporate it in the bill. If the gentleman from West Virginia [Mr. GIBSON] has any claim which has been considered by the Committee on Accounts or the Committee on Claims and been favorably reported and referred to the Committee on Appropriations, let him bring it up.

Mr. GIBSON, of West Virginia. Some time during this session I introduced a bill to correct this very abuse, so that the same amount of justice might be done to all without special legislation. Why can not those two other messengers be included in this amendment? I move to amend by inserting in addition the names of E. D. Eaton and M. M. Robinson. They are men holding the same appointments and doing the same service.

The CHAIRMAN. The Chair desires to state that to amend the resolution as the gentleman from West Virginia proposes still leaves no appropriation but for one man. The gentleman had better write out his amendment and send it to the desk.

Mr. BURNES. While the gentleman from West Virginia is preparing his amendment I desire to call the attention of the Chair to section 1764 of the Revised Statutes.

Mr. REAGAN. I make the point of order that this is new legislation not authorized by law.

Mr. WARD, of Indiana. I understand the gentleman from West Virginia has withdrawn his amendment.

Mr. GIBSON, of West Virginia. For the time being I withdraw it.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. WARD].

Mr. REAGAN. Why is it that this increase is asked for? Why should this allowance be made? Has the Chair ruled on the point of order?

The CHAIRMAN. There was no point of order made.

Mr. REAGAN. I tried to make the point of order.

The CHAIRMAN. But that was on the amendment of the gentleman from West Virginia, which has been withdrawn.

Mr. REAGAN. I make the point of order now on the amendment of the gentleman from Indiana. There has been no debate on it.

The CHAIRMAN. It has been debated by the gentleman from Indiana.

Mr. OUTHWAITE. There has been no debate on this amendment since it was offered in its modified form.

Mr. REAGAN. We have too many of these messengers. You come in doors and you find them all around the House. It is not right. If the Doorkeeper wants additional messengers he should ask for them. We all have our friends—except myself—at any rate most members have their friends here for whom they would like to get a little more pay. It is not just that this should be done. These messengers should be appointed regularly and paid for the services they render.

If we had to put our hands down into our own pockets to give this extra money we would not act so liberally. When we are voting away other people's money the case is different. But I protest against all this legislative increase of wages to employés of this House. If we did the wise thing, that would command the respect and confidence of the country, we would discharge one-half of the employés of this House. There is nearly a regiment of them, and for very many of them there is no use.

The force ought to be greatly reduced. There is not a man who has looked into the matter who does not know that the force ought to be greatly reduced, but it is kept up because men's friends want them here, or because they appeal to their friends to get them employment here. Now, while we are employing these men here, and paying them high salaries, we all know that there are millions of people throughout the country much poorer than any of them, working harder than any of them, and not getting half so much pay. We are here to represent those people who are at home, working harder for less compensation, and we ought not to consider ourselves merely as the representatives of the special few who come here and get employment from the Government. I have no patience with the men who come to Washington and hang around until they get a place under the Government, and then, after they get it, are always appealing for an increase of salary. I have seen enough of that, and I trust there will be an end of it.

Mr. BURNES. Mr. Chairman, I hope we shall now have a vote.

The amendment of Mr. WARD was rejected.

Mr. ZACH. TAYLOR. Mr. Chairman, I ask unanimous consent to go back to a paragraph which has been passed, in order that I may offer an amendment. I was out of the House at the time when the paragraph was considered.

Mr. BURNES. I can not consent to go back, Mr. Chairman; I have been refusing to do that all day.

Mr. ZACH. TAYLOR. I would like very much to have an opportunity to offer this amendment.

Mr. BURNES. I will try to accommodate the gentleman in some other portion of the bill.

Mr. ZACH. TAYLOR. The amendment can not well go into any other portion of the bill, because this is its legitimate place.

Mr. BURNES. I have so steadily refused to go back at the request of other gentlemen that I must decline in this case also.

Mr. WILSON. Mr. Chairman, I offer an amendment to come in after line 1637.

The amendment was read, as follows:

After line 1637 insert "to pay Patrick V. Dolan the difference between the pay of a laborer at $720 per annum and that of a messenger at the rate of $3.60 per day, from July 1, 1885, to January 1, 1886, $302.40.

Mr. BURNES. Mr. Chairman, I must make the point of order on that amendment. I call attention of the Chair to section 1764 of the Revised Statutes, which prohibits any allowance whatever to any clerk or officer for any extra service or for any service.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that that is confined to clerks and officers, and applies to no other persons. Is there any law for this proposed appropriation?

Mr. BURNES. There is no law for it, and no order of the House.

Mr. WILSON. I wish to say, Mr. Chairman, that this item has been carried in the appropriation bills of both sessions of the last Congress. We have already passed here an item for the successor of this man from the date of his appointment up to the 30th of June.

This appropriation is to fill out the intervening time between the appriation made by the last Congress and the time when that successor was appointed. I have here a report from the Committee on Accounts recommending this very item in the language in which I have offered the amendment. This report, I understand, was overlooked and was not brought to the attention of the Committee on Appropriations in time for the item to be inserted in the bill. The man for whom the amendment is offered is a constitutent of my colleague, Mr. GIBSON, and was employed in the library of the House during all last session of Congress.

The CHAIRMAN. The point of order is sustained.

Mr. GIBSON, of West Virginia. Mr. Chairman, the gentleman provided for in this amendment was one of the men in charge of the House library during the last session of the House and a part of the present session.

Mr. WARNER, of Ohio. Regular order.

The CHAIRMAN. The Chair begs to remind the gentleman from West Virginia that the point of order has been sustained.

Mr. GIBSON, of West Virginia. I hope the Chair will hear me before deciding.

The CHAIRMAN. The Chair did not know that the gentleman desired to speak. The Chair will hear the gentleman.

Mr. OUTHWAITE. Regular order.

The CHAIRMAN. This is the regular order.

Mr. OUTHWAITE. What is the gentleman from West Virginia discussing?

The CHAIRMAN. The Chair has consented to hear the gentleman from West Virginia on the point of order.

Mr. GIBSON, of West Virginia. Mr. Chairman, I introduced a res-

olution to pay this man, which was referred to the Committee on Accounts. They considered the resolution and reported it favorably to the House. The House received that report and ordered the resolution to be referred to the Committee on Appropriations, to be provided for by that committee in an appropriation bill. Now, that certainly takes the matter out of the operation of any point of order. It has been acted upon by the House several times, and the resolution was referred to the Committee on Appropriations with instructions to provide for this item.

Mr. BLOUNT. Was the committee instructed to provide for it in this bill?

Mr. GIBSON, of West Virginia. To provide for it in one of their appropriation bills, and the gentleman from West Virginia [Mr. WILSON], a member of the committee, has stated to the House very frankly that it was omitted by inadvertence. Now, the House having ordered that this be appropriated for in one of the regular appropriation bills, that action of the House certainly puts it beyond the reach of the point of order.

The CHAIRMAN. The action of the House upon the resolution might give a right to come upon the contingent fund, but it makes no law to justify an appropriation in this bill. The point of order is sustained.

The Clerk read as follows:

To pay to Caroline Urban and Christine Antz, dependent sisters of the late Hon. Michael Hahn, the amount of salary for the unexpired term of his service as a member of the Forty-ninth Congress, $4,974.41, to be paid in equal parts to said dependent sisters.

Mr. HEPBURN. I move to amend by inserting after the paragraph just read the provision which I send to the Clerk.

The Clerk read as follows:

To enable the Clerk of the House of Representatives to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 30th day of June, 1886, including the reporters of the two Houses and the Capitol police, one month's pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. BURNES. I am not aware of any law authorizing this item. If there be one, I hope the gentleman from Iowa [Mr. HEPBURN] will cite it.

Mr. CANNON. The gentleman from Missouri [Mr. BURNES] makes a point of order. Now that comes from the Democratic side of the House. This is a Democratic House with Democratic employés. I ask my friend from Iowa, why should we on this side force upon the other side that which they do not want?

Mr. GIBSON, of West Virginia. Has not the gentleman from Illinois been trying to force an increase of salaries all along through the Departments?

Mr. CANNON. Not at all. You may pay your employés just what you choose, so far as I am concerned.

Mr. HEPBURN. I do not know what the point of order made by the gentleman from Missouri is.

Mr. DUNHAM. He says there is no law for it.

Mr. BURNES. My point is that if there is any law for this appropriation I am not aware of it; and I think the *onus* is on my friend from Iowa.

The CHAIRMAN. Does the gentleman from Iowa desire to be further heard?

Mr. HEPBURN. I merely wish to call the attention of the Chair to the precedents we have had for this legislation. From a memorandum which I have before me I see that legislation of this kind has been decided in order by the Committee of the Whole House on the state of the Union—once on an appeal from the decision of the Chair, and twice on the submission of the question of order to the Committee of the Whole by the Chair. I am not able to say just where those rulings will be found; but that has been the action of the Committee of the Whole. I suggest further that this same amendment has been put upon all the deficiency bills for the last seven years, save one; and at that time it was placed on another general appropriation bill.

The CHAIRMAN (Mr. HAMMOND). The Chair desires the Clerk to read from the proceedings of the House in Committee of the Whole, July 12, 1882, when an amendment similar to this was offered to the sundry civil appropriation bill.

The Clerk read as follows:

The CHAIRMAN. In deciding this point the Chair desires to state the only doubt in his mind arises from the fact it relates to an existing service which is constantly before the House, and in view of the numerous precedents which exist, and which he has not had time to examine to see whether the point of order is settled, but concerning as it does the entire body of the House, he feels it is a case where, without shirking proper responsibility, he ought to submit it to the judgment of the committee. He submits, therefore, whether the point of order raised by the gentleman from Indiana should be sustained.

The committee divided; and there were—ayes 19, noes 110.

Mr. HOLMAN. No quorum.

The CHAIRMAN appointed Mr. HISCOCK and Mr. HOLMAN as tellers.

The committee divided; and the tellers reported—ayes 24, noes 128.

So the point of order was not sustained.

The CHAIRMAN. The Chair also directs the reading of a portion of the proceedings of the House in Committee of the Whole February 23, 1883, when a similar proposition was presented.

The Clerk read as follows:

The CHAIRMAN. The Chair will state that a proposition of this kind was presented at the last session, when the present occupant of the Chair was presiding; and he then stated that in a matter affecting so directly the officers and usages of the House, he would not take upon himself the responsibility of deciding the question of order, but would submit it to the committee.

* * * * * * *

The CHAIRMAN. The Chair remembers that there used to be an extra percentage allowed. If there has been no precedent the Chair will take the responsibility of ruling upon the question; but declines to rule where the House has set a precedent, and prefers to submit the matter to the judgment of the committee.

Mr. REAGAN. Mr. Chairman, the rule requires that there should be some existing law in order to make an appropriation in order on a general appropriation bill. In view of the fact that the duties of these persons, performed in connection with the House, as well as their compensation, must be provided for by some other law, and that this amendment proposes a compensation not provided for by law and which can not be paid without a provision of this kind, it seems to me beyond all doubt that the proposition is liable to a point of order under the rule.

This is a proposition to pay persons who are already being paid under existing law for their services—to give them a gratuity independently of the service they are required to perform. The question, it seems to me, is so clear that the Chair might with great propriety rule the amendment out of order, because this gratuity, without a law expressly allowing it, can not be given. I do not propose of course to enter upon the merits of a proposition to give persons already receiving high salaries a month's pay for doing nothing, the money to come out of the pockets of people much poorer than themselves.

Mr. WARNER, of Ohio. Mr. Chairman, I believe the rule has been changed since the submission of this question in the cases cited by the Chair.

The CHAIRMAN. In what particular has the rule been changed as affecting the present question?

Mr. WARNER, of Ohio. In requiring an affirmative law; that is, a law authorizing the service, when a proposition for payment is submitted on an appropriation bill.

The CHAIRMAN. The rule applicable to this question exists now as it did when the question came up, except that in the former rule certain exceptions were made, which have now been rescinded. The Chair thinks that this amendment is out of order; but at the same time, where two such precedents have been set—one in July, 1872, when Mr. Kasson presided, and the other in February, 1883, when Mr. Robinson, of Massachusetts, was the chairman of the Committee of the Whole—the Chair thinks, as did the last-named gentleman, that it would be improper for the Chair to assume to control the question by his opinion only. Those two rulings, as the Chair is advised, were both upon general appropriation bills—in one case the sundry civil appropriation bill, and the other the deficiency bill; so that the same principles apply in that case as in this. The Chair will, therefore, in view of the precedents, submit the question to the Committee of the Whole in this form: In the opinion of the Committee of the Whole is the proposed amendment in order?

The question being taken, there were—ayes 82, noes 39.

Mr. REAGAN. I make the point that no quorum has voted.

The CHAIRMAN. The gentleman from Texas, Mr. REAGAN, and the gentleman from Iowa, Mr. HEPBURN, will take their places as tellers.

Mr. BAYNE. I suggest that we can have a vote in the House on this question.

Mr. PETERS (to Mr. REAGAN). This question is only on the point of order.

Mr. REAGAN. I withdraw the point for the present.

The CHAIRMAN. The point of "no quorum" being withdrawn, the amendment is decided to be in order. The question now is on agreeing to the amendment.

Mr. WARNER, of Ohio. Mr. Chairman, I desire to say a word on the pending amendment. This proposition includes the annual clerks, who are paid for remaining all the year, as well as the session employés, who stay only during the session of Congress and then go home. There ought to be a difference, I think, between these two classes of employés. One class are at the expense of coming here for a few months and then returning, and perhaps some consideration may be due on this account. But the proposition to increase in some way the pay of the officials of the House and Senate is not a new one. It comes here regularly at every recurring session of Congress. Every endeavor is made to get into a place in the first place, and then nothing is left undone to get the pay increased, so as to make it more than for like services outside of Government employ. It looks sometimes as though only those in office had representatives here. I think, Mr. Chairman, that we are bound to think sometimes of those who pay these things, of the men whose money in the way of taxes supply these high salaries, of the laborers who plow and sow and reap, who work in mines, factories, and mills, and who in the end pay everything; for out of what labor annually creates all salaries and all expenses of government come, and the more that is taken for government the less there will be for those who create the whole wealth. If the pay of the employés of this House is not equal to pay for like services elsewhere, then it ought to be increased, but it ought to be increased directly and equitably and not by an allowance for no service. If, however, officials here receive higher salaries than for like services outside by those whose taxes, as I have said, must pay

all salaries and all expenditures, then these salaries ought not to be increased.

I repeat here the statement I have frequently made, that on the average the seventeen millions of laborers in this country, from the product of whose labor all salaries, all wages, and all profits must come—these laborers on the average receive but a little over $300 a year, and for labor and capital combined the average earnings per family of five is less than $1,000, probably now not more than $800; that is, all the capital of the country employed, with all the labor of the country, yields in the most profitable times not exceeding $200 per capita, or $1,000 per family of five, and in times like these the average earnings of capital and labor combined do not exceed $800 per family. And of this the healthy laborer who toils all day gets on an average but about $300 in a year, with no extra month's allowance, and no thirty days' leave that does not come out of his pay; and you can not increase their earnings, either, by legislation, but you can diminish them by increasing the burdens upon them.

[Here the hammer fell.]

Mr. CANNON. I only want to say a word about this matter. For many years it has been the practice to vote this month's extra pay to the employés of the House. From the courtesy prevailing between the different sides ordinarily the minority offers the amendment, and the majority acquiesce in it as a matter of course. This practice has been followed so long it may be said that when a man accepts employment in the House this extra month's pay is regarded as part and parcel of his salary.

Following that precedent out of proper courtesy and in the line of precedent it has been received by the majority gracefully. I will not come here and force on the majority of the House, whether they are willing or not, or even force it on them when they are willing, but I wish to claim they are not, an extra month's pay to Democratic employés. That is all I wish to say.

Mr. REAGAN. I suppose we ought to feel grateful to the gentleman from Illinois for his kindness in extending the courtesy of piling up appropriations to make this Democratic House appear as extravagant as possible. That is the philosophy of it.

What is the condition of things here? We have confronting us a large body of employés, some of whom are necessary, but many of whom are supernumerary, and who are receiving high salaries, much beyond that ordinarily received by those doing like service in the country. A large part of them receive annual salaries, who for one-half the time can devote themselves to their private business and still receive full pay higher than is paid elsewhere.

We are asked when gentlemen have been fortunate enough in getting these employments, when others would be glad to accept them on the salary allowed, to give them a month's extra salary. How much this will be in the aggregate I do not know. It will be a large sum, no doubt.

The amount is material; and then it is material these gentlemen, like others, should understand when they make a contract with the Government to render service at a stipulated price they should be held to it. If they are unwilling to serve at such pay, then they should resign and allow other persons to take their places.

I repeat now what I said a few moments ago, that when we are surrounded by our friends, all of whom we wish well, asking us to give them an additional amount, and it does not come out of our own pockets but from the hard earnings of others whom we forget while we are here, it is very convenient and easy to appropriate a few hundred thousand dollars as extra pay, not required by the law nor the contract, but simply as a matter of grace and bounty on the part of Congressmen who are voting away other people's money. I say, sir, that it is not honest; it is not in accordance with what I believe to be our duty. It ought not to be done.

Mr. BURNES. I submit, Mr. Chairman, that we should have a vote upon this proposition. Unless we can have a vote at once, I shall be compelled to move that the committee rise to close debate. I ask unanimous consent that debate be closed.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Iowa.

The question was taken; and on a division there were—ayes 97, noes 39.

Mr. REAGAN. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. REAGAN and Mr. HEPBURN were appointed tellers.

The committee again divided; and the tellers reported—ayes 114, noes 43.

Mr. REAGAN. I withdraw the point of no quorum.

So (no further count being demanded) the amendment was agreed to.

Mr. BUTTERWORTH. I desire, Mr. Chairman, to offer the following amendment, to come in at the end of the amendment submitted by the gentleman from Iowa, and which has just been adopted:

The Clerk read as follows:

That all employés of the Senate and House, including the Capitol police, who were employed on the 7th day of December, 1886, or subsequently by resolution of either House, and who, prior to the 15th day of May, 1886, ceased to be employed, shall be paid a sum equal to one month's pay at the rate they were severally receiving on the 7th day of December, 1885, or subsequently, as above provided; and an amount sufficient for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the same shall be available immediately: *Provided*, That but one month's allowance shall be paid in any case, and the same shall not be paid to any person who is now employed by the Senate and House of Representatives.

Mr. BURNES. I make the point of order against the amendment of the gentleman from Ohio.

The CHAIRMAN. The Chair will hear the gentleman from Ohio on the point of order.

Mr. BUTTERWORTH. I have only to say, Mr. Chairman, that I present this amendment at the suggestion of gentlemen on the other side of the House and in accordance with the wish of gentlemen on this side. It is in the line of precedents, and if the other amendment which was just adopted was in order this amendment is as clearly in order.

It provides for paying those who were dropped from the rolls a short time since the additional thirty days' allowance which is ordinarily granted at every session of Congress; and it is in conformity to a rule that obtains in all of the Departments which allows every employé thirty days' leave of absence with pay every year.

This simply fixes the pay of certain employés of this House, and that may be done of course at our discretion at all times; and I repeat if the other amendment was in order, and I submit that it was, because it has been held by the House to be so, then this is in order on the same ground and for a like reason.

But while on the floor I will say to the gentleman from Indiana, my friend Judge HOLMAN, and others who stand here in the interests of the people with myself, that I have taken the sense of the people in this behalf and they are vastly in favor of this proposition. In other words, being in order as an amendment to the bill, it recognizes the right of these employés to thirty days' leave, or its equivalent, which they would have received had they not been discharged from employment under the Government a few days ago.

I have nothing further to say touching the point of order.

The CHAIRMAN. The Chair knows of no precedent for submitting such a question to the committee except as to the existing employés; and therefore is compelled to sustain the point of order.

The Clerk read as follows:

To pay to Frank H. Isham and W. E. Mallory $180 each for three months' service in the document-room, $360.

Mr. SOWDEN. I move the adoption of the amendment I send to the desk.

The Clerk read as follows:

To pay Robert Dougherty the difference between the pay of A. W. Williams, at $900 per annum, and Robert Dougherty, at $720 per annum, from January 1, 1884, to June 1, 1885, being the sum of $255; said Robert Dougherty having succeeded said A. W. Williams in charge of the registry and delivery books in the House folding-rooms; also, the difference between the pay of M. J. O'Brien, at $840 per annum, and Robert Dougherty, at $720 per annum, from June 1, 1885, to July 1, 1886, being the sum of $130; said Robert Dougherty having succeeded said M. J. O'Brien as assistant foreman of the House folding-rooms.

Mr. BURNES. I reserve points of order on the amendment.

Mr. SOWDEN. I offer this amendment for my colleague, Governor CURTIN, who is called away unexpectedly on some important business.

Mr. BURNES. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the general deficiency bill, had come to no resolution thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HOLMAN. Mr. Speaker, the legislative, executive, and judicial appropriation bill came over this morning from the Senate with a very large number of amendments, and it is important that they should be printed and a conference between the two Houses arranged with a view to expediting the consideration of that bill. I therefore, on behalf of the committee, ask the House to non-concur in the amendments, and that they be printed and a conference between the two Houses asked.

Mr. BROWN, of Pennsylvania. I ask that the amendments be read.

Mr. HOLMAN. The amendments are quite numerous. Should the House not be in session on Monday it will be impossible to fix the consideration of the bill until after an order is made to print the amendments, and hence there would be practically three days lost unless this arrangement is now made.

Mr. BROWN, of Pennsylvania. My object was to move concurrence in some of the amendments.

Mr. HOLMAN. There are about 300 amendments, and unless it is printed and goes to a conference committee at an early date it is evident it will be late next week before it can be considered at all.

Mr. BUTTERWORTH. I want to suggest to my colleague on the committee [Mr. HOLMAN] whether it can be arranged as to any amendments that the sense of the House might be taken afterward on them as to concurrence or non-concurrence.

The SPEAKER. The House can recede from its disagreement at any time.

Mr. BUTTERWORTH. I know it can do so after the conference is entered upon. But my suggestion is whether the House might now consider some of the amendments. My object is only to facilitate the early disposition of this business.

Mr. BLOUNT. You have not much time to do it in to-day. It is almost 5 o'clock.

Mr. BUTTERWORTH. I do not mean to-day.

Mr. HOLMAN. I take it for granted a large number of the amendments will come back to the House again.

Mr. HEPBURN. I rise to object to the proposition of the gentleman from Indiana [Mr. HOLMAN.] How are we to know that very many of these amendments would not be concurred in if submitted to the House? The House might prefer to concur in them. Instead of that we asked are to take the word of the gentleman from Indiana, who has not himself perhaps examined the amendments, and refuse to concur. By this procedure we turn over the whole question to a committee of conference. I am decidedly opposed to that course. I want to have the amendments read to the House, and to determine as to each one whether we will concur or not.

The SPEAKER. Debate is not in order.

Mr. HOLMAN. Of course we would all prefer to have the amendments read and considered separately if practicable; but it is manifest at this stage of the session that it is impracticable if we intend to have an early adjournment. There are three hundred amendments to be considered. I call for the previous question. But pending that I ask unanimous consent that the time for adjournment be extended ten minutes after 5 o'clock, or until this matter can be disposed of.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend the time for adjournment until the pending question can be disposed of.

Mr. DUNHAM. That might keep us all night.

Several members objected.

Mr. HOLMAN. Then I ask that the time be extended for ten minutes.

Mr. BUTTERWORTH. There are probably not over half a dozen items which we would care to have considered by the House. If there could be some arrangement by which these items could be brought before the House on Monday or at some other time for consideration, the House might non-concur in the others.

Mr. HOLMAN. As I have already said, I think a large portion of these amendments will be returned to the House.

The SPEAKER. The Chair would suggest that perhaps the House might agree to order the amendments to be printed and that they be submitted to the House hereafter when members shall have an opportunity to examine them.

Mr. BUTTERWORTH. I think that is the better way.

Mr. HOLMAN. Then I will ask that the amendments of the Senate be printed.

There was no objection; and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 209) for the relief of the legal representative of John M. Robeson, deceased.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road;

A bill (H. R. 1462) granting a pension to Addie L. Macomber;

A bill (H. R. 3463) granting a pension to Mrs. Hanna Babb Hutchins;

A bill (H. R. 4544) granting a pension to Ann E. Cooney; and

A bill (H. R. 7165) to increase the pension of Manhattan Pickett.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6311) for the relief of Mrs. Maria Walker.

Mr. MCRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes.

Mr. BURNES. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Richard H. Willett, of Mary E, and Albert Jones, of Judith McKinney, of Jefferson Burnett, of Zachariah, of James A. Mahone, of Hardin Patterson, of Andrew Kremen and of Thomas P. Shull, of Tishomingo County; of Wiley N. Nabors. administrator; of William Lasley, deceased, of Itawamba County; of Mary J. Dunn, of Lee County; and of Susan Merrill, of Lee County, Mississippi—to the Committee on War Claims.

By Mr. BLANCHARD: Petition of certain citizens of Bayou Cocodrie, Rapides Parish, Louisiana, asking relief for distress caused by recent floods—to the Committee on Appropriations.

By Mr. BRUMM: Petition of Charles T. Gibson and 25 others, of William J. Jacobs and 48 others, and of Daniel J. Williams and 50 others, urging the passage of Grand Army pension bill—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: Petition of the Chamber of Commerce of Cincinnati, against the passage of a bill for the construction of a bridge over the Mississippi River at Saint Louis—to the Committee on Commerce.

Also, petition of manufacturers and dealers in woolens and clothings against any reduction of the tariff—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Cincinnati, against the construction of a bridge across the Little Kanawha River—to the Committee on Commerce.

By Mr. COWLES: Petition of John F. Phifer, of Lincoln County, North Carolina, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. J. H. JONES: Memorial from attorneys of Marshall, of Pittsburgh, of Clarksville, and Longview, Tex., to remove Federal Courts from Jefferson to Marshall, Tex.—to the Committee on the Judiciary.

By Mr. LANHAM: Petition of county commissioners of Stephens County, Texas, for relief—to the Committee on Appropriations.

By Mr. MCCOMAS: Petition of William H. Chipley, of Frederick County, Maryland, for payment of claim—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of Catharine Golightly, praying that the war claim of Sampson Touchstone, deceased, late of Frederick County, Virginia, be referred to the Court of Claims—to the same committee.

By Mr. CHARLES O'NEILL: Memorial of the Philadelphia Board of Trade, favoring the issue of one and two dollar notes to replace worn-out and unclean notes of said denominations—to the Committee on Banking and Currency.

By Mr. OSBORNE: Resolutions of the Engineer Club of Philadelphia, relating to improvement to entrance to New York Harbor—to the Committee on Rivers and Harbors.

By Mr. J. H. TAYLOR: Petition of F. F. Cousen and 72 others, citizens of Columbiana County, Ohio, praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. WILLIAM WARNER: Petition of Levers P. Scroggin, of Kansas City, Mo., for reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Petition of William Bailey, of New Kent County, Virginia, praying that his war claim be referred to the Court of Claims—to the same committee.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding lands in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. C. H. ALLEN: Petition of Thomas M. Guane and 23 others and of George S. Gregory and 24 others, citizens of the eighth district of Massachusetts.

By Mr. BOUND: Petition of Harry C. Hawley and 110 others and of W. H. Fortney and 220 others, citizens of the fourteenth district of Pennsylvania.

By Mr. W. W. BROWNE: Petition of G. T. Latimer and 55 others, of Bernard Keogh and 133 others, and of John A. Martin and 22 others, citizens of the sixteenth district of Pennsylvania.

By Mr. BRUMM: Petition of J. T. Garraway and 214 others, of W. H. Evans and 200 others, of P. P. Brannon and 282 others, of James Reagan and 170 others, of Patrick Coyle and 230 others, of M. James and 172 others, of Thomas Donahue and 125 others, of Thomas Conway and 98 others, and of J. F. Buck and 97 others, citizens of the thirteenth district of Pennsylvania.

By Mr. J. E. CAMPBELL: Petition of Frank Right and 130 others, of John Barr and 183 others, and of R. H. Preston and 86 others, citizens of the third district of Ohio.

By Mr. J. M. CAMPBELL: Petition of Samuel Brewer and 84 others. citizens of the seventeenth district of Pennsylvania.

By Mr. T. J. CAMPBELL: Petition of William Bailey and 144 others, of J. Hermann and 47 others, of Chris. Hinken and 105 others, of John J. Hagerty and 75 others, of Joseph Brown and 177 others, of Arthur Wilson and 17 others, of John Jacob and 81 others, and of Ed-

ward Riley and 113 others, citizens of the eighth district of New York.

By Mr. COLLINS: Petition of John Moran and 180 others, citizens of the fourth district of Massachusetts.

By Mr. R. H. M. DAVIDSON: Petition of Artimus T. Betz and 48 others and of E. A. Bryant and 404 others, citizens of the first district of Florida.

By Mr. ELY: Petition of J. Lyons and 142 others and of Edward Flynn and 200 others, citizens of the ninth district of Massachusetts.

By Mr. HAYDEN: Petition of John Averill and 26 others, of G. M. Joll and 23 others, of F. P. Pierce and 92 others, of James H. Doherty and 10 others, of John Murphy and 42 others, of A. B. Taylor and 48 others, of C. D. Weeks and 281 others, and of E. S. Scribner and 148 others, of the fifth Congressional district of Massachusetts.

By Mr. HILL: Petition of Mark Fang and 55 others, of H. B. Wood and 39 others, of George J. Rexroth and 190 others, of Charles B. Ramby and 125 others, and of Horton J. Dugal and 128 others, citizens of the sixth district of Ohio.

By Mr. HIRES: Petition of Harry F. Adams and 39 others and of Milton J. Townsend and 91 others, citizens of the first district of New Jersey.

By Mr. KELLEY: Petition of John G. Rees and 248 others, of C. H. Smith and 48 others, and of Lewis L. Brown and 80 others, citizens of the fourth district of Pennsylvania.

By Mr. LEHLBACK: Petition of Alexander H. Haines and 32 others, of John Syer and 25 others, of Joseph Jesson and 75 others, of Daniel King and 19 others, of John Delong and 53 others, of P. J. Clark and 48 others, of Charles W. Hindel and 84 others, of P. Wallace and 85 others, of Robert J. Henson and 70 others, of John Penrose and 107 others, of Alvis Heeple and 25 others, of James Carrigan and 15 others, of William E. Eastman and 463 others, of Thomas Seidmore and 423 others, of C. H. Littlefield and 158 others, of Hugh Conroy and 181 others, of C. B. Bogan and 52 others, of Charles Gibbons and 24 others, and of Edward Hagen and 250 others, citizens of the sixth district of New Jersey.

By Mr. LONG: Petition of A. F. Baker and 33 others, of A. N. Bates and 80 others, of J. Coe and 21 others, of A. A. Belcher and 73 others, and of George H. Bellows and 76 others, citizens of the second district of Massachusetts.

By Mr. LYMAN: Petition of C. Follett and 81 others, of Robert Shields and 126 others, and of Harvey Mann and 189 others, citizens of the ninth district of Iowa.

By Mr. MCKINLEY: Petition of E. H. Knight and 54 others, of W. Triplett and 133 others, and of W. H. Lynn and 45 others, citizens of the twentieth district of Ohio.

By Mr. OUTHWAITE: Petition of Lewis James and 72 others, and of A. S. Campbell and 77 others, citizens of the thirteenth district of Ohio.

By Mr. RANDALL: Petition of George W. Zemmiers and 41 others, of J. J. Mulvay and 24 others, of B. F. Faunley and 126 others, of William H. Davy and 74 others, of William Byrne and 133 others, and of Charles W. Hibbe and 23 others, citizens of the third district of Pennsylvania.

By Mr. RICE: Petition of J. H. Richard and 152 others, of Frank D. Ladd and 158 others, of Robert Walker and 262 others, of J. Haley and 158 others, of R. Burnes and 23 others, of Thomas Milvey and 25 others, of James E. O'Shea and 51 others, and of Patrick Murphy and 92 others, citizens of the tenth district of Massachusetts.

Mr. SPRIGGS: Petition of Duane Bolster and 71 others and of E. J. Harbershen and 38 others, citizens of the twenty-third district of New York.

By Mr. E. B. TAYLOR: Petition of James Kern and 174 others, of W. A. Russell and 106 others, and of A. J. Ward and 71 others, citizens of the nineteenth district of Ohio.

By Mr. A. J. WARNER: Petition of Frank Brown and 189 others and of James Hagerman and 92 others, citizens of the seventeenth district of Ohio.

By Mr. WEST: Petition of O. F. Feirc and 96 others, of L. F. Phillips and 89 others, and of Thomas H. O'Neil and 24 others, citizens of the twentieth district of New York.

By Mr. A. C. WHITE: Petition of Arthur Vardy and 528 others and of J. G. Mortimer and 60 others, citizens of the twenty-fifth district of Pennsylvania.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 5, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

ADDITIONAL FORCE IN THE OFFICE OF THE ATTORNEY-GENERAL.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Attorney-General of an appropriation to provide an additional force in his office, made necessary by the provisions of the act for the ascertainment of French spoliation claims; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DAVIDSON, of Florida, on account of sickness.

To Mr. STORM, until Tuesday, on account of sickness.

To Mr. HEARD, an extension for one week, on account of important business.

To Mr. MILLER and Mr. THROCKMORTON, for one week from Monday, July 5, on account of indisposition.

ORDER OF BUSINESS.

Mr. LAWLER. Mr. Speaker, I move that the House do now adjourn.

The motion was rejected—ayes 30, noes 84.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction of bills and resolutions.

GEORGE T. HUDSON.

Mr. WHEELER introduced a bill (H. R. 9737) for the relief of George T. Hudson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. R. CHATTIN.

Mr. WHEELER also introduced a bill (H. R. 9738) for the relief of E. R. Chattin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

NANCY J. WATKINS.

Mr. WHEELER also introduced a bill (H. R. 9739) for the relief of Nancy J. Watkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIBORN EVANS.

Mr. WHEELER also introduced a bill (H. R. 9740) for the relief of Claiborn Evans; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. R. CHATTIN.

Mr. WHEELER also introduced a bill (H. R. 9741) for the relief of E. R. Chattin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAURA HENTIG AND LAURA PLUMMER.

Mr. WHEELER also introduced a bill (H. R. 9742) for the relief of Laura Hentig and Laura Plummer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RULE XVI, CLAUSE 9.

Mr. HERBERT offered a resolution to amend clause 9 of Rule XVI of the rules of the House of Representatives; which was referred to the Committee on Rules, and ordered to be printed.

A. A. LOVELACE.

Mr. SADLER, introduced a bill (H. R. 9743) for the relief of A. A. Lovelace; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOTEL ON GOVERNMENT LAND, FORTRESS MONROE.

Mr. MITCHELL offered a joint resolution (H. Res. 197) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the land of the United States at Fortress Monroe, Va.; which was referred to the Committee on Military Affairs.

MARIA J. TURNEY.

Mr. SEYMOUR introduced a bill (H. R. 9744) granting a pension to Mrs. Maria J. Turney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA ZIMMERMAN.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 9745) granting a pension to Emma Zimmerman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLEN MORRIS.

Mr. TOWNSHEND introduced a bill (H. R. 9746) granting a pension to Allen Morris; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE C. WHITLOCK.

Mr. MATSON introduced a bill (H. R. 9747) granting a pension to George C. Whitlock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. RAIFF.

Mr. HEPBURN introduced a bill (H. R. 9748) for the relief of Benjamin F. Raiff; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. SPRINGER introduced the following resolution; which was read, and referred to the Committee on Foreign Affairs:

NICARAGUAN CANAL.

Resolved, That the President be requested, if not incompatible with the public interests, to furnish the House of Representatives with all the correspondence between this Government and the Republics of Nicaragua and Costa Rica since

1876 in reference to the location and construction of an interoceanic canal via the San Juan River and Lake Nicaragua, and relating to the treaty or other rights of the bordering republics.

BRIDGES ACROSS TENNESSEE AND CUMBERLAND RIVERS.

Mr. STONE, of Kentucky, introduced a bill (H. R. 9749) to authorize the construction of bridges across the Tennessee and Cumberland Rivers by the Ohio Valley Railway Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN F. ROGERS.

Mr. TAULBEE introduced a bill (H. R. 9750) for the relief of John F. Rogers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. E. M. PATTISON.

Mr. WILLIS introduced a bill (H. R. 9751) for the relief of Mrs. E. M. Pattison, formerly Mrs. E. M. Lewis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATRICK O'MALIA.

Mr. WILLIS also introduced a bill (H. R. 9752) granting a pension to Patrick O'Malia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. C. BUFORD.

Mr. WILLIS also introduced a bill (H. R. 9753) for the relief of D. C. Buford, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MONUMENT TO EX-PRESIDENT TAYLOR.

Mr. BLANCHARD introduced the following concurrent resolution of the Legislature of the State of Louisiana relative to the erection of a monument to the memory of ex-President Zachary Taylor, to be located in the city of New Orleans, and requesting the aid of the national Congress therefor; which was read, and referred to the Committee on the Library:

Be it resolved by the house of representatives of the State of Louisiana (the senate concurring), That our Senators and Representatives in Congress are respectfully requested to secure such national legislation as is necessary to explain and equalize the act of July 19, 1848, amended February, 1879, to include all regular and volunteer soldiers, artisans, teamsters, and employés of the land forces which served in the war with Mexico, and to direct the Secretary of the Interior to ascertain the unpaid balance properly due under the act so explained and equalized, and after six months' public notice be authorized to transfer all amounts then due and unpaid to a special fund for the purpose of aiding in the erection of a monument at the city of New Orleans, State of Louisiana, in honor of ex-President Zachary Taylor and the gallant soldiers who fought and won the battle of Palo Alto and Resaca de la Palma, May 8 and 9, 1846, and to appoint nine officers of the United States Army to act with a like number from each the Louisiana State troops and Lousiana Associated Veterans of the Mexican war as commissioners in furthering this object, and provide the Associated Veterans of Mexican war with the names of those killed, wounded, or died during the war with Mexico. And for such other aid and information as Congress may, in its wisdom, deem just and proper.

DANIEL B. WASHBURN.

Mr. ELY introduced a bill (H. R. 9754) for the relief of Daniel B. Washburn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES E. BARNARD.

Mr. RICE introduced a bill (H. R. 9755) granting a pension to Charles E. Barnard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK GARDNER.

Mr. LONG introduced a bill (H. R. 9756) for the relief of Frank Gardner, late private Company I, Thirty-third United States Colored Troops; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSENGERS IN HOUSE POST-OFFICE.

Mr. TARSNEY (by request) introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the three session messengers of the House post-office be continued in employment one month after adjournment of Congress at its present session, to be paid at the same rate heretofore paid them, out of the contingent fund of the House.

DAVID L. GARVER.

Mr. CUTCHEON (by request) introduced a bill (H. R. 9757) for the relief of David L. Garver; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PUBLIC BUILDING AT OXFORD, MISS.

Mr. MORGAN introduced a bill (H. R. 9758) to amend an act entitled "An act for the erection of a public building at Oxford, Miss.;" which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RAILROAD THROUGH INDIAN TERRITORY.

Mr. HALE (by request) introduced a bill (H. R. 9759) to authorize the Southwest Extension of the Le Roy and Caney Valley Air-Line Railroad to construct and operate a railway through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN N. SMITH.

Mr. BURNES introduced a bill (H. R. 9760) granting a pension to John N. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY B. ROBERTS.

Mr. BURNES also introduced a bill (H. R. 9761) granting a pension to Henry B. Roberts; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

C. C. CAIN.

Mr. BURNES also introduced a bill (H. R. 9762) for the relief of C. C. Cain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. G. SHAWHAN.

Mr. BURNES (by request) also introduced a bill (H. R. 9763) for the relief of J. G. Shawhan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. M. STINE.

Mr. WARNER, of Missouri, introduced a bill (H. R. 9764) to remove the charge of desertion from the record of J. M. Stine; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AARON BOTTS.

Mr. WARNER, of Missouri (by request), also introduced a bill (H. R. 9765) for the relief of Aaron Botts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOAN OF TENTS FOR SOLDIERS' REUNION.

Mr. DOCKERY introduced a joint resolution (H. Res. 198) authorizing and directing the Secretary of War to loan tents to the Northwestern Missouri Veteran Soldiers' Association for reunion purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

A. P. SWINEFORD.

Mr. GALLINGER introduced a bill (H. R. 9766) for the relief of A. P. Swineford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CATHERINE SQUIER.

Mr. PHELPS [by Mr. HIRES] introduced a bill (H. R. 9767) to place on the pension-roll the name of Catherine Squier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPRISONMENT OF JULIO SANTOS.

Mr. BELMONT submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public service, to transmit to the House of Representatives the correspondence relating to the imprisonment in Ecuador, and subsequent release, of Julio Santos, a citizen of the United States.

MARGARET BRENNAN.

Mr. MERRIMAN (by Mr. BEACH) introduced a bill (H. R. 9768) granting a pension to Margaret Brennan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LIGHTELL.

Mr. FELIX CAMPBELL (by Mr. BEACH) introduced a bill (H. R. 9769) to place the name of John Lightell upon the retired-list for privates and non-commissioned officers of the United States Army or Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARGARET REAGAN.

Mr. MAHONEY (by Mr. BEACH) introduced a bill (H. R. 9770) granting a pension to Margaret Reagan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM ALEXANDER.

Mr. SKINNER (by Mr. BENNETT) introduced a bill (H. R. 9771) to pension William Alexander, of North Carolina, late sergeant United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MALONA W. WYLIE.

Mr. HILL introduced a bill (H. R. 9772) for the relief of Malona W. Wylie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MODE OF AUDITING ACCOUNTS, POST-OFFICE DEPARTMENT.

Mr. WARNER, of Ohio, introduced a bill (H. R. 9773) providing that all expenditures of the Post-Office Department shall be passed upon by a Comptroller and Auditor, as all the other expenses in the Treasury Department; which was referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

GEORGE FETTERMAN.

Mr. MCKINLEY introduced a bill (H. R. 9774) to remove the charge of desertion against the record of George Fetterman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MOSES J. ROBERTSON.

Mr. THOMPSON introduced a bill (H. R. 9775) for the relief of Moses J. Robertson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY J. FRANCIS.

Mr. LITTLE introduced a bill (H. R. 9776) granting a pension to Mary J. Francis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW WINTER.

Mr. LITTLE also introduced a bill (H. R. 9777) for the relief of Andrew Winter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON, EVERETT, PA.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 9778) donating condemned cannon to Post 131, Grand Army of the Republic, at Everett, Pa.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES HOOVER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 9779) restoring to the pension-roll the name of Charles Hoover, late a member of Company F, One hundred and forty-second Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNIE B. JOHNSON.

Mr. HARMER introduced a bill (H. R. 9780) granting a pension to Annie B. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARCHIBALD MURPHEY.

Mr. HARMER also introduced a bill (H. R. 9781) granting a pension to Archibald Murphey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WEDNESDAY EVENING SESSIONS FOR PRIVATE BUSINESS.

Mr. WHITE, of Pennsylvania. Mr. Speaker, in connection with the resolution which I now send to the desk, I would like to make this statement: That of course the public business must be attended to, but there are also upon the Private Calendar a number of bills to which there is no objection, and which certainly should receive the consideration of Congress——

The SPEAKER. Debate is not in order.

Mr. WHITE, of Pennsylvania. I am aware of that; but it is only for the purpose of stating in regard to the resolution I now offer, and which I ask to have published in the Journal——

The SPEAKER. The gentleman can ask unanimous consent to make a statement in regard to it.

Mr. WHITE, of Pennsylvania. Then I make that request.

The SPEAKER. Without objection the gentleman will have that privilege.

There was no objection.

Mr. WHITE, of Pennsylvania. As I stated, of course the public business should be attended to, but there are many cases of merit on the Private Calendar which should also receive consideration.

If a citizen of the United States has but a small claim against the Government he ought to have some time allowed for its consideration. Bills also to relieve soldiers from the charge of desertion to which there can be no objection, and which are favorably and unanimously reported by the Committee on Military Affairs, ought to be allowed a hearing. I think it would be only right for us to set apart some time when such claims can be heard. Friday is private-bill day, but for some time it has been regularly monopolized by public business. In this resolution I ask that the Committee on Rules shall set apart Wednesday night of each week at which time those cases can be taken up and acted upon. I deem it but a matter of justice and right that this should be done.

The SPEAKER. The resolution can not be considered at this time except by unanimous consent.

The resolution was read, as follows:

Whereas a large number of bills favorably reported from the several committees now remain upon the different Calendars, and particularly a very large number upon the Private Calendar, to which there are and can be no objection to their passage, but are prevented from being called up by other business, requiring much time and delay: Therefore,

Resolved, That on each Wednesday the House take a recess from 5 o'clock p. m. until 8 o'clock p. m. for the purpose of disposing of bills on the Private Calendar to which there is no objection.

Mr. TAULBEE. Is the request of the gentleman that this resolution shall be considered at the present time?

The SPEAKER. The rule of the House requires that all bills and resolutions introduced under the call of the States and Territories shall be referred to committees.

The resolution was referred to the Committee on Rules.

NANCY CONNER.

Mr. BOYLE introduced a bill (H. R. 9782) granting a pension to Nancy Conner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID ABBOTT.

Mr. BOYLE also introduced a bill (H. R. 9783) granting a pension to David Abbott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES CLINE.

Mr. BOYLE also introduced a bill (H. R. 9784) granting a pension to James Cline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. C. MARTIN.

Mr. NEAL introduced a bill (H. R. 9785) for the relief of J. C. Marin, of Monroe County, Tennessee; which was read a first and second ime, referred to the Committee on War Claims, and ordered to be printed.

MEDICAL RECORDS OF THE WAR.

Mr. JOHN M. TAYLOR (by request) introduced a bill (H. R. 9786) to transfer the medical records of the war from the War Department, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMITTEE ON ALLEGED VIOLATIONS OF RULE XXXIV.

Mr. RICHARDSON submitted a resolution to authorize the select committee to inquire into alleged violations of Rule XXXIV to sit during the session of Congress and the recess of Congress; which was referred to the Committee on Rules, and ordered to be printed.

DAVID R. DAVIS.

Mr. THROCKMORTON (by Mr. LANHAM) introduced a bill (H. R. 9787) granting a pension to David R. Davis; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ABIGAIL FARLEY.

Mr. PRICE introduced a bill (H. R. 9788) granting a pension to Abigail Farley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MANUEL A. PINO.

Mr. JOSEPH introduced a bill (H. R. 9789) for the relief of Manuel A. Pino; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JUAN DE J. MARES.

Mr. JOSEPH also introduced a bill (H. R. 9790) for the relief of Juan de J. Mares; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories for the introduction of bills and resolutions. If there be no objection the Chair will now recognize gentlemen who were not in their seats when their States were called.

There was no objection.

FLETCHER S. DEWEY.

Mr. HOLMAN introduced a bill (H. R. 9791) granting a pension to Fletcher S. Dewey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. W. ZICKENDRATH.

Mr. HOLMAN also introduced a bill (H. R. 9792) for the relief of F. W. Zickendrath; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGES ACROSS CUMBERLAND AND CANEY RIVERS.

Mr. MCMILLIN introduced a bill (H. R. 9793) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BUSINESS OF WAYS AND MEANS COMMITTEE.

Mr. MORRISON submitted a resolution fixing a day for the consideration of bills presented by the Committee on Ways and Means; which was referred to the Committee on Rules.

SUBTREASURY BUILDING AT SAN FRANCISCO.

Mr. HENLEY, by request, introduced a bill (H. R. 9794) to purchase additional ground to enlarge the subtreasury building at San Francisco; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY E. HOUSER.

Mr. RYAN introduced a bill (H. R. 9795) granting a pension to Mary E. Houser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BURNES. Mr. Speaker, I beg to suggest that in all human probability no business can be transacted in pursuance of the regular order to-day, and I therefore move that it be dispensed with, and if that be done I shall move that the House resolve itself into Committee of the Whole for the further consideration of the deficiency bill.

The SPEAKER. No motion to dispense is necessary. The gentleman can move directly to go into Committee of the Whole on the State of the Union.

Mr. BURNES. Then I make the motion that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

Mr. PETERS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PETERS. Does it require a two-thirds vote to suspend the rule?

The SPEAKER. No motion to suspend is necessary. The motion to go into Committee of the Whole on the State of the Union to consider general appropriation bills is in order, and may be adopted by a majority of the House.

Mr. BAYNE. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAYNE. Or rather I rise to say that I believe a point of order would lie against the motion of the gentleman from Missouri [Mr. BURNES], but if it be the desire of the House to proceed with the consideration of the appropriation bills I will not press the point of order.

The SPEAKER. The Chair does not see that any point of order can be made. The motion to suspend the rules is in order if any gentleman desires to make it and obtains the floor for that purpose, and so is the motion of the gentleman from Missouri [Mr. BURNES]. This day is not set apart for suspensions; the motion to suspend is simply a motion which is in order on this day.

Mr. BAYNE. But by clause 9 of Rule XVI the motion to go into Committee of the Whole for the purpose of considering appropriation bills is admissible only after a morning hour. Now, we have had no morning hour to-day.

The SPEAKER. But the morning hour is dispensed with by another rule of the House on the first and third Mondays of the month.

Mr. BAYNE. Yes; the morning hour is dispensed with, or rather it is excluded by another rule, and therefore, having no morning hour to-day, my point is that the motion to go into Committee of the Whole is not admissible.

The SPEAKER. The ruling of the Chair has always been otherwise. It has always been held that on these Mondays, there being no morning hour, the effect is just the same as if the morning hour had been dispensed with by a vote of the House, and that it is in order to move to go into Committee of the Whole on the state of the Union for the consideration of appropriation bills.

Mr. HOLMAN. I ask the gentleman from Missouri [Mr. BURNES] to yield to me for a moment.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER. The Chair will lay before the House for reference the bill H. R. 8974, with the Senate amendments.

Mr. HISCOCK. What bill is that, Mr. Speaker?

The SPEAKER. The legislative, executive, and judicial appropriation bill.

Mr. HISCOCK. As I understand that, the bill is sent back to the committee.

The SPEAKER. It is referred to the Committee on Appropriations.

JAMES WILSON.

Mr. McCOMAS introduced a bill (H. R. 9796) granting a pension to James Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH EVERLY.

Mr. McCOMAS also introduced a bill (H. R. 9797) granting a pension to Jeremiah Everly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

The question was taken on the motion of Mr. BURNES that the House resolve itself into Committee of the Whole on the state of the Union; and there were—ayes 87, noes 87.

Mr. McMILLIN. I demand tellers.

A MEMBER. Does the Speaker vote?

The SPEAKER. The Chair votes in the affirmative.

Mr. McMILLIN. Then I withdraw the call for tellers.

Mr. PERKINS. I call for tellers.

The SPEAKER. Tellers being demanded, the Chair appoints the gentleman from Kansas, Mr. PERKINS, and the gentleman from Missouri, Mr. BURNES.

The House divided; and the tellers reported—ayes 105, noes 96.

Mr. NEECE and Mr. THOMPSON called for the yeas and nays.

The question was taken; and the yeas and nays were refused, only 35 members (not one-fifth of the last vote) having voted in the affirmative.

So the motion of Mr. BURNES was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering a general appropriation bill. The pending question is on the amendment offered by the gentleman from Pennsylvania [Mr. SOWDEN], on which a point of order has been made. The Clerk will report the amendment.

The Clerk read as follows:

After line 1680 it is proposed to insert:

"To pay Robert Dougherty the difference between the pay of A. W. Williams, at $900 per annum, and Robert Dougherty, at $720 per annum, from January 1, 1884, to June 1, 1885, being the sum of $255; said Robert Dougherty having succeeded said A. W. Williams in charge of the registry and delivery books in the House folding-rooms; also, the difference between the pay of M. J. O'Brien, at $840 per annum, and Robert Dougherty, at $720 per annum, from June 1, 1885, to July 1, 1886, being the sum of $130; said Robert Dougherty having succeeded said M. J. O'Brien as assistant foreman of the House folding-rooms."

The CHAIRMAN. Has the gentleman from Pennsylvania [Mr. SOWDEN] anything to say on the point of order?

Mr. SOWDEN. All that I have to say is that the point of order is not well taken, because this amendment does not increase the salary of any officer or employé, but simply provides that the salary already fixed for one official shall be paid to his successor.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Pennsylvania [Mr. SOWDEN] whether the persons sought to be paid by this amendment were or were not the officers to whom this salary applies.

Mr. SOWDEN. The salary paid to A. W. Williams was $900. Robert Dougherty was substituted or appointed to his place and has filled that position. All that he now seeks is to recover by this amendment the difference between $900 per annum, the pay to which he was entled, and $720, the amount which he received.

Mr. SPRINGER. If he actually held the office he should have received the salary under the law.

Mr. SOWDEN. But he did not receive it. By this amendment it is proposed to give it to him.

Mr. WARNER, of Ohio. Did not the incumbent of the office receive the $900? We should not provide for paying two men for the same position.

Mr. SOWDEN. If Mr. Dougherty's predecessor drew the salary unlawfully, that should not bar the person who actually did the work from receiving the amount allowed him by law.

Mr. WARNER, of Missouri. Then I understand there is no evidence to show that anybody received any salary to which he was not entitled?

Mr. SOWDEN. I take it it is incumbent on the gentleman who raises the point of order to show that the amendment is not in accordance with law and that this officer is not entitled to $900 per annum, the sum named in the amendment. The person who served in the position is entitled to the difference between $720, which he actually received, and $900, the legal salary.

Mr. SPRINGER. Let the amendment be again read.

The Clerk again read the amendment.

Mr. BURNES. The ground upon which the committee has acted in matters of this kind may be stated in a few words. Claims of this character do not belong to the Forty-ninth Congress, and they ought not to be, and as I understand they will not be, under the existing rules, recognized, unless there is some order of the House of Representatives or some express law for their payment. Now, in other cases which appear to be similar there were orders coming to the Committee on Appropriations from the House itself directing us to take jurisdiction. But this is a claim coming to us from the Forty-eighth Congress, and has not the sanction of law or of any order of the House. There is nothing, therefore, it seems to me, on which to base a claim for appropriation of this character. It must take its course before the Committee on Claims as other claims of similar description have done.

I will add that it is a very bad practice, indeed, under which a man appointed to one position, for which the salary is fixed either by law or by order of the House, is without authority of law and without an order of the House taken out of that position to which he was appointed and the salary which was fixed, and put into another position without any authority whatever. This is getting to be a great evil, and it is time this House should refuse to send such claims to the Committee on Appropriations indorsed by the action of the House.

But the claims now before us are not in that position. They have not been before the Committee on Accounts, have not been favorably reported back and sent to the Committee on Appropriations. These are applications for naked gratuities, and are without sanction of law or an order of the House of Representatives.

Mr. SOWDEN. Mr. Chairman, there is no force in the position assumed by the gentleman from Missouri when he says that this amendment provides for the payment of a party who served in a previous Con-

gress; for if he had observed the language of this amendment he would have seen that it covers the period from June 1, 1885, to July 1, 1886. The language is:

Also the difference between the pay of M. J. O'Brien at $840 per annum, and Robert Dougherty at $720 per annum, from June 1, 1885, to July 1, 1886, being the sum of $120; said Robert Dougherty having succeeded said M. J. O'Brien as assistant foreman of the House folding-rooms.

Now, upon what authority does the gentleman from Missouri assume to state that this man did not occupy his position by proper appointment? An order of the House for his employment was not necessary. This officer is employed by the Doorkeeper of the House, and the office is recognized by the House. If he served in the capacity named, he is certainly entitled to the salary attached to the position. That is all he asks in this case—to be paid the difference between $720 and $840, the latter being the legal salary of the position to which he was transferred and the duties of which he filled. Hence I say the gentleman's position is untenable.

Mr. WARNER, of Ohio. I wish to ask the gentleman a question for my own information. If Mr. Dougherty was assigned to a place the salary of which was $900, why has he not drawn that amount?

Mr. SOWDEN. I imagine the reason is because there was no appropriation of the money for that purpose. I know not the reason if it be not that.

Mr. WARNER, of Ohio. Well, I think we ought at least to have the facts in the case. If he was appointed to an office the salary belonging to which was $900, and performed the duties of that office, of course he ought to have the pay; but if he was appointed to another place and performed the duties of a higher position held by somebody else, he is entitled only to the pay of the place to which he was appointed. We are in need, I think, of some facts in this case which have not been stated.

Mr. SOWDEN. Mr. Chairman, the facts are clearly stated in the amendment itself. It states when this party was assigned to this position, and from the time he assumed the discharge of those duties he asks to be paid.

The CHAIRMAN. The Chair is somewhat in doubt, but sustains the point of order.

The Clerk read as follows:

To pay claims for stenographic work done for the standing and select committees of the House during the present session by other than the official stenographers, and which are recommended by the Committee on Accounts, namely, to Reuben Daily, George O'Doherty, E. D. Easton, John D. O'Connor, Simon McPherson, John G. McLean, H. M. Clapp, Henry G. Hayes, H. H. Alexander, J. L. Andem, J. O. Clephane, J. J. Linney, A. J. Jones, and George W. L. Buckler, $2,484, being $1,545.50 for services rendered prior and $938.50 for services rendered subsequent to the appointment of the official stenographers to committees; said claims to be audited by the Committee on Accounts, and paid, on their approval, by the Clerk of the House, out of the sum herein appropriated; but no part of this sum shall be paid for services rendered under employment by the official stenographers and paid for by them.

Mr. GUENTHER. With the consent of the gentleman from Missouri [Mr. BURNES] in charge of this bill, and of the gentleman from Indiana [Mr. HOLMAN], I ask consent of the committee to make a correction in the amendment I offered on Saturday. By some inadvertence the amount of costs in five cases——

Mr. BURNES. I trust my friend from Wisconsin will not press that matter now, but will wait until we get through with the bill.

Mr. GUENTHER. Very well; in compliance with the gentleman's suggestion I will withdraw the correction for the present.

The Clerk read as follows:

Miscellaneous:

For additional amount necessary for engraving and printing a portrait of the late Vice-President Thomas A. Hendricks, to accompany the eulogies ordered to be printed by the joint resolution approved March 13, 1886, $450.

Mr. REAGAN. I would like to have some explanation from the gentleman from Missouri [Mr. BURNES] in charge of the bill how $450 came to be adopted as the amount necessary for engraving this portrait?

Mr. HOLMAN. This was the estimate which came to us from the Department.

Mr. REAGAN. I desire to say they do not cost over $125. I notice they come in these bills asking $400 and $500 for that which any private gentleman can get done for $100.

Mr. HOLMAN. I followed the estimate here. They generally cost $500.

Mr. BURNES. Five hundred dollars were appropriated for this work. This executive document which I hold in my hand fully explains the matter. It might as well be read.

Mr. REAGAN. I do not wish to consume the time of the House.

Mr. BURNES. Five hundred dollars were originally appropriated, but there was such an extraordinary number printed of the document referred to it was found necessary to have this extra plate.

Mr. REAGAN. Nine hundred dollars then for the two plates?

Mr. BURNES. Yes, for the two plates. The gentleman will remember this work is done at the Bureau of Engraving and Printing.

Mr. REAGAN. Why was not the first plate good for the second printing?

Mr. BURNES. They wear out like everything else.

Mr. REAGAN. An engraved steel plate would hardly wear out that fast.

The CHAIRMAN. There is no motion pending.

Mr. REAGAN. I am inclined to move to strike out that paragraph. It is an extraordinary price for two steel plates.

The CHAIRMAN. Does the gentleman submit the motion?

Mr. REAGAN. Yes; I do.

Mr. HOLMAN. I hope the gentleman will not move to strike that out. It is a regular estimate.

Mr. BURNES. I ask the estimate of the Department be read to the House.

The Clerk read as follows:

Letter from the acting Secretary of the Treasury, transmitting an estimate from the Bureau of Engraving and Printing of an additional appropriation for copies of portraits of the late Vice-President Hendricks.

MARCH 30, 1886.—Referred to the Committee on Appropriations, and ordered to be printed.

TREASURY DEPARTMENT, *March* 26, 1886.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of letter of the Chief of the Bureau of Engraving and Printing, of the 24th instant, stating that an additional appropriation of $450 will be required for engraving and printing the number of copies, 31,000, of the portrait of the late Vice-President Hendricks, in accordance with the provisions of joint resolution No. 5, approved March 13, 1886.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

The Hon. SPEAKER *of the House of Representatives.*

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
Washington, D. C., March 24, 1886.

SIR: I herewith inclose a printed copy of public resolution No. 5, approved March 13, 1886, entitled "Joint resolution to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States;" the resolution providing that "the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Thomas A. Hendricks to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated," &c.

I have the honor to state that it has been customary for Congress in passing similar resolutions to appropriate the amount named to engrave a portrait and print 12,500 copies, which in some instances has been barely enough to pay for that many impressions in addition to the cost of the engraving.

Under the present resolution $500 will be sufficient to cover the cost of engraving the portrait and printing 12,500 copies only. In order, therefore, that the entire number, 31,000 copies, may be printed, it is estimated that the sum of $450 in addition to the amount already appropriated will be needed.

Very respectfully,

E. O. GRAVES, *Chief of Bureau.*

Hon. DANIEL MANNING,
Secretary of the Treasury.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Texas.

Mr. REAGAN. I withdraw the amendment because it will be voted down, although I believe the appropriation ought not to be allowed.

The Clerk read as follows:

For refunding taxes illegally collected, prior to July 1, 1883, except the claims numbered 46050, 47381, and 47413 contained in said Executive Document No. 70, $17,197.13.

Mr. CANNON. I move to strike out the following words: "except the claims numbered 46050, 47381, and 47413, contained in said Executive Document No. 70, $17,197.13," and insert in lieu thereof "the sum of $39,020.28."

The object of this amendment is to insert three items certified by the Auditor and Comptroller for taxes illegally collected nearly twenty years ago. In the aggregate they amount to about $20,000. Under legislation which I merely refer to, the Commissioner of Internal Revenue is required to ascertain the taxes illegally collected and pay them, or certify them for payment in the event there is no appropriation available. The appropriation available for the payment of these three claims, as well as thirty or forty other claims standing upon the same principle, has long since been covered into the Treasury. Therefore they have been audited by the Auditor and Comptroller under another provision of the statute and certified to Congress for payment.

These taxes arose under the income-tax law of 1862, levying taxes upon the interest on bonds and upon the dividends on stock. The law only levied a tax upon such bonds and stocks as were owned by citizens of the United States or citizens residing abroad. It did not levy a tax on the bonds or stock of non-residents and alien holders. In the early execution of the law the tax was retained by corporations upon dividends without respect to the residence of the holder, and the retained tax on bonds and stocks was paid over to the Government. There has been litigation touching this matter, and in 7 Wallace, in the case of Railroad Company against Jackson, the whole question was elaborately discussed and decided by the Supreme Court.

From the syllabus in that case I quote the following:

The internal-revenue act of June 3, 1864, does not lay a tax on the income of a non-resident alien, arising from bonds held by him of a railroad company incorporated by States of the Union and situated in them.

I will send to the Clerk's desk and ask to have read a portion of the opinion in this case touching the point in controversy.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KELLEY. If I can be recognized I will yield my time to the gentleman.

Mr. CANNON. Before proceeding further I would like to call the attention of the gentleman from Missouri to the fact that it was agreed there should be a little general debate here and there on this bill.

This is a matter touching which there can not be a presentation in five minutes; it may take fifteen.

The CHAIRMAN. The gentleman has five minutes yielded to him by the gentleman from Pennsylvania.

Mr. CANNON. That is not sufficient, and I ask now that limited general debate be allowed on this proposition.

Mr. BURNES. I will ask my friend from Illinois how much time he wishes?

Mr. CANNON. Well, I think I can present the case in fifteen minutes, possibly in ten minutes more; but there are other gentlemen who may desire to be heard.

Mr. BURNES. I trust the gentleman from Illinois will have ten minutes.

Mr. CANNON. But other gentlemen may want some time, and I would like to have it understood that there may be a reasonable general debate.

Mr. BURNES. When other gentlemen rise I presume the arrangement can be made to give them time if necessary.

The CHAIRMAN. Without objection, the gentleman from Illinois [Mr. CANNON] will be recognized for ten minutes additional.

There was no objection.

Mr. CANNON. I now ask the Clerk to read from the opinion in the Railroad Company *vs.* Jackson that part which I send to the desk.

The Clerk read as follows:

The act in force when the coupons in question fell due was the act of June 30, 1864, and is the one by which the tax of 5 per cent. claimed on the bonds of the plaintiff must be determined. The court below held that the act did not include a non-resident alien, and directed a verdict and judgment for the whole amount of interest. The decision was based mainly on the ground that looking at the several provisions bearing upon the question and giving to them a reasonable construction, it was believed not to be the intent of Congress to impose an income tax on non-resident aliens, and that they were not only not included in that description of persons upon whom the tax was imposed, but were impliedly excluded by confining it to residents of the United States and citizens residing abroad; and that the deduction from a prescribed income of the interest of these railroad bonds when paid by the companies was regarded as simply a mode of collecting this part of the income tax.

We agree in this view. It is not important, however, to pursue the argument, as Congress has since in express terms, by the acts of March 10 and July 13, 1866, imposed a tax on alien non-resident bondholders. The question hereafter will be not whether the laws embraced the alien non-resident holders, but whether it is competent for Congress to impose it, upon which we express no opinion. Judgment affirmed.

Mr. CANNON. But the point has been raised, in talking about this matter elsewhere, that there is no proof that the railroad company ever paid these non-resident bondholders this tax which it has already paid into the Treasury. That action was by such a non-resident holder against the railroad company; and the court held that it did not make any difference whether the railroad company had paid it to the Government or not; that the company was liable to its non-resident or alien stockholders.

The same case, or a similar question, came up again for adjudication, and the Attorney-General held, in volume 15 Opinions of the Attorneys-General, page 67, and I read from the syllabus in that case, as follows:

The amount of tax illegally collected from the Illinois Central Railroad Company from 1883 to 1886, as income tax upon dividends on stock held by non-resident aliens, should be repaid that company, after deducting so much therefrom as has been already paid, &c.

I will not quote the opinion at large. Now, after proof taken, these claims come here certified by the present Comptroller to the present Auditor, having been passed upon by the present Commissioner of Internal Revenue, and there is no question but what they are just. There is no question but that the United States has had the use of the money for nearly twenty years; and now we are asked to pay back the amount of the principal—without any interest—that was illegally exacted and which was paid into the Treasury.

I say again that I can see no reason why it should not be returned. That is all I desired to say in this connection, and I will yield the remainder of my time, if I have any, to the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman has five minutes of the time allotted to him remaining.

Mr. KELLEY. Mr. Chairman, the failure to appropriate this amount of money was, as I have heard, based on the ground that the parties who were collecting, or about to collect, it would never pay it over to the parties to whom it belonged. Now, sir, the attorney of these parties, the attorney of the non-resident alien stockholders, whose money was withheld from them, is my personal and valued friend.

I have seen his powers from some of the very owners of these funds and from the bankers in New York who have been their banking agents for years. He sought to present the case to the subcommittee, and if the gentleman from New York [Mr. ADAMS] is here I am sure he will bear out the statement that he had no opportunity of presenting the case of his clients before the subcommittee. It is within my knowledge that he sued—sued most abjectly—for the privilege of stating the case to the whole committee, and was—I do not use the word offensively, but I say it because it expresses what would have been my feelings if I had stood in his place—bluffed; and it is within my observation that his carefully guarded but distinct statement of his case which he placed in the hands of the committee was returned to him without having been submitted to the committee. I ask, however, that this letter from my friend, the counsel in the case, T. W. Neill, may be read, and I vouch for all its statements.

The Clerk read as follows:

OFFICE OF T. W. NEILL, ATTORNEY AT LAW,
1767 P STREET NORTHWEST,
Washington, D. C., July 5, 1886.

MY DEAR JUDGE: Relative to the non-resident-alien-income-tax-refunding claims, Nos. 46050, 47381, 47413, referred to on page 72 of the deficiency bill, and Nos. 48191, 48281, and 48242, on page 98, which are not provided for, it has come to my knowledge that this omission was occasioned by a statement made before the Committee on Appropriations, to the effect that these old claims had been bought up by the attorney who was prosecuting them, and, if paid, no part of the money would go to the beneficiaries. I represent these claims on behalf of these beneficiaries, through their bankers and financial agents in New York city, and I write to say that any such statement is an unjust and uncalled-for reflection upon the railroad corporations, upon these bankers of high standing and character whom I represent, and upon me, and the statement is false in every particular. I was, greatly to my regret, not permitted the opportunity to hear or answer this false statement before the committee, and therefore I beg, if it shall be repeated or referred to before the House, that you will contradict it as unqualifiedly false.

Among the bankers represented by me are H. Amy & Co., Moran Bros., A. Iselin & Co., Baltzer & Lichtenstein, A. Goettel & Co., of New York city, and S. & J. Welsh, of Philadelphia.

These bankers are the agents in this country of the alien claimants, and will receive on their behalf every dollar of this money from the railroad corporations so soon as the Government shall pay these adjudicated allowances.

I am, very sincerely, yours,

T. W. NEILL, 1767 *P Street Northwest.*

Hon. WILLIAM D. KELLEY,
House of Representatives.

Mr. KELLEY. Mr. Chairman, when we were on the overflowed-lands case the question was put to the gentleman from Illinois [Mr. CANNON] by the gentleman from Maine [Mr. REED]: "Am I right in supposing this is a case of resisting execution by the committee?" And it was answered that he was. I say this is a more flagrant case. It is a case of the overruling of decisions by the Supreme Court without hearing the party claimant or his statement of law. For the present I yield the floor.

Mr. BURNES. I beg to call the attention of the committee, perhaps not inopportunely, to an evil that is existing all around us and that has finally found encouragement in the Committee of the Whole House in the House of Representatives. It seems that here in Washington there is less regard paid to the ethics of an honorable profession than in any other quarter of the habitable globe.

Mr. KELLEY. I desire to say that that remark does not apply to my friend T. W. Niell, who is pressing this claim, sustained by the Supreme Court of the United States.

Mr. BURNES. I trust my venerable friend——

Mr. KELLEY. And it involves the Comptroller of the Currency, and the Treasurer of the United States.

Mr. BURNES. It is true, Mr. Chairman, I have not the experience in legislation that belongs to my venerable friend from Pennsylvania [Mr. KELLEY]. It is true that I may not have the patience to bear with those things I see around me that he has borne so long. But I do not think it improper on this occasion to call attention to the fact that no lawyer, or that few at least, leave the service of their client, the United States, without boldly taking employment on the other side of questions with which they have grown familiar while they were in the service of and retained by the United States.

Mr. KELLEY. Nor does that remark apply to Mr. Neill. He has not been in the service of the United States.

Mr. BURNES. We see all around us almost every day men who have been engaged in the service of the United States in either House of Congress and in the Departments of the Government, having by reason of that confidential relation to their client, the United States, obtained valuable information against the United States, turn around and at once attempt to discover and bring to light lawsuits against their former client almost without limitation. This may have no relation to this case, because it is not my business, as I understand it, to become familiar with the attorneys who are engaged in prosecuting these claims. It is not my business, as I perceive it, to champion those attorneys upon this floor, and furthermore, sir, allow me to say that so far as my limited experience is concerned, it is the first time when a vulgar blackguard on the outside of this House has been allowed to come before the House to insult and deride one of its honorable committees. So long as the criticism of the Appropriation Committee is confined to members on this floor I can laugh at it and enjoy it, but I submit to my colleagues on both sides of this House whether they are prepared for such a communication as has been sent in by this so-called attorney, using language which no member on this floor would use in order, which no member on this floor would care to use with due regard to the proprieties of life and the views that belong to gentlemen.

Mr. KELLEY. The letter was addressed to me. I submitted it, and therefore assume its language and am responsible for it.

Mr. HENDERSON, of Iowa. Will the gentleman from Missouri allow me a question?

Mr. BURNES. Yes, sir.

Mr. HENDERSON, of Iowa. I do not quite get the application of the gentleman's remarks. Does the gentleman claim that the writer of this communication has been in Congress or in any of the Departments?

Mr. BURNES. I do not know the man. I only know him from that communication which has been thrown into this discussion.

[Here the hammer fell.]

Mr. LONG, having been recognized, said: I yield such time as he desires to the gentleman from Missouri, reserving a portion of it for myself.

Mr. BURNES. I would suggest it would perhaps not be unfair if by unanimous consent my time was extended as was the time of the gentleman from Illinois [Mr. CANNON].

Mr. HENDERSON, of Iowa. I make that request.

There being no objection, the time of Mr. BURNES was extended for ten minutes.

Mr. BURNES. Now let me come to the merits of the proposition, and when I shall have presented my views with regard to these merits it will be for the House of Representatives to pass upon them.

We heard strangely enough the other day about "Democratic honesty." I know no Democratic honesty, no Republican honesty. Honesty is honesty, and I trust that it exists as well in the bosoms of Republicans as in the hearts of Democrats. These railroad companies, payment to whom has been excluded in this bill, came before the auditing officers of the Treasury Department with a claim twenty-four or twenty-five years old. They presented that claim as due to them, and, conveniently enough, a decision of some court is found that seems to bear upon the question. But, sir, do you suppose for one moment that if the proposition had been submitted to any court in this country that there was money due to certain individuals in Europe judgment would have been rendered in favor of a railroad company in this country?

Mr. CANNON. Will the gentleman allow me a suggestion right there?

Mr. BURNES. I must ask the gentleman to excuse me now.

Mr. CANNON. It is right on that exact point.

Mr. BURNES. I will hear the gentleman after a while.

Mr. CANNON. But we shall have passed the point then. What the gentleman suggests is just what the Supreme Court did.

Mr. BURNES. Mr. Chairman, under a law of the United States certain railroad companies whose claims are excepted from this bill paid what was then a lawful tax to the United States upon certain bonds and stock issued by them. These taxes were paid by these railroad companies, and under the law they reserved from the stockholders and the bondholders the amount of the tax which they had paidt o the Government. The money that they paid to the Government of the United States as the tax upon the bonds and stocks of their corporations was the money of the bondholders and the stockholders which was withheld from them by the companies; therefore, if the decision of the court be correct, the Government owes the money to those alien bondholders and alien stockholders, and does not owe it to the railroad companies. Will this House, in its eagerness to accommodate the managers of these railroads, pay them money which it is confessed is not due to them but to individual parties across the water? Whenever these men who, out of their own money, have paid this tax—whenever they come and say to us, "Out of our money the railroad companies have paid the tax, which your laws now give back to us,"—whenever the real parties come here in that way we will consider whether we will make an appropriation or not.

Mr. LONG. But this amendment does not propose to pay the money to the railroad companies.

Mr. BURNES. I say to my friend from Massachusetts that this recommendation of the accounting officers of the Treasury is in favor of the railroad companies, and the companies can draw the money. The estimate is in favor of each railroad company, and not in favor of the parties. Now, where is the steal? Let me show this House the direct, palpable wrong that is sought to be perpetrated here—I mean, of course, no disrespect to any gentleman upon this floor. Here is the wrong: These alien stockholders and bondholders have been now twenty-five years in igorance of the fact that the Government of the United States owed them a cent.

Mr. KELLEY. I beg leave to correct the gentleman.

Mr. BURNES. Many of them are dead; all of them perhaps, but for the intervention of some little jack-legged lawyer fishing in the archives of the Government, would have been in utter ignorance to-day that anything was due them. But no matter, sir. I say that if we owe these people anything, we owe it to them name by name, and we do not owe these railroad corporations one cent of this money. Look at it. The railroad companies paid this tax with the money of their alien bondholders and stockholders. The railroad companies are not "out" one cent. Bring in the names of the creditors. Do not cook up a steal between an attorney and two or three railroad officials, but bring in the names of the creditors of the Government and we will pay them their just due. That is the point here. These appropriations are for these railroad companies to whom we are not indebted one farthing, yet, in our haste to gratify a lofty attorney who figures in this business, and in our haste to put some money into the coffers of the railroad companies, we actually propose to constitue them trustees of unknown *cestui que trusts*, and to put the money of the people into their hands to be dispensed by them to these unknown creditors. It is the duty of the Government, if it owes this money to anybody, to pay it to the parties to whom the debt is due, not to these irresponsible attorneys nor to these railroad companies. If the alien creditors have an attorney here, why does he not bring their names to the front? Why does he use the name of a railroad company to whom we are not indebted instead of bringing forward the names of his clients, if he has any?

Mr. KELLEY [holding up a paper]. They are here.

Mr. BURNES. I apprehend, Mr. Chairman, that it will be found that this gentleman is excellent at finding a case, and that he has found a case without a lawful client. I guess he has no client but himself, and no associate in his crime but the railroad companies, who are endeavoring to get money that does not belong to them. Sir, I am speaking not for my own money nor for the money of anybody on this floor; I am speaking for the interests and rights of the people of this country; on their behalf I am resisting an ignoble attempt to take the money of the people and put it into the hands of the railroad companies to be distributed or kept as they may choose.

Mr. CANNON. Mr. Chairman, this is a plain proposition. The facts are few and direct. Now, after the gentleman from Missouri [Mr. BURNES] has muddied the water and like the cuttle-fish seeks to swim away, I want to call the attention of the committee to what the facts are. First, the railroad company, the same as a banking company, or any other company, paid under the internal-revenue law a certain per cent.—from 2 to 5 per cent.—of the dividends upon its stock and bonds directly to the Government, instead of paying that 2 to 5 per cent. to the stockholder or the holder of the bond or coupon. Now, after twenty years' lapse of time, this claim for a refunding having been in the mean time filed under the law by the exact companies that paid the money into the Treasury, the claim is first approved under the section of the Revised Statutes by the Commissioner of Internal Revenue—lawfully approved by your Commissioner of Internal Revenue; then it is approved by your Auditor and your Comptroller, appointed by your President; and, thus approved, the claim is certified for payment and sent to Congress for an appropriation.

I want the attention of the gentleman from Missouri to what I am about to say—that the highest court of this land, the Supreme Court of the United States, in the construction of the law, in the determination of right between man and man and between the citizen and the Government (and whether you want to bow or not to the decision of the highest tribunal in this land, my oath and my duty as a good citizen compel me to do so), has determined this question in a case precisely similar to these cases—a case in which the foreign bondholder sued a railroad company and recovered. Here is the opinion of the Supreme Court which I had read from the Clerk's desk a few moments ago, and it is upon this exact point.

Now, every one of these companies is liable in this matter to its stockholders. Where twenty years ago they paid their dividends less the 5 per cent. which was paid into the Treasury of the United States—promptly paid, but under protest and contrary to the requirements of the law, as the Supreme Court held—they are still liable to their foreign stockholders. They come now and say, "As we paid the money to the Government over twenty years ago and are still liable, we ask that the Government return us that money, that we may pay it to the stockholders to whom it is due." There is the whole case.

Mr. BURNES. I will ask my colleague on the committee whether there is any decision of the Supreme Court creating an obligation by virtue of that decision to pay money to one person when it is due to another?

Mr. CANNON. I will say to my friend, the railroad company is the trustee of its stockholders and the only party known to the Government in this matter.

[Here the hammer fell.]

Mr. CANNON. I wish some one would give me a few minutes more.

Mr. CONGER obtained the floor and said: I yield my time to the gentleman from Illinois.

Mr. CANNON. My friend from Missouri is a lawyer, and I want his attention again. I ask him whether the railroad company is not liable to its stockholders?

Mr. BURNES. As a matter of course the railroad company paid these taxes, and paid them under a law which required them to be paid.

Mr. CANNON. No, sir; under no law, as the Supreme Court held.

Mr. BURNES. Very well; under a law which was supposed to be binding at that time these taxes were paid to the Government of the United States. Now, I am not going off on any immaterial issue, and I do not care whether the mode of proceeding would be by the alien bondholder or stockholder against the corporation or against the Government. I do, however, say one thing, which I think my colleague will not deny, that if we owe these alien bondholders or stockholders

for money which has gone into the Treasury under an illegal ruling of the Department or an unconstitutional law, they can come before us at any time to recover their money; and these railroad companies, although they may be trustees, as the gentleman calls them, for the stockholders, are in no sense trustees for the Government, into whose hands the Government should put money for the benefit of third parties.

Mr. CANNON. Why, my friend is not ingenious in his answer nor direct. Here is the case in which the stockholder recovered against the railroad company. Here is the decision of the Supreme Court of the United States.

Mr. SPRINGER. To what decision does the gentleman refer?

Mr. CANNON. To the case of The Railroad Company *vs.* Jackson, in 7 Wallace.

Mr. SPRINGER. That was not a case involving the payment of tax imposed by the internal-revenue law, but it was a suit growing out of the laws of Pennsylvania taxing railroads in that State.

Mr. CANNON. Oh, no; the gentleman is entirely wrong.

Mr. SPRINGER. I have the case here.

Mr. CANNON. So have I; and I had it read. If the gentleman will turn to page 269 he will find the whole question decided by the Supreme Court. I hope he will read it.

Mr. SPRINGER. Let it be read from the Clerk's desk.

Mr. CANNON. I had it read once. If the gentleman will yield me time I will have it read again.

Now, I ask who paid this money into the Treasury? This railroad company.

Mr. BURNES. Whose money was it?

Mr. CANNON. It was the money of the railroad companies which they held to pay the dividends upon their stock and bonds, and they paid it to the Government under protest.

Mr. BURNES. Now, does not the gentleman know that at the time this payment was made the law expressly authorized the railroad company to pay out of dividends declared on stock or bonds the taxes due from parties who owned the bonds or stock?

Mr. CANNON. Oh, certainly. That is, the law purported to do it. But the Supreme Court held that the law did not apply to alien non-resident stockholders, and the railroad companies have paid or are liable to pay—I do not care which—the amount they reserved from the dividends due to their stockholders and bondholders.

The gentleman and myself disagree about this matter. Here is the Supreme Court of the United States, whose decision I have read. Who gives us the law next? The law officers of the Government. Here is the opinion of the Attorney-General, which I have read, in which he expressly holds under that decision of the Supreme Court of the United States that the trustee, the railroad company, had the right to receive the money. And who next is the law officer of the Government? Your Auditor and your Comptroller settled these claims under this decision and certified them here, but you come here and say in effect they are either knaves or idiots.

Mr. HENDERSON, of Iowa, obtained the floor.

Mr. CANNON. I hope I will be allowed to conclude my remarks.

Mr. STRUBLE. I move by unanimous consent the gentleman be allowed two minutes longer.

The CHAIRMAN. Is there objection to the gentleman being allowed two minutes longer in which to conclude his remarks?

There was no objection, and it was ordered accordingly.

Mr. CANNON. Mr. Chairman, I do not know the attorney who presses this claim. I do not care whether he is black or white, honest or dishonest. I do not know any party in interest, claim-holder or bond-holder, nor have any of them spoken to me. But I do know my Government, under the decision of the Supreme Court of last resort, owes this money. It has been legally ascertained by your Auditor and Comptroller and certified along with sixty or seventy others, and when you come to these three railroad companies you stop, and while you certify to the others, you run your pencil through these three cases because, forsooth, they were railroad companies, and for no other reason.

I never owned a share of railroad stock in my life and suppose I never will, but I can stand here and do justice to a railroad company, to a rich man and to a poor man. The law of the country knows no man's wealth or standing. Its arm is long enough to reach the strongest and it is strong enough to protect the weakest. I am tired and sick of this kind of statesmanship. If I thought I were guilty of it I would say to myself it was the baldest, purest demagogy I had heard or thought of. [Laughter.]

Mr. HENDERSON, of Iowa. Mr. Chairman, I do not have the honor of knowing the attorney who represents these claims, although I am informed by Judge KELLEY and General BINGHAM, of Pennsylvania, he is one of the reputable lawyers of Philadelphia. I do know from what I learn, and I put the question to my friend from Missouri [Mr. BURNES], that he has neither been a member of Congress nor represented the Government in any official capacity. Hence my friend's allusion to the question of ethics involved, though eloquent and interesting, had no bearing on this case. The proposition is a simple one. There is no conflict for or against railroads in this question.

The citizens of another government, owning property in this country upon which there was an income tax, were not liable to the payment of that tax, but under a misapprehension the trustees of certain railroad companies instead of paying over dividends to the *cestui que trust* paid the income tax to the Government, and therefore the Government received money to which it was not entitled.

While the Government held money in the Treasury to which it was not entitled the question has been raised, why do not these people come here and ask to have it returned to them, that is, the real parties in interest? I answer, the names of each and all of them are on file in the Treasury Department, in the hands of the Secretary of the Treasury. I hold here a partial list of thirty-one of these claimants. Of course it must go to the trustee, to be paid to the *cestui que trust*, as every lawyer knows, that having been the medium through which the money passed to the coffers of the General Government.

Therefore, Mr. Chairman, the question stands here, shall we appropriate from the Treasury of the General Government money which has been adjudicated by the highest tribunal as not belonging to it to pay it over to the parties to whom it does belong? Not a dollar can rest in the treasury of the railroad companies. It simply goes to the foreign citizens, to whom it belongs in law and equity.

There is no ground for feeling in this case. Perhaps my colleague on the committee is under misapprehension as to the letter Judge KELLEY had read from the Clerk's desk. It puts no condemnation on the subcommittee or on the committee, as I understand it. Not at all. We can not have any such construction. That paper showed, not that any false statement had been made by the committee or the subcommittee on appropriations, but that some person opposing these parties represented falsely that the attorney of record for the claimants was himself the owner of the claims, and the honorable gentleman from Pennsylvania was asked to contradict that statement in the House or in the committee. That was no reflection upon my honorable colleague on the committee.

I would join with him to resent it if it did, and my own self-respect would arouse me to do so if it cast any reflection upon the committee. But I do not understand anything of the kind. He understood that a misapprehension existed, and not having the right to do so himself, he asked the father of the House, Judge KELLEY, from his place on the floor here to contradict it. That is all, and the simple question here is whether or not we shall honestly pay over the money that does not belong to us to the foreign citizens of another government to whom in law and equity it belongs.

Mr. SPRINGER. Mr. Chairman, I desire to make a brief statement in reference to the pending question. My colleague from Illinois [Mr. CANNON] said that it had been decided by the Supreme Court that these were valid claims, leaving the impression upon the mind of the committee that the Supreme Court had decided on the merits of the claims which are here now demanding payment, or creating the impression that the court had held that these parties were entitled to their money in the pending cases.

The fact is that in 1861 Congress passed a law imposing an income tax upon every person residing in the United States whose income reached a certain amount, and in the case of corporations this tax was placed upon the income derived from bonds and stocks. The eighty-first section of this act provided that the tax on income derived from bonds and stock of corporations should be paid by the companies, and that they might deduct the sum of the payments so made from the payment for interest on the bonds or dividend upon stocks, as the case may be.

In the case of the Illinois Central Railroad Company the company paid this tax as provided in the eighty-first section, and charged it up to their non-resident alien stock and bond holders. There, so far as this record goes, the matter ends. But in 1866 Congress amended the law and included non-residents in its provisions, so that after that date non-residents were required to pay this tax upon their income, as specifically stated. A case went up from Pennsylvania, from which the gentleman read at length, the case of The Railroad Company *vs.* Jackson, reported in 7 Wallace, 263.

The facts of that case are substantially as follows: The railroad company in settling with these non-resident bondholders deducted from the amount of the dividend payments to them, or the amount due upon the coupons, the 5 per cent. income under the laws of Congress, and they refused to accept that deduction and took the case from Pennsylvania to the Supreme Court of the United States. The Supreme Court in that case held, in December, 1868, that the law had been amended two years before as to non-resident bondholders, a majority holding also that the tax did not apply to non-resident bondholders.

Mr. CANNON. To alien bond or stock holders.

Mr. SPRINGER. I mean that it did not apply to alien stock or bond holders; and therefore affirmed the judgment of the Pennsylvania court, which had held that the railroad company had no right to deduct from the coupons the amount of this tax.

Mr. CANNON. That is correct.

Mr. SPRINGER. That is the case that went up to the Supreme Court. But I want to call the attention of the committee to a dissenting opinion by Justices Clifford and Swayne, Justice Clifford concurring with Mr. Justice Swayne in the dissenting opinion, in which this language is used:

I dissent from the opinion and judgment of the court in this case, because I think the taxes in question, both State and Federal, were legally assessed and

the officers of the railway company properly deducted the same from the amount of the coupons, &c.

That was the dissenting opinion by two of the ablest judges on the bench.

Now, the point here—and it does not appear in the cases involved in this bill—the point here is that the parties in interest have not pursued their remedies in the court so as to place them in condition to demand a return of the tax after a decision in another case similar to theirs.

Mr. CANNON. I am satisfied my friend does not want to be incorrect in this matter.

Mr. SPRINGER. Certainly not.

Mr. CANNON. And if he will allow me, I will take the liberty of correcting him.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I will take the floor and yield to the gentleman from Illinois.

It does so appear, first, that that decision and the Attorney-General's opinion, which opinion my friend has seen——

Mr. SPRINGER. I have, sir.

Mr. CANNON. Held that the trustee was entitled to recover. More than that, it further appears that your Commissioner of Internal Revenue, under a section of the statutes authorizing him to make the investigation, your own Auditor and your own Comptroller—in fact the Auditor and Comptroller of all of us for the time being—have examined the cases, and held that these claims are proved up, and have certified them in this document along with some sixty or more of the same sort.

Mr. HOLMAN. Yes; certified them as cases where parties have applied for a rebate of taxes; but that is all.

Mr. SPRINGER. They have certified, as I have understood the gentleman from Indiana, these cases as cases where parties have applied for rebate of taxes.

Mr. CANNON. More than that. Under the statute, the Commissioner of Internal Revenue first ascertained on full proof what the amount was; then as the appropriation had lapsed under another section of the statute the application went to the Auditor and Comptroller. If the Commissioner of Internal Revenue had had the money he would have paid it at once, as he did other claims. Under a subsequent section of the statute the Auditor and Comptroller both passed these claims, and after they were so audited and controlled certified them to Congress in this document for appropriation.

Mr. SPRINGER. Let me ask the gentleman from Illinois [Mr. CANNON] did the railroad company or the beneficiaries of this appropriation covered by his amendment apply to the Internal Revenue Department under the provisions of the internal-revenue act for the return of these taxes.

Mr. CANNON. The railroad company did so apply.

Mr. SPRINGER. When?

Mr. CANNON. Within the time prescribed by law.

Mr. SPRINGER. If they applied within the time it was the duty of the Commissioner of Internal Revenue to refund the tax.

Mr. CANNON. But my friend will recollect that after two years all unexpended balances are turned into the Treasury. The Commissioner of Internal Revenue had no money; if he had had the money he would have refunded the tax. This claim received the approval of the Auditor and Comptroller, and the money having been exhausted, came here for appropriation.

Mr. SPRINGER. If these parties had applied within the terms prescribed in the internal-revenue and income-tax law for return of their taxes as having been illegally assessed and collected they would have been paid under the provisions of that law, but not having so applied they take their places as simple claimants before Congress for our grace and favor in removing for them the statute of limitations; and the way to reach those cases is to introduce a bill, send it to the proper committee, and let Congress determine whether such a case is presented for our consideration to those non-resident bondholders as would entitle them to have the statute of limitations lifted as to them and to sue the Government.

Mr. CANNON. On that point we can not afford to be mistaken. If the statute of limitations had run before the claim for this refunding had been made I would agree with the gentleman from Illinois [Mr. SPRINGER]. But in fact the statute of limitations had not run. The claim was filed in time, and because it was filed in time the proof was taken, and it was approved by the Commissioner and approved by the Auditor and Comptroller in every respect. It was in time, just as the sixty or seventy other cases in the document were in time.

Mr. BURNES. I desire to bring this debate to a close. But before doing so I trust I will be indulged while I make a remark somewhat personal in its nature. I can always pardon the energetic manner of my colleague and friend [Mr. CANNON]; but sometimes he is energetic in speech as well as in manner. The language used by him in his remarks was not intended, I trust, nor do I believe it was intended, to be offensive. At the same time it is not quite proper for the gentleman to say to me that I am opposing these propositions simply because these claims are due to railroads, and that I am guilty of demagogy.

I desire to say to my friend from Illinois, believing, as I do, that in speech he is often more energetic than he is aware, I have no prejudice for or against railroads. I am as willing to do fairly and justly by railroads as by private individuals. I make no distinction except to examine into their affairs a little more closely than I would into the affairs of a private individual. I have no prejudice against them, and I do not exclude this claim, nor did the committee exclude it, because it was made on behalf of a railroad. And I trust the gentleman when he sleeps over it will feel in the morning after sleeping that he has not followed the golden rule in doing to me as he would have me do to him. So far as that is concerned that is merely personal, but I felt I ought to say that much.

Mr. CANNON. I shall say to the gentleman from Missouri, in the first instance, I was in favor of putting these claims into the bill, because I believed that the United States justly owed them. I will confess, believing so, and properly believing so, in my judgment, that when the gentleman from Missouri made his somewhat vigorous speech, I think, perhaps, more vigorous than he intended to make it, in which he denounced these claims as dishonorable, as I understood him, that did touch me, because in my view and opinion they are honorable and just; and for that reason I was for them, and I took care, under parliamentary usages, not to refer to the gentleman from Missouri in what I said about my opinion that this was a piece of demagogy. I said if I had done so I would have entertained that opinion of myself.

Certainly I have no intention or desire to be unjust or discourteous to any gentleman, least of all to my colleague on the committee, the gentleman from Missouri, and if I was discourteous I now disclaim any such intention.

Mr. BURNES. I was sure that that was the feeling of my friend, and therefore I mentioned the matter.

Mr. Chairman, but a word more. The simple question is, is this money the money of the bondholders and the stockholders or is it the money of the railroad company? That question each gentleman here can determine for himself. Who is the real owner of this money? I have simply tried to show that if the money goes into the hands of the railroad company or of this attorney of the company, the slumbering creditors, the real owners of it, will possibly get it, and possibly not. We ought not to vote money to one party which is due to another. I now ask unanimous consent that debate be limited to five minutes, which I will yield to my friend the gentleman from Pennsylvania [Mr. WHITE].

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. BURNES]?

Mr. KELLEY. Mr. Chairman, before that motion is agreed to, I would like to have a brief letter read from the bankers who are to receive this money, which letter has been filed with the Secretary of the Treasury, asking him to furnish a list of the alien and non-resident parties to whom the money is due. There is no railroad company intervening.

Mr. BURNES. That is wholly unnecessary. I object to anything being filed that is not read.

Mr. KELLEY. I ask to have the letter read.

The request of Mr. BURNES for unanimous consent was agreed to.

Mr. WHITE, of Pennsylvania. Mr. Chairman, I am in favor of the Government paying its just and honest debts as I am in favor of individuals paying theirs, and I was very much surprised the other day when an effort was made to refuse payment of a judgment. But as to the matter under discussion here, we know that when a claim is brought into court we can generally tell whether it is an honest claim or not. Now, there is an indebtedness here. Certain money was paid by the railroad companies and it got into the Treasury of the United States, but that money does not belong to the railroad company, it belongs to individuals; and, although we should be honest, yet it is time enough for us to pay our honest debts when the men to whom they are due come in here and respectfully demand payment. This railroad company, in order to get a standing here, should at least show that they have either been obliged to pay this money, or that they have voluntarily paid it. They do not make any such showing. As I believe, the Committee on Appropriations have attempted to treat them fairly, and, I think, have treated them fairly. Looking at the matter in this way, I can not vote to pay this money to the railroad company without some assurance that it will go to the parties to whom it belongs. And, of course, if it were paid to the railroad companies and did not reach the real owners, such payment would be no bar to a subsequent claim by those owners. We are obliged to pay our honest debts, but we are obliged to pay them to the right parties, and if we pay them to the wrong parties, that, of course, is no payment at all.

Mr. LONG was recognized for the remaining two minutes.

Mr. LONG. Mr. Chairman, it is agreed on all hands in this House that the money in question does not belong to the United States. It was paid to the United States under a mistake of law, and the only question now is to whom should it be refunded. I rise simply to read from the mature and carefully considered opinion of the Attorney-General of the United States, which re-enforces the action of the accounting officers of the present administration in recommending this payment. The Attorney-General says:

This money was claimed and received by the United States as income tax upon dividends on stock (held by non-resident aliens) made by the Illinois Central Railroad Company in the years 1863, 1864, 1865, and 1866.

Subsequently the courts of the United States declared it illegal to exact this

tax upon dividends of stock belonging to aliens not resident in this country. (Railroad Company *vs.* Jackson, 7 Wall., 262.)

The officers of the company are trustees of the stockholders, and they held the money earned in trust for the owners of the stock, after the payment of all legal claims against the company.

The officers of the road were bound to pay over the dividends earned to the stockholders, and they had no right to withhold 5 per cent. or any other sum, for any illegal purpose; and, if so withheld, the stockholders might sue for and recover the same against the road.

These alien stockholders can recover of the company any money to which they have a lawful right, and which the company refuses to pay; and the corporation can not defend itself in a court of law against the claim on the ground that the company has paid out the money upon some unlawful exaction, and especially after the payment has been declared illegal by the highest tribunal.

Mr. Chairman, we are bound by the law to repay this money to the trustees who paid it into the Treasury. Not to do that is to do what no honest man would do.

The CHAIRMAN. The time for debate on this amendment has expired.

Mr. EVERHART. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Provided, That satisfactory security shall be given to the Secretary of the Treasury that the said amount shall be refunded to the several alien bondholders or stockholders (or their representatives) out of whose money the said taxes were paid to the Government.

Mr. BURNES. I rise to a point of order on that amendment. The parties named in it are not before the Government asking any appropriation; there has been no account rendered as to them and no claim set up for them. They come in without any recommendation or authority whatever.

The CHAIRMAN. As the Chair understands the amendment of the gentleman from Illinois, it is a proposition to make payment to railroad companies whose accounts have been audited; and this amendment provides simply that the companies shall not be paid until they shall file a certain bond. The Chair rules the amendment in order.

Mr. KELLEY. Mr. Chairman——

The CHAIRMAN. Debate on this proposition was limited by unanimous consent, and is now exhausted.

Mr. KELLEY. On the amendment to the amendment?

The CHAIRMAN. On the whole proposition.

The question being taken, Mr. EVERHART'S amendment to the amendment was agreed to.

The question being taken on agreeing to the amendment of Mr. CANNON as amended, there were—ayes 67, noes 69.

Mr. CANNON. I make the point that no quorum has voted, and call for tellers.

Tellers were ordered; and Mr. CANNON and Mr. BURNES were appointed.

The committee again divided; and the tellers reported—ayes 89, noes 81.

So the amendment was agreed to.

The Clerk read as follows:

For Coast and Geodetic Survey (western division), 1883 and prior years, $8.

Mr. BAYNE. I move to amend by inserting after the paragraph just read the amendment which I send to the desk.

The Clerk read as follows:

To enable the Secretary of the Treasury to pay William B. Morgan, late disbursing agent of the United States Coast and Geodetic Survey, for the time he has spent since his dismissal, and to reimburse him for expenses incurred in the settlement of his accounts, $2,000.

Mr. BURNES. I reserve a point of order on that amendment.

Mr. BAYNE. Mr. Chairman, when the legislative, executive, and judicial appropriation bill was under consideration I proposed an amendment similar to this, but withdrew it upon a suggestion made by the chairman of the Committee on Appropriations [Mr. RANDALL] that the proposition would more fittingly come within the general deficiency bill. In making a statement on that occasion I said that the record of Mr. Morgan, as disbursing agent of the Coast and Geodetic Survey, had been perfectly clean, honorable, and straight in all respects; that I believed his accounts had been adjusted and had been found in all particulars correct. Since that time I have received a letter from Mr. Chenowith, Auditor of the Treasury Department, stating that although there were no imputations upon the integrity of Mr. Morgan as disbursing agent, yet he believed there was gross neglect on the part of Mr. Morgan in the management of affairs connected with that service. In view of that statement from the Auditor of the Treasury Department I can not insist upon the amendment going into this bill; but I desire to say on behalf of Mr. Morgan, as one who honorably, faithfully, and honestly served the Government for a great many years, and who in the general onslaught made upon the Coast and Geodetic Survey was deposed from his place, and whose reputation was to some extent besmirched because some of his associates in that office were unquestionably guilty of gross frauds upon the Government—I desire to say that Mr. Morgan's record is clean; and he wishes that such a presentation may be made in his case. I ask, therefore, to incorporate with my remarks a brief statement (which will occupy very little space in the RECORD) of the facts concerning his connection with that office, showing the manner in which he discharged his duties and exhibiting his whole relations to the office.

The CHAIRMAN. The gentleman from Pennsylvania desires to print certain papers as a portion of his remarks. Is there objection? The Chair hears none.

The statement submitted by Mr. BAYNE is as follows:

STATEMENT OF MR. MORGAN'S SERVICES.

William B. Morgan was tendered the position of disbursing agent of the United States Coast and Geodetic Survey without solicitation on his part while serving on a committee appointed by the Secretary of the Treasury (Mr. Folger) to superintend the transfer of the office of the United States assistant treasurer at New York from General Hillhouse to Mr. Thomas P. Acton. This committee consisted of Mr. E. O. Graves, the present Chief of the Bureau of Engraving and Printing; Mr. Horace A. Whitney, the present cashier of the Treasury, and Mr. Morgan.

Morgan accepted the position, and was relieved from duty as a member of said committee (by telegraph) by the Secretary of the Treasury (Mr. Folger) and ordered to return to Washington, file his bond, and assume the duties of the office tendered him.

He filed his bond and entered upon the duties of the office on the 12th day of January, 1882, and performed the duties faithfully and honestly until he was dismissed without a moment's notice, and before any examination had been made to ascertain whether or not there was anything wrong with his accounts.

The commission appointed by the Secretary of the Treasury to make an investigation of the Coast Survey consisted of Messrs. Thorn, Garrison, and Huntington. The manner of procedure of the investigation was to call for an employé, ask him all the questions they desired, then dismiss him and call another. There was no opportunity given to Morgan or any of the other parties dismissed to hear the evidence given, hence no opportunity to cross-examine witnesses. It was a most unusual procedure. They were all dismissed before one sentence of evidence had been taken by the commission.

Mr. Morgan has given the best twenty-three years of his life to the Government service, nearly three years of which was as a private soldier and non-commissioned officer, and the greater portion of the balance of the time in the Treasury Department. He made a record there which any man might well feel proud of. He has letters of the highest commendation from Secretaries McCullough, Boutwell, Richardson, and Sherman, under whom he served, thanking him for the valuable services he rendered. He has made examinations of nearly all the assistant treasurer's offices in the country, and some of them several different times. The Department had such great faith and confidence in him that he was selected to take charge of the first party that conveyed coupon bonds to Europe after the first syndicate had been formed.

He did not feel justified in going into any business until his accounts had been settled by the accounting officers, and has since been engaged in making explanations, &c., after having received official information from the First Comptroller of the Treasury (the final accounting officer, so far as his accounts are concerned) that certain items had been disallowed or suspended.

These disallowances or suspensions are technical; but he felt it to be his duty, not only to his bondsmen but to himself, to make full explanation of all vouchers paid by him. He has paid no voucher which has not been properly executed and approved or certified in accordance with law and the regulations of the Coast Survey.

His brother, John H. Morgan, served as a soldier in the First Pennsylvania Reserve Cavalry, and his cousins Frank, Samuel, and Billingsley Morgan and Hugh Flanegan, served in the same regiment. His cousin, James A. Morgan, and J. Boyd Alexander, served in the One hundred and forty-ninth Pennsylvania Volunteers. The latter died in Andersonville prison.

Not one of these soldiers or their relatives has ever applied for or received a Government position of any kind or a pension.

UNITED STATES COAST AND GEODETIC SURVEY OFFICE,
Washington, July 31, 1885.

To Mr. F. M. THORN,
Superintendent and Chairman of Committee, Washington, D. C.:

* * * * * * *

I desire to put on record here my strong convictions as to the honesty and zeal of Mr. W. B. Morgan, late disbursing agent. Coming to the office about four years ago as a selection from a large number of officials in the Treasury Department, he has appealed to me to introduce such methods as to aid in a great degree the whole character of the work. I have ever found him ready on short notice to give statements of all the various accounts of hydrographic parties or the conditions of appropriations and allotments made by the Superintendent in such a maner as to frequently call for favorable comment. In eight years' experience in the service very many accounts from the twenty or twenty-five hydrographic parties passed through my hands, and as very few vouchers were returned with errors that had escaped both of us, I had come to regard the improved system he had introduced as about perfect. His care and attention and that of his principal assistant I have particularly noted, and I can not help but think his removal is due to some misunderstanding which must be explainable.

* * * * * * *

Very respectfully,

C. M. CHESTER,
Comdr. U. S. N. and Hydro. Inspt. C. and G. Survey.

WASHINGTON, *August* 8, 1885.

SIR: We, the undersigned, bondsmen of W. B. Morgan, late disbursing agent of the United States Coast Survey, having full faith and confidence in his honesty, integrity, uprightness, and sobriety, beg to request that you will revoke the order dismissing him, and substitute one in lieu thereof suspending him until he has an opportunity of rendering his accounts to the accounting officers.

Very respectfully,

HARRISON DINGMAN.
CHAS. A. SHAFER.
WM. G. PALMER.
N. A. ROBBINS.
GEO. W. COCHRAN.
HENRY K. SIMPSON.
E. W. CLARK.

Hon. D. MANNING,
Secretary of the Treasury.

[Extract from a statement made by B. A. Colonna, assistant in charge of Coast and Geodetic Survey Office, and sworn to August 1, 1885.]

The disbursing office, under charge of Disbursing Agent W. B. Morgan, has been honestly and conscientiously administered according to customary interpretation of paragraph 39–43, inclusive:

"39. The disbursing agent shall, under the direction of the Superintendent, make all disbursements of money on account of the Survey, and shall render quarterly an account of all expenditures therefor to the First Auditor of the Treasury Department; and he shall report to the Superintendent quarterly the amount of requisitions made and of accounts transmitted by the several parties.

He shall also render such trial balances from time to time as may be required by the Superintendent."

40. An administrative examination of the accounts must be made by the Superintendent.

41. The disbursing agent will make his requisitions to the Secretary of the Treasury, in accordance with the prescribed rules of the Treasury Department.

42. The disbursing agent shall furnish such forms and give such information to the Superintendent and chiefs of parties as shall insure regularity and uniformity in accounts and promote responsibility and economy.

43. The disbursing agent must call the attention of the Superintendent, for his action, to any unusual item, or what may appear to be an excessive or unnecessary charge for any item of expense, however small, before passing the account to the Auditor.

Such vouchers as, first having received the approval of the Superintendent, have always been considered authorized to pass; and in passing them without further inquiry he only followed an established usage that has existed for over forty years. Of such vouchers as have come into his hands from the field I have never had the remotest suspicion of his giving other than the most particular scrutiny. I have known him to stop and finally reject a voucher in one case, which I particularly remember, because it was the voucher of a friend of his, for a camp flag for $17, and he thought it too expensive a flag for the purpose. I am so confident of Mr. Morgan's honesty that I am willing to relieve his bondsmen to the full extent to which I will be taken at any time, provided that his case can be fairly stated before judge or jury.

Mr. REAGAN. Mr. Chairman, there seems to be a disposition on the part of every one who has had any connection with the Government to bring in a claim for additional compensation in some form; and these claims are generally pretty large. I do not propose to discuss this particular amendment, but, availing myself of this occasion, which raises a question in regard to appropriating money for persons who have yet to be provided for, I desire to present half a dozen paragraphs from different daily newspapers of the country, giving the opinion of the public press in regard to the action by this House on last Saturday in allowing a month's extra pay to the annual and session employés of the House. Without occupying time in reading these extracts, I ask to have them printed with my remarks.

The CHAIRMAN. The gentleman from Texas asks to have printed with his remarks certain newspaper editorials. Is there objection? The Chair hears none.

The newspaper extracts submitted by Mr. REAGAN are as follows:

[From the New York Sun.]

EIGHTY THOUSAND DOLLARS IN TIPS—GRATUITIES VOTED OUT OF THE PEOPLE'S MONEY TO THE EMPLOYÉS OF CONGRESS.

WASHINGTON, *July 4.*

The Democrats in the House made a bad record for themselves on Saturday by voting away in gratuities to the employés of the House nearly $40,000. Several years ago some shrewd fellow holding a clerkship got a friendly member to offer an amendment to the general deficiency bill, giving him an extra month's pay for summer-vacation spending money. Friends of other clerks popped up with similar propositions for their favorites, and the result was that a log-rolling combination was soon formed which annually took a snug lump sum from the Treasury. The Senate employés were quick to learn the little game, and formed a like combination, which was equally successful.

Last year the Senate employés received gratuities to the amount of $35,298, and the House employés got $37,167 in excess of their salaries. Nearly all these persons are paid by the year. At the long session of Congress they have about seven months' work, and at the short session they are employed three months. In two years they perform just ten months' service.

The nature of the grab was presented in a nutshell by General WARNER, of Ohio, yesterday. He said:

"The proposition to increase in some way the pay of the officials of the House and Senate is not a new one. It comes here regularly at every recurring session of Congress. Every endeavor is made to get into a place in the first place, and then nothing is left undone to get the pay increased, so as to make it more than for like service outside of Government employ. It looks sometimes as though only those in office had representatives here.

"I think, Mr. Chairman, that we are bound to think sometimes of those who pay these things; of the men whose money, in the way of taxes, supplies these high salaries; of the laborers who plow and sow and reap, who work in mines, factories, and mills, and who in the end pay everything; for out of what labor annually creates all salaries and all expenses of Government come, and the more that is taken for Government the less there will be for those who create the whole wealth. If the pay of the employés of this House is not equal to pay for like services elsewhere, then it ought to be increased, but it ought to be increased directly and equitably and not by an allowance for no service."

Mr. REAGAN and Mr. HOLMAN made similar protests against the gift, but the Republican members of the House and a few weak-kneed or reckless Democrats combined and voted the extra month's pay all around. The Senate will double the amount, so as to give its own employés a slice of the pork, and the tax-payers of the country will have an additional burden of $80,000 put upon their shoulders in order, as Mr. REAGAN forcibly expressed it, "to give persons already receiving high salaries a month's pay for doing nothing, the money to come out of the pockets of people much poorer than themselves."

[From the Philadelphia Ledger.]

AN EXPENSIVE CUSTOM.

A custom has obtained for some years of voting at the end of each session of Congress one month's extra pay to the officers and employés of the two Houses. This movement is managed and directed by the officers themselves, usually by those highest on the salary list, and whose duties are at or about the Clerk's desk on the floors of the respective Houses. The practice has been to prevail upon some prominent member of the minority to offer an amendment to one of the appropriation bills providing for the payment of one month's extra salary, the officers and employés in the meantime having successfully worked upon a sufficient number of members to carry through the amendment. The House having voted this gratuity to its officers, furnishes the excuse for the Senate to make like provision for the officers and employés of that body. Comparatively few of the members stop to think of the sum of money taken from the Treasury by this annual raid; otherwise they would scarcely vote for an abuse that costs annually about $80,000. The officers of Congress are better paid than any other class of Government officials; their labors are performed in seven months of one year and three months of the second, making ten months of labor for twenty-four months' pay, exclusive of the two months' extra pay awarded for some years past. In the House yesterday Mr. HEPBURN, of Iowa, offered the customary amendment to the sundry civil bill allowing the one month's pay to the House officers and employés, and it was supported by Messrs. CANNON, of Illinois, and HISCOCK, of New York. These gentlemen, in reply to the opposition of Messrs. REAGAN and HOLMAN, said it was customary, and was offered from the minority side as an "act of courtesy." Messrs. REAGAN and HOLMAN earnestly resisted, but the amendment was finally adopted.

Last year this gratuity drew from the Treasury $72,465, which does not include the extra pay given the Capitol police and the Official Reporters. Of the amount stated, $35,298 was paid officers of the Senate, and $37,167 officers of the House. There is no justification for this act of extravagance, and a determined effort should be made in the House to strike the Hepburn amendment from the bill.

[From the Philadelphia Times.]

THE GIFT TO CONGRESSIONAL EMPLOYÉS.

The usual resolution to give the employés of the House and Senate a month's extra pay has been offered in the House, as is customary. The resolution comes from the minority side. On this occasion, Mr. HEPBURN, of Iowa, is made the instrument to forward one of the worst abuses of legislative power. This gift to employés costs the Government about $80,000 annually. If it was only to those clerks, doorkeepers, &c., whose pay stops with the end of the session, it would not be so objectionable, though they are well paid, as a rule, and the money thus voted is unearned, but it is for all alike. Those annual clerks who have nothing to do seven months out of the year, and whose salaries run on during vacation, come in with the rest. Some of the officials get $4,500 a year. They get the month's gratuity the same as the most insignificant messenger.

[From the New York Times.]

Eighty thousand dollars is not a great sum in the eyes of Congress to give away, notwithstanding the fact that it must all be raised by tax and comes out of the pockets of the people. Yet the House yesterday voted to give a month's extra pay to all the officers and employés of the House, and the Senate will, of course, follow the example when it gets a chance. It is a custom for which there is no law, and it is high time that there was a strong law against it. Last year the sum given away was $72,456, of which $35,298 went to the officers and employés of the Senate and $37,167 to employés of the House. In addition to these sums, there were other gratuities increasing the amount to $80,000. The persons for whom this annual gratuity is regularly voted are well paid. Some of them get more pay than they will ever command in any other positions. While some of them are industrious, many of them do next to nothing or less in the way of labor. In one session of Congress, lasting two years, they are on duty about ten months out of twenty-four. Yet the tax-payers are compelled by the vote of Congress, by men who are sent here to protect the public purse from robbery, and not to rob it themselves, to pay all the employés on the rolls for twenty-six months of labor done in ten months, or assumed to have been done. This thing is always managed in the same way year after year.

The men who seek clerkships work hard to get into places and then devote themselves to cultivating the House with a view to getting the members in shape for voting this species of robbery of the people. They will not vote to increase salaries, so as to bring the pay up to what the added gratuity amounts to. If they did the gratuity would still be expected as a perquisite of office. The proposition always comes from the minority side. Yesterday it was made by Mr. HEPBURN, of Iowa. Mr. HAMMOND, of Georgia, in the chair, left the question of order to be decided by the House, and it ruled that the amendment to the deficiency bill was in order and ruled it in by a large majority. Mr REAGAN protested against giving persons already receiving high salaries a month's pay for doing nothing, and Mr. WARNER, of Ohio, vainly appealed to the House to consider the tax-payers, the laborers, who sow and reap, who mine, and who sweat in factories to provide the money to be given away. He told his hearers that on the average the seventeen million laborers in this country receive only a little more than $300 a year for labor and capital combined. The average earnings per family of five is less than $1,000; probably not more than $800 now; and yet the laborer gets no extra month's pay, but must bear his share of the burden of increasing the salaries of officers and employés of the House. The indefensible proposition was too strong in the House, however, to be talked down by appeals to such matter-of-fact reasoning. The amendment ought to be brought to a separate vote in the House, and it goes without saying that it ought to be beaten, and will be beaten if the members of the House have any regard for their oaths or their hard-working constituents.

[New York Times, editorial.]

The officers and employés of the two Houses of Congress are well paid, and they are certainly not overworked. They are occupied with their duties less than half the time during the two years of a Congress, and are paid salaries which they probably could not earn in full time in any other occupation. If their pay were not sufficient it ought to be increased in a regular and legitimate manner, but nobody in Congress ventures to propose that. But a custom prevails of voting them a month's extra pay at the end of each session, and this custom, which would be more honored in the breach than the observance, has already been followed in the House in acting on the deficiency bill. It involves in the House and Senate the distribution of some $80,000 of the people's money in gratuities for the kind of attention and subserviency that is rewarded with "fees" in hotel waiters. It goes for no public service, but is simply a reckless appropriation of public money for the gratification of those who are amply paid for the performance of their easy duties.

[New York World.]

The Committee on Appropriations is determined to defeat the Hepburn and Hiscock amendment to the general deficiency bill, granting one month's extra pay to the House and Senate employés, when it comes to a vote in the House. While in the Committee of the Whole yesterday there was no yea-and-nay vote taken, but on the final vote there will be one. There are a few Democrats who voted for it yesterday, while the Republicans were unanimously in favor of it. The custom has long been in existence and was established by the Republicans. It costs the Government annually $72,465—$35,298 for the Senate and $37,167 for the House employés. Many of them have been working industriously with members, hoping to secure the adoption of the amendment which they knew would be offered. There seems but little doubt about the defeat of the amendment. Mr. BURNES, chairman of the committee, says that the infamous practice, as he calls it, has got to be broken up, and he believes in a Democratic Congress doing it.

Mr. REAGAN. I also submit a letter from the Clerk of the House in regard to the amount of expenditure which will be incurred under the amendment to which I have referred. From this statement, which is not entirely accurate, as it does not embrace all the employés who will be paid under the amendment, I believe the amount which will be paid to the employés of each House will be about $40,000, making $80,000 for the two Houses, because no doubt the same gratuity will be voted at the other end of the Capitol to the employés there, as has been done in years past.

HOUSE OF REPRESENTATIVES, *Washington, D. C., July 5, 1886.*

DEAR SIR: We have not footed the June payments yet, but the amount paid during the month of April, 1886 (being same number of days as June), for salaries of officers and employés, 1886, was $83,615.54. June will be near that amount.

Very respectfully,

JNO. B. CLARK, JR.,
Clerk House of Representatives.

Hon. JOHN H. REAGAN.

Mr. Chairman, I repeat that the appropriation made by the amendment referred to is a pure gratuity; and, as is shown in the papers published with my remarks, it is, so far as regards the annual employés, the granting of additional pay to men who already receive very liberal pay for a period of twenty-four months, while actually employed only about ten. It is right that these things should go into the RECORD, so that the country may see the facts upon which this Congress proposes recklessly to give away the money of the tax-payers of the country to those who have to work less than half the time, for which they are paid, and who already receive high salaries—salaries much larger than they could get in the ordinary pursuits of life. And this gratuity is voted simply because these men are a favored class. It is one of the developments of officialism that is controlling to a dangerous extent the proceedings of Congress.

The CHAIRMAN. The point of order upon the amendment of the gentleman from Pennsylvania [Mr. BAYNE] is sustained.

The Clerk read as follows:

Fees of jurors, United States courts, 1883 and prior years, $87.70.

Mr. PERRY. I move in lines 163 and 164 to strike out "$87.70," and insert in lieu thereof "$10,000."

Mr. BURNES. I reserve the point of order.

Mr. PERRY. Mr. Chairman, I do not know that is a good point of order, but I will briefly give the reason why I think the amendment should be made. As stated in debate frequently on both sides of the House, it so happens that appropriations made for the expenses of the United States courts have been insufficient to meet those expenses, and the consequence is that during the term of court the marshal gets out of money and has no money with which to defray the expenses of jurors and witnesses. It then happens the jurors and witnesses are compelled from necessity to sell their claims to third parties. If the marshal gets no funds during that term of court these third parties have to wait, and when their claims are presented here they are met by the objection that under the Revised Statutes they are assignees of claimants, and therefore they can not be paid. The consequence is that thousands of dollars of these claims are now due to these third parties, but can not be paid because of that section of the Revised Statutes preventing the payment to assignees of such claims.

I introduced a resolution calling on the Secretary of the Treasury for information on this point, and for the reason why the amount stated in this section was only $87.70 when these claims amount to many thousands of dollars. The reason assigned by him was that these claims when they passed into the hands of third parties are not audited at the Department; that no account is taken of them at all; that when the Secretary of the Treasury is called upon for the amount of these deficiences he only gives the items presented by parties holding the claim.

I hold in my hand a letter from the Comptroller of the Treasury, which was addressed to the Speaker of the House and referred to the Committee on Appropriations. Let me read a paragraph from Mr. Durham's letter:

Common fairness would seem to indicate that Congress should do what it could to enable witnesses and jurors to realize a hundred cents on the dollar for their demands against the Government.

As to the amount of fees of witnesses and jurors which have not been paid by the United States, and which accrued in 1883 and prior years, I can give no accurate information, there being no record of such fees; but I should suppose that $60,000 for witnesses and $20,000 for jurors would cover the amount of such fees.

It seems but right sufficient appropriation should be made to meet these deficiencies. They are acknowledged debts of the Government, although in the hands of third parties. If an appropriation is made under the law as it now stands, I presume all these claimants will have to reassign to the original parties, who will present them and be paid.

Mr. SPRINGER. I presume the accounting officers of the Treasury have certified the correct amount required to meet these deficiencies. But I desire to say a few words as to the expenditures for jurors and witnesses of the past year, referred to by the gentleman from New York [Mr. HISCOCK], and also on a previous occasion by the gentleman from Maryland [Mr. MCCOMAS].

In debate a few days ago on this bill the gentleman from New York [Mr. HISCOCK] called attention to these deficiencies for the fiscal year just closed on the 30th of June, 1886. He stated this deficiency for the payment of witnesses was "startling." That is the word he used. The gentleman from Illinois [Mr. CANNON] stated it was a great hardship to witnesses and jurors not to have appropriated sufficient money for that year. The gentleman from Maryland [Mr. MCCOMAS] refers to that matter as being an indication that the present administration was extravagant in the extreme. Let me explain the reason for the deficiency for the fiscal year just ended in the appropriation for the payment of fees of witnesses and jurors, as that deficiency over the previous year amounts to $130,000 for witness fees alone. I went to the Attorney-General's Office and asked whether any explanation could be given for that extraordinary increase in the matter of witness fees. He stated there was, and gave me a copy of a letter addressed to a Senator on the 15th of May last, and as it gives a full explanation of this matter I ask that it be published as a part of my remarks.

Mr. GIBSON, of West Virginia. Let it be read now.

Mr. SPRINGER. Very well; let it be read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, May 15, 1886.*

SIR: Your letter of the 13th instant asks for "some statement of prior expenditures for the fiscal year" out of appropriations for fees of witnesses and jurors, 1886.

Please accept a statement of expenses during three prior years as in part explanatory of a statement in answer to your request:

	Appropriation.	Expenses.
Jurors:		
1883	$450,000 00	$409,762 35
1884	510,000 00	449,701 83
1885	450,000 00	431,320 81
1886	500,000 00	500,000 00
Witnesses:		
1883	601,000 00	590,870 76
1884	660,000 00	639,265 05
1885	600,000 00	589,455 40
1886	685,000 00	685,000 00

You observe that in the years 1883, 1884, and 1885 the appropriations (original and deficiency) exceeded the expenses, and that repayments of the differences were made to the Treasury by the marshals to whom the advances had been made. Advances naturally are in excess of expenses, as it is impossible to foresee what the actual expenses will be.

1. The large expenditure for jurors and witnesses in this fiscal year is due to the fact that in some judical districts, notably in the western district of Arkansas, the district court suspended proceedings for want of funds, and thus transferred the business of fiscal year 1885 to the fiscal year 1886.

An idea of what amount of business was thus transferred in this district may be derived from the fact that the marshal reqired for the May and June expenses, 1885, the sum of $58,760, and there could only be advanced before July 1, 1885, the sum of $15,700, for failure of appropriation, of which the larger part was for jurors and witnesses. Courts in other districts transferred similar expenses, in a less degree.

2. The expenses of witnesses have increased in this fiscal year, under the decision of United States Supreme Court in *Ex parte* Wilson (United States Reports, volume 114, page 417), to the effect that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury."

The effect of this decision (March 30, 1885) on the expenses of the courts began to be seriously felt near the close of the fiscal year 1885, and thus increased during all the fiscal year 1886, because it necessitates the appearance before grand juries of witnesses to secure an indictment for offenses which formerly were tried upon informations—the witnesses who appear before the grand juries being held by the court for an expected trial of the indictment during that term, perhaps for weeks; and possibly the court adjourns without the hearing, when the witnesses subpœnaed must again appear at the next term.

It may be estimated that the increase from this source alone will prove to be 20 per cent. above former expenses.

(3) Another increase comes from the large number of suits that have been instituted at the request of the Interior Department for depredations upon public lands. It is impossible to see how great the increase will be in another fiscal year, but it has grown largely in the present fiscal year.

(4) A further source of increased expense is the activity of the Territorial courts in the Mormon prosecutions under the Edmunds act, already great and constantly increasing. This is a material source and can hardly be appreciated at the present state of proceedings.

(5) Formerly certain offenders in the Indian Territory were amenable to the court at Fort Smith, Ark.; now they are also amenable to the courts at Wichita, Kans., and Graham, Tex., without any perceptible decrease of expenses in the court of Fort Smith and with a perceptible increase of expenses in the courts at other places.

After a careful examination of the causes mentioned it is thought that the deficiencies asked for are none too large, and perhaps will be found, after the expenses have been incurred and definitely ascertained, to be too small.

The failure of appropriations this year will carry much business into the next year, although some courts will hold their terms and leave the expenses to be provided for in the future.

These are the main facts that bear upon "the prior expenditures for the fiscal year." They are essential to an understanding of the comparative expenses of this year with former years expressed by the tables on the first page. Moneys have been advanced to marshals only upon the approval of the district-attorneys, district judges, circuit judges, and circuit justices, when possible to secure them.

Very respectfully,

A. H. GARLAND,
Attorney-General.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

During the reading of the letter Mr. SPRINGER's time expired.

Mr. GIBSON, of West Virginia. I will take the floor and yield my time to the gentleman from Illinois.

Mr. SPRINGER. I hope unanimous consent will be given to finish the reading of the letter.

There was no objection, and it was so ordered.

Mr. SPRINGER. I want to state, Mr. Chairman, briefly, that the causes which have been alleged for this increase, as will be seen by reference to this communication, are three in number; first, that owing to the failure of appropriations for the preceding year, ending June 30, 1885, a larger amount of business was necessarily carried over to the next fiscal year; that in the western district of Arkansas the difference from this source amounted to over $25,000 of increase, for which provision had to be made. There were also several other courts where a large amount of business was transacted as compared with the preceding year; for instance, at Graham, Tex., there was a very large increase of business, and at——

[Here the hammer fell.]

Mr. ELY was recognized.

Mr. SPRINGER. I ask consent to proceed for a few minutes.

Mr. ELY. I will yield to the gentleman.

Mr. SPRINGER. I will move a *pro forma* amendment, with the consent of the committee.

I was stating, Mr. Chairman, that there was a large increase of business, growing out of crimes in the Indian Territory, at Wichita, Kans., and Graham, Tex.; and that there had been no diminution of business in Western Arkansas on account of the same jurisdiction in the Indian Territory.

Also, the second cause assigned was the great increase of expenses by reason of the enforcement of the Edmunds law in Utah and Idaho. I have a statement here prepared at the Department showing the amount of that increase. In Utah, for instance in 1885, there were expended for jurors $10,600, while in 1886 this had increased to $16,300, being an increase of $5,700 for that one item in a single year. There was also an increase of $6,400 in the item of fees of witnesses; and in Idaho there was an increase of $2,900 in jurors' fees, and $4,100 in witness fees, being a total increase of $19,100 in Utah and Idaho for jurors and witnesses directly traceable to the number of prosecutions under the Edmunds law.

The number of prisoners sent to the penitentiary had increased in Utah from 100 to 149, showing a large increase of business in that direction.

The other cause shown for the deficiency is the largely increased judicial business in the Western Territories owing to prosecutions for infractions of the general land laws and for prosecutions against persons committing depredations on the public domain. The Interior Department has sent from sixty to one hundred letters to the Department of Justice, calling attention to the condition of affairs there and asking that the machinery of the courts be interposed to institute prosecutions against those who have been depredating upon the public domain. These prosecutions necessarily involve a considerably increased expenditure.

Mr. BUTTERWORTH. What does my friend state touching the propriety of the amendment of the gentleman on his right?

Mr. SPRINGER. That does not relate to the same year.

The Department in making estimates for future years has taken a general view of the situation and has not confined it to the extraordinary matters to which I have called attention; so that these estimates are not so great as the expenditures of last year.

Now, Mr. Chairman, I want to call the attention of the committee to the fact that this administration is not guilty of and can not be chargeable with the increase of expenditures, as has been intimated by gentlemen on the other side; and they need not be alarmed by the seemingly anomalous condition of the increases for the year in question, which have necessarily arisen in the affairs of the Department of Justice from the causes to which I have just called attention. I hold in my hand a statement which I clipped from the New York Times, and which I will ask to have printed as a part of my remarks, which shows that the decrease of expenses in 1886, for ordinary purposes, amounts to some twenty-two and one-half millions of dollars below the preceding year of 1885. I ask to incorporate this with my remarks.

There was no objection.

The extract is as follows:

[New York Times.]

THE NATION'S BALANCE-SHEET—A GOOD SHOWING FOR CLEVELAND'S ADMINISTRATION AND REFORM.

The Government's book-keepers have footed up their accounts for the fiscal year that came to an end on June 30, and the figures are unexpectedly satisfactory. The receipts exceeded the expenditures by $90,528,546. If we regard the sinking-fund payments as an item in the expense account the clear surplus will be about $45,000,000, but as both the sinking-fund payments and the clear surplus are applied to cause a reduction of the public debt the separation of the two amounts is only a matter of form. The clear surplus in the preceding fiscal year was only $17,859,735, and for this year it is $45,000,000. This is the most prominent fact brought out by a comparison of the accounts.

It will be seen that the conservative estimates of the Treasury Department were much less favorable than the actual transactions have been. The Secretary estimated that the clear surplus for 1886 would be only $24,250,000, and it is almost twice that amount. His estimates were based upon the receipts and expenses of only the first three months of the year. Moreover, the clear surplus of the preceding year ending on June 30, 1885, had been only $17,859,000, and the accounts for the year had shown a notable decrease of receipts ($24,829,163), and a marked increase of expenditures ($16,100,690) as compared with those of 1884. He could not foresee that there was to be so great a change for the better in the last nine months of the year just ended.

The increase of the clear surplus from $17,859,000 in 1885 to about $45,000,000 in 1886 has been caused by an increase of receipts and a decrease of expenditures, but it is due in great measure to the latter. As compared with 1885 the revenue from customs is greater by $11,275,883, and the internal revenue has been enlarged by $4,535,798, while the miscellaneous receipts (bank taxes, sales of land, patent fees, profits on coinage, &c.), have fallen off nearly $3,500,000. On the other hand, the ordinary expenditures of the Government have been less by $22,405,799 than they were in 1885—a decrease of nearly 15 per cent. Owing to the redemption of bonds the interest on the debt was less by $805,000. The pension payments were, however, greater by $8,600,187, the total for the year having been $64,702,454. To an increase of $12,453,585 in the total receipts must be added a net decrease of $14,611,191 in expenditures, making $27,064,776, which is substantially the excess of clear surplus for 1886 over the clear surplus for 1885.

A statement in detail to be made by the Treasury Department hereafter will show in respect to what items of ordinary expenditure the reduction of nearly $22,500,000 has been made. The Secretary's estimate of customs receipts was too low by $18,000,000. Still his predictions seemed to be supported by the condition of trade and of the country, and by the accounts for the first quarter. That the growth of customs receipts could not be foreseen is shown by the fact that these receipts for June, 1886, exceeded those for June, 1885, by $4,000,000. The increase of pension expenses from $56,000,000 to $64,000,000 was due in part to the fact that the Pension Bureau issued during the year more certificates by nearly 10 per cent. than had been issued in any previous year.

In the last report of the Treasury Department it was estimated that instead of a clear surplus in 1887 there would be a deficit of $24,500,000. The balance sheet for 1866 makes that estimate untrustworthy. Unless Congress shall greatly increase expenses by unwise and extravagant legislation there will be no deficit in the year which we have now entered. Indeed it is probable, with that qualification, that the clear surplus will not be less than that which the accounts for 1886 have revealed.

Mr. GIBSON, of West Virginia. Mr. Chairman, in answer to the statement of the gentleman from Illinois defending an increase of appropriation for the expenses of the Federal courts I simply desire to state that the experience in almost every State of this Union justifies Congress in making the closest scrutiny and most careful investigation of the expenditures for this branch of the public service. It is well known that for years the judges of the Federal courts have arbitrarily stretched out their hands to take possession of almost every conceivable matter of litigation. They have not only done that, but it is well known that for years the Federal courts of the United States have been the most outrageous political machines in this country.

Mr. BROWN, of Pennsylvania. They are worse now than ever before.

Mr. GIBSON, of West Virginia. Now I want to state here and I want the House to understand it that within my own little State after investigating the matter in one single year the expenditures were cut down $28,000. They have cut down the fees of witnesses alone $6,000. Now, why is it with the same business going on that there is this change? And in the gentleman's own State who is advocating this proposition in one district we cut down the expenditures $23,000. I refer to the southern district. They now come here and ask that there shall be an additional appropriation allowing the same abuses to be carried on that have been carried on for a number of years. I am not willing, for one, that Democrats shall consent to carry out the same abuses that were being carried on for years by Republican administrations. I want to put a curb upon it. I want to put a stop to this arbitrary action of the Federal courts in the States; and I want to see returned to the local jurisdiction all of these various questions that have been taken to the Federal courts and which do not properly belong there.

Mr. Chairman, a very remarkable fact occurs that in almost all the States the time for the meeting of the Federal courts is a sort of a holiday. The worst elements in the community saddle their horses, go to the nearest depot, get on the cars, and go to the place where the Federal courts meet, and there they receive their mileage and their per diem. One farmer in my county near a railroad depot has for years during the session of the Federal court run the most profitable hotel in all that country, and it has been profitable by the patronage of witnesses and jurors who go to the Federal courts to make money, and to prosecute and persecute and bedevil the people of the country. There is too much jurisdiction in the Federal courts. They assume everything. Why, sir, in my State they undertake to assume the right of eminent domain and to confiscate lands for the purposes of railroads under State law. They not only do that, but they undertake to decide almost every question that comes up; so that you can not raise a question of $5,000 in our courts but it goes to the Federal courts, and the people and the witnesses are dragged there.

I protest against an increase of appropriations for these courts. On the contrary, I say let us cut down the appropriations and compel them to attend to nothing but national matters.

Mr. CANNON addressed the Chair.

The CHAIRMAN (Mr. HAMMOND). The gentleman from Arkansas [Mr. ROGERS] is recognized.

Mr. CANNON. There has been no recognition for some time on this side of the House.

The CHAIRMAN. The present occupant of the chair was informed by its former occupant, the gentleman from Illinois [Mr. EDEN], that the gentleman from Arkansas [Mr. ROGERS] was next entitled to the floor.

Mr. CANNON. About twenty minutes have been occupied by the gentleman from Illinois [Mr. SPRINGER], and then five minutes by the gentleman from West Virginia [Mr. GIBSON].

Mr. BURNES. To cut the Gordian knot——

Mr. CANNON. I am willing to wait, however, until the gentleman from Arkansas [Mr. ROGERS] shall have been heard.

Mr. BURNES. To cut the Gordian knot, I now call up the point of order reserved on this amendment.

Mr. ROGERS. It was the point of order I rose to discuss. It is an unfortunate thing that it is utterly impossible to discuss any question here relating to the Federal judiciary without its bringing up talk about some abuses to be found in some locality somewhere. We must have the worst set of men on earth on the bench if all the abuses that are paraded exist and exist everywhere.

I want to invite the attention of the Chair back to the point under discussion, which is simply a point of order; and when we have got rid of the point of order I want then to be heard on the merits of the proposition, which is to strike out, in lines 163 and 164, $87.70, and to insert in lieu thereof $10,000. Upon that the point of order is made.

Just how any point of order can be made on that proposition I can not understand. If my friend from Missouri desires to explain it I will yield to him for that purpose.

Mr. WARNER, of Ohio. While the gentleman from Illinois [Mr. EDEN] was occupying the chair the gentleman from South Carolina [Mr. PERRY] proved conclusively, I think, his amendment was subject to the point of order when he stated that this money could not be taken out of the Treasury under the law; that the law would have to be changed in order that it might be taken out.

Mr. ROGERS. I yielded to the gentleman from Missouri [Mr. BURNES] that he might state what he meant by his point of order.

Mr. BURNES. I call the attention of the Chair to the fact that by section 3477 of the Revised Statutes all assignments of these fees are declared to be absolutely void. The accounting officers of the Treasury sent in to us certain items aggregating $87.70, and say there are other amounts due to witnesses, but that the witnesses have assigned their claims, and that under this section of the statutes they have no power under the law to audit them and report them. This is an appropriation to pay claims sent down to us by the accounting officers of the Treasury enumerated in this document—Executive Document No. 70; and here comes in a proposition—to do what? To increase the amount from $87.70, to pay audited claims, to $10,000, when there are but $87.70 of the audited claims, and the law in the section to which I have alluded prohibits the paying of those which are stated to be barred.

The CHAIRMAN. How is the Chair to be informed as regards the point of order just how much is certified by the auditing officers?

Mr. ROGERS. The question just put by the Chair is as good an argument as I can make. If there are no claims to pay, the money will be paid back into the Treasury. There is no point of order involved. It makes no difference whether these claims have ever been audited or not. The simple proposition is to strike out one sum and insert another, for a purpose specified by the Department, in this bill. I say the amendment is entirely in order. The question is whether the committee will insert that proposition, and after the ruling of the Chair I want to be heard on that.

Mr. WARNER, of Ohio. Can a larger sum be paid under existing law?

Mr. ROGERS. It does not make any difference to the point of order whether it can or can not. That is a question for the committee.

Mr. BURNES. This appropriation is covered by this provision of the second section, which I shall now read:

That for the payment of a portion of the claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1883 and prior years, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Executive Document No. 70, Forty-ninth Congress, first session, there is appropriated as follows.

The CHAIRMAN. On a point of order the Chair does not know whether the claims amount to $87 or $10,000. The point of order is overruled.

Mr. BURNES. But here is the executive document showing what they do amount to.

Mr. CANNON. Mr. Chairman, I wish to say a word before we get further away from the statements of my colleague [Mr. SPRINGER], as well as the statements of the gentleman from West Virginia [Mr. GIBSON], upon a paragraph of this bill that has been passed.

I do not wonder that my colleague, with all his astuteness, has required two days to incubate an apology for this deficiency. Everybody knows that my colleague can apologize for anything with as great facility as anybody in this country, and I do not wonder that he comes in now and tries to apologize for these deficiency appropriations for the Department of Justice. What are they, Mr. Chairman? Three hundred and forty thousand dollars deficiency appropriation for this Department more than was appropriated for 1885 or for 1886. I had occasion the other day to state, after an interview with an officer of the Comptroller's Office, that there was from $150,000 to $200,000 more of these deficiencies yet to come. Now, sir, what are the facts? My colleague says that the court in the western district of Arkansas had a large balance of business in 1886 coming over from 1885, and so with many of the other courts, for the reason that the appropriations for 1885 were short. That is true to some extent, but then the appropriations of 1886 were also short. The courts were closed as early in 1886 as in 1885.

I saw the judge of the western district of Arkansas weeks and weeks before the close of the fiscal year, and he was not holding court. Why? Because, notwithstanding the large deficiency appropriations, they were exhausted and there was no money to pay witnesses. My colleague's explanation does not explain the matter. It is fequently said that "a new broom sweeps clean," and I guess that is true in this case. In many of these cases the new marshals and other officials that have come in have proved to be fully as greedy as the old marshals, if not more so. I do not know just what the reason of it is; I will not say that it is because they are Democrats; it may be because they were more hungry when they came in; I suspect that is the reason. But, notwithstanding the $340,000 deficiency that has been already appropriated or recommended, there is from $150,000 to $200,000 more yet to come.

Now, that is all I desire to say about this. If my colleague is satisfied to let the matter stand upon his explanation, I am. I have never known a case concerning appropriations and expenditures so desperate but my colleague could apologize for it if his party friends were concerned. Accordingly, he rises here and apologizes for the expenditures of 1886, and in the same breath turns around and makes what is no doubt to himself a satisfactory apology for this $347,000 deficiency.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word in order to reply briefly to my friend from Illinois [Mr. CANNON]. This is not by any means a desperate case, and it does not require any extraordinary effort to explain it. The Attorney-General has explained it to the satisfaction of everybody who is willing to accept a plain statement of fact. The Attorney-General says that the reasons for this increased expenditure are, that a large amount of business was brought over from the preceding year which had to be transacted; that the Mormon prosecutions have cost a great deal more than ever before, and that there has been a large increase in the territory covered, growing out of the prosecution of parties committing depredations upon the public lands. That is all. Now, there is not one of these items of expenditure that could be avoided. Will the gentleman say that we ought not to prosecute the depredators upon the public lands? Will he say that we ought not to enfore the Edmunds act, even though it cost ten times as much as it does cost?

The gentleman has quoted the old saying that "a new broom sweeps clean." That is just what it is doing now, and I call the gentleman's attention to the fact that this new broom, the effect of which he derides and attempts to ridicule here, has caused a sweeping-out during the last fiscal year of twenty-two millions of the ordinary expenses of the Government, a reduction to that amount below the expenditures of 1885. That is the report made by the Treasury Department, and that result appears, too, in spite of the other fact that there has been at the same time an increase of about $8,000,000 in the expenditures for pensions, the present Commissioner of Pensions having issued during the year 15 per cent. more pension certificates than were ever issued in any one year by any of his predecessors. So that, Mr. Chairman, while we have had a largely increased expenditure for pensions, this administration presents, as the net result of its work for the year 1886, a reduction of $22,500,000 in the ordinary expenditures of the Department. I am glad the gentleman called attention to the fact that our new broom sweeps clean. It will sweep cleaner next year. We have not got thoroughly down to business yet. We will improve as we go along. Every year we will do better as we get control of all the offices of the Government, as we get control of the heads of the different bureaus, and get down to a careful, honest, economical administration of all the departments of the Government. [Applause on the Democratic side.]

Mr. BURNES. Mr. Chairman, I ask unanimous consent that debate on this proposition now close. We have certainly had enough of it.

Mr. SYMES. I object. I want to be heard for two or three minutes.

Mr. BURNES. Then I ask unanimous consent that the debate close, allowing five minutes to the gentleman from Colorado [Mr. SYMES].

Mr. ROGERS. If the gentleman from Missouri [Mr. BURNES] will make it ten minutes and yield me five minutes I will not object.

Mr. BURNES. I ask unanimous consent, Mr. Chairman, that the debate be limited to ten minutes.

There was no objection, and it was so ordered.

Mr. SYMES. Mr. Chairman, I hope that the Federal judicial system of this great nation, of which we feel so proud, will not be slandered and smirched upon this floor on account of the unfortunate abuses that seem to have arisen in some of the mountain districts of this country. I hope, sir, that because in the mountains of West Virginia, as it seems from the gentleman's statement, they may have had a corrupt marshal or a venal district attorney, or because some of the inhabitants there have been so filled with the spirit of persecution and the devil that they have abused the powers of the courts for persecution—I hope, I say, that those abuses will not be cited to discredit the Federal judicial system which extends all over this country, and that they will not be brought into this Hall and made a pretext for libeling and slandering the best judicial system that the history of nations has produced. Sir, whatever may have been said by the partisan newspapers of this country in denunciation of the legislative department of the Government and its alleged corruptions, whatever may have been said, either in this country or in Europe, in condemnation of the executive power of this country and the abuse of Federal patronage, I stand here to say, in behalf of the Federal judiciary, that not even the worst, the lowest, the most filthy partisan journalism that this continent has produced has ever undertaken to libel or slander it, or to say that its judges or its officers generally have not administered the laws of the land in their purity and vigor.

Sir, only a few years ago no less a personage than Lord Salisbury, then prime minister of England, said that he wished the British Empire had a tribunal as grand and as great as the Supreme Court of the United States. That is the only judicial tribunal on the face of the earth that has been invested with power to declare null and void an act of the highest legislative and executive authority of a nation. The people of this country rely upon the Federal judiciary as the great conservative branch of the Government. I take for granted, I am not here to dispute, the statements which have been made by the gentleman from

West Virginia [Mr. GIBSON], for I know nothing of his particular locality. I only say that if in his district, and others where complaint exists, there are such local officers and such systems of corruption and persecution as have been described, I want to hold those communities responsible; and I do not like to hear the best branch of the Federal system of this Government abused on account of the corruptions and venality of a single mountain district. It is to the Federal judiciary that we look for the just, equitable, and non-partisan execution of the laws. When important litigation arises in local communities of a character to excite local prejudices and political passions it is always with great satisfaction that such litigation can be removed into the Federal courts, because the people feel that there impartial justice will be meted out.

[Here the hammer fell.]

Mr. ROGERS. Mr. Chairman, I am going to vote for this amendment; but I shall do so with very grave doubts whether, if voted into the bill, it will accomplish the purposes desired. The grievances we are now seeking to remedy grow out of the failure of Congress in past years to make proper appropriations for carrying on the United States courts, and were brought about in this way: In many places in the country the jails were filled with prisoners; the appropriations for the current year failed to meet the requirements of the court. In order to carry on business as economically as possible the court in some instances, where parties could be presented by information or where they had indicated their desire to plead guilty, and in some cases where indictments were to be brought upon pleas of guilty, organized their grand and petit juries and also summoned their witnesses; when these parties had attended as witnesses or jurors and performed service—attended upon compulsion of the Government and under penalty of contempt, having been forced from their homes, and there being no money with which to pay their fees, the marshals issued to them mere certificates of indebtedness on the part of the United States; and the parties were compelled either to make some assignment of these certificates or take them with them to their homes if they could get there without hypothecation of the certificates. Consequently many of these certificates have passed into the hands of assignees, who are now the holders of them.

In many cases the witnesses have been scattered to the four winds and can not be found. With the jurors, however, they being permanent citizens of the several districts, the case is different. The parties who rendered the service are the persons who now hold the legal title to the certificates of assignment. Why? Because by a statute which stared the parties in the face at the time the assignment was made that assignment was declared in the language of the statute itself null and void. Hence the legal title to the certificates remained in the hands of the parties who undertook to make the assignment. On the other hand, the equitable title is in the assignee, and he is the party to whom the money properly belongs.

What we now desire to accomplish is to make an appropriation which will enable either the legal holders or the equitable holders of these certificates of indebtedness issued by the Government to draw out of the Treasury the money to which they are entitled. For myself, I can not understand how it is possible for the Judiciary Committee of the House of Representatives, representing a great Government like ours, while admitting broadly that these parties have performed service for the Government under its process, in obedience to law, and under penalty of contempt, being compelled in thousands of instances to do so at great disadvantage to themselves and to the neglect of their business, can undertake to declare that because the Government made no provision for the payment of these parties we should stand up in the face of the country and say we will repudiate this debt unless the witnesses can be hunted up and brought back to receive the money.

As I said the other day, the operation of this system of failing to appropriate the money necessary for a proper, economical, and just administration of the law in the Federal courts is in the first place dishonest; in the second place, not economical; in the third place, in violation of the spirit of the Constitution, which gives every man confined in jail the right to a speedy trial; and in the fourth place, oppressive and unjust not only to those coming before the courts for trial, but to jurors and witnesses who are compelled to attend the court.

Under these circumstances I shall at a later period undertake to offer an amendment in this form:

To pay fees of jurors and witnesses of the United States courts in 1885 and prior years —— thousand dollars, whether the certificates be held by such witnesses and jurors or their assignees.

This will leave in full force and effect the general provision of the statute relative to these assignments. I believe that provision is wise. It was passed in former years to meet this condition of things: A corrupt marshal would sometimes, entering into collusion with an outside speculator, issue these certificates when he had money in his hands to pay for the service, the result being that this outside party bought the certificates at a discount and the two divided the profit. If we can provide for the payment of these people who have been deprived of their fees as jurors or witnesses by the dereliction of the Government, and can at the same time leave the general statute in force, I think we shall have done what is proper and honest and just.

The CHAIRMAN. Debate is exhausted. The question is on the amendment of the gentleman from South Carolina [Mr. PERRY].

The amendment was rejected.

Mr. CANNON. Mr. Chairman, I move to amend by striking out the last word; and I do so for the purpose of noticing a remark made by my colleague [Mr. SPRINGER]. In his great zeal to apologize for this wonderful deficiency in the Department of Justice he switched off on general principles and said, "The administration for the year 1886 is more economical than it was for the year 1885 by $20,000,000 or $22,000,000, as shown by the account of expenditures soon to be issued." Now, what did he intend to convey by that statement? Everybody who heard him understood him as intending to convey the impression that the expenditures of this Government for the year 1886 with its obligations met were $20,000,000 to $22,000,000 less than for the year 1885, without telling exactly how much, because the precise amounts were not yet ascertained. How fallacious and how unfair! Why, Mr. Chairman, here is a deficiency bill which we are now considering providing for expenditures of the year 1886, and it carries over $6,000,000.

How can the administration or any one else tell how much is to be appropriated for the deficiency? No knowledge whatever is ascertained of the amount. So I might go on from one end to the other. Many contracts were made in the year 1886, the obligation incurred in 1886, where the payments will be made in subsequent years. But my friend is so anxious to make an apology, right or wrong, he rushes in and makes that apology, which in fact, whether intended so or not, misleads the House and country. I fancy when my colleague dies and ascends the golden stairs and knocks at the gate, that when St. Peter opens it and lets him in, if anything is found against him he will come in with some garbled statement to offset it. [Laughter.] I presume he will be as successful there as he is here. [Renewed laughter.]

I am willing to give this administration credit for everything it does that is worthy of credit. I wish to God I could give it credit ten times where I am able only to give it credit once. [Applause.]

[Here the hammer fell.]

Mr. SPRINGER. I move to strike out the last word, and I do so for the purpose of saying a word in reply to my colleague. He evidently misapprehends what I have said. I said that the expenditure for the year ending June 30, 1886, was $22,500,000 less than the expenditures of the Government for the preceding year.

Mr. CANNON. Not including deficiency bills?

Mr. SPRINGER. Wait a moment and I will explain. The expenditures of the Government are stated irrespective of appropriations. Appropriations are sometimes in excess and sometimes they are too small, but there is no mistaking expenditures.

That is the item I was talking about and not this deficiency or any other appropriation bill. You never know what the expenditures of the Government are until the year has closed and the Treasury Department has furnished the statement I have given. The ordinary expenses of the Government for last year were that much less than for the previous year.

But let me add that expenditure included deficiencies of previous years. I did not state it as in reference to appropriations, but I gave the expenditures for the year.

Mr. CANNON. Does my colleague claim that it is an indication of economy of this administration, especially when there was no river and harbor bill this year, and especially when these liabilities were not paid over the counter during the year?

Mr. SPRINGER. What the expenditures are are of record in the Department, and if the gentleman will examine he will find that statement I have made is true, as it was made up at the Treasury Department.

Mr. ROWELL. Is it not true that covers the cash paid out and not the accrued liabilities due?

Mr. SPRINGER. It covers precisely what it states, and that is the expenditures during the year. It includes river and harbor appropriations so far as expenditures were made under them.

[Here the hammer fell.]

Mr. ROGERS. I move the following amendment, to come in at the end of that paragraph:

The Clerk read as follows:

To pay fees of jurors and witnesses United States courts, 1885, and prior years, where said claims are in the hands of said jurors and witnesses, $10,000.

Mr. ROGERS. I wish simply to make this remark. This amendment is intended only to cover that kind of claim not interdicted by virtue of the provisions of the statutes, which the report of the Comptroller tells us amount to nearly $100,000, but is designed to reach only those who have not assigned these claims.

The CHAIRMAN. Is the gentleman's amendment intended to strike out the paragraph?

Mr. ROGERS. No; I do not move to strike out the paragraph, but to insert what I have offered as an additional paragraph.

The amendment was agreed to.

The Clerk read as follows:

Fees of witnesses, United States courts, 1883 and prior years, $387.45.

Mr. WARNER, of Ohio. I move to strike out the last word in order to inquire what date this appropriation comes down to.

Mr. BURNES. To June 18 of the present year.

Mr. WARNER, of Ohio. I withdraw my *pro forma* amendment.

The Clerk read as follows:

For compensation of postmasters readjusted under act of March 3, 1883, pay-

able from deficiency in postal revenue, 1883 and prior years, $392,394.44: *Provided*, That the readjustments of the salaries of postmasters heretofore made by the Postmaster-General pursuant to the act approved March 3, 1883, entitled "An act authorizing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provisions of section 8 of the act of June 12, 1866," as said act was construed by the Attorney-General, are hereby in all respects ratified and confirmed as a compliance with the requirements of said act. All claims of postmasters or late postmasters which have been disallowed pursuant to such construction, or are thereby precluded from allowance, are hereby declared properly disallowed and barred. All claims hereafter considered shall be readjusted in accordance with said act so construed; and no claim shall be considered which is not presented on or before January 1, 1887. No action or proceeding shall be had or maintained in any court against any Postmaster-General by reason of his action in reviewing and allowing or disallowing any application in accordance with said construction under said act.

Mr. BURNES. There is a verbal correction, Mr. Chairman, I desire to make in line 612. I move in this line to strike out the word "three," where it occurs the second time, and insert the word "two" in place of it. It is a mere typographical error.

The amendment was agreed to.

Mr. BINGHAM. I make the point of order on the whole proviso, beginning with line 614 and down to the end of the paragraph, that it is new legislation.

The CHAIRMAN. The Chair will hear the gentleman from Missouri if he desires to be heard upon the question of order.

Mr. BLOUNT. I did not catch the exact part of the paragraph against which the point of order was made.

Mr. BINGHAM. My point of order embraces the entire proviso, beginning with line 614 down to and including line 634.

Mr. BLOUNT. Mr. Chairman, this provision I do not regard as a change of existing law. It appears that the Postmaster-General and the Attorney-General have put exactly this construction on the law as to the adjustment of these salaries. It has been the practice of the Department in dealing with them, and this is, therefore, no change of the law.

Mr. WARNER, of Ohio. If my friend from Georgia will allow me, I wish to state to him that this same construction was put upon it by the former Postmaster-General, Judge Gresham, and also by the Attorney-General, who at that time decided the same way.

Mr. BLOUNT. Yes, sir; it is plainly in accordance with what has been the practice. I do not see wherein it changes existing law, and hope the point of order will not be sustained.

Mr. HOLMAN. Mr. Chairman, I hope the gentleman from Pennsylvania will not press that point of order, whether it be good or not. It is very important legislation. The gentleman is certainly aware of the fact that it is of the highest moment to incorporate that provision into the law.

This decision was made by Judge Gresham when he was Postmaster-General, and also the same construction was placed upon the law by the Attorney-General. The present Postmaster-General construes it in that way; and I think that is the view taken of it by the Department generally. Certainly no gentleman has ever held that position who was more competent to pronounce a reliable opinion upon such a question than Judge Gresham.

My friend from Pennsylvania certainly sees the importance of legislation for the purpose of settling a construction of this law and to avoid very serious embarrassments to the Government hereafter.

Mr. BINGHAM. Mr. Chairman, in regard to the point of order——

The CHAIRMAN. The Chair does not desire to hear further on the point of order.

Mr. BINGHAM. Very well.

The CHAIRMAN. The Chair thinks it certainly is a change of existing law to make the opinion of an officer of the Government, or a number of officers of the Government, statutory law. Besides that, this proviso contains two statutes of limitation, which are now out of order. The point of order is sustained.

Mr. BLOUNT. I ask the Chair to be kind enough to state the two provisions which are regarded as a change of existing law.

The CHAIRMAN. The first is that this is made statutory law, when there is no such law in existence. It may or may not be law. Certain officers of the Government have so held; but the courts may hold differently. There is no such law at present, whatever the construction may hereafter be; and hence this is a change of the existing law.

Mr. BLOUNT. But the courts may hold that it was law, as the Department and the Attorney-General have done.

The CHAIRMAN. Still this makes it the law *in futuro*, whether such may be the construction of the courts or not. In advance of this construction this provision would be a change of existing law.

Mr. BLOUNT. The Government has been operating under this provision for eight or ten years.

The CHAIRMAN. That may be; but the Chair is compelled to sustain the point of order when his attention is called to it.

Mr. BURNES. Before passing from this point, I desire to make a motion to strike out the appropriation.

Mr. BINGHAM. It is too late.

Mr. BLOUNT. The gentleman can move an amendment.

Mr. BINGHAM. The Clerk had begun to read the next section.

The CHAIRMAN. This section has not yet been disposed of. There was an amendment made, one of the figures being changed; but the section is still open to amendment.

Mr. BINGHAM. But the Clerk had commenced to read the next section.

The CHAIRMAN. The gentleman is mistaken in that. The Clerk can only read on the order of the Chair, and the Chair gave no such order.

Mr. BURNES. I move to strike out this appropriation, and I am actuated in making that motion by a sincere desire to save money to the Treasury of the United States, to save litigation and trouble, and to save vexation and annoyance in the future.

I desire to say that by the most active system known to the lobby rings of this city a prominent operator has secured the settlement of these accounts on this basis; and while I am not complaining of the settlement of these accounts on this basis, the Postmaster-General and others have satisfactory evidence that this settlement once concurred in, these appropriations once made, then these same parties who have successfully engineered this scheme through will come for a readjustment of the salaries upon a different basis after they have settled upon this one. Now, this proviso which has gone out on the point of order was inserted for the sole purpose of having the settlement when once made a final settlement. But the Committee on Appropriations have satisfactory evidence beyond question that as soon as this money is paid out and this action taken agitation for another settlement by a different system and upon a different basis will be urged by the same parties; and in this connection I ask to have a letter from the Postmaster-General read:

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 24, 1886.

SIR: I have the honor to acknowledge receipt of a certified copy of the following resolution adopted by the Senate on the 18th instant, namely—

"*Resolved*, That the Postmaster-General be, and he is hereby, directed to inform the Senate of the amount of additional compensation ascertained to be due postmasters and late postmasters, under the act of March 3, 1883, for the payment of which no provision has been made"—

And in response thereto to state that the aggregate amount of additional compensation due postmasters and late postmasters of the third, fourth, and fifth classes, under the act of Congress approved March 3, 1883, which has been found due on readjustments of salary, made up to the 21st of June, 1886, is—

In total		$603,952 03
That there has been appropriated and disbursed in payment of these—		
Under the act of July 7, 1884	$45,213 80	
Under the act of March 3, 1884	178,481 23	
		223,695 03
		380,258 00

And that the above balance has been transmitted to the Speaker of the House by the Secretary of the Treasury in three several certifications, under respective dates of February 10, 1886 (Executive Document No. 70, pages 148 to 271), May 6, 1886 (Executive Document No. 225, pages 71 to 92), and June 21, 1886 (Executive Document No. 277, pages 47 to 66).

I respectfully beg leave to add that the interpretation of the act of 1883 has been the subject of contention between this Department and a person claiming to represent as an agent or attorney some postmasters who have made claims for additional compensation under that act. This contention arose in 1883 under the administration of the Department by Postmaster-General Gresham. With the concurrence of the Attorney-General of the United States at that time, Postmaster-General Gresham determined that the duty of the Department was to make readjustments which, under the requirements of the act of June 12, 1866, might, or should have been made from time to time, and in the same manner in which they were required to have been made under the act of July 1, 1864.

Upon this theory the adjustments were made for which the two appropriations that have been disbursed were provided by Congress. It is contended, however, that the interpretation so given to the act is not in accordance with its true intention. If another construction shall be placed upon that act by the courts, or by the Congress, the readjustments which have been made are necessarily erroneous, and the amounts found due under this rule of construction do not correctly express the obligations of the United States, nor are they awarded to the proper persons, in very many instances at least. It is obvious, therefore, that no further appropriation can be made without incurring the risk of misdirecting the just expenditure of the money, unless the theory of administration of the act in question which has heretofore prevailed shall be ratified by the Congress.

In the last annual report of the Department, which the President laid before the Congress, the substance of this matter is briefly stated, and the obligation to continue the administration of the act according to the interpretation which had been previously put upon it in the Department declared. If that interpretation be not in accordance with the purpose of the Congress, it is respectfully submitted that the true intention should be explicitly settled before further appropriation shall be made.

Very respectfully, your obedient servant,

WM. F. VILAS, *Postmaster-General.*

The PRESIDENT *pro tempore of the Senate.*

Mr. BINGHAM. It is not my purpose to enter into any discussion as to what has been or may be the construction of the Post-Office Department or of Attorney-General Brewster touching the act of 1883. It is sufficient to say, as has been stated in the letter of the Postmaster-General, that upward of $200,000 have been appropriated by Congress for payment of these postmasters' accounts under adjudication of the Department as certified by the Sixth Auditor.

There comes to us in this bill duly approved under the same construction of the law upward of $300,000. The gentleman in charge of the bill incorporates it in the bill; and in incorporating it adds new legislation. The Chair has ruled on that, and has ruled it is new legislation. This proviso, word for word, from the word "provided" to the close of the paragraph which has been ruled out by the Chair, was a bill under discussion before the Committee on the Post-Office and Post-Roads; there is not the change of a word from that bill in this paragraph. It provoked broad, liberal discussion, and was brought

into this House with a majority report and the views of the minority signed by six members of the committee.

Mr. LONG. Was the majority in favor?

Mr. BINGHAM. Yes, sir; the majority was in favor of the proposition. I pass no judgment on the action of the Postmaster-General in his construction, nor upon that of the Attorney-General, but if the Post-Office Department did desire to reach a judicial determination on this question, the Court of Claims under the statute was open to it.

On the same day that the act of March, 1883, passed this House readjusting the claims of postmasters under the acts of 1864 and 1866 the House passed this enactment:

That when a claim or matter is pending in any of the executive Departments which may involve controverted questions of fact or law the head of such Department may transmit the same with vouchers, papers, proofs, and documents appertaining thereto to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found the court shall not enter judgment thereon, but shall return its findings and opinions to the Department by which it was transmitted for its guidance and its action.

I make the broad general statement that no application or no case has been submitted by the Postmaster-General in order that there might be a judicial determination of his construction of the act of 1883.

This proposition embodies the claims as reported by the Postmaster-General in a letter to the Senate of a few days ago. There have been 25,611 claims submitted up to this date, of which 9,684 have been adjudicated. They have been adjudicated upon the one ruling of the Department, and it is upon that ruling the Department makes recommendation to-day of the payment of the $300,000 that have been inserted in this appropriation bill. If these men are entitled to their money under the law of 1883 they have a vested right. The proviso which has been ruled out on a point of order, and to the ruling out of which the gentleman from Missouri takes exception, would take from these men that vested inherent right and determine that after the 1st day of January next no additional claim could be submitted.

To show you how carefully this law was guarded—and I may state I was on the committee that reported it, and Governor Knott, of Kentucky, made the argument before the House—to show you how carefully the law was guarded I will read this provision in it:

Every readjustment of salary under this act shall be on a written application signed by the postmaster or late postmaster or legal representative entitled to such readjustment, and that each payment shall be made by warrant or check on the Treasurer or some assistant treasurer of the United States made payable to the order of said applicant, and forwarded by mail to him at the post-office within whose delivery he resides, and which address shall be set forth in the application above provided for.

[Here the hammer fell.]

Mr. BURNES was recognized, and yielded his time to Mr. BINGHAM.

Mr. BINGHAM. The purpose of that provision was that the money should go to the party who was entitled to it; and, whatever might be his arrangement with his attorney, there could be and should be no power on the part of the attorney by holding the check or allowance in his possession to force settlement.

I reserve the balance of my time.

Mr. BLOUNT. I am in favor of the amendment of the gentleman from Missouri [Mr. BURNES] who has moved to strike out the sum appropriated in the bill for the purpose under discussion. One reason for this is stated in the communication of the Postmaster-General. It seems to me a practical reason and one which ought to be sufficient to satisfy this House.

I regret that the statutes in connection with which these opinions have been evolved require such a length of time in discussing the construction of them that it is impossible for me to present them to the House and make it appear how clear and correct have been the conclusions reached by Postmaster-General Gresham and Attorney-General Brewster, and by the present Postmaster-General as well as the Assistant Attorney-General for the Post-Office Department. The conclusion uniformly reached by the postal authorities of this country and by the Department of Justice has been that a construction claimed in regard to the readjustment of these salaries by a Mr. Spaulding, who is known to every member of this House and who is constantly pressing his views on the members of the House, is entirely unjustifiable.

So continuous have been the solicitations, so continuously, by application to our constituents who happen to be postmasters, have these grievances been thrust upon us, that we have not had an opportunity to examine the question, and members have been led into the belief that some great wrong has been perpetrated.

Mr. MCMILLIN. If the gentleman will permit me, I will ask him if it is not a fact that this man is charging the claimants one-half the amount of their claims for his services here?

Mr. BLOUNT. I think he charges them 25 per cent., and he has already realized a good round sum in that way. Now, Mr. Chairman, these adjustments have been going on under a construction of the law held by the authorities of the Post-Office Department for many years. Nevertheless, this agitation has been continued on the part of Mr. Spaulding, and I fear my friend from Pennsylvania [Mr. BINGHAM] has fallen into the error of thinking that his opinion is correct, and that the statute of 1883 settles it clearly in his favor.

Mr. BINGHAM. I have not fallen into that error. I have simply declared that the Postmaster-General under that statute could have gone to the Court of Claims and obtained a construction.

Mr. BLOUNT. That is a different question. I understood the gentleman to speak of the act of 1883 as clear and indisputable, and then to go on to present the other view; but if the gentleman desires to make the correction, of course he has a right to do so. Now, sir, as I have said, this agitation is still kept up. The Department, trusting that their own construction of the law, fortified by the opinion of the Attorney-General, would have been sufficient to quiet the agitation, has gone on adjusting these claims; but this man has continued to press the matter, and, fearing that the work of the Department in adjusting these claims might all go for nothing and that the matter might be left open to future dispute, the Postmaster-General says to us, in substance: "I think it is proper that this appropriation should not be made. I am going on with a corps of employés making these adjustments and intending to make payment upon that basis, but I find that this work may all go for naught, and, under the circumstances, I do not think that Congress ought to proceed one step farther, or that the Department ought not to be required to proceed one step farther in the adjustment of these salaries until we shall have ascertained the law by a constructive statute." The Committee on Post-Offices and Post-Roads have reported a bill for that purpose, but have been unable to have it considered.

The Committee on Appropriations, willing to meet this issue, have placed a proviso in this bill, which has gone out on a point of order, properly I concede, although I should place the ruling not exactly on the same ground on which the Chair saw fit to place it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Kentucky, was recognized, and yielded to Mr. BLOUNT.

Mr. BLOUNT. I thank my friend from Kentucky. Now, Mr. Chairman, the Post-Office Department has rightly, as I think, referred this matter here. We ought to dispose of it. There are gentlemen on this floor who understand it as well as the heads of the Department, and I think we ought to settle it by statute. There are no vested rights under the law, and we ought to declare what the true intent and meaning of that statute was. The statute under which these parties are claiming was passed long after the services were rendered. I believe we ought to act, and pending our action, or pending even what my friend from Pennsylvania [Mr. BINGHAM] suggests, an appeal to the court while the question is in suspense, while it is uncertain what is the true mode of ascertaining these claims, I believe the Department ought to stand still and the corps of clerks engaged in making these adjustments, and who are being paid their salaries for that service, ought to stop and go to some other work until this question is settled. This is the part of business prudence. I can see nothing but folly in any other course. I entirely concur in the view of the Committee on Appropriations and in the suggestion of the Postmaster-General, that we should appropriate nothing further, and require no further adjustments until Congress shall have determined what is the true mode of settlement.

Mr. ROWELL. Does the gentleman claim that by enacting a law to-day we can take away any accrued rights that these postmasters obtained under the former statute, or that we can change the interpretation which the courts would give to that statute, if the cases should ever reach a court?

Mr. BLOUNT. Perhaps not.

Mr. ROWELL. Then what good will it do to pass a law of the kind referred to?

Mr. BLOUNT. I do not concede the proposition of the gentleman that there are vested rights. In my opinion these parties have no vested rights. If the courts should construe that they had vested rights under the original statute, that would be a different question. But these claims are not based upon that.

Mr. ROWELL. Could we repeal the statute which was passed, so as to deprive these postmasters of the right to sue?

Mr. BLOUNT. The gentleman begs the point at issue by asking me whether we can take away rights already vested. I have not conceded that there are any vested rights belonging to these parties. The Department does not so regard the case; the Attorney-General does not so regard it. In view of the deliberate opinion of the Department and the Attorney-General, I am simply declining to give my extemporaneous opinion in antagonism to the view the gentleman himself has taken. I trust this House will exercise its rightful power, in spite of the clamor gotten up by a claim agent who has been for years denouncing your Cabinet officers—your Attorneys-General and your Postmasters-General—for improper conduct.

I regret that this matter came up in such a shape that we could not examine these opinions and these statutes so as to show how flimsy is the pretense about these salaries. I trust the House will see to it, as it is responsible for expenditures, that this investigation shall not go on under such circumstances.

The CHAIRMAN. If there be no objection, the Chair will regard the *pro forma* amendment as withdrawn.

Mr. BLAND. I renew the amendment. Mr. Chairman, I believe this is an old matter; I have heard of it almost from the beginning of my service here as a member. As I understand, a construction of the De-

partment under a statute passed many years ago was disagreed to by parties who claimed certain salaries; and the firm of Spaulding & Co., ascertaining from the books of the Department that probably a great many of these claims might be recovered, went to work and corresponded with all the claimants. As I understand, they obtained by means of transfers possession of nearly the whole of the claims. For years they were ding-donging at the doors of Congress for an appropriation to settle these claims. Finally, in 1883, Congress passed an act providing for their readjustment and settlement; but, as has been shown by the gentleman from Pennsylvania, Congress was aware at the time that many of these claims were in the hands of speculators, and that probably the money appropriated to pay the claims would go into the hands of this firm of Spaulding & Co. unless some protection were provided in the law.

For that reason the law which has been read provided that these claims should be paid to the claimants only, and not to the speculators. But I suppose they have evaded the law in some manner, and are still to get the percentages which they originally exacted.

Now we understand that Spaulding & Co., these claim agents, disagree with the construction of the Department upon the law. I say we have a right to repeal that law wholly and let the parties go back to their claims under the original law if they wish to do so. The passage of the act of 1883 was simply a readjustment on the part of Congress, the placing of a construction upon a former act in order to settle this matter, and we have a right to repeal the act of 1883 and let the parties seek payment of their claims under the old law and recover them if they can. I hope this House will not appropriate one dollar for the payment of those claim agents who are urging these claims upon Congress for the purpose of swindling the Government as well as the claimants.

Mr. WILSON. I wish to ask the gentleman from Missouri [Mr. BLAND] a question simply for information. In the readjustment of these claims did not the Department begin by taking the States alphabetically, and in this way have not the claims of States whose names were early in the alphabet been already settled, while claims from States later in the alphabet, like Virginia and West Virginia, remain unsettled.

Mr. BLAND. I know nothing about that.

Mr. PETERS. Mr. Chairman, the proposition now presented by the gentleman from Missouri is to strike from this bill the appropriation of $392,394.44—a deficiency appropriation placed in the bill for the purpose of satisfying certain claims which have been adjudicated by the Post-Office Department. It is claimed that this provision should be struck out because the construction placed upon the law of 1883 by the Post-Office Department may not be correct, and there may be a new construction placed upon it in the future, under which claims already adjudicated would not be regarded as claims properly to be paid. It seems to me that this is begging the question. In the first place, these claims have been adjudicated; they have been passed on by the Sixth Auditor; they have been held to be valid claims.

Mr. REAGAN. Not by the Post-Office Department.

Mr. PETERS. By the Sixth Auditor, who is the auditing officer for that Department.

Mr. REAGAN. During the last administration I went to the Postmaster-General to get some information about these claims; and he told me this demand was an effort on the part of claim agents to rob the Government of three or four hundred thousand dollars which the Department had always refused to pay.

Mr. PETERS. I know that the assertion has been made time and again, on this floor and elsewhere, that this is an organized effort on the part of a claim agent to rob this Government of a certain amount of money. The statement was also made that a large portion of these claims was going to some claim agent. I do not know anything about that personally. I know I have constituents who are interested in these claims, whose claims the Government owes for a certain amount of money under that law. I suppose it is immaterial to them whether they pay, and it should be immaterial to the Government whether they pay, to the men who are employed to collect their claims a certain percentage upon what is collected or not, and I do not believe in this system of claim attorneys. I have never had any sympathy with them. Yet, sir, my constituents have the right to pay those claim agents and to pay them what they wish. If it is not in violation of law it is neither my business nor the business of the United States. I know there are constituents of mine residing in my district who have claims allowed by the Sixth Auditor, and those men are entitled to have those claims paid when they are adjudicated; and this Government has no right to punish those men because of a suspicion some claim agent may have an interest in them. I protest against punishing my constituents to gratify the suspicion of any one member of this House that a claim agent may obtain some benefit if their claims are allowed.

I say, Mr. Chairman, these claims have been passed upon by the proper Department, have been adjudicated, and a certain amount due certain postmasters has been ascertained. The provision has been placed in this bill to pay them. Now because judicial construction can not be placed on that appropriation to govern the future the gentleman from Missouri [Mr. BURNES] in charge of the bill desires to strike it out.

[Here the hammer fell.]

Mr. DOCKERY. Mr. Chairman, I have no desire to occupy much time in the discussion of this question. Coming into the Hall I regret to find the provision of law has gone out of the bill on a point of order. I had hoped that no point of order would be raised against this provision, because I am tired of these one-sided settlements. Until we can reach the point under this statute when both parties can be brought into settlement and that settlement shall be regarded as final, I agree heartily with the chairman of the Post-Office Committee no further action should be taken by Congress looking to the payment of claims already adjudicated.

My friend from Kansas [Mr. PETERS] knows nothing of the organization operating in reference to these claims. I have no doubt of the truth of his statement. But in that regard I have some advantage of him. I do know something of the organization back of these claims. The first knowledge I had of it was from printed circulars sent by Claim Agent Spaulding to postmasters all over my district, who, so far as I know, had no knowledge whatever of any claim against the Government due them. In connection with these claims he proposed in that circular he should receive 33⅓ per cent. for their collection.

Mr. BEACH. Was it not 25 per cent.?

Mr. DOCKERY. No; in the case I allude to it was 33⅓ per cent.

Mr. BEACH. I have a letter, just received, in which the percentage is put at 25 per cent.

Mr. BLAND. In some it was put as high as 50 per cent.

Mr. DOCKERY. In the one I saw it was 33⅓ per cent.

I desire to say this is not a spontaneous movement coming from postmasters who imagine they have claims against the Government, but a movement, like many others coming from this city, inaugurated by Lawyer Spaulding. I do not object to the proposition, although he presents it, if these postmasters have just claims against the Government; but what I do insist upon is that before any further settlements are made the Post-Office Department shall know whether they are making settlements pursuant to law. This claim agent insists the statement of Attorney-General Brewster and Postmaster-General Gresham and Postmaster-General Vilas and the other officials of the Departments is not a correct one; and if it be true that it is not correct, and it is established by the courts, all these accounts will have to be regulated. And until we settle this matter either by an affirmation of the construction of the Post-Office Department, or by a settlement in the Court of Claims, I for one shall oppose any further allowance for any of the claims under that head.

Mr. BOUTELLE. May I ask the gentleman a question?

Mr. DOCKERY. Yes, sir.

Mr. BOUTELLE. In regard to these claims being filed entirely by claim agents, I wish to ask the gentleman if it is not true, as a matter of fact, that a large number of postmasters to whom these circulars were sent did subsequently apply to the Post-Office Department, and whether they have not been informed by a circular from that Department that if they would file their claims they would be adjusted. Further, I would ask the gentleman if in accordance with that circular these adjustments have not been and are not still going on.

Mr. DOCKERY. That is true, subject to the passage of the act of March 3, 1883.

Mr. BOUTELLE. So that it is true that there are large numbers of claims now pending before the Department for adjudication filed by the postmasters themselves?

Mr. DOCKERY. Yes, as I have said, subject to the act in question.

[Here the hammer fell.]

Mr. BURNES. I ask unanimous consent that the debate on this paragraph be now closed.

Mr. BINGHAM. I have four minutes of my time remaining which I would like to use.

Mr. BURNES. Then I will ask that five minutes be also granted to my colleague on the committee [Mr. CANNON].

I will ask unanimous consent of the committee that debate be closed in twelve minutes. This will be inclusive of the four minutes reserved by the gentleman from Pennsylvania.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. BROWN, of Pennsylvania. I object unless I can have three minutes.

Mr. BURNES. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the general deficiency bill, had come to no resolution thereon.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill; and pending that I move that all debate upon the pending paragraph now under consideration and all amendments thereto shall be confined to fourteen minutes—four minutes for the gentleman from Pennsylvania [Mr. BINGHAM], five minutes to my colleague from Illinois [Mr. CANNON], and five minutes for my friend from Georgia [Mr. BLOUNT].

The SPEAKER. The gentleman's motion to apportion the time would not be in order. That would be a matter of regulation in the

committee. The motion to limit debate to fourteen minutes is, of course, in order.

Mr. BURNES. Then I make that motion.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. By order of the House all debate on this paragraph and all amendments thereto is limited to fourteen minutes, four minutes of which belong to the gentleman from Pennsylvania [Mr. BINGHAM], who will now be recognized.

Mr. BINGHAM. I will reserve my time.

Mr. CANNON. Mr. Chairman, the question presented here is no new one. Away back, almost twenty years ago, it was alleged that the postmasters' salaries had not been properly adjusted, although the Department had adjusted them and paid them. For several years, under the lead of an attorney in Washington, Congress was besieged by petitions (in answer to circulars sent out from here, and sometimes we got the circulars) of postmasters, some in office and many out of office, asking action on this subject, and containing the information that money was due to our respective constituents who had been or were postmasters. Finally, after several years of faithful and hard work, an act was passed providing for the readjustment of the salaries of postmasters for a certain period of time, and the Department went to work, under a construction of that act by the late Postmaster-General, Judge Gresham, and the Attorney-General, and made the adjustments, and they have been paid to the extent of about $200,000 in accordance with it.

Now, here comes another batch to the extent of some $300,000 more. In the mean time the same attorney is sending circulars broadcast throughout the country that the adjustment has not been made in the proper way; and you are getting now more letters from more parties who are informed that they have such rights; and the same party has threatened suit in the Court of Claims so as to enforce another adjustment. The Postmaster-General now writes the communication which has just been read from the desk, that if the courts shall decide this to be not the proper way to adjust these claims, but that some other way is the proper one, it will then turn out that we have paid, if we make these payments, a large amount of money to the wrong persons. In other words, we will have paid it to persons to whom the money would not be due if another adjustment upon a different basis is demanded by the court.

Now, the Postmaster-General has failed to get a construction by the courts.

Mr. BINGHAM. He has not asked for it.

Mr. CANNON. Ah! My friend from Pennsylvania says the Postmaster-General has not asked for it. The courts have been open now to this industrious claims attorney and to each one of these postmasters.

Mr. BOUTELLE. But have not the postmasters been told by the Department in circulars that these claims were being adjusted? Why under those circumstances should they go into court?

Mr. CANNON. But some of them understand the claims are not being adjusted as they want them. The courts have been opened to the Postmaster-General and to these parties.

Mr. BOUTELLE. But they have been assured the accounts are being adjusted.

Mr. CANNON. Let that be as it may, one thing is certain. We have full information if we vote this $300,000 or $400,000 and the courts say this mode of adjustment is wrong, then we will have paid a large amount of this appropriation to people to whom it does not belong, and we will have to pay it to the others hereafter. Under that state of the law and in those circumstances I ask, can we afford until this question is settled to vote the money? For one I can not.

I yield the balance of my time to the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. How much time is yielded to me?

The CHAIRMAN. One minute.

Mr. BROWN, of Pennsylvania. I can not say what I want to say in one minute.

Mr. BINGHAM. I know nothing about the proceedings and circulars of Mr. Spaulding. I have received many communications from postmasters throughout the country, because I am a member of the committee having this subject under consideration, asking whether their claims should be placed in the hands of the attorney for adjustment or settlement. To every one of the gentlemen I have corresponded with I have quoted the section of the statute of 1883, which simply requires a postmaster to file his application for readjustment, and declares that when he has done so his claim would be duly readjusted by the Department. What agreement postmasters may have with Mr. Spaulding is not a question for this House. The statute is carefully guarded, and the money from the Treasury goes into the hands of no attorney, but goes directly into the hands of the postmaster. He can give it all to Mr. Spaulding or he can throw it into the street. It is his money.

Now, one fact more. I do not believe, recognizing all the legal and judicial knowledge which this House possesses—I do not believe there are ten men in it who know anything about the construction of this statute as given by the Postmaster's Department; and when you endeavor to incorporate into the law by the proviso which has been ruled out an interpretation given not by any court, but simply by the Postmaster-General and the Attorney-General of the United States, I say to you that you are forcing upon this House a vitally important legal judgment, which the intelligence of this House, not having discussed the issue or the question, could not rise up to and could not properly determine upon. It was for that reason I made the point of order on that paragraph in the bill.

Only this morning in debate the gentleman of the subcommittee in connection with the alien non-resident claims and the claims of the railroads stated he would accept the amendment if the names in detail would be given and if there was an assurance that the money would go into the proper hands. Of twenty-five thousand cases filed, ten thousand have been adjudicated, approved, and reported to Congress, covering upward of $500,000. In all these cases the name of every claimant, of every postmaster, is certified to. I ask the gentleman only to be consistent.

Another matter I wish to advert to in connection with the communication of the Postmaster-General. He begs the question when he says to this House if his construction of the law is not accepted then there should be no appropriation on the part of Congress. Why was it not certified in the same way in the last appropriation bill, when upward of $200,000 were appropriated?

The gentleman from Illinois [Mr. CANNON] says postmasters can go to the Court of Claims. These claimants receive but a limited allowance under this adjustment. The Postmaster-General can go there, and it is his duty under the statute of 1883, whenever there is a question in his mind as to the construction of a statute, to follow that course. He has not done so; but he comes to this House and makes the declaration that if his construction of the statute of 1883 is not approved or protected from all future operations of law then there should be no appropriation under the act of 1883.

Mr. BLOUNT. There is nothing unusual about the head of a Department asking a construction of statutes for his guidance. It is a common practice, and the Postmaster-General is doing what his predecessors have done time and again. That is a sufficient answer to that part of the argument of the gentleman from Pennsylvania. The gentleman from Kansas [Mr. PETERS] says he has constituents interested. He says they have had their claims audited and have a right to a hearing. I concede so much. But the Government has its rights. We are here charged with taking care of its interests as well as the interests of the claimants, and it is but judicious for us in the midst of this controversy to stand still until Congress shall have declared what is the true intent and meaning of this act; and that is all there is in it. I have constituents interested in these claims; but however honest and earnest they may be, they can not impede me in the discharge of what I regard to be my duty. The gentleman says that he does not know anything about a claim agent having to do with this matter.

Mr. PETERS. I beg the gentleman's pardon. I said I knew nothing about an organized effort.

Mr. BLOUNT. Well, put it in that shape. Now, Mr. Chairman, it may be true that the gentleman does not know of that; it is true, because he has said so. Nevertheless, it is likewise true, it is notorious, that this man has organized these postmasters all over the country, and has prepared circulars which have been sent to the members of this House from every part of the country, presenting the peculiar views of this attorney. I do not wonder at his activity in keeping up this agitation, for he gets his 25 per cent., and he would get nearly a round hundred thousand dollars out of this appropriation, as he has got it out of other appropriations. What this will aggregate no man can tell, and we ought to let even our constituents understand that it is not in this hurried way that the Congress of the United States will determine these questions.

Now, sir, the Postmaster-General, as I have said, is adopting a wise course. He asks Congress to put in this appropriation with the construction of the law which has been uniformly held by the officers of the Government who have given attention to the subject. If that construction be put upon the law, he asks that these adjusted claims shall be provided for accordingly. But the Postmaster-General is for the time being responsible for the administration of the postal service of the United States, and he likewise tells you that if you continue to pay out this money, and if hereafter a different construction of the law obtains, the work of his clerks for all these years in adjusting these claims may go for nothing, and he asks you not to require any further investigation of these claims by the Department unless you accompany your appropriation with this construction of the law. My own judgment is that there should be a standstill until this question is settled. The gentleman from Pennsylvania [Mr. BINGHAM] referred to the act of 1883. In 1883, when the bill was passed by the House under a suspension of the rules when there was no chance to debate it, the House with no light upon the subject except such as came from Spaulding circulars and other claim agents, I endeavored to counteract those influences and to read the statute, but had not time enough to do so.

The CHAIRMAN. The time for debate upon this proposition has expired.

The question is on the amendment of the gentleman from Missouri [Mr. BURNES].

The amendment was agreed to—ayes 83, noes 54.

The Clerk read as follows:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

Department of State:

Foreign intercourse: For salaries consular officers not citizens, 1882 and prior years, $150.

For salaries of ministers, 1882 and prior years, $445.40.

Mr. GIBSON, of West Virginia. I move to strike out the last word. Mr. Chairman, some time ago, when the legislative, executive, and judicial appropriation bill was under consideration, the names of certain employés of the House which had been inserted in the bill by the committee were stricken out upon a point of order. It is reported that the Senate has, by the request of the Committee on Appropriations, reinserted those names, thus undertaking to reappoint certain employés of this House. I should like to know, in vindication of the dignity of the House, which of the members of the Committee on Appropriations has requested the Senate to make appointments of employés for this body. Can the gentleman in charge of this bill tell me?

Mr. BURNES. In answer to the gentleman from West Virginia, I need only say that the Appropriations Committee has taken no such action, has given no such notice, and, so far as I know, no member of that committee has taken any such action or given any such notice.

Mr. GIBSON, of West Virginia. Mr. Chairman, I am informed that two members of the Appropriations Committee of the House have gone to the Senate committeee and requested that these names be reinserted in the bill, and that upon the action of those gentlemen the Senate committee has undertaken to make three appointments of employés of this House, inserting their names in the sundry civil bill after the deliberate action of the House in striking them out.

Mr. CANNON. What does the gentleman refer to?

Mr. GIBSON, of West Virginia. I refer, if I am not misinformed, to the two gentlemen from Illinois [Mr. CANNON and Mr. TOWNSHEND].

Mr. CANNON. What action does the gentleman refer to?

Mr. GIBSON, of West Virginia. I refer to the request of the gentleman from Illinois [Mr. CANNON], as I have been informed, made to the Senate for the insertion of the names of three employés of this House in the sundry civil bill.

Mr. RYAN. Mr. Chairman, I rise to a question of order. What relevancy has this to the subject under consideration? The right of a member of this House to go the Senate and ask to have anything inserted in a bill is, I suppose, unquestionable.

The CHAIRMAN. The gentleman from West Virginia will please confine himself to the question.

Mr. GIBSON, of West Virginia. Mr. Chairman, I have a right, I believe, to talk about almost anything here. [Laughter.]

Mr. TOWNSHEND. Mr. Chairman, I did not understand until now that I was alluded to by the gentleman from West Virginia, and I should like to be informed how my name was brought into the matter.

Mr. GIBSON, of West Virginia. I have been informed, Mr. Chairman, that two gentlemen, members of this House and of the Committee on Appropriations, after the action of this House striking out the names of appointees from the legislative bill, went to the Senate and requested and procured the reinsertion of those names by the action of the Senate. I want to know whether that is the fact.

Several MEMBERS. What of it?

Mr. CANNON. I will answer the gentleman. In the first place, this is the deficiency appropriation bill. In the second place, the sundry civil bill does not carry appropriations for the employés of the House. I suspect, however, that I know to what the gentleman refers; and I will say to him that I understand my duty as a member of Congress and appreciate what comports with the dignity of this House. I suspect that what he refers to is the fact that when the legislative appropriation bill was under consideration in this House——

Mr. GIBSON, of West Virginia. The gentleman can reply to me after a while. I do not want my time taken up.

Mr. CANNON. I thought you wanted an answer.

Mr. GIBSON, of West Virginia. You will have time for an answer.

Mr. CANNON. I will yield you time hereafter.

Mr. GIBSON, of West Virginia. Very well, then go ahead now.

Mr. CANNON. In reporting to this House the legislative appropriation bill the Committee on Appropriations, in pursuance of a custom which had been established, embraced in the bill the names of certain employés whose services were valuable. Upon the provisions inserting these names one member of this House made a point of order, which was sustained, rightfully or wrongfully, and upon that point of order of one member they went out, and thereby the majority of this House was prevented from manifesting its sense touching those matters.

I will say further that as an individual I did go, not in company with anybody, or after consultation, but upon my own motion——

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. GIBSON] has expired.

Mr. CANNON. I ask to be recognized that I may finish my statement.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CANNON. I went alone, upon my own motion, to one member of the Senate, and did ask that two employés of this House—Pickens and Lyle, a couple of valuable pages—should have their names inserted in the bill, as one of them was inserted heretofore; and I am gratified to see that it has been done. If that be an offense, it is all the offending of which I am guilty. I think I understand my duty as a member; I have nothing to apologize for, and am ready to proclaim, wherever it may be challenged, my action in that matter, that under the same circumstances I would do it again.

In conclusion, before yielding the residue of my time to the gentleman from West Virginia, I will say his action reminds me of that old fable: When a wolf was passing through the street a lamb upon the house-top railed at him. The wolf replied, "Not thou, but the roof rails at me." [Laughter.]

Mr. GIBSON, of West Virginia. Mr. Chairman, I have nothing to say about the gentleman's sense of propriety or his sense of the dignity of the body of which he is a member. I have this to say, however, in the expression of my opinion upon this subject, and I think this House ought to take some action upon it——

Mr. CANNON (to Mr. GIBSON, of West Virginia). Move your action.

Mr. GIBSON, of West Virginia. That it is in contempt of the action of this House for any member to go to the other body and ask them to undo the action of this House in regard to the appointment of its employés. The Senate has been under the impression that this was the action of the Appropriations Committee. Senators have told me that members of that committee represented to them that it was the action of the committee. I want the Senate now and here to understand that it was neither the action of the Appropriations Committee nor the desire of this House, but was simply the action of two members wanting to force their employés upon this House through the action of another body.

Mr. CANNON. Now, I have a little of my time left, and I flatly contradict the gentleman's statement. Neither of these employés is an appointee of mine. I had nothing to do with their appointment by the Doorkeeper beyond commending one of them as a valuable page, and made no statement as to the desire of the Appropriations Committee. So far as I know, one lives in the District of Columbia, and always has. I do not know where the other lives. I was interested in the one of whom I particularly speak, because, among all this crowd of pages about us, most of them are not as competent as they might be and no doubt would be if they were older. The page I speak of has been employed for a long time, and is almost indispensable to us here. I had the right to make the suggestion I have stated, which was the only suggestion I did make, and I will ask this House when the legislative bill is again taken up to ratify that suggestion if it meets with the approval of the majority.

Mr. DOCKERY and several other members. They will do it.

Mr. RYAN. They will do it ten to one.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. TOWNSHEND. Mr. Chairman, how this discussion is pertinent to any amendment which can be offered to the general deficiency bill is something which I am unable to understand; and by what authority the gentleman from West Virginia constitutes himself the censor of my conduct here or elsewhere is something beyond my comprehension. But as he has brought this question up, I will say to him, as I am ready to say to any one, that when the legislative, executive, and judicial appropriation bill was in course of preparation in the Committee on Appropriations that committee by a unanimous vote, so far as my knowledge goes, did just what we did in the last Congress and just what we have done in several Congresses past—inserted in the bill the names of certain officers of this House whose services, by reason of their long experience, have become not only valuable but almost indispensable for the proper conduct of business here.

Mr. GIBSON, of West Virginia. And the House struck out those provisions.

Mr. TOWNSHEND. Those names were inserted in accordance with the action of previous Congresses, in accordance with the best judgment of the Committee on Appropriations, and in accordance, as I believe, with the wish of a vast majority on this floor who have more regard for efficiency of service than the mere dispensing of patronage to help some member in his district.

Mr. GIBSON, of West Virginia. Will the gentleman answer me a question?

Mr. TOWNSHEND. Do not interrupt me now. You have sought to arraign me, and I want to be heard.

Now, when those names went out of that bill on points of order, there were two names that I was earnestly desirous should be retained. One of them is an old man who has served this House for thirty years or more.

Several MEMBERS. His name?

Mr. TOWNSHEND. John T. Chancey. I remember a few days before Alexander H. Stephens left this Hall never to return he sent a page

to me, and when I went to him he asked me to grant him one request, and that request was to seek to retain John T. Chancey in the employment of the House as long as he was faithful and efficient. [Applause.]

Upon the gentleman's point of order, or that of some one else, his name was stricken out of the bill, and I determined I would try and have that old man's name restored to that bill [applause]; and there was another name I took interest in. In the Forty-seventh Congress, when we were in the minority, there was left not one employé here whom we as Democrats might rely upon at caucus meetings to guard the doors for us. All the employés being Republicans, the Republican majority through my colleague [Mr. HENDERSON] brought forward the name of Colonel Bacon, a distinguished and gallant soldier, who led a brigade at Corinth, but who was then and always has been as good a Democrat as the gentleman dare be or as I am myself, and he was put on the rolls. This was in the Forty-seventh Congress, and he has become almost indispensable as the superintendent of the document-room.

He was not from my district, but from a county lately thrown into my district. He went out with the Democrats in the Forty-seventh Congress, but, as I have stated, on the motion of the gentleman from Illinois [Mr. HENDERSON] his name was restored as an act of grace to the Democratic majority. [Applause, and cries of "Vote!"]

Mr. RYAN. His name was inserted in the law.

Mr. TOWNSHEND. Yes, as stated by the honorable gentleman from Kansas, Colonel Bacon's name was inserted in the law and he has been there ever since, and no Republican member has ever sought to strike it out, but it has remained there until in this Congress a Democrat attempted to do it.

The CHAIRMAN. The gentleman's time has expired.

Mr. TOWNSHEND. I hope the gentleman will permit me to conclude what I have to say.

Mr. BURNES. I must insist on closing this debate, which has no relevancy to the pending bill.

Mr. TOWNSHEND. I ask as a question of privilege for one or two minutes.

Mr. LONG. You have got it all out. [Applause.]

Mr. TOWNSHEND. I only ask for a word or two on another point. I went to some members of the Senate and asked them to restore those names. I am glad to see they did it. [Applause.]

Mr. BURNES. I ask by unanimous consent this debate be now closed.

Mr. GIBSON, of West Virginia. I suggest to the gentleman from Missouri that I be allowed a few minutes. [Cries of "Vote!"] If the gentleman will give me two or three minutes it will save time.

Mr. BURNES. I can not do so. If I yield to the gentleman, then I must yield to others.

Mr. GIBSON, of West Virginia. I expect you had better yield to me. [Cries of "Vote!"]

Mr. BOUTELLE. What is the question before the House?

The CHAIRMAN. That debate be closed by unanimous consent.

Mr. GIBSON, of West Virginia. I object.

Mr. BURNES. I move that the committee rise.

The motion was agreed to.

The committee according rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 9726) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, and had come to no resolution thereon.

Mr. BURNES. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of the general deficiency appropriation bill, and pending that motion I move that all debate on the pending paragraph and all amendments thereto be closed in three minutes; which time shall be given to the gentleman from West Virginia [Mr. GIBSON].

The latter motion was agreed to.

The question recurred on the motion that the House resolve itself into the Committee of the Whole, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. By order of the House all debate on the pending paragraph and all amendments thereto has been limited to three minutes.

Mr. GIBSON, of West Virginia. In answer to the gentleman from Illinois, who made allusion to members of Congress seeking to build themselves up by appointments in this House and elsewhere, I wish simply to say now that I know of no member of this House who has used his position for his personal patronage.

Now, in answer to the other statement that the Democratic side desired to put out Republican officials and not restore their perquisites, I want to say that I have now in my possession a resolution, which to-morrow morning I will offer, with the consent of the House, placing Mr. Chancey on the roll of the House as an officer of the House. I want to say further that before I made this question in the House I went to the gentleman from Maine and told him that if he would prepare a resolution and either offer it himself or give it to me to offer I would see that every one of these Republican officials was restored to the rolls of the House; and what I desired simply to do was to retain in the hands of the House the appointment of its own officials, and not allow the Committee on Appropriations to usurp that power.

Now, after teaching them that lesson, we find that the members of that committee, not willing to have that power stricken down or to be deprived of that privilege, have gone to another body and have asked them to appoint the officers of the House by name. It has come to a pretty pass, Mr. Chairman, when in the employment of the officials of the House we must look to the Senate. We have never undertaken to interfere with their appointments. By what right, I would ask, do they interfere with the appointments of the House? Is there no time when the House shall assert its dignity and privileges and proclaim itself a co-ordinate and equal branch of the Government with the Senate? Perhaps the time will come when they will appoint our Speaker, our Sergeant-at-Arms, and everybody else, and then they may want to determine who may have been legally elected and qualified as members of the House.

Now, I want to say to members of the House that I will on to-morrow, if the House will give me its consent, introduce a resolution restoring these men who have been put there by the courtesy of the House. I appreciate their courtesy to me, and will reciprocate in every way that I can.

The CHAIRMAN. The Chair will assume that the *pro forma* amendments are withdrawn, and the Clerk will read.

The Clerk read as follows:

For refunding taxes illegally collected, prior to July 1, 1883, except the claims Nos. 48191, 48281, and 48282, contained in said Executive Document No. 70, $2,996.84.

Mr. BURNES. Mr. Chairman, I offer an amendment to line 39, to strike out "seventy" and insert "two hundred and twenty-five." It is a mistake in the number of the executive document therein specified.

The amendment was agreed to.

Mr. BURNES. There is a further amendment to line 38 which I offer, to strike out "eighty-two" and insert "forty-two."

The amendment was agreed to.

Mr. CANNON. I offer the amendment I send to the desk.

The Clerk read as follows:

On page 98 strike out all after the words "eighty-three," in line 35, down to and including line 40, and insert "the sum of $10,735.53: *Provided*, That said corporations respectively shall give satisfactory security to the Secretary of the Treasury that the said amount shall be paid to the several alien bondholders or stockholders or their representatives out of whose money said corporations paid the said taxes."

Mr. CANNON. I will state that this is an amendment precisely similar to the one offered this morning.

Mr. BURNES. I make the point of order against that amendment.

The CHAIRMAN. The Chair will hear the gentlemen on the point of order.

Mr. BURNES. A proposition to pay out money from the Treasury upon the bonds of a railroad company, or whatever may be the security, or the bond of anybody else, or anything else, for that matter, is certainly in the nature of legislation, and ought not to be incorporated in this bill.

The CHAIRMAN. This seems to be the same proposition upon which the Chair ruled a while ago. The Chair overrules the point of order.

Mr. CANNON. I suggest to my friend from Missouri, this being the same class of question as was settled by the committee an hour or two ago, I will suggest to him that it be concurred in, as the other amendment was adopted.

Mr. WARNER, of Ohio. Let it be again read.

The amendment was again reported.

Mr. BURNES This is precisely the same question in every respect that was presented a while ago, when the committee incorporated an amendment upon a similar proposition for the payment of alien bondholders and stockholders whose money had been paid into the Treasury for taxes by the railroad companies. I have no objection to saying now, for the purpose of expediting business, that I will accept this amendment, if concurred in, with the understanding, of course, that we are to have a yea-and-nay vote in the House on this and the other.

The amendment was agreed to.

The Clerk read as follows:

For pay of two and three year volunteers, 1871 and prior years, $95, 885.79.

Mr. O'NEILL, of Missouri. I offer the amendment I send to the desk.

The Clerk read as follows:

Add to line 117:

"To pay the claim of Cornelius O'Connell for amount found due him on settlement No. 56442, $53.31."

Mr. O'NEILL, of Missouri. Mr. Chairman, this claim has been allowed by the Treasury Department, but the Comptroller says payment can not be made till Congress makes the appropriation. There is no objection on the part of the committee.

Mr. SPRINGER. How much is it?

Mr. O'NEILL, of Missouri. Only $53.

Mr. SPRINGER. Let it go.

The amendment was adopted.

The Clerk read the following paragraph:

For reimbursement to certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities, act June 27, 1882, $18,081.23.

Mr. WEAVER, of Nebraska. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 176 strike out the words "certain States and Territories" and insert "the State of Nebraska."

Mr. BURNES. That amendment is wholly unnecessary, and does not conform with the recommendations of the accounting officers of the Treasury. It would cause a discrepancy between one and the other. The appropriation is precisely for the purpose the gentleman from Nebraska desires.

Mr. WEAVER, of Nebraska. I see by his document, No. 225, that it is for Nebraska.

Mr. BURNES. Certainly; it includes the State of Nebraska.

Mr. WEAVER, of Nebraska. I withdraw the amendment.

The Clerk read the following paragraph:

For compensation of postmasters readjusted under act of March 3, 1883, payable from deficiency in postal revenue, 1883 and prior years, $48,140.95.

Mr. BURNES. This is another provision precisely like that we struck out a while ago. I move to strike out this paragraph.

The motion to strike out was agreed to.

The Clerk read the following paragraph:

Public land service: For 5, 3, and 2 per cent. fund to States, prior to July 1, 1882, $3,272.50.

Mr. WEAVER, of Nebraska. I desire to ask the gentleman from Missouri a question. I see this amount corresponds with the amount stated on page 2 of the Executive Document 210, which amount there is shown to be due the State of Nebraska. I ask if this item is intended to cover that?

Mr. BURNES. It is intended for the State of Nebraska as a matter of course.

The Clerk read the following paragraph:

For the payment of the claims on account of transportation of the Army and its supplies certified as due by the Second Comptroller in Schedule A, pages 21 and 22 of said Executive Document No. 210, except the claims numbered 4377, 5245, and 1308 enumerated therein, $48,655.81.

Mr. CRAIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 110, line 42, strike out "5245," and in lieu of the sum proposed by the paragraph insert "$59,405.81."

Mr. CRAIN. The object of the amendment is to provide payment of the claim of the representatives of T. J. League for the use and occupation of a wharf, coal-yard, and warehouse at Galveston, Tex., from December 1, 1865, to March 3, 1866. This claim was certified as correct by the quartermaster at Galveston, Tex., and was approved by the chief quartermaster, department of Texas. It arises from a contract which was made by the duly authorized officers of the United States with the ancestor of these heirs. A portion of the contract was paid prior to this time, and another portion for the occupation subsequent to that time.

The vouchers were filed about fifteen years ago with the Department. The case has been submitted to the Second Comptroller, and the Second Comptroller in a letter states the reasons why he had decided in favor of the payment of this claim. His predecessor, the former Second Comptroller, certified that it was correct, that it was a claim originating from a contract, and that it ought to be paid. The present Second Comptroller reiterates that assertion. It is not covered either by the act of 4th July, 1864, or by the act of February, 1867, both of which provided that no claim shall be paid which originates in an insurrectionary State.

The Court of Claims, in the case of Green (18 Reports Court of Claims), declares that cases which originate in insurrectionary States, if based upon contract, are not covered by the provisions of these laws. Attorney-General Evarts, in reply to a communication from Secretary of War Schofield, asserts the same principle. And the Second Comptroller, in response to a communication from me asking for information in regard to this claim, sent me a letter which, with the permission of the House, I will read:

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., June 29, 1886.

SIR: Referring to the claim of T. J. League, deceased, I have to say that this claim, made by the legal representatives of T. J. League, late of Galveston, Tex., deceased, is for the use and occupation of a coal-yard and wharf from December 1, 1865, to March 3, 1866, four months, at $2,500 per month, $10,000; and for use of coal-yard from April 1 to June 30, 1866, three months, at $250 per month, $750; total, $10,750.

The claim was allowed upon re-examination by the Comptroller for the reasons that the use and occupation were shown, that the claim covers a period after actual hostilities had ceased, and that the Government had ratified the contract for the rent of this property by payment of rent accruing before and after the period covered by the vouchers in this claim.

The payment of claims having their origin in contract is not prohibited by the act of July 4, 1864, and its supplement, the act of February 21, 1867. See opinion of Attorney-General Evarts in case of Rollins (12 Opin., 439) and case of Green (18 Ct. of Clms., 93). The occupation was continuous from date of contract.

Very respectfully,

RICHD. R. MCMAHON,
Acting Comptroller.

Hon. W. H. CRAIN,
House of Representatives, Washington, D. C.

I ask that the amendment be adopted.

Mr. BUTTERWORTH. Is the claim certified as correct?

Mr. CRAIN. Does the gentleman mean by the Comptroller or by the quartermaster? It is certified as correct by the quartermaster, approved by the chief quartermaster, and is certified as correct not only by the present Second Comptroller, but by his predecessor.

Mr. BURNES. The Committee on Appropriations left out this item, not knowing precisely the facts with regard to it. It looked a little as if it were a war claim, although the war had ceased. I understand it was judicially determined as ended in December, 1865.

As I understand the law, if this claim, whether by contract or seizure, had occurred in one of the States named in the proclamation of Mr. Lincoln as a State in insurrection—and Texas was so declared—then it would come within the provision of the law. As to when the war closed in Texas, I do not know. The gentlemen on either side of this Chamber can tell that as well as any member of the committee.

Mr. OATES. The official termination of the war was the 20th of August, 1866. I am inclined to believe that if the war was terminated judicially in Texas in 1866 this claim can not be maintained.

Mr. CRAIN. Will the gentleman give me any reason why he thinks this amendment should not be inserted?

Mr. BURNES. I have already indicated the reason. I will say further to my friend from Texas that there was some question raised in regard to the *bona fides* of the claim, but that made very little impression upon my mind. However, the fact that the Government had paid for a part of the service at the commencement of the term or lease and had paid for a part at the close or in the after part of the term, and had left a part in the middle unprovided for, seemed to throw some doubt upon the matter.

Mr. CRAIN. Mr. Chairman, in response to the last proposition of the gentleman in charge of this bill, I have to say that the only objection which was raised to the payment of this claim was made by Quartermaster-General Meigs, on the ground that it had originated in an insurrectionary State. The second proposition of the gentleman is that if the war was not over in Texas at the time this claim originated it ought not to be paid. I suppose the gentleman relies upon the acts of 1864 and 1867.

Now, Attorney-General Evarts held in a case which originated in Virginia during 1863, when certainly there were actual hostilities going on in that State, that, as the claim originated in contract, it was not covered by the law of 1864 or the law of 1867; and in the case of Green, which was a claim for the rent of the Mansion House in Alexandria, commencing in 1861, after hostilities had actually begun in Virginia and running for several years—in that case the Court of Claims decided that those two laws were not applicable because the claim had originated in contract; and that, Mr. Chairman, is actually the status of this case.

Mr. WARNER, of Ohio. I desire to ask the gentleman from Texas if this case is not pending before the Committee on Claims of the House? I ask the question because I thought I recognized it as a claim which was considered by the Committee on Claims in the last Congress, and reported favorably, though I do not remember whether any such bill passed or not. At all events, it seems to me to be rather a claim than a deficiency.

Mr. CRAIN. No; it is a deficiency, because the contract covered the entire term of years, and the Government paid for a portion of it only. Consequently there is a deficiency.

So far as this matter having been before the Committee on Claims is concerned, I think the gentleman from Ohio [Mr. WARNER] is mistaken. There was a bill introduced some years ago in the Senate which was favorably reported, but I do not think it ever passed.

The Committee divided; and the amendment of Mr. CRAIN was agreed to—ayes 51, noes 18.

Mr. BUTTERWORTH. Mr. Chairman, I desire to offer an amendment, to come in at the end of line 45, page 110.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

To pay to the Magnolia Fire and Marine Insurance Company, of Cincinnati Ohio, $5,333.33; to the City Insurance Company, of Cincinnati, Ohio, $3,000; to the American Insurance Company, of Cincinnati, Ohio, $5,744.52; to the National Insurance Company, of Cincinnati, Ohio, $3,000; to the Central Insurance Company, of Cincinnati, Ohio, $3,000; to the Eureka Fire and Marine Insurance Company, of Cincinnati, Ohio, $4,574.19; to the Citizens' Insurance Company, of Cincinnati, Ohio, $1,744.52; to the American Insurance Company, of Cincinnati, Ohio, $1,744.52; to the Magnolia Fire and Marine Insurance Company, of Cincinnati, Ohio, $2,287.10; to the City Insurance Company, of Cincinnati, Ohio, $2,-$87.10; to the American Insurance Company, of Cincinnati, Ohio, $4,667.

Mr. BRAGG. I reserve all points of order on that outfit. [Laughter.]

Mr. BURNES. Mr. Chairman, I reserve the point of order against that amendment, and pending that I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND, from the Committee of the Whole on the the state of the Union, reported that they had had under consideration the sundry civil appropriation bill, and had come to no resolution thereon.

Mr. BURNES. Mr. Speaker, I ask unanimous consent to extend the time of the session this evening.

Several MEMBERS. No, no.

Mr. BURNES. Gentlemen present have been so faithful in their labors to-day that I shall not insist.

THE ENGLISH ARMY IN INDIA.

Mr. GREEN, of North Carolina, offered a resolution requesting the Secretary of War to furnish to the House the report of Col. H. M. Lazell on the maneuvers of the English army in India; which was referred to the Committee on Military Affairs.

The House then, on motion of Mr. BLAND (at 4 o'clock and 57 minutes p. m.), adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Papers relating to the claim of Thomas N. Cheves and of Zachariah Belue, of Tishomingo County, Mississippi—to the Committee on War Claims.

By Mr. HEPBURN: Petition of B. F. Raiff, asking that his war claim be referred to the Court of Claims—to the same committee.

Also, petition of citizens of the eighth district of Iowa, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. HILL: Petition of Mrs. A. M. Falconer, of New Texas, La., asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. JACKSON: Evidence in the claim of William P. Withrow, of Company A, Thirty-second Ohio Volunteers, for amendment of record—to the Committee on Military Affairs.

By Mr. MORGAN: Papers relating to the claims of Marriet Langston and of A. Parker, of Union County; of Thomas Nunnery, of James Manison, of William T. Lamb, of Drury Couch, of Drury Robertson, of John A. Browning, of William M. Rowles, and of John W. Jones, of La Fayette County; of D. A. Broder, of John S. Bell, of James H. Leih, of Panola County; of Jacob Surratt, of Tippah County; and of Christopher Burtin, of Tallahatchie County, Mississippi—to the Committee on War Claims.

By Mr. RYAN: Petition of Eskridge Post, No. 75, for the passage of certain pension bills—to the Committee on Invalid Pensions.

Also, petition of citizens of Woodson County, Kansas, for the passage of Senate bill 1886—to the same committee.

Also, petition of Grand Army of the Republic post of Cottonwood Falls, Kans., for the same—to the same committee.

By Mr. SINGLETON: Papers relating to the claim of Charles Kramer and of Frederick W. Volkins, of Clark County, Mississippi—to the Committee on War Claims.

By Mr. J. M. TAYLOR: Petition of William Anderson, to be mustered in service and enrolled, and for other purposes—to the Committee on Invalid Pensions.

By Mr. THROCKMORTON: Petition of members of Nathaniel Lyon Post, No. 5, Grand Army of the Republic, in favor of Senate bill 1886—to the same committee.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. BAYNE: Petition of L. A. Lambert and 18 others, of T. Davies and 38 others, of J. Bokevill and 140 others, William Snyder and 112 others, of Orvil Ily and 48 others, of H. H. Day and 22 others, J. M. Drumm and 110 others, of Ed. Haven and 53 others, of William Conway and 47 others, of James Cox and 161 others, and of William Smith and 100 others, citizens of the twenty-third district of Pennsylvania.

By Mr. W. W. BROWN: Petition of Fred. A. Pierce and 260 others and of J. D. Thompson and 88 others, citizens of the sixteenth district of Pennsylvania.

By Mr. BURLEIGH: Petition of Frank Goetz and 75 others, of O. C. Allen and 31 others, of John H. O'Neal and 35 others, of George L. Brown and 40 others, of John Mulligan and 43 others, of J. L. Marsden and 76 others, of J. R. Mansion and 51 others, of James Hiscock and 341 others, of D. Kenney and 70 others, and of John Weatheropt and others, citizens of the eighteenth district of New York.

By Mr. COLLINS: Petition of John F. Donavan and 37 others, of W. H. Daveys and 70 others, of R. A. Martin and 325 others, of Thomas Murphy and 27 others, and of Murdock Innis and 20 others, citizens of the ninth district of Massachusetts.

By Mr. CONGER: Petition of W. D. Bennett and 75 others, and of R. G. McNutt and others, citizens of the seventh district of Iowa.

By Mr. CALDWELL: Petition of H. J. Allen and others, citizens of the sixth district of Tennessee.

By Mr. J. M. CAMPBELL: Petition of James P. Herring and 208 others, citizens of the seventeenth district of Pennsylvania.

By Mr. COOPER: Petition of David Lewis and 52 others and of George W. Morgan and 149 others, citizens of the ninth district of Ohio.

By Mr. DINGLEY: Petition of P. J. Carver and 125 others, citizens of the second district of Maine.

By Mr. FREDERICK: Petition of Moses Sterne and 468 others, citizens of the fifth district of Iowa.

By Mr. FULLER: Petition of Francis M. Addison and 17 others, citizens of the fourth district of Iowa.

By Mr. GALLINGER: Petition of F. McNamee and 200 others and of Michael Hart and 319 others, citizens of the second district of New Hampshire.

Also, petition of E. S. Knight and 67 others, citizens of the second district of New Hampshire.

By Mr. HALE: Petition of Robert Hogg and 79 others, of John Weikmann and 171 others, and of W. B. Watts and 110 others, citizens of the second district of Missouri.

By Mr. HARMER: Petition of C. H. Smith and 48 others, of T. G. Conlan and 74 others, and of John McCann and 27 others, citizens of the fifth district of Pennsylvania.

By Mr. HAYNES: Petition of E. H. Meades and 19 others, of Robert Boolt and 77 others, of C. F. Davis and 110 others, of Charles F. Noyes and 25 others, of E. S. Carroll and 71 others, of John Bynum and 160 others, and of W. J. Bell and 22 others, citizens of the first district of New Hampshire.

By Mr. HEWITT: Petition of J. H. Casserly and 115 others, of F. W. Clark and 57 others, of Henry Burt and 86 others, of James J. O'Leary and 24 others, of Charles Wayson and 23 others, and of M. O'Rourke and 32 others, citizens of the ninth and tenth districts of New York.

By Mr. HIESTAND: Petition of C. P. Diemer and 237 others and of J. G. Ran and 207 others, citizens of the ninth district of Pennsylvania.

By Mr. HILL: Petition of W. H. Jackson and 126 others and of Frank Gillespie and others, citizens of the sixth district of Ohio.

By Mr. JACKSON: Petition of W. W. Shields and 130 others and of G. J. Burnes and 75 others, citizens of the twenty-fourth district of Pennsylvania.

By Mr. JAMES: Petition of George Brewster and 125 others, of P. J. Murphy and 28 others, of James B. Toomey and 59 others, of Thomas Reynolds and 43 others, and of Stephen P. Ellsworth and 294 others, citizens of the third district of New York.

By Mr. KETCHAM: Petition of W. N. Martin and 125 others and of John McManus and 25 others, citizens of the sixteenth district of New York.

By Mr. LONG: Petition of V. H. Arnold and 96 others, of C. Burke and 398 others, of C. L. Dickson and 165 others, of John C. Fack and 54 others, of J. H. Jones and 190 others, of William E. Hill and 39 others, of Henry Young and 35 others, of C. W. Peckman and 305 others, of T. C. Tipp and 16 others, and of E. A. Lathrop and 305 others, citizens of the second district of Massachusetts.

By Mr. McKINLEY: Petition of M. Miller and 115 others, of H. Ewald and 75 others, and of A. McLaughlin and 190 others, citizens of the twentieth district of Ohio.

Also, petition of W. S. McCarmish and 96 others, citizens of the twentieth district of Ohio.

By Mr. MARTIN: Petition of James Edwards and 98 others, of John Smith and 62 others, and of Edward Johnson and 33 others, citizens of the sixth district of Alabama.

By Mr. MILLIKEN: Petition of John Maxwell and 24 others, of Varus Stearns and 23 others, of F. B. Avery and 26 others, of Ed. Doyle and 38 others, and of J. W. Sullivan and 37 others, citizens of the third district of Maine.

By Mr. MURPHY: Petition of S. C. G. Brant and 97 others, citizens of the second district of Iowa.

By Mr. NEAL: Petition of Owen O. Hear and 100 others and of Edward Smith and 25 others, citizens of the third district of Tennessee.

By Mr. CHARLES O'NEILL: Four petitions of citizens of the second district of Pennsylvania.

By Mr. PERKINS: Petition of E. Davis and 23 others, of E. Harris and 209 others, of L. Wilson and 103 others, of J. F. Griffith and 126 others, and of John Halliday and 158 others, citizens of the third district of Kansas.

By Mr. RANNEY: Petition of William E. Mills and 106 others, of John Douglass and 180 others, of J. D. Leary and 35 others, of P. Hugher and 40 others, of J. G. Nolan and 35 others, of Charles W. Peckham and 305 others, and of Gottleib Kramer and 96 others, citizens of the third district of Massachusetts.

By Mr. RICE: Petition of S. C. Hall and 173 others, of F. M. Tillotsom and 10 others, of A. H. Rowe and 29 others, of P. G. Quinn and 130 others, and of J. A. Bonner and 100 others, citizens of the tenth district of Massachusetts.

By Mr. ROCKWELL: Petition of J. E. Ready and 27 others, of A.

J. McGuire and 22 others, of John Crosby and 246 others, and of James D. Sullivan and 45 others, citizens of the twelfth district of Massachusetts.

By Mr. NORWOOD: Petition of Ed. Hoffman and 50 others, of Charles B. Herb and 70 others, and of Julius Barth and 60 others, citizens of the first district of Georgia.

By Mr. ST. MARTIN: Petition of L. J. Punkett and 78 others, of the first district of Louisiana.

By Mr. W. J. STONE, of Missouri: Petition of D. B. Watts and 60 others, of H. E. Norris and 95 others, of S. W. Patterson and 12 others, of M. D. Salle and 155 others, M. A. Gunther and 121 others, of William Bule and 119 others, and of L. P. Miller and 87 others, citizens of the twelfth district of Missouri.

By Mr. J. H. TAYLOR: Petition of C. E. Kennedy and 90 others, citizens of the eighteenth district of Ohio.

By Mr. VAN EATON: Petition of James C. Lamkin and 90 others, of W. G. Martin and 160 others, of Charles McManus and 78 others, of James C. Lampkin and 90 others, and of Hillery Green and 80 others, citizens of the sixth district of Mississippi.

By Mr. WALLACE: Petition of J. E. Porter and 51 others, and of John Roehm and 140 others, citizens of the second district of Louisiana.

By Mr. WILLIAM WARNER: Petition of W. H. Vigus and 213 others and of Philip Vetter and 63 others, citizens of the fifth district of Missouri.

By Mr. WEST: Petition of E. J. O'Conner and 16 others, of T. P. Brown and 171 others, and of John McFeedries and 91 others, citizens of the twentieth district of New York.

By Mr. WHITING: Petition of H. L. Holcomb and 44 others, and of W. E. Shannon and 34 others, citizens of the eleventh district of Massachusetts.

By Mr. WILSON: Petition of Thomas McMahan and 45 others, of W. McDonald and 40 others, of William Middleton and 50 others, and of William Armstrong and 332 others, citizens of the second district of West Virginia.

By Mr. WISE: Petition of George C. Tucker and 69 others and of A. C. Gibbs and 103 others, citizens of the third district of Virginia.

SENATE.

TUESDAY, *July* 6, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MARTIN L. BUNDY—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate:

I hereby return without approval Senate bill No. 365, entitled "An act for the relief of Martin L. Bundy."

By this bill it is proposed to allow in the settlement by the United States with Mr. Bundy, who was lately a paymaster in the Army, the sum of $719.47 for the forage of two horses to which he claims he was entitled while in the service, and which has never been drawn by him. The time during which it is alleged this forage was due is stated to be between July 17, 1862, and April 15, 1866.

This claimant was mustered out as paymaster on the last-mentioned date, and in 1872 a certificate was issued that his accounts having been adjusted, they exhibited no indebtedness on his part to the United States.

Subsequently, however, and in or about the year 1879, it was discovered that by reason of a duplicate credit, which had been allowed him by mistake, he was actually indebted to the Government in the sum of $528.72.

After the fact had been made known to him the claim embodied in this bill was suggested to or invented by him, which, if allowed, will not only extinguish his indebtedness to the Government, but leave a balance due to him.

By the law and the Army regulations the forage upon which this claim is based is or should be only allowed to those in the service who actually have and use horses in the performance of their duties.

And when thus entitled to forage it was necessary to draw it in kind or in the specific articles permitted every month, and if not thus drawn it could not afterward be claimed. There seems to be no such thing as commutation of forage in such cases.

There is no suggestion that the claimant named in this bill had or used any horses while in the service. If he did and paid for their maintenance and at the time of the settlement of his accounts made no claim for reimbursement, he presents a case of incredible ignorance of his rights or a wonderful lack of that disposition to gain every possible advantage which is usually found among those who deal with the Government.

It is quite apparent that the claim is not valid, and the fact that it is made long after the discovery of his deficit leads to the suspicion that it is insisted on merely for the purpose of paying his debt.

Though in this particular case it would do but little more than to extinguish an indebtedness to the Government, the allowance of this claim would set a precedent which could hardly be ignored, and which, if followed, would furnish another means of attack upon the public Treasury quite as effective as many which are now in active operation.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 3, 1886.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 2d instant, a copy of a letter addressed to the Attorney-General of the United States, of date 19th March, 1886, relative to the privilege of the bonded warehouse system in regard to imported goods under section 2500 of the Revised Statutes; which, with the accompanying letter, was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter of the Light-House Board requesting an appropriation of $150 for the purchase of additional land at the Dutch Gap Canal, James River, Virginia, light station; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, submitting an estimate of appropriation from the Secretary of the Interior for pay of employés at the Navajo agency in New Mexico; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of William Gilbrath and 50 others, citizens of Ohio; the petition of Louis J. Gorman and 180 others, citizens of the tenth Congressional district of Ohio; the petition of John Tyler and 23 others, citizens of the eighth Congressional district of Ohio; the petition of P. L. Duncan and 169 others, citizens of the thirteenth Congressional district of Ohio; the petition of Victor Coble and 80 others, citizens of the eighth Congressional district of Ohio; the petition of H. S. Matthews and 212 others, citizens of the seventh Congressional district of Ohio; the petition of Frank Gillespie and 122 others, citizens of the sixth Congressional district of Ohio; the petition of W. H. Jackson and 129 others, citizens of the sixth Congressional district of Ohio; the petition of W. H. Meiser and 252 others, citizens of the fifth Congressional district of Ohio; the petition of J. H. Root and 69 others, citizens of the fourth Congressional district of Ohio; the petition of E. H. Coninger and 65 others, citizens of the second Congressional district of Ohio, and the petition of John A. Licthtenfels and 75 others, citizens of the second Congressional district of Ohio, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituing Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. CULLOM presented a memorial of 182 residents of Chicago, Ill., who are consumers of butterine, remonstrating against the passage of the oleomargarine bill; which was ordered to lie on the table.

He also presented a petition of 559 citizens of Quincy, in the twelfth Congressional district of Illinois, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. WILSON, of Iowa, presented the petition of M. E. Fisher and 28 other citizens of Montgomery County, Iowa, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Santa Fé, N. Mex., praying for the passage of the House bill "for ascertaining and settling private land claims in the Territories of New Mexico and Arizona, and the State of Colorado;" which was ordered to lie on the table.

He also presented the petition of H. J. Nickle and 25 other citizens of Polk County, Iowa, praying for the passage at the present session of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;

4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petition was referred to the Committee on Public Lands.

Mr. HALE presented the petition of John Maxwell and 24 others, of the third Congressional district of Maine; the petition of Varus Stearns and 23 others, of the third Congressional district of Maine; the petition of B. D. Babcock and 115 others, citizens of the second Congressional district of Maine; the petition of C. W. Knight and 98 others, citizens of the second Congressional district of Maine; the petition of S. D. Edwards and 23 others, citizens of the second Congressional district of Maine, and the petition of Arthur W. Patterson and 86 others, citizens of the second Congressional district of Maine, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. CAMERON. I present the petition of John S. Bell and other dairymen and butter-makers, citizens of Long's Stand, Pa., praying for the adoption of the bill of the American Agricultural and Dairy Association, placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue of the United States and taxing it 10 cents per pound. I move that the petition lie on the table.

The motion was agreed to.

Mr. CAMERON. I present the petition of John Stern and 4,732 other citizens of Allegheny County, Pennsylvania, respectfully petitioning the Senate to defeat the bill now pending, placing a tax upon oleomargarine butter and a heavy license for its manufacture and sale, believing that all should have the privilege of purchasing this article under its proper name free of tax. They also denounce this bill as one designed to tax the consumer for the benefit of the dairymen, and ask their Senators to use every effort for its defeat. I move that the petition lie on the table, the bill on that subject having been reported.

The motion was agreed to.

Mr. CAMERON presented the petition of L. R. Cronkrite and 180 other citizens of the sixteenth Congressional district of Pennsylvania, the petition of J. W. Tebo and 42 other citizens of the sixteenth Congressional district of Pennsylvania, the petition of P. M. Miller and 52 other citizens of the sixteenth Congressional district of Pennsylvania, the petition of A. B. Green and 38 other citizens of the sixteenth Congressional district of Pennsylvania, the petition of S. W. Kitchen and 89 other citizens of the sixteenth Congressional district of Pennsylvania, the petition of G. W. Koouse and 36 other citizens of the sixteenth Congressional district of Pennsylvania, the petition of W. J. Ireland and 37 other citizens of the fifteenth Congressional district of Pennsylvania, the petition of N. J. Roberts and 45 other citizens of the fifteenth Congressional district of Pennsylvania, the petition of Ed. New and 15 other citizens of Philadelphia, Pa.; the petition of H. W. Seaver and 19 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of Joseph M. Morrow and 124 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of Henry Germon and 155 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of Dennis McGill and 40 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of E. B. Hoffman and 56 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of Thomas Edwards and 96 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of A. W. Brown and 130 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of M. J. O'Brien and 115 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of George S. Thompson and 132 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of Jerry O'Brien and 107 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of E. E. Kuder and 99 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of John E. Ames and 100 other citizens of the eleventh Congressional district of Pennsylvania, the petition of J. M. Schneider and 46 other citizens of the tenth Congressional district of Pennsylvania, the petition of W. L. Carpenter and 52 other citizens of the ninth Congressional district of Pennsylvania, the petition of P. Hannigan and 62 other citizens of the twelfth Congressional district of Pennsylvania, the petition of Condy Timony and 50 other citizens of the twelfth Congressional district of Pennsylvania, the petition of G. A. Schnell and 19 other citizens of the twelfth Congressional district of Pennsylvania, the petition of S. G. Harney and 25 other citizens of the twelfth Congressional district of Pennsylvania, the petition of Edward Johnson and 110 other citizens of the twelfth Congressional district of Pennsylvania, the petition of L. R. Johnson and 53 other citizens of the sixth Congressional district of Pennsylvania, the petition of John J. Haedele and 200 other citizens of the eighth Congressional district of Pennsylvania, the petition of J. McKinney and 50 other citizens of the eighth Congressional district of Pennsylvania, the petition of M. Fitzgerald and 95 other citizens of the fifth Congressional district of Pennsylvania, the petition of William Blake and 79 other citizens of the fifth Congressional district of Pennsylvania, tho petition of A. E. English and 22 other citizens of the fifth Congressional district of Pennsylvania, the petition of Hugh Coyle and 40 other citizens of the fifth Congressional district of Pennsylvania, the petition of Julius Koernke and 40 other citizens of the fourth Congressional district of Pennsylvania, the petition of James O'Brien and 150 other citizens of the third Congressional district of Pennsylvania, the petition of George Frank and 400 other citizens of the third Congressional district of Pennsylvania, the petition of George W. Simpler and 39 other citizens of the third Congressional district of Pennsylvania, the petition of Frederick Moller and 102 other citizens of the third Congressional district of Pennsylvania, the petition of Daniel Harrity and 50 other citizens of the twentieth Congressional district of Pennsylvania, the petition of Frederick Hartung and 85 other citizens of the second Congressional district of Pennsylvania; a petition of citizens of Leighton, Pa.; a petition of citizens of Carbon County, Pennsylvania; the petition of John G. Reese and 248 other citizens of the fourth Congressional district of Pennsylvania, the petition of James McDonald and 129 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of J. J. Gallagher and 139 other citizens of the eleventh Congressional district of Pennsylvania, the petition of Frederick A. Pierce and 260 other citizens of the sixteenth Congressional district of Pennsylvania, the petition of J. D. Thompson and 88 other citizens of the sixteenth Congressional district of Pennsylvania, the petition of W. Scott Stevens and 49 other citizens of the nineteenth Congressional district of Pennsylvania, the petition of Peter M. Demus and 282 other citizens of the nineteenth Congressional district of Pennsylvania, the petition of David Jeffers and 165 other citizens of the twenty-sixth Congressional district of Pennsylvania, the petition of G. M. Larimer and 34 other citizens of the twenty-seventh Congressional district of Pennsylvania, the petition of Charles A. Wayson and 23 other citizens of the ninth Congressional district of New York, the petition of Henry H. Day and 22 other citizens of the twenty-third Congressional district of Pennsylvania, the petition of Samuel F. Patterson and 86 other citizens of the twenty-second Congressional district of Pennsylvania, the petition of Mordecai James and 192 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of Thomas Conway and 98 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of Daniel Disch and 30 other citizens of the twenty-second Congressional district of Pennsylvania, the petition of T. P. Bell and 84 other citizens of the twenty-seventh Congressional district of Pennsylvania, the petition of Patrick Murphy and 84 other citizens of the twenty-fourth Congressional district of Pennsylvania, the petition of William E. Wilson and 45 other citizens of the twenty-first Congressional district of Pennsylvania, the petition of Harry C. Hawley and 110 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of W. H. Fortney and 220 other citizens of the fourteenth Congressional district of Pennsylvania, the petition of James Reagan and 170 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of Patrick P. Brannon and 282 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of W. H. Evans and 220 other citizens of the thirteenth Congressional district of Pennsylvania, the petition of J. F. Buck and 97 others of the thirteenth Congressional district of Pennsylvania, the petition of John Kealy and 107 others of the twelfth Congressional district of Pennsylvania, the petition of Edwin M. Jordan and 28 others of the twelfth Congressional district of Pennsylvania, the petition of D. E. Fellows and 84 other citizens of the fifteenth Congressional district of Pennsylvania, the petition of Spencer H. Smith and 332 others, citizens of the eighth Congressional district of Pennsylvania, the petition of Spencer H. Smith and 332 others, citizens of the eighth Congressional district of Pennsylvania; the petition of James D. Haslett and 405 others, citizens of the eighth Congressional district of Pennsylvania; the petition of John J. Eddy and 83 others, citizens of the twentieth Congressional district of Pennsylvania; the petition of Charles B. Wells and 90 others, citizens of the eighth Congressional district of Pennsylvania; the petition of Charles S. Bellam and 35 others, citizens of the eighth Congressional district of Pennsylvania; the petition of Allen S. Beck and 37 others, citizens of the eighth Congressional district of Pennsylvania; the petition of James P. Herring

and 208 others, citizens of the seventeenth Congressional district of Pennsylvania; the petition of C. E. Springer and 127 others, citizens of the seventeenth Congressional district of Pennsylvania; the petition of John A. Martin and 22 others, citizens of the sixteenth Congressional district of Pennsylvania; the petition of G. L. Latimer and 55 others, citizens of the sixteenth Congressional district of Pennsylvania; the petition of Norris Plumley and 285 others, citizens of the sixth Congressional district of Pennsylvania; the petition of Thomas T. Conlan and 74 other citizens of the fifth Congressional district, Pennsylvania; the petition of B. F. Townley and 126 other citizens of the third Congressional district of Pennsylvania, the petition of William Byrne and 133 other citizens of the third Congressional district of Pennsylvania, the petition of George W. Zemmier and 57 others, of the third Congressional district of Pennsylvania, the petition of William Hamilton and 85 others, of the first Congressional district of Pennsylvania, the petition of Hugh McCrudden and 21 other citizens of the second Congressional district of Pennsylvania, the petition of W. H. Parkes and 25 other citizens of the second Congressional district of Pennsylvania, the petition of Robert Thiel and 79 other citizens of the second Congressional district of Pennsylvania, the petition of Joseph Smidt and 28 other citizens of the second Congressional district of Pennsylvania, the petition of W. H. Davy and 74 other citizens of the third Congressional district of Pennsylvania, the petition of James J. Graf and 198 other citizens of the eleventh Congressional district of Pennsylvania, the petition of Joseph J. McGinty and 27 other citizens of the eleventh Congressional district of Pennsylvania, the petition of J. C. Conaghan and 85 other citizens of the eleventh Congressional district of Pennsylvania, the petition of S. H. Hollinger and 135 other citizens of the eleventh Congressional district of Pennsylvania, the petition of J. H. Steel and 170 other citizens of the eleventh Congressional district of Pennsylvania, and the petition of James T. Jones and 203 other citizens of the eleventh Congressional district of Pennsylvania, praying for the passage of the following bills at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. MANDERSON presented the petition of H. G. Armitage and 29 other citizens of the second Congressional district of Nebraska, the petion of J. E. Roberts and 69 others of the third Congressional district of Nebraska, the petition of D. E. Ryden and 85 others of the first Congressional district of Nebraska, the petition of Horace Bucknell and 96 others of the first Congressional district of Nebraska, the petition of Jacob Billings and 78 others of the first Congressional district of Nebraska, and the petition of Miles Fiers and 74 others of the second Congressional district of Nebraska, praying for the passage at the present session of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. DAWES presented the petition of Henry W. Moorhouse and 16 others, citizens of the first Congressional district of Massachusetts; the petition of Frank Sheppard and 85 others, citizens of the first Congressional district of Massachusetts; the petition of E. A. Lathrop and 305 others, citizens of the second Congressional district of Massachusetts; the petition of G. H. Jones and 60 others, citizens of the second Congressional district of Massachusetts; the petition of V. H. Arnold and 96 others, citizens of the second Congressional district of Massachusetts; the petition of Henry Young and 35 others, citizens of the second Congressional district of Massachusetts; the petition of William E. Hill and 39 others, citizens of the second Congressional district of Massachusetts; the petition of C. Burke and 297 others, citizens of the second Congressional district of Massachusetts; the petition of J. J. Nolan and 35 others, citizens of the third Congressional district of Massachusetts; the petition of John Douglas and 180 others, citizens of the third Congressional district of Massachusetts; the petition of R. A. Martin and 325 others, citizens of the fourth Congressional district of Massachusetts; the petition of W. H. Davy and 70 others, citizens of the fourth Congressional district of Massachusetts; and the petition of James Clegg and 26 others, citizens of the eighth Congressional district of Massachusetts, praying for the passage of the following measures at the present session:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. MCPHERSON presented the petition of A. Flanagan and 75 others of the tenth Congressional district, New Jersey; the petition of Anthony Riley and 145 others of the seventh Congressional district, New Jersey; the petition of J. V. Hough and 50 others of the sixth Congressional district, New Jersey; the petition of E. J. Brucker and 48 others of the sixth Congressional district, the petition of Thomas E. Gorman and 90 others of the sixth Congressional district, New Jersey; the petition of W. J. Loftus and 47 others of the sixth Congressional district, New Jersey; the petition of George J. Byram and 19 others of the sixth Congressional district, New Jersey; the petition of Michael Deed and 78 others of the fifth Congressional district, New Jersey; the petition of Theodore Orton and 35 others of the fifth Congressional district, New Jersey; the petition of William Pritchard and 200 others of the fifth Congressional district, New Jersey; the petition of Max Bear and 45 others of the fifth Congressional district, New Jersey; the petition of Louis Matt and 50 others of the fifth Congressional district, New Jersey; the petition of Henry G. Nadle and 75 others of the fifth Congressional district, New Jersey; the petition of Thomas S. Ball and 34 others of the fifth Congressional district, New Jersey; the petition of C. L. S. Walker and 76 others of the sixth Congressional district, New Jersey; the petition of Robert Spiers and 45 others of the fifth Congressional district, New Jersey; the petition of M. Harris and 55 others of the third Congressional district, New Jersey; the petition of John S. Wilkinson and 84 others of the second Congressional district, New Jersey; the petition of Charles Hensel and 17 others of the first Congressional district, New Jersey; the petition of James Lutts and 99 others of the first Congressional district, New Jersey; the petition of W. P. Cully and 24 others of the sixth Congressional district, New Jersey; and the petition of Gottlieb Helf and 42 others of the sixth Congressional district, New Jersey, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

He also presented the petition of Mary Ann Dougherty, of Washington, D. C., praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. GIBSON presented the petition of John Roehm and 140 others, citizens of the second Congressional district of Louisiana; the petition of W. A. Chambers and 55 others, citizens of the sixth Congressional district of Louisiana; the petition of S. G. Punkett and 78 others, citizens of the first Congressional district of Louisiana; and the petition of G. E. Porter and 51 others, citizens of the second Congressional district of Louisiana, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;

3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. VEST presented the petition of Thomas E. Sabin and 35 others of the eighth Congressional district of Missouri, the petition of Riley Biggs and 155 others of the eighth Congressional district of Missouri, the petition of John C. Egley and 52 others of the seventh Congressional district of Missouri, the petition of J. E. Bennett and 68 others of the sixth Congressional district of Missouri, the petition of W. H. Vigus and 213 others of the fifth Congressional district of Missouri, the petition of Philip Vetter and 63 others of the fifth Congressional district of Missouri, the petition of A. Schiel and 137 others of the fourth Congressional district of Missouri, the petition of John Wild and 240 others of the third Congressional district of Missouri, the petition of John Weikmann and 171 others of the second Congressional district of Missouri, William Cunningham and 50 others of the second Congressional district of Missouri, the petition of J. G. Foss and 107 others of the first Congressional district of Missouri, and the petition of William Beal and 280 others of the first Congressional district of Missouri, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. PAYNE presented the petition of John M. Haner and 90 other citizens of the eighth Congressional district of Ohio, the petition of Henry Knarr and 26 others of the tenth Congressional district of Ohio, the petition of E. C. Caylar and 127 other citizens of the thirteenth Congressional district of Ohio, the petition of P. W. Sampell and 200 other citizens of the fourteenth Congressional district of Ohio, the petition of O. L. Sayre and 37 other citizens of the seventeenth Congressional district of Ohio, the petition of Henry Mott and 21 other citizens of the thirteenth Congressional district of Ohio, the petition of J. F. Hubbard and 47 other citizens of the tenth Congressional district of Ohio, the petition of A. McLaughlin and 190 other citizens of the twentieth Congressional district of Ohio, the petition of Samuel Smith and 96 other citizens of the twentieth Congressional district of Ohio, the petition of J. W. Grow and 135 other citizens of the twentieth Congressional district of Ohio, the petition of William McNeal and 84 other citizens of the twentieth Congressional district of Ohio, the petition of M. Dennis and 29 other citizens of the twenty-first Congressional district of Ohio, the petition of Charles M. Frick and 285 other citizens of the twenty-first Congressional district of Ohio, the petition of James Been and 102 other citizens of the twenty-first Congressional district of Ohio, the petition of Albert E. Strong and 60 other citizens of the twenty-first Congressional district of Ohio, the petition of W. S. McCormick and 96 other citizens of the eighteenth Congressional district of Ohio, the petition of C. E. Kennedy and 86 other citizens of the eighteenth Congressional district of Ohio, the petition of J. H. McWilliams and 86 other citizens of the eighteenth Congressional district of Ohio, and the petition of Richard McCready and 152 other citizens of the eighteenth Congressional district of Ohio, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. GORMAN presented the petition of George W. Stoner and 78 others, citizens of the fourth Congressional district of Maryland; the petition of G. S. Sellers and 32 others, citizens of the fourth Congressional district of Maryland; the petition of S. C. Leonard and 77 others, citizens of the fourth Congressional district of Maryland; the petition of John H. Hawkins and 16 others, citizens of the third Congressional district of Maryland; the petition of Charles Erch and 93 others, citizens of the third Congressional district of Maryland; the petition of John H. Keating and 154 others, citizens of the second Congressional district of Maryland; the petition of David L. McGlenan and 160 others, citizens of the second Congressional district of Maryland; the petition of William Grimes and 24 others, citizens of the sixth Congressional district of Maryland; the petition of A. K. Syester and 187 others, citizens of the sixth Congressional district of Maryland; the petition of James S. Cassidy and 66 others, citizens of the fifth Congressional district of Maryland; the petition of Charles M. Metz and 176 others, citizens of the fourth Congressional district of Maryland; the petition of George Bowers and 43 others, citizens of the fourth Congressional district of Maryland; the petition of C. M. Fowler and 43 others, citizens of the fourth Congressional district of Maryland; the petition of James H. Rukle and 40 others, citizens of the fourth Congressional district of Maryland; the petition of Martin Worst and 83 others, citizens of the fourth Congressional district of Maryland; the petition of Gustav Englehardt and 95 others, citizens of the fourth Congressional district of Maryland; the petition of Robert H. Allen and 43 others, citizens of the fourth Congressional district of Maryland; the petition of C. B. Townsend and 88 others, citizens of the fourth Congressional district of Maryland; the petition of John A. Seward and 103 others, citizens of the fourth and fifth Congressional districts of Maryland; the petition of Frank K. Smith and 105 others, citizens of the fourth Congressional district of Maryland; the petition of George Sinclair and 119 others, citizens of the fourth Congressional district of Maryland; the petition of Fred. F. Meyers and 16 others, citizens of the fourth Congressional district of Maryland; the petition of James H. Crouch and 152 others, citizens of the fourth Congressional district of Maryland; the petition of Charles G. Ross and 55 others, citizens of the fourth Congressional district of Maryland; the petition of Samuel B. Hasson and 75 others, citizens of the fourth Congressional district of Maryland; the petition of C. Wilson and 91 others, citizens of the fourth Congressional district of Maryland; the petition of August Vogt and 74 others, citizens of the fourth Congressional district of Maryland; the petition of Henry Michael and 250 others, citizens of Baltimore, Md.; the petition of Theodore Michael and 40 others, citizens of the fourth Congressional district of Maryland; the petition of Thomas N. Overcash and 384 others, citizens of the fourth Congressional district of Maryland; the petition of E. H. Poole and 68 others of the fourth Congressional district of Maryland, and the petition of James E. Cumming and 156 others of the fourth Congressional district of Maryland, praying for the passage of the following bills at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. HARRIS. I received yesterday from one Joseph Beaumont, chairman of the national legislative committee of the Knights of Labor, dated in this city, six stereotyped printed petitions of the character referred to by other Senators, purporting to come from citizens of several of the Congressional districts of Tennessee. I ask their reference to the Committee on Public Lands.

The petitions were referred to the Committee on Public Lands, as follows:

A petition of William Bradley and 92 other citizens of the second Congressional district of Tennessee;

A petition of Patrick Thomas and 94 other citizens of the second Congressional district of Tennessee;

A petition of Thomas J. Baker and 74 other citizens of the second Congressional district of Tennessee;

A petition of Edward Smith and 25 other citizens of the third Congressional district of Tennessee;

A petition of Watson Solomon and 40 others of the fourth Congressional district of Tennessee; and

A petition of William Detrick and 20 others of the sixth Congressional district of Tennessee.

Mr. WALTHALL presented the petition of P. B. Taylor and 134 others of the fourth Congressional district of Mississippi, the petition of

Hillery Green and 80 others of the sixth Congressional district of Mississippi, the petition of W. G. Martin and 160 others of the sixth Congressional district of Mississippi, the petition of Charles McManus and 78 other citizens of the sixth Congressional district of Mississippi, and the petition of J. D. Compton and 110 others of the seventh Congressional district of Mississippi, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing the timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

Mr. MCMILLAN presented the petition of E. S. Burns and 55 others, of the first Congressional district, Minnesota; the petition of Frank M. Morgan and 48 others, of the fourth Congressional district, Minnesota; the petition of A. H. Murdock and 75 others, of the third Congressional district, Minnesota; the petition of Thomas Coleman and 76 others, of the second Congressional district, Minnesota; the petition of Joseph Schuka and 304 others, of the third Congressional district, Minnesota; the petition of George Y. Pringle and 200 others, from the third Congressional district, Minnesota; and the petition of William Todd and 49 others, of the second Congressional district, Minnesota, praying for the passage of the following measures at the present session:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. MCMILLAN presented a resolution adopted by the Home Guards and United States Reserve Corps at Saint Louis, Mo., favoring the passage of what is known as the equalization of bounty bill; which was ordered to lie on the table.

Mr. MILLER. I present a petition numerously signed by citizens of Schoharie County, New York, and a petition signed by a large number of citizens of Rome, N. Y., praying for the passage of the bill taxing all imitations of butter. I move that the petitions lie on the table.

The motion was agreed to.

Mr. MILLER presented the petition of Alfred Whittleton and 22 other citizens of the thirty-first Congressional district of New York, the petition of Henry Hanover and 28 other citizens of the twenty-sixth Congressional district of New York, the petition of James Cooley and 71 other citizens of the eighteenth Congressional district of New York, the petition of W. M. Martin and 125 other citizens of the sixteenth Congressional district of New York, the petition of E. J. Nolan and 23 other citizens of the ninth Congressional district of New York, the petition of William Hobbins and 148 other citizens of the ninth Congressional district of New York, the petition of Fremont Parks and 55 other citizens of the twenty-fifth Congressional district of New York, the petition of W. E. F. Hess and 233 other citizens of the twenty-fourth Congressional district of New York, the petition of T. P. Brown and 78 other citizens of the twentieth Congressional district of New York, the petition of E. J. O'Conner and 10 other citizens of the twentieth Congressional district of New York, the petition of John M. Fedries and 91 other citizens of the twentieth Congressional district of New York, the petition of John Pierce and 430 other citizens of the nineteenth Congressional district of New York, the petition of Dyer D. Leam and 75 other citizens of the thirteenth Congressional district of New York, the petition of J. A. Kelly and 160 other citizens of New York, the petition of John Ryne and 130 other citizens of the eighth Congressional district of New York, the petition of William Hartman and 45 other citizens of the eighth Congressional district of New York, the petition of Daniel Ely and 51 other citizens of the eighth Congressional district of New York, the petition of John Roach and 61 other citizens of the fifth Congressional district of New York, the petition of C. R. Lockwood and 230 other citizens of the fourth Congressional district of New York, and the petition of Alexander Muir and 290 other citizens of the third Congressional district of New York, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the Great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. COCKRELL. I present a petition signed by citizens of Saint Louis of the ninth Congressional district, praying Congress in view of the existing condition of public affairs in this country as set forth in the petition, for the passage of House bill 7887, House bill 7021, House bill 7217, Senate bill 52, the passage of a bill prohibiting aliens from acquiring title to lands in the United States, the passage of a bill punishing the bribe-taker and the bribe-giver at all Congressional and Presidential elections, a bill making the days on which President, Vice-President, and members of Congress are elected legal holidays, and a bill opposing the policy of hoarding in the Treasury any surplus money, and providing that at least $200,000,000 in the Treasury shall be taken out and disposed of in the payment of the public debt bearing interest.

I also present similar petitions from citizens of the tenth, eleventh, twelfth, and thirteenth Congressional districts of Missouri. As the Committee on Public Lands has about disposed of all the measures referred to in these petitions which were pending before that committee, I move that the petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL. I have received a copy of proceedings in the form of resolutions of the Board of Trade of the city of Santa Fé in the Territory of New Mexico, under date of June 24, 1886, in which they petition Congress for the passage of the bill for the adjustment of the titles of private land claims in the Territory, as introduced in the House by Hon. Mr. JOSEPH, the Delegate from that Territory, providing for a commission. As the Committee on Private Land Claims has already made a report on that question, I ask that this paper be received and laid upon the table.

The PRESIDENT *pro tempore*. That order will be made.

Mr. EVARTS presented the petition of Thomas O'Neill and 24 others of the twentieth Congressional district of New York, the petition of William Smith and 285 others of the twenty-sixth Congressional district of New York, the petition of C. E. Strong and 189 others of the twenty-sixth Congressional district of New York, the petition of Philip Eckle and 73 others of the twenty-fifth Congressional district of New York, the petition of Charles W. Sharkey and 64 others of the nineteenth Congressional district of New York, the petition of John McManus and 25 others of the sixteenth Congressional district of New York, the petition of William H. Young and 20 others of the eighteenth Congressional district of New York, the petition of William L. Golden and 27 others of the tenth Congressional district of New York, the petition of Thomas Fitzsimons and 64 others of the ninth Congressional district of New York, and the petition of Albert B. Hutchins and 67 others of the ninth Congressional district of New York, praying for the passage at the present session of Congress of the following measures:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. CALL. I present a petition purporting to be signed by five hundred citizens of Pensacola, Fla., which states as follows:

That an universal business depression now exists throughout the country, and that great suffering and want prevail among millions of the laboring people; that not less than one million of men, able and willing to work, are now practically idle; that a large proportion of the surplus and unemployed laborers of the country could find speedy relief by making their homes on the public lands now unjustly withheld from settlement by railroad corporations and syndicates; that the failure of Congress to restore the lands to the people to whom they rightfully belong is working great wrong everywhere; that according to the report of the Commissioner of the General Land Office, "the amount of unpatented lands embraced in all the grants, subject to declaration of forfeiture, is estimated

at 100,000,000 acres, an area equal to that of the combined States of New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia. The restoration to public settlement and entry of this great body of lands is a subject of the first magnitude and of profound national importance. The question presented is strictly one of legal rights. The rights of corporations have been upheld for twenty or thirty years. The Government has not been in laches. The lands have been kept in reservations, material for building the roads has been freely supplied from the public domain, and extensions of time for construction have been allowed. The default of the companies has been voluntary. The rights of the public are now to be considered—the right of the people to repossess themselves of their own. The case is not one calling for sympathy to the corporations; it is one calling for justice to the people of the country." That, in view of these indisputable facts, the highest considerations of justice and statesmanship demand that these lands should be forfeited, and measures to relieve the people should be adopted by the Congress of the United States before the close of the present session.

Being the eight bills referred to in previous petitions. I move that this petition, with an accompanying petition from laboring people of Pensacola, Fla., which I also present, be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. SEWELL presented the petition of H. Egar and 70 others, citizens of the first Congressional district of New Jersey; the petition of Owen Benson and 14 others, citizens of the second Congressional district of New Jersey; the petition of George J. Robinson and 19 others, citizens of the second Congressional district of New Jersey; the petition of Samuel Tomlinson and 145 others, citizens of the second Congressional district of New Jersey; the petition of Albert M. Smith and 26 others, citizens of the second Congressional district of New Jersey; the petition of John Maguire and 98 others, citizens of the second Congressional district of New Jersey; the petition of S. C. Cook and 175 others, citizens of the second Congressional district of New Jersey; the petition of John W. Moses and 90 others, citizens of the third Congressional district of New Jersey; the petition of M. J. Hannigan and 9 others, citizens of the third Congressional district of New Jersey; the petition of G. W. Kiemeyer and 102 others, citizens of the third Congressional district of New Jersey; the petition of Walter Pilrington and 38 others, citizens of the third Congressional district of New Jersey; the petition of A. M. Missick and 20 others, citizens of the third Congressional district of New Jersey; the petition of James J. Welsh and 80 others, citizens of the third Congressional district of New Jersey; the petition of James Cobb and 26 others, citizens of the third Congressional district of New Jersey; the petition of Manuel Mayer and 101 others, citizens of the third Congressional district of New Jersey; the petition of J. H. Chamberlain and 96 others, citizens of the fourth Congressional district of New Jersey; the petition of F. Bouvet and 110 others, citizens of the fourth Congressional district of New Jersey, and the petition of J. E. Hayne and 57 others, citizens of the fourth Congressional district of New Jersey, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding lands in the United States;
7. Bill making Presidential and Congressional election days holidays, and punishing bribery;
8. Bill directing disbursement of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. INGALLS presented a petition of the Social Purity Alliance of the District of Columbia praying for the passage of legislation for the suppression of certain evils; which was referred to the Committee on the District of Columbia.

Mr. BLAIR presented the petition of Charles F. Noyes and 25 others of the first Congressional district, New Hampshire; the petition of E. S. Carroll and 71 others of the first Congressional district, New Hampshire; the petition of Michael Hart and 319 others of the second Congressional district, New Hampshire; the petition of W. P. Hastings and 103 others of the first Congressional district, New Hampshire; the petition of Robert Booth and 77 others of the first Congressional district, New Hampshire; the petition of E. S. Knight and 69 others of the second Congressional district, New Hampshire; the petition of E. H. Meades and 19 others of the first Congressional district, New Hampshire, and the petition of W. J. Bell and 22 others of the first Congressional district, New Hampshire, praying for the passage of the following measures at the present session of Congress:

1. House bill No. 7887, repealing timber-culture, pre-emption, and desert-land acts;
2. House bill No. 7021, for adjustment of railroad and other land grants;
3. Bills forfeiting all railroad land grants the conditions of which have not been strictly complied with;
4. House bill organizing the Territory of Oklahoma;
5. Senate bill opening a portion of the great Sioux reservation to settlement;
6. Bill prohibiting aliens from holding land in the United States;
7. Bill making Presidential and Congressional election days holidays, and prohibiting bribery;
8. Bill directing disbursements of at least $200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired.

The petitions were referred to the Committee on Public Lands.

Mr. BLAIR presented a petition of the New York committee for the prevention of State regulation of vice, officially signed, praying for an official inquiry into and appropriate legislation concerning the alleged international traffic in young girls for immoral purposes; which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a resolution requesting the President to return to the House the bill (H. R. 3501) granting a pension to Daniel J. Bingman; in which it requested the concurrence of the Senate.

The message also announced that the House requested the Senate to transmit to the House an engrossed copy of the bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps, the original having been mislaid in the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road;

A bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins;

A bill (H. R. 1462) granting a pension to Addie L. Macomber;

A bill (H. R. 4544) granting a pension to Ann E. Cooney;

A bill (H. R. 6311) for the relief of Mrs. Maria Walker;

A bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes; and

A bill (H. R. 7165) to increase the pension of Manhattan Pickett.

REPORTS OF COMMITTEES.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4616) for the relief of Maj. Michael P. Small, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 515) for the relief of Maj. Michael P. Small, commissary of subsistence, United States Army, moved its indefinite postponement; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2806) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for the sum claimed to be due from the Government of the United States on account of payments made by said States since April 22, 1882, to the officers and enlisted men of her militia forces, for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2627) to regulate the pay of officers of the Army and Navy who refuse or neglect to provide for support of their families, reported it without amendment.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2013) for the relief of Myron E. Dunlap, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2176) for the relief of Alexander Goble, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6337) for the relief of James D. Wood, reported it without amendment, and submitted a report thereon.

Mr. TELLER. The Committee on Public Lands directed the chairman of the committee, the Senator from Kansas [Mr. PLUMB], to report an original bill to quiet title to public lands heretofore erroneously conveyed by the Government, and for other purposes. The chairman is away, and in his behalf I submit the report.

The bill (S. 2807) to quiet titles to public lands heretofore erroneously conveyed by the Government, and for other purposes, was read twice by its title.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted a report thereon:

A bill (S. 2797) granting a pension to Lizzie Wright Owen;

A bill (S. 2587) granting a pension to Elizabeth Ward;
A bill (H. R. 6606) granting a pension to Sallie B. Bent;
A bill (H. R. 2027(granting a pension to Joshua Armstrong; and
A bill (S. 2708) for the relief of Maria L. Strong.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment and submitted a report thereon:

A bill (H. R. 1630) to increase the pension of the widow of the late Capt. Dominick Lynch, United States Navy; and
A bill (S. 368) for the relief of Susan E. Alger.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1473) for the relief of Susan E. Alger, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 803) granting increase of pension to James D. Verney, late of the Eleventh Regiment Illinois Volunteer Infantry, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PALMER. I am directed by the Committee on Fisheries to report an amendment to the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes. The amendment proposes an appropriation of $10,000 for a fish-hatchery at Duluth. I move that it be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. PALMER. I am also directed by the Committee on Fisheries to report to the same bill an amendment making an appropriation for a fish-hatchery on the Columbia River and its branches; which I move be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the petition of Jesse M. Tate, of Carroll County, Tennessee, praying to be allowed a pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. WHITTHORNE. I am also directed by the Committee on Pensions, to whom was referred the petition of James W. Bowman, praying to be allowed a pension, to report it with a recommendation that it be indefinitely postponed without prejudice, and that the prayer be not granted.

The report was agreed to.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the bill (S. 2311) granting an increase of pension to Benjamin F. Berkley, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1294) providing for the auditing and payment of claims of soldiers who served in the several Indian wars in Florida, to report it adversely. In deference to the wish of the Senator from Florida [Mr. CALL] I ask that the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. VEST, from the Committee on the Judiciary, to whom were referred the bill (H. R. 4849) to punish robbery in the Indian Territory, and the bill (H. R. 5188) prescribing the punishment of horse-stealing in the Indian Territory, moved their indefinite postponement, which was agreed to; and he reported a bill (S. 2808) to punish robbery and horse-stealing in the Indian Territory; which was read twice by its title.

Mr. CAMERON, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CIVIL SERVICE COMMISSION REPORT.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution for printing the third annual report of the Civil Service Commission, to report it with an amendment; and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the third annual report of the United States Civil Service Commission be printed, and that 26,000 additional copies be printed, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House, and 20,000 copies for distribution by the commission.

The amendment reported by the Committee on Printing was to add to the resolution the following proviso:

Provided, That appendices 8 and 9 of the report as published by the House of Representatives, Executive Document No. 140, Forty-ninth Congress, first session, be omitted by the Public Printer in printing this edition.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Printing.

Mr. GORMAN. I desire to say that in the publication of the report of the Civil Service Commission, as printed by the House of Representatives, appendices 8 and 9 consist of extracts from the New York civil-service act, an extract from the annual message of Governor Hill, of New York, and certain resolutions passed by the Legislature of South Carolina December 22, 1884, which the Committee on Printing think it is improper to include in the report. Therefore the resolution is reported with an amendment striking out the appendices containing that matter.

The amendment was agreed to.

The resolution as amended was agreed to.

THE MACKEREL FISHERY.

Mr. PALMER. I present the notes of hearings before the Senate Committee on Fisheries of parties interested in the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season. I move that 2,000 copies of the hearings be printed for the use of Senators and their constituents.

The PRESIDENT *pro tempore*. The report will be received, and the motion to print will be referred to the Committee on Printing.

BILLS INTRODUCED.

Mr. INGALLS. At the request of the managers of the Social Purity Alliance of this District I introduce three bills, which I ask may be read twice and referred to the Committee on the District of Columbia.

The bills were severally read twice by their titles, and referred to the Committee on the District of Columbia, as follows:

A bill (S. 2809) for the protection of women and children in the District of Columbia;
A bill (S. 2810) to protect children in the District of Columbia; and
A bill (S. 2811) for the further protection of children in the District of Columbia.

Mr. INGALLS. At the request of the chairman of the board of commissioners for the District of Columbia I introduce a bill.

The bill (S. 2812) to authorize the sale of certain property for the benefit of the public schools of the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PALMER (by request) introduced a bill (S. 2813) for the relief of David L. Garver; which was read twice by its title, and referred to the Committee on Patents.

WITHDRAWAL OF PAPERS.

On motion of Mr. BERRY, it was

Ordered, That E. J. Woolum be allowed to withdraw the papers on file in relation to his claim against the United States, upon leaving copies with the Secretary, as required by the rules.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES, of Arkansas, Mr. MCPHERSON, and Mr. TELLER submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GIBSON and Mr. GORMAN submitted amendments intended to be proposed by them respectively to the naval appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill.

Mr. INGALLS. I ask the Senator from Minnesota if he would not consent that the business upon the Calendar might be considered for half an hour. There are some matters of very considerable importance that must necessarily be delayed from day to day if the entire time is consumed in the consideration of the appropriation bills. There are two or three matters which really need attention, and unless they can get to the other House within a day or two, of course they must pass over for the session.

If it would not be disagreeable to the Senator from Minnesota I am sure it would be convenient to the public business if we could have, say, until half past 1 o'clock, to consider matters on the Calendar of general business.

Mr. MCMILLAN. I should be glad to yield to the Senator's request if I felt at all at liberty to do so, in view of the present condition of the business of Congress, and particularly of the appropriation bills in the Senate.

Mr. INGALLS. Among other things, I made a motion the other day to reconsider the vote by which Senate bill 1800 was passed. The Committee on Indian Affairs desire to submit an amendment in the nature of a substitute for that bill. It is a measure of very considerable importance, and it is unjust to the interests involved that the motion to reconsider should remain indefinitely unacted upon.

Mr. MCMILLAN. What is the bill?

Mr. INGALLS. It is a bill to secure to Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883.

Mr. MCMILLAN. I think we shall be able to finish the consideration of the river and harbor bill to-day, or at farthest to-morrow, and

I understand there is a general desire in the Senate to have a day set apart for the consideration of Calendar business.

Mr. INGALLS. Then immediately upon the completion of the river and harbor bill the naval appropriation bill is to be pressed for consideration.

Mr. MCMILLAN. That bill will occupy but a very brief time, I have understood.

Mr. INGALLS. Whatever time it occupies of course is to be exclusive of everything else. Then we are told that the bill providing for the taxing of imitation butter is to come up; and as soon as that is concluded, of course the sundry civil appropriation bill will be urged upon us. Thus day by day passes away and matters of real importance, but of not such great importance as the appropriation bills, pass beyond consideration.

Mr. MCMILLAN. Can the motion to reconsider be determined without debate?

Mr. INGALLS. I have not an idea that it will cause any debate. The committee are unanimous in agreeing to the amendment.

Mr. MCMILLAN. If the river and harbor bill is brought before the Senate I will yield.

Mr. INGALLS. It will not take five minutes to read the amendment we propose.

Mr. MCMILLAN. I will yield for that purpose.

Mr. INGALLS. Then let the river and harbor bill be taken up and I will ask unanimous consent to consider Senate bill 1800.

Mr. MCMILLAN. I will ask unanimous consent that the river and harbor bill be taken up and that it then be laid aside informally for the purpose indicated by the Senator from Kansas.

The PRESIDENT *pro tempore*. The Senator from Minnesota [Mr. MCMILLAN] moves that the Senate proceed to the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 199) providing for printing eulogies delivered in Congress upon the late Michael Hahn; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased.

CHEROKEE FUNDS.

Mr. INGALLS. Now, if the Senator will permit me, I will ask unanimous consent that the motion I made to reconsider the vote by which the Senate passed Senate bill 1800 may be taken up, and if the vote shall be reconsidered I will add that the Committee on Indian Affairs have agreed upon an amendment unanimously that they propose to that bill, which I shall then ask may be considered. I think it will take no more time than will be consumed in the reading of the amendment, which may be five minutes.

Mr. MCMILLAN. I will yield very willingly for that purpose if there is no debate. The Senator will understand that if debate springs up I must insist on the regular order.

The PRESIDENT *pro tempore*. The title of the bill called up by the Senator from Kansas will be read.

The CHIEF CLERK. A bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to reconsider the votes by which the bill was ordered to a third reading and was passed.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate and open to amendment.

Mr. INGALLS. I submit now, from the Committee on Indian Affairs, an amendment in the nature of a substitute, and move that all after the enacting clause be stricken out and what I send to the desk be inserted.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. Strike out all after the enacting clause and insert:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $75,000, or so much thereof as may be necessary to carry out the provisions of this act; and the amount actually expended shall be charged against any money now or hereafter due the Cherokee Nation and deducted therefrom. The said sum, or so much thereof as may be necessary, shall be by the Secretary of the Interior distributed per capita, first, among such freedmen and their descendants as are mentioned in the ninth article of the treaty of July 19, 1866, between the United States and the Cherokee Nation of Indians; second, among the Delaware tribe of Indians incorporated into the Cherokee Nation by the terms of a certain agreement entered into between said Cherokee Nation and Delaware Indians, under the provisions of the fifteenth article of the aforesaid treaty, on the 8th day of April, 1867, and approved, respectively, by the President of the United States and the Secretary of the Interior, on the 11th day of April, 1867; and, third, among the Shawnee tribe of Indians incorporated into the Cherokee Nation by the terms of a certain agreement entered into between the said Cherokee Nation and Shawnee Indians, under the provisions of the aforesaid article and treaty, on the 7th day of June, 1869, and approved, respectively, by the President of the United States and the Secretary of the Interior, on the 9th day of June, 1869, in such manner and in such amount or amounts as will equalize the per capita payment made to Cherokees by blood, in accordance with the act of the Cherokee Legislature aforesaid, out of the sum of $300,000 appropriated by the act of March 3, 1883, aforesaid.

SEC. 2. That the district court for the western district of Arkansas shall have jurisdiction to hear and determine any suit in law or equity that shall be brought by the Cherokee Nation through its proper officers, and which is authorized to sue by that name, to test the question of law and fact as to whether the aforesaid adopted citizens of the Cherokee Nation, to-wit, the freedmen who are lawful citizens of the Cherokee Nation under the ninth article of the treaty between the Cherokee Nation and the United States of July 19, A. D. 1866, and the adopted Delawares and Shawnees, under the provisions of the fifteenth article of said treaty, are entitled under law, treaty, and equity to a distributive share of said $300,000; and the said Cherokee Nation, by its proper officers, shall, within three months of the passage of this act, file its petition in said court, setting forth its reasons and the causes in law, treaty, and equity why said amounts should not be adjudged or paid to said adopted citizens, or so taken from the funds of the Cherokee Nation; and the said western district court shall proceed to consider and adjudicate such case, under such rules and orders in relation to answers, replications, or arguments as it shall direct. The Secretary of the Interior shall transmit to said court copies, duly authenticated of all records, reports, papers, and other documents on file in the Departments which he may deem necessary to said cause or which may be requested by either party to this suit; and the said adopted citizens of the Cherokee Nation, and their legal representatives, are made party defendant to this suit; and either party may submit to said court such additional competent testimony as they may desire, and the said cause shall proceed to final judgment. When the interest, if any, of said adopted citizens in said fund or payment shall have been determined by said court, the said court shall send a certified copy of such decision to the Secretary of the Interior, and also to the principal chief of the Cherokee Nation; and if any sum shall be adjudged to be due said adopted citizens of said Cherokee Nation, upon such certificate of said court that any sum is due, the Secretary of the Interior shall make requisition upon the Secretary of the Treasury for said amount, which shall be charged against any sums due said nation, as provided in the first section of this act, and paid per capita to said adopted citizens of the Cherokee Nation, under such rules as the Secretary of the Interior may prescribe; and if the judgment of said court shall be that no sum shall be due any of such adopted citizens then this act shall be of no effect.

SEC. 3. That if no such suit is brought within three months after the passage of this act, the same shall be in full force from and after said date. If such suit is brought within said period, proceedings under it shall be suspended until the same is finally determined. Either party to said suit shall have the right of appeal from any decision made in the same to the Supreme Court of the United States, in the same manner and under the same conditions as are applicable to appeals in equity causes; and the cause shall be advanced for hearing on the docket of the Supreme Court so that the same may be finally decided with all convenient speed; and the Attorney-General shall, in person or by some suitable attorney by him appointed for that purpose, and at the expense of the United States, appear for the said defendants in any such suit, for the protection and enforcement of all the rights of such defendants therein.

SEC. 4. That the Cherokee Nation shall, in that name, have authority to bring suit under the provisions of this act by the direction of the chief of said nation or by direction of its legislative council.

Mr. TELLER. I should like to ask the Senator who has the bill in charge if this $75,000 shall be paid out why is it charged against any fund? Why is it not charged against the same fund that the $300,000 was supposed to be charged against, if there is to be a charge against any fund?

Mr. INGALLS. The $300,000 consists of what is known as the lease-money, and that has been distributed. This proposes if it has been distributed in violation of the law that the refund shall be made from the other resources of the Cherokee people.

Mr. TELLER. What I wanted to suggest—I could not quite catch the import of the amendment——

Mr. INGALLS. Let me explain the amendment to the Senator. We passed an act once for the repayment of a certain amount that was supposed to have been improperly appropriated to the Cherokee full-bloods out of the lease-money, instead of being distributed among the Cherokee full-bloods and the freedmen and the affiliated Indians of the Shawnee and Delaware blood. There was discontent with that measure, the allegation being that the distribution under the treaty was right. This amendment merely provides that the question shall be judicially ascertained whether the distribution was right or wrong under the treaty, and if it was right, then it shall stand; and if wrong, that the fund shall be reimbursed out of the resources of the Cherokee people. That is all the change there is in it.

Mr. TELLER. I did not quite understand what the $300,000 referred to.

Mr. INGALLS. The lease-money.

Mr. DAWES. The land-money; not the money derived from leases, but the $300,000 which was paid in on account of land purchased by the United States.

Mr. INGALLS. Yes; on account of the sale of land.

Mr. TELLER. That is what I understood. Three hundred thousand dollars was paid to the Cherokee Nation by an act of Congress to compensate them in part at least for land taken for certain Indian tribes, and it was required before the payment should be made that they should execute a deed to the United States in trust for the several tribes specified in the act. This was charged against the money due them for land taken. There is an unsettled account between the Government and these Indians, and it seemed to me this money should be taken out of the same thing. It is an unsettled running account between the United States and these Indians for land taken under the treaty which we are to pay for at a fixed price.

I do not know that it is very material, but I think it will meet with

much less opposition from the Indians themselves if it is charged against that fund than against a fund that they have now in the Treasury.

Mr. DAWES. The Indians are satisfied with the bill as it is now, provided they can go to court for a judicial decision. They are satisfied with this form in every way. They prefer the charge against the general fund rather than the original form of charging it against their land-money.

Mr. TELLER. I have no objection if the Indians are satisfied.

Mr. DAWES. They express their satisfaction.

Mr. TELLER. But from the hasty reading I am uncertain now who is to represent the defendants. Is the Attorney-General of the United States to represent them?

Mr. DAWES. The Attorney-General is required to represent them in court.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. INGALLS. Now, I wish to have the preamble stricken out.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was rejected.

DANIEL J. BINGMAN.

Mr. BLAIR. A resolution has come from the House requesting the President to return a pension bill. It ought to be acted on at once, as to-day is the last one, and it will otherwise become a law.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a resolution from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 6, 1886.

"*Resolved by the House of Representatives (the Senate concurring)*, That the President be respectfully requested to return to the House of Representatives the bill (H. R. 3501) granting a pension to Daniel J. Bingman.

The resolution was concurred in.

NAVY AND MARINE CORPS PENSIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate another resolution from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE, *July* 5, 1886.

Resolved, That the Senate be requested to transmit to the House an engrossed copy of the bill (S. 1526) "amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps," the original having been mislaid in the House.

The PRESIDENT *pro tempore*. In accordance with the request from the House, an engrossed copy of the bill will be transmitted, if there be no objection. The Chair hears none.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MILLER. The bill has been read through once. I supposed the Secretary was only to read the amendments of the committee.

The PRESIDENT *pro tempore*. That is all. The Secretary will only read the amendments of the Committee on Commerce not heretofore disposed of.

The next amendment of the Committee on Commerce was, in section 1, line 272, to increase the appropriation for "improving harbor at Ashtabula, Ohio: Continuing improvement," from $25,000 to $40,000.

The amendment was agreed to.

Mr. McMILLAN. In line 286 the word "thirty," before "thousand," should be "fifty;" so as to read:

Improving ice-harbor at the mouth of Muskingum River, Ohio: Continuing improvement, $50,000.

The engineer in charge of that improvement, Colonel Merrill, represented to the committee that it would be useless to attempt to do anything with the appropriation as contained in the House bill, and it was so in the last river and harbor bill; we considered it then and increased the amount to what he desired, $50,000, instead of $30,000.

The PRESIDENT *pro tempore*. The question is on the amendment moved by the Senator from Minnesota.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, after line 289, to insert:

For the purpose of acquiring the title to the land adjoining the inner end of the west pier built by the United States for the improvement of the harbor at Port Clinton, Ohio, the Secretary of War shall negotiate with the owner or owners of the land for the purchase thereof at a reasonable price, to be approved by Congress; and if an agreement as to price can not be made with the owner, then the value of the same shall be ascertained in the mode provided by the laws of Ohio for the condemnation of lands for public uses in that State, the result of said proceedings of condemnation, if taken, to be reported to the next Congress for its approval.

The amendment was agreed to.

The next amendment was, in section 1, line 308, after the words "Maumee River," to strike out "or Straight Channel" and insert "by a straight channel along such line as may be approved by the Secretary of War;" and, in line 311, before "$25,000," to insert "balance of the;" so as to read:

Improving harbor at Toledo, Ohio: Continuing improvement of the Maumee River by a straight channel along such line as may be approved by the Secretary of War, $150,000; and the balance of the $25,000 heretofore appropriated are hereby made available for clearing the old channel.

The amendment was agreed to.

The next amendment was, in section 1, line 317, before the word "thousand," to strike out "forty-five" and insert "seventy-five;" so as to read:

Improving harbor at Michigan City, Ind.: Continuing improvement, $75,000; of which sum $2,500 are to be used on the inner harbor.

The amendment was agreed to.

The next amendment was, in section 1, line 344, after the word "Michigan," to strike out "continuing improvement" and insert "by repairs;" so as to read:

Improving harbor at Monroe, Mich.: By repairs $2,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 408, to insert:

For the purchase of the Sturgeon Bay and Lake Michigan ship-canal and harbor of refuge, connecting the waters of Green Bay with Lake Michigan, in the State of Wisconsin, $150,000, or so much thereof as may be necessary: *Provided*, That before said moneys shall be expended the Secretary of War shall cause an examination to be made by a board of three United States engineers to ascertain and report upon the importance and value of the free use of said ship-canals and harbor of refuge to commerce and navigation and the reasonableness of the price therefor, and shall have received from said board a report favorable to such purchase by the United States; and also upon full and absolute conveyance to the United States of said harbor of refuge, canals, easement, rights of way, piers, docks, and appurtenances, of every nature, belonging to and connected with said works, or either of them.

Mr. INGALLS. I hope before we are called on to vote upon an amendment as important and leading to such important consequences in the future, that we shall be enabled first to have the opinion of the presiding officer whether this is in order on this bill, and if it shall be decided to be in order, that then some explanation will be furnished us by the chairman of the committee as to the propriety of the proposed purchase and the reason why we are to enter upon this system of purchasing canals.

I raise in the first place the point of order and ask the Chair to decide whether under the rules of the Senate this amendment is admissible.

The PRESIDENT *pro tempore*. Under what rule does the Senator raise his point of order?

Mr. INGALLS. That it is new legislation.

The PRESIDENT *pro tempore*. The Chair does not see what clause of the rule would exclude this as a new item of appropriation. The Chair would like to have the Senator point out the clause which he thinks excludes the appropriation. The sixteenth rule the Chair supposes is the one he refers to. This amendment being reported by a committee of the Senate and made in pursuance of estimates as the Chair supposes——

Mr. INGALLS. In pursuance of an estimate from the head of a Department?

The PRESIDENT *pro tempore*. The Chair will ask the Senator from Minnesota if there is an estimate from the head of the Department?

Mr. McMILLAN. Yes, sir; this is in accordance with the report from the Secretary of War.

Mr. INGALLS. Is there any estimate? We all know what estimates are. Is there any provision or item of the Book of Estimates sent down here from the Secretary of War or the head of any Department calling upon Congress to give appropriations for this object?

Mr. McMILLAN. Yes, sir; the same recommendation in that as in all the other items in the report of the Secretary of War transmitting the report of the Chief of Engineers.

Mr. INGALLS. I should like to hear the estimate read.

The PRESIDENT *pro tempore*. The Chair is of opinion that if this amendment is moved by direction of a standing or select committee of the Senate it is in order, even if there is not an estimate from the head of the Department, because that clause is in the alternative.

Mr. MILLER. Not desiring to discuss the parliamentary question, I wish to ask for information whether a committee in preparing an appropriation bill can not put into it an appropriation for anything that the committee itself thinks fit? There certainly can be no rule against that. If there is, this whole bill would go by the board.

Mr. INGALLS. This is not a bill to buy canals. This is new legislation. It is a bill for the improvement of the rivers and harbors. The amendment is in no sense whatever germane to the subject of this bill; and whether there is an estimate for it or not, it is general legislation upon an appropriation bill that is in no manner whatever connected with the subject of the bill. If there is anything that can be open to the interposition of a point of order, this certainly must be. This is not a river nor a harbor; it is a proposition for general legislation upon an appropriation bill that is to buy a canal.

Mr. CONGER. The Senator is mistaken in regard to the assertion that this is not germane to the subject, and is not embraced specifically

within the title of this bill. The Sturgeon Bay Canal coming through the channel at the upper end of Green Bay, connecting it with Lake Michigan, is a work that was undertaken by citizens of Wisconsin, and makes a level side water communication from Lake Michigan to Green Bay by a short cut through a sand strip. The Government of the United States, thinking the matter of so much importance, has appropriated several thousand dollars to make that a harbor of refuge by building a breakwater across the entrance to it from the lake side; so that it is as well a canal as a breakwater and a harbor of refuge.

It comes strictly within the very title of the bill itself. It is a harbor of refuge, and it is for the purpose of making a harbor of refuge and insuring it as such that an appropriation has been made by Congress for building a breakwater for safety across the front of the entrance to this canal, and it is now used for that purpose.

The PRESIDENT *pro tempore*. The Chair is of the opinion, after examining the amendment, that this is clearly in order under the first clause of the sixteenth rule. It is moved by direction of a standing committee, and it is also made in pursuance of an estimate of the War Department. The Chair therefore thinks it is in order.

Mr. HARRIS. Does the Chair hold that this amendment is not a legislative provision? That is the point of order I understand the Senator from Kansas makes. There is no question about the estimate.

The PRESIDENT *pro tempore*. The Chair is of opinion that it is not general legislation within the sense of the third clause of the rule. Certainly it is legislation, but it is conditional, it is a particular item of appropriation with special qualifications and limitations as to the mode of expending the money appropriated. The Chair therefore thinks it does not fall within the inhibition of the third clause of the sixteenth rule, which says:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The legislation found in this proviso is not general legislation, but limited and defined to the mode and manner of disbursing and paying out the money appropriated in this particular clause. It is special and limited legislation. The Chair is of opinion that many cases of the kind have occurred, probably almost every year, in the passage of appropriation bills where legislation does limit to some extent the particular item of appropriation.

Mr. INGALLS. Of course if the Chair has decided the proposition, any observations at this time would be in the nature of an autopsy; but I ask permission to say that I do not understand that the Committee on Commerce have any right under the rules to report amendments of this description and ask the consent of the Senate to them without previous consideration of another committee of this body. Now let me read:

All amendments to general appropriation bills—

And I assume that this is a general appropriation bill and that the provision to which attention is called is an amendment—

moved by direction of a standing or select committee of the Senate—

I assume that this is moved by the Committee on Commerce—

proposing to increase an appropriation already contained in the bill, or to add new items of appropriation—

This is to add a new item of appropriation—

shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received; in like manner amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce.

Now, I ask the chair to consider the language of that rule, and then say whether or not the Committee on Commerce have a right under that language to report amendments to this bill and ask our consideration, without their having been previously referred by direction of a standing or select committee of the body.

As I said, I do not want to hold any *post mortem*, and if this matter is decided, well and good; but my impression is that the Chair did not pass upon that aspect of this question, and I respectfully submit that the Committee on Commerce have no more right than any other committee to report a new item of amendment to an appropriation bill without its having been previously referred and one day considered by that committee under the rules of the Senate.

Mr. McPHERSON. What rule does the Senator read from?

Mr. INGALLS. From the second paragraph of Rule XVI, page 142 of the Manual.

The PRESIDENT *pro tempore*. The Chair is of the opinion, and made his decision upon the assumption that this matter had already been referred to the Committee on Commerce in the ordinary way. All the estimates made by the Secretary of War and by the Corps of Engineers have been, in the ordinary course, referred to the Committee on Commerce, and this subject-matter was probably referred.

Mr. INGALLS. There never has been any estimate of an appropriation for this item contained in this bill. Let the Senator from Minnesota refer to it in the Book of Estimates. It is idle to talk about it.

Mr. HARRIS. Will the Senator from Minnesota read that item in the Book of Estimates?

Mr. INGALLS. This idea of calling a letter or a communication from the Secretary of War or the Chief of Engineers an estimate of appropriations is a misnomer. These descriptions have a certain fixed and definite meaning. What an estimate of appropriation is the Senator from Ohio, occupying the Chair, having been at one time the head of a Department, knows very well. It does not do to say because there has been some recommendation by some Secretary of War or Chief of Engineers that that is an estimate of appropriations, and therefore this item in this bill proposing a new appropriation, not having been offered and referred one day previously by order of a standing or select committee, is plainly not in order under the rule.

Mr. MILLER. I do not desire to continue this *post mortem*. The decision has been made. Rule XVI refers, if I understand it correctly, entirely to amendments offered in the Senate to a bill under consideration after it has been reported by the committee to the Senate. It has no bearing whatever upon the action of the committee when considering the original bill. The Committee on Appropriations bring in all the great appropriation bills—the legislative, executive, and judicial, the sundry civil—and they put into them just as many amendments as the committee see fit to put in, and the question as to their being in order is never raised and never can be raised. But when the bill is once reported from the Appropriations Committee or from the Commerce Committee, no ammendment is in order to be offered in the Senate when the bill is under consideration unless it has complied with this provision contained in Rule XVI. It has and can have nothing to do with the bill as reported from the committee.

Mr. KENNA. I wish to suggest to the Senator from New York that the provision in the second clause of Rule XVI, "in like manner amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce," is fully and completely met by the fact that the amendments originating in the committee are considered by that committee. That is the only object of this clause. Why should a Senator be required to offer here and have printed and referred to the Committee on Commerce a proposition to amend the river and harbor bill as to any matter which that committee as a committee originates itself? The whole spirit and object of the rule is thoroughly met by the fact that the committee as a committee reported the proposition. The rule never contemplated cutting off any such privilege.

The PRESIDENT *pro tempore*. The Chair is of opinion that the amendment is in order.

Mr. EDMUNDS. I make a new point of order, which I think it may require a little more ingenuity to get over. Under the third paragraph of Rule XVI—

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Now, I submit with confidence to the Chair that this commercial transaction, buying out a lot of private property, without saying whether it is a good plan or a bad plan at present, has nothing to do with the general scope of this bill of improving the rivers and harbors of the United States, public property in public places, general highways of commerce. I make that point of order for the consideration of the Chair.

The PRESIDENT *pro tempore*. The Chair, under the rule, has nothing to do except to submit this question of order to the Senate. The same clause of Rule XVI provides: "and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate."

Therefore the Chair submits the question to the Senate.

Mr. KENNA. As there has been some debate, I hope the Senate will indulge me for a minute.

Mr. EDMUNDS. I only stated my point of order. I do not object.

The PRESIDENT *pro tempore*. Debate is not in order unless by unanimous consent.

Mr. KENNA. I think there is no objection. ["Consent!" "Consent!"] The second clause of Rule XVI makes clearly a discrimination as between general appropriation bills and river and harbor bills. If you will look at that clause you will find that provision is made to affect all general appropriation bills. Then when the clause comes to the river and harbor bill it speaks of it separately, so that the provision in the third clause of that rule that "no amendment which proposes general legislation shall be received to any general appropriation bill" has no application to the river and harbor bill. That stands here as distinct from general appropriation bills.

Mr. INGALLS. Will the Senator allow me to call his attention to one other clause of the rule as elucidating his view?

Mr. KENNA. Certainly.

Mr. INGALLS. Will he be good enough to look at the beginning of Rule XVI.

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce.

Plainly by irresistible implication under the rules declaring that the river and harbor bill is a general appropriation bill and differs from the

others only in being referred to the Committee on Commerce instead of the Committee on Appropriations.

Mr. KENNA. Will the Senator be kind enough to point me to that clause in any rule which declares that the river and harbor bill is a general appropriation bill.

Mr. INGALLS. The first clause of Rule XVI.

Mr. KENNA. Where?

Mr. EDMUNDS. The third line from the top.

Mr. KENNA. That reads:

All general appropriation bills shall be referred to the Committee on Appropriations except bills making appropriations for rivers and harbors.

I presume the theory is because that is an exception in that clause, it is declared a general appropriation bill; but when you read on down through the same clause you find that it is dealt with specifically and separately.

Mr. EDMUNDS. In order to make it clear beyond doubt that the amendments to that general appropriation bill should be referred, not to the Committee on Appropriations, but to the Committee on Commerce.

Mr. KENNA. My friends differ in their construction of the rule. The Senator from Kansas said a moment ago that amendments should be referred to the Committee on Appropriations, where they would have to go if this construction of this rule is correct.

Mr. INGALLS. If I said "the Committee on Appropriations" it was a *lapsus linguæ*.

Mr. KENNA. The rule says that.

Mr. INGALLS. Says what?

Mr. KENNA. That—

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

Mr. INGALLS. Now the Senator from West Virginia has jumped before——

Mr. KENNA. So under the construction of this rule as urged by the Senator from Kansas amendments to the river and harbor bill adding new items or changing existing law, instead of going to the Committee on Commerce, which has jurisdiction and control of the bill, should go to the Committee on Appropriations.

Mr. INGALLS. The Senator from West Virginia has jumped before he got to the stile. If he had gone down three lines farther he would have found:

In like manner amendments proposing new items of appropriation to the river and harbor bills, shall, before being considered, be referred to the Committee on Commerce.

Mr. MILLER. That has been done in this case.

The PRESIDENT *pro tempore*. This question is not debatable. The question is, Is the amendment relevant to this bill?

Mr. MCMILLAN. I ask unanimous consent of the Senate to say just one word.

The PRESIDENT *pro tempore*. Is there objection? ["No!" "No!"] The Chair hears none. The Senator from Minnesota will proceed.

Mr. MCMILLAN. This improvement is a canal connecting Green Bay, a harbor of refuge, with Lake Michigan, which is already constructed and completed. The purpose is now, after an examination to be made by the Secretary of War, to pass upon the propriety of connecting those lakes by the purchase of this canal, certainly a water way there connecting these two great bodies of water.

The PRESIDENT *pro tempore*. The question is whether the amendment is relevant to this bill. Those who so think will say "ay;" of the contrary opinion "no." [Putting the question.] The ayes appear to have it.

Mr. EDMUNDS. Let us have the yeas and nays. I want a record of this.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA. There is some misunderstanding in this part of the Chamber as to the question on which we are voting. Will the Chair please state the question?

The PRESIDENT *pro tempore*. Is the amendment proposed by the Committee on Commerce relevant to this bill?

Mr. PUGH (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Massachusetts [Mr. HOAR]. Not knowing how he would vote, I withhold my vote.

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON], but I vote "yea" to make a quorum.

The result was announced—yeas 31, nays 9; as follows:

YEAS—31.

Blair,	Evarts,	Miller,	Spooner,
Brown,	George,	Mitchell of Oreg.,	Stanford,
Call,	Gibson,	Palmer,	Teller,
Cameron,	Gorman,	Payne,	Vest,
Coke,	Gray,	Ransom,	Walthall,
Conger,	Jones of Arkansas,	Sawyer,	Wilson of Iowa,
Cullom,	Kenna,	Sewell,	Wilson of Md.
Dolph,	McMillan,	Sherman,	

NAYS—9.

Berry,	Edmunds,	Hawley,	Platt,
Butler,	Harris,	Ingalls,	Whitthorne.
Colquitt,			

ABSENT—36.

Aldrich,	Eustis,	Jones of Nevada,	Pike,
Allison,	Fair,	Logan,	Plumb,
Beck,	Frye,	McPherson,	Pugh,
Blackburn,	Hale,	Mahone,	Riddleberger,
Bowen,	Hampton,	Manderson,	Sabin,
Camden,	Harrison,	Maxey,	Saulsbury,
Chace,	Hearst,	Mitchell of Pa.,	Vance,
Cockrell,	Hoar,	Morgan,	Van Wyck,
Dawes,	Jones of Florida,	Morrill,	Voorhees.

The PRESIDENT *pro tempore*. The amendment is held to be relevant. The question now is on the adoption of the amendment.

Mr. EDMUNDS. This is now relevant I suppose, and my inquiry about it will be relevant also. I should be glad to find out a little more about this performance than appears in this amendment or in the report of the committee.

I was under the impression that the committee had been directed to make a full report in regard to each item; but the report is silent about the fact that the United States granted to the State of Wisconsin, years ago, at least 200,000 acres of land in that rich region, and I do not know how much more—I have not had time to get at it—to build this canal. The State got the land and assigned it to a company; and now we are asked to buy the property that the Treasury has already paid for, for the reason, as I suppose, that it will put money into the pockets of the stockholders—no, I misstate that—for the reason that it will be a refuge to mariners first, and a profit to the stockholders second. I will put it that way to be polite.

We are not informed in this report how much this canal has cost or what the amount of tolls that have been collected is, or how much it pays on the investment, or whether any money at all except what was got from the lands has been expended in it. All that is left to be found out after we are committed to pay $150,000, in addition to the 200,000 acres of land that have already been given to these people for that purpose.

On the 10th of April, 1886, Congress granted to the State of Wisconsin, and Wisconsin afterward granted to a private company, as I understand, 200,000 acres of land "to aid in the construction of a breakwater and harbor and ship-canal at the head of Sturgeon Bay, in the county of Door, in said State, to connect the waters of Green Bay with Lake Michigan, in said State." These lands were—

To be selected in subdivisions agreeably to the United States survey, by an agent or agents appointed by the governor of said State, subject to the approval of the Secretary of the Interior, from lands subject to private entry: *Provided*, That said selections shall all be made from alternate and odd-numbered sections of land nearest the location of said harbor and canal in said State not otherwise appropriated, and not from lands designated by the United States as "mineral" before the passage of this act, nor from lands to which the rights of pre-emption or homestead have attached.

SEC. 2. *And be it further enacted*, That the said lands hereby granted shall be subject to the disposal of the Legislature of said State, or, if the Legislature thereof shall not be in session, or shall adjourn within ten days after the passage and approval of this act, then said lands shall be subject to the disposal of the governor and board of commissioners of school, university, and swamp lands of said State, for the purposes aforesaid, and for no other; and the said canal shall be and remain a public highway for the use of the Government of the United States, free from toll or charge upon the vessels of said Government, or upon vessels employed by said Government in the transportation of any property or troops of the United States.

SEC. 3. *And be it further enacted*, That before it shall be competent for said State to dispose of any of said lands, to be selected as aforesaid, the plan of said breakwater and harbor and the route of said canal shall be established, and a plat or plats thereof shall be filed in the office of the War Department, and a duplicate thereof filed in the office of the Commissioner of the General Land Office.

SEC. 4. *And be it further enacted*, That if the said breakwater, harbor, and canal shall not be completed within three years from the passage of this act, the lands hereby granted and remaining unsold shall revert to the United States.

SEC. 5. *And be it further enacted*, That the Legislature of said State shall cause to be kept an accurate account of the sales and net proceeds of the lands hereby granted, and of all expenditures in the construction, repairs, and operating of said canal, and the earnings thereof, and shall return a statement of the same annually to the Secretary of the Interior. And whenever said State shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest on all advances until the reimbursement of the same, or upon payment by the United States of any balance of such advances over such receipts from said lands and canal, with such interest, the said State shall be allowed to tax for the use of said canal only such tolls as shall be sufficient to pay all necessary expenses for the care, charge, and repair of the same.

SEC. 6. *And be it further enacted*, That said ship-canal shall be at least 100 feet in width, with a depth of water not less than 13 feet.

That act lapsed and was revived, my friend from Minnesota says, in the year 1871.

Mr. BUTLER. May I inquire of the Senator from Vermont if he knows to whom this canal belongs, whether a private corporation or the State?

Mr. EDMUNDS. I do not know. The chief merit, so far as I can observe, in this amendment is the plentiful lack of information that we have about it. That is the ground upon which it stands, apparently. All that I have been able to get at in these five minutes is to find that 200,000 acres of valuable land right along the line, alternate and odd-numbered sections, worth at a minimum price a dollar and a quarter an acre, making $250,000, were granted, and according to the value of land in that region (with my general information about the nature of it, it must be a low region, not mountainous, for the reason

that otherwise the canal could not have gone through) it was worth probably two, or three, or four, or five dollars an acre, so that here was a very valuable grant.

The next want of information which we have is the circumstance that we have not got from the committee any of the information which the act of Congress required the State of Wisconsin to submit annually; that is, a statement of what had become of the lands, what they had got for them, whether they had sold them, and how they had applied the proceeds, what had been the tolls and income of the canal, what rates had been fixed, &c., and so on.

Mr. BUTLER. Is any reason assigned in the report why the owners of the canal want to sell it to the Government and why they should sell it? I should like to know that. What is the object?

Mr. EDMUNDS. You will find that the report on page 106 goes on to speak of how the canal was built with brush, &c., on either side piles of brush, and that "3,300 feet of canal up to the Sturgeon Bay is unprotected." And—

The canal, for a width of 50 feet, has a general depth of 13 feet, except for a short distance near the middle of the canal, where it has shoaled up to 11 feet, both depths being measured from the low water of 1847.

The following letter of the agent of the Wisconsin State canal inspector, which was inserted as Appendix B in the report of the Chief of Engineers to the Secretary of War, which was by him transmitted to the Senate January 8, 1883, in response to a resolution of the Senate March 9, 1882, calling for information relative to these works, clearly sets forth the importance of these canals:

FINAL REPORT OF THE STATE INSPECTOR ON THE STURGEON BAY AND LAKE MICHIGAN SHIP-CANAL.

MADISON, WIS., *December* 1, 1881.

GOVERNOR: I have the honor to inform your excellency that I have, in obedience with your instructions dated November 18, 1881, visited the "Sturgeon Bay and Lake Michigan Ship Canal," and, having examined and inspected the same, beg leave to submit the following statements and report:

The canal is completed in accordance with the acts of Congress and of the Legislature of the State of Wisconsin, which require a canal of 100 feet width at the water surface and of 13 feet depth, without any special reference to details or mode of construction. The State having this matter in trust has presumed to construe the action of Congress and of the Legislature as requiring a canal of the above dimensions constructed on such plan and in such manner as would promise to give a work of reasonable permanence.

It was at first supposed that the canal cut would stand without revetment of the banks, but as the work progressed it was found that nearly one-half the length of the dry cutting (the whole length is 7,300 feet), where the banks were high and the subsoil of pure sand, required revetment. The company has put in this revetment in the most substantial manner. The length of this revetment in the canal is 3,200 feet on each side of the Lake Michigan end.

They have also put in a revetment outside. That of course would lead to the presumption that there was some kind of a company that had got the 200,000 acres of land for building a canal 7,300 feet long, which is just about a mile and a half, and apparently through no rock cutting whatever, and that having built it in such a way that it does not seem to be convenient to answer the purposes for which it was intended and does not turn out to be a speculation in respect of profits in running it after they have got the land and built the canal, it is now proposed that the United States shall give $150,000 in cash in addition to the 200,000 acres of land it has already given to the State and this company for this work.

You will notice that the act which grants the land requires the State of Wisconsin to keep up the canal, authorizes her to take tolls, to make it an actual accommodation to whatever commerce there is, if there is any there, to the extent of a water way 100 feet wide and 13 feet deep; and the State of Wisconsin has got her pay for it and has assumed the obligation. Now, it is proposed, she having put it into the hands of a company, that we shall put out $150,000 more in cash for this mile and a half cut.

I think what I have said, Mr. President, is relevant to the amendment if the amendment is to the bill.

Mr. HAWLEY. Now, Mr. President, I should like to add to the inquiry for information a little. The report of the State agent is dated December 1, 1881. I should like to know what is the history of the canal since, whether it has been kept up and continues to be used as it appears to have been used during that year quite largely? I call attention, on page 108 of the committee's report, near the top of the page, to a remark of this agent of the State inspector of canals, wherein he says:

I venture these rather lengthy remarks to explain what I have seen from actual observation, that is, that there is no harbor of refuge in the true sense of the word. It is important that there should be one.

The work is entitled in the amendment as a harbor of refuge and ship canal, and so in previous bills. The agent suggests that that end of the canal which is expected to be the harbor of refuge is merely an ordinary channel running down to the shallow waters of the lake and subject to the beating of heavy waves, and is in no sense fitted for a harbor of refuge, but a great channel up which vessels if they are careful can get into the canal.

Mr. MCMILLAN. At Green Bay.

Mr. HAWLEY. But in case of storm the canal is well filled up with vessels that run in there from the lake. The canal itself is not entitled to the name of a harbor of refuge. If they get through the few miles of canal into Green Bay they are probably in a harbor of refuge, but he says there is not a harbor of refuge coming from the lake. I want to know whether the work has been made any more effectual within these five years. This is an old report, considering the circumstances.

Mr. INGALLS. Mr. President, this appears, from the casual examination I have been able to make of it, about as impudent and shameless a private speculation as my attention has yet been called to.

The Senator from Vermont read from the final report of the State inspector of the Sturgeon Bay and Lake Michigan Ship Canal, dated Madison, Wis., December 1, 1881, which appears on page 106 of the committee's report, as to the condition of the work and the statistics of the commerce thereon. Upon page 108 will be found some additional suggestions, which are quite full of meat, I think in this connection. The State inspector of canals goes on to say—

I venture these rather lengthy remarks to explain what I have seen from actual observation, that is, that there is no harbor of refuge in the true sense of the word. It is important that there should be one. The canal can be operated and maintained, but since the canal company have fulfilled their obligations this will have to be done from the tolls collected—

Mark this—

and it is a question if these will be sufficient to settle damages in addition to making repairs if the canal is used as a refuge as it has been.

To construct an outer harbor would involve great expense, and should the Government dredge out a basin at the inner end there would still be the difficulty about canal tolls, which could only be settled by action of Congress.

It would, in my opinion, be to the interest of commerce if the United States would assume control of this important work as early as possible, in fact at once, for there is no doubt that it will have to come to this sooner or later, and the sooner the better in every respect. It may, in fact, have been a mistake in the first place for the Government to have let this work go out of its hands, and the best it can do is to get it back while it is yet new and in good condition. There is no doubt—it has, in fact, already been sufficiently demonstrated that this canal is destined to be a great commercial highway, and if in the control of the General Government, the tolls can be removed from vessels seeking refuge and a suitable safe harbor can be constructed at the head of Sturgeon Bay at a very moderate cost.

I feel safe in saying that with the increasing commerce in this highway, the Government could in a few years at furthest reduce the tolls to a minimum, making the canal virtually free, a great desideratum to lake commerce and the development of our natural resources.

And he continues:

The canal company can have no serious, or in fact any, objection to the change suggested above, for having completed the work according to law, it has no further pecuniary interest.

If it "has no further pecuniary interest" I should like to know on what theory of morals we can be called upon to pay it $150,000. If the work has been completed in accordance with the contract and there is no burden whatever upon the persons who constructed this canal, and the revenues are ample to maintain it, so that the company is entirely willing that the Government should take possession of it, having no further pecuniary interest therein, why should the Government of the United States be called upon to pay $150,000 for it?

This is the declaration of the State inspector of canals to his excellency William E. Smith, governor of Wisconsin, dated as has been said on the 1st of December, 1881; and it continues, after what I have read, as follows:

The tolls collected must be accounted for and be paid to the Government until the same is reimbursed the value of the grant.

In conclusion, I will state that my survey, examination, and observations, in accordance with instructions for final inspection, show that the canal is now completed in such a manner that the company is lawfully entitled to all the benefits provided by the acts of Congress and of the Legislature.

Respectfully submitted.

JOHN NADER,
Agent for the State Inspector of Canals.

Mr. President, it appears from the official record and from the statement of the officials having charge of this transaction that this company has no objection whatever to permitting the Government of the United States to take possession of this work, because, as is admitted, they have no pecuniary interest whatever in it.

Mr. BUTLER. To whom does it belong? I should like to know.

Mr. INGALLS. It belongs to this canal company, I suppose. I will read a little further from some other documents after I get through with this.

And yet, after that statement being made authentically in 1881, the Committee on Commerce report an amendment providing that we shall pay the company $150,000; but, as I shall be able to show from official documents, they received a very considerable profit on the construction of it in the first place.

Thrift, thrift, Horatio.

If you can get a report from the Committee on Commerce with regard to these appropriations, upon any work that is in a State which is represented on the committee, whether the company wants any pay for the work or not, whether there is any demand for compensation or not, I have no doubt a majority of the Senate will feel called upon to say that, notwithstanding this work was constructed in the first place at a profit, and notwithstanding the company say that they do not want any further compensation for it, we shall be able by means of the combinations that have been formed to make a gratuity, a donation of $150,000 to these people.

This is an old customer, Mr. President; it is an ancient and venerable comrade. I hold in my hand Senate Executive Document No. 34, being a letter from the Secretary of War "transmitting in response to a Senate resolution of March 9, 1882, a letter of the 6th instant from the Chief of Engineers submitting copy of the report, with accompanying map, of the board of engineer officers constituted to consider and

report the cost of constructing the Sturgeon Bay and Lake Michigan Ship Canal." This document was published during the second session of the Forty-seventh Congress, during the incumbency of Robert T. Lincoln as Secretary of War. It contains in the first place "An act granting to the State of Wisconsin a donation of public lands to aid in the construction of a breakwater and harbor and ship-canal at the head of Sturgeon Bay, in the county of Door, in said State, to connect the waters of Green Bay with Lake Michigan, in said State."

The Senator from Vermont has already referred to that, and shown the grant that was made and the stipulations under which it was to be accepted. Upon page 3 of this report will be found an extract from the General Laws of Wisconsin, chapter 105, published March 10, 1868, being an act as follows:

An act to accept a grant of lands made to the State of Wisconsin by act of Congress to aid in the construction of the Sturgeon Bay and Lake Michigan Ship-canal and Harbor, in the county of Door, to connect the waters of Green Bay with Lake Michigan, and to provide for the construction of the same.

To carry out the object of this act the 200,000 acres granted were "conferred upon the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, a company organized in the city of Milwaukee on the 4th day of October, 1866, under and by virtue of chapter 365 of the laws of Wisconsin of 1864, approved April 24, 1864, subject to all the conditions, restrictions, and obligations herein mentioned." Then follows the direction as to the constuction of this canal, endowing this company with the land, providing how the canal shall be constructed, how the lands shall be selected, certified, and sold; and this act was approved on the 5th day of March, 1868.

Upon page 11 of this report will be found an official statement of the receipts and disbursements of the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company, from May 7, 1872, to October 10, 1882, showing the cash receipts from capital stock, from cash loans paid with stock at par, both of which items amount to $61,648.34. Then "from trespasses on land grant and sales of dead and down timber, being collections by timber clerks and assistants," an aggregate of $48,121.20. "From lands prior to patents from State," another item, making the aggregate from these sources $53,042.95. Then "realized from sales of lands patented to canal company, $324,922.27." Another item is "from first-mortgage bonds issued and paid to Green, Fox & Howard, contractors, $8,000." "Realized from canal tolls and towing, collections from vessels for toll and towing, from March, 1882, to September 30, 1882, six months, $14,016.76." "From miscellaneous sources, $351.03," making a grand total of receipts to this company from the franchise that they received and from the proceeds of the lands with which they were endowed of $461,981.35, or very nearly half a million dollars.

Then follows a statement of the disbursements from May 7, 1872, to October 10, 1882, being the canal construction account, the dredging, clearing, grubbing, and draining the route, the docking Lake Michigan entrance, the revetment from Lake Michigan, the brush revetment from Station 41, west, repairs, damages by storms, &c., overseeing and incidental expenses; total construction account $342,762.99, or as between the receipts from the sales of the land and from the other items necessarily incidental thereto an excess over and above the construction account of nearly $125,000.

Then they have a general expense account which of course is a fluctuating quality; it was the salaries paid to the officials; it was traveling, and incidental expenses, the account of clerks, payment for investigating trespasses, paid to Joseph Harris for expenses in organizing the company $4,110, paid to various agents in New York for providing for the sales of the bonds $6,559.25.

Then comes the first-mortgage bond account, interest account, operating expense account, salaries, &c., United States light-house department, and advances on land contracts sold, being a total of disbursements including all these items of salaries, compensation to agents, to lawyers, to persons engaged in working up the organization, of $439,819.49, leaving still, after admitting all these items that no other company would ever think of charging, a balance of $22,161.86 remaining in the hands of the company after all these expenses had been paid.

In addition to that, as the resources of the canal company, on the 1st day of October, I suppose, 1882, showing that besides the cash on hand which I have mentioned there were other items, swelling the grand total up to $23,494.70 which was certified to as being correct to the best of the knowledge and belief of Jesse Spalding, the president, and William E. Strong, the treasurer and assistant secretary.

Mr. President, after having shown these facts, after it has been made to appear by the official statements of the officers of this corporation themselves that they are nearly $25,000 in pocket over and above all expenses on the assets that they received from the Government of the United States for constructing this work, it seems to me that I characterize properly the action of the Committee on Commerce in giving these people $150,000 after the company had expressed their willingness to surrender the work and say that they had no further pecuniary interest in it, as being, to say the least, extraordinary, and requiring some explanation.

Mr. CONGER. Will the Senator read in that same connection statement F, a part of the same report, that he may be perfectly fair in his statement, if the Senator pleases? It is part of the same report, statement F, in which the entire cost of this canal is set out by the same officer from whose report he has already read.

Mr. McMILLAN. Mr. President, I think the discussion here to-day upon this question is an admirable illustration of the basis upon which opinions in regard to the river and harbor bill are formed. It is evident that very limited knowledge is possessed in regard to the proposed purchase of this canal. It is treated here by Senators who have spoken on this subject as if the canal company were here beseeching Congress to relieve them of some burden, to take from their hands some unprofitable speculation, as if there were some private interest to be subserved in this appropriation. It is very evident that in the discussion of this bill but little knowledge is possessed in regard to the location even of this canal or the relations that it sustains to the commerce of the country. There is as little information in regard to that, perhaps, as in regard to the constitution of the Committee on Commerce of the Senate, because it is said that any State having a representative upon the Committee on Commerce can secure an appropriation for such an object as this. This improvement is entirely within the State of Wisconsin; it relates entirely to one of the great northern lakes of this country, the great water ways of the continent, and there is no member of the Committee on Commerce who represents Wisconsin. This appropriation is inserted in the interest of the commerce of the country, and it is not inserted here at the request of any canal company.

These people are not here asking you to purchase this canal. It is the great commercial interests of Lake Michigan and of the great line of water communication of the northern lakes that ask for relief by the purchase of this canal. Here is a burden upon commerce in the shape of tolls collected by this canal company, and here is a burden placed upon the commerce of this country if we assume even to afford a harbor of refuge.

This canal is north of Milwaukee, one of the great manufacturing cities of the country, one of the great ports of commerce of the lakes. It communicates from Lake Michigan to Sturgeon Bay and through Sturgeon Bay into Green Bay, which penetrates far into the State of Wisconsin, and is intended ultimately, perhaps, if the system of improvement is carried out which has been entered upon by Congress, through the Fox River and through the Wisconsin River to afford a communication with the great Mississippi River. That, however, has nothing to do with this appropriation. The fact that this canal affords a harbor of refuge is one reason why the Government of the United States should possess it and free it from this burden of tolls. The officer of the State of Wisconsin, upon accepting this improvement from the company who have received the lands granted to the State of Wisconsin through the Legislature of that State, in his report says (this was in 1881, upon the completion of the canal):

The total tonnage of vessels passing was 350,000 tons; 306 vessels carried 84,000,000 feet of lumber; 2,500,000 was passed in rafts, and 2,188,000 on scows; 2,265 tons of building stone passed the canal by sail. The number of logs, ties, shingles, and other merchandise could not readily be ascertained. Among some of the larger vessels passing are the following: Schooner George Murray, 790 tons register; steamer Oconto, 505 tons register; United States steamer Andrew Johnson, 499 tons register.

The steamer Mantenee passed through on November 12, drawing 13 feet 2 inches. Many of the larger vessels passing draw from 10 to 13 feet.

Of vessels now trading in the canal, 55 have run in for refuge from Lake Michigan, 16 in September, 25 in October, and 14 in November. There is no doubt but some of these would have been lost had they not had this refuge at hand. The total number of vessels which passed through the canal in 1880, while yet in an unfinished condition, was 533, with a tonnage of 113,497 tons.

On the 25th of this month the steam barge Bismarck, with three large lumber barges in tow, parted her tow-line on Lake Michigan, only a few miles from the canal; the sea was so great that she was unable to pick them up again, neither was there a tug at hand to give assistance; the barges set sail, made the harbor, and succeeded in running into the canal. The foregoing will show that the canal is completed and in successful operation, and there is no doubt that traffic will increase in a short time.

As the subsequent reports show, it has increased largely. Then in regard to the character of this improvement we have official and authentic information. The Senate, on the 9th of March, 1882, passed a resolution as follows:

Resolved, That the Secretary of War be, and he hereby is, instructed to ascertain and report to Congress at its next session, the cost of constructing the Sturgeon Bay and Lake Michigan Ship Canal, in the State of Wisconsin, and by whom said ship-canal was constructed; also, to ascertain the amount of money realized from the sale of the lands granted by Congress to the State of Wisconsin to aid in the construction of said ship-canal; said information being required for the purpose of considering the question of opening said ship-canal free to the commerce of the lakes.

That was the purpose of the inquiry, and that is the purpose of this appropriation, to open this ship-canal free to the commerce of the lakes.

Under the direction of the Secretary of War and immediately under the direction of the Chief of Engineers of the United States Army this resolution was carried into effect and the examination made, and a report was made to Congress, which is found in Senate Executive Document No. 34, Forty-seventh Congress, second session. The whole history of the canal is there given.

It appears that in 1866 the United States granted to the State of Wisconsin 200,000 acres of land to aid in the construction of a break water and harbor and ship-canal to connect the waters of Green Bay with the waters of Lake Michigan. This grant was accepted by the State of Wisconsin and turned over to the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company by an act of the Legislature of

the State of Wisconsin approved March 5, 1868. The canal was not completed within the time limited by the original act of Congress, and by an act of Congress the time for the completion of the canal was extended, and it was completed within the additional time allowed by the act of Congress.

Section 5 of the act of Congress making the grant required the Legislature of Wisconsin to cause to be kept an accurate account of the sales and net proceeds of the land granted; and a report is made embracing all the information called for under the resolution under which the examination was undertaken. It appears from the report that—

The receipts for canal tolls and towing for the portion of the season of 1882 to September 30 amounted to $14,016.76, from which, deducting the operating expenses as per statement referred to, amounting to $8,542.30, there is left a net profit of $5,474.46 from these sources.

That is, receipts of canal tolls. This was in the year 1882.

Previous to 1882 the canal had not been accepted by the State, so the tolls are not reported as received by the company.

It appears from this report that this canal company is not an insolvent institution. They are not here asking you to purchase it, but it is proposed to tender to them $150,000 by the Government of the United States for the purpose of securing this canal free to the commerce of the country, not at their instance, but in the general interest of the public and the commerce of the country. However profitable this may have been to the stockholders, however much they may have made upon the construction of the canal, whether they may have realized from the original grant for the construction of the canal or not, is not the question which affects us here. We are not looking to the interest of this corporation; we do not seek to bestow upon them any benefit; it is to secure to the interests of navigation and the commerce of the lakes the benefit of this canal without the burden of tolls which rests upon it constantly and continually, to have a channel of this kind, short as it is, but essential to all the interests of the safety of navigation and to the successful conduct of the commerce of the lakes free from this continual burden.

This question has been treated as if we were endeavoring to bestow on this company some advantage. Instead of that, this appropriation has been carefully guarded in every way. We have not only submitted to the Senate this information which shows the propriety and I think the necessity of vesting this canal in the General Government and relieving commerce from the burden of tolls here, but the appropriation is not an absolute one as to price, but it is qualified to this extent, that before this money shall be expended "the Secretary of war shall cause an examination to be made by a board of three United States engineers to ascertain and report upon the importance and value of the free use of said ship-canals and harbor of refuge to commerce and navigation and the reasonableness of the price therefor, and shall have received from said board a report favorable to such purchase by the United States; and also upon full and absolute conveyance to the United States of said harbor of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to and connected with said works, or either of them."

The whole purpose is to secure the public interest. The information is to be obtained through three of the engineers of the Army, and their report is to be favorable to the purchase and the reasonableness of the price of the purchase of this canal before the Secretary of War can act.

Now, Mr. President, it seems to me that there can be no reasonable doubt about the propriety of this purchase. True it might be upon a separate bill; it might be considered as a separate measure; but that is no objection to its being inserted also in the river and harbor bill, because it is certainly relevant, it is certainly a matter of great interest to the commerce and the navigation of these lakes.

Mr. BUTLER. If it will not disturb the Senator, I should be glad to get some information that I have been trying to get from other sources. To whom does this canal belong?

Mr. MCMILLAN. It belongs to the Sturgeon Bay and Lake Michigan Canal and Harbor Company.

Mr. BUTLER. A private corporation?

Mr. MCMILLAN. In brief the history of the canal is this: The Government granted to the State of Wisconsin 200,000 acres of land for the construction of this canal on terms specified in the act. The State of Wisconsin accepted that, and under the act of their Legislature turned the grant over to this canal company to construct the canal, which is a private corporation to that extent.

Mr. BUTLER. It belongs now to these individuals chartered under the laws of the State of Wisconsin?

Mr. MCMILLAN. Yes, sir; the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company. That is the history of it. Now the object is to relieve the commerce of the country from the burden imposed upon commerce by passing through that canal by this canal company.

Mr. BUTLER. Why should we pay them $150,000?

Mr. MCMILLAN. If their improvement is as profitable as the Senator from Kansas has shown it to be, if it is yielding them an income, they would probably be unwilling to part with it without receiving a sufficient consideration; and if the argument of the Senator from Kansas is correct, this is an improvement which is worth fully that sum. But the amendment itself does not make an absolute appropriation of that amount, but in the proviso enacts that a further examination shall be made by a board of engineers of the Army, who shall examine the matter, its necessity for commerce, the reasonableness of this price, and report favorably to the United States before it can be purchased.

Mr. BUTLER. Then I understand, if this appropriation of $150,000 is made, the repairs and the expenses will have to be kept up by the Government.

Mr. MCMILLAN. Of course. That is the purpose of taking charge of this improvement.

Mr. BUTLER. Is there any estimate of what that expense will be likely to be?

Mr. MCMILLAN. There has been no estimate returned except the statement contained in the report.

Mr. INGALLS. The statement in the report is that the tolls which are exacted of passing vessels pay the expense of maintenance and repair.

Mr. MCMILLAN. It will be seen from Executive Document No. 34, Forty-seventh Congress, second session, as I have already read, that—

The receipts for canal tolls and towing for the portion of the season of 1882 to September 30 amounted to $14,016.76, from which, deducting the operating expenses as per statement referred to, amounting to $8,542.30, there is left a net profit of $5,474.46 from these sources.

Mr. BUTLER. So that if the canal is made free the money to pay the expenses of keeping up the canal is to be taken from the Treasury of the United States.

Mr. MCMILLAN. That will rest entirely with Congress. Of course Congress will have entire dominion over the subject. If Congress desires to levy tolls of course it can do it, but so far as I am concerned I should not feel disposed to insist on Congress levying tolls on an improvement of that kind involving the shipping of the great lakes.

Mr. BUTLER. Why not?

Mr. SAWYER. I will say to the Senator from South Carolina that the company make out that they ought to have $178,000. They never have asked the Government to take the canal. Not one of the company ever asked for that in any manner, and I never knew an offer to come from the company in any manner.

Mr. BUTLER. I never heard that intimated.

Mr. SAWYER. It seems to me it would free commerce for the Government to have the canal. We have an exposed lake coast which is very dangerous. There is no harbor of refuge there. If there is a harbor outside built by the Government, vessels can get through and go into Sturgeon Bay in time of great storms and be landlocked.

Mr. BUTLER. From the best information I can get, then, it seems we are going rather blindly into this operation. If it could be demonstrated that it would aid the general commerce of the country, I do not know that I should object so much to paying the $150,000 for the canal; but to buy it blindly in this way, and as the Senator from Wisconsin has said——

Mr. SAWYER. Under this bill you may not have to pay more than that. It will depend upon the engineers' report to the War Department. The company claim more.

Mr. BUTLER. It seems to be a voluntary proceeding on the part of Congress to pay $150,000.

Mr. MCMILLAN. This investigation has been instituted at the instance of the commercial people of the lakes.

Mr. BUTLER. The canal company then do not desire to sell. Are we to understand that that is the fact?

Mr. MCMILLAN. So far as we are informed, that is so.

Mr. BUTLER. They do not desire to sell the canal at all. Then I do not think it ought to be taken against their will.

Mr. MCMILLAN. We can take it against their will if we desire so to do. That is very frequently done. You are now taking land for a Library here against the consent of the owners. So, for any great public purpose of a national character, you take private property.

Mr. BUTLER. I am aware of that.

Mr. MCMILLAN. There is no proposition here to condemn property. If this company will not sell, then it will be time enough to propose some other method.

Mr. MCPHERSON. Has the Senator from Minnesota any statistical information to give us an idea of the cost of building this canal?

Mr. MCMILLAN. The statement in Senate Executive Document No. 34, of the Forty-seventh Congress, second session, is very full.

Mr. MCPHERSON. Will the Senator please give me the sum total?

Mr. MCMILLAN. I will endeavor to do so.

The construction of the canal, including engineering, superintendence, and the expenses of the officers in Wisconsin, and repairs, was $342,762.99.

That is the conclusion stated by the board in this executive document.

Mr. MCPHERSON. And they have received a large benefit since the construction of the canal by reason of tolls. I understood the Senator to say that the Government gave them 200,000 acres of land.

Mr. MCMILLAN. There was an original grant of that amount.

Mr. MCPHERSON At the average price of Government land, a dollar and a quarter an acre, that would be equal to $250,000 already paid.

Mr. INGALLS. They obtained from the sales of the lands $344,687.17, being $2,000 more than the cost of the entire canal.